

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, SEPTEMBER 16, 2013
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER RYAN JOHNSON**
- A. 3. INVOCATION BY COUNCIL MEMBER RYAN JOHNSON**
- A. 4. APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING OF SEPTEMBER 3, 2013**

Public Hearing

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5799**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Church in an R-1 (One Family Residential) District at 1908 South Dewey Avenue, being 5.885 acres in the G.B. Pilant Survey, Abstract No. 963 (Promise Land Church of Sherman, Owners and Pogue Engineering & Development Company, Inc., Engineers/Surveyors); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

Close Public Hearing and Consider Adoption of Ordinances

- B. 2. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Number: 5799
- B. 3. ADOPTION OF ORDINANCE NO. 5789**
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2013; 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. 5805**
Establishing Parks and Recreation Field/Facility Usage Fees
- C. 2. **RESOLUTION NO. 5806**
Authorizing Execution of an Interlocal Agreement between the City of Sherman and the City of Fort Worth for Household Hazardous Waste Services
- C. 3. *** RESOLUTION NO. 5807**
Authorizing Execution of an Encroachment Easement with Gulf Crossing Pipeline Co LLC to Construct a 16" Gas Pipeline within the Progress Drive Right-of-Way
- C. 4. *** RESOLUTION NO. 5808**
Authorizing Execution of an Encroachment Easement with Gulf Crossing Pipeline Co LLC to Construct a 16" Gas Pipeline within the Street Right-of-Way of Travis Street

Other Business

- D. 1. **OTHER BUSINESS**
Consider Request of the Austin College Kappa Gamma Chi to Temporarily Close Certain Streets for the Homecoming 2013 'Roo Run on Saturday, October 26, 2013
- D. 2. *** OTHER BUSINESS**
Consider Request of Downtown Sherman Preservation & Revitalization to Temporarily Close Travis Street (between Houston Street and Lamar Street) and Crockett Street (between Houston Street and Lamar Street) for a Halloween Event on Saturday, October 26, 2013; and Consider DSP&R's Request to Apply for a Liquor Permit to Sell Wine to Patrons of the Event
- D. 3. *** OTHER BUSINESS**
Final Plat Approval of O'Hanlon Ranch Estates, Phase 4, being 11.23 acres in the J.B. McAnair Survey, Abstract No. 763; DGR Development Group, Ltd., Owners; and Sartin & Associates, Surveyors (2600 Block of West Lamberth Road, 2400-2600 Blocks of Remuda Drive, 3100-3200 Blocks of Bandera Drive, and 3100 Block of Overland Trail)
- D. 4. *** OTHER BUSINESS**
Replat Approval of Lot 1R of Sherman Crossing Addition, containing 8.139 acres; 75/82 Sherman Crossing LTD., Owners; Herb Goodman, Goodman Real Estate Solutions, Representative; Bluestone Partners, General Contractor; and Underwood Drafting and Surveying, Surveyors (3200 Block of U.S. Highway 75 North)

D. 5. * *OTHER BUSINESS*

Final Plat Approval of Hale Industrial Park Addition in the City of Sherman's Extraterritorial Jurisdiction (ETJ), being 7.537 acres in the Fielding Bacon Survey, Abstract No. 119; Hale Southmayd Corporation, Owners; John Roman, Representative; and Helvey & Associates Surveying, Inc., Surveyors (4601 West Highway 56)

E. CITIZEN REQUESTS

F. MEDIA QUESTIONS

Consider Board/Commission Appointments

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

(a) Keep Sherman Beautiful Commission (5)

H. COUNCIL COMMENTS

I. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on September 12, 2013 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 12th day of September, 2013
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

Carolyn S. Wacker

Deputy Mayor

Pamela L. Howeth

Council Members

Ryan Johnson, Council-At-Large, PL #1

Jason Sofey, Council-At-Large, PL #2

Joe N. Smith, Council – District #1

Robert G. Softly, Council – District #2

Pamela L. Howeth, Council – District #3

David Plyler, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. A. 4.

Meeting Date: 09/16/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING OF SEPTEMBER 3, 2013

Attachments

September 3, 2013 Minutes

STATE OF TEXAS

§

September 3, 2013

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Called 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 3, 2013.

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

MEMBERS ABSENT: COUNCIL MEMBER SOFTLY.

CALL TO ORDER

Mayor Wacker called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Joe Smith.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 19, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Johnson. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"BLOOD CANCER AWARENESS MONTH" – SEPTEMBER 2013

Mayor Wacker presented a proclamation designating September as "Blood Cancer Awareness Month" in the City of Sherman. Shelley Pilcher, Dillingham Intermediate School Teacher accepted the proclamation.

BLOOD CANCER
AWARENESS MONTH

Ms. Pilcher leads a fundraising campaign at the school, called Pasta for Pennies to benefit the North Texas Chapter of The Leukemia & Lymphoma Society. During the last several years, Dillingham students have raised more than \$13,000 by donating their spare change while learning about blood cancer and different treatment options that kids their age face.

PUBLIC HEARING

CAPITAL IMPROVEMENT PROGRAM 2013-2018

Mayor Wacker asked if any citizen had questions about the City's Capital Improvement Program for 2013 through 2018.

CAPITAL
IMPROVEMENT
PROGRAM

No citizens appeared before the City Council to discuss the Capital Improvement Program for 2013-2018.

SECOND PUBLIC HEARING OF ORDINANCE NO. 5789

Mayor Wacker called for the second public hearing of Ordinance No. 5789:

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,

ORD 5789
AD VALOREM
TAX LEVY

FOR THE TAX YEAR 2013; 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.

Mayor Wacker announced that the City Council will consider adoption of the tax rate ordinance at the regular meeting scheduled for 5:00 p.m. on Monday, September 16, 2013, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.

No citizens appeared before the City Council to discuss Ordinance 5789.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5792 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.08, ENTITLED "CEMETERIES", AT SECTIONS 1.08.074(A) AND 1.08.075(A); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5792
CEMETERY FEES

Mayor Wacker said that during the Budget Work Sessions this summer, the City Council agreed that they would review a number of fees and fines related to services that are provided by the City. Many of these fees have not been adjusted in years and need to be reviewed to keep them in line with the current cost of providing the services. Sherman's fees generally fall at or below average for cities the size of Sherman, and really for all cities in Texas.

Mayor Wacker added that, in order to provide the level of service that the citizens expect, these adjustments must be made to stay in line with rising costs.

No citizens appeared before the City Council to discuss Ordinance 5792.

Mayor Wacker introduced Ordinance 5793 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL", AT ARTICLE 2.03, ENTITLED "IMPOUNDMENT", AT SECTIONS 2.03.004 THROUGH 2.03.006 BY AMENDING ANIMAL ADOPTION AND RELINQUISHMENT FEES AT THE SHERMAN ANIMAL SHELTER; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5793
ANIMAL SHELTER
FEES

No citizens appeared before the City Council to discuss Ordinance 5793.

COUNCIL MINUTES – SEPTEMBER 3, 2013

Mayor Wacker introduced Ordinance 5794 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED “BUILDING REGULATIONS”, AT ARTICLE 3.14, ENTITLED “PERMIT, DEVELOPMENT AND REGISTRATION FEES”, TO INCREASE CERTAIN BUILDING AND INSPECTION FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5794
BUILDING PERMIT
FEES**

No citizens appeared before the City Council to discuss Ordinance 5794.

Mayor Wacker introduced Ordinance 5795 and called for a public hearing:

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, 13.06.051, 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.

**ORD 5795
SOLID WASTE
FEES**

No citizens appeared before the City Council to discuss Ordinance 5795.

Mayor Wacker introduced Ordinance 5796 and called for a public hearing:

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

**ORD 5796
WATER & SEWER
FEES**

No citizens appeared before the City Council to discuss Ordinance 5796.

Mayor Wacker introduced Ordinance 5797 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED “UTILITIES”, ARTICLE 13.09, ENTITLED “SERVICE FEES”, AT SECTIONS 13.09.002, 13.09.004 AND 13.09.005, REVISING RATES FOR THE LABORATORY AND THE INDUSTRIAL PRETREATMENT PROGRAM, AND PROVIDING FOR A NEW SECTION 13.09.006 TO BE ENTITLED “FATS, OIL AND GREASE PROGRAM ADMINISTRATIVE FEES”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5797
LAB &
PRETREATMENT
FEES & FOG FEES**

COUNCIL MINUTES – SEPTEMBER 3, 2013

No citizens appeared before the City Council to discuss Ordinance 5797.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.08, ENTITLED "CEMETERIES", AT SECTIONS 1.08.074(A) AND 1.08.075(A); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5792
CEMETERY FEES**

Ordinance 5793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL", AT ARTICLE 2.03, ENTITLED "IMPOUNDMENT", AT SECTIONS 2.03.004 THROUGH 2.03.006 BY AMENDING ANIMAL ADOPTION AND RELINQUISHMENT FEES AT THE SHERMAN ANIMAL SHELTER; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5793
ANIMAL SHELTER
FEES**

Ordinance 5794

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.14, ENTITLED "PERMIT, DEVELOPMENT AND REGISTRATION FEES", TO INCREASE CERTAIN BUILDING AND INSPECTION FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5794
BUILDING PERMIT
FEES**

Ordinance 5795

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, 13.06.051, 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.

**ORD 5795
SOLID WASTE
FEES**

Ordinance 5796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.08.006, REVISING RATES FOR WATER AND SEWER SERVICES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5796
WATER & SEWER
FEES**

Ordinance 5797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.09, ENTITLED "SERVICE FEES", AT SECTIONS 13.09.002, 13.09.004 AND 13.09.005, REVISING RATES FOR THE LABORATORY AND THE INDUSTRIAL PRETREATMENT PROGRAM, AND PROVIDING FOR A NEW SECTION 13.09.006 TO BE ENTITLED "FATS, OIL AND GREASE PROGRAM ADMINISTRATIVE FEES"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5797

**LAB &
PRETREATMENT
FEES & FOG FEES**

Mayor Wacker said each rate change, if approved, would become effective October 1, 2013, with the new fiscal year.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance Nos. 5792, 5793, 5794, 5795, 5796, and 5797, as presented. Second by Council Member Plyler.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Deputy Mayor Howeth moved to approve the Consent Agenda, as presented. Second by Council Member Sofey. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5793 – 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.

CONSENT AGENDA.

**RES 5793
FIVE-YEAR
CIP**

RESOLUTION NO. 5797 – AMENDING THE 2012-2013 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2012-2013 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013.

**RES 5797
BUDGET
AMENDMENT**

Robby Hefton, Assistant City Manager/CFO, said this is the annual "housekeeping" item where actual expenses are "trued up" with the budget.

COUNCIL MINUTES – SEPTEMBER 3, 2013

The developer has agreed to pay for the portion of the Loy Lake Road/Hwy 75 Bridge Project, beyond the bridge. The City will pay the Texas Department of Transportation but the developer will pay the City so the net effect will be zero to the City.

There are some other “clean-up” items in other funds. These have been discussed during budget work sessions.

Council Member Johnson asked how much of the \$1.5 million will be paid by the developer. Mr. Hefton said \$1.3 million will be paid by the developer and \$200,000 is a refund from TxDOT on a 2011 ramp reversal project south of F.M. 1417, which cost less than expected. The refund was passed back to the Sherman Economic Development Corporation because they originally paid for the project.

Mayor Wacker said both projects represent progress for Sherman’s transportation mobility needs.

ACTION TAKEN.

Motion by Council Member Johnson to approve Resolution No. 5797, as presented. Second by Deputy Mayor Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5798 – REVOKING AND REPLACING RESOLUTION NO. 5699; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5699; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE.
CONSENT AGENDA.

**RES 5798
PAY SCHEDULES FOR
POLICE & FIRE**

RESOLUTION NO. 5799 – 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.

**RES 5799
INVESTMENT POLICY**

RESOLUTION NO. 5800 – AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, THE GRAYSON COUNTY SHELTER, INC., CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, BOYS & GIRLS CLUB OF SHERMAN, INC., AND MASTERKEY MINISTRIES OF GRAYSON COUNTY, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

**RES 5800
CDBG FUNDS**

COUNCIL MINUTES – SEPTEMBER 3, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, THE GRAYSON COUNTY SHELTER, INC., CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, BOYS & GIRLS CLUB OF SHERMAN, INC., AND MASTERKEY MINISTRIES OF GRAYSON COUNTY, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.
CONSENT AGENDA.

RESOLUTION NO. 5801 – AUTHORIZING EXECUTION OF AN INTERLOCAL JAIL SERVICES AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2013, THROUGH SEPTEMBER 30, 2014

RES 5801
USE OF GRAYSON
COUNTY JAIL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL JAIL SERVICES AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2013, THROUGH SEPTEMBER 30, 2014.
CONSENT AGENDA.

RESOLUTION NO. 5802 – AUTHORIZING EXECUTION OF A CONTRACT WITH GRAYSON COUNTY, TEXAS FOR USE OF THE CITY OF SHERMAN ANIMAL SHELTER

RES 5802
USE OF ANIMAL
SHELTER BY
GRAYSON COUNTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH GRAYSON COUNTY, TEXAS, FOR USE OF THE CITY OF SHERMAN ANIMAL SHELTER.
CONSENT AGENDA.

RESOLUTION NO. 5803 – AUTHORIZING THE EXECUTION OF DEEDS FOR THE RESALE OF PROPERTIES WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES

RES 5803
RESALE OF
PROPERTY FOR
DELINQUENT TAXES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF DEEDS FOR THE RESALE OF PROPERTIES WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES.
CONSENT AGENDA.

RESOLUTION NO. 5804 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 517 SOUTH VADEN STREET

RES 5804
RESIDENTIAL
TAX ABATEMENT
(517 S. VADEN)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 517 SOUTH VADEN STREET.
CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF ST. MARY'S CATHOLIC PARISH

CLOSE STREETS

TO TEMPORARILY CLOSE CERTAIN STREETS FOR THEIR ANNUAL FALL FEST ON SUNDAY, SEPTEMBER 29, 2013

The City Council approved the request of St. Mary's Catholic Parish to temporarily close certain streets for their Annual Fall Fest on Sunday, September 29, 2013. The event will require traffic control barricades from the City.
CONSENT AGENDA.

FOR ST. MARY'S
FALL FEST

CITIZENS REQUESTS
CHILDREN AT PLAY SIGNS

Ashlee Muldoon, 309 Iowa Street, expressed concern that there were no "children at play" signs on the streets in Constitution Village. There are many children in the area and she did not feel that they were safe from vehicle traffic.

CHILDREN AT
PLAY SIGNS

MEDIA QUESTIONS
BUDGET WORK SESSION DISCUSSIONS

David Gonier, Herald Democrat Reporter, asked if the ordinances and resolutions that were approved earlier in the meeting were all reflective of decisions made during the budget workshop.

BUDGET WORK
SESSION
DISCUSSIONS

Mayor Wacker said they were discussed during the budget work session.

COUNCIL COMMENTS
SHERMAN HIGH SCHOOL HOMECOMING WEEK

Mayor Wacker said it's Homecoming Week at Sherman High School and she wished them well in their weekly activities.

SHS HOMECOMING
WEEK

SHERMAN ARTS FESTIVAL

Mayor Wacker reminded citizens that Arts Festival will be held Saturday, September 21, 2013. Events will include a run, arts activities, and a concert featuring Disney's Choo Choo Soul with Genevieve.

SHERMAN ARTS
FESTIVAL

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

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

EXECUTIVE SESSION

SECTION 551.074

PERSONNEL MATTERS
DELIBERATE THE EVALUATION
OF A PUBLIC OFFICER OR
EMPLOYEE:
ANNUAL PERFORMANCE
EVALUATION OF THE CITY
MANAGER

ANNUAL PERFORMANCE
EVALUATION OF THE CITY
ATTORNEY

COUNCIL MINUTES – SEPTEMBER 3, 2013

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:20 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:56 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

Mayor Wacker said the City Council is pleased and thanked the City Manager and the City Attorney for their service.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:57 p.m.

OPEN MEETING

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 1.

Meeting Date: 09/16/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5799

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Church in an R-1 (One Family Residential) District at 1908 South Dewey Avenue, being 5.885 acres in the G.B. Pilant Survey, Abstract No. 963 (Promise Land Church of Sherman, Owners and Pogue Engineering & Development Company, Inc., Engineers/Surveyors); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

Issue:

To consider the request of Promise Land Church of Sherman (Owners) and Pogue Engineering & Development Company, Inc. (Engineers/Surveyors) concerning the property located at 1908 South Dewey Avenue, being 5.885 acres in the G.B. Pilant Survey, Abstract No. 963, to allow a church in an R-1 (One Family Residential) District

Background:

The property is located at 1908 South Dewey Avenue in front of the Sherman Municipal Airport, between Oak Park and FM 697. Promise Land Church of Sherman would like to construct a 5,927 square foot church. The exterior will be brick with stone veneer; and 23 parking spaces will be provided.

Origination:

Promise Land Church of Sherman (Owners)
Pogue Engineering & Development Company, Inc. (Engineers/Surveyors)

Financial Consideration:

None

Staff Recommendation:

At the August 20, 2013 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 5799

Location Map

Zoning Map

Photo

Site Plan

Elevations

P&Z Communication

Staff Review Letter

ORDINANCE NO. 5799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1908 SOUTH DEWEY AVENUE, BEING 5.885 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963 (PROMISE LAND CHURCH OF SHERMAN, OWNERS AND POGUE ENGINEERING & DEVELOPMENT COMPANY, INC., ENGINEERS/SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Promise Land Church of Sherman (Owners) and Pogue Engineering & Development Company, Inc. (Engineers/Surveyors) are granted a Specific Use Permit to allow a church in an R-1 (One Family Residential) District at 1908 South Dewey Avenue, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

DESCRIPTION, of a 5.8850 acre tract of land situated in the G.B. Pilant Survey, Abstract No. 963, Grayson County, Texas; said tract being all of that certain tract of land described in Warranty Deed to Promise Land Church of Sherman recorded in Volume 5155, Page 858 of the Deed Records of Grayson County, Texas; said 5.8850 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found in the westerly right-of-way line of State Highway No. 11 (Dewey Avenue); said point being the most northerly northeast corner of said Promise Land Church of Sherman tract and also being the southeast corner of that certain tract of land described in Warranty Deed to Lucio E. Delgado recorded in Volume 4921, Page 822 of the said Deed Records;

THENCE, along the said westerly line of State Highway No. 11 and the easterly line of said Promise Land Church of Sherman tract, the following two (2) calls:

South 16 degrees, 46 minutes, 22 seconds East, a distance of 270.62 feet to a 1/2-inch iron rod with "Pogue Eng & Dev" cap set at an angle point;

South 16 degrees, 00 minutes, 00 seconds East, a distance of 420.52 feet to a 1/2-inch iron rod with "Pogue Eng & Dev" cap set for an ell corner;

THENCE, North 74 degrees, 00 minutes, 00 seconds East, departing the said westerly line of State Highway No. 11 and continuing the said easterly line of Promise Land Church of Sherman, a distance of 30.25 feet to a "PK" nail set for corner for corner in the centerline of said State Highway No. 11;

THENCE, South 16 degrees, 00 minutes, 00 seconds East, continuing the said easterly line of Promise Land Church of Sherman and the centerline of said State Highway No. 11, a distance of 288.53 feet to a "PK" nail set for corner; said point also being the northeast corner of that certain tract of land described in Special Warranty Deed to Leonard Lippert recorded in Volume 4574, Page 924 of the said Deed Records;

THENCE, South 74 degrees, 00 minutes, 00 seconds West, departing the centerline of said State Highway No. 11 and the said easterly line of Promise Land Church of Sherman and along the common line between said Promise Land Church of Sherman tract and said Leonard Lippert tract, a distance of 280.33 feet to a 1/2-inch iron rod found for corner in the east line of the Sherman Municipal Airport; said point also being the northwest corner of said Leonard Lippert tract;

THENCE, North 16 degrees, 22 minutes, 24 seconds West, departing the said common line between Promise Land Church of Sherman tract and Leonard Lippert tract and along the common line between said Promise Land Church of Sherman tract and said Sherman Municipal Airport tract, a distance of 979.67 feet to a 1/2-inch iron rod found for corner; said point also being the southwest corner of said Lucio E. Delgado tract;

THENCE, North 74 degrees, 00 minutes, 00 seconds East, departing the said common line between Promise Land Church of Sherman tract and Sherman Municipal Airport tract and along the common line between said Promise Land Church of Sherman tract and said Lucio E. Delgado tract, a distance of 252.81 feet to the **POINT OF BEGINNING**;

CONTAINING, 256,352 square feet or **5.8850 acres of land, more or less.**

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the Sign Ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. The building height shall not exceed thirty-five feet (35').
3. Fire access, lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
4. Parking requirements are: (1) one space per (7) seven seats; parking is permitted on paved surfaces only (concrete or asphalt), a parking space is considered to be 9'x20'.
5. All parking shall be on private property and shall not encroach into South Dewey Avenue right-of-way.
6. Screening is required abutting residentially zoned property.
7. All Federal Aviation Administration (FAA) rules and regulations and the Sherman Municipal Airport Hazard Zoning Ordinance are to be followed.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

9. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from City of Sherman Engineering Department.
10. As State Highway No. 11 expands in the future, the driveway may be limited to right-in and right-out.
11. Detention in accordance with City criteria is required.
12. An Operation and Maintenance Manual and Landscaping Plan for the detention pond shall be provided to the Engineering Department.
13. A utility, drainage and grading plan shall be provided and approved by the City of Sherman Engineering Department.
14. If the parcel is divided in the future, platting will be required.
15. Extension to the sanitary sewer main is required or Grayson County septic requirements are to be met.
16. Water Pro-Rata in the amount of \$1,500.00 is to be paid.

