

**CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, SEPTEMBER 6, 2011
5:00 P.M.**

- A.1** [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2** [PLEDGE OF ALLEGIANCE](#)
- A.3** [INVOCATION BY COUNCIL MEMBER BOB SOFTLY](#)
- A.4** [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 15, 2011](#)

Public Hearing

- B.1** [PUBLIC HEARING](#)
Capital Improvement Program 2011-2016
- B.2** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5718](#)
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2011; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law
- B.3** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5719](#)
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 4600 West Houston Street (First National Bank of Tom Bean, Owners; Ronnie Bridges, Representative)
- B.4** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5720](#)
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 820 North Sam Rayburn Freeway (Concord Village Apartments, Owner; Lisa Hankey, Representative; Gary Roland, Draftsman; Underwood Drafting and Surveying, Surveyors)

Close Public Hearing and Consider Adoption of Ordinances

- B.5** [ADOPTION OF ORDINANCES](#)
Consider Adoption of Ordinance Numbers:
 - (a) 5718
 - (b) 5719
 - (c) 5720

B.6 [CONSENT AGENDA](#)

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

Resolutions

C.1 [RESOLUTION NO. 5605](#)

Approving and Adopting a Five-Year Capital Improvement Program for the City of Sherman, Texas

C.2 [RESOLUTION NO. 5606](#)

Authorizing the Execution of an Advance Funding Agreement between the City of Sherman and the State of Texas, Acting By and Through the Texas Department of Transportation, for a Transportation Enhancement Project (Downtown Sherman Streetscape Project)

C.3 [* RESOLUTION NO. 5607](#)

Authorizing the Execution of a Deed for the Resale of One Tract of Land and its Improvements located at 802 North Grant Drive within the Sherman City Limits Seized for Delinquent Taxes

C.4 [* RESOLUTION NO. 5608](#)

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Texoma Area Paratransit System, Inc., the Grayson County Crisis Center, the Boys & Girls Club of Sherman, Inc., the Child & Family Guidance Center of Texoma, the City of Sherman Parks & Recreation Department, and the MasterKey Ministries of Grayson County, Inc. for the Use of Community Development Block Grant Funds

C.5 [* RESOLUTION NO. 5609](#)

Authorizing the Lease of an Annual Supply of Uniforms for Various City Departments through the Texas Local Government Purchasing Cooperative (BuyBoard)

C.6 [RESOLUTION NO. 5610](#)

Authorizing Execution of an Interlocal Cooperation Contract between the City of Sherman and the North Central Texas Trauma Regional Advisory Council (NCTTRAC) for Participation in an AmBus Project

Request to Advertise

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

Annual Contract for Water and Sewer Parts and Supplies

Other Business

D.2 * OTHER BUSINESS

Consider Request of St. Mary's Catholic Parish to Temporarily Close Certain Streets for their Annual Fall Fest on Sunday, September 25, 2011

D.3 * OTHER BUSINESS

Final Plat Approval of Concord Village Apartments Addition; being 3.647 Acres in the J.B. McAnair Survey, Abstract No. 763; Concord Village Apartments, Owner; Lisa Hankey, Representative; Gary Roland, Draftsman; Underwood Drafting and Surveying, Surveyors (820 North Sam Rayburn Freeway)

D.4 * OTHER BUSINESS

Site Plan Approval for Fisher Control International, Inc., Owner; Fisher Controls/Emerson, Tenant; Ramiro Pesina, Representative; and Nathan Gray, NBS Drafting and Design, Architect under Ordinance No. 2252, Article IV, Section 410(2)(j) for Two (2) Guard Stations in the Blalock Industrial Park District at 4725 U.S. Highway 75 South

D.5 CITIZEN REQUESTS

D.6 MEDIA QUESTIONS

D.7 COUNCIL COMMENTS

D.8 ADJOURNMENT

COUNCIL CALENDAR



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Bob Softly, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER BOB SOFTLY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 15, 2011

STATE OF TEXAS

§

August 15, 2011

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, 2011.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Willie Steele.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 1, 2011. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

SECOND PUBLIC HEARING OF ORDINANCE

Mayor Magers called for the second public hearing on Ordinance 5705:

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, 2011, AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR A REPEALER.

ORD 5705
ANNUAL BUDGET

No citizens appeared before the City Council to discuss Ordinance 5705.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5709 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, 2011, 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 5709
REGULAR
MUNICIPAL
ELECTION

No citizens appeared before the City Council to discuss Ordinance 5709.

Mayor Magers introduced Ordinance 5710 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, 2011, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5710
SPECIAL ELECTION
TO REAUTHORIZE
SALES TAX FOR
STREET
MAINTENANCE

No citizens appeared before the City Council to discuss Ordinance 5710.

Mayor Magers introduced Ordinance 5711 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT "STOP" SIGN AT THE INTERSECTION OF RICHARDS STREET AND BLEDSOE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5711
STOP SIGN

No citizens appeared before the City Council to discuss Ordinance 5711.

Mayor Magers introduced Ordinance 5712 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION", AT ARTICLE 5.03, ENTITLED "FIRE PREVENTION CODE", TO DELETE SECTIONS 5.03.002 AND 5.03.003 IN THEIR ENTIRETY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5712
FIRE PREVENTION

Mayor Magers explained that Ordinance 5712 and 5713 would be read together because they were related to each other and should be considered together.

Mayor Magers introduced Ordinance 5713 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.02, ENTITLED "BUILDING, LIFE SAFETY AND RESIDENTIAL CODES", ARTICLE 3.03, ENTITLED "ELECTRICAL CODE", ARTICLE 3.04, ENTITLED "GAS CODE", ARTICLE 3.05, ENTITLED "HEATING AND AIR-CONDITIONING CODE", AND ARTICLE 3.07, ENTITLED "PLUMBING CODE", TO ADOPT NEW BUILDING AND BUILDING REGULATIONS AND PROVIDE FOR LOCAL AMENDMENTS TO THE BUILDING CODES; ADDING "FIRE PREVENTION CODE" AT SECTION 3.02.002(C) TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5713
ADOPT NEW BUILDING
CODES & 2009
INTERNATIONAL FIRE
CODE

No citizens appeared before the City Council to discuss Ordinance 5712 or Ordinance 5713.

Mayor Magers introduced Ordinance 5714 and called for a public hearing:

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", AT SECTION 7, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", SUBSECTION 14 (M), ENTITLED "BILLBOARDS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5714
BILLBOARD
REGULATIONS

Jason Sofey, 1218 Preston Dr.

Mr. Sofey said he is in favor of the proposed new ordinance, however there is one item that addresses what defines outbound traffic billboards. He understood the intent, but said he would like to see the Council consider allowing billboards in those locations, but to require them to be two-sided. This would be visible to outbound traffic as well as inbound traffic. Therefore, if the signs are allowed, require them to be double-sided signs.

No other citizens appeared before the City Council to discuss Ordinance 5714.

ACTION TAKEN.

Motion by Council Member Smith to remove Ordinance 5704 from table for consideration. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED TO REMOVE FROM TABLE.

Mayor Magers introduced Ordinance 5704 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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5833 U.S. HIGHWAY 75 NORTH, BEING 0.31 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (TONY AND SALLY THOMASON, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5704
SUP FOR
BILLBOARD
(5833 U.S. HWY 75 N)

Jason Sofey, 1218 Preston Dr.

Mr. Sofey said he provided packets to the City Council containing signatures from local businesses that are in support of the proposed billboard ordinance. There is also some information on safety studies pertaining to digital billboards.

He also said, if the Council approves the billboard, and would like to make specific stipulations that would require the owners to “tie-in” with local law enforcement, fire and County services, they would be willing to do that.

Kate Winsett, representing Paula Griffin, 2433 E. Blue Flame Rd.

Ms. Winsett said she represented her mother Paula Griffin and sister Karyn Dole. Mrs. Griffin lives at 2433 E. Blue Flame Road. She appeared in opposition to the proposed digital billboard currently under consideration.

She said the hill along U.S. Highway 75 that intersects with Blue Flame Road is one of the highest elevations in Grayson County. Between Loy Lake Road and F.M. 691, the northbound service road has three distinct hills and valleys. There is a stop sign at Fallon Drive, but no other impediments to speed until the street light at F.M. 691.

Ms. Winsett expressed her concern about the danger of traffic pulling out from Blue Flame Road onto the U.S. Highway 75 service road without a delay to allow for the service road traffic that is unseen. Vehicles on this service road also travel at a high rate of speed.

Traffic has increased on both the Highway 75 service road and on Blue Flame Road due to the completion of Texoma Medical Center at the intersection of F.M. 691. She felt this was the worst location to erect a digital illuminated billboard because it would add a distraction to oncoming traffic.

Ms. Winsett asked that, if the signage was approved, it would be accompanied with highway street lights along the service road between Fallon Drive and F.M. 691 to illuminate the roadway and the intersection with Blue Flame Road.

She felt the signs would also be a danger to southbound traffic on Highway 75 because they blind drivers at night and cause a distraction. She also expressed concern about the double-sided signs that would cause drivers to look across the highway to see the advertisements.

Ms. Winsett was also concerned about the visual appeal to the City and felt the large billboard would detract from the beauty of the area and could hamper development around the sign.

Cynthia Zinn, 602 Talley

Ms. Zinn is the daughter of Tony and Sally Thomason, owners of the property requesting the Specific Use Permit for the billboard. She has researched the use of digital billboards and their safety issues.

She referenced a study by the Virginia Tech Transportation Institute which says that normally drivers “glance” at a digital billboard and for the traffic risk to increase the glance would need to be longer than two seconds. The average driver glances at a billboard for less than one second. She added that therefore digital billboards have been found to be “traffic danger neutral.”

Addressing the aesthetic question, Ms. Zinn said public opinion polls show that people prefer the digital billboards because they reduce the number of total billboards needed.

She said the sign would be setback from the road and should not be a problem with drivers pulling out from Blue Flame Road.

No other citizens appeared before the City Council to discuss Ordinance 5704.

Mayor Magers introduced Ordinance 5715 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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5520 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE G.W. HOBSON SURVEY, ABSTRACT NO. 588 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO

ORD 5715
SUP FOR
BILLBOARD
(5520 U.S. HWY 75 N)

CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

No citizens appeared before the City Council to discuss Ordinance 5715.

Mayor Magers introduced Ordinance 5716 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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5930 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5716
SUP FOR
BILLBOARD
(5930 U.S. HWY 75 N)

No citizens appeared before the City Council to discuss Ordinance 5716.

Mayor Magers introduced Ordinance 5717 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 R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1109 EAST LAMAR STREET (BOB SETTLE AND PATRICIA WITT SETTLE, OWNERS; NATHAN GRAY, NBS DRAFTING AND DESIGN, ARCHITECT); PROVIDING FOR A REPEALER.

ORD 5717
ZONE CHANGE
(1109 E. LAMAR)

No citizens appeared before the City Council to discuss Ordinance 5717.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5705

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, 2011, AND ENDING SEPTEMBER 30, 2012; PROVIDING FOR A REPEALER.

ORD 5705
ANNUAL BUDGET

Mayor Magers verified that nothing had changed since the last public hearing and that the budget assumes that the street sales tax will be approved in November 2011. Council Member Wacker emphasized that the street sales tax reauthorizes what is already being done.

Council Member Adami reminded citizens that a District 4 Council Member is still needed for the Election too.

Mayor Magers said the street sales tax passed by 74% four years ago and is revenue neutral for the City. The City doesn't make any additional money in revenue, however it does allow them to keep the property taxes lower. This means about \$1 million to Sherman residents.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5705, as presented. Second by Deputy Mayor Steele.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5709

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, 2011, 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 5709
REGULAR
MUNICIPAL
ELECTION**

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5709, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5710

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, 2011, FOR THE PURPOSE OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE PERCENT (1/8%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS; PROVIDING THAT SAID ELECTION BE HELD JOINTLY WITH THE COUNTY OF GRAYSON, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

**ORD 5710
SPECIAL ELECTION
TO REAUTHORIZE
SALES TAX FOR
STREET
MAINTENANCE**

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5710, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5711

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT "STOP" SIGN AT THE INTERSECTION OF RICHARDS STREET AND BLEDSOE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5711
STOP SIGN**

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5711, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5712

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "FIRE PREVENTION AND PROTECTION", AT ARTICLE 5.03, ENTITLED "FIRE PREVENTION CODE", TO DELETE SECTIONS 5.03.002 AND 5.03.003 IN THEIR ENTIRETY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5712
FIRE PREVENTION**

Ordinance 5713

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.02, ENTITLED "BUILDING, LIFE SAFETY AND RESIDENTIAL CODES", ARTICLE 3.03, ENTITLED "ELECTRICAL CODE", ARTICLE 3.04, ENTITLED "GAS CODE", ARTICLE 3.05, ENTITLED "HEATING AND AIR-CONDITIONING CODE", AND ARTICLE 3.07, ENTITLED "PLUMBING CODE", TO ADOPT NEW BUILDING AND BUILDING REGULATIONS AND PROVIDE FOR LOCAL AMENDMENTS TO THE BUILDING CODES; ADDING "FIRE PREVENTION CODE" AT SECTION 3.02.002(C) TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND LOCAL AMENDMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5713
ADOPT NEW BUILDING
CODES & 2009
INTERNATIONAL FIRE
CODE**

George Olson, City Manager, explained that the two ordinances will rearrange the Code of Ordinances and move the Fire Code into the section with the other building codes.

It will better coordinate the various codes for citizens so they will all be located in the same place.

The ordinances will also adopt the updated codes from the 2006 volume to the 2009 volume. The City will maintain the same amendments to the codes.

In addition, the Fire Code will be moved into this same section so all the codes are in the same location and a new code dealing with existing structures will be added.

Scott Shadden, Director of Development Services, said the new code will be a downtown code for older buildings and will allow different restrictions when an older building is remodeled. The changes will allow for the protection of the public while still giving some leeway for developers in the requirements they must meet when remodeling an older building.

Mayor Magers confirmed that when an older building was renovated, the new code would make it easier for the renovations to comply with the City's code. Mr. Shadden said it would give the applicant more options on how the building can be renovated. The applicant could still adhere to the existing building code, but this new code would give them some leeway and still allow them to be in compliance.

Mayor Magers said this addition was prompted by a meeting with Downtown Sherman Preservation and Revitalization to encourage investments in downtown Sherman where the buildings might be 100 years old. The new code would make it more cost effective to renovate the older buildings downtown while still protecting the citizens.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance Nos. 5712 and 5713, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5714

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", AT SECTION 7, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS", SUBSECTION 14 (M), ENTITLED "BILLBOARDS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5714
BILLBOARD
REGULATIONS**

Chris Stokes, 2931 Texoma Drive, Denison

Mr. Stokes appeared representing Lamar Advertising and distributed a handout to City Council Members concerning regulations contained in the proposed billboard ordinance.

He asked the Council to consider two-sided billboards and allowing larger signs. Three hundred square feet (10'x30') is not an industry standard. A standard sign would be 10'6"x36', which is about six foot larger. Industry standards are important to local businesses that advertise on billboards because they work with larger companies and receive advertising in these larger size vinyls. The standard sizes are 12'x24', 10'6"x36', or 14'x48'. According to Mr. Stokes, the 10'x30's are not a standard size and it is therefore more expensive to produce the vinyl.

He said most people would probably not notice the difference between a 10'x30' and a 10'6"x36', which would add 72 square feet or almost 25% extra to the size of the sign.

Mr. Stokes said they agree with the new spacing, which means less billboards. More billboards are considered non-conforming which means when land use changes and billboards are removed, they can't be replaced. There is a larger setback. Over time the City will see fewer billboards.

When spaces become available, Mr. Stokes asked that Council Members consider a larger, two-sided sign.

Mayor Magers verified that the specifications contained in the proposed ordinance came from the committee. Digital billboards are new and he said the safety issue is the number one concern of the Council. The proposed ordinance includes issues such as brightness and timing, which were safety driven.

He said in the original proposal that was modified by the Planning and Zoning Commission, the "push" was for an inbound sign only. Mayor Magers felt it was important to support local businesses and minimize billboards that take people somewhere else.

He asked the Council to consider adding verbiage that says all billboards shall have one face that faces inbound traffic. For example, a billboard on the north side of Sherman, in the northbound lane as drivers are leaving Sherman, would require that a second side be added to the billboard for drivers entering Sherman. Therefore if there is an outbound billboard, as defined by the committee, then it must also have an inbound sign.

Deputy Mayor Steele said the verbiage made more sense when only single-sided billboards were being considered. The proposed ordinance now allows for two-sided billboards.

Council Member Smith said the ordinance now says that billboards "may" have one sign face. He felt the ordinance should require all signs to be two-sided. Council Members discussed whether or not two-sided signs should be

required or an outbound billboard must also have an inbound sign.

Council Member Smith felt all billboards should be double-sided for aesthetics. Deputy Mayor Steele said the ordinance requires that if it is not a double-sided sign, then it must be boxed in. Council Member Wacker felt there should be an option. Advertising on the outbound side doesn't benefit anyone in Sherman.

Mr. Sofey suggested that in lieu of saying you can't have a double-sided sign in that area defined as an outbound area, you might say that if one is allowed in those areas, then a sign is also required on the inbound side. Some billboards only have one side because of the topography.

Council Member Smith felt that outbound signs do affect Sherman advertisers. Mayor Magers felt local businesses would more often be advertised on an inbound sign.

Mayor Magers reiterated that the discussions concerned requiring two-sided signs only and requiring a double-sided sign on outbound signs.

Brandon Shelby, City Attorney, said both these options would be changes to the proposed ordinance and would require an amendment to the ordinance presented.

Council Member Howeth verified that requiring two-sided billboards could affect the cost of the billboard for those owning them, but would not necessarily affect the individual advertisers.

ACTION TAKEN.

Motion by Council Member Smith to amend Ordinance No. 5714 to require two-sided billboards. Second by Council Member Adami.

VOTING AYE: Adami, Smith, Softly.

VOTING NAY: Magers, Howeth, Steele, Wacker.

MOTION FAILED.

ACTION TAKEN.

Motion by Council Member Smith to amend Ordinance No. 5714 to require that all billboards shall have one face visible to inbound traffic, as defined by the ordinance. Second by Deputy Mayor Steele.

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

VOTING NAY: None.

MOTION CARRIED TO AMEND.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance No. 5714, as amended. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5704

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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5833 U.S. HIGHWAY 75 NORTH, BEING 0.31 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (TONY AND SALLY THOMASON, OWNERS; JASON SOFEY, SOFEY CONSTRUCTION AND DESIGN, LLC, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5704

**SUP FOR
BILLBOARD
(5833 U.S. HWY 75 N)**

Mayor Magers said the next three agenda items deal with the specific placement of billboards. These items are Specific Use Permits which gives the Council discretion over what they will or will not approve.

The distance of these proposed signs would not comply with the new ordinance, however he said he would support approval of these ordinances if they mirror the new ordinance with the exception of the distance requirement.

Mayor Magers verified that the access road at U.S. Highway 75 is governed by the Texas Department of Transportation as for the safety concerns that were expressed. Mr. Olson said safety items such as speeding, signage, and lighting will be shared with TxDOT.

Mayor Magers reiterated that the safety concerns of this ordinance were a big consideration for the City Council and the committee. Because this is a property rights issue, Mayor Magers said the Council tries to find the middle ground.

Council Member Adami asked what new requirements would not be met by the proposed sign. Mr. Sofey said they do comply with the spacing based on the time frame of when the application was made. They are willing to comply with the new ordinance concerning setbacks and elimination. As for safety, they are required to apply with TxDOT and comply with their safety requirements as well.

Deputy Mayor Steele verified that if Mr. Sofey's request is approved, then Mr. Terrell's requests would also be required to include the 2,000 foot exception.

Council Member Smith asked Mr. Terrell if he was willing to comply with the requirements of the new ordinance with the exception of the distance requirement.

Lester Terrell, 1820 W. Terrell Road

Mr. Terrell said he was willing to comply with the new requirements with the exception of the distance requirement. He said his signs are 2,100 feet apart. He said he supports the ordinance, which will potentially allow five signs in the two mile stretch of frontage. Four of those signs will be inbound and the other will be outbound and inbound.

Deputy Mayor Steele clarified that the old ordinance was 1,500 feet liner and the new ordinance is 2,000 feet radial, which is more restrictive.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5704, contingent upon compliance with the new standards except for the distance requirement. Second by Deputy Mayor Steele.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5715

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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5520 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE G.W. HOBSON SURVEY, ABSTRACT NO. 588 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5715
SUP FOR
BILLBOARD
(5520 U.S. HWY 75 N)

Ordinance 5716

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-2 (GENERAL COMMERCIAL) DISTRICT AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT AT 5930 U.S. HIGHWAY 75 NORTH, BEING 0.19 ACRES IN THE A.C. SMITH SURVEY, ABSTRACT NO. 1561 (LESTER TERRELL, OWNER; SARTIN & ASSOCIATES, SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5716
SUP FOR
BILLBOARD
(5930 U.S. HWY 75 N)

Council Member Adami clarified that if a sign is not erected on the property within a one year period, then the requestor would have to apply under the new ordinance. He verified that Mr. Terrell was aware of that requirement.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance Nos. 5715 and 5716, contingent upon compliance with the new standards except for the distance requirement.

Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5717

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 R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1109 EAST LAMAR STREET (BOB SETTLE AND PATRICIA WITT SETTLE, OWNERS; NATHAN GRAY, NBS DRAFTING AND DESIGN, ARCHITECT); PROVIDING FOR A REPEALER.

**ORD 5717
ZONE CHANGE
(1109 E. LAMAR)**

Mr. Olson said the house is currently an existing non-conforming house in a C-1 district and they want to tear the house down and construct a new one.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5717, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Magers announced that the developer had requested that Item C-7 entitled "Resolution No. 5604 – Authorizing the Execution of an Encroachment License Agreement with The Quintin Little Company, Inc. for a Pipeline Crossing into a 20' Drainage and Utility Easement and within a 30' Private Drive Easement in the Crescent Oaks Plaza" be removed from the Agenda until further notice. He also removed Item D-4 entitled "Consider Request of United Way of Grayson County to Temporarily Close Certain Streets for the 'United Way Hustle for Health' on Saturday, August 27, 2011" from the Consent Agenda for consideration in its regular order of business.

CONSENT AGENDA

Council Member Adami moved to approve the Consent Agenda, with the exception of Item C-7 which was removed from the Agenda and Item D-4 which will be considered in its regular order of business. Second by Council Member Smith. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5598 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 8, 2011

**RES 5598
JOINT ELECTION
AGREEMENT**

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, 2011.

Mayor Magers said holding a joint Election with Grayson County would ensure a higher turnout and would save the citizens of Sherman at least \$30,000.

Mayor Magers introduced Grayson County Commissioner Jackie Crisp and asked him about any work underway on the western part of Sherman's City limits.

Commissioner Crisp said Washington Avenue is tying into the City limits, and they are resealing the extended part, and widening 21 feet all the way to S.H. 289. The project should be completed Thursday, August 18, 2011. Dr. Jimmy Harrell gave the property needed to widen the road near the railroad tracks and straighten the curve.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5598, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5599 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY, TEXAS ESTABLISHING AN INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PROGRAM

**RES 5599
INTER-
JURISDICTIONAL
EMERGENCY
MANAGEMENT
PROGRAM**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY, TEXAS, ESTABLISHING AN INTER-JURISDICTIONAL EMERGENCY MANAGEMENT PROGRAM.

CONSENT AGENDA.

RESOLUTION NO. 5600 – APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2011 AUDIT

**RES 5600
ANNUAL AUDIT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2011 AUDIT. CONSENT AGENDA.

RESOLUTION NO. 5601 – FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT “WATER TREATMENT PLANT 2ND FEED”; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT “WATER TREATMENT PLANT 2ND FEED”; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

Mark Gibson, Director of Engineering and Public Works, said currently there is one feed from the Water Treatment Plant into Sherman which comes down F.M. 1417. The staff is proposing to construct a second feed that would run east from the Water Treatment Plant to U.S. Hwy 75 on the eastern most limits and also connect into Travis Street near the apartment complexes.

This will provide two and a half feeds into Sherman so the community is not dependent on one feed. It will provide some redundancy and help on the overall water supply situation.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 5601, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5602 – ACCEPTING THE CONTRACT WITH ASSOCIATED CONSTRUCTION PARTNERS, LTD. AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT DIGESTER IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH ASSOCIATED CONSTRUCTION PARTNERS, LTD. AS

COMPLETE FOR THE WASTEWATER TREATMENT PLANT DIGESTER IMPROVEMENTS.
CONSENT AGENDA.

RES 5601
WATER TREATMENT
PLANT 2ND FEED

RES 5602
WWTP DIGESTER
IMPROVEMENTS

RESOLUTION NO. 5603 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH KIGHT FAMILY, LP #1 FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1325 EAST JONES STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH KIGHT FAMILY, LP #1 FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1325 EAST JONES STREET.
CONSENT AGENDA.

RES 5603
RESIDENTIAL TAX
ABATEMENT
(1325 E. JONES)

RESOLUTION NO. 5604 – AUTHORIZING THE EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH THE QUINTIN LITTLE COMPANY, INC. FOR A PIPELINE CROSSING INTO A 20’ DRAINAGE AND UTILITY EASEMENT AND WITHIN A 30’ PRIVATE DRIVE EASEMENT IN THE CRESCENT OAKS PLAZA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN ENCROACHMENT LICENSE AGREEMENT WITH THE QUINTIN LITTLE COMPANY, INC. FOR A PIPELINE CROSSING INTO A 20’ DRAINAGE AND UTILITY EASEMENT AND WITHIN A 30’ PRIVATE DRIVE EASEMENT IN THE CRESCENT OAKS PLAZA.

RES 5604
PIPELINE CROSSING
(CRESCENT OAKS
PLAZA)
(REMOVED FROM
THE AGENDA)

Mayor Magers announced that Resolution No. 5604 had been removed from the Agenda at the request of the developer.

REQUEST TO ADVERTISE IMPROVEMENTS TO THE WATER TREATMENT PLANT BASINS AND PIPING

The City Council approved a request to advertise for bids for the improvements to the Water Treatment Plant Basins and Piping project. The City’s 2011-2012 Capital Improvement Program includes a project to improve the basins and piping at the Plant.

REQ TO ADVERTISE
WATER TREATMENT
PLANT

The North Texas Municipal Water District is proposing to close the pipeline from the Lake Texoma pump station in November to replace portions of the pipeline so that the newly installed high capacity pumps may be utilized. During the time the pipeline is out of service, it is proposed to reline the interior of the flocculation / sedimentation basins and some associated piping at the Water Treatment Plant.

CONSENT AGENDA.

