

**CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, JANUARY 16, 2007
5:00 P.M.**

- A.1** [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2** [PLEDGE OF ALLEGIANCE](#)
- A.3** [INVOCATION BY COUNCIL MEMBER CAROLYN S. WACKER](#)
- A.4** [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 18, 2006](#)

Introduction and Public Hearing of Ordinances

- B.1** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5438](#)
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Woodmont Sherman, LP (Owners), Taco Cabana Restaurant (Prospective Buyer), and Bury+Partners SA, Inc. (Engineers) to Allow a Private Club in a C-1 (Retail Business) District and O-1 (75 & 82 Overlay) District at 3721 U.S. Highway 75 North; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000
- B.2** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5439](#)
Amending Ordinance 2736, Altering the Location of the “No Parking” Areas on East Mulberry, from Walnut to East Street within the City Limits of the City of Sherman
- B.3** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5440](#)
Providing for Permanent “No Parking Saturday-Sunday” Signs Restricting Parking along the South Side of Burton Street, between Woods Street and Ricketts Street within the City Limits of the City of Sherman
- B.4** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5441](#)
Providing for Permanent “No Parking” Signs Restricting Parking along the West Side of the 500 and 600 Blocks of North Cleveland Street within the City Limits of the City of Sherman

Close Public Hearing and Consider Adoption of Ordinances

B.5 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- a) 5438
- b) 5439
- c) 5440
- d) 5441

B.6 [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 [JOINT RESOLUTION NO. 4950](#)

Adopting an Interlocal Cooperative Agreement with the Sherman Independent School District for the Use of Veteran's Field at Fairview Park and Field #7 at Old Settlers Park

C.2 [* RESOLUTION NO. 4951](#)

Authorizing Execution of an Encroachment Easement to Jefflyn Properties for the Construction of a Monument Sign in a Utility Easement at Lot 2 of the Replat of Lots 1 and 2 of the Replat of Lot 2 of the Replat of Lot 1-b of Post Oak Crossing Addition to the City of Sherman (3445 F.M. 1417 North)

C.3 **TABLED AT DECEMBER 18, 2006 COUNCIL MEETING:** [RESOLUTION NO. 4944](#)

Authorizing Execution of a Consultant Agreement with The Waters Consulting Group, Inc. for the City of Sherman Police and Fire Compensation Study

C.4 [* RESOLUTION NO. 4952](#)

Authorizing the Execution of an Agreement with Noe Lopez for the Abatement of Ad Valorem Property Taxes for the Construction of a Residential Duplex at 607-609 East College Street

C.5 [RESOLUTION NO. 4953](#)

Authorizing the Execution of an Agreement with Cupid Investments, Inc. for the Abatement of Ad Valorem Property Taxes for the Construction of Two New Single-Family Residences at 1001 and 1003 South Walnut Street

Requests to Advertise

D.1 [* REQUEST TO ADVERTISE](#)

Purchase of Five Police Patrol Vehicles

D.2 [* REQUEST TO ADVERTISE](#)

Construction of a New Culvert with Headwalls at King Street and the BNSF Railroad/First Street

Other Business

D.3 [OTHER BUSINESS](#)

Discussion of the TXU Coal Power Plant Project

D.4 [* OTHER BUSINESS](#)

Replat Approval of Cupids Corner Addition, a Replat of Lots 16-23, Block 9 of W.P. Carter's Addition and a 2.45 Acre Tract in the J.B. McAnair Survey, Abstract No. 763; Barton Capital, Owners (700-800 Blocks of East Sycamore Street)

D.5 [* OTHER BUSINESS](#)

Replat Approval of Lot 4, Block 1, Sherman Town Center, Section Two, Town Center Addition; A-S 71 Sherman Phase III, LP, Owners (600 Block of North Creek Drive and 600 Block of Graham Drive)

D.6 [* OTHER BUSINESS](#)

Consider Canceling the City Council's Meeting Called for 12:00 Noon on Tuesday, January 30, 2007, to Receive a Briefing on the City Charter

D.7 [* OTHER BUSINESS](#)

Consider Calling a Special Meeting of the City Council for Tuesday, February 20, 2007, due to Conflict with a Federal Holiday

D.8 [CITIZEN REQUESTS](#)

D.9 [MEDIA QUESTIONS](#)

Consider Board/Commission Appointments

D.10 [APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS](#)

Airport Advisory Board (4)

D.11 [COUNCIL COMMENTS](#)

Executive Session

E.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 the City Attorney Concerning Pending Litigation:

- a) Consultation with the City Attorney Concerning Legal Matters or Contemplated Litigation
- b) Wayne vs. City of Sherman, Cause No. 05-06-00420-CV

The Council reconvenes into General Session

F.1 [OPEN MEETING](#)

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

F.2 [ADJOURNMENT](#)

[COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

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: 1-16-2007

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Carolyn S. Wacker, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER CAROLYN S. WACKER



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. A.4

APPROVE MINUTES

THE REGULAR CITY COUNCIL MEETING OF DECEMBER 18, 2006

STATE OF TEXAS §
 December 18, 2006
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 18, 2006.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance was led by Boy Scout Ashton Gregg, and the Invocation was given by Council Member Curt Hughes.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular Meeting of December 4, 2006. Council Member Markl moved to approve the Minutes as presented; Second by Council Member Hughes. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"DR. MARTIN LUTHER KING, JR. DAY" – JANUARY 15, 2007
Mayor Magers presented a proclamation proclaiming January 15, 2007 as "Dr. Martin Luther King, Jr. Day" to local Sherman citizen Deloris Rockins.

DR. MARTIN LUTHER
KING, JR. DAY
(JAN. 15, 2007)

PUBLIC HEARING

APPLICATION FROM KEPCO OPERATING, INC. TO DEEPEN AN OIL WELL LOCATED 1,625' EAST OF SOUTH DEWEY AVENUE AND 3,252' NORTH OF HIGHWAY 697

Kepco Operating, Inc. applied for an application to deepen an oil well located near South Dewey Avenue and Highway 697. The application process requires that a public hearing be held for citizens to comment on the request.

APPLICATION TO
DEEPEN OIL WELL

No citizens appeared before the City Council to discuss the application from Kepco Operating, Inc. to deepen an oil well.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5437 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, "BUSINESS REGULATIONS," AT ARTICLE 4.03, "AMBULANCE SERVICE," TO AMEND SECTIONS 4.03.003, 4.03.023 AND 4.03.024, AND TO ADD SECTIONS

ORD 5437
AMBULANCE
SERVICE

4.03.231, 4.03.0232, 4.03.025 AND 4.03.026. PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5437.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE
PUBLIC HEARING

ADOPTION OF ORDINANCES

Ordinance 5437

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, "BUSINESS REGULATIONS," AT ARTICLE 4.03, "AMBULANCE SERVICE," TO AMEND SECTIONS 4.03.003, 4.03.023 AND 4.03.024, AND TO ADD SECTIONS 4.03.231, 4.03.0232, 4.03.025 AND 4.03.026. PROVIDING FOR A REPEALER.

ORD 5437
AMBULANCE
SERVICE

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5437, as presented. Second by Council Member Markl.

VOTING AYE: Markl, Hughes, Smith, Steele.

VOTING NAY: None.

ABSTAIN: Adami, Wacker.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

OTHER BUSINESS

RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD MEMBER GREG KIRKPATRICK AND SEDCO PRESIDENT JOHN BOSWELL

Greg Kirkpatrick, Sherman Economic Development Corporation Board Member, discussed highlights accomplished by SEDCO during the past three months. John Boswell, SEDCO President, will then present specific activities of the Board.

SEDCO QUARTERLY
REPORT

SEDCO has renewed a five-year lease for office space at the present location. They also approved an agreement with GlobiTech for their installation of almost \$7 million in new capital equipment. An agreement was approved with Consolidated Container in their efforts to renew a 12-year lease on their current operations. Mr. Kirkpatrick said amendments were also approved to the existing agreement with Best Jets.

Mr. Boswell said the SEDCO staff has been busy working with new prospects and the advertising campaign is on track.

The first quarter is typically spent working with existing industry and that has been proceeding. However, SEDCO has also been busy working with new prospects and reviewing existing property.

SEDCO continues to work with Workforce Texoma on a regional consortium. The Mayor has also been working on a small business initiative and over 600 direct mail pieces have been mailed this quarter. A follow-up is underway with the recipients.

Mr. Boswell presented a copy of SEDCO's Annual Report. An Annual Report was not published last year, however this year does contain some information from last year.

Deputy Mayor Steele asked about SEDCO's use of computer technology to send information to prospects very quickly. Mr. Boswell said the system has primarily been used to answer questions for prospects. They found that many major consultants have very strict guidelines and will not accept the computer technology submissions.

Mr. Boswell added that Howe Drive is now open and he thanked the City staff for overseeing the construction projection.

Mayor Magers asked about the current job count for Tyson. Mr. Boswell said he thought they had approximately 1,200 employees. They are ahead of schedule because they weren't expected to hire 1,000 until April 2007. They have had less turn-over than was anticipated and are pleased with the workforce.

Mr. Boswell said Grayson County unemployment is currently at 4.4%, which is below the State average. Sales tax has also increased 19.54% for the first quarter. All local indicators of the economy are positive.

Council Member Markl asked about the number of vacant buildings in the area. Mr. Boswell said the old Burlington building is unoccupied and the building in Southmayd is underutilized. The old Johnson & Johnson building is also underutilized, but is not technically on the market.

Mr. Boswell said new signs have been added on F.M. 1417 to advertise Progress Park I, II, and III.

RESOLUTIONS

RESOLUTION NO. 4941 – APPROVING FINANCING BY SHERMAN HIGHER EDUCATION FINANCE CORPORATION FOR THE BENEFIT OF AUSTIN COLLEGE; AUTHORIZING A PUBLIC HEARING IN CONNECTION WITH SUCH FINANCING; AND APPROVING AMENDMENTS TO THE ARTICLES OF INCORPORATION AND BYLAWS OF THE CORPORATION
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING FINANCING BY SHERMAN

RES 4941
SHERMAN HIGHER
EDUCATION FINANCE
CORPORATION

HIGHER EDUCATION FINANCE CORPORATION FOR THE BENEFIT OF AUSTIN COLLEGE; AUTHORIZING A PUBLIC HEARING IN CONNECTION WITH SUCH FINANCING; AND APPROVING AMENDMENTS TO THE ARTICLES OF INCORPORATION AND BYLAWS OF THE CORPORATION.

L. Scott Wall, City Manager, explained that the resolution is Austin College's mechanism to borrow money for capital improvements. The request does not "go against" the City of Sherman, however the Council does have the authority to approve the request. The projects are listed on Austin College's Master Plan.

ACTION TAKEN.

Motion by Council Member Markl to approve Resolution 4941, as presented. Second by Council Member Adami.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele.

VOTING NAY: None.

ABSTAIN: Wacker.

MOTION CARRIED.

RESOLUTION NO. 4942 – AUTHORIZING EXECUTION OF A STANDARD NON-EMERGENCY AMBULANCE TRANSFER AGREEMENT WITH MEDICAL FACILITIES WITHIN THE CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A STANDARD NON-EMERGENCY AMBULANCE TRANSFER AGREEMENT WITH MEDICAL FACILITIES WITHIN THE CITY OF SHERMAN, TEXAS.

**RES 4942
AMBULANCE
TRANSFER
AGREEMENT**

ACTION TAKEN.

Motion by Council Member Hughes to approve Resolution 4942, as presented. Second by Deputy Mayor Steele.

VOTING AYE: Markl, Hughes, Smith, Steele.

VOTING NAY: None.

ABSTAIN: Adami, Wacker.

MOTION CARRIED.

RESOLUTION NO. 4943 – AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE TEXAS MUNICIPAL LEAGUE WORKER'S COMPENSATION JOINT INSURANCE FUND TO HANDLE THE RUN OFF CLAIMS OF THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE TEXAS MUNICIPAL LEAGUE WORKER'S COMPENSATION JOINT INSURANCE FUND TO HANDLE THE RUN OFF CLAIMS OF THE CITY OF SHERMAN.

CONSENT AGENDA.

**RES 4943
WORKER'S
COMPENSATION
RUN OFF CLAIMS**

RESOLUTION NO. 4944 – AUTHORIZING EXECUTION OF A CONSULTANT AGREEMENT WITH THE WATERS CONSULTING GROUP, INC. FOR THE CITY OF SHERMAN POLICE AND FIRE COMPENSATION STUDY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONSULTANT AGREEMENT WITH THE WATERS CONSULTING GROUP, INC. FOR THE CITY OF SHERMAN POLICE AND FIRE COMPENSATION STUDY.

**RES 4944
POLICE AND FIRE
COMPENSATION
STUDY
(TABLED)**

Council Member Smith said when the compensation was originally discussed, the City staff supported hiring a consultant because of their specialization. Mr. Wall said if the Council wanted to adopt wage adjustments, the staff did recommend a consultant. He was not sure it should be done at the current time and felt the budget work sessions might be more appropriate.

Meacham Pool, Sr. Compensation Consultant with The Waters Consulting Group was available to answer questions from Council Members.

Mayor Magers asked what the scope of work would include. He said Police Chief Tom Watt had discussed reviewing the total compensation package in relation to other cities. He stated that he would also like to see examples of studies that were done for other cities.

Mr. Pool said his company could provide sample studies, adding that they have done many fire and police studies over the past 30 years.

ACTION TAKEN.

Motion by Council Member Hughes to table Resolution 4944 until the Council receives samples of the Consultant's work. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED TO TABLE.

RESOLUTION NO. 4945 – AWARDING A CONTRACT TO TYLER TECHNOLOGIES FOR THE PURCHASE OF A COMPUTER SYSTEM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A CONTRACT TO TYLER TECHNOLOGIES FOR THE PURCHASE OF A COMPUTER SYSTEM.

**RES 4945
COMPUTER
SYSTEM**

Council Member Adami asked if other cities have utilized the services of Tyler Technologies. Mr. Wall explained that the company went through a comprehensive review with the staff. The staff studied different computer systems and visited on-site presentations, and the system selected is a common system throughout the State.

Mayor Magers confirmed that the system was a “.NET based technology” which would be critical to link with Grayson County and with the Police and Fire Departments.

Giles Brown, Assistant City Manager, explained that the system is a sequel database, moving towards a Microsoft solution. Council Member Wacker verified that the system would be used to manage the customer database, billing, and the business systems including general ledger, budget, check reconciliation, accounts payable, purchasing, fixed assets, project accounting, payroll, human resources, utility billing, fleet maintenance, citizen complaints, permits and licenses. The new system will move the City of Sherman towards e-government.

Mr. Brown said the current technology is 13 years old. City staff members have seen the proposed system in four Texas cities, and it performs well in those cities and in demonstrations.

Deputy Mayor Steele said the Council budgeted \$898,655 for the project. Mr. Brown explained that the current cost would be \$513,120. Additional costs will include hardware purchases, financing, and some small software systems. He expected the total project to be under the budgeted amount.

Mayor Magers said the new system should be a .NET system and a sequel database which is universally utilized by enterprise and should carry the City into the future.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution 4945, as presented. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 4946 – AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE WATER TREATMENT PLANT

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 WATER TREATMENT PLANT.

CONSENT AGENDA.

RES 4946
ANNUAL SUPPLY
OF CHEMICALS

RESOLUTION NO. 4947 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DICERKSON CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF THE STATE HIGHWAY 56 WEST WATER MAIN FROM SEASONS WEST SUBDIVISION TO FRIENDSHIP ROAD

RES 4947
S.H. 56 WEST
WATER MAIN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DICKERSON CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF THE STATE HIGHWAY 56 WEST WATER MAIN FROM SEASONS WEST SUBDIVISION TO FRIENDSHIP ROAD.
CONSENT AGENDA.

RESOLUTION NO. 4948 – AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH SPAVINAW DEVELOPMENT, LLC. FOR THE NORTH HAVEN ADDITION
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH SPAVINAW DEVELOPMENT, LLC. FOR THE NORTH HAVEN ADDITION.
CONSENT AGENDA.

RES 4948
DEVELOPMENT
AGREEMENT
(SPAVINAW DEV)

RESOLUTION NO. 4931 – AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH TEXLANDEV-AUSTIN LANDING, L.P. FOR CONSTRUCTION OF THE AUSTIN LANDING ADDITION
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH TEXLANDEV-AUSTIN LANDING, L.P.
CONSENT AGENDA.

RES 4931
DEVELOPMENT
AGREEMENT
(TEXLANDEV-
AUSTIN LANDING)

RESOLUTION NO. 4949 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO RYAN AND HEIDI MERCHANT FOR CONSTRUCTION OF A RETAINING WALL IN A DRAINAGE EASEMENT LOCATED AT LOT 31 OF BLOCK 6 OF THE COUNTRY RIDGE ADDITION, SECTION TWO TO THE CITY OF SHERMAN (1304 PINTAIL DRIVE)
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO RYAN AND HEIDI MERCHANT FOR CONSTRUCTION OF A RETAINING WALL IN A DRAINAGE EASEMENT LOCATED AT LOT 31 OF BLOCK 6 OF THE COUNTRY RIDGE ADDITION, SECTION TWO TO THE CITY OF SHERMAN (1304 PINTAIL DRIVE).
CONSENT AGENDA.

RES 4949
ENCROACHMENT
EASEMENT FOR
RETAINING WALL
(1304 PINTAIL DR.)

REQUEST TO ADVERTISE
PARK RESTROOM CLEANING SERVICES

The City Council approved a request to advertise for the private contract cleaning of six public park restrooms. The specific restroom facilities include Fairview Park (2), Hawn Park, Baker Park, MLK, Jr. Park, and Old Settlers Park.

REQ TO ADVERTISE
PARK RESTROOM
CLEANING

During the FY 2006-2007 budget planning process, the City Council instructed the staff to pursue the project. The proposed contract will be for a nine month period and will

include the nightly cleaning and securing of the facilities, seven nights per week, in addition to emergency call-out weekend and after normal business hour services.

CONSENT AGENDA.

LUELLA 4 WOODBINE WATER WELL LINER REPAIR

The City Council approved a request to advertise for the liner repair of the Luella 4 Woodbine Water Well. Several problems have been identified within the well and the well screens within certain areas need to be altered to exclude sand and silt. Once the screens are altered, a new pump will be installed to match the revised well capacity.

CONSENT AGENDA.

WATER WELL
REPAIRS

OTHER BUSINESS

CONSIDER KEPCO OPERATING, INC.'S APPLICATION FOR A PERMIT TO DEEPEN AN OIL WELL LOCATED 1,625' EAST OF SOUTH DEWEY AVENUE AND 3,525' NORTH OF HIGHWAY 697

Deputy Mayor Steele asked what the purpose was for deepening the well.

Sid Risner, 1787 E. 71st Street, Tulsa, Oklahoma 74136

Mr. Risner, an engineer representing Kepco Operating, Inc., explained that the well was currently very marginal and was producing at 9,600 feet. The process is to deepen the well from 9,600 feet to 11,000 feet, where there is a possible pay zone that was tested approximately one-half mile to the north of the well.

He added that the process should take approximately 18 days, including the drilling to deepen and the completion of the zone.

ACTION TAKEN.

Motion by Council Member Markl to approve the application from Kepco Operating, Inc. to deepen an oil well, as presented. Second by Council Member Hughes.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

OIL WELL
PERMIT

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR 12:00 NOON ON TUESDAY, JANUARY 30, 2007, TO RECEIVE A BRIEFING ON THE CITY CHARTER

ACTION TAKEN.

Motion by Council Member Hughes to set a Called Meeting of the City Council for 12:00 noon on January 30, 2007, to receive a briefing on the City Charter. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

SET CALLED MEETING

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

EXECUTIVE SESSION AGENDA

Kathy Williams, Herald Democrat Reporter, thanked the City Council for deciding to add a list of specific cases to the Executive Session Agenda.

COUNCIL COMMENTS

THANKS TO PARKS DEPARTMENT EMPLOYEES

Council Member Smith thanked George Olson, Director of Community Services and Maintenance, for providing him with information on the parks for his participation in the filming of the City View cable program.

He also thanked Ben Uselton, Parks and Recreation Administrator, for his timely attention to a citizen complaint concerning the port-a-potty at Baker Park.

Council Member Smith urged all citizens to remember "the reason for the season."

LOCAL CHRISTMAS PROGRAMS

Council Member Markl said he attended two different Christmas programs over the weekend, one at Austin College and another at Faith Church. He praised both programs adding it was nice to live in a community that still proclaimed "the reason for the season."

THANKS TO CITY EMPLOYEES

Council Member Hughes thanked the City employees for their hard work during the year.

CLEAN AIR PETITION

Deputy Mayor Steele asked if any other Council Members received a signed petition concerning the Clean Air situation. Several Council Members said they did receive the petition. He asked that the item be placed on the next City Council agenda.

MERRY CHRISTMAS

Council Member Adami and Council Member Wacker wished everyone a Merry Christmas and urged safe travel during the holiday season.

TXU COAL PLANT

Mayor Magers said he did not receive the Clean Air petition, however the coal plant issue has been around for sometime. He felt it was important that the City Council have a voice in the situation. Air quality will affect the City's ability to bring industry to Sherman and they need to assure the City's rights.

CITIZENS REQUESTS

EXECUTIVE SESSION AGENDA

PARKS DEPT. EMPLOYEES

LOCAL CHRISTMAS PROGRAMS

THANKS TO CITY EMPLOYEES

CLEAN AIR PETITION

MERRY CHRISTMAS

TXU COAL PLANT

NEXT COUNCIL MEETING

Mayor Magers said the first Council Meeting in January has been cancelled and the next meeting will be held on Tuesday, January 16, 2007. He wished everyone a safe holiday season.

**NEXT COUNCIL
MEETING**

EXECUTIVE SESSION - IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

EXECUTIVE SESSION

SECTION 551.071 -- CONSULTATION WITH THE CITY ATTORNEY CONCERNING LEGAL MATTERS OR CONTEMPLATED LITIGATION

SECTION 551.071 -- CONSULTATION WITH THE CITY ATTORNEY CONCERNING PENDING LITIGATION
WAYNE vs. CITY OF SHERMAN;
CAUSE NO. 05-06-00420-CV

PROCK v. WOODMONT OF
SHERMAN GP LLC, ET AL; CAUSE
NO. 2:06-CV-484

CITY OF SHERMAN, TEXAS v.
CREIGHTON LEMOYNE ESCOE ET
AL; CAUSE NO. 03-0617

SECTION 551.074 -- PERSONNEL MATTERS
CONSIDER THE QUALIFICATIONS,
APPOINTMENT OR REMOVAL OF
MEMBERS TO BOARDS AND
COMMISSIONS:
PLANNING AND ZONING
COMMISSION

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:32 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:03 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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:05 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



SED CO 2005/2006 Annual Report



SEDCO - Board of Directors

Dear Citizens of Sherman,

We are halfway through the first decade of the 21st century! As a city we have made great strides toward the revival of our local economy. Albert Einstein once said, "The American lives even more for his goals, for the future, than the European. Life for him is always becoming, never being." I believe this is true in Sherman also. We are not content to simply sit and wait for opportunities to come, we are opportunity recruiters.

2005 began with a fast start. In January, Governor Rick Perry announced the creation of 1,600 new jobs at Tyson Fresh Meats. By the year's end this was the second largest job announcement in the country. In April, Fisher Controls added 17 new jobs. West Asset Management announced the addition of 200 new jobs in May. The voters approved a \$77 million bond for new and improved schools in September. The SISD approved the Freeport Exemption which will provide an additional tool to recruit primary employers. In October, the Texas Economic Development Council recognized Sherman for outstanding achievement in community development.

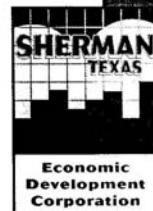
2006 was one of the most active years in our ten-year history. The staff continued to look for ways to be more effective and efficient in the delivery of services to the community. Our efforts have not gone unnoticed: Texas was awarded the Governor's Cup by *Site Selection Magazine* for the second time in two years and Sherman's Tyson announcement was touted as one of the reasons for winning the award. In addition to the Governor's Cup, the Sherman-Denison MSA was awarded the Edge Market of the South by *Southern Business Development Magazine*. The recognition of our efforts from these trade magazines reinforces the fact that Sherman is a great place to live and work.

Sherman is on the move and our economy is picking up. Our employment rate improved from 92.9 percent in December 2003 to 95.6 percent in October 2006. The SEDCO Board of Directors is committed to the development of our local economy. Your continued support is a key factor in our success.

Thank you,

Nat McClure
Chairman of the Board
(2005)

Wendell Williams
Chairman of the Board
(2006)





CENTER FOR WORKPLACE LEARNING

Education is one of the key foundations to growing an economy. In the fall of 2003 the Board of Directors approved an agreement with Grayson County College for the development of the Center for Workplace Learning (CWL). This past year the CWL was completed and opened for business. In 2006, SEDCO presented two of three installments totalling \$440,000 to CWL.

The Center was completed just in time for the training of the new Tyson employees. Beginning in late December 2005 approximately 1,100 Tyson associates have been trained in the new center.

The Center for Workplace Learning will continue to be an economic generator for years to come. Hundreds of Sherman residents will spend time at the Center getting training to become more valuable employees. This is a project that will pay significant dividends back to Sherman for years to come.



MISSION STATEMENT

The mission of SEDCO is to grow and diversify the Sherman and surrounding area economies through the addition of new jobs and investment of primary employers.

SEDCO is a non-profit organization that was created under Section 4A of the Development Corporation Act of 1979. The voters of Sherman approved the levy of an additional 3/8 of 1 percent sales and use tax in 1995 and SEDCO formed in April 1996. Since 1989, more than 573 cities in Texas have levied an economic development sales tax. Of these cities, 123 have adopted a Section 4A sales tax, 303 cities have adopted a Section 4B sales tax, and 87 cities have adopted both a Section 4A and Section 4B sales tax.

SEDCO BOARD OF DIRECTORS

SEDCO conducts economic development on behalf of the City of Sherman. Board Members are appointed by the City Council and serve at the pleasure of the council.

- Nat McClure, Chairman 2005
- Wendell Williams, Chairman 2006
- Joe Fallon, Jr., Board Member
- Andy Olmstead, Board Member
- Greg Kirkpatrick, Board Member

MEETINGS

SEDCO Board meetings are typically held on the second Monday of each month in the SEDCO Board Room located at 307 W. Washington, Sherman, Texas. The meeting agendas are posted 72 hours before each meeting and open to the public.



BUSINESS RETENTION AND EXPANSION

Working with our existing employers is the first goal in SEDCO's Strategic Plan. We spend a considerable amount of time each week with our existing businesses. Our efforts include telephone calls, on-site meetings, networking and hosting events. SEDCO staff members are actively involved on several local boards whose goal is to improve the economic and community development of Sherman. The organizations include the Center for Workplace Learning, Child Guidance, Workforce Texoma and the Sherman Education Foundation. Staff members are also active in civic clubs including Rotary and Kiwanis.

HOWE DRIVE

SEDCO hosted the Sherman Plant Managers Forum when plant managers identified the need to improve Howe Drive. Working together with industrial representatives and the City of Sherman, SEDCO agreed to pay for the reconstruction of Howe Drive. Once completed, Howe Drive will be the main arterial access for Tyson, Progress Rail, Americal, Sunny Delight Beverages and Procter and Gamble.



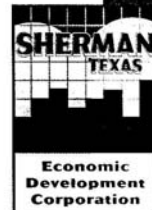
MAJOR EMPLOYERS

Sherman's major employers are the economic foundations that keep our community growing. While industry attraction is an important aspect of our daily activities, it is not the main creator of new jobs. Statistics show that between seventy and eighty percent of all new jobs are created by businesses that exist in the community already.

Below is a list of Sherman's major employers. These businesses provide the jobs and tax base necessary to support a growing economy.

