

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, AUGUST 17, 2009
5:00 P.M.**

- A.1** [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2** [PLEDGE OF ALLEGIANCE](#)
- A.3** [INVOCATION BY COUNCIL MEMBER CHIP ADAMI](#)
- A.4** [APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING OF AUGUST 3, 2009 AND THE REGULAR CITY COUNCIL MEETING OF AUGUST 3, 2009](#)

Public Hearing

- B.1** [INTRODUCTION AND FIRST PUBLIC HEARING OF ORDINANCE NO. 5614](#)
Providing for the Appropriation of Funds for Operating and Capital Expenditures for the Fiscal Year Beginning October 1, 2009, and Ending September 30, 2010
- B.2** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5615](#)
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer), and Cox Land Surveying Company (Surveyors) to Allow Patio Homes in an R-1 (One Family Residential) District and the College Park Overlay District in the 600 Block of East Carter Street, the 600 Block of East College Street, and the 800 Block of North Broughton Street, being Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McNair Survey, Abstract No. 763 for a total of 1.20 acres; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000
- B.3** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5616](#)
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.06, entitled "Solid Waste", at Section 13.06.051(b) to Provide for Modified Conditions for Obtaining a Recycling Waiver for the Primary Residences Only of Customers Aged 65 and Over
- B.4** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5617](#)
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Circle Sherman, LLC (Owners), Days Inn Hotel & Suites (Tenant), and Zona Sanders (Representative) to Allow a Commercial Amusement Center (Bingo Games) in a C-2 (General Commercial) District, the O-1.2 (Sam Rayburn) Overlay

District, and the O-1.1 (FM 1417) Overlay District at 3605 U.S. Highway 75 South, being 4.59 acres in the Preston Kitchen Survey, Abstract No. 667; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.5 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5618](#)

Amending Chapter 12 of the Code of Ordinances, entitled “Traffic and Vehicles”, Providing for a New Article 12.06, to be entitled “Use of Hand-Held Wireless Communication Devices Prohibited in Active School Zones”; Providing for Exceptions; Providing for a Penalty of a Fine Not to Exceed Two Hundred Dollars (\$200.00) for Each Offense; Providing for Signage; Providing an Effective Date

Close Public Hearing and Consider Adoption of Ordinances

B.6 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- (a) 5615
- (b) 5616
- (c) 5617
- (d) 5618

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. 5400](#)

Authorizing Execution of an Interlocal Agreement between the City of Sherman and Grayson County for a Multi-Jurisdictional CodeRed® Emergency Notification System

C.2 [RESOLUTION NO. 5401](#)

Authorizing the Acceptance and Execution of a Grant Awarded to the City of Sherman for FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Funds distributed by the U.S. Department of Justice and to be Allocated to the City of Sherman, the City of Denison, and Grayson County

C.3 [* RESOLUTION NO. 5398](#)

Authorizing Execution of an Agreement with the State of Texas, Acting by and Through the Texas Department of Transportation, for the Temporary Closure of State Right of Way, being Portions of West Bound Highway 56, and Agreeing to Close Portions of Travis and Crockett Streets for the Annual Hispanic Heritage Festival on Saturday, September 19, 2009

- C.4** [* RESOLUTION NO. 5402](#)
Appointing and Authorizing the Execution of an Agreement with Pattillo, Brown & Hill, L.L.P. to Perform the Fiscal Year 2009 Audit
- C.5** [* RESOLUTION NO. 5403](#)
Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009 (City of Sherman Project); Approving the Issuance Thereof and the Facilities to be Constructed or Acquired by such Authority

Requests to Advertise

- D.1** [REQUEST TO ADVERTISE](#)
Construction of Washington Street from Heritage Parkway to the West City Limits
- D.2** [* REQUEST TO ADVERTISE](#)
Construction of a Concrete Pad and Ramp for the Solid Waste Transfer Station

Change Order

- D.3** [* CHANGE ORDER NO. 1](#)
Texoma Parkway Waterline, Phase III - Frisco Road to Fallon Drive; Cook Concrete, L.P.; \$452.47, Increase

Other Business

- D.4** [OTHER BUSINESS](#)
Consider Scheduling a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for 12:00 noon on Thursday, September 17, 2009, to Review SEDCO's Annual Budget and Work Plan
- D.5** [OTHER BUSINESS](#)
Scheduling Public Hearings for the Proposed Tax Rate for Fiscal Year 2009-2010
- D.6** [OTHER BUSINESS](#)
Final Plat Approval of Austin Park Addition, being part of a Replat of Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McAnair Survey, Abstract No. 763; Lazy L Enterprises, Owner; Greg Edwards Engineering Services, Inc., Engineer; and Cox Land Surveying Company, Surveyors (600 Blocks of East College and Carter Streets and 800 Block of North Broughton)
- D.7** [* OTHER BUSINESS](#)
Replat Approval of Lots 1, 2 and 3, Block B, North Haven Addition, being 0.64 acres in the J.B. McAnair Survey, Abstract No. 763; Spavinaw Development LLC, Owners; and Sartin and Associates, Inc., Surveyors (3104, 3108 and 3112 Rivercrest Drive)

D.8 [OTHER BUSINESS](#)

Mayor's Briefing of Council concerning the Monday, August 10, 2009 Meeting attended by Himself, Deputy Mayor Joe Smith, City Manager George Olson, Sherman Police Chief Tom Watt, Grayson County Judge Drue Bynum and Grayson County Sheriff Keith Gary, Regarding the Proposed Relocation of the Grayson County Jail

D.9 [CITIZEN REQUESTS](#)

D.10 [MEDIA QUESTIONS](#)

D.11 [COUNCIL COMMENTS](#)

Executive Session

E.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 551.074

Personnel Matters:

- (a) Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:
 - (i) Red River Groundwater Conservation District Board of Directors (2)

The Council reconvenes into General Session

F.1 [OPEN MEETING](#)

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

F.2 [ADJOURNMENT](#)

[COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Chip Adami, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER CHIP ADAMI



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. A.4

APPROVE MINUTES

THE CALLED CITY COUNCIL MEETING OF AUGUST 3, 2009
AND THE REGULAR CITY COUNCIL MEETING OF AUGUST 3, 2009

STATE OF TEXAS

§

August 3, 2009

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the Grayson County Commissioner's Courtroom at the Grayson County Courthouse, 100 W. Houston Street, Sherman, Texas, on August 3, 2009, when a quorum of Council Members attended the Grayson County Commissioner's Meeting.

COUNCIL MEMBERS PRESENT: Mayor Bill Magers.
Council Members Howeth, Steele, Wacker.

COUNCIL MEMBERS ABSENT: Deputy Mayor Joe Smith.
Council Members Adami, Softly.

GRAYSON COUNTY PERSONNEL: Drue Bynum, County Judge; Commissioner Jackie Crisp; Commissioner David Whitlock; Commissioner Johnny Waldrup; Commissioner C.E. "Gene" Short.

CITY STAFF PRESENT: George Olson, City Manager; Brandon Shelby, City Attorney; Linda Ashby, City Clerk.

PURPOSE: **Act on request to hear opinion of Bill Magers on maintaining Grayson County Jail in its current location**

ACT ON REQUEST TO HEAR OPINION OF BILL MAGERS ON MAINTAINING GRAYSON COUNTY JAIL IN ITS CURRENT LOCATION

There was a quorum of City Council Members present at the Grayson County Commissioners Meeting on August 3, 2009, at 10:00 a.m.

Mayor Bill Magers appeared before the Commissioner's Court, at 10:02 a.m., to discuss maintaining the Grayson County Jail in its current location. He presented a statement signed by a number of former Sherman leaders stating:

"We, the undersigned, strongly support the following positions relating to the current Grayson County jail expansion project:

The location of the jail should remain in downtown Sherman

The jail facility should be reasonably sized and accommodate the current and future needs of all its users; local, state and federal court systems

The elected Grayson County Sheriff should continue to directly manage jail operations and, most especially, its staff and prisoners

The taxpayers should not be exposed to unneeded financial risk"

The statement was signed by:

William L. Magers, Sherman Mayor 2005 – Present

Julie Ellis Starr, Sherman Mayor 2003-2005, 1995-1999

Jo Ann Osburn, (widow of Sherman Mayor Tom Osburn), 1999-2003

Harry R. Reynolds, Sherman Mayor 1991-1995

Dean Gilbert, Sherman Mayor 1985-1989

David Sprowl, Sherman Mayor 1983-1985
Jack G. Kennedy, Sherman Mayor 1981-1983
Virginia Morriss, Sherman Mayor 1979-1981
Tim McGraw, Grayson County Judge 2003-2006
Horace Groff, Grayson County Judge 1979-1987, 1991-2002
John Crawford, Grayson County Judge 1988-1990

Mayor Magers said his position is not new and has not changed, and he felt moving the jail from Downtown Sherman would have an approximate \$5 million negative impact on the community. He felt there is space to build the new jail Downtown and he asked that representatives of the Sherman City Council be allowed to negotiate with the Grayson County Commissioners to keep the jail Downtown. He also asked that the Grayson County Sheriff and the Sherman Chief of Police participate in the negotiations.

Mayor Magers yielded the floor at 10:08 a.m.

At 10:11 a.m. Grayson County Judge Drue Bynum asked to “revisit” Mayor Magers’ proposal and asked him to define “formally talk.” Mayor Magers reiterated his request to have a committee of Council Members meet with Commissioners, either in open meeting or as a committee without a quorum of members, to negotiate to keep the jail Downtown. He also asked that George Olson, Sherman City Manager, Sheriff Keith Gary, and Police Chief Tom Watt be included in the meetings.

Mayor Magers said nothing is “off the table” and there would be no pre-conditions of the talk, but the City Council would like the Downtown option and to be involved in the process. Judge Bynum said he would sit down with a committee, but asked the Council to consider how much the City will contribute financially to the project. Mayor Magers said it’s not just “dollars and cents.” Judge Bynum and Mayor Magers will set up a formal meeting.

Mayor Magers yielded the floor at 10:16 a.m.

Council Member Wacker left the meeting at 10:48 a.m. and there was no quorum of Council Members. She returned at 10:53 and there was a quorum.

Judge Bynum adjourned the Meeting at 10:54 a.m.

MAYOR

ATTEST

CITY CLERK

August 3, 2009 GCCC Comments

As Mayor of Sherman, I want to thank the court for allowing me the opportunity to come and publicly speak to you today regarding the jail project. There are several key issues I want to address on the record.

As Mayor, my position has been and remains to be that the jail should, first, remain in Downtown, and secondly in the City of Sherman. My position can be found in the record dating back to the appointment of the original jail committee by our current County Judge, enforced from meetings held from January – April of 2008. These include meetings where the Black Knight group was retained, the subsequent meeting held at the SEDCO offices and at the town hall meeting on the “snow day” where the County Judge stated that “Downtown Sherman was the first choice” for the county jail. My position is not new, has not changed and has only been solidified as this process has moved forward and I have had the opportunity to review actual data and statistics.

Over the past 2 years, I have had numerous informal conversations with members of this court regarding this project and its location. For example - Commissioner Whitlock contacted me months ago to inform me that Commissioner Waldrip suggested the current the site at 82 and Frisco Rd. I reiterated my position when we spoke. This site seems to be the latest in a series of non-downtown options.

However, despite repeated requests, I have never been given the opportunity to be a part of the process in any formal, detailed manner- be it a committee or panel member or through a formal proposal. Discussions have never gone beyond the concept point. In my opinion, herein lies the problem with this entire process; **Those who are affected most have been consulted the least.**

The City of Sherman accounts for the second highest number of admissions to the county jail, 25% vs. 39% for the County. The County jail is its sole incarceration facility. We do not maintain separate jail facilities; your jail is our jail. We represent 35% of the county population and nearly 40% of its income.

The economic impact of moving this jail out of Downtown Sherman is devastating; conservative estimates put it at a \$5 million annual negative impact.

The negative impact to our three court systems, local, state and federal is astronomical in terms of efficiency and unforeseen added logistics and transport costs.

The **true** capacity needs of the jail do not prevent it from staying in Downtown. After reviewing the data from the 2002 and 2005 studies, I am convinced that we have the space to build a jail that accommodates the needs of all its users' right here in Downtown Sherman. Studies that draw different conclusions are clearly using "for-profit" results-oriented math.

I am joined by 3 decades of leadership in asking for the opportunity to sit down with you in formal, **on the record**, negotiations to keep the jail in Downtown Sherman. I request that all data and assessments used in the negotiations be something other than those prepared by the companies who stand to profit from a contract.

In order to include our respective chief law enforcement officers and to avoid further delays in this process, I request that the Sheriff and the Sherman Chief of Police be a part of the discussions as well.

Thank you,

A handwritten signature in black ink, appearing to read 'William L. Magers', written in a cursive style.

William L. Magers
Mayor of Sherman, TX.

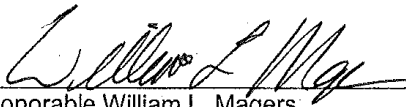
We, the undersigned, strongly support the following positions relating to the current Grayson County jail expansion project:

The location of the jail should remain in downtown Sherman

The jail facility should be reasonably sized and accommodate the current and future needs of all its users; local, state and federal court systems

The elected Grayson County Sheriff should continue to directly manage jail operations and, most especially, its staff and prisoners

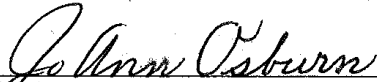
The taxpayers should not be exposed to unneeded financial risk



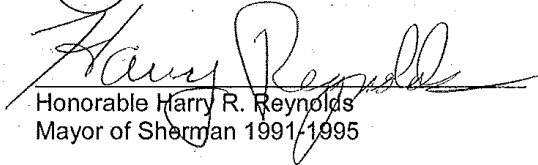
Honorable William L. Magers
Mayor of Sherman 2005 – Present



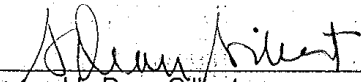
Honorable Julie Ellis Starr
Mayor of Sherman 2003 – 2005, 1995 – 1999,



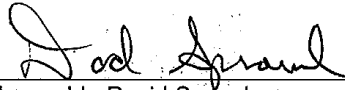
Ms. Jo Ann Osburn
For the Honorable Tom Osburn
Mayor of Sherman 1999-2003



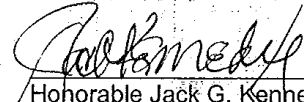
Honorable Harry R. Reynolds
Mayor of Sherman 1991-1995



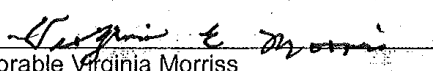
Honorable Dean Gilbert
Mayor of Sherman 1985-1989



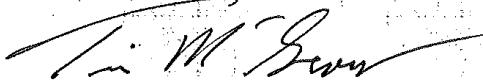
Honorable David Sprowl
Mayor of Sherman 1983-1985



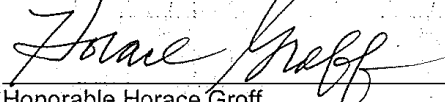
Honorable Jack G. Kennedy
Mayor of Sherman 1981-1983

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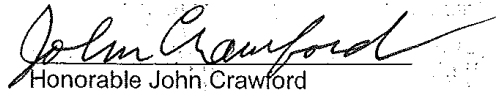
Honorable Virginia Morris
Mayor of Sherman 1979-1981



Honorable Tim McGraw
Grayson County Judge 2003 – 2006



Honorable Horace Groff
Grayson County Judge 1979-1987, 1991-2002



Honorable John Crawford
Grayson County Judge 1988 – 1990

SHERMAN



MAYOR
BILL MAGERS
CITY MANAGER
GEORGE OLSON

DEPUTY MAYOR
JOE N. SMITH
CITY COUNCIL
CHIP ADAMI

PAMELA L. HOWETH
ROBERT G. SOFTLY
WILLIE STEELE
CAROLYN S. WACKER

July 29, 2009

VIA HAND DELIVERY

The Honorable Drue Bynum
Grayson County Judge
100 West Houston Street, Ste. 15
Sherman, TX 75090

Dear Judge Bynum:

Please accept this correspondence as my respectful request to be placed on the agenda for the Grayson County Commissioner's next scheduled meeting at 10:00 a.m. on Monday, August 3rd.

The important concern that I would like to discuss with the Commissioners is maintaining the Grayson County Jail in its current location in downtown Sherman. I believe this to be crucial to the welfare of our Central Business District.

I sincerely appreciate your consideration of my request and look forward to appearing before the Commissioners at their meeting on Monday.

If I might answer any questions or provide any other information, please don't hesitate to contact me at any time.

Very truly yours,

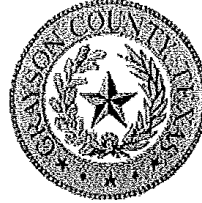
Bill Magers, Mayor
City of Sherman

BM:pc

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Johnny Waldrip
Commissioner. Pct. 1

David Whitlock
Commissioner. Pct. 2



Jackie Crisp
Commissioner. Pct. 3

Gene Short
Commissioner. Pct. 4

Drue Bynum
County Judge

Print

Notice is hereby given that a regular meeting of the Commissioners Court of Grayson County, Texas will be held August 3, 2009, at 10:00 AM in the 100 W. Houston, Commissioners Courtroom at which time the following matters will be considered:

- 1) Call to Order
- 2) Invocation
- 3) Pledge of Allegiance
- 4) *Act On Minutes Of July 27, 2009
- 5) *Approve Service Contract
- 6) *Act on request to hear opinion of Bill Magers on maintaining Grayson County Jail in its current location.
- 7) *Act on Request to authorize execution of Interlocal Agreement with TCOG for E9-1-1 Public Safety Answering Point Services
- 8) *Act On Request Of County Clerk To Allow 2 Part-time Deputy County Clerks To Work Full Time To Cover For Permanent Employee On Medical Leave
- 9) *Act On Request Of County Clerk To Hire New Employee To Replace Permanent Employee Who Is Resigning
- 10) *Act On Request To Televisе Commissioner's Court Meetings
- 11) *Act on request to train new employee for Vehicle Registration Department
- 12) *Act on Request to Renew Annual Contracts for Emulsions.
- 13) *Act on request to approve agreement between Grayson Pipeline, LLC and Grayson County, Texas for Road Repair.
- 14) Act On Current Bills
*Bills
- 15) Public Comment
- 16) Adjourn

COUNTY JUDGE

STATE OF TEXAS

§

August 3, 2009

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 3, 2009.

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

MEMBERS ABSENT: COUNCIL MEMBER ADAMI.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of July 20, 2009. Council Member Howeth moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PUBLIC HEARING

PROPOSED TAX ABATEMENT AGREEMENT WITH BEARD & BULLER LLC FOR IMPROVEMENTS TO PROPERTY IN SHERMAN TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO

Beard & Buller LLC has requested a tax abatement agreement for improvements to a two-story commercial structure located at 100 South Crockett Street, within Sherman Tax Increment Financing Reinvestment Zone Number Two, comprised of the Central Business District and an area just to the north.

TAX ABATEMENT
BEARD & BULLER

No citizens appeared before the City Council to discuss the proposed Tax Abatement Agreement with Beard & Buller LLC.

PROPOSED TAX ABATEMENT AGREEMENT WITH SDB PARTNERS, LLC FOR IMPROVEMENTS TO PROPERTY IN INDUSTRIAL REINVESTMENT ZONE NO. 072009-1

SDB Partners, LLC has requested a tax abatement agreement for Carrus Medical Center, a long-term acute care facility they are constructing on Highway 82, east of Heritage Parkway.

TAX ABATEMENT
SDB PARTNERS

No citizens appeared before the City Council to discuss the Tax Abatement Agreement with SDB Partners, LLC.

PROPOSED TAX ABATEMENT AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR IMPROVEMENTS TO PROPERTY IN INDUSTRIAL REINVESTMENT ZONE NO. 072009-2

Panda Sherman Power, LLC has requested a tax abatement agreement for the construction of a 500 megawatt power plant in the newly created Industrial Reinvestment Zone No. 072009-2.

No citizens appeared before the City Council to discuss the Tax Abatement Agreement with Panda Sherman Power, LLC.

The Public Hearing was closed.

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 5390 – 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

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. 5391 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH BEARD & BULLER LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN SHERMAN TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH BEARD & BULLER LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN SHERMAN TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO.

Mayor Magers explained that the Downtown Reinvestment Tax Increment Financing Program was begun about four and a half years ago to assist citizens that are investing in Downtown real estate. The City will match up to \$25,000 on capital improvements of \$100,000 and will abate the taxes on the improvements.

TAX ABATEMENT
PANDA SHERMAN
POWER

CLOSE PUBLIC
HEARING
CONSENT AGENDA

RES 5390
RENEW TAX
ABATEMENT
PROGRAM

RES 5391
AD VALOREM TAX
ABATMENT
(BEARD & BULLER)

RESOLUTION NO. 5392 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH SDB PARTNERS, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE NO. 072009-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH SDB PARTNERS, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE NO. 072009-1.

RES 5392
AD VALOREM TAX
ABATEMENT
(CARRUS MEDICAL)

RESOLUTION NO. 5393 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES WITHIN INDUSTRIAL REINVESTMENT ZONE NO. 072009-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES WITHIN INDUSTRIAL REINVESTMENT ZONE NO. 072009-2.

RES 5393
AD VALOREM TAX
ABATEMENT
(PANDA SHERMAN
POWER)

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution Nos. 5391, 5392, and 5393, as presented.

Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5394 – AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH PANDA SHERMAN POWER, LLC FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE.

RES 5394
CHAPTER 380
AGREEMENT
(PANDA SHERMAN
POWER)

Mayor Magers confirmed that the 380 Agreement is a five year agreement following the ten years of the tax abatement.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 5394, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5395 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1217 NORTH BROUGHTON STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1217 NORTH BROUGHTON STREET.
CONSENT AGENDA.

RES 5395
RESIDENTIAL TAX
ABATEMENT
(1217 N. BROUGHTON)

RESOLUTION NO. 5396 – AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH INTERMEDIX TECHNOLOGIES, INC. (DBA ADPI-INTERMEDIX) FOR THE BILLING AND COLLECTION OF AMBULANCE FEES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH INTERMEDIX TECHNOLOGIES, INC. (DBA ADPI-INTERMEDIX) FOR THE BILLING AND COLLECTION OF AMBULANCE FEES.
CONSENT AGENDA.

RES 5396
AMBULANCE BILLING

RESOLUTION NO. 5397 – AUTHORIZING THE USE OF MEMBER'S BUILDING MAINTENANCE, LTD, AS PROVIDED FOR UNDER A COOPERATIVE PURCHASING INTERLOCAL AGREEMENT WITH TARRANT COUNTY, FOR JANITORIAL SERVICES AT VARIOUS CITY-OWNED LOCATIONS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE USE OF MEMBER'S BUILDING MAINTENANCE, LTD, AS PROVIDED FOR UNDER A COOPERATIVE PURCHASING INTERLOCAL AGREEMENT WITH TARRANT COUNTY, FOR JANITORIAL SERVICES AT VARIOUS CITY-OWNED LOCATIONS.
CONSENT AGENDA.

RES 5397
JANITORIAL SERVICES

**REQUEST TO ADVERTISE
CITY OF SHERMAN EMPLOYEE AND RETIREE HEALTH INSURANCE**

The City Council approved the request to advertise for group health plan coverage for employees, dependents and retirees.

REQ TO ADVERTISE

The City's consultant, Fidelity Benefits, recommends that the City bid these services to ensure that they are receiving the best deal available with their current providers.
CONSENT AGENDA.

**OTHER BUSINESS
CONSIDER REQUEST OF THE SHERMAN ARTS FESTIVAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS, SUSPEND PARKING TIME LIMITS, AND USE CERTAIN CITY FACILITIES AND SERVICES FOR THE 27TH ANNUAL SHERMAN ARTS FESTIVAL ON SATURDAY, SEPTEMBER 19, 2009**

ARTS FESTIVAL

The City Council approved the request of the Sherman Arts Festival Committee to temporarily close certain streets, suspend parking time limits, and use certain City facilities and services for the 27th Annual Sherman Arts Festival on Saturday, September 19, 2009.

CONSENT AGENDA.

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR TUESDAY, SEPTEMBER 8, 2009, DUE TO CONFLICT WITH A FEDERAL HOLIDAY

The City Council called a Special Meeting for Tuesday, September 8, 2009 at 5:00 p.m. to make up for the first regular meeting in September, which falls on Labor Day, a Federal holiday.

CONSENT AGENDA.

SCHEDULE
SPECIAL COUNCIL
MEETING

REVIEW 2009-2010 DRAFT BUDGET

Robby Hefton, Assistant City Manager/CFO, presented the Draft Budget, which the City Charter requires be submitted to the City Council within 50 days of the calendar year end.

The Budget will be changed slightly from the one the Council receives on August 17, 2009, because the City has had some challenges since the Budget Workshop. Some revenues that were counted on will not be received in 2010, so adjustments are being made to the Budget and will be submitted at the next meeting.

Reserves are fine and the City will be able to absorb the changes without any worry, however the Final Budget will be slightly different from the one presented at this time.

Mr. Hefton added that one of the grants the City hoped to receive for the Police Department, for the four additional Traffic Safety Unit officers, was not awarded to the City. Those adjustments will also be made to the Budget. Apparently the Federal Government had about \$1 billion to \$1.3 billion available for the grants and they received requests for about \$8 billion.

Mayor Magers confirmed that the Budget will be balanced and the Reserves are fine.

DRAFT BUDGET

DISCUSSION OF THE PROPOSED TAX RATE FOR FISCAL YEAR 2009-2010 AND SCHEDULING PUBLIC HEARINGS FOR THE BUDGET AND PROPOSED TAX RATE

Mr. Hefton said the proposed tax rate is \$0.32 for Fiscal Year 2009-2010. Mayor Magers reminded citizens that the City had reduced the tax rate 20%, to \$0.32, one and a half years ago.

Mr. Hefton said the City is required by law to adopt the Budget before they adopt the tax rate, and the City is in compliance with the requirement. He added that, through the Council's direction, the City was able to lower the tax rate sooner than required by law, which netted the taxpayers a benefit of \$1 million on their property tax bill.

PROPOSED TAX RATE

**REVIEW DRAFT CAPITAL IMPROVEMENT PROGRAM (CIP)
2009-2014 AND SET PUBLIC HEARING FOR TUESDAY,
SEPTEMBER 8, 2009**

DRAFT CIP PROGRAM

Mr. Hefton said the Draft Capital Improvement Program is consistent with the draft presented at the Budget Workshop. The Public Hearing will be set for the September 8, 2009 Meeting, which falls on Tuesday because of the Labor Day Holiday.

**APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD
ENDING JUNE 30, 2009**

**QUARTERLY
INVESTMENT
REPORT**

The City Council approved the Quarterly Investment Report for the period ending June 30, 2009. As of that date, the Operating Portfolio had a book value of about \$22.9 million, down about \$2.4 million from three months ago, due to significant construction activity and slowing seasonal property tax collections.

The City was in compliance with all applicable State laws and the City's Investment Policy. The Operating Portfolio is appropriately liquid, and its weighted-average maturity increased to about 94 days, from about 115 days last period, because of maturing securities during the quarter.

The portfolio yield of 0.85% is higher than the benchmark yield of 0.35% and the value on the City's books is essentially equal to the market value of the overall portfolio.

The Debt Proceeds Portfolio balance increased about \$2.5 million due to the net effect of bond issuance proceeds received and construction during the period. The portfolio remains adequately liquid, with all the funds available within one day. Its yield of 0.44% is higher than the benchmark yield of 0.35%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.
CONSENT AGENDA.

CITIZENS REQUESTS

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

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

AIRPORT ADVISORY BOARD (4)

**AIRPORT ADVISORY
BOARD**

ACTION TAKEN.

Motion by Deputy Mayor Smith to reappoint Doug Millsap to the Airport Advisory Board for a term from July 17, 2009 to July 17, 2011, and to appoint Joshua Gurski for a term from August 4, 2009 to August 4, 2011.

Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

GRAYSON COUNTY JAIL LOCATION

Deputy Mayor Smith was unable to attend the Meeting in Grayson County Commissioner's Court this morning but understood the meeting went well. He asked George Olson, City Manager, to prepare some type of document or resolution that might show the Council's support of the Downtown location for the construction of the new jail, based on the economic impact of the potential loss to a different location.

**GRAYSON COUNTY
JAIL LOCATION**

BROCKETT STREET CONSTRUCTION

Council Member Wacker thanked the Street Department for repairing the washed out places along the Brockett Street construction area.

**BROCKETT ST.
CONSTRUCTION**

AD VALOREM PROPERTY TAX SAVINGS

Council Member Softly thanked Mr. Hefton and the City staff for the additional \$1 million for the taxpayers.

**AD VALOREM
PROPERTY TAX
SAVINGS**

TOURISM

Mayor Magers offered congratulations to April Patterson, Tourism Director, on the recent birth of her son.

TOURISM

He also offered kudos to Police Chief Tom Watt for a recent fundraising tournament that was held at Fairview Park. Fifteen teams turned out for a softball tournament to benefit a fellow officer that was previously a Reserve Officer for Sherman. Approximately \$7,000 was raised during the event.

GRAYSON COUNTY JAIL LOCATION

Mayor Magers thanked Grayson County Judge Drue Bynum, who has agreed to meet with an ad hoc committee on ways to keep the jail in Downtown Sherman. He felt the meeting was a "step in the right direction" and he thanked the Judge for his support.

**GRAYSON COUNTY
JAIL LOCATION**

NEW CITY EMPLOYEE

Mr. Olson introduced a new City employee, Don Keene, Project Manager. Mr. Keene will be working to implement the Comprehensive Master Plan.

NEW CITY EMPLOYEE

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

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

EXECUTIVE SESSION

SECTION 551.074

**PERSONNEL MATTERS:
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
OR REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:
GREATER TEXOMA UTILITY
AUTHORITY BOARD (1)**

**PLANNING AND ZONING
COMMISSION (3)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:17 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:25 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

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

GREATER TEXOMA UTILITY AUTHORITY BOARD (1)

ACTION TAKEN.

Motion by Council Member Wacker to appoint David Sprowl to the Greater Texoma Utility Authority Board to fill an unexpired term from August 4, 2009 to December 31, 2010. Second by Deputy Mayor Smith.

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

VOTING NAY: None.

MOTION CARRIED.

GTUA BOARD

Mayor Magers added that former Mayor Sprowl was one of the founders of the Greater Texoma Utility Authority and it is appropriate given the current issues, that he serve on this Board.

PLANNING AND ZONING COMMISSION (3)

ACTION TAKEN.

Motion by Council Member Steele to reappoint Lawrence Davis to the Planning and Zoning Commission for a term from August 8, 2009 to August 8, 2012; to reappoint David Plyler for a term from August 1, 2009 to August 1, 2012; and to appoint Ron Barton for a term from August 4, 2009 to August 4, 2012. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

**PLANNING &
ZONING COMMISSION**

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:27 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. B.1

INTRODUCTION AND FIRST PUBLIC HEARING OF ORDINANCE NO. 5614
Providing for the Appropriation of Funds for Operating and Capital Expenditures
for the Fiscal Year Beginning October 1, 2009, and Ending September 30, 2010

Issue

To introduce and open the first public hearing on the proposed budget ordinance for the 2009-2010 fiscal year

Background

The proposed budget reflects the direction given by the Council at the recent budget workshop held on June 18, 2009. The budget contains \$67.6 million in appropriations, which represents an approximate 8.7% decrease from the prior year's original budget, the decrease of which relates primarily to capital improvements. In accordance with the discussions at the budget workshop, the draft budget maintains the property tax rate at \$.32/\$100; and increases in water/sewer rates and solid waste rates of about 1.5% and 12%, respectively, are included. More detailed information is available on the attachments.

