

**CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, SEPTEMBER 3, 2013
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER JOE N. SMITH**
- A. 3. INVOCATION BY COUNCIL MEMBER JOE N. SMITH**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 19, 2013**

Proclamations

- B. 1. PROCLAMATION**
"Blood Cancer Awareness Month" – September 2013

Public Hearing

- C. 1. PUBLIC HEARING**
Capital Improvement Program 2013-2018
- C. 2. SECOND PUBLIC HEARING OF ORDINANCE NO. 5789**
Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2013; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5792**
Amending Chapter 1 of the Code of Ordinances, entitled "General Provisions", Article 1.08, entitled "Cemeteries", at Sections 1.08.074(a) and 1.08.075(a)
- C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5793**
Amending Chapter 2 of the Code of Ordinances, entitled "Animal Control", at Article 2.03, entitled "Impoundment", at Sections 2.03.004 through 2.03.006 by Amending Animal Adoption and Relinquishment Fees at the Sherman Animal Shelter

- C. 5. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5794**
Amending Chapter 3 of the Code of Ordinances, entitled "Building Regulations", at Article 3.14, entitled "Permit, Development and Registration Fees", to Increase Certain Building and Inspection Fees
- C. 6. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5795**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.06, entitled "Solid Waste", at Sections 13.06.005, 13.06.051, 13.06.086, 13.06.087, and 13.06.088 to Increase Certain Solid Waste Fees
- C. 7. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5796**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.08, entitled "Utility Billing", at Sections 13.08.005 and 13.08.006, Revising Rates for Water and Sewer Services
- C. 8. **INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5797**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.09, entitled "Service Fees", at Sections 13.09.002, 13.09.004 and 13.09.005, Revising Rates for the Laboratory and the Industrial Pretreatment Program, and Providing for a New Section 13.09.006 to be entitled "Fats, Oil and Grease Program Administrative Fees"

Close Public Hearing and Consider Adoption of Ordinances

- C. 9. **ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 5792, 5793, 5794, 5795, 5796 and 5797
- C. 10. **CONSENT AGENDA**
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

- D. 1. *** RESOLUTION NO. 5793**
Approving and Adopting a Five-Year Capital Improvement Program for the City of Sherman, Texas
- D. 2. **RESOLUTION NO. 5797**
Amending the 2012-2013 Budget of the City of Sherman, Texas, Appropriating and Allocating Additional Funds for the Period of October 1, 2012, through September 30, 2013
- D. 3. *** RESOLUTION NO. 5798**
Revoking and Replacing Resolution No. 5699; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers
- D. 4. *** RESOLUTION NO. 5799**
Adopting an Investment Policy for the City of Sherman

- D. 5. * RESOLUTION NO. 5800**
Authorizing the Execution of Agreements with the Sherman Housing Authority, the Texoma Area Paratransit System, Inc., the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, Boys & Girls Club of Sherman, Inc., and MasterKey Ministries of Grayson County, Inc. for the Use of Community Development Block Grant Funds
- D. 6. * RESOLUTION NO. 5801**
Authorizing Execution of an Interlocal Jail Services Agreement with Grayson County for the Period of October 1, 2013, through September 30, 2014
- D. 7. * RESOLUTION NO. 5802**
Authorizing Execution of a Contract with Grayson County, Texas, for Use of the City of Sherman Animal Shelter
- D. 8. * RESOLUTION NO. 5803**
Authorizing the Execution of Deeds for the Resale of Properties within the Sherman City Limits Seized for Delinquent Taxes
- D. 9. * RESOLUTION NO. 5804**
Authorizing Execution of an Agreement with Mario Tobar for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 517 South Vaden Street

Other Business

- E. 1. * OTHER BUSINESS**
Consider Request of St. Mary's Catholic Parish to Temporarily Close Certain Streets for their Annual Fall Fest on Sunday, September 29, 2013

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

H. COUNCIL COMMENTS

Executive Session

- I. 1. EXECUTIVE SESSION**
In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections:

- (a) Deliberate the Evaluation of a Public Officer or Employee:
 - (1) Annual Performance Evaluation of the City Manager
 - (2) Annual Performance Evaluation of the City Attorney

The Council reconvenes into General Session

J. 1. OPEN MEETING

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

K. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Called Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on August 30, 2013 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 30th day of August, 2013
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

Deputy Mayor

Council Members

Carolyn S. Wacker

Pamela L. Howeth

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

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

Joe N. Smith, Council – District #1

Robert G. Softly, Council – District #2

Pamela L. Howeth, Council – District #3

David Plyler, Council – District #4



City Council Called Meeting

Agenda Item No. A. 4.

Meeting Date: 09/03/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 19, 2013

Attachments

August 19, 2013 Minutes

Fielder Park Revitalization Pilot Project

STATE OF TEXAS

§

August 19, 2013

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 19, 2013.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of August 5, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PUBLIC HEARING

CONDUCT THE SECOND PUBLIC HEARING CONCERNING
THE ANNEXATION OF 63.757 ACRES OF LAND AT THE
SOUTHWEST CORNER OF F.M. 1417/HERITAGE PARKWAY
AND F.M. 691 IN THE CITY OF SHERMAN'S EXTRA
TERRITORIAL JURISDICTION

Mayor Wacker called for the second public hearing on the annexation of 63.757 acres of land at the southwest corner of F.M. 1417/Heritage Parkway and F.M. 691 in the City's extra-territorial jurisdiction.

ANNEXATION
FM 1417 & FM 691

Rick Horn, Teague, Nall and Perkins, 17304 Preston Road,
Dallas

Mr. Horn appeared representing the property owner, Grayson County Airport Partners, LTD. He was available to answer any questions the City Council might have.

No other citizens appeared before the City Council to discuss the annexation of 63.757 acres of land at the southwest corner of F.M. 1417 and F.M. 691.

SECOND PUBLIC HEARING OF ORDINANCE NO. 5783

Mayor Wacker called for the second public hearing of Ordinance No. 5783:

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, 2013, AND

ORD 5783
ANNUAL BUDGET

COUNCIL MINUTES – AUGUST 19, 2013

ENDING SEPTEMBER 30, 2014; PROVIDING FOR A REPEALER.

Mayor Wacker read the following statement, "This budget will raise more total property taxes than last year's budget by \$524,000 and 7.3%, and of that amount \$134,000 is tax revenue to be raised from new property to be added to the roll this year."

No citizens appeared before the City Council to discuss Ordinance 5783.

INTRODUCTION AND FIRST PUBLIC HEARING OF ORDINANCE NO. 5789

Mayor Wacker introduced Ordinance 5789 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2013; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER.

Mayor Wacker said the City Council will consider the adoption of the Tax Rate Ordinance at the Regular Meeting scheduled for 5:00 p.m. on Monday, September 16, 2013 at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.

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

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5790 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 3.06, ENTITLED "HOUSING CODE", DIVISION 2, ENTITLED "DANGEROUS BUILDINGS", AT SECTIONS 3.06.011 THROUGH 3.06.022; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5790.

Mayor Wacker introduced Ordinance 5791 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.02, ENTITLED "ADMINISTRATION", AT SECTION 1.02.004, ENTITLED "CONVENIENCE FEE FOR CREDIT

ORD 5789
AD VALOREM
TAX LEVY

ORD 5790
SUBSTANDARD
STRUCTURES

ORD 5791
CREDIT CARD
CONVENIENCE FEE

CARD PAYMENTS”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5791.

The Public Hearing was closed.

PROVIDING FOR THE RATIFICATION OF THE PROPERTY TAX INCREASE

PROPERTY TAX INCREASE

Mayor Wacker explained that this item should be taken out of order and considered prior to the adoption of the budget ordinance.

Mayor Wacker thanked Council Members and staff for all the previous discussions on the budget and the tax rate. She noted that Sherman’s tax rate is still about \$0.065 cents lower than it was when she came on the Council in 2005. The City is running “lean” and has been trying to “hold the line” on expenses, and she commended the staff for their hard work to manage the finances.

Council Member Smith said, in his opinion, at this point in time, he did not think that the property tax increase was necessary. With the fund balances where they are and with the Panda water purchase coming on line in January 2015, and with some new commercial development, he felt the better course would be to “hold the line” one more year and see what happens.

The argument is that the City has done that and is not getting to where it needs to be. However, he did not feel that now was the time to increase the property tax rate.

Council Member Smith said he made the pledge when he ran for Council in 2006 that he would not support a tax increase if he didn’t fully believe that it was required. He said he has struggled over what to do, but in his heart he believed that the City could make it another year without a property tax rate increase.

He said he did believe that the employees needed a cost of living adjustment and he hated to vote against that. However to vote against the budget and the property tax increase, he would have to vote against the pay increase and he apologized to the employees.

ACTION TAKEN.

Motion by Council Member Sofey to ratify the property tax increase, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Wacker, Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: Smith.

MOTION CARRIED.

ADOPTION OF ORDINANCES

Ordinance 5783

**ORD 5783
ANNUAL BUDGET**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Ordinance No. 5783, as presented. Second by Council Member Softly.

VOTING AYE: Wacker, Howeth, Johnson, Plyler, Sofey, Softly.

VOTING NAY: Smith.

MOTION CARRIED.

Ordinance 5790

**ORD 5790
SUBSTANDARD
STRUCTURES**

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 3.06, ENTITLED "HOUSING CODE", DIVISION 2, ENTITLED "DANGEROUS BUILDINGS", AT SECTIONS 3.06.011 THROUGH 3.06.022; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Mayor Wacker thanked the staff for their work on this ordinance and said she was very pleased to move forward. If approved, the ordinance will become effective on October 1, 2013.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5790, as presented. Second by Council Member Johnson.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5791

**ORD 5791
CREDIT CARD
CONVENIENCE FEE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.02, ENTITLED "ADMINISTRATION", AT SECTION 1.02.004, ENTITLED "CONVENIENCE FEE FOR CREDIT CARD PAYMENTS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Mayor Wacker said the convenience fee is a "pass through" charge of \$1.25 on any electronic or credit card payments made online or by telephone.

COUNCIL MINUTES – AUGUST 19, 2013

Council Member Smith verified that this is a fee that is charged to the City by the software vendors and is passed on to citizens and not an additional fee to increase revenue.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5791, as presented. Second by Council Member Plyler.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5794 – AUTHORIZING EXECUTION OF A CONTRACT WITH GRAYSON COUNTY FOR AD VALOREM TAX ASSESSMENT AND COLLECTION SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT FOR AD VALOREM TAX ASSESSMENT AND COLLECTION SERVICES WITH GRAYSON COUNTY.

CONSENT AGENDA.

**RES 5794
AD VALOREM TAX
ASSESSMENT &
COLLECTION**

RESOLUTION NO. 5795 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO PANDA SHERMAN POWER, LLC FOR THE CONSTRUCTION OF A 16" WATERLINE IN THE STREET RIGHT OF WAY OF FLANARY ROAD WITHIN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO PANDA SHERMAN POWER, LLC FOR THE CONSTRUCTION OF A 16" WATERLINE IN THE STREET RIGHT OF WAY OF FLANARY ROAD WITHIN THE CITY OF SHERMAN.

CONSENT AGENDA.

**RES 5795
PANDA SHERMAN
POWER WATER LINE**

RESOLUTION NO. 5796 – ACCEPTING THE CONTRACT WITH TPC CONTROLS, INC. AS COMPLETE FOR THE SHERMAN WASTEWATER TREATMENT PLANT HEADWORKS LIFT STATION VARIABLE FREQUENCY DRIVE IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH TPC CONTROLS, INC., AS COMPLETE FOR THE SHERMAN WASTEWATER TREATMENT PLANT HEADWORKS LIFT STATION VARIABLE FREQUENCY DRIVE IMPROVEMENTS.

CONSENT AGENDA.

**RES 5796
WWTP HEADWORKS
LIFT STATION**

OTHER BUSINESS

APPROVE QUARTERLY INVESTMENT REPORTS FOR PERIOD ENDING JUNE 30, 2013

**QUARTERLY
INVESTMENT
REPORTS**

The City Council approved the Quarterly Investment Reports for the period ending June 30, 2013. As of June 30, 2013, both portfolios were in compliance with State law and the Investment Policy.

The Operating portfolio had a book value of about \$21.0 million, decreased during the quarter by about \$1.3 million due to seasonally slowing property tax collections. This portfolio is appropriately liquid. Its weighted-average maturity increased to about 316 days, up from 302 days last period, because additional securities were purchased during the quarter. The portfolio yield of 0.39% for the quarter is higher than the benchmark yield of 0.11%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The CO Debt Proceeds portfolio balance of about \$56,000 is essentially unchanged from the previous quarter as no payments were made from these funds on construction projects. The portfolio remains adequately liquid, with all of the funds available within one day. Its yield of 0.08% for the quarter is essentially equal to the benchmark yield. The portfolio value on the City's books is equal to the market value of the overall portfolio.

CONSENT AGENDA.

RECEIVE DIRECTOR OF PUBLIC WORKS DON KEENE'S
UPDATE ON THE "FIELDER PARK NEIGHBORHOOD
REVITALIZATION PILOT PROJECT"

FIELDER PARK
REVITALIZATION
PROJECT

Don Keene, Director of Public Works, presented an update on the Fielder Park Neighborhood Revitalization Pilot Project. He explained that the fourth goal of the Comprehensive Master Plan was to improve the quality of life and neighborhood viability. Funding was approved through the Capital Improvement Program for the FY 2012-2013.

The project promoted teamwork in the community and through various City departments and will hopefully encourage private reinvestment. He said the effort involved multiple City departments and local churches during the Great Days of Service event.

He outlined the area of the neighborhood project and a list of the improvements, which included replacing existing hike/bike trails and adding trails on the east side, updating the existing gazebo, replacing the existing court slab, new playground equipment, seal coat and curb repair, and street signs. Three projects, replacing existing benches, a new drinking fountain, and new park lighting, are scheduled for completion by mid October 2013.

Mr. Keene said the project should be significantly under budget. He displayed photos of the improvements. The City received a grant to pay for half of the cost of the playground equipment, which helped leverage the dollars.

COUNCIL MINUTES – AUGUST 19, 2013

Mr. Keene questioned how you measure the effectiveness of the project. He displayed photos of improvements that were done to private homes by citizens. The improvements were not part of the Great Days of Service projects.

Council Member Smith verified that there was no effective way to monitor park usage. Mayor Wacker said the City would like to repeat the neighborhood project in future years, but there was no funding in this year's budget.

Deputy Mayor Howeth asked if the City was able to sell the old playground equipment. George Olson, City Manager, said usually it is anchored with concrete, so it is bent when it is removed. The equipment removed from Fielder Park was probably about 50 years old.

CONSIDER REQUEST OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND THE SHERMAN HIGH SCHOOL STUDENT COUNCIL TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE 2013 SHERMAN HIGH SCHOOL HOMECOMING PARADE ON TUESDAY, SEPTEMBER 3, 2013

The City Council approved the request of the Sherman Independent School District and the Sherman High School Student Council to temporarily close certain streets for the 2013 Sherman High School Homecoming Parade on Tuesday, September 3, 2013.

CLOSE STREETS
FOR HOMECOMING
PARADE

City labor and equipment to provide traffic control assistance and implement barricade placement and removal will be required.

CONSENT AGENDA.

CONSIDER REQUEST OF THE GRAYSON HISPANIC HERITAGE COUNCIL OF SHERMAN TO TEMPORARILY CLOSE CERTAIN STREETS AND USE CERTAIN FACILITIES AND SERVICES FOR THE ANNUAL HISPANIC HERITAGE CELEBRATION ON SATURDAY, SEPTEMBER 14, 2013

The City Council approved the request of the Grayson Hispanic Heritage Council of Sherman to temporarily close certain streets for the Annual Hispanic Heritage Celebration on Saturday, September 14, 2013.

CLOSE STREETS
FOR HISPANIC
HERITAGE
CELEBRATION

City labor and equipment to provide drop-off and pick-up of barricades and solid waste containers will be required.

CONSENT AGENDA.

CONSIDER REQUEST OF THE SHERMAN ARTS FESTIVAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE 31ST ANNUAL SHERMAN ARTS FESTIVAL ON SATURDAY, SEPTEMBER 21, 2013

The City Council approved the request of the Sherman Arts Festival Committee to temporarily close certain streets for the 31st Annual Sherman Arts Festival on Saturday, September 21, 2013.

CLOSE STREETS
FOR ARTS FESTIVAL

COUNCIL MINUTES – AUGUST 19, 2013

City labor and equipment will be needed to assist with the control of traffic and implementation of barricades, placement of trash carts and dumpster, sweeping of streets in the area, and use of City facilities.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests

CITIZEN'S REQUESTS

MEDIA QUESTIONS

EXECUTIVE SESSION DISCUSSION OF LITIGATION

David Gonier, Herald Democrat Reporter, asked if the litigation listed in the Executive Session was the same litigation that had been discussed for the last few Executive Sessions.

EXECUTIVE SESSION
LITIGATION

Brandon Shelby, City Attorney, said it is not.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS

SUBSTANDARD STRUCTURE COMMISSION (1)

Council Members considered applications for appointment to the proposed Substandard Structure Commission.

SUBSTANDARD
STRUCTURE
COMMISSION

ACTION TAKEN.

Motion by Council Member Smith to appoint Nathan Gray to the Substandard Structure Commission as an Alternate Member, for a term beginning August 20, 2013.

Second by Deputy Mayor Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

CITY COUNCIL CANDIDATE FILING

Mayor Wacker reminded citizens that candidate filing for the November 5, 2013 City Council Election continues through August 26, 2013. District 1 and District 3 City Council positions will be on the ballot.

CITY COUNCIL
CANDIDATE FILING

JEFFERSON ELEMENTARY THINKING CAMP

Mayor Wacker thanked Mr. Keene for participating in the Jefferson Elementary School Thinking Camp this year. He presented on this year's topic of City Government and Management, and the students built mock cities.

JEFFERSON
ELEMENTARY
THINKING CAMP

NEIGHBORHOOD PILOT PROJECT

Council Member Johnson thanked Mr. Keene and all departments that were involved with the Fielder Park Pilot Project. It's a great project and he was glad to see the positive results. He hoped the City would be able to implement other similar projects in the future.

NEIGHBORHOOD
PILOT PROJECT

TAYLOR STREET COMPLEX

Council Member Plyler said he attended the open house for the Taylor Street Complex. That is a fantastic facility and he

TAYLOR STREET
COMPLEX

COUNCIL MINUTES – AUGUST 19, 2013

congratulated the staff on putting it together. He added that the facility is very flexible and will be a great benefit for the citizens.

SHERMAN HIGH SCHOOL HOMECOMING PARADE

Deputy Mayor Howeth said the next City Council Meeting is scheduled for Tuesday, September 3, 2013, and citizens can attend, and then go outside for the Sherman High School Homecoming Parade.

**SHS HOMECOMING
PARADE**

SHERMAN IS A GREAT CITY

Mayor Wacker said Sherman has a great City government and one of the leanest governments in the State and one of the lowest tax rates in the State. She said she is very proud of what has been accomplished. She asked the citizens to understand what the Council needed to do to maintain the level of service that is acceptable to the public.