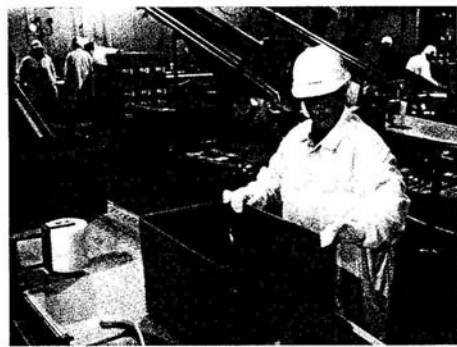
MAJOR EMPLOYERS IN SHERMAN TEXAS

- Acoustical Control Systems
- ActiTech
- Americal Transfers
- Austin College
- Breco Wood Products
- CertainTeed Corporation
- Chapman, Inc.
- Cigna
- City of Sherman
- Commercial Aircraft Equipment
- Conagra, Inc.
- Consolidated Container
- Cooper B-Line
- Crescent Processing Company, L.P.
- Douglass Distributing
- DuTec, Inc.
- Excel Custom Bodies, Inc.
- FedEx Ground
- Fisher Controls
- Flex-ing, Inc.
- GCEC Technologies
- GlobiTech
- Grayson County
- Kaiser Aluminum
- MEMC Southwest, Inc.
- Midway Warehouses
- Monitor, Inc.
- Motion Industries
- Mueller Construction
- National Carport Industries
- Omega Industries (Delta Crossing)
- Peanut Processors
- Performance Rail Tie
- PHNS, Inc.
- Plyler Construction
- Presco Products
- Procter & Gamble
- Progress Rail Services, Inc.
- Sherman Independent School District
- Sherman Wire
- Starr Aircraft
- Sunny Delight Beverage Co.
- Texas Instruments
- Texas Reel Company
- Tyson Fresh Meats
- TXU Electric Delivery
- Verizon
- West Asset Management
- Whitmire Container
- Wilson N. Jones Hospital



BUILDING RELATIONSHIPS

The SEDCO staff is dedicated to seeking out specific types of companies that find a relationship with Sherman to be mutually beneficial. We work to identify these companies and then share the opportunities and benefits that are available in Sherman and Grayson County. Ultimately, we work to improve the quality of life in Sherman through the retention and recruitment of primary employers.



Tyson Fresh Meats

TYSON FOODS

Tyson Fresh Meats announced in January 2005 that they would begin operations in Sherman, Texas. Tyson spent over \$100 million to transform the vacant former Oscar Mayer facility into the largest of three case ready meat plants. The new Sherman plant produces packaged cuts of beef and pork ready for retail grocers to place directly into the meat case.

Tyson Fresh Meats is expected to create up to 1,600 jobs over a two to three year period. The impact on Sherman's economy will be enormous with an annual payroll of over \$34 million. In February 2006, after considerable remodeling, Tyson began operations with approximately 500 people on one shift. At the time this report was written, Tyson had over 1,100 employees working three shifts.

Tyson has become Grayson County's largest primary employer. The addition of these new employees has had a positive impact on our economy. Sherman's unemployment rate has dropped from 6.3% in July 2004 to 4.4% in October 2006. Additionally, sales tax rebates have continued to rise to an all time high for SEDCO.

The Governor's Office played a key and pivotal role in closing the deal. Tyson will receive \$7 million from the Texas Enterprise Fund. In addition, \$3 million will be made available for workforce training administered by the Center for Workplace Learning at Grayson County College.

While the impact on our economy through the creation of jobs is important, Tyson impacts our future economic development efforts. One of our key tools for promoting Sherman is the companies that are already here. Tyson joins other well known Sherman employers such as Texas Instruments, MEMC, Procter & Gamble, Fisher Controls, Progress Rail, Kaiser, Consolidated Container and CertainTeed, which helps us convince other companies that Sherman is a great place to do business.

"The fact of the matter is they (Tyson) could have chosen a lot of different locations, but because of the cooperation effort that they saw and the incentives, Sherman and the entire state will benefit."

*Rick Perry - Governor
State of Texas*

FISHER CONTROLS - 5/05

Fisher Controls International led the way in 2005 when it announced an expansion project to create 17 new jobs. Fisher Controls has been a strong economic contributor for many years.

PERFORMANCE RAIL TIE - 11/05

Performance Rail Tie looked at various sites across North Texas for a location that would meet their needs. With SEDCO's assistance, Performance Rail Tie selected the empty Fairmont Homes building at Hwy 56 and Gibbons Road in Southmayd. Improvements to the building were in place making it more attractive to future prospects.

PHNS - 2/06

Our attention to businesses of all sizes allows SEDCO to recruit employers that will diversify our local economy. When PHNS approached SEDCO for a location to expand their operations, West Asset Management had just consolidated to the old K-Mart building making call center space available. With an incentive from SEDCO, PHNS moved into the Westwood Shopping Center and added 25 new full-time employees.

OMEGA INDUSTRIES - 2/06

In December 2005, Omega Industries' Chief Executive, Isidoros Garifalakis, contacted SEDCO about plans to double the size of the Sherman facility. Our staff worked with Mr. Garifalakis to develop an incentive to help him achieve his goals. The expansion will add 12 new jobs above the existing employment base of 13. Omega Industries fabricates concrete railroad crossings for the rail industry.

CRESCENT PROCESSING COMPANY - 3/06

Crescent Processing joined an already strong call center cluster in Sherman when they had their ribbon cutting in June. With an incentive from SEDCO, Crescent will create 110 new job opportunities.

WEST ASSET MANAGEMENT - 5/06

Responding to a favorable business climate, West Asset Management embarked on a second expansion project. When completed the company will have added 200 new jobs bringing their staffing level to 600.

MUELLER CONSTRUCTION - 7/06

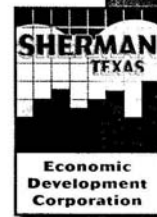
Mueller Construction expanded their business investment with the purchase of a water jet cutter. The state of the art equipment will add a new dimension to their services.

GLOBITECH - 9/06

GlobiTech, a high-tech EPI Foundry, is expanding their business with an equipment expansion project. When completed, GlobiTech will have added \$6.7 million to their production capabilities.

"We thank you for having us as part of your community; my commitment to you is that we will be the best neighbors in the neighborhood."

John Tyson - CEO
Tyson Foods, Inc.



REGIONAL PARTNERSHIPS

SEDCO staff joined with the Denison Development Alliance and Workforce Texoma on several projects. The ongoing Texoma Regional Consortium was a spin-off from the Vision 2020 conference hosted by Grayson County College last year. The Regional Consortium is designed to develop a workforce plan for thirteen counties in Oklahoma and Texas.

SEDCO staff also attended several trade shows with TXU. These trade shows give SEDCO the opportunity to share the "Sherman story" with industry representatives. One prospect has recently visited Sherman as a direct result of our attendance at the trade show.

In addition to regional partnerships, SEDCO also hosts a monthly meeting of community leaders. These meetings allow leaders from the City, School District, County, Tourism and Chamber of Commerce to discuss current issues and find solutions through regular communication.



COMMUNITY PROFILE

Founded in 1846, the town of Sherman was incorporated in 1858. The city was named after General Sidney Sherman, the commander of the Republic of Texas cavalry at the Battle of San Jacinto. He was credited with the famous saying, "Remember the Alamo!"

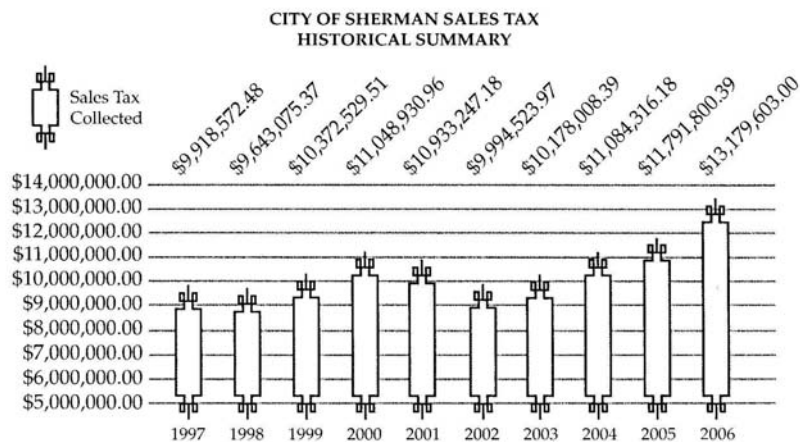
Sherman is now a city of over 35,000 residents and is located in the northeast region of Texas at the crossroads of U.S. Highways 82 and 75, which is 65 miles north of the Dallas metroplex, 15 miles south of Oklahoma, and 10 miles from Lake Texoma.

Sherman is a quiet yet dynamic, growing community. With several industries calling Sherman home, our economy is a strong and viable force in the business world. Sherman is home to several Fortune 100 industries, as well as Austin College. There is a vibrant arts community, abundant recreational opportunities, and an excellent school system.

Please visit our web site at www.sedco.org for additional information about SEDCO, as well as demographic data.

Other helpful web sites include:

- City of Sherman – www.ci.sherman.tx.us
- Chamber of Commerce – www.shermantexas.com
- Grayson County – www.co.grayson.tx.us
- Grayson County Appraisal District – www.graysoncad.org
- Texas Workforce Commission – www.twc.state.tx.us
- Sherman Independent School District – www.shermanisd.net
- Grayson County College – www.grayson.edu
- Austin College – www.austincollege.edu

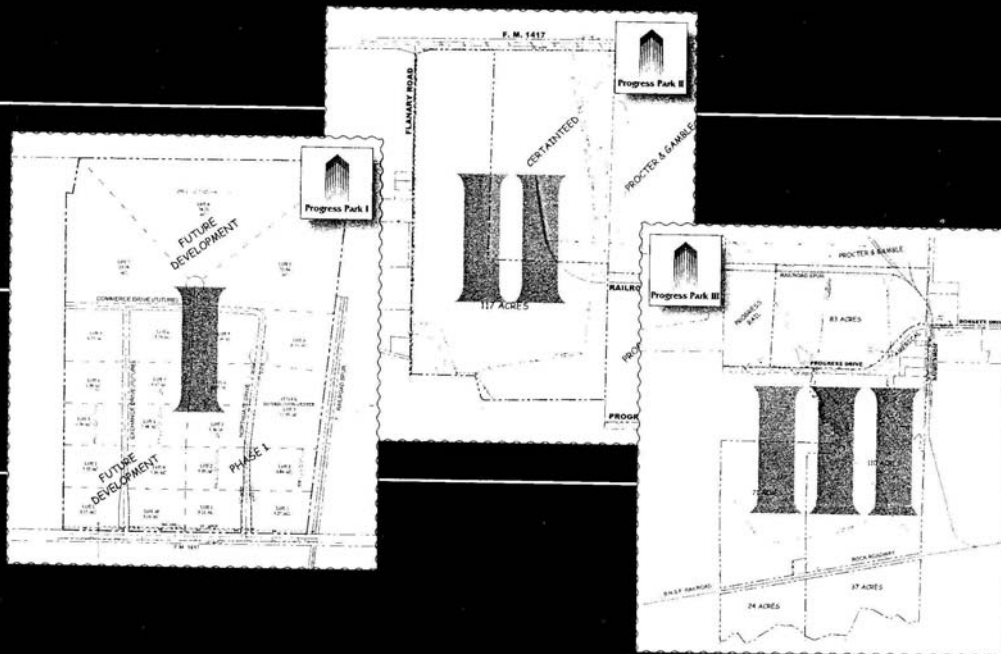


Progress Park

EXPANSION OF PROGRESS PARK

Over the past year, SEDCO staff has worked on developing a new name for the industrial land located on the south side of Sherman. We chose "Progress Park" to include all the land currently owned by SEDCO. We were pleased when the opportunity to purchase an additional 96 acres became available. With almost 500 acres of land, we are now able to offer shovel-ready sites as small as 5 acres and as large as 200 acres to primary employers. Most of the sites are fully developed with water and sewer, electricity, natural gas and telecommunications.

In addition to the name change, new promotional materials have been developed that we can use to market the properties. Soon three new monument signs will clearly mark the entrances to Progress Parks I, II, and III. Promising to practice what we preach, SEDCO planted 25 new oak trees along F.M. 1417 to "dress-up" the industrial property.



LOCAL INCENTIVES

- Freeport Tax Exemption

The City of Sherman, Grayson County, Sherman ISD and Grayson County College taxing entities have all eliminated the tax on inventory shipped out of the state within 175 days.

- Tax Abatements

The City of Sherman, Grayson County and College districts have a strong track record of tax abatement participation on new buildings and equipment.

- Foreign Trade Zone

Grayson County Airport is a satellite of the DFW International Airport Foreign Trade Zone #39. Economic benefits include customs duty deferral on imports and duty elimination for imports that are re-exported.

- Enterprise Zone

Companies choosing to locate in this area may be designated as state projects, which allows companies to take advantage of additional incentives such as franchise tax reductions and sales tax rebates on construction materials.

STATE INCENTIVES

The Texas General Assembly has passed several incentives designed to improve the state's standing as a place to do business. Among them, a new workers compensation system; tort reform measures; trucking deregulation; and reform of the Deceptive Trade Practices Act.

- No Personal Income Tax

Texas is one of only six states with no personal income tax on its residents.

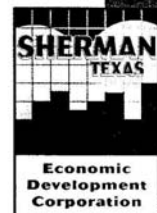
- Right-To-Work State

The Texas Right-to-Work Act guarantees employees the right to bargain freely with their employer for terms and conditions of employment. Under this law, a person cannot be required to join a union as a condition of employment.

- State Training Funds

The Texas Smart Jobs Fund provides grants to Texas employers to assist in training their employees for high skill, high wage jobs. The Skills Development Fund provides funds to enhance the ability of public community and technical colleges to respond to industry and workforce training needs and to develop incentives for public, community, and technical colleges to provide customized assessment and training in a timely and efficient manner. The goal of this fund is to increase the skills level of the Texas workforce.

- Texas Enterprise Fund (Governor's Office)



"We have made job creation a priority because good jobs can lift working families out of poverty, renew their hope in the American dream and generate the revenue needed to pay for critical priorities like education and health care."

*Rick Perry,
Governor,
State of Texas*

POPULATION GROWTH

	1900	1910	1920	1930	1940	1950
Sherman	10,243	12,412	15,031	15,713	17,156	20,150
Grayson Co.	63,661	65,996	74,165	65,843	69,499	70,467
Texas	3,048,710	3,896,542	4,663,228	5,824,715	6,414,824	7,677,832
U.S.	76,094,000	92,407,000	106,461,000	123,076,741	132,122,446	151,325,798

	1960	1970	1980	1990	2000
Sherman	24,988	29,061	30,413	31,601	35,802
Grayson Co.	73,043	83,225	89,796	95,021	110,595
Texas	9,579,677	11,196,730	14,229,191	16,986,510	20,851,820
U.S.	179,323,175	203,211,926	226,545,805	248,709,873	281,421,906

2006 EMPLOYMENT DATA

	Labor Force	Employed	Unemployed	Unemployment Rate
City of Sherman	17,682	16,796	886	4.4%
Grayson County	58,092	55,619	2,829	4.4%

SALES TAX

Exempt from taxes are groceries, medicine, property for resale, manufacturing equipment and many items used exclusively on farms and ranches for food production.

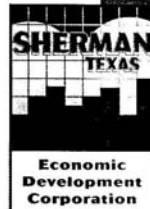
City of Sherman	1.000%
State of Texas	6.250%
Economic Development	.375%
Ad Valorem Reduction	.375%
TOTAL	8.000%

2006 REAL AND PERSONAL PROPERTY TAX RATES

City of Sherman	0.40000%
Grayson County	0.49090%
Sherman ISD	1.630000%
Grayson County College	0.147739%
TOTAL per \$100 valuation	2.668639%

TOP TAX PAYERS

- | | | |
|--------------------------|----------------------------|-------------------------------|
| 1. Texas Instruments | 6. TXU Electric Delivery | 10. First Union Trust Company |
| 2. Tyson Fresh Meats | 7. Verizon | National Association |
| 3. Folger Coffee Company | 8. Sherman Mall Associates | (T.I. Real Estate) |
| 4. GlobiTech | 9. New Quest Properties | 11. Wilson N. Jones Hospital |
| 5. MEMC Southwest | (Sherman Town Center) | |



SEDCO 2005/2006

Sherman Economic Development Corporation
307 West Washington - Suite 102
Sherman, Texas 75090
(800) 981-2566 Toll Free
(903) 868-2566 Local
(903) 813-0403 Fax



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5438

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Woodmont Sherman, LP (Owners), Taco Cabana Restaurant (Prospective Buyer), and Bury+Partners SA, Inc. (Engineers) to Allow a Private Club in a C-1 (Retail Business) District and O-1 (75 & 82 Overlay) District at 3721 U.S. Highway 75 North; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

Issue

To consider a Specific Use Permit to Woodmont Sherman, LP (Owners), Taco Cabana Restaurant (Prospective Buyer), and Bury+Partners SA, Inc. (Engineers) concerning the property located at 3721 U.S. Highway 75 North, to allow a private club in a C-1 (Retail Business) District and O-1 (75 & 82 Overlay) District

Background

The property is located in the Sherman Commons Addition between U.S. Highway 75 and Loy Lake Road. The owners would like to construct a Taco Cabana Restaurant at this location.

Origination

Woodmont Sherman, LP (Owners), Taco Cabana Restaurant (Prospective Buyer), and Bury+Partners SA, Inc. (Engineers)

Board Recommendation

At the December 19, 2006 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter.

Attachments

Ordinance No. 5438
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
L. Scott Wall, City Manager

ORDINANCE NO. 5438

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO WOODMONT SHERMAN, LP (OWNERS), TACO CABANA RESTAURANT (PROSPECTIVE BUYER), AND BURY+PARTNERS SA, INC. (ENGINEERS) TO ALLOW A PRIVATE CLUB IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1 (75 & 82 OVERLAY) DISTRICT AT 3721 U.S. HIGHWAY 75 NORTH; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000; 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, the city zoning and planning commission and the city council, in accordance with the state law, and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

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, Woodmont Sherman, LP (Owner), Taco Cabana Restaurant (Prospective Buyer) and Bury+Partners SA, Inc. (Engineers) are granted a Specific Use Permit to allow a private club in a C-1 (Retail Business) District and O-1 (75 & 82) Overlay District at 3721 U.S. Highway 75 North, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 2, Block C, of the Amended Replat of Block C, Sherman Commons Addition.

SECTION 2. That this specific use permit is granted on the following conditions:

1. Please show marked fire lanes on the proposed site plan.

2. If the proposed building is 30 feet in height or greater, then a 26 foot wide fire lane is required along the proposed east side of the structure per the above stated code sections D105.1, D105.2 and D105.3. It shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
3. Provide the minimum required fire flow and flow duration for the proposed building per Appendix B of the 2003 ICC fire codes.
4. Provide the minimum number and distribution of fire hydrants for this proposed structure per Appendix C of the 2003 ICC fire codes. Please indicate location on the site plan.
5. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

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

SECTION 6. 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 _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT		B-I	BLALOCK INDUSTRIAL PARK
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1	OVERLAY DISTRICT - 75 & 82
	C-1	RETAIL BUSINESS DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-2	GENERAL COMMERCIAL DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	CO	OFFICE DISTRICT		CPO	COLLEGE PARK OVERLAY
	M-1	LIGHT MANUFACTURING DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT



City of Sherman
3721 U. S. Hwy. 75 North
Specific Use Permit and Site Plan
Department of Developmental Services



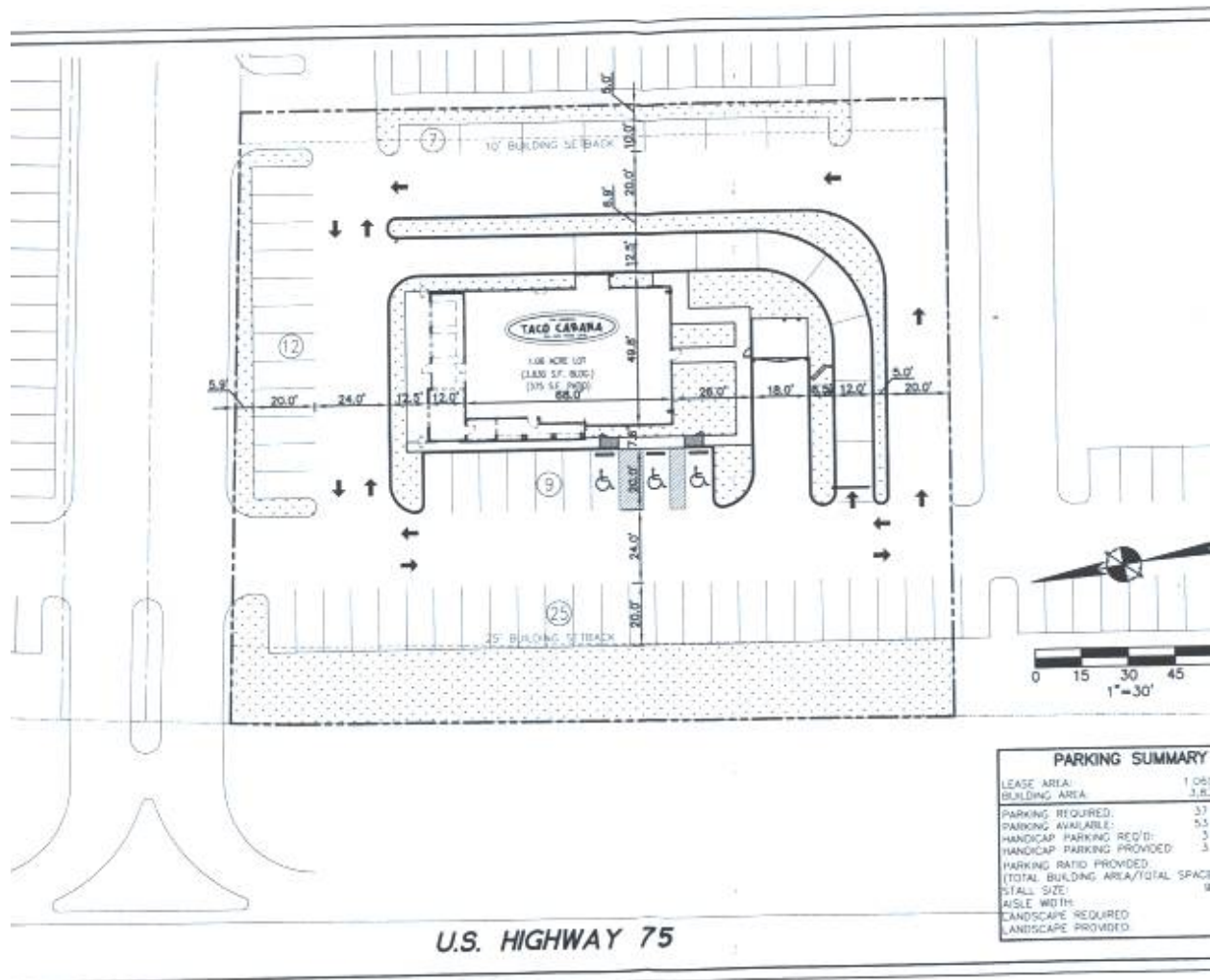


Scale: 1 inch = 200.0 feet

(c) Copyright 200

3721 Hwy 75 N.





City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
December 19, 2006
Willie Steele, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
John Nix, Commissioner
Lawrence Davis, Commissioner

John Cernero, Commissioner
Kelsel Thompson, Commissioner
Jason Sofey, Commissioner
Steve Jones, Commissioner

3721 U. S Highway 75 North
Lot 2, Block C of the Amended Replat of Block C, Sherman Commons Addition
Specific Use Permit and Site Plan

Requested Action/Proposed Use:

Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a private club in a C-1 (Retail Business) District and the O-1 (75-82 Overlay) District.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

Woodmont Sherman LP (Owners), Taco Cabana Restaurant (Prospective Buyer) Bury+Partners SA, Inc. (Engineers)

Consideration:

Master Plan Designation: Retail/Commercial

Number of notices mailed:

4

Objections Received:

0

Attachments:

Location map, Photographs, Replat, Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

December 14, 2006

Mark Cramer
8918 Tesoro Drive, Ste. 200
San Antonio, TX 78217

Woodmont Sherman LP
2100 W. 7th Street
Ft. Worth, TX

Dear Applicant,

The request for approval of a Specific Use Permit and Site Plan Approval for a Taco Cabana concerning the property located at 3721 U. S. Hwy. 75 North, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 19, 2006 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Please show marked fire lanes on the proposed site plan.
2. If the proposed building is 30 feet in height or greater, then a 26 foot wide fire lane is required along the proposed east side of the structure per the above stated code sections D105.1, D105.2 and D105.3. It shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
3. Provide the minimum required fire flow and flow duration for the proposed building per Appendix B of the 2003 ICC fire codes.
4. Provide the minimum number and distribution of fire hydrants for this proposed structure per Appendix C of the 2003 ICC fire codes. Please indicate location on the site plan.
5. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Bury+Partners

Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
TxDOT



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5439

Amending Ordinance 2736, Altering the Location of the “No Parking” Areas on East Mulberry, from Walnut to East Street within the City Limits of the City of Sherman

Issue

To consider amending Ordinance 2736 to allow parking on the south side of East Mulberry, between Walnut Street and Montgomery Street

Background

Mr. John Shoulders, a local business owner, has requested that the City allow parking in front of a building that he owns at 214 East Mulberry Street. Ordinance 2736, approved in November of 1969, provided for no parking on both sides of Mulberry Street, from East Street to Walnut Street. Staff’s evaluation of Mr. Shoulder’s request indicates that allowing parking in one block of Mulberry, from Walnut to Montgomery (south side only), will not interfere with traffic flow on Mulberry. The “No Parking” signs were removed 90 days ago; and no problems have been noted or complaints received.

Origination

Mr. John Shoulders
Department of Public Works & Engineering

Financial Consideration

Minor labor cost to remove no two parking signs in one block.

Staff Recommendation

Amend Ordinance 2736 to allow parking on the south side of East Mulberry Street, between Walnut Street and Montgomery Street.

Alternatives

As may be recommended by the City Council

Attachments

Ordinance No. 5439
Location Map

Prepared by:
Jeffrey R. Miller, Director of
Public Works & Engineering

Approved by:
L. Scott Wall, City Manager

ORDINANCE NO. 5439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE 2736, ALTERING THE LOCATION OF THE "NO PARKING" AREAS ON EAST MULBERRY, FROM WALNUT TO EAST STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; FIXING PENALTIES FOR VIOLATION HEREOF; 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 Ordinance No. 2736 of the City of Sherman, Texas, be amended so that such Ordinance shall read as follows:

~~Hereafter no person shall park any vehicle on either side of East Mulberry from Walnut to East Street and any persons violating this ordinance shall be guilty of a misdemeanor and fined in any sum not exceeding \$25.00.~~

Hereafter no person shall park any vehicle on the north side of East Mulberry Street from East Street to Walnut Street and no person shall park any vehicle on the south side of Mulberry Street from East Street to Montgomery Street.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding FIVE HUNDRED AND NO/100 DOLLARS (\$500.00).

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 _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LOCATION



200 BLOCK OF EAST MULBERRY





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5440

Providing for Permanent “No Parking Saturday-Sunday” Signs Restricting Parking along the South Side of Burton Street, between Woods Street and Ricketts Street within the City Limits of the City of Sherman

Issue

Safety concerns arose concerning the above location via a letter to the City Manager from a citizen requesting investigation of parking along Burton Street during weekend sports events at Fairview Park.

Background

Ms. Connie Sikes, a concerned citizen, requested consideration for “No Parking” signs on Burton Street, as noted above. The request arose from safety concerns over persons parking for weekend sports events, soccer games, etc., on both sides of Burton Street near the Fairview Park and Fairview School. Due to the width of the street, it is very difficult for cars to pass with parking on both sides. Also, with soccer practice/warm up at Fairview School, it is very difficult for drivers to see children walking between parked cars as they cross the street. After investigation by the Director of Public Works and the City Engineer, and with the concurrence of the Director of Community Services, it was determined that there was a need to place “No Parking Saturday-Sunday” signs on the south side of Burton Street. The signs were placed on October 10, 2006 and have been in place for the 90-day trial period, which expired on January 10, 2007. There have been no known complaints.

Origination

Ms. Connie Sikes of 2324 Diana in Sherman
Director of Public Works & Engineering and the City Engineer

Financial Consideration

Four “no parking” signs were installed for a total cost of \$422.00.

Staff Recommendation

It is recommended that the City Council approve the Ordinance as requested.