Origination

Assistant City Manager/Chief Financial Officer

Financial Consideration

The proposed budget contains appropriations of \$67.6 million for the 2009-2010 fiscal year.

Staff Recommendation

The staff recommends that the Council accept the budget as presented.

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. 5614; Summary Budget Text; Summary Budget Schedule; Individual Fund Statements

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager

ORDINANCE NO. 5614

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, 2009, AND ENDING SEPTEMBER 30, 2010; 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, 2009, and ending September 30, 2010.

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, 2009, and ending September 30, 2010.

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 _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

This budget will raise more total property taxes than last year's budget by \$211,000 and 3.1%, and of that amount \$156,681 is tax revenue to be raised from new property added to the roll this year.

**DRAFT BUDGET FOR THE CITY OF SHERMAN
FOR FISCAL YEAR 2009-2010**

August 17, 2009

SUMMARY:

The attached draft budget for 2009-2010 is based on the direction provided by the City Council at the budget workshop that was held on June 18, 2009.

The draft budget reflects a continued focus on completing prior development initiatives and adequate funding of our core competencies:

- Certificates of obligation of about \$3.5 million to fund street and park development initiatives
- Park and thoroughfare development projects including Washington Street west, Lamberth Road west and Pecan Grove Park Phase II
- Additional water storage purchase at Lake Texoma
- Additional resources for water quality and parks and streets maintenance
- Four grant funded police officers and an intelligence analyst
- Three firefighters, an aerial ladder truck and grant funded training and emergency equipment
- Water/Sewer and Solid Waste rate increases
- Street sweeping and bulky waste collection programs
- High priority items identified in the Comprehensive Master Plan

Appropriations for 2009-2010 total about \$67.6 million, of which \$12.2 million is earmarked for capital spending. This total is approximately 8.7% less than the \$74.0 million in the original 2008-2009 budget. Decreased spending on capital projects and capital expenses represents the largest component of the decreased appropriations.

Total budgeted full-time positions in the draft budget are 407, up from 398 in fiscal year 2008-2009. This increase is the result of the budget's emphasis on efficiently providing core city services. To reduce overtime in the fire department, three additional firefighters are requested. One-hundred and sixty acres of parks requiring maintenance have been added in the past two years. To maintain this investment, three grounds maintenance employees are requested. In the street department, two additional employees are requested to repair curbs, gutters and potholes which have previously been repaired by a contractor. To assist the city in ensuring quality water and compliance with legal and regulatory laws, a senior water quality specialist is included in the utility fund budget.

The General Fund is balanced for FY 2010. A slight increase in property tax revenue is offset by decreases in revenue from our other non-tax sources such as ambulance fees, permits and licenses. General Fund transfers out to the debt service fund for debt payments and to fleet replacement fund are included. All things considered, healthy reserve balances in the General Fund of about \$5.7 million are projected to exist at the end of fiscal year (FY) 2010.

For FY 2010, the Utility Fund is balanced, but requires a transfer from the Utility Improvement Fund to attain that. Although the fund is unbalanced on an ongoing basis currently, financial pressures should be relieved in FY 2012 when additional prospective revenues are expected from water sales to a major new industrial customer and in FY 2013 when the city's projected debt service decreases by about \$1.0 million. Remaining fund balances are projected to be about \$3.5 million, or about 66 days of ongoing operating expenses. Thus, only a modest rate increase of 1.5% is proposed. This will generate an additional \$.3 million in revenues to help ensure that ongoing rates will support the operations of this fund.

The Solid Waste Fund is balanced on an on-going basis. However, for FY 2010, the fund is unbalanced because of a non-recurring transfer of \$60 thousand to the General Improvement Fund. Recent cost increases related largely to landfill disposal and fuel/energy have contributed to the need for a rate increase of about 12% in this fund. Expected revenues from this increase total \$.5 million. The overall rate increase will be applied as needed to each of the operating departments within this fund to ensure that each segment of operation is self-supporting. Fund balances in this fund continue to be healthy, with an expected \$1.0 million, or 70 days of operating funds, available at the end of 2010.

The draft budget of about \$5.9 million in the General Improvement Fund reflects about \$5.0 million for various street and parks projects and transfers out of \$.9 million. The most significant projects include Washington Street west, Lamberth Road west and Pecan Grove Park Phase II. Reserves of about \$.7 million are expected after the completion of these projects.

In the Utility Improvement Fund, internal projects of about \$1.0 million have been identified. Additionally, the City will issue an expected \$7.9 million in revenue bonds through the Greater Texoma Utility Authority (GTUA) for various large utility projects. The largest projects to be managed and funded through this source are the additional water storage rights from Lake Texoma, the raw water pump upgrade, and the wastewater treatment plant cover for the biological clarifiers. These projects are not reflected on the City's books; rather they are paid through contractual debt payments to GTUA from the Utility Fund. Other utility projects are proposed to be funded through \$4.0 million in available fund balance in the Utility Improvement Fund. A transfer to the Employee Insurance Fund of \$1.0 million to help restore that fund's reserves and a transfer to the Utility Fund are included. Utility Improvement Fund reserves of about \$1.7 million should be available in the fund at the completion of these projects.

DETAILED INFORMATION:

Additional information on major components of the 2009-2010 draft budget follows.

Certificates of Obligation: The draft budget includes the effects of issuing about \$3.5 million in Certificates of Obligation (CO), funding of which could be used for projects such as Pecan Grove Park development, Washington Street west, and Lamberth Road west. Debt service for this bond issue will be provided through ad-valorem taxes and a general revenue pledge.

Pecan Grove Park Phase II: This nature and open-space park has a budgeted development cost of \$2.4 million and will include such features as fishing piers, picnic pavilions, paved and unpaved hike/bike and walking trails, an amphitheater and playground equipment.

Thoroughfare and Street Improvements: Improvement of two of the City's thoroughfares continues in (FY) 2010 – Washington Street and Lamberth Road. Both of these thoroughfares are expected to pave the way for near-term growth and development in these areas of the city.

Water Treatment Plant Raw Water Pump Station Upgrade - The draft budget for the Utility Improvement Fund includes \$2.0 million for this project. The project's costs are shared with the North Texas Municipal Water District and are for the purpose of pumping additional water from Lake Texoma. This project is funded by the Greater Texoma Utility Authority.

Additional Water Storage at Lake Texoma – The draft budget for the Utility Improvement Fund includes \$4,000,000 to purchase additional storage. However, if more is available, this amount could increase. This project is funded by the Greater Texoma Utility Authority.

Water/Sewer and Solid Waste Rate Increases: Pressures on operating costs arising from things such as biosolids disposal, landfill disposal fees, fuel/energy costs and group health costs have contributed to the need for rate increases in these utility services. The overall water/sewer rate increase is expected to be about 1.5%, while the solid waste fees are expected to increase about 12% overall.

SUMMARY SCHEDULES, DETAILED FUND STATEMENTS, AND OTHER INFORMATION

The following pages include a schedule that summarizes the draft 2009-2010 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 2009-2010**

	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	\$ 5,783,160	\$ 4,819,608	\$ (110,913)	\$ 2,053,882	\$ 6,688,895	\$ 971,219	\$ 521,305	\$ 74,118	\$ 20,801,274
Receipts:									
Taxes	22,419,000	-	-	504,000	-		1,438,000		24,361,000
Water Sales	-	11,129,475	-	-	-		-		11,129,475
Sewer Sales	-	6,988,275	-	-	-		-		6,988,275
Solid Waste Sales	-	5,016,280	-	-	-		-		5,016,280
Other Fees for Services	3,303,760	112,000	6,962,280	806,625	-		-	(6,269,338)	4,915,327
Interest	126,500	84,000	3,000	16,280	200,000	-	3,300		433,080
Other	343,229	1,056,385	225,000	67,550	200,000	7,000	-		1,899,164
Lease/ Bond Proceeds	-	-	1,506,653	497,639	7,500,000		-		9,504,292
Transfers In	2,564,000	450,000	1,265,727	166,000	60,000		1,177,386	(5,433,113)	250,000
Total Receipts	28,756,489	24,836,415	9,962,660	2,058,094	7,960,000	7,000	2,618,686	(11,702,451)	64,496,893
Expenditures/Expenses:									
Personnel	20,452,914	6,070,456	1,013,381	135,023	-		-		27,671,774
Supplies	1,295,032	1,143,718	713,039	432,995	-		-		3,584,784
Maintenance	993,446	1,638,930	782,487	128,688	-		-		3,543,551
Utilities	1,352,840	2,551,120	79,400	44,940	-		-		4,028,300
Contract Wages	321,680	87,680	9,000	-	-		-		418,360
Computer Services	542,300	97,200	15,100	-	-		-	(653,858)	742
Debt Service	154,458	3,435,200	210,959	-	-		2,040,155		5,840,772
Contractual Services	1,926,148	1,197,250	4,321,940	353,964	-		-	(3,400,000)	4,399,302
Vehicle Usage	1,022,960	5,650,201	-	1,470	-		-	(2,215,480)	4,459,151
Capital Expenses	153,250	189,800	1,945,528	559,700	10,126,700		-		12,974,978
Other		174,200	-	211,562	-		-		385,762
Transfers Out	586,063	2,480,664	-	199,528	2,313,858		80,000	(5,433,113)	227,000
Total Expenditures/Expenses	28,801,091	24,716,419	9,090,834	2,067,870	12,440,558	-	2,120,155	(11,702,451)	67,534,476
Ending Fund Balance	\$ 5,738,558	\$ 4,939,604	\$ 760,913	\$ 2,044,106	\$ 2,208,337	\$ 978,219	\$ 1,019,836	\$ 74,118	\$ 17,763,691

General Fund
Summary of Revenues & Expenditures (Budget Basis)

	Actual 2007-2008	Adjusted Budget 2008-2009	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 8,827,470	\$ 7,788,199	\$ 7,728,766	\$ 5,683,150
Revenues				
Property Taxes	7,496,564	6,550,000	6,568,000	6,728,000
Sales Taxes	10,551,390	11,850,000	11,480,000	11,870,000
Franchise Taxes	3,564,960	3,663,000	3,910,000	3,692,000
Other Taxes	127,747	123,000	130,000	129,000
Fines & Forfeitures	832,696	923,000	771,000	800,000
Recreation	219,295	236,000	241,000	272,000
Permits & Licenses	420,068	438,000	393,000	261,700
Rentals	5,280	79,700	60,000	66,500
Cemetery Sales and Services	161,456	148,000	140,000	125,000
Sales & Services	380,227	382,060	353,000	478,560
Ambulance Services	1,454,134	1,750,000	1,300,000	1,300,000
Interest	340,822	210,000	130,000	125,000
Grants and Miscellaneous	627,544	540,809	401,000	313,879
Total Revenues	26,182,183	26,893,569	25,877,000	26,161,639
Transfers In	2,095,938	2,312,496	2,312,493	2,564,000
Total Receipts	28,278,121	29,206,065	28,189,493	28,725,639
Total Funds Available	37,105,591	36,994,264	35,918,259	34,408,789
Expenditures				
Personnel	19,808,950	20,086,240	19,997,000	20,452,914
Supplies	1,114,359	1,192,473	1,119,000	1,295,032
Maintenance	1,014,942	1,063,943	1,067,484	993,446
Utilities	1,431,231	1,484,592	1,350,000	1,352,840
Contract Wages	351,699	343,810	343,810	321,680
Computer Services	302,204	566,575	550,000	542,300
Debt Service	196,441	195,237	195,237	154,458
Contractual and Sundry Services	1,371,652	2,058,902	1,850,000	1,848,898
Vehicle Usage	1,172,379	1,225,971	1,000,000	1,022,960
Equipment and Buildings	762,968	937,908	936,295	153,250
Transfer Out to Debt Service	150,000	-	-	375,000
Transfer Out to Fleet Fund	-	1,000,000	1,000,000	211,063
Transfer Out to Ins Fund	-	766,283	766,283	-
Transfer Out to Comp Svc	-	60,000	60,000	-
Transfers Out- CIP Fund	1,700,000	-	-	-
Total Expenditures	29,376,825	30,981,934	30,235,109	28,723,841
Excess Receipts over Expenditures	(1,098,704)	(1,775,869)	(2,045,616)	1,798
Ending Fund Balance	\$ 7,728,766	\$ 6,012,330	\$ 5,683,150	\$ 5,684,948

Utility Fund
Summary of Revenues & Expenses (Budget Basis)

	Actual 2006-2007	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Reserve	\$ 6,410,850	\$ 4,789,693	\$ 4,247,383	\$ 3,371,880
Revenues				
Water Revenues	10,218,635	10,328,401	10,750,000	11,129,475
Sewer Revenues	6,567,903	6,615,484	6,750,000	6,988,275
Laboratory Charges	116,285	111,960	106,000	107,000
Service & Penalties	413,427	428,118	436,000	450,000
Earned Interest	379,039	198,613	78,000	70,000
Intergovernmental	-	152,542	213,718	236,285
Miscellaneous	313,827	278,311	278,000	294,300
Total Revenues	18,009,116	18,113,429	18,611,718	19,275,335
Transfers-In	-	-	-	450,000
Total Receipts	18,009,116	18,113,429	18,611,718	19,725,335
Total Funds Available	24,419,966	22,903,122	22,859,101	22,647,215
Expenses				
Personnel	4,181,354	4,085,201	4,251,013	4,470,200
Supplies	660,427	814,421	1,018,882	1,022,838
Maintenance & Repair	1,212,385	1,516,463	1,730,127	1,618,930
Utilities	2,579,701	2,907,414	2,600,000	2,537,920
Computer Services	66,387	55,686	75,000	86,400
Debt Service	4,562,052	5,221,848	5,386,936	5,403,499
Contract Wages	58,849	47,594	65,000	84,000
Contractual & Special Services	702,668	1,142,592	1,600,000	1,904,858
Vehicle Usage	198,005	267,470	220,000	229,650
Other	159,506	105,549	290,000	172,200
Capital Expenses	251,113	191,501	381,000	189,800
Total Expenses	14,632,447	16,355,739	17,617,958	17,720,295
Transfers Out				
General Fund	1,497,826	1,500,000	1,696,733	1,850,000
Others	3,500,000	800,000	172,530	-
Total Transfers Out	4,997,826	2,300,000	1,869,263	1,850,000
Total Expenses	19,630,273	18,655,739	19,487,221	19,570,295
Excess Revenues over Expenditures	(1,621,157)	(542,310)	(875,503)	155,040
Ending Reserve	\$ 4,789,693	\$ 4,247,383	\$ 3,371,880	\$ 3,526,920

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

	<u>Actual 2006-2007</u>	<u>Actual 2007-2008</u>	<u>Projected 2008-2009</u>	<u>Proposed 2009-2010</u>
Beginning Fund Balance	\$ 2,726,010	\$ 2,174,490	\$ 1,442,165	\$ 1,034,423
Revenues				
Solid Waste Fees	4,765,624	4,682,739	4,593,000	5,016,280
Service Penalties	69,556	59,283	52,000	55,000
Interest	94,377	44,734	7,500	6,000
Miscellaneous	133,600	268,826	39,755	20,800
Total Revenues	<u>5,063,156</u>	<u>5,055,582</u>	<u>4,692,255</u>	<u>5,098,080</u>
Total Funds Available	7,789,166	7,230,072	6,134,420	6,132,503
Expenses				
Personnel	1,456,465	1,543,233	1,501,648	1,600,256
Supplies	212,224	127,131	220,000	120,880
Maintenance & Repair	10,062	34,621	20,000	20,000
Utilities	7,796	9,491	10,000	13,200
Contract Wages	1,615	430	1,400	3,680
Computer Services	15,720	9,590	12,000	10,800
Solid Waste Debt Service	502,931	373,489	324,000	246,702
Contractual & Sundry Services	1,363,568	1,273,587	1,300,000	1,530,342
Vehicle Usage	757,073	1,010,205	800,000	967,600
Capital Expenses	191,285	210,192	234,000	-
Transfers Out	1,095,938	1,195,938	676,949	630,664
Total Expenses	<u>5,614,677</u>	<u>5,787,907</u>	<u>5,099,997</u>	<u>5,144,124</u>
Excess Receipts over Expenditures	<u>(551,520)</u>	<u>(732,325)</u>	<u>(407,742)</u>	<u>(46,044)</u>
Ending Fund Balance	<u>\$ 2,174,490</u>	<u>\$ 1,442,165</u>	<u>\$ 1,034,423</u>	<u>\$ 988,379</u>

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 1,438,368	\$ 7,187,131	\$ 2,738,158
Revenues:			
Transfers In	2,400,000	-	60,000
Austin College Participation	-	200,000	200,000
Bond Proceeds	4,950,500	3,650,000	3,500,000
Investment Interest	104,950	105,000	100,000
Miscellaneous Revenue	50,254	-	-
Total Revenues	<u>7,505,704</u>	<u>3,955,000</u>	<u>3,860,000</u>
Total Funds Available	8,944,072	11,142,131	6,598,158
Expenditures:			
Street Oversizing	22,933	9,573	-
Fairview/MLK Lighted Hike/Bike Trail	230,815	16,695	-
Aerial and Topographic Map Updates	131,655	38,345	-
Comprehensive Plan Study	189,770	75,000	-
* Pecan Grove Park - Phase I	943	327,569	-
Park Mapping Project	24,860	12,450	-
Travis Street Overlay - Hwy 75 to Washington	-	80,569	-
* Brockett St. - Grand to Travis	198,337	1,574,269	-
* Washington Street West	-	1,000,000	3,000,000
* Lamberth Rd West	-	100,000	800,000
* Canyon Creek Drive	-	671,066	-
* Pecan Grove Park - Phase II	-	2,400,000	-
* Center Street Sports Complex	550	1,388,908	-
Solid Waste Transfer Station Repairs	-	143,349	-
Bleacher Renovation - Fairview & OSP	-	166,180	-
US 75 W. Frontage Road Reversal	-	-	300,000
Canyon Grove Road - relocation	-	-	100,000
Hawn Park Practice Field Development	-	-	25,000
Solid Waste Interior Driveway Rebuild	-	-	60,000
Street Right-of-Way and Oversizing	-	-	100,000
Travis Street - Washington to Houston St.	-	-	180,000
Drainage Improvement Projects	-	-	300,000
GIS System	-	-	146,700
Blalock Land Purchase	-	300,000	-
Cemetery Building resurface & fencing	-	-	30,000
Transfer to Debt Service	-	100,000	688,858
Transfer to General Fund	-	-	175,000
Total Expenditures	<u>1,756,941</u>	<u>8,403,973</u>	<u>5,905,558</u>
Ending Fund Balance	<u>\$ 7,187,131</u>	<u>\$ 2,738,158</u>	<u>\$ 692,600</u>
Designated for Transportation	120,000	120,000	120,000
Designated for Bond Projects	4,750,720	1,238,688	-
Not Designated	2,316,411	1,379,470	572,600

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 6,698,237	\$ 6,067,394	\$ 3,950,737
Revenues			
Interest Income/Other Income	231,468	110,000	100,000
Debt Proceeds	-	-	4,000,000
Transfer-in from Utility Fund	1,245,162	-	-
Total Revenues	<u>1,476,630</u>	<u>110,000</u>	<u>4,100,000</u>
Total Funds Available	8,174,867	6,177,394	8,050,737
Expenses			
WTP - Upgrade Phase I	744,888	-	-
Texoma Parkway Water Line Replacement - Phase II	-	-	-
Hwy 56 Water Line Connection - West to Friendship	-	-	-
Dexter Street Water Line Replacement	-	-	-
West Washington Water Replacement	160,601	-	-
Texoma Parkway Sewer Replacement	14,500	-	-
Belden Street Water Line Replacement	71,645	-	-
Oakhill Water Line Replacement	59,129	-	-
WWTP Screw Lift Pump Replacement	48,599	550,000	-
WTP - Upgrade Phase II	853,307	-	-
Relief Sewer K-4 Phase I	-	-	-
Highland Street Water Replacement	11,041	-	-
Travis Street Water Line Replacement - 75 to Washington	143,763	-	-
WTP - Upgrade Phase III	-	975,108	-
Fallon Drive Water Main Loop	-	92,308	-
Travis Street Water Line Replacement - Washington to Jor	-	250,000	-
Oak Creek Dr Water Line Replacement	-	64,241	-
Willow St Water Line Replacement	-	95,000	-
Brents Street Sewer Replacement	-	-	150,000
Pelton Street Water Line Replacement	-	-	250,000
WTP - THHM Control	-	-	250,000
WWTP - Upgrade Mixers, Phase I	-	-	160,000
Utility Main Oversizing	-	-	100,000
Additional Water Storage	-	-	4,000,000
Transfers Out-Utility Fund	-	-	450,000
Transfers Out-Employee Insurance Fund	-	200,000	1,000,000
	<u>2,107,473</u>	<u>2,226,657</u>	<u>6,360,000</u>
Ending Fund Balance	<u>\$ 6,067,394</u>	<u>\$ 3,950,737</u>	<u>\$ 1,690,737</u>

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

This fund accounts for donations that are too small to warrant a separate fund.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 94,610	\$ 100,353	\$ 33,428
Receipts			
Interest	2,860	1,100	1,100
F.E.M.A. Grant	4,660	-	-
Glennie O. Ham Donations	1,585	1,500	2,000
Altrusa (W.A.F.A.)	250	500	250
Library Donations	750	20,000	20,000
Animal Shelter Donations	6,675	5,000	5,000
Fishing Festival	160	500	100
Fire Dept Donations	1,100	3,500	2,000
Genealogical Donations	175	120	-
Total Receipts	<u>18,215</u>	<u>32,220</u>	<u>30,450</u>
Total Funds Available	112,825	131,673	63,878
Expenditures			
F.E.M.A. Grant	4,609	345	-
Library Donations	1,364	20,000	26,000
Glennie O. Ham Center	2,207	3,500	1,100
Altrusa (W.A.F.A.)	178	300	650
Senior Citizen's Dance Club	59	300	1,000
Sherman Beautification	-	-	15,000
Animal Shelter Donations	-	20,000	10,000
Fire Dept Donations	480	3,500	2,800
Fishing Festival	-	-	1,800
Genealogical	-	300	100
Remodeling Contingency	3,575	50,000	3,800
Total Expenditures	<u>12,472</u>	<u>98,245</u>	<u>62,250</u>
Ending Fund Balance	<u><u>\$ 100,353</u></u>	<u><u>\$ 33,428</u></u>	<u><u>\$ 1,628</u></u>

Land Transaction Fund
Summary of Receipts & Expenditures

This fund is to account for small sales of city property, including abandoned alleys and streets, and to provide funding for City appraisals and associated expenditures incurred in purchasing land and right-of-ways under the direction of city management.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 57,219	\$ 44,082	\$ 66,582
Receipts			
Land Sales	-	22,000	-
Interest Earned	1,603	500	400
Total Funds Available	58,822	66,582	66,982
Expenditures			
Miscellaneous	14,740	-	15,000
Ending Fund Balance	\$ 44,082	\$ 66,582	\$ 51,982

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

This fund accounts for street curb, gutter, paving and other capital improvements that are financed by the developer or citizen cost assessments.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 416,623	\$ 439,289	\$ 447,289
Receipts			
Interest Income	22,666	8,000	8,000
Street Assessment	-	-	-
Total Receipts	22,666	8,000	8,000
Total Funds Available	439,289	447,289	455,289
Total Expenditures	-	-	-
Ending Fund Balance	\$ 439,289	\$ 447,289	\$ 455,289

TIF #2 Construction Fund Summary of Receipts & Expenditures

This fund accounts for accumulation of funds within this reinvestment zone located in downtown Sherman. Proceeds from the tax increment are to be used to pay for projects in this area on both a pay-as-you-go basis and to pay debt service on projects financed through long-term borrowings.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 25,138	\$ 99,803	\$ 385,400
Receipts			
Property Tax	73,321	-	-
Bond Issuance Proceeds	-	450,000	-
Transfer from TIF Debt Service	-	-	80,000
Interest	1,344	400	400
Total Receipts	74,665	450,400	80,400
Total Funds Available	99,803	450,400	465,800
Expenditures			
Improvements	-	65,000	450,000
Total Expenditures	-	65,000	450,000
Ending Fund Balance	\$ 99,803	\$ 385,400	\$ 15,800

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 142,034	\$ 144,521	\$ 144,841
Receipts			
Transfers-in from Hotel/Motel Tax	113,437	115,986	113,528
Interest	2,786	620	500
Total Receipts	116,223	116,606	114,028
Total Funds Available	258,257	261,127	258,869
Expenditures			
Debt Service	113,436	115,986	113,528
Agent Fees	300	300	500
Total Expenditures	113,736	116,286	114,028
Ending Fund Balance	\$ 144,521	\$ 144,841	\$ 144,841

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 142,034	\$ 144,521	\$ 144,841
Receipts			
Transfers-in from Hotel/Motel Tax	113,437	115,986	113,528
Interest	2,786	620	500
Total Receipts	116,223	116,606	114,028
Total Funds Available	258,257	261,127	258,869
Expenditures			
Debt Service	113,436	115,986	113,528
Agent Fees	300	300	500
Total Expenditures	113,736	116,286	114,028
Ending Fund Balance	\$ 144,521	\$ 144,841	\$ 144,841

TIF #1 Debt Service Fund **Summary of Receipts & Expenditures**

Note: This Tax Increment Financing (TIF) Zone includes Sherman Town Center on the northwest corner of Hwy 75 and Hwy 82 intersections. This fund accounts for the debt service associated with purchase of infrastructure assets within the zone.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 482,591	\$ 580,185	\$ 175,140
Receipts			
Property Tax	324,204	332,000	332,000
Interest	20,092	2,200	1,200
Total Receipts	344,296	334,200	333,200
Total Funds Available	826,887	914,385	508,340
Expenditures			
Debt Service	246,702	241,106	316,076
Transfer to TIF Construction Fund	-	497,639	-
Agent Fees	-	500	500
Total Expenditures	246,702	739,245	316,576
Ending Fund Balance	\$ 580,185	\$ 175,140	\$ 191,764

TIF #2 Debt Service Fund Summary of Receipts & Expenditures

Note: This Tax Increment Financing (TIF) Zone includes the downtown Sherman area. This fund is used to account for debt service payments associated with capital improvements made in the Downtown area and repaid by taxes generated within the zone.

	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ -	\$ 61,270
Receipts		
Property Tax	61,270	60,000
Interest	-	400
Total Receipts	<u>61,270</u>	<u>60,400</u>
Total Funds Available	61,270	121,670
Expenditures		
Debt Service	-	37,760
Agent Fees		500
Transfer to TIF Construction	-	80,000
Total Expenditures	<u>-</u>	<u>118,260</u>
Ending Fund Balance	<u><u>\$ 61,270</u></u>	<u><u>\$ 3,410</u></u>

TIF #3 Fund Summary of Receipts & Expenditures

Note: This TIF Fund is designed to accumulate funds for payment of debt service, debt issuance proceeds of which will be used to make infrastructure improvements within the Zone. This Zone is generally located on the northeast and southeast corners of the intersection of Hwy 75 and Loy Lake Road.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ -	\$ 60,377	\$ 116,577
Receipts			
Property Tax	59,184	56,000	56,000
Interest	1,193	200	200
Total Receipts	<u>60,377</u>	<u>56,200</u>	<u>56,200</u>
Total Funds Available	60,377	116,577	172,777
	-	-	
Expenditures			
Debt Service	-	-	-
Agent Fees	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ 60,377</u>	<u>\$ 116,577</u>	<u>\$ 172,777</u>

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

	<u>Actual 2007-2008</u>	<u>Projected 2008-2009</u>	<u>Proposed 2009-2010</u>
Beginning Fund Balance	\$ -	\$ 152,408	\$ 19,064
Receipts			
Transfer from General Fund	150,000	-	200,000
Transfer from General CIP Fund		100,000	150,000
Property Tax Revenues	-	-	-
Miscellaneous Revenue	2,408	-	-
Total Receipts	<u>152,408</u>	<u>100,000</u>	<u>350,000</u>
Total Funds Available	152,408	252,408	369,064
Expenditures			
Debt Service	-	233,344	352,833
Agent Fees	-	-	500
Total Expenditures	<u>-</u>	<u>233,344</u>	<u>353,333</u>
Ending Fund Balance	<u><u>\$ 152,408</u></u>	<u><u>\$ 19,064</u></u>	<u><u>\$ 15,731</u></u>

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

	Proposed 2009-2010
Beginning Fund Balance	\$ -
Receipts	
Transfer from General CIP Fund	288,858
Property Tax Revenues	-
Total Receipts	288,858
Total Funds Available	288,858
Expenditures	
Debt Service	281,619
Agent Fees	-
Total Expenditures	281,619
Ending Fund Balance	\$ 7,239

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

	Proposed 2009-2010
Beginning Fund Balance	\$ -
Receipts	
Interest Revenue	1,000
Transfer from General Improvement Fund	250,000
Total Receipts	251,000
Total Funds Available	251,000
Expenditures	
Debt Service	160,554
Agent Fees	500
Total Expenditures	161,054
Ending Fund Balance	\$ 89,946

**2009 Tax Notes Debt Service
Summary of Receipts & Expenditures**

	<u>Projected 2008-2009</u>	<u>Proposed 2009-2010</u>
Beginning Fund Balance	\$ -	\$ 4,413
Receipts		
Sales Tax Revenue	375,000	990,000
Interest Revenue	-	1,000
Transfer from Street Sales Tax Construction	410,000	-
Total Receipts	<u>785,000</u>	<u>991,000</u>
Total Funds Available	785,000	995,413
Expenditures		
Debt Service	780,087	775,285
Agent Fees	500	-
Total Expenditures	<u>780,587</u>	<u>775,285</u>
Ending Fund Balance	<u><u>\$ 4,413</u></u>	<u><u>\$ 220,128</u></u>

Auditorium & Ballroom Fund
Summary of Receipts & Expenditures

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 72,946	\$ 66,940	\$ 61,095
Receipts			
Transfer-In from Hotel/Motel	62,000	45,000	86,000
Interest	1,649	400	500
Auditorium/Ballroom Rental	25,270	25,000	27,000
Total Receipts	<u>88,919</u>	<u>70,400</u>	<u>113,500</u>
 Total Funds Available	 161,865	 137,340	 174,595
Expenditures			
<i>Ballroom:</i>			
Personnel	24,217	21,200	22,000
Supplies	7,560	500	720
Maintenance	8,586	5,500	3,108
Utilities	35,062	25,000	23,900
Contract Services	-	-	550
Equipment	-	-	5,000
<i>Auditorium:</i>			
Personnel	973	2,845	3,000
Supplies	-	-	500
Maintenance	6,568	11,900	43,755
Utilities	11,959	9,300	8,200
Total Expenditures	<u>94,925</u>	<u>76,245</u>	<u>110,733</u>
 Ending Fund Balance	 <u>\$ 66,940</u>	 <u>\$ 61,095</u>	 <u>\$ 63,862</u>

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 227,645	\$ 218,613	\$ 228,941
Receipts			
E 9-1-1 Service Fees	192,680	250,000	250,000
Security and Technology Fees	52,729	90,000	99,000
Interest	5,679	1,200	1,000
Total Receipts	<u>251,088</u>	<u>341,200</u>	<u>350,000</u>
Total Funds Available	478,733	559,813	578,941
Expenditures			
Personnel	69,619	109,272	110,023
Supplies	7,719	8,700	21,950
Maintenance/Repairs	1,581	6,700	71,025
Contractual Payments	64,256	144,200	99,830
Equipment	116,945	62,000	104,700
Total Expenditures	<u>260,120</u>	<u>330,872</u>	<u>407,528</u>
Ending Fund Balance	<u>\$ 218,613</u>	<u>\$ 228,941</u>	<u>\$ 171,413</u>

