

**CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, SEPTEMBER 6, 2016
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER PAMELA L. HOWETH**
- A. 3. INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH**
- A. 4. APPROVE MINUTES OF THE CALLED CITY COUNCIL (BUDGET WORKSHOP) MEETING OF JUNE 21, 2016, THE REGULAR CITY COUNCIL MEETING OF AUGUST 15, 2016 AND THE CALLED CITY COUNCIL MEETING OF AUGUST 29, 2016**

Proclamations

- B. 1. PROCLAMATION**
"Recovery Awareness Month" – September 2016

Public Hearing

- C. 1. SECOND PUBLIC HEARING OF ORDINANCE NO. 5971**
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2016; 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
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5980**
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
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5981**
Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Fire Department

- C. 4. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5982**
Repealing Ordinance No. 5912 in its Entirety; Establishing Assignment Pay Schedules for Firefighters and Police Officers; Providing for an Effective Date
- C. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5983**
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled “General Zoning Ordinance”, and Exhibit A, Section 6, to Add New Subsection 6.8.5 to Create an “O-1.3 (F.M. Highway 691) Overlay District”, being Those Areas Inside the City Limits and 500 Feet on Either Side of Said Right-of-Way
- C. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5984**
Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled “General Zoning Ordinance”, and Exhibit A, Section 6, to Add New Subsection 6.8.6 to Create an “O-1.4 (State Highway 289) Overlay District”, being Those Areas Inside the City Limits and 500 Feet on Either Side of Said Right-of-Way
- C. 7. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5985**
Abandoning, Closing, and Vacating a Portion of the Platted Alley within Block 8 of Chaffin's 1st Addition to the City of Sherman, Grayson County, Texas, Portion of Said Alley to be Maintained as a Utility Easement; Conveying the Interest in Said Alley to the Abutting and Adjacent Property Owner to the North of Said Alley, Greater New Hope Church
- C. 8. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5986**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Mini-Warehouse, Self-Storage Facility in a C-1 (Retail Business) District in the 4600 block of North Travis Street and the 100-200 blocks of East Northcreek Drive, being Lot 1, Block 6 and Lot 1, Block 7 of the Replat of Blocks 1-9, North Creek Addition, Section One (Young Enterprises, LP, Owners; Todd Young, Representative; and David Baca Studio, LLC, Architect); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00
- C. 9. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5987**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in a C-O (Office) District in the 2400 block of Shady Oaks Lane, 2300 block of Norwood Street, and 2600-2800 blocks of West Lamberth Road, being 0.5 acres in the Elijah Hartzog Survey, Abstract No. 540 and 7.03 acres in the Fielding Bacon Survey, Abstract No. 120 (Lamberth Crossing Joint Venture, Owners; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00)

Close Public Hearing and Consider Adoption of Ordinances

- C. 10. **ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 5980, 5981, 5982, 5983, 5984, 5985, 5986 and 5987

C. 11. 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

D. 1. RESOLUTION NO. 6120

Awarding a Bid to and Authorizing Execution of a Special Warranty Deed with Ipenema Investments, Ltd. for the Sale of City-Owned Surplus Real Property at 1400 South Gribble Street, also known as the Former Sherman Armory

D. 2. RESOLUTION NO. 6121

Awarding a Bid to and Authorizing Execution of a Special Warranty Deed with Ipenema Investments, Ltd. for the Sale of City-Owned Surplus Real Property at 400 North Sam Rayburn Freeway and 405 North Washington Street, also known as the Former Sherman Youth Center

D. 3. RESOLUTION NO. 6122

Authorizing the Acceptance of a Special Warranty Deed from Allow Us to Help, LLC for the Conveyance of Property located at 228 Kessler Boulevard, being the North Four Feet (4 Ft.) of Lot Ten (10) and All of Lot Eleven (11) of Parkview Addition to the City of Sherman, Texas, as Shown by Plat of Record in Volume 306, Page 155 of the Deed Records of Grayson County, Texas

D. 4. RESOLUTION NO. 6123

Authorizing the Execution of Supplemental Agreement No. 1 to Resolution No. 6095 Contract for Engineering Services for the Widening of F.M. 1417 (Heritage Parkway) from Washington Street to Just South of U.S. Highway 82 Project with H.W. Lochner, Inc.

D. 5. * RESOLUTION NO. 6124

Authorizing the Execution of a Drainage Agreement with Sapphire Group, LLC

D. 6. * RESOLUTION NO. 6125

Authorizing the Execution of a Development Agreement with Sapphire Group, LLC for the Construction of a Public Sewer Main in the Replat of Block 6 of Exstien's Maple Addition, a 3.897-Acre Subdivision North of Pecan Street along North Sam Rayburn Freeway in the City of Sherman

D. 7. RESOLUTION NO. 6126

Awarding a Bid to and Authorizing Execution of a Master Software License and Services Agreement with M-Files, Inc. based on an Invitation to Bid for Enterprise Document Management Services for the City of Sherman

D. 8. * RESOLUTION NO. 6127

Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, Ltd. based on an Invitation to Bid for Construction of a Cart Barn to be located at the Solid Waste Department

- D. 9. * RESOLUTION NO. 6128**
Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, Ltd. based on an Invitation to Bid for Construction of a Truck Shed Foundation to be Located at the Solid Waste Department
- D. 10. * RESOLUTION NO. 6129**
Authorizing Execution of an Interlocal Agreement between the City of Sherman and the City of Fort Worth for Household Hazardous Waste Services
- D. 11. * RESOLUTION NO. 6130**
Revoking and Replacing Resolution No. 6004; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date
- D. 12. * RESOLUTION NO. 6131**
Authorizing the Execution of Agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the Use of Community Development Block Grant Funds
- D. 13. * RESOLUTION NO. 6132**
Adopting an Investment Policy for the City of Sherman
- D. 14. * RESOLUTION NO. 6133**
Adopting a Long-Term Debt Policy for the City of Sherman
- D. 15. * RESOLUTION NO. 6134**
Authorizing Execution of an Agreement with David Ryan Patterson for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 321 West Walcott Street

Other Business

- E. 1. OTHER BUSINESS**
Consider Request from the Texoma Area Paratransit System (TAPS) for Additional Funding from the City of Sherman and Other Taxing Entities for the 2017 Fiscal Year
- E. 2. * OTHER BUSINESS**
Consider Request of the Sherman Independent School District and the Sherman High School Student Council to Temporarily Close Certain Streets for the "2016 Sherman High School Homecoming Parade" on Monday, September 12, 2016
- E. 3. * OTHER BUSINESS**
Consider Request of Downtown Sherman NOW to Temporarily Close Certain Streets for the "Stroll on the Square & Texoma's Best Bite" on Saturday, October 1, 2016

E. 4. * OTHER BUSINESS

Consider Request of True Options Pregnancy Center to Temporarily Close Certain Streets for the First Annual "Turkey Trot 5K & Fun Run" on Saturday, November 19, 2016, with a Rain Date of Saturday, November 26, 2016

E. 5. * OTHER BUSINESS

Exception for Lamberth Crossing Joint Venture, Owners; and Preston Trail Land Surveying, Surveyor, under Ordinance No. 2684, Section 11(a) to Allow the Existing Asphalt Streets (Shady Oaks Lane and Norwood Street) in Lieu of the Required Concrete Streets for Minimum Required Improvements for New Subdivision Streets in the 2400 block of Shady Oaks Lane and the 2300 block of Norwood Street

E. 6. * OTHER BUSINESS

Replat Approval of Sidney Heights Addition and Lot 1, Replat of Part of Block 4 of the Replat of Midway Mall, being 13.457 acres in the W.F. Patterson Survey, Abstract No. 969, being All of Lots 1, 2 and 3 of Sidney Heights Addition, also being All of a 0.284 acre Tract of Land that was Former Highway Right-of-Way and All of Lot 1 of the Replat of Part of Block 4 of the Replat of Midway Mall; Chris and Katherine Martin, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (4312 and 4316 Texoma Parkway)

E. 7. * OTHER BUSINESS

Final Plat Approval of Grayson Grand Central Station Addition, being a Replat of Lots 16-24, Block 1, Chaffin's First Addition, being All of Lots 16 through 24, Block 1, Chaffin's First Addition; Grayson Grand Central Station, Owners; and Sartin and Associates, Inc., Surveyor (613 and 623 East Lamar Street and 110 South Throckmorton Street)

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

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

Section 551.071(1) Consultation with City Attorney concerning Pending or Contemplated Litigation

Section 551.074 Personnel Matters

(a) Deliberate the Evaluation of a Public Officer or Employee:

(1) Annual Performance Evaluation of the City Manager

Section 551.087

Deliberation Regarding Economic Development Negotiations:

- (a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

J. 1. OPEN MEETING

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

K. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Called 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 1, 2016 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 1st day of September, 2016
City of Sherman, Texas

City Clerk

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

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

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

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

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

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204,

**TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE
ARRANGEMENTS CAN BE MADE.**

Mayor

David Plyler

Deputy Mayor

Jason Sofey

Council Members

Kevin Couch, Council-At-Large, PL #1

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

Lawrence Davis, Council – District #1

Terrence R. Steele, Council – District #2

Pamela L. Howeth, Council – District #3

Tammy Johnson, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. A. 4.

Meeting Date: 09/06/2016

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE CALLED CITY COUNCIL (BUDGET WORKSHOP) MEETING OF JUNE 21, 2016, THE REGULAR CITY COUNCIL MEETING OF AUGUST 15, 2016 AND THE CALLED CITY COUNCIL MEETING OF AUGUST 29, 2016

Attachments

June 21, 2016 - Budget Workshop

August 15, 2016

Clyde Hall Presentation - Sherman Museum

Advanced Metering Infrastructure Presentation

August 29, 2016

STATE OF TEXAS §

June 21, 2016

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 City Council Chambers, City Hall, 220 West Mulberry, Sherman, Texas, on June 21, 2016.

MEMBERS PRESENT: Mayor David Plyler; Deputy Mayor Jason Sofey.
Council Members Couch, Davis, Johnson, Steele, Watt.

MEMBERS ABSENT: None.

STAFF PRESENT: Robby Hefton, City Manager; Brandon Shelby, City Attorney; Don Keene, Assistant City Manager; Steve Ayers, Director of Community and Support Services; Mark Gibson, Director of Utilities; Scott Shadden, Director of Development Services; Clay Barnett, Director of Public Works and Engineering; Danny Jones, Fire Chief; Wayne Blackwell, Human Resources Director; Zach Flores, Human Resources Manager; Stephen Dean, Assistant Police Chief; Chris Olson, Fire Division Chief; Mary Lawrence, Director of Finance; Kevin Winkler, Parks and Recreation Director; Clint Philpott, City Engineer; Tammy Davis, Controller; Jim Cross, Water Systems Manager; Nate Strauch, Communications Manager; Jacqueline Banfield, Library Services Administrator; Melissa Eason, Library Services Supervisor; Mike Grant, Facilities Superintendent; Sarah McRae, Tourism/Main Street Manager; Moises Duran, Community Planning Community Planning Coordinator; Matt Joseph, Systems Coordinator; Pam Cloer, Assistant to the City Manager; and Linda Ashby, City Clerk.

PURPOSE: **CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**

INVOCATION BY COUNCIL MEMBER TOM WATT

2016-2017 BUDGET REVIEW

ADJOURNMENT

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Plyler called the meeting to order at 8:04 a.m., declared a quorum present, and opened the meeting.

INVOCATION BY COUNCIL MEMBER TOM WATT

OPENING COMMENTS

Robby Hefton, City Manager, showed a video of some of the current projects during the different stages of development. He said there is currently a lot going on in the City of Sherman. The video was "shot" in-house with a drone.

He said the theme of the Budget Workshop is "managing growth." The video shows growth at all stages, from a conceptual viewpoint to moving dirt. Some other projects that are underway,

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weren't included in the video, such as the remodeling of the Public Library and other Capital Improvement Projects.

2016-2017 BUDGET REVIEW

Managing Our Growth

Mr. Hefton said the key theme to this year's budget preparation is managing or planning for the City's growth. There has been growth in all sectors of the City and the latest population count is 40,600, and the City is growing by about 2% to 3% annually. This is about double the historical growth patterns. With this growth, there is growth in the tax base, both in new property and in values. The Sherman Independent School District (SISD) is preparing to hold a Tax Ratification Election (TRE) and possibly a bond issue.

He said the focus should be to do the right things, then to do them the best we can, more efficiently. Legally, the City is developing a budget for one year, with discussions on projections for four and five years. However, if a City doesn't plan ahead and make some long term decisions, they could make some short-sighted decisions that work for one year, but don't make since in the long term.

Challenges of managing this growth are how to pay for the growth. It can be paid for through the tax rate; through fees that are charged; through water, sewer and trash rates; or through the tax base. The tax base includes both the property tax and the sales tax. The staff and Council must make sure that the decisions that are made are sustainable.

Mr. Hefton said the proposal today will be to add 17 employees, something the City hasn't done in 20 years, if ever. He added that those decisions need to be sustainable. The City also needs to be smart about how the money is used and to leverage money with entities such as the Texas Department of Transportation. He said the City also wants to "stretch" the dollars and is using internal crews for projects such as the extension of water lines.

There have also been discussions about revenue generation by selling water to other cities due to the expansion of the Water Treatment Plant. There is currently a draft agreement with the Collin-Grayson Municipal Alliance (CGMA), which represents Howe, Van Alstyne, Anna, and Melissa, to provide water services to those communities. This should result in a long term water agreement to provide water to those communities. Water revenue has been sloping upward due to the \$1 million annually from Panda Energy. Recent annexations will also generate revenue.

Mr. Hefton addressed planning, adding that, many times the plan addresses what's going on at the time. You can plan for things, but things might change and the City needs to be prepared. For example, the City has gone outside of last year's budget, because of things that are happening today. Many of the developments today, weren't even "on the radar" last year at budget time. With this growth cycle, the City must be prepared for the future. There should also be a phased approach to change, and not "bite off more than we can chew."

He outlined several principals for managing growth, including utilizing partnerships to reduce the burden on taxpayers. This includes public partnerships with entities such as the SISD, Austin College, and the CGMA, as well as private partnerships with landowners, developers, and Panda Energy.

The City must also utilize debt appropriately and issue it only when needed. They must take advantage of opportunities to reduce the costs by using subsidies through entities such as the Texas Water Development Board (TWDB). The City must also manage the bond rating to reduce the cost of borrowing.

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Mr. Hefton said the money the City uses is “not our money,” but is received from citizens through taxes, fees, or rates. There are fundamental things that the City should focus on and must consider “first things first.” One of the “first things” is public safety, and includes police and fire positions, fleet, and equipment. After that, the City must “seek the right amount of nice,” balancing the function and needs.

Mr. Hefton said the City should also diversify the things that support sustainability. Sherman has an unusually high sales tax base, but that ebbs and flows with the economy. Other things include the property tax base; water, sewer, and utilities; primary jobs; a livable community; and the infrastructure. The City must also use tax revenue and rates appropriately by growth in the tax base and using the tax rate to fund certain things.

The City also needs to use private sector principles, when possible. For example, adding an internal line crew to handle certain projects in-house, instead of “purchasing” that service from a contractor. With construction jobs booming in cities to the south of Sherman, costs for contractors bidding these jobs is increasing. Mr. Hefton said the City will save money on jobs that no longer need to be bid out. He estimated that the City will save “millions of dollars” over the next few years.

Other principles are to be opportunistic when opportunities arise, negotiate in good faith and don’t be greedy, know your customers and their needs, and consider a long-term perspective. For example, there is a plan to take Taylor / Washington Street to SH 289, but it won’t be completed in one phase. It’s not needed right now, but the City does need to obtain the right-of-way for the entire project now, so when it is needed, the City’s not fighting with property owners that have already built a home where the roadway needs to go. He reiterated that the City needs to make sure they are doing the right things and doing them right, and be pliable as things change.

The City must create value for stakeholders, the citizens, and create an environment of trust between the employees, Council, and other governments and partners, which creates sustainability. This creates a reputation that the City treats others fairly and with compassion, and will work with others, which spurs reinvestment in the community.

Mr. Hefton added that another important principle is to take care of our important assets, the people. This includes employees, the Council, other governments, and our partners. These principles help create and promote a desirable community, in which we pray and are thankful.

Library Update

Steve Ayers, Director of Community and Support Services, said 43 years ago the City built the current Public Library at a cost of \$500,000. In 1973, this 16,000 square foot library was one of the best in North Texas. Approximately 2.5 million people have visited the library since 2000.

Mr. Ayers said in the last few years, there has been a decline in people visiting the library, but that doesn’t necessarily mean there has been less use, just a change in how citizens get their information, services, and technology. For example, eBooks and downloadable audio books have increased from 610 in 2011 to 11,967 in 2015. These citizens are visiting the library through technology.

The library is also very active in youth reading programs with participation increasing from 350 in 2005 to 810 in 2015. Computer usage has increased from zero in 1973 to 19,776 in 2015. Services and the demand for services are increasing, it’s just changing from what it was in the past.

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As they reviewed the future of the library, Mr. Ayers said they looked at trends and community needs, an assessment of the library facilities and infrastructure, and its circulation and holdings. He said citizens like the current location of the library, and it's a solid building. It has an open layout, lots of windows, and high ceilings.

He introduced Aaron Babcock, Principal, Hidell & Associates Architects, consultants for the library project. Mr. Babcock said his company reviewed the existing library building and how that could transform into a modern day library. He outlined the process they used to analyze the community needs and gather information from citizens through an on-line survey. They asked about existing library services and what citizens would like to see in a new library.

They also reviewed the existing building. From a structural standpoint it is a strong building with a lot of good features that translate into a modern library, however it does need some infrastructure updates, such as a new roof, a new mechanical system, and some technology upgrades.

Mr. Babcock said they also analyzed the building from a customer perspective and a staff perspective. Is it efficient, does it have the amenities they want, and is the layout right? People are getting their information in different ways and there are new trends in libraries today. They determined three priorities which were to meet community needs, make sure the layout is operationally efficient, and have flexibility for future needs.

From the online survey, citizens indicated that the top three things that would improve their library experience were comfortable and welcoming spaces, an increased selection of best selling books, and activities and educational programs for children. Citizens also indicated that they would like to see quiet reading and study areas, public access computers, and children's learning and play areas in the library. He added that libraries are changing and people get their information differently now. Because of this trend, the reference section in libraries is disappearing and people are reading not only from books, but from downloadables.

Mr. Babcock said the best solution is to have a flexible design with open space that will accommodate the future, however it changes. Currently there aren't spaces near windows or niches, where people can sit in a chair, on a couch, or at a table, to read, work, or study, and there aren't interactive tables in the children's areas. He added that libraries still need to have computer access to the Internet for citizens as well as space for them to bring their own devices. Also, four to six-man study rooms with integrated technology are popular.

Mr. Babcock presented an assessment of the current library building. The building addition that was completed after 1973 is not in good shape and should be removed. The original building needs a new mechanical system and the restrooms need to be updated to ADA standards. The "round room" is not the most efficient for a meeting space and there is no need for five service points in the building. A new layout would be much more efficient and eliminate the need for this many service points. The public computers are hidden and need to be a feature of the easy to find areas and amenities. There are also not enough "new" books.

Mr. Babcock explained that they reviewed the numbers for the past year, looking at the book collections and how they were used. The new book collection was utilized very heavily, but there isn't enough of them. Ideally, 15% to 25% of a library's books should be checked out at any given time. The audio/visual collection is not easy to browse. The children's collection should be condensed into one area instead of two. The adult fiction area usually circulates well and should not be located in the back of the building. Adult non-fiction should be reduced and has a very low

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utilization rate. He also discussed the type of shelving that should be used for the adult non-fiction.

He said they do feel that the existing building could be improved and made to work and have presented a basic concept and an enhanced concept for improvements. A completely new building, on the same property and with the same parking, would cost about \$5.69 million.

The total cost of the basic renovation option would be about \$955,000, with the demolition of the existing building, the new mechanical, new roof, and new restrooms costing about \$600,000 of that amount. It would also include the demolition of some existing walls, some reconfiguration, new carpet, and new lighting. This option would provide for two service points and would also keep the current meeting room space. He discussed the layout for this option.

The total cost of the basic enhanced option would be about \$1.56 million, and would include more renovations to the interior of the building, as well as the \$600,000 for the infrastructure. With this option, the meeting room would be used as a children's area with interactive items that were mentioned in the survey. This option would provide for one service point. He discussed the layout for this option, which included additional amenities, such as another meeting room, a drive-up book drop, and a quiet reading/special collections area.

Mr. Babcock said both of these options could be accomplished through a "phased" construction to keep the facility open and keep half of the library space available to the staff and public at all times.

Mayor Plyler asked about the use of LED lighting and replacing the HVAC to reduce the cost of operations. Mr. Babcock said the mechanics that are being proposed are much more efficient than the ones there now. Additional insulation will be added when the roof is replaced. He said they are including LED lighting in every library they design because it is wonderful lighting, it is efficient, and it does not have to be replaced. There is a cost "up front" but it is far more efficient. The operational costs will also be reduced because of the updated mechanical system. He said today, natural lighting is very important. The library faces northeast and the natural light through the glass is perfect and shades itself.

Council Member Johnson asked how many people responded to the online survey and what was the target audience. Mr. Babcock said 295 responded and the target audience was "everyone." They also mailed the survey to the library's existing customer base. The survey was promoted by the City and they wanted to reach users and non-users. He said about 90% of the responders had a library card.

Council Member Davis asked about statistics of how many people actually check out and if that was decreasing. Jacqueline Banfield, Library Services Administrator, said the number is going down due to the use of eBooks and downloadables. She added that the use of children's books audio books, and computers is increasing, but the physical check-out of books has declined. Council Member Davis addressed the low usage, at 4%, of non-fiction books, adding that those books are available through Amazon. With such access to these books, the trend seems to be away from hardback books.

Mr. Babcock agreed saying specialty books are so easy to get now and information is available on the Internet, and that makes collection utilization important, so that money can be invested in the collections that are circulating and the space can be reallocated as needed. Children's books do circulate well in Sherman, but the layout is not optimum.

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Don Keene, Assistant City Manager, said the way the library is used is different, but the facility is good and the City doesn't need to spend \$6 million on a new library. They have the space they need, it just needs to be reconfigured and reprogrammed to fit with what today's citizens are needing. It's a continued evolution. Mr. Babcock said the library has a big open space, which is easy to revamp into what is needed. Flexibility is the future. Ms. Banfield said the staff is currently evaluating titles, books, and collections and removing books that are not circulating. They are also reviewing subject areas to reduce the collections that are not being used. She added that once a book is printed, it is out-of-date and citizens need to be aware that more current information may be available on the Internet.

Mr. Hefton said there would be a significant reduction in the number of "hard books" in either version of the library remodeling because of the trend in library usage. The plan is not just a structural renovation, but to evaluate the operation of the library and the collection to use it more efficiently. Ms. Banfield added that the reference collection is almost totally a "thing of the past" because the most up-to-date information is available on the Internet.

Council Member Watt said, from the user's standpoint, he liked the enhanced version of the remodeling, and asked if one made better financial sense than the other. Mayor Plyler said the library is not renovated everyday and since the City staff can work side-by-side with the contractors, they can do the enhanced version less expensively than what the budget shows. He said use of the maintenance staff to help is a function of what the City has available. He also preferred the enhanced version of the remodeling.

Mr. Hefton said funding will be available, through the first phase of the bond issue, if the Council chooses to move forward with the library remodeling.

Council Member Davis asked Mr. Babcock if there was any benefit to consulting with the schools to get their input on what the children in the community need. Mr. Babcock said it is important to work with schools because schools are teaching in a different manner these days. He added that the library can provide these resources when the schools are not open. They could also provide additional resources for reference.

Mr. Ayers said, regardless of the type of library renovation approved, the immediate facility needs will cost about \$1 million. After that, the services need to be streamlined and there should be an assessment of the personnel structure and staffing utilization. In the future, greenspace and additional parking will also need to be addressed.

He said this is in line with the staff's plan over the past few years for space utilization and efficiency. Instead of building a \$5.5 million library, the staff feels they can use the existing facilities to "create a good product." He presented a list of other projects that have been completed along the same lines.

City Council Members took a break from 9:35 a.m. to 9:40 a.m.

Parks and Recreation

Mr. Ayers said the City has approximately 463 total park acres. The national average for park employees is one employee for 11 acres of developed park land. In 2005, the City had one employee for every 20 acres and in 2015 had one employee for every 27 acres. He outlined the sports activities that are currently held in Sherman and the number of participants.

There are approximately 800 formally organized softball and baseball games alone and the Taylor Street Facility has over 500 events monthly. He said there is a high usage of parks and

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fields by the public, the youth sports associations, and by the other educational institutions, such as the School District, Texoma Christian School, Austin College, and Grayson Christian Academy. Mr. Ayers said there are also between 35,000 and 40,000 visitors to The Splash each year.

He addressed anticipated needs by showing a chart with the 2016 enrollment for the SISD and the high number of elementary children that are currently in the school system.

Besides normal parks and recreation activities, the department is also responsible for West Hill Cemetery, the Senior Citizens Center, and special events, such as Lights on the Lake. Currently West Hill Cemetery consists of 120 acres and has 29,000 burial plots with 100 open burial plots. Annex D will soon be opened and will include over 3,000 new plots.

Parks Master Plan

Mr. Ayers introduced Dennis Sims, Principal, Dunkin Sims Stoffels, Inc., who is the landscape engineer for the Parks Master Plan, which is underway. The Parks Master Plan will evaluate the entire parks system to assess the recreation needs and determine the priorities that the City should address. The plan will be used as a guide to acquire and develop park land to meet the growing needs and will provide a list of priorities. It will provide cost estimates and will be submitted to the Texas Parks and Wildlife Department to assist in future grant applications through their organization. The plan will be very specific to Sherman and the needs of the citizens.

One public input meeting has been held and another will be held soon. Besides using public input, the needs will be based on a comparison with other cities the same size, as well as the local demand. Mr. Sims said it is important not to over or under build the facilities. Needs are also determined by the amount of park land that would be standard based on the population and the resources that are available, such as the park land around Dean Gilbert Lake. The plan is very fluid and is public driven, and Mr. Sims said it should be complete by the Fall of 2016.

Mr. Sims also presented a concept plan for 25 additional acres that will be added to Pecan Grove West Park and used to expand the sports fields. He said the fields could be used for baseball and softball, or all for soccer, with moveable goals. The needs assessment will help determine what is needed for the community. The park could also have hike and bike trails, a playground, and a picnic area.

Mr. Hefton asked about the cost and time required, from design to completion, to complete the development of this type of addition to the park. Mr. Sims said this type of facility could cost between \$6 million and \$9 million, including lighting and parking. Mr. Hefton said 20 years ago, the City spent about \$3.5 million to \$4 million on the Old Settlers Quad. Mr. Sims said it would take 6 to 9 months to develop the plans and approximately 12 to 13 months to build, or easily two years.

Mayor Plyler asked if other communities in Texas were using synthetic turf, and what would be the benefits. Mr. Sims said they are seeing more synthetic turf fields when cities can afford it. He said the benefit is that there is no “down time” for rain. Also, the maintenance is lower because you don’t have to water it or mow it. When fields are unusable due to rain, those cities with synthetic fields are booked up. Mayor Plyler said if the City can reduce the cost of maintenance and operations, will it eventually pay for itself. Basically, spend more now and save later. Mr. Sims added that league travel tournaments could be a major impact on a City that offers synthetic fields, because you can guarantee that kids will be able to play on the field.

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Mr. Keene said there are many options for parks and recreation and the Master Plan will give the City a plan to work from and some objectivity.

Streets and Storm Water

Clay Barnett, Director of Public Works and Engineering, presented a video of the City's Street Maintenance operation. He presented statistics for the facilities maintained through the Street Department, including 206 miles of asphalt streets and 24 miles of concrete streets, 338 drainage inlets, 15 traffic control lights, and 5,238 traffic signs. He also presented the top ten activities for the department, the hours spent, and the total cost.

Council Member Steele said there is a "big hump" at Texoma Parkway and Fallon Drive and he asked whether that was City or TxDOT. Mr. Barnett said that would be repaired by TxDOT and he would contact them.

The most expensive activity this past year was the repair of a drainage pipe on Travis Street, at a cost of \$397,703. Three of the projects, including the drain pipe, were storm water related and could have been paid for with a storm water utility fee. Mr. Barnett said a storm water utility fee would help offset some of the financial burden on the General Fund.

Mr. Barnett addressed staffing levels for the department saying instead of a very structured staff, they have a pool of resources that are managed by two foremen and used on projects as needed. Staffing levels have dropped from 28 in 1996 to 23 in 2016. The department no longer does alley maintenance, however they still get a lot of calls for the service. He added that the bulk of costs for the Street Department is their materials budget. Even through the population and the cost of materials have both increased, the budget for the department has remained relatively "flat." As Sherman continues to grow, that budget may need to be increased in the future.

He addressed various pieces of equipment that have been added in the last couple of years that helped the department "do more with less" and keep some additional projects in-house instead of contracting out.

Capital Improvement Projects Update

Mr. Barnett said the staff did advertise for the Grand Avenue Pedestrian Improvements, the Downtown Sidewalk Improvements, and the Meadows Circle Reconstruction. Construction is expected to start in July 2016. In an effort to save money, the new Assistant City Engineer actually designed two of these projects. He is also drawing the plans for the Throckmorton, Walnut and Willow Rehabilitation Projects. These projects were in last year's CIP however the projects were not completed due to the weather. Construction should be complete in September 2016.

The Ellsworth Branch Flood Study is being done in cooperation with the City of Denison and should be complete in January 2017. The staff will continue working on the Subdivision Ordinance Update, which should be complete in October 2016.

The State has notified the City that the TAP Grant process has been delayed by one year and the Downtown Sherman Streetscape, Phase II Project should start construction by early Summer 2017. The estimated cost of the project is \$600,000, with the City's portion at \$150,000. The plans for the project are 30% complete.

The staff continues to work with the utility company partners for the Loy Lake Road Project and the franchise utility relocations are in progress. The contractor would like for the utility work to be complete before he starts construction, but the staff hopes to have him begin soon.

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Storm Water

Mr. Barnett said there were 14 floods recorded in Sherman since 1993, with the most recent being in June 2007, where the City received 7.6 inches of rain in seven hours. During that flood, 89 single family homes, 270 apartment units, and 40 commercial properties were flooded. There were two fatalities and US Hwy 75 was closed for approximately 8 hours. As a result of that flood, it became the number three priority of the 2009 Comprehensive Master Plan to solve the flooding problems.

From the Comprehensive Master Plan, the City did a flood study that was completed in 2013 and identified \$54.5 million in projects to mitigate the flooding situation. One project was floodplain land acquisition where the City purchases property in the floodplain, tears the structures down and converts the use to something that would work in the floodplain such as open space or park usage. The City is moving forward with this project and \$736,000 is set aside in the proposed budget for floodplain land acquisition. Mr. Barnett said there is also a grant that would reimburse 90% of that cost, making the City's portion about \$74,000.

He also addressed regional storage facilities that are used to reduce peak flow rates and reduce the downstream velocities. There are seven proposed storage projects at a projected cost of about \$14 million. Of that amount, \$5.5 million is eligible for a grant. Currently the City's ordinance requires on-site detention and this is an alternate to that requirement.

On-site detention can actually cause more flooding downstream and effective storm water management must be coordinated on a regional or basin-wide basis. On-site detention is also expensive for a developer and is hard to maintain. Mr. Barnett said regional detention ponds generally look nicer and are a more cost effective method of reducing the peak runoff. They can also provide a recreational use to the community.

Another issue with storm water is the floodplain maps. The City's floodplain ordinance says you can't build in the floodplain without a study and going through the Federal Emergency Management Agency to change the maps. Basically the current floodplain maps are limiting the City's potential for development, however they also allow development in some areas where they shouldn't. Some flood areas are not included on the map at all.

Mr. Barnett addressed a storm water utility fee, saying it does relieve some of the burden on the General Fund and establishes a dedicated source of funding. The fee is based on the amount of impervious cover, so it is a fair way to assess the fee, and it can be used to leverage the issuance of debt for large projects. Cost of the storm water utility fee would be \$112,500, for a study to meet State law. This amount is currently included in the proposed budget. He outlined the process that would be required to initiate the storm water utility fee.

Deputy Mayor Sofey clarified that the study is included in the proposed budget, and that would allow the City to institute fees to offset the cost of some of the repairs. He asked about the schedule for changes and improvements to the FEMA floodplain maps. Mr. Barnett said the thought was to initiate the storm water utility fee and use the revenue from that to change the FEMA maps. Deputy Mayor Sofey verified that the regional detention can be done without the update on the FEMA maps, however the maps still need to be updated because they're either limiting development where they shouldn't or they're allowing development where they shouldn't.

Mr. Hefton said the City is currently doing some of this now, but needs the fee study to do even more. The fee study would create this revenue source that could be leveraged immediately for

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small projects, or leveraged for bonds for long-term projects. The staff is already having conversations with developers about a fee in lieu of detention. He felt that the study would probably take months, but should be completed in 2017. The staff would then have recommendations for the fee structure. Funds could then be collected and might be used in the 2018 budget to fund some of the projects. Mr. Barnett added that the plan would be developed as part of the study. Mr. Keene said the study identified the projects, but the City needs to prioritize them.

Deputy Mayor Sofey verified that updating the FEMA floodplain maps is a separate project. He felt a lot was being done for development, but the floodplain maps need to be addressed. The maps need to correctly identify the floodplain areas and remove the areas from the floodplain that should not be included. Mr. Hefton verified that the engineering work has been done, but it hasn't been "stamped" by FEMA nor moved through their process. Mr. Barnett said it would cost about \$250,000 and take about a year to complete that process. Deputy Mayor Sofey felt that could affect a lot of developable land that could be used. It's cheaper to do the larger study for the entire floodplain than to do one developable site at a time.

Council Member Watt verified that the \$250,000 for the FEMA map update is separate from the \$54 million proposed cost for the storm water projects. Deputy Mayor Sofey felt that the impact fees, the regional detention, and the FEMA mapping all "fits together" and the City needs to do it all. Mr. Hefton agreed that updating the FEMA maps is a priority. The staff is not waiting on the fee schedule for the operational items.

Council Member Steele asked about closing an on-site detention facility once a regional facility is open. Mr. Barnett said once the regional site is open, the on-site detention facilities could be developed for other purposes. If they are developed, they would then pay the storm water utility fee to offset the on-site facility. Mr. Hefton confirmed that they would pay the fee in lieu of detention, but they would get the land back from the on-site detention facility and it could be used for development. He added that the best move, going forward, is the regional detention facility, but it will take time to get there. Mr. Barnett said the on-site facilities work for that one development, but taken in the "large picture," many times they make the problem worse.

Upcoming Capital Improvement Projects

Mr. Barnett said the City will continue to update the transportation plan. The southwest quadrant is planned for 2017 at an estimated cost of \$25,000; the northern half in 2018 for \$25,000; and the southeast in 2020 for \$30,000.

Mr. Barnett listed the projects, with estimated costs, that are included in this year's budget. While the full construction and engineering cost is included for Taylor Street to SH 289, he said the City is not going to complete that entire project now. They will acquire the right-of-way to help defer the cost of building that street. Projects included this year are Taylor Street, Phase 1, 2, and 3; Lamberth Road, Phase 1 and 2; Friendship Road, Phase 1, 2, and 3; Swan Ridge; Sherman Crossroads; and Canyon Creek Extension. Most of the projects include the engineering and the right-of-way acquisition.

Mr. Barnett said the Council has previously discussed a local match that could help Sherman's projects move up more quickly on TxDOT's schedule. If the City designs the project, acquires the right-of-way up front, and funds a portion of the construction cost, say 10%, it helps move the project up on the "list." Other benefits include showing that Sherman has a vested interest in the project's success, it can be designed to fit the City's needs, and it avoids delays and the possible loss of funding.

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Two other projects are Travis Street and FM 1417. The Metropolitan Planning Organization has agreed to provide the engineering on Travis Street which will also help “stretch” the City’s dollars, but still accomplish the goals. An engineering contract has also been awarded for a section of FM 1417 and the City will proceed with preliminary engineering and acquiring the right-of-way.

Mr. Barnett said as the City continues to grow, the staff needs to examine the staffing levels, equipment, and facilities for the Street Department, as well as prepare the storm water facilities for anticipated growth. The mitigation projects and regional detention facilities should be addressed, and the FEMA floodplain maps should be updated. Planning should continue for future roadways, right-of-ways need to be acquired, and local funding should be leveraged with State transportation funding.

Tourism / Hotel Motel Occupancy Tax

Mr. Ayers addressed the past revenue for the Hotel/Motel Tax Fund and the “Panda Effect” that gave the fund a healthy balance. A management decision was made to invest some of that fund balance, so there has been an increase in expenses and a decrease in the fund balance. The fund balance was invested in projects and programs.

Projects utilizing fund balance include the remodeling of the Ballroom and Kitchen, and the Kidd-Key Auditorium. He outlined the projects, both maintenance and upgrades, that were included in the remodeling. By using City crews as well as sub-contracting some portions, the City was able to get the most out of the money spent. Cost of the remodeling for the Ballroom was \$50,000.

The City also used some of the fund balance to invest in programs such as renewing the Main Street Program, which brought Texas First Lady Cecilia Abbott to Sherman, to help revitalize the downtown area. Additional funding was also spent on Hot Summer Nights and the Lights on the Lake events.

Mr. Ayers discussed the proposed budget, outlining both the essential and the discretionary expenditures. The proposed budget would spend down the fund balance to about \$50,000, investing about \$88,000 of the fund balance. He added that amount of spending is not sustainable and some decisions will need to be made in the future. No decisions will be needed for this budget year, but will be needed for the 2017-2018 Budget to determine which direction the Council wants to go.

He said the Hotel/Motel Tax Fund revenue and fund balance have also been affected by the “Panda Effect,” the oil and gas market has been down, and there has been a small impact from the Hilton Garden that opened in Denison. The final impact would be how the City prioritizes the investment in the various programs and projects. That prioritization will also need to be addressed in the next budget year.

Council Member Johnson said a great compliment came from the Marshall Tucker Band when their Hot Summer Nights concert was moved into the Auditorium because of rain. They said the sound was great and we should have concerts in there all the time. Mr. Hefton said one of the recent investments was to replace the south board with a digital board instead of analogue. He said the City still has 14 or 15 years of bond payments left on the bonds for the 2001 remodeling project. Mr. Ayers added that out of the \$50,000 project to remodel the kitchen, the City really got about \$120,000 worth of remodeling.

Council Member Couch asked if the City is doing everything they can to attract tourists to the City and to the Sherman hotels. He asked if there were any incentives that could be offered to bring them to Sherman. Mr. Hefton said the City does have a role to encourage development and

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investment in that area, but ultimately it is the developers and the hotel franchises that must make that decision. Several developers have discussed projects with the City and even gone through the Planning and Zoning process, but seem to be waiting for the right timing. He felt one barrier might be that construction costs have increased in the last few years due to development farther south. He said the City is willing and has communicated that willingness to developers. He said there are incentives offered and the Sherman Economic Development Corporation is also involved.

Mr. Ayers said the City already had the tourism personnel cost built into the budget and with the reinstatement of the Main Street Program, the two positions were combined with no extra cost. Office space was also already budgeted for tourism.

Council Member Davis asked if the staff had considered increasing the revenue from the Ballroom and Auditorium since they were remodeled. Mr. Ayers said the staff is working to add sponsorships to increase the revenue, and in fact has increased the revenue for both Hot Summer Nights and Lights on the Lake. Mr. Hefton said, from a rental standpoint, the City's fees are very reasonable, and the Ballroom is used about 250 times annually. The City's rates are cheap for what you get. Council Member Davis felt the City needed to be aware of the market rate and be comparable.

Council Member Johnson confirmed that marketing for the Ballroom and Auditorium is done through the Tourism Department. She suggested that the City hold a ribbon cutting or open house for the recent remodeling to advertise the changes.

Mayor Plyler said this year's Lights on the Lake event is projected to bring in 10,000 people. Hopefully, with that turnout, next year's sponsorships will be even better.

City Council Members took a break from 11:19 a.m. to 11:34 a.m.

Police Department

Stephen Dean, Assistant Police Chief, said "business is good at the Sherman Police Department." He outlined the mission and organizational chart for the department, adding that patrol makes up 59% of the manpower. There are currently 66 sworn officers. He also addressed recruits and vacancies.

Council Member Steele asked what some of the challenges were to getting recruits to stay at the department. Chief Dean said they do lose some because they just "can't cut it," but they also lose some to other Metroplex agencies. They recently had two officers that retired and took civilian jobs with the Plano Police Department.

He outlined the duties of the officers, adding that whether it is a patrol officer or a detective, "everything terminates with an abundance of paperwork." He outlined the extra duties that officers are also responsible for, including the Critical Accident Investigation Team, the Field Training Officer, the K-9 Teams, and the Special Response Team. One of the SRT teams is a Tactical Medic Team that works in conjunction with the Fire Department and provides medical assistance and better liability protection for the officers and the department. The department also has counter snipers and negotiators.

Chief Dean said the bike patrol has suffered due to manpower issues, however it is still used for special events such as Lights on the Lake, parades, and football games. He said it's cheap, quiet, and pretty efficient, and they hope to revamp the bike patrol this year and get it going again.

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He outlined volunteer events where officers were present for 2015-2016, including festivals, parades, football games and pep rallies, 5K runs, and other events. This is in addition to the numerous events held in the Municipal Ballroom and Auditorium where officers are also in attendance. When alcohol is served, three officers are required at these events, but they are paid for by the renters.

Council Member Couch verified that three officers are required in the Ballroom where alcohol is served because of the number of attendees and the safety issue for officers. He said funeral escorts are provided by off-duty officers and paid for by the funeral homes. Chief Dean said larger agencies also have school resource officers, however Sherman does not have the funds or manpower for that. There is an officer at Sherman High School, at Piner, and at Dillingham every day, and one officer in each elementary school district visits that elementary school each day.

The department also has an Intelligence Office for proactive investigations of such crimes as online solicitation of minors, distribution of child pornography, and prostitution and human trafficking. He said the “face of crime” is changing and includes computer-based crimes that are not even based in Sherman. He addressed the results of several cases handled by the Intelligence Office.

As for planning for the future, Chief Dean said the Police Department serves up to 200,000 people because of the “retail draw” the community has, even though the population is at 39,000 to 40,000 people. Sherman covers 44 square miles and the population density is 924.25 per square mile. This will affect future patrol needs and staffing.

Chief Dean said the department received 37,045 calls for service during 2015, and presented statistics of the calls received, which generated 5,919 reports. These calls include traffic stops, disturbances, traffic accidents, alarm responses, assaults, burglaries, warrants, and follow-up investigations. He addressed the number of various types of calls received by the department and the increase they have seen over the last few years.

He explained that the Uniform Crime Report is data that is collected throughout the United States from over 18,000 City, University/College, County, State, Tribal, and Federal law enforcement agencies, to provide statistics for the entire nation. This data is collected and published by the Federal Bureau of Investigation.

Council Member Watt explained that the UCR does not count the sexual assault of children and he said that is one failure of the system. He said it will eventually be revamped, but right now, that is all the law enforcement agencies have to track statistics. Council Member Davis confirmed that there are differences in how crimes are reported in different cities. Council Member Watt added that it depends on the type of community reporting and a “bedroom” community may have less crime than a City with many commercial businesses. That is a problem with the system that the FBI is trying to correct.

Chief Dean said at full staff, Sherman would have 66 officers, but that is hard to maintain. Daily staffing is from five to seven patrol officers and one supervisor on the street, answering calls. There are seven detectives and a sergeant and they generally have 30 to 40 active felony cases each. Two detectives and one supervisor serve in narcotics, and currently two of the three are out with on the job injuries.

He addressed response time for priority and average calls. The response time for calls has increased from 8.34 minutes for priority calls and 8.64 minutes for average calls in 2014 to 10.81

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minutes for priority calls and 10.62 minutes for average calls in 2016. He said they want to have a fast response time and are working to decrease that number.

Mr. Hefton said when you take into effect the population of 40,000 versus the “daytime population” or number of people served as a retail center at 200,000, the City’s UCR crimes is also going to be more. Whether it’s a UCR crime or an accident, the City is struggling with staffing. One item in the proposed budget is additional staffing for the Police Department.

In 2016, the department is at 64 funded positions, and the staff is requesting to fund up to 68 officers. He added that it is nearly impossible to keep a full staff. As the population grows and the market grows, it is important to make adjustments in the staffing as well. Council Member Watt said, as a former City employee for 31 years, the staff has been “cut to the bone” and there was never enough people. He added that he put a policy in place where an officer couldn’t work more than 16 hours per day. He said it’s the same situation with the firefighters. Council Member Johnson added that the City is paying overtime if they don’t have enough staff.

Mr. Hefton said the staff is taking a phased approach to added officers and the first step is to add three to four officers. Council Member Watt said the Sherman Police Department reaches out to the community a lot and are out there greeting citizens. In some cities, citizens may not feel as welcome to call the police department. He said the Telephone Reporting Unit (TRU) is one way to create an opportunity to encourage citizens to report a crime, and it makes it very simple for the citizens to do so.

Council Member Steele asked if the City provides electric gathering devices to help with paperwork. Several years ago the City did purchase electric ticket writers. He asked if that type of technology was available to the officers. Chief Dean said they do use electric ticket writers which greatly reduces the paperwork for the courts.

He said one challenge they will face in the next couple of years deals with the “Michael Morton Act,” which says anything the police has for a criminal case, whether it’s relative or not, has to be given to the District Attorney’s Office. This includes everything from dispatch, multiple videos if there are multiple officers, all call notes from the time the call comes in, and the officer’s field notes. This is a much larger requirement and increases the demand for evidence and puts a huge burden on the Police Department. Council Member Watt added that the “nuts and bolts” of law enforcement is the documentation, whether it’s written out or typed in on an iPad. It still takes time.

City Council Members took a lunch break from 12:34 p.m. to 12:51 p.m.

Utilities Update

Mark Gibson, Director of Utilities, presented an update on current and future utility projects. He thanked the City Council, Mr. Hefton, and Mr. Keene for getting them a utility crew and the equipment needed to complete these utility projects in house.

One of the first jobs planned is the water line to Preston Club from the intersection of US Hwy 82 and SH 289. The development is short on water during the summer months and has requested to have City water provided to them as an outside water customer. The estimated cost of the project is about \$100,000 with the savings of about \$20,000 by using the City’s crew. The estimated annual revenue from the line will be about \$50,000.

Mr. Hefton clarified that the City is not annexing Preston Club nor or they providing water to the 80 to 100 customers. The City is supplying water to one customer, the water company that

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serves Preston Club. There will be one master meter and not meters for individual customers on each property. Mr. Gibson added that they are running short on water in the summer and consequently they are unable to develop any additional lots. Mayor Plyler reiterated that the City will spend \$100,000 to construct a water line and the revenue will be \$50,000 per year. The sale of water is very lucrative for the citizens.

Another project is the Carriage Estates water line where the City is rebuilding the entire water system. The current water system is in bad shape. The project will cost about \$300,000 and take about one year to get everyone connected. By using City crews, the City should save about \$80,000 over the cost of a contractor. The estimated annual revenue will be about \$100,000. Mr. Gibson said there will be a lot of “unknowns” with the project, but once completed their residents will be in a much better situation.

There is also a project to construct a water line along the north side of SH 56, between Friendship Road and out to Case and Riddels Road, to provide water to a newly annexed area. The project is estimated to cost \$100,000 and should take about six to eight weeks to complete. The estimated annual revenue will be \$10,000.

A new gravity sewer will be constructed to the Lift Station at SH 691 and US Hwy 75 by Texoma Medical Center, and will replace the Sears Lift Station, located on Texoma Parkway, near the El Dorado Mobile Home Park. The Sears Lift Station is an old facility and with the development on Texoma Parkway, it has become subject to flooding and has maintenance issues. The project will be completed by a contractor and will cost about \$930,000. Construction time is approximately nine months.

The City is working with SEDCO on an industrial sewer to upgrade the capacity and service to the Blalock Industrial Park. One option was to leave the existing sewer line, which runs by the railroad track to the Wastewater Treatment Plant, but it is in bad shape. The decision was made to use the sewer line from MEMC to the Wastewater Treatment Plant instead. Cost of the project will be about \$800,000 and take a year to complete. The City should save about \$200,000 over the cost of a contractor.

Currently the effluent from the Wastewater Treatment Plant goes into Post Oak Creek and then into Choctaw Creek. The effluent is a resource that will become more valuable in the future. The City has a plan to capture that effluent from the Wastewater Treatment Plant and take it back into the Blalock Industrial Park for possible use by industry. One of the first customers might be Panda Energy, who could use the effluent instead of raw water. Cost of the project is estimated at \$4.5 million and should take about a year to complete. The City should save about \$500,000 by completing the project in-house. With possible future contracts for use, the expected revenue could be \$800,000 a year.

The CGMA pipeline project would transport water to the south US Hwy 75 corridor and provide water sales to cities to our south. The line would run from the Shepherd Drive water tower, down US Hwy 75 to SH 5, then to the storage tank and the future pump station site for the CGMA project. The estimated cost of the project is \$4 million, however the City should save about \$1 million through the in-house construction. It should take about a year to complete and will extend about five to six miles. Mr. Gibson said the revenue stream would depend on how much is sold but is expected to be between \$350,000 to \$1.5 million.

The Water Treatment Plant Concentrate project is in conjunction with the expansion of the Water Treatment Plant and is estimated to cost \$2 million. The project will be completed by an outside contractor and should take about a year to complete. The project will run a line with a higher

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concentrate of solids down FM 691 to the lift station at US Hwy 76 and FM 691, then pump it down to the Wastewater Treatment Plant.

The Crossroads water line will extend water in conjunction with street development in front of the old Johnson & Johnson facility. The line will parallel the new roadway and will take about six months to complete. Estimated cost of the project is \$425,000 with an estimated savings of about \$90,000.

Another project is to extend the water line near Shady Oaks Drive and Canyon Creek in conjunction with the Carriage Estates and Lamberth Road water line. The project should cost about \$100,000, with an estimated savings of \$15,000, and take 45 days to complete. Annual revenues are estimated to be \$100,000.

The Swan Ridge water line will be installed in conjunction with the construction of Swan Ridge Drive and will feed the subdivision and also serve as an alternate feed to the new Southwest Elevated Tank. There is a 24" line that comes from US Hwy 82 to Lamberth Road, but there is a gap to SH 56, which will eventually be filled in. This line would be used as an alternate feed from SH 56 back to the storage tank.

The Lamberth Road project will be in conjunction with Carriage Estates and the Lamberth Road water line, to loop back into the City. It will also open up additional areas for development and provide the potential for development toward the west. The project is estimated to cost \$200,000 and take three months to complete. There should be an estimated \$50,000 savings by completing it in-house. Expected annual revenue is \$80,000.

Mr. Gibson presented a summary of the proposed projects that are estimated to cost almost \$11 million. The City expects to save about \$2 million by completing most of them in-house. He added that there are other advantages to using City crews for the projects, including additional flexibility moving between projects, timing issues caused by the bid process and scheduling with an outside contractor, and the advantage that the crews installing the line are also the same ones that will repair the line.

Mr. Gibson added that the City has a great senior crew leader for the projects. He also took the initiative to build a boring machine that has been used to bore under roadways. He built it from parts and it has been used twice, and works. He felt the City would realize a lot of reward by completing these projects in-house.

Mr. Hefton said these projects represent 18 to 20 miles worth of pipeline work that is being completed in-house, in addition to the projects that are being completed by an outside contractor. He said there is enough work to keep this pipeline crew busy for several years. He said that a large part of the financing for the projects will be done through the Greater Texoma Utility Authority, even though the City has the equipment and the manpower. The proposed budget does include a 3.5% increase in utility fees, but there will also be some pipeline costs that will be bonded through GTUA.

He added that the staff knows they will do some of the projects, but some of the projects are waiting on others, such as the effluent line and the CGMA line. Those projects are waiting on a contract with the end user before they are scheduled. Mr. Keene said many of these projects weren't even "on the radar" one year ago.

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FY 2016 Work Plan Updates

Mr. Keene discussed the magnitude of the projects for this upcoming year adding that “everyone is doing more of everything.” There are many diverse projects, and he said Sherman is doing that with one of the lowest tax rates in Texas.

Last year, at the end of the Budget Work Session, the Council set some initiatives to accomplish during the 2015-2016 Budget. He updated the status of those projects. Mr. Keene addressed additional projects and initiatives that have come along, since the Budget Work Session and updated the Council on the status of these projects. These additional projects include:

- SFD Station #4 Relocation
- Carriage Estates Water System
- Hwy 56 West Annexation
- Sherman Crossroads
- Pecan Grove Ball Fields
- Lamberth West Development
- The Preserve Development
- Covenant Development
- Hwy 1417/75 (southeast) Development
- Affordable Housing Policy
- TxDOT Projects

Council Member Watt asked if the ball fields on the west side of town were designed to relieve pressure off of Old Settlers Park or replace it. Mr. Keene said the staff would wait until the new Parks Master Plan is complete, however it is envisioned that it would relieve pressure from both Old Settlers Park and Fairview Park. It is not planned to replace the other parks.

Staffing and Personnel Issues

Mr. Keene said the staff is proposing some significant action for staffing and personnel issues. They are proposing the addition of 17 new full-time employees for the budget. He said, across-the-board, the City runs “very lean.”

In the General Fund, the staff is proposing to add three new police officers; three in the Fire Department, two of which are the inspectors that have already been approved; one in the Building Maintenance Department; one in Community Services, which has already been hired; and an Assistant City Engineer.

In the Utility Fund, the staff is proposing to add three new employees at the Water Treatment Plant, due to the expansion; and four in Water Distribution to expand the line crew. They also plan to hire one new employee in the Information Technology Department. This department is currently installing the City’s new telephone system and saving lots of money.

Mr. Hefton explained that the City is implementing a new telephone system to replace the current system which is about 15 years old and uses old technology. The City entered into a contract to have that work done by an external company. That contract fell through when the company lost some employees. That company was not paid for the contract work. The City’s IT Department stepped up to install the new system and they are saving the City about \$100,000 by doing it internally. Since the new system will be managed in-house by City employees, an additional employee is needed in the IT Department. Council Member Couch confirmed that the current ratio of IT employees to employees served is about 1:70.

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Mr. Keene explained that each one of the 17 proposed employees is in support of the City's plan and growth in the community. He said the employees added for new programs or an expansion of services would be funded primarily with rates or with the resulting growth in revenue. He said the staff was also asking for some across-the-board raises and market adjustments, which will be funded exclusively with existing available revenues.

Mr. Hefton said the City has already embarked on a \$25 million Water Treatment Plant Expansion and another \$10 million has been spent on the Wastewater Treatment Plant during the past few years. The City is doubling the capacity of the Water Treatment Plant and the debt will be coming on the books for the project. The new plant is not even "up and running" but Mr. Hefton said he felt that three employees was the correct number, but reserved the right to come back to them at a later date if more are needed. He reiterated that the City is doubling the capacity of the plant and only adding three new employees and a very small rate increase. He said the staff is doing an amazing job of working within the means that is available to the City, and keeping rates low while still managing the growth.

Mr. Keene said originally there were request for more than 17 additional employees. He outlined the original requests saying some of those may be presented to the City Council next budget year.

He added that the proposed budget also includes a 2% across-the-board increase for all employees and the staff would like to make some specific market adjustments in some areas, mostly in public safety. They also continue to look at organizational changes. Mr. Keene added that the staff is trying to compete and meet the peer average in salaries. One of the main priorities is to "take care of our people." Council Member Watt asked if there was enough money to look at a 3% pay increase. Mr. Hefton said there was, but Mr. Keene added that, with that, they probably couldn't "do something else."

Mr. Keene said the City's health care costs continue to increase, just as they do across the country. The staff has been working with a new consultant to manage the program and to minimize the total cost. The staff will be presenting some concrete options on ways to minimize and manage the health care costs, and then ultimately, how will that cost be shared. As the cost has increased in the past, the City has continued to absorb that increase and what the employees were paying has stayed "flat." He added that for every \$500,000 saved in this area, that's another \$500,000 that the City can do something else with.

Mr. Hefton said the answer to Council Member Watt's question about a 3% pay increase, it that it depends, and a lot of it depends on the costs of employee health care. He added this issue will be discussed later after a recommendation from the consultant.

Council Member Davis said health insurance choices seem to be that you have worse choices than you had the year before. Mr. Keene said the staff has found that the City does want to continue to be self-funded, because there is more control and more visibility. Mr. Hefton said doing the right thing is to be self-funded, but how does the City do the right thing, in the best way.

Financing and the Future

Mr. Hefton presented a list of General Improvement Projects and Utility Improvement Projects that were presented to the City Council for consideration. He said there are three major sources of revenue for the City. In the General Fund, those revenue sources are property tax and sales tax. From December 2010 until today, there are only two quarters out of 22 quarters, where there hasn't been sales tax growth. Currently the City is on a track for about a 4% growth in sales tax,

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which Mr. Hefton said is “tremendous.” City sales tax is about \$15 million. He said every 1% is \$150,000. So when the sales tax grows 4% in one year, that’s \$600,000 that the City has this year that they didn’t have last year. He said that is helping fund many of the CIP projects, the new employees, and helps build the reserves. There has been a steady growth in the sales tax base.

Sherman is projected to be at about \$2.7 billion in property tax base, both in growth of tax base and in value.

In the Utility Fund, the major sources of revenue are the water and sewer revenue. The water rates have a steady upward trend, however the sewer rates have remained pretty constant. Mr. Hefton said while sewer rates should normally have increased too, however Panda Energy is generating about \$1 million annually in water revenue that is being used in their process and is not returning as sewer. Panda Energy actually came online in 2014.

The staff has already discussed cost containment in the facility renovation efforts, the group health review, the utility line crew, selling unused property, and the phasing of major projects in order to spread out the costs.

Mr. Hefton also addressed sustainable strategic partnerships with other entities such as the SISD; Panda Energy; CGMA; industrial, commercial, and retail businesses; developers; and TxDOT, for things such as joint use of facilities, water contracts, economic incentives, tax abatements, and sharing costs to move projects forward in the schedules.

Mr. Hefton addressed the projected bond uses and the bonds for phase 1 of the projects. Phase 1 of the bond issue will be for \$7.3 million. Phase 2 will be in 2017 and will probably be \$12 million and Phase 3 will be in 2018 and will probably be \$10 million. He presented the list of projects, adding that he was not sure on the timing.

Over the next three years, the staff is expecting to spend over \$30 million for projects. He said it would be a little over \$0.07 on the tax rate. He showed a tax and debt survey for cities in Texas, saying that higher growth cities have a higher debt per capita. He presented a chart showing the maintenance and operations tax rate for Sherman and her peer cities. Currently, Sherman has one of the lowest tax rates and even with all three phases of the bond issue, it would still be very low. This plan uses both growth and tax rate to finance the plan.

There will also be projects funded through GTUA so the staff is proposing a 3.5% water and sewer rate increase for residential, commercial, and industrial users. Both the current rate and the proposed rate are in the middle of the peer cities chart.

He outlined the amount of revenue generated from a water and sewer rate increase, from a tax rate increase, sales tax growth, and the cost of borrowing money for projects. He said the estimated population is now at 40,600.

Council Member Davis asked when the City would receive the existing tax numbers from the Appraisal District, and what did Mr. Hefton feel they would “look like.” Mr. Hefton said the City receives “preliminary estimates” in April, but they are very rough and before the appeals are considered. The certified numbers are received by mid July.

He added that across-the-board for Grayson County, residential values are up 13% to 15%, but there is a statutory cap of 10% for any one-year increase on residential property. He said the staff is expecting a growth in property taxes of about \$600,000. In the General Fund, this means

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about \$1.2 million to \$1.4 million additional revenue next year over this year's amount, half from sales tax and half from property taxes.

Financial Summary

Mary Lawrence, Director of Finance, said General Fund reserves are projected to be down a little more than budgeted, however there was some good revenue performance that offset the increased expenditures. Panda Energy had a 380 Agreement, which added to this year's expenditures, some personnel were added, and there was a transfer to the Health Fund, so the net is what was projected. Money was received from FEMA for last year's flooding.

In the Utility Fund, reserves are down about \$1.1 million, but they were budgeted to be down even more. Ending reserves were higher than estimated. The projected revenue was up \$1.2 million over budget, but the lease proceeds are shown as revenue. There was good performance in water and sewer revenue, which is about \$450,000 over budget, and about one-third of that is attributed to Panda Energy. Projected expenditures are up versus budget. It includes equipment purchased for the new utility line crew and the additional personnel that were added to run the equipment.

In the Solid Waste Fund, reserves were up about \$240,000, almost entirely due to commercial solid waste with a little bit due to residential, from the Carriage Estates annexation and growth in the City. Ms. Lawrence said commercial solid waste revenue is very volatile and much harder to budget than residential. It also increases disposal fees at the Landfill, so those expenditures are over budget. There was some fuel savings to offset those expenses.

Ms. Lawrence said the Tax Notes from Loy Lake Road were not budgeted, and those proceeds will be seen in the General Improvement Fund. There are also some Certificates of Obligation that the Council will be asked to approve at the July 18, 2016 Council Meeting. Those CO's will be for facilities and streets, such as Taylor Street, the Public Library, the Fire Station, and Swan Ridge Drive. In 2016 the following items were not budgeted, staffing and equipment for the utility line crew, substandard structures, the new community services coordinator, and two additional fire inspectors.

She said the fund balances are all within 60 to 90 days. For 2017, the staff is projecting a 2% increase in sales tax. It will appear to be a decrease on the General Fund financials, because almost \$400,000 will be going to the tax note debt service fund to repay the tax notes on Loy Lake Road. Property tax will be up, with \$550,000 estimated from the proposed rate increase, with almost \$0.01 will be debt service on the Certificates of Obligation that will be issued. The rest will be for the new positions in the Fire and Police Departments. There will also be an increase of about \$750,000 from new value and property that was added to the tax rolls. There will be CIP funding at \$750,000 for some of the smaller projects.

Ms. Lawrence said in the Utility Fund, the 3.5% proposed rate increase, plus about 1% in growth will amount to \$890,000 in additional revenue. A cost increase of about \$1 million is from personnel increases and about \$400,000 of the increase is from the Automated Meter Infrastructure project that will be presented at an upcoming City Council Meeting. The AMI is a stationary utility meter reading system that will be proposed and will collect and analyze utility data from service meters.

The Solid Waste Fund includes the ongoing expenses for fleet purchases, which will be about \$850,000. The General Improvement Fund includes a \$10 million budget for Certificates of Obligation, but they do not know what that number will actually be at this point. It depends on the

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timing and the size of the projects. The staff is also budgeting for a 2% across-the-board pay increase, which will be about \$440,000 across all the funds.

She said the staff will be presenting a long term solution for containing health care costs in the Health Fund. Debt service for the Certificates of Obligation are also budgeted for next year and amount to about \$0.01 of the tax rate in 2017. In 2018 the full amount of debt service will be on the books.

Ms. Lawrence presented the ongoing fund balancing, including non-recurring items. She outlined the one time purchases that would be included. This also allows the City to do some things that were not included in the budget. Mr. Hefton said, for the General Fund, what's not in those numbers is any money transferred for CIP projects. It's important to have enough money to transfer over for improvement projects and it needs to be a big enough number to have money for the CIP projects or these projects will have to be delayed. Same with the Utility Improvement Fund if there's not enough money to transfer from the Utility Fund for the projects.

Ms. Lawrence presented a list of the items and personnel that the staff has proposed for 2017 with the cost of each.

She presented the financial information for the major funds, including revenue and expenditures for each one. She presented highlights of changes in each fund and information on the tax rate and tax collections. There is a pretty high projected increase in property values for 2017, from an increase in value and the addition of new taxable value. She also outlined how the staff arrived at the proposed tax rate increase, including the debt service, the addition of three firefighter positions, and four police patrol positions.

In the Utility Fund, Ms. Lawrence said the 3.5% increase in water rates amounts to \$700,000 and the 1% increase in volume amounts to about \$200,000. The average residential customer will see about a \$2 per month increase in the water and sewer rates, if the proposed rate increase is approved.

There were no "big stories" in the Solid Waste Fund, and Ms. Lawrence presented the budget transfer schedules for the various funds.

She presented information on the Health Fund showing how the employee paid portion has not changed much for many years, but how the employer paid amount has fluctuated and grown over the years. Council Member Davis asked if the employee contribution was a percentage or if it was a set amount. Ms. Lawrence said it was a set amount and depends on whether or not they have dependents on the policy.

Projects were also presented for the General Improvement Fund including the cost of the projects. Mr. Hefton said normally the fund includes projects in the \$1 million to \$2 million range, but for 2016, is estimated at \$7,542,000 and for 2016 is estimated at \$16,226,000. Ms. Lawrence presented projects for debt financing through FY 2019, but said she fully expected those to change within the next two or three months. Some projects may move to other years in the plan.

Council Member Johnson asked if the numbers presented for new staff were total compensation or wage only and if they were considered competitive. Ms. Lawrence said it was total compensation and they were competitive with other cities.

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Council Direction

Mr. Hefton asked the Council for their direction on the items that were presented today to be included in the draft budget for consideration in July. He also presented a list of significant items that were eliminated from the 2017 Budget because there was not enough money. He added that the Council will see these items again, maybe in the upcoming budget year if it turns out to be better than expected.

The items that were eliminated include:

- SCBA replacement program
- Tactical Rescue Vehicle replacement

- Fire engine replacement

- Various Street equipment
 - Loader, dump trucks, excavator

- Various positions
 - City Planner
 - Parks maintenance
 - Street equipment operator
 - WWTP night operators

- Various facility considerations
 - Fire Station 5
 - Street Department building
 - Service Center

He said the staff will present a fixed utility network replacement program in August 2016 for the Council's consideration to make the reading of water meters a lot more efficient and accurate.

Mr. Hefton presented the list of initiatives that were included in the draft 2017 Budget:

- Compensation and Staffing
 - Add 17 full time employees
 - Adjust Public Safety and other pay
 - Provide a cost of living pay increase of 2% for all City employees

- Storm Water Fee Study
 - Commission the study in 2017 to prepare for fee implementation in 2018

- Fleet
 - Purchase necessary fleet/equipment

- Fixed Network
 - Purchase/implement system to improve efficiency of water distribution/billing

- Utility CIP's and Utility Rate Adjustments
 - Implement Utility CIP projects
 - Adjust Utility rate to support

- Library
 - Complete the proposed renovation

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- Parks and Recreation
 - Update Parks Master Plan
 - Purchase property for Pecan Grove West sports fields
- Hotel/Motel/Tourism
 - Implement plan as presented
- General CIP's and Property Tax Increase
 - Implement CIP projects
 - Adjust property tax rate to support
 - Phased approach to issue bonds to support CIP General projects
- Partnerships
 - Continue to develop partnerships that promote cooperation and optimized use of resources

Mr. Hefton asked if there were any other items that the City Council would like to discuss. Council Member Steele would like to consider allowing citizens to tour the City's facilities, maybe allow them to register to take a bus tour and see where their tax dollars are going. They know they pay taxes, but this would show them why they pay taxes.

Council Member Steele said he travels to many employers in the three County area, and they are having the same issue with health care that the City is having. Many of them are putting in state-of-the-art health care facilities to encourage their employees to work out during lunch or breaks, in order to help with those costs. He said there could also be an incentive, like a "biggest loser" competition for employees. Mr. Hefton said they have discussed creative ways for wellness and preventative care with the new consultant. He said many employers are getting creative in how they manage their employee health care, and are putting the burden back on those getting the health care.

Council Member Couch mentioned the "City Day" that is sponsored by the Chamber of Commerce in conjunction with the Leadership Day, and said that was a good program and was a deciding factor in his decision to run for City Council. He suggested partnering with the Chamber to help get citizens involved. Council Member Johnson suggested a "Tour the City Day" where citizens could tour some key points and could RSVP if they wanted to participate.

Kevin Winkler, Parks and Recreation Director, said that is similar to the "Touch a Truck" event the department offered at Pecan Grove Park this year. They had almost every piece of equipment owned by the City available to see and crawl inside to see where their tax dollars are spent.

Mr. Hefton said the draft budget will be presented to the City Council at the Meeting on July 18, 2016. He said other than what was just discussed, there should be no significant changes to the budget. He urged them to call with any questions they might have.

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ADJOURNMENT

There being no further business to come before the City Council today, motion was duly made and approved to adjourn the Called meeting at 2:45 p.m. Documentation for the Budget Work Session is held in the General File "Budget Work Session FY 2016-2017" in the City Clerk's Office.

MAYOR

ATTEST

CITY CLERK

STATE OF TEXAS

§

August 15, 2016

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on August 15, 2016.

MEMBERS PRESENT:

MAYOR DAVID PLYLER; DEPUTY MAYOR JASON SOFEY.
COUNCIL MEMBERS COUCH, DAVIS, HOWETH, JOHNSON,
STEELE.

MEMBERS ABSENT:

NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 1, 2016. Council Member Couch moved to approve the Minutes as presented; Second by Deputy Mayor Sofey. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PUBLIC HEARING

CAPITAL IMPROVEMENT PROGRAM 2016-2021

Mayor Plyler introduced the public hearing for the Capital Improvement Program for 2016 through 2021.

FIVE-YEAR CIP

The Capital Improvement Program covers the period from October 1, 2016 through September 30, 2021 and includes \$71,963,016 in General Fund projects and \$23,876,978 in Utility Fund projects, for a total of \$95,839,944.

Don Keene, Assistant City Manager, said the City is required by Charter to maintain the five-year CIP. The first year of the plan is included in the 2017 Budget and is \$31 million. The majority of the projects are for street and utility projects and will allow the City to prepare for future growth. Other projects include roof work on some City facilities and the Library renovation.

No citizens appeared before the City Council to discuss the Capital Improvement Program for 2016-2021.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Plyler introduced Ordinance No. 5970 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR A REPEALER.

ORD 5970
ANNUAL BUDGET

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Mayor Plyler explained that this budget will raise more total property taxes than last year's budget by \$1,573,000 and 17% and, of that amount, \$535,000 is revenue to be raised from new property to be added to the roll this year.

Mayor Plyler recognized many citizens in the audience that were appearing to discuss funding for the Sherman Museum.

George Rowland, 614 N. McKown

Mr. Rowland asked if the City wanted to operate the Museum, which started in 1976, at the time of the Bicentennial Celebration. In 2005, the City transferred the building and contents to the Board of Directors of the Museum. A reversion clause designated that if the Museum went out of business or moved to another town, the contents would revert back to the City.

When the Museum was turned over to the Board, the City agreed to fund it at \$83,000 annually, which continued until two years ago, when the funding was reduced to \$70,000. The Board hoped that eventually the Museum would become self-funded.

To date the Board has raised \$200,000, and conservatively would spend about \$10,000 annually from that amount, which would put them close to the original amount. This year the City plans to cut another \$20,000 for a total funding amount of \$50,000. Mr. Rowland said the Board could not operate the Museum as it currently operates on that amount.

He said the options available would be to fire the current director; to hire some part-time help or some volunteers; or open for very limited hours, perhaps on weekends. Currently the Museum is open five days a week.

Mr. Rowland said the Board has done a lot of fundraising and has raised funds for special events and special projects, but it is hard to raise funds "to pay the electric bill." During that time, they have also added an elevator, added air conditioning and removed the old window units, and added conditioned air to the archive space.

He said it would be very hard for the Board to maintain anything if they receive only \$50,000 from the City. The monthly budget is about \$8,000, with most going toward "fixed expenses," with the exception of salaries. They have already cut one staff person and are down to two people. He said the basic question is, does the City want to operate the Museum again.

Dorothy McKee, 713 W. Birge

Ms. McKee told the City Council that the Board is very grateful for the years of support they have given to the Sherman Museum. She said as a result of that support, and the support of the community, the name of the Museum was

changed from the Red River Historical Museum to the Sherman Museum to reflect that support and to broaden the venues for the exhibits.

She said the annual Dino Days exhibit has been a tremendous success. The Board has also hired a professional director in 2011 and a part-time staff to assist him. The first Dino Days was held in 2012 and has grown since that time.

She said without the City's funding, it will be almost impossible to keep the staff. With that, the Museum can return to what it previously was, with less exhibits. She said they are the only tourism option that is open five days a week in Sherman, on a regular basis, and they have averaged over 4,000 visitors annually, since 2011.

The Dino Days exhibit has had over 11, 000 visitors in the last five years and has had over \$20,000 in taxable sales in the gift shop. The Museum also contributes to the downtown economy because the visitors also eat in the area and many visit the local shops. Since many of the visitors are from out-of-town, she said they also may be staying in the hotels. Ms. McKee said 64% of the visitors were tourists and 139 different zip codes were represented.

The Museum originally had three employees, but lost one last month. The personnel budget, with three employees, makes up 49% of their annual budget. She said there are also numerous maintenance issues since the building is over 100 years old.

Ms. McKee said the Board was asked to promote the Museum better and to make it a viable place for tourism, and she said with the professional director, they have done that. She outlined the membership and networking organizations that Dan Steelman, Executive Director of the Museum, has participated in to help promote the Sherman Museum.

She said they own two significant historical buildings, the Carnegie Library and the former Walnut Street Church of Christ. There is a lot of space in the old church, but much of it is not usable. The basement is used as the archival storage facility. She said they care for approximately 50,000 artifacts that belong to the City of Sherman. Air and cooling for this archival storage costs from \$600 to \$800 per month.

Ms. McKee said the Board wants to be independent from the City's support and they are working toward that end. They would like to increase the volunteer base that works at the Museum and they want to review the collection to remove items that are not usable for exhibits. They current offer several fund raisers including Dino Days and History Comes Alive.

