

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JANUARY 7, 2013
5:00 P.M.**

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2 [PLEDGE OF ALLEGIANCE](#)
- A.3 [INVOCATION BY MAYOR CAROLYN S. WACKER](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 3, 2012](#)

Public Hearing

- B.1 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5760](#)
Repealing in its Entirety Ordinance No. 3149, Codified as Chapter 28 of the 1976 Edition of the Code of Ordinances, as Amended, entitled "Taxicabs"; Repealing in its Entirety Ordinance No. 4467; and Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", at Article 4.12, entitled "Vehicles for Hire"
- B.2 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5761](#)
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Used Automobile Sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 2810 Texoma Parkway, being 5.208 acres in the Reuben Hendrix Survey, Abstract No. 504 (Risk Family Partnership LTD., Owners; Blair Weaver, Representative; and Chad Norton, Tenant); Providing 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.3 [ADOPTION OF ORDINANCES](#)
Consider Adoption of Ordinance Numbers:
 - (a) 5760
 - (b) 5761
- B.4 [CONSENT AGENDA](#)
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

C.1 [RESOLUTION NO. 5733](#)

Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2013 (City of Sherman Project); Approving the Issuance Thereof, the Notice of Sale Prepared in Connection with the Public Offering of the Bonds, and the Facilities to be Constructed or Acquired by the Authority for the Benefit of the City

C.2 [RESOLUTION NO. 5734](#)

Awarding a Bid to and Authorizing Execution of a Contract with Lynn Vessels Construction, LLC for the S.H. 289 Water Main Construction

C.3 [* RESOLUTION NO. 5735](#)

Awarding a Bid to and Authorizing Execution of a Contract with Layne Christensen Company for the Shepherd Drive #1 Woodbine Well Repairs

Change Order

D.1 [* CHANGE ORDER NO. 1](#)

Surface Water Distribution Pipeline East, Schedule "A"; W. Brown Enterprises, Inc.; \$1,980.00, Increase

Other Business

D.2 [* OTHER BUSINESS](#)

Consider Request of the Neighborhood Recreational Committee to Temporarily Close Certain Streets for a Martin Luther King, Jr. Parade on Monday, January 21, 2013

D.3 [OTHER BUSINESS](#)

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Chairman Dean Gilbert, Jr. and SEDCO President Scott Connell

D.4 [OTHER BUSINESS](#)

Receive Presentation from City Engineer Clay Barnett on the City of Sherman's Environmental Code Compliance Program

D.5 [* OTHER BUSINESS](#)

Final Plat Approval of Creed Canyon Addition, being 11.11 acres in the John Jennings Survey, Abstract No. 647; Creed Canyon Partners, LTD., Owners; Matthew Looney, Representative; Vilbig & Associates, PLLC, Engineers/Surveyors; and Sartin & Associates, Inc., Surveyors (4000-4200 Blocks of North Travis Street and 100-200 Blocks of East Canyon Grove Road)

D.6 [CITIZEN REQUESTS](#)

D.7 [MEDIA QUESTIONS](#)

Consider Board/Commission Appointments

D.8 [APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS](#)

- (a) Library Board (3)

D.9 [COUNCIL COMMENTS](#)

Executive Session

E.1 [EXECUTIVE SESSION](#)

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

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

- (a) Receive the City Attorney’s Briefing on Pending Litigation

The Council reconvenes into General Session

F.1 [OPEN MEETING](#)

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

F.2 [ADJOURNMENT](#)

[COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. A.3

INVOCATION BY MAYOR CAROLYN S. WACKER



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 3, 2012

STATE OF TEXAS

§

December 3, 2012

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 3, 2012.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of November 19, 2012. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Smith. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5731 – AUTHORIZING THE PURCHASE OF A 2013 FORD F-350 CAB AND CHASSIS TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM BOB UTTER FORD

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2013 FORD F-350 CAB AND CHASSIS TRUCK FOR THE STREET MAINTENANCE DEPARTMENT FROM BOB UTTER FORD.

**RES 5731
VEHICLE PURCHASES**

Clay Barnett, City Engineer, explained that the City had the opportunity to bid the purchase of this vehicle locally. Bob Utter Ford's price was approximately \$250 more than the bid through BuyBoard. The ability to work with a local vendor, spur the economy, and take possession of the vehicle more quickly was a benefit to the City and he asked the Council to approve the purchase.

Mayor Wacker said the Council is always happy to work with local vendors.

ACTION TAKEN.

Motion by Council Member Plyler to approve Resolution No. 5731, as presented. Second by Council Member Sofey.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5732 – ACCEPTING THE CONTRACT WITH VESSELS CONSTRUCTION COMPANY, A DIVISION OF VESCOR, AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT PEAK FLOW PHASE II IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH VESSELS CONSTRUCTION COMPANY, A DIVISION OF VESCOR, AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT PEAK FLOW PHASE II IMPROVEMENTS.

CONSENT AGENDA.

RES 5732
WWTP PEAK FLOW
IMPROVEMENTS

OTHER BUSINESS

RECEIVE PRESENTATION FROM CUSTOMER SERVICE MANAGER ANGELA GURLEY ON AN INTERACTIVE VOICE RESPONSE SYSTEM FOR THE UTILITY BILLING DEPARTMENT

UTILITY BILLING
VOICE RESPONSE
SYSTEM

Angela Gurley, Customer Service Manager, briefed the Council on the Interactive Voice Response (IVR) System for the Utility Billing Department.

She explained that the City will enter into an agreement with Tele-Works for a system that will allow citizens to pay their utility bills over the telephone 24 hours a day, seven days a week. This will add to the other options for bill payment which include mail in, front counter, call into Utility Office and pay with a credit card, drop box, online through the website, and through bank and credit card drafts.

Customers will access the IVR System through a prompt in the voice mail system, through a 1-800 telephone number, or transferred by a Utility representative.

Tele-Works will provide the software integration and the training at no cost to the City. The agreement will be a transaction based agreement and each successful transaction will cost \$1.25, which will be paid by the customer. This is currently the same amount that the customer would pay online and by calling into the office.

Customers will get their account information in “real” time meaning they will get their current account balance. Payments can be made with VISA, MasterCard, Discover, and electronic checks. The system will also be in English and Spanish and will increase credit card security since the customer will be entering the information directly.

Ms. Gurley said the new system will also increase staff productivity with the speed processing a payment.

Tele-Works also offers a bonus enhancement of an outbound notification system, via phone, text, or email. This will allow the City to make automated, after-hour notification calls, which will help reduce the terminations for non-payment.

She also discussed ways the new IVR System will be advertised to citizens. The software integration and training will take about two months, so the system should be implemented by February 2013.

Council Member Smith verified that the \$1.25 fee is charged by the vendor and not a way for the City to make additional money. Mayor Wacker added that the fee is passed along to the customer.

RECEIVE CITY ATTORNEY BRANDON SHELBY'S BRIEFING ON THE CITY'S TAXICAB ORDINANCE

TAXICAB ORDINANCE

Brandon Shelby, City Attorney, briefed the City Council on the status of the City's Taxicab Ordinance. He asked for input from the Council on how to move forward with the taxicab ordinance.

The City of Sherman has a duty to protect the citizen's health, safety, and welfare, which is the purpose of a taxicab ordinance. Currently there are several taxicabs operating in the City and none are operating legally. The taxicab ordinance is on the books, but is unenforceable as it is. Even the rates haven't been updated since 1995.

The current ordinance has an application and licensing process. The application is cumbersome and would include a public hearing before the City Council. The Council would make the decision on who would operate a taxicab in Sherman and would issue the certificate of convenience and necessity. The ordinance is cumbersome and hard to enforce.

The current ordinance also has a system of insurance and inspection. Taxicabs are required to keep certain insurance certificates on file with the City and must be inspected monthly by the Police Department. That would be impossible to enforce with the City's current staff size and the financial constraints placed on the City.

The rates haven't been updated since 1995 and the current ordinance divides the City into several zones. Rates are based on the number of zones in which the taxicab travels. This would not only be hard to enforce, but hard for the taxicab company too. It would be hard to determine where one zone ends and another begins and it would be hard for citizens to know if they were being charged the correct rate.

Since the City is not enforcing the current taxicab ordinance, they are also not generating any revenue from it. The City has the power to charge a franchise fee and an application fee for the licensing. The current ordinance suggests a gross receipts tax which would mean that the taxicab companies would submit their accounting and pay 2% of that amount to the City. The City would be in charge of inspecting their books.

Mr. Shelby said there are ways to simplify the ordinance such as charge a flat franchise fee or charge only an application fee which would allow the City to “keep track” of who was operating a taxicab in the City.

He said having an ordinance on the books that the City can’t enforce does no one any good. Several times a year Mr. Shelby said legitimate taxicab companies call and ask about the City’s franchise ordinance and when they are told, they say they don’t want to do business in the City. It’s either too hard to obtain a license or they don’t want to charge rates that were established in 1995.

He suggested that, at the least, the Council should repeal the old ordinance. The Council will need to make the decision about whether or not the ordinance is replaced and if it is replaced, what the requirements will be.

Council Member Smith asked if the ordinance had to be replaced. Mr. Shelby said in Texas, cities are given the duty to have a taxicab ordinance, but they are given great flexibility as to what is included in the ordinance. Many cities in Texas don’t have taxicab ordinances.

Mr. Shelby added that it’s not a bad idea to keep track of taxicabs in Sherman, but the process should be streamlined and enforceable.

Council Member Smith asked Police Chief Tom Watt if they had received complaints about the current taxicab companies operating in Sherman. Chief Watt said they have not received complaints. George Olson, City Manager, confirmed that the City is not receiving complaints.

Mayor Wacker said the complaints she is aware of have actually come through the Texoma Area Paratransit System (TAPS) or the State’s Medicaid Office. There seems to be some correlation with citizens using taxicabs and medical service. She heard people were concerned about who was arriving to pick them up and the use of unmarked taxicabs.

Mayor Wacker’s main concern was that the ordinance not become cumbersome. She did want people to do business in Sherman but she wanted the taxicabs to be safe, reliable, licensed, and visible. They should be able to recommend a

taxicab company to various institutions or groups for after hour events. The City should be able to provide a list of reputable taxicab companies.

Mr. Shelby said it could be as simple as requiring the taxicab companies to apply and make assurances to the City that their cabs have passed a simple State inspection. The names of the cab drivers could be kept on file and they could be required to carry a certain level of liability insurance.

He did receive a complaint from a taxicab company last year about the City not having established fares. Mayor Wacker said the zone system is “crazy” and there is a need for flat fees or time-based fees.

Deputy Mayor Howeth said she would like some type of ordinance because otherwise anyone can put a sign on a car and be a taxicab. She felt taxicabs should be licensed, have insurance, and that a “safe” individual should be driving. Most organizations require some type of criminal background check. She said some form of ordinance is needed.

Mr. Shelby confirmed that the City Council wanted to repeal the current ordinance and asked him to come back at a future Council Meeting with an ordinance that is streamlined and that the City can enforce. Mayor Wacker, Deputy Mayor Howeth, and Council Member Johnson all supported the review of a new ordinance. Council Member Johnson felt it was important to be proactive instead of reactive.

RECEIVE THE SHERMAN CHAMBER OF COMMERCE'S PRESENTATION ON THE SHERMAN CHRISTMAS PARADE AND SNOWFLAKE FESTIVAL ON DECEMBER 7, 2012

Lauren Roth, Sherman Chamber of Commerce Events Coordinator, briefed the City Council on the upcoming Sherman Christmas Parade and Snowflake Festival. The event will be held Friday, December 7, 2012 with the Snowflake Festival beginning at 3:00 p.m. on the Downtown Square. The Christmas Parade will begin at 7:00 p.m.

Ms. Roth said this is the first year that the Sherman Chamber of Commerce has held the Christmas Parade and Snowflake Festival. In the past the Sherman Tourism Department has been responsible for the event.

This year, Women Rock will sponsor the float that includes Santa Claus and Ms. Roth said in the future the Chamber would like to see the proceeds go to whichever non-profit group sponsors the float with Santa Claus.

Mayor Wacker said the City is excited about the Chamber of Commerce sponsoring the event and appreciated the effort they have made. The tradition goes back many years and she felt the citizens enjoyed it very much.

**CHRISTMAS PARADE
& SNOWFLAKE
FESTIVAL**

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

MERRY CHRISTMAS

Council Member Sofey wished everyone a Merry Christmas, adding that between the City and the State, there have been a lot of improvements in Downtown Sherman and the parade will be a good opportunity for citizens to visit downtown and see the improvements.

MERRY CHRISTMAS

Council Member Smith wished everyone a Merry Christmas.

MERRY CHRISTMAS

Council Member Plyler wished everyone a Merry Christmas.

MERRY CHRISTMAS

Council Member Johnson wished everyone a Merry Christmas and encouraged everyone to support the Christmas Parade.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:21 p.m.

CITIZEN'S REQUESTS

MEDIA QUESTIONS

MERRY CHRISTMAS

MERRY CHRISTMAS

MERRY CHRISTMAS

MERRY CHRISTMAS

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5760

Repealing in its Entirety Ordinance No. 3149, Codified as Chapter 28 of the 1976 Edition of the Code of Ordinances, as Amended, entitled “Taxicabs”; Repealing in its Entirety Ordinance No. 4467; and Amending Chapter 4 of the Code of Ordinances, entitled “Business Regulations”, at Article 4.12, entitled “Vehicles for Hire”

Issue

The City’s standing taxicab ordinance is dated and unenforceable and should be repealed or amended.

Background

The City of Sherman currently has a rather lengthy and detailed City Ordinance governing the operation of taxicabs within the city limits. Ordinance No. 3149 was codified as Chapter 28 of the Code of Ordinances originally adopted in 1976 and was amended as recently as 1995. At some point since 1995, the City ceased enforcing the Ordinance. At the December 3, 2012 Council meeting, the Council directed the City Attorney to draft a new, more streamlined Ordinance that would be easier to understand and less cumbersome to enforce.

Origination

City Attorney

Financial Consideration

Application fee for taxicab permit shall be one hundred dollars (\$100.00) per vehicle paid annually and shall serve to defer some of the costs of administration of this Ordinance.

Staff Recommendation

Staff recommends the Council approve the Ordinance.

Alternatives

Council may make revisions to the proposed Ordinance.

Attachments

Ordinance No. 5760

Taxicab Zone Map

Ordinance No. 3149; Chapter 28 Code of Ordinances (1976 edition); Ordinance No. 4467

Prepared by:
Brandon S. Shelby, City Attorney

Approved by:
George Olson, City Manager

ORDINANCE NO. 5760

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 3149, CODIFIED AS CHAPTER 28 OF THE 1976 EDITION OF THE CODE OF ORDINANCES, AS AMENDED, ENTITLED "TAXICABS"; REPEALING IN ITS ENTIRETY ORDINANCE NO. 4467; AND AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", AT ARTICLE 4.12, ENTITLED "VEHICLES FOR HIRE"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Ordinance No. 3149, codified as Chapter 28 of the 1976 Edition of the Code of Ordinances, as amended, entitled "Taxicabs", is hereby repealed in its entirety.

SECTION 2. That Ordinance No. 4467, adopted at the October 30, 1995 City Council meeting, is hereby repealed in its entirety.

SECTION 3. That Chapter 4 of the Code of Ordinances of the City of Sherman, Texas, Article 4.12 entitled "Vehicles for Hire", be and is hereby amended so that such Article shall read as follows:

ARTICLE 4.12 VEHICLES FOR HIRE

Division 1. Generally

Sec. 4.12.001 Penalty for violations

Violations of this article are punishable as provided in section 1.01.009. (1991 Code, sec. 34-1)

Secs. 4.12.002–4.12.030 Reserved

Division 2. Taxicabs

Sec. 4.12.031 ~~Ordinances not affected by code~~ *Permit Required*

~~Nothing in this code or the ordinance adopting this code affects the validity of chapter 28 of the city code (1967 edition) as amended. (1991 Code, sec. 34-26).~~

No person shall operate any taxicab business within the City of Sherman without adhering to the permitting requirements set forth in this Code of Ordinances.

4.12.032 Definitions

For the purpose of this chapter, the following definitions shall apply:

Chauffeur. *The word “chauffeur” shall mean a person who physically operates a limousine.*

Limousine. *The word “limousine” shall refer to any chauffer driven motor vehicle that meets the manufacturer’s specifications for luxury limousine and provides limousine service as defined herein. No limousine shall engage in cruising or be operated on call or demand.*

Limousine service. *The phrase “limousine service” shall mean the service regularly rendered to the public, not of fixed routes, which furnishes transportation by chauffeured limousines for hire, based on a fee determined and contracted for by telephone or other prearrangement by the customer and the person offering limousine service.*

Operator. *The word “operator” shall mean one who is authorized by a company holding a valid permit from the City of Sherman to operate a taxicab for public hire.*

Passenger. *The word “passenger” shall mean and include and be construed to be a person riding in an automobile or vehicle for hire as distinguished from a person operating the same.*

Passenger, additional. *The phrase “additional passenger” shall mean any person, not a child under ten (10) years of age, traveling with the first passenger.*

Person; persons. *The words “person” or “persons” shall mean and include any person, individual, firm, association, partnership or corporation.*

Taxicab. *The word “taxicab” shall include any and all motor vehicles used for the transportation or carrying of passengers for hire within the limits of the City of Sherman (except vehicles engaged in interstate commerce, vehicles properly and legally licensed by the State of Texas to do a carrying business between established towns and cities within the state, vehicles providing paratransit service operated by a company or corporation that receives federal or state funding for said service, and vehicles providing limousine service as defined herein), and not operating on a fixed route.*

Taxicab business. *The phrase “taxicab business” shall include any “person” or “persons” as hereinabove defined, who has been issued a permit under this chapter from the City Clerk of the City of Sherman.*

4.12.033 Incorporation Required

Any taxi cab business wishing to operate within the city limits of the City of Sherman shall be registered as a corporation with the State of Texas.

4.12.034 *Commercial Insurance Required*

- (1) *It shall be unlawful for any taxicab business to operate or caused to be operated any taxicab within the City of Sherman unless said taxicab business shall have filed with the city clerk a commercial auto insurance policy as hereafter provided. No taxicab permit shall be issued to any taxicab business unless the city clerk shall have first approved such insurance policy.*
- (2) *All insurance policies to be filed with the city clerk shall be issued by an insurance company authorized to do business in the state of Texas and shall provide liability coverage for each taxicab owned, leased, or operated by the assured with liability coverage for personal injury, death, and property damage; said insurance coverage to be effective whether the taxicab was, at the time of the accident, being driven by the owner, his agent, employee, lessee, or licensee.*
- (3) *The policy of insurance shall clearly identify the vehicles covered by said policy.*

4.12.035 *Inspection and Registration*

It shall be unlawful for any taxicab business to operate or caused to be operated any taxicab within the City of Sherman unless said taxicab has valid automobile inspection and registration stickers as required by the State of Texas.

4.12.036 *Taxicab Permits; Form; Fee; Refund*

Taxicab permits shall be issued in the form of serially numbered certificates, bearing the signature of the City Clerk and the seal of the City of Sherman. Said certificate shall show the expiration date of the license, the name of the taxicab business owner, the name of the manufacturer of the vehicle, the year of the manufacture, and the number of the license plate issued by the State of Texas. Upon application of the taxicab business an annual permit fee of one hundred dollars (\$100.00) for each taxicab operated shall be due and payable. No refund shall be made for any permit fee paid under this Chapter.

4.12.037 *Application for a Taxicab Permit*

The application for a taxicab permit shall contain the following:

- (1) *Full name, address, and telephone number of the applicant and the names and addresses of the officers and directors of the taxicab business listed on incorporation documents filed with the Texas Secretary of State;*
- (2) *A complete description of each vehicle, including the number of persons it is constructed or built to carry, the year of manufacture, the model, the state license number, and a statement of the ownership of each vehicle;*

- (3) *The trade name under which applicant proposes to do business, and the color or distinctive design of the body, if any, of each vehicle proposed to be used;*
- (4) *The name and contact person for the company issuing commercial auto insurance on each vehicle proposed to be used;*
- (5) *Copy of commercial auto insurance policy for each vehicle proposed to be used as detailed herein;*
- (6) *Copy of valid Texas Driver's License for each intended taxicab operator;*
- (7) *Proof of incorporation of the taxicab business;*

4.12.038 *Issuance of Taxicab Permit*

Upon filing of said application, such taxicab permit(s) or a letter detailing the reason(s) for denial shall be issued within ten (10) business days following said application.

4.12.039 *Name of Taxicab Business; Signage; Display of Permit*

- (1) *No taxicab business shall operate under more than one business name.*
- (2) *All taxicabs operating within the City of Sherman shall maintain clearly visible signage on display on the outside of both left and right side of the taxicab identifying the name and telephone number of the taxicab business.*
- (3) *All taxicabs operating within the City of Sherman shall clearly display within the taxicab a current taxicab permit as issued under this Article for that particular taxicab.*

4.12.040 *Refusal of Passengers to Pay Fare*

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same, and it shall be unlawful for any person to hire a vehicle, herein defined as a taxicab, with the intent to defraud the person from whom it is hired for the value of such service.

4.12.041 *Receiving and Discharging Passengers*

Operators of taxicabs shall not receive or discharge passengers in the roadway of any street, but shall drive to the right hand curb as nearly as possible, or, in the absence of a curb, to the extreme right hand side of the road and there receive and discharge passengers, except upon one-way streets where the passengers may be discharged at either the right hand or left hand curb or side of the roadway in the absence of a curb.