Airport Services:

17. Form 7460-1 shall be submitted by the property owner and approved by the FAA prior to receiving a building permit.
18. The property is adjacent to the Municipal Airport. Normal airport operations, including landing and takeoff of aircraft will not be restricted due to noise incompatibility.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

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

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

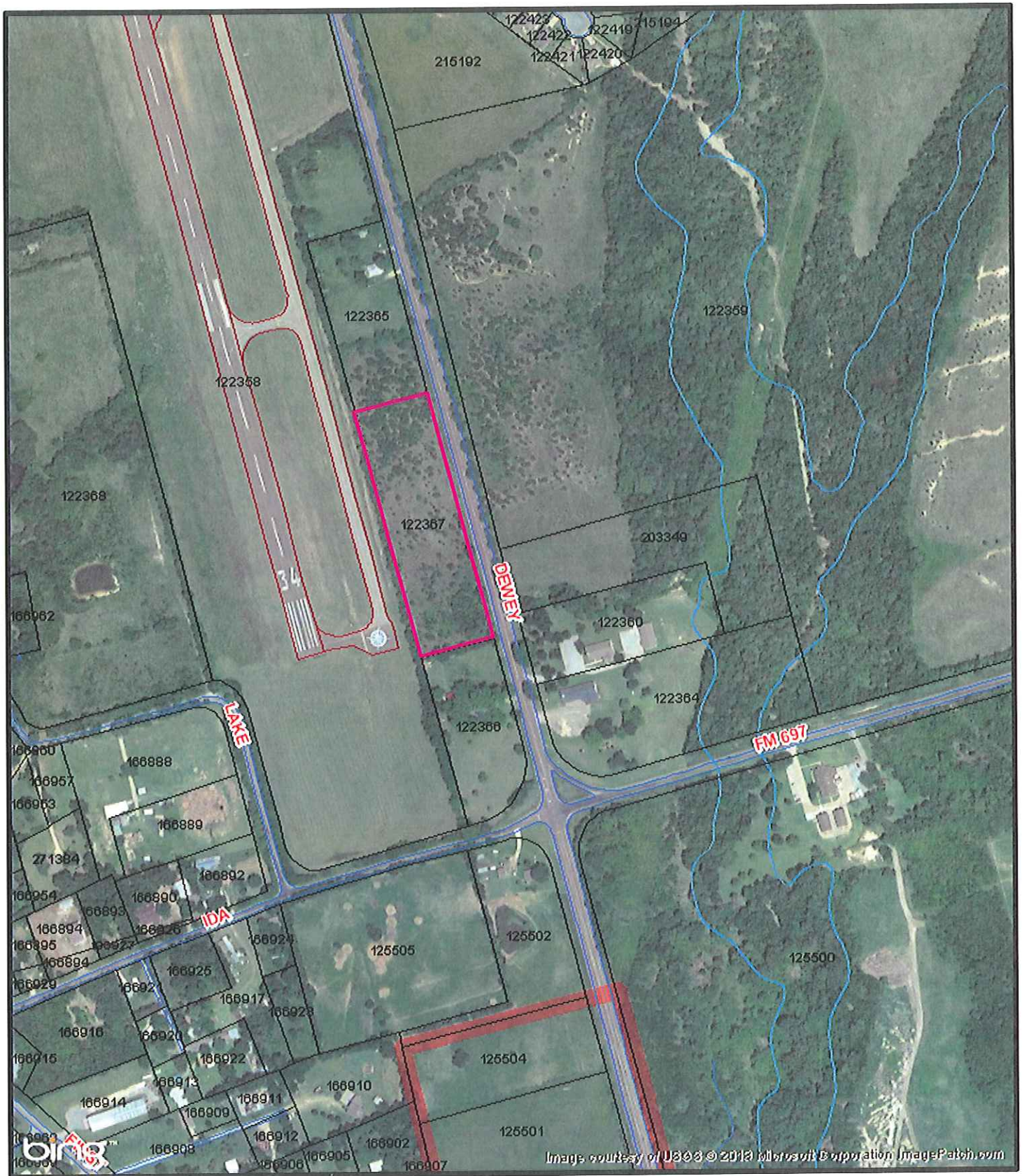
BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



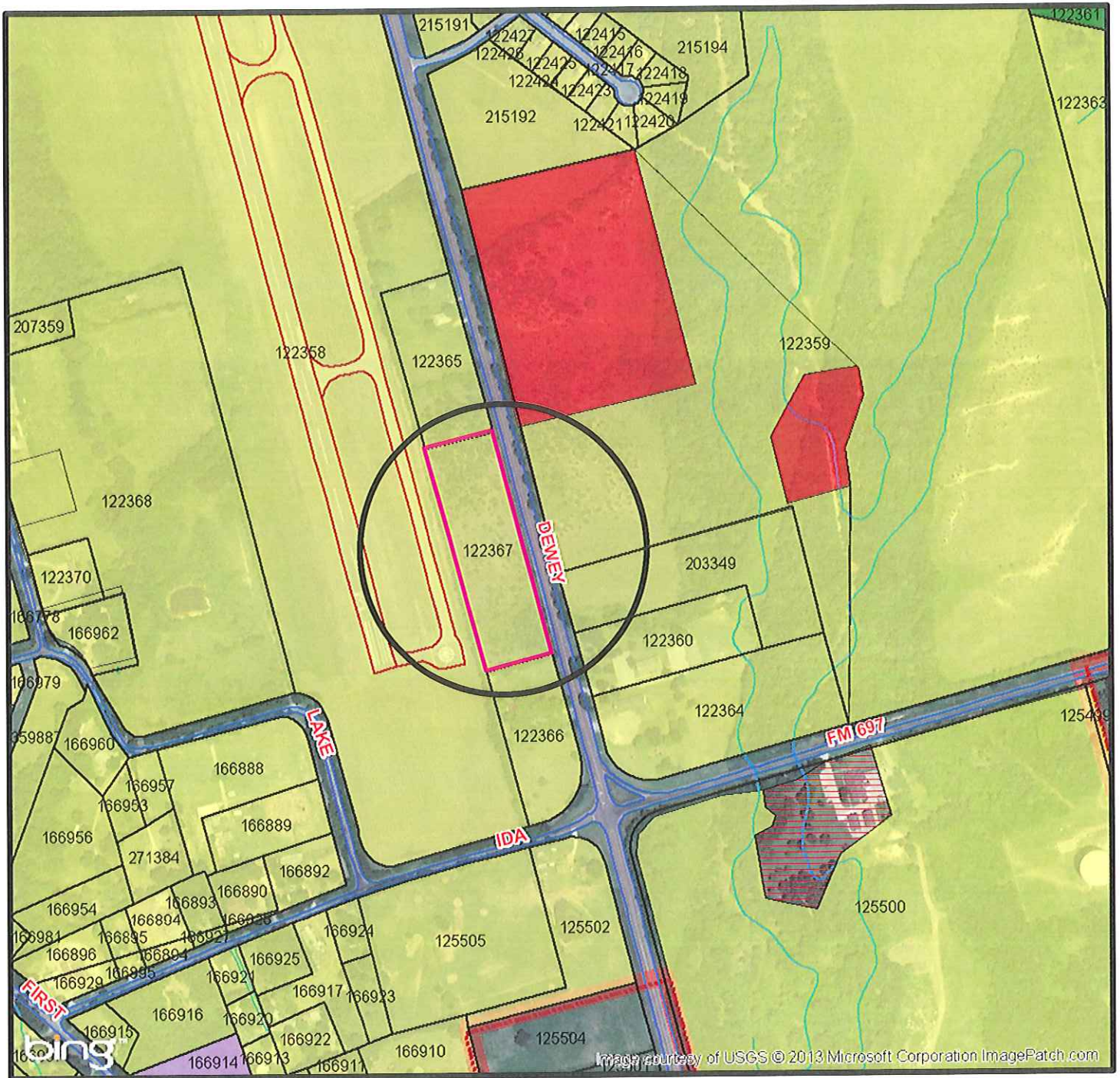
1908 S. Dewey Avenue

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



1 inch = 392 feet



Zoning - 1908 S. Dewey Avenue

Legend

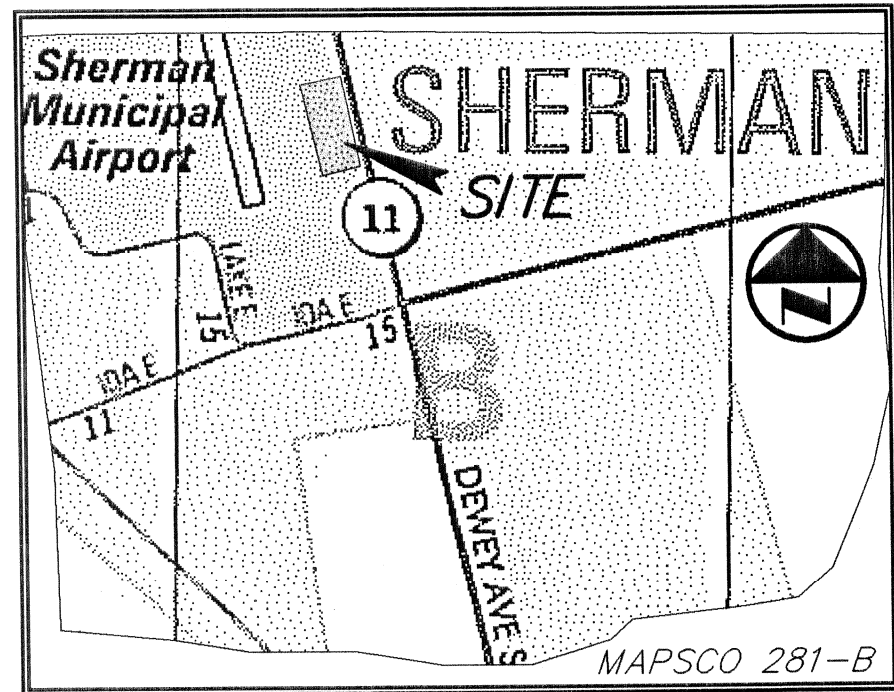
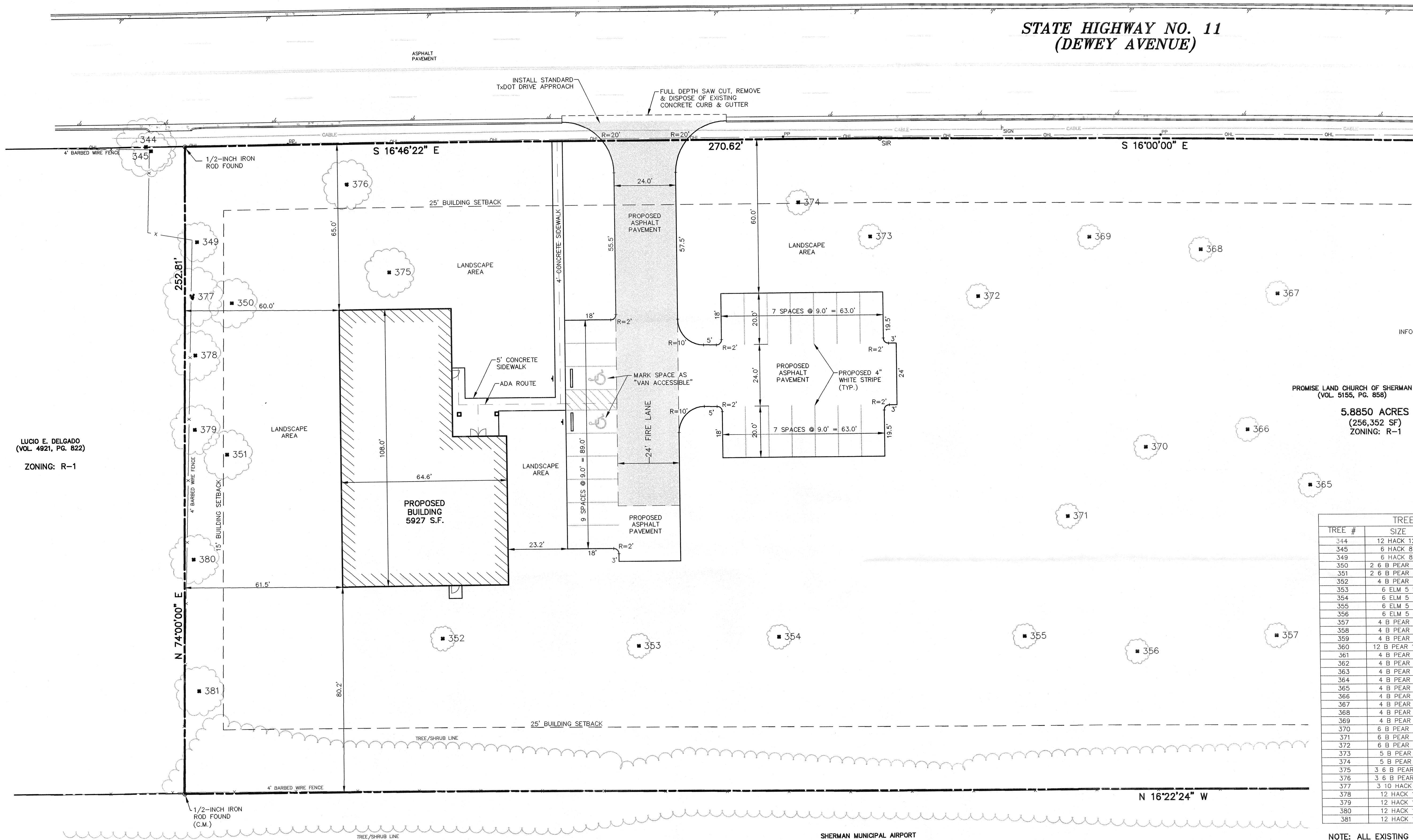
--- C.L. SHERMAN CITY LIMITS	C-1 Retail Business District
O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT	C-2 General Commercial District
O 1.1 FM 1417 OVERLAY DISTRICT	M-1 Light Manufacturing District
O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT	R-A Single Family Agricultural District
CBD DOWNTOWN BUSINESS DISTRICT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



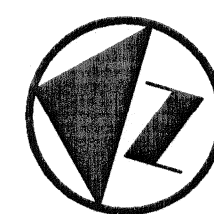
1908 S. Dewey



WADICAN, 07/30/2013 - 9:59AM
N:\JOBS\1556-13-031 - PROMISELAND CHURCH OF SHERMAN\1556-13-031 - PROMISELAND CHURCH OF SHERMAN\1556-13-031 - DIMENSIONAL CONTROL PLAN.DWG
© POGUE ENGINEERING & DEVELOPMENT COMPANY, INC. 2013. ALL RIGHTS RESERVED. THE ENGINEERING DESIGN, DETAIL AND ENGINEERING DRAWINGS FOR THIS PROJECT AND/OR OVERALL PROJECT ARE THE LEGAL PROPERTY OF POGUE ENGINEERING & DEVELOPMENT COMPANY, INC. THEIR USE FOR REPRODUCTION, CONSTRUCTION, OR DISTRIBUTION IS PROHIBITED UNLESS AUTHORIZED IN WRITING BY POGUE ENGINEERING & DEVELOPMENT COMPANY, INC.



VICINITY MAP
NOT TO SCALE



GRAPHIC SCALE IN FEET
SCALE: 1" = 20'

LEGEND

B ₁	BOLLARD
EM	ELECTRIC METER
PP	POWER POLE
LS	LIGHT STANDARD
WM	WATER METER
WV	WATER VALVE
ICV	IRRIGATION CONTROL VALVE
FDH	FIRE HYDRANT
FDH	FIRE DEPARTMENT CONNECTION
CO	CLEAN OUT
MH	MANHOLE
TS	GAS METER
TS	TRAFFIC SIGNAL CONTROL
TS	TRAFFIC SIGNAL POLE
TS	TRAFFIC SIGN
TE	TELEPHONE BOX
TV	TV BOX
FP	FLAG POLE
L.A.	LANDSCAPE AREA
---	PROPERTY LINE
OHL	O.H. POWER LINES
U/G TEL	U/G TELEPHONE LINES
WATER	U/G WATER LINE
U/G GAS	U/G GAS LINE
X	FENCE
(C.M.)	CONTROLLING MONUMENT 5/8-INCH IRON ROD WITH "POGUE ENG & DEV" CAP SET
SIR	
	FIRE LANE PAVEMENT

PROMISE LAND CHURCH OF SHERMAN
(VOL. 5155, PG. 858)

5.8850 ACRES
(256,352 SF)
ZONING: R-1

TREE #	SIZE	TREE SPECIES
344	12 HACK 12S	12 HACK 12S
345	6 HACK 8S	6 HACK 8S
349	6 HACK 8S	6 HACK 8S
350	2 6 B PEAR 10 S	2 6 B PEAR 10 S
351	2 6 B PEAR 10 S	2 6 B PEAR 10 S
352	4 B PEAR 5S	4 B PEAR 5S
353	6 ELM 5 S	6 ELM 5 S
354	6 ELM 5 S	6 ELM 5 S
355	6 ELM 5 S	6 ELM 5 S
356	6 ELM 5 S	6 ELM 5 S
357	4 B PEAR 5S	4 B PEAR 5S
358	4 B PEAR 5S	4 B PEAR 5S
359	4 B PEAR 5S	4 B PEAR 5S
360	12 B PEAR 10 S	12 B PEAR 10 S
361	4 B PEAR 5S	4 B PEAR 5S
362	4 B PEAR 5S	4 B PEAR 5S
363	4 B PEAR 5S	4 B PEAR 5S
364	4 B PEAR 5S	4 B PEAR 5S
365	4 B PEAR 5S	4 B PEAR 5S
366	4 B PEAR 5S	4 B PEAR 5S
367	4 B PEAR 5S	4 B PEAR 5S
368	4 B PEAR 5S	4 B PEAR 5S
369	4 B PEAR 5S	4 B PEAR 5S
370	6 B PEAR 5 S	6 B PEAR 5 S
371	6 B PEAR 5 S	6 B PEAR 5 S
372	6 B PEAR 5 S	6 B PEAR 5 S
373	5 B PEAR 5S	5 B PEAR 5S
374	5 B PEAR 5S	5 B PEAR 5S
375	3 6 B PEAR 10S	3 6 B PEAR 10S
376	3 6 B PEAR 10S	3 6 B PEAR 10S
377	3 10 HACK 12S	3 10 HACK 12S
378	12 HACK 10S	12 HACK 10S
379	12 HACK 10S	12 HACK 10S
380	12 HACK 10S	12 HACK 10S
381	12 HACK 10S	12 HACK 10S

NOTE: ALL EXISTING TREES ARE TO REMAIN

SITE DATA SUMMARY TABLE

ITEM	R-1
ZONING	CHURCH
PROPOSED USE	CHURCH
LOT AREA (SF/ACRES)	256,352 / 5.8850
BUILDING (SF)	5,927
PARKING RATIO	1 SPACE PER 7 SEATS
PARKING REQUIRED	21 SPACES
PARKING PROVIDED	23 SPACES
HANDICAPPED PARKING REQUIRED	2 SPACES
HANDICAPPED PARKING PROVIDED	2 SPACES
TOTAL PARKING PROVIDED	23 SPACES
LOT COVERAGE (%)	2.31%
IMPERVIOUS AREA	17,942 SF
LANDSCAPE AREA	54,455 SF

ADA ROUTE

NOTE:
MAXIMUM SLOPE FOR ALL
ADA PATHS 5% MAX. CROSS
FALL IS 2% FOR THE FIRST
FIVE FEET FROM THE DOOR
A 2% SLOPE (MAX.) MUST BE
MAINTAINED

CAUTION!!!
UNDERGROUND UTILITIES ARE LOCATED IN
THIS AREA. 48 HOURS PRIOR TO ANY
CONSTRUCTION ACTIVITIES, CONTACT LINE
LOCATES FOR FRANCHISE UTILITY INFO.
CALL BEFORE YOU DIG:
TEXAS EXCAVATION SAFETY SYSTEM (TESS)
1-800-344-8377
TEXAS ONE CALL SYSTEMS
1-800-245-4545
LONE STAR NOTIFICATION CENTER
1-800-669-6344 EXT. 5



BEFORE
YOU DIG...

BENCH MARK LIST:

BENCHMARK #1
SQUARE CUT IN CENTERLINE OF A CURB INLET LOCATED IN THE WEST
LINE OF S.H. HIGHWAY 11 100'± NORTH OF SOUTH LINE OF SITE.
ELEVATION = 703.45

NO.	DATE	REVISION / DESCRIPTION
DESIGN	DRAWN	DATE
AW5	MLM	07-30-2013

OWNER PROMISELAND CHURCH OF SHERMAN 1835 FM 697 SHERMAN, TEXAS 75092 PASTOR LARRY FLENNIKEN

PROJECT INFORMATION PROMISELAND CHURCH OF SHERMAN 5.8850 ACRE TRACT CITY OF SHERMAN, TEXAS G.B. PILANT SURVEY, ABSTRACT NO. 963 PROPOSED USE: CHURCH ZONING: R-1
--

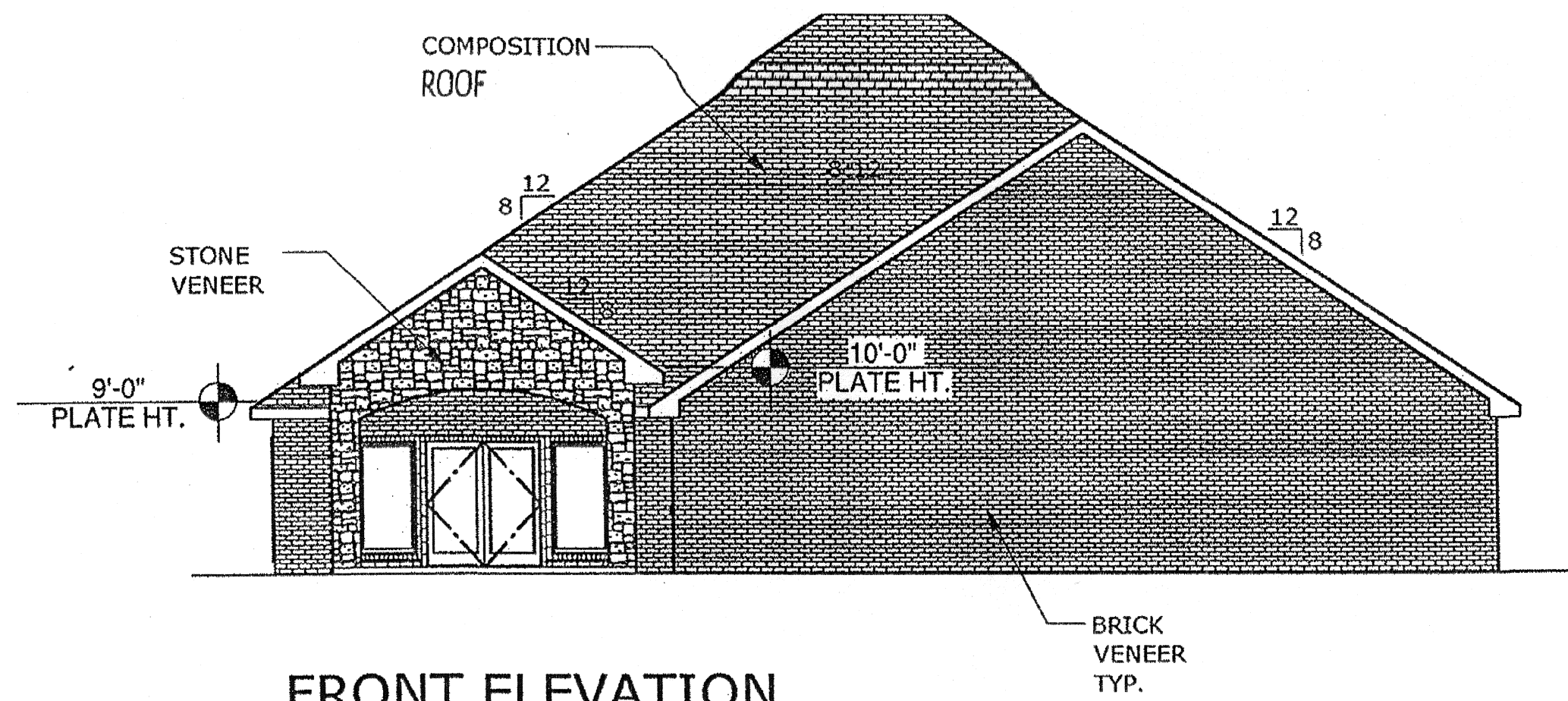
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF ARLYN W. SAMUELSON, P.E. 36877. ON 07-30-2013. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
--

PRELIMINARY FOR INTERIM REVIEW ONLY NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES. Engineer: ARLYN W. SAMUELSON, P.E. P.E. No.: 36877 Date: 07-30-2013 POGUE
--

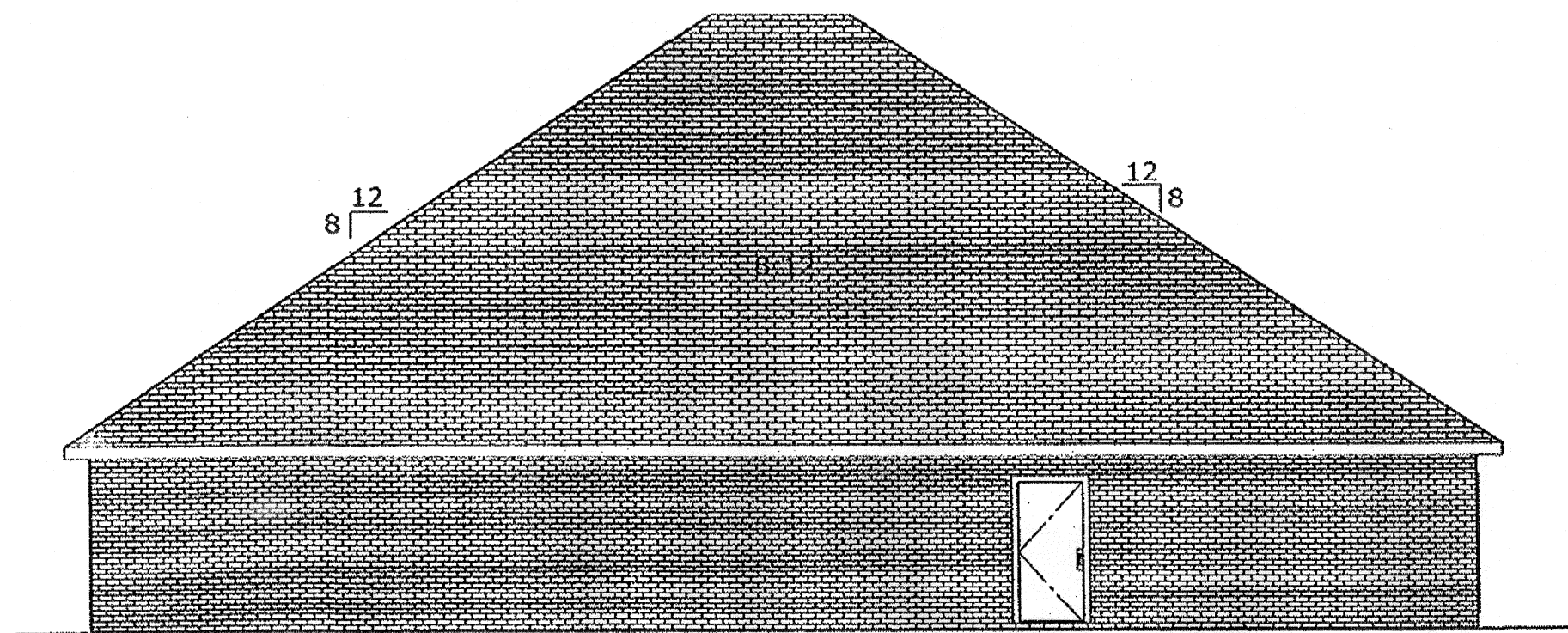
POGUE ENGINEERING & DEVELOPMENT COMPANY, INC. 1512 BRAY CENTRAL DRIVE SUITE 100 MCKINNEY, TEXAS 75069 TX BOARD PROF. ENGINEERS, CERT. #000481; TX BOARD PROF. LAND SURVEYING, CERT. 100421-00 (214) 544-8880 PHONE (214) 544-8882 FAX www.PogueEngineering.com
--