Alternatives

Reject the request

Attachments

Ordinance No. 5440
Request Letter
Location Map

Prepared by:

**Jeffrey R. Miller, Director of
Public Works and Engineering**

Approved by:

L. Scott Wall, City Manager

ORDINANCE NO. 5440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING SATURDAY-SUNDAY” SIGNS RESTRICTING PARKING ALONG THE SOUTH SIDE OF BURTON STREET, BETWEEN WOODS STREET AND RICKETTS STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; 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, from and after the passage of this ordinance, permanent “NO PARKING SATURDAY-SUNDAY” signs shall be in place at the following location within the corporate limits of the City of Sherman:

Along the South side of Burton Street between Woods Street and Ricketts Street;

as shown by Exhibit “A”, attached hereto and incorporated herein for all purposes.

SECTION 2. That the Director of Public Services is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the “NO PARKING SATURDAY-SUNDAY” signs herein authorized, it shall be unlawful for any motorist to park a vehicle in such area designated as a “NO PARKING SATURDAY-SUNDAY” zone. Violators of this ordinance shall be subject to fine as provided in Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas.

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 _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

City Manager
PO Box 1106
Sherman, Texas 75091

September 7, 2006

Dear Mr. Wall,

I am a concerned citizen living in the Fairview School/Park area. For many years, I have been concerned with the parking on Burton Street, in front of the church and behind the school. Now that soccer has grown to be so popular, every available space is being utilized. Many coaches are using the North/West section of the school yard for practice and games.

My concern involves parents parking on both sides of Burton Street. The street is so narrow that only one car can go down or up the street. It makes for extreme congestion at the corner of POW/MIA, Burton and Ricketts. I am so afraid that a child will run out from around a car or big SUV or double large Pickup truck and will be injured. They can come from either side, while the parents are sitting in the cars.

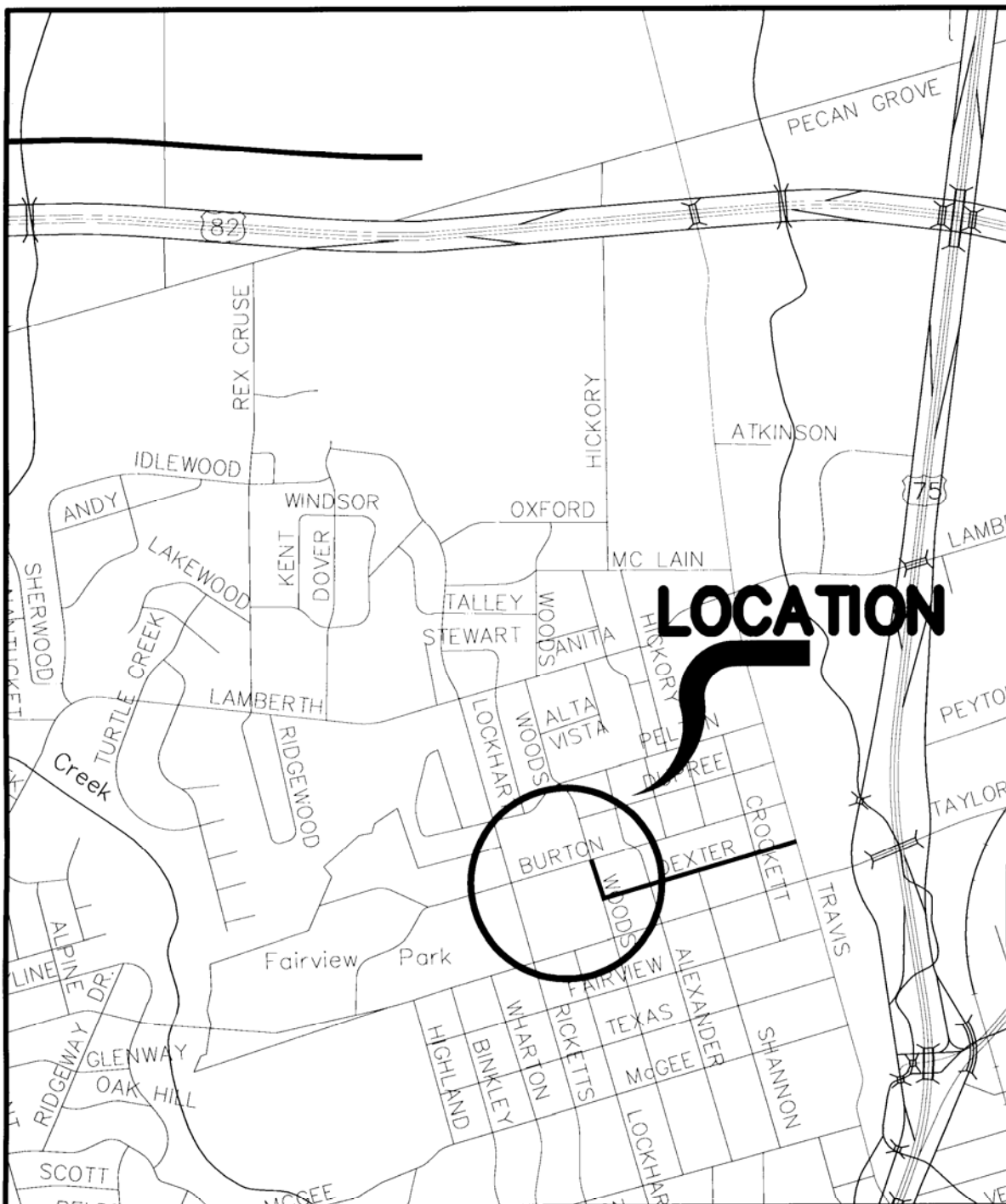
I, personally try to avoid that area by going up Pelton. I do know that the churches do not use the street for their parking. They would not mind the parents parking on their lots during non church times, because some of the parents do park there. The school, also, has a large parking space beside the area. It would be much safer for parents to use the school lot to park.

I would appreciate your looking into my concern during the practice times or on Saturday morning. I am certainly glad the park is being utilized, but I do fear for the safety of the small children. I can think of no greater pain than to have a child injured or killed.

I am requesting that the block of Burton between Ricketts and Woods have "No Parking" on the North side.

Thank you,

Connie Sikes
Connie Sikes
2324 Diana
Sherman, Texas
75092
903-893-7056



BURTON ST. BETWEEN WOODS AND RICKETTS ST.





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5441

**Providing for Permanent “No Parking” Signs Restricting Parking
along the West Side of the 500 and 600 Blocks of North Cleveland Street
within the City Limits of the City of Sherman**

Issue

Mr. Jerry Lincecum and other residents of the 500 and 600 blocks of North Cleveland Avenue expressed concern regarding the excessive amount of cars parking on the street.

Background

Mr. Lincecum and his neighbors in the 500 and 600 blocks of North Cleveland Avenue requested “No Parking Any Time” signs for the west side of the street. The Director of Public Works & Engineering along with the City Engineer determined that there may be sufficient cause to install the signs on a 90-day trial and determine if it causes any unforeseen problems. The signs have been in place for the 90-day trial; and there have been no known complaints.

Origination

Mr. Jerry Lincecum and citizens of the 500 and 600 Blocks of North Cleveland Avenue
Department of Public Works & Engineering

Financial Consideration

Five “no parking” signs were installed for a total cost of \$528.00.

Staff Recommendation

It is recommended that the City Council approve the Ordinance providing for “no parking” in the 500 and 600 blocks of North Cleveland Street.

Alternatives

Reject the request

Attachments

Ordinance No. 5441

Location Map

Prepared by:
Jeffrey R. Miller, Director of
Public Works & Engineering

Approved by:
L. Scott Wall, City Manager

ORDINANCE NO. 5441

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG THE WEST SIDE OF THE 500 AND 600 BLOCKS OF NORTH CLEVELAND STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; 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, from and after the passage of this ordinance, permanent “NO PARKING” signs shall be in place at the following location within the corporate limits of the City of Sherman:

Along the West side of the 500 and 600 blocks of North Cleveland Street;

as shown by Exhibit “A”, attached hereto and incorporated herein for all purposes.

SECTION 2. That the Director of Public Services is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the “NO PARKING” signs herein authorized, it shall be unlawful for any motorist to park a vehicle in such area designated as a “NO PARKING” zone. Violators of this ordinance shall be subject to fine as provided in Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas.

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 _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

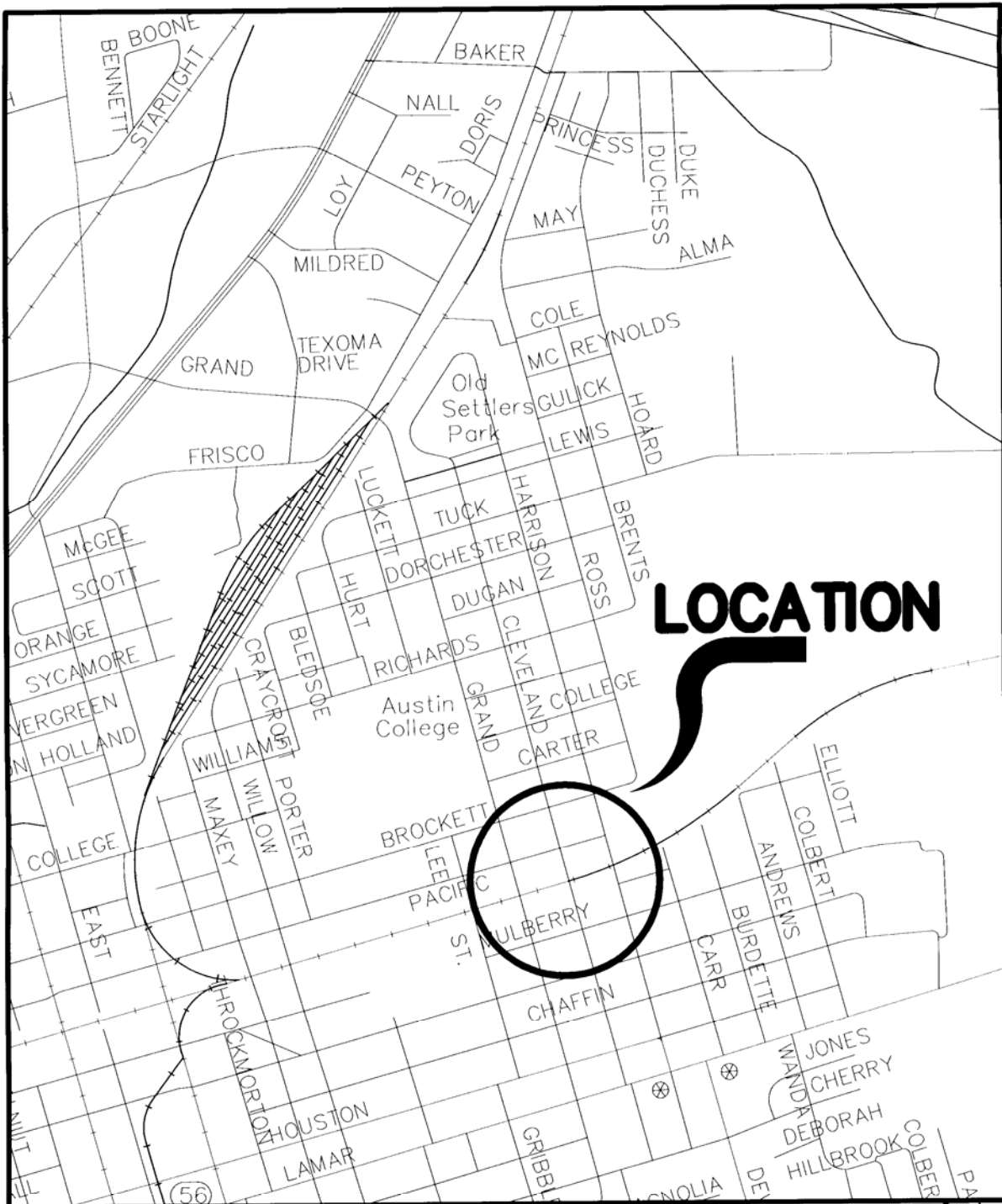
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LOCATION



500 - 600 BLOCK OF NORTH CLEVELAND ST.





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. B.5

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5438, 5439, 5440 and 5441

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5438

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Woodmont Sherman, LP (Owners), Taco Cabana Restaurant (Prospective Buyer), and Bury+Partners SA, Inc. (Engineers) to Allow a Private Club in a C-1 (Retail Business) District and O-1 (75 & 82 Overlay) District at 3721 U.S. Highway 75 North; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5439

Amending Ordinance 2736, Altering the Location of the “No Parking” Areas on East Mulberry, from Walnut to East Street within the City Limits of the City of Sherman

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5440

Providing for Permanent “No Parking Saturday-Sunday” Signs Restricting Parking along the South Side of Burton Street, between Woods Street and Ricketts Street within the City Limits of the City of Sherman

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5441

Providing for Permanent “No Parking” Signs Restricting Parking along the West Side of the 500 and 600 Blocks of North Cleveland Street within the City Limits of the City of Sherman



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. B.6

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. 4951

Authorizing Execution of an Encroachment Easement to Jefflyn Properties for the Construction of a Monument Sign in a Utility Easement at Lot 2 of the Replat of Lots 1 and 2 of the Replat of Lot 2 of the Replat of Lot 1-b of Post Oak Crossing Addition to the City of Sherman (3445 F.M. 1417 North)

C.4 * RESOLUTION NO. 4952

Authorizing the Execution of an Agreement with Noe Lopez for the Abatement of Ad Valorem Property Taxes for the Construction of a Residential Duplex at 607-609 East College Street

D.1 * REQUEST TO ADVERTISE

Purchase of Five Police Patrol Vehicles

D.2 * REQUEST TO ADVERTISE

Construction of a New Culvert with Headwalls at King Street and the BNSF Railroad/First Street

D.4 * OTHER BUSINESS

Replat Approval of Cupids Corner Addition, a Replat of Lots 16-23, Block 9 of W.P. Carter's Addition and a 2.45 Acre Tract in the J.B. McAnair Survey, Abstract No. 763; Barton Capital, Owners (700-800 Blocks of East Sycamore Street)

D.5 * OTHER BUSINESS

Replat Approval of Lot 4, Block 1, Sherman Town Center, Section Two, Town Center Addition; A-S 71 Sherman Phase III, LP, Owners (600 Block of North Creek Drive and 600 Block of Graham Drive)

D.6 * OTHER BUSINESS

Consider Canceling the City Council's Meeting Called for 12:00 Noon on Tuesday, January 30, 2007, to Receive a Briefing on the City Charter

D.7 * OTHER BUSINESS

Consider Calling a Special Meeting of the City Council for Tuesday, February 20, 2007, due to Conflict with a Federal Holiday



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. C.1

JOINT RESOLUTION NO. 4950

Adopting an Interlocal Cooperative Agreement with the Sherman Independent School District for the Use of Veteran's Field at Fairview Park and Field #7 at Old Settlers Park

Issue

To consider adoption of an Interlocal Cooperative Agreement with the Sherman Independent School District (SISD) for the use of Veteran's Field at Fairview Park for Varsity boys' baseball practices and for Varsity, Junior Varsity, and Freshman boys' baseball games, as well as for the use of Field #7 at Old Settlers Park for Varsity girls' softball practices and for Varsity and Junior Varsity girls' softball games

Background

With the expiration of our most recent agreement(s) with SISD for the use Veteran's Field at Fairview Park and Field #7 at Old Settlers Park, negotiations between the two parties were conducted and a new three (3) year agreement is being proposed whereby SISD will provide the City with a \$5,000.00 payment during each year of the contract for the use and maintenance of both facilities. In addition, SISD will provide the City with the use of two (2) laborers for up to three (3) hours per day, as necessary, from their maintenance staff for each practice and game date held at the facilities, including expanded hours, as necessary, for field preparation during times of inclement weather and/or scheduled tournaments.

Origination

SISD and City of Sherman

Financial Consideration

Both parties recognize the benefits which can be derived from working together in the development of a joint plan for the use of school and park facilities, whereby such joint usage of facilities provides taxpayers with a better utilization of school buildings, athletic facilities and park and recreation areas, and avoids the duplication of these facilities, thereby saving tax monies.

Staff Recommendation

It is the staff's recommendation that the Sherman City Council approve the attached Interlocal Cooperative Agreement with SISD for the use of Veteran's Field at Fairview Park for boys' baseball practices and games and the use of Field #7 at Old Settlers Park for girls' softball practices and games.

Alternatives

As may be directed by the Sherman City Council

Attachments

Joint Resolution No. 4950; Interlocal Cooperative Agreement; Location Map

Prepared by:

**George Olson, Director of
Community Services & Maintenance**

Approved by:

L. Scott Wall, City Manager

JOINT RESOLUTION NO. 4950

A JOINT RESOLUTION OF THE BOARD OF TRUSTEES OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ADOPTING AN INTERLOCAL COOPERATIVE AGREEMENT FOR THE USE OF VETERAN'S FIELD AT FAIRVIEW PARK AND FIELD #7 AT OLD SETTLERS PARK; 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 of Sherman, Texas, owns the public parks named Fairview Park and Old Settlers Park; and

WHEREAS, the Sherman Independent School District would like the use of Veteran's Field for Varsity boys' baseball practices and for Varsity, Junior Varsity, and Freshman boys' baseball games, as well as the use of Field #7 at Old Settlers Park for Varsity girls' softball practices and for Varsity and Junior Varsity girls' softball games; and

WHEREAS, the City of Sherman and the Sherman Independent School District wish to enter into an Interlocal Cooperative Agreement permitting such use;

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE BOARD OF TRUSTEES OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Bill Magers, Mayor of the City of Sherman, Texas, and Sue Frazier, President of the Board of Trustees of the Sherman Independent School District, are hereby authorized and directed to execute the attached Interlocal Cooperative Agreement for the use of Veteran's Field at Fairview Park for Varsity Boys' baseball practices and for Varsity, Junior Varsity, and Freshman Boys' baseball games, as well as for the use of Field #7 at Old Settlers Park for Varsity Girls' softball practices and Varsity and Junior Varsity Girls' softball games.

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 BY THE CITY OF SHERMAN on this the ____ day of _____, 2007.

PASSED AND APPROVED BY THE SHERMAN INDEPENDENT SCHOOL DISTRICT on this the _____ day of _____, 2007.

**SHERMAN INDEPENDENT SCHOOL
DISTRICT**

CITY OF SHERMAN, TEXAS

BY: _____
SUE FRAZIER,
BOARD PRESIDENT

BY: _____
BILL MAGERS,
MAYOR

ATTEST:

ATTEST:

BY:

**DEBBIE SMITH
BOARD SECRETARY**

BY:

**LINDA ASHBY
CITY CLERK**

**APPROVED AS TO FORM
AND CONTENT:**

**DOREEN E. McGOOKEY,
CITY ATTORNEY**

**INTERLOCAL COOPERATIVE AGREEMENT
BY AND BETWEEN THE CITY OF SHERMAN AND
THE SHERMAN INDEPENDENT SCHOOL DISTRICT**

THIS AGREEMENT, entered into on the _____ day of January, 2007, by and between the **CITY OF SHERMAN, TEXAS**, hereinafter referred to as "CITY" and the **SHERMAN INDEPENDENT SCHOOL DISTRICT**, hereinafter referred to as "SISD", political subdivisions under the State of Texas. All payments made under this agreement will be paid from current revenue available to the paying party.

WITNESSETH:

NOW, THEREFORE, in consideration of the premises and in compliance with and pursuant to the provisions, terms and conditions of Section 791 of the Texas Government Code, and other laws applicable thereto, CITY and SISD do hereby contract and agree as follows:

1. CITY and SISD will participate in an Interlocal cooperative program with each other for the use of Veteran's Field at Fairview Park and Field #7 at Old Settlers Park.
2. CITY and SISD will designate an appointee to act under the direction of and on behalf of each of the contracting parties hereto in relation to the Interlocal cooperative program, with such persons being authorized agents of each of the respective parties hereto.
3. CITY does hereby authorize SISD to use Veteran's Field at Fairview Park and Field #7 at Old Settlers Park and its surrounding parking areas, public restrooms, bleachers and scoreboards.
4. CITY and SISD agree that any permanent structures added to the facility by SISD and/or SISD Athletic Booster Clubs shall be presented to CITY for approval prior to implementation and/or construction and shall become the property of CITY, under its control and operation.
5. CITY and SISD agree upon an effective term of January 22, 2007 through May 31, 2009, wherefore SISD will have priority on said facilities during the months of January through May, Monday through Saturday during scheduled preseason, district and district play-off practices/games only. CITY reserves the right to schedule said facilities when not in use by SISD.
6. CITY will have the following rights, duties and obligations:
 - a. CITY will, at its own expense, keep and maintain the facilities in a good and usable condition;

-
- b. CITY will provide keys to SISD staff for designated ball fields and all associated amenities. Within two (2) weeks after the SISD season ends, all keys provided by CITY to SISD shall be returned to the designated appointee;
 - c. CITY will provide an EMERGENCY PHONE LIST of CITY staff to SISD;
 - d. CITY will be responsible for electricity, water, sewer and waste disposal utility expenses.
- 7. CITY will maintain in a good and usable condition the infield and all turf areas in the outfield to include mowing, weed control, fertilizing and herbicide spraying as allowed by its budget, and will be the sole judge of the acceptability of such maintenance.
 - 8. CITY will be responsible for dragging the infield and marking the baselines, one time per day only, for scheduled practices and/or games.
 - 9. CITY will perform maintenance of Veteran's Field and Field #7 at Old Settlers Park. SISD will be prohibited from performing any maintenance to any turf, infield, equipment, or building owned by CITY, without permission of the CITY Parks and Recreation Department.
 - 10. CITY will be responsible for the maintenance of all irrigation systems and the watering of the infield (dirt/turf) and outfield (turf).
 - 11. CITY will be responsible for the maintenance of area and ball field lighting systems, including scoreboards.
 - 12. CITY will maintain all bleachers, dug-outs, backstops, fences and gates in a safe, secure and functional condition.
 - 13. CITY will provide, install and maintain home plate, pitching rubbers and bases.
 - 14. CITY will service and maintain cleanliness of restroom facilities prior to each scheduled game.
 - 15. CITY will provide appropriate litter receptacles and the emptying of these receptacles.
 - 16. CITY reserves the right to appoint concession operator(s), as necessary.
 - 17. CITY will be responsible for making field closure decisions prior to or on game day, but not during play, as specified in Exhibit "A", attached hereto and made a part hereof for all purposes.

-
18. SISD will have the following rights, duties and obligations:
- a. SISD will pay the CITY a fee of FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00), to be paid during the month of May during each year of the contract;
 - b. SISD has the sole responsibility and obligation for ensuring that the field and equipment are in a safe, usable condition, suitable for play, immediately before the start of any practice and/or game, continuing and during the play of such practice and/or game, and shall immediately stop play when such play can not be conducted safely for any reason, including, but not limited to, the condition of the grounds, equipment or weather;
 - c. SISD will not have any other use of the facilities for the time not designated herein, unless otherwise specified and/or approved by the CITY Parks and Recreation Department;
 - d. SISD will not sub-lease the facilities;
 - e. SISD will comply with all Federal, State and Local laws;
 - f. SISD will provide CITY an official schedule of all scheduled games to be held at the facilities as soon as it is available and no later than one (1) month before the first scheduled game.
 - g. SISD will provide an EMERGENCY CONTACT PHONE LIST of SISD staff to CITY;
 - h. SISD will comply with the CITY'S exclusive rights agreement with the Coca-Cola Bottling Company of North Texas, which requires that Coca-Cola soft drink products be the exclusive drink allowed for sale on CITY premises.
19. SISD will provide two (2) laborers for up to three (3) hours per day, as necessary, from their maintenance staff for each practice and game date at the facilities, including expanded hours, as necessary, for field preparation during times of inclement weather and scheduled tournaments. These laborers will assist and perform duties as coordinated and assigned by the CITY Grounds Supervisor and SISD Grounds Manager, during these specific periods to perform associated maintenance/preparation of the facility as appropriate and/or required.
20. SISD will be responsible for and/or may drag and mark the field between scheduled games or tournaments, as necessary, with appropriate equipment and materials approved by the CITY Grounds Supervisor.
21. SISD will be prohibited from performing any maintenance to any turf or infield areas except as stated in #19 and #20 above.

-
22. SISD will ensure that all secured areas remain locked or are relocked at the completion of each practice and/or game.
 23. SISD will only use athletic field lights directly associated with the contracted facility. When play concludes, SISD will be responsible for ensuring that lights are turned off. Athletic field lights will not be turned on before dark unless atmospheric conditions create a condition necessitating lights for safe use of the field.
 24. SISD will be responsible for daily collection and policing of all litter on the facilities to include playing areas, dug-outs, fences, backstops, bleachers and adjacent grounds within the complex. All litter will be placed in the receptacles provided by CITY.
 25. SISD will be responsible for opening all necessary entrances prior to scheduled practices/games, servicing restrooms during scheduled games/tournaments, and closing/locking all entrances at the completion of all scheduled practices/games.
 26. SISD will not use any other facilities within the parks unless otherwise specified and/or approved by the CITY Parks and Recreation Department.
 27. SISD will be prohibited from installing temporary and/or permanent signs of any kind at the facilities or within the park without prior approval from CITY Parks and Recreation Department.
 28. SISD will accept responsibility for any and all costs, damages, or expenses arising from any accident or other occurrence to persons or property on the premises belonging to CITY which occurs while SISD has control of the subject premises and which are attributable to the negligence of SISD or its employees.
 29. SISD will be solely responsible for any additional security at the premises during scheduled games.
 30. SISD is responsible for obtaining its own general liability insurance.
 31. SISD agrees to defend, indemnify and hold harmless the CITY and its officers, agents and employees from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including reasonable attorney's fees and expenses, in any way arising out of, related to, or resulting from the usage of Veteran's Field at Fairview Park and Field #7 at Old Settlers Park by SISD, or caused by the negligent SISD or omission of SISD, its officers, agents, employees, subcontractors, licensees, invitees or any other third parties. In addition, this indemnification and hold harmless shall apply to any imputed or actual joint enterprise liability.

32. Notwithstanding anything contrary herein, the final agreement must be approved by the Sherman City Council and signed by the Mayor and approved by the SISD Board of Trustees and signed by the Board President. This final agreement will not be binding until so approved and signed. Further, this agreement will only become effective upon mutual passage by resolution or lawful act of each of the governing bodies and execution thereof.
33. This agreement may not be terminated, amended or altered in any manner without sixty (60) days prior written notice to the other party.
34. This agreement does not waive any governmental or other immunity otherwise available to either party hereto, nor does it create any right or cause of action by person or entity not a party hereto.