**OTHER BUSINESS
CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR THE ANNEXATION OF APPROXIMATELY ONE THOUSAND FEET (1,000’) ON BOTH SIDES OF U.S. HIGHWAY 82 AND S.H. 289; AND DIRECTING THE DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN**

ANNEXATION
SCHEDULE
(U.S. HWY 82 &
S.H. 289)

Mayor Magers said the City is trying to control the gateways. Currently the City has a limited amount of right-of-way and as that part of the community grows, the City wants to be able to control the gateways.

Mr. Shelby said the scheduling plan includes one additional Called Council Meeting on October 24, 2011.

ACTION TAKEN.

Motion by Council Member Adami to approve the Annexation Schedule for approximately 1,000' on both sides of U.S. Highway 82 and S.H. 289 and to schedule a Called City Council Meeting for October 24, 2011 to consider adoption of the Annexation Ordinance, as presented. Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

RECEIVE PRESENTATION FROM FIRE CHIEF J.J. JONES ON THE IMPROVEMENT TO THE CITY OF SHERMAN'S ISO PUBLIC PROTECTION CLASSIFICATION

ISO RATING

Jeff Jones, Fire Chief, said insurance companies rely on the Insurance Service Office, ISO rating to establish appropriate fire insurance premiums within a community. The rates range from one, which is a superior rating, to a 10, which is basically unprotected.

The system evaluates not only the Fire Department, but how alarms are handled, the water supply, the ability of a City to provide services, and a City's record keeping, training and personnel.

In 2006, the City hired a consultant to determine what their protection class would be if they were graded at that time. The consultant determined that if the City had been reviewed at that time, they would probably drop to an ISO rating of four, which would result in a rate increase for property insurance. Sherman received an ISO rating of three in 2001.

Last week the Insurance Service Office notified the City that based on their recent survey that began in May, they are recommending a property protection class of two. For the average homeowner, this designation could mean a reduction in their property and homeowner's insurance of 2% and could result in 8% for commercial insurance.

Chief Jones said of the 2,474 cities that are graded by ISO, there are 121 cities with a property protection class of two. He added that moving from a class three to a class four was a lot of work, but a little money.

Council Member Steele verified that cities are normally rated every eight to 10 years, unless requested by the City. Council Member Adami verified that the rating will take effect for renewals after September 1, 2011.

CONSIDER REQUEST OF UNITED WAY OF GRAYSON COUNTY TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "UNITED WAY HUSTLE FOR HEALTH" ON SATURDAY, AUGUST 27, 2011

Mayor Magers removed Item D-4 from the Consent Agenda for consideration in its regular order of business.

Patrick Rowland, 100 Sara Circle, Pottsboro

Mr. Rowland is the Campaign Chairman for this year's United Way Drive. Last year the United Way Kick-Off featured a 10k, 5k, and 1k fun run that was a huge success, with over 200 race participants and over 500 in attendance.

This year United Way would like to hold the "United Way Hustle for Health" on Saturday, August 27, 2011 in the downtown area. He requested that the City provide traffic support and cones to be placed along the course. The event will be sponsored by Cigna.

ACTION TAKEN.

Motion by Council Member Wacker to approve the request of United Way of Grayson County to temporarily close certain streets for the "United Way Hustle for Health" on August 27, 2011, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

**REQUEST TO
CLOSE STREETS
(UNITED WAY)**

CONSIDER REQUEST OF THE HISPANIC HERITAGE COUNCIL OF SHERMAN TO TEMPORARILY CLOSE CERTAIN STREETS, SUSPEND PARKING TIME LIMITS, AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE ANNUAL HISPANIC HERITAGE FESTIVAL ON SATURDAY, SEPTEMBER 10, 2011

The City Council approved the request of the Hispanic Heritage Council of Sherman to close certain streets, suspend parking limits, and use certain City facilities and services for the Annual Hispanic Heritage Festival on September 10, 2011. The event will be held on the Municipal Building Grounds and in the Ballroom.

The request includes street closures around the Municipal Building, a dumpster, trash carts, barricades, and may require traffic control assistance.

CONSENT AGENDA.

**REQUEST TO
CLOSE STREETS
(HISPANIC
HERITAGE
FESTIVAL)**

CONSIDER REQUEST OF THE SHERMAN ARTS FESTIVAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS, SUSPEND PARKING TIME LIMITS, AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE 29TH ANNUAL SHERMAN ARTS FESTIVAL ON SATURDAY, SEPTEMBER 17, 2011

The City Council approved the request of the Sherman Arts Festival Committee to close certain streets, suspend parking time limits, and use certain City facilities and services for

**REQUEST TO
CLOSE STREETS
(ARTS FESTIVAL)**

the 29th Annual Sherman Arts Festival on September 17, 2011. The event will be held on the Municipal Building Grounds, in the Ballroom and in Kidd-Key Auditorium.

The request includes barricades and street closures around the Municipal Building, trash pickup, trashcans and dumpsters, access to tables and chairs, and street sweeping on designated streets. The event may also require traffic control assistance from the City.

CONSENT AGENDA.

CONSIDER REQUEST OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE SHERMAN HIGH SCHOOL STUDENT COUNCIL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE 2011 SHERMAN HIGH SCHOOL HOMECOMING PARADE ON MONDAY, SEPTEMBER 19, 2011

The City Council approved the request of the Sherman Independent School District and the Sherman High School Student Council to close certain streets in the downtown area for the 2011 Sherman High School Homecoming Parade on September 19, 2011.

The parade will require traffic control assistance, barricades, and emergency medical support from the City.

CONSENT AGENDA.

CONSIDER SCHEDULING A JOINT MEETING OF THE CITY COUNCIL AND THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS FOR 12:00 NOON ON THURSDAY, SEPTEMBER 22, 2011, TO REVIEW AND APPROVE SEDCO'S ANNUAL BUDGET AND WORK PLAN

Council Members discussed setting a Called Meeting with the Sherman Economic Development Corporation Board of Directors to discuss their annual budget and work plan.

ACTION TAKEN.

Motion by Council Member Wacker to schedule a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for September 22, 2011 at 12:00 noon to review and approve SEDCO's Annual Budget and Work Plan, as presented.

Second by Deputy Mayor Steele.

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

VOTING NAY: None.

MOTION CARRIED.

SITE PLAN APPROVAL FOR GK TRI-TEXAS, LLC, OWNER; CONSOLIDATED CONTAINER, TENANT; ROY FERGUSON, EAGLE GROUP, LTD, ENGINEERS; UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(J) FOR AN ADDITIONAL SILO FOR PRODUCT STORAGE IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 4201 U.S. HIGHWAY 75 SOUTH

The City Council approved the Site Plan for GK TRI-TEXAS, LLC and Consolidated Container for an additional silo for

REQUEST TO
CLOSE STREETS
(HOMECOMING
PARADE)

SCHEDULE JOINT
MEETING WITH
SEDCO

APPROVAL OF
SITE PLAN FOR
CONSOLIDATED
CONTAINER
(4201 U.S. HWY 75 S)

product storage in the Blalock Industrial Park at 4201 U.S. Highway 75 South. The silo would be located at the back of the present building.

The Planning and Zoning Commission recommended approval of the Site Plan.
CONSENT AGENDA.

SITE PLAN APPROVAL FOR GLOBITECH INC., OWNERS: JEFF WATSON, REPRESENTATIVE; CHRIS SCHMITT, TEAGUE, NALL & PERKINS, ENGINEERS; AND POPE ASSOCIATES, INC., ARCHITECTS; UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410(2)(J) FOR PHASE III, AN EXPANSION TO THE EXISTING BUILDING AND GAS ROOM IN THE BLALOCK INDUSTRIAL PARK DISTRICT AT 200 F.M. 1417 WEST

The City Council approved the Site Plan for GlobiTech Inc. for Phase III, an expansion to the existing building and gas room in the Blalock Industrial Park at 200 F.M. 1417 West. Phase III includes a 36,071 square foot expansion to the existing building and a 570 square foot gas room.

The Planning and Zoning Commission recommended approval of the Site Plan.
CONSENT AGENDA.

AUTHORIZING EMERGENCY REPAIRS TO THE DORCHESTER 10 TRINITY WATER WELL

The City Council approved emergency repairs to the Dorchester 10 Trinity Water Well. The well failed and requires immediate replacement since it is one of the primary wells that provides water to the Cities of Sherman and Dorchester, and to the Marilee Special Utility District in Gunter.

With the existing drought conditions and the future North Texas Municipal Water District repairs to the Lake Texoma pipeline, which will shut down the Water Treatment Plant, it is imperative that the well be repaired as quickly as possible to maintain the City's groundwater supply capability.

The cost to replace the pump will be \$168,756 and it is also proposed to lower the pump 100 feet into the aquifer at a cost of \$20,000.
CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

APPROVAL OF
SITE PLAN FOR
GLOBITECH
(200 F.M. 1417 W)

WELL REPAIRS

CITIZENS REQUESTS

MEDIA QUESTIONS

COUNCIL COMMENTS

SCHOLARSHIP BANQUET FOR NAACP AND MINISTERIAL ALLIANCE

Council Member Softly thanked the City and the citizens that recently participated in the Scholarship Banquet through the NAACP and the Sherman Interdenominational Ministerial Alliance. The event was very successful.

FESTIVAL SEASON IN SHERMAN

Council Member Wacker said festival season has kicked-off in Sherman with a bicycle rally this past weekend and all the upcoming festivals.

SALES TAX FOR STREET MAINTENANCE ELECTION

Council Member Adami reminded citizens that the Sales Tax Initiative is critical to maintain and continue the road improvements that have been made in the past couple of years. The Council lowered property taxes 20% in 2007 when the initial Sales Tax for Streets was approved and he said it was critical that citizens vote for the Sales Tax Initiative again.

SALES TAX FOR STREET MAINTENANCE ELECTION

Council Member Smith said the Council promised that certain roads would be repaired during the vote for the initial Sales Tax for Streets and those roads, as well as additional roads were repaired or rebuilt. He reiterated that the Council will do what they say.

He added that the Sales Tax works well for Sherman citizens because it puts the onus on visitors who come to Sherman for the services instead of residents that pay property taxes.

BOND RATING AND ISO RATING

Mayor Magers said Robby Hefton, Assistant City Manager/CFO, and the Finance Department received many accolades when the City received their AA bond rating and now the ISO rating goes hand-in-hand with that bond rating.

Times are tough but the City staff is working to move the City forward and he thanked them on behalf of the City Council.

TRANSPORTATION SUMMIT MEETING

Mayor Magers said he recently attended a Transportation Summit in Irving and there are several initiatives being made in Texas for certain highway corridors, including the I-30 corridor, the 287 corridor, and the I-75 corridor. There will be an opportunity to raise the level of U.S. Highway 75, not to Interstate, but to a high-visibility, high-impact level that will get Sherman "on the map" for federal dollars.

This will be an opportunity for Sherman as a City to be "out-front" on this issue. Collin County and several of their

SCHOLARSHIP
BANQUET FOR
NAACP & MINISTERIAL
ALLIANCE

FESTIVAL SEASON
IN SHERMAN

SALES TAX FOR
STREET MAINT.
ELECTION

SALES TAX FOR
STREET MAINT.
ELECTION

BOND RATING &
ISO RATING

TRANSPORTATION
SUMMIT MEETING

cities, including McKinney are in support of this initiative. He urged the City Council to take a leadership role in this opportunity to enhance transportation in Sherman.

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.

SECTION 551.074

PERSONNEL MATTERS
CONSIDER THE QUALIFICATION,
APPOINTMENT AND REMOVAL
OF MEMBERS TO BOARDS AND
COMMISSIONS:
SHERMAN ECONOMIC
DEVELOPMENT CORPORATION
BOARD OF DIRECTORS (1)

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:13 p.m.

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

OPEN MEETING

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

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS (1)

ACTION TAKEN.

Motion by Council Member Adami to appoint Chris Pendergrass, to the Sherman Economic Development Corporation Board of Directors to fill an unexpired term from August 16, 2011 to October 1, 2012. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:18 p.m.

EXECUTIVE SESSION

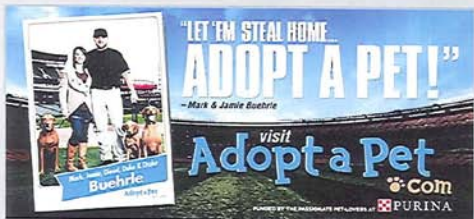
OPEN MEETING

SEDCO BOARD OF
DIRECTORS

ADJOURNMENT

MAYOR

CITY CLERK



[DIGITAL BILLBOARDS TODAY]

[CHANGING THE DELIVERY OF INFORMATION]

Billboards are the oldest mass medium. The first standardized posters appeared in the 19th century and, not surprisingly, the medium has adapted over time. What was once a poster on the side of a building became a freestanding, purpose-built billboard. Hand painting on a sign became printed paper pasted on the board. Paper and paste is giving way to computer-generated images on plastic substrates. Today, the next generation of billboards is digital.

These dynamic tools for advertisers and communities represent a small fraction of the total number of billboards in the United States. There are an estimated 400,000 billboards faces in the United States; about 2,400 of those are digital, or one half of one percent. Yet the communities which have digital billboards have come to rely on them.

The uses for this exciting technology are as varied as the places they serve.

Small business owners turn to them as an affordable way to reach a large number of customers with a dynamic message. Public safety organizations rely on them to help bring fugitives to justice and provide emergency information. The news media use them to give up to the minute news and information to an



increasingly mobile audience. The uses for this exciting technology are as varied as the places they serve.

As with any new technology, there are questions about how best to incorporate digital billboards into the existing body of regulations and aesthetic fabric of an area. The following pages give a broad overview of how communities have answered those questions and why virtually every state and hundreds of municipalities welcome digital billboards.

[REGULATORY FRAMEWORK]

All billboards are heavily regulated. The federal government, state government, and counties, cities, and towns regulate outdoor advertising.

To keep pace with technology, the federal government has said roadside billboards (off-premise signs) could use "changeable-message" technologies as long as these signs don't scroll or flash.

On September 25, 2007, the Federal Highway Administration (FHWA) issued a guidance memo to states:

"Proposed laws, regulations, and procedures that would allow permitting CEVMS (changeable electronic variable message signs, the official name for digital billboards) subject to acceptable criteria ... do not violate a prohibition against 'intermittent' or 'flashing' or 'moving' lights as those terms are used in the various FSAs (federal-state agreements) that have been entered into during the 1960s and 1970s."

The 2007 memo gave states the green light to approve digital billboards, as long as there were appropriate regulatory controls in place. The memo went on to list suggested areas of control, including lighting, display time, and transition time (the amount of time it takes for one message to change to another message).

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Industry practices conform to federal guidance. FHWA recommends an eight second display time, a suggestion mirrored by industry standards. Federal guidelines say digital billboards should "adjust brightness in response to changes in surrounding light levels so that the signs are not unreasonably bright." Digital billboards are equipped with sensors to make sure the billboards are only as bright as necessary to be legible. Messages change instantaneously, avoiding transition effects.

States and localities have added regulations for the size and spacing of digital billboards.

Industry practices conform to federal guidance.

The OAAA Code of Industry Principles includes clauses against animation and excessive lighting.

[TRAFFIC SAFETY]

Safety can be among the most contentious questions raised about digital billboards. The debate is puzzling, however, as research on modern digital billboards has found them to be "safety neutral" and unrelated to traffic accidents.

Specifically, studies commissioned by the Foundation for Outdoor Advertising Research and Education (FOARE) have considered digital billboards and driver distraction from two different angles.

One study was performed by the Virginia Tech Transportation Institute (VTTI), an academic traffic safety research institute used by government agencies and the private sector.



Researchers analyzed the eye glances of drivers along with driving factors such as lane changes and speed. Randomly selected people drove a specially equipped car which monitored when their eyes moved toward billboards and other objects in their field of vision.

The study found the typical glance toward a digital billboard was less than one second.

This finding is important, because a separate study released in 2006 by VTTI for the National Highway Traffic Safety Administration (NHTSA) identified a two second threshold for increased risk due to distraction: "Glances totaling more

"I ... have no indication that digital billboards pose any safety threat to the traveling public. With the number of digital signs that are currently in El Paso, both of the business and billboard type, and the long time in which they have been present in our city, any safety issues surely would have surfaced by now. Those in El Paso who claim there are safety problems with the digital billboards are ignoring the evidence."

—Richard Wiles, El Paso County (TX) Sheriff,
in a letter to the El Paso City Council

than two seconds for any purpose increase near-crash/crash risk by at least two times that of normal, baseline driving." The typical glance toward a digital billboard is well under the threshold.

Accident records indicate digital

billboards are not a traffic safety risk. Multiple comprehensive studies have been performed by Tantala Associates, a consulting engineering firm based in Philadelphia, which has performed analytical research for various levels of government. Since 2007, researchers have examined years of accident data for highways and local streets in Cuyahoga

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County (Cleveland) OH, Rochester, MN, Albuquerque, NM, Reading, PA, and Richmond, VA. Each study reached the same conclusion: there is no correlation between digital billboards and traffic accidents.

These analyses looked at various view zones, or distances, from the digital billboards and other factors such as deer hits and weather conditions (known as "bias factors"). The studies accounted for differences between younger and older drivers and driving during the day and at night. No matter how the accident data were analyzed, the conclusion was the same: digital billboards are safe.

Several states have also performed their own studies related to digital billboards, looking at accident data near digital billboards. Transportation officials in South Carolina, Virginia, and West Virginia reported digital billboards have not caused traffic safety problems. Local officials have also reviewed accident records.

No matter how the accident data were analyzed, the conclusion was the same: digital billboards are safe.

The Federal Highway Administration has noted there is "no scientific evidence" causing the government to believe digital billboards are unsafe.

[PUBLIC OPINION]

In 2008 and again in 2009, Arbitron, the media research firm, sought to answer a relatively simple question: what does the public think about digital billboards? Arbitron researchers found people are aware of and positively inclined toward this new technology.



The Arbitron studies focused on two metro areas (Cleveland, OH, and Los Angeles, CA) where digital billboards operate. Through telephone surveys, researchers found "the vast majority of commuters (more than four out of five) feel digital billboards provide an important community service."

The vast majority of commuters feel digital billboards provide an important community service.

More than seven out of ten people said digital billboards help the community with emergency information, and the majority said they were attractive. Cleveland Councilman Joe Cimperman described digital billboards as modern and tech-savvy.

"Digital billboards are right in line with the whole cityscape. They communicate that we are a city that embraces technology. We actually have some of the newest state-of-the-art, cutting edge advertising."

- Cleveland Councilman Joe Cimperman

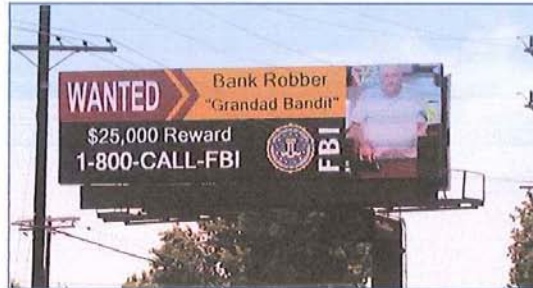
Among younger demographics, digital billboards are even more popular. The Arbitron studies found high percentages of those 18-34 consider digital billboards attractive, while a majority agreed digital billboards help the community by providing emergency information. More than three quarters of 18-34 year olds said digital billboards are a "cool way to advertise."

[PUBLIC SERVICE]

Among the most important users of digital billboards are law enforcement agencies.

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The FBI, the National Center for Missing and Exploited Children (NCMEC), the US Marshals Service, and county and city sheriff and police departments use digital billboards to help keep their communities safe.



suspected serial bank robber who was wanted in a dozen states. Agents had been investigating the case for almost two years, yet it took just nine days to identify and arrest the bank

robber after his image was displayed on digital billboards. The FBI credits digital billboards with generating the tip leading to the man's arrest.

Because digital billboards can be updated remotely and instantaneously, they are ideal for quickly pushing emergency information to the public. In 2008, NCMEC (which operates the national AMBER Alert system) signed an agreement with the outdoor advertising industry to display AMBER Alerts on digital billboards. Since then, hundreds of abducted children were displayed on digital billboards within minutes of the Alerts being issued. Almost all of those children were quickly reunited with their families.

Law enforcement officials agree digital billboards make communities safer.

The FBI uses digital billboards to track down wanted fugitives and crack difficult cases. In August, 2010, agents activated digital billboards nationwide to identify and arrest a

Typically, law enforcement agencies are given access to digital billboards for free. AMBER Alerts preempt paying advertisers and the outdoor advertising industry maintains a sophisticated computer network to instantly notify operators in every state with digital billboards of every new Alert at no cost to the government. The FBI uses a similar system at no cost to taxpayers.

To date, the FBI credits digital billboards with directly leading to more than 35 arrests. When local fugitives are added to that total, the number is even higher. Law enforcement officials agree digital billboards make communities safer.

"If we have a crack at over a quarter-million people seeing that photo every day, then we have a very good chance at catching the person we're after."

-Special Agent Sean Quinn, FBI-Newark



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August 12, 2011

Sherman Mayor and City Council
PO Box 1106
Sherman, TX 75091-1106

Dear Mayor and Council Members;

Due to the recent news stories concerning billboards in Sherman, we wanted to weigh in as a business that does quite a bit of billboard advertising. We do not envy you who must try to create a system which is fair and takes into consideration the myriad of issues involved in an ordinance such as this. From our standpoint billboards are a useful tool in the arsenal of advertising. Today's consumer is accustomed to receiving messages in quick, visual bites and billboards are and have always been just that. We currently rent space on traditional boards using vinyl and poster flex materials, as well as the newer digital boards which allow for extremely quick message changes and zero production time. Those boards are an excellent way to get safety messages such as highway and weather information out as well as announcements such as Amber Alerts and the current 3-person family of bank robbers who are wanted by the FBI. Those boards in particular are useful in ways that are just beginning to be shown.

We appreciate your thoughtful consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Ginger Nye".

Ginger Nye
Director of Marketing
PO Box 1234
Sherman, TX 75091-1234
gnye@ABTexas.com
903.813.5762

July 28, 2011

Dear City of Sherman Business Leader,

We appreciate the opportunity to inform you of our exciting endeavor. My husband Tony and myself are working on an exciting project for Sherman. We will be petitioning the Sherman City Council to allow us to construct a high-resolution electronic billboard on Highway 75 N. near the intersection of 75 and Highway 691.

This billboard will bring new focus to businesses in the Sherman area. We plan to offer public service announcements, such as; burn bans, life saving Amber Alerts, emergency highway conditions, etc., along with advertising for local businesses.

Local businesses will be able to benefit from advertising on this high visibility sign. As we know, billboards help to pull drivers from the highway to patronize our establishments. Hotels, restaurants, shopping, service stations and many others will benefit from this great new form of advertising.

The Mayor and Sherman City Council have expressed their wish to hear from members of the community. Please take a moment to consider the benefits to the City of Sherman of this exciting new opportunity and sign this approval letter so that we may take it to the city council.

Thank you for considering our request.

Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Dean Gilbert, Realtors

Your signature Dean Gilbert

Title/Position President

*I am in favor of these high quality signs
to decrease the overall number of signs!*

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Sally Thomason

(903)647-0190

Owner, Hwy 75n at Blue Flame Road

Name of your business John Manson Real Estate

Your signature [Signature]

Title/Position Partner

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Frame Team
Your signature Marcus Damon
Title/Position Owner

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business German Insurance
Your signature [Signature]
Title/Position Owner

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(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business

69/82 Metal

Your signature

Jeff Bell

Title/Position

Owner

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business ARRONS SALES AND LEASE

Your signature 

Title/Position GENERAL MANAGER

July 28, 2011

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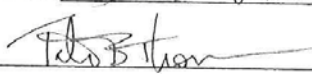
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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Discount Wheel & Tire
Your signature 
Title/Position Owner

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business JEFFES AUTO SALES (SHERMAN)
Your signature Billy Thomason
Title/Position MANAGER

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Executive Inn

Your signature Tabitha Roberts

Title/Position front Desk manger

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Muller Master
Your signature Mark Muller
Title/Position Owner

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Premier MARTIAL ARTS
Your signature [Signature]
Title/Position Owner

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(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Texoma Wraps
Your signature Miller
Title/Position Owner

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business ROSA'S CLEANING SERVICE

Your signature 

Title/Position OWNER

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business 3 Stars Hauling & Demolition

Your signature Eric Parash

Title/Position owner

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Texoma Printing
Your signature Kim Keel
Title/Position Owner

July 28, 2011

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Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Colonial Barber Shop

Your signature Deborah VanNorden

Title/Position Self Employed Top Social Technician
Barber

July 28, 2011

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This billboard will bring new focus to businesses in the Sherman area. We plan to offer public service announcements, such as; burn bans, life saving Amber Alerts, emergency highway conditions, etc., along with advertising for local businesses.

Local businesses will be able to benefit from advertising on this high visibility sign. As we know, billboards help to pull drivers from the highway to patronize our establishments. Hotels, restaurants, shopping, service stations and many others will benefit from this great new form of advertising.

The Mayor and Sherman City Council have expressed their wish to hear from members of the community. Please take a moment to consider the benefits to the City of Sherman of this exciting new opportunity and sign this approval letter so that we may take it to the city council.

Thank you for considering our request.

Sally Thomason
(903)647-0190
Owner, Hwy 75n at Blue Flame Road

Name of your business Medical Business Solutions
Your signature Sanny Watt
Title/Position Owner

**August 15, 2011
City of Sherman Council Meeting
Discussion Regarding Ordinance No. 5704**

To Mayor Magers and the Sherman City Council:

My name is Kate Winsett; I am representing my family, my mother Paula Griffin and my sister, Karyn Dole, both attending today. My mother's home is located at 2433 E. Blue Flame Road in Sherman.

I am here to discuss our opposition to the proposed digital billboard under Ordinance No. 5704 that is currently under consideration by the Council. I have noted that the Ordinance was tabled at the last meeting pending further review. I apologize that we were not here for the prior public forum to present our position on this matter, but this was only brought to my attention after researching a sign that stated that a zoning change had been requested for the property in question; 4+ acres at the intersection of Blue Flame Road and the service road of Hwy 75, owned by Tony and Sally Thomason, and that a special use permit request is under review.

I visited the City of Sherman website for more information on the zoning change request when I read the Councils' previous minutes on the issue at hand; The approval of a digital billboard at that intersection.

We have very strong negative opinions regarding the billboard and I plead to the Council to hear our arguments on this issue.

Firstly, if you are not familiar with the terrain along this section of the Highway 75 in Sherman, this particular hill that intersects with Blue Flame Road is one of the highest elevations in Grayson County. Between Loy Lake Road and Hwy. 691, the northbound service road has three distinct hills and valleys. There is a stop sign at Fallon Road, but no other impediments to speed until you arrive at the street light at Hwy. 691.

