

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, AUGUST 6, 2007
5:00 P.M.**

- A.1** [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2** [PLEDGE OF ALLEGIANCE](#)
- A.3** [INVOCATION BY THE HONORABLE COUNCIL MEMBER CARY WACKER](#)
- A.4** [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 16, 2007](#)

Introduction and Public Hearing of Ordinances

- B.1** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5471](#)
Amending Chapter 14, Exhibit A of the Code of Ordinances, Entitled “General Zoning Ordinance”, at Section 6.2, to Amend the Requirements for Duplexes
- B.2** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5472](#)
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Four Rivers Outreach, Inc. (Owner) and Arthur Horn (Representative) to Allow a Halfway House in a C-2 (General Commercial) District and the Central Business District at 210 South Rusk Street; 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. 5473](#)
Providing for Permanent “Stop” Signs at the Intersections of Timbercreek Road and Washington Street, Legend Lane and Washington Street, Clay Lane and Washington Street, and Madison Place and Washington Street within the City Limits of the City of Sherman
- B.4** [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5474](#)
Providing for Permanent “Yield” Signs at the Intersection of Linda Lane and Patricia Drive within the City Limits of the City of Sherman

Close Public Hearing and Consider Adoption of Ordinances

- B.5** [ADOPTION OF ORDINANCES](#)
Consider Adoption of Ordinance Numbers:
 - a) 5471
 - b) 5472
 - c) 5473
 - d) 5474

B.6 [CONSENT AGENDA](#)

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

Resolutions

C.1 [RESOLUTION NO. 5053](#)

Authorizing the Execution of an Employment Agreement with the City Manager

C.2 [* RESOLUTION NO. 5052](#)

Authorizing Execution of a Developer's Agreement with Northside on Travis, Ltd. for Construction of Public Facilities in the Northside on Travis Addition to the City of Sherman

C.3 [* RESOLUTION NO. 5054](#)

Approving the Use of the Proceeds of the Texoma Housing Finance Corporation Single Family Mortgage Revenue Bonds, Series 2007 in the City, and Resolving Other Matters in Connection Therewith

C.4 [* RESOLUTION NO. 5055](#)

Authorizing Execution of a Utility Easement Encroachment at Lot 5R-2, Block 1 of the Replat of Lot 5, Block 1 of the Cornerstone Addition (2622 U.S. Highway 75 North) in the City of Sherman

C.5 [* RESOLUTION NO. 5056](#)

Authorizing Execution of a Utility Easement Encroachment at Lot 1 of the Replat of Lots 1 & 2 of the Replat of Lot 2 of the Replat of Lot 1B of Post Oak Crossing Addition, for a Monument Sign at 3425 North F.M. 1417 in the City of Sherman

C.6 [* RESOLUTION NO. 5057](#)

Authorizing Greater Texoma Utility Authority to Contract with Jerry Paul Higgins, Ltd. for the Lockhart Street Water Main Replacement

C.7 [* RESOLUTION NO. 5058](#)

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

C.8 [* RESOLUTION NO. 5059](#)

Authorizing the Execution of an Agreement with TXA Holdings Properties, LP for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 608 North Branch Street

C.9 [* RESOLUTION NO. 5060](#)

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 613 South Charles Street

C.10 [* RESOLUTION NO. 5061](#)

Providing for the Exemption of Certain Vehicles Used by the Sherman Police Department from the Inscription Requirements as Authorized by V.T.C.A. Transportation Code §721.005; Authorizing Individuals to Apply for Special License Plates

C.11 [RESOLUTION NO. 5062](#)

Executing the Second Amendment to the Original Contract with SunGard HTE, Inc. for the Purchase of OSSI Traffic Citation Module at the Sherman Police Department

C.12 [RESOLUTION NO. 5063](#)

Executing the Second Amendment to the Original Contract with Tyler Technologies, Inc. for the Purchase of INCODE Court Case Management Software at the Sherman Police Department

Requests to Advertise

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

Services to Perform the Annual Audit for Period Ending September 30, 2007

D.2 [* REQUEST TO ADVERTISE](#)

Annual Contract for Water and Sewer Parts and Supplies

D.3 [* REQUEST TO ADVERTISE](#)

Annual Supply of Tires and Tubes

D.4 [* REQUEST TO ADVERTISE](#)

Repairs to Dorchester Trinity Water Wells 8T and 10T

D.5 [* REQUEST TO ADVERTISE](#)

Restroom/Locker Room Area Renovation at the Sherman Police Department

Change Order

D.6 [* CHANGE ORDER NO. 1](#)

Dickerson Construction Company, Inc.; Highway 56 Water Main; \$4,305.82, Decrease

Other Business

D.7 [OTHER BUSINESS](#)

Review 2007-2008 Draft Budget

D.8 [OTHER BUSINESS](#)

Discussion of the Proposed Tax Rate for Fiscal Year 2007-2008 and Scheduling Public Hearings for Budget and Proposed Tax Rate

D.9 [* OTHER BUSINESS](#)

Approve Quarterly Investment Report for Period Ending June 30, 2007

D.10 [OTHER BUSINESS](#)

Receive Update on the Annual Mill and Overlay Program from Director of Public Works and Engineering Director Jeff Miller

D.11 [OTHER BUSINESS](#)

Consider the Designation of a Representative to the Sherman-Denison Metropolitan Planning Organization Intermodal Urban Transportation Planning Policy Board

D.12 [* OTHER BUSINESS](#)

Consider Calling a Special Meeting of the City Council for Tuesday, September 4, 2007, due to Conflict with a Federal Holiday

D.13 [* OTHER BUSINESS](#)

Set Public Hearing for Capital Improvement Program (CIP) 2007-2012 for Tuesday, September 4, 2007

D.14 [* OTHER BUSINESS](#)

Final Plat Approval of Austin Landing, Phase Two, being 2.688 Acres in the Alexander and Richards Survey, Abstract No. 42; TexLanDev-Austin, LP, Owner (4900 Block of North Travis)

D.15 [* OTHER BUSINESS](#)

Replat Approval of the Vaden Cupid Addition, a Replat of Lots 1 and 2, Block 6 of the C.L. Stowe Addition; Barton Capital, Owner (615 South Vaden Street)

D.16 [CITIZEN REQUESTS](#)

Consider Board/Commission Appointments

D.17 [APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS](#)

Keep Sherman Beautiful Commission (4)

D.18 [MEDIA QUESTIONS](#)

D.19 [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 551.071 | (a) Consultation with City Attorney Concerning Legal Matters
(b) Consultation with the City Attorney Regarding Pending Litigation:
Prock v. Woodmont Sherman GP, LLC.; Civil Action No. 2:06CV484 |
| Section 551.074 | Personnel Matters:
a) Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:
i) Appointment of a Chairman for the Planning and Zoning Commission
b) Consider an Employment Agreement for the City Manager |

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: 8-6-2007

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: 8-6-2007

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Cary Wacker, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. A.3

INVOCATION BY THE HONORABLE COUNCIL MEMBER CARY WACKER



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. A.4

APPROVE MINUTES

THE REGULAR CITY COUNCIL MEETING OF JULY 16, 2007

STATE OF TEXAS §
 July 16, 2007
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 July 16, 2007.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI.
 COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W.
 STEELE, WACKER.

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of June 13, 2007 and the Regular Meeting of June 18, 2007. Deputy Mayor Adami moved to approve the Minutes as presented; Second by Council Member Smith. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"GENERAL SIDNEY SHERMAN DAY" – JULY 23, 2007

Mayor Magers presented a proclamation to Jacqueline Banfield, Library Services Administrator, designating July 23, 2007 as "General Sidney Sherman Day" in the City of Sherman. Ms. Banfield thanked the Mayor and City Council for the proclamation.

GENERAL SIDNEY
SHERMAN DAY
JULY 23, 2007

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5468 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13, ARTICLE 13.06 OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE," BY AMENDING SECTIONS 13.06.006 AND 13.06.091; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5468
SOLID WASTE
RATES

No citizens appeared before the City Council to discuss Ordinance 5468.

Mayor Magers introduced Ordinance 5469 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "WATER, SEWERS AND SEWAGE DISPOSAL," AT ARTICLE 13.07, SECTIONS 13.07.036 AND 13.07.237, AND AT DIVISION 2, PART II; AT

ORD 5469
WATER FEES

ARTICLE 13.08; AND ADDING ARTICLE 13.09; TO CLARIFY THE PROCESS FOR THE COLLECTION OF FEES AND DEPOSITS; CHANGE THE REFERENCE FROM WATER BILL TO UTILITY BILL; DEFINE BILLED UTILITIES; AND CLARIFY THE DUE DATE, PAYABLE AND DELINQUENCY PROCESS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5469.

Mayor Magers introduced Ordinance 5470 and called for a public hearing:

ORD 5470
NO PARKING SIGNS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG BOTH SIDES OF THE 1100 BLOCK OF WEST McGEE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

Michael Wingard, 1122 W. McGee

Mr. Wingard said when he and his neighbors have visitors they will have no place to park and he asked the City Council what they should do.

Mayor Magers said the “s” curve on McGee Street is the problem area on the street. George Olson, Acting City Manager, said the signs have been up for 90 days to address initial concerns from the residents.

Jeff Miller, Director of Public Works and Engineering, said that the street narrows around the 1100 block of McGee Street and the staff received a recommendation from the Police Department to authorize no parking on either side of the street at that location.

Mr. Wingard said the street is approximately two feet wider near his home than at other locations.

Council Member Smith asked if there had been traffic accidents at that location. Mr. Miller said there was one accident where a westbound vehicle missed the curve and had an accident, however speed was a factor in the accident.

Mr. Miller said the width of the street is the issue and the staff could review the situation again and determine if there are any other solutions.