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 37,716	\$ 30,100	\$ 26,300
Receipts			
PRIDE Donations	11,200	11,000	11,000
Interest Income	855	200	200
Total Receipts	<u>12,055</u>	<u>11,200</u>	<u>11,200</u>
Total Funds Available	49,771	41,300	37,500
Expenditures			
Park Improvements	<u>2,999</u>	<u>15,000</u>	<u>30,000</u>
Total Expenditures	<u>2,999</u>	<u>15,000</u>	<u>30,000</u>
Ending Fund Balance	<u><u>\$ 46,772</u></u>	<u><u>\$ 26,300</u></u>	<u><u>\$ 7,500</u></u>

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

	<u>Actual 2007-2008</u>	<u>Projected 2008-2009</u>	<u>Proposed 2009-2010</u>
Beginning Fund Balance	\$ 21,737	\$ 20,291	\$ 14,941
Receipts			
PRIDE Donations	11,254	11,000	11,000
Interest Income	472	150	200
Total Receipts	<u>11,726</u>	<u>11,150</u>	<u>11,200</u>
Total Funds Available	33,463	31,441	26,141
Expenditures			
Supplies	1,324	4,000	7,000
Travel/Tuition	1,582	3,500	3,500
Contractual Services	2,466	2,500	5,000
Canine Replacement Dog	7,800	6,500	10,500
Total Expenditures	<u>13,172</u>	<u>16,500</u>	<u>26,000</u>
Ending Fund Balance	<u><u>\$ 20,291</u></u>	<u><u>\$ 14,941</u></u>	<u><u>\$ 141</u></u>

Donations Fund
Summary of Receipts & Expenditures

This fund includes donations for Holiday Decorating.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 223	\$ 698	\$ 1,283
Receipts			
Donations	467	580	550
Interest Income	8	5	5
Total Receipts	<u>475</u>	<u>585</u>	<u>555</u>
Total Funds Available	698	1,283	1,838
Expenditures			
Supplies	-	-	1,800
Total Expenditures	<u>-</u>	<u>-</u>	<u>1,800</u>
Ending Fund Balance	<u><u>\$ 698</u></u>	<u><u>\$ 1,283</u></u>	<u><u>\$ 38</u></u>

Hotel/Motel Tax Fund
Summary of Receipts & Expenditures

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 191,563	\$ 334,532	\$ 388,310
Receipts			
Hotel/Motel Tax 5%	479,622	360,000	363,000
Hotel/Motel Tax 2%	191,849	140,000	141,000
Penalties	15,689	20,000	15,000
Miscellaneous	100	12,425	-
Interest	3,375	1,000	800
Total Receipts	690,635	533,425	519,800
 Total Funds Available	 882,198	 867,957	 908,110
Expenditures			
Museum Support	82,500	82,500	82,500
Downtown Preservation	20,000	-	-
Tourism			
<i>Administration</i>	222,846	149,858	94,862
<i>Programs</i>	-	26,000	116,700
Downtown Building Incentive	13,712	25,000	25,000
Arts Council	33,171	35,303	35,778
Transfer to Auditorium/Ballroom	62,000	45,000	86,000
Transfer 2% to Auditorium Debt Service	113,437	115,986	113,528
Total Expenditures	547,666	479,647	554,368
 Excess Receipts over Expenditures	 142,969	 53,778	 (34,568)
 Ending Fund Balance	 \$ 334,532	 \$ 388,310	 \$ 353,742

Drug Enforcement Fund Summary of Receipts & Expenditures

This fund accounts for monies seized during drug investigations and subsequently awarded to the City by the court. State law restricts the use of this money for law enforcement purposes. Cash must be available in this fund prior to spending.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 49,658	\$ 17,130	\$ 27,130
Receipts			
Police Confiscated Funds	12,730	40,000	30,000
Interest Income	960	100	75
Total Receipts	<u>13,690</u>	<u>40,100</u>	<u>30,075</u>
Total Funds Available	63,348	57,230	57,205
Expenditures			
Supplies	14,245	16,000	36,000
Maintenance and Repair	25	1,600	2,000
Travel & Tuition	13,948	12,500	12,900
Contractual Services	-	-	6,000
Machinery & Equipment	18,000	-	-
Total Expenditures	<u>46,218</u>	<u>30,100</u>	<u>56,900</u>
Ending Fund Balance	<u>\$ 17,130</u>	<u>\$ 27,130</u>	<u>\$ 305</u>

Municipal Airport Fund Summary of Receipts & Expenditures

This special revenue fund accounts for the state grant provided to the City of Sherman for improvements to the Municipal Airport and also for the maintenance and operational expenditures.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 395,343	\$ 465,330	\$ 459,576
Receipts			
Interest Income	12,115	5,000	5,000
Airport Rentals	52,199	45,000	45,000
Oil & Gas Royalty	90,938	-	-
Fuel Sales	364,352	340,000	385,625
Grant Revenue	51,562	-	-
Total Receipts	<u>571,166</u>	<u>390,000</u>	<u>435,625</u>
Total Funds Available	966,509	855,330	895,201
Expenditures			
Fuel Purchases	351,810	315,000	360,625
Other Supplies	1,486	3,505	4,400
Maintenance	5,795	8,300	8,800
Contractual Services	124,125	52,356	42,406
Utilities	16,744	15,200	12,840
Vehicle Usage	1,219	1,393	1,470
Total Expenditures	<u>501,179</u>	<u>395,754</u>	<u>430,542</u>
Ending Fund Balance	<u>\$ 465,330</u>	<u>\$ 459,576</u>	<u>\$ 464,659</u>

Street Sales Tax Summary of Receipts & Expenditures

This special revenue fund accounts for the revenues generated from the additional one-eighth cent sales tax and expenditures for street improvements funded through these revenues.

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ -	\$ 318,117	\$ 13,617
Receipts			
Street Sales Tax Revenues	317,795	600,000	-
Bond Proceeds	-	3,000,000	-
Interest Income	322	5,500	100
Total Receipts	<u>318,117</u>	<u>3,605,500</u>	<u>100</u>
Total Funds Available	318,117	3,923,617	13,717
Expenditures			
Street Improvements	-	3,500,000	-
Transfer to Street Sales Tax Debt	-	410,000	-
Total Expenditures	<u>-</u>	<u>3,910,000</u>	<u>-</u>
Ending Fund Balance	<u><u>\$ 318,117</u></u>	<u><u>\$ 13,617</u></u>	<u><u>\$ 13,717</u></u>

Insurance Fund
Summary of Receipts & Expenditures

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 1,083,257	\$ (303,116)	\$ (383,316)
Receipts			
Employer Contributions	2,777,701	3,100,000	3,400,000
Employee Contributions	558,069	551,000	528,000
Retiree Contributions	139,233	137,000	144,000
COBRA Contributions	6,289	12,000	18,000
Interest Income	43,605	-	-
Transfers In	-	1,000,000	1,000,000
Total Receipts	<u>3,524,897</u>	<u>4,800,000</u>	<u>5,090,000</u>
 Total Funds Available	 4,608,154	 4,496,884	 4,706,684
Expenses			
Health & Dental Claims	4,214,962	4,296,000	3,600,000
Insurance Premiums & Cost	517,579	515,200	519,000
Life Insurance	53,730	44,000	48,000
Miscellaneous	24,999	25,000	25,000
Transfer out	100,000	-	-
Total Expenses	<u>4,911,270</u>	<u>4,880,200</u>	<u>4,192,000</u>
 Ending Fund Reserve	 <u>\$ (303,116)</u>	 <u>\$ (383,316)</u>	 <u>\$ 514,684</u>

Computer Service Fund

Summary of Receipts & Expenditures

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 502,620	\$ (105,287)	\$ 366
Revenues			
Interest Income	8,829	-	-
Computer Usage:			
General Fund	302,204	573,000	542,300
Tourism	-	-	2,200
Equipment Services Fund	10,541	13,036	15,100
Utility Fund	55,686	84,735	86,400
Solid Waste Fund	9,590	13,036	10,800
Miscellaneous Revenue	-	50	-
Transfer In	-	60,000	-
Total Current Revenues	<u>386,850</u>	<u>743,857</u>	<u>656,800</u>
Total Funds Available	889,470	638,570	657,166
Expenses			
Personnel	256,602	260,722	263,249
Supplies	77,856	31,250	31,135
Maintenance & Repairs	132,206	148,000	171,642
Utilities	27,511	48,400	51,300
Contract Wages	118,145	12,000	9,000
Debt Service	12,635	95,232	95,232
Contractual Services & Other	103,297	20,100	16,300
Equipment, Capital Outlay	55,931	22,500	16,000
Total Expenses	<u>784,183</u>	<u>638,204</u>	<u>653,858</u>
Ending Fund Balance	<u>\$ (105,287)</u>	<u>\$ 366</u>	<u>\$ 3,308</u>

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ (14,442)	\$ (22,891)	\$ 3,462
Revenues			
Equipment Service Revenue:			
General Fund	1,145,189	943,451	1,021,760
Airport Fund	1,219	1,393	1,470
Utility Fund	267,470	211,610	229,650
Solid Waste Fund	1,010,205	874,608	962,600
Miscellaneous Revenue	2,702	20,000	-
	<u>2,426,785</u>	<u>2,051,062</u>	<u>2,215,480</u>
 Total Funds Available	 2,412,343	 2,028,171	 2,218,942
Expenses			
Personnel	707,669	742,976	750,132
Supplies	979,367	570,959	681,904
Maintenance & Repair	590,635	562,822	610,845
Utilities	36,135	32,600	28,100
Computer Services	10,541	13,036	15,100
Contractual Services	110,887	102,316	113,640
Equipment	-	-	11,000
Total Expenses	<u>2,435,234</u>	<u>2,024,709</u>	<u>2,210,721</u>
 Ending Fund Balance	 <u>\$ (22,891)</u>	 <u>\$ 3,462</u>	 <u>\$ 8,221</u>

Fleet Replacement Fund Summary of Receipts & Expenditures

This new fund accounts for the purchase of fleet for use in the General, Utility and Solid Waste Funds.

	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ -	\$ 268,575
Revenues		
Transfers-In	1,200,000	265,727
Grant Proceeds	-	225,000
Lease Proceeds	-	1,506,653
Interest	500	3,000
Total Revenues	<u>1,200,500</u>	<u>2,000,380</u>
Total Funds Available	1,200,500	2,268,955
Expenses		
Debt Service	-	115,727
Equipment-General Fund	814,925	1,668,375
Equipment-Utility Fund	117,000	18,500
Equipment-Solid Waste Fund	-	231,653
Total Expenses	<u>931,925</u>	<u>2,034,255</u>
Ending Fund Balance	<u>\$ 268,575</u>	<u>\$ 234,700</u>

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 214,008	230,992	236,492
Receipts			
Interest Income	16,984	5,500	6,000
Total Funds Available	230,992	236,492	242,492
Expenses			
Miscellaneous	-	-	-
Ending Fund Balance	\$ 230,992	\$ 236,492	\$ 242,492

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

	Actual 2007-2008	Projected 2008-2009	Proposed 2009-2010
Beginning Fund Balance	\$ 161,202	\$ 175,313	\$ 176,813
Receipts			
Interest Income	5,070	2,000	2,000
Pro Rata Fees	11,281	1,500	5,000
Total Receipts	16,351	3,500	7,000
Total Funds Available	177,553	178,813	183,813
Expenses			
Miscellaneous	2,240	2,000	2,000
Ending Fund Balance	\$ 175,313	\$ 176,813	\$ 181,813

TRANSFERS SCHEDULE

<u>FUND</u>	<u>DETAILS</u>
100	From fund 222
	From fund 700 5% franchise, admin cost
	From fund 790, dept 243, 244, 245
	To fund 350 for debt service
	To fund 660
222	To fund 350
	To fund 351
	To fund 353
	To fund 100
	From fund 790
310	From fund 460
321	To fund 330
330	From fund 321
350	From fund 222
	From fund 100
351	From fund 222
353	From fund 222
420	From fund 460
460	To fund 310 and 420
600	From fund 770
660	From fund 100
	From fund 790
700	To fund 100 5% franchise, admin cost
	From fund 770
770	To fund 700
	To fund 600
790	To fund 100 8% franchise, admin cost
790	To fund 100 8% franchise, admin cost
790	To fund 100 8% franchise, admin cost
790	To fund 660 for debt service
790	To fund 222

TOTALS

BUDGETED FY09/10	
<i>Expense</i> TRANSFER FROM <u>Debit</u>	<i>Revenue</i> TRANSFER TO <u>Credit</u>
	\$ 175,000.00
	\$ 1,850,000.00
	\$ 539,000.00
\$ 375,000.00	
\$ 234,063.00	
\$ 150,000.00	
\$ 288,858.00	
\$ 250,000.00	
\$ 175,000.00	
	\$ 60,000.00
	\$ 113,528.00
\$ 80,000.00	
	\$ 80,000.00
	\$ 150,000.00
	\$ 375,000.00
	\$ 288,858.00
	\$ 250,000.00
	\$ 86,000.00
\$ 199,528.00	
	\$ 1,000,000.00
	\$ 234,063.00
	\$ 31,664.00
\$ 1,850,000.00	
	\$ 450,000.00
\$ 450,000.00	
\$ 1,000,000.00	
\$ 204,000.00	
\$ 297,000.00	
\$ 38,000.00	
\$ 31,664.00	
\$ 60,000.00	
\$ 5,683,113.00	\$ 5,683,113.00

City of Sherman, Texas

Bonded Debt as of 7/31/09

Fiscal Yr	(1) \$1,700,000 Combination Tax & Hotel Occupancy Tax Revenue 2000 Series, Certificates of Obligation				(2) \$2,840,000 Combination Tax & Tax Increment Revenue 2004 Series TIF Zone#1, Certificates of Obligation			
	Coupon	Principal	Interest	TOTAL	Coupon	Principal	Interest	TOTAL
2010	5.30%	35,000.00	927.50	35,927.50	4.44%	130,000.00	110,556.00	240,556.00
2011				-	4.44%	135,000.00	104,784.00	239,784.00
2012				-	4.44%	140,000.00	98,790.00	238,790.00
2013				-	4.44%	150,000.00	92,574.00	242,574.00
2014				-	4.44%	155,000.00	85,914.00	240,914.00
2015				-	4.44%	160,000.00	79,032.00	239,032.00
2016				-	4.44%	170,000.00	71,928.00	241,928.00
2017				-	4.44%	180,000.00	64,380.00	244,380.00
2018				-	4.44%	185,000.00	56,388.00	241,388.00
2019				-	4.44%	195,000.00	48,174.00	243,174.00
2020				-	4.44%	205,000.00	39,516.00	244,516.00
2021				-	4.44%	215,000.00	30,414.00	245,414.00
2022				-	4.44%	230,000.00	20,868.00	250,868.00
2023				-	4.44%	240,000.00	10,656.00	250,656.00
2024				-				-
2025				-				-
2026				-				-
2027				-				-
2028				-				-
2029				-				-
2030				-				-
		35,000.00	927.50	35,927.50		2,490,000.00	913,974.00	3,403,974.00

City of Sherman, Texas

Bonded Debt as of 7/31/09

Fiscal Yr	(3)				(4)			
	\$1,605,000				\$5,000,000			
	General Obligation Refunding, Series 2006				2008 Series Revenue Certificates of Obligation			
	Coupon	Principal	Interest	TOTAL	Coupon	Principal	Interest	TOTAL
2010	3.50%	15,000.00	62,600.00	77,600.00	3.62%	175,000.00	177,832.50	352,832.50
2011	3.50%	55,000.00	61,375.00	116,375.00	3.62%	185,000.00	171,316.50	356,316.50
2012	3.50%	55,000.00	59,450.00	114,450.00	3.62%	190,000.00	164,529.00	354,529.00
2013	3.50%	60,000.00	57,437.50	117,437.50	3.62%	200,000.00	157,470.00	357,470.00
2014	3.50%	55,000.00	55,425.00	110,425.00	3.62%	210,000.00	150,049.00	360,049.00
2015	3.75%	60,000.00	53,337.50	113,337.50	3.62%	215,000.00	142,356.50	357,356.50
2016	3.75%	60,000.00	51,087.50	111,087.50	3.62%	225,000.00	134,392.50	359,392.50
2017	3.75%	65,000.00	48,743.75	113,743.75	3.62%	235,000.00	126,066.50	361,066.50
2018	3.75%	70,000.00	46,212.50	116,212.50	3.62%	245,000.00	117,378.50	362,378.50
2019	4.00%	70,000.00	43,500.00	113,500.00	3.62%	255,000.00	108,328.50	363,328.50
2020	4.00%	75,000.00	40,600.00	115,600.00	3.62%	265,000.00	98,916.50	363,916.50
2021	4.00%	80,000.00	37,500.00	117,500.00	3.62%	280,000.00	89,052.00	369,052.00
2022	4.00%	80,000.00	34,300.00	114,300.00	3.62%	290,000.00	78,735.00	368,735.00
2023	4.00%	85,000.00	31,000.00	116,000.00	3.62%	305,000.00	67,965.50	372,965.50
2024	4.00%	85,000.00	27,600.00	112,600.00	3.62%	315,000.00	56,743.50	371,743.50
2025	4.25%	85,000.00	24,093.75	109,093.75	3.62%	330,000.00	45,069.00	375,069.00
2026	4.25%	95,000.00	20,268.75	115,268.75	3.62%	345,000.00	32,851.50	377,851.50
2027	4.25%	100,000.00	16,125.00	116,125.00	3.62%	360,000.00	20,091.00	380,091.00
2028	4.375%	100,000.00	11,812.50	111,812.50	3.62%	375,000.00	13,575.00	388,575.00
2029	4.375%	105,000.00	7,328.13	112,328.13				-
2030	4.375%	115,000.00	2,515.63	117,515.63				-
		1,570,000.00	792,312.51	2,362,312.51		5,000,000.00	1,952,718.50	6,952,718.50

City of Sherman, Texas

Bonded Debt as of 7/31/09

Fiscal Yr	(5) \$3,650,000 Capital Improvement Fund Projects 2009 Series Revenue Certificates of Obligation				(6) \$900,000 TIF #1 2009 Series Revenue Certificates of Obligation			
	Coupon	Principal	Interest	TOTAL	Coupon	Principal	Interest	TOTAL
2010	3.98%	90,000.00	191,618.83	281,618.83	3.00%	30,000.00	45,520.04	75,520.04
2011	3.98%	140,000.00	136,941.26	276,941.26	3.00%	43,333.33	32,272.49	75,605.83
2012	3.98%	145,000.00	132,741.26	277,741.26	3.00%	43,333.33	30,972.49	74,305.83
2013	3.98%	145,000.00	128,391.26	273,391.26	3.00%	46,666.67	29,672.49	76,339.16
2014	3.98%	150,000.00	124,041.26	274,041.26	3.00%	46,666.67	28,272.49	74,939.16
2015	3.98%	155,000.00	119,541.26	274,541.26	3.00%	46,666.67	26,872.49	73,539.16
2016	3.98%	155,000.00	114,891.26	269,891.26	3.50%	50,000.00	25,472.49	75,472.49
2017	3.98%	160,000.00	109,466.26	269,466.26	3.50%	50,000.00	23,722.49	73,722.49
2018	3.98%	165,000.00	103,866.26	268,866.26	3.75%	53,333.33	21,972.49	75,305.83
2019	3.98%	170,000.00	97,678.76	267,678.76	4.00%	53,333.33	19,972.49	73,305.83
2020	3.98%	180,000.00	90,878.76	270,878.76	4.00%	56,666.67	17,839.16	74,505.83
2021	3.98%	185,000.00	83,678.76	268,678.76	4.00%	56,666.67	15,572.49	72,239.16
2022	3.98%	195,000.00	76,278.76	271,278.76	4.00%	60,000.00	13,305.83	73,305.83
2023	3.98%	200,000.00	68,478.76	268,478.76	4.00%	63,333.33	10,905.83	74,239.16
2024	3.98%	210,000.00	60,478.76	270,478.76	4.13%	63,333.33	8,372.49	71,705.83
2025	3.98%	220,000.00	51,816.26	271,816.26	4.13%	66,666.67	5,760.00	72,426.67
2026	3.98%	230,000.00	42,741.26	272,741.26	4.30%	70,000.00	3,010.00	73,010.00
2027	3.98%	240,000.00	32,851.26	272,851.26				-
2028	3.98%	250,000.00	22,531.26	272,531.26				-
2029	3.98%	265,000.00	11,593.76	276,593.76				-
2030	3.98%			-				-
		3,650,000.00	1,800,505.27	5,450,505.27		900,000.00	359,488.28	1,259,488.28

City of Sherman, Texas

Bonded Debt as of 7/31/09

Fiscal Yr	(7) \$450,000 TIF #2 2009 Series Revenue Certificates of Obligation				(8) \$3,000,000 2009 Series Limited Tax Notes				TOTALS		
	Coupon	Principal	Interest	TOTAL	Coupon	Principal	Interest	TOTAL	Principal	Interest	TOTAL
2010	3.00%	15,000.00	22,760.02	37,760.02	2.00%	735,000.00	40,285.00	775,285.00	1,225,000.00	652,099.89	1,877,099.89
2011	3.00%	21,666.67	16,136.25	37,802.91	1.70%	745,000.00	25,585.00	770,585.00	1,325,000.00	548,410.50	1,873,410.50
2012	3.00%	21,666.67	15,486.25	37,152.91	1.70%	760,000.00	12,920.00	772,920.00	1,355,000.00	514,889.00	1,869,889.00
2013	3.00%	23,333.33	14,836.25	38,169.58	-	-	-	-	625,000.00	480,381.50	1,105,381.50
2014	3.00%	23,333.33	14,136.25	37,469.58	-	-	-	-	640,000.00	457,838.00	1,097,838.00
2015	3.00%	23,333.33	13,436.25	36,769.58	-	-	-	-	660,000.00	434,576.00	1,094,576.00
2016	3.50%	25,000.00	12,736.25	37,736.25	-	-	-	-	685,000.00	410,508.00	1,095,508.00
2017	3.50%	25,000.00	11,861.25	36,861.25	-	-	-	-	715,000.00	384,240.25	1,099,240.25
2018	3.75%	26,666.67	10,986.25	37,652.91	-	-	-	-	745,000.00	356,804.00	1,101,804.00
2019	4.00%	26,666.67	9,986.25	36,652.91	-	-	-	-	770,000.00	327,640.00	1,097,640.00
2020	4.00%	28,333.33	8,919.58	37,252.91	-	-	-	-	810,000.00	296,670.00	1,106,670.00
2021	4.00%	28,333.33	7,786.25	36,119.58	-	-	-	-	845,000.00	264,003.50	1,109,003.50
2022	4.00%	30,000.00	6,652.91	36,652.91	-	-	-	-	885,000.00	230,140.50	1,115,140.50
2023	4.00%	31,666.67	5,452.91	37,119.58	-	-	-	-	925,000.00	194,459.00	1,119,459.00
2024	4.13%	31,666.67	4,186.25	35,852.91	-	-	-	-	705,000.00	157,381.00	862,381.00
2025	4.13%	33,333.33	2,880.00	36,213.33	-	-	-	-	735,000.00	129,619.01	864,619.01
2026	4.30%	35,000.00	1,505.00	36,505.00	-	-	-	-	775,000.00	100,376.51	875,376.51
2027				-	-	-	-	-	700,000.00	69,067.26	769,067.26
2028				-	-	-	-	-	725,000.00	47,918.76	772,918.76
2029				-	-	-	-	-	370,000.00	18,921.89	388,921.89
2030				-	-	-	-	-	115,000.00	2,515.63	117,515.63
		450,000.00	179,744.14	629,744.14		2,240,000.00	78,790.00	2,318,790.00	16,335,000.00	6,078,460.20	22,413,460.20

City of Sherman
Property Tax Historical Summary

Fiscal Year	Estimated Taxable Value (in 000)	Tax Levy (in 000)	Total Collections (in 000)
2003	\$ 1,474,063	\$ 5,896	\$ 5,846
2004	\$ 1,514,256	\$ 6,057	\$ 5,921
2005	\$ 1,557,228	\$ 6,229	\$ 6,258
2006	\$ 1,767,235	\$ 7,069	\$ 6,802
2007	\$ 1,894,959	\$ 7,580	\$ 7,283
2008	\$ 1,994,144	\$ 7,921	\$ 7,491
2009 (est)	\$ 2,022,574	\$ 6,535	\$ 6,206



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5615

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer), and Cox Land Surveying Company (Surveyors) to Allow Patio Homes in an R-1 (One Family Residential) District and the College Park Overlay District in the 600 Block of East Carter Street, the 600 Block of East College Street, and the 800 Block of North Broughton Street, being Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McAnair Survey, Abstract No. 763 for a total of 1.20 acres; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

Issue

To consider granting a Specific Use Permit to Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer), and Cox Land Surveying Company (Surveyors) to allow patio homes in an R-1 District and the College Park Overlay District in the 600 Block of East Carter Street, the 600 Block of East College Street, and the 800 Block of North Broughton Street, being Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McAnair Survey, Abstract No. 763 for a total of 1.20 acres

Background

The property is located in the 600 Block of East Carter Street, the 600 Block of East College Street, and the 800 Block of North Broughton Street. The owner would like to replat the property into eight lots for development of patio homes.

Origination

Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer), and Cox Land Surveying Company (Surveyors)

Board Recommendation

At the July 21, 2009 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5615; Location Map; Photograph; Site Plan; P&Z Communication Form; Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5615

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 LAZY L ENTERPRISES (OWNERS), GREG EDWARDS ENGINEERING SERVICES, INC. (ENGINEER), AND COX LAND SURVEYING COMPANY (SURVEYORS) TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND THE COLLEGE PARK OVERLAY DISTRICT IN THE 600 BLOCK OF EAST CARTER STREET, THE 600 BLOCK OF EAST COLLEGE STREET, AND THE 800 BLOCK OF NORTH BROUGHTON STREET, BEING LOTS 13-21, BLOCK 4, W.P. CARTER'S ADDITION AND 0.90 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 FOR A TOTAL OF 1.20 ACRES; 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; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That from and after the passage of this ordinance, Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer), and Cox Land Surveying Company (Surveyors) are granted a Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District and the College Park Overlay District in the 600 Block of East Carter Street, the 600 Block of East College Street, and the 800 Block of North Broughton Street, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

WHEREAS, Lazy L. Enterprises is the owner of all those certain tracts of land situated in the J.B. McAnair Survey, Abstract Number 763, Grayson County, Texas, and being all of the four following tracts: TRACT 1, being all of a tract of land described in the deed from Barton Capital, LTD, to Lazy L. Enterprises recorded in Volume 4315, Page 743 of the Deed Records of Grayson County, Texas. TRACT 2 being all of a tract of land described in the deed from Austin College to Lazy L. Enterprises recorded in Volume 4364, Page 577 of the Deed Records of Grayson County, Texas, TRACT 3, being all of a tract of land described in the deed from Donald Bailey to Lazy L. Enterprises recorded in Volume 4580, Page 672 of the Deed Records of Grayson County, Texas. TRACT 4 being all of a tract of land described in the deed from The City of Sherman to Lazy L. Enterprises recorded in Volume 4644, Page 483 of the Deed Records of Grayson County, Texas; the subject tract being more fully described as follows:

BEGINNING for the northeast corner of the tract being described herein at a set ½ inch Steel Square Tubing, said tubing being the northeast corner of said Lazy L. tract 4644/483, and the northwest corner of a tract as described in Deed to Austin College, and Recorded in Volume 4560, Page 897 of said Deed Records, said tubing also being on the south Right-of-Way line of College Street;

THENCE, South 16, degrees 08, minutes 59 seconds, East, with the east line of said Lazy L. tract 4644/483, a distance of 300.00 feet to a found ½ inch Steel Rebar for the southeast corner of said Lazy L. tract 4644/483, and the southwest corner of a tract as conveyed to Edward Hawkins, and on the north Right-of-Way line of Carter Street;

THENCE, South 74 degrees, 44 minutes, 33 seconds, West, with the south line of said Lazy L. tract 4644/483, and the north row line of said street, a distance of 20.10 feet to a found ½ inch steel Rebar for the southwest corner of said Lazy L. tract 4644/483, and the southeast corner of said Lazy L. tract 4315/743;

THENCE, South 74 degrees, 52 minutes, 05 seconds, West, with the south line of said Lazy L. tract 4315/743, and the north row line of said street, a distance of 52.58 feet to a found ½ inch steel Rebar for the southwest corner of said Lazy L. tract 4315/743, and the southeast corner of said Lazy L. tract 4580/672;

THENCE, South 74 degrees, 50 minutes, 00 seconds, West, with the south line of said Lazy L. tract 4580/672, and the north row line of said street, a distance of 133.66 feet to a set ½ inch Steel Square Tubing for the southwest corner of said Lazy L. tract 4580/672, and the start of a curve to the right whose radius is 2055.30 feet, central angle of 08 degrees, 34 minutes, 44 seconds and a chord bearing of north 02 degrees, 27 minutes, 28 seconds, west, a distance of 307.45 feet;

THENCE, With said curve to the right, an Arc Length of 307.74 feet to a set ½ inch Steel Square Tubing for the northwest corner of said Lazy L. tract 4363/577, and on the south ROW of said College Street;

THENCE, North 74 degrees, 48 minutes, 53 seconds, East, with the north line of said Lazy L. tracts 4364/577 & 4644/743, and the south ROW line of College Street, a distance of 133.56 feet to the **POINT OF BEGINNING and containing 1.20 acres of land.**

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the Patio Homes Ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Use of the common wall option is contingent upon the variance being granted.
3. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

SECTION 4. That a person who violates a provision of this ordinance , upon conviction, is punishable by a fine not to exceed \$2,000.