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She said they have been unable to secure a meeting with the City to discuss the upcoming budget. They met with Mayor Plyler last week where they were told they could receive the \$80,000 funding if they would accept the genealogy department from the Public Library.

Upon investigation, she said the genealogy department is more than “a few shelves and a computer.” She said they want to work with the City, but there is no space for the approximately 2,000 square feet of items in that department.

She reiterated the importance of history to the community and asked the City Council to consider these things when they discuss the funding allocation to the Museum.

Bea Harmon, 629 N. Holly

Ms. Harmon said there are so many people that have visited the Museum and said what a wonderful Museum it is. She read a letter from a mother in McKinney that visited the Museum with her children during the Dino Days exhibit. She said it was a wonderful adventure and they also visited other downtown stores while in Sherman.

She asked the City Council to consider the needs of the Museum.

Edward Swiatovy, 469 Tee Taw Circle

Mr. Swiatovy said he is a member of the Dallas Paleontological Society and has had interactions with a number of museums including the Smithsonian Institute. He said the methodology of the exhibition and the quality of the staff at the Sherman Museum is “second to none.”

He has assisted the Museum in the identification of fossils, and said this area is actually famous for its fossils. Because of this, the Museum is of interest to people as far away as the East Coast.

He urged the Council not to “take the Museum away from the children.”

Sarah Campbell Stevens, 1712 W. McGee

Ms. Stevens said the Museum Board has worked very diligently to do their part to provide funding. The History Comes Alive event has been taking place for three to five years at West Hill Cemetery, where they bring to life some of Sherman’s “celebrities.”

In addition, the Museum also held a fundraiser at the former Woodman Circle Home, presenting the history of that facility.

She said the Board is doing their part, and the archeological significance of the items in the Museum is outstanding. She added the area is well known for its fossil history.

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She said that the Museum receives money from the Tourism Department, but it is not like the other venues that receive money. It has a historical value in the building, the programs, and the history, and she urged the Council not to cap funding at \$50,000.

She felt the Council was making their decision based on money and said it's not all about the money. There is an underlying value, and it's not always about the bottom line.

Robert Minshew, 206 W. Belden

Mr. Minshew said he has been active in the downtown for many years and in the 1970's he purchased an old hospital building, built in 1902, and donated the time capsule buried there to the Museum. He has supported the Museum for many years and said there are exciting things going on downtown and that includes the Museum.

He said Mr. Steelman and his staff attend and participate in the downtown meetings. Visitors to the Museum also visit the restaurants to eat. He said it's all part of the exciting things that are going on downtown. He felt it was a good use of Hotel/Motel Tax money to bring people into Sherman.

He said Sherman has a cultural center and a symphony, and not many cities have a museum, but "we want to keep it all together."

Brad Douglass, 2400 Meadows Lane

Mr. Douglass said he wanted to talk about the quality of life. One of the things that makes Sherman unique and brings people to the downtown is the Sherman Museum.

In 1977, the funding was \$83,000, today that would be \$330,000, if you used the Consumer Price Index to compare. He asked the Council to review the budget, and restore the \$83,000 to the Museum. It's a small percentage of the amount budgeted for the CIP.

R.C. Harmon, 629 N. Holly

Mr. Harmon serves as the Archeological Advisor to the Sherman Museum and the Archeological Steward out of the Office of the State Historical Commission.

He gave his first presentation at the Carnegie Library six decades ago, and the crowd was huge. He spoke about fossils and the community. Today he helps out as a tour guide at the Museum.

He said Mr. Steelman has made the Sherman Museum something it has never been before. The number of visitors has increased and there are many more activities.

Mr. Harmon said Mr. Swiatovy serves as the Paleontological Advisor to the Museum and was named the Outstanding Member of the Dallas Paleontological Society last year. He

was instrumental in the Sherman Museum acquiring the Henry Doshier Collection, a priceless collection of fossils. Mr. Harmon said he didn't know where you would have to go to find some of the items in the collection.

He said he recently served as a tour guide for a group of children from Tioga and spoke about the joy of showing them the Museum. He urged the Council to "take care of the Museum," saying "we owe it to the community."

Betty Mitchell, 1601 Westside Dr.

Ms. Mitchell said she was a fourth generation Shermanite, with her brother Robert Minshew, and they have a personal interest in the Museum.

She was a telephone operator when she was in high school and she said children need to learn about the past and about Sherman. She wondered how they would do that if the Museum closes. Ms. Mitchell said there were four movie theaters in downtown Sherman in the 1950's and there were over 60 grocery stores in town. She said kids today don't know about the Athens of Sherman, and the community's history. The Museum has "hands on" items from which children can learn about the past.

Ms. Mitchell said her grandmother was the sister of Mattie Davis Lucas, who was instrumental in getting a free library in the City of Sherman, and was instrumental in organizing and getting the Carnegie Library Building. Ms. Lucas and Dr. Clyde Hall's mother also wrote the first history of Sherman.

Ms. Mitchell said if Sherman doesn't have a Museum, the next generation will suffer, and there won't be a place where older residents can go to reminisce.

Clyde Hall, 3410 Post Oak Crossing

Dr. Hall distributed copies of his remarks. He said he has been interested in the history of Sherman for many years and supported the Museum when it was founded, and is still a member. He said the purpose of the Museum is to preserve and present the history of Sherman, Texas.

He asked if previous City Council's determined it would be good for Sherman to have a library, cemetery service, parks, a swimming pool, a senior center, and animal control services. The answer was "yes," it was important to have these things without a specific revenue source.

He said if the present City Council believes that a Museum is worthwhile for Sherman, then they should commit themselves to support the Museum; separate the revenue source from the Hotel/Motel Tax; in the short term, refrain from decreasing the Museum funding; and for the long term, enter into a cooperative relationship with the Museum Board whereby funding will continue over a number of years. He

felt the Museum would need additional funding in the future, as the revolution in communications technology will have a tremendous effect on Museums.

He said if the Council believes in the Museum, they should support it in the short term, and build a long term relationship with the Museum.

John Stephens, 1005 Western Hills

Mr. Stephens said he grew up in Sherman, but has since moved to Massachusetts. He is in Sherman for the summer. During high school, Mr. Stephens said he served on the Museum Board, when it was all volunteers. The first director was Lorna English and she was paid \$12,000 annually, and that was the budget. He said the budget has not grown exponentially.

Mr. Stephens said he has been a museum director in Massachusetts and knows that it takes a lot of volunteers, a lot of people, but it is important for the history. He added that there is so much history in Sherman and so many things about the community that should not be forgotten.

He said this is not a lot of money, but it is important that the City Council support the Museum. He added that the history is important, the building is important.

Heather Reyna, 711 Swan Ridge Dr.

Ms. Reyna appeared representing her mother Diana Scriven and read a letter Ms. Scriven had prepared. She asked the City Council to reassess the budget and find a way to keep the Museum open for the community. Other than the schools, she said the Museum is one of the few outlets to offer educational and informative experiences for children.

For the last two years, her two grandchildren have “began a countdown” for Dino Days. Her grandson has talked about being a paleontologist since he was five years old. He is now 14 years old. She said Mr. Steelman and the staff of the Museum have encouraged him to “continue his dream.” The children were even asked to help with the Night at the Museum by answering questions about the displays.

She recognized the encouragement and inspiration that the staff has given her grandchildren. She added that the Museum and the staff are an asset to the community that should not be lost. She was glad that downtown Sherman is being revitalized, but did not want to lose another part of history, as well as the educational and cultural experiences for the children.

Ms. Reyna said Mr. Steelman and the staff of the Sherman Museum have encouraged her children and helped them “behind the scenes.”

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Justin Reyna, 711 Swan Ridge Dr.

Mr. Reyna, the 14 year old son of Heather Reyna, said the Museum has been in Sherman for a long time and is built on history. He said that is “basically what his life is.” He said he would be sad to see it leave.

Every year, he has made a sign for his wall to count down to Dino Days, and every year he has learned something new. He said he is thankful for the Museum.

Edward Owens, 2813 Dover

Mr. Owens said he had nothing new to add.

Janet Hudson, 117 Arapaho East

Ms. Hudson was raised in Sherman and is a teacher. As a girl growing up in Sherman she cherished the Museum and loved history. She said Sherman was and continues to be “An All-American City.”

Ms. Hudson asked the City Council to consider the budget and funding for the Museum. She said there were only 13 museums in the State of Texas. Sherman is a part of that, and she urged them to “keep history alive.” She added that American Black people want to be read about and not forgotten as members of this community.

Marian McCarley, 1124 Live Oak Circle

Ms. McCarley said there were Carnegie Libraries all over the Country and that’s something worth keeping.

Dan Steelman, Executive Director, Sherman Museum

Mr. Steelman thanked the City Council, adding that it had been his pleasure to serve as Director of the Sherman Museum for 5 and a half years. He said he has worked in museums for a long time and it was his lifelong dream to be a director of a museum. While museum directors “do everything” he said it had been a great privilege.

He said he hoped the City Council funded the Museum, not because of his job, but because of the people in the audience. He hoped it would continue for many, many years.

Mr. Steelman said he appreciated the partnership that has existed between the Museum and the City, and hoped and expected that it would continue.

Don Makinson, 325 Arapaho East

Mr. Makinson said he has been on the Museum Board for five years and he pointed to the “Sherman, Classic Town, Broad Horizon” sign on the Council Chambers wall, saying it fits this.

Jeannie Duarte, 1209 Marlborough

Ms. Duarte and her husband currently serve on the Sherman Museum Board. They moved to Sherman because it was a

small town, a community. The citizens that have spoken want to share Sherman's history with the coming generations. She talked about the benefit of her children being able to talk with people from another generation that will share their knowledge and interact with them "generationally." The Museum is a way for people to share knowledge and interact generationally.

Wally Black, 905 Crestview

Mr. Black said he was an actor and participated in the History Comes Alive event, which recognizes notable people that are buried in West Hill Cemetery. The actors portray people that are buried in the Cemetery and tell their stories to the visitors. He said the event is "absolutely awesome."

McKinley J. Keller, 923 Cormorant Dr.

Mr. Keller said he has been in Sherman since 1959 when he "got off the train" where Ellis Garage is located now, which used to be the old Ice House.

He has seen Sherman grow over the years and said his mother and father used to tell him about the Museum. Mr. Keller didn't want to lose the Museum and said "we need to keep it."

Barbara Reed, 512 N. Lee

Ms. Reed is a retired nurse and a lifelong resident of Sherman. She spoke with a lady that was alive when the cyclone hit Sherman and washed up many of the graves at West Hill Cemetery. The bodies were laid out in the downtown area and people had to try to identify the remains. Ms. Reed said that history is at the Museum. She said Sherman, Texas means a lot to people from Sherman. It's their history and they are passionate about it.

Ms. McKee thanked everyone that attended the City Council Meeting saying they came because they wanted to speak to the importance of the Museum.

No other citizens appeared before the City Council to discuss Ordinance No. 5970.

Mayor Plyler introduced Ordinance No. 5971 and called for the first public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2016; 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.

ORD 5971
LEVY OF AD
VALOREM TAXES

Mayor Plyler said the City Council will consider the adoption of the tax rate ordinance at the Regular Meeting scheduled

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for 5:00 p.m. on Monday, September 19, 2016, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.

Mary Lawrence, Director of Finance, said two public hearings are required when property values increase from one year to the next and this is the first of the two public hearings. The second public hearing will be held on September 6, 2016.

No citizens appeared before the City Council to discuss Ordinance No. 5971.

Mayor Plyler introduced Ordinance No. 5972 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 8TH DAY OF NOVEMBER, 2016, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

**ORD 5972
REGULAR MUNICIPAL
ELECTION FOR
DISTRICT 1 & 3**

Robby Hefton, City Manager, explained that Ordinance 5972 and Ordinance 5973 both relate to the Municipal Election scheduled for November 2016.

This ordinance will call the Election for the two District seats that are up because of the passage of time and the next ordinance is for the unexpired term of the District 4 seat.

No citizens appeared before the City Council to discuss Ordinance No. 5972.

Mayor Plyler introduced Ordinance No. 5973 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 8TH DAY OF NOVEMBER, 2016, FOR THE PURPOSE OF ELECTING ONE (1) DISTRICT 4 CITY COUNCIL MEMBER TO FILL AN UNEXPIRED TERM UNTIL NOVEMBER 7, 2017, FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

**ORD 5973
SPECIAL MUNICIPAL
ELECTION FOR
DISTRICT 4 –
UNEXPIRED TERM**

Joshua Shelton, 1811 W. College

Mr. Shelton asked about the process for appointment to fill a

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vacancy on the City Council without an Election. He asked for transparency saying there were a lot of people that were interested in serving.

No other citizens appeared before the City Council to discuss Ordinance No. 5973.

Mayor Plyler introduced Ordinance No. 5975 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", AT ARTICLE 12.04, ENTITLED "STOPPING, STANDING AND PARKING", DIVISION 1, ENTITLED "GENERALLY", SECTION 12.04.008, ENTITLED "PARKING ON PRIVATE PROPERTY"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

**ORD 5975
PARKING ON
PRIVATE PROPERTY**

Mr. Hefton said this was another ordinance dealing with the changes for large lots. This deals with the requirement to pave driveways on large lots.

No citizens appeared before the City Council to discuss Ordinance No. 5975.

Mayor Plyler introduced Ordinance No. 5977 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 4515 WEST HOUSTON STREET, BEING 2.756 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 (HUGHLAN PROPERTY HOLDINGS, LLC, OWNERS; CLASSIC CAR LIQUIDATORS, LLC, TENANT; KEN KELLEY, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

**ORD 5977
ZONE CHANGE
(4515 W. HOUSTON)**

Scott Shadden, Director of Development Services, said this property on West Houston Street has been a car dealership and has recently been annexed. Newly annexed property is zoned residential. This item is to change to commercial zoning, and the next agenda item is for a Specific Use Permit to allow this business to continue.

No citizens appeared before the City Council to discuss Ordinance No. 5977.

Mayor Plyler introduced Ordinance No. 5978 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AUTOMOBILE SALES IN A C-1 (RETAIL BUSINESS) DISTRICT AT 4515 WEST HOUSTON

**ORD 5978
SUP FOR AUTO
SALES
(4515 W. HOUSTON)**

STREET, BEING 2.756 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 (HUGHLAN PROPERTY HOLDINGS, LLC, OWNERS; CLASSIC CAR LIQUIDATORS, LLC, TENANT; KEN KELLEY, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

No citizens appeared before the City Council to discuss Ordinance No. 5978.

Mayor Plyler introduced Ordinance No. 5979 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A RESALE SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 1001 NORTH SAM RAYBURN FREEWAY, BEING 4.2955 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (KAM CORNERS, LP, OWNERS; AND KATHY'S RESALE SHOP, KATHY GRIGG, TENANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5979
SUP FOR RESALE
SHOP
(1001 N. SAM
RAYBURN FRWY)

Mr. Shadden said this is located on the west side of Kam Corners. The request has been considered by the Planning and Zoning Commission, and they recommended approval of the Specific Use Permit.

Council Member Steele verified that there had already been retail in that location. Mr. Shadden said the requestor is moving back in and should not technically be open yet.

No citizens appeared before the City Council to discuss Ordinance No. 5979.

The Public Hearing was closed.

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

Mayor Plyler moved consideration of the ratification of the property tax increase forward on the agenda.

PROPERTY TAX
INCREASE
RATIFICATION

ACTION TAKEN.

Motion by Deputy Mayor Sofey to ratify the property tax increase proposed in the Budget Ordinance No. 5970, as presented. Second by Council Member Howeth.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

ADOPTION OF ORDINANCES

Ordinance 5970

**ORD 5970
ANNUAL BUDGET**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR A REPEALER.

Council Member Steele said he liked Mr. Hall's idea and asked if it was possible to move financial support for the Sherman Museum from the Hotel/Motel Tax and into the General Fund. He said the Council has been dealing with the same thing, year after year. He asked what the options were and if the City wanted the Museum.

Mayor Plyler reminded everyone that whether or not the Museum stays open is a decision by their Board. The decision before the City Council today is that the Hotel/Motel Tax is not performing as well as had hoped.

As the minutes from last year's Budget Meeting indicate, the plan was to decrease the Museum's funding from the City each year, as they become self-sustaining. They have said tonight that they have made progress in that area, but still have some way to go.

The Museum was funded at \$70,000 from the City last year and they are scheduled for \$50,000 this year. They have said they can't sustain operations on \$50,000, as they currently are.

Council Member Davis made it clear that he wanted the Museum to remain open and to thrive. He said there was a lot of love and passion about the Museum and there is no question that it is a benefit to the City.

The Council faced the same question last year and Mr. Rowland said he would like to develop a "strategic plan" for the Museum that would continue through 2016, including a more sustainable stream of income. Council Member Davis said the Museum said they wanted to work with the City, with Austin College, and other partners to develop this plan through 2016. In order to do that, they needed to have the funding restored.

Council Member Davis said the Council did restore their funding last year to \$70,000, but the discussion tonight seems to be a microcosm of the problem. Everyone has talked about the quality of the Museum, how much it means to the City, and what a good thing it is. Council Member Davis agreed with that, however the Council didn't get a strategic plan and is back where they were last year.

He said Ms. McKee mentioned several things, such as increasing volunteers and communicating with others,

which are things that the City and Austin College want to have with the Museum, but it doesn't "get there." Everyone is working in that direction if the Museum would be open to explore the possibilities.

Council Member Johnson asked why the City did not receive the strategic plan. Mr. Hefton said the task was requested by the Museum, and the Council agreed, giving them a reprieve to develop the strategic plan. However, no plan was every presented to the City.

Mr. Hefton said elements were presented tonight that could be part of a plan. He said Mr. Hall did a fantastic job and offered several elements that could be part of a plan, as did Ms. McKee. Maybe more volunteers could be used and the hours could be modified. Even though it wasn't an ideal plan, Mr. Rowland mentioned getting rid of the full-time director and funding the position part-time. Until tonight, Mr. Hefton said the City had not received any semblance of a plan about what could be done to keep the Museum open.

The problem is it's a year later from the time the commitment was made, and the staff is just now hearing any ideas. He said there are possibilities for the City to fund the Museum either fully or partially, from a different source. He said a better plan from the Museum Board would help make the decision. Deputy Mayor Sofey confirmed that all Museum Board Members left the meeting.

Council Member Steele said when Hotel/Motel Tax money is used, if it "doesn't perform" the Council is back discussing funding every year. Deputy Mayor Sofey verified that the City does no other similar funding out of the General Fund.

He said there are other "quality of life" programs that are funded through the General Fund, such as the Senior Citizens Center and the swimming pool. However, the City owns those facilities. Mr. Hefton said there is no law, or nothing in the City's Charter that would prohibit the City from doing that.

Mr. Steelman was asked to return to the Council Meeting and Council Member Steele said if the Council really wants to look at a funding source, they ask the Board to submit a plan. He added that if the plan is not submitted, that would tell him that the Board is not serious. He did not feel that the Museum had that much to do with Hotel/Motel Tax.

Mr. Hefton reiterated to Mr. Steelman that these were some of the first suggestions or plans that the Council has heard. He referenced comments by Mr. Hall, Mr. Rowland, and Ms. McKee. He said these were great comments and well thought out. That's what the City has wanted.

He added that all the staff really wants is a plan, in writing, that the Board thinks might work. He said the plan might

even include some alternatives, even if those aren't really where they want to go, such as using a part-time director, reducing hours, or funding from other sources.

He said there are also still some discussions on genealogy. He said there is a lot of "culling out" of things in that department that still needs to be done and it might not be as large a collection as they think. He suggested the Museum Board tell the City how much room they do have that could be used for genealogy. At least it would be a starting point for discussions.

Council Member Couch also asked to see the Museum's accounting, finances, and any grants that might be received. Mr. Steelman said the quarterly documents are given to Sarah McRae, Tourism/Main Street Director.

Council Member Howeth said she was sorry so many Museum members left before the City Council had an opportunity to respond. She said they think the City wants to close the Museum and that is not their desire. The Museum is very important and no Council or staff member has said it is not important or that they want to close it. She said it all comes down to how to continue the funding in a logical manner.

Mr. Steelman said the Board does not believe that the Council doesn't want the Museum. Council Member Howeth said the goal is to determine how to sufficiently fund the Museum and to have a plan on how to continue the funding.

Mr. Steelman said he was counting on a plan last year. He thought they were talking about a feasibility study about how the Museum could best be utilized by the City. Deputy Mayor Sofey said, last year, the Council asked for a plan from the Museum, and after three budget meetings, they show up tonight after the draft budget is completed.

He said some proposals and opportunities were given to the Museum Board and instead of them coming back with suggestions on how it could work, the Council gets "a stern no" from the Museum. The Council wants to keep the Museum open and is trying to work something out.

Mr. Steelman said there seems to be a problem with communication, that has developed over the last several years. He said they want to work with the City, better than they have in the past. He said they felt "dictated to" by the City. They weren't invited and did not know they could come to earlier budget meetings.

Deputy Mayor Sofey said if someone was providing him with 50% of his funding, he would make an effort to find out when the meetings were and to attend. The City has given \$1.2 million to the Museum. Mr. Steelman said they feel they

are being “dictated to.” The Museum was asked to present a plan last year, and they didn’t come back. The City Council was trying to get the Museum to work with them.

Mr. Steelman said last year, he thought the City was going to do a feasibility study based on the Museum. He said the City is a major “stakeholder” but it is imperative that the Museum is involved.

Mr. Hefton said at the budget meeting last year, Mr. Rowland is the one that spoke about the Museum developing a plan for sustainability. Mr. Steelman said the Museum wants to work with the City and does care about the partnership. He addressed the communication breakdown, saying they want to be involved.

Council Member Couch said the City has offered the Museum more money, and a compromise, and a creative solution, but the Museum counters with a “hard-line stance” and an ultimatum, and sends out a press release as a paid advertisement on Facebook with money paid to the Museum by the City, since the City provides over 50% of their budget. He questioned that tactic before they approached the City Council asking for more money.

Mr. Steelman said they felt it was their only opportunity to speak to the City Council. Both Deputy Mayor Sofey and Council Member Couch said no one from the Museum called them once.

Mayor Plyler said no one wants to see the Museum close, and asked how long it would take the Board to devise a plan, with some additional information. Mr. Steelman said they should get back with the City Council in a week to 10 days.

Council Member Johnson asked if the opportunity for the genealogy was “still on the table,” and Mr. Hefton said it absolutely was. Mayor Plyler asked about the possibility of an ex-officio member on the Museum Board, that was either filled by a Council Member or a staff member. Mr. Steelman felt that would greatly improve the communication and cooperation between the two entities.

Mr. Hefton said there are a lot of decisions involved in the Library renovation that are not decided. They are still working on what the Library will look like. However, he did feel that there were opportunities with the genealogy that would work well with the Museum. He asked Mr. Steelman to tell the staff “what they can do” and how much of the genealogy items they could absorb.

Council Member Steele asked if the Museum Board had ever worked with a museum consultant. Mr. Steelman said he thought that was what the City was doing last year. Council Member Davis said better communication is needed between the two entities and not just at budget time.

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Mr. Keene said the City already knows that the Museum is important, but this is about accountability and the use of taxpayer dollars. If the staff had heard that the Museum was willing to consider taking the genealogy items, the details could have been worked through.

Council Member Couch said he still wanted to know what Mr. Steelman was thinking when he issued that press release. Mr. Steelman said he had heard rumors about the genealogy issue for a year and a half.

Mayor Plyler asked if the Museum could take the information and come back to the City in 30 days to consider a possible step reinvestment. If there is an opportunity to move the genealogy to the Museum, he felt it would be a “win” for everyone. He felt that the budget is set at \$50,000 right now, but give them “a pathway” to restore that money through the review of these plans.

Mr. Hefton added that it was the Museum and the Museum Board’s plan, not the City’s plan. He suggested that they return with a plan with two or three options. The first option would be if they only receive \$50,000 from the City, a second option would be if the budget is restored to \$70,000, and a third option might be a “Cadillac” option.

Mr. Steelman said they have already created a budget that would follow those guidelines. Council Member Howeth confirmed that the plan will be brought back to the Council within 30 days. Mr. Steelman reiterated that they did not want an adversarial relationship with the City Council and wanted to see both entities working together.

Mayor Plyler reminded Mr. Steelman that when they consider the genealogy aspect for the Museum, to let the Council know what they “can” do and the amount of space they could give to the program.

Deputy Mayor Sofey asked, if the Council has the intent of working out a plan and giving the Museum more than \$50,000 in their budget, does this budget need to be changed. Mr. Hefton said there would be no need to change the budget as it stands, to accomplish this.

Deputy Mayor Sofey said he would like to see the City maintain the proposed budget, with the understanding that if the Museum brings back a plan and the Council wants to work with them, they can facilitate them with additional money. Council Members and staff agreed.

Mayor Plyler wanted to be sure that the Museum Board understood that they had a “pathway” to full funding based on their plan and communicating that to the City Council, and also giving them an ex-officio seat on the Board.

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ACTION TAKEN.

Motion by Council Member Steele to adopt Ordinance No. 5970, as presented. Second by Council Member Couch.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5972

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 8TH DAY OF NOVEMBER, 2016, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5972
REGULAR MUNICIPAL
ELECTION FOR
DISTRICT 1 & 3

Ordinance 5973

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 8TH DAY OF NOVEMBER, 2016, FOR THE PURPOSE OF ELECTING ONE (1) DISTRICT 4 CITY COUNCIL MEMBER TO FILL AN UNEXPIRED TERM UNTIL NOVEMBER 7, 2017, FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5973
SPECIAL MUNICIPAL
ELECTION FOR
DISTRICT 4 –
UNEXPIRED TERM

Ordinance 5975

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", AT ARTICLE 12.04, ENTITLED "STOPPING, STANDING AND PARKING", DIVISION 1, ENTITLED "GENERALLY", SECTION 12.04.008, ENTITLED "PARKING ON PRIVATE PROPERTY"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE.

ORD 5975
PARKING ON
PRIVATE PROPERTY

Ordinance 5977

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 4515 WEST HOUSTON STREET, BEING 2.756 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 (HUGHLAN

ORD 5977
ZONE CHANGE
(4515 W. HOUSTON)

PROPERTY HOLDINGS, LLC, OWNERS; CLASSIC CAR LIQUIDATORS, LLC, TENANT; KEN KELLEY, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

Ordinance 5978

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW AUTOMOBILE SALES IN A C-1 (RETAIL BUSINESS) DISTRICT AT 4515 WEST HOUSTON STREET, BEING 2.756 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 119 (HUGHLAN PROPERTY HOLDINGS, LLC, OWNERS; CLASSIC CAR LIQUIDATORS, LLC, TENANT; KEN KELLEY, PROSPECTIVE BUYER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5978
SUP FOR AUTO
SALES
(4515 W. HOUSTON)

Ordinance 5979

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 RESALE SHOP IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 1001 NORTH SAM RAYBURN FREEWAY, BEING 4.2955 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (KAM CORNERS, LP, OWNERS; AND KATHY'S RESALE SHOP, KATHY GRIGG, TENANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5979
SUP FOR RESALE
SHOP
(1001 N. SAM
RAYBURN FRWY)

ACTION TAKEN.

Motion by Council Member Davis to adopt Ordinance Nos. 5972, 5973, 5975, 5977, 5978, and 5979, as presented. Second by Deputy Mayor Sofey.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6116 – 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

RES 6166
FIVE-YEAR CIP

SHERMAN, TEXAS, APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS.

Mr. Keene said this is the City's five-year plan that was discussed earlier.

ACTION TAKEN.

Motion by Council Member Steele to adopt Resolution No. 6116, as presented. Second by Council Member Howeth.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6117 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 8, 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 8, 2016.

**RES 6117
JOINT ELECTION
AGREEMENT WITH
GRAYSON COUNTY**

ACTION TAKEN.

Motion by Council Member Johnson to adopt Resolution No. 6117, as presented. Second by Deputy Mayor Sofey.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6118 – AUTHORIZING THE EXECUTION OF A STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT BETWEEN THE CITY OF SHERMAN AND HIDELL & ASSOCIATES ARCHITECTS, INC. FOR THE DESIGN OF THE SHERMAN PUBLIC LIBRARY RENOVATIONS AND IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HIDELL & ASSOCIATES ARCHITECTS, INC. FOR THE DESIGN OF THE SHERMAN PUBLIC LIBRARY RENOVATIONS.

**RES 6118
PUBLIC LIBRARY
RENOVATIONS**

Steve Ayers, Director of Community and Support Services, said the renovation of the Public Library was part of the Capital Improvement Program that has already been discussed through the budget process. A Master Plan Study was completed and a contract for the planning and design, with Hidell & Associates, can now be executed for the major renovation.

The planning and design phase would take about six months, with construction beginning in the Spring of 2017.

ACTION TAKEN.

Motion by Council Member Steele to adopt Resolution No. 6118, as presented. Second by Council Member Davis.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

CHANGE ORDER NO. 1

APPROVING GREATER TEXOMA UTILITY AUTHORITY'S INTENT TO EXECUTE CHANGE ORDER NO. 1; SHERMAN EASTSIDE OUTFALL RETURN SEWER; LYNN VESSELS CONSTRUCTION, LLC; \$19,971.50

The City Council approved the Greater Texoma Utility Authority's intention to execute Change Order No. 1 to Lynn Vessels Construction, LLC, for the Sherman Eastside Outfall Return Sewer, for a \$19,971.50 increase.

**CHANGE ORDER
EASTSIDE OUTFALL
RETURN SEWER**

The change order is a final, reconciliatory change order to adjust the final project quantities for the project. The extra costs were due to several minor piping alterations to optimize the sewer route and an extension of the bore and case across SH 11 to avoid existing utilities. The final contract price for the project is \$809,449.01.

CONSENT AGENDA.

OTHER BUSINESS

RECEIVE CUSTOMER AND UTILITY SERVICES MANAGER ANGELA GURLEY'S PRESENTATION ON THE CITY OF SHERMAN'S ADVANCED METERING INFRASTRUCTURE

Angela Gurley, Customer and Utility Services Manager, presented an update on the Advanced Metering Infrastructure (AMI) system. She explained that as part of their budget recommendation, they have requested to move forward to the next level of meter-reading technology.

**ADVANCED UTILITY
METERING
INFRASTRUCTURE**

Currently the City uses the "drive-by" system to read meters, which was installed in 2004. As the truck drives by the routes, the readings are transmitted to a laptop which is then transferred to the billing office to be billed. Council Member Steele verified that the error rate is about 99.5% accuracy, with the current system.

There are four primary reading zones which are read monthly for billing. They read one zone per day, and are collecting over 14,000 readings for active and idle meters.

AMI is a system that measures, collects, and analyzes water usage data and will allow the City to collect "a wealth" of information, and will move them beyond a "collect a read and bill account" mode. It will allow them to track trends, plan for future growth, and provide customers with detailed information about their water usage.

The new system is a fully automated system that will send readings hourly to the Utility Office, which will allow the City to provide this information to customers to manage their own usage.

Benefits to the system include allowing the City to receive their data, regardless of the weather conditions; will eliminate various field calls to collect a reading; can provide detailed information to water customers about when the water was actually used; detect illegal water usage on idle meters within the hour; gain flexibility in the read time; and will be able to accommodate growth without adding personnel.

Council Member Steele verified that the City will be able to detect water line breaks through unusual usage amounts very quickly. Ms. Gurley said through the system's analysis, it will set average consumption, and they will receive alerts where they can notify customers.

Ms. Gurley said there are two primary challenges that the City will face with transitioning to AMI. The first challenge is an aged meter infrastructure. Sherman implemented a meter change-out program about four years ago. This program will be complete for meters that are 10 years old or older, by next year. Therefore the majority of Sherman's meters are new.

The second challenge is the installation of the two-way communication devices on all the meters. Of the City's 14,000 meters, almost 12,000 of them are already equipped with this device.

In 2004, the cost was about \$2.5 million to implement the drive-by system. By planning for the future, implementing the meter change-out program, and switching to the two-way devices, the current project costs will be a lot less.

Costs for the first year of the program will be the most expensive because it includes one-time costs for software and the initial implementation and training. The remaining years will be a reduction of about 40% to 60%.

Ms. Gurley said the City's goal is to maintain accurate meters and data. With a 1% reduction in accuracy, approximately \$200,000 of revenue is lost.

CONSIDER THE ABATEMENT OF SUBSTANDARD STRUCTURES AT THE FOLLOWING LOCATION:

- 523 EAST EVERGREEN STREET (KERRS BLOOMFIELD ADDN, BLOCK 4, LOT 1), WILLIAM LEE HUGHLEY ESTATE, OWNER
- 2001 SOUTH EAST STREET (SOUTHSIDE ADDN, BLOCK 46, LOT W 82' 12), BOYD BELINDA LEE, OWNER

**ABATEMENT OF
SUBSTANDARD
STRUCTURES**

COUNCIL MINUTES – AUGUST 15, 2016

Mr. Keene presented an update on the 2016 Substandard Structure Program. The goal was to remove 15 substandard structures and it appears that 22 will actually be removed by the end of the year. The objective of the program is to remove blight and unsafe structures, only after every reasonable effort has been made to work with the property owners to bring them up to code. However, sometimes these are absentee owners.

The City has completed all the inspections, mailed and posted notifications, and visited locations in order to make contact with the owners. Still the staff has been unable to contact the owners of these two properties.

The request today is for the City Council to approve the demolition of these two structures. The water to both structures has been turned off for at least seven years or longer.

ACTION TAKEN.

Motion by Deputy Mayor Sofey to declare the structures at 523 E. Evergreen Street and 2001 S. East Street a nuisance and unsafe, and authorize the staff to proceed with the demolition process, as presented. Second by Council Member Johnson.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUEST OF EASY LIFE REALTY TO TEMPORARILY CLOSE CERTAIN STREETS FOR A “BACK TO SCHOOL BASH” ON FRIDAY, AUGUST 26, 2016

The City Council approved the request of Easy Life Realty to temporarily close certain streets for a “Back to School Bash” on August 26, 2016. They requested to close Pacific Street, between Travis and Walnut Streets, from 6:00 p.m. until 9:00 p.m.

CLOSE STREETS FOR
“BACK TO SCHOOL
BASH”
(AUG. 26, 2016)

Barricades will be provided by the Street Department and the organizers will arrange for security through the Police Department. Easy Life Realty has been instructed that emergency vehicle accessibility must be maintained throughout the closed streets at all times.

CONSENT AGENDA.

CONSIDER REQUEST OF THE GRAYSON HISPANIC HERITAGE COUNCIL OF SHERMAN TO TEMPORARILY CLOSE CERTAIN STREETS AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE “ANNUAL HISPANIC HERITAGE FESTIVAL” ON SATURDAY, SEPTEMBER 10, 2016, WITH A RAIN DATE OF SUNDAY, SEPTEMBER 11, 2016

The City Council approved the request of the Grayson Hispanic Heritage Council of Sherman to temporarily close certain streets and use certain City facilities and services for

CLOSE STREETS FOR
“ANNUAL HISPANIC
HERITAGE FESTIVAL”
(SEPT. 10, 2016)

COUNCIL MINUTES – AUGUST 15, 2016

the “Annual Hispanic Heritage Festival on September 10, 2016, with a rain date of September 11, 2016.

They requested to close the streets around the Municipal Building and to provide additional solid waste containers, cones, and barricades. They are also requesting use of the Oliver Dewey Mayor Outdoor Theater and Municipal Ballroom.

CONSENT AGENDA.

FINAL PLAT APPROVAL OF WEST CANYON CREEK ESTATES, SECTION 3, BEING 105.155 ACRES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288; WEST CANYON CREEK ESTATES, LTD, OWNER; CITY OF SHERMAN, DEVELOPER; AND BROCKETTE/DAVIS/DRAKE, INC., SURVEYOR (2700-2800 BLOCKS OF SHADY OAKS LANE AND 3300-3600 BLOCKS OF CANYON CREEK DRIVE)

APPROVE FINAL PLAT
CANYON CREEK
ESTATES

The City Council approved the Final Plat of West Canyon Creek Estates, Section 3, which is a 105.155 acre tract in West Canyon Creek Estates, located in the 2700 through 2800 blocks of Shady Oaks Lane and the 3300 through 3600 blocks of Canyon Creek Drive.

The property was formerly the County Farm, which was annexed into the City in 2003. The property is zoned R-1 (One Family Residential) and the owner would like to plat this phase for future development. The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

TEXOMA COMMUNITY CENTER (FORMERLY MHMR SERVICES OF TEXOMA) BOARD OF DIRECTORS (2)

ACTION TAKEN.

Motion by Council Member Couch to reappoint Margie Morris and to appoint Billy Hamilton to the Texoma Community Center Board of Directors for a term from August 31, 2016 to August 31, 2018. Second by Council Member Davis.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

TEXOMA COMMUNITY
CENTER BOARD
OF DIRECTORS

COUNCIL COMMENTS

INTERDENOMINATIONAL SCHOLARSHIP BANQUET

Council Member Howeth said she recently attended an Interdenominational Scholarship Banquet and they

INTER-
DENOMINATIONAL
SCHOLARSHIP

COUNCIL MINUTES – AUGUST 15, 2016

recognized some wonderful students that will be able to attend college with some extra money.

CONGRATULATIONS TO NATE STRAUCH

Council Member Johnson congratulated Nate Strauch, Communications Manager, on the birth of his son and presented him with a blue teddy bear.

SHERMAN POLICE OFFICERS' BODY ARMOR

Council Member Johnson referenced the recent murder of five Dallas Police Officers by ambush. She asked to move some General Fund money around in order to purchase body armor for the officers. She asked Otis Henry, Police Chief, to speak to the request.

Chief Henry thanked Council Member Johnson for mentioning the request and the City Council for considering it. The Department currently issues body armor to all officers and it is replaced on a five year rotation. This body armor is a thin armor designed to stop up to a 44 magnum bullet.

He said the body armor Ms. Johnson is referring to is a heavy duty, tactical armor that could be worn over the existing armor, and will stop a .223 caliber or 30.06 rifle round. This type of assault rifle is what was used at several recent police shootings including the one in Dallas.

Mayor Plyler verified that the body armor included a helmet. Chief Henry said it is an active shooter kit and does include a helmet.

Mr. Hefton verified that the total cost for the body armor would be about \$60,000 to \$65,000, and would include one kit per officer for all 68 officers.

He said the budget has already been approved for the coming year, but the staff will look for opportunities and savings and get the request added to the list.

Chief Henry thanked the City Council, adding how fortunate they are to be police officers in Sherman and to have the support of the City Council.

COUNCIL COMMENTS DURING PUBLIC HEARING

Council Member Steele explained that, by law, the City Council can't comment during public hearings. A public hearing is for the public. After the public hearing is closed, the Council can discuss the issue.

SHERMAN POLICE OFFICERS' BODY ARMOR

Council Member Couch said he supported Council Member Johnson's request for body armor for the police officers.

SHERMAN MUSEUM

Council Member Couch said he was happy that the Sherman

BANQUET

**CONGRATULATIONS
TO NATE STRAUCH**

**POLICE OFFICERS'
BODY ARMOR**

**COUNCIL COMMENTS
DURING PUBLIC
HEARING**

**POLICE OFFICERS'
BODY ARMOR**

SHERMAN MUSEUM

COUNCIL MINUTES – AUGUST 15, 2016

Museum was going to move forward with an action plan and an avenue to obtain the funding that they seek. He recognized the possible solutions, saying the City staff was always good to “think outside the box.”

He said he looked forward to improved communications and a better relationship between the City and the Museum.

QUESTIONS ABOUT CITY COUNCIL

Council Member Couch told Mr. Shelton that if he ever had any questions about City Council that he would love to speak with him. He serves on the Young Professionals Board and getting young people involved in politics and in the community is a priority for the organization.

**QUESTIONS ABOUT
CITY COUNCIL**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- There will be no trash service for the Labor Day holiday, September 5, 2016. Mondays trash will be collected on Tuesday and Tuesdays trash will be collected on Wednesday. There will be no change for Wednesday, Thursday, or Fridays collection.
- Arts Fest will be held on September 17, 2016 and will be bigger and better.

ANNOUNCEMENTS

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 THE CITY MANAGER**

SECTION 551.087

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

Mayor Plyler confirmed that no Executive Session was needed at tonight’s meeting.

COUNCIL MINUTES – AUGUST 15, 2016

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:19 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

Informal notes for presentation at August 15, 2016 meeting of Sherman City Council

 I, Clyde L. Hall, thank you for the opportunity to present some of my 'museum thoughts.'

Introduction of self – citizen for 93 years, long time interest in the history of Sherman.

Purpose of a museum – Preservation and Presentation

Did a previous City governing board determine that for Sherman it would be worthwhile to have:

- a library yes, eventually it was included in the budget and not dependent upon a specific revenue source
- cemetery service, yes, and eventually it was included in the budget and not dependent upon a specific revenue source
- parks, yes, eventually included in the budget and not dependent upon a specific revenue source
- swimming pool, yes, eventually included in the budget and not dependent upon a specific revenue source
- senior center, yes eventually included in the budget and not dependent upon a specific revenue source
- animal control, yes eventually included in the budget and not dependent upon a specific revenue source

If the present City Council believes that a museum is worthwhile for Sherman, then it should consider:

First step:	commit to cooperate annually in funding of the museum program
Second step:	agree that its assistance will not be associated with the hotel/motel tax
Third step:	for the short term, refrain from decreasing assistance for 2016-2017 (note: \$20,000 is less than 1/10 th of 1 % of a budget total of >\$30 million+)
Fourth step	for the long term, establish a working partnership with the museum board, recognizing that the revolution in communications technology is most likely to require increased levels of funding to maintain a meaningful museum program

Conclusions: City of Sherman elected and appointed officials should be firmly supportive of a quality museum program. Sherman's increasing resources are adequate to maintain its recent level of museum support. From a long term perspective, Sherman's growing economy can provide increasing support for a museum to which Sherman's citizenry can point with sincere civic pride.



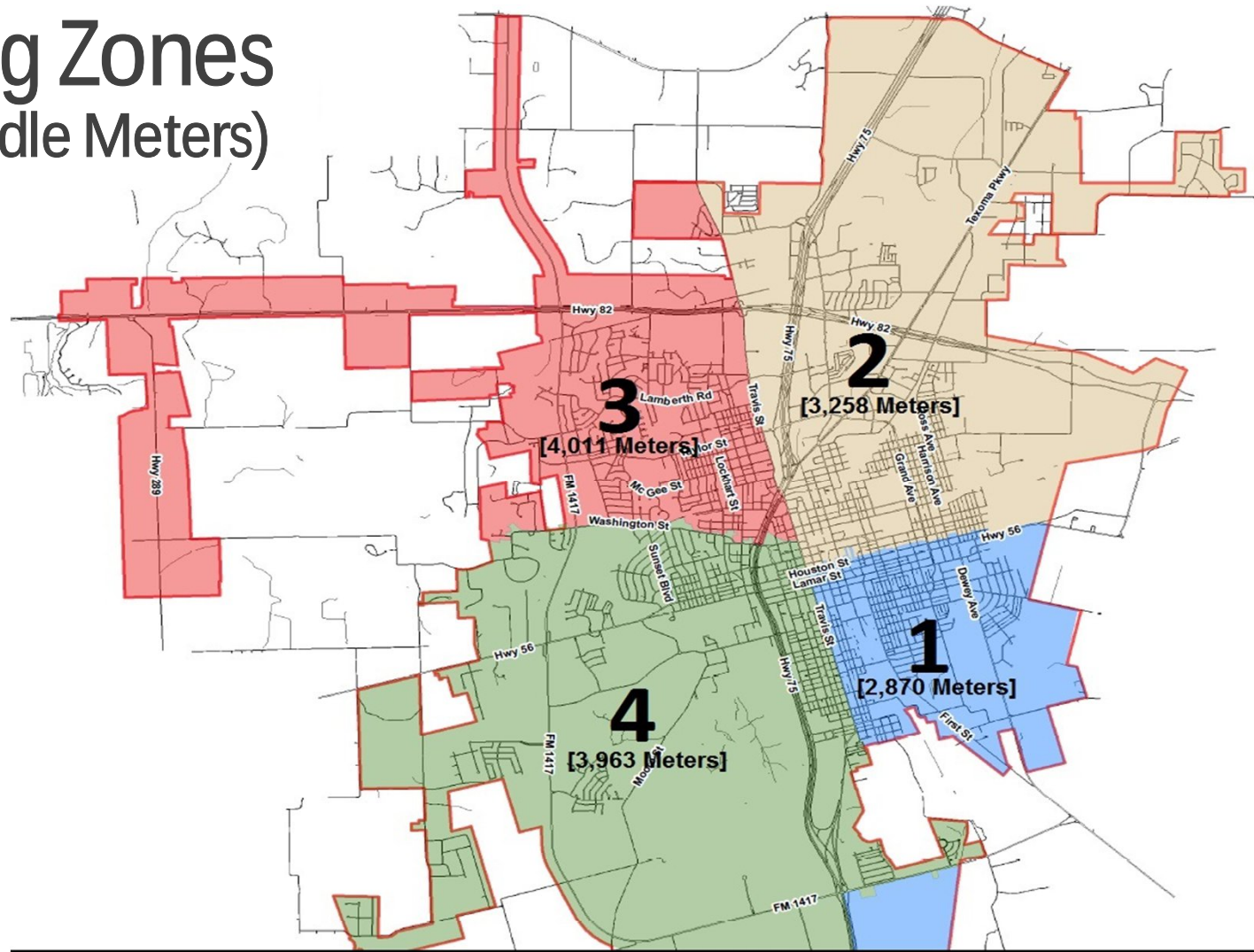
Customer & Utility Services Meter Reading Today

Automated Meter Reading Drive-By System



Reading Zones

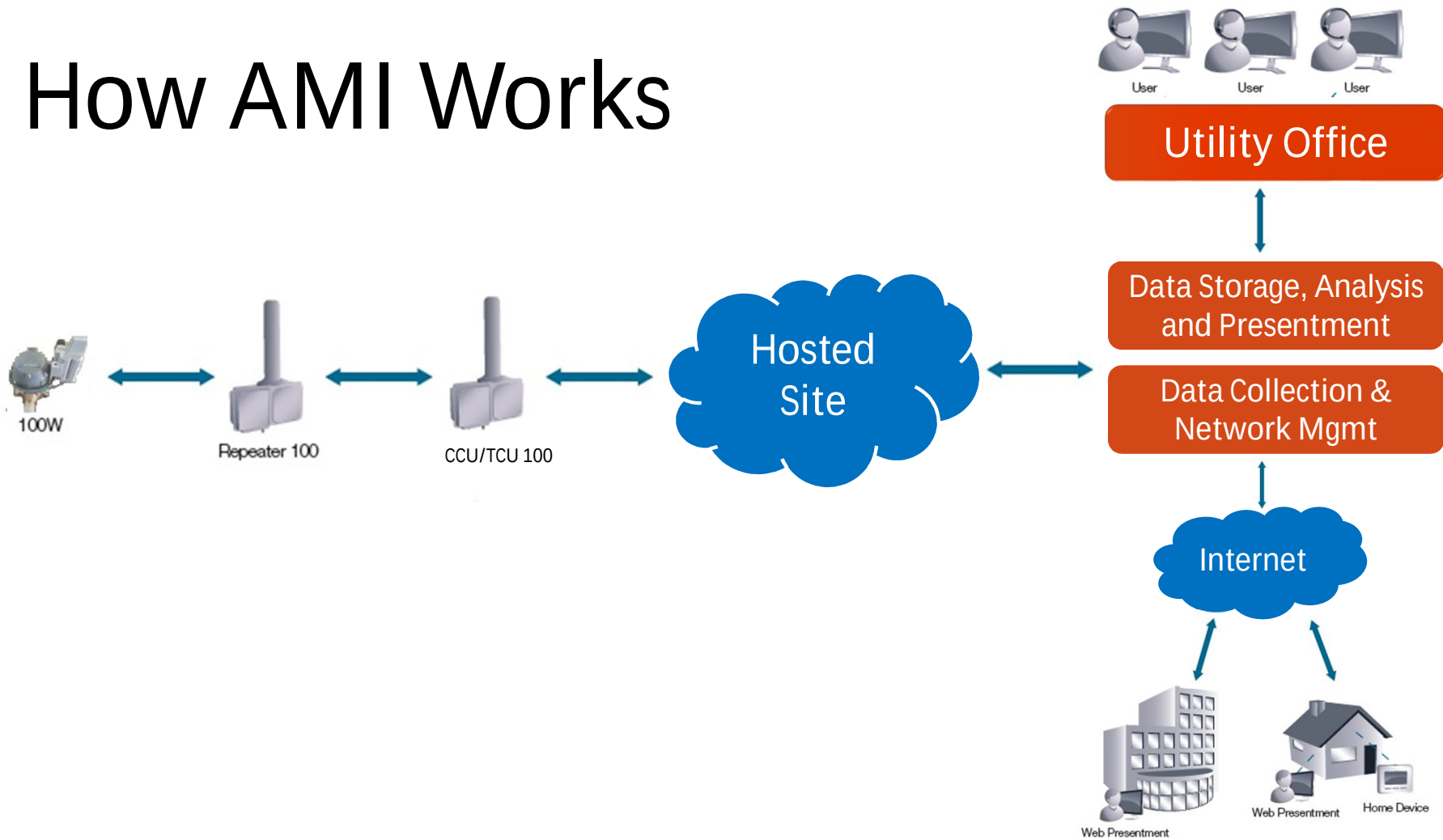
(Active & Idle Meters)



What is AMI?

Advanced Metering Infrastructure (AMI) refers to a system that measures, collects and analyzes water usage data. AMI solutions are a part of a platform that evolves as our needs change.

How AMI Works



Benefits for the City

- Collect reads on a set schedule, not impacted by Mother Nature.
 - Eliminate various field calls to collect readings; thereby lowering O&M costs and employees' risk (fuel, insurance, repairs).
 - Quickly resolve billing questions with detailed water usage to show trends and comparisons.
 - Detect illegal water use as it occurs.
 - Reduce read to bill time and gain scheduling flexibility.
 - Accommodate growth without adding personnel and fleet.
- 

Challenges Overcome

- Implementing a meter change-out program - will complete in FY 16-17 for meters originally installed in 04-05.
- Of our 14K meters, almost 12K are already equipped with the device that has the capability of reading in a drive-by or fixed network mode.

Project Cost

	2016-2017	2017-2018	2018-2019	2019-2020
Capital & Operating Costs	\$394K	\$228K	\$231K	\$120K
Funding Sources (completion of initial meter change-out program)		(\$270K)		
Est Total Cost				\$703,000

Reaching optimal meter reading efficiency is crucial to revenue collections. With a 1% reduction in data collection and accurate meters, the estimated revenue loss = \$200K

STATE OF TEXAS §

August 29, 2016

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on August 29, 2016.

COUNCIL MEMBERS PRESENT: Mayor David Plyler; Deputy Mayor Jason Sofey.
Council Members Couch, Davis, Howeth, Johnson, Steele.

COUNCIL MEMBERS ABSENT: None.

CITY STAFF PRESENT: Robby Hefton, City Manager; Don Keene, Assistant City Manager; Brandon Shelby, City Attorney; Steve Ayers, Director of Community and Support Services; Jim Cross, Water Systems Manager; Nate Strauch, Communications Manager; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

PURPOSE: Call to Order, Quorum Determined, Meeting Declared Open

Invocation by Council Member Terrence Steele

Resolution No. 6119

Authorizing the Execution of a Second Option Term on an Agreement for the Option to Purchase Real Property

Other Business

Consider Scheduling a Joint Meeting of the City Council and the Sherman Independent School District Board of Trustees for 11:30 a.m. on Thursday, September 8, 2016, for a Strategic Planning Session

Adjournment

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Plyler called the meeting to order at 12:00 p.m., declared a quorum present, and opened the Called City Council Meeting.

INVOCATION BY COUNCIL MEMBER TERRENCE STEELE

RESOLUTION NO. 6119 – AUTHORIZING THE EXECUTION OF A SECOND OPTION TERM ON AN AGREEMENT FOR THE OPTION TO PURCHASE REAL PROPERTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A SECOND OPTION TERM ON AN AGREEMENT FOR THE OPTION TO PURCHASE REAL PROPERTY.

Robby Hefton, City Manager, explained that this resolution would extend the option period so the City could perform more due diligence on a portion of property in the southwest part of Sherman. The existing option period closes on August 31, 2016 and the new option would continue through January 3, 2017.

COUNCIL MINUTES – AUGUST 29, 2016

The extension will also allow the City to visit with the Sherman Independent School District about what their needs might be and if there are some joint use opportunities for this land. The payment for this option would be \$60,000 and would apply to the purchase price, if the property is purchased in the future.

ACTION TAKEN.

Motion by Deputy Mayor Sofey to adopt Resolution No. 6119, as presented. Second by Council Member Couch.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

CONSIDER SCHEDULING A JOINT MEETING OF THE CITY COUNCIL AND THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES FOR 11:30 A.M. ON THURSDAY, SEPTEMBER 8, 2016, FOR A STRATEGIC PLANNING SESSION

ACTION TAKEN.

Motion by Council Member Johnson to schedule a Joint Meeting of the City Council and the Sherman Independent School District Board of Trustees for 11:30 a.m., on Thursday, September 8, 2016, as presented. Second by Council Member Steele.

VOTING AYE: Couch, Davis, Howeth, Johnson, Sofey, Steele.

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 12:03 p.m.

MAYOR

ATTEST

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. B. 1.

Meeting Date: 09/06/2016

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"Recovery Awareness Month" – September 2016

Issue:

To present a proclamation designating September 2016 as "Recovery Awareness Month"

Background:

"National Recovery Month" is an observance that educates the public that addiction and mental health services enable individuals with a mental health and/or substance use disorder to live a healthy and rewarding life. It spreads positive messages that behavioral health is vital to overall wellness, that prevention works, treatment is effective, and individuals can and do recover.

Origination:

The request originated with the Texoma Community Center.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating September 2016 as "Recovery Awareness Month."

Alternatives:

The Council could choose not to present the proclamation.

Attachments

"Recovery Awareness Month" Proclamation



Proclamation

WHEREAS, substance use disorders are real and prevalent in Sherman, and

WHEREAS, behavioral health is an essential part of everyone's overall health and well-being; and prevention works, treatment is effective, and people can and do recover from substance use and mental disorders, and

WHEREAS, with early and effective treatment, those individuals with mental health conditions can recover and lead full, productive lives, and over 23 million Americans are in recovery from addiction to alcohol and other drugs, and

WHEREAS, all people have the fundamental and inherent right to be accepted and treated with respect, human dignity, and worth, and

WHEREAS, it is critical to educate our policymakers, friends and family, health care providers, and businesses that substance use and mental disorders are treatable, and that people should seek assistance for these conditions, with the same urgency as they would any other health condition.

NOW THEREFORE, I, David Plyler, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim September 2016 as

RECOVERY AWARENESS MONTH

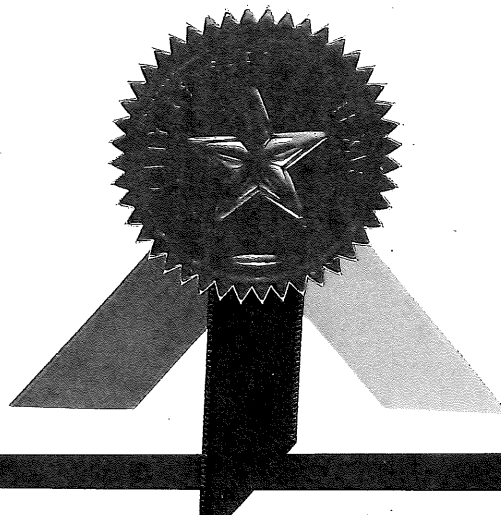
in the City of Sherman and urge all citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with substance use and mental health disorders.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 6th day of September, 2016.

Mayor

ATTEST:

Sinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 1.

Meeting Date: 09/06/2016

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

SECOND PUBLIC HEARING OF ORDINANCE NO. 5971

Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2016; 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 hold the second, and final, public hearing on the Ad Valorem Tax Rate proposed for the upcoming fiscal year, as required by the Tax Code and the Local Government Code

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 \$0.366893/\$100, with a rollback rate of \$0.416835/\$100 (adjusted for sales taxes in lieu of property taxes). The actual total tax rate of \$0.39430/\$100 is higher than last year's tax rate of \$0.37200/\$100. The City proposes to use the increase to fund seven additional public safety positions and debt service on Certificates of Obligation issued in fiscal year 2016. The tax rate is split between a debt service component called Interest and Sinking (I&S), and a Maintenance & Operations (M&O) component. The debt service rate is \$0.046414/\$100 and the M&O rate is \$0.347886/\$100.

Origination:

Director of Finance

Financial Consideration:

The proposed tax rate will generate approximately \$10.8 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. Action requested of the City Council:

1. Hold the second public hearing on the tax rate ordinance.
2. **Announce 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 19, 2016, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.**

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. 5971

Chapter 140 Notice

ORDINANCE NO. 5971

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 2016; 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 \$0.347886/\$100 Dollars (\$0.347886) and a debt service ad valorem tax of \$0.046414/\$100 Dollars (\$0.046414) on all taxable property situated within the corporate limits of the City of Sherman on the first day of January, A.D., 2016, and not exempt from taxation by the constitution and laws of the State of Texas, apportioned as follows, to-wit:

FOR GENERAL FUND EXPENDITURES, \$0.347886 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

FOR DEBT SERVICE EXPENDITURES, \$0.046414 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 13.3 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$27.41.

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, 2016. Penalty charges shall be in accordance with the following schedule:

If paid in February, 2016	6%
If paid in March, 2016	7%
If paid in April, 2016	8%
If paid in May, 2016.....	9%
If paid in June, 2016	10%
If paid on or after July 1, 2016	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, 2017, 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 _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

NOTICE OF 2016 TAX YEAR PROPOSED PROPERTY TAX RATE FOR THE CITY OF SHERMAN

A tax rate of \$.3943 per \$100 valuation has been proposed for adoption by the City Council of the City of Sherman. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate. The governing body of the City of Sherman proposes to use the revenue attributable to the tax rate increase for the purpose of funding seven public safety positions and debt service on Certificates of Obligation issue in fiscal year 2016.

PROPOSED TAX RATE	\$0.394300
PRECEDING YEAR'S TAX RATE	\$0.372000
EFFECTIVE TAX RATE	\$0.366893
ROLLBACK TAX RATE	\$0.416835

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for the City of Sherman from the same properties in both the 2015 tax year and the 2016 tax year.

The rollback tax rate is the highest tax rate that the City of Sherman may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Mary Lawrence
Director of Finance, City of Sherman
405 N. Rusk St.
Sherman, TX 75090
903-892-7309
maryl@ci.sherman.tx.us
www.ci.sherman.tx.us

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 15, 2016, 5:00 pm at City Council Chambers, 220 W. Mulberry, Sherman, Texas

Second Hearing: September 6, 2016, 5:00 pm at City Council Chambers, 220 W. Mulberry, Sherman, Texas



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 2.

Meeting Date: 09/06/2016

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5980

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

Issue:

Increase in water and sewer rates

Background:

As part of the budget process for the 2016-2017 fiscal year, the Council approved an increase in water and sewer rates to fund debt service and other expenses primarily related to the expansion of the Water Treatment Plant. This ordinance increases water and sewer rates by about 3.5%, which is expected to generate about \$700,000.00 in additional annual revenue. The rate increase will take effect October 1, 2016.

Origination:

City Council

Financial Consideration:

This rate change is expected to generate about \$700,000.00 in additional revenue annually.

Staff Recommendation:

Staff recommends adoption of the ordinance.

Alternatives:

The Council could elect not to increase rates or could adopt rates different than those proposed.

Attachments

Ordinance No. 5980

ORDINANCE NO. 5980

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; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 13, Article 13.08, Section 13.08.005 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 13.08.005 Water rates

(a) Water furnished by the city to a customer, other than any customer who dwells or resides in a multiunit dwelling within the city limits shall be charged for at the following rates for the fiscal year beginning October 1, ~~2013~~ **2016** for the first fifteen hundred (1,500) gallons of water used according to meter size and unit of measurement of the meter register:

<u>Meter Sizes</u> <u>(in inches)</u>	<u>Minimum Monthly Amount</u> <u>Oct 1, 2013</u> <u>2016</u>
5/8 or 3/4	~~\$21.39~~ 22.14
1	~~\$42.18~~ 43.66
1-1/2	~~\$84.76~~ 87.73
2	~~\$144.41~~ 149.46
3	~~\$314.82~~ 325.84
4	~~\$553.37~~ 572.74
6	~~\$1,235.00~~ 1,278.23
8	~~\$2,189.28~~ 2,265.90
10	~~\$3,416.20~~ 3,535.77

(b) Volume charge. Except as noted below, the charge for all water consumed in excess of the minimum fifteen hundred (1,500) gallons shall be billed at a rate of ~~three dollars and six cents (\$3.06)~~ **three dollars and seventeen cents (\$3.17)** per one thousand (1,000) gallons of water

used for the rates beginning October 1, ~~2013~~ 2016. Water meters utilized for lawn sprinkling systems shall be charged according to meter size plus the consumption rate of ~~three dollars and six cents (\$3.06)~~ *three dollars and seventeen cents (\$3.17)* per one thousand (1,000) gallons of water used in excess of the minimum fifteen hundred (1,500) gallons during months of July through October, beginning October 1, ~~2013~~ 2016. During the billing months of November through June of any fiscal year, such water sprinkler meters shall be billed a minimum monthly charge as would be billed to a 5/8-inch or 3/4-inch meter.

(c) All multiunit dwellings within the city shall be charged for water consumption and availability utilizing the following formula:

Gallons Calculation Beginning October 1, ~~2013~~ 2016:

$$\begin{aligned} & (\text{number of units} \times \$\del{21.39}{22.14}) + \\ & \frac{(\text{gallons of water used}) - (\text{number of units} \times 1,500 \text{ gallons})}{1,000} \\ & \$\del{3.06}{3.17} = \text{Billing} \end{aligned}$$

(d) All customers whose combined average daily use for the past twelve (12) months exceeds 700,000 gallons per day shall be charged for water consumption at the same rates as stated in the above subsections. Customers that qualify for this subsection shall receive a rebate, to be paid annually, calculated as follows:

$$\text{Water Rebate} = \text{Total annual water revenues for previous twelve (12) months} \times .05.$$

(e) Bulk water sales. Upon the approval of the City of Sherman *Customer and Utility Services Billing* Department, commercial customers may purchase bulk water from a designated meter or hydrant. Bulk water sales will be metered by the City and purchased in advance. Water sales will be calculated using outside the city rates. Bulk water sales will be for one-time purchases. Customers needing water for multiple occurrences or days must establish a Fire Hydrant Meter account, following the required procedures to establish such account, set forth in Section 13.08.003 of this Code.

SECTION 2. That Chapter 13, Article 13.08, Section 13.08.006 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 13.08.006 Sewer charges

(a) All persons using the sanitary sewer system and lines of the city shall be charged as follows:

- (1) Sewage charges. The sewage charge will be based upon the amount of water used. Each sanitary sewer system customer, except multiunit dwelling complexes, shall be charged for sewage at the following rates:

<u>Amount</u>	<u>Minimum Charge, Whether 1,500 Gallons of Water are Used</u>
	<u>Oct 1, 2013 2016</u>
First 1,500 gallons of water used	\$ ~~7.68~~ 7.95

Additional charges shall be ~~three dollars and twenty-seven cents (\$3.27)~~ *three dollars and thirty-eight cents (\$3.38)* for each one thousand (1,000) gallons used above the fifteen hundred (1,500) gallons minimum charge for fiscal year beginning October 1, ~~2013~~ 2016. For residential living units, the maximum sewer charge will be ~~thirty-two dollars and twenty-one cents (\$32.21)~~ *thirty-three dollars and thirty cents (\$33.30)* per residential living unit for fiscal year beginning October 1, ~~2013~~ 2016.

- (b) For multiunit dwelling complexes, the total sewage charge will be based on the amount of water used and will be the lower figure calculated from either of the two (2) following formulas:

Gallons Calculation Beginning October 1, ~~2013~~ 2016:

$$\begin{aligned}
 &(\text{number of dwelling units} \times \$7.68 \text{ } 7.95) + \\
 &\frac{(\text{gallons of water used}) - (\text{number of units} \times 1,500 \text{ gallons}) \times \$3.27 \text{ } 3.38}{1,000} \\
 &\text{or} \\
 &\text{number of dwelling units} \times \cancel{32.21} \text{ } 33.30
 \end{aligned}$$

- (c) Industrial surcharge. An additional surcharge is to be added to the above charge for the total sewage charge whenever the customer's sewage exceeds that of normal domestic wastewater, as defined in article 13.07, Water, Sewers and Sewage Disposal, section 13.07.140. The industrial waste surcharge represents an apportionment of the cost of handling the excess load imposed on the sewage treatment plant by wastes stronger than "normal domestic wastewater." The amount of surcharge shall reflect the cost incurred by the city in removing the excess BOD and TSS, as determined by regularly monitored effluent. During the fiscal year beginning October 1, ~~2013~~ 2016, industrial surcharges shall be calculated and charged for at the following rates:

$$Cu - Vu [B(Bu - 250 \text{ mg/l}) + S(Su - 250 \text{ mg/l})]$$

Where:

Cu is the surcharge for users X;

Vu is the billing volume for user X per 1,000 gallons;

Bu is the tested BOD levels for user X or 250 mg/l, whichever is greater;

B is the unit cost factor for treating one (1) unit of BOD per 1,000 gallons
(~~\$0.003315~~ 0.003431);

Su is the tested TSS level for user X or 250 mg/l, whichever is greater;

S is the unit cost factor for treating one (1) unit of TSS per 1,000 gallons
(~~\$0.002437~~ 0.002522).

SECTION 3. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 4. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity of effectiveness of the remainder of the ordinance.

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 _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 3.

Meeting Date: 09/06/2016

Prepared By: Don Keene, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5981

Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Fire Department

Issue:

The City Council is required by state law to establish by ordinance the job titles and number of positions in each rank for members of the classified service in the City's Fire and Police Departments.

Background:

The City Council authorized an additional firefighter as part of the fiscal year (FY) 2016-2017 budget, increasing the number of authorized firefighter positions from 39 to 40. The additional firefighter is part of a program to eventually add a third firefighter to each Engine Company at Stations 2, 3, 4 and 5 and a fourth firefighter to the Ladder Company at Station 1.

Origination:

Mayor and City Council
City Manager Robby Hefton
Sherman Fire Chief Danny Jones

Financial Consideration:

Adding one firefighter amounts to approximately \$66,000.00 per year, including benefits.

Staff Recommendation:

Staff recommends adopting the proposed ordinance.

Alternatives:

The City Council could choose not to adopt the proposed ordinance, leaving unchanged the fire department staffing.

Attachments

Ordinance No. 5981

ORDINANCE NO. 5981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED “PERSONNEL”, ARTICLE 9.05, ENTITLED “CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS”, AT SECTION 9.05.026, ENTITLED “AUTHORIZED NUMBER OF POSITIONS”, TO REVISE THE NUMBER OF AUTHORIZED POSITIONS IN THE FIRE DEPARTMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 9, Article 9.05 of the Code of Ordinances of the City of Sherman, be and is hereby amended at Section 9.05.026 so that such section shall read as follows:

Sec. 9.05.026 Authorized number of positions

The number of allocated positions for each job title in the Fire and Police Departments are set forth below in order of ranking:

(1) Fire Department

<u>Title</u>	<u>No. Positions</u>
Firefighter	~~39~~ 40
Engineer	15
Captain	17
Battalion Chief	3
Division Chief	4
Fire Chief	1

- (a) Active staffing in the “Engineer” position greater than the number allocated shall be considered overstaffed and said position shall not be filled upon the occurrence of vacancy due to promotion, demotion, attrition, termination, retirement, or any other reason.

- (b) Staffing in the “Firefighter” position shall be increased with each occurrence of the number of active “Engineer” positions being eliminated until the total number of “Engineer” positions meets the number of allocated positions set forth in Section (1) above.
- (c) Once the number of active “Engineer” positions is reduced to meet the number of allocated positions set forth in Section (1) above. The number of active “Firefighter” positions shall be increased to meet the number of allocated positions set forth in Section (1) above.

(2) Police Department

<u>Title</u>	<u>No. Positions</u>
Patrolman	47
Corporal	6
Sergeant	8
Lieutenant	4
Assistant Chief-Appointed	2
Chief	1

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

INTRODUCED this the _____ day of _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 4.

Meeting Date: 09/06/2016

Prepared By: Don Keene, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5982

Repealing Ordinance No. 5912 in its Entirety; Establishing Assignment Pay Schedules for Firefighters and Police Officers; Providing for an Effective Date

Issue:

The City Council is required by state law to establish Assignment Pay Schedules by ordinance for members of the classified service. The Fire Chief is requesting assignment pay for the Arson Investigators and the Fire Department's Emergency Management Coordinator and an increase in assignment pay for the Fire Marshal. The Police Chief is requesting assignment pay for the Police Department's Emergency Management Coordinator.

Background:

The City Council authorized salary and assignment pay amounts for firefighters and police officers as part of the fiscal year (FY) 2016-2017 budget. This Ordinance will revise the Assignment Pay Schedules for Fire and Police that were last adopted through Ordinance No. 5912 at the October 19, 2015 Council meeting.

Fire Department:

The Fire Marshal, Arson Investigators and Emergency Management Coordinator have job responsibilities and demands above those within the same rank. The proposed assignment pay for the Fire Marshal is to increase the pay from \$500.00 per month to \$900.00 per month. The proposed assignment pay for the Arson Investigators is \$400.00 per month; and the proposed assignment pay for the Emergency Management Coordinator is \$600.00 per month.

Police Department:

As in the Fire Department, the Emergency Management Coordinator has job responsibilities and demands above those within the same rank. Therefore, the proposed assignment pay for the Police Department's Emergency Management Coordinator is also \$600.00 per month.

Origination:

Sherman City Council
City Manager
Fire Department
Police Department

Financial Consideration:

Funds are appropriated in the 2016-2017 budget for these assignment pay amounts for Police and Fire Department personnel.

Staff Recommendation:

Staff recommends approval of the proposed Ordinance.

Alternatives:

The City Council could choose not to approve this Ordinance, leaving unchanged the Fire and Police Assignment Pay Schedules adopted on October 19, 2015 through Ordinance No. 5912.

Attachments

Ordinance No. 5982

Ordinance No. 5912 adopted at the October 19, 2015 City Council Meeting

ORDINANCE NO. 5982

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5912 IN ITS ENTIRETY; ESTABLISHING ASSIGNMENT PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Ordinance No. 5912, adopted at the 19th day of October, 2015, City Council meeting, is hereby repealed in its entirety.

SECTION 2. That, effective upon the 1st day of October, 2016, the following Assignment Pay Schedule shall be adopted for the Sherman Fire Department:

- (a) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief as a Fire Prevention Specialist.
- (b) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief to the Technical Rescue Team.
- (c) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief as a Tactical Emergency Medical Support (TEMS).
- (d) Assignment Pay in the amount of \$900.00 per month shall be paid to the employee assigned by the Fire Chief as the Fire Marshal.
- (e) Assignment Pay in the amount of \$400.00 per month shall be paid to the employees assigned by the Fire Chief as Arson Investigators.
- (f) Assignment Pay in the amount of \$600.00 per month shall be paid to the employee assigned by the Fire Chief as an Emergency Management Coordinator.

SECTION 3. That, effective upon the 1st day of October, 2016, the following Assignment Pay Schedule shall be adopted for the Sherman Police Department:

- (a) Assignment Pay in the amount of \$200.00 per month shall be paid to the employees assigned by the Police Chief as Field Training Officers.

- (b) Assignment Pay in the amount of \$600.00 per month shall be paid to the employee assigned by the Police Chief as an Emergency Management Coordinator.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 as required by law.

INTRODUCED on this the _____ day of _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

ORDINANCE NO. 5912

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5827 IN ITS ENTIRETY; ESTABLISHING ASSIGNMENT PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Ordinance No. 5827, adopted at the 2nd day of September, 2014 City Council meeting, is hereby repealed in its entirety.

SECTION 2. That, effective upon the 1st day of November, 2015, the following Assignment Pay Schedule shall be adopted for the Sherman Fire Department:

- (a) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief as a Fire Prevention Specialist.
- (b) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief to the Technical Rescue Team.
- (c) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief as a Tactical Emergency Medical Support (TEMS).
- (d) *Assignment Pay in the amount of \$500.00 per month shall be paid to the employee assigned by the Fire Chief as the Fire Marshal.*

SECTION 3. That, effective upon the 1st day of November, 2015, the following Assignment Pay Schedule shall be adopted for the Sherman Police Department:

- (a) Assignment Pay in the amount of ~~\$100.00~~ \$200.00 per month shall be paid to the employees assigned by the Police Chief as Field Training Officers.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 as required by law.

INTRODUCED on this the 19th day of October, 2015.

ADOPTED on this the 19th day of October, 2015.

EFFECTIVE DATE on this the 19th day of October, 2015.

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

ORDINANCE NO. 5827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5754 IN ITS ENTIRETY; ESTABLISHING ASSIGNMENT PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Ordinance No. 5754, adopted at the September 17, 2012 City Council meeting, is hereby repealed in its entirety.

SECTION 2. That, effective upon the 1st day of October, 2014, the following Assignment Pay Schedule shall be adopted for the Sherman Fire Department:

- (a) ~~Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief to the Klown Kompany.~~
- (a) *Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief as a Fire Prevention Specialist.*
- (b) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief to the Technical Rescue Team.
- (c) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Fire Chief as the a ~~SWAT~~ *Medic Tactical Emergency Medical Support (TEMS)*.