SITE PLAN PROMISELAND CHURCH OF SHERMAN 5.8850 ACRE TRACT G.B. PILANT SURVEY, ABSTRACT NO. 963 CITY OF SHERMAN, TEXAS

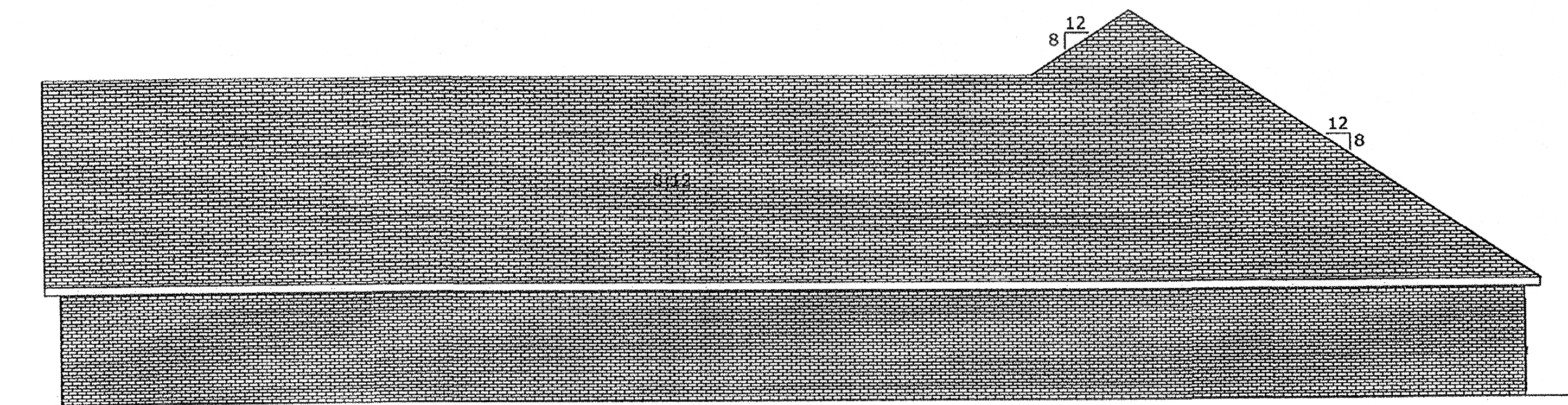
SHEET NO. SP.01



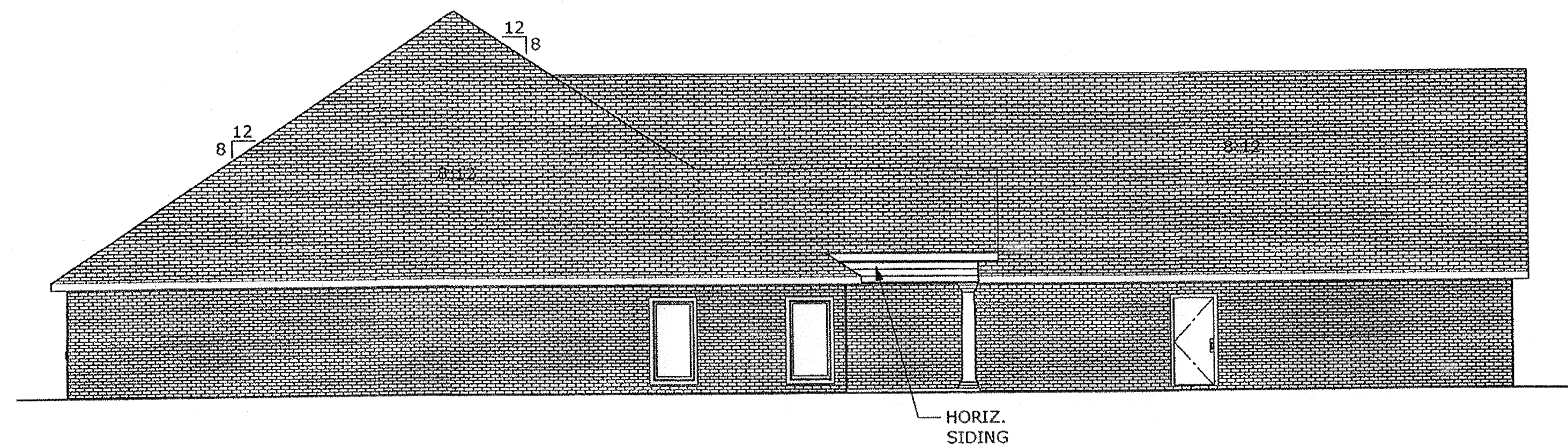
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



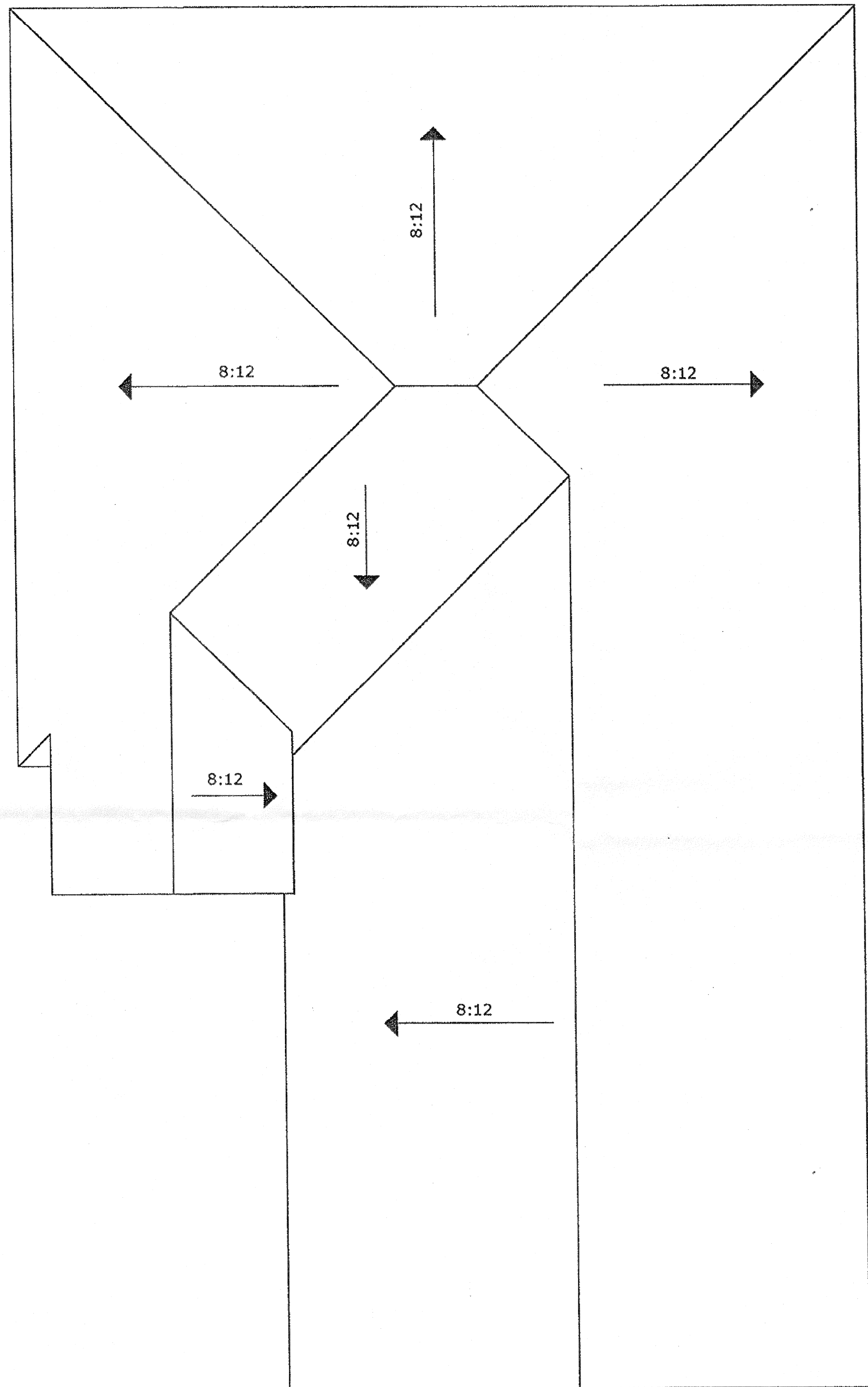
REAR ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/8" = 1'-0"



ROOF PLAN
SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	BY	DATE

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:			
--------------	--	--	--

PROJECT DESCRIPTION:
A New Church Facility for
PROMISELAND CHURCH OF SHERMAN
Sherman, Texas

DRAWINGS PROVIDED BY:
NBS Drafting & Design
303 W. Houston
Sherman, Texas 75090
903.892.5620

DATE:
7/29/2013

SCALE:

SHEET:
A-2



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

Agenda Item No. 9.

Meeting Date: 08/20/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Ron Barton, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Dr. Alan Scheibmeir, Commissioner

Andrew Olmstead, Commissioner

Requested Action/Proposed Use:

1908 S. DEWEY

The request of Promise Land Church of Sherman (Owners) and Pogue Engineering & Development Company, Inc. (Engineers/Surveyors) concerning the property located at 1908 South Dewey Avenue, being 5.885 acres in the G.B. Pilant Survey, Abstract No. 963, as follows;

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a church in an R-1 (One Family Residential) District.

Background:

The property is located at 1908 South Dewey Avenue in front of the Sherman Municipal Airport between Oak Park and FM 697. Promise Land Church of Sherman would like to construct a 5,927 square foot church, the exterior will be brick with stone veneer and 23 parking spaces will be provided.

Adjacent Zoning:

R-1 (One Family Residential) District and C-1 (Retail Business) District

Origination:

Promise Land Church of Sherman (Owners) and Pogue Engineering & Development Company, Inc. (Engineers/Surveyors)

Master Plan Designation:

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

Number of notices mailed:

5

Objections Received:

0

Attachments

Location Map

Zoning Map

Photo

Site Plan

Elevations

Staff Review Letter

**STAFF REVIEW LETTER**

August 15, 2013

Promise Land Church of Sherman
Larry Flenniken
1835 FM 697
Sherman, TX 75090

Pogue Engineering & Development Co., Inc.
Arlyn Samuelson
1512 Bray Central Dr., Suite 100
McKinney, TX 75069

Dear Applicants:

The request for a Specific Use Permit and site plan approval to allow a church in an R-1 (One Family Residential) District at 1908 South Dewey Avenue is scheduled to be heard by the Planning and Zoning Board on August 20, 2013 in the City Council Chambers, City Hall at 220 West Mulberry. The meeting will begin at 5:00 P.M.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. The building height shall not exceed thirty-five feet (35').
3. Fire access, lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
4. Parking requirements are: (1) one space per (7) seven seats; parking is permitted on paved surfaces only (concrete or asphalt), a parking space is considered to be 9'x20'.
5. All parking shall be on private property and shall not encroach into South Dewey Avenue right-of-way.
6. Screening is required abutting residentially zoned property.
7. All Federal Aviation Administration (FAA) rules and regulations and the Sherman Municipal Airport Hazard Zoning Ordinance are to be followed.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

9. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from City of Sherman Engineering Department.
10. As State Highway No. 11 expands in the future, the driveway may be limited to right-in and right-out.
11. Detention in accordance with City criteria is required.
12. An Operation and Maintenance Manual and Landscaping Plan for the detention pond shall be provided to the Engineering Department.
13. A utility, drainage and grading plan shall be provided and approved by the City of Sherman Engineering Department.
14. If the parcel is divided in the future, platting will be required.
15. Extension to the sanitary sewer main is required or Grayson County septic requirements are to be met.
16. Water Pro-Rata in the amount of \$1,500.00 is to be paid.

Airport Services:

17. Form 7460-1 shall be submitted by the property owner and approved by the FAA prior to receiving a building permit.
18. The property is adjacent to the Municipal Airport. Normal airport operations, including landing and takeoff of aircraft will not be restricted due to noise incompatibility.

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

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

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

Respectfully,



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

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

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 2.

Meeting Date: 09/16/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Number: 5799

List of Agenda Items:

B.1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5799

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Church in an R-1 (One Family Residential) District at 1908 South Dewey Avenue, being 5.885 acres in the G.B. Pilant Survey, Abstract No. 963 (Promise Land Church of Sherman, Owners and Pogue Engineering & Development Company, Inc., Engineers/Surveyors); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing for a Penalty Not to Exceed \$2,000.00



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 3.

Meeting Date: 09/16/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

ADOPTION OF ORDINANCE NO. 5789

Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2013; 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 \$0.329514/\$100, with a rollback rate of \$0.376109/\$100 (adjusted for sales tax adjustment). At the Budget Workshop in June, the City Council directed that the actual total tax rate be set to generate an additional \$524,000 annually, which requires a total rate of \$0.348000 per \$100 valuation. The City will be using ad valorem taxes to pay debt service on Certificates of Obligation, so the tax rate is split between debt service, called Interest and Sinking (I&S), and a Maintenance & Operations (M&O) component. The I&S rate is \$0.047774/\$100 and the M&O rate will be \$0.300226/\$100.

The introduction and first public hearing of this ordinance was held at the August 19th Council meeting; and the second public hearing was held at the September 3rd called Council meeting. Adoption of the ordinance is the final action to be taken on the tax rate.

Origination:

Assistant City Manager/Chief Financial Officer

Financial Consideration:

The proposed tax rate will generate approximately \$7.7 million in property tax revenues.

Staff Recommendation:

Based on the Budget Workshop and discussion of the draft budget, the staff recommends 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. 5789

2013 Property Tax Rates in City of Sherman

ORDINANCE NO. 5789

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 2013; 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 \$0.300226/\$100 Dollars (\$0.300226) and an Interest and Sinking (I&S) ad valorem tax of \$0.047774/\$100 Dollars (\$0.047774) on all taxable property situated within the corporate limits of the City of Sherman on the first day of January, A.D., 2013, and not exempt from taxation by the constitution and laws of the State of Texas, apportioned as follows, to-wit:

FOR GENERAL FUND EXPENDITURES, \$0.300226 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

FOR DEBT SERVICE EXPENDITURES, \$0.047774 on each One Hundred Dollars (\$100.00) assessed valuation of 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, 2014. Penalty charges shall be in accordance with the following schedule:

If paid in February, 2013	6%
If paid in March, 2013	7%
If paid in April, 2013	8%
If paid in May, 2013	9%
If paid in June, 2013	10%
If paid on or after July 1, 2013	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, 2014, 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 _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

2013 Property Tax Rates in CITY OF SHERMAN

This notice concerns 2013 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	\$6,154,657
Last year's debt taxes	\$827,217
Last year's total taxes	\$6,981,874
Last year's tax base	\$2,084,141,414
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)	\$6,177,272
+ This year's adjusted tax base (after subtracting value of new property)	\$1,874,660,141
= This year's effective tax rate	\$0.329514/\$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)	\$9,373,349
+ This year's adjusted tax base	\$1,874,660,141
= This year's effective operating rate	\$0.500003/\$100
x 1.08 = this year's maximum operating rate	\$0.540003/\$100
+ This year's debt rate	\$0.047774/\$100
= This year's total rollback rate	\$0.587776/\$100
- Sales tax adjustment rate	\$0.211668/\$100
= Rollback tax rate	\$0.376109/\$100

Statement of Increase/Decrease

If CITY OF SHERMAN adopts a 2013 tax rate equal to the effective tax rate of \$0.329514 per \$100 of value, taxes would decrease compared to 2012 taxes by \$152,000.

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
MAINTENANCE & OPERATIONS	\$6,144,829
INTEREST & SINKING	\$ 25,087

Schedule B - 2013 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 CERTIFICATES OF OBLIGATION	\$210,000	\$150,049	\$0	\$360,049
2009 CERTIFICATES OF OBLIGATION	\$173,333	\$138,177	\$0	\$311,510
2009A CERTIFICATES OF OBLIGATION	\$130,000	\$113,663	\$0	\$243,663
Total Required for 2013 Debt Service				\$915,222
- Amount (if any) paid from Schedule A			\$0	
- Amount (if any) paid from other resources				\$0
- Excess collections last year				\$0
= Total to be paid from taxes in 2013				\$915,222
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2013				\$0
= Total Debt Levy				\$915,222

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$4,055,014 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 405 N. Rusk, Sherman, TX 75090.

Name of person preparing this notice: Robby Hefton, CPA

Title: Assistant City Manager/Chief Financial Officer, City Of Sherman

Date Prepared: 07/30/2013

Aug 4, 2013



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 4.

Meeting Date: 09/16/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

CONSENT AGENDA

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

List of Agenda Items:

- C.3. * RESOLUTION NO. 5807**
Authorizing Execution of an Encroachment Easement with Gulf Crossing Pipeline Co, LLC to Construct a 16" Gas Pipeline within the Progress Drive Right-of-Way
- C.4. * RESOLUTION NO. 5808**
Authorizing Execution of an Encroachment Easement with Gulf Crossing Pipeline Co, LLC to Construct a 16" Gas Pipeline within the Street Right-of-Way of Travis Street
- D.2. * OTHER BUSINESS**
Consider Request of Downtown Sherman Preservation & Revitalization to Temporarily Close Travis Street (between Houston Street and Lamar Street) and Crockett Street (between Houston Street and Lamar Street) for a Halloween Event on Saturday, October 26, 2013; and Consider DSP&R's Request to Apply for a Liquor Permit to Sell Wine to Patrons of the Event
- D.3. * OTHER BUSINESS**
Final Plat Approval of O'Hanlon Ranch Estates, Phase 4, being 11.23 acres in the J.B. McAnair Survey, Abstract No. 763; DGR Development Group, Ltd., Owners; and Sartin & Associates, Surveyors (2600 Block of West Lamberth Road, 2400-2600 Blocks of Remuda Drive, 3100-3200 Blocks of Bandera Drive, and 3100 Block of Overland Trail)
- D.4. * OTHER BUSINESS**
Replat Approval of Lot 1R of Sherman Crossing Addition, containing 8.139 acres; 75/82 Sherman Crossing LTD., Owners; Herb Goodman, Goodman Real Estate Solutions, Representative; Bluestone Partners, General Contractor; and Underwood Drafting and Surveying, Surveyors (3200 Block of U.S. Highway 75 North)

D.5. * *OTHER BUSINESS*

Final Plat Approval of Hale Industrial Park Addition in the City of Sherman's Extraterritorial Jurisdiction (ETJ), being 7.537 acres in the Fielding Bacon Survey, Abstract No. 119; Hale Southmayd Corporation, Owners; John Roman, Representative; and Helvey & Associates Surveying, Inc., Surveyors (4601 West Highway 56)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 1.

Meeting Date: 09/16/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

RESOLUTION NO. 5805

Establishing Parks and Recreation Field/Facility Usage Fees

Issue:

Establishing fees for the use of Sherman's Parks and Recreation fields and facilities

Background:

As part of the budget process for the 2013-2014 fiscal year, the Council approved implementation of Parks & Recreation Field/Facility Usage Fees to offset maintenance costs and help balance the General Fund, and to bring the fees in alignment with fees charged by peer cities. This resolution establishes field/facility usage fees, which are expected to generate approximately \$14,000 in additional annual revenue. The field/facility usage fee implementation will take effect October 1, 2013.

Origination:

Don Keene, Director of Public Works
Robby Hefton, Assistant City Manager/CFO
City Council

Financial Consideration:

This resolution establishes the following field/facility usage fees (per season):

- **Non-City Sponsored Leagues** - \$8 per resident youth/\$12 per non-resident youth participant; and \$10 per resident adult/\$15 per non-resident adult participant
- **City Sponsored Leagues** - \$4 per non-resident youth participant and \$5 per non-resident adult participant

Staff Recommendation:

City staff recommends adoption of the resolution.

Alternatives:

The Council could elect not to establish field/facility usage fees or could adopt fees different than those proposed.

Attachments

Resolution No. 5805

RESOLUTION NO. 5805

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING PARKS AND RECREATION FIELD/FACILITY USAGE FEES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby establishes the following fees and charges for use of the City of Sherman's Park and Recreation fields and facilities. Said Parks and Recreation Field/Facility Usage Fees are assessed at per participant and per season.

Parks & Recreation Fields and Facilities Usage Fees						
	Non City Sponsored Usage			City Sponsored Usage		
	Resident		Non Resident	Resident		Non Resident
Youth	\$ 8.00		\$ 12.00	n/a		\$ 4.00
Adult	\$ 10.00		\$ 15.00	n/a		\$ 5.00

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY,
CITY CLERK

BY: _____
CAROLYN S. WACKER,
MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 2.

Meeting Date: 09/16/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

RESOLUTION NO. 5806

Authorizing Execution of an Interlocal Agreement between the City of Sherman and the City of Fort Worth for Household Hazardous Waste Services

Issue:

To provide for the renewal of an Interlocal Agreement with the City of Fort Worth for the proper disposal of household hazardous waste to combat illegal dumping

Background:

In 2006 the City of Sherman entered into its first Interlocal Agreement with the City of Fort Worth to provide household hazardous waste collection services. With the attached contract, Sherman will be going into its seventh year of household hazardous waste collection events using the services of the City of Fort Worth Solid Waste Department. We typically schedule, and have budgeted for, one collection event each fiscal year. Staff also provides an accompanying E-Waste collection station during these events, which is provided at no cost to the City from a Bonham-based business.

Origination:

Engineering

Financial Consideration:

Funds have been budgeted and approved to host one household hazardous waste collection event during fiscal year (FY) 2013-2014. The cost to the City of Sherman is \$47.00 per participating household. This unit cost is the same as last year.

Staff Recommendation:

Approve the proposed Interlocal Agreement with the City of Fort Worth; and partner with them to provide Sherman residents with one collection event during FY 2013-2014.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5806
Interlocal Agreement

RESOLUTION NO. 5806

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF FORT WORTH FOR HOUSEHOLD HAZARDOUS WASTE SERVICES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Interlocal Agreement with the City of Fort Worth for household hazardous waste services, in accordance with the terms and provisions of the contract documents attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S
ENVIRONMENTAL COLLECTION CENTER
HOUSEHOLD HAZARDOUS WASTE PROGRAM
FY2014

City of Sherman

INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S
ENVIRONMENTAL COLLECTION CENTER
HOUSEHOLD HAZARDOUS WASTE PROGRAM

THIS AGREEMENT is entered into by and between the City of Fort Worth, Texas, a home-rule municipal corporation situated in Tarrant, Denton, Parker, and Wise Counties, Texas, hereinafter called "Fort Worth," acting by and through Fernando Costa, its duly authorized Assistant City Manager and the City of Sherman, hereinafter referred to as "Participating City" and located in Grayson County, Texas acting herein by and through George Olson its duly authorized City Manager.

(Name) (Title)

DELIVERY OF NOTICES

Any notices required to be given under this Agreement shall be delivered as follows:

If to Fort Worth:

Michael A. Gange, Assistant Director
TPW – Environmental Management Division
City of Fort Worth
1000 Throckmorton
Fort Worth, Texas 76102

If to Participating City:

City of Sherman
Solid Waste & Recycling Department
220 W. Mulberry
Sherman, Texas 75090

OPERATIONAL CONTACTS

Participating City's Operational Contact Persons:

Designated person is: Michael Springer telephone number: 903-892-7261
Mobile phone number (24-hour) where he or she can be reached: 903-271-6713
Email Address: michaels@ci.sherman.tx.us

Alternate person is Don Keene telephone number: 903-892-4549
Mobile phone number (24-hour) where he or she can be reached: 903-821-3732
Email Address: donk@ci.sherman.tx.us

VOUCHER UTILIZATION

The Participating City:

☐ DOES wish to use a voucher system for its residents visiting the ECC or a mobile event.

