CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, SEPTEMBER 21, 2009
5:00 P.M.

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

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH

A.4 APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING OF SEPTEMBER 8, 2009

Proclamation

A.5 PROCLAMATION
“National Night Out - Texas” – October 6, 2009

Public Hearing

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5624
Amending Chapter 13 of the Code of Ordinances, entitled “Utilities”, at Article 13.06, entitled “Solid Waste”, at Sections 13.06.005, 13.06.086, 13.06.087, and 13.06.088 to Increase Certain Solid Waste Fees

Close Public Hearing and Consider Adoption of Ordinances

B.2 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Number:
(a) 5624

B.3 ADOPTION OF ORDINANCE NO. 5619
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2009; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law

B.4 CONSENT AGENDA
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

C.1 ** RESOLUTION NO. 5410*
Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009-A (City of Sherman Project); Approving the Issuance Thereof and the Facilities to be Constructed or Acquired by such Authority

C.2 ** RESOLUTION NO. 5411*
Approving the Greater Texoma Utility Authority's Intention to Enter into an Agreement with Associated Construction Partners, Ltd. for Wastewater Treatment Plant Digester Improvements

C.3 RESOLUTION NO. 5412
Adopting a Long-Term Debt Governing Policy for the City of Sherman

C.4 ** RESOLUTION NO. 5413*
Authorizing the Execution of Deeds for the Resale of Properties Seized for Delinquent Taxes

C.5 ** RESOLUTION NO. 5414*
Awarding a Bid to and Authorizing Execution of a Contract with Vessels Construction, Inc. to Construct the Solid Waste Transfer Station Concrete Pad and Ramp

C.6 ** RESOLUTION NO. 5415*
Authorizing the Purchase of a 2009 Pierce Aerial Platform Fire Engine and Equipment for the Sherman Fire Department through the Texas Local Government Purchasing Cooperative (BuyBoard)

C.7 RESOLUTION NO. 5416
Authorizing Execution of an Interlocal Cooperation Agreement between the City of Sherman and Grayson County for a Study of the Existing Grayson County Jail to be Performed by Wiginton Hooker Jeffry, PC Architects

Change Order

D.1 ** CHANGE ORDER NO. 1*
Taylor Street Intersection Project between Crockett and Alexander; Lynn Vessels Construction, LLC; $10,643.21 increase

Other Business

D.2 OTHER BUSINESS
Receive Presentation from Solid Waste Superintendent Aubrey Henderson on the City of Sherman's Residential Bulk Trash Collection Program

D.3 OTHER BUSINESS
Receive Briefing from Fire Chief Jeffrey J. Jones on Proposed Changes to Chapter 9 of the Code of Ordinances and the Authorized Number of Positions in the Fire Department

D.4 CITIZEN REQUESTS

D.5 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.6 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
(a) Library Board (3)

D.7 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
(a) Red River Groundwater Conservation District Board of Directors (2)

D.8 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 551.072 Deliberation Regarding Real Property
(a) Deliberate Regarding the Potential Purchase, Exchange, Lease, or Value of a Piece of Real Property:
(i) Blalock Fire Station in the 100 Block of Highway 1417 East

Section 551.074 Personnel Matters:
(a) Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:
(i) Tri-County Senior Nutrition Board of Directors (1)

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:** 9-21-2009

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:** 9-21-2009

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Pamela L. Howeth, Council Member

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. A.4

APPROVE MINUTES
THE CALLED CITY COUNCIL MEETING OF SEPTEMBER 8, 2009

STATE OF TEXAS §

September 8, 2009

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on September 8, 2009.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR JOE SMITH. COUNCIL MEMBERS ADAMI, HOWETH, SOFTLY, STEELE, WACKER.

MEMBERS ABSENT: NONE.

CALL TO ORDER

CALL TO ORDER

Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Robert Softly.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of August 17, 2009. Deputy Mayor Smith moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

PROCLAMATION
GERMAN-AMERICAN PARTNERSHIP BETWEEN WOLNZACH GYMNASIUM AND SHERMAN HIGH SCHOOL

GERMAN-AMERICAN PARTNERSHIP BETWEEN WOLNZACH GYMNASIUM & SHERMAN HIGH SCHOOL

Council Member Howeth presented proclamations to students and teachers from Wolnzach Gymnasium who are partnering with Sherman High School students in an exchange program.

Teachers visiting from Wolnzach, Germany were Uli Schiller and Karen Schmit. Students were Julia Lattner, Larissa Rumpf, Franziska Wetzl, Rebecca Scheidler, Sebastian Stigler, Christoph Schapfl, Verena Burnner, Sabrina Nickel, Vincent Winkler, and Kristin Gurenwald.

PUBLIC HEARING
CAPITAL IMPROVEMENT PROGRAM 2009- 2014

CIP PROGRAM

Mayor Magers called for a public hearing for the City of Sherman's Capital Improvement Program covering the period from October 1, 2009 through September 30, 2014.

CIP funding for the five-year plan includes $12,471,700 for General Fund projects and $33,613,000 for Utility Fund projects. Total funding for the 2009-2014 period will be $46,084,700.

No citizens appeared before the City Council to discuss the Capital Improvement Program for October 1, 2009 through September 30, 2014.

<u>SECOND PUBLIC HEARING OF ORDINANCE NO. 5614</u>

ORD 5614
ANNUAL BUDGET

Mayor Magers explained that this Budget will raise more total property taxes than last year's Budget by $211,000 and 3.1%, and of that amount $156,681 is tax revenue to be raised from new property added to the roll this year.

Mayor Magers called for the second public hearing of Ordinance 5614:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5614.

<u>INTRODUCTION AND PUBLIC HEARING OF ORDINANCES</u>

ORD 5619
AD VALOREM TAXES

Mayor Magers introduced Ordinance 5619 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2009; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5619.

ORD 5620
CERTIFICATES OF OBLIGATION FOR THOROUGHFARE PROJECTS

Mayor Magers introduced Ordinance 5620 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF SHERMAN, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE) REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009A"; SPECIFYING THE TERMS AND FEATURES OF SAID CERTIFICATES; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE NEW REVENUES FROM THE OPERATION OF THE CITY'S WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT / REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE.

No citizens appeared before the City Council to discuss Ordinance 5620.

Mayor Magers introduced Ordinance 5621 and called for a public hearing:

ORD 5621
UTILITY RATES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", AT ARTICLE 13.08, ENTITLED "UTILITY BILLING", AT SECTIONS 13.08.005 AND 13.08.006, REVISING RATES FOR WATER AND SEWER FOR FISCAL YEAR 2009-2010; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5621.

Mayor Magers introduced Ordinance 5622 and called for a public hearing:

ORD 5622
SUP FOR SURGERY CENTER

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 GRAYSON COUNTY PHYSICIAN'S PROPERTY, LLC (OWNERS), HERITAGE PARK SURGICAL HOSPITAL (TENANT), AND DAVID VILBIG, VILBIG & ASSOCIATES (ENGINEERS) TO ALLOW A HOSPITAL IN A C-1 (RETAIL BUSINESS) DISTRICT AT 3603 NORTH CALAIS DRIVE, BEING LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 6 AND 7, BLOCK 1, HERITAGE PARK ADDITION, PHASE 2; 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.

No citizens appeared before the City Council to discuss Ordinance 5622.

The Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5614

ORD 5614
ANNUAL BUDGET

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; PROVIDING FOR A REPEALER.

Council Member Adami asked if Ordinance 5621 covering utility rates included the Solid Waste rate changes that were discussed during the Budget Work Sessions.

Robby Hefton, Assistant City Manager/CFO, said the Solid Waste rate increase will be presented to the City Council at the next Council Meeting. The increased numbers are included in the proposed Budget.

Ordinance 5620
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF SHERMAN, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE) REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009A"; SPECIFYING THE TERMS AND FEATURES OF SAID CERTIFICATES; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE NEW REVENUES FROM THE OPERATION OF THE CITY'S WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT / REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE.

ORD 5620
CERTIFICATES OF OBLIGATION FOR THOROUGHFARE PROJECTS

<u>Garry Kimball, Managing Director, Specialized Public Finance, Inc.</u>
Mr. Kimball, the City's Financial Advisor, said they received 12 bids on the City's $3.5 million worth of Certificates of Obligation that were bid earlier today. He added that this was the highest number of bids they have ever received on a competitive sale. The City's strong AA bond rating was one reason for the high number of bids.

Morgan Keegan & Co., Inc. submitted the winning bid at 3.835%. It is a 20 year fixed rate. Mr. Kimball said the company plans to close by the end of September 2009, and he recommended approval.

Mayor Magers thanked Mr. Kimball, George Olson, City Manager, and Mr. Hefton for the great job they do to keep the debt service down.

Council Member Adami verified that Mr. Kimball had reviewed the City's new Debt Policy that is on the Agenda tonight for consideration.

Ordinance 5621
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", AT ARTICLE 13.08, ENTITLED "UTILITY BILLING", AT SECTIONS 13.08.005 AND 13.08.006, REVISING RATES FOR WATER AND SEWER FOR FISCAL YEAR 2009-2010; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5621
UTILITY RATES

Ordinance 5622
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION

ORD 5622
SUP FOR SURGERY CENTER

(5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO GRAYSON COUNTY PHYSICIAN'S PROPERTY, LLC (OWNERS), HERITAGE PARK SURGICAL HOSPITAL (TENANT), AND DAVID VILBIG, VILBIG & ASSOCIATES (ENGINEERS) TO ALLOW A HOSPITAL IN A C-1 (RETAIL BUSINESS) DISTRICT AT 3603 NORTH CALAIS DRIVE, BEING LOT 6R, BLOCK 1 OF THE REPLAT OF LOTS 6 AND 7, BLOCK 1, HERITAGE PARK ADDITION, PHASE 2; 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.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance Nos. 5614, 5620, 5621, and 5622 as presented. Second by Council Member Softly.

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

CONSENT AGENDA

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Magers removed Item C-2 entitled "Resolution 5404 – Authorizing the Execution of a Field Use Agreement with Austin College for the Use of Field #6 at Old Settlers Park" from the Consent Agenda for discussion in its regular order of business.

Council Member Wacker moved to approve the Consent Agenda, with the exception of Item C-2, which will be discussed in its regular order of business. Second by Council Member Softly. All present voted AYE.

RESOLUTIONS

RES 5399 CAPITAL IMPROVEMENT PROGRAM

RESOLUTION NO. 5399 – APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS; PROVIDING FOR AN EFFECTIVE DATE.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 5399, as presented. Second by Council Member Wacker.

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

RES 5404 OLD SETTLERS PARK FIELD USE

RESOLUTION NO. 5404 – AUTHORIZING THE EXECUTION OF A FIELD USE AGREEMENT WITH AUSTIN COLLEGE FOR THE USE OF FIELD #6 AT OLD SETTLERS PARK

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

FIELD USE AGREEMENT WITH AUSTIN COLLEGE FOR THE USE OF FIELD #6 AT OLD SETTLERS PARK.

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

Council Member Steele asked if a study had been done to make sure the amount covers the actual expenses for maintenance on the field. Mr. Olson said the amount proposed is designed to recover the cost as much as possible.

Kevin Winkler, Parks and Recreation Administrator, said the staff has tracked the work done on the field during the past year. In the next couple of years, the staff will be working to control electrical costs and water usage. There was extensive record keeping on hours of tractor usage, chemicals, grass, and other similar items.

The contract amount increased about 50% this year and will probably increase again next year to offset the additional electrical costs and water usage.

ACTION TAKEN.
Motion by Council Member Steele to approve Resolution No. 5404, as presented. Second by Council Member Adami.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele.
VOTING NAY: None.
ABSTAIN: Wacker.
MOTION CARRIED.

RES 5405 AMBULANCE SERVICE

RESOLUTION NO. 5405 – AUTHORIZING THE EXTENSION OF AND THE EXECUTION OF AN ADDENDUM TO THE AMBULANCE SERVICE AGREEMENT WITH GRAYSON COUNTY, EXTENDING THE TERM FOR TWO ADDITIONAL YEARS AND PROVIDING FOR AN INCREASED CONSIDERATION; WAIVING THE THREE-MONTH NOTICE REQUIREMENT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXTENSION OF AND THE EXECUTION OF AN ADDENDUM TO THE AMBULANCE SERVICE AGREEMENT WITH GRAYSON COUNTY, EXTENDING THE TERM FOR TWO ADDITIONAL YEARS AND PROVIDING FOR AN INCREASED CONSIDERATION; WAIVING THE THREE-MONTH NOTICE REQUIREMENT.
CONSENT AGENDA.

RES 5406 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

RESOLUTION NO. 5406 – AUTHORIZING EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, AND THE BOYS & GIRLS CLUB OF SHERMAN, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF

AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, AND THE BOYS & GIRLS CLUB OF SHERMAN, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.
CONSENT AGENDA.

RES 5407
FIRE PREVENTION
GRANT

RESOLUTION NO. 5407 – AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2008 ASSISTANCE TO FIREFIGHTERS – FIRE PREVENTION AND SAFETY GRANT AGREEMENT NUMBER EMW-2008-FP-01379 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2008 ASSISTANCE TO FIREFIGHTERS – FIRE PREVENTION AND SAFETY GRANT AGREEMENT NUMBER EMW-2008-FP-01379 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY.
CONSENT AGENDA.

RES 5408
EDR MEMBRANE
STACK PROJECT

RESOLUTION NO. 5408 – ACCEPTING THE PROPOSALS OF M&M INDUSTRIAL CONTROL SERVICES RELATED TO THE ACQUISITION OF HARDWARE, SOFTWARE AND PROGRAMMING SERVICES FOR THE ELECTRO DIALYSIS REVERSAL (EDR) MEMBRANE STACK PROJECT AT THE SHERMAN WATER TREATMENT PLANT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE PROPOSALS OF M&M INDUSTRIAL CONTROL SERVICES RELATED TO THE ACQUISITION OF HARDWARE, SOFTWARE AND PROGRAMMING SERVICES FOR THE ELECTRO DIALYSIS REVERSAL (EDR) MEMBRANE STACK PROJECT AT THE SHERMAN WATER TREATMENT PLANT.
CONSENT AGENDA.

RES 5409
INVESTMENT POLICY

RESOLUTION NO. 5409 – ADOPTING AN INVESTMENT POLICY FOR THE CITY OF SHERMAN
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ADOPTING AN INVESTMENT POLICY FOR THE CITY OF SHERMAN.
CONSENT AGENDA.

REQ TO ADVERTISE
CONSTRUCTION OF
SOUTH LANE OF
W. LAMBERTH RD

REQUEST TO ADVERTISE
CONSTRUCTION OF THE SOUTH LANE OF WEST LAMBERTH ROAD FROM HERITAGE PARKWAY TO THE WEST CITY LIMITS
The City Council approved the request to advertise for the construction of the south lane of West Lamberth Road from Heritage Parkway to the west City limits.

The construction plans and specifications are being prepared by Teague Nall & Perkins and are near completion.

After acquiring the required right-of-way, the project will be ready to bid.
CONSENT AGENDA.

<u>OTHER BUSINESS</u>

<u>RECEIVE PRESENTATION FROM PROJECT MANAGER DON W. KEENE ON THE CITY OF SHERMAN'S CAPITAL IMPROVEMENT PROJECTS</u>

CIP PROJECTS

Don Keene, Project Manager, presented an update on the City's Capital Improvement Program. The staff will continue to provide a quarterly update to the City Council as well as present a third quarter review annually.

The objectives of the Capital Improvement Program are cost effectiveness, quality, timeliness, and value and the goal is to ensure a maximum return on investment of the citizen's tax dollars with projects that support the Comprehensive Master Plan and optimize the community's quality of life.

The CIP program is balanced and diversified and the plan includes both maintenance and upgrade of current projects and the construction of new projects. The 2009 CIP program includes projects for streets, parks, water and sewer. The 2010 program includes projects for streets, parks, water, sewer, and drainage.

Water projects will increase in the 2010 program mainly due to two projects, $4 million for 10,000 acre feet of Lake Texoma raw water, and $2 million for a raw water pump upgrade project.

Mr. Keene outlined projects that were completed during the 2009 project year including the Highway 75 North water to Highway 691, which was bonded through the Greater Texoma Utility Authority. The projects will be under Budget.

He also outlined projects that are currently in progress with the estimated project completion date. Seven sewer projects will be bonded through GTUA.

Mr. Keene presented photographs of many of the current projects including Pecan Grove Park – Phase 1, Canyon Creek Drive Extension, Pecan Grove Park – Phase 2, Relief Sewer K-4 – Phase 1, the Loy Lake Road Culvert and Intersection Improvements (with the Texas Department of Transportation), Center Streets Sports Complex, Solid Waste Transfer Station (ramp and wall repairs), Brockett Street from Grand Avenue to Travis Street, and the Travis Street Water Main from Washington Street to Jones Street. Some of these projects have been completed and some are still in process.

He also listed projects for the 2010 CIP adding that they are diverse and total approximately $10 million. Planning for the projects has already begun and Mr. Keene said with the approval of Resolution 5399 the projects will soon begin.

Mayor Magers said that on the ramp reversal and the Canyon Grove – Highway 82 access, the City is at the mercy of TxDOT for funding for the projects.

Council Member Steele said the Council tries to make it a point to spend at least half of the money on maintenance and upgrades. He added that it is very important to maintain what we have.

Mayor Magers also addressed the improvements along Taylor Street where the "speed bumps" have been removed.

REVIEW DRAFT DEBT POLICY WITH ASSISTANT CITY MANAGER/CFO ROBBY HEFTON — **DEBT POLICY**

Mr. Hefton presented a Draft Debt Policy to the City Council for their review. The City has been operating fairly loosely in their Debt Policy because they haven't been in the debt market. Since the City has begun to issue more debt, the staff felt it was time to design a policy and framework under which debt will be issued.

The Debt Policy will guide the decision and will also go with the written Investment Policy and Financial Statement Policy. The written policies give the rating agencies some security about the City's financial strength and the processes used to issue debt.

Mr. Hefton said the staff reviewed the policies of other cities in designing the percentages in the Policy. He felt the Draft Policy was concise but covered the areas needed.

Mayor Magers said the staff has recommended boosting the reserves and he asked if the proposed policies would include all facets of a financial plan. Mr. Hefton said Debt Policy is one piece of the City's plan to maintain the current credit rating and work toward the AAA rating.

Mayor Mages asked what time frame it would take to achieve the AAA rating. Mr. Kimball said there are two overlying principals that a rating company looks at. These are the ability to pay and the willingness to pay. The Policy indicates a willingness to pay. The City doesn't have much control over the ability to pay which is based on the growth of the property tax base.

He said an AAA rating is a lofty goal and there aren't many cities in Texas that have this rating. Part of the AAA rating is critical mass. Sherman is just over $2 billion in tax base now and would need another $1 billion in tax base to reach AAA. He felt this would take a minimum of three years and would depend on the growth of the tax base.

Mr. Kimball said Sherman reached AA status so quickly because there is so little debt on the balance sheet. Sherman has 0.8% of debt versus the tax base. Most cities over 10,000 in population have 3% to 5% of debt.

Mr. Kimball felt it was smart to incur debt on long term projects that would benefit the citizens for a number of years, rather than trying to pay for the entire project now.

Council Member Adami asked if there were any issues Mr. Kimball felt the Debt Policy should address. Mr. Kimball said the Policy had a good balance and covers all the major ratios used by bond rating agencies. He felt it was a good, "tight" Policy.

Council Member Adami asked about refunding obligations and whether or not the net debt service savings of at least 3% was too low. Mr. Kimball said this would be a "trigger point" at which the bonds would be appropriate for refinancing. He added that 3% is the industry standard.

Council Member Adami said the Policy says in the General Fund, restrictions on debt shall not be greater than 10%. Where are we now? Mr. Hefton said the current General Fund supported debt is approximately 3%, which is less than one-third of capacity. This is about $40 million in capacity of General Fund supported debt.

Mayor Magers said the City has positioned itself properly so that if growth comes and the City does need to issue debt for projects, there is room to do so. Mr. Hefton said that puts the City in a good position to be issuing debt at the right time. He felt it was a good strategy to use for debt.

Mr. Hefton said the staff plans to bring back a Resolution for Council's consideration at a future meeting.

HOTEL OCCUPANCY TAX PROVISIONS

<u>DISCUSSION OF HOTEL OCCUPANCY TAX CODE PROVISIONS</u>

Mr. Olson said there is a process to collect Hotel/Motel Occupancy Taxes. Most hotels pay their taxes on time, but there are some that are delinquent and hard to collect.

Mr. Hefton said the State allows for a certain process to collect these taxes and for "other measures as appropriate." The staff is asking that the City be allowed to suspend services for water and sewer, as a last resort to get payment. He recommended that the measure only be used if the tax payments are 90 days past due.

In some cases, the City has exhausted all measures for collection of the taxes. Most businesses pay the tax, but there are a few cases where the City needs to get their attention. The measure would not be the first effort to collect the tax but would be a last resort when all other measures have been exhausted.

Council Member Wacker verified that the taxes and the reports are due quarterly. Mr. Hefton said the City is also asking that these hotels and motels register, so the City will have contact information about the owners.

Council Member Howeth asked if the City does turn off water and sewer, would the hotel need to pay the total amount due in full before service is restored. Mr. Hefton said this would be considered on a case by case basis and hopefully the threat of cut-off would cause the hotels to pay before service is interrupted.

He added that the City does not want to damage their business, they just need to pay their share. If the service is disconnected, it will be with full warning and with proper notice. Hopefully, this notice period would be enough time for them to obtain a cashier's check as a good faith effort.

Mr. Hefton said if the City Council is in favor of this procedure, the staff will bring back an Ordinance for their consideration. Council Members were in support of the proposal. Council Member Adami wanted to be sure the Ordinance has "enough teeth" to solve the problem.

JAIL STUDY

<u>DISCUSSION OF THE GRAYSON COUNTY JAIL AND A POTENTIAL FEASIBILITY STUDY AS DISCUSSED AT THE LAST CITY COUNCIL MEETING OF AUGUST 17, 2009, AND TAKING APPROPRIATE ACTION AS MAY BE NECESSARY</u>
Mayor Magers briefed the City Council and asked for their support on partially funding the feasibility study to analyze a Downtown jail.

This morning at Commissioner's Court, Commissioner Gene Short may the motion and County Judge Drue Bynum seconded the motion that the Grayson County Commissioner's Court would fund 50% of a feasibility study for a Downtown jail option.

Mayor Magers included documents in his previous address to the City Council from Jim Wiginton, President of Wiginton Hooker Jeffry, P.C. – Architects. Mr. Wiginton was the author of the 2002 Jail Study and was retained by the County Commissioners last week to make sure that the company hired to construct the jail northeast of Sherman follows what the Commissioner's Court needs.

After that action, Mayor Magers talked with Mr. Wiginton and he dropped the price of the Study from $45,000 to $39,000. Mayor Magers also distributed a memo from John Boswell, President of the Sherman Economic Development Corporation, stating their willingness to pay approximately $10,000 or 25% of the cost of the Feasibility Study.

Mayor Magers asked the City Council to consider funding 25% of the Feasibility Study for a Downtown option for the jail. The Feasibility Study will be for maintaining the jail Downtown and will consider remodeling the existing facility and determining the size of jail needed.

Mayor Magers said he committed to the City Council and the citizens of Sherman that he wanted to review options of a

Downtown jail facility. He expressed his pleasure that the County Judge and the Commissioner's Court agreed to partner with the City and fund the Study. He said this will be a partnership and the City should be represented at every meeting. He added that the County is also moving forward on their proposed jail located northeast of Sherman. These actions will run concurrently.

<u>Bob Minshew, 703 W. Birge</u>
Mr. Minshew is also the President of Downtown Sherman Preservation & Revitalization. He said, as has been seen in other towns, when the jail moves it's only a matter of time before the courts will move too. In Sherman the courts are important to the viability of the Downtown area and DSP&R wants to see the jail maintained Downtown.

The members of DSP&R were recently given a chance to voice their opinion and vote on a resolution on the matter. The members unanimously passed a resolution saying they want to see all reasonable feasibility studies done to improve the existing Downtown jail and keep it in its present location.

Mr. Minshew also appreciated the County agreeing to the Feasibility Study because at least now the citizens might get an objective analysis of a true cost for renovating the jail to keep it Downtown. The numbers have been between 500 and 750 cells needed and that's a "crazy" difference. He added that Mr. Wiginton may find that the County can modify the Downtown jail without using $35 million worth of bonds and locating the jail three miles east of town.

Mr. Minshew asked Council Members to authorize the expenditure for the City's participation to obtain a new Feasibility Study.

Council Member Steele said he hoped DSP&R might also help fund the Study, but Mr. Minshew said they didn't have any money.

<u>Dr. Tom Nuckols, 2341 Canyon Creek</u>
Dr. Nuckols said he was a "social ethicist" and even though criminal justice was not his area of expertise, he did have an interest in it. He felt the capacity of the jail was a critical issue.

He said America has the highest incarceration rate of any nation in the world. In the United States, Texas ranks at the top with the percentage incarcerated. Dr. Nuckols asked why we needed so many people incarcerated. He did not feel that the people of Grayson County, Texas, were more criminally inclined than other locations.

Dr. Nuckols felt the proposed Study should include alternatives to incarceration. Other studies have done this and made recommendations of things that can be done to reduce the jail population.

He added that the United States is supposed to have "speedy justice" but there are a large number of people awaiting trial. He felt that the time people spend in jail needs to be reduced, possibly by lowering bonds, a crisis intervention program, and a substance abuse program.