**SHERMAN IS A
GREAT CITY**

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

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

EXECUTIVE SESSION

SECTION 551.071

CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION:
RECEIVE THE CITY ATTORNEY'S
BRIEFING ON PENDING OR
CONTEMPLATED LITIGATION

SECTION 551.072

DELIBERATION REGARDING
REAL PROPERTY:
DELIBERATE REGARDING THE
PURCHASE, EXCHANGE, LEASE,
OR VALUE OF REAL PROPERTY

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:31 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:20 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

COUNCIL MINUTES – AUGUST 19, 2013

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:20 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

City of Sherman Neighborhood Revitalization Pilot Project

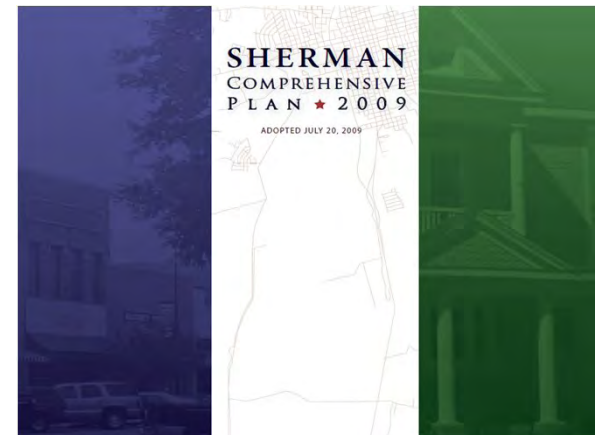


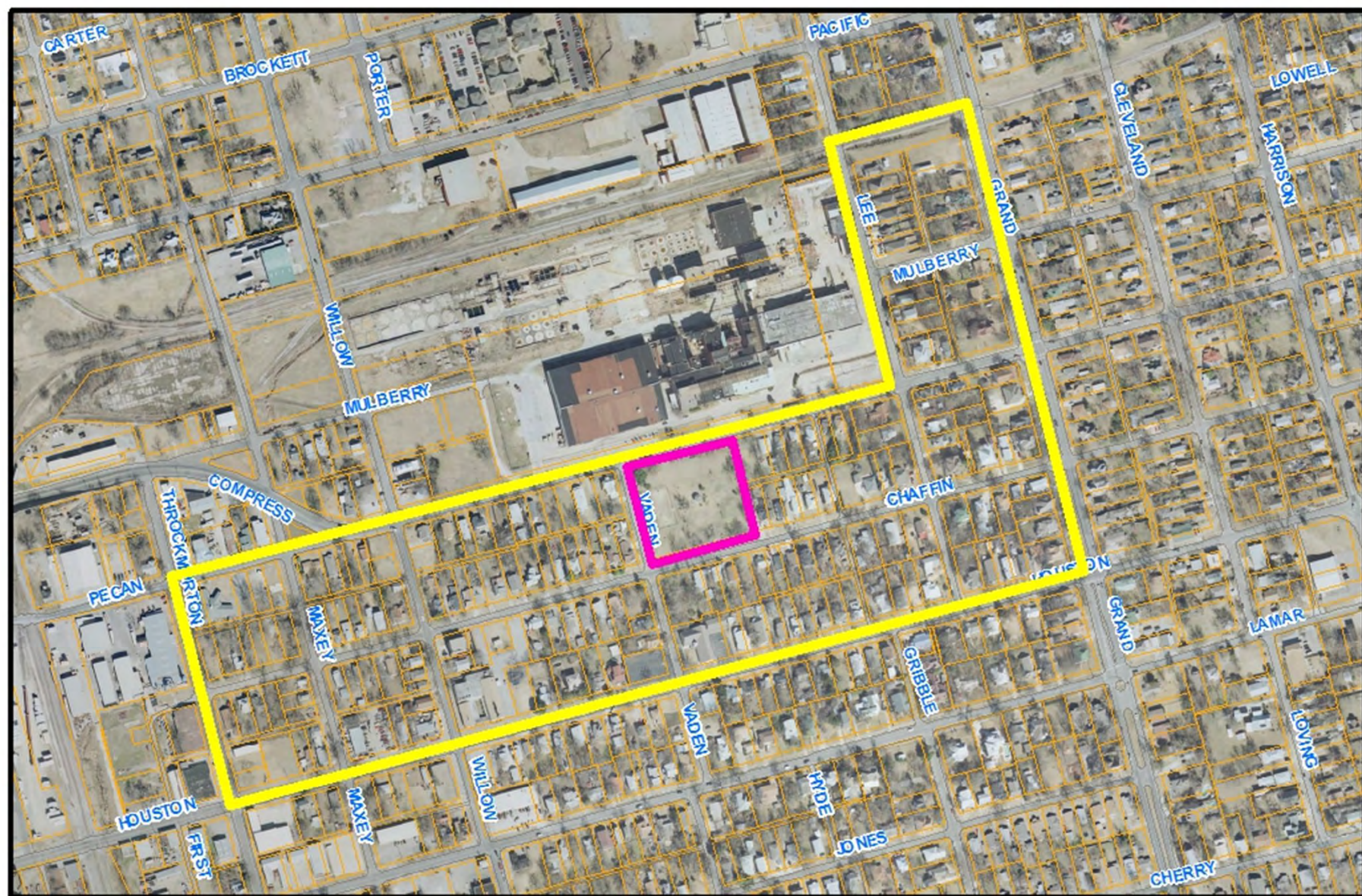
Fielder Park – 8/19/13 Update



Neighborhood Revitalization

- Comprehensive Plan Priority #4 / Goal 7.2
 - Improves quality of life and neighborhood viability
 - Promotes/leverages teamwork within our community
 - Anchored by a vibrant neighborhood park
 - Leverages private reinvestment
- Team Effort
 - Parks & Recreation
 - Public Works
 - Neighborhood Services
 - Code Enforcement
 - Local Churches (Great Days of Service)







Status/Cost of Improvements

Item	Estimated Completion	Budgeted Cost
Replace existing hike/bike trails	Complete	\$28,000
Add hike/bike trail along east side	Complete	\$8,125
Update existing gazebo	Complete	\$3,125
Replace existing court slab	Complete	\$39,700
New Playground Equipment with fall zone	Complete	\$137,500
Seal Coat & Curb Repair	Complete	\$21,000
Street Signs	Complete	\$6,000
Other	Complete	\$12,000
Replace existing benches	August 23	\$5,250
New drinking fountain	September 1	\$6,250
New park lighting	October 15	\$20,625
Total		\$287,575





































City of Sherman Neighborhood Revitalization Pilot Project



Fielder Park – 8/19/13 Update



City Council Called Meeting

Agenda Item No. B. 1.

Meeting Date: 09/03/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

PROCLAMATION

"Blood Cancer Awareness Month" – September 2013

Issue:

To present a proclamation designating September 2013 as "Blood Cancer Awareness Month"

Background:

Thousands of citizens and their families in Texas are afflicted with blood cancer diseases. The North Texas Chapter of The Leukemia & Lymphoma Society would like to increase awareness of and support for these citizens and would like to encourage voluntary contributions that help fund research and patient services.

Origination:

The request originated with the North Texas Chapter of The Leukemia & Lymphoma Society.

Financial Consideration:

There is no financial consideration to issue the proclamation.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating September 2013 as "Blood Cancer Awareness Month."

Alternatives:

The Council could choose not to present the proclamation.

Attachments

Proclamation

Proclamation

WHEREAS, blood cancers currently afflict more than one million people in the United States, with an estimated 148,040 new cases diagnosed each year, and

WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 54,380 people in the United States this year, and

WHEREAS, The Leukemia & Lymphoma Society (LLS), through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them, and

WHEREAS, The Leukemia & Lymphoma Society maintains an office in North Texas to support patients with these diseases and their family members in the State of Texas.

NOW THEREFORE, I, Cary Wacker, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim September 2013

BLOOD CANCER AWARENESS MONTH

in the City of Sherman and urge all citizens to enhance their understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for these diseases.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 3rd day of September, 2013.

Mayor

ATTEST:

Sinda Ashby
City Clerk





City Council Called Meeting

Agenda Item No. C. 1.

Meeting Date: 09/03/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

PUBLIC HEARING

Capital Improvement Program 2013-2018

Issue:

Holding a public hearing for the City of Sherman's Capital Improvement Program (CIP) covering the period from October 1, 2013 through September 30, 2018.

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. Approval of this CIP will be by Resolution on a separate agenda item on this agenda.

Origination:

Department of Engineering

Financial Consideration:

General Fund	\$22,770,430
Utility Fund	<u>\$29,121,500</u>
Total Funding for 2013-2018	\$51,891,930

Staff Recommendation:

It is recommended that the City Council hold a public hearing for the Capital Improvement Program 2013-2018 at the September 3rd City Council Meeting.

Alternatives:

Those as may be directed by the City Council

Attachments

CIP Summary

GENERAL SERVICES

2013 - 2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Municipal Building Repair			\$190,000				\$190,000
Fallon Drive Bridge Repair	\$287,500						\$287,500
Loy Lake Road (Sara Swamy Dr. to US Hwy 75)		\$400,000				****	\$400,000
Hunt Street Erosion		\$90,000					\$90,000
GIS System			\$200,000			**	\$200,000
Total 2013-2014	\$287,500	\$490,000	\$390,000	\$0	\$0	\$0	\$1,167,500

** SEDCO Funded

**** TIF

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Northeast Fire Station Site			\$2,500,000			*	\$2,500,000
Southwest Fire Station			\$5,200,000			*	\$5,200,000
Northside Fire Station 5 Renovation			\$300,000				\$300,000
Fire Station #3 Building Repair			\$25,000				\$25,000
Sherman Armory Building Repair, Phase I			\$300,000				\$300,000
Travis Street Bridge Repair	\$126,500						\$126,500
Center Street Bridge Repair (at Post Oak Creek)	\$110,000						\$110,000
Duke Drive Mill and Overlay		\$39,000					\$39,000
N. Throckmorton Mill and Overlay		\$110,000					\$110,000
Walnut Street Mill and Overlay		\$480,000					\$480,000
Storm Water Utility Fee Study	\$200,000						\$200,000
Library Building Repair			\$70,000				\$70,000
Municipal Airport Terminal Repair			\$42,000				\$42,000
Senior Center Building Repair			\$40,000				\$40,000
Street Maintenance Building Repair			\$25,000				\$25,000
Sherman Armory Building Repair, Phase II			\$150,000				\$150,000
Willow Street Mill and Overlay		\$431,000					\$431,000
Meadows Circle Mill and Overlay		\$167,000					\$167,000
Bridge Erosion Repair (West McGee, Taylor St, W Washington Street at Post Oak Creek)	\$80,000						\$80,000
Contemporary Street, Ayers Drive and Westwood Drive, Property Acquisition	\$188,100						\$188,100
Martin Luther King Park Restroom				\$150,000			\$150,000
Hawn Park Pavilion				\$75,000			\$75,000
Rosedale Park Restroom				\$150,000			\$150,000
Hawn Skateboard Renovation - Phase II				\$80,000			\$80,000
Fairview Park Field Lighting				\$150,000			\$150,000
Fairview Park Field #6 Renovation				\$65,000			\$65,000
Fairview Park Tot Playground				\$50,000			\$50,000
Northside Station 5 Driveway and Parking Lot			\$60,000				\$60,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2014-2015	\$954,600	\$1,277,000	\$8,762,000	\$720,000	\$0	\$0	\$11,713,600

* Bonded

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Starlight Alley Rebuild		\$350,000					\$350,000
Regency Drive and W. Washington Street, Property Acquisition	\$287,580						\$287,580
Library Boiler/HVAC Replacement			\$40,000				\$40,000
Fire Station #4 Roof Replacement			\$20,000				\$20,000
Sherman Armory Building Repair, Phase III			\$150,000				\$150,000
Bridge Erosion Repair (Center St. at Sand Creek and N. Ricketts St.)	\$40,000						\$40,000
Ely Park Playground				\$80,000			\$80,000
Hawn Park Field Lighting				\$200,000			\$200,000
Baker Park Pavilion				\$75,000			\$75,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2015-2016	\$577,580	\$400,000	\$260,000	\$355,000	\$0	\$0	\$1,592,580

2016-2017

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
U.S. Highway 75 Fallon Drive Ramps		\$1,000,000				***	\$1,000,000
Fallon Drive Construction - Preliminary Engineering and ROW		\$100,000					\$100,000
Archer Drive Detention Pond Property Acquisition	\$1,059,500						\$1,059,500
Bridge Erosion Repair (Hillcrest St and N. Woods St)	\$40,000						\$40,000
Cherry Park Playground				\$100,000			\$100,000
Rosedale Park Playground				\$60,000			\$60,000
Hillcrest Park Renovation				\$150,000			\$150,000
Fairview Park Pavilions				\$50,000			\$50,000
Martin Luther King Park Pavilions				\$50,000			\$50,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2016-2017	\$1,349,500	\$1,150,000	\$50,000	\$410,000	\$0	\$0	\$2,959,500

** SEDCO Funded

***TxDOT Participation

2017-2018

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Fallon Drive West Construction to U.S. Hwy 75		\$1,500,000					\$1,500,000
Cypress Grove Rd. Rebuild - Rex Cruse to Redbud		\$600,000					\$600,000
Loy Lake Road Construction (US Hwy 82 to Pecan Grove Rd)		\$700,000				****	\$700,000
Bridge Erosion Repair (W Pecan St, Lamberth Rd, Centennial St and Blue Flame Rd)	\$45,000						\$45,000
Archer Drive Detention Pond Construction	\$214,250						\$214,250
Old Settlers Park - Phase III Field Renovation				\$1,000,000			\$1,000,000
Rosedale Park Field Lighting				\$50,000			\$50,000
Hawn Park Sprayground Expansion				\$300,000			\$300,000
Fairview Park Spray Ground and Splash Expansion				\$500,000			\$500,000
Setting Sun Drainage Improvements	\$78,000						\$78,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2017-2018	\$587,250	\$2,850,000	\$50,000	\$1,850,000	\$0	\$0	\$5,337,250

**** TIF

GENERAL GRAND TOTAL	\$3,756,430	\$6,167,000	\$9,512,000	\$3,335,000	\$0	\$0	\$22,770,430
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UTILITY SERVICES

2013-2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
S.H. Highway 289 Sewerline "A"						\$1,650,000	** \$1,650,000
South Sherman Relief Sewer						\$2,000,000	* \$2,000,000
Gallagher Elevated Tank Painting and Repair					\$1,125,000		\$1,125,000
WWTP - Upgrade UV Disinfection System						\$1,100,000	* \$1,100,000
WWTP Relief Headworks - Engineering and Construction						\$5,500,000	* \$5,500,000
Cherry Park Pump Station Rehabilitation					\$500,000		\$500,000
Ricketts Street Water Line Replacement, Phase 2					\$168,000		\$168,000
Eastside Outfall Return Sewer						\$500,000	* \$500,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2013-2014	\$0	\$0	\$0	\$0	\$1,843,000	\$10,800,000	\$12,643,000

* Bonded

** SEDCO Funded

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Biosolids Engineering, Design and Construction						\$1,500,000	*1 \$1,500,000
Ida Road Ground Storage Tank Repair and Painting					\$1,000,000		\$1,000,000
Relief Sewer D-1						\$290,000	\$290,000
South Sherman Trunk Sewer						\$135,000	\$135,000
Texoma Parkway Sewer Replacement						\$200,000	\$200,000
U.S. Highway 75 South Water Crossing Replacement					\$138,000		\$138,000
Texoma Parkway Water Replacement - Phase V					\$300,000		\$300,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2014-2015	\$0	\$0	\$0	\$0	\$1,488,000	\$2,175,000	\$3,663,000

* Bonded

1 Under Technological Review

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Preliminary Engineering						\$1,400,000	* \$1,400,000
WWTP - Study Digester Upgrade and Cost Recovery (8%)						\$200,000	\$200,000
WWTP - Repair/Replace Perimeter Fencing			\$50,000				\$50,000
Blanton Drive Water Main Replacement					\$54,000		\$54,000
Oxford Street Water Main Replacement					\$85,000		\$85,000
Grant Street Water Main Replacement					\$76,500		\$76,500
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2015-2016	\$0	\$0	\$50,000	\$0	\$265,500	\$1,650,000	\$1,965,500

* Bonded

2016-2017

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Process						\$8,000,000	* \$8,000,000
WWTP Automated Dissolved Oxygen Control						\$900,000	* \$900,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2016-2017	\$0	\$0	\$0	\$0	\$50,000	\$8,950,000	\$9,000,000

2017-2018

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
S.H. Highway 289 Sewerline 'C'						\$1,300,000	** \$1,300,000
Laboratory Building Expansion			\$300,000				\$300,000
WWTP Security Upgrade			\$150,000				\$150,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2017-2018	\$0	\$0	\$450,000	\$0	\$50,000	\$1,350,000	\$1,850,000

**** SEDCO Funded**

UTILITY GRAND TOTAL	\$0	\$0	\$500,000	\$0	\$3,696,500	\$24,925,000	\$29,121,500
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TOTAL CIP	\$3,756,430	\$6,167,000	\$10,012,000	\$3,335,000	\$3,696,500	\$24,925,000	\$51,891,930
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SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 2.

Meeting Date: 09/03/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

SECOND PUBLIC HEARING OF ORDINANCE NO. 5789

Providing for the Levy of Ad Valorem Taxes for the City of Sherman, Texas, for the Tax Year 2013; Distributing the Same Among the Various Funds; Providing for a Penalty and Interest for Failure to Pay the Taxes Levied within the Time Provided by Law

Issue:

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

Origination:

Assistant City Manager/Chief Financial Officer

Financial Consideration:

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

Staff Recommendation:

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

1. Hold the second public hearing on the tax rate ordinance.
2. **Announce that the City Council will consider adoption of the tax rate ordinance at the regular meeting scheduled for 5:00 p.m. on Monday, September 16, 2013, at Sherman City Hall, 220 West Mulberry Street, Sherman, Texas.**

Alternatives:

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

Attachments

Ordinance No. 5789

2013 Property Tax Rates in City of Sherman

ORDINANCE NO. 5789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE LEVY OF AD VALOREM TAXES FOR THE CITY OF SHERMAN, TEXAS, FOR THE TAX YEAR 2013; DISTRIBUTING THE SAME AMONG THE VARIOUS FUNDS; PROVIDING FOR A PENALTY AND INTEREST FOR FAILURE TO PAY THE TAXES LEVIED WITHIN THE TIME PROVIDED BY LAW; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That there be, and there is hereby, levied and shall be collected a Maintenance and Operations (M&O) ad valorem tax of \$0.300226/\$100 Dollars (\$0.300226) and an Interest and Sinking (I&S) ad valorem tax of \$0.047774/\$100 Dollars (\$0.047774) on all taxable property situated within the corporate limits of the City of Sherman on the first day of January, A.D., 2013, and not exempt from taxation by the constitution and laws of the State of Texas, apportioned as follows, to-wit:

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

FOR DEBT SERVICE EXPENDITURES, \$0.047774 on each One Hundred Dollars (\$100.00) assessed valuation of such property.

SECTION 2. That a penalty shall be charged and collected from all persons who do not pay their taxes prior to the first day of February, 2014. Penalty charges shall be in accordance with the following schedule:

If paid in February, 2013	6%
If paid in March, 2013	7%
If paid in April, 2013	8%
If paid in May, 2013	9%
If paid in June, 2013	10%
If paid on or after July 1, 2013	12%

All delinquent taxes shall accrue interest from the date of delinquency at the rate of one percent (1%) for each month or portion of a month the tax remains unpaid. Pursuant to Section 33.07 of the Texas Property Tax Code, an additional penalty of 15% of the amount of taxes, penalty and interest that remain due after July 1, 2014, shall be assessed to defray the cost of collection.

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Aug 4, 2013

2013 Property Tax Rates in CITY OF SHERMAN

This notice concerns 2013 property tax rates for CITY OF SHERMAN. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's effective tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's rollback tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:	
Last year's operating taxes	\$6,154,657
Last year's debt taxes	\$827,217
Last year's total taxes	\$6,981,874
Last year's tax base	\$2,084,141,414
Last year's total tax rate	\$0.320000/\$100
This year's effective tax rate:	
Last year's adjusted taxes	\$6,177,272
(after subtracting taxes on lost property)	
+ This year's adjusted tax base	\$1,874,660,141
(after subtracting value of new property)	
= This year's effective tax rate	\$0.329514/\$100
(Maximum rate unless unit publishes notices and holds hearings.)	
This year's rollback tax rate:	
Last year's adjusted operating taxes	\$9,373,349
(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)	
+ This year's adjusted tax base	\$1,874,660,141
= This year's effective operating rate	\$0.500003/\$100
x 1.08 = this year's maximum operating rate	\$0.540003/\$100
+ This year's debt rate	\$0.047774/\$100
= This year's total rollback rate	\$0.587776/\$100
+ Sales tax adjustment rate	\$0.211668/\$100
= Rollback tax rate	\$0.376109/\$100

Statement of Increase/Decrease

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

Schedule A - Unencumbered Fund Balances

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

Type of Property Tax Fund	Balance
MAINTENANCE & OPERATIONS	\$6,144,829
INTEREST & SINKING	\$ 25,087

Schedule B - 2013 Debt Service

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

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2008 CERTIFICATES OF OBLIGATION	\$210,000	\$150,049	\$0	\$360,049
2009 CERTIFICATES OF OBLIGATION	\$173,333	\$138,177	\$0	\$311,510
2009A CERTIFICATES OF OBLIGATION	\$130,000	\$113,663	\$0	\$243,663
Total Required for 2013 Debt Service				\$915,222
- Amount (if any) paid from Schedule A			\$0	
- Amount (if any) paid from other resources				\$0
- Excess collections last year				\$0
= Total to be paid from taxes in 2013				\$915,222
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2013				\$0
= Total Debt Levy				\$915,222

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$4,055,014 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 405 N. Rusk, Sherman, TX 75090.

Name of person preparing this notice: Robby Hefton, CPA

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

Date Prepared: 07/30/2013



City Council Called Meeting

Agenda Item No. C. 3.

Meeting Date: 09/03/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5792

Amending Chapter 1 of the Code of Ordinances, entitled "General Provisions", Article 1.08, entitled "Cemeteries", at Sections 1.08.074(a) and 1.08.075(a)

Issue:

Increasing certain cemetery fees

Background:

As part of the budget process for the 2013-2014 fiscal year, the Council approved an increase in certain fees, including cemetery fees, to bring them more in line with peer cities and help balance the General Fund budget. Particularly, the fees for lot sales and the cost of weekday and weekend services were the primary fees being adjusted. These changes are expected to generate approximately \$35,000 in additional annual revenue. The rate increases will take effect October 1, 2013. The last time these cemetery fees were increased was in 2010.

Origination:

City Council

Financial Consideration:

These rate changes are expected to generate approximately \$35,000 in additional annual revenue.