Our family is aware that it is dangerous to pull out from Blue Flame Rd. onto the service road of Hwy. 75 without counting 10 to 15 seconds before proceeding to take into account the depth of the hill between Fallon and Blue Flame. It is necessary to count out the seconds in order to see the cars that are in the "valley" of the service road so not to pull out in front of a speeding car that is unaware that Blue Flame turns out onto the roadway. Most cars driving on this stretch of road are traveling at a high rate of speed and are often surprised by vehicles turning off of Blue Flame into their path.

Traffic has increased, both on the service road of 75 and along Blue Flame Rd., with the completion of the Hospital at 691. Commuters travel Blue Flame Rd. from Texoma Parkway as a short cut, now that the road has been asphalted by the City of Sherman. We often hear screeches on the roadway at the intersection, knowing that someone did not account for the unseen cars in the valley of the hill before turning out onto the service road and accidents and near misses are increasing in number. Now they want to erect a digital illuminated billboard

there at the absolute WORST location to add to the distraction of oncoming traffic. The outcome of such a move would be disastrous.

Drivers are already caught unaware of the cross traffic on Blue Flame Road, but to add to that, an illuminated billboard will, undoubtedly, draw their attention away from the roadway, up to the sign, ending badly for both drivers. Most significantly, we would ask that if signage is approved, it will be accompanied with highway street lights, installed by the City of Sherman, along the stretch of service road between Fallon and 691 to illuminate the roadway and the intersection of Blue Flame Road to reduce traffic accidents caused by the distraction.

This is our primary concern, for the safety of not only our family, but the safety of all of those who travel in this area. However, there are other concerns to point out as well.

Drivers along Hwy. 75 will also be affected, especially those traveling southbound toward Sherman. A digital sign has been shown to blind drivers at night and has led to many municipalities across the country to ban the signs entirely. The sign would be at a point on the road where traffic is merging from the 691 on-ramp and would likely distract drivers from watching the road and merging traffic. Through my research, I have found numerous accounts of citizens presenting similar arguments just like this in front of their city councils to have the signs removed for safety concerns. We have the opportunity to act here, prior to the sign going up. And to reiterate a point made by Mayor Magers in the last session, the location of the sign causes commuters in the southbound traffic lane into Sherman to take their eyes off of the road to look across the opposite side of traffic to read the sign. Highway safety suggests that signage for upcoming attractions such as shopping or restaurant locations should be on the same side as the traveling commuters into a community.

Thirdly, there is the visual appeal of our city to consider in this decision. The City has always encouraged beautification along our highways to attract both residential neighborhoods and businesses. We look forward to a residential home community building on Blue Flame Road in the future, or perhaps a nice hotel or condominium complex on that much desired hilltop. The addition of a large billboard will detract from the beauty of the area and could hamper development of the acreage around the sign.

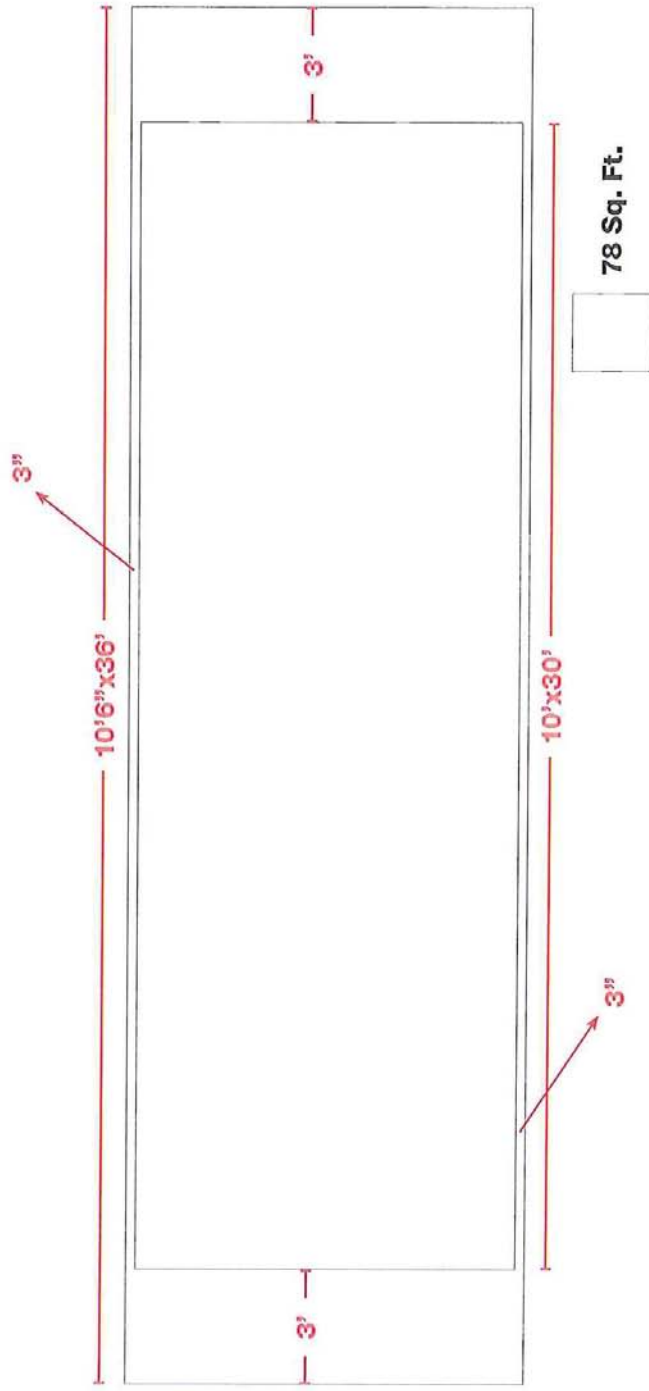
We all know that Sherman is a growing community. One of the best attributes of our fair city is the charm that we have maintained through the government of our streets and roadways, assuring the safety and beauty of our landscape to the benefit of those of us that call Sherman home, and those that have made a significant investment in our future.

We plead to the council for your further consideration of these statements in your decision to approve or disapprove of the billboard.

Thank you for your time.

Sincerely,

Kate Winsett





August 12, 2011

Attn: Sherman City Council

We are concerned about the ordinance proposing new restrictions on billboards in Sherman. Our company owns and operates 15 convenience stores and fast food restaurants in the area and 6 of them are in Sherman. We have maintained nearly a dozen billboards for over ten years and believe they definitely help drive traffic into our stores.

We oppose any restrictions that would limit our options in advertising our business. If ideal locations for a billboard were eliminated due to restrictions and were no longer available to help steer people into our stores, our sales would suffer. If this were to happen, the City would suffer from reduced tax revenues as well.

Billboards account for more than half of our advertising budget, so we do not want to see any modifications to current ordinances that would minimize their impact. Please keep this effective advertising medium free from further restrictions.

Sincerely,

Diane McCarty
President



JOSEPH D. BROWN
GRAYSON COUNTY CRIMINAL DISTRICT ATTORNEY

August 11, 2011

Sherman City Council
Sherman, Texas 75090

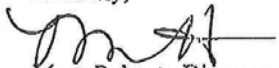
Dear Council Members,

I am writing in support of Lamar Outdoor Advertising. Lamar Outdoor Advertising is an asset to not only the county but also the community of Sherman. The billboards that are provided by Lamar for our Domestic Violence Investigator Program help us to reach out to the community in a manner that we would not otherwise be able to do.

Lamar Outdoor Advertising assists us with our "Stop Domestic Violence" campaign by providing boards not only in the Sherman area but also other, alternating places in the County. It is with the help of Lamar Outdoor Advertising that we hope to increase awareness in the community about Domestic Violence.

Restricting or limiting billboards would be harmful to campaigns such as "Stop Domestic Violence" because it would limit the exposure for the general public. Please reconsider the proposed Ordinance, as people like the good folks at Lamar do more than just sell advertising. They also give back to the community by helping programs like ours.

Sincerely,


Mona Robnett, Director
Victim Services Division



JOSEPH D. BROWN
GRAYSON COUNTY CRIMINAL DISTRICT ATTORNEY

August 12, 2011

Sherman City Council
220 W. Mulberry
Sherman, Texas 75090

Dear Councilors:

I want to take this opportunity to make the Council aware of the good work this company has done to help victims of domestic violence in Grayson County. For approximately the last five years, Lamar Advertising has provided billboard space for the Grayson County District Attorney's "Stop Domestic Violence" initiative. Lamar has provided deeply discounted billboard advertising for this program, allowing messages to reach potential victims of domestic violence about reporting opportunities. In addition to providing information for victims, the program, which only could exist through the charitable efforts of Lamar Advertising, raises public awareness about the problems of domestic violence.

It is my understanding that the city is considering restrictions on billboard advertising within the city limits. While I am not aware of the specifics of the proposed restrictions, I can attest to the fact that Lamar Advertising has been a good citizen and their charitable efforts have been important to law enforcement in this county.

If you have any questions, please do not hesitate to call.

Sincerely,

Joseph D. Brown
Criminal District Attorney
Grayson County, Texas

JDB/ds

AMERICAN BANK OF TEXAS

August 12, 2011

Sherman Mayor and City Council
PO Box 1106
Sherman, TX 75091-1106

Dear Mayor and Council Members;

Due to the recent news stories concerning billboards in Sherman, we wanted to weigh in as a business that does quite a bit of billboard advertising. We do not envy you who must try to create a system which is fair and takes into consideration the myriad of issues involved in an ordinance such as this. From our standpoint billboards are a useful tool in the arsenal of advertising. Today's consumer is accustomed to receiving messages in quick, visual bites and billboards are and have always been just that. We currently rent space on traditional boards using vinyl and poster flex materials, as well as the newer digital boards which allow for extremely quick message changes and zero production time. Those boards are an excellent way to get safety messages such as highway and weather information out as well as announcements such as Amber Alerts and the current 3-person family of bank robbers who are wanted by the FBI. Those boards in particular are useful in ways that are just beginning to be shown.

We appreciate your thoughtful consideration.

Regards,



Ginger Nye
Director of Marketing
PO Box 1234
Sherman, TX 75091-1234
gnye@ABTexas.com
903.813.5762

First United Methodist Church of Sherman

Mailing Address.....
Church Website.....
Church Telephone.....
Senior Pastor.....
Director of Student Ministry, Special Programs
Assistant to Pastor
& CEO of School For Little People.....

401 North Elm, Sherman, Texas 75090
www.fumcsherman.org
903-893-6514 Ext. 102
Dr. James Pledger
Sandy Garbacik
sandyg@fumcsherman.org
903-868-0805 (Christ Community Life Center)

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August 15, 2011

Lamar Advertising
c/o Bernie Edinger

We would like to thank Lamar Advertising for the generous help which they have provided for Great Days of Service and the Service Academy for Youth. This is a community service project that we started 18 years ago that helps thousands of people in the community who are under served. Because we have to solicit support and gifts from the community the billboard donation is invaluable. This year using the publicity that you gave us, we were able to raise over 40 Tons of food, rehab 5 homes, serve over 1,000 of our public servants a free lunch, help hundreds of babies in the free clinic, and cleaned up blighted areas in the community as well as numerous other projects. This would not have been possible had it not been for the great publicity of the local media and especially the billboard advertisement. It encouraged citizens to join in this effort.

Billboard advertising is very crucial to these projects success. Again, thank you for your support.

Sincerely,
Dr. Jim Pledger
Sr. Pastor

Sandy Garbacik
Director of Great Days of Service

Larry M. Estes PC
Certified Public Accountant
2017 N FM 1417
Sherman, Texas 75092
Tele (903) 892-1576 Fax (903) 868-3768
Email lestescpa@cableone.net

Member
Texas Society Of
Certified Public Accountants

Member
American Institute Of
Certified Public Accountants

August 12, 2011

To: The Sherman City Council

I am the music director for Faith Church in Sherman, Texas.

I am writing on behalf of Lamar Advertising Co and the use of their billboards to announce our religious and patriotic musicals that we do at our church that a lot of Sherman residents have come to enjoy on a regular basis.

The Lamar Advertising Company's billboards really help us get the word out about civic events and musicals that take place three or four times a year.

Since we offer these musicals to our friends at no charge, we must seek the most cost efficient way to announce these events and the Lamar Advertising has kindly contributed a generous amount of the cost of the advertising since we are a non-profit organization.

This past July 4th weekend, we held a patriotic musical program at the church where we paid tribute and honored our veterans and local members in public safety. Over 900 attended and we pinned and gave personal recognition to more than 150 veterans and public safety members and there was not a dry eye in the house.

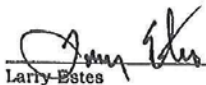
Thousands of people come to these events and they always express their appreciation for our presenting these musicals and they come back and bring many of their friends and relatives. They say that they are uplifting and encouraging.

The billboards are an integral part of our getting the word out to our friends in Sherman and the surrounding communities.

Bernie and his staff are a joy to work with. We appreciate them and all they do to help us in this effort.

We have been presenting these musicals since 1982 (29 years) and I can't conceive of the time that we would be unable to utilize Bernie's billboards in order to help us get the word out...I had rather not think about it.

Warm regards,


Larry Estes



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. B.1

PUBLIC HEARING

Capital Improvement Program 2011-2016

Issue

Holding a public hearing for the City of Sherman's Capital Improvement Program covering the period from October 1, 2011 through September 30, 2016

Background

Article V, Section 10 of the City Charter requires that the City Council, by resolution, adopt a Capital Improvement Program. As required, before consideration of the resolution, the City published a summary of the program and gave notice of a public hearing in a newspaper of general circulation in the City.

Origination

Planning and Public Works

Financial Consideration

General Fund	\$15,758,000
Utility Fund	\$14,448,000
Total Funding for 2011-2016	\$30,206,000

Staff Recommendation

It is recommended that the City Council hold a public hearing for the Capital Improvement Program 2011-2016 at the September 6th City Council meeting.

Attachments

Summary of Capital Improvement Program 2011-2016

Prepared by:
Don Keene, Director of Public Works

Approved by:
George Olson, City Manager

GENERAL SERVICES

2011 - 2012

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Travis Street Improvements - Phase I - Taylor to Lamberth - ROW and Utilities		\$100,000					\$100,000
Soil Conservation Emergency Action Plan Study	\$50,000						\$50,000
GIS System			\$100,000				\$100,000
Hawn Spray Ground Rehab				\$20,000			\$20,000
OSP Quad Backstop Nets				\$45,000			\$45,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Drainage Improvement Projects	\$125,000						\$125,000
Total 2010-2011	\$175,000	\$150,000	\$100,000	\$65,000	\$0	\$0	\$490,000

2012-2013

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Travis Street Improvements - Phase 2 - Lamberth to Canyon Grove (ROW and Utilities)		\$100,000					\$100,000
Northeast Fire Station Site			\$1,000,000			*	\$1,000,000
Southwest Fire Station			\$5,200,000			*	\$5,200,000
Martin Luther King Park Playground				\$80,000			\$80,000
Martin Luther King Park Restroom				\$140,000			\$140,000
Hawn Skateboard Renovation - Phase II				\$70,000			\$70,000
MLK Park Athletic Field Lighting				\$150,000			\$150,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2011-2012	\$250,000	\$150,000	\$6,200,000	\$440,000	\$0	\$0	\$7,040,000

* Bonded

2013-2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Travis Street Improvements - Phase 3 - Canyon Grove to North Creek (ROW and Utilities)		\$75,000					\$75,000
Fallon Drive Construction - Preliminary Engineering and ROW		\$100,000					\$100,000
Starlight Alley Rebuild		\$350,000					\$350,000
West Hill Cemetery Building & Fencing			\$40,000				\$40,000
Hawn Park Pavilion				\$75,000			\$75,000
Rosedale Park Field Lighting				\$40,000			\$40,000
Felder Park Basketball Court Renovation and Playground Improvements				\$140,000			\$140,000
Cherry Park Playground				\$150,000			\$150,000
Hawn Park Field Lighting				\$200,000			\$200,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2012-2013	\$250,000	\$575,000	\$40,000	\$605,000	\$0	\$0	\$1,470,000

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Cypress Grove Rd. Rebuild - Rex Cruse to Redbud		\$600,000					\$600,000
Fallon Drive West Construction to U.S. Hwy 75		\$1,500,000					\$1,500,000
Rosedale Park Restroom				\$140,000			\$140,000
Rosedale Park Playground				\$60,000			\$60,000
Hawn Park Sprayground Expansion				\$300,000			\$300,000
Recreation Center Study				\$40,000			\$40,000
Old Settlers Park - Phase III Field Renovation				\$1,000,000			\$1,000,000
GIS System			\$20,000				\$20,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Recreation Center			TBD				\$0
Total 2013-2014	\$250,000	\$2,150,000	\$20,000	\$1,540,000	\$0	\$0	\$3,960,000

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Fairview Park Spray Ground and Splash Expansion				\$500,000			\$500,000
U.S. Highway 75 Fallon Drive Ramps		\$1,000,000				**/**	\$1,000,000
Shady Oaks Drive Reconstruction		\$700,000					\$700,000
Hillcrest Park Renovation				\$150,000			\$150,000
Fairview Park Pavilions				\$50,000			\$50,000
Ely Park Playground				\$80,000			\$80,000
GIS System			\$18,000				\$18,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2014-2015	\$250,000	\$1,750,000	\$18,000	\$780,000	\$0	\$0	\$2,798,000

** SEDCO Funded

***TxDOT Participation

GENERAL GRAND TOTAL	\$1,175,000	\$4,775,000	\$6,378,000	\$3,430,000	\$0	\$0	\$15,758,000
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UTILITY SERVICES

2011-2012

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals	
S.H. Highway 289 Waterline					\$550,000	**	\$550,000	
WWTP - Biosolids Engineering, Design and Construction						\$1,200,000	*1	\$1,200,000
WWTP - Relief Headworks Preliminary Engineering and Design						\$550,000	*	\$550,000
WWTP - Drain Line						\$75,000		\$75,000
WWTP Storm Water Storage Contingency						\$400,000	*	\$400,000
Gallagher Tower Evaluation					\$50,000			\$50,000
WTP - Flocculation Basin and Piping Relining					\$500,000	*	\$500,000	
Water Treatment Plant 2nd Feed - Phase I & II					\$1,500,000	*	\$1,500,000	
Utility Main Oversizing					\$25,000			\$25,000
TOTAL 2010-2011	\$0	\$0	\$0	\$0	\$2,625,000	\$2,225,000		\$4,850,000

* Bonded

** SEDCO Funded

1 Under Technological Review

2012-2013

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Replace #3 Bar Screen						\$250,000	* \$250,000
WWTP - Headworks Variable Frequency Drive Upgrade - Phase I & II Construction						\$500,000	* \$500,000
Lift Station Reconstruction						\$1,000,000	* \$1,000,000
Ricketts Street Water Line Replacement Phase II					\$450,000		* \$450,000
Woods Street Water Line Replacement					\$100,000		\$100,000
Lamberth Road Water Line Replacement					\$85,000		\$85,000
Texoma Parkway Water Replacement - Phase IV					\$300,000		* \$300,000
S.H. Highway 289 Sewerline A						\$1,650,000	** \$1,650,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2011-2012	\$0	\$0	\$0	\$0	\$985,000	\$3,450,000	\$4,435,000

* Bonded

** SEDCO Funded

2013-2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Preliminary Engineering						TBD	* \$0
WWTP - Upgrade UV Disinfection System						\$600,000	\$600,000
WWTP Relief Headworks						TBD	* \$0
Eastside Outfall Return Sewer						\$500,000	* \$500,000
Texoma Parkway Water Replacement - Phase V					\$300,000		* \$300,000
Relief Sewer D-1						\$290,000	\$290,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2012-2013	\$0	\$0	\$0	\$0	\$350,000	\$1,440,000	\$1,790,000

* Bonded

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Process						TBD	* \$0
WWTP Automated Dissolved Oxygen Control						\$900,000	* \$900,000
Blalock Industrial Sewer Replacement						\$500,000	** \$500,000
South Sherman Trunk Sewer Replacement						\$135,000	\$135,000
Texoma Parkway Sewer Relief Main						\$200,000	\$200,000
U.S. Highway 75 South Water Crossing Replacement					\$138,000		\$138,000
S.H. Highway 289 Sewerline B						\$1,150,000	** \$1,150,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2013-2014	\$0	\$0	\$0	\$0	\$188,000	\$2,935,000	\$3,123,000

* Bonded

** SEDCO Funded

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Security Upgrade						\$150,000	\$150,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2014-2015	\$0	\$0	\$0	\$0	\$50,000	\$200,000	\$250,000

** SEDCO Funded

UTILITY GRAND TOTAL	\$0	\$0	\$0	\$0	\$4,198,000	\$10,250,000	\$14,448,000
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TOTAL CIP	\$1,175,000	\$4,775,000	\$6,378,000	\$3,430,000	\$4,198,000	\$10,250,000	\$30,206,000
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SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5718

Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2011; 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 introduce and hold the public hearing on the Ad Valorem Tax Rate proposed for the upcoming fiscal year, as mandated by revisions in the State of Texas Truth-In-Taxation Laws

Background

The effective tax rate is the rate that yields the same amount of revenue as the prior year on property that is taxed in both years. This year's effective tax rate is \$0.321407/\$100, with a rollback rate of \$0.393809/\$100 (adjusted for sales tax adjustment). At the Budget Workshop in June, the City Council directed that the actual total tax rate be set at \$0.320000 per \$100 valuation. The City will be using ad valorem taxes to pay debt service on Certificates of Obligation, so the tax rate is split between debt service, called Interest and Sinking (I&S), and a Maintenance & Operations (M&O) component. The I&S rate is \$0.030325/\$100 and the M&O rate will be \$0.289675/\$100. Since the proposed rate is less than the effective rate, this will be the final action on the tax rate adoption.

Origination

Assistant City Manager/CFO

Financial Consideration

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

Staff Recommendation

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

Alternatives

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

Attachments

Ordinance No. 5718

"2011 Property Tax Rates in CITY OF SHERMAN"

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5718

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 2011; 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 \$0.289675/\$100 Dollars (\$0.289675) and an Interest and Sinking (I&S) ad valorem tax of \$0.030325/\$100 Dollars (\$0.030325) on all taxable property situated within the corporate limits of the City of Sherman on the first day of January, A.D., 2011, and not exempt from taxation by the constitution and laws of the State of Texas, apportioned as follows, to-wit:

FOR GENERAL FUND EXPENDITURES, \$0.289675 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

FOR DEBT SERVICE EXPENDITURES, \$0.030325 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

SECTION 2. That a penalty shall be charged and collected from all persons who do not pay their taxes prior to the first day of February, 2012. Penalty charges shall be in accordance with the following schedule:

If paid in February, 2012	6%
If paid in March, 2012	7%
If paid in April, 2012	8%
If paid in May, 2012	9%
If paid in June, 2012	10%
If paid on or after July 1, 2012	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, 2012, 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 _____, 2011.

ADOPTED on this the _____ day of _____, 2011.

EFFECTIVE DATE on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

2011 Property Tax Rates in CITY OF SHERMAN

This notice concerns 2011 property tax rates for CITY OF SHERMAN. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's effective tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's rollback tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$6,536,324
Last year's debt taxes	\$0
Last year's total taxes	\$6,536,324
Last year's tax base	\$2,042,601,250
Last year's total tax rate	0.320000/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$6,065,641
+ This year's adjusted tax base (after subtracting value of new property)	\$1,887,211,327
= This year's effective tax rate (Maximum rate unless unit publishes notices and holds hearings.)	0.321407/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhance indigent health care expenditures)	\$9,809,470
+ This year's adjusted tax base	\$1,887,211,327
= This year's effective operating rate	\$0.519787/\$100
x 1.08 = this year's maximum operating rate	\$0.561369/\$100
+ This year's debt rate	\$0.030325/\$100
= This year's total rollback rate	\$0.591694/\$100
- Sales tax adjustment rate	\$0.197885/\$100
= Rollback tax rate	\$0.393809/\$100

Statement of Increase/Decrease

If CITY OF SHERMAN adopts a 2011 tax rate equal to the effective tax rate of 0.321407 per \$100 of value, taxes would decrease compared to 2010 taxes by \$-389,187.

Schedule A - Unencumbered Fund Balances

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

Type of Property Tax Fund	Balance
MAINTENANCE & OPERATIONS	\$5,473,908
INTEREST & SINKING	\$ 33,733

Schedule B - 2011 Debt Service

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

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2008 Cert. of Oblig.	\$190,000	\$164,529	\$0	\$354,529
2009 Cert. of Oblig.	\$166,667	\$148,227	\$0	\$314,894
2009A Cert. of Oblig.	\$120,000	\$121,013	\$0	\$241,013
Total Required for 2011 Debt Service				\$910,436
- Amount (if any) paid from funds listed in Schedule A				\$330,436
- Amount (if any) paid from other resources				\$0
- Excess collections last year				\$0
= Total to be paid from taxes in 2011				\$580,000
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2011				\$0
= Total Debt Levy				\$580,000

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$3,784,690 in additional sales and use tax revenues.

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

Name of person preparing this notice: JOHN W. RAMSEY RTA
Title: TAX ASSESSOR - COLLECTOR GRAYSON COUNTY
Date Prepared: 08/02/2011



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5719
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties
within the C-1 (Retail Business) District at 4600 West Houston Street
(First National Bank of Tom Bean, Owners; Ronnie Bridges, Representative)

Issue

To consider the request of First National Bank of Tom Bean (Owners) and Ronnie Bridges (Representative) concerning the property at 4600 West Houston Street, being Lot 3C, Block 1, Seasons West Addition, Replat of Lot 3, Block 1, for a zone change and site plan from an SF-1 (Single Family Residential) District and R-1 (One Family Residential) District to a C-1 (Retail Business) District

Background

The property is located at 4600 West Houston Street, between F.M. 1417 and Friendship Road; Sherman Roofing was the former tenant. The property was annexed into the City on two separate occasions. The first section along the highway was annexed on June 21, 1997 as an R-1 (One Family Residential) District; then another part was annexed on October 2, 2006 as an SF-1 (Single Family Residential) District. The business was located on this lot when it was annexed into the city limits of Sherman on October 2, 2006. The exterior finish of the buildings is metal. First National Bank of Tom Bean recently acquired the property, it has been used as a commercial property in the past and they would like to rent or sell the property as commercial. It will be a condition of the sale of the property to upgrade the exterior finish on the buildings to the masonry requirements.

Origination

First National Bank of Tom Bean (Owners) and Ronnie Bridges (Representative)

Board Recommendation

At the August 16, 2011 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5719

Location Map

Photograph

Site Plan

P&Z Communication Form

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5719

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 4600 WEST HOUSTON STREET (FIRST NATIONAL BANK OF TOM BEAN, OWNERS; RONNIE BRIDGES, REPRESENTATIVE); 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, from and after the passage of this ordinance, the following described property shall be in the C-1 (Retail Business) District at 4600 West Houston Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 3C, Block 1, Seasons West Addition, Replat of Lot 3, Block 1

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

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 _____, 2011.

ADOPTED on this the _____ day of _____, 2011.