Dr. Nuckols said there are things that can be done to reduce the jail population and the size of the jail needed so the old jail can be renovated. He wanted to specifically request that the Study explore alternatives that can be done.

Mayor Magers said many issues raised will not be addressed by the proposed Feasibility Study. This Study is architectural in nature and is an engineering study. The Study will look at the renovation of the Downtown facilities, however it will not address many of the issues brought up by Dr. Nuckols.

Council Member Adami asked if the only thing the Study will consider is the architectural elements and the location of a Downtown facility. Mayor Magers said the Feasibility Study will address the cost and feasibility to renovate the Downtown jail with approximately 550 beds. He did not know if the cost of maintenance and operation would be included in the Study. The project is a capital project.

Council Member Adami felt the maintenance and operation costs should be included in the Study and would go hand-in-hand with the capital project. He said he would like to make the maintenance and operation cost a formal declaration of what needs to be included in the Feasibility Study. Council Member Wacker agreed with including the cost of maintenance and operation.

Council Member Steele said the Commissioner's decision today made it much easier for him to agree with the proposal. He was concerned because in a previous report to the City Council, Mayor Magers spent a lot of time saying the reports done by the County were biased. Mayor Magers said he did not say they were biased, he said they were inaccurate. The two reports showed that jail size needed increased drastically between the two reports.

Council Member Steele felt the new Feasibility Study should be done, but was concerned that it would be influenced by the City and would try to please both the City and the County.

Mayor Magers said anytime you work with consultants you must be concerned about that, but the City wants accurate, non-biased information. Because of this, the City needs to be involved.

Council Member Wacker hoped that with the City taking part they would be able to bring the type of information that would be useful, including recent numbers from the

Comprehensive Master Plan on things such as population growth so that reasonable and realistic numbers would be available on which to base the size of the jail. It shouldn't be based on a formula of how profitable it will be but what will really be needed for the next 20 years.

ACTION TAKEN.

Motion by Council Member Steele to approve payment of $9,250 to fund the proposed Feasibility Study. Second by Council Member Wacker.

ACTION TAKEN TO AMEND.

Motion by Council Member Steele to amend his motion to include a maintenance and ongoing cost benefit analysis in the Feasibility Study. Second by Council Member Wacker.

VOTING AYE: Magers, Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

ACCEPTANCE OF THE PUBLIC STREET DEDICATION OF CINROSE LANE AND LONGHORN TRAIL

STREET DEDICATION (CINROSE LN. & LONGHORN TR.)

The City Council accepted the deeds of dedication for Cinrose Lane and Longhorn Trail as public street rights-of-way.

Residents on Cinrose Lane and Longhorn Trail have petitioned the City to accept their privately maintained streets as City streets. As a condition for acceptance, the Street Department identified improvements that would have to be made to the streets to meet City standards.

Residents hired a local contractor to make the improvements and a recent inspection indicated that the work completed was acceptable.

The developments where Cinrose Lane (Cain & Dean Addition) and Longhorn Trail (Longhorn Estates) are located are within the City limits and currently have City water and trash service.

CONSENT AGENDA.

FINAL PLAT APPROVAL OF THE BROILES ADDITION, BEING PART OF LOT 1, BLOCK 1 OF THE REPLAT OF LOTS 19-21 OF THE L.C. CHAPMAN'S ADDITION AND ALL OF LOT 9 AND PART OF LOT 12, TOGETHER WITH THE ALLEY RUNNING SOUTHERLY FROM BROCKETT STREET AND LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOTS 9-11 IN THE L.C. CHAPMAN'S ADDITION AND CONTAINING 1.25 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; MACK BROILES, OWNER AND SARTIN & ASSOCIATES, INC., SURVEYORS (214, 218 AND 222 WEST BROCKETT STREET)

APPROVE FINAL PLAT BROILES ADDITION (214, 218, & 222 W. BROCKETT)

The City Council approved the Final Plat of the Broiles Addition, located at 214, 218 and 222 West Brockett Street, at

the southwest corner of Crockett and Brockett Streets, abutting the railroad.

The property consists of a part of Lot 1, Block 1 of the Replat of Lots 19 through 21 of the L.C. Chapman's Addition and all of Lot 9 and part of Lot 12, together with the alley running southerly from Brockett Street and lying west of and adjacent to the west line of Lots 9 through 11 in the L.C. Chapman's Addition, and containing 1.25 acres in the J.B. McAnair Survey, Abstract No. 763.

The owner would like to replat the property into six lots for commercial development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

APPROVE FINAL PLAT GREGG ADDITION (1901 W. SHEPHERD)

<u>FINAL PLAT APPROVAL OF THE GREGG ADDITION, BEING TWO ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765; SCOTT AND ABBIE GREGG, OWNERS AND RINGLEY & ASSOCIATES, INC., SURVEYORS (1901 WEST SHEPHERD ROAD)</u>
The City Council approved the Final Plat of the Gregg Addition, located at 1901 West Shepherd Road, between Highway 75 South and Farmington Road. The property consists of two acres in the William Martin Survey, Abstract No. 765. The owners would like to plat the property into two lots for residential development.
CONSENT AGENDA.

CITIZEN'S REQUESTS

<u>CITIZENS REQUESTS</u>
There were no citizen's requests.

<u>MEDIA QUESTIONS</u>

JAIL STUDY

Kathy Williams, Herald Democrat Reporter, asked for clarification on the amendment to the motion for the Jail Feasibility Study.

Council Member Steele said the amendment was to include the ongoing maintenance and operation expenses in the Feasibility Study.

Mayor Magers said that one of the sales points for the Jail to be located northeast of Sherman is that it would be less expensive to operate because of the layout of the facility. The maintenance and operation costs are a critical part of the puzzle.

Council Member Adami added that if the ongoing operational costs are significantly higher on the older facility after renovation, then the cost benefit analysis would show it would be better to spend a little more to construct the new facility because maintenance and operations expenses will be lower.

COUNCIL COMMENTS
ARTS FESTIVAL

Council Member Wacker reminded citizens that the Annual Arts Festival will be held on Saturday, September 19, 2009 on the Municipal Grounds.

ARTS FESTIVAL

PAINTING ON DOWNTOWN POLES

Deputy Mayor Smith noticed progress in the Downtown area on painting the poles. Mr. Hefton said the City has not painted poles recently.

PAINTING OF DOWNTOWN POLES

TAYLOR STREET RECONSTRUCTION

Council Member Adami complimented the City staff on the reconstruction of Taylor Street and the elimination of the "dips" at intersections.

TAYLOR STREET RECONSTRUCTION

CAPITAL IMPROVEMENT PROGRAM UPDATE

Council Member Adami thanked Mr. Keene for the update he presented on the City's Capital Improvement Program. He also thanked Mr. Olson and Mr. Hefton saying he was glad a quarterly update will be presented.

CIP UPDATE

CENTER STREET PARK OPENING

Council Member Steele invited citizens to visit Center Street Park saying it is a park you might see in a much larger City. He addressed all the things that had to come together to fund the park improvements, including the voters, the issuance of bonds, the changes in tax rates, and the guys that stripe the parking lots. He said it was an impressive park and he encouraged citizens to visit.

CENTER STREET PARK OPENING

GRAYSON COUNTY JAIL LOCATION

Mayor Magers thanked the Grayson County Commissioners for their vote today. The Jail issue has been very emotional but there are a lot of people trying to do the right thing. He said accurate cost benefit data is needed so they can make accurate decisions.

GRAYSON COUNTY JAIL LOCATION

LOCAL FOOTBALL TEAMS

Mayor Magers congratulated the Austin College Roos for being undefeated and the Sherman Bearcats for their recent win. He urged citizens to support the local football teams. He added that the Youth Football teams will be playing at both Bearcat Stadium and at Austin College.

LOCAL FOOTBALL TEAMS

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

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

EXECUTIVE SESSION

SECTION 551.071 CONSULTATION WITH CITY ATTORNEY CONCERNING

	PENDING OR CONTEMPLATED LITIGATION: CIVIL SERVICE AGE REQUIREMENT
SECTION 551.074	**PERSONNEL MATTERS: CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: RED RIVER GROUNDWATER CONSERVATION DISTRICT BOARD OF DIRECTORS (2) PLANNING AND ZONING COMMISSION CHAIRMAN**
SECTION 551.087	**DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM BUSINESS PROSPECTS AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECTS, INCLUDING THE FOLLOWING: THE CITY OF HOWE, TEXAS**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:17 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:50 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:50 p.m.

MAYOR

CITY CLERK

$3,500,000
CITY OF SHERMAN, TEXAS
TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE)
REVENUE CERTIFICATES OF OBLIGATION, SERIES 2009A

Sealed Bids Due Tuesday, September 8, 2009, at 9:30 AM, CDT

Bidder	True Interest Cost	Submitted Via
Morgan Keegan & Co., Inc.	3.835255%	Parity
BOSC, Inc.	3.838065%	Parity
Hutchinson, Shockey, Erley & Co.	3.883655%	Parity
UBS Financial Services Inc.	3.890312%	Parity
Frost National Bank	3.893578%	Parity
Robert W. Baird & Co., Inc.	3.893904%	Parity
Wells Fargo Advisors	3.924086%	Parity
First Southwest Company	3.931484%	Parity
Vining-Sparks IBG, Limited Partnership	3.964484%	Parity
Piper Jaffray	3.967786%	Parity
Southwest Securities, Inc.	4.049332%	Parity
Sterne, Agee & Leach, Inc.	4.134620%	Parity

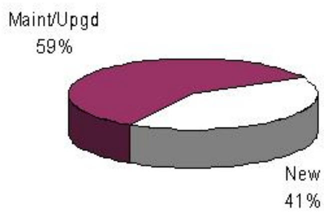
SPECIALIZED PUBLIC FINANCE INC.
FINANCIAL ADVISORY SERVICES


The City of Sherman
Capital Improvement Program
Update – 3Q09
Cost Effectiveness
Quality
Timeliness
Value

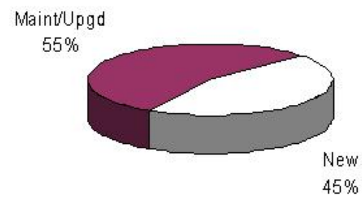
City of Sherman
Capital Improvement Program

A diversified plan...

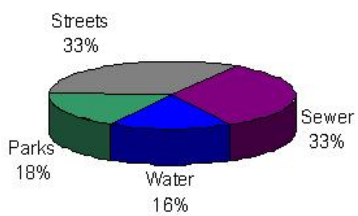
Current CIP Budget



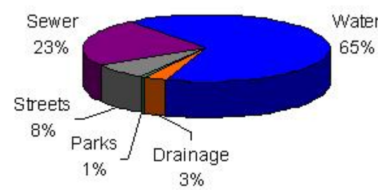
2010 CIP Budget



Current CIP Budget



2010 CIP Budget



City of Sherman - CIP
Projects Completed Since 2Q09 Review

Project Name	$K Budget	$K Expd To-Date	Status
Pecan Grove Park - Phase 1	400	356	Complete
Bleacher Renovation - Old Settlers and Fairview	200	199	Complete
Center Street Sports Complex	1,500	1,400	Complete
Texoma Pkwy / Loy Lake Rd Culvert and Intersection	142	73	Complete
Canyon Creek Drive Extension	1,200	678	Complete
WWTP Screw Lift Pump Replacement	690	638	Complete
Solid Waste Transfer Station Repairs	230	140	Complete (pad & ramp w/ residual $)
Hwy 75 North Water to 691	1,787 *	GTUA	Complete
WTP - Upgrade PH 3	1,500	946	Complete
Oak Creek Dr Water Replacement	140	58	Complete
Fallon Dr Water Main Loop	250	92	Complete
Total	8,039	4,580	

* Bonded

City of Sherman - CIP
Projects In-Progress as of 9/8/09

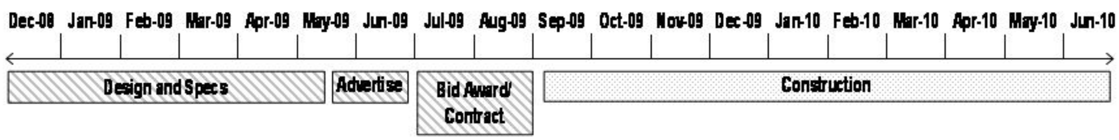
Project Name	$K Budget	$K Expd To-Date	Status	Projected Completion
Pecan Grove Park - PH 2	2,400	1	Construction in progress.	JUN '10
Brockett St. - Grand Avenue to Travis St	1,600	426	Construction in progress.	JAN '10
Washington Street Rebuild/Resurface	4,000	403	Beginning ROW Acquisition	JUL '10
Lamberth Rd West Expansion	900	60	Beginning ROW Acquisition	JUL '10
US Hwy 75 - W. Frontage Road Reversal	300	0	2009-2010 (TXDOT participation)	2011
Canyon Grove Road Relocation	50	0	2009-2010 (TXDoT participation)	2011
Street Oversizing Fund	150	10	Ongoing	As Needed
Relief Sewer K-4 Phase 1	900 *	GTUA	Construction in progress.	NOV '09
Relief Sewer K-4 - PH 2	900 *	GTUA	1 easement pending	APR '10
Hwy 75 North Sewer to 691	1,913 *	GTUA	Design complete. ROW acquisition in progress.	MAY '10
Relief Sewer C-1 Replacement	1,000 *	GTUA	Awaiting Union Pacific permit	JUN '10
WWTP - Primary Clarifier #2 Rehab	300 *	GTUA	Awaiting SEPT '09 funding from GTUA	JUN '10
WWTP - Digester Roof Replacement	2,000 *	GTUA	Awaiting SEPT '09 funding from GTUA	JUN '10
WWTP - Fine Screen Installation	700 *	GTUA	Awaiting SEPT '09 funding from GTUA	JUN '10
Travis St Water Line - Wash. to Jones	250	0	Main line installed. Connections in-progress.	OCT '09
Willow St Water Replacement	95	15	1 easement pending	FEB '10
Utility Main Oversizing	100	0	Ongoing	As Needed
Total	17,558	915		

* Bonded

Winkler

Pecan Grove Park - Phase II

Budget: $2,400 K
Expense to Date: $1 K




Pecan Grove Park – Ph 1
South View from Pavilion


Pecan Grove Park – Ph 1
Parking Lot – North View


Canyon Creek Dr. Extension
West View from Oaks @ O'Hanlon Ranch


Canyon Creek Dr. Extension
West View from Oaks @ O'Hanlon Ranch


Canyon Creek Dr. Extension
North View


Canyon Creek Dr. Extension
East View from Shady Oaks Rd

Pecan Grove Park – Ph 2
Entrance Sign


Pecan Grove Park – Ph 2
Entrance – North View


Pecan Grove Park – Ph 2
SW View


Pecan Grove Park – Ph 2
East View – Amphitheater Site


Pecan Grove Park – Ph 2
Hiking / Biking Trail


Relief Sewer K - 4 Ph 1
South View from Taylor St.


Relief Sewer K – 4 Ph 1
South View from Taylor St.


Relief Sewer K - 4 Ph 1
North View from Taylor St.


MONSTER
MTN DEW
PEPSI 12
Loy Lake Rd Culvert & Intersection Improvements
Loy Lake Rd @ Texoma Pkwy – South View

Loy Lake Rd Culvert & Intersection Improvements

East View


Center St. Sports Complex
Multiple Use

Center St. Sports Complex
Game Fields


Center St. Sports Complex
Hiking / Biking Trail


Solid Waste Transfer Station
Ramp up to Pad


Solid Waste Transfer Station

Solid Waste Transfer Station Repairs
Upgraded Wall and Station

Brockett St. – Grand Ave to Travis St.
College Park to Central Business District
East View from Walnut St.

Brockett St. – Grand Ave to Travis St.
College Park to Central Business District
East View from Walnut St.


Brockett St. – Grand Ave to Travis St.
College Park to Central Business District
West View from Walnut St.

Travis St. Water Main – Washington St. to Jones St.
Completes Upgrade from HWY 75 S. through Central Business District
South View from Lamar St.

City of Sherman
Capital Improvement Programs - 2010

General Services	*$K Budget*
Practice Field Development at Hawn and MLK Parks	25
Cemetery Building Resurfacing and Fencing	30
US Hwy 75 - West Ramp Reversal *	300
Canyon Grove to Hwy 82 Access *	100
Travis St Mill, Overlay, Curb Repair, & Striping - Washington St. to Jones St.	180
Street Right-of-Way and Street Oversize Funding	100
Solid Waste Interior Driveway Rebuild - Ph 4	60
GIS System	147
Drainage Improvement Projects	300
Total	*1,242*

Utility Improvements	
Brents St. Sewer Replacement	150
WWTP Cover Biological Clarifiers *	1,100
WWTP Water Storage Contingency *	750
WWTP Upgrade Mixers - Ph 1	160
Utility Main Oversizing	100
Pelton St. Water Line Replacement	250
WTP Raw Water Pump Station Upgrade *	2,000
WTP THHM Control Study	250
Additional Water Storage *	4,000
Total	*8,760*

Total CIP *10,002*

* TxDOT Participation
* Bonded
* Bonded

MEMO

Date: September 8, 2009

To: Bill Magers, Mayor

From: John Boswell, President

Subject: County Jail Feasibility Study

This memo is designed to memorialize our conversation this morning. You asked if the Sherman Economic Development Corporation (SEDCO) was willing to pay for a feasibility study for a county jail in downtown Sherman. Specifically, you asked if SEDCO would be willing to pay for approximately $10,000 for the feasibility study. As I mentioned this morning, SEDCO is willing to help pay for a downtown jail study.

If you need any additional information, please feel free to call me at 903-868-2566.

307 W. Washington Suite 102 • Sherman, TX 75090 • 903-868-2566 • 800-981-2566 • fax 903-813-0403
www.sedco.org

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. A.5

PROCLAMATION
"National Night Out - Texas" – October 6, 2009

Issue
To present a proclamation designating October 6, 2009 as "National Night Out - Texas" in Sherman

Background
Each year, the National Association of Town Watch sponsors "National Night Out," a nationwide crime, drug, and violence prevention program that encourages citizens to work together to prevent crime in their neighborhoods. Because of the heat, many Texas cities hold their event in October.

Origination
The request for this proclamation originated with the Police Department.

Financial Consideration
There is no financial consideration to the City.

Staff Recommendation
It is the recommendation of the staff to present a proclamation proclaiming October 6, 2009 as "National Night Out - Texas" in Sherman.

Alternatives
The Council could choose not to present the proclamation.

Attachments
A proclamation proclaiming "National Night Out - Texas" is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN

Proclamation

WHEREAS, each year the National Association of Town Watch sponsors "National Night Out," a nationwide crime, drug and violence prevention program that encourages citizens to work together to prevent crime in their neighborhoods, and

WHEREAS, because of the extreme heat concerns expressed by numerous "National Night Out" participants, Texas is holding the "National Night Out - Texas" event on October 6, 2009, and

WHEREAS, many Texas communities will celebrate "National Night Out - Texas" on Tuesday, October 6, 2009, with neighborhoods celebrating with block parties and cookouts, and

WHEREAS, the goal of the event is to promote police-community partnerships, heighten drug and crime prevention awareness, and strengthen neighborhood spirit.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim October 6, 2009

NATIONAL NIGHT OUT - TEXAS

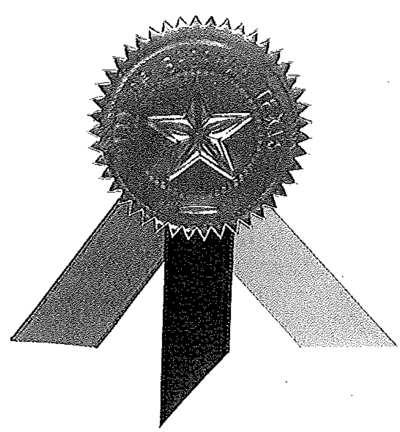
in the City of Sherman, and encourage all citizens to participate and send a message to criminals that neighborhoods are organized and fighting back against crime.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 21st day of September, 2009.

Mayor

ATTEST:

Linda Ashby
City Clerk



SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5624
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.06, entitled "Solid Waste", at Sections 13.06.005, 13.06.086, 13.06.087, and 13.06.088 to Increase Certain Solid Waste Fees

Issue
Amending the Code of Ordinances to increase certain basic solid waste residential and commercial collection rates

Background
As part of the budget process for fiscal year 2009-2010, the City Council approved an increase in the residential and commercial solid waste rates to offset increased costs at the TASWA landfill and fuel. This ordinance increases residential solid waste rates to $14.00 per container, up from $11.90, and increases commercial rates by about 10%. The rate increase will take effect October 1, 2009.

Origination
Department of Public Works

Financial Consideration
It is necessary to increase rates at this time to offset rising operating costs, particularly the recent 2009 tipping fee increase at the TASWA landfill and fuel costs. These rate increases are expected to generate about $500,000.00 annually.

Staff Recommendation
The staff recommends that the Council approve the proposed solid waste rate changes in Chapter 13 of the Code of Ordinances.

Alternatives
While not recommended, the Council could choose to leave the current solid waste rates unchanged by not adopting the proposed ordinance.

Attachments
Ordinance No. 5624

Prepared by:
Jeff Miller, Public Works Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5624

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", AT ARTICLE 13.06, ENTITLED "SOLID WASTE", AT SECTIONS 13.06.005, 13.06.086, 13.06.087, AND 13.06.088 TO INCREASE CERTAIN 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 of the Code of Ordinances of the City of Sherman, Texas, entitled "Solid Waste", be amended at Section 13.06.005 to read as follows:

Sec. 13.06.005 Charges for residential refuse collection

Charges for automated residential solid waste collection shall be as follows *beginning October 1, 2009:*

(1) ~~Eleven dollars and ninety cents~~ *Fourteen dollars and no cents* (~~$11.90~~ *$14.00*) per month per family unit for curb or alley pickup.

(2) Carry-out service shall be thirty-eight dollars and no cents ($38.00) per month per family unit.

(3) If the location of garbage for carry-out service is in excess of one hundred fifty (150) feet from the curb or alley, an additional charge of five dollars and fifteen cents ($5.15) per month will be made for each additional one hundred fifty (150) feet or portion thereof. "Curb" is defined as being within three (3) feet of the curbline of the street.

(4) For multiple dwellings or apartments, with four (4) or fewer units, each family unit will be considered as a single-family residence in fixing charges for services.

(5) Residential special refuse pickups, upon customer request, will be charged ~~two hundred ten dollars and no cents~~ *four hundred twenty dollars and no cents* (~~$210.00~~ *$420.00*) (~~$14.00~~ *$28.00*/cubic yard) per fifteen (15) cubic yard load with a minimum charge of ~~twenty dollars~~ *forty dollars* (~~$20.00~~ *$40.00*). All residential customers requesting roll-off service, ~~irregardless~~ *regardless* of size container, will be required to pay the first container pull charge before the first container is placed.

(6) For any 65-gallon cart in addition to the one initially provided to the automated residential solid waste customer, a charge of ~~eight dollars~~ *eight dollars and eighty cents* (~~$8.00~~ *$8.80*) per cart, per month will be assessed; and for any additional 100-gallon cart, a charge of ~~ten dollars~~ *fourteen dollars and no cents* (~~$10.00~~ *$14.00*) per cart, per month will be assessed.

SECTION 2. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled "Solid Waste", be amended at Section 13.06.086 to read as follows:

Sec. 13.06.086 Charges for standard and automated *waste and recycling* containers *(100-gallon)*, commercial pickups on Saturdays

(a) Commercial charges for one (1) standard container, as defined in section 13.06.084, are established as follows:

Pickups Per Week	Monthly Charge
1	$~~14.57~~ *16.02*
2	~~29.14~~ *32.05*
3	~~43.71~~ *48.08*
4	~~58.30~~ *64.13*
5	~~72.57~~ *79.83*
6	~~87.41~~ *96.15*

For additional standard containers over the allowable one, there will be added an additional ~~four dollars and forty-four cents~~ *sixteen dollars and two cents* (~~$4.44~~ *$16.02*) per container to the charges specified above.

(b) The commercial charge for one (1) optional automated 100-gallon container, as defined in section 13.06.084, shall be ~~eighteen dollars and seventy cents~~ *twenty dollars and fifty-seven cents* (~~$18.70~~ *$20.57*) per month for one pickup per week. For additional 100-gallon containers over the allowable one (1), there will be added an additional ~~twelve dollars and no cents~~ *twenty dollars and fifty-seven cents* (~~$12.00~~ *$20.57*) per container, per month to the initial charge of ~~eighteen dollars and seventy cents~~ *twenty dollars and fifty-seven cents* (~~$18.70~~ *$20.57*).

(c) Commercial charges for one (1) commingled recycling container (100 gallon) are established as follows:

Monthly Rate For:	*Every Other Week Collection*	*Weekly Collection*	*Each Additional Container*
Governmental, educational and non-profit agencies	*$3.31*	*$6.62*	*$3.31*
Commercial establishments	*$5.53*	*$11.03*	*$3.31*

~~(c)~~ *(d)* For any combination of pickups which include Saturday, there will be charged an additional nineteen dollars and no cents ($19.00) per month above the regular rate.

~~(d)~~ *(e)* Other charges will be based on the time required for pickup at a rate of ~~fifty-two dollars and eighty-five cents~~ *fifty-eight dollars and thirteen cents* (~~$52.85~~ *$58.13*) per hour. This provision is intended to apply to special commercial pickups upon customer request and also commercial refuse not placed in standard containers as defined in section 13.06.084.

