

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JANUARY 7, 2019
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER DARON HOLLAND**
- A. 3. INVOCATION BY COUNCIL MEMBER DARON HOLLAND**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 17, 2018**

Public Hearing

- B. 1. PUBLIC HEARING**
Proposed Agreement with Tyson Fresh Meats, Incorporated, a Delaware Corporation, for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6173**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District in the 800 block of South Montgomery Street (801 and 805 South Montgomery Street), being Lots 1 and 2, Block 1, Young's Addition (Roberto Meraz, Owner; Jessica Paniagua, Representative; and Fincher Land Surveying, PLLC, Surveyor)
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6174**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 5005 North Travis Street, being 3.804 acres in the Alexander & Richards Survey, Abstract No. 42 (Young Enterprises, LP, Owners; Daniel Worrell, Representative; and David Baca Studio, Architect)
- B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6175**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Children's Commercial Amusement Center in a C-2 (General Commercial) District at 2001 Loy Lake Road, Suite P, being 2.977 acres in the J.B. McAnair Survey, Abstract No. 763 (Aberfeldy Properties, Inc., Owners; and Xiaoxiang Liu, Representative); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6176**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Wedding and Party Event Venue with Living Quarters in a C-O (Office) District/Heritage Row Historical District at 402 South Crockett Street, being part of Lot 1, Block 1, Dickerman's 1st Addition (Wormington Estates, LLC, Owners; Jeremy Friesen, Representative; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6177

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Automobile Repair including Mechanical Repairs, Engine Repair, Brakes, Steering/Suspension, Alignments, Transmissions, etc. in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn) Overlay District at 1305 North Sam Rayburn Freeway, being 0.40 acres in the J.B. McAnair Survey, Abstract No. 763 (JUSTBLW3, LLC and Just Clouds, LLC, Owners; Shu Yang, Applicant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Close Public Hearing and Consider Adoption of Ordinances

B. 7. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6173, 6174, 6175, 6176 and 6177

B. 8. CONSENT AGENDA

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

Resolutions

C. 1. RESOLUTION NO. 6449

Authorizing Execution of an Agreement with Tyson Fresh Meats, Incorporated, a Delaware Corporation, for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas

C. 2. * RESOLUTION NO. 6450

Awarding a Bid to and Authorizing Execution of a Contract with American Suncraft Company, Inc. for the Repair and Repainting of the Fairview Elevated Storage Tank

C. 3. * RESOLUTION NO. 6451

Awarding a Bid to and Authorizing Execution of a Contract with Weisinger Incorporated for the Shepherd Drive Woodbine #1 Well Repairs

Other Business

D. 1. OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Chairman Brad Douglass

D. 2. * OTHER BUSINESS

Replat Approval of Lots 1 and 2, Block 4, W.D. Fitch Addition, being Lots 1 and 2, Block 4, W.D. Fitch Addition, containing 0.482 acres in the G.B. Pilant Survey, Abstract No. 963; Cupid Properties, LLC, Owners; and Helvey-Wagner Surveying, Surveyor (1203 South First Street)

D. 3. * OTHER BUSINESS

Replat Approval of Lot 1, RMT Visions Addition, being 20.102 acres in the Jason Stamps Survey, Abstract No. 1115, also being Lot 1, RMT Addition; Nicolas and Cynthia Diaz, Owners; and Vilbig & Associates, PLLC, Civil Engineer/Surveyor (2700-2800 blocks of South Friendship Road)

D. 4. * OTHER BUSINESS

Replat Approval of The Presco Addition, being a Replat of parts of The College Park First Addition, Chaffin's Addition, Texas and Pacific Railway Company's Addition and Chaffin's First Addition, being 24.447 acres in the C. Carter Survey, Abstract No. 229, G.B. Pilant Survey, Abstract No. 963, and the J.B. McAnair Survey, Abstract No. 763 and a part of the College Park First Addition, Chaffin's Addition, Pacific Railway Company's Addition and Chaffin's First Addition; PRESCO, Inc., Owners; and Underwood Drafting and Surveying, Inc., Surveyor (1201 East Pecan Street)

D. 5. * OTHER BUSINESS

Replat Approval of First United Bank – Sherman, being a Replat of part of Block 1, Independence Square, Section 1, being 5.348 acres in the J.B. McAnair Survey, Abstract No. 763 and part of Block 1, Independence Square Section 1; First United Bank and Trust Company, Owners; and Underwood Drafting and Surveying, Inc., Surveyor (401 East Taylor Street)

E. CITIZEN REQUESTS

F. MEDIA QUESTIONS

Consider Board/Commission Appointments

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

(a) Library Board (4)

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

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

Section 551.071	Consultation with City Attorney concerning Pending or Contemplated Litigation
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Section 551.071	Consult with the City Attorney on a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter
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Section 551.087	Deliberation Regarding Economic Development Negotiations:
(a)	Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

J. 1. OPEN MEETING

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

K. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on January 3, 2019 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 3rd day of January, 2019.
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Shawn C. Teamann

Council Members

Willie Steele, Council-At-Large, PL #1

Sandra Melton, Council-At-Large, PL #2

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 01/07/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 17, 2018

Attachments

December 17, 2018

STATE OF TEXAS §
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 17, 2018.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR SHAWN TEAMANN (VIA SKYPE). COUNCIL MEMBERS HOLLAND, HOWETH, MELTON, STEELE, STEVENSON.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Deputy Mayor Shawn Teamann.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of December 3, 2018. Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Holland. All present voted AYE. MOTION CARRIED.

ANNOUNCEMENT

Robby Hefton, City Manager, announced that Terrence Steele, Director of Administration, has been promoted to Assistant City Manager, effective January 1, 2019.

He said as the City grows, and takes on additional projects, the staff grows too. Mr. Steele will serve as one of two Assistant City Managers, along with Steve Ayers. He has previously served the City as a City Council Member, and for the last year as a staff member.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Plyler introduced Ordinance No. 6169 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9), CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE.

Mary Lawrence, Director of Finance, said this ordinance designated Tyson's property as a Reinvestment Zone, which is the first required step for the City to grant a Tax Abatement Agreement.

COUNCIL MINUTES – DECEMBER 17, 2018

The project receiving the abatement is for Tyson to add about 80,000 square feet to their facility and some additional equipment. The project is expected to add about \$19 million to the tax rolls. The abatement is for six years at 50% per year, which is in accordance with the City's tax abatement matrix.

No citizens appeared before the City Council to discuss Ordinance No. 6169.

Mayor Plyler introduced Ordinance No. 6170 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF THE DEVELOPED RIGHT-OF-WAY BEING EAST LAKE STREET BETWEEN MONTGOMERY STREET AND THE FORMER HOUSTON & TEXAS CENTRAL RAILROAD TO THE EAST OF MONTGOMERY STREET, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID RIGHT-OF-WAY TO BE RETAINED AND MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, DOUGLASS DISTRIBUTING, INC.

ORD 6170
ABANDON ROW
ON E. LAKE ST

Clint Philpott, City Engineer, said there were some major rain events in 2015 and the culvert along Lake Street failed. After working with FEMA, it was determined that the City would not reopen Lake Street, but would work on plans to extend Park Avenue, which is part of the Master Thoroughfare Plan.

The extension of Park Avenue includes two railroad crossings, and work with the Railroad has taken longer than expected. There is an approved plan with the Railroad, but the City is waiting on a contract for them to begin their work. The City will then bid out the work to extend the street.

Since the plan has been approved, the City will abandon this part of Lake Street, and Douglass Distributing will be purchasing the property. On the east side of the railroad tracks, a cul-de-sac will be installed.

Bill Douglass, Douglass Distributing

Mr. Douglass said they have worked with the City for three years on this particular street. Douglass Distributing has 40 contiguous acres that are separated by Lake Street. This will allow his company to drive their forklifts across the closed street instead of driving them on Montgomery Street. He said it is a very important piece for them, safety-wise. Many big semi-trucks use their facility.

He thanked the City Council for working with them to abandon Lake Street and allow them to purchase the abandoned portion that is adjacent to their property.

No other citizens appeared before the City Council to discuss Ordinance No. 6170.

Mayor Plyler introduced Ordinance No. 6171 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 511 NORTH EAST STREET, BEING PART OF LOTS 3, 6 AND 7, BLOCK 9, BOND'S 2ND ADDITION, CONTAINING 0.3334 ACRES (TOBAR PROPERTIES, LLC, OWNER; NBS DRAFTING & DESIGN, DRAFTSMAN; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6171
ZONE CHANGE
(511 N. EAST ST)

Scott Shadden, Director of Development Services, said the request is to build a four-plex. The Planning and Zoning Commission recommended approval of the zone change, subject to the Staff Review Letter.

Juan Lopez, 515 Fairhaven Dr., Allen, Texas

Mr. Lopez, an attorney representing Tobar Properties, was available to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6171.

Mayor Plyler introduced Ordinance No. 6172 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 4100-4300 BLOCKS OF QUAIL RUN ROAD; TRACT 1: BEING 2.060 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, ALSO BEING THE PROPOSED LOTS 39-49, BLOCK 11, THE PRESERVE, PHASE II; TRACT 2: BEING 1.513 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, ALSO BEING THE PROPOSED LOTS 10-18, BLOCK 14, THE PRESERVE, PHASE II (WESTAR HOME BUILDERS, LLC, OWNERS; CROSS ENGINEERING CONSULTANTS, CIVIL ENGINEER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6172
SUP FOR
PATIO HOMES
(4100-4300 BLOCKS
QUAIL RUN RD)

Mr. Shadden said this is for a Specific Use Permit to allow patio homes on 21 lots. They are platting 42 lots. The site is located west of FM 1417 and north of the Pulte Subdivision. The Planning and Zoning Commission recommended approval of the SUP, subject to the Staff Review Letter.

Jonathan Hake, 131 S. Tennessee, McKinney, Texas

Mr. Hake appeared representing Westar Homes. The request is for patio homes, however the intent is not to build patio homes, but to build traditional, single-family homes. The request would allow them to reduce the front yard setback, due

to some slopes in the lots. The homes will have a bigger back yard.

No other citizens appeared before the City Council to discuss Ordinance No. 6172.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9), CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE.

ORD 6169
INDUSTRIAL
REINVESTMENT
ZONE #9

Ordinance 6170

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF THE DEVELOPED RIGHT-OF-WAY BEING EAST LAKE STREET BETWEEN MONTGOMERY STREET AND THE FORMER HOUSTON & TEXAS CENTRAL RAILROAD TO THE EAST OF MONTGOMERY STREET, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID RIGHT-OF-WAY TO BE RETAINED AND MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, DOUGLASS DISTRIBUTING, INC.

ORD 6170
ABANDON ROW
ON E. LAKE ST

Council Member Howeth said there is currently a "street closed" sign on East Lake Street. She asked if the sign will remain after the street is closed or will it be moved. She asked about the cul-de-sac or if it will be a dead-end street.

Mr. Philpott said from First Street, heading west, will eventually connect to Park Avenue. There will be a "T" intersection about two blocks in, that will lead to the cul-de-sac and will go north. There will be a "no thru traffic" sign.

Ordinance 6171

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 511 NORTH EAST STREET, BEING PART OF LOTS 3, 6 AND 7, BLOCK 9, BOND'S 2ND ADDITION, CONTAINING 0.3334 ACRES (TOBAR PROPERTIES, LLC, OWNER; NBS DRAFTING & DESIGN, DRAFTSMAN; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6171
ZONE CHANGE
(511 N. EAST ST)

Ordinance 6172

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 4100-4300 BLOCKS OF QUAIL RUN ROAD; TRACT 1: BEING 2.060 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, ALSO BEING THE PROPOSED LOTS 39-49, BLOCK 11, THE PRESERVE, PHASE II; TRACT 2: BEING 1.513 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, ALSO BEING THE PROPOSED LOTS 10-18, BLOCK 14, THE PRESERVE, PHASE II (WESTAR HOME BUILDERS, LLC, OWNERS; CROSS ENGINEERING CONSULTANTS, CIVIL ENGINEER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6172
SUP FOR
PATIO HOMES
(4100-4300 BLOCKS
QUAIL RUN RD)

ACTION TAKEN.

Motion by Council Member Stevenson to approve Ordinance Nos. 6169, 6170, 6171, and 6172, as presented.

Second by Deputy Mayor Teamann.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Melton asked to remove Item C-6, entitled "Resolution No. 6448 - Revoking and Replacing Resolution No. 6405; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date," from the Consent Agenda, for consideration in its regular order of business.

CONSENT AGENDA

Council Member Steele moved to approve the Consent Agenda, with the exception of Item C-6, which will be considered in its regular order of business. Second by Council Member Howeth. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 6448 – REVOKING AND REPLACING RESOLUTION NO. 6405; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6405; ESTABLISHING SALARY

RES 6448
POLICE & FIRE
SALARY & INCENTIVE
PAY

STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.

Council Member Melton asked to remove Item C-6 from the Consent Agenda for consideration in its regular order of business.

She asked about the different time period for police and fire pay scales. The limitations on the pay are different for police and fire because one is “capped out” and one is not. Since both are Civil Service, she asked why they were not the same.

Zach Flores, Police Chief, explained that the departments have different variations and needs. The spirit of the ordinance is to remove barriers for bringing in employees laterally, with previous experience.

One thing the Fire Department faces that the Police Department doesn't is volunteers. The Police Department addresses experience on a case-by-case basis. Some officers may have a number of years experience at a department that is not equivalent to Sherman's department. They would reserve the right not to bring them in at the capped out level.

Chief Flores said basically, it is the two departments running independently. Even though they are both Civil Service, they operate independently of each other and cap the salary at a level where they feel comfortable.

Mr. Hefton added that each department has their own pay structures that have been adopted by the Council. The Fire Department's pay structure goes up to five or six years and the Police Department's goes up to 20 years. The departments are capped out at different rates on their pay structures, and this follows that same concept.

Mr. Hefton said at one time, there was no lateral entry and it was a barrier to attracting interested people to apply. When an applicant had experience at another department, but had to come in at “ground zero” it was a deterrent.

Council Member Melton asked Danny Jones, Fire Chief, if the levels for the Fire Department were set where he wanted them to be. Chief Jones said they were. He said one of the differences between police and fire in Sherman is that police have the opportunity to hire someone “off the street” and then send them to the Academy.

The Fire Department hires applicants that have already attended the Academy and are certified. He said this ordinance changes some of the specifics of the lateral program. The competition for hiring firefighters is growing

and will continue to grow, and these changes will help them hire experienced firefighters.

Council Member Melton asked if someone started with the City of Sherman and chose to leave, but then returned, would they receive their time and seniority back. Chief Flores said someone coming back to the City would retain their experience and time, and not have to start at the bottom. He added that, just because the employee's experience was with Sherman, it shouldn't be a handicap against them.

Council Member Melton asked how the other officers felt about the situation. Chief Flores said the officers also recognize that experience is important and they should be credited for that experience. He said he has not received any negative feedback from the proposal. Chief Jones said he has also received good response from his officers.

Council Member Steele verified that Chief Flores hired officers and then sent them to the Academy. Chief Jones hires firefighters that are already trained. Chief Jones said it is a local rule that they hire those already trained. They would have the ability to change that rule and hire employees and then send them for training.

Chief Jones said there is some "long-term thinking" about regional academies. There have been some discussions about A regional academy for several local departments. There have also been discussions with the Sherman Independent School District about a program where the students graduate and are ready to test for the Fire Department.

Deputy Mayor Teamann asked if there were other local departments that had a lateral program, or if Sherman was more competitive because they had it.

Chief Flores said there were other Police Departments that had lateral entry programs, especially in the Metroplex, because they can attract from Dallas. He said the program will keep them competitive. They are currently at full staff.

Council Member Melton asked if Sherman was the only City with four Police Chiefs at this level. Chief Flores said he did not know for sure, but the positions may be called something other than Assistant Chief. In Sherman they are called Assistant Chief so an appointment can be made. Other departments may title them differently, but they generally have a leader over each department.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6445, as presented. Second by Council Member Howeth.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6443 – NOMINATING TYSON FRESH MEATS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM (“EDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) AS AN ENTERPRISE PROJECT (“PROJECT”) TO ENCOURAGE PRIVATE INVESTMENT AND JOB RETENTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, NOMINATING TYSON FRESH MEATS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (“EDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) AS AN ENTERPRISE PROJECT (“PROJECT”) TO ENCOURAGE PRIVATE INVESTMENT AND JOB RETENTION; PROVIDING FOR A REPEALER.

RES 6443

TYSON FRESH MEATS
ENTERPRISE PROJECT

Ms. Lawrence said this resolution nominates Tyson as an Enterprise Project, and is the same project that was covered by the Tax Abatement earlier in the meeting.

In order to apply for the State Enterprise Zone Program, Tyson must be nominated by the City. The program allows them to receive a sales tax rebate on their State dollars only.

Tyson’s nomination to the program doesn’t cost the City anything and they will not receive any rebate on local sales tax dollars.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6443, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6444 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN BROOKSTONE ESTATES ADDITION, A 23.455-ACRE DEVELOPMENT OFF OF F.M. 1417 (HERITAGE PARKWAY), SOUTHEAST OF QUAIL RUN ROAD IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN BROOKSTONE ESTATES ADDITION, A 23.455-ACRE DEVELOPMENT OFF OF F.M. 1417 (HERITAGE PARKWAY), SOUTHEAST OF QUAIL RUN ROAD IN THE CITY OF SHERMAN.

RES 6444

DEVELOPMENT
AGREEMENT
(BROOKSTONE
ESTATES)

COUNCIL MINUTES – DECEMBER 17, 2018

Mr. Philpott said this is an agreement to build an 86 lot subdivision, east of FM 1417. It is Phase 2 of Joe Gilbert's Brookstone Garden Homes Addition.

The development will extend Brookstone Drive to the area north of Pebblebrook. Improvements will include water, sewer, streets, and storm drains.

Council Member Howeth said the Council is seeing a lot of requests for patio homes. She asked if Sherman was getting too many houses, patio homes, and duplexes, and expressed concern about a "glut" of housing.

Mr. Hefton said this request is for a development agreement, which means the City agrees to allow them to develop public infrastructure, and the City will take over maintenance of it.

There was a request earlier in the meeting for patio homes, which requires a different setback and different lot sizes. Whether or not this is too much, is driven by market forces, the economy, and a complex mix of variables.

He said there has been a "softening of the real estate market," but some of that is seasonal. He said developers "have their fingers on the pulse" and they are moving things along at the speed of where the demand is.

Council Member Steele said a few years ago there was a shortage of lots. He felt the developers wouldn't build houses if they didn't think they could sell them.

Mr. Hefton said there is still a limited inventory of available housing and he felt developers are trying to find that "sweet spot."

ACTION TAKEN.

Motion by Deputy Mayor Teamann to approve Resolution No. 6444, as presented. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6445 – AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BROCKETTE/DAVIS/DRAKE, INC. FOR THE ENGINEERING DESIGN OF FLANARY ROAD AND PROGRESS DRIVE EXTENSIONS/IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BROCKETTE/DAVIS/DRAKE, INC. FOR THE ENGINEERING DESIGN OF FLANARY ROAD AND PROGRESS DRIVE EXPANSION/IMPROVEMENTS.

**RES 6445
FLANARY RD &
PROGRESS DR
EXTENSION**

Mr. Philpott said the proposed engineering contract is for the design and extensions of Progress Drive and Flanary Road. This is the same engineering firm that has been doing Crossroads Development and designed West Travis Street.

The Sherman Economic Development Corporation has had some growing concerns with Progress Drive dead ending, especially when the BNF train blocks the intersection. When this happens, no one can enter or leave those two industries.

Because of that and the additional purchase of SEDCO land, the City began looking at this area. As the High School and other things develop north of FM 1417, Moore Street will connect to Flanary Road, which will make it a minor arterial for the Master Thoroughfare Plan.

This contract will address the design of Flanary Road and Progress Drive, with SEDCO paying for the design of Progress Drive and the City paying for the design of Flanary Road. SEDCO approved the contract at their last meeting. Construction would be phased according to development.

As with other extensions, they will not be building the four lane, divided road now, but it will be designed and the right-of-way purchased for future expansion.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 6445, as presented. Second by Council Member Melton.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6446 – FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF THE SHERMAN NORTHWEST LIFT STATION AND SEWER IMPROVEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF THE SHERMAN NORTHWEST LIFT STATION AND SEWER IMPROVEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED

RES 6446
NORTHWEST LIFT
STATION & SEWER
IMPROVEMENTS

PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.
CONSENT AGENDA.

RESOLUTION NO. 6447 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH LUZ M. LESZCZYNSKI FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 411 WEST CHERRY STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH LUZ M. LESZCZYNSKI FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 411 WEST CHERRY STREET.
CONSENT AGENDA.

RES 6447
RESIDENTIAL
PROPERTY TAX
ABATEMENT
(411 W. CHERRY)

REQUEST TO ADVERTISE
ANNUAL SUPPLY OF CHEMICALS

The City Council approved the request to advertise for the annual supply of chemicals for calendar year 2019. These chemicals are for use at the Water Treatment Plant and the Wastewater Treatment Plant.
CONSENT AGENDA.

REQ TO ADVERTISE
ANNUAL SUPPLY
OF CHEMICALS

OTHER BUSINESS

SETTING THE PUBLIC HEARING ON THE PROPOSED AGREEMENT WITH TYSON FRESH MEATS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9), CITY OF SHERMAN, TEXAS

Ms. Lawrence said this item will set the public hearing for January 7, 2019, for the tax abatement agreement with Tyson that was previously discussed.

TYSON FRESH MEATS
PROPERTY TAX
ABATEMENT

ACTION TAKEN.

Motion by Council Member Stevenson to set a public hearing for January 7, 2019, for the abatement of Ad Valorem Property Taxes for Tyson Fresh Meats, Inc., as presented. Second by Deputy Mayor Teamann.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

REPLAT APPROVAL OF LOTS 1, 2 AND 3, PARKVIEW ADDITION AND ADJOINING TRACT TO THE SOUTH, BEING 0.801 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; CITY OF SHERMAN AND SCOTT ADAMS, OWNERS; AND HELVEY-WAGNER SURVEYING, SURVEYOR (106 NORTH WOODS, 118 AND 128 KESSLER BOULEVARD)

Mr. Shadden said this Replat is located at Woods Street, where Kessler Boulevard was closed. The owners would like to replat the property into two lots. The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.

APPROVAL OF REPLAT
PARKVIEW ADDITION
(106 N. WOODS;
118 & 128 KESSLER)

COUNCIL MINUTES – DECEMBER 17, 2018

Council Member Melton asked if the City owned a portion of the property. Mr. Philpott said the City purchased eight lots, north of this Replat in 2015 when the street failed. After a second failure during construction, it made more sense to purchase the property. All property was voluntarily purchased.

Scott Adams, owner of Tracks Restaurant, owned the remaining three lots to the south. The City has worked with Mr. Adams on the Replat. Lot 1 on the Replat will be a parking lot and he will donate Lot 2 to the City to be used as a linear park.

ACTION TAKEN.

Motion by Council Member Howeth to approve the Replat of Lots 1, 2 and 3, Parkview Addition, and the adjoining tract to the south, located at 106 North Woods, and 118 and 128 Kessler, as presented. Second by Council Member Stevenson.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

FINAL PLAT APPROVAL OF SHERMAN CROSSROADS, PHASE II, BEING 21.5528 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667; SHERMAN CROSSROADS, LTD, OWNERS; AND BROCKETTE/DAVIS/DRAKE, INC., SURVEYOR (3100-3600 BLOCKS OF SOUTH U.S. HIGHWAY 75)

The City Council approved the Final Plat of the Sherman Crossroads, Phase II, which is 21.5528 acres located in the 3100 to 3600 blocks of South U.S. Highway 75. The property is located at the northwest corner of Highway 75 and West FM 1417, just south of the new West Travis Street extension.

The owners would like to plat the property into three lots for commercial development and dedicate a new street, "Crossroads Boulevard."

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.

CONSENT AGENDA.

VARIANCE AND SITE PLAN APPROVAL FOR SHERMAN CROSSROADS, LTD, OWNERS; BRAUM'S, DEVELOPER/ TENANT, BROCKETTE/DAVIS/DRAKE, INC., SURVEYOR; KIMLEY HORN, CIVIL ENGINEER; AND ELLIOTT ARCHITECTS, INC., ARCHITECT UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTIONS 410 (2)(G) AND SECTION 410 (2)(J) TO ALLOW A 33" SETBACK ON THE SOUTH PROPERTY LINE FOR A BRAUM'S ICE CREAM AND DAIRY IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT AT 3120 SOUTH U.S. HIGHWAY 75

The City Council approved the Variance and Site Plan for Sherman Crossroads, LTD, to allow a 33' setback on the south

APPROVAL OF FINAL
PLAT - SHERMAN
CROSSROADS
(3100-3600 BLOCKS
OF S. HWY 75)

VARIANCE & SITE
PLAN – SHERMAN
CROSSROADS
(3120 S. HWY 75)

property line for a Braum's Ice Cream and Dairy in the Blalock Industrial Park, Blalock Commercial Overlay District, located at 3120 South Highway 75.

The Planning and Zoning Commission recommended approval of the Variance and Site Plan, subject to the Staff Review Letter.

CONSENT AGENDA.

REPLAT APPROVAL OF THE SHOPS OF GRAYSON ADDITION, BEING A REPLAT OF LOT 4 OF DR. SWAMY ADDITION, LOTS 1-7, BLOCK 1 AND LOT 3R OF THE REPLAT OF LOTS 2 AND 3, BLOCK 1, DR. SWAMY ADDITION, BEING LOT 4 OF DR. SWAMY ADDITION, LOTS 1-7, BLOCK 1, DR. SWAMY ADDITION AND LOT 3R OF THE REPLAT OF LOTS 2 AND 3, BLOCK 1, DR. SWAMY ADDITION, CONTAINING 2.433 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875; ONE GANESHA LTD, OWNERS; DR. ARSHAD KHALIL, M.D., PROSPECTIVE BUYER; KISS DEVELOPMENT, DEVELOPER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (2415 AND 2429 SWAMY DRIVE)

The City Council approved the Replat of The Shops of Grayson Addition, which is a Replat of a portion of Dr. Swamy Addition, located at 2415 and 2429 Swamy Drive.

The property is zoned a C-2 (General Commercial) District and is also located in the O-1 (75 & 82) Overlay District and O-1.3 (F.M. Highway 691) Overlay District. The owners would like to plat two lots into one lot for commercial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.

CONSENT AGENDA.

REPLAT APPROVAL OF LOT 6, BLOCK A, DR. SWAMY ADDITION, BEING LOT 6, BLOCK A, DR. SWAMY ADDITION, CONTAINING 2.714 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875; 2017 GK ASSOCIATES, LLC, DR. MANDEEP SINGH, M.D., OWNERS; DEAN GILBERT, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, SURVEYOR (2416 AND 2500 SWAMY DRIVE)

The City Council approved the Replat of Lot 6, Block A, Dr. Swamy Addition, located at 2416 and 2500 Swamy Drive.

The property is zoned a C-2 (General Commercial) District and is also located in the O-1 (75 & 82) Overlay District and O-1.3 (F.M. Highway 691) Overlay District. The owners would like to plat one lot into two lots for commercial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.

CONSENT AGENDA.

FINAL PLAT APPROVAL OF THE PRESERVE, PHASE II, BEING 10.264 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; WESTAR HOME BUILDERS, LLC,

APPROVAL OF REPLAT
THE SHOPS OF
GRAYSON ADDITION
(2415 & 2429
SWAMY DR)

APPROVAL OF REPLAT
DR. SWAMY ADDITION
(2416 & 2500 SWAMY
DR)

APPROVAL OF FINAL
PLAT – THE PRESERVE
(4100-4300 BLOCKS

OWNERS; CROSS ENGINEERING CONSULTANTS, CIVIL ENGINEER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (4100-4300 BLOCKS OF QUAIL RUN ROAD)

OF QUAIL RUN RD)

The City Council approved the Final Plat of The Preserve, Phase II, which is a 10.264 acre tract, located in the 4100 to 4300 blocks of Quail Run Road.

The property is zoned an R-1 (One Family Residential) District and the owners would like to plat the property into forty-two lots for residential development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

REPLAT APPROVAL OF THE TOBAR ADDITION, BEING A REPLAT OF THE SOUTH 48' OF LOT 30 AND THE NORTH 8' OF THE ALLEY, BLOCK 10 OF THE HARE AND RANDOLPH ADDITION, BEING 0.273 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 AND BEING THE SOUTH 48' OF LOT 30 AND THE NORTH 8' OF THE ALLEY, BLOCK 10, HARE & RANDOLPH ADDITION; LETICIA AND JULIO CESAR TOBAR, OWNERS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (714 SOUTH CROCKETT STREET)

APPROVAL OF REPLAT
THE TOBAR ADDITION
(714 S. CROCKETT)

The City Council approved the Replat of The Tobar Addition, which is a Replat of a portion of the alley, of the Hare and Randolph Addition, and is located at 714 South Crockett Street.

The owners would like to replat the property into two lots for residential development. The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF BARNES SUBDIVISION IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 5.326 ACRES IN THE JEREMIAH McDANIEL SURVEY, ABSTRACT NO. 774; DANNY & MELVA BARNES, LLC, OWNERS; AND HELVEY-WAGNER SURVEYING, SURVEYOR (2789 LUELLA ROAD)

APPROVAL OF FINAL
PLAT – BARNES
SUBDIVISION (ETJ –
2789 LUELLA RD)

The City Council approved the Final Plat of Barnes Subdivision in the City's Extra Territorial Jurisdiction. The 5.326 acre tract is located at 2789 Luella Road. The owners would like to plat the property into two lots.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

MERRY CHRISTMAS

Council Member Melton wished everyone a Merry Christmas, safe travels, and a Happy New Year.

MERRY CHRISTMAS

FLOODING FROM RAINS

Council Member Melton asked if anyone was having trouble from the last rains in Sherman.

FLOODING FROM
RAINS

EMPLOYEE APPRECIATION DAY

Council Member Steele said he enjoyed the Employee Appreciation Day luncheon recently and appreciated all the employees that work for the City.

EMPLOYEE
APPRECIATION
DAY

MERRY CHRISTMAS

Council Member Howeth said it was great to see how many wonderful people work for the City and to know that they enjoy each other's company. She wished everyone a Merry Christmas and a Happy New Year, and asked them to be safe over the holidays.

MERRY CHRISTMAS

THANKS TO INFORMATION TECHNOLOGY STAFF

Deputy Mayor Teamann thanked the City's IT staff that helped him Skype into the last City Council Meeting, adding that it was nice to be back in person. He recognized all the staff that keep the City running.

THANKS TO
IT STAFF

EMPLOYEE APPRECIATION DAY

Council Member Holland said the Employee Appreciation Day was really great and everyone seems to be really happy. He wished everyone a Merry Christmas and a Happy New Year.

EMPLOYEE
APPRECIATION
DAY

COLLEGE PARK OVERLAY DISTRICT

Council Member Stevenson asked that the Council review the College Park Overlay District and see if anything needs to be updated or brought up to modern standards.

COLLEGE PARK
OVERLAY DISTRICT

FLOODING ISSUES ON CLEVELAND STREET

Council Member Stevenson asked the staff to inspect the 700 block of Cleveland Street for flooding issues and see if those issues can be resolved.

FLOODING ISSUES
ON CLEVELAND ST

EMPLOYEE APPRECIATION DAY

Council Member Stevenson thanked the City employees for inviting the Council to the Employee Appreciation Day activities.

EMPLOYEE
APPRECIATION
DAY

He works in government and said, people only pay attention to what you do when something goes wrong. No one cares when something goes right. He said something "goes right" for the City of Sherman almost every day.

He thanked all the City employees for the job they do and wished them a Merry Christmas.

SERVICE AS MAYOR

Mayor Plyler said it was humbling for him to serve as Mayor of Sherman and he felt blessed to serve the citizens. He said Sherman is a great City with a lot of great folks, and a lot of good things going on. He said they were very thankful and blessed to serve such great citizens. He wished everyone a Merry Christmas and a Happy New Year.

SERVICE AS MAYOR

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

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

EXECUTIVE SESSION

SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

SECTION 551.071 -- CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER

SECTION 551.074 -- PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: PLANNING AND ZONING COMMISSION (2)

SECTION 551.087 -- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:43 p.m.

COUNCIL MINUTES – DECEMBER 17, 2018

On Motion duly made and carried, the Executive Session recessed at 6:01 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

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS

PLANNING AND ZONING COMMISSION (2)

ACTION TAKEN.

Motion by Council Member Stevenson to reappoint Clay Mahone to the Planning and Zoning Commission, for a term from September 22, 2018 to September 22, 2021; and to appoint Paul Manley for a term from December 18, 2018 to December 18, 2021. Second by Council Member Steele.

VOTING AYE: Holland, Howeth, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

PLANNING &
ZONING COMMISSION

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:02 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 01/07/2019

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

PUBLIC HEARING

Proposed Agreement with Tyson Fresh Meats, Incorporated, a Delaware Corporation, for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas

Issue:

Holding a public hearing on a proposed tax abatement agreement with Tyson Fresh Meats, Incorporated, a Delaware Corporation, for improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas

Background:

On Tuesday, November 27, 2018, the Tax Reinvestment Committees of the City of Sherman, the Sherman Independent School District, Grayson County, and Grayson College (the "Committee") met to consider a request from Tyson Fresh Meats, Incorporated for a tax abatement involving a project to invest \$30 million in a facility expansion and manufacturing equipment in Sherman. The taxable value of Tyson's current property is about \$88 million with this project adding about \$19 million in additional taxable value. The project is scheduled to begin first quarter of 2019 and be fully operational by the summer of 2020.

The Committee voted to recommend an abatement and the creation of the Zone to the City Council and other taxing entities. The law requires that a reinvestment zone be established prior to a tax abatement being granted for eligible projects. Ordinance No. 6169 creating Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas, necessary for consideration of this tax abatement, was adopted following public hearing at the December 17, 2018 City Council meeting.

The proposed tax abatement agreement calls for a six (6) year tax abatement of 50%, 50%, 50%, 50%, 50% and 50%, in accordance with the City's current tax abatement matrix. As is the case with all tax abatements, none of the proposed property considered under this abatement agreement is currently on the tax rolls, so the benefit from this abatement is that the City will set a net increase in property tax revenues.

Origination:

Tyson Fresh Meats, Incorporated, Applicant
Tax Reinvestment Committee

Financial Consideration:

At the estimated taxable value of \$19 million each year, this project would generate an estimated \$214,000 in property tax revenues for the City and provide an estimated \$214,000 to the taxpayer over the six (6) years at the current tax rate.

Staff Recommendation:

The staff recommends that the City Council hold a public hearing on the proposed tax abatement agreement with Tyson.

Alternatives:

The City Council could deny the tax abatement agreement.

Attachments

Proposed Tyson Tax Abatement Agreement
Ordinance No. 6169 adopted December 17, 2018

TAX ABATEMENT AGREEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

THIS TAX ABATEMENT AGREEMENT (“Agreement”) is made and entered into as of the ____ day of _____, 2019 (the “Effective Date”), by and among the City of Sherman, Texas, a home rule city and municipal corporation of Grayson County, Texas, duly acting herein by and through its Mayor (“City”); and Tyson Fresh Meats, Incorporated (“Tyson”), acting by and through its authorized officers, for the purposes and considerations stated below:

W I T N E S S E T H:

WHEREAS, on the 17th day of December, 2018, the City Council of the City (“City Council”) passed Ordinance No. 6169 (“Ordinance”) establishing Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas (“Zone”), for commercial-industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended (“Code”); and

WHEREAS, the City has adopted Guidelines and Criteria for the Industrial Tax Abatement Program (“Guidelines”), by the passage of Resolution No. 6378, on the 14th day of June, 2018; and

WHEREAS, the City’s current Guidelines are attached as **Exhibit A** hereto; and

WHEREAS, the Guidelines constitute appropriate guidelines and criteria governing tax abatement agreements to be entered into by the City as contemplated by Chapter 312 of the Code; and

WHEREAS, the City has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, Tyson currently owns the Premises, as hereinafter defined, and Tyson expects to invest approximately \$15 million in real property and about \$15 million in equipment and personal property (“The Improvements”) on the Premises. The Improvements and use of the Premises is expected to significantly enhance the economic base of the City; and

WHEREAS, the City Council also finds that the improvements sought are feasible and practical and would be of benefit to the land to be included in the Zone and to the City after expiration of this Agreement; and

WHEREAS, the City Council finds that the terms of this Agreement and the Premises and proposed Qualified Facilities, as hereinafter defined, meet the applicable guidelines and criteria heretofore adopted by the City Council; and

WHEREAS, a copy of this Agreement has been furnished, in the manner prescribed by the Code, to the presiding officers of the governing bodies of each of the taxing units in which the Premises is located;

NOW, THEREFORE, the City, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the expansion of primary employment, the attraction of major investment in the Zone that contributes to the economic development of the City and enhancement of the tax base in the City and Grayson County, Texas; and

Tyson, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the tax abatement set forth herein below, as authorized by Sections 312.201 through 312.211 of the Code, does hereby contract, covenant and agree as follows:

I. DEFINITIONS

Wherever used in this Agreement, the following capitalized terms shall have the meanings ascribed to them:

- A. “TYSON AFFILIATE” shall mean any Person, directly or indirectly controlling, controlled by, or under common control with Tyson. As used in this definition, the term “control” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through ownership of voting securities, by contract or otherwise.
- B. “EFFECTIVE DATE” shall have the meaning given it in the introductory paragraph of this Agreement.
- C. “ELIGIBLE PROPERTY VALUE” shall mean (i) with respect to each Qualified Facility for a particular tax year, the value of such Qualified Facility on the tax rolls of the Grayson Appraisal District as of such tax year; and (ii) with respect to business personal property located on the Premises for a particular tax year, the value of such business personal property on the tax rolls of the Grayson Appraisal District as of such tax year.
- D. “FORCE MAJEURE” shall mean, without limitation, acts of God, or the public enemy, war, terrorism, criminal acts by unrelated third parties, riot, civil commotion, insurrection, governmental or de facto governmental action other than the City’s legislative zoning authority, fire, explosions, floods, strikes, adverse weather, or any other extraordinary event beyond the control of Tyson (including, without limitation, broad based extraordinary economic events) that makes it reasonably impracticable to accomplish a desired objective.
- E. “PERSON” shall mean an individual or a corporation, partnership, trust, estate, unincorporated organization, association, or other entity.

- F. "PREMISES" shall mean all that parcel of land owned by Tyson as hereinafter described in **Exhibit B** attached hereto.
- G. "QUALIFIED FACILITIES" shall mean any building, improvement, structure, fixture, parking or paving constructed on the Premises.
- H. "REAL PROPERTY" and "PERSONAL PROPERTY" shall, for the purposes of this agreement, be defined by the Texas Tax Code.

II. GENERAL PROVISIONS

- A. All procedures followed by the City shall conform to the requirements of the Code, and shall be undertaken in coordination with Tyson's corporate, public, employee, and business relations requirements.
- B. The Premises will be owned by Tyson or a Tyson Affiliate, which Premises are located solely within the city limits of the City and solely within the Zone.
- C. The Premises are not in an improvement project financed by tax increment bonds.
- D. This Agreement is entered into subject to the rights of the holders of outstanding bonds of the City; provided, however, that this section shall not be construed to create a security interest in the Premises or Qualified Facilities in favor of such holders of outstanding bonds of the City.
- E. The Premises are not owned or leased by any member of the City Council or any member of the Planning and Zoning Commission of the City or any member of the governing body of any taxing unit joining in or adopting this Agreement.
- F. This Agreement is intended to comply with the requirements of Section 312.204 of the Code and is authorized by the Texas Property Redevelopment and Tax Abatement Act of the Texas Tax Code, Chapter 312, by the Guidelines and by resolution of the City Council authorizing execution of this Agreement.
- G. During the period of the tax abatement herein authorized, Tyson shall be subject to all applicable City taxation not specifically abated or exempted, including but not limited to, sales tax and ad valorem taxation on land, inventory and supplies.

III. CONDITION PRECEDENT TO TAX ABATEMENT

As a condition precedent to a tax abatement under this Agreement, Tyson or a Tyson Affiliate must substantially locate all Improvements to the Premises by January 1, 2021.

**IV.
TERM AND ABATEMENT PERIOD**

A six (6) year tax abatement period permitted by law is hereby granted with respect to all Improvements located therein or otherwise on the Premises, as indicated in Section VI below. The tax abatement period shall commence to run beginning no later than January 1, 2020.

**V.
INITIAL AND MINIMUM TAX LIABILITY**

A. For the purposes of this Agreement, the Improvements shall reflect a minimum original taxable value of \$19 million.

B. During the period of tax abatement herein authorized, Tyson shall be liable to the City for a minimum taxable value assigned under Sec. V.A. for all property covered under this Agreement.

**VI.
RATE, SCOPE, CONDITIONS AND COVENANTS**

The rate and scope and additional conditions of tax abatement shall be as follows:

A. Annual Rates of Abatement – The following shall be the annual rates of tax abatement on the Improvements for the real property and the business personal property located therein and subject to this Agreement:

<i>Year</i>	<i>Percentage of Property Taxes Abated</i>
1	50%
2	50%
3	50%
4	50%
5	50%
6	50%

B. Operation Covenant. Tyson shall operate the Facility in accordance with prudent industry standards and applicable law.

C. Property Tax Covenant. Throughout the term of this Agreement, Tyson shall timely pay all property taxes for the Premises and real and business personal property located therein due and owing by it to all relevant taxing jurisdictions.

D. Management Change Notice Covenant. During the term of this Agreement, Tyson shall notify the City in writing of any change of the manager of Tyson within seven (7) days of such change.

VII. REPORTING AND MONITORING

Tyson agrees to the following reporting and monitoring provisions, and failure to fully and timely comply with any one requirement shall constitute an event of default:

A. Not later than January 31 of each applicable year, Tyson shall submit to the City a certification from Tyson as to the conditions set forth in Section VI.B., C., and D.

B. Tyson shall provide to the City a semi-annual report certifying the status of compliance through the life of the Agreement of new investments and any other relevant information.

C. Tyson, during normal business hours, at its headquarters or at the Sherman plant location, shall allow to the City, its agents and employees, reasonable access to its books and records that are related to the described economic development consideration and incentives, to verify records related to economic development considerations and incentives, but the confidentiality of such records will be maintained.

D. Tyson further covenants and agrees that the City, its agents and employees, shall have a continuing and reasonable right of access to the real property, together with all Premises, Qualified Facilities and Improvements, at reasonable times and with reasonable notice to Tyson, and in accordance with Tyson's visitor access and security policies, in order to inspect the Premises, Qualified Facilities and Improvements to insure that the installation of the Improvements is in accordance with this Agreement and that all applicable state and local laws, ordinances and regulations are being followed. City, its agents and employees, shall defend, indemnify, and hold harmless Tyson from any damages or liability to persons or property arising from City, its agents and employees, entry upon Tyson's Property, unless such injury is caused by the sole negligence of Tyson, to the extent permitted by law.

