

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, OCTOBER 15, 2007
5:00 P.M.**

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2 [PLEDGE OF ALLEGIANCE](#)
- A.3 [INVOCATION BY THE HONORABLE JOE N. SMITH, COUNCIL MEMBER](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 1, 2007](#)

Proclamations

- A.5 [PROCLAMATION](#)
“National Business Women’s Week” – October 15-19, 2007
- A.6 [PROCLAMATION](#)
“Sherman Chamber of Commerce Week” – October 15-19, 2007

Special Presentation

- A.7 [SPECIAL PRESENTATION](#)
Recognition of City of Sherman Award: “Certificate of Achievement for Excellence in Financial Reporting”

Introduction and Public Hearing of Ordinances

- B.1 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5492](#)
Amending Chapter 8 of the Code of Ordinances, entitled “Offenses and Nuisances”, at Article 8.08, “Junked Vehicles”, Section 8.08.001, “Definitions”
- B.2 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5487](#)
Amending Chapter 13, Article 13.06 of the Code of Ordinances, entitled “Solid Waste,” by Amending Sections 13.06.001, 13.06.051, 13.06.084, 13.06.087 and 13.06.088 to Simplify Deposit Structure for Commercial Solid Waste Fees
- B.3 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5493](#)
Amending Chapter 13, “Utilities,” at Section 13.07.279, “Pro Rata Charge Established,” to Revise the Pro-Rata Charge for Water and Sewer Main Extensions

Close Public Hearing and Consider Adoption of Ordinances

B.4 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- a) 5492
- b) 5487
- c) 5493

B.5 [CONSENT AGENDA](#)

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

Resolutions

C.1 [RESOLUTION NO. 5106](#)

Authorizing a Request for Party Status in a Contested Case Hearing Regarding the Texas Commission on Environmental Quality Staff's Recommendation to Create a Groundwater Conservation District

C.2 [* RESOLUTION NO. 5107](#)

Executing the Third Amendment to the Original Contract with Tyler Technologies, Inc. for the Purchase of INCODE Cemetery and Accounts Receivable Software

C.3 [* RESOLUTION NO. 5108](#)

Authorizing an Amendment to the Original Service Agreement with Intermedix Technologies, Inc. for the Billing and Collection of Ambulance Fees

C.4 [RESOLUTION NO. 5109](#)

Authorizing Execution of an Interlocal Jail Services Agreement with Grayson County for the Period of October 1, 2007 through September 30, 2008

C.5 [* RESOLUTION NO. 5110](#)

Authorizing the Execution of a Quitclaim Deed to George R. Coyle for the Conveyance of Property being Tracts of Land in the Preston Kitchens Survey, Abstract No. 667 and the Samuel Blagg Survey, Abstract No. 56

C.6 [* RESOLUTION NO. 5111](#)

Authorizing the Execution of an Agreement with TXA Holdings Properties, LP for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1105 North Harrison Street

C.7 [* RESOLUTION NO. 5112](#)

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 705 East Sycamore Street

C.8 [* RESOLUTION NO. 5113](#)

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 712 East Sycamore Street

C.9 [* RESOLUTION NO. 5114](#)

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 716 East Sycamore Street

Requests to Advertise

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

Ambulance Billing Services

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

Wastewater Treatment Plant Screw Lift Pump Replacement

D.3 [* REQUEST TO ADVERTISE](#)

Relief Sewer K-4 Phase One

Other Business

D.4 [OTHER BUSINESS](#)

Receive GTUA General Manager Jerry Chapman's Briefing on a Proposed Bond Issuance for Wastewater Treatment Plant Improvements and Major Sewer Rehabilitation

D.5 [OTHER BUSINESS](#)

Receive Development Services Director Scott Shadden's Report on the CBD Enhancement/Enforcement Program

D.6 [OTHER BUSINESS](#)

Receive Briefing from Assistant City Manager/CFO Robby Hefton on the Texas Legislature's "Super Freeport" Property Tax Exemption

D.7 [* OTHER BUSINESS](#)

Consider Scheduling a Called Meeting of the City Council to Canvass the Results from the November 6, 2007 Special Election for 12:00 Noon on Wednesday, November 14, 2007

D.8 [CITIZEN REQUESTS](#)

D.9 [MEDIA QUESTIONS](#)

D.10 [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 551.074 Personnel Matters:
Discuss the Review of the City Attorney

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: 10-15-2007

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Joe N. Smith, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. A.3

INVOCATION BY THE HONORABLE JOE N. SMITH, COUNCIL MEMBER



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. A.4

APPROVE MINUTES

THE REGULAR CITY COUNCIL MEETING OF OCTOBER 1, 2007

October 1, 2007

**MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI.
COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W.
STEELE, WACKER.**

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

PROCLAMATION

**TEXOMA NIGHT
OUT
(OCT. 6, 2007)**

“LIONS WHITE CANE DAY” – OCTOBER 13, 2007

**LIONS WHITE
CANE DAY
(OCT. 13, 2007)**

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

**ORD 5486
SALES TAX
ELECTION**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5481; ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2007, FOR THE PURPOSE OF ADOPTING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH

THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC (DRE) EQUIPMENT; PROVIDING FOR EARLY VOTING.

No citizens appeared before the City Council to discuss Ordinance 5486.

Mayor Magers introduced Ordinance 5488 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO SHERMAN HILLS, LLC (OWNER), DAN MURRAY (REPRESENTATIVE) AND TEAGUE, NALL AND PERKINS (ENGINEER) TO ALLOW A CLUBHOUSE FOR A GOLF COURSE IN AN R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT AND THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT IN THE 2500-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH; 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.

ORD 5488
SUP FOR
GOLF COURSE
(2500-2600 BLOCKS
OF US HWY 75)

Dan Murray, representative for Sherman Hills, asked to speak concerning both Ordinance 5488 and Ordinance 5489.

No other citizens appeared before the City Council to discuss Ordinance 5488.

Mayor Magers introduced Ordinance 5489 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT IN THE 2500-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH; PROVIDING FOR A REPEALER.

ORD 5489
ZONE CHANGE
(2500-2600
BLOCKS OF US
HWY 75)

Dan Murray, 2414 Monte Cristo, presented a map outlining the area affected by the ordinances, which is known as Sunrise Tract. Gateway Boulevard is the entrance to the area and they hope to start construction on the street this week.

No other citizens appeared before the City Council to discuss Ordinance 5489.

Mayor Magers introduced Ordinance 5490 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AND R-2

ORD 5490
ZONE CHANGE
(5400 BLOCK OF
US HWY 82 WEST)

(MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 5400 BLOCK OF U.S. HIGHWAY 82 WEST; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5490.

Mayor Magers introduced Ordinance 5491 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 1020 SOUTH AUSTIN STREET; PROVIDING FOR A REPEALER.

ORD 5491
ZONE CHANGE
(1020 S. AUSTIN)

No citizens appeared before the City Council to discuss Ordinance 5491.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5486

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5481; ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2007, FOR THE PURPOSE OF ADOPTING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC (DRE) EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5486
SALES TAX
ELECTION

Mayor Magers explained that the amendment removes language in the ordinance and allows the sales tax for street maintenance, if approved, to sunset in four years. He reiterated that the sales tax for street maintenance will expire in four years and there are absolutely no plans by this City Council to bring the measure back to voters after the sunset period.

Ordinance 5488

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 SHERMAN HILLS, LLC (OWNER), DAN MURRAY (REPRESENTATIVE) AND TEAGUE, NALL AND PERKINS (ENGINEER) TO ALLOW A CLUBHOUSE FOR A GOLF COURSE IN AN R-1 (ONE AND TWO FAMILY RESIDENTIAL) DISTRICT AND THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT IN THE 2500-2600 BLOCKS OF U.S.

ORD 5488
SUP FOR
GOLF COURSE
(2500-2600 BLOCKS
OF US HWY 75)

HIGHWAY 75 SOUTH; 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.

Ordinance No. 5489

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT IN THE 2500-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH; PROVIDING FOR A REPEALER.

ORD 5489

ZONE CHANGE
(2500-2600
BLOCKS OF US
HWY 75)

Ordinance No. 5490

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 5400 BLOCK OF U.S. HIGHWAY 82 WEST; PROVIDING FOR A REPEALER.

ORD 5490

ZONE CHANGE
(5400 BLOCK OF
US HWY 82 WEST)

Ordinance No. 5491

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 1020 SOUTH AUSTIN STREET; PROVIDING FOR A REPEALER.

ORD 5491

ZONE CHANGE
(1020 S. AUSTIN)

ACTION TAKEN.

Motion by Council Member Hughes to approve Ordinance Nos. 5486, 5488, 5489, 5490, and 5491, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Magers removed Item C-2 entitled "Resolution 5096 – Authorizing Execution of a Fire Fighting Service Agreement with Grayson County for the period of October 1, 2007, through September 30, 2010" and Item C-3 entitled "Resolution 5097 – Awarding a Bid to and Authorizing Execution of a Service Contract and an Addendum to the Contract with Revenue Rescue L.L.C.; Providing for Billing and Collection Services for Assistance Rendered by the Sherman Fire Department" for discussion during their regular order of business.

CONSENT AGENDA

Council Member Wacker moved to approve the Consent Agenda, except for Item C-2 and Item C-3, which will be considered in their regular order of business. Second by Deputy Mayor Adami. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5095 – AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE TOURISM DIRECTOR, THE SHERMAN COUNCIL OF ARTS AND HUMANITIES, INC., THE RED RIVER HISTORICAL MUSEUM, AND DOWNTOWN SHERMAN PRESERVATION AND REVITALIZATION

**RES 5095
CONTRACTS WITH
TOURISM, SCAH,
MUSEUM, & DSP&R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE TOURISM DIRECTOR, THE SHERMAN COUNCIL OF ARTS AND HUMANITIES, INC., THE RED RIVER HISTORICAL MUSEUM, AND DOWNTOWN SHERMAN PRESERVATION AND REVITALIZATION.

Deputy Mayor Adami asked what the differences were between the item as discussed at the Budget Work Session and as presented for approval tonight. Council Member Wacker said these were the same amounts that were approved at the Budget Work Session including the amended budget for Tourism and the Museum.

Deputy Mayor Adami confirmed that there were no reallocations of money between the groups. Council Member Wacker confirmed that the City is receiving quarterly reports from the entities in a timely manner.

ACTION TAKEN.

Motion by Council Member Terrence Steele to approve Resolution No. 5095, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5096 – AUTHORIZING EXECUTION OF A FIRE FIGHTING SERVICE AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2010

**RES 5096
FIREFIGHTING
AGREEMENT
WITH GRAYSON
COUNTY**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A FIRE FIGHTING SERVICE AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2010.

Item C-2 was removed from the Consent Agenda for discussion during its regular order of business.

Deputy Mayor Adami asked if the staff tracked the number of fire fighting calls that were performed under the service agreement with Grayson County. Jeff Jones, Fire Chief, said the calls are tracked and this will be the first year that the City has not been required by Grayson County to turn in a quarterly report.

Last year the County proposed a three-year EMS contract and up until then the City was reporting calls to the County on a quarterly basis. Last year the fire coverage area was decreased by excluding a portion of the western County. Therefore there has been a decrease in County calls. In addition, there have not been nearly as many grass fires as in the past.

Chief Jones said the proposed contract is for three years and there will be a Consumer Price Index adjustment annually. The Council will not need to revisit this item until 2010.

RESOLUTION NO. 5097 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SERVICE CONTRACT AND AN ADDENDUM TO THE CONTRACT WITH REVENUE RESCUE L.L.C.; PROVIDING FOR BILLING AND COLLECTION SERVICES FOR ASSISTANCE RENDERED BY THE SHERMAN FIRE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SERVICE CONTRACT AND AN ADDENDUM TO THE CONTRACT WITH REVENUE RESCUE L.L.C.; PROVIDING FOR BILLING AND COLLECTION SERVICES FOR ASSISTANCE RENDERED BY THE SHERMAN FIRE DEPARTMENT.

**RES 5097
BILLING SERVICE
FOR FIRE DEPT.**

Item C-3 was removed from the Consent Agenda for discussion during its regular order of business.

Deputy Mayor Adami said the Council discussed the contract for billing and collection services several years ago. He has heard complaints, probably since the nature is bill collecting. He asked about the impact of the program.

Chief Jones said last year the City established fees for fire inspection, after hour inspections, permit fees, and the assessment of fees specifically related to large incidents. The Council also adopted a recovery process so that on large incidents, especially where multiple stations or pieces of equipment respond, the City could invoice the end users.

The Council also authorized discretion in who would be billed and how they would be billed. For example, if more than one station is sent, but it was for the City's convenience rather than a need, it would not be billed. Invoices are sent for incidents on high-speed roadways, such as on Highway 75, Highway 82, or Highway 56, where additional manpower and resources are required.

Primarily the invoices are sent to insurance companies and are usually either paid or negotiated at a lower rate. Sometimes if the end user doesn't have insurance they direct bill and sometimes that is also negotiated at a lower fee or not paid.

Chief Jones said for a nine-month period, they have grossed approximately \$61,000, which nets about \$50,000. He estimated that collections would be about \$70,000 for the end of the year.

He added that on one major accident involving two 18-wheelers on Highway 82, the City was able to recover about \$20,000 in actual costs incurred, from an insurance company.

The City is just trying to recover some of the costs involved in hazardous materials incidents, motor vehicle accidents that cost the City additional resources, and vehicle fires that involve clean-up.

ACTION TAKEN.

Motion by Deputy Mayor Adami to approve Resolution Nos. 5096 and 5097, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5098 – APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATILLO, BROWN & HILL, LLP TO PERFORM THE FISCAL YEAR 2007 AUDIT

RES 5098
ANNUAL AUDIT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATILLO, BROWN & HILL, LLP TO PERFORM THE FISCAL YEAR 2007 AUDIT.
CONSENT AGENDA.

RESOLUTION NO. 5099 – SUSPENDING THE OCTOBER 25, 2007 EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORP., MID-TEX DIVISION SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

RES 5099
ATMOS ENERGY
RATE REQUEST

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUSPENDING THE OCTOBER 25, 2007 EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORP., MID-TEX DIVISION SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND

TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

George Olson, City Manager, explained that the rate request was rejected by the Railroad Commission last year, with changes. The proposed rate increase is 8.27% for residential customers, 22% for commercial customers, and 39% for industrial customers.

The resolution suspends the rate request and allows the steering committee time to study the issue and make a recommendation. The vote would be to suspend the rate increase at this time.

ACTION TAKEN.

Motion by Council Member Hughes to approve Resolution No. 5099, as presented. Second by Council Member Smith.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5100 – AUTHORIZING THE PURCHASE OF TWO BRUSH TRUCK CHASSIS AND LOADERS FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)

**RES 5100
SOLID WASTE
EQUIPMENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO BRUSH TRUCK CHASSIS AND LOADERS FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

CONSENT AGENDA.

RESOLUTION NO. 5101 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DAYTON TIRE SALES, INC. FOR AN ANNUAL SUPPLY OF TIRES AND TUBES

**RES 5101
TIRES & TUBES**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DAYTON TIRE SALES, INC. FOR AN ANNUAL SUPPLY OF TIRES AND TUBES.

CONSENT AGENDA.

RESOLUTION NO. 5102 – AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE II ADDITION TO THE CITY OF SHERMAN

**RES 5102
DEVELOPERS
AGREEMENT
O'HANLON RANCH**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A

DEVELOPER'S AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE II ADDITION TO THE CITY OF SHERMAN.
CONSENT AGENDA.

RESOLUTION NO. 5103 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 615 SOUTH VADEN STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 615 SOUTH VADEN STREET.
CONSENT AGENDA.

RES 5103
RESIDENTIAL
TAX ABATEMENT
(615 S. VADEN)

RESOLUTION NO. 5104 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 617 SOUTH VADEN STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 617 SOUTH VADEN STREET.
CONSENT AGENDA.

RES 5104
RESIDENTIAL
TAX ABATEMENT
(617 S. VADEN)

REQUEST TO ADVERTISE
2008 COMPREHENSIVE PLAN UPDATE

Mayor Magers commended the staff on the detailed request for quote that was prepared for the update of the Comprehensive Plan. He felt that it was a very thorough plan and was well documented.

REQ TO ADVERTISE
COMPREHENSIVE
PLAN UPDATE

Mr. Olson added that the contract should be brought back to the Council in January 2008 for awarding.

ACTION TAKEN.

Motion by Council Member Wacker to approve the request to advertise for the 2008 Comprehensive Plan Update, as presented. Second by Deputy Mayor Adami.
VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

OTHER BUSINESS
RECEIVE POLICE CHIEF TOM WATT'S PRESENTATION ON THE CREATION OF THE TEXOMA REGIONAL AIR SUPPORT UNIT

TEXOMA REGIONAL
AIR SUPPORT
UNIT

Tom Watt, Police Chief, presented a report on the creation of the Texoma Regional Air Support Unit and the opportunity it would afford the City. About three months ago, representatives from the City of Sherman attended a meeting with Bryan County, Oklahoma, City of Durant, Grayson County, Fannin County, and the City of Denison to discuss the formation of the Air Support Unit.

The Unit would include a helicopter and, in a limited role, two fixed wing aircraft. The smaller plane would be used to backup the helicopter, if needed. The larger plane is really designed for prisoner transport.

The helicopter could be used for fugitive manhunts, pursuits, missing person searches, surveillance, limited search and rescue, disaster survey, and patrol support.

Chief Watt said the response time for State helicopters to reach Sherman is generally two to three hours. The response time for this helicopter would be between 30 and 45 minutes. This would not replace the use of the State helicopters, but would fill the void before the State aircraft arrive. The helicopter would be hangared at either the Grayson County Airport or in Durant.

Originally the Unit included six members, but since that time the City of Denison and Fannin County have decided not to be involved. Financially it won't be a problem because the original amount needed from each entity was \$5,000, for a total of \$30,000 to be used for fuel and routine maintenance. Last week the participants were notified that they have received a Federal grant of \$12,000 for fuel. This grant offsets the \$10,000 loss from the two entities dropping out.

Chief Watt added that the memorandum of understanding contains a good walk-out clause, and the City's cost is only \$5,000. An interlocal agreement would be needed to participate in the Texoma Regional Air Support Unit and he recommended that the Council participate in the program.

Mayor Magers verified that the grant is a one-year grant only. Chief Watt said the cost of the Unit would be analyzed after the first year anyway to see if the program should be continued. He said since it is a new program there is no way to tell if the \$5,000 from each entity would be enough to fund the annual use.

Mayor Magers confirmed that Bryan County owns the aircraft and will be donating the use of the equipment. They have a commitment from the City of Durant for "at-cost" fuel and a hangar; maintenance is donated by local mechanics; and parts are obtained at substantially reduced costs from military surplus. With the donations, they have reduced the cost from a commercial operation of about \$265 per hour to about \$150 per hour.

Chief Watt clarified that the City would only pay the \$5,000 to participate in the program. The \$150 per hour is not a chargeable fee, just an estimate of the cost of operation. They feel they can operate the Unit with the \$20,000 from the entities and the \$12,000 Federal grant for fuel.

A Board comprised of Chiefs and Sheriffs from each of the participating entities will set priorities as to when the Unit is operated.

Council Member Hughes asked how many times air support was used during the last year. Chief Watt said air support could have been used three or four times this past year. He did not see a heavy use of the Unit, but there are calls where it would be very helpful.

Mayor Magers expressed concern that the \$5,000 would not be enough to fund the operation for a year and the Unit would come back to the participants for additional money. He asked who would decide which hangar the helicopter would be located in. Chief Watt said the governing Board will decide the types of calls where the helicopter will be used. He felt the helicopter would probably be parked at the closest hangar when the operation was complete.

Council Member Willie Steele verified that the small plane would be used as a back-up to the helicopter and is cheaper to operate.

Chief Watt recommended that the Council move forward with the next meeting of the governing body and present the memorandum of understanding and interlocal agreement to the City Attorney for review. The item will then be presented to the City Council for approval.

CONSIDER REQUEST OF THE SHERMAN NOON LIONS CLUB TO SOLICIT FUNDS FOR "WHITE CANE DAYS" AT TWO STREET CORNERS ON SATURDAY, OCTOBER 13, 2007

The City Council approved the request of the Sherman Noon Lions Club to solicit funds at two street corners for "White Cane Days" on Saturday, October 13, 2007. With their approval, the Council authorized the necessary traffic support and control, with the understanding that the Sherman Noon Lions Club accepts total responsibility for pedestrian exposure to traffic.

CONSENT AGENDA.

LIONS CLUB
"WHITE CANE
DAY"

SPECIAL CONSIDERATION TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410 (2)(J), FOR SITE PLAN APPROVAL FOR A PROPOSED TRAILER DOCK IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 3221 NORTHGATE DRIVE (NORTHGATE DEVELOPMENT TRUST, OWNER; FEDEX GROUND, TENANT)

The City Council approved the request of Northgate Development Trust (owner) and FedEx Ground (Tenant) for

FEDEX GROUND
TRAILER DOCK

special consideration for site plan approval for a temporary 8' x 53' trailer dock for eleven months in the Blalock Industrial Park District at 3221 Northgate Drive. The request was recommended by the Planning and Zoning Commission.
CONSENT AGENDA.

REPLAT APPROVAL OF A PORTION OF TRACT 2 OF THE SHERMAN HILLS COUNTRY CLUB ADDITION GOLF COURSE TRACTS, BEING 6.3 ACRES IN A PORTION OF TRACT 2 IN THE SHERMAN HILLS COUNTRY CLUB ADDITION GOLF COURSE TRACTS; SHERMAN HILLS, LLC, OWNER (1800-2600 BLOCKS OF U.S. HIGHWAY 75 SOUTH)

The City Council approved the Replat of a portion of Tract 2 of Sherman Hills Country Club Addition Golf Course Tracts, being 6.3 acres located in the 1800 to 2600 blocks of U.S. Highway 75 South. The owner would like to replat the property to realign the boundaries of the golf course. The request was recommended by the Planning and Zoning Board.

CONSENT AGENDA.

SHERMAN HILLS
COUNTRY CLUB
GOLF COURSE

FINAL PLAT APPROVAL OF THE PRESERVE, PHASE I, BEING 20.1931 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; COUNTRY RIDGE NORTH, LLC, OWNER; TIPTON ENGINEERING, INC., ENGINEERS/ SURVEYORS (4300-4600 BLOCKS OF QUAIL RUN ROAD)

The City Council approved the Final Plat of The Preserve, Phase I, being 20.1931 acres in the Elizabeth Jones Survey, Abstract No. 625, located in the 4300 to 4600 blocks of Quail Run Road in west Sherman between F.M. 1417 South and Friendship Road South. The owner would like to develop the tract into 71 lots for residential development. The request was recommended by the Planning and Zoning Board.

CONSENT AGENDA.

APPROVE FINAL PLAT
COUNTRY RIDGE
NORTH

FINAL PLAT APPROVAL OF THE VISTA NORTE ADDITION, PHASE TWO, BEING 43.235 ACRES IN THE W.F. PATTERSON SURVEY, ABSTRACT NO. 969; TRICON SHERMAN I., L.P., OWNER; VILBIG AND ASSOCIATES, ENGINEER; AND HELVEY AND ASSOCIATES SURVEYING, INC., SURVEYOR (4500-4800 BLOCKS OF PECAN GROVE ROAD)

The City Council approved the Final Plat of the Vista Norte Addition, Phase Two, being 43.235 acres in the W.F. Patterson Survey, Abstract No. 969, located in the 4500 to 4800 blocks of Pecan Grove Road south of Vista Norte, Phase I off of Fallon Drive, near Midway Mall. The owner would like to plat the property into 19 lots for residential development. The request was recommended by the Planning and Zoning Board.