~~(e)~~ *(f)* No commercial pickups will be made on Saturdays except from restaurants, food stores and food-dispensing institutions.

~~(f)~~ *(g)* When two (2) or more businesses are located in a single building with a single water meter, each business will be required to obtain their own solid waste service and each business will be billed independently for said waste service.

SECTION 3. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled "Solid Waste", be amended at Section 13.06.087 to read as follows:

Sec. 13.06.087 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.

Cubic Yards	Deposit
2	$100.00
3	$150.00
4	$175.00
6	$200.00
8	$250.00

(b) Monthly service charges for commercial front-load containers, as defined in section 13.06.084, are established as follows:

WASTE COLLECTION

Monthly Service Charges per Container

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

~~2~~	~~$44.00~~	~~$70.00~~	~~$105.00~~	~~$145.00~~	~~$180.00~~	~~$210.00~~	~~$16.00~~
~~3~~	~~55.00~~	~~100.00~~	~~150.00~~	~~200.00~~	~~250.00~~	~~300.00~~	~~22.00~~
~~4~~	~~72.00~~	~~120.00~~	~~190.00~~	~~250.00~~	~~310.00~~	~~370.00~~	~~27.00~~
~~6~~	~~90.00~~	~~145.00~~	~~220.00~~	~~290.00~~	~~365.00~~	~~435.00~~	~~38.00~~
~~8~~	~~100.00~~	~~170.00~~	~~255.00~~	~~340.00~~	~~425.00~~	~~505.00~~	~~44.00~~
~~6~~	~~100.00~~	~~160.00~~	~~240.00~~	~~325.00~~	~~400.00~~	~~480.00~~	~~44.00~~
~~8~~	~~110.00~~	~~190.00~~	~~280.00~~	~~380.00~~	~~470.00~~	~~560.00~~	~~49.00~~

Size of Container in Cubic Yards	***Monthly Rate Per Container***							***Additional Pickups Per Pickup***
Non-Compacted Trash	***Collection Days Per Week***							
	1x	***2x***	***3x***	***4x***	***5x***	***6x***	***7x***	
2	*$50*	*$80*	*$160*	*$160*	*$200*	*$230*	*$260*	*$20*
3	*$60*	*$110*	*$170*	*$220*	*$280*	*$330*	*$380*	*$25*
4	*$80*	*$130*	*$210*	*$280*	*$340*	*$410*	*$480*	*$30*
6	*$100*	*$160*	*$240*	*$320*	*$400*	*$480*	*$550*	*$40*
8	*$120*	*$190*	*$280*	*$380*	*$470*	*$560*	*$640*	*$50*
Compacted Trash	***1x***	***2x***	***3x***	***4x***	***5x***	***6x***	***7x***	
4	*$100*							
6	*$110*	*$180*	*$260*	*$360*	*$440*	*$530*	*$620*	*$50*
8	*$120*	*$210*	*$310*	*$420*	*$520*	*$620*	*$720*	*$60*

RECYCLING COLLECTION

	~~Collections Per Week~~				
~~Corrugated (OCC) Recycling Service~~	~~1x~~	~~2x~~	~~3x~~	~~4x~~	~~5x~~
~~2 yds. recycling containers~~	~~$24.00~~	~~N/A~~	~~N/A~~	~~N/A~~	~~N/A~~
~~4 yds. recycling containers~~	~~33.00~~	~~N/A~~	~~N/A~~	~~N/A~~	~~N/A~~

~~8 yds. recycling containers~~	~~55.00~~	~~$80.00~~	~~$110.00~~	~~$140.00~~	~~$165.00~~
~~With city commercial waste service~~	~~40.00~~	~~55.00~~	~~70.00~~	~~90.00~~	~~105.00~~
~~With multiple waste containers or 8 yds. waste service, 5x/week~~	~~33.00~~	~~33.00~~	~~33.00~~	~~33.00~~	~~33.00~~

Corrugated (OCC) and Mixed Paper Recycling Service	***Monthly Rate Per Container***				
	Collection Days Per Week				
	1x	***2x***	***3x***	***4x***	***5x***
2 yd Recycling Container	*$30*				
4 yd Recycling Container	*$40*				
8 yd Recycling Container	*$60*	*$90*	*$120*	*$150*	*$180*
With City Commercial Waste Service	*$40*	*$60*	*$80*	*$100*	*$120*
With Multiple Waste Containers or 8 yd Waste Service, 5x/week	*$40*	*$40*	*$40*	*$40*	*$40*
6 yd Recycling Compactor	*$50*	*$70*	*$90*	*$110*	*$130*

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

(1)	On-call special container service	6 yds ~~$40.00~~ *$50.00*/pickup
	(not for construction material or residential use)	8 yds ~~$55.00~~ *$60.00*/pickup
(2)	Special container delivery charge	~~$50.00~~ *$55.00*/container
(3)	Servicing containers with locks	~~$40.00~~ *$45.00* one-time charge
(4)	Servicing containers with casters	~~$18.00~~ *$20.00*/month

SECTION 4. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled "Solid Waste", be amended at Section 13.06.088 to read as follows:

Sec. 13.06.088 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:

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

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

Cubic Yards	Deposit
20	$575.00
30	$650.00

(d) Service charges for commercial roll-off containers are established as follows:

~~Open Top Container Size in Cubic Yards~~	~~Pull Charge~~
~~20~~	~~$225.00~~
~~30~~	~~295.00~~
~~40~~	~~360.00~~
~~30 yard recycle~~	~~115.00~~

~~Compacted Container Size in Cubic Yards~~	~~Pull Charge~~
~~20~~	~~$250.00~~
~~30~~	~~325.00~~
~~35~~	~~365.00~~
~~40~~	~~400.00~~
~~30 OCC recycle receiver~~	~~160.00~~
~~40 OCC recycle receiver~~	~~195.00~~

Open Top Container - Size in Cubic Yards	***Pull Charge***
20 cy (Waste)	*$250.00*
30 cy (Waste)	*$325.00*
40 cy (Waste)	*$400.00*
30 cy (Recycle)	*$125.00*
40 cy (Recycle)	*$175.00*
20 cy (Non-compactable)	*$475.00*
30 cy (Non-compactable)	*$725.00*

Compacted Container - Size in Cubic Yards	***Pull Charge***
20 cy (Waste)	*$275.00*
30 cy (Waste)	*$350.00*
35 cy (Waste)	*$400.00*
40 cy (Waste)	*$450.00*
30 cy (OCC / Recycle)	*$175.00*
40 cy (OCC / Recycle)	*$225.00*

(e) Additional charges for commercial roll-off containers are established as follows:

(1)	Open top container rental	~~$50~~ *$55*/month
(2)	Container delivery charge	~~$35~~ *$40*/container
(3)	40 yard receiver rental	~~$75~~ *$85*/month
(4)	After hours pull charges (5 p.m. – 7 a.m. Monday–Friday; Saturday; Sunday)	~~$75~~ *$85*/pull
(5)	Self-contained compactor rental	
	30 Yard	~~$100~~ *$110*/month
	35 Yard	~~$115~~ *$130*/month

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

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

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

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

INTRODUCED on this the _____________ day of _________________, 2009.

ADOPTED on this the ________________ day of _________________, 2009.

EFFECTIVE DATE on this the _________ day of _________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. B.2

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Number: 5624

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5624
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.06, entitled "Solid Waste", at Sections 13.06.005, 13.06.086, 13.06.087, and 13.06.088 to Increase Certain Solid Waste Fees

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. B.3

ADOPTION OF ORDINANCE NO. 5619
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2009; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law

Issue
To consider the adoption of the Ad Valorem Tax Rate proposed for the upcoming fiscal year, as mandated by revisions in the State of Texas Truth-In-Taxation Laws

Background
The effective tax rate is the rate that yields the same amount of revenue as the prior year on property that is taxed in both years. This year's effective tax rate is $0.309073, with an adjusted rollback rate of $0.324723. At the Budget Workshop in June, the City Council directed that the actual total tax rate be set at $0.320000 per $100 valuation. Since the City uses ad valorem taxes to pay debt service on Certificates of Obligation, the tax rate will have both a Maintenance & Operations (M&O) component and an Interest and Sinking (I&S) component. The M&O rate is $.300209 per $100 valuation and the required I&S rate is $.019791 per $100 valuation.

The introduction and first public hearing of this ordinance was held at the September 8th Council meeting; and the second public hearing was held at the September 17th joint meeting with the SEDCO Board. Adoption of the ordinance is the final action to be taken on the tax rate.

Origination
Assistant City Manager/CFO

Financial Consideration
The proposed tax rate will generate approximately $7.0 million in property tax revenues.

Staff Recommendation
Based on the Budget Workshop and discussion of the draft budget, the staff recommends the adoption of the tax rates as indicated above.

Alternatives
No other alternatives are offered at this time since publication of rates and notices have already been made to the public, and changing the proposed rates would require re-publication of notices and setting additional public hearings.

Attachments
Ordinance No. 5619
"2009 Property Tax Rates in CITY OF SHERMAN"

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5619

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2009; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; 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 there be, and there is hereby, levied and shall be collected a Maintenance and Operations (M&O) ad valorem tax of $0.300209/$100 Dollars ($0.300209) and an Interest and Sinking (I&S) ad valorem tax of $0.019791/$100 Dollars ($0.019791) on all taxable property situated within the corporate limits of the City of Sherman on the first day of January, A.D., 2009, and not exempt from taxation by the constitution and laws of the State of Texas, apportioned as follows, to-wit:

FOR GENERAL FUND EXPENDITURES, $0.300209 on each One Hundred Dollars ($100.00) assessed valuation of such property;

FOR DEBT SERVICE EXPENDITURES, $0.019791 on each One Hundred Dollars ($100.00) assessed valuation on such property.

SECTION 2. That a penalty shall be charged and collected from all persons who do not pay their taxes prior to the first day of February, 2010. Penalty charges shall be in accordance with the following schedule:

If paid in February, 2010	6%
If paid in March, 2010	7%
If paid in April, 2010	8%
If paid in May, 2010	9%
If paid in June, 2010	10%
If paid on or after July 1, 2010	12%

All delinquent taxes shall accrue interest from the date of delinquency at the rate of one percent (1%) for each month or portion of a month the tax remains unpaid. Pursuant to Section 33.07 of the Texas Property Tax Code, an additional penalty of 15% of the amount of taxes, penalty and interest that remain due after July 1, 2010, shall be assessed to defray the cost of collection.

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 8th day of September, 2009.

ADOPTED on this the _________________ day of __________________, 2009.

EFFECTIVE DATE on this the _________ day of __________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: ________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

2009 Property Tax Rates in CITY OF SHERMAN

This notice concerns 2009 property tax rates for CITY OF SHERMAN. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's effective tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's rollback tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per $100 of property value.

Last year's tax rate:	
Last year's operating taxes	$5,874,306
Last year's debt taxes	$264,065
Last year's total taxes	$6,138,371
Last year's tax base	$1,918,240,938
Last year's total tax rate	0.320000/$100
This year's effective tax rate:	
Last year's adjusted taxes (after subtracting taxes on lost property)	$5,676,570
÷ This year's adjusted tax base (after subtracting value of new property)	$1,836,639,719
= This year's effective tax rate	0.309073/$100
(Maximum rate unless unit publishes notices and holds hearings.)	
This year's rollback tax rate:	
Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhance indigent health care expenditures)	$8,284,781
÷ This year's adjusted tax base	$1,836,639,719
= This year's effective operating rate	0.451084/$100
x 1.08 = this year's maximum operating rate	0.487170/$100
+ This year's debt rate	0.019791/$100
= This year's total rollback rate	0.506961/$100
- Sales tax adjustment rate	0.182238/$100
= Rollback tax rate	0.324723/$100

Statement of Increase/Decrease

If CITY OF SHERMAN adopts a 2009 tax rate equal to the effective tax rate of $0.309073 per $100 of value, taxes would decrease compared to 2008 taxes by $282,115.

Schedule A - Unencumbered Fund Balances

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
ESTIMATED BALANCE FOR M&O	$5,683,150
ESTIMATED BALANCE FOR I&S	$587,916

Schedule B - 2009 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2008 Cert. of Oblig.	$175,000	$177,833	$0	$352,833
2009 Cert. of Oblig.	$90,000	$191,619	$0	$281,619
2009A Cert. of Oblig.	$0	$160,554	$0	$160,554

Total Required for 2009 Debt Service	$795,006
- Amount (if any) paid from funds listed in Schedule A	$420,006
- Amount (if any) paid from other resources	$0
- Excess collections last year	$0
= Total to be paid from taxes in 2009	$375,000
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2009	$0
= Total Debt Levy	$375,000

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive $3,453,005 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 100 W. Houston (Courthouse), Sherman, TX 75090.

Name of person preparing this notice: JOHN RAMSEY RTA
Title: ASSESSOR COLLECTOR OF TAXES
Date Prepared: August 6, 2009

8/14/2009

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. B.4

CONSENT AGENDA

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

C.1 **** RESOLUTION NO. 5410***
Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009-A (City of Sherman Project); Approving the Issuance Thereof and the Facilities to be Constructed or Acquired by such Authority

C.2 **** RESOLUTION NO. 5411***
Approving the Greater Texoma Utility Authority's Intention to Enter into an Agreement with Associated Construction Partners, Ltd. for Wastewater Treatment Plant Digester Improvements

C.4 **** RESOLUTION NO. 5413***
Authorizing the Execution of Deeds for the Resale of Properties Seized for Delinquent Taxes

C.5 **** RESOLUTION NO. 5414***
Awarding a Bid to and Authorizing Execution of a Contract with Vessels Construction, Inc. to Construct the Solid Waste Transfer Station Concrete Pad and Ramp

C.6 **** RESOLUTION NO. 5415***
Authorizing the Purchase of a 2009 Pierce Aerial Platform Fire Engine and Equipment for the Sherman Fire Department through the Texas Local Government Purchasing Cooperative (BuyBoard)

D.1 **** CHANGE ORDER NO. 1***
Taylor Street Intersection Project between Crockett and Alexander; Lynn Vessels Construction, LLC; $10,643.21 increase

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. C.1

**** RESOLUTION NO. 5410***

Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009-A (City of Sherman Project); Approving the Issuance Thereof and the Facilities to be Constructed or Acquired by such Authority

Issue
Approving Bond issuance through Greater Texoma Utility Authority (GTUA) for $3,975,000 for sewer related projects

Background
The City constructs many of its major water and sewer improvements with debt issued by GTUA on the City's behalf. This proposed debt issuance relates to the following projects:

- Wastewater Treatment Plant Improvements to include two digester roof projects, a primary clarifier rehabilitation and a fine screen installment, and other appurtenances as necessary; and
- Relief Sewer C-1 that will replace an existing sewer main that is deteriorated and has infiltration problems. Relief Sewer K-4 will replace a deteriorated sewer line that is also experiencing infiltration problems, and other appurtenances as necessary.

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

Origination
City Council and GTUA

Financial Consideration
Debt service on these bonds will be paid by the City to GTUA in accordance with the Contract for Water Supply and Sewer Service between the two entities. Funds for this contractual debt repayment are generated through the City's water and sewer revenues and are included as part of the fiscal years (FY) 2007-2012 and 2008-2013 Capital Improvement Program (CIP) budget approved by the Council.

Staff Recommendation
It is recommended that the resolution be passed as presented.

Alternatives
No viable alternatives can be suggested at this time.

Attachments
GTUA General Manager Jerry Chapman's Letter of September 16, 2009
Resolution No. 5410
Exhibit A – Description of Series 2009-A Project
Exhibit B – Texas Water Development Board's Commitment
Project Location Maps (3)

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

GREATER TEXOMA UTILITY AUTHORITY

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

September 16, 2009

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

RE: Proposed Bond Issue – GTUA/City of Sherman 2009-A - $3,975,000

Dear George:

The Authority is prepared to move forward with the sale of GTUA/City of Sherman 2009-A bond series to the Texas Water Development Board (TWDB). These bonds will be sold in order to finance the US Hwy 75 North sewer lines. This project was included in the City of Sherman 2009 Capital Improvement Program budget and will pay for the construction of sewer collection lines and lift stations on both sides of Hwy 75 as far north as FM 691.

These bonds will be sold to the TWDB under the State Revolving Fund program. This is a below-market interest rate program. The interest rate will be available to you before your meeting on Monday. A provision in the water and wastewater agreement between the Authority and the City of Sherman provides that the City must adopt an ordinance concurring with the sale of bonds before the Authority can proceed.

Please place this item on your September 21, 2009 agenda. I plan to be present at the meeting to answer any questions you or the Council may have.

Sincerely,

Jerry W. Chapman

Jerry W. Chapman
General Manager

JWC:cc

RESOLUTION NO. 5410

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2009-A (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY SUCH AUTHORITY; 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 Greater Texoma Utility Authority (the "Authority") and the City of Sherman, Texas (the "City"), have previously executed and delivered a Contract for Water Supply and Sewer Service, dated as of March 1, 1985 (the "Contract"), whereby the Authority is to provide water and sewer services to the City; and

WHEREAS, under Section 4.15 of the Contract, it is provided that the City shall approve the issuance by the Authority of any bonds that are to be payable (in whole or in part) from certain moneys that the City has contracted to pay under the provisions of the Contract; and

WHEREAS, in connection with the proposed "Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009-A (City of Sherman Project)" (the "Bonds"), the Texas Water Development Board (the "Board") has agreed, pursuant to an Application Requesting Financial Assistance (the "Application"), to purchase the Bonds and, therefore, it is neither necessary nor advisable for the Authority to prepare a Notice of Sale because, insofar as the City is concerned, the Application contains sufficient information to accomplish the purpose of a Notice of Sale; and

WHEREAS, the net effective interest rate on the Bonds will not exceed the maximum permitted by law (as defined in Chapter 1204, Texas Government Code, as amended) and it is now appropriate for this Council to approve the Application (in lieu of approving a Notice of Sale with respect to the Bonds) as well as the issuance and delivery of the Bonds and the facilities to be constructed or acquired with the proceeds of the Bonds for the project described in Exhibit A (the "Series 2009-A Project") attached to the Resolution of the Authority authorizing the Bonds (the "Bond Resolution");

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

SECTION 1. The facilities to be constructed, acquired, and improved by the Authority with the proceeds of the Bonds for the Series 2009-A Project described in **Exhibit A** hereto and in Exhibit A attached to the Bond Resolution are hereby approved. The issuance of the Bonds by the Authority and the use of the proceeds thereof, as described in Exhibit A to the Bond Resolution, is hereby approved. The Bond Resolution is approved as to form and content, and the City acknowledges that the payment of principal of and interest on the Bonds is payable, in whole or in part, from payments to be made by the City under and pursuant to the Contract. The

City agrees to provide the reports described in the Bond Resolution within the times specified therein, in compliance with the Board's commitment. The City agrees with the obligations and conditions set forth in the Board's Commitment 09-91. A copy of such commitment is attached hereto as **Exhibit B**.

SECTION 2. It is the purpose and intent of the City Council of the City to approve the Bond Resolution, and the facilities to be constructed, acquired, and improved in full accordance with the provisions of the Contract mentioned in the preamble hereof. To the extent required by the Board or the Office of the Attorney General of Texas, the Authority is authorized by this City Council to make changes and revisions to the Bond Resolution from the form approved by this Resolution in order to expedite the delivery of the Bonds. It is the intent of the City to authorize the Authority to proceed with the construction, acquisition, and improvement of the facilities at the earliest possible date, but nothing herein shall be construed as a limitation upon the right and power of the City to approve a change in the facilities for which the Bonds are to be issued (but not the purpose for which the Bonds are to be issued as set forth in the Bond Resolution), the City specifically reserving the right to modify the facilities for which the Bonds are being issued if the Authority and the City agree such modification should be made.

SECTION 3. Exhibit C to the Contract is amended to include the definition of Project attached hereto as Exhibit A. In all other respects the Contract is reapproved and shall be and remain in full force as the agreement of the parties.

SECTION 4. That the findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Resolution for all purposes as if the same were restated in full in this Section.

SECTION 5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED AND APPROVED on this the ________ day of ________________, 2009.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

BY: ________________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

EXHIBIT A

SERIES 2009-A PROJECT DESCRIPTION

Wastewater Treatment Plant Improvements:

The improvements to the wastewater treatment plant include two digester roof projects, a primary clarifier rehabilitation and a fine screen installment, and other appurtenances as necessary.

Relief Sewers:

Relief Sewer C-1 will replace an existing sewer main that is deteriorated and has infiltration problems. Relief Sewer K-4 replaces a deteriorated sewer line that is also experiencing infiltration problems, and other appurtenances as necessary.

EXHIBIT B

COMMITMENT OF THE TEXAS WATER DEVELOPMENT BOARD

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE CLEAN WATER STATE REVOLVING FUND THROUGH THE PURCHASE OF GREATER TEXOMA UTILITY AUTHORITY, \$3,975,000 CONTRACT REVENUE BONDS, PROPOSED SERIES 2009, ON BEHALF OF THE CITY OF SHERMAN, TEXAS.

(09-91)

WHEREAS, the Greater Texoma Utility Authority (the "Authority") has on behalf of the City of Sherman, made application for financial assistance in the amount of \$3,975,000 from the Clean Water State Revolving Fund to finance wastewater system improvements; and

WHEREAS, the Authority seeks financial assistance from the Texas Water Development Board (the "*Board*") through the Board's purchase of \$3,975,000 Greater Texoma Utility Authority Contract Revenue Bonds, proposed Series 2009, (the "Obligations"), all as is more specifically set forth in the application and in recommendations of the Board's Project Finance and Construction Assistance staff, to which documents express reference is made; and

WHEREAS, in accordance with Chapter 15.607, Water Code, the Board hereby finds:

1. that in its opinion the revenue pledged by the Authority will be sufficient to meet all the obligations assumed by the Authority;

2. that the application and assistance applied for meet the requirements of the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq*. (1972), as amended, well as state law;

3. that the Authority will consider cost-effective, innovative methods of treatment; and

4. that the Authority has adopted and implemented a program of water conservation for the more efficient use of water that will meet reasonably anticipated local needs and conditions and that incorporates practices, techniques or technology prescribed by the Texas Water Code and rules of the Board.

NOW THEREFORE, based on said considerations and findings, the Texas Water Development Board resolves as follows:

A commitment is made by the Board to Authority for financial assistance in the amount of $3,975,000 from the Clean Water State Revolving Fund, to be evidenced by the Board's purchase of $3,975,000, Greater Texoma Utility Authority Contract Revenue Bonds, proposed Series 2009, on behalf of the City of Sherman, Texas. This commitment will expire on August 31, 2011.

Such commitment is conditioned as follows:

1. this commitment is contingent on a future sale of bonds by the Board or on the availability of funds on hand;

2. this commitment is contingent upon issuance of a written approving opinion of the Attorney General of the State of Texas stating that the Authority has complied with all of the requirements of the laws under which said obligations were issued; that said obligations were issued in conformity with the Constitution and laws of the State of Texas; and that said obligations are valid and binding on the Authority;

3. this commitment is contingent upon the Authority's compliance with all applicable requirements contained in the rules and regulations of the Board;

4. the Authority's bond counsel must prepare a written opinion that states that the interest on the obligations is excludable from gross income or is exempt from federal income taxation. Bond counsel may rely on covenants and representations of the District when rendering this opinion;

5. the Authority's bond counsel must also state in the written opinion that the obligations are not "private activity bonds." Bond counsel may rely on covenants and representations of the District when rendering this opinion;

6. the ordinance/resolution authorizing the issuance of these obligations, (hereinafter referred to as the "*Authorizing Document*"), must include a provision prohibiting the Authority from using the proceeds of this loan in a manner that would cause the obligations to become "private activity bonds";

7. the Authorizing Document must include a provision requiring the Authority to comply with the provisions of §148 of the Internal Revenue Code of 1986 (relating to arbitrage);

8. the Authorizing Document must include a provision requiring the Authority to make any required rebate to the United States of arbitrage earnings;

9. the Authorizing Document must include a provision prohibiting the Authority from taking any action which would cause the interest on the obligations to be includable in gross income for federal income tax purposes;

10. the Authorizing Document must provide that the Authority will not cause or permit the obligations to be treated as "federally guaranteed" obligations within the meaning of §149(b) of the Internal Revenue Code;

11. the bond transcript must include a No Arbitrage Certificate or similar Federal Tax Certificate setting forth the Authority's reasonable expectations regarding the use, expenditure and investment of the proceeds of the obligations;

12. the bond transcript must include evidence that the information reporting requirements of §149(e) of the Internal Revenue Code of 1986 will be satisfied. This requirement is currently satisfied by filing IRS Form 8038 with the Internal Revenue Service. A completed copy of IRS Form 8038 must be provided to the Executive Administrator of the Board prior to the release of funds;

13. the Authorizing Document must provide that the obligations can be called for early redemption only in inverse order of maturity, and on any date beginning on or after the first interest payment date which is 10 years from the dated date of the obligations, at a redemption price of par, together with accrued interest to the date fixed for redemption;

14. the Authority, or an obligated person for whom financial or operating data is presented to the Board in the application for financial assistance either individually or in combination with other issuers of the Authority's obligations or obligated persons, will, at a minimum, covenant to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission ("*SEC*") rule 15c2-12 and determined as if the Board were a Participating Underwriter within the meaning of such rule, such continuing disclosure undertaking being for the benefit of the Board and the beneficial owner of the Authority's obligations, if the Board sells or otherwise transfers such obligations, and the beneficial owners of the Board's bonds if the Authority is an obligated person with respect to such bonds under SEC rule 15c2-12;

15. the Authorizing Document must contain a provision requiring the Authority to levy a tax and/or to maintain and collect sufficient rates and charges to produce net system revenues in an amount necessary to meet the debt service requirements of all outstanding revenue bonds and to maintain the funds established and required by this ordinance;

16. prior to closing, the Authority shall submit documentation evidencing the adoption and implementation of sufficient system rates and charges or, if applicable, the levy of an interest and sinking tax rate sufficient for the repayment of all system debt service requirements;

17. prior to or at closing, the Authority shall pay a 1.85% origination fee to the Board calculated pursuant to Board rules;

18. prior to closing, and if not previously provided with the application, the Authority shall submit an executed engineering contract for design and construction, an executed financial advisor contract, and an executed bond counsel contract in a form and substance that are satisfactory to the Board's Executive Administrator;

19. if a bond insurance policy or a surety policy in lieu of a cash reserve is utilized:

    (a) thirty (30) days before closing, the Authority shall submit a draft of the policy to the Board's Executive Administrator for a determination on whether the policy provides appropriate security in accordance with Board policies;

    (b) prior to closing, the Authority shall provide the executed underlying documents of the policy such as a commitment letter or specimen policy, in a form and substance that is satisfactory to the Board's Executive Administrator; and

    (c) prior to closing, the Attorney General of the State of Texas must have considered the use of said policy as a part of its approval of the proposed bond issue.