Staff Recommendation:

City staff recommends approving the proposed revisions to the Cemeteries Code.

Alternatives:

As may be directed by the City Council

Attachments

Ordinance No. 5792

ORDINANCE NO. 5792

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.08, ENTITLED "CEMETERIES", AT SECTIONS 1.08.074(A) AND 1.08.075(A); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 1, Article 1.08, Section 1.08.074(a) of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 1.08.074 Sale price of grave spaces and lots

(a) Hereafter, all grave spaces for interment, and regardless of location whether in Memorial Park, West Hill Cemetery, or West Hill Annex, shall be sold for amounts listed below:

- (1) Full spaces (10' x 40"): ~~\$750.00~~ \$1,000.00.
- (2) Half spaces (5' x 40"): ~~\$375.00~~ \$500.00.

SECTION 2. That Chapter 1, Article 1.08, Section 1.08.075(a) of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 1.08.075 Fees for cemetery services

(a) The following fees are established for services rendered in the cemetery as follows:

- (1) Preparation of grave. Weekdays (except holidays) from 8:00 a.m. to 4:00 p.m.
 - (A) Opening and closing, full space: ~~\$700.00~~ \$900.00.
 - (B) Opening and closing, half space: ~~\$600.00~~ \$800.00.
 - (C) Opening and closing in mausoleum: \$200.00.
- (2) Preparation of grave. Saturdays (except holidays) from 8:00 a.m. to 2:00 p.m.

- (A) Opening and closing, regular space: ~~\$850.00~~ \$1,000.00.
- (B) Opening and closing, half space: ~~\$750.00~~ \$900.00.
- (C) Opening and closing in mausoleum: \$250.00.
- (3) Special services. Weekdays (except holidays) from 8:00 a.m. to 4:00 p.m.
 - (A) Disinterring only, any space: \$800.00.
 - (B) Reinterring only, any space: \$500.00.
- (4) Ashes. Weekdays (except holidays) from 8:00 a.m. to 4:00 p.m.
 - (A) Opening and closing, full space: ~~\$100.00~~ \$325.00.
 - (B) Opening and closing, half space: ~~\$100.00~~ \$325.00.
 - (C) Setting up tent, chairs, etc.: \$200.00.
- (5) Ashes. Saturdays (except holidays) from 8:00 a.m. to 2:00 p.m.
 - (A) Opening and closing, full space: ~~\$150.00~~ \$375.00.
 - (B) Opening and closing, half space: ~~\$150.00~~ \$375.00.
 - (C) Setting up tent, chairs, etc.: \$250.00.
- (6) Weekday services from 4:00 p.m. to 5:00 p.m. A charge of sixty dollars (\$60.00) will be charged to the BSP whose burial services require city employees to standby beyond 4:00 p.m., not to exceed 5:00 p.m. during weekdays. Such charge will be forwarded to the BSP creating such condition the day following the performance of such service.
- (7) Saturday (except holiday) services from 2:00 p.m. to 3:00 p.m. A charge of one hundred dollars (\$100.00) will be charged to the BSP whose burial services require city employees to standby beyond 2:00 p.m. during Saturdays (except holidays), not to exceed 3:00 p.m. Such charge will be forwarded to the BSP creating such condition the day following the performance of such service.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



City Council Called Meeting

Agenda Item No. C. 4.

Meeting Date: 09/03/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5793

Amending Chapter 2 of the Code of Ordinances, entitled "Animal Control", at Article 2.03, entitled "Impoundment", at Sections 2.03.004 through 2.03.006 by Amending Animal Adoption and Relinquishment Fees at the Sherman Animal Shelter

Issue:

To increase animal adoption and relinquishment fees at the Sherman Animal Shelter

Background:

As part of the budget process for the 2013-2014 fiscal year, the Council approved an increase in impound fees to bring them more in line with peer cities and help balance the General Fund. This ordinance increases impound fees, which is expected to generate \$9,000 in additional annual revenue. The rate increase will take effect October 1, 2013. The last time fees were increased was in 2006.

Origination:

City Council

Financial Consideration:

This ordinance increases impound fees, which is expected to generate \$9,000 in additional annual revenue.

Staff Recommendation:

Staff recommends adoption of the ordinance.

Alternatives:

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

Attachments

Ordinance No. 5793

ORDINANCE NO. 5793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL", AT ARTICLE 2.03, ENTITLED "IMPOUNDMENT", AT SECTIONS 2.03.004 THROUGH 2.03.006 BY AMENDING ANIMAL ADOPTION AND RELINQUISHMENT FEES AT THE SHERMAN ANIMAL SHELTER; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 2, Article 2.03 of the Code of Ordinances of the City of Sherman, Texas, entitled "Impoundment", at Sections 2.03.004 through 2.03.006 be amended to read as follows:

Sec. 2.03.004 Fees

(a) Impound fees.

(1) Class A, dogs, cats, and ferrets, each animal.

	<u>First</u> <u>Impoundment</u>	<u>Second</u> <u>Impoundment</u>	<u>Third</u> <u>Impoundment</u>	<u>Fourth</u> <u>Impoundment</u>
Altered	\$15.00 \$25.00	\$30.00	\$55.00	\$80.00
Not altered	\$30.00 \$40.00	\$55.00	\$105.00	\$130.00

Puppies and kittens under the age of six (6) months shall be charged the sterilized dog or cat impoundment fee. Animals may be exempted from sterilization upon written recommendation from a licensed veterinarian that such alternatives would be harmful or dangerous to the animal; owners of such animals shall be charged the lower impoundment fees for sterilized animals.

(2) Class B, small or miniature livestock; such as goats, sheep, lambs, pigs, sows, calves, foals, and animals of the same approximate size and weight, each animal.

<u>First Impoundment</u>	<u>Second Impoundment</u>	<u>Third Impoundment</u>	<u>Fourth Impoundment</u>
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\$55.00	\$105.00	\$155.00	\$180.00
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(3) Class C, large livestock; such as cattle, horses, ponies, mules, and animals of the same approximate size and weight, each animal.

<u>First Impoundment</u>	<u>Second Impoundment</u>	<u>Third Impoundment</u>	<u>Fourth Impoundment</u>
------------------------------	-------------------------------	------------------------------	-------------------------------

\$105.00	\$130.00	\$155.00	\$180.00
----------	----------	----------	----------

(4) Class D, wild animals, exotic animals, each animal.

<u>First Impoundment</u>	<u>Second Impoundment</u>	<u>Third Impoundment</u>	<u>Fourth Impoundment</u>
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\$155.00	\$180.00	\$205.00	\$230.00
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Animals not listed above shall be disposed of at the direction of the supervisor of the city animal control department.

(b) Daily handling fees. A daily handling fee shall be charged for every day, or fraction thereof, that an animal is at the animal shelter. Daily handling fees shall be paid in addition to impoundment fees.

(1) Class A \$12.00

(2) Class B \$12.00

(3) Class C \$12.00

(4) Class D \$12.00

(c) Quarantine fee. The owner of a dog, cat, and/or ferret held in quarantine for observation purposes shall be charged five dollars (\$5.00) for every day or fraction of a day the animal is at the animal shelter, in addition to applicable impoundment and handling fees.

Sec. 2.03.005. Disposition of unclaimed animals.

All stray impounded animals not redeemed within three (3) days as provided by this section may be placed for adoption or available to be euthanized. Any individual desiring to adopt an animal deemed abandoned shall first pay all an adoption fee. The adoption fees are ~~thirty-three~~ *forty* dollars (~~\$33.00~~ *\$40.00*) per cat and ~~forty-four~~ *fifty* dollars (~~\$44.00~~ *\$50.00*) per dog.

Sec. 2.03.006. Animal relinquishment fee.

- a. The fee to relinquish animals to the animal shelter shall be ~~forty-five~~ *fifty* dollars (~~\$45.00~~ *\$50.00*) per healthy animal. The Sherman Animal Shelter will only accept animals from cities within Grayson County.
- b. Exemption – Citizens of the City of Sherman shall not be charged a fee to relinquish an animal to the animal shelter.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



City Council Called Meeting

Agenda Item No. C. 5.

Meeting Date: 09/03/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5794

Amending Chapter 3 of the Code of Ordinances, entitled "Building Regulations", at Article 3.14, entitled "Permit, Development and Registration Fees", to Increase Certain Building and Inspection Fees

Issue:

Increase in building permit and inspection fees

Background:

As part of the budget process for the 2013-2014 fiscal year, the Council approved an increase in building permit and inspection fees to bring them more in line with peer cities and help balance the General Fund. This ordinance increases building permit and inspection fees, which is expected to generate between \$40,000 to \$50,000 in additional annual revenue. The rate increase will take effect October 1, 2013. The last time building permit fees were increased was in 2005.

Origination:

City Council

Financial Consideration:

This rate change is expected to generate between \$40,000 to \$50,000 in additional annual revenue.

Staff Recommendation:

Staff recommends adoption of the ordinance.

Alternatives:

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

Attachments

Ordinance No. 5794

ORDINANCE NO. 5794

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED “BUILDING REGULATIONS”, AT ARTICLE 3.14, ENTITLED “PERMIT, DEVELOPMENT AND REGISTRATION FEES”, TO INCREASE CERTAIN BUILDING AND INSPECTION FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 3, Article 3.14 of the Code of Ordinances of the City of Sherman, Texas, entitled “Permit, Development and Registration Fees”, be amended to read as follows:

Sec. 3.14.001 Building permits

Minimum fee	\$28.00 50.00
Residential accessory building	\$0.07 0.30 per sq. ft.
Fences, pools, remodel, general repairs, etc. – for each \$1,000 cost	\$2.80 5.00
New residential (one and two family)	\$0.17 0.30 per sq. ft.
Commercial and multifamily	\$0.10 0.30 per sq. ft.
Demolition of buildings under 1,000 sq. ft.	\$28.00 50.00
Demolition of buildings over 1,000 sq. ft.	\$35.00 50.00
Moving permits for buildings	\$70.00
Occupancy permit for other than new buildings	\$28.00 50.00

Sec. 3.14.002 Signs

Sign permits minimum fee	\$42.00 50.00
Sign face over 32 sq. ft.	\$100.00
All billboards	\$250.00

Sec. 3.14.003 Electrical permits

Minimum fee	\$28.00 50.00
New construction – commercial	\$0.03 0.05 per sq. ft.
Temporary meter	\$14.00
Meter loop	\$14.00
Additional meter loop	\$1.40

Electrical openings (each)	\$0.42
If no new service, 1st opening	\$14.00

Sec. 3.14.004 Heating and air-conditioning permits

Minimum fee	\$28.00 50.00
New construction – commercial	\$0.03 0.05 per sq. ft.
0-150,000 BTU and/or 3 tons cooling	\$28.00
For each additional 100,000 BTU and/or each ton cooling	\$4.20
Residential sticker permits	\$14.00

Sec. 3.14.005 Gas permits

Minimum fee	\$28.00 50.00
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Sec. 3.14.006 Plumbing permits

Minimum fee	\$28.00 50.00
New construction – commercial	\$0.03 0.05 per sq. ft.
Add-on or repairs:	
For each fixture	\$3.50
Sewer line	\$14.00
Fire line	\$50.00
Water line	\$14.00
Water heater sticker permit	\$14.00
Water heater	\$14.00
Yard sprinklers	\$28.00 50.00
Remodel drainage	\$14.00

Sec. 3.14.007 Inspections

All reinspections for red tag	\$35.00 50.00
After hours inspections	\$77.00

Sec. 3.14.008 Special called meetings

Planning and zoning board	\$1,400.00
Appeal to construction code board of adjustments and appeals	\$140.00
Standard unsafe building code appeals board	\$140.00
Comprehensive plan board	\$700.00

Sec. 3.14.009 Zoning request fees

Temporary use permit	\$140.00
Repeat temporary use permit (same address, same owner)	\$35.00

Exception or variance	\$210.00
Specific use permit	\$420.00
Zone change	\$420.00
Plats:	
Preliminary and final plats	\$350.00
Replat	\$140.00
Site plan	\$140.00

Sec. 3.14.010 Contractor registration

Electrical – master	\$50.00
Electrical – journeyman	\$20.00
Plumbing – master	\$50.00 \$0.00
Plumbing – journeyman	\$20.00 \$0.00
Mechanical	\$50.00
Irrigator	\$50.00
Backflow preventer	\$50.00
Homebuilder/ general contractor	\$50.00
<i>General contractor</i>	\$50.00
<i>Fire line installer</i>	\$50.00

Sec. 3.14.011 Exceptions

No fee shall be charged for permits or zoning requests for the Sherman Independent School District or churches.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



City Council Called Meeting

Agenda Item No. C. 6.

Meeting Date: 09/03/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5795

Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.06, entitled "Solid Waste", at Sections 13.06.005, 13.06.051, 13.06.086, 13.06.087, and 13.06.088 to Increase Certain Solid Waste Fees

Issue:

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

Background:

As part of the budget process for fiscal year 2013-2014, the City Council approved an increase in the residential and commercial solid waste rates to help balance the Solid Waste Fund. This ordinance increases solid waste rates by about 1% overall. The rate increase will take effect October 1, 2013.

Origination:

City Council

Financial Consideration:

These rate increases are expected to generate about \$50,000 annually.

Staff Recommendation:

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

Alternatives:

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

Attachments

Ordinance No. 5795

ORDINANCE NO. 5795

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", AT ARTICLE 13.06, ENTITLED "SOLID WASTE", AT SECTIONS 13.06.005, 13.06.051, 13.06.086, 13.06.087, AND 13.06.088 TO INCREASE CERTAIN SOLID WASTE FEES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled "Solid Waste", be amended at Section 13.06.005 to read as follows:

Sec. 13.06.005 Charges for residential refuse collection

Charges for automated residential solid waste collection shall be as follows beginning October 1, 2010 2013:

- (1) ~~Fourteen dollars and thirty-five cents (\$14.35)~~ *Fourteen dollars and fifty cents (\$14.50)* per month per family unit for curb or alley pickup.
- (2) Carry-out service shall be ~~thirty-eight dollars and no cents (\$38.00)~~ *thirty-eight dollars and forty cents (\$38.40)* per month per family unit.
- (3) If the location of garbage for carry-out service is in excess of one hundred fifty (150) feet from the curb or alley, an additional charge of ~~five dollars and fifteen cents (\$5.15)~~ *five dollars and twenty cents (\$5.20)* per month will be made for each additional one hundred fifty (150) feet or portion thereof. "Curb" is defined as being within three (3) feet of the curblane of the street.
- (4) For multiple dwellings or apartments, with four (4) or fewer units, each family unit will be considered as a single-family residence in fixing charges for services.
- (5) Residential special refuse pickups, upon customer request, will be charged four hundred twenty dollars and no cents (\$420.00) (\$28.00/cubic yard) per fifteen (15) cubic yard load with a minimum charge of forty dollars (\$40.00). All residential customers requesting roll-off service, regardless of size container, will be required to pay the first container pull charge before the first container is placed.

(6) For any cart in addition to the one initially provided to the automated residential solid waste customer, a charge of ~~fourteen dollars and thirty-five cents (\$14.35)~~ *fourteen dollars and fifty cents (\$14.50)* per cart, per month will be assessed.

SECTION 2. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled "Solid Waste", be amended at Section 13.06.051 to read as follows:

Sec. 13.06.051 Recycling

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

(b) All residential solid waste customers shall participate in the recycling program and shall be billed ~~three dollars and one cent (\$3.01)~~ *three dollars and five cents (\$3.05)* plus state sales tax of ~~twenty-four cents (\$0.24)~~ *twenty-five cents (\$0.25)* for a total of ~~three dollars and twenty-five cents (\$3.25)~~ *three dollars and thirty cents (\$3.30)* per month except as provided below:

(1) Age sixty-five (65) and over. Solid waste customers who are sixty-five (65) years of age or over may opt out of the recycling program, or choose to receive the service at no charge, provided that the service address is their primary residence and the utility account is in their name. Customers may request a recycling service change from the city's water department and, upon presenting proof of age, may be issued a written waiver. Solid waste customers who own or manage properties other than their primary residence may not use this recycling service option for the benefit of the tenants residing on those properties.

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

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

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

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

(1) Aluminum, tin and steel cans (including empty aerosol cans).

(2) Plastic bottles with a threaded or a neck narrower than the base.

- (3) Cardboard.
- (4) Newspaper.
- (5) Office paper.
- (6) Junk mail.
- (7) Phone books and magazines.
- (8) Glass.

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

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

(g) All residential recycling customers will be provided one (1) one hundred (100) gallon recycling container, identifiable by serial number and assignment by address, for recycling use. The city will provide at customer's request, and have readily available, sixty-five (65) gallon containers for collection. Any customer may request one (1) additional authorized container, as needed, upon written request submitted to the solid waste department at no charge. All carts will remain the property of the city and should under no circumstances be removed from the assigned address or used for any purpose other than the city recycling program. Replacement cost for damaged, lost or stolen recycling containers will be ~~forty dollars (\$40.00)~~ *fifty dollars (\$50.00)* per container and will be charged to the customer's water bill.

(h) Penalty for violations.

- (1) It shall be unlawful for any person or persons to place any prohibited item in a recyclable container.
- (2) It shall be unlawful for any person or persons to remove all or part of any recyclable items from a recyclable container or remove the recyclable container from its designated location.

(3) It shall be unlawful for any person or persons to intentionally deface, obstruct or damage any recycling container.

(4) Any person or persons violating the terms of this section will be subject to a class C criminal misdemeanor charge with a fine as provided in [section 1.01.009](#) of this code for each violation.

SECTION 3. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled “Solid Waste”, be amended at Section 13.06.086 to read as follows:

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

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

<u>Pickups Per Week</u>	<u>Monthly Charge</u>
1	\$16.42 16.60
2	32.85 33.20
3	49.28 50.00
4	65.73 66.40
5	81.83 83.00

For additional standard containers over the allowable one, there will be added an additional ~~sixteen dollars and forty-two cents (\$16.42)~~ *sixteen dollars and sixty cents (\$16.60)* per container to the charges specified above.

(b) The commercial charge for one (1) optional automated 100-gallon container, as defined in section 13.06.084, shall be ~~twenty-one dollars and eight cents (\$21.08)~~ *twenty-one dollars and fifty cents (\$21.50)* per month for one pickup per week. For additional 100-gallon containers over the allowable one (1), there will be added an additional ~~twenty-one dollars and eight cents (\$21.08)~~ *twenty-one dollars and fifty cents (\$21.50)* per container, per month to the initial charge of ~~twenty-one dollars and eight cents (\$21.08)~~ *twenty-one dollars and fifty cents (\$21.50)*.

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

Monthly Rate For:	Every Other Week Collection	Weekly Collection	Each Additional Container
Governmental, Educational and nonprofit agencies	\$3.31 3.34	\$6.62 6.68	\$3.31 3.34
Commercial establishments	\$5.53 5.58	\$11.03 11.14	\$3.31 3.34

(d) Other charges will be based on the time required for pickup at a rate of fifty-nine dollars and fifty-eight cents (\$59.58) per hour. This provision is intended to apply to special commercial pickups upon customer request and also commercial refuse not placed in standard containers as defined in section 13.06.084.