Mayor Magers asked if Mr. Wingard had any solutions. Mr. Wingard said it would be okay if they allowed parking on one side of the street. He also addressed the 20 mph flashing signs saying they don’t mean anything to drivers.

Mr. Miller said if parking is allowed on one side of the street, the center line may need to be moved over to accommodate traffic.

No other citizens appeared before the City Council to discuss Ordinance 5470.

The Ordinances were introduced and the Public Hearing was closed.

**CLOSE PUBLIC
HEARING**

ADOPTION OF ORDINANCES

Ordinance 5468

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13, ARTICLE 13.06 OF THE CODE OF ORDINANCES, ENTITLED "SOLID WASTE," BY AMENDING SECTIONS 13.06.006 AND 13.06.091; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5468
SOLID WASTE
RATES**

Ordinance 5469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "WATER, SEWERS AND SEWAGE DISPOSAL," AT ARTICLE 13.07, SECTIONS 13.07.036 AND 13.07.237, AND AT DIVISION 2, PART II; AT ARTICLE 13.08; AND ADDING ARTICLE 13.09; TO CLARIFY THE PROCESS FOR THE COLLECTION OF FEES AND DEPOSITS; CHANGE THE REFERENCE FROM WATER BILL TO UTILITY BILL; DEFINE BILLED UTILITIES; AND CLARIFY THE DUE DATE, PAYABLE AND DELINQUENCY PROCESS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 5469
WATER FEES**

Ordinance 5470

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG BOTH SIDES OF THE 1100 BLOCK OF WEST MCGEE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY.

**ORD 5470
NO PARKING SIGNS
(TABLED)**

ACTION TAKEN.

Motion by Council Member Hughes to approve Ordinance Nos. 5468 and 5469 and to table Ordinance No. 5470, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Magers removed Item D-5 entitled "Consider Approving the Employment of the Outside Legal Counsel of Lynn, Pham, Moore, and Ross for Legal Issues Related to Employment Matters" from the Consent Agenda and moved consideration of the item until after Executive Session.

Deputy Mayor Adami moved to approve the Consent Agenda, with the exception of Item D-5 which will be considered after Executive Session. Second by Council Member Smith. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5040 – AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY, KNOWN AS THE KERR-EAST BUILDING, LOCATED AT 1000 EAST STREET WITH THE NAACP – GRAYSON COUNTY CHAPTER 6252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY, KNOWN AS THE KERR-EAST BUILDING, LOCATED AT 1000 EAST STREET WITH THE NAACP – GRAYSON COUNTY CHAPTER 6252.

Mayor Magers verified that the lease will terminate at the same time as the lease on the Boy Scout building so those facilities can be reviewed by the City Council.

ACTION TAKEN.

Motion by Council Member Terrence Steele to approve Resolution No. 5040, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5041 – CREATING THE KEEP SHERMAN BEAUTIFUL COMMISSION; RATIFYING ALL LAWFUL ACTS OF THE COMMISSION SINCE FEBRUARY 3, 1992; APPROVING ITS BY-LAWS; PROVIDING FOR THE APPOINTMENT AND REMOVAL OF OFFICERS AND MEMBERS; PROVIDING FOR BY-LAW AMENDMENTS; REPEALING IN ITS ENTIRETY RESOLUTION NO. 4053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING THE KEEP SHERMAN BEAUTIFUL COMMISSION; RATIFYING ALL LAWFUL ACTS OF THE COMMISSION SINCE FEBRUARY 3, 1992; APPROVING ITS BY-LAWS; PROVIDING FOR THE APPOINTMENT AND REMOVAL OF OFFICERS AND MEMBERS; PROVIDING FOR BY-LAW AMENDMENTS; REPEALING IN ITS ENTIRETY RESOLUTION NO. 4053.

Deputy Mayor Adami asked for clarification on the proposal. Mr. Olson explained that in March, a sub-committee was appointed to study the Keep Sherman Beautiful Commission

CONSENT AGENDA

RES 5040
LEASE OF
KERR-EAST
BLDG.

RES 5041
KEEP SHERMAN
BEAUTIFUL
BY-LAWS

and the by-laws, which were very cumbersome. The committee tried to simplify the by-laws to give better direction to the Commission.

Some of the changes include a reduction in membership from 13 to 7, the appointment of the Downtown Sherman Preservation and Revitalization Director or designee and a Chamber of Commerce representative as ex-officio members, bi-monthly meetings or as called, and the Commission will recommend a plan to the City Council during the annual Budget Work Session.

Deputy Mayor Adami confirmed that additional members are still needed for the Keep Sherman Beautiful Commission. There are currently three members serving on the Commission.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5041, as presented. Second by Council Member Terrence Steele.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5042 – SUSPENDING THE JULY 30, 2007 EFFECTIVE DATE OF THE PROPOSAL BY ATMOS ENERGY CORP., MID-TEX DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2006; AUTHORIZING PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) IN A REVIEW AND INQUIRY INTO THE SUFFICIENCY OF THE FILING AND THE BASIS OF THE PROPOSED RATE ADJUSTMENTS; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED GRIP RATE ADJUSTMENTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT RATEMAKING COSTS; REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUSPENDING THE JULY 30, 2007 EFFECTIVE DATE OF THE PROPOSAL BY ATMOS ENERGY CORP., MID-TEX DIVISION TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2006; AUTHORIZING PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) IN A REVIEW AND INQUIRY INTO THE SUFFICIENCY OF THE FILING AND THE BASIS OF THE PROPOSED RATE ADJUSTMENTS; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED GRIP RATE ADJUSTMENTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT RATEMAKING

**COSTS; REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
CONSENT AGENDA.**

**RES 5042
ATMOS ENERGY
GRIP RATE**

RESOLUTION NO. 5043 – AUTHORIZING EXECUTION OF AN AMENDMENT TO THE SERVICE AGREEMENT WITH INTERMEDIUM TECHNOLOGIES, INC., CHANGING ARTICLE 3.01 (A) AND DELETING ARTICLE 7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDMENT TO THE SERVICE AGREEMENT WITH INTERMEDIUM TECHNOLOGIES, INC., CHANGING ARTICLE 3.01(A) AND DELETING ARTICLE 7.

RES 5043
INTERMEDIUM
AGREEMENT

RESOLUTION NO. 5044 – AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT FOR A LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT FOR A LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES. PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION.

RES 5044
MEDICAL DIRECTOR

Mayor Magers said Resolution 5043 and 5044 were tied together and he asked for clarification. Mr. Olson explained that the City had a medical director under contract with Intermedix Technologies for the Fire Department, however the person resigned that position. The staff worked with Intermedix to delete the payment for that position from their contract and that change is reflected in Resolution 5043.

Resolution 5044 used the same money to pay for a local medical director. That position will be filled by Dr. Sharon Malone.

ACTION TAKEN.

Motion by Council Member Hughes to approve Resolution Nos. 5043 and 5044, as presented. Second by Deputy Mayor Adami.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5045 – AUTHORIZING GREATER TEXOMA UTILITY AUTHORITY TO CONTRACT WITH HOWARD CONSTRUCTION, INC. FOR THE TEXOMA PARKWAY WATER MAIN REPLACEMENT, PHASE II

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING GREATER TEXOMA UTILITY AUTHORITY TO CONTRACT WITH HOWARD CONSTRUCTION, INC. FOR THE TEXOMA PARKWAY WATER MAIN REPLACEMENT, PHASE II.

CONSENT AGENDA.

RES 5045
TEXOMA PKWY
WATER MAIN
REPLACEMENT

RESOLUTION NO. 5046 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALAN AND MELANIE SIMPSON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1419 EAST KING STREET

RES 5046
RESIDENTIAL
TAX ABATEMENT
(1419 E. KING)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALAN AND MELANIE SIMPSON FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1419 EAST KING STREET.
CONSENT AGENDA.

RESOLUTION NO. 5047 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 602 NORTH EAST STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 602 NORTH EAST STREET.
CONSENT AGENDA.

RES 5047
RESIDENTIAL
TAX ABATEMENT
(602 N. EAST)

RESOLUTION NO. 5048 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1206 NORTH THROCKMORTON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1206 NORTH THROCKMORTON STREET.
CONSENT AGENDA.

RES 5048
RESIDENTIAL
TAX ABATEMENT
(1206 N.
THROCKMORTON)

RESOLUTION NO. 5049 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 720 EAST SYCAMORE STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 720 EAST SYCAMORE STREET.
CONSENT AGENDA.

RES 5049
RESIDENTIAL
TAX ABATEMENT
(720 E. SYCAMORE)

RESOLUTION NO. 5050 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1221 SOUTH BRANCH STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1221 SOUTH BRANCH STREET.
CONSENT AGENDA.

RES 5050
RESIDENTIAL
TAX ABATEMENT
(1221 S. BRANCH)

RESOLUTION NO. 5051 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 614 EAST SCOTT STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 614 EAST SCOTT STREET.
CONSENT AGENDA.

RES 5051
RESIDENTIAL
TAX ABATEMENT
(614 E. SCOTT)

RESOLUTION NO. 5052 – AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH NORTHSIDE ON TRAVIS, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE NORTHSIDE ON TRAVIS ADDITION TO THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH NORTHSIDE ON TRAVIS, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE NORTHSIDE ON TRAVIS ADDITION TO THE CITY OF SHERMAN.

RES 5052
DEVELOPER'S
AGREEMENT
NORTHSIDE ON
TRAVIS ADDITION
(PULLED)

Resolution No. 5052 was pulled from the Agenda because the agreement was not signed and returned.