EFFECTIVE DATE on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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





Zoning - 4600 W. Houston

Legend

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



City of Sherman, Texas
Developmental Services Department



1 inch = 86 feet

4600 W. Houston











City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
August 16, 2011
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Vacant, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Richard Barber, Commissioner

4600 West Houston Street
Being Lot 3C, Block 1, Seasons West Addition, Replat of Lot 3, Block 1
Zone Change, Site Plan & Exception

Requested Action/Proposed Use:

Planning and Zoning Commission

Zone change and site plan approval from an SF-1 (Single Family Residential) District and R-1 (One Family Residential) District to a C-1 (Retail Business) District.

Board of Adjustments

Exception to allow existing building finishes in lieu of the required masonry or equivalent on all sides of all buildings visible from the front street right-of-way for up to 4 years or occupancy whichever occurs first in a C-1 (Retail Business) District.

Background:

The property is located at 4600 West Houston Street, between FM 1417 and Friendship Road; Sherman Roofing was the former tenant. The business was located on this lot when it was annexed into the City limits of Sherman on October 2, 2006 as a SF-1 (Single Family Residential) District and June 21, 1997 as an R-1 (One Family Residential) District. The exterior finish of the buildings are metal.

Adjacent Zoning:

SF-1 (Single Family Residential) District, R-1 (One Family Residential) District and C-1 (Retail Business) District.

Origination:

First National Bank of Tom Bean (Owners) and Ronnie Bridges (Representative)

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:

5

Objections Received:

0

Attachments:

Location map

Photographs

Site Plan

Staff Review Letter

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services

**STAFF REVIEW LETTER**

August 11, 2011

First National Bank of Tom Bean
PO Box 98
Tom Bean, TX 75489

Ronnie Bridges
PO Box 98
Tom Bean, TX 75489

Dear Applicants,

The request for a zone change and site plan approval from an SF-1 (Single Family Residential) District and R-1 (One Family Residential) District to a C-1 (Retail Business) District for the property located at 4600 West Houston Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2011 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 and the Commercial Tree and Landscaping Ordinance must be followed. Wall finishes shall be masonry or masonry veneer.
2. A minimum 6' fence or screening device shall be provided adjacent to any residentially zoned property.
3. Fire access, lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
4. Parking is permitted on paved surfaces only (asphalt or concrete).
5. 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:

6. Any driveway modifications will require TxDOT approval.
7. All lots shall have separate water service.

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 and Zoning Commission.

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 Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Don Keene, Exec. Dir. of Planning & Public Works

Nathan Huffman, Fire Marshal
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5720

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 820 North Sam Rayburn Freeway (Concord Village Apartments, Owner; Lisa Hankey, Representative; Gary Roland, Draftsman; Underwood Drafting and Surveying, Surveyors)

Issue

To consider the request of Concord Village Apartments (Owner), Lisa Hankey (Representative), Gary Roland (Draftsman), and Underwood Drafting and Surveying (Surveyors) concerning the property at 820 North Sam Rayburn Freeway, being 0.321 acres in the J.B. McAnair Survey, Abstract No. 763, for a zone change and site plan from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District for an addition to the existing apartment complex and an accessory building

Background

The property is located at 820 North Sam Rayburn Freeway, between Birge and Brockett Streets; Concord Village Apartments is the tenant. The owner would like to rezone a 0.321 acre tract to the north for an addition to the existing apartment complex. The addition will be a twelve (12) bedroom apartment building with eight (8) units; eighteen (18) additional parking spaces will be added. The exterior of the building will match that of the existing buildings, which is brick. They would also like to construct a 16' x 20' accessory building near the east property line.

Origination

Concord Village Apartments (Owner), Lisa Hankey (Representative), Gary Roland (Draftsman), and Underwood Drafting and Surveying (Surveyors)

Board Recommendation

At the August 16, 2011 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5720; Location Map; Photograph; Site Plan; Letters; P&Z Communication Form; Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5720

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 R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 820 NORTH SAM RAYBURN FREEWAY (CONCORD VILLAGE APARTMENTS, OWNER; LISA HANKEY, REPRESENTATIVE; GARY ROLAND, DRAFTSMAN; UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS); 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, from and after the passage of this ordinance, the following described property shall be in the R-2 (Multi-Family Residential) District at 820 North Sam Rayburn Freeway, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763 and being that tract of land described as Parcel No. 2 in General Warranty Deed from Lisa M. Hankey to Ray Jean Hankey, Trustee of the Shannon Michelle O'Donley Irrevocable Trust as recorded in Volume 4752, Page 259, Real Property Records, Grayson County, Texas and being described by metes and bounds as follows:

BEGINNING at a ½" steel rod set at northeast corner of said Parcel No. 2, said rod also being in the southwesterly right-of-way line of the Texas Pacific Railroad;

THENCE South 40°05'26" East with said right-of-way line a distance of 70.61 feet to a found ½" steel rod at the northeast corner of Parcel No.1 as described in said Volume 4752, Page259;

THENCE North 89°19'40" West with the north line of said Parcel No. 1, a distance of 275.87 feet to a found ½" steel rod at the northwest corner of said Parcel No. 1, also being the southwest corner of said Parcel No. 2;

THENCE North 01°35'17" East with the west line of said Parcel No. 2, a distance of 57.55 to the northwest corner of said Parcel No. 2;

THENCE South 88°18'42" East with the north line of said Parcel No. 2, a distance of 228.89 feet to the **Point-of-Beginning and containing 0.321 acres of land.**

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

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 _____, 2011.

ADOPTED on this the _____ day of _____, 2011.

EFFECTIVE DATE on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

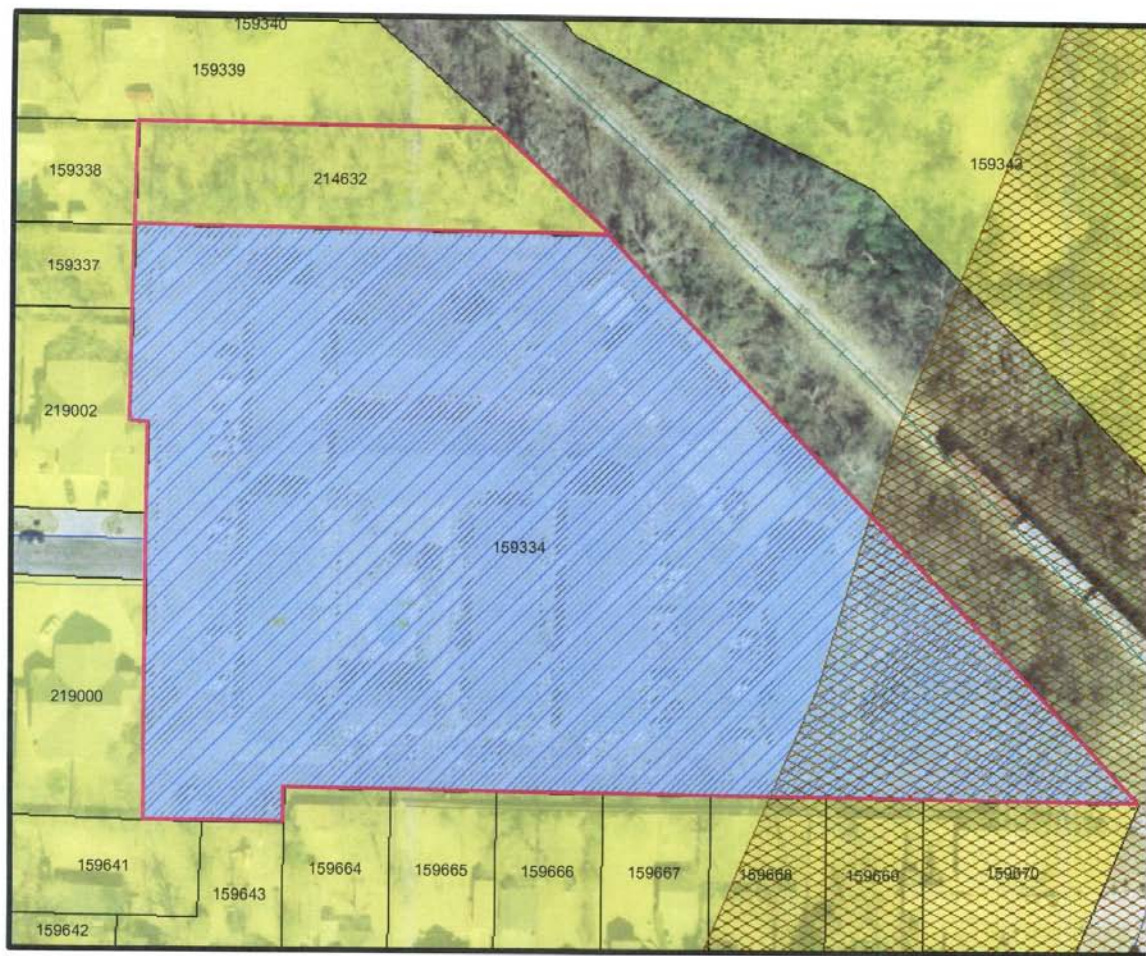


City of Sherman, Texas
Developmental Services Department

820 Sam Rayburn Freeway North



1 inch = 107 feet



Zoning - 820 Sam Rayburn Freeway North

Legend

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



City of Sherman, Texas
Developmental Services Department



1 inch = 86 feet

820 N. Sam Rayburn





BACK ELEVATION



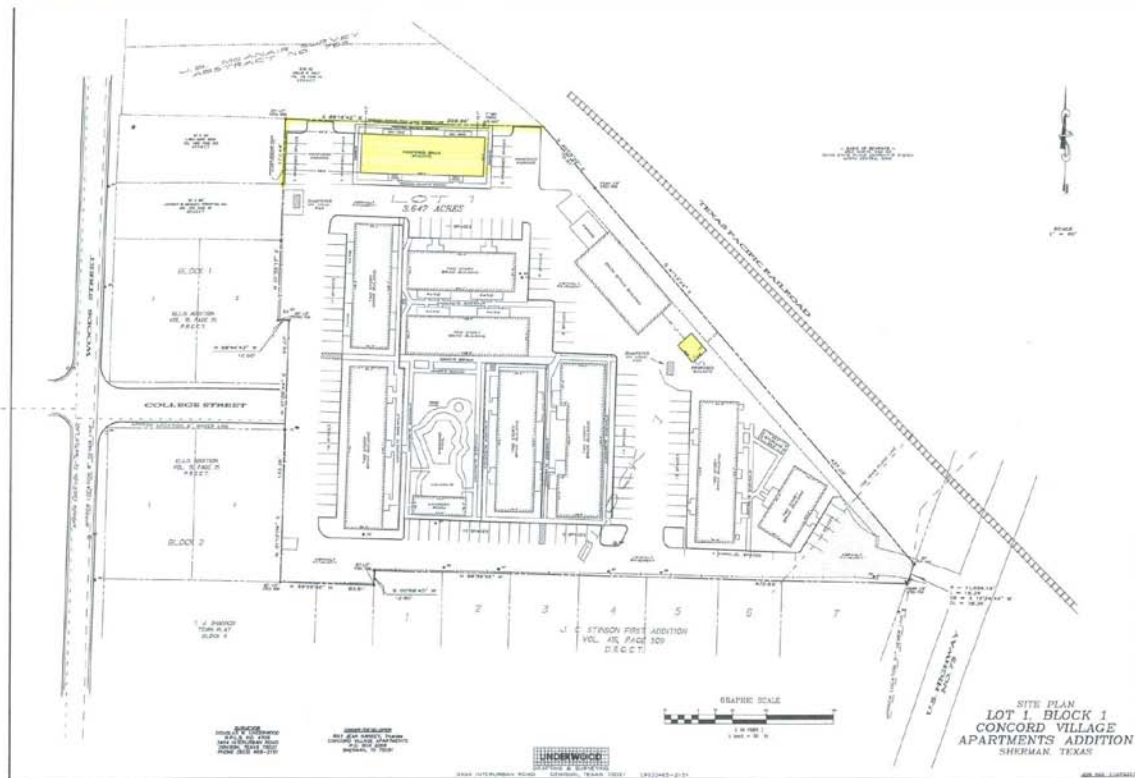
FENCE AREA



END ELEVATION



FRONT ELEVATION



Collin Daly
1285 Eastridge Circle
Logan, UT 84321
August 8, 2011

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, TX 75091-1106

AUG 10 REC'D

Via fax and USPS Mail

Dear Mr. Shadden;

This letter serves as our protest to the proposed R-1 (One Family Residential) to R-2 (Multi-Family Residential) zoning change that is being brought before the *Planning and Zoning Commission* on Tuesday, August 16, 2011. The 0.321 acres in the J.B. McAnair Survey, Abstract No. 763 is immediately adjacent to the Concord Village Apartments located at 820 North Sam Rayburn Freeways to the south and our property at 921 North Woods Street to the north.

It is our opinion that the proposed zoning change from an R-1 District to an R-2 District of 0.321 acres by the aforementioned Concord Village Apartments is a dramatic change that will effectively and dramatically affect the look and feel of the surrounding residential community. Further, that the value of the surrounding residences will suffer from the loss of privacy and the change in nature of the nearby community, as well as the value and the ability of residents to sell their homes located nearby.

The proposal by Concord Village Apartments would effectively result in an invasion of privacy to the surrounding single family homes as windows of residences homes are located within line of sight of the proposed apartment windows situated above fence lines. Additionally, a loss of privacy would be anticipated by a multi-story apartment building overlooking adjacent properties yards and outdoor living spaces. In particular, the rear outdoor living space of the residence located at 921 North Woods Street, which has an exceptionally deep and private lot that is a strong selling feature of the home. Our home faces the possibility of a multi-story apartment complex located within 25 feet of our property line, running along much of the length of the rear lot.

It seems evident that exterior safety and convenience lighting provided by the Concord Village Apartments would create light pollution in the areas located nearby where previously none existed. As of now, there is sufficient space and vegetative growth such that light pollution created by exterior lighting provided by the Concord Village Apartments is not any more disruptive than other ambient sources of lights within the City of Sherman.

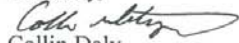
Lastly, we note that the proposed rezoning as per Section 6.3 as a Multi-Family district states that this district consists mainly of areas of two-family or multi-family development. We disagree. Our property is actually one among many single family residences in the neighborhood and we feel it is not an accurate description of the nature of the neighborhood. For example, the area along adjacent streets to the Concord Village Apartments, specifically West Brockett Street,

North Woods Street, and West Birge Street are in character, look, and feel of that of single family residences. The Concord Village Apartments, as it currently exists set back from North Woods Street, does not significantly compromise the residential look, feel, and character from the street nor is the building highly visible from anyone's private property. This proposed expansion would dramatically change the look and character of the neighborhood and irrevocably impact the single family residences along the North Woods Street and possibly West Birge Street locations. When we purchased our house at 921 North Woods Street, we researched the adjacent property as most potential buyers would, and felt secure in the fact that it was zoned one family residential.

It is our position that the Zoning Commission should deny the zoning change from R-1 to R-2 for these reasons. Should the Commission consider the zoning change, we also protest Concord Village's request for a waiver of the requirement for a stone masonry wall. Concord Village requests an exception to the *Board of Adjustments* under Ordinance No. 2280 Section 6.3 Subsection (7) to allow an addition of a 6' wooden privacy fence in lieu of a required masonry perimeter wall. We sincerely believe this waiver is not acceptable and should not be granted. The reasoning behind our opinion is two-fold. First, the existing wood fence around the current property is unsightly in areas and requires much upkeep which apparently Concord Village is currently unable to maintain. For example, the existing wooden fence which is situated to the west of Concord Village Apartments, adjacent to the property located at 917 North Woods Street, is in need of maintenance. It is our understanding that a masonry wall requires less maintenance and is more durable than a wooden fence. Secondly, the requirement for a 6' high masonry perimeter wall is insufficient in height for privacy of nearby residences. As we have not had the opportunity to review the required site plan and to our knowledge a line of sight study has not been provided by the Concord Village Apartments, determination of an appropriate masonry wall height can only be estimated, at 10' to 15', or such height that privacy sight lines and light pollution will be abated. We would further hope that the style and color of the masonry wall on the adjacent resident's property be in agreement as well as any plans for removal of the current fence that exists at the property line.

Thank you for your time and consideration in the review of our concerns and disapproval of both the zoning change and masonry wall exception. We feel it should be easy for all parties concerned to see the negative impacts that these changes will have on the neighborhood and surely the houses that are sited within 200' of the 0.321 acres in question.

Sincerely,



Collin Daly

Owner of 921 North Woods Street, Sherman TX 75092

SHERMAN



PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
Telephone No. (903) 892-7229
FAX No. (903) 892-7274

July 29, 2011
Reid & Jeanette Wightman
927 N. Woods
Sherman, TX 75092

AUG 10 REC'D

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, August 16, 2011 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Concord Village Apartments (Owner), Lisa Hankey (Representative), Gary Roland (Draftsman) and Underwood Drafting and Surveying (Surveyors) concerning the property at 820 North Sam Rayburn Freeway, being 3.647 acres in the J.B. McAnair Survey, Abstract No. 763

The request is as follows:

Planning and Zoning Commission

R-2 Zoning: 0.321 acres in the J.B. McAnair Survey, Abstract No. 763, zone change and site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District for an addition to the existing apartment complex and an accessory building.

Board of Adjustments

Exception under Ordinance No. 2280, Section 6.3, Subsection (7) to allow an addition to a 6' wood privacy fence, in lieu of the required masonry perimeter wall to surround the development in an R-2 (Multi-Family Residential) District/O-1.2 (Sam Rayburn) Overlay District.

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you can not attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106

Scott Shadden / PR
Secretary, Planning & Zoning Board

PLEASE SEE ATTACHED RESPONSE.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

P.O. BOX 1106 • SHERMAN, TEXAS 75091-1106 (903) 892-7206

August 9, 2011

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, TX 75091-1106

Dear Mr. Shadden;

My husband and I cannot attend the Planning and Zoning Commission meeting on Tuesday, August 16, 2011.

This letter serves as our protest regarding a matter coming to your attention at that meeting per your letter of July 29, 2011 regarding the request of Concord Village Apartments (Owner), Lisa Hankey (Representative), Gary Roland (Draftsman) and Underwood Drafting and Surveying (Surveyors) concerning property at 820 North Sam Rayburn Freeway, being 3.647 acres in the J.B. McAnair Survey, Abstract No. 763

Specifically, their request to change an R-1 (family Residential) District to an R-2 (Multi-Family Residential) District, per your letter:

Planning and Zoning Commission

R-2 Zoning: 0.321 acres in the J.B. McAnair Survey, Abstract No. 763, zone change and site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential District to an R-2 (Multi-family Residential) District for an addition to the existing apartment complex and an accessory building.

Board of Adjustments

Exception under Ordinance No. 2280, Section 6.3, Subsection (7) to allow an addition to a 6' wood privacy fence, in lieu of the required masonry perimeter wall to surround the development in an R-2 (Multi-Family Residential) District/O-1.2 (Sam Rayburn Overlay District.

Our home's location at 927 North Woods is one lot north from the proposed apartment building. This re-zoning to a multi-family residence will cause irreparable damage to our home values along the 900 block of North Woods Street.

Our ability to sell our properties as single family residences will be made much more difficult by having a looming modern apartment building intruding into the space as it overlooks the private spaces of our back yards. The loss of privacy and the prospect of continuous lighting are unacceptable to us and to our neighbors along the block. And, it will be unacceptable to future potential buyers of our properties.

I believe at some point in the past the property in question was purchased from a homeowner on North Woods by dividing the back yard and selling the back portion to the current owner. Re-zoning was apparently not requested prior to the purchase, and so neighbors near that property have been anxious for some time as to how that property would be used in the future. The future is here and we are writing to express our concern and our wish that this property not be used to build a multi-family residence. I am sorry that they did not check with neighbors prior to the purchase, but that is the situation we find ourselves dealing with today.

Because the back yards near such an apartment building would be places for children to play, for families to entertain friends, having windows so close to a mutual fence will create both an invasion of privacy for the homeowners, and also a source of unwanted disturbance for the residences living in the apartment building. There is an added concern of privacy in that our yards are large enough for buyers to consider the size of the property to put in a swimming pool, but having an apartment complex overlooking a private pool would not be acceptable.

The building is being squeezed into a tight space, where all the properties surrounding it currently feel separate and private from each other because of our lawns. Our back yards are especially deep, giving us the feeling of living outside the city. With a two story apartment building overlooking our yards that selling feature is gone forever. This large intrusive 'presence' will utterly change the feeling of the neighborhood, especially this block of North Woods Street.

Though there are a few multi-family dwellings in the J.B. McAnair Survey, they all look like single-family homes, not like modern apartment complexes. These duplexes or fourplexes are built in the style of the 20's, 30's, and 40's blending into the neighborhood's style. These buildings are on properties that include significant lawns surrounding the buildings. The current proposed building for Concord Village appears the fill up the whole piece of property, squeezing it into the space. There is no lawn creating the feeling of space between neighbors that these other multi-family properties have. It is a jarring and unwelcome intrusion upon the character of the entire neighborhood. Though there may be a few multi-family properties in our neighborhood, none of them are apartment complexes like Concord Village.

If home owners along North Woods Street have difficulty selling their properties, because of this apartment building, they may conclude that the only way forward would be to sell their homes and land to Concord Village to be re-zoned and used for more apartment buildings, further intruding upon the character of the neighborhood. This too is of great concern as a possibility.

We do have a suggestion, since Concord Village Apartments owns the property and wishes to do something useful with it. It could be turned into 'green space' surrounded by a proper fence, with a pavilion covering tables and chairs, including lawn and garden around it. This would give the residences of Concord Village a nice outdoor space to enjoy. This would be an attractive feature for both the apartment complex and their neighbors and would not have a negative impact on property values or privacy.

We ask the Planning and Zoning Commission to please consider carefully the dramatic and permanent change you will be making to our neighborhood, and we request that you deny the request of Concord Village Apartments and Lisa Hankey to re-zone 0.321 acres in the J.B. McAnair Survey, Abstract No. 763 from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District.

We appreciate you informing us of this issue and thank you for considering our concerns and suggestion. We would appreciate hearing from you what your decision is.

Sincerely,

Reid Nelson Wightman, M.A.

Jeanette Wightman

Reid and Jeanette Wightman
927 North Woods Street
Sherman, Texas 75092

Collin Daly
1285 Eastridge Circle
Logan, UT 84321

August 16, 2011

AUG 16 REC'D

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, TX 75091-1106

Via fax

Dear Mr. Shadden;

I recently sent a letter serving as our protest to the proposed R-1 (One Family Residential) to R-2 (Multi-Family Residential) zoning change that is being brought before the Planning and Zoning Commission on Tuesday, August 16, 2011. The 0.321 acres in the J.B. McAnair Survey, Abstract No. 763 is immediately adjacent to the Concord Village Apartments located at 820 North Sam Rayburn Freeways to the south and our property at 921 North Woods Street to the north. This letter serves as an addendum to our originally sent letter dated August 8, 2011.

I apologize for this late response as we received in the mail, just a couple days ago, a site plan provided by Concord Village of the proposed building(s).

We would ask that the zoning and planning board carefully review this provided site plan specifically in regards to the Board of Adjustments under Ordinance No. 2280 Section 6.3 Subsection (1): "Minimum requirements for lot area, width and setback." To our untrained eye the rear of the proposed building, and by "rear", we mean according to the definitions of "rear" found in Section 16 of ARTICLE 14.05 ZONING-BLALOCK INDUSTRIAL PARK, that the minimum setback is not being adhered, nor is Concord Village requesting an exemption of this requirement. The setback minimums for rear, as is described in Section 6.3 Subsection (1), is 25 feet from the property line to the building.

We ask that the Planning and Zoning Board please take this consideration into account when reviewing the proposed rezoning.

Sincerely,



Collin Daly
Owner of 921 North Woods Street, Sherman TX 75092

Linda Boyle
917 N Woods St.
Sherman, TX 75092

August 15, 2011

AUG 15 REC'D

To: Scott Shadden
Secretary, Planning and Zoning Board
Sherman, TX 75090

Dear Mr. Shadden,

Please accept this document as a protest to the Proposal R-1 (One Family Residential) to R-2 (Multi-Family Residential) zoning change that has been submitted for approval to the Planning and Zoning Commission on Tuesday, August 16 2011. The property is a 0.321 acre lot in the J.B. McAnair Survey, Abstract No. 763. It is located just north of the Concord Village Apartment Complex, located at 820 North Sam Rayburn Freeway and directly east of my property, located at 917 North Woods St.

It is my opinion that if this zoning change is allowed, it will greatly impact the surrounding residences in the area. I personally enjoy the privacy and quietness that my backyard provides. By allowing Concord Village Apartments to expand, it will not only completely take away my privacy, but the noise from vehicles coming and going will be very disruptive, not to mention the lighting at night would completely illuminate the surrounding properties.

The proposal shows that parking stalls would also be created just on the other side of my property, allowing vehicles to park right up to the fence that separates the two properties. The fence is 6 feet tall and has wooden slats. This would allow engine noise and lighting from vehicles to seep through the fence, making it extremely invasive and noisy.

I purchased my home four years ago. One of the reasons I chose this property was for the backyard. It's secluded, quiet and has been very enjoyable. Allowing Concord Village Apartments to expand not only takes away from this wonderful feature, but will decrease the value of my property. It will no longer feel like a single family residence, but more of a yard that's at the end of a parking lot.

If it is decided that Concord Village Apartment's may move forward with expansion, please consider that a 10 foot concrete wall must be constructed instead of the existing 6 foot wood fence. This would prevent some of the noise and lighting from escaping onto the surrounding properties.

It is my opinion that there is only one party who benefits from the proposed zoning change, being Concord Village Apartments. The property owners who surround Concord Village Apartments will be highly inconvenienced and will suffer greatly. I ask that you deny the proposed zoning change and allow the current residents to continue to enjoy their quiet and private environment. Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script that reads "Linda M. Boyle". The signature is written in dark ink and is positioned above the printed name.

Linda M. Boyle



VIEW FROM CONCORD VILLAGE APARTMENTS
Proposed PARKING stalls to BUTT UP
AGAINST FENCE.



VIEW FROM 917 N. WOODS ST.
ENGINE NOISE AND lighting would
SEEP THROUGH FENCE.

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
August 16, 2011
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Vacant, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Richard Barber, Commissioner

820 North Sam Rayburn Freeway
Being 3.647 acres in the J.B. McAnair Survey, Abstract No. 763
Plats, Zone Change, Site Plan & Exception

Requested Action/Proposed Use:

Planning and Zoning Commission

Preliminary and Final Plats of Concord Village Apartments Addition

Planning and Zoning Commission

R-2 Zoning: 0.321 acres in the J.B. McAnair Survey, Abstract No. 763, zone change and site plan approval from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District for an addition to the existing apartment complex and an accessory building.