4.12.42.1 Rates Established

- (1) *Taxi rates to be charged passengers for service within the corporate limits of the City of Sherman shall be consistent with this section and it shall be unlawful for any person operating such taxicab to charge any fare other than those rates adopted by this section.*
- (2) *Passengers shall be individually charged for service consistent with the rates established herein; provided however, when two (2) or more passengers have the same point of origin and destination, one fee based upon the rates established below plus one dollar (\$1.00) for each additional passenger above one passenger shall be charged for all passengers having the same point of origin and destination.*
- (3) *Service sought having its origin or destination outside the corporate limits of the City of Sherman shall be charged at a rate agreeable to and negotiated by passenger and operator of the taxicab.*
- (4) *Notwithstanding other provisions set forth in this section, travel between an origin and destination within the corporate limits of the City of Sherman shall be charged a flat rate of ten dollars (\$10.00).*

SECTION 4. That the revision of fees provided herein shall be effective from and after the effective date of this ordinance.

SECTION 5. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 6. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 7. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. 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 _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

EFFECTIVE DATE on this the _____ day of _____, 2013.

CITY OF SHERMAN, TEXAS

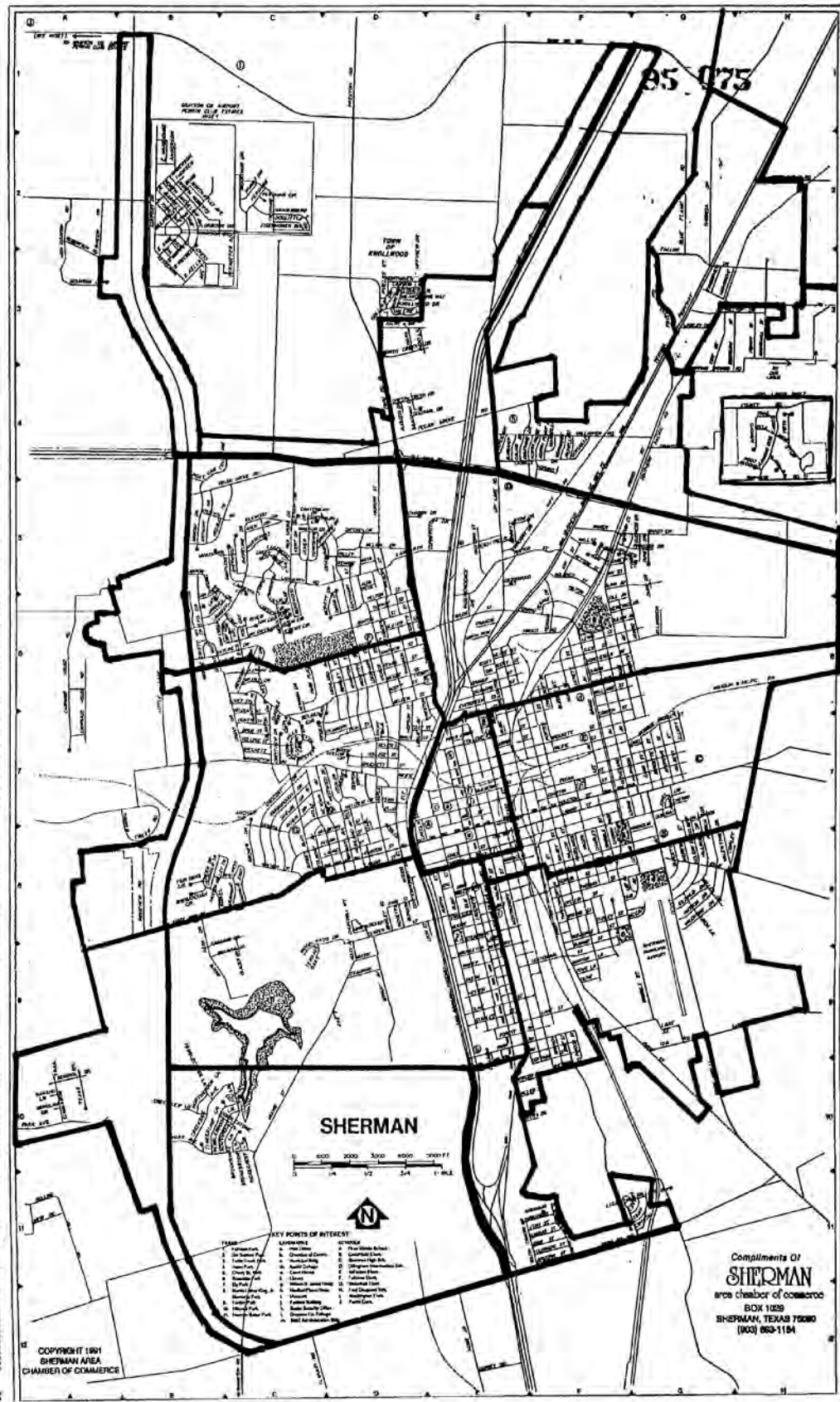
BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

[illegible]

ORDINANCE NO. 3149

AN ORDINANCE OF THE CITY OF SHERMAN, TEXAS, REPEALING ALL PRIOR ORDINANCES AND ENACTMENTS REGULATING THE SERVICE, RATES, AND LICENSING OF TAXI SERVICE WITHIN THE CITY AND ADOPTING A NEW ORDINANCE TO BE CODIFIED AS CHAPTER 28 PROVIDING FOR LICENSING PROCEDURES FOR TAXI COMPANIES, TAXI DRIVER-OPERATOR LICENSES, REQUIRING FRANCHISES FOR TAXI COMPANIES, LEVYING A GROSS RECEIPT TAX UPON SUCH COMPANIES, PROVIDING FOR STANDARDS FOR SERVICE, ESTABLISHING RATES TO BE CHARGED FOR SUCH SERVICE, PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE AND PROVIDING A SEVERABILITY CLAUSE.

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

SECTION 1: That all other ordinances and enactments by the City of Sherman, Texas, dealing with the franchising, licensing, services, and rates for taxi companies operating within said City be, and the same are hereby, in all things repealed.

SECTION 2: That there is hereby enacted a new ordinance, to be codified as Chapter 28 of the Code of Ordinances of the City of Sherman, Texas, regulating taxi service within said City, said Chapter to be enacted and read as follows:

Chapter 28

TAXICABS

Sec. 28-1. Franchise required.

No person shall operate any taxicab business within the City without first securing a franchise therefor from the City Council.

Sec. 28-2. Definitions.

For the purpose of this Chapter, the following definitions shall apply.

Driver. The word "driver" shall mean one who is authorized and licensed by a company holding a certificate of convenience and necessity as an operator of a taxicab for public hire.

Passenger. The word "passenger" shall mean and include and be construed to be a person riding in an automobile or vehicle for hire as distinguished from a person operating the same.

Passenger, additional. The words "additional passenger" shall mean any person, not a child in arms under three years of age, traveling with the first passenger.

Person; persons. The words "person" or "persons" shall mean and include any person, individual, firm, association, co-partnership or corporation.

Taxicab. The word "taxicab" shall include any and all motor vehicles used for the transportation or carrying of passengers for hire within the limits of the City of Sherman (except vehicles engaged in interstate commerce and vehicles properly and legally licensed by the Texas Highway Department to do a carrying business between established towns and cities within the state), and not operating on a fixed route.

Taxicab company. The words "taxicab company" shall include any "person" or "persons" as hereinabove defined, who has been issued a certificate of convenience and necessity by the City Council of the City of Sherman and has been duly licensed to carry on a taxi business in the City of Sherman.

Waiting time. The time when a taxicab is not in motion from the time of acceptance to the time of discharge of a passenger, exclusive of any time the taxicab is not in motion due to any cause other than the request, act or fault of the passenger. The first three minutes elapsing prior to the arrival of a passenger at the beginning of a trip shall not be considered as waiting time, and in no event shall time be considered as waiting time for any period prior to the time of arrival designated by the prospective passenger when requesting a taxicab.

Sec. 28-3. Licenses required.

Licenses required by the City of Sherman for the operation of taxicabs and taxicab companies shall include:

- (a) Certificate of convenience and necessity;
- (b) Individual taxicab licenses for each vehicle; and
- (c) Licenses for each driver-operator.

Sec. 28-4. Taxicab licenses; form; due date; fee; proration; refund.

Annual taxicab licenses shall be issued in the form of serially numbered certificates, bearing the signature of the city clerk and the seal of the City of Sherman. Said certificate shall show the expiration date of the license, the name of the owner and operator, the name of the manufacturer of the vehicle, the year of the manufacture, the engine number, and the number of the license plate

issued by the tax commission. Such taxicab licenses shall be obtained each year on or before May 1st for owners and operators operating within the City of Sherman. Upon application of the owner an annual license fee of fifteen dollars (\$15.00) for each taxicab operated shall be due and payable. License fees shall not be prorated for a fractional part of a fiscal period and no refund shall be made.

Sec. 28-5. Application for a taxicab license.

The application for a taxicab license shall contain the following:

- (a) Full name, address and age of the applicant, and his permanent business location; if a partnership, the name and address of the partners, if a corporation, the names and addresses of the officers and directors thereof.
- (b) A complete description of each vehicle, including the length of time the vehicle has been in use, the number of persons it is constructed or built to carry, the motive power, the model, motor and chassis number, state license number, and the seating capacity of each vehicle proposed to be used and a statement of the ownership of each vehicle, and the amount and name of the mortgagee, if encumbered.
- (c) The trade name under which applicant does, or proposes to do business, and the color or distinctive design of the body, if any, of each vehicle proposed to be used.
- (d) Whether or not the vehicle is equipped with safety glass in all doors, partitions, windows and windshields.
- (e) The name and local agent for the company issuing public liability and property damage insurance on each vehicle proposed to be used.

Sec. 28-6. Issuance of taxicab license; public hearing on convenience and necessity.

Upon the filing of said application for such license the matter of the hearing of said application shall be brought before the Mayor and City Council within a reasonable time thereafter, at which time the applicant shall show by proper proof the convenience and necessity for such license. Notice in writing at least ten (10) days prior to the date of such hearing shall first be given to all persons, partnerships or corporations engaged in the taxicab business in the City and operating under a city license, by the city clerk, by mail at their business addresses on file in the city clerk's office, of the time and place of said hearing, at which hearing they shall have an opportunity to be heard, as to the necessity and convenience of the public and their willingness and ability to meet any demands made upon them by the City. Notice of

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such hearing shall also be published in each issue of the official newspaper of the City for ten (10) days before said hearing and the applicant shall pay the cost thereof in advance to the city clerk.

In determining the necessity, convenience and requirements for such license, the Mayor and City Council shall take into consideration:

- (a) Whether the demands of public convenience and necessity require such proposed or additional taxicab service within the City.
- (b) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible, and satisfactory.
- (c) The number, kind, type and condition of equipment.
- (d) The number of taxicabs now operating in the City and the increased traffic congestion and demand for increased parking space upon the streets of the City by the public, both vehicular and pedestrian, which may result, and whether the safe use of the streets will be preserved.
- (e) And such other relevant facts as the Mayor and City Council may deem advisable and necessary.

In the event that the Mayor and City Council determine there is a necessity, convenience and requirement for such license, the companies licensed and actually and legally operating in the City at the time shall be given the first opportunity to add such proposed or additional taxicab service. Upon their failure, neglect or refusal to do so within a period of thirty (30) days, an order shall be entered in the minutes to that effect and directing the city clerk to issue a license to said applicant, upon compliance with this Chapter.

Any taxicab company, operating under a valid license at the time of the passage of this Chapter shall not be required to obtain a certificate of convenience and necessity.

Sec. 28-7. Name of taxicab company.

No company can operate under more than one (1) company name.

Sec. 28-8. Insurance required.

It shall be unlawful for any person, firm or corporation to operate or cause to be operated any taxicab within the City of Sherman unless the operator of such vehicle shall have filed with the city clerk an insurance policy as hereinafter provided. No taxicab license shall be issued to any operator unless the city clerk shall have first approved such insurance policy.

All insurance policies to be filed with the city clerk shall be issued by an insurance company authorized to do business in the State of Texas and shall provide liability insurance coverage for each taxicab owned, leased or operated by the assured with a liability coverage of at least ten thousand dollars (\$10,000.00) for the injury or death of any one person, and twenty thousand dollars (\$20,000.00) for the injury or death of any number of persons in any one accident, and with a coverage of five thousand dollars (\$5,000.00) for property damage in any one accident; said insurance coverage to be effective whether the taxicab was, at the time of the accident, being driven by the owner, his agent, employee, lessee or licensee.

Said policy shall further provide that it cannot be cancelled until ten (10) days' notice in writing of such cancellation shall have been filed with the city clerk. If said notice of cancellation is filed and the operator shall fail to provide within ten (10) days another policy of insurance, complying with the provisions hereof, then the license issued for such taxicab shall automatically become void and of no effect. The cancellation of any policy shall in no way affect or terminate any liability arising prior to the effective date of such cancellation.

The policy of insurance shall carry the name of the manufacturer of said taxicab, the year of manufacture, and the engine number thereof.

No cancellation notice shall be recalled by a letter of reinstatement.

There shall be attached to all liability insurance policies issued pursuant to the requirements of this section, the following endorsement, to wit:

"In consideration of the premium stated in the policy to which this endorsement is attached, the company hereby waives a description of the motor vehicles to be insured and agrees to pay, to the extent of the maximum amounts named in the policy, any final judgment for personal injury, including death, resulting therefrom, or damage to property caused by any and all motor vehicles operated by the assured as taxicabs within the City of Sherman, Texas, and further agrees that upon the assured's failure to pay any such final judgment, the judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. Nothing contained in the policy or any endorsement thereon, nor the violation of any of the provisions thereof by the assured, shall relieve the company from liability hereunder or from the payment of such judgment. The policy to which this endorsement is attached

shall not expire, nor shall cancellation take effect until ten (10) days' notice in writing by the company shall have been given to the city clerk at Sherman, Texas, said ten (10) days' notice to commence to run from the date notice is actually received at the office of the city clerk."

Said insurance policy shall contain a provision for continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, and provide that until the policy is revoked as herein provided, the insurance company will not be relieved from liability on account of nonpayment of premiums.

Sec. 28-9. Inspection of taxicabs.

All taxicabs will be required to undergo inspection each month by a qualified mechanic-inspector, appointed by the chief of police. All taxicabs will carry a certificate or card of a nature that will allow the inspecting officer to place the date of inspection and his initials thereon each time the taxicab is inspected. Any police officer may inspect any taxicab operating within the City of Sherman at any time. The mechanic-inspector shall maintain an inspection record which shall show all taxicabs being operated in the City of Sherman, the date of last inspection of each taxicab and the recommendations made by the mechanic-inspector in connection with each taxicab. The mechanic-inspector shall furnish to the city manager, the chief of police and the taxicab owner, each month, a copy of his inspection report. The copy furnished the taxicab owner shall be prominently displayed in the taxicab so as to be visible to any passenger in the taxicab. It shall be the duty of the mechanic-inspector, in connection with each inspection made, to inspect the mechanical condition of each taxicab and also inspect such taxicabs for cleanliness, comfort and efficiency of operation.

Sec. 28-10. Driver-operator licenses; form; display; applications; investigation and approval by police.

(a) License. No person shall drive a taxicab within the City of Sherman without a taxicab driver's license issued by said City and no person operating a taxicab within the City of Sherman shall permit such taxicab to be driven by any person who is not licensed by the City to drive taxicabs. The taxicabs drivers' licenses shall be issued by the chief of police. No license shall be issued to extend beyond the 30th day of the following April and shall be good for one year. No such license shall be issued to any person who does not have an unrevoked chauffeur's license issued by the State of Texas.

(b) Form; display. The license shall be on card of appropriate size. There shall be placed thereon in easily readable letters

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the name of the driver to whom it is issued and there shall be mounted thereon a photograph of the driver. No additional charge shall be made for the taking of the picture of the applicant by employees of the City and for the furnishing of the photograph and mounting the same on the license card. The driver's license card, enclosed in a container furnished by the City, shall be displayed on the front interior of the taxicab, above the windshield. Such driver's license card shall be displayed in such manner that the entire card, including the name and picture of the driver, shall be visible at all times to any person riding in any seat of the taxicab. No driver's license card shall be displayed other than the one issued to the driver who is on duty in that particular taxicab at that time. It shall be a violation of this Chapter for any driver to drive a taxicab at any time without displaying his driver's license card as herein provided. The driver shall be responsible for keeping his license card in good condition, and it shall be unlawful to display a torn or illegible card or one in which the photograph of the driver is defaced.

(c) Application. The application for a driver-operator's license shall contain the following information:

- (1) Name, age, sex, weight, height, color of eyes and hair of applicant, his residence or address and length of residence in the City and place of residence and employment during the past three (3) years.
- (2) Whether or not the applicant is now or has been heretofore licensed as a chauffeur or taxicab driver and, if so, when and by what state and whether such license has been revoked or suspended and the date of any revocation or suspension. The application shall also contain the name of the person by whom the applicant is employed.
- (3) The number of times and places arrested or convicted for traffic violations.
- (4) The experience the applicant has had in driving motor vehicles.
- (5) Whether or not the applicant has ever been convicted of a felony or misdemeanor with particulars of each conviction.
- (6) A health certificate after examination by a licensed physician, to the effect that the applicant is in good health and possessed of his normal faculties, shall be furnished and attached to said application.
- (7) Reference to three (3) reputable persons who have known the applicant for one (1) year or more immediately prior to such application.

(d) Investigation and approval of application by police. The chief of police shall cause an investigation to be made of the facts set forth in said application and shall not recommend approval of the

issuance of a license to any person whose general reputation for integrity and responsibility, or whose previous record as a law violator is such as to render the applicant unfit for such occupation or who, in the opinion of the examining physician, after examination, is not physically fit to drive or operate a taxicab.

The chief of police shall also cause such applicant for a driver's license to be examined as to the provisions of this Chapter and the traffic regulations and ordinances relating to traffic of the City and of the geography of the City and if the applicant fails to show a reasonable knowledge of such matters, the chief of police shall refuse to recommend approval and issuance of a license. Each such applicant must be required by the police department to demonstrate his skill and ability to safely handle a motor vehicle by driving it through a crowded section of the City, accompanied by an officer of the police department. If the applicant is found to be a fit and proper person to operate and drive a taxicab by the chief of police, according to the standard set forth herein, his application shall be approved by the chief of police.

Sec. 28-11. Revocation or suspension of a driver's license.

(a) Revocation. A driver's license shall be revoked by the chief of police for any of the following acts:

- (1) Upon conviction, after the issuance of the license, of a violation of any federal or state law.
- (2) For operating a taxicab while drinking.
- (3) For leaving the scene of an accident.
- (4) For permitting any other person to use his license.
- (5) For obliterating or erasing any official entry on his license.
- (6) Upon conviction of three major traffic violations during any one license year, a major traffic violation is hereby defined to be:
 - (a) Speeding.
 - (b) Reckless driving.
 - (c) Nonobservance of lights or signs.
 - (d) Improper parking.
 - (e) Making a left or U turn where not permitted.
 - (f) Driving on the wrong side of the street.
- (7) For the use of obscene or profane language in public in the presence or hearing of any passenger.

(b) Suspension. A driver's license may be suspended by the chief of police for a period not to exceed ninety (90) days for any of the following reasons:

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- (1) First and second offenses for any major traffic violation, as hereinabove defined.
- (2) Repeated infractions of minor traffic laws.
- (3) Failure or refusal to assist or cooperate with the law enforcement officers in the investigation of any accident or law violation.
- (4) Repeated failure to present a clean appearance while on duty.

(c) Police action when license revoked. Whenever a driver's license is revoked, the chief of police shall take up the driver's license and forward it to the city clerk, together with a reason for such revocation. No person whose license has been revoked shall be able to get a license until one year from the date of such revocation.

(d) Driver's right of appeal. In case of the revocation or suspension of a driver's license, the driver shall have the right to appeal to the Mayor and the City Council of the City of Sherman by immediately notifying the city clerk and thereafter presenting the matter at the next regular meeting of the Mayor and the City Council whose decision thereon shall be final.

(e) Supplementary provisions. The provisions of this section are supplementary to penalties provided in this Chapter.

Sec. 28-12. Revocation of owners' or drivers' licenses.

An owner's license or driver's license, or both, may be revoked for repeated failure of the owner or driver to charge the fare fixed by the City Council of the City of Sherman.

Sec. 28-13. Nonpaying passengers prohibited.

Any nonpaying passengers are prohibited from riding in any taxi vehicle during the operating hours, except employees and those expressly authorized by management.

Sec. 28-14. Refusal of passengers to pay fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same, and it shall be unlawful for any person to hire a vehicle, herein defined as a taxicab, with intent to defraud the person from whom it is hired for the value of such service.

Sec. 28-15. Gross receipts tax.

(a) There is levied and assessed against each holder of a certificate, including the current operator, a gross receipts tax in an amount equal to two per cent (2%) of the gross receipts of

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the permit-holders from the operation of their taxicabs for the carriage of passengers for hire within the City of Sherman. Such tax shall be payable in quarterly installments, one installment due on the 15th day of January, April, July and October for each calendar year, the amount so then payable to be determined upon the gross receipts as above specified for the preceding quarter of the calendar year. This tax shall accrue from and after the effective date of this Chapter; and for the purpose of ascertaining the gross earnings from which such payment shall be made, as aforesaid, an accurate account of such earnings shall be kept by the permittee, taxicab operator, and an abstract and account thereof furnished by it to the city manager of the City of Sherman at the time of paying each quarterly installment for such tax; provided that with the quarterly installment due on January 15th of each year, a full, complete and accurate account of the gross receipts for the preceding calendar year shall be furnished to the City of Sherman, and any discrepancy in the amount of the tax paid during the preceding year, together with the amount paid on the 15th day of January, for such preceding year, shall be adjusted at the time of making such payment. The truth of all such abstracts and accounts shall be verified by affidavit of the holder of the permit to operate taxicabs.