SECTION 3. That, effective upon the 1st day of October, 2014, the following Assignment Pay Schedule shall be adopted for the Sherman Police Department:

- (a) Assignment Pay in the amount of \$100.00 per month shall be paid to the employees assigned by the Police Chief as Field Training Officers.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 as required by law.

INTRODUCED on this the 2nd day of September, 2014.

ADOPTED on this the 2nd day of September, 2014.

EFFECTIVE DATE on this the 2nd day of September, 2014.

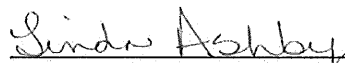
CITY OF SHERMAN, TEXAS

BY:


CAROLYN S. WACKER, MAYOR

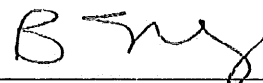
ATTEST:

BY:


LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY:


BRANDON S. SHELBY
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 5.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5983

Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled “General Zoning Ordinance”, and Exhibit A, Section 6, to Add New Subsection 6.8.5 to Create an “O-1.3 (F.M. Highway 691) Overlay District”, being Those Areas Inside the City Limits and 500 Feet on Either Side of Said Right-of-Way

Issue:

To consider amending Chapter 14, Exhibit A of the Code of Ordinances, entitled “General Zoning Ordinance” and Exhibit A, Section 6, to add new Subsection 6.8.5 to create an “O-1.3 (F.M. Highway 691) Overlay District”, being those areas inside the city limits and 500 feet on either side of said right-of-way

Background:

Ordinance No. 5958 was approved by the City Council at the July 12, 2016, Special Called Meeting to implement a temporary moratorium on building permits for new construction or modifications within 500 feet of F.M. 691 in the city limits of the City of Sherman, Texas.

A subcommittee was appointed at the July 11, 2016, Special Called Planning and Zoning Commission Meeting to create design standards for overlay districts for F.M. 691 and S.H. 289. Joe Gilbert, Kyle Patterson and Sam Thorpe were appointed to serve on the subcommittee. The subcommittee created a draft ordinance modeled on the existing FM 1417 Overlay District. The Planning and Zoning Commission reviewed the draft ordinance at the August 16, 2016 meeting and voted to forward it to the City Council.

Origination:

Mayor David Plyler
City Manager Robby Hefton

Financial Consideration:

None

Staff Recommendation:

At the August 16, 2016 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the draft ordinance be approved and forwarded to the City Council.

Alternatives:

The Council could suggest further revisions to the ordinance.

Attachments

Ordinance No. 5983

Location Map

Zoning Sign Photo

P&Z Communication

ORDINANCE NO. 5983

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AND EXHIBIT A, SECTION 6, TO ADD NEW SUBSECTION 6.8.5 TO CREATE AN "O-1.3 (F.M. HIGHWAY 691) OVERLAY DISTRICT", BEING THOSE AREAS INSIDE THE CITY LIMITS AND 500 FEET ON EITHER SIDE OF SAID RIGHT-OF-WAY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 14, Exhibit "A", Section 6.8.5. of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby created so that such section shall read as follows:

Section 6.8.5. O-1.3 (F.M. Highway 691) Overlay District.

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity.

This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the planning and zoning commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design: Nonresidential. Design standards for nonresidential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the city limits and adjacent to F.M. Highway 691 and being five hundred (500) feet on the south side of said right-of-way of F.M. Highway 691. The overlay applies to commercial and multifamily developments only.

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the planning and zoning commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The planning and zoning commission shall review the plans

for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential building design.

(a) General provisions. All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the planning and zoning commission.

1) Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

- i) Masonry consisting of stone, cultured or cast stone*
- ii) Brick or brick veneer*
- iii) Tile*
- iv) Stucco*
- v) Architecturally finished block*
- vi) Architectural glass (less than 27% reflectance)*

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

2) Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.

a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earth tone colors.

- b) *No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.*
- 3) *All nonresidential buildings shall be architecturally finished on all sides with the same materials and detailing. The rear facade of a building, which is not visible to a public right-of-way, park or residential district, shall not be required to comply with this requirement.*
- 4) *Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:*
- * Canopies, awnings, or porticos*
 - * Recesses/projections*
 - * Arcades (recessed porches)*
 - * Peaked roof forms*
 - * Arches*
 - * Outdoor patios*
 - * Display windows*
 - * Architectural details (such as tile work and moldings) integrated into the building facade*
 - * Articulated cornice line*
 - * Integrated planters or wing walls that incorporate landscape and sitting areas*
 - * Offsets, reveals or projecting rib used to express architectural or structural bays*
 - * Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)*
 - * Varied roof heights*
- 5) *Other required or optional features may include:*
- a) *Entryway features.*
- i) *All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.*
- b) *Building articulation.*

- i) *All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.*
 - ii) *At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.*
- c) *Roof treatment.*
- i) *Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.*
 - ii) *The following materials are allowed for sloping roofs:*
 - (1) *Asphalt shingles*
 - (2) *Industry approved synthetic shingles*
 - (3) *Standing seam metal*
 - (4) *Tile roofs*
 - (5) *Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.*
 - iii) *The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.*
- (c) *Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.*

(d) *Mechanical Equipment.* Exposed duct shall not be permitted on any side of the building visible from the highway.

(e) *Retaining wall.* Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.

(5) *Nonresidential building placement.*

(a) *Setbacks from property lines adjacent to streets.* No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.

(i) *Forty (40) feet from the highway right-of-way.*

(ii) *Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.*

(iii) *On-premises signs that are 12 feet or less in height may have a 25' setback from S.H. 289. (see Subsection 10)*

(b) *Setbacks from property lines not adjacent to streets.* No structure of any kind or any part thereof shall be placed within the following setback lines:

(i) *Five (5) feet from rear and side property lines.*

(ii) *Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;*

(iii) *All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.*

(c) *Parking areas.* Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the zoning board. Cross access driveways are required adjacent to commercial zoned tracts.

(6) *Landscaping.*

(a) *Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.*

(b) *Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.*

(c) *Compliance. Landscaping shall conform to the following:*

- (i) *Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.*
- (ii) *Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.*
- (iii) *All landscaping shall be installed so as to avoid hazards.*
- (iv) *An effort shall be made to preserve existing trees.*

(7) *Screening.*

Screening of Site Features

1) *Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:*

- a) *Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than 4 feet nor greater than 6 feet using the materials listed below.*
- b) *Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.*
 - i) *Fencing or masonry walls - Fences and masonry walls shall present a finished and decorative appearance. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and*

with the adopted landscaping standards for spacing, location and design. Wooden and woven-wire fences shall not be used.

- ii) Planted materials or natural vegetation - Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.*
- iii) Earthen berms - When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.*

2) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

3) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

- (i) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the nonresidential use is at a much lower grade than the residential use).*

- (ii) All landscaping shall be installed so as to avoid hazards.*

4) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

- (i) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.*
- (ii) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.*
- (iii) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.*
- (iv) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or*

other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

- (v) *To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.*

5) *Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.*

- (i) *Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.*
- (ii) *Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.*
- (iii) *Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.*
- (iv) *Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.*
- (v) *Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.*

(8) *Glare and illumination.*

(a) *Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.*

(b) *Walkway lighting.* Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) *Accent lighting.* Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) *Utilities.* No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) *Signs.*

- a) *The total area of building signage shall not exceed the following:*
For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontages, each street frontage shall be counted for purposes of determining attached sign allowance. The following defines the maximum sign area allowed based on the square footage of the building footprint:

<i>Building Footprint (sq ft)</i>	<i>Maximum Sign Area (sq ft)</i>
<i>Less than 12,000</i>	<i>150</i>
<i>12,000–49,999</i>	<i>300</i>
<i>50,000 or more</i>	<i>600</i>

b) *For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.*

c) *To ensure separation between building signs, wall signage for lease spaces may not exceed 75% of the linear lease space facade width.*

(11) *Monument/ground signs.*

a) *Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.*

b) *Monument signs must include a landscaped, stone-base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.*

(12) Illuminated/electronic signs.

a) *Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.*

b) *A sign shall display static images for a period of at least eight seconds.*

c) *Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.*

d) *A maximum of 55% of the overall sign area may be devoted to an electronic message sign.*

e) *Revolving signs shall not be permitted.*

f) *A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.*

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(14) Procedures and notice.

(a) *The planning and zoning commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.*

(b) *The planning and zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.*

(c) *If the planning and zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.*

(d) *Any applicant aggrieved by a decision of the planning and zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time*

convenient to the city council and to its procedures and practices for the scheduling of business before the council.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the General Zoning Ordinance of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

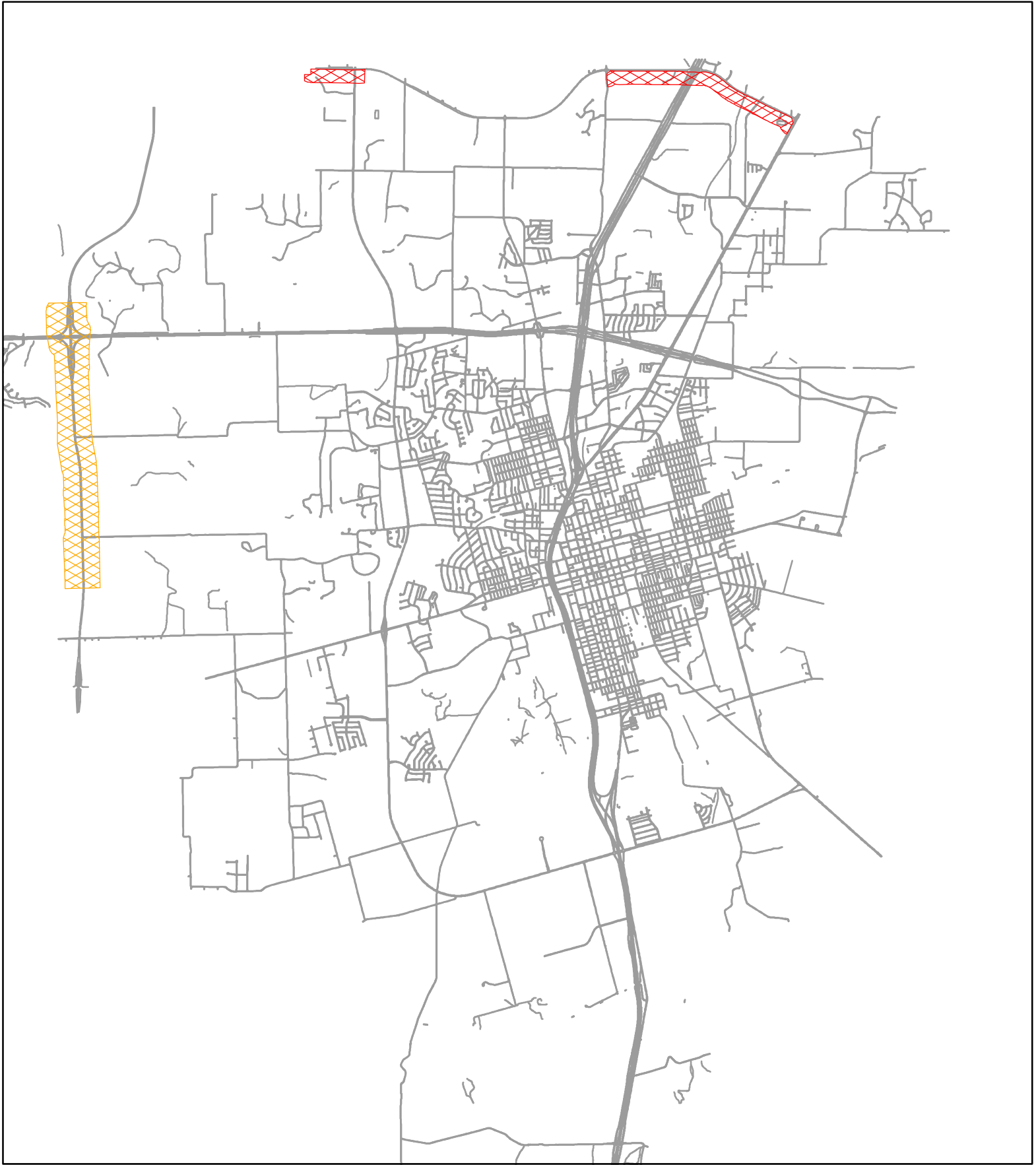
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Proposed FM Highway 691 and State Highway 289 Overlay Districts

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

Legend

Transportation Corridor Proposed

HWY_NAME

 FM 691

 SH 289



NOT TO SCALE

1 inch = 6,667 feet

F.M.691 & F.M. 1417



F.M.691 & Loy Lake Rd.



F.M.691 & Texoma Pkwy.





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

Agenda Item No. 12.

Meeting Date: 08/16/2016

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

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

OTHER BUSINESS

Consider amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance" and Exhibit A, Section 6, to add Subsection 6.8.5 to create an "O-1.3 (F.M. Highway 691) Overlay District", being those areas inside the City Limits and 500 feet on either side of said right-of-way.

Background:

A subcommittee was appointed at the July 11, 2016, Special Called Planning and Zoning Commission Meeting to create design standards for overlay districts for F.M. 691 and S.H. 289. Joe Gilbert, Kyle Patterson and Sam Thorpe were appointed to serve on the subcommittee. The subcommittee created a draft ordinance modeled on the existing FM 1417 Overlay District. The subcommittee recommends the Zoning Board approve and forward the ordinance to the City Council.

Adjacent Zoning:

Various

Origination:

Mayor David Plyler and City Manager Robby Hefton

Master Plan Designation:

Various

Number of notices mailed:

28

Objections Received:

0

Attachments

Draft Ordinance

Location Map

Zoning Sign Photo



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 6.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5984

Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled “General Zoning Ordinance”, and Exhibit A, Section 6, to Add New Subsection 6.8.6 to Create an “O-1.4 (State Highway 289) Overlay District”, being Those Areas Inside the City Limits and 500 Feet on Either Side of Said Right-of-Way

Issue:

To consider amending Chapter 14, Exhibit A of the Code of Ordinances, entitled “General Zoning Ordinance”, and Exhibit A, Section 6, to add new Subsection 6.8.6 to create an “O-1.4 (State Highway 289) Overlay District”, being those areas inside the city Limits and 500 feet on either side of said right-of-way

Background:

Ordinance No. 5958 was approved by the City Council at the July 12, 2016, Special Called Meeting to implement a temporary moratorium on building permits for new construction or modifications within 500 feet of F.M. 691 and State Highway 289 in the city limits of the City of Sherman, Texas.

A subcommittee was appointed at the July 11, 2016, Special Called Planning and Zoning Commission Meeting to create design standards for overlay districts for F.M. 691 and S.H. 289. Joe Gilbert, Kyle Patterson and Sam Thorpe were appointed to serve on the subcommittee. The subcommittee created a draft ordinance modeled on the existing FM 1417 Overlay District. The Planning and Zoning Commission reviewed the draft ordinance at the August 16, 2016 Meeting and voted to forward it to the City Council.

Origination:

Mayor David Plyler
City Manager Robby Hefton

Financial Consideration:

None

Staff Recommendation:

At the August 16, 2016 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Draft Ordinance be approved and forwarded to the City Council.

Alternatives:

The Council could suggest further revisions to the ordinance.

Attachments

Ordinance No. 5984

Location Map

Zoning Sign Photo

P&Z Communication

ORDINANCE NO. 5984

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED “GENERAL ZONING ORDINANCE”, AND EXHIBIT A, SECTION 6, TO ADD SUBSECTION 6.8.6 TO CREATE AN “O-1.4 (STATE HIGHWAY 289) OVERLAY DISTRICT”, BEING THOSE AREAS INSIDE THE CITY LIMITS AND 500 FEET ON EITHER SIDE OF SAID RIGHT-OF-WAY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 14, Exhibit “A”, Section 6.8.6. of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby created so that such section shall read as follows:

Section 6.8.6. O-1.4 (State Highway 289) Overlay District.

(1) Introduction.

(a) The development of new and existing highways offers significant economic opportunities for the city and its citizens. Local highways provide easy access linkages within the city to nearby communities and to the entire U.S. highway system. The development standards will make the city a more desirable place to live and conduct business.

(b) It is important that the development of our highways be controlled through careful planning and foresight to achieve the greatest positive benefits for the city. The intent of the overlay district development area standards is to ensure that highway development occurs in a manner which promotes safety while presenting an attractive appearance and assures compatible land uses according to consistent design guidelines.

(2) Intent and purpose.

(a) Design elements. Regulation of land use patterns has traditionally been the major tool used to shape the urban environment. The particular use that takes place at a certain location affects the design and specific development of land uses. In many cases, a particular use can be incompatible and offensive to its neighbors and the city as a whole, or, if carefully and properly designed, that same use can be an attractive and welcome activity.

This emphasis on how uses are designed and developed is the focus of the overlay district development standards. The following design elements statement of intent accompanies each element, the planning and zoning commission may from time to time, when justified by certain circumstances or specific conditions, grant variances to these design elements.

(b) Building design: Nonresidential. Design standards for nonresidential buildings shall ensure that the design, color, materials and basis for proportion of structures within the overlay district development area are harmonious with the intent of the ordinance.

(c) Building placement: Nonresidential. Visual continuity and compatibility shall be achieved through the appropriate placement of buildings and related site features, such as parking and loading areas.

(d) Landscaping. Landscaping standards are used to promote a flexible framework of planting and green areas that enhance and safeguard property values while aiding in erosion control, noise abatement, glare and reflection control, buffering between land uses of different character and atmospheric purification.

(e) Screening. Required screening shall accomplish visual screening of the site, noise attenuation, and a barrier to vehicular traffic between nonresidential and residential uses, and service as a psychological separation between uses which encourages the peace and repose of residents. Toward this goal, landscaping shall be used to break up the view and to aesthetically enhance screening devices.

(f) Glare and illumination. Site lighting is to provide safety and security and enhance the architectural and natural features of this site. Glare and illumination standards shall ensure that the mechanisms providing light do not negatively impact on the appearance of the site and ensure that light is contained to the extent that adjacent areas are not detrimentally affected.

(3) Boundary areas.

(a) Area boundaries. Overlay district development areas are those areas inside the city limits and adjacent to State Highway 289 and being five hundred (500) feet on either side of said right-of-way of State Highway 289. The overlay applies to commercial and multifamily developments only.

(b) Compliance required. All commercial and multifamily property within the boundaries of the overlay district development areas shall adhere to the overlay district development standards and shall be subject to site plan approval by the planning and zoning commission.

(c) Action on application. Upon receipt of a request for building permit, zoning change or subdivision plat within the designated overlay district development area, the applicant will receive a copy of the overlay district development standards and counseling as to their applicability and the review process. The planning and zoning commission shall review the plans

for compliance with the development standards and make a determination of approval or disapproval as submitted.

(4) Nonresidential building design.

(a) General provisions. All nonresidential buildings shall comply with the zoning ordinance, building code and related construction codes of the city.

(b) Exterior walls. Building materials must be specified and consistent with the intent of these standards. Wall finishes shall be masonry, or masonry veneer, or concrete siding. A complete set of elevation plans and schedule of materials used on every freestanding building shall be submitted to the planning and zoning commission.

1) Exterior walls.

a) All buildings and structures shall have at least 85% of the total exterior walls, excluding doors and windows, constructed of masonry or glass wall construction, in accordance with the City Building Regulations Code and Fire Prevention and Protection Code. No blank walls shall face public streets.

b) The following primary material list shall apply:

- i) Masonry consisting of stone, cultured or cast stone*
- ii) Brick or brick veneer*
- iii) Tile*
- iv) Stucco*
- v) Architecturally finished block*
- vi) Architectural glass (less than 27% reflectance)*

c) A maximum of 15% of the facade may include accent materials not listed on the approved primary material list. All requests for alternative exterior building materials shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.

2) Exterior colors. These guideline recommendations are consistent with other example corridors with the intent of creating complementary building design.

a) A minimum of 80 percent of all building elevations shall be finished with complimentary neutral, cream, or deep, rich, non-reflective earth tone colors.

- b) *No more than 20 percent of any building elevation may be finished with bright, pure tone primary or secondary colors. These colors shall be limited to use on accent features including, but not limited to window and door frames, moldings, cornices, canopies, and awnings.*
- 3) *All nonresidential buildings shall be architecturally finished on all sides with the same materials and detailing. The rear facade of a building, which is not visible to a public right-of-way, park or residential district, shall not be required to comply with this requirement.*
- 4) *Additional architectural features (minimum 4 features). All buildings shall have at least four architectural features from the following list:*
 - * *Canopies, awnings, or porticos*
 - * *Recesses/projections*
 - * *Arcades (recessed porches)*
 - * *Peaked roof forms*
 - * *Arches*
 - * *Outdoor patios*
 - * *Display windows*
 - * *Architectural details (such as tile work and moldings) integrated into the building facade*
 - * *Articulated cornice line*
 - * *Integrated planters or wing walls that incorporate landscape and sitting areas*
 - * *Offsets, reveals or projecting rib used to express architectural or structural bays*
 - * *Accent materials, such as stone, stucco, etc. (minimum 15% of exterior facade)*
 - * *Varied roof heights*
- 5) *Other required or optional features may include:*
 - a) *Entryway features.*
 - i) *All ground floor entrances shall be covered or inset and shall not apply to loading areas. Primary building entrances are to be defined and articulated with architectural elements such as arcades, roofs, alcoves, columns, porticos, porches, and overhangs.*
 - b) *Building articulation.*

- i) *All buildings shall utilize facade offsets and appropriate fenestration to add architectural variation and visual interest to an elevation and to break up long uninterrupted walls or elevations.*
 - ii) *At a minimum, elevations that are 50 feet or longer in horizontal length shall be interrupted by at least two offsets (projection or recess) from the primary facade plane of at least 18 inches in depth.*
- c) *Roof treatment.*
- i) *Long uninterrupted rooflines and planes that are visible from the public right-of-way or are oriented to properties zoned or used for residential purposes shall be broken into smaller segments through the use of appropriately scaled gables and/or dormers, changes in height, changes in roof form, type, or planes which typically correspond to offsets in the building's facade, or other appropriate architectural elements.*
 - ii) *The following materials are allowed for sloping roofs:*
 - (1) *Asphalt shingles*
 - (2) *Industry approved synthetic shingles*
 - (3) *Standing seam metal*
 - (4) *Tile roofs*
 - (5) *Flat roofs shall require parapet screening which adheres to the vertical articulation requirements for the main face of the structure. Parapet rooflines shall feature a well-defined cornice treatment or another similar architectural element to visually cap each building elevation.*
 - iii) *The following materials are prohibited as primary cladding or roofing materials: aluminum siding or cladding, galvanized steel or other bright metal, wood or plastic siding, cementitious fiberboard, unfinished concrete block, exposed aggregate, wood roof shingles, and reflective glass.*
- (c) *Fire escapes. Exterior fire escapes shall not be permitted on the front side of a building.*

- (d) *Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.*
- (e) *Retaining wall. Visible portions of retaining walls shall be constructed of brick, stone, marble or the built-up panels of these materials designed for exterior use. Retaining walls shall be shown on the site plan and elevations shall be provided. Exposed basket type retaining walls shall not be permitted.*

(5) *Nonresidential building placement.*

(a) *Setbacks from property lines adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines, except with approval by variance where parcels are of an irregular shape such that development in accordance with these setbacks is not feasible.*

- (i) *Forty (40) feet from the highway right-of-way.*
- (ii) *Fifteen (15) feet from right-of-way of all other streets intersecting with the highway.*
- (iii) *On-premises signs that are 12 feet or less in height may have a 25' setback from S.H. 289. (see Subsection 10)*

(b) *Setbacks from property lines not adjacent to streets. No structure of any kind or any part thereof shall be placed within the following setback lines:*

- (i) *Five (5) feet from rear and side property lines.*
- (ii) *Forty (40) feet from any R (residential) zoned property for single-story buildings not exceeding thirty (30) feet in height;*
- (iii) *All other buildings shall be set back from residential district lines not less than twice the height of the highest point on the building above grade. No setback shall be required in excess of one hundred (100) feet.*

(c) *Parking areas. Parking areas and driveways shall be concrete and with curb and gutter along state highways adjacent to open drainage areas. Alternative parking materials may be used to reduce impervious cover when parking is provided that exceeds city requirements and approved by the zoning board. Cross access driveways are required adjacent to commercial zoned tracts.*

(6) *Landscaping.*

(a) *Landscaping definition. Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines and other ground cover, natural land forms, water forms, planters, walks and plaza areas.*

(b) *Site definition. Site shall be defined, for the purposes of these guidelines, as any plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.*

(c) *Compliance. Landscaping shall conform to the following:*

- (i) *Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.*
- (ii) *Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.*
- (iii) *All landscaping shall be installed so as to avoid hazards.*
- (iv) *An effort shall be made to preserve existing trees.*

(7) *Screening.*

Screening of Site Features

1) *Detention areas and drainage channels. A visual screen shall separate and screen all stormwater detention or retention facilities from view from any adjacent street and any adjoining or contiguous property, except for penetrations for required access. The visual screen shall comply with the following standards:*

- a) *Minimum required screening. Minimum required screening shall achieve an opaque visual screen to a height of no less than 4 feet nor greater than 6 feet using the materials listed below.*
- b) *Materials. The visual screen may be formed through the retention of existing vegetation, the planting of new vegetation, the creation of planted hedge, the construction of a fence or wall or earthen berm, or any combination of these approaches.*
 - i) *Fencing or masonry walls - Fences and masonry walls shall present a finished and decorative appearance. Shrubs, ground covers, or other vegetation shall be provided in front of the fence or wall so as to provide a decorative effect, in accordance and*

with the adopted landscaping standards for spacing, location and design. Wooden and woven-wire fences shall not be used.

- ii) Planted materials or natural vegetation - Any combination of existing and newly planted vegetation may be used that can reasonably be expected to create an opaque evergreen visual screen 4 feet high within two growing seasons.*
- iii) Earthen berms - When using an earthen berm, the maximum side slope shall not exceed 50% (1 foot of vertical rise to 2 feet of horizontal run) with a minimum crown width of two feet. The berm shall be planted with ground cover, shrubs, trees or other landscaping materials to achieve a total screening height of 4 feet.*

2) Screening of nonresidential uses from residential uses. Side yards, rear yards and service sides of nonresidential uses abutting residential uses shall be screened. Mechanical, utility, and service facilities shall be screened on three sides. Gates are not required.

3) Screening height. Screening height shall be a minimum of four (4) feet above the grade at the property line of abutting residential uses.

- (i) In cases of extreme height differential, the following guidelines apply: Adjust screening height requirements or alter material requirement (e.g., including, but not limited to, the use of canopy forming trees where the nonresidential use is at a much lower grade than the residential use).*

- (ii) All landscaping shall be installed so as to avoid hazards.*

4) Materials and methods. The materials and methods used in screening under this section shall conform to the following:

- (i) Masonry walls shall be defined as an exterior wall consisting of brick, stone, rock, marble, or the built-up panels of these materials designed for exterior use.*
- (ii) Earthen berms shall have a maximum side slope of 3:1 and shall be entirely vegetated with turf or ground cover.*
- (iii) Evergreen shrubs of sufficient height when used alone, or in conjunction with other material, shall meet the minimum height requirements of this section.*
- (iv) Privacy fences shall consist of wood or masonry fence material. Line fences used for screening within an O-1 District shall not be less than four (4) feet in height; constructed of wood, stone, brick, concrete block or*

other suitable material customarily used in residential landscaping; installed in a neat and workmanlike manner; having a completely solid area with no openings; and permanently maintained. The screening device shall not exceed four (4) feet in height within twenty-five (25) feet of a front street right-of-way.

- (v) *To meet requirements of this section, the developer may use a combination of any two (2) materials allowed in this section to meet minimum height requirements.*

5) *Screening of site features. Site features hereinafter shall be screened in accordance with (c) above.*

- (i) *Rear yards and service yards. Where the rear yard, side yard or service side of a nonresidential use is adjacent to a public thoroughfare and screening of the use is not specifically addressed elsewhere in this section, it shall be screened according to subsection (c) above.*
- (ii) *Loading docks. Freight docks, service bays, loading docks, truck berths and heavy storage areas shall be screened from all abutting uses, except when the abutting use is determined to be of equal or greater intensity. The aforementioned areas shall be screened from all thoroughfares.*
- (iii) *Outdoor storage area. Outdoor storage of merchandise, equipment or materials, which is essential or incidental to the use and which is not on temporary display for the purpose of being immediately available for sale to the public at large, shall be screened from all public thoroughfares and abutting uses. Stored merchandise shall not exceed the height of the screening device.*
- (iv) *Refuse areas. All refuse areas shall be screened on three sides. Gates are not required.*
- (v) *Ground-mounted equipment. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure which they service.*

(8) *Glare and illumination.*

(a) *Parking area lighting. Standard, poles and fixtures shall be of a single color, compatible with the architecture of the building. All lighting fixtures shall be restricted to down-lighting or cut-off types.*

(b) *Walkway lighting.* Walkway lighting with standard, pole, bollard and wall-mounted fixtures are allowed.

(c) *Accent lighting.* Floodlighting and spotlighting of architecture, features shall not create spillage of light onto adjacent properties.

(9) *Utilities.* No building shall have service wires or cable of any kind attached to the front fifty (50) percent of a building facing the highway and adjacent to the required front yard.

(10) *Signs.*

a) *The total area of building signage shall not exceed the following:*

For each one linear foot of primary building face (facade facing public street), three (3) square feet of wall sign is allowed up to a maximum. This maximum depends on the building footprint identified in the table below. A minimum of 100 square feet for small freestanding building is allowed. This means that a small building that does not have enough frontage to get to 100 square feet may go to 100 square feet of building signage if desired. These signs can go on any wall but may not exceed the cumulative maximum square footage. If the lot on which the building is located has multiple right-of-way frontages, each street frontage shall be counted for purposes of determining attached sign allowance. The following defines the maximum sign area allowed based on the square footage of the building footprint:

<i>Building Footprint (sq ft)</i>	<i>Maximum Sign Area (sq ft)</i>
<i>Less than 12,000</i>	<i>150</i>
<i>12,000–49,999</i>	<i>300</i>
<i>50,000 or more</i>	<i>600</i>

b) *For each one linear foot of lease space facade, two (2) square feet of building sign is allowed with maximum of 200 sq. ft.*

c) *To ensure separation between building signs, wall signage for lease spaces may not exceed 75% of the linear lease space facade width.*

(11) *Monument/ground signs.*

a) *Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.*

b) *Monument signs must include a landscaped, stone-base feature. All monument sign bases shall be constructed of the same material as the front building facade on the same site or shall be compatible in design with stone or brick.*

(12) Illuminated/electronic signs.

a) *Signs may be illuminated, but the source of light shall not be visible to traveled ways and the entire image or displayed text shall not be animated, intermittent, or flashing.*

b) *A sign shall display static images for a period of at least eight seconds.*

c) *Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.*

d) *A maximum of 55% of the overall sign area may be devoted to an electronic message sign.*

e) *Revolving signs shall not be permitted.*

f) *A fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a ground/monument sign. Only one pricing display is allowed per site.*

(13) Connectivity. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s).

(14) Procedures and notice.

(a) *The planning and zoning commission shall review the specific elements of site and building plans for development within the overlay district development area for compliance with these standards and shall make a determination of approval or disapproval of the site plan as submitted.*

(b) *The planning and zoning commission shall review all exceptions and requests for variations to the development standards to determine compliance with the intent of the standards or to determine the necessity and appropriateness of the required exception or variation.*

(c) *If the planning and zoning commission denies any site plan, the same application may not be filed for a period of six (6) months from the date of such denial.*

(d) *Any applicant aggrieved by a decision of the planning and zoning commission may appeal the commission's action to the city council by filing a request for appeal with the city clerk within ten (10) days of the commission's decision. Such appeal shall be heard at a time*

convenient to the city council and to its procedures and practices for the scheduling of business before the council.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the General Zoning Ordinance of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

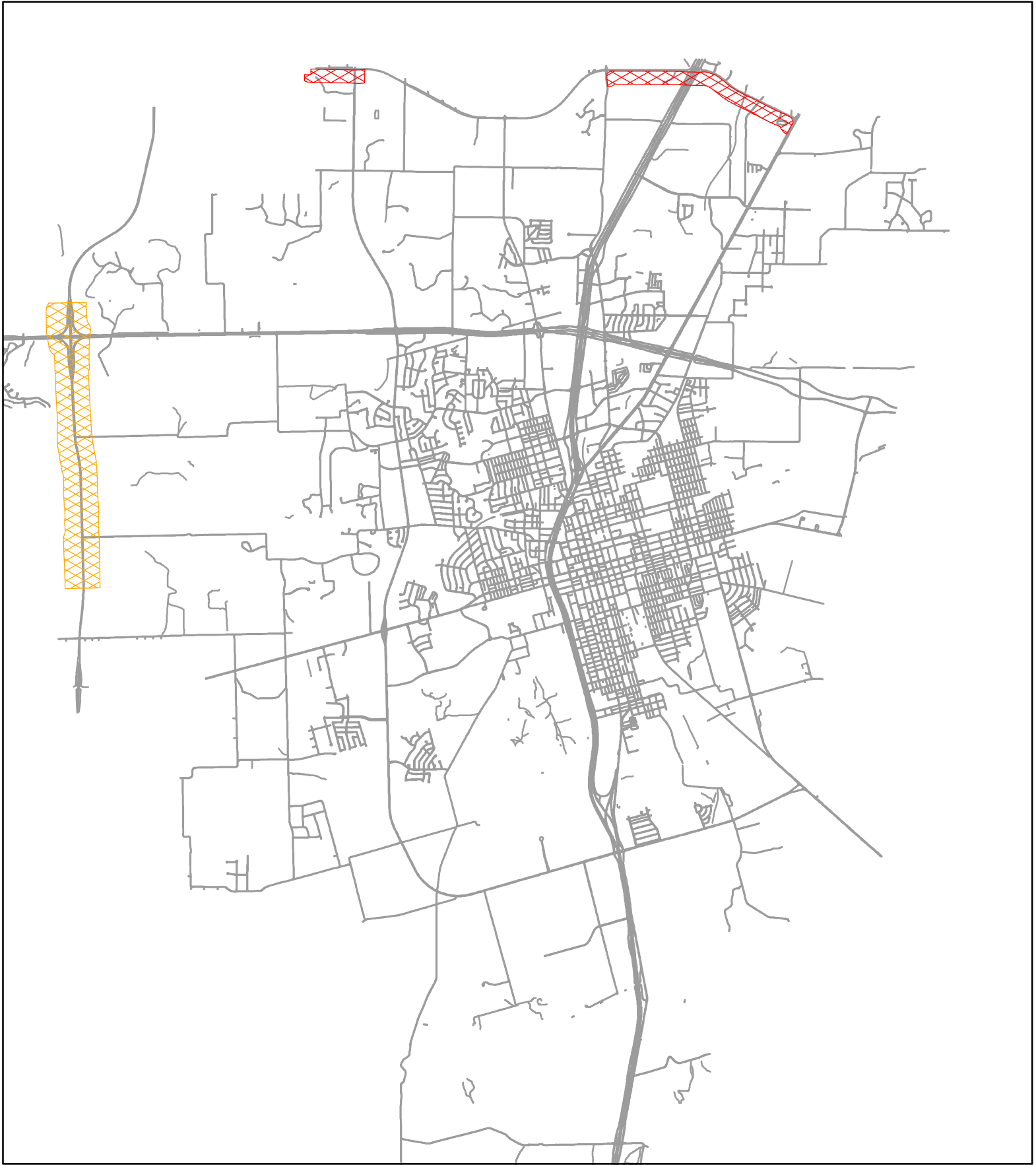
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Proposed FM Highway 691 and State Highway 289 Overlay Districts

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

Legend

Transportation Corridor Proposed

HWY_NAME

FM 691

SH 289



NOT TO SCALE

1 inch = 6,667 feet

S. W. Corner Hwy 289 & Hwy.82



E. Side Hwy. 289 & Washington St.



S.E. Corner Hwy. 289 & Hwy. 82





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

Agenda Item No. 13.

Meeting Date: 08/16/2016

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

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

OTHER BUSINESS

Consider amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", and Exhibit A, Section 6, to add Subsection 6.8.6 to create an "O-1.4 (State Highway 289) Overlay District", being those areas inside the City Limits and 500 feet on either side of said right-of-way.

Background:

A subcommittee was appointed at the July 11, 2016, Special Called Planning and Zoning Commission Meeting to create design standards for overlay districts for F.M. 691 and S.H. 289. Joe Gilbert, Kyle Patterson and Sam Thorpe were appointed to serve on the subcommittee. The subcommittee created a draft ordinance modeled on the existing FM 1417 Overlay District. The subcommittee recommends the Zoning Board approve and forward the ordinance to the City Council.

Adjacent Zoning:

Various

Origination:

Mayor David Plyler and City Manager Robby Hefton

Master Plan Designation:

Various

Number of notices mailed:

18

Objections Received:

0

Attachments

Draft Ordinance

Location Map

Zoning Sign Photo



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 7.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5985

Abandoning, Closing, and Vacating a Portion of the Platted Alley within Block 8 of Chaffin's 1st Addition to the City of Sherman, Grayson County, Texas, Portion of Said Alley to be Maintained as a Utility Easement; Conveying the Interest in Said Alley to the Abutting and Adjacent Property Owner to the North of Said Alley, Greater New Hope Church

Issue:

To consider approving the closure and abandonment of one alley segment and the conveyance of said alley to Greater New Hope Church

Background:

Greater New Hope Church would like to obtain this alley segment in order to maintain and repair the current right-of-way within Block 8 of Chaffin's 1st Addition, as recorded in Volume 26, Page 49 of the Deed Records of Grayson County, Texas. The Church currently owns all property adjacent to the alley segment. This Ordinance would perform the necessary administrative action to officially close and abandon the alley segment and prepare the transfer of ownership to Greater New Hope Church. A utility easement will be reserved for the existing utilities in the alley until such time as the utilities are abandoned or relocated.

Origination:

Greater New Hope Church

Financial Consideration:

Maintenance of this alley segment will revert to Greater New Hope Church.

Staff Recommendation:

It is recommended that the City Council approve the Ordinance to close and abandon this alley segment and permit the execution of a Deed Without Warranty to Greater New Hope Church.

Alternatives:

As may be directed by City Council

Attachments

Ordinance No. 5985

Deed Without Warranty

Exhibit "A"

Aerial Location Map

ORDINANCE NO. 5985

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING, CLOSING, AND VACATING A PORTION OF THE PLATTED ALLEY WITHIN BLOCK 8 OF CHAFFIN'S 1ST ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, PORTION OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID ALLEY TO THE ABUTTING AND ADJACENT PROPERTY OWNER TO THE NORTH OF SAID ALLEY, GREATER NEW HOPE CHURCH; 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the hereinafter described alley right-of-way in the City of Sherman, Grayson County, Texas, shall be closed and abandoned, save and except the entire Fourteen (14) foot alley right-of-way shall be reserved as an easement for utilities for the right of ingress and egress to same for the purposes of operation, maintenance, or removal of such utilities or until such utilities shall be abandoned and relocated:

A portion of the 14 foot alley from Lot Six (6) running east to North Maxey Street, in Block Eight (8) of Chaffin's 1st Addition, as shown in Plat Recorded in Volume 26, Page 49 of the Deed Records of Grayson County, Texas.

SECTION 2. That it is the intent of the City Council that the right and interest in such alley herein abandoned, closed and vacated shall vest to the abutting property owner to the north of said alley, Greater New Hope Church, by appropriate conveyance of said right-of-way herein described.

SECTION 3. 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 _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

DEED WITHOUT WARRANTY

§

§

§

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called “Grantor,” acting by and through its City Council, for **GREATER NEW HOPE CHURCH**, hereinafter called “Grantee”, hereunto duly authorized by City Council Ordinance No. 5985, hereby grants, releases, and forever conveys unto **GREATER NEW HOPE CHURCH**, all of Grantor’s right, title, and interest in and to the following real property and shown in Exhibit “A”, to wit:

A PORTION OF THE 14 FOOT ALLEY FROM LOT SIX (6) RUNNING EAST TO NORTH MAXEY STREET, IN BLOCK EIGHT (8) OF CHAFFIN'S 1ST ADDITION, AS SHOWN IN PLAT RECORDED IN VOLUME 26, PAGE 49 OF THE DEED RECORDS OF GRAYSON COUNTY, TEXAS.

TO HAVE AND TO HOLD all of Grantor's right, title, and interest in and to the above described property and premises unto the said Grantee, its legal representatives, successors, and assigns forever, without express or implied warranty, so that neither Grantor nor Grantor's successors, legal representatives, or assigns shall have claim or demand any right or title to the aforesaid property, premises, or appurtenances or any part thereof, **SAVE AND EXCEPT** this property is to be reserved as an easement for any and all existing utilities as may be now located in said above described property, with the right of ingress and egress to same for the purpose of operation, construction, repair, reconstruction, improvement maintenance, or removal of such utilities until such shall be abandoned or relocated. All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is made and accepted subject to any and all conditions and all restrictions, if any, relating to the hereinabove described property, shown of record in the office of the County Clerk of Grayson County, Texas.

Release. In accepting the conveyance of this property, Grantee expressly accepts the property in its “as is” condition, with all of its faults and encumbrances, if any. GRANTEE RELEASES AND FOREVER DISCHARGES THE GRANTOR, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ALL RIGHTS, CLAIMS, DEMANDS, OR CAUSES OF ACTION AT LAW OR IN EQUITY, GRANTEE PRESENTLY HAS, OR EVEN CAN, SHALL, OR MAY HAVE IN THE FUTURE IN CONNECTION WITH THIS TRANSACTION INCLUDING HAZARDOUS MATERIALS OR ENVIRONMENTAL ISSUES IN, ON, OR UPON THE PROPERTY, IF ANY. GRANTEE STATES THAT IT IS NOT RELYING UPON ANY REPRESENTATIONS OR DISCLOSURES BY THE GRANTOR AND NONE HAVE BEEN MADE IN CONNECTION WITH THE ACQUISITION OF THIS PROPERTY. THIS

RELEASE SHALL BE BINDING UPON GRANTEE'S LEGAL REPRESENTATIVES, ASSIGNS, AND SUCCESSORS IN INTEREST.

TO HAVE AND TO HOLD all of Grantor's right, title, and interest in and to the above described property and premises subject to the aforesaid, unto the said Grantee, its legal representatives, successors, and assigns forever, so that the Grantor, its legal representatives, successors, and assigns shall not have, claim, or demand any right, title, or interest to the aforesaid property, premises, or appurtenances of any part thereof.

Grantor acknowledges and confesses that this conveyance is made pursuant to the authority of the Ordinance No. 5985 of the City of Sherman, Texas, passed and approved on the _____ day of _____, 2016.

IN WITNESS WHEREOF, the City of Sherman, Texas, a municipal corporation of Grayson County, Texas, has caused this instrument to be executed by its City Manager on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
ROBBY HEFTON, CITY MANAGER

ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF GRAYSON §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 2016, by Robby Hefton, City Manager of the City of Sherman.

NOTARY PUBLIC, STATE OF TEXAS

Commission Expires: _____

Exhibit "A"



W.M. CHAFFIN'S 1ST ADDITION
TO
CITY OF SHERMAN
VOL. 26 PAGE 49

10079

Alley Abandonment Portion of Block 8, Chaffin's 1st Addition



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Property to be Abandoned Hilghted in Green

1 inch = 172 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 8.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5986

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Mini-Warehouse, Self-Storage Facility in a C-1 (Retail Business) District in the 4600 block of North Travis Street and the 100-200 blocks of East Northcreek Drive, being Lot 1, Block 6 and Lot 1, Block 7 of the Replat of Blocks 1-9, North Creek Addition, Section One (Young Enterprises, LP, Owners; Todd Young, Representative; and David Baca Studio, LLC, Architect); 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 Young Enterprises, LP (Owners), Todd Young (Representative) and David Baca Studio, LLC (Architect) concerning the property in the 4600 block of North Travis Street and the 100-200 blocks of East Northcreek Drive, being Lot 1, Block 6 and Lot 1, Block 7 of the Replat of Blocks 1-9, North Creek Addition, Section One, for a Specific Use Permit to allow a mini-warehouse, self-storage facility in a C-1 (Retail Business) District

Background:

The property is located in the 4600 block of North Travis Street and the 100-200 blocks of East Northcreek Drive; the southeast corner of Travis Street and Northcreek Drive. The property is zoned a C-1 (Retail Business) District.

The owners are requesting a Specific Use Permit to allow a mini-warehouse facility on the property; the total building area will be approximately 100,000 square feet. The site plan is conceptual and will require final site plan approval before construction begins.

Origination:

Young Enterprises, LP (Owners)
Todd Young (Representative)
David Baca Studio, LLC (Architect)

Financial Consideration:

None

Staff Recommendation:

At the August 16, 2016 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. 5986
Location Map
Zoning Map
Zoning Sign Photo
Narrative
Plat
Site Plan
Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 5986

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 MINI-WAREHOUSE, SELF-STORAGE FACILITY IN A C-1 (RETAIL BUSINESS) DISTRICT IN THE 4600 BLOCK OF NORTH TRAVIS STREET AND THE 100-200 BLOCKS OF EAST NORTHCREEK DRIVE, BEING LOT 1, BLOCK 6 AND LOT 1, BLOCK 7 OF THE REPLAT OF BLOCKS 1-9, NORTH CREEK ADDITION, SECTION ONE (YOUNG ENTERPRISES, LP, OWNERS; TODD YOUNG, REPRESENTATIVE; AND DAVID BACA STUDIO, LLC, ARCHITECT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Young Enterprises, LP (Owners), Todd Young (Representative) and David Baca Studio, LLC (Architect) are granted a Specific Use Permit to allow a mini-warehouse self-storage facility in a C-1 (Retail Business) District in the 4600 Block of North Travis Street and the 100-200 Blocks East Northcreek Drive, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Block 6 and Lot 1, Block 7, of the Replat of Blocks 1-9, North Creek Section 1

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the sign ordinance, the fence ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking is permitted on paved surfaces only (concrete or asphalt).
4. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires or parts is allowed.
5. The exterior façade is required to be masonry or equivalent on the sides of the buildings visible from front street right-of-way unless an exception is approved.
6. Screening shall be provided and maintained abutting any residential districts.
7. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
8. Shall provide one off-street parking space for each 1,000 square feet of general floor space, and one off-street parking space for each 400 square feet of office floor; a parking space is considered to be 9'x20'.
9. All parking shall be on private property and shall not encroach into Travis Street or Northcreek Drive right-of-way.
10. Shall comply with all EPA, City, Federal and State regulations for this use.
11. This site plan is conceptual and will require additional site plan approval from the Planning and Zoning Commission before construction begins.
12. Violation of the conditions of the SUP will terminate the Specific Use Permit.
13. Review the zoning and development ordinance for additional requirements.
14. 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:

15. Privately owned and maintained detention in accordance with City criteria is required upon future development.
16. All requirements of the Floodplain Ordinance should be followed.
17. Driveway is required to be a shared access drive and TxDOT approval is required.
18. Replatting of the property is required.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

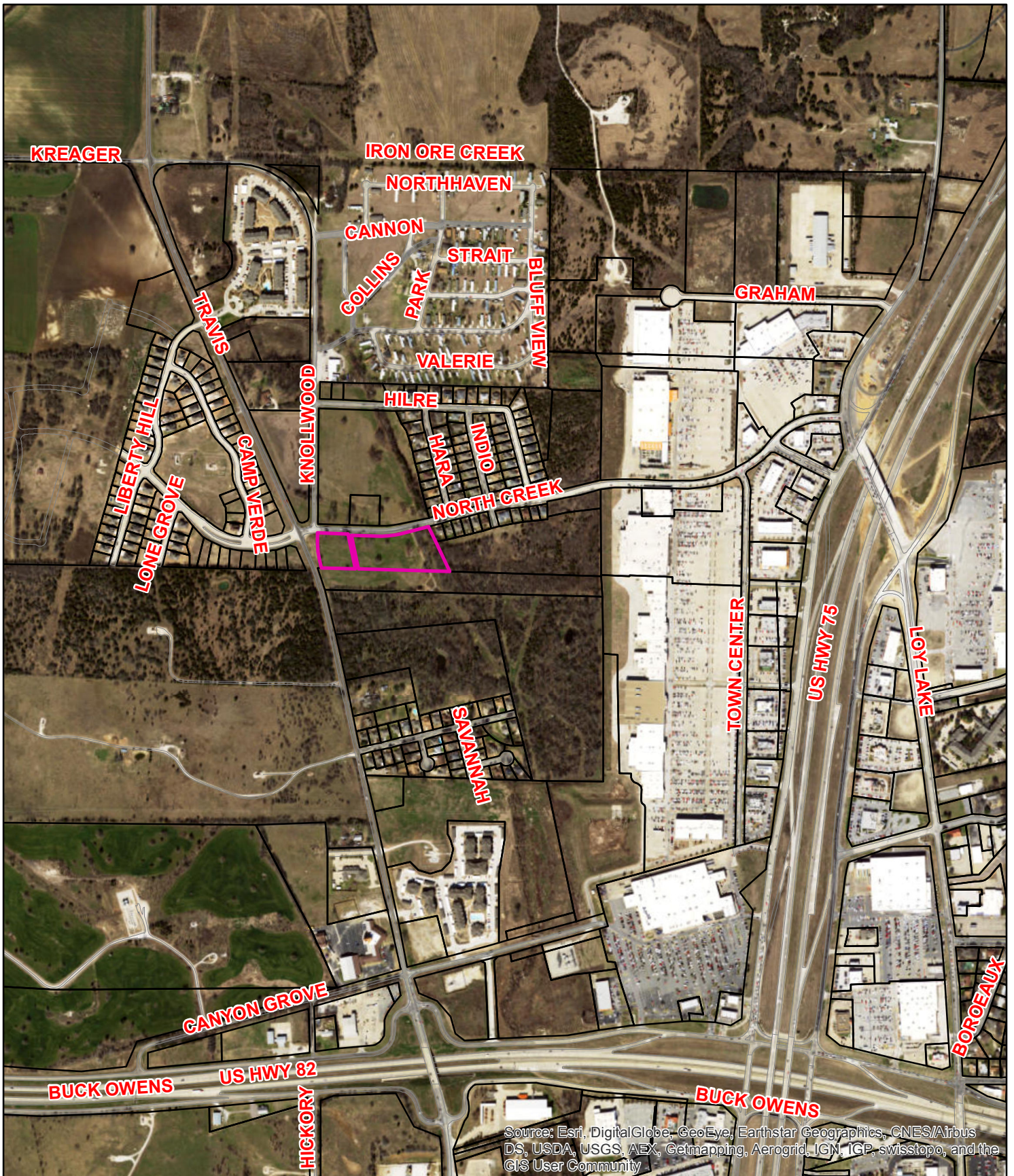
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

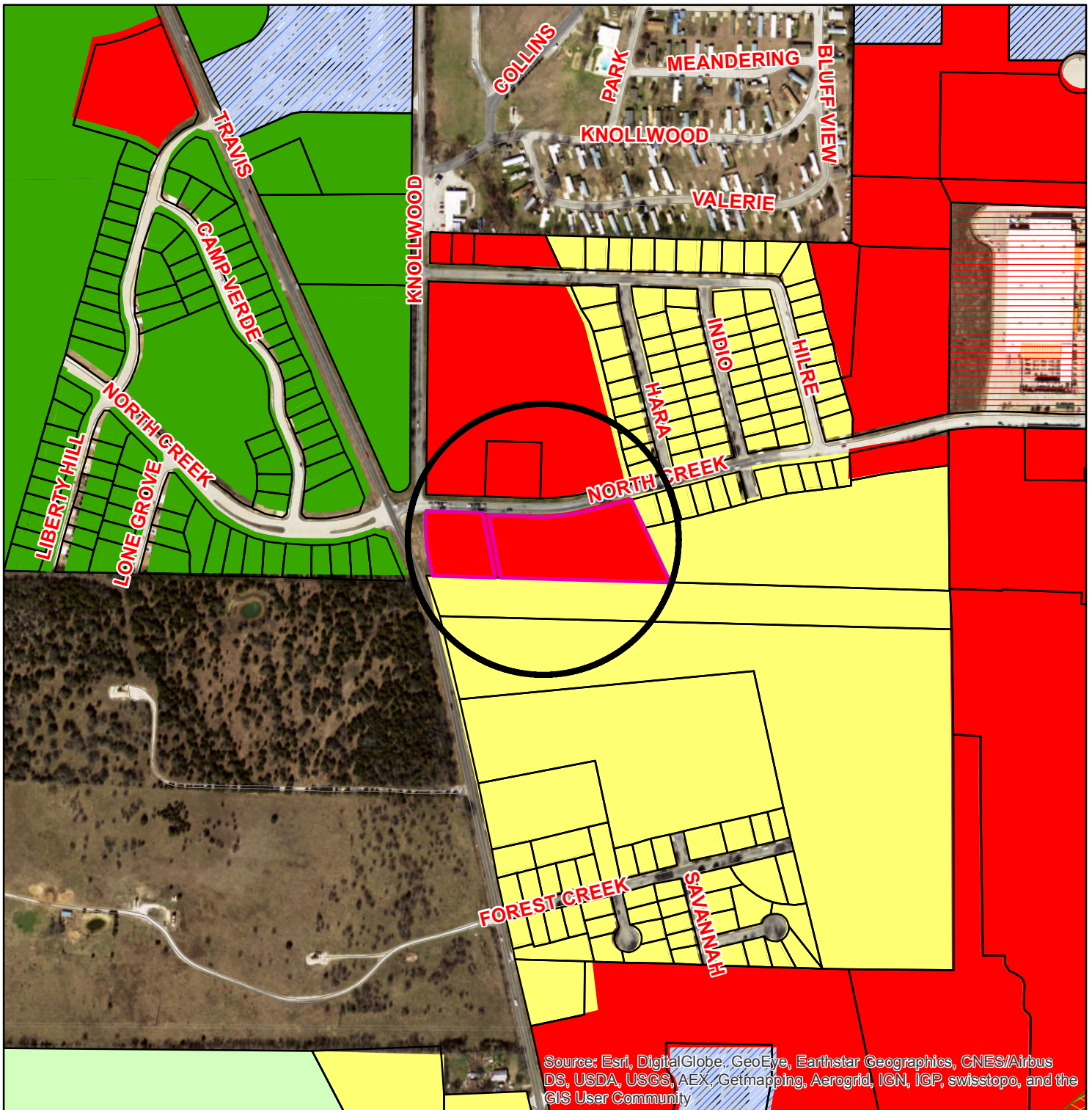


**4600 Blk. N. Travis &
100-200 Blks. E. Northcreek Dr.**



1 in = 856 ft

City of Sherman, Texas
Developmental Services Department



4600 Blk. N. Travis & 100-200 Blks. E. Northcreek Dr.

Legend

Transportation Corridors Overlay

HWY_NAME

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75

Special Districts Overlay

DISTRICT_NAME

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 500 ft

4600 Blk. N. Travis St. & 100-200 Blk. E.
Northcreek Dr.





26 July 2016

Scott Shadden, Director of Development Services
City of Sherman Building & Zoning
220 West Mulberry Street
Sherman, Texas 75090

RE: Request for a Special Use Permit

Dear Mr. Shadden,

It is my pleasure to submit to you this request for a Special Use Permit, on behalf of Young Enterprises, for the property shown in the attached drawing and listed on the attached Zoning Application.

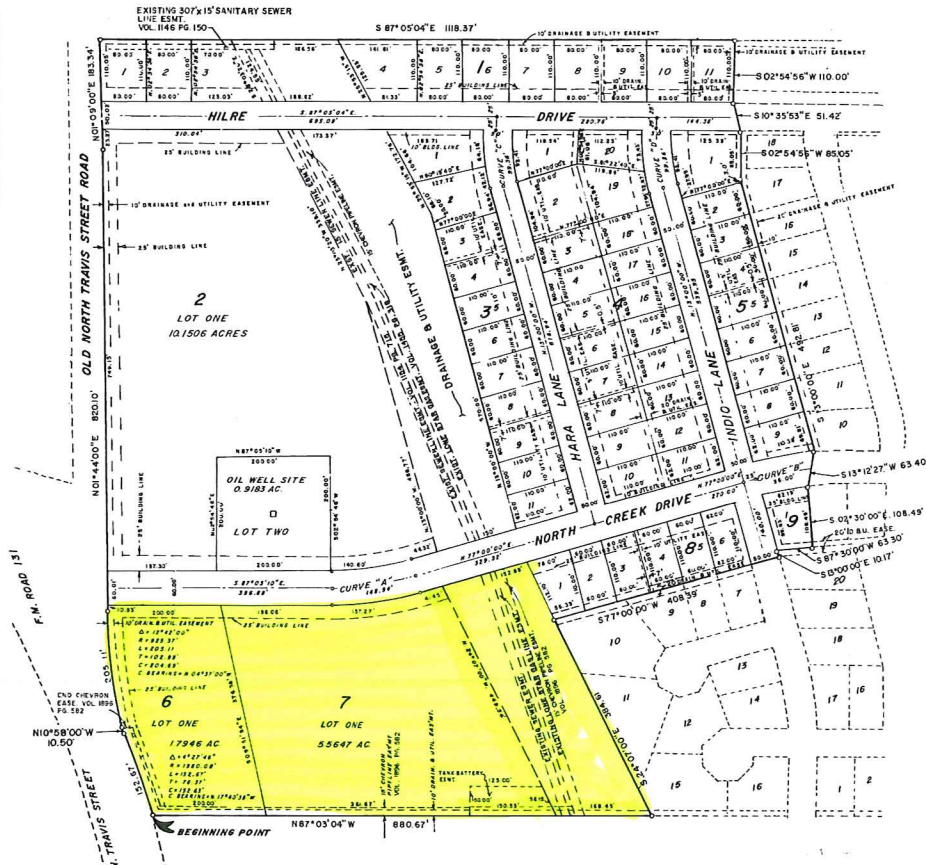
The Owner and Developer of the property located at the corner of North Travis Street and North Creek Drive, on the south side, are requesting a Special Use Permit from the City of Sherman to develop this particular tract of land into a much needed Self-Storage facility that will serve the fast-growing neighborhood in which this property is located.

Please do not hesitate to contact me with any questions or clarifications, or to request adjustments to this submittal.

Sincerely,

David Baca AIA, Architect + Principal

KNOLLWOOD VILLAGE



REPLAT OF BLOCKS 2-3-4-5-6-7-8, 9 OF THE
NORTH CREEK ADDITION SECTION ONE (VOL. 8)
AND ALL OF BLOCK NO. 1 OF THE REPLAT OF
NORTH CREEK ADDITION SECTION ONE (VOL. 8)

33.67 ACRES
TO THE CITY OF SHERMAN, TEXAS

C CURVE DATA						
CURVE	ANGLE	TANGENT	RADIUS	LENGTH	CHORD	BEARING
A	15°54'50"	74.95	536.22	148.84	148.46	N84°57'25"E
B	10°30'00"	69.80	748.70	137.21	137.02	N82°15'00"E
C	15°54'50"	50.00	357.68	99.36	99.04	N05°02'32"W
D	15°54'50"	50.00	357.68	99.36	99.04	N05°02'32"W

SCALE: 1"=100'

LEGAL DESCRIPTION

Shaded in the County of Grayson, State of Texas, being part of the James H. Clark Survey, Abstract No. 273, and the John Jennings Survey, Abstract No. 647 and also being part of a 57.6113 acre tract of land conveyed to Hara Hut and Hara Hut by Deed recorded in Volume 1435, Page 120, Deed Records, Grayson County, Texas and being particularly described by metes and bounds as follows to wit:

BEFOREME at a steel post set in concrete in the East right - of - line of F&M 131 (Trevis Street North) point being the Southwest corner of 57.6113 acre tract of land.

THENCE in a Northerly direction with the East right - of - way line of F&M 131 (Trevis Street North) with a curve to the left having a radius of 1940.00' (Chord bearing N 17° 40' 33" W a distance of 152.63') a distance of 152.63' to a 1/2" steel rod set.

THENCE N 10° 58' 00" W continuing with the East right - of - way line of F&M 131 (Trevis Street North) with a curve to the right having a radius of 925.37' (Chord bearing N 04° 37' 00" W a distance of 204.65') a distance of 205.17' to a 1/2" steel rod set.

THENCE N 07° 54' 00" E with the East right - of - way line of a county road a distance of 820.00' to a 1/2" steel rod set for an angle.

THENCE N 07° 09' 00" E with the East right - of - way line a distance of 183.34' to a 1/2" steel rod set being the Northeast corner of lands described tract.

THENCE S 87° 05' 04" E with the South line of the City of Knollwood also being the North line of lands described tract, a distance of 1118.37' to a 1/2" steel rod set for the Northeast corner of North Creek Addition, Section One.

THENCE S 02° 54' 56" W with the East line of afore add addition a distance of 110.00' to a 1/2" steel rod set for an angle, also being the North right - of - way line of Hara Drive.

THENCE S 02° 54' 56" W with the East line of afore add North Creek Addition, Section One, a distance of 85.00' to a 1/2" steel rod set for an angle.

THENCE S 15° 00' 00" E with the East line of North Creek Addition, Section One, a distance of 492.87' to a 1/2" steel rod set for an angle, point also being in the North right - of - way line of North Creek Drive.

THENCE S 15° 12' 27" W with the East line of afore add Addition, a distance of 63.40' to a 1/2" steel rod set for an angle, point also being in the South right - of - way line of North Creek Drive.

THENCE S 02° 30' 00" E with the East line of afore add Addition, a distance of 108.49' to a 1/2" steel rod set for an angle.

THENCE S 87° 30' 00" W with the South line of Lot 1, Block 8, of North Creek Addition, Section One a distance of 63.30' to a 1/2" steel rod set for an angle point also being in the East right - of - way line of Indio Lane.

THENCE S 15° 00' 00" E with the East right - of - way line of Indio Lane, a distance of 10.77' to a 1/2" steel rod set for an angle.

THENCE S 77° 00' 00" W a distance of 408.33' to a 1/2" steel rod set for an angle.

THENCE S 24° 07' 00" E a distance of 384.67' to a 1/2" steel rod set for the Southeast corner of North Creek Addition, Section One.

THENCE N 87° 03' 04" W a distance of 880.67' to the place of beginning and containing 33.67 acres of land.

I, John Worthen, Registered Public Surveyor, hereby certify that the above plat or map was prepared from a survey made on the ground and the bearings, distances, areas and monuments are as shown on said plat.

OWNERS AND DEVELOPERS

WE, THE UNDERSIGNED HEREBY DEDICATE TO PUBLIC USE ALL STREETS AND EASEMENTS SHOWN ON THE ABOVE REPLAT OF NORTH CREEK ADDITION SECTION ONE TO THE CITY OF SHERMAN, TEXAS.

James Rivers
JAMES RIVERS
TRUSTEE

THE STATE OF TEXAS X

COUNTY OF GRAYSON X

BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED JAMES RIVERS KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 18 DAY OF August, 1987.

John H. Worthen
JOHN H. WORTHEN
NOTARY PUBLIC, GRAYSON COUNTY, TEXAS

APPROVED THIS 27 DAY OF September, 1987, BY THE PLANNING AND ZONING BOARD OF THE CITY OF SHERMAN, TEXAS.

Edith L. Lint
EDITH L. LINT
CHAIRMAN

Terry Corbin
TERRY CORBIN
SECRETARY

ACCEPTED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS ON THIS 23 DAY OF September, 1987.

Dean Kille
DEAN KILLE
MAYOR OF THE CITY OF SHERMAN, TEXAS

THE UNDERSIGNED, THE CITY CLERK OF THE CITY OF SHERMAN, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING REPLAT OF NORTH CREEK ADDITION SECTION ONE TO THE CITY OF SHERMAN, TEXAS WAS SUBMITTED TO CITY COUNCIL ON THE 14 DAY OF September, 1987, AND THE CITY COUNCIL, BY FORMAL ACTION THEN AND THERE ACCEPTED THE DEDICATION OF STREETS AND EASEMENTS AS SHOWN ON SAID FORTH ON SAID PLAT, AND SAID CITY COUNCIL FURTHER AUTHORIZED THE MAYOR TO NOTE THE ACCEPTANCE THEREOF BY SIGNING HIS NAME AS HEREIN SUBSCRIBED.

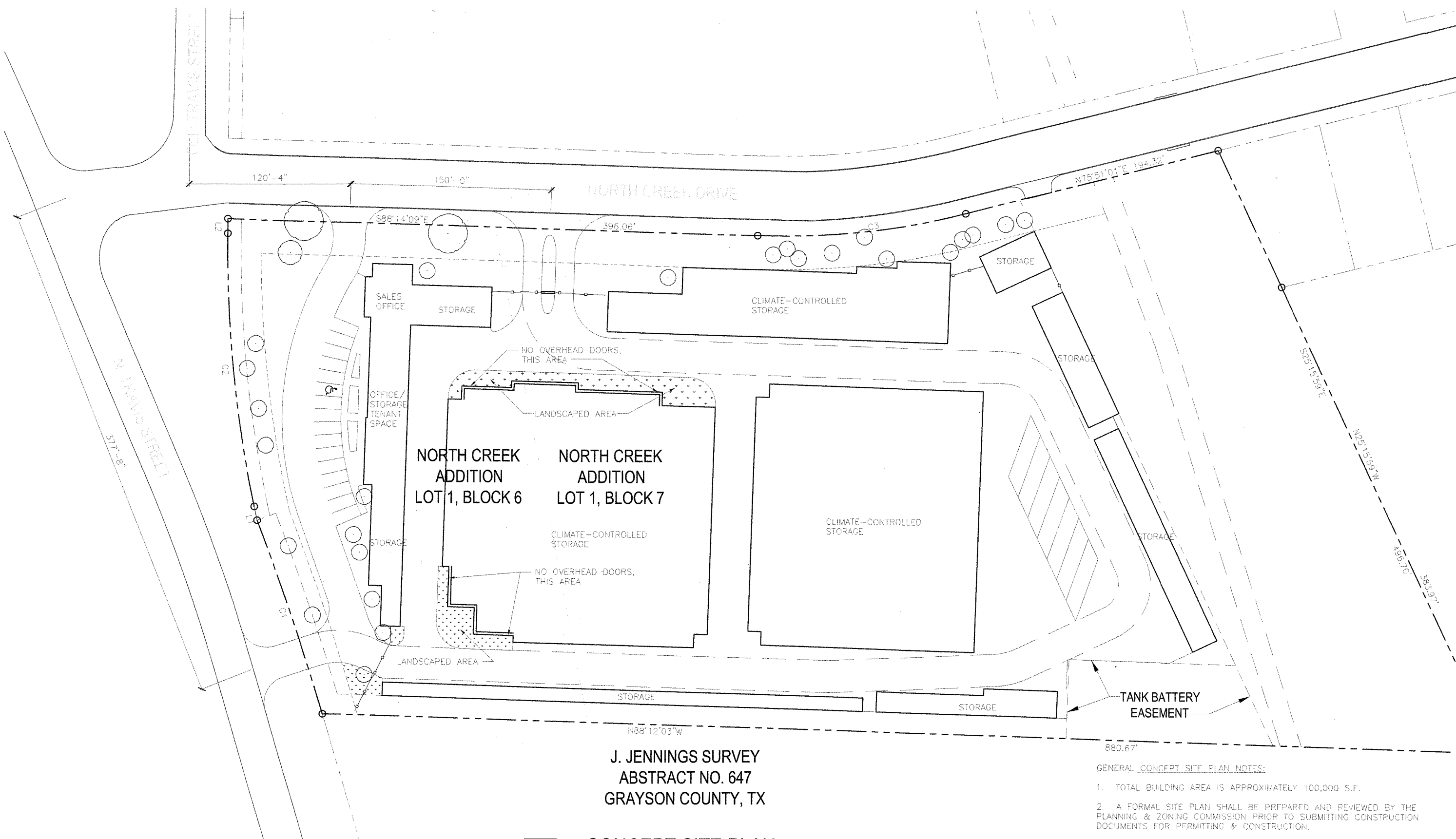
Walter P. Arnold
WALTER P. ARNOLD
CITY CLERK OF THE CITY OF SHERMAN, TEXAS



North Creek Self Storage Project

Corner of North Travis Street & North Creek Drive, Sherman, Texas 75092

100 NORTH TRAVIS STREET, NO. 500A, SHERMAN, TEXAS 75090 903 893 5800 903 893 5866 david@davidbacastudio.com



**J. JENNINGS SURVEY
ABSTRACT NO. 647
GRAYSON COUNTY, TX**



CONCEPT SITE PLAN
SCALE: 1" = 70'-0"

- GENERAL CONCEPT SITE PLAN NOTES:**
1. TOTAL BUILDING AREA IS APPROXIMATELY 100,000 S.F.
 2. A FORMAL SITE PLAN SHALL BE PREPARED AND REVIEWED BY THE PLANNING & ZONING COMMISSION PRIOR TO SUBMITTING CONSTRUCTION DOCUMENTS FOR PERMITTING & CONSTRUCTION.

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	152.66'	1960.08'	4°27'45"	N18°49'39"W 152.63'
C2	205.11'	925.37'	12°42'00"	N05°45'59"W 204.69'
C3	157.27'	566.22'	15°54'50"	N83°48'26"E 156.76'
C4	236.97'	2148.50'	6°19'10"	N75°49'43"E 236.85'
C5	126.37'	970.00'	7°27'52"	N76°24'04"E 126.28'
C6	140.60'	506.22'	15°54'50"	S83°53'03"W 140.15'
C7	144.40'	1030.00'	8°01'58"	S76°58'34"W 144.29'
C8	216.50'	2088.50'	5°56'22"	S75°55'46"W 216.41'

concept site plan



STAFF REVIEW LETTER

August 10, 2016

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

David Baca Studio, LLC
100 N. Travis, Ste 500-A
Sherman, TX 75090

Dear Applicants,

The request for a Specific Use Permit to allow a mini-warehouse self-storage facility in a C-1 (Retail Business) District for the property located in the 4600 Block of North Travis Street and the 100-200 Blocks East Northcreek Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2016 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the sign ordinance, the fence ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking is permitted on paved surfaces only (concrete or asphalt).
4. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires or parts is allowed.
5. The exterior façade is required to be masonry or equivalent on the sides of the buildings visible from front street right-of-way unless an exception is approved.
6. Screening shall be provided and maintained abutting any residential districts.
7. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
8. Shall provide one off-street parking space for each 1,000 square feet of general floor space, and one off-street parking space for each 400 square feet of office floor; a parking space is considered to be 9'x20'.
9. All parking shall be on private property and shall not encroach into Travis Street or Northcreek Drive right-of-way.
10. Shall comply with all EPA, City, Federal and State regulations for this use.
11. This site plan is conceptual and will require additional site plan approval from the Planning and Zoning Commission before construction begins.
12. Violation of the conditions of the SUP will terminate the Specific Use Permit.
13. Review the zoning and development ordinance for additional requirements.
14. 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:

15. Privately owned and maintained detention in accordance with City criteria is required upon future development.
16. All requirements of the Floodplain Ordinance should be followed.
17. Driveway is required to be a shared access drive and TxDOT approval is required.
18. Replatting of the property is required.

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

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

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

Respectfully,



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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., City Engineer
Don Keene, Asst. City Manager

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Dir. Of Community and Support Services
Amber Doan, Engineering Coordinator



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

Agenda Item No. 9.

Meeting Date: 08/16/2016

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

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

4600 BLOCK N. TRAVIS STREET & 100-200 BLOCKS E. NORTHCREEK DR.

The request of Young Enterprises, LP (Owners), Todd Young (Representative) and David Baca Studio, LLC (Architect) concerning the property in the 4600 Block of North Travis Street and the 100-200 Blocks East Northcreek Drive, being Lot 1, Block 6 and Lot 1, Block 7, of the Replat of Blocks 1-9, North Creek Section 1, as follows;

Planning and Zoning Commission

Specific Use Permit and conceptual site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a mini-warehouse self-storage facility in a C-1 (Retail Business) District.

Background:

The property is located in the 4600 blocks of North Travis Street and the 100-200 blocks of East Northcreek Drive; the southeast corner of Travis Street and Northcreek Drive. The property is zoned a C-1 (Retail Business) District.

The owner is requesting a Specific Use Permit to allow a mini-warehouse facility on the property; the total building area will be approximately 100,000 square feet. The site plan is conceptual and will require final site plan approval before construction begins.

Adjacent Zoning:

R-1 (One Family Residential) District

SF-1 (Single Family Residential) District

C-1 (Retail Business) District

Origination:

Young Enterprises, LP (Owners)
Todd Young (Representative)
David Baca Studio, LLC (Architect)

Master Plan Designation:

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

Number of notices mailed:

11

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Narrative
Plat
Site Plan
Conceptual Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 9.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5987

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in a C-O (Office) District in the 2400 block of Shady Oaks Lane, 2300 block of Norwood Street, and 2600-2800 blocks of West Lamberth Road, being 0.5 acres in the Elijah Hartzog Survey, Abstract No. 540 and 7.03 acres in the Fielding Bacon Survey, Abstract No. 120 (Lamberth Crossing Joint Venture, Owners; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00)

Issue:

To consider the request of Lamberth Crossing Joint Venture (Owners) and Preston Trail Land Surveying (Surveyor) concerning the property in the 2400 blocks of Shady Oaks Lane, 2300 blocks of Norwood Street, and 2600-2800 blocks of West Lamberth Road, being 0.5 acres in the Elijah Hartzog Survey, Abstract No. 540 and 7.03 acres in the Fielding Bacon Survey, Abstract No. 120 for a Specific Use Permit to allow patio homes in a C-O (Office) District

Background:

The property is located in the 2400 blocks of Shady Oaks Lane, 2300 blocks of Norwood Street, and 2600-2800 blocks of West Lamberth Road, between Norwood Street and Shady Oaks Lane. The property is zoned a C-O (Office) District.