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

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

SECTION 4. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled "Solid Waste", be amended at Section 13.06.087 to read as follows:

Sec. 13.06.087 Charges for commercial front-load containers

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

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

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

WASTE COLLECTION

Size of Container in Cubic Yards	Monthly Service Charges per Container							Additional Unscheduled Pickups–Per Pickup
Non- compacted Trash	Collection Days Per Week							
	1x	2x	3x	4x	5x	6x	7x	
2	\$55.00 56.00	\$85.00 86.00	\$125.00 126.00	\$165.00 167.00	\$205.00 207.00	\$235.00 237.00	\$265.00 268.00	\$20.00
3	\$65.00 66.00	\$115.00 116.00	\$175.00 177.00	\$225.00 227.00	\$290.00 293.00	\$340.00 343.00	\$390.00 394.00	\$25.00
4	\$85.00 86.00	\$135.00 136.00	\$215.00 217.00	\$290.00 293.00	\$350.00 354.00	\$420.00 424.00	\$495.00 500.00	\$30.00
6	\$105.00 106.00	\$165.00 167.00	\$245.00 247.00	\$330.00 333.00	\$410.00 414.00	\$490.00 495.00	\$565.00 571.00	\$40.00
8	\$125.00 126.00	\$195.00 197.00	\$290.00 293.00	\$390.00 394.00	\$480.00 485.00	\$575.00 581.00	\$655.00 662.00	\$50.00
Compacted Trash	1x	2x	3x	4x	5x	6x	7x	
4	\$105.00 106.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6	\$115.00 116.00	\$185.00 187.00	\$265.00 268.00	\$370.00 374.00	\$450.00 455.00	\$545.00 550.00	\$635.00 641.00	\$50.00
8	\$125.00 126.00	\$215.00 217.00	\$320.00 323.00	\$430.00 434.00	\$535.00 540.00	\$635.00 641.00	\$740.00 747.00	\$60.00

RECYCLING COLLECTION

Corrugated (OCC) and Mixed Paper Recycling Service	Monthly Rate Per Container				
	Collections <i>Days</i> Per Week				
	1x	2x	3x	4x	5x
2 yd Recycling Containers	\$30.00	N/A	N/A	N/A	N/A
4 yd Recycling Containers	\$40.00	N/A	N/A	N/A	N/A
8 yd Recycling Containers	\$60.00 61.00	\$90.00 91.00	\$120.00 121.00	\$150.00 152.00	\$180.00 182.00
With City Commercial Waste Service	\$40.00	\$60.00 61.00	\$80.00 81.00	\$100.00 101.00	\$120.00 121.00
With Multiple Waste Containers or 8 yd Waste Service, 5x/week	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00
6 yd Recycling Compactor	\$50.00 51.00	\$70.00 71.00	\$90.00 91.00	\$110.00 111.00	\$130.00 131.00

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

- | | | |
|-----|---|--|
| (1) | On-call special container service
(not for construction material or residential use) | 6 yds— \$55.00 56.00 /pickup
8 yds— \$65.00 66.00 /pickup |
| (2) | Special container delivery charge | \$55.00 56.00 /container |
| (3) | Servicing containers with locks | \$45.00 one-time charge |
| (4) | Servicing containers with casters | \$20.00/month |

SECTION 5. That Chapter 13, Article 13.06 of the Code of Ordinances of the City of Sherman, Texas, entitled “Solid Waste”, be amended at Section 13.06.088 to read as follows:

Sec. 13.06.088 Charges for commercial roll-off containers

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

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

<u>Cubic Yards</u>	<u>Deposit</u>
20	\$300.00
30	\$350.00
40	\$400.00

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

<u>Cubic Yards</u>	<u>Deposit</u>
20	\$575.00
30	\$650.00

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

<u>Open Top Container – Size in Cubic Yards</u>	<u>Pull Charge</u>
20 (Waste)	\$255.00 258.00
30 (Waste)	\$335.00 338.00
40 (Waste)	\$410.00 414.00
30 (Recycle)	\$130.00 131.00
40 (Recycle)	\$180.00 182.00
20 (Non-compactable)	\$485.00 490.00
30 (Non-compactable)	\$745.00 752.00

<u>Compacted Container – Size in Cubic Yards</u>	<u>Pull Charge</u>
20 (Waste)	\$280.00 283.00
30 (Waste)	\$360.00 364.00
35 (Waste)	\$410.00 414.00

40 (Waste)	\$460.00 465.00
30 (OCC Recycle)	\$180.00 182.00
40 (OCC Recycle)	\$230.00 232.00

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

(1)	Open top container rental	\$55.00 56.00/month
(2)	Container delivery charge	\$40.00/container
(3)	40 yard receiver rental	\$85.00 86.00/month
(4)	After hours pull charges (5 p.m.–7 a.m. Monday-Friday; Saturday; Sunday)	\$85.00 86.00/pull
(5)	Self-contained compactor rental	
	30 Yard	\$110.00 111.00/month
	35 Yard	\$130.00 131.00/month

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

(7) Container reset fee (due to delinquent account): \$35.00/occurrence.

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

SECTION 7. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 8. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



City Council Called Meeting

Agenda Item No. C. 7.

Meeting Date: 09/03/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5796

Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.08, entitled "Utility Billing", at Sections 13.08.005 and 13.08.006, Revising Rates for Water and Sewer Services

Issue:

Increase in water and sewer rates

Background:

As part of the budget process for the 2013-2014 fiscal year, the Council approved an increase in water and sewer rates to help balance the Utility Fund and offset declining revenues from the industrial sector customers. This ordinance increases water and sewer rates by about 1%, which is expected to generate about \$180,000 in additional annual revenue. The rate increase will take effect October 1, 2013.

Origination:

City Council

Financial Consideration:

This rate change is expected to generate about \$180,000 in additional revenue annually.

Staff Recommendation:

Staff recommends adoption of the ordinance.

Alternatives:

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

Attachments

Ordinance No. 5796

ORDINANCE NO. 5796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.08, ENTITLED "UTILITY BILLING", AT SECTIONS 13.08.005 AND 13.08.006, REVISING RATES FOR WATER AND SEWER SERVICES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

Sec. 13.08.005 Water rates

(a) Water furnished by the city to a customer, other than any customer who dwells or resides in a multiunit dwelling within the city limits shall be charged for at the following rates for the fiscal year beginning October 1, ~~2012~~ 2013 for the first fifteen hundred (1,500) gallons of water used according to meter size and unit of measurement of the meter register:

Meter Sizes (in inches)	Minimum Monthly Amount <u>Oct 1, 2012 2013</u>
5/8 or 3/4	\$21.18 21.39
1	\$41.76 42.18
1-1/2	\$83.92 84.76
2	\$142.98 144.41
3	\$311.70 314.82
4	\$547.89 553.37
6	\$1,222.77 1,235.00
8	\$2,167.60 2,189.28
10	\$3,382.38 3,416.20

(b) Volume charge. Except as noted below, the charge for all water consumed in excess of the minimum fifteen hundred (1,500) gallons shall be billed at a rate of ~~three dollars and three cents (\$3.03)~~ three dollars and six cents (\$3.06) per one thousand (1,000) gallons of water used

for the rates beginning October 1, ~~2012~~ 2013. Water meters utilized for lawn sprinkling systems shall be charged according to meter size plus the consumption rate of ~~three dollars and three cents (\$3.03)~~ *three dollars and six cents (\$3.06)* per one thousand (1,000) gallons of water used in excess of the minimum fifteen hundred (1,500) gallons during months of July through October, beginning October 1, ~~2012~~ 2013. During the billing months of November through June of any fiscal year, such water sprinkler meters shall be billed a minimum monthly charge as would be billed to a 5/8-inch or 3/4-inch meter.

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

Gallons Calculation Beginning October 1, ~~2012~~ 2013:

$$\begin{aligned} & (\text{number of units} \times \$\del{21.18}{21.39}) + \\ & \frac{(\text{gallons of water used}) - (\text{number of units} \times 1,500 \text{ gallons})}{1,000} \\ & \$\del{3.03}{3.06} = \text{Billing} \end{aligned}$$

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

Water Rebate = Total annual water revenues for previous twelve (12) months X .05.

(e) Bulk water sales. Upon the approval of the city's utility billing department, commercial customers may purchase bulk water from a designated meter or hydrant. Bulk water sales will be metered by the city and purchased in advance. Water sales will be calculated using outside the city rates. Bulk water sales will be for one-time purchases. Customers needing water for multiple occurrences or days must establish a fire hydrant meter account, following the required procedures to establish such account, set forth in section 13.08.003 of this code.

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

Sec. 13.08.006 Sewer charges

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

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

<u>Amount</u>	<u>Minimum Charge, Whether 1,500 Gallons of Water are Used</u>
----------------------	---

Oct 1, ~~2012~~ 2013

First 1,500 gallons of
water used

\$ ~~7.60~~ 7.68

Additional charges shall be ~~three dollars and twenty-four cents (\$3.24)~~ *three dollars and twenty-seven cents (\$3.27)* for each one thousand (1,000) gallons used above the fifteen hundred (1,500) gallons minimum charge for fiscal year beginning October 1, ~~2012~~ 2013. For residential living units, the maximum sewer charge will be ~~thirty-one dollars and ninety cents (\$31.90)~~ *thirty-two dollars and twenty-one cents (\$32.21)* per residential living unit for fiscal year beginning October 1, ~~2012~~ 2013.

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

Gallons Calculation Beginning October 1, ~~2012~~ 2013:

(number of dwelling units X \$~~7.60~~ 7.68) +

$$\frac{(\text{gallons of water used}) - (\text{number of units X 1,500 gallons}) \text{ X } \$\text{~~3.24~~ 3.27}}{1,000}$$

or

number of dwelling units X \$~~31.90~~ 32.21

(c) Industrial surcharge. An additional surcharge is to be added to the above charge for the total sewage charge whenever the customer's sewage exceeds that of normal domestic wastewater, as defined in article 13.07, Water, Sewers and Sewage Disposal, section 13.07.140. The industrial waste surcharge represents an apportionment of the cost of handling the excess load imposed on the sewage treatment plant by wastes stronger than "normal domestic wastewater." The amount of surcharge shall reflect the cost incurred by the city in removing the excess BOD and TSS, as determined by regularly monitored effluent. During the fiscal year beginning October 1, ~~2012~~ 2013, industrial surcharges shall be calculated and charged for at the following rates:

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

Where:

Cu is the surcharge for users X;

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

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

B is the unit cost factor for treating one (1) unit of BOD per 1,000 gallons
(~~\$0.003282~~ 0.003315);

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

S is the unit cost factor for treating one (1) unit of TSS per 1,000 gallons
(~~\$0.002413~~ 0.002437).

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

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



City Council Called Meeting

Agenda Item No. C. 8.

Meeting Date: 09/03/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5797

Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.09, entitled "Service Fees", at Sections 13.09.002, 13.09.004 and 13.09.005, Revising Rates for the Laboratory and the Industrial Pretreatment Program, and Providing for a New Section 13.09.006 to be entitled "Fats, Oil and Grease Program Administrative Fees"

Issue:

Increase in Laboratory Testing fees and Industrial Pretreatment Program administrative fees.

Background:

Laboratory and Industrial Pretreatment Program fees have not changed in over seven years. The City's cost to provide these services has increased during that time period and many of the fees are not in line with market rates charged for these services. This ordinance updates laboratory fees to recover costs of performing laboratory testing services for outside customers and also updates industrial pretreatment fees as applied to permitted industries and businesses. It also implements and quantifies the current provisions of Sec. 13.07.888 of the City Code which authorizes fees for our fats, oils and grease control program. These increases will take effect October 1, 2013.

Origination:

Director of Engineering and Utilities

Financial Consideration:

These fee increases bring the rates for these fees in-line with similar fees charged by peer cities, laboratories, and pretreatment programs. These fee changes are expected to generate an additional \$10,000 to \$15,000 annually.

Staff Recommendation:

Staff recommends adoption of the ordinance.

Alternatives:

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

Attachments

Ordinance No. 5797

ORDINANCE NO. 5797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED “UTILITIES”, ARTICLE 13.09, ENTITLED “SERVICE FEES”, AT SECTIONS 13.09.002, 13.09.004 AND 13.09.005, REVISING RATES FOR THE LABORATORY AND THE INDUSTRIAL PRETREATMENT PROGRAM, AND PROVIDING FOR A NEW SECTION 13.09.006 TO BE ENTITLED “FATS, OIL AND GREASE PROGRAM ADMINISTRATIVE FEES”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 13, Article 13.09, Section 13.09.002 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 13.09.002 Laboratory fees

(a) That the following fee schedule is hereby adopted for laboratory fees:

	<u>New Fee</u>
Biochemical Oxygen Demand (BOD5)	\$28.00 32.00
Carbonaceous BOD5	\$28.00 33.00
Ammonia Nitrogen (NH3N)	\$24.00
Total Suspended Solids (TSS)	\$15.00 16.00
Volatile Solids (VS)	\$14.00 16.00
Total Coliform (TC)	\$19.00 21.00
Fecal Coliform (FC)	\$29.50 38.00
<i>E. Coli – MPN (EC)</i>	\$35.00
Total Solids (TS)	\$14.00 16.00

Turbidity \$15.00

Hydrogen Ion (pH) \$9.50

(b) The City reserves the right to establish user schedules, limit the number of analyses performed each day and refuse samples that do not meet prescribed sample acceptance policies.

SECTION 2. That Chapter 13, Article 13.09, Section 13.09.004 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 13.09.004 Laboratory expedite fees

(a) That the following is hereby adopted for laboratory expedite fees:

(1) User shall mean individuals or entities, including governmental entities, who utilize the laboratory services and who are not employed with the City of Sherman or who have not contracted with the City of Sherman to use the laboratory facilities.

(2) Expedite fees shall be ~~accessed~~ *assessed* for users who request the following:

(A) Require analyses to be performed on weekends or City recognized holidays;

(B) Require reporting of analytical results earlier than the standard turn around time (TAT) schedule specified in the laboratory's quality assurance plan; or

(C) Require accelerated work activities for analyses that will exceed prescribed sample holding times if performed within the laboratory's standard TAT.

(3) These expedite fees will be assessed at 50, 100 and 150 percent of the base rate set forth in this ~~ordinance~~ *Code* and based on the user's request as set forth on the laboratory's standard TAT.

(4) The City reserves the right to revise the laboratory's standard TAT schedule depending upon prevailing conditions in the laboratory. Any revisions will be updated in the laboratory's quality assurance plan.

SECTION 3. That Chapter 13, Article 13.09, Section 13.09.005 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 13.09.005 Industrial pretreatment program administrative fees

(a) That the following is hereby adopted for Industrial Pretreatment Program administrative fees.:

(1) Fees will be assessed for any laboratory analyses, inspections, sampling or non-compliance activities performed by the City that: *the user has requested that are not a routine part of the City's program; are the result of non-compliance identified through program activities; or the user fails to perform as required by permit, notice, agreement, administrative order or compliance schedule issued by the City.*

~~(A) The user has requested that are not a routine part of the City's program;~~

~~(B) Are the result of non-compliance identified through program activities; or~~

~~(C) The user fails to perform as required by permit, notice, agreement, administrative order or compliance schedule issued by the City.~~

(2) Administrative fees include the following:

(A) Laboratory Analyses

(B) Charges to the user for all shipping, handling and analysis costs necessary to submit samples to a commercial laboratory for determining compliance with applicable requirements established by ~~ordinance~~ *Code*

(C) Inspections

Permitted Users	\$100.00 <i>195.00</i>
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Non permitted Users	\$50.00 <i>95.00</i>
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(D) Sampling

Grab Sample	\$40.00 <i>55.00</i>
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Composite Sample	\$120.00 <i>210.00</i>
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Split Sampling Fee	\$75.00 <i>105.00</i>
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(E) Non-Compliance Remedies

<i>Notice of Deficiency</i>	<i>\$50.00</i>
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Notice of Violation	\$100.00 <i>170.00</i>
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Administrative Orders	\$200.00 <i>330.00</i>
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Compliance Schedules	\$200.00-\$500.00 330.00-\$740.00 (Based on Complexity & Duration of Schedule)
<i>Significant Non-Compliance</i>	\$380.00
<i>Refusal of Access or Unreasonable Delay</i>	\$345.00

~~(3)~~ (b) Administrative fees will be assessed for wastewater surveys and, discharge permits and special authorizations that are issued after the effective date of this ordinance Section. These administrative fees include:-

~~(A)~~ (1) Permits

Categorical Users – Existing	\$80.00 215.00/year
Categorical Users – New	\$285.00/year
Non-Categorical Users – Existing	\$60.00 165.00/year
Non-Categorical Users – New	\$185.00/year
Zero Dischargers – Existing	\$130.00/year
Zero Dischargers – New	\$225.00/year
Temporary Users	\$50.00 85.00/request
Permit Modification (Requested by User)	\$100.00 195.00/request

~~(B)~~ (2) Wastewater Surveys

1 st Survey Issued	No Charge
Additional Surveys	\$25.00 45.00/survey issued

(3) Special Requests

Toxic Organic Management Plan	\$175.00/plan request
Request for Permit Variance	\$60.00/request

(5) (d) The fees included herein are separate from all other fees, fines and penalties chargeable by the City.

Sec. 13.09.006 Fats, oil and grease program administrative fees

(1) Fees will be assessed for any laboratory analyses, inspections, sampling or non-compliance activities performed by the City that the user has requested that are not a routine part of the City's program; are the result of non-compliance identified through program activities; or the user fails to perform as required by permit, notice, agreement, administrative order or compliance schedule issued by the City.

(A) Laboratory Analyses

(C) Inspections

(D) Sampling

(E) Non-Compliance Remedies

<i>Field Notice of Violation</i>	\$55.00
<i>Notice of Violation</i>	\$70.00

<i>Administrative Orders</i>	<i>\$150.00</i>
<i>Compliance Schedule Agreement</i>	<i>\$220.00</i>
<i>Interceptor Pump-out</i>	<i>Total Invoice + 25%</i>

(b) Administrative fees will be assessed for plan reviews requiring interceptor sizing and special authorizations that are issued after the effective date of this Section. These administrative fees include:

(1) Plan Reviews

New Facility \$115.00

Existing Facility \$65.00

(2) Special Authorizations

Alternate Grease Removal Device \$60.00

Self-Cleaner Request – New \$30.00/approval

Self-Cleaner Renewal Request \$10.00/year

(c) The City reserves the right to assess other fees, fines or penalties as allowed by Code.

(d) The fees included herein are separate from all other fees, fines and penalties chargeable by the City.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 9.

Meeting Date: 09/03/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5792, 5793, 5794, 5795, 5796 and 5797

List of Agenda Items:

- C.3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5792**
Amending Chapter 1 of the Code of Ordinances, entitled "General Provisions", Article 1.08, entitled "Cemeteries", at Sections 1.08.074(a) and 1.08.075(a)
- C.4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5793**
Amending Chapter 2 of the Code of Ordinances, entitled "Animal Control", at Article 2.03, entitled "Impoundment", at Sections 2.03.004 through 2.03.006 by Amending Animal Adoption and Relinquishment Fees at the Sherman Animal Shelter
- C.5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5794**
Amending Chapter 3 of the Code of Ordinances, entitled "Building Regulations", at Article 3.14, entitled "Permit, Development and Registration Fees", to Increase Certain Building and Inspection Fees
- C.6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5795**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.06, entitled "Solid Waste", at Sections 13.06.005, 13.06.051, 13.06.086, 13.06.087, and 13.06.088 to Increase Certain Solid Waste Fees
- C.7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5796**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.08, entitled "Utility Billing", at Sections 13.08.005 and 13.08.006, Revising Rates for Water and Sewer Services
- C.8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5797**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.09, entitled "Service Fees", at Sections 13.09.002, 13.09.004 and 13.09.005, Revising Rates for the Laboratory and the Industrial Pretreatment Program, and Providing for a New Section 13.09.006 to be entitled "Fats, Oil and Grease Program Administrative Fees"
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SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Called Meeting

Agenda Item No. C. 10.

Meeting Date: 09/03/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

CONSENT AGENDA

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

List of Agenda Items:

- D.1. * RESOLUTION NO. 5793**
Approving and Adopting a Five-Year Capital Improvement Program for the City of Sherman, Texas
- D.3. * RESOLUTION NO. 5798**
Revoking and Replacing Resolution No. 5699; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers
- D.4. * RESOLUTION NO. 5799**
Adopting an Investment Policy for the City of Sherman
- D.5. * RESOLUTION NO. 5800**
Authorizing the Execution of Agreements with the Sherman Housing Authority, the Texoma Area Paratransit System, Inc., the Grayson County Crisis Center, the Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, Boys & Girls Club of Sherman, Inc., and MasterKey Ministries of Grayson County, Inc. for the Use of Community Development Block Grant Funds
- D.6. * RESOLUTION NO. 5801**
Authorizing Execution of an Interlocal Jail Services Agreement with Grayson County for the Period of October 1, 2013, through September 30, 2014
- D.7. * RESOLUTION NO. 5802**
Authorizing Execution of a Contract with Grayson County, Texas, for Use of the City of Sherman Animal Shelter
- D.8. * RESOLUTION NO. 5803**
Authorizing the Execution of Deeds for the Resale of Properties within the Sherman City Limits Seized for Delinquent Taxes

D.9. * RESOLUTION NO. 5804

Authorizing Execution of an Agreement with Mario Tobar for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 517 South Vaden Street

E.1. * OTHER BUSINESS

Consider Request of St. Mary's Catholic Parish to Temporarily Close Certain Streets for their Annual Fall Fest on Sunday, September 29, 2013



City Council Called Meeting

Agenda Item No. D. 1.

Meeting Date: 09/03/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5793**

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 2013-2018

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:

Department of Engineering

Financial Consideration:

The first year of the CIP projects for the General CIP and the Utility CIP were funded through the fiscal year (FY) 2013-14 budget adopted by the Council at the August 19, 2013 Council meeting. The total estimated project costs for all five years are reflected in the table below, and total about \$51.9 million.

General Fund	\$22,770,430
Utility Fund	<u>\$29,121,500</u>
Total Funding for 2013-2018	\$51,891,930

Staff Recommendation:

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

Alternatives:

Those as may be directed by the City Council

Attachments

Resolution No. 5793

CIP Summary

RESOLUTION NO. 5793

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 5, 2013, 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 3rd day of September, 2013.