(b) For the purpose of verifying the gross receipts tax due and payable as well as for the purpose of determining the fairness of the rates charged by taxicab operators from time to time, the books of such taxicab operators shall, at all times, be open for inspection by the City Council of the City of Sherman, or any officer or person designated by the City Council for the purpose of investigating said books, and for the purpose of securing to the City of Sherman the payment of said gross receipts tax, the said City shall have a lien for the payment of said tax, and the same shall be charged upon all the property, estate and effects used by the permit-holder in pursuing the business of operating taxicabs used and located within the City of Sherman, and such lien may be enforced by said City by civil action in any court of appropriate jurisdiction; but nothing contained herein shall be held to impair the right of said City to enforce the terms and conditions of this Chapter by any appropriate lawful means.

Sec. 28-16. Contract agreement upon gross receipts.

Upon the approval and issuance of a certificate of public convenience and necessity, the city, and the holder of the certificate, shall agree by contract upon gross receipts due and payable.

Any person not required to secure a certificate by this Chapter shall agree with the City upon the amount of gross receipts due and payable by contract.

Sec. 28-17. Exclusive control of taxi.

The driver-operator of a taxi licensed under this Chapter shall retain exclusive control of his taxi at all times and may add additional passengers while the taxi is in hire; provided however, if a passenger desires to hire any taxi for uninterrupted use, the driver is hereby authorized to charge thirty-five cents (35¢) in addition to the fare authorized by this Chapter.

Sec. 28-18. Food and beverage in taxicab.

It shall be unlawful for drivers or passengers to carry open containers of food or beverage inside any taxicab.

Sec. 28-19. Receiving and discharging passengers.

Drivers shall not receive or discharge passengers in the roadway of any street, but shall drive to the right hand curb as nearly as possible, or, in the absence of a curb, to the extreme right hand side of the road and there receive and discharge passengers, except upon one way streets where the passengers may be discharged at either the right hand or left hand curb or side of the roadway in the absence of a curb.

Sec. 28-20. Rates established.

(a) Taxi rates to be charged passengers for service within the corporate limits of the City shall be consistent with this section and it shall be unlawful for any person driving such taxicab to charge any fare other than those rates adopted by this section.

(b) The rates for taxi service within the City shall be determined by the transporting of passengers within and between zones within the City. The zones hereby established shall be those which conform to the Map Appendix of this ordinance which is specifically incorporated herein by reference and attached hereto for all intents and purposes, a copy of which shall be kept at all times in the office of the city clerk and shall be made available for public inspection during routine office hours. Each taxi driver within the City shall keep a duly certified copy of such Map Appendix as adopted in the vehicle being operated and shall make the same available for inspection by passengers and potential passengers upon request.

(c) Passengers shall be individually charged for service consistent with the rates established below; provided however, when two or more passengers have the same point of origin and destination, one fee based upon the rates established below plus thirty-five cents (35¢) for each additional passenger above one passenger shall be charged for all passengers having the same point of origin and destination.

(d) Service sought having its origin or destination outside of the zoned areas and not included in the special schedule, but within the corporate limits of the City shall be charged at a rate agreeable to passenger and company; provided however, no such charge shall ever exceed the sum of three dollars fifty cents (\$3.50).

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(e) There shall be an additional charge of ten cents (10¢) per minute for waiting time, as defined herein. Also, there shall be an additional charge of twenty-five cents (25¢) for messages, and an additional charge of fifty cents (50¢) for parcels delivered by the company when no passenger accompanies in addition to the normal fare authorized herein.

(f) The following rates are hereby authorized and approved and said rates shall be the only lawful rates charged of passengers employing taxi service within the City of Sherman.

TRAVEL WITHIN THE CENTRAL BUSINESS DISTRICT	.75
TRAVEL WITHIN ANY ONE ZONE OTHER THAN CBD & EXTERIOR ZONE	.85
TRAVEL WITHIN ANY TWO ZONES, INCLUDING ONE EXTERIOR ZONE	1.35
TRAVEL WITHIN ANY THREE ZONES, INCLUDING EXTERIOR ZONES	1.85
TRAVEL WITHIN ANY FOUR ZONES, INCLUDING EXTERIOR ZONES	2.00
TRAVEL WITHIN ANY FIVE ZONES, INCLUDING EXTERIOR ZONES	2.30
TRAVEL FROM SPECIAL ZONE TO CBD, OR VICE VERSA	1.05
TRAVEL WITHIN ANY EXTERIOR ZONE	1.30
TRAVEL WITHIN ANY TWO EXTERIOR ZONES	1.55

The following schedule of base rates shall apply when the destination or origin of any fare appears below:

KAISER ALUMINUM	1.65
OLSON BODIES	1.65
OSCAR MAYER	1.65
YELLOW FREIGHT	1.65
FISCHER CONTROLS	1.65
TEXAS INSTRUMENTS	2.40

The fare for passengers having their origination or destination at one of the locations listed above shall be the corresponding base rate, plus the zone rate approved for the number of zones through which travel is required.

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SECTION 3. That this ordinance shall become effective seven (7) days from and after its final passage and publication.

PASSED AND APPROVED on this the 11 day of October, A.D. 1976.

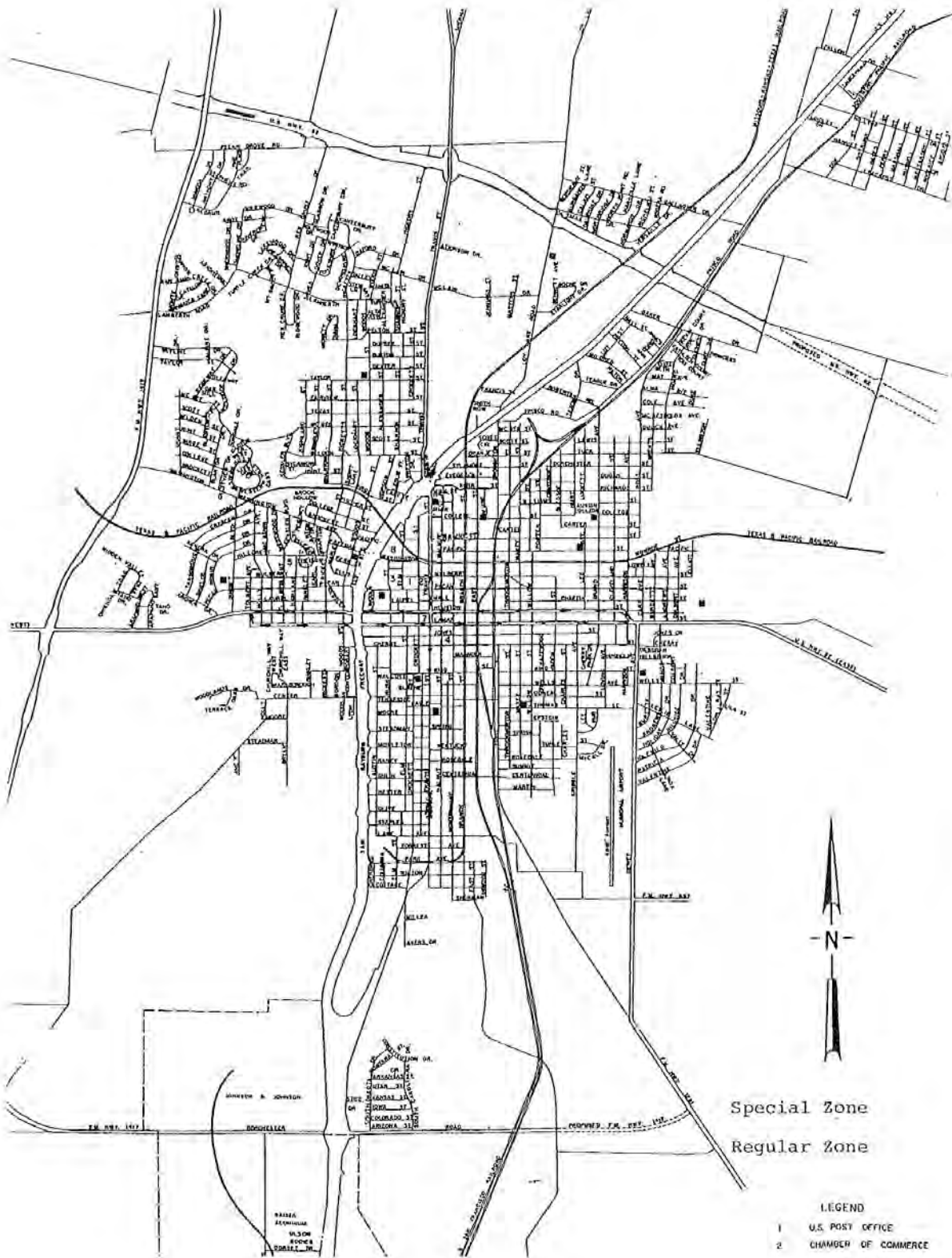
Herman Baker
MAYOR

ATTEST:

Jack Spears
CITY CLERK

APPROVED:

Sam Alkins
CITY ATTORNEY



Chapter 28

TAXICABS*

Sec. 28-1. Franchise required.

No person shall operate any taxicab business within the city without first securing a franchise therefor from the city council. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-2. Definitions.

For the purpose of this chapter, the following definitions shall apply.

Driver. The word "driver" shall mean one who is authorized and licensed by a company holding a certificate of convenience and necessity as an operator of a taxicab for public hire.

Passenger. The word "passenger" shall mean and include and be construed to be a person riding in an automobile or vehicle for hire as distinguished from a person operating the same.

Passenger, additional. The words "additional passenger" shall mean any person, not a child in arms under three (3) years of age, traveling with the first passenger.

Person; persons. The words "person" or "persons" shall mean and include any person, individual, firm, association, copartnership or corporation.

Taxicab. The word "taxicab" shall include any and all motor vehicles used for the transportation or carrying of passengers for hire within the limits of the City of Sherman (except vehicles engaged in interstate commerce and vehicles properly and legally licensed by the Texas Highway Department to do a carrying business between established towns and cities within the state), and not operating on a fixed route.

Taxicab company. The words "taxicab company" shall include any "person" or "persons" as hereinabove defined, who

*Editor's note—Ord. No. 3149, § 1, adopted Oct. 11, 1976, repealed former §§ 28-1—28-20, dealing with taxicabs. Section 2 of said Ord. No. 3149 added new §§ 28-1—28-20.
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has been issued a certificate of convenience and necessity by the city council of the City of Sherman and has been duly licensed to carry on a taxi business in the City of Sherman.

Waiting time. The time when a taxicab is not in motion from the time of acceptance to the time of discharge of a passenger, exclusive of any time the taxicab is not in motion due to any cause other than the request, act or fault of the passenger. The first three (3) minutes elapsing prior to the arrival of a passenger at the beginning of a trip shall not be considered as waiting time, and in no event shall time be considered as waiting time for any period prior to the time of arrival designated by the prospective passenger when requesting a taxicab. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-3. Licenses required.

Licenses required by the City of Sherman for the operation of taxicabs and taxicab companies shall include:

- (a) Certificate of convenience and necessity;
- (b) Individual taxicab licenses for each vehicle; and
- (c) Licenses for each driver-operator. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-4. Taxicab licenses; form; due date; fee; proration; refund.

Annual taxicab licenses shall be issued in the form of serially numbered certificates, bearing the signature of the city clerk and the seal of the City of Sherman. Said certificate shall show the expiration date of the license, the name of the owner and operator, the name of the manufacturer of the vehicle, the year of the manufacture, the engine number, and the number of the license plate issued by the tax commission. Such taxicab licenses shall be obtained each year on or before May 1st for owners and operators operating within the City of Sherman. Upon application of the owner an annual license fee of fifteen dollars (\$15.00) for each taxicab operated shall

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be due and payable. License fees shall not be prorated for a fractional part of a fiscal period and no refund shall be made. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-5. Application for a taxicab license.

The application for a taxicab license shall contain the following:

- (a) Full name, address and age of the applicant, and his permanent business location; if a partnership, the name and address of the partners, if a corporation, the names and addresses of the officers and directors thereof.
- (b) A complete description of each vehicle, including the length of time the vehicle has been in use, the number of persons it is constructed or built to carry, the motive power, the model, motor and chassis number, state license number, and the seating capacity of each vehicle proposed to be used and a statement of the ownership of each vehicle, and the amount and name of the mortgagee, if encumbered.
- (c) The trade name under which applicant does, or proposes to do business, and the color or distinctive design of the body, if any, of each vehicle proposed to be used.
- (d) Whether or not the vehicle is equipped with safety glass in all doors, partitions, windows and windshields.
- (e) The name and local agent for the company issuing public liability and property damage insurance on each vehicle proposed to be used. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-6. Issuance of taxicab license; public hearing on convenience and necessity.

Upon the filing of said application for such license the matter of the hearing of said application shall be brought before the mayor and city council within a reasonable time thereafter, at which time the applicant shall show by proper proof the convenience and necessity for such license. Notice in writ-

ing at least ten (10) days prior to the date of such hearing shall first be given to all persons, partnerships or corporations engaged in the taxicab business in the city and operating under a city license, by the city clerk, by mail at their business addresses on file in the city clerk's office, of the time and place of said hearing, at which hearing they shall have an opportunity to be heard, as to the necessity and convenience of the public and their willingness and ability to meet any demands made upon them by the city. Notice of such hearing shall also be published in each issue of the official newspaper of the city for ten (10) days before said hearing and the applicant shall pay the cost thereof in advance to the city clerk.

In determining the necessity, convenience and requirements for such license, the mayor and city council shall take into consideration:

- (a) Whether the demands of public convenience and necessity require such proposed or additional taxicab service within the city.
- (b) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible, and satisfactory.
- (c) The number, kind, type and condition of equipment.
- (d) The number of taxicabs now operating in the city and the increased traffic congestion and demand for increased parking space upon the streets of the city by the public, both vehicular and pedestrian, which may result, and whether the safe use of the streets will be preserved.
- (e) And such other relevant facts as the mayor and city council may deem advisable and necessary.

Any taxicab company, operating under a valid license at the time of the passage of this chapter shall not be required to obtain a certificate of convenience and necessity. (Ord. No. 3149, § 2, 10-11-76; Ord. No. 3188, § 1, 4-11-77)

Sec. 28-7. Name of taxicab company.

No company can operate under more than one company name. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-8. Insurance.

(a) [*Required.*] It shall be unlawful for any person, firm or corporation to operate or cause to be operated any taxicab within the City of Sherman unless the operator of such vehicle shall have filed with the city clerk an insurance policy as hereinafter provided. No taxicab license shall be issued to any operator unless the city clerk shall have first approved such insurance policy.

(b) [*Limits.*] All insurance policies to be filed with the city clerk shall be issued by an insurance company authorized to do business in the State of Texas and shall provide liability insurance coverage for each taxicab owned, leased or operated by the assured with a liability coverage of at least ten thousand dollars (\$10,000.00) for the injury or death of any one person, and twenty thousand dollars (\$20,000.00) for the injury or death of any number of persons in any one accident, and with a coverage of five thousand dollars (\$5,000.00) for property damage in any one accident; said insurance coverage to be effective whether the taxicab was, at the time of the accident, being driven by the owner, his agent, employee, lessee or licensee.

(c) [*Notice of cancellation.*] Said policy shall further provide that it cannot be cancelled until ten (10) days' notice in writing of such cancellation shall have been filed with the city clerk. If said notice of cancellation is filed and the operator shall fail to provide within ten (10) days another policy of insurance, complying with the provisions hereof, then the license issued for such taxicab shall automatically become void and of no effect. The cancellation of any policy shall in no way affect or terminate any liability arising prior to the effective date of such cancellation.

(d) [*Information required.*] The policy of insurance shall carry the name of the manufacturer of said taxicab, the year of manufacture, and the engine number thereof.

(e) [*Recall of cancellation notice.*] No cancellation notice shall be recalled by a letter of reinstatement.

(f) [*Endorsement.*] There shall be attached to all liability insurance policies issued pursuant to the requirements of this section, the following endorsement, to wit:

"In consideration of the premium stated in the policy to which this endorsement is attached, the company hereby waives a description of the motor vehicles to be insured and agrees to pay, to the extent of the maximum amounts named in the policy, any final judgment for personal injury, including death, resulting therefrom, or damage to property caused by any and all motor vehicles operated by the assured as taxicabs within the City of Sherman, Texas, and further agrees that upon the assured's failure to pay any such final judgment, the judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. Nothing contained in the policy or any endorsement thereon, nor the violation of any of the provisions thereof by the assured, shall relieve the company from liability hereunder or from the payment of such judgment. The policy to which this endorsement is attached shall not expire, nor shall cancellation take effect until ten (10) days' notice in writing by the company shall have been given to the city clerk at Sherman, Texas, said ten (10) days' notice to commence to run from the date notice is actually received at the office of the city clerk."

(g) [*Continuance of liability.*] Said insurance policy shall contain a provision for continuing liability thereunder to the

full amount thereof notwithstanding any recovery thereon, and provide that until the policy is revoked as herein provided, the insurance company will not be relieved from liability on account of nonpayment of premiums. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-9. Inspection of taxicabs.

All taxicabs will be required to undergo inspection each month by a qualified mechanic-inspector, appointed by the chief of police. All taxicabs will carry a certificate or card of a nature that will allow the inspecting officer to place the date of inspection and his initials thereon each time the taxicab is inspected. Any police officer may inspect any taxicab operating within the City of Sherman at any time. The mechanic-inspector shall maintain an inspection record, which shall show all taxicabs being operated in the City of Sherman, the date of last inspection of each taxicab and the recommendations made by the mechanic-inspector in connection with each taxicab. The mechanic-inspector shall furnish to the city manager, the chief of police and the taxicab owner, each month, a copy of his inspection report. The copy furnished the taxicab owner shall be prominently displayed in the taxicab so as to be visible to any passenger in the taxicab. It shall be the duty of the mechanic-inspector, in connection with each inspection made, to inspect the mechanical condition of each taxicab and also inspect such taxicabs for cleanliness, comfort and efficiency of operation. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-10. Driver-operator licenses.

(a) *License.* No person shall drive a taxicab within the City of Sherman without a taxicab driver's license issued by said city and no person operating a taxicab within the City of Sherman shall permit such taxicab to be driven by any person who is not licensed by the city to drive taxicabs. The taxicab drivers' licenses shall be issued by the chief of police. No license shall be issued to extend beyond the 30th day of the following April and shall be good for one year. Supp. No. 34

No such license shall be issued to any person who does not have an unrevoked chauffeur's license issued by the State of Texas.

(b) *Form; display.* The license shall be on card of appropriate size. There shall be placed thereon in easily readable letters the name of the driver to whom it is issued and there shall be mounted thereon a photograph of the driver. No additional charge shall be made for the taking of the picture of the applicant by employees of the city and for the furnishing of the photograph and mounting the same on the license card. The driver's license card, enclosed in a container furnished by the city, shall be displayed on the front interior of the taxicab, above the windshield. Such driver's license card shall be displayed in such manner that the entire card, including the name and picture of the driver, shall be visible at all times to any person riding in any seat of the taxicab. No driver's license card shall be displayed other than the one issued to the driver who is on duty in that particular taxicab at that time. It shall be a violation of this chapter for any driver to drive a taxicab at any time without displaying his driver's license card as herein provided. The driver shall be responsible for keeping his license card in good condition, and it shall be unlawful to display a torn or illegible card or one in which the photograph of the driver is defaced.

(c) *Application.* The application for a driver-operator's license shall contain the following information:

- (1) Name, age, sex, weight, height, color of eyes and hair of applicant, his residence or address and length of residence in the city and place of residence and employment during the past three (3) years.
- (2) Whether or not the applicant is now or has been heretofore licensed as a chauffeur or taxicab driver and, if so, when and by what state and whether such license has been revoked or suspended and the date of any revocation or suspension. The application shall also contain the name of the person by whom the applicant is employed.

- (3) The number of times and places arrested or convicted for traffic violations.
- (4) The experience the applicant has had in driving motor vehicles.
- (5) Whether or not the applicant has ever been convicted of a felony or misdemeanor with particulars of each conviction.
- (6) A health certificate after examination by a licensed physician, to the effect that the applicant is in good health and possessed of his normal faculties, shall be furnished and attached to said application.
- (7) Reference to three (3) reputable persons who have known the applicant for one year or more immediately prior to such application.
- (d) *Investigation and approval of application by police.*

The chief of police shall cause an investigation to be made of the facts set forth in said application and shall not recommend approval of the issuance of a license to any person whose general reputation for integrity and responsibility, or whose previous record as a law violator is such as to render the applicant unfit for such occupation or who, in the opinion of the examining physician, after examination, is not physically fit to drive or operate a taxicab.

The chief of police shall also cause such applicant for a driver's license to be examined as to the provisions of this chapter and the traffic regulations and ordinances relating to traffic of the city and of the geography of the city and if the applicant fails to show a reasonable knowledge of such matters, the chief of police shall refuse to recommend approval and issuance of a license. Each such applicant must be required by the police department to demonstrate his skill and ability to safely handle a motor vehicle by driving it through a crowded section of the city, accompanied by an officer of the police department. If the applicant is found to be a fit and proper person to operate and drive a taxicab by the chief of police, according to the standard set forth

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herein, his application shall be approved by the chief of police. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-11. Revocation or suspension of a driver's license.