CONSENT AGENDA.

APPROVE FINAL PLAT
VISTA NORTE
ADDITION, PHASE II

REPLAT APPROVAL OF THE J.D. MILLER ADDITION AND THE DERL AND FRANCES TUCKER PROPERTY, BEING 0.27 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 AND LOTS 1 AND 2, BLOCK 1 OF THE J.D. MILLER

APPROVE REPLAT
J.D. MILLER
ADDITION

ADDITION; TEAM YOUNG PROPERTIES, LLC AND DERL AND FRANCES TUCKER, OWNERS (900 BLOCK OF WEST BIRGE AND 1014 NORTH LOCKHART)

The City Council approved the Replat of the J.D. Miller Addition and the Derl and Frances Tucker property, being 0.27 acres in the J.B. McAnair Survey, Abstract No. 763 and Lots 1 and 2, Block 1 of the J.D. Miller Addition, at the northeast corner of West Birge Street and Lockhart Street.

The owner at 1014 North Lockhart would like to enlarge his lot for his recreational vehicle parking and driveway. The property will be platted into three lots, enlarging Lot 3. The request was recommended by the Planning and Zoning Board.

CONSENT AGENDA.

CITIZENS REQUESTS
STRIPPING OF STREET

Rad Richardson, 2401 Turtle Creek, said he recently spoke with Jeff Miller, Director of Public Works, about some stripping that was needed on Lamberth Road. The project was completed in about 10 days. Mr. Richardson commended Mr. Miller on his quick response.

STRIPPING OF
STREET

MEDIA QUESTIONS
THANKS FOR THE TABLE

Kathy Williams, Herald Democrat Reporter, thanked the City Council for providing a small desk for her during Council Meetings.

THANKS FOR
THE TABLE

COUNCIL COMMENTS
TEXOMA NIGHT OUT

Council Member Hughes urged all citizens to participate in the annual Texoma Night Out crime prevention effort.

TEXOMA NIGHT
OUT

COMPREHENSIVE PLAN

Council Member Wacker thanked the staff for the request for quote that was presented earlier to hire consultants for an update of the Comprehensive Master Plan.

COMPREHENSIVE
PLAN

ARTS FESTIVAL

Mayor Magers thanked the City staff for their hard work during the Arts Festival. Volunteers run the event, but the City staff makes it possible.

ARTS FESTIVAL

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

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

EXECUTIVE SESSION

SECTION 551.074 --

PERSONNEL MATTERS:
CONSIDER THE QUALIFICATIONS,
APPOINTMENT AND REMOVAL
OF MEMBERS TO BOARDS AND
COMMISSIONS:

SHERMAN ECONOMIC
DEVELOPMENT CORPORATION
BOARD OF DIRECTORS (3)

GRAYSON CENTRAL APPRAISAL
DISTRICT BOARD OF DIRECTORS
(1)

DISCUSSION OF PERFORMANCE
STANDARDS, GOALS AND
OBJECTIVES FOR CITY
MANAGER

ANNUAL REVIEW OF CITY
ATTORNEY

On Motion duly made and carried, the Open Meeting
recessed and reconvened in Executive Session at 5:40 p.m.

On Motion duly made and carried, the Executive Session
recessed at 7:45 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

**CONSIDER THE QUALIFICATIONS, APPOINTMENT AND
REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:
SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS (3)**

ACTION TAKEN.

Motion by Council Member Hughes to reappoint Joe
Fallon, Jr. and Andy Olmstead and to appoint Rad
Richardson to the Sherman Economic Development
Corporation Board of Directors, for a term from October
1, 2007 to October 1, 2009. Second by Deputy Mayor
Adami.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele,
Wacker.

VOTING NAY: None.

MOTION CARRIED.

SEDCO
APPOINTMENTS

**RESOLUTION NO. 5105 – NOMINATING A CANDIDATE TO
THE GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF
DIRECTORS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, NOMINATING A CANDIDATE TO THE
GRAYSON CENTRAL APPRAISAL DISTRICT BOARD OF
DIRECTORS.

RES 5105
APPRAISAL
DISTRICT
NOMINATION

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5105, nominating Keith Nathan as a candidate for the Grayson Central Appraisal District Board of Directors. Second by Deputy Mayor Adami.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

COMPENSATION FOR CITY MANAGER

ACTION TAKEN.

Motion by Deputy Mayor Adami to authorize a cost of living adjustment for George Olson, City Manager, at the same level that all other City employees receive for Fiscal Year 2007-2008. Second by Council Member Smith.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

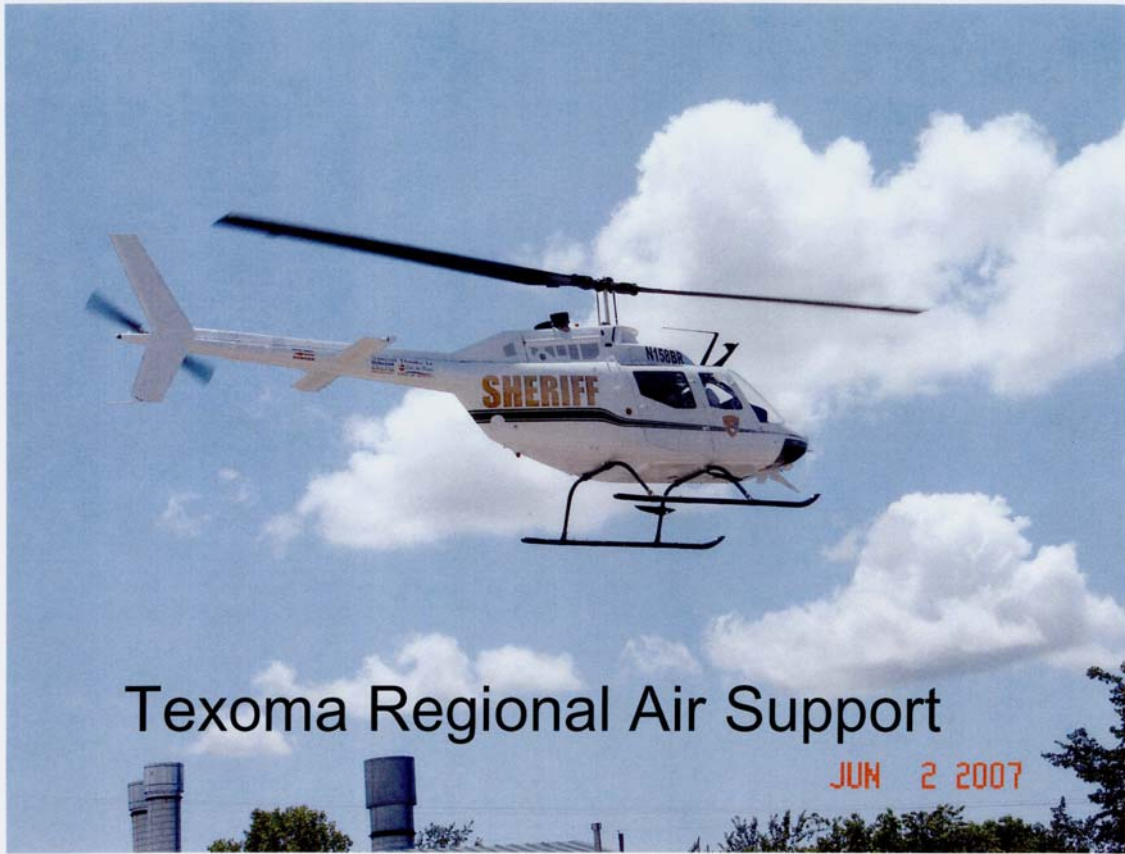
On Motion duly made and carried, the meeting adjourned at 7:47 p.m.

**COMPENSATION
FOR CITY MANAGER**

ADJOURNMENT

MAYOR

CITY CLERK



Texoma Regional Air Support

JUN 2 2007

Available Aircraft



Bell OH-58C



- Gas Turbine - 4 passenger (crew +2) Helicopter
- Cruise Speed – 105 knots
- Endurance – 2.5 hours on scene
- Fuel Burn – 25.5 GPH Jet-A
- Service Ceiling 12,000 Feet

Aircraft Capabilities



- OH-58C
 - Fugitive Manhunts
 - Missing Persons Searches
 - Surveillance
 - Limited search and rescue
 - Disaster survey's
 - Patrol Support

Response Time

- **State Aircraft often have response time to our area of between 2 and 3 hours.**
 - Response Time for TRASU aircraft is projected between 30 and 45 minutes anywhere within the service area
 - We are not attempting to replace the use of State aircraft only to fill the void before the state aircraft arrive

Operating Costs

Bell OH-58C

- Most Comparable to the Bell 206BIII
 - Bell Helicopter Estimates Direct Operating Costs for the 206BIII at \$265 Per Flight Hour



Steps Taken to Reduce Our Actual Operating Costs

- Parts obtained at substantially reduced costs from Military Surplus
- Maintenance labor is all donated by local mechanics
- Fuel is obtained at Wholesale cost through an agreement with the City of Durant
- Hangar Space is Donated
- Donations have been accepted from local businesses and private persons

Projected Operating Costs for our Aircraft

- OH-58C - \$150 Per Flight Hour
- Aero Commander – \$150 Per Flight Hour
- Cessna 172 - \$50 Per Flight Hour

Proposed Cost to You

- Grayson County SO - \$5,000
- Sherman PD - \$5,000
- Durant PD - \$5,000
- Bryan County – Donation of Unit's Current Assets

Proposed Cost to You

- Total = \$20,000
 - Maintenance
 - Fuel
 - Parts
 - Equipment



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. A.5

PROCLAMATION

“National Business Women’s Week” – October 15-19, 2007

Issue

To present a proclamation designating October 15-19, 2007 as “Business Women’s Week” in the City of Sherman

Background

Each year, the Business & Professional Women’s (B&PW) organization celebrates a week in October to recognize the accomplishments of business women throughout the community.

Origination

The request for this proclamation originated with the B&PW.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is the recommendation of the staff to present a proclamation proclaiming “Business Women’s Week.”

Alternatives

The Council could choose not to present the proclamation.

Attachments

A proclamation proclaiming “Business Women’s Week” is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN



Proclamation

WHEREAS, working women constitute 69 million of the nation's workforce and strive to serve their communities, their states and their nation in professional, civic and cultural capacities, and

WHEREAS, women-owned businesses account for 28 percent of all U.S. business, generating \$1.2 trillion in sales, and

WHEREAS, the major goals of Business and Professional Women / USA are to promote equality for all women and to help create better conditions for working women through the study of social, educational, economic and political problems; all of us are proud of their leadership in these many fields of endeavor, and

WHEREAS, since 1928, Business and Professional Women / USA has been spotlighting the achievements and contributions of working women during National Business Women's Week, and

WHEREAS, Sherman Business and Professional Women's Club proudly support the contributions of all working women.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim October 15 through 19, 2007

NATIONAL BUSINESS WOMEN'S WEEK

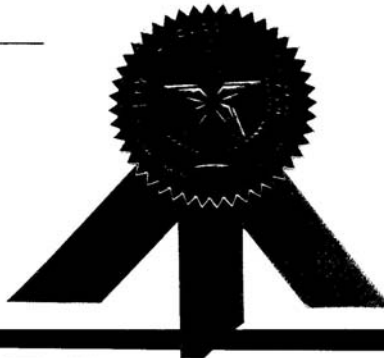
in the City of Sherman and encourage all citizens, all civic and fraternal groups, all educational associations, and all news media and other community organizations to join in this salute to working women in honor of this 79th Anniversary and to encourage and promote the celebration of the achievements of all business and professional women as they contribute daily to our economic, civic and cultural purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 15th day of October, 2007.


Mayor

ATTEST:


City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. A.6

PROCLAMATION

“Sherman Chamber of Commerce Week” – October 15-19, 2007

Issue

To present a proclamation designating October 15-19, 2007 as “Sherman Chamber of Commerce Week” in the City of Sherman

Background

The Sherman Chamber of Commerce has worked for 94 years in the community to foster business and economic development.

Origination

The request for this proclamation originated with the Sherman Chamber of Commerce.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is the recommendation of the staff to present a proclamation proclaiming “Sherman Chamber of Commerce Week.”

Alternatives

The Council could choose not to present the proclamation.

Attachments

A proclamation proclaiming “Sherman Chamber of Commerce Week” is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN



Proclamation

WHEREAS, the Sherman Chamber of Commerce has for 94 years distinguished itself as the voice of business in Sherman, and

WHEREAS, the work done by the Sherman Chamber of Commerce has benefited Sherman through its economic development and community development programs, and

WHEREAS, the Sherman Chamber of Commerce has unceasingly promoted the community for quality growth and development, and

WHEREAS, the business community, represented by the Sherman Chamber of Commerce has been a driving force in fostering enhanced educational opportunities, infrastructure improvements, leadership development, the creation of jobs, and positive vision of the future, and

WHEREAS, the Sherman Chamber of Commerce has sought to achieve successful results for Sherman in a cooperative spirit with other organizations.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim October 15 through 19, 2007

SHERMAN CHAMBER OF COMMERCE WEEK

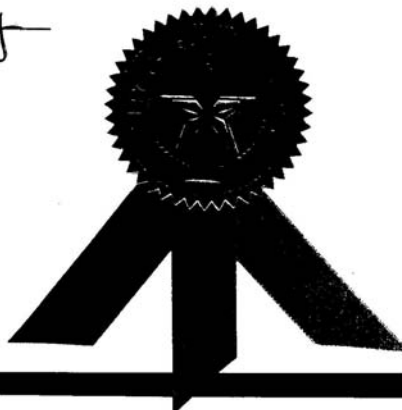
in the City of Sherman, and recognize the Chamber of Commerce and its many dedicated volunteers for their steadfast work on behalf and support of Sherman and encourage our citizens to congratulate the organization on its many accomplishments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 15th day of October, 2007.

Mayor

ATTEST:

Linda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. A.7

SPECIAL PRESENTATION

Recognition of City of Sherman Award:

“Certificate of Achievement for Excellence in Financial Reporting”

Issue

The City of Sherman Finance Department has received the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended September 30, 2006.

Background

The Certificate of Achievement for Excellence in Financial Reporting constitutes recognition by the Government Finance Officers Association of the United States and Canada that we have achieved a level of excellence in financial reporting. This is the latest award period and will mark the twentieth straight year that we have received this recognition. We have been recognized every year that we have submitted this Comprehensive Annual Financial Report for analysis by the Association. This award is recognition of the highest level of excellence in governmental accounting and financial reporting. It speaks well of the City of Sherman, the Finance Department, and all operating departments that play a role in the financial reporting process. It also reflects favorably on the external audit firm that has been an important part of the financial reporting process. It is a prestigious award to obtain, in that demanding criteria must be met with full financial disclosure being paramount.

Origination

City Manager's Office

Financial Consideration

None

Staff Recommendation

It is recommended that the City Council accept the award and present the plaque to Controller Mary Lawrence.

Alternatives

None recommended

Attachments

GFOA News Release dated September 28, 2007

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

09/28/2007

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Sherman** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Finance Department, City of Sherman

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 16,000 government finance professionals with offices in Chicago, IL, and Washington, D.C.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5492
**Amending Chapter 8 of the Code of Ordinances, entitled “Offenses and Nuisances”,
at Article 8.08, “Junked Vehicles”, Section 8.08.001, “Definitions”**

Issue

A change in State law which affects our code provisions pertaining to junked vehicles

Background

Effective September 1, 2007, the Texas Transportation Code, Section 683.071, which defines “junked vehicle,” was amended by changing one word, “and” to “or”, in section 683.071 (1)(A), making it now read, “an unexpired license plate; and...” instead of the previous language, “an unexpired license plate; or....” This one-word revision significantly changes the definition of a junked vehicle. Since Section 8.08.001 of the City of Sherman Code of Ordinances mirrors the Texas Transportation Code, it needs to be corrected. The proposed ordinance correction modifies the definition of a “Junked vehicle” in Section 8.08.001 to reflect the change in State law. The proposed ordinance is attached, along with the new State law.

Origination

Sherman Police Department

Financial Consideration

None

Staff Recommendation

Adopt the proposed ordinance, making the needed one-word revision to Section 8.08.001 to reflect the change in State law.

Alternatives

None identified

Attachments

Ordinance No. 5492

Texas Transportation Code 683.071

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

ORDINANCE NO. 5492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, ENTITLED "OFFENSES AND NUISANCES", AT ARTICLE 8.08, "JUNKED VEHICLES", SECTION 8.08.001, "DEFINITIONS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 8 of the Code of Ordinances, entitled "Offenses and Nuisances", be amended at Section 8.08.001 to read as follows:

Sec. 8.08.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antique vehicle. A passenger car or truck that was manufactured in 1925 or before or a passenger car or truck that is at least thirty-five (35) years old.

Demolisher. A person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Junked vehicle. Any vehicle that is self-propelled and:

- (1) Does not have lawfully attached to it:
 - (A) An unexpired license plate; ~~or~~ and
 - (B) A valid motor vehicle inspection certificate; and
- (2) Is wrecked, dismantled or partially dismantled or discarded; or
- (3) Is inoperable and has remained inoperable for more than:
 - (A) Seventy-two hours if the vehicle is on public property; or
 - (B) Thirty consecutive days if the vehicle is on private property.

Motor vehicle collector. The owner of one (1) or more antique or special interest vehicles who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

Special interest vehicle. A motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

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

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

SUBCHAPTER E
JUNKED VEHICLES: PUBLIC
NUISANCE; ABATEMENT

Sec. 683.071. Definition.

In this subchapter, "junked vehicle" means a vehicle that is self-propelled and:

(1) does not have lawfully attached to it:

(A) an unexpired license plate; and

(B) a valid motor vehicle inspection certificate; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

(Acts 1995 74th Leg., ch. 165, effective September 1, 1995; Acts 1999 76th Leg., ch. 746, effective September 1, 1999; Acts 2001 77th Leg., ch. 798, effective September 1, 2001; Acts 2007, 80th Leg., ch. 500 (S.B. 350), § 1. effective September 1, 2007.)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5487

**Amending Chapter 13, Article 13.06 of the Code of Ordinances, entitled "Solid Waste,"
by Amending Sections 13.06.001, 13.06.051, 13.06.084, 13.06.087 and 13.06.088 to
Simplify Deposit Structure for Commercial Solid Waste Fees**

Issue

Amending the Code of Ordinances to simplify the deposit requirements for rental of commercial front-load and roll-off containers

Background

Commercial solid waste (CSW) customers are required to remit a deposit for the rental of commercial solid waste containers. This deposit is primarily intended to cover any damage to the containers during the use period, but also mitigates potential non-payment by the customer. The current deposit calculation is based on the frequency of service and size of container. It is very cumbersome to explain to customers and difficult to administer at times. In an effort to simplify the deposit calculation and provide better customer service, the staff recommends modifying the deposit calculation whereby the deposit is based solely on the container size. This change is expected to have minimal, if any, effect on the solid waste collections, especially in light of the recent changes in the billing procedures and billing due dates for CSW customers. The other changes are primarily administrative in nature and help clarify definitions within the Code.

Origination

Finance/Utility Billing

Financial Consideration

There is no expected cost to this proposed change, and collections are expected to be essentially unaffected.

Staff Recommendation

The staff recommends that the Council approve this proposed change.

Alternatives

The Council could choose to leave the deposit structure unchanged by not adopting the proposed change.

Attachments

Ordinance No. 5487

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager

ORDINANCE NO. 5487

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13, ARTICLE 13.06 OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE," BY AMENDING SECTIONS 13.06.001, 13.06.051, 13.06.084, 13.06.087 AND 13.06.088 TO SIMPLIFY DEPOSIT STRUCTURE FOR COMMERCIAL SOLID WASTE FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 13, Article 13.06, Sections 13.06.001, 13.06.051, 13.06.084, 13.06.087 and 13.06.088 of the Code of Ordinances of the City of Sherman, Texas, are hereby amended as follows:

Sec. 13.06.001 Definitions

Bulky waste. Stoves, refrigerators (only certified CFC removal), water tanks, washing machines, furniture, and other large materials, other than construction debris, dead animals, hazardous waste, or stable matter with weights or volumes greater than those allowed for an automated solid waste roll-out cart.

Carryout service. Under special circumstances the city will pick up residential waste at the door of a residence for an extra fee.

Commercial front load container. A metal container used for the collection of a wide range of commercial and industrial waste or recycled material and that can be emptied by a front loading truck with a fork-lifting device. The container may have an optional hinged, lockable lid covering the top of the container. The metal containers range in size from two (2) to eight (8) cubic yards.

Commercial roll-off container. A rectangular-shaped metal box constructed to hold twenty (20) to forty (40) cubic yards of waste material and designed to have either an open top, a closed top, or be combined with a compactor for greater capacity. This container is designed to be emptied by a tilt-frame truck with a cable hoist or hooklift.

Commercial waste. All normal establishment waste product, construction or demolition debris of commercial buildings, institutions or establishments and including structures containing more than four (4) dwellings, other than sewage and body waste or manure, ~~or dead animals over ten (10) pounds.~~

Construction/demolition waste. All normal and customary rubble or debris, resulting from the construction, remodeling, demolition or the partial or total destruction or damage of a building or structure from any cause or source.

Customer. An occupant of a residential, commercial or industrial unit who generates refuse in the city limits serviced by contractor.

Dead animals. Animals or portions thereof ~~equal to or greater than ten (10) pounds in weight~~ that have expired from any cause, except those slaughtered or killed for human use.

Environmental laws. Any and all state, federal, and local statutes, rules, regulations, and ordinances relating to the protection of human health or the environment including, without limitation, the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. section 6901 et seq., the Comprehensive Environmental Response Compensation and Liability Action of 1980, 42 U.S.C. section 6901 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Hazardous Materials Transportation Act, 49 U.S.C. section 6901 et seq., the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq., the Clean Air Act, 42 U.S.C. section 7401 et seq., the Toxic Substances Control Act, 15 U.S.C. section 2601 et seq., the Safe Drinking Water Act, 42 U.S.C. sections 300f–300j, the United States Environmental Protection Agency’s rules concerning Underground Storage Tanks, 53 Fed. Reg. 37082 (9/23/88), the Texas Solid Waste Disposal Act, the Texas Water Code and the Texas Clean Air Act, all as amended now and in the future, and any similar federal, state and local environmental statutes and ordinances, and the rules and regulations, orders and decrees now or hereafter promulgated thereunder.

Garbage. Solid waste consisting of putrescible animal and vegetable waste materials (see residential/commercial garbage).

Hazardous waste. Waste, in any amount, which is defined, characterized, or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law.

Household hazardous waste. Waste, in any amount, regulated or nonregulated, as described herein under hazardous waste, that is generated in a household.

Non-compactable waste. Any solid waste, including concrete and other large bulky materials, that cannot be compacted to 1/3 its original size

Person. An individual, partnership, corporation or any other legal entity.

Premises. All public and private establishments, including individual residences, all multifamily dwellings, residential care facilities, hospitals, schools, businesses, other buildings, and all vacant lots.

Recycle, recycling and recyclables. The reclamation and/or recovery from solid waste of all recyclable matter having economic value, including, but not limited to, glass, newsprint, paper, plastic, tin, aluminum, corrugated and chipped cardboard.

Refuse or rubbish. Nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, used and scrap tires, and similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600 degrees Fahrenheit to 1800 degrees Fahrenheit).

