

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, AUGUST 19, 2013
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY MAYOR CAROLYN S. WACKER**
- A. 3. INVOCATION BY MAYOR CAROLYN S. WACKER**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 5, 2013**

Public Hearing

- B. 1. 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
- B. 2. SECOND PUBLIC HEARING OF ORDINANCE NO. 5783**
Providing for the Appropriation of Funds for Operating and Capital Expenditures for the Fiscal Year beginning October 1, 2013, and ending September 30, 2014
- B. 3. INTRODUCTION AND FIRST 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
- B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5790**
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
- B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5791**
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"

Close Public Hearing and Consider Adoption of Ordinances

B. 6. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5783, 5790 and 5791

B. 7. CONSENT AGENDA

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

Resolutions

C. 1. * RESOLUTION NO. 5794

Authorizing Execution of a Contract with Grayson County for Ad Valorem Tax Assessment and Collection Services

C. 2. * 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

C. 3. * 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

Other Business

D. 1. OTHER BUSINESS

Providing for the Ratification of the Property Tax Increase

D. 2. * OTHER BUSINESS

Approve Quarterly Investment Reports for Period Ending June 30, 2013

D. 3. OTHER BUSINESS

Receive Director of Public Works Don Keene's Update on the "Fielder Park Neighborhood Revitalization Pilot Project"

D. 4. * OTHER BUSINESS

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

D. 5. * OTHER BUSINESS

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

D. 6. * OTHER BUSINESS

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

E. CITIZEN REQUESTS

F. MEDIA QUESTIONS

Consider Board/Commission Appointments

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

(a) Substandard Structure Commission (1)

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

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

Section 551.071 Consultation with City Attorney concerning Pending or Contemplated Litigation:
 (a) Receive the City Attorney's Briefing on Pending or Contemplated Litigation

Section 551.072 Deliberation Regarding Real Property:
 (a) Deliberate Regarding the Purchase, Exchange, Lease, or Value of Real Property

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 Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on August 15, 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 15th 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

Carolyn S. Wacker

Deputy Mayor

Pamela L. Howeth

Council Members

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

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

Joe N. Smith, Council – District #1

Robert G. Softly, Council – District #2

Pamela L. Howeth, Council – District #3

David Plyler, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. A. 4.

Meeting Date: 08/19/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 5, 2013

Attachments

August 5, 2013 Minutes

STATE OF TEXAS

§

August 5, 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 5, 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 Deputy Mayor Pam Howeth.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of July 15, 2013. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Sofey. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"UNDERGROUND DAMAGE PREVENTION DAY" – AUGUST 11, 2013

Mayor Wacker presented a proclamation to Terry Tombaugh, Public Affairs Manager, ATMOS Energy Corporation, designating August 11, 2013 as "Underground Damage Prevention Day."

UNDERGROUND
DAMAGE PREVENTION
DAY

Mr. Tombaugh thanked the Mayor and City Council for their support, adding that the 8-1-1 call line has proven to be an effective tool in preventing damage to gas lines, as well as electric, cable, sewer, and water lines.

PUBLIC HEARING

CONDUCT THE FIRST 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 first 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.

INTRODUCTION AND FIRST PUBLIC HEARING OF ORDINANCE

**ORD 5783
ANNUAL BUDGET**

Mayor Wacker introduced Ordinance 5783 and called for the first public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE APPROPRIATION OF FUNDS FOR OPERATING AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND 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."

She said this was the lowest budget the City has had in six years and contains a very modest property tax increase to provide a "slight course correction" to ensure that Sherman continues with a very strong fiscal record of good management. This should also allow the City to deliver services with the same level of excellence that the Council takes pride in and that the citizens expect.

Mayor Wacker said even with the slight increase, Sherman's tax rate will still be the lowest of any of the peer cities in Texas, which are cities with a population between 35,000 and 50,000. That makes Sherman a "full service City" at about half the average tax rate for Texas cities. The staff works very hard to make sure the citizens get a lot of value for their dollar.

There was a slight decrease this year in the existing tax roll, but the correction with the tax rate will bring that back up so the City doesn't have to cut services or "dip" into reserves. She added that the City is seeing some positive trends.

Robby Hefton, Assistant City Manager/CFO, said the proposed budget is balanced and the ending fund balances in 2014 are in the target range for all the funds. Staffing levels are also staying constant at 408 employees. He added that the staff has been focused, and this budget "really just pays the light bill."

The proposed budget does include the Council's directive on a tax rate increase and the adjustment needed to make up for the slight decrease in property tax values.

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

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker introduced Ordinance 5784 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 5TH DAY OF NOVEMBER, 2013, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5784
CALLING AN
ELECTION FOR
NOV. 5, 2013

No citizens appeared before the City Council to discuss Ordinance 5784.

Mayor Wacker introduced Ordinance 5785 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL AMUSEMENT CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND M-1 (LIGHT MANUFACTURING) DISTRICT AT 4800 TEXOMA PARKWAY, SUITE 502A, BEING LOTS 3, 5, 7, AND PART OF LOTS 1 & 2, BLOCK 1 MIDWAY MALL ADDITION (TMP SITES LLC, OWNERS AND SHERRY GILLESPIE, APPLICANT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5785
SUP FOR
COMMERCIAL
AMUSEMENT CENTER
(4800 TEXOMA PKWY)

Sherry Gillespie, 1900 W. Taylor

Ms. Gillespie has applied for a specific use permit to open a commercial amusement center at Midway Mall, for teens age 13 to 17. She wants to provide a place for these teens to go and be safe. The amusement center will include arcades and concessions.

No other citizens appeared before the City Council to discuss Ordinance 5785.

Mayor Wacker introduced Ordinance 5786 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A LUMBER YARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 3601 NORTH TRAVIS STREET, BEING LOT 1, BLOCK 1, COVEY ADDITION (GOINS HOME CENTER, LLC, OWNERS AND LANDON GOINS, REPRESENTATIVE); PROVIDING FOR A REPEALER;

ORD 5786
SUP FOR
LUMBER YARD
(3601 N. TRAVIS)

COUNCIL MINUTES – AUGUST 5, 2013

PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

No citizens appeared before the City Council to discuss Ordinance 5786.

Mayor Wacker introduced Ordinance 5787 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 5209 FARMINGTON ROAD (CHRISTOPHER W. PATTON AND JENNIFER K. PATTON, OWNERS; AND COX LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 5787
ZONE CHANGE
(5209 FARMINGTON
RD)

Jennifer Patton, 131 E. Munson, Denison

Ms. Patton said they are asking for the zone change and hope to build a home on the property.

No other citizens appeared before the City Council to discuss Ordinance 5787.

Mayor Wacker introduced Ordinance 5788 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “STOP” SIGNS AT THE INTERSECTION OF SOUTH VADEN STREET AND EAST CENTENNIAL STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5788
STOP SIGNS
VADEN & CENTENNIAL
STREET

No citizens appeared before the City Council to discuss Ordinance 5788.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 5TH DAY OF NOVEMBER, 2013, FOR THE PURPOSE OF ELECTING TWO (2) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH GRAYSON COUNTY, TEXAS; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING.

ORD 5784
CALLING AN
ELECTION FOR
NOV. 5, 2013

Ordinance 5785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

ORD 5785
SUP FOR

SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A COMMERCIAL AMUSEMENT CENTER IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND M-1 (LIGHT MANUFACTURING) DISTRICT AT 4800 TEXOMA PARKWAY, SUITE 502A, BEING LOTS 3, 5, 7, AND PART OF LOTS 1 & 2, BLOCK 1 MIDWAY MALL ADDITION (TMP SITES LLC, OWNERS AND SHERRY GILLESPIE, APPLICANT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

COMMERCIAL
AMUSEMENT CENTER
(4800 TEXOMA PKWY)

Ordinance 5786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A LUMBER YARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 3601 NORTH TRAVIS STREET, BEING LOT 1, BLOCK 1, COVEY ADDITION (GOINS HOME CENTER, LLC, OWNERS AND LANDON GOINS, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5786
SUP FOR
LUMBER YARD
(3601 N. TRAVIS)

Ordinance 5787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 5209 FARMINGTON ROAD (CHRISTOPHER W. PATTON AND JENNIFER K. PATTON, OWNERS; AND COX LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 5787
ZONE CHANGE
(5209 FARMINGTON
RD)

Ordinance 5788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF SOUTH VADEN STREET AND EAST CENTENNIAL STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5788
STOP SIGNS
VADEN & CENTENNIAL
STREET

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance Nos. 5784, 5785, 5786, 5787 and 5788, as presented.

Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

TABLED AT THE JULY 15, 2013 CITY COUNCIL MEETING:

ADOPTION OF ORDINANCE NO. 5780

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

ORD 5780
JOINT AIRPORT

SHERMAN, TEXAS, CREATING A JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISIONS OF THE AIRPORT ZONING ACT, TEXAS LOCAL GOVERNMENT CODE, §241.001, ET. SEQ.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ZONING BOARD

ACTION TAKEN.

Motion by Council Member Smith to remove Ordinance 5780 from table for discussion. Second by Council Member Sofey.

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

VOTING NAY: None.

MOTION CARRIED TO REMOVE FROM TABLE.

Mayor Wacker said that two representatives were in the audience ready to answer any questions that Council Members might have.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5780, as presented. Second by Council Member Softly.

Council Member Smith verified that they also needed to appoint members to the Joint Airport Zoning Board. Mayor Wacker said Council Member Sofey and Council Member Johnson had expressed interest in serving on the Board, and had attended a meeting to learn more about it.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5780 and appoint Council Member Jason Sofey and Council Member Ryan Johnson to serve on the Joint Airport Zoning Board, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5785 – AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 5, 2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH GRAYSON COUNTY, TEXAS, TO HOLD A JOINT ELECTION ON NOVEMBER 5, 2013.

RES 5785
JOINT ELECTION
AGREEMENT

COUNCIL MINUTES – AUGUST 5, 2013

Linda Ashby, City Clerk, explained that the City contracts with Grayson County to hold the Municipal Elections and this contract is basically the same one that has been used in the past. Combining Elections makes it easier for citizens to vote and saves the taxpayers money.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Resolution No. 5785, as presented. Second by Council Member Johnson.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5786 – AUTHORIZING EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR A MULTI-JURISDICTIONAL CODERED® EMERGENCY NOTIFICATION SYSTEM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDMENT TO INTERLOCAL AGREEMENT FOR GRAYSON COUNTY MULTI-JURISDICTIONAL EMERGENCY NOTIFICATION SYSTEM.

RES 5786
CODE RED
AGREEMENT WITH
GRAYSON COUNTY

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Resolution No. 5786, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5787 – APPOINTMENT AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ADAMI, LINDSEY & COMPANY, L.L.P. TO PERFORM THE FISCAL YEAR 2013 AUDIT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ADAMI, LINDSEY & COMPANY, L.L.P. TO PERFORM THE FISCAL YEAR 2013 AUDIT.

CONSENT AGENDA.

RES 5787
AUDIT AGREEMENT

RESOLUTION NO. 5788 -- AUTHORIZING EXECUTION OF AN EASEMENT AND RIGHT OF WAY AGREEMENT WITH GULF CROSSING PIPELINE COMPANY, LLC FOR A PIPELINE CROSSING AT THE OLD SHERMAN WASTEWATER TREATMENT PLANT SITE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN EASEMENT AND RIGHT OF WAY AGREEMENT WITH GULF CROSSING PIPELINE COMPANY, LLC FOR A PIPELINE CROSSING AT THE OLD SHERMAN WASTEWATER TREATMENT PLANT SITE.

CONSENT AGENDA.

RES 5788
GULF CROSSING
PIPELINE EASEMENT

RESOLUTION NO. 5789 – AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR INSTALLATION AND MAINTENANCE OF INTERNALLY LIGHTED STREET NAMED (ILSN) SIGNS ON STATE MAINTAINED POLES (ON SYSTEM)
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR INSTALLATION AND MAINTENANCE OF INTERNALLY LIGHTED STREET NAMED (ILSN) SIGNS ON STATE MAINTAINED POLES (ON SYSTEM).

RES 5789
LIGHTED STREET
SIGN NAMED SIGNS
AGREEMENT WITH
TXDOT

Mr. Hefton said this is the final phase of the downtown improvements that were recently completed. These will be illuminated signs on all four corners of the Court House Square. The signs are budgeted and the City's cost will be about \$25,000. City crews will also install the lights, which should be functional by the end of 2013.

ACTION TAKEN.

Motion by Council Member Sofey to approve Resolution No. 5789, as presented. Second by Deputy Mayor Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5790 -- DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO RENEW ITS TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/REDEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA

RES 5790
CENTRAL BUSINESS
DISTRICT TAX
ABATEMENT CRITERIA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO RENEW ITS TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/REDEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA.
CONSENT AGENDA.

RESOLUTION NO. 5791 -- AUTHORIZING EXECUTION OF AN AGREEMENT WITH FELIPE CRUZ RAMIREZ AND ISIDRA RAMIREZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 407 WEST DULIN STREET

RES 5791
RESIDENTIAL TAX
ABATEMENT
(407 W. DULIN)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH FELIPE CRUZ RAMIREZ AND ISIDRA RAMIREZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW

SINGLE-FAMILY RESIDENCE AT 407 WEST DULIN STREET.
CONSENT AGENDA.

RESOLUTION NO. 5792 -- AWARDING A BID TO AND
AUTHORIZING EXECUTION OF A CONTRACT OF SALE
WITH W. DOUGLASS DISTRIBUTING, LTD. D/B/A
DOUGLASS DISTRIBUTING FOR AN ANNUAL SUPPLY OF
GASOLINE AND DIESEL FUEL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AWARDING A BID TO AND
AUTHORIZING EXECUTION OF A CONTRACT OF SALE
WITH W. DOUGLASS DISTRIBUTING, LTD. D/B/A
DOUGLASS DISTRIBUTING FOR AN ANNUAL SUPPLY OF
GASOLINE AND DIESEL FUEL.
CONSENT AGENDA.

RES 5792
ANNUAL SUPPLY
GASOLINE & DIESEL

OTHER BUSINESS

REVIEW DRAFT CAPITAL IMPROVEMENT PROGRAM (CIP)
2013-2018 AND SET PUBLIC HEARING FOR TUESDAY,
SEPTEMBER 3, 2013

Mr. Hefton introduced the City's Five-Year Capital
Improvement Program. The first year of the plan is a part of
this year's annual budget and is very sparse because there
is no extra money. The remainder of the plan years total
almost \$52,000,000. Funding is only approved for the first
year.

DRAFT CAPITAL
IMPROVEMENT
PROGRAM

The motion should also include setting a public hearing for
September 3, 2013. Mayor Wacker clarified that the new CIP
would begin October 1, 2013.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to set a public hearing
on the Capital Improvement Program for Tuesday,
September 3, 2013 at 5:00 p.m., as presented. Second by
Council Member Johnson.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDER CALLING A SPECIAL MEETING OF THE CITY
COUNCIL FOR TUESDAY, SEPTEMBER 3, 2013, DUE TO A
CONFLICT WITH A FEDERAL HOLIDAY

The City Council called a Special Meeting for Tuesday,
September 3, 2013, due to a conflict with Labor Day, a
Federal holiday.

CONSENT AGENDA.

SET CALLED
CITY COUNCIL
MEETING

CONSIDER SCHEDULING A JOINT MEETING OF THE CITY
COUNCIL AND THE SHERMAN ECONOMIC DEVELOPMENT
CORPORATION BOARD OF DIRECTORS FOR 12:00 NOON
ON MONDAY, SEPTEMBER 9, 2013, TO REVIEW AND
APPROVE SEDCO'S ANNUAL BUDGET AND WORK PLAN

Mayor Wacker said the item is to schedule a Joint Meeting of
the City Council and the Sherman Economic Development
Corporation Board of Directors for September 9, 2013 at

SET CALLED
CITY COUNCIL
MEETING

COUNCIL MINUTES – AUGUST 5, 2013

12:00 noon to discuss their annual budget and work plan. A Called Meeting has already been scheduled for that same time to consider an annexation.

ACTION TAKEN.

Motion by Council Member Johnson to schedule a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for September 9, 2013, at 12:00 noon, to review and approve SEDCO's Annual Budget and Work Plan. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

FINAL PLAT APPROVAL OF BROOKSHIRE ADDITION, BEING 7.431 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763

The City Council approved the Final Plat of the Brookshire Addition, consisting of 7.431 acres in the J.B. McAnair Survey, Abstract No. 763. The property is located in the 1100 block of North F.M. 1417, at the southeast corner of F.M. 1417 and Washington Street.

The owners would like to plat the property into one lot for commercial development. The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.

CONSENT AGENDA.

APPROVE FINAL PLAT
BROOKSHIRE
ADDITION

REPLAT APPROVAL OF LOTS 3 AND 4 OF THE REPLAT OF FAIRVIEW PARK PATIO HOMES, LOTS 1-7

The City Council approved the Replat of Lots 3 and 4 of the Replat of Fairview Park Patio Homes, Lots 1 through 7. The property is located in the 1400 block of Park Place.

The owner would like to replat the property into one lot for multi-family residential development. The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.

CONSENT AGENDA.

APPROVE REPLAT
FAIRVIEW PARK
PATIO HOMES

REPLAT APPROVAL OF PART OF LOT 8, BLOCK 1, GLECKLER PLAZA ADDITION

The City Council approved the Replat of Part of Lot 8, Block 1, of the Gleckler Plaza Addition. The property is located at 3321 Loy Lake Road, between Gallagher Road and Pecan Grove Road.

The owners would like to replat the property into one lot for commercial development. The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.

CONSENT AGENDA.

APPROVE REPLAT
GLECKLER PLAZA
ADDITION

**FINAL PLAT APPROVAL OF DOUBLE D RANCH ADDITION
IN THE CITY OF SHERMAN'S EXTRATERRITORIAL
JURISDICTION (ETJ)**

The City Council approved the Final Plat of the Double D Ranch Addition in the City of Sherman's Extraterritorial Jurisdiction. The property is located in the 3700 to 3800 blocks of S.H. 289 North, just north of U.S. Highway 82.

The owners would like to plat the property into two lots for residential development. The Planning and Zoning Commission recommended approval of the Final Plat, subject of the Staff Review Letter.

CONSENT AGENDA.

**SITE PLAN APPROVAL FOR FISHER CONTROLS
INTERNATIONAL LLC (A SUBSIDIARY OF EMERSON
PROCESS MANAGEMENT), OWNERS; FISHER CONTROLS,
TENANT; CORGAN ASSOCIATES, INC., ARCHITECT; AND
JOHN BLACKER, HART, GAUGLER & ASSOCIATES, INC.,
ENGINEER, UNDER ORDINANCE NO. 2252, ARTICLE IV,
SECTION 410(2)(J) FOR A WAREHOUSE AND PARKING LOT
ADDITION FOR FISHER CONTROLS IN THE BLALOCK
INDUSTRIAL PARK DISTRICT AT 4725 U.S. HIGHWAY 75
SOUTH**

The City Council approved the Site Plan for Fisher Controls International LLC, for a warehouse and parking lot addition for their facility in the Blalock Industrial District at 4725 U.S. Highway 75 South.

Fisher Controls would like to expand their current warehouse operations with a new 53,000 square foot building addition, including four new truck bays. A new parking lot will also be constructed to offset the new addition.

The Planning and Zoning Commission recommended approval of the Site Plan, subject to the Staff Review Letter.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests

MEDIA QUESTIONS

LIGHTED STREET SIGNS

David Gonier, Herald Democrat Reporter, asked about the lighted street signs that were discussed earlier. He asked if the City had to get permission from the Texas Department of Transportation to install the signs.

Mr. Hefton said generally the City has to get permission from TxDOT to do any work on State highways. TxDOT is contributing about \$1,700 in direct and in-kind services, to the project. Permission would be required even if TxDOT was not contributing to the project.

APPROVE FINAL PLAT
DOUBLE D RANCH
ADDITION

SITE PLAN APPROVAL
WAREHOUSE &
PARKING LOT FOR
FISHER CONTROLS

CITIZEN'S REQUESTS

LIGHTED STREET
SIGNS

COUNCIL MINUTES – AUGUST 5, 2013

Mr. Gonier confirmed that the signs will be placed at each intersection around the Court House Square.

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS**

**TEXOMA COMMUNITY CENTER (FORMERLY MHMR
SERVICES OF TEXOMA) BOARD OF DIRECTORS (1)**

**TEXOMA COMMUNITY
CENTER**

Council Members considered an application for reappointment to the Texoma Community Center Board of Directors.

ACTION TAKEN.

Motion by Council Member Smith to reappoint Dr. Tom Nuckols to the Texoma Community Center Board of Directors for a term from August 31, 2013 to August 31, 2015. Second by Council Member Sofey.

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

VOTING NAY: None.

MOTION CARRIED.

SUBSTANDARD STRUCTURE COMMISSION (4)

**SUBSTANDARD
STRUCTURE
COMMISSION**

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

ACTION TAKEN.

Motion by Council Member Johnson to appoint Kyle Booth and Walcott Black to the Substandard Structure Commission and appoint Steven Ingram as an Alternate Member to the Board, for a term beginning and ending with a period to be determined, pending passage by the City Council, of the Substandard Structure Ordinance. Second by Council Member Smith.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

RECENT SHERMAN DEVELOPMENT

**RECENT SHERMAN
DEVELOPMENT**

Council Member Sofey referenced the new grocery store that will be located on the west side of Sherman and Goins Home Center, which will be a locally owned lumber company. He felt these two new businesses are good indicators of the development in Sherman. He felt the Central Business District tax abatements were also positive for the community.

WELCOME CLAY BARNETT BACK TO SHERMAN

**WELCOME BACK
TO CITY**

Council Member Smith welcomed Clay Barnett, City Engineer, back, saying it was good for the City. Mr. Barnett previously announced that he was accepting a job with the Greater Texoma Utility Authority.

WELCOME CLAY BARNETT BACK TO SHERMAN

**WELCOME BACK
TO CITY**

Council Member Johnson added that Mr. Barnett was a good asset to the City.

COUNCIL MINUTES – AUGUST 5, 2013

ANNUAL BUDGET

Mayor Wacker said she appreciated the staff's work on preparing the City's budget and the Council's very wise input this year. She added that the City has weathered some challenging years with the economic downturn, but Sherman is starting to see some positive signs and expansions. She said the City pledges to deliver a great level of service to the citizens again this year.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:30 p.m.

ANNUAL BUDGET

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 1.

Meeting Date: 08/19/2013

Prepared By: Brandon Shelby, City Attorney

Approved By: George Olson, City Manager

Caption:

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

Issue:

To 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's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

It is the City's intention to annex specifically identified individual areas in the City's ETJ, in accordance with state law and the City Charter. At its July 15th meeting, the City Council approved the schedule for annexation of this property, which set the August 5th first public hearing, this second public hearing, and introduction and adoption of the Ordinance to annex the subject property at the September 9th called Council meeting. The first public hearing was held on August 5th as scheduled, with no public comments received.

Origination:

City Council

Financial Consideration:

City accepts maintenance. The cost/benefit analysis reflects a range of overall costs/benefits from annexation ranging from a net cost to the City of about \$185,000 to a net benefit of about \$343,000, depending on its ultimate use and build-out.

Staff Recommendation:

It is recommended that the City Council conduct its second public hearing concerning the possible annexation of this property.

Alternatives:

As directed by the City Council

Attachments

Scheduling Plan

Facility Plan

Request Letter

Field Notes

Location Map

Cost Benefit

ANNEXATION SCHEDULING PLAN

Annexation of 63.757 acres at the Southwest corner of F.M. 1417 and F.M. 691

Wednesday, July 24, 2013.....	Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
Friday, July 26, 2013.....	Post notice on City's website, newspaper and City Hall for City Council's 1 st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
Thursday, August 1, 2013.....	Post notice of 1 st Public Hearing under the Open Meetings Act.
Monday, August 5, 2013.....	City Council's 1 st Public Hearing on intent to annex and service plan.* (Regular Meeting)
Friday, August 9, 2013.....	Post notice on City's website, newspaper and City Hall for City Council's 2 nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
Thursday, August 15, 2013.....	Post notice of 2 nd Public Hearing under the Open Meetings Act.
Monday, August 19, 2013.....	City Council's 2 nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
Thursday, September 5, 2013.....	Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.**
Monday, September 9, 2013.....	City Council Public Hearing for introduction and consideration of adoption of annexation ordinance. (Called Council Meeting)**

* If more than twenty adults who are residents of the area to be annexed protest within ten (10) days of the notice by publication, then one of the public hearings must be held in the area to be annexed.

** Special Called Meeting for introduction and consideration of adoption of annexation ordinance must be held after September 6, 2013 and before September 14, 2013 in order to comply with statutory requirements. Changing the date of introduction and consideration impacts the date notice must be published.

City of Sherman Municipal Service Plan FM 1417/Heritage Parkway and FM 691

INTRODUCTION:

The annexation is the site of 63.757 acres at the southwest corner of FM 1417/Heritage Parkway and FM 691 lying adjacent to the City of Sherman existing city limits.

This annexation is a step in the process of providing for the orderly growth and development of the City, to protect the City from substandard development and to provide for the enlargement of the city limits by including developments and improvements that are logically a part of the City and receive city utilities.

MUNICIPAL SERVICES TO BE PROVIDED:

POLICE PROTECTION: Provide police services to include patrol, response to calls for police assistance, as well as any other customary or necessary police services, from the effective date of annexation forward, using available personnel and equipment.

FIRE PROTECTION: Fire protection by the present personnel and equipment of the fire fighting force will be provided on the effective date of annexation.

SOLID WASTE: The same solid waste collection and disposal service now provided within the City of Sherman will be extended to the annexed area on the effective date of annexation.

STREETS AND BRIDGES: All access points to FM 1417/Heritage Parkway and FM 691 shall meet City of Sherman and TxDOT requirements and may be limited to right-in / right-out. Extensions and/or realignment of FM 691 may be required. Future maintenance of FM 1417/Heritage Parkway and FM 691 shall be provided by the Texas Department of Transportation. Any future city streets will be developed by the standard provisions of the Developers Ordinance with future maintenance by the City of Sherman. Street lighting will be established according to city guidelines.

PARKS: No public parks exist in the area to be annexed. Any new park facilities will be developed according to existing City policies as applicable to all city residents.

CONSTRUCTION INSPECTIONS: Building permits and inspection services will be available upon annexation.

ENVIRONMENTAL HEALTH AND HEALTH CODE ENFORCEMENT: Enforcement of the City's environmental health ordinances and regulations shall be provided within this area on the effective date of the annexation ordinance.

ANIMAL CONTROL: Animal control services will be provided by the City on the effective date of annexation.

PLANNING AND ZONING: The Planning and Zoning jurisdiction of the City will extend to this area on the effective date of this annexation. All areas will be annexed as an R-A (Single Family Agricultural) District on the effective date of the annexation ordinance.

CAPITAL IMPROVEMENTS:

WATER SERVICE: Extensions of existing city mains for future development will be made by standard City of Sherman utility extension methods. All connections to new or existing water mains will be based upon existing City policies as applicable to all city residents as stated in the current codes and ordinances.

SEWER SERVICE: Extensions of any existing sewer facilities of the City of Sherman for existing or future development may be made by standard City of Sherman utility extension methods provided the capacity of the existing appurtenances is not exceeded at the time of development. Use of lift stations and force mains may be required to serve some portions of this area. All connections to new or existing sewer mains will be based upon existing City policies as applicable to all city residents as stated in the current codes and ordinances.

GRAYSON COUNTY AIRPORT PARTNERS, LTD.