E. The Premises at all times shall be used in a manner that is consistent with the general purpose of encouraging development within the Zone.

VIII. BREACH/FAILURE TO MEET CERTAIN CONDITIONS

In the event that Tyson breaches any of the terms or conditions of this Agreement, then Tyson shall be in default of this Agreement. In the event Tyson defaults in its performance, the City shall give Tyson written notice of such default/failure of condition and, if Tyson has not cured such default/failure of condition within sixty (60) days of said written notice, then this Agreement may be terminated by the City; provided, however, that if such default is not reasonably susceptible of cure within such sixty (60) day period and Tyson has commenced and is pursuing the cure of same, then, after first advising the City Council of Tyson's efforts to cure same, Tyson may utilize an additional ninety (90) days for such purposes. Additional time, i.e., time in addition to the

foregoing one hundred fifty (150) days, may be authorized by the City Council. City's sole and exclusive remedy against any Person for any breach or failure of condition under this Agreement, in the event of default after the expiration of the applicable notice and cure periods, shall be that this Agreement shall terminate and all future tax abatements under this Agreement shall be void (it being understood that the City shall not be entitled to any repayment of tax abatements under this Agreement, except as provided in Section IX below, and it being further understood that the failure to meet a covenant set forth in Section VI.B., C. or D. for any year is not a breach and results only in the loss to the right to abatement for such year). Notwithstanding any provision in this Agreement to the contrary, neither Tyson nor any other Person shall be required to pay any amounts to the City under this Agreement, with the only remedy being the loss of future tax abatements.

IX. CONTINUITY OF OPERATIONS

Notwithstanding Section VI.A. above, if for any reason operations are suspended or cease at any point during the term of this Agreement, then no tax abatements under this Agreement shall be provided. Further, in the event of any cessation of operations, or abandonment of Premises by Tyson, all previously abated taxes are immediately due to the City.

X. EFFECT OF SALE, ASSIGNMENT OR LEASE OF PROPERTY

This Agreement shall be binding on and inure to the benefit of the Parties and all Tyson Affiliates, their respective successors and assigns. Neither Party may assign its rights and duties hereunder, in whole or in part, without the prior written consent of the other Party, which consent shall not be unreasonably withheld, conditioned or delayed; provided, that Tyson may assign this Agreement and all of its rights hereunder to any Affiliate. In addition, this Agreement and all rights hereunder may be assigned for the benefit of any Financing Party including, but not limited to, an assignment to such Parties upon a foreclosure. Any assignment in violation of this Section X shall not affect any rebates with respect to which Tyson or any Tyson Affiliate is already entitled.

XI. NOTICE

All notices called for or required by this Agreement shall be addressed to the following, or such other Party or address as either Party designates in writing, by certified mail, postage prepaid or by hand delivery:

Tyson:
Mark Elser
Senior Vice President Tax
Tyson Fresh Meats, Incorporated
2200 Don Tyson Pkwy
Springdale, AR 72762

City:
City Manager
City of Sherman
220 West Mulberry Street
P. O. Box 1106
Sherman, Texas 75091-1106

XII.
CITY COUNCIL AUTHORIZATION

This Agreement was authorized by resolution of the City Council that was approved by the affirmative vote of a majority of the City Council at its regularly scheduled City Council meeting on the _____ day of _____, 2019, authorizing the Mayor to execute this Agreement on behalf of the City.

XIII.
TYSON AUTHORIZATION

An authorized representative of Tyson entered into this Agreement.

XIV.
SEVERABILITY

In the event any section, subsection, paragraph, sentence, phrase or word is held invalid, illegal, or unenforceable, the balance of this Agreement shall stand, shall be enforceable and shall be read as if the Parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

XV.
ESTOPPEL CERTIFICATE

Any Party hereto may request an estoppel certificate from another Party hereto so long as the certificate is requested in connection with a bona fide business purpose. The certificate, which will upon request be addressed to a subsequent purchaser or assignee of Tyson, shall include, but not necessarily be limited to, statements (to the actual knowledge of the Party providing such) that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining term of this Agreement, the levels of tax abatement in effect, and such other matters reasonably requested by the Party(ies) to receive the certificate. The City Manager for the City shall provide any such certificate on behalf of the City.

XVI.
APPLICABLE LAW

This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be in a court located in Grayson County, Texas.

XVII.
INDEMNIFICATION

A. IN ADDITION TO THE OTHER REMEDIES AFFORDED TO THE CITY IN THIS AGREEMENT, TYSON SHALL RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS COUNCILMEMBERS, OFFICERS, EMPLOYEES, ATTORNEYS, CONTRACTORS, OR AGENTS (HEREINAFTER "CITY'S INDEMNIFIED PARTY") FOR,

Tyson Fresh Meats, Incorporated Tax Abatement Agreement

FROM AND AGAINST ANY AND ALL LOSSES, LIENS, CAUSES OF ACTION, SUITS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION, REMOVAL AND REMEDIATION, AND GOVERNMENTAL OVERSIGHT COSTS), ENVIRONMENTAL OR OTHERWISE OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO (IN WHOLE OR IN PART) TYSON'S PERFORMANCE OF ITS OBLIGATIONS PURSUANT TO THIS AGREEMENT.

B. Notice of Indemnified Loss. The City's Indemnified Party shall promptly notify Tyson of any indemnified Losses or Claim for indemnified Losses in respect of which the City's Indemnified Party may be entitled to indemnification under this Section XVII. Such notice shall be given as soon as reasonably practicable after the City's Indemnified Party becomes aware of the Loss or Claim for Losses.

C. Defense of Third Party Claims. In the event any action or proceeding shall be brought against the City's Indemnified Party by reason of any matter for which the City's Indemnified Party is indemnified hereunder, Tyson shall, upon notice from the City's Indemnified Party or its authorized agents or representatives, at Tyson's sole cost and expense, resist and defend the same with legal counsel selected by Tyson; provided, however, that Tyson shall not admit liability in any such matter on behalf of the City's Indemnified Party. Tyson's obligation to defend shall apply regardless of whether the City's Indemnified Party is solely or concurrently negligent. Nothing herein shall be deemed to prevent the City's Indemnified Party at its election and at its own expense from cooperating with Tyson and participating in the defense of any litigation by their own counsel. If Tyson fails to retain defense counsel within seven (7) business days after receipt of City's Indemnified Party written notice that the City's Indemnified Party is invoking its right to indemnification under this Agreement, the City's Indemnified Party shall have the right to retain defense counsel on their own behalf, and Tyson shall be liable for all usual and customary defense costs incurred by the City's Indemnified Party.

D. Limitation on Indemnity. The amount owing to an Indemnified Party will be the amount of the Indemnified Party's Losses net of any insurance proceeds received by the indemnified Party following a reasonable effort by the Indemnified Party to obtain such insurance proceeds.

XVIII. ENTIRE AGREEMENT

This Agreement constitutes the entire Tax Abatement Agreement between the Parties, supersedes any prior understanding or written or oral tax abatement agreements or representations between the Parties, and can be modified only by written instrument subscribed to by all Parties. Notwithstanding the foregoing provision, this Agreement does not modify, alter, or amend any other agreement or instrument among the City and Tyson relating to matters other than the abatement of real property taxes with respect to the Premises and the Qualified Facilities and business personal property located on the Premises. This Agreement may be executed in multiple counterparts (and may be delivered by telecopy, in addition to other means, with originals to follow), each of which shall be considered an original.

EXECUTED the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

By: _____
David Plyler, Mayor

ATTEST:

By: _____
Linda Ashby, City Clerk

**CITY OF SHERMAN, TEXAS
APPROVED AS TO FORM:**

By: _____
Brandon S. Shelby, City Attorney

**TYSON FRESH MEATS,
INCORPORATED**

By: _____
**Name: Mark Elser
Title: Senior Vice President Tax
Address: 2200 Don Tyson Pkwy
Springdale, AR 72762**

ATTEST:

By: _____

Name: _____

Title: _____

MAYOR'S ACKNOWLEDGEMENT

**THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §**

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared David Plyler, Mayor of the City of Sherman, Texas, a municipal corporation, 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, a municipal corporation, that she was duly authorized to perform the same by appropriate resolution of the City Council for the City of Sherman and that she executed the same as the act of the said City for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D., 2019.

Notary Public in and for the State of Texas

(Typed/Printed Name of Notary)

My Commission Expires:

TYSON'S ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Mark Elser, Senior Vice President Tax, Tyson Fresh Meats, Incorporated, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me he executed the same as a duly authorized officer of such corporation, and as the act and deed 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 _____ day of _____, A.D., 2019.

Notary Public in and for the State of Texas

(Typed/Printed Name of Notary)

My Commission Expires:

**EXHIBIT A
TO TAX ABATEMENT AGREEMENT**

Comprehensive Guidelines

RESOLUTION NO. 6378

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENEWING GUIDELINES AND CRITERIA FOR THE CITY OF SHERMAN'S INDUSTRIAL AND COMMERCIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/ REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, by Resolution No. 6080, passed and approved on May 16, 2016, the City of Sherman declared its eligibility and intention to participate in the Tax Abatement Program to promote development/redevelopment in certain areas of the City and adopted Tax Abatement Guidelines and Criteria for use in all Tax Abatement Programs; and

WHEREAS, the City of Sherman is required to renew the guidelines and criteria adopted for this program every two years;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby renews the following Tax Abatement Guidelines and Criteria for use in all Industrial and Commercial Tax Abatement Programs, as required by law:

**CITY OF SHERMAN'S
RENEWED INDUSTRIAL AND COMMERCIAL
TAX ABATEMENT GUIDELINES AND CRITERIA**

1. A tax abatement agreement must be reasonably likely to contribute to the retention or expansion of primary employment or to attract a primary employer to make a major capital investment that will benefit the City of Sherman's economic development. Primary employers are those companies whose sales, service and shipments are ultimately used in statewide, national or international markets.
2. A tax abatement agreement will not be entered into where a company is only changing its location within Grayson County, without increasing the number of employees, significantly expanding the facilities, or unless failure to grant such abatement would mean the loss of the business operation in Grayson County.
3. Tax abatement agreements will be considered for both new facilities and structures and for the expansion or modernization of existing facilities and structures.
4. The City Council of the City of Sherman will approve or deny a tax abatement request based upon the subjective evaluation of the following guidelines and criteria. The Council may consider any advisory recommendations received from the Tax Reinvestment Advisory Committee as it may choose:

- **Employment Impact**

How many jobs will be brought to Sherman?

What types of jobs will be created?

List the number of jobs by class that will be created and the wage range of each class of job.

What will the total annual payroll be? Include current and increase factors.

Expectation for jobs filled by transfers from other company locations vs. locally-filled jobs.

- **Fiscal Impact**

How much real and personal property ~~value~~ will be added to the tax rolls, in square footage and in estimated value?

What is the economic life of the personal property?

What is the expected depreciation of the taxable value of the real and personal property?

How much direct sales tax will be generated for the City of Sherman during construction and after operations have commenced?

How will this project affect existing businesses and/or office facilities?

What infrastructure construction would be required?

What is the total annual operating budget of this facility projected to be? (For expansion, state current and projected increase.)

What is the estimated water use?

- **Community Impact**

What effect would the project have on the local housing market?

Is the project compatible with existing long-range or comprehensive plans?

What is the environmental impact of the project?

SECTION 2. That these Renewed Industrial and Commercial Tax Abatement Guidelines and Criteria shall be effective immediately upon the passage of this resolution.

SECTION 3. 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 4th day of June, 2018.

CITY OF SHERMAN, TEXAS

BY: 
DAVID PLYLER, MAYOR

ATTEST:

BY: 
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: 
BRANDON S. SHELBY,
CITY ATTORNEY

**EXHIBIT B
TO TAX ABATEMENT AGREEMENT**

The Premises



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

Tyson Foods
4700 S US Hwy 75

1 inch = 500 feet



LEGAL DESCRIPTION

SITUATED in the County of Grayson, State of Texas, being a part of the Sherrod Dunman Survey, Abstract No. 329, being all of a 20.038 acre tract of land conveyed by Sherman Industrial Districts, Inc. to Oscar Mayer & Co., Inc. by deed dated June 20, 1972, recorded in Volume 1222, Page 312, Deed Records, Grayson County, Texas, all of a 52.2935 acre tract of land conveyed by Hardwicke-Etter Company to Oscar Mayer & Co., Inc. by deed dated June 21, 1972, recorded in Volume 1222, Page 315, Deed Records, Grayson County, Texas, and part of a .523 acre tract of land conveyed by Sherman Industrial Districts, Inc. to Oscar Mayer & Co., Inc. by deed dated November 26, 1975, recorded in Volume 1328, Page 587, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set ½ inch rebar for the Northeast corner of said 20.038 acre tract, the most Easterly Southeast corner of a 1.904 acre tract of land conveyed by Roberta Crowe, et vir to the City of Sherman by deed dated January 17, 1958, recorded in Volume 866, Page 199, Deed Records, Grayson County, Texas, on the West right-of-way line of U.S. Highway No. 75;

THENCE in a Southerly direction with the West right-of-way line of said U.S. Highway No. 75 and with the East line of said 20.038 acre tract, the East line of said 52.2935 acre tract, the following calls and distances:

South 05 deg. 59 min. 00 sec. East, a distance of 87.70 feet to a wood right-of-way monument;

South 06 deg. 19 min. 00 sec. West, a distance of 562.90 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 450.00 feet to a set ½ inch rebar;

South 16 deg. 47 min. 00 sec. East, a distance of 240.30 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 46.50 feet to a set ½ inch rebar;

South 15 deg. 59 min. 00 sec. East, a distance of 287.90 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 334.00 feet to a set ½ inch rebar;

South 03 deg. 59 min. 00 sec. East, a distance of 1000.60 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 95.80 feet to a set ½ inch rebar for the Southeast corner of said 52.2935 acre tract at the intersection of the West right-of-way line of said highway with the North right-of-way line of the St. Louis, San Francisco, & Texas Railroad;

THENCE South 64 deg. 24 min. 00 sec. West, with the North right-of-way line of said railroad, a distance of 416.90 feet to a found ½ inch rebar maintaining the most Southerly Southwest corner of said 52.2935 acre tract, the Southeast corner of a 4.29 acre tract of land conveyed by Velma J. McConnell, et vir to Texas Power & Light Company by deed dated December 14, 1965, recorded in Volume 1045, Page 729, Deed Records, Grayson County, Texas;

THENCE North 46 deg. 21 min. 01 sec. West, with the East line of said 4.29 acre tract, a distance of 441.11 feet to a found 1 inch pipe maintaining an ell corner of said 52.2935 acre tract, the Northeast corner of said 4.29 acre tract;

THENCE South 76 deg. 33 min. 25 sec. West, with the North line of said 4.29 acre tract, at a distance of 292.42 feet passing a wood fence corner on the East side of a public road known as Howe Drive, and continuing for a total distance of 306.42 feet to a found ¼ inch rebar in said Howe Drive, and on the West line of said Dunman Survey the East line of the William Martin Survey, Abstract No. 765, an East line of a 151.25 acre tract of land conveyed by Alma Haines to Sherman Industrial Districts, Inc. by deed February 19, 1960, recorded in Volume 908, Page 299, Deed Records, Grayson County, Texas, said rebar maintaining the most Westerly Southwest corner of said 52.2935 acre tract, the Northwest corner of said 4.29 acre tract;

THENCE North 13 deg. 18 min. 22 sec. West, with a West line of said 52.2935 acre tract, the West line of said Dunman Survey, the East line of said Martin Survey, an East line of said 151.25 acre tract, passing a corner of said 151.25 acre tract, the most Southerly corner of a 63 acre tract of land conveyed by H. W. Armstrong, et ux to J. E. Denton, et ux by deed dated August 2, 1945, recorded in Volume 472, Page 407, Deed Records, Grayson County, Texas, and continuing with the East line of said 63 acre tract, passing the Northwest corner of said 52.2935 acre tract, the Southwest corner of said 2.523 acre tract, and continuing with the West line of said 2.523 acre tract, passing the Southeast corner of a 1.00 acre tract of land previously conveyed out of said 63 acre tract by deed from J. E. Denton, et ux to T. E. Hill, et ux, dated June 26, 1952, recorded in Volume 692, Page 352, Deed Records, Grayson County, Texas, and continuing with the East line of said 1.00 acre tract, passing its Northeast corner, the Southeast corner of a 3.00 acre tract of land conveyed by Parker McKey, et ux to Carl David Englutt, et ux by deed dated May 16, 1978, recorded in Volume 1432, Page 497, Deed Records, Grayson County, Texas, the Southeast corner of a 1.00 acre tract of land previously conveyed out of said 3.00 acre tract and described in deed from Billy Jalmer Roberts, et ux to St. John Christian Methodist Episcopal Church, dated November 26, 1996, recorded in Volume 2509, Page 242, Official Public Records, Grayson County, Texas, and continuing with the East line of both said 3.00 acre tract, and 1.00 acre tract, passing the Northeast corner of said 1.00 acre tract, and continuing, passing the Northeast corner of said 3.00 acre tract, and continuing with the East line of said 63 acre tract for a total distance of 2592.81 feet to a set spike nail for the Southwest corner of a 10.330 acre tract of land conveyed by Richard M. Kendrick, III, Trustee to Herrested Investment, N.V. by deed dated April 15, 1985, recorded in Volume 1744, Page 628, Deed Records, Grayson County, Texas, in the center of said Howe Drive;

THENCE North 75 deg. 53 min. 00 sec. East, with the South line of said 10.330 acre tract, at a distance of 86.4 feet passing a found ½ inch rebar maintaining the most Westerly Northwest corner of said 20.038 acre tract on the East line of said 2.523 acre tract, and continuing, passing the Southeast corner of said 10.330 acre tract, the Southwest corner of the above mentioned City of Sherman 1.904 acre tract, and continuing for a total distance of 1195.44 feet to a set ½ inch rebar for an ell corner of said 20.038 acre tract, the most Southerly Southeast corner of said 1.904 acre tract;

THENCE North 05 deg. 00 min. 00 sec. West, with an East line of said 1.904 acre tract, a distance of 159.80 feet to a set ½ inch rebar for an ell corner of said 1.904 acre tract;

THENCE North 75 deg. 53 min. 00 sec. East, with a South line of said 1.904 acre tract, a distance of 188.25 feet to the PLACE OF BEGINNING and containing 73.79 ACRES OF LAND, more or less.

ORDINANCE NO. 6169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9), CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; 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 Council of the City of Sherman, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the "CODE"); and

WHEREAS, a hearing before the City Council was set for 5:00 p.m. on the 17th day of December, 2018, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Sherman; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Grayson County, Grayson County College, and Sherman Independent School District, as required by the CODE; and

WHEREAS, upon such hearing being convened, there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone, whether all or part of the territory, which is described by a metes and bounds description attached hereto as Exhibit "A" and depicted in the drawing attached hereto as Exhibit "B", should be included in such proposed Reinvestment Zone; and

WHEREAS, all owners of property located within the proposed Reinvestment Zone, and all other taxing units and other interested persons, were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

WHEREAS, the proponents of the Reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the Reinvestment Zone, and no opponents of the Reinvestment Zone appeared to contest creation of the Reinvestment Zone; and

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Zone, will be of general benefit to the City of Sherman, and that it will be in the public interest to pass this ordinance creating a Reinvestment Zone;

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted, and that notice of such hearing has been published as required by law;
- (b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone, pursuant to the CODE;
- (c) That creation of the proposed Zone, with boundaries as described in Exhibits "A" and "B", will result in benefits to the City, its residents and property owners, and to the property, residents and property owners in the Reinvestment Zone; and
- (d) That the Reinvestment Zone, as defined in Exhibits "A" and "B", meets the criteria for the creation of a Reinvestment Zone as set forth in Section 312.202 of the CODE in that:
 - (1) It is a contiguous geographic area located wholly within the corporate limits of the City.
 - (2) The area will reasonably be likely, as a result of the designation, to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the City.
 - (3) No part of the property in the Reinvestment Zone is owned or leased by a member of the governing body of the City or Town, or by a member of a zoning or planning board or commission of the City.
 - (4) Improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Reinvestment Zone.

SECTION 3. That the City hereby creates a Reinvestment Zone over the area described by the description in Exhibit "A", attached hereto and depicted in a drawing attached hereto as Exhibit "B", and such Reinvestment Zone shall hereafter be identified as the Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas (the "Zone").

SECTION 4. That the written agreement(s) as provided in the CODE, with the owners of the property located within the Reinvestment Zone, is hereby authorized for a period of up to ten (10) years, and the written agreement(s) shall provide an exemption from taxation of the increased value in the real and/or personal property in the percentages and for the years to be established in the agreements.

SECTION 5. That, if any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 6. That it is hereby officially found, determined, and declared that a sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 7. That the contents of the notice of public hearing, which hearing was held before the City Council on the 17th day of December, 2018, and the publication of said notices, is hereby ratified, approved, and confirmed.

INTRODUCED on this the 17th day of December, 2018.

ADOPTED on this the 17th day of December, 2018.

EFFECTIVE DATE on this the 17th day of December, 2018.

CITY OF SHERMAN, TEXAS

BY: 
DAVID PLYLER, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: Brandon S. Shelby
BRANDON S. SHELBY,
CITY ATTORNEY

EXHIBIT "A"
INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9)
CITY OF SHERMAN, TEXAS
FIELD NOTES

Legal Description

SITUATED in Grayson County, Texas in the City of Sherman, the William Martin Survey, Abstract No. 765, the John Chronister Survey, Abstract No. 248 and the S. Dunman Survey, Abstract No. 329 and being part of two (2) tracts more particularly referenced as follows:

1. Part of a called 5.450 acre tract of land conveyed to Texas Instruments Inc. from D.C. Enloe et al. by deed filed September 28, 1965 and recorded in volume 1038, page 49 of the Deed Records of Grayson County.
2. Part of a called 470.340 acre tract of land conveyed to Texas Instruments Inc. from Joe Hilburn and wife Johnnie V. Hilburn by deed filed September 1, 1965 and recorded in volume 1036, page 247 of the Deed Records of Grayson County, Texas.

Said part of two tracts being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod in the curve of the West right-of-way of U.S. Highway 75 and in the East line of said 5.450 acre tract, said iron rod bears N 3° 10' 31" E 11.09 feet from the Southeast corner of the 5.450 acre tract, said iron rod also bears S 86° 52' 56" E 5530.00 feet from the center of said curve;

THENCE: With the curve of the West right-of-way of U.S. 75 and the East line of the 5.450 acres and 470.340 acres tracts through an arc length of 785.29 feet to a 1/2 inch iron rod at the point of tangency, said curve having a central angle of 8° 08' 11", a radius of 5530.00 feet and a chord bearing and distance of S 7° 11' 10" W 784.63 feet;

THENCE: S 11° 15' 15" W 2772.22 feet with the West right-of-way of U.S. 75 and the East line of the 470.340 acre tract to a 1/2 inch

iron rod for corner from which a right-of-way marker bears N 11° 15' 15" E 151.00 feet and from which the most Easterly Southeast corner of the 470.340 acre tract bears S 11° 15' 15" W 661.92 feet;

THENCE: Across said 470.340 acre tract as follows:

S 76° 15' 10" W 1378.36 feet to a 1/2 iron rod;
N 59° 39' 46" W 817.23 feet to a 1/2 iron rod;
N 0° 21' 35" W 1139.66 feet to a 1/2 iron rod;
N 27° 07' 26" E 739.59 feet to a 1/2 iron rod;
S 89° 14' 11" E 277.52 feet to a 1/2 iron rod;
N 0° 38' 45" E 311.12 feet to a 1/2 iron rod;
S 83° 58' 11" E 194.32 feet to a 1/2 iron rod;
N 9° 41' 33" E 206.44 feet to a 1/2 iron rod;
S 89° 54' 09" E 982.17 feet to a 1/2 iron rod;
N 0° 44' 03" E 462.12 feet to a 1/2 iron rod;

THENCE: N 42° 21' 28" E 918.42 feet across the 470.340 acre and 5.450 acre tracts to a 1/2 inch iron rod for corner;

THENCE: S 86° 19' 00" E 237.95 feet across said 5.450 acre tract to the POINT OF BEGINNING and containing 136.869 acres of land more or less.

EXHIBIT "B"
INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9)
CITY OF SHERMAN, TEXAS
SKETCH

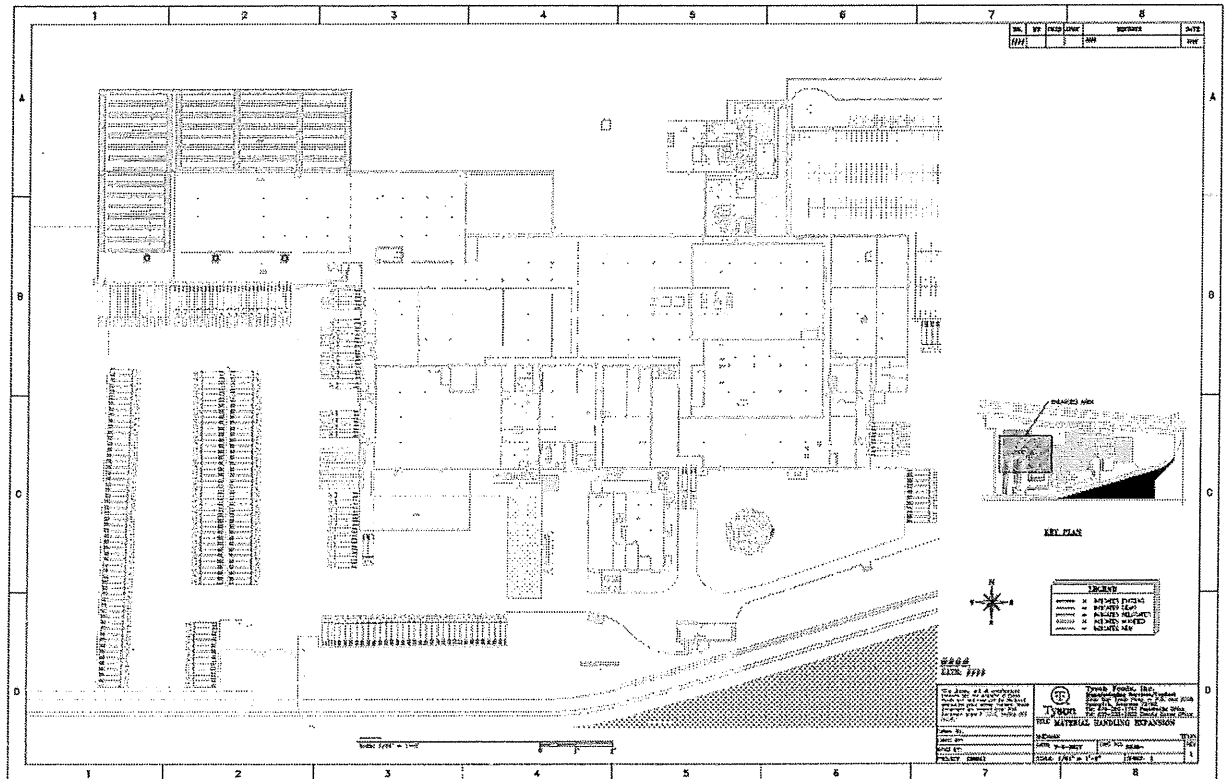
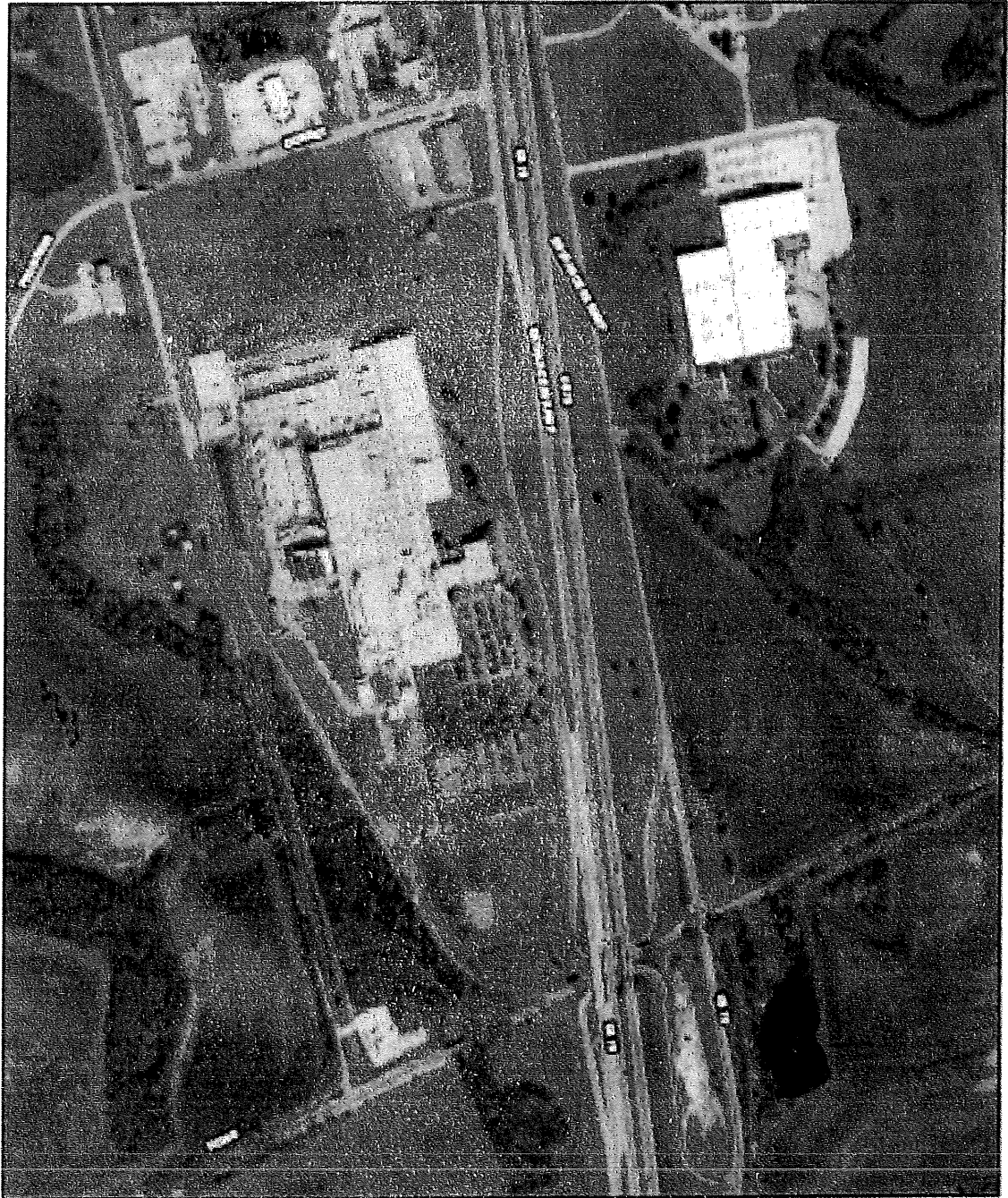


EXHIBIT "B"
INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9)
CITY OF SHERMAN, TEXAS
VICINITY MAP



Sherman
ENGINEERING, ARCHT.,
CONSULTING
SHERMAN, TEXAS 79066

Tyson Foods
4700 S US Hwy 75

1 inch = 500 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.2.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6173

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District in the 800 block of South Montgomery Street (801 and 805 South Montgomery Street), being Lots 1 and 2, Block 1, Young's Addition (Roberto Meraz, Owner; Jessica Paniagua, Representative; and Fincher Land Surveying, PLLC, Surveyor)

Issue:

To consider the request of Roberto Meraz (Owner), Jessica Paniagua (Representative) and Fincher Land Surveying, PLLC (Surveyor) concerning the property located in the 800 block of South Montgomery Street, being Lots 1 and 2, Block 1, Young's Addition for a Zone Change from an M-1 (Light Manufacturing) District to an R-1 (One Family Residential) District

Background:

The property is located at 801 and 805 South Montgomery Street; the southeast corner of East Odneal Street and South Montgomery Street. The property is zoned an M-1 (Light Manufacturing) District. The owner would like to change the zoning on the property to an R-1 (One Family Residential) District for residential development.

Origination:

Roberto Meraz (Owner)
Jessica Paniagua (Representative)
Fincher Land Surveying, PLLC (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6173

Location Map

Zoning Map

Zoning Sign Photo

Young's Addition Plat

Survey

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6173

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 800 BLOCK OF SOUTH MONTGOMERY STREET (801 AND 805 SOUTH MONTGOMERY STREET), BEING LOTS 1 AND 2, BLOCK 1, YOUNG'S ADDITION (ROBERTO MERAZ, OWNER; JESSICA PANIAGUA, REPRESENTATIVE; AND FINCHER LAND SURVEYING, PLLC, SURVEYOR); 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, the following described property shall be in the R-1 (One Family Residential) District in the 800 Block South Montgomery Street (801 and 805 South Montgomery Street), and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lots 1 and 2, Block 1, Young's Addition.

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

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

SECTION 4. 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

BY:

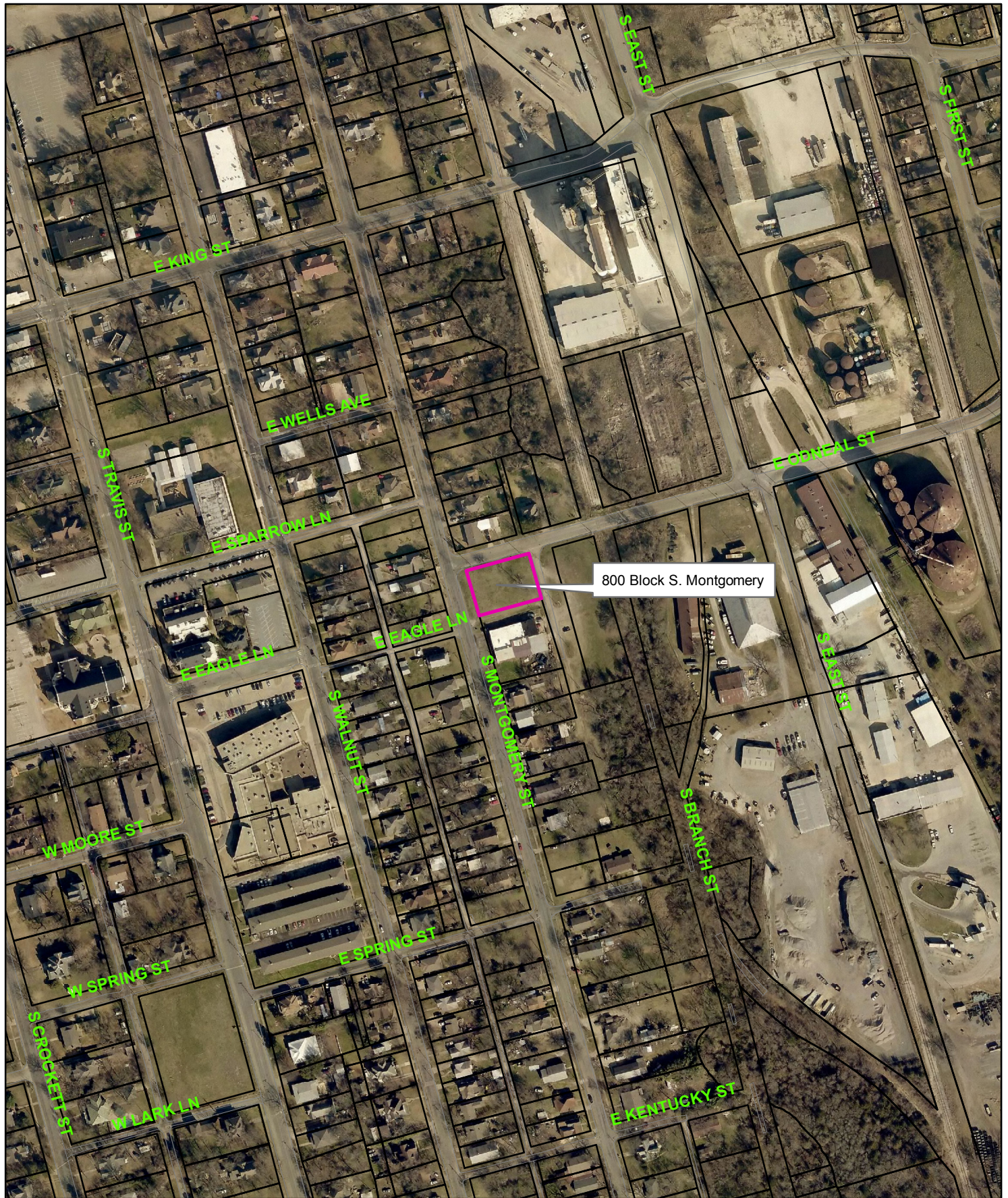
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

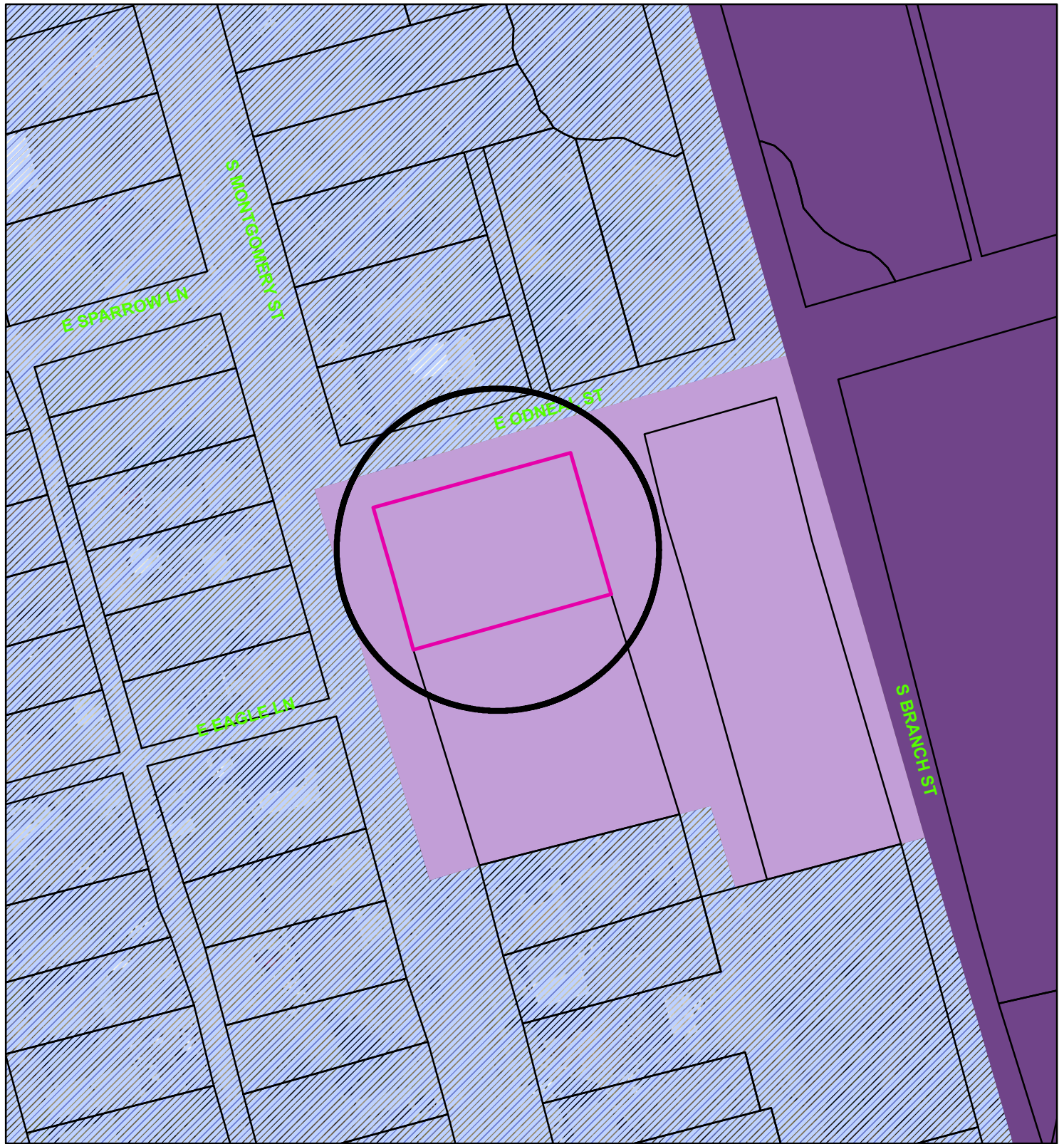
BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



800 Block South Montgomery Street



1 in = 300 ft



Zoning - 800 Block South Montgomery Street



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District
- Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

Legend

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



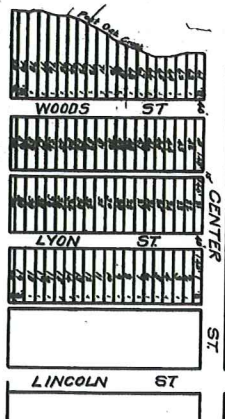
NOT TO SCALE

1 in = 100 ft

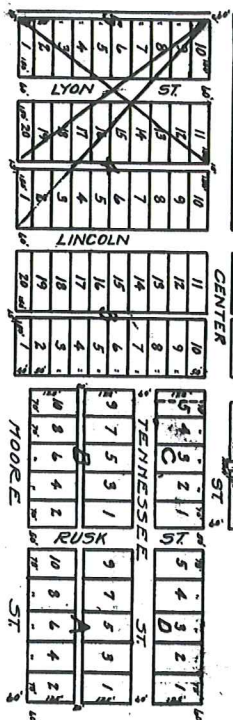
800 Block South Montgomery Street



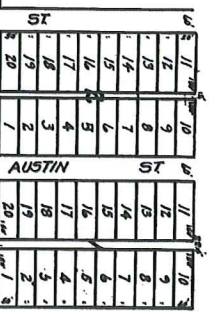
L.C. CHAPMAN'S 2ND ADDITION
To
CITY OF SHERMAN
VOL. 207 PAGE 496



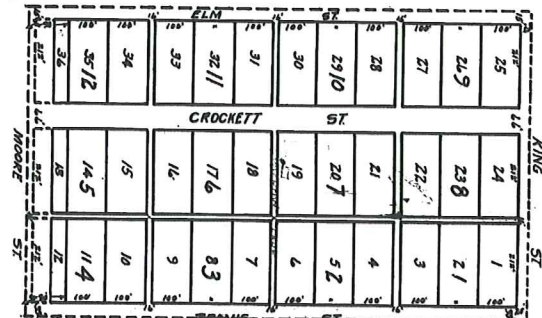
FAIR GROUNDS ADDITION
To
CITY OF SHERMAN
VOL. 26 PAGE 257



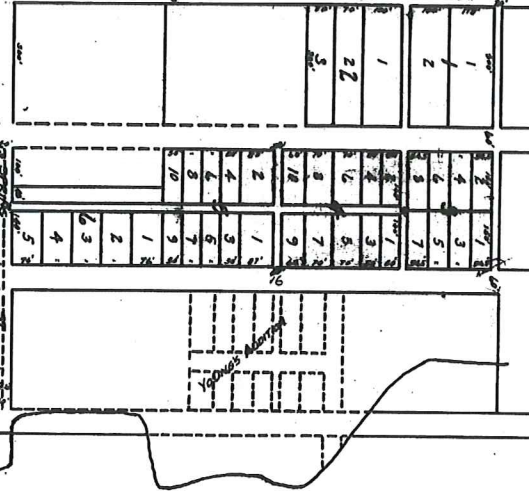
POST OAK ADDITION
To
CITY OF SHERMAN
VOL. 35 PAGE 58



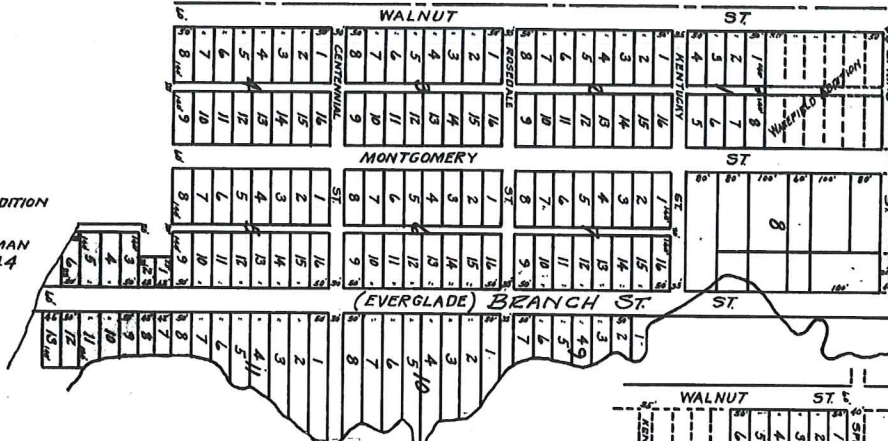
HARE & RANDOLPH'S ADDITION
To
CITY OF SHERMAN
VOL. 11 PAGE 425



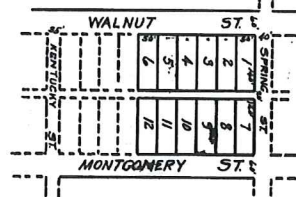
R.A. KING ADDITION
To
CITY OF SHERMAN
VOL. 25 PAGE 559



EVERGLADE ADDITION
To
CITY OF SHERMAN
VOL. 96 PAGE 44

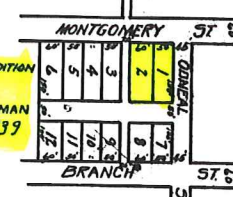


JONES & WAINWRIGHT'S ADDITION
To
CITY OF SHERMAN
VOL. 35 PAGE 96



WAKEFIELD ADDITION
To
CITY OF SHERMAN
VOL. 162 PAGE 497

YOUNG'S ADDITION
To
CITY OF SHERMAN
VOL. 38 PAGE 539



10053

C-5-



ORDER BY:
Nancy Torres

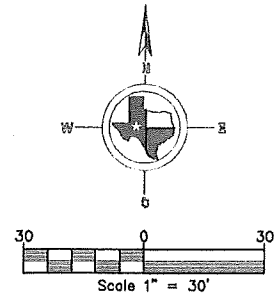
PROPERTY DESCRIPTION
Being Lots 1 and 2, of Young's Addition, an Addition to the City of Sherman, Texas, according to the Plat thereof recorded in Volume 38, Page 539, of the Plat Records of Grayson County, Texas.