Residential waste. All normal household waste of private residences and multifamily dwellings of not more than two (2) units, especially including putrescible, but not including sewage and body waste, manure, ~~dead animals over ten (10) pounds in weight~~, large tree trimmings, demolition or remodeling debris, hazardous waste, or any other waste material that cannot be broken down to fit into a polycart automated residential refuse container.

Solid waste. Any garbage, rubbish, refuse, sludge (from a waste treatment plant, water supply, or air pollution control facility) and other discarded material, including solid, liquid semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agriculture operations, and from community and institutional activities.

Special waste. Any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemicals characteristics or biological properties, requires special handling and disposal to protect human health or the environment. If improperly handled, transported, stored, processed or disposed of or otherwise managed, it may pose a present or potential danger to human health or the environment (as defined in the Tex. Admin. Code tit. 30, chapter 333 (1996), and as amended.

Unusual accumulations.

- (1) For residences, a regular collection having more garbage than a customer's automated solid waste roll-out carts will reasonably hold;
- (2) For commercial establishments, accumulations that would not occur in the ordinary course of business for the type of establishments (based on the history of the establishments);
- (3) Large, heavy or bulky objects, such as furniture or appliances; and
- (4) Materials judged by the head of the solid waste division to be hazardous such as oil, acid or caustic materials.

Sec. 13.06.051 Recycling

(a) The city hereby establishes a recycling program for its residential solid waste customers effective October 1, 2001. The scheduled pick up of the recyclable items will be every other week as directed by the solid waste department.

(b) All residential solid waste customers shall participate in the recycling program and shall be billed three dollars and one cent (\$3.01) plus state sales tax of twenty-four cents (\$0.24) for a total of three dollars and twenty-five cents (\$3.25) per month except as provided below:

- (1) Age sixty-five (65) and over. Solid waste customers who are sixty-five (65) years of age or over may opt out of the recycling program, or choose to receive the service at

no charge, by requesting the city's water department to issue them a written waiver upon proof of age being presented to the water department.

(2) Physically unable. Those customers who are physically and permanently unable to place the recycling roll-out container at the curb or alley, without regard to age, may opt out of the recycling program by requesting the city's water department to issue them a written waiver upon proof of permanent physical disability.

(c) All residential recyclable and solid waste containers be placed next to, but no further than, two (2) feet away from the curb or alley. The recyclable and solid waste roll-out containers shall be placed side by side, but no closer than two (2) feet between them or closer than two (2) feet to any other object, maintaining a required twelve-foot overhead clearance in order to permit the automated collection.

(d) Any obstruction preventing the automated curbside or alley collection shall result in a noncollection.

(e) All items consisting of the following, be placed in the recycling container:

- (1) Aluminum, tin and steel cans (including empty aerosol cans).
- (2) Plastic bottles with a threaded or a neck narrower than the base.
- (3) Cardboard.
- (4) Newspaper.
- (5) Office paper.
- (6) Junk mail.
- (7) Phone books and magazines.
- (8) *Glass.*

(f) All other items are prohibited from depositing into any recyclable container and are specifically, but not limited to, the following items:

- ~~(1) —Glass.~~
- ~~(2)~~ (1) Food waste.
- ~~(3)~~ (2) Hazardous waste.
- ~~(4)~~ (3) Paint.
- ~~(5)~~ (4) Soiled paper materials.
- ~~(6)~~ (5) Plastic materials other than bottles.
- ~~(7)~~ (6) Yard waste.

(g) All residential recycling customers will be provided one (1) one hundred (100) gallon recycling container, identifiable by serial number and assignment by address, for recycling use.

The city will provide at customer's request, and have readily available, sixty-five (65) gallon containers for collection. Any customer may request one (1) additional authorized container, as needed, upon written request submitted to the solid waste department at no charge. All carts will remain the property of the city and should under no circumstances be removed from the assigned address or used for any purpose other than the city recycling program. Replacement cost for damaged, lost or stolen recycling containers will be forty dollars (\$40.00) per container and will be charged to the customer's water bill.

(h) Penalty for violations.

- (1) It shall be unlawful for any person or persons to place any prohibited item in a recyclable container.
- (2) It shall be unlawful for any person or persons to remove all or part of any recyclable items from a recyclable container or remove the recyclable container from its designated location.
- (3) It shall be unlawful for any person or persons to intentionally deface, obstruct or damage any recycling container.
- (4) Any person or persons violating the terms of this section will be subject to a class C criminal misdemeanor charge with a fine as provided in section 1.01.009 of this code for each violation.

Sec. 13.06.084 Containers

(a) All new commercial front load and roll-off container customers will be required to make a deposit by cash, *check*, or credit card with the city ~~finance utility billing~~ department ~~in the amount of the first month's container rental charge plus any associated delivery and equipment charges.~~ *The amount of the required deposit is set forth in section 13.06.087*

(b) When the head of the solid waste division determines that the front load or roll-off equipment cannot be used, businesses, industries and institutions will be allowed to use garbage cans for refuse of not larger than a thirty-gallon capacity (standard container), constructed of plastic or galvanized metal material, watertight, with a tight-fitting lid and with substantial handles on the sides. A weight limit of fifty (50) pounds for each garbage can and contents is hereby established.

(c) As an option to the above-described thirty (30) gallon capacity container, there is available a one hundred (100) gallon or smaller, high-density, polyethylene, automated solid waste container with wheels, molded handle and tight-fitting hinged lid. The cart is manufactured in a dark green color with molded white serial numbers and raised white lettering indicating the "City of Sherman."

~~(d) As an additional option to the above-described standard and automated containers, there is available a commercial front load container designed as a watertight, metal container with a hinged, lockable lid covering the top of the container. This container is designed to accept a wide range of commercial and industrial waste or recycled material and to be emptied by a front~~

~~loading truck with a fork lifting device. The containers range in size from two (2) to eight (8) cubic yards.~~

~~(e) As a further option to the above-described containers, there is available a roll-off container described as a rectangular-shaped metal box constructed to hold twenty (20) to forty (40) cubic yards of waste material and designed to have either an open top, a closed top, or be combined with a compactor for greater capacity. This container is designed to be emptied by a tilt frame truck with a cable hoist or hooklift.~~

~~(f)~~ (d) All carts and containers distributed by the city for solid waste collection shall remain the property of the city, and it is the responsibility of the assigned residential or commercial customers not to damage, abuse or destroy this equipment.

~~(g)~~ (e) All automated carts and containers shall be placed at the designated location suitable for the pickup as determined by the solid waste superintendent.

~~(h)~~ (f) Carts shall not be filled with heavy landscape or building construction waste materials.

~~(i)~~ (g) A fifty dollar (\$50.00) trip charge may be assessed to a customer's account if the waste collection vehicle is not able to service the container or otherwise collect the waste due to it being overweight, overfilled, constitutes nonpermitted waste as defined by the city's landfill or the Texas Commission on Environmental Quality (TCEQ), or is inaccessible due to parked vehicles, debris, or other obstacles.

Sec. 13.06.087 Deposits and Service Charges for commercial front load containers

(a) Deposits for commercial front load containers are established as follows for the collection of compacted and non-compacted waste.

<i>2 Cubic Yards</i>	<i>3 Cubic Yards</i>	<i>4 Cubic Yards</i>	<i>6 Cubic Yards</i>	<i>8 Cubic Yards</i>
<i>\$100.00</i>	<i>\$150.00</i>	<i>\$175.00</i>	<i>\$200.00</i>	<i>\$250.00</i>

~~(a)~~ (b) Monthly ~~rates~~ service charges for commercial front load containers are established as follows:

WASTE COLLECTION

Monthly ~~Rate~~ Service Charges Per Customer Container

Container in Cubic Yards	Collection Days Per Week						
Noncompacted Trash	1x	2x	3x	4x	5x	6x	Additional Unscheduled Pickups-Per Pickup

2	\$40.00	\$65.00	\$95.00	\$130.00	\$160.00	\$190.00	\$15.00
3	50.00	90.00	135.00	180.00	225.00	270.00	20.00
4	65.00	110.00	170.00	225.00	280.00	335.00	25.00
6	80.00	130.00	200.00	265.00	330.00	395.00	35.00
8	90.00	155.00	230.00	310.00	385.00	460.00	40.00
6	\$90.00	\$145.00	\$220.00	\$295.00	\$365.00	\$435.00	\$40.00
8	100.00	170.00	255.00	345.00	425.00	510.00	45.00

RECYCLING COLLECTION

	Collections Per Week				
Corrugated (OCC) Recycling Service	1x	2x	3x	4x	5x
2 yds. recycling containers	\$22.00	N/A	N/A	N/A	N/A
4 yds. recycling containers	30.00	N/A	N/A	N/A	N/A
8 yds. recycling containers	50.00	\$75.00	\$100.00	\$125.00	\$150.00
With city commercial waste service	35.00	50.00	65.00	80.00	95.00
With multiple waste containers or 8 yds. waste service, 5x/week	30.00	30.00	30.00	30.00	30.00

(b) (c) Optional services available for commercial front load containers are established as follows:

- (1) On-call special container service 6 yds—\$40.00/pickup
- (not for construction material or residential use) 8 yds—\$55.00/pickup

- (2) Special container delivery charge \$50.00/container
- (3) Servicing containers with locks \$40.00 one-time charge
- (4) Servicing containers with casters \$18.00/month

Sec. 13.06.088 Deposits and Service Charges for commercial roll-off containers

(a) Deposits for commercial compacted roll-off containers will be quoted on an individual basis.

(b) Deposits for commercial roll-off containers are established as follows.

20 Cubic Yards	30 Cubic Yards	40 Cubic Yards
\$300.00	\$350.00	\$400.00

(c) Deposits for commercial roll-off containers containing non-compactable waste are established as follows:

20 Cubic Yards	30 Cubic Yards
\$575.00	\$650.00

~~(a)~~ (d) Rates Service Charges for commercial roll-off containers are established as follows:

Open Top Container Pull Charge

Size in Cubic Yards

20 \$205.00

30 268.00

40 325.00

30 yard recycle 105.00

Compacted Container Pull Charge

Size in Cubic Yards

20 \$225.00

30 295.00

35 332.00

40 365.00

30 OCC recycle receiver 145.00

40 OCC recycle receiver 175.00

~~(b)~~ (e) ~~Optional services available~~ *Additional charges* for commercial roll-off containers are established as follows:

(1) Open top container rental \$50/month

(2) Container delivery charge \$35/container

(3) 40 yard receiver rental \$75/month

(4) After hours pull charges (5 p.m. – 7 a.m. Monday- \$75/pull
Friday; Saturday; Sunday)

(5) Self-contained compactor rental

30 Yard \$100/month

35 Yard \$115/month

(6) Special Waste ~~(including concrete shingles)~~. Charge will include the appropriate container pull charge as shown in the above tables, plus any additional disposal fees assessed by the landfill, and any additional hauling or documentation fees required to properly dispose of the material.

(7) Container reset fee (due to delinquent account): \$35/occurrence.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

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

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5493
Amending Chapter 13, "Utilities," at Section 13.07.279, "Pro Rata Charge Established,"
to Revise the Pro-Rata Charge for Water and Sewer Main Extensions

Issue

A proposed revision to the established pro-rata charge for water and sewer main extensions

Background

The City currently recovers a portion of the costs of installing new water and sewer mains, or extending existing mains, by charging property owners and/or developers a pro-rata fee. The fee is not intended to take into consideration the full impact of this infrastructure development to the entire water and sewer system (i.e., impact fees), rather the intent is to assess fees for costs related to the water and sewer mains only. The current charges of \$7.00/ft and \$6.00/ft for water and sewer pro-rata fees, respectively, were developed in 1990 and have not been changed since that time. The staff is proposing to increase the fees to \$15.00/ft and \$13.00/ft for water and sewer pro-rata fees, respectively. These fees were calculated as 50% of the cost of the most recent water and sewer main installation projects for the City. In the future, the staff will bring recommendations to the Council for additional modifications to the pro-rata fee policy. This will be done in the more complete context of considering the entire spectrum of development policies of the City.

Origination

Engineering/Assistant City Manager

Financial Consideration

This proposed change would more than double the current pro-rata fees.

Staff Recommendation

The staff recommends approving this change to the established pro-rata charge for water and sewer main extensions.

Alternatives

The Council could suggest alternative rates for these fees.

Attachments

Ordinance No. 5493

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13, "UTILITIES," AT SECTION 13.07.279, "PRO RATA CHARGE ESTABLISHED," TO REVISE THE PRO-RATA CHARGE FOR WATER AND SEWER MAIN EXTENSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 13 of the Code of Ordinances, entitled "Utilities," be amended at Section 13.07.279 to read as follows:

Sec. 13.07.279 Pro-rata charge established.

(a) A front foot charge, which shall be known as the "pro rata," shall be made against each lot or tract of land, and the owner thereof, whose water or sewer line shall be hereafter connected with any water or sewer mains in the city, or in the extraterritorial limits, and the charge shall be at the following rates, which rates are a portion of the total cost of such water and sewer mains:

(1) Generally. Fifty (50) percent of the current front footage installation cost of an eight-inch standard size water or sanitary sewer main and appurtenances, or fifty (50) percent of the current front footage installation cost of the size water or sewer main, as determined by the city to adequately serve the lot, tract, or development. The current pro rata charge for one-half the cost of a standard eight-inch water main with appurtenances shall be ~~as established by ordinance~~ *fifteen dollars (\$15.00) per foot*. The current pro rata charge for one-half the cost of a standard eight-inch sewer main with appurtenances shall be ~~as established by ordinance~~ *thirteen dollars (\$13.00) per foot*. The pro rata charge for water and sewer mains may be changed to reflect any increase or decrease in current construction costs upon the recommendation of the city engineer and the approval of the city council.

(2) Frontage on both streets. On lots, tracts of land, or developments which extend through from one (1) street to another, with frontage on both streets, the pro rata charges herein provided for shall be paid on both frontages when a connection is secured to the lot, tract, or development. To secure water and sewer service an owner may advance and pay to the city the entire pro rata cost as set forth in this division; the city, when such money has been actually deposited with the city, will construct the desired water or sewer main along the street, alley, or easement. When any property for which such person has advanced the pro rata cost is connected to such main extension, then, in that event, one hundred (100) percent of the pro rata collected on that particular property shall be refunded by the city to the person making the original deposit.

(b) In addition to the pro rata charges on water and sewer mains, the property will be required to pay the regular tap charges as established by ordinances of the city.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

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

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. B.4

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5492, 5487 and 5493

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5492

Amending Chapter 8 of the Code of Ordinances, entitled "Offenses and Nuisances", at Article 8.08, "Junked Vehicles", Section 8.08.001, "Definitions"

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5487

Amending Chapter 13, Article 13.06 of the Code of Ordinances, entitled "Solid Waste," by Amending Sections 13.06.001, 13.06.051, 13.06.084, 13.06.087 and 13.06.088 to Simplify Deposit Structure for Commercial Solid Waste Fees

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5493

Amending Chapter 13, "Utilities," at Section 13.07.279, "Pro Rata Charge Established," to Revise the Pro-Rata Charge for Water and Sewer Main Extensions



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. B.5

CONSENT AGENDA

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

C.2 * RESOLUTION NO. 5107

Executing the Third Amendment to the Original Contract with Tyler Technologies, Inc. for the Purchase of INCODE Cemetery and Accounts Receivable Software

C.3 * RESOLUTION NO. 5108

Authorizing an Amendment to the Original Service Agreement with Intermedix Technologies, Inc. for the Billing and Collection of Ambulance Fees

C.5 * RESOLUTION NO. 5110

Authorizing the Execution of a Quitclaim Deed to George R. Coyle for the Conveyance of Property being Tracts of Land in the Preston Kitchens Survey, Abstract No. 667 and the Samuel Blagg Survey, Abstract No. 56

C.6 * RESOLUTION NO. 5111

Authorizing the Execution of an Agreement with TXA Holdings Properties, LP for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1105 North Harrison Street

C.7 * RESOLUTION NO. 5112

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 705 East Sycamore Street

C.8 * RESOLUTION NO. 5113

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 712 East Sycamore Street

C.9 * RESOLUTION NO. 5114

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 716 East Sycamore Street

D.1 * *REQUEST TO ADVERTISE*

Ambulance Billing Services

D.2 * *REQUEST TO ADVERTISE*

Wastewater Treatment Plant Screw Lift Pump Replacement

D.3 * *REQUEST TO ADVERTISE*

Relief Sewer K-4 Phase One

D.7 * *OTHER BUSINESS*

Consider Scheduling a Called Meeting of the City Council to Canvass the Results from the November 6, 2007 Special Election for 12:00 Noon on Wednesday, November 14, 2007



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.1

RESOLUTION NO. 5106

Authorizing a Request for Party Status in a Contested Case Hearing Regarding the Texas Commission on Environmental Quality Staff's Recommendation to Create a Groundwater Conservation District

Issue

To consider contesting a proposed mandated Groundwater Conservation District in Grayson County

Background

GTUA General Manager Jerry Chapman will provide the Council with an update on the Authority's efforts to eliminate Grayson, Cooke and Fannin Counties from the proposed designation of the Northern Trinity and Woodbine Aquifers Priority Groundwater Management Area. The State Office of Administrative Hearings is set to hear this matter at 10:00 a.m. on October 23, 2007, at the Tarrant County Family Center in Fort Worth. GTUA is seeking the following:

- Approval of the attached resolution, whereby we request party status at the October 23rd priority groundwater management area hearing and oppose the TCEQ staff's recommendation to create this proposed District.
- Agreement to pay a portion of the legal counsel's fees to represent the City of Sherman and other groundwater providers at the October 23rd hearing.

Origination

City Manager's Office and GTUA General Manager

Financial Consideration

The legal fees for this stage of the effort are estimated at between \$10,000.00 and \$15,000.00, to be apportioned among the participating entities. Funding is available in the current FY2007-08 budget to cover this cost.

Staff Recommendation

Approve the resolution and Sherman's portion of the legal fees for this effort

Attachments

Resolution No. 5106

Mr. Chapman's correspondence

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

RESOLUTION NO. 5106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING A REQUEST FOR PARTY STATUS IN A CONTESTED CASE HEARING REGARDING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY STAFF'S RECOMMENDATION TO CREATE A GROUNDWATER CONSERVATION DISTRICT; 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 Texas Commission on Environmental Quality ("TCEQ") staff has published a report titled Updated Evaluation for the North-Central Texas Trinity and Woodbine Aquifers Priority Groundwater Management Study Area (the "Study"); and

WHEREAS, the Study recommends designating thirteen counties, including Grayson County, as a priority groundwater management area; and

WHEREAS, the Study recommends creating a groundwater conservation district ("District") that would include Grayson County; and

WHEREAS, the City of Sherman currently provides potable water to its water utility customers by relying on groundwater from the Trinity or Woodbine Aquifers; and

WHEREAS, the TCEQ staff has recommended that the District be empowered to regulate groundwater production and to impose user fees; and

WHEREAS, if a District is created pursuant to the TCEQ staff's recommendation, such a District would have the power to regulate City of Sherman groundwater wells and to impose fees for using those wells; and

WHEREAS, the City of Sherman opposes the creation of a District because, in part, groundwater conditions in Grayson County do not justify creating a District; and

WHEREAS, the State Office of Administrative Hearings ("SOAH") has scheduled a hearing on October 23, 2007 for the purpose of allowing interested persons to seek party status in order to support or oppose the TCEQ staff's recommendation to create a District;

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

SECTION 1. That the Mayor be and is hereby authorized to request party status for the City of Sherman at SOAH's October 23, 2007 hearing and to oppose TCEQ staff's recommendation to create a District.

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

PASSED AND APPROVED on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



GREATER TEXOMA UTILITY AUTHORITY

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

MEMO

TO: Groundwater Providers

FROM: Jerry W. Chapman, General Manager *JWC*

DATE: October 4, 2007

RE: TCEQ Hearing on October 23rd, Fort Worth, Texas

RECEIVED
OCT 2007
City Manager's Office

Some of you have already responded to my September 23rd memo relating to the TCEQ hearing to be held in Fort Worth on October 23rd. Enough of you have responded that I can tell you there will be a coalition formed, which will be represented by Mr. Jim Mathews, an Austin attorney, at the hearing. You have already been provided with information suggesting that the total cost of this effort will be between \$10,000 and \$15,000. While no definitive method for dividing the cost among the participants has been determined yet, I expect the participants to decide how to share the cost at a meeting on October 17th. My suggested method of dividing the cost is to divide the cost of the legal representation by the percent of groundwater each provider used last year. If there are more desirable methods, those of you participating can make that decision at the meeting.

The purpose of this memorandum is to ask those of you who have an interest in participating to meet with Mr. Mathews at a pre-hearing meeting scheduled for 10:00 AM on the morning of October 17th at the Authority offices. Mr. Mathews has suggested it will be necessary to develop a strategy at the meeting. Each entity desiring to participate will also be asked to designate a representative who will be willing to testify at the hearing on October 23rd. This portion of the meeting should be finished by noon, but it may be necessary for Mr. Mathews to talk to the representatives regarding their proposed testimony, which may require some participants to devote time during the afternoon on the 17th.

Several of you have indicated you will need to seek authorization from your Council or Board before participating. I want to urge you to do so as soon as possible, certainly before the 23rd. Mr. Mathews believes it is important that the Council or Board be asked to take action to officially authorize this activity. For those of you who have not responded yet, a response as to whether or not your entity will be participating would be appreciated.

JWC:cc



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MEMO

TO: Groundwater Providers

FROM: Jerry W. Chapman, General Manager *JWC*

DATE: September 27, 2007

RE: Cost Estimate from Jim Mathews for Legal Services for Representation

Mr. Jim Mathews responded today regarding the cost estimate associated with representing the groundwater providers in Cooke, Fannin, and Grayson Counties at the Texas Commission on Environmental Quality (TCEQ) hearing for the creation of groundwater districts in North Central Texas. (This response is attached.) Mr. Mathews pointed out that this is a contested case hearing and, as such, it will be difficult to estimate cost to completion of an established hearing.

Mr. Mathews suggested a reasonable strategy would include representing the group at the hearing on the 23rd in an effort to obtain party status for the groundwater providers involved in a group. This will allow all those designated as parties to have a voice at the hearing. He then recommended requesting mediation between the TCEQ staff and groundwater providers obtaining party status. If this mediation occurs, the groundwater providers would then be responsible for negotiating with TCEQ in an effort to secure exclusion from the requirement to create a groundwater district. If successful, the cost for Mr. Mathew's legal services would be approximately \$10,000 to \$15,000.

If the groundwater providers are unsuccessful in mediating a circumstance allowing exclusion from a groundwater district, the contested hearing would then proceed. At that point, Mr. Mathew's legal costs would need to be reexamined for full representation at the hearing.

While the division of cost has not been discussed, a decision will need to be made. The groundwater providers participating in the joint effort could determine the most equitable manner of dividing the cost, possibly determined on number of groundwater customers served, or total amount of groundwater pumped last year, or any other agreed methodology. Based upon this information, the Authority staff needs an idea of how many groundwater providers would be interested in pursuing this hearing with Mr. Mathew's representation. Please respond to this memo indicating your organization's desires so that we can begin preparing for the hearing as soon as possible.

JWC:cc

Attachment

MATHEWS & FREELAND, L.L.P.