(a) *Revocation.* A driver's license shall be revoked by the chief of police for any of the following acts:

- (1) Upon conviction, after the issuance of the license, of a violation of any federal or state law.
- (2) For operating a taxicab while drinking.
- (3) For leaving the scene of an accident.
- (4) For permitting any other person to use his license.
- (5) For obliterating or erasing any official entry on his license.
- (6) Upon conviction of three (3) major traffic violations during any one license year; a major traffic violation is hereby defined to be:
 - (a) Speeding.
 - (b) Reckless driving.
 - (c) Nonobservance of lights or signs.
 - (d) Improper parking.
 - (e) Making a left or U-turn where not permitted.
 - (f) Driving on the wrong side of the street.
- (7) For the use of obscene or profane language in public in the presence or hearing of any passenger.

(b) *Suspension.* A driver's license may be suspended by the chief of police for a period not to exceed ninety (90) days for any of the following reasons:

- (1) First and second offenses for any major traffic violation, as hereinabove defined.
- (2) Repeated infractions of minor traffic laws.

(3) Failure or refusal to assist or cooperate with the law enforcement officers in the investigation of any accident or law violation.

(4) Repeated failure to present a clean appearance while on duty.

(c) *Police action when license revoked.* Whenever a driver's license is revoked, the chief of police shall take up the driver's license and forward it to the city clerk, together with a reason for such revocation. No person whose license has been revoked shall be able to get a license until one year from the date of such revocation.

(d) *Driver's right of appeal.* In case of the revocation or suspension of a driver's license, the driver shall have the right to appeal to the mayor and the city council of the City of Sherman by immediately notifying the city clerk and thereafter, presenting the matter at the next regular meeting of the mayor and the city council whose decision thereon, shall be final.

(e) *Supplementary provisions.* The provisions of this section are supplementary to penalties provided in this chapter. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-12. Revocation of owners' or drivers' licenses.

An owner's license or driver's license, or both, may be revoked for repeated failure of the owner or driver to charge the fare fixed by the city council of the City of Sherman. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-13. Nonpaying passengers prohibited.

Any nonpaying passengers are prohibited from riding in any taxi vehicle during the operating hours. (Ord. No. 3149, § 2, 10-11-76; Ord. No. 3331, § 1, 6-18-79)

Sec. 28-14. Refusal of passengers to pay fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the same, and

it shall be unlawful for any person to hire a vehicle, herein defined as a taxicab, with intent to defraud the person from whom it is hired for the value of such service. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-15. Gross receipts tax.

(a) There is levied and assessed against each holder of a certificate, including the current operator, a gross receipts tax in an amount equal to two per cent (2%) of the gross receipts of the permit-holders from the operation of their taxicabs for the carriage of passengers for hire within the City of Sherman. Such tax shall be payable in quarterly installments, one installment due on the 15th day of January, April, July and October for each calendar year, the amount so then payable to be determined upon the gross receipts as above specified for the preceding quarter of the calendar year. This tax shall accrue from and after the effective date of this chapter; and for the purpose of ascertaining the gross earnings from which such payment shall be made, as aforesaid, an accurate account of such earnings shall be kept by the permittee, taxicab operator, and an abstract and account thereof furnished by it to the city manager of the City of Sherman at the time of paying each quarterly installment for such tax; provided that with the quarterly installment due on January 15th of each year, a full, complete and accurate account of the gross receipts for the preceding calendar year shall be furnished to the City of Sherman, and any discrepancy in the amount of the tax paid during the preceding year, together with the amount paid on the 15th day of January, for such preceding year, shall be adjusted at the time of making such payment. The truth of all such abstracts and accounts shall be verified by affidavit of the holder of the permit to operate taxicabs.

(b) For the purpose of verifying the gross receipts tax due and payable as well as for the purpose of determining the fairness of the rates charged by taxicab operators from time to time, the books of such taxicab operators shall, at all times, be open for inspection by the city council of the City of Sherman, or any officer or person designated by the city

council for the purpose of investigating said books, and for the purpose of securing to the City of Sherman the payment of said gross receipts tax, the said city shall have a lien for the payment of said tax, and the same shall be charged upon all the property, estate and effects used by the permit-holder in pursuing the business of operating taxicabs used and located within the City of Sherman, and such lien may be enforced by said city by civil action in any court of appropriate jurisdiction; but nothing contained herein shall be held to impair the right of said city to enforce the terms and conditions of this chapter by any appropriate lawful means. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-16. Contract agreement upon gross receipts.

(a) Upon the approval and issuance of a certificate of public convenience and necessity, the city, and the holder of the certificate, shall agree by contract upon gross receipts due and payable.

(b) Any person not required to secure a certificate by this chapter shall agree with the city upon the amount of gross receipts due and payable by contract. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-17. Exclusive control of taxi.

The driver-operator of a taxi licensed under this chapter shall retain exclusive control of his taxi at all times and may add additional passengers while the taxi is in hire; provided however, if a passenger desires to hire any taxi for uninterrupted use, the driver is hereby authorized to charge thirty-five cents (\$0.35) in addition to the fare authorized by this chapter. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-18. Food and beverage in taxicab.

It shall be unlawful for drivers or passengers to carry open containers of food or beverage inside any taxicab. (Ord. No. 3149, § 2, 10-11-76)

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Sec. 28-19. Receiving and discharging passengers.

Drivers shall not receive or discharge passengers in the roadway of any street, but shall drive to the right hand curb as nearly as possible, or, in the absence of a curb, to the extreme right hand side of the road and there receive and discharge passengers, except upon one-way streets where the passengers may be discharged at either the right hand or left hand curb or side of the roadway in the absence of a curb. (Ord. No. 3149, § 2, 10-11-76)

Sec. 28-20. Rates established.

(a) Taxi rates to be charged passengers for service within the corporate limits of the city shall be consistent with this section and it shall be unlawful for any person driving such taxicab to charge any fare other than those rates adopted by this section.

(b) The rates for taxi service within the city shall be determined by the transporting of passengers within and between zones within the city. The zones hereby established shall be those which conform to the map appendix of this article which is specifically incorporated herein by reference and attached hereto for all intents and purposes, a copy of which shall be kept at all times in the office of the city clerk and shall be made available for public inspection during routine office hours. Each taxi driver within the city shall keep a duly certified copy of such map appendix as adopted in the vehicle being operated and shall make the same available for inspection by passengers and potential passengers upon request.

(c) Passengers shall be individually charged for service consistent with the rates established below; provided however, when two (2) or more passengers have the same point of origin and destination, one fee based upon the rates established below plus thirty-five cents (\$0.35) for each additional passenger above one passenger shall be charged for all passengers having the same point of origin and destination.

(d) Service sought having its origin or destination outside of the zoned areas and not included in the special schedule, Supp. No. 34

but within the corporate limits of the city shall be charged at a rate agreeable to passenger and company; provided however, no such charge shall ever exceed the sum of five dollars (\$5.00).

(e) There shall be an additional charge of fifteen cents (\$0.15) per minute for first thirty (30) minutes and thirty cents (\$0.30) for each additional minute for waiting time as defined herein. Also, there shall be an additional charge of seventy-five cents (\$0.75) for messages, and an additional charge of one dollar (\$1.00) for parcels delivered by the company when no passenger accompanies in addition to the normal fare authorized herein.

(f) The following rates are hereby authorized and approved and said rates shall be the only lawful rates charged of passengers employing taxi service within the City of Sherman:

Travel within the central business district	\$2.25
Travel within any one zone other than CBD and exterior zone	2.50
Travel within any two (2) zones, including one exterior zone	4.00
Travel within any three (3) zones, including exterior zones	5.25
Travel within any four (4) zones, including exterior zones	6.50
Travel within any five (5) zones, including exterior zones	7.75
Travel from special zone to CBD, or vice versa	2.50
Travel within any exterior zone	4.00
Travel within any two (2) exterior zones	4.00
The following schedule of base rates shall apply when the destination or origin of any fare appears below:	
Kaiser Aluminum	5.25

§ 28-20	SHERMAN CODE	§ 28-21
	Olson Bodies	5.25
	Oscar Mayer	5.25
	Yellow Freight	5.25
	Fisher Controls	5.25
	Texas Instruments	5.25
	Johnson & Johnson	5.25
	Constitution Village	5.25
	Beyond Highway 1417	5.25
	Sher-Den Mall	5.25

The fare for passengers having their origination or destination at one of the locations listed above shall be the corresponding base rate, plus the zone rate approved for the number of zones through which travel is required. (Ord. No. 3149, § 2, 10-11-76; Ord. No. 3331, § 2, 6-18-79; Ord. No. 3518, § 1, 6-1-81; Ord. No. 3833, § 1, 6-24-85)

Sec. 28-21. Trip sheets.

Drivers are to maintain daily trip sheets that reflect such information as "odometer in," "odometer out," "total miles," "time in," "time out," "date," "vehicle number," "shift number," "driver," and a chart reflecting "trip number," "time," "from," "to," "miscellaneous," "number passengers," "fare," a copy of which is specifically incorporated herein by reference and attached hereto for all intents and purposes. (Ord. No. 3331, § 3, 6-18-79)

95-075

ORDINANCE NO. 4467

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 4294, TO PROVIDE FOR A REVISION IN TAXICAB RATES; PROVIDING FOR A REPEALER CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Ordinance No. 4294 of the City of Sherman, Texas, which amended Section 28-20 of Chapter 28 of the Sherman City Code (1967 Edition) to provide for a revision in taxicab rates, be amended at subsection (f) so that such ordinance shall read as follows:

- (f) The following standard rates are hereby announced and approved and said rates shall be the lawful rates charged of passengers employing taxi service within the City of Sherman. Lower rates may be established by municipal contract for special classes of passengers.

Travel within the central business district ~~\$3.25~~ \$3.50

Travel within any one zone other than CBD and exterior zone ~~\$3.50~~ \$4.00

Travel within any two (2) zones, including one exterior zone ~~\$5.00~~ \$5.75

Travel within any three (3) zones, including exterior zones ~~\$6.25~~ \$7.00

Travel within any four (4) zones, including exterior zones ~~\$7.50~~ \$8.25

Travel within any five (5) zones, including exterior zones ~~\$8.75~~ \$9.50

Travel within any six (6) zones, including exterior zones ~~\$10.00~~ \$10.75

Travel from special zone to CBD, or vice versa ~~\$3.50~~

Travel within any exterior zone \$5.50

Travel within any two (2) exterior zones \$5.00

The following schedule of base rates shall apply when the destination or origin of any fare appears below:

Kaiser Aluminum \$6.25 + Zones

Olson Bodies \$6.25 + Zones

Oscar Mayer \$6.25 + Zones

Yellow Freight \$6.25 + Zones

Fisher Controls \$6.25 + Zones

Texas Instruments \$6.25 + Zones

Johnson & Johnson \$6.25 + Zones

Constitution Village \$6.25 + Zones

Beyond Highway 1417 \$6.25 + Zones

Midway Mall \$6.25 + Zones

SECTION 2. That the revision of fees provided herein shall be effective from and after the effective date of this ordinance.

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 meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

1ST READING this the 10 day of OCTOBER, 1995.

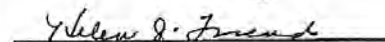
2ND READING this the 23 day of OCTOBER, 1995.

EFFECTIVE DATE: 30 day of OCTOBER, 1995.

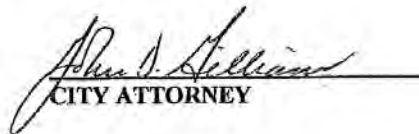
95,075


MAYOR

ATTEST:

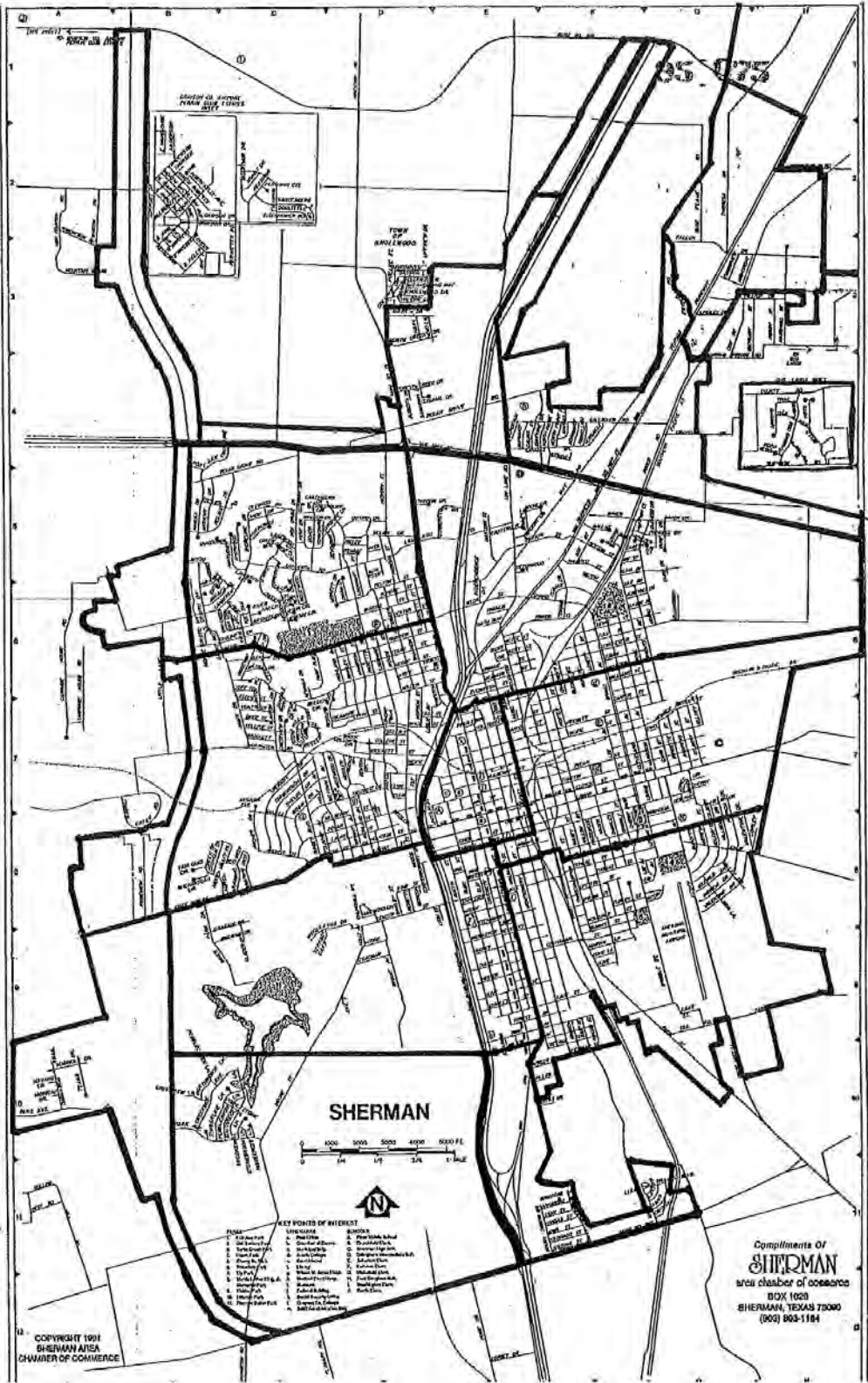

CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Street Index

A	Adams St.	101	Adams St.	101
B	Baker St.	102	Baker St.	102
C	Camden St.	103	Camden St.	103
D	Dexter St.	104	Dexter St.	104
E	East St.	105	East St.	105
F	Fair St.	106	Fair St.	106
G	Green St.	107	Green St.	107
H	Hill St.	108	Hill St.	108
I	Indiana St.	109	Indiana St.	109
J	Jackson St.	110	Jackson St.	110
K	Kennedy St.	111	Kennedy St.	111
L	Lafayette St.	112	Lafayette St.	112
M	Madison St.	113	Madison St.	113
N	Nash St.	114	Nash St.	114
O	Oak St.	115	Oak St.	115
P	Park St.	116	Park St.	116
Q	Quincy St.	117	Quincy St.	117
R	Railroad St.	118	Railroad St.	118
S	State St.	119	State St.	119
T	Tenth St.	120	Tenth St.	120
U	Union St.	121	Union St.	121
V	Vermont St.	122	Vermont St.	122
W	Washington St.	123	Washington St.	123
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Y	York St.	125	York St.	125
Z	Zion St.	126	Zion St.	126





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5761

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Used Automobile Sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 2810 Texoma Parkway, being 5.208 acres in the Reuben Hendrix Survey, Abstract No. 504 (Risk Family Partnership LTD., Owners; Blair Weaver, Representative; and Chad Norton, Tenant); Providing 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 Risk Family Partnership LTD. (Owners), Blair Weaver (Representative), and Chad Norton (Tenant) concerning the property at 2810 Texoma Parkway, being 5.208 acres in the Reuben Hendrix Survey, Abstract No. 504, to allow used automobile sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District

Background

The property is located at 2810 Texoma Parkway, north of U.S. Highway 82. The owners would like to construct an 800 square foot building to be used as an automobile sales office; the exterior finish on the building will be hardy board siding.

Origination

Risk Family Partnership LTD. (Owners); Blair Weaver (Representative); and Chad Norton (Tenant)

Board Recommendation

At the December 18, 2012 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5761

Location Map

Photograph

Site Plan

P&Z Communication Form

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW USED AUTOMOBILE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 2810 TEXOMA PARKWAY, BEING 5.208 ACRES IN THE REUBEN HENDRIX SURVEY, ABSTRACT NO. 504 (RISK FAMILY PARTNERSHIP LTD., OWNERS; BLAIR WEAVER, REPRESENTATIVE; AND CHAD NORTON, TENANT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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, Risk Family Partnership LTD (Owners), Blair Weaver (Representative) and Chad Norton (Tenant) are granted a Specific Use Permit to allow used automobile sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 2810 Texoma Parkway, 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 REUBEN HENDRIX SURVEY, Abstract No. 504, and being all of the same tract of land conveyed by E. L. McFall, et al to George Sophey by deed dated March 1, 1955, recorded in Volume 792, Page 251, Deed Records, Grayson County, Texas, and being all of the same tract of land conveyed by W. H. Ott et ux to said George Sophey by deed dated August 29, 1955,

recorded in Volume 86, Page 531 said Deed Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch steel rod found maintaining the Southeast corner of said tract described in Volume 816, Page 531, in the West right-of-way line of Texoma Parkway, also known as State Highway No. 91, said rod also maintaining the Northeast corner of the 0.982 acre tract of land conveyed by 208 Sentry Drive North, Ltd to PLZ Ltd, by deed dated June 12, 1996 recorded in Volume 2472, Page 216, Official Public Records, Grayson County, Texas;

THENCE North 29 deg. 38 min. 00 sec. West, a distance of 318.00 feet to a ½ inch steel rod set marking the Northeast corner of said tract described in Volume 792, Page 251;

THENCE North 60 deg. 22 min. 00 sec. West, a distance of 701.70 ft. to a ½ inch steel rod set marking the Northwest corner of said tract described in Volume 792, Page 251 in the East right-of-way line of the former M. K. & T. Railroad;

THENCE South 37 deg. 57 min. 41 sec. West, with said right-of-way line a distance of 311.96 ft. to a ½ inch steel rod found maintaining the Southwest corner of said tract described in Volume 816, Page 531, also being the Northwest corner of the 3.215 acre tract of land conveyed by 84 Lumber Company to Dr. Pepper Metroplex Refreshment company by Deed dated June 1, 1982, recorded in Volume 1604, Page 455, said Deed Records;

THENCE South 59 deg. 38 min. 57 sec. East along a chain link fence, passing a ½ inch steel rod found maintaining the Northeast corner of the said 3.215 acre tract and the Northwest corner of the said 0.982 acre tract and continuing for a total distance of 746.40 feet to the Point-of-Beginning and containing 5.208 acres of land, more or less.

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. Masonry or equivalent shall be required on the sides of all commercial buildings visible from the front street right-of-way unless an exception is granted. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding.
3. Automotive repairs will not be permitted at this site.
4. No outside parking or storage of dismantled vehicles, wrecks or parts is allowed.
5. Parking is permitted on paved surfaces only; a parking space is considered to be 9' x 20'.
6. All parking shall be on private property and shall not encroach into Texoma Parkway right-of-way.
7. The fire lane should be 24' wide and shall remain open at all times; parking is not permitted inside fire lane.
8. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).

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. Drive approaches shall conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department. Any modification to the existing drive approach will require TxDOT approval.