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

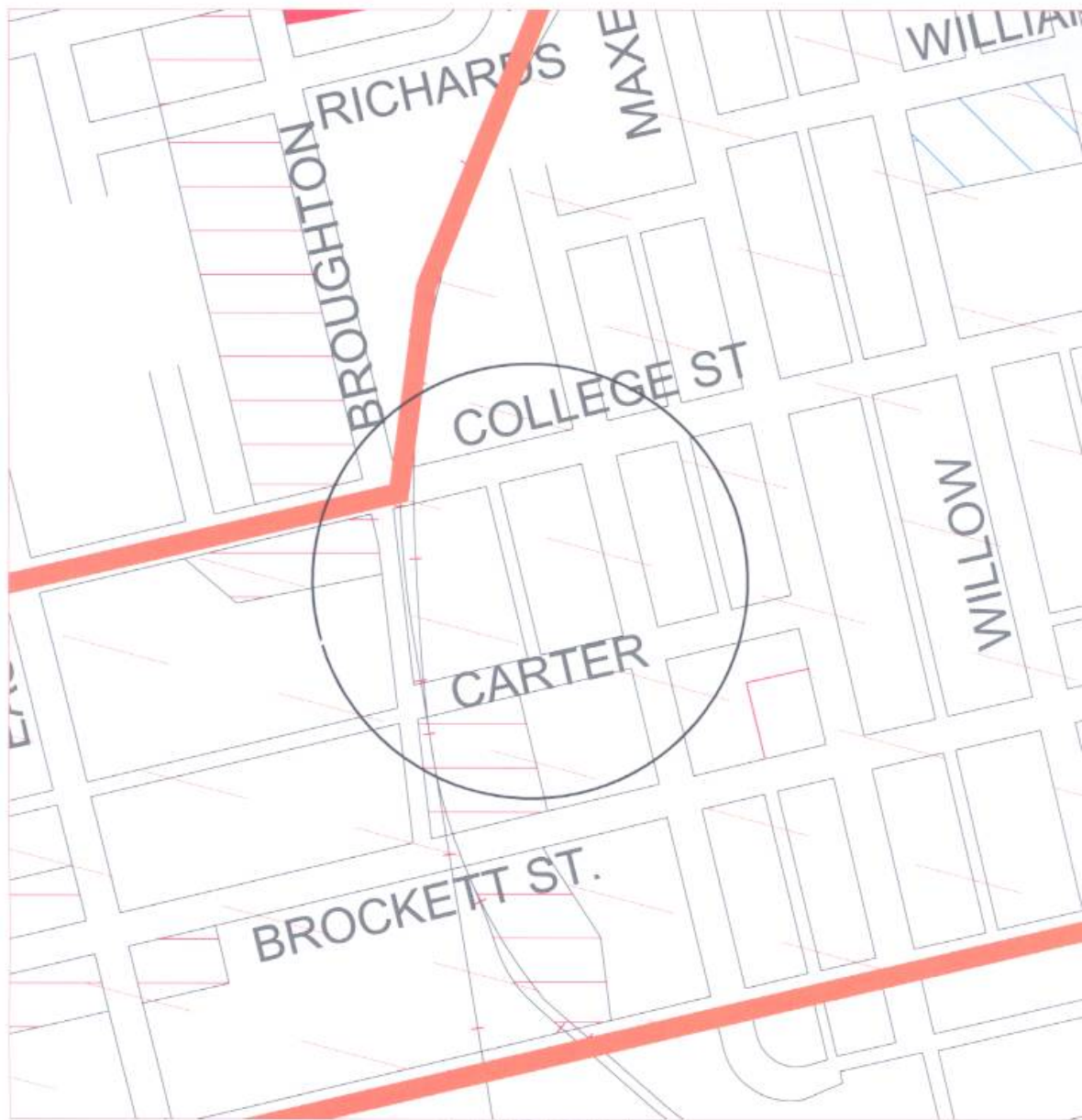
BY: _____
JOE N. SMITH,
DEPUTY, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY,
CITY ATTORNEY



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE FAMILY RESIDENTIAL DISTRICT		O-1	BLALOCK INDUSTRIAL PARK
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1.1	OVERLAY DISTRICT - 75 & 82
	C-1	RETAIL BUSINESS DISTRICT		O-1.2	OVERLAY DISTRICT - 1417
	C-2	GENERAL COMMERCIAL DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	C-O	OFFICE DISTRICT		CPO	COLLEGE PARK OVERLAY
	M-1	LIGHT MANUFACTURING DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT



**600 BLOCKS OF E. CARTER &
800 BLOCK OF N. BROUGHTON**

ENGINEERING DEPARTMENT



600 Block E. Carter

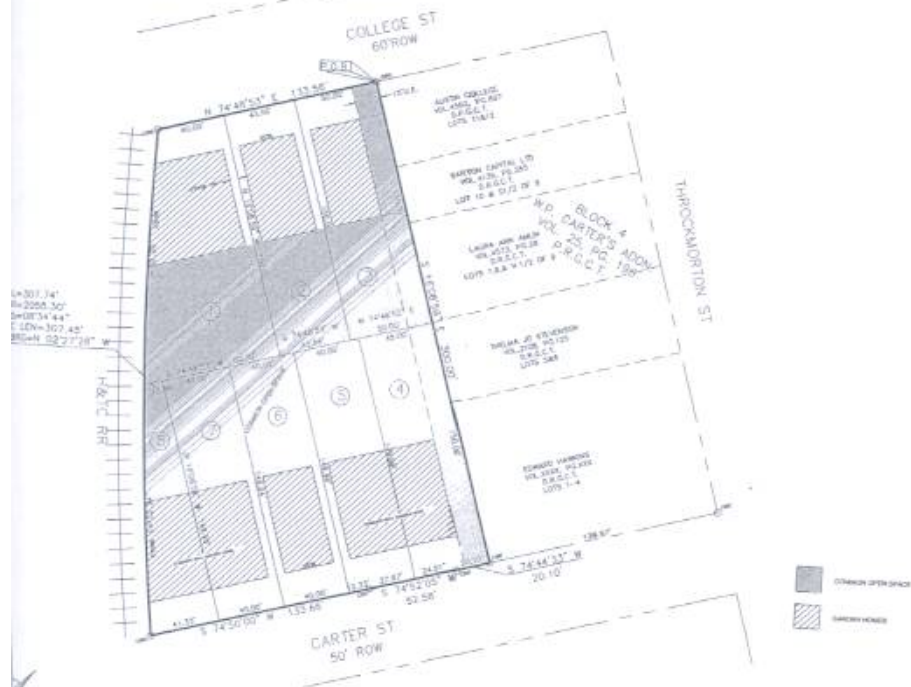


600 Block E. College



SPECIAL USE

The proposed Special Use Permit will allow const garden homes on lots 1, 2, 3 & 6 and common wa We are not proposing a lot line next to the Rail R of-way should provide significantly more than the City of Sherman Ordinances.





Nov 18, 2008

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Plan L02-2171C

3 Bedroom Storybook Cottage Plan

Similar plans: L02-2171B



Greeley

It looks like a storybook cottage with its classic proportions, twin dormers, and cedar siding. The interior is just as captivating. Step inside to high-flying ceilings, open spaces, and beautiful built-ins.

The dormers flow lovely light down into the vaulted dining room and great room, equipped for cozy living with a fireplace and media center. The U-shaped kitchen is large enough to accommodate the cook and helpers. The sink peninsula includes base cabinets only, so the cooks can participate in conversation from the dining room and great room. Built-in shelves in the breakfast nook beg for a pretty display of china and collectibles. This sunny nook opens to a side porch.

Passage to the rear-facing garage is through a hall, which opens to a coat closet, the laundry room, and a powder room.

Upstairs, two spacious bedrooms share a bath with a double-sink vanity and a separate shower and tub. The magnificent master suite features double doors, a private balcony, an attached bath, and a large closet/dressing room.

PREVIOUS NEXT



Main Floor Plan

Upper Floor Plan



Rear Elevation

Upper: 845 Sq. Ft.
Main: 847 Sq. Ft.
Total: 1,692 Sq. Ft.

Width: 27 Ft.
Depth: 61 Ft.
Height: 27 Ft.

Bedrooms: 3
Full Baths: 2
Half Baths: 1

Printable Page

Included Foundation:
Crawl Space

FREE Adobe Acrobat Reader

Ask the Designer a question about Plan L02-2171C

Important Structural Information

Get a Cost to Build Estimate

PLAN PACKAGES

OPTIONS (Requires Plan Purchase)



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Plan L02-21112



Gilmore

Two master bedrooms, steep rooflines, a mix of quality materials and a judicious use of space afford this traditional home with deliciously unique architectural touches. Fit for families, empty nesters, couples and singles alike: every square foot serves a function in this quaint 3-bedroom house, where smartly added built-in carefully designated closet space, and an open kitchen/living/dining area utilize the most space out of their respective rooms. 12' ceilings throughout the first level and a two-story foyer along the staircase impart luxurious air, which continues along the attractive, Craftsman-inspired façade.



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PLAN PACKAGES

http://www.mascord.com/plan_details.asp?PlanID=21112&r

Plan L02-21120

PREVIOUS NEXT



Hanley

With equal measures of cape cod and contemporary influences, this stunningly appropriated home features beautiful picture windows, a two-level, back wood deck (with built-in bench) and a unique, open layout. With the vaulted master suite and vaulted living/dining room both on the second level: this home features a second bedroom, large bath, garage, utility room, and bonus/third bedroom on the main. In addition, an extraordinary number of built-ins in the living/dining area furthers the sense of nuance found along this home's exterior, with its innovative use of materials and lovely, covered front porch/entryway.



Main Floor Plan

Upper Floor Plan



Rear Elevation

Upper: 1,032 Sq. Ft. Width: 33 Ft.
Main: 669 Sq. Ft. Depth: 46 Ft.
Total: 1,701 Sq. Ft. Height: 28 Ft.

Bedrooms: 3
Full Baths: 2



Printable Page

Included Foundation:
Crawl Space

FREE Adobe Acrobat Reader

Ask the Designer a question about Plan L02-21120

Important Structural Information

Get a Cost to Build Estimate

PLAN PACKAGES	
Bid Set 1/4 scale - Stamped "Not for Construction"	\$525.00

OPTIONS (Requires Plan Purchase)	
Additional Sets	\$25 set ☐
Efficient Living Package Home comes detailed to meet	\$250.00 ☐



Plan L02-2171B

Flowing Traditional Plan with Two Story Great Room

Similar plans: L02-2171C



Cottonwood

There's an architectural charisma about this Craftsman four-square. With a symmetrical front and a rear-facing garage, the house exudes a pleasing formality. But, if you think you can predict the interior from the outside styling, think again.

Step through the front door into awesome surroundings—a two-story great room and dining room. Plant shelves define and decorate the overhead space. Windows, both high and low, scoop in light. A cozy fireplace and built-in media center create a charming focal point.

The sink peninsula in the efficient U-shaped kitchen includes base cabinets only, leaving the kitchen open to surrounding rooms. Thus, the cook stays connected to activity in the great room, and food service to the dining room is facilitated. An atrium door in the large eating nook opens onto a side porch.

On the second floor, bedrooms and baths flow off a central hall. The master suite features intriguing angled walls, a walk-in closet, bathroom with double vanity, and a private balcony.

PREVIOUS NEXT



Rear Elevation

Upper: 845 Sq. Ft. Width: 27 Ft.
 Main: 860 Sq. Ft. Depth: 64 Ft.
 Total: 1,705 Sq. Ft. Height: 27 Ft.

Bedrooms: 3
 Full Baths: 2
 Half Baths: 1

Printable Page

Included Foundation:
 Crawl Space

FREE Adobe Acrobat File

Ask the Designer a question about Plan L02-2171B

Important Structural Information

Get a Cost to Build Estimate



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Plan L02-4037

Gabled Roofs Downplay Large Garages



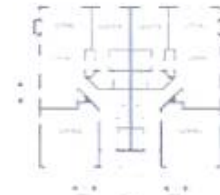
Whitman

Rather than compete for attention with its front-load garages, this design's gabled roofs harmoniously blend and balance the garage massing to lend a look of unity. Adding to the street appeal of the home are its charming details, such as decorative braces, board-and-batten shutters, and shake-clad gables.

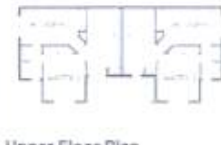
Inside, the design's biggest assets are its high ceilings and natural light. Beyond the two-story entry, the island kitchen opens up to the living and dining room, which each have 12-foot-high ceilings. The main-level master suite ceiling is also 12 feet high. Windows line in procession along the outside walls of the dining and living room, ensuring plenty of light to fill the spaces. Transom windows on each side of the living room fireplace allow built-ins to be customized below.

Desirable features are found on the upper-level too, where both bedrooms have direct access to the bath and the staircase landing can be customized with additional built-ins.

PREVIOUS NEXT



Main Floor Plan



Upper Floor Plan



Rear Elevation

Upper: 601 Sq. Ft.
Main: 1,170 Sq. Ft.
Total: 1,771 Sq. Ft.

Width: 30 Ft.
Depth: 57 Ft.
Height: 30 Ft.

Bedrooms: 3
Full Baths: 2
Half Baths: 1



Printable Page

FREE Adobe Acrobat Reader

Included Foundation:
Crawl Space

Ask the Designer a question about Plan L02-4037

Important Structural Information

Get a Cost to Build Estimate

PLAN PACKAGES		
Bid Set 1/4 scale - Stamped "Not for Construction" Full Credit toward plan purchase.	\$750.00	☐
Five Set Package	\$825.00	☐
Eight Set Package	\$950.00	☐
Vellums - Single Use.	\$1,300.00	☐

OPTIONS (Requires Plan Purchase)		
Additional Sets	\$35 set	☐
Efficient Living Package Home comes detailed to meet Energy Star or LEED for Homes specifications. Additional notes, forms and complete instructions supplement the plans. Includes the Masco Efficient Living hard backed book.	\$250.00	☐
Mini Plans	\$10 set	☐

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
July 21, 2009
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Lawrence Davis, Commissioner
Brad Morgan, Commissioner

Don Hicks, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner

600 Blk. E. College, 600 Blk. E. Carter & 800 Blk. N. Broughton
Being Lots 13-21, Block 4, W.P. Carter's Addition & 0.90 acres in the J.B. McAnair
Survey, Abstract No. 763 for a total of 1.20 acres
Specific Use Permit, Replat, & Variances

Requested Action/Proposed Use:

Planning and Zoning Commission

Specific Use Permit and site plan approval to allow patio homes in an R-1 (One Family Residential) District and the College Park Overlay District.

Planning and Zoning Commission

Austin Park Addition, being part of a Replat of Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McAnair Survey, Abstract No. 763.

Board of Adjustments

Variance to allow zero setbacks to be adjacent with no more than two patio homes attached in one grouping on proposed Lots 4 & 5 and 7 & 8 of the Austin Park Addition in an R-1 (One Family Residential) District and the College Park Overlay District.

Board of Adjustments

Variance to allow a zero foot side yard setback in lieu of the required 10' on proposed Lots 1 & 8 of the Austin Park Addition in an R-1 (One Family Residential) District and the College Park Overlay District.

Background

The property is located in the 600 Block of East Carter, the 600 Block of East College Street and the 800 Block North Broughton Street. The owner would like to replat the property into 8 lots for development of patio homes.

Adjacent Zoning

R-1 (One Family Residential) District

Origination:

Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer) and Cox Land Surveying Company (Surveyors)

Master Plan Designation

Residential

Number of notices mailed

200' – 23, Replat – 86

Objections received

0

Attachments

Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:

**Patsy Reeves,
Development Services Secretary**

Approved by:

**Scott Shadden,
Director of Development Services**

STAFF REVIEW LETTER

July 16, 2009

Lazy L Enterprises
4 Timber Creek
Sherman, Texas 75092

Greg Edwards Engineering Services
1621 Amanda Ct.
Ponder, Texas 76259

Cox Land Surveying Co.
PO Box 397
Collinsville, Texas 76233

Dear Applicants,

Your request for a Specific Use Permit and site plan approval to allow patio homes in an R-1 (One Family Residential) District and the College Park Overlay District located in the 600 Block of East College Street, the 600 Block of East Carter Street and the 800 Block of North Broughton Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, July 21, 2009 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the Patio Homes Ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Use of the common wall option is contingent upon the variance being granted.
3. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

Respectfully,

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

CC:	George Olson, City Manager	Danny Fuller, Fire Marshal
	Mark Gibson, Director Utilities & Engineering Services	Jeff Miller, Director of Public Works
	Brandon Shelby, City Attorney	
	Lisa Whitfield, Engineering & Development Coordinator	



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5616

Amending Chapter 13 of the Code of Ordinances, entitled “Utilities”, Article 13.06, entitled “Solid Waste”, at Section 13.06.051(b) to Provide for Modified Conditions for Obtaining a Recycling Waiver for the Primary Residences Only of Customers Aged 65 and Over

Issue

Amending the Code of Ordinances to allow recycling waivers for customers 65 years of age or over for only their primary residence

Background

Current language in the Code of Ordinances allows residents 65 years of age or over to apply for a waiver to participate in the City’s curbside recycling program at no charge or to completely opt out of the service. The code provisions do not, however, prevent residents of this age from putting utility services in their name for all properties they own (including rental properties) and then applying for an all inclusive waiver to not pay for recycling services at any residential address they own. The proposed ordinance would restrict this waiver to only primary residences of these customers.

Origination

Department of Public Works/Utility Billing

Financial Consideration

This situation potentially prevents the City from collecting solid waste revenues for services on certain properties that are legitimately due the City.

Staff Recommendation

Staff recommends that the Code of Ordinance be amended to allow residents 65 years of age and over to be eligible to receive a recycling waiver on only their primary residence.

Alternatives

The Council could choose to leave the recycling waiver conditions unchanged by not adopting the proposed change.

Attachments

Ordinance No. 5616

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

ORDINANCE NO. 5616

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", ARTICLE 13.06, ENTITLED "SOLID WASTE," AT SECTION 13.06.051(B) TO PROVIDE FOR MODIFIED CONDITIONS FOR OBTAINING A RECYCLING WAIVER FOR THE PRIMARY RESIDENCES ONLY OF CUSTOMERS AGED 65 AND OVER; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 13, Article 13.06, Section 13.06.051 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended at paragraph (b) so that such section shall read as follows:

Sec. 13.06.051 Recycling

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

- (1) Age sixty-five (65) and over. Solid waste customers who are sixty-five (65) years of age or over may opt out of the recycling program, or choose to receive the service at no charge, ~~by requesting the city's water department to issue them a written waiver upon proof of age being presented to the water department.~~ *provided that the service address is their primary residence and the utility account is in their name. Customers may request a recycling service change from the city's water department and, upon presenting proof of age, may be issued a written waiver. Solid waste customers who own or manage properties other than their primary residence may not use this recycling service option for the benefit of the tenants residing on those properties.*
- (2) Physically unable. Those customers who are physically and permanently unable to place the recycling roll-out container at the curb or alley, without regard to age, may opt out of the recycling program by requesting the city's water department to issue them a written waiver upon proof of permanent physical disability.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of

Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

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

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5617

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Circle Sherman, LLC (Owners), Days Inn Hotel & Suites (Tenant), and Zona Sanders (Representative) to Allow a Commercial Amusement Center (Bingo Games) in a C-2 (General Commercial) District, the O-1.2 (Sam Rayburn) Overlay District, and the O-1.1 (FM 1417) Overlay District at 3605 U.S. Highway 75 South, being 4.59 acres in the Preston Kitchen Survey, Abstract No. 667; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

Issue

To consider granting a Specific Use Permit to Circle Sherman, LLC (Owners), Days Inn Hotel & Suites (Tenant), and Zona Sanders (Representative) concerning the property located at 3605 U.S. Highway 75 South, to allow a commercial amusement center (bingo games) in a C-2 (General Commercial) District, the O-1.2 (Sam Rayburn) Overlay District, and the O-1.1 (FM 1417) Overlay District, being 4.59 acres in the Preston Kitchen Survey, Abstract No. 667

Background

The property is located at 3605 U.S. Highway 75 South; Days Inn and Suites is the tenant. The owner of the building would like to establish a bingo game room within the hotel. The hotel has 138 rooms and suites and 252 parking spaces.

Origination

Circle Sherman, LLC (Owners); Days Inn Hotel & Suites (Tenant); and Zona Sanders (Representative)

Board Recommendation

At the July 21, 2009 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and subject to meeting all State requirements for Bingo Games, ceasing bingo activities at midnight, and completing compliance with the screening ordinance.

Attachments

Ordinance No. 5617

Location Map

Photograph

Site Plan

P&Z Communication Form

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5617

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 CIRCLE SHERMAN, LLC (OWNERS), DAYS INN HOTEL & SUITES (TENANT), AND ZONA SANDERS (REPRESENTATIVE) TO ALLOW A COMMERCIAL AMUSEMENT CENTER (BINGO GAMES) IN A C-2 (GENERAL COMMERCIAL) DISTRICT, THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT, AND THE O-1.1 (FM 1417) OVERLAY DISTRICT AT 3605 U.S. HIGHWAY 75 SOUTH, BEING 4.59 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667; 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; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That from and after the passage of this ordinance, Circle Sherman, LLC (Owners), Days Inn Hotel & Suites (Tenant), and Zona Sanders (Representative) are granted a Specific Use Permit to allow a commercial amusement center (bingo games) in a C-2 (General Commercial) District, the O-1.2 (Sam Rayburn) Overlay District, and the O-1.1 (FM 1417) Overlay District at 3605 U.S. Highway 75 South, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the Preston Kitchen Survey, Abstract No. 667, being the same 4.598 acre

tract of land conveyed by Lewisville 9/4, Inc. to MGK Family Investments, Ltd. by deed dated March 21, 2005, recorded in Volume 3829, Page 405, Official Public Records, Grayson County, Texas and being more particularly described by metes and bound as follow to-wit:

BEGINNING at a set ½ inch capped rebar stamped SARTIN-3694 on the West line of Constitution Village Addition to the City of Sherman, Texas as shown by plat of record in Volume 3, Page 73, Plat Records, Grayson County, Texas, said rebar maintaining the Southeast corner of said 4.598 acre tract, the Northeast corner of an 0.88 acre tract of land conveyed by Pathron Group, Incorporated to Dhruvi Hospitality, LLC by deed dated April 10, 2007, recorded in Volume 4229, Page 128, Official Public Records, Grayson County, Texas, said 0.88 acre tract being more particularly described in deed from Wei-Yau Wong and Kimiko Hsu-Mei Liu to Pathron Group Incorporated, dated January 21, 1997, recorded in Volume 2519, Page 363, Official Public Records, Grayson County, Texas, said rebar being North 13 deg. 34 min. 36 sec. West, a distance of 115.00 feet from a found concrete right-of-way monument maintaining the Southeast corner of said 0.88 acre tract, on the North right-of-way line of F.M. Highway No. 1417 ;

THENCE, South 75 deg. 47 min. 18 sec. West, with the North line of said 0.88 acre tract, at a distance of 335.93 feet passing a found 3/8 inch rebar maintaining its Northwest corner, the Northeast corner of an 0.4794 acre tract of land conveyed by CSL Leasing, Inc. and Lease Plan North America, Inc. to Circle K Stores, Inc. by Quitcalim Deed dated November 25, 2003, recorded in Volume 3581, Page 253, Official Public Records, Grayson County, Texas and continuing with the North line of said 0.4794 acre tract for a total distance of 528.49 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northwest corner of said 0.4794 acre tract, on the East right-of-way line of U.S. Highway No. 75;

THENCE North 24 deg. 48 min. 00 sec. West, with the East right-of-way line of U.S. Highway No. 75, a distance of 360.23 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southwest corner of a 3.80 acre tract of land conveyed by Nortex Hotels, Inc. to Sherman Kitchen, L.P. by deed dated February 9, 2005, recorded in Volume 3807, Page 273, Official Public Records, Grayson County, Texas;

THENCE, North 75 deg. 41 min. 03 sec. East, with the South line of said 3.80 acre tract, at a distance of 595.46 feet passing a found ½ inch rebar and continuing for a total distance of 598.62 feet to the Southeast corner of said 3.80 acre tract on the West line of said Constitution Village Addition;

THENCE, South 13 deg. 34 min. 36 sec. East, with the West line of said Constitution Village Addition, a distance of 355.21 feet to the PLACE OF BEGINNING and containing 4.59 ACRES OF LAND more or less.

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

Zoning

1. All aspects of the C-2 (General Commercial) District, the O-1.1 (FM 1417) Overlay District, the O-1.2 (Sam Rayburn) Overlay District and the Commercial Tree and Landscaping Ordinance must be followed.
2. The operation of illegal gambling machines is prohibited.
3. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Planning & Zoning Commission

4. Meeting all State regulations for bingo games.
5. Cease bingo activities at midnight.
6. Completion of compliance with the screening ordinance.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

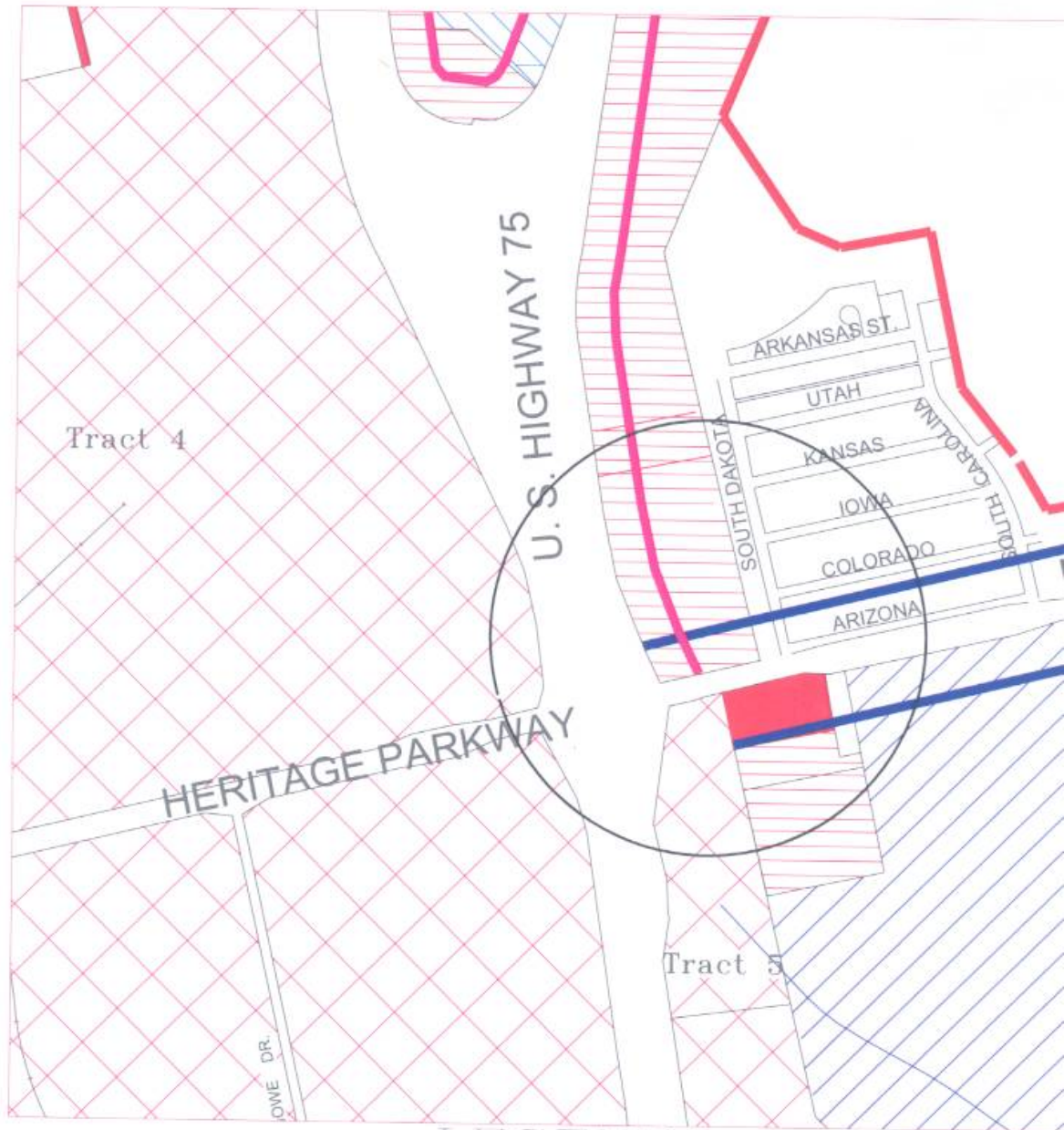
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY,
CITY ATTORNEY



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M H	MANUFACTURED HOUSING DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT	O-1	BLALOCK INDUSTRIAL PARK OVERLAY DISTRICT - 75 & 82
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-1	RETAIL BUSINESS DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
C-2	GENERAL COMMERCIAL DISTRICT	CPO	COLLEGE PARK OVERLAY
C O	OFFICE DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT		