Board of Adjustments

Exception to allow an addition to a 6' wood privacy fence, in lieu of the required masonry perimeter wall to surround the development in an R-2 (Multi-Family Residential) District/O-1.2 (Sam Rayburn) Overlay District.

Background:

The property is located at 820 North Sam Rayburn Freeway, between Birge and Brockett Streets; Concord Village Apartments is the tenant. The owners would like to plat the property into one lot and rezone a 0.321 acre tract to the north for an addition to the existing apartment complex. The addition will be a 12-bedroom apartment building with 8 units; 18 additional parking spaces will be added. The exterior of the building will match the existing buildings; which are brick. They would also like to construct a 16'x20' accessory building near the east property line.

Adjacent Zoning:

R-1 (One Family Residential) District.

Origination:

Concord Village Apartments (Owner), Lisa Hankey (Representative), Gary Roland (Draftsman) and Underwood Drafting and Surveying (Surveyors)

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:

24

Objections Received:

2

Attachments:

Location map

Photographs

Site Plan

Staff Review Letter

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services

SHERMAN



STAFF REVIEW LETTER

August 11, 2011

Lisa Hankey
PO Box 2066
Sherman, TX 75091

Underwood Drafting & Surveying
3404 Interurban Rd.
Denison, Texas 75020

Dear Applicants,

The request for zone change and site plan approval from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District for an addition to the existing apartment complex and an accessory building for the property located at 820 North Sam Rayburn Freeway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2011 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 R-2 (Multi-Family Residential) District and the Residential Tree and Landscaping Ordinance must be followed. Wall finishes shall be masonry or masonry veneer.
2. A minimum 6' masonry perimeter wall shall be provided to surround the development unless an exception is granted.
3. Fire lanes, access and codes shall be coordinated with the Fire Marshal, (903.892.7267).
4. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
5. Parking is permitted on paved surfaces only.
6. 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.

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 and Zoning Commission.

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 Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Don Keene, Exec. Dir. of Planning & Public Works
Nathan Huffman, Fire Marshal
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
P.O. BOX 1106 • SHERMAN, TEXAS 75091-1106 (903) 892-7206



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. B.5

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5718, 5719 and 5720

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5718

Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2011; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5719

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 4600 West Houston Street (First National Bank of Tom Bean, Owners; Ronnie Bridges, Representative)

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5720

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 820 North Sam Rayburn Freeway (Concord Village Apartments, Owner; Lisa Hankey, Representative; Gary Roland, Draftsman; Underwood Drafting and Surveying, Surveyors)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. B.6

CONSENT AGENDA

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

C.3 * RESOLUTION NO. 5607

Authorizing the Execution of a Deed for the Resale of One Tract of Land and its Improvements located at 802 North Grant Drive within the Sherman City Limits Seized for Delinquent Taxes

C.4 * RESOLUTION NO. 5608

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Texoma Area Paratransit System, Inc., the Grayson County Crisis Center, the Boys & Girls Club of Sherman, Inc., the Child & Family Guidance Center of Texoma, the City of Sherman Parks & Recreation Department, and the MasterKey Ministries of Grayson County, Inc. for the Use of Community Development Block Grant Funds

C.5 * RESOLUTION NO. 5609

Authorizing the Lease of an Annual Supply of Uniforms for Various City Departments through the Texas Local Government Purchasing Cooperative (BuyBoard)

D.1 * REQUEST TO ADVERTISE

Annual Contract for Water and Sewer Parts and Supplies

D.2 * OTHER BUSINESS

Consider Request of St. Mary's Catholic Parish to Temporarily Close Certain Streets for their Annual Fall Fest on Sunday, September 25, 2011

D.3 * OTHER BUSINESS

Final Plat Approval of Concord Village Apartments Addition; being 3.647 Acres in the J.B. McAnair Survey, Abstract No. 763; Concord Village Apartments, Owner; Lisa Hankey, Representative; Gary Roland, Draftsman; Underwood Drafting and Surveying, Surveyors (820 North Sam Rayburn Freeway)

D.4 * OTHER BUSINESS

Site Plan Approval for Fisher Control International, Inc., Owner; Fisher Controls/Emerson, Tenant; Ramiro Pesina, Representative; and Nathan Gray, NBS Drafting and Design, Architect under Ordinance No. 2252, Article IV, Section 410(2)(j) for Two (2) Guard Stations in the Blalock Industrial Park District at 4725 U.S. Highway 75 South



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. C.1

RESOLUTION NO. 5605

Approving and Adopting a Five-Year Capital Improvement Program for the City of Sherman, Texas

Issue

To approve and adopt the City of Sherman's Capital Improvement Program 2011-2016.

Background

Article V, Section 10 of the City Charter requires that the City Council, by resolution, adopt a Capital Improvement Program. As required, before consideration of the resolution, the City published a summary of the program and gave notice of a public hearing in a newspaper of general circulation in the City.

Origination

Planning and Public Works

Financial Consideration

General Fund	\$15,758,000
Utility Fund	\$14,448,000
Total Funding for 2011-2016	\$30,206,000

Staff Recommendation

The staff recommends approval of this item following the public hearing being conducted under Item B.1 on this agenda.

Attachments

Resolution No. 5605

Summary of the Capital Improvement Program 2011-2016

Prepared by:
Don Keene, Director of Public Works

Approved by:
George Olson, City Manager

RESOLUTION NO. 5605

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF SHERMAN, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council is charged with providing a five-year capital improvement program for the City of Sherman, pursuant to Article V of the Charter of said City; and;

WHEREAS, the City Manager has provided to the City Council such a program in a timely fashion; and

WHEREAS, the City Council met to review said plan on August 1, 2011, at a regular City Council meeting;

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

SECTION 1. That the Five-Year Capital Improvement Program, attached hereto as Exhibit "A" and incorporated herein for all intents and purposes, be and the same is hereby in all things approved and adopted as the Capital Improvement Program of the City of Sherman, Texas.

SECTION 2. That the effective date of this resolution shall be the 6th day of September, 2011.

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 _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Exhibit "A"

GENERAL SERVICES

2011 - 2012

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Travis Street Improvements - Phase I - Taylor to Lamberth - ROW and Utilities		\$100,000					\$100,000
Soil Conservation Emergency Action Plan Study	\$50,000						\$50,000
GIS System			\$100,000				\$100,000
Hawn Spray Ground Rehab				\$20,000			\$20,000
OSP Quad Backstop Nets				\$45,000			\$45,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Drainage Improvement Projects	\$125,000						\$125,000
Total 2011-2012	\$175,000	\$150,000	\$100,000	\$65,000	\$0	\$0	\$490,000

2012-2013

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Travis Street Improvements - Phase 2 - Lamberth to Canyon Grove (ROW and Utilities)		\$100,000					\$100,000
Northeast Fire Station Site			\$1,000,000			*	\$1,000,000
Southwest Fire Station			\$5,200,000			*	\$5,200,000
Martin Luther King Park Playground				\$80,000			\$80,000
Martin Luther King Park Restroom				\$140,000			\$140,000
Hawn Skateboard Renovation - Phase II				\$70,000			\$70,000
MLK Park Athletic Field Lighting				\$150,000			\$150,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2012-2013	\$250,000	\$150,000	\$6,200,000	\$440,000	\$0	\$0	\$7,040,000

* Bonded

2013-2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Travis Street Improvements - Phase 3 - Canyon Grove to North Creek (ROW and Utilities)		\$75,000					\$75,000
Fallon Drive Construction - Preliminary Engineering and ROW		\$100,000					\$100,000
Starlight Alley Rebuild		\$350,000					\$350,000
West Hill Cemetery Building & Fencing			\$40,000				\$40,000
Hawn Park Pavilion				\$75,000			\$75,000
Rosedale Park Field Lighting				\$40,000			\$40,000
Felder Park Basketball Court Renovation and Playground Improvements				\$140,000			\$140,000
Cherry Park Playground				\$150,000			\$150,000
Hawn Park Field Lighting				\$200,000			\$200,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2013-2014	\$250,000	\$575,000	\$40,000	\$605,000	\$0	\$0	\$1,470,000

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Cypress Grove Rd. Rebuild - Rex Cruse to Redbud		\$600,000					\$600,000
Fallon Drive West Construction to U.S. Hwy 75		\$1,500,000					\$1,500,000
Rosedale Park Restroom				\$140,000			\$140,000
Rosedale Park Playground				\$60,000			\$60,000
Hawn Park Sprayground Expansion				\$300,000			\$300,000
Recreation Center Study				\$40,000			\$40,000
Old Settlers Park - Phase III Field Renovation				\$1,000,000			\$1,000,000
GIS System			\$20,000				\$20,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Recreation Center			TBD				\$0
Total 2013-2014	\$250,000	\$2,150,000	\$20,000	\$1,540,000	\$0	\$0	\$3,960,000

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Fairview Park Spray Ground and Splash Expansion				\$500,000			\$500,000
U.S. Highway 75 Fallon Drive Ramps		\$1,000,000				**/**	\$1,000,000
Shady Oaks Drive Reconstruction		\$700,000					\$700,000
Hillcrest Park Renovation				\$150,000			\$150,000
Fairview Park Pavilions				\$50,000			\$50,000
Ely Park Playground				\$80,000			\$80,000
GIS System			\$18,000				\$18,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2014-2015	\$250,000	\$1,750,000	\$18,000	\$780,000	\$0	\$0	\$2,798,000

** SEDCO Funded

***TxDOT Participation

GENERAL GRAND TOTAL	\$1,175,000	\$4,775,000	\$6,378,000	\$3,430,000	\$0	\$0	\$15,758,000
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UTILITY SERVICES

2011-2012

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
S.H. Highway 289 Waterline					\$550,000		** \$550,000
WWTP - Biosolids Engineering, Design and Construction						\$1,200,000	*/1 \$1,200,000
WWTP - Relief Headworks Preliminary Engineering and Design						\$550,000	* \$550,000
WWTP - Drain Line						\$75,000	\$75,000
WWTP Storm Water Storage Contingency						\$400,000	* \$400,000
Gallagher Tower Evaluation					\$50,000		\$50,000
WTP - Flocculation Basin and Piping Relining					\$500,000		* \$500,000
Water Treatment Plant 2nd Feed - Phase I & II					\$1,500,000		* \$1,500,000
Utility Main Oversizing					\$25,000		\$25,000
TOTAL 2010-2011	\$0	\$0	\$0	\$0	\$2,625,000	\$2,225,000	\$4,850,000

* Bonded

** SEDCO Funded

1 Under Technological Review

2012-2013

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals	
WWTP - Replace #3 Bar Screen						\$250,000	*	\$250,000
WWTP - Headworks Variable Frequency Drive Upgrade - Phase I & II Construction						\$500,000	*	\$500,000
Lift Station Reconstruction						\$1,000,000	*	\$1,000,000
Ricketts Street Water Line Replacement Phase II					\$450,000		*	\$450,000
Woods Street Water Line Replacement					\$100,000			\$100,000
Lamberth Road Water Line Replacement					\$85,000			\$85,000
Texoma Parkway Water Replacement - Phase IV					\$300,000		*	\$300,000
S.H. Highway 289 Sewerline A						\$1,650,000	**	\$1,650,000
Utility Main Oversizing					\$50,000	\$50,000		\$100,000
TOTAL 2011-2012	\$0	\$0	\$0	\$0	\$985,000	\$3,450,000		\$4,435,000

* Bonded

** SEDCO Funded

2013-2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Preliminary Engineering						TBD	* \$0
WWTP - Upgrade UV Disinfection System						\$600,000	\$600,000
WWTP Relief Headworks						TBD	* \$0
Eastside Outfall Return Sewer						\$500,000	* \$500,000
Texoma Parkway Water Replacement - Phase V					\$300,000		* \$300,000
Relief Sewer D-1						\$290,000	\$290,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2012-2013	\$0	\$0	\$0	\$0	\$350,000	\$1,440,000	\$1,790,000

* Bonded

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Process						TBD	* \$0
WWTP Automated Dissolved Oxygen Control						\$900,000	* \$900,000
Blalock Industrial Sewer Replacement						\$500,000	** \$500,000
South Sherman Trunk Sewer Replacement						\$135,000	\$135,000
Texoma Parkway Sewer Relief Main						\$200,000	\$200,000
U.S. Highway 75 South Water Crossing Replacement					\$138,000		\$138,000
S.H. Highway 289 Sewerline B						\$1,150,000	** \$1,150,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2013-2014	\$0	\$0	\$0	\$0	\$188,000	\$2,935,000	\$3,123,000

* Bonded

** SEDCO Funded

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Security Upgrade						\$150,000	\$150,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2014-2015	\$0	\$0	\$0	\$0	\$50,000	\$200,000	\$250,000

** SEDCO Funded

UTILITY GRAND TOTAL	\$0	\$0	\$0	\$0	\$4,198,000	\$10,250,000	\$14,448,000
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TOTAL CIP	\$1,175,000	\$4,775,000	\$6,378,000	\$3,430,000	\$4,198,000	\$10,250,000	\$30,206,000
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SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. C.2

RESOLUTION NO. 5606

Authorizing the Execution of an Advance Funding Agreement between the City of Sherman and the State of Texas, Acting By and Through the Texas Department of Transportation, for a Transportation Enhancement Project (Downtown Sherman Streetscape Project)

Issue

To execute an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the Downtown Sherman Streetscape Project

Background

The Downtown Sherman Streetscape Project has been selected by the TxDOT Transportation Enhancement Program for partial funding (80%) in the amount of \$353,978. The total project cost is estimated at about \$442,000. Execution of the Advance Funding Agreement is required for the Federal Highway Administration to authorize the funding of the project.

Origination

Public Works Department

Financial Consideration

City matching funds of \$88,494 are required to secure the TxDOT contribution. Any additional project cost will be funded solely by the City. A short presentation to the Council will provide additional information about the scope and cost of the project. Matching funds are available in the City's downtown tax increment financing (TIF) fund. After the project is bid and awarded, the FY2012 budget will be amended to reflect the impact of the project and the related grant funds received from the state.

Staff Recommendation

Execute the Advance Funding Agreement with TxDOT

Alternatives

Those as may be directed by the City Council

Attachments

Resolution No. 5606

Local Transportation Project Advance Funding Agreement

Prepared by:

Don Keene, Director of Public Works

Approved by:

George Olson, City Manager

RESOLUTION NO. 5606

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR A TRANSPORTATION ENHANCEMENT PROJECT (DOWNTOWN SHERMAN STREETScape PROJECT); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney and subject to budget approval, to execute an Advance Funding Agreement between the City of Sherman and the Texas Department of Transportation, for the Downtown Sherman Streetscape Project, in accordance with 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 _____, 2011.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
For A TRANSPORTATION ENHANCEMENT (TE) PROJECT**

This Advance Funding Agreement for a Transportation Enhancement Project (the Agreement) is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the City of Sherman, acting by and through its duly authorized officials called the "Local Government."

WITNESSETH

WHEREAS, the Local Government prepared and submitted to the State a nomination form for consideration under the Transportation Enhancement Program for the project which is briefly described as **Downtown Sherman Streetscape**, called the "Project"; and

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, Title 23 U.S.C. Section 134 requires that Metropolitan Planning Organizations and the States' Transportation Agencies to develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, the Texas Transportation Code, Sections 201.103 and 222.052 establish that the State shall design, construct and operate a system of highways in cooperation with local governments; and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, the Texas Transportation Commission (the "Commission") passed Minute Order Number 112342 dated July 29, 2010 awarding funding for projects in the 2009 Program Call of the Transportation Enhancement Program, including the Project; and

WHEREAS, the rules and procedures for the selection and administration of the Transportation Enhancement Program are established in 43 TAC Sections 11.200 et seq.; and

WHEREAS, the governing body of the Local Government has approved entering into this Agreement by resolution or ordinance dated December 7, 2009, which is attached hereto and made a part hereof as Attachment A;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

AGREEMENT

1. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until terminated as provided in Article 2.

2. Termination of the Agreement

- A. The termination of this Agreement shall extinguish all rights, duties, obligations and liabilities of the State under this Agreement and may be terminated by any of the following conditions:
 - 1. By mutual written consent and agreement of all parties;
 - 2. By any party with 90 days written notice; or
 - 3. By either party, upon the failure of the other party to fulfill the obligations as set forth in this Agreement. Any cost incurred due to such breach of contract shall be paid by the breaching party.
- B. If the potential termination of the Agreement is due to the failure of the Local Government to fulfill its contractual obligations, the State will notify the Local Government that possible breach of contract has occurred. The Local Government should make every effort to remedy the breach within a period mutually agreed upon by both parties.
- C. If the Local Government withdraws from the Project after this Agreement is executed, it shall be responsible for all direct and indirect Project costs as identified by the State's cost accounting system.
- D. A project may be eliminated from the program as outlined below. If the Project is eliminated for any of these reasons, this Agreement will be appropriately terminated. A project may be eliminated from the program, and this Agreement terminated, if:
 - 1. The Local Government fails to satisfy any requirements of the program rules cited as 43 TAC §11.200 et seq.
 - 2. The implementation of the Project would involve significant deviation from the activities as proposed in the nomination form.
 - 3. The Local Government withdraws from participation in the Project.
 - 4. The Project is not implemented within a reasonable time, as determined by the State in consultation with the Local Government. In absence of information suggesting that a shorter or longer period is appropriate, four (4) years or less from the date the project was approved for Transportation Enhancement funding by Minute Order will be presumed to be a reasonable time. This Project must, therefore, be awarded to contract before July 29, 2014.
 - 5. The State determines that federal funding may be lost due to the Project not being implemented and completed.
 - 6. Funds are not appropriated, in which case this Agreement shall be terminated immediately with no liability to either party. Payment under this Agreement beyond the current fiscal biennium is subject to availability of appropriated funds.
 - 7. The Local Government fails to attend bi-annual progress meetings as scheduled by the State.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

3. Amendments

This Agreement may be amended due to changes in the work, the amount of funding required to complete the Project, other material, or the responsibilities of the parties. Such amendment must be made through a mutually agreed upon, written amendment that is executed by the parties.

4. Scope of Work, Use of Project, and Project Location

The scope of work for the Project, which is shown in Attachment B - Project Location Map and described in the nomination form as approved by the Texas Transportation Commission, consists of: sidewalk repair and construction curb and gutter reconstruction with ramp extensions at intersection areas, driveway entrance reconstruction and landscape planting with trees. The purpose of this Transportation Enhancement project is to improve the capacity and accessibility of the sidewalks and provide a traffic calming measure in the downtown area. The project limits and items of work have been modified from the original scope in the nomination. These revised limits and work items were approved by the State as defined in Attachment D – Scope Modification.

Any project changes proposed must be submitted in writing by the Local Government to the State. Changes may also require an amendment to the Agreement and the approval of the Federal Highway Administration (FHWA), the State, or the Commission. Any changes undertaken without written approval and Agreement amendment may jeopardize not only the federal funding for the changes, but the federal funding of the entire Project.

5. Right of Way and Real Property Acquisition

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- B. The Local Government will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- C. The Local Government shall assume all costs and perform all work necessary to obtain needed evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

- D. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value, and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this agreement and before federal spending authority is approved.
- E. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- F. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage, and recommended compensation. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of the documentation and reports used in calculating each parcel's value. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and will base its reimbursement for parcel acquisitions on these in determining the fair market values.
- G. Condemnation shall not be used to acquire real property for this enhancement Project.
- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost thereof, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers for expenses incurred in order to assure good title. Any costs associated with the relocation of displaced persons and personal property as well as incidental expenses incurred in acquiring property to implement the Project will be the responsibility of the Local Government and current property owner, at no cost to the State.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of time commensurate with the federal investment, but not less than ten years after project completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. This Agreement must be approved by the State prior to its execution. A copy of the executed Agreement shall be provided to the State.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

- J. The Local Government agrees to execute individually or produce a legal document as necessary to provide for the Project's continued use from the date of completion, and agrees to cause the same to be recorded in the land records of the appropriate jurisdiction.
- K. Local governments receiving federal funds must retain an inventory of funded items and monitor projects in accordance with 23 CFR 710 and 49 CFR 18, and with the procedures provided in the State's Local Government Project Procedures manual. The Local Government agrees to monitor the Project to ensure: (1) continued use of the property for approved activities, and (2) the repayment of the Federal funds, as appropriate.
 - 1. The Local Government agrees to the review of their Project accounts and site visits by the State during the development of the Project at any time.
 - 2. Upon Project completion, the State will continue to perform periodic visits to confirm the Project's continued use and upkeep.
- L. Forty five (45) days prior to any construction contract let date, the Local Government shall provide a certification to the State that all real property has been acquired.

6. Utilities

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or state funds for the cost of required utility work, unless specified in the Transportation Enhancement Nomination form and approved by the State. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction begins.

7. Environmental Assessment and Mitigation

Development of the Project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A. The Local Government is responsible for the identification and assessment of any environmental problems associated with the development of the Project.
- B. The Local Government is responsible for the cost of any environmental problem's mitigation and remediation. These costs will not be reimbursed or credited towards the Local Government's financial share of the Project unless specified in the nomination form and approved by the State.
- C. The Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment.
- D. Forty five (45) days prior to any construction contract let date, the Local Government shall provide a certification to the State that all environmental problems have been remediated. Additionally, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

8. Compliance with Texas Accessibility Standards and ADA

All parties to this Agreement shall ensure that the plans for and the construction of the Project subject to this Agreement are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

9. Architectural and Engineering Services

Architectural and engineering services will be provided by the Local Government. In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional services contracts for federally funded projects must conform to federal requirements.

- A.** The architectural contract documents shall be developed in accordance with the standards of the American Institute of Architects, the U.S. Secretary of the Interior's *Standards for Historic Preservation Projects, Standards and Guidelines for Archeology and Historic Preservation, the National Register Bulletin Number 36: Guidelines for Evaluating and Registering Historical Archeological Sites* and in consultation with the State Historic Preservation Officer, as applicable. The engineering plans shall be developed in accordance with the State's applicable *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the two American Association of State Highway and Transportation Officials' (AASHTO) publications, "*A Policy on Geometric Design of Highways and Streets*" and "*Guide for the Development of Bicycle Facilities*," as applicable. All contract procurement procedures and documents must adhere to the applicable requirements established in the *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges*. The use of other systems of specifications shall be approved by the State in writing in advance.
- B.** When architectural and engineering services are provided by or through the Local Government, then the following Items 1 and 2 apply.
1. The Local Government shall submit any plans it has completed to the State for review and approval. The Local Government may also submit the plans to the State for review anytime prior to completion. The Local Government shall make the necessary revisions determined by the State. The Local Government will not let the construction contract until all required plans have received State approval.
 2. The Local Government shall submit to the State all documentation relating to authorized costs incurred for providing architectural and engineering services. Reasonable, allowable, and allocable costs incurred by the Local Government, after the Local Government has obtained written authorization from the State to incur costs, will be eligible for reimbursement at an amount not to exceed eighty percent (80%) of the eligible authorized costs.
- C.** When architectural and engineering services are provided by or through the State, then the following applies:
The State is responsible for the delivery and performance of any required architectural or preliminary engineering work. The Local Government may review and comment on the work as required to accomplish the Project purposes. The State will cooperate fully with the Local

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

Government in accomplishing these Project purposes to the degree permitted by state and federal law.

10. Construction Responsibilities

- A. The Local Government shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. All contract letting and award procedures must be approved by the State prior to letting and award of the construction contract, whether the construction contract is awarded by the State or by the Local Government.
- C. All contract change order review and approval procedures must be approved by the State prior to start of construction.
- D. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- E. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR Part 635, Subpart B.
- F. Any field changes, supplemental agreements, or revisions to the design plans that may occur after the construction contract is awarded will be mutually agreed to by the State and the Local Government prior to authorizing the contractor to perform the work. Prior to completion of the Project, the party responsible for construction will notify the other party to this Agreement of the anticipated completion date. All parties will be afforded the opportunity to assist in the final review of the construction services performed by the contractor.

11. Project Maintenance

- A. Upon completion of the Project, the Local Government will be responsible for maintaining the completed facility for public use. The property shall be maintained and operated for the purpose for which it was approved and funded for a period of time commensurate with the federal investment. Should the Local Government at any time after Project completion decide it can no longer maintain and operate the Project for its intended purpose, the Local Government shall return the federal funds in accordance with CFR federal recapture requirements. Should the Local Government consider conveying the property, the State and FHWA must be notified prior to the sale, transfer, or disposal of any property that received federal funds. Written concurrence of approval for the transaction, detailing any required recapture, must be obtained from FHWA prior to the transaction. Advance notice from the Local Government of their intended action must be submitted to the State for an FHWA review a minimum of sixty (60) days prior to any action being taken by the Local Government. The Local Government shall be held responsible for reimbursement of all federal funds used or a portion of those funds based on a pro-rata amount, considering the original percentage of

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

federal funds provided and the time elapsed from the Project completion date. This same percentage of reimbursement also applies to any amount of profit that may be derived from the conveyance of the property, as applicable.

- B. Any manufacturer warranties extended to the Local Government as a result of the Project shall remain in the name of the Local Government. The State shall not be responsible for honoring any warranties under this Agreement.
- C. Should the Local Government derive any income from the development and operation of the Project, a portion of the proceeds sufficient for the maintenance and upkeep of the property shall be set aside for future maintenance. A project income report shall be submitted to the State on a quarterly basis. Monies set aside according to this provision shall be expended using accounting procedures established under OMB-133 and with the property management standards established in Title 49 CFR §18.32.
- D. Should any historic properties be included in or affected by this federally funded Project, the historic integrity of the property and any contributing features must continue to be preserved regardless of any approved changes that may occur throughout the life of the Project.

12. Local Project Sources and Uses of Funds

- A. A Project Budget Estimate is provided in Attachment C, showing the total estimated development cost of the Project. This estimate shows the itemized cost of real property, utilities, environmental assessments and remediation, architectural and engineering activities, construction, and any other substantial items of cost. To be eligible for reimbursement, costs must have been included in the itemized budget section of the nomination form approved by the Texas Transportation Commission. The State and the Federal Government will not reimburse the Local Government for any work performed before federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- B. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training *in Local Government Procedures Qualification for the Texas Department of Transportation* before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C. A Source of Funds estimate based on the budget provided in the project nomination form is included as Attachment C. Attachment C shows the percentage and estimated dollar amounts to be contributed to the Project by state and local sources, as well as the maximum amount in federal Transportation Enhancement funds assigned by the Commission to the project. The parties agree that the Agreement may be amended from time to time as required to meet the

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

funding commitments based on revisions to the Transportation Improvement Program, FPAA, or other federal document.