**SHERMAN INDEPENDENT SCHOOL
DISTRICT**

CITY OF SHERMAN, TEXAS

BY: _____
SUE FRAZIER
BOARD PRESIDENT

BY: _____
BILL MAGERS
MAYOR

ATTEST:

BY: _____
DEBBIE SMITH
BOARD SECRETARY

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED:

**_____
DOREEN E. McGOOKEY
CITY ATTORNEY**

EXHIBIT A

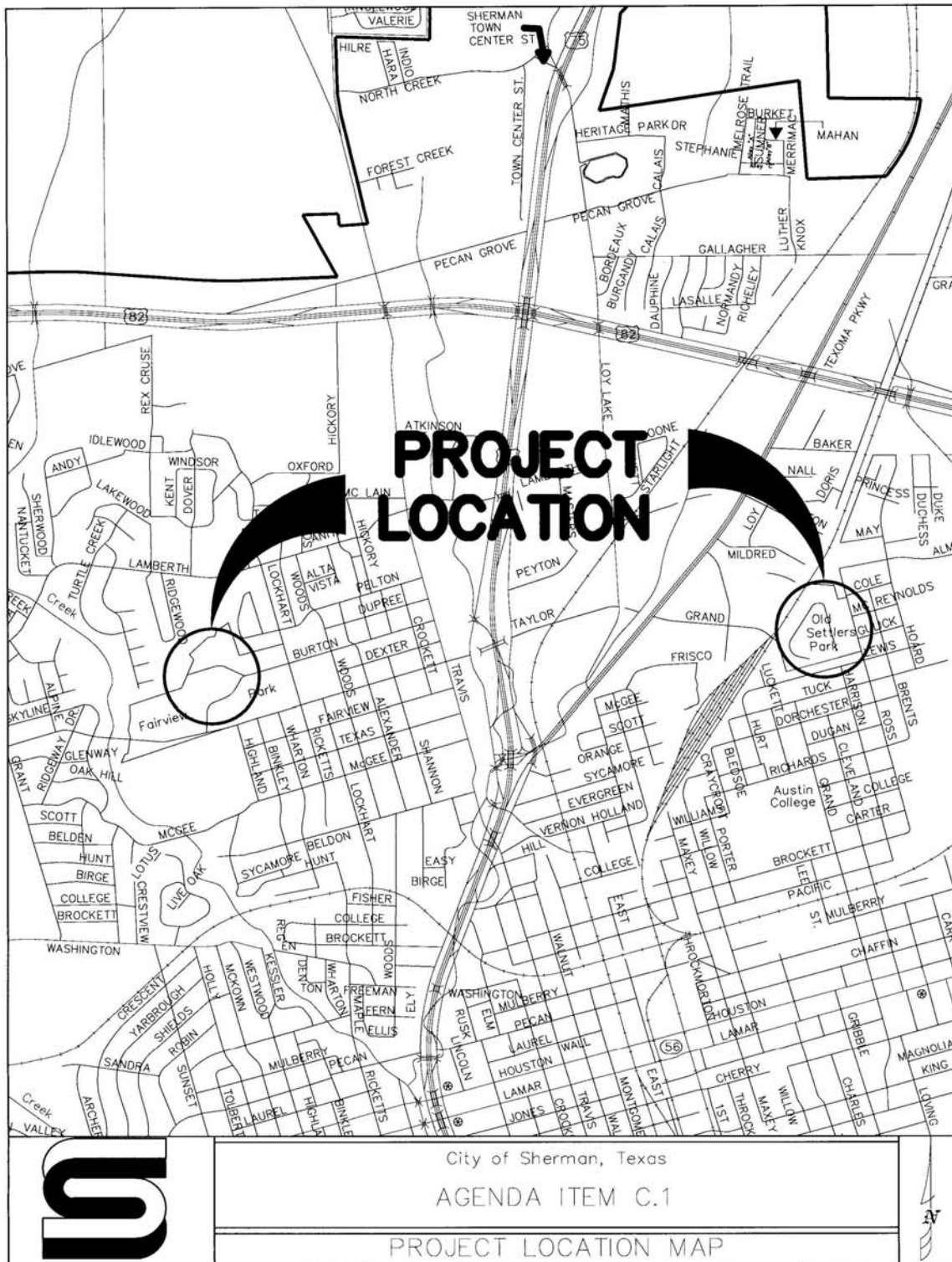
GENERAL GUIDELINES FOR FIELD INSPECTION AND CLOSURE

Reasons for Athletic Field Closure or Postponement

1. Raining at practice and/or game time.
2. Playing field too wet.
3. Field needs to be closed in the interest of participant safety and/or preservation of good playing surfaces.
4. Renovation or construction conditions exist.

Procedures for Athletic Field Closures

1. CITY (Parks and Recreation Department Representatives) will take sole responsibility for making decisions based upon field conditions and weather, and this decision will be final. CITY and SISD maintenance crews will make every effort available to accommodate games during times of inclement weather.
2. After games have begun and inclement weather becomes a factor, the umpire crew and SISD will follow the same guidelines for deciding cancellation or postponement.
3. Field damage caused by play during inclement weather may make the field unavailable for the next scheduled game and/or practice. The costs to repair any damages to the field will be the responsibility of SISD and will be repaired by CITY, as appropriate and necessary, and billed directly to SISD for payment.





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 4951**

**Authorizing Execution of an Encroachment Easement to Jefflyn Properties
for the Construction of a Monument Sign in a Utility Easement at Lot 2 of the
Replat of Lots 1 and 2 of the Replat of Lot 2 of the Replat of Lot 1-b of
Post Oak Crossing Addition to the City of Sherman (3445 F.M. 1417 North)**

Issue

To consider an encroachment into a 20' Utility Easement for construction of a 12' high monument sign in the Post Oak Crossing Addition

Background

Jefflyn Properties obtained a variance at the December meeting of the Planning & Zoning Commission to allow a fifteen (15) foot setback in lieu of the required twenty-five (25) foot setback in order to construct a monument sign. The proposed sign will be located within an existing 20' utility easement.

Origination

Jefflyn Properties

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. 4951

Encroachment Easement

Request Letter from Jefflyn Properties

Exhibit "A"

Location Map

Prepared by:

Jeff Miller, Director of Public Works/Engineering

Approved by:

L. Scott Wall, City Manager

RESOLUTION NO. 4951

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO JEFFLYN PROPERTIES FOR THE CONSTRUCTION OF A MONUMENT SIGN IN A UTILITY EASEMENT AT LOT 2 OF THE REPLAT OF LOTS 1 AND 2 OF THE REPLAT OF LOT 2 OF THE REPLAT OF LOT 1-B OF POST OAK CROSSING ADDITION TO THE CITY OF SHERMAN (3445 F.M. 1417 NORTH); 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 Jefflyn Properties, in substantially the same form as presented at this meeting, for the construction of a monument sign in a Utility Easement along Lot 2 of the Replat of Lots 1 and 2 of the Replat of Lot 2 of the Replat of Lot 1-b, Post Oak Crossing Addition (3445 F.M. 1417 North), in accordance with the 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 _____, 2007.

CITY OF SHERMAN, TEXAS

**BY: _____
BILL MAGERS, MAYOR**

ATTEST:

**BY: _____
LINDA ASHBY, CITY CLERK**

APPROVED AS TO FORM AND CONTENT:

**BY: _____
DOREEN E. MCGOOKEY,
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 **JEFFLYN PROPERTIES** of Sherman, Texas, hereinafter called "GRANTEE", an encroachment easement to construct a monument sign within a utility easement at Lot 2 of the Replat of Lots 1 and 2 of the Replat of Lot 2 of the Replat of Lot 1-b of the Post Oak Crossing Addition and known as 3445 F.M. 1417 North, 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, his successors and assigns, for the limited purpose of constructing a sign within the herein described encroachment area, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the sign shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

GRANTEE agrees to and shall allow any and all franchised utilities to continue uninterrupted use of the encroachment area to the same or better condition that existed prior to the installation of the monument sign.

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 that GRANTEE no longer needs to use the encroachment area as specified in Exhibit A for the monument sign, then GRANTEE agrees to restore the surface area of the encroachment area to the same or better condition that existed prior to the installation of the monument sign and will agree to a rescission of this encroachment easement.

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.

In the event it becomes necessary for the GRANTOR to revoke and rescind this encroachment easement, GRANTEE agrees and consents to such revocation and rescission by GRANTOR unilaterally passing a resolution to that effect and filing the same in the Deed Records of Grayson County, Texas, all without the joinder or consent of GRANTEE herein.

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

EXECUTED this the _____ day of _____, A.D., 2007.

CITY OF SHERMAN, TEXAS

BY: _____
L. SCOTT WALL,
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 **L. SCOTT WALL**, 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., 2006.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



Mr. Jim Shankles
Planning and Zoning Board
Building Inspection Department

January 3rd, 2007

Dear Mr. Shankles:

The Planning and Zoning Board in a regular meeting held on December 19th, 2006, granted our request for a variance to allow for a fifteen (15) foot front setback in lieu of the required twenty five (25) feet from the highway right-of-way in a C-1 (Retail Business) located in the O.1 Overlay (75-82) District and the O.1.1 Overlay (1417) District, subject to the Staff Review Letter issued on December 14th, 2006 for 3445 F.M. 1417 North.

The aforementioned Staff Review Letter requires that we also obtain approval from the City Council for an encroachment since there is a twenty (20) foot utility easement running along the highway right-of-way. Accordingly, we hereby request that the City Council consider our request for an encroachment on the aforementioned utility easement.

In consideration of our request, we are providing you with a site-plan map showing the location of the proposed monument sign, detailed specifications on the dimensions of the monument sign, and two picture proofs depicting how the monument sign would appear on site.

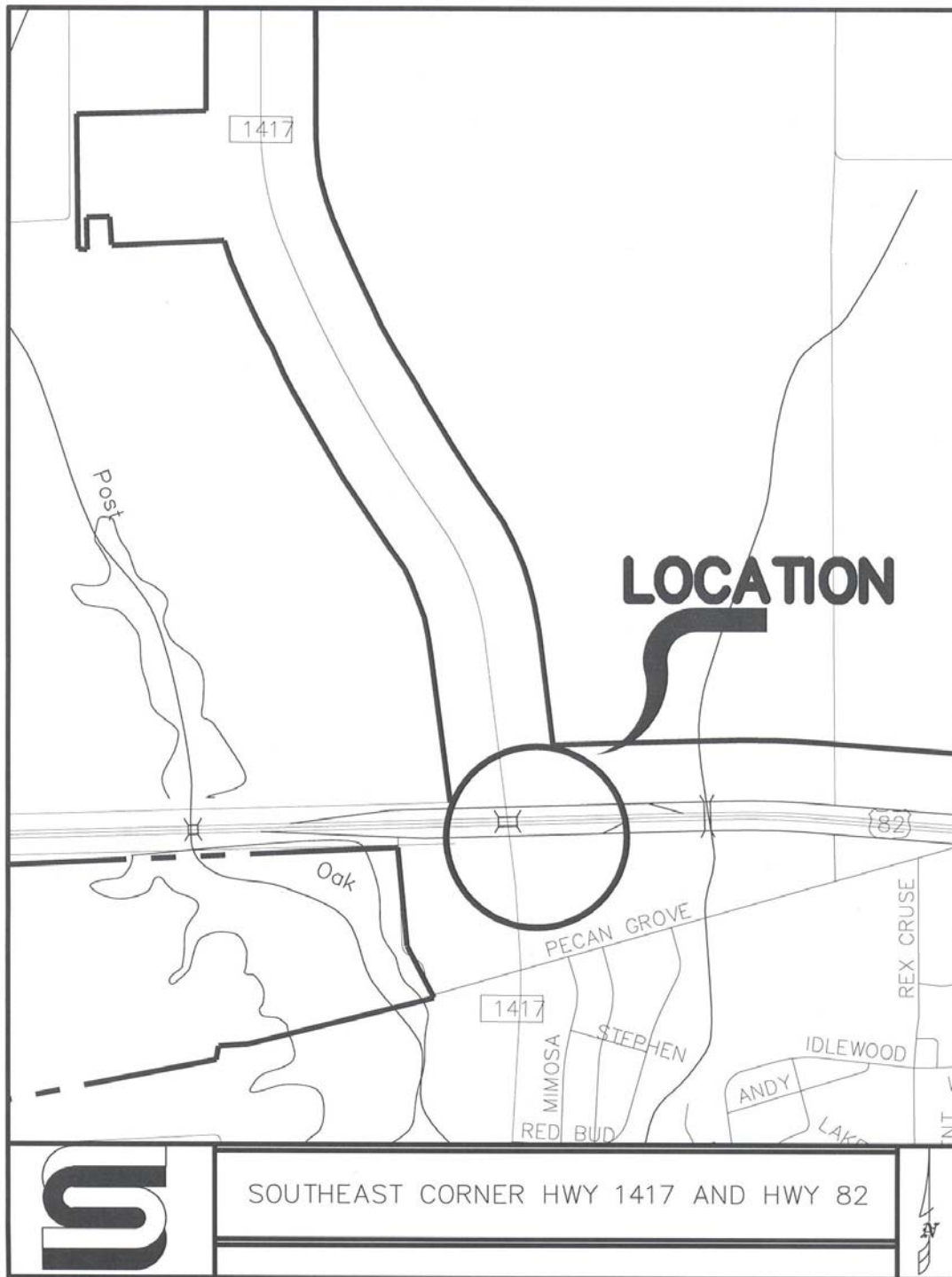
Please do not hesitate to contact me if you need any additional information or documentation so that this request for an encroachment can be heard by the City Council during their next scheduled session on January 16th, 2007.

Sincerely,


Jefflyn Williamson
Jefflyn Properties, LTD

1450 Preston Forest Square • Suite #268 • Dallas, Texas 75230
Phone: 972-991-7400 • Fax: 972-991-7403
www.JefflynCompany.com

[illegible]





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. C.3

TABLED AT DECEMBER 18, 2006 COUNCIL MEETING:

RESOLUTION NO. 4944

Authorizing Execution of a Consultant Agreement with The Waters Consulting Group, Inc. for the City of Sherman Police and Fire Compensation Study

Issue

This agenda item was tabled at the December 18th Council meeting so the Council could receive additional information from the consulting firm. A motion and order is required to remove the agenda item from the table for consideration at this meeting.

To authorize the City Manager to execute an agreement for consulting services with The Waters Consulting Group, Inc. of Dallas, Texas, to perform a comprehensive compensation study and analysis. A Request for Proposal was sent to three compensation consulting firms (JFK Consulting, Melton Consulting, and Waters Consulting). JFK and Melton elected not to submit proposals as they would not be able to meet the 60-day deadline for completion of the study and analysis.

Background

The results of this study and corresponding analysis will be used to develop a successful strategy to combat turnover within the public safety employees. We currently have three openings for police officers and four openings for firefighters.

Origination

City Council

Financial Consideration

The fee for this study is \$20,000.00. Sufficient funds are available in the current budget.

Staff Recommendation

The staff recommends this process be delayed and implemented as part of the City's annual budget preparation process.

Alternatives

- ✓ The Council could direct the staff to perform the study in-house.
- ✓ Implement consultant study at this time.
- ✓ Provide for Public Safety Employee salary adjustments during the budget process based on cost of living expenses.

Attachments

Resolution No. 4944 and Agreement for Services

Prepared by:

Wayne Blackwell, H.R. Administrator

Approved by:

L. Scott Wall, City Manager

RESOLUTION NO. 4944

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONSULTANT AGREEMENT WITH THE WATERS CONSULTING GROUP, INC. FOR THE CITY OF SHERMAN POLICE AND FIRE COMPENSATION STUDY; 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, subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute a consultant agreement with the Waters Consulting Group, Inc of Dallas, Texas, for services in relation to the City of Sherman's Police and Fire Compensation, pursuant to the terms and specifications of the agreement documents, same 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 _____, 2006.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

AGREEMENT FOR SERVICES

Agreement made this 19th day of December 2006 between the City of Sherman, Texas, hereafter referred to as "the Client", and The Waters Consulting Group, Inc., hereafter referred to as "WCG".

RECITALS

The Client has its principal place of business at 405 North Rusk Street, Sherman, Texas 75090. WCG has its principal place of business at 5050 Quorum Drive, Suite 625, Dallas, Texas 75254. WCG provides services to clients across the nation in the field of wage and salary system development, performance management, executive search and other related human resource areas; therefore, the Client hereby engages in the services of WCG, and in consideration of the promises herein contained, both parties agree to the following:

TERM

1. This Agreement shall be for the period necessary for successful completion of the project, commencing on December 19, 2006 and may not be terminated by the Client unless WCG's services are no longer desired. If the Client terminates, WCG is entitled to any portion of its fee so earned. If any of these provisions apply, the terminating party must provide 30 days written notice to the other party.

SCOPE OF PROFESSIONAL SERVICES

2. WCG will provide professional services in conducting a Compensation and Classification Study as outlined in the previously submitted proposal dated December 7, 2006.

PROFESSIONAL FEES AND EXPENSES

3. Professional fees for basic services as outlined in WCG's proposal are \$20,000.00 for general project elements which also covers all expenses for travel, printing, shipping, and long distance telephone fees. Other optional and variable project elements will be charged additional hourly and set rates, including any extra expenses for travel, printing, shipping and long distance telephone fees. Should the Client require additional services not included in this Agreement and referenced proposal, an amendment to this Agreement stating the exact scope of services and cost of all additional services shall be submitted for the Client's approval. WCG reserves the right to use the entire total of this project amount as necessary in order to complete the entire scope of the project as outlined in its proposal regardless of line item assignments. The Client will make payments for

the project upon receipt of an invoice submitted by WCG. Payment to WCG is expected within 30 calendar days. All invoices will be forwarded to Mr. Wayne Blackwell, Human Resource Administrator, for processing unless otherwise directed. For reporting purposes, WCG's tax identification number is 75-2272138. A detailed overview of professional fees follows.

Description of Services – Compensation and Classification Study	Professional Fees
Strategic Planning and Project Administration throughout project	\$2,500.00
Salary Survey Process	\$6,500.00
Overall update of the compensation structure to include market adjustments as well as individual adjustments (includes onsite visit for presentation and review of results and recommendations)	\$6,500.00
Development of Final Report and Recommendations and Onsite Report to Council	\$4,500.00
Total Professional Fees	\$20,000.00

Variable and/or Optional Project Costs	Professional Fees
Other special requested onsite meetings (including preparation time)	\$150/hour
Employee Communication Sessions	\$1,500/day

DEVOTION OF TIME

4. WCG shall devote such time to the performance of its duties under this Agreement as is necessary for the completion of all project phases.

ENTIRE AGREEMENT

5. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this Agreement that is not contained herein shall be valid or binding.

AMENDMENT

6. This Agreement may be amended by the mutual agreement of the parties hereto in writing and must be attached to and incorporated into this Agreement.

LEGAL CONSTRUCTION

7. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this Agreement shall be constructed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Executed on the day and the year first written in this Agreement.

CITY OF SHERMAN, TEXAS

By: x _____
Name:
Title:

THE WATERS CONSULTING GROUP, INC.

By: x _____
Name: ROLLIE O. WATERS, CMC
Title: PRESIDENT



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 4952**

**Authorizing the Execution of an Agreement with Noe Lopez for the Abatement
of Ad Valorem Property Taxes for the Construction of a Residential Duplex
at 607-609 East College Street**

Issue

This item is to consider property tax abatement for the construction of a two-family duplex at 607-609 East College Street.

Background

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new two-family duplex at this location. The lot is in the designated zone for residential tax abatements.

Origination

Noe Lopez, Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement will be approximately \$480.00 annually.

Staff Recommendation

The staff recommends approval of this abatement since it meets the requirements of the process.

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 4952
Residential Tax Abatement Agreement
Application
Building Permit Application
Legal Description
Location Map

Prepared by:
Giles Brown, Assistant City Manager

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4952

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NOE LOPEZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A RESIDENTIAL DUPLEX AT 607-609 EAST COLLEGE 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 the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Noe Lopez, and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Noe Lopez for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new residential duplex at 607-609 East College Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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 _____, 2006.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as **CITY**, and **NOE LOPEZ**, hereinafter referred to as **OWNER**.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as **CODE**; and

WHEREAS, the **CITY** has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the **CITY** desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the **CITY**; and

WHEREAS, the **CITY** hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the **CITY**; and

WHEREAS, the **CITY** has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the **CITY**, and **OWNER** has agreed to construct certain real property improvements; and

WHEREAS, **OWNER** is prepared to comply with the provisions of the **CITY'S** guidelines and criteria enacted the 16th day of June, 2003;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, **CITY** hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of **OWNER** in the **CITY** over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback

taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new residential duplex:

BEING a Lots Seventeen (17) through Twenty-Four (25), Block Five (5) of the W P Carters Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 607-609 E. College Street.

V.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Noe Lopez
P.O. Box 1417
Howe, Texas 75459
(903) 271-9074

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this
the ____ day of _____, 2006.

CITY OF SHERMAN, TEXAS

NOE LOPEZ

BY: _____
L. SCOTT WALL
CITY MANAGER

BY: Noe Lopez
NAME: Noe Lopez
TITLE: owner

ATTEST:

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

BY: _____
NAME: _____
TITLE: _____

APPROVED AS TO
FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Nec Lopez

Mailing Address: P.O. Box 1417 Howe TX 75459

Telephone Number: 903-271-9074

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 607 ~~609~~ E College

Summary Legal Description: Lot: 17-24 Block: 5 Addition: WP Carter

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one): New Construction: ☒ Remodeling: ☐

Estimated Value of Improvements: \$120,000.00

Estimated Date of Start of Construction: 12-15-06

Estimated Date of Completion of Project: 4-15-06

Description of Project: Duplex

Applicant(s): Nec Lopez Date: 11-27-06

SHERMAN



BUILDING PERMIT APPLICATION

 PERMIT NUMBER
 OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME <u>6074 609 E College</u>		SUBDIVISION OR SURVEY <u>J.B. McAnair - Up Center</u>		LOT <u>17-24</u>	BLOCK <u>5</u>	CENSUS TRACT
	FLOOD ZONE _____		E. ZONING _____		TIME TO COMPLETE <u>180</u> DAYS		
	BASE FLOOD ELE. _____		FIRE ZONE _____				
	1ST FLOOR ELE. _____		PLANS _____				
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		<u>Construct Duplex</u> <u>Plumbing & A/C - Melton Plumbins</u> <u>Electrical - Jason Brown</u>				
	2 ☐ ALTERATION						
	3 ☐ REPAIR, Replacement						
	4 ☐ MOVING (relocation)						
	5 ☐ FOUNDATION ONLY						
B. OWNERSHIP							
1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)							
2 ☐ PUBLIC (Federal, state, or local government)							
C. COST \$ <u>124,000.00</u>							
D. FEE <u>25.00</u>							
Sq. Ft. { Main Bldg. _____ Accs. Bldg. _____		<u>#25 Stormwater</u>					
III BUILDING SPECS. New Bldg. and Additions - Fill Out Parts F. - M. Wrecking - Fill Out Part K Only All Others Skip to IV	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing)		☒ PUBLIC OR PRIVATE CO.		Number of Stories <u>2</u>		
	☒ WOOD FRAME		☐ INDIVIDUAL (Septic tank, etc.)		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS <u>3600</u>		
	☐ STRUCTURAL STEEL				TOTAL LAND AREA SQ. FT. <u>7,725</u>		
	☐ REINFORCED CONCRETE		I. TYPE OF WATER SUPPLY		L. No. OFF-STREET PARKING SPACES		
	☐ OTHER - SPECIFY _____		☒ PUBLIC OR PRIVATE CO. ☐ INDIVIDUAL (well, cistern)		ENCLOSED <u>2</u> OUTDOORS <u>6</u>		
G. Principal Type of Heating Fuel		J. ADDITIONAL INFO		M. RESIDENTIAL BLDG. ONLY			
☐ GAS ☐ OIL		RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO		No. of Bedrooms <u>6</u> Full <u>4</u> No. of Bathrooms <u>2</u> Partial <u>2</u>			
☒ ELECTRICITY ☐ COAL		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO					
☐ OTHER _____							
IV IDENTI- FICATION	1. OWNER	NAME	MAILING ADDRESS		PHONE		
	2. CONT.	<u>Nee Lopez</u>	<u>P.O. Box 1417 Howe TX 75459</u>		<u>903-271-9074</u>		
	3. Architect						
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman							
SIGNATURE OF APPLICANT		ADDRESS		DATE			
<u>Nee Lopez</u>		<u>11/27/06</u>					

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____ DENIED _____ 20 _____

BUILDING OFFICIAL SIGNATURE

127-015-88

White - File

Pink - Owners Application

Yellow - Tax Office

Green - File

UNDERWOOD
DRAFTING & SURVEYING, INC.

LEGAL DESCRIPTION

Situated in the City of Sherman, Grayson County, Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, and being a part of Lots 17, 18, 19, 20, 21, 22, 23, and 24 in Block 5 of W. P. Carter's Addition to said City of Sherman as shown by plat of record in Volume 25, Page 196, Deed Records, Grayson County, Texas, and being the same tract of land conveyed by Phillip A. Tillett to Sergio Lopez by deed dated April 11, 2005, recorded in Volume 3839, Page 84, Official Public Records, Grayson County, Texas, further described in deed from Howard W. Lucas et al to Cleveland Smith, Jr. Dated October 10, 1978, recorded in Volume 1451, Page 205, said Deed Records, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod set marking the Southeast corner of both said Lot 24 and Lopez tract in the South line of said Block 5 at the intersection of the North right right-of-way line of College Street with the West line of an alley;

Thence South 74°00'00" West with said South line of Block 5 and North right-of-way line of College Street a distance of 50.00 feet to a 1/2" steel rod set marking the Southwest corner of the said Lopez tract in an East right-of-line of the former H. & T. C. Railroad;

Thence North 16°18'22" West with said East right-of-way line of railroad a distance of 109.30 feet to a 1/2" steel rod set marking the most Westerly Northwest corner of the said Lopez tract at an angle point in said East right-of-way line of railroad;

Thence in a Northeasterly direction continuing with said East right-of-way line of railroad along a curve to the right having a radius of 1895.08 feet, (chord bears North 08°46'15" East, 99.89 feet), an arc distance of 99.90 feet to a 1/2" steel rod set marking the most Northerly Northwest corner of the said Lopez tract at the intersection of said East right-of-way line of railroad with the North line of said Lot 17;

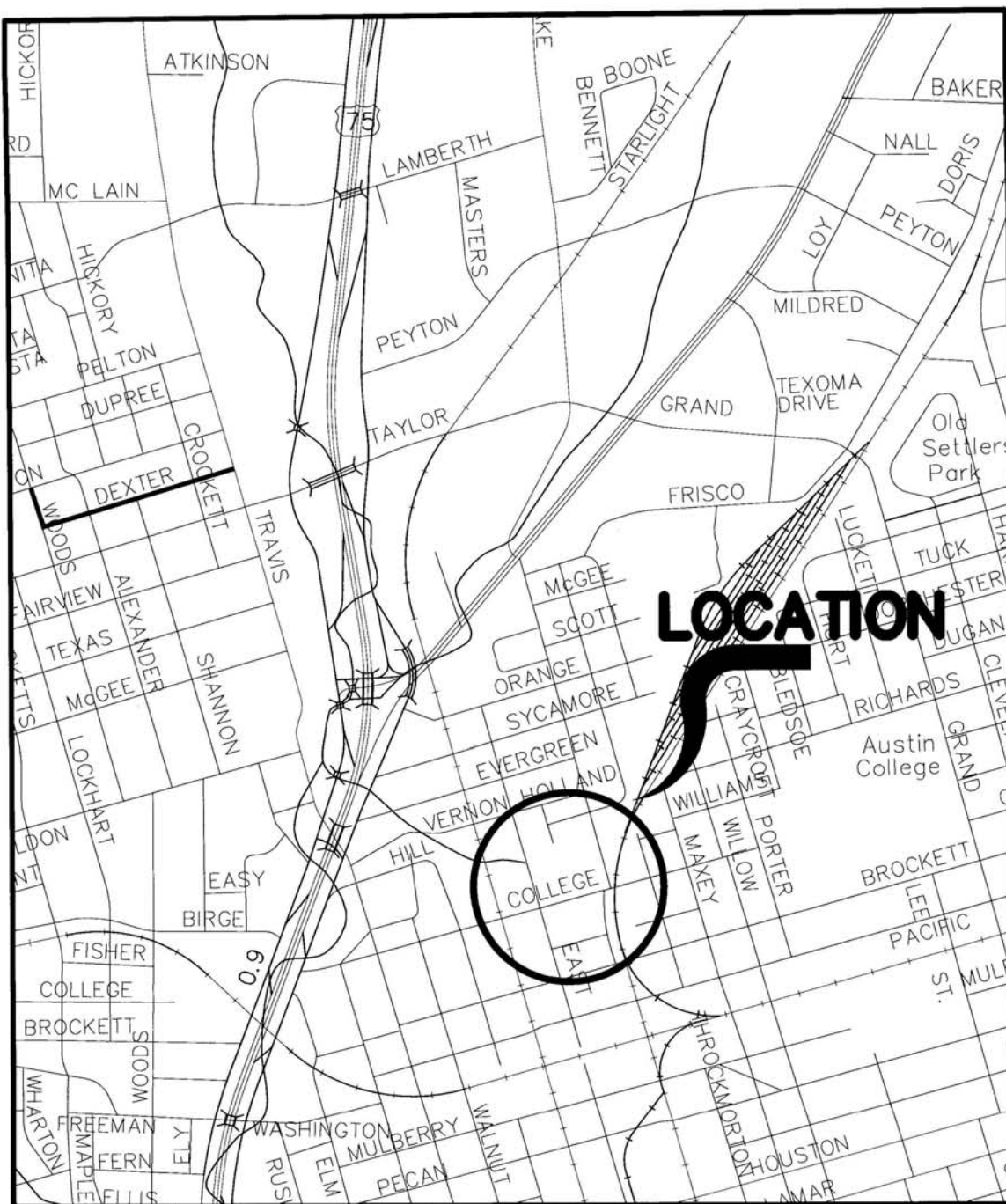
Thence North 74°00'00" East a distance of 7.66 feet to a 1/2" steel rod set marking the Northeast corner of both said Lot 17 and Lopez tract in the said West line of alley;

Thence South 16°18'22" East with said West line of alley a distance of 200.00 feet to the Point-of-Beginning and containing 0.186 acres of land.....