The owners would like to construct nineteen (19) patio homes on the property; the homes will be approximately 1,600 to 1,900 square feet.

Origination:

Lamberth Crossing Joint Venture (Owners)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 16, 2016 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. Chairman Gilbert abstained from the request because of a conflict of interest.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 5987

Location Map

Zoning Map

Zoning Photo

Site Plan

Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 5987

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW PATIO HOMES IN A C-O (OFFICE) DISTRICT IN THE 2400 BLOCK OF SHADY OAKS LANE, 2300 BLOCK OF NORWOOD STREET, AND 2600-2800 BLOCKS OF WEST LAMBERTH ROAD, BEING 0.5 ACRES IN THE ELIJAH HARTZOG SURVEY, ABSTRACT NO. 540 AND 7.03 ACRES IN THE FIELDING BACON SURVEY, ABSTRACT NO. 120 (LAMBERTH CROSSING JOINT VENTURE, OWNERS; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Lamberth Crossing Joint Venture (Owners) and Preston Trail Land Surveying (Surveyor) are granted a Specific Use Permit to allow patio homes in a C-O (Office) District in the 2400 Blocks Shady Oaks Lane, 2300 Blocks Norwood Street and the 2600-2800 Blocks West Lamberth Road, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING all of that certain tract or parcel of land situated in the Fielding Bacon Survey, Abstract No. 120, and the Elijah Hartzog Survey, Abstract No. 540, City of Sherman, Grayson County, Texas, and being all of a called 7.53 acre tract of land described in the deed to Lamberth Crossing Joint Venture, A Texas Joint

Venture, recorded in Volume 5291, Page 427, Official Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found the northwest corner of said 7.53 acre tract, common to the western-most southwest corner of a called 4.014 acre right-of-way dedication recorded in Volume 2816, Page 691, said Official Public Records, and on the easterly line of a called 2.000 acre tract of land described in the deed to Frank Patrick and wife, Jessie Lea Patrick, recorded in Volume 2310, Page 912, said Official Records, and at the intersection of the southerly right-of-way line of Lamberth Road and the centerline of Shady Oaks Lane;

THENCE with the northerly and easterly lines of said 7.53 acre tract, and with the southwesterly line of said right-of-way dedication, and with the southwesterly line of said Lamberth Road, the following seven (7) courses:

North 75°55'01" East, a distance of 24.90 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 5557" found for corner

North 53°37'32" East, a distance of 18.92 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 5557" found corner at the beginning of a curve to the right having a delta angle of 04°17'01", a radius of 807.50 feet, and a chord bearing and distance of South 55°44'54" East, 60.36 feet;

Southeasterly with said curve to the right an arc distance of 60.37 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 5557" found for the beginning of a compound curve having a delta angle of 13°05'38", a radius of 1057.50 feet, and a chord bearing and distance of South 47°03'35" East, 241.14 feet;

Southeasterly with said compound curve an arc distance of 241.67 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 5557" found for corner;

South 40°30'46" East, a distance of 224.84 feet to a 1/2-inch iron rod with a plastic cap stamped "RPLS 5557" found for the beginning of a curve to the left having a delta of 26°25'31", a radius of 992.50 feet, and a chord bearing and distance of South 53°43'31" East, 453.70 feet;

Southeasterly with said curve to the left and arc distance of 457.75 feet to the northeast corner of said 7.53 acre tract from which a 1/2-inch iron rod found bears North 12°48' West, a distance of 0.6 feet;

South 12°47'56" East, a distance of 149.51 feet to a PK nail found for the southeast corner of said 7.53 acre tract, common to the southern-most southwest corner of said right-of-way dedication, and on the northerly line of a called 6.85 acre tract of land described in the deed to Claire Tate,

recorded in Volume 2981, Page 587, said Official Records, and at a bend in Norwood Street;

THENCE South 76°53'03" West, with the southerly line of said 7.53 acre tract, and with the northerly line of said 6.85 acre tract a part of the way, and in said Norwood Street a part of the way, a distance of 604.41 feet to a 1/2-inch iron rod found for the southwest corner of said 7.53 acre tract, common to the easterly corner of Lot 4, Norwood Addition, an addition to the City of Sherman, Grayson County, Texas, according to the plat thereof recorded in Volume 22, Page 184, Plat Records of Grayson County, Texas, and on the southwesterly side of a bend in said Norwood Street;

THENCE North 13°48'52" West, with the westerly line of said 7.53 acre tract, and in aforesaid Shady Oaks Lane a part of the way, passing en route at a distance of 837.35 feet a railroad spike found for witness at the southeast corner of aforesaid 2.000 acre tract, continuing on said course with the easterly line of said 2.000 acre tract, a total distance of 930.19 feet to the **POINT OF BEGINNING and enclosing 7.529 acres (327,967 square feet) of land, more or less.....**

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

Zoning:

1. All aspects of the patio home ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20'.
4. Parking is permitted on paved surfaces only.
5. The setback along Lamberth Road shall be 25'.
6. Violation of the conditions of the SUP will terminate the Specific Use Permit.
7. Review the zoning and development ordinance for additional requirements.
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. Platting of the property is required.
10. Privately owned and maintained detention in accordance with City criteria is required.
11. Curb and gutter and storm drain to be added to section adjacent to development.
12. Water shall be extended down Shady Oaks Lane to serve the development.
13. Sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.

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 _____, 2016.

ADOPTED on this the _____ day of _____, 2016.

EFFECTIVE DATE on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

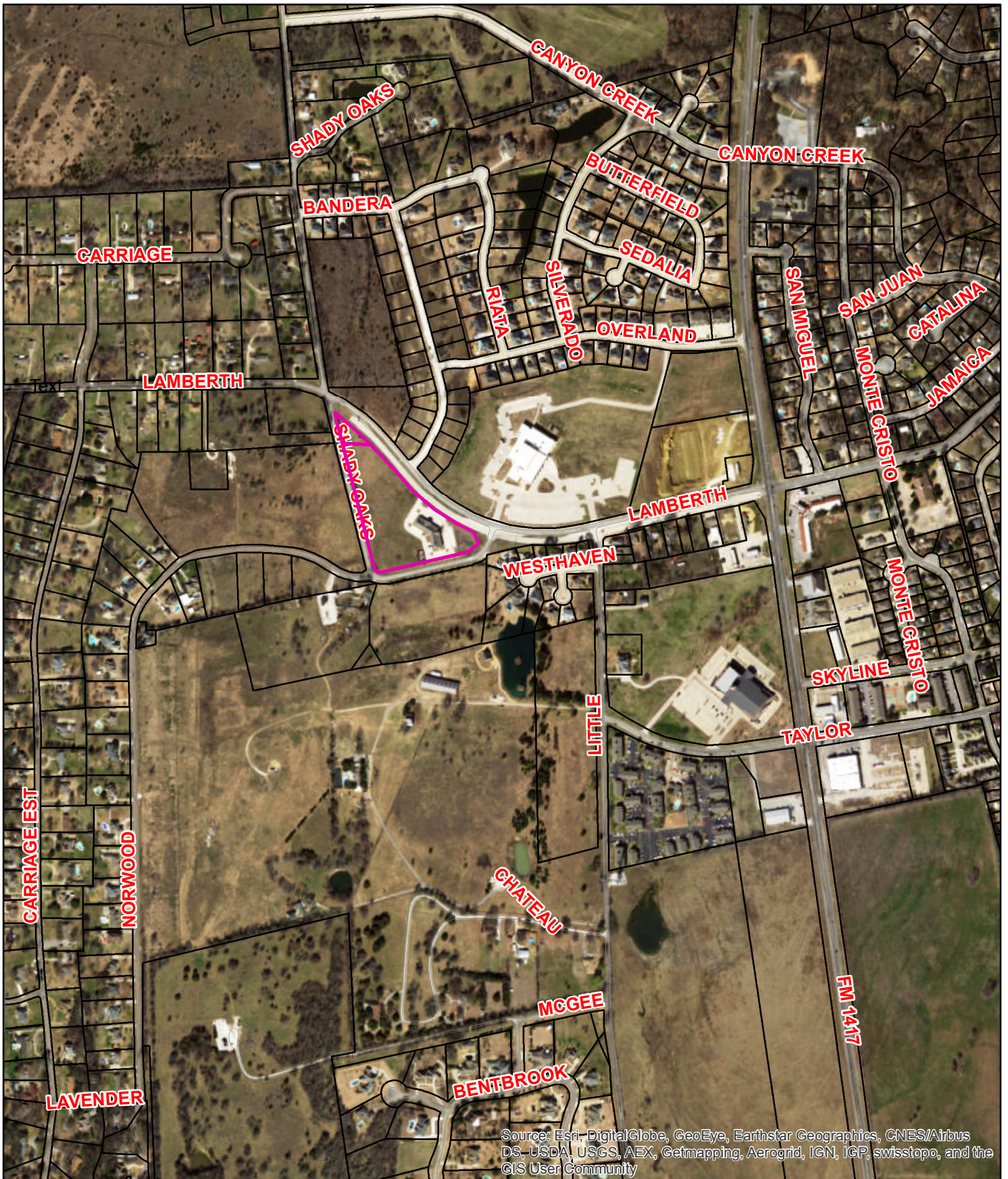
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

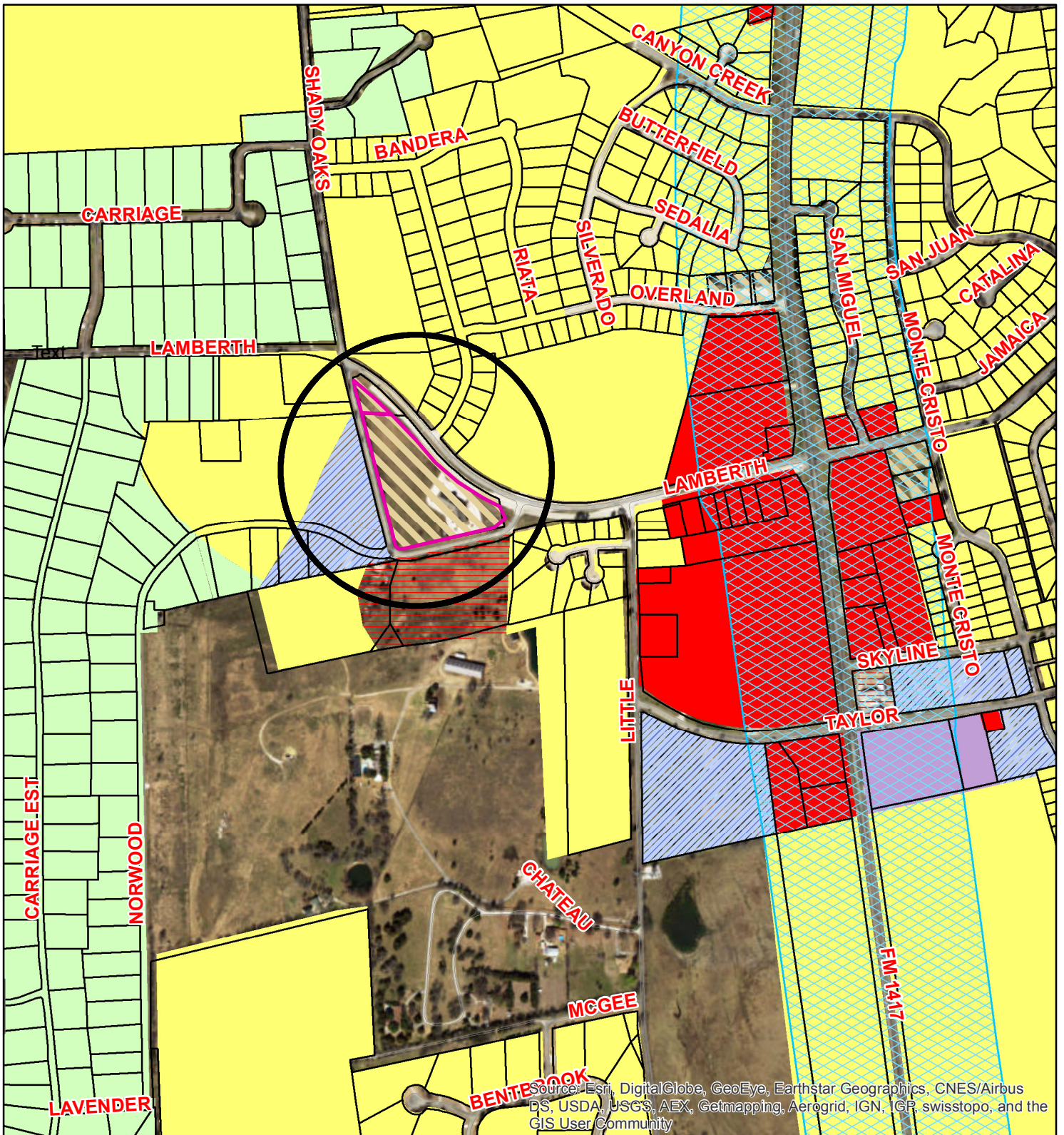
BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



2600-2800 Blks W. Lamberth



1 in = 713 ft



Zoning - 2600-2800 Blks W. Lamberth

Legend

Transportation Corridors Overlay

HWY_NAME

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75

Special Districts Overlay

DISTRICT_NAME

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

Zoning Districts

Representation: SHERM GIS.DBO.ZoningDistrict_Rep

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

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



City of Sherman, Texas
Developmental Services Department



1 in = 713 ft

2400 Blk. Shady Oaks Ln., 2300 Block Norwood St.
& The 2600-2800 Blocks W. Lamberth



N 53°40'50" E
19.10'
N 75°58'11" E
25.00'
2.000 AC.
THE PATRICK
FAMILY TRUST
VOLUME 2801, PAGE 233
O.P.R.G.C.T.

10.000 AC.
ROMAN CATHOLIC DIOCESE OF DALLAS
VOLUME 1884, PAGE 383
D.R.G.C.T.

ELIJAH HARTZOG
SURVEY ABST. NO. 540

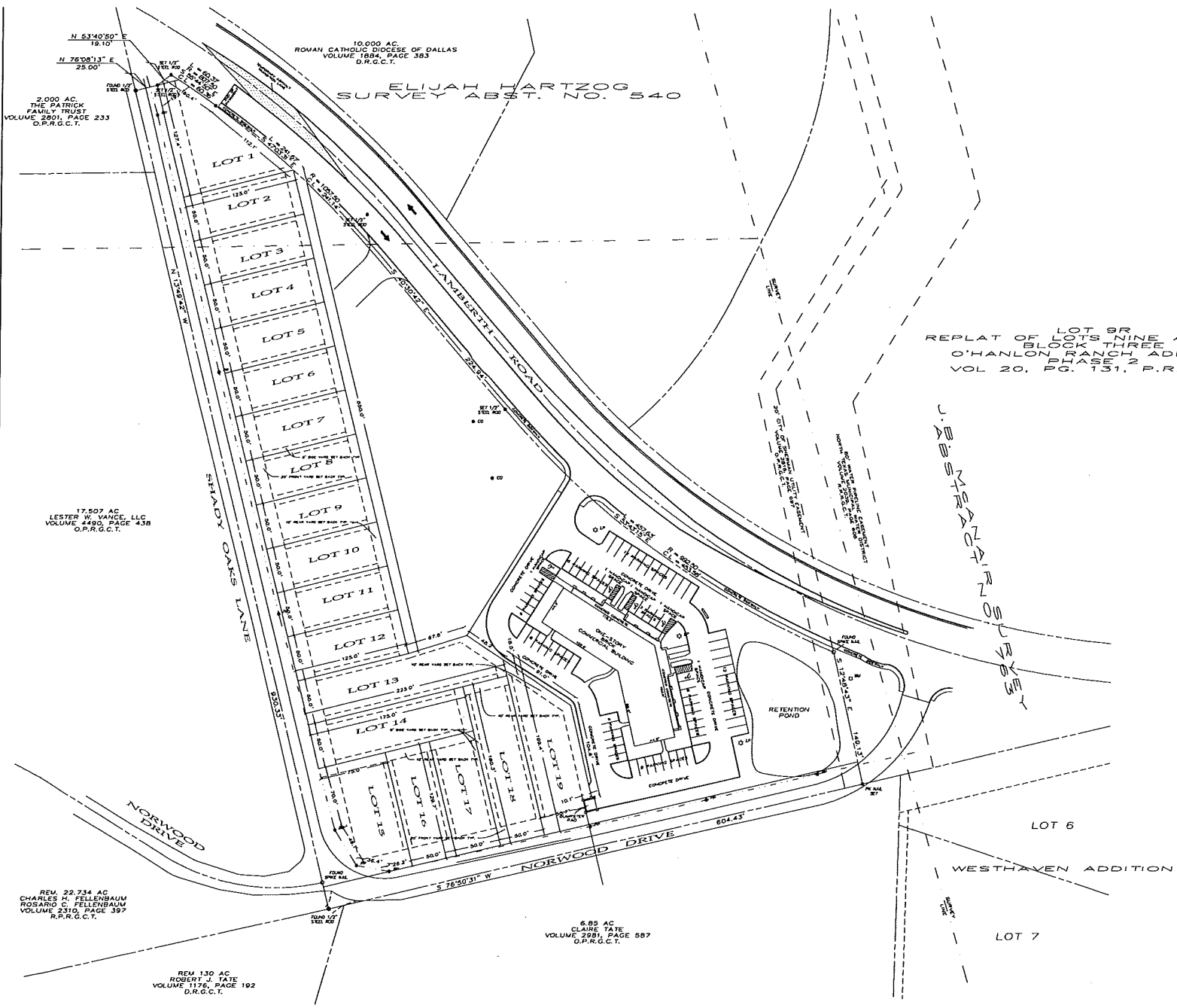
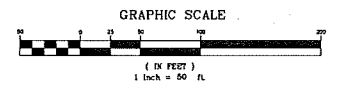
17.507 AC.
LESTER W. VANCE, LLC
VOLUME 4490, PAGE 438
O.P.R.G.C.T.

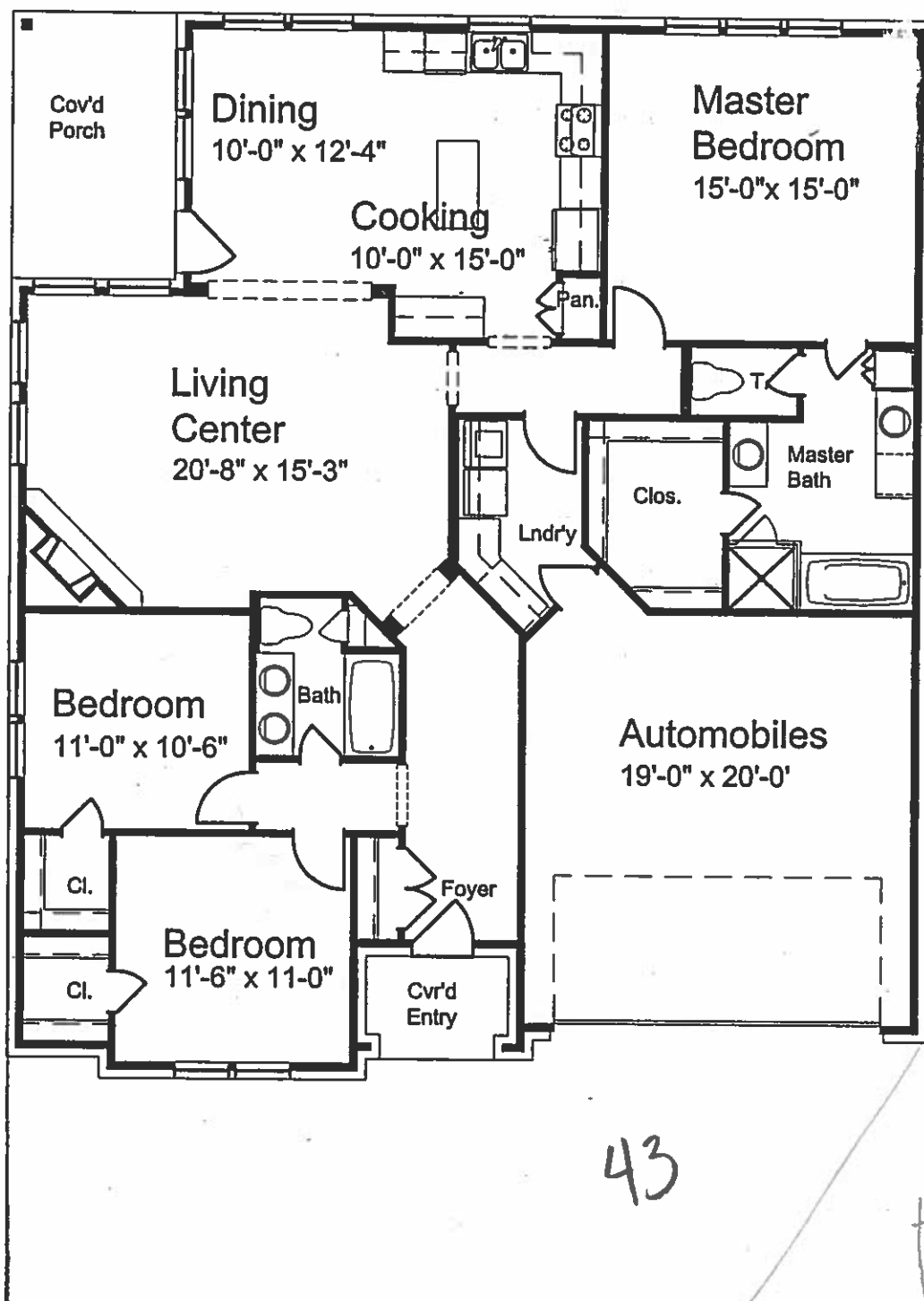
REM. 22.734 AC.
CHARLES H. ELLENBAUM
ROSARIO O. ELLENBAUM
VOLUME 2310, PAGE 397
R.P.R.G.C.T.

REM. 130 AC.
ROBERT J. TATE
VOLUME 1176, PAGE 192
D.R.G.C.T.

5.85 AC.
CLAIRE TATE
VOLUME 2981, PAGE 587
O.P.R.G.C.T.

REPLAT OF LOT 9R
BLOCK THREE
O'HANLON RANCH ADDITION
PHASE 2
VOL 20, PG. 131, P.R.G.C.T.





Lower Level Floor Plan
Scale: 1/8" = 1'-0"

AREAS

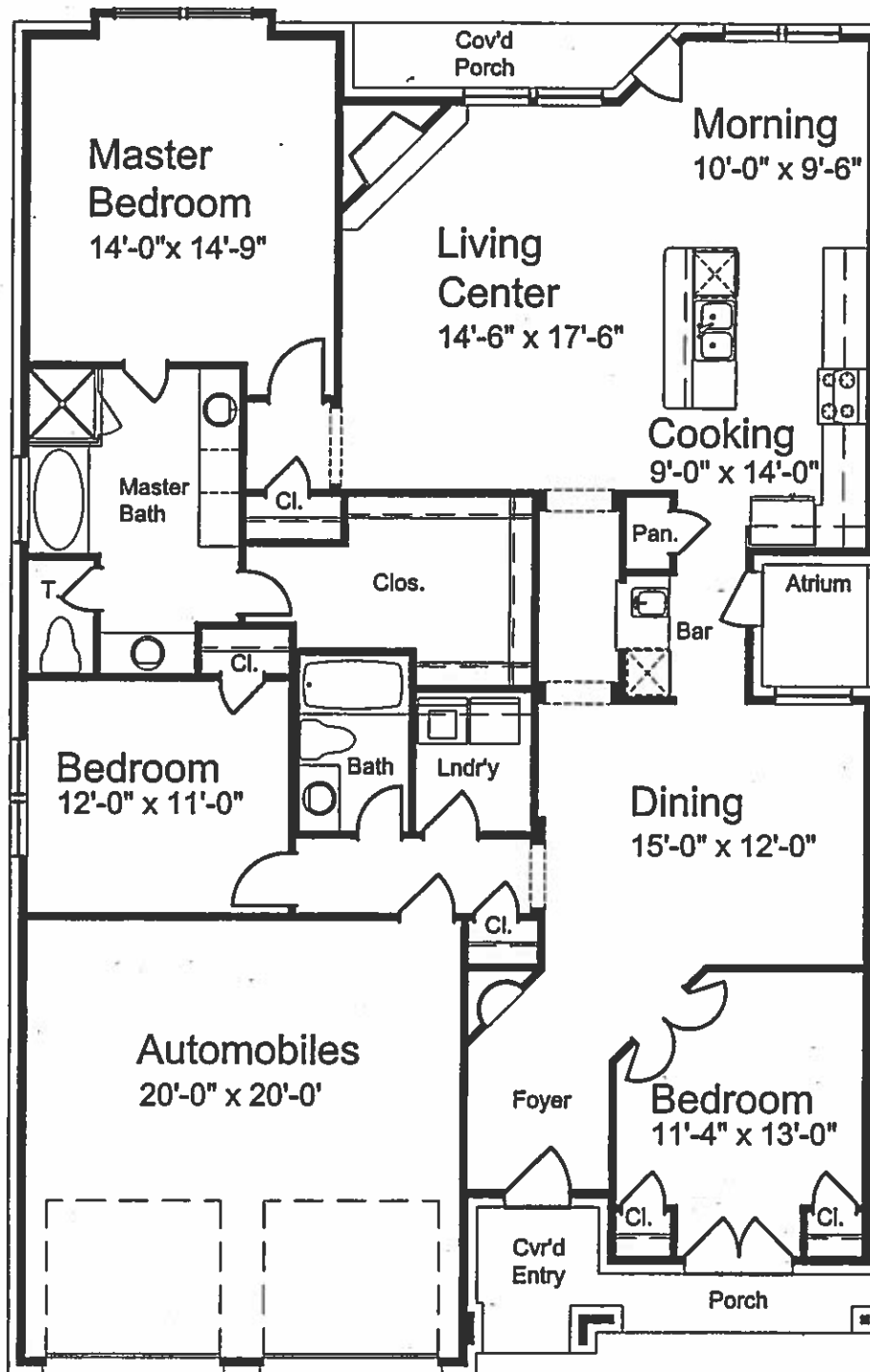
LIVING	1822
AUTOS	403
COV'D	112



FRONT ELEVATION

1/8" = 1'-0"

SARATOGA



AREAS.	
A/C LINING	1855 SF
AUTOS	435 SF
COV'D PORCH	126 SF

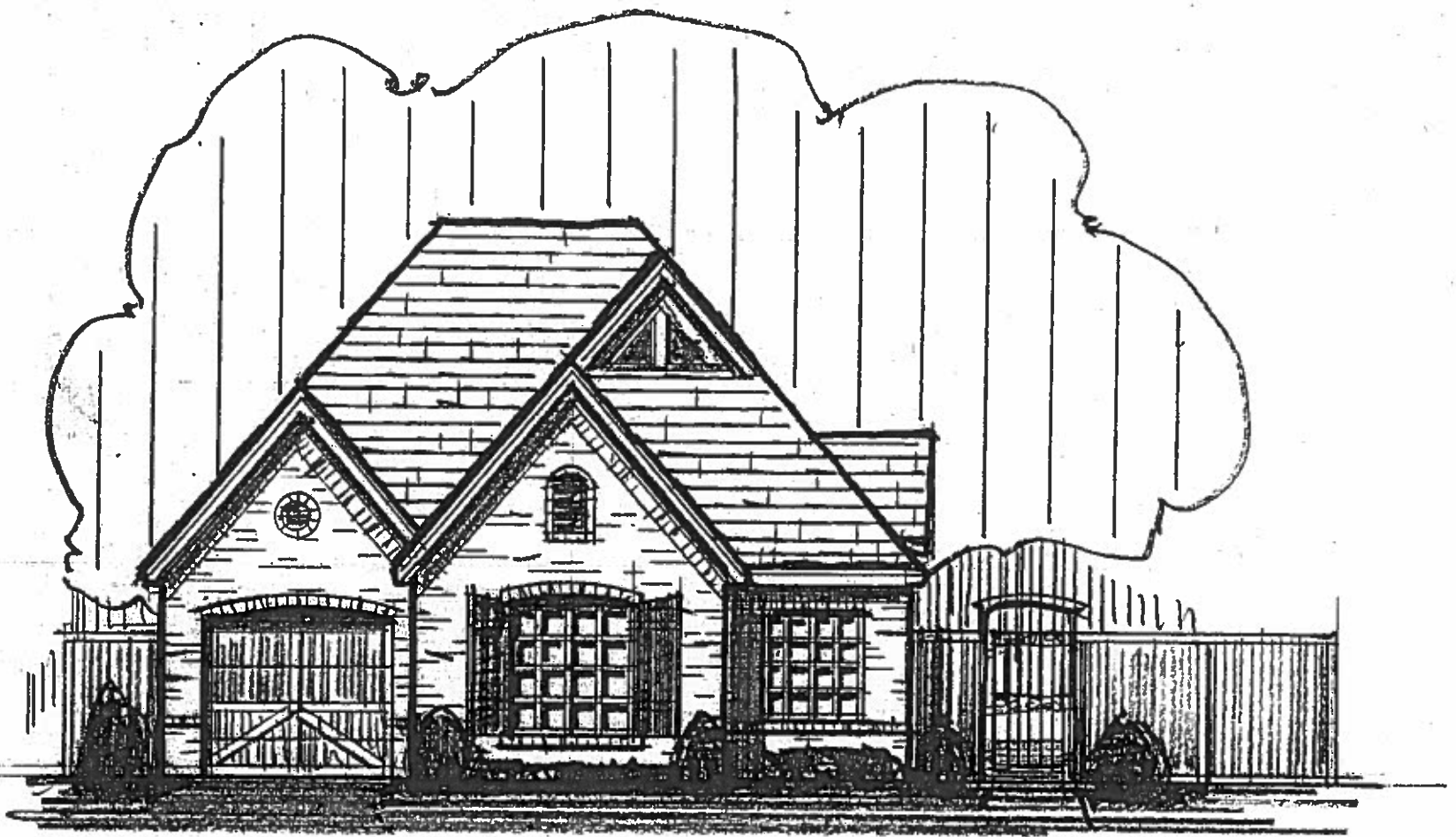
Lower Level Floor Plan
Scale: 1/8" = 1'-0"



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

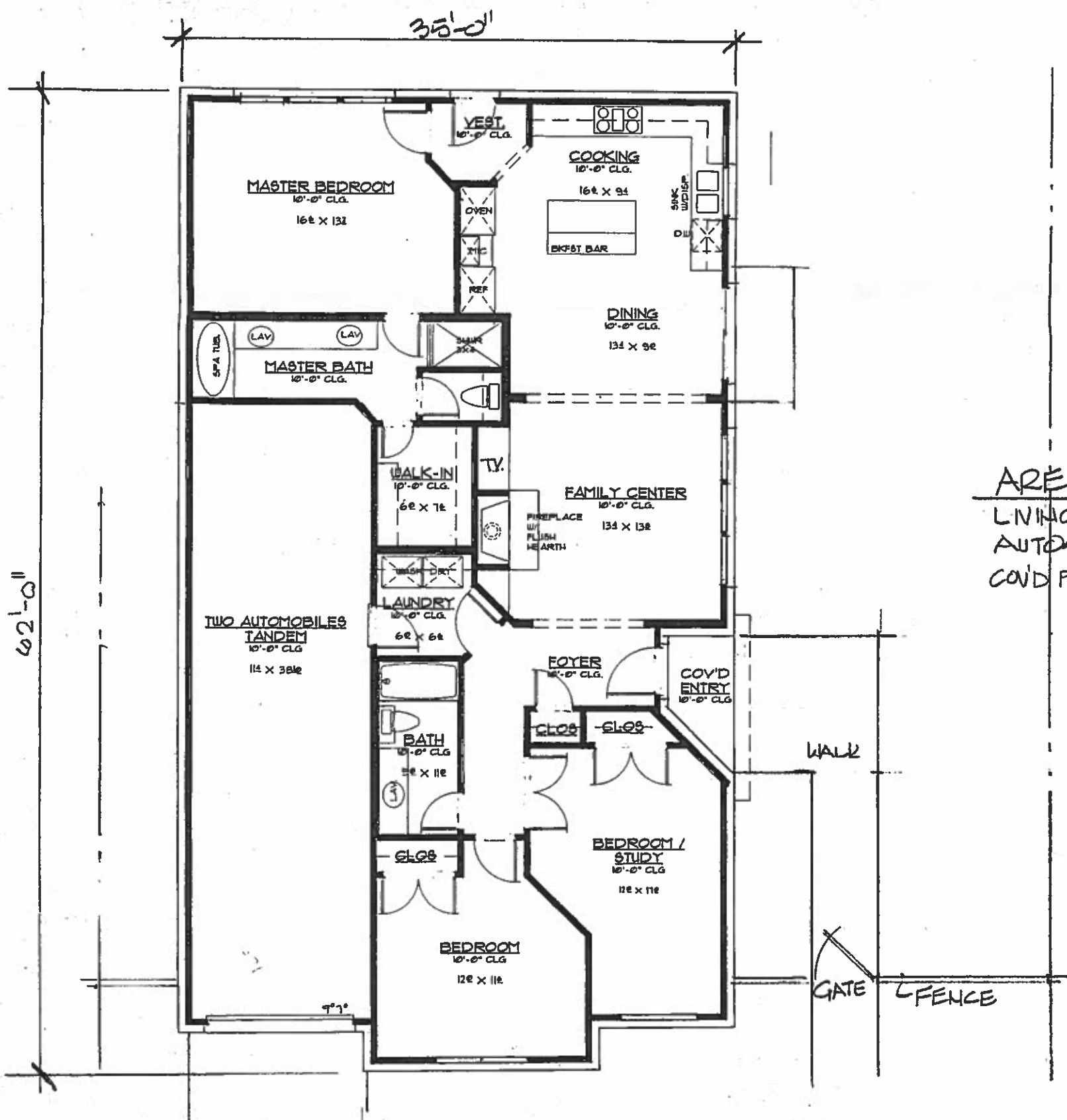
THE DONALDSON

1/11/05



FRONT ELEVATION

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

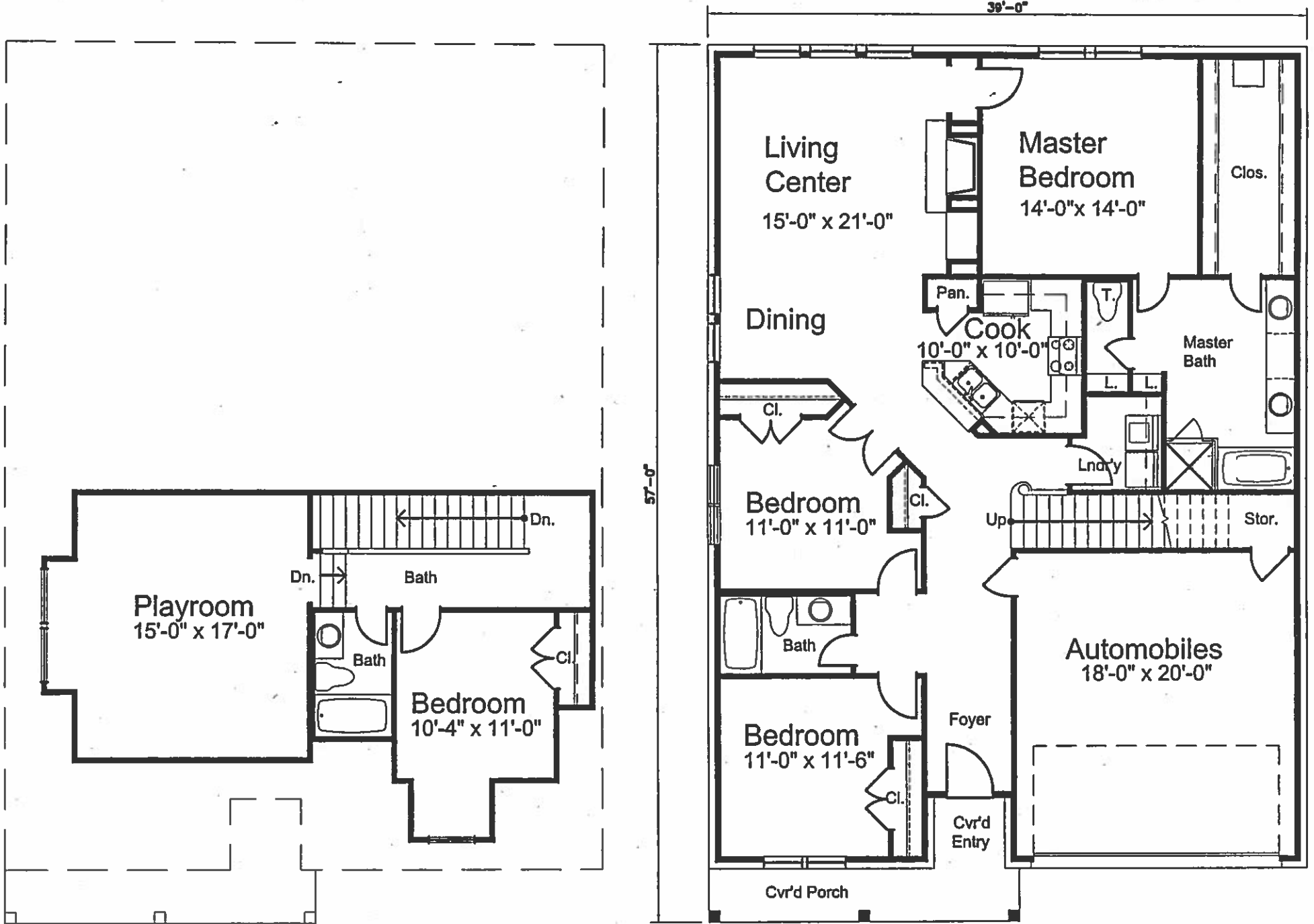


AREAS:

LIVING A/C	1622 S.F.
AUTOS	485 S.F.
COV'D PORCH	283 S.F.

FLOOR PLAN

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



Upper Level Floor Plan
 Scale: 1/8" = 1'-0"

Lower Level Floor Plan
 Scale: 1/8" = 1'-0"

AREAS:
 1712 SF LOWER
 650 SF UPPER
 404 SF AUTOS
 120 SF COVER



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

STAFF REVIEW LETTER

August 10, 2016

Lamberth Crossing Joint Venture
801 E. Taylor St.
Sherman, TX 75090

Preston Trail Land Surveying
Chris Noah
83493 N. S.H. 289 #5
Pottsboro, TX 75076

Dear Applicants,

The request for a Specific Use Permit to allow patio homes in a C-O (Office) District for the property located in the 2400 Blocks Shady Oaks Lane, 2300 Blocks Norwood Street and the 2600-2800 Blocks West Lamberth Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2016 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the patio home ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom; a parking space is considered to be 9'x20'.
4. Parking is permitted on paved surfaces only.
5. The setback along Lamberth Road shall be 25'.
6. Violation of the conditions of the SUP will terminate the Specific Use Permit.
7. Review the zoning and development ordinance for additional requirements.
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. Platting of the property is required.
10. Privately owned and maintained detention in accordance with City criteria is required.
11. Curb and gutter and storm drain to be added to section adjacent to development.
12. Water shall be extended down Shady Oaks Lane to serve the development.
13. Sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.

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: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., City Engineer
Don Keene, Asst. City Manager

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Dir. Of Community and Support Services
Amber Doan, Engineering Coordinator



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

Agenda Item No. 7.

Meeting Date: 08/16/2016

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

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

**2400 BLOCKS SHADY OAKS LANE, 2300 BLOCKS NORWOOD STREET AND
THE 2600-2800 BLOCKS W. LAMBERTH**

The request of Lamberth Crossing Joint Venture (Owners) and Preston Trail Land Surveying (Surveyor) concerning the property in the 2400 Blocks Shady Oaks Lane, 2300 Blocks Norwood Street and the 2600-2800 Blocks West Lamberth Road, being 0.5 acres in the Elijah Hartzog Survey, Abstract No. 540 and 7.03 acres in the Fielding Bacon Survey, Abstract No. 120, as follows;

Planning and Zoning Commission

- Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes in a C-O (Office) District.
- Exception under Ordinance No. 2684, Section (11) (a) to allow the existing asphalt streets (Shady Oaks Lane and Norwood Street) in lieu of the required concrete streets for minimum required improvements for new subdivision streets.

Background:

The property is located in the 2400 Blocks Shady Oaks Lane, 2300 Blocks Norwood Street and the 2600-2800 Blocks West Lamberth Road between Norwood Street and Shady Oaks Lane. The property is zoned a C-O (Office) District.

The owner would like to construct nineteen (19) patio homes on the property; the homes will be approximately 1,600 to 1,900 square feet. He is also requesting an exception to leave the existing streets (Shady Oaks Lane and Norwood Street) asphalt in lieu of the required concrete.

Adjacent Zoning:

R-A (Single Family Agricultural) District
R-1 (One Family Residential) District
R-2 (Multi-Family Residential) District
C-2 (General Commercial) District

Origination:

Lamberth Crossing Joint Venture (Owners)
Preston Trail Land Surveying (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

12

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 10.

Meeting Date: 09/06/2016

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5980, 5981, 5982, 5983, 5984, 5985, 5986 and 5987

Issue:

C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5980

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

C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5981

Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Fire Department

C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5982

Repealing Ordinance No. 5912 in its Entirety; Establishing Assignment Pay Schedules for Firefighters and Police Officers; Providing for an Effective Date

C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5983

Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", and Exhibit A, Section 6, to Add New Subsection 6.8.5 to Create an "O-1.3 (F.M. Highway 691) Overlay District", being Those Areas Inside the City Limits and 500 Feet on Either Side of Said Right-of-Way

C. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5984

Amending Chapter 14, Exhibit A of the Code of Ordinances, entitled "General Zoning Ordinance", and Exhibit A, Section 6, to Add New Subsection 6.8.6 to Create an "O-1.4 (State Highway 289) Overlay District", being Those Areas Inside the City Limits and 500 Feet on Either Side of Said Right-of-Way

C. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5985

Abandoning, Closing, and Vacating a Portion of the Platted Alley within Block 8 of Chaffin's 1st Addition to the City of Sherman, Grayson County, Texas, Portion of Said Alley to be Maintained as a Utility Easement; Conveying the Interest in Said Alley to the Abutting and Adjacent Property Owner to the North of Said Alley, Greater New Hope Church

C. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5986

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Mini-Warehouse, Self-Storage Facility in a C-1 (Retail Business) District in the 4600 block of North Travis Street and the 100-200 blocks of East Northcreek Drive, being Lot 1, Block 6 and Lot 1, Block 7 of the Replat of Blocks 1-9, North Creek Addition, Section One (Young Enterprises, LP, Owners; Todd Young, Representative; and David Baca Studio, LLC, Architect); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

C. 9. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5987

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in a C-O (Office) District in the 2400 block of Shady Oaks Lane, 2300 block of Norwood Street, and 2600-2800 blocks of West Lamberth Road, being 0.5 acres in the Elijah Hartzog Survey, Abstract No. 540 and 7.03 acres in the Fielding Bacon Survey, Abstract No. 120 (Lamberth Crossing Joint Venture, Owners; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 11.

Meeting Date: 09/06/2016

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

D. 5. * RESOLUTION NO. 6124

Authorizing the Execution of a Drainage Agreement with Sapphire Group, LLC

D. 6. * RESOLUTION NO. 6125

Authorizing the Execution of a Development Agreement with Sapphire Group, LLC for the Construction of a Public Sewer Main in the Replat of Block 6 of Exstien's Maple Addition, a 3.897-Acre Subdivision North of Pecan Street along North Sam Rayburn Freeway in the City of Sherman

D. 8. * RESOLUTION NO. 6127

Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, Ltd. based on an Invitation to Bid for Construction of a Cart Barn to be located at the Solid Waste Department

D. 9. * RESOLUTION NO. 6128

Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, Ltd. based on an Invitation to Bid for Construction of a Truck Shed Foundation to be Located at the Solid Waste Department

D. 10. * RESOLUTION NO. 6129

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

D. 11. * RESOLUTION NO. 6130

Revoking and Replacing Resolution No. 6004; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

D. 12. * RESOLUTION NO. 6131

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the Use of Community Development Block Grant Funds

D. 13. * RESOLUTION NO. 6132

Adopting an Investment Policy for the City of Sherman

D. 14. * RESOLUTION NO. 6133

Adopting a Long-Term Debt Policy for the City of Sherman

D. 15. * RESOLUTION NO. 6134

Authorizing Execution of an Agreement with David Ryan Patterson for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 321 West Walcott Street

E. 2. * OTHER BUSINESS

Consider Request of the Sherman Independent School District and the Sherman High School Student Council to Temporarily Close Certain Streets for the "2016 Sherman High School Homecoming Parade" on Monday, September 12, 2016

E. 3. * OTHER BUSINESS

Consider Request of Downtown Sherman NOW to Temporarily Close Certain Streets for the "Stroll on the Square & Texoma's Best Bite" on Saturday, October 1, 2016

E. 4. * OTHER BUSINESS

Consider Request of True Options Pregnancy Center to Temporarily Close Certain Streets for the First Annual "Turkey Trot 5K & Fun Run" on Saturday, November 19, 2016, with a Rain Date of Saturday, November 26, 2016

E. 5. * OTHER BUSINESS

Exception for Lamberth Crossing Joint Venture, Owners; and Preston Trail Land Surveying, Surveyor, under Ordinance No. 2684, Section 11(a) to Allow the Existing Asphalt Streets (Shady Oaks Lane and Norwood Street) in Lieu of the Required Concrete Streets for Minimum Required Improvements for New Subdivision Streets in the 2400 block of Shady Oaks Lane and the 2300 block of Norwood Street

E. 6. * OTHER BUSINESS

Replat Approval of Sidney Heights Addition and Lot 1, Replat of Part of Block 4 of the Replat of Midway Mall, being 13.457 acres in the W.F. Patterson Survey, Abstract No. 969, being All of Lots 1, 2 and 3 of Sidney Heights Addition, also being All of a 0.284 acre Tract of Land that was Former Highway Right-of-Way and All of Lot 1 of the Replat of Part of Block 4 of the Replat of Midway Mall; Chris and Katherine Martin, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (4312 and 4316 Texoma Parkway)

E. 7. * *OTHER BUSINESS*

Final Plat Approval of Grayson Grand Central Station Addition, being a Replat of Lots 16-24, Block 1, Chaffin's First Addition, being All of Lots 16 through 24, Block 1, Chaffin's First Addition; Grayson Grand Central Station, Owners; and Sartin and Associates, Inc., Surveyor (613 and 623 East Lamar Street and 110 South Throckmorton Street)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 1.

Meeting Date: 09/06/2016

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6120

Awarding a Bid to and Authorizing Execution of a Special Warranty Deed with Ipenema Investments, Ltd. for the Sale of City-Owned Surplus Real Property at 1400 South Gribble Street, also known as the Former Sherman Armory

Issue:

To consider the award of a bid and grant of a special warranty deed for the sale of the City-owned real property located at 1400 South Gribble Street, also known as the former Sherman Armory

Background:

At a regularly scheduled meeting on June 6, 2016, staff identified a number of surplus tracts of real property owned by the City that are not being utilized for a public purpose. At this meeting, the City Council authorized the request to advertise for public bid for the sale of real property. One (1) bidder responded to the request for competitive sealed bids. The sole bid in the amount of \$171,500.00 was submitted by Ipenema Investments, Ltd.

Origination:

Finance Department

Financial Consideration:

The sale of this property would yield \$171,500.00 and return the property to the tax rolls.

Staff Recommendation:

It is recommended that the City Council award the sale and authorize execution of a special warranty deed to Ipenema Investments, Ltd. in the amount of \$171,500.00.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6120

Special Warranty Deed

Bid Tabulation

Location Map

RESOLUTION NO. 6120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SPECIAL WARRANTY DEED WITH IPENEMA INVESTMENTS, LTD. FOR THE SALE OF CITY-OWNED SURPLUS REAL PROPERTY AT 1400 SOUTH GRIBBLE STREET, ALSO KNOWN AS THE FORMER SHERMAN ARMORY; 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 Ipenema Investments, Ltd., a Texas Limited Partnership, is hereby awarded the bid for the purchase of the City of Sherman's surplus real property located at 1400 South Gribble Street, being a 9.3697 acre (408,144 square foot) tract of land located in the G. B. Pilant Survey, Abstract No. 963, in the City of Sherman, Grayson County, Texas, and being the remainder of a called 56,450 square vara (10 acre) tract of land conveyed to the Texas National Guard Armory Board by the Deed dated March 28, 1949 and recorded in Volume 579, Page 137 of the Deed Records of Grayson County, Texas, also known as the former Sherman Armory, in the total amount of One Hundred Seventy-One Thousand Five Hundred Dollars and No Cents (\$171,500.00); and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Special Warranty Deed for the sale of the aforementioned real property to Ipenema Investments, Ltd., 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 _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

SPECIAL WARRANTY DEED

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

THAT THE CITY OF SHERMAN, TEXAS, a Texas municipality ("Grantor"), of Grayson County, Texas, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to Grantor, in hand paid by IPENEMA INVESTMENTS, LTD, a Texas Limited Partnership ("Grantee"), whose address is 4309 North Central Expressway, Dallas, Texas 75205, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto Grantee that certain tract or parcel of land located at 1400 South Gribble Street, being a 9.3697 acre (408,144 square foot) tract of land in the G.B. Pilant Survey, Abstract No. 963, in the City of Sherman, Grayson County, Texas, being a 9.3697 acre (408,144 square foot) tract of land located in the G. B. Pilant Survey, Abstract No. 963, in the City of Sherman, Grayson County, Texas, and being the remainder of a called 56,450 square vara (10 acre) tract of land conveyed to the Texas National Guard Armory Board by the Deed dated March 28, 1949 and recorded in Volume 579, Page 137 of the Deed Records of Grayson County, Texas, also known as the former Sherman Armory, and being more particularly described on Exhibit "A", attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and hereditaments thereto in anywise belonging unto the said Grantee and its assigns.

And Grantor hereby binds itself, its successors and assigns to forever warrant and defend the rights and title to said premises unto the said Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this instrument has been executed on this the _____ day of _____, 2016.

GRANTEE:
CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY, CITY ATTORNEY

Authorized by Resolution No. _____ dated _____, 2016.

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS INSTRUMENT was acknowledged before me on this the _____ day of _____, 2016, by ROBBY HEFTON, CITY MANAGER OF THE CITY OF SHERMAN, a Texas municipality, who, being by me duly sworn, acknowledged to me that having been first duly authorized by said municipality so to do, he executed the above and foregoing instrument in the capacity stated, on behalf of said municipality, and as its act and deed.

WITNESS MY HAND AND OFFICIAL SEAL on this the _____ day of _____, 2016.

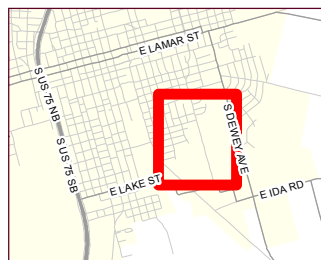
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CITY OF SHERMAN
BID TABULATION
Sale of Real Property - Armory ITB
BID OPENING Tuesday, August 23, 2016; 3:00 PM

[illegible]



City of Sherman
Armory
1400 S Gribble St





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 2.

Meeting Date: 09/06/2016

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6121

Awarding a Bid to and Authorizing Execution of a Special Warranty Deed with Ipenema Investments, Ltd. for the Sale of City-Owned Surplus Real Property at 400 North Sam Rayburn Freeway and 405 North Washington Street, also known as the Former Sherman Youth Center

Issue:

To consider the award of bid and grant of a special warranty deed for the sale of the City-owned real property located at 400 North Sam Rayburn Freeway and 405 North Washington Street, known as the former Sherman Youth Center

Background:

At a regularly scheduled meeting on June 6, 2016, staff identified a number of surplus tracts of real property owned by the City that are not being utilized for a public purpose. At this meeting, the City Council authorized the request to advertise for public bid for the sale of real property. Four (4) bidders responded to the request for competitive sealed bids. The highest bid in the amount of \$225,500.00 was submitted by Ipenema Investments, Ltd.

Origination:

Finance Department

Financial Consideration:

The sale of this property would yield \$225,500.00 and return the property to the tax rolls.

Staff Recommendation:

It is recommended that the City Council award the sale and authorize execution of a special warranty deed to Ipenema Investments, Ltd. in the amount of \$225,500.00.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6121

Special Warranty Deed

Bid Tabulation

Location Map

RESOLUTION NO. 6121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A SPECIAL WARRANTY DEED WITH IPENEMA INVESTMENTS, LTD. FOR THE SALE OF CITY-OWNED SURPLUS REAL PROPERTY AT 400 NORTH SAM RAYBURN FREEWAY AND 405 NORTH WASHINGTON STREET, ALSO KNOWN AS THE FORMER SHERMAN YOUTH CENTER; 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 Ipenema Investments, Ltd., a Texas Limited Partnership, is hereby awarded the bid for the purchase of the City of Sherman's surplus real property located at 400 North Sam Rayburn Freeway and 405 North Washington Street, being a 2.3 acre (650 x 313 irregular, 100,188 square foot) tract of land located in the J. B. McAnair Survey, Abstract No. 763, in the City of Sherman, Grayson County, Texas, and recorded in the Deed Records of Grayson County, Texas, also known as the former Sherman Youth Center, in the total amount of Two Hundred Twenty-Five Thousand Five Hundred Dollars and No Cents (\$225,500.00); and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Special Warranty Deed for the sale of the aforementioned real property to Ipenema Investments, Ltd., 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 _____, 2016.

CITY OF SHERMAN, TEXAS

**BY: _____
DAVID PLYLER, MAYOR**

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

SPECIAL WARRANTY DEED

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

THAT THE CITY OF SHERMAN, TEXAS, a Texas municipality ("Grantor"), of Grayson County, Texas, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to Grantor, in hand paid by IPENEMA INVESTMENTS, LTD, a Texas Limited Partnership ("Grantee"), whose address is 4309 North Central Expressway, Dallas, Texas 75205, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto Grantee that certain tract or parcel of land located at 400 North Sam Rayburn Freeway and 405 North Washington Street, being a 2.3 acre (650 X 313 irregular, 100,188 square foot) tract of land in the J. B. McAnair Survey, Abstract No. 763, in the City of Sherman, Grayson County, Texas, also known as the Former Youth Center, and being more particularly described on Exhibit "A", attached hereto and made a part hereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and hereditaments thereto in anywise belonging unto the said Grantee and its assigns.

And Grantor hereby binds itself, its successors and assigns to forever warrant and defend the rights and title to said premises unto the said Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, this instrument has been executed on this the _____ day of _____, 2016.

GRANTEE:
CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY, CITY ATTORNEY

Authorized by Resolution No. _____ dated
_____, 2016.

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

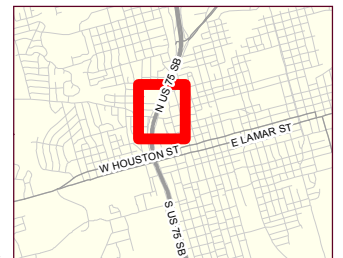
THIS INSTRUMENT was acknowledged before me on this the _____ day of _____, 2016, by ROBBY HEFTON, CITY MANAGER OF THE CITY OF SHERMAN, a Texas municipality, who, being by me duly sworn, acknowledged to me that having been first duly authorized by said municipality so to do, he executed the above and foregoing instrument in the capacity stated, on behalf of said municipality, and as its act and deed.

WITNESS MY HAND AND OFFICIAL SEAL on this the _____ day of _____, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CITY OF SHERMAN
BID TABULATION
Sale of Real Property - Sherman Youth Center ITB
BID OPENING Tuesday, August 23, 2016; 3:00 PM

[illegible]





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 3.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6122

Authorizing the Acceptance of a Special Warranty Deed from Allow Us to Help, LLC for the Conveyance of Property located at 228 Kessler Boulevard, being the North Four Feet (4 Ft.) of Lot Ten (10) and All of Lot Eleven (11) of Parkview Addition to the City of Sherman, Texas, as Shown by Plat of Record in Volume 306, Page 155 of the Deed Records of Grayson County, Texas

Issue:

To consider the acceptance of a Special Warranty Deed for the purchase of property located at 228 Kessler Boulevard, Sherman, Texas

Background:

Post Oak Creek, which runs parallel to Kessler Boulevard, has eroded and caused a slope failure to occur that includes a section of the roadway. A contract was approved in March to repair the erosion damage. Soon after construction started, another slope failure occurred which caused additional engineering and construction costs to rise. In May, the second slope failure increased in size and caused additional damage. The failure started to affect an existing sanitary sewer line running along Kessler Boulevard. Construction was suspended. Staff decided to close Kessler and begin to purchase the nine homes due to the future unpredictability of the creek. This also reduces risk of any future property damage. All homes have been appraised; and the property owners have volunteered to sell their property to the City.

Origination:

Engineering Department

Financial Consideration:

The sales price of \$45,000.00, along with County Clerk fees for recording, will be funded through a combination of the Capital Improvement Fund and General Fund Reserves.

Staff Recommendation:

Staff recommends that the City Council approve the resolution to authorize the purchase and conveyance of the subject property.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6122

Special Warranty Deed

Location Map

RESOLUTION NO. 6122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM ALLOW US TO HELP, LLC FOR THE CONVEYANCE OF PROPERTY LOCATED AT 228 KESSLER BOULEVARD, BEING THE NORTH FOUR FEET (4 FT.) OF LOT TEN (10) AND ALL OF LOT ELEVEN (11), OF PARKVIEW ADDITION TO THE CITY OF SHERMAN, TEXAS, AS SHOWN BY PLAT OF RECORD IN VOLUME 306, PAGE 155 OF THE DEED RECORDS OF GRAYSON COUNTY, TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the 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 accept a Special Warranty Deed from Allow Us to Help, LLC for the conveyance of a tract of land located at 228 Kessler Boulevard in Sherman, Texas, being the North Four Feet (4 Ft.) of Lot Ten (10) and all of Lot Eleven, of Parkview Addition to the City of Sherman, Texas, in the same or substantially same form as the Special Warranty Deed document 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 _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

NOTICE OF CONFIDENTIALITY RIGHTS; IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS; YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: September 6, 2016

Grantor: ALLOW US TO HELP, LLC

Grantor's Mailing Address (including county):

P.O. Box 662
Prosper, TX 75078-0662

Grantee: CITY OF SHERMAN, a municipal corporation of the State of Texas

Grantee's Mailing Address (including county):

P. O. Box 1106
Sherman, Texas 75091
Grayson County

Consideration: FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED AND FOR WHICH NO LIEN, EITHER EXPRESS OR IMPLIED IS RESERVED.

Property (including any improvements):

Being that same property conveyed by Zoltan K. Lenzser, to Allow Us to Help, LLC, Grantee by deed recorded in Volume 4964, Page 908 of the Official Public Records of Grayson County, Texas, described as follows:

Being the North Four Feet (4 Ft.) of Lot TEN (10) and all of Lot ELEVEN (11), of Parkview Addition to the City of Sherman, Texas, as shown by plat of record in Volume 306, Page 155 of the Deed Records of Grayson County, Texas, also known as 228 Kessler Blvd., Sherman, TX 75092.

Reservations from and Exceptions to Conveyance and Warranty:

Subject to any and all valid and subsisting easements, restrictions, covenants, conditions, rights-of-way, mineral reservations and oil and gas leases, properly of record, if any, relating to the hereinabove described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through or under Grantor but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

Grantor:

ALLOW US TO HELP, LLC
BY: TUNDE HOLDREN, Member

ALLOW US TO HELP, LLC
BY: JAMES HOLDREN, Member

(Acknowledgments)

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared TUNDE HOLDREN, known to me (or proved to me on the oath of _____ or through (description of identity card or other document) to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same on behalf 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 _____, 2016.

NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared JAMES HOLDREN, known to me (or proved to me on the oath of _____ or through (description of identity card or other document) to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same on behalf 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 _____, 2016.

NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO
City of Sherman
Office of the City Attorney
P. O. Box 1106
Sherman, TX 75091-1106



1 inch = 100 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 4.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6123

Authorizing the Execution of Supplemental Agreement No. 1 to Resolution No. 6095 Contract for Engineering Services for the Widening of F.M. 1417 (Heritage Parkway) from Washington Street to Just South of U.S. Highway 82 Project with H.W. Lochner, Inc.

Issue:

Approval of a Supplemental Agreement No. 1 to Resolution No. 6095 Contract for Engineering Services with H.W. Lochner, Inc. for the schematic design and environmental studies of F.M. 1417 (Heritage Parkway) from Washington Street to just South of U.S. Highway 82.

Background:

On June 20, 2016, the Sherman City Council approved Resolution No. 6095, awarding a Contract for Engineering Services with H.W. Lochner, Inc. for the schematic design and environmental studies of F.M. 1417 (Heritage Parkway) from Washington Street to just south of U.S. Highway 82. On August 12, 2016, the Policy Board for the Sherman-Denison Metropolitan Planning Organization extended the limits of funding for Heritage Parkway (FM 1417) south to include the bridge over Sand Creek. In order to prepare preliminary engineering designs used for acquiring right-of-way and relocating utilities, it is necessary to extend the contract for the project by 1.0 mile south to Houston Street (SH 56).

Supplemental Agreement No. 1 states changes made to accommodate said extension.

Origination:

Public Works and Engineering Department

Financial Consideration:

The maximum amount payable is increased by \$187,534.00, from \$376,117.50 to \$563,660.50, for the completion of this Contract. Funds for this project will be from the 2016 Certificates of Obligation Bond issuance

Staff Recommendation:

It is recommended that the Supplemental Agreement No. 1 for the Widening Project be approved.

Alternatives:

Those as may be directed by the City Council

Attachments

Resolution No. 6123

Supplemental Agreement No. 1 to Resolution No. 6095

Exhibit C-1 (Resolution No. 6095 SA#1)

Location Map

RESOLUTION NO. 6123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 1 TO RESOLUTION NO. 6095 CONTRACT FOR ENGINEERING SERVICES FOR THE WIDENING OF F.M. 1417 (HERITAGE PARKWAY) FROM WASHINGTON STREET TO JUST SOUTH OF U.S. HIGHWAY 82 PROJECT WITH H.W. LOCHNER, INC.; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute Supplemental Agreement No. 1 to Resolution No. 6095 Contract for Engineering Services for the widening of F.M. 1417 (Heritage Parkway) from Washington Street to just south of U.S. Highway 82 Project with H.W. Lochner, Inc., in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

**SUPPLEMENTAL AGREEMENT NO. 1
TO RESOLUTION NO. 6095
CONTRACT FOR ENGINEERING SERVICES**

THIS SUPPLEMENTAL WORK AUTHORIZATION is made pursuant to the terms and conditions of the Contract Resolution No. 6095 passed and approved by the City of Sherman City Council on June 20, 2016 hereafter identified as the "Contract" entered into by and between the City of Sherman (the City), and H. W. Lochner, Inc., (the Engineer).

BACKGROUND

The following terms and conditions of City of Sherman, TX Resolution 6095 are hereby amended as follows:

- I. Exhibit A, Services to be Provided by the Engineer, the first paragraph is deleted and replaced with following paragraph to extend the project's southern limit approximately 1.0 mile to the south from Washington St. to SH 56 (W. Houston St.):

The work to be performed by the Engineer shall consist of providing preliminary engineering services for development of a schematic layout, environmental studies in support of the schematic work, public involvement, permit procurement, data collection analysis, mitigation and remediation, monitoring, traffic engineering and operations including traffic simulations and 3-D modeling, and surveying and mapping for FM 1417 from SH 56 (W. Houston St.), to just South of US 82 in Sherman, Texas.
- II. Exhibit B, Schedule of Engineering Services to be Provided – Remains unchanged.
- III. Exhibit C, Fee Schedule, is supplemented to include additional man-hour/fees as shown in the attached Exhibit C-1, to extend the project 1.0 miles to the South.
- IV. The maximum amount payable is increased by \$187,534.00 from \$376,117.50 to \$563,660.50 for the completion of this Contract.

This Supplemental Agreement shall become effective on the date of the final execution of the parties hereto. All other terms and conditions as stated in the City of Sherman, TX Resolution 6095 not hereby amended are to remain in full force and effect.

IN WITNESS WHEREOF, this Supplemental Work Authorization is executed in duplicate counterparts and hereby accepted and acknowledged below:

THE ENGINEER

THE CITY OF SHERMAN

(Signature)

(Printed Name)

(Title)

(Date)

(Signature)

(Printed Name)

(Title)

(Date)

Attachments:
Exhibit C-1

Original Contract Summary (US 82 to Washington St.)

FIRM	ROLE	TOTAL FOR DESIGN	TOTAL FOR ODE	CONTRACT TOTAL	PERCENT OF TOTAL CONTRACT	DBE PERCENTAGE
Provider 1 H. W. Lochner, Inc.	Project Management, Preliminary Engineering, and Schematic Development	\$213,500.00	\$6,177.50	\$219,677.50	58.41%	
Provider 2 H. W. Lochner, Inc.(Surveying Tasks)	Design Surveying and Utility Coordination Services	\$53,492.00	\$29,072.00	\$82,564.00	21.95%	
Sub Provider - Cox McLain Environmental Consulting, Inc.	Environmental Documentation	\$71,558.00	\$2,318.00	\$73,876.00	19.64%	19.64%
Total Contract Cost		\$ 338,550.00	\$ 37,567.50	\$ 376,117.50	100.00%	19.64%
						Note: Total adjusted for rounding

Supplemental Agreement #1 (Washington St. to SH 56)

FIRM	ROLE	TOTAL FOR DESIGN	TOTAL FOR ODE	CONTRACT TOTAL	PERCENT OF TOTAL CONTRACT	DBE PERCENTAGE
Provider 1 H. W. Lochner, Inc.	Project Management, Preliminary Engineering, and Schematic Development	\$123,480.00	\$1,000.00	\$124,480.00	66.37%	
Provider 2 H. W. Lochner, Inc.(Surveying Tasks)	Design Surveying and Utility Coordination Services	\$26,004.00	\$3,803.00	\$29,807.00	15.89%	
Sub Provider - Cox McLain Environmental Consulting, Inc.	Environmental Documentation	\$33,126.00	\$130.00	\$33,256.00	17.73%	17.73%
Total Contract Cost		\$ 182,610.00	\$ 4,933.00	\$ 187,543.00	100.00%	17.73%
						Note: Total adjusted for rounding

New Adjusted Contract Amount with Supplemental Agreement #1 Included (US 82 to SH 56)

FIRM	ROLE	TOTAL FOR DESIGN	TOTAL FOR ODE	CONTRACT TOTAL	PERCENT OF TOTAL CONTRACT	DBE PERCENTAGE
Provider 1 H. W. Lochner, Inc.	Project Management, Preliminary Engineering, and Schematic Development	\$336,980.00	\$7,177.50	\$344,157.50	61.06%	
Provider 2 H. W. Lochner, Inc.(Surveying Tasks)	Design Surveying and Utility Coordination Services	\$79,496.00	\$32,875.00	\$112,371.00	19.94%	
Sub Provider - Cox McLain Environmental Consulting, Inc.	Environmental Documentation	\$104,684.00	\$2,448.00	\$107,132.00	19.01%	19.01%
Total Contract Cost		\$ 521,160.00	\$ 42,500.50	\$ 563,660.50	100.00%	19.01%
						Note: Total adjusted for rounding

PRIME PROVIDER: H.W. Lochner, Inc.

TASK DESCRIPTION	PRINCIPAL	PROJECT MANAGER	PROJECT ENGR	DESIGN ENGR	EIT	SENIOR ENGR TECH	ENGR TECH	JUNIOR ENGR TECH	ADMIN/ CLERICAL	TASK TOTALS	TOTAL LABOR HRS. & COSTS
CONTRACT RATE PER HOUR	\$210.00	\$190.00	\$150.00	\$125.00	\$90.00	\$110.00	\$80.00	\$65.00	\$60.00		
ROUTE AND DESIGN STUDIES (Function Code 110)											
Provide Data Collection											
a. Obtain available Corridor Major Investment Studies										\$0.00	0
b. Obtain design data from record drwgs of exist and prop facilities										\$0.00	0
c. Obtain/request exist and future design yr traffic data from State										\$0.00	0
d. Obtain roadway inventory information, including the number of lanes, speed limits, pvmnt and brdg widths and ROW widths		2	2							\$680.00	4
e. Obtain aerial photos, planimetric mapping, and DTM from State			2			4				\$740.00	6
f. Obtain environmental data										\$0.00	0
g. Review and include previously prepared drainage studies			20		20					\$4,800.00	40
h. Obtain adopted land use maps and plans as available			1							\$150.00	1
i. Obtain FEMA Flood Boundary Maps			16		16					\$3,840.00	32
j. Obtain public and private utility information			2							\$300.00	2
Attend Preliminary Design Conference											
Prep./submit a preliminary Design Summary Report (DSR) to State										\$0.00	0
Attend an initial Kick-Off Meeting										\$0.00	0
Prepare meeting notes and distribute										\$0.00	0
Develop Information for Preliminary Schematic Development											
a. Prepare ROW/Property Base Map				2		2				\$470.00	4
b. Prepare Utility Base Map				2		2				\$470.00	4
c. Prepare Typical Sections (Existing and Proposed)				2		4				\$690.00	6
d. Prepare Environmental Constraints				1		1				\$235.00	2
e. Identify Drainage and conduct Preliminary Drainage Studies				20	50					\$7,000.00	70
f. Prepare drainage report				50	100					\$15,250.00	150
g. Determine and show ROW Requirements				2		10				\$1,350.00	12
h. Determine Construction Sequence				4		10				\$1,600.00	14
i. Include necessary Design Exceptions				1	1					\$215.00	2
j. Include Bicycle and Pedestrian Accommodations				10		20				\$3,450.00	30
Prepare Conceptual Schematic - schematics to include:											
a. Develop mainlane roadway alignment				4		10				\$1,600.00	14
b. Determine and draw pvmnt edges, face of curbs and shldr lines				4		10				\$1,600.00	14
c. Prepare typical sections of existing and proposed roadways				4		10				\$1,600.00	14
d. Detail and include proposed structure locations					8		16			\$2,000.00	24
e. Determine preliminary ROW requirements				4		10				\$1,600.00	14
f. Show direction of traffic flow and number of lanes on rdwys					2		4			\$500.00	6
g. Draw in existing and projected traffic volumes					16		16			\$2,720.00	32
Prepare Geometric Schematics - To include:											
a. Prepare Geopak calc rdwy alignments (mainlanes/X-streets)				4		10				\$1,600.00	14
b. Prep pvmnt edges, curb lines, sdwlks for rdwy improvements				4		10				\$1,600.00	14
c. Develop typical sections of existing and proposed roadways				4		12				\$1,820.00	16
d. Develop proposed structure locations and bridge layouts					40		80			\$10,000.00	120
e. Show existing and proposed major utilities					8		8			\$1,360.00	16
f. Draw exist prop lines and respective prop ownership info				2		8				\$1,130.00	10
g. Draw in ROW requirements adequate to prep ROW maps				2		8				\$1,130.00	10
h. Show exist/projected traffic volumes (if available from TxDOT)					2		2			\$340.00	4
i. Draw in/adjust lane lanes, shlder lines, and traffic flow arrows					2		4			\$500.00	6
j. Calc and draw in profile grade and with vertical curve data				10		30				\$4,550.00	40
k. Draw in existing ground line profiles along the mainlanes				2		10				\$1,350.00	12
l. Identify grade separations and overpasses					24		48			\$6,000.00	72
m. Calc vert clearances at grade separations/overpasses (N/A)										\$0.00	0
n. Design and draw in profile grade for cross streets				10		20				\$3,450.00	30
Cross-Sections											
Generate preliminary cross-sections				4		20				\$2,700.00	24
Determine earthwork volumes for use in the cost estimate				4		10				\$1,600.00	14
Prepare roll plots of the cross-sections				4		10				\$1,600.00	14
Preliminary Construction Sequence											
Prepare a Preliminary Construction Sequence Layout			8	16		40				\$7,600.00	64

PRIME PROVIDER: H.W. Lochner, Inc.