OTHER BUSINESS

RECEIVE UPDATE FROM FIRE CHIEF JEFF JONES ON RECENT FLOODING IN THE CITY OF SHERMAN

Fire Chief Jeff Jones presented an update on recent flooding in the City of Sherman. In addition to the flooding on June 18, 2007, Sherman has had an additional ten days of heavy rain and five of those days caused additional flooding. Some of the people affected by the flood were flooded three separate times.

Chief Jones has recently met with representatives from the Federal Emergency Management Agency and the Small Business Administration. The Red Cross and the Salvation Army are also still working with flood victims.

On June 18, 2007 during the initial flood, the Fire Department answered 192 high water calls and performed 45 rescues. The City received 7.7 inches of rain in less than two hours for a total of over 20 inches of rain in the month of June.

The response phase included rescue; evacuation and relocation of affected residents; providing temporary shelters; a damage assessment to support local, state, and federal declarations of disaster; road and bridge safety; and restoration of utilities.

The next phase was recovery and included short term housing, clothing, and food. Limited financial assistance was also provided by the organizations as well as the Grayson Disaster Relief Group, who coordinated volunteers for assistance.

UPDATE ON
FLOODING

An initial assessment indicated 400 homes and 41 businesses were damaged for a total of \$1.2 million in commercial property damage.

The Salvation Army opened 270 cases affecting 975 people and distributed 2,500 articles of clothing. The Red Cross opened 273 cases affecting 671 people, provided shelter for 319 citizens, provided 40,000 meals and snacks, and committed \$237,821 to assistance. Red Cross has collected approximately \$100,000 and is over \$100,000 in the red for their efforts.

FEMA has had 672 registrations for assistance with 201 people actually visiting the Sherman Center. The SBA has assisted 111 residents and 22 businesses. The Sherman Center will continue to be open as long as they are needed.

The City is now in the mitigation phase where the staff tries to identify areas that still need attention and works to repair infrastructure. The City has met the requirements to be eligible for reimbursements from FEMA. Eligible expenses include \$64,000 in payroll costs and \$27,000 to \$28,000 in lost or damaged equipment. The City has also lost revenue in non-emergency transfers from patients at Mission Oaks Nursing Home that have been relocated.

Chief Jones said most of the debris has been removed and the areas will be surveyed to assure that the drainage areas remain clean and clear. The staff will also look at signal arms or crossing gates in high water areas that would actually prevent people from driving into areas that are flooded. Public education will continue to be important in educating citizens not to drive around barricades and into high water areas.

Council Member Terrence Steele verified that it is a violation to disregard a police officer's order or to drive around a barricade, however during an emergency situation no tickets are given and Chief Jones said they just go to the next rescue.

Council Member Smith thanked the Fire Department, Police Department and the City staff for their hard work and dedication during the flooding.

Mayor Magers commended the City staff for the job they did, but also recognized the many volunteers that helped with the emergency including Jim Welch who acted as a liaison and organized the volunteers.

Council Member Wacker said training for volunteers that want to be case workers has been scheduled for July 23 and July 24, 2007. On July 19, during the intermission of Hot Summer Nights, anyone interested in the training can meet in the Municipal Ballroom to receive additional information.

The Grayson Disaster Relief Group Rally of Hope will also be held on July 21, 2007 at 5 p.m., at Wakefield Elementary School.

**RECEIVE FAIRVIEW POOL ("THE SPLASH") UPDATE FROM
PARKS AND RECREATION ADMINISTRATOR BEN USELTON
AND STAFF**

THE SPLASH

Ben Uselton, Parks and Recreation Administrator, presented an update on the first season of The Splash. The season runs for 101 days and is about half over. June 18 was the only full-day the facility was closed.

The staff expected that attendance would triple at the new facility and through July 15, they have had a total attendance of 24,493, compared with 15,939 for the entire season in 2006. The daily average has been 502, compared with 210 in 2006. The largest day was June 5 with 905 patrons. Capacity of the facility is 400, but as visitors leave additional ones enter. Mr. Uselton said the staff is expecting 45,000 people for the entire season.

The City has received \$100,000 in total revenue so far this season including the sale of 678 season passes. In 2006, a total of 71 season passes were sold. Expected revenues are projected to be \$160,000 to \$170,000 this year compared with \$27,000 in revenue in 2006.

Mr. Uselton said they have already received revenues of over \$15,000 for the concession stand compared with \$8,000 for the entire 2006 season. There has also been a great demand for rentals and the facility is booked on all possible rental dates.

Mr. Uselton commended the pool staff and lifeguards saying that he had a great team in place and their focus was on safety.

He added that the pool hours will change the week of August 20th to accommodate the opening of school. They also expect to be open on Labor Day.

Mayor Magers commended the staff on a great job and said he has received many positive comments. Council Member

Smith agreed saying he has also received many calls telling him how impressed people are with the pool and staff and it has exceeded his expectations.

FINAL PLAT APPROVAL OF SCARSDALE ESTATES, PHASE I, BEING 30.697 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963 AND THE WILLIAM H. PULLIAM SURVEY, ABSTRACT NO. 958; LESLIE LANE LLC AND DOMINICK SCHIFENO, OWNERS (2400-2500 BLOCKS OF EAST LESLIE LANE)

**APPROVE FINAL PLAT
SCARSDALE ESTATES**

The City Council approved the Final Plat of Scarsdale Estates, Phase I, located in the 2400 to 2500 blocks of East Leslie Lane. The property was recently annexed into the City limits and is comprised of 30.697 acres in the George B. Pilant Survey, Abstract No. 963 and the William H. Pulliam Survey, Abstract No. 958.

Leslie Lane LLC and Dominick Schifeno, owners of the property, would like to plat the property into 22 lots for the first phase of the residential development. The Planning and Zoning Commission recommended approval of the Final Plat.

CONSENT AGENDA.

REPLAT APPROVAL OF THE REPLAT OF LOTS 6-10, BLOCK 11, JONES SUMMIT ADDITION; BARTON CAPITOL, LTD., OWNER (700 BLOCK EAST SYCAMORE STREET)

The City Council approved the Replat of the Replat of Lots 6 through 10, Block 11, of the Jones Summit Addition, located in the 700 block of East Sycamore Street.

Barton Capitol, Ltd., the owner, is replatting the property from four lots to five 52-foot wide lots for residential development. The Planning and Zoning Commission recommended approval of the Replat.

CONSENT AGENDA.

CITIZENS REQUESTS

FLOODING ON CONTEMPORARY DRIVE

Jenny Richard, 505 S. Contemporary Drive, thanked the City for everything they have done for the flood victims, adding that they have been very responsive to citizen's needs. She said their property flooded on June 18, 2007 and has flooded six times since the development was built in 1956. There was major flooding in both 1981 and 1992.

Ms. Richard said during the recent flooding they had over four feet of water in their house. They were almost flooded a second time on July 10, 2007 with only about three inches of rain falling. She said their property is now unsellable and unlivable and will probably flood again. Ms. Richard said she did not feel comfortable selling the property or renting the property to someone else knowing that it will someday flood.

Ms. Richard said she learned that Texas has a storm water control district law that allows certain areas to be declared a Storm Water Control District. After the declaration, the City or County can acquire the flood plain property from the citizens and designate it as a park or open space area. She asked that both the City and the County consider this designation for the Contemporary Drive area and possibly other areas such as Archer Drive.

Mayor Magers said the City is aware of the flooding and will review the entire situation without emotion and in conjunction with FEMA. They have also budgeted for a Comprehensive Master Plan that will include a Hydrological Study. They are continuing to work on many areas to see what can be done.

FLOODING ON CONTEMPORARY DRIVE

Linda Phillips, 501 S. Contemporary Drive, said they were flooded during the June 18, 2007 flood and they are trying to

APPROVE REPLAT
JONES SUMMIT
ADDITION

FLOODING ON
CONTEMPORARY
DRIVE

FLOODING ON
CONTEMPORARY
DRIVE

repair the damage. The City requires building permits for the repairs, however FEMA is saying that if the repairs will cost more than half of the appraised property value, they cannot rebuild their house. They are unsure as to whether or not to rebuild.

Ms. McGookey said the staff would probably need to review FEMA regulations before they address the situation. Scott Shadden, Director of Developmental Services, said he would be happy to meet with citizens to address their concerns.

MEDIA QUESTIONS

There were no media questions.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: AIRPORT ADVISORY BOARD (1)

ACTION TAKEN.

Motion by Council Member Hughes to appoint Doug Millsap to the Airport Advisory Board for a term from July 17, 2007 to July 17, 2009. Second by Deputy Mayor Adami.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

HOT SUMMER NIGHTS

Council Member Wacker said Hot Summer Nights should be held on the Municipal Grounds again this Thursday, July 19, 2007. If the weather doesn't permit, it will again be held in the Municipal Ballroom.

THANK YOU FOR SEDCO SUPPORT

Mayor Magers thanked the Sherman Economic Development Corporation for agreeing to support the City Council initiative for the expansion of water and sewer from Hwy 75 to Hwy 691 to encourage development on the northern boundary.

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

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

SECTION 551.071 --

CONSULTATION WITH THE CITY
ATTORNEY CONCERNING
LEGAL MATTERS

SECTION 551.074 --

PERSONNEL MATTERS:
DISCUSS APPOINTING THE
ACTING CITY MANAGER,

MEDIA QUESTIONS

AIRPORT ADVISORY BOARD

HOT SUMMER NIGHTS

THANK YOU FOR SEDCO SUPPORT

EXECUTIVE SESSION

**GEORGE OLSON, AS THE
PERMANENT CITY MANAGER**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:56 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:55 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

ADDENDUM

OTHER BUSINESS

**CONSIDER APPROVING THE EMPLOYMENT OF THE
OUTSIDE LEGAL COUNSEL OF LYNN, PHAM, MOORE, AND
ROSS FOR LEGAL ISSUES RELATED TO EMPLOYMENT
MATTERS**

**HIRE OUTSIDE
LEGAL COUNSEL**

ACTION TAKEN.