SURVEY PLAT

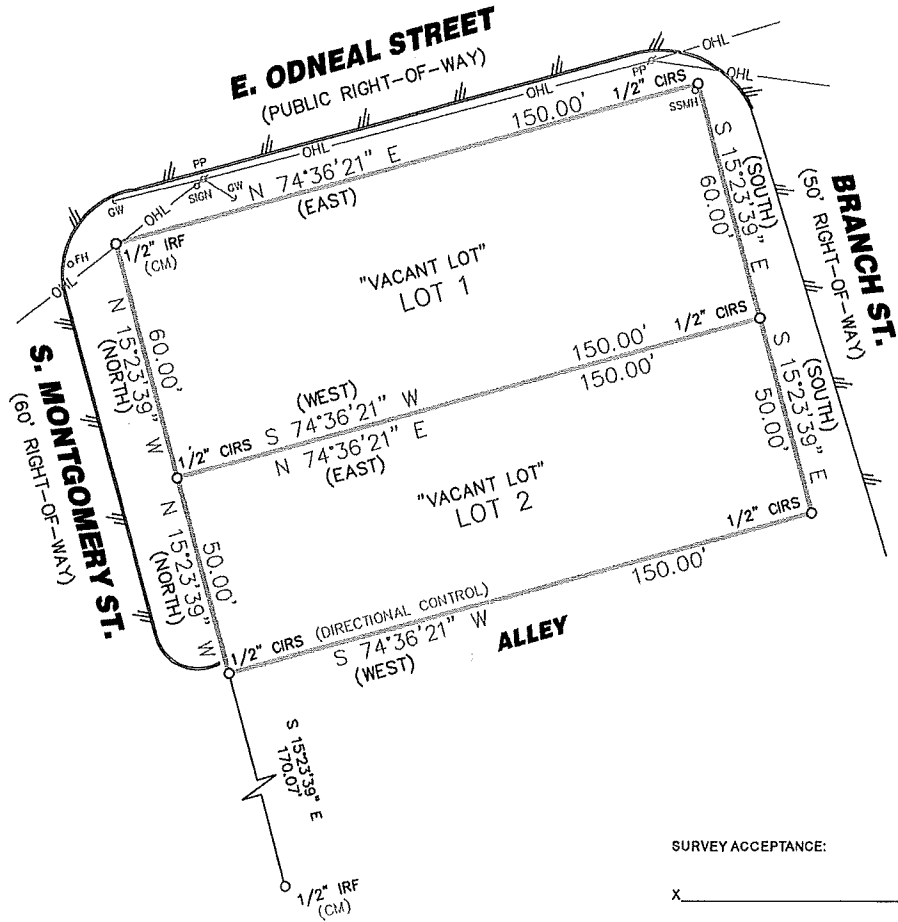
ADDRESS: S. MONTGOMERY ST. AT E. ODNEAL ST., SHERMAN, TX

FLOOD NOTE

According to my interpretations of the Grayson County, Texas and Incorporated Areas, Flood Insurance Rate Map Number 48181 C0290F, dated 9/29/2010, the subject property lies within flood Zone "X" and is not shown to be within a Special Flood Hazard Area. This statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the surveyor.



- LEGEND**
- 800HF = 800 NAIL FOUND
 - A/C = AIR CONDITION
 - B.L. = BUILDING LINE
 - CATV = CABLE TV RISER
 - CBX = CABLE TV BOX
 - CIRF = CAPPED IRON ROD FOUND
 - CIRS = 1/2" IRON ROD W/5633 CAP SET
 - (CM) = CONTROLLING MONUMENT
 - CO = CLEANOUT
 - D.E. = DRAINAGE EASEMENT
 - EBX = ELECTRIC BOX
 - EM = ELECTRIC METER
 - FH = FIRE HYDRANT
 - FO = FIBER OPTICS
 - FP = FLAG POLE
 - GM = GAS METER
 - IPF = IRON PIPE FOUND
 - IRF = IRON ROD FOUND
 - LP = LIGHT POLE
 - MH = MANHOLE
 - OHL = OVERHEAD UTILITY LINES
 - PE = POOL EQUIPMENT
 - PP = POWER POLE
 - TPED = TELEPHONE PEDESTAL
 - TRANS = ELECTRIC TRANSFORMER
 - PKF = PK NAIL FOUND
 - PKS = PK NAIL SET
 - () = PLAT/DEED CALLS
 - U.E. = UTILITY EASEMENT
 - UGC = UNDERGROUND CABLE
 - UGE = UNDERGROUND ELECTRIC
 - WV = WATER VALVE
 - WM = WATER METER
 - XF = CUT FOUND
 - XS = CUT SET
 - WOOD FENCE
 - CHAIN LINK FENCE
 - WIRE FENCE
 - WROUGHT IRON FENCE
 - EASEMENT LINE
 - BUILDING LINE
 - ASPHALT LINE

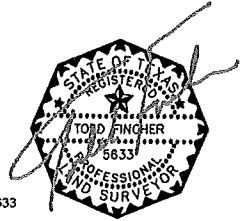


NOTES

1. Directional Control shown hereon are based on NAD83(CORS98, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202) using the WDS "TRIMBLE" RTK GPS Network.
2. This survey was performed without the benefit of a current title commitment and might not portray exceptions that a current title commitment might reveal. No additional research of easements, restrictions or ordinances was performed by surveyor.

SURVEYOR'S CERTIFICATE

I hereby certify to Nancy Torres that this plat represents the result of a survey made on the ground and is a true and accurate representation of the property shown hereon. There are no encroachments or protrusions except as shown hereon.



Todd Fincher, R.P.L.S. No. 5633
Signed: September 18, 2018.

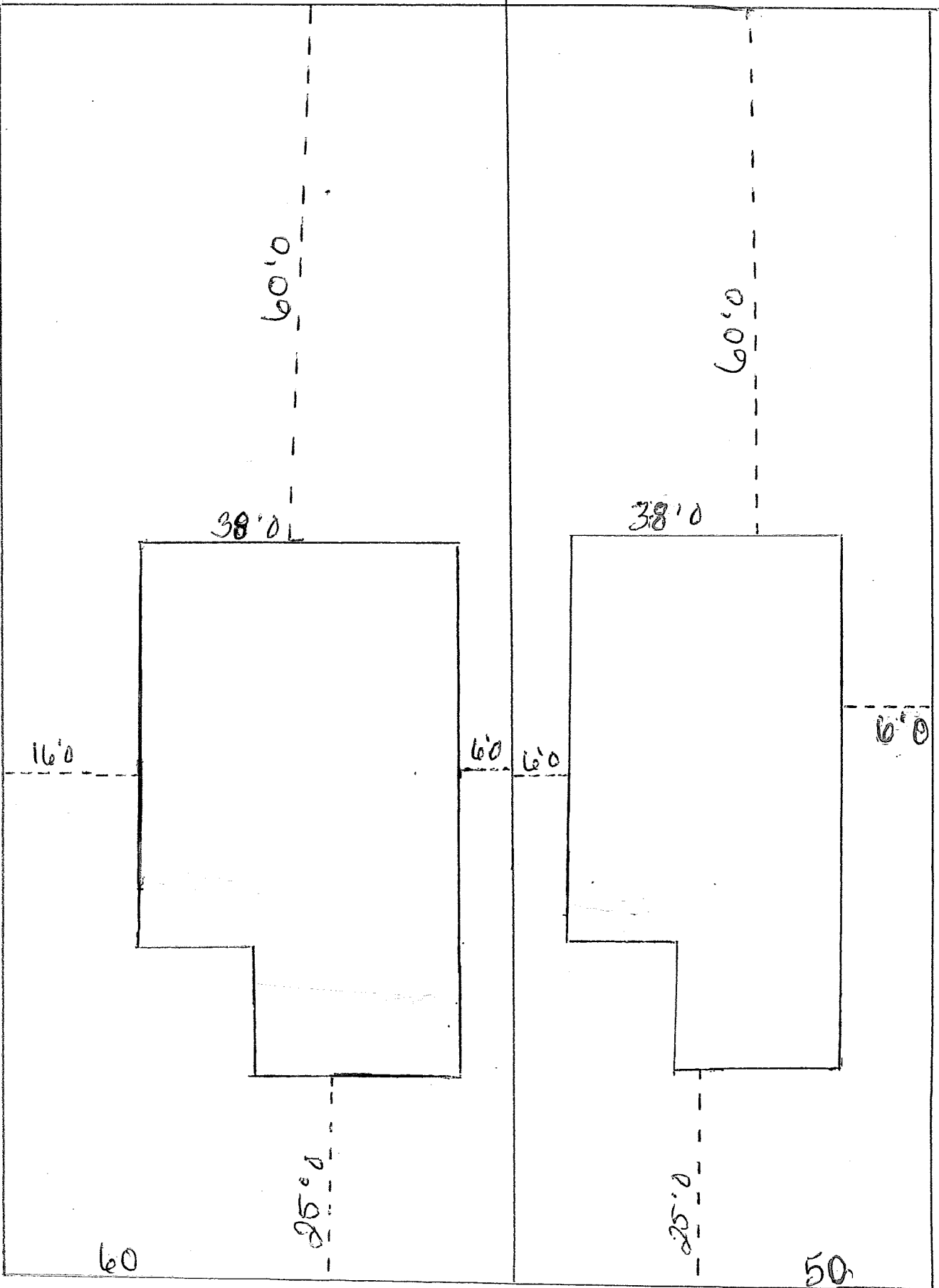
SURVEY ACCEPTANCE:

X _____
X _____

JOB NO. 1808-1016
FIELD E.V.
DRAFTED A.O.
CHECKED T.F.

FINCHER LAND SURVEYING, PLLC
3213 IH-30, Suite 107 TXBPLS FIRM NO. 10194258
Mesquite, Texas 75150 PHONE: 903-944-6397
www.texasrpls.com todd@texasrpls.com

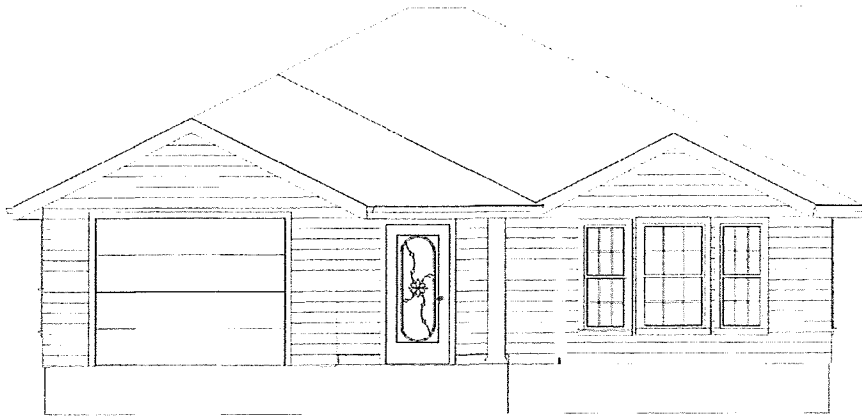
110



110

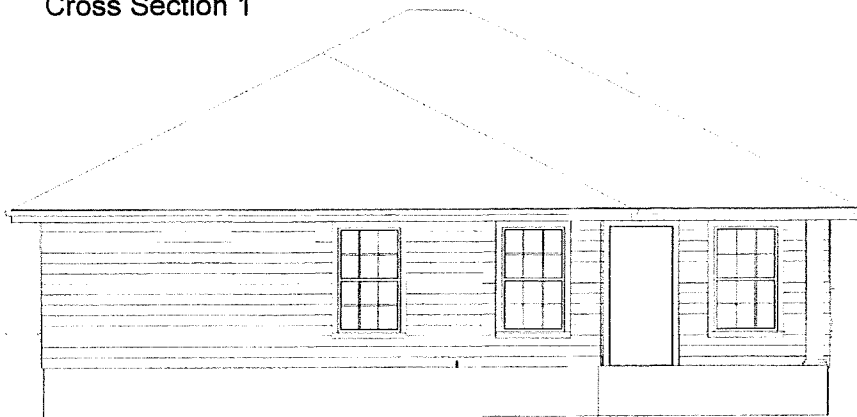
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6



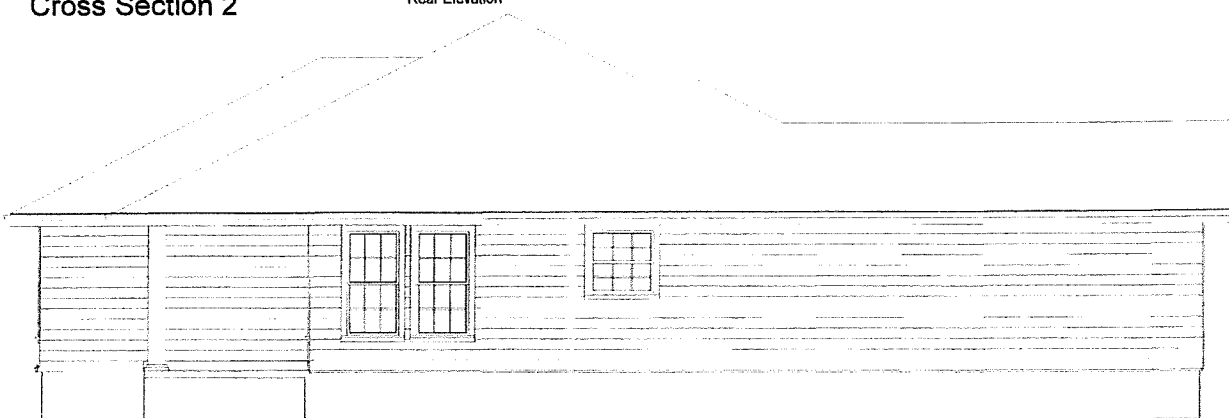
Cross Section 1

Front Elevation



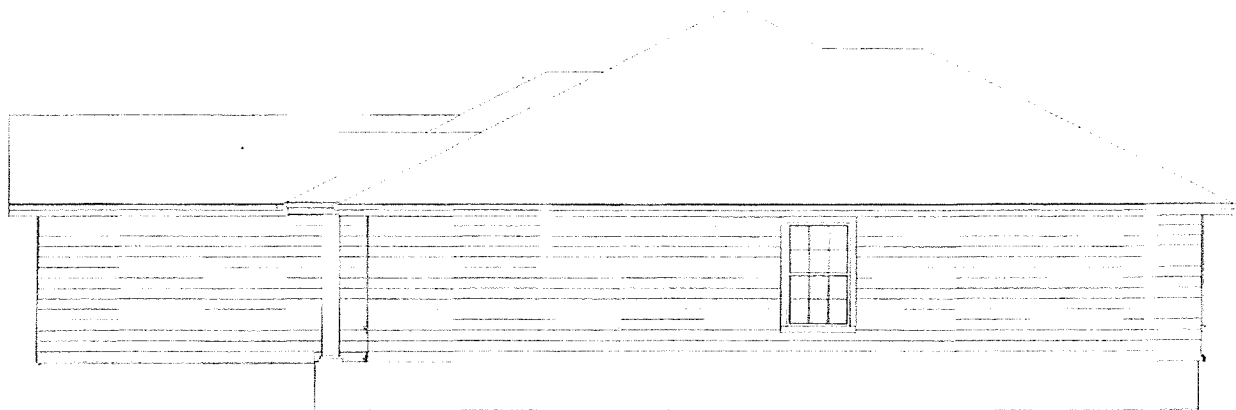
Cross Section 2

Rear Elevation



Cross Section 4

Right Elevation



Cross Section 6

Left Elevation

STAFF REVIEW LETTER

December 12, 2018

Roberto Meraz
3264 Dripping Springs Road
Sherman, TX 75090

Fincher Land Surveying, PLLC
3213 IH-30, Ste. 107
Mesquite, TX 75150

Jessica Paniagua
PO Box 22
Sherman, TX 75091

Dear Applicants,

The request for a zone change from an M-1 (Light Manufacturing) District to an R-1 (One Family Residential) District for the property located at 801 and 805 South Montgomery Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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:

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking is required for one space per bedroom; a parking space is considered to be 9'x20'.
4. Parking is permitted on paved surfaces only (concrete and asphalt).
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
8. The City of Sherman does not maintain alleys.
9. Water and Sewer Pro-Rata will be due upon development and a permit is required for water and sewer tap connections.
10. No structures will be permitted over existing easements or utility lines.

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 & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 16.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

800 BLOCK SOUTH MONTGOMERY STREET

The request of Roberto Meraz (Owner), Jessica Paniagua (Representative) and Fincher Land Surveying, PLLC (Surveyor) concerning the property located in the 800 Block of South Montgomery Street (801 and 805 South Montgomery Street), being Lots 1 & 2, Block 1, Young's Addition, as follows:

Planning and Zoning Commission

Zone change and site plan approval under Ordinance No. 2280, Section 12, from an M-1 (Light Manufacturing) District to an R-1 (One Family Residential) District.

Background:

The property is located at 801 and 805 South Montgomery Street; the southeast corner of East Odneal Street and South Montgomery Street. The property is zoned an M-1 (Light Manufacturing) District. The owners would like to change the zoning on the property to an R-1 (One Family Residential) District for residential development.

Adjacent Zoning:

R-2 (Multi-Family Residential) District

M-1 (Light Manufacturing) District

Origination:

Roberto Meraz (Owner)

Jessica Paniagua (Representative)

Fincher Land Surveying, PLLC (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

30

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Young Addition Plat

Survey

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.3.

Meeting Date: 01/07/2019

Prepared By: Patsy Reeves, Developmental Services Admin Secretary

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6174

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 5005 North Travis Street, being 3.804 acres in the Alexander & Richards Survey, Abstract No. 42 (Young Enterprises, LP, Owners; Daniel Worrell, Representative; and David Baca Studio, Architect)

Issue:

To consider the request of Young Enterprises, LP (Owners), Daniel Worrell (Representative) and David Baca Studio (Architect) concerning the property located at 5005 North Travis Street, being 3.804 acres in the Alexander & Richards Survey, Abstract No. 42 for a zone change from an SF-1 (Single Family Residential) District to an R-2 (Multi-Family Residential) District

Background:

The property is located at 5005 North Travis Street, between Northcreek Drive and Liberty Hill Trail. The property is zoned an SF-1 (Single Family Residential) District. The owners are requesting a zone change to an R-2 (Multi-Family Residential) District to construct a three-story, sixty-three plus unit apartment building on the lot. The site plan is conceptual and will require a more detailed site plan approval before construction begins.

Origination:

Young Enterprises, LP (Owners)
Daniel Worrell (Representative)
David Baca Studio (Architect)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6174

Location Map

Zoning Map

Zoning Sign Photo

Survey

Conceptual Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 5005 NORTH TRAVIS STREET, BEING 3.804 ACRES IN THE ALEXANDER & RICHARDS SURVEY, ABSTRACT NO. 42 (YOUNG ENTERPRISES, LP, OWNERS; DANIEL WORRELL, REPRESENTATIVE; AND DAVID BACA STUDIO, ARCHITECT); 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, the following described property shall be in the R-2 (Multi-family Residential) District at 5005 North Travis Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the Alexander & Richards Survey, Abstract No. 42 and being all of the 3.723 acre tract of land conveyed by Deed from Blanche A. Kreager to John W. Caple and Ruth S. Caple on October 28, 1975 and recorded in Volume 1325, Page 585, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar set stamped (RPLS 6578) in the East right-of-way line of F.M. Highway No. 131, at the Southwest corner of the Ryan Family Trust 21.5 acre tract of land in Volume 3963, Page 863, Official Public Records, Grayson County, Texas and the Northwest corner of said Caple 3.723 ac., said rebar being South 23 deg. 52 min. 24 sec. East 803.51 feet from a 1/2 inch rebar found at an angle point in the West line of said Ryan Family Trust 21.5 acres;

THENCE South 89 deg. 36 min. 47 sec. East with the South line of said Ryan Family Trust 21.5 acres and the North line of said Caple 3.723 acres, passing the most Southern Southwest corner of Lot 1, Austin Landing Addition, Phase 2 to the City of Sherman, Texas as per plat of record in Volume 20, Page 30, Plat Records, Grayson County, Texas (said Lot 1 being out of the Southeast corner of said Ryan Family Trust 21.5 acres), continuing now with the South line of said Lot 1 for a total distance of 534.97 feet to a 1/2 inch capped rebar set stamped (RPLS 6578) in the West line of Knollwood Drive, a public road, (aka: Sherman Oaks Drive), at the Southeast corner of said Lot 1 and the Northeast corner of said Caple 3.723 acres;

THENCE South 00 deg. 32 min. 42 sec. West, with the West line of said Knollwood Drive and the East line of said Caple 3.723 acres, a distance of 364.58 ft. to a ½ inch capped rebar set stamped (RPLS 6578) at the Northeast corner of the Ryan Family Trust 3.08 acre tract of land recorded in said Volume 3963, Page 863 and the Southeast corner of said Caple 3.723 acres, said rebar being North 00 deg. 40 min. 37 sec. East, a distance of 579.50 feet from a ½ inch rebar found at the Southeast corner of said Ryan Family Trust 3.08 acres;

THENCE South 89 deg. 36 min. 35 sec. West, with the North line of said Ryan Family Trust 3.08 ac. and the South line of said Caple 3.723 acres, a distance of 366.66 feet to a ½ inch rebar found in the East right-of-way line of F.M. Highway No. 131, at the Northwest corner of said Ryan Family Trust 3.08 acres and the Southwest corner of said Caple 3.723 acres, said rebar being North 23 deg. 54 min. 05 sec. West, a distance of 587.87 feet from a ½ inch capped rebar found stamped (RPLS 4709) at the Southwest corner of said Ryan Family Trust 3.08 acres;

THENCE North 23 deg. 58 min. 27 sec. West, with the East right-of-way line of said F.M. Highway No. 131 and the West line of said Caple 3.723 acres, a distance of 405.68 feet to the **PLACE OF BEGINNING and containing 3.804 ACRES of land**.....

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

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

SECTION 4. 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

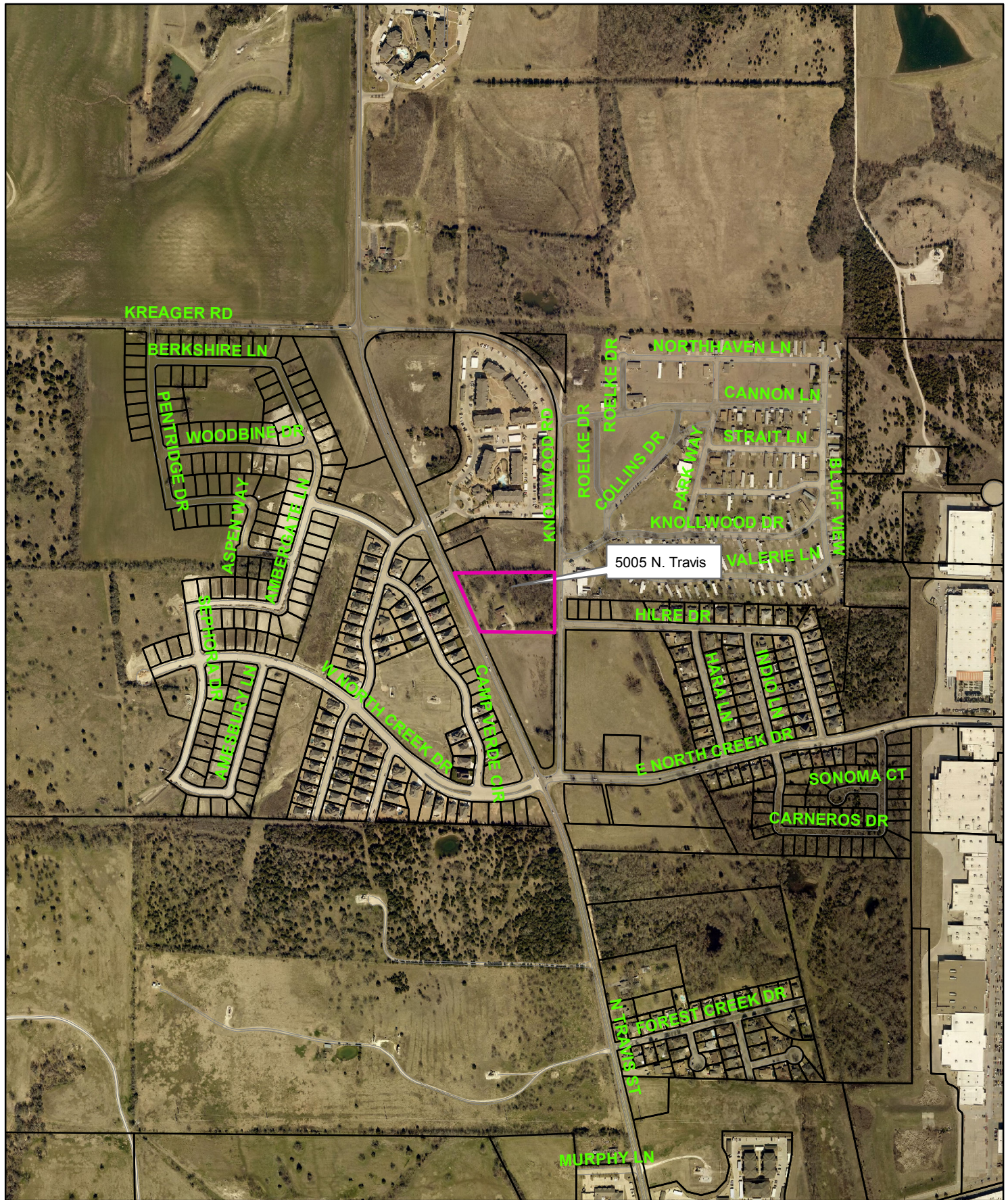
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

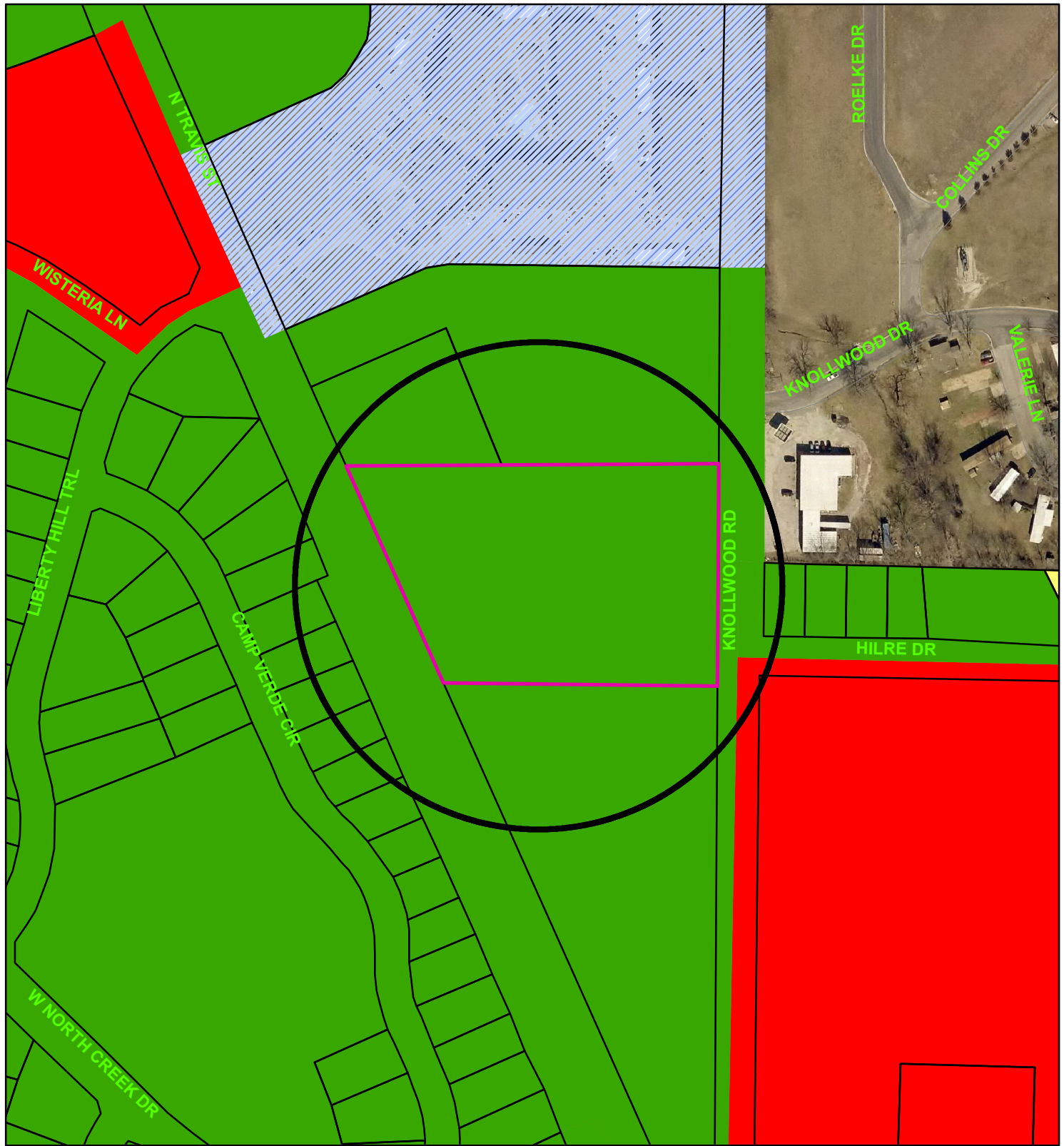


5005 North Travis Street



NOT TO SCALE

1 in = 700 ft



Zoning - 5005 North Travis Street



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

Legend

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



NOT TO SCALE

1 in = 200 ft

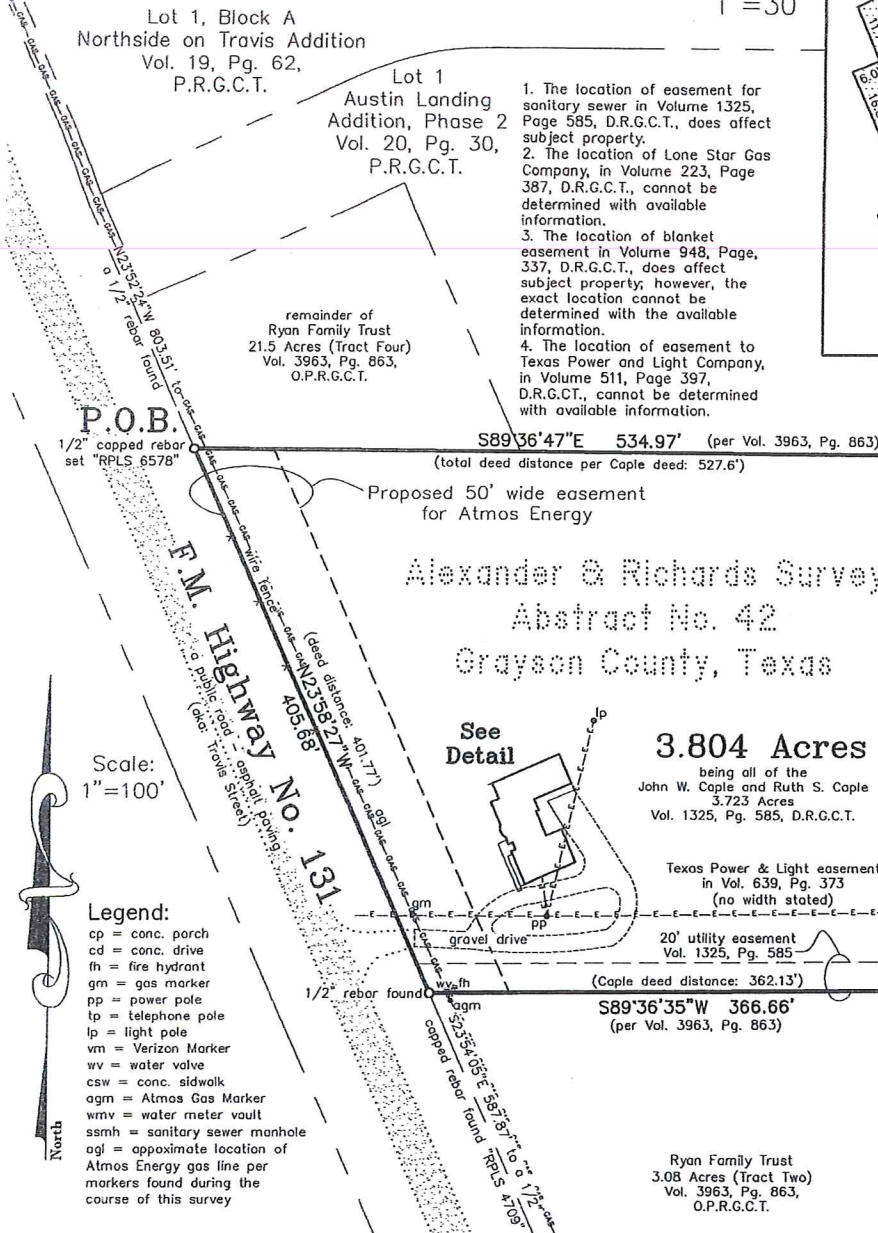
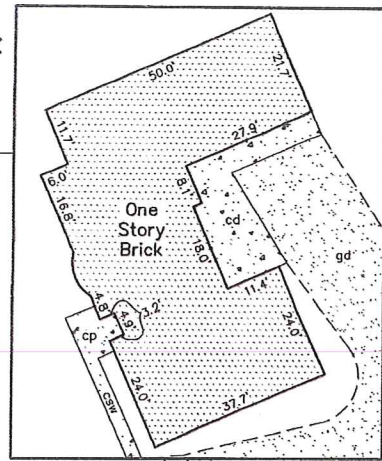
5005 North Travis Street



Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone, as derived by survey-grade Global Positioning System.

Detail:

Scale:
1"=30'



Owner: John Wayne Caple

Buyer: Young Enterprises, L.P.

Address: 5005 N. Travis Street
Sherman, Texas

This survey is for the sole benefit of the transaction by and between: <Owners>, <Buyers>, and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with both the General Rules of Procedures and Practices as adopted by the Texas Board of Professional Land Surveying and the current Texas Society of Professional Surveyors standards and is a true and correct representation of the property shown hereon. Field Notes attached hereto.

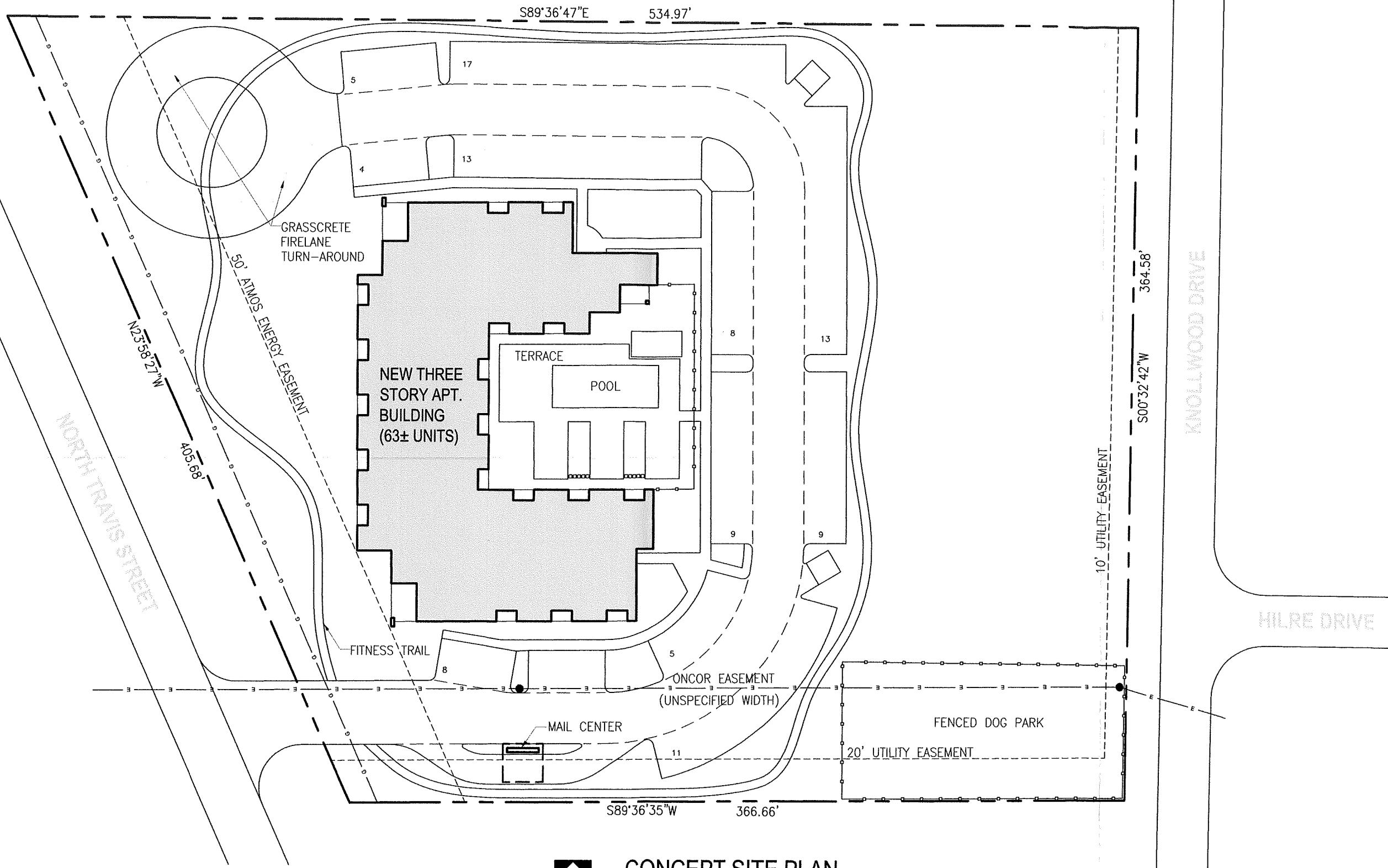
The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C02290-F Revised Date: September 29, 2010.