Jim Mathews
Joe Freeland

ATTORNEYS AT LAW
327 Congress Avenue, Suite 300
P.O. Box 1568
Austin, Texas 78767-1568

(512) 404-7800
FAX: (512) 703-2785

CONFIDENTIAL & PRIVILEGED ATTORNEY-CLIENT
COMMUNICATION AND ATTORNEY WORK PRODUCT

MEMORANDUM

TO: Jerry Chapman
FROM: Jim Mathews
DATE: September 27, 2007
RE: Contested Case Hearing on PGMA Designation; (1553.00; 1.1)

As requested, I am writing outline a strategy for the October 23, 2007 State Office of Administrative Hearing (SOAH) hearing on TCEQ Executive Director's recommendation for designation of a priority groundwater management area (PGMA) and for the creation of a groundwater conservation district.

This hearing is the preliminary hearing in a contested case proceeding. The purpose of the preliminary hearing will be to determine SOAH's jurisdiction, to name parties to the contested case hearing, and to consider pretrial matters such as establishment of a procedural schedule for discovery, pretrial motions and hearing on the merits.

You and I discussed by phone various ways that local governments in Grayson, Cook and Fannin Counties that are opposed to formation of a groundwater conservation district could participate in this proceeding with an emphasis on identifying a cost effective approach. I believe that one strategy that would achieve this goal would be for the local governments to obtain party status at the preliminary hearing and request mediation before proceeding to discovery and trial on the merits.

I would be glad to work with you and other local governments to develop the testimony needed to establish party status in the hearing and to present a proposed schedule for the hearing on the merits that includes an initial phase for mediation. Each of the local governments would need to designate a witness who could provide testimony showing that the local government is an affected person for purposes of this proceeding. To save costs, I think that this testimony could be developed through correspondence and phone calls. I would recommend that we schedule at least one meeting with each of the local governments requesting party status to discuss the testimony of each government's witness, the strategy for the preliminary hearing, and

their general goals with regard to this matter. It may be possible to do this on the afternoon of October 22 prior to the preliminary hearing.

If we are successful in getting the schedule that includes mediation on the front end, the local governments in your area can decide whether they want or need representation in the mediation process. We should also have a recommendation for a mediator or a process to select a mediator. My work on this matter would be billed at the rate of \$230 an hour. I anticipate that costs for this first phase would be in the range of \$10,000 to \$15,000.

During our phone conversation, we also discussed the question of what occurs if TCEQ enters an order creating a district and confirmation of that district subsequently fails at an election. In that circumstance, § 35.018 of the Water Code provides that TCEQ shall include in its biannual report to the Governor, Lieutenant Governor, and Speaker, recommendations for the future management of the priority groundwater management area including, but not limited to:

- creation of a groundwater district by the Legislature;
- annexation of a priority groundwater management area into an existing district by the Legislature; or
- management of the priority groundwater management area by the nearest regional office of the TCEQ, which can include the imposition of fees.

If GTUA and/or the other local governments in Grayson, Cook, and Fannin counties want me to represent them in this matter, I will prepare an engagement letter with a preliminary phase as outlined above. Please let me know if you need additional information.

JM/ndh


Jim Mathews



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www.gtua.org

MEMO

TO: Groundwater Providers

FROM: Jerry W. Chapman, General Manager *JWC*

DATE: September 20, 2007

RE: State Office of Administrative Hearing Regarding Proposed Designation of Northern Trinity and Woodbine Aquifers Priority Groundwater Management Area

On December 23, 2006, the Texas Commission on Environmental Quality (TCEQ) issued a Draft Report recommending that 13 North Texas Counties be included in one or more Groundwater Conservation Districts (GCD). At the time the report was issued, groundwater providers in Cooke, Fannin, and Grayson Counties requested additional time to examine the Draft Report. At the conclusion of the review period, the Authority filed a response on behalf of the groundwater users in the three counties on March 31, 2007 recommending that these counties be eliminated from inclusion in a GCD. While TCEQ received the Authority's response and added additional information to their report, Cooke, Fannin, and Grayson Counties were not removed from the areas recommended to be included in a GCD.

The State Office of Administrative Hearings is scheduled to hear this matter at 10:00 AM on October 23, 2007 at the Tarrant County Family Law Center in Fort Worth, Texas. Several cities have already contacted the Authority to request an additional response and volunteered to have representatives appear at the hearing. Since this will be a formal Administrative Law Hearing, the Authority staff recommends that legal counsel represent the group. Mr. Jim Mathews of Mathews & Freeland, LLP of Austin, Texas, is an experienced attorney in these matters. Mr. Mathews has represented several water entities in this area of Texas in the past. He has some experience in these groundwater issues as he represented the City of Gainesville in January 2007 in their efforts to eliminate Gainesville's inclusion in the TCEQ GCD recommendation.

The Authority's Board of Directors has given the staff permission to participate in whatever activities the groundwater users recommend. Several cities have already contacted the Authority staff indicating a continued opposition in being included in a GCD.

The most effective way to combat this would be to provide a show of opposition at the hearing on October 23rd in Fort Worth and to be represented by legal counsel. The Authority staff recommends Mr. Mathews be engaged to represent the entire group of groundwater providers in the area who are opposed to inclusion.

Please respond to this memorandum as to whether or not your entity would be willing to participate in a unified approach to opposing the TCEQ staff's recommendation that one or more GCD be formed in the Texoma area. Once we receive a response from those of you who would like to participate, the Authority will convene a meeting to develop a strategy for the hearing on the 23rd.

JWC:cc



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 5107**

**Executing the Third Amendment to the Original Contract with Tyler Technologies, Inc.
for the Purchase of INCODE Cemetery and Accounts Receivable Software**

Issue

To authorize the purchase of Cemetery and Accounts Receivable INCODE software modules to complement the City's next generation business systems management software package, and to decrease the contract for unused custom programming

Background

In the prior year, the Council approved a project to replace the City's enterprise-wide software system with a product from INCODE, implementation of which was contracted with Tyler Technologies, Inc. The original contract did not include provisions to replace the City's Cemetery software or Accounts Receivable software. As the project has progressed, savings are being realized that allow the City to add additional features that are beneficial to the City without increasing the total projected cost to the City. The total cost of the purchase and installation of these modules is \$21,785.00. The contract is also being modified to remove a previously agreed-upon service for custom programming that was subsequently determined to not be needed. This reduction is \$8,720.00.

Origination

Finance

Financial Consideration

The current project budget, and related contract, will allow for the purchase and installation of these additional modules without increasing the total contract amount because of other project-related savings.

Staff Recommendation

The staff recommends the Council authorize the purchase and implementation of the INCODE Cemetery and Accounts Receivable modules.

Alternatives

The Council could choose not to purchase these additional modules.

Attachments

Resolution No. 5107

Third Amendment

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager

RESOLUTION NO. 5107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXECUTING THE THIRD AMENDMENT TO THE ORIGINAL CONTRACT WITH TYLER TECHNOLOGIES, INC. FOR THE PURCHASE OF INCODE CEMETARY AND ACCOUNTS RECEIVABLE SOFTWARE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the contract with Tyler Technologies, Inc. is hereby amended to include the purchase of INCODE Cemetery and Accounts Receivable software 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 third amendment to the original contract with Tyler Technologies, Inc. for the purchase of this software, the cost of which is \$21,785.00, 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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

**THIRD AMENDMENT TO THE CITY OF SHERMAN AND THE TYLER TECHNOLOGIES, INC.
AGREEMENT**

THIS IS THE THIRD AMENDMENT to the City of Sherman General Services Contract (hereinafter "Original Agreement") between Tyler Technology, Inc. (hereinafter "Tyler") and the City of Sherman (the "City") which was approved by the Sherman City Council by Resolution No. 4945 and signed by the City on December 19, 2006, and Tyler Contract ID # 2006-0404 signed by Tyler on December 11, 2006. This Amendment, which is signed by all the parties, has the same effect as is if in the Original Agreement signed by the parties. The Original Agreement remains in effect, except as amended by this Amendment:

1. The parties agreed to incorporate the attached Exhibit "A" into this Agreement for all purposes and as if fully set forth in the Agreement. Exhibit A reflects the parties desire to delete the specified Custom Interface/Custom Programming and to add new software for Account Receivable and for the Cemetery Records.

IN WITNESS WHEREOF, Tyler and the City have signed this Amendment in duplicate. One counterpart each has been delivered to the Tyler and the City.

This Amendment will be effective on _____, _____ (which is the Effective Date of the Amendment).

CITY OF SHERMAN, TEXAS

TYLER TECHNOLOGIES, INC.

By: _____
George Olson, City Manager

By: _____
S. Brett Cate – President, INCODE Solution_
Print Title and Name

Attest _____
City Clerk

Attest _____
(notary)

Approved as to form and content:

Doreen E. McGookey
City Attorney

EXHIBIT A

Existing Customer
TSM: L.Midkiff/S.Cleaveland

ADDENDUM

Per Contract ID # 2006-0404, issued 10/12/06 and received 12/21/06, the City of Sherman, TX desires to remove the following modification and services:

Custom Interface/Programming						
Application Software	Pricing		INCODE Implementation			Annual Maintenance
	QTY	License Fee	Estimated Hours	Estimated Services	Total Cost	
Custom Interface/Custom Programming 1 A program that will test whether or not an employee has worked enough hours to earn leave. To look at how many hours the employee worked in a month and if it is less than 66.67 then the monthly leave accruals do not happen. Police and Fire department employees are exempt from the test.	1	8,000	6	720	8,720	2,000
INCODE Subtotal		8,000	6	720	8,720	2,000
Total		8,000	6	720	8,720	2,000

The City also desires to add the following applications and services:

Software Licenses and Professional Services						
Application Software	Pricing			INCODE Implementation		Annual Maintenance
	QTY	License Fee	Conversion	Estimated Hours	Estimated Services	
INCODE Customer Relationship Management Applications	1	8,500	2,000	20	2,400	12,900
Miscellaneous Accounts Receivable	1	4,500	1,500	8	960	6,960
Cemetery Records						1,125
Project Accounting	Already purchased		1,925			1,925
INCODE Subtotal		13,000	5,425	28	3,360	21,785
Total		13,000	5,425	28	3,360	21,785

Addendum A continued:

Conversion Breakdown			
Application Software	Conversion Programming Fee	Estimated Hours	Estimated Services
Accounts Receivable	2.000		
Cemetery Records	1.500		
Project Accounting	1.925		
Conversion Total		5.425	

Please Note: Estimated travel expenses are \$992.00. Travel expenses will be billed as incurred.

ACCEPTED BY:

THE CITY OF SHERMAN, TX

By:

Signature

Title

9/27/07

Issue Date

ACCEPTED BY:

TYLER TECHNOLOGIES, INC.

By:

Signature

President, INCODE Solutions

Title

9/27/07

Issue Date



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5108**

**Authorizing an Amendment to the Original Service Agreement with
Intermedix Technologies, Inc. for the Billing and Collection of Ambulance Fees**

Issue

To consider a 90-day extension of a Service Agreement with Intermedix Technologies, Inc., which currently provides for the billing, collection, and establishment of ambulance fees

Background

The current contract with Intermedix Technologies will expire this month. A request for proposals (RFP) will be published and a new contract for services will be awarded prior to the expiration of this proposed extension. This resolution will approve an extension to the service agreement with Intermedix until January 1, 2008. This agreement specifies that Intermedix will provide the City of Sherman with ambulance billing and collection services only.

Origination

Jeffrey J. Jones, Fire Chief

Financial Consideration

Intermedix will continue to provide the service for 9.719 percent of the total amount collected on each account. Funds for these services are budgeted in the fiscal year 2007-2008 budget.

Staff Recommendation

It is recommended that the City Council approve the proposed extension to the agreement with Intermedix for the specified services.

Alternatives

None recommended

Attachments

Resolution No. 5108

Amendment to Service Agreement

Prepared by:
Jeffrey J. Jones, Fire Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING AN AMENDMENT TO THE ORIGINAL SERVICE AGREEMENT WITH INTERMEDIX TECHNOLOGIES, INC. FOR THE BILLING AND COLLECTION OF AMBULANCE FEES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Amendment to the Service Agreement with Intermedix Technologies, Inc., 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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

AMENDMENT TO SERVICE AGREEMENT

THIS AMENDMENT is entered into this ____ day of October, 2007 by and between Intermedix Technologies, Inc. ("Intermedix") and the City of Sherman, Texas ("City") to witness the following:

WHEREAS, Intermedix and the City entered into a Contract Between the City of Sherman and Intermedix for providing emergency medical and ambulance services on October 7, 2003 (hereinafter "Contract");

WHEREAS, the parties hereto wish to amend that Contract pursuant to paragraph 13.03 of the Contract;

THEREFORE, for and in consideration of the mutual promises, covenants, warranties and representations herein, the parties hereto agree to amend certain portions of certain paragraphs and exhibits as follows:

I.

The parties wish to replace Paragraph 1.01 of Article One of the Contract with the following:

1.01 The term of this Agreement shall be for a period of four (4) years and three (3) months, ending on January 31, 2008, unless extended by written agreement by the parties.

IN WITNESS WHEREOF, the parties have executed this Amendment to stated Contract by signing below. The effective date of this amendment shall be the date of execution by the City Manager or his designee.

INTERMEDIX TECHNOLOGIES, INC.

Date: _____

BY: _____
Doug Shamon, President

CITY OF SHERMAN, TEXAS

Date: _____

BY: _____
George Olson, City Manager

APPROVED AS TO FORM:

Doreen E. McGookey, City Attorney



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.4

RESOLUTION NO. 5109

Authorizing Execution of an Interlocal Jail Services Agreement with Grayson County for the Period of October 1, 2007 through September 30, 2008

Issue

An Interlocal Agreement with Grayson County for jail services during the 2007-2008 fiscal year, with five (5) options for renewal included

Background

The City of Sherman closed its municipal jail in 1997 and entered into a contractual agreement with Grayson County to provide jail services for City of Sherman Class C misdemeanor offenders. Jail services are defined by contract to mean:

- Housing
- Feeding
- Clothing
- Routine, in-house, non-prescription medical care
- Supervision of City prisoners in accordance with the Minimum Jail Standards for the State of Texas

The contract was renewed in 2002 for a period of twelve months with five (5) options for renewal. Under the 2002 contract, the costs for each inmate were as follows:

- \$34.45 per each full day
- \$17.22 per each one-half day

The proposed contract is for \$40.00 per each full day, with the half-day rate being removed as an option. Both the proposed and the 2002 contracts include a Per Diem Inflation Adjustment (increase or decrease) based on the National Consumer Price Index for the twelve-month period ending March 1 of each new contract year.

Origination

Grayson County and the City of Sherman

Financial Consideration

Adequate funds are budgeted to facilitate this agreement.

Staff Recommendation

It is recommended that the Council approve the Interlocal Agreement with Grayson County for the provision of jail services in the upcoming fiscal year.

Alternatives

As directed by the Council

Attachments

Resolution No. 5109 and Proposed Interlocal Jail Services Agreement

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL JAIL SERVICES AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2008; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Interlocal Jail Services Agreement with Grayson County for the period of October 1, 2007, through September 30, 2008, with five (5) options for renewal, in the same form as the Agreement 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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

INTERLOCAL JAIL SERVICES AGREEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

THIS AGREEMENT is entered into on this the _____ day of _____, 2007, by and between the City of Sherman, a municipality of the State of Texas ("City"), and Grayson County, a political subdivision of the State of Texas ("County").

Recitals

1. The County operates the Grayson County Jail in accordance with Chapter 351 of the Texas Local Government Code.
2. The County operates the County Jail for the confinement of persons accused or convicted of an offense.
3. The City desires to obtain certain jail services from the County to be performed for the City to insure the confinement of persons accused or convicted of an offense.

Therefore, under the authority of the Interlocal Cooperative Act (Chapter 791, Texas Government Code), the parties agree as follows:

Article 1. Definitions.

Section 1.1 TCJS – shall mean the Texas Commission on Jail Standards.

Section 1.2 MJS – shall mean the Minimum Jail Standards as published and enforced by the TCJS in Austin, Texas.

Section 1.3 Jail Services – shall mean housing; feeding; clothing; routine, in-house, non-prescription medical care; and supervision of City prisoners in accordance with the MJS.

Section 1.4 Additional Services – means those additional operation and management services required to be furnished by County Pursuant to changes in TCJS policies from those in effect as of the date of this contract. These changes are required by changes in MJS, laws, government regulations, or court orders generally applicable to the facility and which increase the cost of operation and management of the facility.

Section 1.5 Facility – shall mean the Grayson County Jail located in Sherman, Texas.

Section 1.6 City Prisoner – means all prisoners presented to the facility by City, or other agency based on a City warrant or arrest without warrant, for incarceration in which the prisoner is charged with only (an) offense(s) within the subject matter jurisdiction of the Sherman Municipal Court.

Section 1.7 City Prisoner Day – shall be the basis for billing. This is further defined as follows:

City Prisoner Day – each calendar day during which a City prisoner is incarcerated in the facility. The day shall be compensated at the prisoner per diem rate.

Section 1.8 Services Commencement Date – shall mean the date on which the County shall begin to receive City prisoners at the facility.

Article 2. Term of the Contract.

Section 2.1 Term. The term of this contract shall be for a period of 12 months commencing on the 1st day of October, 2007. There shall be five (5) options for renewal. Following the end of each term, an option to renew the contract will automatically be exercised unless notice is given by either party at least 60 days prior to the then current expiration date.

Article 3. Services Provided.

Section 3.1 Services Generally. The County agrees to provide to City jail services necessary for the confinement of City prisoners at the time the City requests jail services.

Section 3.2 Custody of City Prisoners. The County will provide space for at least 20 City prisoners but may decline to accept more City prisoners if the jail is at 95% of full legal capacity. County will not be obligated to accept City prisoners if County's jail is destroyed or substantially damaged. County is not obligated to accept City prisoners injured or incapacitated to the extent that County would not accept them as a non-city prisoner under the policies and procedures of the Grayson County Jail.

Section 3.3 Non-Exclusive. The parties agree that the County may contract to perform services similar or identical to those specified in this Agreement for such additional governmental or public entities as the County, in its sole discretion, sees fit. The City may place some or all of its prisoners in other jails.

Section 3.4 City shall conduct all book-in procedures. County shall retain and own the originals of all book-in records and paperwork.

Section 3.5 City prisoners shall be permitted to participate in all County programs conducted within the facility including GED programs, Alcoholics Anonymous meetings, Narcotics Anonymous meetings, religious services, and vocational training.

Section 3.6 The City shall be solely in charge of all control, techniques, sequences, procedures and means and the coordination of all work performed under the terms of this Agreement regarding the function and duties of the City Jail Liaison Officer, however, said officer shall be required to perform the following duties:

- 1) Provide County with a mittimus or other commitment order within 24 hours after arrest of a City prisoner.
- 2) Provide County with fully completed and written arrest reports, ASAP upon request.
- 3) Prepare prisoner transfer forms.
- 4) Obtain medical clearance, if needed.
- 5) Provide transportation to and from Municipal Court.

- 6) Provide facility with release dates for City prisoners.
- 7) Provide daily communication with County concerning status of City prisoners.

Section 3.7 The City shall designate the Chief of Police or his designee to act on behalf of the City, to serve as "City Jail Liaison Officer" for City in coordinating jail services under this Agreement. The County shall designate the County Sheriff or his designee to act on behalf of the County as "County Jail Liaison Officer" for County in coordinating jail services under this Agreement.

Section 3.8 The County shall be solely in charge of all control, techniques, sequences, procedures and means, and the coordination of all work performed under the terms of this Agreement regarding the function and duties of the County Jail Liaison Officer. Said officer shall assume the supervision and responsibility of all records and files maintained on City prisoners during incarceration and shall notify the City Jail Liaison Officer immediately if any City prisoner requires medical attention.

Article 4. Compensation.

Section 4.1 Payment. The City shall pay the County \$40.00 per each City prisoner day.

Section 4.2 City shall transport a City prisoner to any medical or dental treatment outside the jail and shall assume responsibility for and pay for such treatment.

Section 4.3 Additional Charges. In addition to the per diem charge the City shall pay County additional charges to reimburse County for expenses associated with providing jail services to City prisoners. These charges include, but are not limited to the following: charges for providing health care services, including medical, hospital and dental services. If any City prisoner requires a guard for medical treatment outside the jail, City shall provide such guard. Jail services as defined in Section 1.3 above shall not be deemed an additional charge. Charges billed to the City for services under this section shall be at the cost to the County of providing those services to the inmates.

Section 4.4 Source and method of Payment. The County shall bill the City monthly for jail services provided under this Agreement. The City agrees to pay the bills within thirty (30) days of the billing date. The City agrees that payments that it is required to make under this Agreement shall be made out of the City's current revenues.

Section 4.5 Per Diem Inflation Adjustment. The payments due to the County shall be automatically increased/decreased on October 1 of each new contract year beginning October 1, 2008, by an amount equal to the percentage change of the National Consumer Price Index, Urban (CPIU) for the 12-month period ending March 1 of each new contract year. City shall furnish this figure to the County not later than April 1 of each year to accommodate the City's and County's budget process.

Article 5. Miscellaneous Provisions.

Section 5.1 Nondiscrimination. No person will be subjected to discrimination in the performance of this Agreement on the grounds of handicap, race, color, religion, sex, age or national origin.

Section 5.2 Binding Nature. This Agreement shall not be binding upon the parties until approved by the respective governing bodies.

Section 5.3 Severability. In the event that any provision of this contract shall be held to be invalid the provision shall be void, and the validity of the remaining provisions of the Agreement shall not in any way be affected.

Section 5.4 Captions. The headings to the various sections of this Agreement have been inserted for convenient reference only and shall not modify, define, limit or expand the express provisions of this Agreement.

Section 5.5 Venue. This Agreement shall be deemed to be made under, governed by, and construed in accordance with the laws of the State of Texas.

Section 5.6 Amendment. This Agreement shall not be altered, changed or amended except by an instrument in writing executed by the parties to this agreement.

Section 5.7 Scope of Agreement. This Agreement incorporates all of the agreements, covenants and understandings between the parties concerning the subject matter, and all covenants, agreements and understandings have been merged into this written Agreement. No prior agreements or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

Section 5.8 Notices. All notices shall be sent certified mail, return receipt requested to:

Mr. George Olson
City Manager
City of Sherman
400 North Rusk Street
P.O. Box 1106
Sherman, Tx 75091-1106

The Honorable Drue Bynum
County Judge
County of Grayson
100 W. Houston Street
Sherman, Tx 75090

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day, month and year first above written.

"COUNTY"
GRAYSON COUNTY, TEXAS

By: Drue Bynum
Drue Bynum, County Judge

ATTEST:

By: Wilma Bush

APPROVED AS TO FORM:

By: Van Price
Van Price, Assist. Dist. Atty

"CITY"
CITY OF SHERMAN, TEXAS

By: _____
Bill Magers, Mayor

ATTEST:

By: _____

By: _____
Doreen McGookey, City Attorney



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5110**

Authorizing the Execution of a Quitclaim Deed to George R. Coyle for the Conveyance of Property being Tracts of Land in the Preston Kitchens Survey, Abstract No. 667 and the Samuel Blagg Survey, Abstract No. 56

Issue

To consider approval of a Quitclaim Deed to George R. Coyle for property located north of Lake Street and east of Montgomery Street in southeast Sherman

Background

Property on the south side of Lake Street was conveyed to the City in 1999. The legal description for the conveyance included property on the north side of Lake Street, which was not to be included in the conveyance. This action will clear the title so that the owner may proceed with the sale of the subject property on the north side of Lake Street.

Origination

Engineering Department

Financial Consideration

There is no financial impact to this agenda item.