TASK DESCRIPTION	PRINCIPAL	PROJECT MANAGER	PROJECT ENGR	DESIGN ENGR	EIT	SENIOR ENGR TECH	ENGR TECH	JUNIOR ENGR TECH	ADMIN/ CLERICAL	TASK TOTALS	TOTAL LABOR HRS. & COSTS
CONTRACT RATE PER HOUR	\$210.00	\$190.00	\$150.00	\$125.00	\$90.00	\$110.00	\$80.00	\$65.00	\$60.00		
Preliminary Cost Estimate											
Prepare a preliminary cost estimate for the project			4	4	12					\$2,180.00	20
Include the cost of construction and eligible utility adjustments.					4		4			\$680.00	8
Engineering Summary Report											
Prep report to summarize design criteria, traffic analysis, prelim cost est, constr sequence description, and utility conflict issues.			4	12		12			8	\$3,900.00	36
Agency Coordination and Public Involvement											
a. Assist the City in conducting meetings with various agencies										\$0.00	0
b. Assist in conducting public meetings and public hearing										\$0.00	0
c. Prep.schem, exhibits, constraints maps, other exhibits				4	4	12	8			\$2,820.00	28
d. Participate in a Mtg with Affected Property Owners (MAPO)		8	8							\$2,720.00	16
e. Prepare the adjacent property owner list,				2					2	\$370.00	4
f. Prep. mail out of mtg notices, notice of public mtg and hearing										\$0.00	0
g. Draft letter to public officials, prep/publish newspaper notices										\$0.00	0
h. Reserve public meeting and hearing location										\$0.00	0
i. Hire court reporter and law enforcement for public hearing										\$0.00	0
j. Provide/rent audio and visual equipment for pub mtg/hearing.										\$0.00	0
k. Compile pub. comments rec'd into a Pub Hearing Sum Report.										\$0.00	0
Schematic Design Project Deliverables											
Provide draft and final documents and associated electronic files		2	4	4		12	12			\$3,760.00	34
HOURS SUB-TOTALS	0	12	71	202	309	317	202	0	10	\$117,620.00	1123
TOTAL LABOR COSTS	\$ -	\$ 2,280.00	\$ 10,650.00	\$ 25,250.00	\$ 27,810.00	\$ 34,870.00	\$ 16,160.00	\$ -	\$ 600.00		\$117,620.00
% DISTRIBUTION OF STAFFING	0.00%	1.07%	6.32%	17.99%	27.52%	28.23%	17.99%	0.00%	0.89%		
SUBTOTAL (FC 110)											\$117,620.00
TASK DESCRIPTION	PRINCIPAL	PROJECT MANAGER	PROJECT ENGR	DESIGN ENGR	EIT	SENIOR ENGR TECH	ENGR TECH	JUNIOR ENGR TECH	ADMIN/ CLERICAL	TASK TOTALS	TOTAL LABOR HRS. & COSTS
PROJECT MANAGEMENT (F.C. 145)											
a. Provide timely invoices and Work Progress Reports/Project Schedules.										\$0.00	0
Develop and maintain Project Budgets										\$0.00	0
Attend progress mtgs and project related meetings as directed by City / State										\$0.00	0
Travel to project to subjectively inspect features along and adjacent roadway (Assume 2 Mtgs)		8	8							\$2,720.00	16
Perform a QC/QA review of work for compliance with the State's practices, procedure, policies, stds, specs and design criteria.	2	8	8							\$3,140.00	18
Prepare, distribute and file written and electronic correspondence										\$0.00	0
Document Phone Calls										\$0.00	0
HOURS SUB-TOTALS	2	16	16	0	0	0	0	0	0	\$5,860.00	34
TOTAL LABOR COSTS	\$ 420.00	\$ 3,040.00	\$ 2,400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$5,860.00
% DISTRIBUTION OF STAFFING	5.88%	47.06%	47.06%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
SUBTOTAL (FC 145)											\$5,860.00

PRIME PROVIDER: H.W. Lochner, Inc.

TASK DESCRIPTION	PRINCIPAL	PROJECT MANAGER	PROJECT ENGR	DESIGN ENGR	EIT	SENIOR ENGR TECH	ENGR TECH	JUNIOR ENGR TECH	ADMIN/ CLERICAL	TASK TOTALS	TOTAL LABOR HRS. & COSTS
CONTRACT RATE PER HOUR	\$210.00	\$190.00	\$150.00	\$125.00	\$90.00	\$110.00	\$80.00	\$65.00	\$60.00		
DESCRIPTION										TOTAL MH BY FC	TOTAL COSTS BY FC
TOTALS BY FUNCTION CODE											
ROADWAY DESIGN CONTROLS (FC110)										1,123	\$117,620.00
PROJECT MANAGEMENT (FC 145)										34	\$5,860.00
SUBTOTAL LABOR EXPENSES										1,157	\$123,480.00
OTHER DIRECT EXPENSES	QUANTITY	UNIT	COST/UNIT								TOTALS
Mileage (8 trips to D.O. in Paris at 300 miles each round trip and 6 Trips to Job Site at 350 miles each round trip)		Mile	\$0.540								\$0.00
Meals		Day/Person	\$46.00								\$0.00
Overnight Mail - Letter Size		Each	\$25.00								\$0.00
Overnight Mail - Oversized Box		Each	\$45.00								\$0.00
8 1/2" X 11" B/W Paper Copies	500	Sheet	\$0.10								\$50.00
11" X 17" B/W Paper Copies	250	Sheet	\$0.20								\$50.00
Plots (Color on Photographic Paper) (Schematics PM & PH)	120	per/SF	\$4.00								\$480.00
Plots (Color on Bond) (Draft Schematic Plots)	120	per/SF	\$1.00								\$120.00
Plots (B/W on Bond) (X-Sections)	600	per/SF	\$0.50								\$300.00
CD Archive		Each	\$1.50								\$0.00
SUBTOTAL DIRECT EXPENSES											\$1,000.00

SUMMARY	
TOTAL COSTS FOR Provider ONLY	\$123,480.00
NON-SALARY (OTHER DIRECT EXPENSES) FOR Provider ONLY	\$1,000.00
GRAND TOTAL	\$124,480.00

PRIME PROVIDER: H.W. Lochner, Inc. (Surveying Tasks)

TASK DESCRIPTION		RPLS TASK LEADER	SENIOR SURVEY TECHNICIAN	SURVEY TECHNICIAN	SURVEYING 2-MAN CREW	SURVEYING 3-MAN CREW	ADMIN./ CLERICAL	TASK TOTALS	TOTAL LABOR HRS. & COSTS
CONTRACT RATE PER HOUR		\$122.00	\$95.00	\$84.00	\$135.00	\$175.00	\$58.00		
DESIGN AND CONSTRUCTION SURVEYS (Function Code 150)									
3.1.1. Obtain or collect data to complete cross-sections and DTM								\$0.00	0
3.1.2. Locate existing utilities.					12			\$1,620.00	12
3.1.3. Locate topo features and exist improvements not already picked up by TxDOT aerial flight and mapping.					8			\$1,080.00	8
3.1.4. Provide details of exist drainage features (culverts, manholes, etc.)					4			\$540.00	4
3.1.5. Locate wetlands.					2			\$270.00	2
3.1.6. Establish additional and verify existing control points.					2			\$270.00	2
3.1.7. Locate existing right-of-ways.					4			\$540.00	4
3.1.8. Review right-of-way maps.		4	8					\$1,248.00	12
3.1.9. Perform hydrographic surveys.					12			\$1,620.00	12
3.1.10. Update exist control data and prepare survey control data sheets			4					\$380.00	4
4.1. Prepare/modify Digital Terrain Models (DTM).			4					\$380.00	4
4.2. Prepare/modify maps, plans, or sketches.			4	4				\$716.00	8
F.4. Provide Right-of-Entry as necessary to access private property.			8	8			8	\$1,896.00	24
HOURS SUB-TOTALS	0	4	28	12	44	0	8	\$10,560.00	96
TOTAL LABOR COSTS	\$0.00	\$488.00	\$2,660.00	\$1,008.00	\$5,940.00	\$0.00	\$464.00		\$10,560.00
% DISTRIBUTION OF STAFFING	0.00%	4.17%	29.17%	12.50%	45.83%	0.00%	8.33%		
SUBTOTAL (FC 150)									\$10,560.00
AERIAL MAPPING (Function Code 150)									
<i>Not Included as Part of This Contract</i>									
UTILITY ENGINEERING INVESTIGATION (S.U.E.) (Function Code 163)									
Provide Quality Level B Utility Engineering Investigation Services inclusive of Quality levels C and D.									
Compile "As Built" information from plans, plats and other location data.			30	30				\$5,370.00	60
survey purposes.								\$0.00	0
Designate, record, and mark the horiz location of existing utility facilities			8	24	24			\$6,016.00	56
Determine and inform State of approximate utility depths at critical locations.		2	2					\$434.00	4
Provide a monthly summary of work completed and in process.								\$0.00	0
Close-out permits as required.			16					\$1,520.00	16
Clearly identify all utilities that were discovered from quality levels C, D and not B standards.			8	16				\$2,104.00	24
HOURS SUB-TOTALS	0	2	64	70	24	0	0	\$15,444.00	160
TOTAL LABOR COSTS	\$0.00	\$244.00	\$6,080.00	\$5,880.00	\$3,240.00	\$0.00	\$0.00		\$15,444.00
% DISTRIBUTION OF STAFFING	0.00%	1.25%	40.00%	43.75%	15.00%	0.00%	0.00%		
SUBTOTAL (FC 163)									\$15,444.00

PRIME PROVIDER: H.W. Lochner, Inc. (Surveying Tasks)

								TOTAL MH BY FC	TOTAL COSTS BY FC
TOTALS BY FUNCTION CODE									
DESIGN AND CONSTRUCTION SURVEYS (Function Code 150)								96	\$10,560.00
UTILITY ENGINEERING INVESTIGATION (S.U.E.) (Function Code 163)								160	\$15,444.00
SUBTOTAL LABOR EXPENSES								256	\$26,004.00
OTHER DIRECT EXPENSES	QUANTITY	UNIT	COST/UNIT						
FC 150									
Mileage (Assume 1 trips to project site at 400 miles each trip)	400	MILES	\$0.540						\$216.00
Meals	10	EACH	\$46.00						\$460.00
Hotel	10	EACH	\$120.00						\$1,200.00
8 1/2" X 11" B/W Paper Copies	50	Sheet	\$0.10						\$5.00
11" X 17" B/W Paper Copes	100	EACH	\$0.20						\$20.00
Overnight Mail - Letter Size		EACH	\$25.00						\$0.00
FC 163									
Mileage (Assume 2 trips to project site at 400 miles each trip)	400	MILES	\$0.540						\$216.00
Meals	10	EACH	\$46.00						\$460.00
Hotel	10	EACH	\$120.00						\$1,200.00
8 1/2" X 11" B/W Paper Copies	60	Sheet	\$0.10						\$6.00
11" X 17" B/W Paper Copes	100	EACH	\$0.20						\$20.00
Overnight Mail - Letter Size		EACH	\$25.00						\$0.00
SUBTOTAL DIRECT EXPENSES									\$3,803.00

SUMMARY	
TOTAL COSTS FOR PROVIDER HWL (SURVEYING TASK ONLY)	\$26,004.00
NON-SALARY (OTHER DIRECT EXPENSES & UNIT COSTS) FOR PROVIDER HWL (SURVEYING TASK ONLY)	\$3,803.00
GRAND TOTAL	\$29,807.00

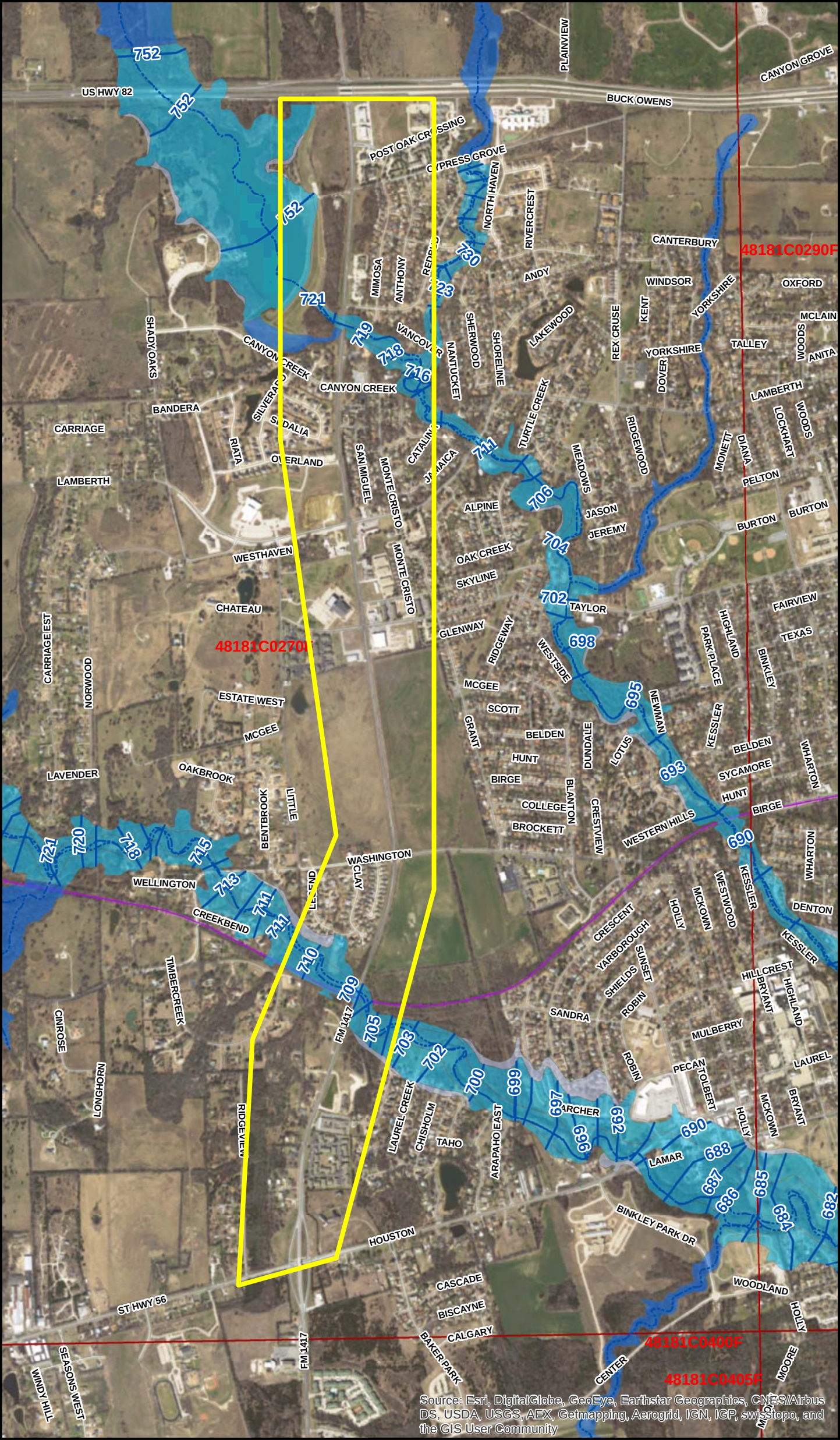
PRIME PROVIDER: H.W. Lochner, Inc.

TASK DESCRIPTION	Envl. Project Manager	Sr. Env. Scientist II	Sr. Env. Scientist I	Envl. Professional II	Envl. Professional I	Envl. Staff II	Envl. Staff I	Envl. Tech II	Envl. Tech I	Admin/ Clerical	TASK TOTALS	TOTAL LABOR HRS. & COSTS
CONTRACT RATE PER HOUR	\$140.00	\$125.00	\$108.00	\$82.00	\$77.00	\$65.00	\$60.00	\$50.00	\$40.00	\$55.00		
SOCIAL, ECONOMIC AND ENVIRONMENTAL STUDIES AND PUBLIC INVOLVEMENT: (Function Code 120)												
Project Management, Coordination Meeting											\$0.00	0
Initial Data Collection for Site Recon											\$0.00	0
CatEx Tech Memo Preparation											\$0.00	0
Project need and purpose											\$0.00	0
Logical termini and independent utility											\$0.00	0
Detailed project description											\$0.00	0
Airway-Highway Clearance											\$0.00	0
Project cost estimate, STIP listing											\$0.00	0
Build alternative											\$0.00	0
No-Build alternative											\$0.00	0
Regional Growth											\$0.00	0
Community Impacts	1		4				4				\$812.00	9
Environmental Justice/ Limited English Proficiency			3			3	1		2		\$659.00	9
Land Use/consistency with plans											\$0.00	0
ROW Acquisition, Displacements & Relocations	1	1		1	1	1		1			\$539.00	6
Bike and Pedestrian accommodations		2	1		2						\$512.00	5
Section 4(f)/Parklands, 6(f) resources	1	3		2		2					\$809.00	8
Historic Resources PCR	1	1		12		3					\$1,444.00	17
Historic Resources Survey Report (assume none)											\$0.00	0
Archaeological Resources Background Study	1	1		9			7				\$1,423.00	18
Archaeological Pedestrian Survey	1			24		24			4	4	\$4,048.00	57
Biological Resources (Evaluation Form)	1	1	1	8	10	8		5			\$2,569.00	34
Water Resources and Water Quality	1	1	1	1	1	2					\$662.00	7
Wetlands/WOTUS Delineation	1		32		32		16		1	1	\$7,115.00	83
USACE NWP w PCN (assume none required)											\$0.00	0
Hazardous Materials Initial Site Assessment	1					6		6			\$830.00	13
Air Quality Assessment (qualitative)	1		6			4					\$1,048.00	11
Noise Assessment (TNM)	1			20			20	8			\$3,380.00	49
Indirect and Cumulative (ICI) Effects Analysis	1		20					8			\$2,700.00	29
Exhibits and Attachments Preparation	1					20			5		\$1,640.00	26
QA - QC Tech Edit									10		\$400.00	10
Address tech report comments from District	4	2	1		4		4			2	\$1,576.00	17
Address comments from ENV											\$0.00	0
Prepare materials, notices, arrangements for public meeting (Assume Lochner and City of Sherman to handle all MAPOs; City to handle publications and facility)											\$0.00	0
Attend one public open house meeting (assume notice of opportunity for Public Hearing)											\$0.00	0
Public Meeting Summary and Response				6	4				4		\$960.00	14
HOURS SUB-TOTALS	18	12	69	83	54	73	52	28	26	7	\$33,126.00	422
TOTAL LABOR COSTS	\$ 2,520.00	\$ 1,500.00	\$ 7,452.00	\$ 6,806.00	\$ 4,158.00	\$ 4,745.00	\$ 3,120.00	\$ 1,400.00	\$ 1,040.00	\$ 385.00		\$33,126.00
% DISTRIBUTION OF STAFFING	4.27%	2.84%	16.35%	19.67%	12.80%	17.30%	12.32%	6.64%	6.16%	1.66%		
SUBTOTAL (FC 120)												\$33,126.00

PRIME PROVIDER: H.W. Lochner, Inc.

TASK DESCRIPTION	Envl. Project Manager	Sr. Env. Scientist II	Sr. Env. Scientist I	Envl. Professional II	Envl. Professional I	Envl. Staff II	Envl. Staff I	Envl. Tech II	Envl. Tech I	Admin/ Clerical	TASK TOTALS	TOTAL LABOR HRS. & COSTS
CONTRACT RATE PER HOUR	\$140.00	\$125.00	\$108.00	\$82.00	\$77.00	\$65.00	\$60.00	\$50.00	\$40.00	\$55.00		
DESCRIPTION											TOTAL MH BY FC	TOTAL COSTS BY FC
TOTALS BY FUNCTION CODE												
SOCIAL, ECONOMIC AND ENVIRONMENTAL STUDIES AND PUBLIC INVOLVEMENT: (FC 120)											422	\$33,126.00
SUBTOTAL LABOR EXPENSES											422	\$33,126.00
OTHER DIRECT EXPENSES	QUANTITY	UNIT	COST/UNIT									TOTALS
Mileage		Mile	\$0.540									\$0.00
Meals		Day/Person	\$46.00									\$0.00
Hotel Stay		Night	\$120.00									\$0.00
Overnight Mail - Letter Size		Each	\$25.00									\$0.00
8 1/2" X 11" B/W Paper Copies	250	Sheet	\$0.10									\$25.00
8 1/2" X 11" Color Paper Copies	50	Sheet	\$1.00									\$50.00
11" X 17" B/W Paper Copies	25	Sheet	\$0.20									\$5.00
Plots (22 x 34)	5	Each	\$10.00									\$50.00
Haz-Mat Data Search	0	Each	\$450.00									\$0.00
SUBTOTAL DIRECT EXPENSES												\$130.00

SUMMARY	
TOTAL COSTS FOR Sub-Provider ONLY	\$33,126.00
NON-SALARY (OTHER DIRECT EXPENSES) Sub-Provider Only	\$130.00
GRAND TOTAL	\$33,256.00



1 inch = 1,500 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 5.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6124**

Authorizing the Execution of a Drainage Agreement with Sapphire Group, LLC

Issue:

This agreement would allow the Developer to discharge storm water runoff from the Master Planned Area to the street.

Background:

The purpose of this agreement is to set forth the terms and conditions upon which the Developer may discharge drainage from the Replat of Block 6 of Exstien's Maple Addition into the street. The Developer will pay a drainage fee for the City to construct future regional drainage facilities in the area.

Origination:

Kyle Boothe, Operating Manager of Sapphire Group, LLC (Developer)

Financial Consideration:

The fees received by the City will total \$18,060.00.

Staff Recommendation:

Staff recommends approval of the Drainage Agreement.

Alternatives:

As directed by the City Council

Attachments

Resolution No. 6124

Drainage Agreement

Replat Exstien's Maple Addition Plat

Location Map

RESOLUTION NO. 6124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DRAINAGE AGREEMENT WITH SAPPHIRE GROUP, LLC; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Drainage Agreement with Sapphire Group, LLC, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

DRAINAGE AGREEMENT

This Drainage Agreement (this "Agreement") is entered into on this ____ day of September, 2016 by and between the CITY OF SHERMAN, 200 W. Mulberry Street, Sherman, Texas 75090 (the "City") and Sapphire Group, LLC, P.O. Box 368, Sherman, TX 75091 (the "Developer").

NOW THEREFORE, in consideration of the premises, the Developer and the City do enter into the following Agreement:

A. The purpose of this Agreement is to set forth the terms and conditions upon which the Developer may discharge drainage from the Replat of Block 6 of Exstien's Maple Addition.

B. The Developer's preliminary plat for the Replat of Block 6 of Exstien's Maple Addition with 20 lots has been submitted to the City and is attached to this Agreement as Exhibit A. The maximum number of lots to be included in this Agreement is 20.

C. Developer will be permitted to discharge storm water runoff, including any increases in storm water runoff due to development, given that the Developer pay the City a total of \$18,060.00 in drainage fees (the "Fees"), payable at the rate of \$18,060.00 upon approval. The Fees will be paid upon completion of construction.

D. City will construct all segments and portions of the drainage facilities, as deemed necessary by the City. The City, at its discretion, shall also select all companies to bid on the construction of the drainage facilities, determine which bids qualify and select the lowest, qualified bid.

E. No Public Facilities will be made available by the City to any lot within the development, or as agreed upon in writing by both the Developer and the City.

F. INDEMNIFICATION AND HOLD HARMLESS. DEVELOPER OBLIGATES ITSELF TO THE CITY TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPER'S EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION HERewith, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF DEVELOPER, ITS OFFICERS, AGENTS OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. THIS INDEMNITY DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND DOES NOT WAIVE ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW.

G. The requirements of this Agreement shall be binding on the Developer, its successors and assigns, and the Developer agrees to notify the purchaser of any undeveloped portion of the development that will be affected by the requirements of this Agreement before any conveyance is made.

IN WITNESS WHEREOF parties have caused this Agreement to be executed in multiple originals this ____ day of September, 2016.

DEVELOPER:

Sapphire Group, LLC

By: _____
Kyle Boothe, Operating Manager

ATTEST:

By: _____

Name: _____

Title: _____

CITY:

CITY OF SHERMAN

By: _____

Name: Robby Hefton

Title: City Manager

ATTEST:

By: _____

Name: Linda Ashby

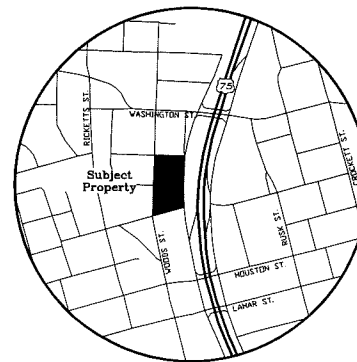
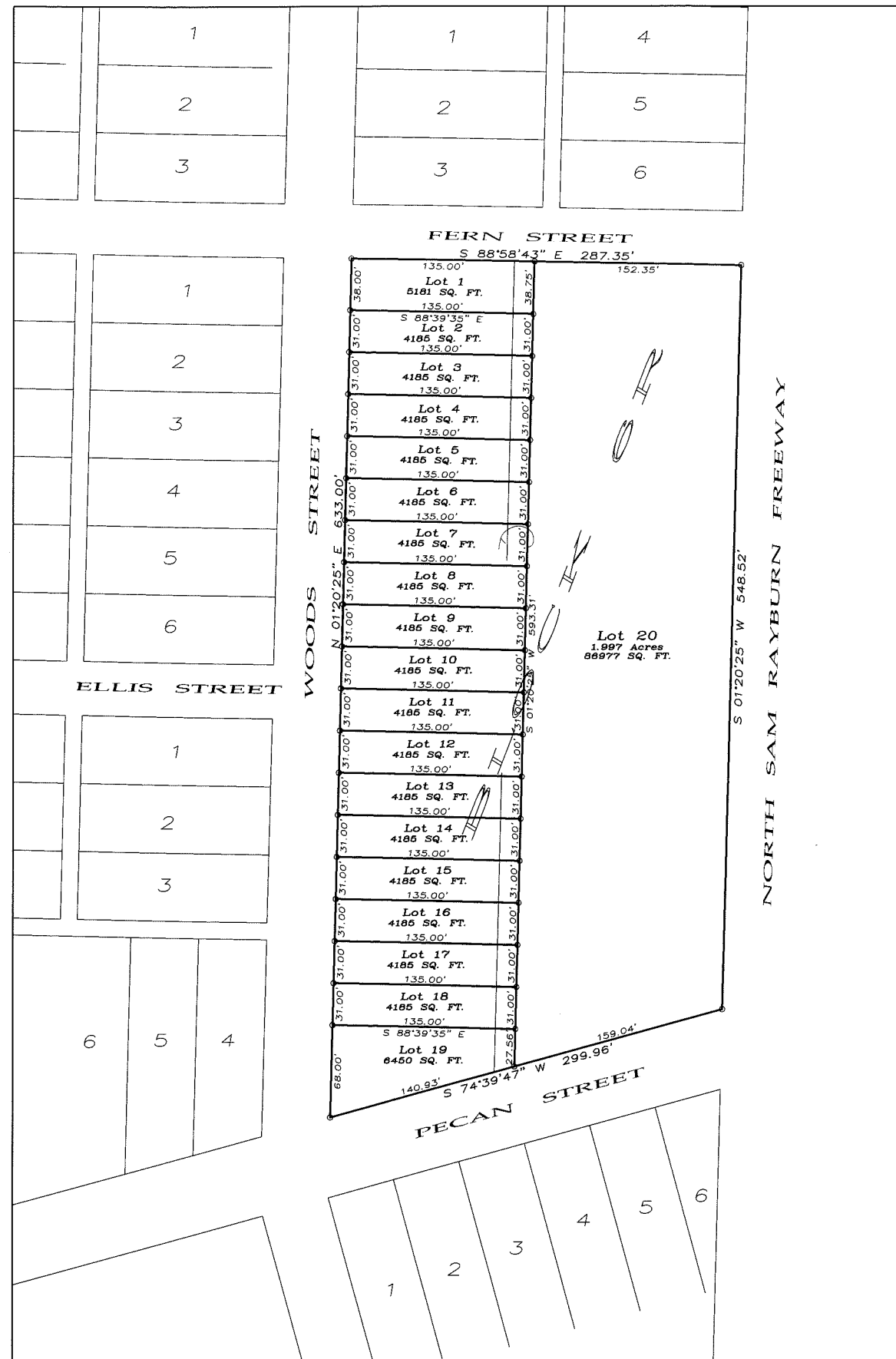
Title: City Clerk

APPROVAL RECOMMENDED:

Clay Barnett, P.E./Director of Public Works & Engineering

APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney



LOCATION MAP
(not to scale)

Legal Description

Situated in the County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, and being all of Block 6, Exstien's Maple Addition, an addition to the City of Sherman recorded in Volume 138, Page 185, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a set 1/2" steel rod at the northwest corner of said Block 6;

Thence South 88°58'43" East with the north line of said Block 6, a distance of 287.35 feet to a set 1/2" steel rod at the northeast corner of said Block 6;

Thence South 01°20'25" West with the east line of said Block 6, a distance of 548.52 feet to a found 1/2" steel rod at the southeast corner of said Block 6;

Thence South 74°39'47" West with the south line of said Block 6, a distance of 299.96 feet to a found 1/2" steel rod at the southwest corner of said Block 6;

Thence North 01°20'25" East with the west line of said Block 6, a distance of 633.00 feet to the Point of Beginning and containing 3.897 acres of land.

General Notes:

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat 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. 48161C0290 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. Existing Sanitary Sewer lines within Block 6 will be abandon.

I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date:

I, Sapphire Group, LLC, owner of the replat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, do hereby dedicate the streets and easements shown hereon to the public use forever.

Sapphire Group, LLC
by Kyle Boothe on behalf of Bluestone Partners, LLC
Operating Manager of the Sapphire Group

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Kyle Boothe, 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 and in the capacity therein stated.

Given under my hand and seal of office this ____ day of ____, 2016.

Notary Public, Grayson County, Texas

This, the replat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, is hereby approved this ____ day of ____, 2016, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

This, the final plat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, is hereby approved this ____ day of ____, 2016, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS:

MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing replat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, was submitted to the city council of Sherman, Texas, on the ____ day of ____, 2016, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

CERTIFIED THIS ____ DAY OF ____, 2016,

BY
CITY CLERK, CITY OF SHERMAN, TEXAS

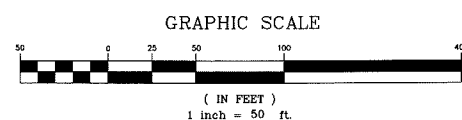
Replat of Block 6
of
Exstien's Maple Addition
an addition to the
City of Sherman, Texas
being 3.897 acres
in the

J. B. McAnair Survey, Abstract No. 763

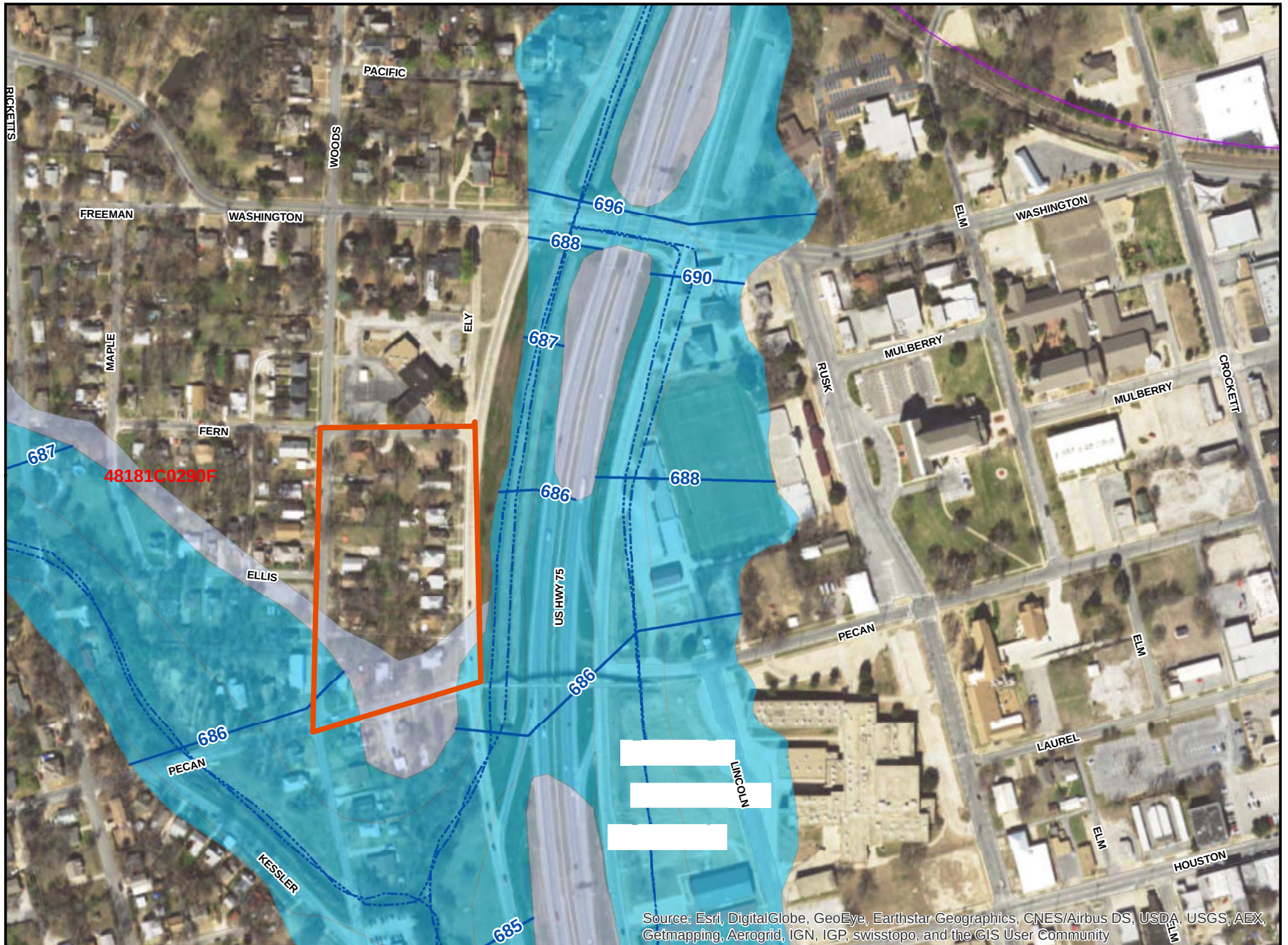
SURVEYOR:

Underwood Drafting & Surveying, Inc.
3404 Interurban Road
Sherman, Texas 75021
Ph: 903-465-2151 Fax: 903-465-2152
Email: info@underwoodsurveying.com
Texas Board of Professional Land
Surveying Firm Registration No. 10006300

Owner:
Sapphire Group, LLC
P.O. Box 368
Sherman, Texas 75091



Replat of Block 6 of Exstien's Maple Addition Location Map



1 inch = 300 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 6.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6125**

Authorizing the Execution of a Development Agreement with Sapphire Group, LLC for the Construction of a Public Sewer Main in the Replat of Block 6 of Exstien's Maple Addition, a 3.897-Acre Subdivision North of Pecan Street along North Sam Rayburn Freeway in the City of Sherman

Issue:

The construction of a public sanitary sewer main in the Replat of Block 6 of Exstien's Maple Addition, a 3.897-acre subdivision north of Pecan Street along North Sam Rayburn Freeway

Background:

Sapphire Group, LLC proposes to construct a 3.897-acre subdivision north of Pecan Street along North Sam Rayburn Freeway, which includes the construction of a public sanitary sewer main.

Origination:

Engineering Department

Financial Consideration:

The Development Agreement Fee of \$477.00 will be paid to the City by the Developer at the time of development.

Staff Recommendation:

Staff recommends approval of the Development Agreement.

Alternatives:

As directed by the City Council

Attachments

Resolution No. 6125

Development Agreement

Replat Exstien's Maple Addition Plat

Location Map

RESOLUTION NO. 6125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH SAPPHIRE GROUP, LLC FOR THE CONSTRUCTION OF A PUBLIC SEWER MAIN IN THE REPLAT OF BLOCK 6 OF EXSTIEN'S MAPLE ADDITION, A 3.897-ACRE SUBDIVISION NORTH OF PECAN STREET ALONG NORTH SAM RAYBURN FREEWAY IN THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Development Agreement with Sapphire Group, LLC for the construction of a public sewer main in the Replat of Block 6 of Exstein's Maple Addition, a 3.897-acre subdivision north of Pecan Street along North Sam Rayburn Freeway in the City of Sherman, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND SAPPHIRE GROUP, LLC**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this ____ day of September, 2016 (the “Effective Date”), by and among the City of Sherman (“City”), a municipal corporation organized under the laws of the State of Texas, and Sapphire Group, LLC (“Developer”).

WITNESSETH:

WHEREAS, City recognizes the importance of its continued role in local economic development; and

WHEREAS, Developer is developing a portion of the City and making improvements to the City; and

WHEREAS, Developer owns or controls lands located in Sherman, Texas, and described to the City by the Developer as the Replat of Block 6 of Exstien’s Maple Addition, and attached hereto and made a part hereof as if fully set out in this paragraph as Exhibit “A” and hereinafter referred to as the "Property", and Developer intends to develop the Property by constructing improvements thereon; and

WHEREAS, the Developer desires that the City accept the dedication of the streets, utilities, and other improvements as reflected on the plans and specifications submitted by the Developer as a part of the public facilities of the City, as indicated in Paragraph 2 of Article I; and

WHEREAS, the CITY is willing to provide, in accordance with the provisions of this Agreement and the prevailing state and local laws, city services to the Property and thereafter operate applicable facilities so that the occupants of the improvements on the Property will receive City services;

NOW, THEREFORE, in consideration of the mutual covenants and obligations herein, the parties agree as follows:

**ARTICLE I.
SPECIFIC CONTRACT PROVISIONS**

1. **Assurance of Title:** At the time of execution of this Agreement, the Developer agrees to deliver to City a copy of a Title Insurance Policy, or an opinion of title from a qualified attorney-at-law addressed to the City in a form and substance satisfactory to City with respect to the Property, which opinion shall include a current report on the status of the

title, setting out the name of the legal title holders, the outstanding mortgages, taxes, liens and covenants. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in this Agreement.

2. **Assurance of Accuracy of Documents:** Developer has caused the subdivision plat of the Property (the "plat") and all plans and specifications (the "plans") for the streets, utilities and other improvements to be developed on the Property (collectively the "Project") as part of the public facilities of the City, to be prepared by a Registered Professional Engineer and that Plat and Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the Plat and Plans in making its determination as to whether the documents comply with all City ordinances, state and federal law.
3. **Development Documents:** Upon the execution of this Agreement, Plat, Plans, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the subdivision depicted on the Plat (hereinafter the "Subdivision") are confirmed, ratified, and agreed upon by both parties and attached hereto as Exhibit "B". Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract, as applicable to the Subdivision; and all of the work of the Project will be done under the supervision of the City Engineer (as defined in Paragraph 8 of this Article) to City standards, and in accordance with applicable City regulations. The Plat, Plans, orders of the City Planning and Zoning Commission, and the City Council and Ordinance No. 2684 (hereinafter collectively referred to as the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.
4. **Delivery of Improvements:** The Developer will pay for and deliver to the City free and clear of all liens and costs, all of the improvements provided in the Development Documents.
5. **Performance Bond:** No work shall be performed within the Subdivision until the Developer presents to the City Manager a satisfactory Performance Bond and a Payment Bond, as provided by Chapter 2253 of the Texas Government Code, from the Contractor in favor of the Developer and the City. Such bond shall be made for 100% of the contract price for all streets and utilities and public works to be installed in the Subdivision, and shall be in a form containing all other provisions set forth in Chapter 2253 of the Texas Government Code, including, but not limited to, Section 2253.021 of that Chapter.
6. **Failure to Complete Development:** If the Developer does not complete the Improvements contained in the Development Documents on or before October 1, 2017, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph may be extended by the mutual agreement of the parties. Such extension shall be in writing, as provided in Paragraph 13 of Article II.

7. **Availability of Public Facilities:** No public facilities will be made available to any lot within any segment of this Subdivision until the work on each segment is performed and approved as agreed upon in this Agreement.
8. **Registered Civil Engineer:** All of the plans and specifications for the improvements herein mentioned in the Development Documents, shall be prepared by a Registered Professional Civil Engineer, and all of the improvements shall be built under the supervision of such engineer, and the engineer shall certify to the City that, as each segment is built, such segment as built is true and correct in accordance with the plans and specifications, and that the same was built under his supervision, and the certificate shall be signed and sealed by such engineer. All of the expense of such engineering shall be paid for by the Developer.
9. **City Engineer:** Before work is begun on any improvement, the City Engineer shall designate a person, hereinafter identified as "City Engineer," who shall be notified and arrangements made for inspection by the City Engineer at such stages of construction as required by him, and no improvement constructed underground shall be covered by the Developer until inspected by the City Engineer and approved by him. At any time any construction is contrary to the plans and specifications, the City Engineer shall be, and is, empowered to stop construction and require correct construction and installation at the Developer's risk and without liability to the City.
10. **Coordination of Work:** The work will be coordinated between the City and the Developer so that the utilities will be in place before the permanent improvements are installed.
11. **Utility Arrangements:** The Developer will make its own arrangements with gas, electric, and telephone service providers for extensions of their utilities, and upon complying with this Agreement, the City utilities will be furnished.
12. **Fees:** Other fees normally charged by the City for building permits, water taps, service connections, and similar fees will be paid as required to the City by the Developer.
13. **Guarantee or Maintenance Bond:**
 - A. If, within one year after the acceptance, defects should appear in the materials or workmanship, the Developer shall have such defects promptly repaired at its own expense, and shall leave the work as intended by the plans and specifications. This guarantee will apply to all parts of the work which have been accepted by the City.
 - B. Instead of the Guarantee set for in subparagraph (A) of this paragraph, Developer may provide a Maintenance Bond to the City at the time of final acceptance of the improvements by the City Engineer. The Bond shall name the City as an obligee under the bond and the bond shall provide a one (1) year guarantee on all the improvements contained in the Development Documents.

14. **WAIVER OF RIGHTS UNDER STATE LAW:**

- A. Developer understands that, pursuant to Section 212.904 of the Texas Local Government Code, the developer is entitled to an apportionment of the municipal infrastructure cost and that such apportionment must be done by a professional engineer. Developer hereby agrees that any land or property it donates to the City, as reflected on the Final Plat, is roughly proportionate to the need for such land. Developer further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the development of the Property and its needs related thereto. BY MY SIGNATURE ON THIS AGREEMENT, DEVELOPER HEREBY FREELY, KNOWINGLY AND VOLUNTARILY WAIVES ITS RIGHTS UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, OR ANY OTHER RELATED CLAIMS. DEVELOPER AGREES THAT THE DEVELOPER'S AGREEMENT MAY PROCEED WITHOUT THE REQUIREMENTS IMPOSED ON THE CITY UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, EXCEPT DEVELOPER SPECIFICALLY RESERVES ITS RIGHT TO APPEAL THE APPORTIONMENT IN ACCORDANCE WITH SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.
- B. BOTH DEVELOPER AND THE CITY FURTHER AGREE TO WAIVE AND RELEASE ALL CLAIMS ONE MAY HAVE AGAINST THE OTHER RELATED TO ANY AND ALL ROUGH PROPORTIONALITY AND INDIVIDUAL DETERMINATION REQUIREMENTS MANDATED BY *DOLAN V. TOWN OF TIGARD*, 512 U.S. 374 (1994), AND ITS PROGENY, AND WELL AS ANY OTHER REQUIREMENTS OF A NEXUS BETWEEN THE DEVELOPMENT CONDITIONS AND THE PROJECTED IMPACT OF THE FOREGOING, INCLUDING ALL DEDICATIONS OF LAND, PARKLAND, AND ANY INFRASTRUCTURE REFERENCED HEREIN. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.

15. **Other Provisions:**

- A. Upon Completion of the Subdivision one electronic copy and one set of reproducible "Record" drawings will be supplied to the City.

- B. The Developer shall pay to the City an engineering plan review, inspection, and testing fee of \$477.00.
- C. Developer agrees that the development, as set forth in the Contract Documents, will comply with all federal, state and local laws relating to the discharge of storm water upon completion of the development.
- D. Developer and City agree that any and all goods and services relative to infrastructure dedicated to the City are exempt from state and local sales tax in accordance with Texas Tax Code §§151.309 and 151.311.

ARTICLE II.

GENERAL CONTRACT PROVISIONS

1. **Force Majeure.** If the performance of any of the parties hereto is delayed by reason of war, civil commotion, acts of God, inclement weather, unanticipated subsurface conditions, fire or other casualty, court injunction or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such design or construction requirement shall be extended for a period of time equal to the period such party was delayed. The terms above shall not apply to extend the time permitted for any payment obligations set forth in this Agreement.
2. **INDEMNIFICATION AND HOLD HARMLESS.** TO THE MAXIMUM EXTENT PERMITTED BY LAW, DEVELOPER OBLIGATES ITSELF TO THE CITY TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPERS EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION HERewith, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF DEVELOPER, ITS OFFICERS, AGENTS OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. This indemnity does not waive any governmental immunity available to the City under Texas law and does not waive any defenses of the parties under Texas law.

3. **Authority to Bind.** Each general partner or member executing this Agreement on behalf the Developer represents that, by executing this Agreement in such capacity, it acts within the scope of its authority and does not exceed the bounds of its authority to act to bind such party regarding the obligations and assurances contained in this Agreement. City represents that the execution of this Agreement as provided below has been duly authorized by the City Council as provided in the Approval Resolution.
4. **Events of Default.** A default shall exist if either party fails to perform or observe any material covenant contained in this Agreement. The non-defaulting party shall immediately notify the defaulting party in writing upon becoming aware of any change in the existence of any condition or event which would constitute a default or, with the giving of notice or passage of time, or both, would constitute a default under this Agreement. Such notice shall specify the nature and the period of existence thereof and what action, if any, the notifying party requires or proposes to require with respect to curing the default.
5. **Remedies Available to City.** If a default by Developer shall occur and continue, after thirty (30) day's notice to cure default, City may, at its option, pursue any and all remedies it may be entitled to, at law or in equity, in accordance with Texas law and including using the Performance Bond to complete the work, without the necessity of further notice to or demand upon Developer. City shall not, however, have the right to exercise such remedies for so long as Developer proceeds in good faith and with due diligence to remedy and correct the default, provided that Developer has commenced to cure such default within thirty (30) days following notice, pursues such cure with reasonable diligence and completes such cure within one hundred eighty (180) days.
6. **No Waiver of Defenses.** Nothing in this Agreement shall be construed or intended to waive any defenses available to the City, including, but not limited to, governmental immunity.
7. **Venue and Governing Law.** This Agreement is performable in Grayson County, Texas and venue of any action arising out of this Agreement shall be exclusively in Grayson County. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.
8. **Notices.** Any notice required by this Agreement shall be deemed to be properly served (i) three (3) days following deposit if deposited in the U.S. mail by certified letter, return receipt requested; (ii) on the next business day if sent by nationally recognized overnight delivery service; or (iii) upon receipt if transmitted by facsimile or electronic transmission, addressed to the recipient at the recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described.

CITY:

DESIGNEE: Clint Philpott, P.E.

ADDRESS: 220 W. Mulberry Street
Sherman, TX 75090
PHONE: 903-892-4547
FAX: 903-870-7802

DEVELOPER:

DESIGNEE: Sapphire Group, LLC
ADDRESS: P.O. Box 368
Sherman, TX 75091
PHONE: 903-813-1415
FAX: 903-893-2124

9. **Legal Construction.** In case any one 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 considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.
10. **Counterparts.** This Agreement may be executed in any number of counterparts, which may be transmitted originally or electronically, each of which shall be deemed an original and constitute one and the same instrument.
11. **Captions.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
12. **Successors and Assigns.** The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto, provided, however, this Agreement shall not be assigned by Developer without prior written approval by the City Manager of the City, which approval shall not be unreasonably withheld or delayed. City may assign or delegate any of its rights or obligations under this Agreement but the same shall not constitute a novation.
13. **Entire Agreement.** This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.
14. **Interpretation of Agreement.** This is negotiated Agreement. If any part of this Agreement is in dispute, the parties stipulate that the Agreement shall not be construed more favorably for either party.

IN WITNESS WHEREOF, parties have caused this Agreement to be executed in duplicate this ____ day of _____ 2016, with an original to each party.

Developer: Sapphire Group, LLC _____

BY: _____

NAME: Kyle Boothe

TITLE: Operating Manager

ATTEST: **BY:** _____

NAME: _____

TITLE: _____

CITY: **CITY OF SHERMAN**

BY: _____

NAME: Robby Hefton

TITLE: City Manager

ATTEST: **BY:** _____

NAME: Linda Ashby

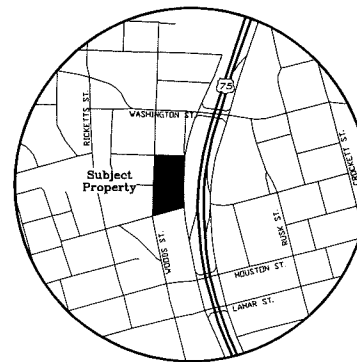
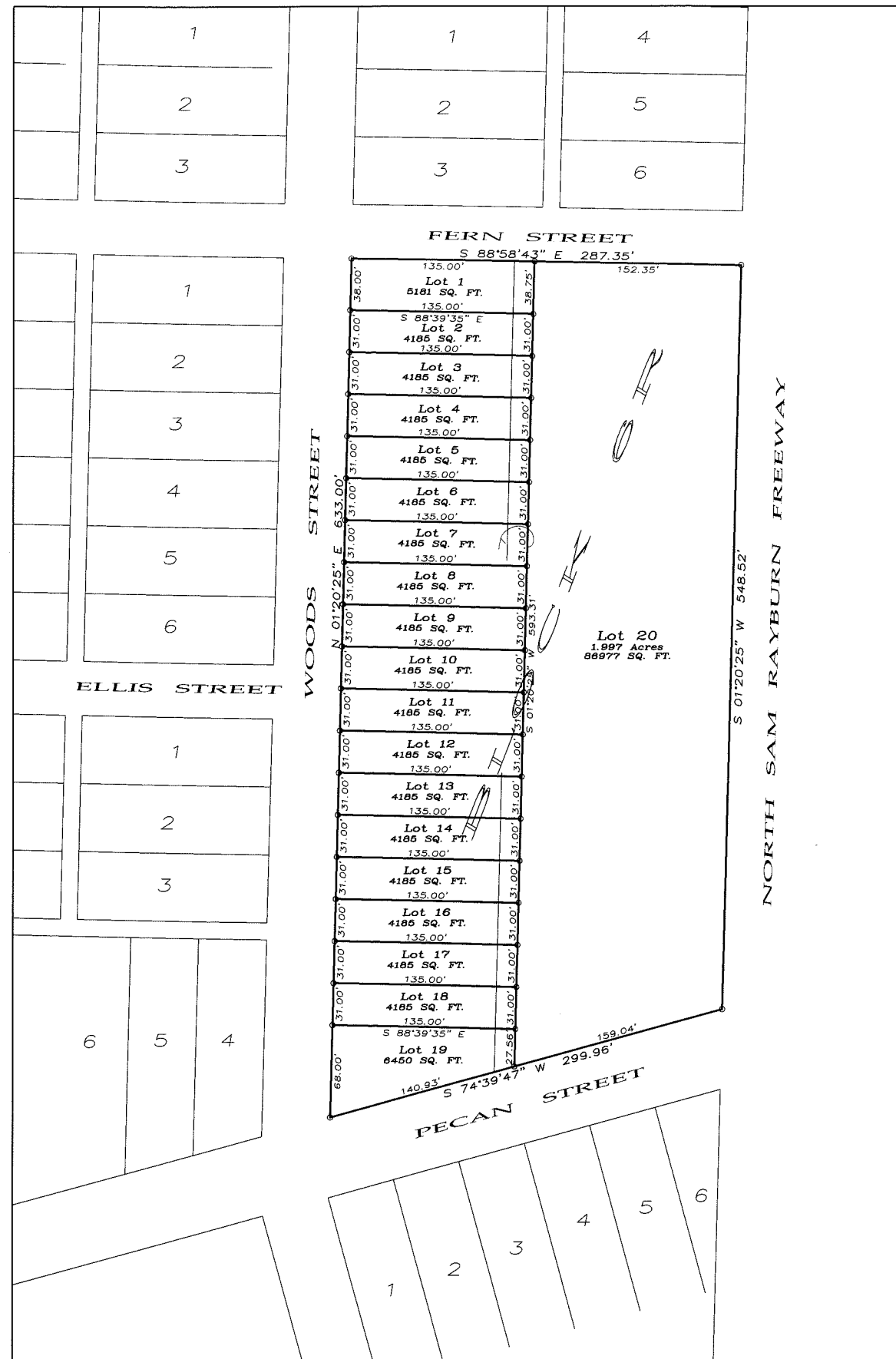
TITLE: City Clerk

APPROVAL RECOMMENDED:

Clay Barnett, P.E. / Director of Public Works & Engineering

APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney



LOCATION MAP
(not to scale)

Legal Description

Situated in the County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, and being all of Block 6, Exstien's Maple Addition, an addition to the City of Sherman recorded in Volume 138, Page 185, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a set 1/2" steel rod at the northwest corner of said Block 6;

Thence South 88°58'43" East with the north line of said Block 6, a distance of 287.35 feet to a set 1/2" steel rod at the northeast corner of said Block 6;

Thence South 01°20'25" West with the east line of said Block 6, a distance of 548.52 feet to a found 1/2" steel rod at the southeast corner of said Block 6;

Thence South 74°39'47" West with the south line of said Block 6, a distance of 299.96 feet to a found 1/2" steel rod at the southwest corner of said Block 6;

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General Notes:

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat 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. 48161C0290 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. Existing Sanitary Sewer lines within Block 6 will be abandon.

I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date:

I, Sapphire Group, LLC, owner of the replat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, do hereby dedicate the streets and easements shown hereon to the public use forever.

Sapphire Group, LLC
by Kyle Boothe on behalf of Bluestone Partners, LLC
Operating Manager of the Sapphire Group

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared Kyle Boothe, 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 and in the capacity therein stated.

Given under my hand and seal of office this ____ day of ____, 2016.

Notary Public, Grayson County, Texas

This, the replat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, is hereby approved this ____ day of ____, 2016, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

This, the final plat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, is hereby approved this ____ day of ____, 2016, by the City Council of the City of Sherman, Texas.

ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS:

MAYOR, CITY OF SHERMAN, TEXAS DATE

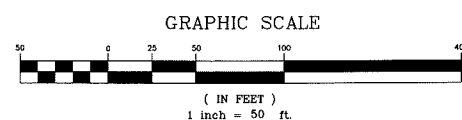
The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing replat of Block 6 of Exstien's Maple Addition, an addition to City of Sherman, was submitted to the city council of Sherman, Texas, on the ____ day of ____, 2016, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

CERTIFIED THIS ____ DAY OF ____, 2016,

BY
CITY CLERK, CITY OF SHERMAN, TEXAS

SURVEYOR:

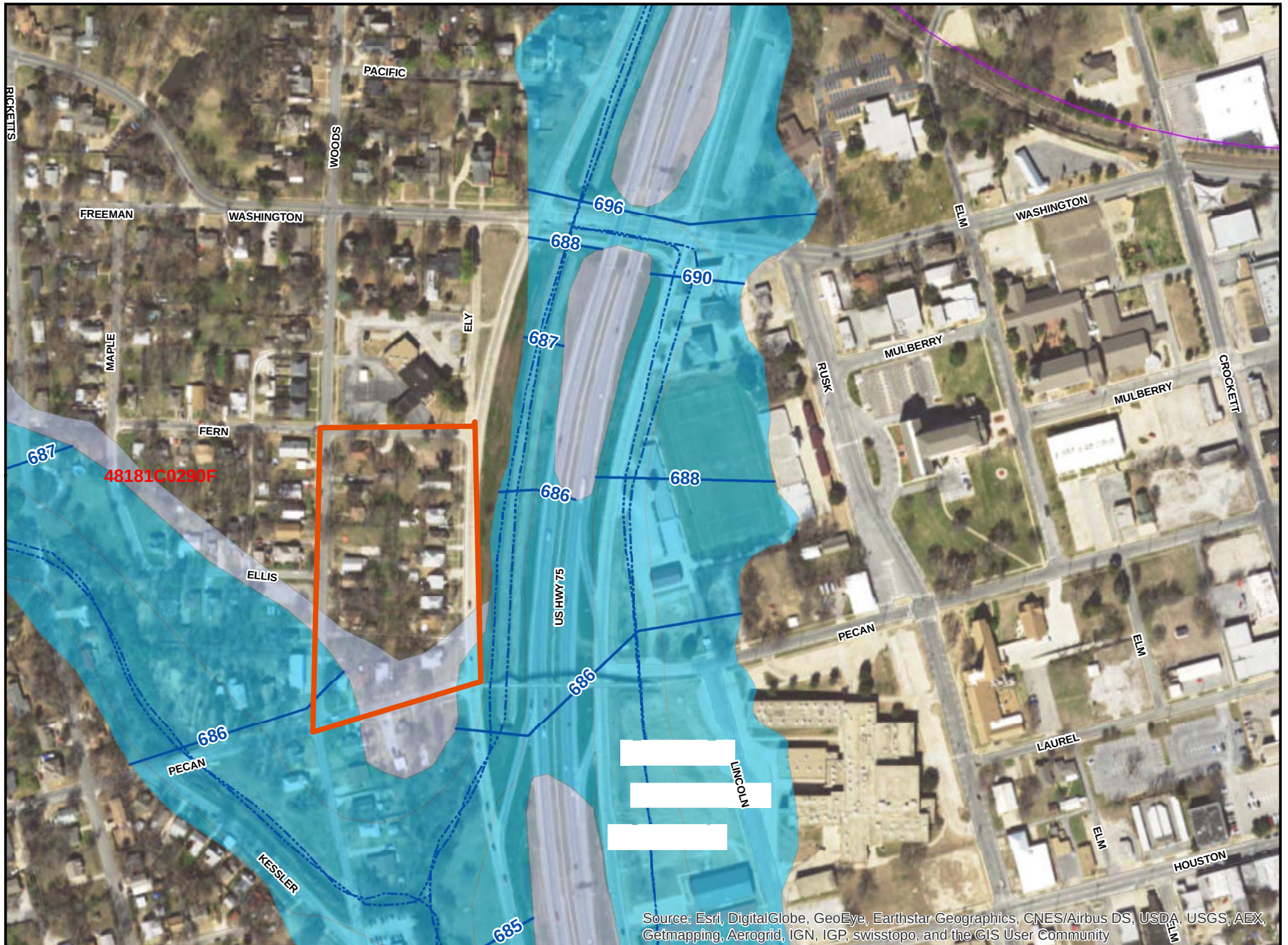
Underwood Drafting & Surveying, Inc.
3404 Interurban Road
Sherman, Texas 75021
Ph: 903-465-2151 Fax: 903-465-2152
Email: info@underwoodsurveying.com
Texas Board of Professional Land
Surveying Firm Registration No. 10006300



Owner:
Sapphire Group, LLC
P.O. Box 368
Sherman, Texas 75091

Replat of Block 6
of
Exstien's Maple Addition
an addition to the
City of Sherman, Texas
being 3.897 acres
in the
J. B. McAnair Survey, Abstract No. 763

Replat of Block 6 of Exstien's Maple Addition Location Map



1 inch = 300 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 7.

Meeting Date: 09/06/2016

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6126

Awarding a Bid to and Authorizing Execution of a Master Software License and Services Agreement with M-Files, Inc. based on an Invitation to Bid for Enterprise Document Management Services for the City of Sherman

Issue:

Awarding a bid and agreement for the purchase and implementation of document management software to securely track, manage and store electronic documents in a central repository

Background:

During a regularly scheduled meeting on December 7, 2015, the City Council authorized staff to advertise for bids for the purchase and implementation of document management software. A public request for competitive, sealed proposals resulted in nine (9) bids submitted and opened on August 23, 2016 at 11 a.m.

M-Files, Inc. received the highest valuation, based on proposed initial pricing, long-term costs and product capabilities. The submitted bid for M-Files, Inc. was in the amount of \$25,385.00.

Origination:

Financial Services

Financial Consideration:

Available funds were approved in the FY 2016 budget for enterprise document management software purchasing and implementation.

Staff Recommendation:

It is the staff's recommendation that the Sherman City Council award the agreement for enterprise document management services to M-Files, Inc. for one (1) twelve-month period, with an option to renew for two (2) additional one-year periods.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6126

Master Software License and Services Agreement

List of Proposal Submittals

RESOLUTION NO. 6126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A MASTER SOFTWARE LICENSE AND SERVICES AGREEMENT WITH M-FILES, INC. BASED ON AN INVITATION TO BID FOR ENTERPRISE DOCUMENT MANAGEMENT SERVICES FOR THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That M-Files, Inc., a Delaware Corporation, is hereby awarded the bid and the City of Sherman hereby approves the Master Software License and Services Agreement with M-Files, Inc. in the amount of Twenty-Five Thousand Three Hundred Eighty-Five Dollars and No Cents (\$25,385.00), for the purchase and implementation of enterprise document management software and services for the City of Sherman; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute said agreement with M-Files, Inc. for the purchase and implementation of the aforementioned services, in the same or substantially same form as 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 _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

M-FILES, INC.
MASTER SOFTWARE LICENSE AND SERVICES AGREEMENT

This Master Software License and Services Agreement (the “Agreement”), effective as of this ____ day of _____, 2016 (the “Effective Date”), is entered into by and between M-Files, Inc., a Delaware corporation (“M-Files”), and _____ a _____ corporation with a principal place of business at _____ (“Licensee”).

1. DEFINITIONS. Capitalized terms referred to in this Agreement and not defined herein shall have the meanings set forth in the Definition Appendix attached hereto as Appendix 1.

2. LICENSE TERMS.

2.1. Software License. If Licensee has purchased a Software license (as indicated on an Order Schedule), then subject to the terms and conditions of this Agreement, upon the execution of an Order Schedule by M-Files and Licensee, M-Files grants to Licensee a limited, personal, non-exclusive, non-transferable license to install, execute and use the Software, in object code form only, as well as the accompanying Documentation, solely for Licensee’s internal use and during the license term specified in the Order Schedule. The foregoing license is subject to the other terms set forth in this Agreement, any additional terms set forth in the applicable Order Schedule and the payment of all applicable License Fees.

2.2. License Type. Licensee acknowledges that its license to use the Software is limited by the License Type purchased by Licensee as defined herein and set forth on the applicable Order Schedule.

2.3. Server Software. If Licensee purchased a license to set up and use a new Master Server, M-Files grants Licensee a non-exclusive, non-transferable, perpetual, local, and restricted license to install, run, and use the Server Software on a single designated Master Server in Licensee’s M-Files System during the license term specified in the Order Schedule.

2.4. Backup. Licensee may create backup servers and make copies of the Server Software but solely for backup purposes. Licensee may not use, run, load, or copy (temporarily or permanently, in whole or in part) the Server Software that is installed on Licensee backup server, other than to the extent technically necessary for up-to-date backup. Licensee may not transfer the Software from Licensee’s designated server to Licensee’s backup server.

2.5. Replica Server Software. If Licensee has purchased a license to set up a replica server (as set forth in the applicable Order Schedule), M-Files grants to Licensee the right to copy, access, use and run the necessary portions of the Server Software on a server that Licensee has set up as a replica server in order to manage Licensee’s content and to enable more effective decentralized data processing. Licensee may not use the Software for any other purposes under a replica server license.

2.6. Client Software. M-Files grants Licensee a non-exclusive, non-transferable license to install Client Software on terminal devices. Any use of Client Software, including but not limited to making temporary or permanent copies for the purpose of running the Software, is subject to the holding of the appropriate valid licenses and payment of the respective fees.

2.7. Delivery Date. The delivery date of the Software shall be the date of (a) the transfer of the Software by M-Files to its shipping agent, or (b) the receipt of electronic confirmation by M-Files that the electronic mail to Licensee containing instructions for downloading the Software from its FTP download site has been sent to Licensee (the “Delivery Date”).

3. MAINTENANCE, PROFESSIONAL.

3.1 Maintenance. If Licensee has purchased the Maintenance and Support Services (as indicated on an Order Schedule), then M-Files shall provide the Maintenance and Support Services at the fees set forth on the applicable Order Schedule. If no term for the Maintenance and Support Services is specified on the Order Schedule then such term shall be for one year commencing on the initial delivery of the Software. Thereafter, Maintenance and Support Services will be automatically renewed for subsequent one year periods each and billed at M-Files’ then-current fee unless either party terminates such Maintenance and Support Services by notifying the other in writing at least forty-five (45) days prior to the expiration of the then-current Maintenance Period. M-Files’ Maintenance and Support Services are provided only for the standard version of the Software made generally available by M-Files

and do not apply to any custom software deliverables that may be provided by M-Files to Licensee as part of Professional Services. Maintenance and Support Services for any such custom deliverables may require additional charges.

- 3.2 Professional Services. M-Files or its designated subcontractors shall make available to Licensee certain Professional Services, such as installation, integration, configuration, consulting and /or training services, if and as specified on an Order Schedule and /or on an SOW.

4. FEES AND PAYMENT TERMS.

- 4.1. License Fees. In consideration of the licenses granted by M-Files under this Agreement, Licensee agrees to pay M-Files all license fees set forth on an Order Schedule ("License Fees"). Except as otherwise set forth on an Order Schedule, M-Files is expressly authorized by Licensee to deliver the Software and invoice for the Software listed in accordance with the Order Schedule upon execution of such Order Schedule by the parties.
- 4.2. Maintenance and Support Fees. For each Maintenance Period, Licensee agrees to pay to M-Files the Maintenance and Support Services fee set forth on an Order Schedule ("Maintenance and Support Fee"). The Maintenance and Support Fee for the initial Maintenance Period shall be the applicable amount set forth on an Order Schedule. The Maintenance and Support Fee for each subsequent Maintenance Period shall be equal to M-Files' then-current Maintenance and Support Fee. Except as otherwise specifically set forth on an Order Schedule, the Maintenance and Support Fee for each such Maintenance Period shall be payable on the commencement date of such Maintenance Period.
- 4.3. Professional Services Fees. Licensee shall pay M-Files the Professional Services fees specified on an Order Schedule or in a SOW ("Professional Services Fees") and unless specified otherwise in the applicable SOW, all pre-approved reasonable travel and out-of-pocket expenses incurred by M-Files in connection with any Professional Services provided under this Agreement. If fees for any Professional Service are not specified in the SOW or Order Schedule, such Professional Services will be provided on a time and materials basis at M-Files' then current rates when Professional Services are performed unless the parties otherwise agree in writing. M-Files will invoice Licensee as specified in the SOW or Order Schedule.
- 4.4. Payment Terms. Unless otherwise set forth on an Order Schedule, all payments shall be due within thirty (30) days after the date of M-Files' invoice and shall be paid in U.S. Dollars. Overdue balances, not subject to a good faith dispute as described below, may be subject to a service charge of one and one-half percent (1½%) per month, but not more than that allowed by law. Licensee shall be responsible for any and all taxes levied on any transaction under this Agreement, including all federal, state, and local taxes, levies and assessments, excluding any tax based on M-Files' net income. In the event that M-Files is required at any time to pay any such tax, assessment, fee, or charge, other than relating to M-Files' net income, Licensee shall promptly reimburse M-Files for such payments. Except as otherwise specifically set forth in this Agreement, all fees are non-refundable.
- 4.5. Disputed Charges. If Licensee disputes any charge or amount on any invoice and such dispute cannot be resolved promptly through good faith discussions between the parties, Licensee shall pay the amounts due under this Agreement less the disputed amount, and the parties shall diligently proceed to resolve such disputed amount. An amount will be considered disputed in good faith if (i) Licensee delivers a written statement to M-Files on or before the due date of the invoice, describing in detail the basis of the dispute and the amount being withheld by Licensee, (ii) such written statement represents that the amount in dispute has been determined after due investigation of the facts and that such disputed amount has been determined in good faith, and (iii) all other amounts due from Licensee that are not in dispute have been paid as and when required under this Agreement.

5. RESTRICTIONS

All servers, whether Master Server, backup server, or replica server, must be set up in the country from which Licensee's purchase order was placed. Licensee may not transport or transfer Licensee's servers or server licenses outside such country.

Licensee shall not and shall not allow any third party to decompile, disassemble, reverse engineer or attempt to reconstruct, identify or discover any source code, underlying ideas, underlying user interface techniques or

algorithms of the Software or any portion thereof, or otherwise derive its source code; (ii) sell, lease, license, sublicense, copy (except as permitted herein), market or distribute the Software or Documentation; or (ii) use the Software for any timesharing, service bureau, subscription, rental or similar uses without the express prior written consent of M-Files in each instance. Licensee shall take all reasonable precautions to prevent unauthorized or improper use or disclosure of the Software. Licensee shall not remove any proprietary label or notice accompanying the Software.

Licensee acknowledges and agrees that Licensee is not allowed to remove or circumvent any digital rights management mechanism, and Licensee may not use the Software in conjunction with, or with the assistance of, any codes, keys, mechanisms, or hardware or software components that are meant to circumvent the protection and that are supplied to Licensee by someone other than M-Files or one of its authorized distributors.

Licensee shall not export, re-export, resell, ship or divert or cause to be exported, re-exported, resold, shipped or diverted, directly or indirectly, the Software under this Agreement.

6. OWNERSHIP; PROTECTION OF SOFTWARE.

- 6.1. Ownership. The Software, any copy made thereof, and all rights therein, including but not limited to copyrights, patents, utility models, industrial designs/design patents, registered and/or unregistered trademarks, trade secrets, and any other industrial rights, are owned by M-Files and/or its licensors. These rights are protected by the provisions of international treaties and applicable national law. All rights not expressly granted to Licensee in Section 2 of this Agreement are reserved to M-Files and its licensors. The Software is licensed, not sold, and Licensee does not acquire any ownership of the Software or other rights regarding, including but not limited to, copyrights, patents, utility models, industrial designs/design patents, registered and/or unregistered trademarks or any other industrial rights. All rights that Licensee has for the content Licensee has stored in the system and that is processed by the Software shall remain in Licensee's ownership. Licensee is fully responsible for Licensee's own data and all content that Licensee enters in the M-Files.
- 6.2. Licensee Personnel. Unless otherwise expressly set forth on an Order Schedule and subject to the License Type, the Software may only be accessed and used by Licensee and its personnel; provided, however, that Licensee shall take appropriate action, by instruction or agreement, to ensure that the Software is being used by such personnel in accordance with the terms and conditions of this Agreement. Licensee shall be liable for any breach of this Agreement by any of its personnel.
- 6.3. Certification and Audit. At M-Files' written request and no more than once every twelve (12) months, Licensee shall provide M-Files with a signed certification (i) verifying that the Software is being used pursuant to the provisions of this Agreement and (ii) listing all copies and the respective locations of the Software. In addition to the foregoing, M-Files may, upon written notification to Licensee, perform an audit, not more than once per twelve (12) month period, of Licensee's use of the Software and Documentation and Licensee's compliance with the provisions of this Agreement. Any such audit shall be made at M-Files' expense and shall occur during the Licensee's normal business hours. M-Files shall notify Licensee, in writing, ten (10) business days prior to such audit. Such audit shall not unreasonably interfere with Licensee's business operations and Licensee agrees to cooperate with M-Files in any such audit. Licensee also acknowledges that the Software may include password protection, anti-copying subroutines or other security measures designed to monitor the usage of the Software for license management purposes. Under no circumstances would M-Files employ any such measure to interfere with Licensee's normal and permitted operation of the Software.
- 6.4. Confidentiality. Except as reasonably required to exercise its rights under this Agreement, each party shall maintain the Confidential Information of the other party in confidence. Each party agrees to use commercially reasonable efforts to prevent and restrain any unauthorized disclosure, communication, copying, use, distribution, installation or transfer of possession of Confidential Information by any of its employees, consultants, and agents to others or use it for any purpose, except pursuant to and in order to carry out, the terms and objectives of this Agreement. At a minimum, each party shall maintain at least the same procedures regarding the other party's Confidential Information that it maintains with respect to its own. A party's Confidential Information shall not include any information which: (i) becomes part of the public domain through no act or omission of the other party; (ii) is lawfully acquired by the other party from a third party without any breach of confidentiality to the party to whom the information relates; (iii) is disclosed by a party to a third party without any obligation of confidentiality

to the party to whom the information relates; (iv) is independently developed without reference to Confidential Information; or (v) is disclosed in accordance with judicial or other governmental order. Notwithstanding the foregoing, either party shall be permitted to disclose the terms and conditions of this Agreement in conjunction with legal due diligence proceedings, but not otherwise. Either party may publicly disclose the existence of this Agreement, but neither party shall disclose details of the Agreement without written consent from the other party.

- 6.5. Injunctive Relief. Each party acknowledges that any use of the disclosing party's Confidential Information in a manner inconsistent with the provisions of this Agreement may cause the disclosing party irreparable and immediate damage for which remedies other than injunctive relief may be inadequate. Therefore, each party agrees that, in addition to any other remedy to which the disclosing party may be entitled hereunder, at law or equity, the disclosing party shall be entitled to an injunction or injunctions (without the posting of any bond and without proof of actual damages) to restrain such use in addition to other appropriate remedies available under applicable law.
- 6.6. Export. Licensee acknowledges that the export of any Software is subject to export or import control and Licensee agrees that any Software or the direct or indirect product thereof will not be exported (or re-exported from a country of installation) directly or indirectly, unless Licensee obtains all necessary licenses from the U.S. Department of Commerce or other agency as required by law.