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 _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

GENERAL SERVICES

2013 - 2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Municipal Building Repair			\$190,000				\$190,000
Fallon Drive Bridge Repair	\$287,500						\$287,500
Loy Lake Road (Sara Swamy Dr. to US Hwy 75)		\$400,000				****	\$400,000
Hunt Street Erosion		\$90,000					\$90,000
GIS System			\$200,000			**	\$200,000
Total 2013-2014	\$287,500	\$490,000	\$390,000	\$0	\$0	\$0	\$1,167,500

** SEDCO Funded

**** TIF

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Northeast Fire Station Site			\$2,500,000			*	\$2,500,000
Southwest Fire Station			\$5,200,000			*	\$5,200,000
Northside Fire Station 5 Renovation			\$300,000				\$300,000
Fire Station #3 Building Repair			\$25,000				\$25,000
Sherman Armory Building Repair, Phase I			\$300,000				\$300,000
Travis Street Bridge Repair	\$126,500						\$126,500
Center Street Bridge Repair (at Post Oak Creek)	\$110,000						\$110,000
Duke Drive Mill and Overlay		\$39,000					\$39,000
N. Throckmorton Mill and Overlay		\$110,000					\$110,000
Walnut Street Mill and Overlay		\$480,000					\$480,000
Storm Water Utility Fee Study	\$200,000						\$200,000
Library Building Repair			\$70,000				\$70,000
Municipal Airport Terminal Repair			\$42,000				\$42,000
Senior Center Building Repair			\$40,000				\$40,000
Street Maintenance Building Repair			\$25,000				\$25,000
Sherman Armory Building Repair, Phase II			\$150,000				\$150,000
Willow Street Mill and Overlay		\$431,000					\$431,000
Meadows Circle Mill and Overlay		\$167,000					\$167,000
Bridge Erosion Repair (West McGee, Taylor St, W Washington Street at Post Oak Creek)	\$80,000						\$80,000
Contemporary Street, Ayers Drive and Westwood Drive, Property Acquisition	\$188,100						\$188,100
Martin Luther King Park Restroom				\$150,000			\$150,000
Hawn Park Pavilion				\$75,000			\$75,000
Rosedale Park Restroom				\$150,000			\$150,000
Hawn Skateboard Renovation - Phase II				\$80,000			\$80,000
Fairview Park Field Lighting				\$150,000			\$150,000
Fairview Park Field #6 Renovation				\$65,000			\$65,000
Fairview Park Tot Playground				\$50,000			\$50,000
Northside Station 5 Driveway and Parking Lot			\$60,000				\$60,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2014-2015	\$954,600	\$1,277,000	\$8,762,000	\$720,000	\$0	\$0	\$11,713,600

* Bonded

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Starlight Alley Rebuild		\$350,000					\$350,000
Regency Drive and W. Washington Street, Property Acquisition	\$287,580						\$287,580
Library Boiler/HVAC Replacement			\$40,000				\$40,000
Fire Station #4 Roof Replacement			\$20,000				\$20,000
Sherman Armory Building Repair, Phase III			\$150,000				\$150,000
Bridge Erosion Repair (Center St. at Sand Creek and N. Ricketts St.)	\$40,000						\$40,000
Ely Park Playground				\$80,000			\$80,000
Hawn Park Field Lighting				\$200,000			\$200,000
Baker Park Pavilion				\$75,000			\$75,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2015-2016	\$577,580	\$400,000	\$260,000	\$355,000	\$0	\$0	\$1,592,580

2016-2017

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
U.S. Highway 75 Fallon Drive Ramps		\$1,000,000				***	\$1,000,000
Fallon Drive Construction - Preliminary Engineering and ROW		\$100,000					\$100,000
Archer Drive Detention Pond Property Acquisition	\$1,059,500						\$1,059,500
Bridge Erosion Repair (Hillcrest St and N. Woods St)	\$40,000						\$40,000
Cherry Park Playground				\$100,000			\$100,000
Rosedale Park Playground				\$60,000			\$60,000
Hillcrest Park Renovation				\$150,000			\$150,000
Fairview Park Pavilions				\$50,000			\$50,000
Martin Luther King Park Pavilions				\$50,000			\$50,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2016-2017	\$1,349,500	\$1,150,000	\$50,000	\$410,000	\$0	\$0	\$2,959,500

** SEDCO Funded

***TxDOT Participation

2017-2018

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
Fallon Drive West Construction to U.S. Hwy 75		\$1,500,000					\$1,500,000
Cypress Grove Rd. Rebuild - Rex Cruse to Redbud		\$600,000					\$600,000
Loy Lake Road Construction (US Hwy 82 to Pecan Grove Rd)		\$700,000				****	\$700,000
Bridge Erosion Repair (W Pecan St, Lamberth Rd, Centennial St and Blue Flame Rd)	\$45,000						\$45,000
Archer Drive Detention Pond Construction	\$214,250						\$214,250
Old Settlers Park - Phase III Field Renovation				\$1,000,000			\$1,000,000
Rosedale Park Field Lighting				\$50,000			\$50,000
Hawn Park Sprayground Expansion				\$300,000			\$300,000
Fairview Park Spray Ground and Splash Expansion				\$500,000			\$500,000
Setting Sun Drainage Improvements	\$78,000						\$78,000
GIS System			\$50,000				\$50,000
Drainage Improvement Projects	\$250,000						\$250,000
Street Right-of-Way and Street Oversize Funding		\$50,000					\$50,000
Total 2017-2018	\$587,250	\$2,850,000	\$50,000	\$1,850,000	\$0	\$0	\$5,337,250

**** TIF

GENERAL GRAND TOTAL	\$3,756,430	\$6,167,000	\$9,512,000	\$3,335,000	\$0	\$0	\$22,770,430
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UTILITY SERVICES

2013-2014

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
S.H. Highway 289 Sewerline "A"						\$1,650,000	** \$1,650,000
South Sherman Relief Sewer						\$2,000,000	* \$2,000,000
Gallagher Elevated Tank Painting and Repair					\$1,125,000		\$1,125,000
WWTP - Upgrade UV Disinfection System						\$1,100,000	* \$1,100,000
WWTP Relief Headworks - Engineering and Construction						\$5,500,000	* \$5,500,000
Cherry Park Pump Station Rehabilitation					\$500,000		\$500,000
Ricketts Street Water Line Replacement, Phase 2					\$168,000		\$168,000
Eastside Outfall Return Sewer						\$500,000	* \$500,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2013-2014	\$0	\$0	\$0	\$0	\$1,843,000	\$10,800,000	\$12,643,000

* Bonded

** SEDCO Funded

2014-2015

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Biosolids Engineering, Design and Construction						\$1,500,000	*1 \$1,500,000
Ida Road Ground Storage Tank Repair and Painting					\$1,000,000		\$1,000,000
Relief Sewer D-1						\$290,000	\$290,000
South Sherman Trunk Sewer						\$135,000	\$135,000
Texoma Parkway Sewer Replacement						\$200,000	\$200,000
U.S. Highway 75 South Water Crossing Replacement					\$138,000		\$138,000
Texoma Parkway Water Replacement - Phase V					\$300,000		\$300,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2014-2015	\$0	\$0	\$0	\$0	\$1,488,000	\$2,175,000	\$3,663,000

* Bonded

1 Under Technological Review

2015-2016

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Preliminary Engineering						\$1,400,000	* \$1,400,000
WWTP - Study Digester Upgrade and Cost Recovery (8%)						\$200,000	\$200,000
WWTP - Repair/Replace Perimeter Fencing			\$50,000				\$50,000
Blanton Drive Water Main Replacement					\$54,000		\$54,000
Oxford Street Water Main Replacement					\$85,000		\$85,000
Grant Street Water Main Replacement					\$76,500		\$76,500
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2015-2016	\$0	\$0	\$50,000	\$0	\$265,500	\$1,650,000	\$1,965,500

* Bonded

2016-2017

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
WWTP - Nutrient Removal Process						\$8,000,000	* \$8,000,000
WWTP Automated Dissolved Oxygen Control						\$900,000	* \$900,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2016-2017	\$0	\$0	\$0	\$0	\$50,000	\$8,950,000	\$9,000,000

2017-2018

	Drainage	Streets	Facilities	Parks	Water	Sewer	Totals
S.H. Highway 289 Sewerline 'C'						\$1,300,000	** \$1,300,000
Laboratory Building Expansion			\$300,000				\$300,000
WWTP Security Upgrade			\$150,000				\$150,000
Utility Main Oversizing					\$50,000	\$50,000	\$100,000
TOTAL 2017-2018	\$0	\$0	\$450,000	\$0	\$50,000	\$1,350,000	\$1,850,000

**** SEDCO Funded**

UTILITY GRAND TOTAL	\$0	\$0	\$500,000	\$0	\$3,696,500	\$24,925,000	\$29,121,500
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TOTAL CIP	\$3,756,430	\$6,167,000	\$10,012,000	\$3,335,000	\$3,696,500	\$24,925,000	\$51,891,930
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City Council Called Meeting

Agenda Item No. D. 2.

Meeting Date: 09/03/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

RESOLUTION NO. 5797

Amending the 2012-2013 Budget of the City of Sherman, Texas, Appropriating and Allocating Additional Funds for the Period of October 1, 2012, through September 30, 2013

Issue:

Appropriating additional funds to increase the fiscal year (FY) 2012-2013 budget for year-end expenditure reconciliation

Background:

Annually when applicable, the staff requests a year-end budget reconciliation of projected expenditures in order to ensure that our final year-end expenses are not greater than what we are authorized to spend. This year, an amendment is needed in several funds to accomplish this goal. The most notable changes relate to additional funding needed in the Insurance Fund to cover group health claims, additional funding needed to cover vehicle repairs, and funding needed to facilitate bridge and road improvements at Hwy. 75 and Loy Lake Road. The net effect of these changes totals about \$820,000.

Origination:

Robby Hefton, Assistant City Manager/CFO

Financial Consideration:

This budget amendment will increase total authorized expenditures by about \$3.1 million for FY 2012-2013, with a net effect of about \$.8 million in increased costs.

Staff Recommendation:

The staff recommends approval of this resolution.

Alternatives:

No viable alternatives exist for approval of this budget amendment.

Attachments

Resolution No. 5797

Budget Summary

RESOLUTION NO. 5797

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2012-2013 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013; 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 2012-2013 budget of the City of Sherman, Texas, be amended as shown below, appropriating and/or allocating the below-described funds in the amounts indicated:

1. General Improvement Fund –
 - a. To appropriate an additional \$1,300,000.00 for payment to TxDOT to widen the Loy Lake bridge over U.S. Highway 75, funded by the developer.
 - b. To appropriate a \$213,588.00 payment to Sherman Economic Development Corporation for a refund received from TxDOT for the 2011 U.S. Highway 75 and F.M. 1417 ramp reversal project.
2. Insurance Fund – To appropriate an additional \$700,000.00 for coverage of group health claims.
3. Utility Improvement Fund – To appropriate an \$800,000.00 transfer to the Insurance Fund.
4. Fleet Replacement Fund – To appropriate an additional \$10,000.00 for fleet purchases.
5. Equipment Service Center – To appropriate an additional \$110,000.00 for repairs and budget \$75,000.00 additional revenue from the General Fund.
6. General Fund – To appropriate an additional \$75,000.00 for fleet repairs.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

**General Improvement Fund
Summary of Revenues and Expenditures (Budget Basis)**

	Amended Budget 2012-2013	09/03/2013 Amendment	Amended Budget 2012-2013	Projected 2012-2013
Beginning Fund Balance	\$ 545,014		\$ 545,014	\$ 456,995
Revenues:				
Transfers In	200,000		200,000	200,000
SEDCO (TxDot and GIS)	400,000		400,000	250,000
Grant Proceeds	-		-	13,866
Miscellaneous Revenue	-	1,513,588	1,513,588	1,513,588
Investment Interest	500		500	650
Total Revenues	<u>600,500</u>	<u>1,513,588</u>	<u>2,114,088</u>	<u>1,978,104</u>
Total Funds Available	1,145,514	1,513,588	2,659,102	2,435,099
Expenditures:				
Washington Street West	-		-	3,150
GIS System	50,000		50,000	-
Watershed Management	-		-	41,052
Soil Conservation Emergency Action Plan Study	-		-	14,073
Neighborhood Revitalization-Fielder Park	250,000		250,000	250,000
Municipal Building Repair	190,000		190,000	190,000
Taylor Street Complex	200,000		200,000	200,000
Hwy 1417 Ramp from Hwy 75	400,000		400,000	200,000
SEDCO-Hwy 1417 & 75 Ramp Reversal	-	213,588	213,588	213,588
Loy Lake/75 Intersection	-	1,300,000	1,300,000	1,300,000
Total Expenditures	<u>1,090,000</u>	<u>1,513,588</u>	<u>2,603,588</u>	<u>2,411,863</u>
Ending Fund Balance	<u>\$ 55,514</u>	<u>\$ -</u>	<u>\$ 55,514</u>	<u>\$ 23,236</u>

* TXDOT Participation

Insurance Fund
Summary of Receipts & Expenditures

	Budget 2012-2013	Amendment	Amended Budget 2012-2013	Projected 2012-2013
Beginning Fund Balance	\$ 52,550		\$ 52,550	\$ (247,367)
Receipts				
Employer Contributions	3,840,924	-	3,840,924	3,860,000
Employee Contributions	601,000	-	601,000	800,000
Retiree Contributions	200,000	-	200,000	240,000
COBRA Contributions	-	-	-	4,000
Transfers In	-	800,000	800,000	800,000
Total Receipts	4,641,924	800,000	5,441,924	5,704,000
Total Funds Available	4,694,474	800,000	5,494,474	5,456,633
Expenses				
Health & Dental Claims	4,100,000	700,000	4,800,000	4,800,000
Insurance Premiums & Cost	510,000	-	510,000	550,000
Life Insurance	45,000	-	45,000	44,000
Miscellaneous	25,000	-	25,000	25,000
Total Expenses	4,680,000	700,000	5,380,000	5,419,000
Ending Fund Reserve	\$ 14,474	\$ 100,000	\$ 114,474	\$ 37,633

Utility Improvement Fund
Summary of Revenues and Expenses (Budget Basis)

	Budget 2012-2013	Amendment	Amended Budget 2012-2013	Projected 2012-2013
Beginning Fund Balance	\$ 3,411,680		\$ 3,411,680	\$ 3,502,392
Revenues				
Transfers In	-		-	-
SEDCO-Hwy 289 Water	-		-	300,000
Interest Income/Other Income	25,000		25,000	15,000
Total Revenues	<u>25,000</u>		<u>25,000</u>	<u>315,000</u>
Total Funds Available	3,436,680	-	3,436,680	3,817,392
Expenses				
Utility Oversizing	100,000		100,000	-
WWTP Digester Rehab	-		-	22,516
* Sears Lift Station	-		-	3,025
** Hwy 289 Water	-		-	300,000
*/** Hwy 289 Sewer	-		-	49,500
Upgrade Metering and Telemetry for Water System	350,000		350,000	200,540
Well Repairs and Upgrades	625,000		625,000	625,000
Gallagher Elevated Tank Painting and Repair	625,000		625,000	-
Infiltration & Inflow Office and Storage Facility	75,000		75,000	75,000
Woods Street Water Line Replacement	32,000		32,000	32,000
Lamberth Road Water Line Replacement	31,000		31,000	31,000
** Bialock Industrial Sewer	-		-	16,974
* VFD Headworks Pump Replacement	-		-	25,150
Texoma Parkway Water Replacement-Ph IV	134,000		134,000	134,000
Transfers Out-General CIP	200,000		200,000	200,000
Transfers Out-Employee Insurance Fund	-	800,000	800,000	800,000
	<u>2,172,000</u>	<u>800,000</u>	<u>2,972,000</u>	<u>2,514,705</u>
Ending Fund Balance	<u>\$ 1,264,680</u>	<u>\$ (800,000)</u>	<u>\$ 464,680</u>	<u>\$ 1,302,687</u>

**Fleet Replacement Fund
Summary of Receipts & Expenditures**

	Budget 2012-2013	Amendment	Amended Budget 2012-2013	Projected 2012-2013
Beginning Fund Balance	\$ 221,364		\$ 221,364	\$ 361,361
Revenues				
Transfers-In for Debt Serv	220,228		220,228	220,228
Transfers-In for Fund Balance	-		-	-
Transfer In for Equip Purchase	1,500,189		1,500,189	1,500,189
Grant Proceeds	-		-	-
Interest	300		300	460
Total Revenues	<u>1,720,717</u>		<u>1,720,717</u>	<u>1,720,877</u>
Total Funds Available	1,942,081		1,942,081	2,082,238
Expenses				
Debt Service	220,228		220,228	220,228
Equipment-General Fund	927,640	10,000	937,640	945,000
Equipment-Utility Fund	128,795		128,795	135,668
Equipment-Solid Waste Fund	651,754		651,754	636,121
Total Expenses	<u>1,928,417</u>	<u>10,000</u>	<u>1,938,417</u>	<u>1,937,017</u>
Ending Fund Balance	<u>\$ 13,664</u>	<u>\$ (10,000)</u>	<u>\$ 3,664</u>	<u>\$ 145,221</u>

**Equipment Service Fund
Summary of Receipts & Expenditures**

	Budget 2012-2013	Amendment	Amended Budget 2012-2013	Projected 2012-2013
Beginning Fund Balance	\$ 93,403		\$ 93,403	\$ 88,309
Revenues				
Equipment Service Revenue:				
General Fund	1,271,470	75,000	1,346,470	1,394,570
Airport Fund	1,410		1,410	1,719
Utility Fund	302,310		302,310	282,159
Solid Waste Fund	1,045,300		1,045,300	1,056,518
Total Revenues	2,620,490	75,000	2,695,490	2,734,967
Total Funds Available	2,713,893	168,403	2,788,893	2,823,276
Expenses				
Personnel	725,530		725,530	706,906
Supplies	1,075,031		1,075,031	1,047,063
Maintenance & Repair	584,757	110,000	694,757	722,859
Utilities	35,300		35,300	33,400
Computer Services	10,710		10,710	9,910
Contractual Services	148,821		148,821	159,347
Equipment	38,517		38,517	38,517
Total Expenses	2,618,666	110,000	2,728,666	2,718,002
Ending Fund Balance	\$ 95,227	\$ 58,403	\$ 60,227	\$ 105,274

General Fund
Summary of Revenues & Expenditures (Budget Basis)

	Adjusted Budget 2012-2013	Amendment	Amended Budget 2012-2013	Projected 2012-2013
Beginning Fund Balance	\$ 6,713,420	\$ -	\$ 6,713,420	\$ 6,525,129
Revenues				
Property Taxes	6,094,500		6,094,500	6,094,500
Sales Taxes	13,350,000		13,350,000	13,350,000
Franchise Taxes	2,982,000		2,982,000	2,982,000
Other Taxes	109,000		109,000	109,000
Fines & Forfeitures	1,063,200		1,063,200	1,063,200
Recreation	281,800		281,800	281,800
Permits & Licenses	234,700		234,700	234,700
Rentals	69,700		69,700	69,700
Cemetery Sales and Services	151,200		151,200	151,200
Sales & Services	499,000		499,000	499,000
Grants and Miscellaneous	312,850		312,850	312,850
Total Revenues	26,617,950		26,617,950	26,617,950
Transfers In	3,670,766		3,670,766	3,670,766
Total Receipts	30,288,716		30,288,716	30,288,716
Total Funds Available	37,002,136		37,002,136	36,813,845
Expenditures				
Personnel	21,144,408		21,144,408	21,219,304
Supplies	1,455,507		1,455,507	1,413,559
Maintenance	1,187,276		1,187,276	1,172,257
Utilities	1,397,480		1,397,480	1,371,459
Contract Wages	209,110		209,110	222,105
Computer Services	582,540		582,540	538,910
Debt Service	69,405		69,405	69,405
Contractual and Sundry Services	1,610,891		1,610,891	1,532,236
Vehicle Usage	1,271,320	75,000	1,346,320	1,419,305
Equipment and Buildings	326,202		326,202	311,751
Transfer Out to Other Funds	-		-	-
Transfer Out to Fleet Fund	1,147,868		1,147,868	1,147,868
Total Expenditures	30,402,007	75,000	30,477,007	30,418,159
Excess Receipts over Expenditures	(113,291)	(75,000)	(188,291)	(129,443)
Ending Fund Balance	\$ 6,600,129	\$ (75,000)	\$ 6,525,129	\$ 6,395,686



City Council Called Meeting

Agenda Item No. D. 3.

Meeting Date: 09/03/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5798**

Revoking and Replacing Resolution No. 5699; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers

Issue:

The City Council is required by state law to establish salary structures and incentive/certification pay schedules for members of the classified service.

Background:

The City Council has authorized certification and incentive pay for certain positions within the Police and Fire Departments. This resolution implements the two percent (2%) pay increase authorized for fiscal year (FY) 2013-2014.

Origination:

City Council

Financial Consideration:

Funds were appropriated in the 2013-2014 budget for these pay amounts for Police and Fire Department personnel.

Staff Recommendation:

Staff recommends approval of the resolution.

Alternatives:

The City Council could choose not to approve the resolution, leaving unchanged the fire and police pay schedules adopted in September 2012 by Resolution No. 5699.