I, James R. Maret, Registered Professional Land Surveyor, hereby certify that the above legal description was prepared from an actual survey made on the ground and is true and correct to the best of my knowledge and belief.



8-2-06
James R. Maret
James R. Maret
Registered Professional
Land Surveyor No. 5433





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. C.5

RESOLUTION NO. 4953

Authorizing the Execution of an Agreement with Cupid Investments, Inc. for the Abatement of Ad Valorem Property Taxes for the Construction of Two New Single-Family Residences at 1001 and 1003 South Walnut Street

Issue

This item is to consider property tax abatement for the construction of two new single-family residences at 1001 South Walnut Street and 1003 South Walnut Street.

Background

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of two new single-family residences at these locations. These lots are in the designated zone for residential tax abatements.

Origination

Cupid Investments, Inc., Applicant

Financial Consideration

A \$75.00 application fee has been received for each of these residential lots. If granted, the initial abatement for each lot will be approximately \$242.00 annually.

Staff Recommendation

The staff recommends approval of this abatement since it meet the requirements of the process.

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 4953
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Giles Brown, Assistant City Manager

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4953

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF TWO NEW SINGLE-FAMILY RESIDENCES AT 1001 AND 1003 SOUTH WALNUT 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 the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Cupid Investments, Inc., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Cupid Investments, Inc. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of two (2) new single-family residences at 1001 and 1003 South Walnut Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as **CITY** and **CUPID INVESTMENTS, INC.**, a corporation of the State of Texas, hereinafter referred to as **OWNER**.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as **CODE**; and

WHEREAS, the **CITY** has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the **CITY** desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the **CITY**; and

WHEREAS, the **CITY** hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the **CITY**; and

WHEREAS, the **CITY** has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the **CITY**, and **OWNER** has agreed to construct certain real property improvements; and

WHEREAS, **OWNER** is prepared to comply with the provisions of the **CITY'S** guidelines and criteria enacted the 16th day of June, 2003;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, **CITY** hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of **OWNER** in the **CITY** over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback

taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at the following locations:

Being Lot 1, Block 1 of Wakefield Addition to the City of Sherman, Grayson County, Texas, and being more commonly known as 1001 South Walnut Street.

V.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall injure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
PO Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Cupid Investments, Inc.
2111 Turtle Creek Circle
Sherman, Texas 75092
(903) 868 - 4201

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2007.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
CUPID INVESTMENTS, INC.

BY: _____
L. SCOTT WALL
CITY MANAGER

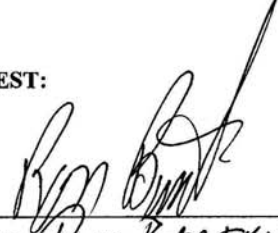
BY: _____
NAME: Ron Barton
TITLE: VP

(CORPORATE SEAL)

ATTEST:

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

BY: _____
NAME: Ron Barton
TITLE: VP

APPROVED AS TO FORM
AND CONTENT:

DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Cupid Investments, Inc.

Mailing Address: 715 S. Hwy 75, Sherman TX 75090

Telephone Number: 903-868-4201

Contact (if different than owner):

Name: Melenie Barajas

Mailing Address: Same

Telephone Number: Same

Property:

Physical Address: 1001 S. Walnut

Summary Legal Description: Lot: 1 Block: 1 Addition: Wakefield

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one). New Construction: ☒ Remodeling: ☐

Estimated Value of Improvements: 60,550

Estimated Date of Start of Construction: 12/6/06

Estimated Date of Completion of Project: 11/31/06

Description of Project: Construct single family residence on vacant lot.

Applicant(s): [Signature] Date: 12/6/06 mb
12-18-06

SHERMAN



BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

 PERMIT NUMBER 727
 OCCUPANCY NUMBER 686

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME <u>1001 S. Walnut</u>		SUBDIVISION OR SURVEY <u>Whitefield Addn</u>		LOT <u>1</u>	BLOCK <u>1</u>	CENSUS TRACT
	FLOOD ZONE _____		E. ZONING _____		TIME TO COMPLETE <u>180</u> DAYS		
	BASE FLOOD ELE. _____		FIRE ZONE _____				
	1ST FLOOR ELE. _____		PLANS _____				
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		<u>Construct single family residence</u> <u>Electrical - Boeste</u> <u>HVAC - Mark Masons</u> <u>Plumbing - Red River Plumbing</u>				
	2 ☐ ALTERATION						
	3 ☐ REPAIR, Replacement						
4 ☐ MOVING (relocation)							
5 ☐ FOUNDATION ONLY							
B. OWNERSHIP							
1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)							
2 ☐ PUBLIC (Federal, state, or local government)							
C. COST \$ <u>60550</u>							
D. FEE <u>25.00</u>							
Sq. Ft. { Main Bldg. <u>1740</u>							
Accs. Bldg. _____							
III BUILDING SPECS.	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing) ☒ WOOD FRAME ☐ STRUCTURAL STEEL ☐ REINFORCED CONCRETE ☐ OTHER - SPECIFY _____		☒ PUBLIC OR PRIVATE CO. ☐ INDIVIDUAL (Septic tank, etc.)		Number of Stories <u>1</u> TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS <u>1040</u>		
	☐ GAS ☐ OIL ☒ ELECTRICITY ☐ COAL ☐ OTHER _____		I. TYPE OF WATER SUPPLY ☒ PUBLIC OR PRIVATE CO. ☐ INDIVIDUAL (well, cistern)		TOTAL LAND AREA SQ. FT. <u>7000</u>		
	G. Principal Type of Heating Fuel ☐ GAS ☐ OIL ☒ ELECTRICITY ☐ COAL ☐ OTHER _____		J. ADDITIONAL INFO RESIDENTIAL TAX ABATEMENT ☐ YES ☐ NO WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		L. No. OFF-STREET PARKING SPACES ENCLOSED _____ OUTDOORS <u>2</u>		
M. RESIDENTIAL BLDG. ONLY No. of Bedrooms <u>3</u> No. of Bathrooms _____ Full <u>2</u> Partial _____							
IV IDENTI- FICATION	1. OWNER		NAME		MAILING ADDRESS		PHONE
	2. CONT.						
	3. Architect						
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman <u>Angel Romero</u> <u>715 S. Hwy 75, Sherman, TX</u> <u>12/3/00</u> SIGNATURE OF APPLICANT ADDRESS DATE DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY							

APPROVED _____ 20 _____ DENIED _____ 20 _____

BUILDING OFFICIAL SIGNATURE

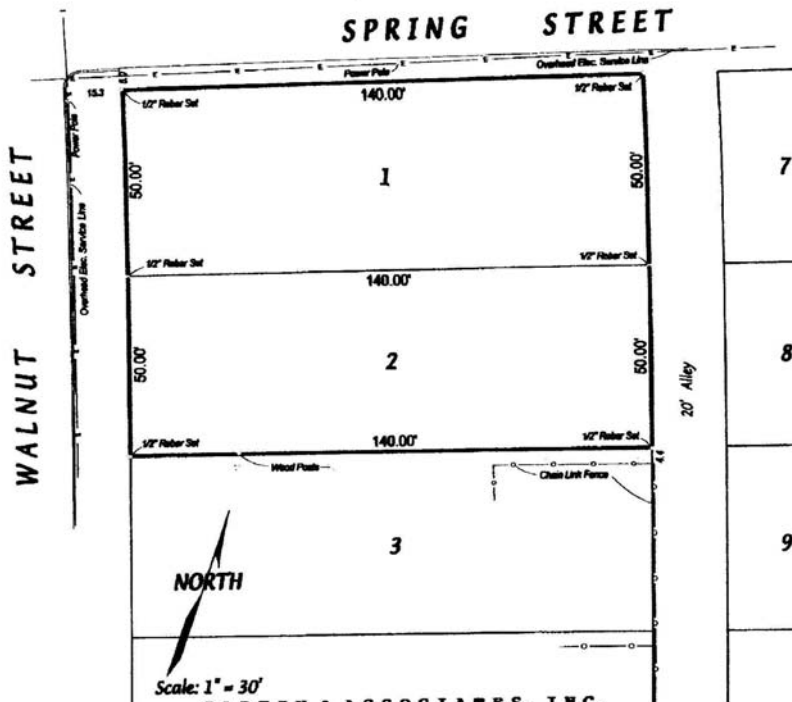
127-015-88

White - File

Pink - Owners Application

Yellow - Tax Office

Green - FIs



Scale: 1" = 30'
SARTIN & ASSOCIATES, INC.
 Registered Professional Land Surveyors
 P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
 phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: BARTON CAPITAL, LTD.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 28 th day of November, 2006 of the following described property:

Lots ONE (1), and TWO (2) of WAKEFIELDS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 162, Page 497, Deed Records, Grayson County, Texas.

That the improvements located on said property are known as 1001 & 1003 S. WALNUT STREET, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMED HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

Marshall Sartin
 R.P.L.S. # 3694

1001SWAL.pcs

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as **CITY** and **CUPID INVESTMENTS, INC.**, a corporation of the State of Texas, hereinafter referred to as **OWNER**.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as **CODE**; and

WHEREAS, the **CITY** has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the **CITY** desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the **CITY**; and

WHEREAS, the **CITY** hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the **CITY**; and

WHEREAS, the **CITY** has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the **CITY**, and **OWNER** has agreed to construct certain real property improvements; and

WHEREAS, **OWNER** is prepared to comply with the provisions of the **CITY'S** guidelines and criteria enacted the 16th day of June, 2003;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, **CITY** hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of **OWNER** in the **CITY** over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback

taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at the following locations:

Being Lot 2, Block 1 of Wakefield Addition to the City of Sherman, Grayson County, Texas, and being more commonly known as 1003 South Walnut Street.

V.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
PO Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Cupid Investments, Inc.
2111 Turtle Creek Circle
Sherman, Texas 75092
(903) 868 - 4201

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2007.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
CUPID INVESTMENTS, INC.

BY: _____
L. SCOTT WALL
CITY MANAGER

BY: 
NAME: Ron Barton
TITLE: VP

(CORPORATE SEAL)

ATTEST:

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

BY: 
NAME: Ron Barton
TITLE: VP

APPROVED AS TO FORM
AND CONTENT:

DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Cupid Investments, Inc
Mailing Address: 715 S Hwy 75, Sherman, TX 75090
Telephone Number: (903) 868 4201

Contact (if different than owner):

Name: Melenie Barajas
Mailing Address: Same
Telephone Number: Same

Property:

Physical Address: 1003 S. Walnut
Summary Legal Description: Lot: 2 Block: 1 Addition: Wakefield Addn.

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one): New Construction: ☒ Remodeling: ☐

Estimated Value of Improvements: \$60,530

Estimated Date of Start of Construction: 12/6/06

Estimated Date of Completion of Project: 11/31/06

Description of Project: Construct single family residence on vacant lot.

Applicant(s): [Signature] Date: ~~12/18/06~~ 12-18-06

SHERMAN



P. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

 PERMIT NUMBER 728
 OCCUPANCY NUMBER 685

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME <u>1003 S. Walnut</u>		SUBDIVISION OR SURVEY <u>Wakefield Addn.</u>		LOT <u>2</u>	BLOCK <u>1</u>	CENSUS TRACT
	FLOOD ZONE _____		E. ZONING _____		TIME TO COMPLETE <u>180</u> DAYS		
	BASE FLOOD ELE. _____		FIRE ZONE _____		PLANS _____		
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		<u>Construct single family residence</u> <u>Electrical - Beste</u> <u>HVAC - Mark & Sons</u> <u>Plumbing - Red River Plumbing</u>				
	2 ☐ ALTERATION						
	3 ☐ REPAIR, Replacement						
	4 ☐ MOVING (relocation)						
5 ☐ FOUNDATION ONLY							
B. OWNERSHIP							
1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)							
2 ☐ PUBLIC (Federal, state, or local government)							
C. COST \$ <u>60,350</u>							
D. FEE <u>25.00</u>							
Sq. Ft. { Main Bldg. <u>1040</u>							
III BUILDING SPECS. New Bldg. and Additions - Fill Out Parts F. - M. Wrecking - Fill Out Part K Only All Others Skip to IV	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing)		☒ PUBLIC OR PRIVATE CO.		Number of Stories <u>1</u>		
	☒ WOOD FRAME		☐ INDIVIDUAL (Septic tank, etc.)		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS <u>1040</u>		
	☐ STRUCTURAL STEEL		I. TYPE OF WATER SUPPLY		TOTAL LAND AREA SQ. FT. <u>7000</u>		
	☐ REINFORCED CONCRETE		☒ PUBLIC OR PRIVATE CO.		L. No. OFF-STREET PARKING SPACES		
	☐ OTHER - SPECIFY _____		☐ INDIVIDUAL (well, cistern)		ENCLOSED _____		
	G. Principal Type of Heating Fuel		J. ADDITIONAL INFO		OUTDOORS <u>2</u>		
	☐ GAS ☐ OIL		RESIDENTIAL TAX ABATEMENT ☐ YES ☐ NO		M. RESIDENTIAL BLDG. ONLY		
	☒ ELECTRICITY ☐ COAL		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		No. of Bedrooms <u>3</u> Full <u>2</u>		
	☐ OTHER _____				No. of Bathrooms _____ Partial _____		
IV IDENTI- FICATION	1. OWNER		MAILING ADDRESS		PHONE		
	<u>Cupid Investments Inc.</u>		<u>715 S. Hwy 75</u>		<u>903 868 4201</u>		
	2. CONT.		<u>Sherman, TX 75090</u>				
	3. Architect						
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman							
SIGNATURE OF APPLICANT		ADDRESS		DATE			
<u>Angela Romero</u>		<u>715 S. Hwy 75 Sherman, TX</u>		<u>12/9/06</u>			

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____ DENIED _____ 20 _____

BUILDING OFFICIAL SIGNATURE

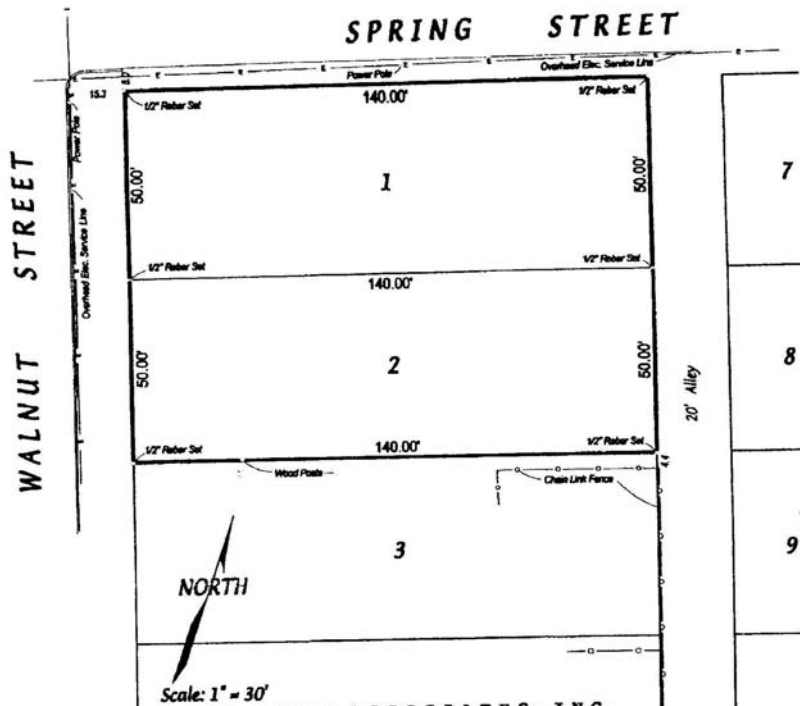
127-015-88

White - File

Pink - Owners Application

Yellow - Tax Office

Green - F's



Scale: 1" = 30'
 SARTIN & ASSOCIATES, INC.
 Registered Professional Land Surveyors
 P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
 phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: BARTON CAPITAL, LTD.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 28 th day of November, 2006 of the following described property:

Lots ONE (1), and TWO (2) of WAKEFIELDS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 162, Page 497, Deed Records, Grayson County, Texas.

That the improvements located on said property are known as 1001 & 1003 S. WALNUT STREET, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMED HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

Marshall Sartin
 R.P.L.S. # 3694

1001SWAL.pcs





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.1

*** REQUEST TO ADVERTISE**
Purchase of Five Police Patrol Vehicles

Issue

Request to advertise for the purchase of five police patrol vehicles

Background

There are currently seventeen patrol vehicles in the patrol vehicle fleet. The Police Department rotates the older patrol vehicles out of the patrol fleet each year to insure reliable and safe transportation for our first responders and the citizens they transport. This year, we have budgeted to purchase five new replacement vehicles consisting of five Ford Crown Victoria Police Interceptors or police-rated Chevrolet Tahoes, depending on the bid process. The plan is to purchase one Tahoe and four Crown Victoria units. Once replaced with the new police patrol vehicles, the five designated older units would be rotated out of the fleet and sold via the City's online auction at www.renebates.com.

Origination

Police Department

Financial Consideration

Funding was budgeted for these purchases, including the approximate \$200.00 to advertise and mail bids.

Staff Recommendation

It is requested that the staff be authorized to advertise for the purchase of five police patrol vehicles.

Alternatives

Defer the needed replacement of police vehicles, although this alternative is not recommended.

Attachments

None

Prepared by:
Tom Watt, Police Chief

Approved by:
L. Scott Wall, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.2

*** REQUEST TO ADVERTISE**

Construction of a New Culvert with Headwalls at King Street and the BNSF Railroad/First Street

Issue

To request permission to advertise for the construction of a new culvert with headwalls at King Street and the BNSF Railroad/First Street

Background

The Sherman City Council appropriated funds in the 2006-2007 Capital Improvement Program (CIP) for the replacement of the damaged culvert at King Street. The culvert is rusted and beginning to collapse, causing the street to settle. The repair and replacement of the culvert with headwalls is necessary to ensure the stability of the road and proper drainage.

Origination

Sherman City Council

Financial Consideration

2006-2007 CIP funds of \$60,000 have been appropriated for this project.

Staff Recommendation

It is recommended that the City Council authorize staff to advertise for the construction of a new culvert with headwalls at King Street and the BNSF Railroad/First Street for public bid.

Alternatives

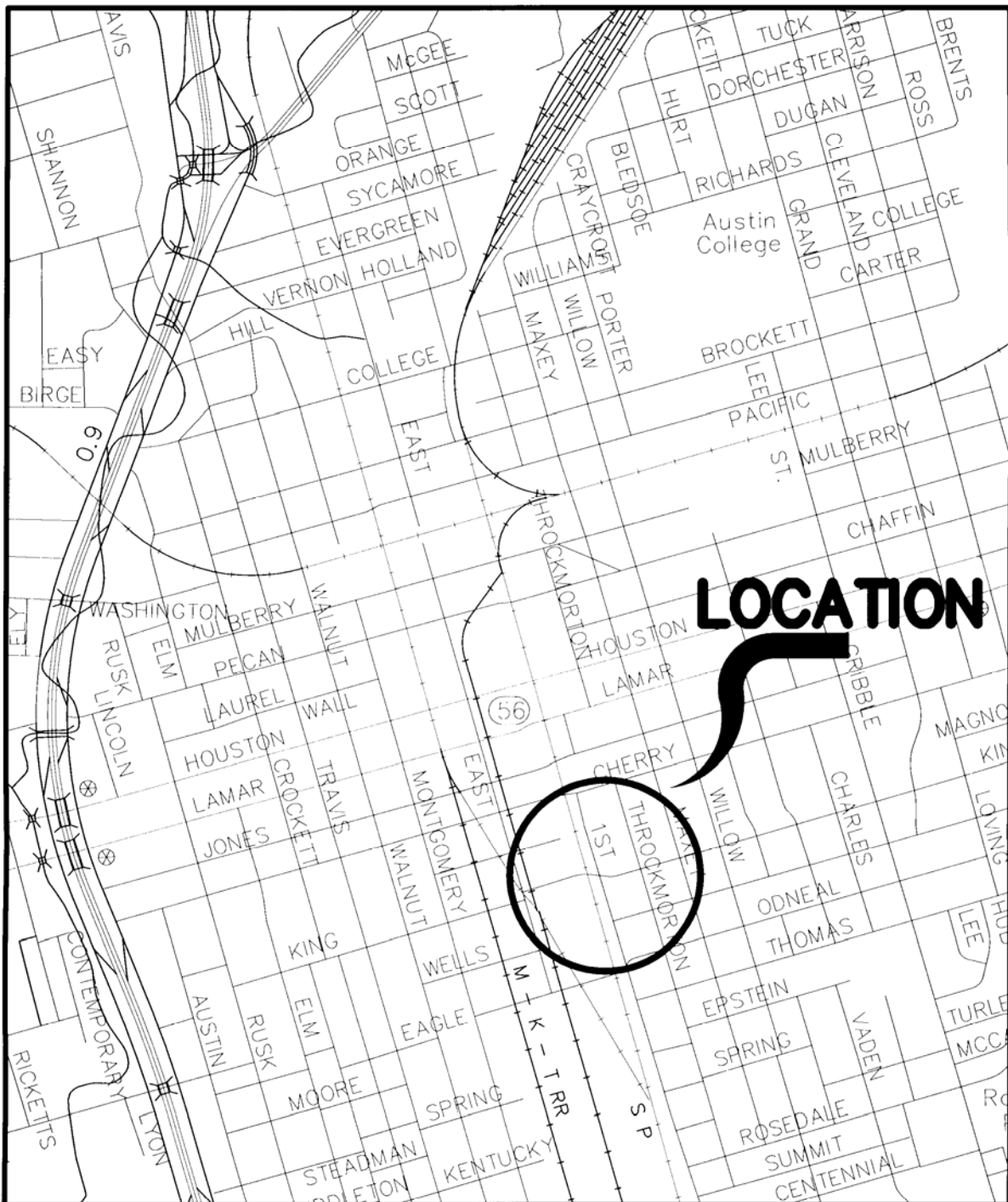
As may be directed by the Sherman City Council

Attachments

Location map

Prepared by:
Jeffrey R. Miller, Director of
Public Works and Engineering

Approved by:
L. Scott Wall, City Manager



LOCATION



INTERSECTION OF 1ST STREET AND KING STREET





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.3

OTHER BUSINESS

Discussion of the TXU Coal Power Plant Project

Issue

To further discuss the TXU Coal Power Plant Project, which proposes to install a coal-burning power plant in Savoy, Fannin County, Texas

Background

At the December 4th meeting, the Council heard presentations in opposition to and in favor of the coal-burning power plant proposed for Savoy, Fannin County, Texas, approximately 20 miles to our east. On December 14th, the Council received correspondence from The League of Women Voters of Sherman/Grayson County urging them “to reject the proposed conversion of the plant or at least to slow down the approval process so that all parties can share their concerns and TXU can investigate methods of producing cleaner energy such as coal gasification rather than the burning of pulverized coal.” By letter of December 10th, Deputy Mayor Steele received a petition from Austin College students, faculty and staff members, urging the City Council to “join the Texas Cities for Clean Air Coalition (TCCAC) so that Sherman and Grayson County will have a voice in forcing TXU to use more stringent emission controls or find a less polluting alternative to provide power to Texas.” They also ask the City Council to adopt a resolution “in favor of halting the fast-track process so that a cleaner source of energy is assured.”

At their December 18th meeting, the Grayson County Commissioners Court resolved to ask “the Legislature to declare a moratorium on power plant permitting until a court decides the appropriateness of the expedited process currently underway for pulverized coal-fired plants.” The Court decided not to join any coalition regarding this issue. Representative Phillips wrote TCEQ with the local concerns about the proposed TXU Coal Powered Power Plant in Fannin County, Texas, as well as his concerns for the health and safety of his constituents in Fannin and Grayson Counties. **Mayor Magers plans to draft a letter on behalf of the entire City Council to TCEQ regarding Sherman’s position on TXU’s proposed coal plant project.**

Origination

Deputy Mayor Terrence R. Steele and Mayor Bill Magers

Financial Consideration

There is no financial impact to this agenda item.

Options for this Agenda Item

1. The Council can authorize Mayor Magers to submit the letter to TCEQ on the City of Sherman’s behalf.
2. The Council can write individual letters to TCEQ on this matter.
3. The Council can direct staff to prepare a resolution to support or oppose the Coal Energy Plants.

Attachments

League of Women Voters’ correspondence dated Dec. 13, 2006; AC Petition dated Dec. 10, 2006; CORE FAQs; TCCAC FAQs; TCCAC Membership List as of November 27, 2006; TCCAC Draft Resolution and Participation Agreement/By-Laws; US News and World Report article from November 26th; and Austin American Statesman article from November 29th; Minutes from the Commissioners’ Meeting and Representative Phillips’ letter to TCEQ

Prepared and Approved by:

L. Scott Wall, City Manager

The League of Women Voters of Sherman/Grayson County

P. O. Box 2143
Sherman, Texas 75091-2143

December 13, 2006

Honorable Bill Magers
Mayor
City of Sherman
220 West Mulberry
Sherman, TX 75090



RE: Proposed Coal-fired power plant in Savoy, Texas

Dear Mayor Magers:

The League of Women Voters of Sherman/Grayson county opposes the fast track approval of a proposed conversion of natural gas-fired Savoy Valley Plant # 4 to a coal-fired power plant. The League of Women Voters supports the Clean Air Act and opposes current efforts to weaken environmental standards. The proposed plant would create high air pollution levels and would have a significant negative impact on the health of the people of Grayson County. TXU should seek alternative methods with cleaner air standards to build this plant.

Coal-fired plants produce high mercury emission which medical studies have linked to incidence of autism, permanent brain damage and learning disabilities. They do not significantly reduce the cost of producing energy over cleaner alternatives, and they force communities downwind to reduce emissions standards to make up for additional pollution. As parents, concerned citizens and taxpayers, League members are worried that the fast track approval of the Savoy plant, along with 17 other plants in Texas, does not allow time for citizens to become educated on the facts, not does it allow for alternative cleaner methods of power production to come under consideration.

We strongly urge the county commissioners and city councils to reject the proposed conversion of the plant or at least to slow down the approval process so that all parties can share their concerns and TXU can investigate methods of producing cleaner energy such as coal gasification rather than the burning of pulverized coal.

Sincerely,

A handwritten signature in cursive script that reads "Avo Stevens Butler".

Avo Stevens Butler
President, League of Women Voters of Sherman/Grayson County

cc: Sherman City Council Members

10 December 2006

Deputy Mayor Terrence R. Steele
5904 Texoma Parkway
Sherman, TX 75092

Dear Deputy Mayor Steele:

It has come to our attention that TXU is seeking permit approval from the Texas Commission on Environmental Quality (TCEQ) to build a pulverized coal burning plant in Savoy, Texas, on the border of Fannin and Grayson Counties. This plant will be a mere 15 miles from Austin College and will emit significantly more pollution than the current natural gas plant.

Austin College is an important part of the community of Sherman and particularly its economy. According to the 2005-2006 Economic Impact Statement, Austin College creates 3,268 jobs directly and indirectly, with a total economic impact of \$169,276,702. This does not include rents from off campus housing used by almost 20% of students.

We as Austin College students, faculty, and staff are concerned with the environmental impact in Grayson County.

As elected officials you are our voice and our voice must be heard.

We urge the Sherman City Council to join the Texas Cities for Clean Air Coalition so that Sherman and Grayson County will have a voice in forcing TXU to use more stringent emission controls or find a less polluting alternative to provide power to Texas.

We are also asking for the Sherman City Council to pass a resolution in favor of halting the fast-track process so that a cleaner source of energy is assured.