Motion by Council Member Terrence Steele to approve the employment of the outside legal counsel of Lynn, Pham, Moore, and Ross for legal issues related to employment matters. Second by Council Member Hughes.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

**DISCUSS APPOINTING THE ACTING CITY MANAGER,
GEORGE OLSON, AS THE PERMANENT CITY MANAGER**

**APPOINT CITY
MANAGER**

ACTION TAKEN.

Motion by Council Member Smith to appoint Acting City Manager George Olson as the Permanent City Manager,

subject to contract approval and execution. Second by Council Member Wacker.

VOTING AYE: Magers, Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

Council Member Smith added that the Council is very pleased with Mr. Olson's performance as Acting City Manager and he looks forward to working with him on a long-term basis.

Mayor Magers recognized Art and Elaine Olson, Mr. Olson's parents, and Boe Stewart, Mr. Olson's father-in-law, who were in the audience. He added that the Council is very pleased to welcome Mr. Olson as the new City Manager.

Mr. Stewart and Mr. Olson congratulated the City Council on their wise decision adding that they have great faith in Mr. Olson.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:59 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

Flood Update

July 2007

Response



- 192 High water calls
- 45 Rescues
- 7.7" of Rain < 2 hours
- >20" in June

Response



- Rescue
- Evacuation & Relocation
- Shelters
- Damage Assessment
- Road & Bridge Safety
- Utilities



Recovery



- Short Term Housing
- Clothing
- Food
- Financial Assistance
- Comfort
- Disaster Declaration
 - SBA
 - FEMA Assistance

Recovery

- Initial Assessment

- ❖ 400 Homes

- ❖ 41 Businesses

- ❖ 1.2 Million in Commercial Property Damage

Disaster Assistance

- American Red Cross
 - Shelters
 - Short Term Housing Assistance
 - Food
- Salvation Army
 - Food
 - Clothing
 - Furniture
 - Additional Housing Assistance

Disaster Assistance

- Grayson County Disaster Group
 - Coordinate Volunteers
 - Reduce redundancy
 - Give those that want to help the opportunity
 - Assistance not typically provided by other groups
 - Clean-Out
 - Clean-Up
 - Rally of Hope July 21

Recovery



Salvation Army

270 Cases

975 People

2500 Articles of Clothing

Red Cross

273 Cases

671 People

\$ 237,821 committed

319 Sheltered

40,000 Meals & Snacks

Recovery



- FEMA
 - 672 Registrations
- 201 Sherman Center
- SBA
 - 111 Residents
 - 22 Businesses

Mitigation



- Continued Support
- Infrastructure repair
- Reimbursement
 - Damaged equipment
 - Personnel costs



- Debris Removal
- Survey areas
- Signals / Cross Arms
- Education
- Disaster Plan
- Coordination with Grayson County

The Splash 2007

ATTENDANCE FACTS:

Totals:
 2007 24,493 (July 15th)
 2006 10,523 (July 15th) 15,939 for the entire season

Daily Averages:
 2007 502
 2006 210

Largest Day:	Smallest Day:
2007 June 5 - 905	2007 June 25 - 72
2006 June 29 - 374	2006 June 24 - 31

PASSES	Total Sold	# Resident	# Non-Resident
Season:			
2007	678	577	101
2006	71		
10x Pass:			
2007	155	141	14

RENTALS	Total Booked	# Resident	#Non-Resident
Private:			
2007	37	31	6
2006	27		
 Party Cabana:			
2007	71	44	27
2006	8		

LEARN TO SWIM TOTAL:
 2007 502
 2006 495



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5471

**Amending Chapter 14, Exhibit A of the Code of Ordinances, Entitled
“General Zoning Ordinance”, at Section 6.2, to Amend the Requirements for Duplexes**

Issue

To consider amending the requirements for duplexes in an R-1 (One and Two-Family Residential) District

Background

The College Park Overlay District Advisory Committee requested the Planning and Zoning Commission perform a comprehensive review of duplexes in an R-1 (One and Two-Family Residential) District to determine how best to mitigate the negative effects of duplex housing on residential neighborhoods. The Planning and Zoning Committee members included: Jason Sofey, Kelsel Thompson, Steve Jones and John Nix. The Committee determined that the major effect of duplex housing on residential neighborhoods was the lack of off-street parking for the duplexes. The Committee suggested limiting the number of bedrooms to four; but still requiring one parking space per bedroom, with a minimum of two spaces per unit.

Origination

College Park Overlay District Advisory Committee Members: Terrence Steele, George Rowland, Jerry Lincecum, Phyllis Rieser, Erik Jackson, and Scott Shadden.

Board Recommendation

At the July 17, 2007 regular meeting, the Planning and Zoning Commission voted unanimously to recommend amending the requirements for duplexes in an R-1 (One and Two Family Residential) District.

Attachments

Ordinance No. 5471

Prepared by:
Scott Shadden, Director of Developmental Services

Approved by:
George Olson, City Manager

ORDINANCE NO. 5471

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT A OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6.2, TO AMEND THE REQUIREMENTS FOR DUPLEXES; 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 Section 6.2 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended so that such section shall read as follows:

Sec. 6.2. R-1 (One and two-family residential) district.

- (1) Minimum requirements for lot area, width, and setback:

Lot area: 6,000 SF

Lot width: 60'

Front: 25'

Rear: 25'

Side yards: There shall be a side yard on each side of the main building not less than ten (10) percent of the mean horizontal distance between the side lines of the lot; except that such side yard shall be not less than six (6) feet; and need not be more than fifteen (15) feet. A building on a corner lot shall have a side yard adjacent to its side street of not less than ten (10) feet.

- (2) See section 7 for supplementary district regulations, exceptions and parking regulations applying to the R-1 District.

- (3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the board of adjustment and specific use permits that may be recommended by the [planning and] zoning board within the R-1 District under certain circumstances and conditions.

- (4) Permitted uses and parking requirements:

Permitted Uses	Parking Ratio
One and two-family dwellings.	1/ bedroom (min. 2/unit)

Two family dwelling (maximum 4 bedrooms) 1/1, 1/2, 1/3 or 2/2 arrangement	1/ bedroom (min. 2/unit)
Accessory building; garage or carport, domestic storage.	none
Bedrooms—two bedrooms may be rented to not more than four people.	1/unit
Field crops, horticulture, nursery, truck gardening, but not including retail sales on the premises.	none
Public park, playground or playfield.	none
Sign: Bulletin erected by a church, community center, school, public agency, or institution on its own premises for announcement purposes, and which does not exceed 20 square feet in area and 6 feet in height. See section 7(14)(g).*none	
Sign: Identification not exceeding 1-1/2 square feet in area. Name and address only. See section 7(14)(g).*	none
Sign: Real estate for sale, rent, or lease. Unlighted, 16 sq. ft. max.*	none
Swimming pool, private.	none
Railroad rights-of-way but not including shops and yards.	none
Portable offices and construction buildings which shall be removed upon completion or abandonment of construction work.	none
Home occupations: Any occupation that is customarily carried on at home that does not involve a structural change in the dwelling unit, that does not require the employment of help other than members of the immediate family, provided, however that the following uses shall not be permitted as customary home occupations: Any office in which services are rendered, or in which chattels or goods, wares or merchandise are commercially created, exchanged or sold; barber or	

beauty shops, beauty culture schools; commercial stables or kennels; doctor's office for the treatment of patients; and/or the display of goods.	
--	--

(5) Height regulations: No building shall exceed 35 feet or 2 stories in height.

(6) Front facing fences: Fences are not permitted in the front yard of any single family dwelling or duplex of any subdivision of four (4) lots or more, outside of the residential tax abatement zone and platted after this amendment to the ordinance, except an approved decorative fence.

- (a) Decorative fences with openings not less than fifty (50) percent of the fence area and not exceeding three (3) feet in height are permitted in the front yard.
- (b) Chain link, woven wire mesh or similar materials are not considered decorative fencing and are prohibited.

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 _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____

BILL MAGERS, MAYOR

BY: _____

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____

**DOREEN E. MCGOOKEY,
CITY ATTORNEY**



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5472

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Four Rivers Outreach, Inc. (Owner) and Arthur Horn (Representative) to Allow a Halfway House in a C-2 (General Commercial) District and the Central Business District at 210 South Rusk Street; 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 Four Rivers Outreach, Inc. (Owner) and Arthur Horn (Representative) concerning the property located at 210 South Rusk Street to allow a Halfway House Hall in a C-2 (General Commercial) District and the Central Business District

Background

The property is located at 210 South Rusk Street. Four Rivers Outreach, Inc., a faith based program, works with Judge Nall, the Star Recovery Program, and the Grayson County Probation Department to help people get their lives back together. Their plan is to only take people who are part of the Grayson County community and to not take parolees out of the prison system.

Origination

Four Rivers Outreach, Inc. (Owner) and Arthur Horn (Representative)

Board Recommendation

At the July 17, 2007 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter.