☒ DOES NOT wish to use a voucher system for its residents visiting the ECC or a mobile event.

If a voucher system will be used only residents with an official voucher provided by Participating City will be allowed to drop wastes off at the ECC or at mobile events in Participating City. A copy of the official voucher must be attached to this agreement.

INVOICE DELIVERY

Invoices to Participating City shall be delivered to:

Michael Springer - Solid Waste & Recycling Superintendent
Name

Solid Waste & Recycling Department
Department (if applicable)

PO Box 1106
Street Address or PO Box

Sherman, TX 75091-1106
City, State, ZIP

michaels@ci.sherman.tx.us
email address for billing questions and correspondence

Participating City shall notify Fort Worth in writing if the above contact information changes during the term of this Agreement.

Remainder of this page intentionally left blank

WITNESSETH

WHEREAS, Texas Government Code, Chapter 791, authorizes the formulation of interlocal cooperation agreements between and among local governments; and

WHEREAS, Texas Government Code, §791.011 provides that a local government may contract with another local government to perform governmental functions and services, and §791.003(3)(H) defines waste disposal as a governmental function and service; and

WHEREAS, Texas Government Code, §791.025 provides that a local government may agree with another local government to purchase services; and

WHEREAS, Fort Worth and Participating City desire to enter into an interlocal agreement whereby Fort Worth will purchase the services of a waste disposal/recycling firm or firms and will administer a household hazardous waste collection program; and

WHEREAS, Fort Worth and Participating City mutually desire to be subject to the provisions of Texas Government Code, Chapter 791, also known as the Interlocal Cooperation Act.

NOW THEREFORE, it is agreed as follows:

1. DEFINITIONS

- A. Unless a provision in this Agreement explicitly states otherwise, the following terms and phrases, as used in this Agreement, shall have the meanings hereinafter designated.

Act of God means an act occasioned by the direct, immediate, and exclusive operation of the forces of nature, uncontrolled or uninfluenced by the power of humans and without human intervention.

Bill of Lading lists the contents of the mobile collection unit.

Environmental Collection Center (ECC) means the City of Fort Worth TPW-Environmental Management Division facility located at 6400 Bridge Street, Fort Worth, Texas, which is to be used by Fort Worth for the aggregation of household hazardous wastes that have been brought to the facility by participating cities' households for subsequent recycling, disposal, and/or reuse.

Environmental damages means all claims, judgments, damages, losses, penalties, fines, liabilities (including strict liability), encumbrances, liens, costs, and expenses of investigation and defense of any claim, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or un-matured, foreseeable or unforeseeable, including without limitation reasonable attorney's fees and disbursements and consultant's fees, any of which are incurred subsequent to the execution of this Agreement as a result of the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of waste pursuant to this Agreement, or the existence of a violation of environmental requirements pertaining to same, and including without limitation:

- (a) Damages for personal injury and death, or injury to property or natural resources;
- (b) Fees incurred for the services of attorneys, consultants, contractors, experts, laboratories and all other costs incurred in connection with the investigation or remediation of such wastes or violation of environmental requirements including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or otherwise expended in connection with the existence of such wastes or violations of environmental requirements, and including without limitation any attorney's fees, costs and expenses incurred in enforcing this Agreement or collecting any sums due hereunder; and
- (c) Liability to any third person or governmental agency to indemnify such person or agency for costs expended in connection with the items referenced in subparagraph (b) herein.

Environmental requirements means all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all governmental agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, states, and political subdivisions thereof and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment, including without limitation:

- (a) All requirements, including but not limited to those pertaining to reporting, licensing, permitting, investigation, and remediation of emissions, discharges, releases, or threatened releases of hazardous materials, pollutants, contaminants, or hazardous or toxic substances, materials, or wastes whether solid, liquid, or gaseous in nature, into the air, surface water, groundwater, storm water, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport, or handling of pollutants, contaminants, or hazardous or toxic substances, materials, or wastes, whether solid, liquid, or gaseous in nature; and
- (b) All requirements pertaining to the protection of the health and safety of employees or the public.

Force majeure means decrees of or restraints by a governmental instrumentality other than the Parties, acts of God, work stoppages due to labor disputes or strikes, failure of Fort Worth's contractor(s) to perform pursuant to their agreements with Fort Worth for the conduct of the collection of household hazardous waste, fires, explosions, epidemics, floods, extreme weather, riots, war, rebellion, and sabotage.

Household hazardous waste (HHW) means any solid waste generated in a household by a consumer which, except for the exclusion provided for in 40 CFR § 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

Manifest means the uniform hazardous waste manifest form(s) that must accompany shipments of municipal hazardous waste or Class 1 industrial solid waste.

Mobile collection event means a household hazardous waste collection event by Participating City utilizing a mobile collection unit.

Mobile Collection Unit (MCU) means a non-self-propelled vehicle used for the periodic collection of household hazardous waste by Participating City, off-site of the ECC, which is transported to the ECC to dispose of the household hazardous waste collected at the mobile collection event. Mobile Collection Units owned by Fort Worth are designed to hold the hazardous waste of approximately 50 to 75 households.

Participating City means the municipality which has entered into this agreement with the City of Fort Worth.

Participating Entities, when used in the plural, means Fort Worth, Participating City, and all other entities which have entered into interlocal agreements with Fort Worth for the ECC household hazardous waste collection program.

Person means an individual, corporation, organization, government, or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

Waste has the same meaning as "solid waste" as that term is defined in Texas Health and Safety Code §361.003, and including hazardous substances.

- B. Unless a provision in this Agreement explicitly states otherwise, the following abbreviations, as used in this Agreement, shall have the meanings hereinafter designated.

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act, its amendments, associated case law, and state counterparts.

CPR - cardiopulmonary resuscitation.

DOT - United States Department of Transportation.

ECC – Fort Worth Environmental Collection Center.

EPA - United States Environmental Protection Agency.

HAZCAT - hazardous categorization.

HAZWOPER - hazardous waste operations and emergency response and the training, certification, and legal requirements associated therewith.

HM - hazardous materials.

HHW - household hazardous waste.

MCU - Mobile Collection Unit.

TCEQ – Texas Commission on Environmental Quality.

2.
PURPOSE

The purpose of this interlocal agreement (hereafter "Agreement") is the provision of services by Fort Worth to Participating City whereby, subject to the terms and conditions specified below, Fort Worth will administer and supervise a regional household hazardous waste collection program, which will be available to households within Participating City as described herein.

3.
TERM

This Agreement shall be effective from October 1, 2013 or the date the last party has signed this Agreement, whichever is later, through September 30, 2014; however, the duties and responsibilities of the Parties for events which occurred during the term of the contract shall survive. If Participating City has mobile collection events scheduled during the months of October through December 2014 and this Agreement has not been renewed by the end of the regular term, this agreement shall be extended on a month to month basis until the mobile collection events have been completed or cancelled by Participating City.

In addition, this agreement may be extended by the duly authorized, mutual, and written agreement of the parties for up to three (3) additional one-year terms..

4.
SERVICES OF FORT WORTH

Fort Worth agrees to perform the following services for Participating City in connection with the ECC household hazardous waste collection program:

- A. Fort Worth will administer a regional household hazardous waste collection program. This program will include the operation of the Environmental Collection Center, which will accept for disposal and/or recycling household hazardous waste from households located within Participating City. Fort Worth shall not accept compressed flammable gas containers; radioactive materials; explosives or potentially shock sensitive materials; biological, etiologic, or infectious materials; wastes from businesses; or any other wastes that Fort Worth has determined are unacceptable.
- B. Fort Worth will employ or retain personnel to provide the services necessary to perform Fort Worth's obligations in this Agreement.
- C. Fort Worth will enter into a contract(s) with a waste disposal/recycling firm(s) for the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of household hazardous waste that is collected at the ECC or during mobile collection events.
- D. Fort Worth will, if requested in writing by Participating City, provide Participating City with copies of waste manifests for shipments of waste from the ECC.
- E. Fort Worth will, if requested in writing by Participating City, provide Participating City a monthly report of the Participating City's households who disposed of household hazardous waste at the Environmental Collection Center or a mobile collection event.

- F. Fort Worth will issue a report and an invoice at the end of each quarter detailing the number of Participating City's households that disposed of household hazardous waste at the Environmental Collection Center or at mobile collection events.
- G. Fort Worth will act under this Agreement in accordance with all applicable state and federal laws.
- H. Mobile Collection Events

Participating City may schedule a mobile collection event to be operated by Fort Worth personnel using one of Fort Worth's MCUs or conduct their own mobile collection events using either Participating City's MCU or Fort Worth's Reserve MCU (as available). State regulations require notification to the Texas Commission on Environmental Quality (TCEQ) at least 45 days prior to conducting the event.

1. Fort Worth Operated Events:

If Participating City would like to schedule a mobile collection event with the Fort Worth Mobile Collection Unit, Participating City shall contact the ECC as soon as possible for a list of available dates. The time and location shall be agreeable to both parties. Participating City may schedule one mobile collection event each contract year. Fort Worth will file notification of the event with TCEQ as required by 30 TAC §335.403.

(a) Scheduling Events

Fort Worth will begin scheduling mobile collection events for the 2014 calendar year on January 2, 2014. To ensure proper notification to TCEQ, events must be scheduled at least sixty (60) days ahead of the proposed date. Participating City acknowledges that Fort Worth contracts with other municipalities and that Fort Worth will be accommodating each Participating City's request on a first come first served basis. Therefore, Participating City acknowledges that its chosen date to schedule a mobile collection event may be reserved by another city and Participating City will have to then choose another date. Participating City will, in no event, be entitled to any damages or recovery of any costs, except as provided herein.

(b) Location

If Participating City chooses to hold the Mobile Collection Event on private property, Participating City shall obtain a signed waiver from the owner of the property sixty (60) days prior to the event. The waiver shall be in the form of Exhibit B or similar form approved by Fort Worth. The signed waiver must be sent to Fort Worth sixty (60) days before the Mobile Collection Event. If the signed waiver is not sent to Fort Worth sixty (60) days before the Mobile Collection Event, Fort Worth will not send the Fort Worth Mobile Collection Unit to the event and Participating City will, in no event, be entitled to any damages or recovery of any costs, except as provided herein. All events must be held on an impervious surface.

(c) At the Mobile Collection Event, Participating City acknowledges and agrees that Fort Worth shall accept household hazardous waste from the first 50 households that show proof of residency at the Mobile Collection Event. After the first 50 households, Fort Worth will determine in its sole discretion how much more waste it can accept for proper transport back

to the ECC. If more households arrive at the event than Fort Worth can accept, Participating City will in no event be entitled to any damages or recovery of any costs, except as provided herein.

- (d) Due to the lack of storage space at the ECC, Participating City acknowledges and agrees that if it requests the Fort Worth Mobile Collection Unit at a mobile collection event, a Participating City's MCU shall not also be at the event.
- (e) Fort Worth, in its sole discretion, will determine whether to send the Fort Worth Mobile Collection Unit to Participating City's Collection Event during adverse weather, the threat of adverse weather, or other hazardous conditions including but not limited to sleet, snow, rain, mist or hail. In the event Fort Worth determines not to send the Fort Worth Mobile Collection Unit, Fort Worth shall attempt to notify persons listed herein as an "Operational Contact" by the Participating City and shall attempt to send a Fort Worth employee to the Participating City's event to tell any residents that come to dispose of household hazardous waste that the Fort Worth Mobile Collection Unit will not be coming to the event, but the resident can go to the ECC to dispose of the waste. A map with directions to the ECC also will be provided.

2. Participating City Mobile Collection Unit:

- (a) Fort Worth agrees to accept household hazardous waste from mobile collection events conducted by Participating City using Participating City's MCU in accordance with the terms of this Agreement.
- (b) Fort Worth agrees to restock the items it removes from Participating City's MCU, however, Fort Worth shall only restock items listed in Exhibit "A", attached and incorporated herein as if set forth.

3. Loan of the Reserve Mobile Collection Unit

The reserve MCU is a specially designed and equipped thirty-six (36) foot gooseneck box-trailer and one (1) ton pickup owned by Fort Worth. Participating City may request the loan of Fort Worth's Reserve MCU free of charge for use in a Household Hazardous Waste collection event when available. Participating City may use the Reserve MCU to transport HHW to Fort Worth's ECC or another collection center that may lawfully receive HHW. Participating City shall provide Fort Worth with a written request, facsimile or e-mail at least sixty (60) days prior to the event date for which the request is made. Fort Worth shall have sole determination whether the Reserve MCU is available for use by Participating City and shall notify Participating City as soon as is reasonably practicable of such decision. Fort Worth shall not participate in nor be responsible for any part of the Participating City's HHW Collection Event unless and except by written mutual agreement.

- (a) Fort Worth shall disclose any known problems the Reserve MCU may have in performing the tasks necessary for the HHW Collection Event. Prior to issuance of the Reserve MCU, a pre-trip inspection for potential maintenance problems will be performed by Fort Worth. Also, both parties

will complete a pre-trip aesthetic assessment. Participating City shall be responsible for all certifications and insurance necessary for the proper operation of the Reserve MCU.

- (b) Participating City agrees to maintain and return the Reserve MCU in as good condition as it was in when Participating City took possession for use. Participating City shall return the Reserve MCU to Fort Worth in a timely manner and as mutually agreed upon.
- (c) Participating City shall be responsible for all property damage, personal injury or death caused by Participating City's employees, volunteers, contractors, or agents and arising out of the use of the Reserve MCU during the term of this Agreement.
- (d) It is expressly understood and agreed that, in the execution of this Agreement, neither of the parties waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement the parties do not intend to create any obligations, expressed or implied, other than those set forth herein and this Agreement shall not create any rights in parties not signatories hereto.

5.

DUTIES OF PARTICIPATING CITY

Participating City agrees to perform the following duties in connection with the household hazardous waste collection program:

- A. Participating City will designate one of its employees, and another as an alternate, to act as its household hazardous waste collection Operational Contact to interact with Fort Worth as designated on the signature page to this contract.
- B. Participating City will coordinate and fund all program advertising targeted to its own citizens, as it deems necessary. Such advertising shall include the type of wastes that will be accepted at the ECC, the requirement of proof of residency, and weather cancellation information.
- C. Participating City shall notify its residents of the ECC hours of operation and dates it is closed as provided in Section 9 "The Environmental Collection Center Hours of Operation."
- D. Participating City may choose to utilize a voucher system for its residents in order for them to bring HHW to the ECC. If Participating City chooses to use such a system, it shall designate so herein and include a copy of the official voucher. In addition, if a citizen from a Participating City that utilizes a voucher system comes to the ECC or a mobile collection event without a voucher, Participating City acknowledges and agrees that Fort Worth will not accept the household hazardous waste until Participating City authorizes the acceptance in writing.

- E. Participating City may submit a written request for a monthly report listing the number of its city's households that have disposed of household hazardous waste at the ECC or a mobile collection event.
- F. Participating City shall provide traffic control and signage for the mobile collection event, and shall provide personnel to assist Fort Worth with the offloading of material, surveys, and screening of persons dropping off household hazardous waste. Prior to the event, the parties shall agree upon the details of the traffic control, signage, and personnel assistance.
- G. If a Participating City resident presents waste that was collected from multiple households, Fort Worth reserves the right to charge the Participating City based on the total number of households from which the waste originated even if the resident has only one voucher.
- H. Participating City shall provide a means for disposing of solid waste (e.g. boxes, trash, containers) on site during a mobile collection event.
- I. Mobile Collection Events using Participating City's MCU or Reserve MCU
 - 1. Participating City is responsible for proper notification to TCEQ as required by 30 TAC §335.403.
 - 2. Participating City shall advise the ECC at least 72 hours in advance of its mobile collection events. Participating City shall collect only HHW during a mobile collection event. Wastes from commercial, agricultural, and industrial sources shall not be accepted. Participating City shall not accept compressed flammable gas containers; radioactive materials; explosives or potentially shock sensitive materials; biological, etiologic, or infectious materials; or any other wastes that Fort Worth has determined are unacceptable.
 - 3. In accordance with the latest DOT requirements, Participating City's MCU operators will properly categorize, package, mark, label, and load into the MCU, all wastes received at the mobile collection event. Recyclable products (used oil, used oil filters, latex paint, recyclable anti-freeze, lead-acid batteries, and fluorescent lights) will be segregated into containers for recyclables.
 - 4. After accepting wastes, Participating City's MCU operators shall thoroughly check each container for proper labeling and identification. If a container is properly identified, the material will be segregated according to hazard class and prepared for packaging. If a container does not have adequate labeling to permit identification, the MCU operators shall then attempt to identify the material from its physical characteristics using HAZCAT analysis and from information provided by the household presenting the waste.
 - 5. The Participating City's MCU operators shall package all hazardous materials in accordance with United States Department of Transportation (DOT) requirements, United States Environmental Protection Agency (EPA) requirements, and all other applicable federal and state requirements. After all the wastes have been properly identified and segregated, the MCU operators will reexamine the wastes for compatibility, list them on the container content sheets,

and pack them into drums. Oil-based paints and latex paints shall be bulked separately in 55-gallon drums, or if the paint is left in its container, the paint can be packed in a lined cubic yard box, and packed and labeled according to federal and state regulations. Participating City shall not transport waste that is not HHW to the ECC. Participating City agrees to make its own arrangements to dispose of any non-HHW waste collected at the event.

6. Prior to transporting the HHW from the collection event site, Participating City's MCU operators shall complete a Bill of Lading, and shall keep the Bill of Lading in the cab of the truck hauling the MCU during transportation of the HHW to the ECC. Participating City shall require that a minimum of one copy of the latest North American Emergency Response Guidebook be kept within the cab of the truck.
7. During transportation, Participating City's MCU operators shall placard the MCU for transportation of hazardous waste in accordance with federal and state law.
8. Upon the return of the MCU to the ECC, Participating City's MCU operators shall follow the instructions of Fort Worth regarding the placement of the MCU for unloading. Fort Worth shall take possession of the MCU from Participating City after the MCU has been properly parked for unloading in accordance with Fort Worth's instructions and all required documents have been delivered to the ECC manager or his designee at the ECC. Fort Worth shall, within a reasonable amount of time, unload the HHW from the Participating City's MCU and store the unit at the ECC. After being contacted, Participating City shall pickup their unit within 10 days.
9. If Fort Worth, in its sole discretion, determines that Participating City's MCU operators improperly packaged any of the HHW delivered to the ECC, Fort Worth shall repackage such waste, and Participating City shall reimburse Fort Worth as set forth herein.
10. If a spill emanating from the Participating City's MCU or the Reserve MCU occurs at the ECC while the MCU is still in Participating City's possession, Fort Worth shall take control of the spill response and Participating City will reimburse Fort Worth for its response costs as set forth herein.

6.

USE OF WASTE DISPOSAL/RECYCLING FIRMS FOR HOUSEHOLD HAZARDOUS WASTE

- A. Fort Worth will enter into a contract(s) with a waste disposal/recycling firm(s) for the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of household hazardous waste, from the ECC.
- B. Such firm(s) shall be required pursuant to the contract(s) to assume generator status for the waste collected, (excluding used oil, lead-acid batteries and antifreeze) to choose a disposal site for the waste subject to Fort Worth's approval, and to indemnify Fort Worth and participating cities against any and all environmental damages and the violation of any and all environmental requirements resulting from the handling, collection, transportation, storage, disposal, treatment, recovery, and/or recycling of waste collected pursuant to this agreement, when said environmental damages or the violation of said

environmental requirements was the result of any act or omission of contractor, its officers, agents, employees, or subcontractors, or the joint act or omission of contractor, its officers, agents, employees, or subcontractors and any other person or entity.

- C. **THE PARTIES RECOGNIZE THAT ALTHOUGH THE FIRM (S) WILL BE REQUIRED TO ASSUME GENERATOR STATUS, THIS ASSUMPTION WILL NOT RELIEVE PARTICIPATING CITY OF LIABILITY FOR THE WASTE UNDER FEDERAL LAW AND STATE LAW.** Fort Worth will arrange for recycling vendors for used oil, batteries, antifreeze, and other materials, as it deems appropriate.

7.

REUSE OF COLLECTED MATERIALS

- A. From time-to-time Fort Worth will make available to residents and businesses of Fort Worth, as well as, Participating City and residents and businesses of Participating City for their use, collected household hazardous waste materials that are suitable for reuse, such as paint, fertilizer, motor oil, and antifreeze. Fort Worth shall not charge for any materials that are picked up for reuse.
- B. Some materials made available for reuse may have been consolidated and filtered by Fort Worth prior to being made available. Used antifreeze will have been consolidated in a barrel, filtered, and pH balanced, and new antifreeze may have been added to the barrel.
- C. In regards to materials accepted by Participating City, its employees, residents, or any other person **FORT WORTH MAKES NO REPRESENTATIONS, WARRANTIES, OR GUARANTIES THAT:**
1. the container contents are what the label indicates;
 2. the container contents are those originally placed into the container by the manufacturer;
 3. the product is of the quality intended for its use;
 4. the contents of the container have been stored properly;
 5. the instructions on the container label for use, storage, and first aid are current or correct;
 6. the container is in unimpaired condition;
 7. the product is still approved for use (i.e., it has not been banned or recalled); and
 8. the product can be used without risk to persons, property or the environment.

FURTHERMORE, ALL WARRANTIES, EXPRESS AND IMPLIED, ARE SPECIFICALLY DENIED. PARTICIPATING CITY SHALL NOTIFY RECIPIENTS OF THESE TERMS AND CONDITIONS.

- D. Participating City shall contact the ECC manager to arrange a pickup time to obtain materials. Participating City agrees that it shall not return to Fort Worth, directly or indirectly, any materials it obtains from Fort Worth under this paragraph.

E. **INDEMNIFICATION REGARDING REUSED OR RECYCLED MATERIALS.**

1. IN REGARDS TO REUSED OR RECYCLED MATERIALS ACCEPTED BY PARTICIPATING CITY, PARTICIPATING CITY DOES HEREBY WAIVE ALL CLAIMS, INCLUDING PRODUCTS LIABILITY CLAIMS, AND RELEASES, AND HOLDS HARMLESS THE CITY OF FORT WORTH, AND ALL OF ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM ANY AND ALL LIABILITY, CLAIMS, SUITS, DEMANDS, EXPENSES OF LITIGATION, OR CAUSES OF ACTION WHICH MAY ARISE BY REASON OF INJURY TO PERSONS, LOSS OF PROPERTY, DAMAGE TO PROPERTY, OR LOSS OF USE OF ANY PROPERTY , OCCASIONED BY THE TRANSPORTATION, STORAGE, HANDLING, USE, AND DISPOSAL BY PARTICIPATING CITY OF ANY MATERIALS ACCEPTED BY PARTICIPATING CITY UNDER THIS AGREEMENT FROM FORT WORTH.

2. IF THE PARTICIPATING CITY DOES NOT AGREE TO THE INDEMNIFICATION AND WAIVER IN PARAGRAPH E ABOVE, THEN THE PARTICIPATING CITY SHALL NOT ACCEPT, NOR ALLOW ANY OTHER PERSON TO ACCEPT ANY OF THE REUSED OR RECYCLED MATERIALS AND SHALL NOT BE REQUIRED TO AGREE TO THE WAIVER IN PARAGRAPH E. Initial here to reject term 7.E.1. and accept alternate term 7.E.2. _____.

- F. In regards to materials accepted by residents or businesses of Participating Cities, FORT WORTH MAKES NO REPRESENTATIONS, WARRANTIES OR GUARANTIES THAT:

1. the container contents are what the label indicates;
2. the container contents are those originally placed into the container by the manufacturer;
3. the product is of the quality intended for its use;
4. the contents of the container have been stored properly;
5. the instructions on the container label for use, storage, and first aid are current or correct;
6. the container is in unimpaired condition;
7. the product is still approved for use (i.e., it has not been banned or recalled); and
8. the product can be used without risk to persons, property or the environment.

FURTHERMORE, ALL WARRANTIES, EXPRESS AND IMPLIED, ARE SPECIFICALLY DENIED.

- G. Participating City shall attempt to inform its residents and businesses that if they go to the Environmental Collection Center to pick up household hazardous waste for reuse, a release of liability must be signed to accept the household hazardous waste for reuse.

8.