- D. The Local Government will be responsible for all non-federal participation costs associated with the Project, including any overruns in excess of the Project cost estimate and any operating or maintenance expenses. Donations of real property, materials, and services required for the development of the Project may be eligible to count towards the local funding share of a project as in-kind contributions, if provided for in the original Transportation Enhancement Nomination's authorized budget. In order to be considered eligible, in-kind contributions must be provided from sources other than the Local Government nominating the project. The value of the allowable in-kind contributions of real property, materials, or services will be based on verification of their fair market value at donation. In-kind contributions of services are limited to the preparation of plans, specifications, and estimates. The maximum allowable in-kind contribution to a project is twenty percent (20%) of the eligible Project's cost; however, in-kind contributions may not be used to match the cost of any direct or indirect State administrative cost incurred. The estimated amount of in-kind contribution provided in the project's budget is \$ N/A for the items of N/A. If a remaining balance of the Local Government's required match is due after the in-kind contribution's value is applied, the remainder must be provided in cash. The Local Government may also provide other property, services, or materials to reduce the overall cost of a project, but it will not be considered an in-kind contribution.
- E. The State will be responsible for securing the federal share of funding required for the development and construction of the Project, in an amount not to exceed eighty percent (80%) of the actual cost of the work up to the amount of funds approved for the Project by the Texas Transportation Commission. Federal funds will be reimbursed on a cost basis. Project costs incurred prior to Project selection by the Texas Transportation Commission and approval by the State to proceed are not eligible for reimbursement.
- F. Following execution of this Agreement, but prior to the performance of any review work by the State, the Local Government will pay an amount sufficient to cover the estimated cost for the State's review. The Local Government shall advance to the State twenty percent (20%) of the State's administrative and associated cost for review of the plans, specifications, and estimate. The Local Government must also advance to the State N/A percent (N/A%) of the Project's estimated preliminary engineering cost, if the State is administering the architectural or engineering contract. The estimated amount of this advance for this Project's preliminary engineering is \$ 1,592.90, including cash and allowable in-kind contributions. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government must advance to the State twenty percent (20%) of the State's administrative and associated costs for letting and construction. ~~The Local Government shall also remit its remaining financial share for the Project's estimated construction and construction engineering costs, if the State is letting the Project.~~ The amount to be advanced for this Project's Construction is estimated to be \$ 2,389.35, including cash and allowable in-kind contributions.
- G. In the event the State determines that additional funding is required by the Local Government at any time during the Project, the State will notify the Local Government in writing. The Local Government is responsible for twenty percent (20%) of the authorized Project cost and one hundred percent (100%) of any overruns above the federally authorized amount. The Local

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

Government will make payment to the State within thirty (30) days from receipt of the State's written notification.

- H. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government will remit a warrant made payable to the "Texas Department of Transportation Trust Fund." The warrant will be deposited by the State in an escrow account to be managed by the State. Until the final Project accounting, funds in the escrow account may only be applied by the State to the Project.
- I. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- J. In the event the Project is not completed, the State may seek reimbursement from the Local Government of the expended federal funds. The Local Government will remit the required funds to the State within sixty (60) days from receipt of the State's notification.
- K. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than state or federal regulations, or if any other locally proposed changes, including but not limited to plats or re-plats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests through negotiations, including, but not limited to, expenses related to relocation, removal, and adjustment of eligible utilities.
- L. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Agreement or indirectly through a contract or subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a contract or subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- M. The State will not pay interest on any funds provided by the Local Government.
- N. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- O. The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly, and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

13. Notices

All notices to either party by the other required under this Agreement shall be delivered personally or sent by United States Postal Service (USPS) via certified mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
Executive Director of Planning & Public Works	Director of Contract Services
City of Sherman	Texas Department of Transportation
P.O. Box 1106	125 E. 11 th Street
Sherman, TX 75091-1106	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by USPS certified mail and such request shall be honored and carried out by the other party.

14. Legal Construction

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

15. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

16. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government.

17. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft® Word or similar format. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate, including types of activities and month in which the activity will be completed, in the format

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

required by the State. This requirement applies whether the Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

18. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

19. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

20. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

21. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

22. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the Federal Highway Administration (FHWA), and the U.S. Office of the Inspector General, or their duly authorized representatives for review and inspection at its office during the Agreement period and for four (4) years from the date of completion of work defined under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

23. Civil Rights Compliance

The Local Government shall comply with the regulations of the U. S. Department of Transportation as they relate to non-discrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

24. Disadvantaged Business Enterprise Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://txdot.gov/business/business_outreach/mou.htm.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this LPAFA. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this LPAFA. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

25. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a contract, subcontract, or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

26. Lobbying Certification

In executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an 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.
- B. If any funds other than federal appropriated funds have been paid or will be paid 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 an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite imposed by Title 31 U.S.C. §1352 for making or entering into this transaction. 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.

27. Insurance

- A. Should this Agreement authorize the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.
- B. For projects including buildings, the Local Government agrees to insure the building according to Department specifications and further agrees to name the Federal Government as a "Loss Payee" should the building be destroyed.

28. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient or sub-recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:
<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and
<http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.
- B. For sub-awards greater than \$25,000, the Local Government, as a recipient of federal funding, shall:

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

1. Obtain and provide to the State and the federal government, a Central Contracting Registry (CCR) number with the federal government (Federal Acquisition Regulation, Part 4, Sub-part 4.1100). The CCR number may be obtained by visiting the CCR web-site whose address is: <https://www.bpn.gov/ccr/default.aspx>;
2. Obtain and provide to the State and the federal government, a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website <http://fedgov.dnb.com/webform>; and
3. Report the total compensation and names of its top executives to the State and federal government if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000 annually; and
 - ii. Compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

29. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B. If threshold expenditures of \$500,000 or more are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at http://www.txdot.gov/contact_us/audit.htm.
- C. If expenditures are less than \$500,000 during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$500,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

30. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ #0045-03-045, Etc. Fed.# STP 2011(229)TE
District # 01
Code Chart 64 #50092
Project: Downtown Sherman Streetscape
Federal Highway Administration
CFDA # 20.205
Not Research and Development

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

George Olson

Typed or Printed Name

City Manager

Title

Date

THE STATE OF TEXAS

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5607**

**Authorizing the Execution of a Deed for the Resale of One Tract of Land
and its Improvements located at 802 North Grant Drive within the Sherman City Limits
Seized for Delinquent Taxes**

Issue

The attached resolution authorizes acceptance of a bid and execution of a deed for the resale of one tract of land and its improvements located at 802 North Grant Drive within Sherman's city limits due to unpaid property taxes.

Background

Grayson County struck from the tax rolls one tract of real property and its improvements (an unoccupied house) located within Sherman's city limits at 802 North Grant Drive, as trustee for all taxing entities involved. Subsequently, the Grayson County Tax-Assessor and Collector has received an offer of \$5,000.00 for the tract and is seeking the City Council's approval for the sale, including the acceptance of the bid received and the execution of a deed to the new property owners.

Origination

John Ramsey, Assessor and Collector of Taxes for Grayson County

Financial Consideration

The proceeds of the sale would be applied to the cost of the sale and the delinquent taxes, with the City of Sherman receiving its pro-rata share. The sale would also return the property to the tax rolls.

Staff Recommendation

The staff recommends approval of this resolution.

Alternatives

The City Council could deny this resolution.

Attachments

Resolution No. 5607

Letter from Tax Assessor-Collector John Ramsey dated July 27, 2011, with attachments

Aerial View of Property

Photo of Property

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5607

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DEED FOR THE RESALE OF ONE TRACT OF LAND AND ITS IMPROVEMENTS LOCATED AT 802 NORTH GRANT DRIVE WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, one tract of real property located at 802 North Grant Drive within the Sherman city limits has been struck-off/sold to Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District for delinquent taxes; and

WHEREAS, Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District desire to sell this property and thereby place it back on the tax rolls; and

WHEREAS, Grayson County has received an offer to purchase the tract as described in the attached documentation; and

WHEREAS, the funds received pursuant to this sale shall be distributed according to the Texas Property Tax Code; and

WHEREAS, the City of Sherman believes the sale of this property for the price listed is in the best interests of the City;

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

SECTION 1. That the tract of property described in the attached documentation is available for sale free of all tax liens held by the City of Sherman and may be sold for any offer accepted by Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District.

SECTION 2. That the Mayor, as the presiding officer of the City of Sherman, is hereby authorized, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute any deed or deeds on behalf of the City of Sherman necessary to complete the sale of said property in conformance with this resolution and without further approval by this governing body.

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

PASSED AND APPROVED on this the ____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



OFFICE OF

JOHN W. RAMSEY

ASSESSOR AND COLLECTOR OF TAXES

GRAYSON COUNTY

www.co.grayson.tx.us

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

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

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

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

✓ Mr. Robby Hefton, Assistant City Manager/Chief Financial Officer, City of Sherman

Mr. Randy Reid, Assistant Superintendent of Business and Finance Services, Sherman ISD

FROM: John Ramsey

DATE: July 27, 2011

SUBJECT: Bid Proposal for Struck Off Property

I recently received the attached offer from Mr. Ronald Jay to purchase a tract that was previously struck-off to Grayson County, as trustee for all taxing entities involved. The tract was included but not sold in the August 3, 2010 Sheriff's sale. The property is presently exempt from taxes while it is owned by the taxing entities. The attached documentation provides the description, appraisal district value and minimum bid for each property.

✕ Please present the enclosed Resolution to your jurisdiction at the next available meeting for consideration. Once a decision has been made by your governing body, please send a copy of the meeting minutes with your decision to this office. Also, please send back the signed Resolution if the sale has been approved.

Thank you.

JR:kb

enclosure:

SHERIFF'S SALE

TUESDAY 08-03-10

07-3350	S028-2257129	Washington Park Addn, Blk K, Lot 1	Billy W Riddle, Et Al	802 Grant	SH	\$ 53,718.00	\$ 19,941.97
	R159007			Sherman		(2010 value \$46,176)	NO SALE

Mr. John Ramsey
Assessor/ Collector of Taxes
Grayson County

7/22/11

Dear Sir,

I, Ronald D. Jay, hereby tender an offer in the amount of \$5,000 for the following property:

Property I.D.: 159007

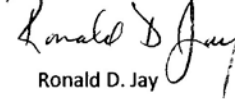
Legal Desc.: Washington Park Addn. Block K

Lot 1 802 N. Grant Dr.

I make this offer in good faith because I reside next door. I'm concerned because the property has been abandoned for three years and the process of deterioration and infestation has continued to grow. My family moved next door to this property in 1956, so it saddens me to see neglect taken to this level.

I hope you will give serious consideration to my offer so I can bring value back to this property.

Sincerely Yours,

A handwritten signature in cursive script that reads "Ronald D. Jay". The signature is written in dark ink and is positioned above the printed name.

Ronald D. Jay

806 N. Grant Dr.

Sherman, TX 75092

Phone: (903) 814-3798

start | 2 Microsoft Offic... | Private Sale of De... | 2 Odyssey Assis... | 8:33 AM

S028-2257129 Real

File View Tools Centers Help

ORION

Forms Calculate Apply Save Exit

S028-2257129 Real Appraisal Collections

★ Bills Prop Fees PrePayments Summary General Ownership Exemptions Assessments Appraisal >>

R159007 Legal WASHINGTON PARK ADDN, BLOCK K LOT 1 Owner GRAYSON COUNTY TRUSTEE(00176727) Tax Year 2010
Situs 802 N GRANT DR SHERMAN As Of < 06/20/2011 >

General Information Prev Next

NBHD
Total Acres N/A
Exemptions PR
Map ID

Print Appraisal Card

Mailing Address

Owner GRAYSON COUNTY TRUSTEE
Address PO BOX 2107
SHERMAN, TX 75091-2107

Taxing Units CSH, GRA, JRC, SSH

SSH Sherman School
CSH Sherman City
JRC Grayson College
GRA Grayson County

Images

No Images Exist

Property Value

Value Method	N/A
Land Value	N/A
Building Value	N/A
Final Value	N/A

Assessment Values Supplements

Improvement HS	\$40,636
Improvement NHS	\$0
Land HS	\$5,540
Land NHS	\$0
HS Cap Adjust	\$0
Ag Market	\$0
Ag Use	\$0
Timber Market	\$0
Timber Use	\$0
Late Ag Loss	\$0
Total Market	\$46,176
Total Assessed	\$46,176

Legacy ID R159007

① Court cost due
① STRUCK OFF TO COUNTY
① BLOCK DELINQ STMTS - see event tab
① ATTACHED DOCUMENTS

7/28/2011 8:33am Messages

Thursday, Jul 28, 2011 08:33 AM

Aerial View of Property



City of Sherman, Texas
Engineering Department

802 North Grant Drive



Scale 1" = 500'

Photograph of Property

802 N GRANT





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 5608**

Authorizing the Execution of Agreements with the Sherman Housing Authority, the Texoma Area Paratransit System, Inc., the Grayson County Crisis Center, the Boys & Girls Club of Sherman, Inc., the Child & Family Guidance Center of Texoma, the City of Sherman Parks & Recreation Department, and the MasterKey Ministries of Grayson County, Inc. for the Use of Community Development Block Grant Funds

Issue

Public Service Contracts for the Fiscal Year (FY) 2011 Community Development Block Grant (CDBG) Program

Background

The FY 2011 CDBG Program, previously adopted by the Sherman City Council via Resolution No. 5580 at the June 20, 2011 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, 2011, through September 30, 2012.

Origination

Theresa Caudle, CD 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

The Sherman City Council could choose to amend the FY 2011 Community Development Block Grant Statement/Action Plan as they deem necessary and appropriate.

Attachments

Resolution No. 5608

Resolution No. 5580

Attachment "A" - FY 2011 Community Development Block Grant Final Statement/Action Plan

Prepared by:

Theresa Caudle, CD Coordinator

Approved by:

George Olson, City Manager

RESOLUTION NO. 5608

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, THE BOYS & GIRLS CLUB OF SHERMAN, INC., THE CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, THE CITY OF SHERMAN PARKS & RECREATION DEPARTMENT, AND THE MASTERKEY MINISTRIES OF GRAYSON COUNTY, 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 Texoma Area Paratransit System, Inc., the Grayson County Crisis Center, the Boys & Girls Club of Sherman, Inc., the Child & Family Guidance Center of Texoma, the City of Sherman Parks & Recreation Department, and the MasterKey Ministries of Grayson County, 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 _____, 2011.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

RESOLUTION NO. 5580

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 FISCAL YEAR 2011; 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 FISCAL YEAR 2011; 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 \$293,001.00 for fiscal year 2011, 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 28, 2011 and June 20, 2011; 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 2011 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 2011.

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 20th day of June, 2011.

CITY OF SHERMAN, TEXAS

BY:



BILL MAGERS, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: B. S. Shelby
BRANDON S. SHELBY,
CITY ATTORNEY

CERTIFIED COPY. DOCUMENT
THIS IS CERTIFIED TO BE A TRUE COPY
OF THE PERMANENT RECORD AS FILED IN
THE OFFICE OF THE CITY CLERK.

Linda Ashby
CITY CLERK, SHERMAN, TEXAS

SECD. 8/15/2011

Attachment "A"

CITY OF SHERMAN, TEXAS FINAL STATEMENT/ACTION PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2011

GRANT NO: B-2011-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 2011 is \$293,001.00. These funds will be received on October 1, 2011. 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 2011

OWNER-OCCUPIED HOUSING REHABILITATION:.....\$171,201

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:.....\$30,000

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:.....\$ 58,000

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:.....\$ 8,800

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.

Texoma Area Paratransit System, Inc.:.....\$ 17,500

A program that will provide transportation assistance to low and moderate income individuals who reside within the city limits of Sherman including transportation to and from work, to and from school, and to doctor and grocery trips for the elderly.

Crisis Center:	\$ 3,000
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.	
Child & Family Guidance Center of Texoma:	\$ 1,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income adult Sherman residents.	
Boys & Girls Club of Sherman, Inc:	\$ 1,500
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 sports activities that would not otherwise be able to participate.	
City of Sherman Parks & Recreation:	\$ 1,000
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.	
MasterKey Ministries of Grayson County, Inc:	\$1,000
A Program to provide scholarships for an academic summer camp to improve academic skills for Sherman youth from low-moderate income families with emphasis on Hispanic youth.	

TOTAL PROGRAM ALLOCATION:.....**\$293,001**

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. Promote homeownership opportunities for low-moderate income persons through the City's First-time Homeownership closing cost assistance program.
4. Eliminate slum and blight through the removal of structures that create unsafe, unsanitary and hazardous situations for the public.
5. Promote drug elimination programs for low and moderate income assisted housing families/households.
6. Provide support for transportation assistance to low and moderate income persons.
7. Provide support for provision of emergency shelter/assistance to the homeless.
8. Assist in providing counseling services to youth and adults from low and moderate income families.
9. 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 2011 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 25, 2011. A summary of comments received will be made a part of the summary of citizen participation of this Plan.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5609**

**Authorizing the Lease of an Annual Supply of Uniforms for Various City Departments
through the Texas Local Government Purchasing Cooperative (BuyBoard)**

Issue

An annual supply of uniforms for various City departments

Background

The City leases an annual supply of uniforms for various City employees. The last contract for these rentals was awarded at the April 7, 2008 Council meeting and contained provisions for no more than two renewals, expiring in April 2011. The City currently uses G&K Services, Inc. of Coppel, Texas (G&K) for its uniform supply, has had good experience with them, and would like to continue leasing uniforms from them for the fiscal year (FY) 2011-2012, with the lease arrangement providing for no more than two renewals. G&K is a BuyBoard participant, which means that the City can effectively increase its purchasing power while simplifying its purchasing process by leveraging the buying power of multiple governments who participate in the BuyBoard program. There are no other uniform providers who are based in Sherman.

Origination

Finance/Purchasing

Financial Consideration

Funds have been appropriated for the lease of uniforms in the FY 2011-2012 budget in each department. The annual budget for these uniform rentals is about \$35,000.

Staff Recommendation

It is recommended that the staff be authorized to purchase these uniforms from G&K Services, Inc. of Coppel, Texas, through the BuyBoard.

Alternatives

Those as may be recommended by the City Council.

Attachments

Resolution No. 5609

Texas Local Government Cooperative Interlocal Participation Agreement

BuyBoard/G&K Services Quote

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager

RESOLUTION NO. 5609

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE LEASE OF AN ANNUAL SUPPLY OF UNIFORMS FOR VARIOUS CITY DEPARTMENTS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized to lease an annual supply of uniforms for various City of Sherman departments from G&K Services, Inc. of Coppel, Texas, through the Texas Local Government Purchasing Cooperative (BuyBoard), in accordance with the terms and conditions of the Interlocal Participation Agreement and Rental Program Pricing attached hereto and made a part hereof for all purposes. Any agreements related to this purchase must be approved by the City Attorney.

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

PASSED AND APPROVED on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

RECEIVED JUL 15 2002

YOUR COPY

INTERLOCAL PARTICIPATION AGREEMENT
for the
Texas Local Government Purchasing Cooperative

RECEIVED JUL 15 2002

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

WITNESSETH:

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

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

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

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

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

TERMS AND CONDITIONS

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

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

GENERAL PROVISIONS

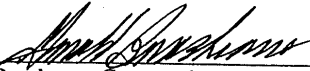
- 1. **Authorization to Participate.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative.
- 2. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all reasonable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

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

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

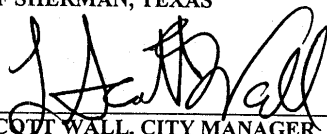
TO BE COMPLETED BY THE COOPERATIVE:

TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, as acting on behalf of all other Cooperative Members

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

TO BE COMPLETED BY COOPERATIVE MEMBER:

CITY OF SHERMAN, TEXAS

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

Coordinator for the Cooperative Member is:

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



Our company G&K has been in business since 1902, we are the third largest uniform supplier and we currently service the United States and Canada.

G&K Services was initially awarded the Buy Board bid for Uniforms & Accessories (#199-04) in June of 2004. As of June 1, 2010, G&K Services was awarded bid #340-10 for Uniforms & Accessories for Various Areas.

G&K Services is also a member of Region 7 purchasing as well as GSA.

G&K Services currently services many schools, counties, cities, colleges and other government agencies. References will be provided upon request. We look forward to doing business and service all your needs.

If you have any questions or concerns, please contact me at 817-992-0149.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delford Johnene".

Delford Johnene
Senior Sales Representative
Buy Board Vendor
G&K Services

G&K Services
603 Airline Drive
Coppell, Texas 75019

www.gkservices.com
(972) 393-1764 Office
(972) 956-9815 Fax



RENTAL PROGRAM PRICING

RENTAL PRICING INCLUDES PICK-UP, WASHING GARMENTS, CLEANING
FACILITY ITEMS, DELIVERY, REPAIRS AND UPGRADES.

Product Description	*Weekly Price
Uniforms	*Weekly price based on 11 sets with 5 changes per week.
Men's or Women's 65/35 Shirts	\$1.60
Men's or Women's 65/35 Pants	\$1.60
Men's or Women's Executive Shirts	\$2.40
Men's or Women's Executive Pants	\$2.40
Men's Casual Poplin Shirts	\$3.00
Women's Casual Poplin Shirts	\$3.00
Women's ¾ Sleeve Length Poplin Shirts	\$3.00
Men's Dickies Comfort Waist Pants	\$1.60
Women's Dickies Flat Front Pants	\$2.40
Men's or Women's Cargo Pants	\$4.10
Men's Soft Twill 100% Cotton Shirts, button down collar	\$4.45
100% Cotton Shirts	\$2.25
100% Cotton Pants	\$2.35
Micro check Shirts	\$2.05
Chambray Shirts	\$2.35
Standard Polo Shirts	\$2.75 (not available in long sleeves)

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Two Tone Polo Shirts	\$2.75 (not available in long sleeves)
Criss Cross Polo Shirts	\$2.75 (not available in long sleeves)
Exceed Tonal Stripe Polo Shirt	\$3.45 (not available in long sleeves)
Exceed Diamond Point Polo Shirt	\$3.45 (not available in long sleeves)
Exceed Nailhead Polo Shirt	\$3.45 (not available in long sleeves)
Exceed T-Shirts 100% Poly	\$2.20 (not available in long sleeves)
Big Ben Denim Shirt	\$4.10 (not available in short sleeves)
Denim Shirts	\$3.25
GK Jeans	\$2.70
Wrangler Jeans	\$5.00
Men's Dickies Carpenter Jeans	\$3.35
Big Ben Overalls, 100% Ctn Denim	\$5.20
Uniform Shorts	\$2.05 (Year around, no seasonal price)
Men's Dickies Cargo Shorts	\$4.10 (Year around, no seasonal price)
Scrub Top	\$2.10
Scrub Pants	\$2.10
Smocks – Ladies Short Sleeve	\$2.05
Smocks – Ladies Loose Fitting	\$2.35
Additional Garment Items	Unit Price Weekly Price
65/35 Lined Work Jackets	\$0.52
65/35 Coveralls	\$0.86 \$4.30

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100% Cotton Coveralls	\$1.04	\$5.20
Lab Coats (Men's or Ladies)	\$0.67	\$3.35
Wrap Around Smock	\$0.57	\$2.85
Bib Aprons	\$0.27	-----
BioSmart Aprons	\$0.34	-----
Cobbler Aprons	\$0.52	-----
Security Shirts	\$0.89	\$4.45
Visibility Shirt 65/35 (Charcoal w/Orange)	\$0.62	\$3.10
High Visibility Jacket (Charcoal w/Orange)	\$1.02	
High Visibility Shirts 100% poly-Yellow	\$0.91	\$4.45
ANSI T-Shirt (not available in long sleeves)	\$1.04	\$5.20
ANSI Vest	\$1.36	\$6.80
Indura Shirts (not available in short sleeves)	\$0.89	\$4.45
Indura Pants	\$0.89	\$4.45
Indura Jeans	\$1.04	\$5.20
Indura Coverall	\$1.76	\$8.80
Flame Retardent 88/12 Brown Duck Jacket	\$2.60	
8-Man Garment Compartment Locker	\$2.04	
Soil Garment Locker	\$1.04	

G&K Services
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- ✓ Rental Agreement term, 36 months. On June 1st of each year, prices will be increased by 2%.
- ✓ All garments will have the steam tunnel finish with the exception of the Executive Shirts & Executive Pants, for they are pressed.
- ✓ Shirts are available in long or short sleeves (unless noted); both at the same price.
- ✓ Customers can choose to have any or all garments pressed; there will be an additional cost of \$0.25 per pressed garment.
- ✓ There will be a design fee to create a direct embroidery company logo.
- ✓ Direct embroidery per garment = \$6.00
- ✓ There will be a Buy Back charge for all garments with Direct Embroidery
- ✓ There will be a Buy Back charge on Executive Shirts (defined as any shirt with a buttoned down collar), and Polo Shirts with patches or emblems at the current garment replacement cost.
- ✓ There is a one-time Swing Suit charge that is equal to the unit rental price of each garment that is selected.
- ✓ Minimum Stop \$35.00
- ✓ No charge for prep, emblem or nametags through the term of agreement
- ✓ No charge for environmental, waste water or energy through term of agreement
- ✓ G&K will deliver and pick up all merchandise to and from the customer on a regular scheduled delivery day except during the holiday weeks, customer will be notified by driver of the delivery schedule
- ✓ G&K will clean all merchandise using high standards in laundering methods
- ✓ G&K will inspect, repair and deliver items to the customer on the next scheduled delivery day at no charge
- ✓ G&K will deliver to the customer all merchandise in a clean and useable condition on the next scheduled delivery day

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- ✓ G&K will deliver replacement or additional ordered items (if it is a standard size and color as those currently serviced by the customer) by the following week
- ✓ G&K will replace worn-out items on the next regular scheduled delivery day with merchandise meeting G&K's high quality standards at no additional charge to the customer; with the exception of merchandise being damaged or lost and for direct embroidery charges
- ✓ G&K will review with the customer its account for services and merchandise as needed or upon request
- ✓ G&K will remain to be committed to meeting or exceeding the customer's needs, and to respond to any service issues or concerns within 48 business hours after received by a G&K representative
- ✓ 10% up charge on Oversized garments:

Shirts

Size 2XL to 5XL

(Shirts 6XL and over will have an up charge of 35%)

Sleeve length 36 & over

Long tails

Pants

Men's waist size 44 to 58

Men's lengths 36 and above

(Pants with a waist size of 60 & over will have an up charge of 35%)

Ladies size 22 to 32

(Ladies Pants from 32 and over will have an up charge of 35%)

Customer Acceptance Signature: _____

Date: _____

Updated December 7, 2009

G&K Services
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Coppell, Texas 75019

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FACILITY SERVICE PROPOSAL

Facility Product Description	Rental Pricing Unit Cost		
	Weekly	Bi-Weekly	Monthly
Mats (Assorted Colors and Sizes)			
3 X 4 Standard Solid Color Mat	\$1.08	\$1.62	\$2.16
4 X 6 Standard Solid Color Mat	\$2.16	\$3.24	\$4.32
3 X 10 Standard Solid Color Mat	\$3.00	\$4.50	\$6.00