Job No. BGS131117

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@cableone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: November 6, 2017



1

CONCEPT SITE PLAN

SCALE: 1" = 50'-0"

3.084 ACRES
ALEXANDER & RICHARDS SURVEY
ABSTRACT #42

SITE PLAN STATISTICS:

CURRENT ZONING: SF-1; SINGLE FAMILY RESIDENTIAL

PROPOSED ZONING: R-2; MULTI-FAMILY RESIDENTIAL

GENERAL SITE PLAN NOTES:

1. SITE SURVEY PREPARED BY HELVEY-WAGNER SURVEYING, INC.,
222 WEST MAIN STREET, DENISON, TEXAS 75020 (903.463.6191).



100 NORTH TRAVIS STREET
SUITE NO. 500A
SHERMAN, TEXAS 75090
903 893 5800
www.davidbacastudio.com

SCHEMATIC
DESIGN
REVIEW
NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

NO.	REVISIONS DESCRIPTION	DATE

YE Urban Lofts

5005 North Travis Street, Sherman, Texas 75092

PROJECT NUMBER

1833

DATE

11.20.18

SHEET NUMBER

CSP-1

concept site plan



CONCEPT TRAVIS STREET FACADE

SCALE: 1" = 15'-0"



100 NORTH TRAVIS STREET
SUITE NO. 500A
SHERMAN, TEXAS 75090
903 893 5800
www.davidbacastudio.com

SCHEMATIC DESIGN REVIEW

NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

NO.	REVISIONS	DESCRIPTION	DATE

YE Urban Lofts

5005 North Travis Street, Sherman, Texas 75092

PROJECT NUMBER

1833

DATE

11.20.18

SHEET NUMBER

CSP-2

concept facade

STAFF REVIEW LETTER

December 12, 2018

Young Enterprises, LP
5414 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

David Baca Studio
100 N. Travis, Ste. A
Sherman, TX 75090

Daniel Worrell
5414 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Dear Applicants,

The request for a zone change and conceptual site plan approval for YE Urban Lofts from an SF-1 (Single Family Residential) District to an R-2 (Multi-Family Residential) District for the property located at 5005 North Travis Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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:

Zoning:

1. All aspects of the R-2 (Multi-Family Residential) District, the Residential Tree and Landscaping Ordinance must be followed.
2. A minimum 6' masonry perimeter wall shall be provided to surround the development unless an exception is granted.
3. No building shall exceed 45 feet in height.
4. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
5. Parking is permitted on paved surfaces only (concrete and asphalt).
6. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
7. Parking ratio required: 1 space per bedroom, minimum two per unit.
8. The trash dumpster will need to be located inside the main building area and screened.
9. All finishes shall be masonry or masonry veneer (including carports/garages) unless an exception is approved.
10. This site plan is conceptual and will require final site plan approval from the Planning and Zoning Commission before construction begins.
11. Review the zoning and development ordinance for additional requirements.
12. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

13. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
14. Verify fire lane requirements with Fire Marshall.
15. Water and Sewer Pro-Rata will be due at the time of development. Verify sewer capacity for proposed use.

16. Internal water and sewer lines will be privately owned and maintained.
17. Privately owned and maintained detention in accordance with City criteria is required.
18. Permanent structures will not be permitted within any easements.
19. The location of trash receptors must be approved by the Public Works Department.

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 & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink that reads "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" and last name "Shadden" clearly legible.

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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 9.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

5005 NORTH TRAVIS STREET

The request of Young Enterprises, LP (Owners), Daniel Worrell (Representative) and David Baca Studio (Architect) concerning the property located at 5005 North Travis Street, being 3.804 acres in the Alexander & Richards Survey, Abstract No. 42, as follows:

Planning and Zoning Commission

Zone change and conceptual site plan approval for YE Urban Lofts under Ordinance No. 2280, Section 12, from an SF-1 (Single Family Residential) District to an R-2 (Multi-Family Residential) District.

Background:

The property is located at 5005 North Travis Street between Northcreek Drive and Liberty Hill Trail. The property is zoned an SF-1 (Single Family Residential) District. The owners are requesting a zone change to an R-2 (Multi-Family Residential) District to construct a three story, sixty-three plus unit, apartment building on the lot. The site plan is conceptual and will require a more detailed site plan approval before construction begins.

Adjacent Zoning:

SF-1 (Single Family Residential) District

C-1 (Retail Business) District

Origination:

Young Enterprises, LP (Owners)

Daniel Worrell (Representative)

David Baca Studio (Architect)

Master Plan Designation:

Estate – Estate is a large lot residential use (1-5 acres) with open space and a rural street network (ditches and no sidewalk). These homes are unlikely to have access to full service public utilities, especially sewer service.

Number of notices mailed:

12

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Conceptual Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.4.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6175

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Children's Commercial Amusement Center in a C-2 (General Commercial) District at 2001 Loy Lake Road, Suite P, being 2.977 acres in the J.B. McAnair Survey, Abstract No. 763 (Aberfeldy Properties, Inc., Owners; and Xiaoxiang Liu, Representative); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Aberfeldy Properties, Inc. (Owners) and Xiaoxiang Liu (Representative) concerning the property located at 2001 Loy Lake Road, Suite P, being 2.977 acres in the J.B. McAnair Survey, Abstract No. 763 for a Specific Use Permit to allow a children's commercial amusement center in a C-2 (General Commercial) District

Background:

The property is located at 2001 Loy Lake Road, Suite P, between Taylor Street and Peyton Street in the Loy Lake Plaza Shopping Center. The property is zoned a C-2 (General Commercial) District. The applicant would like to open "Suite P Indoor Playground" (commercial amusement center) to provide indoor entertainment for pre-kindergarten children, ages 2-6. Equipment includes: climbing structures, slides, trampolines and riding toys. Parents will sign a waiver and will be responsible for watching their children. They will also provide space for parties on weekends.

Origination:

Aberfeldy Properties, Inc. (Owners)
Xiaoxiang Liu (Representative)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6175

Location Map

Zoning Map

Zoning Map Photo

Narrative

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6175

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CHILDREN'S COMMERCIAL AMUSEMENT CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 2001 LOY LAKE ROAD, SUITE P, BEING 2.977 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 (ABERFELDY PROPERTIES, INC., OWNERS; AND XIAOXIANG LIU, REPRESENTATIVE); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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 Planning and Zoning 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, Aberfeldy Properties, Inc. (Owners) and Xiaoxiang Liu (Representative) concerning the property located at 2001 Loy Lake Road, Suite P and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING a part of the J.B. McAnair Survey, Abstract No. 763, and being a total of two tracts of land, a 1.358 acre tract described as being all of a 2.72 x 435.6 foot tract conveyed to Eugene Moore et ux, Volume 684 Page 528, Grayson County Deed Records, and part of a 2.0 acre tract conveyed to Eugene Moore et ux, Volume 681, Page 185 Grayson County Deed Records, and a 1.619 acre tract described as being all of a 1.0 acre tract conveyed to Eugene Moore et ux, Volume 590, Page 348, and part of a 2.0 acre tract conveyed to Eugene Moore et ux, Volume 681 Page 185 Grayson County Deed Records and more particularly described as follows:

BEGINNING at a spike nail set in the center line of Loy Lake Road, said spike being the southwest corner of the one acre tract, common to the southwest corner of this 2.977 acre tract:

THENCE North 02°23'02" West with the center line of Loy Lake Road, and the west line of this tract, passing the northwest corner of said 1.619 acre tract common to the southwest corner of the 1.358 acre tract at 167.08 feet, in all a distance of 307.08 feet to a spike nail, the northwest corner of this 2.977 acre tract, and common to the northwest corner of said 1.358 acre tract, also common to the southwest corner of the Cottonwood Park addition to Sherman, Texas as shown in Volume 4 Page 76 of Plat Records, Grayson County, Texas. said spike nail also being the northwest corner of the 2.72 x 435.6 foot tract;

THENCE North 75°45'20" East, 432.13 feet to a ½" iron rod set for an all corner of the Cottonwood Park Addition, also the northeast corner of the 2.72 x 435.6 foot tract, also the northeast corner of this tract, and common to the northeast corner of said 1.358 acres tract;

THENCE South 02° 10' 39" East, passing the southeast corner of the 1.358 acre tract at 140.11 in all, a distance of 307.32 feet to an iron rod, the southeast corner of this tract, common to the southeast corner of the 1.619 acre tract;

THENCE South 75° 45' 20" West, for a distance of 431.0 feet to the **PLACE OF BEGINNING AND CONTAINING 2.977 ACRES OF LAND.....**

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into Loy Lake Road right-of-way.
4. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20.
5. The operation of illegal gambling machines is prohibited.
6. No outside storage/displays are allowed at any time.
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Shall comply with all EPA, City, Federal and State regulations for this use.
9. Review the zoning and development ordinance for additional requirements.
10. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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 \$2,000.00.

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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

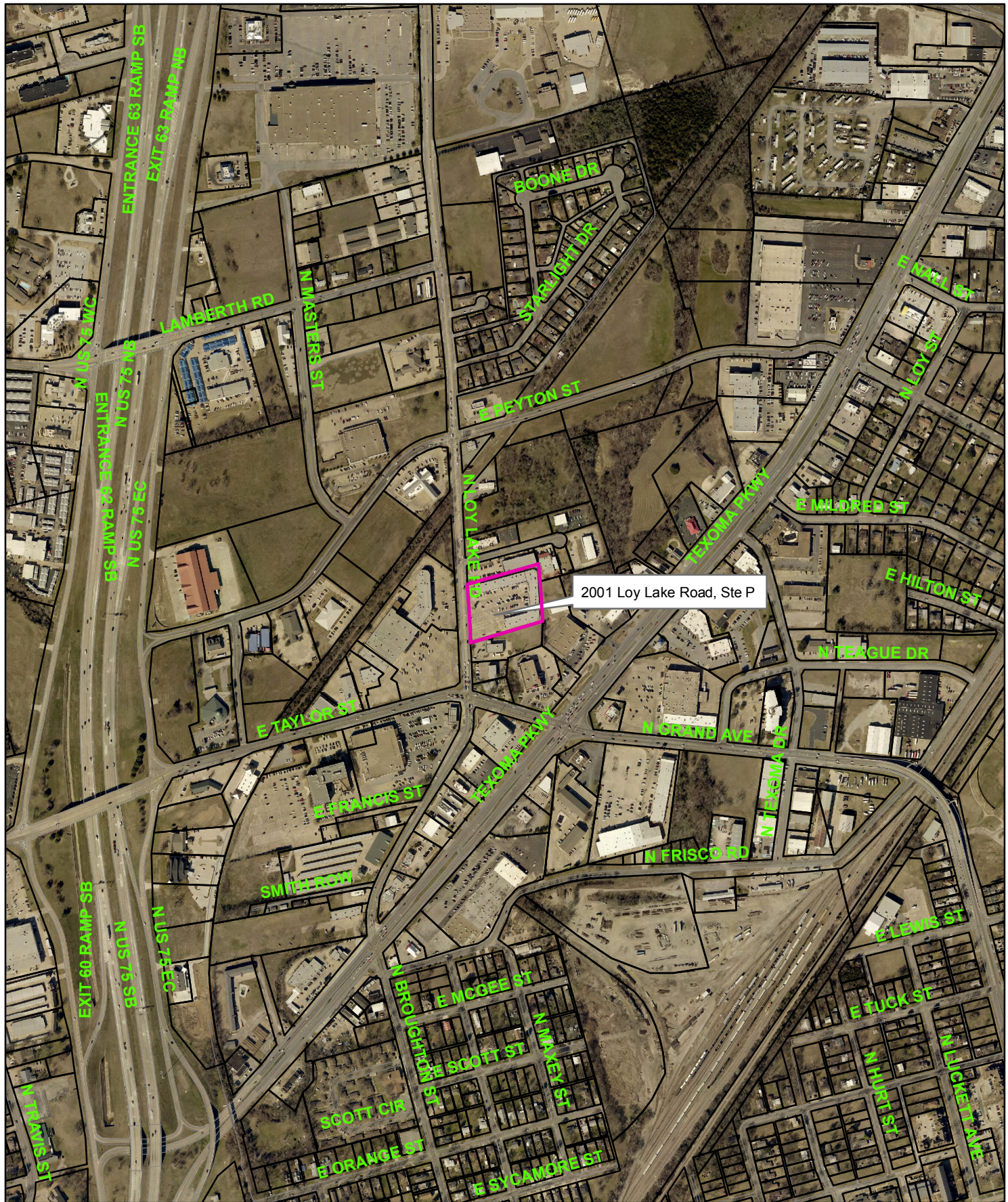
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



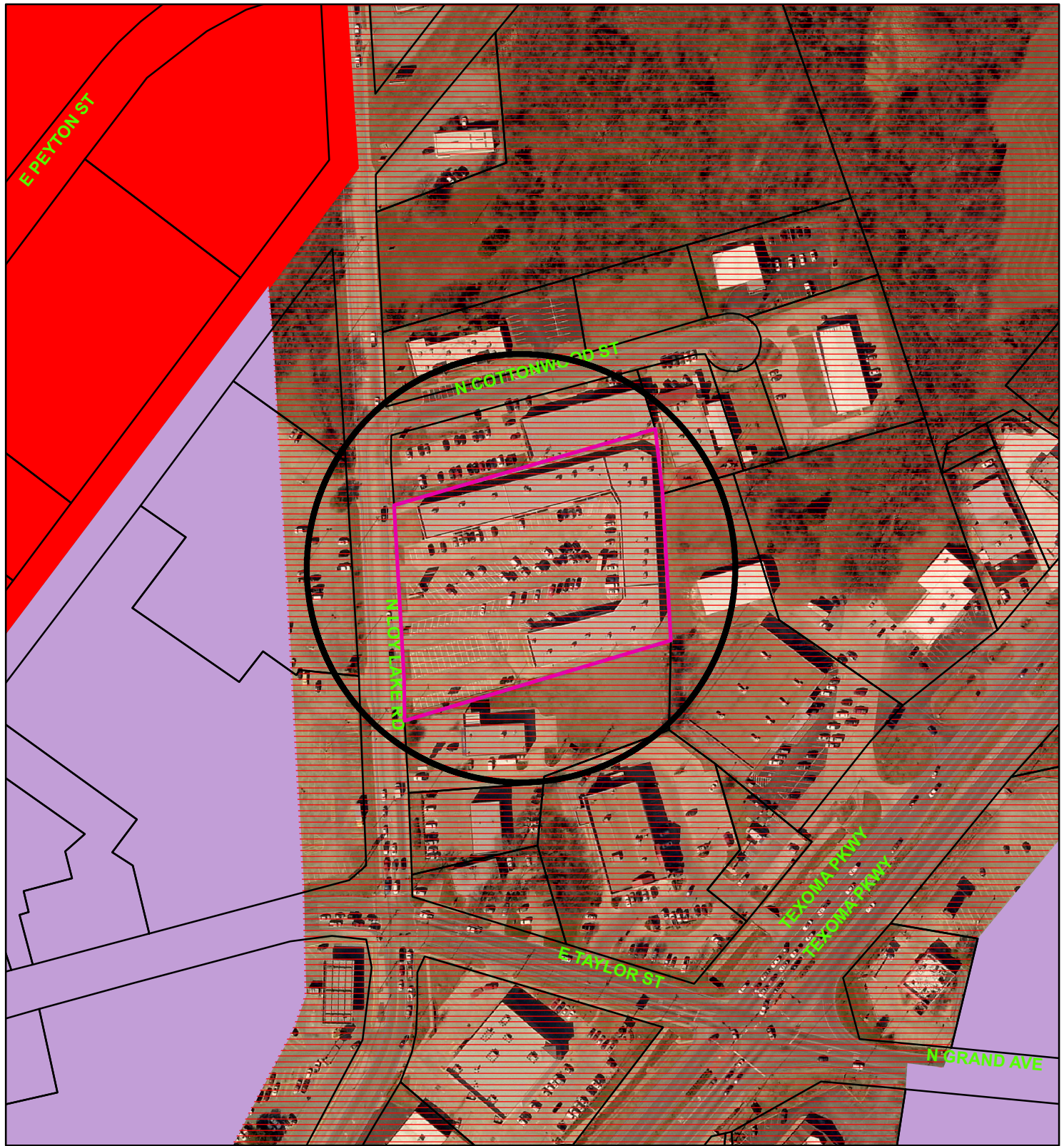
2001 Loy Lake Road, Ste P



2001 Loy Lake Road, Suite P



1 in = 700 ft



Zoning - 2001 Loy Lake Road, Ste. P

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District
- Transportation Corridor

Representation: SHERMGIS.DBO.TransportationCorridor_Rep

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: SHERMGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



NOT TO SCALE

1 in = 200 ft

2001 Loy Lake Road, Suite P



Kids Town Indoor Playground

By Wonder6 Entertainment LLC

Service:

- Provide indoor entertainment for pre-k kids during week days (Open play). After signing a waiver, parents are responsible for watching their kids. Equipment includes: climbing structures, slides, trampolines, riding toys.
- Provide party space for pre-k kids during weekends. Each party is 2 hour and has exclusive use of the store. Different customizable packages available to choose from.

Competition analysis:

- Major competitors: Chuck E. Cheese's, Jump 'N Land. As they all focus on entertainment for elder kids/mixed age groups, there is literarily no competition for "pre-k kids only" entertainment in Sherman/Denison area.

Initial investment:

- Equipment with installation: \$30000
- Remodeling and others: \$20000
- Other expendable funds: \$50000

Projected revenue, cost, and profit:

- Revenue from open play: 30 kids/day x 22 days x \$7 = \$4620/month
- Revenue from parties: 6 party/week x 4 weeks x \$250 = \$6000/month
- Rent, utility, supplies, maintenance: \$3000/month
- Salary + bonus: \$3000/month
- Net profit: \$4620/month

LOT 7

6

N 75°56'06" E 432.11' PPOLE

PPOLE

PPOLE CM

40.86'

330.8'

22.9'

94.87'

ONE STORY BRICK

50.0'

103.0'

7.9' 5.5' 3.8'

165.4'

21.2'

CURB INLET

UTILITY VAULT

13

14

FIRE LANE

FIRE LANE

129,749 sq. ft.
2.98 acres

FIRE LANE

FIRE LANE

FIRE LANE

25

24

6

N 02°23'02" W 307.08'

N LOY LAKE ROAD

CURB INLET

SIGN

FIRE LANE

FIRE LANE

FIRE LANE

FIRE LANE

25

5

ONE STORY BRICK

242.6'

CLEANOUTS(2)

CLEANOUTS(4)

GO NO A V

FIRE LANE

FIRE LANE

FIRE LANE

FIRE LANE

16

15

7

4

SURFACE DRAINAGE ESM'T
TO CITY OF SHERMAN
VOL. 1873, PG. 138

132.1'

ONE STORY BRICK

50.0'

174.3'

27.2'

CLEANOUTS(2)

CLEANOUTS(2)

CLEANOUT

CLEANOUTS(2)

CLEANOUTS(2)

CLEANOUT

CM

S 75°55'08" W 431.00'

STM SEW MANHOLE

STM SEW MANHOLE

GAS METER

UTILITY VAULT

WATER METER

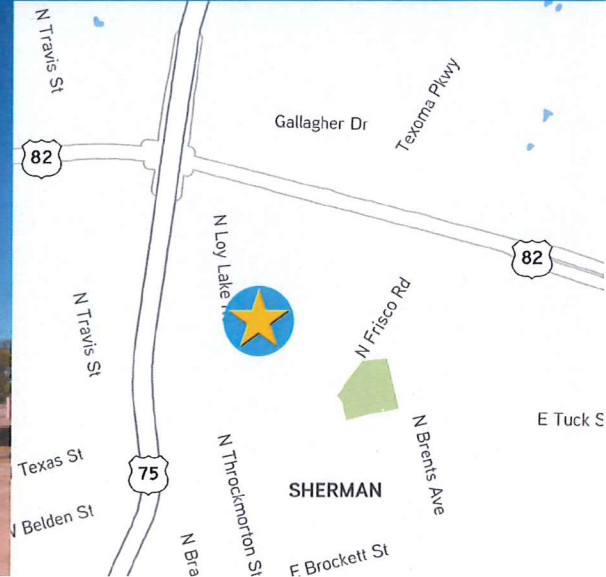
GUY WIRE

FOR LEASE > RETAIL SPACE

Colliers
INTERNATIONAL

Loy Lake Plaza

2001 LOY LAKE ROAD, SHERMAN, TX 75090



Loy Lake Plaza > Retail Space

Loy Lake Shopping is located in Sherman, Texas just north of Texoma Parkway.

Features

- > Centrally located with a high traffic count
- > Easy access from I-75
- > New development in area
- > Tenant improvement dollars available from owner
- > Great value at below market rate
- > Recently widened Loy Lake Road

Space Available

- | | | |
|----------------------|--------------------|--------------------|
| > Suite A-1 1,425 SF | > Suite K 1,471 SF | > Suite P 2,200 SF |
| > Suite B 2,695 SF | > Suite L 3,118 SF | |
| > Suite G 1,229 SF | > Suite N 1,497 SF | |
| > Suite J 1,962 SF | > Suite O 1,260 SF | |

Contact Us

PrestonBend
REAL ESTATE

RANDY JAY
TEL 903 200 9933
TEL 972 413 0375
www.prestonbendre.com



GREG HOFFMAN
TEL 214 217 1211
TEL 800 520 1613

www.colliers.com

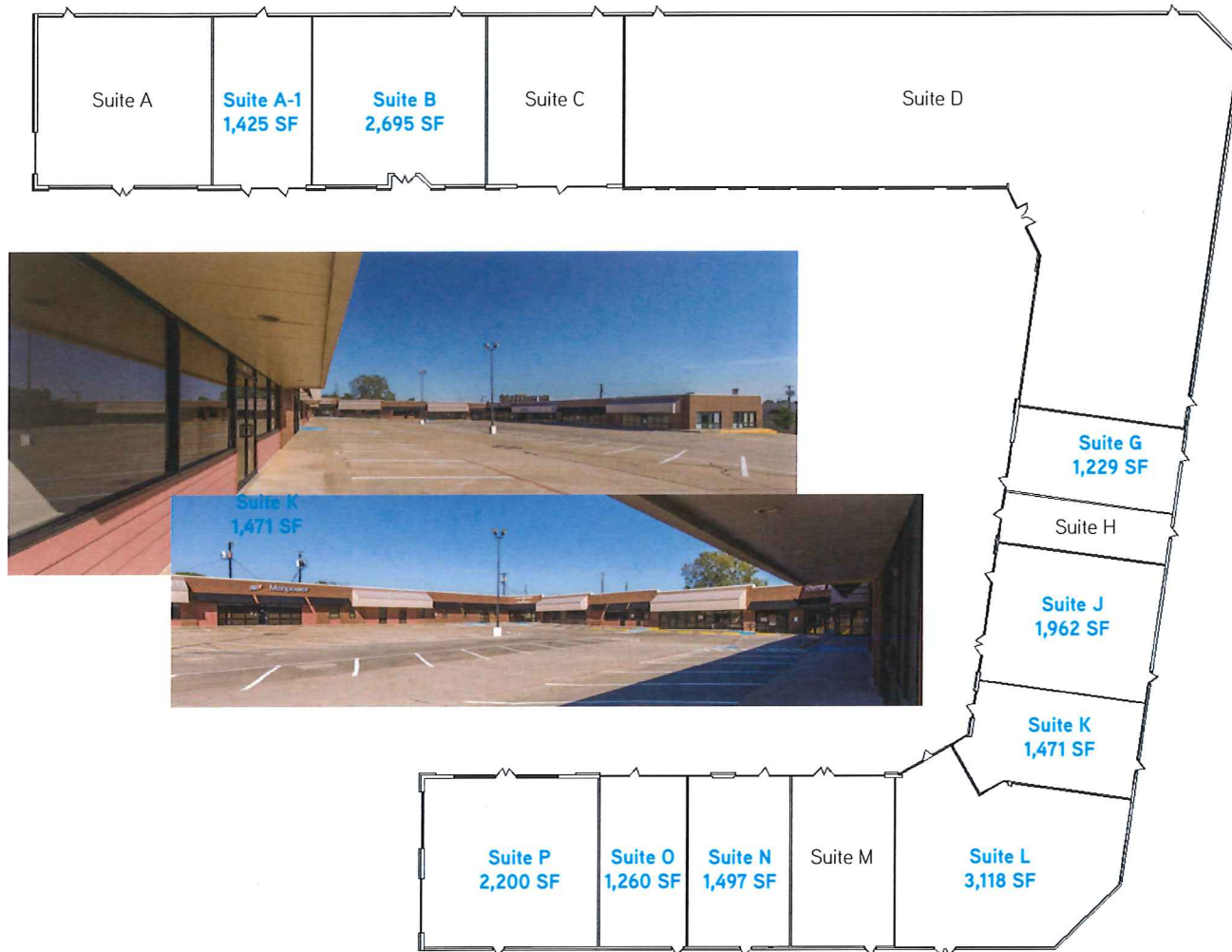
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FOR LEASE > RETAIL SPACE

Loy Lake Plaza

2001 LOY LAKE ROAD, SHERMAN, TX 75090

Available Suite



DEMOGRAPHICS

	1 MILE	3 MILE	5 MILE
Estimated Population	6,044	34,881	46,564
Number of Households	2,284	13,356	17,996
Average Household Income	\$40,458	\$58,008	\$61,650

TRAFFIC COUNTS

	APPROXIMATE
Highway 91 (Texoma Parkway)	14,470/day
US Highway 75	49,000/day
US Highway 82	18,142/day

GREG HOFFMAN
214 217 1211
greg.hoffman@colliers.com

COLLIERS INTERNATIONAL
1717 McKinney Avenue, Suite 900
Dallas, TX 75202
www.colliers.com



STAFF REVIEW LETTER

December 12, 2018

Aberfeldy Properties, Inc.
PO Box 1287
Northbrook, IL 60065

Xiaoxiang Liu
400 East Northcreek Drive
Sherman, TX 75092

Aberfeldy Properties, Inc.
Younger Partners Property Services, LLC
14643 Dallas Parkway, Ste. 950
Dallas, TX 75254

Dear Applicants,

The request for a Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a children's commercial amusement center in a C-2 (General Commercial) District for the property located at 2001 Loy Lake Road, Suite P has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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:

Zoning:

1. All aspects of the C-2 (General Commercial) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into Loy Lake Road right-of-way.
4. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20.
5. The operation of illegal gambling machines is prohibited.
6. No outside storage/displays are allowed at any time.
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Shall comply with all EPA, City, Federal and State regulations for this use.
9. Review the zoning and development ordinance for additional requirements.
10. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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 & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott Shadden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

CC:	Robby Hefton, City Manager	Danny Fuller, Fire Marshal
	Mark Gibson, Director of Utilities	Brandon Shelby, City Attorney
	Clint Philpott, P.E., Director of Engineering	Steve Ayers, Asst. City Manager
	Amber Doan, Engineering Coordinator	



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 6.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

2001 LOY LAKE ROAD, SUITE P

The request of Aberfeldy Properties, Inc. (Owners) and Xiaoxiang Liu (Representative) concerning the property located at 2001 Loy Lake Road, Suite P, being 2.977 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a children's commercial amusement center in a C-2 (General Commercial) District.

Background:

The property is located at 2001 Loy Lake Road, Suite P between Taylor Street and Peyton Street in the Loy Lake Plaza Shopping Center. The property is zoned a C-2 (General Commercial) District. The applicant would like to open "Kid's Town Indoor Playground" (commercial amusement center) to provide indoor entertainment for pre-kindergarten children. Equipment includes: climbing structures, slides, trampolines and riding toys. They will also provide space for parties on weekends.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

Aberfeldy Properties, Inc. (Owners)

Xiaoxiang Liu (Representative)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

12

Objections Received:

1

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Site Plan

Building Elevations

Staff Review Letter

Letter from Hokmeanheng Inc



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.5.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6176

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Wedding and Party Event Venue with Living Quarters in a C-O (Office) District/Heritage Row Historical District at 402 South Crockett Street, being part of Lot 1, Block 1, Dickerman's 1st Addition (Wormington Estates, LLC, Owners; Jeremy Friesen, Representative; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Wormington Estates, LLC (Owners), Jeremy Friesen (Representative) and Preston Trail Land Surveying (Surveyor) concerning the property located at 402 South Crockett Street, being part of Lot 1, Block 1, Dickerman's 1st Addition for a Specific Use Permit to allow a wedding and party event venue with living quarters in a C-O (Office) District/Heritage Row Historical District

Background:

The property is located at 402 South Crockett Street; the southwest corner of Cherry and Crockett Streets. The property is zoned a C-O (Office) District and is also located in the Heritage Row Historical District. The property was rezoned to a C-O (Office) District on July 8, 2002 and was used as a law office for the past several years.

The owners are requesting a Specific Use Permit to allow an event center for weddings and parties; the second floor will be used for weekend overnight rental, typically for the bride/groom's family. Their events mostly happen Friday through Sunday; and they will be mirroring the "River Ranch Chateau" in Anna, which they also own, but this will be a much smaller event space; twenty-five to fifty person weddings. They will have an area for receptions after on-site services, then the wedding party stays in the house after the events end. They also requested an exception to allow off premise parking; First Baptist Church of Sherman is allowing use of its parking lot across the street at 425 South Crockett Street. A Certificate of Appropriateness will be required from the Historical Preservation Board prior to any change of use in the Historical District. They will review any changes proposed to the structure.

Origination:

Wormington Estates, LLC (Owners)
Jeremy Friesen (Representative)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and providing off street parking.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6176
Location Map
Zoning Map
Zoning Sign Photo
Survey
Site Plan
Building Elevations
Parking Agreement
Aerial of Parking Lot
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A WEDDING AND PARTY EVENT VENUE WITH LIVING QUARTERS IN A C-O (OFFICE) DISTRICT/HERITAGE ROW HISTORICAL DISTRICT AT 402 SOUTH CROCKETT STREET, BEING PART OF LOT 1, BLOCK 1, DICKERMAN'S 1ST ADDITION (WORMINGTON ESTATES, LLC, OWNERS; JEREMY FRIESEN, REPRESENTATIVE; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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 Planning and Zoning 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, Wormington Estates LLC (Owners), Jeremy Friesen (Representative) and Preston Trail Land Surveying (Surveyor) concerning the property located at 402 South Crockett Street and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING part of Lot 1, Block 1, Dickerman's 1st Addition.

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

Zoning:

1. All aspects of the C-O (Office) District, the Heritage Row Historical District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.

2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. No outside storage/displays are allowed at any time.
4. Blocking of streets/sidewalks is prohibited.
5. All parking shall be on private property and shall not encroach into Crockett Street or Cherry Street right-of-way.
6. Parking ratios required unless an exception is approved: Commercial Amusement Center – 1 space per 200 square foot; Living Quarters – 1 space per bedroom.
7. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20.
8. Screening shall be provided and maintained abutting any residentially zoned property unless an exception is approved.
9. A Certificate of Appropriateness will be required from the Historical Preservation Board prior to any change of use and any changes to the structure in the Historical District.
10. Shall comply with all EPA, City, Federal and State regulations for this use.
11. Violation of the conditions of the SUP will terminate the Specific Use Permit.
12. Review the zoning and development ordinance for additional requirements.
13. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

14. Management will make guests aware to use sidewalk and pedestrian crossings to and from off-site parking at all times.

Planning & Zoning Commission:

15. Having an off-street parking lease agreement in place or providing off-street parking.

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 \$2,000.00.

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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

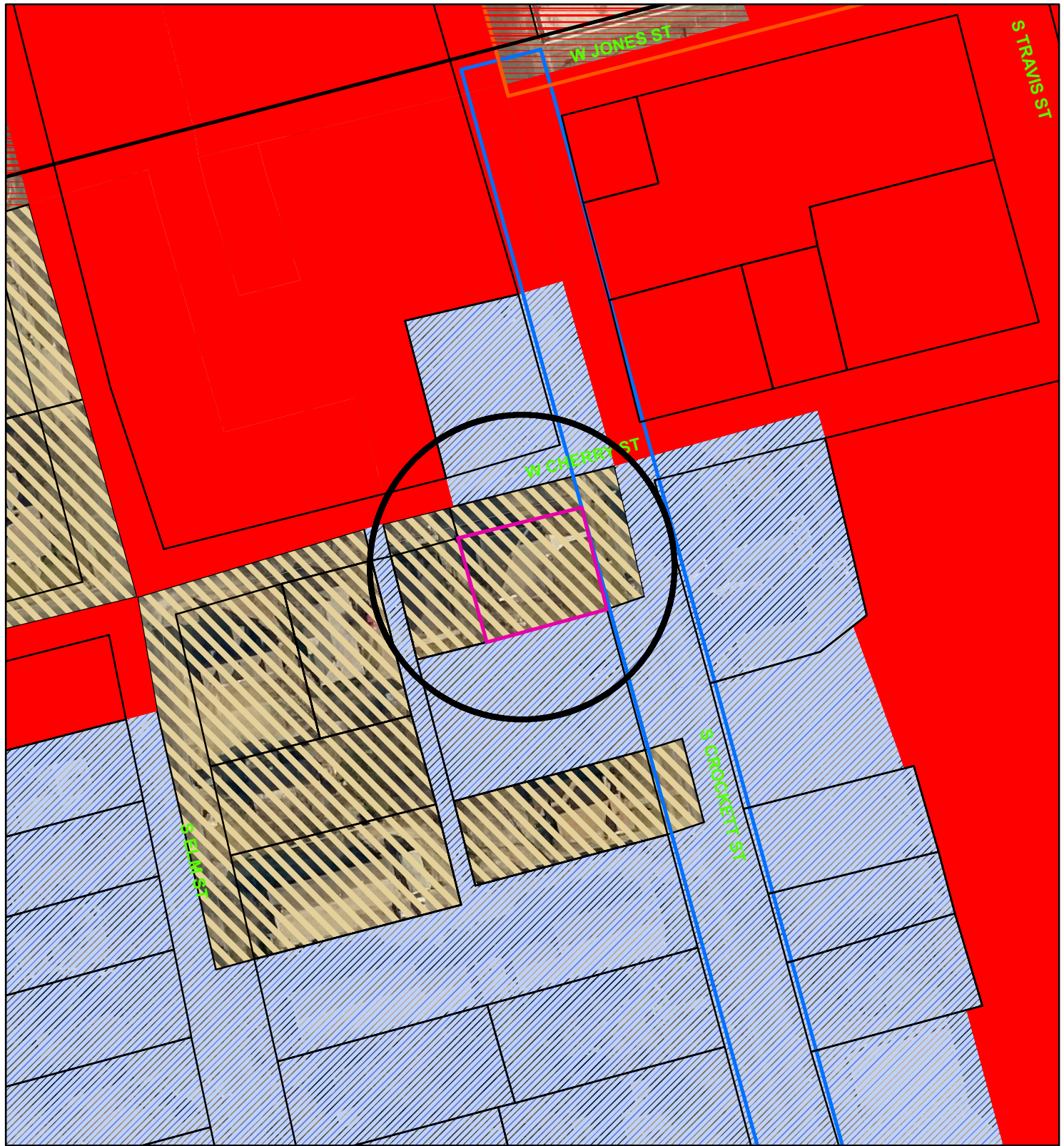
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Zoning - 402 South Crockett Street



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DB0.TransportationCorridor_Rep

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DB0.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

Legend

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District

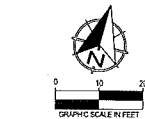
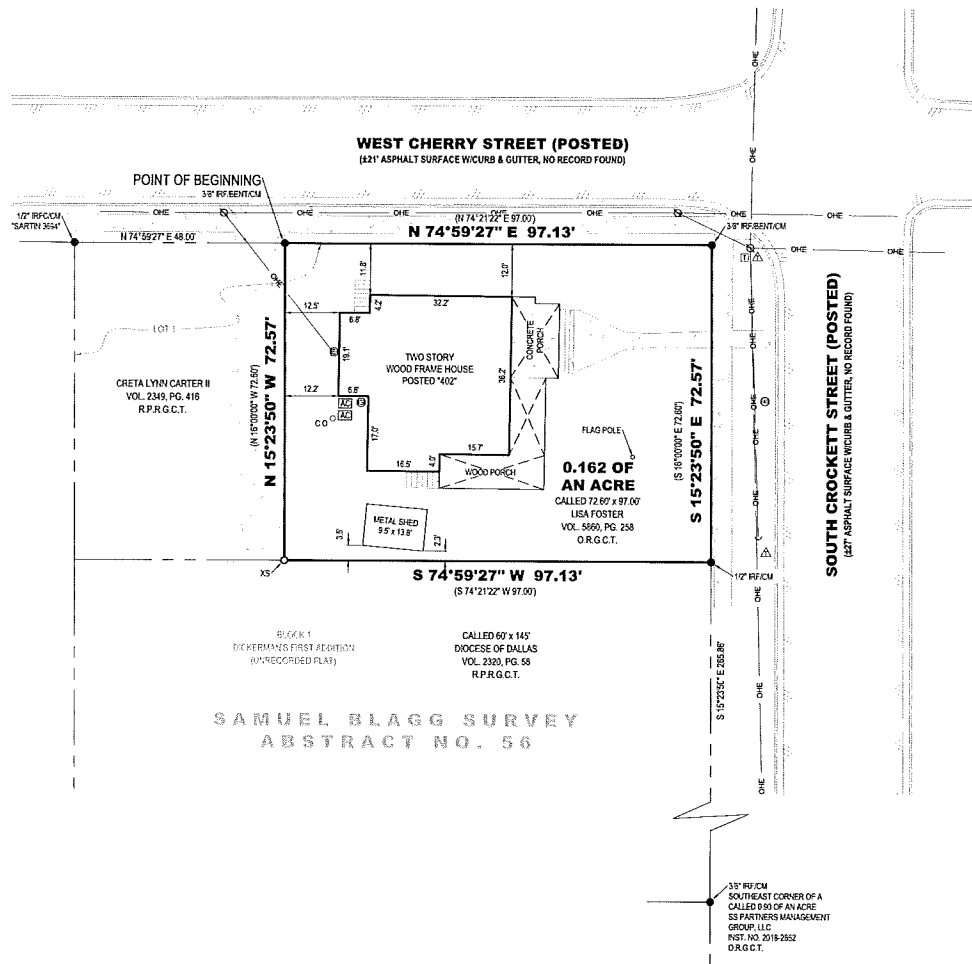


NOT TO SCALE

1 in = 100 ft

402 South Crockett Street





All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4203), North American Datum of 1983.

LAND DESCRIPTION:

BEING all of that tract or parcel of land situated in the Samuel Blagg Survey, Abstract No. 56, City of Sherman, Grayson County, Texas, and being a retracement survey of a called 72.00-foot by 97.00-foot tract of land described in the deed to Lisa Foster, recorded in Volume 5860, Page 258, Official Records of Grayson County, Texas, the same being described as the east 97 feet of Lot One in Block One of Dickerman's First Addition (an unrecorded plat), and being more particularly described as follows:

BEGINNING at a bent 3/8-inch iron rod found for the northwest corner of said Foster Tract, common to the northeast corner of a tract of land described in the deed to Creta Lynn Carter II, recorded in Volume 2349, Page 416, Real Property Records of Grayson County, Texas, and on the southerly line of West Cherry Street;

THENCE North 74°59'27" East, with the northerly line of said Foster Tract, and with the southerly line of said West Cherry Street, a distance of 97.13 feet to a bent 3/8-inch iron rod found for the northeast corner of said Foster Tract, and at the intersection of the southerly line of said West Cherry Street, and with the westerly line of South Crockett Street;

THENCE South 15°23'50" East, with the easterly line of said Foster Tract, and with the westerly line of said South Crockett Street, a distance of 72.57 feet to a 1/2-inch iron rod found for the southeast corner of said Foster Tract, common to the northeast corner of a called 60-foot by 145-foot tract of land described in the deed to Diocese of Dallas, recorded in Volume 2320, Page 58, said Real Property Records;

THENCE South 74°59'27" West, with the southerly line of said Foster Tract, and with the northerly line of said Diocese of Dallas Tract, a distance of 97.13 feet to an "X" scribed in concrete set for the southwest corner of said Foster Tract, common to the southeast corner of aforesaid Carter Tract;

THENCE North 15°23'50" West, with the westerly line of said Foster Tract, and with the easterly line of said Carter Tract, a distance of 72.57 feet to the POINT OF BEGINNING and enclosing 0.162 of an acre (7,049 square feet) of land, more or less.

NOTES ADDRESSING SCHEDULE 'B' EXCEPTIONS:

Only those easements and/or other matters of record, as listed in Title Commitment GF No. 0127709, issued by Alliant National Title Insurance Company, countersigned by Red River Title Company, with an effective date of June 18, 2018, and an issued date of June 26, 2018, and restated below were considered for this Survey. The surveyor did not perform an abstract of title.

- 10a. Any matter, including but not limited to, Easements, Roadways and/or Building Set Back Lines as shown on the plat of record in Volume 96, Page 496, Deed Records, Grayson County, Texas.
(Does not affect the surveyed property)

FLOOD STATEMENT:

I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/29/2010 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0290 F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

Certify to: Worrington Estates, LLC; Lisa Foster, Alliant National Title Insurance Company, Red River Title Company;

I, Chris R. Noah, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey has been prepared from an actual on-the-ground survey of the premises depicted hereon and described in the land description attached hereto, conducted under my direction and supervision on 07/05/2018, and there are no discrepancies, conflicts, shortages in area or boundary line conflicts, or any intrusions of visible improvements from adjoining tracts, or protrusions of visible improvements onto adjoining tracts, to the best of my knowledge and belief, except as shown. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying.



Chris R. Noah, R.P.L.S. No. 6585

LEGEND

● FOUND MONUMENT	⊕ ELECTRIC METER
○ SET MONUMENT	⚡ UTILITY/POWER POLE
IRF IRON ROD FOUND	— GUY
XS "X" SCRIBED IN CONCRETE SET	☎ TELEPHONE BOX
CM CONTROLLING MONUMENT	⚡ BURNED TELEPHONE MARKER
() DEED OR PLAT CALL	⊕ NATURAL GAS METER
O.R.G.C.T. OFFICIAL RECORDS, GRAYSON COUNTY, TEXAS	⊕ WATER METER
R.P.R.G.C.T. REAL PROPERTY RECORDS, GRAYSON COUNTY, TEXAS	⊕ CLEAN OUT
VOL. PG. VOLUME, PAGE	— BOUNDARY LINE
(AC) AC UNIT	— ADJONER LINE
	— ASPHALT
	— OVERHEAD ELECTRIC/UTILITY

TITLE SURVEY
0.162 OF AN ACRE
SAMUEL BLAGG SURVEY, ABSTRACT NO. 56
DICKERMAN'S FIRST ADDITION (UNRECORDED)
BLOCK 1, PART OF LOT 1
402 South Crockett Street, Sherman
Grayson County, Texas

Preston Trail
LAND SURVEYING

83493 N. State Hwy 289, Suite 5
Pottsboro, TX 75076
www.prestontrailandsurveying.com
903/765-6029

TBPLS form No.
10/14/15

Drawn by: BRH
Checked by: CRN

Scale: 1"=20'
Date: 07/09/2018

Project No. 18-0289
Sheet No. 1 of 1

WEST CHERRY STREET (POSTED)

(±21' ASPHALT SURFACE W/CURB & GUTTER, NO RECORD FOUND)

POINT OF BEGINNING

3/8" IRF/BENT/CM

N 74°59'27" E 48.00'

(N 74°21'22" E 97.00')

N 74°59'27" E 97.13'

3/8" IRF/BENT/CM

LOT 1

CRETA LYNN CARTER II
VOL. 2349, PG. 416
R.P.R.G.C.T.