12400 Preston Road, Suite 100
Frisco, Texas 75033

Phone: 972-250-1263
Facsimile: 972-335-1701

June 21, 2013

Mr. George Olson
City of Sherman
City Manager
P.O. Box 1106
Sherman, Texas 75091

RE: Annexation Request
76 Acre Tract – Northwest Sherman

Dear Mr. Olson,

Grayson County Airport Partners, Ltd. is the owner of a 76 acre tract of land located at the southwest corner of FM 1417 and FM 691. Currently, a small portion of the property is located in the City of Sherman and the remaining property is located in Grayson County.

By way of this letter, we respectfully request that the 76 acre tract be annexed into the City of Sherman. I have attached a legal description to be used for the processing of this request. If there is anything else that I can provide or any additional information that you or the staff needs in this regard, please let me know.

Thank you and the City Counsel for your consideration of this request.

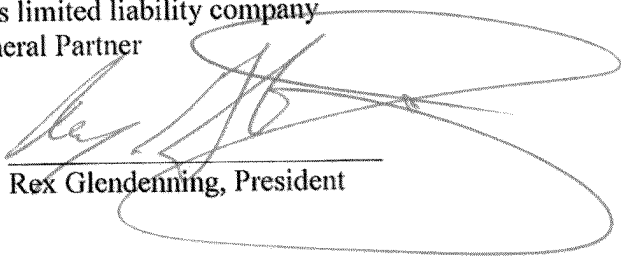
Sincerely,

Grayson County Airport Partners, Ltd.,
a Texas limited partnership

By: Grayson County Airport GP, LLC,
a Texas limited liability company
its General Partner

By: One Longhorn Land I, L.P.,
a Texas limited partnership,
its Manager

By: One Longhorn Land, LLC,
a Texas limited liability company
its General Partner

By: 
Rex Glendenning, President

FIELD NOTES
63.757 ACRES

SITUATED in the County of Grayson, State of Texas, being a part of the S.C. Royal Survey, Abst. No. 1047 and being a part of the 76.913 acre tract of land conveyed from D.R. Cameron and Associates, Inc. to Grayson County Airport Partners, LTD on October 16, 2006 by Special Warranty Deed in Volume 4135, Page 513, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to wit:

BEGINNING at a 1/2 inch rebar found in the South line of a 0.99 acre tract conveyed to Grayson County (Texas) and at the most Northerly Northwest corner of said Grayson Co. Airport Partners 73.913 ac. and herein described tract;

THENCE South 87 deg. 47 min. 21 sec. East, with the South line of said Grayson County 0.99 ac. and a North line of said Grayson Co. Airport Partners 76.913 ac., a distance of 1821.72 ft. to a point at the Northeast corner of herein described tract and being North 87 deg. 47 min. 21 sec. West, 293.59 ft. from the Northeast corner of said Grayson Co. Airport Partners 76.913 ac.;

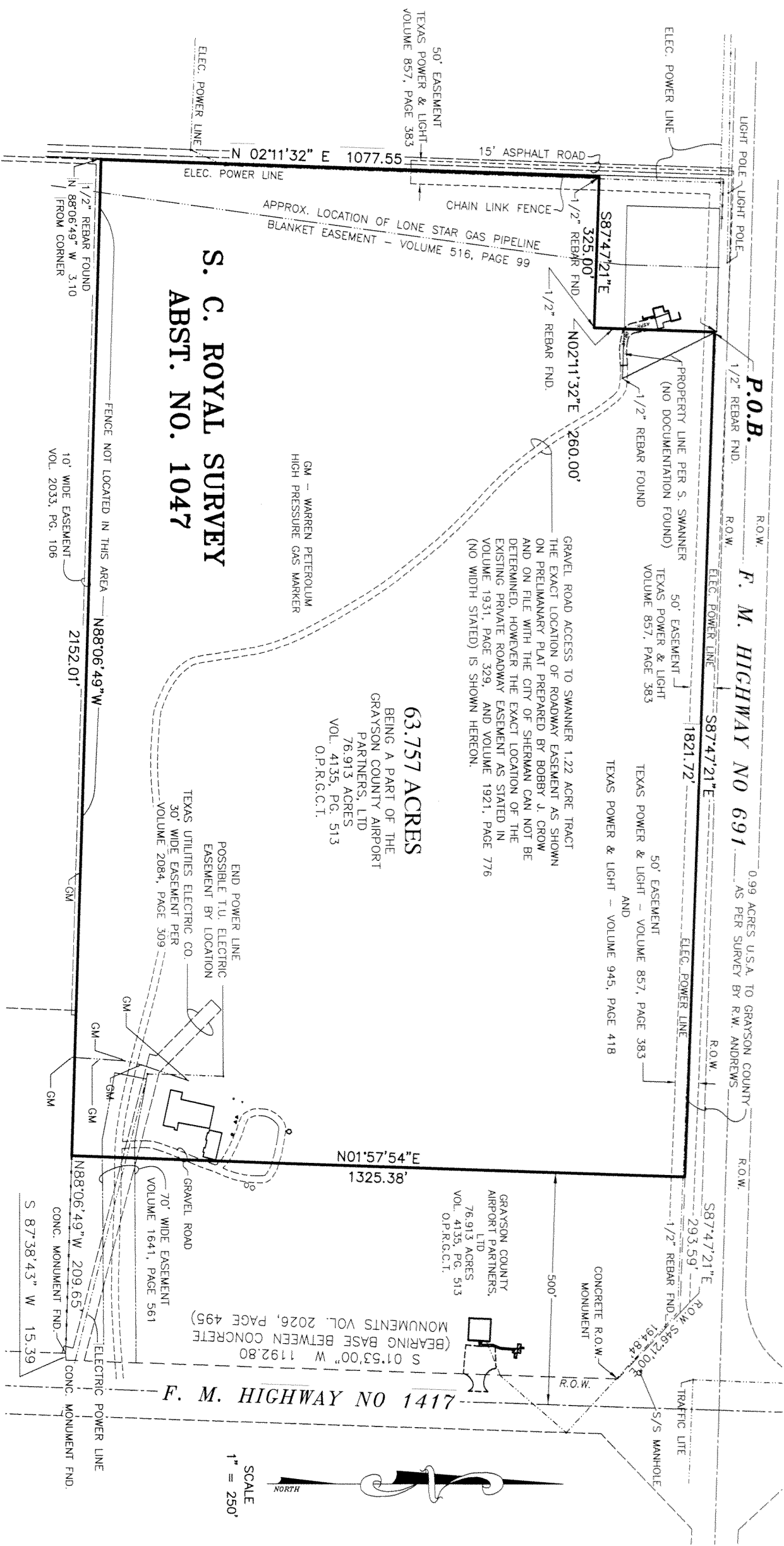
THENCE South 01 deg. 57 min. 54 sec. West, over and across said Grayson Co. Airport Partners 76.913 ac., a distance of 1325.38 ft. to a point at the Southeast corner of herein described tract, in the South line of said Grayson Co. Airport Partners 76.913 ac. and being North 87 deg. 38 min. 43 sec. East, 15.39 ft. **AND** North 88 deg. 06 min. 49 sec. West, 209.65 ft. from the Southeast corner of said Grayson Co. Airport Partners 76.913 ac.;

THENCE North 88 deg. 06 min. 49 sec. West, with the South line of said Grayson Co. Airport Partners 76.913 ac., a distance of 2152.01 ft. to a point at the Southwest corner of said Grayson Co. Airport Partners 76.913 ac. and herein described tract, said point being South 88 deg. 06 min. 49 sec. East, 3.10 ft. from a 1/2 inch rebar found;

THENCE North 02 deg. 11 min. 32 sec. East, with a West line of said Grayson Co. Airport Partners 76.913 ac., a distance of 1077.55 ft. to a 1/2 inch rebar found at the most Westerly Northwest corner of said Grayson Co. Airport Partners 76.913 ac. and herein described tract;

THENCE South 87 deg. 47 min. 21 sec. East, with a North line of said Grayson Co. Airport Partners 76.913 ac., a distance of 325.00 ft. to a 1/2 inch rebar found at an Ell corner;

THENCE North 02 deg. 11 min. 32 sec. East, with a West line of said Grayson Co. Airport Partners 76.913 ac., a distance of 260.00 ft. to the **PLACE OF BEGINNING** and containing **63.757 ACRES** of land.



Grayson County Partners, LTD 63.757 Acres
to be annexed into City of Sherman

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

FIELD NOTES
63.757 ACRES

SITUATED in the County of Grayson, State of Texas, being a part of the S.C. Royal Survey, Abst. No. 1047 and being a part of the 76.913 acre tract of land conveyed from D.R. Cameron and Associates, Inc. to Grayson County Airport Partners, LTD on October 16, 2006 by Special Warranty Deed in Volume 4135, Page 513, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to wit:

BEGINNING at a ½ inch rebar found in the South line of a 0.99 acre tract conveyed to Grayson County (Texas) and at the most Northerly Northwest corner of said Grayson Co. Airport Partners 73.913 ac. and herein described tract;

THENCE South 87 deg. 47 min. 21 sec. East, with the South line of said Grayson County 0.99 ac. and a North line of said Grayson Co. Airport Partners 76.913 ac., a distance of 1821.72 ft. to a point at the Northeast corner of herein described tract and being North 87 deg. 47 min. 21 sec. West, 293.59 ft. from the Northeast corner of said Grayson Co. Airport Partners 76.913 ac.;

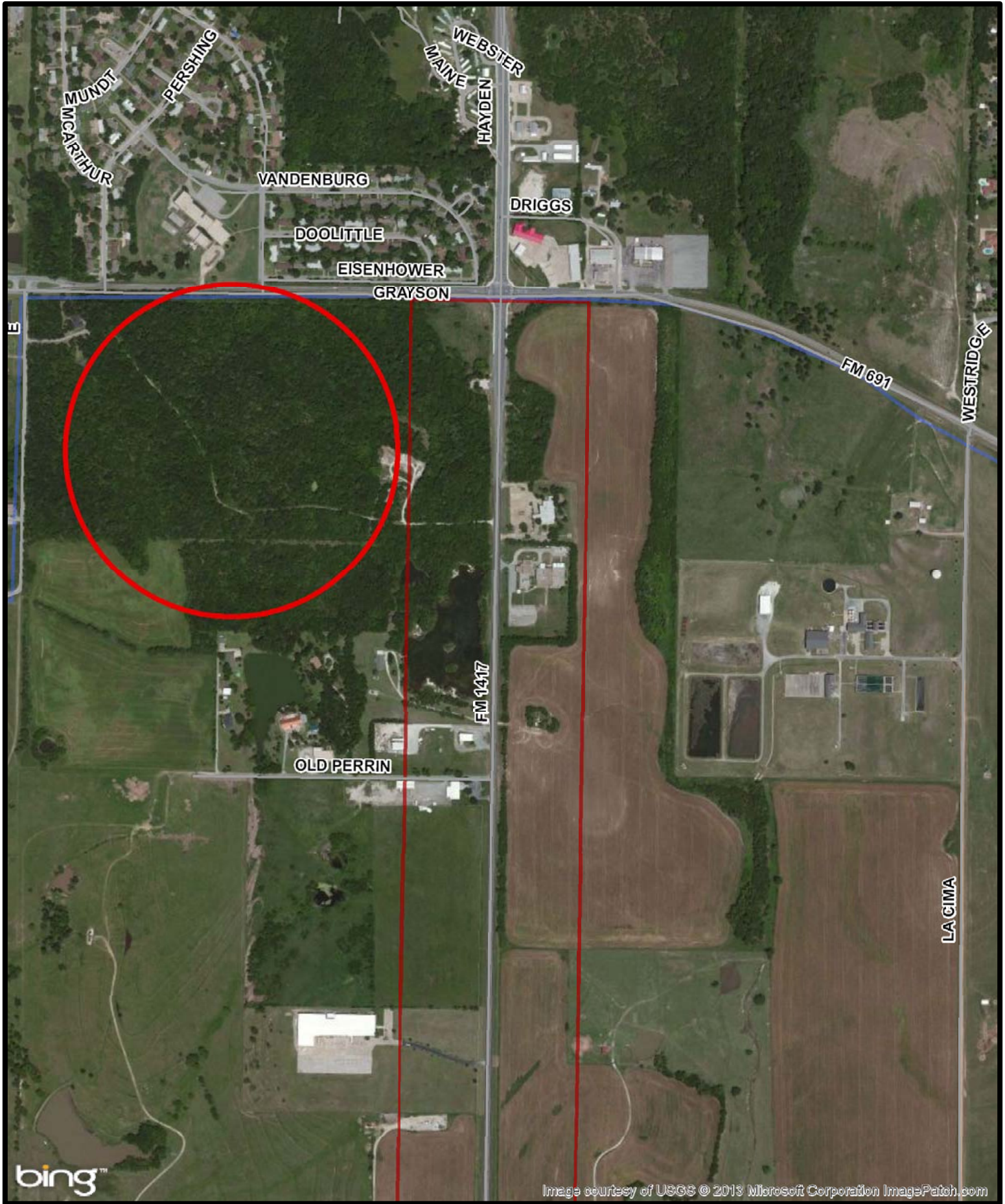
THENCE South 01 deg. 57 min. 54 sec. West, over and across said Grayson Co. Airport Partners 76.913 ac., a distance of 1325.38 ft. to a point at the Southeast corner of herein described tract, in the South line of said Grayson Co. Airport Partners 76.913 ac. and being North 87 deg. 38 min. 43 sec. East, 15.39 ft. **AND** North 88 deg. 06 min. 49 sec. West, 209.65 ft. from the Southeast corner of said Grayson Co. Airport Partners 76.913 ac.;

THENCE North 88 deg. 06 min. 49 sec. West, with the South line of said Grayson Co. Airport Partners 76.913 ac., a distance of 2152.01 ft. to a point at the Southwest corner of said Grayson Co. Airport Partners 76.913 ac. and herein described tract, said point being South 88 deg. 06 min. 49 sec. East, 3.10 ft. from a ½ inch rebar found;

THENCE North 02 deg. 11 min. 32 sec. East, with a West line of said Grayson Co. Airport Partners 76.913 ac., a distance of 1077.55 ft. to a ½ inch rebar found at the most Westerly Northwest corner of said Grayson Co. Airport Partners 76.913 ac. and herein described tract;

THENCE South 87 deg. 47 min. 21 sec. East, with a North line of said Grayson Co. Airport Partners 76.913 ac., a distance of 325.00 ft. to a ½ inch rebar found at an Ell corner;

THENCE North 02 deg. 11 min. 32 sec. East, with a West line of said Grayson Co. Airport Partners 76.913 ac., a distance of 260.00 ft. to the **PLACE OF BEGINNING** and containing **63.757 ACRES** of land.



63 Acre Annexation - SW Corner FM 1417 and Hwy 691

<u>Allocated Cost Approach</u>	10-Yr Net Benefit (Cost)
Current - Non Ag Exempt	\$ 16,884
Residential	\$ (185,145)
Commercial	\$ 331,607

<u>Incremental Cost Approach</u>	
Current - Non Ag Exempt	\$ 16,884
Residential	\$ 160,984
Commercial	\$ 343,405

Is this a Prime Growth Area?	No
Will this protect outlying areas from substandard development?	Yes
Is this in our Utility Service Area (CCN)?	Yes
Will this encourage further growth?	Yes



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 2.

Meeting Date: 08/19/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

SECOND PUBLIC HEARING OF ORDINANCE NO. 5783

Providing for the Appropriation of Funds for Operating and Capital Expenditures for the Fiscal Year beginning October 1, 2013, and ending September 30, 2014

Issue:

To hold the second and final public hearing on and consider the adoption of the proposed budget ordinance for the 2013-2014 fiscal year

Background:

The proposed budget reflects the direction given by the Council at the recent Budget Workshop held on June 19, 2013, and is focused on continuing to provide essential services at current levels. The budget contains \$59.6 million in appropriations, which is slightly lower than the prior year's original budget of \$60.4 million, due primarily to a decrease in capital spending. In accordance with the discussions at the Budget Workshop, the draft budget projects to raise about \$30.85 million in total General Fund revenues, which will require a property tax rate of \$.348/\$100 and provides for increases in water/sewer and solid waste rates of about 1%. More detailed information is available on the attachments.

"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."

Origination:

Assistant City Manager/Chief Financial Officer

Financial Consideration:

The proposed budget contains appropriations of \$59.6 million for the 2013-2014 fiscal year.

Staff Recommendation:

The staff recommends that the Council hold the second and final public hearing on the budget ordinance at the August 19, 2013 meeting and consider adoption at that meeting.

Alternatives:

The Council could make changes to the proposed budget, subject to existing available financial resources, and subject to statutory requirements relating to the timing of the budget adoption.

Attachments

Ordinance No. 5783

Budget Narrative

Proposed Budget for FY 2013-2014

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 ENDING SEPTEMBER 30, 2014; 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, pursuant to Article V of the City Charter, there is hereby appropriated for Operating Expenditures the sums of money as established in the approved Operating Budget Document for fiscal year beginning October 1, 2013, and ending September 30, 2014.

SECTION 2. That, pursuant to Article V of the City Charter, there is hereby appropriated for Capital Expenditures the sums of money as established in the approved Capital Budget Document for fiscal year beginning October 1, 2013, and ending September 30, 2014.

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

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 revenue to be raised from new property to be added to the roll this year.

**PROPOSED BUDGET FOR THE CITY OF SHERMAN
FOR FISCAL YEAR 2013-2014**

August 19, 2013

SUMMARY:

The attached proposed budget for 2013-2014 is based on the direction provided by the City Council at the budget workshop that was held on June 19, 2013.

The proposed budget focuses on sustaining ongoing operations and developing a plan to ensure continuity of services at the current level. To this end several measures will be taken, including increases in fines, fees, property tax and utility rates, an across-the-board wage increase for employees, maintenance items, and maintenance of fund balances at targeted levels.

Appropriations for 2013-2014 total about \$59.6 million, of which \$4.5 million is earmarked for capital spending. This budget is about \$0.8 million less than original 2012-2013 budget, primarily from a decrease in capital spending.

Total budgeted full-time positions in the proposed budget are 408, the same staffing level as fiscal year 2012-2013.

The General Fund is balanced for fiscal year 2013-2014 but long-term measures are needed to sustain current levels of operations in that fund. Improvements in efficiency, and increases in the property tax rate and in various fines and fees are proposed for FY 2014. Sales tax is expected to continue to be flat. Fund balance is projected to be \$6.3 million or 77 days at the end of FY 2014.

For the budget year 2014, the Utility Fund is balanced on an ongoing basis but fund balances are proposed to decline due to transfers out to the General Fund, the Insurance Fund, the Capital Improvement Fund and the Utility Improvement Fund. The proposed budget includes a 1% increase in water and sewer rates. Remaining fund balance at the end of 2014 is projected to be in line with targeted levels with about \$4.4 million, or about 72 days of operating expenses, available at that time.

The Solid Waste Fund is balanced on an on-going basis, but like the Utility Fund, fund balances are projected to decline because for FY 2014 due to a catch-up in capital expenditures. Fund balances in this fund remain in line with targeted levels, with an expected \$1.2 million, or 79 days of operating funds, available at the end of FY 2014.

The proposed budget of about \$0.8 million in the General Improvement Fund consists of funding for GIS system additions and repairs to the Municipal Building, the Fallon Drive

bridge and to Hunt Street. Reserves of about \$56,000 are expected at the end of FY 2014.

The Utility Improvement Fund proposed budget consists of water tower painting and repair, rehabilitation of the Cherry Park Pump Station and repair of the Rickett's Street water line. Utility Improvement Fund reserves will be about \$0.2 million at the end of FY 2014.

DETAILED INFORMATION:

Additional information on major components of the 2013-2014 proposed budget follows.

Water/Sewer Rate Increase – In an effort to maintain current service levels and mitigate larger future rate increases driven by major capital maintenance and improvement, a rate increase of 1% is proposed. This rate increase is expected to generate about \$183,000 annually.

Property Tax Rate – In order to raise the proposed revenue of \$30.85 million in the General Fund, a total property tax rate of \$.348/\$100 valuation is proposed, which is a 1.5 cent increase over the calculated effective tax rate of about \$.33/\$100 valuation and a 2.8 cent increase over the FY 2013 rate of \$.32/\$100. This increase is expected to generate about \$322,000 in additional revenue for the General Fund, and about \$524,000 overall to the City.

Fee Adjustments – Various fine and fee increases are proposed including increases to traffic fines, building inspection and development licenses, and fee increases for animal control, parks and recreation, and cemetery fees. These fee adjustments are expected to generate additional annual revenues of about \$200,000.

Wage Increase – 2% Across-the-Board – The proposed budget contains a 2% increase in base salaries. The annual cost of this increase for all funds is projected to be about \$410,000.

Staffing – One full-time position was added in the Finance Department and one was eliminated in the Equipment Services, leaving overall staffing levels unchanged for FY 2014 at 408 full time positions.

Fleet and Equipment – Major expenditures for this year include four police vehicles (\$155,000), a remount to an existing ambulance chassis and a brush truck (\$225,000) for the Fire Department, two loaders and trucks for the Street Department (\$300,000), trash trucks (\$622,000) for the Solid Waste Fund and various other trucks and equipment totaling about \$1.4 million.

SUMMARY SCHEDULES, DETAILED FUND STATEMENTS, AND OTHER INFORMATION

The following pages include a schedule that summarizes the draft 2013-2014 budget, eliminating double counting for internal service funds and inter-fund transfers. Also included are statements of revenues and expenditures/expenses for each fund, and a debt schedule.

Summary of Budgeted Receipts and Expenditures/Expenses
Fiscal Year 2013-2014

	General Fund	Enterprise Funds	Internal Service Funds	Special Revenue Funds	Capital Improvement Funds	Trust Fund	Debt Service Funds	Elim. Interfund Transfers	Totals
Beginning Fund Balance	\$ 6,248,000	\$ 8,520,925	\$ 387,074	\$ 384,501	\$ 1,940,222	\$ 1,257,732	\$ 424,688	\$ -	\$ 19,163,142
Receipts:									
Taxes	22,370,500	-	-	450,000	126,000	-	1,275,000	-	24,231,500
Water Sales	-	12,132,000	-	-	-	-	-	-	12,132,000
Sewer Sales	-	6,654,000	-	-	-	-	-	-	6,654,000
Solid Waste Sales	-	5,392,390	-	-	-	-	-	-	5,392,390
Other Fees for Services	3,918,165	672,100	8,443,000	893,110	-	-	-	(7,549,000)	6,377,375
Interest	55,195	17,950	440	775	16,850	-	620	-	91,830
Other	212,805	630,792	-	223,800	200,000	7,500	-	-	1,274,897
Transfers in	4,311,000	135,000	1,751,319	-	1,200,000	-	115,000	(7,512,319)	-
Total Receipts	30,867,665	25,634,232	10,194,759	1,577,685	1,542,850	7,500	1,390,620	(15,061,319)	56,153,992
Expenditures/Expenses:									
Personnel	21,702,978	6,288,155	1,066,774	133,882	-	-	-	-	29,191,790
Supplies	1,380,614	1,136,937	1,172,737	510,611	-	-	-	-	4,200,899
Maintenance	1,284,100	1,798,464	794,650	187,325	-	-	-	-	4,062,539
Utilities	1,439,656	2,708,500	88,400	54,720	-	-	-	-	4,291,276
Contract Wages	231,410	126,080	25,500	-	-	-	-	-	382,990
Computer Services	496,870	80,630	9,680	-	-	-	-	(583,260)	3,920
Debt Service	-	4,695,608	220,228	-	-	-	1,343,900	-	6,259,736
Contractual Services	1,712,797	2,953,070	5,220,150	407,980	-	-	-	(4,203,600)	6,090,397
Vehicle Usage	1,419,140	1,358,520	-	1,410	-	-	-	(2,762,140)	16,930
Capital Expenses	223,429	63,500	1,351,091	87,582	2,780,500	-	-	-	4,506,102
Other	-	443,857	-	192,344	-	-	-	-	636,201
Transfers Out	889,075	6,508,244	-	115,000	-	-	-	(7,512,319)	-
Total Expenditures/Expenses	30,780,069	28,159,566	9,949,210	1,690,854	2,780,500	-	1,343,900	(15,061,319)	59,642,780
Ending Fund Balance	\$ 6,335,596	\$ 5,995,591	\$ 632,623	\$ 271,332	\$ 702,572	\$ 1,265,232	\$ 471,408	\$ -	\$ 15,674,354

General Fund
Summary of Revenues & Expenditures (Budget Basis)

	Actual 2011-2012	Amended Budget 2012-2013	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 6,095,098	\$ 6,713,420	\$ 6,952,309	\$ 6,144,829
Revenues				
Property Taxes	6,028,695	6,094,500	6,052,100	6,432,500
Sales Taxes	12,415,880	13,350,000	13,069,000	13,069,000
Franchise Taxes	2,896,073	2,982,000	2,744,000	2,744,000
Other Taxes	111,940	109,000	110,400	125,000
Fines & Forfeitures	838,603	1,063,200	978,540	1,149,140
Recreation	268,823	281,800	272,300	286,300
Permits & Licenses	171,159	234,700	231,730	292,730
Rentals	71,721	69,700	73,795	63,295
Cemetery Sales and Services	134,643	151,200	126,200	200,700
Sales & Services	497,729	499,000	515,314	546,000
Ambulance Services	1,373,974	1,400,000	1,380,000	1,380,000
Interest	63,940	70,000	47,000	55,000
Grants and Miscellaneous	183,474	312,850	318,800	195,800
Total Revenues	25,056,654	26,617,950	25,919,179	26,539,465
Transfers In	3,208,558	3,670,766	3,670,766	4,311,000
Total Receipts	28,265,212	30,288,716	29,589,945	30,850,465
Total Funds Available	34,360,310	37,002,136	36,542,254	36,995,294
Expenditures				
Personnel	20,041,087	21,144,408	21,185,363	21,702,978
Supplies	1,085,161	1,487,080	1,521,020	1,380,614
Maintenance	971,899	1,250,513	1,180,814	1,284,100
Utilities	1,340,774	1,397,480	1,389,300	1,439,656
Contract Wages	136,614	209,110	208,885	231,410
Computer Services	492,862	582,540	538,910	496,870
Debt Service	69,263	69,405	69,405	-
Contractual and Sundry Services	1,337,380	1,610,891	1,533,330	1,599,932
Vehicle Usage	1,231,087	1,271,320	1,339,605	1,419,140
Equipment and Buildings	132,163	310,924	282,925	223,429
Transfer Out to Other Funds	75,563	-	-	-
Transfer Out to Fleet Fund	494,148	1,147,868	1,147,868	889,075
Total Expenditures	27,408,001	30,481,539	30,397,425	30,667,204
Excess Receipts over Expenditures	857,211	(192,823)	(807,480)	183,261
Ending Fund Balance	\$ 6,952,309	\$ 6,520,597	\$ 6,144,829	\$ 6,328,090

Utility Fund
Summary of Revenues & Expenses (Budget Basis)