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 _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

EFFECTIVE DATE on this the _____ day of _____, 2013.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



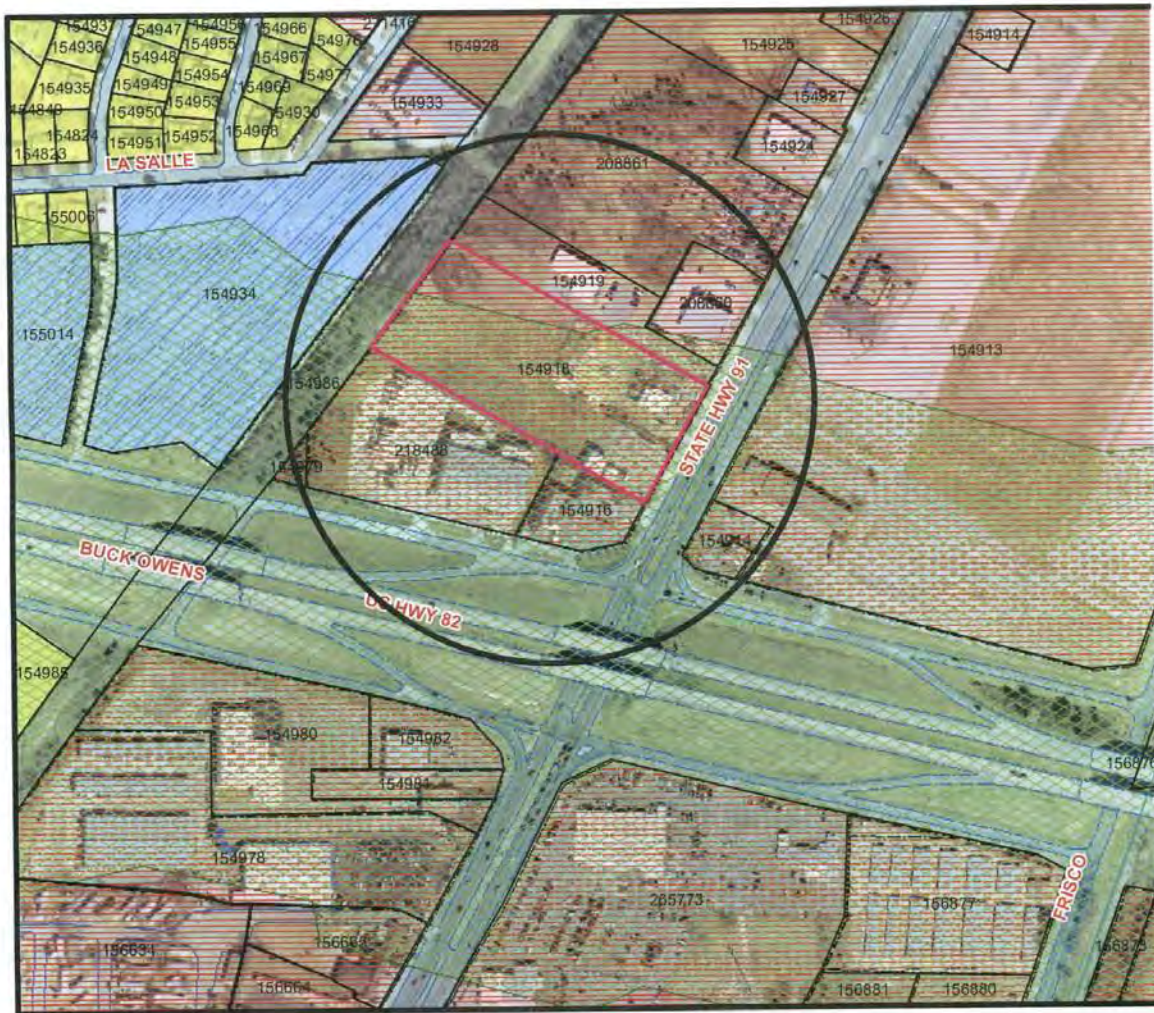
2810 Texoma Parkway

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 215 feet



Zoning - 2810 Texoma Parkway

Legend

--- C L SHERMAN CITY LIMITS	C-1 Retail Business District
O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT	C-2 General Commercial District
O 1.1 FM 1417 OVERLAY DISTRICT	M-1 Light Manufacturing District
O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT	R-A Single Family Agricultural District
C B D DOWNTOWN BUSINESS DISTRICT	SF-1 Single Family Residential District
C P O COLLEGE PARK OVERLAY DISTRICT	M-1.5 Medium Manufacturing District
A & C ARTS & CULTURAL OVERLAY DISTRICT	M-2 Heavy Manufacturing District
CO Office District	MH Manufacturing Housing District
R-1 One Family Residential District	Blalock Commercial District
R-2 Multi-Family Residential District	BIP Blalock Industrial Park

City of Sherman, Texas
Developmental Services Department

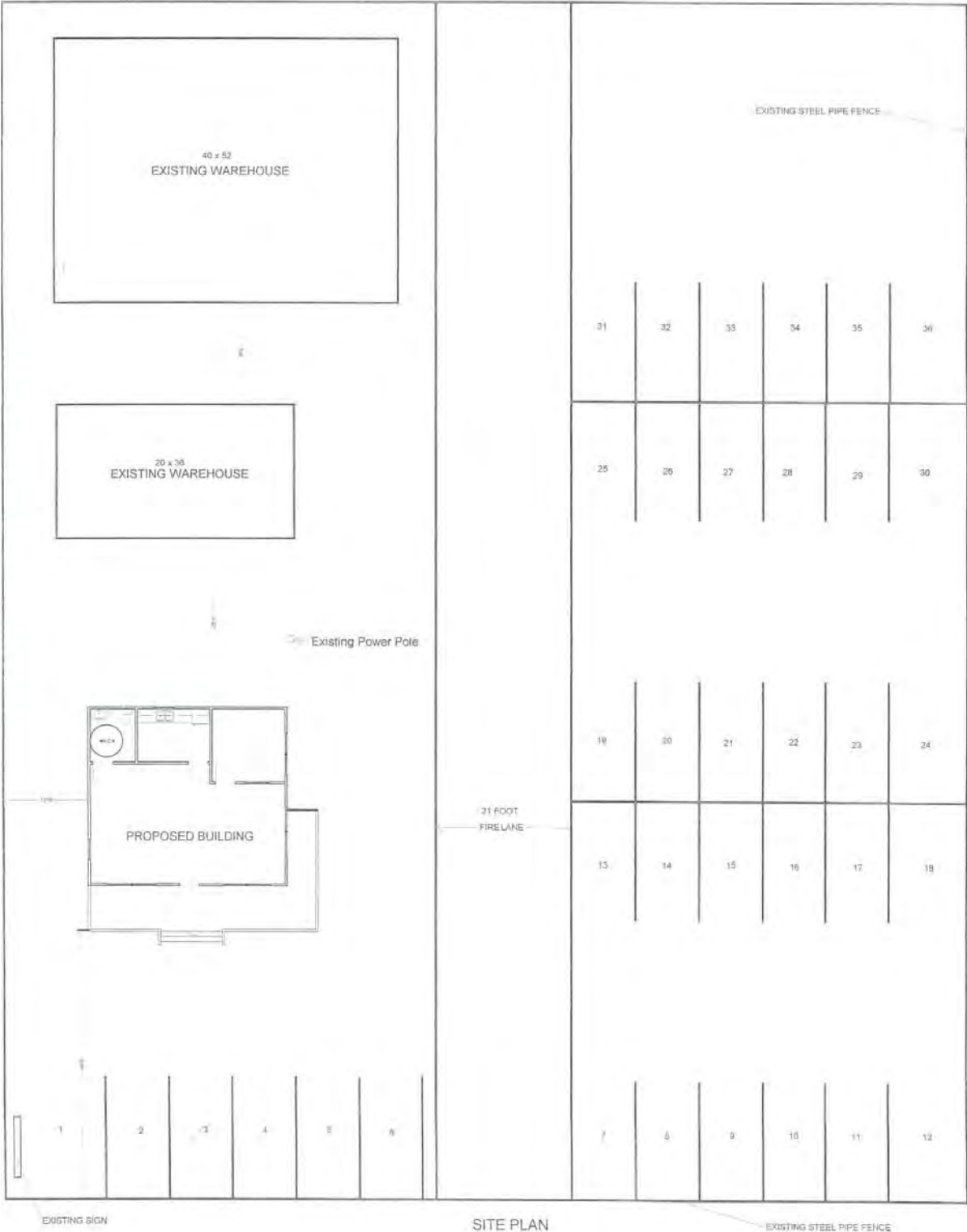
Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 343 feet

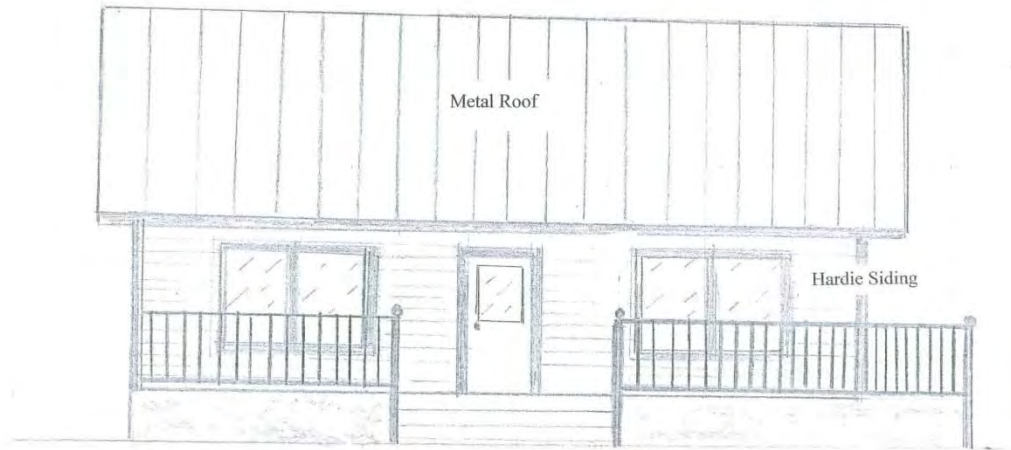
2810 Texoma Parkway



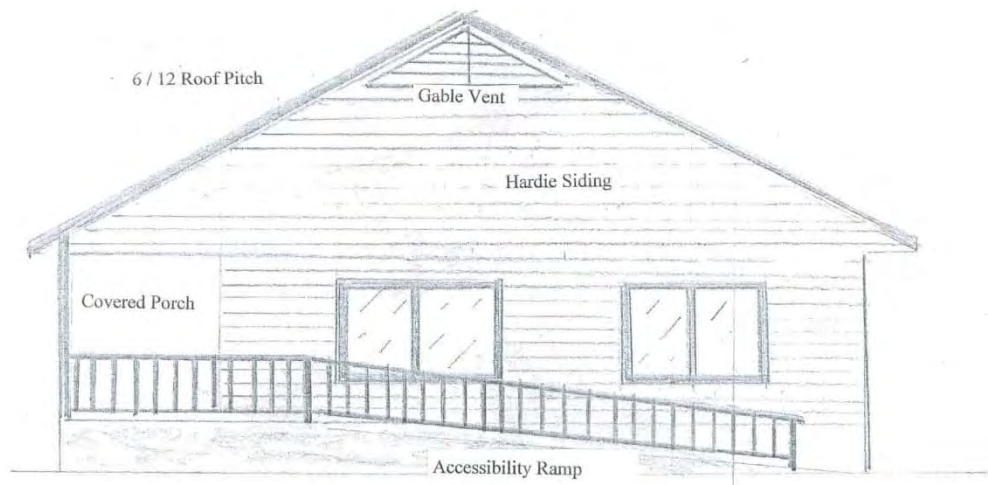


SITE PLAN

Architectural features include :
Arcades (recessed porch)
Peaked Roof
Articulated Cornice Line
Varied Roof Height



East Elevation



North Elevation

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
December 18, 2012
Don Hicks, Chairman

Joe Gilbert, Vice-Chairman
Brad Morgan, Commissioner
Darren Tankersley, Commissioner
Ron Barton, Commissioner

Richard Barber, Commissioner
Ryan Michael Kreck, Commissioner
Sam Thorpe, Commissioner
Ronnie Dutton, Commissioner

2810 Texoma Parkway
Being 5.208 acres in the Reuben Hendrix Survey, Abstract No. 504
Specific Use Permit & Site Plan

Requested Action/Proposed Use:

Planning and Zoning Commission

Specific Use Permit and site plan approval to allow used automobile sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District.

Background

The property is located at 2810 Texoma Parkway, north of U.S. Highway 82. The owner would like to construct an 800 square foot building to be used as an automobile sales office. The exterior finish on the building will be hardy board siding.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

Risk Family Partnership LTD (Owners), Blair Weaver (Representative) and Chad Norton (Tenant)

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:

8

Objections Received:

0

Attachments:

Location map

Photographs

Site Plan

Staff Review Letter

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services

**STAFF REVIEW LETTER**

December 12, 2012

Risk Family Partnership
102 S. Crockett St.
Sherman, TX 75090

Blair Weaver
244 E. Evergreen
Sherman, TX 75090

Chad Norton
463 Ridgeview Dr.
Sherman, TX 75090

Dear Applicants,

Your request for a Specific Use Permit and site plan approval to allow used automobile sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District located at 2810 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2012 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 zoning, 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. Masonry or equivalent shall be required on the sides of all commercial buildings visible from the front street right-of-way unless an exception is granted. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding.
3. Automotive repairs will not be permitted at this site.
4. No outside parking or storage of dismantled vehicles, wrecks or parts is allowed.
5. Parking is permitted on paved surfaces only; a parking space is considered to be 9'x20'.
6. All parking shall be on private property and shall not encroach into Texoma Parkway right-of-way.
7. The fire lane should be 24' wide and shall remain open at all times; parking is not permitted inside fire lane.
8. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
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. Drive approaches shall conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department. Any modification to the existing drive approach will require TxDOT approval.

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.

2810 Texoma Parkway – SUP & Site Plan – P&Z – 12/18/12

Respectfully,



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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Clay Barnett, City Engineer

Jamie Baggs, Fire Marshal
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. B.3

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5760 and 5761

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5760

Repealing in its Entirety Ordinance No. 3149, Codified as Chapter 28 of the 1976 Edition of the Code of Ordinances, as Amended, entitled "Taxicabs"; Repealing in its Entirety Ordinance No. 4467; and Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", at Article 4.12, entitled "Vehicles for Hire"

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5761

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Used Automobile Sales in a C-2 (General Commercial) District/O-1 (75 & 82) Overlay District at 2810 Texoma Parkway, being 5.208 acres in the Reuben Hendrix Survey, Abstract No. 504 (Risk Family Partnership LTD., Owners; Blair Weaver, Representative; and Chad Norton, Tenant); Providing 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

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. B.4

CONSENT AGENDA

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

C.3 * RESOLUTION NO. 5735

Awarding a Bid to and Authorizing Execution of a Contract with Layne Christensen Company for the Shepherd Drive #1 Woodbine Well Repairs

D.1 * CHANGE ORDER NO. 1

Surface Water Distribution Pipeline East, Schedule "A"; W. Brown Enterprises, Inc.; \$1,980.00, Increase

D.2 * OTHER BUSINESS

Consider Request of the Neighborhood Recreational Committee to Temporarily Close Certain Streets for a Martin Luther King, Jr. Parade on Monday, January 21, 2013

D.5 * OTHER BUSINESS

Final Plat Approval of Creed Canyon Addition, being 11.11 acres in the John Jennings Survey, Abstract No. 647; Creed Canyon Partners, LTD., Owners; Matthew Looney, Representative; Vilbig & Associates, PLLC, Engineers/Surveyors; and Sartin & Associates, Inc., Surveyors (4000-4200 Blocks of North Travis Street and 100-200 Blocks of East Canyon Grove Road)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. C.1

RESOLUTION NO. 5733

Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2013 (City of Sherman Project); Approving the Issuance Thereof, the Notice of Sale Prepared in Connection with the Public Offering of the Bonds, and the Facilities to be Constructed or Acquired by the Authority for the Benefit of the City

Issue

Approving bond issuance through Greater Texoma Utility Authority (GTUA) for \$3.72 million of improvements to the City's wastewater infrastructure

Background

The City has various upcoming wastewater improvement projects to be managed through GTUA. These projects include, but are not limited to, the Blalock sewer line replacement, Hwy 289 Sewer Line A, and biosolids facilities development. The combined cost of these projects will be about \$3.72 million.

To fund these projects, GTUA solicited bids for the bonds that are the basis for this agenda item. GTUA received six bids for this issue, with the lowest bid reflecting a 2.834% interest rate over twenty years. The bonds are scheduled to close and fund on January 24, 2013.

GTUA General Manager Jerry Chapman will be on hand to answer any questions or offer additional information as needed.

Origination

GTUA

Financial Consideration

Debt service on these bonds will be paid by the City to GTUA in accordance with the Contract for Water Supply and Sewer Service between the two entities. Funds for this contractual debt repayment are generated through the City's water and sewer revenues.

Staff Recommendation

It is recommended that the resolution be passed as presented, confirming GTUA's issuance of these bonds.

Alternatives

No viable alternatives can be suggested at this time.

Attachments

GTUA General Manager Jerry Chapman's Letter of December 14, 2012

Timetable for Bond Issuance

Bid Tabulation

Resolution No. 5733

Exhibit A – Series 2013 Wastewater Project Descriptions

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager



GREATER TEXOMA UTILITY AUTHORITY

5100 AIRPORT DRIVE
DENISON, TEXAS 75020-8448
903/786-4433
FAX: 903/786-8211
www.gtua.org

December 14, 2012

Mr. George Olson
City of Sherman
PO Box 1106
Sherman, TX 75091-1106

RE: Sale of GTUA/City of Sherman, Contract Revenue Bonds, Series 2013 (\$3.7 million)

Dear George:

On December 13, 2012, bids were received on the sale of the \$3.7 million GTUA/City of Sherman 2013 bond series. Garry Kimball, our financial advisor, has already provided a copy of the bids to you. The low bid of 2.834% achieved the expectation we had to sell these bonds at less than 3%.

The contract between the Authority and the City of Sherman requires the concurrence of the City Council for the closing of this transaction. Kristen Savant, our bond counsel, will provide the necessary documents for the City Council to consider. I would appreciate your placing this on an agenda in the near future for the City Council's consideration. I will plan to be present to answer any questions the Council may have. If you have any questions or need additional information, please advise and I will try to provide it to you.

Sincerely,

Jerry W. Chapman
General Manager

JWC:cc

cc: Robby Hefton, City of Sherman
Garry Kimball, Specialized Public Finance, Inc.
Kristen Savant, Fulbright & Jaworski



SPECIALIZED PUBLIC FINANCE INC.
FINANCIAL ADVISORY SERVICES

November							December							January						
				1	2	3							1			1	2	3	4	5
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26
25	26	27	28	29	30		23/30	24/31	25	26	27	28	29	27	28	29	30	31		

Greater Texoma Utility Authority (Sherman) Timetable for Issuance of Contract Revenue Bonds, Series 2013

- | | |
|-----------------------------|---|
| Friday, November 2, 2012 | • Preliminary Official Statement (POS) is electronically distributed for comments. |
| Monday, November 12, 2012 | • POS comments returned to FA. |
| Monday, November 19, 2012* | • Authority Board approves delegated sale authority. |
| | • Applications made for rating. |
| Thursday, November 29, 2012 | • Preliminary Official Statement (POS) is electronically posted on I-Deal. |
| Friday, December 7, 2012 | • Rating response due. |
| Thursday, December 13, 2012 | • Bid accepted for Series 2013 Bonds. General Manager awards sale pursuant to Delegation Authority. |
| Monday, January 7, 2013 | • City of Sherman consents to issuance of Series 2013 Bonds. |
| Thursday, January 24, 2013 | • Closing. Bond proceeds distributed according to Closing Instruction Letter. |

* Regular Authority Board Meeting.



**\$3,720,000 GREATER TEXOMA UTILITY AUTHORITY
CONTRACT REVENUE BONDS, SERIES 2013
(CITY OF SHERMAN PROJECT)**

Scaled Bids Due Thursday, December 13, 2012, at 9:30 AM, CST

Bidder	True Interest Cost	Submitted Via
FirstSouthwest	2.834624%	Parity
Sterne, Agee & Leach, Inc.	2.889237%	Parity
Raymond James & Associates, Inc.	2.920418%	Parity
BOSC, Inc.	3.046412%	Parity
Hutchinson, Shockey & Erley & Co.	3.300151%	Parity
SAMCO Capital Markets -Crews & Associates -BLN Securities -Coastal Securities -Stifel, Nicolaus & Co., Inc.	3.319808%	Parity



SPECIALIZED PUBLIC FINANCE INC.
FINANCIAL ADVISORY SERVICES

RESOLUTION NO. 5733

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2013 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE NOTICE OF SALE PREPARED IN CONNECTION WITH THE PUBLIC OFFERING OF THE BONDS, AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council has heretofore authorized the execution of a certain contract with the Greater Texoma Utility Authority (the "Authority") (formerly the Greater Texoma Municipal Utility District), and has entered into a contract entitled "Contract for Water Supply and Sewer Service" dated as of March 1, 1985 (the "Contract"); and

WHEREAS, under Section 4.15 of the Contract, it is provided that the City shall approve (i) the issuance by the Authority of any bonds that are to be payable (in whole or in part) from certain moneys that the City has contracted to pay under the provisions of the Contract, (ii) the "Notice of Sale" prepared in connection with the public sale of the bonds, and (iii) the facilities to be constructed, acquired and improved; and

WHEREAS, the net effective interest rate on the Bonds does not exceed the maximum permitted by law and it is now appropriate for this Council to approve the Notice of Sale with respect to the Bonds as well as the issuance and delivery of the Bonds, the Resolution of the Authority authorizing the Bonds (the "Bond Resolution"), together with the Pricing Certificate, dated December 13, 2012, executed pursuant to the Bond Resolution (the "Pricing Certificate"), and the project described in Exhibit A attached to the Bond Resolution (the "Series 2013 Project");

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

SECTION 1. That all of the above and foregoing recitals and preambles are found to be true and correct and made a part of this resolution for all purposes.

SECTION 2. That the facilities to be constructed, acquired, and improved by the Authority with the proceeds of the Bonds for the Series 2013 Project described in **Exhibit A** hereto and in Exhibit A attached to the Bond Resolution are hereby approved. The issuance of the Bonds by the Authority and the use of the proceeds thereof, as described in Exhibit A to the Bond Resolution, are hereby approved. The Bond Resolution and the Pricing Certificate are approved as to form and content, and the City acknowledges that the payment of principal of and interest on the Bonds is payable, in whole or in part, from payments to be made by the City under and pursuant to the Contract. The City Manager is authorized to execute any documents or certifications necessary to accomplish the delivery of the Bonds.

SECTION 3. That it is the purpose and intent of the City Council of the City to approve the Notice of Sale, dated November 30, 2012, and the Official Statement (with respect to the information contained therein with respect to the City).