Coal Plant Petition

Printed Name	Signature
Emma Truster-Wilson	[Signature]
Fern Skidmore	[Signature]
Michael J. Hill	[Signature]
Polly Hyde	[Signature]
P. Thompson	[Signature]
Anne Hoffmann	[Signature]
Arthur Hamilton	[Signature]
Pat Minor	[Signature]
Amanda McTigue	[Signature]
Susan Bennett	[Signature]
Tammy Liu	[Signature]
Yasir Baiari	[Signature]
Yusef Baiari	[Signature]
Laura Westergaard	[Signature]
Mark Stewart	[Signature]
Ann Huston	[Signature]
Ankit Patel	[Signature]
Ben Genter	[Signature]
Virav Bhakta	[Signature]
Austin Trathan	[Signature]
Maria Sanchez	[Signature]
Kelly Wiggins	[Signature]
Lynn Smith	[Signature]
Phu Hays	[Signature]
Daniel Thripps	[Signature]
Chris Goggin	[Signature]
LARRY D. CAYLOR	[Signature]
Wile Nelson	[Signature]
Heather Williams	[Signature]
Jessica Douglas	[Signature]
Babak Abbassi	[Signature]
Susan Mahaddan	[Signature]
Fanny Dejean	[Signature]
Rachel Fehr	[Signature]
Nicole Bereneer	[Signature]
Jacqueline Banner	[Signature]
Carla Patricia Carter	[Signature]
Kole Alade	[Signature]
Laura Horton	[Signature]
Lena Krizan	[Signature]
NATHAN TAYLOR	[Signature]
Jeff Mey	[Signature]
Kate Van Vorstan	[Signature]

Coal Plant Petition

Printed Name	Signature
Michael Carlson	Michael A. Carlson
Eann Milley	Eann Milley
Calie Schlotter	Calie Schlotter
Jessica Buford	Jessica Buford
Robert Carr	Robert Carr
Janice Dean	Janice Dean
Abigail Howard	Abigail Howard
Cassie Howard	Cassie Howard
Kelly Richter	Kelly Richter
Blaine Hall	Blaine Hall
SAM JONES	SAM JONES
Robert Cape	Robert Cape - resident
AJ Graham	AJ Graham
Rhythmairn Johnson	Rhythmairn Johnson
Brylee Laker	Brylee Laker
Celeste Longoria	Celeste Longoria
Nicole Fuentes	Nicole Fuentes
James H Beach	James H Beach
Steven Zaborowski	Steven Zaborowski
LISA M. BROWN	LISA M. BROWN
Emily Mares	Emily Mares
Julie Jones	Julie Jones
Keatan King	Keatan King
JAMES W	JAMES W
Todd Bonn	Todd Bonn
Hillary Baile	Hillary Baile
Sarah Wolkenweger	Sarah Wolkenweger
Sara Thelert	Sara Thelert
Carolyn McLaughlin	Carolyn McLaughlin
Michelle King	Michelle King
Meghan Peal	Meghan Peal
Ashley Salter	Ashley Salter
Josie Fellocke	Josie Fellocke
Cara Morosak	Cara Morosak
Nolan York	Nolan York
Keith W. Kisselle	Keith W. Kisselle
Paige Rutherford	Paige Rutherford
Atley Smith	Atley Smith
Michaela Hoops	Michaela Hoops
LAURA ECHOIS	LAURA ECHOIS
Jonathan Jacobs	Jonathan Jacobs
Mark Langston	Mark Langston

Sign both sides

Coal Plant Petition

Printed Name
 Megan McMillan
 Tracy Wright
 James Skidder
 Thomas Rhodes
 Alia Kwerkeng
 Amanda Austin
 Logan Bell
 Blaine Carass
 Dallas Key
 Menaviere Walker
 Allen Wang
 JAN BECKER
 Frank Rohmer
 Ricki Patel
 Clay Tignor
 Aaron Holder
 Shera Butte
 Dustin Fortson
 KASSIE LEE
 Gregory Hernandez
 Cesar Ortega
 Bay Nguyen
 Taylor Uinal
 Mario Sander
 Anthony Ledbetter
 CAROLINA ROSSI
 Omar Sarm
 Kristin Austin
 Sasha Dessy
 Britain Bramer
 Chika Nwase
 Amol Gokwala
 Thomas Foster
 Rebecca Wunderlick
 Katherine Care
 Holly Boerner
 Micah McCoy
 Melodie Bunzel
 Brooke Stani
 Vanessa Linn
 Maegan Fitzgerald
 Anne Campbell
 Patrick Coffman

Signature
 Megan McMillan
 Tracy Wright
 James Skidder
 Thomas Rhodes
 Alia Kwerkeng
 Amanda Austin
 Logan Bell
 Blaine Carass
 Dallas Key
 Menaviere Walker
 Allen Wang
 Jan Becker
 Frank Rohmer
 Ricki Patel
 Clay Tignor
 Aaron Holder
 Shera Butte
 Dustin Fortson
 KASSIE LEE
 Gregory Hernandez
 Cesar Ortega
 Bay Nguyen
 Taylor Uinal
 Mario Sander
 Anthony Ledbetter
 CAROLINA ROSSI
 Omar Sarm
 Kristin Austin
 Sasha Dessy
 Britain Bramer
 Chika Nwase
 Amol Gokwala
 Thomas Foster
 Rebecca Wunderlick
 Katherine Care
 Holly Boerner
 Micah McCoy
 Melodie Bunzel
 Brooke Stani
 Vanessa Linn
 Maegan Fitzgerald
 Anne Campbell
 Patrick Coffman

Coal Plant Petition

Printed Name

LAURA MARQUEZ
Mark Hamilton
Shamyl H. Kwa
CAROL DAZLEY
Kim V. Snipes
Katie OLSON
Linsey BETTS
Courtney BOSS
Monica Mitcham
Brooke Adams
Miles Vaughn
Julina Keeling
David Hernandez
Parth Shah
Andrew Watley
Brynn Breimeyer
Emily Kuo
LISA Simpson
Catie Musgrave
Clay King
Elizabeth Watson
Renee Hove
Kelli COOK
Kaleigh Kelley
CARL ANTONOWICZ
Cynthia Bean
Zachary Jones
Rodney Stewart
Justin Light
madelyn bryant
Rebecca Farrar
GEORGE DELOS
Clint Beck
Anthony Tannor
Shreya Tawarden
Katherine Cummins
RITA PUA
Grace Ayoub
Lauren Besselman
Katie Buragon
Shweta Jain
Laney Baker

Signature

Janet

208420

Kim V. Sump

Katie Olson

Linda Belts

Contheist

Maria Mithun

Miner

Julie Kewling

Dawn Mundy

Rob

Kate Wicks

Emily

Yvonne Sumpson

Cathy Murr

Clay Kip

Elizabeth Wilson

Robert

Debbie Look

Halley Heller

Cynthia Bean

Zachary Owens

Anthony Stewart

Rebecca

Rebecca Turner

5 M 22

4 R

Barthelmann

Kathleen Curran

Feara Ruler

E A

Jane Bond

Ekaterina Sumpson

Maria

Larry & Robert

Downloaded from <http://ajphaphysocpharm.sagepub.com> at 10:00 10 May 2015

Printed Name

Monica Martinez
Marjory Gibson
David Ruler
Blaker
Emmanuel Nany
Mason Smith
Ryan Bielefeldt
Jack Primrose
Armando Martinez
Lynne Novis
Sgt. White
James Butler
JAN Rutherford
Ashley Cooper

Signature

Norine
Marilyn Gibson
K David Baker
Brandon Brown
E. J.
H. J.
J. B. H.
J. P. H.
L. H.
D. A. H.
Jacqueline Armstrong
Janet Ruppel
Vernice Cooper



CORE

*Citizens Organizing for
Resources and Environment*

What is CORE?

Citizens Organizing for Resources and Environment is a group of people from Grayson & Fannin counties concerned about the health, economic, and quality of life costs associated with TXU's proposal to build a coal burning power plant in Texoma.

CORE's goals:

- 1) Stop TXU from building a pulverized coal burning power plant on the Savoy Valley Site by representing residents of Fannin & Grayson counties in the upcoming SOAH hearing.
- 2) Educate the citizens of Fannin & Grayson counties about the health, economic, and quality of life costs of the plant & what they can do to stop TXU from building the plant.

What are TXU's plans?

- Power companies in Texas plan to build somewhere between 17-19 coal burning plants in Texas.
- TXU currently is planning 11 of these coal-burning plants.
- One of these is going to be in our backyard---**the Savoy Valley Plant**---- less than 20 miles from
- Sherman/Denison, around 12 miles from Bonham, around 3-4 miles from Savoy and Bells Schools.
- TXU wants to fast track this process because, despite the fact that cleaner technologies such as coal gasification are available, they want to use older, cheaper technology.
- TXU does plan to use filters on the plant; however, these filters will be on top of the **old technology that produces more pollution.**

How will you pay for their cost savings?

- Coal will be brought in on a train from Wyoming --a 120 car train, a mile and half long. As it travels slowly through Grayson and Fannin counties, it will **block traffic**, spread **coal dust** all along it's path, and make a **LOT of noise**.
- The coal plant will produce pollution, which will fall most heavily in a 30 miles radius. Emissions include:
 - ❖ **Harmful gases** such as carbon dioxide, sulfur dioxide, and nitrogen oxide cause **acid rain, smog, corrosion of metal** on roofs and other metal structures, **global warming**, and most importantly, **breathing impairment**. Children, with their still developing lungs, and the elderly are the most vulnerable.
 - ❖ **Particulate matter** is fine particles, which are a mixture of harmful pollutants (e.g. soot, acid droplets, metals). Particulate matter and toxic gases are major contributors to **asthma and other breathing problems**.
 - ❖ **Mercury** is a poisonous heavy metal that accumulates in fish, wildlife, livestock, and people and can cause neurological (brain) damage. Women who eat mercury in fish or animals while pregnant pass this along to their babies and the children can be born with learning defects.

If TXU used gasification, in one year you'd have **86-93 percent less toxic gases, 87 percent fewer fine particles** to get in your lungs, and **73 percent less brain damaging mercury**.



Citizens Organizing for Resources and Energy

Why should you pay for TXU's cost savings?

The Current Legal Situation

- TXU has already applied to the Texas Commission On Environmental Quality (TCEQ) for approval to build a coal plant at the Savoy Valley Site.
- They have already requested permission to use older, dirtier technology when there is cleaner technology available, and they expect you to pay the cost with your health.
- The TCEQ has preliminarily approved this.
- Citizens and concerned groups have protested this approval, and now it is going before SOAH (State Office Of Administrative Hearings). They will hold a hearing and they will make a recommendation to the TCEQ about whether the plant should be approved.

E-Mail:
*contactcore@
gmail.com*

**Remember they
are FAST
TRACKING this so
you must act
IMMEDIATELY.**

Want to Learn More?

Information for this handout was obtained from the following sources. You can go to these links for more detailed information.

- Join CORE's message group by going to <http://groups-beta.google.com/group/citizen-s-organizing> (You'll find links, forms, addresses of public officials, and newspaper links for letters to the editor.)
- www.stopthecoalplant.org/
- <http://www.citizen.org/texas/>

SEND DONATIONS TO:

CORE
c/o Chris Voss, Treasurer
2300 CR 1300
Ravenna, TX 75476
(Make checks payable to CORE)

What You Can Do

- 1) **Fill out** the Contested Case Hearing Request form to let SOAH know your position and your concerns & send it in by November 30.
- 2) **Attend** the hearing on December 7. To have a voice at the hearing you must have filled out a Contested Case Hearing Request form. However, filling out the form does not commit you to attending the hearing.
- 3) **Join & support CORE.** CORE will attend the hearing, apply to be a party in the case, represent the community's interests, and work towards securing legal representation. We need people to spread the word and contribute financially to the legal defense fund and education fund.
- 4) **Write letters** to Perry and other state and federal representatives requesting a moratorium on building coal-burning power plants until rules can be put in place to reduce pollution and protect our health.
- 5) **Send a free fax** (via internet) and get your letter part of the official record for the coal plant case. Go to:
www.stopthecoalplant.org/perry_fax_action.php
and follow the directions carefully.
- 6) **Write letters to the editor and talk to your friends** to help inform people and get the word out.

Texas Cities for Clean Air Coalition

Frequently Asked Questions

What is the goal of this organization?

The goal of the TCCAC is to ensure that any new power plants that are built use the cleanest technology available and do not unnecessarily harm the environment or the air quality of our Texas cities. We support more power in an environmentally responsible way.

Are you opposed to the permits?

We are opposed to plants that don't use the cleanest and best emissions technology or that will cause or contribute to violations of federal air pollution standards in Texas. We have significant concerns about whether the sixteen proposed plants satisfy those requirements.

We also question whether Texas – which already leads the nation in greenhouse gas emissions – should be adding over 100 million additional tons of carbon dioxide to the atmosphere each year.

How many new units are proposed?

Six different power companies have recently filed for permits for a total of seventeen new plant units that will burn coal or fuels with emissions similar to coal. One of these, the CPS Energy unit in San Antonio, has already been permitted and is not in dispute. The remaining sixteen proposed units are:

- TXU Oak Grove—Robertson County (2 units)
- TXU Tradinghouse—McClennan County (2 units)
- TXU Monticello—Titus County (1 unit)
- TXU Lake Creek—McClennan County (1 unit)
- TXU Big Brown—Freestone County (1 unit)
- TXU Martin Lake—Rusk County (1 unit)
- TXU Morgan Creek—Mitchell County (1 unit)
- TXU Valley—Fannin County (1 unit)
- Twin Oaks / Semptra—Robertson County (1 unit)
- Formosa Plastics—Calhoun County (1 unit)
- Limestone NRG Energy—Limestone County (1 unit)
- Calhoun County Navigation District—Calhoun County (1 unit)
- Sandy Creek / LS Power—McClennan County (1 unit)

The proposed Oak Grove and Twin Oaks units would burn Texas lignite. The Calhoun County Navigation District unit would burn petroleum coke, which produces emissions similar to coal. The remaining units would burn Powder River Basin coal from Wyoming.

The TCEQ has already approved the permit for the Sandy Creek unit. That decision is on appeal to the District Court in Travis County. The State Office of Administrative Hearings (SOAH) has recommended that the permit application for the two TXU Oak Grove units be denied. The TCEQ Commissioners will soon consider that recommendation.

The addition of these plants would approximately double the number of coal-fired power plants in Texas.

What's wrong with the sixteen proposed plants?

Of the major sources of electric power generation, traditional coal plants are one of the dirtiest and most harmful to the air. Coal plants are also a major contributor to greenhouse gases that cause global warming. The major emissions of a traditional coal-fired power plant include:

- Nitrogen Oxides (NOx). Nitrogen oxides combine with other chemicals to cause low-level ozone, an air pollutant that is the principal component of smog. Ozone also contributes to asthma and other health and respiratory problems.
- Mercury (Hg). Mercury travels from the air to lakes and rivers, and builds up in fish. Eating fish with high mercury levels can be dangerous to human health (including neurological and brain damage) and is especially dangerous for pregnant women and infants.
- Particulate Matter (PM). PM consists of small-sized particles suspended in the air, visible as smoke or soot. It contributes to respiratory problems, nose and throat irritation, and cardiovascular problems, and is increasingly understood to be a cause of early death. PM also contributes to haze that reduces visibility.
- Sulfur Dioxide (SO2). SO2 is formed by the combination of sulfur in fuels with oxygen during combustion. It causes breathing problems, contributes to smog and reduced visibility, and adds to particle pollution.
- Carbon Dioxide (CO2). CO2 is a greenhouse gas and the primary contributor to global warming. CO2 is estimated to be responsible for about 70 percent of the manmade greenhouse gas effect.

How is Texas currently doing with respect to these pollutants?

Several major regions of the state do not meet federal air quality standards for ozone, including Dallas-Fort Worth, Houston-Galveston, and Beaumont-Port Arthur. Austin, San Antonio, and Corpus Christi are on the verge of exceeding the federal limits.

Texas currently leads the nation in toxic mercury emissions. Of the top eight plants in the country in total mercury emissions, five are in Texas, including the top mercury polluter in the country, TXU's Martin Lake plant.¹

Texas is far and away the leading emitter of carbon dioxide in the country. Its total emissions are over 50% more than those of California, the next-highest emitting state. If Texas were a nation, it would rank seventh in the world in carbon dioxide emissions.²

What impact would the sixteen proposed plants have with respect to these pollutants?

- Nitrogen Oxides and Ozone. Existing air modeling indicates that the new plants could significantly increase ozone levels in many parts of the state. For example, ozone could increase by three parts per billion or more in the Austin area, which would be enough to put Austin into non-attainment status. Models to date indicate that ozone levels could increase by several parts per billion in the DFW area on days when the wind blows from the south or southwest. Increases of as much as six parts per billion are possible in the Waco area. Even higher increases are possible in other areas of central Texas.
- Mercury. The new plants will add over two tons of mercury to the atmosphere each year. For comparison, new EPA mercury rules, when fully implemented, will require that the all power plants in the nation combined emit no more than fifteen tons of mercury per year.³
- Particulate Matter. The plants will add over 20,000 tons of particulate matter to the air every year. The EPA has just announced stricter PM standards, and it is possible that areas of Texas will be in violation of the new standards.
- Carbon Dioxide. TXU's proposed reductions do not cover carbon dioxide. The plants will add over 100 million tons of carbon dioxide to the atmosphere each year. That amount is more than the total carbon dioxide emissions of most states and many entire countries, such as Sweden, Austria, and Finland.⁴

¹ Environmental Integrity Project, *cited in* Randy Lee Loftis, "Texas Power Plants Pack Emissions List," DALLAS MORNING NEWS, July 28, 2006.

² U.S. Energy Information Administration, *cited in* Randy Lee Loftis, "Texas Cool to Confront Global Warming," DALLAS MORNING NEWS, September 3, 2006.

³ Environmental Protection Agency website, <http://www.epa.gov/air/mercuryrule/basic.htm>.

⁴ Current state and international carbon dioxide emissions data from U.S. Energy Information Administration, available at <http://www.eia.doe.gov/environment.html>.

These proposed plants would be operating over the next 30 to 60 years. In all likelihood, they would still be running years after better, cleaner technologies have come along. Whatever the consequences are, Texas and the rest of the nation will be dealing with them for a long time.

Hasn't TXU pledged to reduce overall statewide emissions of NOx, SO2, and Mercury by 20 percent, even with the new plants?

TXU has stated that it will reduce statewide emissions of these pollutants by 20 percent by 2010. The cities applaud this commitment, but it's important to understand a few additional facts:

- The reduction is not voluntary – only the timing of it is. Federal emissions standards would effectively require TXU to achieve this reduction and more by 2015. The voluntary component of the reductions is the commitment to undertake them earlier than required.
- TXU has not yet publicly committed to the locations where the emissions will be reduced. Depending on wind direction and the location of the plants with reductions, many cities are likely to see no benefit from the reductions. The air modeling that has been done to date, for example, indicates that the Austin and Waco areas will receive little or no benefit. These areas would, however, be negatively impacted by the new plants.
- There's no reason that TXU's proposed reductions have to depend on its building eleven new units at the same time. All of the steps TXU is proposing to take to reduce its emissions could be taken today, whether the new plants are built or not. Again, these steps will be required by law within a few years.

What impact would TXU's proposed 20 percent reduction have on CO2 emissions and particulate matter ("PM") emissions?

None. Carbon dioxide is not included in TXU's proposed 20 percent reductions. The new plants will add more than 100 million tons of CO2 to the atmosphere every year, more than the entire annual CO2 emissions of 29 states and most nations.⁵ TXU also has not included PM emissions in its announcements of proposed reductions.

⁵ Current state and international carbon dioxide emissions data from U.S. Energy Information Administration, available at <http://www.eia.doe.gov/environment.html>.

Will the TCACC's efforts hinder TXU from pursuing its 20 percent reduction?

Not unless TXU's only reason for the 20 percent reduction is to expedite its addition of eleven new coal plants. All of the steps TXU is proposing to take to reduce its emissions could be taken today – with no long-term loss in power generation – whether the new plants are built or not. In fact, these reductions will be required by federal regulation within the next several years.

What impact would the new plants have on the ozone situation in the Dallas-Fort Worth area?

This is one of the questions we want to be sure is thoroughly explored as the Commission considers the permit applications.

The consulting firm Environ recently completed a study that examined possible impacts of the new plants plus TXU's proposed 20 percent reductions on DFW air quality. The study found that ozone levels averaged across the days of certain modeled episodes would be lower, but that ozone levels on some days when the winds are blowing out of the south and southeast would be higher. The federal standards for ozone level attainment are based on daily measurements on the high ozone days, not on averages. We believe additional modeling is necessary to understand fully the likely effects of the plants on DFW's air.

An increase of even one part per billion in the DFW area could lead to more ozone action days in the region and make it harder for the region to reach attainment status. If DFW can't reach attainment status by its 2010 deadline, it could be facing restrictions on construction, automobile use, and new businesses in the area. Reducing new emissions from power plants is a much easier way of reducing ozone levels than the measures DFW would be forced to take.

What impact would the new plants have on the ozone situation in the Austin area?

Modeling to date indicates that the daily ozone levels in Austin could increase by three parts per billion or more, and that the proposed TXU reductions (even if fully implemented) would bring little or no benefit to Austin. Adding three parts per billion would send the area above the level the EPA has identified as dangerous to human health and place it in non-attainment status. It would also effectively cancel out all of the efforts Austin has recently made to improve its air quality.

What impact would the new plants have on the ozone situation in other parts of the state?

Preliminary modeling indicates that the impacts could be even greater on areas in central Texas near Waco, and could increase ozone levels by six parts per billion or more in those areas. It is unclear what impact these plants will have on the Houston non-attainment area, because complete modeling hasn't been undertaken. Further studies are needed to better understand these impacts and to understand impacts on other areas of the state.

Doesn't Texas need more power generation capacity?

Yes. But we see no evidence that Texas will be facing a power shortage if it does not immediately build all of the sixteen traditional coal plants as presently proposed.

ERCOT, the independent operator of the state's power grid, calculates a number called the "reserve margin." This is the difference between the available generating capacity and the estimated peak system load. ERCOT recommends that the state maintain a minimum reserve margin of 12.5%.⁶

ERCOT predicts that with no addition of generating capacity, the reserve margin is likely to fall below 10% by 2009. But ERCOT also calculates that if all of the proposed coal-fired units were built, the reserve margin would be 20% by 2009, 25% by 2010, and 23% by 2011.⁷ So if all of the proposed units were built, the reserve margin by 2011 would be almost double the recommended minimum. The many energy conservation measures being undertaken by all electricity users may further reduce the demand, over and above the current ERCOT projections.

These sixteen traditional coal plants are being promoted as necessary to fill a gap in Texas's power needs between now and 2015, by which time other power sources are expected to be available. The evidence doesn't appear to support the power companies' argument that these sixteen traditional coal plants must be built immediately to fill this gap.

What is your alternative? How else do you propose that Texas meet its power needs?

We're not trying to tell the power companies how to run their business. Our concern is not to dictate any particular technology, but to make sure that the long-term environmental costs are carefully weighed in the decisions about new sources of power generation. To put it another way, we are "technology neutral, emissions sensitive."

⁶ Mark Armentrout (Chairman of ERCOT Board of Directors), "How Much Power Does Texas Need?" DALLAS MORNING NEWS, September 17, 2006.

⁷ ERCOT July 13, 2006 briefing to Senate Natural Resources Committee.

How do the emissions profiles for the proposed coal plants compare to new natural gas plants?

[Karl to fill in data on emissions comparison]

How do the emissions profiles for the proposed coal plants compare to new coal gasification plants?

Coal gasification is a decades-old technology that uses coal as a fuel source but has the lower emissions profile of a natural gas plant. Coal gasification plants today use a process called Integrated Gasification Combined Cycle (IGCC), which heats the coal to create a synthetic gas, burns the gas in a turbine to generate electricity, and then uses steam produced from the same turbines to generate more electricity.

[Karl to fill in data on emissions comparison]

In addition to their lower emissions profiles, IGCC plants allow for the possibility of capturing and sequestering carbon dioxide, rather than releasing it into the atmosphere. One company, Tandu Corporation, has already applied for a permit to build an IGCC plant in Texas.

[need to confirm this]

Isn't coal a lot less expensive than other sources of power generation?

Traditional coal burning may be less expensive for power companies as a generation source. But lower cost of production for the power companies doesn't always translate into lower electricity rates for consumers. This is especially true in Texas, where the rates charged by the largest utilities are linked by statute to the price of natural gas.

Also, producing electricity by burning coal isn't so inexpensive for the rest of society. Many of the costs of coal are transferred to other sectors of our economy, including our health care system. And if the coal plants prevent Texas's major cities from reaching ozone attainment status, or cause more regions of the state to go into non-attainment status, the long-term environmental and economic costs could be tremendous.

Are you against coal altogether?

No. Coal is plentiful and is going to be a part of meeting our energy needs. In fact, we encourage our state to become a leader in IGCC, which uses coal as the fuel source but results in the much lower emissions profile of a natural gas plant. For any traditional non-gasification coal plants that are built now, we want to make sure that the emissions

profiles in the permits are reasonable, that the plants use the cleanest technology available, and that they don't unnecessarily pollute the air.

We also question whether building sixteen traditional coal-fired plants at once – doubling the number of coal plants in the state – is the right solution for a state that already has three regions out of compliance with federal ozone standards, already leads the nation in mercury emissions, and already leads the nation in greenhouse gas emissions.

Don't the power companies know best what is economically feasible for power generation in Texas?

The power companies certainly understand the economics of power generation and sale. As profit-making companies who are responsible to their shareholders, that's their job. But the cities also have "shareholders" to whom we are responsible: Texas citizens who breathe the air, and who would pay the economic, environmental, and health costs of the power companies' emissions.

Not every power company has the same view as TXU. For example, Wayne Leonard, CEO of Entergy, told the Wall Street Journal that he believed it was "unacceptable" for power companies to build lots of new plants without regard to the effects of carbon dioxide emissions, and that unless new evidence emerges, "you stop what you're doing because you're putting all mankind at risk."⁸

Is intervention in the permit proceedings the best solution?

All decisions about the permitting of these plants will be made by the TCEQ. The only way to ensure that our concerns are considered by the TCEQ is to become a party to the proceedings through intervention. Intervening in the state permitting process means appearing before the appropriate state agencies, presenting testimony and studies from experts, and making legal arguments. If there is good evidence that these plants don't meet state and federal environmental standards, then we believe the Commissioners should consider it. We believe that the TCEQ is the right forum for this debate.

Many of the Coalition's members have engaged and will continue to engage in dialogue with the power companies. Ideally, these issues would be resolved by agreement among the companies and the local governments who are the representatives of the people of Texas. However, in the event that we are not able to resolve these issues among ourselves, we must have a seat at the table where the decisions will be made, just as the power companies have seats at the table.

⁸ Rebecca Smith, "As Emissions Restrictions Loom, TXU Bets Big on Coal," WALL STREET JOURNAL, July 25, 2006.

Why are you intervening now, instead of engaging in a discussion with the power companies?

We are engaging in discussion with power companies virtually every day, and will continue to do so. We are open to sitting down with them and coming up with a solution that is good for everyone. Up to now, the companies have not expressed a willingness to even discuss altering their plans. But our invitation remains open.

As for intervening now, the permit process is on a "fast track" review. This means that the decision will be made on these permits in the next several months. If the permits are granted and upheld on appeal, there is nothing to stop the plants from being built. For all practical purposes, the debate on these plants will then be over.

Would TCEQ issue the permits if it weren't safe for the public?

We believe that the Commissioners will ultimately make the right decision on these permit applications. We appreciate the work that TCEQ does. We respect their professionalism and expertise. We just want to be a part of the process and be able to present evidence that might not otherwise be considered.

For example, the permit applicants are not being required to run comprehensive air modeling studies to show the impact that these plants could have on Dallas / Fort-Worth and other areas of Texas. We want to do those studies and present them to the TCEQ to consider. If the studies show that the plants will cause or contribute to violations of federal air pollution standards, then the units as proposed should not go forward, and we should work together to find a better way to meet Texas's energy needs.

Aren't the new plants going to create jobs and bring economic benefits to the communities where they are to be built?