RIGHT TO REFUSE WASTE

Participating City agrees that Fort Worth shall have the right to refuse to accept waste at the ECC from Participating City or Participating City's resident, if in the reasonable judgment of Fort Worth:

- A. The waste is not household hazardous waste;
- B. The waste fails to meet other established criteria established by this Agreement, or that have been established by Fort Worth subsequent to the execution of the Agreement;
- C. The individual does not have sufficient identification to establish that he/she is in fact a resident of Participating City;
- D. Participating City has implemented a voucher system for its residents to dispose of waste, and the individual does not have a valid voucher; or
- E. The waste or the individual presents a hazard to the ECC or to persons or property at the ECC.

9.

ENVIRONMENTAL COLLECTION CENTER HOURS AND DAYS
OF OPERATION

- A. Hours of Operation

During the term of the Agreement, the ECC's hours of operation are as follows:
Thursday and Friday 11:00 a.m. -- 7:00 p.m.
Saturday 9:00 a.m. -- 3:00 p.m.

- B. Days the Environmental Collection Center will be closed

During the term of the agreement, the ECC will be closed on the following holidays that are observed on days the ECC would otherwise be open to the public:

Thanksgiving Holiday, Thursday and Friday, November 28-29, 2013
Independence Day, Friday, July 4, 2014

In addition to the above closures Fort Worth employees will not be available to conduct mobile collection events on May 24, 2014 and August 30, 2014 although the ECC will remain open on those days. The ECC may close due to furlough days or other causes, and the City of Fort Worth does not represent to Participating City that the ECC will be open on any particular days. If additional closures due to any cause are necessary Fort Worth will notify Participating City prior to the closure unless due to an unforeseeable event.

C. Notifying Residents

Participating City agrees to notify its residents of the ECC's hours of operation and dates it will be closed. Participating City also may advertise the 24-hour Environmental Collection Center telephone number: (817) 871-5257.

10.
COMPENSATION

As fair compensation for the services provided by Fort Worth pursuant to this Agreement:

- A. Participating City agrees to pay Fort Worth the sum of **\$47.00** per household per visit to the ECC (or per participating household in a Mobile Collection Event) to dispose of household hazardous waste. If a Participating City resident presents waste that was collected from multiple households, Fort Worth reserves the right to charge the Participating City based on the total number of households from which the waste originated.
- B. If Fort Worth determines that Participating City's MCU operators improperly packaged any of the HHW delivered to the ECC, Fort Worth shall repackage such waste, and Participating City shall reimburse Fort Worth for its staff time at \$20.00 an hour and the cost of supplies.
- C. If a spill emanating from the Participating City's MCU or the Reserve MCU occurs at the ECC while the MCU is still in Participating City's possession, Fort Worth shall take control of the spill response and Participating City will reimburse Fort Worth for its response costs for City staff time (\$60.00 per hour) plus the cost of supplies and the actual costs for the spill response and remediation incurred by the City of Fort Worth for third party contractors and responding governmental agencies.
- D. The amount due to Fort Worth for services provided under this Section, Paragraphs A, B, and C, shall be billed to Participating City quarterly. Participating City shall pay Fort Worth within 30 days of receiving a bill from Fort Worth. If Fort Worth does not receive payment within 30 days, Fort Worth shall inform Participating City in writing that it will not accept any household hazardous waste from Participating City's residents and that Fort Worth will not participate in a mobile collection event or provide a mobile collection unit until paid.
- E. At the end of the term of this Agreement, Fort Worth shall provide a final accounting to Participating City, which will include the total number of Participating City's households which participated in the program, repackaging fees, if any, and the total cost of spill response charged to Participating City, if any.
- F. Pursuant to the requirements of Government Code §791.011 (a)(3), the amount due to Fort Worth under Subparagraph D. above shall be paid from revenues currently available to Participating City in the present fiscal year.

11.
ARTWORK, "CAPTAIN CRUD AND THE CRUDDIES," AND PROMOTIONAL MATERIALS
LICENSE AGREEMENT

Fort Worth is the owner of "**Captain Crud**" and the Cruddies ("**Bloomer**," "**Otto**," "**Pestie**," "**Scrub**," and "**Van Goo**") and the recycling buddies ("**Scrappy**," "**Juggles**," and "**Cana Nana**") "**Conquer Your Crud**," and "**Crud Cruiser**", and therefore all ownership rights belong

to Fort Worth. Fort Worth has registered these marks as service marks with the Secretary of State.

- A. Fort Worth hereby grants to Participating City a non-transferable, non-exclusive license to use all the artwork and promotional materials that may be provided by Fort Worth to be used solely in the conduct of the business of Participating City's disposal and recycling of household hazardous waste programs. If Participating City wishes to use to Licensed Art and/or Promotional Materials in other limited situations, Participating City must first obtain express written consent from Fort Worth.
- B. Fort Worth may provide licensed Artwork and Promotional Materials to Participating City pursuant to the terms of this Agreement. Participating City acknowledges that by virtue of this License, Participating City acquires only the right to use the original and permitted duplicate copies of the Licensed Artwork and Promotional Materials and does not acquire any rights of ownership in the Licensed Artwork and Promotional Materials, which rights shall remain exclusively with Fort Worth. If Participating City wants to modify or change the artwork and/or promotional materials in any manner, Participating City hereby agrees to contact Fort Worth in writing to obtain written consent before modifying or changing any artwork and/or promotional materials.
- C. If Participating City desires an actor to portray "Captain Crud" for an event, Participating City shall use actors approved by Fort Worth to portray "Captain Crud" since "Captain Crud" is owned by Fort Worth. Participating City shall be solely responsible for compensating actor for the services provided to Participating City. Participating City will contact Fort Worth as soon as possible with the date and time of the event agreeable to both parties to obtain approval for the chosen actor and to request and pickup the "Captain Crud" costume for its events. Fort Worth will provide the "Captain Crud" costume. However, Participating City agrees to be liable to Fort Worth for any damage to the costume or if Participating City fails to return the entire costume to Fort Worth or if the costume is not returned in the same condition as received.

12. IMMUNITY

It is expressly understood and agreed that, in the execution of this Agreement, none of the Participating Cities waives, nor shall be hereby deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions, and that the services described in this Agreement are a governmental function.

13. FORCE MAJEURE

A delay or failure of Fort Worth to perform services pursuant to this Agreement shall be excused to the extent that the delay or failure to perform resulted from a force majeure event, and the delay or failure was beyond the control of Fort Worth and not due to its fault or negligence. Participating City shall not have, and hereby waives, any claim whatever for any damages resulting from delays or failure to perform caused by a force majeure event.

14.
TERMINATION

The parties shall each have the right to terminate the Agreement for any reason, with or without cause, upon thirty (30) days written notice to the other party. Upon termination, the parties shall be released from all contractual obligations to the other party excluding "USE OF WASTE DISPOSAL/RECYCLING FIRMS FOR HOUSEHOLD HAZARDOUS WASTE" "REUSE OF COLLECTED MATERIALS" and "ARTWORK, "CAPTAIN CRUD AND THE CRUDDIES," AND "PROMOTIONAL MATERIALS LICENSE AGREEMENT" and any terms and conditions arising from events occurring during the term of the contract .

15.
ENTIRETY

This Agreement contains all commitments and Agreements of the parties hereto, and no other oral or written commitments shall have any force or effect if not contained herein, except that this Agreement can be amended or modified by the parties if such amendment or modification is in writing and signed by Participating City and Fort Worth.

16.
SEVERABILITY

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

17.
VENUE

Should any action, real or asserted, at law or in equity, arise out of the terms and conditions of this Agreement, venue for said action shall be in Tarrant County, Texas.

18.
AUTHORITY

This Agreement is made for Fort Worth and Participating City as an Interlocal Agreement, pursuant to Texas Government Code, Chapter 791.

19.
AUTHORIZATION

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

SIGNATURE PAGE
INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S
ENVIRONMENTAL COLLECTION CENTER, HOUSEHOLD HAZARDOUS WASTE PROGRAM

CITY OF FORT WORTH

CITY OF City of Sherman

By:

By:

Fernando Costa
Assistant City Manager
Date: _____

Printed name: George Olson
Title: City Manager
Date: _____

APPROVED AS TO FORM
AND LEGALITY:

APPROVED AS TO FORM
AND LEGALITY:

Arthur N. Bashor
Assistant City Attorney

City Attorney / Assistant City Attorney

ATTEST:

ATTEST:

Mary J. Kayser
City Secretary

City Secretary

Contract Authorization

Date

Exhibit "A"

RESTOCKING LIST FOR THE MOBILE COLLECTION UNIT

Material	Amount Restocked	Special Needs	Remarks
55 gallon open top drums (open top for loose packs)	Amount taken off the trailer		
55 gallon drums (closed top) (oil, antifreeze, bulk flammable materials and one extra)	Amount taken off the trailer		
Fiber drums (55 or 30 gallon) Aerosols, acids, bases and oxidizers)	Amount taken off the trailer		
Gaylord box liners (plastic)	Amount taken off the trailer		
55 gallon drum liners	Amount taken off the trailer		
5 gallon buckets (filters/haz chemicals)	Amount taken off the trailer		
Survey Forms	Amount taken off the trailer		
Labels/drum placard	Amount taken off the trailer		
Gaylord boxes	Amount taken off the trailer		
Absorbent pads	Amount taken off the trailer		
Vermiculite	Amount taken off the trailer		
Oil dry	Amount taken off the trailer		
Promotional Materials & Brochures	Amount needed		

Exhibit "B"

WAIVER AND RELEASE OF LIABILITY FOR COLLECTION OF HOUSEHOLD
HAZARDOUS WASTE

I being the owner of property located at _____
have been asked by the City of _____ to allow a mobile collection
event on my property to collect household hazardous waste on the _____, 20____.
I hereby give my permission to the City of _____ and the City of Fort
Worth, to hold a household hazardous waste collection event on my property in which the City
of _____ has asked the City of Fort Worth to send its mobile
collection unit to collect the household hazardous waste that is brought to the event.

Therefore, I hereby **RELEASE, DISCHARGE, HOLD HARMLESS, INDEMNIFY** the City of
Fort Worth or its officers, agents, and employees and the City of _____
and its officers, agents, and/or employees for any and all claims, demands, liability, causes of
action, actions or suits of any character that I may have against the City of Fort Worth or its
officers, agents, and/or employees and the City of _____ or its officers,
agents, and/or employees for any property loss or damage, for any and all personal injury
including death or any other damage of any kind or character which may arises or that arises
from allowing the City of _____ to hold a household hazardous waste
collection event, in which the City of Fort Worth sends its mobile collection unit on my property.

I have read this Waiver and Release and fully understand its terms and conditions. I have not
been influenced in any extent whatsoever by any representation or statements not contained in
this Agreement.

Signature

Date

Witness

Date



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 3.

Meeting Date: 09/16/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5807**

Authorizing Execution of an Encroachment Easement with Gulf Crossing Pipeline Co LLC to Construct a 16" Gas Pipeline within the Progress Drive Right-of-Way

Issue:

Authorizing an encroachment into the street right-of-way of Progress Drive for a gas pipeline.

Background:

Gulf Crossing Pipeline Co LLC has requested permission to place a 16" gas line in the Progress Drive right-of-way to accommodate the Panda Power project.

Origination:

Gulf Crossing Pipeline Co. LLC.

Financial Consideration:

None

Staff Recommendation:

The staff has no objections to the proposed encroachment and recommends approval.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5807

Encroachment Easement

Exhibit "A"

Location Map

RESOLUTION NO. 5807

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT WITH GULF CROSSING PIPELINE CO LLC TO CONSTRUCT A 16" GAS PIPELINE WITHIN THE PROGRESS DRIVE RIGHT-OF-WAY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an Encroachment Easement with Gulf Crossing Pipeline Co LLC, in substantially the same form as presented at this meeting, for the construction of a 16" natural gas pipeline within the Progress Drive right-of-way, in accordance with the Encroachment Easement and depicted on Exhibits "A" and "B" and the location map, all approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GRAYSON §

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **GULF CROSSING PIPELINE CO LLC** of Houston, Texas, hereinafter called "GRANTEE", an encroachment easement to construct a 16" gas pipeline within the Progress Drive right-of-way, as shown on the sketch marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of constructing a 16" gas pipeline within the herein described right-of-way. As shown on the attached exhibit the encroachment will encroach into the Street Right-of-Way (a minimum depth of 10'). GRANTEE agrees that all maintenance of the gas pipeline shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorneys fees which may occur in any manner by reason of any matter, fact, or thing arising from this conveyance caused by GRANTEE's or GRANTEE's contractor's use of the area.

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the gas pipeline and loss of use of such area.

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

EXECUTED this the _____ day of _____, A.D., 2013.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared **GEORGE OLSON**, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, Texas, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 2013.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

GULF CROSSING PIPELINE CO LLC
Kimberly Tarr:

BY: _____

ADDRESS: _____

PHONE #: _____

ACKNOWLEDGEMENT

STATE OF TEXAS *

COUNTY OF _____ *

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____
day of _____, A.D., 2013.

NOTARY SIGNATURE: _____

COMMISSION EXPIRES: _____

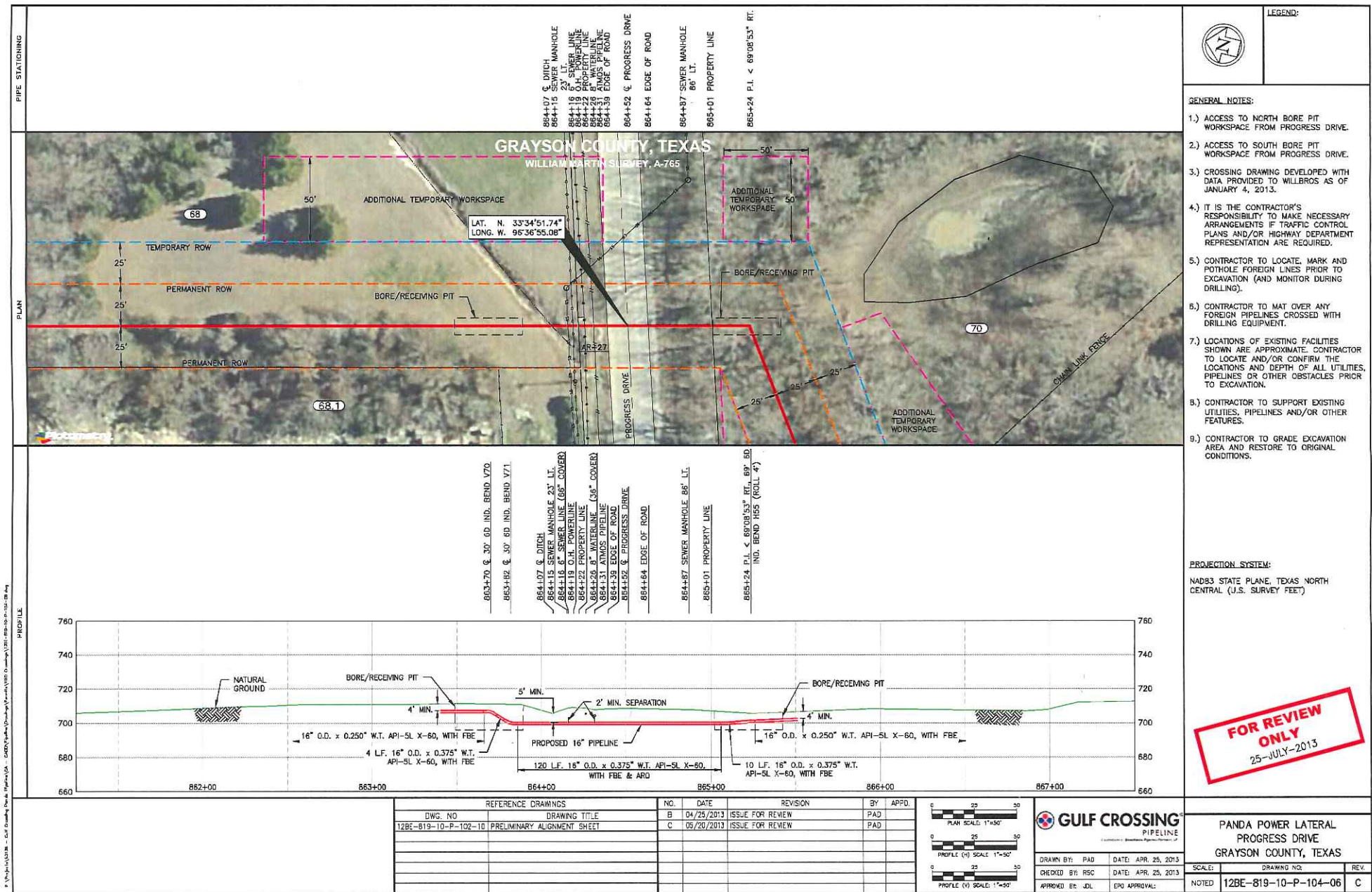


Exhibit "A"



bing™

Image courtesy of USGS © 2013 Microsoft Corporation ImagePatch.com

Sherman
CLASSIC TOWN. BROAD HORIZON.

Engineering Department

810 405 0 810 Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 4.

Meeting Date: 09/16/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5808**

Authorizing Execution of an Encroachment Easement with Gulf Crossing Pipeline Co LLC to Construct a 16" Gas Pipeline within the Street Right-of-Way of Travis Street

Issue:

Authorizing an encroachment into the street right-of-way of Travis Street for a gas pipeline

Background:

Gulf Crossing Pipeline Co LLC has requested permission to place a 16" gas pipeline in the Travis Street right-of-way to accommodate the Panda Power project.

Origination:

Gulf Crossing Pipeline Co LLC.

Financial Consideration:

None

Staff Recommendation:

The staff has no objections to the proposed encroachment and recommends approval.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5808

Encroachment Easement

Exhibit "A"

Location Map

RESOLUTION NO. 5808

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT WITH GULF CROSSING PIPELINE CO LLC TO CONSTRUCT A 16" GAS PIPELINE WITHIN THE STREET RIGHT-OF-WAY OF TRAVIS STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an Encroachment Easement with Gulf Crossing Pipeline Co LLC, in substantially the same form as presented at this meeting, for the construction of a 16" natural gas pipeline within the Travis Street right-of-way, in accordance with the Encroachment Easement and depicted on Exhibits "A" and "B" and the location map, all approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GRAYSON §

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **GULF CROSSING PIPELINE CO, LLC** of Houston, Texas, hereinafter called "GRANTEE", an encroachment easement to construct a 16" gas pipeline within the Travis Street right-of-way, as shown on the sketch marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of constructing a 16" gas pipeline within the herein described right-of-way. As shown on the attached exhibit the encroachment will encroach into the Street Right-of-Way (a minimum depth of 20'). GRANTEE agrees that all maintenance of the gas pipeline shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorneys fees which may occur in any manner by reason of any matter, fact, or thing arising from this conveyance and use of the area.

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the gas pipeline and loss of use of such area.

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

EXECUTED this the _____ day of _____, A.D., 2013.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared **GEORGE OLSON**, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, Texas, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 2013.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

GULF CROSSING PIPELINE, LLC
Kim Tarr:

BY: _____

ADDRESS: _____

PHONE #: _____

ACKNOWLEDGEMENT

STATE OF TEXAS *

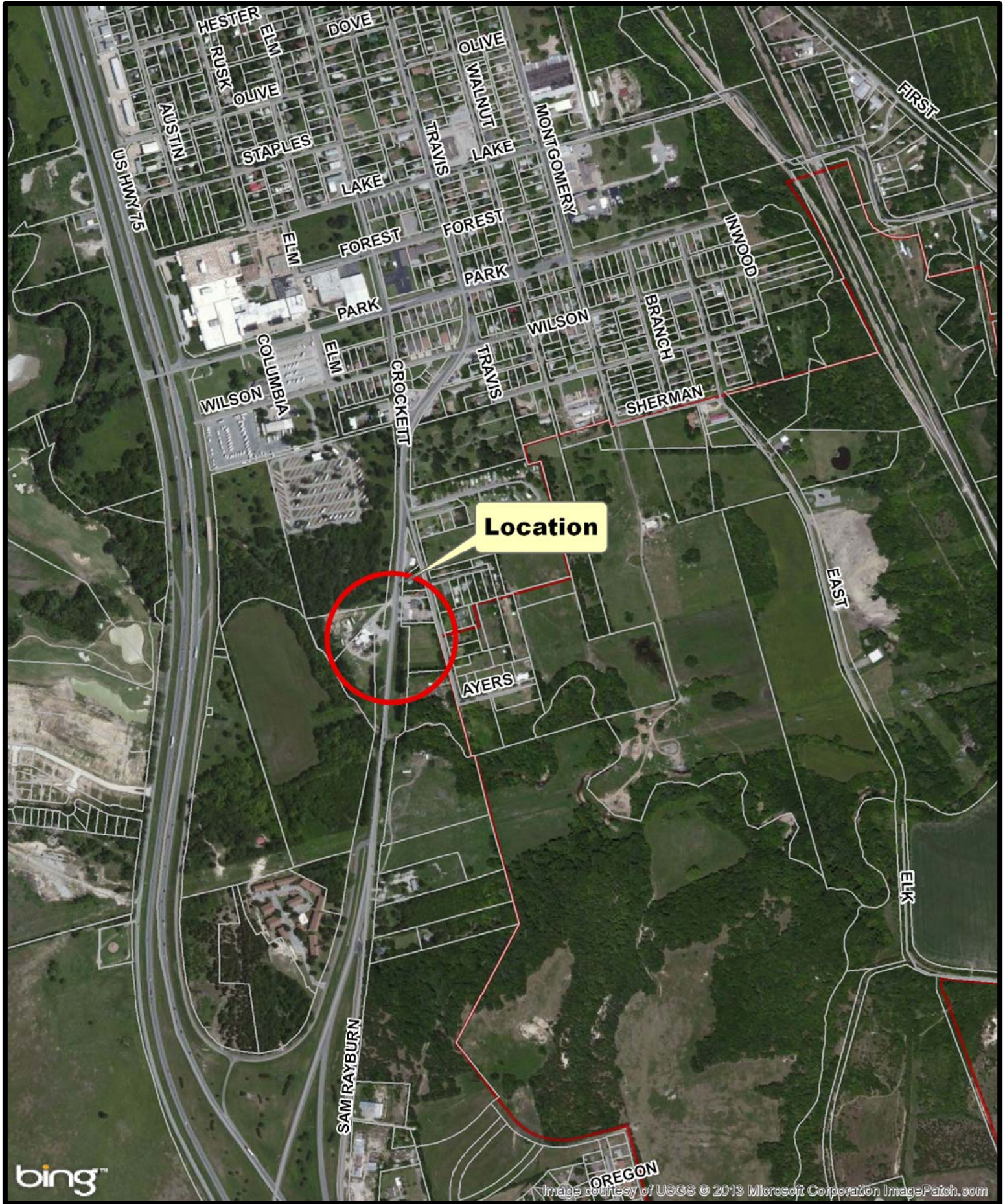
COUNTY OF _____ *

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____
day of _____, A.D., 2013.

NOTARY SIGNATURE: _____

COMMISSION EXPIRES: _____





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 1.

Meeting Date: 09/16/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Consider Request of the Austin College Kappa Gamma Chi to Temporarily Close Certain Streets for the Homecoming 2013 'Roo Run on Saturday, October 26, 2013

Issue:

Austin College Kappa Gamma Chi has submitted a request to close certain streets surrounding the Austin College campus for the Homecoming 2013 'Roo Run beginning at 8:00 a.m. on Saturday, October 26, 2013.

Background:

The Austin College Kappa Gamma Chi is sponsoring the Annual 5K 'Roo Run on Saturday, October 26th. The activities will begin at 8:00 a.m. and will follow the route outlined on the attached map.

Origination:

Phyllis Goode, Austin College Kappa Gamma Chi 'Roo Run Service Chair

Financial Consideration:

Labor and equipment to implement barricade placement and removal

Staff Recommendation:

It is recommended that the City Council approve this request and authorize the necessary assistance to accommodate the street closures for the event.