Attachments

Resolution No. 5798

Resolution No. 5699

RESOLUTION NO. 5798

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5699; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Resolution No. 5699, passed and approved on the 17th day of September, 2012, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2013, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,263.16	N/A	\$3,263.16
1 Year	\$3,263.16	\$ 362.58	\$3,625.74
2 Year	\$3,263.16	\$ 414.92	\$3,678.08
3 Year	\$3,263.16	\$ 468.08	\$3,731.24
4 Year	\$3,263.16	\$ 522.02	\$3,785.18
5 Year	\$3,263.16	\$ 576.76	\$3,839.92
ENGINEER			
Entry	\$3,943.00	N/A	\$3,943.00
1 Year	\$3,943.00	\$ 57.14	\$4,000.14
2 Year	\$3,943.00	\$ 115.10	\$4,058.10
CAPTAIN			
Entry	\$4,305.58	N/A	\$4,305.58
1 Year	\$4,305.58	\$ 62.58	\$4,368.16
BATTALION CHIEF			
Entry	\$4,622.83	\$ 348.51	\$4,971.34
1 Year	\$4,622.83	\$ 438.27	\$5,061.10
DIVISION CHIEF	\$5,130.79	\$ 797.99	\$5,928.78

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,309.96	N/A	\$3,309.96
Entry – Certified	\$3,489.84	N/A	\$3,489.84
1 Year	\$3,489.84	\$ 174.52	\$3,664.36
2 Year	\$3,489.84	\$ 431.00	\$3,920.84
3 Year	\$3,489.84	\$ 901.46	\$4,391.30
4 Year	\$3,489.84	\$ 967.32	\$4,457.16
5 Year	\$3,489.84	\$1,034.24	\$4,524.08
CORPORAL			
Entry	\$4,622.90	N/A	\$4,622.90
1 Year	\$4,622.90	\$ 92.42	\$4,715.32
2 Year	\$4,622.90	\$ 186.80	\$4,809.70
SERGEANT			
Entry	\$4,985.46	\$ 209.10	\$5,194.56
1 Year	\$4,985.46	\$ 308.82	\$5,294.28
2 Year	\$4,985.46	\$ 410.48	\$5,395.94
LIEUTENANT			
Entry	\$5,348.04	\$ 156.84	\$5,504.88
1 Year	\$5,348.04	\$ 263.84	\$5,611.88
ASSISTANT CHIEF			
Entry	\$5,619.99	\$ 522.75	\$6,142.74
1 Year	\$5,619.99	\$ 635.17	\$6,255.16

SECTION 3. That, from and after the effective date of the 1st day of October, 2013, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$375.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2013, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

RESOLUTION NO. 5699

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5425; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Resolution No. 5425, passed and approved on the 5th day of October, 2009, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2012, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,199.18	N/A	\$3,199.18
1 Year	\$3,199.18	\$ 355.47	\$3,554.65
2 Year	\$3,199.18	\$ 406.78	\$3,605.96
3 Year	\$3,199.18	\$ 458.89	\$3,658.07
4 Year	\$3,199.18	\$ 511.77	\$3,710.95
5 Year	\$3,199.18	\$ 565.44	\$3,764.62
ENGINEER			
Entry	\$3,865.69	N/A	\$3,865.69
1 Year	\$3,865.69	\$ 56.02	\$3,921.70
2 Year	\$3,865.69	\$ 112.83	\$3,978.52
CAPTAIN			
Entry	\$4,221.16	N/A	\$4,221.16
1 Year	\$4,221.16	\$ 61.34	\$4,282.49
BATTALION CHIEF			
Entry	\$4,532.19	\$ 341.67	\$4,873.86
1 Year	\$4,532.19	\$ 429.66	\$4,961.85
DIVISION CHIEF	\$5,030.19	\$ 782.34	\$5,812.53

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,245.06	N/A	\$3,245.06
Entry – Certified	\$3,421.40	N/A	\$3,421.40
1 Year	\$3,421.40	\$ 171.11	\$3,592.51
2 Year	\$3,421.40	\$ 422.56	\$3,843.96
3 Year	\$3,421.40	\$ 883.80	\$4,305.19
4 Year	\$3,421.40	\$ 948.35	\$4,369.75
5 Year	\$3,421.40	\$1,013.96	\$4,435.36
CORPORAL			
Entry	\$4,532.24	N/A	\$4,532.24
1 Year	\$4,532.24	\$ 90.61	\$4,622.85
2 Year	\$4,532.24	\$ 183.14	\$4,715.38
SERGEANT			
Entry	\$4,887.71	\$ 205.00	\$5,092.71
1 Year	\$4,887.71	\$ 302.75	\$5,190.47
2 Year	\$4,887.71	\$ 402.43	\$5,290.14
LIEUTENANT			
Entry	\$5,243.18	\$ 153.75	\$5,396.93
1 Year	\$5,243.18	\$ 258.65	\$5,501.83
ASSISTANT CHIEF			
Entry	\$5,509.79	\$ 512.50	\$6,022.29
1 Year	\$5,509.79	\$ 622.72	\$6,132.50

SECTION 3. That, from and after the effective date of the 1st day of October, 2012, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$375.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2012, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. 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 17th day of September, 2012.

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**

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

ISSUED: 8/20/2013



City Council Called Meeting

Agenda Item No. D. 4.

Meeting Date: 09/03/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5799**

Adopting an Investment Policy for the City of Sherman

Issue:

Obtaining Council approval for revisions to the City of Sherman's Investment Policy

Background:

By law, the Council must annually review and adopt an investment policy that governs the investing of public funds by the City. The most recent revision to the Policy was in October 2012. These recommended changes to the Policy are administrative in nature and are intended to bring certain provisions of our policy more in line with industry standards. Also, the authorized list of brokers/dealers is being updated. A copy of the proposed Policy was provided to the Investment Committee prior to this meeting.

Origination:

Finance Department

Financial Consideration:

There is no cost associated with changing the Policy.

Staff Recommendation:

Committee Recommendation

It is recommended that the Council approve the Policy as presented.

Alternatives:

The Council could offer additional changes to those recommended by the staff and the Investment Committee, subject to Public Funds Investment Act (PFIA) requirements.

Attachments

Resolution No. 5799

Memo to Investment Committee

City of Sherman Investment Policy

RESOLUTION NO. 5799

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

WHEREAS, Chapter 2256 of the Texas Government Code requires that all municipal investments shall be made in accordance with written policies approved by the governing body; and

WHEREAS, the investment policies must address liquidity, diversification, safety of principal, yield, maturity, and quality and capability of investment management; and

WHEREAS, the City of Sherman Investment Committee has proposed an investment policy which meets these goals;

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

SECTION 1. That all prior investment policies of the City of Sherman are hereby revoked in their entirety.

SECTION 2. That the City of Sherman Investment Policy, attached hereto and made a part hereof for all purposes, is hereby adopted and shall now and hereafter govern the investment activity of the City of Sherman.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

DATE: Wednesday, August 28, 2013

TO: The Investment Committee
The Honorable Robert G. Softly, Council Member
The Honorable Jason Sofey, Council Member
George Olson, City Manager

FROM: Robby Hefton, Assistant City Manager/CFO 

SUBJECT: **Investment Policy Revisions**

Attached is a copy of the City's Investment Policy, including proposed changes to the existing Policy. The City is required by law to review its Investment Policy annually to ensure that the policy meets the City's needs with respect to managing its investment activities.

The Investment Officers are recommending a few changes to bring some of the policy provisions in line with industry standards. The two most notable of the changes are: 1) removing the "demand deposits", which are simply the monies we have deposited at our local bank account, from inclusion in the policy, and 2) modifying maturity limits for the portfolio. Changes for demand deposits were made because funds on deposit at the bank do not meet the definition of an "investment" as reflected in the State laws; and we also wanted to bring our policy more in line with treatment of such funds by peers in the industry. The change to modify maturity limits was made to simplify the criteria under which we evaluate the liquidity of the portfolio and to bring them in line with industry norms. Both of these changes will also have an effect on our quarterly investment reports, changes of which will be reflected on the next quarterly report.

Approval of this policy is scheduled for the September 3rd called Council meeting. Please contact me prior to that meeting if you have any questions regarding the Policy or its related changes.

RH:pc

attachment (as stated above)

CITY OF SHERMAN INVESTMENT POLICY

September 3, 2013

1.0 Policy:

It is the policy of the City of Sherman, Texas to invest public funds in a manner which will provide the safest and most liquid opportunity with the highest investment return while meeting the daily cash flow demands of the City and conforming to the statutes governing the investment of public funds. This policy serves to satisfy the statutory requirements of defining and adopting a formal investment policy. The policy and strategy shall be reviewed by the Investment Committee and the City Council annually. Any modifications will be formally approved by the City Council. This investment policy, as approved, is in compliance with the provisions of the Public Funds Investment Act of the Texas Government Code Chapter 2256 (PFIA).

2.0 Scope:

This policy applies to all aspects of investing the financial assets of the City. These funds are accounted for in the City's Comprehensive Annual Financial Report and include: General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, Enterprise Funds, Trust and Agency Funds, and any new fund created by legislative body, unless specifically exempted or excluded. *To maximize investment earnings, funds will be pooled and earnings allocated to the various funds based on their balances and in accordance with generally accepted accounting principles.* ~~for investment purposes. The strategy developed for this pooled fund group will address the varying needs, goals, and objectives of each fund.~~

This policy shall not govern funds which are managed under separate investment programs in accordance with Section 2256.004 of the Public Fund investment act. Such funds currently include ~~Retirement/Pension Fund~~ *the Perpetual Care Cemetery and Mausoleum Fund*, Deferred Compensation Fund and Bond Proceeds.

2.1 Perpetual Care Cemetery and Mausoleum Fund: This fund is governed by a trustee agreement and the provisions of Sections 712.021 - 712.029 of the Health and Safety Code. The investment decisions are the responsibility of the trustee. Therefore, this fund is excluded from this investment policy.

2.2 Deferred Compensation: The City's deferred compensation plan qualifies under Internal Revenue Service Section 457 and, therefore, is exempt from the Public Funds Investment Act and this policy.

2.3 Bond Proceeds: Funds received from the sale of general obligation bonds or certificates of obligation will be segregated and will be invested under a separate strategy.

3.0 Objectives:

The following are the primary investment objectives of the City of Sherman, in order of priority:

3.1 Safety: Safety of principal is the foremost objective of the City of Sherman's investment policy. Safety is defined as the undiminished return of the principal of the City's investments and deposits. Investment officers must have an adequate understanding of the suitability of individual investment instruments in light of the City's financial needs. This understanding is gained through experience of the investment officers and through training designed to increase the expertise of the investment officers.

3.2 Liquidity: Liquidity is important to insure sufficient cash to meet all operating requirements. A liquid investment is one that can be easily and quickly converted into cash without a substantial loss of value.

3.3 Public Trust: *All participants in the City's investment process shall perform their duties at the highest level of public trust. Investment officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.*

3.4 Yield: For the City of Sherman, the yield objective is secondary to those of safety and liquidity. Yield is defined as the rate of annual income return on an investment, expressed as a percentage. ~~The six-month U.S. Treasury Bill will be used as a prudent yield target~~ *The one-year Constant Maturity Treasury rate or other Treasury-based rate which corresponds to the approximate weighted average of the portfolio will be a benchmark to promote a better understanding of portfolio performance.*

4.0 Standards of Care:

Persons who act in good faith and in compliance with this policy shall be relieved of any personal liability arising from the investment activities of the City of Sherman.

4.1 Prudence: Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the persons' own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration: (1) the investment of all funds under the City's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; (2) whether the investment decision was consistent with this written investment policy of the City of Sherman; and (3) *whether the decision might have impaired public confidence in the City's ability to govern effectively.*

4.2 Ethics: Investment officers shall refrain from any activity that conflicts, or appears to conflict, with the officer's proper execution of the investment program or which could impair the officer's ability to make impartial investment decisions.

4.3 Conflicts of Interest: Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of investment programs, or which could impair their ability to make impartial investment decisions. Employees and investment officers shall disclose to the Texas Ethics Commission and the City Manager, and the City Manager discloses to the City Council if:

- a) The officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
- b) The officer is related within the second degree by affinity of consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City.

4.4 Delegation of Authority: As originally granted by Resolution 3230, dated September 11, 1995, and modified by Resolution on August 20, 2007, the daily operation and management of the City of Sherman's investments are the responsibility of the following persons:

- a) **Investment Officers:** The City Manager shall name two investment officers from among the employees with the following job titles: City Manager, Assistant City Manager/Chief Financial Officer (CFO), and Controller. The investment officers are authorized to deposit, withdraw, invest, transfer, or manage in any other manner funds of the City of Sherman. Investment officers must disclose any business or personal relationships with business organizations offering to engage in an investment transaction with the City according to section 2256.005
- b) **Investment Committee:** The Investment Committee shall consist of the City Manager and two members of the City Council as appointed by the Council. The committee shall provide guidance on investment matters. Also, the committee shall approve the list of approved brokers dealers and financial institutions annually. *The approved list is in Appendix B.*
- c) **Other Investment Authorizations:** The Accounting Assistant, Accountant and Chief Accountant are also authorized to deposit funds into the bank depository.

4.5 Quality and Capability of Investment Management: Recognizing that the investment officers of the City have many other duties and that they may lack formal education in investing, this policy allows the City to use only the more basic and easily understood types of investments available to local governments.

4.6 Training of Investment Officers: All investment officers of the City shall attend an investment training session not less than once in a two-year period beginning on October 1st and consisting of the next two consecutive years, and receive not less than ten hours of instruction from an independent source approved by the City Council or the Investment Committee. *Approved sources include the Government Finance Officers Association (GFOA), the Governmental Finance Officers Association of Texas (GFOAT), the Government Treasurers' Organization of Texas (GTOT), the University of North Texas Center for Public Management, and the Texas Municipal League.*

5.0 Strategies:

The investment strategy is the logical product of the investment objectives. As such, it emphasizes low credit risk, diversification, and the management of maturities. The strategy also takes into account the expertise and time constraints of the investment officers. The allowable investments listed in Section 7 of this policy reflect the avoidance of credit risk. Diversification refers to dividing investments among a variety of securities offering independent returns. ~~This strategy uses investment pools to achieve diversification.~~ The management of maturities refers to structuring the maturity dates of the direct investments so that, while funds are initially invested for a longer period of time, some investments mature at regularly-recurring intervals.

A basic strategy governs the investment of all funds under this policy. A separate strategy applies to the investment of bond proceeds.

5.1 Depository Bank: Funds at the depository bank are to be managed to a level that minimizes the cost of the relationship to the City. In instances where the depository contract allows for the payment of fees by maintaining balances at the depository, every effort is to be made to minimize the amount of money held at the depository in excess of that needed to compensate the bank for its services. Concerns about safety are to be addressed by the pledging requirements of the depository, in accordance with state law. This strategy specifies that sufficient funds to support daily operations are maintained in the depository bank, but that any funds in excess of that are held to a minimum. In accordance with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), the City will require that the bank's board of directors or a designated committee approve the depository agreement, including the pledge of collateral to secure with bank's obligations with respect to the deposits maintained at the bank by the City.

5.2 Other Financial Institutions: The City may invest in certificates of deposit with maturities of five years or less with a bank other than the Depository Bank. A laddered maturity strategy is used for these instruments and only funds whose expenditure is not anticipated during the term of the certificate are invested.

5.3 Investment Pools: An investment pool is an entity created to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are safety, liquidity, and yield. Funds are usually available from investment pools on a next day basis, meaning the pools have a high degree of liquidity. Because of the size and expertise of their staffs, investment pools are able to prudently invest in a variety of the investment types allowed by state law. In this manner, investment pools achieve diversification. ~~The strategy of the City of Sherman calls for the use of investment pools as a primary source of diversification and a supplemental source of liquidity.~~ Funds that may be needed on a short-term basis but that are in excess of the amount maintained at the depository bank are available for deposit in investment pools.

5.4 Direct Investments: The City of Sherman purchases securities of the U.S. Treasury, U.S. Agencies, and direct obligations of this state, ~~or its agencies, and instrumentalities, Counties, Cities and other political subdivisions~~ in the secondary market ~~and in the primary market in the case of new issue offerings~~. For purposes of this policy, the term "U. S. Agencies" shall include obligations, including letters of credit, of the United States or its agencies and instrumentalities. ~~The majority of the direct investments have a remaining maturity of two years or less.~~ The City employs a laddered maturity strategy for these instruments. With that method, some investments

reach maturity at regularly-recurring intervals, enhancing liquidity. ~~However, the yields are those of two-year investments rather than securities having a single month to maturity, enhancing yield.~~ The investment officers must give consideration to the over-all liquidity of the portfolio before making a direct investment. Additionally, the City occasionally purchases a U. S. Treasury or Agency security with maturities as long as five years. See Section 5.5 below.

5.5 Hold until Maturity: The strategy of the City is to maintain enough liquidity in its portfolio that it never needs to sell a security. This will protect the principal of the investment against market risk. Should it become necessary to sell a security prior to maturity, the prior written consent of the City Manager must be obtained.

5.6 Investment of Reserve Funds: Up to one-third of the funds held in reserve are available for investment in Treasury or Agency securities with remaining maturities up to five years.

5.7 Separate Strategy for Bond Proceeds: Proceeds from the sale of general obligation bonds or certificates of obligation will be segregated from the other investments of the City. The basic intent is to match the availability of funds to the cash requirements of the capital projects. Therefore, the maturity limits of Section 9.0 do not apply. The following investments are available for this strategy: treasury securities, demand deposits, certificates of deposit, and investment pools. Ten percent of anticipated costs of the projects must be kept in demand deposits or pooled investments to cover unanticipated cash demands. The remaining proceeds are to be invested so as to match anticipated demands for cash. Except for the requirement for demand deposits or investment pools above, there is no restriction on the percentage of the bond proceeds that may be invested in any authorized investment vehicle.

6.0 Authorized Financial Dealers and Institutions:

6.1 Approved List of Investment Service Providers: All banking services will be governed by the depository contract. In addition, the Assistant City Manager/Chief Financial Officer shall maintain a list of security brokers, dealers, financial institutions, and investment pools that are authorized by the Investment Committee and the City Council. To be eligible to be approved to do business with the City of Sherman, a seller of securities or financial institution must be a primary dealer, a regional dealer that qualifies under SEC Rule 15C3-1, or regulated by Federal banking authorities. To be eligible to be approved to do business with the City of Sherman, an investment pool must meet all the requirements of State law. More details on investment pool qualifications are listed in Section 7.5. Annually, the Investment Committee must review, revise and adopt a list of qualified brokers and financial institutions that are authorized to engage in investment transactions with the City. *The approved list of financial institutions and broker/dealers can be found in Appendix B.*

6.2 Acknowledgment of Investment Policy: A written copy of this investment policy shall be presented to any person or firm seeking to sell to the City any investment. ~~An authorized~~ *A qualified* representative of the business organization seeking to sell an investment shall execute a written instrument substantially to the effect that the registered principal has: (1) received and thoroughly reviewed the City's investment policy; and (2) acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization. The City's investment officers are expressly prohibited from buying any security

from a person or firm which has not delivered a document that complies with the requirements of this section of the investment policy to the City.

7.0 Authorized Investments, Including Diversification Limits and Maximum Maturities:

Following is a list of investments that are authorized by this policy for inclusion in the City of Sherman's portfolio of investments. Also shown are the target and maximum percentages (portfolio cap) of that type of security and the maximum maturity that is allowable.

~~**7.1 Demand Deposits at Depository Bank:** Governed by the depository contract and provisions of State law, collateralized demand deposits at the depository bank have unsurpassed liquidity and safety but do not usually provide the highest yield. By definition their maturity is immediate.~~

7.1 Certificates of Deposit: These investments are permitted if invested through a broker or depository institution that has its main office or a branch office in this state and is eligible under Section 2256.010 of the Public Funds Investment Act.

7.2 Obligations of the United States Treasury: United States Treasury Bills, Notes and Bonds are authorized investments of the City of Sherman. For purposes of collateral against the City's investments, the maximum length of remaining maturity may be fifteen years, as long as the total market value of the securities pledged against the City's investments always exceeds those investments.

7.3 Obligations of Agencies or Instrumentalities of the United States: United States Agency securities, or other obligations, are authorized investments of the City provided that they are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its respective agencies and instrumentalities. For purposes of collateral against the City's investments, the maximum length of remaining maturity may be fifteen years, as long as the total market value of the securities pledged against the City's investments always exceeds those investments.

7.4 Investment Pools: Public funds investment pools which have been created to function as a money market mutual fund are authorized investments of the City provided that they meet the following criteria: (1) they are continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service; (2) they mark their portfolio to market daily; (3) they maintain a stable net asset value of no less than .995 and no more than 1.005; (4) they limit their investments to those allowable to local governments by state law; and, (5) they meet or exceed the initial and monthly disclosure requirements of applicable state law. Deposits in investment pools that contain commercial paper are not authorized.