The new units would likely bring additional jobs and enhance the tax base of the local communities. But clean plants bring just as many jobs and economic benefits as dirty ones. In fact, cleaner plants would probably bring more jobs, and would have the added benefit of improving air quality and the health of citizens locally and across the state.

11/29/2006, 9:28:20 AM

Won't we be impeding Texas's economic growth if we don't build these plants now, as proposed?

No. We believe Texas will grow faster if it's a leader in innovative technology and environmental protection. People want to live in, and businesses want to move to, a place with a reputation for clean air and responsible environmental planning.

Building plants that don't use the cleanest technology, or that unnecessarily harm air quality and the environment, is not the path to growth and progress. The best solution for Texas's economic growth is to meet our power needs in a way that fully accounts for the long-term environmental costs, and sets a positive example for the rest of the world.

TEXAS CLEAN AIR CITIES COALITION

MEMBERSHIP LIST

Updated November 27, 2006

STEERING COMMITTEE

Dallas	Houston
Waco	Irving
Arlington	

MEMBERS

Coppell	DeSoto
El Paso	Fort Worth
Frisco	Haltom City
Hillsboro	McKinney
McLennan County	Mount Vernon
Plano	Streetman
Travis County	Uncertain
Central Texas Clean Air Coalition	North Texas Clean Air Steering Committee
Athens	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE OF __BELLS__, TEXAS (THE "CITY") APPROVING THE BYLAWS OF THE TEXAS CLEAN AIR CITIES COALITION (THE "COALITION"); ACCEPTING MEMBERSHIP IN SAID COALITION; APPOINTING A REPRESENTATIVE TO THE COALITION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas local governments and local government organizations including the City are dedicated to attaining clean air and reasonably-priced electric energy in sufficient quantities;

WHEREAS, pending plans for the construction of approximately seventeen coal-burning electric power plants in Texas before 2010 may adversely impact air quality in numerous Texas locales; may adversely affect the ability of the City and of other local governments to attain and maintain federally-mandated clean air standards, and have other adverse effects;

WHEREAS, jointly participating as a member of the Coalition in clean-air permitting proceedings and related efforts with other local governments and local government organizations will allow the City to benefit from the outcome of intervention in these proceedings while minimizing the costs of intervention;

WHEREAS, the City has been assured that the Coalition will allow the City to join the Coalition without payment of membership dues and without liability for any expenses or other obligations of the Coalition; and

WHEREAS, upon review and consideration of the Bylaws for the Coalition, the City Council is of the opinion that it is in the best interest of City and of its residents to become a member of the Coalition,

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

Section I. The recitals contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as a part of this Resolution, with the understanding that this resolution is null and void if the Coalition's Participation Agreement and By-Laws are not amended on or about November 17, 2006, to state in substance that no member of the Coalition shall be liable for any legal expenses or other obligations of the Coalition.

Section II. The Participation Agreement and Bylaws of the Texas Clean Air Cities Coalition are hereby approved.

RESOLUTION NO. _____

Page 2

Section III. The City accepts membership in the Coalition but will not pay a membership fee.

Section IV. The City hereby appoints _____,
_____ (title) _____ to serve as the City's representative to the Coalition
and to act on its behalf in all respects in relation to the Coalition.

Section V. The City's representative is authorized to take those steps that are reasonable and necessary to comply with and to effectuate the intent of this Resolution.

Section VI. This Resolution shall become effective immediately upon its passage.

SIGNED this _____ day of _____, 2006.

MAYOR

ATTEST:

_____, [CITY SECRETARY/MUNICIPAL CLERK

THE STATE OF TEXAS	§	TEXAS CLEAN AIR CITIES COALITION
COUNTY OF _____	§	<u>PARTICIPATION AGREEMENT AND</u>
	§	<u>BY-LAWS</u>

THESE PARTICIPATION AGREEMENT AND BY-LAWS ("Agreement") are made and effective as of ____ day of _____, **2006**, by, between and among the **CITY OF BELLS, TEXAS** ("City"), the CITY OF DALLAS, TEXAS, and the **OTHER MEMBER LOCAL GOVERNMENT UNITS AND ORGANIZATIONS** of the **TEXAS CLEAN AIR CITIES COALITION** (the "Coalition" or "TCACC"). This Agreement is authorized by the Texas Interlocal Cooperation Act (V.T.C.A. Texas Government Code, Chapter 791), and other authorities.

W I T N E S S E T H:

WHEREAS, the members of the Coalition are dedicated to attaining clean air and reasonably-priced electric energy in sufficient quantities;

WHEREAS, the construction of many coal-burning electric power plants in Texas before 2010 may adversely impact air quality in numerous Texas cities and other local government jurisdictions including several of the Coalition members and adversely affect their ability to attain and maintain federally-mandated clean air standards and adversely affect the health, morale, and productivity of their officers and employees and of their' residents, as well as the attractiveness, usefulness of outdoor venues including parks and other entertainment and recreation facilities, and diminution of their revenue associated with such adverse affects;

WHEREAS, the members of the Coalition are committed to ensuring that said plants use technology and operating processes that minimize air pollution while still providing sufficient electric generating capacity for their needs at reasonable prices;

WHEREAS, the Coalition members are deeply concerned that the governmental agencies that are responsible for permitting said construction may not be using procedures and standards that provide full and fair consideration TCACC's concerns, including procedures and standards that adequately consider the potential cumulative impact of numerous additional plants and which require the cleanest practicable available processes and technologies;

WHEREAS, the adoption of full and fair procedures and standards by state and federal agencies that adjudicate and adopt rules on environmental matters is of fundamental importance to all members of TCACC;

WHEREAS, failure to attain federally-mandated clean air standards, insufficient electric energy, and unreasonably priced electric energy each can substantially and adversely affect, among other important things, the level of economic activities in the the environs of Coalition members and hence their tax, franchise, right-of-way compensation and other sources of funding for their respective general funds including the General Fund of the City;

WHEREAS, jointly participating in permitting proceedings and litigation and related efforts with other Coalition members will allow the City to benefit from the outcome of the litigation while minimizing the costs of litigation and of other efforts; and

NOW THEREFORE,

In consideration of the premises, agreements, covenants and promises set forth herein, it is agreed as follows:

1.

**TCACC and Standing Steering Committee
Membership**

The CITY and the other TCACC members hereby form the **TEXAS CLEAN AIR CITIES COALITION** ("TCACC"), a Texas not-for-profit unincorporated association. Each member shall approve its membership in the TCACC and designate its representative to receive notices and participate in and vote at TCACC meetings. The TCACC shall be composed of all cities and other local government units and organizations of Texas paying the current nonrefundable membership fee. The fee for the initial period (approximately one year) is \$10,000 for each member. The members shall elect a Steering Committee consisting of no more than five (5) persons, each such member being the designated representative to TCACC of a different member which shall function as the Board of Directors. The Steering Committee shall at least include a representative from the cities of Dallas and Houston. The remainder of the representatives shall be selected by the members as of the time of selection based upon diversity of geographic location and population size. Each member of TCACC and each member on the Steering Committee shall have one vote as to decisions of their respective bodies.. Meetings of the Steering Committee shall be open for observation to each member of TCACC whether or not it has a representative on the Steering Committee. Decisions of TCACC shall be by majority of members participating in any proceeding or meeting at which a vote is taken. Cities may participate and vote via telephone and/or via written proxy in form acceptable to the presiding officer, who shall be the senior officer of the Steering Committee present or otherwise participating in a proceeding, or if there be none, then a person selected by members participating at the proceeding. Members who join after the date hereof shall be bound by this instrument as of the date of their membership after having executed a duplicate counterpart hereof and delivered it to the secretary/treasurer. Any member may at any time substitute any other person for any original designated representative to TCACC or for any Original Steering Committee Member and other Steering Committee member by reasonable notice to the secretary/treasurer or to any Steering Committee member if the substitution would replace the secretary/treasurer. Said substitution may be permanent or temporary in accordance with the notice. The substitution should be described for the minutes of the Steering Committee by the substitute or by another Steering Committee member at the first opportunity. The substitute assumes any offices and duties of the replaced member for the duration of the substitution.

2.

Powers of the Steering Committee

The CITY and the members delegate to the Steering Committee the power to commence litigation in support of and to intervene in, on behalf of TCACC members, either in their respective individual names or as members of TCACC if TCACC intervenes as an association, permitting proceedings, rulemaking, and related dockets and appeals thereof, represent the interests of cities in matters related to or affecting the construction or permitting of electric generation plants before state and federal legislative, executive, and judicial bodies, and settle,

withdraw from, and pay for such activities. The Steering Committee shall fix the amount of the membership fee from time to time, but no more than once within any twelve-month period. A majority of TCACC members may fix a special assessment in addition to any membership fee. Notice of the amount and due date for any fee shall be sent to the designated representative of member. Members may participate and vote via telephone and/or via written proxy in form acceptable to the presiding officer. Any representative or other designee of any class of member is eligible to serve on a subcommittee of the Steering Committee unless otherwise decided by the Steering Committee. Members of any subcommittee may attend any Steering Committee meeting at which the activities or subject of that subcommittee is to be discussed or reported and may speak at the discretion of the chair.

3.

Election of Officers

The officers of the Steering Committee shall be a chair, one or more co-chairs, and a secretary/treasurer. Subcommittee chairs are not by reason of that office Steering Committee officers. The Steering Committee shall elect a chair and any co-chairs and subcommittee chairs as it deems necessary and form any subcommittees that the Steering Committee deems advisable. The Steering Committee shall also elect a secretary/treasurer who shall, among other duties and powers as may be assigned by the Steering Committee, make, keep current and maintain records of the meetings and transactions of the Steering Committee, of TCACC subject to legal advice, monitor invoices submitted to TCACC by professionals and others, the status of their payment, the reasonableness and necessity of the services represented by said invoices, and of the amounts thereof, and report on such matters and other financial affairs of TCACC to the Steering Committee.

4.

Powers of the Officers

Each officer elected shall serve at the pleasure of the Steering Committee up to a term of four (4) years. The Steering Committee shall elect or re-elect officers at least every four (4) years. Unless terminated by the Steering Committee or the respective member, the officer shall perform the duties of office until a replacement has been elected. Meetings of the Steering Committee and TCACC shall be upon call of the chair or two (2) members of the Steering Committee. The Steering Committee shall meet at least annually. The chair is authorized by action of the Steering Committee to engage consultants and attorneys and to pay for such services. Any attorneys engaged by the chair to represent the TCACC shall report to the Steering Committee and / or to officers appointed by the Steering Committee for this purpose. The chair or co-chair shall preside at meetings of TCACC and of the Steering Committee. In the absence of a chair or co-chair, participating cities shall select a pro tem presiding officer by majority vote of the cities participating in any meeting or proceeding in person or via telephone.

5.

Classes of Membership

The Steering Committee may establish one or more classes of associate membership in TCACC for entities with special circumstance such as small size that may allow for lower membership fees, limited or no voting rights, limited or no eligibility to serve on committees, and other qualifications, and limits, in recognition of the size of applicants for membership or other relevant factors. Any entity enjoying any class of membership shall be entitled to attend and be heard orally or in writing as appropriate at any meeting of TCACC and shall have the

right to attend meetings of the Steering Committee and to be heard at such meeting orally or in writing if the Steering Committee is entertaining comments from any non-members of the Steering Committee. Any member in any class of membership shall have the right to consult with attorneys representing the Coalition and receive legal advice from such attorneys regarding matters relevant to TCACC to the same extent as full members who are not members of the Steering Committee, and shall be bound by the joint litigation agreement embodied in this instrument. Individuals other than official representatives of local governmental units solely in their respective representative capacities are not eligible for any class of membership in TCACC.

6.

Termination of Membership

A member may terminate its membership by written notice to the secretary/treasurer effective upon said officer's actual receipt of said notice. If a member fails to pay its membership fee in full within one-hundred eighty (180) days after notification of fee due, that member's membership is terminated without further action. A member is considered notified on the day written notice is sent to its last designated representative on file with the secretary/treasurer. In the event of such termination, the member shall return all documents reports or similar materials, including all copies and all electronic files, developed in furtherance of the activities of TCACC to the chair of the Steering Committee or other person designated by the chair for that purpose.

7.

Money Held in Trust

The officers shall hold and manage all money collected in trust for the benefit of TCACC and its members collectively. Officers may establish prudent fund accounts that accumulate funding for activities and to pay authorized expenses. Officers and others member representatives and designees shall serve without pay, but may be reimbursed reasonable out-of-pocket expenses as approved by the Steering Committee. Any member of any class may request and receive a statement of TCACC revenues and expenses each year. Instead of maintaining the accounts of TCACC, the Steering Committee may authorize one or more law firms retained by TCACC to do so in trust for TCACC, but the Steering Committee and the Secretary/Treasurer shall monitor, report on, and be responsible for said account to TCACC by whomever held.

8.

Payment for Performance of Governmental Functions and Services Made from Current Revenues

By entering into this Agreement, City affirms that it is paying for the performance of governmental functions or services from current revenues available. The payments made under this agreement fairly and adequately compensate the TCACC for the services or functions performed under the contract.

9.

Legal Construction

In case any one or more of the terms, provisions, phrases or clauses contained in this agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall be construed as if such invalid, illegal or unenforceable portion had never been contained herein.

10.

Entire Agreement

This instrument embodies the complete agreement of the parties hereto superseding all oral or written previous and contemporary agreements between the parties relating to matters herein and, except as otherwise provided herein, cannot be modified without written agreement of the parties. This instrument may be executed in multiple counterparts, which together shall be deemed a single instrument. Signatures hereon via telephone facsimile or other electronic, magnetic, or chemical means shall be deemed to be original signatures.

11.

No Other Obligations

By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

12.

Immunity

It is expressly understood and agreed that in the execution of this Agreement, neither any member nor TCACC waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to each against claims arising in the exercise of governmental powers and functions.

13.

Authority

The undersigned officers and/or agents are properly authorized to execute this Agreement on behalf of the parties hereto, and each hereby certifies to the other that any necessary resolutions extending such authority have been duly passed and are now in full force and effect.

14.

Original Members, Officers, and Steering Committee Members

The Original Members of TCACC are the Cities of Dallas and Houston, Texas. The original designated member of the Original Steering Committee for the City of Dallas is Mayor Laura Miller and for the City of Houston is Elena M. Marks. Until at least three additional cities shall join the Coalition and pay their initial membership fees, and designate representatives to the Coalition, and the five or more member Cities choose a Steering Committee as provided hereunder, said representatives of Dallas and Houston shall serve as co-chairs of the Original Steering Committee and each shall have the power and duty to do all things that the Steering Committee can do hereunder by majority vote, including the power to execute counterparts of this Agreement on behalf of the Coalition, except that the concurrence of both members of the Original Steering Committee or their designees shall be necessary to retain counsel and other professionals and authorize any expenditures.

15.

Privileged Communications

A joint privilege respecting lawyer-client communications is necessary for the effective pursuit of litigation and other legal proceedings contemplated by the Coalition. All communications by and among any members of whatever classes of membership with any attorney who is representing, or discussing whether to represent, any such member or representing or considering whether to represent the Coalition (an "Attorney") shall be privileged to the fullest extent permitted by law. Each member by joining the Coalition agrees not to disclose any privileged information received after the date hereof from another member or Attorney unless the member wishing to disclose the information first obtains the consent of all other members who may be entitled to claim any privilege or protection with respect to such information, except to the extent explicitly permitted pursuant to a different section of this Agreement or by the Steering Committee. This nondisclosure obligation continues after any member's membership has terminated for any reason, after the conclusion of any litigation, and after this Coalition may be dissolved.

16.

Additional Provisions Related to Legal Representation

The members of TCACC acknowledge that it is possible that one or more of the law firms engaged by the Steering Committee may presently, or may in the future, be engaged in factually unrelated litigation or other representation in which the law firm is adverse to one or more of the individual members of TCACC. The members of TCACC agree that the Steering Committee chair shall have the authority subject to paragraph 4 to engage law firm(s) despite the fact that the law firm(s) may be engaged in such representation, so long as the representation involves a factually unrelated matter. The members of the TCACC further acknowledge that at least one of the law firms likely to be engaged by the Steering Committee, Lowerre & Frederick, presently represents Environmental Defense in closely related power plant litigation (i.e., the appeal of the Sandy Creek Energy Associates permit) and is a frequent consultant or counsel for environmental organizations and local governments in opposition to power plant draft permits. The members of the TCACC agree that the Steering Committee chair subject to paragraph 4, nonetheless and subject to such contractual conflicts-of-interest safeguards as the Steering Committee deems adequate, may engage Lowerre & Frederick on behalf of the TCACC. Further, the Steering Committee chair may in the chair's discretion, subject to paragraph 4, engage additional law firms to represent TCACC where the law firm is or may become engaged in matters factually related to matters for which such firms are to represent TCACC, so long as such firms are not representing clients whose interests or positions are directly adverse to those of TCACC in specific matters in which such firms represent TCACC.

17.

Dissolution

TCACC may be dissolved in the same manner as any other unincorporated association may be dissolved under the laws of the State of Texas or by the vote of more than two-thirds of its full members. After dissolution, the officers and Steering Committee members retain the power to wind up the affairs of TCACC. If there remain any funds after payment of TCACC's lawful obligations, the surplus shall be refunded to members of all classes in direct proportion to their respective aggregate payments to TCACC from on and after the date hereof.

Texas Clean Air Cities Participation Agreement and By-Laws
Page 7 of 7

EXECUTED this the _____ day of _____, 2006, by City, signing by and through its Mayor, duly authorized to execute same, and approved as to form by its Mayor, acting through its duly authorized official.

APPROVED AS TO FORM:
TODD BASS
Mayor

ATTEST:

BY _____
Mayor

[Home](#) | [Nation & World](#)



HARRY CABLUCK—AP

A Texas Mess Over Coal

Proposed plants have stirred a clean-air uproar

By Bret Schulte

Posted Sunday, November 26, 2006

That mantra of Lone Star State toughness, "Don't mess with Texas," actually began as an antilittering campaign back in the 1980s. While the campaign saw some success, the energy-producing state has proved less capable in cutting back on other pollutants. According to the American Lung Association, both the Houston and Dallas-Fort Worth areas are in the nation's top 10 for highest ozone levels, a major component of smog.

Now, some Texans fear their air will be further, well, messed with. The state is seeking permits to build some 16 new coal-fired power plants. And the Lone Star State isn't alone. Though talk of clean energy dominates the headlines, cheap, plentiful coal is staging a quiet comeback. According to the Department of Energy, 154 coal plants are being proposed nationwide, enough to power 93 million homes. While power grids nationwide are surely strained, the crush of new coal plants—typically dirtier than natural gas—is sparking brawls at state and local levels.

Gamble. But the old not-in-my-backyard fight over power plants has a new wrinkle, global warming-potential ammo for environmentalists and motivation for utilities. Analysts say the rush to build new plants is a calculated gamble by utilities that the federal government is poised to impose historic curbs on greenhouse gases—particularly with Democrats ensconced in Congress. By building now, utilities may grandfather in a new generation of plants that won't be required to bear the full brunt of future laws. Utilities say they're simply trying to meet the burgeoning demands of a growing country. But environmentalists aren't buying, and they vow to fight the coal plant expansion in every available forum.

In something of a twist, energy-friendly Texas has become the closely watched ground zero in this battle. Gov. Rick Perry expedited the permitting of the coal plants in October 2005, when he was under pressure from energy price hikes that came about in the wake of deregulation of the state's energy market back in 2002. Some customers saw electric bills jump 80 percent, in part because of rising natural gas prices and, some say, a botched formula that determines the rates charged by the biggest providers. Coal plants, Perry argued, would drive down costs and give a much-needed boost to the state's power grid. Earlier this fall, a report by the North American Electric Reliability Council buttressed at least part of Perry's argument, saying Texas is among regions most at risk for grid failure because future demands are expected to exceed capacity. "We need to make sure Texas stays ahead of the demand for energy," says Perry spokesperson Kathy Walt.

Green groups. But a bipartisan coalition of 21 Texas cities and counties, as well as environmental groups, says conservation and renewable energy could reduce the strain on the grid. And the groups argue that the proposed fleet of pulverized-coal plants-standard technology but short of cutting-edge-isn't the answer for an already polluted state. Plus, pulverized coal releases more carbon dioxide, a greenhouse gas, than do other options. Dallas Mayor Laura Miller, who leads the coalition, called the proposal "just mind boggling." Miller has "panhandled" across the state recruiting supporters and raising money for a fight to block the plants as currently proposed. Miller is using the \$500,000 that's been raised to hire health and air-quality experts to testify before the Texas Commission on Environmental Quality, which oversees permitting for the plants. At hearings beginning this week, Miller's coalition may argue that the commission didn't force energy companies to review all "best available technology," as required by federal law. The coalition believes that fledgling coal-gasification technology--producing a dramatically lower level of pollutants--should be considered.

Meanwhile, national green group Environmental Defense is suing the commission-whose members are appointed by the governor-in state court for failing to enforce its own regulations "by not requiring applicants to look at cumulative impact on air quality," says Environmental Defense lawyer Amy Hardberger. Dallas Mayor Miller says adding 16 new plants to the existing 18 will push air quality in parts of the state over federal limits of the Clean Air Act and violate state laws as well. If that happens, many areas could lose "highway money from the feds ... and block grant money for our inner-city neighborhoods," says Miller. "We're in enormous trouble." Miller's city has already lost federal funding because of pollution.

Most of the anger has been directed at Texas's largest energy provider, Dallas-based TXU, which plans to build 11 of the new coal-burning units. The company denies it was motivated by fear of impending regulations. "If demand was not there, we wouldn't be building these power plants," says spokesperson Kimberly Morgan. "Our customers in Texas enjoy their air conditioning, enjoy their big homes." TXU says coal-gasification technology is still too unreliable for a massive investment. TXU is pledging that 100 percent of the regulated pollutants emitted by new plants will be offset by technology upgrades in older facilities. The company also promises to reduce pollutants-but not greenhouse gases-across the older fleet by 20 percent below 2005 levels. All in all, a \$2.5 billion investment. Critics say the plan is short on details and promise all-out war. Privately, though, some are conceding it's doubtful they'll be able to stop all, or any, of the proposed plants. Still, with showdowns looming, locals are staging candlelight vigils and protests; some pledged a hunger strike. "When Texans feel like they're being taken advantage of, they stand up and fight," says Tom "Smitty" Smith of the Texas chapter of Public Citizen. It's a Texas-size brawl, and one that's being watched elsewhere. Because it may not be long before other states are feeling, well, messed with.

From: Lewis F. McLain, Jr. [mailto:news@citybase.net]
Sent: Wednesday, November 29, 2006 8:53 AM
To: Wall, Scott
Subject: Austin: paper comments on city silence on new coal plants

EDITORIAL

Austin's silence on new coal plants

Austin American Statesman
EDITORIAL BOARD
Wednesday, November 29, 2006

The Austin City Council's many responsibilities include running the taxpayers' electric utility, which rakes in more than \$800 million a year, and protecting the community's health, including the air its constituents breathe. Unfortunately, those responsibilities sometimes conflict.

As one of the biggest environmental battles in state history grows over plans to build as many as 17 coal-fired power plants, a city council that has long prided itself on its care for the environment has remained largely silent. True, the council in June adopted a resolution calling on the state to not issue permits for the plants without an analysis of the effect that the proposed plants would have "on downwind ozone pollution levels" (that is, Central Texas). It also said the permits should not be issued unless the Texas Commission on Environmental Quality "requires mitigation measures such as cleaner fuels, emission reductions, local offsets, plant relocation and innovative technologies" to protect this area's air quality.

But the Austin City Council has declined to join Dallas, Houston, El Paso, Waco and others in the Texas Cities for Clean Air Coalition. It's the principal critic of a plan by Dallas-based TXU Corp. to build 11 coal-fired power plants over the next few years, including several near Waco. Studies indicate that on some days under certain atmospheric conditions, pollution from those plants could reach the Austin area and send its ozone levels – already just barely legal – over federal standards.

The council has stayed on the sidelines apparently because it fears retaliation against its city-owned electric utility, Austin Energy, a major source of revenue for city government. Municipally owned electric utilities, as well as electric cooperatives, were exempted from the state's 1999 law to open investor-owned electric utilities to competition; the law takes full effect on Jan. 1.

The Texas Public Power Association, which represents the state's 72 municipally owned electric utilities, advised its members to stay out of the coal fight, and a spokesman says none has joined the city coalition.

The fear is that if any of them did, TXU and, perhaps, other investor-owned utilities would mobilize their considerable lobbying clout in the Legislature to force open the city-owned utilities to competition. Even if the cities fought them off, it could be an expensive fight. And Austin, so often the target of resentful, conservative lawmakers who dislike its generally liberal politics, has legitimate reason to worry. There has been legislative talk in the past, for example, about taking state accounts away from Austin Energy.

So the city has kept low, though the Travis County Commissioners Court gave \$10,000 to the cities coalition, and the Central Texas Clean Air Coalition, made up of elected officials from local governments and chaired by Austin Mayor Will Wynn, has registered a protest of the TXU plan.

However, the politically prudent stance for the city to take for its electric utility is not necessarily the right one for the physical health and economic growth of Austin. Austin and other local governments are part of a compact aimed at protecting economic growth by reducing – or at least keeping a lid on – local air pollution. Some of TXU's new plants, though individually far cleaner than existing coal plants, collectively could harm that effort.

Austin need not join the coalition of cities, nor demonize TXU or other companies that attempt to build power plants. Even with expanded use of renewable energy sources and greater incentives for boosting energy efficiency, Texas will need more power.

But the Austin City Council should speak up more vigorously about the potential harm of the TXU plan to the air breathed by its citizens and the region's economy.

AGENDA ITEM #15

MORATORIUM ON POWER PLANT §
PERMITTING FOR PULVERIZED §
COAL-FIRED PLANTS §

The Court heard from several citizens regarding the Coal-Fired Power Plant Issue.

- a) Pat Higgins, Fannin County Commissioner, Precinct 4
- b) Mary Lou Cushman, Sherman
- c) Dr. Stanley Feld, Endocrinologist from Bells
- d) Kit Brueschard, Bells – in favor of coal-fired power plant
- e) Dr. George Diggs, Professor at Austin College, Sherman
- f) Tim Brown, Bells
- g) Alfred Weisburg, Denison
- h) Anita Chambers, Whitewright
- i) Jonathan Castro, Texoma Landscape's Owner, Sherman
- j) Tom Rose, Dallas TXU, Mechanical Engineer
- k) Glen Johnstone, Gunter
- l) Scott Lipschap, Fannin County resident
- m) Ed Horn, Bells
- n) Kristi Britt, Bells
- o) Tim Brown, Bells
- p) Sheryl Self, Denison
- q) Christina Johnstone, Gunter
- r) Cecilia Fowler, Bells

Commissioner Crisp stated he felt a petition signed by the voters would get the attention of the legislators rather than the Court signing a Resolution. Commissioner Waldrip stated that as long as TXU was abiding by the law that TCEQ will issue the permit allowing the power plant to be built; however, if the laws need to be changed, then the citizens need to ask the legislators to change the laws.

After all comments were received from the audience, the Court considered and adopted a Resolution asking the Legislature to declare a moratorium on power plant permitting until a court decides the appropriateness of the expedited process currently underway for pulverized coal-fired plants. The Court does not wish to join any coalition regarding this issue.

See Pages 1211 – 1240.

Motion: Commissioner Crisp
Commissioner Waldrip abstained.
Motion carried.

Second: Commissioner Whitlock
Commissioner Short: aye

AGENDA ITEM #16

CURRENT BILLS §

The Court approved the payment of the current bills as presented.

Motion: Commissioner Crisp
Judge McGraw abstained from bills pertaining to McGraw.
Commissioner Short abstained from bills pertaining to Shipman Communications.
All voted aye.

Second: Commissioner Waldrip

TEXAS HOUSE OF REPRESENTATIVES

CAPITOL ADDRESS:
P.O. Box 2910
AUSTIN, TEXAS 78768-2910



(512) 463-0297 CAPITOL
(903) 891-7297 DISTRICT
(512) 463-1561 FAX
LARRY.PHILLIPS@HOUSE.STATE.TX.US

LARRY PHILLIPS

DISTRICT 62

December 15, 2006

Mr. Glen Shankle
Executive Director
Texas Commission on Environmental Quality
MC 109
P.O. Box 13087
Austin, TX 78711

Copy

Dear Mr. Shankle:

I am writing in reference to the proposed TXU Coal Powered Power Plant in Fannin County, Texas. Your immediate attention to this matter is appreciated.