Alternatives:

As recommended by the Council

Attachments

Request Dated 9/9/13

Street Closure Map

Davis, Sheila

From: Phyllis Goode [pgoode12@austincollege.edu]
Sent: Monday, September 09, 2013 9:28 PM
To: Davis, Sheila
Subject: Roo Run

Hey Sheila,

Here's my request letter:

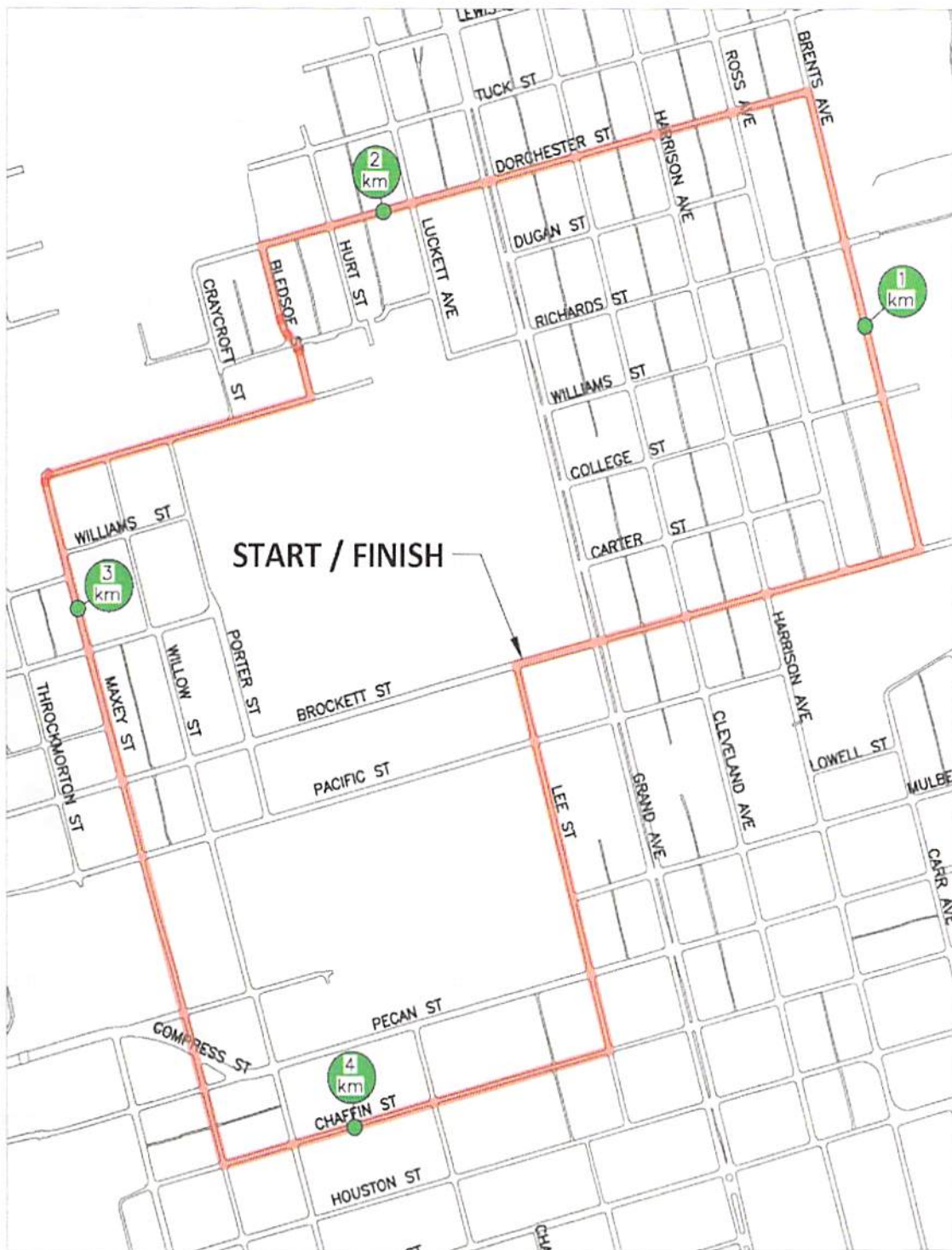
I am organizing Austin College's 5K Roo Run this year. Roo Run is an annual charity run open to the community thrown by our sorority, Kappa Gamma Chi. This year's proceeds will be benefiting the Cystic Fibrosis Foundation in honor of the Ulrich family who lost their daughter, Jordan Ulrich, to cystic fibrosis.

Roo Run will be occurring on October 26, 2013 at 8:00 AM this year. (Registration starts at 7:45). The race will follow the same route as last year starting at the Austin College Mason Complex which connects to Brockett St. The route will run east on Brockett, and then turn north onto N. Brents Ave. The next turn will be at E. Dorchester St, then south on N Bledsoe St, west on E Richards, south on Maxey St., east on Chaffin St, and then north on N. Lee St for the finish line.

We plan on having police officers at the two points that intersect Grand Ave, and girls directing for each turn.

If there is anything else I need to include please let me know!

Thank you,
Phyllis Goode
Kappa Gamma Chi Sorority Community Service Chair
806.789.9273



Sherman
CLASSIC TOWN. BROAD HORIZON.

ROO RUN
5K





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 2.

Meeting Date: 09/16/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of Downtown Sherman Preservation & Revitalization to Temporarily Close Travis Street (between Houston Street and Lamar Street) and Crockett Street (between Houston Street and Lamar Street) for a Halloween Event on Saturday, October 26, 2013; and Consider DSP&R's Request to Apply for a Liquor Permit to Sell Wine to Patrons of the Event

Issue:

Downtown Sherman Preservation & Revitalization (DSP&R) is requesting to temporarily close Travis Street (between Houston Street and Lamar Street) and Crockett Street (between Houston Street and Lamar Street) on Saturday, October 26, 2013 from 5:00 p.m. - 11:00 p.m. for their Halloween Celebration.

The event will include live music, vendors, and games for children. DSP&R is also requesting permission to apply for an alcohol permit from the Texas Tobacco and Alcohol Commission for the sale of wine to the patrons of this event.

Background:

This would be the second DSP&R Halloween event.

Origination:

Ms. Karen Tooley, Director of DSP&R

Financial Consideration:

Barricade placement and removal will be provided by the City of Sherman Street Department. DSP&R shall work with the Sherman Police Department to arrange for any security officers necessary for the event. DSP&R has been instructed that emergency vehicle accessibility must be maintained throughout the closed streets at all times.

Staff Recommendation:

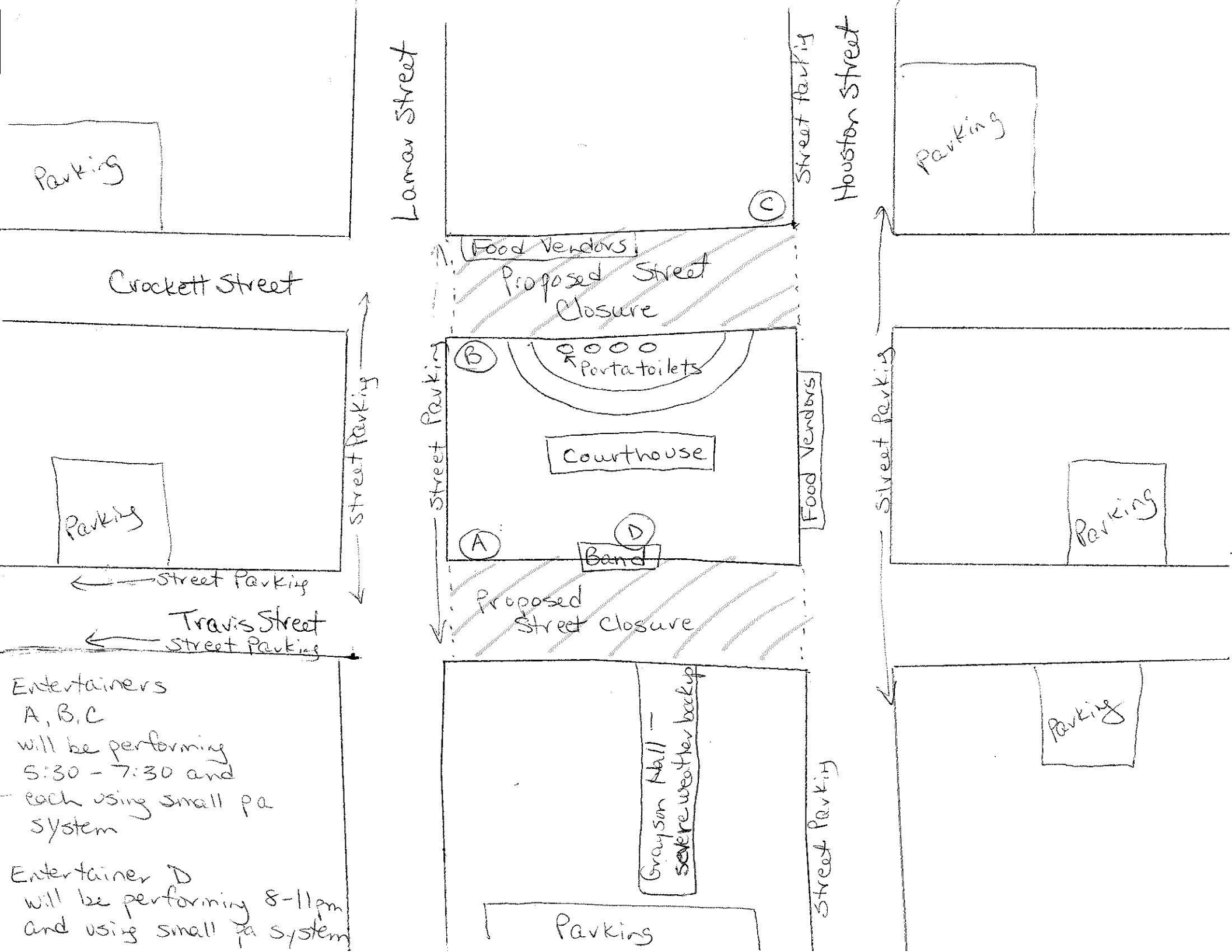
It is recommended that the City Council authorize the use of City resources to accommodate the street closures for the event.

Alternatives:

As directed by the Council

Attachments

Street Closure Map





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 3.

Meeting Date: 09/16/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of O'Hanlon Ranch Estates, Phase 4, being 11.23 acres in the J.B. McAnair Survey, Abstract No. 763; DGR Development Group, Ltd., Owners; and Sartin & Associates, Surveyors (2600 Block of West Lamberth Road, 2400-2600 Blocks of Remuda Drive, 3100-3200 Blocks of Bandera Drive, and 3100 Block of Overland Trail)

Issue:

To consider Final Plat approval of O'Hanlon Ranch Estates, Phase 4, being 11.23 acres in the J.B. McAnair Survey, Abstract No. 763

Background:

The property is located in the 2600 block of West Lamberth Road, 2400-2600 blocks of Remuda Drive, 3100-3200 blocks of Bandera Drive, and 3100 block of Overland Trail. This is the fourth phase of the O'Hanlon Ranch Estates subdivision, which first developed in 2000. The owners would like to plat the property into 29 lots for residential development.

Origination:

DGR Development Group, Ltd. (Owners)
Sartin & Associates (Surveyors)

Financial Consideration:

None

Staff Recommendation:

At the August 20, 2013 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

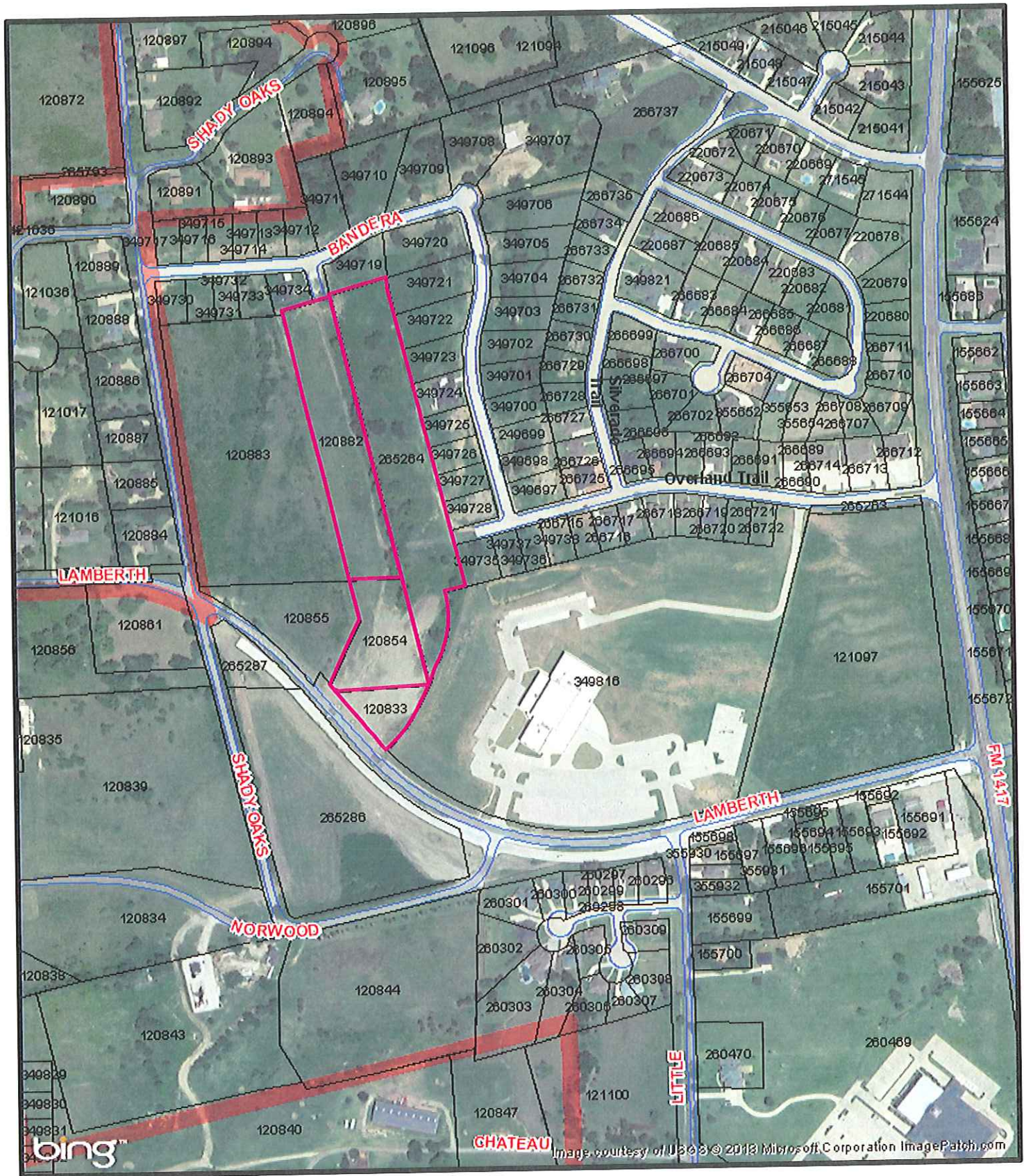
Location Map

Zoning Map

Plat

P&Z Communication

Staff Review Letter



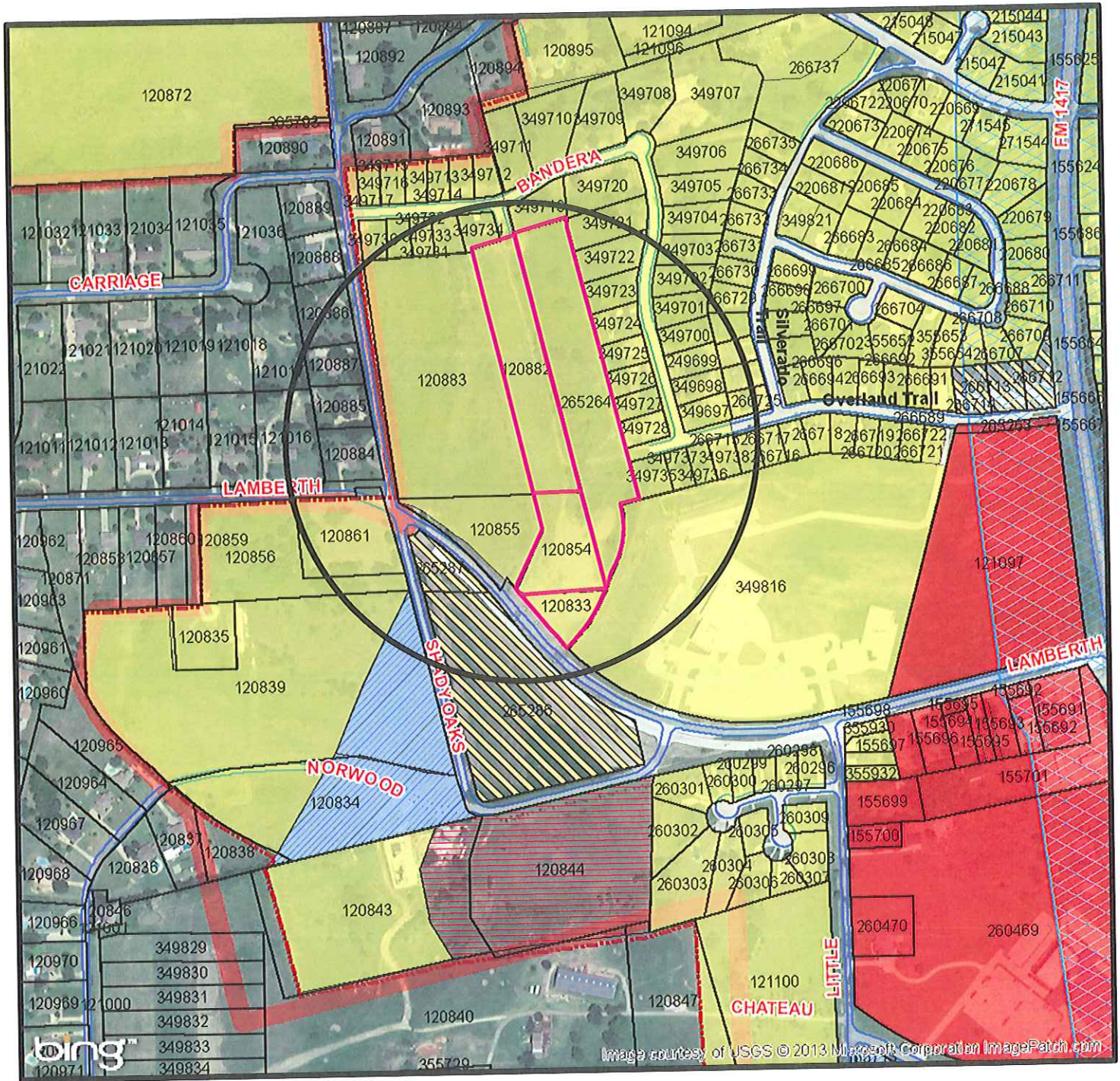
O'Hanlon Ranch Addition, Phase 4

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 392 feet

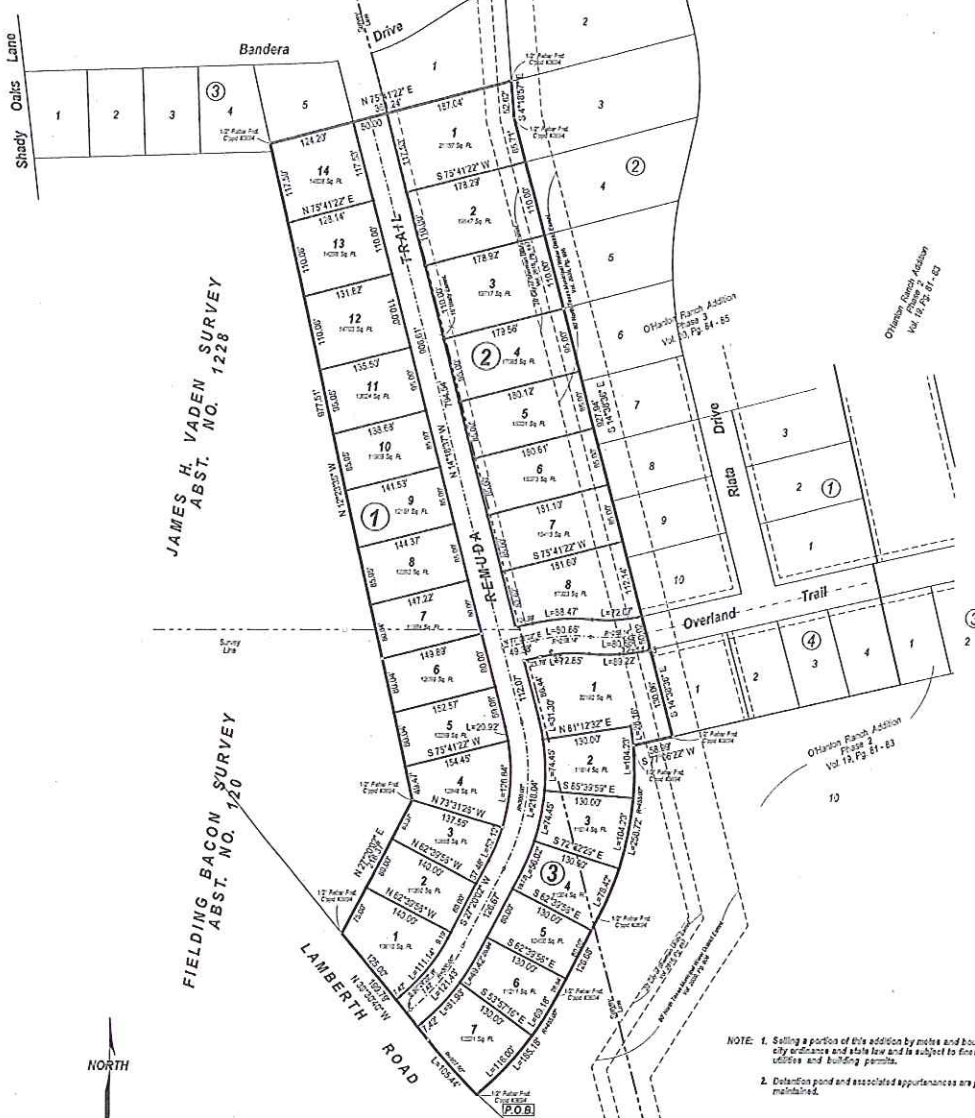


Zoning - O'Hanlon Ranch Addition, Phase 4

Legend

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





NORTH

Scale: 1" = 100'

0 50 100

Beating from
Monumentation found along
24' wide R.R. right of way.
Highway No. 141 is just
right of way map.



Final Plat of O'HANLON RANCH ADDITION PHASE 4

to the
CITY of SHERMAN, TEXAS

(Being 11.23 Acres)

Owners & Developers
DGR Development Group, Ltd.
Dean Gilbert, Inc.
801 E. Taylor
Sherman, Texas 75090
Dean Gilbert, President

SARTIN & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
303 S. Taylor, P.O. Box 1243 Sherman, Texas 75091-1243
Ph: (972) 824-0031 Fax: (972) 824-2078 Email: msartin@sartinassoc.com

SHEET 1 OF 2
0144-FINAL-1.pps



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

Agenda Item No. 10.

Meeting Date: 08/20/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Ron Barton, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Dr. Alan Scheibmeir, Commissioner

Andrew Olmstead, Commissioner

Requested Action/Proposed Use:

*** 2600 BLOCK W. LAMBERTH RD., 2400-2600 BLOCKS REMUDA DR., 3100-3200 BLOCKS BANDERA DR. & 3100 BLOCK OVERLAND TRL.**

The request of DGR Development Group, Ltd (Owners) and Sartin & Associates (Surveyors) concerning the property located in the 2600 Block of West Lamberth Road, 2400-2600 Blocks Remuda Drive, 3100-3200 Blocks Bandera Drive and the 3100 Block Overland Trail, being 11.23 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

- Preliminary Plat approval of O'Hanlon Ranch Estates, Phase 4.
- Final Plat approval of O'Hanlon Ranch Estates, Phase 4

Background:

The property is located in the 2600 Block of West Lamberth Road, 2400-2600 Blocks Remuda Drive, 3100-3200 Blocks Bandera Drive and the 3100 Block Overland Trail. This is fourth phase of the O'Hanlon Ranch Estates subdivision which first developed in 2000. The owners would like to plat the property into 29 lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District and C-O (Office) District

Origination:

DGR Development Group, Ltd (Owners) and Sartin & Associates (Surveyors)

Master Plan Designation:

Agricultural and Rural – Typically are large parcels that are primarily used for crops or pasture land. These low density regions surrounding the City do not have significant demands on the transportation or utilities network.

and

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Preliminary Plat

Final Plat

Staff Review Letter

STAFF REVIEW LETTER

August 14, 2013

DGR Development Group, Ltd.
Dean Gilbert, Jr.
801 E. Taylor
Sherman, Texas 75090

Dear Applicants,

The request for approval of the Preliminary and Final Plat of O'Hanlon Ranch Estates, Phase 4 concerning the property located in the 2600 Block of West Lamberth Road, 2400-2600 Blocks of Remuda Drive, 3100-3200 Blocks Bandera Drive and the 3100 Block Overland Trail has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 20, 2013 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

PRELIMINARY PLAT

1. Remuda Trail shall be changed to Remuda Drive to be consistent with the existing street name.
2. Drive approaches and sidewalks shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
3. Detention in accordance with City criteria is required.
4. A 15' Sewer Easement shall be shown along the front of Lots 6-14, Block 1.
5. A 10' Utility Easement shall be shown west of and adjacent to the 15' Sewer Easement on Lots 6-14, Block 1.
6. A 10' Utility Easement shall be shown along the front of Lots 1-5, Block 1.
7. A 10' Utility Easement shall be shown along the south side of Lot 1, Block 1.
8. The 15' Utility Easement on along the front of Lots 1-8, Block 2 shall be noted as being a 15' Water Easement.
9. A 10' Utility Easement shall be shown east of and adjacent to the 15' Water Easement on Lots 1-8, Block 2.
10. A 10' Utility Easement shall be shown on the south side of Lot 8, Block 2.
11. A 10' Utility Easement shall be shown on the north side of Lot 1, Block 3.
12. A 10' Utility Easement shall be shown along the front of Lots 1-7, Block 3.
13. A 10' Utility Easement shall be shown along the south side of Lot 7, Block 3.