7. LIMITED WARRANTY; LIMITATION OF WARRANTIES

- 7.1. Software Warranty. M-Files hereby grants to Licensee a Product Warranty, as defined below, commencing on the date that the Software is delivered to Licensee by M-Files and continuing for sixty (60) consecutive days thereafter (the "Warranty Period"). M-Files warrants that during the Warranty Period the Software will perform in accordance with the then-current Documentation in all material respects (the "Product Warranty"). This Product Warranty does not cover any copy of the Software, which has been altered or changed in any way by a party other than M-Files.
- 7.2. Software Warranty Remedy. Licensee's sole and exclusive remedy for any breach of the Product Warranty shall be to have M-Files or its representatives, at their option, replace or modify such Software to correct the defect giving rise to such breach within a reasonable period, not to exceed sixty (60) days from M-Files' receipt of written notification of such defect from Licensee (the "Cure Period"). If, within the Cure Period as defined above, M-Files is unable to replace or modify the defective Software in such a way as to correct the said defect, then Licensee shall be entitled to terminate the license for the defective Software by giving written notice thereof to M-Files within ten (10) days following the end of the Cure Period and by destroying all copies of the defective Software. In such event, Licensee shall be entitled to a refund, of any License Fees paid by Licensee to M-Files for such defective Software together with any unused, prepaid Maintenance and Support Fees paid by Licensee to M-Files for such defective Software.
- 7.3. Exclusions and Contingencies. Licensee's remedy and M-Files' liability under Section 6.1 are expressly contingent upon: (i) Licensee notifying M-Files in writing of the claim within the Warranty Period and furnishing M-Files with adequate supporting documentation and details to substantiate the claim and to assist M-Files with the identification and detection of the cause of the problem, and (ii) the problem being capable of reproduction on properly functioning equipment by M-Files; (iii) the Software has not been altered or changed in any way by a party other than M-Files; (iv) the Software has been properly installed and operated in accordance with the Documentation; and (v) the Software has not experienced interference from products, applications, or configurations provided by Licensee or third parties.
- 7.4. Services Warranty. M-Files warrants that any Services provided hereunder shall be provided in a competent manner in accordance with any specifications set forth in the Order Schedule or SOW (as the case may be), in all material respects. M-Files further warrants that any Work Product provided pursuant to any Professional Services engagement shall comply, in all material respects, with the specifications set forth in the SOW. If the Services are not performed as warranted or the Work Product does not so comply, then, upon Licensee's written request, M-Files shall promptly re-perform, or cause to be re-performed, such Services, at no additional charge to Licensee. Such warranties and other obligations shall only survive for sixty (60) days following the completion of the Services or the delivery of each applicable portion of the Work Product, as the case may be (provided however, that if an Order Schedule or SOW specifies that acceptance testing is applicable then such warranty shall survive for a period of sixty (60) days following Licensee's acceptance of such Services or Work Product). Such re-performance shall be Licensee's exclusive remedy and M-Files' sole liability for any such non-performance. If, however, after repeated efforts, M-Files is unable to remedy such defect in any Work Product, then Licensee's sole remedy and M-Files' entire liability

shall be to refund to Licensee any amounts previously paid by Licensee for the particular deficient Professional Services or Work Product (it being acknowledged that the refunded portion shall only be for the actual deficient Professional Services or Work Product and not any other portion of the Professional Services or Work Product).

- 7.5. **Errors.** M-Files does not warrant that the functions contained in the Software will meet the requirements of Licensee or that the operation of the Software will be interruption or error-free. M-Files is not responsible for problems caused by changes in, or modifications to, the operating characteristics of any computer hardware or operating system for which the Software is procured, nor is M-Files responsible for problems which result from the use of the Software in conjunction with software of third parties or with hardware which is incompatible with the operating system for which the Software is being procured. M-Files shall, however, use commercially reasonable efforts to correct all Errors or Defects in the Software at all times while Licensee is covered under the Maintenance Program.
- 7.6. **DISCLAIMER.** EXCEPT FOR THE EXPRESS WARRANTIES MADE IN THIS SECTION 6, M-FILES MAKES AND LICENSEE RECEIVES NO OTHER EXPRESS OR IMPLIED WARRANTIES OF ANY KIND WITH RESPECT TO ANY SOFTWARE, DOCUMENTATION, MAINTENANCE AND SUPPORT SERVICES, PROFESSIONAL SERVICES, THIRD PARTY SOFTWARE, OR OTHER SERVICES. M-FILES SPECIFICALLY DISCLAIMS AND EXCLUDES ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, NON-INFRINGEMENT, AND ANY AND ALL WARRANTIES ARISING FROM COURSE OF PERFORMANCE, COURSE OF DEALING OR TRADE USAGE. THE STATED PRODUCT WARRANTY IS IN LIEU OF ALL OBLIGATIONS AND LIABILITIES ON THE PART OF M-FILES FOR DAMAGES.

8. **INDEMNIFICATION.**

- 8.1. **Indemnity.** M-Files will defend and indemnify, at its own expense, any third party claim against Licensee that arises due to (i) any bodily injury, death or damage to tangible personal property caused by the negligent acts or omissions of M-Files or its employees or subcontractors in the performance of the Services or (ii) a claim that the Software or any Work Product infringes a valid patent, copyright or involves the misappropriation of a trade secret of a third party. M-Files will pay such damages or costs as are finally awarded against Licensee or agreed to in settlement for such claim provided that Licensee gives M-Files: (a) prompt written notice of any such claim or threatened claim; (b) sole control of the defense, negotiations and settlement of such claim; and (c) full cooperation in any defense or settlement of the claim (at M-Files' cost).
- 8.2. **Further Obligations.** Should any Software or Work Product become, or in M-Files' opinion be likely to become, the subject of a claim of infringement or trade secret misappropriation as set forth above, M-Files shall, at its option and expense either: (i) procure for Licensee the right to continue to use the infringing Software or Work Product, or (ii) replace or modify the infringing Software or Work Product to make its use non-infringing without loss of substantial functionality. Notwithstanding the foregoing, if M-Files, in its sole discretion, determines that neither of the said options is reasonably available to it, M-Files, at its option, may terminate Licensee's right to use the infringing Software or Work Product, in which event Licensee shall cease use of such Software or Work Product and M-Files shall refund to Licensee (i) a pro rata portion, if any, of the License Fees paid by Licensee for the infringing Software or the Professional Services Fees paid for such infringing Work Product, which pro rata portion shall be a fraction, the numerator of which shall be equal to the number of months, if any, remaining from the date the termination becomes effective until the occurrence of the fifth (5th) anniversary of the date of the applicable Order Schedule, and the denominator of which shall be equal to sixty (60), and (ii) a pro rata portion of any prepaid unused Maintenance and Support Fees for the infringing Software, which pro rata portion shall be based on the remaining term of the then-current Maintenance Period.
- 8.3. **Exclusions.** Regardless of the foregoing, M-Files shall have no liability or obligation to Licensee with respect to any claim if such a claim is based on (i) Licensee's use of any non-current or altered version of the Software Work Product, to the extent that Licensee's liability for such claim would have been avoided by the use of a more recent and unaltered version of the Software or Work Product which had been provided by M-Files to Licensee, (ii) the combination, operation, or use of the Software or Work Product with software or equipment which was not provided by M-Files, to the extent that Licensee's liability for such claim would have been avoided in the absence of such combination, operation, or use; (iii) Licensee continues allegedly infringing activities after being notified thereof or after being informed of modifications that would have avoided the alleged infringement; (iv) compliance by M-Files with Licensee's custom requirements or specifications if and to the extent such compliance with Licensee's custom requirements or specifications resulted in the infringement or (v) Licensee's use of the Software or Work Product is not strictly in accordance with the terms of this Agreement or the Documentation.

8.4. *Sole Obligation.* This Section 8 states M-Files' sole obligation and Licensee's sole remedy in the event of any infringement or misappropriation of any intellectual or proprietary rights of a third party.

9. LIMITATION OF LIABILITY.

9.1. *Limitation of Liability.* Except for (i) a party's breach of its confidentiality obligations under Section 6.4 above, (ii) a party's willful misconduct or (iii) a breach by Licensee of Section 5 above, in no event will either party, or their respective affiliates, employees or agents, or M-Files' suppliers, be liable for loss of profits, business, use or data, or for interruption of business, or any other indirect, incidental, consequential or punitive damages even if advised of the possibility of such damages, regardless of the form of action, notwithstanding the failure of essential purpose of any limited remedy. Except for (i) M-Files' breach of its confidentiality obligations under Section 6.4 above, (ii) M-Files' willful misconduct or (iii) M-Files' indemnification obligations set forth in Section 8 above, in no event will M-Files' aggregate, cumulative monetary liability for any and all claims and damages arising from or related to this Agreement, whether in contract or in tort or under any other legal theory (including strict liability and negligence), exceed the License Fees actually paid by Licensee to M-Files for the applicable Software that is related to the claim or the Services fees actually paid by Licensee to M-Files for the applicable Services provided that nothing in this Agreement shall operate so as to restrict or exclude any liability for death or personal injury caused by negligence of either party. The provisions of this Agreement allocate the risks between the parties. The pricing set forth in the Order Schedules reflects this allocation of risk and the limitation of liability specified herein.

10. TERMINATION.

10.1. *Termination by the Parties.* Either party may terminate this Agreement for cause immediately by written notice upon the occurrence of any of the following events:

- (i) if the other party ceases to do business, or otherwise terminates its business operations;
- (ii) if the other party is adjudicated as bankrupt, or if a petition in bankruptcy is filed against the other party and such petition is not discharged within sixty (60) days of such filing; or
- (iii) if the other party breaches any material provision of this Agreement and fails to fully cure such breach within thirty (30) days of written notice describing such breach.

10.2. *Effect of Termination.* Licensee agrees that, in the event of any termination of the Agreement, all licenses granted hereunder are revoked and Licensee shall, within fifteen (15) days from the date of such termination, purge all copies of such Software, Work Product and Documentation from all computers and storage media on which Licensee has maintained them, destroy all copies of such Software, Work Product and Documentation provided to or made by Licensee under this Agreement, and promptly certify in writing to M-Files that the same have been purged and destroyed.

10.3. *Non-renewal of Maintenance and Support.* Licensee shall have no obligation to renew Maintenance and Support Services for any additional annual terms. Such nonrenewal ("lapse") shall not, alone, effect the term of this Agreement or Licensee's license to use the Software, provided however, Licensee acknowledges that if Licensee elects to resume the Maintenance Program after a lapse in coverage, Licensee agrees that it shall immediately pay M-Files for the period of time during which Maintenance and Support Services coverage lapsed, and Licensee's payment for the lapsed period shall equal the then-current Maintenance and Support Fee pro-rated for the number of months during which coverage lapsed. Licensee further agrees that in order to resume the Maintenance Program, Licensee shall also purchase a minimum of one (1) additional year of Maintenance and Support Services, and the new Maintenance Period shall commence on the date on which Licensee has fully paid all Maintenance and Support Fees for the months of lapsed coverage and a minimum of one additional year.

10.4. *Survival.* Termination of this Agreement shall not relieve either party of any payment or other obligation under this Agreement which was to have been performed by such party prior to the termination. All provisions of this Agreement which by their nature are intended to survive the termination of this Agreement (including, without limitation, the provisions of Sections 6, 8, 9, 10 and 11) shall survive such termination.

11. GENERAL PROVISIONS.

11.1. *Entire Agreement and Controlling Documents.* This Agreement (including any Appendices, SOWs and Order Schedules) contains the entire agreement between the parties with respect to the subject matter hereof, and supersedes all proposals, understandings, representations, warranties, covenants, and any other communications (whether written or oral) between the parties relating thereto and is binding upon the parties and their permitted

successors and assigns. Only a written instrument that refers to this Agreement and is duly signed by both authorized representatives of both parties may amend this Agreement. No terms and conditions of any Licensee purchase order shall modify the terms and conditions of this Agreement, or add any additional or inconsistent terms for any reason or purpose whatsoever, regardless of any statement in a purchase order to the contrary. Under no circumstances shall any shrink-wrap and/or click-wrap and/or included license agreement (e.g. End User License Agreement or "EULA") licensing or contractual terms be given any force or effect in connection with any Software ordered or delivered to Licensee pursuant to this Agreement. The parties specifically reject all such licenses, licensing terms and contractual terms, and the parties agree to replace them with the terms of this Agreement. In the event of a conflict in terms among the Agreement and the Order Schedule, the Agreement shall control (unless the Order Schedule expressly states that it is to control in the event of such conflict). This Agreement shall apply to all Software and Services ordered by Licensee or delivered to Licensee by M-Files, except for services which are explicitly supplied under a separate written services agreement between the parties.

- 11.2. Assignment. This Agreement shall be binding upon and for the benefit of M-Files, Licensee and their permitted successors and assigns. Either party may assign this Agreement as part of a corporate reorganization, consolidation, merger, or sale of substantially all of its assets, provided that if a license granted to Licensee hereunder is an enterprise-wide license and Licensee intends to assign the Agreement to a company (including its affiliates) which has a larger number of personnel than the Licensee, then Licensee shall be required to obtain M-Files' consent in connection with such assignment. Except as expressly stated in this Agreement, neither party may otherwise assign its rights or obligations under this Agreement either in whole or in part without the prior written consent of the other party, and any attempted assignment or delegation without such consent will be void. M-Files may use independent contractors or subcontractors to assist in the delivery of Services; provided, however, that M-Files shall remain liable for the actions or omissions of such independent contractors or subcontractors.
- 11.3. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to (i) its conflict of law provisions, and (ii) the applicability, if any, of the United Nations Convention on Contracts for the International Sale of Goods. In the event a dispute arises between M-Files and Licensee relating to this Agreement, M-Files and Licensee agree that the matter will be submitted to a court in New York County, New York.
- 11.4. Waiver of Jury Trial. LICENSEE KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVES (TO THE EXTENT PERMITTED BY APPLICABLE LAW) ANY RIGHT LICENSEE MAY HAVE TO A TRIAL BY JURY OF ANY DISPUTE ARISING UNDER OR RELATING TO THIS AGREEMENT.
- 11.5. Headings; Counterparts. The headings to the sections of this Agreement are for ease of reference only and shall not affect the interpretation or construction of this Agreement. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall be deemed to be an original instrument.
- 11.6. Relationship of the Parties. M-Files and Licensee are independent contractors, and nothing in this Agreement shall be construed as making them partners or as creating the relationships of employer and employee, master and servant, or principal and agent between them, for any purpose whatsoever. Neither party shall make any contracts, warranties or representations or assume or create any other obligations, express or implied, in the other party's name or on its behalf.
- 11.7. Third Party Products and Acknowledgements. Licensee acknowledges that certain third party software products ("Third Party Products") are provided by M-Files as a "pass through" to Licensee and such Third Party Products may be covered by a warranty offered by the third party software vendor, not M-Files. Any Third Party Products are set forth in Documentation, the readme file, notice.txt, 3rdPartyLicenseTerms.txt, or similar files delivered with such Software, and are licensed under the terms of and are subject to any third party terms pertaining thereto set forth in such Documentation, the readme file, notice.txt or similar file, and are not subject to any warranties or indemnification rights contained in Sections 7 and 8 hereof. Any Third Party Products which are not supplied with a packaged license or a click-on license are subject to the terms of this Agreement as "Software" hereunder, except that such software products are not subject to any warranties or indemnification rights set out in Sections 7 and 8.
- 11.8. Force Majeure. Except for the obligation to make payments, nonperformance of either party shall be excused to the extent that performance is rendered impossible by strike, fire, flood, governmental acts or orders or restrictions, failure of suppliers, or any other reason where failure to perform is beyond the reasonable control of the non-performing party.

- 11.9. Notices. Any demand, notice, consent, or other communication required by this Agreement to be given in writing shall be given either (i) by being hand-delivered to the receiving party, or (ii) by being deposited in the mail (registered or certified) or delivered to a recognized private express common carrier, postage or freight prepaid, addressed to the receiving party at its address set forth on an Order Schedule. Either party may change its address by giving written notice to the other party of the changed address.
- 11.10. Waiver and Severability. The waiver or failure of either party to exercise in any respect any right provided for in this Agreement shall not be deemed a waiver of the subject right or any further right under this Agreement. If any provision of this Agreement or the application thereof to any party or circumstances shall be declared void, illegal or unenforceable, the remainder of this Agreement shall be valid and enforceable to the extent permitted by applicable law. In such event the parties shall use their best efforts to replace the invalid or unenforceable provision by a provision that, to the extent permitted by applicable law, achieves the purposes intended under the invalid or unenforceable provision.
- 11.11. Use of Name. Licensee agrees that M-Files may use Licensee's name and may disclose that Licensee is a customer of M-Files in M-Files advertising, press, promotion and similar public disclosures upon the prior written consent of Licensee (such consent not to be unreasonably withheld or delayed). Licensee also hereby grants M-Files a non-exclusive license during the term of this Agreement to list Licensee's name and display Licensee's logo in the "partner" "customer" or similar section of M-Files' website. M-Files may also publicly issue and distribute a "case study" relating to this Agreement and M-Files' services performed on behalf of Licensee, provided that it first obtains Licensee's prior written consent, such consent not to be unreasonably withheld or delayed. Licensee agrees to act as a "reference account" with respect to M-Files' marketing and promotional initiatives.

M-Files and Licensee have caused this Agreement to be executed by their duly authorized representatives as of the Effective Date.

M-Files :

M-Files, Inc.

Licensee :

By : _____
Duly Authorized Signatory

Name : _____

Title : _____

Date : _____

By : _____
Duly Authorized Signatory

Name : _____

Title : _____

Date : _____

Appendix 1

DEFINITIONS

1. “*Client Software*” shall the Software files, documents, and other content that are provided to Licensee by M-Files for purposes of running, use, and display of Software tools and the client interface on Licensee’s terminal devices. Any use of Client Software requires the purchase of a valid user license.
2. “*Confidential Information*” means all information which is written, graphic, machine readable or other tangible form and is marked “confidential”, “proprietary”, “source code”, or in some other manner to indicate its confidential nature, or which under the circumstances of disclosure reasonably ought to be considered as confidential. Confidential Information of M-Files shall expressly include the Software, including all source and object code, Documentation related to such Software, and the terms and pricing under this Agreement.
3. “*Defect or Error*” means incorrect code in Software or a defect that causes the Software not to operate in conformity with the applicable Documentation.
4. “*M-Files System*” refers to the composition of Server Software and Client Software that operates on Licensee’s hardware devices (which may be set up according to Licensee’s preferences, provided that Licensee has purchased the necessary licenses for each component and each designated device and /or user in such system).
5. “*Master Server*” means the hardware that operates as the main server on which Licensee uses and runs the Server Software which Licensee has designated as Licensee’s primary Server Software.
6. “*Server Software*” means the Software files, documents, and other content that are offered to Licensee by M-Files for purposes of operation with said files and content on Licensee’s server hardware. Any use of Server Software requires the purchase of a valid server license (at least one, with the number depending on the nature of the M-Files System) and user license in accordance with the term of this Agreement.
7. “*Documentation*” means the documentation for Software generally supplied by M-Files to assist its customers in the use of such Software, including user and system administrator guides and manuals and other written materials, including the software functional specifications.
8. “*License Type*” means one of the following types of license (as reflected on the Order Schedule):

Named User License means that the license to use the Software must be assigned to specific named individual employees of the Licensee. The license authorizes the named persons only to access, use, run, and display the Software. None of the licenses purchased may be transferred provided the Licensee may reallocate the licenses.

Concurrent User License means that the license to use the Software is for the maximum number of individual employees of the Licensee to access use, run, and display the Software at any time.

Read-only Named User License means that the license to use the Software must be assigned to specific named individual employees or contractors of the Licensee. The license authorizes the named person to access and display the Software, and make any technically necessary temporary copies of the Software, all for the sole purpose of viewing (but not editing or creating) the content stored thereon. None of the licenses purchased may be transferred provided the Licensee may reallocate the licenses.

9. “*Maintenance Program*” means M-Files’ Maintenance and Support Services program with respect to the Software as further described on Appendix 2.
10. “*Maintenance Period*” means, unless specified otherwise on the Order Schedule, a period of twelve (12) consecutive months commencing on the initial Delivery Date of the Software or on any anniversary date thereof during the term of this Agreement, during which Licensee is covered by the Maintenance Program, as set forth on an Order Schedule.

11. “*Maintenance and Support Services*” means M-Files’ maintenance and support services the terms of which are described on Appendix 2 to this Agreement.
12. “*Order Schedule*” means the schedule(s) to this Agreement signed by both parties from time to time that, when completed, set forth the Software, Maintenance and Support Services and Professional Services ordered by Licensee from M-Files, all applicable fees, certain restrictions and any other terms that M-Files and Licensee agree upon.
13. “*Professional Services*” means M-Files’ professional services, the terms of which are subject to the terms and conditions of this Agreement, including the additional terms set forth on Appendix 3 to this Agreement.
14. “*Services*” mean M-Files’ Professional Services and Maintenance and Support Services.
15. “*Software*” means the standard version of the M-Files computer program or programs specified in an Order Schedule at the release level current at the effective date of such Order Schedule and any Minor Releases and Major Releases which may be supplied to Licensee.
16. “*SOW*” means a Statement of Work referencing this Agreement and signed by both parties from time to time that sets forth Professional Services and certain other terms related thereto that are agreed between the parties. The parties acknowledge that for small Services engagements, the Order Schedule may serve as the SOW.
17. “*Minor Releases*” mean interim releases of the Software incorporating standard maintenance, improvements, patches, error corrections and enhancements that are provided by M-Files to customers who subscribe to the Maintenance Program. Minor Releases are designated by all digit(s) to the right of the decimal point (e.g., 3.x.x), and the content and timing of all Minor Releases shall be decided upon by M-Files in its sole discretion.
18. “*Major Releases*” mean full product releases of the Software, which contain substantial functional enhancements. Major Releases are also provided by M-Files to customers who subscribe to M-Files’ Maintenance Program. Major Releases are designated by the digit to the left of the decimal point (e.g., x.0), and the content and timing of all Major Releases shall be decided by M-Files in its sole discretion. Major Releases do not include any products that are marketed and priced separately by M-Files or which M-Files does not make available to its customers who subscribe to M-Files’ Maintenance Program without an additional charge.
19. “*Work Product*” means any work product, deliverables, programs, interfaces, modifications, configurations, reports, or documentation developed or delivered in the performance of Professional Services.

Appendix 2

MAINTENANCE PROGRAM

Standard Support Agreement

M-Files requires purchase of one year of Maintenance and Support Services with all Software. Unless otherwise expressly agreed to by the parties in writing, Maintenance and Support Services do not cover any customized software application developed by M-Files for Licensee and shall only cover the Software. M-Files shall provide Maintenance and Support Services for each Software program for which Licensee has purchased Maintenance and Support Services as listed and for the Maintenance Period listed on the Order Schedule.

M-Files shall supply Licensee with all Minor Releases and Major Releases generally released during the Maintenance Period.

M-FILES DOES NOT GUARANTEE THAT IT WILL MAKE AVAILABLE, AND LICENSEE ACKNOWLEDGES THAT HE MAY NOT RECEIVE, ANY EXTENSION, RELEASE, PREVIOUS VERSION OR ANCILLARY PRODUCT DURING THE TERM OF THE MAINTENANCE PERIOD.

Support/Problem Resolution

The Support Staff at M-Files assists clients with requests using the following steps and procedures to track client interactions based on priority.

M-Files shall accept and respond to requests from Licensee concerning

- Installation, including installation of administration tools;
- Troubleshooting of a software program; and
- Cases where the software is not functioning as documented.

I. Standard Business Hours

Support Representatives answer incoming calls and address cases open in the M-Files Support Center during standard business hours* of:

Monday	Tuesday	Wednesday	Thursday	Friday
8:30 am – 4:30 pm (Central Time)	8:30 am – 4:30 pm (Central Time)	8:30 am – 4:30 pm (Central Time)	8:30 am – 4:30 pm (Central Time)	8:30 am – 4:30 pm (Central Time)

*Excluding US Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day after, Christmas Day, and New Year's Eve.

If Licensee has purchased 24/7 Support Plan (as specified in the Ordering Schedule), telephone support is available at all times.

II. Response/ Resolution Times

M-Files shall use commercially reasonable efforts to respond to and resolve the Priority Levels set out below in the time periods described below, provided that classification of any problem among Priority Levels shall be reasonably in accordance with the definitions specified below which shall be determined by M-Files in its reasonable discretion:

Priority Level	Description	Example of the impact
1	The Service is down and cannot be accessed	The user cannot access or use any of its own content
2	The Service is running but substantial errors occur	The user can access the content and copy it to another location but, because most of the functions cannot be used, cannot use the Service
3	Errors in the Service affect user ability to benefit fully from it	The user cannot perform some tasks but is not restrained from storing, changing, and searching content and metadata
4	The Service displays some minor errors	The user finds service to be slow or/and there is an error that does not keep the user from using the system in daily operations

The following response and fix times are applied if Licensee has purchased the Standard Support Plan:

Priority Level	Initial response	Fix or workaround
1	Within 5 Business Hours	Within 1 Business Day
2	Within 1 Business Day	Within 2 Business Days
3	Within 1 Business Day	Within 3 Business Days
4	Within 2 Business Days	Within 5 Business Days, unless otherwise indicated in response

The following response and fix times are applied if Licensee has purchased the 24/7 Support Plan:

Priority Level	Initial response	Fix or workaround
1	Within 4 hours	Within 16 hours
2	Within 8 hours	Within 2 business days
3	Within 1 business day	Within 3 business days
4	Within 2 business days	Within 5 business days, unless otherwise indicated in response

A business day is a 24-hour span except during weekends and M-Files recognized holidays. Holidays are specified in Section I (Standard Business Hours) of this [Appendix 2](#).

The fix and workaround times apply only if the person that has submitted the support request can be contacted by e-mail or telephone without delay during the resolution phase.

III. Contacting M-Files Support Services

Licensee may contact M-Files Support either via phone or via the M-Files Support Center:

M-Files Support Center	http://support.m-files.com

M-Files Customer Support Telephone numbers*	
+1 (800) 224 4074	United States
+44 330 122 8358	United Kingdom
+358 3 3138 7599	Finland
+61 2 9098 4702	Australia

*Local and national telephone rates apply.

Phone support outside Standard Business Hours is available only for 24/7 customers. Prepare to indicate your M-Files serial number.

Telephone numbers are subject to change. The current contact details can be found from: www.m-files.com/support.

To receive emergency assistance for Priority Level 1 issues, Licensee shall call M-Files Support Services and indicate that Licensee is having a Priority Level 1 issue, or submit a ticket via M-Files Support Center with correct impact and scale information. Upon receipt of such call or ticket, M-Files shall perform the following steps:

- 1) M-Files Support Representative will assess the Priority Level of the issue based on the error description.
- 2) In case the issue is categorized as Priority Level 1 issue, the M-Files Support Representative will use commercially reasonable efforts to provide Licensee with regular updates, unless otherwise indicated in response, until the reported issue is resolved.
- 3) In case the issue does not fulfill the Priority Level 1 requirements, appropriate Priority Level is assigned and the Licensee is informed of this change.

If resolution cannot be reached within the target timeframe, M-Files will send a new estimated fix time. Such an estimate will be sent in cases where the request requires extensive research or escalation, as well as in other cases where M-Files finds it necessary.

The initial response will consist of:

- A suggested resolution to the problem;
- A request for more detailed information or clarification, which will enable the Service Provider to determine the appropriate course of action; or
- Notification of the estimated time for providing the user with further information, resolution, or a workaround, as appropriate.

IV. Designated Client Contacts

Calls or M-Files Support Center cases for application or system support purposes should be routed through designated customer contacts. Doing so ensures prompt and efficient service while maintaining strict confidentiality of employee data. Each M-Files Customer is afforded one (1) primary support contact and one (1) back-up contact. Additional contacts

are allowed for IT and other technical communications from M-Files support. Should these support contacts change, M-Files Support Services must be notified in writing by the senior most customer contact. This is a data security precaution strictly enforced by M-Files.

V. M-Files Support Center & Knowledgebase

The M-Files Support Center allows Licensee to submit questions or report issues with M-Files application directly to M-Files Support Services 24 hours per day, 7 days per week (cases submitted during non-business hours will be responded as described in Section I). Using the M-Files Customer Care Center 24 hours a day, 7 days per week allows the user to track each reported case in real-time and get up-to-date statuses along with detailed information on each case. Integrated within the M-Files Support Center is the Support Knowledgebase which is a growing self-help library of articles and quick assist application guides to help customers maximize its use of the M-Files applications.

VI. Limitation on Maintenance Services

M-Files' obligations to provide Maintenance and Support Services shall apply only to: (a) the most current and to one immediately preceding Major Releases of the Software; and (b) any Minor Releases for such Major Releases. Fixes made available by M-Files shall only apply to the currently latest Major or Minor Release of the Software or both. M-Files may provide support and fixes to any other Major Releases or Minor Releases of the Software for an additional, separately agreeable fee.

The support service covers only technical problems related to the system, and it is not provided for user help, user guidance, training, remote consulting, or business consulting. Usage guidance, training, remote consulting, and business consulting may be available for an additional fee as separately agreed between the parties.

Maintenance and Support Services do not cover products made, supplied or licensed by a third party, nor does it cover modifications or adaptations of the Software by any party other than M-Files or its agents. If Licensee notifies M-Files of a problem and it is established that the problem is due to Licensee's incorrect or improper use of the Software (as opposed to a defect in the Software) M-Files shall have no obligation to take any action to correct the problem to the extent such problem is related to the preceding causes. Upon Licensee's written request and written authorization delivered to M-Files that M-Files should proceed with work on a time and materials basis, and at M-Files' sole discretion, M-Files may attempt to correct the problem, and Licensee shall, to the extent so authorized by Licensee, pay M-Files the then current time and materials rate for all services provided and all expenses of M-Files associated with performance of those services, whether or not the problem is eventually corrected.

M-Files is not obliged to provide Maintenance and Support Services requested to the extent it can reasonably be determined to be the result of: (a) operation of the computer on which a Software is installed in environmental conditions outside those prescribed in writing by the computer manufacturer; (b) operation of the Software with a version of the operating system software other than that specified in writing by M-Files; (c) failure to maintain the computer on which the Software is installed or used in accordance with written standards prescribed by the computer manufacturer; (d) failure to ensure that Licensee's personnel and staff are reasonably trained in the use and operation of the Software; (e) Software serviced, maintained or modified by anyone other than M-Files; or (f) Licensee's computer hardware failing to meet the minimum specification prescribed by M-Files for use with the Software.

All support requests submitted must be related solely to Licensee's operations or the Users' use of the Services and a purchased support plan. Support requests may be submitted in English or in another language specified by M-Files.

VII. Renewals

Prior to expiration of the Maintenance Term, Licensee may renew the Maintenance and Support Services for an additional term ("Renewal Term") at the renewal price published at that time. Unless otherwise agreed by M-Files, if Licensee does not purchase renewal for the Maintenance and Support Services prior to expiration of the current term, Licensee's Maintenance and Support Services will automatically expire.

Appendix 3

PROFESSIONAL SERVICES

1. SERVICES.

1.1 M-Files will provide installation, integration, configuration, consulting, training and/or other computer related Professional Services pursuant to Order Schedule(s) and/or SOWs of work executed by the parties and referencing this Agreement (Order Schedule(s) listing professional services purchased by Licensee and any a statement of work describing Professional Services purchased by Licensee are referred to in this Appendix 3 as a “Statement of Work” or “SOW”).

1.2 Unless the parties expressly agree in writing to the contrary, the Professional Services do not include Maintenance and Support Services for any deliverables or Work Product comprising software delivered by M-Files as part of Professional Services. Licensee may separately purchase from M-Files Maintenance and Support Services for such deliverables or work product on a time and materials basis, at M-Files’ then prevailing rates.

2. CHANGE REQUESTS. Either party may request a change to an SOW, and for such purpose shall submit to the other party a written notice (“Change Request”) setting forth the requested change and the reason for such request. Within five (5) business days (or such other period of time as agreed by the parties) after the receipt of such Change Request, the parties shall discuss the necessity, desirability and /or acceptability of the Change Request. When and if both parties have agreed in writing upon the changes, and any resulting change in the estimated fees for the project, the parties shall complete and execute a new SOW.

3. ACCESS TO LICENSEE’S PROPERTY AND COMPUTERS. Licensee agrees to provide M-Files access to Licensee’s computers and network via remote data communications and by visits to Licensee’s site as reasonably required to perform under any Order Schedule. All supplies, information and computer resources, including software licenses (other than software supplied by M-Files), required to perform the Professional Services shall be provided to M-Files at Licensee’s expense.

4. LICENSE; OWNERSHIP. Licensee will have a non-exclusive, non-transferable license to use any Work Product developed by M-Files in the performance of Professional Services and delivered to Licensee, upon Licensee’s payment in full of all amounts due hereunder, solely in conjunction with, and consistent in scope with, Licensee’s permitted use of the Software under this Agreement. M-Files retains ownership of all information, Software and other property owned by it prior to this Agreement or which it develops independently of this Agreement and all Work Product received, compiled or developed by M-Files in the performance of this Agreement, including, but not limited to all configurations to the Software or any applications. All such information shall be treated as Confidential Information of M-Files in accordance with Section 5.5 of the Agreement. M-Files may utilize any and all methods, computer software, know-how or techniques related to programming and processing of data, developed by it while providing the Services and may incorporate the work product in future releases of any of its Software.

5. STAFFING/NON-SOLICITATION. M-Files shall have sole discretion regarding staffing for the Professional Services, including the assignment or reassignment of its Services personnel. In addition, M-Files may, at M-Files’ sole responsibility, retain one or more sub-contractors to provide all or a portion of the Professional Services. Licensee shall provide at least one mutually acceptable contact person to communicate all product development-related activities, and matters concerning the Professional Services, to M-Files. M-Files shall be responsible for all actions of its subcontractors in the performance of this Agreement. Each party acknowledges that the other party’s employees and consultants are valuable business assets, and each party agrees that during the term of this Agreement and for a period of one (1) year following the Effective Date of this Agreement, it shall not (for itself or for any third party) solicit any employee that has performed work under this Agreement (a “Protected Individual”) to terminate their employment with the other party. Notwithstanding the foregoing, the provisions of this paragraph shall not restrict or preclude a party from making generalized searches for employees by the use of advertisements in the media or by engaging search firms to engage in searches that are not targeted or focused on the Protected Individuals, or from employing any Protected Individual whose employment was terminated by a party, or voluntarily terminated by such employee, so long as such voluntary termination was not the result of a prohibited solicitation of such employee by a party or its affiliates.

6. LICENSEE OBLIGATIONS. Licensee will cooperate with M-Files, will provide M-Files such assistance as M-Files may reasonably request, and will fulfill its responsibilities as set forth in this Agreement and the Order Schedule, except as prevented by acts or occurrences beyond Licensee's control. If M-Files personnel are required to be present on a Licensee site, Licensee will provide adequate workspace and may provide reasonable worksite safety and security rules to which such personnel are to conform. Licensee shall be responsible for obtaining and paying for any releases, rights, licenses, clearances or permissions necessary to use any third party materials which are the responsibility of Licensee to provide in connection with any Professional Services performed by M-Files under any Order Schedule. Licensee will appoint a Licensee contact to M-Files. This contact, or a designated alternate, must be reasonably available on site or by phone at all times that Professional Services are being provided.

City of Sherman
Finance Department
Enterprise Document Management Software RFP
August 23, 2016

List of Companies with Submitted Proposals

Adjacent Technologies Inc

Affinity Consulting Group LLC

ECS Imaging Inc

Filehold Systems Inc

ImageSoft Inc

Oxycan

Executive Technologies Inc

M-Files, Inc & Verity Group

DocuNav Solutions



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 8.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6127**

Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, Ltd. based on an Invitation to Bid for Construction of a Cart Barn to be located at the Solid Waste Department

Issue:

Awarding a bid and contract for the construction and installation of a Solid Waste cart barn, as part of the budgeted fiscal year (FY) 2016 site improvements for the Solid Waste Department

Background:

During a regularly scheduled meeting on June 20, 2016, the City Council authorized staff to advertise for bids for the construction and installation of a cart barn at the Solid Waste Department. A public request for competitive, sealed proposals resulted in four (4) bids submitted. On August 23, 2016 at 2 p.m., four publicly requested bids were opened, one of which was non-responsive.

Jerry Paul Higgins, Ltd. received the highest, weighted score, based on proposed pricing, qualifications of bidder and safety. The submitted bid for Jerry Paul Higgins, Ltd was in the amount of \$164,773.00.

Origination:

Solid Waste Department

Financial Consideration:

Funding of up to \$300,000.00 was approved in the FY 2016 budget; funded through the Solid Waste Fund for site improvements.

Staff Recommendation:

It is recommended that the City Council authorize staff to award the bid to Jerry Paul Higgins, Ltd. for a contract in the amount of \$164,773.00.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6127

Contract

Proposal Evaluation

Location Map

RESOLUTION NO. 6127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JERRY PAUL HIGGINS, LTD. BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF A CART BARN TO BE LOCATED AT THE SOLID WASTE DEPARTMENT; 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 Jerry Paul Higgins, Ltd., a Texas Limited Partnership, is hereby awarded the bid and the City of Sherman hereby approves the contract with Jerry Paul Higgins, Ltd. in the amount of One Hundred Sixty-Four Thousand Seven Hundred Seventy-Three Dollars and No Cents (\$164,773.00), for the construction and installation of a Cart Barn at the Solid Waste Department; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Jerry Paul Higgins, Ltd. for construction of the aforementioned improvements, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

SECTION CA

CONTRACT AGREEMENT

CONTRACT AGREEMENT

STATE OF TEXAS

COUNTY OF GRAYSON

THIS AGREEMENT is made and entered into this 6th day of September, **2016**, by and between the City of Sherman, of the County of Grayson and State of Texas, acting through its City Manager, thereunto duly authorized so to do, Party of the First Part, hereinafter termed the OWNER, and Jerry Paul Higgins, LTD, of the City of Sherman, County of Grayson, State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payment and agreement hereinafter mentioned, to be made and performed by the OWNER, the said CONTRACTOR hereby agrees with the said OWNER to commence and complete construction of certain improvements as follows:

CONSTRUCTION OF SOLID WASTE CART STORAGE FACILITY

and all extra work in connection therewith, under the terms as stated in the General and Specific Conditions of the AGREEMENT; and at his own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto and in accordance with the Request for Proposals, Instructions to Offerors, General Provisions, Special Provisions, Plans, and other drawings and printed or written explanatory matter thereof, and Addenda thereto, as prepared by the OWNER, each of which has been identified by the endorsement of the CONTRACTOR and the OWNER thereon, together with the CONTRACTOR's written Proposal and the General Provisions, all of which are made a part hereof and collectively evidence and constitute the entire AGREEMENT.

The CONTRACTOR hereby agrees to commence work within ten (10) calendar days after the date of written notice to do so shall have been given to him, to complete the work within ONE HUNDRED AND TWENTY **(120)** calendar days, after he commences work, subject to such extensions of time as are provided by the General Provisions.

The OWNER agrees to pay the CONTRACTOR ONE HUNDRED SIXTY FOUR THOUSAND SEVEN HUNDRED SEVENTY THREE Dollars **(\$164,773)** in current funds for the performance of the Contract in accordance with the Proposal submitted thereof, subject to additions and deductions, as provided in the General Provisions, and to make payments of account thereof as provided therein.

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

CITY OF SHERMAN, TEXAS (OWNER)

ATTEST:

By: _____
Robby Hefton, City Manager

By: _____
Linda Ashby, City Clerk

APPROVED:

By: _____
Brandon Shelby, City Attorney

(CONTRACTOR)

ATTEST:

By: _____

By: _____

The following to be executed if the CONTRACTOR is a corporation:

I, _____ certify that I am the secretary of the corporation named as CONTRACTOR herein; that _____, who signed this Contract on behalf of the CONTRACTOR is the _____ (official title) of said corporation; that said Contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed: _____

Corporate Seal

City of Sherman
Construction of Solid Waste Cart Storage Facility
Proposal Evaluation

Points distributed to each bidder				
Description	Weighting Value	Mitchell	Jerry Paul	CBF
Bid amount (Base Bid)		\$ 157,427.55	\$ 164,773.00	\$ 184,250.00
Safety (Experience Modification Rate)				
Time (Days)		120	120	120
Proposed Price (percent of low bid)	60%	60.00	57.33	51.27
Qualifications of Offeror	30%	23.33	30.00	10.00
Safety	10%	9.67	10.00	7.00
Total points distributed	100%	93.00	97.33	68.27

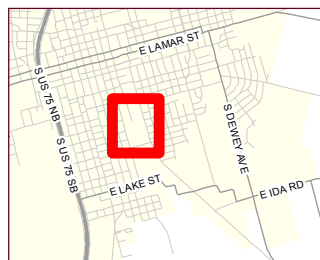
Notes:

Have each reviewer rate each bidder based on the number of points allowed in each category

Proposed Price (percent of low bid)	Average score =	60.0	57.3	51.3
Clint Philpott		60.0	57.3	51.3
Jon Kirksey		60.0	57.3	51.3
Michael Springer		60.0	57.3	51.3
Craig Long		60.0	57.3	51.3
Qualifications of Offeror	Average score =	23.33	30.00	10.00
Clint Philpott		25	30	10
Jon Kirksey		20	30	10
Michael Springer		25	30	10
Craig Long		28.5	30	9
Safety	Average score =	9.67	10.00	7.00
Clint Philpott		10	10	10
Jon Kirksey		10	10	6
Michael Springer		9	10	5
Craig Long		7	10	5



City of Sherman
Cart Storage
S East St





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 9.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6128**

Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, Ltd. based on an Invitation to Bid for Construction of a Truck Shed Foundation to be Located at the Solid Waste Department

Issue:

To consider the award of a bid and contract for the construction and installation of a Solid Waste Truck Shed Foundation, as part of the budgeted fiscal year (FY) 2016 site improvements for the Solid Waste Department

Background:

During a regularly scheduled meeting on June 20, 2016, the City Council authorized staff to advertise for bids for the construction and installation of facility parking and a Solid Waste truck shed at the Solid Waste Department. A public request for competitive, sealed proposals resulted in four (4) bids submitted and opened on August 23, 2016 at 2 p.m., with a low bid of \$226,849.00.

Due to budgetary constraints, only the bid items relating to the truck shed's foundation are recommended, totaling \$115,904.00.

Origination:

Solid Waste Department

Financial Consideration:

Funding of up to \$300,000.00 was approved in the FY 2016 budget in the Solid Waste Fund for site improvements.

Staff Recommendation:

It is recommended that the City Council authorize staff to award the bid to Jerry Paul Higgins, Ltd. for a contract to construct site improvements at the Solid Waste Department.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6128

Contract

Bid Tabulation

Bid Items to Award

Location Map

RESOLUTION NO. 6128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JERRY PAUL HIGGINS, LTD. BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF A TRUCK SHED FOUNDATION TO BE LOCATED AT THE SOLID WASTE DEPARTMENT; 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 Jerry Paul Higgins, Ltd., a Texas Limited Partnership, is hereby awarded the bid and the City of Sherman hereby approves the contract with Jerry Paul Higgins, Ltd. in the amount of One Hundred Fifteen Thousand Nine Hundred Four Dollars and No Cents (\$115,904.00), for the construction and installation of a Truck Shed Foundation at the Solid Waste Department; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Jerry Paul Higgins, Ltd. for construction of the aforementioned improvements, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

SECTION CA

CONTRACT AGREEMENT

CONTRACT AGREEMENT

STATE OF TEXAS

COUNTY OF GRAYSON

THIS AGREEMENT is made and entered into this 6th day of September, **2016**, by and between the City of Sherman, of the County of Grayson and State of Texas, acting through its City Manager, thereunto duly authorized so to do, Party of the First Part, hereinafter termed the OWNER, and Jerry Paul Higgins, LTD, of the City of Sherman, County of Grayson, State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payment and agreement hereinafter mentioned, to be made and performed by the OWNER, the said CONTRACTOR hereby agrees with the said OWNER to commence and complete construction of certain improvements as follows:

CONSTRUCTION OF SOLID WASTE FACILITY TRUCK SHED FOUNDATION

and all extra work in connection therewith, under the terms as stated in the General and Specific Conditions of the AGREEMENT; and at his own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto and in accordance with the Advertisement for Bids, Instructions to Bidders, General Provisions, Special Provisions, Plans, and other drawings and printed or written explanatory matter thereof, and the Technical Specifications and Addenda thereto, as prepared by the OWNER, each of which has been identified by the endorsement of the CONTRACTOR and the OWNER thereon, together with the CONTRACTOR's written Proposal and the General Provisions, all of which are made a part hereof and collectively evidence and constitute the entire AGREEMENT.

The CONTRACTOR hereby agrees to commence work within ten (10) calendar days after the date of written notice to do so shall have been given to him, to complete the work within Ninety (**90**) calendar days, after he commences work, subject to such extensions of time as are provided by the General Provisions.

The OWNER agrees to pay the CONTRACTOR ONE HUNDRED FIFTEEN THOUSAND NINE HUNDRED AND FOUR Dollars (**\$115,904**) in current funds for the performance of the Contract in accordance with the Proposal submitted thereof, subject to additions and deductions, as provided in the General Provisions, and to make payments of account thereof as provided therein.

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

CITY OF SHERMAN, TEXAS (OWNER)

ATTEST:

By: _____
Robby Hefton, City Manager

By: _____
Linda Ashby, City Clerk

APPROVED:

By: _____
Brandon Shelby, City Attorney

(CONTRACTOR)

ATTEST:

By: _____

By: _____

The following to be executed if the CONTRACTOR is a corporation:

I, _____ certify that I am the secretary of the corporation named as CONTRACTOR herein; that _____, who signed this Contract on behalf of the CONTRACTOR is the _____ (official title) of said corporation; that said Contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed: _____

Corporate Seal

CITY OF SHERMAN
BID TABULATION
Solid Waste Truck Shed and Facility Parking ITB
BID OPENING Tuesday, August 23, 2016; 2:00 PM

[illegible]

List of Bid Items

Solid Waste Facility Parking and Truck Shed

Facility Parking

Item	Qty	Description	Unit	Unit Price	Total Price
1	1	Site Preparation	LS	\$ 8,575.00	\$ 8,575.00
2	1	Temp Erosion Control Measures	LS	\$ 250.00	\$ 250.00
3	500	Earthwork	CY	\$ 30.00	\$ 15,000.00
4	11000	7-Inch 3500 psi Concrete Paving	SF	\$ 6.00	\$ 66,000.00
Total					\$ 89,825.00

Truck Shed

Item	Qty	Description	Unit	Unit Price	Total Price
5	600	Earthwork	CY	\$ 30.00	\$ 18,000.00
6	1	325 ft x 40 ft Metal Building	LS	\$ 110,945.00	\$ 110,945.00
7	13000	7-Inch 3500 psi Concrete Paving	SF	\$ 6.00	\$ 78,000.00
8	1	12"x 24" Perimeter Footing Per Details	LS	\$ 19,904.00	\$ 19,904.00
Total					\$ 226,849.00

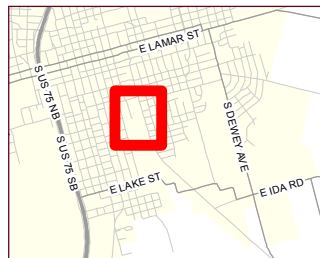
Truck Shed Alternate

Item	Qty	Description	Unit	Unit Price	Total Price
7a	13000	3-Inch Hotmix Asphalt TXDOT Type D	SF	\$ 13.90	\$ 180,700.00
Total					\$ 180,700.00

SEE ATTACHED BID ITEMS IN WORDS



City of Sherman
Truck Shed Foundation
S East St



8/30/2016



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 10.

Meeting Date: 09/06/2016

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6129**

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 tenth 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:

Public Works

Financial Consideration:

Funds have been budgeted and approved to host one household hazardous waste collection event during fiscal year (FY) 2016-2017. The cost to the City of Sherman is \$47.00 per participating household. This unit cost is the same as last year.

Staff Recommendation:

It is the staff's recommendation that the City Council 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 2016-2017.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6129

Interlocal Agreement with City of Fort Worth

RESOLUTION NO. 6129

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 _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO
FORM AND CONTENT:**

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

INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S
ENVIRONMENTAL COLLECTION CENTER
HOUSEHOLD HAZARDOUS WASTE PROGRAM
FY2017

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 Robby Hefton 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:

Cody Whittenburg, Environmental Program Manager
Code Compliance – Environmental Management Division
City of Fort Worth
1000 Throckmorton
Fort Worth, Texas 76102

If to Participating City:

OPERATIONAL CONTACTS

Participating City's Operational Contact Persons:

Designated person is: Michael Springer telephone number: 903-892-7288
Mobile phone number (24-hour) where he/she can be reached: 903-271-6713
Email Address: michaels@ci.sherman.tx.us

Alternate person is Jon Kirksey telephone number: 903-957-2427
Mobile phone number (24-hour) where he or she can be reached: 214-577-1851
Email Address: jonathank@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.

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

If a voucher system is 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:

City of Sherman

Name

Solid Waste and Recycling Department

Department (if applicable)

PO Box 1106

Street Address or PO Box

Sherman, Texas 75091

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.

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 Code Compliance-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, 2016 or the date the last party has signed this Agreement, whichever is later, through September 30, 2017; 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 2017 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 one (1) additional one-year term.

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. Commercial waste is never accepted by Fort Worth.
- 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 2017 calendar year on January 9, 2017. 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. Only one mobile collection event using Fort Worth staff and equipment per city is entitled under this contract. Additional events may be accommodated if feasible.

(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 limited 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.
- (f) The Participating City agrees to collect collection data at the MCU and provide Fort Worth with a list of total MCU participants and total quantities of wastes listed in an Excel spreadsheet in a template provided by Fort Worth as Exhibit C, within ten (10) days of the mobile collection event. No vouchers, sign-in sheets, or copies of either will be accepted by Fort Worth.

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 DOT requirements, 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/her 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 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 24-25, 2016
Christmas holiday, Saturday, December 24, 2016
New Year's holiday, Saturday, December 31, 2016

In addition to the above closures Fort Worth employees may not be available to conduct mobile collection events on other dates to conduct mobile collections within the City of Fort Worth, 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: 817-392-5257.

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.

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.

CITY OF FORT WORTH

CITY OF Sherman

By:

By:

Fernando Costa

Assistant City Manager

Date: _____

Printed name: _____

Title: _____

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 220 W Mulberry
have been asked by the City of Sherman to allow a mobile collection event on my property to collect
household hazardous waste on the _____, 2017. I hereby give my permission to the City of
Sherman and the City of Fort Worth, to hold a household hazardous waste collection event on my
property in which the City of Sherman 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 Sherman 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 Sherman 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 Sherman 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

Exhibit "C"

MOBILE COLLECTION DATA FORMAT

[illegible][illegible]



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 11.

Meeting Date: 09/06/2016

Prepared By: Don Keene, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6130**

Revoking and Replacing Resolution No. 6004; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

Issue:

The City Council is required by state law to establish salary structures and incentive/certification pay schedules for members of the classified service.

Background:

The City Council has authorized base salary, certification and incentive pay for certain positions within the Police and Fire Departments. This resolution implements pay increases for fiscal year (FY) 2016-2017.

Origination:

City Council

Financial Consideration:

Funds are available in the 2016-2017 budget for these pay amounts for Police and Fire Department personnel.

Staff Recommendation:

Staff recommends approval of the resolution.

Alternatives:

The City Council could choose not to approve the resolution, leaving unchanged the fire and police pay schedules adopted in September 2015 by Resolution No. 6004.

Attachments

Resolution No. 6130

Resolution No. 6004 approved at the September 8, 2015 City Council Meeting

RESOLUTION NO. 6130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6004; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; 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 Resolution No. 6004, passed and approved on the 8th day of September, 2015, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2016, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,739.98	N/A	\$3,739.98
1 Year	\$3,739.98	\$ 385.36	\$4,125.34
2 Year	\$3,739.98	\$ 442.38	\$4,182.36
3 Year	\$3,739.98	\$ 499.42	\$4,239.40
4 Year	\$3,739.98	\$ 551.82	\$4,291.80
5 Year	\$3,739.98	\$ 676.08	\$4,416.06
ENGINEER			
Entry	\$4,760.88	N/A	\$4,760.88
1 Year	\$4,760.88	\$ 59.94	\$4,820.82
2 Year	\$4,760.88	\$ 120.36	\$4,881.24
CAPTAIN			
Entry	\$5,332.60	N/A	\$5,332.60
1 Year	\$5,332.60	\$ 66.02	\$5,398.62
BATTALION CHIEF			
Entry	\$5,879.34	N/A	\$5,879.34
1 Year	\$5,879.34	\$ 94.64	\$5,973.98

DIVISION CHIEF	\$6,653.24	N/A	\$6,653.24
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,706.74	N/A	\$3,706.74
Entry – Certified	\$3,996.90	N/A	\$3,996.90
1 Year	\$3,996.90	\$ 50.10	\$4,047.00
2 Year	\$3,996.90	\$ 209.38	\$4,206.28
3 Year	\$3,996.90	\$ 633.36	\$4,630.26
4 Year	\$3,996.90	\$ 749.50	\$4,746.40
5 Year	\$3,996.90	\$ 880.54	\$4,877.44
10 Year	\$3,996.90	\$ 987.30	\$4,984.20
20 Year	\$3,996.90	\$1,094.08	\$5,090.98
CORPORAL	\$5,313.20	N/A	\$5,313.20
SERGEANT	\$5,762.64	N/A	\$5,762.64
LIEUTENANT	\$6,247.28	N/A	\$6,247.28
ASSISTANT CHIEF	\$7,448.22	N/A	\$7,448.22

SECTION 3. That, from and after the effective date of the 1st day of October, 2016, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.

- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2016, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.

- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for patrolmen and Firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's

total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
 5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
 6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
- (b) Seniority Pay – Lateral Entry (prior Fire Experience):
1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
 2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
 3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.

- ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
- 4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
- 5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
- 6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
- 7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
- 8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. 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 _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

RESOLUTION NO. 6004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5962; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; 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 Resolution No. 5962, passed and approved on the 20th day of April, 2015, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2015, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,666.80	N/A	\$3,666.80
1 Year	\$3,666.80	\$ 377.62	\$4,044.42
2 Year	\$3,666.80	\$ 433.58	\$4,100.38
3 Year	\$3,666.80	\$ 489.35	\$4,156.15
4 Year	\$3,666.80	\$ 540.84	\$4,207.64
5 Year	\$3,666.80	\$ 662.53	\$4,329.33
ENGINEER			
Entry	\$4,536.49	N/A	\$4,536.49
1 Year	\$4,536.49	\$ 48.67	\$4,585.16
2 Year	\$4,536.49	\$ 98.18	\$4,634.67
CAPTAIN			
Entry	\$4,915.11	N/A	\$4,915.11
1 Year	\$4,915.11	\$ 79.79	\$4,994.90
BATTALION CHIEF			
Entry	\$5,606.08	N/A	\$5,606.08
1 Year	\$5,606.08	\$ 102.67	\$5,708.75

DIVISION CHIEF	\$6,523.08	N/A	\$6,523.08
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,563.13	N/A	\$3,563.13
Entry – Certified	\$3,880.00	N/A	\$3,880.00
1 Year	\$3,880.00	\$ 48.73	\$3,928.73
2 Year	\$3,880.00	\$ 163.22	\$4,043.22
3 Year	\$3,880.00	\$ 648.36	\$4,528.36
4 Year	\$3,880.00	\$ 716.28	\$4,596.28
5 Year	\$3,880.00	\$ 785.28	\$4,665.28
10 Year	\$3,880.00	\$ 887.58	\$4,767.58
20 Year	\$3,880.00	\$ 989.68	\$4,869.68
CORPORAL			
Entry	\$4,916.44	N/A	\$4,916.44
1 Year	\$4,916.44	\$ 96.36	\$5,012.80
SERGEANT			
Entry	\$5,550.00	N/A	\$5,550.00
1 Year	\$5,550.00	\$ 100.00	\$5,650.00
LIEUTENANT	\$6,125.00	N/A	\$6,125.00
ASSISTANT CHIEF	\$6,833.33	N/A	\$6,833.33

SECTION 3. That, from and after the effective date of the 1st day of October, 2015, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2015, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for patrolmen and Firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.

- iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.
 4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
 5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
 6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
- (b) Seniority Pay – Lateral Entry (prior Fire Experience):
1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
 2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.

3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

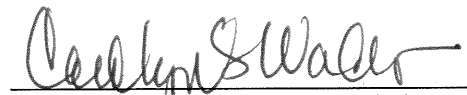
SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

SECTION 7. 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 8th day of September, 2015.

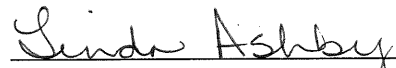
CITY OF SHERMAN, TEXAS

BY:


CAROLYN S. WACKER, MAYOR

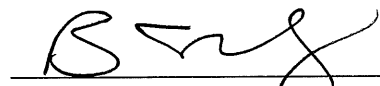
ATTEST:

BY:


LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY:


**BRANDON S. SHELBY,
CITY ATTORNEY**

RESOLUTION NO. 5962

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5878; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR SOME NEWLY HIRED FIREFIGHTERS; PROVIDING FOR AN EFFECTIVE DATE; 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 Resolution No. 5878, passed and approved on the 2nd day of September 2, 2014, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2014, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,295.80	N/A	\$3,295.80
1 Year	\$3,295.80	\$366.22	\$3,662.02
2 Year	\$3,295.80	\$419.08	\$3,714.88
3 Year	\$3,295.80	\$472.76	\$3,768.56
4 Year	\$3,295.80	\$527.24	\$3,823.04
5 Year	\$3,295.80	\$582.54	\$3,878.34
ENGINEER			
Entry	\$3,982.44	N/A	\$3,982.44
1 Year	\$3,982.44	\$57.72	\$4,040.16
2 Year	\$3,982.44	\$116.26	\$4,098.70
CAPTAIN			
Entry	\$4,348.64	N/A	\$4,348.64
1 Year	\$4,348.64	\$63.22	\$4,411.86
BATTALION CHIEF			
Entry	\$4,669.06	\$352.00	\$5,021.06
1 Year	\$4,669.06	\$442.66	\$5,111.72

DIVISION CHIEF	\$5,182.10	\$805.98	\$5,988.08
PATROLMAN			
Entry – Non-Certified	\$3,489.84	N/A	\$3,489.84
Entry – Certified	\$3,800.00	N/A	\$3,800.00
1 Year	\$3,800.00	\$47.92	\$3,847.92
2 Year	\$3,800.00	\$160.06	\$3,960.06
3 Year	\$3,800.00	\$635.22	\$4,435.22
4 Year	\$3,800.00	\$701.74	\$4,501.74
5 Year	\$3,800.00	\$769.32	\$4,569.32
10 Year	\$3,800.00	\$869.52	\$4,669.52
20 Year	\$3,800.00	\$969.52	\$4,769.52
CORPORAL			
Entry	\$4,815.32	N/A	\$4,815.32
1 Year	\$4,815.32	\$94.38	\$4,909.70
SERGEANT			
Entry	\$5,035.31	\$211.19	\$5,246.50
1 Year	\$5,035.31	\$311.91	\$5,347.22
2 Year	\$5,035.31	\$414.59	\$5,449.90
LIEUTENANT			
Entry	\$5,401.52	\$158.42	\$5,559.94
1 Year	\$5,401.52	\$266.48	\$5,668.00
ASSISTANT CHIEF			
Entry	\$5,676.20	\$527.98	\$6,204.18
1 Year	\$5,676.20	\$641.52	\$6,317.72

SECTION 3. That, from and after the effective date of the 1st day of October, 2014, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meet the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$375.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.

- (c) Each employee who is certified by the Texas Commission on Fire Protection as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October 2014, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for Patrolmen and Firefighters:

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) year of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment

separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn Police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.

- i. Lateral entry firefighter who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighter who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral firefighter will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighter, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighter, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

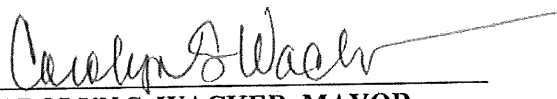
SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes of Police Department policies, by the Fire

Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

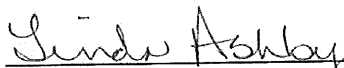
SECTION 7. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the 20th day of April, 2015.

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**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 12.

Meeting Date: 09/06/2016

Prepared By: Don Keene, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6131**

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the Use of Community Development Block Grant Funds

Issue:

Public Service Contracts for the Program Year (PY) 2016 Community Development Block Grant (CDBG) Program

Background:

The PY 2016 CDBG Program, previously adopted by the Sherman City Council via Resolution No. 6092 at the June 6, 2016 meeting, allocated certain CDBG funds to provide various public services through sub-recipient agencies. These agreements are designed to coincide with the CDBG funding cycle and cover the period of October 1, 2016 through September 30, 2017.

Origination:

Theresa Caudle, Community Development Coordinator

Financial Consideration:

Funds have been appropriately allocated through the specific public hearing and grant submission process, as required by the U.S. Department of Housing and Urban Development.

Staff Recommendation:

Staff recommends the Sherman City Council approve and authorize the City Manager to execute the required contract documents.

Alternatives:

As directed by the Council

Attachments

Resolution No. 6131

Resolution No. 6092 with CDBG Final Statement/Action Plan and Certificates

RESOLUTION NO. 6131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE GRAYSON COUNTY CRISIS CENTER, THE GRAYSON COUNTY SHELTER, INC., CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, AND BOYS & GIRLS CLUB OF SHERMAN, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; 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 by the City Attorney, to execute agreements with the Sherman Housing Authority, the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, and Boys & Girls Club of Sherman, Inc. for the use of Community Development Block Grant Funds in accordance with the terms and provisions of the Agreements to be 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 _____, 2016.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY, CITY ATTORNEY

RESOLUTION NO. 6092

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2016; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2016; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under the Housing and Community Development Act of 1974, as amended, the City of Sherman is eligible to receive an estimated \$315,681 for program year 2016, to be expended on eligible activities primarily benefiting low/moderate income families; and

WHEREAS, the Community Development Block Grant regulations require the opportunity for citizen participation in the development of the final statement and authorizing of the expenditure of such funds; and

WHEREAS, after proper notice was published in the Herald Democrat, a newspaper of general circulation in the City of Sherman, public hearings were held by said Community Development Staff to receive citizen participation and input on March 8, 2016, and April 10, 2016; and

WHEREAS, the City Council, after due consideration of the proposed Community Development Final Statement and of all matters raised at public meetings, is of the opinion that, unless public comment warrants revisions, said final statement should be submitted as the Community Development Application for the City of Sherman for the program year 2016 to the U.S. Department of Housing and Urban Development, in order to secure funding as provided herein;

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

SECTION 1. That the Community Development Final Statement, embodying those projects set forth on Attachment "A", attached hereto and made a part hereof for all purposes, is hereby approved and adopted as the Community Development Plan of the City of Sherman, Texas, for the program year 2016.

SECTION 2. That the City Council of the City of Sherman hereby certifies and assures the U.S. Department of Housing and Urban Development that development of this application for funds under the Housing and Community Development Act of 1974, as amended, and the implementation of the Block Grant Program will be conducted in accordance with all applicable provisions of the "Assurances" as required.

SECTION 3. That the City Manager of the City of Sherman is hereby authorized to execute, on behalf of the City of Sherman, the "Assurances" set forth on Attachment "B", attached hereto and made a part hereof for all purposes. These Assurances concern compliance with certain guidelines, regulations, and policies in preparation of this application and in conducting the Community Development Program of the City of Sherman.

SECTION 4. That the City Manager of the City of Sherman is hereby authorized to submit, as the Chief Executive Officer of the City of Sherman, and on behalf of the City of Sherman, the Community Development Final Statement and a certified copy of this resolution and all attachments thereto to the U.S. Department of Housing and Urban Development, in application for funds available to the City of Sherman under the Housing and Community Development Act of 1974, as amended. Said application shall be made on forms required by the U.S. Department of Housing and Urban Development.

SECTION 5. That the City Manager of the City of Sherman is hereby authorized and designated to act as Chief Executive Officer in connection with this application, and is hereby authorized and directed to provide such additional information as may be required in connection with said application.

SECTION 6. 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 6th day of June, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

BY: David Plyler
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



memorandum

DATE: Thursday, May 26, 2016
TO: Robby Hefton, City Manager
FROM: Theresa Caudle, CD Coordinator 
SUBJECT: PY 2016 Final Statement/Action Plan

The City of Sherman's Proposed Final Statement/Action Plan of Community Development Objectives with projected use of the funds for Program Year 2016 was published in the Herald Democrat on April 10, 2016. The required 30-day public comment period has concluded and there were no public comments received on the Proposed Statement of Objectives.

Therefore, we are now ready to proceed with submitting this to the City Council in the form of a Resolution establishing the City of Sherman's PY 2016 Final Statement/Action Plan.

I am requesting that you set this item for public hearing and present the Resolution for consideration and approval by our City Council at the next regular scheduled meeting of June 6, 2016.

During the interim, should you have any questions or desire additional information or clarification, please let me know.

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2016**

GRANT NO: B-2016-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2016 is \$315,681.00. These funds will be received on October 1, 2016. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available {i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing decent housing, a suitable living environment and expanded economic opportunities principally for low and moderate-income persons of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2016**

OWNER-OCCUPIED HOUSING REHABILITATION.....\$180,000

A program of specific housing repairs will be provided to low and moderate income homeowners who reside within the city limits of Sherman, to bring their properties to code requirements. Expenditures will be limited to \$5,000 per housing unit under this activity. This activity will cause no displacement of low and moderate income persons.

DEMOLITION/CLEARANCE PROGRAM.....\$46,981

A program to demolish vacant, substandard structures and clear property lots which pose a risk to health/safety of low-moderate income target neighborhoods.

PROGRAM ADMINISTRATION.....\$63,000

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, preparation of annual Action Plan and Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy.

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority.....\$10,000

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sell of illegal drugs in and around assisted housing, apprehend sellers of such drugs and an overall reduction of crime in the assisted housing area.

Grayson County Crisis Center.....\$4,000

A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.

Grayson County Shelter, Inc.....\$4,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman.

Child & Family Guidance Center of Texoma.....\$4,000

A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income Sherman residents.

Boys & Girls Club of Sherman, Inc.....	\$3,700
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized activities that would not otherwise be able to participate.	
TOTAL PROGRAM ALLOCATION.....	\$315,681

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the rehabilitation and repair of deteriorating housing through the City's rehabilitation program.
3. Eliminate slum and blight through the removal of structures that create unsafe, unsanitary and hazardous situations for the public.
4. Promote drug elimination programs for low and moderate income assisted housing families/households.
5. Provide support for provision of emergency shelter/assistance to the homeless.
6. Assist in providing counseling services to youth and adults from low and moderate income families.
7. Assist in providing youth activities for children from low and moderate income families.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2016 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Theresa Caudle, CD Coordinator, City of Sherman P. O. Box 1106 Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Monday, July 11, 2016. A summary of comments received will be made a part of the summary of citizen participation of this Plan.

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the City of Sherman certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) An available drug counseling, rehabilitation, and employee assistance program; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

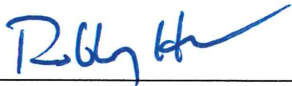
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.



Signature/Authorized Official
Robby Hefton, City Manager

June 6, 2016

Date Signed

Specific CDBG Certifications

The City of Sherman certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income (See 24 CFR 570.2 and 24 CFR part 570).

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate-income families and aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious threat to the health or welfare of the community, and other financial resources are not available;
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year 2016, shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by a moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

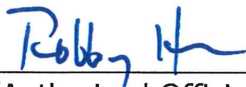
Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.



Signature/Authorized Official
Robby Hefton, City Manager

June 6, 2016

Date Signed

APPENDIX TO CERTIFICATIONS:

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1252, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

City of Sherman Neighborhood Services Office; 100 S Rusk Street. Sherman, Grayson County, Texas 75090,

Check _____ if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

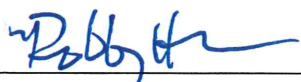
7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).



Signature/Authorized Official
Robby Hefton, City Manager

June 6, 2016

Date Signed

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 10/31/2014)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant	2. HUD/State Identification Number B-16-MC-48-0027	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity City of Sherman P O Box 1106 Sherman, TX 75091-1106	
6. For information about this request, contact (name & phone number) Theresa Caudle 903-892-7227		
8. HUD or State Agency and office unit to receive request U.S. Dept. of Housing and Urban Development/ Ft. Worth Field Office	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) Owner-Occupied Housing Rehabilitation Demolition/Clearance Program	10. Location (Street address, city, county, State) City of Sherman P O Box 1106 Sherman, TX 75091-1106

11. Program Activity/Project Description

OWNER OCCUPIED HOUSING REHABILITATION:

The City of Sherman will utilize \$180,000 under a tiered environmental review program for the rehabilitation of owner-occupied houses at scattered sites, to rehabilitate properties to standard building code requirements and preserve the life expectancy of the homes, where the density is not increased, land use is not changed, and the footprint of the home is not increased in a floodplain. This program will assist a minimum of 40 homeowners with incomes at 80% or below the AMFI and expenditures will be limited to \$5,000 per housing unit under this activity.

DEMOLITION/CLEARANCE PROGRAM:

The City of Sherman will also utilize \$46,981 under a tiered environmental review program to demolish vacant, substandard structures and clear property lots, which pose a risk to health/safety of low-moderate income target neighborhoods. Specific sites will be determined at a later date. This program will eliminate at least eight (8) health and safety threatening conditions.

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☒ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

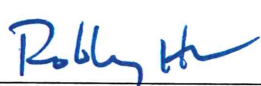
Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

City Manager

Date signed

July 13, 2016

X 
Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*2. Type of Application

- ☐ New
☒ Continuation
☐ Revision

* If Revision, select appropriate letter(s)

*Other (Specify) _____

3. Date Received:

4. Applicant Identifier:

B16MC480027

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: CITY OF SHERMAN, TX

*b. Employer/Taxpayer Identification Number (EIN/TIN):
75-6000669

*c. Organizational DUNS:
137535048

d. Address:

*Street 1: P.O. BOX 1106
Street 2: _____
*City: SHERMAN
County: GRAYSON
*State: TX
Province: _____
*Country: _____
*Zip / Postal Code 75091-1106

e. Organizational Unit:

Department Name:
NEIGHBORHOOD SERVICES

Division Name:
COMMUNITY DEVELOPMENT

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: _____ *First Name: THERESA
Middle Name: _____
*Last Name: CAUDLE
Suffix: _____

Title: C.D. COORDINATOR

Organizational Affiliation:
CITY OF SHERMAN

*Telephone Number: 903-892-7227

Fax Number:

*Email: theresac@ci.sherman.tx.us

Application for Federal Assistance SF-424

Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

11. Catalog of Federal Domestic Assistance Number:

14-218 _____

CFDA Title:

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

***15. Descriptive Title of Applicant's Project:**

Community Development Block Grant to develop viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally of low and moderate income persons.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant: FOURTH

*b. Program/Project: FOURTH

17. Proposed Project:

*a. Start Date: 10-01-2016

*b. End Date: 9-30-2017

18. Estimated Funding (\$):

*a. Federal	315,681
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	315,681

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: _____ *First Name: Robby

Middle Name: _____

*Last Name: Hefton

Suffix: _____

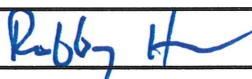
*Title: City Manager

*Telephone Number: 903-892-7200

Fax Number:

* Email: robbyh@ci.sherman.tx.us

*Signature of Authorized Representative:



*Date Signed: 7-13-16



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 13.

Meeting Date: 09/06/2016

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6132**

Adopting an Investment Policy for the City of Sherman

Issue:

Obtaining Council approval for revisions to the City of Sherman's Investment Policy

Background:

By law, the Council must annually review and adopt an investment policy that governs the investing of public funds by the City. The proposed changes include some minor clarifying language and the addition of FDIC (Federal Deposit Insurance Corporation) insured investment accounts as authorized investments. A copy of the proposed Policy was provided to the Investment Committee prior to this meeting.

Origination:

Finance Department

Financial Consideration:

There is no cost associated with changing the Policy.

Staff Recommendation:

Investment Committee Recommendation

It is recommended that the Council approve the Policy as presented.

Alternatives:

The Council could offer additional changes to those recommended by the staff and the Investment Committee, subject to PFIA (Public Funds Investment Act) requirements.

Attachments

Resolution No. 6132

Proposed Investment Policy 2016-2017

Investment Committee Memo

RESOLUTION NO. 6132

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

WHEREAS, Chapter 2256 of the Texas Government Code requires that all municipal investments shall be made in accordance with written policies approved by the governing body; and

WHEREAS, the investment policies must address liquidity, diversification, safety of principal, yield, maturity, and quality and capability of investment management; and

WHEREAS, the City of Sherman Investment Committee has proposed an investment policy which meets these goals;

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

SECTION 1. That all prior investment policies of the City of Sherman are hereby revoked in their entirety.

SECTION 2. That the City of Sherman Investment Policy, attached hereto and made a part hereof for all purposes, is hereby adopted and shall now and hereafter govern the investment activity of the City of Sherman.

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

PASSED AND APPROVED on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

CITY OF SHERMAN INVESTMENT POLICY

September 6, 2016

1.0 Policy:

It is the policy of the City of Sherman, Texas, (City) to invest public funds in a manner which will provide the safest and most liquid opportunity with the highest investment return while meeting the daily cash flow demands of the City and conforming to the statutes governing the investment of public funds. This policy serves to satisfy the statutory requirements of defining and adopting a formal investment policy. The policy and strategy shall be reviewed by the Investment Committee and the City Council annually. Any modifications will be formally approved by the City Council. This investment policy, as approved, is in compliance with the provisions of the Public Funds Investment Act of the Texas Government Code Chapter 2256 (PFIA).

2.0 Scope:

This policy applies to all aspects of investing the financial assets of the City. These funds are accounted for in the City's Comprehensive Annual Financial Report and include: General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, Enterprise Funds, Trust and Agency Funds, and any new fund created by legislative body, unless specifically exempted or excluded. To maximize investment earnings, funds will be pooled and earnings allocated to the various funds based on their balances and in accordance with generally accepted accounting principles.

This policy shall not govern funds which are managed under separate investment programs in accordance with Section 2256.004 of the Public Funds Investment Act. Such funds currently include the Perpetual Care Cemetery and Mausoleum Fund, Deferred Compensation Fund and Bond Proceeds.

2.1 Perpetual Care Cemetery and Mausoleum Fund: This fund is governed by a trustee agreement and the provisions of Sections 712.021 - 712.029 of the Health and Safety Code. The investment decisions are the responsibility of the trustee. Therefore, this fund is excluded from this investment policy.