(N 16°00'00" W 72.60')

N 15°23'50" W 72.57'

4 parking spots
108' x 101'0"

12.5'

12.2'

11.8'

4.2'

6.8'

19.1'

6.8'

17.0'

16.5'

4.0'

TWO STORY
WOOD FRAME HOUSE
POSTED "402"

WOOD PORCH

12.0'

15.7'

36.2'

CONCRETE PORCH

FLAG POLE

**0.162 OF
AN ACRE**

CALLED 72.60' x 97.00'

LISA FOSTER

VOL. 5860, PG. 258

O.R.G.C.T.

(S 16°00'00" E 72.60')

S 15°23'50" E 72.57'

1/2" IRF/CM

S 74°59'27" W 97.13'

(S 74°21'22" W 97.00')

SOUTH CROCKETT STREET (POSTED)

(±27' ASPHALT SURFACE W/CURB & GUTTER, NO RECORD FOUND)



Current View-Front-East





Current View-Back-West



Current View-Southside



Proposed Exterior Example



④ EXTERIOR ELEVATION - WEST
1/4" = 1'-0"



③ EXTERIOR ELEVATION - SOUTH
1/4" = 1'-0"

State of Texas
County of Grayson

AGREEMENT FOR USE AND LEASE

This Agreement For Use and Lease ("Agreement") is made this 7 day of November, 2018, by and between FIRST BAPTIST CHURCH of SHERMAN, TEXAS ("Landlord") and WORMINGTON ESTATES, LLC ("Tenant"). Each Landlord and Tenant may be referred to individually as a "Party" and collectively as the "Parties."

WHEREAS WORMINGTON ESTATES, LLC ("Tenant") owns and intends to remodel the home at 402 South Crockett Street, Sherman, Texas 75090 for an event venue to be used for weddings and other private gatherings;

WHEREAS there is currently a developed parking lot at 425 South Crockett Street, Sherman, Texas 75090, that is owned by FIRST BAPTIST CHURCH of SHERMAN, TEXAS ("Landlord") and is located across the street from the vacant lot at 412 South Crockett Street, Sherman, Texas and immediately adjacent to St. Stephen's Episcopal Church at 401 South Crockett Street, Sherman, Texas 75090;

IN CONSIDERATION OF THE ABOVE, the PARTIES agree as follows:

- 1. Premises.** The premises for permitted use is a developed parking lot at 425 South Crockett Street, Sherman Texas 75090 ("Premises").
- 2. Agreement to Lease.** Landlord agrees to lease to Tenant and Tenant agrees to lease from Landlord, according to the terms and conditions set forth herein, the Premises.
- 3. Term.** This Agreement will be for a 2 year term beginning on November 10, 2018 and ending on November 10, 2020 (the "Term").
- 4. Rent.** Tenant will pay Landlord a monthly rent of \$100.00 for the Term. Rent will be payable in advance and due on the 1st day of each month during the Term. The first rent payment is payable to Landlord when Tenant signs this Agreement. Rent will be paid to Landlord at Landlord's address provided herein (or to such other places as directed by Landlord) by mail or in person by one of the following methods: Personal check, Cash, Credit card, and will be payable in U.S. Dollars. Payment of rent in advance by months or years are permitted.
- 5. Late Fee.** Rent paid after the 1st day of each month will be deemed as late; and if rent is not paid within seven (7) days after such due date, Tenant agrees to pay a late charge of \$10.00 per day for each day the rent is late.

6. Use of Parking Lot. Landlord covenants and agrees that Tenant's customers may use the parking spaces in the parking lot located at 425 South Crockett Street, Sherman, Texas 75090 ("Premises"). This Agreement does not impose any responsibility (financial or otherwise) on Tenant for the maintenance of, payment for, and upkeep of this parking lot other than as provided in paragraph 4 above. Landlord is granting permission to Tenant and its customers to use this parking lot for parking during events for which Tenant's customers are renting Tenant's facilities, Monday through Saturday, during the hours of 7 a.m. to 11 p.m. and Sunday 2 p.m. to 11 p.m.

7. Notification of Usage. Tenant will inform Landlord of all events and parking lot usage prior to an event.

8. Conflicts. Notwithstanding the terms set forth in this document, the Landlord reserves the right to deny parking lot usage to Tenant and their customers due to a perceived conflict, be it an issue of availability, utilization, or otherwise.

9. Landlord's Failure to Give Possession. In the event Landlord is unable to give possession of the Premises to Tenant on the start date of the Term, Landlord will not be subject to any liability for such failure, the validity of this Agreement will not be affected, and the Term will not be extended. Tenant will not be liable for rent until Landlord gives possession of the Premises to Tenant.

10. Holdover Tenancy. If Landlord accepts a rent payment from Tenant after the Term expires, both Parties understand that a month-to-month holdover tenancy will be created at the agreed upon monthly rent, unless proper notice has been served as required by applicable laws.

11. Use of Premises. The Premises are to be used by Tenant and Tenant's customers during the events for which Tenant has leased its premises. Landlord will maintain a valid General Liability policy. Tenant will not engage in any objectionable conduct, including conduct which would be inconsistent with the mission of Landlord or conduct that causes dangerous, hazardous, or unsanitary conditions. Concerns that Landlord may have as it relates to this paragraph will be addressed as identified in paragraph 22 below.

12. Maintenance and Repairs. Landlord bear the expenses of maintaining the Premises. Tenant will be responsible for any damage caused by Tenant usage and shall cooperate with Landlord to coordinate any necessary repairs to restore Premises to original, working condition.

13. Compliance with Rules and Regulations Applicable to 425 South Crockett Street, Sherman, Texas 75090. Tenant agrees to comply with all applicable laws, ordinances, requirements and regulations of any federal, state, county, municipal or other authority as it relates to the usage of 425 South Crockett Street, Sherman, Texas.

14. Notice of Lease Cancellation. Both Parties agree to provide a 30 Day Notice of Cancellation in writing, to be delivered to the addresses set forth in paragraph 24 below.

15. Compliance with Rules and Regulations Applicable to 425 South Crockett Street, Sherman, Texas 75090. Landlord agrees to comply with all applicable laws, ordinances, requirements and regulations of any federal, state, county, municipal or other authority as it relates to the maintenance of the parking lot located at 425 South Crockett Street, Sherman, Texas.

16. Alterations/Improvements to 425 South Crockett Street, Sherman, Texas 75090. Landlord permits Tenant to place temporary (day-of-event) parking signs to distinguish lot for usage during approved events. All temporary signage will be removed upon the completion of the event. However, no permanent structures or signs on Premises will be permitted without Landlord's permission.

17. Liability. Landlord is not responsible or liable for any loss, claim, damage or expense as a result of any accident, injury, or damage to any person or property occurring anywhere on the Premises, unless resulting from the negligence or willful misconduct of Landlord. Tenant will maintain liability insurance to cover any loss, claim, damage, or expense as a result of any accident, injury, or damage to any person or property that may occur at 425 South Crockett Street, Sherman, Texas 75090.

18. Assignment and Subletting. Tenant will not assign this Agreement as to any portion or all of the Premises or make or permit any total or partial sublease or other transfer of any portion or all of the Premises.

19. Permission for use: The Parties agree that Landlord has first right of use for the Premises at all times.

20. Non-payment of Rent. In the event of any non-payment of rent under this Agreement, Landlord will provide Tenant a notice of non-payment of rent and a reasonable opportunity to correct same.

21. Default. Should either Party contend that the other is in Default of this Agreement in some manor or that they have not complied with some aspect of this agreement, then that Party agrees to provide written notice of the specific problem/default at issue and to provide the other Party with reasonable opportunity to repair the alleged problem/default.

22. Mediation. As a condition precedent to filing any legal proceeding to enforce any part of this Agreement, the Parties agree to first attend a voluntary, non-binding mediation with a Mediator whose profession is the mediation of disputes. The purpose of this Agreement is to ensure that the Parties utilize all Alternative Dispute Resolution remedies available to them prior to initiating litigation. The Parties Agree that if either of them initiate litigation without first attending a mediation, then an abatement of any legal proceedings will immediately issue upon Request of either of them to permit mediation to occur.

23. Hazardous Materials. Tenant shall not keep on the Premises any item of a dangerous, flammable, or explosive character that might unreasonably increase the danger of fire or explosion on the Premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

24. Notices. All notices given under this Agreement must be in writing. A notice is effective upon receipt and shall be delivered in person, sent via certified or registered mail to the following addresses (or to another address that either Party may designate upon reasonable notice to the other Party):

Notices shall be sent to Landlord at the following address:
FIRST BAPTIST CHURCH OF SHERMAN, TEXAS
400 South Travis Street
Sherman, TX 75090

Notices shall be sent to Tenant at the following address:
Wormington Law Group, PLLC
212 East Virginia Street
McKinney, TX 75069

25. Quiet Enjoyment. If Tenant pays the rent and performs all other obligations under this Agreement, Tenant may peaceably and quietly hold and enjoy the Premises during the Term.

26. No Waiver. No Party shall be deemed to have waived any provision of this Agreement or the exercise of any rights held under this Agreement unless such waiver is made expressly and in writing.

27. Severability. If any provision of this Agreement is held to be invalid, illegal or unenforceable in whole or in part, the remaining provisions shall not be affected and shall continue to be valid, legal and enforceable as though the invalid, illegal or unenforceable part had not been included in this Agreement.

28. Successors and Assigns. This Agreement will inure to the benefit of and be binding upon the Parties and their permitted successors and assigns.

29. Governing Law. The terms of this Agreement and the rights and obligations of the Parties hereto shall be governed by and construed in accordance with the laws of the State of Texas, without regard to its conflicts of laws provisions.

30. Disputes. Any dispute arising from this Agreement shall be resolved through mediation. If the dispute cannot be resolved through mediation, then the parties are permitted to file a lawsuit in the District Courts of Texas.

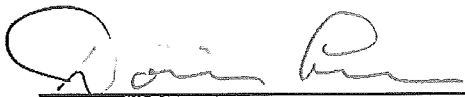
31. Amendments. This Agreement may be amended or modified only by a written agreement signed by the Parties.

32. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, and all of which together shall constitute one and the same document.

33. Headings. The section headings herein are for reference purposes only and shall not otherwise affect the meaning, construction or interpretation of any provision in this Agreement.

34. Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes and cancels all prior agreements of the Parties, whether written or oral, with respect to the subject matter.

IN WITNESS WHEREOF, the Parties hereto, individually or by their duly authorized representatives, have executed this Agreement as of the Effective Date.



Landlord Signature

First Baptist Church of Sherman, Texas

Landlord Full Name

11/7/18

Date of signature

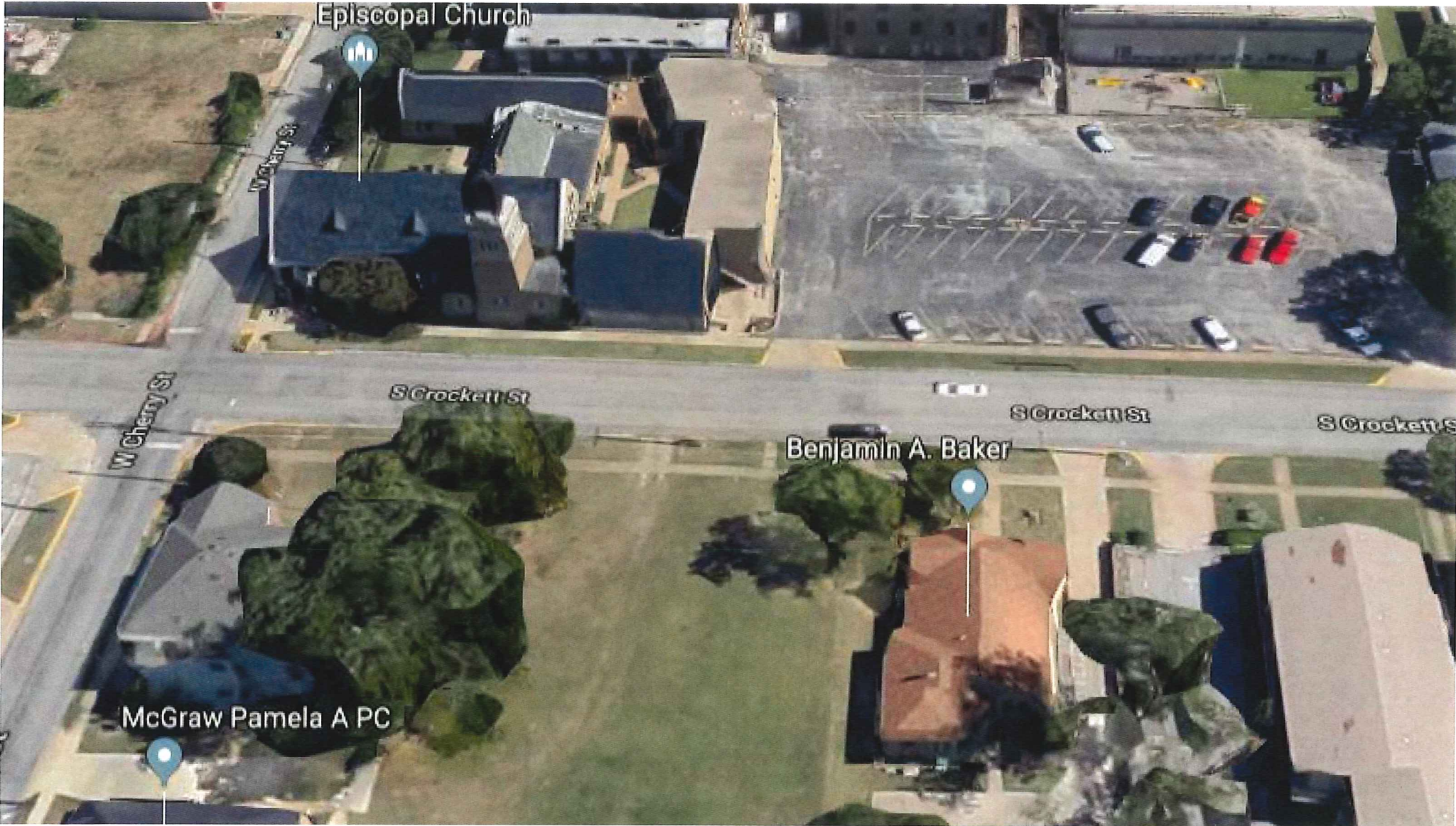


Tenant Signature

Wormington Estates, LLC

Tenant Full Name

11/7/18
Date of signature



STAFF REVIEW LETTER

December 12, 2018

Larry Wormington
212 East Virginia Street
McKinney, TX 75069

Preston Trail Land Surveying
83493 N. State Highway 289
Pottsboro, TX 75076

Jeremy Friesen
212 East Virginia Street
McKinney, TX 75069

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow a wedding and party event venue with living quarters in a C-O (Office) District/ Heritage ROW Historical District for the property located at 402 South Crockett Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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:

Zoning:

1. All aspects of the C-O (Office) District, the Heritage Row Historical District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. No outside storage/displays are allowed at any time.
4. Blocking of streets/sidewalks is prohibited.
5. All parking shall be on private property and shall not encroach into Crockett Street or Cherry Street right-of-way.
6. Parking ratios required unless an exception is approved: Commercial Amusement Center – 1 space per 200 square foot; Living Quarters – 1 space per bedroom.
7. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20.
8. Screening shall be provided and maintained abutting any residentially zoned property unless an exception is approved.
9. A Certificate of Appropriateness will be required from the Historical Preservation Board prior to any change of use and any changes to the structure in the Historical District.
10. Shall comply with all EPA, City, Federal and State regulations for this use.
11. Violation of the conditions of the SUP will terminate the Specific Use Permit.
12. Review the zoning and development ordinance for additional requirements.
13. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

14. Management will make guests aware to use sidewalk and pedestrian crossings to and from off-site parking at all times.

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 & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink that reads "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" and last name "Shadden" clearly legible.

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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 7.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

402 SOUTH CROCKETT STREET

The request of Wormington Estates LLC (Owner), Jeremy Friesen (Representative) and Preston Trail Land Surveying (Surveyor) concerning the property located at 402 South Crockett Street, being part of Lot 1, Block 1, Dickerman's 1st Addition, as follows:

Board of Adjustments

Exception and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) and (5) and Section 6.2, Subsection (4) to allow off premise parking in lieu of the required 1 space per 200 square foot for an event center in a C-O (Office) District/Heritage ROW Historical District.

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a wedding and party event venue with living quarters in a C-O (Office) District/ Heritage Row Historical District.

Background:

The property is located at 402 South Crockett Street; the southwest corner of Cherry and Crockett Streets. The property is zoned a C-O (Office) District and also located in the Heritage Row Historical District. The property was rezoned to a C-O (Office) District, July 8, 2002 and was used as a law office for the past several years.

The owner is requesting a Specific Use Permit to allow an event center for weddings and parties; the second floor will be used for weekend overnight rental, typically for the bride/groom's family. They are also requesting an exception to allow off premise parking; First Baptist Church of Sherman is allowing use of it's parking lot across the street at 425 South Crockett Street. A Certificate of Appropriateness will be required from the Historical Preservation Board prior to any change of use in the Historical District. They will review any changes proposed to the structure.

Adjacent Zoning:

R-2 (Multi-Family Residential) District
C-O (Office) District
C-1 (Retail Business) District

Origination:

Wormington Estates LLC (Owner)
Jeremy Friesen (Representative)

Master Plan Designation:

Urban/Downtown – Buildings are two to five stories and are built right up to the sidewalk, creating a sense of enclosure. Sidewalks provide pedestrian access and streetscape amenities. Parking is available along the street or in small parking lots in the rear of the buildings.

Number of notices mailed:

8

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Survey
Site Plan
Building Elevations
Parking Agreement
Aerial of Parking Lot
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.6.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6177

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Automobile Repair including Mechanical Repairs, Engine Repair, Brakes, Steering/Suspension, Alignments, Transmissions, etc. in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn) Overlay District at 1305 North Sam Rayburn Freeway, being 0.40 acres in the J.B. McAnair Survey, Abstract No. 763 (JUSTBLW3, LLC and Just Clouds, LLC, Owners; Shu Yang, Applicant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of JUSTBLW3, LLC and Just Clouds, LLC (Owners), Shu Yang (Applicant) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 1305 North Sam Rayburn Freeway, being 0.40 acres in the J.B. McAnair Survey, Abstract No. 763 for a Specific Use Permit to allow automobile repair including mechanical repairs, engine repair, brakes, steering/suspension, alignments, transmissions, etc. in a C-2 (General Commercial) District/ O-1.2 (Sam Rayburn) Overlay District

Background:

The property is located at 1305 North Sam Rayburn Freeway, between Evergreen and Sycamore Streets. The property is zoned a C-2 (General Commercial) District. The property has been approved for the following by the Planning and Zoning Commission and City Council:

- Specific Use Permit to allow automotive repair on March 17, 2014; the business closed down for more than sixty days so the Specific Use went away.
- Exception to allow seven off-street parking spaces in lieu of the required eleven on February 18, 2014.

The applicant is requesting a Specific Use Permit to allow automotive repair and maintenance services such as engine repair, A/C repair, brakes, steering/suspension, alignments, transmissions, etc. They will not sell tires or perform body work.

Origination:

JUSTBLW3, LLC and Just Clouds, LLC (Owners)

Shu Yang (Applicant)

Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6177

Location Map

Zoning Map

Zoning Sign Photo

Survey

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6177

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AUTOMOBILE REPAIR INCLUDING MECHANICAL REPAIRS, ENGINE REPAIR, BRAKES, STEERING/SUSPENSION, ALIGNMENTS, TRANSMISSIONS, ETC. IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 1305 NORTH SAM RAYBURN FREEWAY, BEING 0.40 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 (JUSTBLW3, LLC AND JUST CLOUDS, LLC, OWNERS; SHU YANG, APPLICANT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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 Planning and Zoning 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, JUSTBLW3, LLC and Just Clouds, LLC (Owners), Shu Yang (Applicant) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 1305 North Sam Rayburn Freeway and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, Grayson County, Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, and being the same 0.40 acre tract of land conveyed by Carl O. Meek et ux to JUSTBLW3, LLC by deed dated October 5, 2009, recorded in Volume 4706, Page 446, Official Public Records, Grayson

County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" steel rod found maintaining the Southwest corner of the said 0.40 acre tract in the East right-of-way line of U. S. Highway No. 75, said rod also marking the Northwest corner of the same tract of land described as 0.55 acres and referred to as Tract Two conveyed by Blue Coral Investments, Ltd to Lester W. Vance by deed dated November 7, 2001, recorded in Volume 3155, Page 22, said Official Public Records;

THENCE North 24°43'30" East a distance of 193.60 feet to a ½" steel rod found maintaining the Northwest corner of the said 0.40 tract at the intersection of said East right-of way line of Highway No. 75 with the South line of Sycamore Street;

THENCE North 75°47'58" East with said South line of Sycamore Street a distance of 62.46 feet to a point for the Northeast corner of the said 0.40 acre tract under a timber retention barrier, said point also being the Northwest corner of the same tract of land described as 200 x 260 feet conveyed by E. D. Schroeder et ux to C. R. Simmons- C. G. Hardwicke, Jr. Post No.29 American Legion Department of Texas by deed dated June 6, 1953, recorded in Volume 727, Page 533, Deed Records, Grayson County, Texas;

THENCE South 14°09'00" East with the West line of the said 200 x 260 feet tract a distance of 138.31 feet to a 5/8" steel rod found maintaining the Southeast corner of the said 0.40 acre tract and the Northeast corner of the said Vance tract;

.... "
THENCE South 71°58'30" West a distance of 184.39 feet to the **POINT-OF-BEGINNING AND CONTAINING 0.40 ACRES OF LAND.....**

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1.2 (Sam Rayburn Overlay) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into the right-of-way.
4. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires or parts is allowed.
5. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20'.
6. Shall comply with all EPA, City, Federal and State regulations for this use.
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Review the zoning and development ordinance for additional requirements.

9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

10. All requirements of the Floodplain Ordinance should be followed.
11. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
12. Entrances/Exits off of Sam Rayburn Freeway (Hwy. 75) Service Road will be Right-in, Right-out only.
13. The location of trash receptors must be approved by Public Works Department.

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 \$2,000.00.

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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



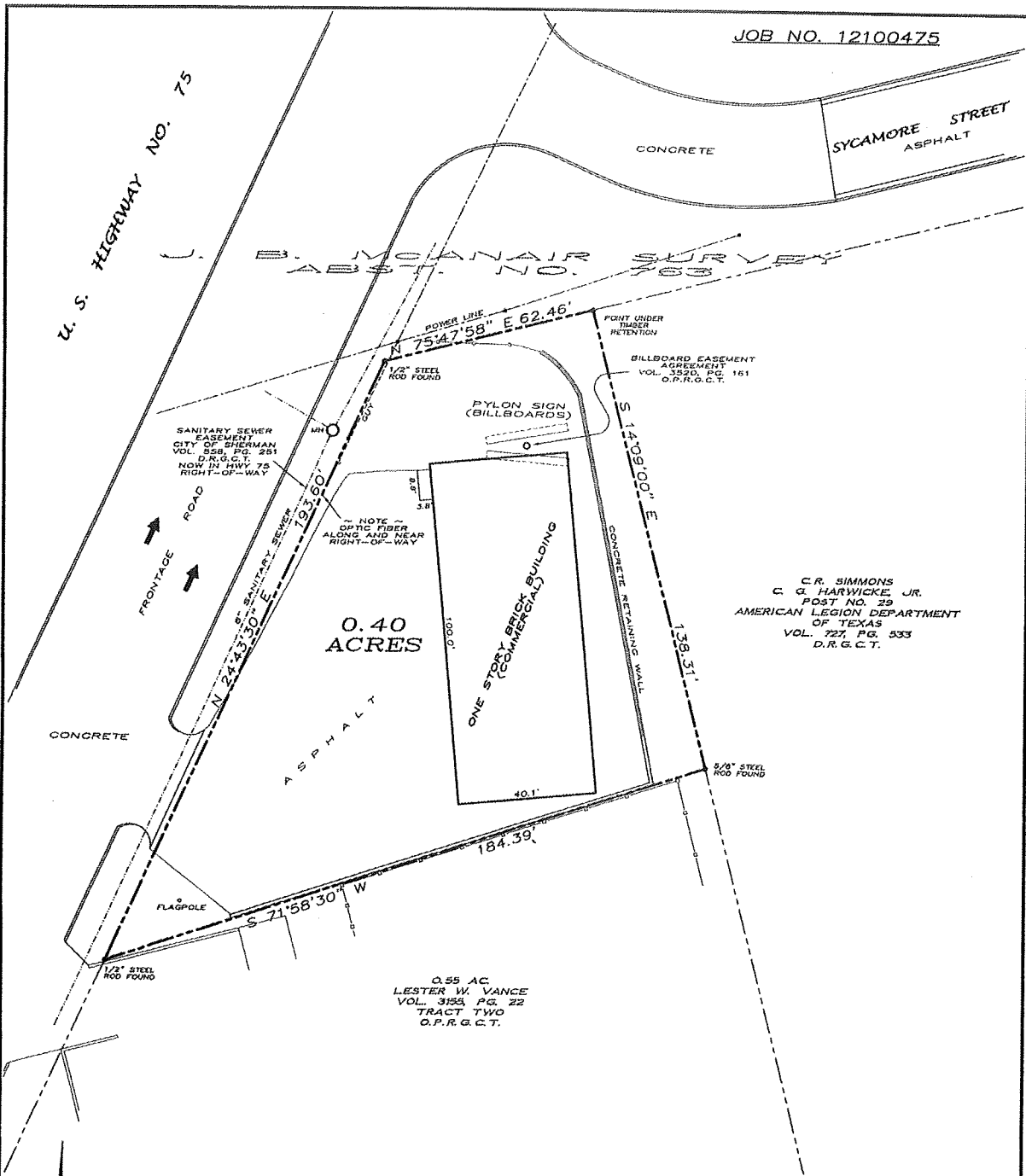
NOT TO SCALE

$$1 \text{ in} = 100 \text{ ft}$$

1305 North Sam Rayburn Freeway



JOB NO. 12100475



C.R. SIMMONS
C. G. HARWICK, JR.
POST NO. 29
AMERICAN LEGION DEPARTMENT
OF TEXAS
VOL. 727, PG. 533
D.R.G.C.T.

0.55 AC.
LESTER W. VANCE
VOL. 3155, PG. 22
TRACT TWO
O.P.R.G.C.T.

SCALE
1" = 30'

SEE LEGAL DESCRIPTION ATTACHED

I, James R. Maret, Registered Professional Land Surveyor, hereby certify that a this plat was prepared from an actual survey made on the ground October 30, 2012, and is a true and correct representation of the property as shown hereinabove to the best of my knowledge and belief.

James R. Maret
James R. Maret
Registered Professional
Land Surveyor No. 5433

~ BASIS OF BEARINGS ~
COURSE ALONG RIGHT-OF-WAY
U. S. HIGHWAY NO. 75
AS PER TXDOT DATA

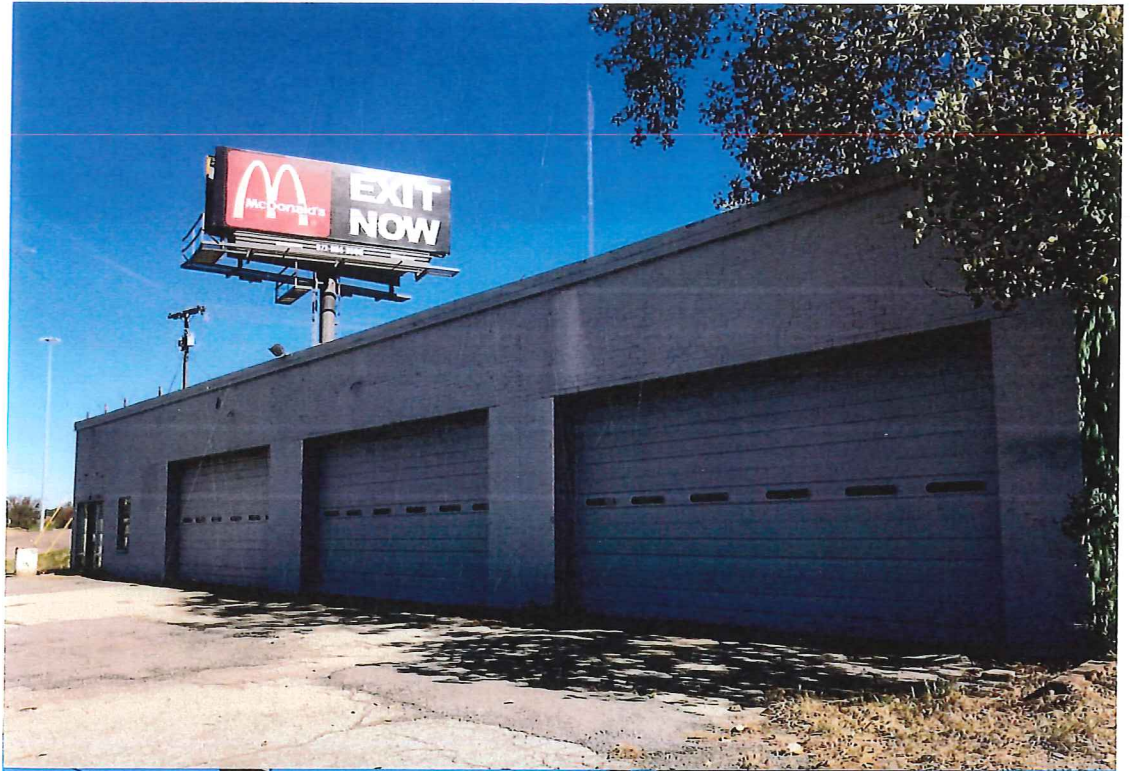
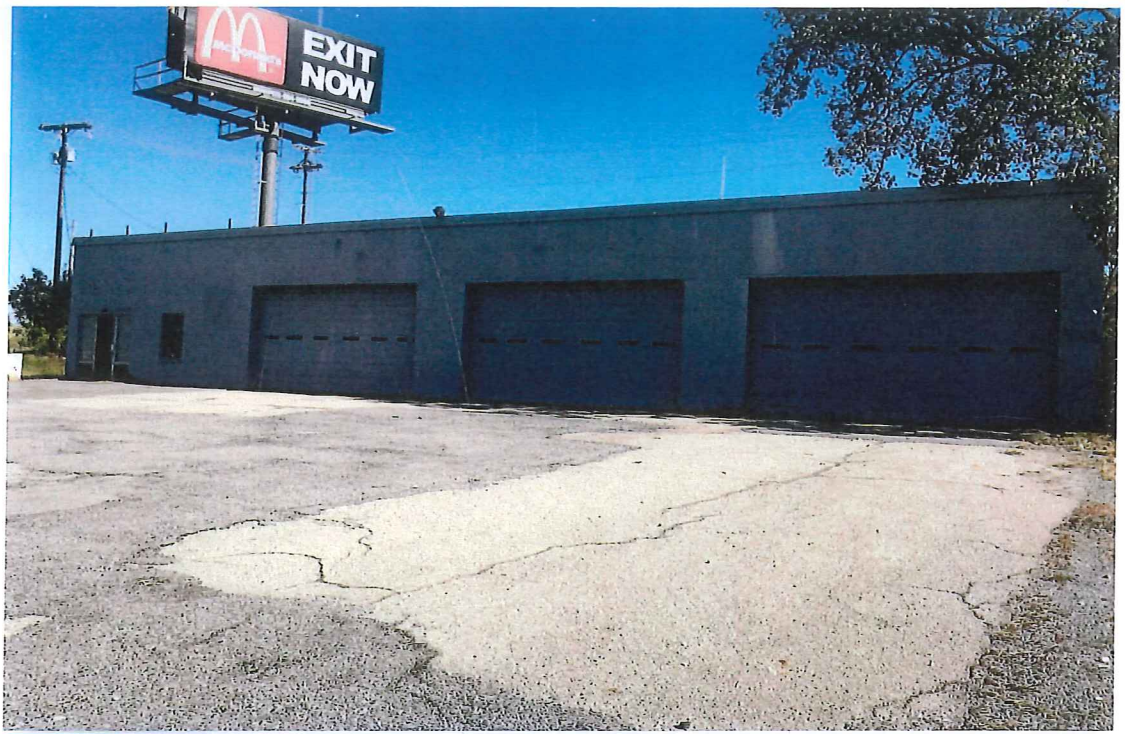
This survey contains information that is proprietary to Underwood Drafting & Surveying, Inc. Its use or disclosure in whole or part without the express written permission of Underwood Drafting & Surveying, Inc. is prohibited.
This survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply:

Copyright © 2012
Underwood Drafting & Surveying, Inc.
All rights reserved.

UNDERWOOD
DRAFTING & SURVEYING



3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151





STAFF REVIEW LETTER

December 12, 2018

Just Clouds, LLC
4347 W. Northwest Highway, Suite 130-164
Dallas, TX 75220

JUSTBLW3, LLC
4347 W. Northwest Highway, Suite 130-164
Dallas, TX 75220

Shu Yang
1004 Park Meadow Lane
McKinney, TX 75071

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow automobile repair including mechanical repairs, engine repair, brakes, steering/suspension, alignments, transmissions, etc. in a C-2 (General Commercial) District/ O-1.2 (Sam Rayburn Overlay) District for the property located at 1305 North Sam Rayburn Freeway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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:

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1.2 (Sam Rayburn Overlay) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into the right-of-way.
4. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires or parts is allowed.
5. Parking is permitted on paved surfaces only (concrete or asphalt); a parking space is considered to be 9'x20'.
6. Shall comply with all EPA, City, Federal and State regulations for this use.
7. Violation of the conditions of the SUP will terminate the Specific Use Permit.
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

10. All requirements of the Floodplain Ordinance should be followed.
11. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
12. Entrances/Exits off of Sam Rayburn Freeway (Hwy. 75) Service Road will be Right-in, Right-out only.
13. The location of trash receptors must be approved by Public Works Department.

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 & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" written in a larger, more prominent script than the last name "Shadden".

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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 8.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

1305 NORTH SAM RAYBURN FREEWAY

The request of JUSTBLW3 LLC and Just Clouds, LLC (Owners), Shu Yang (Applicant) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 1305 North Sam Rayburn Freeway, being 0.40 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow automobile repair including mechanical repairs, engine repair, brakes, steering/suspension, alignments, transmissions, etc. in a C-2 (General Commercial) District/ O-1.2 (Sam Rayburn Overlay) District.

Background:

The property is located at 1305 North Sam Rayburn Freeway between Evergreen and Sycamore Streets. The property is zoned a C-2 (General Commercial) District. The property has been approved for the following by the Planning and Zoning Commission and City Council:

- Specific Use Permit to allow automotive repair, March 17, 2014; the business closed down for more than sixty days so the Specific Use went away.
- Exception to allow seven off-street parking spaces in lieu of the required eleven, February 18, 2014.

The applicant is requesting a Specific Use Permit to allow automotive repair and maintenance services such as engine repair, A/C repair, brakes, steering/suspension, alignments, transmissions, etc. They will not sell tires or perform body work.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

JUSTBLW3 LLC and Just Clouds, LLC (Owners)

Shu Yang (Applicant)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

4

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.7.

Meeting Date: 01/07/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6173, 6174, 6175, 6176 and 6177

Issue:

B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6173

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District in the 800 block of South Montgomery Street (801 and 805 South Montgomery Street), being Lots 1 and 2, Block 1, Young's Addition (Roberto Meraz, Owner; Jessica Paniagua, Representative; and Fincher Land Surveying, PLLC, Surveyor)

B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6174

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 5005 North Travis Street, being 3.804 acres in the Alexander & Richards Survey, Abstract No. 42 (Young Enterprises, LP, Owners; Daniel Worrell, Representative; and David Baca Studio, Architect)

B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6175

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Children's Commercial Amusement Center in a C-2 (General Commercial) District at 2001 Loy Lake Road, Suite P, being 2.977 acres in the J.B. McAnair Survey, Abstract No. 763 (Aberfeldy Properties, Inc., Owners; and Xiaoxiang Liu, Representative); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6176

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Wedding and Party Event Venue with Living Quarters in a C-O (Office) District/Heritage Row Historical District at 402 South Crockett Street, being part of Lot 1, Block 1, Dickerman's 1st Addition (Wormington Estates, LLC, Owners; Jeremy Friesen, Representative; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6177

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Automobile Repair including Mechanical Repairs, Engine Repair, Brakes, Steering/Suspension, Alignments, Transmissions, etc. in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn) Overlay District at 1305 North Sam Rayburn Freeway, being 0.40 acres in the J.B. McAnair Survey, Abstract No. 763 (JUSTBLW3, LLC and Just Clouds, LLC, Owners; Shu Yang, Applicant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.8.

Meeting Date: 01/07/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

C. 2. * RESOLUTION NO. 6450

Awarding a Bid to and Authorizing Execution of a Contract with American Suncraft Company, Inc. for the Repair and Repainting of the Fairview Elevated Storage Tank

C. 3. * RESOLUTION NO. 6451

Awarding a Bid to and Authorizing Execution of a Contract with Weisinger Incorporated for the Shepherd Drive Woodbine #1 Well Repairs

D. 2. * OTHER BUSINESS

Replat Approval of Lots 1 and 2, Block 4, W.D. Fitch Addition, being Lots 1 and 2, Block 4, W.D. Fitch Addition, containing 0.482 acres in the G.B. Pilant Survey, Abstract No. 963; Cupid Properties, LLC, Owners; and Helvey-Wagner Surveying, Surveyor (1203 South First Street)

D. 3. * OTHER BUSINESS

Replat Approval of Lot 1, RMT Visions Addition, being 20.102 acres in the Jason Stamps Survey, Abstract No. 1115, also being Lot 1, RMT Addition; Nicolas and Cynthia Diaz, Owners; and Vilbig & Associates, PLLC, Civil Engineer/Surveyor (2700-2800 blocks of South Friendship Road)

D. 4. * OTHER BUSINESS

Replat Approval of The Presco Addition, being a Replat of parts of The College Park First Addition, Chaffin's Addition, Texas and Pacific Railway Company's Addition and Chaffin's First Addition, being 24.447 acres in the C. Carter Survey, Abstract No. 229, G.B. Pilant Survey, Abstract No. 963, and the J.B. McAnair Survey, Abstract No. 763 and a part of the College Park First Addition, Chaffin's Addition, Pacific Railway Company's Addition and Chaffin's First Addition; PRESCO, Inc., Owners; and Underwood Drafting and Surveying, Inc., Surveyor (1201 East Pecan Street)

D. 5. * OTHER BUSINESS

Replat Approval of First United Bank – Sherman, being a Replat of part of Block 1, Independence Square, Section 1, being 5.348 acres in the J.B. McAnair Survey, Abstract No. 763 and part of Block 1, Independence Square Section 1; First United Bank and Trust Company, Owners; and Underwood Drafting and Surveying, Inc., Surveyor (401 East Taylor Street)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 01/07/2019

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6449

Authorizing Execution of an Agreement with Tyson Fresh Meats, Incorporated, a Delaware Corporation, for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas

Issue:

Approval of a proposed property tax abatement agreement between the City of Sherman and Tyson Fresh Meats, Incorporated (Tyson)

Background:

On Tuesday, November 27, 2018, the Tax Reinvestment Committees of the City of Sherman, the Sherman Independent School District, Grayson County, and Grayson College (the "Committee") met to consider a request from Tyson Fresh Meats, Incorporated for a tax abatement involving a project to invest \$30 million in a facility expansion and manufacturing equipment in Sherman. The taxable value of Tyson's current property is about \$88 million with this project adding about \$19 million in additional taxable value. The project is scheduled to begin first quarter of 2019 and be fully operational by the summer of 2020.

The Committee voted to recommend an abatement and the creation of the Zone to the City Council and other taxing entities. The law requires that a reinvestment zone be established prior to a tax abatement being granted for eligible projects. Ordinance No. 6169 creating Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas, necessary for consideration of this tax abatement, was adopted following public hearing at the December 17, 2018 City Council meeting.

The proposed tax abatement agreement calls for a six (6) year tax abatement of 50%, 50%, 50%, 50%, 50% and 50%, in accordance with the City's current tax abatement matrix. As is the case with all tax abatements, none of the proposed property considered under this abatement agreement is currently on the tax rolls, so the benefit from this abatement is that the City will see a net increase in property tax revenues.

Origination:

Tyson Fresh Meats, Incorporated, Applicant
Tax Reinvestment Committee

Financial Consideration:

At the estimated taxable value of \$19 million each year, this project would generate an estimated \$214,000 in property tax revenues for the City and provide an estimated \$214,000 to the taxpayer over the six (6) years at the current tax rate.

Staff Recommendation:

It is recommended that the City Council approve the proposed tax abatement agreement.

Alternatives:

The City Council could deny the tax abatement agreement.

Attachments

Resolution No. 6449

Tax Abatement Agreement

RESOLUTION NO. 6449

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH TYSON FRESH MEATS, INCORPORATED, A DELAWARE CORPORATION, FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9), CITY OF SHERMAN, TEXAS; 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 Mayor be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Tyson Fresh Meats, Incorporated, a Delaware Corporation, 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 Tyson Fresh Meats, Incorporated, a Delaware Corporation, for the abatement of ad valorem property taxes for a period of six (6) years, for improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas, consisting of \$19 million of facility expansion and manufacturing equipment, in the same or substantially same form as the contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY,
CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

TAX ABATEMENT AGREEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

THIS TAX ABATEMENT AGREEMENT (“Agreement”) is made and entered into as of the ____ day of _____, 2019 (the “Effective Date”), by and among the City of Sherman, Texas, a home rule city and municipal corporation of Grayson County, Texas, duly acting herein by and through its Mayor (“City”); and Tyson Fresh Meats, Incorporated, a Delaware Corporation, acting by and through its authorized officers (“Tyson”), for the purposes and considerations stated below:

W I T N E S S E T H:

WHEREAS, on the 17th day of December, 2018, the City Council of the City (“City Council”) passed Ordinance No. 6169 (“Ordinance”) establishing Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas (“Zone”), for commercial-industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended (“Code”); and

WHEREAS, the City has adopted Guidelines and Criteria for the Industrial Tax Abatement Program (“Guidelines”), by the passage of Resolution No. 6378, on the 14th day of June, 2018; and

WHEREAS, the City’s current Guidelines are attached as **Exhibit A** hereto; and

WHEREAS, the Guidelines constitute appropriate guidelines and criteria governing tax abatement agreements to be entered into by the City as contemplated by Chapter 312 of the Code; and

WHEREAS, the City has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, Tyson currently owns the Premises, as hereinafter defined, and Tyson expects to invest approximately \$15 million in real property and about \$15 million in equipment and personal property (“The Improvements”) on the Premises. The Improvements and use of the Premises is expected to significantly enhance the economic base of the City; and

WHEREAS, the City Council also finds that the improvements sought are feasible and practical and would be of benefit to the land to be included in the Zone and to the City after expiration of this Agreement; and

WHEREAS, the City Council finds that the terms of this Agreement and the Premises and proposed Qualified Facilities, as hereinafter defined, meet the applicable guidelines and criteria heretofore adopted by the City Council; and

WHEREAS, a copy of this Agreement has been furnished, in the manner prescribed by the Code, to the presiding officers of the governing bodies of each of the taxing units in which the Premises is located;

NOW, THEREFORE, the City, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the expansion of primary employment, the attraction of major investment in the Zone that contributes to the economic development of the City and enhancement of the tax base in the City and Grayson County, Texas; and

Tyson, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the tax abatement set forth herein below, as authorized by Sections 312.201 through 312.211 of the Code, does hereby contract, covenant and agree as follows:

I. DEFINITIONS

Wherever used in this Agreement, the following capitalized terms shall have the meanings ascribed to them:

- A. "TYSON AFFILIATE" shall mean any Person, directly or indirectly controlling, controlled by, or under common control with Tyson. As used in this definition, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through ownership of voting securities, by contract or otherwise.
- B. "EFFECTIVE DATE" shall have the meaning given it in the introductory paragraph of this Agreement.
- C. "ELIGIBLE PROPERTY VALUE" shall mean (i) with respect to each Qualified Facility for a particular tax year, the value of such Qualified Facility on the tax rolls of the Grayson Appraisal District as of such tax year; and (ii) with respect to business personal property located on the Premises for a particular tax year, the value of such business personal property on the tax rolls of the Grayson Appraisal District as of such tax year.
- D. "FORCE MAJEURE" shall mean, without limitation, acts of God, or the public enemy, war, terrorism, criminal acts by unrelated third parties, riot, civil commotion, insurrection, governmental or de facto governmental action other than the City's legislative zoning authority, fire, explosions, floods, strikes, adverse weather, or any other extraordinary event beyond the control of Tyson (including, without limitation, broad based extraordinary economic events) that makes it reasonably impracticable to accomplish a desired objective.