3605 U.S. HWY 75 SOUTH

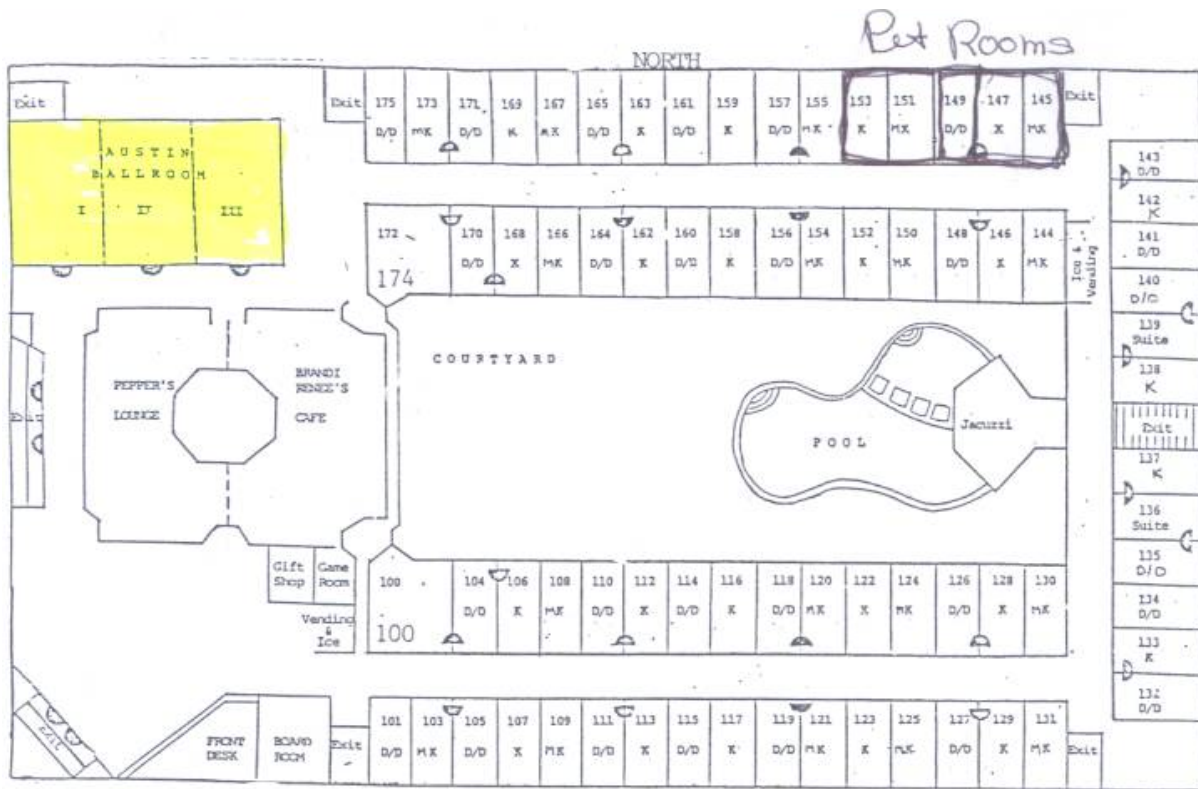
ENGINEERING DEPARTMENT



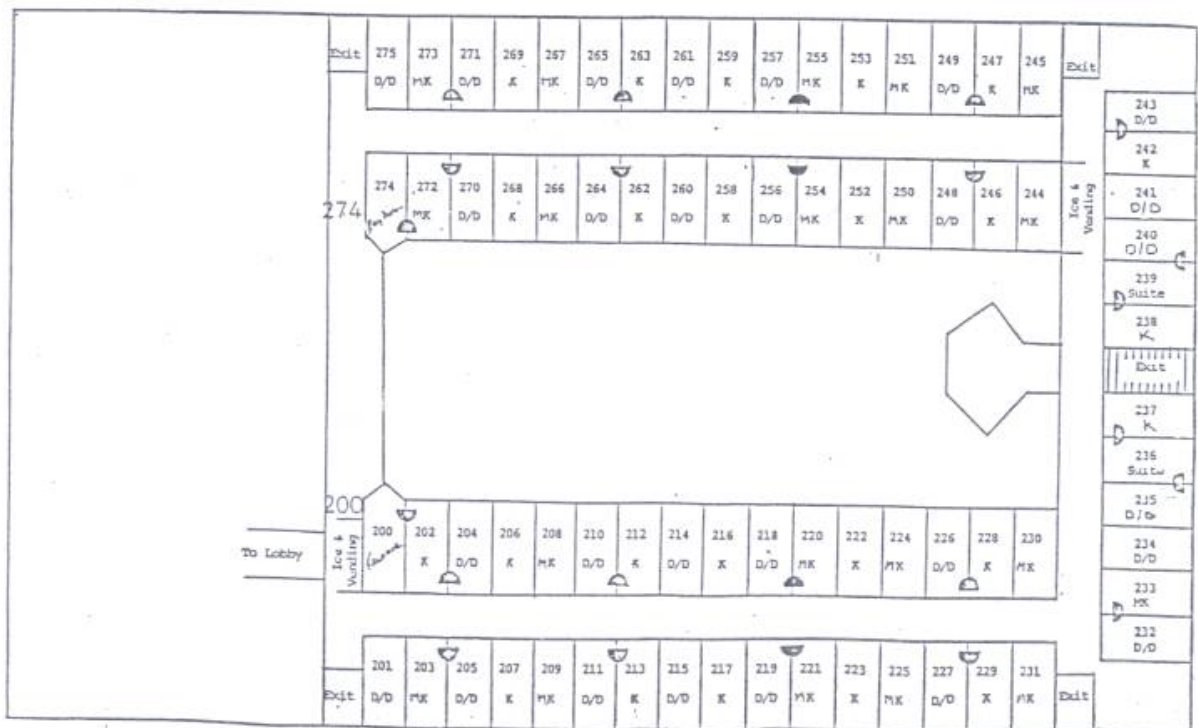


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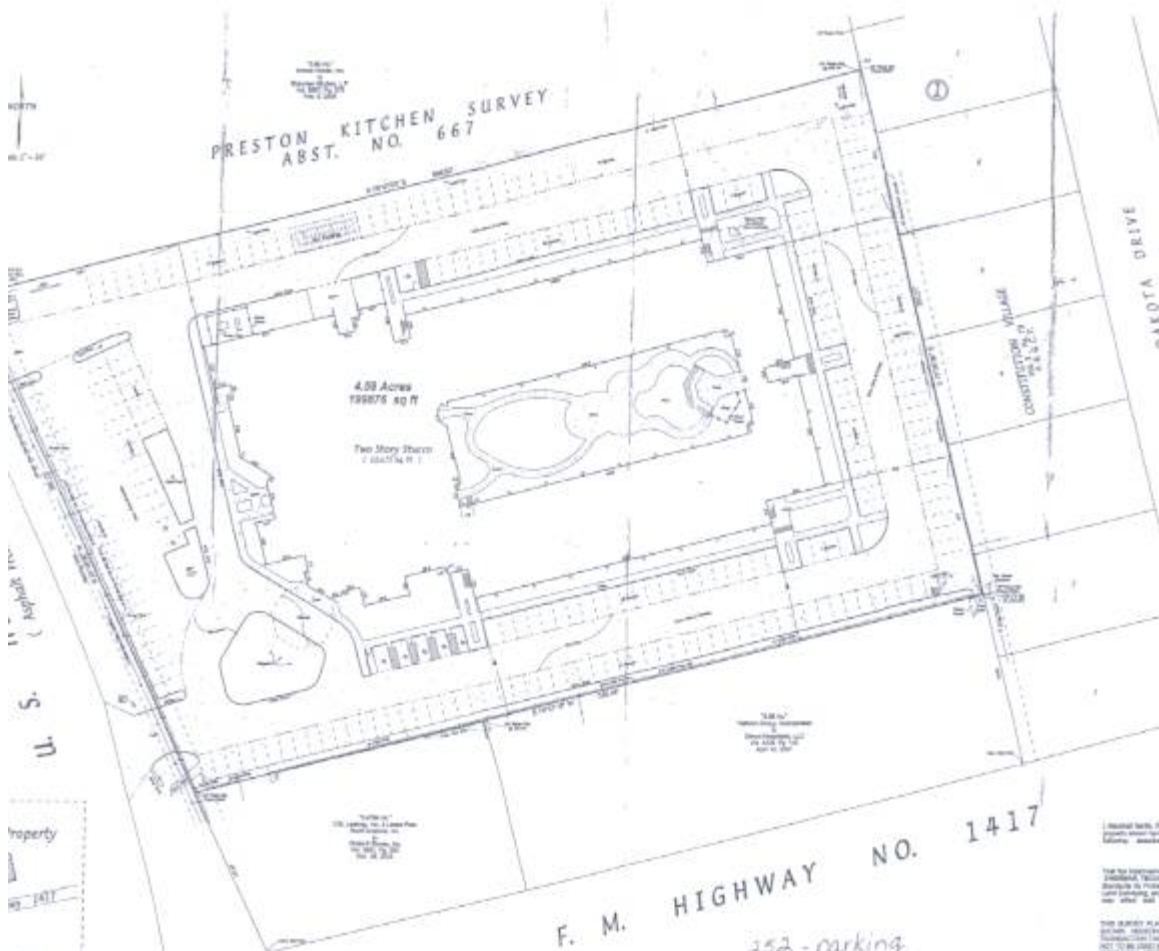


100 Denison Room 100
174 Sherman Room 174





PRESTON KITCHEN SURVEY
ABST. NO. 667



F. M. HIGHWAY NO. 1417
252 - parking

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Days Inn Stone-Bridge Hotel & Suites



3605 Hwy 75 South,
Sherman, Texas 75090

For Reservations Call: 903 868 0555
Fax: 903 892 9396

ACCOMMODATIONS / FEATURES

- Newly Renovated 138 Rooms & Leisure Suites
- Express Check-in and Checkout
- Complimentary Weekday Newspaper
- HBO, ESPN, TBS, USA, TNT, ABC, CBS, NBS, FOX, etc.
- In-room Movies & Nintendo
- In-room Coffee Makers & Refrigerators
- Outdoor Swimming Pool & Jacuzzi
- 24-Hour Fax/Copy Service
- Restaurant Serves Breakfast, Lunch & Dinner
- Full Service Bar & Restaurant
- Over 6,000 Sq. Ft. Banquet & Meeting facilities for Groups of 5 to 300
- Voicemail
- Data ports / High Speed / Wireless Based on availability

BUSINESS & AREA ATTRACTIONS

- Saint Gobain / Certainteed - 1 Blk.
- Globi Tech - 1 Blk.
- Proctor & Gamble - 2 Blk's
- Tyson - 1/4 Mi.
- Kaiser Aluminium - 1/4 Mi.
- Progress Rail - 1/4 Mi.
- Texas Instruments - 3/4 Mi.
- MEMC Southwest - 3/4 Mi.
- Cedar Brook Driving Range - 3/4 Mi.
- Austin College - 2 Mi.
- Midway Mall - 3 Mi.
- Sherman Municipal Airport - 5 Mi.
- Wilson N. Jones Hospital - 5 Mi.
- Grayson County Airport - 10 Mi.
- Lake Texoma - 15 Mi.



Stone-Bridge Hotel & Suites

3605 Hwy 75 South, Sherman, Texas 75090 (exit 5)

Tel: 903 868 0555

Fax: 903 892 9396



Directions:

From OK Highway 75S to SH 1417, exit 56. Turn left, follow overpass to access road, turn left, 50 yards to hotel on right.

From Dallas-Highway 75N to SH 1417, exit 56. Stay on access road to stg sign. Continue straight across intersection to hotel on right.

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
July 21, 2009
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Lawrence Davis, Commissioner
Brad Morgan, Commissioner
Commissioner

Don Hicks, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Darren Tankersley,

3605 U.S. Highway 75 South
Being 4.59 acres in the Preston Kitchen Survey, Abstract No. 667
Specific Use Permit & Site Plan

Requested Action/Proposed Use:

Planning and Zoning Commission

Specific Use Permit and site plan approval to allow a commercial amusement center (bingo games) in a C-2 (General Commercial) District, the O-1.2 (Sam Rayburn) Overlay District and the O-1.1 (FM 1417) Overlay District.

Background:

The property is located at 3605 U.S. Highway 75 South; Days Inn and Suites is the tenant. The owner of the building would like to establish a bingo game room within the hotel. The hotel has 138 rooms and suites and 252 parking spaces.

Adjacent Zoning:

C-2 (General Commercial) District and R-1 (One Family Residential) District

Origination:

Circle Sherman, LLC (Owners), Days Inn Hotel & Suites (Tenant) and Zona Sanders (Representative)

Master Plan Designation:

Retail/Commercial

Number of notices mailed:

15

Objections received:

0

Attachments:

Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Director of Development Services

STAFF REVIEW LETTER

July 16, 2009

Circle Sherman, LLC
Days Inn Hotel & Suites
3605 Highway 75 South
Sherman, Texas 75090

Zona Sanders
3605 Highway 75 South
Sherman, Texas 75090

Dear Applicants:

The request for approval of a Specific Use Permit and site plan approval to allow a commercial amusement center (bingo games) in a C-2 (General Commercial) District, the O-1.2 (Sam Rayburn) Overlay District and the O-1.1 (FM 1417) Overlay District at 3605 U.S. Highway 75 South is scheduled to be heard by the Planning and Zoning Board on July 21, 2009 in the City Council Chambers, City Hall at 220 West Mulberry. The meeting will begin at 5:00 P.M.

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

Zoning

1. All aspects of the C-2 (General Commercial) District, the O-1.1 (FM 1417) Overlay District, the O-1.2 (Sam Rayburn) Overlay District and the Commercial Tree and Landscaping Ordinance must be followed.
2. The operation of illegal gambling machines is prohibited.
3. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator

Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. B.5

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5618

**Amending Chapter 12 of the Code of Ordinances, entitled “Traffic and Vehicles”,
Providing for a New Article 12.06, to be entitled “Use of Hand-Held Wireless
Communication Devices Prohibited in Active School Zones”; Providing for Exceptions;
Providing for a Penalty of a Fine Not to Exceed Two Hundred Dollars (\$200.00)
for Each Offense; Providing for Signage; Providing an Effective Date**

Issue

To consider prohibiting the use of hand-held wireless communication devices in active school zones, as provided for by the Texas Legislature

Background

House Bill 55 (HB 55), enacted by the 81st Texas Legislature, will go into effect on September 1, 2009. HB 55 amends the Texas Transportation Code to prohibit the operator of a vehicle from using a wireless communication device while in a school crossing zone unless the vehicle is stopped or the device being used allows the use of the wireless communication device without use of either of the operator’s hands. The Bill establishes a misdemeanor offense with a fine of no more than \$200.00 and creates an affirmative defense to prosecution if the device is used to make an emergency call to:

- an emergency response service;
- a hospital, health clinic, or a medical doctor’s office;
- a fire or police department; or
- an individual to administer first aid treatment.

HB 55 would not apply to an operator of an authorized emergency vehicle using a device while acting in an official capacity or an operator who is licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device.

We have drafted the attached ordinance which will amend Chapter 12 of the Code of Ordinances, “Traffic and Vehicles”, to create a new Article 12.06, to be entitled “Use of Hand-Held Wireless Communication Devices Prohibited in Active School Zones”. The ordinance provides for certain exceptions and a penalty of no more than \$200 for each offense. It also includes provisions for the required signage and an effective date of September 1, 2009.

Origination

The 81st Texas Legislature and the Sherman Police Department

Financial Consideration

The City's cost for installing the required signage in and around school crossing zones will be absorbed by the street department budget.

Staff Recommendation

It is recommended that the City Council enact the proposed ordinance and prohibit the use of hand-held wireless communication devices in active school zones.

Alternatives

The City Council could opt to not approve this Ordinance.

Attachments

Ordinance No.

HB 55

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

ORDINANCE NO. 5618

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", PROVIDING FOR A NEW ARTICLE 12.06, TO BE ENTITLED "USE OF HAND-HELD WIRELESS COMMUNICATION DEVICES PROHIBITED IN ACTIVE SCHOOL ZONES"; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR SIGNAGE; PROVIDING AN EFFECTIVE DATE; 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:

WHEREAS, the City Council of the City of Sherman, Texas ("City"), wishes to serve and protect school-aged children traveling to and from elementary schools and other educational facilities throughout the city and, to that end, the Texas Legislature has adopted certain laws regulating the speed of motor vehicles in a "school zone", applying only to official school days during the hours when the school zone is in effect; and

WHEREAS, using a hand-held wireless communication device while operating a motor vehicle necessarily distracts the driver from his or her operation of said motor vehicle and limits the driver's ability to steer and maneuver said motor vehicle and thus causes him or her to concentrate less on driving safety; and

WHEREAS, the City finds that the use of a hand-held wireless communication device while operating a motor vehicle in a "school zone" (on official school days and during hours when the school zone is in effect) creates a danger, or the probability thereof, to school children and others that the City seeks to minimize; and

WHEREAS, the safety of all school-aged children traveling to and from schools and other educational facilities located in the city is of paramount importance to the City and, as such, demands a high standard of care and control; and

WHEREAS, the City desires to implement those rules and regulations that protect health, life and property and preserve good government, order and security of the city and its inhabitants;

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and determined to be true and correct and made a part of this ordinance for all purposes.

SECTION 2. That Chapter 12 of the Code of Ordinances of the City of Sherman, Texas, shall be and is hereby amended by adding Article 12.06, said article to read as follows:

ARTICLE 12.06
USE OF HAND-HELD WIRELESS COMMUNICATION DEVICES
PROHIBITED IN ACTIVE SCHOOL ZONES

Sec. 12.06.001. Use of hand-held wireless communication devices prohibited in active school zones

(a) *For purposes of this section the following definitions apply:*

- (1) *“Engaging in a call” shall mean talking into, dialing or listening on a hand-held wireless telecommunication device, but shall not include holding a wireless telecommunication device to activate or deactivate such device.*
- (2) *“Hand-held wireless communication device” shall mean a wireless communication device with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).*
- (3) *“Hands-free wireless communication device” shall mean a wireless communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such device, or is a part of the motor vehicle, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person), is necessary to activate, deactivate or initiate a function of such a device.*
- (4) *“Personal digital assistant” shall mean a device operated using a wireless telecommunications service that provides for data communication other than by voice.*
- (5) *“Wireless communication device” shall mean the device used by subscribers and other users of wireless telephone service to access such service and shall include personal digital assistants.*
- (6) *“Wireless communication service” shall mean two-way real time voice telecommunications service that is interconnected to a public switched telephone network and commonly referred to as a cellular service or personal communications service.*

(b) *Except as otherwise provided below, it shall be unlawful for a person to drive or operate a motor vehicle in a school zone, as designated pursuant to this article, on official school days, during the hours when school zones are in effect, and when school zone signs and signs prohibiting hand-held wireless communication device use are posted in place, while using a hand-held wireless communication device to engage in a call or to create, send or read messages.*

(c) *An operator of a motor vehicle who holds a wireless communication device to or in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. "Immediate proximity" shall mean that distance as permits the operator of a wireless communication device to hear telecommunications transmitted over such device, but shall not require physical contact with such operator's ear.*

(d) *Subsection (b) shall not apply to:*

- (1) *The use of a hand-held wireless communication device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital, a physician's office or health clinic; or a public safety department;*
- (2) *Any law enforcement, police officer, emergency services official, first aid, emergency medical technicians and personnel, or any fire safety official in the performance of duties arising out of an emergency in the course of his or her employment as such; or*
- (3) *The use of a hands-free wireless communication device when being used in a hands-free manner.*

(e) *The violation of this section is a strict liability offense.*

SECTION 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a Class C Misdemeanor and, upon conviction in the municipal court of the City of Sherman, Texas, may be fined in the amount not to exceed the sum of two hundred dollars and no cents (\$200.00) for each offense.

SECTION 4. That this ordinance shall take effect and be in full force on September 1, 2009.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

AN ACT

relating to an offense of using a wireless communication device while operating a motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE; OFFENSE ~~[BY CERTAIN MOTORISTS]~~. (a) In this section:

(1) "Hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands.

(2) "Wireless communication device" means a device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332.

(b) Except as provided by Subsection (c), an operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone, as defined by Section 541.302, Transportation Code, unless:

(1) the vehicle is stopped; or

(2) the wireless communication device is used with a hands-free device.

(b-1) A municipality, county, or other political

1 subdivision that enforces this section shall post a sign that
2 complies with the standards described by this subsection at the
3 entrance to each school crossing zone in the municipality, county,
4 or other political subdivision. The department shall adopt
5 standards that:

6 (1) allow for a sign required to be posted under this
7 subsection to be attached to an existing sign at a minimal cost; and

8 (2) require that a sign required to be posted under
9 this subsection inform an operator that:

10 (A) the use of a wireless communication device is
11 prohibited in the school crossing zone; and

12 (B) the operator is subject to a fine if the
13 operator uses a wireless communication device in the school
14 crossing zone.

15 (c) An operator [A person] may not use a wireless
16 communication device while operating a passenger bus with a minor
17 passenger on the bus unless [except in case of emergency or if] the
18 passenger bus is stopped [not in motion].

19 (d) It is an affirmative defense to prosecution of an
20 offense under this section that:

21 (1) the wireless communication device was used to make
22 an emergency call to:

23 (A) an emergency response service, including a
24 rescue, emergency medical, or hazardous material response service;

25 (B) a hospital;

26 (C) a fire department;

27 (D) a health clinic;

- 1 (E) a medical doctor's office;
2 (F) an individual to administer first aid
3 treatment; or
4 (G) a police department; or
5 (2) a sign required by Subsection (b-1) was not posted
6 at the entrance to the school crossing zone at the time of an
7 offense committed in the school crossing zone.
8 (e) This section does not apply to:
9 (1) an operator of an authorized emergency vehicle
10 using a wireless communication device while acting in an official
11 capacity; or
12 (2) an operator who is licensed by the Federal
13 Communications Commission while operating a radio frequency device
14 other than a wireless communication device.
15 (f) This section preempts all local ordinances, rules, or
16 regulations that are inconsistent with specific provisions of this
17 section adopted by a political subdivision of this state relating
18 to the use of a wireless communication device by the operator of a
19 motor vehicle.

20 SECTION 2. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 governed by the law in effect when the offense was committed, and
24 the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense was
27 committed before that date.

H.B. No. 55

1 SECTION 3. This Act takes effect September 1, 2009.

H.B. No. 55

President of the Senate

Speaker of the House

I certify that H.B. No. 55 was passed by the House on May 15, 2009, by the following vote: Yeas 106, Nays 32, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 55 on May 29, 2009, by the following vote: Yeas 138, Nays 4, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 55 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____
Date

Governor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. B.6

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5615, 5616, 5617 and 5618

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5615

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer), and Cox Land Surveying Company (Surveyors) to Allow Patio Homes in an R-1 (One Family Residential) District and the College Park Overlay District in the 600 Block of East Carter Street, the 600 Block of East College Street, and the 800 Block of North Broughton Street, being Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McNair Survey, Abstract No. 763 for a total of 1.20 acres; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5616

Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", Article 13.06, entitled "Solid Waste", at Section 13.06.051(b) to Provide for Modified Conditions for Obtaining a Recycling Waiver for the Primary Residences Only of Customers Aged 65 and Over

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5617

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Circle Sherman, LLC (Owners), Days Inn Hotel & Suites (Tenant), and Zona Sanders (Representative) to Allow a Commercial Amusement Center (Bingo Games) in a C-2 (General Commercial) District, the O-1.2 (Sam Rayburn) Overlay District, and the O-1.1 (FM 1417) Overlay District at 3605 U.S. Highway 75 South, being 4.59 acres in the Preston Kitchen Survey, Abstract No. 667; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5618

Amending Chapter 12 of the Code of Ordinances, entitled "Traffic and Vehicles", Providing for a New Article 12.06, to be entitled "Use of Hand-Held Wireless Communication Devices Prohibited in Active School Zones"; Providing for Exceptions; Providing for a Penalty of a Fine Not to Exceed Two Hundred Dollars (\$200.00) for Each Offense; Providing for Signage; Providing an Effective Date



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. 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

C.3 * RESOLUTION NO. 5398

Authorizing Execution of an Agreement with the State of Texas, Acting by and Through the Texas Department of Transportation, for the Temporary Closure of State Right of Way, being Portions of West Bound Highway 56, and Agreeing to Close Portions of Travis and Crockett Streets for the Annual Hispanic Heritage Festival on Saturday, September 19, 2009

C.4 * RESOLUTION NO. 5402

Appointing and Authorizing the Execution of an Agreement with Pattillo, Brown & Hill, L.L.P. to Perform the Fiscal Year 2009 Audit

C.5 * RESOLUTION NO. 5403

Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009 (City of Sherman Project); Approving the Issuance Thereof and the Facilities to be Constructed or Acquired by such Authority

D.2 * REQUEST TO ADVERTISE

Construction of a Concrete Pad and Ramp for the Solid Waste Transfer Station

D.3 * CHANGE ORDER NO. 1

Texoma Parkway Waterline, Phase III - Frisco Road to Fallon Drive; Cook Concrete, L.P.; \$452.47, Increase

D.7 * OTHER BUSINESS

Replat Approval of Lots 1, 2 and 3, Block B, North Haven Addition, being 0.64 acres in the J.B. McAnair Survey, Abstract No. 763; Spavinaw Development LLC, Owners; and Sartin and Associates, Inc., Surveyors (3104, 3108 and 3112 Rivercrest Drive)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. C.1

RESOLUTION NO. 5400

Authorizing Execution of an Interlocal Agreement between the City of Sherman and Grayson County for a Multi-Jurisdictional CodeRed® Emergency Notification System

Issue

A Multi-Jurisdictional Interlocal Agreement (“ILA”) with Grayson County for a CodeRed® Emergency Notification System

Background

The City of Sherman has utilized the CodeRed® Emergency Notification System since 2008, providing a “reverse 911” method of alerting citizens to severe weather or other local emergencies. Grayson County has elected to enter into an agreement with CodeRed® that would extend this notification system to the entire County, including the City of Sherman. In addition to the current notification system, the ILA would provide an automatic weather warning notification for any citizen who requests that service. This notification would be made by the National Weather Service, based on a projected storm path, and would not require any action by local officials. The estimated cost for this additional feature for Sherman alone is \$7,500 annually. The CodeRed® system would remain available for notification of local importance, including missing persons, hazardous material releases, dangerous conditions or other local emergencies.

As part of the ILA, Grayson County would pay the entire contract service fee (\$47,000) for year one of the three-year agreement. Costs for years two and three would be assessed on a pro-rata share, based on population. Our current cost for the CodeRed® system alone is \$15,000 annually. The estimated costs for years two and three are approximately \$15,000 per year, but would include the additional weather warning system. The Sherman Emergency Management Coordinators would retain complete access and control of the system for Sherman, but the system would add redundancy utilization capabilities through the County Emergency Management Coordinator. The ILA provides for early termination of this agreement with a 60-day notice.

Origination

Grayson County and the City of Sherman

Financial Consideration

Funds are proposed for the 2009-2010 budget for the continuation of our current CodeRed® contract. This ILA would result in a savings of \$15,000 for FY 2009. Costs for beyond FY 2010 would be approximately what we now pay.

Staff Recommendation

Approve the ILA with Grayson County for a Multi-Jurisdictional CodeRed® Emergency Notification System.

Alternatives

We could continue our current CodeRed® service at a cost of \$15,000 per year.

Attachments

July 27, 2009 E-Mail from Sarah Somers
Resolution No. 5400
Interlocal Agreement with Exhibits

Prepared by:
J. J. Jones, Fire Chief

Approved by:
George Olson, City Manager

From: Sarah Somers [mailto:somerss@co.grayson.tx.us]

Sent: Monday, July 27, 2009 4:56 PM

Subject: Grayson County Multi-Jurisdictional Emergency Notification System Proposal

Importance: High

TO ALL GRAYSON COUNTY CITIES:

Grayson County wishes to pursue an inter-local cooperative solution to warning and coordinated emergency notification for all residents – whether their residence is in an incorporated or unincorporated area of the County. Enclosed is an inter-local agreement for consideration and approval by the governing body of the City. We welcome your questions and input as this agreement contains not just a financial commitment but also a policy/procedure for activation of the system.

We are pleased to offer the first year of this project at no cost to your City by funding it with homeland security grant dollars. All subsequent years would be funded on a cost share based on population which results in a significant savings over individual, single- jurisdiction solutions. (An illustration of the savings thru the vendor, CodeRED, is attached.) More importantly, staffing and decision-support services would be available to your jurisdiction from the Office of Emergency Management on a 24/7 basis. But most important of all is that this would result in a *coordinated* warning functionality for all areas of the County in keeping with emergency management best practices – hopefully resulting in increased safety for all Grayson County residents.

I'd be happy to discuss this project with you. Please feel free to call me at 903-814-7866. I will try to make arrangements to attend any governing body meetings at which this agreement is to be considered if you will call or email me at somerss@co.grayson.tx.us. In order to make this solution effective for the coming fiscal year, we must ask that you respond no later than August 27, 2009. If this time constraint poses a real hardship, please call me and we will see what we can work out. This correspondence is being sent by regular first class mail to the Mayor, by fax to the city hall and by email to all Mayors and City Managers so that each City has the maximum time possible to consider this important project.

Regards,
Sarah E. Somers
Emergency Management Coordinator
Grayson County, 100 W. Houston, Sherman, TX 75090
Office 903.813.4217
Fax 903.893.5207
BB 903.814.7866

RESOLUTION NO. 5400

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR A MULTI-JURISDICTIONAL CODERED® EMERGENCY NOTIFICATION SYSTEM; 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, Grayson County has elected to pursue an inter-local cooperative solution to warning and coordinated emergency notification for all residents, whether their residence be in an incorporated or unincorporated area of the County; and

WHEREAS, the City of Sherman has been offered the opportunity to enter into an Interlocal Agreement with Grayson County for a Multi-Jurisdictional CodeRed® Emergency Notification System; and

WHEREAS, the City of Sherman's CodeRed® Emergency Notification System would continue to provide notification of local importance, including missing persons, hazardous material releases, dangerous conditions or other local emergencies, and would be expanded to provide an automatic weather warning notification by the National Weather Service based on a projected storm path for any citizen requesting that service; and

WHEREAS, the Sherman City Council believes that the citizens of Sherman will benefit from the expanded CodeRed® Emergency Notification System services to be gained through this Multi-Jurisdictional Interlocal Agreement;

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an Interlocal Agreement with Grayson County for a Multi-Jurisdictional CodeRed® Emergency Notification System, said Interlocal Agreement attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

STATE OF TEXAS §

COUNTY OF GRAYSON §

**INTERLOCAL AGREEMENT FOR
GRAYSON COUNTY MULTI-JURISDICTIONAL
EMERGENCY NOTIFICATION SYSTEM**

This Agreement is made with an effective date of October 1, 2009, by and between Grayson County and the Cities of Bells, Collinsville, Denison, Dorchester, Gunter, Howe, Knollwood, Pottsboro, Sadler, Sherman, Southmayd, Tioga, Tom Bean, Van Alstyne, Whitesboro and Whitewright ["hereinafter referred to as "Cities"] pursuant to Texas Government Code Chapter 791 which authorizes local governments to contract or agree to perform governmental functions and services.

BACKGROUND STATEMENT

WHEREAS, Grayson County has agreed to purchase a license for use of an Emergency Communications Network system that is known as CodeRED (the "CodeRED System"), which is designed to provide high speed emergency communication services to governmental agencies; and

WHEREAS, Grayson County and its Cities all agree that their citizens and residents will benefit from the purchase of CodeRED; and

WHEREAS, in exchange for all parties having the benefit and use of the CodeRED System, the fee of which is approximately \$47,000 annually, the parties wish to share in said cost; and

NOW THEREFORE, for and in consideration of the benefits that will result to the citizens of Grayson County and its Cities, the parties agree that:

1. Grayson County shall be responsible for securing and maintaining the license to use the CodeRED System on an annual basis.

-
2. Grayson County will be responsible for maintenance and implementation of the CodeRED System pursuant to the policy and terms of use as set out in the attached Exhibit "A". All parties to this agreement will assist in the ongoing distribution of information to residents of Grayson County about the system, including providing information approved by Grayson County on city websites, direct mail notices with utility or other mail outs, etc.
 3. Grayson County shall be responsible for payment of the entire fee charged for the CodeRED System for the first year of its use.
 4. After the first year, Grayson County and its Cities shall all share, on a pro-rata basis, the entire annual fee charged for the CodeRED System.
 5. Each party's share of the cost shall be determined based on the population for each City as determined by the 2000 Census for the second year and by the 2010 Census for the third and subsequent years. The cost share calculations for the second year of this agreement are attached to this agreement as Exhibit B.
 6. In the event that the annual cost for the CodeRED System changes from year to year, the party's contributory share shall be adjusted accordingly.
 7. The initial term of this agreement shall be until September 30, 2010, and the agreement shall automatically be renewed each October 1st thereafter unless otherwise terminated pursuant to the terms of this agreement. The annual cost share from each party shall be due and payable to Grayson County at the address shown below on or before October 15 of each year that this agreement remains in effect.
 8. This agreement may be terminated by any party by written notice to the other parties, said notice to be given at least sixty (60) days prior to the yearly renewal date of October 1st. It is the intent of this provision to secure interlocal cooperation of the cost

sharing portion of this agreement on an annual basis.

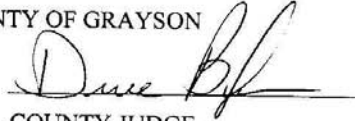
9. This agreement may be amended by mutually written agreement of the parties.

The authorization for the terms set forth herein was made by: (1) Grayson County Commissioners Court at its meeting on July 27, 2009; and by its sixteen Cities at their respective governing body meetings held on the dates indicated below. All notices to be given pursuant to this agreement shall be given to the addresses as provided by the parties below.

IN WITNESS WHEREOF, the City and County have respectively caused this agreement to be duly executed in duplicate originals of equal force the dates as shown below.

COUNTY OF GRAYSON

BY:


COUNTY JUDGE

Dated:

12 AUG 09

Address for Notice:

Office of the Grayson County Judge
100 W. Houston
Sherman, Texas 75090

ATTEST:

CITY OF _____

BY: _____

MAYOR

Dated: _____

Address for Notice:

ATTEST:



GRAYSON COUNTY OFFICE OF EMERGENCY MANAGEMENT

POLICY & PROCEDURES ACTIVATION OF THE GRAYSON COUNTY EMERGENCY NOTIFICATION SYSTEM

EMERGENCY NOTIFICATION SYSTEM

THIS DOCUMENT SHALL SERVE AS AN APPENDIX TO THE WARNING ANNEX OF THE GRAYSON COUNTY EMERGENCY MANAGEMENT PLAN SERVING THE UNINCORPORATED AREAS OF GRAYSON COUNTY AND ITS CITIES: BELLS, COLLINSVILLE, DENISON, DORCHESTER, GUNTER, HOWE, KNOLLWOOD, POTTSBORO, SADLER, SHERMAN, SOUTHMAYD, TIOGA, TOM BEAN, VAN ALSTYNE, WHITESBORO, AND WHITEWRIGHT.

THIS DOCUMENT ALSO SERVES AS EXHIBIT A TO THE INTERLOCAL AGREEMENT FOR THE GRAYSON COUNTY MULTIJURISDICTIONAL EMERGENCY NOTIFICATION SYSTEM.