2.2 Deferred Compensation: The City's deferred compensation plan qualifies under Internal Revenue Service Section 457 and, therefore, is exempt from the Public Funds Investment Act and this policy.

2.3 Bond Proceeds: Funds received from the sale of general obligation bonds or certificates of obligation will be segregated and will be invested under a separate strategy.

3.0 Objectives:

The following are the primary investment objectives of the City of Sherman, in order of priority:

3.1 Safety: Safety of principal is the foremost objective of the City of Sherman's investment policy. Safety is defined as the undiminished return of the principal of the City's investments and deposits. Investment officers must have an adequate understanding of the suitability of individual investment instruments in light of the City's financial needs. This understanding is gained through experience of the investment officers and through training designed to increase the expertise of the investment officers.

3.2 Liquidity: Liquidity is important to ensure sufficient cash to meet all operating requirements. A liquid investment is one that can be easily and quickly converted into cash without a substantial loss of value.

3.3 Public Trust: All participants in the City's investment process shall perform their duties at the highest level of public trust. Investment officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

3.4 Yield: For the City of Sherman, the yield objective is secondary to those of safety and liquidity. Yield is defined as the rate of annual income return on an investment, expressed as a percentage. The one-year Constant Maturity Treasury rate or other Treasury-based rate which corresponds to the approximate weighted average of the portfolio will be a benchmark to promote a better understanding of portfolio performance.

4.0 Standards of Care:

Persons who act in good faith and in compliance with this policy shall be relieved of any personal liability arising from the investment activities of the City of Sherman.

4.1 Prudence: Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the persons' own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration: (1) the investment of all funds under the City's control over which the officer had responsibility rather than a consideration as to the prudence of a single investment; (2) whether the investment decision was consistent with this written investment policy of the City of Sherman; and (3) whether the decision might have impaired public confidence in the City's ability to govern effectively.

4.2 Ethics: Investment officers shall refrain from any activity that conflicts, or appears to conflict, with the officer's proper execution of the investment program or which could impair the officer's ability to make impartial investment decisions.

4.3 Conflicts of Interest: Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of investment programs, or which could impair their ability to make impartial investment decisions. Employees and investment officers shall disclose to the Texas Ethics Commission and the City Manager, and the City Manager discloses to the City Council if:

- a) The officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
- b) The officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City.

4.4 Delegation of Authority: As originally granted by Resolution 3230, dated September 11, 1995, and modified by Resolution 5953 on April 6, 2015, the daily operation and management of the City of Sherman's investments are the responsibility of the following persons:

- a) **Investment Officers:** The City Manager shall name two investment officers from among the employees with the following job titles: City Manager, Finance Director and Controller. The investment officers are authorized to deposit, withdraw, invest, transfer, or manage in any other manner funds of the City of Sherman. Investment officers must disclose any business or personal relationships with business organizations offering to engage in an investment transaction with the City according to Section 2256.005.
- b) **Investment Committee:** The Investment Committee shall consist of the City Manager and two members of the City Council as appointed by the Council. The committee shall annually approve the list of approved brokers, dealers and financial institutions, review and approve revisions to this policy, recommend investment strategies within this policy, and monitor investment results, controls, and compliance with this policy. The approved list of broker, dealers and financial institutions is in Appendix B.
- c) **Other Investment Authorizations:** The Accounting Assistant, Accountant and Chief Accountant are also authorized to deposit funds into the bank depository.

4.5 Quality and Capability of Investment Management: Recognizing that the investment officers of the City have many other duties and that they may lack formal education in investing, this policy allows the City to use only the more basic and easily understood types of investments available to local governments.

4.6 Training of Investment Officers: Investment training is required for all investment officers of the City. Within 12 months after assuming duties, each investment officer must complete initial training of at least 10 hours of instruction relating to the investment officer's respective responsibilities under the PFIA. Thereafter, each investment officer must attend an investment training session not less than once in a two-year period beginning on October 1st and receive not less than eight hours of instruction relating to investment responsibilities under the PFIA. Investment training sessions must be provided by approved sources include the Government Finance Officers Association (GFOA), the Governmental Finance Officers Association of Texas (GFOAT), the Government Treasurers' Organization of Texas (GTOT), the University of North Texas Center for Public Management, and the Texas Municipal League.

5.0 Strategies:

The investment strategy is the logical product of the investment objectives. As such, it emphasizes low credit risk, diversification, and the management of maturities. The strategy also takes into account the expertise and time constraints of the investment officers. The allowable investments listed in Section 7 of this policy reflect the avoidance of credit risk. Diversification refers to dividing investments among a variety of securities offering independent returns. The management of maturities refers to structuring the maturity dates of the direct investments so that, while funds are initially invested for a longer period of time, some investments mature at regularly-recurring intervals.

A basic strategy governs the investment of all funds under this policy. A separate strategy applies to the investment of bond proceeds.

5.1 Depository Bank: Funds at the depository bank are to be managed to a level that minimizes the cost of the relationship to the City. In instances where the depository contract allows for the payment of fees by maintaining balances at the depository, every effort is to be made to minimize the amount of money held at the depository in excess of that needed to compensate the bank for its services. Concerns about safety are to be addressed by the pledging requirements of the depository, in accordance with state law. This strategy specifies that sufficient funds to support daily operations are maintained in the depository bank, but that any funds in excess of that are held to a minimum. In accordance with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), the City will require that the bank's board of directors or a designated committee approve the depository agreement, including the pledge of collateral to secure with bank's obligations with respect to the deposits maintained at the bank by the City.

5.2 Other Financial Institutions: The City may invest in certificates of deposit with maturities of five years or less with a bank other than the Depository Bank. A ladder maturity strategy is used for these instruments and only funds whose expenditure is not anticipated during the term of the certificate are invested.

5.3 Investment Pools: An investment pool is an entity created to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are safety, liquidity, and yield. Funds are usually available from investment pools on a next day basis, meaning the pools have a high degree of liquidity. Because of the size and expertise of their staffs, investment pools are able to prudently invest in a variety of the investment types allowed by state law. In this manner, investment pools achieve diversification. Funds that may be needed on a short-term basis but that are in excess of the amount maintained at the depository bank are available for deposit in investment pools.

5.4 Federal Deposit Insured Corporation (FDIC) Insured Investment Accounts: *FDIC insured investments are money market deposit accounts which meet public funds investment objectives of safety, liquidity and yield, similar to investment pools. Accounts are subject to FDIC regulations which enable depositors to obtain FDIC insurance coverage for up to \$20 million. Funds are usually available on a next day basis, meaning they have a high degree of liquidity. Deposits are aggregated with other deposit sources, but local government funds are retained in the state of origin. There is no market risk (par value--dollar in/dollar out) and yields are typically higher than other short term investments. Funds that may be needed on a*

short-term basis but that are in excess of the amount maintained at the depository bank are available for deposit in FDIC insured investment accounts.

5.5 Direct Investments: The City of Sherman purchases securities of the U.S. Treasury, U.S. Agencies, and direct obligations of this state, its agencies, Counties, Cities and other political subdivisions in the secondary market and in the primary market in the case of new issue offerings. For purposes of this policy, the term "U. S. Agencies" shall include obligations, including letters of credit, of the United States or its agencies and instrumentalities. The City employs a laddered maturity strategy for these instruments. With that method, some investments reach maturity at regularly-recurring intervals, enhancing liquidity. The investment officers must give consideration to the over-all liquidity of the portfolio before making a direct investment. Additionally, the City occasionally purchases a U. S. Treasury or Agency security with maturities as long as five years. See Section 5.5 below.

5.6 Hold until Maturity: The strategy of the City is to maintain enough liquidity in its portfolio that it never needs to sell a security. This will protect the principal of the investment against market risk. Should it become necessary to sell a security prior to maturity, the prior written consent of the City Manager must be obtained.

5.7 Investment of Reserve Funds: Up to one-third of the funds held in reserve are available for investment in Treasury or Agency securities with remaining maturities up to five years.

5.8 Separate Strategy for Bond Proceeds: Proceeds from the sale of general obligation bonds or certificates of obligation will be segregated from the other investments of the City. The basic intent is to match the availability of funds to the cash requirements of the capital projects. Therefore, the maturity limits of Section 7.7 do not apply. The following investments are available for this strategy: treasury securities, demand deposits, certificates of deposit, *FDIC insured investment accounts* and investment pools. Ten percent of anticipated costs of the projects must be kept in demand deposits or pooled investments to cover unanticipated cash demands. The remaining proceeds are to be invested so as to match anticipated demands for cash. Except for the requirement for demand deposits or investment pools above, there is no restriction on the percentage of the bond proceeds that may be invested in any authorized investment vehicle.

6.0 Authorized Financial Dealers and Institutions:

6.1 Approved List of Investment Service Providers: All banking services will be governed by the depository contract. In addition, the Finance Director shall maintain a list of security brokers, dealers, financial institutions, and investment pools that are authorized by the Investment Committee and the City Council. To be eligible to be approved to do business with the City of Sherman, a seller of securities or financial institution must be a primary dealer, a regional dealer that qualifies under SEC Rule 15C3-1, be regulated by Federal banking authorities, or an investment pool that meets all the requirements of State law. More details on investment pool qualifications are listed in Section 7.4. Annually, the Investment Committee must review, revise and adopt a list of qualified brokers and financial institutions that are authorized to engage in investment transactions with the City. The approved list of financial institutions and broker/dealers can be found in Appendix B.

6.2 Acknowledgment of Investment Policy: A written copy of this investment policy shall be presented to any person or firm seeking to sell to the City any investment. A qualified representative of the business organization seeking to sell an investment shall execute a written instrument substantially to the effect that the registered principal has: (1) received and thoroughly reviewed the City's investment policy; and (2) acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization. The City's investment officers are expressly prohibited from buying any security from a person or firm which has not delivered a document that complies with the requirements of this section of the investment policy to the City.

7.0 Authorized Investments, Including Diversification Limits and Maximum Maturities:

Following is a list of investments that are authorized by this policy for inclusion in the City of Sherman's portfolio of investments. Also shown are the target and maximum percentages (portfolio cap) of that type of security and the maximum maturity that is allowable.

7.1 Certificates of Deposit: These investments are permitted if invested through a broker or depository institution that has its main office or a branch office in this state and is eligible under Section 2256.010 of the Public Funds Investment Act.

7.2 Obligations of the United States Treasury: United States Treasury Bills, Notes and Bonds are authorized investments of the City of Sherman. For purposes of collateral against the City's investments, the maximum length of remaining maturity may be fifteen years, as long as the total market value of the securities pledged against the City's investments always exceeds those investments.

7.3 Obligations of Agencies or Instrumentalities of the United States: United States Agency securities, or other obligations, are authorized investments of the City provided that they are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its respective agencies and instrumentalities. For purposes of collateral against the City's investments, the maximum length of remaining maturity may be fifteen years, as long as the total market value of the securities pledged against the City's investments always exceeds those investments.

7.4 Investment Pools: Public funds investment pools which have been created to function as a money market mutual fund are authorized investments of the City provided that they meet the following criteria: (1) they are continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service; (2) they mark their portfolio to market daily; (3) they maintain a stable net asset value of no less than .995 and no more than 1.005; (4) they limit their investments to those allowable to local governments by state law; and, (5) they meet or exceed the initial and monthly disclosure requirements of applicable state law. Deposits in investment pools that contain commercial paper are not authorized.

7.5 Federal Deposit Insurance Corporation (FDIC) Insured Investment Accounts: Money market deposit accounts subject to FDIC regulations are authorized investments of the City provided they meet the following criteria: (1) the funds are invested through a broker or depository institution that has its main office or a branch office in this state and is eligible under Section 2256.010 of the Public Funds Investment Act; and (2) the balances are maintained at or below levels which qualify for FDIC insurance coverage.

7.6 Repurchase Agreements; Bankers' Acceptances: These investment options are authorized for the City of Sherman only to the extent that they are contained in the portfolios of approved public funds investment pools in which the City invests. The direct investment in repurchase agreements and bankers' acceptances by the City of Sherman is not authorized. However, indirect investment in repurchase agreements by the City's depository under a sweep arrangement is allowable for purposes of this policy.

7.7 Direct Obligations of this State, its agencies, Counties, Cities and other political subdivisions: State agency means an office, department, commission, board or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities rated no lower than A or at an equivalent rating by at least one nationally recognized rating service.

7.8 Diversification Limits and Maximum Maturities: The City will diversify the portfolio at all times to ensure the reduction of risk while still maintaining reasonable rates of return and ensuring an adequate amount of liquidity. With the exception of authorized pools **and FDIC insured investment accounts**, no more than 50% of the total investment portfolio will be invested in a single security type, such as U.S. Agencies, U.S. Treasuries, obligations of the State of Texas and its subdivisions, Certificates of Deposits, etc.

The City will not invest in securities maturing more than five years from the date of purchase. The maximum average dollar-weighted maturity shall be 500 days.

8.0 Prohibited Securities:

8.1 Allowed by State Law but Prohibited by This Policy: The following instruments are eligible for investment by local governments according to state law, but have been intentionally prohibited for the City by this policy: collateralized mortgage obligations; obligations of other states and their agencies, counties, cities, and other political subdivisions; bonds issued by the State of Israel; securities lending programs; guaranteed investment contracts; mutual funds; commercial paper; and investment pools except those pools which are created to function as money market mutual funds. This prohibition is in view of the time constraints on and the expertise level of the investment officers.

8.2 Expressly Prohibited by State Law and This Policy: The following securities are expressly prohibited by state law and this policy: (1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal; (2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest; (3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and (4) collateralized mortgage obligations the interest rate of which is determined by an index that adjust opposite to the changes in a market index (inverse floaters).

9.0 Collateralization:

In accordance with Chapter 2257 of the Texas Government Code and the depository contract, all demand deposits and all time deposits will be collateralized by the pledging of investment securities or by letters of credit from Federal Home Loan Bank. If securities are used as

collateral, the Finance Director or designee must approve the security prior to its pledging. Pledged securities shall always be held by a third party and evidenced by a current safekeeping receipt.

10.0 Safekeeping:

All investment transactions *entered into by the City*, other than those with investment pools, *certificates of deposit and FDIC insured investment accounts*, shall be conducted on a delivery-versus-payment basis. Securities shall be held by a third party custodian and evidenced by current safekeeping receipts.

11.0 Internal Control:

The Finance Director shall establish a system of internal controls designed to prevent the loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions. The system shall contain, but is not limited to, the following items:

11.1 Competitive Bids: Generally, securities will be purchased using competitive offerings. The Finance Director or designee shall make their best effort to obtain at least three offers from firms listed on the approved list of brokers and dealers. Offers shall be in writing and may be delivered to the City in person, or by fax or email. The award shall be on the basis of the best value to the City. Records of the offers and award shall be maintained by the Finance Director or designee.

The City recognizes that a competitive offering process is not always necessary or is not always in the best interest of the City. Accordingly, new issue offerings may be purchased directly from an approved broker/dealer in the primary market.

11.2 Delivery-Versus-Payment: The safekeeping agent must receive all investments, other than investment pool funds, *certificates of deposit and FDIC insured investment accounts*, before funds are released for their purchase.

11.3 Compliance Audit: In conjunction with its annual financial audit, the City shall require a compliance audit of management controls on investments and adherence to this policy.

11.4 Collateral: Evidence of pledged collateral shall be maintained by the Finance Director or designee. Collateral shall be reviewed weekly to assure that the market value of the pledged securities is adequate.

11.5 Other Components: Internal control shall address separation of transaction authority from accounting and recordkeeping, clear delegation of authority to subordinate staff members, and written confirmation of transaction for investments and wire transfers.

Other sections of this policy contain aspects of internal control procedures. These include holding securities until maturity, providing adequate training for all investment officers, requiring vendors to meet minimum qualifications before selling securities to the City, disclosing personal or business relationships between investment officers and vendors, and regular reporting of investments to the City Council.

12.0 Valuation:

The market value of each investment in the City's portfolio will be calculated quarterly, on the following basis:

12.1 Investment Pools: Monthly statements are received from the investment pools which show the amount on deposit and the market value of the pool as a percentage of the book value. The market value of the investment pools will be the product of these two figures.

12.2 Treasury Notes: The market value of Treasury Notes will be obtained from the City's third-party securities custodian.

12.3 Treasury Bills: The market value of Treasury Bills will be obtained from the City's third-party securities custodian.

12.4 Agencies of the United States and the State of Texas: The market value of Agency securities will be obtained from the City's third-party securities custodian.

13.0 Credit Ratings:

The credit rating of each investment in the City's portfolio will be determined quarterly from Standard and Poor's, Moody's or other nationally recognized rating agencies. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

14.0 Performance Standards:

For each of the City's investment objectives, following are the performance standards:

14.1 Safety: All investment principal is maintained.

14.2 Liquidity: Sufficient cash is maintained or can be generated to pay all current obligations without selling direct securities or incurring loss of principal.

14.3 Yield: Yield on the portfolio of City funds, excluding demand deposits at the bank depository, should approximate the Treasury-based yield having similar weighted-average maturities.

15.0 Reporting:

No less than quarterly, the investment officers shall prepare, sign, and present to the City Council a report of the City's investments in compliance with section 2256.023 of the Public Funds Investment Act.

16.0 Investment Policy Adoption and Revision:

The City Council shall adopt the written investment policy by resolution. Annually the City Council shall review the investment policy and strategy. Revisions to the policy shall be made by City Council resolution.

APPENDIX A

GLOSSARY OF COMMON TREASURY TERMINOLOGY

Agencies: Federal agency securities.

Amortized cost: Cost of investments adjusted for amortized premiums and discounts.

Asked: The price offered for securities.

Bid: The price offered by a buyer of securities.

Book value: A term synonymous with amortized cost.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Commercial Paper (CP): An unsecured short-term promissory note issued by corporations, with maturities ranging from 2-270 days.

Coupon: (a) the annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Credit Risk: The risk of loss of principal and interest due to a failure of the security or broker.

Dealer: A dealer, as opposed to a broker, acts as a principal in all

transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt (also called free). Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

Discount: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., **S&L's**, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to **\$100,000 \$250,000** per deposit.

Federal Funds Rate: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB): The institutions that regulate and lend

savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

Federal National Mortgage Association (FNMA): FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open-market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C. 12 regional banks and about 5,700 commercial banks that are members of the system.

Government National Mortgage Association (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations,

and other institutions. Security holder is protected by full faith and credit of the U.S. Government, Ginnie Mae securities are backed by FHA, VA or FMHM mortgages. The term pass-through is often used to describe Ginnie Maes.

Laddered Portfolio: Investment portfolio with securities in each maturity range (e.g. monthly) over a specified period of time.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in custody for investment and reinvestment.

Market Risk: The risk that the market value and interest earnings of an investment or a portfolio will fall due to changes in general interest rates.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: To protect investors, many public investors will request that repurchase agreements be preceded by a master repurchase agreement between the investor and the financial institution or dealer. The master agreement should define the nature of the transaction, identify the relationship between the parties, establish normal practices regarding ownership and custody of the collateral securities during the term of the investment, provide remedies in the case of default by either party and clarify issues of ownership. The master repurchase agreement protects the investor by eliminating the uncertainty of ownership and hence, allowing investors to liquidate collateral if a bank

or dealer defaults during the term of the agreement.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Offer: The price asked by a seller of securities.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

Prudent Person Rule: An investment standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (RP or REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

Treasury Bonds: Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes: Intermediate term coupon bearing U.S. Treasury securities having initial maturities from one to ten years.

Unrealized Gains (Losses): Increases (decreases) in the value of investments representing the difference between the amortized cost of the investments and their current market value. Increases (decreases) in value are caused primarily by changes in market interest rates subsequent to purchasing investments.

Weighted Average Rate of Return: Rate of return calculated based on

interest earnings and the length of actual holding for each individual security.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) **Income Yield** is obtained by dividing the current dollar income by the current market price of the security. (b) **Net Yield** or **Yield to Maturity** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Yield: The rate of annual income return on investment, expressed as a percentage.

APPENDIX B

APPROVED LIST OF BROKER/DEALERS AND FINANCIAL INSTITUTIONS

BOSC, Inc.
Sherman, TX

First Southwest Company
Dallas, TX

First Public, LLC
Austin, TX

Vining Sparks
Frisco, TX

SAMCO Capital Markets
Dallas, TX

Coastal Securities, Inc.
Houston, TX

First Empire Securities
Hauppauge, NY

TexPool Participant Services
Dallas, TX

TexStar Participant Services
Dallas, TX

Landmark Bank
Sherman, TX

Investors Brokerage of Texas
Waco, TX

DATE: Tuesday August 30, 2016

TO: The Investment Committee
The Honorable Pamela Howeth, Council Member
The Honorable Jason Sofey, Council Member
Robby Hefton, City Manager

FROM: Mary Lawrence, Finance Director 

SUBJECT: **Investment Policy Revisions**

Attached is a copy of the City's Investment Policy, including proposed changes to the existing policy. The City is required by law to review its Investment Policy annually to ensure that the policy meets the City's needs with respect to managing its investment activity.

The Investment Officers recommend updating the policy to authorize investments in FDIC insured investment accounts. These investments meet all Public Funds Investment Act requirements, have no market risk, next-day availability, are FDIC insured, and typically have a higher yield than other short term investments.

Approval of this policy is scheduled for the September 6th City Council meeting. Please contact me prior to that meeting if you have any questions regarding the Policy or its related changes.

attachment (as stated above)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 14.

Meeting Date: 09/06/2016

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6133**

Adopting a Long-Term Debt Policy for the City of Sherman

Issue:

Obtaining Council approval for revisions to the City of Sherman's Long-term Debt Policy

Background:

In September of 2009, the City Council adopted a Long-Term Debt Policy. Economic, financial and other factors have prompted the need to revise the policy to better address the City's current needs within a broad framework. The proposed changes include an expanded explanation for when issuing debt is appropriate; the addition of statutory references; clarifications of restrictions, limitations and characteristics of allowable debt; and the addition of debt management practices to ensure legal and regulatory compliance.

Origination:

Finance Department

Financial Consideration:

There is no cost associated with changing the Policy.

Staff Recommendation:

It is recommended that the Council approve the Policy as presented.

Alternatives:

The Council could offer additional changes to those recommended by the staff, subject to Charter and legal requirements.

Attachments

Resolution No. 6133

Long-Term Debt Policy

RESOLUTION NO. 6133

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

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

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

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

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

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

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

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

PASSED AND APPROVED on this the _____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



Updated 9/2016

CITY OF SHERMAN GOVERNING POLICY--LONG-TERM DEBT POLICY

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

Conditions of Debt Issuance

Debt should be issued for the purpose of meeting the needs of the community through funding of capital projects and equipment but without constituting an unreasonable burden to taxpayers. Alternatives for financing will be explored prior to debt issuance and include, but not limited to grants, use of reserve funds, "pay as you go," contributions from developers and others, and user fees. Revenue sources for repayment will be conservatively projected without reliance on new revenue sources that lack a historical trend.

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

Types of Debt

General Obligation (GO) Bonds (Government Code Chapter 1331) General Obligation Bonds may only be issued with a majority approval of a popular vote. The use of the proceeds from GO Bonds is limited to the acquisition or improvement of real property and other uses allowed by law and applicable bond ordinances. Libraries, parks and public safety facilities are all types of facilities that could be financed with GO Bonds. To the extent that property tax revenues are used to fund debt service, a separate property tax will be levied.

Enterprise Revenue Bonds (Government Code Chapter 1502 and others) finance facilities for a revenue producing enterprises, and are payable from revenue sources within that enterprise. Municipal water, sewer and solid waste are examples of revenue producing enterprises within the City.

Certificates of Obligation (CO) (Local Government Code Chapter 271) are typically issued to support the health, safety and welfare of the citizens through funding for streets, land acquisition, facilities, facility improvements, and unforeseen and emergency needs. CO's are secured by a tax levy and/or revenue pledge, are authorized by the City Council, and do not require approval by popular vote.

Refunding Obligations (Government Code Chapter 1207) Pursuant to the Government Code and various other financing statutes applicable in particular situations, The City Council is authorized to provide for the issuance of bonds for the purpose of refunding any long-term obligation of the City. Absent any significant non-economic factors, a refunding should produce minimum net debt service savings (net of reserve fund earnings and other offsets) of at least 3% of the then outstanding par value of the refunded bonds on a net present value basis, using the refunding issue's True Interest Cost (TIC) as the discount rate, unless the Finance Department determines that a lower savings percentage is acceptable for issues or maturities with short maturity dates.

Tax Anticipation Notes (Government Code 1431) Proceeds from Tax Anticipation Notes are used to fund projects whose source of payment is future tax revenues. These instruments have a term of one to three years and are for a specific purpose such as temporary financing for capital improvements, cash flow needs and major equipment leasing.

Tax Increment Financing Bonds (Tax Code Chapter 311) The City may use these bonds to finance capital improvements within the tax increment reinvestment zone with the goal of stimulating economic activity within that zone. Repayment is from property taxes generated within the zone.

Leases (Local Government Code Chapter 271.005) may be used to finance major capital purchases, other than infrastructure, including fleet, major system upgrades and large equipment purchases. The useful life of the asset should not shall exceed the term of the lease.

Assessment Bonds (Local Government Code 372) Proceeds from Assessment Bonds may be used to finance local public improvements, provided that said improvements benefit the parcels of land to be assessed. Local streets, street lights, landscaping, sidewalks and sanitary sewers are some examples of local improvements commonly financed by assessment bonds.

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

Restrictions on Debt Issuance

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

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

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

Limitations on Outstanding Debt

State of Texas limitation: Maximum debt tax rate \$2.50 per \$100 of assessed valuation

City Charter limitations:

- The total of gross bonded tax-supported debt of the City of Sherman will not exceed 10 percent of the assessed valuation of the City for the same year.
- Certificates of obligation and other debt instruments, except revenue and general obligation debt, payable from the General Fund shall not exceed **2% or other the** amount allowed by City Charter, excluding self-supporting debt, of the assessed valuation of the City.

Debt Policy Limitations

- The total gross bonded debt of the City of Sherman, the municipal authorities for which it has direct debt responsibility (SEDCO), if and only to the extent that such authority has issued debt backed by the City's taxing ability, and the Sherman Independent School District will not exceed 20 percent of the assessed valuation of the City of Sherman.
- The City will compare key debt ratios that investors and financial analysts use when reviewing the City's creditworthiness to peer cities and industry standards each year. These ratios include:
 - Debt as a percentage of assessed value – indicates the relationship between the City's debt and the taxable value of the property to demonstrate the City's ability to repay the debt
 - Debt per capita – indicates the per capita debt burden
 - Debt per capita as a percentage of per capita income – measures the capacity of citizens to finance tax-supported debt; a low ratio is better since that would indicate a smaller portion of the citizen's income is needed to repay the debt.
 - Debt service as a percent of general governmental expenditures – indicates City's ability to repay debt without hampering other City services.
 - Overlapping debt of all local taxing jurisdictions

Characteristics of Debt Issuance

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

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

- Commercial insurance or other credit enhancements to the bond rating shall be considered when cost-effective.
- Repayment of debt shall be made with revenues derived from the projects that benefitted from the bond issuance when possible.
- The ability to afford new debt for enterprise operations will be evaluated as an integral part of the city's rate review and setting process.

Debt Issuance Process

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

The City shall utilize the services of independent financial advisor(s) on debt financing when deemed prudent. The financial advisor must meet all licensing requirements and comply with all Municipal Securities Rulemaking Board (MSRB) regulations. The City's financial advisor will not act as the underwriter on any City debt issue. Although not required, the City may utilize an RFP-selected pool of such financial advisors to mitigate time constraints and reduce overhead costs of the City in procuring such services. Recognized and qualified bond counsel will be used for each transaction.

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

- **Competitive Sale** In a competitive sale, bids for the purchase of the bonds are opened at a specified place and time and are awarded to the underwriter (or syndicate) whose conforming bid represents the lowest true interest cost to the City (TIC). This method is most advantageous when the debt to be issued is less complex, the municipal bond market for high-grade credits is stable, and the sale of the City's bonds is assured. A competitive sale is the preferred method of bond sale.
 - ◇ Bond sales shall be cancelable at any time prior to the time bids are to be received.
 - ◇ Upon award to the bidder whose conforming bid represents the lowest true interest cost, the City may restructure the bonds in accordance with the Official Notice of Sale. The City shall reserve the unfettered right to reject all bids or waive bid irregularities.
- **Negotiated Sale** In a negotiated sale, the City chooses the initial buyer of the bonds in advance of the sale date. The initial buyer is usually an investment banking firm, or a syndicate of investment banking firms interested in reoffering the bonds to investors through an underwriting process. This type of sale allows the City to discuss different financing techniques with the underwriter in advance of the sale date. This method is most advantageous

when the debt issue is complex, debt structuring flexibility is required (as would be the case in a bond refunding) or the municipal bond market is unstable or uncertain.

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

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

Debt Management

Investment of debt proceeds shall be managed in accordance with the City's Investment Policy. A financial advisor may be used to assist in investing bond proceeds. However, the advisor must be independent of the underwriter or financial advisor involved with the sale of the bonds. Bond proceeds may not be commingled with operating funds. To ensure adequate liquidity and safety of principal, investment maturities shall precede debt service requirements.

Continuing Disclosure

The Director of Finance shall ensure compliance with information filing, registration requirements of new obligations, and continuing disclosure requirements (SEC Rule 15c2-12, MSRB, MAC, etc.).

Post-Issuance Tax Compliance

The City has significant obligations with regard monitoring for compliance with federal tax rules in order to maintain the tax-exempt status on the bonds. A financial advisor may be used to assist with monitoring. Requirements include:

- **Records Retention – Life of bonds plus 3 years**
 - Basic records relating to bond transaction
 - Documents evidencing the expenditure of bond proceeds
 - Documents evidencing the use of bond-financed property by public and private sources
 - Documents evidencing all sources of payment and security of the bonds
 - Documents pertaining to the investment of bond proceeds

- Expenditure of proceeds – as stated in Tax Certificate. Generally, within six months of issuance, the City will have incurred binding commitments for at least 5% of the net proceeds and will spent all of the net proceeds, including interest, within three years.
- Arbitrage – ability to earn profit from investment of tax-exempt bond proceeds in taxable securities. The rebate is required to be calculated every 5 years and on final maturity.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. D. 15.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6134**

Authorizing Execution of an Agreement with David Ryan Patterson for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 321 West Walcott Street

Issue:

This item is to consider property tax abatement for the construction of a new single-family residence at 321 West Walcott Street.

Background:

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

Origination:

David Ryan Patterson, Owner/Applicant

Financial Consideration:

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this property will be approximately \$297.60 annually.

Staff Recommendation:

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

Alternatives:

The City Council could decide against granting this abatement.

Attachments

Resolution No. 6134

Residential Tax Abatement Agreement

Application

Tax Resale Deed

Building Permit

Site Plan

Location Map

Photo

Residential Reinvestment Zone Map

RESOLUTION NO. 6134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH DAVID RYAN PATTERSON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 321 WEST WALCOTT STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from David Ryan Patterson and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with David Ryan Patterson for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 321 West Walcott Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 18th day of April, 2011, the City Council of Sherman, Texas, passed Ordinance No. 5692 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 5960) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 18th day of April, 2011;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2016, and continuing for tax years 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023,

2024 and 2025, with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2016, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2016	100%
2017	100%
2018	100%
2019	100%
2020	100%
2021	100%
2022	80%
2023	60%
2024	40%
2025	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025, as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at 321 West Walcott Street, Sherman, Texas, and as more particularly described by the following:

BEGINNING at the Southwest corner of a tract of land conveyed to Dallas Building & Loan Association by W.B. Loving, Trustee Substitute, by deed dated October 2, 1929, and recorded in Volume 346, Page 120 of the Deed Records of Grayson County, Texas;

THENCE East along the North line of a street or alley, 50 feet to a corner;

THENCE North 85 feet, more or less, to a fence;

THENCE West 50 feet to the Northwest corner of the tract described in deed above referred to;

THENCE South along the line of said tract described in deed above referred to 85 feet to the North line of an alley or street, to **PLACE OF BEGINNING, CONTAINING 50 X 85 FEET OF LAND**, and being the same lot conveyed by R.W. Greet and wife, Edna Greer, to F.P. Campbell and wife, Lucy Campbell on August 11, 1938 as shown by deed recorded in Volume 405 at Page 7 of the Deed Records of Grayson County, Texas.

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

VI.

6.01 This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that

the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

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

VIII.

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

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 512 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

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

XI.

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

XII.

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

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

David Ryan Patterson
PO Box 1067
Whitesboro, Texas 76273
(940) 300-7194

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

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2016.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
DAVID RYAN PATTERSON

BY: _____
ROBBY HEFTON
CITY MANAGER

BY: _____
DAVID RYAN PATTERSON

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY
CITY ATTORNEY

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

BEFORE ME, the undersigned authority, on this day personally appeared **DAVID RYAN PATTERSON**, 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 express.

GIVEN UNDER MY HAND and seal of office this ____day of _____, 2016 A.D.

**NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS**

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

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

GIVEN UNDER MY HAND and seal of office this ____day of _____, 2016 A.D.

**NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS**

**CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT**

Property Owner:

Name: David Patterson

Mailing Address: PO Box 1067 Whitesboro TX 76273

Telephone Number: (940) 300 7194

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 321 W Walcott St Sherman TX

Summary Legal Description: Lot: _____ Block: _____ Addition: _____

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

Improvements:

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

Estimated Value of Improvements: \$ 80,000

Estimated Date of Start of Construction: 7-21-2016

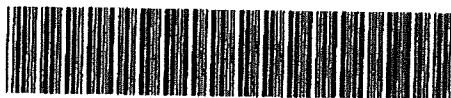
Estimated Date of Completion of Project: 12-31-2016

Description of Project: Build a small 3/2 single family home

Applicant(s): 

Date: 7-14-2016

Date: _____



70 2006 00026309

Grayson County
Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090

Instrument Number: 2006-00026309

Recorded On: October 24, 2006

As
Recordings

Parties: SHERMAN INDEPENDENT SCHOOL DISTRICT ETAL

To PATTERSON DAVID RYAN

Billable Pages: 4

Number of Pages: 5

Comment: TAX RESALE DEED

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	28.00
Total Recording:	28.00

***** DO NOT REMOVE THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2006-00026309

Receipt Number: 228713

Recorded Date/Time: October 24, 2006 04:51:03P

Book-Vol/Pg: BK-OR VL-4138 PG-547

User / Station: J CARYOL - Cashiering Station 2

Record and Return To:

JOHN RAMSEY

P.O. BOX

SHERMAN TX 75090



THE STATE OF TEXAS
COUNTY OF GRAYSON

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

TAX RESALE DEED

STATE OF TEXAS

X

X

KNOW ALL MEN BY THESE
PRESENTS

COUNTY OF GRAYSON

X

That Sherman Independent School District, City of Sherman, County of Grayson and Grayson County College, acting by their presiding officer of its governing body, hereunto duly authorized by resolution and order of said governing body which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of \$700.00 cash in hand paid by

David Ryan Patterson
5201 Tartan Circle
Denton, Texas 76208

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held pursuant to Orders of Sale issued in the 59th District Court of said county, said property being located in Grayson County, Texas, and described as follows:

A tract or parcel of land being 50 feet by 85 feet situated in the City of Sherman, Samuel Blagg Survey, Abstract 56, Grayson County, Texas, as described in deed dated April 5, 1954 from Fred M. King, Jr., to Frances Shelton King, recorded in Volume 756, page 60, Deed Records of Grayson County, Texas.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

SUBJECT however to the following covenant, condition and restrictions:

- (a) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.
- (b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renews or encourage a dual school system.

These restrictions and conditions shall be binding upon grantee and grantee's successors, assigns, heirs and personal representatives for a period of fifty (50) years from the date hereof.

The foregoing restrictions and the other covenants hereafter set out are covenants running with the land, and each and every parcel thereof, and shall be fully binding upon any person, firm, partnership, corporation, trust, church, club, governmental body, or other organization or entity whatever (whether private or governmental in nature), without limitation hereinafter acquiring any estate, title, interest or property in said land, whether by descent, devise, purchase or otherwise; and no act or omission upon the part of grantor herein, its successors and assigns, shall be a waiver of the operation or enforcement of such restrictions; but neither restriction shall be construed to be a condition subsequent or special limitation on the estate thereby conveyed.

It is further covenanted, that third party beneficiaries of the restrictions set forth above shall be as follows:

- (1) As to the restrictions set out in (a) above, any person prejudiced by its violation;
- (2) As to the restriction set out in (b) above, any public school district or any person prejudiced by its violation; and
- (3) As to either or both of the restriction set out in (a) and (b) above, the United States of America, as plaintiff, and the America G.I. Forum, the League of United Latin American Citizens (LULAC), and the National Association for the Advancement of Colored People (NAACP), as intervenors, in U.S. v. Texas, Civil Action No. 5281, Tyler Division, U.S. District Court, Eastern District of Texas; reported in U.S. v. Texas, 321 F. Supp. 1043 (E.D. Tex. 1970); U.S. v. Texas, 330 F. Supp. 235 (E.D. Tex 1971); aff'd with modifications sub. nom. U.S. v. State of Texas and J. W. Edgar, et al., 447 F2d 441 (5 Cir. 1971); stay den. sub. nom. Edgar v. U.S., 404 U.S. 1206 (1971); cert den. 404 U.S. 1016 (1972).

It is further covenanted that in case of violation of either or both of the above restrictions, any of the third party beneficiaries above alluded to is authorized and empowered to prosecute proceedings at law or in equity against any person, firm, partnership, corporation, trust, church, club, governmental body or other organization or entity whatever (whether private or governmental in nature), without limitation:

- (A) To enforce either or both of such restrictions relating to the use of the above-described realty;
- (B) To abate or prevent violations of either or both of such restrictions; and
- (C) To recover damages for a breach of either or both such restrictions.

It is further covenanted, that is any third party beneficiary referred to above shall prosecute proceedings at law or in equity for the aforesaid purposes, such third party beneficiary may recover reasonable attorney's fees from the violator or violators of either or both of such restrictions, of the Court finds that the proceedings were necessary to bring about compliance therewith.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to any existing right of redemption remaining in the former owner of the property under the provisions of law and also subject to any recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

IN TESTIMONY WHEREOF the Sherman Independent School District, City of Sherman,
County of Grayson and Grayson County College, has caused these presents to be executed this
23 day of October, 2006.

Grayson County, Trustee

By: [Signature]

Tim McGraw, County Judge

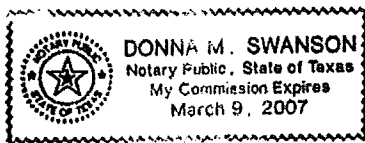
STATE OF TEXAS

X

COUNTY OF GRAYSON

X

This instrument was acknowledged before me on this 23RD day of OCTOBER, 2006, by
Tim McGraw, Grayson County Judge.



Donna M. Swanson

Notary Public, State of Texas

Commission Expires: 3-9-07

CITY OF SHERMAN

BY: [Signature]

Bill Magers, Mayor

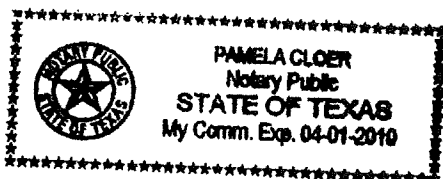
STATE OF TEXAS

X

COUNTY OF GRAYSON

X

This instrument was acknowledged before me on this 16th day of October, 2006,
by Bill Magers, Mayor of the City of Sherman.



Pamela Cloer

Notary Public, State of Texas

Commission Expires: 04-01-2010

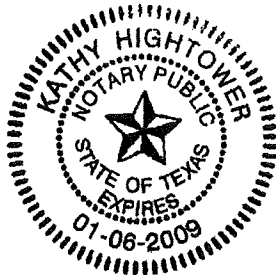
SHERMAN INDEPENDENT SCHOOL DISTRICT

BY: Sue Frazier
Dr. Sue Frazier, President

STATE OF TEXAS X

COUNTY OF GRAYSON X

This instrument was acknowledged before me on this 17th day of October, 2006, by Dr. Sue Frazier, President of the Sherman Independent School District.



Kathy Hightower
Notary Public, State of Texas
Commission Expires: 1/6/2009

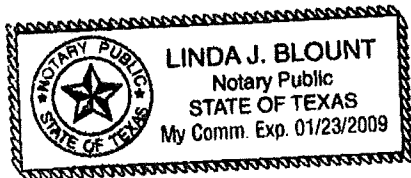
GRAYSON COUNTY JUNIOR COLLEGE

BY: Alan J. Scheibmeir
Dr. Alan J. Scheibmeir, President

STATE OF TEXAS X

COUNTY OF GRAYSON X

This instrument was acknowledged before me on this 20th day of Oct, 2006, by Dr. Alan J. Scheibmeir, President of the Grayson County Junior College.



Linda J. Blount
Notary Public, State of Texas
Commission Expires: 1-23-09

After recording return to:

David Ryan Patterson
5201 Tartan Circle
Denton, Texas 76208

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

PERMIT #: 161283

SUBCONTRACTOR: DAVID RYAN PATTERSON

DATE ISSUED: 6/30/2016

PROJECT ADDRESS: 321 W WALCOTT ST
PARCEL ID:
SUBDIVISION:

LOT #:
BLK #:
ZONE ORD: R-1 ONE FAMILY RESIDENTIAL

ISSUED TO: DAVID RYAN PATTERSON
ADDRESS: 705 MARY LEE LN
CITY, ST ZIP: COLLINSVILLE TX 76233
PHONE: 940-300-7194

CONTRACTOR: ERIC SHAUN PATTERSON
ADDRESS: 3005 W STAFFORD
CITY, ST ZIP: DENISON TX 75020
PHONE: 903-821-6832

PROP. USE: ONE FAMILY RESIDENTIAL
WORK: NEW RESIDENTIAL
CONSTRUCTION
VALUATION: \$ 80,000.00
OCCP TYPE: ONE FAMILY RESIDENTIAL
CNST TYPE: WOOD FRAME

SQ FT: 1,119.00
BEDROOMS: 3

BATHROOMS: 2
STORIES: 1

FEE CODE	DESCRIPTION	AMOUNT
BLD10	RESIDENTIAL STORMWATER MGMT	\$ 25.00
TOTAL		\$ 25.00

NOTES:

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.


(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

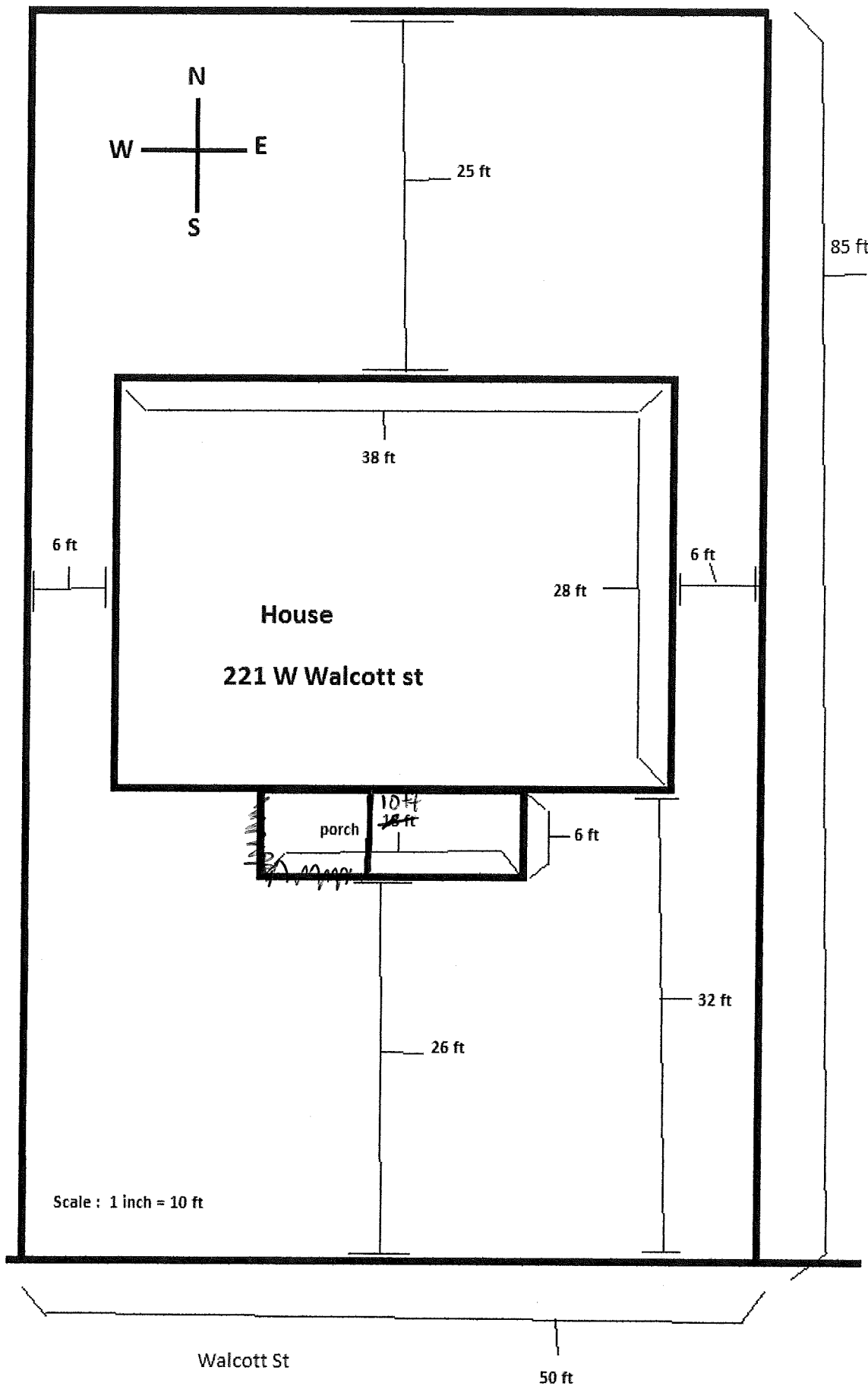
6/30/16
DATE

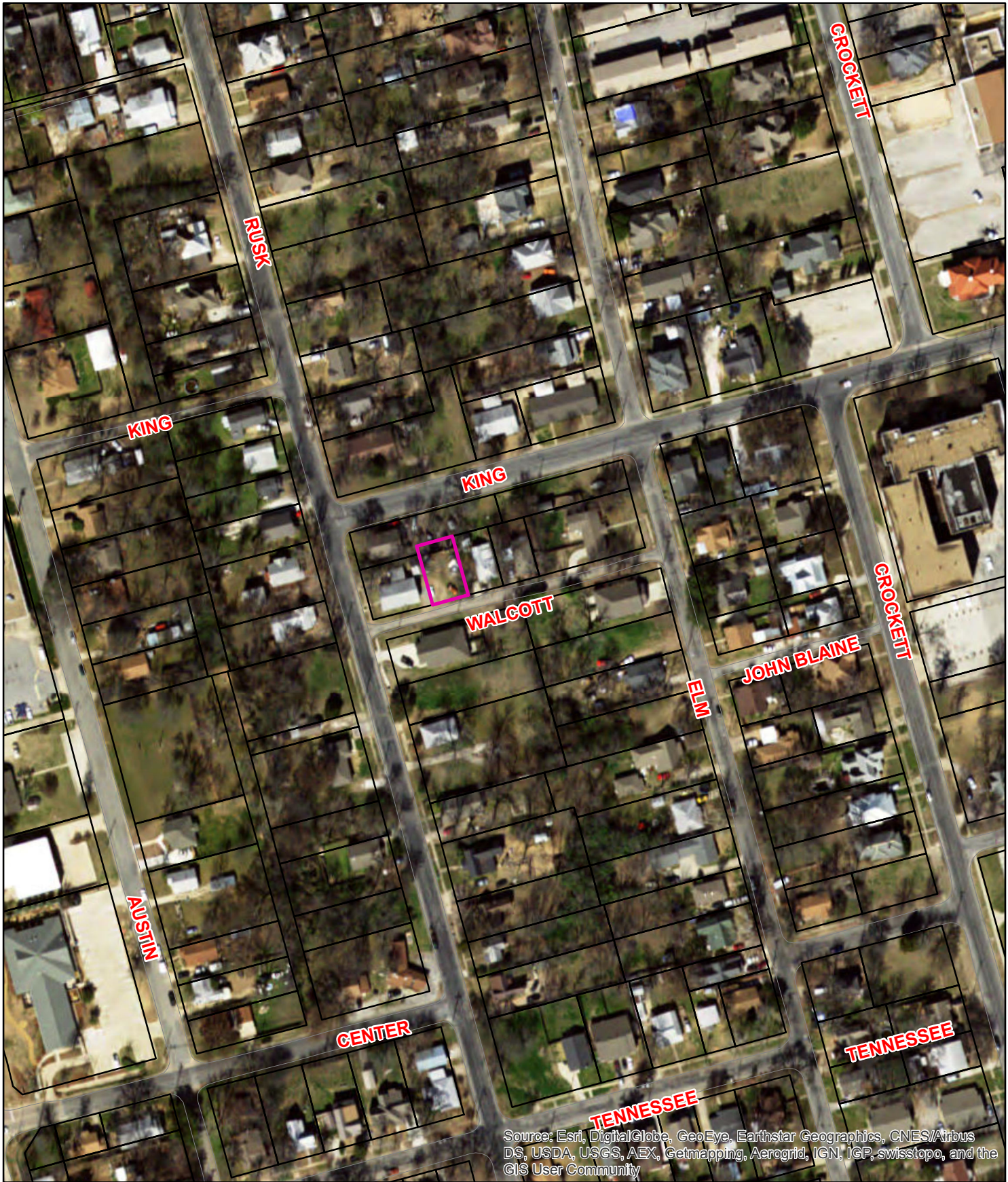

(APPROVED BY) FLOOD PLAIN ADMINISTRATOR

6/30/2016
DATE


(APPROVED BY) BUILDING & ZONING

8/10/16
DATE





321 W. Walcott

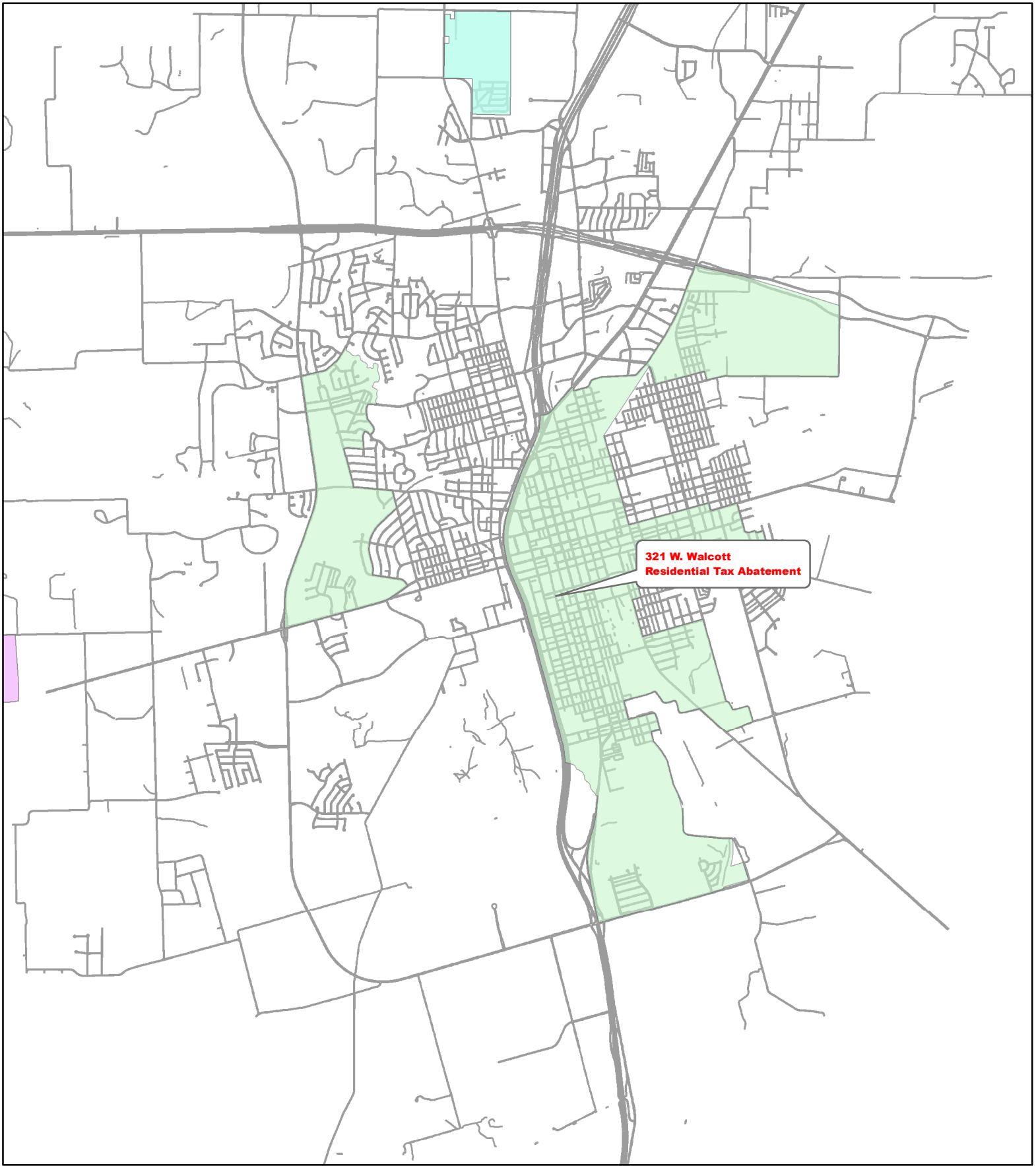


1 in = 178 ft

City of Sherman, Texas
Developmental Services Department

321 W. Walcott





**321 W. Walcott
Residential Tax Abatement**



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE
1 inch = 5,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. E. 1.

Meeting Date: 09/06/2016

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Consider Request from the Texoma Area Paratransit System (TAPS) for Additional Funding from the City of Sherman and Other Taxing Entities for the 2017 Fiscal Year

Issue:

TAPS has requested additional funding from the City of Sherman and the other taxing entities for the 2016-2017 fiscal year (FY). Councilman Terrence Steele serves on the TAPS Board and will brief the Council on this request.

Background:

Transdev, the company that operates TAPS, has asked local governments for increased funding amounts to help sustain the TAPS operations. The total ask was \$160,000.00, to be shared by Grayson County and the cities of Sherman and Denison. Sherman's proposed portion would be \$50,000.00 and Denison's would be \$30,000.00, with the remaining matching amount of \$80,000.00 coming from the County. Sherman has historically provided funding of about \$20,000.00 annually to TAPS.

Origination:

Grayson County Judge Bill Magers
City Councilman Terrence Steele
City Manager Robby Hefton

Financial Consideration:

The FY 2017 Community Development Block Grant does not include an allocation for TAPS.

Staff Recommendation:

Staff will implement whatever direction is provided by the Council on this item.

Alternatives:

None recommended

Attachments

Transdev Memo concerning TAPS Financing



To: Judge Carter

From: Derrick Breun

Date: July 25, 2016

Subject: TAPS Financing

As requested by the Board, Transdev is submitting the TAPS Five Year Budget Plan based on discussion held at the July Board meeting. This budget is designed to maintain TAPS services within both its Rural and Urban programs. This plan is based on projected Federal, State and Local funding and may need further modification once funding allocations have been finalized.

This budget is designed not only to provide a financial roadmap for TAPS but also meet the requirements the FTA and TxDOT have stipulated for the TAPS Recovery Plan. These requirements include:

1. **The need for local share funding to support the urban program.** TAPS currently expects to have access to \$1,264,374 in Federal urban services dollars for 2017. Only \$248,000 of TxDOT funding currently exists for local share matching funds meaning of the \$1,264,374 dollars of Federal funds only \$624,960 can be accessed due to a lack of local matching funds. This means the urban communities within Grayson County will give back \$639,414 to FTA that could otherwise be used to support TAPS services.

The budget proposes a local match contribution of \$160,000 allowing TAPS to claim an additional \$233,706 of FTA Urban funds. *As way of reference, for every dollar of local operating dollars, TAPS is able to match an additional dollar of Federal funds, doubling its money. For every dollar of administrative funds provided locally, TAPS is able to receive five additional dollars from Federal funds.*

2. Local funding to the TAPS program is a demonstration of the community's commitment to TAPS and a requirement of the Federal Transit Administration. As proposed in this budget, local funds in 2017 would only make up 5.5% of the total budget. While the TAPS Rural Federal dollars are matched entirely by TxDOT funds, **only 20% of the Federal Urban program serving Sherman, Dennison and Grayson County are matched through TxDOT funds. This leaves a significant gap that can only be made up by local funding sources. In the past, Medicaid funds were used for this match. This is not an option at this time for TAPS.**
3. Both State and Federal funding work on a reimbursement formula. In other words, the money must be spent before funds can be requested to reimburse TAPS for the expense. The primary expense for TAPS is the Transdev operating invoice. In order to access State and Federal funds,

TAPS must pay Transdev then apply for reimbursement from Federal and State funding sources. This creates an issue of cash flow for TAPS because it must first spend a dollar in order to receive a dollar. Local funds of \$215,661, Transdev's average monthly invoice, is required to initiate this cycle of payment and reimbursement. Ideally local funding would equal this amount. Transdev's original request was for \$225,000 in local funding. The budget presented here requests a total of \$160,000 in local contribution. We believe with tight fiscal management, the receipt of funds already owed TAPS and the sale of unused assets we can make this difference up.

2017 – 2021 BUDGET

The following table represents a proposed long term budget plan for TAPS. An update to this budget would be presented to the TAPS Board annually to reflect actual local, State and Federal funding allocations.

Major budget assumptions include:

- 1.0% growth in available Federal funds
- 3.0% growth in available TxDOT funds
- A 68%/32%split between Operating and Administrative expenses for purposes of grant match calculations
- \$160,000 local share commitment increasing 10% a year. While an allocation has been proposed among Sherman, Dennison and Grayson County, it will be the responsibility of the Board and the entities they represent to secure the necessary local funding commitments.
- An inflationary increase of 2.3% of Transdev's operating costs.
- 5% annual increase in fuel costs
- \$100,000 allocation for debt service of past vendor debts
- \$682, 454 in Federal fund "givebacks" for seven years at 2% interest to pay for unsubstantiated Federal expenditures.

REVENUE

URBAN

			2017	2018	2019	2020	2021
FTA 5307 Urban	Match	Local Share	Federal Match				
Operations	50%	\$ 252,960	\$ 252,960	\$ 267,493	\$ 283,156	\$ 300,053	\$ 318,297
Administration	80%	\$ 155,040	\$ 620,160	\$ 655,789	\$ 694,189	\$ 735,614	\$ 780,341
		\$ 408,000	\$ 873,120	\$ 923,282	\$ 977,345	\$ 1,035,666	\$ 1,098,638
		Available Funds	\$ 1,264,374	\$ 1,277,018	\$ 1,289,788	\$ 1,302,686	\$ 1,315,713
		Unclaimed Federal Funds	\$ 391,254	\$ 353,736	\$ 312,443	\$ 267,019	\$ 217,075
FTA 5307 Urban			\$ 873,120	\$ 923,282	\$ 950,980	\$ 979,509	\$ 1,008,895
TXDOT Urban			\$ 248,000	\$ 255,440	\$ 263,103	\$ 270,996	\$ 279,126
Local Share			\$ 160,000	\$ 176,000	\$ 193,600	\$ 212,960	\$ 234,256
City of Sherman			\$ 50,000	\$ 55,000	\$ 60,500	\$ 66,550	\$ 73,205
City of Denison			\$ 30,000	\$ 33,000	\$ 36,300	\$ 39,930	\$ 43,923
Grayson County			\$ 80,000	\$ 88,000	\$ 96,800	\$ 106,480	\$ 117,128
		Combined local share including TxDOT	\$ 408,000	\$ 431,440	\$ 456,703	\$ 483,956	\$ 513,382
TOTAL URBAN PROGRAM			\$ 1,281,120	\$ 1,354,722	\$ 1,407,683	\$ 1,463,466	\$ 1,522,277
	% Federal		68.2%	68.2%	67.6%	66.9%	66.3%
	% State		19.4%	18.9%	18.7%	18.5%	18.2%
	% Local		12.5%	13.0%	13.8%	14.6%	15.4%

RURAL

FTA 5311 Rural		Local Share	Federal Match				
Operations	50%	\$ 517,700	\$ 517,700	\$ 533,231	\$ 549,228	\$ 549,228	\$ 549,228
Administration	80%	\$ 317,300	\$ 1,269,200	\$ 1,269,200	\$ 1,269,200	\$ 1,269,200	\$ 1,269,200
		\$ 835,000	\$ 1,786,900	\$ 1,802,431	\$ 1,818,428	\$ 1,818,428	\$ 1,818,428
		Available Funds	\$ 902,000	\$ 826,060	\$ 850,842	\$ 876,367	\$ 902,658
		Unavailable	\$ (984,900)	\$ (976,371)	\$ (967,586)	\$ (942,061)	\$ (915,770)
FTA 5311 Rural	Match	\$ 802,000	\$ 802,000	\$ 826,060	\$ 850,842	\$ 876,367	\$ 902,658
TXDOT Rural (counts as local share)		\$ 835,000	\$ 860,050	\$ 885,852	\$ 912,427	\$ 939,800	\$ 939,800
TOTAL RURAL PROGRAM			\$ 1,637,000	\$ 1,686,110	\$ 1,736,693	\$ 1,788,794	\$ 1,842,458
	% Federal		49.0%	49.0%	49.0%	49.0%	49.0%
	% State		51.0%	51.0%	51.0%	51.0%	51.0%
	% Local		0.0%	0.0%	0.0%	0.0%	0.0%
TOTAL REVENUE			\$ 2,918,120	\$ 3,040,832	\$ 3,144,377	\$ 3,252,260	\$ 3,364,735
	% Federal		57.4%	57.5%	57.3%	57.1%	56.8%
	% State		37.1%	36.7%	36.5%	36.4%	36.2%
	% Local		5.5%	5.8%	6.2%	6.5%	7.0%

EXPENSES

		2017	2018	2019	2020	2021
Transdev Operations						
Fixed		\$ 1,571,316	\$ 1,171,857	\$ 1,196,291	\$ 1,222,110	\$ 1,250,424
Variable		\$ 1,016,614	\$ 1,474,651	\$ 1,539,315	\$ 1,607,798	\$ 1,677,257
Hours of Service		28,318	38,765	39,128	39,207	39,364
		\$ 35.90	\$ 38.04	\$ 39.34	\$ 41.01	\$ 42.61
Utilities		\$ 63,600	\$ 65,508	\$ 67,473	\$ 69,497	\$ 71,582
Fuel		\$ 141,590	\$ 203,515	\$ 215,691	\$ 226,936	\$ 239,235
Legal Fees		\$ 15,000	\$ 15,300	\$ 15,606	\$ 15,918	\$ 16,236
Consulting Services		\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Debt Service		\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
TOTAL OPERATING EXPENSES		\$ 2,918,120	\$ 3,040,832	\$ 3,144,377	\$ 3,252,260	\$ 3,364,735

TEXOMA AREA PARATRANSIT SYSTEM

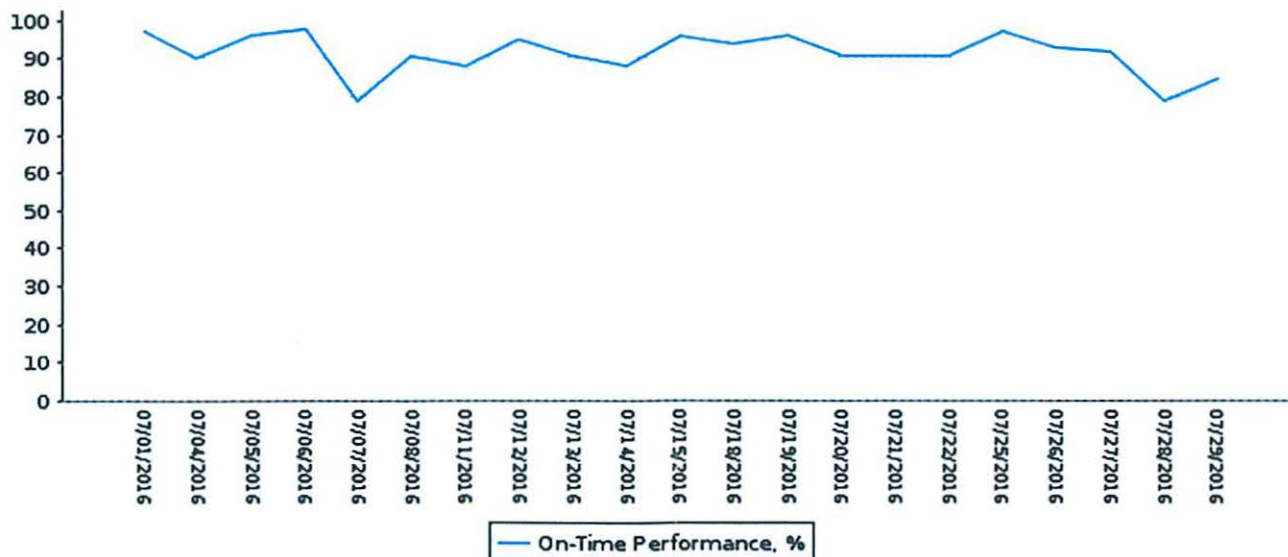
Monthly Operating Statistics

July 2016

*** New ***

	Scheduled Trips	Actual Trips	% Taken	Denied Trip Request	Miles	Hours	Trips/ Hour	Miles/ Trip	Direct Op Cost	Cost/ Trip
Grayson	2,285	1,932	85%	220	20,418	999.85	1.93	10.57	\$ 32,675.10	\$ 16.91
Fannin	338	297	88%	11	7,013	326.52	0.91	23.61	\$ 10,670.67	\$ 35.93
Cooke	413	354	86%	28	3,349	239.98	1.48	9.46	\$ 7,842.55	\$ 22.15
Wise	283	229	81%	20	3,921	218.90	1.05	17.12	\$ 7,153.65	\$ 31.24
Clay/Montgue	69	64	93%	2	6,441	177.14	0.36	100.64	\$ 5,788.94	\$ 90.45
Monthly Total	3,388	2,876	85%	281	41,142	1,962.39	1.47	14.31	\$ 64,130.91	\$ 22.30

On Time Performance
Overall 90%



Date range: 07/01/2016 - 07/31/2016. TAPS' Time limit to be consider late: 15 min.

On Time performance is calculated as number of on-time trips divided by total number of trips with actual pick-up information.
Total number of trips with actual pick-up information excludes no shows.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. E. 2.

Meeting Date: 09/06/2016

Prepared By: Steve Ayers, Director of Community and Support Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of the Sherman Independent School District and the Sherman High School Student Council to Temporarily Close Certain Streets for the "2016 Sherman High School Homecoming Parade" on Monday, September 12, 2016

Issue:

The Sherman Independent School District (SISD) and the Sherman High School Student Council have submitted a request to close certain streets in the downtown area for the "2016 Sherman High School Homecoming Parade", taking place at 6:30 p.m. on Monday, September 12, 2016.

Background:

The SISD and Sherman High School Student Council are co-sponsoring the "2016 Sherman High School Homecoming Parade" on Monday, September 12th. The parade will assemble at 5:30 p.m. and will end no later than 7:30 p.m. It will follow the route described in the attached request and outlined on the attached map. The event will require traffic control assistance and barricades from the City of Sherman.

Origination:

Dr. David Hicks, Ed.D., SISD Superintendent

Financial Consideration:

City labor and equipment to provide traffic control assistance and implement barricade placement and removal will be required.

Staff Recommendation:

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

Alternatives:

As directed by the Council

Attachments

"Homecoming Parade" Request Letter

"Homecoming Parade" Route



P.O. BOX 1176 SHERMAN, TEXAS 75091-1176

PHONE# (903)891-6400 FAX# (903)891-6407

August 24, 2016

VIA FACSIMILE & U.S. MAIL

903-893-5388

Mrs. Sheila Davis
City of Sherman
400 North Rusk Street
Sherman, TX 75090

Dear Mrs. Davis:

Sherman High School Student Council and SISD are requesting to schedule the annual Sherman High School Homecoming Parade for Monday, September 12, 2016 at 6:30 p.m.

We would like to use the following route for the annual parade: East on Mulberry to Travis, South on Travis to Houston, West on Houston to Crockett, North on Crockett to Pecan, West on Pecan to Rusk.

Student Council also requests to use the block of Rusk between Pecan and Washington to assemble the parade. They will assemble at 5:30 p.m. and will have the area cleared by 7:30 p.m.

If you have any questions or need anything additional, please contact my secretary, Debbie Smith at 903-891-6400, extension 2006.

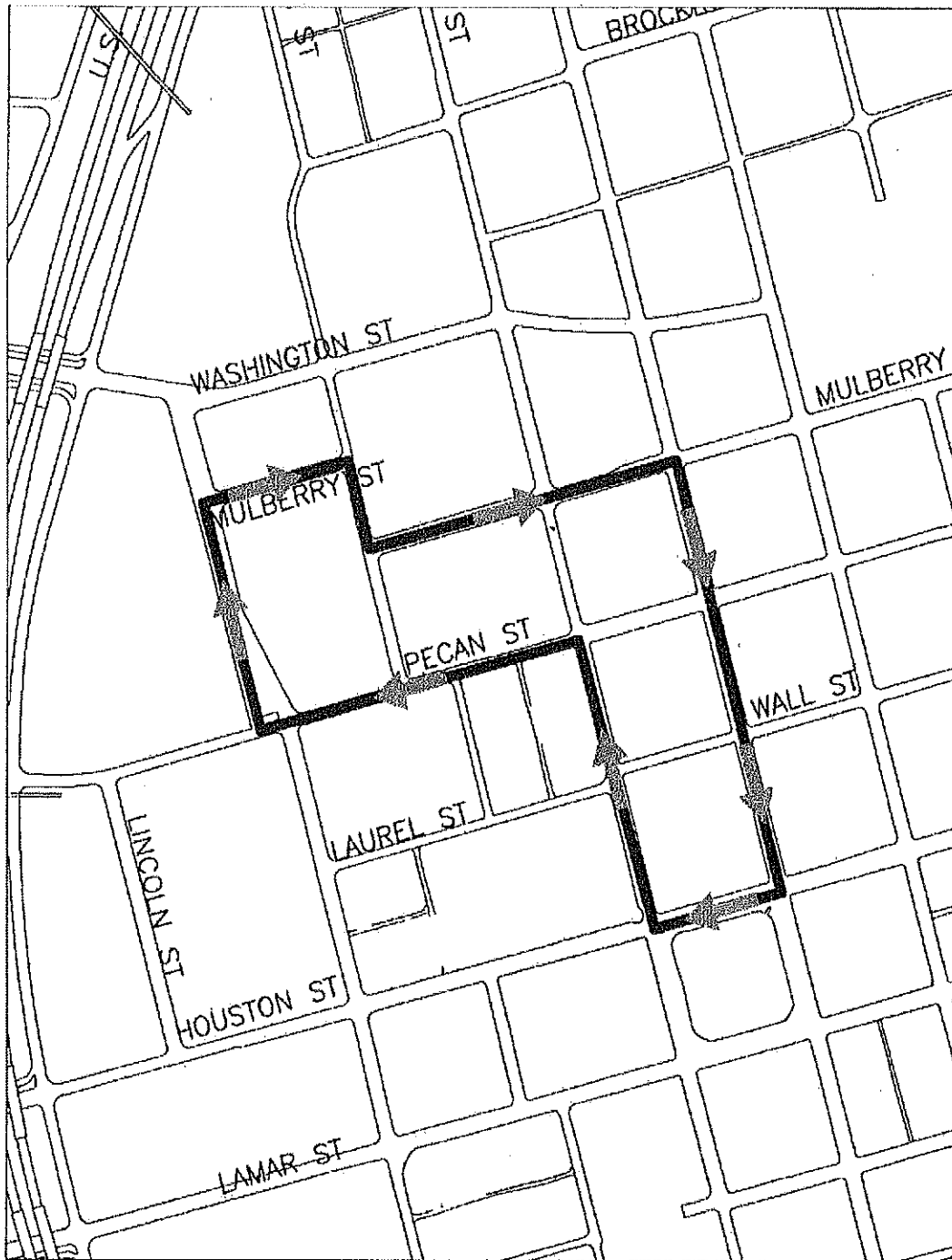
Sincerely,

David Hicks

David Hicks, Ed.D.
Superintendent of Schools

dhs

Copy: Larena Douglass, Student Council Sponsor
Chris Mogan, Principal, SHS



Sherman
CLASSIC TOWN, BROAD HORIZON.

SHERMAN HIGH SCHOOL
PARADE ROUTE





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. E. 3.

Meeting Date: 09/06/2016

Prepared By: Steve Ayers, Director of Community and Support Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of Downtown Sherman NOW to Temporarily Close Certain Streets for the "Stroll on the Square & Texoma's Best Bite" on Saturday, October 1, 2016

Issue:

Downtown Sherman NOW (formerly Downtown Sherman Preservation & Revitalization) is requesting to temporarily close Crockett Street (between Lamar Street and Houston Street), Travis Street (between Lamar Street and Houston Street), and Travis Street (between Houston Street and Wall Street) on Saturday, October 1, 2016 from 12:00 noon to 11:00 p.m. for the "Stroll on the Square & Texoma's Best Bite".

This event will include food from local restaurants, vendors, a jazz band and other activities. Downtown Sherman NOW plans to apply for an alcohol permit from the Texas Alcoholic Beverage Commission for the sale of beer and wine to the patrons of this event.