- E. "PERSON" shall mean an individual or a corporation, partnership, trust, estate, unincorporated organization, association, or other entity.
- F. "PREMISES" shall mean all that parcel of land owned by Tyson as hereinafter described in **Exhibit B** attached hereto.
- G. "QUALIFIED FACILITIES" shall mean any building, improvement, structure, fixture, parking or paving constructed on the Premises.
- H. "REAL PROPERTY" and "PERSONAL PROPERTY" shall, for the purposes of this agreement, be defined by the Texas Tax Code.

II. GENERAL PROVISIONS

- A. All procedures followed by the City shall conform to the requirements of the Code, and shall be undertaken in coordination with Tyson's corporate, public, employee, and business relations requirements.
- B. The Premises will be owned by Tyson or a Tyson Affiliate, which Premises are located solely within the city limits of the City and solely within the Zone.
- C. The Premises are not in an improvement project financed by tax increment bonds.
- D. This Agreement is entered into subject to the rights of the holders of outstanding bonds of the City; provided, however, that this section shall not be construed to create a security interest in the Premises or Qualified Facilities in favor of such holders of outstanding bonds of the City.
- E. The Premises are not owned or leased by any member of the City Council or any member of the Planning and Zoning Commission of the City or any member of the governing body of any taxing unit joining in or adopting this Agreement.
- F. This Agreement is intended to comply with the requirements of Section 312.204 of the Code and is authorized by the Texas Property Redevelopment and Tax Abatement Act of the Texas Tax Code, Chapter 312, by the Guidelines and by resolution of the City Council authorizing execution of this Agreement.
- G. During the period of the tax abatement herein authorized, Tyson shall be subject to all applicable City taxation not specifically abated or exempted, including but not limited to, sales tax and ad valorem taxation on land, inventory and supplies.

III. CONDITION PRECEDENT TO TAX ABATEMENT

As a condition precedent to a tax abatement under this Agreement, Tyson or a Tyson Affiliate must substantially locate all Improvements to the Premises by January 1, 2021.

**IV.
TERM AND ABATEMENT PERIOD**

A six (6) year tax abatement period permitted by law is hereby granted with respect to all Improvements located therein or otherwise on the Premises, as indicated in Section VI below. The tax abatement period shall commence to run beginning no later than January 1, 2020.

**V.
INITIAL AND MINIMUM TAX LIABILITY**

A. For the purposes of this Agreement, the Improvements shall reflect a minimum original taxable value of \$19 million.

B. During the period of tax abatement herein authorized, Tyson shall be liable to the City for a minimum taxable value assigned under Sec. V.A. for all property covered under this Agreement.

**VI.
RATE, SCOPE, CONDITIONS AND COVENANTS**

The rate and scope and additional conditions of tax abatement shall be as follows:

A. Annual Rates of Abatement – The following shall be the annual rates of tax abatement on the Improvements for the real property and the business personal property located therein and subject to this Agreement:

<i>Year</i>	<i>Percentage of Property Taxes Abated</i>
1	50%
2	50%
3	50%
4	50%
5	50%
6	50%

B. Operation Covenant. Tyson shall operate the Facility in accordance with prudent industry standards and applicable law.

C. Property Tax Covenant. Throughout the term of this Agreement, Tyson shall timely pay all property taxes for the Premises and real and business personal property located therein due and owing by it to all relevant taxing jurisdictions.

D. Management Change Notice Covenant. During the term of this Agreement, Tyson shall notify the City in writing of any change of the manager of Tyson within seven (7) days of such change.

VII. REPORTING AND MONITORING

Tyson agrees to the following reporting and monitoring provisions, and failure to fully and timely comply with any one requirement shall constitute an event of default:

A. Not later than January 31 of each applicable year, Tyson shall submit to the City a certification from Tyson as to the conditions set forth in Section VI.B., C., and D.

B. Tyson shall provide to the City a semi-annual report certifying the status of compliance through the life of the Agreement of new investments and any other relevant information.

C. Tyson, during normal business hours, at its headquarters or at the Sherman plant location, shall allow to the City, its agents and employees, reasonable access to its books and records that are related to the described economic development consideration and incentives, to verify records related to economic development considerations and incentives, but the confidentiality of such records will be maintained.

D. Tyson further covenants and agrees that the City, its agents and employees, shall have a continuing and reasonable right of access to the real property, together with all Premises, Qualified Facilities and Improvements, at reasonable times and with reasonable notice to Tyson, and in accordance with Tyson's visitor access and security policies, in order to inspect the Premises, Qualified Facilities and Improvements to insure that the installation of the Improvements is in accordance with this Agreement and that all applicable state and local laws, ordinances and regulations are being followed. City, its agents and employees, shall defend, indemnify, and hold harmless Tyson from any damages or liability to persons or property arising from City, its agents and employees, entry upon Tyson's Property, unless such injury is caused by the sole negligence of Tyson, to the extent permitted by law.

E. The Premises at all times shall be used in a manner that is consistent with the general purpose of encouraging development within the Zone.

VIII. BREACH/FAILURE TO MEET CERTAIN CONDITIONS

In the event that Tyson breaches any of the terms or conditions of this Agreement, then Tyson shall be in default of this Agreement. In the event Tyson defaults in its performance, the City shall give Tyson written notice of such default/failure of condition and, if Tyson has not cured such default/failure of condition within sixty (60) days of said written notice, then this Agreement may be terminated by the City; provided, however, that if such default is not reasonably susceptible of cure within such sixty (60) day period and Tyson has commenced and is pursuing the cure of same, then, after first advising the City Council of Tyson's efforts to cure same, Tyson may utilize an additional ninety (90) days for such purposes. Additional time, i.e., time in addition to the

foregoing one hundred fifty (150) days, may be authorized by the City Council. City's sole and exclusive remedy against any Person for any breach or failure of condition under this Agreement, in the event of default after the expiration of the applicable notice and cure periods, shall be that this Agreement shall terminate and all future tax abatements under this Agreement shall be void (it being understood that the City shall not be entitled to any repayment of tax abatements under this Agreement, except as provided in Section IX below, and it being further understood that the failure to meet a covenant set forth in Section VI.B., C. or D. for any year is not a breach and results only in the loss to the right to abatement for such year). Notwithstanding any provision in this Agreement to the contrary, neither Tyson nor any other Person shall be required to pay any amounts to the City under this Agreement, with the only remedy being the loss of future tax abatements.

IX. CONTINUITY OF OPERATIONS

Notwithstanding Section VI.A. above, if for any reason operations are suspended or cease at any point during the term of this Agreement, then no tax abatements under this Agreement shall be provided. Further, in the event of any cessation of operations, or abandonment of Premises by Tyson, all previously abated taxes are immediately due to the City.

X. EFFECT OF SALE, ASSIGNMENT OR LEASE OF PROPERTY

This Agreement shall be binding on and inure to the benefit of the Parties and all Tyson Affiliates, their respective successors and assigns. Neither Party may assign its rights and duties hereunder, in whole or in part, without the prior written consent of the other Party, which consent shall not be unreasonably withheld, conditioned or delayed; provided, that Tyson may assign this Agreement and all of its rights hereunder to any Affiliate. In addition, this Agreement and all rights hereunder may be assigned for the benefit of any Financing Party including, but not limited to, an assignment to such Parties upon a foreclosure. Any assignment in violation of this Section X shall not affect any rebates with respect to which Tyson or any Tyson Affiliate is already entitled.

XI. NOTICE

All notices called for or required by this Agreement shall be addressed to the following, or such other Party or address as either Party designates in writing, by certified mail, postage prepaid or by hand delivery:

Tyson:
Mark Elser
Senior Vice President Tax
Tyson Fresh Meats, Incorporated
2200 Don Tyson Pkwy
Springdale, AR 72762

City:
City Manager
City of Sherman
220 West Mulberry Street
P. O. Box 1106
Sherman, Texas 75091-1106

XII.
CITY COUNCIL AUTHORIZATION

This Agreement was authorized by resolution of the City Council that was approved by the affirmative vote of a majority of the City Council at its regularly scheduled City Council meeting on the _____ day of _____, 2019, authorizing the Mayor to execute this Agreement on behalf of the City.

XIII.
TYSON AUTHORIZATION

An authorized representative of Tyson entered into this Agreement.

XIV.
SEVERABILITY

In the event any section, subsection, paragraph, sentence, phrase or word is held invalid, illegal, or unenforceable, the balance of this Agreement shall stand, shall be enforceable and shall be read as if the Parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

XV.
ESTOPPEL CERTIFICATE

Any Party hereto may request an estoppel certificate from another Party hereto so long as the certificate is requested in connection with a bona fide business purpose. The certificate, which will upon request be addressed to a subsequent purchaser or assignee of Tyson, shall include, but not necessarily be limited to, statements (to the actual knowledge of the Party providing such) that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining term of this Agreement, the levels of tax abatement in effect, and such other matters reasonably requested by the Party(ies) to receive the certificate. The City Manager for the City shall provide any such certificate on behalf of the City.

XVI.
APPLICABLE LAW

This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be in a court located in Grayson County, Texas.

XVII.
INDEMNIFICATION

A. IN ADDITION TO THE OTHER REMEDIES AFFORDED TO THE CITY IN THIS AGREEMENT, TYSON SHALL RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS COUNCILMEMBERS, OFFICERS, EMPLOYEES, ATTORNEYS, CONTRACTORS, OR AGENTS (HEREINAFTER "CITY'S INDEMNIFIED PARTY") FOR,

Tyson Fresh Meats, Incorporated Tax Abatement Agreement

FROM AND AGAINST ANY AND ALL LOSSES, LIENS, CAUSES OF ACTION, SUITS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION, REMOVAL AND REMEDIATION, AND GOVERNMENTAL OVERSIGHT COSTS), ENVIRONMENTAL OR OTHERWISE OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO (IN WHOLE OR IN PART) TYSON'S PERFORMANCE OF ITS OBLIGATIONS PURSUANT TO THIS AGREEMENT.

B. Notice of Indemnified Loss. The City's Indemnified Party shall promptly notify Tyson of any indemnified Losses or Claim for indemnified Losses in respect of which the City's Indemnified Party may be entitled to indemnification under this Section XVII. Such notice shall be given as soon as reasonably practicable after the City's Indemnified Party becomes aware of the Loss or Claim for Losses.

C. Defense of Third Party Claims. In the event any action or proceeding shall be brought against the City's Indemnified Party by reason of any matter for which the City's Indemnified Party is indemnified hereunder, Tyson shall, upon notice from the City's Indemnified Party or its authorized agents or representatives, at Tyson's sole cost and expense, resist and defend the same with legal counsel selected by Tyson; provided, however, that Tyson shall not admit liability in any such matter on behalf of the City's Indemnified Party. Tyson's obligation to defend shall apply regardless of whether the City's Indemnified Party is solely or concurrently negligent. Nothing herein shall be deemed to prevent the City's Indemnified Party at its election and at its own expense from cooperating with Tyson and participating in the defense of any litigation by their own counsel. If Tyson fails to retain defense counsel within seven (7) business days after receipt of City's Indemnified Party written notice that the City's Indemnified Party is invoking its right to indemnification under this Agreement, the City's Indemnified Party shall have the right to retain defense counsel on their own behalf, and Tyson shall be liable for all usual and customary defense costs incurred by the City's Indemnified Party.

D. Limitation on Indemnity. The amount owing to an Indemnified Party will be the amount of the Indemnified Party's Losses net of any insurance proceeds received by the indemnified Party following a reasonable effort by the Indemnified Party to obtain such insurance proceeds.

XVIII. ENTIRE AGREEMENT

This Agreement constitutes the entire Tax Abatement Agreement between the Parties, supersedes any prior understanding or written or oral tax abatement agreements or representations between the Parties, and can be modified only by written instrument subscribed to by all Parties. Notwithstanding the foregoing provision, this Agreement does not modify, alter, or amend any other agreement or instrument among the City and Tyson relating to matters other than the abatement of real property taxes with respect to the Premises and the Qualified Facilities and business personal property located on the Premises. This Agreement may be executed in multiple counterparts (and may be delivered by telecopy, in addition to other means, with originals to follow), each of which shall be considered an original.

EXECUTED the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

By: _____
David Plyler, Mayor

ATTEST:

By: _____
Linda Ashby, City Clerk

**CITY OF SHERMAN, TEXAS
APPROVED AS TO FORM:**

By: _____
Brandon S. Shelby, City Attorney

**TYSON FRESH MEATS,
INCORPORATED**

By: _____
**Name: Mark Elser
Title: Senior Vice President Tax
Address: 2200 Don Tyson Pkwy
Springdale, AR 72762**

ATTEST:

By: _____

Name: _____

Title: _____

MAYOR'S ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared David Plyler, Mayor of the City of Sherman, Texas, a municipal corporation, 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, a municipal corporation, that she was duly authorized to perform the same by appropriate resolution of the City Council for the City of Sherman and that she executed the same as the act of the said City for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A.D., 2019.

Notary Public in and for the State of Texas

(Typed/Printed Name of Notary)

My Commission Expires:

TYSON'S ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Mark Elser, Senior Vice President Tax, Tyson Fresh Meats, Incorporated, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me he executed the same as a duly authorized officer of such corporation, and as the act and deed 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 _____ day of _____, A.D., 2019.

Notary Public in and for the State of Texas

(Typed/Printed Name of Notary)

My Commission Expires:

**EXHIBIT A
TO TAX ABATEMENT AGREEMENT**

Comprehensive Guidelines

RESOLUTION NO. 6378

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENEWING GUIDELINES AND CRITERIA FOR THE CITY OF SHERMAN'S INDUSTRIAL AND COMMERCIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/ REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, by Resolution No. 6080, passed and approved on May 16, 2016, the City of Sherman declared its eligibility and intention to participate in the Tax Abatement Program to promote development/redevelopment in certain areas of the City and adopted Tax Abatement Guidelines and Criteria for use in all Tax Abatement Programs; and

WHEREAS, the City of Sherman is required to renew the guidelines and criteria adopted for this program every two years;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby renews the following Tax Abatement Guidelines and Criteria for use in all Industrial and Commercial Tax Abatement Programs, as required by law:

**CITY OF SHERMAN'S
RENEWED INDUSTRIAL AND COMMERCIAL
TAX ABATEMENT GUIDELINES AND CRITERIA**

1. A tax abatement agreement must be reasonably likely to contribute to the retention or expansion of primary employment or to attract a primary employer to make a major capital investment that will benefit the City of Sherman's economic development. Primary employers are those companies whose sales, service and shipments are ultimately used in statewide, national or international markets.
2. A tax abatement agreement will not be entered into where a company is only changing its location within Grayson County, without increasing the number of employees, significantly expanding the facilities, or unless failure to grant such abatement would mean the loss of the business operation in Grayson County.
3. Tax abatement agreements will be considered for both new facilities and structures and for the expansion or modernization of existing facilities and structures.
4. The City Council of the City of Sherman will approve or deny a tax abatement request based upon the subjective evaluation of the following guidelines and criteria. The Council may consider any advisory recommendations received from the Tax Reinvestment Advisory Committee as it may choose:

- **Employment Impact**

How many jobs will be brought to Sherman?

What types of jobs will be created?

List the number of jobs by class that will be created and the wage range of each class of job.

What will the total annual payroll be? Include current and increase factors.

Expectation for jobs filled by transfers from other company locations vs. locally-filled jobs.

- **Fiscal Impact**

How much real and personal property ~~value~~ will be added to the tax rolls, in square footage and in estimated value?

What is the economic life of the personal property?

What is the expected depreciation of the taxable value of the real and personal property?

How much direct sales tax will be generated for the City of Sherman during construction and after operations have commenced?

How will this project affect existing businesses and/or office facilities?

What infrastructure construction would be required?

What is the total annual operating budget of this facility projected to be? (For expansion, state current and projected increase.)

What is the estimated water use?

- **Community Impact**

What effect would the project have on the local housing market?

Is the project compatible with existing long-range or comprehensive plans?

What is the environmental impact of the project?

SECTION 2. That these Renewed Industrial and Commercial Tax Abatement Guidelines and Criteria shall be effective immediately upon the passage of this resolution.

SECTION 3. 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 4th day of June, 2018.

CITY OF SHERMAN, TEXAS

BY: 
DAVID PLYLER, MAYOR

ATTEST:

BY: 
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: 
BRANDON S. SHELBY,
CITY ATTORNEY

**EXHIBIT B
TO TAX ABATEMENT AGREEMENT**

The Premises



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

Tyson Foods
4700 S US Hwy 75

1 inch = 500 feet



LEGAL DESCRIPTION

SITUATED in the County of Grayson, State of Texas, being a part of the Sherrod Dunman Survey, Abstract No. 329, being all of a 20.038 acre tract of land conveyed by Sherman Industrial Districts, Inc. to Oscar Mayer & Co., Inc. by deed dated June 20, 1972, recorded in Volume 1222, Page 312, Deed Records, Grayson County, Texas, all of a 52.2935 acre tract of land conveyed by Hardwicke-Etter Company to Oscar Mayer & Co., Inc. by deed dated June 21, 1972, recorded in Volume 1222, Page 315, Deed Records, Grayson County, Texas, and part of a .523 acre tract of land conveyed by Sherman Industrial Districts, Inc. to Oscar Mayer & Co., Inc. by deed dated November 26, 1975, recorded in Volume 1328, Page 587, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set ½ inch rebar for the Northeast corner of said 20.038 acre tract, the most Easterly Southeast corner of a 1.904 acre tract of land conveyed by Roberta Crowe, et vir to the City of Sherman by deed dated January 17, 1958, recorded in Volume 866, Page 199, Deed Records, Grayson County, Texas, on the West right-of-way line of U.S. Highway No. 75;

THENCE in a Southerly direction with the West right-of-way line of said U.S. Highway No. 75 and with the East line of said 20.038 acre tract, the East line of said 52.2935 acre tract, the following calls and distances:

South 05 deg. 59 min. 00 sec. East, a distance of 87.70 feet to a wood right-of-way monument;

South 06 deg. 19 min. 00 sec. West, a distance of 562.90 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 450.00 feet to a set ½ inch rebar;

South 16 deg. 47 min. 00 sec. East, a distance of 240.30 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 46.50 feet to a set ½ inch rebar;

South 15 deg. 59 min. 00 sec. East, a distance of 287.90 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 334.00 feet to a set ½ inch rebar;

South 03 deg. 59 min. 00 sec. East, a distance of 1000.60 feet to a set ½ inch rebar;

South 05 deg. 59 min. 00 sec. East, a distance of 95.80 feet to a set ½ inch rebar for the Southeast corner of said 52.2935 acre tract at the intersection of the West right-of-way line of said highway with the North right-of-way line of the St. Louis, San Francisco, & Texas Railroad;

THENCE South 64 deg. 24 min. 00 sec. West, with the North right-of-way line of said railroad, a distance of 416.90 feet to a found ½ inch rebar maintaining the most Southerly Southwest corner of said 52.2935 acre tract, the Southeast corner of a 4.29 acre tract of land conveyed by Velma J. McConnell, et vir to Texas Power & Light Company by deed dated December 14, 1965, recorded in Volume 1045, Page 729, Deed Records, Grayson County, Texas;

THENCE North 46 deg. 21 min. 01 sec. West, with the East line of said 4.29 acre tract, a distance of 441.11 feet to a found 1 inch pipe maintaining an ell corner of said 52.2935 acre tract, the Northeast corner of said 4.29 acre tract;

THENCE South 76 deg. 33 min. 25 sec. West, with the North line of said 4.29 acre tract, at a distance of 292.42 feet passing a wood fence corner on the East side of a public road known as Howe Drive, and continuing for a total distance of 306.42 feet to a found ¼ inch rebar in said Howe Drive, and on the West line of said Dunman Survey the East line of the William Martin Survey, Abstract No. 765, an East line of a 151.25 acre tract of land conveyed by Alma Haines to Sherman Industrial Districts, Inc. by deed February 19, 1960, recorded in Volume 908, Page 299, Deed Records, Grayson County, Texas, said rebar maintaining the most Westerly Southwest corner of said 52.2935 acre tract, the Northwest corner of said 4.29 acre tract;

THENCE North 13 deg. 18 min. 22 sec. West, with a West line of said 52.2935 acre tract, the West line of said Dunman Survey, the East line of said Martin Survey, an East line of said 151.25 acre tract, passing a corner of said 151.25 acre tract, the most Southerly corner of a 63 acre tract of land conveyed by H. W. Armstrong, et ux to J. E. Denton, et ux by deed dated August 2, 1945, recorded in Volume 472, Page 407, Deed Records, Grayson County, Texas, and continuing with the East line of said 63 acre tract, passing the Northwest corner of said 52.2935 acre tract, the Southwest corner of said 2.523 acre tract, and continuing with the West line of said 2.523 acre tract, passing the Southeast corner of a 1.00 acre tract of land previously conveyed out of said 63 acre tract by deed from J. E. Denton, et ux to T. E. Hill, et ux, dated June 26, 1952, recorded in Volume 692, Page 352, Deed Records, Grayson County, Texas, and continuing with the East line of said 1.00 acre tract, passing its Northeast corner, the Southeast corner of a 3.00 acre tract of land conveyed by Parker McKey, et ux to Carl David Englutt, et ux by deed dated May 16, 1978, recorded in Volume 1432, Page 497, Deed Records, Grayson County, Texas, the Southeast corner of a 1.00 acre tract of land previously conveyed out of said 3.00 acre tract and described in deed from Billy Jalmer Roberts, et ux to St. John Christian Methodist Episcopal Church, dated November 26, 1996, recorded in Volume 2509, Page 242, Official Public Records, Grayson County, Texas, and continuing with the East line of both said 3.00 acre tract, and 1.00 acre tract, passing the Northeast corner of said 1.00 acre tract, and continuing, passing the Northeast corner of said 3.00 acre tract, and continuing with the East line of said 63 acre tract for a total distance of 2592.81 feet to a set spike nail for the Southwest corner of a 10.330 acre tract of land conveyed by Richard M. Kendrick, III, Trustee to Herrested Investment, N.V. by deed dated April 15, 1985, recorded in Volume 1744, Page 628, Deed Records, Grayson County, Texas, in the center of said Howe Drive;

THENCE North 75 deg. 53 min. 00 sec. East, with the South line of said 10.330 acre tract, at a distance of 86.4 feet passing a found ½ inch rebar maintaining the most Westerly Northwest corner of said 20.038 acre tract on the East line of said 2.523 acre tract, and continuing, passing the Southeast corner of said 10.330 acre tract, the Southwest corner of the above mentioned City of Sherman 1.904 acre tract, and continuing for a total distance of 1195.44 feet to a set ½ inch rebar for an ell corner of said 20.038 acre tract, the most Southerly Southeast corner of said 1.904 acre tract;

THENCE North 05 deg. 00 min. 00 sec. West, with an East line of said 1.904 acre tract, a distance of 159.80 feet to a set ½ inch rebar for an ell corner of said 1.904 acre tract;

THENCE North 75 deg. 53 min. 00 sec. East, with a South line of said 1.904 acre tract, a distance of 188.25 feet to the PLACE OF BEGINNING and containing 73.79 ACRES OF LAND, more or less.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 01/07/2019

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6450**

Awarding a Bid to and Authorizing Execution of a Contract with American Suncraft Company, Inc. for the Repair and Repainting of the Fairview Elevated Storage Tank

Issue:

To consider awarding a bid and contract with American Suncraft Company, Inc. for the repair and repainting of the Fairview Elevated Storage Tank

Background:

Due to a significant leak and the potential for a major failure, the repainting and repair of the Fairview Elevated Storage Tank has been expedited. Bids for the repair and repainting of the tank were received on December 18, 2018. Nine (9) bidders responded to the request for bids. A bid tabulation is attached. The low bid in the amount of \$943,442.00 was submitted by American Suncraft Company, Inc.

Origination:

Department of Utilities Administration

Financial Consideration:

Adequate funding for the project is available through the Utility Improvement Fund.

Staff Recommendation:

It is recommended that the City Council award the contract to American Suncraft Company, Inc. based on their bid of \$943,442.00.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6450

Agreement

Engineer's Recommendation dated December 26, 2018

Bid Tabulation

Aerial Location Map

RESOLUTION NO. 6450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH AMERICAN SUNCRAFT COMPANY, INC. FOR THE REPAIR AND REPAINTING OF THE FAIRVIEW ELEVATED STORAGE TANK; 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 American Suncraft Company, Inc. is hereby awarded the bid for the Repair and Repainting of the Fairview Elevated Storage Tank in the amount of Nine Hundred Forty-Three Thousand Four Hundred Forty-Two Dollars and No Cents (\$943,442.00); and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with American Suncraft Company, Inc. for the repair and repainting of the Fairview elevated storage tank, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

STANDARD FORM OF AGREEMENT

STATE OF TEXAS }
COUNTY OF GRAYSON }

THIS AGREEMENT, made and entered into this the _____ day of _____, A.D. 2018, by and between the City of Sherman of the County of Grayson and State of Texas acting through the City Manager, thereunto duly authorized so to do, Party of the First Part, hereinafter termed OWNER, and _____ of the City of _____, County of _____ and State of _____, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER), and under the conditions expressed in the bond bearing even date herewith, the said Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to commence and complete the construction of certain improvements described as follows:

FAIRVIEW 1,000,000 GALLON ELEVATED TANK REPAIR AND REPAINT

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at his (or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Request for Proposals, Standard General and Supplemental Conditions of the Construction Contract, Drawings and other drawings and printed or written explanatory matter thereof, and the Technical Specifications and addenda therefor, as prepared by Freeman-Millican, Inc., herein entitled the ENGINEER, each of which has been identified by the CONTRACTOR and the ENGINEER, together with the CONTRACTOR'S written Proposal, the Standard General Conditions of the Construction Contract, and the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to him, and to substantially complete the same by June 12, 2019 subject to such extensions of time as are provided by the General and Special Conditions.

THE OWNER agrees to pay the CONTRACTOR in current funds the price or prices shown in the proposal, which forms a part of this contract, such payments to be subject to the General and Special Conditions of the contract.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in the year and day first above written.

City of Sherman, Texas

Party of the First Part (Owner)

Party of the Second Part (Contractor)

By: _____

By: _____

Attest: _____

Attest: _____



TERRY MILLICAN, R.P.L.S.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.I.A.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

December 26, 2018

Mr. Mark Gibson, P.E.
Director of Utilities
220 West Mulberry
Sherman, Texas 75090

Re: Sherman Fairview Elevated Tank Repair and Repaint Award

Dear Mr. Gibson:

Bids were received for the Fairview Elevated Tank Repair and Repaint project on December 18, 2018. A bid tabulation is attached. The project includes repairs to the 65 year old tank; up-grades of manways, vents and safety equipment per current state requirements; additions to support antennas/communication cables; and re-coating all tank surfaces

Fourteen paint contractors pick-up bid documents. Nine bids were received. The low bid is from American Suncraft Company, Inc. in the amount of \$943,442.00. Our preliminary cost estimate was \$1,050,000.00. Bids competitiveness is reflected by the attached bid tabulation.

American Suncraft Company, Inc. does about \$10,000,000.00 worth of this type work per year and has been doing this work for 40 years. American Suncraft successfully completed the recent repairs and repaint of the Gallagher elevated Tank. We have also reviewed the qualification and other information provided with the bid. We recommend that the City of Sherman award the project contract to American Suncraft Company, Inc. in the amount of \$943,442.00 and authorize execution of the contract documents.

Sincerely,
FREEMAN - MILLICAN, INC.

David E. Gattis, P.E.

Enclosure

BID TABULATION

OWNER:	City of Sherman, Texas	BIDDER:	American Suncraft Co., Inc. ** Currens Construction Services, LLC		N.G. Painting, L.P.	Nova Painting, LLC	Maguire Iron, Inc.	TMI Coatings, Inc.	Tank Pro, Inc.	Classic Protective Coatings, Inc.		** MK Painting, Inc.									
PROJECT:	Fairview 1 MG Elevated Tank Repair and Repaint	ADDRESS:	10836 Schiller Road Medway, Ohio 45341	P.O. BOX 492/1025 Danville Road, Harrodsburg, KY 40330	1225 Bandera Hwy. Ste. A2, Kerrville, TX 78028	4830 Wilson Rd, Ste 300 PMB 115, Humble, TX 77396	P.O. BOX 1446, Sioux Falls, South Dakota 57101	3291 Trminal Drive, St. Paul, Dakota, Minnsota 55121	5500 Watermelon Road, Northport, AL 35473	N7670 State Hwy 25, Menomonie, Wisconsin 54751	4157 Seventh, Wyandotte, MI 48192										
ENGINEER:	Freeman-Millican, Inc. - Texas Registered Engineering Firm F-2827	PHONE:	(937) 849-9475	(859) 613-2522	(830) 257-5940	(281) 570-4913	(605) 334-9749	(651) 452-6100	(205) 750-0444	(715) 233-6267		(734) 285-5861									
BID DATE:	December 18, 2018																				
ITEM NO.	DESCRIPTION	QTY	UNITS	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$		
Fairview Elevated Tank Bid Items																					
1	Brush-off blast , per SSPC SP7/NACE 4, interior submerged (wet) areas of the tank, where directed by the Owner to evaluate corrosion pits.	5,000	SF	3.00	15,000.00	4.25	21,250.00	2.00	10,000.00	10.00	50,000.00	12.00	60,000.00	1.40	7,000.00	1.50	7,500.00	3.88	19,400.00	3.50	17,500.00
2	AWS Certified welder to fill weld excessive corrosion pits identified by the Owner after brush-off blasting for coating operations.	32	MH	95.00	3,040.00	125.00	4,000.00	150.00	4,800.00	125.00	4,000.00	240.00	7,680.00	150.00	4,800.00	90.00	2,880.00	155.00	4,960.00	300.00	9,600.00
3	AWS certified welder to 3/16" fillet seal weld six-inch (6") diameter x 3/16" thick steel plates over areas of excessive corrosion pits identified by the Owner after brush-off grit blasting.	20	EA	125.00	2,500.00	60.00	1,200.00	80.00	1,600.00	200.00	4,000.00	240.00	4,800.00	70.00	1,400.00	200.00	4,000.00	275.00	5,500.00	250.00	5,000.00
4	AWS certified welder to 3/16" fillet seal weld four-inch (4") diameter x 3/16" thick steel plates over areas of excessive corrosion pits identified by the Owner after brush-off grit blasting.	40	EA	105.00	4,200.00	50.00	2,000.00	80.00	3,200.00	125.00	5,000.00	160.00	6,400.00	55.00	2,200.00	175.00	7,000.00	200.00	8,000.00	250.00	10,000.00
5	AWS certified welder to 3/16" fillet seal weld sixteen-inch (16") wide x 30" x 3/16" thick steel plates with 3" radius corners over areas of excessive corrosion pits identified by the Owner after brush-off grit blasting.	10	EA	300.00	3,000.00	450.00	4,500.00	400.00	4,000.00	300.00	3,000.00	920.00	9,200.00	400.00	4,000.00	350.00	3,500.00	1,500.00	15,000.00	1,000.00	10,000.00
6	AWS certified welder to 3/16" fillet seal weld race-track shaped eight-inch (8") wide x sixteen-inch (16") long x 3/16" thick steel plates over areas of excessive corrosion pits identified by the Owner after brush-off grit blasting.	15	EA	225.00	3,375.00	400.00	6,000.00	250.00	3,750.00	200.00	3,000.00	320.00	4,800.00	380.00	5,700.00	250.00	3,750.00	650.00	9,750.00	800.00	12,000.00
7	Provide a containment system for dust, spent blasting media, paint and other debris generated during surface preparation and coating operations on the tank exterior.	1	LS	42,500.00	42,500.00	105,000.00	105,000.00	130,000.00	130,000.00	60,000.00	60,000.00	137,600.00	137,600.00	88,000.00	88,000.00	160,000.00	160,000.00	94,150.00	94,150.00	170,000.00	170,000.00
8	Perform surface preparation and recoat exterior surfaces of the tank.	1	LS	533,777.00	533,777.00	385,600.00	385,600.00	460,000.00	460,000.00	490,000.00	490,000.00	358,500.00	358,500.00	656,000.00	656,000.00	594,925.00	594,925.00	590,875.00	590,875.00	930,000.00	930,000.00

ITEM NO.	DESCRIPTION	QTY	UNITS	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$		
9	Provide a dehumidification system to maintain relative humidity in the interior areas of the tank at 30% or below as necessary to prevent rust bloom during surface preparation, inspection, cleaning, and coating operations.	1	LS	19,200.00	19,200.00	55,500.00	55,500.00	30,000.00	30,000.00	20,000.00	20,000.00	15,000.00	15,000.00	60,000.00	60,000.00	19,000.00	19,000.00	18,200.00	18,200.00	25,000.00	25,000.00
10	Perform surface preparation and recoat interior areas of the tank.	1	LS	197,800.00	197,800.00	225,300.00	225,300.00	220,000.00	220,000.00	250,000.00	234,250.00	234,250.00	360,000.00	360,000.00	443,041.00	443,041.00	466,865.00	466,865.00	240,000.00	240,000.00	
11	Paint the 12' max. height Sherman logo on the tank, in locations above the balcony handrail.	2	EA	8,250.00	16,500.00	4,800.00	9,600.00	3,000.00	6,000.00	5,000.00	10,000.00	3,000.00	6,000.00	5,500.00	11,000.00	3,775.00	7,550.00	4,300.00	8,600.00	12,000.00	24,000.00
12	Provide new 18" Advance Tank AST pressure/vacuum roof vents with adaptor flange to existing 24" roof penetration.	1	LS	6,500.00	6,500.00	7,080.00	7,080.00	12,000.00	12,000.00	10,000.00	10,000.00	9,500.00	9,500.00	7,100.00	7,100.00	13,200.00	13,200.00	6,500.00	6,500.00	7,000.00	7,000.00
13	Replace the existing 24" roof hatch with a 30" aluminum roof hatch, with a 4" diameter aluminum tee vent and provide roof hatch landing.	1	LS	3,400.00	3,400.00	4,790.00	4,790.00	10,000.00	10,000.00	5,000.00	5,000.00	15,000.00	15,000.00	15,700.00	15,700.00	4,800.00	4,800.00	4,450.00	4,450.00	8,000.00	8,000.00
14	Replace 24" center roof penetration roof ladder support with new 24"x 0.5" minimum wall roof penetration vent/ladder support.	1	LS	3,500.00	3,500.00	3,200.00	3,200.00	7,000.00	7,000.00	6,000.00	6,000.00	7,500.00	7,500.00	9,300.00	9,300.00	4,100.00	4,100.00	6,950.00	6,950.00	9,000.00	9,000.00
15	Remove four 1/2" diameter x 8' - 9" long painters scaffold support rod and support angle per 1952 drawing #2.	1	LS	800.00	800.00	3,550.00	3,550.00	2,000.00	2,000.00	1,500.00	1,500.00	3,500.00	3,500.00	1,600.00	1,600.00	2,000.00	2,000.00	1,850.00	1,850.00	10,000.00	10,000.00
16	Remove 1-1/4" diameter x 28'-5" long painters scaffold rod shown on 1952 drawing #2.	20	EA	610.00	12,200.00	4,945.00	98,900.00	900.00	18,000.00	1,000.00	20,000.00	2,500.00	50,000.00	400.00	8,000.00	200.00	4,000.00	400.00	8,000.00	15,000.00	300,000.00
17	Provide new 12" dia. x 3/8" wall painter's roof access hatch.	1	LS	2,100.00	2,100.00	1,400.00	1,400.00	5,000.00	5,000.00	4,000.00	4,000.00	5,500.00	5,500.00	4,500.00	4,500.00	2,800.00	2,800.00	1,950.00	1,950.00	7,000.00	7,000.00
18	Provide a 24" painter's manhole; 4" flanged roof penetration w/blind flange and a wet riser 1" threaded XXS coupling.	1	LS	3,200.00	3,200.00	2,600.00	2,600.00	7,000.00	7,000.00	8,000.00	8,000.00	7,500.00	7,500.00	5,500.00	5,500.00	4,700.00	4,700.00	3,050.00	3,050.00	10,000.00	10,000.00
19	Replace the wet riser manway with a new 24" manway and provide aluminum concrete box cover.	1	LS	7,200.00	7,200.00	8,600.00	8,600.00	7,000.00	7,000.00	8,000.00	8,000.00	16,000.00	16,000.00	14,400.00	14,400.00	5,350.00	5,350.00	13,600.00	13,600.00	11,000.00	11,000.00
20	Remove all inlet & drain piping and provide new piping per drawings C1.4 & C1.1 including excavation, backfill & 4" pipe thrush anchor.	1	LS	8,700.00	8,700.00	62,300.00	62,300.00	60,000.00	60,000.00	60,000.00	60,000.00	40,000.00	40,000.00	93,400.00	93,400.00	101,000.00	101,000.00	88,750.00	88,750.00	85,000.00	85,000.00
21	Install a new additional roof compression ring.	1	LS	5,250.00	5,250.00	22,430.00	22,430.00	16,000.00	16,000.00	14,000.00	14,000.00	40,000.00	40,000.00	23,200.00	23,200.00	7,200.00	7,200.00	42,350.00	42,350.00	28,000.00	28,000.00
22	Replace the interior tank ladder and the interior wet riser ladder.	1	LS	14,500.00	14,500.00	12,600.00	12,600.00	14,000.00	14,000.00	12,000.00	12,000.00	8,500.00	8,500.00	18,200.00	18,200.00	17,000.00	17,000.00	11,850.00	11,850.00	25,000.00	25,000.00

ITEM NO.	DESCRIPTION	QTY	UNITS	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$
23	Install a Saf-T-Climb rail on the ladder between the tank leg ladder platform and the balcony; to replace the Saf-T-climb rail on the tank leg ladder and provide one medium & one large safety harness with connection to rail sleeve & 2 tail lines w/large "D" safety connectors.	1	LS	5,500.00	5,500.00	7,760.00	7,760.00	4,000.00	4,000.00	5,000.00	5,000.00	9,000.00	9,000.00	5,900.00	3,500.00	3,500.00	12,800.00	12,800.00	28,000.00
24	Install guardrails 7" above the existing 36" high balcony guardrail, bringing the overall height of the guardrail to 43".	1	LS	5,800.00	5,800.00	12,850.00	12,850.00	12,000.00	12,000.00	14,000.00	14,000.00	20,000.00	20,000.00	7,700.00	7,700.00	12,400.00	12,400.00	15,350.00	34,000.00
25	Install a Saf-T-Climb rail on the roof ladder including the vertical section, including a gap allowing transfer from the roof ladder to the tank interior ladder where the roof ladder passes the roof hatch.	1	LS	3,900.00	3,900.00	4,800.00	4,800.00	10,000.00	10,000.00	5,000.00	5,000.00	4,000.00	4,000.00	6,100.00	6,100.00	1,800.00	1,800.00	2,800.00	28,000.00
26	Install a Saf-T-Climb rail on the tank interior ladder and the wet riser interior ladder.	1	LS	5,700.00	5,700.00	6,300.00	6,300.00	10,000.00	10,000.00	5,000.00	5,000.00	9,000.00	9,000.00	6,900.00	6,900.00	2,500.00	2,500.00	8,500.00	28,000.00
27	Install the center roof guardrail, the roof ladder handrail & the wet riser guard rail.	1	LS	12,900.00	12,900.00	22,980.00	22,980.00	11,000.00	11,000.00	10,000.00	10,000.00	25,000.00	25,000.00	17,100.00	17,100.00	17,800.00	17,800.00	16,200.00	48,000.00
28	Disinfect the tank, fill it, and test it for leaks and disinfection.	1	LS	1,400.00	1,400.00	2,000.00	2,000.00	2,000.00	2,000.00	1,500.00	1,500.00	2,500.00	2,500.00	3,300.00	3,300.00	500.00	500.00	2,700.00	4,000.00
1 - 28	TOTAL BID				\$943,442.00	\$1,104,090.00		\$1,080,350.00		\$1,088,000.00		\$1,116,730.00		\$1,448,000.00		\$1,457,795.00		\$1,488,950.00	\$2,123,100.00

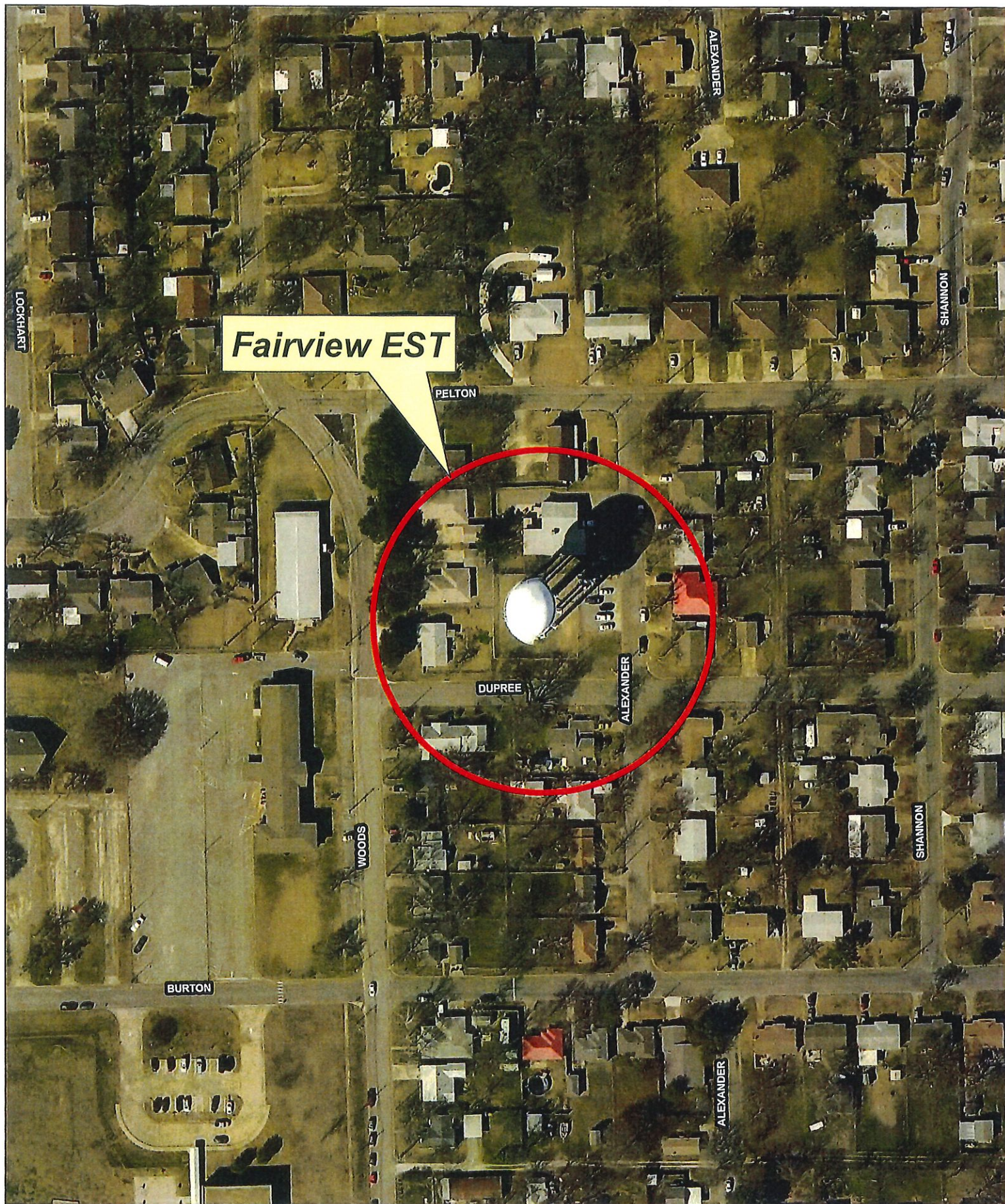
** Bidder did not use the correct proposal form.