20. subject to the availability of funds, the Authority's debt structure or the timing of its funding needs, the Board's Executive Administrator may request that the Authority execute a separate financing agreement in a form and substance acceptable to the Board;

21. loan proceeds shall not be used by the Authority when sampling, testing, removing or disposing of contaminated soils and/or media at the project site. The Authorizing Document shall include an environmental indemnification provision wherein the Authority agrees to indemnify, hold harmless and protect the Board from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the Authority, its contractors, consultants, agents, officials and employees as a result of activities relating to the project to the extent permitted by law; and

22. the Authority may be required to submit outlay reports with sufficient supporting documentation such as invoices and or receipts on a quarterly basis. The Board shall retain the right to request project progress reports and outlay reports monthly as the project proceeds through each project phase;

23. at the Board's option, the Board may fund the financial assistance under this Resolution with either available cash-on-hand or from bond proceeds. If the financial assistance is funded with available cash-on-hand, the Board reserves the right to change the designated source of funds to bond proceeds issued for the

purpose of reimbursing funds used to provide the financial assistance approved in this Resolution; and

24. should one or more of the provisions in this resolution be held to be null, void, voidable or, for any reason whatsoever, of no force and effect, such provision(s) shall be construed as severable from the remainder of this resolution and shall not affect the validity of all other provisions of this resolution which shall remain in full force and effect.

PROVIDED, however, the Authorizing Document is subject to the following special conditions:

25. the loan is approved for funding under the Board's pre-design funding option, as specified in Board rule 31 TAC § 375.221, and initial and future releases of funds are subject to all rules of the Board relating to such funding options;

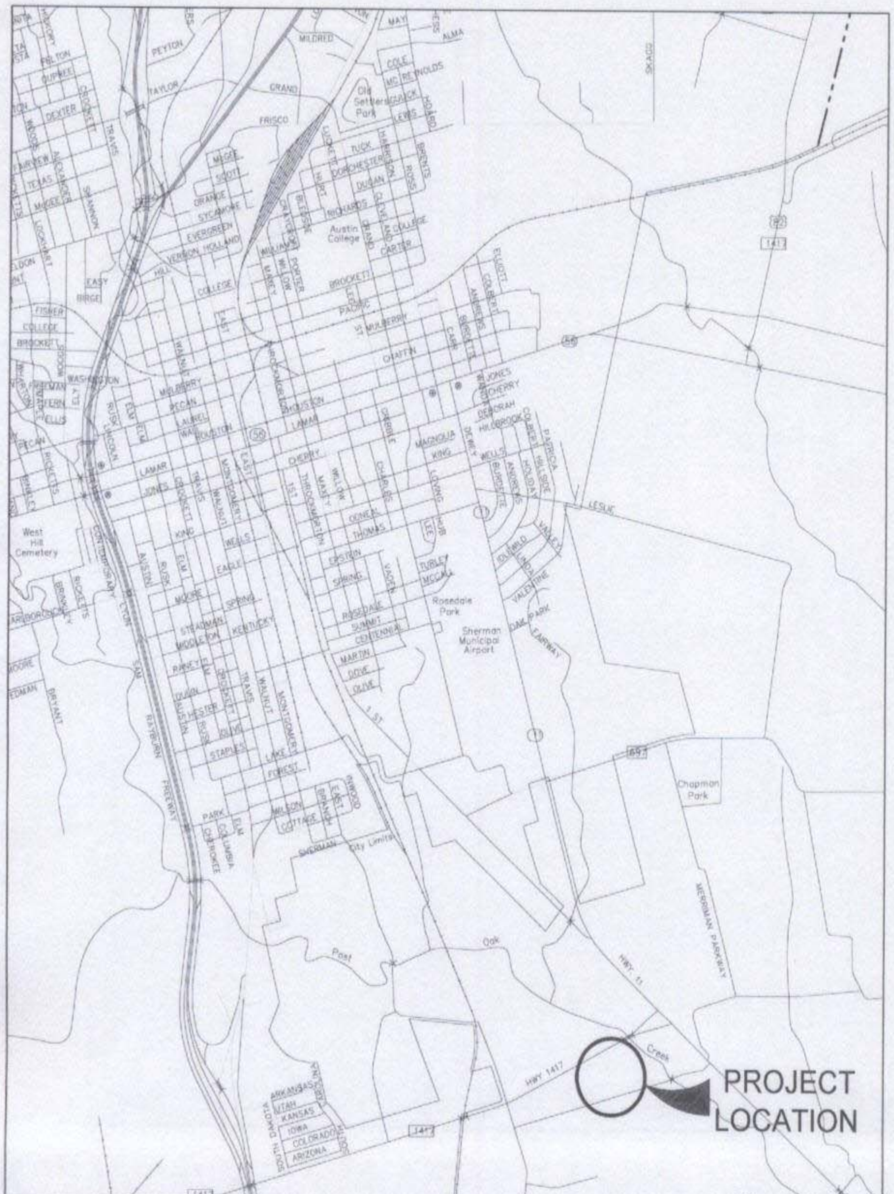
APPROVED and ordered of record this, the 20th day of August, 2009.

TEXAS WATER DEVELOPMENT BOARD

James E. Herring, Chairman

ATTEST:

J. Kevin Ward
Executive Administrator



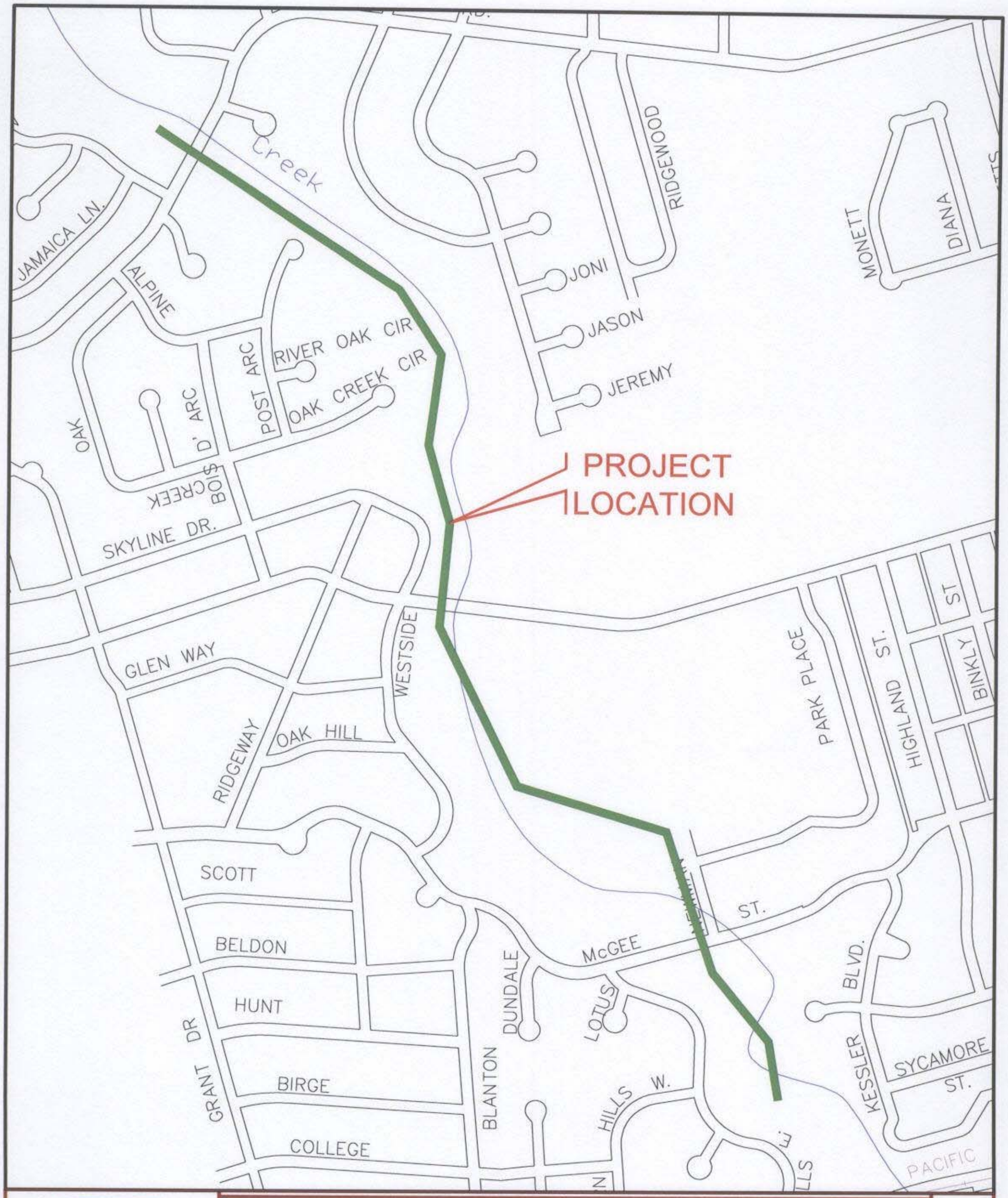
City of Sherman, Texas

WASTEWATER TREATMENT PLANT

PROJECT LOCATION MAP

RELIEF SEWER C

City of Sherman, Texas



City of Sherman, Texas

SEWER K-4

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. C.2

***RESOLUTION NO. 5411**
Approving the Greater Texoma Utility Authority's Intention to Enter into an Agreement with Associated Construction Partners, Ltd. for Wastewater Treatment Plant Digester Improvements

Issue
Approve the intention of Greater Texoma Utility Authority (GTUA) to administer an agreement for Wastewater Treatment Plant Digester Improvements

Background
The current Capital Improvement Program contains a project for the Wastewater Treatment Plant Digester Improvements. Four (4) bidders responded to the request for bids. A bid tabulation is attached.

Origination
Department of Utilities Administration

Financial Consideration
Funds for this project will be paid through GTUA.

Staff Recommendation
It is recommended that the City Council approve GTUA's intention to enter into a contract with the low bidder, Associated Construction Partners, Ltd., in the amount of $898,000.00.

Alternatives
As may be directed by the City Council

Attachments
Resolution No. 5411
Engineer's Recommendation
Bid Tabulation
Location Map

Prepared by:
Mark Gibson, Utilities and Engineering Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5411

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO AN AGREEMENT WITH ASSOCIATED CONSTRUCTION PARTNERS, LTD. FOR WASTEWATER TREATMENT PLANT DIGESTER IMPROVEMENTS; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with Associated Construction Partners, Ltd. in the amount of Eight Hundred Ninety-Eight Thousand Dollars and No Cents ($898,000.00) for Wastewater Treatment Plant Digester Improvements in the City of Sherman, 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 ________________, 2009.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ________________________________
BILL MAGERS, MAYOR

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

FREEMAN-MILLICAN, INC.
ENGINEERS - ARCHITECTS - PLANNERS

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

September 15, 2009

Mr. Jerry W. Chapman
General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

Re: Sherman 2009 WWTP Digester Improvements Award

Dear Mr. Chapman:

Bids were received on the 2009 WWTP Digester Improvements on September 11, 2009. A tabulation of these bids is attached. The project includes replacement of a failed 47 year old digester 80' diameter steel truss floating roof, accessories and piping. Removal and disposal of a 100' diameter digester fixed steel dome roof is also included in the project.

Four competitive bids were received. The low bid at $898,000.00 is about 5.4% lower than the second lowest bid. The other two bid are much higher probably reflecting another roof fabricators and different approach to the project.

Freeman-Millican's does not have previous experience with the low bidder, Associated Construction Partners, Ltd., but does have good experience history with the proposed roof fabricator, Southwest Fluid Products, Inc. We have reviewed the attached financial statement and receive a positive response from there bank reference. We have reviewed there experience record and received a positive reference from North Texas Municipal Water District on an Associated Construction Partners project near completion at there water treatment plant.

We recommend that the Greater Texoma Utility Authority award the contract to Associated Construction Partners, Ltd. based on the low bid of $898,000.00 and authorize execution of the required contract documents.

Sincerely,
FREEMAN - MILLICAN, INC.

David E. Gattis

David E. Gattis, P.E.

Enclosure (2)
Copy:
Sherman, Mark Gibson, Director of Engineering and Utilities
Terry Millican

12225 GREENVILLE AVENUE, SUITE 121 DALLAS, TEXAS, 75243 (214) 503-0555 FAX (214) 503-1148
TEXAS ENGINEERING FIRM REGISTRATION NO. 2827

BID TABULATION

OWNER:	Greater Texoma Utility Authority			Contractor	Associated Construction Partners, Ltd.	Contractor	JR Sheldon & Co., Inc.
PROJECT:	2009 WWTP Digester Improvements			Address	215 W Bandera Rd Ste	Address	PO Box 2069
ENGINEER:	FREEMAN-MILLICAN, INC. - Firm Registration No.: 3827			City, State	Boerne, TX	City, State	Pilot Point, TX
BID DATE:	September 11, 2009			Phone	210-698-8714	Phone	940-368-5793
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Remove all non-salvageable material from Digester 3	1	LS	50,000.00	50,000.00	80,000.00	80,000.00
P.2	Remove all non-salvageable material from Digester 4	1	LS	150,000.00	150,000.00	84,000.00	84,000.00
P.3	Install and construct improvements to Digesters 3 and 4	1	LS	698,000.00	698,000.00	786,000.00	786,000.00
	TOTAL AMOUNT OF CONTRACT BID				$898,000.00		$950,000.00
	Time of Completion (Calendar Days)				240 days		300 days

OWNER:	Greater Texoma Utility Authority			Contractor	DCI Contracting, Inc.	Contractor	Red River Construction Co.
PROJECT:	2009 WWTP Digester Improvements			Address	2045 E Hwy 380	Address	2804 Capital Street
ENGINEER:	FREEMAN-MILLICAN, INC. - Firm Registration No.: 3827			City, State	Decatur, TX	City, State	Wylie, TX
BID DATE:	September 11, 2009			Phone	940-626-0022	Phone	972-578-0127
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Remove all non-salvageable material from Digester 3	1	LS	115,000.00	115,000.00	56,200.00	56,200.00
P.2	Remove all non-salvageable material from Digester 4	1	LS	260,000.00	260,000.00	66,600.00	66,600.00
P.3	Install and construct improvements to Digesters 3 and 4	1	LS	1,000,000.00	1,000,000.00	1,270,500.00	1,270,500.00
	TOTAL AMOUNT OF CONTRACT BID				$1,375,000.00		$1,393,300.00
	Time of Completion (Calendar Days)				440 days		420 days

STATE OF TEXAS
DAVID E. GATTIS
36563
LICENSED
PROFESSIONAL ENGINEER

David E. Gattis
9-15-09

City of Sherman, Texas

WASTEWATER TREATMENT PLANT

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. C.3

RESOLUTION NO. 5412
Adopting a Long-Term Debt Governing Policy for the City of Sherman

Issue
Obtaining Council approval for the adoption of a Governing Policy for the City of Sherman's Long-Term Debt

Background
In an effort to more formally establish criterion and guidelines for the use of debt in financing the City's capital spending, a written debt policy has been drafted by the staff. This policy is designed to provide a framework under which these financing decisions can be made. The policy addresses the types of debt that can be used by the City, limitations on amount of debt and other issues, such as conditions under which debt should be issued.

This policy will not only provide the staff and Council with direction in these decisions, but also will improve the City's formalized policies, which should help to enhance the City's bond ratings.

Origination
Finance Department

Financial Consideration
There is no cost associated with the adoption of this policy.

Committee Recommendation
The staff recommends adoption of the resolution to implement the policy as presented.

Alternatives
The Council could offer suggested changes to the proposed policy.

Attachments
Resolution No. 5412
City of Sherman Governing Policy – Long-Term Debt

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5412

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ADOPTING A LONG-TERM DEBT GOVERNING POLICY FOR THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, from time-to-time, finds it necessary to issue long-term debt to finance the construction and purchase of long-lived capital assets; and

WHEREAS, the City of Sherman desires to have a written policy that governs debt issuance and debt management for the City of Sherman; and

WHEREAS, this policy is designed to ensure that decisions made by the City relating to debt issuance and debt management are prudent and necessary;

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

SECTION 1. That all prior long-term debt governing policies of the City of Sherman are hereby revoked in their entirety.

SECTION 2. That the City of Sherman Governing Policy – Long-Term Debt, attached hereto and made a part hereof for all purposes, is hereby adopted and shall now and hereafter govern the long-term debt activity of the City of Sherman.

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

PASSED AND APPROVED on this the _____ day of ________________, 2009.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

BY: ______________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY

CITY OF SHERMAN GOVERNING POLICY – LONG-TERM DEBT

The City of Sherman establishes the following policy concerning the issue and management of debt. This debt policy, as presented to City Council and the citizens, was established by the City of Sherman Finance Department to ensure the quality of decisions in relation to the City's financing activities, provide a comprehensive view of the City's long-term debt picture and make it easier for decision-makers to understand issues concerning debt issuance and management.

Conditions of Debt Issuance

Debt should be issued for the purpose of meeting the needs of the community through funding of capital projects and equipment but without constituting an unreasonable burden to taxpayers.

Long-term debt is only issued to finance the acquisition and/or construction of capital improvements with an economic or useful life greater than five years and the term of the debt. Additionally, only capital needs identified in the capital improvement program will be considered. Refunding bonds will only be issued if the present value of debt service savings exceeds three percent of the outstanding par value of the refunded bonds. Debt for other purposes, such as acquisition of capital assets, is covered separately in this policy.

Types of Debt

General Obligation Bonds General Obligation Bonds may only be issued with a majority approval of a popular vote. The use of the proceeds from GO Bonds is limited to the acquisition or improvement of real property and other uses allowed by law and applicable bond ordinances. Libraries, parks and public safety facilities are all types of facilities that could be financed with GO Bonds. To the extent that property tax revenues are used to fund debt service, a separate property tax will be levied.

Enterprise Revenue Bonds Enterprise Revenue Bonds finance facilities for a revenue producing enterprise, and are payable from revenue sources within that enterprise. Municipal Water and Sewer and Solid Waste are examples of revenue producing enterprises within the City.

Refunding Obligations Pursuant to the Government Code and various other financing statutes applicable in particular situations, the City Council is authorized to provide for the issuance of bonds for the purpose of refunding any long-term obligation of the City. Absent any significant non-economic factors, a refunding should produce minimum net debt service savings (net of reserve fund earnings and other offsets) of at least 3% of the then outstanding par value of the refunded bonds on a net present value basis, using the refunding issue's True Interest Cost (TIC) as the discount rate, unless the Finance Department determines that a lower savings percentage is acceptable for issues or maturities with short maturity dates.

Tax Anticipation Notes Proceeds from Tax Anticipation Notes are used to fund projects whose source of payment is future tax revenues. These instruments have a term of one to three years and are for a specific purpose such as temporary financing for capital improvements, cash flow needs and major equipment leasing.

Tax Increment Financing Bonds The City may use these bonds to finance capital improvements within the tax increment reinvestment zone. Repayment is from property taxes generated within the zone.

Leases Leases may be used to finance major capital purchases, other than infrastructure, including fleet, major system upgrades and large equipment purchases. The useful life of the asset should not exceed the term of the lease.

Assessment Bonds Proceeds from Assessment Bonds may be used to finance local public improvements, provided that said improvements benefit the parcels of land to be assessed. Local streets, street lights, landscaping, sidewalks and sanitary sewers are some examples of local improvements commonly financed by assessment bonds.

Other Obligations There may be special circumstances when other forms of debt are appropriate and may be evaluated on a case-by-case basis. Such other forms include, but are not limited to limited tax notes, non-enterprise revenue bonds, bond anticipation notes, grant anticipation notes and judgment or settlement obligation bonds.

Restrictions on Debt Issuance

- The City of Sherman will not use long-term debt to finance current operations or normal maintenance.
- Derivative products will not be used by the City.
- General obligation debt will not be issued if other, more financially efficient financing sources are available such as certificates of obligation, limited tax notes, leases or revenue bonds.
- Short-term debt will not be used to refinance long-term debt.
- All debt issuances shall be approved by the City Council.

Before any debt may be issued, the City will perform an analysis of the requirements to determine the impact on future budgets, the sufficiency of revenues to fund the debt service requirements and additional operating costs of the capital asset acquired. The analysis will ensure that debt service payments funded by the General Fund shall be not greater than 10% of current General Fund revenues. Payments on bonds that are tied to a specified revenue stream such as waterworks bonds are not subject to this 10% limit. Additionally, twenty percent of debt capacity is reserved for emergency purposes.

These limitations shall be periodically compared with other cities to determine if the City is still within the norm for comparably-sized cities while balancing the needs of the City to finance its growth.

Limitations on Outstanding Debt

Limitations on the City’s outstanding bonded debt include:

- The total of gross bonded tax-supported debt of the City of Sherman will not exceed 10 percent of the assessed valuation of the City for the same year.
- The total gross bonded debt of the City of Sherman, the municipal authorities for which it has direct debt responsibility (SEDCO), if and only to the extent that such authority has issued debt backed by the City’s taxing ability, and the Sherman Independent School District will not exceed 20 percent of the assessed valuation of the City of Sherman.
- Certificates of obligation payable from the General Fund shall not exceed 2% (or other amount allowed by City Charter), excluding self-supporting debt, of the assessed valuation of the City.

These limitations shall be periodically compared with other cities to determine if the City is still within the norm for comparably-sized cities.

Characteristics of Debt Issuance

When the City finances capital projects by issuing bonds, it will pay back the bonds in a period not exceeding the expected life of those projects. Other standard terms shall include the following:

- Term may be up to 30 years depending on cash flow assumptions, and useful life of asset being financed.
- Call provisions will be shortest possible optional call consistent with optimal pricing.
- The City will seek to retire 50 percent of the total General Fund-supported principal outstanding within the next 10 fiscal years.
- The City will seek level or declining debt repayment schedules and will avoid issuing debt that provides for balloon principal payments reserved at the end of the term of the issue.
- The City will avoid variable-rate debt due to the potential volatility of such instruments. Therefore, the City will avoid the use of variable-rate debt for its general obligation bond issues. However, the City will permit its authorities to consider the use of variable-rate debt on a case-by-case basis.
- Debt service reserve will be in conformity with bond covenant.
- Commercial insurance or other credit enhancements to the bond rating shall be considered when cost-effective.
- Repayment of debt shall be made with revenues derived from the projects that benefitted from the bond issuance when possible.

Debt Issuance Process

The City of Sherman will strive to achieve a bond rating of AAA by Standard and Poor's rating service. The City will maintain good communications with bond rating agencies about its financial condition and will follow a policy of full disclosure on every financial report and bond prospectus. The City will also comply with all federal tax law provisions, including arbitrage requirements.

The City shall utilize the services of independent financial advisor(s) on debt financing when deemed prudent. Although not required, the City may utilize an RFP-selected pool of such financial advisors to mitigate time constraints and reduce overhead costs of the City in procuring such services. Bond counsel will be used for each transaction.

The Finance Department shall review each debt issuance transaction on a case-by-case basis to determine the most appropriate method of sale.

- **Competitive Sale** In a competitive sale, bids for the purchase of the bonds are opened at a specified place and time and are awarded to the underwriter (or syndicate) whose conforming bid represents the lowest true interest cost to the City (TIC). This method is most advantageous when the debt to be issued is less complex, the municipal bond market for high-grade credits is stable, and the sale of the City's bonds is assured.
    - ◊ Bond sales shall be cancelable at any time prior to the time bids are to be received.
    - ◊ Upon award to the bidder whose conforming bid represents the lowest true interest cost, the City may restructure the bonds in accordance with the Official Notice of Sale. The City shall reserve the unfettered right to reject all bids or waive bid irregularities.

- **Negotiated Sale** In a negotiated sale, the City chooses the initial buyer of the bonds in advance of the sale date. The initial buyer is usually an investment banking firm, or a syndicate of investment banking firms interested in reoffering the bonds to investors through an underwriting process. This type of sale allows the City to discuss different financing techniques with the underwriter in advance of the sale date. This method is most advantageous when the debt issue is complex, debt structuring flexibility is required (as would be the case in a bond refunding) or the municipal bond market is unstable or uncertain.

- **Private Placement** In a private placement, the City may select a private purchaser willing to bid a below market rate. Such placements often allow debt to be issued more efficiently by eliminating the need for bond ratings and other associated issuance costs. Such financing will be analyzed on a case-by-case basis, depending primarily on rates prevailing in the placement market from time to time.