This order consists of the following numbered sections:

- 1.00 Definitions
- 2.00 Authorized Personnel
- 3.00 Types of Uses
- 4.00 Alternate Uses
- 5.00 System Operation
- 6.00 Pre-Recorded Messages

PURPOSE

The County of Grayson's subscription service to CodeRED emergency telephone notification system is to be used for significant incidents, emergencies or disasters where the timely notification of an affected population or geographic area of the County and its cities is essential or highly desirable.

POLICY

It shall be the responsibility of all parties with authorization to activate, both directly or indirectly, the Grayson County CodeRED Telephone Notification System to have a working knowledge of this policy and comply with its direction.

PROCEDURE

1.00 Definitions

- A. Incident – Situations limited in scope and potential effects. Incident characteristics include:
- Involves a limited area and/or limited population
 - Evacuation or shelter in-place is typically limited to the immediate area of the incident
 - Warning and public instructions are provided to the immediate area, not community wide
 - One or two local response agencies or departments acting under an Incident Commander
 - May require limited assistance from other external response agencies
- B. Emergency – A situation that is larger in scope and more severe in terms of actual or potential effects than an incident. Characteristics include:
- Involves a large area, significant population, or important facilities
 - Involves a situation of imminent life safety
 - May require implementation of a large scale evacuation or sheltering in-place and mass care operations
 - May require community wide warning and public instructions
 - Requires a sizable multi-agency response operating under an Incident Commander
 - May require some assistance from external local agencies, contractors and limited assistance from state or federal agencies
 - The EOC will be activated to provide resource support for the incident
- C. Disaster – A situation where an occurrence or the threat of significant casualties and/or widespread property damages exceeds the capabilities of the Grayson County. Characteristics include:
- Involves a large area, a sizable population and/or important facilities
 - Involves a situation of imminent life safety
 - May require implementation of large-scale evacuation or sheltering in-place and implementation of temporary shelters and mass care operations
 - Requires community wide warning and public instructions
 - Requires a response by all local response agencies operating under an Incident Commander
 - Requires significant external assistance from other local response agencies, contractors, and extensive state or federal assistance
 - The EOC will be activated to provide general guidance and direction, provide emergency information to the public, coordinate state and federal support, and coordinate resource support for emergency operations.

2.00 AUTHORIZED PERSONNEL

- A. Direct Authorization: The following persons will be issued direct activation pass-codes for the Grayson County CodeRED telephone notification system to be used under a structured guideline. The titles below also display the line of succession.
- County Judge, County Emergency Management Coordinator or designee
 - City of Sherman Emergency Management Coordinator or designee
 - City of Denison Emergency Management Coordinator or designee
- B. Indirect Authorization: The following persons will be authorized to indirectly activate the Grayson County CodeRED telephone notification system subject to approval of the request by the above named "Direct Authorization" parties: Sheriff or designees; Mayors or designees; City Managers or Administrators or designees; Acting Emergency Management Directors, Police Chiefs, Fire Chiefs and the Grayson County Health Authority.
- C. CodeRED Activation Request Hot Line: Requests for activation of the Grayson County CodeRED Emergency telephone notification system will be made to (903) _____.
- D. Any time the CodeRED telephone notification system is utilized to issue any notice an after action review will be scheduled within ten (10) days and notice of said review will be provided to all Cities, Direct and Indirect Authorization parties.

3.00 TYPES OF USES

The following are approved types of uses that may be cause for activation of the CodeRED telephone notification system:

- Amber Alert (local)
- Lost or Missing Person
- Jail Escapee
- Significant criminal activity in a neighborhood
- Hostage Situation
- Terrorism Threats
- Hazardous Materials Release
- Severe Weather Warnings
- Health Threats

4.00 ALTERNATE USES

The following are alternate types of uses that may be cause for activation of the CodeRED telephone notification system:

- Information related to recovery subsequent to disaster
- Information related to public health mitigation during a pandemic or other health emergency

5.00 SYSTEM OPERATION

The authorized activator will determine the need for a CodeRED activation dependant on the situation that has arisen.

Once the activation is deemed necessary, the authorized activator will then determine the area or call group that needs to be covered under the activation. This can be done one of six (6) ways.

- Specific address or intersection with a determined distance or radius
- Pre-designated point of risk
- Predetermined districts or geographic areas
- Multiple streets
- Specific groups

The activator will then determine whether to use a pre-recorded message or to record a specific message.

The activator will then call the CodeRED System and work through the CodeRED operators to activate the message notification.

6.00 PRE-RECORDED MESSAGES

HAZARDOUS MATERIALS RELEASE (SHELTER IN-PLACE)

This is a message from the Grayson County Office of Emergency Management. Due to a Hazardous Material Release in your immediate area, all residents are requested to shelter in their home or business, turn off all heating, air conditioning, and ventilation systems that pull air from the outside. Please close all windows and doors and shelter within the innermost portion of the house or building. Bring all pets inside. Please do not call 9-1-1. Once the situation is taken care of, you will be notified by telephone. Thank you for your cooperation.

HAZARDOUS MATERIALS RELEASE – ALL CLEAR

This is a message from the Grayson County Office of Emergency Management. The hazardous materials release in your area has been resolved and it is now safe to resume normal activities. Thank you for your cooperation.

CRIMINAL ACTIVITY

This message is from the Grayson County Office of Emergency Management. A crime suspect is in your area. Residents are requested to secure their residences or businesses. Law enforcement is in the area.
[insert other information as provided]

CRIMINAL ACTIVITY – ALL CLEAR

This message is from the Grayson County Office of Emergency Management. The Criminal Activity in your area has been resolved and it is now safe to resume normal activities.

ADDITIONAL TEMPLATE MESSAGES are available and on file in the Grayson County Office of Emergency Management and contained in the Grayson County Emergency Management Plan in the Warning, Public Information, Health & Medical Services and other Annexes.

GRAYSON COUNTY MULTIJURISDICTIONAL SYSTEM COST SHARE FOR YEARS 2+

Area	Pop	WeatherWarning	CodeRed	BOTH SYSTEMS
Bells	1190	\$ 168.12	\$ 336.25	\$ 504.37
Collinsville	1235	\$ 174.48	\$ 348.96	\$ 523.45
Denison	22733	\$ 3,211.75	\$ 6,423.49	\$ 9,635.24
Dorchester	109	\$ 15.40	\$ 30.80	\$ 46.20
Gunter	1230	\$ 173.78	\$ 347.55	\$ 521.33
Howe	2478	\$ 350.09	\$ 700.19	\$ 1,050.28
Knollwood	376	\$ 53.12	\$ 106.24	\$ 159.37
Pottsboro	1579	\$ 223.08	\$ 446.17	\$ 669.25
Sadler	404	\$ 57.08	\$ 114.16	\$ 171.23
Sherman	35082	\$ 4,956.43	\$ 9,912.86	\$ 14,869.29
Southmayd	992	\$ 140.15	\$ 280.30	\$ 420.45
Tioga	754	\$ 106.53	\$ 213.05	\$ 319.58
Tom Bean	941	\$ 132.95	\$ 265.89	\$ 398.84
Van Alstyne	2502	\$ 353.49	\$ 706.97	\$ 1,060.46
Whitesboro	3760	\$ 531.22	\$ 1,062.44	\$ 1,593.65
Whitewright	1740	\$ 245.83	\$ 491.66	\$ 737.49
SUBTOTAL CITIES	77105	\$ 10,893.49	\$ 21,786.98	\$ 32,680.47
Unincorporated areas***	33490	\$ 4,731.51	\$ 9,463.02	\$ 14,194.53
TOTAL GRAYSON	110595	\$ 15,625.00	\$ 31,250.00	\$ 46,875.00

Cost share by population using actual 2000 census data:

Exhibit B

to the Interlocal Agreement for the Grayson County Multi-Jurisdictional Emergency Notification System

Grayson County CodeRed Project Collaboration Pricing Comparison 2000 Census

COUNTY-WIDE SYSTEM PRICING

Area	Pop	WeatherWarning	CodeRed	BOTH SYSTEMS
Bells	1190	\$ 168.12	\$ 336.25	\$ 504.37
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Unincorporated areas***	33490	\$ 4,731.51	\$ 9,463.02	\$ 14,194.53
TOTAL GRAYSON	110595	\$ 15,625.00	\$ 31,250.00	\$ 46,875.00

INDIVIDUAL CITY CONTRACTS

WeatherWarning	CodeRed	BOTH SYSTEMS	SAVINGS
\$2,500	\$5,000	\$7,500	\$6,995.63
\$2,500	\$5,000	\$7,500	\$6,976.55
\$5,000	\$10,000	\$15,000	\$5,364.76
\$2,500	\$5,000	\$7,500	\$7,453.80
\$2,500	\$5,000	\$7,500	\$6,978.67
\$2,500	\$5,000	\$7,500	\$8,449.72
\$2,500	\$5,000	\$7,500	\$7,340.63
\$2,500	\$5,000	\$7,500	\$6,830.75
\$2,500	\$5,000	\$7,500	\$7,328.77
\$7,500	\$15,000	\$22,500	\$7,630.71
\$2,500	\$5,000	\$7,500	\$7,079.55
\$2,500	\$5,000	\$7,500	\$7,180.42
\$2,500	\$5,000	\$7,500	\$7,101.16
\$2,500	\$5,000	\$7,500	\$6,439.54
\$2,500	\$5,000	\$7,500	\$5,906.35
\$2,500	\$5,000	\$7,500	\$6,762.51
\$47,500	\$95,000	\$142,500	\$109,819.53

Cost share by population actual 2000 census

Proposal: 3 year interlocal with Grayson County to provide warning services

1st year:

project will be grant funded using homeland security funds

2nd year:

project will be continue using cost sharing by population as shown above

3rd year:

project will be continued using cost share based on 2010 census +

pro rata share of any vendor driven cost increases



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. C.2

RESOLUTION NO. 5401

Authorizing the Acceptance and Execution of a Grant Awarded to the City of Sherman for FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Funds distributed by the U.S. Department of Justice and to be Allocated to the City of Sherman, the City of Denison, and Grayson County

Issue

Acceptance and distribution of grant funds awarded by the U.S. Department of Justice (DOJ)

Background

At the May 4, 2009 meeting, the City Council authorized the submission of a Joint Grant Application with Grayson County and the City of Denison for a \$137,469.00 grant under the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant ("JAG") Program. The grant was formerly known as the Local Law Enforcement Block Grant ("LLEBG"). The grant application was submitted jointly because the City of Sherman, the City of Denison, and Grayson County have been identified by the Bureau of Justice Assistance as a disparate jurisdiction. The grant has been awarded in the total amount of \$137,469.00; and the City of Sherman has been named as the fiscal agent to administer the JAG Recovery funds for all three jurisdictions. Also at the May 4th meeting, the City Council approved Interlocal Agreements with both entities to permit the distribution of any grant funds received and asked for another opportunity to approve the acceptance of the grant.

If the City Council grants their approval, the Sherman Police Department will use their \$74,510.00 allocation to fill one civilian Police Intelligence Analyst position to enhance the operation of the SPD Intelligence Office. The Denison Police Department will use their \$46,691.00 allocation to acquire radar devices, a security camera system package, patrol vehicle accessories, and an evidence bar code scanner. The Grayson County Sheriff's Office will use their \$16,268.00 allocation to procure digital equipment (in-car cameras, an interview recording system, recorders, and cameras) to interview suspects, capture statements from witnesses, and for investigation purposes.

This award is made in the first fiscal year of the appropriation and may be expended during the following three years, for a total of four grant period years. Once the grant funds are fully expended, there are no federal retention requirements.

Origination

Sherman Police Department

Financial Consideration

There is no local match requirement for this grant. The total eligible allocation of \$137,469.00 has been awarded to the City of Sherman; and amounts established by the DOJ for Grayson County (\$16,268.00) and the City of Denison (\$46,691.00) will be passed through to those entities.

Staff Recommendation

The staff recommends the City Council accept the grant award, authorize the City Manager to execute any and all grant documents and distribute the allocations to the other entities.

Alternatives

The City Council could decline the grant award; but this is not recommended as all grant funds, including the awards to Grayson County and the City of Denison, would have to be returned to the federal government.

Attachments

Resolution No. 5401

Grant Award Notification and Documents

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5401

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A GRANT AWARDED TO THE CITY OF SHERMAN FOR FY 09 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE AND TO BE ALLOCATED TO THE CITY OF SHERMAN, THE CITY OF DENISON, AND 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.

WHEREAS, the U.S. Department of Justice is offering grants in support of a wide range of projects designed to reduce crime and improve the criminal and juvenile justice systems under the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, the City of Sherman submitted a joint grant application with the City of Denison and Grayson County under this program; and

WHEREAS, the U.S. Department of Justice has awarded the joint grant application in the total amount of One Hundred Thirty-Seven Thousand Four Hundred Sixty-Nine Dollars and No Cents (\$137,469.00); and

WHEREAS, the City of Sherman has been named as the fiscal agent to administer the JAG Recovery funds for all three jurisdictions; and

WHEREAS, the City of Sherman agrees that, in the event of loss or misuse of the JAG funds, the City of Sherman assures that the funds will be returned to the U.S. Department of Justice in full;

NOW, THEREFORE, 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 accept the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant ("JAG") Program funds from the U.S. Department of Justice in the total amount of One Hundred Thirty-Seven Thousand Four Hundred Sixty-Nine Dollars and No Cents (\$137,469.00), to be distributed for specific purposes in the following manner: Sixteen Thousand Two Hundred Sixty-Eight Dollars and No Cents (\$16,268.00) to Grayson County for its Law Enforcement Equipment Upgrade and Enhancement Program; Forty-Six Thousand Six Hundred Ninety-One Dollars and No Cents (\$46,691.00) to the City of Denison for its Law Enforcement Equipment Upgrade and Enhancement Program; and Seventy-Four Thousand Five Hundred Ten Dollars and No Cents (\$74,510.00) to the City of Sherman to fill one civilian Police Intelligence Analyst position, in accordance with all grant 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 _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

July 30, 2009

Mr. George Olson
City of Sherman
400 North Rusk
Sherman, TX 75090

Dear Mr. Olson:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation in the amount of \$137,469 for City of Sherman.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Esmeralda C. Womack, Program Manager at (202) 353-3450; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

James H. Burch II
Acting Director

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

July 30, 2009

Mr. George Olson
City of Sherman
400 North Rusk
Sherman, TX 75090

Dear Mr. Olson:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

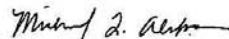
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

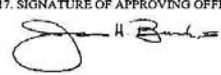
If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

 Department of Justice Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 9
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Sherman 400 North Rusk Sherman, TX 75090		4. AWARD NUMBER: 2009-SB-B9-2805		
		5. PROJECT PERIOD: FROM 03/01/2009 TO 02/28/2013 BUDGET PERIOD: FROM 03/01/2009 TO 02/28/2013		
		6. AWARD DATE 07/30/2009	7. ACTION	
1A. GRANTEE IRS/VENDOR NO. 756000670		8. SUPPLEMENT NUMBER 00	Initial	
		9. PREVIOUS AWARD AMOUNT \$ 0		
3. PROJECT TITLE Police Intelligence Analyst/Law Enforcement Equipment Upgrades and Enhancements		10. AMOUNT OF THIS AWARD \$ 137,469		
		11. TOTAL AWARD \$ 137,469		
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758				
15. METHOD OF PAYMENT PAPRS				
AGENCY APPROVAL		GRANTEE ACCEPTANCE		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL James H. Burch II Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL George Olson City Manager		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL		19A. DATE
AGENCY USE ONLY				
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT 9 B SB 80 00 00 137469		21. ISBUGT2442		

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 9

PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. **RECOVERY ACT – Conflict with Other Standard Terms and Conditions**
The recipient understands and agrees that all other terms and conditions contained in this award, or in applicable OJP grant policy statements or guidance, apply unless they conflict or are superseded by the terms and conditions included here that specifically implement the American Recovery and Reinvestment Act of 2009, Public Law 111-5 ("ARRA" or "Recovery Act") requirements. Recipients are responsible for contacting their grant managers for any needed clarifications.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 3 OF 9

PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

7. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at [website], for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

8. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
9. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.
10. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 4 OF 9

PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

11. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.
12. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
13. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
14. **RECOVERY ACT - JAG - Trust Fund**
The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of either the Edward Byrne Memorial Justice Assistance Grant Program (JAG) or Recovery JAG Program. The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).
15. **RECOVERY ACT - Access to Records; Interviews**
The recipient understands and agrees that DOJ (including OJP and the Office of the Inspector General (OIG)), and its representatives, and the Government Accountability Office (GAO), shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award, including such records of any subrecipient, contractor, or subcontractor.

The recipient also understands and agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient (or of any subrecipient, contractor, or subcontractor) regarding transactions related to this Recovery Act award.
16. **RECOVERY ACT - One-time funding**
The recipient understands and agrees that awards under the Recovery Act will be one-time awards and accordingly that its proposed project activities and deliverables are to be accomplished without additional DOJ funding.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

17. RECOVERY ACT – Separate Tracking and Reporting of Recovery Act Funds and Outcomes

The recipient agrees to track, account for, and report on all funds from this Recovery Act award (including specific outcomes and benefits attributable to Recovery Act funds) separately from all other funds, including DOJ award funds from non-Recovery Act awards awarded for the same or similar purposes or programs. (Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate.)

Accordingly, the accounting systems of the recipient and all subrecipients must ensure that funds from this Recovery Act award are not commingled with funds from any other source.

The recipient further agrees that all personnel (including subrecipient personnel) whose activities are to be charged to the award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

18. RECOVERY ACT – Subawards – Monitoring

The recipient agrees to monitor subawards under this Recovery Act award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

19. RECOVERY ACT – Subawards – DUNS and CCR for Reporting

The recipient agrees to work with its first-tier subrecipients (if any) to ensure that, no later than the due date of the recipient's first quarterly report after a subaward is made, the subrecipient has a valid DUNS profile and has an active registration with the Central Contractor Registration (CCR) database.

20. RECOVERY ACT - Quarterly Financial Reports

The recipient agrees to submit quarterly financial status reports to OJP. At present, these reports are to be submitted on-line (at <https://grants.ojp.usdoj.gov>) using Standard Form SF 269A, not later than 45 days after the end of each calendar quarter. The recipient understands that after October 15, 2009, OJP will discontinue its use of the SF 269A, and will require award recipients to submit quarterly financial status reports within 30 days after the end of each calendar quarter, using the government-wide Standard Form 425 Federal Financial Report form (available for viewing at www.whitehouse.gov/omb/grants/standard_forms/ffr.pdf). Beginning with the report for the fourth calendar quarter of 2009 (and continuing thereafter), the recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form, not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 6 OF 9

PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

21. RECOVERY ACT – Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(a) The recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds, to maximize the transparency and accountability of funds authorized under the Recovery Act as required by the Act and in accordance with 2 CFR 215.21, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations" and OMB A-102 Common Rules provisions (relating to Grants and Cooperative Agreements with State and Local Governments).

(b) The recipient agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This condition only applies if the recipient is covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The recipient agrees to separately identify to each subrecipient the Federal award number, CFDA number, and amount of Recovery Act funds, and to document this identification both at the time of subaward and at the time of disbursement of funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The recipient agrees to require its subrecipients to specifically identify Recovery Act funding on their SEFA information, similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of Recovery Act funds as well as facilitate oversight by the Federal awarding agencies, the DOJ OIG, and the GAO.

22. RECOVERY ACT – Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 7 OF 9

PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

23. RECOVERY ACT – Provisions of Section 1512(c)

The recipient understands that section 1512(c) of the Recovery Act provides as follows:

Recipient Reports- Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

24. RECOVERY ACT – Protecting State and Local Government and Contractor Whistleblowers (Recovery Act, section 1553)

The recipient recognizes that the Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act. The text of Recovery Act is available at www.ojp.usdoj.gov/recovery.

25. RECOVERY ACT – Limit on Funds (Recovery Act, section 1604)

The recipient agrees that none of the funds under this award may be used by any State or local government, or any private entity, for construction costs or any other support of any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

26. RECOVERY ACT – Infrastructure Investment (Recovery Act, sections 1511 and 1602)

The recipient agrees that it may not use any funds made available under this Recovery Act award for infrastructure investment absent submission of a satisfactory certification under section 1511 of the Recovery Act. Should the recipient decide to use funds for infrastructure investment subsequent to award, the recipient must submit appropriate certifications under section 1511 of the Recovery Act and receive prior approval from OJP. In seeking such approval, the recipient shall give preference to activities that can be started and completed expeditiously, and shall use award funds in a manner that maximizes job creation and economic benefits. The text of the Recovery Act (including sections 1511 and 1602) is available at www.ojp.usdoj.gov/recovery.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 8 OF 9

PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

27. RECOVERY ACT – Buy American Notification (Recovery Act, section 1605)

The recipient understands that this award is subject to the provisions of section 1605 of the Recovery Act ("Buy American"). No award funds may be used for iron, steel, or manufactured goods for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless the recipient provides advance written notification to the OJP program office, and a Grant Adjustment Notice is issued that modifies this special condition to add government-wide standard conditions (anticipated to be published in subpart B of 2 C.F.R. part 176) that further implement the specific requirements or exceptions of section 1605.

Section 1605 of the Recovery Act prohibits use of any Recovery Act funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, subject to certain exceptions, including United States obligations under international agreements.

For purposes of this special condition, the following definitions apply:

"Public building" and "public work" means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

"Manufactured good" means a good brought to the construction site for incorporation into the building or work that has been--

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

"Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

For purposes of OJP grants, projects involving construction, alteration, maintenance, or repair of jails, detention facilities, prisons, public crime victims' shelters, police facilities, or other similar projects will likely trigger this provision.

NOTE: The recipient is encouraged to contact the OJP program manager – in advance – with any questions concerning this condition, including its applicability to particular circumstances.



Department of Justice
Office of Justice Programs
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**AWARD CONTINUATION
SHEET
Grant**

PAGE 9 OF 9

PROJECT NUMBER 2009-SB-B9-2805

AWARD DATE 07/30/2009

SPECIAL CONDITIONS

28. **RECOVERY ACT – Wage Rate Requirements under Section 1606 of the Recovery Act**
(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.
- Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are to be incorporated in any covered contracts made under this award that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).
- (b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.
29. **RECOVERY ACT – NEPA and Related Laws**
The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use Recovery Act funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
30. **RECOVERY ACT – Misuse of award funds**
The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
31. **RECOVERY ACT – Additional Requirements and Guidance**
The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide) guidance and clarifications of Recovery Act requirements.
32. **RECOVERY ACT - JAG - Delinquent section 1512(c) reports**
The recipient acknowledges that it has certified that it will comply with all reporting requirements under section 1512(c) of the Recovery Act. (An online reporting mechanism is anticipated to be available for award recipient use by October 10, 2009.) Further to this certification, a failure to comply with the section 1512(c) reporting requirements may, in addition to other penalties, subject the recipient to the following:
(1) After failure to report section 1512(c) data for two consecutive reporting periods, the recipient may be— (a) precluded from drawing down funds under any OJP award, and/or (b) deemed ineligible for future discretionary OJP awards, until such time as the recipient becomes current in its section 1512(c) reporting obligations; and
(2) After failure to report section 1512(c) data for three consecutive reporting periods, the recipient, upon written demand of the Director of BJA, shall return to OJP any unexpended award funds (including any unexpended interest earned on award funds) within 15 calendar days of the date of the demand notice. Thereafter, the recipient's award shall be converted to a cost-reimbursable grant until such time as the recipient becomes current in its section 1512(c) reporting obligations, and remains current for not less than two additional consecutive reporting periods.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Maria A. Berry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Sherman

The Recovery Act emphasizes the importance of compliance with the National Environmental Policy Act (NEPA) in the use of public funds. The Recovery Act - Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements,

please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2009-SB-B9-2805

PAGE 1 OF 1

This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758

1. STAFF CONTACT (Name & telephone number)

Esmeralda C. Womack
(202) 353-3450

2. PROJECT DIRECTOR (Name, address & telephone number)

Tammy Davis
Grant Writer
P.O. Box 1106
Sherman, TX 75091-1106
(903) 892-7228

3a. TITLE OF THE PROGRAM

BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

Police Intelligence Analyst/Law Enforcement Equipment Upgrades and Enhancements

5. NAME & ADDRESS OF GRANTEE

City of Sherman
400 North Rusk
Sherman, TX 75090

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 03/01/2009 TO: 02/28/2013

8. BUDGET PERIOD

FROM: 03/01/2009 TO: 02/28/2013

9. AMOUNT OF AWARD

\$ 137,469

10. DATE OF AWARD

07/30/2009

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a). The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars.

Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Justice Assistance Grant (JAG) Program funded under the Recovery Act is the primary provider of federal criminal justice funding to state and local jurisdictions. Recovery JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Recovery JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

The disparate jurisdictions consisting of Grayson County and the cities of Sherman and Denison will use their Recovery Act JAG award in the amount of \$137,469 to support law enforcement in the county. The city of Sherman will serve as the fiscal agent to administer the JAG Recovery funds for all three jurisdictions.

The Sherman Police Department will utilize its portion of funds to hire a police intelligence analyst, who will be responsible for utilizing various electronic communication devices and information systems to collect and analyze bulk information to assist in tactical and strategic law enforcement operations. Grant funds will cover travel costs for the analyst to attend an intelligence analyst training class. In addition, office equipment will be provided for this position (computer with accessories and office desk).

The Grayson County Sheriff's Office will procure digital equipment (in-car cameras, interview recording system, recorders, and cameras). This equipment will be used for interviewing suspects, capturing statements from witnesses, and for investigation purposes.

The Denison Police Department will acquire radar devices, security camera system package, patrol vehicle accessories, and an evidence bar code scanner.

NCA/NCF



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5398**

**Authorizing Execution of an Agreement with the State of Texas,
Acting by and Through the Texas Department of Transportation, for the Temporary
Closure of State Right of Way, being Portions of West Bound Highway 56, and Agreeing
to Close Portions of Travis and Crockett Streets for the Annual Hispanic Heritage Festival
on Saturday, September 19, 2009**

Issue

Approval of street closures to facilitate the annual Hispanic Heritage Festival event around the Courthouse Square on Saturday, September 19th

Background

For a number of years, the Hispanic Heritage Festival has been held on the Courthouse Square during the same weekend as the Sherman Arts Festival. In the past, event organizers have asked for the closure of Crockett and Travis Streets, between Lamar and Houston Streets, and use of the City parking lot at the northwest corner of Crockett and Houston Streets. This year, event organizers have asked permission to also close Houston Street between Travis and Crockett Streets. Because Houston Street is a state highway, closure requires preparation of a traffic control plan and City Council approval of a Texas Department of Transportation (TxDOT) right of way closure agreement. The Street Department has prepared a traffic control plan (detour/signage plan) and received approval from TxDOT. The TxDOT Agreement will expire upon completion of the Hispanic Heritage Festival event on September 19, 2009.

Origination

TxDOT and the Sherman Hispanic Heritage Committee

Financial Consideration

Street Department overtime is incurred each year to properly barricade and close City streets for the Hispanic Heritage event. However, setting up the detour to temporarily close Houston Street will most likely double the cost of Street Department overtime.

Staff Recommendation

Approve the TxDOT Agreement and the street closure plan requested by the Sherman Hispanic Heritage Committee for their September 19th event.

Alternatives

- (1) Approve only the closure of Travis Street and Crockett Street as in past years; or
- (2) Choose to not approve the closure of any streets.

Attachments

Resolution No. 5398; TxDOT Agreement (incl. Location Map/Detour Plan); Event Organizer Request

Prepared by:
Jeff Miller, Public Works Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5398

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY, BEING PORTIONS OF WEST BOUND HIGHWAY 56, AND AGREEING TO CLOSE PORTIONS OF TRAVIS AND CROCKETT STREETS FOR THE ANNUAL HISPANIC HERITAGE FESTIVAL ON SATURDAY, SEPTEMBER 19, 2009; 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 Sherman Hispanic Heritage Committee sponsors a one-day heritage festival around the downtown courthouse square, bordered by Houston and Lamar Streets (State Highway 56) and Travis and Crockett Streets, known as the Hispanic Heritage Festival (the "Event"); and

WHEREAS, this Event is jointly scheduled with the Sherman Arts Festival during the month of September each year; and

WHEREAS, the Hispanic Heritage Festival proposes to use west bound Highway 56 (Houston Street), between Travis and Crockett Streets, on September 19, 2006 from 6:00 a.m. to 6:00 p.m., for locating Event activities and vendor booths in the right of way; and

WHEREAS, the City of Sherman will close both lanes of Houston Street, from North Walnut Street to the west U.S. Highway 75 frontage road, and eliminate all on-street parking during the Event; and

WHEREAS, the City of Sherman will also close both Travis and Crockett Streets, between Houston and Lamar Streets, and eliminate on-street parking as part of the Event; and

WHEREAS, the City of Sherman Street Department has prepared a traffic management (detour) plan and attached a map showing the location of the rerouted west bound Highway 56 traffic; east bound Lamar Street traffic will be maintained during the event; the City Street Department will sign and barricade all streets and detours in conformance with all TxDOT standards and regulations; and City crews will erect, maintain, and remove all signs and barricades prior to and following the event; and

WHEREAS, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right of way will be performed within the State's requirements; and

WHEREAS, the City recognizes the public purpose of this event and agrees to cooperate with TxDOT to assure the safety and convenience of the traveling public;

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from the State of Texas, acting by and through the Texas Department of Transportation, and subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an Agreement with the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure of west bound State Highway 56, from North Walnut Street to the west U.S. Highway 75 frontage road and, further, for the closure of Travis and Crockett Streets, between Houston and Lamar Streets, for the annual Hispanic Heritage Festival on September 19, 2009, in accordance with the attached location map and detour plan prepared by the Public Works Director and approved by the City Attorney and the terms and conditions of the agreement 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 _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AGREEMENT FOR THE TEMPORARY CLOSURE
OF STATE RIGHT OF WAY**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City of Sherman, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the "local government."

W I T N E S S E T H

WHEREAS, the State owns and operates a system of highways for public use and benefit, including SH 56 (Houston St.), in Grayson, County; and

WHEREAS, the local government has requested the temporary closure of SH 56 (Houston St.) for the purpose of the Hispanic Heritage Festival from N. Walnut St. to the west U.S. Highway 75 frontage road as described in the attached "Exhibit A," hereinafter identified as the "Event;" and "Exhibit C".

WHEREAS, the Event will be located within the local government's incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right of way will be performed within the State's requirements; and

WHEREAS, on the 17th day of August, 2009, the Sherman City Council passed Resolution / Ordinance No. _____, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

WHEREAS, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

WHEREAS, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

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

A G R E E M E N T

Article 1. CONTRACT PERIOD

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

Article 2. EVENT DESCRIPTION

Annually the Sherman Hispanic Heritage Committee sponsors a one day heritage festival around the downtown courthouse square (Grayson County) attracting from 5,000 to 6,000 people. The event is bordered by Houston Street and Lamar Street (State Highway 56) and Travis and Crockett Streets. The Hispanic Heritage Festival is jointly scheduled with Sherman Arts Festival during the month of September but the two events are in separate locations.

The Hispanic Heritage Festival proposes to use Houston Street, between Travis and Crockett, from 6:00 am to 6:00pm for locating event activities and vendors booths in the street. Both lanes of Houston Street will be closed and all on street parking will be eliminated during the event. The city will close both Travis and Crockett Streets between Houston and Lamar and eliminate on street parking as part of the event.

The city of Sherman Street Department has prepared a traffic management (detour) plan and has attached a map showing the location of the rerouted west bound Highway 56 traffic. Eastbound Lamar Street traffic will be maintained during the event. The City of Sherman Street Department will sign and barricade all streets and detours in conformance with all TxDOT standards and regulations. City crews will erect, maintain, and remove all signs and barricades prior to and following the event.