7.5 Repurchase Agreements; Bankers' Acceptances: These investment options are authorized for the City of Sherman only to the extent that they are contained in the portfolios of approved public funds investment pools in which the City invests. The direct investment in repurchase agreements and bankers' acceptances by the City of Sherman is not authorized. However, indirect investment in repurchase agreements by the City's depository under a sweep arrangement is allowable for purposes of this policy.

7.6 Direct Obligations of this State, ~~or and instrumentalities,~~ its agencies, Counties, Cities and other political subdivisions: State agency means an office, department, commission, board or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities rated no lower than A or at an equivalent rating by at least one nationally recognized rating service.

7.7 Diversification Limits and Maximum Maturities

	Target Investment <u>Level</u>	Portfolio <u>Cap</u>	Maximum <u>Maturity</u>
Certificates of Deposit	25%	30%	5 years
U.S. Treasury Obligations	80%	85%	5 years
U.S. Agency Obligations	45%	50%	5 years
Investment Pools	45%	50%	
State of Texas Obligations	45%	50%	5 years

8.0 Prohibited Securities:

8.1 Allowed by State Law but Prohibited by This Policy: The following instruments are eligible for investment by local governments according to state law, but have been intentionally prohibited for the City by this policy: collateralized mortgage obligations; obligations of *other states and their agencies*, counties, cities, and other political subdivisions; bonds issued by the State of Israel; securities lending programs; guaranteed investment contracts; mutual funds; commercial paper; and investment pools except those pools which are created to function as money market mutual funds. This prohibition is in view of the time constraints on and the expertise level of the investment officers.

8.2 Expressly Prohibited by State Law and This Policy: The following securities are expressly prohibited by state law and this policy: (1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal; (2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest; (3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and (4) collateralized mortgage obligations the interest rate of which is determined by an index that adjust opposite to the changes in a market index (inverse floaters).

9.0 Limits on Maturity of Entire Portfolio:

The following limits on the maturities of investments apply to the City's entire *investment* portfolio, except for the bond proceeds. The funds on deposit at the bank depository are ~~included~~ *excluded* in the calculation of these percentages:

Available within 1 month	At least 25% of the portfolio
Available within 3 months	At least 33% of the portfolio
Available within 6 months	At least 45% of the portfolio
Available within 1 year	At least 50% of the portfolio

Available within 2 years	At least 70% of the portfolio
Available within 3 years	At least 80% of the portfolio
Available within 4 years	At least 90% of the portfolio
Available within 5 years	100% of the portfolio

For the City portfolio, excluding any bond proceeds, the maximum average dollar-weighted maturity shall be 500 days.

10.0 Collateralization:

In accordance with *Chapter 2257 of the Texas Government Code* and the depository contract, all demand deposits and all time deposits will be collateralized by the pledging of investment securities or by letters of credit from Federal Home Loan Bank. If securities are used as collateral, the CFO or his designee must approve the security prior to its pledging. Pledged securities shall always be held by a third party and evidenced by a current safekeeping receipt.

11.0 Safekeeping:

All investment transactions, other than those with investment pools, shall be conducted on a delivery-versus-payment basis. Securities shall be held by a third party custodian and evidenced by current safekeeping receipts.

12.0 Internal Control:

The CFO shall establish a system of internal controls designed to prevent the loss of public funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions. The system shall contain, but is not limited to, the following items:

12.1 Competitive Bids: *Generally, securities will be purchased using competitive offerings.* The CFO or his designee ~~shall seek~~ *shall make their best effort to obtain* at least three *offers* from firms listed on the approved list of brokers and dealers. *Offers* shall be in writing and may be delivered to the City in person, or ~~by fax via electronic facsimile~~ or email. The award shall be on the basis of the *best value highest yield* to the City. Records of the *offers* and award shall be maintained by the CFO's office, or the office of his designee.

The City recognizes that a competitive offering process is not always necessary or is not always in the best interest of the City. *Accordingly, new issue offerings may be purchased directly from an approved broker/dealer in the primary market.*

12.2 Delivery-Versus-Payment: The safekeeping agent must receive all investments, other than investment pool funds, before funds are released for their purchase.

12.3 Compliance Audit: In conjunction with its annual financial audit, the City shall require a compliance audit of management controls on investments and adherence to this policy.

12.4 Collateral: Evidence of pledged collateral shall be maintained by the Chief Financial Officer or his designee. Collateral shall be reviewed weekly to assure that the market value of the pledged securities is adequate.

12.5 Other Components: *Internal control shall address separation of transaction authority from accounting and recordkeeping, clear delegation of authority to subordinate staff members, and written confirmation of transaction for investments and wire transfers.*

Other sections of this policy contain aspects of internal control procedures. These include holding securities until maturity, providing adequate training for all investment officers, requiring vendors to meet minimum qualifications before selling securities to the City, disclosing personal or business relationships between investment officers and vendors, and regular reporting of investments to the City Council.

13.0 Valuation:

The market value of each investment in the City's portfolio will be calculated quarterly, on the following basis:

~~**13.1 Bank Deposits:** Bank deposits are denominated in cash and, therefore, their face value and market value are identical. Deposit levels will be monitored daily via telephone or electronic means and confirmed on the monthly bank statement.~~

13.1 Investment Pools: Monthly statements are received from the investment pools which show the amount on deposit and the market value of the pool as a percentage of the book value. The market value of the investment pools will be the product of these two figures.

13.2 Treasury Notes: The market value of Treasury Notes will be obtained from the City's third-party securities custodian.

13.3 Treasury Bills: The market value of Treasury Bills will be obtained from the City's third-party securities custodian.

13.4 Agencies of the United States and the State of Texas: The market value of Agency securities will be obtained from the City's third-party securities custodian.

14.0 Credit Ratings:

The credit rating of each investment in the City's portfolio will be determined quarterly from Standard and Poor's. *All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.*

15.0 Performance Standards:

For each of the City's investment objectives, following are the performance standards:

15.1 Safety: All investment principal is maintained.

15.2 Liquidity: Sufficient cash is maintained or can be generated to pay all current obligations without selling direct securities or incurring loss of principal.

15.3 Yield: Yield on the portfolio of City funds, excluding demand deposits at the bank depository, should approximate the Treasury-based ~~Bill~~ yield having similar weighted-average maturities.

16.0 Reporting:

No less than quarterly, the investment officers shall prepare, sign, and present to the City Council a report of the City's investments in compliance with section 2256.023 of the Public Funds Investment Act.

17.0 Investment Policy Adoption and Revision:

The City Council shall adopt the written investment policy by resolution. Annually the City Council shall review the investment policy and strategy. Revisions to the policy shall be made by City Council resolution.

APPENDIX A

GLOSSARY OF COMMON TREASURY TERMINOLOGY

Agencies: Federal agency securities.

Amortized cost: Cost of investments adjusted for amortized premiums and discounts.

Asked: The price offered for securities.

Bid: The price offered by a buyer of securities.

Book value: A term synonymous with amortized cost.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Commercial Paper (CP): An unsecured short-term promissory note issued by corporations, with maturities ranging from 2-270 days.

Coupon: (a) the annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Credit Risk: The risk of loss of principal and interest due to a failure of the security or broker.

Dealer: A dealer, as opposed to a broker, acts as a principal in all

transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt (also called free). Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

Discount: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

Federal Funds Rate: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB): The institutions that regulate and lend

savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-a-vis member commercial banks.

Federal National Mortgage Association (FNMA): FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal reserve guidelines regarding purchases and sales of Government Securities in the open-market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C. 12 regional banks and about 5,700 commercial banks that are members of the system.

Government National Mortgage Association (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations,

and other institutions. Security holder is protected by full faith and credit of the U.S. Government, Ginnie Mae securities are backed by FHA, VA or FMHM mortgages. The term pass-through is often used to describe Ginnie Maes.

Laddered Portfolio: Investment portfolio with securities in each maturity range (e.g. monthly) over a specified period of time.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in custody for investment and reinvestment.

Market Risk: The risk that the market value and interest earnings of an investment or a portfolio will fall due to changes in general interest rates.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: To protect investors, many public investors will request that repurchase agreements be preceded by a master repurchase agreement between the investor and the financial institution or dealer. The master agreement should define the nature of the transaction, identify the relationship between the parties, establish normal practices regarding ownership and custody of the collateral securities during the term of the investment, provide remedies in the case of default by either party and clarify issues of ownership. The master repurchase agreement protects the investor by eliminating the uncertainty of ownership and hence, allowing investors to liquidate collateral if a bank

or dealer defaults during the term of the agreement.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Offer: The price asked by a seller of securities.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

Prudent Person Rule: An investment standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (RP or REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

Treasury Bonds: Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes: Intermediate term coupon bearing U.S. Treasury securities having initial maturities from one to ten years.

Unrealized Gains (Losses): Increases (decreases) in the value of investments representing the difference between the amortized cost of the investments and their current market value. Increases (decreases) in value are caused primarily by changes in market interest rates subsequent to purchasing investments.

Weighted Average Rate of Return: Rate of return calculated based on

interest earnings and the length of actual holding for each individual security.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) **Income Yield** is obtained by dividing the current dollar income by the current market price of the security. (b) **Net Yield** or **Yield to Maturity** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Yield: The rate of annual income return on investment, expressed as a percentage.

APPENDIX B

APPROVED LIST OF BROKER/DEALERS AND FINANCIAL INSTITUTIONS

BOSC, Inc.
Sherman, TX

First Southwest Company
Dallas, TX

First Public, LLC
Austin, TX

Vining Sparks
Frisco, TX

SAMCO Capital Markets
Dallas, TX

~~Southwest Securities~~
~~Dallas, TX~~

Coastal Securities, Inc.
Houston, TX

First Empire Securities
Hauppauge, NY

TexPool Participant Services
Dallas, TX

TexStar Participant Services
Dallas, TX

Landmark Bank
Sherman, TX



City Council Called Meeting

Agenda Item No. D. 5.

Meeting Date: 09/03/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5800**

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

Issue:

Public Service Contracts for the Fiscal Year (FY) 2013 Community Development Block Grant (CDBG) Program

Background:

The FY 2013 CDBG Program, previously adopted by the Sherman City Council via Resolution No. 5775 at the June 17, 2013 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, 2013, through September 30, 2014.

Origination:

Theresa Caudle, Community Development Coordinator

Financial Consideration:

Funds have been appropriately allocated through the specific public hearing and grant submission process, as required by the U.S. Department of Housing and Urban Development.

Staff Recommendation:

Staff recommends the Sherman City Council approve and authorize the City Manager to execute the required contract documents.

Alternatives:

As directed by the Council

Attachments

Resolution No. 5800

Resolution No. 5775 with CDBG Final Statement/Action Plan and Certifications

RESOLUTION NO. 5800

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH THE SHERMAN HOUSING AUTHORITY, THE TEXOMA AREA PARATRANSIT SYSTEM, INC., THE GRAYSON COUNTY CRISIS CENTER, THE GRAYSON COUNTY SHELTER, INC., CHILD & FAMILY GUIDANCE CENTER OF TEXOMA, BOYS & GIRLS CLUB OF SHERMAN, INC., AND MASTERKEY MINISTRIES OF GRAYSON COUNTY, INC. FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; 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 Grayson County Shelter, Inc., Child & Family Guidance Center of Texoma, Boys & Girls Club of Sherman, Inc., and MasterKey Ministries of Grayson County, Inc. for the use of Community Development Block Grant Funds 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 _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

RESOLUTION NO. 5775

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 2013; 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 2013; 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 Three Hundred Eleven Thousand Seven Hundred Twenty-Six Dollars and No Cents (\$311,726.00) for fiscal year 2013, 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 12, 2013 and June 17, 2013; 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 2013 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 2013.

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 17th day of June, 2013.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

BY: Carolyn S. Wacker
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2013**

EXHIBIT A

GRANT NO: B-2013-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 2013 is \$311,726.00. These funds will be received on October 1, 2013. 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 2013**

OWNER-OCCUPIED HOUSING REHABILITATION:..... \$176,396

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:..... \$35,000

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:..... \$62,300

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, preparation of annual Action Plan and Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy.

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority:..... \$10,000

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sell of illegal drugs in and around assisted housing, apprehend sellers of such drugs and an overall reduction of crime in the assisted housing area.

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.

Grayson County 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.

Grayson County Shelter, Inc.:..... \$3,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman.

Child & Family Guidance Center of Texoma:	\$2,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income Sherman residents.	
Boys & Girls Club of Sherman, Inc.:	\$1,530
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.	
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:..... **\$311,726**

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 2013 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 Tuesday, July 23, 2013. A summary of comments received will be made a part of the summary of citizen participation of this Plan.

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the City of Sherman certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) An available drug counseling, rehabilitation, and employee assistance program; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

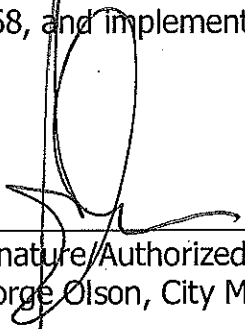
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.



Signature/Authorized Official
George Olson, City Manager

June 18, 2013
Date Signed

Specific CDBG Certifications

The City of Sherman certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income (See 24 CFR 570.2 and 24 CFR part 570).

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate-income families and aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious threat to the health or welfare of the community, and other financial resources are not available;
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year 2013, shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by a moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

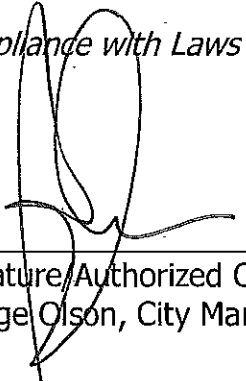
Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.



Signature/Authorized Official
George Olson, City Manager

June 18, 2013
Date Signed

APPENDIX TO CERTIFICATIONS:

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1252, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

City of Sherman Neighborhood Services Office; 405 North Rusk Street. Sherman, Grayson County, Texas 75090,

Check _____ if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

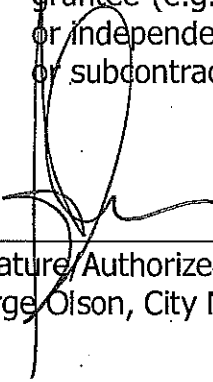
7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).



Signature/Authorized Official
George Olson, City Manager

June 18, 2013

Date Signed



City Council Called Meeting

Agenda Item No. D. 6.

Meeting Date: 09/03/2013

Prepared By: Ken Francis, Assistant Chief

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5801**

Authorizing Execution of an Interlocal Jail Services Agreement with Grayson County for the Period of October 1, 2013, through September 30, 2014

Issue:

An Interlocal Agreement with Grayson County for jail services during the 2013-2014 fiscal year, with options for annual renewal included

Background:

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

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

The contract was renewed in 2008 for a period of twelve (12) months with five (5) options for renewal. Under the 2008 contract, the agreed cost for each inmate was \$40.00 per day. This new contract removes the five (5) options for renewal and replaces it with indefinite options for annual renewal.

The proposed contract is for \$45.34 per day. Both the proposed and the 2008 contracts include a Per Diem Inflation Adjustment (increase or decrease) based on the National Consumer Price Index for the twelve-month period ending March 1 of each new contract year.

Origination:

Grayson County and the City of Sherman

Financial Consideration:

Adequate funds are budgeted to facilitate this agreement.

Staff Recommendation:

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

Alternatives:

As directed by the Council

Attachments

Resolution No. 5801

Interlocal Jail Services Agreement

RESOLUTION NO. 5801

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL JAIL SERVICES AGREEMENT WITH GRAYSON COUNTY FOR THE PERIOD OF OCTOBER 1, 2013, THROUGH SEPTEMBER 30, 2014; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Interlocal Jail Services Agreement with Grayson County for the period of October 1, 2013, through September 30, 2014, with annual options for renewal, in the same form as the Agreement attached hereto and made a part hereof for all purposes.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

INTERLOCAL JAIL SERVICES AGREEMENT

THE STATE OF TEXAS
COUNTY OF GRAYSON

THIS AGREEMENT is entered into on this 1st day of October, 2013, by and between the City of Sherman, a municipality of the State of Texas ("City"), and Grayson County, a political subdivision of the State of Texas ("County").

Recitals

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

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

Article 1. Definitions.

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

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

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

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

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

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

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

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

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

Article 2. Term of the Contract.

Section 2.1 Term. The term of this contract shall be for a period of 12 months commencing on the 1st day of October 2013. Following the end of each term, an option to renew the contract will automatically be exercised unless notice is given by either party at least 60 days prior to the then current expiration date.

Article 3. Services Provided.

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

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

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

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

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

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

- 1) Provide County with a mittimus or other commitment orders within 24 hours after the arrest of a City prisoner.
- 2) Provide the County with fully completed and written arrest reports at book-in.
- 3) Prepare prisoner transfer forms.
- 4) Obtain medical clearance, if needed.
- 5) Provide transportation to and from Municipal Court.
- 6) Provide facility with release date for City prisoners.
- 7) Provide daily communication with the County concerning the status of City prisoners.

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

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

Article 4. Compensation.

Section 4.1 Payment. The City shall pay the County \$45.34 per each City prisoner day.

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

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

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

Section 4.5 Per Diem Inflation Adjustment. The payments due to the County shall be automatically increase/decrease on October 1 of each new contract year beginning October 1, 2013, by an amount equal to the percentage change of the National Consumer Price Index Urban (CPIU) for the 12-month period ending March 1 of each new contract year. The County shall furnish this figure to the City no later than September 1 each year to accommodate the City's and County's budget process.

Article 5. Miscellaneous Provisions.

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

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

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

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

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

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

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

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

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

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

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

“COUNTY”
GRAYSON COUNTY, TEXAS

By: _____
Drue Bynum, County Judge

ATTEST:

By: _____

APPROVED AS TO FORM:

By: _____
Van Price, Assistant District Attorney

“CITY”
CITY OF SHERMAN, TEXAS

By: _____
Carolyn S. Wacker, Mayor

ATTEST:

By: _____

By: _____
Brandon Shelby, City Attorney



City Council Called Meeting

Agenda Item No. D. 7.

Meeting Date: 09/03/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5802**

Authorizing Execution of a Contract with Grayson County, Texas, for Use of the City of Sherman Animal Shelter

Issue:

To establish a contract with Grayson County for use of the City of Sherman Animal Shelter

Background:

As part of the budget process for the 2013-2014 fiscal year, the Council approved an increase in the Animal Shelter impound fees charged by the City to the County and other Cities for shelter services. This contract increases fees, which is expected to generate about \$6,000 a year in additional revenue. The last contract was approved in 2006.

Origination:

City Council

Financial Consideration:

This rate change is expected to generate about \$6,000 in additional annual revenue.

Staff Recommendation:

Staff recommends approval of this contract.

Alternatives:

The Council could elect not to approve this contract or elect new rates different than those proposed.

Attachments

Resolution No. 5802

Contract

RESOLUTION NO. 5802

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH GRAYSON COUNTY, TEXAS, FOR USE OF THE CITY OF SHERMAN ANIMAL SHELTER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Grayson County, Texas, for use of the City of Sherman Animal Shelter, in accordance with the terms and provisions of the contract, attached hereto and made a part hereof for all purposes.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

ANIMAL SHELTER CONTRACT

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

THIS CONTRACT, made and entered into by and between the **CITY OF SHERMAN**, a Texas Municipal Corporation, acting herein through its City Manager (herein called “CITY”), and the **COUNTY OF GRAYSON**, a Texas political subdivision, acting herein through its County Judge (herein called “COUNTY”),

W I T N E S S E T H:

WHEREAS, COUNTY is desirous of enforcing its animal control ordinance in the non-incorporated areas of Grayson County and is in need of the services of an animal shelter; and

WHEREAS, CITY operates an animal shelter located at 1800 East Ida Road in the City of Sherman, Grayson County, Texas; and

WHEREAS, it would be mutually advantageous and to the benefit of both COUNTY and CITY to allow COUNTY to bring animals it impounds pursuant to COUNTY animal control ordinance to CITY animal shelter;

NOW THEREFORE, in consideration of the mutual promises, conditions, and fees expressed hereinafter, it is agreed as follows:

1. **County May Bring Animals.** CITY agrees that authorized COUNTY personnel may bring COUNTY animals to CITY’S animal shelter. COUNTY agrees and authorizes CITY to care for and euthanize COUNTY’S animals on the same basis and in the same manner as CITY does its own animals.

2. **Fees.** (a) COUNTY shall pay CITY a one-time fee of Fifty Dollars and No Cents (\$50.00) per animal brought to CITY’S shelter, excluding District, County or Justice of the

Peace Court Orders for placement in the CITY shelter, immediate and necessary veterinary care and required overtime services. CITY shall keep accurate records of each animal brought to the shelter by COUNTY and shall invoice COUNTY for such services on a monthly basis.

(b) COUNTY agrees that should COUNTY bring any animals to the CITY's shelter under a court order, it shall pay to CITY Fifty Dollars and No Cents (\$50.00) per animal for three (3) days of shelter and meals, and for each day thereafter it shall pay to CITY per animal the sum of Twelve Dollars and No Cents (\$12.00) per day until such time as the court order authorizes CITY to immediately euthanize the animal or it is released to a designated person or entity by court order.