Professional services used in conjunction with a bond issuance may be obtained using a request for proposal (RFP). If an RFP is used, selection will be based on experience in the type of issuance and municipal bond activities, ability to perform needed services, conflicts of interest, fees and fee structure.

Permitted Investments

Investment of debt proceeds shall be managed in accordance with the City's Investment Policy.

A financial advisor may be used to assist in investing bond proceeds. However, the advisor must be independent of the underwriter or financial advisor involved with the sale of the bonds. Bond proceeds may not be commingled with operating funds.

To ensure adequate liquidity and safety of principal, investment maturities shall precede debt service requirements.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. C.4

**** RESOLUTION NO. 5413***
Authorizing the Execution of Deeds for the Resale of Properties Seized for Delinquent Taxes

Issue
The attached resolution authorizes Grayson County to auction certain tracts of real property that have been moved to the City of Sherman's ownership due to unpaid property taxes. It also authorizes the Mayor to sign deeds conveying these properties to the buyers.

Background
Grayson County will hold a tax resale auction on Wednesday, October 14th at 10:00 a.m. at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex located in downtown Sherman. The properties to be sold have gone through a sheriff's sale without receiving a bid equal to or above the taxes owed against the property. Therefore, they have been moved to the ownership of a local government and will be sold at this auction. Ten properties owned by the City of Sherman jointly with other taxing entities will be included in the auction.

Origination
John Ramsey, Assessor and Collector of Taxes for Grayson County

Financial Consideration
A small amount of delinquent taxes will be collected by the auction; and the properties will be returned to the tax rolls. Proceeds from the auction will be distributed to each political subdivision on a pro-rata basis based on the taxes owed each entity.

Staff Recommendation
The staff recommends removing Property ID #S056-0667022, an approximately three-acre tract located between East and First Streets, from the list as the property has no street frontage and a large portion is in the floodplain. A map of this property is attached. The staff further recommends approving the sale of the remaining properties.

Alternatives
The City Council could deny the resolution.

Attachments
Resolution No. 5413
Correspondence and Edited Property Listing from Tax Assessor-Collector John Ramsey
Aerial of Deleted Property ID #S056-0667022

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5413

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF DEEDS FOR THE RESALE OF PROPERTIES SEIZED FOR DELINQUENT TAXES; 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, various tracts of real property have been struck-off/sold to Grayson County, Grayson County College, Sherman Independent School District, City of Sherman, Denison Independent School District, City of Denison, Bells Independent School District, Pottsboro Independent School District, Van Alstyne Independent School District, City of Van Alstyne, Whitesboro Independent School District, City of Whitesboro, Whitewright Independent School District and City of Whitewright for delinquent taxes; and

WHEREAS, Grayson County, Grayson County College, Sherman Independent School District, City of Sherman, Denison Independent School District, City of Denison, Bells Independent School District, Pottsboro Independent School District, Van Alstyne Independent School District, City of Van Alstyne, Whitesboro Independent School District, City of Whitesboro, Whitewright Independent School District and City of Whitewright desire to sell these properties and thereby place them back on the tax rolls; and

WHEREAS, Grayson County has scheduled a 2009 Tax Resale Auction to be held at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex, 100 West Houston Street, Sherman, Texas, on Wednesday, October 14, 2009 at 10:00 a.m.; and

WHEREAS, there is no fee owed for placing these properties in the 2009 Tax Resale Auction;

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

SECTION 1. That the list of property attached to this resolution as Exhibit “A” shall be offered for sale at the 2009 Tax Resale Auction on October 14, 2009 at 10:00 a.m. at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex, 100 West Houston Street, Sherman, Texas, free and clear of all tax liens held by the City of Sherman and may be sold for any price accepted by the auctioneer in this absolute auction; and

SECTION 2. That Bill Magers, as Mayor of the City of Sherman, Texas, is hereby authorized to execute any deed or deeds necessary to complete the sale of said properties in conformance with this resolution and without further approval by this governing body.

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

PASSED AND APPROVED on this the _____ day of ________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ___________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ___________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

OFFICE OF
JOHN W. RAMSEY
ASSESSOR AND COLLECTOR OF TAXES
GRAYSON COUNTY
www.co.grayson.tx.us

COURTHOUSE
100 W. HOUSTON • SUITE 11
P.O. BOX 2107
SHERMAN, TEXAS 75091-2107

(903) 892-TAXS (8297)
(903) 893-VOTE (8683)
(903) 813-4225 (AUTO)
Fax: (903) 893-4973
e-mail: ramseyj@co.grayson.tx.us

CORRECTION
RE-SALE DATE CHANGED

TO: Judge Drue Bynum, Grayson County, Commissioner Johnny Waldrip, Pct. 1, Commissioner David Whitlock, Pct. 2, Commissioner Jackie Crisp, Pct. 3, Commissioner Gene Short, Pct. 4

Mr. Giles Brown, Vice President Business Services, Grayson County College

Mr. Robby Hefton, Assistant City Manager, City of Sherman
Mr. Bruce Barnett, Assistant Superintendent of Business and Finance Services, Sherman ISD

Ms. Susan Way, Finance Director, City of Denison
Mr. Lee McNair, Assistant Superintendent, Business Services, Denison ISD

Mr. Joe Moore, Superintendent, Bells Independent School District

Dr. Kyle Collier, Superintendent, Pottsboro Independent School District

Ms. Ruth Ann Collins, Mayor, City of Van Alstyne
Mr. Bill Harrington, City Manager, City of Van Alstyne
Dr. Alan Seay, Superintendent, Van Alstyne Independent School District

Mr. Mike Marter, City Administrator, City of Whitesboro
Dr. Steve Kolb, Superintendent, Whitesboro ISD

Mr. Bill Goodson, Mayor, City of Whitewright
Mr. Steve Arthur, Superintendent, Whitewright Independent School District

FROM: John Ramsey

SUBJECT: 2009 Tax Resale Auction

DATE: September 3, 2009

The 2009 Tax Resale Auction will be held on <u>Wednesday, October 14</u> at 10:00 A.M. at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex, 100 W. Houston, Sherman, Texas. The auction will include various tracts of real property that have been struck off/sold to Grayson County, Grayson County College, City and School of Sherman, City and School of Denison, City and School of Van Alstyne, City and School of Whitesboro, City and School of Whitewright, Bells Independent School District and Pottsboro Independent School District.

Enclosed find a Resolution and a list of the property that is to be included in the auction. <u>Please present the Resolution to your jurisdiction for signatures at the next board or council meeting and send a copy of the minutes approving the sale and the Resolution to this office.</u> Time is of the essence as October is fast approaching.

Sincerely,

John Ramsey

JR:kb

enclosure:

Exhibit "A"

RESALE PROPERTIES - LGBS - 10/6/09

CAUSE #	ORIGINAL OWNER NAME	PROPERTY ID#	ADDRESS	ISD	LEGAL DESCRIPTION	STRUCK $	STRK DATE
07-3562	BETHEL LODGE KNIGHTS & DAUGHTERS OF TABOR	195-0769020	BELLS	BE	.5 AC±, J W MERVIN SURVEY, ABSTRACT 769	$ 3,215.94	02/03/2009
07-3154	LARRY WO COOK	D025-3102011	307 W MUNSON / DENISON	DE	0.19 AC, BLK 14, LAND GRANT RAILWAY & TRUST CO	$ 3,732.55	05/06/2008
01-3249	TERESA COSBY AKA CROSBY	S047-2024014	1124 S HALZELWOOD/SHRM	SH	LOT 15, J.W. BRADLEY'S ADDN	$ 2,090.00	02/03/2009
04-3402	ESTATE OF JEFF CYRUS	D011-3131061	408 W JOHNSON / DENISON	DE	W 40 FT OF LOT 3, BLK 7, ORIG TOWNSITE ADDN	$ 9,099.23	05/06/2008
01-3593	JAMES H DAVIS, ET AL	020B6551056	GORDONVILLE	WB	LOT 77, SHERWOOD SHORES, UNIT 2	$ 4,226.94	08/05/2008
07-3161	SHIRLEY WEICHER FERRIS	D025-3209025	901 S BURNETT / DENISON	DE	LOT 1, BLK 3, STONEMAN'S ADDN	$ 8,211.29	08/04/2009
07-3306	CLARENCE FOSTER ESTATE	DENISON		DE	LOTS 12-15, BLK A, A R COLLINS' WOODLAWN ADDN	$ 4,801.04	08/04/2009
05-3541	WESLEY GALBREATH	S021-2160031	HOARD ST / SHERMAN	SH	LOT 25, BLK 2, MILAN HEIGHTS ADDN	$ 2,000.00	02/03/2009
03-3772	CHARLES GENTRY	D012-3131162	606 N LAMAR / DENISON	DE	OTP DENISON, BLK 13, LOT N PT 6, .09 AC	$ 2,384.00	02/03/2009
03-3772	CHARLES GENTRY	D026-3102087	432 E OWINGS / DENISON	DE	.149 AC± 50'X130' OUT OF BLK 35, L G R & T	$ 1,914.94	02/03/2009
03-3772	CHARLES GENTRY	D015-3102085	421 E OWINGS / DENISON	DE	.14 AC± 50'X122' OUT OF BLK 35, L G R & T	$ 836.28	02/03/2009
03-3776	LARRY ANDERSON GENTRY	V004-5018138	407 S WACO / VAN ALSTYNE	VA	.23 AC± 80X125 PART OF VA SUB-DIV #2 & #3 IN DIV 6	$ 8,945.45	08/04/2009
03-3242	ROY H HARRELL	S057 2221163	2111 S MONTGOMERY/SHER	SH	LOT 9, BLK 51 SOUTHSIDE ADDN	$ 4,099.89	08/05/2008
97-3666	CHESTER HARRIS	D0173117658	923 W CHESTNUT / DENISON	DE	MILLERS 2ND ADDN, LOT 22, BLK 61	$ 17,419.05	06/03/2003
07-3684	WILLIE HART	014A6549309		WB	LOT 578, SHERWOOD SHORES ADDN, UNIT 4	$ 2,518.81	08/04/2009
06-3138	ESTATE OF ETHEL HODGE	D0103117077	1117 W JOHNSON / DENISON	DE	MILLERS 2ND ADDN, E 1/2 LOT 12, BLK 9 & W 1/2 LOT 12	$ 2,681.93	02/05/2008
07-3457	HOUSEHOLD FINANCE CORP	W004-4001044	317 OTIS / WHITESBORO	WB	LOT 17, BLK 6, BACON'S ADDN	$ 4,406.73	02/03/2009
96-3616	OSCAR HUDSPETH	S0302035012	1019 N BRANCH / SHERMAN	SH	LOT 12, BLK 1, CARTER JQA ADDN	$ 510.00	09/07/1999
01-3543	HELEN LOUISE WRIGHT JONES	D030-3052233 D030-305223300 HOO1	600 W HULL / DENISON	DE	LOT 1, BLK 25, DUMAS ADDN	$ 4,049.56	02/03/2009
07-3185	VELMA E KINGSTON	073-0996035	E TEXAS / DENISON	DE	0.23 AC, RAMON RUBIO SURVEY A-G0996	$ 4,423.50	05/06/2008
06-3579	MRS W B LAWRENCE	S041-0056199	318 E KING / SHERMAN	SH	0.23 AC, SAM BLAGG SURVEY, A-G0056	$ 3,460.00	05/06/2008
04-3266	LONE STAR HOUSING	026A6552353	CLAYTON DR / POTTSBORO	PB	LOTS 880 & 881, SIMMONS SHORES	$ 4,000.00	08/04/2009
01-3282	WANDA MANN ESTATE	D026-3052092	120 E MUNSON / DENISON	DE	LOT 3, BLK 14, DUMAS ADDN	$ 2,400.00	08/04/2009
~~07-3249~~	~~HARRISON MASK ESTATE~~	~~S056-0667022~~	~~SHERMAN~~	~~SH~~	~~3. AC±, PRESTON KITCHEN SURVEY, ABSTRACT 667~~	~~$ 4,528.10~~	~~02/03/2009~~ delete
07-3488	WARNER P MOBLEY	014A6549074	WHITESBORO	WB	LOT 135, SHERWOOD SHORES ADDN, UNIT 4	$ 1,350.00	02/03/2009
07-3190	MULTI MARKET MEDIA	024B656603401	DENISON	DE	LOT 3, BLK 5, THOMPSON HEIGHTS SOUTHEAST SUBDIV.	$ 3,934.07	02/03/2009
07-3697	RUTH SHELTON NELMER ET AL	D011-3043101	622 W BOND / DENISON	DE	LOT 4, BLK 13, DAY & MUNSON ADDN	$ 15,756.51	08/04/2009
07-3194	OLIVER O'GRATOR	D011-3131178	116 W BOND / DENISON	DE	LOT 5, BLK 18, OPT DENISON	$ 7,712.80	05/05/2009
08-3199	O H OWEN	W007-4010054	WHITESBORO	WB	LOT 8, BLK 6, LAKEVIEW ADDN	$ 1,750.00	05/05/2009
01-3285	HOLLIS PETTIES	D0113043093	625 W BOND / DENISON	DE	W 1/2 LOT 9, BLK 12 DAY & MUNSON ADDN	$ 770.00	11/06/2007
07-3197	MINNIE ROSE PIRKLE ESTATE	D017-3117793	1109 W OWINGS / DENISON	DE	LOT 13, BLK 75, MILLER'S SECOND ADDN	$ 6,634.18	02/03/2009
07-3328	MARY L RAINES	D044-3210152	DENISON	DE	LOT 3, BLK 16, SUNNYSIDE ADDN	$ 1,168.75	05/05/2009
07-3328	MARY L RAINES	D044-3210153	914 W BAKER / DENISON	DE	LOT 4 & 5, BLK 16, SUNNYSIDE ADDN	$ 4,647.56	05/05/2009
03-3182	REED & SWANNER	S0462080008	SHERMAN	SH	PRTN LOT 9, BLK 1, ELM GROVE ADDN	$ 1,160.00	11/06/2007
07-3330	PAUL RUBINI ET AL	D002-3039225	MARTIN LUTHER KING/DEN.	DE	LOTS 7 & 8, CUFF'S 1ST ADDN	$ 2,300.00	08/04/2009
00-3351	BARBARA B REYNOLDS	020B6551110	CLARK ST / SHERWOOD SHR	WB	LOTS 150 & 151, UNIT II, SHERWOOD SHORES SOUTH	$ 1,858.26	02/06/2007
98-3450	GENE RAY RUFFIN	D004310700208	W WASHINGTON / DENISON	DE	LOT 5, BLK 2, PB LEACH ADDN	$ 7,265.05	11/06/2007
02-3441	BUDDY W SEALS	S057-2221159	2116 S BRANCH / SHERMAN	SH	LOT 4, BLK 51 SOUTH SIDE ADDN	$ 12,210.03	08/04/2009
07-3331	FREDDY J SEAMSTER	D026-3228071	DENISON	DE	LOT 2, BLK 5, WINANS ADDN	$ 2,907.15	02/03/2009
04-3211	FRANK SIBLEY, ET UX	X002-4502030	COLLEGE / WHITEWRIGHT	WW	LOT 6, BLK 10, GRAYSON COLLEGE ADDN	$ 13,715.66	08/04/2009

RESALE PROPERTIES - LGBS - 10/6/09

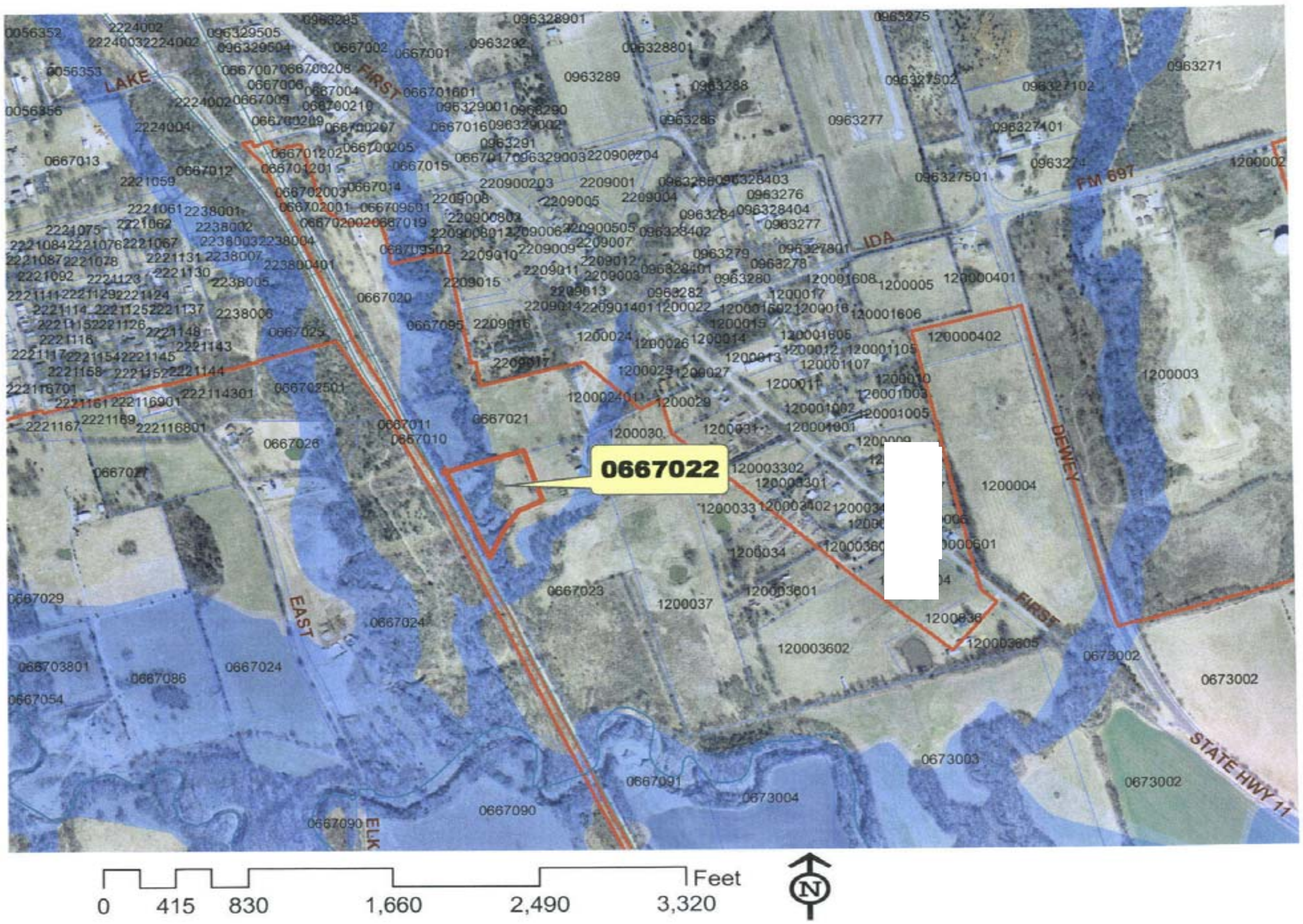
CAUSE #	ORIGINAL OWNER NAME	PROPERTY ID#	ADDRESS	ISD	LEGAL DESCRIPTION	STRUCK $	STRK DATE
07-3265	SOUTHWESTERN DEV CORP	S004-0503003	HILLTOP / SHERMAN	SH	1.6 AC, JOHN A HENDRIX SURVEY A-G0503	$ 3,200.00	05/06/2008
07-3265	SOUTHWESTERN DEV CORP	S004-050300301	HILLTOP / SHERMAN	SH	.25 AC, JOHN A HENDRIX SURVEY A-G0503	INCLUDED	
07-3202	HUBERT SPENCER	D024-3117909	1312 W OWINGS / DENISON	DE	LOT 4, BLK 84, MILLER'S 2ND ADDN	$ 7,657.71	05/06/2008
07-3692	FRANK STENBERG	014A6549269		WB	LOTS 499 & 500, SHERWOOD SHORES ADDN, UNIT 4	$ 2,699.27	08/04/2009
05-3264	CECIL STEVENS ESTATE	S047-2081015	SHERMAN	SH	LOT 7, BLK 2, EPPSTEIN'S ADDN	$ 2,210.00	02/03/2009
01-3247	JOHN TATE (TRACT 1)	D002-3223216	727 W PARNELL/DENISON	DE	Lot 15, BLK 15, WASHINGTON HEIGHTS ADDN	$ 3,480.50	11/04/2008
01-3247	JOHN TATE (TRACT 2)	D027-3145046	OWINGS/DENISON	DE	LOT 4, BLK 8, OAKWOOD PARK ADDN	$ 255.13	11/04/2008
01-3247	JOHN TATE (TRACT 3)	D015-3102104	425 E OWINGS/DENISON	DE	.15 AC, 53.5FT X 122 FT PORTION OF BLK 35 LGR & ADDN	$ 6,311.70	11/04/2008
01-3247	JOHN TATE (TRACT 4)	D010-3117059	1226 W ELM/DENISON	DE	LOT 7, BLK 8, MILLER'S 2ND ADDN	$ 1,407.99	11/04/2008
01-3247	JOHN TATE (TRACT 5)	D014-3145012	DENISON	DE	LOT 11, BLK 2, OAKWOOD PARK ADDN	$ 1,079.30	11/04/2008
07-3335	VENTURE CUSTOM HOMES INC	D048-3084007	JENNIFER AVE / DENISON	DE	LOT 7B, BLK 5, SECOND SECTION, HIGHLAND PARK	$ 4,297.39	02/03/2009
03-3519	CATHY WEST	D025 3034048	930 S MIRICK	DE	LOT 9, BLK 4, A R COLLINS 1ST ADDN	$ 16,886.47	08/07/2007
02-3562	PRENTICE WESTBROOK EST	D011-3043095	617 W BOND ST / DENISON	DE	LOT 10, BLK 12, DAY & MUNSON ADDN	$ 2,400.00	08/04/2009
99-3201	RALEIGH R WILLIAMS	D0113131041	W WALKER / DENISON	DE	LOTS 15 & 16, BLK 5, ORIGINAL TOWN PLAT	$ 18,920.00	12/07/2007
04-3248	MICHAEL JAMES WOOLDRIDGE	D0303052326	312 W TEXAS / DENISON	DE	LOT 4, BLK 33, DUMAS ADDN	$ 2,600.00	05/01/2007
07-3698	LILLIE BERNICE YOUNG, ET AL	D002-3223244	W WASHINGTON / DENISON	DE	N 50' LOTS 21 & 22, BLK 16/WASHINGTON HEIGHTS ADDN	$ 8,050.11	05/05/2009

RESALE PROPERTIES - PBFCM - 10/6/09

CAUSE #	ORIGINAL OWNER NAME	PROPERTY ID#	ADDRESS	ENTITY	LEGAL DESCRIPTION	STRUCK $	STRK DATE
97-3638	Susan Khammash	077A6732028	Highview Dr/Pottsboro	PISD	Lot 3, Blk 1 Highview Estates Addn	$ 4,665.62	6/7/2005
00-3536	Alvin C Wood	026A6552259	Toy Lane/Pottsboro	PISD	Lots 620 & 621 Simmons Shore Addn	$ 2,600.00	7/3/2007
03-3360	Jeffrey Tucker	026A6552323	Ila Rd/Pottsboro	PISD	Lot 21 Simmons Shore Addn	$ 1,548.55	9/2/2008
06-3185	Hampton Road Baptist Church	012D6521002		PISD	Lot 1, Blk 13, Lakeview Addn	$ 1,322.14	7/7/2009
08-3213	W W Stephens	029B6505103	Wales Dr / Pottsboro	PISD	Lot 46, Blk 6, Cambridge Shores, Unit 1	$ 2,623.61	8/4/2009

Property ID #S056-0667022
Located between East Street and First Street

S056



SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. C.5

**** RESOLUTION NO. 5414***

Awarding a Bid to and Authorizing Execution of a Contract with Vessels Construction, Inc. to Construct the Solid Waste Transfer Station Concrete Pad and Ramp

Issue

Contracting for the replacement of the solid waste transfer station upper driving pad and ramp

Background

The final improvement to the transfer station facility is replacement of the upper driving pad and ramp. The asphalt on the ramp and upper driving area is completely worn out and badly potholed. Bids were taken from two local contractors for the work on September 8, 2009. A bid tabulation is attached.

Origination

Department of Public Works

Financial Consideration

As a result of significant savings from the Capital Improvement Program (CIP) transfer station wall replacement project completed earlier this year, funds are available to construct this new concrete ramp and pad. Teague Nall and Perkins prepared the engineering plans and specifications for this work and is recommending award of the base bid and alternate #1 (in case the soil subgrade needs to be lime stabilized). The total low bid for the base and alternate #1 is $52,651.45.

Staff Recommendation

It is recommended that the contract for replacement of the transfer station upper driving pad and ramp be awarded to the low bidder, Vessel Construction, Inc., in the total amount of $52,651.45 and that the City Manager be authorized to execute the required contract documents.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5414; Contract; Engineer's Recommendation with Bid Tabulation; Photograph of Transfer Station

Prepared by:
Jeff Miller, Public Works Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5414

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH VESSELS CONSTRUCTION, INC. TO CONSTRUCT THE SOLID WASTE TRANSFER STATION CONCRETE PAD AND RAMP; 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 Vessels Construction, Inc. of Sherman, Texas, is hereby awarded the bid in the total amount of Fifty-Two Thousand Six Hundred Fifty-One Dollars and Forty-Five Cents ($52,651.45) for the construction of the solid waste transfer station concrete pad and ramp; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Vessels Construction, Inc. in accordance with the terms and provisions of 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 ________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY

CITY OF SHERMAN	§
	§
COUNTY OF GRAYSON	§

CONTRACT
BETWEEN THE CITY OF SHERMAN AND THE CONTRACTOR
FOR
SITE PAVING IMPROVEMENTS AT THE
CITY OF SHERMAN WASTE TRANSFER STATION

THIS AGREEMENT is by and between the **CITY OF SHERMAN** ("CITY" or "OWNER") and **VESSELS CONSTRUCTION, INC.** ("CONTRACTOR").