As you know, there are a number of local concerns regarding this proposal. These concerns center around possible health hazards and air quality issues regarding both the emissions from the plant and the particulates that might be associated with bulk coal in transit to the facility. There are also growing concerns about the cumulative affect of the multiple power plant proposals being pursued by TXU across the greater North Texas area. The City of Savoy, City of Trenton, City of Bells, City of Tom Bean, and the City of Whitewright have joined a coalition to explore questions about the project. There is a concern that the "fast track" proceedings will not allow enough time to fully investigate what impact both the Fannin County project and the total proposed plants will have on the environment and health of the North Texas area. While all seem to acknowledge the additional need for power plants, including those using coal, the coalition wants to ensure that any permitted plants are necessary and provide the latest health and environmental protections.

Additional questions have been raised about the timing and number of applications. Are all of the plants presently requested for permit necessary? Why are there so many requests for permits at this time? Can and will a proposed plant be subject to any future, more stringent regulations, providing that no substantial construction has begun on the plant at the time the new regulations were passed? I would request that the Commission take immediate steps to answer these questions, and to determine whether the number of



COMMITTEES: TRANSPORTATION, VICE CHAIRMAN • STATE CULTURAL & RECREATIONAL RESOURCES

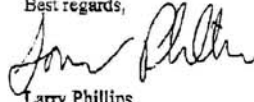
proposed plants is really needed to supply the reasonable power demands for the immediate future.

I know that this proposal has many positive aspects for Fannin County. The economic benefits associated with increased tax revenue from the plant will allow substantially greater public services in terms of police, ambulance and fire protection. Advances in such public services will in themselves greatly benefit the health and safety of area residents. However, we must make sure that the quality of North Texas air and water does not suffer as a consequence.

It is my request that all steps be taken to insure the health and safety of the residents of District 62, which is comprised of both Fannin and Grayson counties. I further request that you take whatever time is required to complete any necessary investigations and evaluations to satisfy the reasonable concerns of the community. From my perspective, this will at a minimum require that you consider the cumulative impact of all current proposals for power plants in the greater North Texas area, and to take into consideration other available technology that might be safer and healthier.

Your immediate action regarding the concerns raised in this correspondence is requested. Please feel free to contact me if you have any questions.

Best regards,



Larry Phillips

cc: The Honorable Kathleen Hartnett White
The Honorable R.B. Marquez
The Honorable Larry R. Soward



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.4

*** OTHER BUSINESS**

Replat Approval of Cupids Corner Addition, a Replat of Lots 16-23, Block 9 of W.P. Carter's Addition and a 2.45 Acre Tract in the J.B. McAnair Survey, Abstract No. 763; Barton Capital, Owners (700-800 Blocks of East Sycamore Street)

Issue

To consider the Replat of Cupids Corner Addition, a Replat of Lots 16-23, Block 9 of W.P. Carter's Addition and a 2.45 acre tract in the J.B. McAnair Survey, Abstract No. 763, located in the 700-800 Blocks of East Sycamore Street

Background

The property is located on the south side of Sycamore Street between Throckmorton Street and the Railroad. The owners would like to replat the property into seven lots for future residential development.

Origination

Barton Capital (Owners); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

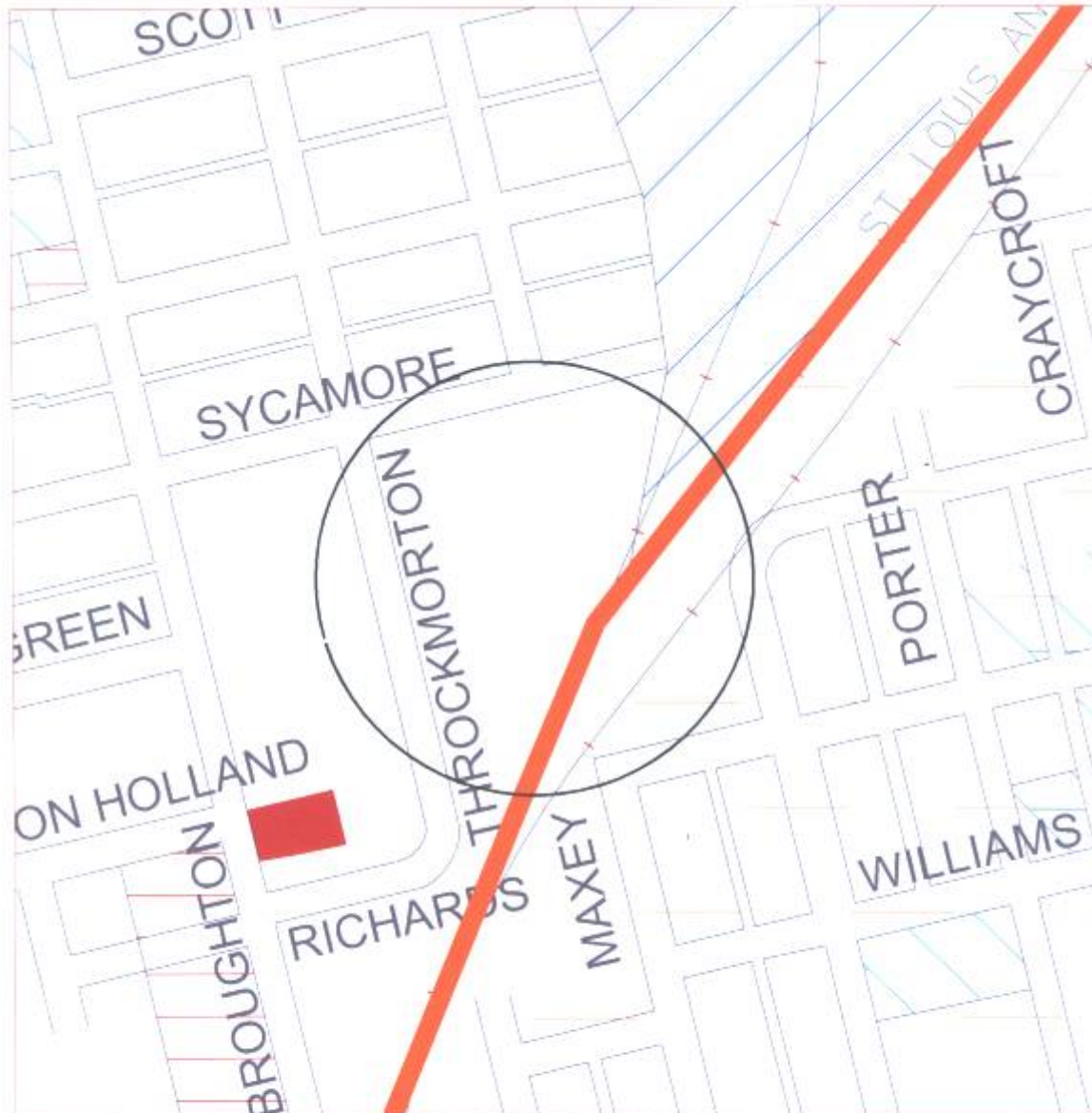
At the December 19, 2006 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
L. Scott Wall, City Manager



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT			BLALOCK INDUSTRIAL PARK
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1	OVERLAY DISTRICT - 75 & 82
	C-1	RETAIL BUSINESS DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-2	GENERAL COMMERCIAL DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	C-O	OFFICE DISTRICT		CPD	COLLEGE PARK OVERLAY
	M-1	LIGHT MANUFACTURING DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT



City of Sherman
700-800 East Sycamore
Final Plat (replat)

Department of Developmental Services





700-800 Block E. Sycamore





CUPIDS CORNER ADDITION
to the
CITY of SHERMAN,
GRAYSON COUNTY, TEXAS

a replat of Lots 16 (sixteen) thru 23 (thirty), of Block 9 (nine),
W. P. CARTER'S ADDITION
Volume 25, Page 196,
Deed Records, Grayson County, Texas



Owner & Developer

Barton Capital, LPA,
Ron Barton, President
715 S. U.S. Hwy 75
Sherman, Texas 76900
903-419-4000

SARTIN & ASSOCIATES, INC.

Registered Professional Land Surveyors
399 S. Travis, P. O. Box 1841 Sherman, Texas 75091 1843
PH: (903) 891-8001 Fax: (903) 868-7970

SHEET 1 OF 1
(CONTINUED)

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
December 19, 2006
Willie Steele, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
John Nix, Commissioner
Lawrence Davis, Commissioner

John Cernero, Commissioner
Kelsel Thompson, Commissioner
Jason Sofey, Commissioner
Steve Jones, Commissioner

700-800 Blocks of East Sycamore
all of Lots 16-23, Block 9 of the W. P. Carters Addition and a 2.45 acre tract in the J. B.
McAnair Survey, Abstract No. 763
Final Plat

Requested Action/Proposed Use:

Final Plat of Cupids Corner Addition, a Replat of Lots 16-23, Block 9 of W.P. Carter's Addition and a 2.45 acre tract in the J.B. McAnair Survey, Abstract No. 763.

Adjacent Zoning:

R-1 (One and Two Family Residential) District and M-1 (Light Manufacturing) District

Origination:

Barton Capital (Owners) and Sartin and Associates, Inc. (Surveyor)

Consideration:

Master Plan Designation: Industrial

Recommendations:

It is recommended that the final plat be approved and forwarded to the City Council for final action.

Number of notices mailed:

86

Objections Received:

0

Attachments:

Location map; Photographs; Final Plat; Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

December 14, 2006

Barton Capital
715 S. Sam Rayburn
Sherman, TX 75090

Dear Applicant,

The request for approval of the Final Plat of Cupids Corner Addition concerning the property located in the 700-800 Blocks of East Sycamore Street, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 19, 2006 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

6. The pre-development and the post-development drainage runoffs shall be calculated. The difference shall be detained on site.
7. The proposed 20' utility easement across Lots 3-7 shall be relocated as an extension across Lots 3-7 from the existing 20' utility easement located on Lots 1 & 2.
8. Lots 1 & 3 shall not have driveway access to Throckmorton Street without payment of escrow funds for street improvements.
4. Locate the existing sanitary sewer easement with more detail.
5. Add the existing water easement shown on the preliminary plat to the final plat.
6. Portions of the existing water and sewer mains serving this tract cross an adjacent tract owned by the same developer. It would be beneficial to have these easements recorded by formal dedications.
7. Letters from the various utility providers are required verifying availability of service.
8. Original tax certificates for the property must be furnished prior to recording of the plat.
9. The bearing and distance of N 16d00'00"W-183.10' located on the plat does not match the bearing and distance located in the field notes.
10. The bearing and distance of N 74d00'00"E-120.00' located on the plat does not match the bearing and distance located in the field notes.
11. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator

Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Sartin and Associates, Inc.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.5

*** OTHER BUSINESS**

**Replat Approval of Lot 4, Block 1, Sherman Town Center, Section Two,
Town Center Addition; A-S 71 Sherman Phase III, LP, Owners
(600 Block of North Creek Drive and 600 Block of Graham Drive)**

Issue

To consider the Replat of Lot 4, Block 1, Sherman Town Center, Section Two, Town Center Addition, located in the 600 Block of North Creek Drive and the 600 Block of Graham Drive

Background

The property is located in the Sherman Town Center on the north side of North Creek Drive and north of the Home Depot. The owners would like to replat the property into three lots for future commercial development.

Origination

A-S 71 Sherman Phase III, LP (Owners); and Underwood and Associates, Inc. (Surveyors)

Board Recommendation

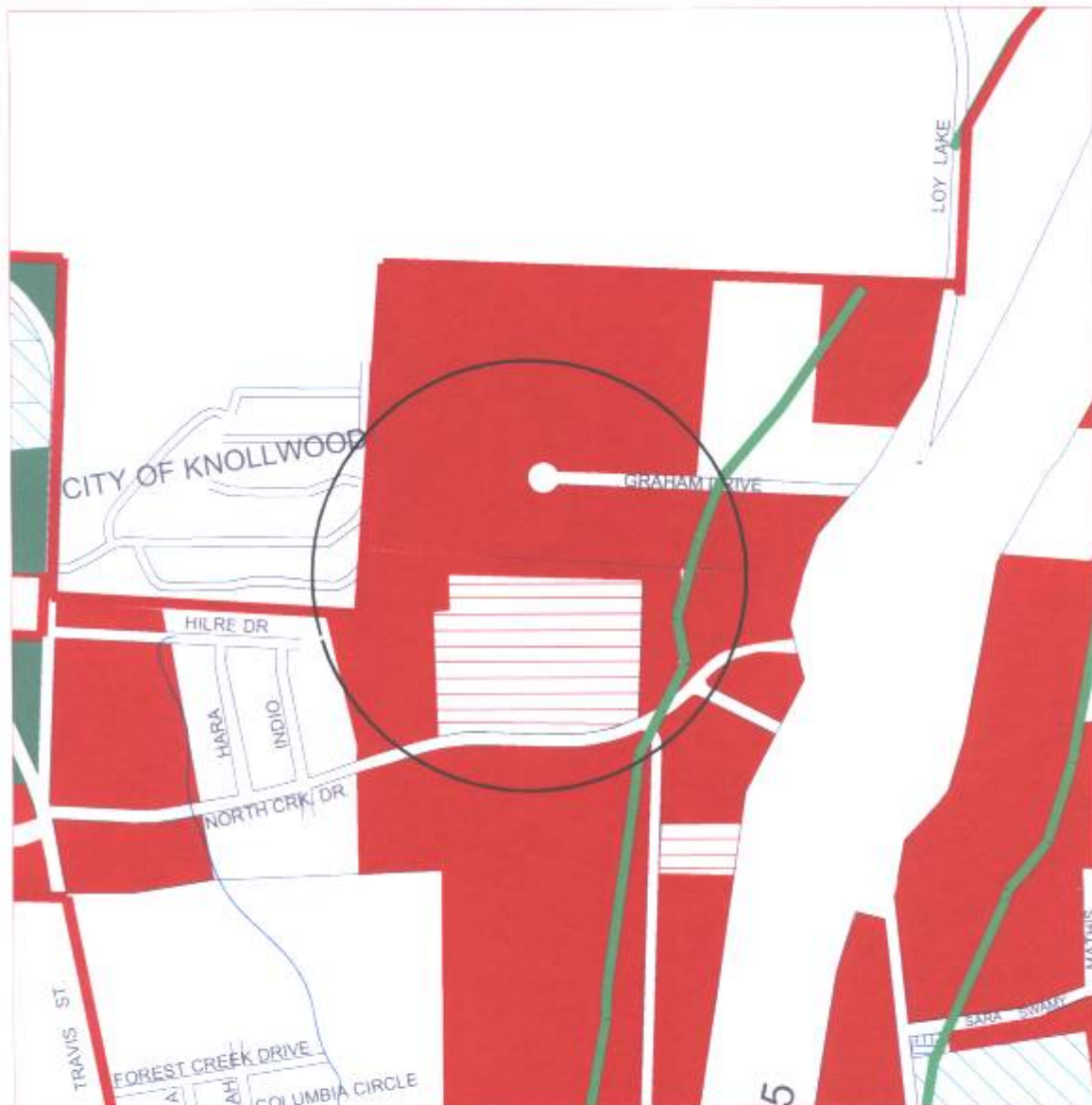
At the December 19, 2006 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
L. Scott Wall, City Manager



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT	BLA	BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
CO	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT



City of Sherman 600 Blk. North Creek and Graham Drive Replat

Department of Developmental Services





City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
December 19, 2006
Willie Steele, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
John Nix, Commissioner
Lawrence Davis, Commissioner

John Cernero, Commissioner
Kelsel Thompson, Commissioner
Jason Sofey, Commissioner
Steve Jones, Commissioner

600 Block of North Creek and 600 Block of Graham Drive
Lot 4, Block 1, Sherman Town Center, Section Two Town Center Addition
Replat

Requested Action/Proposed Use:

Replat of Lot 4, Block 1, Sherman Town Center, Section Two, Town Center Addition

Adjacent Zoning:

C-1 (Retail Business) District and C-2 (General Commercial) District

Origination:

A-S 71 Sherman Phase III, LP, (Owner), and Underwood and Associates, Inc. (Surveyor)

Consideration:

Master Plan Designation: Retail/Commercial

Recommendations:

It is recommended that the replat be approved and forwarded to the City Council for final action.

Attachments:

Location map
Photographs
Replat
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

December 14, 2006

A-S 71 Sherman Phase III, LP,
8807 W. Sam Houston Parkway North,
Suite 200
Houston, TX 77040

Kyle D. Lippman
8807 W. Sam Houston Parkway North,
Suite 200
Houston, TX 77040

Dear Applicant,

The request for approval of the Replat of Lot 4, Block 1, Sherman Town Center, Section Two concerning the property located in the 600 Block of North Creek Drive and the 600 Block of Graham Drive, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 19, 2006 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Letters from the various utility providers are required verifying availability of service.
2. Original tax certificates for the property must be furnished prior to recording of the plat.
3. The portion of the existing 30' utility easement to be abandoned contains an existing 8" water main and a 12" sanitary sewer and cannot be abandoned until relocated and dedicated in another easement.
4. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

Respectfully,

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator

Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Underwood Drafting & Surveying



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.6

*** OTHER BUSINESS**

**Consider Canceling the City Council's Meeting Called for 12:00 Noon
on Tuesday, January 30, 2007, to Receive a Briefing on the City Charter**

Issue

To consider canceling the City Council's meeting called for 12:00 noon on Tuesday, January 30, 2007, to receive a briefing on the City Charter

Background

Councilman John Markl has asked that the City Council consider canceling the Charter Briefing scheduled for 12:00 noon on Tuesday, January 30th.

At the November 6th meeting, Councilman Markl requested a briefing on the City Charter, to include the City Council's powers, duties and limitations; and, at the December 18th meeting, the City Council approved a called meeting for this purpose.

Origination

Council Member John Markl

Council Action Requested

It is requested that the City Council cancel the called meeting scheduled for 12:00 noon on Tuesday, January 30, 2007.

Attachments

None

Prepared and Approved by:
L. Scott Wall, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.7

*** OTHER BUSINESS**

**Consider Calling a Special Meeting of the City Council for Tuesday, February 20, 2007,
due to Conflict with a Federal Holiday**

Issue

To consider calling a special meeting of the City Council for 5:00 p.m. on Tuesday, February 20, 2007, to make up for the second regular meeting in February, which falls on a Federal Holiday, Washington's Birthday

Background

The City Charter provides that City Council regular meetings shall fall "on the first and third Mondays of each month, excluding holidays, at its discretion." The regular date for the Council's second meeting in February is Monday, February 19th, a Federal Holiday to celebrate Washington's Birthday. This day is not an officially recognized holiday for City of Sherman employees, but is traditionally respected by not holding regular City Council meetings on this Federal Holiday. While the Charter provision does not require the City Council to meet on a Federal Holiday, neither does it establish a make up date, which would be done by a motion and order with a 72-hour public notice.

Origination

City Manager

Financial Consideration

There is no financial impact to be considered.

Staff Recommendation

It is recommended that the City Council call a special City Council meeting for 5:00 p.m. on Tuesday, February 20th.

Alternatives

As the City Charter does not require the City Council to make up a regular meeting which falls on a Federal Holiday, the Council could elect to skip the February 19th meeting and meet at the next regular Council meeting date of Monday, March 5, 2007. The Council could also decide to hold the Council meeting on its regular meeting day of Monday, February 19th.

Attachments

None

Prepared and Approved by:
L. Scott Wall, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.8

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.9

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.10

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
Airport Advisory Board (4)**

Issue

There are currently four vacancies on the Airport Advisory Board. Mr. Stanley Hale has applied for service to the Board.

Background

The Airport Advisory Board makes recommendations to the City Council on changes in current fees; charges for airport T-hangar rentals and related airport services; and airport rules, regulations and operations for the Sherman Municipal Airport.

Origination

The appointment originated with the City Clerk's Office.

Financial Consideration

There is no financial consideration.

Staff Recommendation

It is recommended that the City Council consider an appointment to the Airport Advisory Board.

Alternatives

The alternative is to delay appointment of a member.

Attachments

A roster, fact sheet, applicant list, and application are attached for examination.

Prepared by:
Linda Ashby, City Clerk

Approved by:
L. Scott Wall, City Manager

MEMBERSHIP ROSTER

AIRPORT ADVISORY BOARD

LENGTH OF TERMS: TWO YEARS

Ord. 3729 Consecutive Term Limit Two Terms effective 3/26/84

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Ross Richardson	1	A 1/18/2005	1/18/2007	1	Commercial Pilot
vacant					
vacant					
Robert G. "Bob" Nunn	1	A 1/18/2005	1/18/2007	1	Private Pilot's License (current)
vacant					
Brad Morgan	1	A 8/7/2005	8/7/2007	1	
vacant					

NOTE: Ord. 3729 Section 4-14(a) Not more than (3) members shall be elected from among those who hold a "current private pilots license,"

11/14/2002 – Determination by City Attorney:

Based on the language contained in Section 1 of Ordinance 3729 referring to Section 4-14(a) of the Code of Ordinances, mere possession of a pilots license does not make an individual a pilot. The ordinance requires a "current" pilots license, which means that every two years an individual must take and pass a bi-annual flight review and have that fact noted in the pilots log book. Therefore, the Board may consist of as many individuals as desired holding non-current pilots licenses.

Note:

CITY STAFF: Jeff Miller, Director of Public Services
Revised 12/14/2006

FACT SHEET

AIRPORT ADVISORY BOARD

Established by ORDINANCE 3729 - MARCH 26, 1984

1. Number of Members SEVEN
2. Term of Appointment TWO YEARS
3. Consecutive Term Rule ORDINANCE 3729 - TERM LIMIT - MAXIMUM OF TWO SUCCESSIVE TERMS
4. Qualifications for Membership NOT MORE THAN THREE MEMBERS TO BE SELECTED FROM THOSE WHO HOLD A CURRENT PRIVATE PILOTS LICENSE (SEE ORDINANCE SECTION 4-14(a))
5. Appointed by CITY COUNCIL
6. Board Organization

CHAIRPERSON E VICE CHAIRPERSON SECRETARY E
ELECTED E APPOINTED
7. Departmental Responsibility CITY MANAGER'S OFFICE
8. Meeting Date NO SET DATE - MEET AS CALLED BY CHAIRMAN
9. Attendance Requirements NO RULE

=====

PURPOSE:

It shall provide such other airport advisory functions as may be directed by the City Council.

RESPONSIBILITIES:

This committee shall advise City Council as to recommend changes in current fees and charges for airport T-hanger rentals and related airport services, in airport rules, regulations and operations of Sherman Municipal Airport.

APPLICANT LIST

AIRPORT ADVISORY BOARD

Positions Vacant 4

APPLICANT	ADDRESS	DISTRICT	QUALIFICATIONS
Stanley Hale	1812 Robin Dr.	4	Nortex Manufacturing

COMMENTS:

DEC - 7 2006



CITY OF SHERMAN APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:

City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: STANLEY GENE HALE (Stanley Hale)
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: AIRPORT Advisory Board

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: <u>1812 Robin Dr.</u>	Business Name: <u>Vortex Manufacturing</u>
Mailing Address: <u>Sherman TX 75092</u>	Occupation: <u>MARKETING DEVELOPMENT</u>
Telephone: <u>(903) 891-3082</u>	Address: <u>Sherman</u>
E-Mail: _____	Telephone: <u>891-3082</u> Fax: _____
Sherman Resident for <u>67</u> years County: <u>67 yrs</u>	E-Mail: <u>PART-TIME</u>
Drivers License No.: <u>TX 03872560</u>	<u>OUT OF MY HOME</u>
*Voter Registration No.: <u>8004100</u>	

Which Council District do you live in? (see attached map) X 4 v

Prior work experience: (please include dates)
HALE MANUFACTURING CO SHERMAN, TX
1962 - 1992 MARKETING SALES, Pres.
MANUFACTURING FINANCIAL PLANNING & CEO

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1956
Business College, Correspondence School, Adult Education, Other? 1962
Name of College/University: UNIV. TEXAS AUSTIN Bachelor's ☒ Master's ☐ PhD

Volunteer Work: (please include dates)

1976-1978 served as Director
OF SHERMAN CHAMBER OF COMMERCE
- ECONOMIC DEVELOPMENT

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☒ Yes ☐ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

APR 1994 ISSUANCE BAD CHECK CHARGES
PAID FINES AND RECEIVED DEFERRED ADJUDICATION
AND DUI PROBATION COMPLETED 2003
Taxes - yes

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? _____

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?

I HAVE A HISTORY WITH AIRPORT BEGINNING
50 YEARS AGO AND A DESIRE FOR IT CONTINUING

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) AT THIS TIME I AM NOT FAMILIAR WITH
ISSUES FACING THE AIRPORT

2) I WOULD LIKE A WORKABLE SHORT
AND LONG TERM PLANS ESTABLISHED

3) _____

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

HAVE EXPERIENCE AS A PILOT USING AIRPORT
AND HAVE OWNED HANGAR SPACE IN THE PAST

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

NONE

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: _____

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

*I affirm that I am qualified to vote.

Signature: Stanly Hale Date: 12-7-06

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. D.11

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. E.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 the City Attorney Concerning
Pending Litigation:**

- a) Consultation with the City Attorney Concerning
Legal Matters or Contemplated Litigation**
- b) Wayne vs. City of Sherman, Cause No.
05-06-00420-CV**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. F.1

OPEN MEETING

**Reconvene into Open Meeting and consider action, if any,
on items discussed in Executive Session**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-16-2007

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2007 CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue
	1	2
7	8	9
14	15	16
21	22	23
28	29	30

Wed	Thu	Fri	Sat
3	4	5	6
10	11	12	13
17	18	19	20
24	25	26	27
31			

JULY

Sun	Mon
1	2
8	9
15	16
22	23
29	30

Tue	Wed	Thu	Fri	Sat
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

FEBRUARY

Sun	Mon	Tue
	4	5
11	12	13
18	19	20
25	26	27

Wed	Thu	Fri	Sat
7	8	9	10
14	15	16	17
21	22	23	24
28			

AUGUST

Sun	Mon
5	6
12	13
19	20
26	27

Tue	Wed	Thu	Fri	Sat
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

MARCH

Sun	Mon	Tue
4	5	6
11	12	13
18	19	20
25	26	27

Wed	Thu	Fri	Sat
7	8	9	10
14	15	16	17
21	22	23	24
28	29	30	31

SEPTEMBER

Sun	Mon
2	3
9	10
16	17
23	24
30	

Tue	Wed	Thu	Fri	Sat
5	6	7	8	1
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

APRIL

Sun	Mon	Tue
1	2	3
8	9	10
15	16	17
22	23	24
29	30	

Wed	Thu	Fri	Sat
4	5	6	7
11	12	13	14
18	19	20	21
25	26	27	28

OCTOBER

Sun	Mon
7	8
14	15
21	22
28	29

Tue	Wed	Thu	Fri	Sat
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27

MAY

Sun	Mon	Tue
6	7	8
13	14	15
20	21	22
27	28	29

Wed	Thu	Fri	Sat
2	3	4	5
9	10	11	12
16	17	18	19
23	24	25	26

NOVEMBER

Sun	Mon
4	5
11	12
18	19
25	26

Tue	Wed	Thu	Fri	Sat
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

JUNE

Sun	Mon	Tue
3	4	5
10	11	12
17	18	19
24	25	26

Wed	Thu	Fri	Sat
6	7	8	9
13	14	15	16
20	21	22	23
27	28	29	30

DECEMBER

Sun	Mon
2	3
9	10
16	17
23	24
30	31

Tue	Wed	Thu	Fri	Sat
4	5	6	7	1
11	12	13	14	8
18	19	20	21	15
25	26	27	28	22

01/01/07 - New Year's Day Holiday - Council Meeting Not Called for 01/02/07
01/15/07 - M.L.K., Jr. Birthday - Called Council Meeting on 01/16/07
01/30/07 - 12:00 Noon Called Meeting for City Charter Briefing
02/19/07 - Washington's Birthday - Called Council Meeting on 02/20/07
05/12/07 - City Council Election
09/03/07 - Labor Day - Called Council Meeting on 09/04/07