Staff Recommendation

Staff recommends that the City Council approve the Quitclaim Deed for the subject property.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5110
Quitclaim Deed
Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO GEORGE R. COYLE FOR THE CONVEYANCE OF PROPERTY BEING TWO TRACTS OF LAND IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667 AND THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute a Quitclaim Deed to George R. Coyle for the conveyance of a tract of land in the Preston Kitchens Survey, Abstract No. 667 and the Samuel Blagg Survey, Abstract No. 56, and as more particularly described in the Quitclaim Deed to George R. Coyle as Tract A and Tract B within the City of Sherman, Grayson County, Texas.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

QUITCLAIM DEED

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS QUITCLAIM DEED, executed this ____ day of _____, 2007, by the CITY OF SHERMAN, a municipal corporation of the State of Texas, hereinafter called "Grantor," acting by and through its duly authorized City Manager, to GEORGE R. COYLE;

WITNESSETH, that the said Grantor, for good consideration and for the sum of \$_____ paid by the said GEORGE R. COYLE, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto GEORGE R. COYLE forever, all the right, title, interest and claim which the said Grantor has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Grayson, State of Texas, to wit:

TRACT A

SITUATED in the County of Grayson, State of Texas, being a part of the Preston Kitchens Survey, Abstract No. 667, and the Samuel Blagg Survey, Abstract No. 56, and being that part of Spring Glen Park Addition lying West of St. Louis, San Francisco and Texas Railroad, and a small tract of land conveyed to C.C. Mayhew by R.F.C. lying also West of said railroad and lying North of Lake Avenue and described by metes and bounds as follows, to-wit:

BEGINNING at the point where the North line of Lake Avenue intersects the West line of the right-of-way of St. Louis, San Francisco and Texas Railroad;

THENCE North 39 deg. 48 min. West along said railroad West right-of-way to the P.C. of a curve to the right;

THENCE in a Northerly direction with the West right-of-way line of said railroad with a 2 deg. Curve, a distance of 487.55 feet to the center of Spring Branch;

THENCE along the center of Spring Branch the following calls and distances:

South 06 deg. 31 min. East a distance of 98.59 ft.;
South 07 deg. 21 min. West a distance of 222.50 ft.;
South 35 deg. 29 min. East a distance of 276.09 ft.;
South 48 deg. 21 min. East a distance of 129.69 ft.;
South 54 deg. 48 min. East a distance of 228.92 ft.;
South 26 deg. 22 min. East a distance of 85.17 ft. to the North line of Lake Avenue (25 feet more or less, North 26 deg. 22 min. West from a nail in bridge in center of Lake Avenue);

THENCE Easterly along the North line of Lake Avenue to the **PLACE OF BEGINNING** and being all of that portion of a 5.55 acre tract of land situated North of Lake Avenue.

TRACT B

SITUATED in the County of Grayson, State of Texas, being a part of the Sam Blagg Survey, Abstract No. 56, and also being a part of a tract of land conveyed to C.C. Mayhew by R.F.C. and lying along the West side of St. Louis, San Francisco and Texas Railroad, described by metes and bounds as follows, to-wit:

BEGINNING at the intersection of the West right-of-way of said railroad with the South line of an abandoned railroad "Y" of the H. & T. C. Railroad;

THENCE along the West line of said St. Louis, San Francisco, and Texas Railroad along a 2 deg. Curve to the left a distance of 93.30 ft. to a point in the center of Spring Branch;

THENCE North 75 deg. 43 min. West a distance of 175.10 ft. along center of Spring Branch to a stake in South line of said H. & T. C. Railroad abandoned "Y";

THENCE North 74 deg. 05 min. East a distance of 175.10 ft to the **PLACE OF BEGINNING** and containing 0.122 acres of land, more or less.

SAVE AND EXCEPT that any easements are reserved for any and all existing utilities as may be now located in said above described property, with the right of ingress and egress to same to the purpose of operation, maintenance, or removal of such utilities until such shall be abandoned or relocated.

RELEASE. In accepting the quitclaim of this property, GEORGE R. COYLE expressly accepts the property in its "as is" condition, with all of its faults and encumbrances, if any. GEORGE R. COYLE releases and forever discharges the Grantor, its officers, agents and employees from all rights, claims, demands, or causes of action, at law or in equity, GEORGE R. COYLE has, or even can, shall, or may have in the future in connection with this transaction, including hazardous materials or environmental issues in, on or upon the property, if any. GEORGE R. COYLE states that he is not relying upon any representations or disclosures by the Grantor and none have been made in connection with this property. This release shall be binding upon GEORGE R. COYLE'S heirs, assigns and successors in interest.

IN WITNESS WHEREOF, the City of Sherman, Texas, a municipal corporation of Grayson County, Texas, has caused this instrument to be executed by its City Manager, on the this ____ day of _____, 2007.

CITY OF SHERMAN

GEORGE R. COYLE

BY: _____
GEORGE OLSON
CITY MANAGER

BY: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared George Olson, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, a municipal corporation of the State of Texas, and that he executed the same as the act of such corporation for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2007.

Notary Public in and for the State of Texas
My Commission Expires: _____

ACKNOWLEDGMENT

THE STATE OF TEXAS

§

§

COUNTY OF GRAYSON

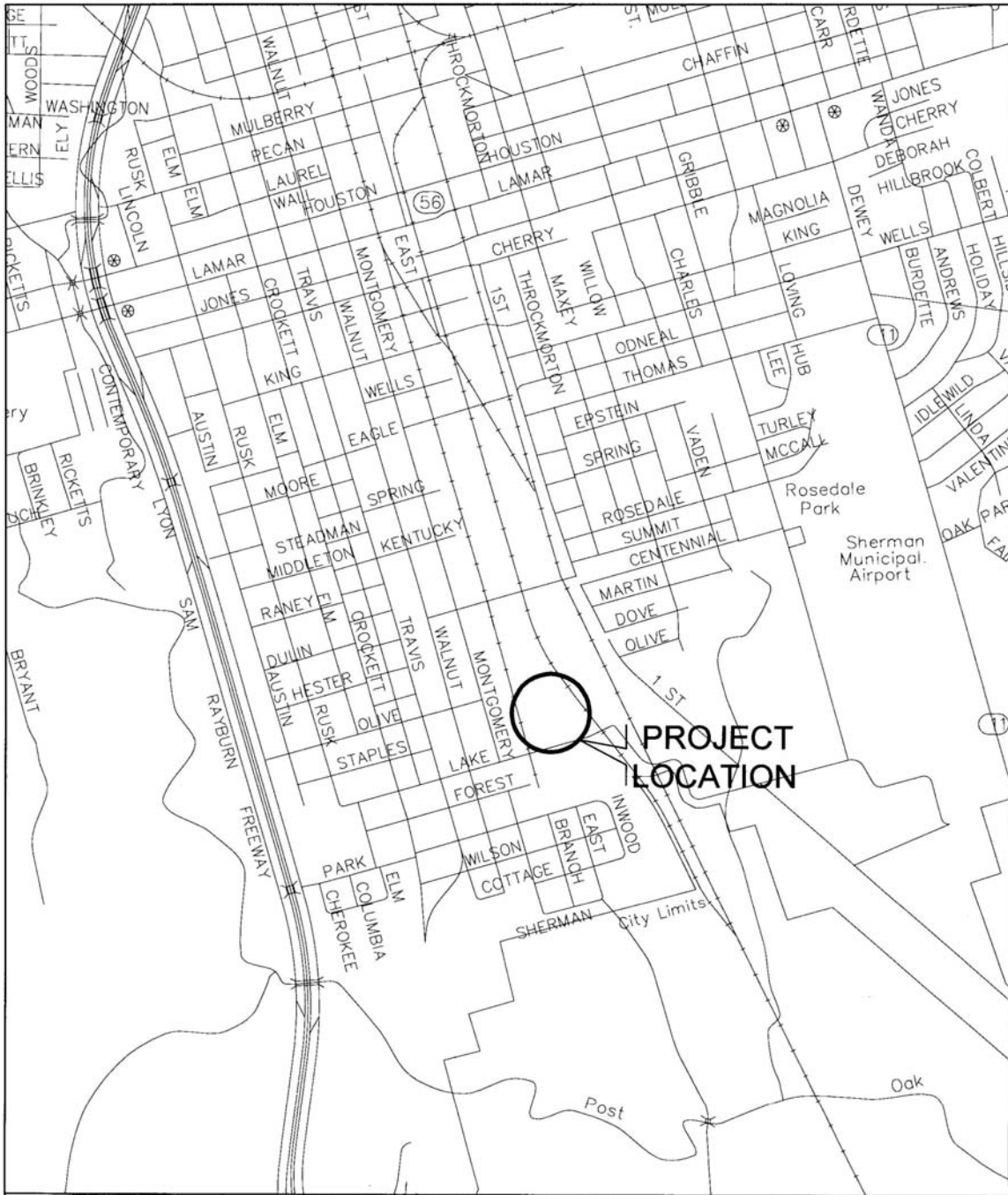
§

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared George R. Coyle, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of _____, 2007.

Notary Public in and for the State of Texas

My Commission Expires:_____



City of Sherman, Texas
QUIT CLAIM DEED

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.6

*** RESOLUTION NO. 5111**

**Authorizing the Execution of an Agreement with TXA Holdings Properties, LP
for the Abatement of Ad Valorem Property Taxes for the Construction of
a New Single-Family Residence at 1105 North Harrison Street**

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 1105 North Harrison Street.

Background

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

Origination

TXA Holdings Properties, LP, Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$280.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5111
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TXA HOLDINGS PROPERTIES, LP FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1105 NORTH HARRISON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from TXA Holdings Properties, LP, and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with TXA Holdings Properties, LP for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1105 North Harrison Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

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

I.

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

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

SCHEDULE OF TAXES ASSESSED

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

II.

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

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

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

III.

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

IV.

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

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

Being Lot 5, Block 16 of the College Park Second Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 1105 North Harrison Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

TXA Holdings Properties, LP
c/o Benny J Risner
12651 Briar Forest Drive #190
Houston, TX 77077
(281) 808-1213

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

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

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
TXA HOLDINGS PROPERTIES, LP

BY: _____
GEORGE OLSON
ACTING CITY MANAGER

BY: Benny J. Risner
NAME: Benny J. Risner
TITLE: Signor

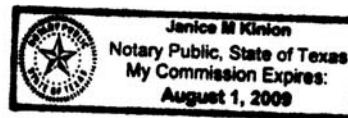
ATTEST:

(CORPORATE SEAL)

BY: _____
LINDA ASHBY
CITY CLERK

Notary Public: Janice M. Kinion
Commission Exp. August 01, 2009
License No (where applicable): _____

APPROVED AS TO FORM
AND CONTENT:



DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: TXA Holdings Properties, LP
Mailing Address: 12651 Briarforest Dr. Suite 190 Houston, TX 77077
Telephone Number: 281-808-1213

Contact (if different than owner):

Name: _____
Mailing Address: _____
Telephone Number: _____

Property:

Physical Address: 1105 N. Harrison St. Sherman, TX 75090
Summary Legal Description: Lot: 5 Block: 16 Addition: College Park Second addition.
Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one): New Construction: ☒ Remodeling: ☐
Estimated Value of Improvements: 69,900.00
Estimated Date of Start of Construction: 8/24/07
Estimated Date of Completion of Project: 10/1/07
Description of Project: Single family home.

Applicant(s): Benny G. Parris Date: 8-21-07

SHERMAN



P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER

OCCUPANCY NUMBER

BENNIES, COPY

477

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME 1105 N. Harrison St.		SUBDIVISION OR SURVEY College Park 2nd Ed.		LOT 5	BLOCK 16	CENSUS TRACT
	FLOOD ZONE _____		E. ZONING _____		TIME TO COMPLETE 180 DAYS		
	BASE FLOOD ELE. _____		FIRE ZONE _____				
	1ST FLOOR ELE. _____		PLANS _____				
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		Single Family Residence 4/2/1				
	2 ☐ ALTERATION		H.V.A.C. - Jones H.V.A.C.				
	3 ☐ REPAIR, Replacement		Plumbing - Brown's Plumbing				
	4 ☐ MOVING (relocation)		Electrical - Beste Electric				
	5 ☐ FOUNDATION ONLY						
III BUILDING SPECS.	B. OWNERSHIP						
	1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)						
	2 ☐ PUBLIC (Federal, state, or local government)						
	C. COST \$ 69,900.00						
	D. FEE 25.00						
	Sq. Ft. { Main Bldg. 1641 Accs. Bldg. _____		#25 Stormwater				
IV IDENTI- FICATION	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS 40' x 51'		
	☐ MASONRY (wall bearing)		☒ PUBLIC OR PRIVATE CO.		Number of Stories 1		
	☒ WOOD FRAME		☐ INDIVIDUAL (Septic tank, etc.)		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS		
	☐ STRUCTURAL STEEL		I. TYPE OF WATER SUPPLY		TOTAL LAND AREA SQ. FT. 1641		
	☐ REINFORCED CONCRETE		☒ PUBLIC OR PRIVATE CO.		L. No. OFF-STREET PARKING SPACES		
	☐ OTHER - SPECIFY _____		☐ INDIVIDUAL (well, cistern)		ENCLOSED 1 OUTDOORS 3		
V SIGNATURE OF APPLICANT	G. Principal Type of Heating Fuel		J. ADDITIONAL INFO		M. RESIDENTIAL BLDG. ONLY		
	☐ GAS ☐ OIL		RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO		No. of Bedrooms 4 Full 2		
	☒ ELECTRICITY ☐ COAL		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		No. of Bathrooms _____ Partial _____		
	☐ OTHER _____						
VI OWNER AND CONTRACTOR	1. OWNER		MAILING ADDRESS		PHONE		
	TXA Holdings Inc.		860 Brown Rd. Sherman, TX		(903) 821-8828		
	2. CONT. Nortex Homes LLC		" " " "		" " " "		
VII ARCHITECT	3. Architect N/A						
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman							
Signature of Applicant David E. Light				Address 860 Brown Rd. Sherman, TX 75090		Date 8/18/07	

APPROVED _____ 20 _____ DENIED _____ 20 _____

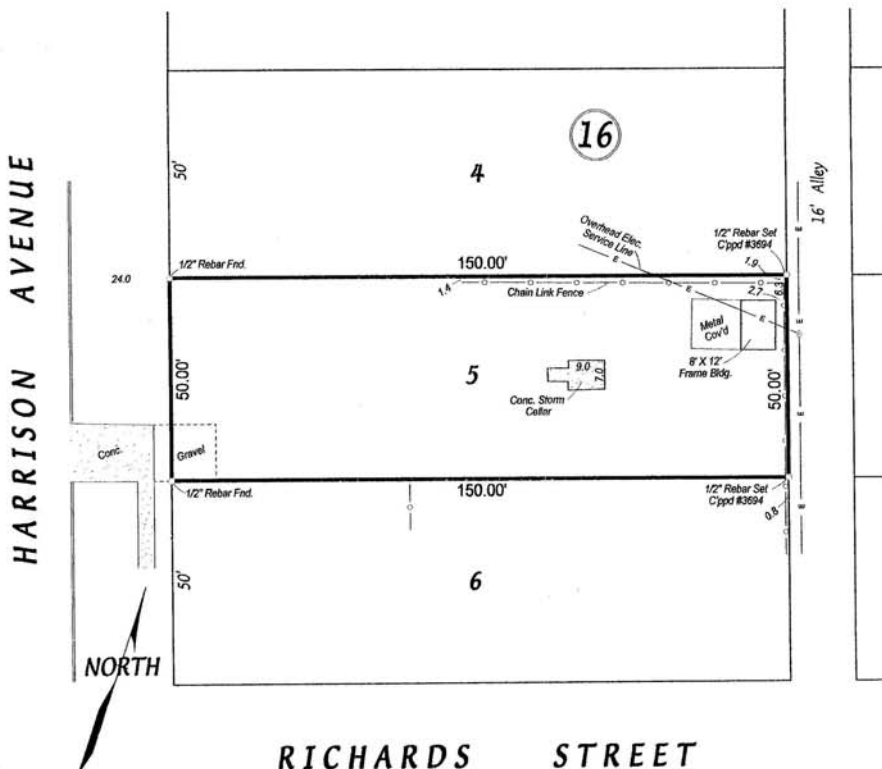
127-015-88

White - File

Pink - Owners Application

Yellow - Tax Office

BUILDING OFFICIAL SIGNATURE
Green - File



Scale: 1" = 30'

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

SURVEY FOR: TXA HOLDINGS PROPERTIES, LP

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 16th day of August, 2007 of the following described property:

Lot FIVE (5) in Block SIXTEEN (16) of COLLEGE PARK SECOND ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 88, Page 534, Deed Records, Grayson County, Texas.

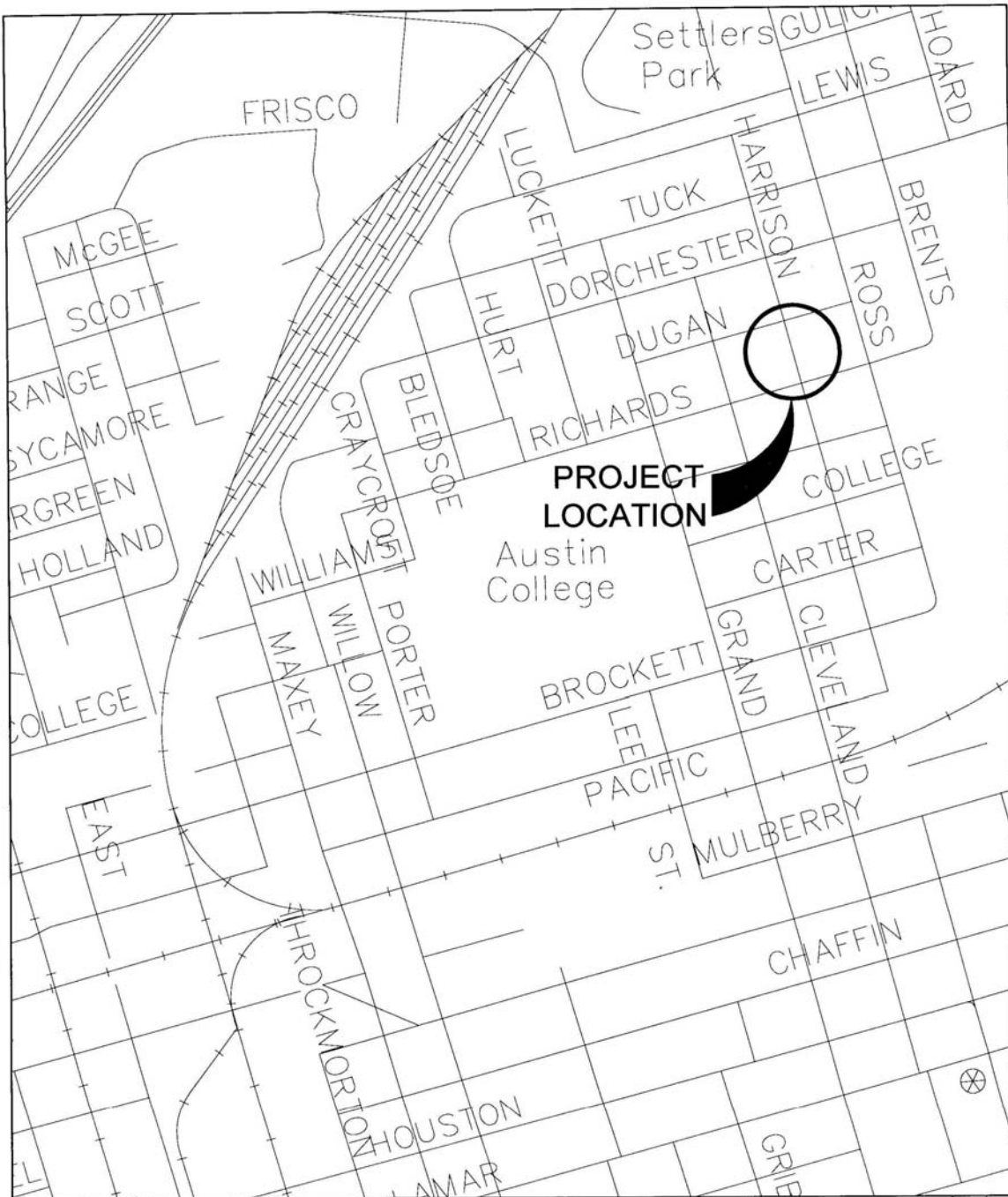
That the improvements located on said property are known as 1105 N. HARRISON AVENUE, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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



1103HARR.pcs



City of Sherman, Texas

1100 BLOCK NORTH HARRISON

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.7

*** RESOLUTION NO. 5112**

**Authorizing the Execution of an Agreement with Barton Capital, Ltd.
for the Abatement of Ad Valorem Property Taxes for the Construction of
a New Single-Family Residence at 705 East Sycamore Street**

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 705 East Sycamore Street.

Background

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

Origination

Barton Capital, Ltd., Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$272.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5112
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 705 EAST SYCAMORE STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, Ltd., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, Ltd. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 705 East Sycamore Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

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

I.

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

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

SCHEDULE OF TAXES ASSESSED

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

II.

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

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

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

III.

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

IV.

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

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

Being Lot 4, Block 1 of the Cupids Corner Addition Phase II in the City of Sherman, Grayson County, Texas, and being more commonly known as 705 East Sycamore Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

Barton Capital, LTD.
715 Hwy 75 South
Sherman, Texas 75090
(903) 868 - 4201

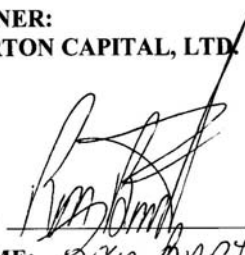
Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

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

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
BARTON CAPITAL, LTD.

BY: _____
GEORGE OLSON
ACTING CITY MANAGER

BY:  _____
NAME: RYAN BARTON
TITLE: PRES.