Facility Product Description	Rental Pricing Unit Cost		
	Weekly	Bi-Weekly	Monthly
Logo Mats (Up to 6 colors per mat)			
3 X 5 Customized Logo Mat	\$4.68	\$7.03	\$9.36
4 X 6 Customized Logo Mat	\$7.49	\$11.24	\$14.98
3 X 10 Customized Logo Mat	\$9.36	\$14.05	\$18.73
Anti-Fatigue Mats			
2 X 3 Anti-Fatigue	\$1.83		
3 X 5 Anti-Fatigue	\$2.08		
Kitchen Mats (Grease-Resistant flo-thru)			
3 X 5 Flo-thru	\$1.50		
Scraper Mats (for outside the door for heavy soil removal)			
3 X 5 Scraper	\$1.50		
4 x 6 Scraper	\$2.40		

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Towels	Weekly Unit Price
Red Shop Towel (18" X 18")	\$0.072
White Shop Towel (18" X 18")	\$0.094
Blue Print Towel (18" X 18")	\$0.094
Glass Towel (16" X 28")	\$0.124
Hand Towel (16" X 27")	\$0.124
White Bar Towel (Terry, 17" X 20")	\$0.146
Swipe Towel (Herringbone, 15" X 26")	\$0.124
BioSmart Bar Towel	\$0.19
Fender Cover	\$0.52
Shop Towel Can 6-gallon	\$1.04

Mops	Weekly	Bi-Weekly	Monthly
Wet Mops	\$1.04	\$1.56	\$2.08
24" Dry Mops	\$0.60	\$0.90	\$1.20
36" Dry Mops	\$0.90	\$1.35	\$1.80
48" Dry Mops	\$1.20	\$1.80	\$2.40
60" Dry Mops	\$1.50	\$2.25	\$3.00
Mop Handles & Frames	No Charge (Part of G&K's Service Solutions)	N/C	N/C

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Microfiber Products	Weekly Unit Price
Microfiber Wet/Dry Mop 18"	\$0.73
Microfiber Dry Looped Mop 18"	\$0.73
Microfiber Wet/Dry Mop 24"	\$0.60
Microfiber Dry Looped Mop 24"	\$0.60
Microfiber Wet/Dry Mop 48"	\$1.20
Microfiber Dry Looped Mop 48"	\$1.20
Microfiber Cleaning Towel	\$0.163
Microfiber Glass Towel	\$0.214
Microfiber High Duster Sleeve	\$0.84
Microfiber High Duster Wand	\$0.122
Microfiber High Duster Handles & Frames	No Charge

Restroom Supplies	Weekly Unit Price
Air Freshener	\$2.04
Auto Flush <i>*Other Restroom items available upon request</i>	\$3.06
Purell Space Saver Dispenser 1000ml	\$3.44
Purell Touch-Free Dispenser 1000ml	\$5.08
G&K Space Saver Hand Dispenser 1000ml	\$2.53
G&K Touch-Free Foam Dispenser 800ml	\$5.28
GOJO Pro 2000 Dispenser 2000ml	\$4.00

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**SOME OF G & K'S SATISFIED CUSTOMERS THAT ARE ALSO BUY BOARD
MEMBERS**

We encourage you to talk with our current customers; here are the names and phone numbers
of some of our references:

Crandall Independent School District

Alan Lovell
Maintenance and Transportation Director
300 Lewis St
Crandall, TX 75114
972-571-0164 (Cell)

White Settlement Independent School District

Lisa Hoover
Maintenance Supervisor
1313 Mary Kay Lane
White Settlement, TX 76108
817-367-1221

Denton Independent School District

Kathy Arrington
Director of Purchasing
1213 North Locust
Denton, TX 76208
940-369-0121

Duncanville Independent School District

Richard Morgan
Director of Purchasing
315 Crankshaft Drive
Duncanville, Texas 75116
972-708-2272

G&K Services
603 Airline Drive
Coppell, Texas 75019

www.gkservices.com
(972) 393-1764 Office
(972) 956-9815 Fax



**SOME OF G & K'S SATISFIED CUSTOMERS THAT ARE ALSO BUY BOARD
MEMBERS**

We encourage you to talk with our current customers; here are the names and phone numbers
of some of our references:

City of Denton

Jody Hays
601 E Hickory St
Denton, TX 76205
940-349-7100

City of Sherman

Mary Ann Winkler
100 S. Rusk St.
Sherman, TX 75090
903-892-7215

City of Euless

Mike Lowry
1100 Central Dr
Euless, TX 76039
817-685-1447

City of Frisco

Jean Stellatella
6891 Main St.
Frisco, TX 75034
972-335-1695

Navarro County

Tim Easley
300 W. Third #10
Corsicana, TX 75110
903-654-3095

G&K Services
603 Airline Drive
Coppell, Texas 75019

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SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. C.6

RESOLUTION NO. 5610

Authorizing Execution of an Interlocal Cooperation Contract between the City of Sherman and the North Central Texas Trauma Regional Advisory Council (NCTTRAC) for Participation in an AmBus Project

Issue

Consider the approval of an Interlocal Cooperation Contract with the North Central Texas Trauma Regional Advisory Council (NCTTRAC) for an AmBus project

Background

In cooperation with the Office on Emergency Management, the Texas Department of State Health Services (DSHS) desired to create capability for mass causality incidents, rapid hospital evacuation, and on-site medical rehabilitation for responders. To accomplish this goal, DSHS created a network of regionally based teams including Ambulance Strike Teams, Mobile Medical Units, and Ambulance Buses (AmBus). The AmBus is a regional resource, deployed in response to hurricanes, wildfires, and local or regional incidents. It is designed to carry twelve to twenty patients by wheelchair and stretcher, and patients who can walk and travel in regular seats.

Origination

Sherman Fire Department and NCTTRAC

Financial Consideration

The City of Sherman would own the AmBus and be responsible for permitting, licensing, maintenance, and operation of the vehicle. If deployed on a State Mission, all personnel costs are reimbursed; and patients transported would be billed according to established fee schedules. Local use as an ambulance would be billed according to established fee schedules.

Staff Recommendation

The staff recommends approval of this Interlocal Cooperation Contract.

Attachments

Resolution No. 5610

Interlocal Cooperation Contract between the City of Sherman and the NCTTRAC

Prepared by:
J. J. Jones, Fire Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5610

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF SHERMAN AND THE NORTH CENTRAL TEXAS TRAUMA REGIONAL ADVISORY COUNCIL (NCTTRAC) FOR PARTICIPATION IN AN AMBUS PROJECT; 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 Cooperation Contract with the North Central Texas Trauma Regional Advisory Council (NCTTRAC) for participation in an AmBus Project, being an ambulance bus and equipment valued at a total of Four Hundred Thirty-Three Thousand Four Hundred and Forty Dollars and No Cents (\$433,440.00), 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 _____, 2011.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

**INTERLOCAL COOPERATION CONTRACT
AMBUS PROJECT**

The State of Texas

County of Tarrant

THIS INTERLOCAL CONTRACT ("CONTRACT"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "ACT"), by and between the North Central Texas Trauma Regional Advisory Council (hereafter "NCTTRAC"), having its principal place of business at 600 Six Flags Drive, Suite 160, Arlington, Texas 76011, and the City of Sherman (hereafter "Receiving Agency"), a local government created and operated to provide one or more governmental functions and services, having its principal place of business at 220 W. Mulberry Street, Sherman, Grayson County, Texas.

I. CONTRACTING PARTIES

The Receiving Agency:	City of Sherman
Complete Address:	220 West Mulberry Street, Sherman, Texas 75090
The Performing Agency:	NORTH CENTRAL TEXAS TRAUMA REGIONAL ADVISORY COUNCIL

II. LEGAL AUTHORITY

The parties represent and warrant that:

1. NCTTRAC is a non-profit corporation created under Texas Administrative Code Title 25, Part 1, Chapter 157 and operated to provide one or more governmental functions and services, and is defined as a "Political Subdivision" per §791.003 (3d) and §791.003 (5), and
2. The Receiving Agency is eligible to contract with NCTTRAC under the ACT because it is one of the following: a local government, as defined in the ACT (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state, or a combination of two or more of those entities), a state agency (an agency of the State of Texas as defined in §771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and
3. The Receiving Agency and NCTTRAC possess adequate legal authority to enter into this CONTRACT.
4. The Receiving Agency and NCTTRAC, in paying for the performance of governmental functions or in performing such governmental functions pursuant to the Interlocal CONTRACT shall make payments therefore only from current revenues legally available to such party.

5. The governing bodies of each entity believe that this CONTRACT is beneficial to the public and that each party had the legal authority to provide the governmental function which is the subject of the Interlocal Agreement.

III. STATEMENT OF SERVICE TO BE PERFORMED:

The Receiving Agency and the NCTTRAC agree to provide services as set forth in the statement of work attached as Schedule (A), AmBus Project, and Exhibit (B), Affidavit of Insurance or Other Means of Replacement.

IV. BASIS FOR CALCULATING COSTS:

The basis for any reimbursable costs is outlined in the statement of work attached as Schedule (A), AmBus Project, Exhibit (A), Equipment List, and Exhibit (B), Affidavit of Insurance or Other Means of Replacement.

V. CONTRACT AMOUNT:

Equipment provided by NCTTRAC under this CONTRACT is provided to the Receiving Agency at no cost.

VI. PAYMENT FOR SERVICES:

The basis for providing payment for services is outlined in the statement of work attached as Schedule (A), AmBus Project, Exhibit (A), Equipment List, and Exhibit (B), Affidavit of Insurance or Other Means of Replacement.

VII. TERM OF CONTRACT:

This CONTRACT is effective as of the date of the last signature. The CONTRACT will remain in effect until canceled by the parties in accordance with the terms set forth in paragraph VIII below.

VIII. TERMINATION:

This CONTRACT may be terminated by either the Receiving Agency or NCTTRAC when one of the following occurs:

1. Either party requests termination in writing with 30 days notice.
2. Immediately if the prime award is terminated by the Texas Department of State Health Services (DSHS).
3. NCTTRAC is no longer the DSHS Hospital Preparedness Program (HPP) contractor.

At the conclusion of the contractual relationship between DSHS and NCTTRAC, for any reason, title to any remaining equipment and supplies purchased for this project under

HPP funds, reverts to DSHS. At the discretion of DSHS, the title may be transferred to a third party or it may be retained by the City of Sherman, as may be determined.

IX. VENUE

This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Grayson County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Grayson County, Texas.

X. GENERAL PROVISIONS:

1. This CONTRACT is entered into by the duly authorized officials of each respective party.
2. To the extent authorized by the laws and constitution of the State of Texas, the NCTTRAC and the Receiving Agency shall not be liable for any lost profits, special, incidental, consequential, or punitive damages, whether for breach of any express or implied warranties or otherwise. The NCTTRAC and the Receiving Agency do not warrant that services shall be without defect, interruption, or suited for particular purposes. The Receiving Agency agrees to work cooperatively with NCTTRAC to maintain services to the best of both parties' abilities.
3. During the term of this CONTRACT and any extensions thereto, the Receiving Agency assumes all liability arising from the use, employment, deployment, redeployment, and reconstitution of the AmBus and supporting equipment in accordance with the provisions of law and regulations which govern their activities.
4. In case any other provision hereof should be held to be illegal, invalid or unenforceable in any respect, such illegality, invalidity or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been included in this Agreement.
5. It is understood by both parties that each will fulfill its responsibilities under this CONTRACT in accordance with the provisions of law and regulations which govern their activities. Nothing in this CONTRACT is intended to negate or otherwise render ineffective any such provisions or operating procedures. If at any time either party is unable to perform its functions under this agreement consistent with such party's statutory and regulatory mandates, the affected party shall immediately provide written notice to the other to establish a date for mutual resolution of the conflict up to, and including, forfeiture of the use and return to NCTTRAC those assets described in the statement of work attached as Schedule (A) and in the Equipment List, Exhibit (A).
6. This Agreement constitutes the entire agreement hereto with respect to the subject matter hereof, and supersedes any prior understanding or written or oral agreements between the parties with respect to the subject matter of this

Agreement. No amendment, modification or alteration of the terms of the Agreement shall be binding on either party unless the same is in writing, dated subsequent to the date hereof, and is duly executed by the party against whom enforcement is sought.

7. Each person signing this Agreement on behalf of a party hereby confirms for the benefit of the other party to this Agreement that any requisite approvals from the governing body of such party have been obtained, and all prerequisites to the execution, delivery and performance hereof have been obtained by or on behalf of that party.
8. Force Majeure - Either party may be excused from performance under this CONTRACT for any period that such party is prevented from performing its obligations in whole or in part as a result of any act of God, war, civil disturbance, epidemic, court order, or other event outside the control of such party, provided the party seeking to be excused has prudently and promptly acted to take any and all reasonable corrective measures that are within such party's control.
9. Neither party has authority for and on behalf of the other except as provided in this CONTRACT. No other authority, power, partnership, use or rights are granted or implied except as provided by Texas and or Federal laws and regulations, and as defined in Schedule (A) to this CONTRACT.
10. Neither party may incur any debt, obligation, expense or liability of any kind on behalf of the other party without the other party's express written approval.
11. TO THE EXTENT PERMITTED BY LAW, THE RECEIVING AGENCY WILL DEFEND AND INDEMNIFY NCTTRAC, ITS DIRECTORS, EMPLOYEES, AGENTS, AND REPRESENTATIVES (THE "INDEMNITIES") AND HOLD THE INDEMNITIES HARMLESS AGAINST ANY DAMAGE, CLAIMS, SUITS ACTIONS, LIABILITIES, LOSS, PENALTIES, COSTS, AND EXPENSES INCLUDING, WITHOUT LIMITATION, REASONABLE ATTORNEYS' FEES ARISING OUT OF OR ALLEGED TO HAVE ARISEN FROM OR IN ANY WAY CONNECTED TO:
 - i. THE USE OF THE EQUIPMENT BY THE CONTRACTOR,
 - ii. A BREACH OF ANY OF THE REPRESENTATIONS, WARRANTIES, OR OBLIGATIONS OF THIS CONTRACT BY NCTTRAC,
 - iii. ANY CLAIMS (WHETHER FOUNDED OR UNFOUNDED) OF ANY NATURE OR CHARACTER, OR
 - iv. ANY ACTUAL OR ALLEGED NEGLIGENCE OR DISHONESTY OF, OR ANY ACTUAL OR ALLEGED ACT OF COMMISSION OR OMISSION BY NCTTRAC OR ANY OF ITS EMPLOYEES, AGENTS, REPRESENTATIVES OR CONTRACTORS.
12. NCTTRAC WILL DEFEND AND INDEMNIFY THE RECEIVING AGENCY, ITS ELECTED OFFICIALS, DIRECTORS, OFFICERS, EMPLOYEES, AGENTS AND REPRESENTATIVES (THE "RECEIVING AGENCY INDEMNITIES") AND HOLD THE RECEIVING AGENCY INDEMNITIES HARMLESS AGAINST ANY DAMAGES, CLAIMS, SUITS, ACTIONS, LIABILITIES, LOSS, PENALTIES, COSTS AND EXPENSES INCLUDING, WITHOUT LIMITATION REASONABLE ATTORNEYS' FEES, ARISING OUT OF NCTTRAC'S DISHONESTY OR NEGLIGENT ACTS OR OMISSIONS RELATED TO THE HOSPITAL PREPAREDNESS PROGRAM.

XI. CONTRACT SIGNATURES:

The UNDERSIGNED CONTRACTING PARTIES bind themselves to the faithful performance of this CONTRACT. It is mutually understood that this CONTRACT shall be effective if signed by a person authorized to do so according to the normal operating procedures of said party. If the governing body of a party is required to approve this CONTRACT, it shall not become effective until approved by the governing body of that party. In that event, this CONTRACT shall be executed by the duly authorized official(s) of the party as expressed in an approving resolution or order of the governing body of said party, a copy of which shall be attached to this CONTRACT.

RECEIVING AGENCY City of Sherman, Texas	
APPROVED AS TO FORM AND LEGALITY:	
ATTEST:	
_____	_____
Attorney	City Manager
_____	_____
Date of Signature	Date of Signature
PERFORMING AGENCY NORTH CENTRAL TEXAS TRAUMA REGIONAL ADVISORY COUNCIL	
APPROVED AS TO FORM AND LEGALITY:	
ATTEST:	Hendrik J. Antonisse
_____	_____
Attorney	Executive Director
_____	_____
Date of Signature	Date of Signature

SCHEDULE (A)

AMBUS PROJECT

I. Purpose of Agreement

It is the purpose of this Agreement to establish a cooperative and mutually beneficial relationship between the parties and to set forth the relative responsibilities of the parties as they relate to the utilization of ambulance buses (AmBus) purchased with U. S. Department of Health and Human Services Hospital Preparedness Program (HPP) funding.

II. Project Description

The AmBus is one component of the Texas Emergency Medical Task Force (EMTF) Project. The EMTF Project was developed by the Texas Department of State Health Services (DSHS) to create a network of rapidly deployable, regionally based emergency medical assets across Texas. North Central Texas Trauma Regional Advisory Council (NCTTRAC) is contracted by DSHS to administer the EMTF Project within Trauma Service Areas (TSA) C, D, and E.

The Receiving Agency under this CONTRACT is considered the “owner” of the AmBus and holds title to the AmBus during the term of this CONTRACT and is subject to applicable state and federal laws. The Receiving Agency will store, maintain, and appropriately staff the AmBus during the time it retains ownership of the AmBus.

The AmBus may be deployed outside the Receiving Agency’s jurisdiction on a DSHS mission assignment. On a DSHS mission, the Receiving Agency’s operational costs will be reimbursed per separate agreement(s). Other federal, state, and local provisions may also apply.

The Receiving Agency maintains authority for daily use of the AmBus. If other jurisdictions issue a mutual aid request for use of the AmBus, and the AmBus is available, the Receiving Agency will provide priority support to jurisdictions within Emergency Medical Task Force Region 2, with follow-on consideration to support requests from other regions, the state, and the federal government. Requests for an AmBus deployment outside the Receiving Agency’s jurisdiction will be routed to the Receiving Agency in compliance with Texas Emergency Management Act, Chapter 418, Texas Government Code, and the Texas Disaster Act of 1975.

Final authority for the deployment of the AmBus rests with the Receiving Agency.

An Equipment List is attached as Exhibit (A) to this CONTRACT.

III. Purpose

The AmBus Project supports state, regional, and local preparedness by providing multiple patient care and transport capabilities for use in, but not limited to, hospital evacuations, mass casualty incidents, onsite medical rehabilitation, and command capabilities.

IV. Responsibilities of the Parties Under Agreement

In consideration of the mutual aims, desires and promises of the parties to this CONTRACT, and, in recognition of the public benefit to be derived from effective implementation of the programs involved, the parties agree that their responsibilities under this agreement shall be as follows:

A. The Receiving Agency shall:

- 1) Sign the Texas Department of State Health Services Non-Expendable Personal Property Report Form (Form GC-11) and Property Transfer Record when the AmBus is acquired from NCTTRAC.
- 2) License the vehicle as a DSHS ambulance.
- 3) Participate as part of the Texas Emergency Medical Task Force (EMTF) Project by utilizing the currently DSHS licensed AmBus, as provided for by NCTTRAC, and providing personnel on a 24/7/365 basis for Texas Department of State Health Services mission assignments.
- 4) Participate as a mutual aid partner to cooperative agencies by providing the asset and personnel on a 24/7/365 basis for up to twenty-four (24) hours.
- 5) Participate as an active member of EMTF-2 workgroups and the Regional Emergency Preparedness Committee of NCTTRAC.
- 6) Register and maintain AmBus status in NCTTRAC's crisis applications, including the TSA-E Tracking of Resources, Assets, and Capabilities System (**E*TRACS**), WebEOC and EMResource.
- 7) Register and maintain contact data for Receiving Agency administrative personnel responsible for AmBus operations in **E*TRACS**.
- 8) Register the AmBus in the Texas Regional Response Network (TRRN).
- 9) Maintain the AmBus in a ready state for emergency responses.
- 10) Participate in state and regional training and exercises.
- 11) Train personnel to operate and maintain the AmBus and associated equipment.
- 12) Using standard HPP-specific inventory forms and processes, conduct an annual or special inventory of the AmBus and ancillary equipment upon request by NCTTRAC. NCTTRAC will provide support to Receiving Agency during the inventory process as requested.
- 13) Notify NCTTRAC if replacement of damaged or non-functional equipment is required.
- 14) Notify NCTTRAC if the AmBus is taken out of service for a period of time greater than four hours.
- 15) Notify NCTTRAC, for consideration, of any needed upgrades regarding the AmBus. Vehicle alterations must be approved by NCTTRAC to ensure regional and state consistency.
- 16) Notify NCTTRAC, for consideration by EMTF stakeholders, of any recommended changes to AmBus- related medical response capabilities.
- 17) Provide minor equipment as needed for use within the AmBus for purposes such as administrative support and cleaning.
- 18) Maintain insurance or other means of replacing the AmBus and issued ancillary equipment as provided under HPP funding. The Receiving Agency will complete and return to NCTTRAC Exhibit (B), Affidavit of Insurance or Other Means of

Replacement. If insurance is provided by a third party policy, Receiving Agency will provide to NCTTRAC a copy of the Certificate of Insurance.

- 19) Be responsible for repair / replacement of equipment that is broken, damaged, or missing due to misuse, negligence, theft or outside of normal lifespan expectations.
- 20) Perform and document the completion of planned, preventive, and corrective maintenance and repairs to the AmBus and ancillary equipment as indicated in the manufacturers' operations and maintenance manuals.
- 21) Follow manufacturer warranty procedures to complete repairs as may fall under the warranty and as directed in the manufacturers' operations and maintenance manuals.

B. NCTTRAC shall:

- 1) Allow the AmBus to remain in the possession of the Receiving Agency with the understanding that the Receiving Agency will commit to its responsibilities as outlined in this CONTRACT.
- 2) Monitor the performance of the Receiving Agency in regards to performance under this CONTRACT and advise the Receiving Agency of any and all concerns regarding performance.
- 3) Conduct an annual inventory of all Equipment and provide results to DSHS or as required by special audit. NCTTRAC will provide support to Receiving Agency during the inventory process as requested.
- 4) Provide copies of manufacturers' manuals and warranty statements as available.
- 5) Support appropriate planned costs of operation of the AmBus for HPP-sanctioned exercises conducted inside and outside the Receiving Agency's jurisdiction and within the geographic boundaries of Trauma Service Area E, when allowed under DSHS HPP contract and as mutually agreed by both the Receiving Agency and NCTTRAC.

V. AmBus Training

The manufacturer is contracted to provide staff support at no cost, including travel accommodations, to the Receiving Agency for one training session. The Receiving Agency is expected to take advantage of this free session to improve local capacity to operate and maintain the AmBus and may permit other TSA-E jurisdictions to participate so that additional regional support teams may be developed.

----- End of Schedule A -----

EXHIBIT A
EQUIPMENT LIST
AMBUS PROJECT

1. Sartin Services, Inc., ambulance bus, including
 - a. Eight H-cylinder oxygen cylinders with twenty flow meters
 - b. Nine D-cylinder oxygen cylinders with regulators
 - c. Two powered rolling gurney – type stretchers
 - d. Eighteen adjustable headrest type non-folding stretchers
 - e. Five 12vDC suction units
2. One 12-lead cardiac monitor system with ancillary equipment
3. Five 3-lead EKG, NIBP, SpO2 wireless monitoring units
4. One VHF / UHF dual amateur band two-way mobile radio and ancillary equipment
5. One 700 - 800 / VHF commercial dual band mobile radio and ancillary equipment
6. One 700 - 800 / UHF commercial dual band mobile radio and ancillary equipment
7. One UHF commercial band mobile radio and ancillary equipment
8. Six portable VHF radios with ancillary equipment

Total acquisition value of above items for insurance purposes is: \$433,440.00

EXHIBIT B
AFFIDAVIT OF INSURANCE
OR OTHER MEANS OF REPLACEMENT
AMBUS PROJECT

Receiving Agency: City of Sherman
Address: 220 W. Mulberry
City, State, Zip: Sherman, Texas 75090

In accordance with Section IV, paragraph A.(16), of Schedule (A) to the AmBus Project Interlocal Cooperation Contract,

I, _____, hereby swear or affirm that
(Insert Signatory Name Above)

_____ holds the required amount of
(Insert Receiving Agency Name Above)

insurance, or other means of replacement, for the total value of the AmBus and issued equipment.

☐ Check box if insurance is provided by a third party

☐ Check box if Receiving Agency is self-insured

ATTEST: _____
< Insert Signature Above>

<Insert Printed Signatory Name Above>

<Insert Printed Signatory Title Above>

<Insert Date of Signature Above>

☐ Third Party insurance certificate is attached

Return form(s) to: NCTTRAC
600 Six Flags Drive, Suite 160
Arlington, TX 76011

----- End of Exhibit (B) -----



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.1

*** REQUEST TO ADVERTISE**

Annual Contract for Water and Sewer Parts and Supplies

Issue

Request to advertise for bids for the annual contract for water and sewer parts and supplies.

Background

The period for purchasing under our existing annual contract will end in the next few months. The staff is finalizing the bid documents for the proposed new annual supply contract. The water and sewer piping supplies and parts are used in the maintenance of the City's water system and sewer system.

Origination

Department 710, Utilities Administration

Financial Consideration

Purchases are made with budgeted funds in the Water Utility Cost Centers and are included in the requested fiscal year 2011-2012 budget. Cost for advertising for this contract is expected to be less than \$200.00.

Staff Recommendation

It is requested that the City Council authorize the staff to advertise the annual contract for bids.

Alternatives

Could solicit quotations and purchase more frequently; however, delivery time-frame would be longer and more man-hours would be spent on procurement.

Attachments

None

Prepared by:
Mark Gibson, Director of Utilities and Engineering

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.2

*** OTHER BUSINESS**

**Consider Request of St. Mary's Catholic Parish to Temporarily Close Certain Streets
for their Annual Fall Fest on Sunday, September 25, 2011**

Issue

St. Mary's Catholic Parish is planning to hold its annual Fall Fest on Sunday, September 25th and is requesting the City of Sherman's assistance with a street closure in the vicinity of the Church and School.

Background

The event will take place during the hours of 8:00 a.m. and 6:00 p.m. and will require the closure of Sparrow Lane, from Travis Street to Walnut Street, during this time period. The event will require traffic control barricades from the City of Sherman.

Origination

Cindy Johnson, St. Mary's Fall Fest Committee Representative

Financial Consideration

Labor and equipment to deliver and pick-up barricades

Staff Recommendation

It is recommended that the City Council approve this request.