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

ARTICLE 1 - PROJECT

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

> ***The work to be performed under the provisions of these documents includes approximately 900 SY of 8" Concrete Pavement over compacted subgrade.***

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

ARTICLE 2 – INDEPENDENT CONTRACTOR

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

ARTICLE 3 - CONTRACT TIMES

3.01 *Commencement of Contract*

A. CONTRACTOR agrees to commence work under this Contract on or before the date specified in the written "Notice to Proceed" of the CITY and to fully complete the contract within thirty (30) days.

B. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 *Dates for Substantial Completion and Final Payment*

A. The Work will be substantially completed by CONTRACTOR on or before 30 consecutive calendar days from the date of the Notice to Proceed.

3.03 *Liquidated Damages*

A. CONTRACTOR and CITY recognize that time is of the essence for this Contract and that CITY will suffer loss that is difficult to calculate if the Work is not completed within the times specified in paragraph 3.02 above, plus any extensions thereof allowed in accordance with paragraph 4.02 of the General Conditions. The parties also recognize the expense, and difficulties involved with a delay make it impossible to evaluate the actual loss suffered by CITY due to the nature of this project if the Work is not completed on time. CONTRACTOR must agree to commence work on or before a date to be specified in written "Notice to Proceed" of the Owner, and to fully complete the project within 30 consecutive calendar days thereafter. Bidder must also agree to pay liquidated damages as indicated in NCTCOG Section 108.8 and according to Schedule 108.8.1.(a) below for each consecutive calendar day thereafter as hereinafter provided in the General Conditions.

Schedule 108.8.1.(a) Liquidated Damages

Amount of Contract ($)	Amount of Liquidated Damages ($)
Less than 25,000.00	100.00 per Day
25,000.000 to 99,999.99	160.00 per Day
100,000.00 to 999,999.99	240.00 per Day
1,000,000.00 or More	500.00 per Day

ARTICLE 4 - CONTRACT PRICE/CONSIDERATION

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

A. For all Project work, a total Sum of: $52,651.45.

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

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

ARTICLE 5 - PAYMENT PROCEDURES

5.01 *Submittal and Processing of Payments*

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

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

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

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

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR has carefully studied all Contract Documents and understands the Work and Performance required in the Contract Documents and represents to the CITY that CONTRACTOR is fully capable of completing the work specified in the Contract Documents.

E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto.

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. CONTRACTOR is aware of the general nature of work to be performed by CITY and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 *Contents*

A. The Contract Documents consist of the following and are incorporated into this Contract for all purposes:

1. This Contract;

2. Performance Bond;

3. If applicable, the Unit Pricing in the Proposal;

4. Payment Bond;

5. Any Other Bonds;

6. General Conditions of Agreement;

7. Special Conditions of Agreement;

8. Any Other Documents listed in the Table of Contents of the Specifications and Contract Documents;

9. Any Drawings associated with the Project;

10. Addenda (if applicable);

11. Exhibits to this Contract(enumerated as follows):

    a. Notice to Proceed;

    b. CONTRACTOR'S Bid;

    c. Documentation submitted by CONTRACTOR prior to Notice of Award;

    d. Any other documentation submitted by the CONTRACTOR that is applicable to this Project.

12. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:

    a. Written Amendments;

    b. Work Change Directives;

    c. Change Order(s), if permissible under the Resolution enacted by the City.

B. There are no Contract Documents other than those listed above in this Article 7.

C. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 9.10 of this Contract.

ARTICLE 8 – NOTICE

Any notice and/or statement required or permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing;

If intended for CITY to:	If intended for CONTRACTOR, to:
Designee:	Designee:
Jeff Miller, Director of Public Works	Bill Vessels
Address:	Address:
P.O. Box 1106	P.O. Box 28
Sherman, TX 75091-1106	Sherman, TX 75091
903-892-7315	903-821-6060

ARTICLE 9 - MISCELLANEOUS

9.01 *Terms*

A. Terms used in this Contract will have the meanings indicated in the General Conditions.

B. In addition to the terms in the General Conditions, the term "ENGINEER" in this Contract shall mean a person designated as the ENGINEER by the City.

9.02 *Assignment of Contract*

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.03 *Successors and Assigns*

A. CITY and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

9.04 *Severability and Conflict*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon CITY and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

B. If there are any conflicts between the Contract and the Contract Documents, the provisions in the Contract prevail over the provisions in the Contract Documents.

9.05 *Captions*

Section or other headings contained in this Contract are for reference purposes only and shall not affect in any way the meaning or interpretation of this Contract.

9.06 *Indemnity and Duty to Defend*

A. CONTRACTOR agrees to defend, indemnify and hold CITY, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses including attorneys fees, for personal injury (including death), property damage or other harm, for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by CONTRACTOR'S breach of any of the terms or provisions of this Agreement, or by any negligent, grossly negligent, strictly liable act, or any omission of CONTRACTOR, its officers, agents, employees or subcontractors, in the performance of this Agreement (hereinafter "Claims"); except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of CITY, its officers, agents, employees or separate contractors. In addition, this indemnification and save harmless shall apply to any imputed or actual joint enterprise liability.

B. CONTRACTOR is expressly required to defend the CITY against all Claims for which the CITY becomes liable. In its sole discretion, CITY shall have the right to select or to approve defense counsel to be retained by CONTRACTOR in fulfilling its obligation hereunder to defend and indemnify CITY, unless such a right is expressly waived by CITY in writing by the City Manager, approved by the City Attorney, and properly authorized by the CITY'S Council. CITY reserves the right to provide a portion or all of its own defense; however, CITY is under no obligation to do so. Any such action by CITY is not to be construed as a waiver of CONTRACTOR'S obligation to defend the CITY or as a waiver of CONTRACTOR'S obligation to indemnify the CITY pursuant to this Contract. CONTRACTOR shall retain CITY approved defense counsel within seven (7) business days of CITY'S written notice that CITY is invoking its right to indemnification under this Contract. If CONTRACTOR fails to retain Counsel within such time period, CITY shall have the right to retain defense counsel on its own behalf, and CONTRACTOR shall be liable for all costs incurred by CITY in defense of Claims for which CONTRACTOR is liable under this Paragraph.

C. This indemnification and duty to defend is subject to and does not waive any governmental immunity available to the CITY under Texas law, and any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

9.07 *Deletion of Arbitration Clause*

The parties agree that Paragraph 6.03 entitled Arbitration in the General Conditions, is not binding on the parties. This paragraph is not designed to prevent the parties from mutually agreeing to select arbitration as a means of resolving any disputes related to this Contract. The parties, however, agree not to be bound by the terms of 6.03 entitled Arbitration in the General Conditions.

9.08 *Choice of Law: Venue*.

<u>This contract, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This contract is wholly performable in Grayson County, Texas. Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.</u>

9.09 *Binding Authority*

By their signatures below, the individuals represent that they have reviewed Contract with their attorney and that the individuals have the express authority to enter into this Contract.

9.10 <u>*Entire Agreement*</u>

This Contract embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Contract, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Contract.

9.11 *Contract Interpretation*

Although this CONTRACT is drafted by the City, should any part be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Contract in duplicate. One counterpart each has been delivered to CITY and CONTRACTOR. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or on their behalf.

This Contract will be effective on ________________, ______ (which is the Effective Date of the Contract).

CITY: **CITY OF SHERMAN, TEXAS**

By: ____
George Olson, City Manager

CONTRACTOR:

By: ____
Bill Vessels, Vessels Construction, Inc.

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared ______________________, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein express.

GIVEN UNDER MY HAND and seal of office this ________day of __________, 2009.

____
Print Name:_____________________
Notary Public
Date of Expiration:_______________

(Stamp)

Attest____________________________________
Linda Ashby, City Clerk

Agent for service of process:_____________________

____
(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign.)

Approved as to form:

____
Brandon Shelby, City Attorney

TEAGUE NALL AND PERKINS

Civil Engineering | Surveying | Landscape Architecture | Planning

September 9, 2009

Mr. Jeff Miller
Director of Public Works
City of Sherman
405 N. Rusk
Sherman, TX 75090

RE: Site Paving Improvements for Solid Waste Transfer Station
Contract Recommendation

TNP Job No: SHN 07389

Dear Mr. Miller,

On Tuesday September 8, 2009, at 3:00 p.m, bids were received at the City of Sherman Public Works Department for the Site Paving Improvements for the Solid Waste Transfer Station project. The low bidder was Vessels Construction, Inc. They provided the following bids:

- Base bid $43,430.45
- Add Alternate #1 $9,221.00 (Lime Stabilized Subgrade)
- Add Alternate #2 $15,155.50 (Flex Base Subgrade)

After checking their references, we recommend that the City of Sherman award a contract for the Base Bid and Add Alternate #1 in the amount of <u>$52,651.45</u> to Vessels Construction, Inc.

Thank you for the opportunity to work with the City of Sherman on this project and please do not hesitate to call if you need any additional information.

Sincerely,

TEAGUE NALL AND PERKINS INC.

Chris Schmitt

Chris Schmitt, P.E.

TEAGUE NALL AND PERKINS

Civil Engineering | Surveying | Landscape Architecture | Planning

Transfer Station Site Paving Improvements
Project No. SHN09251
City of Sherman
BID TABULATION REPORT

				BIDDERS			
	Engineer's Estimate =	$50,000.00					
	BID OPENING DATE:	9/8/2009		Vessels Construction, a Division of Vescor, Inc.		Lynn Vessels Construction LLC	
	BID OPENING TIME:	3:00 PM					
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
BASE BID							
1	Remove 8" HMAC & Subgrade Material	187.00	CY	$69.53	$13,002.11	$69.00	$12,903.00
2	Remove Existing Concrete Pavement	46.00	SY	$27.29	$1,255.34	$34.50	$1,587.00
3	Construct 8" Reinforced Concrete Pavement	710.00	SY	$33.26	$23,614.60	$48.67	$34,555.70
4	Construct 6" Reinforced Concrete Pavement	180.00	SY	$30.88	$5,558.40	$40.83	$7,349.40
SUBTOTAL BASE BID					**$43,430.45**		**$56,395.10**
ADD ALTERNATE NO. 1							
5	Lime Stabilized Subgrade (8" Thick)	890.00	SY	$7.50	$6,675.00	$8.05	$7,164.50
6	Hydrated Lime (30 lbs/SY)	13.40	TON	$190.00	$2,546.00	$158.70	$2,126.58
SUBTOTAL ALTERNATE NO. 1					**$9,221.00**		**$9,291.08**
ADD ALTERNATE NO. 2							
7	Flex Base Subgrade Material (8" Thick)	890.00	SY	$11.40	$10,146.00	$10.70	$9,523.00
8	Remove 8" Additional Subgrade Material	233.00	CY	$21.50	$5,009.50	$57.50	$13,397.50
SUBTOTAL ALTERNATE NO. 2					**$15,155.50**		**$22,920.50**
	TOTALS:				**$120,458.40**		**$154,292.86**


City of Sherman Transfer Station Facility
Type V Facility
Transfer Station Hours of Operation

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. C.6

**** RESOLUTION NO. 5415***
Authorizing the Purchase of a 2009 Pierce Aerial Platform Fire Engine and Equipment for the Sherman Fire Department through the Texas Local Government Purchasing Cooperative (BuyBoard)

Issue
To consider the purchase of a 2009 Pierce Custom Arrow XT 95' Aerial Platform Fire Engine and equipment from Martin Apparatus, Inc. through the Texas Local Government Purchasing Cooperative (BuyBoard)

Background
A fire engine in current use by the Sherman Fire Department is obsolete and must be replaced. Once the new ladder truck is acquired through BuyBoard, the obsolete model, a 1999 Freightliner E-One Pumper, will be placed in reserve or disposed of according to City policy. Through BuyBoard, we obtained a quote of $1,099,867.00 for a new Pierce Aerial Platform. The Texas Local Government Purchasing Cooperative was created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system, called the BuyBoard.

Origination
Sherman Fire Department

Financial Consideration
The unit will be purchased at a cost of $1,099,867.00. Funds for the purchase are appropriated in the fiscal year 2009-2010 vehicle replacement budget. When this equipment is received, which is expected in early Spring 2010, it will be paid for through a lease-purchase financing arrangement.

Staff Recommendation
It is recommended that the staff be authorized to purchase the Pierce Aerial Platform Fire Engine and equipment from Martin Apparatus, Inc. through the BuyBoard.

Alternatives
No feasible alternatives exist.

Attachments
Resolution No. 5415
Martin Apparatus/Pierce Quote
Texas Local Government Purchasing Cooperative Interlocal Participation Agreement

Prepared by:
Jeffrey J. Jones, Fire Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5415

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2009 PIERCE AERIAL PLATFORM FIRE ENGINE AND EQUIPMENT FOR THE SHERMAN FIRE DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD); 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 to purchase from Martin Apparatus, Inc., through the Texas Local Government Purchasing Cooperative (BuyBoard), a new 2009 Pierce Custom Arrow XT 95' Aerial Platform Fire Engine and equipment at the total purchase price of One Million Ninety-Nine Thousand Eight Hundred Sixty-Seven Dollars and No Cents ($1,099,867.00), in accordance with the provisions of the proposal from Martin Apparatus, Inc. and the terms and conditions of the Interlocal Participation Agreement, both attached hereto and made a part hereof for all purposes. Any agreements related to the purchase must be approved by the City Attorney.

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 ________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

MARTIN APPARATUS, INC. Pierce
3500 Shelby Lane
Denton, TX 76207

August 25, 2009

City of Sherman FD
318 S. Travis
Sherman, TX 75091

Martin Apparatus is pleased to provide the following proposal for one (1) Pierce Custom Arrow XT 95' Aerial Platform and equipment. The enclosed proposal pricing is based on the accompanying specifications, which have been tailored to meet your requirements. The proposal pricing includes the unit delivery cost from Appleton, WI after final inspection. Travel expenses for 2 of your personnel for a preconstruction and final inspection trip are included in this proposal. The purchasing fees charged by Buyboard are included in the following proposal price. Delivery for the proposed unit will be within 8-9 months from the date of purchase order received at Martin Apparatus. This pricing is valid for **45** days from the above date. Payment is due to Martin Apparatus,

Martin Apparatus, Inc
P.O. Box 974615
Dallas, TX 75397-4615

upon acceptance of the apparatus at the factory. Any changes to the original specification will be invoiced or credited as a separate transaction from the original bid. A late fee of .033% per day will be charged for overdue payments for the first 30 days and a fee of .044% per day thereafter.

One (1) Pierce Custom Arrow XT 95' Aerial Platform
Including fire equipment listed.

$1,099,867.00

Sincerely,

Russell Mabra
Sales Representative

RECEIVED JUL 1 5 2002

YOUR COPY

INTERLOCAL PARTICIPATION AGREEMENT
for the
Texas Local Government Purchasing Cooperative

RECEIVED

This Interlocal Participation Agreement ("Agreement") is made and entered into by and between the Texas Local Government Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government of the State of Texas ("Cooperative Member"). The purpose of this Agreement is to facilitate compliance with state bidding requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members.

WITNESSETH:

WHEREAS, the Cooperative Members are authorized by Chapter 791, et seq., The Interlocal Cooperation Act of the Government Code ("the Act"), to agree with other local governments to form purchasing cooperatives; and

WHEREAS, the Cooperative is an administrative agency of local governments cooperating in the discharge of their governmental functions; and

WHEREAS, the Cooperative Member does hereby adopt the Organizational Interlocal Agreement, together with such amendments as may be made in the future, reflecting the evolving mission of the Cooperative and further agrees to become an additional party to that certain Organizational Interlocal Agreement promulgated on the 26th day of January, 1998.

NOW, THEREFORE, BE IT RESOLVED that the undersigned Cooperative Member in consideration of the agreement of the Cooperative and the Cooperative Members to provide services as detailed herein does agree to the following terms, conditions, and general provisions.

In return for the payment of the contributions and subject to all terms of this Agreement, the parties agree as follows:

TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the adoption and execution of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated January 26, 1998, together with such amendments as may be made in the future and further agrees to become a Cooperative Member.
2. **Term.** The initial term of this Agreement shall commence at 12:01 a.m. on the date executed and signed and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement. The terms, conditions, and general provisions set forth below shall apply to the initial term and all renewals.
3. **Termination.**
   a. By the Cooperative Member. This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative; provided all charges owed to the Cooperative and any vendor have been fully paid.
   b. By the Cooperative. The Cooperative may terminate this Agreement by:
      1. Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member fails or refuses to make the payments or contributions as herein provided; or
      2. Giving thirty (30) days notice by certified mail to the Cooperative Member.

c. Termination Procedure. If the Cooperative Member terminates its participation during the term of this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member under any provision of this Article, the Cooperative Member shall bear the full financial responsibility for any purchases occurring after the termination date, and for any unpaid charges accrued during its term of membership in the Cooperative. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. The Cooperative Member will not be entitled to a refund of membership dues paid.

4. **Payments.**
   a. The Cooperative Member agrees to pay membership fees based on a plan developed by the Cooperative. Membership fees are payable by Cooperative Member upon receipt of an invoice from the Cooperative, Cooperative Contractor or vendor. A late charge amounting to the maximum interest allowed by law, but not less than the rate of interest under Section 2251.021, et seq., Texas Government Code, shall begin to accrue daily on the 31st day following the due date and continue to accrue until the contribution and late charges are paid in full. The Cooperative reserves the right to collect all funds that are due to the Cooperative in the event of termination by Cooperative Member or breach of this Agreement by Cooperative Member.
   b. The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the Invitation to Bid and related procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring party shall be the exclusive obligation of the procuring Cooperative Member.
5. **Cooperative Reporting.** The Cooperative will provide periodic activity reports to the Cooperative Member. These reports may be modified from time to time as deemed appropriate by the Cooperative.
6. **Administration.** Cooperative Member will use the BuyBoard purchasing application in accordance with instruction from the Cooperative; discontinue use upon termination of participation; maintain confidentiality and prevent unauthorized use; maintain equipment, software and testing to operate the system at its own expense; report all purchase orders generated to Cooperative or its designee in accordance with instructions of the Cooperative; and make a final accounting to Cooperative upon termination of membership.
7. **Amendments.** The Board may amend this agreement, provided that notice is sent to each participant at least 60 days prior to the effective date of any change described in such amendment which, in the opinion of the Board, will have a material effect on the Cooperative Members participation in the Cooperative.

GENERAL PROVISIONS

1. **Authorization to Participate.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative.
2. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all reasonable policies and procedures established by the Cooperative.
3. **Compensation.** The parties agree that the payments under this Agreement and all related exhibits and documents are amounts that fairly compensate the Cooperative for the services or functions performed under the Agreement, and that the portion of gross sales paid by participating vendors enables the Cooperative to pay the necessary licensing fees, marketing costs, and related expenses required to operate a statewide system of electronic commerce for the local governments of Texas.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this Article shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.

5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.
6. **Current Revenue.** The Cooperative Member hereby warrants that all payments, contributions, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative and/or any past or current Cooperative Member in any litigation, claim or dispute, and to engage counsel and appropriate experts, in the Cooperative's sole discretion, with respect to such litigation, claim or disputes. The Cooperative Member does hereby agree that any suit brought against the Cooperative or a Cooperative Member may be defended in the name of the Cooperative or the Member by the counsel selected by the Cooperative, in its sole discretion, or its designee, on behalf of and at the expense of the Cooperative as necessary for the prosecution or defense of any litigation. Full cooperation by the Cooperative Member shall be extended to supply any information needed or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Trustees (Board) will govern the Cooperative in accordance with the Bylaws. Travis County, Texas will be the location for filing any dispute, claim or lawsuit.
9. **Limitations of Liability.** COOPERATIVE, ITS ENDORSERS (TEXAS ASSOCIATION OF SCHOOL BOARDS, TEXAS ASSOCIATION OF COUNTIES, AND TEXAS MUNICIPAL LEAGUE) AND SERVICING CONTRACTOR (TEXAS ASSOCIATION OF SCHOOL BOARDS) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE. COOPERATIVE, ITS ENDORSERS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE PARTIES AGREE THAT IN REGARD TO ANY AND ALL CAUSES OF ACTION ARISING OUT OF OR RELATING TO THIS AGREEMENT, NEITHER PARTY SHALL BE LIABLE TO THE OTHER UNDER ANY CIRCUMSTANCES FOR SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
10. **Merger.** This Interlocal Participation Agreement, Terms and Conditions, and General Provisions, together with the Bylaws, Organizational Interlocal Agreement, and Exhibits, represents the complete understanding of the Cooperative, and Cooperative Member electing to participate in the Cooperative.
11. **Notice.** Any written notice to the Cooperative shall be made by first class mail, postage prepaid, and delivered to the Associate Executive Director Financial Planning, Texas Association of School Boards, Inc., P.O. Box 400, Austin, Texas 78767-0400.
12. **Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and venue shall lie in Travis County, Texas.
13. **Warranty.** By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform the terms of this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, sign this Agreement as of the date indicated.

TO BE COMPLETED BY THE COOPERATIVE:
TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, as acting on behalf of all other Cooperative Members

By: ______________________ **Date:** 7-15-02
Gerald Brashears, Cooperative Administrator

TO BE COMPLETED BY COOPERATIVE MEMBER:

CITY OF SHERMAN, TEXAS

By: ______________________ **Date:** 5/28/2002
L. SCOTT WALL, CITY MANAGER

Coordinator for the Cooperative Member is:

Name:	MARYANN WINKLER
Address:	405 N. RUSK STREET SHERMAN, TEXAS 75090
Phone:	(903) 892-7285
Fax:	(903) 891-0255
Email:	PURCH@TEXOMA.NET

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. C.7

RESOLUTION NO. 5416
Authorizing Execution of an Interlocal Cooperation Agreement between the City of Sherman and Grayson County for a Study of the Existing Grayson County Jail to be Performed by Wiginton Hooker Jeffry, PC Architects

Issue
To consider approval of an Interlocal Cooperation Agreement with Grayson County for a study to be performed by Mr. Jim Wiginton of Wiginton Hooker Jeffry, PC on the existing Grayson County Jail facility

Background
At the September 8th meeting, the City Council approved sharing with Grayson County in the cost of a feasibility study to be performed by Mr. Jim Wiginton of Wiginton Hooker Jeffry, PC for a downtown jail option. The Sherman Economic Development Board has agreed to fund 50% of the City's portion of the study. The study will explore the feasibility of repairing, renovating, expanding, and reusing the existing County jail facilities located in downtown Sherman, as well as a jail needs analysis to determine the present and future needs of the jail.

Origination
Mayor Bill Magers and Judge Drue Bynum

Financial Consideration
The total proposed cost of the Wiginton study is $39,000.00. Grayson County has agreed to pay one-half of the total cost ($19,500.00), with the City and SEDCO splitting the other half ($9,750.00 each).

Staff Recommendation
It is recommended that the Council approve the Interlocal Cooperation Agreement with Grayson County and the Wiginton Proposal for a study of the existing Grayson County Jail facility.

Alternatives
The Council could decide not to pursue this Interlocal Cooperation Agreement and study.

Attachments
Resolution No. 5416
Interlocal Cooperation Agreement
Exhibit "A" – Wiginton Proposal with Scope of Services

Prepared and Approved by:
George Olson, City Manager

RESOLUTION NO. 5416

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR A STUDY OF THE EXISTING GRAYSON COUNTY JAIL TO BE PERFORMED BY WIGINTON HOOKER JEFFRY, PC ARCHITECTS; 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:

<u>SECTION 1</u>. That the Mayor be and is hereby authorized, subject to the documents being properly completed and approved as to form and content by the City Attorney, to execute an Interlocal Cooperation Agreement wiith Grayson County, Texas, stipulating that the cost of a study to be conducted by Wiginton Hooker Jeffrey, PC Architects ("Wiginton") at a cost of Thirty-Nine Thousand Dollars and No Cents ($39,000.00) is to be shared equally between the City of Sherman and Grayson County, pursuant to the terms and provisions of the Interlocal Cooperation Agreement and Wiginton's proposed scope of services attached hereto as Exhibit "A" and incorporated herein for all purposes.

<u>SECTION 2.</u> That the City of Sherman and the Sherman Economic Development Corporation have agreed to and will equally split the balance of the cost of the study, Nineteen Thousand Five Hundred Dollars and No Cents ($19,500.00), for a total of Nine Thousand Seven Hundred Fifty Dollars and No Cents ($9,750.00) to each entity.

<u>SECTION 3</u>. 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 ________________, 2009.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ______________________________ **BY:** ______________________________

LINDA ASHBY, CITY CLERK **BILL MAGERS, MAYOR**

APPROVED AS TO FORM AND CONTENT:

BY: ____

BRANDON S. SHELBY, CITY ATTORNEY

STATE OF TEXAS §
§ **INTERLOCAL COOPERATION AGREEMENT**
COUNTY OF GRAYSON §

THIS AGREEMENT (the "Agreement") is made and entered into on this the ________ day of __________________, 2009, by and between the City of Sherman, Texas, a home-rule municipal corporation located in Grayson County, Texas (hereinafter referred to as "City"), and Grayson County, Texas (hereinafter referred to as "County").