Article 3. OPERATIONS OF THE EVENT

A. The local government shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.

B. The local government shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right of way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State. The State may require that any traffic control plans of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

C. The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

D. The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

E. The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

F. The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

G. The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

H. The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

Article 4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 5. TERMINATION

A. This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

B. The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

Article 6. DISPUTES

Agreement No. _____

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

Article 7. RESPONSIBILITIES OF THE PARTIES

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

Article 8. INSURANCE

A. Prior to beginning any work upon the State's right of way, the local government and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

B. In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

Article 9. AMENDMENTS

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

Article 10. COMPLIANCE WITH LAWS

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right of way.

Article 11. LEGAL CONSTRUCTION

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

Article 12. NOTICES

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

Local Government:	State:
_____	Texas Department of Transportation
_____	_____
_____	_____
_____	_____

Agreement No. _____

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

Article 13. SOLE AGREEMENT

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

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE CITY OF _____

Executed on behalf of the local government by:

By _____ Date _____
City Official

Typed or Printed Name and Title _____

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
District Engineer

Agreement No. _____
District # _____
Code Chart 64 # _____
Project: _____

Exhibit A "Event"

Annually the Sherman Hispanic Heritage Committee sponsors a one day heritage festival around the downtown courthouse square (Grayson County) attracting from 5,000 to 6,000 people. The event is bordered by Houston Street and Lamar Street (State Highway 56) and Travis and Crockett Streets. The Hispanic Heritage Festival is jointly scheduled with Sherman Arts Festival during the month of September but the two events are in separate locations.

The Hispanic Heritage Festival proposes to use Houston Street, between Travis and Crockett, from 6:00 am to 6:00 pm for locating event activities and vendors booths in the street. Both lanes of Houston Street will be closed and all on street parking will be eliminated during the event. The City will close both Travis and Crockett Street between Houston and Lamar and eliminate on street parking as part of the event.

The City of Sherman Street Department has prepared a traffic management (detour) plan and has attached a map showing the location of the rerouted west bound Highway 56 traffic. East bound Lamar Street traffic will be maintained during the event. The City of Sherman Street Department will sign and barricade all streets and detours in conformance with all TxDOT standards and regulations. City crews will erect, maintain, and remove all signs and barricades prior to and following the event.

Agreement No. _____
District # _____
Code Chart 64 # _____
Project: _____

Exhibit B
Resolution / Ordinance

Agreement No. _____
District # _____
Code Chart 64 # _____
Project: _____

Exhibit C LOCATION MAP



PO Box 488
Sherman, TX 75091

.....

Hispanic Heritage Council

July 28, 2009

City of Sherman
Director of Public Works
PO Box 1106
Sherman, TX 75091

Dear Sirs and Madams of the Sherman City Council Board:

This letter is being sent as part of our request for street closings related to the Hispanic Heritage Celebration, our annual fundraising event, held on the Grayson County Courthouse grounds. As we have in previous years, we are requesting the closing of Crockett and Travis Streets in the immediate vicinity of the square. We have also requested the use of the City of Sherman's parking lot located adjacent to the square.

Additionally, this year we have requested the redirecting of traffic on State Highway 56 (Houston Street) to accommodate the growth of our event. Our chief concern is the safety of the community. In the past those who have attended the event had to cross heavy traffic in order to reach parking areas and event activities located on the square. As we try to expand our event it is important to us to keep in mind the safety of all involved, including the attendees as well as the motorists who travel along Houston Street.

We have requested the closing of all of the streets mentioned above for the entire duration of our event including set-up and take-down. Specifically, the time frame is from 6:00am to 6:00pm on September 19, 2009.

The Hispanic Heritage Council would like to thank the City of Sherman for its cooperation and assistance in the coordination of our event request. We would specifically like to thank Jeff Miller for all his effort in handling our request.

Sincerely,

Thomas Avila
Vice President

.....



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 5402**

**Appointing and Authorizing the Execution of an Agreement
with Pattillo, Brown & Hill, L.L.P. to Perform the Fiscal Year 2009 Audit**

Background

In 2007, the Council approved the appointment of Pattillo, Brown & Hill, L.L.P. (PBH) as the City's independent auditors. This agreement allowed for up to four (4) automatic renewals of the agreement for these services. The staff and Council Audit Committee were pleased with the performance of the firm for the past two years and are recommending reappointment of PBH for the fiscal year (FY) 2009 audit.

Origination

Council Audit Committee

Robby Hefton, Assistant City Manager/CFO

Financial Consideration

The fee estimate for these services is \$43,000, with SEDCO paying \$2,650 and the City paying \$40,950. Funds have been allocated in the FY 2009-2010 budget for this expenditure.

Staff Recommendation

The staff recommends the City Council accept the recommendation of the Council Audit Committee to reappoint Pattillo, Brown & Hill, L.L.P. to perform the annual audit for the fiscal year ending September 30, 2009.

Alternatives

The City Council could instruct the staff to seek request proposals from other firms.

Attachments

Resolution No. 5402

Memo to Council Audit Committee

Engagement Letter

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager

RESOLUTION NO. 5402

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPOINTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PATTILLO, BROWN & HILL, L.L.P. TO PERFORM THE FISCAL YEAR 2009 AUDIT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Council hereby appoints Pattillo, Brown & Hill, L.L.P. to perform the annual audit for the City of Sherman for fiscal year ending September 30, 2009.

SECTION 2. That the City Manager be and is hereby authorized and directed, subject to all agreement documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Pattillo, Brown & Hill, L.L.P. to perform the annual audit for the City of Sherman for fiscal year ending September 30, 2009.

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

PASSED AND APPROVED on this the ____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

memorandum

DATE: Monday, August 3, 2009

TO: The Council Audit Committee
The Honorable Joe N. Smith, Deputy Mayor
The Honorable Cary Wacker, Council Member
The Honorable Chip Adami, Council Member

MC: The Honorable Mayor Bill Magers and Members of the Sherman City Council
George Olson, City Manager

FROM: Robby Hefton, Assistant City Manager/Chief Financial Officer *RH*

SUBJECT: Appointment of Independent Auditor
for the Fiscal Year Ended September 30, 2009 Audit

In 2007, at the recommendation of staff, the Audit Committee appointed Pattillo, Brown & Hill, LLP (PBH) located in Waco, Texas to perform the independent audit for the year ended September 30, 2007. As part of this contract, the City is allowed to automatically renew these services annually for up to four (4) renewals.

The staff was pleased with the work product and working relationship with PBH the last two years and is recommending their reappointment for the audit of the City and SEDCO for the year ended September 30, 2009. The fee estimate for these services totals \$43,000, including the audit of SEDCO. This represents a 3.6% increase over the prior year fee of \$41,500. The current year fee is consistent with the proposal submitted by PBH and accepted by the City in 2007.

Audit field work is expected to begin in September; and the audit is expected to be completed and the report draft received by January 31, 2010. Reappointment of PBH is scheduled for the August 17, 2009 Council meeting. If you have any questions prior to the Council meeting, please let me know.

RH:pc

attachment: Auditor Engagement Letter and Peer Review Letter



PB&H
PATTILLO, BROWN & HILL, L.L.P.
CERTIFIED PUBLIC ACCOUNTANTS ■ BUSINESS CONSULTANTS

July 13, 2009

City of Sherman
Attention: Mary Lawrence, Controller
405 North Rusk Street
Sherman, Texas 75091-1106

Ladies and Gentlemen:

We are pleased to confirm our understanding of the services we are to provide the City of Sherman for the year ended September 30, 2009. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units (Sherman Economic Development Corporation), each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City of Sherman as of and for the year ended September 30, 2009. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the City of Sherman's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City of Sherman's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Comparison Schedule – General Fund.
- 3) Budgetary Comparison Schedule – General Improvement Fund.

Supplementary information other than RSI also accompanies the City of Sherman's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements:

- 1) Schedule of expenditures of federal awards.
- 2) Combining fund financial statements.

401 WEST HIGHWAY 6 ■ P. O. BOX 20725 ■ WACO, TX 76702-0725 ■ (254) 772-4901 ■ FAX: (254) 772-4920 ■ www.pbhpa.com
AFFILIATE OFFICES: BROWNSVILLE, TX (956) 544-7778 ■ HILLSBORO, TX (254) 582-2583
TEMPLE, TX (254) 791-3460 ■ WHITNEY, TX (254) 694-4600 ■ ALBUQUERQUE, NM (505) 266-5904

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will disclaim an opinion.

- 1) Introductory section.
- 2) Statistical data.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and the schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for monitoring ongoing activities, to help ensure that appropriate goals and objectives are met. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Sherman and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities also include, including identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and

detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Sherman's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Sherman's major programs. The purpose of these procedures will be to express an opinion on the City of Sherman's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include

with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Pattillo, Brown & Hill, L.L.P. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency providing direct or indirect funding or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Pattillo, Brown & Hill, L.L.P. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

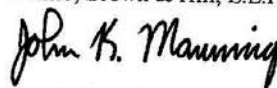
The audit documentation for this engagement will be retained for a minimum of five years. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

John K. Manning is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$40,350. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2007 peer review letter of comment accompanies this letter.

We appreciate the opportunity to be of service to the City of Sherman and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,
Pattillo, Brown & Hill, L.L.P.



John K. Manning, CPA

JKM/ar

RESPONSE:

This letter correctly sets forth the understanding of the City of Sherman.

By: _____

Title: _____

Date: _____

EUBANK & BETTS

A Professional Limited Liability Company
CERTIFIED PUBLIC ACCOUNTANTS
3820 I-55 North, Suite 100 (39211) P.O. Box 16090
Jackson, Mississippi 39236-6090
Telephone 601-987-4300 Fax 601-987-4314
E-mail firm@eubankbetts.com
Website www.eubankbetts.com

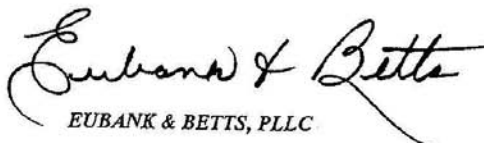
November 15, 2007

To the Partners of
Pattillo, Brown & Hill, LLP
and the Center for Public Company Audit Firms Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of *Pattillo, Brown & Hill, LLP* (the firm) applicable to non-SEC issuers in effect for the year ended May 31, 2007. The firm's accounting and auditing practice applicable to SEC issuers was not reviewed by us since the Public Company Accounting Oversight Board (PCAOB) is responsible for inspecting that portion of the firm's accounting and auditing practice in accordance with PCAOB requirements. A system of quality control encompasses the firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of complying with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (the AICPA). The design of the system, and compliance with it, are the responsibilities of the firm. Our responsibility is to express an opinion on the design of the system, and the firm's compliance with that system based on our review.

Our review was conducted in accordance with standards established by the Peer Review Committee of the Center for Public Company Audit Firms and included procedures to plan and perform the review that are summarized in the attached description of the peer review process. Our review would not necessarily disclose all weaknesses in the system of quality control or all instances of lack of compliance with it since it was based on selective tests. Because there are inherent limitations in the effectiveness of any system of quality control, departures from the system may occur and not be detected. Also, projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice applicable to the non-SEC issuers of *Pattillo, Brown & Hill, LLP*, in effect for the year ended May 31, 2007, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA, and was complied with during the year then ended to provide the firm with reasonable assurance of complying with applicable professional standards.


EUBANK & BETTS, PLLC

CPA Associates International, Inc.,
A Worldwide Network of Accounting Firms

American Institute of Certified Public Accountants
Mississippi Society of Certified Public Accountants

AICPA Tax Division
AICPA Center for Public Company Audit Firms



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5403**

**Relating to Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009
(City of Sherman Project); Approving the Issuance Thereof and the Facilities
to be Constructed or Acquired by such Authority**

Issue

Approving Bond issuance through Greater Texoma Utility Authority (GTUA) for \$2,705,000 for sewer related projects

Background

The City constructs many of its major water and sewer improvements with debt issued by GTUA on the City's behalf. This proposed debt issuance relates to major sewer rehabilitation, consisting of sewer mains along U.S. Highway 75 North of the City of Sherman, including lift stations and other appurtenances as necessary. GTUA General Manager Jerry Chapman will be on hand to answer any questions or offer additional information as needed.

Origination

City Council and GTUA

Financial Consideration

Debt service on these bonds will be paid by the City to GTUA in accordance with the Contract for Water Supply and Sewer Service between the two entities. Funds for this contractual debt repayment are generated through the City's water and sewer revenues and are included as part of the fiscal year (FY) 2008-2013 Capital Improvement Program budget approved by the Council.

Staff Recommendation

It is recommended that the resolution be passed as presented.

Alternatives

No viable alternatives can be suggested at this time.

Attachments

GTUA General Manager Jerry Chapman's Letter of August 12, 2009
Resolution No. 5403
Exhibit A – Description of Sewer Project
Exhibit B – Texas Water Development Board's Commitment
Project Location Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager



GREATER TEXOMA UTILITY AUTHORITY

5100 AIRPORT DRIVE
DENISON, TEXAS 75020-8448
903/786-4433
FAX: 903/786-8211
www.gtua.org

August 12, 2009

Mr. George Olson
City of Sherman
PO Box 1106
Sherman, TX 75091-1106

RE: Bond Resolution – Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009
(City of Sherman Project) \$2,705,000

Dear George:

The Sherman City Council has identified in its Capital Improvement Program budget several projects to be funded by the Authority. One of these projects is a new sewer collection line on either side of US Hwy 75 in the northern portion of the City.

The Authority proposes to sell a \$2,705,000 bond issue to pay for a portion of these improvements to the Texas Water Development Board (TWDB). The TWDB has provided a commitment from the Clean Water State Revolving Fund program to finance this bond series. The series is in the amount of \$2,705,000 at an interest rate of 3.85% over a 20-year amortization period.

One of the provisions in the master agreement between the City of Sherman and the Authority requires the City Council to confirm the action of the Board of Directors for this bond sale. I will ask the Board of Directors to adopt the bond resolution at their meeting on August 17, 2009 at 12:30 pm. Please request the City Council to confirm this action at the City Council meeting on August 17th. The accompanying resolution has been provided by Fulbright & Jaworski for the Council's consideration. I plan to be present at the meeting to answer any questions.

Sincerely,

Jerry W. Chapman
General Manager

JWC:cc

Attachment

RESOLUTION NO. 5403

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2009 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY SUCH AUTHORITY; 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 Greater Texoma Utility Authority (the “Authority”) and the City of Sherman, Texas (the “City”), have previously executed and delivered a Contract for Water Supply and Sewer Service, dated as of March 1, 1985 (the “Contract”), whereby the Authority is to provide water and sewer services to the City; and

WHEREAS, under Section 4.15 of the Contract, it is provided that the City shall approve the issuance by the Authority of any bonds that are to be payable (in whole or in part) from certain moneys that the City has contracted to pay under the provisions of the Contract; and

WHEREAS, in connection with the proposed “Greater Texoma Utility Authority Contract Revenue Bonds, Series 2009 (City of Sherman Project)” (the “Bonds”), the Texas Water Development Board (the “Board”) has agreed, pursuant to an Application Requesting Financial Assistance (the “Application”), to purchase the Bonds and, therefore, it is neither necessary nor advisable for the Authority to prepare a Notice of Sale because, insofar as the City is concerned, the Application contains sufficient information to accomplish the purpose of a Notice of Sale; and

WHEREAS, the net effective interest rate on the Bonds will not exceed the maximum permitted by law (as defined in Chapter 1204, Texas Government Code, as amended) and it is now appropriate for this Council to approve the Application (in lieu of approving a Notice of Sale with respect to the Bonds) as well as the issuance and delivery of the Bonds and the facilities to be constructed or acquired with the proceeds of the Bonds for the project described in Exhibit A (the “Series 2009 Project”) attached to the Resolution of the Authority authorizing the Bonds (the “Bond Resolution”);

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

SECTION 1. That the facilities to be constructed, acquired, and improved by the Authority with the proceeds of the Bonds for the Series 2009 Project described in **Exhibit A** hereto and in Exhibit A attached to the Bond Resolution are hereby approved. The issuance of the Bonds by the Authority and the use of the proceeds thereof, as described in Exhibit A to the Bond Resolution, is hereby approved. The Bond Resolution is approved as to form and content, and the City acknowledges that the payment of principal of and interest on the Bonds is payable, in whole or in part, from payments to be made by the City under and pursuant to the Contract.

The City agrees to provide the reports described in the Bond Resolution within the times specified therein, in compliance with the Board's commitment. The City agrees with the obligations and conditions set forth in the Board's Commitment 08-67, as amended. A copy of such commitment is attached hereto as **Exhibit B**.

SECTION 2. That it is the purpose and intent of the City Council of the City to approve the Bond Resolution, and the facilities to be constructed, acquired, and improved in full accordance with the provisions of the Contract mentioned in the preamble hereof. To the extent required by the Board or the Office of the Attorney General of Texas, the Authority is authorized by this City Council to make changes and revisions to the Bond Resolution from the form approved by this Resolution in order to expedite the delivery of the Bonds. It is the intent of the City to authorize the Authority to proceed with the construction, acquisition, and improvement of the facilities at the earliest possible date, but nothing herein shall be construed as a limitation upon the right and power of the City to approve a change in the facilities for which the Bonds are to be issued (but not the purpose for which the Bonds are to be issued as set forth in the Bond Resolution), the City specifically reserving the right to modify the facilities for which the Bonds are being issued if the Authority and the City agree such modification should be made.

SECTION 3. That Exhibit C to the Contract is amended to include the definition of Project attached hereto as Exhibit A. In all other respects the Contract is reapproved and shall be and remain in full force as the agreement of the parties.

SECTION 4. That the findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Resolution for all purposes as if the same were restated in full in this Section.

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

PASSED AND APPROVED on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

EXHIBIT A

SERIES 2009 PROJECT DESCRIPTION

Sewer Project:

Major sewer rehabilitation, consisting of sewer mains along US Highway 75 North of the City of Sherman, including lift stations and other appurtenances as necessary.

EXHIBIT B

COMMITMENT OF THE TEXAS WATER DEVELOPMENT BOARD

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE
CLEAN WATER STATE REVOLVING FUND
THROUGH THE PROPOSED PURCHASE OF GREATER TEXOMA UTILITY
AUTHORITY, \$2,705,000 CONTRACT REVENUE BONDS, PROPOSED SERIES
2008, ON BEHALF OF THE CITY OF SHERMAN, TEXAS

(08-67)

WHEREAS, the Greater Texoma Utility Authority ("Authority") has filed an application for financial assistance in the amount of \$2,705,000 from the Clean Water State Revolving Fund to finance wastewater system improvements; and

WHEREAS, the Authority seeks financial assistance from the Texas Water Development Board (the "Board") through the Board's proposed purchase of \$2,705,000 Greater Texoma Utility Authority, proposed Series 2008, (the "Obligations"), all as is more specifically set forth in the application and in recommendations of the Board's Project Finance and Construction Assistance staff, to which documents express reference is made; and

WHEREAS, in accordance with §15.607, Water Code, the Board hereby finds:

1. that in its opinion the revenue and/or taxes pledged by the Authority will be sufficient to meet all the obligations assumed by the Authority;
2. that the application and financial assistance requested meet the requirements of the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.* (1972), as amended, as well as state law;
3. that the Authority will consider cost-effective, innovative methods of treatment; and
4. that the Authority has adopted a water conservation program for the more efficient use of water that will meet reasonably anticipated local needs and conditions and that incorporates practices, techniques or technology prescribed by the Texas Water Code and Board's rules.

NOW THEREFORE, based on these considerations and findings, the Texas Water Development Board resolves as follows:

A commitment is made by the Board to Greater Texoma Utility Authority for financial assistance in the amount of \$2,705,000 from the Clean Water State Revolving Fund, to be evidenced by the Board's proposed purchase of \$2,705,000 Greater Texoma Utility Authority, proposed Series 2008. This commitment will expire on June 30, 2010.

Such commitment is conditioned as follows:

1. this commitment is contingent on a future sale of bonds by the Board or on the availability of funds on hand;
2. this commitment is contingent upon issuance of a written approving opinion of the Attorney General of the State of Texas stating that all of the requirements of the laws under which said obligations were issued have been complied with; that said obligations were issued in conformity with the Constitution and laws of the State of Texas; and that said obligations are valid and binding obligations of the Authority;
3. this commitment is contingent upon the Authority's compliance with all applicable requirements contained in the rules and regulations of the Board;
4. the Authority's bond counsel must prepare a written opinion that states that the interest on the obligations is excludable from gross income or is exempt from federal income taxation. Bond counsel may rely on covenants and representations of the District when rendering this opinion;
5. the Authority's bond counsel must also state in the written opinion that the obligations are not "private activity bonds." Bond counsel may rely on covenants and representations of the District when rendering this opinion;
6. the ordinance/resolution authorizing the issuance of these obligations, (hereinafter referred to as the "*Authorizing Document*"), must include a provision prohibiting the Authority from using the proceeds of this loan in a manner that would cause the obligations to become "private activity bonds";
7. the Authorizing Document must include a provision requiring the Authority to comply with the provisions of §148 of the Internal Revenue Code of 1986 (relating to arbitrage);
8. the Authorizing Document must include a provision requiring the Authority to make any required rebate to the United States of arbitrage earnings;
9. the Authorizing Document must include a provision prohibiting the Authority from taking any action which would cause the interest on the obligations to be includable in gross income for federal income tax purposes;
10. the Authorizing Document must provide that the obligations can be called for early redemption only in inverse order of maturity, and on any date beginning on or after the first interest payment date which is 10 years from the dated date of the obligations, at a redemption price of par, together with accrued interest to the date fixed for redemption;

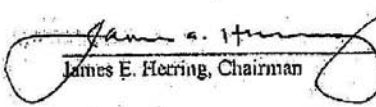
11. the Authorizing Document must provide that the Authority will not cause or permit the obligations to be treated as "federally guaranteed" obligations within the meaning of §149(b) of the Internal Revenue Code;
12. the bond transcript must include a No Arbitrage Certificate or similar Federal Tax Certificate setting forth the Authority's reasonable expectations regarding the use, expenditure and investment of the proceeds of the obligations;
13. the bond transcript must include evidence that the information reporting requirements of §149(e) of the Internal Revenue Code of 1986 will be satisfied. This requirement is currently satisfied by filing IRS Form 8038 with the Internal Revenue Service. A completed copy of IRS Form 8038 must be provided to the Executive Administrator of the Board prior to the release of funds;
14. the Authority, or an obligated person for whom financial or operating data is presented to the Board in the application for financial assistance either individually or in combination with other issuers of the Authority's obligations or obligated persons, will, at a minimum, covenant to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission ("SEC") rule 15c2-12 and determined as if the Board were a Participating Underwriter within the meaning of such rule, such continuing disclosure undertaking being for the benefit of the Board and the beneficial owner of the Authority's obligations, if the Board sells or otherwise transfers such obligations, and the beneficial owners of the Board's bonds if the Authority is an obligated person with respect to such bonds under SEC rule 15c2-12;
15. the Authorizing Document must contain a provision requiring the Authority to levy a tax and/or to maintain and collect sufficient rates and charges to produce net system revenues in an amount necessary to meet the debt service requirements of all outstanding revenue bonds and to maintain the funds established and required by this ordinance;
16. prior to closing, the Authority shall submit documentation evidencing the adoption and implementation of sufficient system rates and charges or, if applicable, the levy of an interest and sinking tax rate sufficient for the repayment of all system debt service requirements;
17. prior to or at closing, the Authority shall pay a 1.85% origination fee to the Board calculated pursuant to Board rules;
18. loan proceeds shall not be used by the Authority when sampling, testing, removing or disposing of contaminated soils and/or media at the project site. The Authorizing Document shall include an environmental indemnification provision wherein the Authority agrees to indemnify, hold harmless and protect the TWDB from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated

media that may be generated by the Authority, its contractors, consultants, agents, officials and employees as a result of activities relating to the project; and

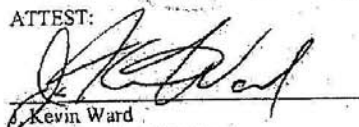
19. the Authority may be required to submit outlay reports with sufficient supporting documentation (e.g. invoices, receipts) on a quarterly basis. The Board shall retain the right to request project progress reports and outlay reports monthly as the project proceeds through each project phase.

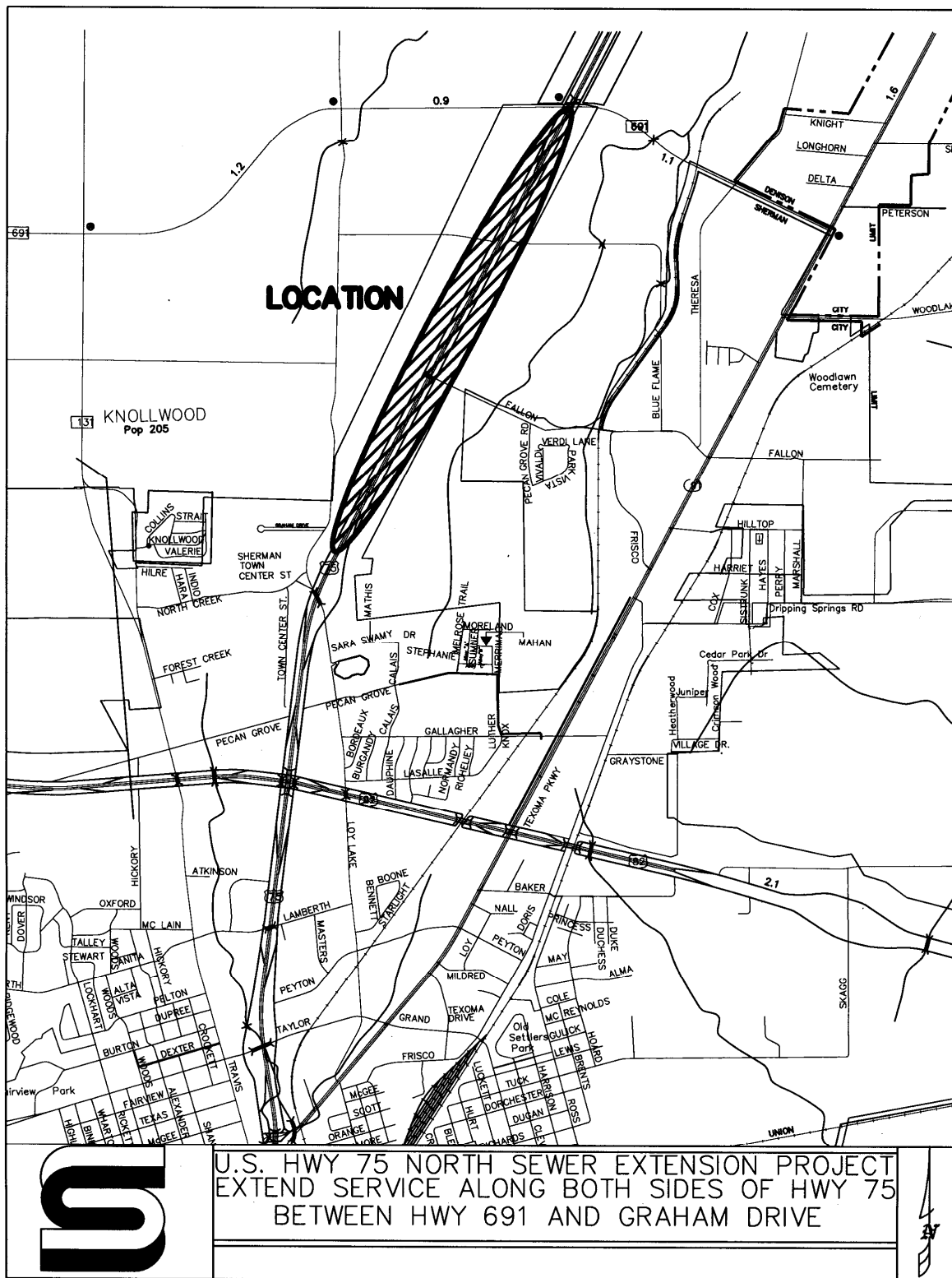
APPROVED and ordered of record this, the 23rd day of June, 2008.

TEXAS WATER DEVELOPMENT BOARD


James E. Herring, Chairman

ATTEST:


Kevin Ward
Executive Administrator





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.1

REQUEST TO ADVERTISE

Construction of Washington Street from Heritage Parkway to the West City Limits

Issue

Request to advertise for bids to rebuild West Washington Street from Heritage Parkway to the west city limits

Background

The construction plans and specifications for rebuilding West Washington Street, including the bridge, are complete.

Origination

Department of Public Works

Financial Consideration

Staff is prepared to bid the project as soon as possible to take advantage of a favorable bidding environment.

Staff Recommendation

Advertise for bids as soon as all construction related issues are resolved. Advertising costs are expected to amount to no more than \$200.00.

Alternatives

Those as may be recommended by the City Council.

Attachments

None

Prepared by:
Jeff Miller, Public Works Director

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.2

*** REQUEST TO ADVERTISE**

Construction of a Concrete Pad and Ramp for the Solid Waste Transfer Station

Issue

Permission to advertise for bids to construct a new concrete pad and driving ramp for the Solid Waste Transfer Station

Background

Recently, the third and final concrete wall for the Solid Waste Transfer Station was rebuilt as one project in this year's Capital Improvement Program (CIP). The low bid received for the transfer station wall project was approximately \$106,000 under the budgeted amount due to the current competitive construction industry bidding environment.

The surfaces of the elevated hopper dumping area as well as the drive approach should be rebuilt to assure a safe drive approach and further protect the integrity of the recently rebuilt concrete walls.

Origination

Department of Public Works

Financial Consideration

Sufficient funds are available to advertise for bids and construct these concrete surfaces as a result of the savings from this year's transfer station wall project.

Staff Recommendation

For long-term facility integrity and equipment/employee safety, advertise for bids to construct a new concrete pad and driving ramp at the Solid Waste Transfer Station.

Alternatives

Those as may be recommended by the City Council

Attachments

Photographs of ramp and elevated hopper area

Prepared by:
Jeff Miller, Public Works Director

Approved by:
George Olson, City Manager







SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.3

*** CHANGE ORDER NO. 1**

**Texoma Parkway Waterline, Phase III - Frisco Road to Fallon Drive;
Cook Concrete, L.P.; \$452.47, Increase**

Issue

Change Order No. 1 is a final reconciliatory change order to adjust final project quantities for the Texoma Parkway Phase III (Frisco Road to Fallon Drive) Water Main Replacement Project.

Background

The Texoma Parkway Phase III Water Main Replacement Project has been completed. This project was funded through debt issued by Greater Texoma Utility Authority on the City's behalf. The change order results in an increase of \$452.47 to the contract amount.

Origination

Department of Utility Services
Greater Texoma Utility Authority

Financial Consideration

The change order results in a \$452.47 increase in the contract amount, yielding a final contract price of \$212,357.54.

Staff Recommendation

It is recommended that Change Order No. 1 be approved.

Alternatives

As may be directed by the City Council

Attachments

Change Order No. 1
Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

MORRIS ENGINEERS

March 12, 2009

Jerry Chapman
Greater Texoma Utility Authority
5100 Airport Drive
Denison, TX 75020

RE: Texoma Parkway Waterline – Frisco Rd. to Fallon Dr., Sherman, TX
Cook Concrete, LP
Change Order No. 1

Dear Jerry,

Enclosed is Change Order No. 1 to your contract with Cook Concrete LP, for the construction of the Texoma Parkway Waterline from Frisco to Fallon in Sherman. The change order is to adjust for an 8" fire vault connection at Sta. 20+33, instead of the originally bid 6" connection. The additional materials cost of \$452.47 will increase the contract to \$212,357.54.