	Actual 2011-2012	Adjusted Budget 2012-2013	Projected 2012-2013	Proposed 2013-2014
Beginning Reserve	\$ 5,375,980	\$ 6,848,028	\$ 6,588,906	\$ 6,752,653
Revenues				
Water Revenues	11,375,889	11,859,000	12,018,000	12,132,000
Sewer Revenues	6,951,060	7,019,000	6,600,000	6,654,000
Laboratory Charges	114,214	110,000	125,100	125,100
Service & Penalties	504,861	475,000	494,000	494,000
Earned Interest	25,541	10,000	16,000	16,000
Intergovernmental	453,447	449,700	449,679	453,092
Miscellaneous	228,239	82,725	85,700	85,700
Total Revenues	19,653,251	20,005,425	19,788,479	19,959,892
Transfers-in	967,500	123,700	123,700	135,000
Total Receipts	20,620,751	20,129,125	19,912,179	20,094,892
Total Funds Available	25,996,731	26,853,453	26,501,085	26,847,545
Expenses				
Personnel	4,417,642	4,627,761	4,616,863	4,742,293
Supplies	735,116	1,102,389	1,002,931	1,023,312
Maintenance & Repair	1,584,915	2,055,119	1,590,734	1,736,024
Utilities	2,478,388	2,835,796	2,414,300	2,675,900
Computer Services	78,114	85,670	79,230	67,730
Debt Service	5,837,171	4,768,807	4,571,294	4,695,608
Contract Wages	79,256	64,000	64,000	124,000
Contractual & Special Services	1,867,698	1,546,556	1,484,634	1,490,698
Vehicle Usage	279,578	302,310	269,469	282,110
Other	279,349	467,202	443,857	443,857
Capital Expenses	16,898	30,900	38,325	8,500
Total Expenses	17,654,125	17,886,510	16,575,637	17,290,032
Transfers Out				
General Fund-Franch & Admin	1,544,000	1,602,000	1,602,000	1,643,000
General Fund-Other	-	1,442,000	1,442,000	2,057,000
Others	209,700	128,795	128,795	1,440,000
Total Transfers Out	1,753,700	3,172,795	3,172,795	5,140,000
Total Expenses	19,407,825	21,059,305	19,748,432	22,430,032
Excess Revenues over Expenditures	1,212,926	(930,180)	163,747	(2,335,140)
Ending Reserve	\$ 6,588,906	\$ 5,917,848	\$ 6,752,653	\$ 4,417,513

Solid Waste Fund
Summary of Revenues & Expenditures (Budget Basis)

	Actual 2011-2012	Adjusted Budget 2012-2013	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	<u>\$ 2,075,227</u>	<u>\$ 865,162</u>	<u>\$ 1,188,105</u>	<u>\$ 1,342,857</u>
Revenues				
Solid Waste Fees	5,412,601	5,361,000	5,339,000	5,392,390
Service Penalties	48,675	45,000	47,000	47,000
Interest	7,028	5,000	500	500
Miscellaneous	148,462	186,000	92,000	92,000
Total Revenues	<u>5,616,766</u>	<u>5,597,000</u>	<u>5,478,500</u>	<u>5,531,890</u>
Total Funds Available	<u>7,691,993</u>	<u>6,462,162</u>	<u>6,666,605</u>	<u>6,874,747</u>
Expenses				
Personnel	1,431,856	1,507,108	1,498,341	1,545,863
Supplies	73,708	106,480	105,782	113,625
Maintenance & Repair	23,279	53,620	54,865	60,440
Utilities	18,854	17,850	26,700	32,600
Contract Wages	-	2,080	-	2,080
Computer Services	9,299	12,850	11,890	12,900
Solid Waste Debt Service	58,499	35,205	35,210	-
Contractual & Sundry Services	1,394,156	1,599,559	1,396,800	1,452,372
Vehicle Usage	906,570	1,045,300	1,012,640	1,076,410
Capital Expenses	5,100	-	-	55,000
Transfers Out	2,582,567	1,181,520	1,181,520	1,368,244
Total Expenses	<u>6,503,888</u>	<u>5,561,572</u>	<u>5,323,748</u>	<u>5,719,534</u>
Excess Receipts over Expenditures	<u>(887,122)</u>	<u>35,428</u>	<u>154,752</u>	<u>(187,644)</u>
Ending Fund Balance	<u>\$ 1,188,105</u>	<u>\$ 900,590</u>	<u>\$ 1,342,857</u>	<u>\$ 1,155,213</u>

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

	Actual 2011-2012	Amended Budget 2012-2013	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 1,036,393	\$ 545,014	\$ 456,995	\$ 23,236
Revenues:				
Transfers In	-	200,000	200,000	600,000
SEDCO (TxDOT and GIS)	-	400,000	250,000	200,000
Grant Proceeds	115,500	-	13,866	-
Investment Interest	1,007	500	650	250
Total Revenues	<u>116,507</u>	<u>600,500</u>	<u>464,516</u>	<u>800,250</u>
Total Funds Available	1,152,900	1,145,514	921,511	823,486
Expenditures:				
Washington Street West	184,696	-	3,150	-
Drainage Improvement Projects	37,536	-	-	-
GIS System	87,351	50,000	-	200,000
Solid Waste Interior Driveway Rebuild Phase V	47,007	-	-	-
Watershed Management	231,649	-	41,052	-
Soil Conservation Emergency Action Plan Study	23,138	-	14,073	-
Hawn Spray Ground Rehab	19,581	-	-	-
OSP Quad Backstop Nets	34,300	-	-	-
Tennis Court Windscreens	6,161	-	-	-
Neighborhood Revitalization-Fielder Park	-	250,000	250,000	-
Municipal Building Repair	-	190,000	190,000	190,000
Canyon Grove to Hwy 82	24,486	-	-	-
Taylor Street Complex	-	200,000	200,000	-
Hwy 1417 Ramp from Hwy 75	-	400,000	200,000	-
Fallon Drive Bridge Repair	-	-	-	287,500
Hunt Street Erosion	-	-	-	90,000
Total Expenditures	<u>695,905</u>	<u>1,090,000</u>	<u>898,275</u>	<u>767,500</u>
Ending Fund Balance	<u>\$ 456,995</u>	<u>\$ 55,514</u>	<u>\$ 23,236</u>	<u>\$ 55,986</u>

* TxDOT Participation

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

	Actual 2011-2012	Budget 2012-2013	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 3,681,866	\$ 3,411,680	\$ 3,502,392	\$ 1,490,937
Revenues				
Transfers In	-	-	-	600,000
Interest Income/Other Income	13,752	25,000	15,000	15,000
Total Revenues	<u>13,752</u>	<u>25,000</u>	<u>15,000</u>	<u>615,000</u>
Total Funds Available	3,695,618	3,436,680	3,517,392	2,105,937
Expenses				
Utility Oversizing	-	100,000	-	100,000
WWTP Digester Rehab	12,207	-	22,516	-
WWTP - Upgrade Mixers, Phase I	3,599	-	-	-
Gallagher Tower Evaluation	4,631	-	-	-
* Sears Lift Station	9,750	-	3,025	-
Hwy 75 Sewer B	1,743	-	-	-
WTP Second Feed	86,544	-	-	-
WTP Flocculation Basin	745	-	-	-
Hwy 289 Water	69,950	-	11,750	-
Hwy 289 Sewer	4,000	-	49,500	-
WTP Upgrade Phase III	57	-	-	-
Upgrade Metering and Telemetry for Water System	-	350,000	200,540	-
Well Repairs and Upgrades	-	625,000	625,000	-
Gallagher Elevated Tank Painting and Repair	-	625,000	-	1,125,000
Infiltration & Inflow Office and Storage Facility	-	75,000	75,000	-
Woods Street Water Line Replacement	-	32,000	32,000	-
Lamberth Road Water Line Replacement	-	31,000	31,000	-
** Blalock Industrial Sewer	-	-	16,974	-
* VFD Headworks Pump Replacement	-	-	25,150	-
Cherry Park Pump Station Rehab	-	-	-	500,000
Texoma Parkway Water Replacement-Ph IV	-	134,000	134,000	-
Ricketts St Water Line	-	-	-	168,000
Transfers Out-General CIP	-	200,000	200,000	-
Transfers Out-Employee Insurance Fund	-	-	600,000	-
	<u>193,226</u>	<u>2,172,000</u>	<u>2,026,455</u>	<u>1,893,000</u>
Ending Fund Balance	\$ 3,502,392	\$ 1,264,680	\$ 1,490,937	\$ 212,937

Insurance Fund
Summary of Receipts & Expenditures

	Actual 2011-2012	Budget 2012-2013	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ (26,450)	\$ 52,550	\$ (247,367)	\$ 37,633
Receipts				
Employer Contributions	2,991,749	3,840,924	3,860,000	4,202,000
Employee Contributions	607,672	601,000	800,000	620,000
Retiree Contributions	212,965	200,000	240,000	266,000
COBRA Contributions	8,232	-	4,000	8,000
Transfers In	1,200,000	-	600,000	200,000
Total Receipts	<u>5,020,618</u>	<u>4,641,924</u>	<u>5,504,000</u>	<u>5,296,000</u>
Total Funds Available	4,994,168	4,694,474	5,256,633	5,333,633
Expenses				
Health & Dental Claims	4,668,823	4,100,000	4,600,000	4,400,000
Insurance Premiums & Cost	529,066	510,000	550,000	560,000
Life Insurance	43,646	45,000	44,000	45,000
Miscellaneous	-	25,000	25,000	25,000
Total Expenses	<u>5,241,535</u>	<u>4,680,000</u>	<u>5,219,000</u>	<u>5,030,000</u>
Ending Fund Reserve	<u>\$ (247,367)</u>	<u>\$ 14,474</u>	<u>\$ 37,633</u>	<u>\$ 303,633</u>

**Public Charities Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 66,768	\$ 50,293	\$ 34,117
Receipts			
Interest	92	80	75
Glennie O. Ham Donations	20	-	-
Animal Shelter Donations	1,266	2,500	1,300
Pet Adoption Donations	-	13,000	10,000
Fishing Festival	80	80	80
Fire Dept Donations	125	205	100
Genealogical Donations	50	25	25
Summer Track Program	816	800	800
Senior Citizen Dance Club	120	-	-
Sherman Beautification	73	-	-
Police Department Donations	917	-	-
Parks Concessions Revenue	2,132	4,200	4,200
Parks & Recreation Donations	-	500	500
Total Receipts	<u>5,691</u>	<u>21,390</u>	<u>17,080</u>
Total Funds Available	72,459	71,683	51,197
Expenditures			
Library Donations	-	58	-
Glennie O. Ham Center	470	444	350
Altrusa (W.A.F.A.)	-	63	-
Senior Citizen's Dance Club	-	60	60
Animal Shelter Donations	-	16,002	16,000
Pet Adoption Fund	-	13,000	10,000
Fire Dept Donations	-	2,989	3,000
Fishing Festival	160	500	500
Genealogical	-	50	25
Remodeling Contingency	9,112	-	8,930
Summer Track Program	1,214	800	800
Parks Concessions Expense	4,713	2,600	7,200
Parks & Recreation Donations	-	1,000	1,000
AmBus Expenditures	6,497	-	-
Total Expenditures	<u>22,166</u>	<u>37,566</u>	<u>47,865</u>
Ending Fund Balance	<u><u>\$ 50,293</u></u>	<u><u>\$ 34,117</u></u>	<u><u>\$ 3,332</u></u>

**Land Transaction Fund
Summary of Receipts & Expenditures**

	<u>Actual 2011-2012</u>	<u>Projected 2012-2013</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 68,825	\$ 68,934	\$ 69,054
Receipts			
Land Sales			
Interest Earned	<u>109</u>	<u>120</u>	<u>120</u>
Total Receipts	<u>109</u>	<u>120</u>	<u>120</u>
Total Funds Available	68,934	69,054	69,174
Expenditures			
Miscellaneous	<u>-</u>	<u>-</u>	<u>65,000</u>
Total Expenditures	<u>-</u>	<u>-</u>	<u>65,000</u>
Ending Fund Balance	<u><u>\$ 68,934</u></u>	<u><u>\$ 69,054</u></u>	<u><u>\$ 4,174</u></u>

**Street Revolving Fund
Summary of Receipts & Expenditures**

	<u>Actual 2011-2012</u>	<u>Projected 2012-2013</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 448,872	\$ 450,096	\$ 451,296
Receipts			
Interest Income	<u>1,224</u>	<u>1,200</u>	<u>1,200</u>
Total Receipts	<u>1,224</u>	<u>1,200</u>	<u>1,200</u>
Total Funds Available	450,096	451,296	452,496
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ 450,096</u>	<u>\$ 451,296</u>	<u>\$ 452,496</u>

**TIF #3 Construction Fund
Summary of Receipts & Expenditures**

	<u>Actual 2011-2012</u>	<u>Projected 2012-2013</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 676,149	\$ 697,848	\$ 63,122
Receipts			
Property Tax	53,505	64,854	65,000
Interest	455	420	200
Total Receipts	<u>53,960</u>	<u>65,274</u>	<u>65,200</u>
Total Funds Available	730,109	763,122	128,322
Expenditures			
Improvements	32,261	700,000	120,000
Total Expenditures	<u>32,261</u>	<u>700,000</u>	<u>120,000</u>
Ending Fund Balance	<u>\$ 697,848</u>	<u>\$ 63,122</u>	<u>\$ 8,322</u>

**TIF #2 Construction Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 495,257	\$ 85,291	\$ (88,369)
Receipts			
Grant Revenue	224,918	129,060	-
Property Tax	61,490	60,464	61,000
Transfer from TIF Debt Service	15,330	-	-
Transfer from General Fund	75,563	-	-
Interest	757	350	200
Total Receipts	378,058	189,874	61,200
Total Funds Available	873,315	275,165	(27,169)
Expenditures			
Improvements	338,024	363,534	-
Transfer to 2009 CO Debt Service	450,000	-	-
Total Expenditures	788,024	363,534	-
Ending Fund Balance	\$ 85,291	\$ (88,369)	\$ (27,169)

**Auditorium Debt Service Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 144,467	\$ 144,670	\$ 141,892
Receipts			
Transfers-in from Hotel/Motel Tax	115,000	115,000	115,000
Interest	253	260	260
Total Receipts	<u>115,253</u>	<u>115,260</u>	<u>115,260</u>
Total Funds Available	259,720	259,930	257,152
Expenditures			
Debt Service	114,450	117,438	110,425
Agent Fees	600	600	600
Total Expenditures	<u>115,050</u>	<u>118,038</u>	<u>111,025</u>
Ending Fund Balance	<u><u>\$ 144,670</u></u>	<u><u>\$ 141,892</u></u>	<u><u>\$ 146,127</u></u>

TIF #1 Debt Service Fund
Summary of Receipts & Expenditures

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 190,242	\$ 226,562	\$ 257,709
Receipts			
Property Tax	349,048	350,000	358,000
Interest	567	360	360
Total Receipts	349,615	350,360	358,360
Total Funds Available	539,857	576,922	616,069
Expenditures			
Debt Service	313,095	318,913	315,853
Agent Fees	200	300	300
Total Expenditures	313,295	319,213	316,153
Ending Fund Balance	\$ 226,562	\$ 257,709	\$ 299,916

**2008 CO Debt Service Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 13,864	\$ 9,335	\$ 9,365
Receipts			
Property Tax Revenues	<u>350,000</u>	<u>358,000</u>	<u>361,000</u>
Total Receipts	<u>350,000</u>	<u>358,000</u>	<u>361,000</u>
Total Funds Available	363,864	367,335	370,365
Expenditures			
Debt Service	<u>354,529</u>	<u>357,470</u>	<u>360,049</u>
Agent Fees	<u>-</u>	<u>500</u>	<u>500</u>
Total Expenditures	<u>354,529</u>	<u>357,970</u>	<u>360,549</u>
Ending Fund Balance	<u>\$ 9,335</u>	<u>\$ 9,365</u>	<u>\$ 9,816</u>

**2009 CO Debt Service Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 14,771	\$ 149,376	\$ 12,316
Receipts			
Property Tax Revenues	-	175,000	312,000
Transfer from TIF#2 Construction	450,000	-	-
Total Receipts	450,000	175,000	312,000
Total Funds Available	464,771	324,376	324,316
Expenditures			
Debt Service	314,895	311,560	311,510
Agent Fees	500	500	500
Total Expenditures	315,395	312,060	312,010
Ending Fund Balance	\$ 149,376	\$ 12,316	\$ 12,306

**2009A CO Bond Debt Service
Summary of Receipts & Expenditures**

	<u>Actual 2011-2012</u>	<u>Projected 2012-2013</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 12,832	\$ 1,319	\$ 3,406
Receipts			
Property Tax Revenues	<u>230,000</u>	<u>245,000</u>	<u>244,000</u>
Total Funds Available	242,832	246,319	247,406
Expenditures			
Debt Service	241,013	242,413	243,663
Agent Fees	<u>500</u>	<u>500</u>	<u>500</u>
Total Expenditures	<u>241,513</u>	<u>242,913</u>	<u>244,163</u>
Ending Fund Balance	<u><u>\$ 1,319</u></u>	<u><u>\$ 3,406</u></u>	<u><u>\$ 3,243</u></u>

**Police Programs Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 164,769	\$ 149,143	\$ 65,118
Receipts			
E 9-1-1 Service Fees	290,007	304,000	304,000
Security and Technology Fees	46,416	59,000	59,000
Interest	246	250	250
Total Receipts	336,669	363,250	363,250
Total Funds Available	501,438	512,393	428,368
Expenditures			
Personnel	109,089	108,075	107,771
Supplies	25,116	65,500	35,400
Maintenance/Repairs	89,739	164,850	110,725
Contractual Payments	94,821	108,850	113,520
Equipment	33,530	-	-
Total Expenditures	352,295	447,275	367,416
Ending Fund Balance	\$ 149,143	\$ 65,118	\$ 60,952

**Parks Pride Fund
Summary of Receipts & Expenditures**

	<u>Actual 2011-2012</u>	<u>Projected 2012-2013</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 6,149	\$ 17,461	\$ 16,701
Receipts			
PRIDE Donations	11,290	10,200	10,200
Interest Income	22	40	40
Total Receipts	<u>11,312</u>	<u>10,240</u>	<u>10,240</u>
Total Funds Available	17,461	27,701	26,941
Expenditures			
Park Improvements	-	11,000	26,000
Total Expenditures	<u>-</u>	<u>11,000</u>	<u>26,000</u>
Ending Fund Balance	<u>\$ 17,461</u>	<u>\$ 16,701</u>	<u>\$ 941</u>

**Police Pride Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 26,700	\$ 17,073	\$ 22,803
Receipts			
PRIDE Donations	11,290	10,200	10,200
Interest Income	30	30	30
Total Receipts	11,320	10,230	10,230
Total Funds Available	38,020	27,303	33,033
Expenditures			
Supplies	2,344	2,500	8,500
Travel/Tuition	4,695	1,000	7,600
Contractual Services	1,408	1,000	3,800
Canine Replacement Dog	12,500	-	13,000
Total Expenditures	20,947	4,500	32,900
Ending Fund Balance	\$ 17,073	\$ 22,803	\$ 133

Donations Fund
Summary of Receipts & Expenditures

	<u>Actual 2011-2012</u>	<u>Projected 2012-2013</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 1,153	\$ 2,246	\$ 3,152
Receipts			
Donations	2,504	3,000	3,000
Interest Income	12	6	5
Total Receipts	<u>2,516</u>	<u>3,006</u>	<u>3,005</u>
Total Funds Available	3,669	5,252	6,157
Expenditures			
Supplies	1,423	2,100	6,000
Total Expenditures	<u>1,423</u>	<u>2,100</u>	<u>6,000</u>
Ending Fund Balance	<u>\$ 2,246</u>	<u>\$ 3,152</u>	<u>\$ 157</u>

**Hotel/Motel Tax Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 301,594	\$ 163,962	\$ 41,681
Receipts			
Hotel/Motel Tax 5%	308,911	322,000	328,600
Hotel/Motel Tax 2%	123,564	129,000	131,400
Penalties	4,871	-	-
Miscellaneous	151	433	400
Interest	244	70	50
Program/Sponsor Fees	31,372	25,075	23,850
Auditorium/Ballroom Rental	12,225	17,000	21,260
Total Receipts	<u>481,338</u>	<u>493,578</u>	<u>505,560</u>
Total Funds Available	782,932	657,540	547,241
Expenditures			
<i>Tourism</i>			
Administration	86,762	80,010	81,144
Programs	163,629	149,390	111,200
Downtown Building Incentive	24,032	25,000	15,000
Museum Support	82,500	82,500	70,000
Arts Council	36,000	36,000	-
<i>Ballroom:</i>			
Personnel	22,419	19,184	19,133
Supplies	2,622	13,869	14,681
Maintenance	14,645	15,300	9,600
Utilities	24,658	25,900	28,715
Equipment	-	11,000	-
<i>Auditorium:</i>			
Personnel	6,128	6,998	6,978
Supplies	2,021	2,008	1,500
Maintenance	17,043	12,300	15,000
Utilities	8,311	8,700	9,605
Transfer to General Fund, admin	13,200	12,700	-
Transfer to Auditorium Debt Service	115,000	115,000	115,000
Total Expenditures	<u>618,970</u>	<u>615,859</u>	<u>497,556</u>
Excess Receipts over Expenditures	<u>(137,632)</u>	<u>(122,281)</u>	<u>8,004</u>
Ending Fund Balance	<u>\$ 163,962</u>	<u>\$ 41,681</u>	<u>\$ 49,685</u>

**Drug Enforcement Fund
Summary of Receipts & Expenditures**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 41,351	\$ 50,327	\$ 85,016
Receipts			
Police Confiscated Funds	46,283	200,000	200,000
Interest Income	77	100	200
Total Receipts	<u>46,360</u>	<u>200,100</u>	<u>200,200</u>
Total Funds Available	87,711	250,427	285,216
Expenditures			
Supplies	27,015	152,411	45,930
Maintenance and Repair	-	1,000	29,000
Contractual Services	50		100,000
Travel & Tuition	10,319	12,000	22,000
Equipment	-	-	87,582
Total Expenditures	<u>37,384</u>	<u>165,411</u>	<u>284,512</u>
Ending Fund Balance	<u>\$ 50,327</u>	<u>\$ 85,016</u>	<u>\$ 704</u>

**Municipal Airport Fund
Summary of Receipts & Expenditures**

	<u>Actual 2011-2012</u>	<u>Projected 2012-2013</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 93,777	\$ 121,065	\$ 150,030
Receipts			
Interest Income	218	200	200
Airport Rentals	49,090	48,885	49,000
Fuel Sales	442,501	435,400	436,000
Total Receipts	<u>491,809</u>	<u>484,485</u>	<u>485,200</u>
Total Funds Available	585,586	605,550	635,230
Expenditures			
Fuel Purchases	408,973	396,000	396,000
Other Supplies	2,858	2,600	2,600
Maintenance	2,058	2,500	23,000
Contractual Services	36,159	36,860	37,060
Utilities	13,507	15,900	16,400
Vehicle Usage	966	1,660	1,410
Total Expenditures	<u>464,521</u>	<u>455,520</u>	<u>476,470</u>
Ending Fund Balance	<u><u>\$ 121,065</u></u>	<u><u>\$ 150,030</u></u>	<u><u>\$ 158,760</u></u>

Computer Service Fund
Summary of Receipts & Expenditures

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 102,288	\$ 106,921	\$ 107,572
Revenues			
Computer Usage:			
General Fund	492,862	538,910	493,530
Tourism	1,860	1,980	1,600
Equipment Services Fund	11,159	9,910	9,610
Utility Fund	78,114	79,230	67,300
Solid Waste Fund	9,299	11,890	12,820
Interest Earned	35	40	40
Miscellaneous Revenue	1,507	612	-
Total Revenues	<u>594,836</u>	<u>642,572</u>	<u>584,900</u>
Total Funds Available	697,124	749,493	692,472
Expenses			
Personnel	290,313	326,782	360,702
Supplies	14,002	50,990	37,950
Maintenance & Repairs	166,165	184,609	97,075
Utilities	44,450	49,200	52,900
Contract Wages	18,553	20,000	25,500
Debt Service	47,616	-	-
Contractual Services & Other	9,104	10,340	14,660
Equipment, Capital Outlay	-	-	-
Total Expenses	<u>590,203</u>	<u>641,921</u>	<u>588,787</u>
Ending Fund Balance	<u>\$ 106,921</u>	<u>\$ 107,572</u>	<u>\$ 103,685</u>

Equipment Service Fund
Summary of Receipts & Expenditures

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 88,309	\$ 88,309	\$ 88,307
Revenues			
Equipment Service Revenue:			
General Fund	1,248,207	1,341,198	1,408,660
Airport Fund	966	1,660	1,410
Utility Fund	276,001	269,469	280,480
Solid Waste Fund	906,570	1,012,640	1,071,590
Miscellaneous Revenue	1,174	-	-
Total Revenues	<u>2,432,918</u>	<u>2,624,967</u>	<u>2,762,140</u>
Total Funds Available	2,521,227	2,713,276	2,850,447
Expenses			
Personnel	622,563	706,906	706,072
Supplies	1,034,725	1,047,063	1,134,787
Maintenance & Repair	597,865	629,826	697,575
Utilities	23,803	33,400	35,500
Computer Services	11,159	9,910	9,680
Contractual Services	142,803	159,347	175,490
Equipment	-	38,517	20,000
Total Expenses	<u>2,432,918</u>	<u>2,624,969</u>	<u>2,779,104</u>
Ending Fund Balance	<u>\$ 88,309</u>	<u>\$ 88,307</u>	<u>\$ 71,343</u>

Fleet Replacement Fund
Summary of Receipts & Expenditures

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 185,029	\$ 361,361	\$ 153,562
Revenues			
Transfers-In for Debt Serv	220,228	220,228	220,228
Transfers-In for Fund Balance	140,000	-	-
Transfer In for Equip Purchase	709,387	1,500,189	1,331,091
Grant Proceeds	39,516	-	-
Interest	340	460	400
Total Revenues	<u>1,109,471</u>	<u>1,720,877</u>	<u>1,551,719</u>
Total Funds Available	1,294,500	2,082,238	1,705,281
Expenses			
Debt Service	220,228	220,228	220,228
Major Repair	6,436	-	-
Equipment-General Fund	296,517	936,659	668,847
Equipment-Utility Fund	188,315	135,668	40,000
Equipment-Solid Waste Fund	221,643	636,121	622,244
Total Expenses	<u>933,139</u>	<u>1,928,676</u>	<u>1,551,319</u>
Ending Fund Balance	<u>\$ 361,361</u>	<u>\$ 153,562</u>	<u>\$ 153,962</u>

**Water Customer Deposits
Summary of Receipts and Expenses**

	<u>Actual 2011-2012</u>	<u>Projected 2011-2012</u>	<u>Proposed 2013-2014</u>
Beginning Fund Balance	\$ 237,123	238,084	239,084
Receipts			
Interest Income	<u>961</u>	<u>1,000</u>	<u>1,000</u>
Total Funds Available	238,084	239,084	240,084
Expenses			
Miscellaneous	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ 238,084</u>	<u>\$ 239,084</u>	<u>\$ 240,084</u>

**Water & Sewer Pro Rata Fund
Summary of Receipts and Expenses**

	Actual 2011-2012	Projected 2012-2013	Proposed 2013-2014
Beginning Fund Balance	\$ 190,976	\$ 189,881	\$ 186,331
Receipts			
Interest Income	405	450	450
Pro Rata Fees	-	6,000	6,000
Total Receipts	<u>405</u>	<u>6,450</u>	<u>6,450</u>
Total Funds Available	191,381	196,331	192,781
Expenses			
Miscellaneous	<u>1,500</u>	<u>10,000</u>	<u>10,000</u>
Ending Fund Balance	<u>\$ 189,881</u>	<u>\$ 186,331</u>	<u>\$ 182,781</u>

TRANSFERS SCHEDULE

FUND DETAILS

100 From fund 700 5% franchise, admin cost
 From fund 700 for fund balance
 From fund 790, dept 243, 244, 245
 To fund 660 for debt service
 To fund 660 for equipment purchases