Attachments

Ordinance No. 5472

Location Map

Photograph

Site Plan

Letter from Waller Spears

P&Z Communication Form

Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5472

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 FOUR RIVERS OUTREACH, INC. (OWNER) AND ARTHUR HORN (REPRESENTATIVE) TO ALLOW A HALFWAY HOUSE IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND THE CENTRAL BUSINESS DISTRICT AT 210 SOUTH RUSK STREET; 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, Four Rivers Outreach, Inc. (Owner) and Arthur Horn (Representative) are granted a Specific Use Permit to allow a Halfway House in a C-2 (General Commercial) District and the Central Business District at 210 South Rusk, 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 County of Grayson, State of Texas, in the City of Sherman, and being a part of the Samuel Blagg Survey, Abstract No. 56, and also being a tract of land conveyed by Mildred L. Belden to Knight Furniture Company, Inc., by deed recorded in Volume 412, Page 136, Deed Records, Grayson County, Texas, and described by metes and bounds as follows, to wit:

Beginning at a point where the West line of South Rusk Street intersects the North line of West Jones Street;

Thence North 16°00' West with the West line of South Rusk Street, a distance of 186.00 ft. to the Southeast corner of a certain tract of land conveyed by Mrs. Nellie E. Kimball to the Sherman Steam Laundry by deed recorded in Volume 139, at Page 398 of Grayson County Deed Records;

Thence South 74°00' West a distance of 150.4 ft. to the Northeast corner of a certain tract of land conveyed by Mrs. Nellie E. Kimball to the Sherman Steam Laundry by deed recorded in Volume 148, at Page 463, of Grayson County Deed Records;

Thence South 15°40'32" East with the East line of said Laundry lot, a distance of 106.0 ft. to the Southeast corner of same;

Thence North 74°00' East a distance of 44.3 ft. to a stake;

Thence South 16 °00' East a distance of 80.0 ft. to the North line of West Jones Street;

Thence North 74°00' East a distance of 106.7 ft. to the place of beginning and containing 24,510.07 square feet of land, and being the same property described in deed from Hattie B. Kimball to Mildred L. Belden dated October 25, 1937, recorded in Volume 398, at Page 295 of the Deed Records of Grayson County, Texas.

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

1. All parking areas shall be a dust free surface.
2. The building must be in compliance with all current City of Sherman building and fire codes prior to occupancy.
3. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

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 _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

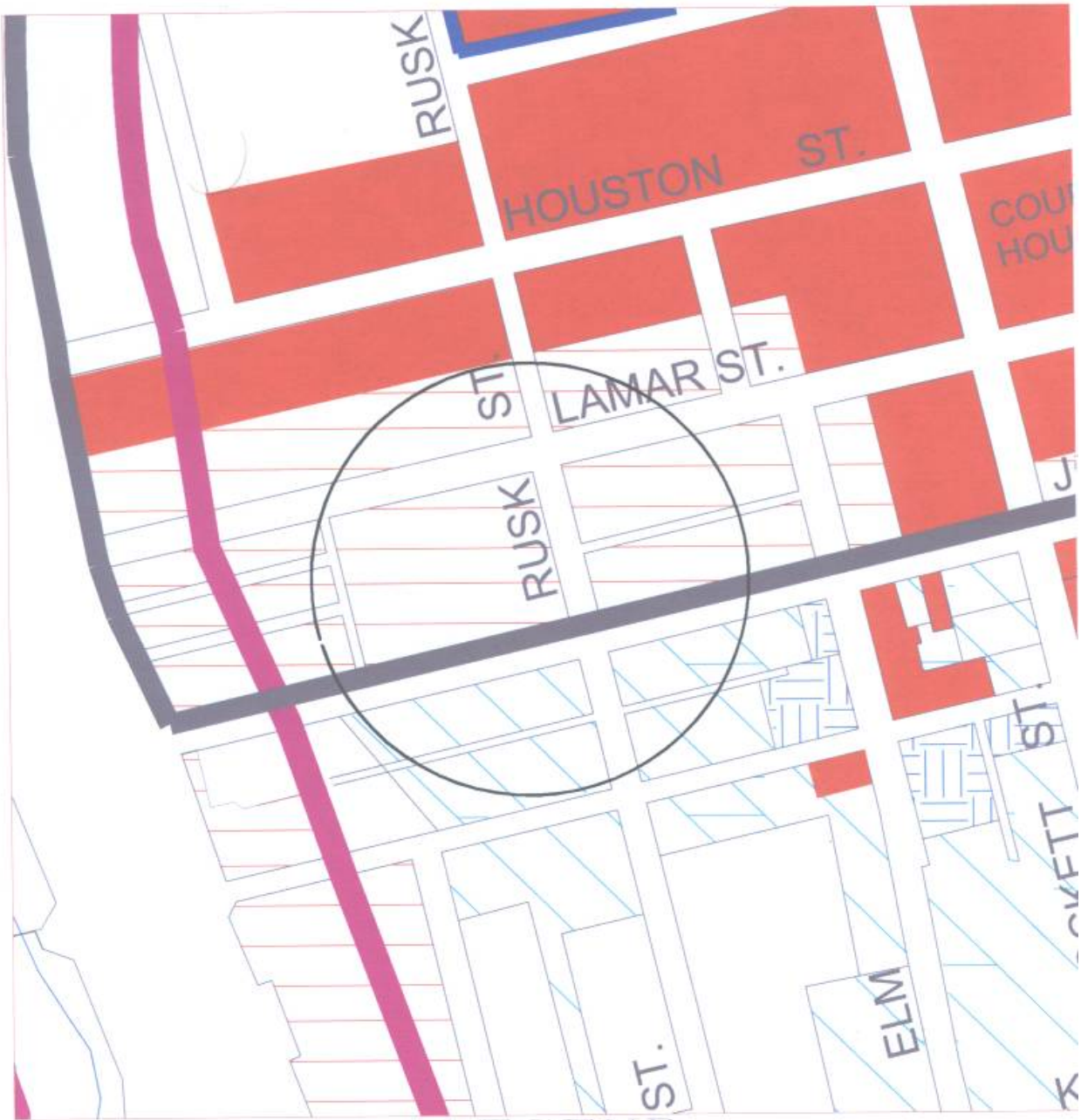
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
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 AND TWO FAMILY RESIDENTIAL DISTRICT		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
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



210 SOUTH RUSK SPECIFIC USE PERMIT

Department of Developmental Services





Scale: 1 inch = 40.0 feet

(c) Copyright 2

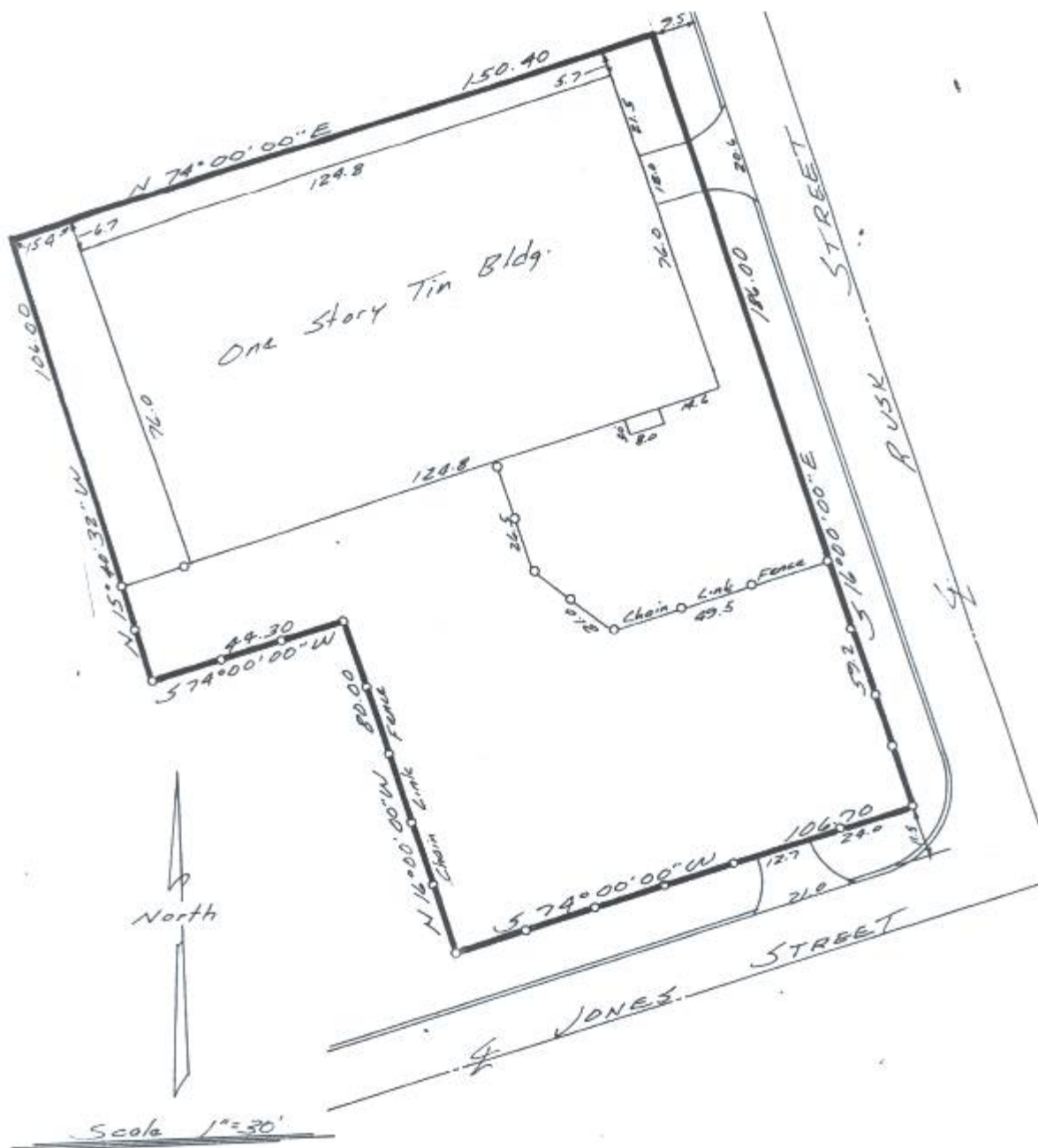
210 S. Rusk





W. JONES





SHERMAN



**PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT**

Telephone No. (903) 892-7229

FAX No. (903) 892-7274

July 2, 2007

Waller Spears Inc.
2031 Meadowlake Dr.
Sherman, Texas 75092-8397

JUL 11 2007

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, July 17, 2007 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

**Four Rivers Outreach Inc. (Owner) and Arthur Horn (Representative)
concerning the property located at 210 South Rusk Street, being 0.46 acres in
the Samuel Blagg Survey, Abstract No. 56**

The request is as follows:

**Specific Use Permit and Site Plan Approval under Ordinance No. 2280,
Section 8, Subsection (5)(a) to allow a halfway house in a C-2 (General
Commercial) District and the Central Business District.**

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

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


Secretary, Planning & Zoning Board

*I have visited with Mr. Horn & another board member
of Four Rivers Outreach & feel very comfortable with their
proposed use of the property @ 210 S. Rusk. The services
they are provided appear to be much needed in Sherman.*


Joe Spears for
Waller Spears, Inc.