FREEMAN-MILLICAN, INC.

David E. Gattis

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY
DAVID E. GATTIS, P.E. No. 36563 ON December 26, 2018.







SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 01/07/2019

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6451**

Awarding a Bid to and Authorizing Execution of a Contract with Weisinger Incorporated for the Shepherd Drive Woodbine #1 Well Repairs

Issue:

To consider awarding a bid to and authorizing execution of a contract with Weisinger Incorporated for the Shepherd Drive Woodbine #1 well repairs

Background:

The pump on the above referenced well needs to be pulled and inspected, followed by repairs and/or replacements as needed. Three repair companies expressed interest in the project, with Weisinger Incorporated submitting the only bid. The staff has reviewed the unit prices and agrees that they are fair and reasonable.

Origination:

Department 710, Utilities Administration

Financial Consideration:

Budgeted funds are available in the Water Production budget.

Staff Recommendation:

It is recommended that the City Council award the contract to Weisinger Incorporated based on their bid of \$90,690.00.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6451

Contract between the City of Sherman and the Contractor

Bid Tabulation

Quotation - Weisinger Incorporated

Aerial Location Map

RESOLUTION NO. 6451

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE SHEPHERD DRIVE WOODBINE #1 WELL REPAIRS; 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 Weisinger Incorporated is hereby awarded the bid for the Shepherd Drive Woodbine #1 Well Repairs in the estimated amount of Ninety Thousand Six Hundred Ninety Dollars and No Cents (\$90,690.00); and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Weisinger Incorporated for the Shepherd Drive Woodbine #1 well repair project, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

CITY OF SHERMAN §
COUNTY OF GRAYSON §

**CONTRACT
BETWEEN THE CITY OF SHERMAN AND THE CONTRACTOR**

THIS AGREEMENT is by and between the CITY OF SHERMAN ("CITY" or "OWNER") and
and _____ ("CONTRACTOR").

The CITY and CONTRACTOR, for the consideration set forth in Article 4 of the Contract and the mutual covenants expressed in this Contract, agree as follows:

ARTICLE 1 - PROJECT

- 1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Project is generally described as follows:

Shepherd Drive # 1 Well Repair

This Project will be completed with/without change orders and all extra work in connection with the project, as described in the contract documents, shall be at the CONTRACTOR'S sole cost and expense all the materials, supplies, machinery, equipment, tools, superintendence, labor, necessary and customary insurance, and other accessories and services necessary to complete the Project in accordance with the Contract Documents.

ARTICLE 2 - INDEPENDENT CONTRACTOR

- 2.01 CONTRACTOR is and throughout this Contract shall remain an INDEPENDENT CONTRACTOR and as such is the sole judge on how to perform the work required under this Contract.

ARTICLE 3 - CONTRACT TIMES

- 3.01 *Commencement of Contract*

- A. CONTRACTOR agrees to commence work under this Contract on or before the date specified in the written "Notice to Proceed" of the CITY and to fully complete the contract within ninety (90) days
- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 *Dates for Substantial Completion and Final Payment*

A. The Work will be substantially completed by CONTRACTOR on or before _____, and completed and ready for final payment in accordance with paragraph 5.05 of the General Conditions on or before _____.

3.03 *Liquidated Damages*

A. CONTRACTOR and CITY recognize that time is of the essence of this Contract and that CITY will suffer loss that is difficult to calculate if the Work is not completed within the times specified in paragraph 3.02 above, plus any extensions thereof allowed in accordance with paragraph 4.02 of the General Conditions. The parties also recognize the expense, and difficulties involved with a delay make it impossible to evaluate the actual loss suffered by CITY due to the nature of this project if the Work is not completed on time. Accordingly, CITY and CONTRACTOR agree that as liquidated damages for the delay (but not as a penalty), CONTRACTOR shall pay CITY \$ 100.00 for each day that expires after the time specified in paragraph 3.02 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by CITY, CONTRACTOR shall pay CITY \$ 100.00 for each day that expires after the time specified in paragraph 3.02 for completion and readiness for final payment until the Work is completed and ready for final payment. The parties agree that the amount of \$ 100.00 represents a fair and reasonable estimate of the CITY'S damages.

ARTICLE 4 - CONTRACT PRICE/CONSIDERATION

4.01 CITY shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 4.01.A and 4.01.B below:

A. For all Project work, a total Sum of:

_____ (\$ _____)
(use words) (figure)

B. If the payment for the Project is based on Unit Pricing, the Contract Price shall be as set forth in the Unit Pricing portion of the Proposal.

C. The above price reflects the consideration for the performance of this Contract.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 *Submittal and Processing of Payments*

A. CONTRACTOR shall submit Applications for Payment in accordance with Article 5 of the General Conditions. Applications for Payment will be processed by the ENGINEER (defined in Article 9 of this Contract) as provided in the General Conditions.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce CITY to enter into this Contract, CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR has carefully studied all Contract Documents and understands the Work and Performance required in the Contract Documents and represents to the CITY that CONTRACTOR is fully capable of completing the work specified in the Contract Documents.

E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. CONTRACTOR is aware of the general nature of work to be performed by CITY and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract

Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 *Contents*

A. The Contract Documents consist of the following and are incorporated into this Contract for all purposes:

1. This Contract;
2. Performance Bond;
3. If applicable, the Unit Pricing in the Proposal;
4. Payment Bond;
5. Other Bonds;
 - a. Bid Bond (pages 1 to 2, inclusive);
 - b. _____;
 - c. _____;
6. General Conditions of Agreement;
7. Special Conditions of Agreement;
8. Any Other Documents listed in the Table of Contents of the Project Manual;
9. Any Drawings associated with the Project;
10. Addenda (if applicable);
11. Exhibits to this Contract(enumerated as follows):
 - a. Notice to Proceed;
 - b. CONTRACTOR'S Bid;
 - c. Documentation submitted by CONTRACTOR prior to Notice of Award;
 - d. _____;

12. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:

- a. Written Amendments;
- b. Work Change Directives;
- c. Change Order(s), if permissible under the Resolution enacted by the City.

B. There are no Contract Documents other than those listed above in this Article 7.

C. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 9.09 of this Contract.

ARTICLE 8 - NOTICE

Any notice and/or statement required or permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing;

If intended for CITY to:

Designee: _____

Address: _____

If intended for CONTRACTOR, to:

Designee: _____

Address: _____

ARTICLE 9 - MISCELLANEOUS

9.01 *Terms*

A. Terms used in this Contract will have the meanings indicated in the General Conditions.

B. In addition to the terms in the General Conditions, the term "ENGINEER" in this Contract shall mean a person designated as the ENGINEER by the City.

9.02 *Assignment of Contract*

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in

any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.03 *Successors and Assigns*

A. CITY and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

9.04 *Severability and Conflict*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon CITY and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

B. If there are any conflicts between the Contract and the Contract Documents, the provisions in the Contract prevail over the provisions in the Contract Documents.

9.05 *Captions*

Section or other headings contained in this Contract are for reference purposes only and shall not affect in any way the meaning or interpretation of this Contract.

9.06 *INDEMNITY AND DUTY TO DEFEND*

A. CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES INCLUDING ATTORNEYS FEES, FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM, FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY CONTRACTOR'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, STRICTLY LIABLE ACT, OR ANY OMISSION OF CONTRACTOR, ITS OFFICERS, AGENTS, EMPLOYEES OR SUBCONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT (HEREINAFTER "CLAIMS"); EXCEPT THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR FAULT OF CITY, ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS. IN ADDITION, THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. FURTHERMORE, THE CONTRACTOR SHALL ACQUIRE A POLICY OF INSURANCE IN THE MAXIMUM STATUTORY LIMITS FOR TORT LIABILITY OF THE CITY NAMING THE CITY OF SHERMAN AS AN ADDITIONAL INSURED UNDER ITS TERMS.

B. CONTRACTOR IS EXPRESSLY REQUIRED TO DEFEND THE CITY AGAINST ALL CLAIMS FOR WHICH THE CITY BECOMES LIABLE. IN ITS SOLE DISCRETION, CITY SHALL HAVE THE RIGHT TO

SELECT OR TO APPROVE DEFENSE COUNSEL TO BE RETAINED BY CONTRACTOR IN FULFILLING ITS OBLIGATION HEREBUNDER TO DEFEND AND INDEMNIFY CITY, UNLESS SUCH A RIGHT IS EXPRESSLY WAIVED BY CITY IN WRITING BY THE CITY MANAGER, APPROVED BY THE CITY ATTORNEY, AND PROPERLY AUTHORIZED BY THE CITY'S COUNCIL. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF CONTRACTOR'S OBLIGATION TO DEFEND THE CITY OR AS A WAIVER OF CONTRACTOR'S OBLIGATION TO INDEMNIFY THE CITY PURSUANT TO THIS CONTRACT. CONTRACTOR SHALL RETAIN CITY APPROVED DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO INDEMNIFICATION UNDER THIS CONTRACT. IF CONTRACTOR FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF, AND CONTRACTOR SHALL BE LIABLE FOR ALL COSTS INCURRED BY CITY IN DEFENSE OF CLAIMS FOR WHICH CONTRACTOR IS LIABLE UNDER THIS PARAGRAPH.

C. This indemnification and duty to defend is subject to and does not waive any governmental immunity available to the CITY under Texas law, and any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

9.08 *Deletion of Arbitration Clause*

The parties agree that Paragraph 6.03 entitled Arbitration in the General Conditions, is not binding on the parties. This paragraph is not designed to prevent the parties from mutually agreeing to select arbitration as a means of resolving any disputes related to this Contract. The parties, however, agree not to be bound by the terms of 6.03 entitled Arbitration in the General Conditions.

9.07 *Choice of Law: Venue.*

This contract, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This contract is wholly performable in Grayson County, Texas. Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.

9.08 *Binding Authority*

By their signatures below, the individuals represent that they have reviewed Contract with their attorney and that the individuals have the express authority to enter into this Contract.

9.09 *Entire Agreement*

This Contract embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Contract, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Contract.

IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Contract in duplicate. One counterpart each has been delivered to CITY and CONTRACTOR. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or on their behalf.

This Contract will be effective on _____, _____ (which is the Effective Date of the Contract).

CITY: CITY OF SHERMAN, TEXAS

CONTRACTOR:

By: _____
City Manager

By: _____

Attest _____
City Clerk

Attest _____
Notary Public

Commission Expires: _____

Agent for service of process: _____

(If CONTRACTOR is a corporation or a partnership,
attach evidence of authority to sign.)

Approved as to form:

Brandon Shelby
City Attorney

Shepard Drive 1 WB

Description				Weisinger	
Item No.	Description of Item	Approx. Quantity	Unit	Unit Price	Total Amount Bid
1	Mobilization, pull motor and pump	1	LS	\$10,000.00	\$10,000.00
2	Transportation of pump, motor and cable to and from shop. All replaced parts need to be transported back to City of Sherman.	1	LS	\$1,800.00	\$1,800.00
3	Camera survey	1	LS	\$1,400.00	\$1,400.00
4	Shop labor: (1) disassemble, clean, inspect pump, motor and cable. (2) Provide written report on the condition of the equipment	1	LS	\$600.00	\$600.00
LUMP SUM					\$ 13,800.00
5	5" X 21' column Pipe	10	EA	\$685.00	\$6,850.00
6	5" X 10' column Pipe	1	EA	\$360.00	\$360.00
7	125 HP submersible motor, 1800 RPM, 460 volt, 3 phase	1	LS	\$17,910.00	\$17,910.00
8	Submersible pump w/lifting nipple, 400 GPM@798' TDH	1	LS	\$6,500.00	\$6,500.00
9	3 conductor (W/ground) 600 volt Submersible cable	1	LS	\$27,720.00	\$27,720.00
10	5" check valve	3	EA	\$450.00	\$1,350.00
11	1/4" Stainless steel airline	1	LS	\$2,100.00	\$2,100.00
12	Weld 3, 3/4" X 3/4" or 1" X 1" steel lifting lugs	N/A	N/A	N/A	
13	Reset pump and motor, disinfect Well, Return Well to service	1	LS	\$10,700.00	\$10,700.00
14	Test pump (12 HRS) and perform bacteriological test and warranty.	1	LS	\$3,400.00	\$3,400.00
TOTAL BASE BID					\$ 90,690.00

Request for Quotation
CITY OF SHERMAN, TEXAS

PROJECT: Shepherd Drive Woodbine #1 Well Repair

DESCRIPTION OF WORK

The Owner is requesting bids for pump and well repairs. The successful bidder shall provide written reports with recommendations concerning the repairs. Based on the written reports, the Owner shall decide which method of repair is most advantageous to the City. When installing pump, Contractor must use 3/4" stainless steel banding equipment. All Bidders must visit site in person to be able to bid on project. All questions must be submitted in writing.

BASE QUOTE

The Bidder must understand that this is lump sum quote. Bid prices must be filled in with ink, or typewritten in figures.

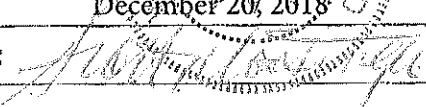
Item	Est. Qty	Unit	Description	Unit Price	Amount
1	1	LS	Mobilization, pull motor and pump. Equipment in Well: 125 HP motor, 9LC-20 stage pump, 250MCM cable, pump is set at 840' (5" pipe), 16"X10"-LAP@710'	\$10,000.00	\$10,000.00
2	1	LS	<u>Transportation of equipment to and from shop. All replaced parts need to be returned back to City before final payment is made.</u>	\$ 1,800.00	\$ 1,800.00
3	1	LS	Camera survey	\$ 1,400.00	\$ 1,400.00
4	1	LS	Shop Labor: Inspect equipment and provide written report on the condition of the equipment.	\$ 600.00	\$ 600.00

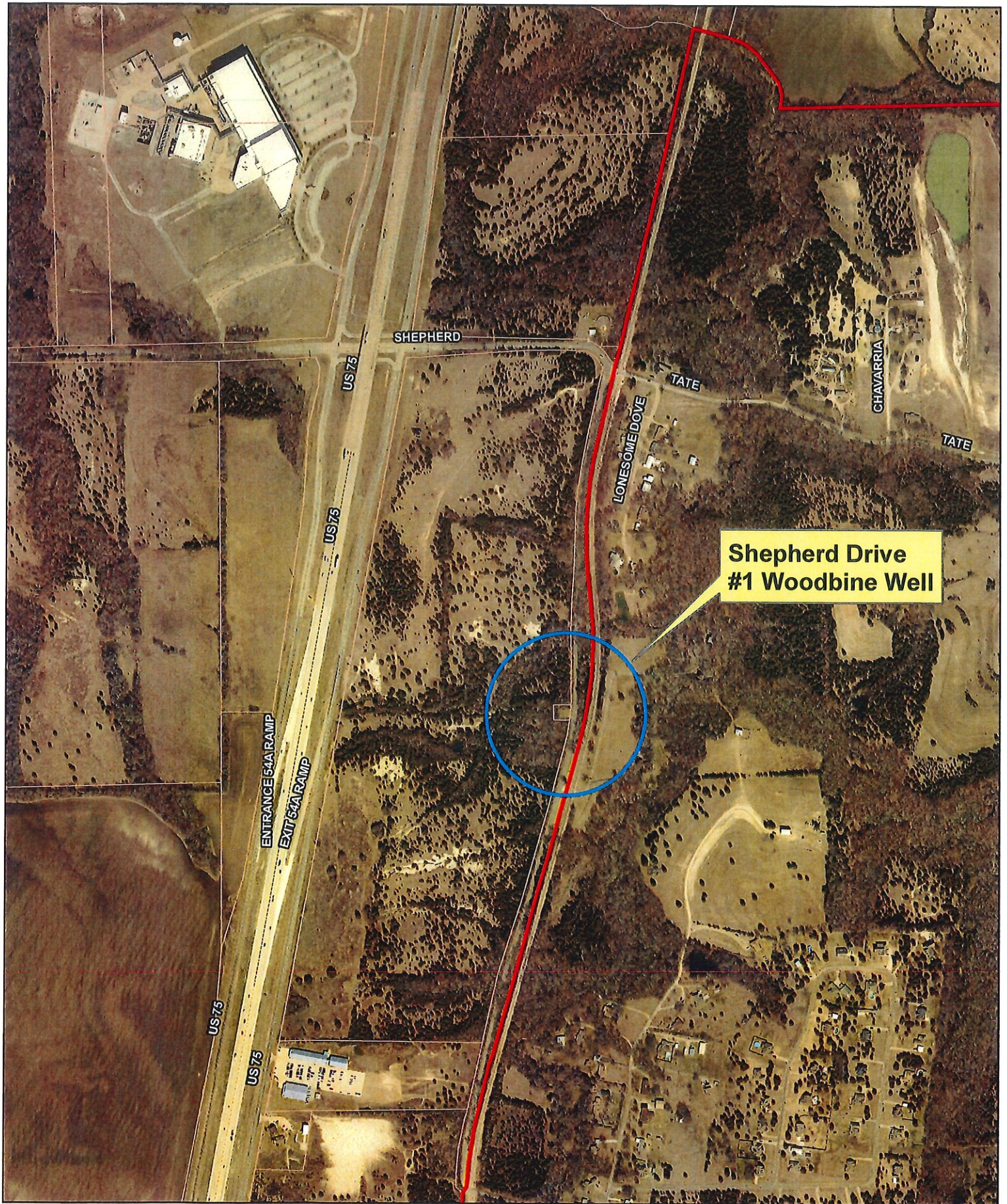
Total Bid \$ 13,800.00

ADJUSTMENTS AND ADDITIONAL WORK ITEMS

Item	Qty	Unit	Description	Unit Price
5	1	EA	5" X 21'X schedule 80 Column Pipe, Complete, (w/lifting lugs) for submersible equipment	\$ 685.00
6	1	EA	5" X 10'X schedule 80 Column Pipe, Complete, (w/lifting lugs) for submersible equipment	\$ 360.00
7	1	LS	125 HP submersible motor, 460 volts, 3 phase. Water temp. is about 90 degrees. Must submit motor information for approval. (No Franklin Electric)	\$ 17,910.00
8	1	LS	Submersible pump w/ lifting nipple, 400GPM @ 798' TDH	\$ 6,590.00
9	840'	LS	3-conductor wire (w/ground) 600-volt submersible cable for high temperature.	\$ 27,720.00
10	1	EA	5" check valves	\$ 450.00
11	840'	LS	1/4" Stainless-steel airline	\$ 2,100.00
12	N/A	N/A	Weld 3, 3/4" X 3/4" or 1" X 1" steel lifting lugs, if necessary, to each joint of column pipe. Price per joint of pipe not per lug.	N/A
13	1	LS	Reset pump and motor, disinfect well, and return Well to service.	\$ 10,700.00
14	1	LS	Test pump (12 hours) and perform bacteriological tests. Provide written completion report, which includes material settings, installation plan, results of bacteriological test and written warranty. Report must be submitted before final payment is made. This is a <u>lump sum unit price</u> .	\$ 3,400.00

The undersigned Bidder hereby proposes to do the work and to furnish all necessary superintendence, labor, machinery, equipment, tools and materials and to complete all work upon which he bids. The undersigned Bidder hereby declares that he has visited the well site and has carefully examined the proposed work and conditions of the contract. The successful Bidder agrees to commence work within five (5) working days after the date of the work order and that the number of consecutive calendar days after the date of the work order required to substantially complete the work on which he has bid is 60 days.

By: Scott Weisinger
 Title: President
 Company: Weisinger Incorporated
 Address: P.O. Box 909
 City/State/Zip: Willis, TX 77378
 Date: December 20, 2018
 Signature: 





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.1.

Meeting Date: 01/07/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Chairman Brad Douglass

Issue:

To receive the Sherman Economic Development Corporation (SEDCO) quarterly progress report from Board Chairman Brad Douglass

Background:

The brief presentation by the SEDCO Board Chairman will provide the City Council with an overview of SEDCO's activities and accomplishments during the last three (3) months. SEDCO's last update was presented at the September 27, 2018 Joint Meeting of the City Council and the SEDCO Board.

Origination:

City Council

Financial Consideration:

This presentation is for informational purposes only and has no impact on the City's revenues or expenses.

Staff Recommendation:

No action is required of the City Council.

Alternatives:

None recommended

Attachments

SEDCO's Quarterly Progress Report

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: Sherman Economic Development Corporation

Name of Chairman: Brad Douglass

Name of Vice Chairman: Tom Shields

Date of Report to City Council: January 7, 2019

1. In simple terms and as briefly as possible, please describe the mission of your board.

- *The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the economy of Sherman and the surrounding area through the addition of new jobs and investment of primary employers.*

**2. Please list the top accomplishments of your board within the past quarter.
(Please limit the list to five or fewer items).**

- *The SEDCO Board approved two new Performance Agreements.*
 - *Project Totals: Capital Investment (\$34,800,000), Jobs (55), and Incentives (\$1,775,000).*
- *The SEDCO Board completed two Performance Agreements.*
 - *Project Totals: Capital Investment (\$17,994,000), Jobs (40), and Incentives (\$909,500).*
- *SEDCO made the first two incentive payments to Finisar totaling \$500,000.*
- *SEDCO closed on the 57.3 acres west of Progress Park VI. This land is being marketed as Progress Park VII.*
- *Kent Sharp was hired as the new SEDCO President.*

3. What are your plans for this board in the next quarter?

- *SEDCO will work to compete aggressively for the attraction of new jobs and investments to the city from existing Sherman employers and new companies, both nationally and internationally.*
- *SEDCO will work closely with companies that have announced new investments in Sherman to ensure they have the support to meet their goals and receive the incentives as identified in the Economic Development Performance Agreements.*
- *Current infrastructure projects include the Northgate Drive extension and a new 12" sewer line in Progress Park II.*
- *Hosting "Practicing Economic Development: A Workshop for Community Leaders" on January 11th. This workshop is presented by TEDC President/CEO Carlton Schwab.*
- *Launch the newly reconstructed ShermanTXJobs.com and market the website through various mediums.*
- *Host one Plant Managers Forum, one Safety Leaders Forum, and three Human Resources Group meetings.*
- *On Jan. 24th, SEDCO will co-sponsor the AMP Mid-Year Celebration. This event celebrates the students' accomplishments from the fall semester. This year's event will include a student-mentor competition.*
- *Host the Winter Leadership Breakfast on Jan. 22nd.*

4. How often did this board meet in the last quarter?

- *The SEDCO Board meets on the second Tuesday of each month and holds special called meetings when needed. Since our last report, the SEDCO Board held three regularly scheduled meetings (October 9th, November 13th, and December 11th) and one special called meeting (December 4th).*

5. In what percentage of those meetings was a quorum of board members present?

- *100%*

6. Did any member attend less than 75% of those meetings? If so, which member and how often did they attend.

- *No*

7. What other information would your board like to communicate to the City Council? (please be concise in your response).

- *SEDCO is presently working 7 active projects with an estimated \$48,050,000 in investments and 293 new jobs.*
- *The Sherman City Council and SEDCO held its Annual Joint Meeting. SEDCO staff presented the 2017-2018 Program of Work Results and the proposed 2018-2019 Program of Work and Budget. The City Council and the SEDCO Board of Directors approved the 2018-2019 Program of Work and Budget.*
- *SEDCO staff completed orientation with the City of Sherman.*
- *We welcomed two new Board Members, Scott Bandemir and Gail Utter.*
- *The Board elected the following officers for the 2018-2019 fiscal year: Brad Douglass, Chairman; Tom Shields, Vice-Chairman; and Janie Bates, Secretary.*
- *The SEDCO Board of Directors approved an Addendum to the Economic Development Performance Agreement with Finisar Corporation. The Addendum revises "SEDCO's Time of Performance" in the incentive payment schedule.*
- *The SEDCO Board approved an Addendum to the Economic Development Performance Agreement with GlobiTech Incorporated to increase GlobiTech's investment from \$9,750,000 to \$17,910,000 for the facility improvement and equipment and to increase the new job creation from 12 to 36. The Addendum also increases SEDCO's incentive from \$487,500 to \$895,500.*
- *SEDCO contracted with Via Rail Engineering to complete a Conceptual Track Layout master plan of Progress Park to determine rail access potential and reflect the benefit of rail served property for marketing purposes. Planned completion in February.*
- *SEDCO Board approved payment of engineering and surveying services to extend Progress Drive to Flanary Road and improve Flanary Road to the Progress Drive extension.*
- *The SEDCO staff met with Janie Havel, Community Relations Representative for the North/Northeast Texas Region for the Governor's Office of Economic Development & Tourism. We discussed state incentives and provided an update on Sherman.*
- *Hosted the Fall Leadership Breakfast with industry representatives and community leaders in attendance.*
- *Terrence Steele, Stacey Jones, and Ashton Ghaemi hosted a booth at the Finisar Health Fair. We spoke with several of Finisar's employees and provided information regarding housing, tourism, and more.*
- *Started the reconstruction of ShermanTXJobs.com for improved analytics and collected bids for the jobs marketing campaign in preparation for a spring launch.*
- *Stacey Jones served as Principal for a Day at Piner Middle School.*

- *Ashton Ghaemi was nominated for Community Leader of the Year and Ambassador of the Year by the Sherman Chamber of Commerce.*
- *SEDCO staff, Chairman Brad Douglass, Duane Sanders of J.P. Hart Lumber Company and Missy Stigall of Texas Instruments met with Congressman John Ratcliffe's DC Chief of Staff, Dustin Carmack.*
- *We completed production on two more existing industry videos for Mueller Construction Company and Christmas Designers.*
- *Completed the print advertising contract with the Dallas Business Journal.*
- *Started working with Dwight LaGrone to create a story map and an interactive layers map for Progress Park.*
- *SEDCO continued the Business Retention and Expansion (BRE) Program with the following:*
 - *Existing industry visits: Christmas Designers, Emerson, Finisar, JP Hart, Modular Power Solutions, Southeastern Freight, Texas Instruments and Tyson.*
 - *Sponsored two Human Resources Group meetings, a Plant Managers Forum, and a Safety Leaders Forum.*
 - *Co-sponsored the Red, White and You Career Fair which drew 375 job seekers.*
 - *Stacey Jones attended the TWC Employer of the Year Awards Ceremony in Houston. Eaton was named Large Employer of the Year, and Presco was named Small Employer of the Year.*
- *SEDCO continued to serve and assist with the following student workforce development programs:*
 - *We were recognized at the Sherman ISD School Board meeting for our support of the Advanced Manufacturing Program (AMP).*
 - *On Sept. 21st, we supported the Careers in Texas Industries Event that introduced Grayson County high school students to career opportunities in our area.*
 - *SEDCO helped organize and sponsor the AMP Fall Event where the students and parents met the mentors. We had 100 in attendance. This year, we met as a group for a meal then the parents were separated for a presentation on AMP and the mentor program. This gave the students time to get to know their mentors.*
 - *Finisar presented AMP with a \$25,000 donation. These funds will be used towards tuition and books.*
 - *As another effort to market the AMP and IMT programs, Stacey Jones and Anna Hicks presented to the PTA Presidents for Sherman ISD. Stacey also presented the AMP program to the Noon Lions Club.*
 - *The winner of the Swap It Up competition was the Whitesboro AMP Team! We hosted a celebration on October 26th where we announced the winning team and the donations to the non-profits. Each student received a tablet, and the team received a trophy to showcase at their school until next year's competition. All three teams did a fantastic job of collecting products and services for their chosen non-profits. The total value of the donations came to over \$21,000.*
- *Stacey Jones attended the International Economic Development Council's Annual Conference in Atlanta and the Texas Economic Development Council's (TEDC) Annual Conference in Fort Worth. In addition to attending sessions, she met with several of SEDCO's vendors and learned about new ways to use their products and services. At TEDC, she attended a dinner hosted by Janet Black with BNSF.*
- *SEDCO continued its partnership with Texas Aviation Partners, Grayson County, and Denison Development Alliance on marketing the North Texas Regional Airport.*

- *The staff attended the following events and meetings:*
 - *Arts Fest*
 - *City of Sherman Employee Picnic*
 - *City Council Meeting*
 - *Coffee with the Mayor*
 - *Crisis Center Board Meeting*
 - *Crisis Center's Power of the Purse Event*
 - *Denison Industries Ribbon Cutting*
 - *Four Rivers Banquet*
 - *Grayson County Freight Mobility Meeting*
 - *Make Education a Priority Day!*
 - *McCullough-Pierson Ribbon Cutting*
 - *Patriot Day at Landmark Bank*
 - *Planning & Zoning Meeting*
 - *Plug-In Texoma*
 - *Reception Honoring Members of the Austin College President's Circle*
 - *Sherman Chamber Ambassador Meeting*
 - *Sherman Chamber Ambassador Recruiting Luncheon*
 - *Sherman Chamber Women's Networking Event*
 - *Sherman Cultural District Proclamation & Celebration*
 - *Sherman Fire Station #4 Dedication Ceremony*
 - *Sherman High School Groundbreaking*
 - *Sherman School Board Meeting*
 - *Texoma Forum on Disabilities*
 - *Texas Legislative Luncheon*
 - *THF Holiday Gathering*
 - *Women Get Connected*
 - *Workforce Solutions Texoma Board Meeting*



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.2.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 1 and 2, Block 4, W.D. Fitch Addition, being Lots 1 and 2, Block 4, W.D. Fitch Addition, containing 0.482 acres in the G.B. Pilant Survey, Abstract No. 963; Cupid Properties, LLC, Owners; and Helvey-Wagner Surveying, Surveyor (1203 South First Street)

Issue:

To consider Replat approval of Lots 1 and 2, Block 4, W.D. Fitch Addition, being Lots 1 and 2, Block 4, W.D. Fitch Addition, containing 0.482 acres in the G.B. Pilant Survey, Abstract No. 963 located at 1203 South First Street

Background:

The property is located at 1203 South First Street; the southeast corner of Kentucky and First Streets. The property is zoned an R-1 (One Family Residential) District. The owners are requesting to replat the property into three, 50-foot lots for residential construction.

Origination:

Cupid Properties, LLC (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

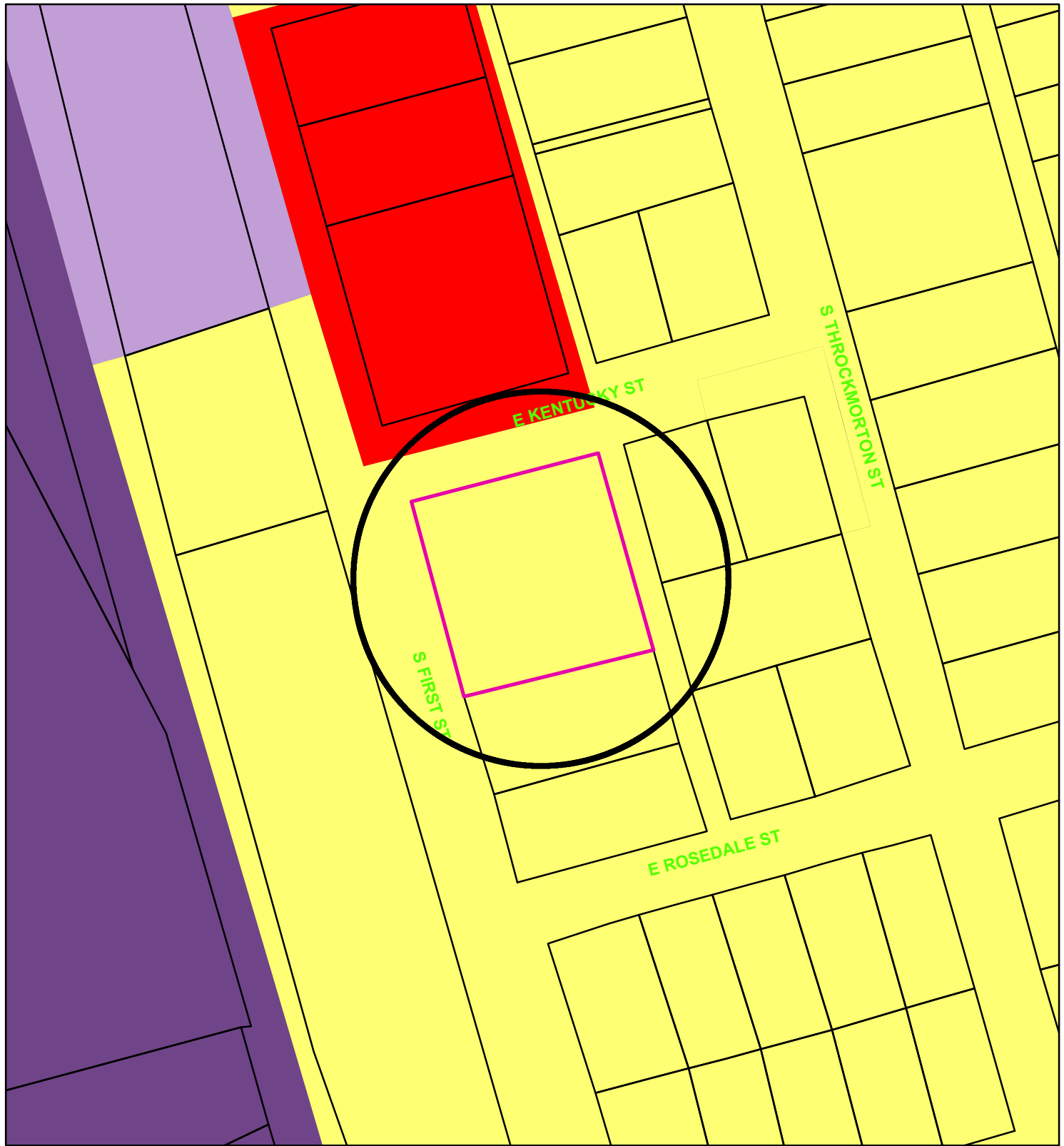
Alternatives:

None

Attachments

Location Map
Zoning Map
Zoning Sign Photo
W.D. Fitch Replat
Staff Review Letter
P&Z Communication





Zoning - 1203 South First Street



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

Legend

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District

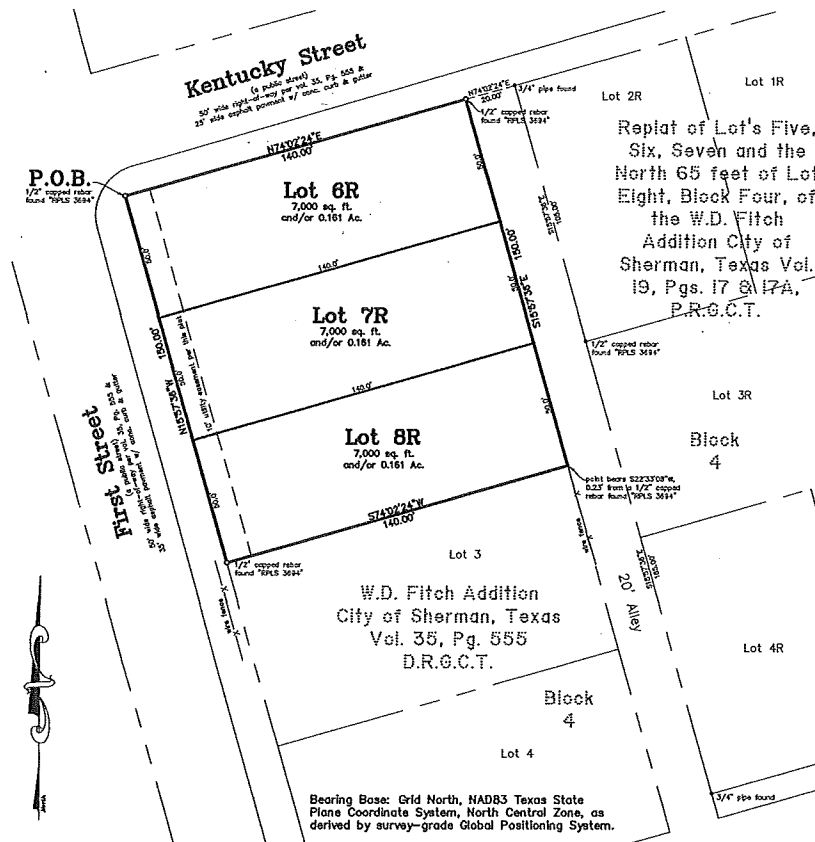


NOT TO SCALE

1 in = 100 ft

1203 South First Street





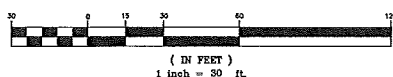
Replat of Lots 1 and 2, Block 4, W.D. Fitch Addition to the City of Sherman, Texas

0.482 Acres

**in the
G.B. Pilant Survey
Abstract No. 963**

Owner:
Cupid Properties, LLC
715 Hwy 75
Sherman, Texas 75090

Job No. CGS461118
GRAPHIC SCALE



General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery Company.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. Grayson County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat herein lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100290 F, Revised Date: September 29, 2010.
8. Neither Grayson County nor the undersigned surveyor will be responsible for any damages, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@comcast.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Site Location
(not to scale)





STAFF REVIEW LETTER

December 12, 2018

Cupid Properties, LLC
715 Highway 75
Sherman, TX 75090

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of Lots 1 and 2, Block 4, W.D. Fitch Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Minimum lot width is 60' at street frontage.
6. Flow test required to verify capacity. Existing 2" water line may not have enough capacity to serve three lots.
7. The City of Sherman does not maintain alleys.
8. Additional future right of way along First Street may be required to reflect the Grayson County Thoroughfare Plan.
9. Metes and bounds description must match drawing.
10. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
11. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
12. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

The Board will not 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.

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 10.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

1203 SOUTH FIRST STREET

The request of Cupid Properties, LLC (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1203 South First Street, being Lots 1 & 2, Block 4, W.D. Fitch Addition, containing 0.482 acres in the G.B. Pilant Survey, Abstract No. 963, as follows:

Board of Adjustments

Variance under Ordinance No. 2280, Section 6.2, Subsection (1) to allow three lots with widths of fifty (50) feet in lieu of the required sixty (60) feet in an R-1 (One Family Residential) District.

Planning and Zoning Commission

Replat approval of Lots 1 and 2, Block 4, W.D. Fitch Addition.

Background:

The property is located at 1203 South First Street; the southeast corner of Kentucky and First Streets. The property is zoned an R-1 (One Family Residential) District. The owners are requesting to replat the property into three, 50 foot lots for residential construction.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail) District

Origination:

Cupid Properties, LLC (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

38

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.3.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lot 1, RMT Visions Addition, being 20.102 acres in the Jason Stamps Survey, Abstract No. 1115, also being Lot 1, RMT Addition; Nicolas and Cynthia Diaz, Owners; and Vilbig & Associates, PLLC, Civil Engineer/Surveyor (2700-2800 blocks of South Friendship Road)

Issue:

To consider Replat approval of Lot 1, RMT Visions Addition, being 20.102 acres in the Jason Stamps Survey, Abstract No. 1115, also being Lot 1, RMT Addition located in the 2700-2800 blocks of South Friendship Road

Background:

The property is located in the 2700-2800 blocks of South Friendship Road, between Meadowridge Road and West O.B. Groner Road. The property is zoned an R-1 (One Family Residential) District. The owners would like to replat the property into eight (8) lots for residential development.