SECTION 4. That, to the extent required by the purchaser of the Bonds or the Office of the Attorney General of Texas, the Authority is authorized by this City Council to make changes and revisions to the Bond Resolution and/or the Pricing Certificate from the forms approved by this Resolution in order to expedite the delivery of the Bonds. It is the intent of the City to authorize the Authority to proceed with the construction, acquisition, and improvement of the facilities at the earliest possible date, but nothing herein shall be construed as a limitation upon the right and power of the City to approve a change in the facilities for which the Bonds are to be issued, the City specifically reserving the right to modify the facilities for which the Bonds are being issued if the Authority and the City agree such modification should be made.

SECTION 5. That, in order to assist the Authority in complying with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the “Rule”), the City covenants and agrees as follows:

(a) **Annual Information.** The City will provide to the Authority, no later than March 1 of each year [or such other date as may be agreed to by the City and the Authority, but no later than six (6) months after its fiscal year end], while the City is an “obligated person” under the Rule, the information with respect to the City described in Tables 1 through 10 appearing in the Official Statement and Appendix C to the Official Statement relating to the Bonds. Any financial statements to be provided pursuant to this Section shall be (i) prepared in accordance with the accounting principles described in Appendix C to the Official Statement, (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not completed within such period, then the City shall provide notice to the Authority that the audited financial statements are not available and shall provide unaudited financial information of the type included in the Official Statement for the applicable fiscal year to the Authority by the required time. Thereafter, when and if audited financial statements are available, the City shall provide such audited financial statements as required to the Authority.

If the City’s fiscal year end differs from the Authority’s fiscal year end, the City shall provide the most recent year end annual information as well as cumulative current year to date information. The City shall notify the Authority if the City changes its fiscal year.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the Internet Web site of the Municipal Securities Rulemaking Board (“MSRB”) or filed with the United States Securities and Exchange Commission (“SEC”).

The City will notify the Authority as soon as possible if the information required by this Section cannot be provided in the above-specified time frame.

(b) Material Event Notice. To the extent applicable to the City as an “obligated person” under the Rule and in connection with the Bonds, the City agrees to notify the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers, or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of holders of the Bonds, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(c) Accuracy and Completeness. The City warrants that all information provided by it to the Authority pursuant to this Section will be accurate in all material respects to the best of its knowledge and belief. The City will provide the Authority with such information as the Authority may reasonably request to confirm the accuracy and completeness of any information provided by the City pursuant to this Section. If the Authority thereafter has reasonable grounds to question the completeness or accuracy of such information, the City will afford the Authority and its attorneys and agents, at the expense of the Authority, reasonable access to any and all records, documents, contracts, and other information which is in the custody or control of the City to confirm such accuracy and completeness. The Authority and its attorneys and agents shall maintain the confidentiality of all such information; unless required to be provided by the Authority to the MSRB, and except as otherwise provided by law. The City shall not be required to provide information or to allow access to its records which exceeds the standards applicable to

a due diligence inquiry in the preparation of an official statement in connection with the sale of Bonds or any Additional Bonds by the Authority.

(d) Limitations, Disclaimers and Amendments.

- (1) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Authority and the City each remain an Obligated Person, provided that the Authority and the City in any event will give notice of any payment or deposit of funds by either of such parties that causes the Bonds to be retired and defeased.
- (2) The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Authority and the City undertake to provide only the financial information, operating data, financial statements and notices which it has expressly agreed to provide pursuant to this Section and do not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Authority's or the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. Neither the Authority nor the City make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.
- (3) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.
- (4) The provisions of this Section may be amended by the City (with the written approval of the Authority) from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a

majority in aggregate principal amount (or any greater amount required by provisions of the Bond Resolution that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. If the provisions of this Section are so amended, the Authority shall include with any amended financial information or operating data next provided in accordance with the Bond Resolution an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

(e) Remedies. In the event the City fails or refuses to provide the information required by paragraphs (a) and (b) hereof, the Authority may enforce its right hereunder by an action for mandamus or specific performance; provided, however, before enforcing such remedies, the Authority shall give the City notice as provided herein and a reasonable opportunity to provide the requested information.

SECTION 6. Reporting of Significant Events. Upon the occurrence of any of the events described below, the City will promptly notify the Authority and provide information requested by the Authority pertaining to (i) an action, suit or other formal proceeding at law or in equity, against the City that would materially and adversely affect the City's financial condition or its ability to make payments under the Contract and (ii) any change in the City's financial condition or financing arrangements that would materially and adversely affect the City's financial condition or its ability to make payments under the Contract.

SECTION 7. That the Contract is reapproved in all respects and shall be and remain in full force as the agreement of the parties.

SECTION 8. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

SECTION 9. That this Resolution shall be effective from and after its adoption, and it is so resolved.

PASSED AND APPROVED on this the _____ day of _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

EXHIBIT A

Series 2013 Wastewater Project Descriptions

Wastewater Treatment Plan Improvements

Improvements to the wastewater treatment plant, including biosolids engineering, design and construction

Sewers

Construction of Blalock Industrial sewer replacement, all other appurtenances as necessary, and construction of SH289 Sewer Line A and other appurtenances as necessary



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. C.2

RESOLUTION NO. 5734

**Awarding a Bid to and Authorizing Execution of a Contract
with Lynn Vessels Construction, LLC for the S.H. 289 Water Main Construction**

Issue

Awarding the contract for the construction of the S.H. 289 Water Main to Lynn Vessels Construction, LLC

Background

The current Capital Improvement Program contains a project to construct a water main along the east side of S.H. 289 from U.S. Highway 82 south to the existing City Limits. Seven (7) bidders responded to the request for bids. The low bid in the amount of \$428,673.38 was submitted by Lynn Vessels Construction, LLC.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be provided by the Sherman Economic Development Corporation (SEDCO). This project may be funded through debt issued by the Greater Texoma Utility Authority on behalf of the City.

Staff Recommendation

It is recommended that the City award the contract to the low bidder, Lynn Vessels Construction, LLC, in the amount of \$428,673.38.

Alternatives

As may be directed by the Council

Attachments

Resolution No. 5734

Engineer's Recommendation with Bid Tabulation

Location Map

Prepared by:
Mark Gibson, Engineering and Utilities Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5734

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE S.H. 289 WATER MAIN CONSTRUCTION; 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 Lynn Vessels Construction, LLC is hereby awarded the bid in the total amount of Four Hundred Twenty-Eight Thousand Six Hundred Seventy-Three Dollars and Thirty-Eight Cents (\$428,673.38) for construction of the S.H. 289 Water Main along the east side of S.H. 289, from U.S. Highway 82 south to the existing City Limits; 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 Lynn Vessels Construction, LLC for the S.H. 289 Water Main construction.

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.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

MORRIS ENGINEERS

December 13, 2012

Mark Gibson, P.E.
Director of Utilities and Engineering
City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106

**RE: SH 289 Waterline from U.S. 82 south to the city limits of Sherman, Texas
Recommendation of Award**

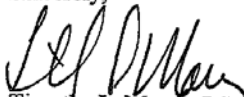
Dear Mark,

Bids were accepted today for the construction of the SH 289 waterline from U.S. 82 south to the Sherman city limits. The bids were in response to an Advertisement for Bids dated 11/9/12, which was published in a newspaper by the staff of your office. Individual bidding notices were mailed from our office to fourteen (14) contractors. During the bidding period, eight (8) prospective contractors and two (2) suppliers picked up plans and specifications. A total of seven (7) bids were received. Enclosed is a tabulation of those bids.

The lowest bid was submitted by Lynn Vessels Construction, LLC, for the amount of \$428,673.38. They are a responsible contractor who has completed numerous projects for Sherman; therefore, I recommend that you award the project to Lynn Vessels Construction, LLC, for the amount bid.

I have enclosed a Notice of Award for your use in so awarding the project. If you will sign, date, and return the notice to us, we will forward it to the contractor along with contracts for execution.

Sincerely,



Timothy L. Morris, P.E.

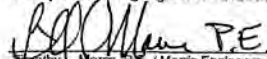
Encl.

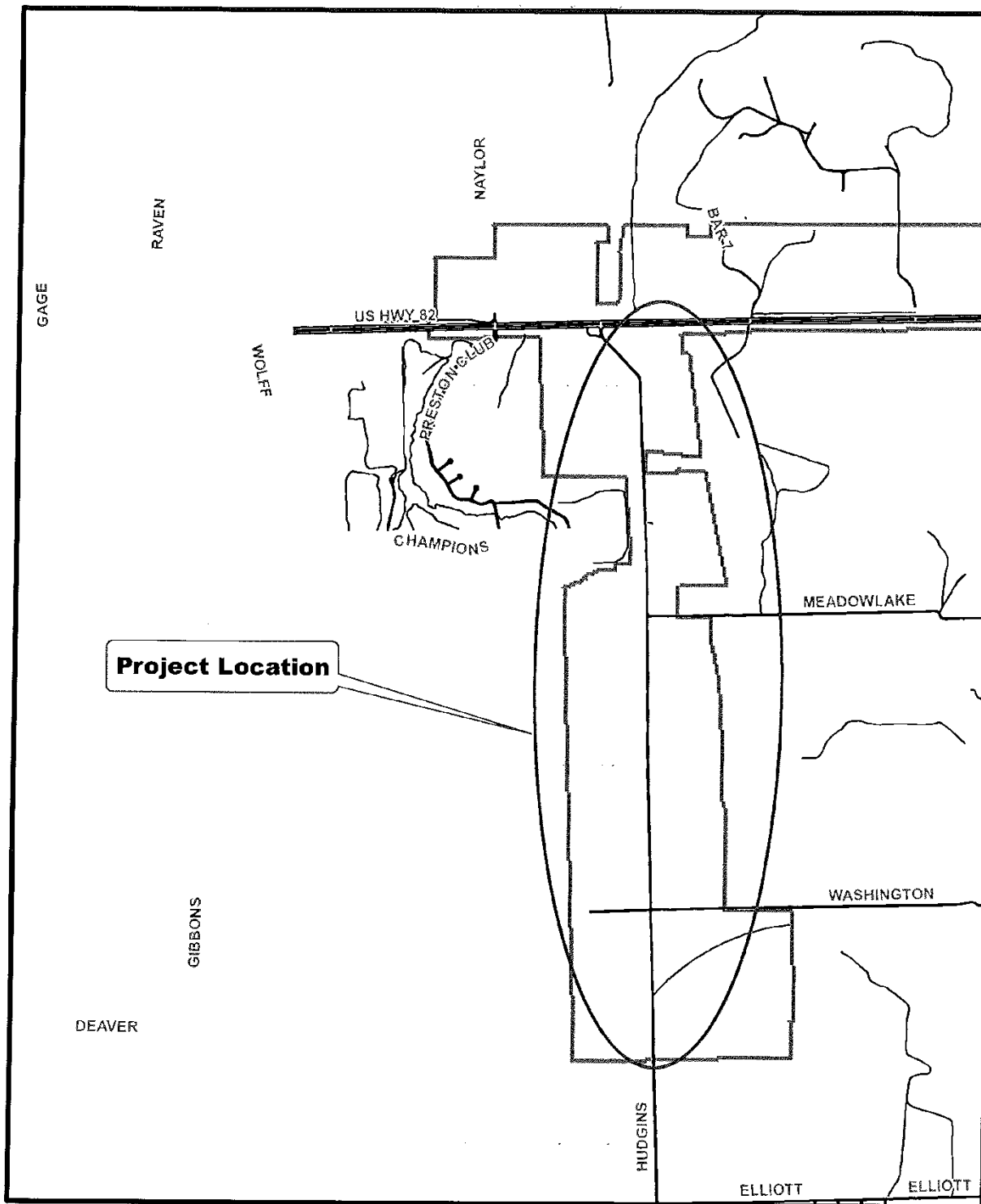
c: Lynn Vessels Construction, LLC
Project file

BID TABULATION
CITY OF SHERMAN
CONSTRUCTION OF SH 289 WATERLINE
BID OPENING: DECEMBER 13, 2012 AT 10:00 A.M.

ITEM NO	ITEM DESCRIPTION	QTY.	UNIT	LYNN VESSELS CONST. LLC P.O. BOX 1212 SHERMAN, TX 75091		VESSELS CONSTRUCTION P.O. BOX 28 SHERMAN, TX 75091		JERRY PAUL HIGGINS, LTD P.O. BOX 1865 SHERMAN, TX 75091		DICKERSON CONSTR. CO. P.O. BOX 181 CELINA, TX 75009		W. BROWN ENTERPRISES INC. 2005 N. FIRST AVE. DURANT, OK 74701		KART CONSTRUCTION CO. 124 S. NORWOOD DR. HURST, TX 76053		MITCHELL ENTERPRISES, LTD. 700 N. CROCKETT SHERMAN, TX 75090	
				UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST
1	F&I 12" DIA. WATER PIPELINE	12630	LF	\$ 21.45	\$ 270,913.50	\$ 22.30	\$ 281,849.00	\$ 23.25	\$ 293,847.50	\$ 28.75	\$ 337,852.50	\$ 40.00	\$ 505,200.00	\$ 30.30	\$ 382,689.00	\$ 43.86	\$ 553,951.80
2	F&I 12" DIA. GATE VALVES	13	EA	\$ 1,775.20	\$ 23,077.60	\$ 1,682.08	\$ 21,867.04	\$ 1,670.59	\$ 21,717.67	\$ 1,750.00	\$ 22,750.00	\$ 2,500.00	\$ 32,500.00	\$ 2,067.00	\$ 27,181.00	\$ 2,343.41	\$ 30,464.33
3	F&I FIRE HYDRANT ASSY.	13	EA	\$ 3,052.00	\$ 39,676.00	\$ 2,960.00	\$ 38,480.00	\$ 3,076.00	\$ 40,014.00	\$ 3,350.00	\$ 43,550.00	\$ 3,250.00	\$ 42,250.00	\$ 4,124.00	\$ 53,612.00	\$ 4,350.81	\$ 56,677.53
4	F&I CEMENT LINED DUCTILE IRON FITTINGS	1	LOT	\$ 9,520.00	\$ 9,520.00	\$ 7,651.86	\$ 7,651.86	\$ 10,316.00	\$ 10,316.00	\$ 11,600.00	\$ 11,600.00	\$ 10,500.00	\$ 10,500.00	\$ 8,227.00	\$ 8,227.00	\$ 13,322.40	\$ 13,322.40
5	ADD FOR BORE ROAD XINGS AND INSTALL 12" PVC PIPE	390	LF	\$ 94.02	\$ 36,667.80	\$ 82.85	\$ 24,511.50	\$ 121.00	\$ 47,190.00	\$ 105.00	\$ 40,950.00	\$ 100.00	\$ 39,000.00	\$ 103.30	\$ 40,287.00	\$ 146.01	\$ 56,843.90
6	F&I COMBINATION AIR VALVE ASSY.	2	EA	\$ 3,024.00	\$ 6,048.00	\$ 2,815.38	\$ 5,630.76	\$ 1,824.00	\$ 3,648.00	\$ 2,950.00	\$ 5,900.00	\$ 5,500.00	\$ 11,000.00	\$ 3,962.00	\$ 7,924.00	\$ 5,474.96	\$ 10,949.92
7	REPLACE/RESTORE FENCE TO HWY ROW																
7A	4" wood posts w/2"x4" plank	488	LF	\$ 12.88	\$ 6,285.44	\$ 11.13	\$ 5,431.44	\$ 14.30	\$ 6,978.40	\$ 15.00	\$ 7,320.00	\$ 15.00	\$ 7,320.00	\$ 16.25	\$ 9,394.00	\$ 24.87	\$ 12,136.56
7B	Iron T-posts w/32" field wire	220	LF	\$ 3.58	\$ 787.60	\$ 4.90	\$ 1,078.00	\$ 4.95	\$ 1,089.00	\$ 13.00	\$ 2,860.00	\$ 10.00	\$ 2,200.00	\$ 11.75	\$ 2,585.00	\$ 6.62	\$ 1,456.40
7C	2" pipe rail and posts w/cable strands	464	LF	\$ 12.32	\$ 5,718.48	\$ 13.76	\$ 6,364.64	\$ 14.30	\$ 6,635.20	\$ 23.00	\$ 10,672.00	\$ 20.00	\$ 8,280.00	\$ 25.55	\$ 11,901.60	\$ 41.51	\$ 19,299.84
7D	2" pipe rail and posts w/2"x4" woven wire mesh	351	LF	\$ 12.32	\$ 4,324.32	\$ 17.12	\$ 6,009.12	\$ 14.30	\$ 5,019.30	\$ 25.00	\$ 8,775.00	\$ 15.00	\$ 5,295.00	\$ 21.80	\$ 7,689.80	\$ 50.07	\$ 17,574.57
7E	6" wood posts w/4" dressed round wood rails	1808	LF	\$ 14.28	\$ 22,952.24	\$ 13.23	\$ 21,273.84	\$ 15.40	\$ 24,763.20	\$ 17.00	\$ 27,336.00	\$ 15.00	\$ 21,120.00	\$ 18.15	\$ 29,195.20	\$ 24.08	\$ 38,720.64
8	Trench excavation protection	12240	LF	\$ 0.06	\$ 734.40	\$ 0.30	\$ 3,672.00	\$ 0.05	\$ 612.00	\$ 0.50	\$ 6,120.00	\$ 0.50	\$ 6,120.00	\$ 0.45	\$ 5,508.00	\$ 2.98	\$ 38,230.40
9	SWPPP	1	JOB	\$ 1,960.00	\$ 1,960.00	\$ 30,584.00	\$ 30,584.00	\$ 26,689.40	\$ 26,689.40	\$ 12,750.00	\$ 12,750.00	\$ 3,000.00	\$ 3,000.00	\$ 26,873.00	\$ 26,873.00	\$ 1,038.00	\$ 1,038.00
TOTAL BID					\$ 428,673.38	*Corrected:	\$ 454,533.20		\$ 480,518.67		\$ 538,635.50	*Corrected:	\$ 697,755.00		\$ 813,003.70	*Corrected:	\$ 845,928.20
BID BOND/CASHIER'S CHECK?				BB		BB		BB		BB		BB		BB		BB	
ADDENDUM ACKNOWLEDGED?				n/a		n/a		n/a		n/a		n/a		n/a		n/a	
CONDITIONAL OR QUALIFIED BID?				N		N		N		N		N		N		N	

I certify that the foregoing is a true and correct tabulation of all bids received in response to Advertisement for Bids dated 11/9/12.


Timothy L. Morris, P.E. / Morris Engineers



Sherman
CLASSIC TOWN, BROAD HORIZON,
Engineering Department

S.H. 289 Water Main

2,300 1,150 0 2,300 Feet

N





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5735**

**Awarding a Bid to and Authorizing Execution of a Contract with
Layne Christensen Company for the Shepherd Drive #1 Woodbine Well Repairs**

Issue

Awarding a bid to and authorizing execution of a contract with Layne Christensen Company for the Shepherd Drive #1 Woodbine well repairs

Background

The pump on the above referenced well needs to be pulled and inspected, followed by repairs and/or replacements as needed. The well casing and well screen will be camera inspected, followed by repairs as needed. Three well repair contractors responded to the request for proposals. A tabulation of the proposals for the lump sum portion of the repair work is attached.

Origination

Utilities Administration Department

Financial Consideration

Budgeted funds are available in the Water Production Budget.

Staff Recommendation

It is recommended that the City Council award the contract to Layne Christensen Company based on their bid of \$110,417.00, which is based on the staff's estimated cost of repairs utilizing unit bid prices.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5735

Bid Tabulation

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5735

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LAYNE CHRISTENSEN COMPANY FOR THE SHEPHERD DRIVE #1 WOODBINE WELL REPAIRS; 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 Layne Christensen Company is hereby awarded the bid in the total amount of One Hundred Ten Thousand Four Hundred Seventeen Dollars and No Cents (\$110,417.00), without change orders, for the Shepherd Drive #1 Woodbine Well Repairs; 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 Layne Christensen Company for this 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 _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Weisinger						Layne-Texas			
Item No.	Approx. Quantity	Unit	Description of Item	Unit Price	Total Amount Bid	Approx. Quantity	Unit	Unit Price	Total Amount Bid
1	20	HR	Mobilization, pull motor and pump	\$ 280.00	\$ 5,600.00	24	HR	\$ 245.00	\$ 5,880.00
2	1	LS	Transportation of pump, motor and cable to and from shop. All replaced parts need to be transported back to City of Sherman	\$ 1,800.00	\$ 1,800.00	1	LS	\$ 1,900.00	\$ 1,900.00
3	4	HR	Shop labor: (1) disassemble, clean, inspect pump, motor and cable. (2) Provide written report on the condition of the equipment	\$65.00	\$260.00	6	HR	\$ 115.00	\$ 690.00
4	N/A	LS	Camera Survey	N/A	N/A	N/A	LS	N/A	N/A
			LUMP SUM		\$ 7,660.00				\$ 8,470.00
5	1680	LF	1/4" Stainless steel airline	\$ 2.32	\$ 3,897.60	1680	LF	\$ 1.90	\$ 3,192.00
6	1	LS	125 HP submersible motor, 1800 RPM, 460 volt, 3 phase	\$ 33,368.00	\$ 33,368.00	1	LS	\$ 33,600.00	\$ 33,600.00
7	1	LS	20 Stage 9LC submersible pump 400GPM@798' TDH	\$ 16,352.00	\$ 16,352.00	1	LS	\$ 14,700.00	\$ 14,700.00
8	1	LS	840' 250 MCM 600 volt flat cable	\$ 46,381.00	\$ 46,381.00	1	LS	\$ 23,975.00	\$ 23,975.00
9	2	EA	5" check valve	\$ 419.00	\$ 838.00	2	EA	\$ 440.00	\$ 880.00
10	42	EA	5"X20' pipe	\$ 538.00	\$ 22,596.00	42	EA	\$ 425.00	\$ 17,850.00
11	1	LS	Reset pump and motor, disinfect Well, Return Well to service	\$ 8,616.00	\$ 8,616.00	1	LS	\$ 6,400.00	\$ 6,400.00
12	10	HR	Test pump (12 HRS) and perform bacteriological test and warranty.	\$ 108.00	\$ 1,080.00	10	EA	\$ 135.00	\$ 1,350.00
TOTAL BASE BID					\$ 140,788.60	\$ 110,417.00			

Shepard Drive 1WB

ALSAY

Item No.	Approx. Quantity	Unit Price	Unit	Description of Item	Total Amount	Bid
1	40	\$440.00	HR	Mobilization, pull motor and pump	\$17,600.00	
2	1	\$2,500.00	LS	Transportation of pump, motor and cable to and from shop. All replaced parts need to be transported back to City of Sherman.	\$2,500.00	
3	10	\$60.00	IIR	Shop labor: (1) disassemble, clean, inspect pump, motor and cable. (2) Provide written report on the condition of the equipment	\$600.00	
4	N/A	N/A	LS	Camera survey	N/A	
				LUMP SUM	\$20,700.00	
5	1680	\$4.00	LF	1/4" Stainless steel airline	\$6,720.00	
6	1	\$55,935.00	LS	125 HP submersible motor, 1800 RPM, 460 volt, 3 phase	\$55,935.00	
7	1	\$28,000.00	LS	20 Stage 9LC submersible pump 400GPM@798' TDH	\$28,000.00	
8	1	\$42,370.00	LS	840' 250 MCM cable	\$42,370.00	
9	2	\$1,850.00	EA	5" check valve	\$3,700.00	
10	42	\$560.00	EA	5"X20 pipe	\$23,520.00	
11	1	\$18,000.00	LS	Reset pump and motor, disinfect Well, Return Well to service	\$18,000.00	
12	10	\$375.00	HR	Test pump (12 HRS) and perform bacteriological test and warranty.	\$3,750.00	
				TOTAL BASE BID	\$202,695.00	



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.1

*** CHANGE ORDER NO. 1**

**Surface Water Distribution Pipeline East, Schedule "A";
W. Brown Enterprises, Inc.; \$1,980.00, Increase**

Issue

Approval of Change Order Number 1 for the Surface Water Distribution Pipeline East, Schedule "A" (Water Treatment Plant Second Feed)

Background

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

Origination

Department of Utility Administration

Financial Consideration

The change order results in an increase of \$1,980.00 to the contract amount, yielding a revised contract cost of \$765,912.50. The cost of the additional work was based on unit bid prices.