ATTEST:

(CORPORATE SEAL)

BY: _____
LINDA ASHBY
CITY CLERK

Notary Public: _____
Commission Exp. _____
License No (where applicable): _____

**APPROVED AS TO FORM
AND CONTENT:**

DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903-868-4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 705 E. SYLAMORE

Summary Legal Description: Lot: 4 Block: 1 Addition: CYPRUS CORNER
Phase II

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

Improvements:

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

Estimated Value of Improvements: \$68,000.00

Estimated Date of Start of Construction: 10-3-07

Estimated Date of Completion of Project: 12-3-07

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): Guy L. P. Date: 10-3-07

SHERMAN



P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER 578

OCCUPANCY NUMBER 479

PLEASE NOTE - COMPLETE ALL ITEMS. MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME 705E. SYCAMORE		SUBDIVISION OR SURVEY CYPID'S CORNER II		LOT 4	BLOCK 1	CENSUS TRACT
	FLOOD ZONE _____ BASE FLOOD ELE. _____ 1ST FLOOR ELE. _____		E. ZONING _____ FIRE ZONE _____ PLANS _____		TIME TO COMPLETE 180 DAYS		
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		NEW HOME CONSTRUCTION				
	2 ☐ ALTERATION		BESTE EIELECTRIC 903-564-6853				
	3 ☐ REPAIR, Replacement		MARKYL & SONS 903-893-3060				
	4 ☐ MOVING (relocation)		RED RIVER PLUMBING 903-821-5715				
III BUILDING SPECS.	B. OWNERSHIP		H. TYPE OF SEWAGE DISPOSAL				
	1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)		☒ PUBLIC OR PRIVATE CO.				
	2 ☐ PUBLIC (Federal, state, or local government)		☐ INDIVIDUAL (Septic tank, etc.)				
	C. COST \$ 68,000.00		I. TYPE OF WATER SUPPLY				
	D. FEE \$ 25.00		☒ PUBLIC OR PRIVATE CO.				
IV IDENTI- FICATION	Sq. Ft. { Main Bldg. _____ Accs. Bldg. _____		☐ INDIVIDUAL (well, cistern)				
	F. PRINCIPAL TYPE OF FRAME		K. DIMENSIONS				
	☐ MASONRY (wall bearing)		Number of Stories 1				
	☒ WOOD FRAME		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS 7489				
	☐ STRUCTURAL STEEL		TOTAL LAND AREA SQ. FT. 6604				
V OTHER NOTES	☐ REINFORCED CONCRETE		L. No. OFF-STREET PARKING SPACES				
	☐ OTHER - SPECIFY _____		ENCLOSED 1				
	G. Principal Type of Heating Fuel		OUTDOORS 2				
	☒ GAS ☐ OIL		M. RESIDENTIAL BLDG. ONLY				
	☒ ELECTRICITY ☐ COAL		No. of Bedrooms 3 No. of Bathrooms Full 2 Partial _____				
☐ OTHER _____		J. ADDITIONAL INFO					
RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO					
NAME		MAILING ADDRESS		PHONE			
1. OWNER		Cupid Investments		715 S. Hwy 75 SHERMAN		968-4201	
2. CONT.						918-6180	
3. Architect							
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman							
SIGNATURE OF APPLICANT				ADDRESS		DATE	
G. P. R.				SAME		10-3-07	

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____ DENIED _____ 20 _____

BUILDING OFFICIAL SIGNATURE

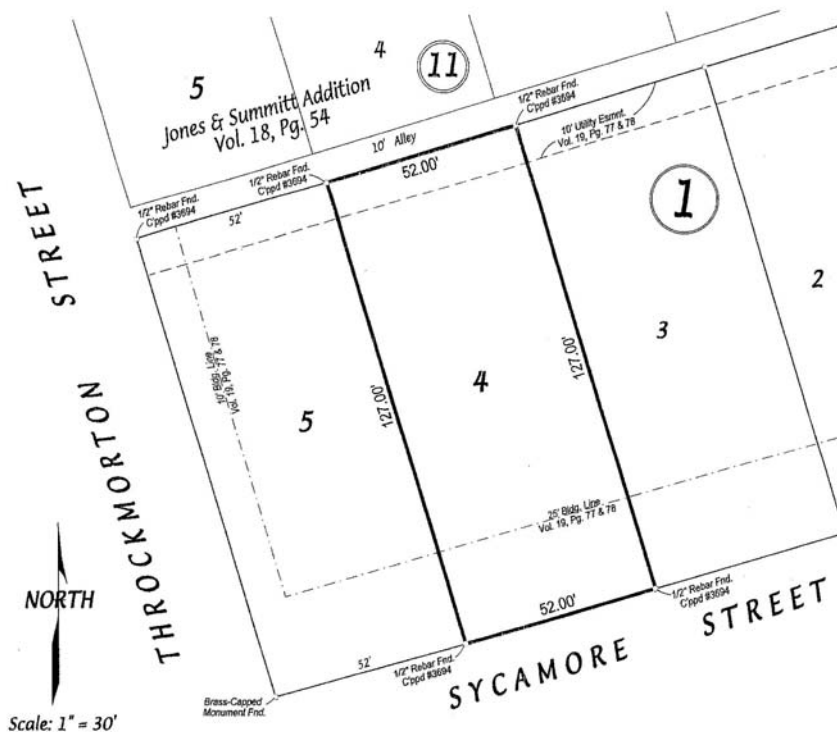
127-015-88

White - File

Canary - Owners Application

Pink - Tax Office

Gold - File



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

SURVEY FOR: CUPID HOMES INVESTMENT

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 5 th day of July, 2007 of the following described property:

Lot FOUR (4) in Block ONE (1) of CUPID'S CORNER, PHASE II, an Addition to the City of Sherman, Texas as shown by plat of record in Volume 19, Pages 77 & 78, Plat Records, Grayson County, Texas.

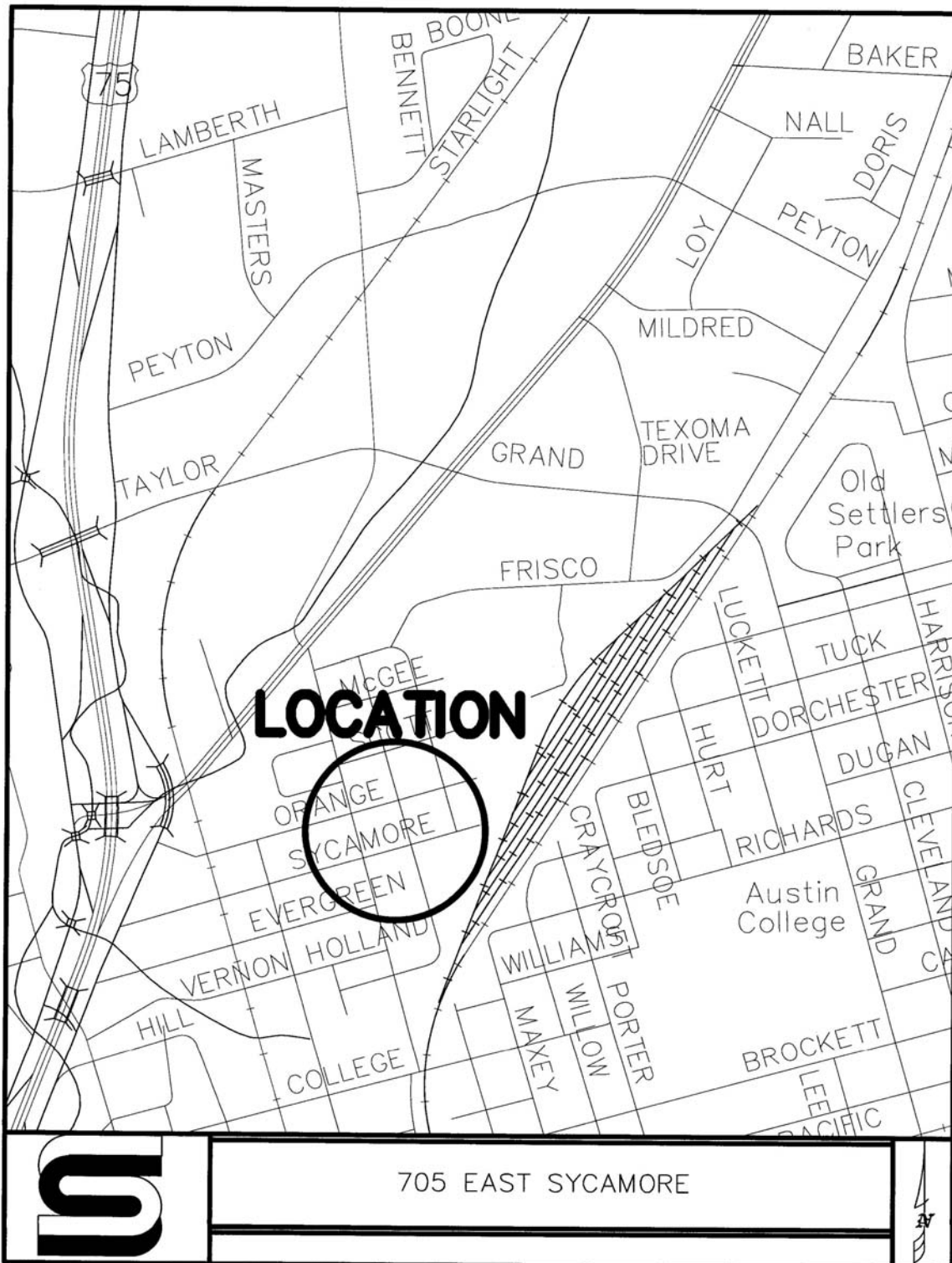
That the improvements located on said property are known as 705 E. SYCAMORE STREET, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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



4-Syca.pcs





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.8

*** RESOLUTION NO. 5113**

**Authorizing the Execution of an Agreement with Barton Capital, Ltd.
for the Abatement of Ad Valorem Property Taxes for the Construction of
a New Single-Family Residence at 712 East Sycamore Street**

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 712 East Sycamore Street.

Background

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

Origination

Barton Capital, Ltd., Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$236.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5113
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 712 EAST SYCAMORE STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, Ltd., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, Ltd. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 712 East Sycamore Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

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

I.

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

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

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
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2016	20%

II.

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

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

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

III.

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

IV.

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

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

Being Lot 4, Block 1 of the Cupids Corner Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 712 East Sycamore Street.

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

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

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

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

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

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

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City of Sherman	Barton Capital, LTD.
PO Box 1106	715 Hwy 75 South
Sherman, Texas 75091-1106	Sherman, Texas 75090
(903) 892-7200	(903) 868 - 4201

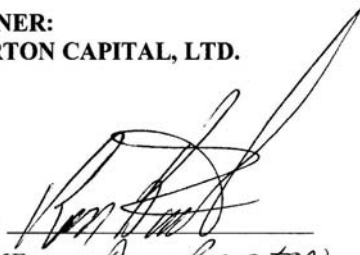
Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

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

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
BARTON CAPITAL, LTD.

BY: _____
GEORGE OLSON
ACTING CITY MANAGER

BY: _____
NAME: Ron Barton
TITLE: Pres

ATTEST:

(CORPORATE SEAL)

BY: _____
LINDA ASHBY
CITY CLERK

Notary Public: _____
Commission Exp. _____
License No (where applicable): _____

APPROVED AS TO FORM
AND CONTENT:

DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903-868-4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 712 E. SYLAMORE

Summary Legal Description: Lot: 4 Block: 1 Addition: Capitol Comm A11

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

Improvements:

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

Estimated Value of Improvements: \$159,000

Estimated Date of Start of Construction: 10-1-07

Estimated Date of Completion of Project: 12-1-07

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): Guy L. P. Date: 10-1-07

SHERMAN



P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

 PERMIT NUMBER
 OCCUPANCY NUMBER

566

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME <u>712 E. SYLAMORE</u>		SUBDIVISION OR SURVEY <u>LUPID'S CORNER</u>		LOT <u>4</u>	BLOCK <u>1</u>	CENSUS TRACT
	FLOOD ZONE _____		E. ZONING _____		TIME TO COMPLETE <u>180</u> DAYS		
	BASE FLOOD ELE. _____		FIRE ZONE _____				
	1ST FLOOR ELE. _____		PLANS _____				
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		<u>NEW HOME CONST.</u>				
	2 ☐ ALTERATION		<u>BESTE ELECTRIC 903-564-6853</u>				
	3 ☐ REPAIR, Replacement		<u>MARKY & SONS 903-821-5715</u>				
	4 ☐ MOVING (relocation)						
	5 ☐ FOUNDATION ONLY		<u>RED RIVER PLUMBING 903-893-3060</u>				
B. OWNERSHIP							
1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)							
2 ☐ PUBLIC (Federal, state, or local government)							
C. COST \$ <u>59,000</u>							
D. FEE \$ <u>25.00</u>							
Sq. Ft. { Main Bldg. <u>1052</u>							
Accs. Bldg. _____							
III BUILDING SPECS. New Bldg. and Additions - Fill Out Parts F. - M. Wrecking - Fill Out Part K Only All Others Skip to IV	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing)		☒ PUBLIC OR PRIVATE CO.		Number of Stories <u>1</u>		
	☒ WOOD FRAME		☐ INDIVIDUAL (Septic tank, etc.)		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS <u>1120</u>		
	☐ STRUCTURAL STEEL				TOTAL LAND AREA SQ. FT. <u>20,000</u>		
	☐ REINFORCED CONCRETE		I. TYPE OF WATER SUPPLY		L. No. OFF-STREET PARKING SPACES		
	☐ OTHER - SPECIFY _____		☒ PUBLIC OR PRIVATE CO.		ENCLOSED _____		
			☐ INDIVIDUAL (well, cistern)		OUTDOORS <u>3</u>		
	G. Principal Type of Heating Fuel		J. ADDITIONAL INFO		M. RESIDENTIAL BLDG. ONLY		
	☐ GAS ☐ OIL		RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO		No. of Bedrooms <u>3</u> Full <u>2</u>		
	☒ ELECTRICITY ☐ COAL		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		No. of Bathrooms _____ Partial _____		
☐ OTHER _____							
IV IDENTI- FICATION	1. OWNER		MAILING ADDRESS		PHONE		
	<u>LUPID INVESTMENTS</u>		<u>715 S. HUY 75 SHERMAN, TX</u>		<u>818-6180</u>		
	2. CONT.						
	3. Architect						
The Owner of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman							
<u>G. A. R.</u>				<u>Same</u>		<u>10-1-07</u>	
SIGNATURE OF APPLICANT				ADDRESS		DATE	

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____ DENIED _____ 20 _____

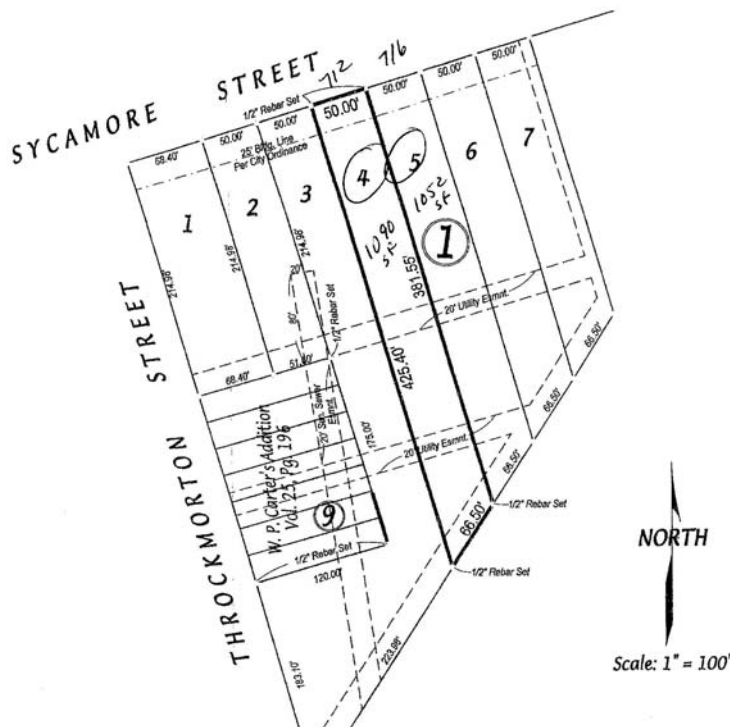
127-015-88

White - File

Canary - Owners Application

Pink - Tax Office

BUILDING OFFICIAL SIGNATURE
Gold - File



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

SURVEY FOR: CUPID HOMES INVESTMENT

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 15 th day of March, 2007 of the following described property:

Lot FOUR (4) in Block ONE (1) of CUPIDS CORNER ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 19, Pages 28 & 29, Plat Records, Grayson County, Texas.

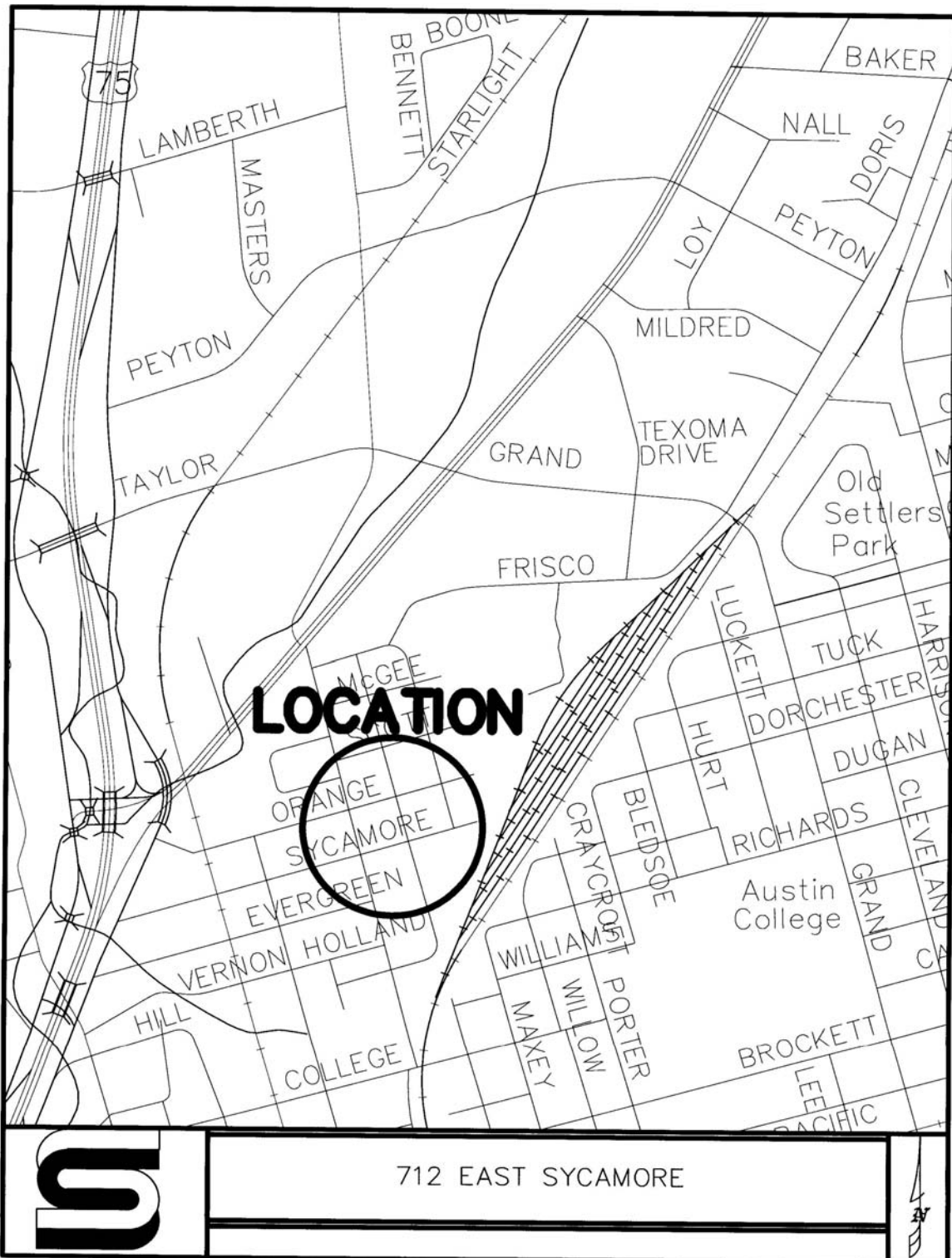
That the improvements located on said property are known as 712 E. SCYAMORE STREET, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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



CPDLOT-4.pcs



LOCATION

712 EAST SYCAMORE



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. C.9

*** RESOLUTION NO. 5114**

**Authorizing the Execution of an Agreement with Barton Capital, Ltd.
for the Abatement of Ad Valorem Property Taxes for the Construction of
a New Single-Family Residence at 716 East Sycamore Street**

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 716 East Sycamore Street.

Background

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

Origination

Barton Capital, Ltd., Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$236.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5114
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 716 EAST SYCAMORE STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, Ltd., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, Ltd. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 716 East Sycamore Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

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

I.

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

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

SCHEDULE OF TAXES ASSESSED

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

II.

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

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

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

III.

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

IV.

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

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

Being Lot 5, Block 1 of the Cupids Corner Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 716 East Sycamore Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

City of Sherman	Barton Capital, LTD.
PO Box 1106	715 Hwy 75 South
Sherman, Texas 75091-1106	Sherman, Texas 75090
(903) 892-7200	(903) 868 - 4201

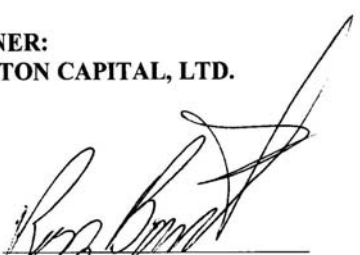
Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

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

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
BARTON CAPITAL, LTD.

BY: _____
GEORGE OLSON
ACTING CITY MANAGER

BY: _____
NAME: Ron Barton
TITLE: Pres,

ATTEST:

(CORPORATE SEAL)

BY: _____
LINDA ASHBY
CITY CLERK

Notary Public: _____
Commission Exp. _____
License No (where applicable): _____

APPROVED AS TO FORM
AND CONTENT:

DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903-868-4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 716 E. SYCAMORE

Summary Legal Description: Lot: 5 Block: 1 Addition: Cupid's Corner Add

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

Improvements:

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

Estimated Value of Improvements: \$159,000

Estimated Date of Start of Construction: 10-1-07

Estimated Date of Completion of Project: 12-1-07

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): Guy L. P. Date: 10-1-07

SHERMAN



P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

 PERMIT NUMBER
 OCCUPANCY NUMBER

565

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME <u>716 E. SYLAMORE</u>		SUBDIVISION OR SURVEY <u>CLYD'S CORNER</u>		LOT <u>5</u>	BLOCK <u>1</u>	CENSUS TRACT
	FLOOD ZONE _____		E. ZONING _____		TIME TO COMPLETE <u>180</u> DAYS		
	BASE FLOOD ELE. _____		FIRE ZONE _____				
	1ST FLOOR ELE. _____		PLANS _____				
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		<u>NEW HOME LOT 1ST.</u>				
	2 ☐ ALTERATION		<u>BESTE ELECTRIC - 903-564-6853</u>				
	3 ☐ REPAIR, Replacement		<u>RED RIVER PLUMBING 903-821-5715</u>				
	4 ☐ MOVING (relocation)						
	5 ☐ FOUNDATION ONLY						
III BUILDING SPECS.	B. OWNERSHIP						
	1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)		<u>MARKY I + SONS 903-893-3060</u>				
	2 ☐ PUBLIC (Federal, state, or local government)						
	C. COST \$ <u>59,000</u>						
	D. FEE \$ <u>25.00</u>						
	Sq. Ft. { Main Bldg. <u>1090</u>						
IV IDENTI- FICATION	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing)		☒ PUBLIC OR PRIVATE CO.		Number of Stories <u>1</u>		
	☒ WOOD FRAME		☐ INDIVIDUAL (Septic tank, etc.)		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS <u>1750</u>		
	☐ STRUCTURAL STEEL		I. TYPE OF WATER SUPPLY		TOTAL LAND AREA SQ. FT. <u>18000</u>		
	☐ REINFORCED CONCRETE		☒ PUBLIC OR PRIVATE CO.		L. No. OFF-STREET PARKING SPACES		
	☐ OTHER - SPECIFY _____		☐ INDIVIDUAL (well, cistern)		ENCLOSED <u>3</u> OUTDOORS <u>3</u>		
V OWNER CONT. Architect	G. Principal Type of Heating Fuel		J. ADDITIONAL INFO		M. RESIDENTIAL BLDG. ONLY		
	☐ GAS ☐ OIL		RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO		No. of Bedrooms <u>3</u> Full <u>2</u>		
	☒ ELECTRICITY ☐ COAL		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		No. of Bathrooms _____ Partial _____		
	☐ OTHER _____						
	1. OWNER		MAILING ADDRESS		PHONE		
	<u>CLYD INVESTMENTS</u>		<u>715 S. HWY 75 SHERMAN, TX</u>		<u>918-6180</u>		
The Owner of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman							
SIGNATURE OF APPLICANT <u>Gary C. R.</u>		ADDRESS <u>same</u>		DATE <u>10-1-07</u>			