WHEREAS, this Agreement is being entered into pursuant to the Interlocal Cooperation Act, Texas Government Code, Section 791.001, et seq. (the "Act"); and

WHEREAS, the City and County are both units of local governments as defined by Section 791.003 of the Act engaged in the provision of governmental functions and services to their citizens; and

WHEREAS, the City and County have agreed that it is in the interest of both parties and their respective citizenry to explore the feasibility of repairing, renovating, expanding, and reusing the existing County jail facilities located in downtown Sherman; and

WHEREAS, the City and County have agreed to share the costs, along with the Sherman Economic Development Corporation ("SEDCO"), of a study to be performed by Wiginton Hooker Jeffry, PC in order to explore the feasibility of repairing, renovating, expanding, and reusing the existing County jail facilities located in downtown Sherman.

NOW, THEREFORE, for mutual consideration hereinafter stated, the City and the County agree as follows:

I.

TERMS AND SCOPE OF STUDY

The City and the County agree that the terms and scope of the study shall be as described in the proposal provided by Wiginton Hooker Jeffry, PC attached hereto as Exhibit "A."

II.

CONSIDERATION OF MAINTENANCE AND OPERATION COSTS

The City and the County agree that the costs for maintenance and operation may be calculated internally by the County Sheriff's office upon completion of the feasibility study described in Exhibit "A."

III.

COSTS OF STUDY

The City and County agree to the sharing of the full costs for completion of services performed according to Exhibit "A" as follows:

COUNTY	$ 19,500.00
CITY	$ 9,750.00
SEDCO	$ 9,750.00

The City and County agree that, should the agreement described in Exhibit "A" be terminated prior to its completion, the costs associated with such termination will be shared as follows:

COUNTY	One-Half Costs
CITY	One-Quarter Costs
SEDCO	One-Quarter Costs

IV.

SUPERVISION AND ADMINISTRATION

The City and County agree that the County shall be responsible for the supervision and administration of this agreement and the attached Exhibit "A," including the collection and disbursement of funds, as authorized by Texas Government Code § 791.013.

V.

OPEN COMMUNICATION

The City and County agree that open communication is necessary for the successful execution of this agreement. Therefore, any and all future communication concerning the negotiation, execution, or performance of this agreement or of that described in Exhibit "A" shall be shared with the following authorized City and County representatives:

Mayor Bill Magers

Deputy Mayor Joe Smith

City Manager George Olson

Judge Drue Bynum

Commissioner Gene Short

Sheriff Keith Gary

VI.

NEGLIGENCE AND IMMUNITY

County shall be responsible for its sole negligence. City shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to either party individually under Texas law.

VII.

ENTIRE AGREEMENT; AMENDMENT

This Agreement represents the entire and integrated agreement between the City and the County and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

VIII.

GOVERNING LAW

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas; and exclusive venue shall be in Grayson County, Texas.

IX.

TERMINATION WITHOUT CAUSE

This Agreement may be terminated by either party upon thirty (30) days written notice to the other. Such termination is subject to the termination clause and associated costs outlined in Exhibit "A."

X.

SEVERABILITY

The provisions of this agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause, or phrase of this agreement shall be found to be contrary to the law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice of its intent to terminate.

XI.

AUTHORITY TO SIGN / COUNTY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the duly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

XII.

ASSIGNMENT

This Agreement may not be assigned.

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

"CITY" **CITY OF SHERMAN, TEXAS**	**"COUNTY"** **GRAYSON COUNTY, TEXAS**
BY: ______________________________ **BILL MAGERS, MAYOR**	**BY:** ______________________________ **DRUE BYNUM, COUNTY JUDGE**
ATTEST:	**ATTEST:**
BY: ______________________________ **LINDA ASHBY, CITY CLERK**	**BY:** ______________________________ **WILMA BLACKSHEAR BUSH,** **COUNTY CLERK**
APPROVED:	**APPROVED:**
______________________________ **BRANDON S. SHELBY,** **CITY ATTORNEY**	______________________________ **VAN PRICE,** **ASSISTANT DISTRICT ATTORNEY**

EXHIBIT A

WIGINTON HOOKER JEFFRY, PC ARCHITECTS

500 N. Central Expressway Suite 300 Plano, Texas 75074 ph 972.865.0657 fx 972.665.0656 www.whjarch.com

September 14, 2009

Mr. George Olson
City Manager
P. O. Box 1106
Sherman, TX 75091-1106

Re: Study of Existing Grayson County Jail

Dear Mr. Olson:

Per your request I have prepared this proposal for an analysis of the existing Grayson County Jail in downtown Sherman. This study will be an update of our Firm's 2002 Study for Grayson County with added emphasis on the feasibility of repairing, renovating and reusing the existing facilities.

It is our intent to provide the City of Sherman and Grayson County with a realistic analysis of these structures and the potential for expansion. However, with the proposed fee structure, this Study is not an exhaustive analysis of every area of the buildings. We believe our proposed Scope of Services will provide the data needed to make decisions concerning the future use of the jail. Please note our proposal has always included the possibility of adding analysis by a Geotechnical / Testing Consultant if recommended by the Structural Engineer and accepted by the City and County.

This proposal is divided into two major areas of service. One is the analysis of the existing buildings and one is the development of the present and future needs of the jail. Our proposed Scope of Services is as follows:

EXISTING BUILDING ANALYSIS

This work will be performed by Wiginton Hooker Jeffry, P.C. – Architects and the following engineers:

Structural – Intertech Design, Inc.
Mechanical, Electrical and Plumbing – MDE Engineering, LLP
Roof – Wharry Engineering
Security Electronics – Latta Technical Services

The work will include the following activities:

- Review of any existing reports or studies
- Site visit(s) to review the existing buildings and building systems to become familiar with and form an opinion of the condition of the structure,

DALLAS
AUSTIN
HOUSTON

roof, security electronics, detention equipment, kitchen equipment, plumbing, electrical, heating and air conditioning systems

- Interview staff and service personnel to develop a better understanding of existing conditions, problem areas and remedial work already performed
- Determine if additional analysis or testing is needed to adequately inform client of feasibility of continued use and potential cost. Proceed with work if approved by client.
- Review reports of current energy use
- Perform cursory (not exhaustive) review of handicap accessibility deficiencies
- Document existing conditions with photographs
- Develop an estimate of probable cost to repair and renovate buildings
- Develop a written report presenting findings and the professional opinion of the consulting team
- Attend meetings with City and County to present and discuss report

The following services are <u>not</u> included in the Existing Building Analysis and would be considered additional services:

- Evaluation of hazardous materials, lead paint and asbestos
- Identifying every area of non-compliance with applicable codes
- A detailed field inspection of structural elements or existing conditions
- Laboratory or field-testing
- Removal of finishes, furnishings or coverings to expose structural elements
- Field verification of "as built" conditions
- Designing or specifying remedial work. If major deficiencies are discovered which require more extensive examination or analysis, then this work will be considered an additional service.
- Reports / Studies of energy and utility costs or life cycle analysis
- Environmental studies or investigations

JAIL NEEDS ANALYSIS

This work will be performed by Wiginton Hooker Jeffry, P.C. – Architects and will include the following activities:

- Review previous Facility Needs Assessment's prepared by the Texas Commission on Jail Standards
- Review available data on population projections for Grayson County
- Review jail population data
- Prepare projections for number and type of jail beds needed by County for 2010, 2020 and 2030
- Develop space needed for additional inmate housing, booking, holding, release, infirmary, transportation, kitchen, laundry, visitation, programs, storage, mechanical equipment and detention administration
- Evaluate existing site and buildings for expansion opportunities
- Develop a concept for adding required beds and support areas to existing jail

- Prepare estimate of probable cost
- Include jail needs analysis in written report

SCHEDULE

The anticipated time to perform the described services is five to six weeks from the date of receiving a signed agreement from the City of Sherman.

TERMINATION

The City of Sherman may terminate the work at any time. Upon notice of termination, Wiginton Hooker Jeffry (WHJ), P.C. – Architects will cease work. WHJ shall be paid for work performed to that point, including work performed by their consultants, based upon each firm's standard, hourly rates.

FEE

The fee for performing this scope of services is a stipulated sum of thirty-nine thousand dollars ($39,000.00). This amount includes normal reimbursables and eight copies of the final report. Payment is due within thirty (30) days of WHJ submitting the final report and an invoice for the work.

We are very appreciative of this opportunity to serve the citizens of Sherman and Grayson County. If this proposal is acceptable, please indicate approval by the City of Sherman with the appropriate signature below. Please return one signed copy to our office.

Sincerely,

James O. Wiginton, A.I.A.
President

Accepted by the City of Sherman:

By: ______________________________

Title: ______________________________

Date: ______________________________

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. D.1

**** CHANGE ORDER NO. 1***
Taylor Street Intersection Project between Crockett and Alexander;
Lynn Vessels Construction, LLC; $10,643.21 increase

Issue
Change Order No. 1 is a final closeout change order to adjust the final contract amount.

Background
During reconstruction of the two intersections on Taylor Street, additional work was necessary to complete the project, including: (1) relocating two water lines encountered in an unanticipated location, (2) making a design change to the handicap ramps whereby detectable plates were used in order to comply with the latest ADA standards, and (3) adjusting material quantities in several areas in order to properly complete the work. See the attached change order from Teague Nall and Perkins.

Origination
Department of Public Works

Financial Consideration
The change order results in a net increase of $10,643.21 to the original contract amount of $197,815.15, making a final contract price of $208,458.36. Funds are available in the current budget for this change order.

Staff Recommendation
It is recommended that the City Council approve this proposed change order.

Alternatives
As may be directed by the City Council

Attachments
Proposed Change Order No. 1
Location Map

Prepared by:
Jeff Miller, Public Works Director

Approved by:
George Olson, City Manager

TNP TEAGUE NALL AND PERKINS

Civil Engineering | Surveying | Landscape Architecture | Planning

Memorandum

To: Mr. Jeff Miller (Director of Public Works – City of Sherman)

From: Teague Nall and Perkins

cc: Lynn Vessels, (Lynn Vessels Construction, LLC)

Date: September 4, 2009

Re: **Improvements of Taylor Street at the Intersections of Crockett Street and Alexander Street – Change Order No. 1**

Mr. Miller

Attached is Change Order No. 1 from Lynn Vessels Construction, LLC (LVC) for the Improvements of Taylor Street at the Intersections of Crockett Street and Alexander Street project. We have reviewed the quantities and have determined that they are accurate. Attached is LVC's change order form including the approved quantity overages, a copy of TNP's quantity tracking spreadsheet, and copies of the additional item quotes from LVC. A summary of the cost breakdown is as follows:

ITEM DESCRIPTION	COST
East Jordan Detectable Plates	$1,681.00
Remove & Replace 2" Waterline	$1,222.40
Remove & Replace 6" Waterline	$3,159.60
Approved Quantity Overages	$4,580.21
Total	**$10,643.21**

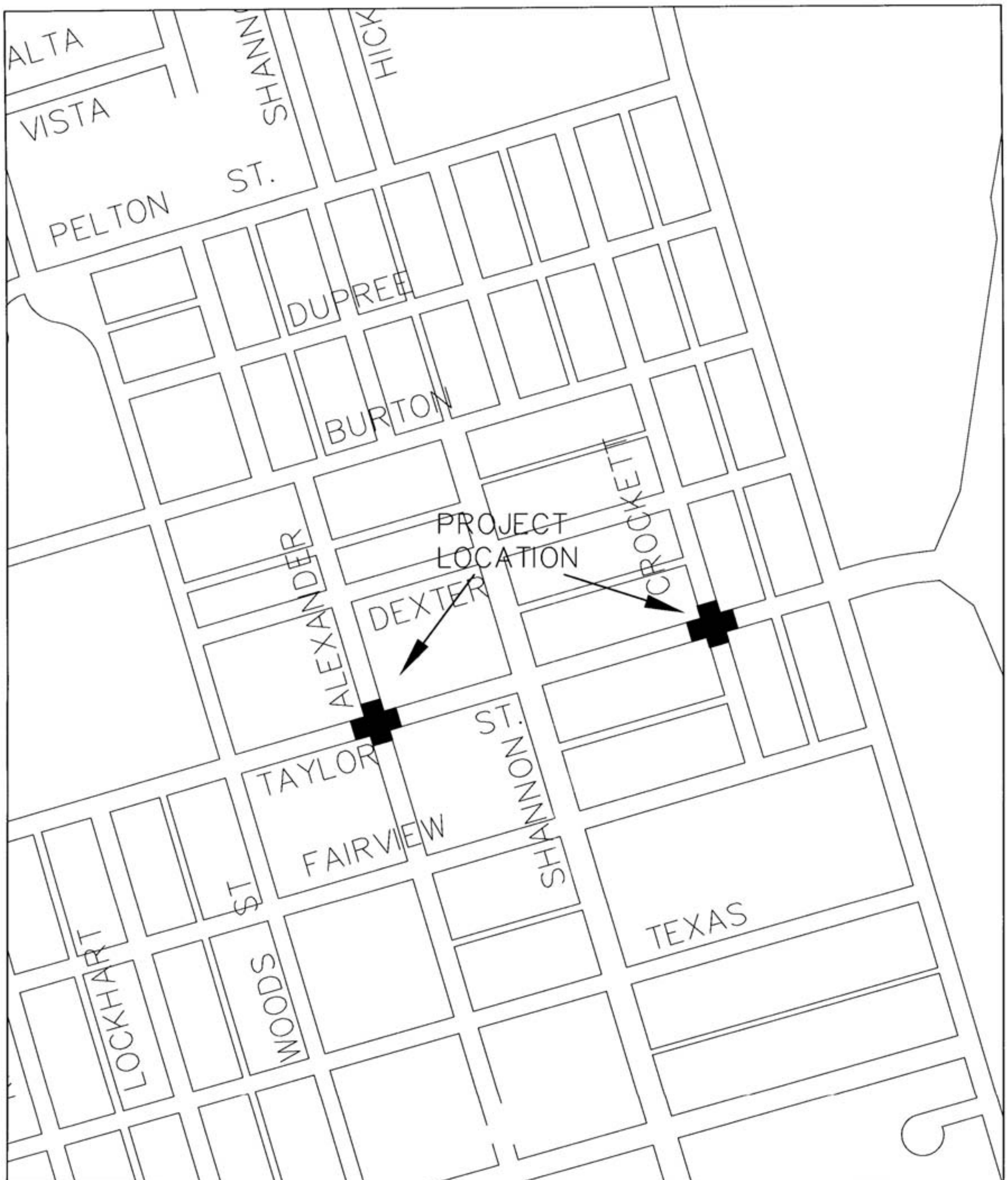
Sincerely,

TEAGUE NALL AND PERKINS, INC.

Chris Schmitt, PE
Project Engineer

CLS/gg

Cc: LVC
File, TNP



TAYLOR ST. INTERSECTION IMPROVEMENTS
AT CROCKETT AND ALEXANDER

City of Sherman, Texas

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. D.2

OTHER BUSINESS
Receive Presentation from Solid Waste Superintendent Aubrey Henderson on the City of Sherman's Residential Bulk Trash Collection Program

Issue
Presenting information about the new city-wide residential bulk trash collection program

Background
Solid Waste Services will kick off a city-wide residential bulk trash collection program on October 5, 2009. The new bulk trash program will compliment our ongoing monthly brush collection program and provide even better service to our residents and assure a cleaner city.

Origination
Department of Public Works

Financial Consideration
The new bulk trash program will be operated with existing equipment and employees.

Staff Recommendation
It is recommended that the new bulk trash program begin on October 5, 2009.

Alternatives
None recommended

Attachments
Promotional flyer

Prepared by:
Jeff Miller, Public Works Director

Approved by:
George Olson, City Manager

CITY OF SHERMAN BULK WASTE PROGRAM

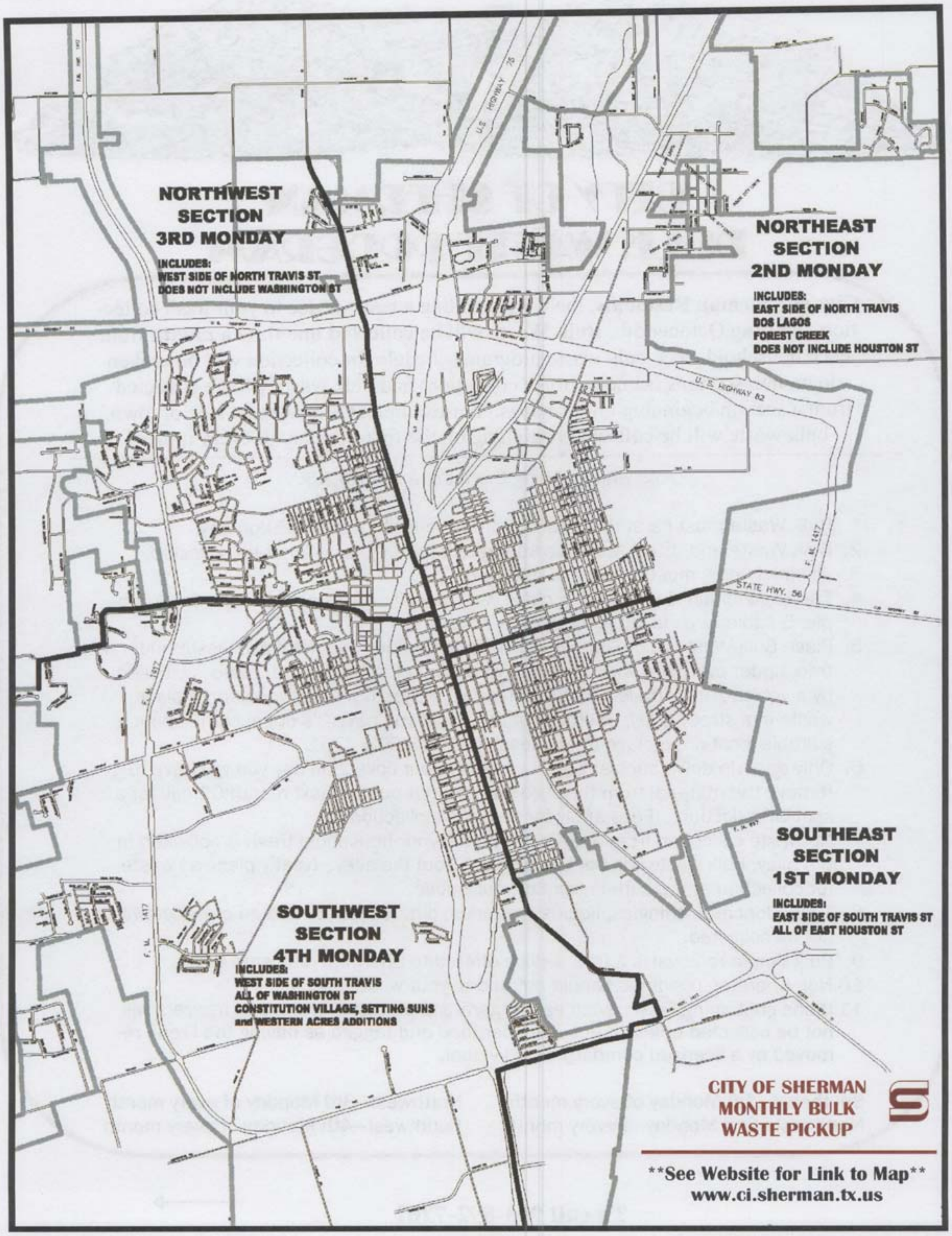
City of Sherman Residents, the City is adding a new service to your trash collection. Starting October 5th, **Bulk Waste** will be **collected one time a month** from each household. The bulk waste program schedule for collection will be broken down into sections (same as brush collection) and bulk waste will be collected from a section beginning on Mondays. For example, the Southeast side of town, bulk waste will be collected beginning on the first Monday of every month.

As with anything there are a few **RULES**:

1. Bulk Waste must be at the curb by 7am of your Monday collection day.
2. Bulk Waste and Brush MUST be **separated**; mixed piles will not be collected.
3. All small items must be bagged or boxed.
4. Each household is limited to 5 cubic yards of bulk waste per pick-up. For example, 5 cubic yards is equal to an area 7ft x 5ft x 4ft.
5. Place Bulk Waste at the curb free from obstructions—do not place waste under a tree, under overhead wires or guide wires, or behind a pole. If waste is blocked by a vehicle, boat, trailer, etc...It will not be picked up. Also, you cannot place waste in a street, alley, or other public way. If you have ?'s or concerns about a suitable location to place trash please call 903-892-7261.
6. Only one trip down each street—if you miss your collection day you will have to remove the material from the curb and re-set it out the next month OR call for a special collection. (Fees apply for a special collection.)
7. No waste collection from alleyways—even if your household trash is collected in the alley, bulk waste will not be collected from the alley. **Neatly** place all waste for collection at the curb in front of your house.
8. Tires, Concrete, shingles, liquids, batteries, dirt, rock, and railroad crossties will not be collected.
9. Bulk Waste removal is a free service offered to Sherman residents **ONLY.**
10. Non-Sherman residents should not add to your waste pile.
11. Items containing Freon, such as refrigerators, air conditioners and freezers will not be collected unless it has been certified and tagged as having the Freon removed by a licensed company or individual.

Southeast—**1st Monday** of every month
Northeast—**2nd Monday** of every month
Northwest—**3rd Monday** of every month
Southwest—**4th Monday** of every month

?'s call 903-892-7261


NORTHWEST
SECTION
3RD MONDAY
INCLUDES:
WEST SIDE OF NORTH TRAVIS ST.
DOES NOT INCLUDE WASHINGTON ST
NORTHEAST
SECTION
2ND MONDAY
INCLUDES:
EAST SIDE OF NORTH TRAVIS
DOS LAGOS
FOREST CREEK
DOES NOT INCLUDE HOUSTON ST
U.S. HIGHWAY 75
U. S. HIGHWAY 82
STATE HWY. 56
F. M. 1417
SOUTHEAST
SECTION
1ST MONDAY
INCLUDES:
EAST SIDE OF SOUTH TRAVIS ST
ALL OF EAST HOUSTON ST
SOUTHWEST
SECTION
4TH MONDAY
INCLUDES:
WEST SIDE OF SOUTH TRAVIS
ALL OF WASHINGTON ST
CONSTITUTION VILLAGE, SETTING SUNS
and WESTERN ACRES ADDITIONS
CITY OF SHERMAN
MONTHLY BULK
WASTE PICKUP
See Website for Link to Map
www.ci.sherman.tx.us

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. D.3

OTHER BUSINESS

Receive Briefing from Fire Chief Jeffrey J. Jones on Proposed Changes to Chapter 9 of the Code of Ordinances and the Authorized Number of Positions in the Fire Department

Issue

This item is a report on recent Fire Department entry tests and proposed changes in the number of authorized positions in the Fire Department.

Background

Highlights of this presentation:

- 76 applicants for the recent Fire Department entry examination
- Process for adding three (3) additional firefighters approved for fiscal year (FY) 2009-2010
- Move job descriptions from Ordinance to Department Standard Operating Procedures (SOPs) – Fire and Police
- Update of Department Organizational Chart

Origination

Fire Chief and City Manager

Financial Consideration

There are no costs associated with this presentation.

Staff Recommendation

No Council action is needed on this presentation.

Alternatives

None recommended

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:** 9-21-2009

Subject: Agenda Item No. D.4

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. D.5

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. D.6

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

Issue
Terms for three members on the Library Board expire on September 30, 2009. Kate Whitfield and Mib Garrard have served two terms, are eligible, and do wish to be reappointed. Barbara Brown Hays has served three terms and is not eligible for reappointment. We currently do not have any applications on file.

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

Origination
The request originated with the City Clerk's Office.

Financial Consideration
There is no financial consideration to the City.

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

Alternatives
The City Council could delay appointments to the Board.

Attachments
A membership roster, fact sheet, applicant list, and reappointment letters are attached for examination.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

LIBRARY BOARD

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

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Nan Jones	4	A 3/20/2007	3/20/2010	1	Members are required to be residents of Sherman; have knowledge of Library Affairs and operations; and appreciate books.
Dr. Charles Whitfield	4	A 4/3/2007	4/3/2010	1	
Ron Roberts	4	A 4/8/2008	4/8/2011	1	
Kate Whitfield	4	U 2/23/2005 R 9/30/2006	9/30/2006 9/30/2009	1 2	
Mib Garrard	4	U 9/4/2002 R 9/30/2003 R 9/30/2006	9/30/2003 9/30/2006 9/30/2009	0 1 2	
Darlene Schweizer	4	A 4/8/2008	4/8/2011	1	
Barbara R. Brown Hays	1	U 11/14/2000 R 9/30/2003 R 9/30/2006	9/30/2003 9/30/2006 9/30/2009	1 2 3	

NOTE:

CITY STAFF: Jacqueline Banfield, Director of Library Services
Revised 10/27/2008

FACT SHEET

LIBRARY BOARD

Established by ORDINANCE 1736 – APRIL 14, 1948; REVISED ORDINANCE 4223 – OCTOBER 21, 1991; REVISED ORDINANCE 4367 – OCTOBER 3, 1994

1. Number of Members: SEVEN
2. Term of Appointment: THREE YEARS
3. Consecutive Term Rule: THREE TERMS – ORDINANCE 4223 (10/21/91)
4. Qualifications for Membership: RESIDENTS OF SHERMAN; KNOWLEDGE OF LIBRARY AFFAIRS AND OPERATION; APPRECIATION OF BOOKS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

   CHAIRPERSON E VICE CHAIRPERSON ____ SECRETARY E

   ELECTED E APPOINTED ___
7. Departmental Responsibility: DIRECTOR OF LIBRARY SERVICES
8. Meeting Date: NO RULE – AS SET BY BOARD BY-LAWS
9. Attendance Requirements: NO RULE – AS SET BY BOARD BY-LAWS

==

PURPOSE:
Shall serve in an advisory capacity with the City Librarian, the City Manager and the City Council.