Alternatives

None recommended

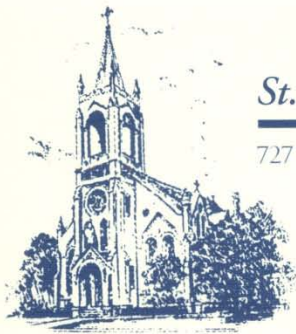
Attachments

Written request for assistance dated August 16, 2011

Aerial Location Map

Prepared by:
Don Keene, Director of Public Works

Approved by:
George Olson, City Manager



St. Mary's Catholic Parish

727 SOUTH TRAVIS - SHERMAN, TEXAS 75090 - (903) 893-5148

August 16, 2011

Mr George Olson
City Manager
P. O. Box 1106
Sherman, TX. 75090

Dear Mr. Wall,

On Sunday, September 25, 2011, St. Mary's Catholic Parish will hold our annual Fall-Fest on the church and school property. As in the past it is again requested that we be allowed to close Sparrow Lane from Travis Street to Walnut Street for this event. This closing will be necessary during the hours 8 a.m. until 6 p.m. on September 25, 2011.

If there are any questions please feel free to contact me at 903-893-5148.

Sincerely,

Cindy Johnson
Fall Fest Committee Representative



City of Sherman, Texas
Engineering Department

**St. Mary's Fall Fest
Street Closure Request
September 25, 2011**



Scale: 1 in = 1,000 Ft



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.3

*** OTHER BUSINESS**

Final Plat Approval of Concord Village Apartments Addition; being 3.647 Acres in the J.B. McAnair Survey, Abstract No. 763; Concord Village Apartments, Owner; Lisa Hankey, Representative; Gary Roland, Draftsman; Underwood Drafting and Surveying, Surveyors (820 North Sam Rayburn Freeway)

Issue

To consider Final Plat approval of Concord Village Apartments Addition located at 820 North Sam Rayburn Freeway, being 3.647 acres in the J.B. McAnair Survey, Abstract No. 763

Background

The property is located at 820 North Sam Rayburn Freeway, between Birge and Brockett Streets; Concord Village Apartments is the tenant. The owner would like to plat the property into one lot for Multi-Family Residential development.

Origination

Concord Village Apartments (Owner), Lisa Hankey (Representative), Gary Roland (Draftsman), and Underwood Drafting and Surveying (Surveyors)

Board Recommendation

At the August 16, 2011 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

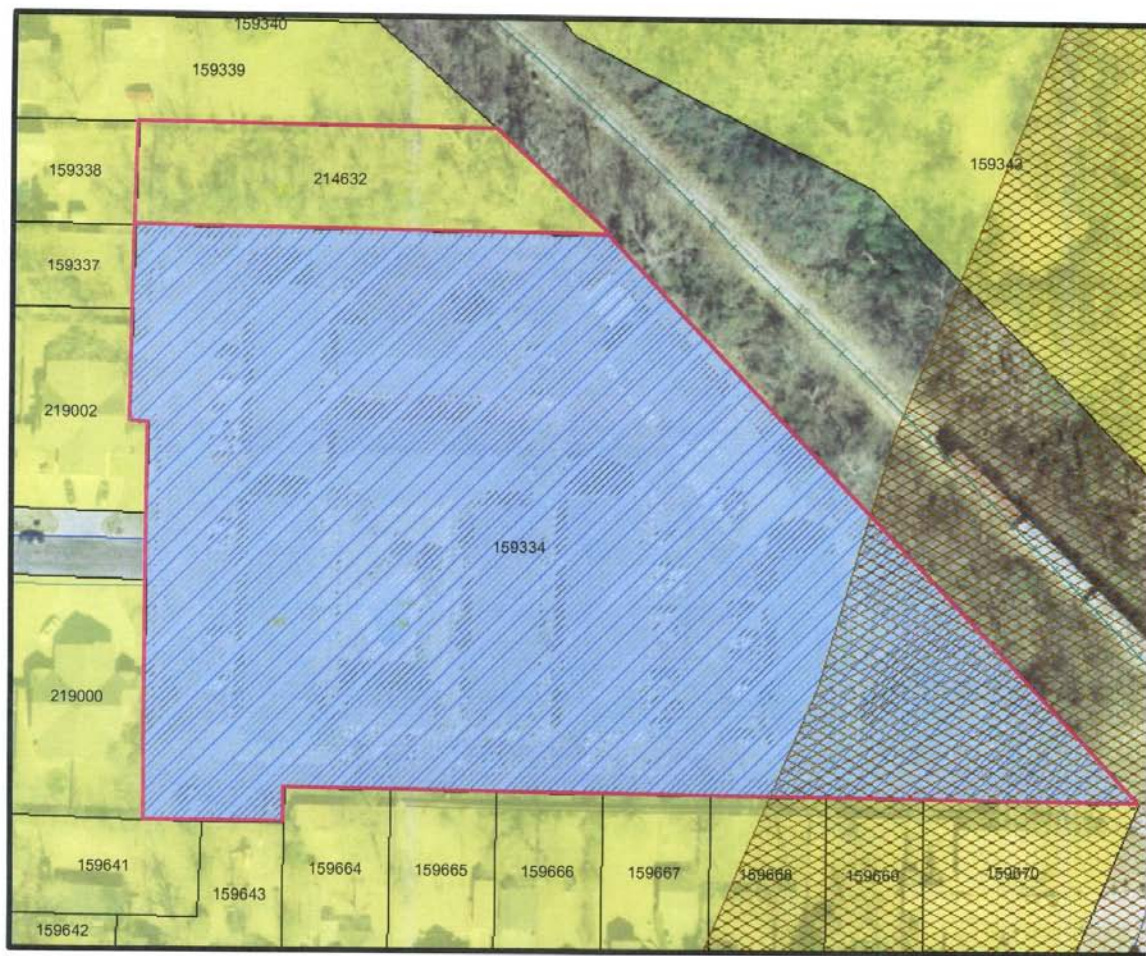


City of Sherman, Texas
Developmental Services Department

820 Sam Rayburn Freeway North



1 inch = 107 feet



Zoning - 820 Sam Rayburn Freeway North

Legend

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



City of Sherman, Texas
Developmental Services Department



1 inch = 86 feet

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
August 16, 2011
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Vacant, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Richard Barber, Commissioner

820 North Sam Rayburn Freeway
Being 3.647 acres in the J.B. McAnair Survey, Abstract No. 763
Plats, Zone Change, Site Plan & Exception

Requested Action/Proposed Use:

Planning and Zoning Commission

Preliminary and Final Plats of Concord Village Apartments Addition

Planning and Zoning Commission

R-2 Zoning: 0.321 acres in the J.B. McAnair Survey, Abstract No. 763, zone change and site plan approval from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District for an addition to the existing apartment complex and an accessory building.

Board of Adjustments

Exception to allow an addition to a 6' wood privacy fence, in lieu of the required masonry perimeter wall to surround the development in an R-2 (Multi-Family Residential) District/O-1.2 (Sam Rayburn) Overlay District.

Background:

The property is located at 820 North Sam Rayburn Freeway, between Birge and Brockett Streets; Concord Village Apartments is the tenant. The owners would like to plat the property into one lot and rezone a 0.321 acre tract to the north for an addition to the existing apartment complex. The addition will be a 12-bedroom apartment building with 8 units; 18 additional parking spaces will be added. The exterior of the building will match the existing buildings; which are brick. They would also like to construct a 16'x20' accessory building near the east property line.

Adjacent Zoning:

R-1 (One Family Residential) District.

Origination:

Concord Village Apartments (Owner), Lisa Hankey (Representative), Gary Roland (Draftsman) and Underwood Drafting and Surveying (Surveyors)

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:

24

Objections Received:

2

Attachments:

Location map

Photographs

Site Plan

Staff Review Letter

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services

**STAFF REVIEW LETTER**

August 10, 2011

Lisa Hankey
PO Box 2066
Sherman, TX 75091

Dear Applicants,

The request for approval of the Preliminary and Final Plat of the Concord Village Apartments Addition for the property located at 820 North Sam Rayburn Freeway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2011 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Preliminary Plat

1. Platting of the property is required.
2. A utility plan shall be provided to the City of Sherman Engineering Department for review and approval.
3. Preliminary Plat notice to be shown.
4. P.O.B. notation shall be shown.
5. The 10' field note call (88°42'30") shall be reconciled with the drawing.
6. The 177.44' field note call (02°37'30") shall be reconciled with the drawing.
7. The 437.03' field note call (40°13'44") shall be reconciled with the drawing.
8. The 83.81' field note call (87°25'46") shall be reconciled with the drawing.
9. Any other changes made to the preliminary plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Final Plat

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drives and sidewalks shall conform to City of Sherman standards.
4. The location of trash receptors shall be reviewed for approval by the Director of Engineering and Public Works.
5. P.O.B. notation shall be shown.
6. The 10' field note call (88°42'30") shall be reconciled with the drawing.
7. The 177.44' field note call (02°37'30") shall be reconciled with the drawing.
8. The 437.03' field note call (40°13'44") shall be reconciled with the drawing.

9. The 83.81' field note call (87°25'46") shall be reconciled with the drawing.
10. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,



Mark Gibson
Dir. of Engineering & Public Works

cc: George Olson, City Manager
 Brandon Shelby, City Attorney
 Nathan Huffman, Fire Marshal
 Underwood Surveying, 3404 Interurban Rd, Denison, TX 75020

 Scott Shadden, Director of Development Services
 Don Keene, Exec. Dir. of Planning & Public Works
 Lisa Whitfield, Engineering & Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.4

*** OTHER BUSINESS**

**Site Plan Approval for Fisher Control International, Inc., Owner;
Fisher Controls/Emerson, Tenant; Ramiro Pesina, Representative;
and Nathan Gray, NBS Drafting and Design, Architect under Ordinance No. 2252,
Article IV, Section 410(2)(j) for Two (2) Guard Stations in the
Blalock Industrial Park District at 4725 U.S. Highway 75 South**

Issue

This item is to consider the request of Fisher Control International, Inc. (Owner), Fisher Controls/Emerson (Tenant), Ramiro Pesina (Representative), and Nathan Gray, NBS Drafting and Design (Architect) concerning the property located at 4725 U.S. Highway 75 South, being 70.74 acres in the Sherod Dunman Survey, Abstract No. 329 and being in Tract 1 of Blalock Industrial Park, for a site plan for two (2) guard stations in the Blalock Industrial Park

Background

The property is located at 4725 U.S. Highway 75 South; Fisher Controls is the tenant. They would like to construct two (2) 8' x 10' guard stations near the entrances of the property; one on the west side of the property near the Highway 75 access road and employee parking lot, and the other at the north side of the property near the truck parking lot. The exterior finish of the buildings will be EIFIS (Exterior Insulation Finishing System).

Origination

Fisher Control International, Inc. (Owner), Fisher Controls/Emerson (Tenant), Ramiro Pesina (Representative), and Nathan Gray, NBS Drafting and Design (Architect)

Board Recommendation

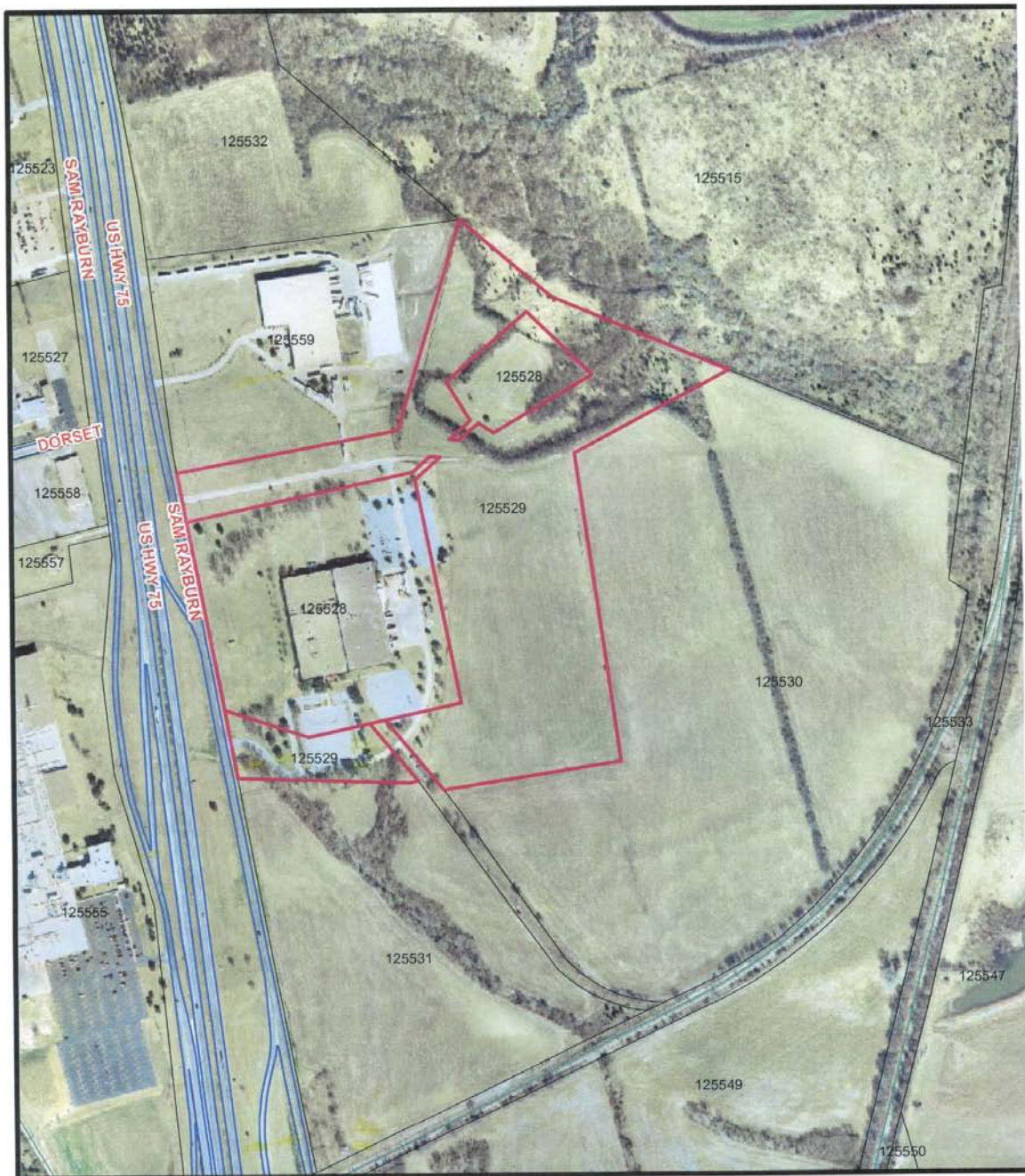
At the regular meeting on August 16, 2011, the Planning and Zoning Board voted 7/0 to approve the site plan and to forward the request to the City Council.

Attachments

Location Map
Photographs
Site Plan
P&Z Communications Form
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

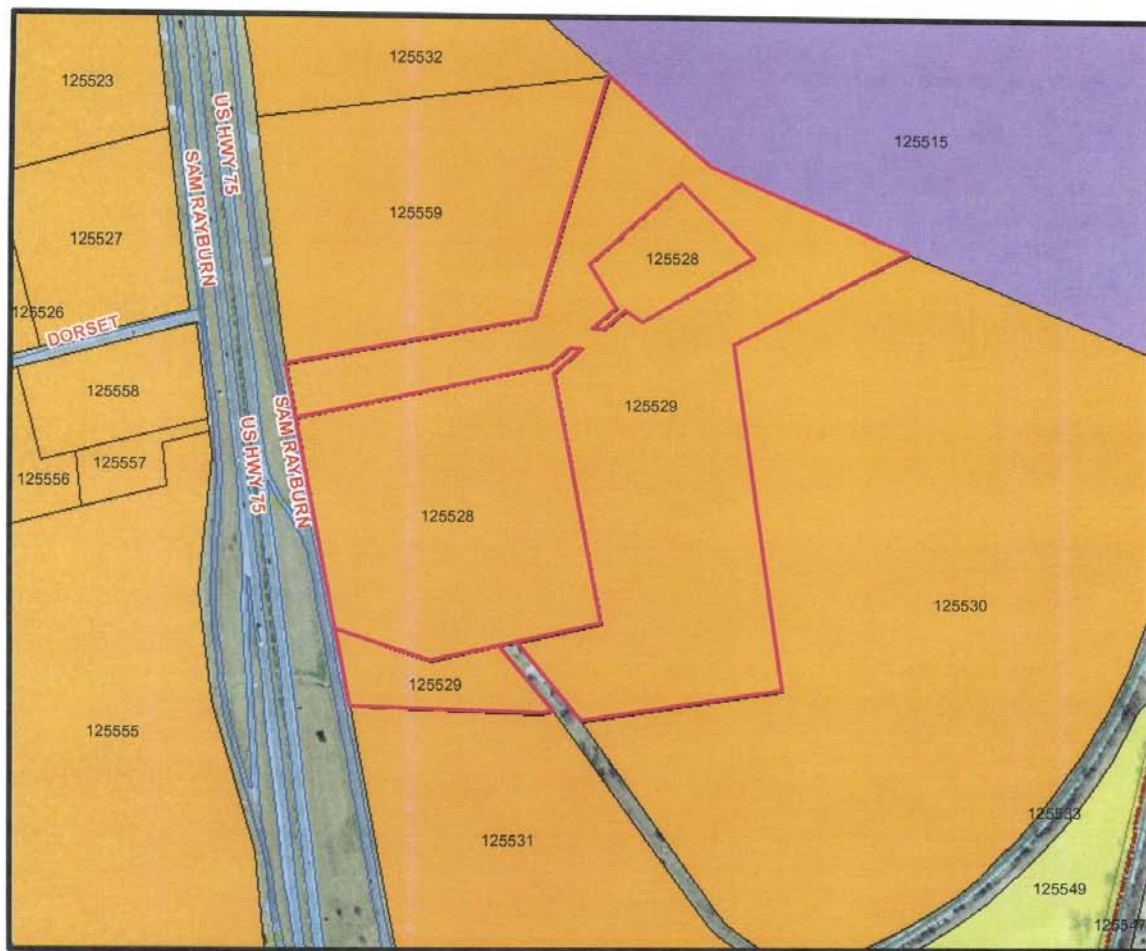


City of Sherman, Texas
Developmental Services Department

4725 U.S. Highway 75 South



1 inch = 558 feet



Zoning - 4725 U.S. Highway 75 S.

Legend

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



City of Sherman, Texas
Developmental Services Department



1 inch = 558 feet

4725 Highway 75 S.



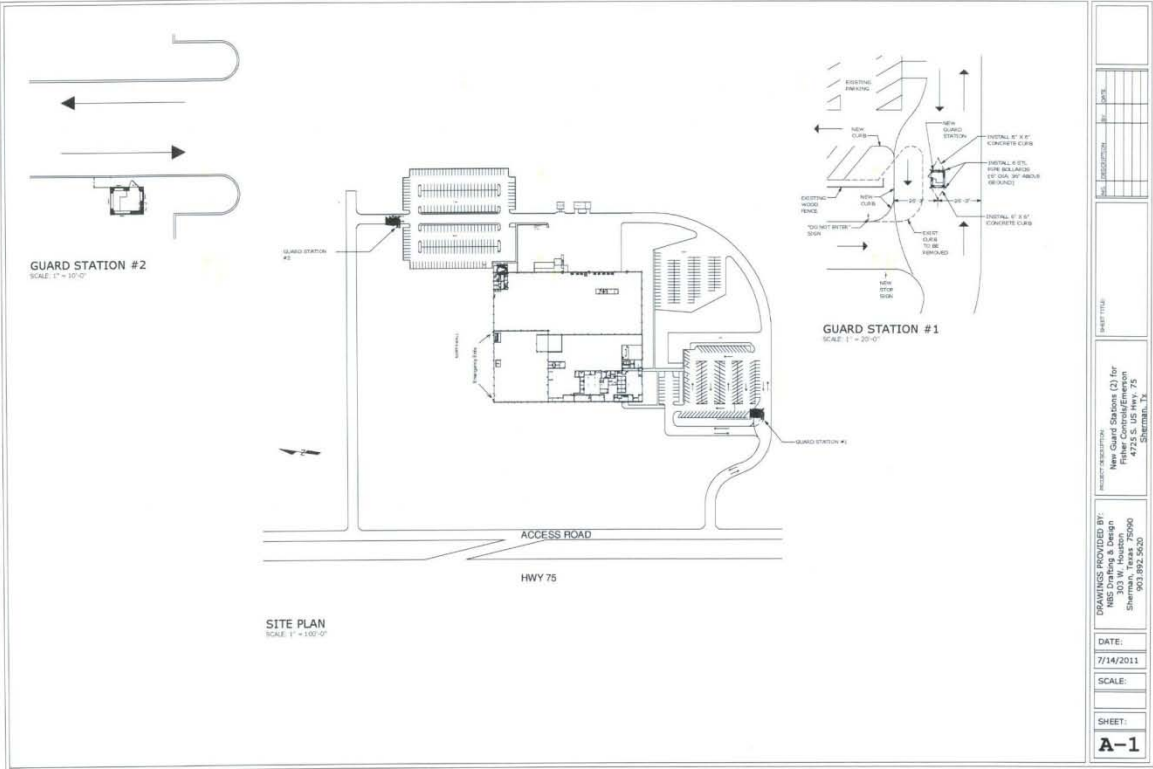


GENERAL CONSTRUCTION NOTES:

- 1. CONCRETE SLAB TO BE 5" THICK W/ 4" SAND CUSHION (13000 PSI)
- 2. GRADE TO BE 4" ± OF D.C.E. EXTERIOR GRADE (RAMP 1/2" ± 2")
- 3. PROVIDE BRICK UPDOR FOR 6" C.M.U.
- 4. WALLS TO BE CONSTRUCTED WITH #4X8" CHD. CHU. INSTALL 2X4 W/ 16" O.C. STAYS TO BRICK. BRICK TO BE 4" ROCK. WALLS TO BE INSULATED W/ R11 FIBERGLASS BATT.
- 5. FILL CORNERS OF CHU. WALL INTERSECTIONS WITH GREAT RIGID BEAN BOARD 1/2" CHU. WALL
- 6. PROVIDE 3/4" X 8" UNFINISHED JOIST WITH 7'-6" A.F.F.
- 7. FLOOR TO BE 3/8" METAL INSUL. (DOOR FRAME)
- 8. ROOF TO BE 2" ALUMINUM INSUL. 1" GUTTER LEADS
- 9. ROOF TO BE METAL. PROVIDE ROOF TRIM AND GUTTER (COLOR BY OWNER)
- 10. EXTERIOR TRIM TO BE EMERALDSPRINGS RULE
- 11. EXTERIOR WALL FINISH TO BE EIFS (COLOR BY OWNER)
- 12. INTERIOR COUNTERTOP (VEIN) STAINLESS CO. (W/OWNERS)
- 13. INTERIOR COUNTER TOP (VEIN) STAINLESS CO. (W/OWNERS)
- 14. MOISTURE TREATMENT/STAINPROOF FOR INTERIOR WALL FINISH
- 15. VERIFY COLOR MATCH
- 16. INSTALL 120V AND ELECTRICAL PANEL W/OUT-DOOR FOR FUTURE
- 17. VERIFY 120V HEAT PUMP - WINDOW UNIT



DRAWINGS PROVIDED BY:		PROJECT LOCATION:	
NBS Drafting & Design 303 W. Houston Sherman, Texas 75090 903.892.5620		New Guard Station (2) for Fiber Control/Enclosure 4775 S. US Hwy. 75 Sherman, TX	
DATE:	7/14/2011	SHEET TITLE:	
SCALE:		SHEET NUMBER:	
SHEET:	A-2	SHEET COUNT:	



City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
August 16, 2011
Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman
Vacant, Commissioner
Ron Barton, Commissioner
Don Hicks, Commissioner

Brad Morgan, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner
Richard Barber, Commissioner

4725 U.S. Highway 75 South
Being 70.74 acres in the Sherod Dunman Survey, Abstract No. 329 and
being in Tract 1 of Blalock Industrial Park
Site Plan

Requested Action/Proposed Use:

Planning & Zoning Commission

Site plan approval to Ordinance No. 2252 Article IV, Section 410 (2) (j) for two (2) guard stations in the Blalock Industrial Park.

Background:

The property is located at 4725 U.S. Highway 75 South; Fisher Controls is the tenant. They would like to construct two (2) 8'x10' guard stations on the property; one on the west side of the property near the Highway 75 access road and employee parking lot, and the other at the north side of the property near the truck parking lot. The exterior finish of the buildings will be EIFIS (Exterior Insulation Finishing System).

Adjacent Zoning:

Blalock Industrial Park

Origination:

Fisher Control International, Inc. (Owners), Fisher Controls/Emerson (Tenant), Ramiro Pesina (Representative) and Nathan Gray, NBS Drafting and Design (Architect)

Master Plan Designation:

Business Park and Research

Number of notices mailed:

35

Objections Received:

0

Attachments:

Location map

Photographs

Site Plan

Staff Review Letter

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services

SHERMAN



STAFF REVIEW LETTER

August 11, 2011

Fisher Controls
Ramiro Pesina
4725 Highway 75 South
Sherman, TX 75090

Nathan Gray
303 W. Houston
Sherman, TX 75090

Dear Applicants,

The request for site plan approval for two (2) guard stations in the Blalock Industrial Park for the property located at 4725 U.S. Highway 75 South has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, August 16, 2011 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 Blalock Industrial Park Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
3. 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:

4. Verify location of utility lines and easements. No permanent structures shall be placed within the utility easements.

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 and Zoning Commission.

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 Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Don Keene, Exec. Dir. of Planning & Public Works
Lisa Whitfield, Engineering & Development Coordinator

Nathan Huffman, Fire Marshal
Brandon Shelby, City Attorney



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.5

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.6

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.7

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.8

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 9-6-2011

Subject: Agenda Item No. D.9

COUNCIL CALENDAR

2011 CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
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17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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11	12	13	14	15	16	17
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25	26	27	28	29	30	

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

01/03/11 - January 3rd Council meeting cancelled
01/17/11 - M.L.K., Jr. Birthday / Regular Council Meeting
02/21/11 - Washington's Birthday / Regular Council Meeting
03/03/11 - 12 Noon Long-Term Planning Meeting
03/28/11 - 12 Noon Called Meeting for PH & Adoption of Ord. #
(Annexation of 23.065 acres south of Dripping Springs Road and
west of Cedar Park Village)
04/21/11 - 12 Noon Budget Planning Meeting in Council Chambers
06/17/11 - 8:00 AM Budget Workshop in Council Chambers
06/23/11 - 12 Noon Joint Meeting with SEDCO Board (Ramp Rev.)

07/04/11 - Independence Day - No Meeting Called for 07/05/11
09/05/11 - Labor Day / Called Council Meeting on 09/06/11
09/22/11 - 12 Noon Called Joint Meeting with SEDCO Board
10/24/11 - 12 Noon Called Meeting for Annexation Ordinance
(U.S. Highway 82 and S.H. 289)
11/08/11 - City Council Election
11/16/11 - 12 Noon Called Meeting to Canvass Election Results