 222 From fund 700

 310 From fund 460

 460 To fund 310

 600 From fund 700

 660 From fund 100
 From fund 700
 From fund 790, equipment purchase

 700 To fund 100 5% franchise, admin cost
 To fund 770
 To fund 222
 To fund 600
 To fund 100 fund balance
 From fund 790, admin cost
 To fund 660 for equipment purchase

 770 From fund 700

 790 To fund 100 8% franchise, admin cost RSW
 790 To fund 700 admin cost RSW
 790 To fund 100 8% franchise, admin cost CSW
 790 To fund 700 admin cost CSW
 790 To fund 100 8% franchise, admin cost Recycle
 790 To fund 700 admin cost Recycle
 790 To fund 660, equipment purchase

TOTALS

BUDGETED FY13/14	
Expense TRANSFER FROM Debit	Revenue TRANSFER TO Credit
	\$ 1,643,000.00
	\$ 2,057,000.00
	\$ 611,000.00
\$ 220,228.00	
\$ 668,847.00	
	\$ 600,000.00
	\$ 115,000.00
\$ 115,000.00	
	\$ 200,000.00
	\$ 889,075.00
	\$ 40,000.00
	\$ 622,244.00
\$ 1,643,000.00	
\$ 600,000.00	
\$ 600,000.00	
\$ 200,000.00	
\$ 2,057,000.00	
	\$ 135,000.00
\$ 40,000.00	
	\$ 600,000.00
\$ 240,900.00	
\$ 53,200.00	
\$ 333,100.00	
\$ 73,600.00	
\$ 37,000.00	
\$ 8,200.00	
\$ 622,244.00	
\$ 7,512,319.00	\$ 7,512,319.00

CITY OF SHERMAN
DEBT SERVICE
2012-2018

Fund	2014			2015		
	Principal	Interest	Total	Principal	Interest	Total
<u>General and Internal Service</u>						
<u>Leases</u>						
General Fund Leases	196,463	23,765	220,228	203,223	17,005	220,228
<u>CO Bonds</u>						
2008 CO Bond	210,000	150,049	360,049	215,000	142,357	357,357
April 2009 CO Bond	173,333	138,177	311,510	178,333	132,977	311,310
Fall 2009A CO Bond	130,000	113,663	243,663	135,000	109,763	244,763
	513,333	401,889	915,222	528,333	385,097	913,430
<u>TIF Funds</u>						
Town Center	201,667	114,186	315,853	206,667	105,904	312,571
<u>Utility Fund</u>						
GTUA-Existing Debt	2,991,188	1,331,964	4,323,152	3,095,168	1,248,948	4,344,116
GTUA-Projected New Debt	90,000	120,000	210,000	309,000	412,000	721,000
Leases	161,029	1,426	162,455	-	-	-
	3,242,217	1,453,390	4,695,607	3,404,168	1,660,948	5,065,116
<u>Auditorium</u>						
	55,000	55,425	110,425	60,000	53,338	113,338
GRAND TOTAL	\$ 4,208,680	\$ 2,048,655	\$ 6,257,335	\$ 4,402,391	\$ 2,222,292	\$ 6,624,683

CITY OF SHERMAN
DEBT SERVICE
2012-2018

Fund	2016			2017		
	Principal	Interest	Total	Principal	Interest	Total
<u>General and Internal Service</u>						
<u>Leases</u>						
General Fund Leases	210,191	10,038	220,229	162,532	2,779	165,311
<u>CO Bonds</u>						
2008 CO Bond	225,000	134,393	359,393	235,000	126,067	361,067
April 2009 CO Bond	180,000	127,627	307,627	185,000	121,327	306,327
Fall 2009A CO Bond	145,000	105,713	250,713	150,000	101,363	251,363
	550,000	367,733	917,733	570,000	348,757	918,757
<u>IIF Funds</u>						
Town Center	220,000	97,400	317,400	230,000	88,102	318,102
<u>Utility Fund</u>						
GTUA-Existing Debt	2,674,296	1,161,114	3,835,410	2,752,497	1,087,593	3,840,090
GTUA-Projected New Debt	543,500	412,000	955,500	409,500	546,000	955,500
Leases	-	-	-	-	-	-
	3,217,796	1,573,114	4,790,910	3,161,997	1,633,593	4,795,590
<u>Auditorium</u>						
	60,000	51,088	111,088	65,000	48,744	113,744
GRAND TOTAL	\$ 4,257,987	\$ 2,099,373	\$ 6,357,360	\$ 4,189,529	\$ 2,121,975	\$ 6,311,504

CITY OF SHERMAN
DEBT SERVICE
2012-2018

Fund	2018			2019		
	Principal	Interest	Total	Principal	Interest	Total
<u>General and Internal Service</u>						
<u>Leases</u>						
100/660	-	-	-	-	-	-
<u>CO Bonds</u>						
350	245,000	117,379	362,379	255,000	108,329	363,329
351	191,667	114,852	306,519	196,667	107,665	304,332
353	155,000	96,488	251,488	165,000	91,063	256,063
	591,667	328,719	920,386	616,667	307,057	923,724
<u>TIF Funds</u>						
320	238,333	78,360	316,693	248,333	68,146	316,479
<u>Utility Fund</u>						
700	2,851,939	1,009,625	3,861,564	2,966,547	927,507	3,894,054
700	409,500	546,000	955,500	409,500	546,000	955,500
	-	-	-	-	-	-
	3,261,439	1,555,625	4,817,064	3,376,047	1,473,507	4,849,554
310	70,000	46,213	116,213	70,000	43,500	113,500
<u>Auditorium</u>						
	\$ 4,161,439	\$ 2,008,917	\$ 6,170,356	\$ 4,311,047	\$ 1,892,210	\$ 6,203,257
<u>GRAND TOTAL</u>						

City of Sherman
Property Tax Historical Summary

Fiscal Year	Estimated Taxable Value (in 000)	Tax Levy (in 000)	Total Collections (in 000)	Property Tax Rate (per \$100)
2004	\$ 1,514,256	\$ 6,057	\$ 5,921	\$ 0.40
2005	\$ 1,557,228	\$ 6,229	\$ 6,258	\$ 0.40
2006	\$ 1,767,235	\$ 7,069	\$ 6,802	\$ 0.40
2007	\$ 1,894,959	\$ 7,580	\$ 7,283	\$ 0.40
2008	\$ 1,994,144	\$ 7,921	\$ 7,491	\$ 0.40
2009	\$ 2,070,926	\$ 6,627	\$ 6,478	\$ 0.32
2010	\$ 2,226,215	\$ 7,124	\$ 7,020	\$ 0.32
2011	\$ 2,213,943	\$ 7,085	\$ 6,923	\$ 0.32
2012	\$ 2,207,699	\$ 7,065	\$ 6,918	\$ 0.32
2013 (est)	\$ 2,286,000	\$ 7,315	\$ 7,154	\$ 0.32



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 3.

Meeting Date: 08/19/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND FIRST 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 introduce and hold the first public hearing on the Ad Valorem Tax Rate proposed for the upcoming fiscal year, as mandated by 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 first public hearing on the tax rate ordinance.
2. **Announce that 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.**

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 \$0.300266/\$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, \$0.300266 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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 4.

Meeting Date: 08/19/2013

Prepared By: Brandon Shelby, City Attorney

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5790

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

Issue:

Amending the Code of Ordinances to provide for the abatement of substandard structures

Background:

The Council has requested revisions to the City's substandard structure ordinance with the goal of encouraging property owner maintenance and reducing blight throughout the City.

Origination:

Council and City Attorney

Financial Consideration:

It is anticipated that the ordinance will be administered and enforced by existing staff. Additional staffing may eventually be necessary. Abatement costs may prove to be significant and require budgetary consideration.

Staff Recommendation:

It is recommended that the Council adopt the proposed ordinance.

Alternatives:

The Council could opt not to approve the proposed ordinance.

Attachments

Ordinance No. 5790

Substandard Structure Flowchart

ORDINANCE NO. 5790

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

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

SECTION 1. That, from and after October 1, 2013, Chapter 3, Article 3.06, be and is hereby amended at Division 2, Sections 3.06.011 through 3.06.022, so that such sections shall read as follows:

**Sec. 3.06.011 ~~Standard Unsafe Building Code Board of Adjustments and Appeals~~
Substandard Structure Commission**

(a) A ~~Standard Unsafe Building Code Board of Adjustments and Appeals~~. ("Board Substandard Structure Commission. ("Commission") is hereby created and established for the express purpose of providing for the final interpretation and implementation of the provisions of this Article. The ~~Board~~Commission shall consist of three (3) members and two (2) alternates who are not employees of the jurisdiction having authority and shall be appointed by the Council. The composition of the Board shall be architects, engineers, real property owners, or members at large from the electrical, plumbing, air-conditioning, construction or housing industry.

(b) Two (2) members of the ~~board~~commission shall constitute a quorum. In the application of any provisions of this code, affirmative votes of the majority present, but not less than two affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

Sec. 3.06.012 ~~Abatement of Dangerous Buildings~~Substandard Structures

(a) It shall be unlawful for any owner, ~~occupant~~, or other person in control of a building to allow that building to be in a condition that does not conform to the minimum standards.

(b) Any building that does not conform to the minimum standards is hereby declared to be a public nuisance and shall be ~~abated by vacation, relocation of occupants,~~subject to abatement by repair, demolition, or removal as necessary upon the issuance of an order to abate issued by the ~~Board~~Commission in accordance with the procedures specified in this article.

Sec. 3.06.013 Minimum Standards

(a) A building is considered not to meet the minimum standards of the City of Sherman ~~for continued use and occupancy of a building,~~ regardless of its date of construction, under any of the following conditions:

(1) Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to public health, safety and welfare; including, but not limited to:

(A) any building with roof, ceiling, floors, walls, sills, windows, or foundation or any combination thereof rotted or decayed, and falling apart; or that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, ~~old age,~~ or the elements;

(B) ~~Any building intended for human occupancy that is in danger of falling and injuring persons or property;~~ *any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises;*

(C) any building that is a fire ~~menace~~ *hazard* because it is in a dilapidated condition, as described in (A) and (B) above or that is likely to become a fire ~~menace~~ *hazard* or be set on fire;

(D) any building that is in unsanitary condition and is likely to create disease because of the presence of insects, rodents or vermin;

(E) any building that is damp and in unsanitary condition and is likely to create disease and sickness because of being in the condition in (A), (B), (C) or (D) above, or for other reasons;

(F) *any building that because of any physical condition, use or occupancy of any premises or its appurtenances would be considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, swimming pools and unsafe fences or structures;*

(G) *any building that because of the state of disrepair is such that it could reasonably cause injury, damage, or harm to a considerable portion of the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities living in the community.*

(2) Any building that is not occupied by its owners, lessees or other invitees and is not secure from unauthorized entry so that it could be entered or used by vagrants, other uninvited persons or children regardless of its structural condition.

(3) Any building that is boarded up, fenced or secured if:

(A) the building constitutes a danger to the public even though secured from entry; or

(B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

Sec. 3.06.014 Inspection and Notice of Abatement

(a) The city manager shall designate an appropriate official ("*building official*") of the city to inspect or cause to be inspected any building that he has probable cause to believe does not meet the minimum standards. If the inspecting official is unable to obtain permission to search the building from the owner or a person in control of the premises, the city shall apply for an administrative search warrant pursuant to Texas Code of Criminal Procedure section 18.05, as amended, unless an exception to the warrant requirement exists.

(b) After completing the inspection, the inspecting official shall determine if the building is a ~~dangerous building~~ *substandard structure*.

(c) After an initial determination that a building is a ~~dangerous building~~ *substandard structure*, the inspecting official will notify the owner of record of the building, by certified mail, return receipt requested, of the nature of the violation(s) of the minimum standards.

(d) The inspecting official shall also notify the owner of record of the building, *by certified mail, return receipt requested*, that the building is ~~dangerous~~ *a substandard structure* and that the owner must ~~vacate and/or~~ repair, demolish, or remove the building for the good of the public health, safety and welfare.

(e) *The inspecting official shall also notify the owner of record of the building, by certified mail, return receipt requested, that if said violations have not been cured after a period of thirty (30) days the inspection official will cause a hearing to be held with the Substandard Structure Commission in accordance with this Article.*

(f) A notice shall be posted on the dangerous building as follows:

"THIS BUILDING IS DANGEROUS A SUBSTANDARD STRUCTURE ACCORDING TO THE MINIMUM STANDARDS SET FORTH IN THE OFFICIAL CODE OF THE CITY OF SHERMAN, CHAPTER 3, ARTICLE 3.06 AND THE OWNER MUST REPAIR, DEMOLISH OR REMOVE IT.

CONTACT _____ AT _____ FOR FURTHER INFORMATION.

DATE: _____”

Sec. 3.06.015. Commission’s Order to Abate

(a) General. Whenever the building official has inspected or caused to be inspected any structure or lot and has found and determined that such structure or lot is substandard, he may commence proceedings to cause repair, rehabilitation, or demolition of the structure or lot.

(b) Notice and administrative order to abate. The building official shall issue a notice and administrative order to abate a substandard structure or lot. The notice and administrative order shall contain:

(1) The street address and a legal description sufficient for identification of the premises upon which the structure is located.

(2) A statement that the building official has found the structure or lot to be substandard with a brief and concise description of the conditions found to render the structure or lot substandard under the provisions of this Chapter.

(3) A statement of the action recommended to be taken, as determined by the building official as follows:

(A) if the building official has determined that the structure or lot must be repaired or remdiated, the administrative order shall require that all required permits be secured and work physically commenced within thirty (30) days from the date of the administrative order.

(B) if the building official has determined that the structure must be demolished, the administrative order shall require that all required permits be secured and work physically commenced within thirty (30) days from the date of the administrative order.

(4) A statement advising that a notice of hearing is forthcoming and a description of the hearing. The hearing shall provide the commission the means to consider or determine whether a structure or lot complies with the standards set forth herein and to consider or determine whether a structure or lot must be repaired or demolished, as recommended by the building official in the notice and administrative order.

(5) Statements advising that if the owner or owners of record are in full agreement with a demolition order, and that if the owner or owners of record are financially unable to abate such nuisance, then the owner or owners of record may grant the city written permission to abate said nuisance, and, in doing so shall grant the city a lien against the real property as described in this Article

(c) Notice of hearing. The building official shall give notice of a public hearing to all known owners, lienholders, or mortgagees for the commission to consider or determine whether a

structure or lot complies with this code and to consider or determine whether a structure or lot must be repaired, secured or demolished. The notice shall be mailed and posted as provided herein, and published in the official newspaper of the city on one occasion, on or before the tenth (10th) day before the date of the hearing. The notice of hearing shall contain:

- (1) The name and address of the owner of the affected property, if known;
- (2) A legal description of the property, as well as the physical address;
- (3) A description of the hearing;
- (4) The date, time, and place of the public hearing. This date shall be established not less than ten (10) days from the date of the administrative order;
- (5) A statement advising that securing the required permits and physically commencing the required action shall be considered as intent to comply with the administrative order to abate, and that the hearing shall be temporarily postponed. Should abatement halt, or not progress at a rate determined to be reasonable by the building official, the hearing shall be recalled; and
- (6) statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

(d) Service of notice and administrative order to abate and notice of hearing. The notice of the administrative order to abate, the notice of hearing and any supplemental notices or orders shall be served upon the owner, lessor, lienholder, and mortgagees of record and occupant, if different than the owner of the structure or lot. Service of these notices and orders shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice by certified mail, return receipt requested, and an optional second copy by regular mail, to each such person at his address as it appears on the county tax rolls, or as discovered by due diligence, as defined by subsections (d)(1)—(d)(6) of this section, and the notice shall be posted on the front door of each improvement situated on the affected property or as close to the front door as practical. The following of these procedures shall be prima facie evidence of notification. If a certified notice is returned as refused or unclaimed, the validity of the notice is not affected, and the notice shall be deemed delivered. The city has satisfied the requirements of this section to make a diligent effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the city searches the following records:

- (1) County real property records of the county in which the building is located;
- (2) Appraisal district records of the appraisal district in which the building is located;
- (3) Records of the secretary of state;

- (4) Assumed name records of the county in which the building is located;
- (5) City tax records; and
- (6) City utility records.

(e) Filing of notice and administrative order at the county. A copy of the notice and any administrative orders, or such orders as may be issued pursuant to these provisions, shall be filed with the county deed records in the county where the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, or upon a due diligence search as set forth herein, a legal description of the affected property, and a description of the proceeding. The filing of said notice and any said orders, is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of said notice or any said orders, and constitutes notice of said hearing and notice of any said orders, on any subsequent recipient of any interest in the property who acquires such interest after the filing of said notice or filing of any said orders.

(f) Meeting/public hearing. During an officially convened meeting, the commission shall hold a public hearing on each case and shall hear such testimony as may be presented by any department of the city, the housing inspector, or the owner, occupant, mortgagee or any other person having an interest in such building to determine whether a building complies with the standards of this code. The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this code and the time it will take to perform the work. After all testimony has been received, the public hearing shall be closed and the commission shall deliberate on the case in open session. The commission shall make written findings of fact from the testimony offered as to whether the building complies with the standards of this code.

(1) After the meeting, if a building is found in violation of the standards set forth herein, the commission may order that the building be secured, repaired, removed, or demolished by the owner within a reasonable time as provided herein. The commission reserves the right to determine what is a reasonable amount of time to perform the ordered work.

(2) The commission shall require the owner, lienholder, or mortgagee of the building to, within thirty (30) days:

(A) secure the building from unauthorized entry or use; or

(B) repair, remove, or demolish the building, unless the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.

If the commission allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the commission shall

establish specific schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in an approved manner from unauthorized entry while the work is being performed, as determined by the commission.

(3) The commission may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

(A) submits a detailed plan and time schedule for the work at the hearing; and

(B) establishes at the hearing that the work cannot justifiably be completed within ninety (90) days because of the scope and complexity of the work.

If the commission allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the commission shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the building official and to the commission to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of work. The order may require that the owner, lienholder, or mortgagee appear before the commission to demonstrate compliance with the time schedule.

(g) Post meeting procedure. The secretary for the commission shall, within ten (10) days after the date the order is issued:

(1) File a copy of the order in the office of the city clerk;

(2) Publish in a newspaper of general circulation in the city a notice containing:

(A) the street address or legal description of the property;

(B) the date of the hearing;

(C) a brief statement indicating the results of the order; and

(D) instructions stating where a complete copy of the order may be obtained; and

(3) Shall promptly mail by certified mail, return receipt requested, and an optional second copy by regular mail, a copy of the order to the owner, any lienholder, and any mortgagee of the building, as determined by due diligence, as defined herein.

Sec. 3.06.016 Enforcement

(a) Criminal.

(1) A person who violates a provision of this code, or who fails to perform an act required of him by this code, or who fails to adhere to an order issued by the Commission under this code, commits a Class C misdemeanor offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(2) An offense under this code is punishable by a fine of \$500.00 per day per violation.

(3) Allegation and evidence of a culpable mental state is not required for the commission of an offense under this code.

(b) Civil.

(1) The city may, in accordance with sections 54.012 et seq. of the Texas Local Government Code, as amended, bring a civil action against a person violating a provision of this code relating to dangerously damaged or deteriorated structures or improvements or for conditions caused by accumulations of trash, garbage, refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(2) The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000.00 for each day or portion of a day during which the violation is committed, continued, or permitted by the owner or occupant of the property, as provided below.

(3) The city, by order of the commission, may assess and recover a civil penalty against a property owner, if the owner fails to take the requisite action as ordered by the commission, after an administrative hearing on the matter. The civil penalty may not exceed \$1,000.00 a day for each violation if the city proves:

(A) the property owner was notified of the requirements of this code and the owner's need to comply with the requirements; and

(B) after notification, the property owner committed an act in violation of this code or failed to take an action necessary for compliance with this code.

(4) A determination by the commission which involves the establishment of an amount and duration of a civil penalty shall be final and binding and constitute prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with the established penalty.

(5) To enforce any civil penalty under this section, the City must file in the district clerk's office in which the municipality and property is located, a certified copy of the order of the commission establishing the amount and duration of the penalty. No other proof is required for a district court to enter final judgment on the penalty.

(c) *Other available remedies. The city shall have all other available remedies at law and in equity to enforce the provisions of this Article.*

Sec. 3.06.017 Authority to Secure ~~Building~~ Unoccupied, Unsecured, Substandard, Open Buildings and Structures

(a) ~~The city may secure a building that it determines does not meet the minimum standards and is unoccupied or occupied only by persons who do not have a right to possess the building.~~ Purpose. *The owner or person in control of an unoccupied structure shall ensure that the building is in such condition that an unauthorized person cannot enter the structure through missing or unlocked doors or windows or through other openings into the building. The city may secure unoccupied, unsecured structures, or structures occupied by persons who do not have the right of possession to the building. A lien may be filed on real property to ensure the cost of securing the structure as set forth in this Article.*

(b) Definitions.

(1) *An unsecured structure is hereby defined to be any structure or building that currently has no occupant with the right of possession of the building and which has missing or unlocked doors or windows, or other unsecured openings into the building through which unauthorized persons can enter. Any unoccupied, unsecured structure or building is hereby declared to be a danger to public health and safety and is hereby declared to be a public nuisance.*

(2) *An unoccupied structure is hereby defined to be any structure or building that appears vacant or abandoned as evidenced by: no active utility accounts, absence of personalty, general conditions of neglect and any other substantiated evidence of vacancy or abandonment that may be presented by the building official.*

(c) City may secure.

(1) *The building official may secure a building that:*

(A) *violates the standards of this code; and*

(B) *is an unsecured structure.*

(2) *This authority is in addition to that regarding substandard structures.*

(d) Notice.

~~(b) — Before the 11th day after the date the building is secured, the city shall give notice to the owner of record by: (1) Before the eleventh (11th) day after the date the building is secured, the building official shall give notice to the owner of record by:~~

~~(1)~~ (A) *personally serving the owner with written notice; or*

~~(2) (B) depositing~~ *sending a copy of the notice in the United States mail by certified mail, return receipt requested, and an optional copy by regular mail, addressed to the owner at the owner's last known post office or physical address; or*

~~(3) (C) publishing the notice at least twice within a ten (10) day period in a the city's official newspaper of general circulation in Grayson County~~ *if personal service cannot be obtained and the owner's post office or physical address is unknown; or*

~~(4) (D) posting the notice on or near the front door of the building if personal service cannot be obtained and or the owner's post office or physical address is unknown.~~

~~(c) The notice shall contain an identification of the building and the property on which it is located, a description of the existing violation(s) of the minimum standards, and a statement that the municipality will secure or has secured the building.~~

~~(d) The notice shall also state that the owner may request a hearing about any matter related to the city's securing of the building, and that if such a hearing is requested, it shall be held pursuant to Texas Local Government Code section 214.0011(e), as amended~~

(2) The notice must contain the following:

(A) an identification, which is not required to be a legal description, of the building and the property on which it is located;

(B) a description of the violation of this code that is present at the building;

(C) a statement that the city will secure or has secured, as the case may be, the building; and

(D) a statement that the owner may request a hearing about any matter related to the city's securing of the building, and that if such a hearing is requested, it shall be held pursuant to Texas Local Government Code section 214.0011(e), as amended

(3) The city shall conduct a hearing before the commission at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within thirty (30) days after the date the city secures the building, the owner files with the secretary for the commission, or the city secretary, a written request for the hearing. The city shall conduct the hearing within twenty (20) days after the date the request is filed.

~~Sec. 3.06.016~~ Notice of Public Hearing

~~(a) If the owner does not reply or take action within fifteen (15) days from the date the notice was mailed, the inspecting official shall request that the Standard Unsafe Building Code Board~~

~~of Adjustments and Appeals (the “Board” herein) hold a public hearing to determine whether the building complies with the minimum standards set forth in this article. The Board shall then order a public hearing.~~

~~(b) When the Board orders a public hearing, the city shall make a diligent effort to discover the identity and address of the owner(s) of record and any lienholders or mortgagees of the building and the underlying property.~~

~~(c) The city shall notify each owner, lienholder, or mortgagee by personal delivery or by certified mail, return receipt requested, and notify any unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable, that the Board will hold a public hearing in reference to the building and that the interested party may appear at the public hearing, be heard, and present evidence in reference to the condition of the building.~~

~~(d) The notice shall further advise the owner, lienholder, or mortgagee or unknown owner that it will have the burden of proof at such hearing and will be required to submit at the hearing proof of the scope of any work that may be required to make the building comply with the ordinance and the amount of time it will take to reasonably perform the work.~~

~~(e) The city may also file a notice of the public hearing in the official public records of real property in Grayson County. The notice must contain the name and address of the owner of the property (if it can be determined from a reasonable search of county records), a legal description of the affected property and a description of the hearing.~~

Sec. 3.06.017—Order to Abate

~~(a) If the Board finds at the public hearing that the building is in violation of the minimum standards, the Board shall require the owner, lienholder, or mortgagee to complete the following within thirty (30) days:~~

~~(1) secure the building from unauthorized entry;~~

~~(2) repair, demolish or remove the building unless the lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.~~

~~(b) If the Board finds at the public hearing that the building is in violation of the minimum standard and the building is occupied, the Board may order the relocation of the occupants within a reasonable time.~~

~~(c) The city shall promptly serve by personal delivery or by certified mail, return receipt requested, a copy of any order issued pursuant to subsection (a) of this section, to the owner of record of the building and to any lienholder or mortgagee along with a notice containing:~~

~~(1) an identification of the building and the property on which it is located;~~

~~(2) — a description of the violation(s) of the minimum standards; and~~

~~(3) — a statement that the municipality will secure, vacate, repair, remove or demolish the building if the ordered action is not taken by the owner within a reasonable time.~~

~~(d) — The order shall allow the owner thirty (30) days to complete the ordered action, unless the Board determines from the evidence presented at the public hearing that additional time is required. If the Board allows more than thirty (30) days to repair, remove or demolish the building, it shall establish specific time schedules for the commencement and performance of the work and require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry until the work is completed.~~

~~(e) — The order shall also state that any lienholders or mortgagees of the building and/or the underlying property shall have an additional thirty (30) days to complete the ordered action if the owner fails to comply within the time allotted in subsection (c) above.~~

~~(f) — The Board may not allow the owner, lienholder or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building unless the requirements of Texas Local Government Code section 214.001(j) and section 214.001(k), as amended, are met.~~

Sec. 3.06.018 — Filing and Publication of Order

~~Within ten (10) days following the date that an order is issued, the city shall:~~

~~(1) — file a copy of the order in the office of the city clerk of the City of Sherman; and~~

~~(2) — publish in a newspaper of general circulation in the City of Sherman a notice containing the following:~~

~~(A) — the street address or legal description of the property;~~

~~(B) — the date the hearing was held;~~

~~(C) — a brief statement indicating the results of the order; and~~

~~(D) — instructions stating where a complete copy of the order may be obtained.~~

Sec. 3.06.019 Appeals

Any owner, lienholder or mortgagee of record of a property jointly or severally aggrieved by an order of the ~~Board~~ *Commission* under this article shall be entitled to judicial review of said order pursuant to Texas Local Government Code section 214.0012, as amended.

Sec. 3.06.020 — Penalty

~~Any person convicted of violating any provision of this division shall be guilty of a Class C misdemeanor and shall be subject to a fine in accordance with the general penalty provision found in [section 1.01.009](#) of this code. Each day or fraction of a day such violation continues shall constitute a separate offense.~~

Sec. 3.06.019 Abatement by City and Liens

(a) If an owner or other interested party does not take the action required by an order issued pursuant to this Article within the time specified and has not filed a timely appeal in accordance with this Article and the Texas Local Government Code section 214.0012 the city may take the appropriate action at its expense at the direction of the City Council in accordance with the laws of the State of Texas.