Staff Recommendation

It is recommended that the Change Order be approved.

Alternatives

As may be directed by the Council

Attachments

Change Order Number 1

Bid Schedule

Revised Plan Sleet Showing Construction Change

Prepared by:
Mark Gibson, Engineering & Utilities Director

Approved by:
George Olson, City Manager

CHANGE ORDER

No. 1

PROJECT Surface Water Distribution Pipeline East - Schedule "A", in the City of Sherman

DATE OF ISSUANCE 12/5/12

EFFECTIVE DATE 12/5/12

OWNER Greater Texoma Utility Authority

OWNER's Contract No. _____

CONTRACTOR W. Brown Enterprises, Inc. ENGINEER Morris Engineers

You are directed to make the following changes in the Contract Documents:

Description: Add 36 I.F. of 24" dia. water pipeline

Reason for Change Order: _____

Attachments: Drawing sheet 9 of 60, revised Dec. 5, 2012; Schedule of changes

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ 763,932.50	Original Contract Times Substantial Completion: Ready for Final Payment:
Net changes from previous Change Orders No. <u> </u> to <u> </u> \$ <u>n/a</u>	Net change from previous Change Orders No. <u> </u> to <u> </u> Days
Contract Price prior to this Change Order \$ 763,932.50	Contract times prior to this Change Order Substantial Completion: Ready for Final Payment:
Net Increase (Decrease) of this Change Order \$ 1,980.00	Net Increase (Decrease) of this Change Order Days
Contract Price with all approved Change Orders \$ 765,912.50	Contract Times with all approved Change Orders Substantial Completion: Ready for Final Payment:

RECOMMENDED:

Morris Engineers

APPROVED:

Greater Texoma Utility Authority

APPROVED:

City of Sherman

ACCEPTED:

W. Brown Enterprises, Inc.

By: [Signature]
Engineer (Auth. Signature)

By: _____
Owner (Auth. Signature)

By: [Signature]
Municipality (Auth. Signature)

By: _____
Contractor (Auth. Signature)

Date: 12/6/12

Date: _____

Date: 12/6/12

Date: _____

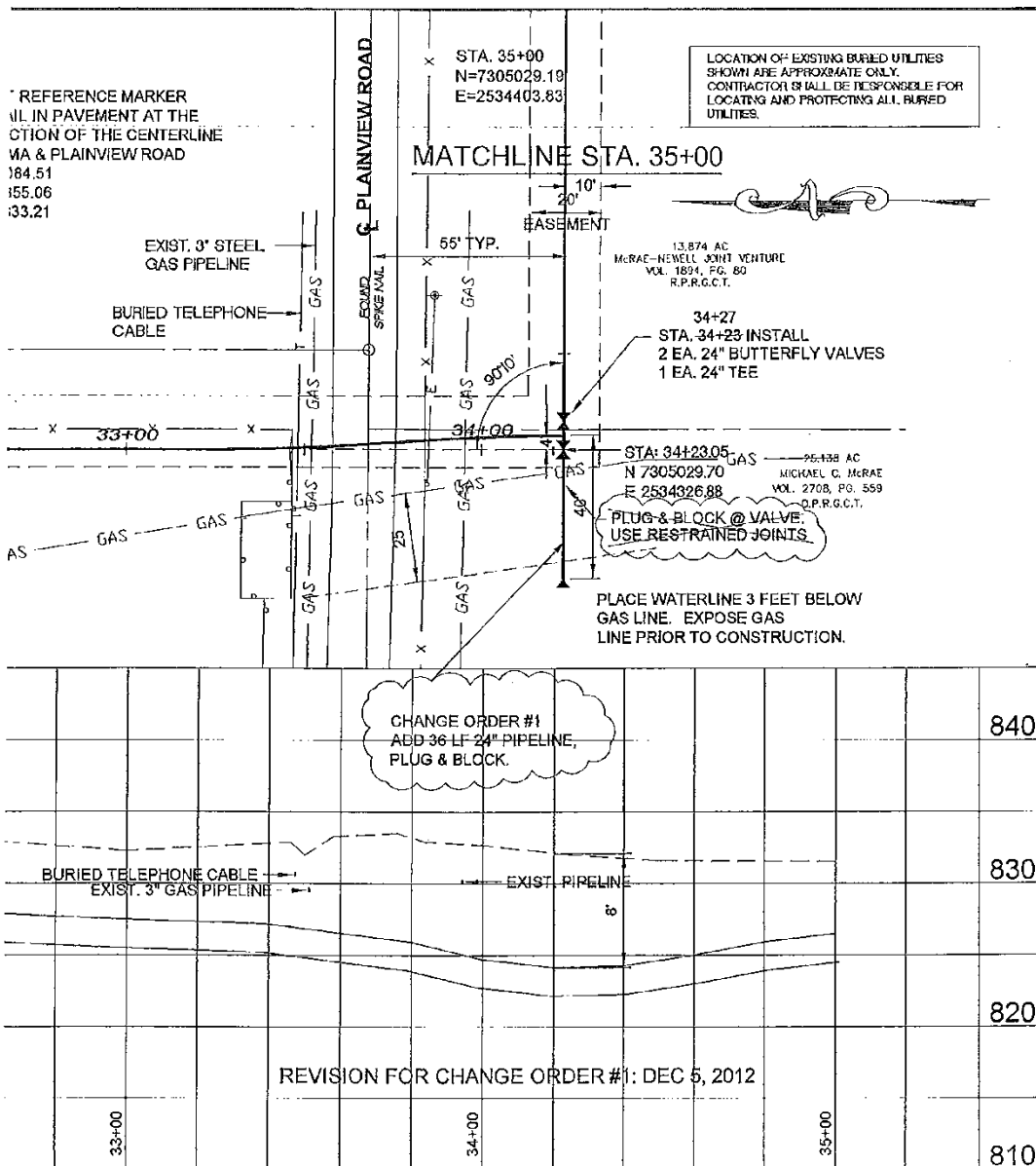
FJCDC No. 1910-8-B (1990 Edition)

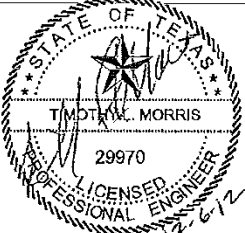
Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Associated General Contractors of America.

GREATER TEXOMA UTILITY AUTHORITY
 SURFACE WATER DISTRIBUTION PIPELINE EAST - SCHEDULE "A"
 FOR THE CITY OF SHERMAN, TEXAS
 W. BROWN ENTERPRISES, INC.

DEC. 5, 2012

ITEM NO	ITEM DESCRIPTION	EST. QTY.	UNIT	UNIT COST	ORIGINAL CONTRACT	CHANGE ORDER NO. 1			REV'D QTY.	TOTAL ITEM COST
						ADD	DEDUCT	TOTAL		
1	24" dia. water pipeline	5957	LF	55.00	327,635.00	36		1,980.00	5,993	329,615.00
2	12" dia. water pipeline	7339	LF	20.00	146,780.00				7,339	146,780.00
3	24" butterfly valve	6	EA	5,200.00	31,200.00				6	31,200.00
4	18" butterfly valve @ 60+56.92 = 0+00	1	JOB		5,900.00				1	5,900.00
5	12" dia. AWWA gate valves	7	EA	2,250.00	15,750.00				7	15,750.00
6	Blowoff assy. - 24" line tee	1	EA	3,550.00	3,550.00				1	3,550.00
7	Fire hydrant assembly - 12" line tee	7	EA	3,600.00	25,200.00				7	25,200.00
8	Cement lined D.I. Fittings - 24"		LS		18,372.00				LS	18,372.00
8	Cement lined D.I. Fittings - 12"		LS		12,185.00				LS	12,185.00
9	Combination air valve assembly - 4"	3	EA	4,850.00	14,550.00				3	14,550.00
9	Combination air valve assembly - 2"	2	EA	4,400.00	8,800.00				2	8,800.00
10	Bore/case crossing at 6+40 for 24" pipeline	1	JOB		36,000.00				1	36,000.00
11	Bore/case Travis St crossing for 12" pipeline	1	JOB		12,500.00				1	12,500.00
12	Creek xing with 12" dia. D.I.P.	180	LF	62.00	11,160.00				180	11,160.00
13	Asphalt driveway and street repairs - 24"	25	LF	65.00	1,625.00				25	1,625.00
13	Asphalt driveway and street repairs - 12"	35	LF	60.00	2,100.00				35	2,100.00
14	Gravel driveway and street repairs - 24"	0	LF	-	-				0	-
14	Gravel driveway and street repairs - 12"	70	LF	50.00	3,500.00				70	3,500.00
15	Trench excavation protection - 24"	5957	LF	1.00	5,957.00				5,957	5,957.00
15	Trench excavation protection - 12"	7339	LF	0.50	3,669.50				7,339	3,669.50
16	SWPPP - 24"	1	JOB		5,000.00				1	5,000.00
16	SWPPP - 12"	1	JOB		5,000.00				1	5,000.00
17	TxDOT traffic controls - 12"	1	JOB		7,500.00				1	7,500.00
18	Replace fence	3037	LF	11.00	33,407.00				3,037	33,407.00
19	Seeding work areas & watering	13296	LF	2.00	26,592.00				13,296	26,592.00
	TOTAL CONTRACT				763,932.50			1,980.00		765,912.50



DRANT DRANT DIT / GUY C		MORRIS ENGINEERS SHERMAN 903-858-1644 TEXAS	
		SURFACE WATER DISTRIBUTION PIPELINE EAST	
		PLAN/PROFILE	
		CITY OF SHERMAN, TEXAS	
		SCALE 1" = 40'H; 10'V	
		DATE FEB. 2010	
		SHEET 9 OF 60	



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.2

*** OTHER BUSINESS**

Consider Request of the Neighborhood Recreational Committee to Temporarily Close Certain Streets for a Martin Luther King, Jr. Parade on Monday, January 21, 2013

Issue

A request to close portions of Travis, Brockett, and East Streets for a Martin Luther King, Jr. Parade on Monday, January 21, 2013

Background

The Neighborhood Recreational Committee has requested that participants be allowed to line up for the parade behind the Sherman Public Library at Walnut and Mulberry Streets. The parade route will go north on Travis Street to Brockett Street, east on Brockett Street to East Street, and north on East Street to Martin Luther King, Jr. Park. The parade will begin at 9:00 a.m. The event will require traffic control assistance and barricades from the City of Sherman.

Origination

Tracey Ross, President, Neighborhood Recreational Committee

Financial Consideration

Labor and equipment to provide traffic control assistance and place/remove barricades

Staff Recommendation

It is recommended that the City Council approve this request and authorize the necessary traffic control and support to accommodate the event.

Alternatives

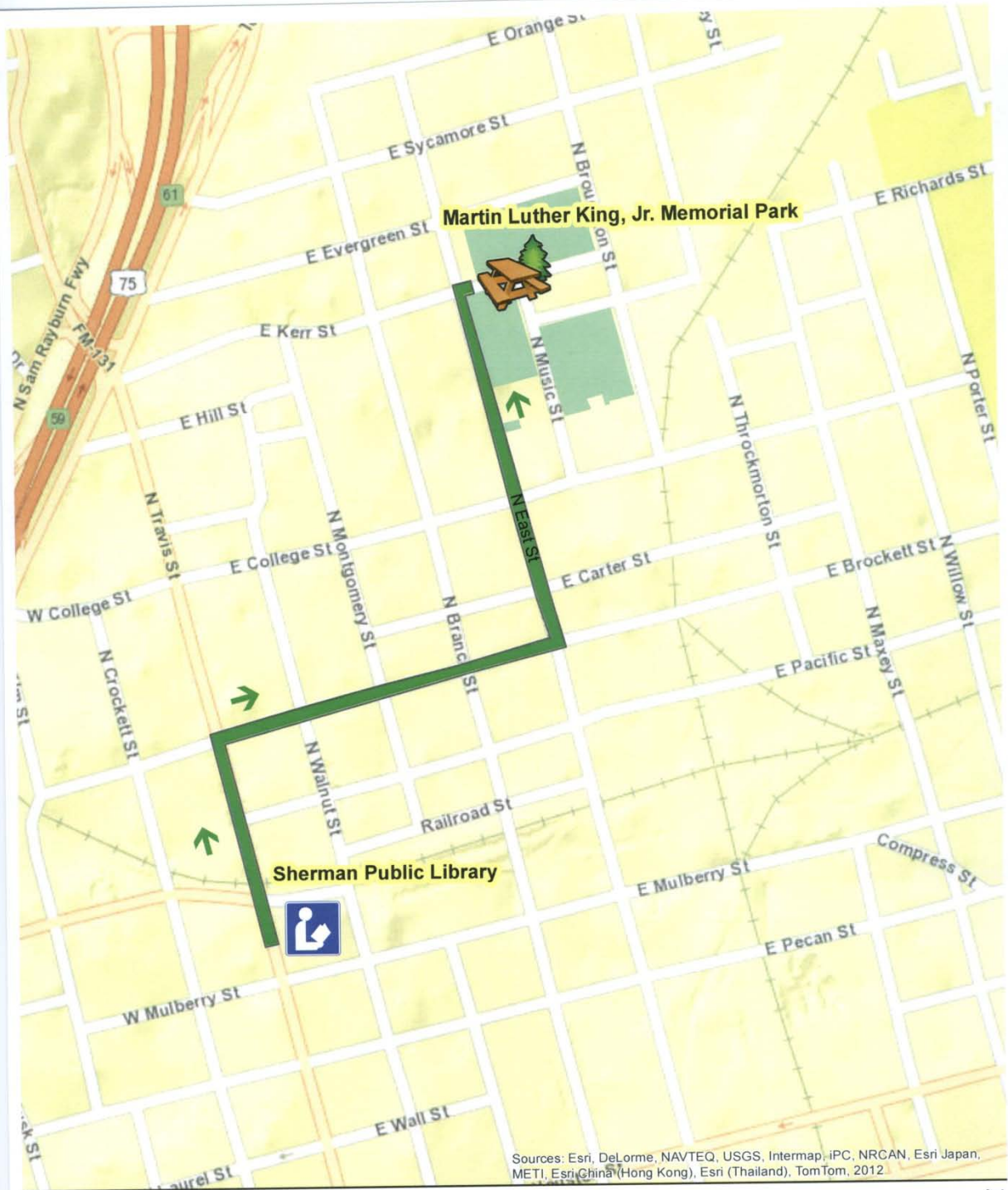
As directed by the Council

Attachments

Parade Route Map

Prepared by:
Don Keene, Director of Public Works

Approved by:
George Olson, City Manager



Sherman
CLASSIC TOWN. BROAD HORIZON.

Martin Luther King, Jr. Parade Route

0 150 300 600 Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.3

OTHER BUSINESS

**Receive Quarterly Progress Report from Sherman Economic Development Corporation
Board Chairman Dean Gilbert, Jr. and SEDCO President Scott Connell**

Issue

To receive the Sherman Economic Development Corporation's (SEDCO's) quarterly progress report from Board Chairman Dean Gilbert, Jr. and President Scott Connell

Background

The brief presentation by the SEDCO Board Secretary and President will provide the City Council with an overview of SEDCO's activities and accomplishments during the last three months. SEDCO's last update was presented at the joint meeting of the SEDCO Board and the City Council held on September 21, 2012.

Origination

City Council

Financial Consideration

None

Attachments

SEDCO's Quarterly Progress Report

**Prepared and Approved by:
George Olson, City Manager**

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: Sherman Economic Development Corporation

Name of Chairman: Dean Gilbert Jr.

Name of Vice Chairman: Chris Pendergrass

Date of Report to City Council: December 31, 2012

1. In simple terms and as briefly as possible, please describe the mission of your board.

- *The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the Sherman and surrounding area economies through the addition of new jobs and investment.*

**2. Please list the top accomplishments of your board within the past quarter.
(Please limit the list to five or fewer items).**

- *SEDCO elected new officers for the Fiscal Year 2013. Dean Gilbert Jr. is Chairman, Chris Pendergrass is Vice Chairman and Mike Barnes is Secretary.*
- *SEDCO joined with Panda Power Funds on November 9 for a groundbreaking ceremony to celebrate the construction of the new power plant project. The company continues to proceed on the project with through their contractor Bechtel Construction. There are more than 150 workers onsite with more needed as activities ramp up in 2013.*
- *SEDCO entered into an Economic Development Performance Agreement with Eco Green Recycling to relocate the company to a facility in Southmayd. EGR purchased a 114,000 square foot facility on Gibbons Road in November. The company immediately began installing equipment and hiring workers. They plan to employ 65 staff members within three years. The Performance Agreement is based on successful job creation. The City of Southmayd also participated in the project by extending a new water line to the facility.*
- *SEDCO entered into an Economic Development Performance Agreement with Presco Polymers Inc. The company will spend more than \$418,000 on new equipment by March 31, 2013 and maintain its current employment base of 153 jobs.*

3. What are your plans for this board in the next quarter?

- *SEDCO will continue to actively promote the Sherman area for new investment and jobs expanding the marketing venues. SEDCO staff will concentrate one-on-one meetings with commercial real estate representatives in the Dallas-Fort Worth Metroplex.*
- *SEDCO will manage the real estate assets of Progress Park including agricultural leases and an active landscape maintenance schedule. Staff has begun the process of coordinating infrastructure investments with surrounding private landowners.*
- *SEDCO will work closely with companies that have announced new investments in Sherman to ensure they have the support to meet their goals including Panda Sherman Power, Presco, Bacc, Eco Green Recycling, Sunny Delight, Progress Rail, Austin College Idea Center and others.*
- *SEDCO will move forward with a planning process to analyze the options for the Sherman Youth Center facility.*
- *SEDCO will actively work to develop a comprehensive list of commercial real estate on the property website www.ShermanSites.com.*

4. How often did this board meet in the last quarter?

- *The SEDCO Board held three regularly scheduled meetings (October 9, November 13 and December 11, 2012) and one special called meeting (October 19).*

5. In what percentage of those meeting was a quorum of board members present?

- *100%*

6. Did any member attend less than 75% of those meetings? If so, which member and how often did they attend.

- *No*

7. What other information would your board like to communicate to the City Council? (please be concise in your response).

- *Several projects continue to proceed with company investments and job creation including Sunny Delight, Progress Rail, Titan UTV, Bacc Coffee, Globitech, Actitech and Austin College.*
- *SEDCO has begun an active and regular Business Retention and Expansion visitation program. Staff members are scheduling meetings with local employers to stay connected with facility managers and offer assistance on challenges or expansion opportunities.*
- *SEDCO hosted the quarterly Plant Managers Forum at Grayson College.*
- *SEDCO staff members are working with Austin College representatives to expand the partnership beyond the IDEA Center.*
- *SEDCO staff members are actively participating in the Dallas-Fort Worth Marketing team as they re-organize and plan activities in 2013.*
- *SEDCO staff continue to develop new advertisements and marketing materials with Morris Ink.*



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.4

OTHER BUSINESS

Receive Presentation from City Engineer Clay Barnett on the City of Sherman's Environmental Code Compliance Program

Issue

A presentation on the City of Sherman's Environmental Code Compliance Program

Background

The mission of the City of Sherman's Environmental Code Department is to enhance the well being of Sherman's citizens by promoting and maintaining a safe and desirable living environment. To help maintain the quality of our community by administering a fair and unbiased compliance program to correct municipal ordinance violations. This presentation will cover how the department functions on a daily basis in order to meet this objective.