3. Operating Hours. Normal operating hours for the shelter are 10:00 A.M. to 4:00 P.M., Monday, Tuesday, Thursday, Friday and Saturday. In the event COUNTY requests the shelter be opened after the designated normal operating hours or on Sunday and Wednesday, COUNTY shall be responsible for the payment of any customary overtime charges incurred by CITY employees.

4. Termination. This agreement shall terminate two (2) years after the date both parties have signed the agreement.

5. Indemnification. COUNTY shall save and hold harmless the City of Sherman, Texas, for any liability claim, or cause of action that may be brought against CITY due to any act of omission, negligence, or wrongdoing on the part of COUNTY, its agents or employees, in the performance of the enforcement of the animal control ordinance by COUNTY, as permitted by law.

6. Notice of Termination. This contract may be terminated by either party hereto by the giving of thirty (30) days written notice of such intention to terminate.

7. Amendment. This agreement may not be changed, varied, or altered except by an instrument in writing and duly executed on behalf of CITY and by COUNTY.

8. **Choice of Law; Venue.** This agreement shall be construed in accordance with the laws of the State of Texas, and shall be deemed performable and enforceable in the State of Texas, with venue in Grayson County, Texas.

IN WITNESS WHEREOF, the authorized officers of CITY and COUNTY have caused this contract to be executed in duplicate originals with an effective date of the _____ day of _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON, CITY MANAGER

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY,
CITY ATTORNEY

GRAYSON COUNTY, TEXAS

BY: _____
DRUE BYNUM, COUNTY JUDGE

ATTEST:

BY: _____
WILMA BLACKSHEAR-BUSH,
COUNTY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
VAN PRICE,
ASSISTANT COUNTY ATTORNEY



City Council Called Meeting

Agenda Item No. D. 8.

Meeting Date: 09/03/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5803**

Authorizing the Execution of Deeds for the Resale of Properties within the Sherman City Limits Seized for Delinquent Taxes

Issue:

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

Background:

Grayson County will hold a tax resale auction on Tuesday, October 15th at 1:00 p.m. at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex located in downtown Sherman. The properties to be sold have gone through a sheriff's sale without receiving a bid equal to or above the taxes owed against the property. Therefore, they have been moved to the ownership of a local government and will be sold at this auction. Four (4) properties owned by the City of Sherman jointly with other taxing entities will be included in the auction.

Origination:

Bruce Stidham, Assessor and Collector of Taxes for Grayson County

Financial Consideration:

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

Staff Recommendation:

The staff recommends approving the resale of these properties, returning them to the tax rolls.

Alternatives:

The City Council could deny the resolution.

Attachments

Resolution No. 5803

Correspondence and Property Listing from Tax Assessor-Collector Bruce Stidham

Aerials of Four (4) Sherman Properties

RESOLUTION NO. 5803

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF DEEDS FOR THE RESALE OF PROPERTIES WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, various tracts of real property have been struck-off/sold to various Grayson County taxing jurisdictions for delinquent taxes; and

WHEREAS, various Grayson County taxing jurisdictions desire to sell these properties and thereby place them back on the tax rolls; and

WHEREAS, Grayson County has scheduled a 2013 Tax Resale Auction to be held at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex, 100 West Houston Street, Sherman, Texas, at 1:00 p.m. on Tuesday, October 15, 2013; and

WHEREAS, there is no fee owed for placing these properties in the 2013 Tax Resale Auction;

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

SECTION 1. That the list of property attached to this resolution as Exhibit "A" shall be offered for sale at the 2013 Tax Resale Auction at 1:00 p.m. on October 15, 2013 at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex, 100 West Houston Street, Sherman, Texas, free and clear of all property taxes and tax liens held by the City of Sherman and may be sold by the auctioneer at a price equal to or above the minimum bid price shown on Exhibit "A".

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

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



OFFICE OF
BRUCE STIDHAM
TAX ASSESSOR - COLLECTOR
GRAYSON COUNTY
www.co.grayson.tx.us

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

TAX OFFICE: 903-892-8297
VOTER REGISTRATION: 903-893-8683
VEHICLE REGISTRATION: 903-813-4225
FAX: 903-893-4973

TO: ALL ENTITIES INVOLVED IN 2013 TAX RESALE AUCTION

FROM: BRUCE STIDHAM

SUBJECT: 2013 TAX RESALE AUCTION

DATE:

The 2013 Tax Resale Auction will be held on Tuesday, October 15, 2013 at 1:00 P.M. at the Grayson County Courthouse, Assembly Room, 2nd Floor Annex, 100 W. Houston, Sherman, Texas. The auction will include tracts of real property that have been struck off/sold to various Grayson County taxing jurisdictions for delinquent taxes.

Enclosed find a Resolution and a list of the properties that are to be included in the auction. Please present the Resolution to your jurisdiction for signatures at the next board or council meeting and return the signed Resolution to this office as soon as possible.

Sincerely,

Bruce Stidham

BS:kb

Enclosures

RESALE AUCTION
OCTOBER 15, 2013

CITY OF SHERMAN

CAUSE #	ORIGINAL OWNER NAME	PROPERTY ID#	ADDRESS	ISD	LEGAL DESCRIPTION	MIN BID \$	2012 GAD VALUE	ATTY
T-10-3195	TRAVIS ANN HENDERSON	S041-0056026	529 S. MONTGOMERY	SH	G-0058 SAMUEL BLAGG A-G0056 50 X 150	\$ 526.04	\$ 5,700.00	LGBS
T-11-3315	AARON M MARTINEZ, ET AL	S021-2056024	1609 N ROSS	SH	COLLEGE PARK 2ND ADDN, BLOCK 26, LOT 4	\$ 517.41	\$ 38,778.00	LGBS
DB-3643	WORTH PEELER ESTATE	S029-0763414	N ELM	SH	G-0763 MCANAIR JP	\$ 543.36	\$ 14,640.00	LGBS
01-3693	WILLIAM SCRUGGS	S052-2221084	E PARK	SH	SOUTHSIDE ADDN, BLOCK 26, LOT 2	\$ 519.45	\$ 2,500.00	LGBS

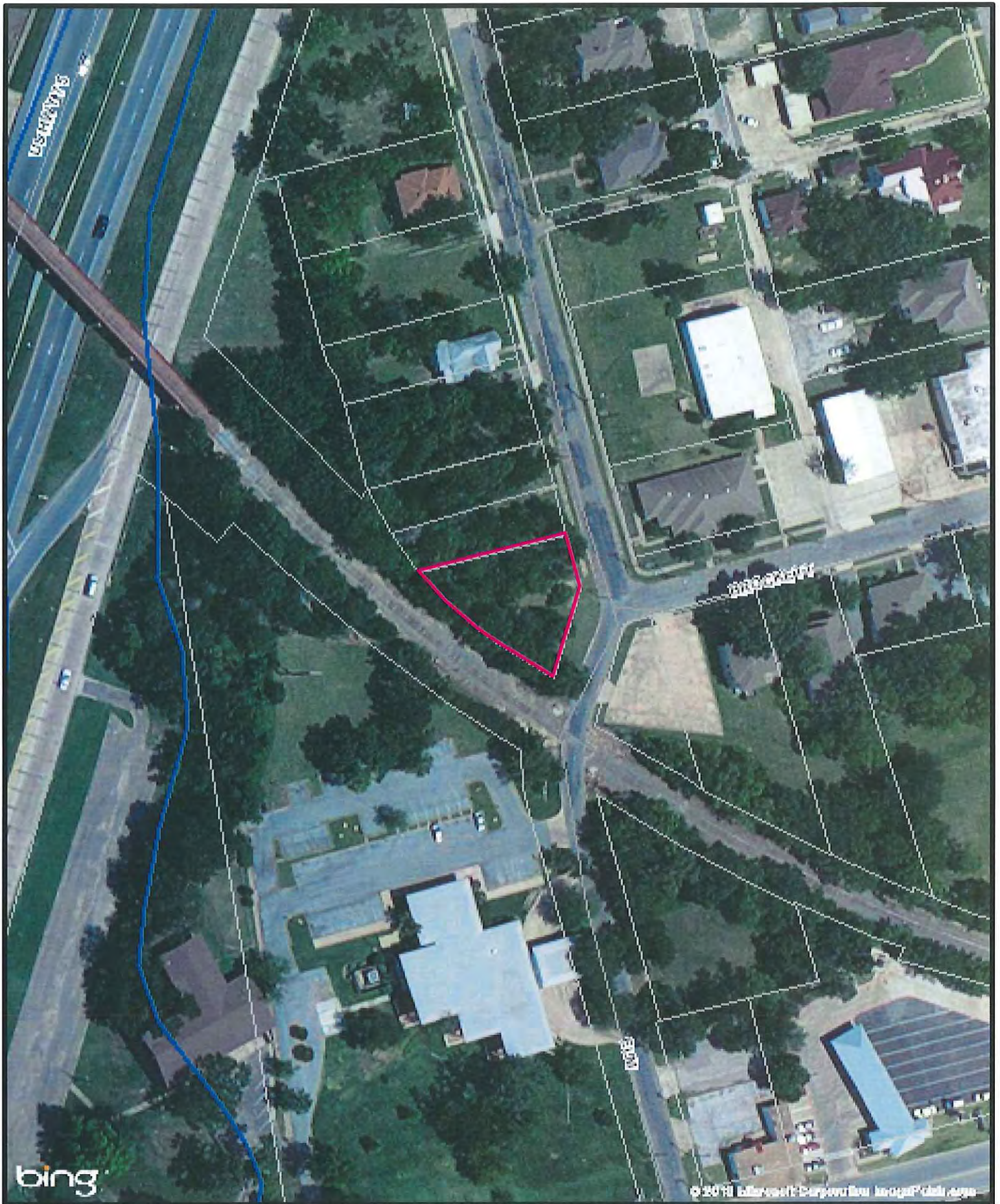
EXHIBIT A



529 S Montgomery St







Sherman
CLASSIC TOWN, BROAD HORIZON,
Engineering Department

N Elm

S029 0763414

100 50 0 100 Feet

N





Sherman
CLASSIC TOWN. BROAD HORIZON.
Engineering Department

E Park

S052 2221084





City Council Called Meeting

Agenda Item No. D. 9.

Meeting Date: 09/03/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5804**

Authorizing Execution of an Agreement with Mario Tobar for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 517 South Vaden Street

Issue:

This item is to consider property tax abatement for the construction of a new single-family residence at 517 South Vaden Street.

Background:

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

Origination:

Mario Tobar, Applicant

Financial Consideration:

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$160.00 annually.

Staff Recommendation:

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

Alternatives:

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5804

Tax Abatement Agreement

Application

Warranty Deed

Site Plan

Building Permit

Photo

Location Map

RESOLUTION NO. 5804

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 517 SOUTH VADEN STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Mario Tobar and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Mario Tobar for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 517 South Vaden Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 18th day of April, 2011, the City Council of Sherman, Texas, passed Ordinance No. 5692 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 5764) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 18th day of April, 2011;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2013, and continuing for tax years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021

and 2022, with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2013, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2013	100%
2014	100%
2015	100%
2016	100%
2017	100%
2018	100%
2019	80%
2020	60%
2021	40%
2022	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022, as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at 517 South Vaden Street, Sherman, Texas, and as more particularly described by the following:

BEING Lot 9, Block 4, Hazelwood & Vaden Addition

V.

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

VI.

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

VII.

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

VIII.

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

event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 512 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

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

XI.

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

XII.

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

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Mario Tobar
1308 Pintail Drive
Sherman, Texas 75092
(903) 816-0416

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

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2013.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
MARIO TOBAR

BY: _____
GEORGE OLSON
CITY MANAGER

BY: _____
MARIO TOBAR

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY
CITY ATTORNEY

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

GIVEN UNDER MY HAND and seal of office this _____ day of _____, 2013 A.D.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name:

Mario Tobar

1308 Pintail Dr
Sherman, TX 75092

Mailing Address:

~~517 S. Vaden St. Sherman TX 75092~~

Telephone Number:

(903) 816-0416

Contact (if different than owner):

Name:

Same.

Mailing Address:

Telephone Number:

Property:

Physical Address:

517 S. Vaden St Sherman

Summary Legal Description: Lot:

9

Block:

4

Addition:

Vaden Addition

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

Improvements:

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

Remodeling:

Estimated Value of Improvements:

\$50,000.-

Estimated Date of Start of Construction:

07/03/13

Estimated Date of Completion of Project:

09/03/13

Description of Project:

New House

Applicant(s):

[Signature]

Date:

07/03/13

Date:



70 2013 00006793

Grayson County
Wilma Bush
Grayson County Clerk
Sherman, Texas 75090

Instrument Number: 2013-00006793

As
Recordings

Recorded On: April 01, 2013

Parties: NEXTLOTS LLC

To TOBAR MARIO

Billable Pages: 3

Number of Pages: 5

Comment: SPEC GEN WD

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

Recordings	24.00
Total Recording:	24.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2013-00006793

Receipt Number: 374288

Recorded Date/Time: April 01, 2013 11:32:45A

Book-Vol/Pg: BK-OR VL-5273 PG-585

User / Station: J CARYOL - Cashiering Station 2

Record and Return To:

NEW HOUSE MARKETING INC

P O BOX 865

LANCASTER TX 75146



THE STATE OF TEXAS
COUNTY OF GRAYSON

I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

SPECIAL GENERAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: March 25, 2013

Grantor: Nextlots, LLC, a Texas Limited Liability Company

Grantor's Mailing Address: P.O. Box 865
Lancaster, Dallas County, Texas 75146

Grantee: Mario Tobar

Grantee's Mailing Address: 1308 Pintail
Sherman, Grayson County, Texas 75092

Consideration: Cash of even date executed by Grantee and payable to the order of Nextlots, LLC, a Texas Limited Liability Company, Lee J. Schmitt, manager, in the Principal Amount of **FOUR THOUSAND and No/100 DOLLARS (\$ 4,000.00)**.

Property (including any improvements):
Hazelwood & Vaden Addn, Block 4, Lot 9, 50x138, Acres .1584

(Address: 517 S. Vaden St., Sherman, Grayson County, Texas 76240)

Reservations from Conveyance: It is expressly understood and agreed that Grantor reserves and excepts from this conveyance, for Grantor and Grantor's successors and assigns forever, any and all oil, gas and other minerals in, on and under the Property and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease and all benefits from it.

Nextlots, LLC shall reserve from the conveyance any and all underground water, provided that the right to pump, capture, produce or recover such water shall only be done in a manner so as not to interfere with the property as it is used.

Exceptions to Conveyance and Warranty: Liens described as a part of the Consideration, easements, rights-of-ways, and prescriptive rights, whether of record or not, all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests and water interests outstanding in persons other than Grantor, and other instruments that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts or shortages in area or boundary lines, any encroachments or overlapping of improvements, and encumbrances of record in the Real Property Records of **Grayson County, Texas**, and taxes for year 2012, payment of which Grantee assumes, and subsequent assessments for that and prior years due to change in land usage, ownership or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT FOR THE WARRANTY OF TITLE STATED IN THIS DEED.

THE PROPERTY IS BEING CONVEYED TO GRANTEE IN AN "AS IS, WHERE IS" CONDITION, WITH ALL FAULTS. GRANTOR MAKES NO WARRANTY OF CONDITION, MERCHANTABILITY, OR SUITABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE FIXTURES AND PERSONAL PROPERTY. ALL WARRANTIES, EXCEPT FOR THE WARRANTY OF TITLE STATED IN THIS DEED ARE DISCLAIMED.

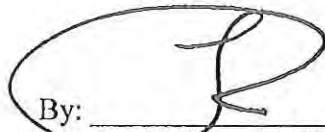
GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE IS RELYING SOLELY ON GRANTEE'S EXAMINATION OF THE PROPERTY. GRANTEE IS NOT RELYING ON ANY INFORMATION OR DISCLOSURES PROVIDED BY GRANTOR.

When the context requires, singular nouns and pronouns include the plural.

Grantor:

Nextlots, LLC,

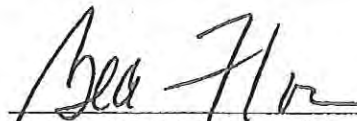
a Texas limited liability company

By: 
Lee J. Schmitt, Mgr

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on March 25th, 2013, by Lee J. Schmitt, manager of Nextlots, LLC, a Texas limited liability company, in the capacity herein stated.




Notary Public, State of Texas

ACCEPTED AND AGREED TO BY GRANTEE:

By: _____

Name: Mario Tobar

STATE OF TEXAS §

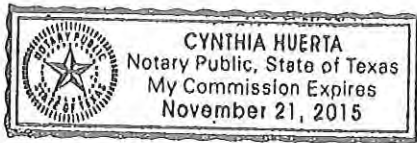
§

COUNTY OF DALLAS §

This instrument was acknowledged before me on March 25th, 2013, by
Mario Tobar.

[Signature]

Notary Public, State of Texas



After Recording Return To:

Mario Tobar
1308 Pintail
Sherman, Texas 75092

24 160 28
100 100 10

Bk Vol Pg
00006793 OR 5273 589

Filed for Record in:
Grayson County

On: Apr 01, 2013 at 11:32A

As a
Recordings

Document Number: 00006793

Amount: 24.00

Receipt Number - 374288

By,
JANA CARYOL

STATE OF TEXAS COUNTY OF GRAYSON
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
Grayson County
as stamped hereon by me.

Apr 01, 2013

Wilma Bush, Grayson County Clerk
Grayson County

CITY OF SHERMAN
RESIDENTIAL BUILDING PERMIT

PERMIT #: 131101 SUBCONTRACTOR: MARIO TOBAR DATE ISSUED: 7/03/2013

PROJECT ADDRESS: 517 S VADEN ST
PARCEL ID: 164130
SUBDIVISION: HAZELWOOD & VADEN ADDN

LOT #: 9
BLK #: 4
ZONE ORD:

ISSUED TO: MARIO TOBAR
ADDRESS: 1308 PINTAIL
CITY, ST ZIP: SHERMAN TX 75092-4243
PHONE: 903-816-0416

CONTRACTOR: ROBERTO DIAZ DECIGA
ADDRESS: 428 CR #1330
CITY, ST ZIP: MT PLEASANT TX 75455
PHONE: 903-380-0811

PROP. USE: ONE FAMILY RESIDENTIAL
WORK: NEW RESIDENTIAL
CONSTRUCTION
VALUATION: \$ 50,000.00
OCCP TYPE: ONE FAMILY RESIDENTIAL
CNST TYPE: WOOD FRAME

SQ FT: 1,200.00
BEDROOMS: 2
BATHROOMS: 2
STORIES: 1

FEE CODE	DESCRIPTION	AMOUNT
BLD10	RESIDENTIAL STORMWATER MGMT	\$ 25.00
TOTAL		\$ 25.00

NOTES:

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

7/3/13
DATE

(APPROVED BY) FLOOD PLAIN ADMINISTRATOR

7/3/13
DATE

(APPROVED BY) BUILDING & ZONING

8/16/13
DATE

517 S. Vaden





517 South Vaden

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 69 feet



City Council Called Meeting

Agenda Item No. E. 1.

Meeting Date: 09/03/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of St. Mary's Catholic Parish to Temporarily Close Certain Streets for their Annual Fall Fest on Sunday, September 29, 2013

Issue:

St. Mary's Catholic Parish is planning to hold its annual Fall Fest on Sunday, September 29th 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. to 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.

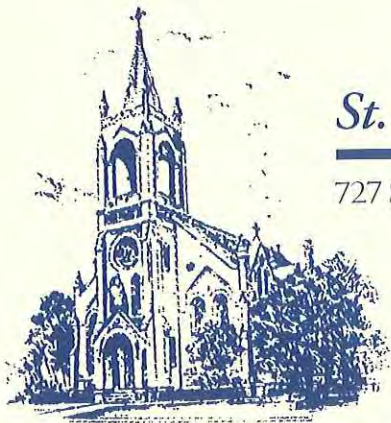
Alternatives:

None recommended

Attachments

Written request for assistance dated July 24, 2013

Aerial Location Map



St. Mary's Catholic Parish

727 SOUTH TRAVIS - SHERMAN, TEXAS 75090 - (903) 893-5148

July 24, 2013

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

Dear Mr. Olson,

On Sunday, September 29, 2013, 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 29, 2013.

If there are any questions please feel free to contact me at 903-893-5148.

Sincerely,

Cindy Johnson

Fall Fest Committee Representative



Sherman
CLASSICTOWN, BROAD HORIZON.

**St. Mary's Fall Fest
Street Closure Request**
September 29, 2013



Scale: 1 In = 1,000 Ft



City Council Called Meeting

Agenda Item No. L.

Meeting Date: 09/03/2013

Approved By: George Olson, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2013 Council Calendar

2013

JANUARY						
S	M	T	W	T	F	S
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FEBRUARY						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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27	28	29	30	31		

NOVEMBER						
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DECEMBER						
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22	23	24	25	26	27	28
29	30	31				

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

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