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

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
July 17, 2007
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Kelsel Thompson, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

Jason Bethel, Commissioner
John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner

210 South Rusk
0.46 acres in the Samuel Blagg Survey, Abstract No. 56
Specific Use Permit

Requested Action/Proposed Use:

Specific Use Permit and Site Plan Approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a halfway house in a C-2 (General Commercial) District and the Central Business District.

Adjacent Zoning:

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

Origination:

Four Rivers Outreach Inc. (Owner) and Arthur Horn (Representative)

Master Plan Designation:

Retail/Commercial

Number of notices mailed:

22

Objections Received:

0

Attachments:

Location map
Photographs
Replat
Staff Review

Prepared By:

Rita Gaither,
Development Coordinator

Approved By:

Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

July 12, 2007

Four Rivers Outreach, Inc.
333 West Jones
Sherman, Texas 75090

Arthur Horn
333 West Jones
Sherman, Texas 75090

Dear Applicants,

The request for approval of the Specific Use Permit and Site Plan approval for the property located at 210 South Rusk Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, July 17, 2007 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. All parking areas shall be a dust free surface.
2. The building must be in compliance with all current City of Sherman building and fire codes prior to occupancy.
3. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

It is the policy of this Board not to 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.

Respectfully,

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

CC: George Olson, Acting City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator

Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5473

Providing for Permanent “Stop” Signs at the Intersections of Timbercreek Road and Washington Street, Legend Lane and Washington Street, Clay Lane and Washington Street, and Madison Place and Washington Street within the City Limits of the City of Sherman

Issue

To introduce and seek public opinion regarding the installation of four “stop” signs at Washington Street, east of Heritage Parkway (FM 1417), and connecting with residential side streets

Background

Several months ago, a resident of Timber Creek Addition requested that the City install a “stop” sign at Timbercreek Road and Washington Street, stopping traffic on Timbercreek Road. A survey of intersections along Washington Street back to Heritage Parkway revealed that three additional intersections also needed to have “stop” signs installed. Four “stop” signs were installed at these intersections 90 days ago. No complaints have been received since the signs were installed.

Origination

Timber Creek Addition resident
Public Works & Engineering Department

Financial Consideration

The material and labor to install the four “stop” signs totaled \$461.00.

Staff Recommendation

For safety reasons, it is recommended that the City Council introduce and subsequently adopt an ordinance for the four “stop” signs identified above.

Alternatives

Those as may be recommended by the City Council

Attachments

Ordinance No. 5473
Location Map

Prepared by:
Jeffrey Miller, Public Works & Engineering Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “STOP” SIGNS AT THE INTERSECTIONS OF TIMBERCREEK ROAD AND WASHINGTON STREET, LEGEND LANE AND WASHINGTON STREET, CLAY LANE AND WASHINGTON STREET, AND MADISON PLACE AND WASHINGTON STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, permanent “Stop” sign shall be in place at the following location within the corporate limits of the City of Sherman, Texas:

At the intersection of Timbercreek Road and Washington Street, stopping traffic on Timbercreek Road, at the intersection of Legend Lane and Washington Street, stopping northbound traffic on Legend Lane, at the intersection of Clay Lane and Washington Street, stopping northbound traffic on Clay Lane, and at the intersection of Madison Place and Washington Street, stopping northbound traffic on Madison Place as shown by location map, attached hereto and incorporated herein for all purposes.

SECTION 2. That the Director of Public Works and Engineering is directed to designate this action by the appropriate markings and signs as directed by the Texas Transportation Code.

SECTION 3. Violators of this ordinance shall be subject to prosecution pursuant to the Texas Transportation Code.

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

SECTION 5. 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.

INTRODUCED on this the _____ day of _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

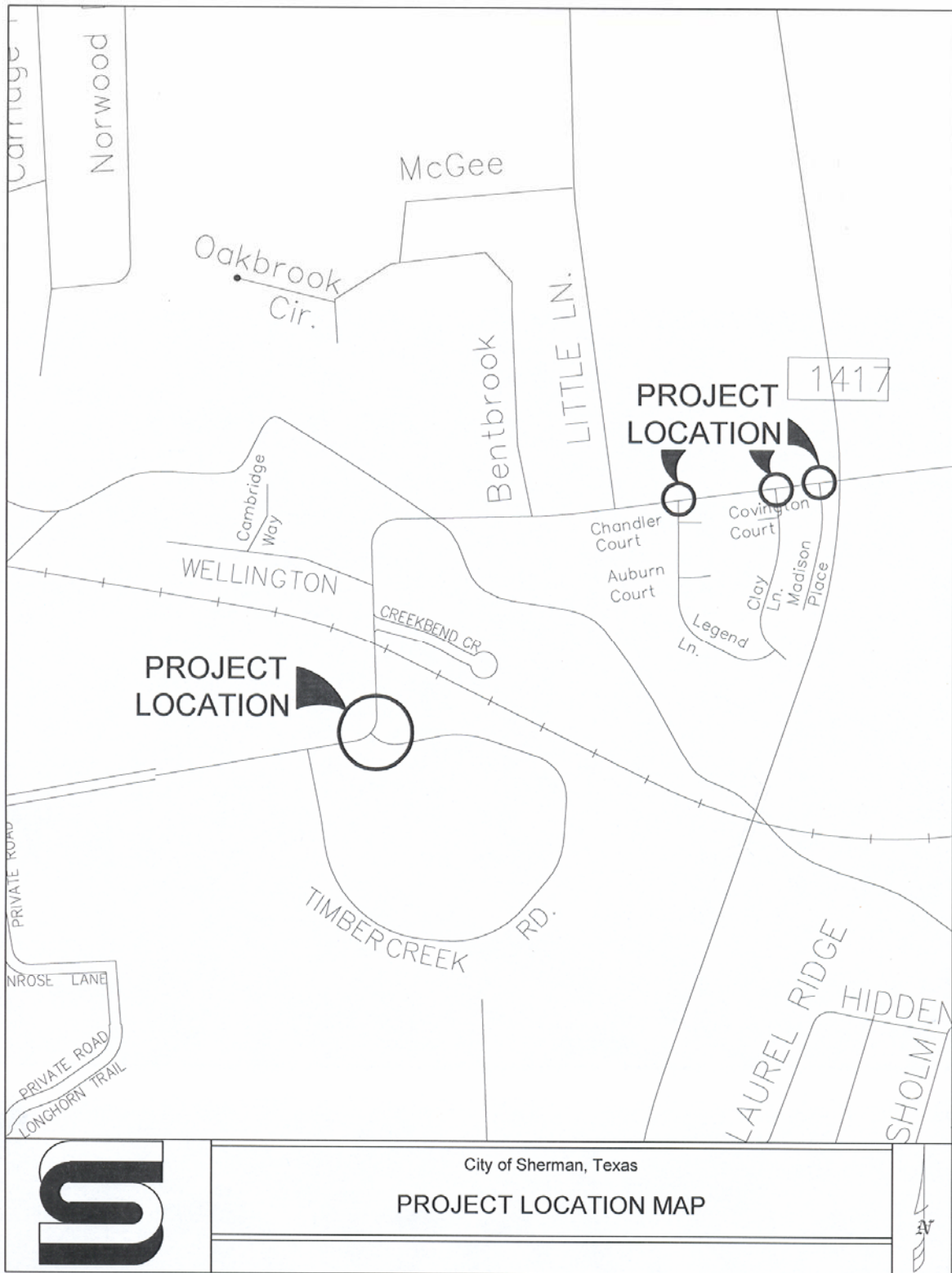
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5474

Providing for Permanent “Yield” Signs at the Intersection of Linda Lane and Patricia Drive within the City Limits of the City of Sherman

Issue

To introduce an ordinance and seek public input regarding the installation of two (2) “yield” signs at the intersection of Linda Lane and Patricia Drive

Background

Council Member Curt Hughes requested “yield” signs be installed requiring traffic on Linda Lane to yield to Patricia Drive. The “yield” signs were installed 90 days ago and no complaints have been received.

Origination

Council Member Curt Hughes

Financial Consideration

The material and labor cost to install two (2) “yield” signs totaled \$211.08.

Staff Recommendation

Adopt an ordinance requiring traffic on Linda Lane to yield to Patricia Drive

Alternatives

Those as may be directed by the City Council

Attachments

Ordinance No. 5474

Location Map

Prepared by:
Jeffrey Miller, Public Works & Engineering Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5474

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “YIELD” SIGNS AT THE INTERSECTION OF LINDA LANE AND PATRICIA DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, permanent “YIELD” signs will be in place at the following location within the city limits of the City of Sherman, Texas:

At the intersection of Linda Lane and Patricia Drive, causing north bound and south bound traffic on Linda Lane to yield to traffic on Patricia Drive;

as shown by Exhibit “A”, attached hereto and incorporated herein for all purposes.