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____ DENIED _____ 20 _____

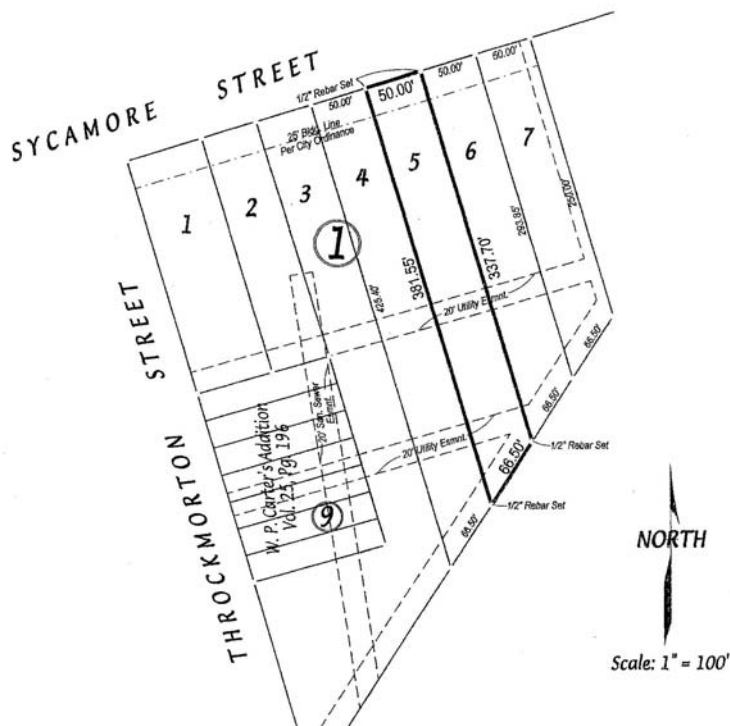
BUILDING OFFICIAL SIGNATURE
Gold - File

127-015-88

White - File

Canary - Owners Application

Pink - Tax Office



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

SURVEY FOR: CUPID HOMES INVESTMENT

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 15 th day of March, 2007 of the following described property:

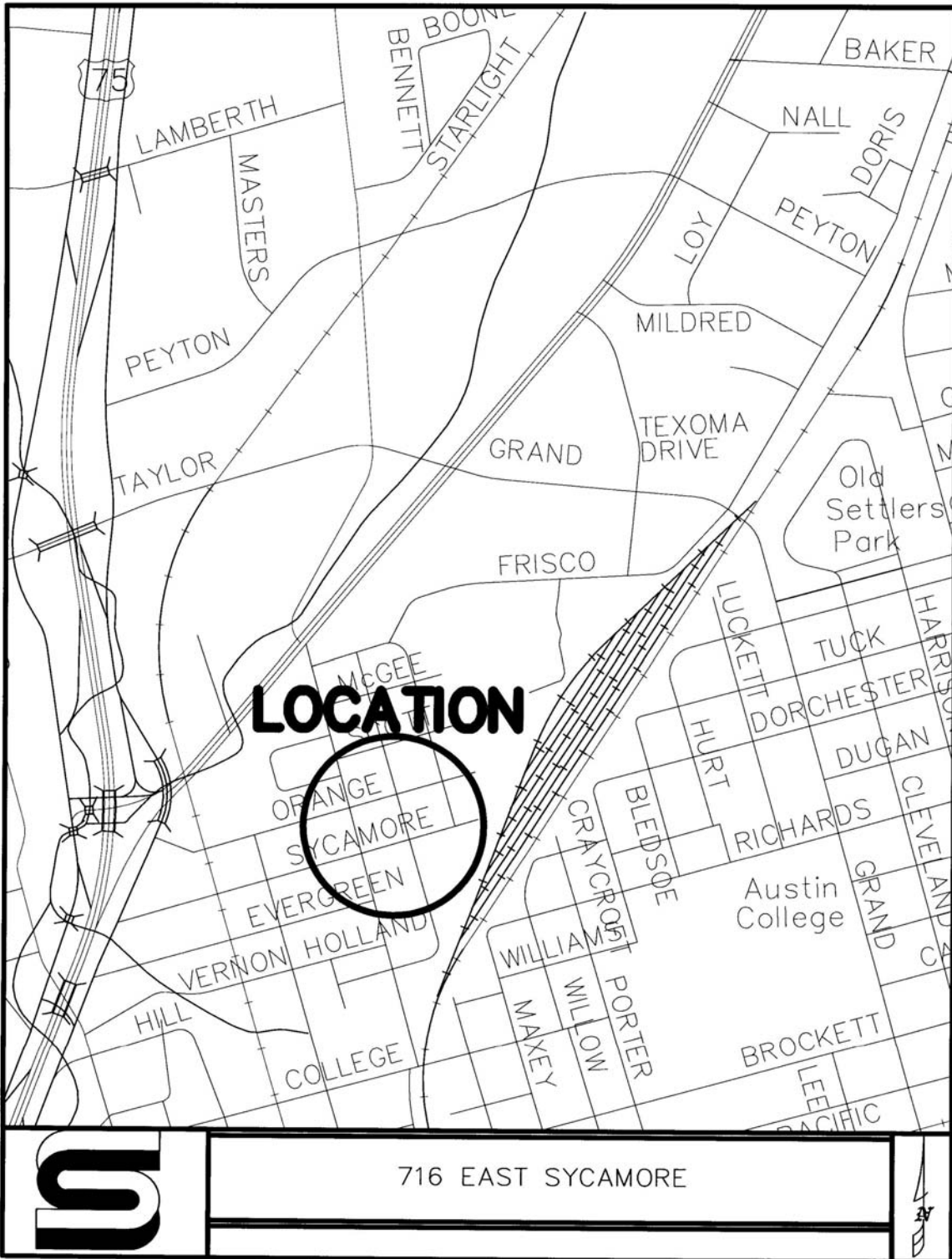
Lot FIVE (5) in Block ONE (1) of CUPIDS CORNER ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 19, Pages 28 & 29, Plat Records, Grayson County, Texas.

That the improvements located on said property are known as 716 E. SCYAMORE STREET, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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







SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.1

*** REQUEST TO ADVERTISE**
Ambulance Billing Services

Issue

Permission to advertise for Emergency Medical Service (EMS) accounts receivable billing service

Background

The existing EMS billing service contract will expire in November 2007. The previous contract with Intermedix Technologies, Inc. included provisions for Medical Director services and continuing education. In July 2007, those services were removed from the billing service agreement. The new agreement will be for billing services only.

Origination

Jeffrey J. Jones, Fire Chief

Financial Consideration

EMS Billing services is based on amount collected. Gross revenue for fiscal year (FY) 2006-2007 was approximately \$1.9 million. Intermedix's billing service cost was 9.719 percent of the total amount collected on each account. Funds are available in the 2007-2008 budget for advertising these services and for payment of the services.

Staff Recommendation

It is recommended that the City Council authorize the staff to advertise these billing services for bid.

Alternatives

As may be directed by the City Council

Attachments

None

Prepared by:
Jeffrey J. Jones, Fire Chief

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.2

*** REQUEST TO ADVERTISE**

Wastewater Treatment Plant Screw Lift Pump Replacement

Issue

Requesting permission to advertise for bids for replacement of the screw lift pumps at the Sherman Wastewater Treatment Plant

Background

The Wastewater Treatment Plant's screw lift pumps have exceeded their useful life and require replacement due to corrosion, age, and wear. Plans and specifications are being finalized.

Origination

Department of Utilities Administration

Financial Consideration

The project is funded at \$690,000.00 in this year's Capital Improvement Program. Funding is available in the current Utility Capital Improvement Fund. Cost of advertisement is expected to be less than \$200.00.

Staff Recommendation

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

Alternatives

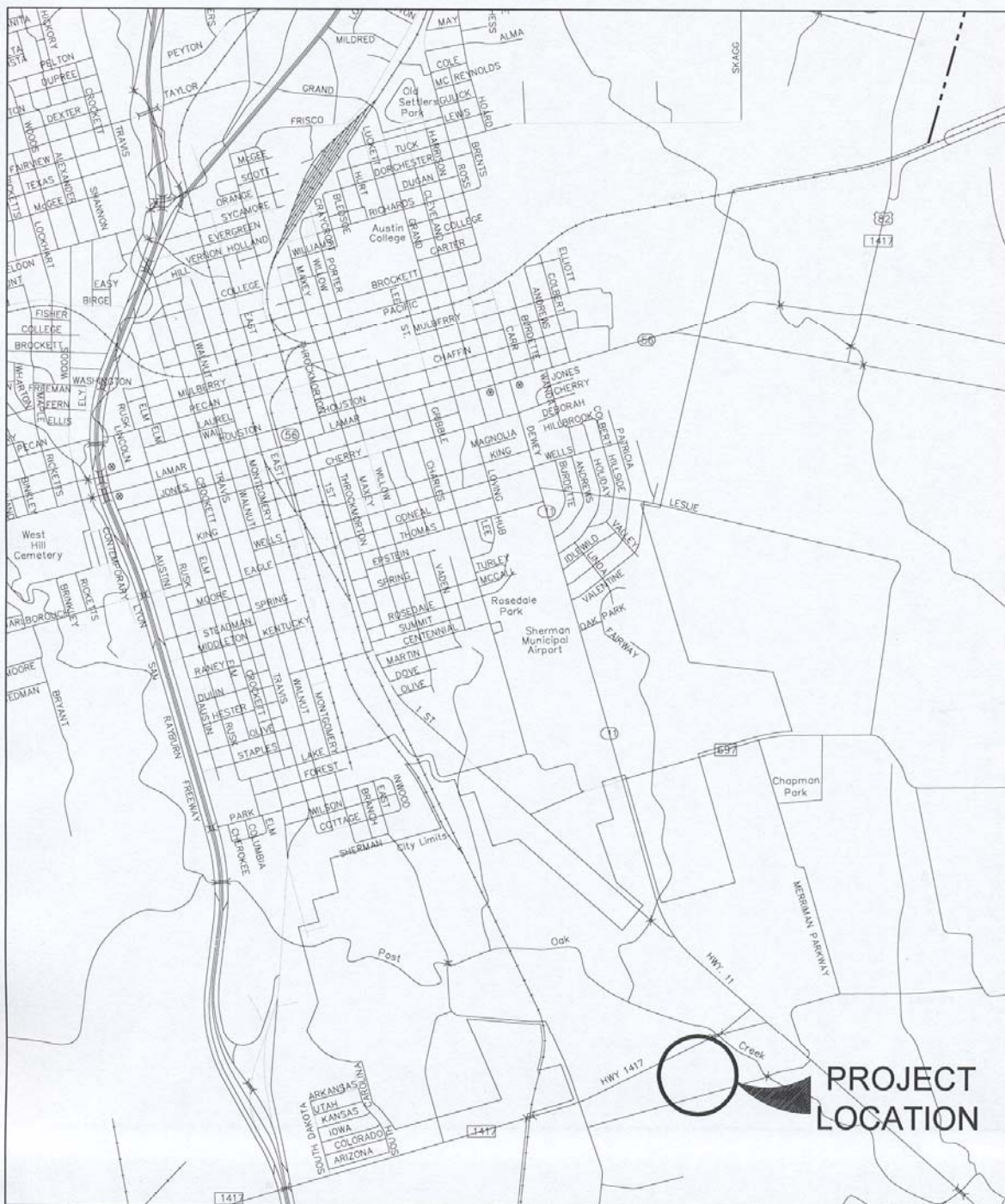
As may be directed by the City Council

Attachments

Location Map

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager



City of Sherman, Texas
WASTEWATER TREATMENT PLANT
PROJECT LOCATION MAP

24



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.3

*** REQUEST TO ADVERTISE**
Relief Sewer K-4 Phase One

Issue

Advertise for bids for the construction of Relief Sewer K-4 Phase One

Background

The existing sewer main is deteriorated and becoming overloaded as more development occurs in northwest Sherman. Relief Sewer K-4 will replace an existing sewer along Post Oak Creek, between McGee Street and Taylor Street. Plans and specifications are being finalized.

Origination

Department of Utilities Administration

Financial Consideration

The project is funded at \$900,000.00 in this year's Capital Improvement Program. The project will be funded through bonds previously issued by the Greater Texoma Utility Authority on behalf of the City of Sherman. Advertising for this project is expected to be less than \$200.00.

Staff Recommendation

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

Alternatives

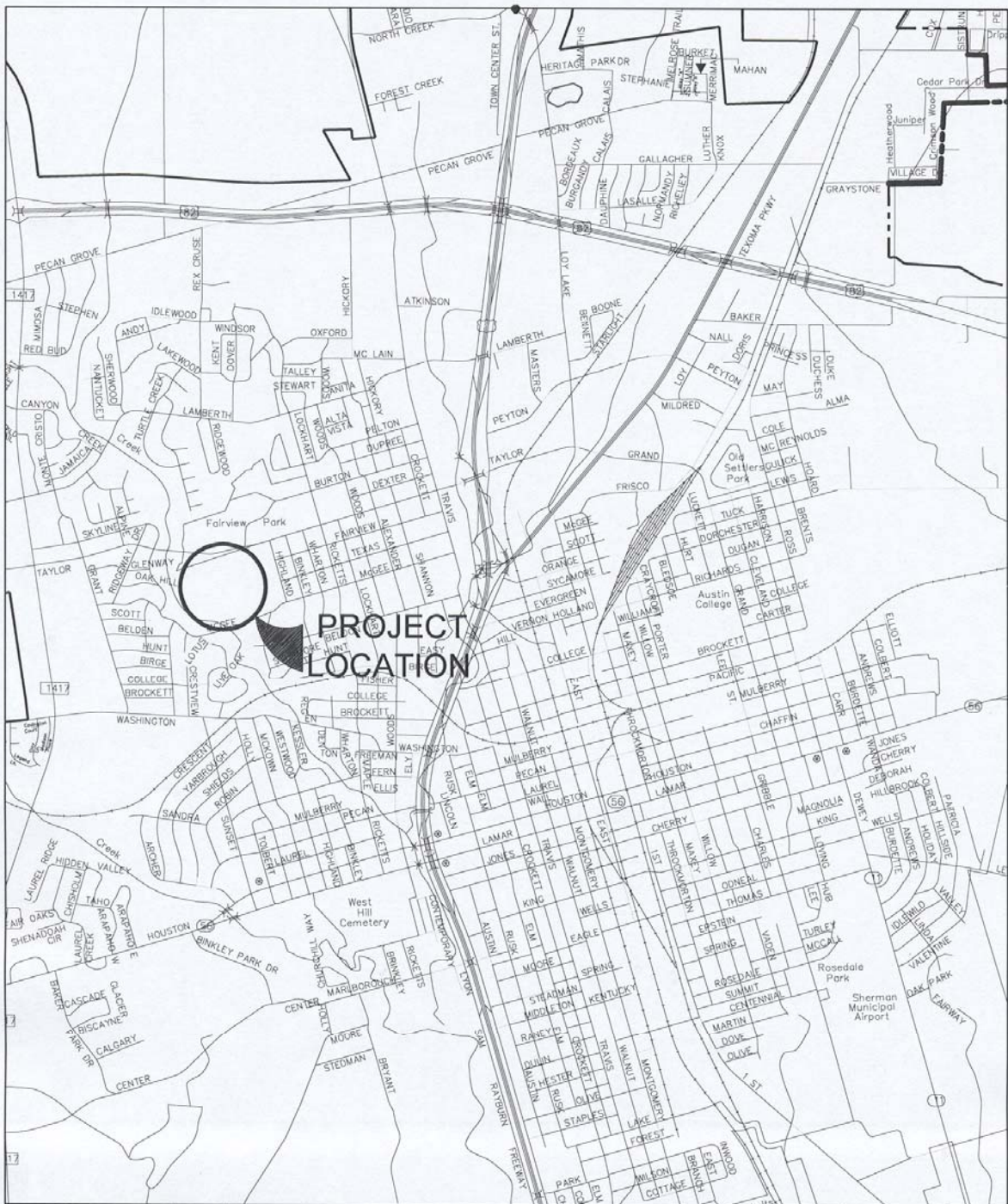
As may be directed by the City Council

Attachments

Location map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager



City of Sherman, Texas

SEWER K-4

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.4

OTHER BUSINESS

Receive GTUA General Manager Jerry Chapman's Briefing on a Proposed Bond Issuance for Wastewater Treatment Plant Improvements and Major Sewer Rehabilitation

Issue

A proposed bond issuance by the Greater Texoma Utility Authority (GTUA)

Background

GTUA General Manager Jerry Chapman will brief the Council on GTUA's upcoming bond issuance for Wastewater Treatment Plant improvements and major sewer rehabilitation for the City of Sherman.

Origination

City Manager's Office and GTUA General Manager

Financial Consideration

These projects are included in the 2007-2008 CIP Schedule approved by the City Council.

Council Action Requested

Authorize GTUA to pursue this bond issuance

Attachments

Mr. Chapman's correspondence

Prepared and 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

October 3, 2007

George Olson
City of Sherman
PO Box 1106
Sherman, TX 75091

RE: Agenda Posting

Dear George,

The Authority has been placed on the Texas Water Development Board's ("TWDB") 2008 Intended Use Plan ("IUP") for wastewater treatment plant improvements and major sewer rehabilitation for the City of Sherman. The Authority, with the assistance of your staff, submitted an IUP to the TWDB for the Clean Water State Revolving Fund ("CWSRF") early this year with several projects outlined to be included in the 2008 TWDB CWSRF IUP. These projects were subsequently approved by the TWDB for inclusion in their 2008 CWSRF IUP, which offers an attractive below market interest rate.

The financing timing is important to the successful implementation of these projects. The Board of Directors of the Greater Texoma Utility Authority will be requested to consider a resolution at their October 15, 2007 board meeting for submittal of a bond application to the TWDB in the amount of \$3,710,000 on behalf of the City of Sherman for wastewater system improvements, contingent upon the City Council of the City of Sherman authorizing the Authority to move forward with the application to the TWDB.

The purpose of this letter is to request that an item be placed on the City Council's October 15th agenda for discussion. I want to make sure we pursue these funds in a timely fashion, but I do not want to proceed without the Council's knowledge.

Sincerely,

Jerry W. Chapman
General Chapman

JWC:cc



GREATER TEXOMA UTILITY AUTHORITY

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

October 10, 2007

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

RE: Financing Capital Improvement Projects FY 2007-2008

Dear George:

Last month, the City Council adopted the annual budget containing several Capital Improvement Projects (CIP) to be undertaken by the Greater Texoma Utility Authority. In an effort to keep the Council and the staff fully informed of the activities related to these projects, I would like an opportunity to visit with you regarding these items. Specifically, I would like to discuss the first \$3.7 million bond series proposed to finance the wastewater improvements this year. The second bond series is for water improvements later this fiscal year. Two other matters include a possible refunding of the GTUA/Sherman 1998 bond series and the participation of SEDCO to pay a portion of the debt service for water and sewer projects related to economic development. While I know the Council's time is limited, I believe discussion of these items are important to ensure the Authority is responding to the City's needs.

Sincerely,

Jerry W. Chapman
General Manager

JWC:cc

Attachment

cc: Mark Gibson, Director of Utilities
Sherman City Council Members

Proposed Financing Plan CIP FY 07-08

Wastewater Bond Series

- Proposed Source: Texas Water Development Board (TWDB)/Below market interest rate fund
- Already approved on Intended Use Plan for TWDB for FY07-08
- Bond application to be submitted October 2007
- TWDB to issue commitment to buy bonds in December/January
- Close bond series in 2008 when bond funds needed

Water Bond Series (\$3 million)

- Proposed Source: Currently reviewing best options
- Possible Sources
 - Open Market – Competitive Sale
 - Private Placement – bank or other private purchaser
 - TWDB – new programs

SEDCO providing part of funding to meet debt service on that portion of water and sewer projects related to economic development

- Usual procedure
 - Contract between City and Economic Development Corporation of City
 - Bond counsel prepares contract between City and Economic Development Corporation
 - Economic Development Corporation provides percentage of funding to City
 - City pays total debt service to GTUA

Refunding Opportunity 1998 bond debt service GTUA/Sherman bond series

- July 1, 2008 – first option to refund
- This Series could not be refunded in 2003 when majority of GTUA-Sherman bonds were refunded/restructured to lower annual payments
- Large payment due 2011
- Relatively low interest rates allow 2011 payment to be “smoothed” over the period between 2012 and 2015 on a present value break-even target transaction (will update City as we get closer to July trigger date)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.5

OTHER BUSINESS

Receive Development Services Director Scott Shadden's Report on the CBD Enhancement/Enforcement Program

Issue

The Central Business District Enhancement/Enforcement Program

Background

At this year's Budget Workshop, the City Council approved this program, designed to step up code enforcement and abate substandard structures in the Central Business District and east to Willow Street.

Origination

City Council

Financial Consideration

There is no financial impact to receiving this presentation.

Council Action Requested

The Council need take no action on this agenda item.

Attachments

None

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.6

OTHER BUSINESS

Receive Briefing from Assistant City Manager/CFO Robby Hefton on the Texas Legislature's "Super Freeport" Property Tax Exemption

Issue

The "Super Freeport" property tax exemption to take effect on January 1, 2008

Background

The Texas Legislature has recently enacted House Bill 621 (HB621), which will take effect on January 1, 2008, and amends the Texas Tax Code Section 11.253. "Super Freeport" is a property tax exemption for goods that reside temporarily in warehouses within a city while awaiting shipment to other locations within or outside of Texas (as contrasted with the current-law Freeport exemption, which covers only goods shipped outside of Texas). The "Super Freeport" exemption is best described as a local option property tax exemption of the "opt-out" variety. The exemption automatically applies to a city unless the city does each of the following no later than December 31, 2007:

- (1) holds a hearing at which members of the public are allowed to speak for or against the taxation of super Freeport goods; and
- (2) adopts an ordinance stating it wishes to continue taxing super Freeport goods for tax year 2008. The hearing must take place prior to the adoption of such an ordinance.

Because of the potential impact of this legislation and uncertainty as to the intent of the law, it is expected that future Attorney General Opinions will be necessary to clarify portions of HB621.

Origination

Grayson Central Appraisal District

Financial Consideration

Should we choose to take no action and permit this exemption to take effect on January 1, 2008, "Super Freeport" could be considered an economic development tool. In this case, we would lose potential revenue from any exempted inventory.

Staff Recommendation

The staff recommends the Council hold a public hearing in November to allow public input on the issue and subsequently consider an ordinance to tax the goods covered under HB621. In a later year, the Council could choose to exempt the goods from taxation.

Alternatives

The Council could take no action on this item, which would automatically exempt these goods from taxation.

Attachments

TML Legislative Alert and GCAD Correspondence

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

Cloer, Pam

From: Texas Municipal League [tmladmin@tml.org]

Sent: Monday, October 01, 2007 1:29 PM

To: Cloer, Pam

Subject: TML Legislative Alert: "SUPER FREEPORT" DEADLINE APPROACHES, CAUSES SOME CONFUSION

"Super Freeport" is a property tax exemption for goods that reside temporarily in warehouses within a city while awaiting shipment to other locations within or outside of Texas (as contrasted with the current-law freeport exemption, which covers only goods shipped outside of Texas). This exemption was approved by Texas voters in 2001 as an amendment to the Texas Constitution, but only this year did the Texas Legislature enact enabling legislation.

The super freeport exemption is best described as a local option property tax exemption of the "opt-out" variety. The exemption automatically applies to a city **unless** the city does each of the following two things **no later than December 31, 2007**: (1) holds a hearing at which members of the public are allowed to speak for or against the taxation of super freeport goods; and (2) adopts an ordinance stating it wishes to continue taxing super freeport goods for tax year 2008. The hearing must take place prior to the adoption of such an ordinance.

A city that misses the December 31, 2007, deadline may choose to opt out of the exemption in future tax years.