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

FINAL PLAT

1. Letters from the various utility providers are required verifying availability of service.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Remuda Trail shall be changed to Remuda Drive to be consistent with the existing street name.
4. Drive approaches and sidewalks shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
5. Detention in accordance with City criteria is required.
6. A 15' Sewer Easement shall be shown along the front of Lots 6-14, Block 1.
7. A 10' Utility Easement shall be shown west of and adjacent to the 15' Sewer Easement on Lots 6-14, Block 1.
8. A 10' Utility Easement shall be shown along the front of Lots 1-5, Block 1.
9. A 10' Utility Easement shall be shown along the south side of Lot 1, Block 1.
10. The 15' Utility Easement on along the front of Lots 1-8, Block 2 shall be noted as being a 15' Water Easement.
11. A 10' Utility Easement shall be shown east of and adjacent to the 15' Water Easement on Lots 1-8, Block 2.
12. A 10' Utility Easement shall be shown on the south side of Lot 8, Block 2.
13. A 10' Utility Easement shall be shown on the north side of Lot 1, Block 3.
14. A 10' Utility Easement shall be shown along the front of Lots 1-7, Block 3.
15. A 10' Utility Easement shall be shown along the south side of Lot 7, Block 3.
16. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

If additional information or clarification is needed, do not hesitate to contact Rita Gaither, Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,


Clay Barnett
City Engineer

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Don Keene, Dir. of Public Works
Lisa Whitfield, Engineering & Development Coordinator
Sartin & Associates, P.O. Box 1843, Sherman, Texas 75090

Scott Shadden, Director of Development Services
Mark Gibson, Dir. of Engineering & Utilities
Jamie Baggs, Fire Marshal



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 4.

Meeting Date: 09/16/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lot 1R of Sherman Crossing Addition, containing 8.139 acres; 75/82 Sherman Crossing LTD., Owners; Herb Goodman, Goodman Real Estate Solutions, Representative; Bluestone Partners, General Contractor; and Underwood Drafting and Surveying, Surveyors (3200 Block of U.S. Highway 75 North)

Issue:

To consider Replat Approval of Lot 1R of Sherman Crossing Addition, containing 8.139 acres

Background:

The property is located in the 3200 block of U.S. Highway 75 North; the northeast corner of Highways 75 and 82. The owners would like to replat the property into two lots for commercial development.

Origination:

75/82 Sherman Crossing LTD. (Owners)
Herb Goodman, Goodman Real Estate Solutions (Representative)
Bluestone Partners (General Contractor)
Underwood Drafting and Surveying (Surveyors)

Financial Consideration:

None

Staff Recommendation:

At the August 20, 2013 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

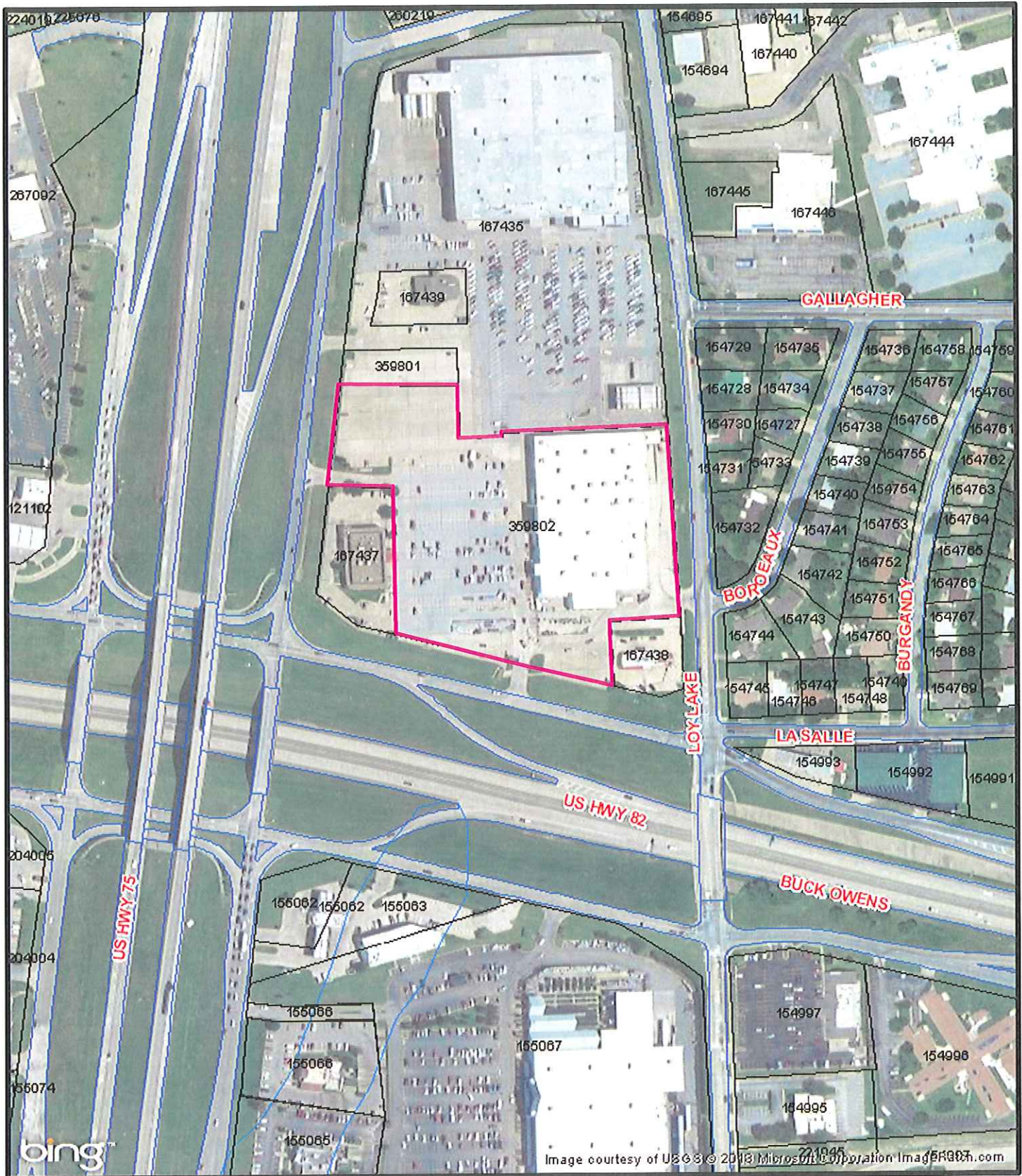
Location Map

Zoning Map

Replat

P&Z Communication

Staff Review Letter



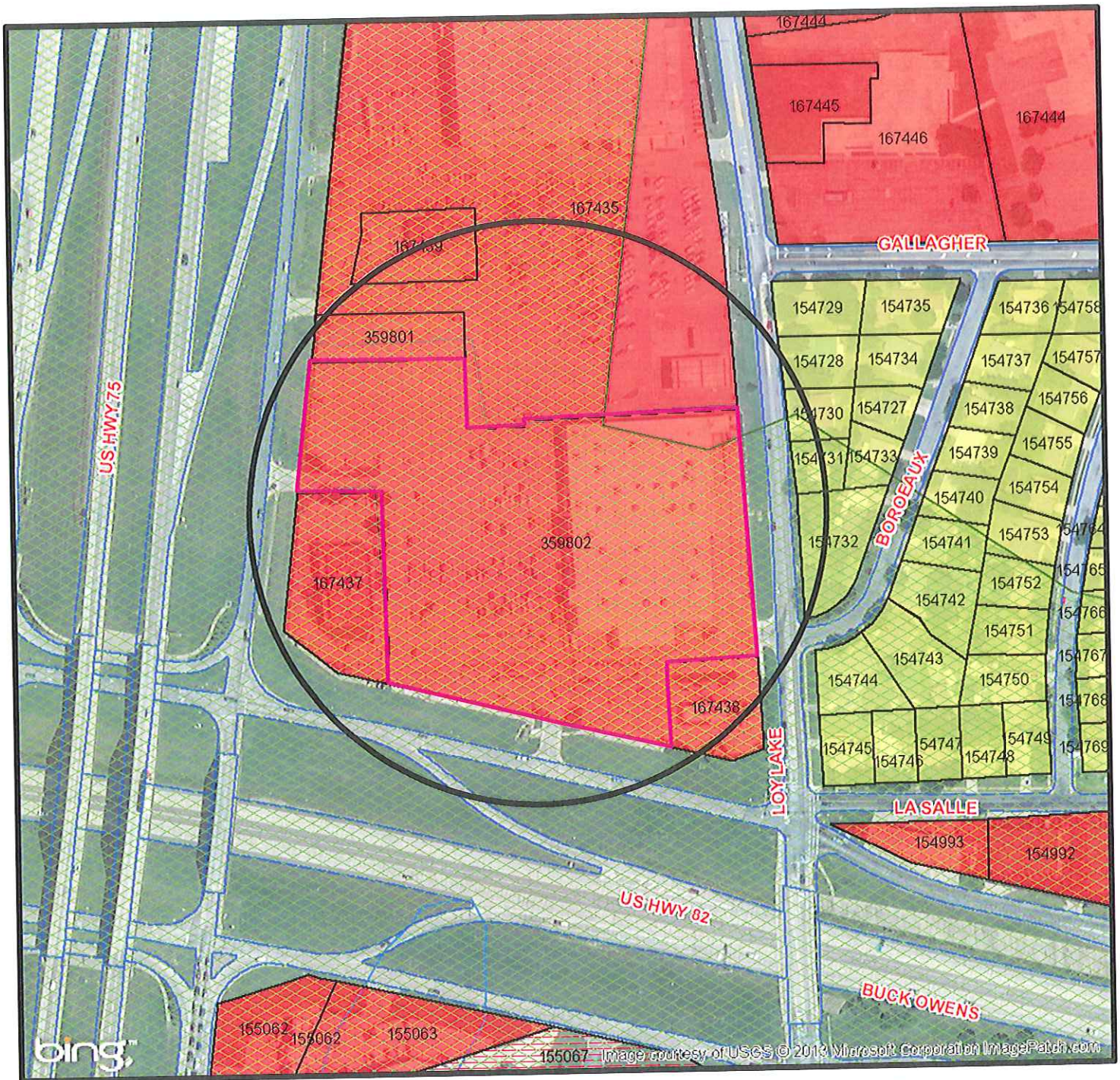
3200 Block U.S. Highway 75 North

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 282 feet

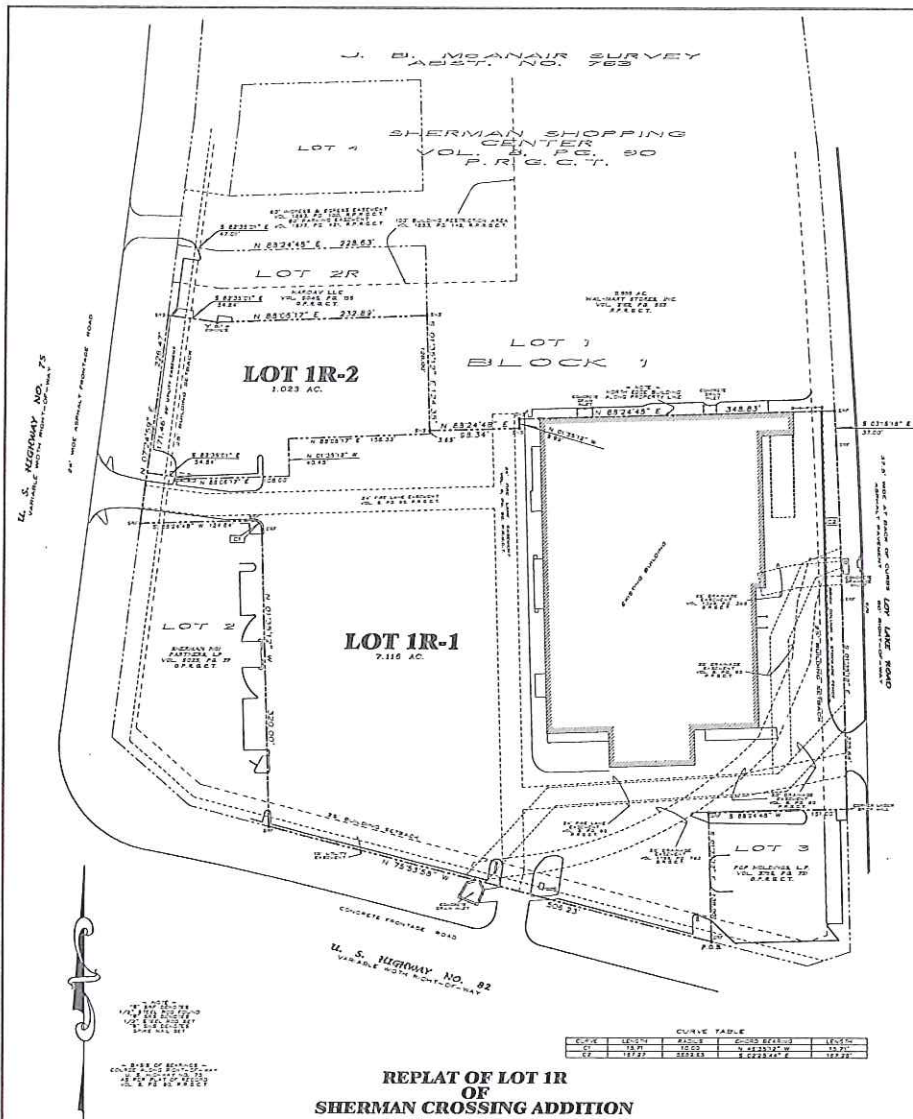


Zoning - 3200 Block U.S. Highway 75 North

Legend

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





LEGAL DESCRIPTION

Situated in the City of Sherman, Grayson County, Texas, being a part of the J. B. McANAIR SURVEY, ABST. NO. 763, and being a part of the SHERMAN CROSSING ADDITION to said City of Sherman, as shown by Book of Records, Volume 21, Pages 83 & 84, of Public Records, Grayson County, Texas, and being more particularly described by maps and books as follows:

Beginning at a 1/2" steel rod found maintaining the most Southerly South-East corner of both said Lot 1R and Sherman Crossing Addition in the North right-of-way line of U. S. Highway No. 82, and said rod found maintaining the South-East corner of Lot 3 in Block 1 of a Replat Of Sherman Shopping Center, an addition to said City of Sherman, as shown by Book of Record in Volume 8, Page 50, said Public Records.

Thence North 78°35'28" West with said North right-of-way line of Highway No. 82 a distance of 508.23 feet to a 1/2" steel rod found maintaining the most Southerly South-East corner of said Lot 1R and Sherman Crossing Addition and the Southeast corner of Lot 3 of said Sherman Shopping Center.

Thence North 01°35'12" West a distance of 320.00 feet to a 1/2" steel rod found maintaining the most Easterly Northeast corner of said Lot 3 and the beginning of a curve to the left having a radius of 10.00 feet.

Thence in a Northwesterly direction with said curve, (chord North 42°35'12" West, 14.14 feet), on arc distance of 13.71 feet to a 1/2" steel rod found maintaining the end of said curve and the most Northerly North-East corner of said Lot 2.

Thence South 82°24'48" West a distance of 124.84 feet to a 1/2" steel rod found maintaining the North-East corner of said Lot 2 and the most Easterly South-East corner of both said Lot 1R and Sherman Crossing Addition in the East right-of-way line of U. S. Highway No. 75.

Thence North 07°24'53" East with said East right-of-way line of Highway No. 75 and West line of both said Lot 1R and Sherman Crossing Addition a distance of 226.47 feet to a 1/2" steel rod found maintaining the most Northerly North-East corner of said Lot 1R and the South-East corner of Lot 2R of said Sherman Crossing Addition.

Thence South 82°35'01" East with the North line of said Lot 1R and South line of said Lot 1R a distance of 54.84 feet to a concrete parking lot for a total distance of 54.84 feet to a concrete "L" curb continuing through said parking lot a distance of 238.65 feet to a 1/2" steel rod found marking the most Northerly North-East corner of the said Lot 1R and the South-East corner of said Lot 2R in an asphalt along the East edge of said concrete in a West line of that portion of said Block 1 and Lot 1 of Sherman Shopping Center addition described as 11.555 acres as conveyed by Book 64, Texas, N.A. to Hol-Mark Stores, Inc. by Order of the City of Sherman, recorded in Volume 2155, Page 253, said Public Records.

Thence South 01°35'12" East near the East edge of said concrete a distance of 124.83 feet to a 1/2" steel rod found marking on inside "L" corner in the North line of the said Lot 1R and the most Southerly South-East corner of the said 11.555 acre tract.

Thence North 82°24'48" East a distance of 99.34 feet to a 1/2" steel rod found marking another inside "L" corner in said North line of Lot 1R and outside "L" corner in the South line of the said 11.555 acre tract.

Thence North 01°35'12" West a distance of 9.99 feet to a 1/2" steel rod found marking on outside "L" corner in said North line of Lot 1R and on inside "L" corner in said South line of the said 11.555 acre tract.

Thence North 82°24'48" East a distance of 348.03 feet to a 1/2" steel rod found maintaining the most Easterly North-East corner of both said Lot 1R and Sherman Crossing Addition and the South-East corner of the said 11.555 acre tract in the West right-of-way line of Key Lake Road.

Thence South 03°16'16" East with said North-right-of-way line and East line of Lot 1R a distance of 376.00 feet to a 1/2" steel rod found maintaining the beginning of a curve to the right having a radius of 2589.65 feet.

Thence in a Southerly direction continuing with said right-of-way line and East line with said curve, (chord South 02°25'44" East, 187.26 feet), on arc distance of 187.25 feet to a 1/2" steel rod found maintaining the end of said curve.

Thence South 82°24'48" West a distance of 226.47 feet to the Northeast corner of both said Lot 1R and Sherman Crossing Addition under the edge of a brick wall bounding a complete lot.

Thence South 82°24'48" West a distance of 151.00 feet to a 1/2" steel rod found maintaining the Northeast corner of said Lot 3 and on inside "L" corner in the South line of both said Lot 1R and Sherman Crossing Addition.

Thence South 01°35'12" East with the West line of said Lot 3 and on East line of both said Lot 1R and Sherman Crossing Addition a distance of 139.00 feet to the Point-of-Beginning and containing 8.139 acres of land.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, 25/32 Sherman Crossing Ltd., do hereby adopt this plat depicting the heretofore described as the REPLAT OF LOT 1R OF SHERMAN CROSSING ADDITION to the City of Sherman, Texas, and do hereby dedicate to the public use forever, the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and also remove or to plant or any buildings, fences, trees, shrubs or other improvements or growths which in any way encroach or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements strike or any public or private utility and, let of times, easement strike for the purpose of constructing, reconstructing, or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules, regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2013.

David S. Holmstein
(Authorized)

STATE OF TEXAS COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared David S. Holmstein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2013.

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

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of the REPLAT OF LOT 1R OF SHERMAN CROSSING ADDITION to the City of Sherman, Texas, was submitted to the City Council of the City of Sherman, Texas, on _____, 2013, and the City Council by formal action then and there adopted the dedication of streets, city easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to execute the acceptance thereof by signing his name as heretofore subscribed.

Witness my hand this _____ day of _____, 2013.

Clark, City of Sherman, Texas

KNOWN ALL MEN BY THESE PRESENTS:

That I, James R. Moret, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon were properly located under my personal supervision in accordance with the subdivision regulations of the City of Sherman, Texas.

James R. Moret
Registered Professional
Land Surveyor, No. 3433

Date

Approved this _____ day of _____, 2013, by the City Planning and Zoning Commission of the City of Sherman, Texas

Chairman Secretary

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas Date

REPLAT OF LOT 1R OF SHERMAN CROSSING ADDITION TO THE CITY OF SHERMAN GRAYSON COUNTY, TEXAS 7-30-13

CURVE	LENGTH	POINTER	CURVE BEARING	LENGTH
1	13.71	103.33	N 42°35'12" E	13.71

OWNER - DEVELOPER
25/32 SHERMAN CROSSING LTD.
DAVID S. HOLMSTEIN
2504 INTERURBAN ROAD
DALLAS, TEXAS 75244-6151



SURVEYOR
JAMES R. MORET, REG. NO. 3433
UNDERWOOD DRAFTING & SURVEYING
INC. 1000 N. WILSON ROAD
DENSON, TEXAS 75021

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



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

Agenda Item No. 6.

Meeting Date: 08/20/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Ron Barton, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Dr. Alan Scheibmeir, Commissioner

Andrew Olmstead, Commissioner

Requested Action/Proposed Use:

*** 3200 BLOCK U.S. HIGHWAY 75 NORTH**

The request of 75/82 Sherman Crossing LTD (Owners), Herb Goodman, Goodman Real Estate Solutions (Representative), Bluestone Partners (General Contractor) and Underwood Drafting and Surveying (Surveyors) concerning the property located in the 3200 Block of U.S. Highway 75 North, being Lot 1R, Block 1 of the Sherman Crossings Addition, containing 8.139 acres, as follows:

Planning and Zoning Commission

Replat approval of Lot 1R of Sherman Crossing Addition.

Background:

The property is located in the 3200 Block of U.S. Highway 75 North; the northeast corner of Highways 75 and 82. The owner would like to replat the property into two lots for commercial development.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

75/82 Sherman Crossing LTD (Owners), Herb Goodman, Goodman Real Estate Solutions (Representative), Bluestone Partners (General Contractor) and Underwood Drafting and Surveying (Surveyors)

Master Plan Designation:

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

Number of notices mailed:

Not required

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat

Staff Review Letter

STAFF REVIEW LETTER

August 14, 2013

75-82 Sherman Crossing LTD
David Walenstein
2727 LBJ Freeway, Ste. 600
Dallas, TX 75234

Dear Applicants,

The request for approval of the Replat of Lot 1R, Block 1 of the Sherman Crossing Addition, for the property located in the 3200 Block of U.S. Highway 75 North has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 20, 2013 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Building lines shall be removed from the plat.
4. A mutual ingress / egress agreement is required for access to the lot.
5. A 3' right-of-way dedication is required along Loy Lake Road.
6. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,


Clay Barnett
City Engineer

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Don Keene, Dir. of Public Works
Lisa Whitfield, Engineering & Development Coordinator
Underwood Drafting and Surveying, 3404 Interurban Rd., Denison, TX 75021

Scott Shadden, Director of Development Services
Mark Gibson, Dir. of Engineering & Utilities
Jamic Baggs, Fire Marshal



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 5.

Meeting Date: 09/16/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Hale Industrial Park Addition in the City of Sherman's Extraterritorial Jurisdiction (ETJ), being 7.537 acres in the Fielding Bacon Survey, Abstract No. 119; Hale Southmayd Corporation, Owners; John Roman, Representative; and Helvey & Associates Surveying, Inc., Surveyors (4601 West Highway 56)

Issue:

To consider Final Plat approval of Hale Industrial Park Addition in the City of Sherman's ETJ, being 7.537 acres in the Fielding Bacon Survey, Abstract No. 119

Background:

The property is located at 4601 West Highway 56, between F.M. 1417 (Heritage Parkway) and Friendship Road, in the City of Sherman's ETJ. The owners would like to plat the property into two lots.