SECTION 2. That the Director of Public Services is directed to designate this action by the appropriate markings and signs in compliance with the Texas Transportation Code.

SECTION 3. Violators of this ordinance shall be subject to prosecution pursuant to the Texas Transportation Code.

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 _____, 2007.

ADOPTED on this the _____ day of _____, 2007.

EFFECTIVE DATE on this the _____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

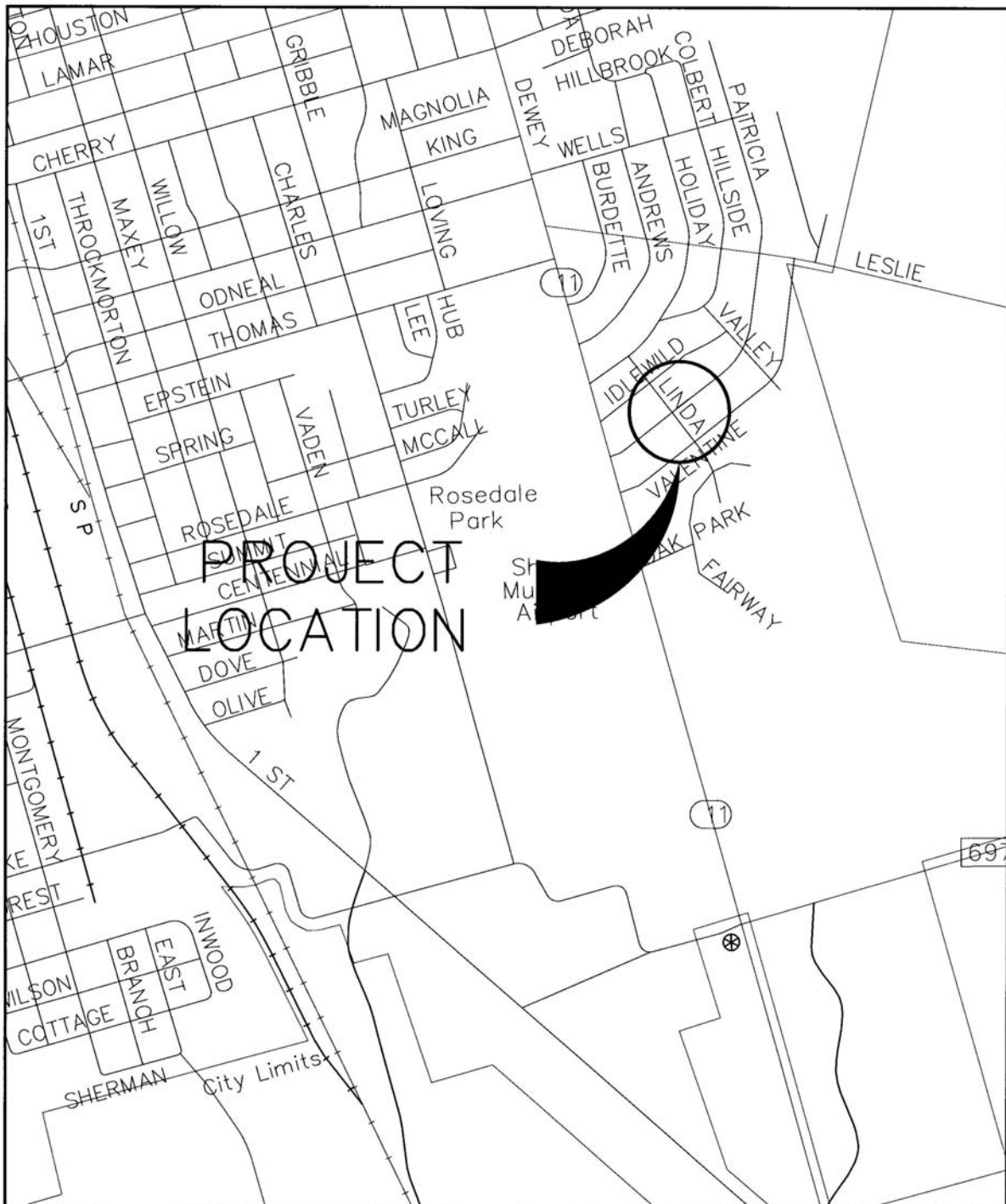
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



City of Sherman, Texas

YIELD SIGN LOCATION @ PATRICIA & LINDA

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. B.5

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5471, 5472, 5473 and 5474

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5471

Amending Chapter 14, Exhibit A of the Code of Ordinances, Entitled "General Zoning Ordinance", at Section 6.2, to Amend the Requirements for Duplexes

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5472

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Four Rivers Outreach, Inc. (Owner) and Arthur Horn (Representative) to Allow a Halfway House in a C-2 (General Commercial) District and the Central Business District at 210 South Rusk Street; 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. 5473

Providing for Permanent "Stop" Signs at the Intersections of Timbercreek Road and Washington Street, Legend Lane and Washington Street, Clay Lane and Washington Street, and Madison Place and Washington Street within the City Limits of the City of Sherman

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5474

Providing for Permanent "Yield" Signs at the Intersection of Linda Lane and Patricia Drive within the City Limits of the City of Sherman



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. B.6

CONSENT AGENDA

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

C.2 * RESOLUTION NO. 5052

Authorizing Execution of a Developer's Agreement with Northside on Travis, Ltd. for Construction of Public Facilities in the Northside on Travis Addition to the City of Sherman

C.3 * RESOLUTION NO. 5054

Approving the Use of the Proceeds of the Texoma Housing Finance Corporation Single Family Mortgage Revenue Bonds, Series 2007 in the City, and Resolving Other Matters in Connection Therewith

C.4 * RESOLUTION NO. 5055

Authorizing Execution of a Utility Easement Encroachment at Lot 5R-2, Block 1 of the Replat of Lot 5, Block 1 of the Cornerstone Addition (2622 U.S. Highway 75 North) in the City of Sherman

C.5 * RESOLUTION NO. 5056

Authorizing Execution of a Utility Easement Encroachment at Lot 1 of the Replat of Lots 1 & 2 of the Replat of Lot 2 of the Replat of Lot 1B of Post Oak Crossing Addition, for a Monument Sign at 3425 North F.M. 1417 in the City of Sherman

C.6 * RESOLUTION NO. 5057

Authorizing Greater Texoma Utility Authority to Contract with Jerry Paul Higgins, Ltd. for the Lockhart Street Water Main Replacement

C.7 * RESOLUTION NO. 5058

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

C.8 * RESOLUTION NO. 5059

Authorizing the Execution of an Agreement with TXA Holdings Properties, LP for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 608 North Branch Street

C.9 * RESOLUTION NO. 5060

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 613 South Charles Street

C.10 * RESOLUTION NO. 5061

Providing for the Exemption of Certain Vehicles Used by the Sherman Police Department from the Inscription Requirements as Authorized by V.T.C.A. Transportation Code §721.005; Authorizing Individuals to Apply for Special License Plates

D.1 * REQUEST TO ADVERTISE

Services to Perform the Annual Audit for Period Ending September 30, 2007

D.2 * REQUEST TO ADVERTISE

Annual Contract for Water and Sewer Parts and Supplies

D.3 * REQUEST TO ADVERTISE

Annual Supply of Tires and Tubes

D.4 * REQUEST TO ADVERTISE

Repairs to Dorchester Trinity Water Wells 8T and 10T

D.5 * REQUEST TO ADVERTISE

Restroom/Locker Room Area Renovation at the Sherman Police Department

D.6 * CHANGE ORDER NO. 1

Dickerson Construction Company, Inc.; Highway 56 Water Main; \$4,305.82, Decrease

D.9 * OTHER BUSINESS

Approve Quarterly Investment Report for Period Ending June 30, 2007

D.12 * OTHER BUSINESS

Consider Calling a Special Meeting of the City Council for Tuesday, September 4, 2007, due to Conflict with a Federal Holiday

D.13 * OTHER BUSINESS

Set Public Hearing for Capital Improvement Program (CIP) 2007-2012 for Tuesday, September 4, 2007

D.14 * OTHER BUSINESS

Final Plat Approval of Austin Landing, Phase Two, being 2.688 Acres in the Alexander and Richards Survey, Abstract No. 42; TexLanDev-Austin, LP, Owner (4900 Block of North Travis)

D.15 * OTHER BUSINESS

Replat Approval of the Vaden Cupid Addition, a Replat of Lots 1 and 2, Block 6 of the C.L. Stowe Addition; Barton Capital, Owner (615 South Vaden Street)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.1

RESOLUTION NO. 5053

Authorizing the Execution of an Employment Agreement with the City Manager

Issue

Finalizing the July 16th appointment of George Olson as Sherman's City Manager

Background

George Olson, Director of Community Services and Maintenance, has served as Acting City Manager since the departure of Acting City Manager Giles Brown. The City Charter, at Article IV, Section 2, grants to the City Council authority to "appoint a city manager who shall be the administrative and executive officer of the city. He or she shall be chosen by the council solely on the basis of his or her training, experience, and ability. He or she need not, when appointed, be a resident of the City of Sherman; however, upon acceptance, he or she shall immediately establish his or her residence within the city. The city manager shall receive such compensation as may be fixed by the council."

Origination

Mayor Bill Magers

Financial Consideration

As set forth in the agreement

Council Action Requested

Approval of Resolution No. 5053, which authorizes an employment agreement with George Olson as City Manager

Alternatives

None recommended

Attachments

Resolution No. 5053

Prepared by:
Doreen E. McGookey, City Attorney

Approved by:
George Olson, City Manager

RESOLUTION NO. 5053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH THE CITY MANAGER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor is authorized and directed to execute an employment agreement with the City Manager in substantially the same form, to be attached hereto as Exhibit "A".