Background:

This is one of several events planned by Downtown Sherman NOW.

Origination:

Ms. Karen Tooley, Executive Director, Downtown Sherman NOW

Financial Consideration:

Barricades and cones would be provided by the City of Sherman Street Department. Solid waste receptacles would be provided by the City of Sherman Solid Waste Department. Downtown Sherman NOW would work with the Sherman Police Department to arrange for security officers necessary for the event. Downtown Sherman NOW has been instructed that emergency vehicle accessibility must be maintained throughout the closed streets at all times.

Staff Recommendation:

It is recommended that the Council authorize the use of City resources to provide barricades, cones, solid waste receptacles, and security support as requested.

Alternatives:

As directed by the Council

Attachments

Downtown Sherman NOW Request Letter

"Stroll on the Square & Texoma Best Bite" Map

26 August 2016

Mr. Steve Ayers
Director of Community Support Services
PO Box 1106
Sherman, TX 75091



Dear Steve,

Downtown Sherman NOW (formerly Downtown Sherman Preservation & Revitalization) would like city approval to hold an event, Stroll on the Square. The details are below. If I can answer questions or help clarify this request, please do not hesitate to contact me by email (kctooley@msn.com) or phone (903-816-2811).

Sincerely,

Karen Tooley

Executive Director, Downtown Sherman NOW

Name of Event: Stroll on the Square & Texoma's Best Bite

Date/Time of Event: Saturday, 1 October 2016, 5:00 pm - 9:30 pm

Description of Event:

From 5:00-6:30 pm: An area on east side of courthouse (and spilling into Travis Street) will be designated as a VIP area for tasting premier wines. This event is limited to 150 participants.

From 6:00-9:30 pm: Wineries will be located inside businesses downtown and possibly under popup tents on the square and in parking lots (as TABC allows). Restaurants and Caterers will be situated inside businesses, outside on the closed streets, and on the sidewalks offering free samples of food (and competing in a competition called "Texoma's Best Bite".) Stores will be open for shopping. Musicians will be inside stores, on the courthouse square, and along the sidewalks (where room allows.) The wine stroll is limited to 500 participants.

Street Closure Request:

From Noon-11:00 pm: 100 blocks of S Travis, S Crockett and N Travis St.

Supplies Requested: 16 rolling trash cans & 40 orange traffic cones (delivered to the east side of the courthouse near the trash dumpsters)

TABC Permit: DSP&R will provide the wineries with the necessary information to enable them to obtain festival permits from TABC. DSP&R will obtain a permit from TABC to sell beer and wine at after party.

Event Title

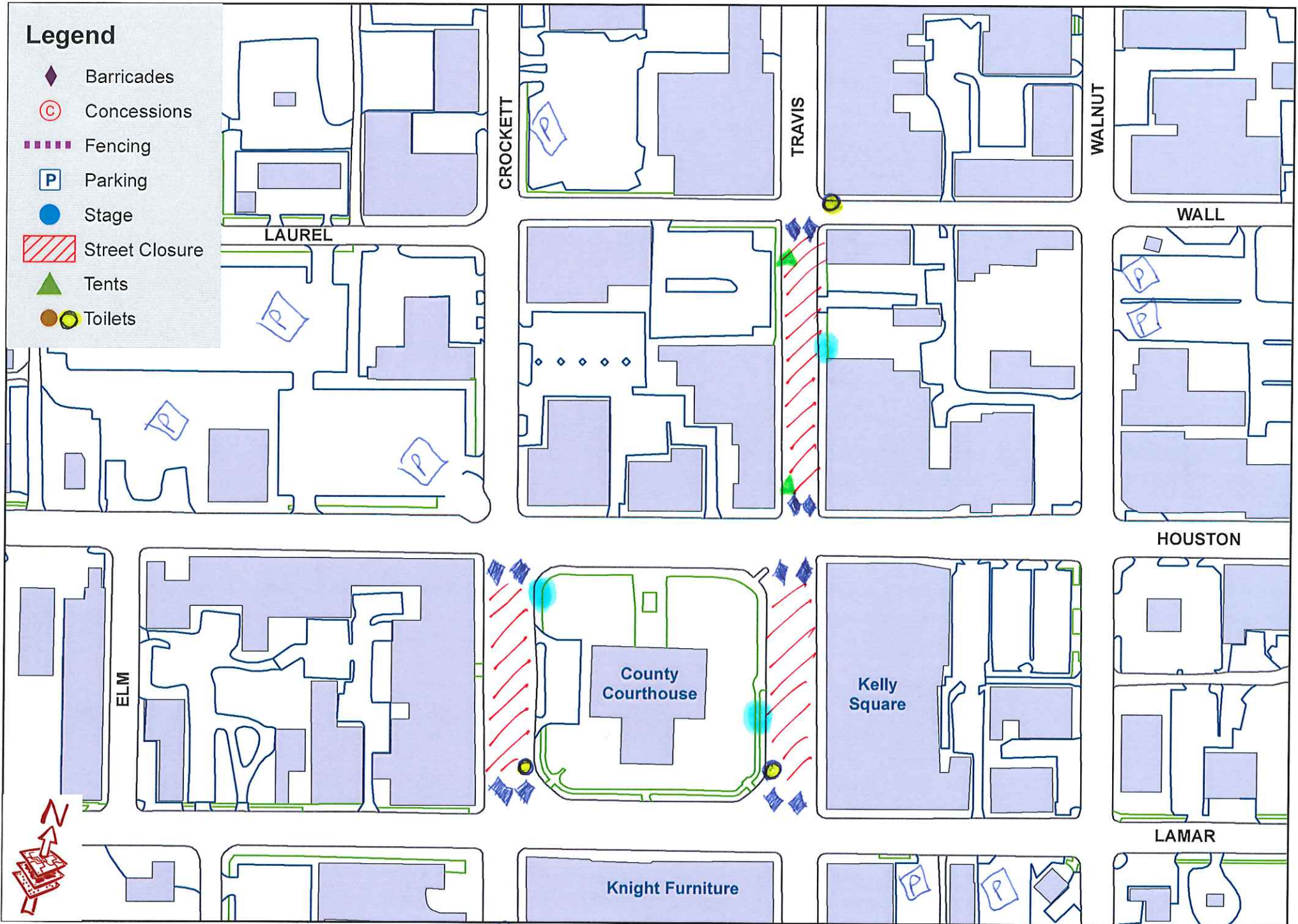
Stroll on the Square & Texoma Best Bites

October 1, 2016

Use "Legend" to indicate event setup locations and any items needed by the City.

Legend

- ◆ Barricades
- Ⓢ Concessions
- ⋯ Fencing
- Ⓟ Parking
- Stage
- ▨ Street Closure
- ▲ Tents
- Toilets





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. E. 4.

Meeting Date: 09/06/2016

Prepared By: Steve Ayers, Director of Community and Support Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of True Options Pregnancy Center to Temporarily Close Certain Streets for the First Annual "Turkey Trot 5K & Fun Run" on Saturday, November 19, 2016, with a Rain Date of Saturday, November 26, 2016

Issue:

True Options Pregnancy Center will host the first annual "Turkey Trot 5K & Fun Run" on Saturday, November 19th, with a rain date of Saturday, November 26th, and is requesting the City of Sherman's assistance with traffic control and street closures.

Background:

True Options Pregnancy Center will hold the first annual "Turkey Trot 5K & Fun Run" on Saturday, November 19th with a rain date of Saturday, November 26th. The race will begin at 8:30 a.m. and will follow the route displayed on the attached map. The run will require traffic control assistance and cones from City of Sherman.

True Options is also requesting the closure of Rusk Street in front of the Municipal Building from 7:00 a.m to 12:00 noon. Barricades will be provided by the City of Sherman Street Department.

Origination:

Bailey Teague, Marketing Director, True Options Pregnancy Center

Financial Consideration:

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

Staff Recommendation:

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

Alternatives:

As directed by Council

Attachments

True Options Request Letter

True Options "Turkey Trot" Route Map

105 W. Pecan, Post Office Box 3237
Sherman, TX 75091
Tel 903.893.9099 Fax 903.813.1855
www.shermanpregnancy.com



August 23, 2016

Steve Ayers
City of Sherman
220 W. Mulberry St.
Sherman, TX 75090-5832

Dear Mr. Ayers,

This year will be the first time that True Options Pregnancy Center will be throwing out 1st Annual True Options Turkey Trot 5K and Fun Run. True Options Pregnancy Center is excited and ready to put this event on for the City of Sherman! All proceeds from this event will be given to True Options so that they can continue providing free medical care, counseling, and resources for women and men living in Texoma. Join us as we gobble, gallop, and give thanks during this family friendly event! Come join the fun by participating in our 5k race or try to beat the dressed up turkey in our fun run/walk and win a special prize!

We are requesting from the city, traffic support and cones to be placed along the course. We are estimating two hundred runners to participate. Please find below the details and attached the proposed course map.

What: True Options Turkey Trot 5K & Fun Run
Who: True Options Pregnancy Center
When: Saturday, November 19th, 2016
Time: Race start 8:30AM finish at 11:00AM
Where: Sherman Municipal Grounds

We want to thank you in advance for your consideration of this event. If we can be of any assistance please give me a call at 903.893.9099. We look forward to working with the city on this new endeavor.

Sincerely,

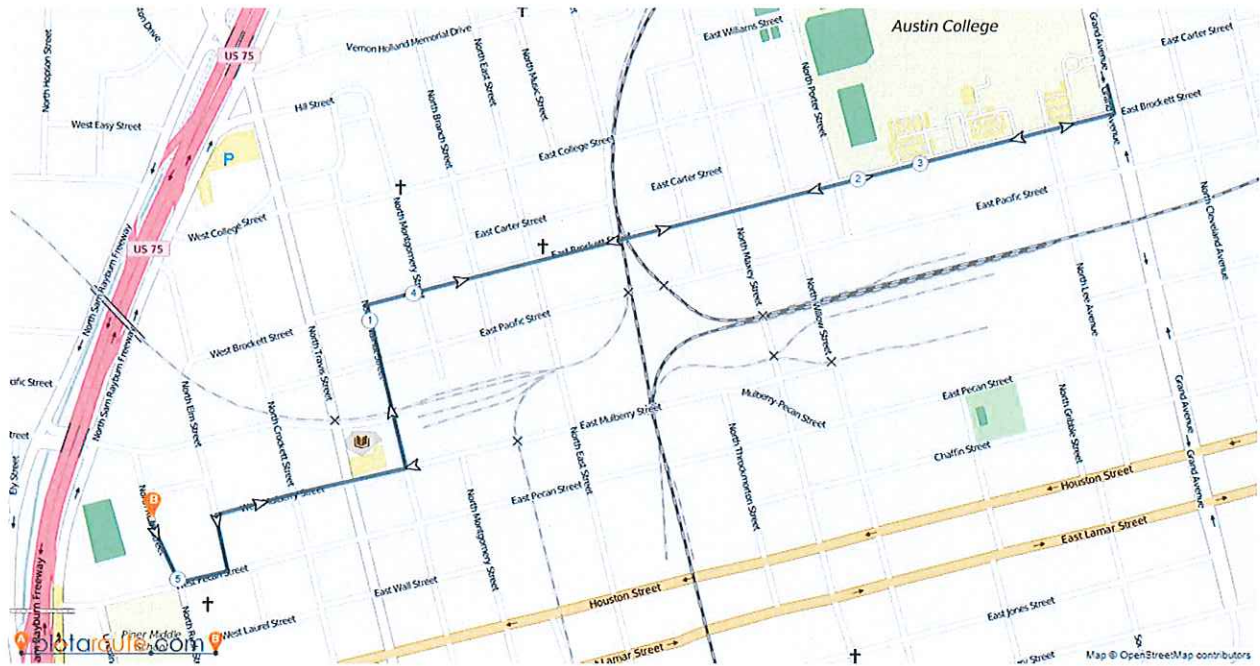
Bailey Teague
Bailey Teague

Marketing Director
True Options Pregnancy Center



TRUE
OPTIONS
pregnancy center

True Options Turkey Trot
November 19, 2016 from 7AM-12PM



5K Start:

N. Rusk St.

Turn left on W. Pecan

Turn left on N. Elm

Turn right on W. Mulberry

Turn left on N. Walnut

Turn right on E. Brockett

Turn left on N. Grand

*Turn around 5K Marker



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. E. 5.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Exception for Lamberth Crossing Joint Venture, Owners; and Preston Trail Land Surveying, Surveyor, under Ordinance No. 2684, Section 11(a) to Allow the Existing Asphalt Streets (Shady Oaks Lane and Norwood Street) in Lieu of the Required Concrete Streets for Minimum Required Improvements for New Subdivision Streets in the 2400 block of Shady Oaks Lane and the 2300 block of Norwood Street

Issue:

Exception to allow the existing asphalt streets (Shady Oaks Lane and Norwood Street) in lieu of the required concrete streets for minimum required improvements for new subdivision streets for Lamberth Crossing Joint Venture in the 2400 block of Shady Oaks Lane and the 2300 block of Norwood Street

Background:

The property is located in the 2400 block of Shady Oaks Lane, 2300 block of Norwood Street, and 2600-2800 blocks of West Lamberth Road, between Norwood Street and Shady Oaks Lane. The property is zoned a C-O (Office) District.

The owners would like to construct nineteen (19) patio homes on the property; the homes will be approximately 1,600 to 1,900 square feet. They are requesting an exception to leave the existing streets (Shady Oaks Lane and Norwood Street) asphalt in lieu of the required concrete.

Origination:

Lamberth Crossing Joint Venture (Owners)

Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the regular meeting on August 16, 2016, the Planning and Zoning Board voted 6/0 to approve the exception and forward the request to the City Council; Chairman Gilbert abstained from the request because of a conflict of interest.

Alternatives:

The City Council could deny the request.

Attachments

Location Map

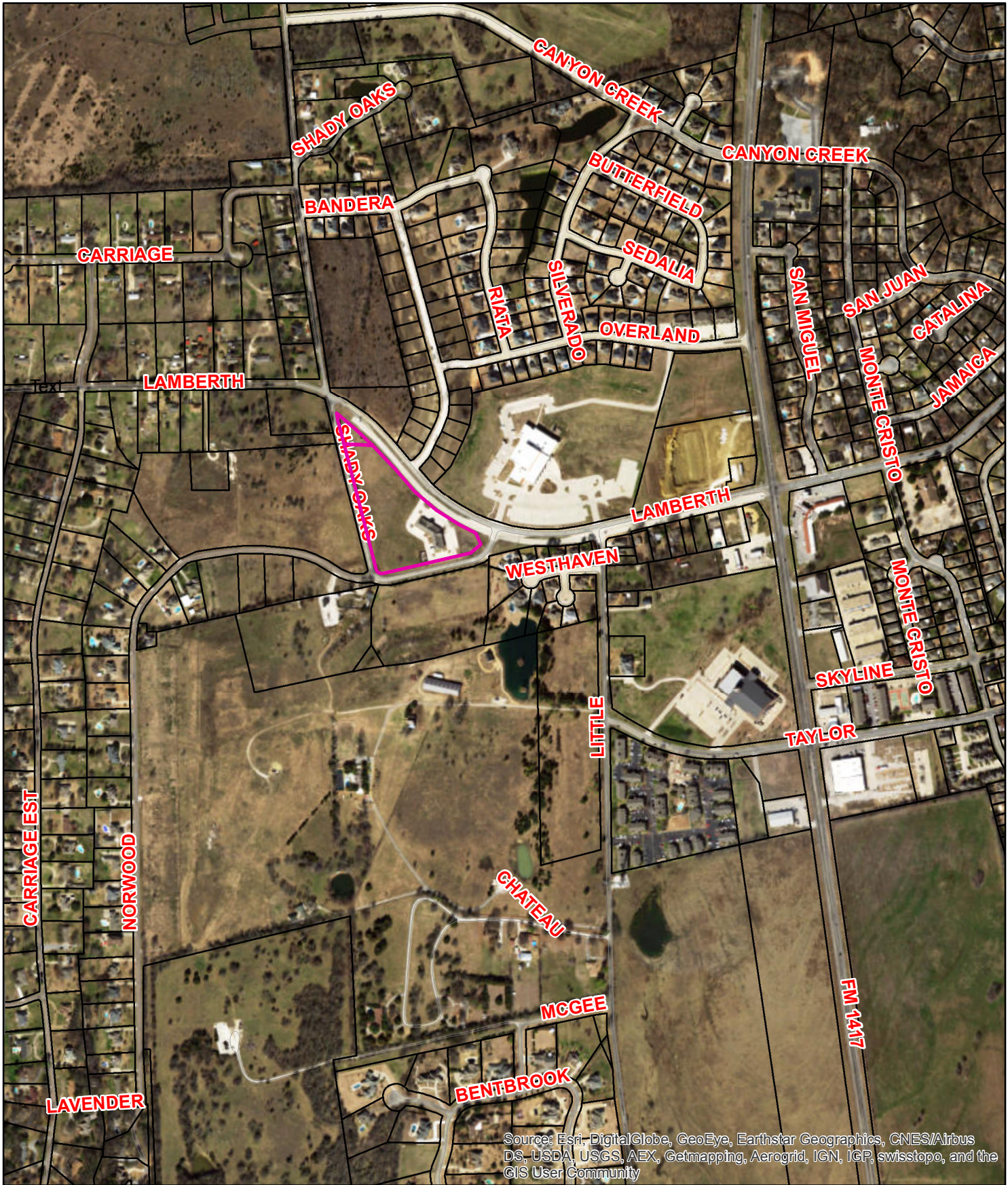
Zoning Map

Zoning Sign Photo

Site Plan

Elevations

P&Z Communication

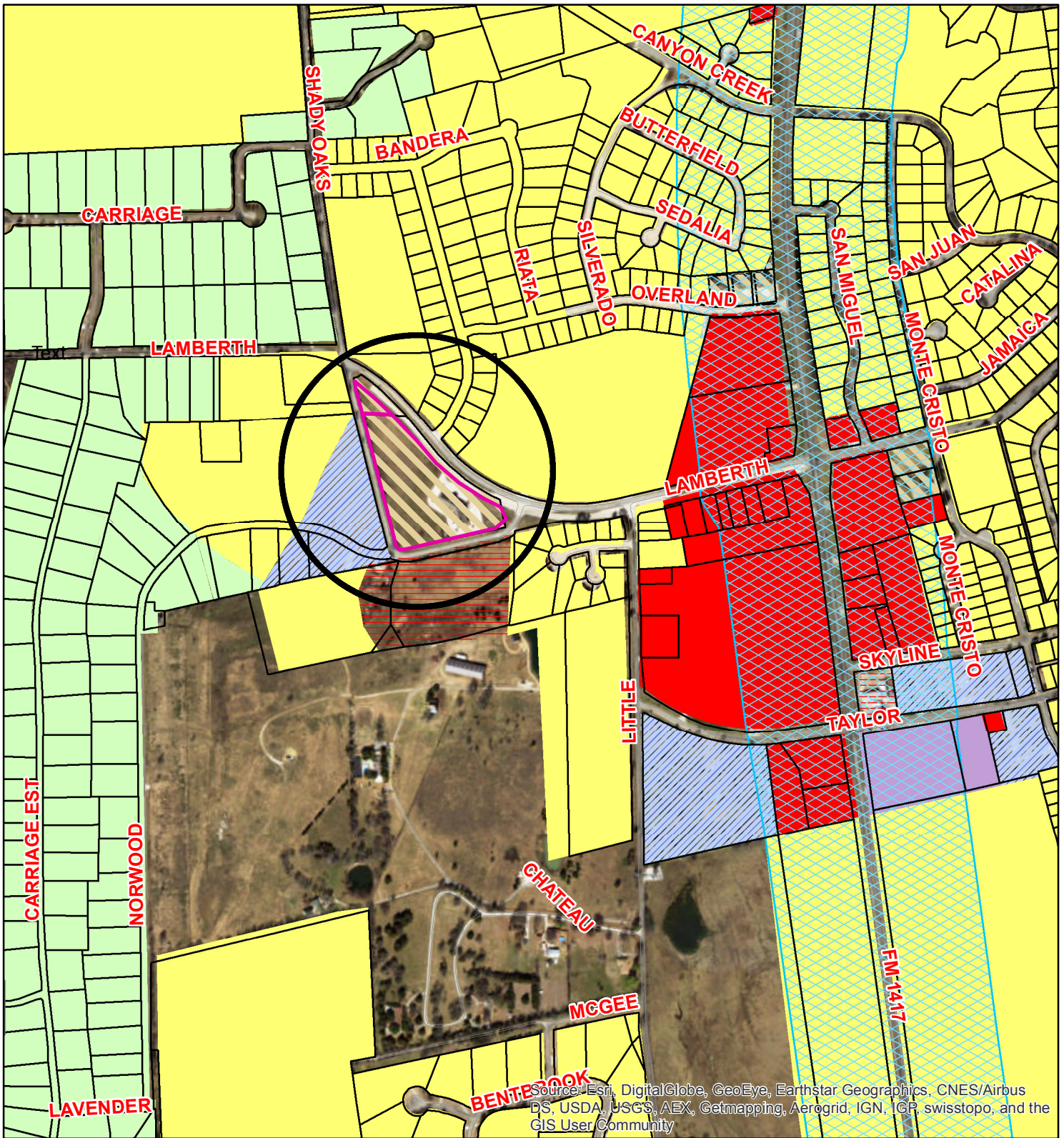


2600-2800 Blks W. Lamberth



NOT TO SCALE

1 in = 713 ft



Zoning - 2600-2800 Blks W. Lamberth



City of Sherman, Texas
Developmental Services Department

Transportation Corridors Overlay		Legend	
HWY_NAME		DISTRICT_NAME	
FM 1417		Arts and Cultural District	
Sam Rayburn Freeway		Blalock Commercial Overlay District	
US Hwy 82 and 75		Central Business District	
		College Park District	
		Downtown Overlay District	
		Historic Preservation District	
Special Districts Overlay		Zoning Districts	
		Representation: SHERM GIS.DBO.ZoningDistrict_Rep	
		Unknown	
		BIP Blalock Industrial Park	
		C-1 Retail Business District	
		C-2 General Commercial District	
		CO Office District	
		Lakes	
		M-1 Light Manufacturing District	
		M-1.5 Medium Manufacturing District	
		M-2 Heavy Manufacturing District	
		MH Manufacturing Housing District	
		R-1 One Family Residential District	
		R-2 Multi-Family Residential District	
		R-A Single Family Agricultural District	
		SF-1 Single Family Residential District	



1 in = 713 ft

2400 Blk. Shady Oaks Ln., 2300 Block Norwood St.
& The 2600-2800 Blocks W. Lamberth



N 53°40'50" E
19.10'
N 75°58'11" E
25.00'
2.000 AC.
THE PATRICK
FAMILY TRUST
VOLUME 2801, PAGE 233
O.P.R.G.C.T.

10.000 AC.
ROMAN CATHOLIC DIOCESE OF DALLAS
VOLUME 1884, PAGE 383
D.R.G.C.T.

ELIJAH HARTZOG
SURVEY ABST. NO. 540

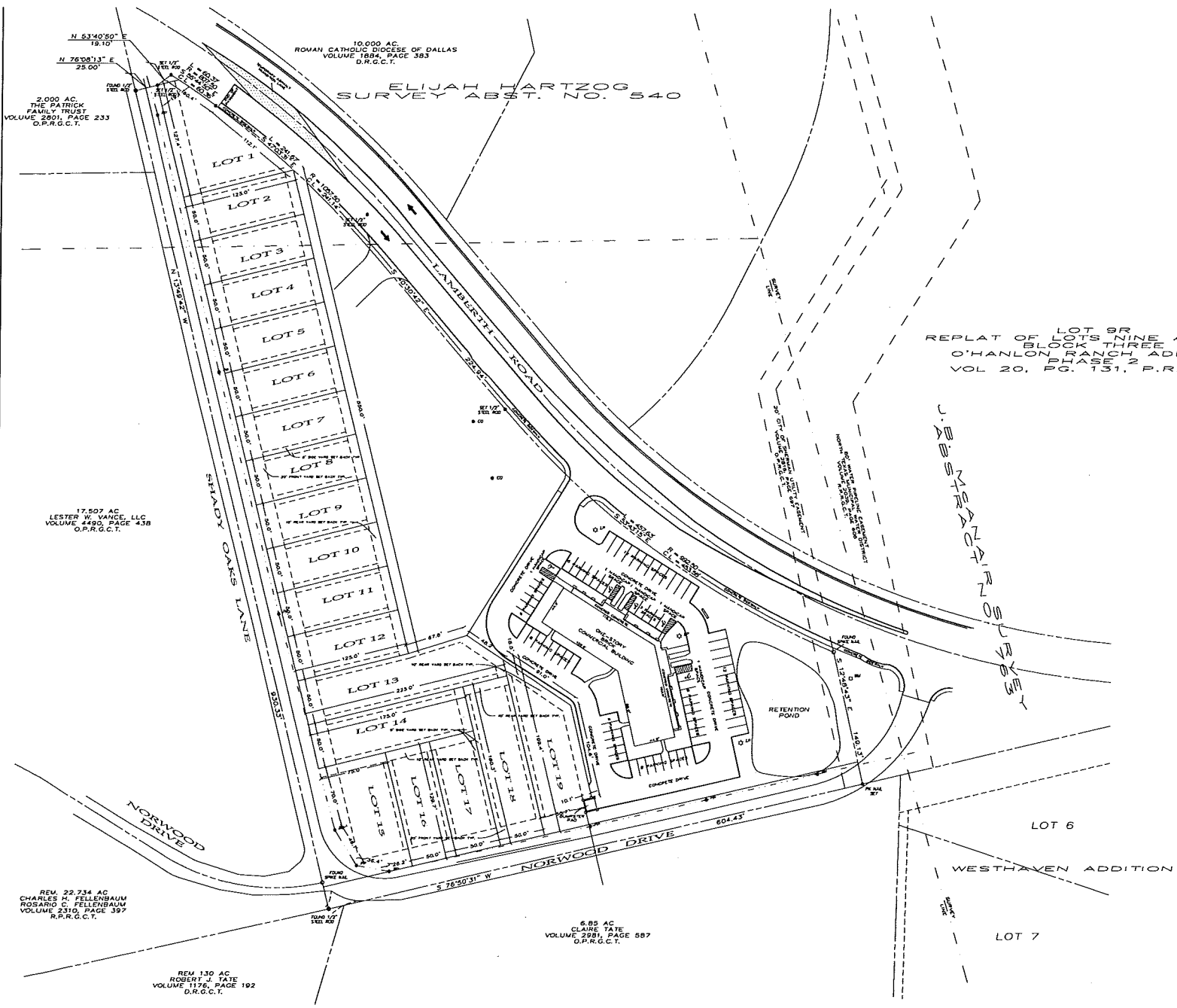
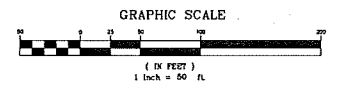
17.507 AC.
LESTER W. VANCE, LLC
VOLUME 4490, PAGE 438
O.P.R.G.C.T.

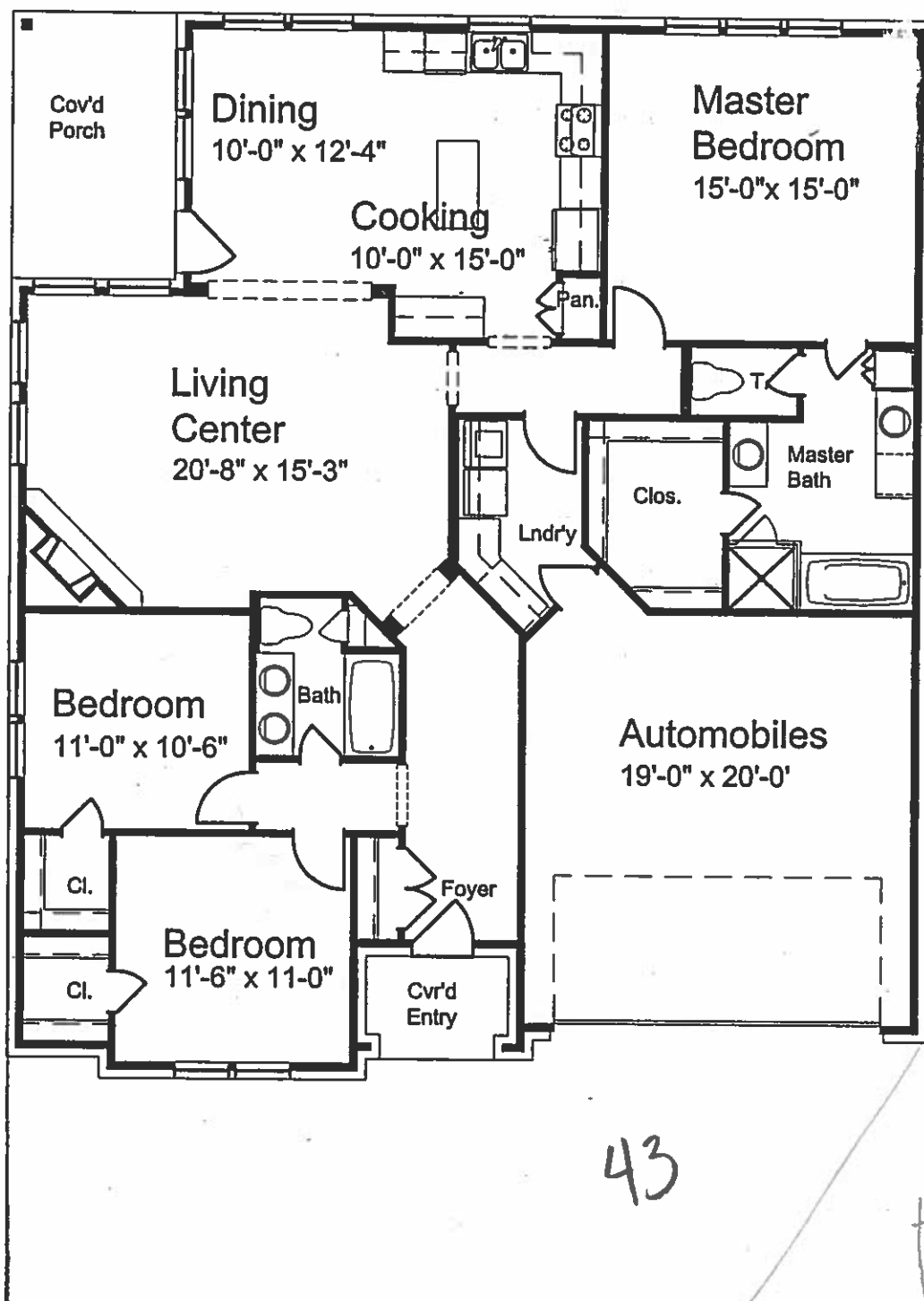
REM. 22.734 AC
CHARLES H. ELLENBAUM
ROSARIO O. ELLENBAUM
VOLUME 2310, PAGE 397
R.P.R.G.C.T.

REM. 130 AC
ROBERT J. TATE
VOLUME 1176, PAGE 192
D.R.G.C.T.

5.85 AC
CLAIRE TATE
VOLUME 2981, PAGE 587
O.P.R.G.C.T.

REPLAT OF LOT 9R
BLOCK THREE
O'HANLON RANCH ADDITION
PHASE 2
VOL 20, PG. 131, P.R.G.C.T.





Lower Level Floor Plan

Scale: 1/8" = 1'-0"

AREAS

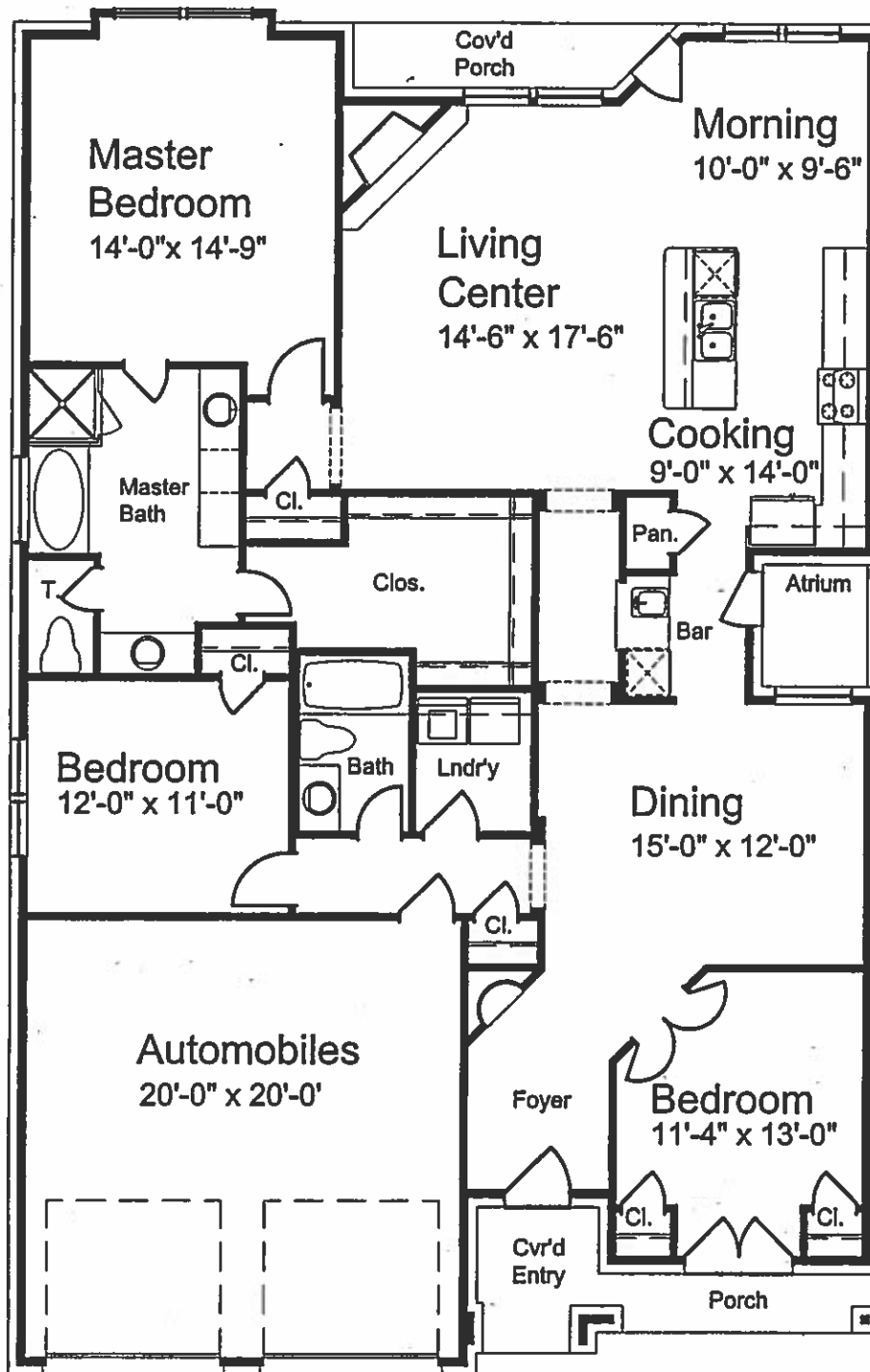
LIVING	1822
AUTOS	403
COV'D	112



FRONT ELEVATION

1/8" = 1'-0"

SARATOGA



AREAS.	
A/C LINING	1855 SF
AUTOS	435 SF
COV'D PORCH	126 SF

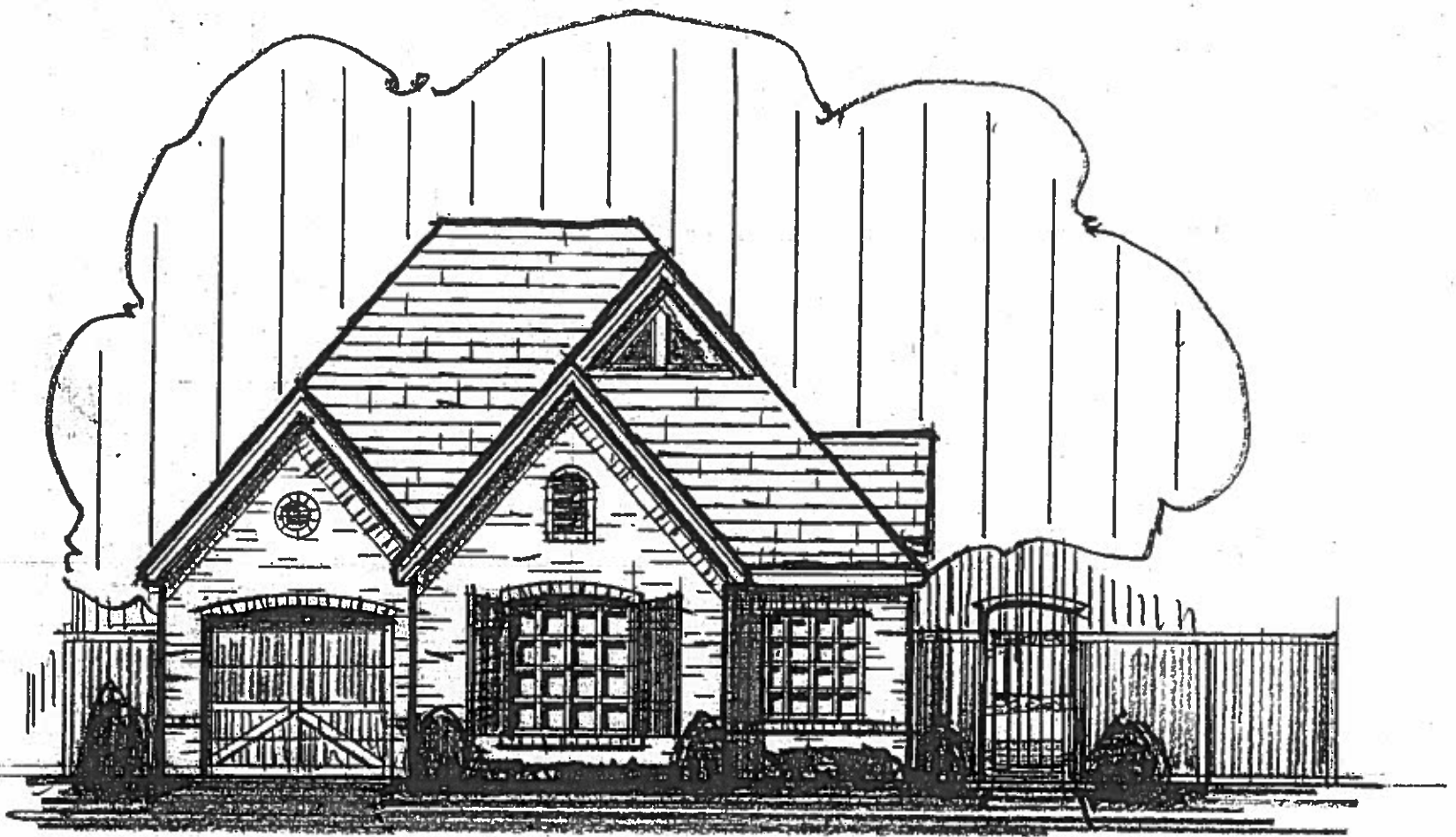
Lower Level Floor Plan
Scale: 1/8" = 1'-0"



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

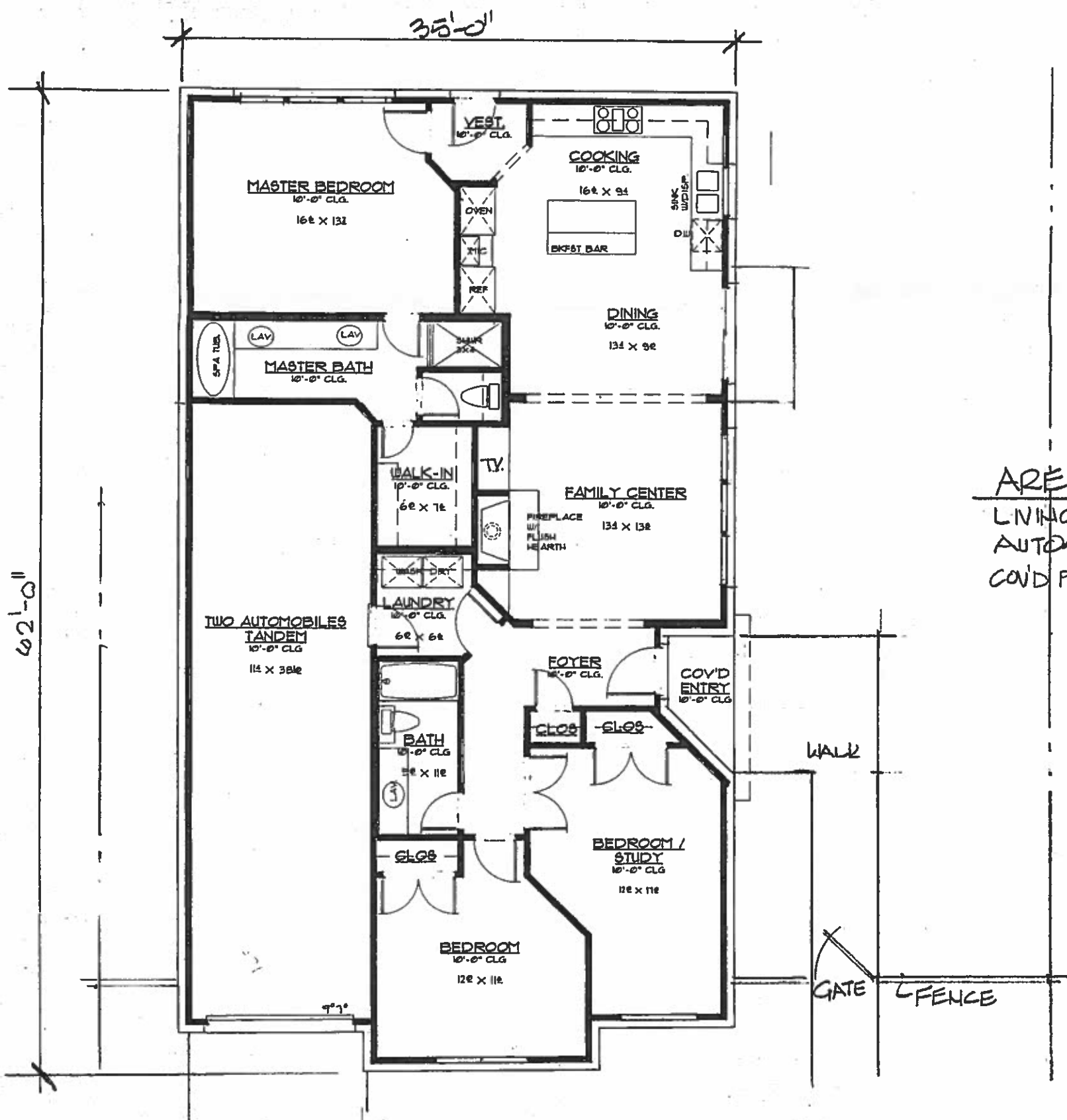
THE DONALDSON

1/11/05



FRONT ELEVATION

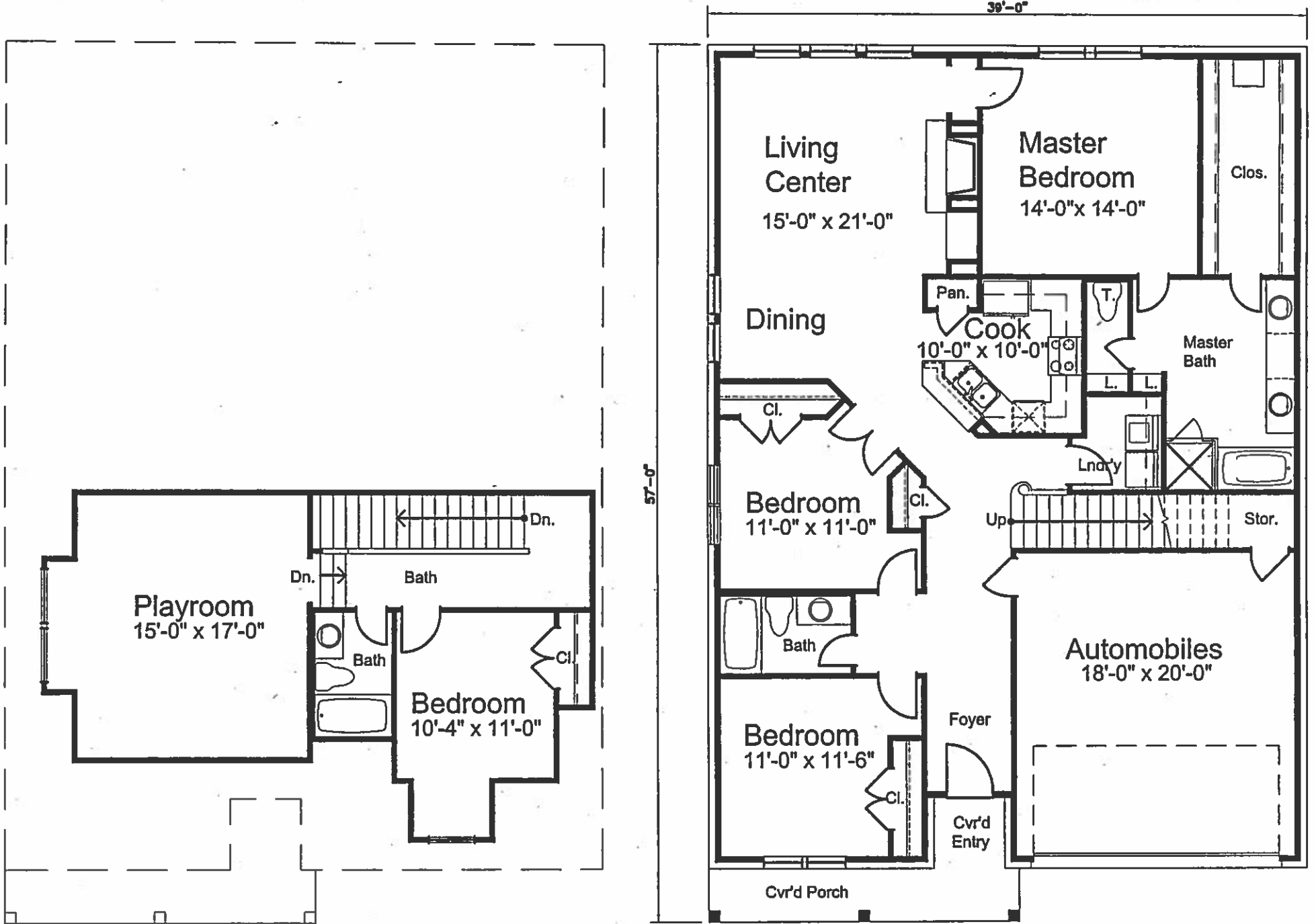
SCALE: 1/8" = 1'-0"



FLOOR PLAN

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

THE DONALDSON 111



AREAS:
 1712 SF LOWER
 650 SF UPPER
 404 SF AUTOS
 120 SF COVERED



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



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

Agenda Item No. 7.

Meeting Date: 08/16/2016

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

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

**2400 BLOCKS SHADY OAKS LANE, 2300 BLOCKS NORWOOD STREET AND
THE 2600-2800 BLOCKS W. LAMBERTH**

The request of Lamberth Crossing Joint Venture (Owners) and Preston Trail Land Surveying (Surveyor) concerning the property in the 2400 Blocks Shady Oaks Lane, 2300 Blocks Norwood Street and the 2600-2800 Blocks West Lamberth Road, being 0.5 acres in the Elijah Hartzog Survey, Abstract No. 540 and 7.03 acres in the Fielding Bacon Survey, Abstract No. 120, as follows;

Planning and Zoning Commission

- Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes in a C-O (Office) District.
- Exception under Ordinance No. 2684, Section (11) (a) to allow the existing asphalt streets (Shady Oaks Lane and Norwood Street) in lieu of the required concrete streets for minimum required improvements for new subdivision streets.

Background:

The property is located in the 2400 Blocks Shady Oaks Lane, 2300 Blocks Norwood Street and the 2600-2800 Blocks West Lamberth Road between Norwood Street and Shady Oaks Lane. The property is zoned a C-O (Office) District.

The owner would like to construct nineteen (19) patio homes on the property; the homes will be approximately 1,600 to 1,900 square feet. He is also requesting an exception to leave the existing streets (Shady Oaks Lane and Norwood Street) asphalt in lieu of the required concrete.

Adjacent Zoning:

R-A (Single Family Agricultural) District
R-1 (One Family Residential) District
R-2 (Multi-Family Residential) District
C-2 (General Commercial) District

Origination:

Lamberth Crossing Joint Venture (Owners)
Preston Trail Land Surveying (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

12

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. E. 6.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Sidney Heights Addition and Lot 1, Replat of Part of Block 4 of the Replat of Midway Mall, being 13.457 acres in the W.F. Patterson Survey, Abstract No. 969, being All of Lots 1, 2 and 3 of Sidney Heights Addition, also being All of a 0.284 acre Tract of Land that was Former Highway Right-of-Way and All of Lot 1 of the Replat of Part of Block 4 of the Replat of Midway Mall; Chris and Katherine Martin, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (4312 and 4316 Texoma Parkway)

Issue:

To consider Replat approval of Sidney Heights Addition and Lot 1, Replat of part of Block 4 of the Replat of Midway Mall, being 13.457 acres in the W.F. Patterson Survey, Abstract No. 969, being all of Lots 1, 2 and 3 of Sidney Heights Addition, also being all of a 0.284 acre tract of land that was former highway right-of-way and all of Lot 1 of the Replat of part of Block 4 of the Replat of Midway Mall; Chris and Katherine Martin, Owners; and Helvey-Wagner Surveying, Inc., Surveyor, located at 4312 and 4316 Texoma Parkway

Background:

The property is located at 4312 and 4316 Texoma Parkway, between Gallagher Road and Frisco Road. The property is zoned an M-1 (Light Manufacturing) District. The owners would like to replat the property into three lots for commercial development.

Origination:

Chris and Katherine Martin (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the regular meeting on August 16, 2016, the Planning and Zoning Board voted unanimously to approve the Replat and forward the request to the City Council.

Alternatives:

None recommended

Attachments

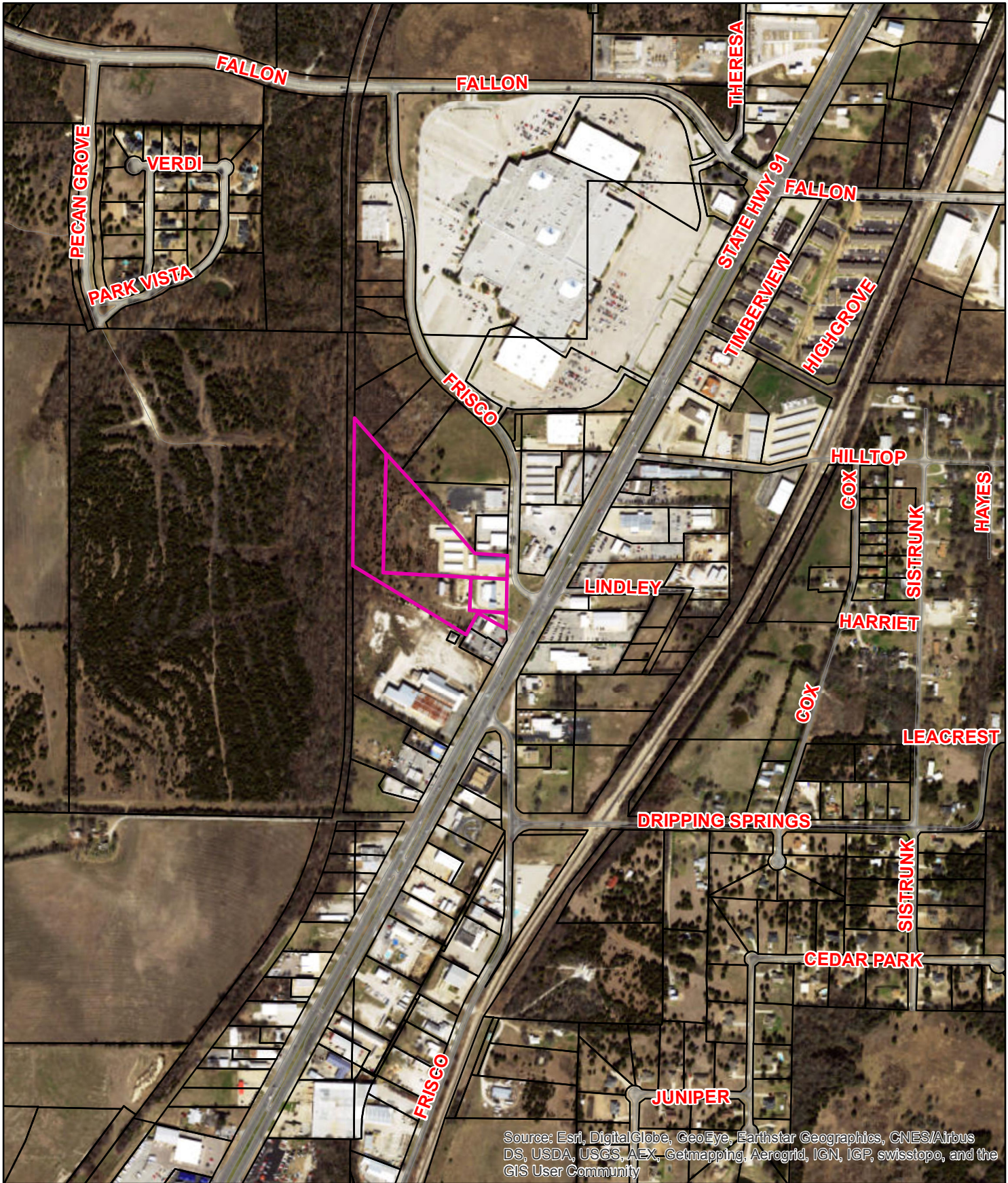
Location Map

Zoning Map

Replat

Staff Review Letter

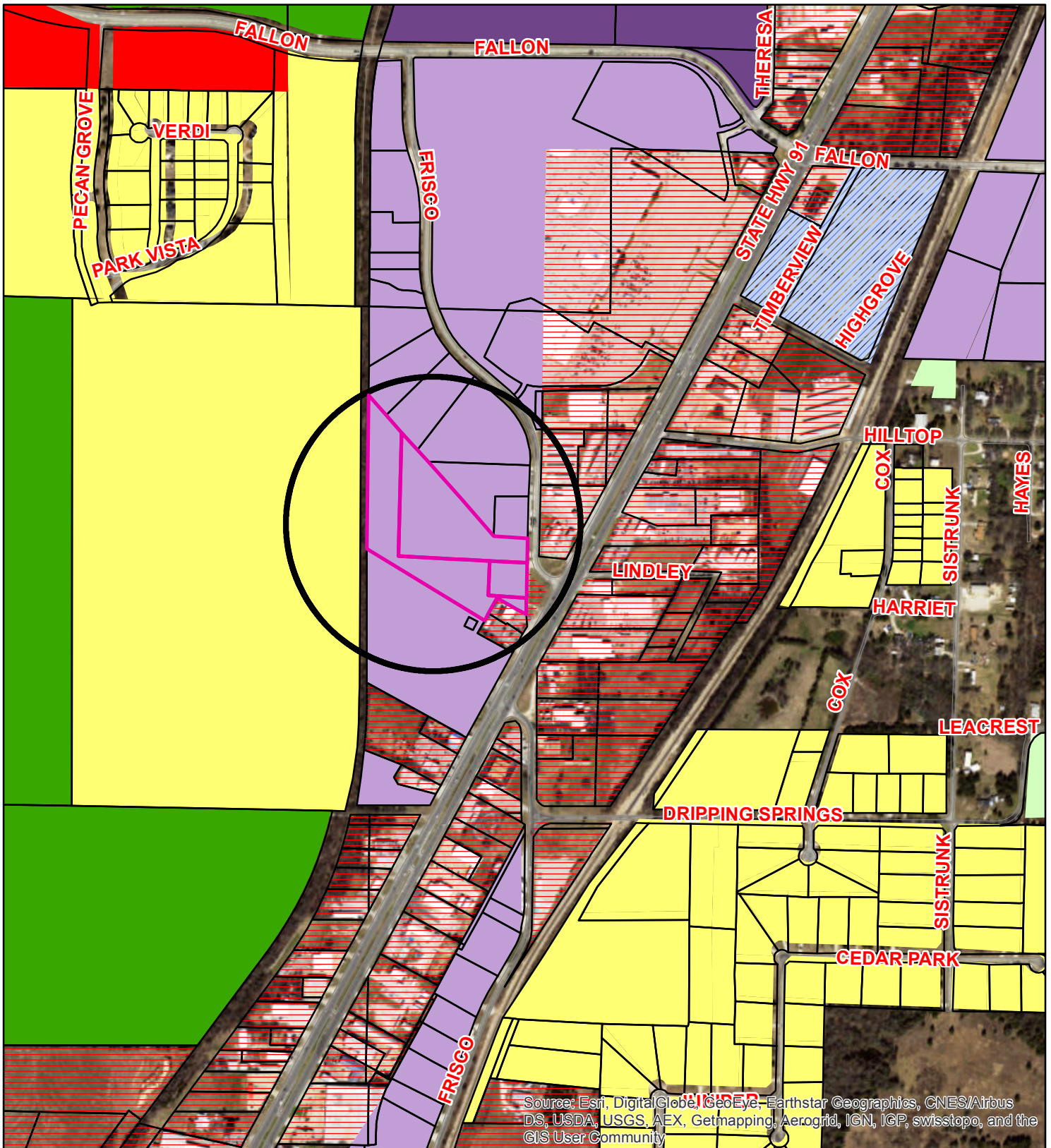
P&Z Communication



4312 & 4316 Texoma Parkway



1 in = 700 ft



Zoning - 4312 & 4316 Texoma Parkway



City of Sherman, Texas
Developmental Services Department

Transportation Corridors Overlay
HWY_NAME
 FM 1417
 Sam Rayburn Freeway
 US Hwy 82 and 75
Special Districts Overlay

DISTRICT_NAME
 Arts and Cultural District
 Ballock Commercial Overlay District
 Central Business District
 College Park District
 Downtown Overlay District
 Historic Preservation District
Zoning Districts
 Representation: ShermGIS.DBO.ZoningDistrict_Rep
 Unknown
 BIP Ballock Industrial Park
 C-1 Retail Business District

Legend

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

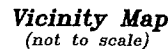


NOT TO SCALE

1 in = 700 ft

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	90.99'	690.00'	733°19'	S45°48'21"E 90.92'

Legend:
 rf = rebar found
 crf = capped rebar found
 cra = capped rebar set



Page 1 of 2

including adjoining tracts owned by
Chris & Katharine Martin
13.457 Acres
in the
W. F. Patterson Survey
Abstract No. 969

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. The property shown on the plot is shown lies within a Zone "X" (areas determined to be outside 100-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4816102290 F, Revised Date: September 29, 2010.
5. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or floodplain conditions.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cableone.net
Texas Board of Professional Land Surveying
Firm Registration No. 1008810

STAFF REVIEW LETTER

August 10, 2016

Chris Martin & Katherine Martin
521 W. Main St.
Denison, TX 75020

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Replat of Sidney Heights Addition and Lot 1, Replat of Part of Block Four of the Replat of Midway Mall (Vol. 8, Pg. 8) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2016 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Privately owned and maintained detention in accordance with City criteria is required upon future development.
4. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.
5. A utility, drainage, and grading plan shall be provided and approved by the City Engineering Department.
6. Final site plans, utility, drainage, and grading plan shall be provided and approved by the City Engineering Department.
7. Drive approaches and sidewalks shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
8. All easements shall be shown on plat.
9. 10' Utility easement required along perimeter of plat.
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.

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

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott,
City Engineer

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Steve Ayers, Dir. Of Community and Support Services

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Don Keene, Asst. City Manager
Clay Barnett, Director of Public Works and Eng.



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

Agenda Item No. 11.

Meeting Date: 08/16/2016

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

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

*** 4312 & 4316 TEXOMA PARKWAY**

The request of Chris and Katherine Martin (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 4312 and 4316 Texoma Parkway, being 13.457 acres in the W.F. Patterson Survey, Abstract No. 969, being all of Lots 1, 2 and 3 of Sidney Heights Addition, also being all of a 0.284 acre tract of land that was former highway right-of-way and all of Lot 1 of the Replat of part of Block 4 of the Replat of Midway Mall, as follows;

Planning and Zoning Commission

Replat approval of Sidney Heights Addition and Lot 1, Replat of part of Block 4 of the Replat of Midway Mall.

Background:

The property is located at 4312 and 4316 Texoma Parkway between Gallagher Road and Frisco Road. The property is zoned an M-1 (Light Manufacturing) District. The owner would like to replat the property into three lots for commercial development.

Adjacent Zoning:

C-2 (General Commercial) District

M-1 (Light Manufacturing) District

Origination:

Chris and Katherine Martin (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. E. 7.

Meeting Date: 09/06/2016

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Grayson Grand Central Station Addition, being a Replat of Lots 16-24, Block 1, Chaffin's First Addition, being All of Lots 16 through 24, Block 1, Chaffin's First Addition; Grayson Grand Central Station, Owners; and Sartin and Associates, Inc., Surveyor (613 and 623 East Lamar Street and 110 South Throckmorton Street)

Issue:

To consider approval of Grayson Grand Central Station Addition, being a Replat of Lots 16-24, Block 1, Chaffin's First Addition, being all of Lots 16 through 24, Block 1, Chaffin's First Addition, located at 613 and 623 East Lamar Street and 110 South Throckmorton Street

Background:

The property is located at 613 and 623 East Lamar Street and 110 South Throckmorton Street, the southwest corner of Lamar and Throckmorton Streets; Grand Central Station is the tenant. The property is zoned an M-2 (Heavy Manufacturing) District. The owners would like to plat the property into two lots.

Origination:

Grayson Grand Central Station (Owners)
Sartin & Associates, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the August 16, 2016 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 recommended

Attachments

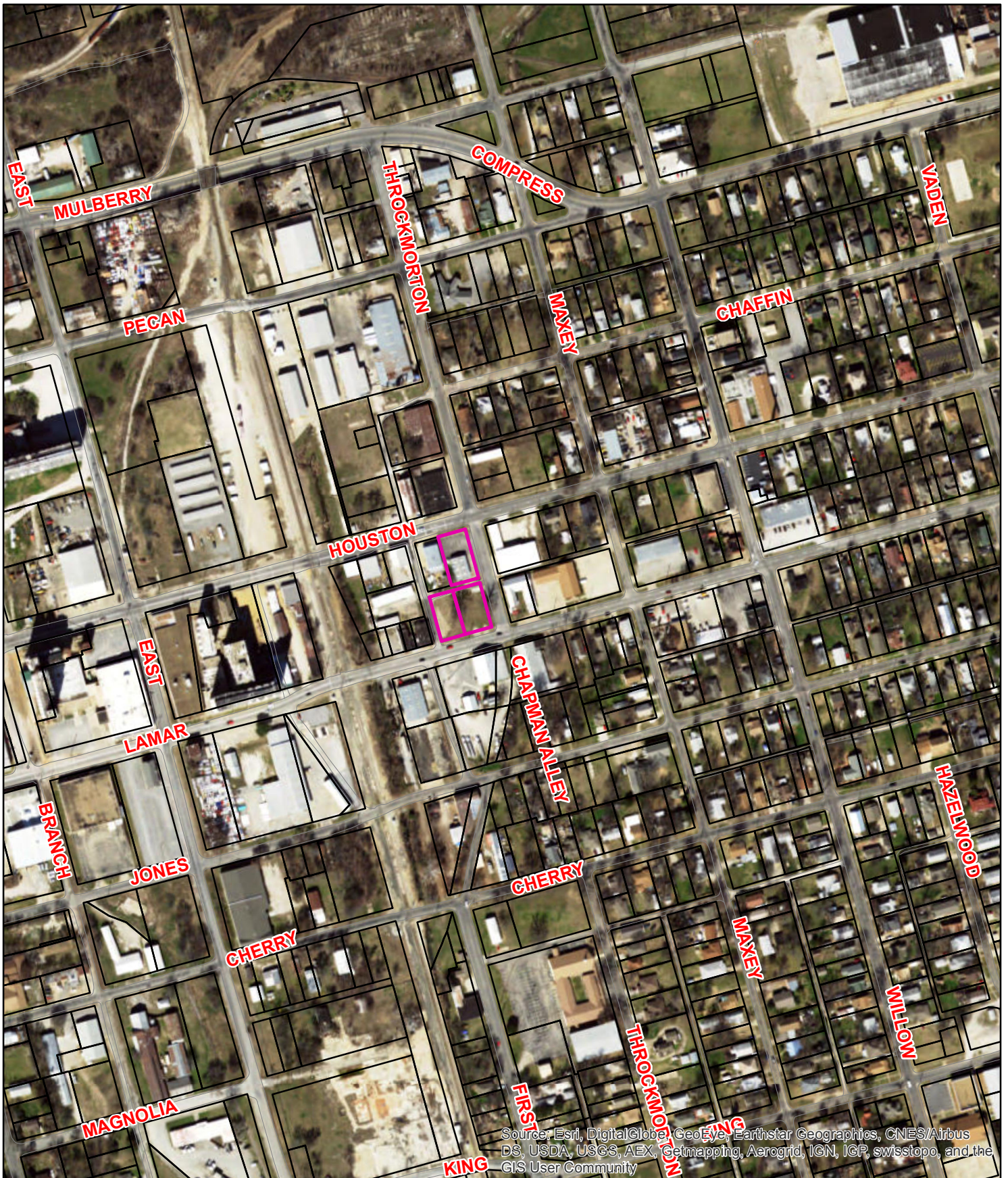
Location Map

Zoning Map

Plat

Staff Review Letter

P&Z Communication

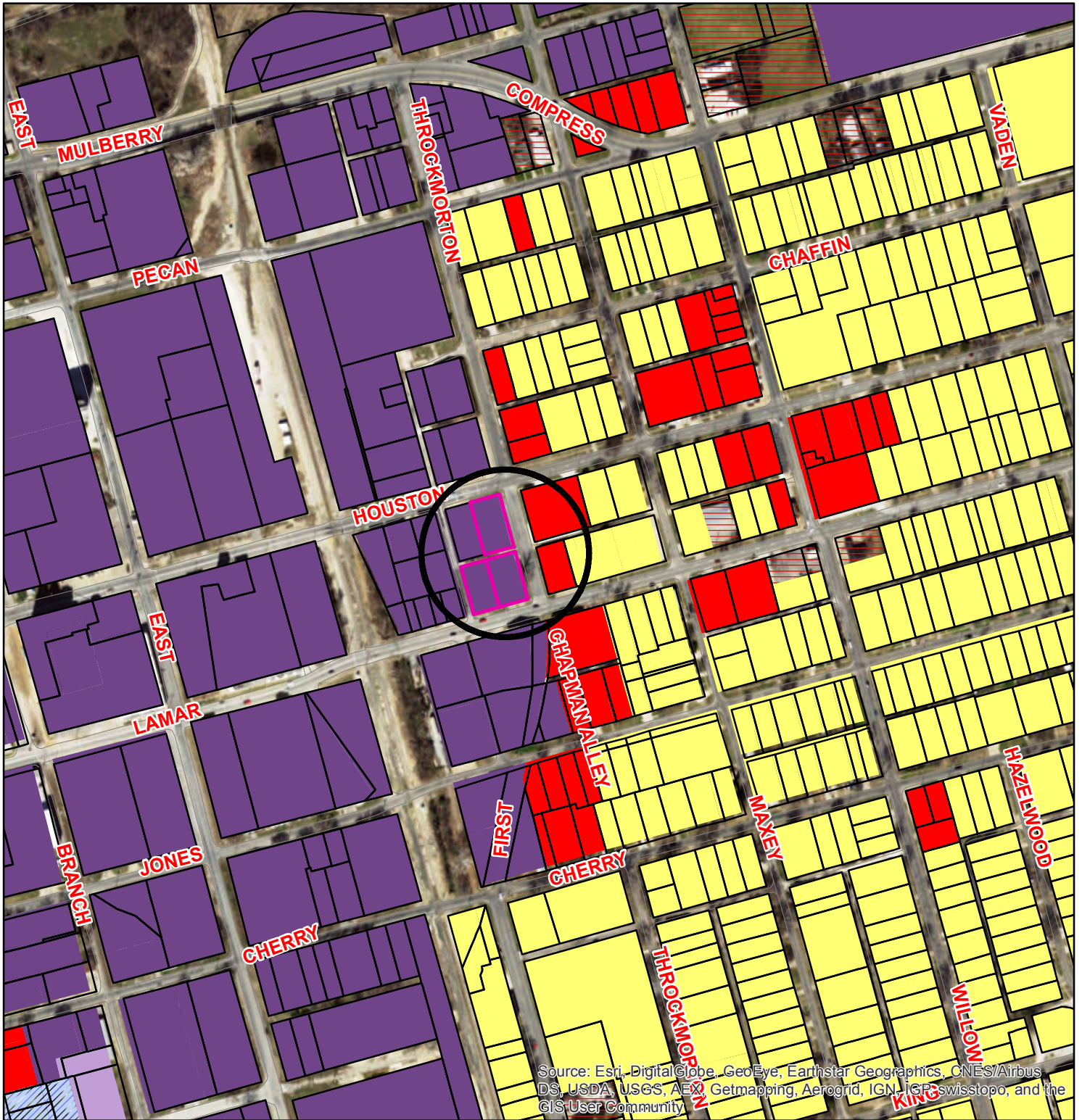


**613 & 623 E. Lamar and
110 S. Throckmorton**



1 in = 357 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 613 & 623 E. Lamar and 110 S. Throckmorton



City of Sherman, Texas
Developmental Services Department

Legend	
Transportation Corridors Overlay	DISTRICT_NAME
HWY_NAME	Arts and Cultural District
FM 1417	Black Commercial Overlay District
Sam Rayburn Freeway	Central Business District
US Hwy 82 and 75	College Park District
Special Districts Overlay	Downtown Overlay District
	Historic Preservation District
	Zoning Districts
	Representation: ShermGIS.DBO.ZoningDistrict_Rep
	Unknown
	BIP Black Industrial Park
	C-1 Retail Business District
	C-2 General Commercial District
	CO Office District
	Lakes
	M-1 Light Manufacturing District
	M-1.5 Medium Manufacturing District
	M-2 Heavy Manufacturing District
	MH Manufacturing Housing District
	R-1 One Family Residential District
	R-2 Multi-Family Residential District
	R-A Single Family Agricultural District
	SF-1 Single Family Residential District



NOT TO SCALE

1 in = 357 ft

STAFF REVIEW LETTER

August 10, 2016

Grayson Grand Central Station
110 S. Throckmorton
Sherman, TX 75090

Sartin & Associates, Inc.
109 S. Travis
Sherman, TX 75091-1843

Dear Applicants,

The request for approval of the Grayson Grand Central Station Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2016 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Privately owned and maintained detention in accordance with City criteria is required upon future development.
4. Drive approaches and sidewalks shall conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
5. Corner Clips required.
6. Replat must meet all requirements of City of Sherman Ordinances. Additional review and comments may be made.
7. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.

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

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott,
City Engineer

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Steve Ayers, Dir. Of Community and Support Services

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Don Keene, Asst. City Manager
Clay Barnett, Director of Public Works and Eng.



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

Agenda Item No. 10.

Meeting Date: 08/16/2016

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

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

*** 613 & 623 E. LAMAR ST. AND 110 S. THROCKMORTON ST.**

The request of Grayson Grand Central Station (Owners) and Sartin & Associates, Inc. (Surveyor) concerning the property located at 613 and 623 East Lamar Street and 110 South Throckmorton Street, being all of Lots 16 thru 24, Block 1, Chaffin's First Addition, as follows:

Planning and Zoning Commission

Final plat approval of Grayson Grand Central Station Addition, Being a Replat of Lots 16-24, Block 1, Chaffin's First Addition.

Background:

The property is located at 613 and 623 East Lamar Street and 110 South Throckmorton Street, the southwest corner of Lamar and Throckmorton Streets; Grand Central Station is the tenant. The property is zoned an M-2 (Heavy Manufacturing) District. The owner would like to plat the property into two lots.

Adjacent Zoning:

C-1 (Retail Business) District

M-2 (Heavy Manufacturing) District

Origination:

Grayson Grand Central Station (Owners)

Sartin & Associates, Inc. (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Final Plat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Meeting Date: 09/06/2016

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2016 Council Calendar

2016

JANUARY						
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FEBRUARY						
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MARCH						
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APRIL						
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JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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1/11/2016	Called Council Mtg for Transportation Workshop
4/11/2016	Called Joint Mtg w/SISD Board in Council Chambers
4/15/2016	Called Budget Planning Mtg in Council Chambers
06/21-22/2016	Called Budget Workshop in Council Chambers
6/23/2016	Called Joint Mtg with SISD Board at SISD Admin Off
7/4/2016	Independence Day/ Called Council Mtg on 7/5/2016

7/12/2016	Called Council Mtg for 2nd PH& Adoption of Ord. No. 5958 (90-Moratorium on Development at FM 691 & SH 289)
7/19/2016	Called Council Mtg for Parks & Rec Master Plan Hearing in Municipal Ballroom
8/29/2016	Called Council Mtg to Consider Real Estate Purchase in Council Chambers
9/5/2016	Labor Day/ Called Council Meeting on 9/6/2016
9/8/2016	Called Joint Mtg w/SISD Board in Council Chambers
9/15/2016	Called Joint Mtg w/SEDCO Board in Council Chambers