Origination:

Hale Southmayd Corporation (Owners)
John Roman (Representative)
Helvey & Associates Surveying, Inc. (Surveyors)

Financial Consideration:

None

Staff Recommendation:

At the August 20, 2013 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

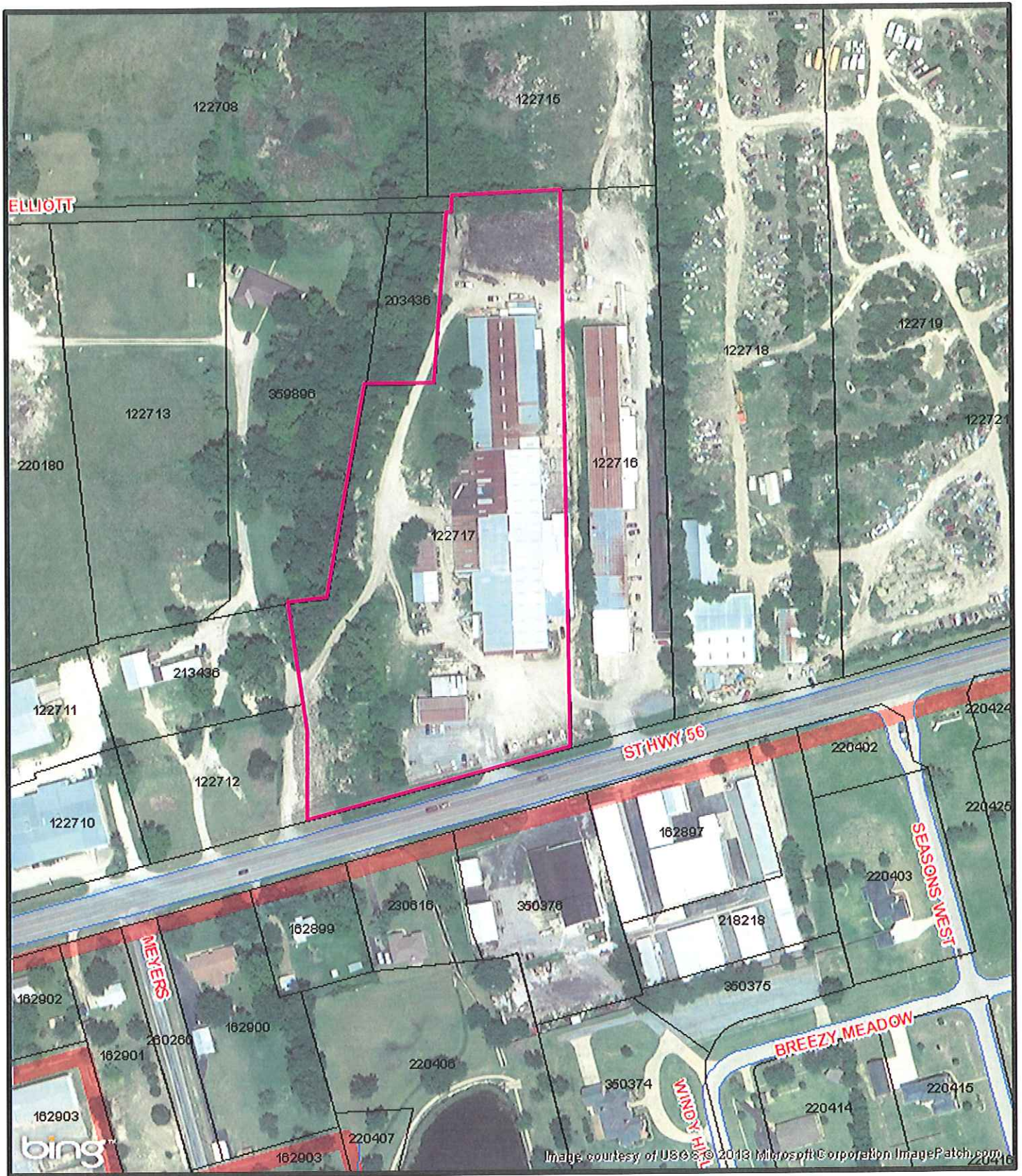
Location Map

Zoning Map

Plat

P&Z Communication

Staff Review Letter



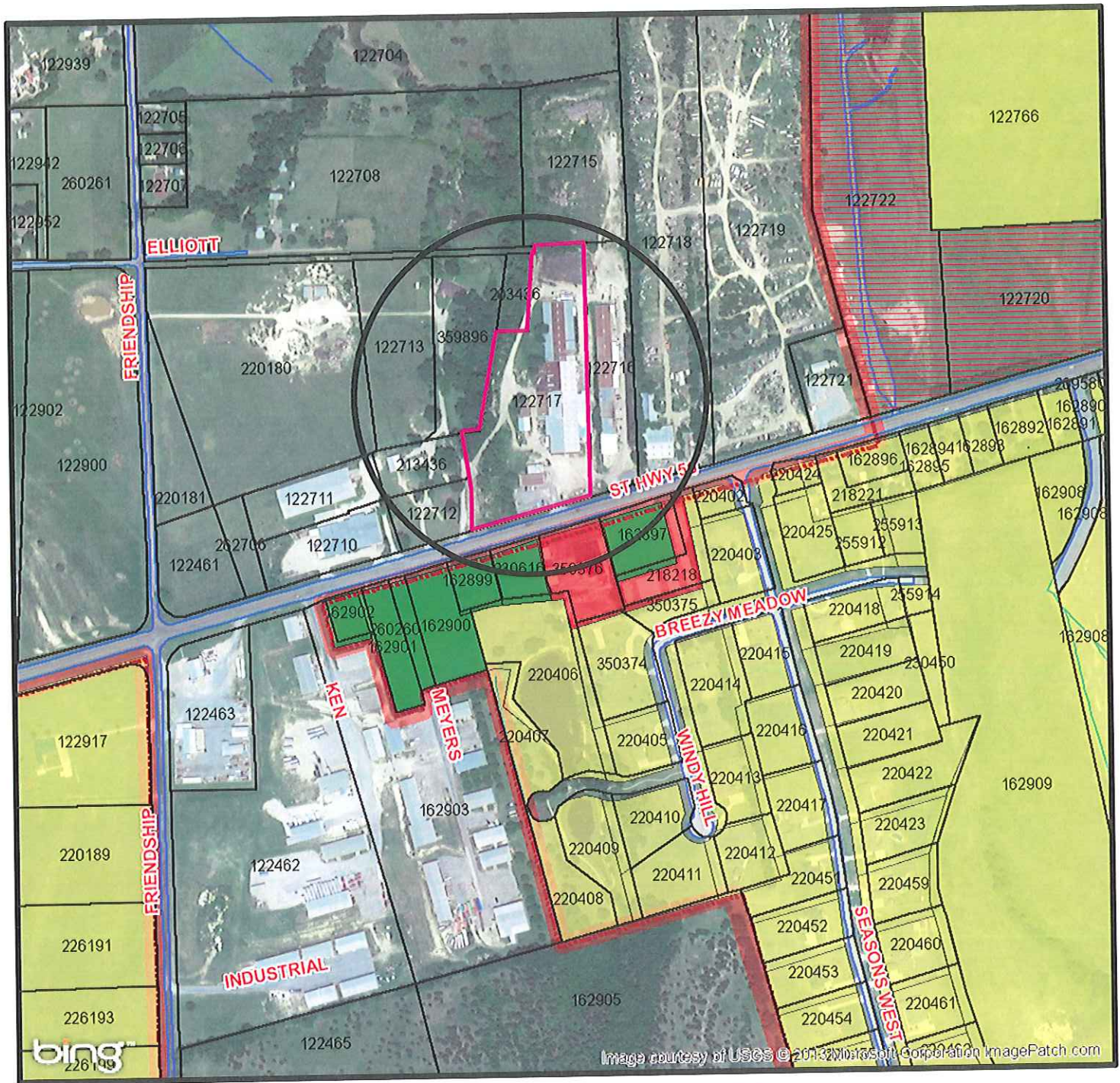
4601 W. Hwy. 56

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



1 inch = 196 feet

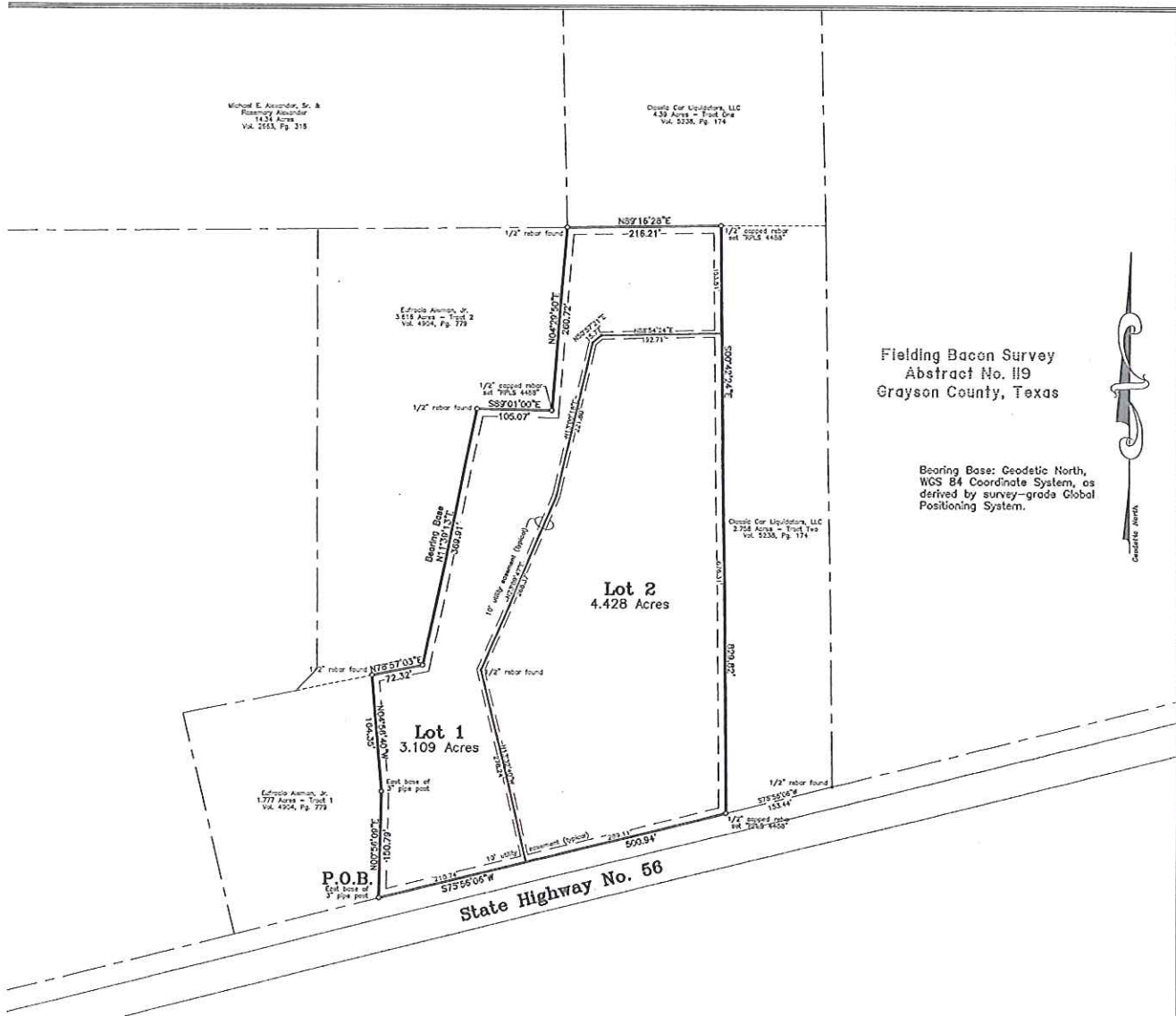


Zoning - 4601 W. Hwy. 56

Legend

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





Hale Industrial Park to Grayson County, Texas 7.537 Acres

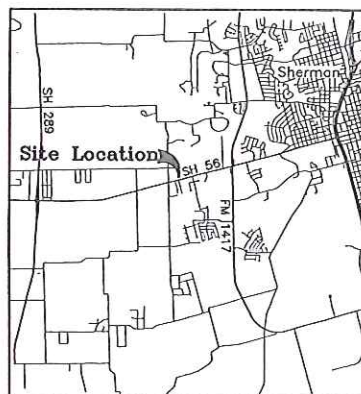
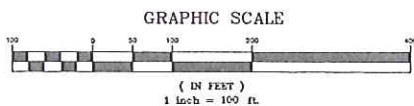
in the
**Fielding Bacon Survey
Abstract No. 119**

Hale Southmayd Corporation
OWNER

General Notes:

1. Water Supply to be provided by on-site water wells.
2. Sewer service to be provided by on-site septic systems, approved by Grayson County.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. Grayson County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plot hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4918100270F, Revised Date: September 23, 2010.
8. Neither Grayson County nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Helvey & Associates Surveying, Inc.
222 W. Main St.
Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088





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

Agenda Item No. 11.

Meeting Date: 08/20/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Ron Barton, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Dr. Alan Scheibmeir, Commissioner

Andrew Olmstead, Commissioner

Requested Action/Proposed Use:

*** 4601 W. HIGHWAY 56**

The request of Hale Southmayd Corporation (Owners), John Roman (Representative) and Helvey & Associates Surveying, Inc. (Surveyors) concerning the property at 4601 W. Highway 56, being 7.537 acres in the Fielding Bacon Survey, Abstract No. 119, as follows:

Planning and Zoning Commission

Final Plat approval of Hale Industrial Park Addition in the City of Sherman's Extraterritorial Jurisdiction (ETJ)

Background:

The property is located at 4601 W. Highway 56 between FM 1417 (Heritage Parkway) and Friendship Road, in the City of Sherman's Extraterritorial Jurisdiction. The owners would like to plat the property into two lots.

Adjacent Zoning:

SF-1 (Single Family Residential) District and C-1 (Retail Business) District

Origination:

Hale Southmayd Corporation (Owners) and Helvey & Associates Surveying, Inc. (Surveyors)

Master Plan Designation:

Industrial – This character type typically has very large lot sizes with large buildings that are used for industrial purposes. A lot may have any number of buildings or storage facilities. Parking lots are necessary for employees and rail access may be necessary to ship/receive materials.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Plat

Staff Review Letter

STAFF REVIEW LETTER

August 14, 2013

Hale Southmayd Corporation
2505 Jolinda Ln
Whitesboro, TX 76273-1211

Dear Applicants,

The request for approval of a Final Plat for the Hale Industrial Park Addition located at 4601 W. Highway 56 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 20, 2013 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Final Plat:

1. Letters from the various utility providers are required verifying availability of service.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. Detention in accordance with City criteria is required.
5. The width of right-of-way for streets and the pavement width shall be shown.
6. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission

Grayson County Comments:

1. Name, address and phone number of owner of record.
2. If these proposed lots are not yet built out, Grayson County needs OSSF site suitability analysis and letters from utility companies regarding service. If lots are built out, these items are not necessary.
3. Grayson County plat application along with \$515.00 plat review fee.
4. Provide 50' building line on front of lot.

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

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,



Clay Barnett
City Engineer

cc: George Olson, City Manager
 Brandon Shelby, City Attorney
 Jamie Baggs, Fire Marshal
 Don Keene, Dir. of Public Works
 Helvey & Associates Surveying, Inc., 22 W. Main St., Denison, TX 75020

 Scott Shadden, Director of Development Services
 Mark Gibson, Dir. of Engineering & Utilities
 Lisa Whitfield, Engineering & Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. G. 1.

Meeting Date: 09/16/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

- (a) Keep Sherman Beautiful Commission (5)

Issue:

There are five vacancies on the Keep Sherman Beautiful Commission. Council Members have appointed two members to the Commission. Karen Tooley and Lauren Alexis Roth have submitted applications for service.

Background:

The Keep Sherman Beautiful Commission promotes public interest in the general improvement of the environment of the City, and initiates, plans, directs, and coordinates programs for litter control in conjunction with and in cooperation with citizens, government, businesses, and industries within the City.

Origination:

This agenda item originated with Mayor Cary Wacker.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

The staff's recommendation is to include this agenda item so the City Council can discuss appointments to the Keep Sherman Beautiful Commission.

Alternatives:

The Council could choose not to make appointments to the Keep Sherman Beautiful Commission.

Attachments

Roster

Fact Sheet

Applicant List

Karen Tooley Application

Lauren Alexis Roth Application

MEMBERSHIP ROSTER

KEEP SHERMAN BEAUTIFUL COMMISSION

LENGTH OF TERMS: SEE NOTE BELOW*

Ord. 4112 Consecutive Term Limit (3)*effective 7/24/89

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Jennifer Thompson	4			1	2 Year Term
Michael Deen	2			1	2 Year Term
Vacant					2 Year Term
Vacant					2 Year Term
Vacant					2 Year Term
Vacant					2 Year Term
Vacant					2 Year Term

NOTE: All members shall be appointed for terms of two (2) years, and shall not serve for more than three (3) consecutive terms.

FACT SHEET

KEEP SHERMAN BEAUTIFUL COMMISSION

Established by RESOLUTION 2805 – MARCH 2, 1992 – RE-ESTABLISHED BY RESOLUTION 3807 – APRIL 19, 1999; RE-ESTABLISHED BY RESOLUTION 5041 – JULY 16, 2007

1. Number of Members: SEVEN (7)
2. Term of Appointment: TWO (2) YEARS
3. Consecutive Term Rule: THREE YEARS
4. Qualifications for Membership: INTEREST IN KEEPING SHERMAN BEAUTIFUL; DEDICATION TO IMPLEMENTATION OF ASSIGNED PROJECTS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

CHAIRPERSON A VICE CHAIRPERSON E SECRETARY E

ELECTED APPOINTED

7. Departmental Responsibility: CITY MANAGER
8. Meeting Date: BI-MONTHLY AT 5:30 P.M. OR WHEN CALLED
9. Attendance Requirements: IF A COMMISSION MISSES TWO MEETINGS WITHOUT NOTICE AND/OR WITHOUT GOOD CAUSE WITHIN A CALENDAR YEAR, AFTER WRITTEN NOTIFICATION BY THE CHAIRMAN, HE/SHE SHALL AUTOMATICALLY RELINQUISH HIS/HER PLACE ON THE COMMISSION

=====

PURPOSE:

Commission shall function to assist the City Council and the City staff by involving individuals, businesses, and industries throughout the community to promote education and activities and encourage waste reduction, litter prevention, and beautification programs and projects in affiliation with the Keep Texas Beautiful objectives.

RESPONSIBILITIES:

- (1) To plan, initiate, direct, and coordinate community-wide efforts to achieve its goals
- (2) To solicit and accept donations and appropriations for money, service, products, property, and/or facilities expenditure and use by the Commission for the accomplishment of its objectives as approved by the City Council
- (3) To make recommendations to the City Council, as well as to the private sector, regarding measures which it deems necessary to accomplish the objectives of both the City and the Commission.

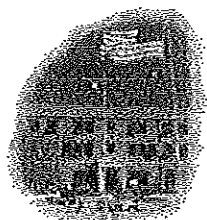
APPLICANT LIST

Keep Sherman Beautiful Commission

Positions Vacant 5

Applicant	Address	District	Qualifications
Karen Tooley	1202 S. Travis	4	Downtown Sherman Preservation & Revitalization
Lauren Alexis Roth	1400 W. Laurel	4	Sherman Chamber of Commerce

COMMENTS:



CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206



Name:

Karen C. Tooley

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

Name of Board
or Commission:

Keep Sherman Beautiful Commission

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

Personal Information	Occupational Information
Home Address: <u>1202 S. Travis</u>	Business Name: <u>Downtown Sherman</u>
Mailing Address: <u>Sherman, TX 75090</u>	Occupation: <u>Preservation & Revitalization</u>
Telephone: <u>903 816 2811</u> Fax: <u>903 269 1314</u>	Address: <u>Executive Director</u>
E-Mail: <u>director@downtownsherman.com</u>	Telephone: <u>P.O. Box 2054</u> Fax: <u>N/A</u>
Sherman Resident for <u>21</u> years County: <u>Grayson</u>	E-Mail: <u>903 816 2811</u>
Drivers License No.: <u>TX 15697447</u>	<u>director@downtownsherman.com</u>
Voter Registration No.: <u>1025059565</u> ✓	

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

4 ✓

Prior work experience: (please include dates)

Owner, History Tours, 1999 - Present

Owner, The Tea Room, 1987 - 1991

Educational Achievement:

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

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

Name of College/University: Texas A+M Univ ☒ Bachelor's ☐ Master's ☐ PhD 1978

Volunteer Work: (please include dates)

Sherman Community Players 1991 - Present

Sherman Symphony 1993 - Present

Community Series, 1994 - 2000

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

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

Taxes - No

Application held for 12 months from date received

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

If so, which one? _____

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

I would like to see Downtown Sherman represented on this commission which aims to promote public interest.

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

1) Decline in hotel/motel tax.

To help fill hotels Sherman needs to 1. Add one or two festivals per year and 2. Target Austin College parents who often choose a Denison hotel.

2) Abandoned buildings in Downtown Sherman.

The bottom line is money. To get more industry here we must improve downtown. Whether true or false, a city is judged by its downtown. And a vibrant, clean, filled downtown makes it easier to draw industry and for owners to entice employees to move here.

3.

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

I love Sherman, and I enjoy problem-solving. I also work well with others.

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

None, except as an employee of DSP+R, I am an advocate for a strong downtown.

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

Statement of Intent

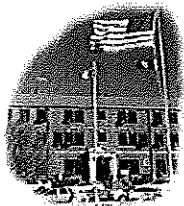
I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend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

Signature: _____

Date: _____

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

Sherman
CLASSIC TOWN. ENDLESS HORIZONS.



CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:

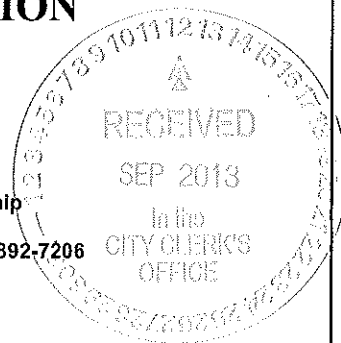
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206



Name: Lauren Alexis Roth

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

Name of Board

or Commission: Keep Sherman Beautiful

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

Personal Information

Home Address: 1400 W. Laurel St

Mailing Address: same

Telephone: 903-421-8651 Fax: _____

E-Mail: lroth@shermanchamber.us

Sherman Resident for 21 years County: Grayson

Drivers License No.: 26660767

Voter Registration No.: 1168272997 ✓

Occupational Information

Business Name: Sherman Chamber of Commerce

Occupation: Events Coordinator

Address: 307 W. Washington Ste 100

Telephone: 903-893-1184 Fax: _____

E-Mail: same

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

Prior work experience: (please include dates)

Sherman Chamber October 2011-Present

United American Insurance May 2011-August 2011

Lamy Yates, CPA January 2011-May 2011

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 2010

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

Name of College/University: Texas A.M. Commerce

☒ Bachelor's ☐ Master's ☐ PhD
in progress

Volunteer Work: (please include dates)

Hikaris Club at Sherman 2010-present

North Texas Young Professionals 2011-present

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

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

Application held for 12 months from date received

Taxes - No

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

If so, which one? Parks and Recreation

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

I grew up in Sherman and this city is very important to me. I want to do everything I can to help.

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

1) Recycling - While every household has a recycling bin, the importance of recycling needs to be better known. The recycling of electronics should also be implemented and advertised.

2) Entrances - I believe we need to beautify the entrances of Sherman as well as make them a necessary stop along someone's route. We want people to remember Sherman whether driving through or coming to visit.

3) Diversity of Activities - Along with the entrances, we need to change some things around town so people remember Sherman in a positive light. We need to bring in activities that will draw people to Sherman and have a beautiful city for them when they get here. Also will increase morale of residents.

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

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

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

Comments: Talked to Mayor Wacker briefly

Statement of Intent

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

Signature: _____

[Signature]

Date: _____

9/12/13

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

Sherman
CLASSIC TOWN. BROAD HORIZON.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. J.

Meeting Date: 09/16/2013

Approved By: George Olson, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2013 Council Calendar

2013

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

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

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

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

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

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

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

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

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

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

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

03/13/2013	12 noon Called Council Meeting for General Services, Financial, and Comprehensive Master Plan Updates
04/26/2013	Called Budget Planning Meeting in Council Chambers
06/19/2013	Called Budget Workshop in Council Chambers
06/20/2013	Second Day of Budget Workshop Cancelled
07/01/2013	Council Meeting Cancelled

09/02/2013	Labor Day/Called Council Meeting on 09/03/2013
09/09/2013	12 noon Called Joint Meeting with SEDCO Board (also Intro & Adoption of Annexation Ordinance for 63.757 acres at SW Corner of FM 1417/Heritage Parkway & FM 691)
11/05/2013	Regular Municipal Election (Council Member Districts 1 and 3)