The exemption applies only to goods that are owned by someone other than the owner of the warehouse where the goods are temporarily stored. Some appraisers in Texas are predicting a large fiscal impact for this exemption based on the theory that retailers who currently own their own warehouses may be tempted by the language of the exemption to sell their warehouses to third-party "shell" corporations. Once ownership is thus separated, the theory goes, the retailer could claim the exemption at warehouses that essentially remain under the control of the retailer, which is not in keeping with the economic development spirit of the bill. To further complicate matters, the bill that passed this year is arguably broader than the constitutional amendment adopted by voters in 2001: the amendment prohibits the exemption where the warehouses are owned or controlled by the owner of the goods, while the 2007 bill omits the language relating to control.

As a result of this confusion, the Senate sponsor of the 2007 legislation has asked for an attorney general's opinion regarding the scope of the bill in relation to ownership and control. It is possible that the opinion could be released in time for taxing entities to consider it prior to the December 31, 2007, deadline to act. TML will send out an alert if and when any clarifying opinion is released.

TML takes no position on whether a city should or should not opt out of the super freeport tax exemption. Just like the freeport exemption of the past, super freeport will be viewed by some cities as a useful economic development tool, while others will view it as an annoying loss of revenue.

10/1/2007

MEMO

DATE: September 24, 2007

TO: Taxing Entities
Grayson County

FROM: Teresa Parsons Phone (903) 893-9673 xt 126
Grayson Central Appraisal District Fax (903) 892-3835

SUBJECT: HB 621

Honorable Taxing Entity Leaders,

As you may know, recent legislation enacted House Bill 621.

This bill is very similar to Freeport with a couple of exceptions. The goods have to stay within Texas, shipped within a 175 days and they have to be stored in a facility that is not owned by the inventory owner.

For instance, a local company transports beverages throughout Texas and only transports about 16% of their inventory outside of Texas. The portion outside transported outside of Texas is eligible for Freeport and thus exempt. This is actually a very small portion of the overall inventory value. This company could now contract with another company to store their beverages for up to 175 days before they are shipped throughout Texas making the inventory totally exempt.

Of course this involves only inventory. What I (as well as other members of my profession) believe will ultimately happen is that anyone that has inventory that is shipped throughout the state (and stays in the state) will lease a building to store their inventory and then they can claim the exemption. It will increase the paper work/verification/appeals process for our office which ultimately requires more money to fund our budget. If I do not receive a resolution or ordinance indicating to tax goods in transit under these circumstances from your entity by the end of the year, the inventory in these instances will automatically become exempt and available for the taking.

The bigger issue is that there is no way to measure the impact to the entities. In the above example, the overall inventory was valued at \$2,391,521 but only \$391,996 (16%) is eligible for Freeport. Under the new HB, if the company stores the inventory in another location, not owned by the company and ship within 175 days, the 2,391,521 will become totally exempt.

I am forwarding my previous correspondence along with sample resolutions and ordinances in an effort to expedite this process.

Please feel free to contact me should you have any questions.

Respectfully,
Teresa Parsons, Chief Appraiser

RE: New Exemption of "Goods in Transit"—Local Option to Tax

Dear Taxing Entities:

The following information was forwarded to me by Grayson Central Appraisal District's attorney. I found this information to be very helpful and informative; thus I am passing it on.

Purdue, Brandon, Fielder, Collins & Mott wrote:

"In the 2007 session, the Texas Legislature passed HB 621. This bill was the implementing legislation for a constitutional amendment that was passed several years ago. The bill is very similar to the Freeport exemption passed many years ago, but it has a potentially larger impact as time goes on. This letter is to inform you of your options to tax the goods subject to the new exemption and to provide you with the forms and procedure to tax these goods if you choose. The following information was forwarded to me by Grayson Central Appraisal District's attorney.

This new law passed without much scrutiny because it was a bracket bill that only affected one county in Texas until the closing days of the legislative session. Then an amendment made the exemption applicable statewide.

What is Exempted?

This bill exempts goods, principally inventory, that are stored in a location that is not owned by the owner of the goods and are transferred from that location to another location within 175 days. The goods may be in the location for the purposes of assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property. Certain specific types of goods are presently excluded from this exemption: oil, natural gas, petroleum products, aircraft, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory, or retail manufactured housing inventory. Petroleum products are defined to be only the immediate derivatives of oil and natural gas, so some goods that you might think of as petroleum products may actually be exempted from taxation by this new law.

What is the Impact on Your Tax Base?

At present, this new law will probably have a limited impact because most goods are kept in facilities that are owned by the owners of the goods themselves. However, this may change rapidly. In order to take advantage of this new law, many property owners may seek to transfer ownership of either the goods or the facilities in which the goods are stored, manufactured, processed, etc. to legal entities with different ownership. These types of paper changes could make the property exempt.

What Can You Do?

The governing body of each taxing unit in the state may act to tax these goods in the year following the year in which the governing body takes action. These goods will first become exempt in 2008. So if you wish to continue to tax these types of goods in 2008, you must act to tax the goods before the end of 2007. You must inform the appraisal districts in which your local government is located that you have acted to tax these goods. A copy of the resolution, order, or ordinance is the best way to document your decision to your appraisal district.

Before you act to tax these goods, you must hold a public hearing on the question of whether to tax them or whether to let them become exempt. The legislature has prescribed no special procedures for this hearing, so it may be held at a meeting of the governing body called for other purposes. The item must be listed on the agenda for that meeting as an action item in compliance with the Open Meetings Act, but there is no additional public notice required.

The legislature required that each taxing unit act in the manner required for official action by the governing body of the taxing unit. For counties, this means that action must be taken by an order of the commissioner's court. For cities, this means that action must be taken by an ordinance. For school districts and other taxing units, this means that action should be taken by resolution. A sample order, ordinance and resolution are attached to this letter.

Special Note for School Districts

The wealth lost to this exemption will be deducted from the taxable wealth of the school district as determined by the Comptroller for purposes of calculating state aid. Until the hold harmless provisions of House Bill 1 are removed, this will have little impact on the amount of state aid your school district receives. At present, the Comptroller's wealth estimate affects only the additional four cents that a school district may impose and the amount of certain types of facilities aid the district receives from the state (existing debt allotment and instructional facilities allotment). So as the law exists today, a school district will lose taxable wealth due to this exemption without an offsetting increase in state aid. Even if the legislature restores the Comptroller's finding of taxable wealth to its previous role in state aid to school districts, the effect of the additional state aid is not a dollar for dollar offset."

Ideally, you may want to pass the order, ordinance, or resolution as soon as possible. My understanding of the new legislation is that it does not allow you to pass it in the future should you want to continue to tax goods in transit for 2008.

Sincerely,

Teresa Parsons
Chief Appraiser

RESOLUTION NO. _____

**A RESOLUTION OF THE _____ (name of taxing unit) TO TAX
TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD
OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION
11.253**

WHEREAS, the 80th Texas Legislature in Regular Session has enacted House Bill 621 to take effect on January 1, 2008, which added Tex. Tax Code §11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) which property has been subject to taxation in the past; and

WHEREAS, Tex. Tax Code §11.253(j) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the continued taxation of such goods-in-transit; and

WHEREAS, the _____ (name of governing body) of the _____ (name of taxing unit), having conducted a public hearing as required by Section 1-n (d), Article VIII, Texas Constitution, is of the opinion that it is in the best interests of the district to continue to tax such goods-in-transit;

**NOW THEREFORE, BE IT RESOLVED BY THE _____ (name of governing body)
FOR THE _____ (name of taxing unit) THAT:** The goods-in-transit, as defined Tex. Tax Code 11.253(a)(2), as amended by House Bill 621, enacted by the 80th Texas Legislature in Regular Session, shall remain subject to taxation by the _____ (name of taxing unit).

Dated this ____ day of _____, 2007.

(title of presiding officer)

Attested:

Secretary

ORDER NO. _____

**AN ORDER OF _____ COUNTY TO TAX TANGIBLE PERSONAL
PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT
PURSUANT TO TEXAS TAX CODE, SECTION 11.253**

WHEREAS, the 80th Texas Legislature in Regular Session has enacted House Bill 621 to take effect on January 1, 2008, which added Tex. Tax Code §11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) which property has been subject to taxation in the past; and

WHEREAS, Tex. Tax Code §11.253(j) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the continued taxation of such goods-in-transit; and

WHEREAS, the Commissioner's Court of _____ County, having conducted a public hearing as required by Section 1-n (d), Article VIII, Texas Constitution, is of the opinion that it is in the best interests of the district to continue to tax such goods-in-transit;

**NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONER'S COURT FOR
_____ COUNTY THAT:** The goods-in-transit, as defined Tex. Tax Code 11.253(a)(2), as amended by House Bill 621, enacted by the 80th Texas Legislature in Regular Session, shall remain subject to taxation by _____ County, Texas.

Dated this ____ day of _____, 2007.

County Judge

Attested:

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF _____ TO TAX TANGIBLE
PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE
EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253**

WHEREAS, the 80th Texas Legislature in Regular Session has enacted House Bill 621 to take effect on January 1, 2008, which added Tex. Tax Code §11.253 to exempt from taxation certain tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing or fabricating purposes (goods-in-transit) which property has been subject to taxation in the past; and

WHEREAS, Tex. Tax Code §11.253(j) as amended allows the governing body of a taxing unit, after conducting a public hearing, to provide for the continued taxation of such goods-in-transit; and

WHEREAS, the City Council (or Commission) of the City of _____, having conducted a public hearing as required by Section 1-n (d), Article VIII, Texas Constitution, is of the opinion that it is in the best interests of the district to continue to tax such goods-in-transit;

**NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL (OR COMMISSION)
OF THE CITY OF _____ THAT:** The goods-in-transit, as defined Tex. Tax Code 11.253(a)(2), as amended by House Bill 621, enacted by the 80th Texas Legislature in Regular Session, shall remain subject to taxation by the City of _____, Texas.

Dated this ____ day of _____, 2007.

Mayor

Attested:

City Secretary



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.7

*** OTHER BUSINESS**

Consider Scheduling a Called Meeting of the City Council to Canvass the Results from the November 6, 2007 Special Election for 12:00 Noon on Wednesday, November 14, 2007

Issue

Ordinance No. 5482 (approved at the City Council's September 4th meeting) and Ordinance No. 5486 (approved at the City Council's October 1st meeting) called the November 6th Special Municipal Election to consider a sales tax for property tax reduction and a sales tax for street maintenance. The ordinances also set the date to canvass the results from the Election for Wednesday, November 14th.

Background

The Secretary of State's Office has set the official canvass period for the November 6th Special Municipal Election for November 14 through 19, 2007.

Origination

The request originated with the City Clerk's Office.

Financial Consideration

There is no direct financial consideration in setting the date to canvass the Election.

Staff Recommendation

It is recommended that the City Council approve the date and time for the canvass for the November 6th Special Municipal Election for Wednesday, November 14th at 12:00 noon.

Alternatives

The Council could select another date for the canvass, provided it falls within the Secretary of State's official canvass period.

Attachments

Ordinance Nos. 5482 and 5486 are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

ORDINANCE NO. 5482

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2007, FOR THE PURPOSE OF ADOPTING AN ADDITIONAL LOCAL SALES AND USE TAX; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC (DRE) EQUIPMENT; PROVIDING FOR EARLY VOTING; 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, pursuant to Chapter 321 of the Texas Tax Code, the governing body of the City of Sherman, Texas, does declare that an election shall be held on the 6th day of November, 2007, at which election the following proposition shall be submitted to all qualified voters:

The question which shall be submitted to the vote of the qualified electors shall be as follows:

FOR or AGAINST the following:

PROPOSITION 1

"THE ADOPTION OF AN ADDITIONAL LOCAL SALES AND USE TAX WITHIN THE CITY OF SHERMAN, TEXAS, AT THE RATE OF ONE-EIGHTH (1/8) OF ONE PERCENT TO BE USED TO REDUCE THE PROPERTY TAX RATE."

SECTION 2. That the official ballots for said election shall be prepared in accordance with the Election Code of the State of Texas, as amended, so as to permit the electors to vote "FOR" or "AGAINST". The aforesaid proposition shall be set forth in substantially the following form:

The word "FOR" and beneath it the word "AGAINST" shall be made to appear on the left of the proposition. A square shall be printed on the left of each of the words "FOR" and "AGAINST" and

each elector shall place an "X" in the square beside the statement indicating the way he wishes to vote.

SECTION 3. That said election shall be held jointly with the County of Grayson, Texas, in accordance with the Joint Election Agreement executed pursuant to the authority of Resolution No. 5074, passed and approved on the 4th day of September, 2007.

SECTION 4. That the County Clerk shall prepare ballots to be used in said election and shall stamp same "*Official Ballot*".

SECTION 5. That the polls shall be kept open from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. on Election Day, and that due return shall be made to the City Council showing the number of votes cast.

SECTION 6. That notice of said election shall be given by the Mayor of the City of Sherman by causing an election notice to be posted at City Hall not later than the twenty-first day before election day, and by publishing this ordinance at least one time not more than thirty days nor less than ten days prior to the election date, in at least one daily newspaper published in the City of Sherman in accordance with the provisions of the Election Code of the State of Texas, as amended.

SECTION 7. That the polling places for this election and the names of the officers who are to hold the same, except insofar as the officers may be changed by the County Clerk of the County of Grayson, Texas, shall be as follows:

PRECINCT NO.	LOCATION	JUDGES
1-2-3	Grayson County Courthouse 100 West Houston Sherman, Texas 75090	Ann Reed, Judge 2474 Joe Davis Rd. Whitewright, Texas 75491
		Dee Keating, Alternate 1127 Devoignes Rd. Denison, Texas 75021
4-5-8-32-36-53	Grayson County Justice Center 200 South Crockett Sherman, Texas 75090	Ruby Sprinkle, Judge 1034 Idlewild Sherman, Texas 75090
		Oleta Owen, Alternate 408 N. Andrews Sherman, Texas 75090

20	Salvation Army (North Entrance) 5700 Texoma Parkway Sherman, Texas 75090	Jack Nash, Judge 1515 E. Nall Sherman, Texas 75092 Bob Graves, Alternate 745 Patricia Sherman, Texas 75090
21-65	North Park Baptist Church 2605 Rex Cruse Drive Sherman, Texas 75092	Nana Rylander, Judge 2428 N. Ricketts Sherman, Texas 75092 Dickie Gerig, Alternate 2420 N. Woods Sherman, Texas 75092
23	West Sherman Baptist Church 1830 West Washington Sherman, Texas 75092	Bill Smith, Judge 1407 Crescent Sherman, Texas 75092 Ginger Kimbrough, Alternate 309 Preston Club Dr. Sherman, Texas 75092

SECTION 8. That Direct Recording Electronic (DRE) equipment shall be used for voting under the foregoing election precincts.

SECTION 9. That the qualified voters, eligible to cast their ballots early under the laws of this State, shall be permitted to so cast their vote in the Grayson County Courthouse, 100 West Houston, Sherman, Texas, or the Sub-Courthouse, 101 W. Woodward, Denison, Texas, during the following dates and times:

October 22 nd through October 26 th	8 a.m. to 5 p.m.	Monday through Friday
October 27 th	7 a.m. to 7 p.m.	Saturday
October 28 th	12 noon to 5 p.m.	Sunday
October 29 ^h through November 2 nd	7 a.m. to 7 p.m.	Monday through Friday

SECTION 10. That the canvass of the Election Returns will be held in the Council Chambers of City Hall, 220 West Mulberry, Sherman, Texas, at a special called Council Meeting on November 14, 2007.

SECTION 11. 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 4th day of September, 2007.

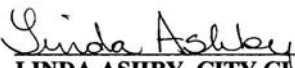
ADOPTED on this the 4th day of September, 2007.

EFFECTIVE DATE on this the 5th day of September, 2007.

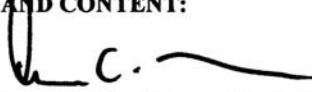
CITY OF SHERMAN, TEXAS

BY: 
BILL MAGERS, MAYOR

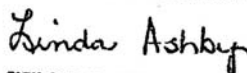
ATTEST:

BY: 
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**


**DOREEN E. MCGOOKEY,
CITY ATTORNEY**

CERTIFIED COPY- DOCUMENT
THIS IS CERTIFIED TO BE A TRUE COPY
OF THE PERMANENT RECORD AS FILED IN
THE OFFICE OF THE CITY CLERK.


CITY CLERK, SHERMAN, TEXAS

ISSUED: 9/10/07

ORDINANCE NO. 5486

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 5481; ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 6TH DAY OF NOVEMBER, 2007, FOR THE PURPOSE OF ADOPTING A LOCAL SALES AND USE TAX TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC (DRE) EQUIPMENT; PROVIDING FOR EARLY VOTING; 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, pursuant to Chapter 327 of the Texas Tax Code, the governing body of the City of Sherman, Texas, does declare that an election shall be held on the 6th day of November, 2007, at which election the following proposition shall be submitted to all qualified voters:

The question which shall be submitted to the vote of the qualified electors shall be as follows:

FOR or AGAINST the following:

PROPOSITION 2

"THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE CITY OF SHERMAN, TEXAS, AT THE RATE OF ONE-EIGHTH (1/8) OF ONE PERCENT TO PROVIDE REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS."

SECTION 2. That the official ballots for said election shall be prepared in accordance with the Election Code of the State of Texas, as amended, so as to permit the electors to vote "FOR" or "AGAINST". The aforesaid proposition shall be set forth in substantially the following form:

The word "FOR" and beneath it the word "AGAINST" shall be made to appear on the left of the proposition. A square shall be printed on the left of each of the words "FOR" and "AGAINST" and each elector

shall place an "X" in the square beside the statement indicating the way he wishes to vote.

~~**SECTION 3.** That should the November 6, 2007, local sales and use tax pass, the City of Sherman shall call for an election in the year 2011 on a regular, uniform election date, wherein the voters will vote on whether or not to reauthorize said tax with the then existing law.~~

SECTION 4.3. That said election shall be held jointly with the County of Grayson, Texas, in accordance with the Joint Election Agreement executed pursuant to the authority of Resolution No. 5074, passed and approved on the 4th day of September, 2007.

SECTION 5.4. That the County Clerk shall prepare ballots to be used in said election and shall stamp same "Official Ballot".

SECTION 6.5. That the polls shall be kept open from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. on Election Day, and that due return shall be made to the City Council showing the number of votes cast.

SECTION 7.6. That notice of said election shall be given by the Mayor of the City of Sherman by causing an election notice to be posted at City Hall not later than the twenty-first day before election day, and by publishing this ordinance at least one time not more than thirty days nor less than ten days prior to the election date, in at least one daily newspaper published in the City of Sherman in accordance with the provisions of the Election Code of the State of Texas, as amended.

SECTION 8.7. That the polling places for this election and the names of the officers who are to hold the same, except insofar as the officers may be changed by the County Clerk of the County of Grayson, Texas, shall be as follows:

PRECINCT NO.	LOCATION	JUDGES
1-2-3	Grayson County Courthouse 100 West Houston Sherman, Texas 75090	Ann Reed, Judge 2474 Joe Davis Rd. Whitewright 75491
		Dee Keating, Alternate 1127 Devoignes Rd. Denison, Texas 75021
4-5-8-32-36-53	Grayson County Justice Center 200 South Crockett Sherman, Texas 75090	Ruby Sprinkle, Judge 1034 Idlewild Sherman, Texas 75090
		Oleta Owens, Alternate 408 N. Andrews Sherman, Texas 75090

20	Salvation Army (North Entrance) 5700 Texoma Parkway Sherman, Texas 75090	Jack Nash, Judge 1515 E. Nall Sherman, Texas 75092 Bob Graves, Alternate 745 Patricia Sherman, Texas 75090
21-65	North Park Baptist Church 2605 Rex Cruse Drive Sherman, Texas 75092	Nana Rylander, Judge 2428 N. Ricketts Sherman, Texas 75092 Dickie Gerig, Alternate 2420 N. Woods Sherman, Texas 75092
23	West Sherman Baptist Church 1830 West Washington Sherman, Texas 75092	Bill Smith, Judge 1407 Crescent Sherman, Texas 75092 Ginger Kimbrough, Alternate 309 Preston Club Dr. Sherman, Texas 75092

SECTION 9.8. That Direct Recording Electronic (DRE) equipment shall be used for voting under the foregoing election precincts.

SECTION 10.9. That the qualified voters, eligible to cast their ballots early under the laws of this State, shall be permitted to so cast their vote in the Grayson County Courthouse, 100 West Houston, Sherman, Texas, or the Sub-Courthouse, 101 W. Woodward, Denison, Texas, during the following dates and times:

October 22 nd through October 26 th	8 a.m. to 5 p.m.	Monday through Friday
October 27 th	7 a.m. to 7 p.m.	Saturday
October 28 th	12 noon to 5 p.m.	Sunday
October 29 ^h through November 2 nd	7 a.m. to 7 p.m.	Monday through Friday

SECTION 11 10. That the canvass of the Election Returns will be held in the Council Chambers of City Hall, 220 West Mulberry, Sherman, Texas, at a special called Council Meeting on November 14, 2007.

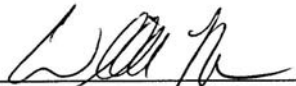
SECTION 12 11. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the 1st day of October, 2007.

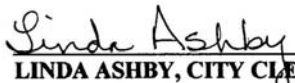
ADOPTED on this the 1st day of October, 2007.

EFFECTIVE DATE on this the 1st day of October, 2007.

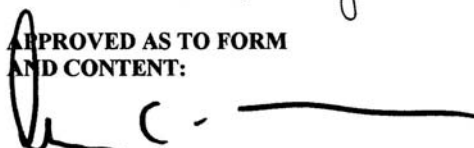
CITY OF SHERMAN, TEXAS

BY: 
BILL MAGERS, MAYOR

ATTEST:

BY: 
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**


**DOREEN E. MCGOOKEY,
CITY ATTORNEY**



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.8

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.9

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. D.10

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

Section 551.074

Personnel Matters:

Discuss the Review of the City Attorney

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. F.1

OPEN MEETING

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

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 10-15-2007

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2007 CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

01/01/07 - New Year's Day Holiday - Council Meeting Not Called for 01/02/07
01/15/07 - M.L.K., Jr. Birthday - Called Council Meeting on 01/16/07
01/30/07 - 12:00 Noon Called Meeting for City Charter Briefing
02/19/07 - 12:30 PM Called Meeting re: City Manager's Employment
02/19/07 - Washington's Birthday - Called Council Meeting on 02/20/07
02/28/07 - 12:00 Noon Called Meeting to Appoint Acting City Manager
03/28/07 - 12:00 Noon Called Meeting re: Acting/Permanent City Manager Issues
05/12/07 - City Council Election
05/22/07 - 12:00 Noon Called Meeting to Canvass Election Results
06/01/07 - Budget Planning Meeting in Council Chambers

06/11/07 - Called Meeting to Attend Commissioner's Court Meeting
06/13/07 - Called Meeting re: Police & Fire Comp. Study
07/02/07 - Cancelled Pre-4th of July Council Meeting
07/09/07 - Called Meeting for Social Event at Lake Texoma
07/12-14/07 - Budget Workshop in Council Chambers
08/27/07 - 12:00 Noon Called Meeting for Appeal of P&Z Decisions
09/03/07 - Labor Day - Called Council Meeting on 09/04/07
09/14/07 - 12:00 Noon Joint Meeting with SEDCO Board
11/06/07 - Sales Tax Election
11/14/07 - 12:00 Noon Called Meeting to Canvass Election Results