(b) Any expenses incurred by the city pursuant to subsection (a) of this section will be assessed against the property on which the building stands or stood. The city will have a privileged lien upon filing same in the official public records of the Grayson County Clerk subordinate only to tax liens against the property unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.

Sec. 3.06.020 Receiver

The city may bring an action in district court against an owner of residential property that is not in substantial compliance with the minimum standards and request the appointment of a receiver for purposes of rehabilitating the property in accordance with Texas Local Government Code section 214.003, as amended

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 of 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

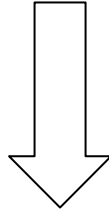
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

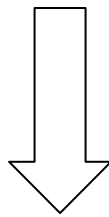
**APPROVED AS TO FORM
AND CONTENT:**

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

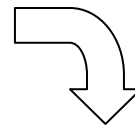
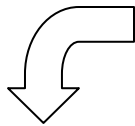
NOTICE OF VIOLATION



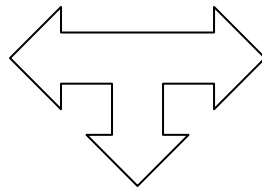
HEARING
BEFORE
COMMISSION



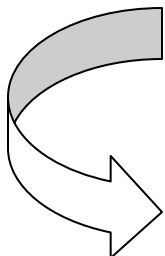
ENFORCEMENT



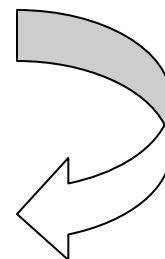
CRIMINAL



CIVIL



DISTRICT COURT
RULING ON
NUISANCE AND
ABATEMENT
ACTION BY CITY





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 5.

Meeting Date: 08/19/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5791

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"

Issue:

To consider amending Chapter 1, Article 1.02, Section 1.02.004 of the Code of Ordinances to assess a One Dollar and Twenty-Five Cents (\$1.25) convenience fee for all online and telephone payments

Background:

In December of 2012, the City Council received a presentation by Customer Service Manager Angela Gurley on an Interactive Voice Response (IVR) System for the Utility Billing Department. Prior to the implementation of the IVR System, electronic check was not an available method of payment. The current Code of Ordinances specifies that only *credit cards* incur the convenience fee for telephone and online payments. This amended ordinance allows the City to collect the \$1.25 convenience fee for *all* payments made online or by phone, including *electronic checks*.

Origination:

Robby Hefton, Assistant City Manager/CFO

Financial Consideration:

The City is expected to recoup at least \$1,000.00 annually by implementing this convenience fee for electronic checks.

Staff Recommendation:

It is recommended that the Council adopt the proposed ordinance to establish a \$1.25 convenience fee for *all* online and telephone payments.

Alternatives:

The Council could opt not to approve the proposed ordinance.

Attachments

Ordinance No. 5791

ORDINANCE NO. 5791

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

WHEREAS, the City Council desires to amend the code of ordinances to assess a convenience fee for all payments made online, through the City of Sherman's website, or over the telephone; and

WHEREAS, the City will continue to absorb other fees associated with processing payments;

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

SECTION 1. That, from and after the passage of this ordinance, Chapter 1, Article 1.02, be and is hereby amended at Section 1.02.004 so that such section shall read as follows:

Sec. 1.02.004 Convenience fee for ~~credit card~~ online and telephone payments

A convenience fee of One Dollar and Twenty-Five Cents (\$1.25) per transaction shall be assessed to the customer paying ~~by credit card~~ through the City's website or over the telephone to reimburse the City for reasonable expenses incurred to process the transaction. No convenience fee will be assessed to customers paying ~~by credit card~~ in person, by mail, or through a monthly recurring payment option.

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 of 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**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 6.

Meeting Date: 08/19/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5783, 5790 and 5791

List of Agenda Items:

B.2. SECOND PUBLIC HEARING OF ORDINANCE NO. 5783

Providing for the Appropriation of Funds for Operating and Capital Expenditures for the Fiscal Year beginning October 1, 2013, and ending September 30, 2014

B.4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5790

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

B.5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5791

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"



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 7.

Meeting Date: 08/19/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

CONSENT AGENDA

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

List of Agenda Items:

- C.1. * RESOLUTION NO. 5794**
Authorizing Execution of a Contract with Grayson County for Ad Valorem Tax Assessment and Collection Services
- C.2. * 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
- C.3. * 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
- D.2. * OTHER BUSINESS**
Approve Quarterly Investment Reports for Period Ending June 30, 2013
- D.4. * OTHER BUSINESS**
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
- D.5. * OTHER BUSINESS**
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

D.6. * *OTHER BUSINESS*

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 1.

Meeting Date: 08/19/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5794**

Authorizing Execution of a Contract with Grayson County for Ad Valorem Tax Assessment and Collection Services

Issue:

The renewal of a contract with Grayson County for Ad Valorem Tax Assessment and Collection Services

Background:

The last time the City entered into a contract with Grayson County for tax collection services was in September 2001. This contract has been automatically renewed under the same terms and conditions every year since then. The County is asking the City and other taxing entities to execute a new contract that would be in effect during the period of September 1, 2013 through August 31, 2014, and would automatically renew every year thereafter for an additional one-year term until terminated in writing.

Origination:

Mr. Bruce Stidham, Grayson County Tax Assessor-Collector

Financial Consideration:

For the tax collection services provided, the City will pay the County \$.90 per parcel per year, not to exceed the actual cost of collection. The number of parcels will be certified by the Grayson Appraisal District each year. This amount, totalling about \$19,000, is currently budgeted and is also included for the budget for fiscal year 2014.

Staff Recommendation:

It is recommended the Council approve this Ad Valorem Tax Assessment and Collection Contract between Grayson County and the City of Sherman.

Alternatives:

None recommended

Attachments

Resolution No. 5794

Ad Valorem Tax Assessment and Collection Contract with Grayson County

RESOLUTION NO. 5794

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; 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, 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 for ad valorem tax assessment and collection services during the one-year period effective September 1, 2013, and thereafter, in accordance with the terms and provisions of the contract documents attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

**AD VALOREM TAX ASSESSMENT AND COLLECTION CONTRACT
BETWEEN GRAYSON COUNTY AND THE CITY OF SHERMAN**

This contract is between Grayson County (**COUNTY**) and the City of Sherman (**CITY**) and is pursuant to Texas Tax Code Sections 6.24 and 25.17 and the Texas Government Code, Chapter 791. The parties desire to contract with each other for the services of ad valorem tax assessing and collecting. The **COUNTY** acting by and through its Commissioners' Court have authorized the Grayson County Tax Assessor-Collector to execute this contract and the **CITY** acting by and through its Board of Trustees have authorized the President of the Board to execute this contract.

1. For the considerations stated herein and under the provisions of V.T.C.A Government Code, Chapter 791, the Interlocal Cooperation Act, V.T.C.A., Texas Property Tax Code, Section 6.24 and 25.17, the **COUNTY**, through its duly elected Tax Assessor-Collector, shall serve as tax assessor-collector for **CITY** for ad valorem tax purposes during the term of this contract and any renewals thereof, as herein provided. The **COUNTY** agrees to perform for **CITY** all necessary duties as authorized by all applicable statutes, and the **CITY** expressly authorizes the **COUNTY**, through its duly elected Tax Assessor-Collector and its attorneys, to do and perform all acts necessary and proper to assess and collect taxes for **CITY**.
2. The **COUNTY** agrees to prepare and mail all tax statements, provide monthly collection reports to **CITY**, prepare tax certificates, develop and maintain current and delinquent tax rolls, meet all applicable requirements of the Texas Property Tax Code, and develop and maintain such other records and forms as are necessary or required by state laws, rules, and regulations. The **COUNTY** will maintain written policies and procedures for its operations and agrees to make available to **CITY** copies of all such policies and procedures as well as any written reports reasonably necessary to keep **CITY** informed of all financial information affecting them.
3. If **CITY** fails to adopt its tax rate by September 29th (current year) or if the **CITY's** adopted tax rate exceeds the roll back rate for a particular year, any additional costs incurred by **COUNTY** related thereto will be the responsibility of **CITY**. **COUNTY** shall maintain an accounting for any and all such additional costs incurred and, upon submission of that accounting, **CITY** shall make payment within sixty days of receipt of the accounting.
4. **CITY** hereby agrees and expressly authorizes the **COUNTY** to contract on **CITY's** behalf with private legal counsel for the collection of delinquent taxes in accordance with Section 6.30 of Texas Property Tax Code. **CITY** further agrees that such fee as is allowed by law and provided for in the contract with private legal counsel will be paid from the delinquent taxes, penalty and interest collected for **CITY** by such private legal counsel.
5. **COUNTY**, through its tax assessor-collector or attorney, shall send notices of delinquency and collection costs as required by Texas Tax Code Section 33.07, 33.08 & 33.11, as applicable.

6. For the current tax year and each year thereafter that this agreement remains in effect, **CITY** agrees to pay the **COUNTY** \$0.90 (ninety cents) per parcel per year, not to exceed the actual cost of collection. This collection fee is the same fee paid by all other governmental entities to the **COUNTY**.
7. The **COUNTY** agrees to allow an audit of the tax records at any time. If the audit is requested by **CITY**, the expense of such an audit shall be paid by **CITY**. **CITY** agrees to furnish a copy of other audits reflecting findings, reportable conditions, or material weaknesses in internal accounting controls relating to the taxing functions of **CITY**. The **COUNTY's** audit does not extend to **CITY**. Internal audits by the **COUNTY** Auditor do not extend to **CITY**.
8. The **COUNTY** agrees to obtain a surety bond for the **COUNTY** Tax Assessor-Collector to assure proper performance of the Collecting function provided in this contract upon the request of **CITY**. Such bond shall be payable to **CITY** in the sum specified by **CITY**. A solvent surety company authorized to do business in the State of Texas shall execute such bond. **CITY** agrees to pay the premiums on all bonds required by **CITY**.
9. The **COUNTY** agrees to make payments of taxes into such depositories as selected by **CITY**. The **COUNTY** shall make tax payments to **CITY** on a daily basis through ACH, unless the accumulated tax payments to **CITY** are less than \$500.
10. The effective date of this contract shall be the 1st day of September, 2013. The initial term of this contract shall be for a period of one year, from September 1, 2013, to and through August 31, 2014. This contract is hereby automatically renewed each year for an additional one (1) year term unless written notice of termination is provided by the terminating party to the other party prior to one hundred-twenty (120) days of the expiration date of the contract. In the event of a termination notice, **CITY** shall be obligated to pay such payments as required by this agreement through the last day the term of this contract and the **COUNTY** shall be obligated to provide all services pursuant to this agreement through last day of the term of this contract.
11. Upon termination of this contract, **CITY** may secure copies of all necessary records for the assessment and collection of its taxes from the **COUNTY** and **CITY** shall pay reasonable costs of reproduction.
12. The **COUNTY** shall return all pertinent records to **CITY** if this agreement is terminated due to judicial decree, by agreement of all taxing entities served by the Tax Assessor-Collector, or any other legal reason.
13. The **COUNTY** and **CITY** acknowledge that the Grayson Central Appraisal District determines the ownership and sets the values on all properties and such values are provided to the **COUNTY** for tax assessment. After the assessments are made and certified, it is agreed that the **COUNTY** will not change any assessments without written authorization from Grayson Central Appraisal District or judicial determination.
14. Each party agrees to indemnify and hold the other party harmless from all claims, demands, causes of action, losses, costs and liabilities for negligence and misconduct, including but not limited to reasonable attorneys' fees incurred as a result of its action and the actions of its employees, agents, and representatives. Each party shall give the other party immediate written

notice of any claim, suit, or demand, which may be subject to this provision. This provision shall survive the termination of this agreement.

15. This Agreement contains the complete agreement between the parties with respect to the subject matter thereof and may not be modified except by written agreement signed by both parties. This Agreement supersedes all previous written and oral agreements between the parties.

16. If any term or provision of this Agreement is found to be unenforceable or void, in whole or in part, then the offending term or provision shall be construed as valid and enforceable to the maximum extent permitted by law, and the balance of the Agreement shall remain in full force and effect.

Entered and executed on this the _____ day of _____, _____.

COUNTY:

CITY:

By: _____
Bruce Stidham
Grayson County
Tax Assessor-Collector

By: _____
Mayor

Attested By: _____
Wilma Bush
Grayson County Clerk

Attested By: _____
City Secretary



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 2.

Meeting Date: 08/19/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

*** 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

Issue:

Authorizing an encroachment into the street right-of-way of Flanary Road for a private waterline

Background:

Panda Sherman Power, LLC has requested permission to place a 16" waterline in the Flanary Road right-of-way to accommodate the Panda Power project.

Origination:

Panda Sherman Power, LLC.

Financial Consideration:

None

Staff Recommendation:

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

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5795

Encroachment Easement

Exhibit "A"

Location Map

RESOLUTION NO. 5795

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

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to Panda Sherman Power, LLC in substantially the same form as presented at this meeting, for the construction of a 16" waterline in the street right of way of Flanary Road, in accordance with the encroachment easement document and location map approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

§

§

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

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of constructing a 16" waterline within the herein described right-of-way. As shown on the attached exhibit the encroachment will encroach into the Street Right-of-Way (Excavation Information: 6' Wide, 20' Length and 6'7" Depth). GRANTEE agrees that all maintenance of the waterline shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

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

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the waterline and loss of use of such area. If it is necessary that the waterline be removed, GRANTOR will not unreasonably withhold consent for GRANTEE to relocate the waterline to a location which is as close as is reasonable possible to its original location.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

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

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

PANDA SHERMAN POWER, LLC
Richard Evans:

BY: R. J. Evans

ADDRESS: 4100 Spring Valley, Suite 1001

Dallas, TX 75244

PHONE #: (972) 301-2000

ACKNOWLEDGEMENT

STATE OF TEXAS *

*

COUNTY OF Dallas *

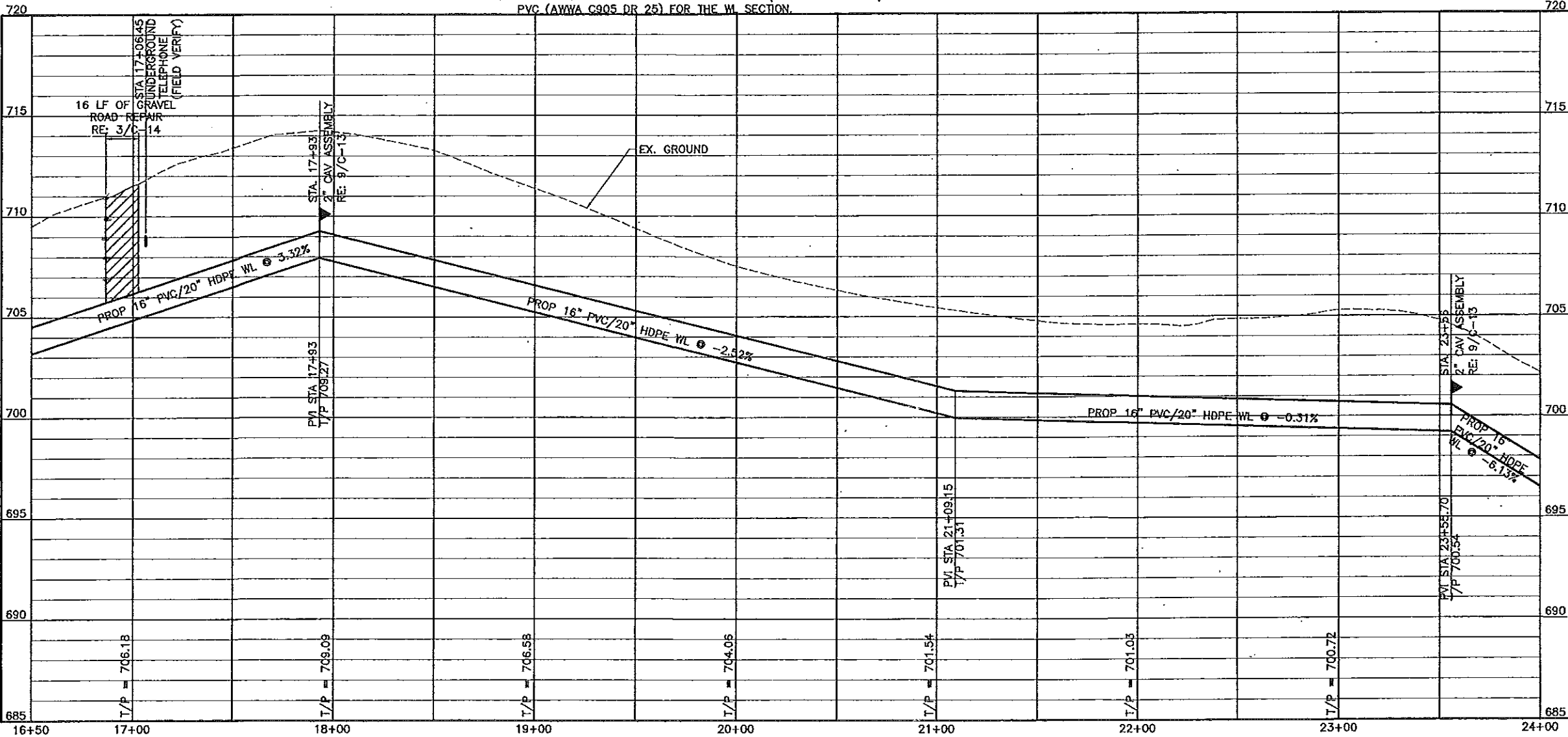
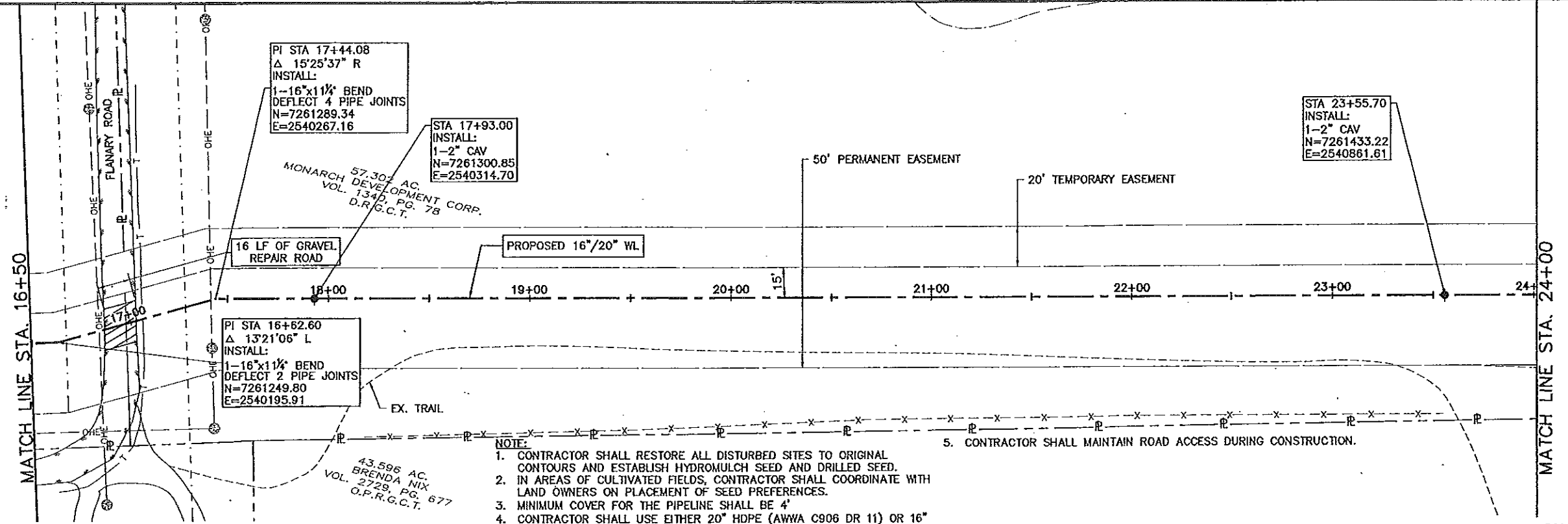
BEFORE ME, the undersigned authority, on this day personally appeared **Richard Evans**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 9th
day of August, A.D., 2013.

NOTARY SIGNATURE: Sarah Grace McLeroy

COMMISSION EXPIRES: _____





- NOTE:
1. CONTRACTOR SHALL RESTORE ALL DISTURBED SITES TO ORIGINAL CONTOURS AND ESTABLISH HYDROMULCH SEED AND DRILLED SEED.
 2. IN AREAS OF CULTIVATED FIELDS, CONTRACTOR SHALL COORDINATE WITH LAND OWNERS ON PLACEMENT OF SEED PREFERENCES.
 3. MINIMUM COVER FOR THE PIPELINE SHALL BE 4'
 4. CONTRACTOR SHALL USE EITHER 20" HDPE (AWWA C906 DR 11) OR 16" PVC (AWWA C905 DR 25) FOR THE WL SECTION.
 5. CONTRACTOR SHALL MAINTAIN ROAD ACCESS DURING CONSTRUCTION.

Freese and Nichols, Inc.
Texas Registered Engineering Firm F-2144

FREESE NICHOLS
6136 Freese Square Blvd. Suite 200
Houston, Texas 77054
Phone - (713) 624-2201
Fax - (713) 624-2202
Web - www.freese.com

4/30/13

PANDA SHERMAN POWER

SHERMAN POWER PLANT RAW WATER SUPPLY

CIVIL

16 INCH WATERLINE PLAN AND PROFILE

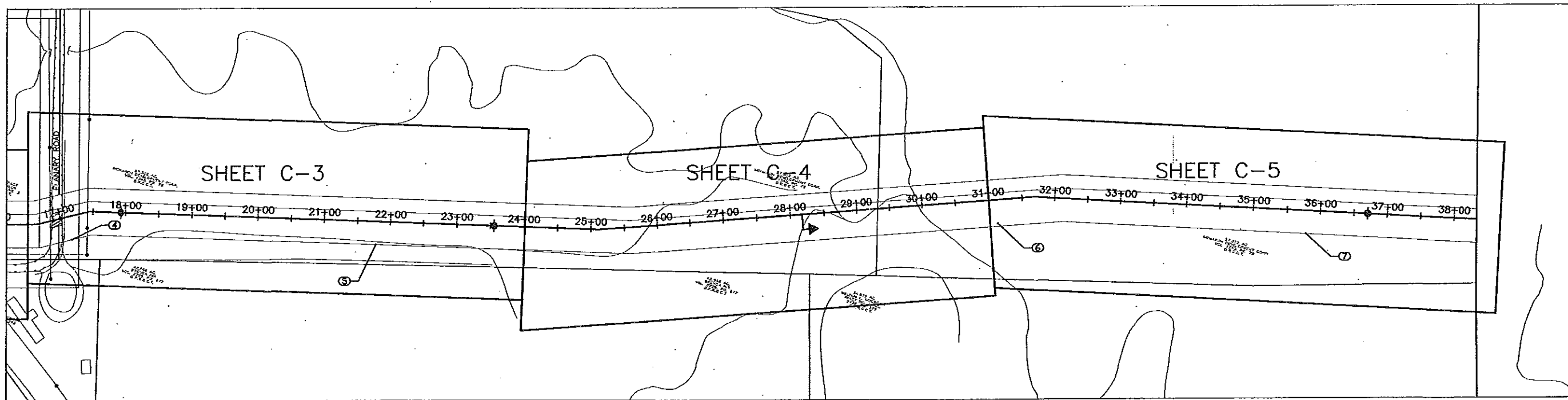
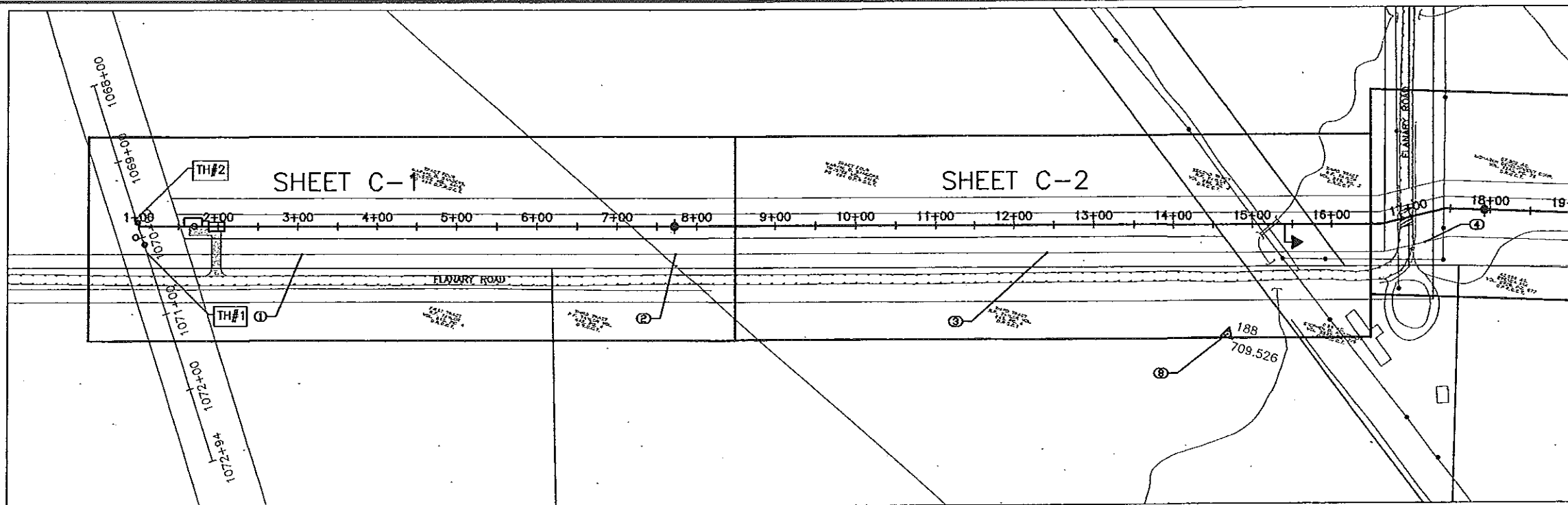
STA. 16+50 TO STA. 24+00

NO.	ISSUE	BY	DATE	FOR JOB NO.	PN012260
				DATE	04/30/13
				DESIGNED	RE
				DRAWN	MB
				NOTED	JP
				FILE NAME	CV-PPL-PP-WTR-3.dwg

VERIFY SCALE: Bar is one inch on original drawing, if not one inch on this sheet, adjust scale.

SHEET C-3

SEQ. 6



NOTE:
THE CONTRACTOR IS RESPONSIBLE FOR FILTERING ALL WATER DRAINED FROM THE 72" PIPELINE BY UTILIZING MOBILE BAG/CARTRIDGE FILTER UNITS AT BLOW OFF VALVES. A 35 MICRON BAG FILTER MESH IS REQUIRED. CONTAINMENT CONSISTING OF TANKS AND BERMED MATTING WILL BE USED TO CONTAIN ANY WATER THAT MAY BE SPILLED DURING OPERATION OR DRAINING OF THE FILTERS. THIS WATER WILL BE PUT BACK IN THE PIPELINE OR RE-FILTERED. BAG/CARTRIDGE CONTENTS WILL BE PROPERLY DISPOSED OF.