RESPONSIBILITIES:
Said Board shall have no authority to bind the City of Sherman to any contract or interfere in any manner with City operations of Library Services.

APPLICANT LIST

Library Board **Positions Vacant __3____**

Applicant	Address	District	Qualifications
Kate Whitfield	210 Laurel Ridge Circle	4	Current Member; Wishes to be Reappointed
Mib Garrard	1802 Shields	4	Current Member; Wishes to be Reappointed

COMMENTS:

SHERMAN

PUBLIC RECORDS DEPARTMENT
Phone No. (903) 892-7204
Fax No. (903) 892-7394

August 28, 2009

Kate Whitfield
210 Laurel Ridge Circle
Sherman, Texas 75092

RE: Library Board

Dear Ms. Whitfield:

Your term on the Library Board expires on September 30, 2009. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Jacqueline Banfield, Library Services Administrator

__✓__ I do wish to be considered for reappointed to this board

_____ I do not wish to be considered for reappointment to this board

Kate B. Whitfield
Signature

9-6-09
Date

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106

SHERMAN

PUBLIC RECORDS DEPARTMENT
Phone No. (903) 892-7204
Fax No. (903) 892-7394

August 6, 2009

Mib

Mid Garrard
1802 Shields
Sherman, Texas 75092

RE: Library Board

Dear Ms. Garrard:

Your term on the Library Board expires on September 30, 2009. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Jacqueline Banfield, Library Services Administrator

X I do wish to be considered for reappointed to this board

___ I do not wish to be considered for reappointment to this board

Mib Garrard
Signature

8-18-09
Date

RECEIVED
AUG 2009
In the
CITY CLERK'S
OFFICE

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. D.7

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
(a) Red River Groundwater Conservation District Board of Directors (2)

Issue
The City Council needs to appoint two directors to serve on the Board of the newly created Red River Groundwater Conservation District. Sherman will have one appointment who will serve until August 31, 2011 and a second appointment who will serve until August 31, 2013. The Council should also designate the term for each appointment.

Background
The Red River Groundwater Conservation District was approved by the 81st Texas Legislature and became effective September 1, 2009. The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of the groundwater in Grayson and Fannin Counties, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution.

Origination
The appointment originated with the City Manager's Office.

Financial Consideration
There is no financial consideration to the City for the appointments.

Staff Recommendation
It is recommended that the City Council consider appointments to the Red River Groundwater Conservation District Board of Directors.

Alternatives
The alternative is to delay appointment of the members.

Attachments
A roster, fact sheet, and SB 2528 are attached for examination.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

RED RIVER GOUNDWATER
CONSERVATION DISTRICT

LENGTH OF TERMS: FOUR YEARS
NO TERM LIMITS

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
			8/31/2011		Fannin County Commissioners Court Appointment
			8/31/2013		Cities in Fannin County Appointment
			8/31/2013		Water District/Water Supply Corp. in Fannin County Appointment
			8/31/2011		Sherman Appointment
			8/31/2013		Sherman Appointment
			8/31/2011		Cities in Grayson County Appointment (not Sherman)
			8/31/2013		Water District/Water Supply Corp. in Grayson County Appointment

CITY STAFF: George Olson, City Manager
Revised 8/7/2009

FACT SHEET

RED RIVER GROUNDWATER CONSERVATION DISTRICT

Established by 81st Texas Legislature (SB 2528) – effective Sept. 1, 2009

1. Number of Members: SEVEN DIRECTORS – TWO FROM SHERMAN
2. Term of Appointment: STAGGERED FOUR-YEAR TERMS; EXPIRE AUG. 31 OF ODD NUMBERED YEARS
3. Consecutive Term Rule: NO RULE
4. Qualifications for Membership: REGISTERED VOTER OF GRAYSON OR FANNIN COUNTIES, AS APPLICABLE
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization:

   PRESIDENT X VICE PRESIDENT X SECRETARY X

   ELECTED X APPOINTED ___

7. Departmental Responsibility: MANAGEMENT
8. Meeting Date:
9. Attendance Requirements: NO RULE

===

RESPONSIBILITIES: The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution.

Legislative Session: 81(R)

Senate Bill 2529
Effective: 9-1-09

Senate Author: Estes
House Sponsor: Phillips

Senate Bill 2529 amends the Special District Local Laws Code to create the Red River Groundwater Conservation District, coextensive with the boundaries of Grayson and Fannin Counties. The bill grants the district general law powers and duties applicable to groundwater conservation districts, except as otherwise provided by the bill. The bill prohibits the district from imposing a tax. The district is authorized to assess a production fee based on the amount of groundwater authorized by permit to be withdrawn from certain wells that may not exceed $1 per acre-foot annually for groundwater used for agricultural purposes or 30 cents per 1,000 gallons annually for groundwater used for nonagricultural purposes. The district may impose an additional fee for a violation of district rules in lieu of or in addition to other available remedies, but that fee may not exceed an amount equal to 10 times the amount of the production fee. Senate Bill 2529 sets out standard provisions relating to well spacing requirements and the power to exempt wells from permitting requirements. It prohibits the district from imposing more restrictive permit conditions on transporters of water out of the district than the district imposes on existing in-district users.

AN ACT

relating to the creation of the Red River Groundwater Conservation District; providing authority to issue bonds; granting the power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8859 to read as follows:

CHAPTER 8859. RED RIVER GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8859.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Red River Groundwater Conservation District.

(4) "Water services district" means a district created under the authority of Section 59, Article XVI, or Section 52, Article III, Texas Constitution, with the authority to provide retail water service in the district.

(5) "Water supply corporation" means a water supply corporation operating under Chapter 67, Water Code.

Sec. 8859.002. NATURE OF DISTRICT; FINDINGS. (a) The district is a groundwater conservation district in Grayson and Fannin Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is created to serve a public use and benefit.

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by this chapter and by Chapter 36, Water Code.

(d) Any fees imposed by the district under this chapter are necessary to pay for the costs of accomplishing the purposes of the district, including the conservation and management of groundwater resources, as provided by this chapter and Section 59, Article XVI, Texas Constitution.

Sec. 8859.003. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Grayson and Fannin Counties.

Sec. 8859.004. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. (a) Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

(b) Subchapter B, Chapter 36, Water Code, does not apply to the district.

Sec. 8859.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the legislative intent and purposes of Chapter 36, Water Code. A power granted by Chapter 36, Water Code, or this chapter shall be broadly interpreted to achieve that intent and those purposes.

[Sections 8859.006-8859.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8859.021. INITIAL DIRECTORS; APPOINTMENT. (a) Not later than the 30th day after the effective date of the Act creating this chapter, the persons designated by Sections 8859.053(a)(1), (2), (3), and (4) to appoint directors shall appoint initial directors as prescribed by Section 8859.053 and in writing shall submit the appointed directors' names to the county judge of Fannin County. The persons responsible for making nominations for the appointments under Sections 8859.053(a)(2) and (3) shall submit initial director nominations to the commissioners court of Fannin County not later than the 20th day after the effective date of the Act enacting this chapter.

(b) Not later than the 30th day after the effective date of the Act creating this chapter, the county judge of Fannin County shall set the date, time, and location for a meeting of the representatives designated under Subsection (d) for the appointment of initial directors by the entities that Sections 8859.053(a)(5) and (6) authorize to appoint directors.

(c) The county judge of Fannin County shall give notice of the meeting required by Subsection (b) not later than the 20th day before the date of the meeting by:

(1) providing a notice to the county clerk of Fannin County for public posting; and

(2) mailing a notice to the commissioners court of Grayson County.

(d) The governing body of each entity described by Sections 8859.053(a)(5) and (6) shall designate a representative to attend the meeting described by Subsection (b) and to cast the vote on behalf of the entity. Failure of a governing body to designate a representative or of a representative to cast a vote does not invalidate the appointment of the initial directors.

(e) The county judge of Fannin County shall preside at the meeting described in Subsection (b) and may require representatives described by Subsection (d) to provide evidence demonstrating representation of an appropriate entity and qualification under Section 8859.053(f). The county judge of Fannin County in writing shall certify to the board and to the executive director of the Texas Commission on Environmental Quality the results of the meeting described in Subsection (b), including:

(1) the identity of each representative described by Subsection (d) who attended the meeting; and

(2) the names and terms of each initial director appointed.

(f) If the county judge of Fannin County does not perform any duty established by this section before the 90th day after the effective date of the Act creating this chapter, the executive director of the Texas Commission on Environmental Quality shall perform that duty as soon as practicable after that date.

Sec. 8859.022. INITIAL DIRECTORS; TERMS OF OFFICE. (a) The following initial directors shall serve from the date of appointment until August 31, 2011:

(1) the initial director appointed by the commissioners court of Fannin County under Section 8859.053(a)(1);

(2) one initial director appointed by the governing

body of the municipality under Section 8859.053(a)(4); and

(3) the initial director appointed by the governing bodies of the municipalities under Section 8859.053(a)(5).

(b) The following initial directors shall serve from the date of appointment until August 31, 2013:

(1) the two initial directors appointed by the commissioners court of Fannin County under Sections 8859.053(a)(2) and (3);

(2) one initial director appointed by the governing body of the municipality described by Section 8859.053(a)(4); and

(3) the initial director appointed by the governing boards described by Section 8859.053(a)(6).

(c) The governing body of the municipality that appoints initial directors under Section 8859.053(a)(4) shall indicate in the submission for each appointment the length of the term for the appointment as described by Subsection (b).

Sec. 8859.023. INITIAL DIRECTORS; QUALIFICATIONS. (a) To be eligible to serve as an initial director:

(1) a person appointed under Section 8859.053(a)(1), (2), or (3) must be a registered voter of Fannin County; and

(2) a person appointed under Section 8859.053(a)(4), (5), or (6) must be a registered voter of Grayson County.

(b) Each initial director must qualify to serve as a director in the manner provided by Section 36.055, Water Code.

Sec. 8859.024. ORGANIZATIONAL MEETING OF INITIAL DIRECTORS. (a) As soon as practicable after all the initial directors have qualified under Section 36.055, Water Code, a majority of the initial directors shall convene the organizational meeting of the district at the Grayson County courthouse or at another location in the district agreeable to a majority of the initial directors.

(b) The initial directors shall elect officers of the initial board in accordance with Section 36.054(b), Water Code, at its organizational meeting.

Sec. 8859.025. EXPIRATION OF SUBCHAPTER. This subchapter expires December 31, 2013.

[Sections 8859.026-8859.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8859.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven directors appointed as provided by this section.

(b) Directors serve staggered four-year terms, with the terms of three or four directors from each appointing county expiring on August 31 of each odd-numbered year.

(c) A director serves until the director's successor has qualified to serve.

Sec. 8859.052. DIRECTOR ELIGIBILITY; QUALIFICATION. (a) To be eligible to serve as a director:

(1) a person appointed under Section 8859.053(a)(1), (2), or (3) must be a registered voter of Fannin County; and

(2) a person appointed under Section 8859.053(a)(4), (5), or (6) must be a registered voter of Grayson County.

(b) Each director must qualify to serve in the manner provided by Section 36.055, Water Code.

(c) A person who qualifies as a director may participate in all votes relating to the business of the district, regardless of any common law doctrine or statutory prohibition related to conflicts of interest or incompatibility.

(d) Section 36.058, Water Code, does not apply to a director.

Sec. 8859.053. APPOINTMENT OF DIRECTORS. (a) The board consists of seven directors as follows:

(1) one director appointed by the commissioners court of Fannin County at the discretion of the commissioners court;

(2) one director appointed by the commissioners court of Fannin County selected from a list of nominees submitted to the commissioners court by the governing bodies of the municipalities in Fannin County;

(3) one director appointed by the commissioners court of Fannin County selected from a list of nominees submitted to the commissioners court by the water services districts and water supply corporations that provide retail water service to customers in Fannin County, subject to the limitation provided by Subsection (f);

(4) two directors appointed by the governing body of the municipality in Grayson County that has the largest annual production of groundwater by volume for the four years preceding the appointment;

(5) one director appointed jointly by the governing bodies of the municipalities in Grayson County other than the municipality described by Subdivision (4); and

(6) one director appointed jointly by the governing boards of all water services districts and water supply corporations that provide retail water service to customers in Grayson County, subject to the limitation provided by Subsection (f).

(b) Directors must be appointed not later than the second Monday in August of each odd-numbered year.

(c) Not later than the 60th day before the second Monday in August of each odd-numbered year, the district shall mail written notice to each entity authorized to make an appointment under Subsection (a).

(d) The board by rule shall adopt a procedure for the written submission of appointments to the district.

(e) An entity that Subsection (a)(2) or (3) authorizes to nominate persons for director shall submit a list of nominees not later than the 30th day before the date the appointment is to be made under this section. If an entity designated by Subsection (a)(2) or (3) does not submit the list before that date, the commissioners court of Fannin County may appoint a director to the position for which the list was not received at the discretion of the commissioners court.

(f) A water services district or water supply corporation in Grayson and Fannin Counties may not participate in the appointment of a director unless that district or corporation used groundwater produced from wells located within the district to provide retail water service in the district during the calendar year of the appointment or the calendar year preceding the appointment. The board may require evidence of eligibility to participate.

Sec. 8859.054. VACANCIES. If a vacancy occurs on the board, the entity that appointed the director who vacated the office shall appoint a person to fill the vacancy for the unexpired term in the manner provided for the vacant position by Section 8859.053.

Sec. 8859.055. COMPENSATION; REIMBURSEMENT. (a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive compensation for performing the duties of director.

(b) A director is entitled to reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district.

(c) A position on the board is not a civil office of emolument for any purpose, including a purpose described in Section 40, Article XVI, Texas Constitution.

Sec. 8859.056. QUORUM; CONCURRENCE FOR TRANSACTING BUSINESS. (a) A majority of the board membership constitutes a quorum for any meeting and a concurrence of a majority of the board shall be sufficient to transact district business, except as provided by Subsection (b).

(b) A concurrence of not fewer than six directors is required for transacting the following district business:

(1) establishing or amending a groundwater production fee assessed by the district based on the amount of groundwater authorized by permit to be withdrawn from a well or on the amount of water actually withdrawn from a well;

(2) adopting the annual budget of the district; and

(3) except as provided by Subsection (c), granting or denying a permit or permit amendment for a well that is intended to produce water within the district which will be transported in any amount for use outside the boundaries of the district.

(c) A concurrence of a majority of the board is sufficient to grant or deny a permit or permit amendment submitted by a retail public utility that provides retail water service in the district and intends to:

(1) produce water from a well located:

(A) within the district; and

(B) inside the boundaries or a certificated service area of a retail public utility; and

(2) transport the water outside the district, so long as the water is used within the same certificated service area or boundary of the retail public utility.

Sec. 8859.057. DECENNIAL REVIEW OF DISTRICT REPRESENTATION. (a) Not later than January 1, 2019, and every 10 years following that date, the board shall complete a review of the adequacy of representation of water users on the board based on groundwater production and use within the district.

(b) Not later than the 20th day following the date the review is complete, the board shall submit the review described in Subsection (a) and any recommendation the board may have relating to the reapportionment of directors or the representational structure of the board to each member of the house of representatives and each member of the senate whose state legislative district includes territory in the district.

[Sections 8859.058-8859.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8859.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8859.102. CONTRACTS. The district may enter into a contract with any person, public or private, for any purpose authorized by law.

Sec. 8859.103. APPLICABILITY OF DISTRICT RULES REGULATING GROUNDWATER. District rules regulating groundwater adopted under this chapter apply to all persons except as exempted under Section 36.117, Water Code, or this chapter.

Sec. 8859.104. WELL SPACING RULES; EXEMPTIONS. (a) Except as provided by Subsection (b), the district shall exempt from the well spacing requirements adopted by the district any well that is completed on or before the effective date of those requirements.

(b) The district by rule may provide that a well may lose its exemption under this section if the well is modified in a manner that substantially increases the capacity of the well after the effective date of the well spacing requirements adopted by the district.

(c) Except as provided by this section and notwithstanding Section 8859.103, the district may require any well or class of wells exempt from permitting under Chapter 36, Water Code, to comply with the well spacing requirements adopted by the district. The district shall apply well spacing requirements uniformly to any well or class of wells based on the size or capacity of the well and without regard to the type of use of the groundwater produced by the well.

Sec. 8859.105. REGISTRATION AND REPORTING REQUIREMENTS FOR CERTAIN EXEMPT WELLS. The district may adopt rules that require the owner or operator of a well or class of wells exempt from permitting under Section 36.117, Water Code, to register the well with the district and, except for a well exempt from permitting under Subsection (b)(1) of that section, to report groundwater withdrawals from the well using reasonable and appropriate reporting methods and frequency.

Sec. 8859.106. ENFORCEMENT. (a) The district may enforce this chapter in the manner provided by Chapter 36, Water Code. In lieu of a remedy available to the district under Section 36.102, Water Code, or in addition to those remedies, the district may impose a fee in addition to a fee assessed under Section 8859.152 on a person producing groundwater in violation of a rule of the district, including the failure or refusal to comply with any order or rule of the district to reduce or cease groundwater usage. The purpose of a fee authorized under this subsection is to serve as a disincentive to producing groundwater except as authorized by the district.

(b) A fee imposed under Subsection (a) may not exceed an amount equal to 10 times the amount of a fee assessed under Section 8859.152.

[Sections 8859.107-8859.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8859.151. TAXES PROHIBITED. The district may not impose a tax. Sections 36.201-36.204, Water Code, do not apply to the district.

Sec. 8859.152. DISTRICT REVENUES. (a) The district by rule, resolution, or order may establish, amend, pledge, encumber, expend the proceeds from, and assess to any person production fees based on the amount of groundwater authorized by permit to be withdrawn from a well or on the amount of water actually withdrawn, to enable the district to fulfill its purposes and regulatory functions as provided by this chapter. The district may use revenues generated by fees it assesses for any lawful purpose.

(b) Notwithstanding any provision of general law to the contrary, a fee authorized by Subsection (a) may not exceed:

(1) $1 per acre-foot annually for groundwater used for agricultural purposes; or

(2) 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes.

(c) Notwithstanding any provision of general law or this chapter to the contrary, the district may assess a production fee under this section for groundwater produced from a well or class of wells exempt from permitting under Section 36.117, Water Code, except for a well exempt from permitting under Subsection (b)(1) of that section. A production fee assessed by the district under this subsection must be based on the amount of groundwater actually withdrawn from the well and may not exceed the amount established by the district for permitted uses under Subsection (b)(2) of this section.

(d) Notwithstanding Section 36.1071(f), Water Code, the district by rule, resolution, or order before the adoption of its management plan may:

(1) establish, assess, and enforce the collection of production fees under this section; and

(2) establish and enforce metering and reporting requirements, except for a well exempt from permitting under Section 36.117(b)(1), Water Code.

(e) The district by rule may establish a temporary or permanent discounted fee rate for persons who prepay production fees to the district under this section on or before the dates established by district rule.

(f) The district may not assess a fee for transporting water that is produced from a well located inside the district and inside a certificated service area of a retail public utility and transported outside of the district, if the water is used in the same certificated service area of the retail public utility.

SECTION 2. The legislature finds that for the purpose of Subdivision (4), Subsection (a), Section 8859.053, Special District Local Laws Code, as added by this Act, the City of Sherman is the municipality in Grayson County with the largest annual production of groundwater by volume for the four years preceding the effective date of this Act.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this

Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect September 1, 2009.

President of the Senate Speaker of the House

I hereby certify that S.B. No. 2529 passed the Senate on April 28, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2529 passed the House on May 25, 2009, by the following vote: Yeas 145, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **SB2529** by Estes (Relating to the creation of the Red River Groundwater Conservation District; providing authority to issue bonds; granting the power of eminent domain.), **As Engrossed**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TPWD) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

The bill creates the Red River Groundwater Conservation District (District) in Fannin and Grayson Counties with the powers and duties of Water Code, Chapter 36 related to general law for groundwater conservation districts (GCDs).

The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution.

The Act takes effect immediately if passed by a two-thirds vote in each house. If passed otherwise, the Act would take effect September 1, 2009.

1) Population - According to the 2007 State Water Plan, Grayson County is projected to grow from a population of 110,595 in the year 2000 to 133, 913 in 2010 and to 163,711 in 2020.

Fannin County had a 2000 population of 31,242 and is projected to grow to 36,842 in 2010 and to 40,539 in 2020.

2) Location - The district is a groundwater conservation district comprised of all the territory within Grayson and Fannin Counties.

3) Comments on Powers/Duties Different from Similar Types of Districts - Unlike general law GCDs, a confirmation election is not required to create the District. The bill provides that Water Code, Chapter 36, Subchapter B, relating to Creation of District does not apply. The bill provides special provisions for the appointment of seven initial and permanent directors for the District who will serve staggered four-year terms. The bill provides special provisions for seven permanent directors for the District who will serve staggered four-year terms, with the terms of three or four directors from each county expiring on August 31st of each odd-numbered year. One director will be appointed at the discretion of the Fannin County Commissioners Court. One director will be appointed by the Fannin County Commissioners Court selected from nominations from the governing bodies of the municipalities in Fannin County. One director will be appointed by the Fannin County Commissioners Court selected from nominations from the water services district and water supply corporations providing retail water services to customers in Fannin County. Two directors are appointed by a municipality in Grayson County with the largest annual production of groundwater for the preceding four years. One director will be appointed jointly by the governing bodies of municipalities in Grayson County regardless of annual production. One director is appointed jointly by all water services districts and water supply corporations providing retail water service to customers in Grayson County. The bill provides that within 30 days of the effective date, the county judge of Fannin County shall convene and preside over a meeting to appoint the initial directors and to report the appointments to the executive director of the TCEQ. If the initial directors are not appointed within 90 days of the effective date, the bill provides that the executive director of the TCEQ perform any duties not performed by the county judge. The bill provides that a quorum of at least six directors is required to set fee rates, adopt a budget, or to render a decision on a permit to transport water outside of the District's boundaries. The bill requires the District to provide a decennial report to its legislative representatives on the adequacy of director representation. District directors are not entitled to receive fees of office for performance of duties.

Existing water wells are exempt from District well spacing requirements. The District may require any new well or class of wells exempt from permitting to register the wells and comply with District spacing requirements. By rule, the District may require the owner or operator or a well or class of wells exempt from permitting to report groundwater usage, except for private domestic, livestock, or poultry water wells producing less than 25,000 gallons per day on a tract of land larger than ten acres. The District is provided authority to assess disincentive fee for enforcement remedy purposes. The District may not impose a tax to pay for operation and maintenance purposes. District well production annual fees for non-agricultural use at $0.30 per 1,000 gallons and agricultural use are capped at $1.00 per acre-foot. The District is authorized to establish, adopt, and enforce the collection of fees and establish and enforce metering and reporting requirements before the adoption of the District's management plan.

4) Overlapping Services - There are no other GCDs in Fannin or Grayson Counties. GCD functions do not conflict with services provided by other types of water districts or utilities.

5) TCEQ Supervision - As with general law GCDs, the TCEQ will have general supervisory authority, including bond review authority and authority as it is related to the District's development and implementation of a management plan. The District would not have to comply with TCEQ financial auditing requirements.

6) Water Use - Within Grayson County, 41 percent of the water used was groundwater in 2003. Of this, about 70 percent was for municipal purposes. The groundwater in Grayson County is drawn almost equally from the Woodbine and Trinity aquifers in 2003.

Within Fannin County, 23 percent of the water used was groundwater in 2000. Of this, 58 percent was for municipal purposes. Over 63 percent of the groundwater in Fannin County is pumped from the Woodbine Aquifer and 13 percent is pumped from the Trinity Aquifer.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board
LBB Staff: JOB, KK

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

Subject: Agenda Item No. D.8

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

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 551.072 **Deliberation Regarding Real Property**

(a) Deliberate Regarding the Potential Purchase, Exchange, Lease, or Value of a Piece of Real Property:

(i) Blalock Fire Station in the 100 Block of Highway 1417 East

Section 551.074 **Personnel Matters:**

(a) Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:

(i) Tri-County Senior Nutrition Board of Directors (1)

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 9-21-2009

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:** 9-21-2009

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:** 9-21-2009

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2009
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		

01/19/09 - M.L.K., Jr. Birthday / Regular Council Meeting
~~01/26/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan~~
02/11/09 - 12 Noon Called Meeting to Interview City Attorney Candidates
02/16/09 - Washington's Birthday / Regular Council Meeting
02/18/09 - 1PM Called Meeting to Interview City Attorney Candidates
02/25/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan
~~03/06/09 - Proposed 12 Noon Called Meeting with Chamber Board~~
04/29/09 - 12 Noon Budget Planning Meeting in Council Chambers
~~05/09/09 - City Council Election~~
~~05/12/09 - 12 Noon Called Meeting to Canvass Election Results~~

~~06/17-18/09 - Budget Workshop in Council Chambers~~
06/18/09 - Budget Workshop/Long Range Planning Workshop in Council Chambers
~~06/19/09 - Long-Range Planning Workshop~~
09/07/09 - Labor Day / Called Council Meeting on 09/08/09
09/17/09 - 12 Noon Joint Meeting with SEDCO Board