If the change order meets your approval, please sign and return a copy to us for distribution. Please call if you have any questions.

Sincerely,



Timothy L. Morris, P.E.

Enclosure

c: Mark Gibson, P.E., City of Sherman (w/encl.)
Mike Dawson, Cook Concrete LP (w/encl.)
Project file (w/encl.)

RECEIVED

GTUA

CHANGE ORDERNo. 1

PROJECT Texoma Parkway Waterline from Frisco Road to Fallon Drive, Sherman, TX
DATE OF ISSUANCE 3/12/09 EFFECTIVE DATE _____

OWNER Greater Texoma Utility Authority

CONTRACTOR Cook Concrete, LP

ENGINEER Morris Engineers

You are directed to make the following changes in the Contract Documents:

Description: Sta. 20+33; fire vault connection; increase for size adjustment

Reason for Change Order: Actual size of connection is 8". Bid was based on 6" size.

Attachments: Cook Concrete statement of additional materials cost

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ 211,905.07	Original Contract Times Substantial Completion: Ready for Final Payment:
Net changes from previous Change Orders No. <u> </u> to <u> </u> \$ 0.00	Net change from previous Change Orders No. <u> </u> to <u> </u> Days
Contract Price prior to this Change Order \$ 211,905.07	Contract times prior to this Change Order Substantial Completion: Ready for Final Payment:
Net Increase (Decrease) of this Change Order \$ 452.47	Net Increase (Decrease) of this Change Order Days
Contract Price with all approved Change Orders \$ 212,357.54	Contract Times with all approved Change Orders Substantial Completion: Ready for Final Payment:

RECOMMENDED:

Morris Engineers

APPROVED:

Greater Texoma Utility Authority

APPROVED:

City of Sherman

ACCEPTED:

Cook Concrete LP

By: [Signature]
Engineer (Auth. Signature)

By: _____
Owner (Auth. Signature)

By: _____
City (Auth. Signature)

By: _____
Contractor (Auth. Signature)

Date: 3/12/09

Date: _____

Date: _____

Date: _____

EJCDC No. 1910-8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by the Associated General Contractors of America.

RECEIVED

GTUA

March 11, 2009 2:42 PM COOK CONCRETE LP 214-472-3400

No. 6593 P. 1/1

Attn: Timothy Morris
Proposal: Texoma Pkwy Waterline - Change Order #1
Date: March 9, 2009
Plans: April 1, 2008
Geo-Tech Date: n/a



10633 John Elliott Rd.
 Frisco, Texas 75034
Ph: 214-472-3400
Fax: 214-472-3401

Submit Proposal to:
 Greater Texoma Utility Authority

Work Performed at:
 Texoma Pkwy
 Sherman, TX

Scope of Work:

	Quantity	Price	Credit	Extension
Waterline - Upsize 6" svc to 8" svc				
6" DR 18 C900 CL 150	20 LF	\$ 3.94	\$ 78.80	
8" DR 18 C900 CL 150	20 LF	\$ 7.29		\$ 145.75
6" MJ 90 ELL	2 EA	\$ 43.83	\$ 87.65	
8" MJ 90 ELL	2 EA	\$ 86.52		\$ 173.04
12" x 12" x 6" MJ Tee	1 EA	\$ 144.36	\$ 144.36	
12" x 12" x 8" MJ Tee	1 EA	\$ 198.15		\$ 198.15
6" One-Loc SLCP Restraint Kit / C900	8 EA	\$ 30.82	\$ 246.52	
8" One-Loc SLCP Restraint Kit / C900	8 EA	\$ 55.99		\$ 447.92
5" MJ Solid Caps	1 EA	\$ 17.42	\$ 17.42	
8" MJ Solid Caps	1 EA	\$ 34.47		\$ 34.47
5" MJ Long Solid Slv	1 EA	\$ 42.63	\$ 42.63	
8" MJ Long Solid Slv	1 EA	\$ 70.52		\$ 70.52
Total:			\$ 617.58	\$ 1,069.86
		Total Increase	\$	452.47

Alternates:

This Proposal is valid for 30 days from proposal date.

Notes:

Includes: Maintenance of SWPPP for this trade

Includes: Proof Rolling

Includes: Survey and Staking

Excludes: SWPPP for other trades

Excludes: SWPPP permits & inspections

Excludes: Utility spoils

Excludes: Relocation of existing utilities

Excludes: Removal of trees

Excludes: Excavation of Rock

Excludes: Trash haul-off unless specified

Excludes: Hydrant Meter and Water

Excludes: Fine Grading & Backfill of Curb

Excludes: Inspections

Excludes: Bonding, if req., 5% for P&P and Maintenance

Excludes: Import/Export to balance site unless specified

Excludes: Work outside of property boundary

Thank You,

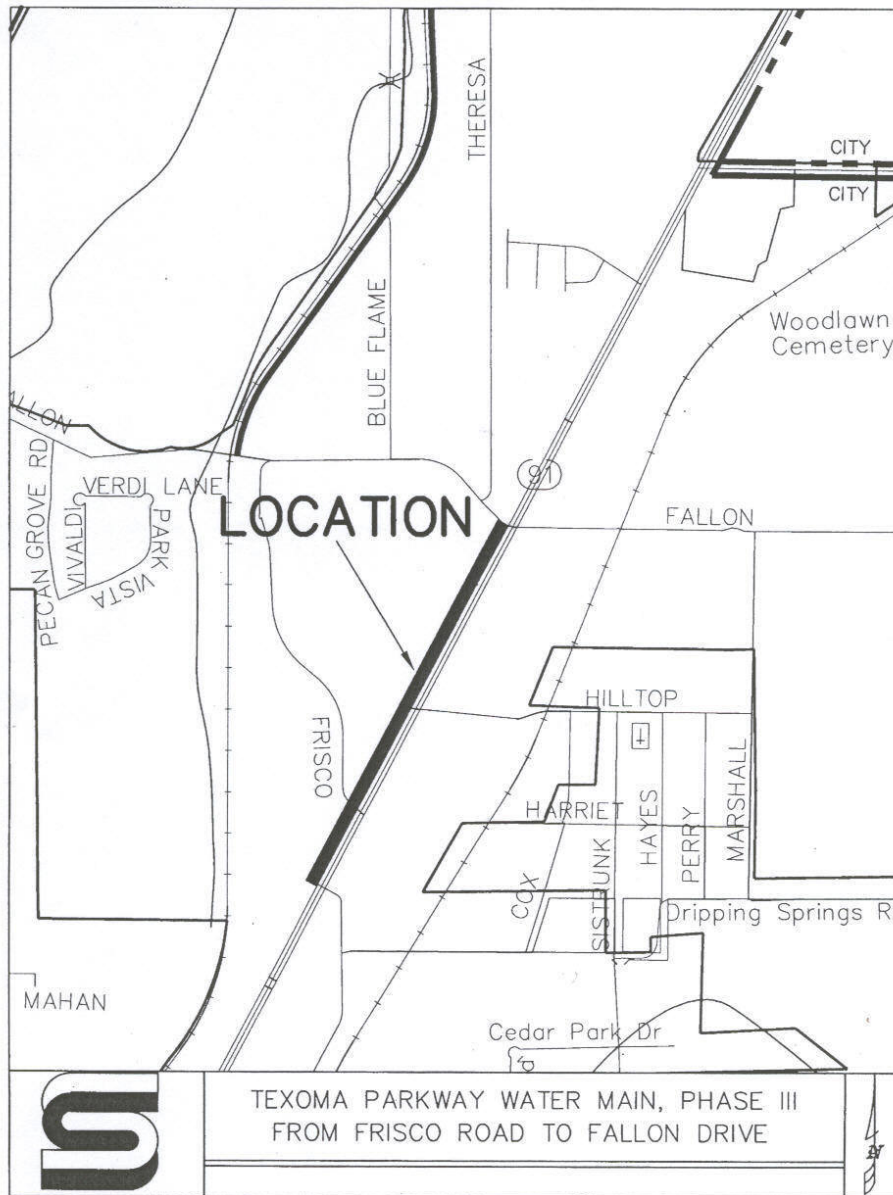
Mike Dawson
 Excavation & Surveying Manager

James Sue
 Director of Sales

The information contained herein is confidential. It is intended only for the individual or entity to which it is addressed. If you are not the recipient or an authorized agent of the recipient, you are hereby notified that any knowledge, use, dissemination, distribution or copying of this information contained herein is strictly prohibited. If you have received or have knowledge of this information, Cook Companies should be contacted immediately at 214-472-3400. Thank You.

RECEIVED

GTUA





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.4

OTHER BUSINESS

Consider Scheduling a Joint Meeting of the City Council and the Sherman Economic Development Corporation Board of Directors for 12:00 noon on Thursday, September 17, 2009, to Review SEDCO's Annual Budget and Work Plan

Issue

To consider scheduling a joint meeting of the City Council and the Sherman Economic Development Corporation (SEDCO) Board of Directors for 12:00 noon on Thursday, September 17, 2009, to review SEDCO's annual budget and work plan

Background

The SEDCO Bylaws require an annual meeting of their Board of Directors with the City Council. Topics for consideration are (1) SEDCO's annual budget and (2) SEDCO's work plan for the upcoming 2009-2010 fiscal year.

Origination

SEDCO President John Boswell

Financial Consideration

Annual budget for SEDCO after review and consideration by the City Council

Staff Recommendation

It is recommended that the City Council schedule a joint meeting with the SEDCO Board of Directors for 12:00 noon on Thursday, September 17th in the City Council Chambers.

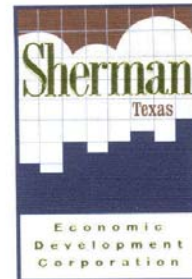
Alternatives

An alternate meeting date, that should be acceptable to the SEDCO Board, is 12:00 noon on Wednesday, September 16th or Friday, September 18th.

Attachments

SEDCO President's request for the annual joint meeting

Prepared and Approved by:
George Olson, City Manager



August 6, 2009

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

RE: Joint City Council/SEDCO Annual Meeting

Dear George,

Sections 1 & 2 of Article IV of the SEDCO Bylaws requires the SEDCO Board of Directors to approve a work plan and an annual budget. Once that is accomplished, both the work plan & budget are not effective until they are approved by the City Council. Therefore, the SEDCO Board of Directors would like to request a joint meeting with the Sherman City Council to consider SEDCO's budget and work plan for the upcoming 2009 – 2010 fiscal year.

Please check with council members to see if they are available for a noon meeting on Thursday, September 17th, with alternative dates of Wednesday, September 16th and Friday, September 18th. I will follow up with you next week.

Sincerely,

A handwritten signature in black ink, appearing to read "John Boswell".

John Boswell
President



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.5

OTHER BUSINESS

Scheduling Public Hearings for the Proposed Tax Rate for Fiscal Year 2009-2010

Issue

This item is to schedule public hearing dates for the proposed tax rate by **motion and order**.

Background

The requirements for due process regarding budget and tax rate adoption are somewhat complex and have been expanded in recent years. Because more property tax revenues will be generated in the upcoming fiscal year, compared to the current year, a series of public hearings must be held, even though the proposed tax rate of \$.32/\$100 will be maintained. In summary, the required Council action is as follows:

- August 17th: Motion to set two public hearings on property tax increase
- September 8th: First Public Hearing on property tax increase
- September 17th: Second Public Hearing on property tax increase
- September 21st: Adoption of tax rate

Origination

Finance

Financial Consideration

Failure to follow the law allows a taxpayer to sue in district court to stop the City of Sherman from adopting a tax rate until it complies with the law.

Staff Recommendation

The staff recommends the City Council approve the schedule shown above, which meets the requirements of State law, and call for the required public hearings by **motion and order**.

Alternatives

As these requirements are set by State law, no alternatives can be offered.

Attachments

None

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.6

OTHER BUSINESS

Final Plat Approval of Austin Park Addition, being part of a Replat of Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McAnair Survey, Abstract No. 763; Lazy L Enterprises, Owner; Greg Edwards Engineering Services, Inc., Engineer; and Cox Land Surveying Company, Surveyors (600 Blocks of East College and Carter Streets and 800 Block of North Broughton)

Issue

To consider Final Plat approval of Austin Park Addition, being part of a Replat of Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McAnair Survey, Abstract No. 763

Background

The property is located in the 600 block of East Carter, the 600 block of East College, and the 800 block of North Broughton Streets. The owner would like to replat the property into eight (8) lots for the development of patio homes.

Origination

Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer), and Cox Land Surveying Company (Surveyors)

Board Recommendation

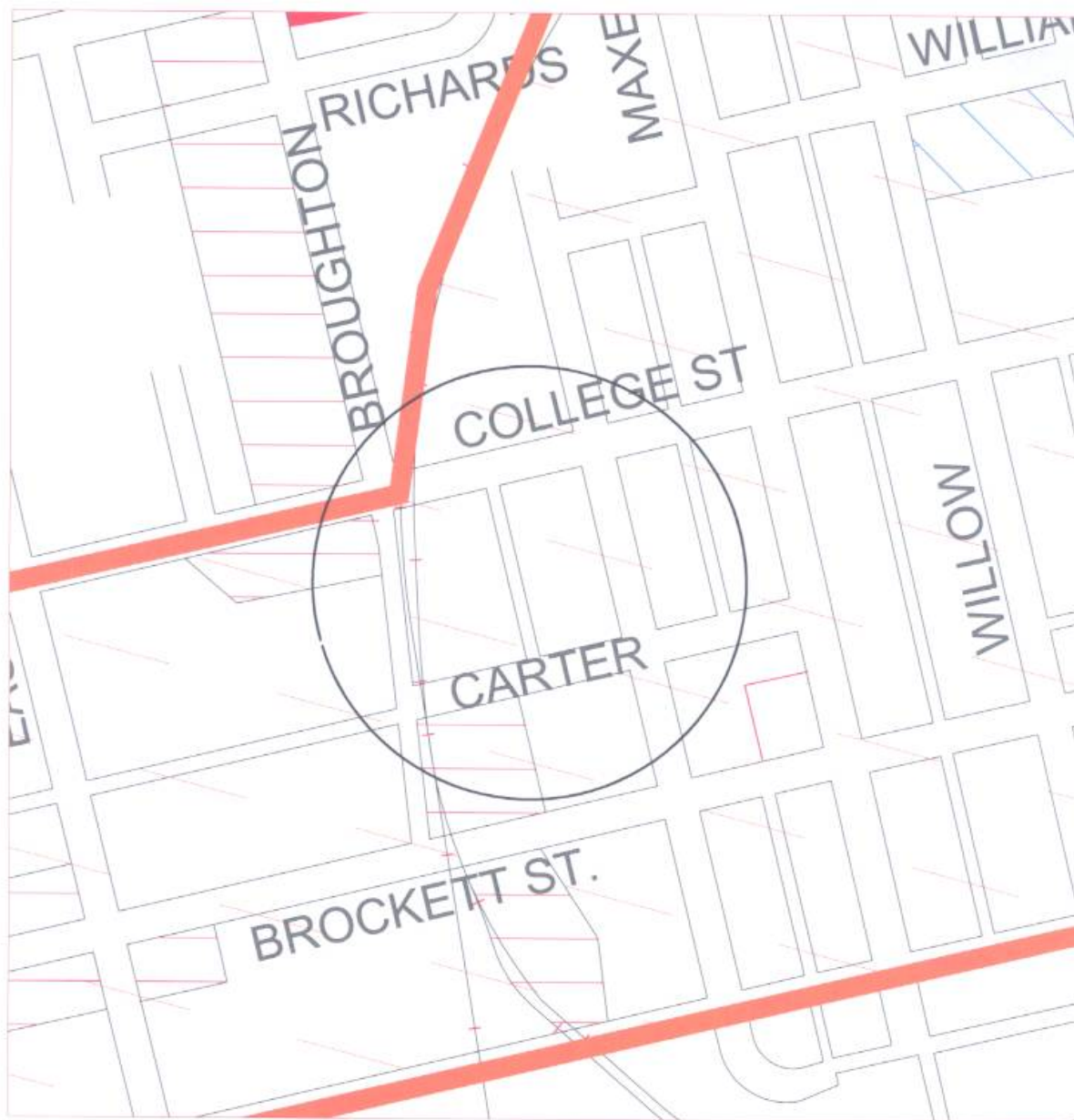
At the July 21, 2009 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT		BLAOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
C-O	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT



**600 BLOCKS OF E. CARTER &
800 BLOCK OF N. BROUGHTON**

ENGINEERING DEPARTMENT





600 Block E. Carter



600 Block E. College



City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
July 21, 2009
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Lawrence Davis, Commissioner
Brad Morgan, Commissioner

Don Hicks, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner

600 Blk. E. College, 600 Blk. E. Carter & 800 Blk. N. Broughton
Being Lots 13-21, Block 4, W.P. Carter's Addition & 0.90 acres in the J.B. McAnair Survey,
Abstract No. 763 for a total of 1.20 acres
Specific Use Permit, Replat, & Variances

Requested Action/Proposed Use

Planning and Zoning Commission

Specific Use Permit and site plan approval to allow patio homes in an R-1 (One Family Residential) District and the College Park Overlay District.

Planning and Zoning Commission

Austin Park Addition, being part of a Replat of Lots 13-21, Block 4, W.P. Carter's Addition and 0.90 acres in the J.B. McAnair Survey, Abstract No. 763.

Board of Adjustments

Variance to allow zero setbacks to be adjacent with no more than two patio homes attached in one grouping on proposed Lots 4 & 5 and 7 & 8 of the Austin Park Addition in an R-1 (One Family Residential) District and the College Park Overlay District.

Board of Adjustments

Variance to allow a zero foot side yard setback in lieu of the required 10' on proposed Lots 1 & 8 of the Austin Park Addition in an R-1 (One Family Residential) District and the College Park Overlay District.

Background

The property is located in the 600 Block of East Carter, the 600 Block of East College Street and the 800 Block North Broughton Street. The owner would like to replat the property into 8 lots for development of patio homes.

Adjacent Zoning

R-1 (One Family Residential) District

Origination:

Lazy L Enterprises (Owners), Greg Edwards Engineering Services, Inc. (Engineer) and Cox Land Surveying Company (Surveyors)

Master Plan Designation

Residential

Number of notices mailed

200' - 23, Replat - 86

Objections received

0

Attachments

Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:

Patsy Reeves.

Development Services Secretary

Approved by:

Scott Shadden,

Director of Development Services

STAFF REVIEW LETTER

July 15, 2009

Lazy L Enterprises
4 Timber Creek
Sherman, Texas 75092

Dear Applicants,

The request for approval of a Final Plat of the Austin Park Addition concerning the property located in the 600 Blocks of East Carter and College Streets and the 800 Block of North Broughton Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, July 21, 2009 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire)
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks shall conform to City of Sherman standards.
4. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Greg Edwards Engineering Services, Inc., 1621 Amanda Ct., Ponder, Texas 76259
Cox Land Surveying Co., PO Box 397, Collinsville, Texas 76233
Scott Shadden, Director of Development Services
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.7

*** OTHER BUSINESS**

Replat Approval of Lots 1, 2 and 3, Block B, North Haven Addition, being 0.64 acres in the J.B. McAnair Survey, Abstract No. 763; Spavinaw Development LLC, Owners; and Sartin and Associates, Inc., Surveyors (3104, 3108 and 3112 Rivercrest Drive)

Issue

To consider the Replat of Lots 1, 2 and 3, Block "B", North Haven Addition, containing 0.64 acres in the J.B. McAnair Survey, Abstract No. 763.

Background

The property is located at 3104, 3108 and 3112 Rivercrest Drive. The owner would like to Replat the property into two (2) lots for residential development.

Origination

Spavinaw Development, LLC (Owners) and Sartin and Associates, Inc. (Surveyors)

Board Recommendation

At the July 21, 2009 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map

Photos

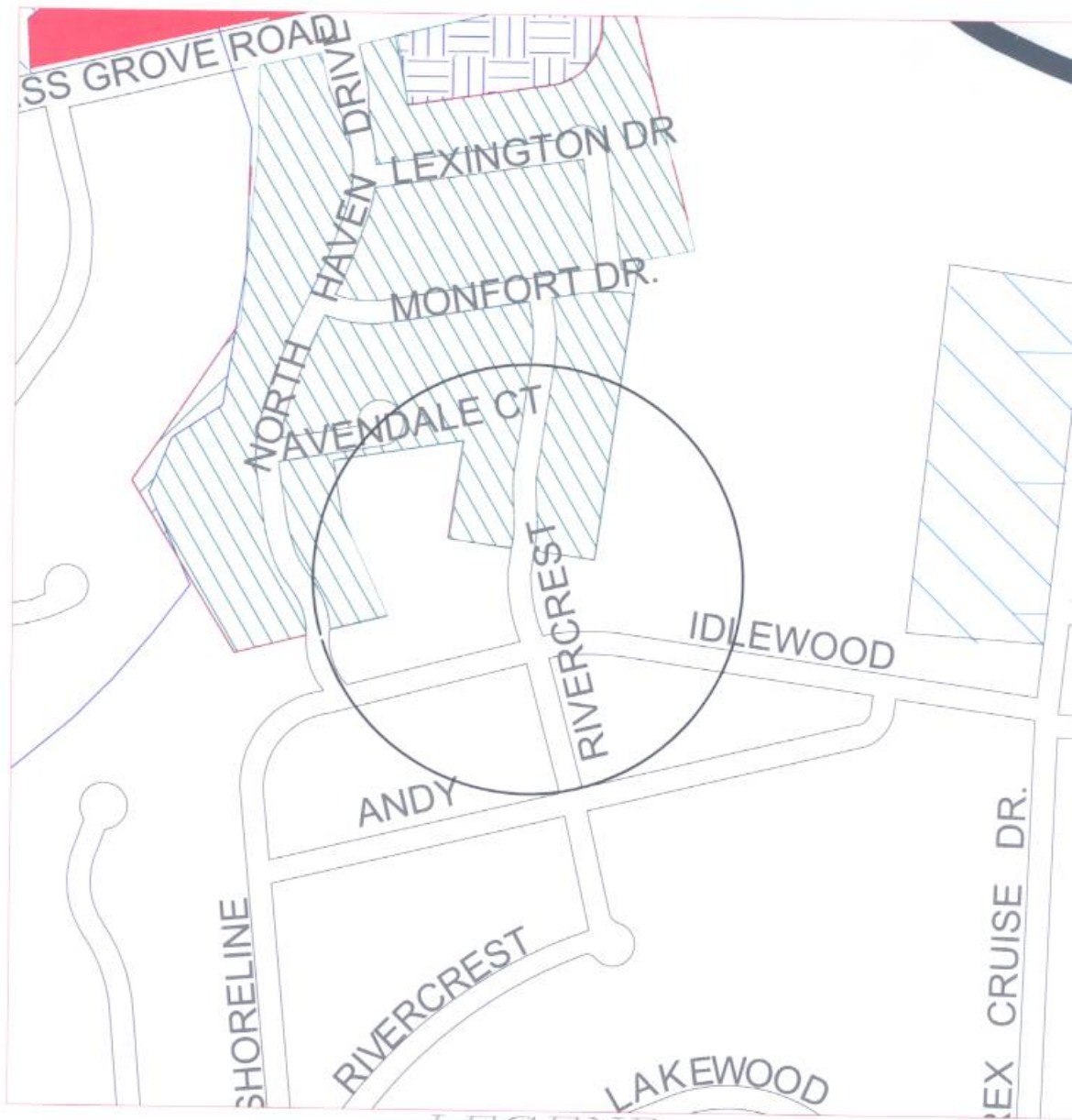
Plat

P&Z Communication

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT	BLA	BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
CO	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT



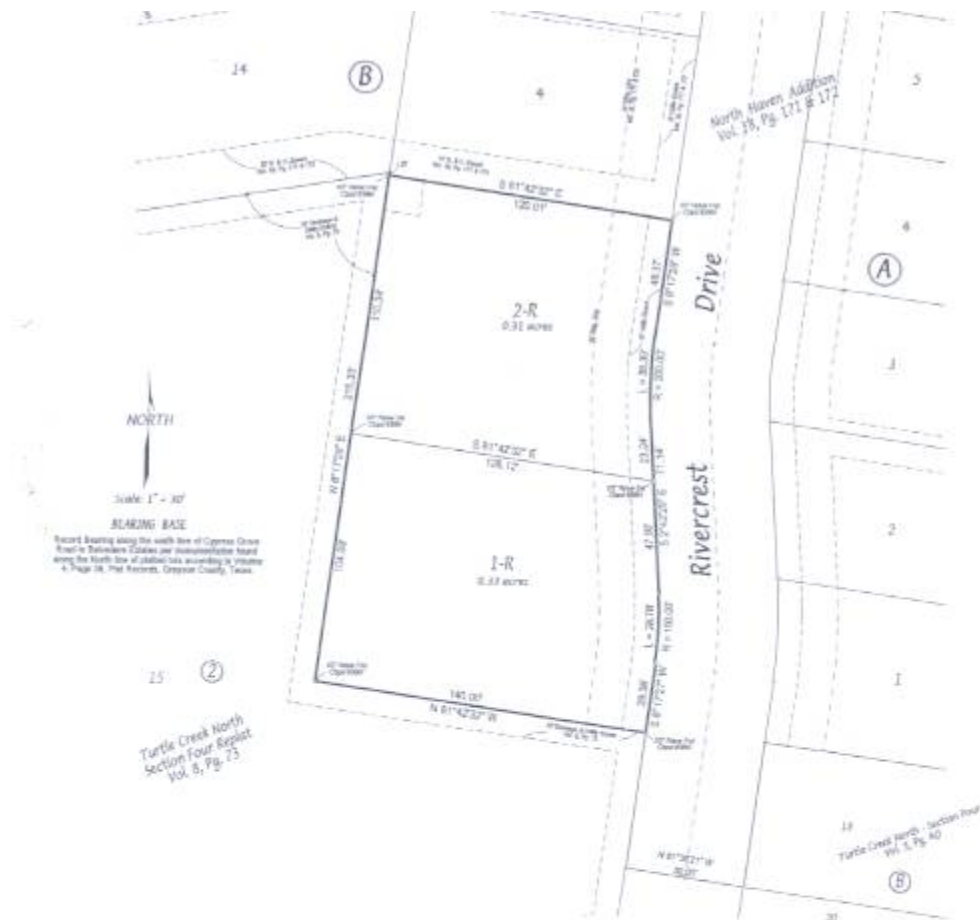
3104, 3108, & 3112 RIVERCREST DR.

Department of Developmental Services



3104-3112 Rivercrest Dr.





REPLAT of LOTS ONE, TWO,
 and THREE, BLOCK "B",
 NORTH HAVEN ADDITION
 to the
 CITY of SHERMAN, TEXAS



Owner & Developer
 Specview Development, LLC
 822 East Lamar
 Sherman, TX 75091
 (902) 883-8106 ph

SARTIN & ASSOCIATES, INC.
 Registered Professional Land Surveyors
 100 E. Travis, P.O. Box 1853 Sherman, Texas 75091-1853
 PH: (903) 892-0003 Fax: (903) 868-3910

**City of Sherman
Planning and Zoning Commission
Agenda Communication Form
July 21, 2009
Jason Sofey, Chairman**

**Jim Jacobs, Vice Chairman
Robin Atherton, Commissioner
Lawrence Davis, Commissioner
Brad Morgan, Commissioner**

**Don Hicks, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Darren Tankersley, Commissioner**

**3104, 3108, and 3112 Rivercrest Drive
Being Lots 1-3, Block B, North Haven Addition
Replat**

Requested Action/Proposed Use:

Replat of Lots 1 - 3, Block B, North Haven Addition

Background:

This is a replat reconfiguring three adjacent lots into two lots.

Adjacent Zoning:

SF-1 (Single Family Residential) District and R-1 (One and Two Family Residential) District.

Origination:

Spavinaw Development, LLC (Owners) and Sartin and Associates, Inc. (Surveyors)

Master Plan Designation:

Residential

Attachments:

Location map
Photographs
Replat
Staff Review Letter

**Prepared by:
Lisa Whitfield,
Engineering Development Coordinator**

**Approved by:
Scott Shadden,
Director of Development Services**

STAFF REVIEW LETTER

July 15, 2009

Spavinaw Development, LLC
622 E. Lamar
Sherman, Texas 75090

Dear Applicants,

The request for approval of a Replat of Lots 1, 2, and 3, Block "B", North Haven Addition concerning the property located at 3104, 3108, and 3112 Rivercrest Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, July 21, 2009 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire).
2. Original tax certificates shall be furnished for the purpose of recording the replat.
3. Drive approaches shall conform to the City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
4. Any other changes made to the final replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission

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

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

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc:	George Olson, City Manager	Scott Shadden, Director of Development Services
	Brandon Shelby, City Attorney	Danny Fuller, Fire Marshal
	Lisa Whitfield, Engineering & Development Coordinator	Jeff Miller, Director of Public Works
	Sartin & Associates, PO Box 1843, Sherman, Texas 75090	



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.8

OTHER BUSINESS

Mayor's Briefing of Council concerning the Monday, August 10, 2009 Meeting attended by Himself, Deputy Mayor Joe Smith, City Manager George Olson, Sherman Police Chief Tom Watt, Grayson County Judge Drue Bynum and Grayson County Sheriff Keith Gary, Regarding the Proposed Relocation of the Grayson County Jail

Issue

The proposed relocation of the Grayson County Jail

Background

The Grayson County Commissioner's are now considering the privatization and relocation of the Grayson County Jail facility from its current location in the Justice Center at 200 South Crockett Street in Downtown Sherman, where it has operated since 1983, to a potential 96-acre site between Texoma Parkway and Frisco Road. On Monday, August 10, 2009, an informal meeting was held to discuss the proposed relocation. The meeting was attended by Mayor Bill Magers, Deputy Mayor Joe Smith, City Manager George Olson, Sherman Police Chief Tom Watt, Grayson County Judge Drue Bynum, and Grayson County Sheriff Keith Gary. The purpose of this agenda item is to provide an opportunity for the Mayor to brief the Council regarding said meeting.

Origination

Mayor Bill Magers

**Prepared and Approved by:
George Olson, City Manager**



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.9

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.10

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. D.11

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. E.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 551.074

Personnel Matters:

- (a) Consider the Qualifications, Appointment or Removal
of Members to Boards and Commissions:**
 - (i) Red River Groundwater Conservation District
Board of Directors (2)**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. F.1

OPEN MEETING

**Reconvene into Open Meeting and consider action, if any,
on items discussed in Executive Session**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-17-2009

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2009
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

01/19/09 - M.L.K., Jr. Birthday / Regular Council Meeting
01/26/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan
02/11/09 - 12 Noon Called Meeting to Interview City Attorney Candidates
02/16/09 - Washington's Birthday / Regular Council Meeting
02/18/09 - 1PM Called Meeting to Interview City Attorney Candidates
02/25/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan
03/06/09 - Proposed 12 Noon Called Meeting with Chamber Board
04/29/09 - 12 Noon Budget Planning Meeting in Council Chambers
05/09/09 - City Council Election
05/12/09 - 12 Noon Called Meeting to Canvass Election Results

06/17-18/09 - Budget Workshop in Council Chambers
06/18/09 - Budget Workshop/Long Range Planning Workshop in Council Chambers
06/19/09 - Long Range Planning Workshop
09/07/09 - Labor Day / Called Council Meeting on 09/08/09