VAULT SITE ADDRESS
5200 FLANNERY ROAD
SHERMAN, TEXAS 75092

SUE TABLE				
POINT NO.	T.O.P. ELEV.	NORTHING	EASTING	DESCRIPTION
TH#2	717.59	7260836.89	2538686.24	PIPE JOINT #1376
TH#1	716.32	7260797.31	2538711.65	PIPE JOINT #1375

SHEET INDEX

POINT TABLE				
POINT NO.	NORTHING	EASTING	CONTROL POINT DESCRIPTION	ELEV
1	7260849.19	2538898.36	CP-1	723.81
2	7260975.84	2539349.06	CP-2	725.60
3	7261102.76	2539800.37	CP-3	715.33
4	7261242.11	2540253.71	CP-4	714.12
5	7261357.83	2540697.68	CP-5	707.61
6	7261639.73	2541589.83	CP-6	683.55
7	7261748.33	2542039.98	CP-7	686.99
8	7261064.60	2540045.84	CP-8	709.53

HORIZONTAL AND VERTICAL CONTROL DATUM BASE NOTE:
HORIZONTAL AND VERTICAL DATA SHOWN HEREON IS BASED ON THE STATE PLANE COORDINATE SYSTEM (NAD 83) FOR THE TEXAS NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE. SURFACE SCALE FACTOR=1.0001525440 GRID SCALE FACTOR=0.9998474793 HELD POINT-CONTROL POINT #9 N=7,120,174.02 E=2,581,072.02 EL=583.34

Freese and Nichols, Inc. F-2144
Texas Registered Engineering Firm

FREESE & NICHOLS
1136 Freese Square Blvd., Suite 200
Dallas, Texas 75244
Phone - (972) 424-9201
Fax - (972) 424-9202
Web - www.freese.com

SHERMAN POWER PLANT RAW WATER SUPPLY

GENERAL

INDEX OF DRAWINGS AND CONTROL PLAN

NO. 12260
DATE 04/30/13
DESIGNED DH
DRAWN MB
CHECKED
FILE NAME GN-ALL-INDEX.dwg

BY

DATE

NO. 12260

DATE 04/30/13

DESIGNED DH

DRAWN MB

CHECKED

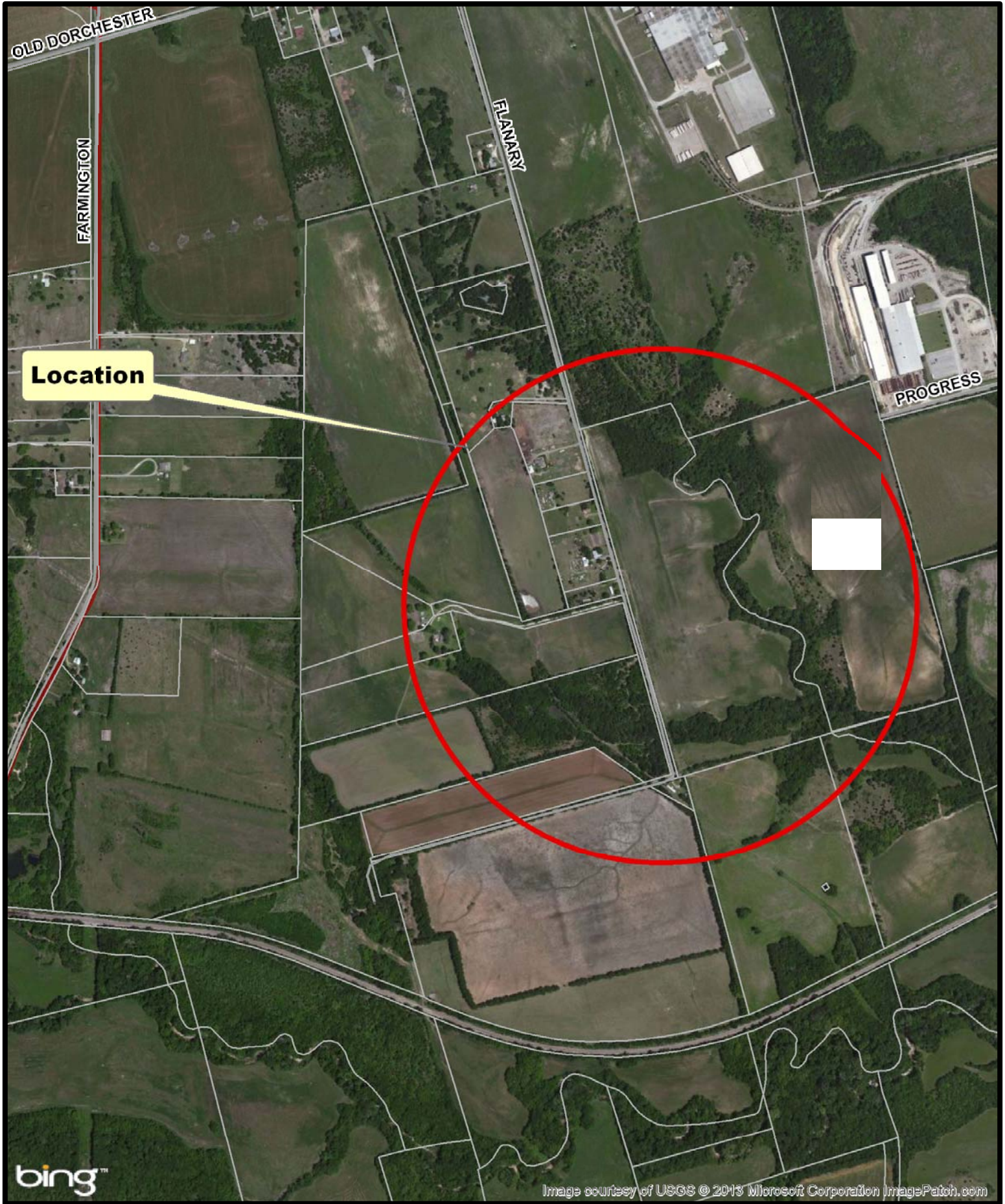
FILE NAME GN-ALL-INDEX.dwg

SHEET

SEQ.

G-1

2



bing™

Image courtesy of USGS © 2013 Microsoft Corporation ImagePatch.com

Sherman
CLASSIC TOWN. BROAD HORIZON.

Engineering Department

920 460 0 920 Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 3.

Meeting Date: 08/19/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

*** 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

Issue:

To consider acceptance of the contract with TPC Controls, Inc. for the Sherman Wastewater Treatment Plant (WWTP) Headworks Lift Station Variable Frequency Drive Improvements

Background:

TPC Controls, Inc. has completed all work required under its contract for the Sherman WWTP Headworks Lift Station Variable Frequency Drive Improvements.

Origination:

Great Texoma Utility Authority (GTUA)

Financial Consideration:

This Project was funded through a GTUA revenue bond issue.

Staff Recommendation:

It is recommended that the attached resolution be approved by the City Council.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5796

Project Completion Certifications

Project Location Map

RESOLUTION NO. 5796

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

WHEREAS, the City of Sherman has entered into a Contract with TPC Controls, Inc. for improvements to the Sherman Wastewater Treatment Plant Headworks Lift Station Variable Frequency Drive; and

WHEREAS, representatives of the City of Sherman and the project engineer have inspected improvements and found the project to be complete;

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

SECTION 1. That the City of Sherman hereby formally accepts the contracted work of TPC Controls, Inc. for the Sherman Wastewater Treatment Plant Headworks Lift Station Variable Frequency Drive improvements.

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**

CERTIFICATE OF PROJECT COMPLETION

Project: SHERMAN WWTP HEADWORKS LIFT STATION VARIABLE
FREQUENCY DRIVE IMPROVEMENTS

Date of Issuance: July 25, 2013

Owner: Greater Texoma Utility Authority/City of Sherman, Texas

Contractor: TPC Controls, Inc.

Engineer: Freeman-Millican, Inc.

This Certificate of Project Completion applies to all Work under Contract Documents or to the following specified parts thereof:

All specified work

To: Greater Texoma Utility Authority/City of Sherman, Texas
OWNER

And to _____ TPC Controls, Inc.
CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be complete in accordance with Contract Documents on

_____ January 24, 2013 _____
Date of Completion

From the date of Completion the responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

RESPONSIBILITIES:

OWNER: Security, operation, safety, maintenance, heat, utilities, insurance

CONTRACTOR: Two Years Contractor's Guarantee (from the date of completion),
Payment and Performance Bonds

The following documents are attached to and made a part of this Certificate:

Contractor's Guarantee, Consent of Surety, Final Pay Estimate

This certificate does not constitute an acceptance of work not in accordance with the Contract Documents nor is it a release of CONTRACTOR'S obligations to complete the Work in accordance with the Contract Documents.

Executed by ENGINEER on July 25, 2013.

Freeman-Millican, Inc.
ENGINEER
By: David E. Jattis

CONTRACTOR'S CERTIFICATION AND GUARANTEE

Date: July 25, 2013

Project: SHERMAN WWTP HEADWORKS LIFT STATION VARIABLE
FREQUENCY DRIVE IMPROVEMENTS

Owner: Greater Texoma Utility Authority/City of Sherman

Contractor: TPC Controls, Inc.

Date of Contract: June 28, 2012

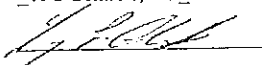
Date of Project Completion: January 24, 2013

Final Contract Amount: \$195,600.00

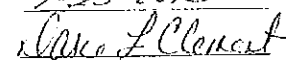
The CONTRACTOR certifies that (1) all payments received from OWNER on account of WORK done under the CONTRACT have been applied to discharge obligations of CONTRACTOR incurred in connection with WORK; and (2) title to all materials and equipment incorporated in said WORK will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances.

The CONTRACTOR shall guarantee all materials and equipment furnished and WORK performed for a period of two (2) years from the date of completion as evidenced by the Engineer's Final Certificate. The CONTRACTOR warrants and guarantees for a period of two (2) years from the date of completion that all work under the CONTRACT is free from faulty materials in every particular and free from improper workmanship, and against injury from proper and usual wear, and agrees to replace or to re-execute without cost to the OWNER such work as may be found to be improper or imperfect and to make good all damages caused to the other work or materials, due to such required replacement or re-execution. The OWNER will give notice of observed defects with reasonable promptness. In the event that the CONTRACTOR should fail to make such repairs, adjustments, or other work that may be made necessary to such defects, the OWNER may do so and charge the CONTRACTOR the cost thereby incurred. The PERFORMANCE BOND shall remain in full force and effect through the guarantee period.

Contractor: TPC Controls, Inc.

By: 

Date: 7-25-2013

Attest: 

**CONSENT OF
SURETY COMPANY
TO FINAL PAYMENT**

AIA DOCUMENT G707

OWNER ☒
ARCHITECT
CONTRACTOR
SURETY
OTHER

Bond No. 4385903

PROJECT: Post Oak Wastewater Treatment Plant Headworks Lift Station Variable Frequency
(name, address) Drive Improvements
Sherman TX

TO (Owner) [

Greater Texoma Utility Authority
5100 Airport Dr.
Denison, TX 75020

]

ARCHITECT'S PROJECT NO:

CONTRACT FOR: Construction

]

CONTRACT DATE: 4/16/2012

CONTRACTOR: TPC Controls, Inc.
707 Mill Creek Road
Pottsboro TX 75076

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(here insert name and address of Surety Company)

SureTec Insurance Company
5741 Legacy Drive, Suite 210
Plano, TX 75024

on bond of (here insert name and address of Contractor)

TPC Controls, Inc.
707 Mill Creek Road
Pottsboro TX 75076

, SURETY COMPANY,

hereby approves of the final payment to the Contractors, and agrees that final payment to the Contractor shall not relieve
the Surety Company of any of its obligations to (here insert name and address of Owner)

Greater Texoma Utility Authority
5100 Airport Dr.
Denison, TX 75020

, CONTRACTOR,

as set forth in the said Surety Company's bond.

, OWNER,

IN WITNESS WHEREOF,

the Surety Company has hereunto set its hand this 26th day of June, 2013

SureTec Insurance Company

Surety Company

Attest:
(Seal):

Sandra Roney

Ray Watson
Signature of Authorized Representative

Wilbert Raymond Watson

Attorney-In-Fact

Title

NOTE: This form is to be used as a companion document to AIA DOCUMENT G706, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS, Current Edition

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Sammy J. Mullis Jr., John William Newby, Wilbert Raymond Watson, Patricia Lee Bartlett, Carolyn J. Goodenough, Troy Russell Kay, Sandra Lee Roney, Debra Lee Moon, Andrea Rose Crawford its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 12/31/2014 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 3rd day of September, A.D. 2010.

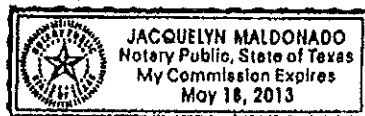
SURETEC INSURANCE COMPANY

By: John Knox Jr., President

State of Texas
County of Harris



On this 3rd day of September, A.D. 2010 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



Jacquelyn Maldonado
Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2013

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 26th day of June, 2013, A.D.

M. Brent Beaty
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

PROJECT LOCATION

LADD

STATE HWY 11

FM 1417

POST OAK

LUELLA

HESTAND

ELK



Wastewater Treatment Plant



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 1.

Meeting Date: 08/19/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Providing for the Ratification of the Property Tax Increase

Issue:

Ratify the property tax increase reflected in the 2013-2014 Operating Budget

Background:

Texas Local Government Code Section 102.007 requires that a vote separate from both the adoption of the budget and the adoption of the tax rate be made to disclose the amount and percentage increase of the proposed property tax revenue as compared to the prior year budget. The 2013-2014 Operating Budget contains \$524,000 and 7.3% more revenue from property taxes than was originally budgeted in the prior year, of which \$134,000 is tax revenue from new property.

Origination:

Assistant City Manager/Chief Financial Officer

Financial Consideration:

The only cost associated with this item was the cost of the public notice of the meeting on the public hearing to adopt the budget.

Staff Recommendation:

The staff recommends the Council, **by motion and order**, ratify the property tax increase.

Alternatives:

This action is required by State law; therefore, no alternatives are recommended by the staff.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 2.

Meeting Date: 08/19/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Approve Quarterly Investment Reports for Period Ending June 30, 2013

Issue:

To approve the Investment Reports for the quarterly period ending June 30, 2013

Background:

These reports are being presented in accordance with the state law that requires at least quarterly presentation to the Council. The reports were given to the Investment Committee prior to submittal to the Council. Both the Operating portfolio and CO Debt Proceeds portfolio are presented.

As of June 30, 2013, both portfolios were in compliance with applicable state laws 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; and 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.

Origination:

Finance

Financial Consideration:

None

Staff Recommendation:

It is recommended that the Council accept the reports as presented.

Alternatives:

The Council could offer suggestions for improvement or could request more frequent reporting.

Attachments

Memo to Investment Committee

Investment Report - Operating Portfolio

Investment Report - CO Debt Portfolio



memorandum

DATE: Tuesday, August 13, 2013

TO: The Investment Committee Members:
Councilman Jason Sofey
Councilman Robert G. Softly
George Olson, City Manager

FROM: Robby Hefton, Assistant City Manager/CFO 

SUBJECT: Investment Reports for Quarter Ended June 30, 2013

Enclosed is a copy of the quarterly investment reports for the quarter ended June 30, 2013. Reports are included for the two major portfolios – the operating portfolio and the CO Debt portfolio. As of that date, the City was in compliance with all applicable state laws and internal policies for both portfolios.

The total operating portfolio balance of about \$21.0 million decreased during the quarter by about \$1.3 million due to seasonally slowing property tax collections and had a weighted-average maturity of about 316 days, up from 302 days last quarter, because of securities purchased during the quarter. The portfolio yield of 0.39% was higher than our benchmark 180-day T-Bill yield, which was 0.11%; and book value closely approximated market value.

Also, as of June 30, 2013, all of the CO Debt Proceeds was invested in pooled investments, yielding 0.08%, approximating the yield of the benchmark 180-day T-Bill rate. The Debt Proceeds portfolio balance remained unchanged during the quarter because no payments were made from these funds on construction projects.

This investment reports will be on the August 19, 2013 City Council Agenda for their review and approval. Please call me if you have any questions about this item.

RH:pc

attachments (as stated above)

CITY OF SHERMAN, TX
Investment Report Summary
June 30, 2013

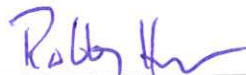
This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law. At June 30, 2013 investment book value was about \$21.0 million and had decreased as expected by approximately \$1.3 million from three months prior due to the seasonal decline in property tax collections. The City's investment portfolio includes interest-bearing demand deposits, bank time deposits at our depository bank, Texas Political Subdivision Obligations, CDARS certificates of deposit, investment pools that strive to maintain a 100% net asset value, a U.S. Treasury Note and U.S. Agency securities.

The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of June 30, 2013. The weighted-average maturity of the portfolio increased to about 316 days at June 30, 2013 compared to about 302 days at March 31, 2013 due to investment purchases.

The market value of the portfolio was 99.98% of book value as of June 30, 2013. The portfolio yield of 0.39% at June 30, 2013 was higher than the benchmark yield on the 180-day T-Bill, which was 0.11%.

One security matured during the quarter with a par value of \$1.0 million. Five securities were purchased with a par value of \$1.1 million. Accrued interest of about \$5,500 was added to CD principal. All other transactions were routine.

The following schedules are also a part of this investment report.



Robby Hefton, Assistant City Manager/CFO
and City of Sherman Investment Officer



Mary Lawrence, Controller and City of
Sherman Investment Officer

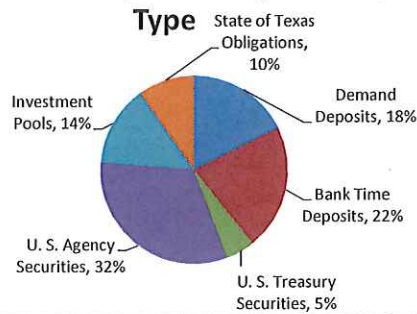
CITY OF SHERMAN, TX
Detailed Investment Report
As of June 30, 2013

Investment	Par	VALUES - MARCH 31, 2013		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - JUNE 30, 2013		
		Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change In Market Price	Book	Market	
DEMAND DEPOSITS										
Depository Bank		\$ 4,456,459	\$ 4,456,459	\$ (1,509,398)	\$ -	\$ (1,509,398)	\$ -	\$ 2,947,061	\$ 2,947,061	
Depository Bank-TIF Funds		743,336	743,336	371	-	371	-	743,706	743,706	
		5,199,795	5,199,795	(1,509,028)	-	(1,509,028)	-	3,690,767	3,690,767	
BANK TIME DEPOSITS										
Certificate of Deposit 0.70% 7/11/2013		1,516,442	1,516,442	2,588	-	2,588	-	1,519,030	1,519,030	
Certificate of Deposit 0.40% 12/08/2013		1,005,274	1,005,274	1,003	-	1,003	-	1,006,277	1,006,277	
Certificate of Deposit 0.25% 5/9/2013		1,001,891	1,001,891	(1,001,891)	-	(1,001,891)	-	-	-	
Certificate of Deposit 0.45% 4/3/14		1,004,460	1,004,460	1,128	-	1,128	-	1,005,588	1,005,588	
Certificate of Deposit 0.35% 9/28/2014		1,000,000	1,000,000	863	-	863	-	1,000,863	1,000,863	
		5,528,067	5,528,067	(996,309)	-	(996,309)	-	4,531,758	4,531,758	
INVESTMENT POOLS										
Tex-Pool		1,557,588	1,557,728	-	299	-	206	1,557,887	1,557,934	
TexStar		1,382,097	1,382,271	-	273	-	195	1,382,370	1,382,467	
		2,939,685	2,940,000	-	572	-	401	2,940,257	2,940,401	
SECURITY INVESTMENTS										
FHLB 2.63% 9/13/2013	400,000	403,636	404,533	-	(1,976)	-	(2,547)	401,660	401,986	
FNMA 1.13% 9/30/2013	1,000,000	1,002,619	1,004,938	-	(1,302)	-	(2,505)	1,001,317	1,002,433	
FNMA 2.75% 3/13/2014	1,000,000	1,024,481	1,024,477	-	(6,420)	-	(6,721)	1,018,061	1,017,756	
FHLMC 4.60% 4/2/14	1,250,000	1,303,227	1,304,703	-	(13,198)	-	(14,046)	1,290,029	1,290,658	
AUS 0.711% 9/1/2014	285,000	294,914	295,995	-	(1,738)	-	(1,847)	293,176	294,149	
MES TX REF 2.00% 2/15/2015	140,000	-	-	143,504	(63)	143,504	(823)	143,441	142,681	
MES TX CTFS 2.00% 2/15/2015	115,000	-	-	117,878	(52)	117,878	(676)	117,826	117,202	
FNMA .375% 3/16/15	1,000,000	995,679	1,001,352	-	550	-	(1,242)	996,229	1,000,110	
US Treasury 1.875% 6/30/15	1,000,000	1,030,127	1,035,703	-	(3,339)	-	(5,703)	1,026,788	1,030,000	
FHLMC 0.65% 8/28/2015	1,000,000	1,000,000	1,004,100	-	-	-	(1,319)	1,000,000	1,002,781	
FHLB 1.625% 12/11/2015	1,000,000	1,031,677	1,031,321	-	(2,927)	-	(7,232)	1,028,750	1,024,089	
NW IND SCH 4.60% 2/15/2016	350,000	-	-	388,087	(1,450)	388,087	(3,238)	386,637	384,850	
UNT FS 4.50% 4/15/2016	250,000	-	-	278,153	(1,012)	278,153	(3,691)	277,141	274,463	
LCRA TX 5.00% 5/15/2016	290,000	-	-	327,300	(1,303)	327,300	(4,168)	325,997	323,133	
SNGS 1.00% 8/15/2016	500,000	505,837	508,095	-	(431)	-	(5,740)	505,406	502,355	
		8,592,196	8,615,217	1,254,922	(34,661)	1,254,922	(61,496)	9,812,458	9,808,644	
		22,259,743	22,283,078	(1,250,414)	(34,089)	(\$1,250,414)	(61,095)	20,975,240	20,971,569	

CITY OF SHERMAN, TX
Comparison of Portfolio to Policy Limits
As of June 30, 2013

<u>LIMITS ON TYPES OF SECURITIES</u>	<u>Target Investment Level</u>	<u>Portfolio Cap</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Demand Deposits	100%	100%	17.60%	82.40%
Bank Time Deposits	25%	30%	21.61%	8.39%
U. S. Treasury Securities	80%	85%	4.90%	80.10%
U. S. Agency Securities	45%	50%	32.11%	17.89%
Investment Pools	45%	50%	14.02%	35.98%
State of Texas Obligations	45%	50%	9.77%	40.23%

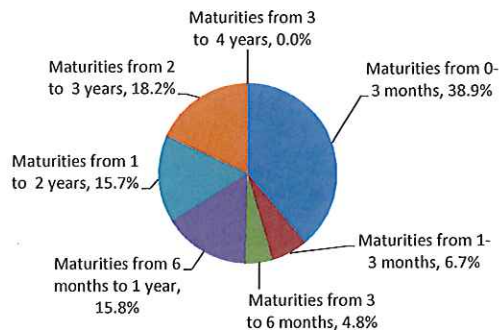
Portfolio Composition by Security



<u>LIMITS ON MATURITIES</u>	<u>Minimum Allowable Percentage of Portfolio</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Available within 1 month	25%	38.86%	13.86%
Available within 3 months	33%	45.54%	12.54%
Available within 6 months	45%	50.34%	5.34%
Available within 1 year	60%	66.14%	6.14%
Available within 2 years	70%	81.80%	11.80%
Available within 3 years	80%	100.00%	20.00%
Available within 4 years	90%	100.00%	10.00%
Available within 5 years	100%	100.00%	0.00%

	<u>Maximum Allowable</u>	<u>Actual Average Maturity</u>	<u>Policy Limit Days Available</u>
Weighted Average Days to Maturity	500	316.36	183.64

Portfolio Composition by Maturity



CITY OF SHERMAN, TX

Calculation of Weighted Average Maturity and Yield

As of June 30, 2013

	<u>S&P Rating</u>	<u>Market Value</u>	<u>Book Value</u>	<u># of Days To Maturity</u>	<u>Original Yield to Maturity</u>	<u>Percent of Portfolio</u>
Demand Deposits						
Depository Bank		\$2,947,061	\$ 2,947,061	0	0.20%	14.05%
Depository Bank -TIF Funds		<u>743,706</u>	<u>743,706</u>	0	0.20%	<u>3.55%</u>
		3,690,767	3,690,767			17.60%
Bank Time Deposits						
Certificate of Deposit 0.70% 7/22/2013		1,519,030	1,519,030	42	0.70%	7.24%
Certificate of Deposit 0.40% 12/8/2013		1,006,277	1,006,277	161	0.40%	4.80%
Certificate of Deposit 0.45% 4/03/2014		1,005,588	1,005,588	277	0.45%	4.79%
Certificate of Deposit 0.35% 9/28/2014		<u>1,000,863</u>	<u>1,000,863</u>	455	0.35%	<u>4.77%</u>
		4,531,758	4,531,758			21.61%
Investment Pools						
Tex-Pool	AAAm	1,557,934	1,557,887	1	0.08%	7.43%
TexStar	AAAm	<u>1,382,467</u>	<u>1,382,370</u>	1	0.08%	<u>6.59%</u>
		2,940,401	2,940,257			14.02%
Federal Securities and Notes						
FHLB 2.63% 9/13/2013	AAA	401,986	401,660	75	0.61%	1.91%
FNMA 1.13% 9/30/2013	AAA	1,002,433	1,001,317	92	0.60%	4.77%
FNMA 2.75%3/13/2014	AAA	1,017,756	1,018,061	256	0.18%	4.85%
FHLMC4.60% 4/2/14	AAA	1,290,658	1,290,029	276	0.36%	6.15%
FNMA .375% 3/16/15	AAA	1,000,110	996,229	624	0.60%	4.75%
US TREA 1.875% 6/30/15	AAA	1,030,000	1,026,788	730	0.52%	4.90%
FHLMC 0.65% 8/28/15	AAA	1,002,781	1,000,000	789	0.65%	4.77%
FHLB 1.62% 12/11/2015	AAA	<u>1,024,089</u>	<u>1,028,750</u>	894	0.44%	<u>4.90%</u>
		7,769,813	7,762,834			37.01%
State of Texas Obligations						
AUS 0.71% 9/01/2014	AAA	294,149	293,176	428	0.71%	1.40%
MES TX REF 2.00%2/15/2015	AAA	142,681	143,441	595	0.48%	0.68%
MES TX CTFS 2.00%2/15/2015	AAA	117,202	117,826	595	0.48%	0.56%
NW IND SCH 4.60%2/15/2016	AAA	384,850	386,637	960	0.55%	1.84%
UNT FS 4.50%4/15/2016	AAA	274,463	277,141	1,020	0.55%	1.32%
LCRA TX 5.00%5/15/2016	AAA	323,133	325,997	1,050	0.61%	1.55%
SNGS 1.00% 8/15/2016	AAA	<u>502,355</u>	<u>505,406</u>	1,142	0.65%	<u>2.41%</u>
		2,038,831	2,049,624			9.77%
		<u>\$20,971,569</u>	<u>\$20,975,240</u>			<u>100.00%</u>

Weighted Average Maturity

	<u>Actual</u>	<u>Maximum</u>
Weighted Average Days to Maturity	316.36	500
Weighted Average Days to Maturity-Operating (ex.depository bank-checking)	383.92	500

Weighted Average Yield

Weighted Average Yield	0.39%
Weighted Average Yield - Operating (excluding depository bank-checking)	0.43%
Target Yield to Maturity of 180 day T-Bill at June 30, 2013	0.06%

CITY OF SHERMAN, TX
Market Value Analysis
As of June 30, 2013

CHANGES IN MARKET VALUE:

BEGINNING VALUE - March 31, 2013		\$22,283,078
<u>INVESTMENT ACTIVITY:</u>		
Purchases	1,260,504	
Maturities	(1,001,891)	
Net Changes in Market Price	<u>(61,496)</u>	
		197,118
Bank and Pooled Investment Deposits/(Withdrawals) - Net		<u>(1,508,627)</u>
ENDING VALUE - June 30, 2013		<u><u>\$20,971,569</u></u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

<u>BEGINNING VALUE - March 31, 2013</u>		
Market Value	\$22,283,078	
Book Value	\$22,259,743	
Ratio of Market Value to Book Value		100.10%
 <u>ENDING VALUE - June 30, 2013</u>		
Market Value	\$20,971,569	
Book Value	\$20,975,240	
Ratio of Market Value to Book Value		99.98%

CITY OF SHERMAN, TX
Quarter to Date Investment Transaction Report
As of June 30, 2013

PURCHASES

<u>Date</u>	<u>Type</u>	<u>Principal Purchase Price</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>	<u>Maturity Date</u>
4/28/2013	CD .35%	\$ 863	\$ 863	0.35%	9/28/2014
4/30/2013	CD .45%	\$ 372	\$ 372	0.45%	4/3/2013
5/11/2013	CD .70%	\$ 2,588	\$ 2,588	0.70%	7/22/2013
5/23/2013	NW IND SCH 4.60%	\$ 278,153	\$ 250,000	0.55%	4/15/2016
5/23/2013	UNT FS 4.50%	\$ 388,087	\$ 350,000	4.60%	2/15/2016
5/23/2013	LCRA TX 5.00%	\$ 327,300	\$ 290,000	0.61%	5/15/2016
5/31/2013	CD .45%	\$ 384	\$ 347	0.45%	4/3/2014
6/19/2013	MES TX REF 2.00%	\$ 143,504	\$ 140,000	0.48%	2/15/2015
6/19/2013	MES TX CTFS 2.00%	\$ 117,878	\$ 115,000	0.48%	2/15/2015
6/30/2013	CD .45%	\$ 372	\$ 372	0.45%	4/3/2014
6/30/2013	CD .40%	\$ 1,003	\$ 1,003	0.40%	12/8/2013

Total Purchases \$ 1,260,504 \$ 1,150,545

MATURITIES

<u>Date</u>	<u>Type</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>
5/24/2013	CD .25%	\$ 1,000,000	0.25%

Total Maturities \$ 1,000,000

CITY OF SHERMAN, TX
Interest Receivable and Earned Interest Income
June 30, 2013

Investment	Original Yield	Interest Receivable March 31, 2013	Purchased Interest	Interest Received	Coupon Interest	Interest Receivable June 30, 2013	Amortization/ Accretion	Earned Interest Income
DEMAND DEPOSITS								
Depository Bank	0.20%	\$ -	\$ -	2,678	2,678	\$ -	\$ -	2,678
Depository Bank-TIF Funds	0.20%	-	-	279	279	-	-	279
		-	-	2,957	2,957	-	-	2,957
TIME DEPOSITS								
Certificate of Deposit .70% 7/22/2013	0.70%	1,388	-	2,588	2,646	1,446	-	2,646
Certificate of Deposit .40% 12/8/2013	0.40%	-	-	1,003	1,003	-	-	1,003
Certificate of Deposit 0.25% 5/9/2013	0.25%	344	-	700	356	-	-	356
Certificate of Deposit 0.45% 4/3/2014	0.45%	-	-	1,128	1,128	-	-	1,128
Certificate of Deposit 0.35% 9/28/2014	0.35%	595	-	863	873	605	-	873
		2,327	-	5,419	6,006	2,051	-	6,006
INVESTMENT POOLS								
Tex-Pool	0.08%	-	-	299	299	-	-	299
TexStar	0.08%	-	-	273	273	-	-	273
		-	-	572	572	-	-	572
SECURITY INVESTMENTS								
FHLB 2.63% 9/13/2013	0.61%	518	-	-	2,623	3,141	(1,976)	647
FNMA 1.13% 9/30/2013	0.60%	5,594	-	5,625	2,856	2,825	(1,302)	1,554
FHLMC 2.75% 3/13/2014	0.18%	1,298	-	-	6,875	8,173	(6,420)	455
AUS 7.1% 9/1/2014	0.71%	701	-	-	2,132	2,833	(1,738)	394
MES TX REF 2.00% 2/15/2015	0.68%	-	-	-	85	85	(63)	22
MES TX CTFS 2.00% 2/15/2015	0.56%	-	-	-	70	70	(52)	18
FHLMC 4.60% 4/2/14	0.36%	28,435	-	28,750	14,336	14,021	(13,198)	1,138
FNMA .375% 3/16/15	0.60%	135	-	-	948	1,083	550	1,498
US Treasury 1.875% 6/30/15	0.52%	4,623	-	-	4,675	9,298	(3,339)	1,336
FHLMC 0.65% 8/28/2015	0.65%	560	-	-	1,643	2,203	-	1,643
FHLB 1.625% 12/11/2015	0.44%	4,950	-	8,125	4,021	846	(2,927)	1,094
NW IND SCH 4.60% 2/15/2016	1.84%	-	4,651	-	1,699	6,350	(1,450)	249
UNT FS 4.50% 4/15/2016	1.32%	-	1,375	-	1,188	2,563	(1,012)	176
LCRA TX 5.00% 5/15/2016	1.55%	-	564	-	1,531	2,095	(1,303)	228
SNGS 1.00% 8/15/2016	0.65%	1,149	-	-	1,422	2,571	(431)	991
		47,963	6,590	42,500	46,104	58,157	(34,661)	11,443
		\$50,290	\$6,590	\$51,448	\$55,639	60,208	(\$34,661)	\$20,978

CITY OF SHERMAN, TX
CO Debt Proceeds
Investment Report Summary
June 30, 2013

This report complies with the requirements of the public funds investment law and covers the Certificate of Obligation Debt Proceeds of the City of Sherman that is subject to that law. At June 30, 2013, investment book value was about the same as the previous quarter. The City's investment portfolio was invested in an investment pool that strives to maintain a 100% net asset value.

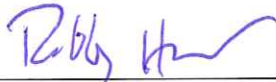
The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of June 30, 2013. The weighted-average maturity of the portfolio was 1 day at June 30, 2013.

The market value of the portfolio was 100.01% of book value as of June 30, 2013.

The portfolio yield of 0.08% at June 30, 2013 was lower than the benchmark yield of .11% on the 180-day T-Bill.

All other transactions were routine.

The following schedules are also a part of this investment report.



Robby Hefton, Assistant City Manager/CFO
and City of Sherman Investment Officer



Mary Lawrence, Controller and City of
Sherman Investment Officer

CITY OF SHERMAN, TX
CO Debt Proceeds
Detailed Investment Report - Debt Proceeds
As of June 30, 2013

Investment	VALUES - March 31, 2013		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - June 30, 2013	
	Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change In Market Price	Book	Market
INVESTMENT POOLS TexStar-2009A Bonds	55,740	55,747	-	11	-	8	55,751	55,755
	55,740	55,747	-	11	-	8	55,751	55,755

CITY OF SHERMAN, TX
CO Debt Proceeds
Comparison of Portfolio to Policy Limits
As of June 30, 2013

<u>LIMITS ON MATURITIES</u>	<u>Minimum Allowable Percentage of Portfolio</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Cash Demands within 1 month	100.00%	100.00%	0.00%
Cash Demands within 3 months	100.00%	100.00%	0.00%
Cash Demands within 6 months	100.00%	100.00%	0.00%
Cash Demands within 1 year	100.00%	100.00%	0.00%
Cash Demands within 2 years	100.00%	100.00%	0.00%

	<u>Maximum Allowable</u>	<u>Actual Average Maturity</u>	<u>Policy Limit Days Available</u>
<u>Weighted Average Days to Maturity</u>	500	1.00	499.00

CITY OF SHERMAN, TX
CO Debt Proceeds
Calculation of Weighted Average Maturity and Yield
As of June 30, 2013

Investment Pools					
	<u>Market Value</u>	<u>Book Value</u>	<u># of Days To Maturity</u>	<u>Original Yield to Maturity</u>	<u>Percent of Portfolio</u>
Tex-Star-2009A Bonds	55,755	55,751	1	0.08%	100.00%
TOTAL	\$ 55,755	\$ 55,751			100.00%

Weighted Average Maturity

Weighted Average Days to Maturity	1
-----------------------------------	---

Weighted Average Yield

Weighted Average Yield	0.08%
Yield to Maturity of 180 day T-Bill at June 30, 2013	0.11%

CITY OF SHERMAN, TX
CO Debt Proceeds
Market Value Analysis
As of June 30, 2013

CHANGES IN MARKET VALUE:

BEGINNING VALUE - March 31, 2013	\$55,747
<u>INVESTMENT ACTIVITY:</u>	
Purchases	-
Maturities	-
Net Changes in Market Price	-
Bank and Pooled Investment Deposits/(Withdrawals) - Net	\$8
ENDING VALUE - June 30, 2013	<u><u>\$55,755</u></u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

<u>BEGINNING VALUE - March 31, 2013</u>		
Market Value	\$55,747	
Book Value	\$55,740	
Ratio of Market Value to Book Value		100.01%
 <u>ENDING VALUE - June 30, 2013</u>		
Market Value	\$55,755	
Book Value	\$55,751	
Ratio of Market Value to Book Value		100.01%

CITY OF SHERMAN, TX
CO Debt Proceeds
Quarter To Date Investment Transaction Report
As of June 30, 2013

PURCHASES

There were no purchases during the period.

MATURITIES

There were no maturities during the period.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 3.

Meeting Date: 08/19/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Receive Director of Public Works Don Keene's Update on the "Fielder Park Neighborhood Revitalization Pilot Project"

Issue:

An update on the City of Sherman's Neighborhood Revitalization Pilot Project at Fielder Park

Background:

The project was approved as part of the City's 2012-2013 Capital Improvement Program. Director of Public Works Don Keene will present a status update on the project.

Origination:

City Manager

Financial Consideration:

There is no financial impact associated with this presentation; it is for informational purposes only.

Staff Recommendation:

The Council need take no action on this agenda item.

Alternatives:

None



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 4.

Meeting Date: 08/19/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of the Sherman Independent School District and the Sherman High School Student Council to Temporarily Close Certain Streets for the 2013 Sherman High School Homecoming Parade on Tuesday, September 3, 2013

Issue:

The Sherman Independent School District (SISD) and the Sherman High School Student Council have submitted a request to close certain streets in the downtown area for the 2013 Sherman High School Homecoming Parade, taking place at 6:30 p.m. on Tuesday, September 3, 2013.

Background:

The SISD and Sherman High School Student Council are co-sponsoring the 2013 Sherman High School Homecoming Parade on Tuesday, September 3rd. The parade will assemble at 5:30 p.m. and will end no later than 7:30 p.m. It will follow the route described in the attached request and outlined on the attached map. The event will require traffic control assistance and barricades from the City of Sherman.

Origination:

Dr. Al Hambrick, Ed.D., SISD Superintendent

Financial Consideration:

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

Staff Recommendation:

It is recommended that the City Council approve this request and authorize the necessary traffic control and support to accommodate the event.

Alternatives:

As directed by the Council

Attachments

Dr. Hambrick's written request dated April 25, 2013

Map of Proposed Route

P.O. BOX 1176 SHERMAN, TEXAS 75091-1176



PHONE# (903)891-6400 FAX# (903)891-6407

April 25, 2013

VIA FACSIMILE & U.S. MAIL

903-957-3260

Mr. George Olson
Sherman City Manager
220 West Mulberry Street
Sherman, TX 75090

Dear Mr. Olson:

Sherman High School Student Council and SISD are requesting to schedule the annual Sherman High School Homecoming Parade for Tuesday, September 3, 2013 at 6:30 p.m.

We would like to use the following route for the annual parade: East on Mulberry to Travis, South on Travis to Houston, West on Houston to Crockett, North on Crockett to Pecan, West on Pecan to Rusk.

Student Council also requests to use the block of Rusk between Pecan and Washington to assemble the parade. They will assemble at 5:30 p.m. and will have the area cleared by 7:30 p.m.

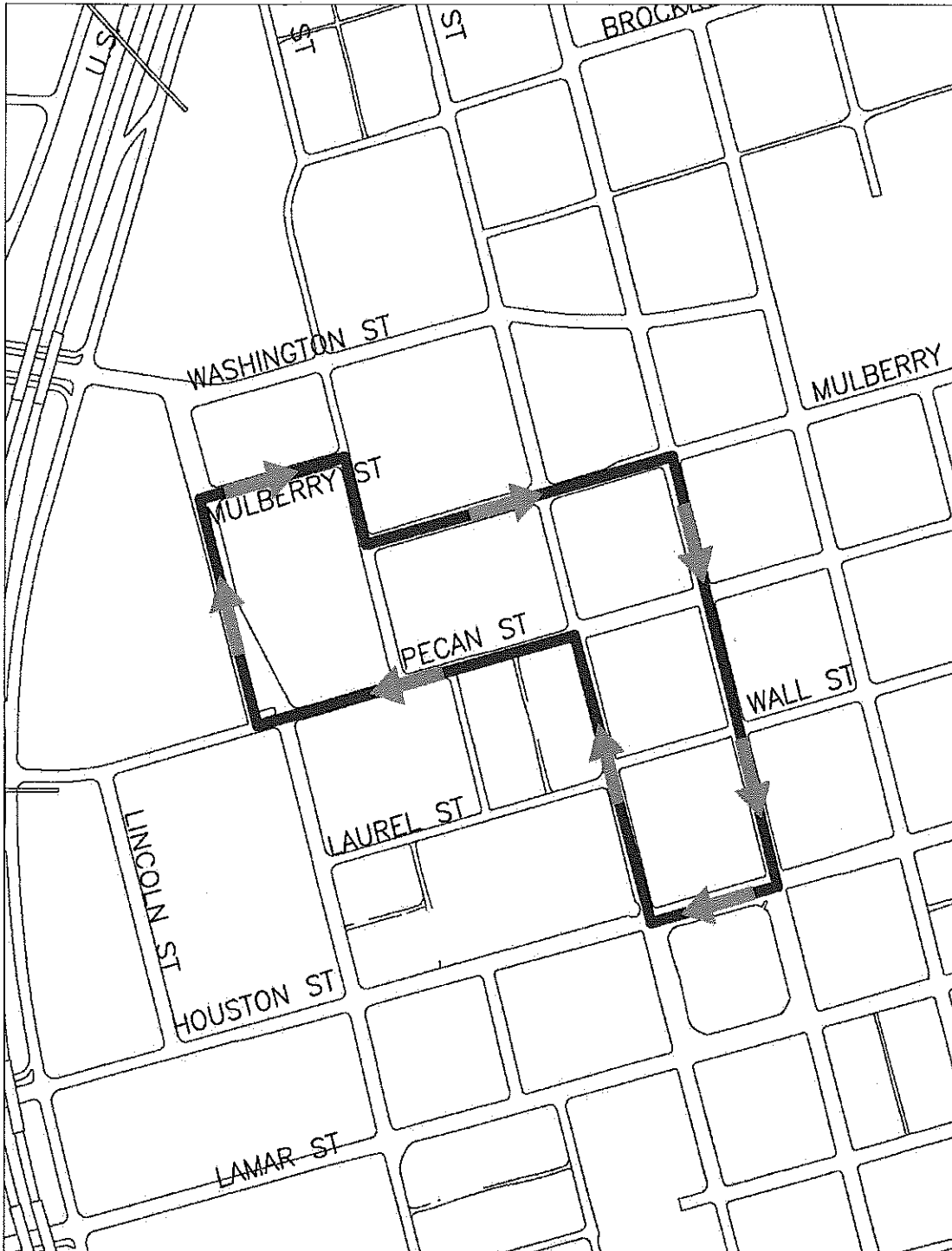
If you have any questions or need anything additional, please contact my secretary, Debbie Smith at 903-891-6400, extension 2002.

Sincerely,

Al Hambrick, Ed.D.
Superintendent of Schools

dhs

Copy: Larena Douglass, Student Council Sponsor
Peggy VanMarter, Principal, SHS



Sherman
CLASSIC TOWN. BROAD HORIZON.

SHERMAN HIGH SCHOOL
PARADE ROUTE





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 5.

Meeting Date: 08/19/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

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

Issue:

Council approval is requested for the street closures and use of city facilities and services to facilitate the annual Hispanic Heritage Celebration on Saturday, September 14, 2013, from 10:00 a.m. to 4:00 p.m. A request has been made to close the streets around the Municipal Building and to provide additional solid waste containers and barricades.

Background:

In 2010, the Grayson Hispanic Heritage Council of Sherman moved their annual Hispanic Heritage Celebration from the downtown square to the Municipal Building grounds. The event organizers have again reserved the Oliver Dewey Mayor Outdoor Theater and the Municipal Ballroom for this year's event.

Origination:

Ms. Odilia Ayala, President, Hispanic Heritage Council of Sherman

Financial Consideration:

The Municipal Building grounds and ballroom have been reserved. Labor and equipment to drop-off/pick-up barricades and solid waste containers will be required.

Staff Recommendation:

It is recommended that the City Council approve the request to hold this annual event on the Municipal Building grounds and that the staff be authorized to use necessary City resources to accommodate this event.

Alternatives:

As may be recommended by the Council

Attachments

Written request dated August 6, 2013

Hispanic Heritage Barricade Map



August 6, 2013

City of Sherman
Director of Public Works
P.O. Box 1106
Sherman, TX 75091

Dear Sir or Madam:

This is a request made by the Hispanic Heritage Council of Sherman regarding the Annual Hispanic Heritage Celebration. This year's event will be taking place at the Sherman Municipal Grounds on Saturday, September 14, 2013. The outdoor event is scheduled to take place from 10am to 4pm followed by the evening event to be held at the city of Sherman ballroom.

The following items are being requested from the city of Sherman:

- Request for one city dumpster to be placed on the South side of the Municipal lawn in the parking lot - (East corner of the parking lot).
- Request for sixteen of the green roll around trash cans. (to be placed near the city dumpster)
- Request street closure of Rusk Street at the intersections of Rusk and Mulberry and Rusk and Pecan.
- Request street closure of Elm Street at 2 intersections, both named Mulberry and Elm and at one intersection of Pecan and Elm.
- Request for 20 street barricades to be used as needed for blocking off sections during the event.

The Hispanic Heritage Council would like to thank the City of Sherman for its cooperation and assistance in the coordination of our request.

Thank you for your consideration,

Odilia Ayala
President
Hispanic Heritage Council of Sherman

[illegible]



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 6.

Meeting Date: 08/19/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

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

Issue:

A request has been received from the Sherman Arts Festival Committee for this year's Arts Festival. In order to accommodate the 5K/10K race and the festival itself, they request street closures around the Municipal Building and the utilization of City services, including additional barricades, traffic control, trash carts, dumpsters, access to tables and chairs, and the sweeping of streets around the Municipal Building during the September 18 - September 21 time period.

Background:

Annually, the Sherman Arts Festival is held in the Municipal Ballroom and on the Municipal Building grounds. For the 31st year, they have reserved the Oliver Dewey Mayor Outdoor Theater, the Municipal Ballroom, and the Kidd-Key Auditorium to house the activities for this event.

Origination:

Sherman Arts Festival Committee Representative John R. Murphy

Financial Consideration:

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.

Staff Recommendation:

It is recommended that the City Council approve the request to utilize the Municipal Building grounds, facilities, and City services to host this annual event.

Alternatives:

As directed by the Council

Attachments

Request of July 23, 2013

Barricades Map

Grounds Layout Map

5K/10K Route Map



July 23, 2013

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

George,

The Sherman Arts Festival Committee would like to reserve the grounds, including the gazebo, ballroom, auditorium, and all of the tables and chairs that you have made available in the past from mid-morning on Wednesday September 18 thru Saturday, September 21, 2013 at 6 p.m. We are continuing to place the vendors around the block instead of cramming them onto the lawn. The kids area will use the municipal lawn.

SCAH & the woodcarvers would like the ballroom from mid-morning on the 18th thru 6 p.m. on the 21st.

I've attached the requested street closures that allow for the 5k and 10k races, and the Festival itself. The map of the 10k course is a modification of the 15k course used in the past, and the SEF will provide a final map. Some special help will be needed (again) from the Police Department to insure a safe route for the races.

As in the past, if the Street Department could put the barricades on the sidewalk/shoulder adjacent to the intersections on Friday afternoon, we will block the streets at dark-thirty on Saturday morning. And, we will return them to the sidewalks/shoulders Saturday evening.

Tents:

Tourism is providing the gatekeeper tents, which will be set up Friday evening or very early Saturday. We are asking y'all to provide barricades to surround these tents - which will be taken down Saturday after 5PM. We will, of course try to place the tents outside of traffic lanes, but this will require one be in the middle of Rusk just South of Washington.

We will be getting a 20x30 tent for the dining area. Mike Grant's people will need to clearly mark the irrigation and electrical lines, and the tent company guarantees they won't hit the lines if they are marked.

Thank you, in advance, for all the hours and effort you and your staff put into supporting this event! If you have any questions, please contact me.

Sincerely,

John R Murphy

Regarding Sherman Arts Festival

Street Closures:

Mulberry at the west side of city offices parking lot

Pecan at the west side of Elm as it heads south from Pecan and at the west side of Rusk as it turns west onto Pecan

Laurel at the west side of Elm as it heads south from Laurel

Elm at the north side of Mulberry

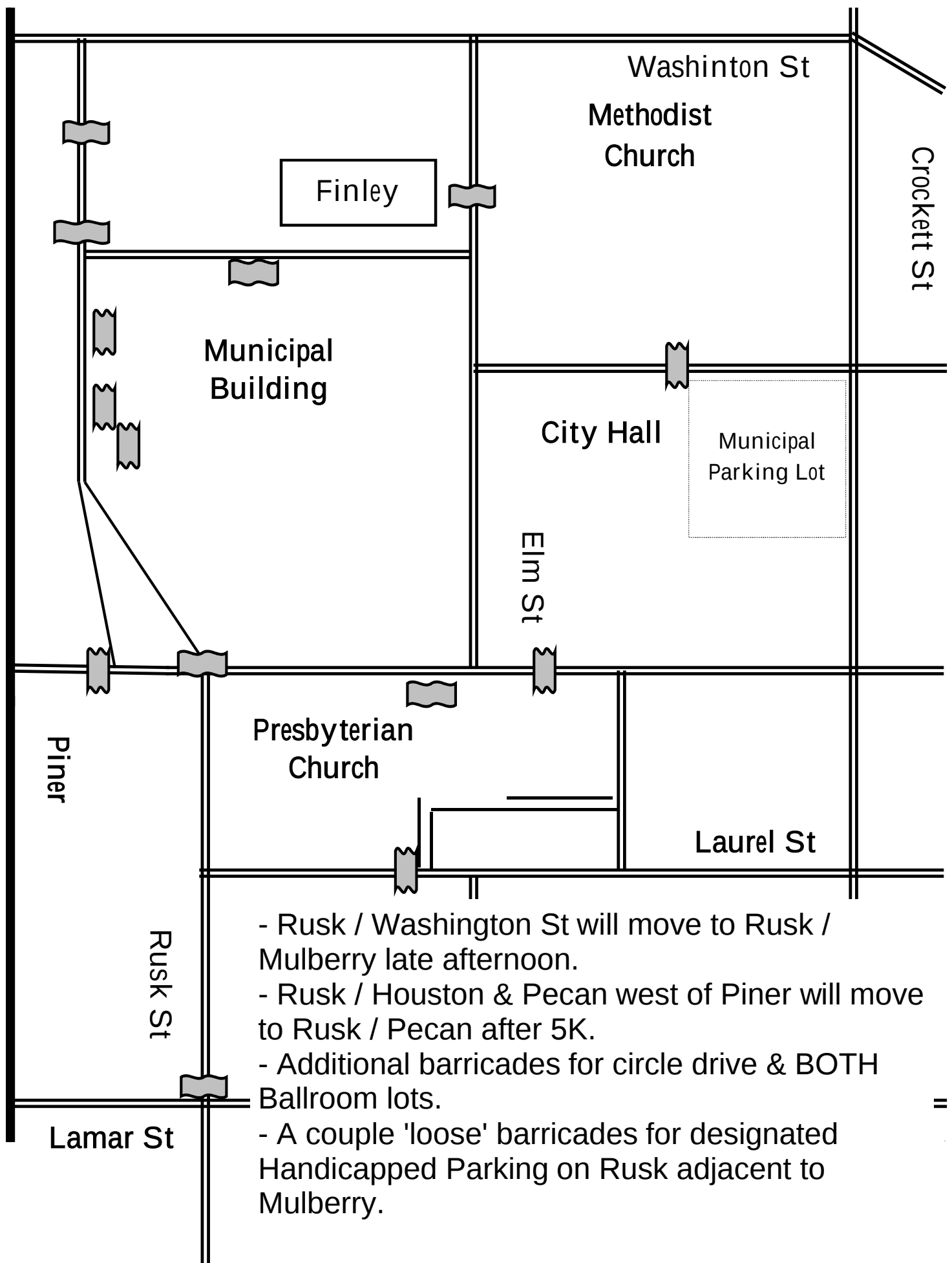
Rusk at the north side of Houston and the south side of Washington

Request 20 cones dropped off at the church lot on Washington & Elm.

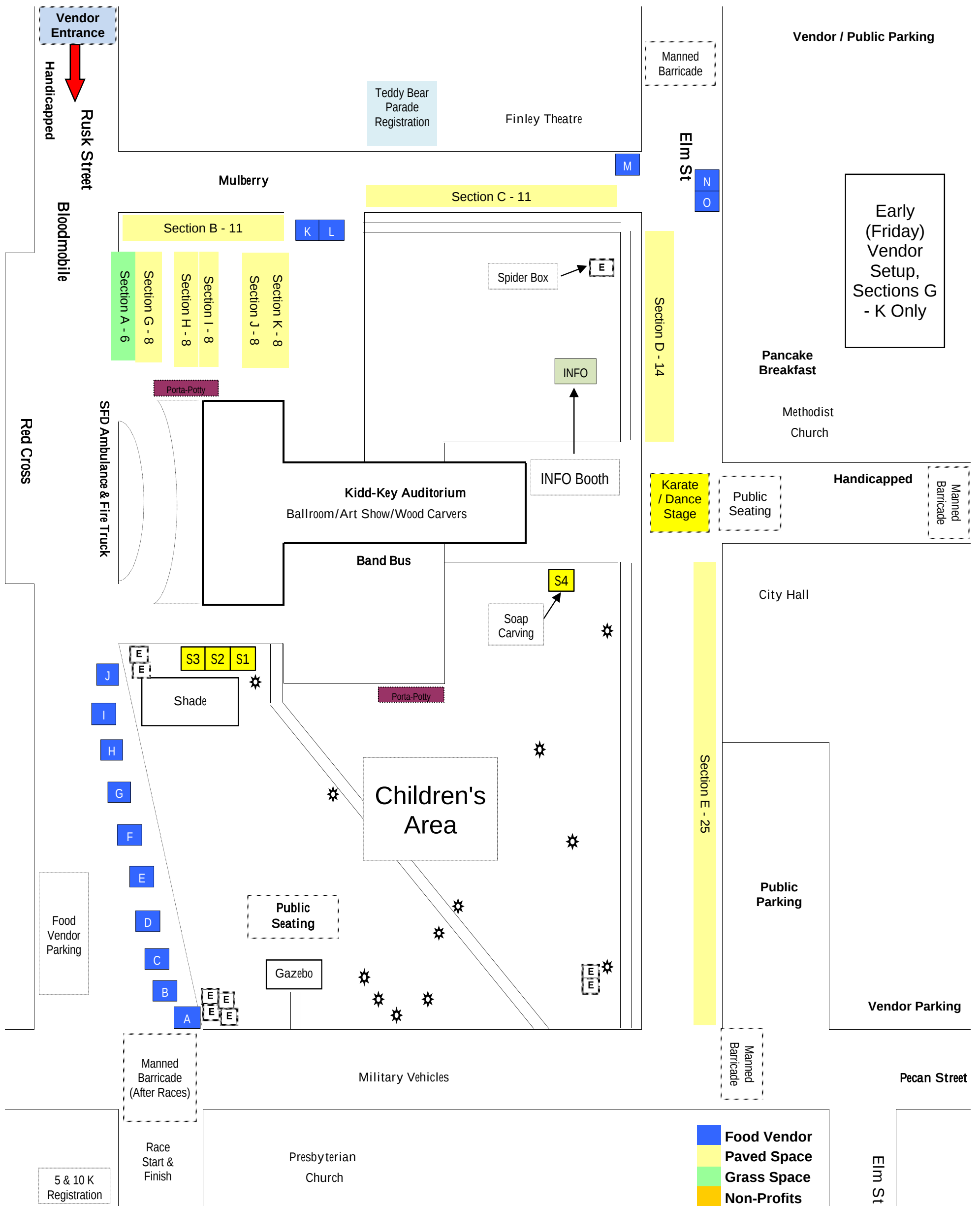
Request 8 barricades at Pecan & Rusk and the traffic light there to be flashing.