Origination:

Nicolas and Cynthia Diaz (Owners)
Vilbig & Associates, PLLC (Civil Engineer/Surveyor)

Financial Consideration:

None

Staff Recommendation:

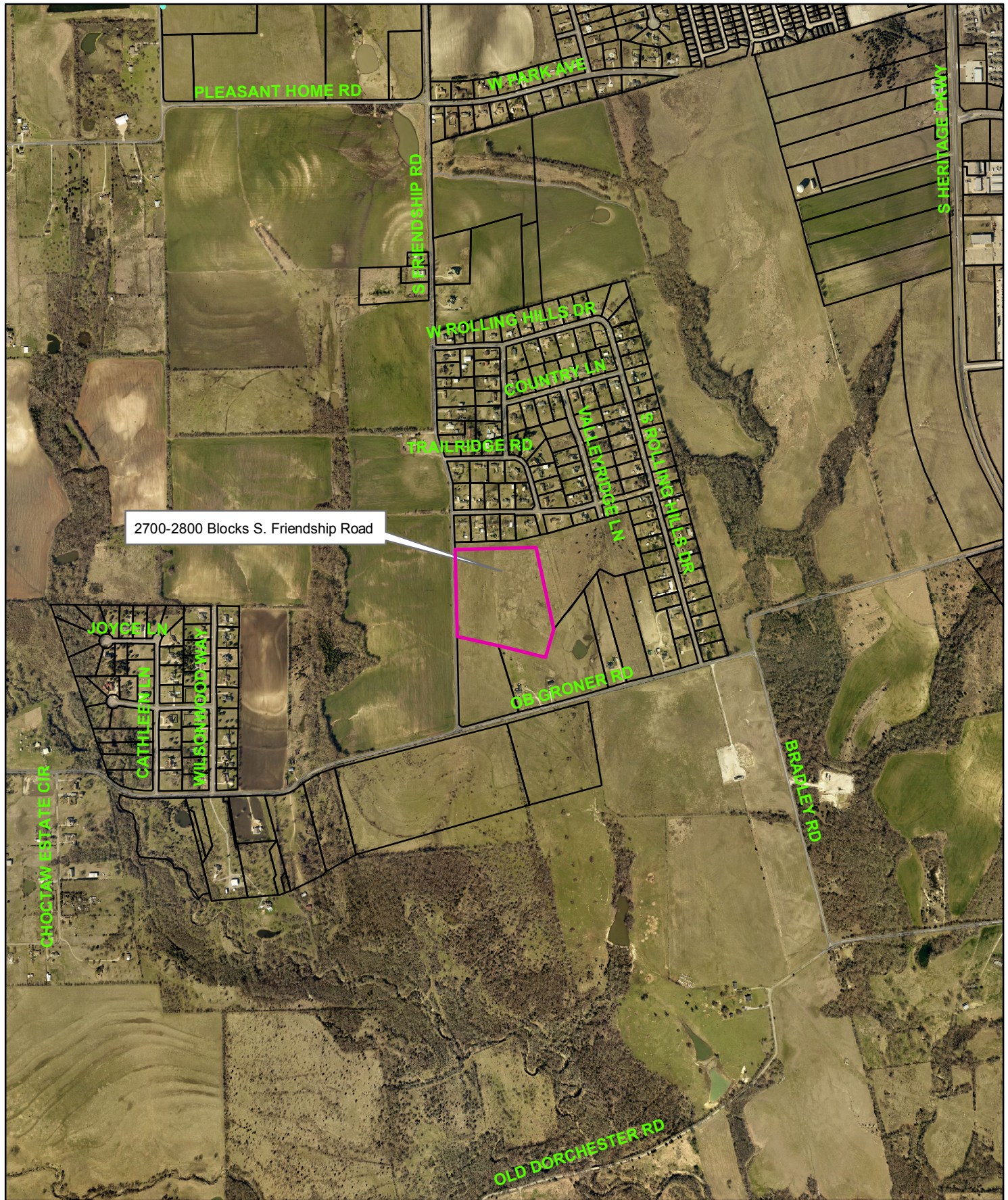
At the December 18, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

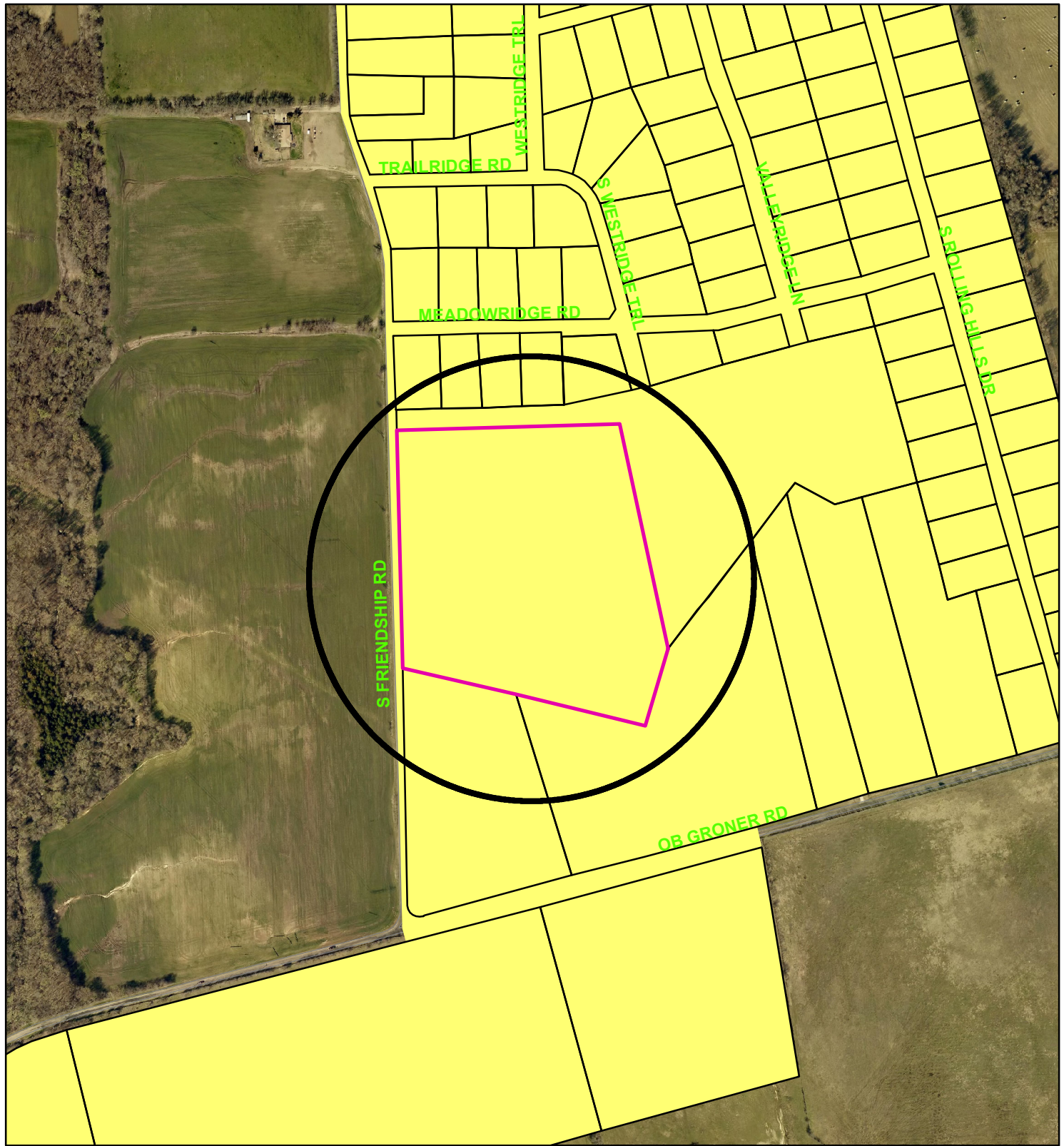
Location Map
Zoning Map
Zoning Sign Photo
RMT Visions Replat
Staff Review Letter
P&Z Communication



2700-2800 Blocks South Friendship Road



1 in = 1,300 ft



Zoning - 2700-2800 Blocks South Friendship Road



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

Legend

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



NOT TO SCALE

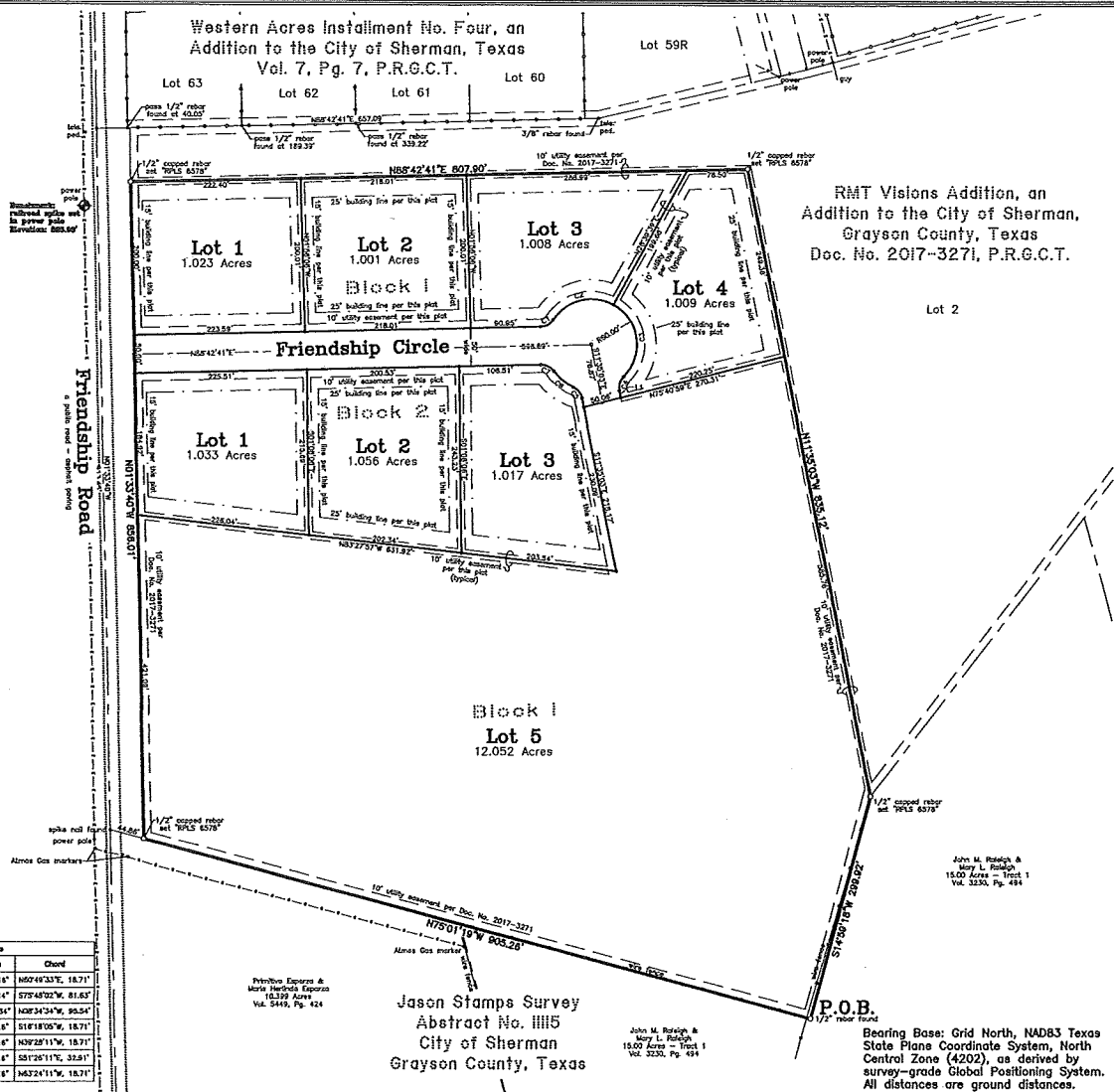
1 in = 500 ft

2700-2800 South Friendship Road



Western Acres Installment No. Four, an
Addition to the City of Sherman, Texas
Vol. 7, Pg. 7, P.R.G.C.T.

RMT Visions Addition, an
Addition to the City of Sherman,
Grayson County, Texas
Doc. No. 2017-3271, P.R.G.C.T.



Replat of Lot 1, RMT Visions Addition, an Addition to the City of Sherman, Grayson County, Texas

General Notes:

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. Neither the City of Sherman nor Grayson County will be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat herein lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4818100400 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGS061118

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cableone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

20.102 Acres

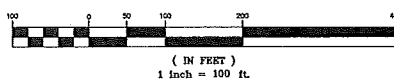
in the

Jason Stamps Survey
Abstract No. 1115

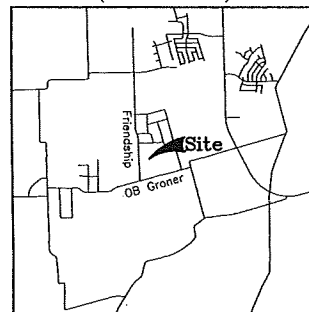
Nicholas Diaz and Cynthia Diaz

Owner
1018 N. Ross Ave.
Sherman, Texas 75090

GRAPHIC SCALE



Location Map
(not to scale)





STAFF REVIEW LETTER

December 12, 2018

Nicholas Diaz & Cynthia Diaz
1018 N. Ross Ave.
Sherman, TX 75090

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of Lot 1, RMT Visions Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Remove building line from plat.
6. Metes and bounds description must match drawing.
7. Line and Curve table must reflect all lines and curves where indicated.
8. Water shall be extended to serve development.
9. City Sewer service will not be available to serve the development. On-site Sewage Facilities will be required per Grayson County regulations and requirements.
10. Change General Note #2 to state "Sewer service at a minimum to be provided by individual on-site sewage treatment systems (OSSF)."
11. Friendship Circle must be renamed as there is already a Friendship Circle in the City of Sherman. New proposed street name must be approved by Building & Zoning Department.
12. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
13. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
14. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block

and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

The Board will not 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.

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 11.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 2700-2800 BLOCKS SOUTH FRIENDSHIP ROAD**

The request of Nicolas & Cynthia Diaz (Owners) and Vilbig & Associates, PLLC (Civil Engineer/Surveyor) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 2700-2800 Blocks of South Friendship Road, being 20.102 acres in the Jason Stamps Survey, Abstract No. 1115, also being Lot 1, RMT Addition, as follows:

Planning and Zoning Commission

Replat approval of Lot 1, RMT Visions Addition.

Background:

The property is located in the 2700-2800 Blocks of South Friendship Road between Meadowridge Road and West O.B. Groner Road. The property is zoned an R-1 (One Family Residential) District. The owners would like to replat the property into eight (8) lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Nicolas & Cynthia Diaz (Owners)

Vilbig & Associates, PLLC (Civil Engineer/Surveyor)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

9

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.4.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of The Presco Addition, being a Replat of parts of The College Park First Addition, Chaffin's Addition, Texas and Pacific Railway Company's Addition and Chaffin's First Addition, being 24.447 acres in the C. Carter Survey, Abstract No. 229, G.B. Pilant Survey, Abstract No. 963, and the J.B. McAnair Survey, Abstract No. 763 and a part of the College Park First Addition, Chaffin's Addition, Pacific Railway Company's Addition and Chaffin's First Addition; PRESCO, Inc., Owners; and Underwood Drafting and Surveying, Inc., Surveyor (1201 East Pecan Street)

Issue:

To consider Replat approval of The Presco Addition, being a Replat of parts of The College Park First Addition, Chaffin's Addition, Texas and Pacific Railway Company's Addition and Chaffin's First Addition, being 24.447 acres in the C. Carter Survey, Abstract No. 229, G.B. Pilant Survey, Abstract No. 963, and the J.B. McAnair Survey, Abstract No. 763 and a part of the College Park First Addition, Chaffin's Addition, Pacific Railway Company's Addition and Chaffin's First Addition located at 1201 East Pecan Street

Background:

The property is located at 1201 East Pecan Street, bounded by Willow Street, Pecan Street, Lee Avenue and the Texas and Pacific Railroad. The property is zoned a C-2 (General Commercial) District, M-2 (Heavy Manufacturing) District and R-1 (One Family Residential) District. The owners would like to replat the properties into two (2) lots.

Origination:

PRESCO, Inc. (Owners)

Underwood Drafting & Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

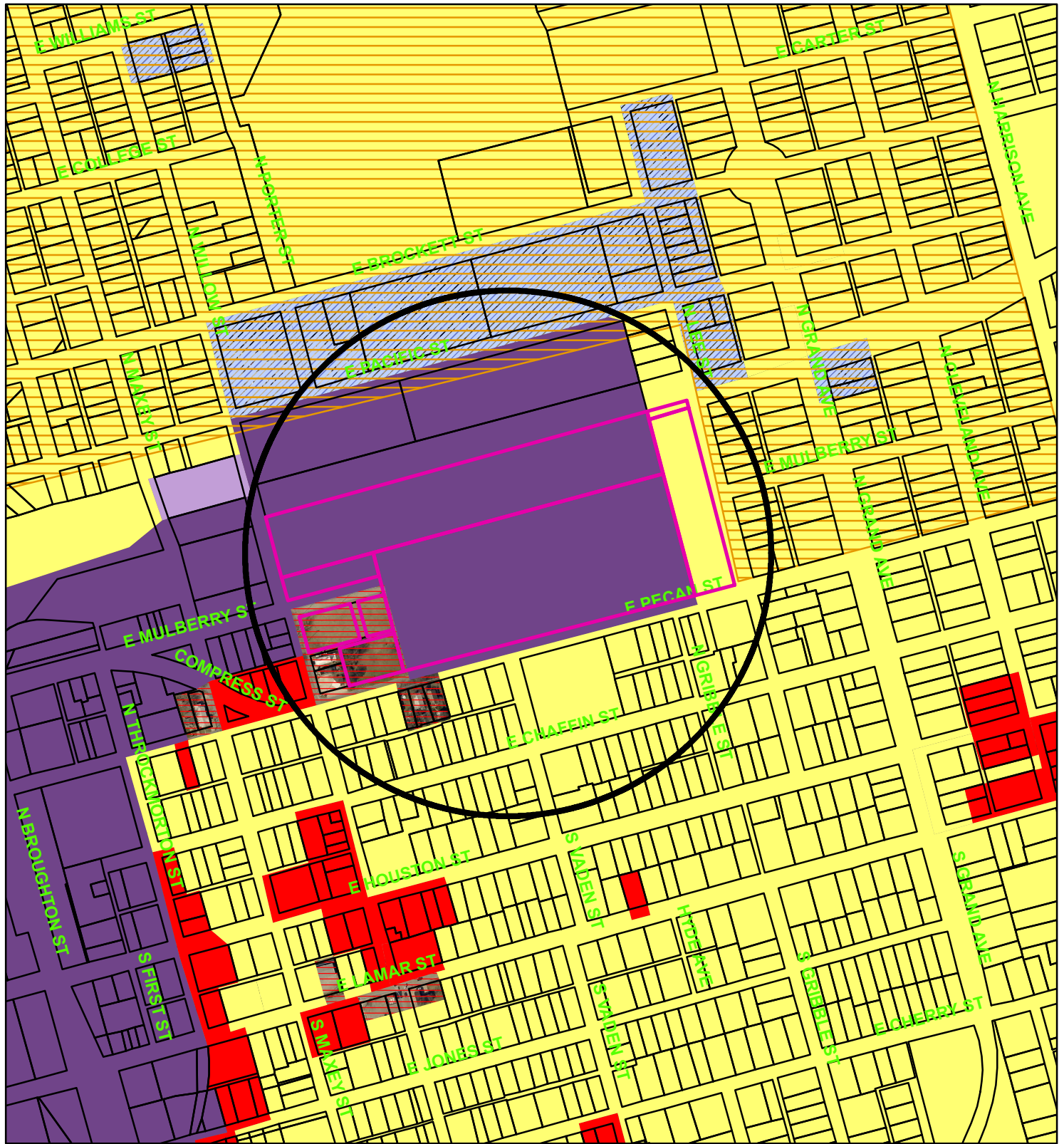
Zoning Sign Photo

The Presco Addition

Staff Review Letter

P&Z Communication

City of Sherman, Texas
Developmental Services Department



Zoning - 1201 East Pecan Street



City of Sherman, Texas
Developmental Services Department

Legend		
Special Districts Overlay		
DISTRICT_NAME	Representation: ShermGIS.DBO.TransportationCorridor_Rep	
Arts and Cultural District	FM 1417	C-2 General Commercial District
Blalock Commercial Overlay District	Sam Rayburn Freeway	CO Office District
Central Business District	US Hwy 82 and 75	Lakes
College Park District	SH 289	M-1 Light Manufacturing District
Downtown Overlay District	FM 691	M-1.5 Medium Manufacturing District
Historic Preservation District		M-2 Heavy Manufacturing District
Transportation Corridor	Zoning Districts	MH Manufacturing Housing District
	Representation: ShermGIS.DBO.ZoningDistrict_Rep	R-1 One Family Residential District
	Unknown	R-2 Multi-Family Residential District
	BIP Blalock Industrial Park	R-A Single Family Agricultural District
	C-1 Retail Business District	SF-1 Single Family Residential District



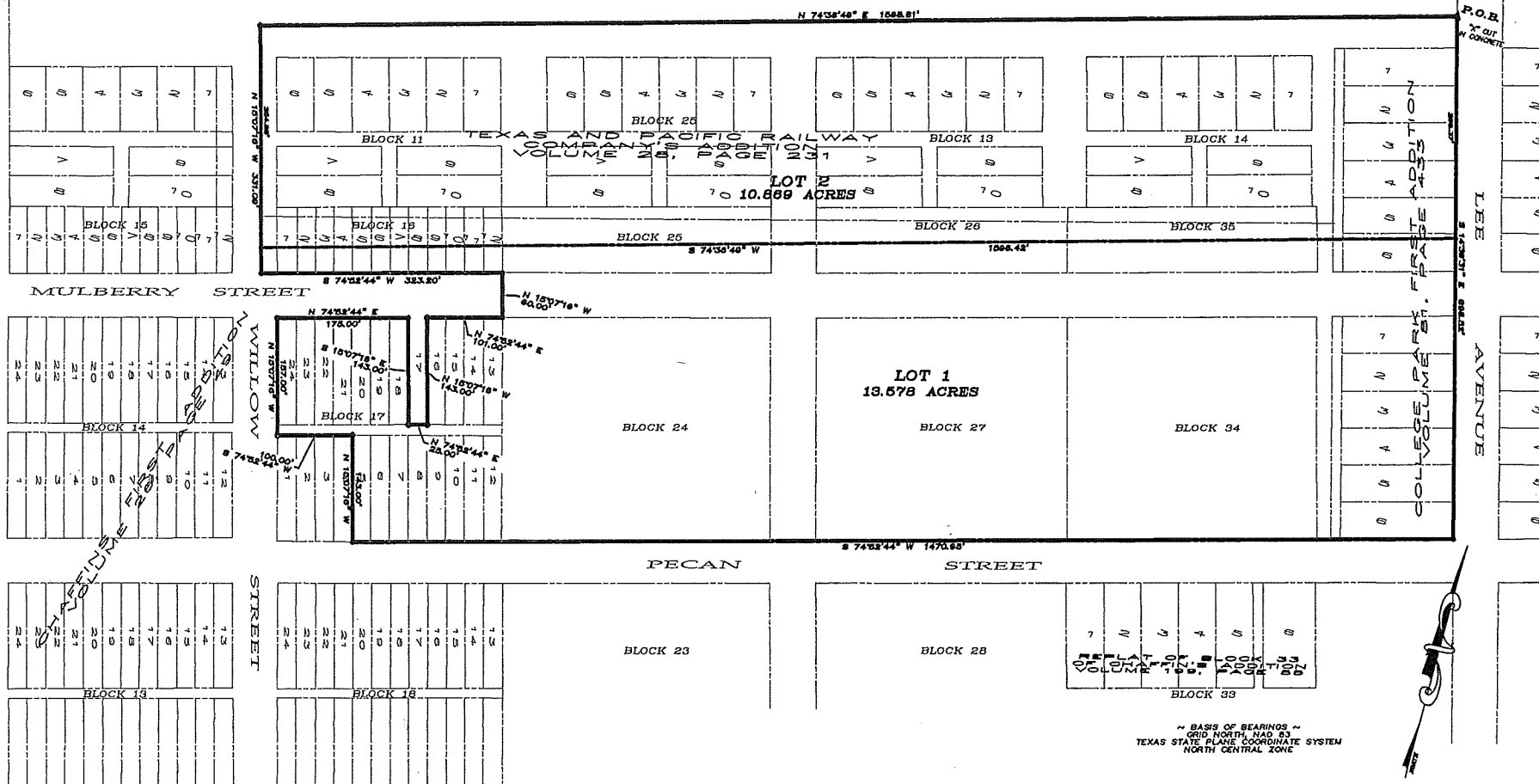
NOT TO SCALE

1 in = 500 ft

1201 East Pecan Street



TEXAS AND PACIFIC RAILROAD



REPLAT THE PRESKO ADDITION

BEING A REPLAT OF PARTS OF THE COLLEGE PARK, FIRST ADDITION,
VOLUME 81, PAGE 438, P.R.G.C.T, CHAFFIN'S ADDITION, VOLUME 84,
PAGE 505, P.R.G.C.T, TEXAS AND PACIFIC RAILWAY COMPANY'S
ADDITION, VOLUME 28, PAGE 231, P.R.G.C.T. AND CHAFFIN'S FIRST
ADDITION, VOLUME 26, PAGE 49, P.R.G.C.T. AN ADDITION TO THE
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

OWNERS/DEVELOPER
JOE HARDT, CEO
1201 E. PECAN ST.
SHERMAN, TEXAS 75090

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

GRAPHIC SCALE



(IN FEET)
1 Inch = 100 ft.



STAFF REVIEW LETTER

December 12, 2018

Joe Hardt, CEO
1201 E. Pecan St.
Sherman, TX 75090

Underwood Drafting & Surveying
3404 Interurban Rd.
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of The Presco Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Note Resolution No. for abandonment of Mulberry Street on plat. Abandonment filed of record in Vol. 1129, Pg. 113, RPRGCT. Verify location of abandonment and show on drawing.
6. Show a minimum of three (3) found monuments on drawing.
7. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
8. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
9. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

The Board will not 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.

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 12.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 1201 EAST PECAN STREET**

The request of PRESCO, Inc. (Owners) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 1201 East Pecan Street, being 24.447 acres in the C. Carter Survey, Abstract No. 229, G.B. Pilant Survey, Abstract No. 963, and the J.B. McAnair Survey, Abstract No. 763 and a part of the College Park First Addition, Chaffin's Addition, Pacific Railway Company's Addition and Chaffin's First Addition, as follows:

Planning and Zoning Commission

Replat approval of The Presco Addition, Being a Replat of parts of The College Park First Addition, Chaffin's Addition, Texas and Pacific Railway Company's Addition and Chaffin's First Addition.

Background:

The property is located at 1201 East Pecan Street bounded by Willow Street, Pecan Street, Lee Avenue and the Texas and Pacific Railroad. The property is zoned a C-2 (General Commercial) District, M-2 (Heavy Manufacturing) District and R-1 (One Family Residential) District. The owners would like to replat the properties into two (2) lots.

Adjacent Zoning:

R-1 (One Family Residential) District

C-2 (General Commercial) District

M-2 (Heavy Manufacturing) District

Origination:

PRESCO, Inc. (Owners)

Underwood Drafting & Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.
and

Industrial – This character type typically has very large lot sizes with large buildings that are used for industrial purposes. A lot may have any number of buildings or storage facilities. Parking lots are necessary for employees and rail access may be necessary to ship/receive materials.

Number of notices mailed:

197

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Presco Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.5.

Meeting Date: 01/07/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of First United Bank – Sherman, being a Replat of part of Block 1, Independence Square, Section 1, being 5.348 acres in the J.B. McAnair Survey, Abstract No. 763 and part of Block 1, Independence Square Section 1; First United Bank and Trust Company, Owners; and Underwood Drafting and Surveying, Inc., Surveyor (401 East Taylor Street)

Issue:

To consider Replat approval of First United Bank – Sherman, being a Replat of part of Block 1, Independence Square, Section 1, being 5.348 acres in the J.B. McAnair Survey, Abstract No. 763 and part of Block 1, Independence Square Section 1, located at 401 East Taylor Street

Background:

The property is located at 401 East Taylor Street; the northeast corner of Taylor Street and U.S. Highway 75. The property is zoned a C-1 (Retail Business) District and is also located in the O-1 (75&82) Overlay District. The owners would like to replat the property into one lot for commercial development.

Origination:

First United Bank and Trust Company (Owners)
Underwood Drafting & Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the December 18, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

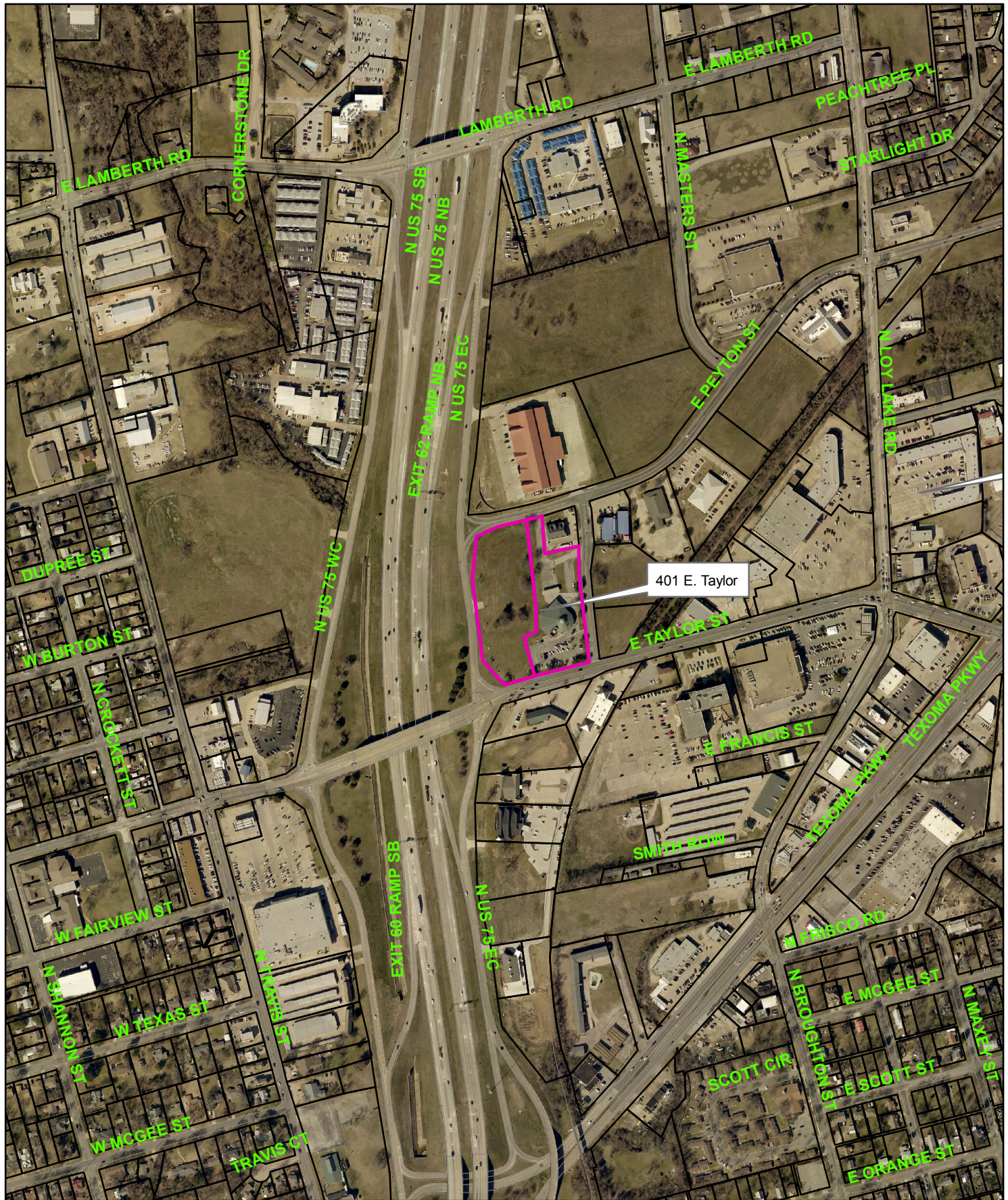
Location Map

Zoning Map

First United Bank - Sherman Replat

Staff Review Letter

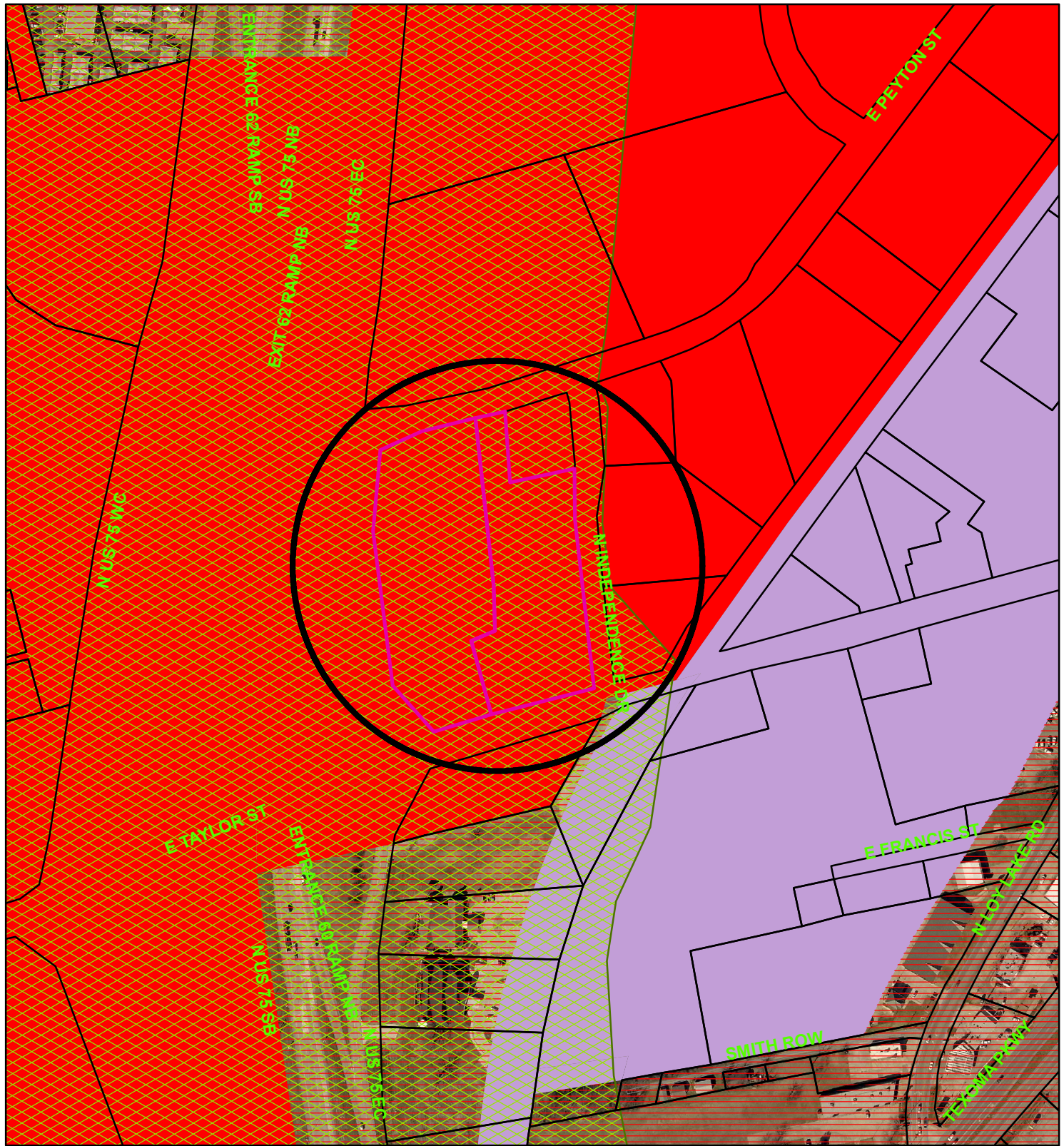
P&Z Communication



401 East Taylor Street



1 in = 538 ft



Zoning - 401 East Taylor Street



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME
Arts and Cultural District
Blalock Commercial Overlay District
Central Business District
College Park District
Downtown Overlay District
Historic Preservation District
Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

FM 1417
Sam Rayburn Freeway
US Hwy 82 and 75
SH 289
FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP Blalock Industrial Park
C-1 Retail Business District

Legend

C-2 General Commercial District
CO Office District
Lakes
M-1 Light Manufacturing District
M-1.5 Medium Manufacturing District
M-2 Heavy Manufacturing District
MH Manufacturing Housing District
R-1 One Family Residential District
R-2 Multi-Family Residential District
R-A Single Family Agricultural District
SF-1 Single Family Residential District



NOT TO SCALE

1 in = 300 ft



STAFF REVIEW LETTER

December 12, 2018

First United Bank and Trust Co.
1400 W. Main St.
Durant, OK 75701

Underwood Drafting & Surveying
3404 Interurban Rd.
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of First United Bank-Sherman Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2018 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 various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Show and call out all easements dedicated in prior plat Independence Square Section 1, filed of record in Vol. 7, Pg. 76, PRGCT.
6. Require 3' Right of Way Dedication along Taylor Street.
7. Privately owned and maintained detention in accordance with City criteria is required upon future development.
8. Water and sewer Pro-Rata will be due upon development. Sewer capacity shall be verified for proposed use.
9. Metes and bounds description must match drawing.
10. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
11. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
12. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

The Board will not 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.

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 13.

Meeting Date: 12/18/2018

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 401 EAST TAYLOR STREET**

The request of First United Bank and Trust Company (Owners) and Underwood Drafting & Surveying, Inc. (Surveyor) concerning the property located at 401 East Taylor Street, being 5.348 acres in the J.B. McAnair Survey, Abstract No. 763 and part of Block 1, Independence Square Section 1, as follows:

Planning and Zoning Commission

Replat approval of First United Bank – Sherman, Being a Replat of part of Block 1, Independence Square, Section 1.

Background:

The property is located at 401 East Taylor Street; the northeast corner of Taylor Street and U.S. Highway 75. The property is zoned a C-1 (Retail Business) District and also located in the O-1 (75&82) Overlay District. The owners would like to replat the property into one lot for commercial development.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

First United Bank and Trust Company (Owners)
Underwood Drafting & Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G.1.

Meeting Date: 01/07/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Library Board (4)

Issue:

Terms on the Library Board expire on January 8, 2019 for Nick Keating, Judith Sloan and John West, and on January 19, 2019 for Laurie Mealy. All are eligible for reappointment. Mr. Keating, Mr. West and Ms. Mealy do want to be reappointed; however, Ms. Sloan does not want to be reappointed. There are no other applications for service on the Library Board.

Background:

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

Origination:

The reappointments originated with the City Clerk's Office.

Financial Consideration:

There is no financial consideration.

Staff Recommendation:

It is the staff recommendation that Mr. Keating, Mr. West and Ms. Mealy be reappointed to the Library Board.

Alternatives:

The alternative is to delay appointments to the Board.

Attachments

Roster

Fact Sheet

Applicant List

Nick Keating Reappointment Letter

John West Reappointment Letter

Laurie Mealy Reappointment Letter

Judith Sloan Reappointment Letter

MEMBERSHIP ROSTER

LIBRARY BOARD

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

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Lisa Hébert	4	A 3/20/2016	3/20/2019	1	Members are required to be residents of Sherman; have knowledge of Library Affairs and operations; and appreciate books.
Randy Hudson	4	A 4/7/2015 R 4/7/2018	4/7/2018 4/7/2021	1 2	
Laurie Mealy	1	A 1/19/2016	1/19/2019	1	
Nick Keating	4	A 1/8/2013 R 1/8/2016	1/8/2016 1/8/2019	1 2	
John West	1	A 1/8/2013 R 1/8/2016	1/8/2016 1/8/2019	1 2	
Ron Cassady	n/a	A 11/7/2017	11/7/2020	1	
Judith Sloan	4	A 1/8/2013 R 1/8/2016	1/8/2016 1/8/2019	1 2	

NOTE:

FACT SHEET

LIBRARY BOARD

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

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

CHAIRPERSON E VICE CHAIRPERSON SECRETARY E

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

=====

PURPOSE:

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

RESPONSIBILITIES:

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

APPLICANT LIST

Library Board

Positions Vacant 4

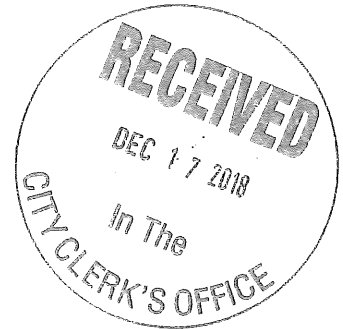
Applicant	Address	District	Qualifications
Nick Keating	418 Ridgeview Road	4	Current Member; Wishes to be Reappointed
John West	315 W. McGee	1	Current Member; Wishes to be Reappointed
Laurie Mealy	1109 N. Leslie	1	Current Member; Wishes to be Reappointed

COMMENTS:

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

December 5, 2018

Nick Keating
418 Ridgeview Road
Sherman, Texas 75092



RE: Library Board

Dear Mr. Keating:

Your term on the Library Board expires on January 8, 2019. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

A handwritten signature in cursive script that reads "Linda Ashby".

Linda Ashby
City Clerk

cc: Melissa Eason, Library Services Administrator

☒

I do wish to be considered for reappointment to this board

☐

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

A handwritten signature in cursive script that reads "Nick Keating".
Signature

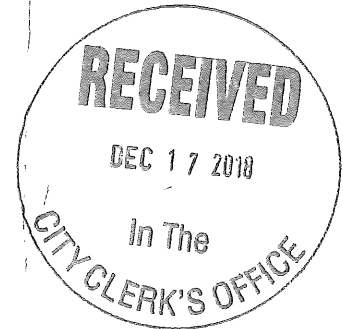
12-18-18
Date

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

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

December 5, 2018

John West
315 W. McGee
Sherman, Texas 75092



RE: Library Board

Dear Mr. West:

Your term on the Library Board expires on January 8, 2019. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby
City Clerk

cc: Melissa Eason, Library Services Administrator

X

I do wish to be considered for reappointment to this board

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

Signature

12/13/18

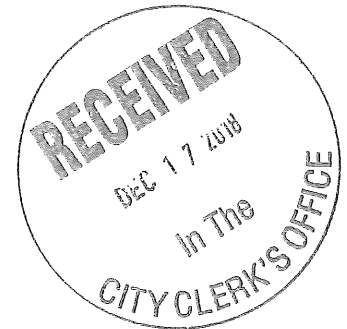
Date

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

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

December 5, 2018

Laurie Mealy
1109 N. Leslie
Sherman, Texas 75092



RE: Library Board

Dear Ms. Mealy:

Your term on the Library Board expires on January 19, 2019. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby
City Clerk

cc: Melissa Eason, Library Services Administrator

X

I do wish to be considered for reappointment to this board

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

Signature

Dec. 11, 2018

Date

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

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



December 5, 2018

Judith Sloan
1521 W. Shields
Sherman, Texas 75092

RE: Library Board

Dear Ms. Sloan:

Your term on the Library Board expires on January 8, 2018. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Melissa Eason, Library Services Administrator

_____ I do wish to be considered for reappointment to this board

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

Judith P. Sloan
Signature

Dec. 12, 2018
Date

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 01/07/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2019 Council Calendar

2019

JANUARY						
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AUGUST						
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DECEMBER						
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