Origination

Engineering Services

Financial Consideration

None

Staff Recommendation

There is no action required of the Council for this item.

Alternatives

N/A

Attachments

None

Prepared by:
Clay Barnett, City Engineer

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.5

*** OTHER BUSINESS**

Final Plat Approval of Creed Canyon Addition, being 11.11 acres in the John Jennings Survey, Abstract No. 647; Creed Canyon Partners, LTD., Owners; Matthew Looney, Representative; Vilbig & Associates, PLLC, Engineers/Surveyors; and Sartin & Associates, Inc., Surveyors (4000-4200 Blocks of North Travis Street and 100-200 Blocks of East Canyon Grove Road)

Issue

To consider final plat approval of Creed Canyon Addition, being an 11.11 acre tract in the John Jennings Survey, Abstract No. 647 located in the 4000-4200 blocks of North Travis Street and the 100-200 blocks of East Canyon Grove Road

Background

The property is located in the 4000-4200 blocks of North Travis Street and the 100-200 blocks of East Canyon Grove Road; the northeast corner of North Travis and Canyon Grove Road. The owners would like to divide the tract into two lots for multi-family residential and commercial development.

Origination

Creed Canyon Partners, LTD. (Owners); Matthew Looney (Representative); Vilbig & Associates, Inc. (Engineers/Surveyors); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

At the December 18, 2012 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the final plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



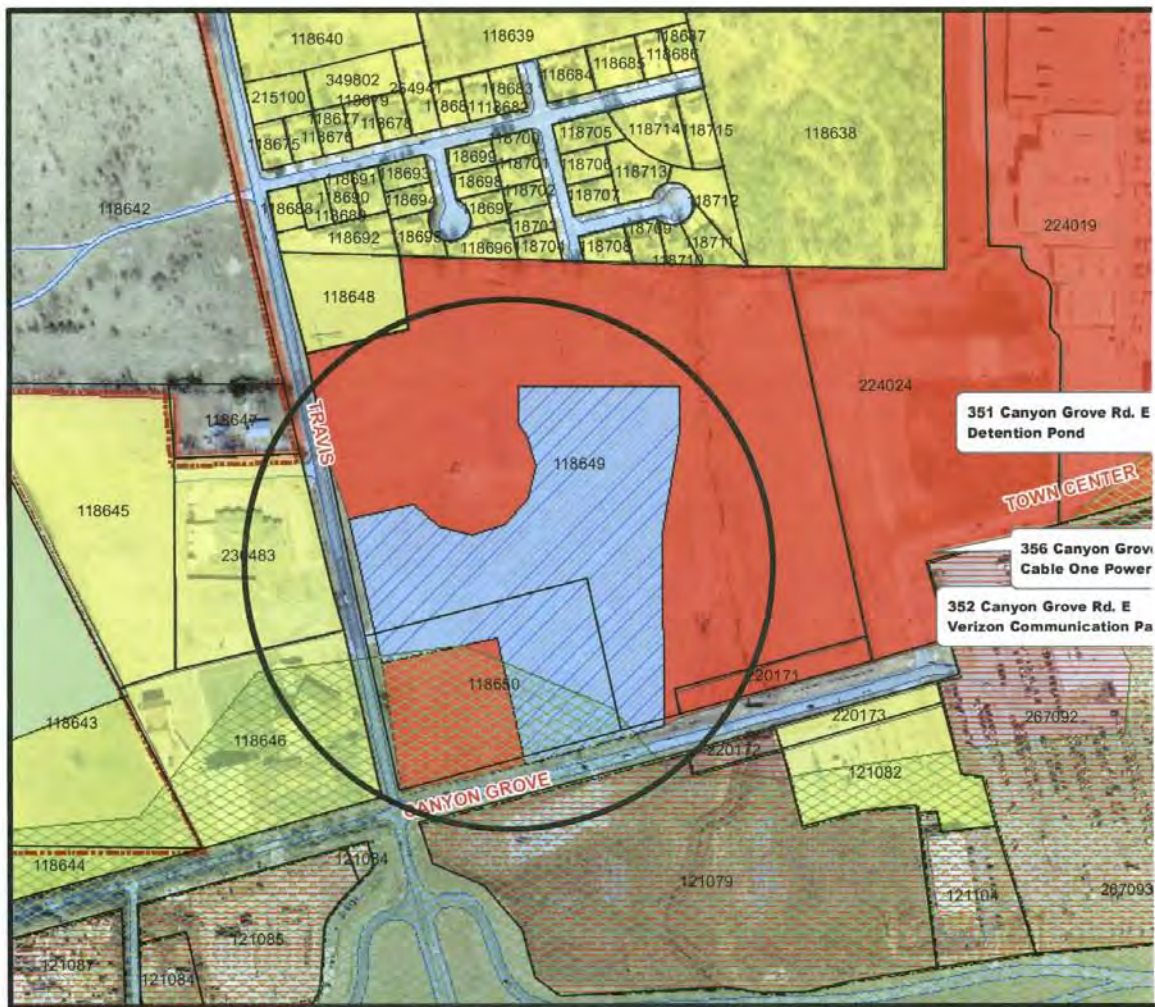
**4000-4200 Blks. N. Travis &
100-200 Blks. E. Canyon Grove Rd.**

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 215 feet



Zoning - 4000-4200 Blks. N. Travis St. & 100-200 Blks. E. Canyon Grove Rd.

Legend

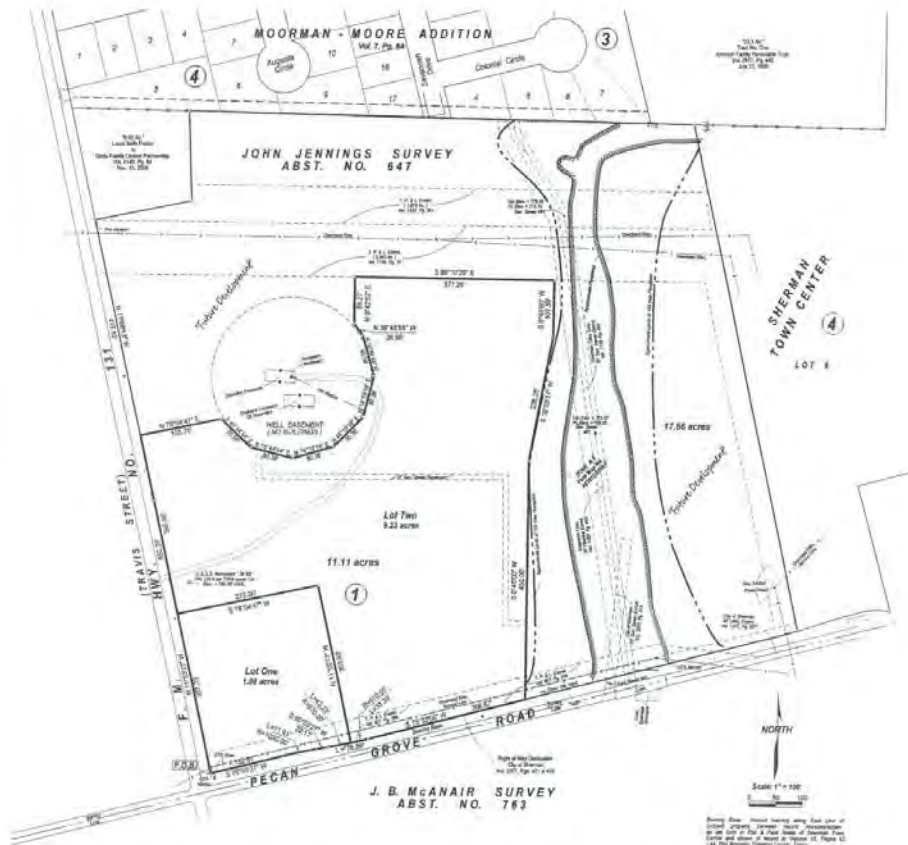
--- C L SHERMAN CITY LIMITS	C-1 Retail Business District
O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT	C-2 General Commercial District
O 1.1 FM 1417 OVERLAY DISTRICT	M-1 Light Manufacturing District
O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT	R-A Single Family Agricultural District
C B D DOWNTOWN BUSINESS DISTRICT	SF-1 Single Family Residential District
C P O COLLEGE PARK OVERLAY DISTRICT	M-1.5 Medium Manufacturing District
A & C ARTS & CULTURAL OVERLAY DISTRICT	M-2 Heavy Manufacturing District
CO Office District	MH Manufacturing Housing District
R-1 One Family Residential District	Blaylock Commercial District
R-2 Multi-Family Residential District	BIP Blalock Industrial Park

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 343 feet



CREED CANYON ADDITION
to the
CITY of SHERMAN, TEXAS
being 11.11 Acres
out of
JOHN JENNINGS SURVEY ABST. NO. 647



Owner & Developer

Matthew Looney
2402 W. Morton St., Suite 103
Sherman, Texas 75020
903-337-0044

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
108 S. Lewis, P.O. Box 14851 • Sherman, Texas 75081 • 1941
Ph: (903) 855-8851 Fax: (903) 858-3675

SHEET 1 OF 2
CREEDCANYON1.sht.pdf

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
December 18, 2012
Don Hicks, Chairman

Joe Gilbert, Vice-Chairman
Brad Morgan, Commissioner
Darren Tankersley, Commissioner
Ron Barton, Commissioner

Richard Barber, Commissioner
Ryan Michael Kreck, Commissioner
Sam Thorpe, Commissioner
Ronnie Dutton, Commissioner

4000-4200 Blks. N. Travis & 100-200 Blks. E. Canyon Grove Rd.
Being 11.11 acres in the John Jennings Survey, Abstract No. 647
Final Plat & Amended Site Plan

Requested Action/Proposed Use:

Planning and Zoning Commission

- Final Plat approval of Creed Canyon Addition
- Amended site plan approval for Creed Canyon Apartments

Background

The property is located in the 4000-4200 Blocks of North Travis Street and the 100-200 Blocks of E. Canyon Grove Road; the northeast corner of North Travis and Canyon Grove Road. Zone changes were granted to a C-1 (Retail Business) District at the July 18, 2005, City Council Meeting and to an R-2 (Multi-Family Residential) District at the April 16, 2012 City Council Meeting. Site plan approval was granted at the March 20, 2012, Planning and Zoning Commission Meeting for a 192 unit apartment complex. Exceptions were also granted at the March 20, 2012, Planning and Zoning Commission Meeting to allow a 6' wrought iron fence with 7' masonry columns and planting Nellie R. Stevens or Red Tip Photinias 3'-5' apart on the north side of the development adjacent to residential properties and to allow a 6'x9' monument sign along Canyon Grove Road. The owner would like to divide the tract into two lots for multi-family and commercial development. The amended site plan for the apartment complex provides 176-units with 2 and 3 story buildings, a club house, pool, detached carport/garage with storage units, 364 parking spaces will be provided.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

Creed Canyon Partners Ltd. (Owners), Matthew Looney (Representative), Vilbig and Associates (Engineers) and Sartin and Associates, 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.

Attachments:

Location map

Photographs

Site Plan

Staff Review Letter

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services



STAFF REVIEW LETTER

December 12, 2012

Creed Canyon Partners LTD
Matthew Looney
17245 SH 56
Sherman, TX 75092

Dear Applicants,

The request for approval of the Final Plat of the Creed Canyon Addition for the property located in the 4000-4200 Blocks of North Travis Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, December 18, 2012, at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks shall conform to TxDOT and City of Sherman standards and will require a permit.
4. A private shared access easement shall be shown on the plat for Lot One.
5. The limits of Zone AE shall be verified and corrected.
6. All requirements of the floodplain ordinance shall be followed.
7. Detention or other means of mitigating increases in storm water runoff shall be required in accordance with City criteria.
8. A utility, drainage and grading plan shall be provided to the City of Sherman Engineering Department for review and approval.
9. A 20' perimeter drainage and utility easement is required.
10. The 10' sanitary sewer easement shall be removed from the plat.
11. The road name shown as Pecan Grove Road shall be corrected to read Canyon Grove Road.
12. The width of right-of-way for streets and the pavement width shall be shown. If the width of Travis Street does not meet the requirements of the Comprehensive Plan, additional right-of-way will be required.
13. Escrow in the amount of \$54,392.24 is to be paid for Canyon Grove Road at the time of development.
14. All site plan and preliminary plat requirements are to be met prior to filing the final plat.

15. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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 Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,



Clay Barnett
City Engineer

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Nathan Huffman, Fire Marshal
Don Keene, Director of Public Works
Sartin & Associates Survey Company, P.O. Box 1843, Sherman, Texas 75091
Scott Shadden, Director of Development Services
Mark Gibson, Dir. of Utilities and Engineering
Lisa Whitfield, Engineering & Development Coordinator
Vilbig & Associates, 10132 Monroe Drive, Dallas, Texas 75229



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.6

CITIZEN REQUESTS

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.7

MEDIA QUESTIONS

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.8

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
(a) Library Board (3)**

Issue

Terms for two members on the Library Board expired on September 30, 2012. Kate Whitfield and Mib Garrard have served three terms and are not eligible for reappointment. There is also a vacancy on this board. Applications are on file from John “Nick” Keating, John West, and Judith Sloan.

Background

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

Origination

The request originated with the City Clerk’s Office.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

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

Alternatives

The City Council could delay appointments to the Board.

Attachments

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

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

LIBRARY BOARD

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

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Nan Jones	4	A 3/20/2007 R 3/20/2010	3/20/2010 3/20/2013	1 2	Members are required to be residents of Sherman; have knowledge of Library Affairs and operations; and appreciate books.
Dr. Charles Whitfield	4	A 4/3/2007 R 4/3/2010	4/3/2010 4/3/2013	1 2	
Ron Roberts	4	A 4/8/2008 R 4/8/2011	4/8/2011 4/8/2014	1 2	
Vacant					
Vacant					
Darlene Schweizer	4	A 4/8/2008 R 4/8/2011	4/8/2011 2/8/2014	1 2	
Vacant					

NOTE:

CITY STAFF: Jacqueline Banfield, Director of Library Services
Revised 10/24/2012

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 3

Applicant	Address	District	Qualifications
John "Nick" Keating III	418 Ridgeview Road	4	Retired
John West	315 W. McGee	1	Library Director, Austin College
Judith G. Sloan	1521 W. Shields	4	Retired

COMMENTS:

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

If so, which one?

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?
I SERVED ON THE FRIENDS OF THE SHERMAN PUBLIC LIBRARY FOR 6 YEARS, PRESIDENT FOR 2 OF THOSE YEARS. I PROVIDE ASSISTANCE FOR EACH BOOK SALE.

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

1) FINANCES: Considering the economy, I understand the finances are a concern. I don't work on after hours, reduction in workforce, and therefore less program to reach out to the community.

2) SPACE: I think the library does well considering their space but any way to expand would be wonderful. Hopefully it would allow more community programs to be held at the library. It would increase awareness & visibility of the library.

3) COMMUNICATIONS: I would like to see a higher level of communications ~~etc~~ regarding all programs available at the library for all ages - senior citizens, adults, children.

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

Just experience. Being on other boards.

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

none

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No

Comments: ASKED THE DIRECTOR ABOUT REQUIREMENTS & EXPECTATIONS

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

*I affirm that I am qualified to vote.

Signature: John N. Keating III

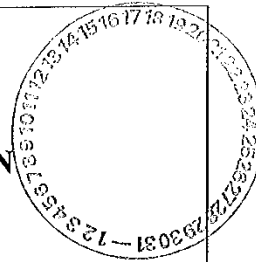
Date: 9-14-12

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.





CITY OF SHERMAN APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



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

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

Name: John Richard West "John"

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board

or Commission: Library Board

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

Personal Information	Occupational Information
Home Address: <u>315 W. McGee Street</u>	Business Name: <u>Austin College</u>
Mailing Address: <u>same as above</u>	Occupation: <u>Library Director</u>
Telephone: <u>903-436-4626</u> Fax: _____	Address: <u>900 N. Grand Avenue, Suite 6L</u>
E-Mail: <u>jwest@austincollege.edu</u>	Telephone: <u>903-813-2536</u> Fax: <u>903-813-2297</u>
Sherman Resident for <u>28</u> years County: <u>Grayson</u>	E-Mail: <u>same as listed</u>
Drivers License No.: <u>13476262</u>	
*Voter Registration No.: <u>n/a</u> - permanent resident alien ☒	

Which Council District do you live in? (see attached map) 1

Prior work experience: (please include dates) Worked from 1984 - for Austin College in its library. Prior to that from 1982 - 1984 worked and went to graduate school at the University of Pittsburgh. From 1977 - 1982, worked at the University of Georgia Libraries and from 1980 - 82 managed three full-time employees in the Science and Graduate Library.

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1969

Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: LaGrange College/University of Pittsburgh ☒ Bachelor's / ☒ Master's ☐ PhD

Volunteer Work: (please include dates)

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

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

Application held for 12 months from date received

Taxes - No

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

If so, which one? _____

Why do you want to become a member of this particular board or commission (*how would you use this experience to benefit the City*)? I have worked in libraries since 1977, first as a member of the staff at the University of Georgia for 5 years. After attending Pitt and achieving the Masters', I found employment at Austin College in 1984. In 2005, I became the director. My wife, daughter and I have been members of Sherman Public since we arrived. I believe it is important for a community to have a quality public library.

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

1) How does any library provide service in this age of online everything? First, one must not make the mistake that a library is a warehouse of books, DVDs, and the like. One of the functions of a library IS to provide quality materials, but it isn't the only function. A public library provides the community with a safe place to go to read, think, and just be. A public library provides for the community's common good with programs for children, youth, adults looking for work, and a place for retirees to be.

2) What should we do about the age of the building we are in? Is it sufficient for the community's needs? Would it make sense for Sherman and Denison to come together on some issues which could best be handled together -- purchasing materials for instance. Denison has been trying to build a new library building for many, many years. Can SPL grow? Can it be renovated?

3) How does the City see the role of the library? Hours have been cut. Do the hours it is open match up with what is needed to provide service in the community? If this is a result of the economy, when will the hours be restored? _____

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

Just my years of training and experience with working in and running a library.

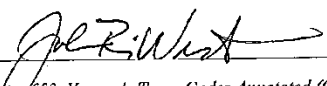
Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No
Comments: _____

Statement of Intent

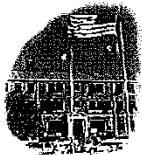
I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

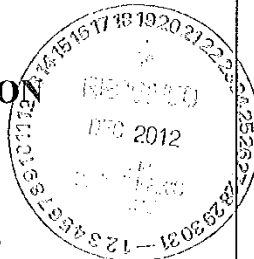
Signature:  Date: October 16, 2012

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.





CITY OF SHERMAN APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



Return completed application to:

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

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

Name: Judith G. Sloan
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission: Library Board

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

Personal Information	Occupational Information
Home Address: <u>1521 W. Shields Drive</u>	Business Name: <u>Retired in 2008</u>
Mailing Address: <u>Sherman, TX 75092-5536</u>	Occupation: <u>Certified Legal Assistant</u>
Telephone: <u>903-893-7122</u> Fax: <u>N/A</u>	Address: _____
E-Mail: <u>jsloan1@verizon.net</u>	Telephone: _____ Fax: _____
Sherman Resident for <u>43</u> years County: <u>Grayson</u>	E-Mail: _____
Drivers License No.: <u>TX 04678304</u>	
Voter Registration No.: <u>1024842901</u> ✓	

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

Prior work experience: (please include dates)

Cert. Legal Assistant - Tate Rehmet Law Office, Jan 2006 - April 2008
Harrison & Hall Law Firm - Cert. Legal Assistant Jan 1994 - Oct. 2005
Cert. Legal Assistant Cohen, Simpson, Conlieshaw & Wulff, Dallas 1988-1994
Total Legal Assistant for 24 years 1980-2008

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1957
Business College, Correspondence School, Adult Education, Other? Legal Assistant Program GCC
Name of College/University: Austin College ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Sherman Community Players - Theater Guild since inception in 1970 - President
1975-76, continued box office, hospitality & fund raising projects
SCP Board of Directors - President 1978-79 Theater Guild Advisory Board - Pres.
2001-2002

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

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

Application held for 12 months from date received
Current Taxes Only

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

If so, which one? _____

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

I hold a degree in English literature with a minor in theater. I believe this background would be valuable in making choices to encourage reading and use of the library facilities.

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

1) The continuation of the excellent youth library program and expansion of this program.

2) The upkeep and improvement of our library facility.

3) The continued expansion of library programs, including proving borrowing of books online.

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

28 years as a Certified Legal Assistant

Program Chairman of Tuesday Literary Club 2011-12; President 2012-13. Reporter for Mary Brown Paul Book Club since 2010 thru present

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

None.

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: _____

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

Signature: Judith G. Sloan Date: December 18, 2012

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN. BROAD HORIZON.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. D.9

COUNCIL COMMENTS

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

**Section 551.071 Consultation with City Attorney Concerning Pending
or Contemplated Litigation:
(a) Receive the City Attorney’s Briefing on Pending
Litigation**

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. F.1

OPEN MEETING

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

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Carolyn S. Wacker, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 1-7-2013

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2013

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

FEBRUARY						
S	M	T	W	T	F	S
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24	25	26	27	28		

MARCH						
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24	25	26	27	28	29	30
31						

APRIL						
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28	29	30				

MAY						
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26	27	28	29	30	31	

JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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29	30					

OCTOBER						
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27	28	29	30	31		

NOVEMBER						
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DECEMBER						
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22	23	24	25	26	27	28
29	30	31				

09/02/2013	Labor Day/Called Council Meeting on 09/03/2013