Request permit free parking in all city-owned lots on the day of the event and the use of the Municipal Building parking lot.

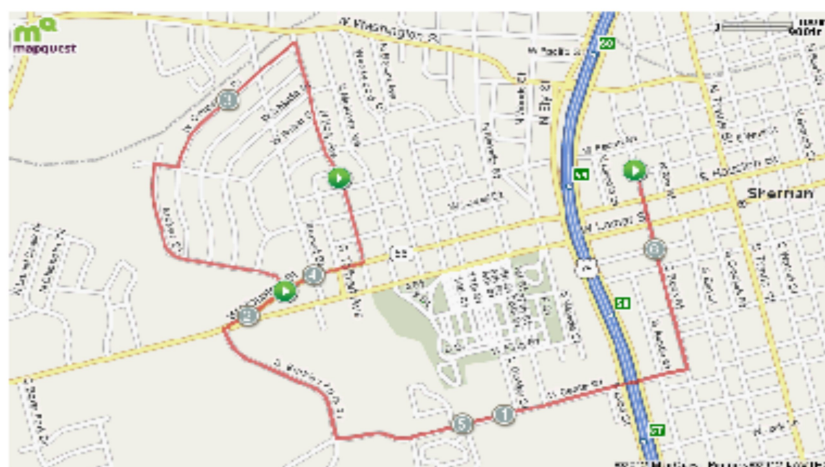
Request use of City Services, trash pick-up, trash cans and dumpsters to be used. Request streets around the Municipal building and up Mulberry to Crockett be swept within the week prior to the event.



2013 Arts Festival



SEP10K(CourseEst2012)05 DISTANCE: 6.24 mi



© MapQuest, Inc. All Rights Reserved. 2005-2008. View more map details at
Find this route online at mapquest.com/route/13000768
Distance values on this map may differ slightly from values reported on the route engine.

Notes

AT	FOR	NOTES
START	2240ft	Head south on N Rusk St toward W Laurel St
0.42 mi.	716ft	Head south on S Rusk St toward W King St
0.56 mi.	4987ft	Turn right onto Center St
1.5 mi.	701ft	Turn right onto Binkley Park Dr
1.64 mi.	1692ft	Head northwest on Binkley Park Dr toward W Houston St
1.96 mi.	56ft	Turn right onto W Houston St
1.97 mi.	628ft	Slight left to stay on W Houston St
2.09 mi.	339ft	Head northeast on W Houston St toward Archer Dr/ Archer Cir
2.15 mi.	1207ft	Turn left onto Archer Dr/ Archer Cir

This segment shows 2.2 mi. (1,105 ft.) of your route.

Notes

AT	FOR	NOTES
2.38 mi.	1262ft	Head west on Archer Dr/ Archer Cir toward Crescent Dr
2.62 mi.	611ft	Head north on Archer Dr/ Archer Cir toward Sandra Dr
2.73 mi.	334ft	Turn right onto Sandra Dr
2.8 mi.	1240ft	Turn left onto Crescent Dr
3.03 mi.	1228ft	Head northeast on Crescent Dr toward Sunset Blvd
3.27 mi.	741ft	Turn right onto N Holly Ave
3.41 mi.	10ft	Head west on W Shields Dr toward N Holly Ave
3.41 mi.	1324ft	Turn left onto N Holly Ave
3.66 mi.	397ft	Head southeast on N Holly Ave toward W Mulberry St

This segment shows 1.54 mi. (8,126 ft.) of your route.

Notes

AT	FOR	NOTES
3.73 mi.	355ft	Head south on N Holly Ave toward W Pecan St
3.8 mi.	355ft	Head south on N Holly Ave toward W Laurel St
3.87 mi.	155ft	Head south on N Holly Ave toward W Houston St
3.9 mi.	511ft	Turn right onto W Houston St
3.99 mi.	1668ft	Head west on W Houston St toward Sunset Blvd
4.31 mi.	2393ft	Turn left onto Binkley Park Dr
4.76 mi.	630ft	Turn left onto W Center St
4.88 mi.	4356ft	Head east on W Center St toward Holly Ave
5.71 mi.		Head north on S Rusk St toward Walcott St

This segment shows 2.61 mi. (13,791 ft.) of your route.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. G. 1.

Meeting Date: 08/19/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Substandard Structure Commission (1)

Issue:

On May 20, 2013, City Attorney Brandon Shelby outlined a proposed substandard structure ordinance for consideration by the City Council. If approved, the ordinance would establish a Substandard Structure Commission for the "express purpose of providing for the final interpretation and implementation" of the provisions of the ordinance. Mayor Wacker has asked that this item be placed on the City Council's agenda for discussion and possible appointment of members.

The proposed ordinance states that the Commission shall consist of three members and two alternates who are not employees of the jurisdiction having authority and shall be appointed by the Council. The composition of the Commission shall be architects, engineers, real property owners, or members at large from the electrical, plumbing, air-conditioning, construction or housing industry. Four appointments (three members and one alternate) have been made to the Commission.

Background:

In the past, the City Council has considered a proposed ordinance that would regulate substandard structures. A part of that proposed ordinance is a Substandard Structure Commission.

Origination:

This agenda item originated with Mayor Cary Wacker.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

The staff's recommendation is to include this agenda item so the City Council can discuss the Substandard Structure Commission and make any appointments necessary.

Alternatives:

The Council could choose not to discuss the Substandard Structure Commission.

Attachments

Proposed Substandard Structure Ordinance

ORDINANCE NO.

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

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

SECTION 1. That, from and after the passage of this ordinance, Chapter 3, Article 3.06, be and is hereby amended at Division 2, Sections 3.06.011 through 3.06.022, so that such sections shall read as follows:

**Sec. 3.06.011 ~~Standard Unsafe Building Code Board of Adjustments and Appeals~~
*Substandard Structure Commission***

(a) A ~~Standard Unsafe Building Code Board of Adjustments and Appeals~~. ("Board *Substandard Structure Commission*". ("Commission")) is hereby created and established for the express purpose of providing for the final interpretation and implementation of the provisions of this Article. The ~~Board~~*Commission* shall consist of three (3) members and two (2) alternates who are not employees of the jurisdiction having authority and shall be appointed by the Council. The composition of the Board shall be architects, engineers, real property owners, or members at large from the electrical, plumbing, air-conditioning, construction or housing industry.

(b) Two (2) members of the ~~board~~*commission* shall constitute a quorum. In the application of any provisions of this code, affirmative votes of the majority present, but not less than two affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

Sec. 3.06.012 ~~Abatement of Dangerous Buildings~~*Substandard Structures*

(a) It shall be unlawful for any owner; ~~occupant~~, or other person in control of a building to allow that building to be in a condition that does not conform to the minimum standards.

(b) Any building that does not conform to the minimum standards is hereby declared to be a public nuisance and shall be ~~abated by vacation, relocation of occupants,~~*subject to abatement by* repair, demolition, or removal as necessary upon the issuance of an order to abate issued by the ~~Board~~*Commission* in accordance with the procedures specified in this article.

Sec. 3.06.013 Minimum Standards

(a) A building is considered not to meet the minimum standards of the City of Sherman ~~for continued use and occupancy of a building~~, regardless of its date of construction, under any of the following conditions:

(1) Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to public health, safety and welfare; including, but not limited to:

(A) any building with roof, ceiling, floors, walls, sills, windows, or foundation or any combination thereof rotted or decayed, and falling apart; or that is uninhabitable due to obsolescence and deterioration caused by neglect, vandalism, fire damage, ~~old age~~, or the elements;

(B) ~~Any building intended for human occupancy that is in danger of falling and injuring persons or property;~~ *any structure or building that is in a state of dilapidation, deterioration or decay, faulty construction, open, vacant or abandoned, damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises;*

(C) any building that is a fire ~~menace~~ *hazard* because it is in a dilapidated condition, as described in (A) and (B) above or that is likely to become a fire ~~menace~~ *hazard* or be set on fire;

(D) any building that is in unsanitary condition and is likely to create disease because of the presence of insects, rodents or vermin;

(E) any building that is damp and in unsanitary condition and is likely to create disease and sickness because of being in the condition in (A), (B), (C) or (D) above, or for other reasons;

(F) *any building that because of any physical condition, use or occupancy of any premises or its appurtenances would be considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, swimming pools and unsafe fences or structures;*

(G) *any building that because of the state of disrepair is such that it could reasonably cause injury, damage, or harm to a considerable portion of the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities living in the community.*

(2) Any building that is not occupied by its owners, lessees or other invitees and is not secure from unauthorized entry so that it could be entered or used by vagrants, other uninvited persons or children regardless of its structural condition.

(3) Any building that is boarded up, fenced or secured if:

(A) the building constitutes a danger to the public even though secured from entry; or

(B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

Sec. 3.06.014 Inspection and Notice of Abatement

(a) The city manager shall designate an appropriate official ("*building official*") of the city to inspect or cause to be inspected any building that he has probable cause to believe does not meet the minimum standards. If the inspecting official is unable to obtain permission to search the building from the owner or a person in control of the premises, the city shall apply for an administrative search warrant pursuant to Texas Code of Criminal Procedure section 18.05, as amended, unless an exception to the warrant requirement exists.

(b) After completing the inspection, the inspecting official shall determine if the building is a ~~dangerous building~~ *substandard structure*.

(c) After an initial determination that a building is a ~~dangerous building~~ *substandard structure*, the inspecting official will notify the owner of record of the building, by certified mail, return receipt requested, of the nature of the violation(s) of the minimum standards.

(d) The inspecting official shall also notify the owner of record of the building, *by certified mail, return receipt requested*, that the building is ~~dangerous~~ *a substandard structure* and that the owner must ~~vacate and/or~~ repair, demolish, or remove the building for the good of the public health, safety and welfare.

(e) *The inspecting official shall also notify the owner of record of the building, by certified mail, return receipt requested, that if said violations have not been cured after a period of thirty (30) days the inspection official will cause a hearing to be held with the Substandard Structure Commission in accordance with this Article.*

(f) A notice shall be posted on the dangerous building as follows:

"THIS BUILDING IS DANGEROUS A SUBSTANDARD STRUCTURE ACCORDING TO THE MINIMUM STANDARDS SET FORTH IN THE OFFICIAL CODE OF THE CITY OF SHERMAN, CHAPTER 3, ARTICLE 3.06 AND THE OWNER MUST REPAIR, DEMOLISH OR REMOVE IT.

CONTACT _____ AT _____ FOR FURTHER INFORMATION.

DATE: _____”

Sec. 3.06.015. Commission's Order to Abate

(a) General. Whenever the building official has inspected or caused to be inspected any structure or lot and has found and determined that such structure or lot is substandard, he may commence proceedings to cause repair, rehabilitation, or demolition of the structure or lot.

(b) Notice and administrative order to abate. The building official shall issue a notice and administrative order to abate a substandard structure or lot. The notice and administrative order shall contain:

(1) The street address and a legal description sufficient for identification of the premises upon which the structure is located.

(2) A statement that the building official has found the structure or lot to be substandard with a brief and concise description of the conditions found to render the structure or lot substandard under the provisions of this Chapter.

(3) A statement of the action recommended to be taken, as determined by the building official as follows:

(A) if the building official has determined that the structure or lot must be repaired or remediated, the administrative order shall require that all required permits be secured and work physically commenced within thirty (30) days from the date of the administrative order.

(B) if the building official has determined that the structure must be demolished, the administrative order shall require that all required permits be secured and work physically commenced within thirty (30) days from the date of the administrative order.

(4) A statement advising that a notice of hearing is forthcoming and a description of the hearing. The hearing shall provide the commission the means to consider or determine whether a structure or lot complies with the standards set forth herein and to consider or determine whether a structure or lot must be repaired or demolished, as recommended by the building official in the notice and administrative order.

(5) Statements advising that if the owner or owners of record are in full agreement with a demolition order, and that if the owner or owners of record are financially unable to abate such nuisance, then the owner or owners of record may grant the city written permission to abate said nuisance, and, in doing so shall grant the city a lien against the real property as described in this Article

(c) Notice of hearing. The building official shall give notice of a public hearing to all known owners, lienholders, or mortgagees for the commission to consider or determine whether a

structure or lot complies with this code and to consider or determine whether a structure or lot must be repaired, secured or demolished. The notice shall be mailed and posted as provided herein, and published in the official newspaper of the city on one occasion, on or before the tenth (10th) day before the date of the hearing. The notice of hearing shall contain:

- (1) The name and address of the owner of the affected property, if known;*
- (2) A legal description of the property, as well as the physical address;*
- (3) A description of the hearing;*
- (4) The date, time, and place of the public hearing. This date shall be established not less than ten (10) days from the date of the administrative order;*
- (5) A statement advising that securing the required permits and physically commencing the required action shall be considered as intent to comply with the administrative order to abate, and that the hearing shall be temporarily postponed. Should abatement halt, or not progress at a rate determined to be reasonable by the building official, the hearing shall be recalled; and*
- (6) statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.*

(d) Service of notice and administrative order to abate and notice of hearing. The notice of the administrative order to abate, the notice of hearing and any supplemental notices or orders shall be served upon the owner, lessor, lienholder, and mortgagees of record and occupant, if different than the owner of the structure or lot. Service of these notices and orders shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice by certified mail, return receipt requested, and an optional second copy by regular mail, to each such person at his address as it appears on the county tax rolls, or as discovered by due diligence, as defined by subsections (d)(1)—(d)(6) of this section, and the notice shall be posted on the front door of each improvement situated on the affected property or as close to the front door as practical. The following of these procedures shall be prima facie evidence of notification. If a certified notice is returned as refused or unclaimed, the validity of the notice is not affected, and the notice shall be deemed delivered. The city has satisfied the requirements of this section to make a diligent effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the city searches the following records:

- (1) County real property records of the county in which the building is located;*
- (2) Appraisal district records of the appraisal district in which the building is located;*
- (3) Records of the secretary of state;*

- (4) *Assumed name records of the county in which the building is located;*
- (5) *City tax records; and*
- (6) *City utility records.*

(e) *Filing of notice and administrative order at the county.* *A copy of the notice and any administrative orders, or such orders as may be issued pursuant to these provisions, shall be filed with the county deed records in the county where the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, or upon a due diligence search as set forth herein, a legal description of the affected property, and a description of the proceeding. The filing of said notice and any said orders, is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of said notice or any said orders, and constitutes notice of said hearing and notice of any said orders, on any subsequent recipient of any interest in the property who acquires such interest after the filing of said notice or filing of any said orders.*

(f) *Meeting/public hearing.* *During an officially convened meeting, the commission shall hold a public hearing on each case and shall hear such testimony as may be presented by any department of the city, the housing inspector, or the owner, occupant, mortgagee or any other person having an interest in such building to determine whether a building complies with the standards of this code. The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this code and the time it will take to perform the work. After all testimony has been received, the public hearing shall be closed and the commission shall deliberate on the case in open session. The commission shall make written findings of fact from the testimony offered as to whether the building complies with the standards of this code.*

(1) *After the meeting, if a building is found in violation of the standards set forth herein, the commission may order that the building be secured, repaired, removed, or demolished by the owner within a reasonable time as provided herein. The commission reserves the right to determine what is a reasonable amount of time to perform the ordered work.*

(2) *The commission shall require the owner, lienholder, or mortgagee of the building to, within thirty (30) days:*

(A) *secure the building from unauthorized entry or use; or*

(B) *repair, remove, or demolish the building, unless the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.*

If the commission allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the commission shall

establish specific schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in an approved manner from unauthorized entry while the work is being performed, as determined by the commission.

(3) The commission may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

(A) submits a detailed plan and time schedule for the work at the hearing; and

(B) establishes at the hearing that the work cannot justifiably be completed within ninety (90) days because of the scope and complexity of the work.

If the commission allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the commission shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the building official and to the commission to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of work. The order may require that the owner, lienholder, or mortgagee appear before the commission to demonstrate compliance with the time schedule.

(g) Post meeting procedure. The secretary for the commission shall, within ten (10) days after the date the order is issued:

(1) File a copy of the order in the office of the city clerk;

(2) Publish in a newspaper of general circulation in the city a notice containing:

(A) the street address or legal description of the property;

(B) the date of the hearing;

(C) a brief statement indicating the results of the order; and

(D) instructions stating where a complete copy of the order may be obtained; and

(3) Shall promptly mail by certified mail, return receipt requested, and an optional second copy by regular mail, a copy of the order to the owner, any lienholder, and any mortgagee of the building, as determined by due diligence, as defined herein.

Sec. 3.06.016 Enforcement

(a) Criminal.

(1) A person who violates a provision of this code, or who fails to perform an act required of him by this code, or who fails to adhere to an order issued by the Commission under this code, commits a Class C misdemeanor offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(2) An offense under this code is punishable by a fine of \$250.00 per day per violation.

(3) Allegation and evidence of a culpable mental state is not required for the commission of an offense under this code.

(b) Civil.

(1) The city may, in accordance with sections 54.012 et seq. of the Texas Local Government Code, as amended, bring a civil action against a person violating a provision of this code relating to dangerously damaged or deteriorated structures or improvements or for conditions caused by accumulations of trash, garbage, refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(2) The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000.00 for each day or portion of a day during which the violation is committed, continued, or permitted by the owner or occupant of the property, as provided below.

(3) The city, by order of the commission, may assess and recover a civil penalty against a property owner, if the owner fails to take the requisite action as ordered by the commission, after an administrative hearing on the matter. The civil penalty may not exceed \$1,000.00 a day for each violation if the city proves:

(A) the property owner was notified of the requirements of this code and the owner's need to comply with the requirements; and

(B) after notification, the property owner committed an act in violation of this code or failed to take an action necessary for compliance with this code.

(4) A determination by the commission which involves the establishment of an amount and duration of a civil penalty shall be final and binding and constitute prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment in accordance with the established penalty.

(5) To enforce any civil penalty under this section, the City must file in the district clerk's office in which the municipality and property is located, a certified copy of the order of the commission establishing the amount and duration of the penalty. No other proof is required for a district court to enter final judgment on the penalty.

(c) *Other available remedies. The city shall have all other available remedies at law and in equity to enforce the provisions of this Article.*

Sec. 3.06.017 Authority to Secure ~~Building~~ Unoccupied, Unsecured, Substandard, Open Buildings and Structures

(a) ~~The city may secure a building that it determines does not meet the minimum standards and is unoccupied or occupied only by persons who do not have a right to possess the building.~~ Purpose. *The owner or person in control of an unoccupied structure shall ensure that the building is in such condition that an unauthorized person cannot enter the structure through missing or unlocked doors or windows or through other openings into the building. The city may secure unoccupied, unsecured structures, or structures occupied by persons who do not have the right of possession to the building. A lien may be filed on real property to ensure the cost of securing the structure as set forth in this Article.*

(b) Definitions.

(1) *An unsecured structure is hereby defined to be any structure or building that currently has no occupant with the right of possession of the building and which has missing or unlocked doors or windows, or other unsecured openings into the building through which unauthorized persons can enter. Any unoccupied, unsecured structure or building is hereby declared to be a danger to public health and safety and is hereby declared to be a public nuisance.*

(2) *An unoccupied structure is hereby defined to be any structure or building that appears vacant or abandoned as evidenced by: no active utility accounts, absence of personalty, general conditions of neglect and any other substantiated evidence of vacancy or abandonment that may be presented by the building official.*

(c) City may secure.

(1) *The building official may secure a building that:*

(A) *violates the standards of this code; and*

(B) *is an unsecured structure.*

(2) *This authority is in addition to that regarding substandard structures.*

(d) Notice.

~~(b) Before the 11th day after the date the building is secured, the city shall give notice to the owner of record by:~~ *(1) Before the eleventh (11th) day after the date the building is secured, the building official shall give notice to the owner of record by:*

(+) (A) *personally serving the owner with written notice; or*

~~(2) (B) depositing~~ *sending a copy of the notice in the United States mail by certified mail, return receipt requested, and an optional copy by regular mail, addressed to the owner at the owner's last known post office or physical address; or*

~~(3) (C) publishing the notice at least twice within a ten (10) day period in a the city's official newspaper of general circulation in Grayson County~~ *if personal service cannot be obtained and the owner's post office or physical address is unknown; or*

~~(4) (D) posting the notice on or near the front door of the building if personal service cannot be obtained and or the owner's post office or physical address is unknown.~~

~~(e) The notice shall contain an identification of the building and the property on which it is located, a description of the existing violation(s) of the minimum standards, and a statement that the municipality will secure or has secured the building.~~

~~(d) The notice shall also state that the owner may request a hearing about any matter related to the city's securing of the building, and that if such a hearing is requested, it shall be held pursuant to Texas Local Government Code section 214.0011(e), as amended~~

(2) The notice must contain the following:

(A) an identification, which is not required to be a legal description, of the building and the property on which it is located;

(B) a description of the violation of this code that is present at the building;

(C) a statement that the city will secure or has secured, as the case may be, the building; and

(D) a statement that the owner may request a hearing about any matter related to the city's securing of the building, and that if such a hearing is requested, it shall be held pursuant to Texas Local Government Code section 214.0011(e), as amended

(3) The city shall conduct a hearing before the commission at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building if, within thirty (30) days after the date the city secures the building, the owner files with the secretary for the commission, or the city secretary, a written request for the hearing. The city shall conduct the hearing within twenty (20) days after the date the request is filed.

~~Sec. 3.06.016 — Notice of Public Hearing~~

~~(a) If the owner does not reply or take action within fifteen (15) days from the date the notice was mailed, the inspecting official shall request that the Standard Unsafe Building Code Board~~

~~of Adjustments and Appeals (the "Board" herein) hold a public hearing to determine whether the building complies with the minimum standards set forth in this article. The Board shall then order a public hearing.~~

~~(b) When the Board orders a public hearing, the city shall make a diligent effort to discover the identity and address of the owner(s) of record and any lienholders or mortgagees of the building and the underlying property.~~

~~(c) The city shall notify each owner, lienholder, or mortgagee by personal delivery or by certified mail, return receipt requested, and notify any unknown owners by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable, that the Board will hold a public hearing in reference to the building and that the interested party may appear at the public hearing, be heard, and present evidence in reference to the condition of the building.~~

~~(d) The notice shall further advise the owner, lienholder, or mortgagee or unknown owner that it will have the burden of proof at such hearing and will be required to submit at the hearing proof of the scope of any work that may be required to make the building comply with the ordinance and the amount of time it will take to reasonably perform the work.~~

~~(e) The city may also file a notice of the public hearing in the official public records of real property in Grayson County. The notice must contain the name and address of the owner of the property (if it can be determined from a reasonable search of county records), a legal description of the affected property and a description of the hearing.~~

Sec. 3.06.017 — Order to Abate

~~(a) If the Board finds at the public hearing that the building is in violation of the minimum standards, the Board shall require the owner, lienholder, or mortgagee to complete the following within thirty (30) days:~~

~~(1) secure the building from unauthorized entry;~~

~~(2) repair, demolish or remove the building unless the lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.~~

~~(b) If the Board finds at the public hearing that the building is in violation of the minimum standard and the building is occupied, the Board may order the relocation of the occupants within a reasonable time.~~

~~(c) The city shall promptly serve by personal delivery or by certified mail, return receipt requested, a copy of any order issued pursuant to subsection (a) of this section, to the owner of record of the building and to any lienholder or mortgagee along with a notice containing:~~

~~(1) an identification of the building and the property on which it is located;~~

~~(2) — a description of the violation(s) of the minimum standards; and~~

~~(3) — a statement that the municipality will secure, vacate, repair, remove or demolish the building if the ordered action is not taken by the owner within a reasonable time.~~

~~(d) — The order shall allow the owner thirty (30) days to complete the ordered action, unless the Board determines from the evidence presented at the public hearing that additional time is required. If the Board allows more than thirty (30) days to repair, remove or demolish the building, it shall establish specific time schedules for the commencement and performance of the work and require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry until the work is completed.~~

~~(e) — The order shall also state that any lienholders or mortgagees of the building and/or the underlying property shall have an additional thirty (30) days to complete the ordered action if the owner fails to comply within the time allotted in subsection (c) above.~~

~~(f) — The Board may not allow the owner, lienholder or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building unless the requirements of Texas Local Government Code section 214.001(j) and section 214.001(k), as amended, are met.~~

Sec. 3.06.018 — Filing and Publication of Order

~~Within ten (10) days following the date that an order is issued, the city shall:~~

~~(1) — file a copy of the order in the office of the city clerk of the City of Sherman; and~~

~~(2) — publish in a newspaper of general circulation in the City of Sherman a notice containing the following:~~

~~(A) — the street address or legal description of the property;~~

~~(B) — the date the hearing was held;~~

~~(C) — a brief statement indicating the results of the order; and~~

~~(D) — instructions stating where a complete copy of the order may be obtained.~~

Sec. 3.06.0198 Appeals

Any owner, lienholder or mortgagee of record of a property jointly or severally aggrieved by an order of the ~~Board~~*Commission* under this article shall be entitled to judicial review of said order pursuant to Texas Local Government Code section 214.0012, as amended.

Sec. 3.06.020 — Penalty

~~Any person convicted of violating any provision of this division shall be guilty of a Class C misdemeanor and shall be subject to a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each day or fraction of a day such violation continues shall constitute a separate offense.~~

Sec. 3.06.019 Abatement by City and Liens

(a) If an owner or other interested party does not take the action required by an order issued pursuant to this Article within the time specified and has not filed a timely appeal in accordance with this Article and the Texas Local Government Code section 214.0012 the city may take the appropriate action at its expense at the direction of the City Council in accordance with the laws of the State of Texas.

(b) Any expenses incurred by the city pursuant to subsection (a) of this section will be assessed against the property on which the building stands or stood. The city will have a privileged lien upon filing same in the official public records of the Grayson County Clerk subordinate only to tax liens against the property unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or other interested party reimburses the city for all expenses and penalties.

Sec. 3.06.020 Receiver

The city may bring an action in district court against an owner of residential property that is not in substantial compliance with the minimum standards and request the appointment of a receiver for purposes of rehabilitating the property in accordance with Texas Local Government Code section 214.003, as amended

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 of 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**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. L.

Meeting Date: 08/19/2013

Approved By: George Olson, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2013 Council Calendar

2013

JANUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
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FEBRUARY						
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DECEMBER						
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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)