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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 5052**

**Authorizing Execution of a Developer's Agreement with Northside on Travis, Ltd.
for Construction of Public Facilities in the Northside on Travis Addition
to the City of Sherman**

Issue

To consider executing a Developer's Agreement with Northside on Travis, Ltd. for the construction of public facilities in the Northside on Travis Addition to the City of Sherman

Background

Northside on Travis, Ltd. proposes to build an apartment complex, which shall include the construction of a public water main and sanitary sewer at the Northside on Travis Addition to the City of Sherman.

Origination

Department of Public Works & Engineering

Financial Consideration

None

Staff Recommendation

Staff recommends approval of the Developer's Agreement.

Alternatives

As directed by the City Council

Attachments

Resolution No. 5052

Developer's Agreement

Future Installation Cost Agreement

Location Map

Prepared by:

Jeff Miller, Public Works/Engineering Director

Approved by:

George Olson, City Manager

RESOLUTION NO. 5052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH NORTHSIDE ON TRAVIS, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE NORTHSIDE ON TRAVIS ADDITION TO THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Development Agreement with Northside on Travis, Ltd. for the construction of public facilities in the Northside on Travis Addition to the City of Sherman, Grayson County, Texas, in the same or substantially same form as the contract documents to be attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

STATE OF TEXAS

COUNTY OF GRAYSON

§
§
§

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND NORTHSIDE ON TRAVIS, LTD.**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 27 day of July, 2007 (the "Effective Date"), by and among City of Sherman ("City"), a municipal corporation organized under the laws of the State of Texas, and Northside on Travis, LTD. ("Developer").

WITNESSETH:

WHEREAS, City recognizes the importance of its continued role in local economic development, and

WHEREAS, Developer is developing a portion of the City and making improvements to the City,

WHEREAS, Developer, subject to Article I, Paragraph 1, will own lands located in Sherman, Texas, and described in the final plat submitted to the City by the Developer and attached hereto and made a part hereof as if fully set out in this paragraph as Exhibit "A" and hereinafter referred to as the "Property," and Developer intends to develop the Property by constructing improvements thereon;

WHEREAS the Developer desires that the City accepts the public utility infrastructure as a part of the public facilities of the City, as indicated in Paragraphs 4 and 5 of Article I;

WHEREAS, the CITY is willing to provide, in accordance with the provisions of this Agreement and the prevailing state and local laws, city services to the Property and thereafter operate applicable facilities so that the occupants of the improvements on the Property will receive City services; and

NOW THEREFORE, in consideration of the mutual covenants and obligations herein, the parties agree as follows:

ARTICLE I.

SPECIFIC CONTRACT PROVISIONS

1. **Condition Precedent to Agreement.** It is expressly understood by the parties that Developer does not own the land at the time of the signing of this Agreement. Therefore, the parties will not become subject to the terms of this Agreement until Developer receives funding and retains complete ownership of the Property, as evidenced by the

documents referenced to in Article I, Paragraph 2 of this Agreement "Assurance of Title." The terms of this Agreement will become effective upon receipt of the Assurance of Title documents by the City. It is also expressly understood that no development will take place on the Property until this Condition Precedent is satisfied. Any modification to this Condition must be in writing and signed by the parties.

2. **Assurance of Title:** At the time Developer attains ownership of the Property, Developer agrees to deliver to City a copy of a Title Insurance Policy, or an opinion of title from a qualified attorney-at-law addressed to the City in a form and substance satisfactory to City with respect to the Property, which opinion shall include a current report on the status of the title, setting out the name of the legal title holders, the outstanding mortgages, taxes, liens and covenants. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in this Agreement.

3. **Assurance of Accuracy of Documents:** Developer represents that the final plat and all documents submitted to the City for approval of this Project are accurate. Developer understands that the City will rely on the accuracy of the documents in making its determination as to whether the documents comply with all City ordinances, state, and federal law.

4. **Development Documents:** Upon the execution of this Agreement, the plans, specifications, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the Subdivision are confirmed, ratified, and agreed upon by both parties and attached hereto as Exhibit "B". Developer agrees to comply with such orders and Ordinance No. 2684, and its amendments, as applicable to the Subdivision; and all of the work will be done under the supervision of the City Engineer (as defined in Paragraph 10 of this Article) to City standards, and in accordance with applicable City regulations. The plans, specifications, orders of the City Planning and Zoning Commission, and the City Council, and ordinance referred to in this paragraph (hereinafter the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.

5. **Delivery of Improvements:** The Developer will pay for and deliver to the City free and clear of all liens and costs, all of the improvements provided in the Development Documents.

6. **Performance Bond:** No work shall be performed within the Subdivision until the Developer presents to the City Manager a satisfactory Performance Bond and a Payment Bond, as provided by Chapter 2253 of the Texas Government Code, from the Contractor in favor of the Developer and the City. Such bond shall be made for 100% of the contract price for all streets and utilities and public works to be installed in the Subdivision, and shall be in a form containing all other provisions set forth in Chapter 2253 of the Texas Government Code, including, but not limited to, Section 2253.021 of that Chapter.

7. **Failure to Complete Development:** If the Developer does not complete the Improvements contained in the Development Documents on or before April 1, 2008 City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph may be extended by the mutual agreement of the parties. Such extension shall be in writing, as provided in Paragraph 13 of Article II.

8. **Availability of Public Facilities:** No public facilities will be made available to any lot within any segment of this Subdivision until the work on each segment is performed and approved as agreed upon in this Agreement.

9. **Registered Civil Engineer:** All of the plans and specifications for the improvements herein mentioned in the Development Documents, shall be prepared by a Registered Professional Civil Engineer, and all of the improvements shall be built under the supervision of such engineer, and the engineer shall certify to the City that, as each segment is built, such segment as built is true and correct in accordance with the plans and specifications, and that the same was built under his supervision, and the certificate shall be signed and sealed by such engineer. All of the expense of such engineering shall be paid for by the Developer.

10. **City Engineer:** Before work is begun on any improvement, the City shall designate a person, hereinafter identified as "City Engineer," who shall be notified and arrangements made for inspection by the City Engineer at such stages of construction as required by him, and no improvement constructed underground shall be covered by the Developer until inspected by the City Engineer and approved by him. At any time any construction is contrary to the plans and specifications, the City Engineer shall be, and is, empowered to stop construction and require correct construction and installation at the Developer's risk and without liability to the City.

11. **Coordination of Work:** The work will be coordinated between the City and the Developer so that the utilities will be in place before the permanent improvements are installed.

12. **Utility Arrangements:** The Developer will make its own arrangements with gas, electric, and telephone service providers for extensions of their utilities, and upon complying with this Agreement, the City utilities will be furnished.

13. **Fees:** Other fees normally charged by the City for building permits, water taps, service connections, and similar fees will be paid as required to the City by the Developer.

14. **Guarantee or Maintenance Bond:**

- a. If, within one year after the acceptance, defects should appear in the materials or workmanship, the Developer shall have such defects promptly repaired at its own expense, and shall leave the work as intended by the plans and specifications. This guarantee will apply to all parts of the work which have been accepted by the City.

- b. Instead of the Guarantee set for in subparagraph (a) of this paragraph, Developer may provide a Maintenance Bond to the City at the time of final acceptance of the improvements by the City Engineer. The Bond shall name the City as an obligee under the bond and the bond shall provide a one (1) year guarantee on all the improvements contained in the Development Documents.

15. WAIVER OF RIGHTS:

(a) Section 212.904 Of The Texas Local Government Code

(i) Developer understands that, pursuant to Section 212.904 of the Texas Local Government Code, the developer is entitled to an apportionment of the municipal infrastructure cost and that such apportionment must be done by a professional engineer. Developer hereby agrees that any land or property it donates to the City, as reflected on the Final Plat, is roughly proportionate to the need for such land. Developer further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the development of the Property and its needs related thereto. BY MY SIGNATURE ON THIS AGREEMENT, I HEREBY FREELY, KNOWINGLY AND VOLUNTARILY WAIVE MY RIGHTS UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, OR ANY OTHER RELATED CLAIMS. I AGREE THAT THE DEVELOPER'S AGREEMENT MAY PROCEED WITHOUT THE REQUIREMENTS IMPOSED ON THE CITY UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, EXCEPT DEVELOPER SPECIFICALLY RESERVES ITS RIGHT TO APPEAL THE APPORTIONMENT IN ACCORDANCE WITH SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.

(ii) BOTH DEVELOPER AND THE CITY FURTHER AGREE TO WAIVE AND RELEASE ALL CLAIMS ONE MAY HAVE AGAINST THE OTHER RELATED TO ANY AND ALL ROUGH PROPORTIONALITY AND INDIVIDUAL DETERMINATION REQUIREMENTS MANDATED BY *DOLAN V. TOWN OF TIGARD*, 512 U.S. 374 (1994), AND ITS PROGENY, AND WELL AS ANY OTHER REQUIREMENTS OF A NEXUS BETWEEN THE DEVELOPMENT CONDITIONS AND THE PROJECTED IMPACT OF THE FOREGOING, INCLUDING ALL DEDICATIONS OF LAND, PARKLAND, AND ANY INFRASTRUCTURE REFERENCED HEREIN. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.

CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE:

Developer also understands that any monies held in escrow by the City in accordance with the Future Installation Cost Agreement may also qualify as Impact Fees, as provided in Chapter 395 of the Texas Local Government Code. BY MY SIGNATURE ON THIS AGREEMENT, I HEREBY FREELY, KNOWINGLY AND VOLUNTARILY WAIVE ANY RIGHTS UNDER I MAY HAVE UNDER CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE. I AGREE THAT THIS DEVELOPER'S AGREEMENT MAY PROCEED WITHOUT THE REQUIREMENTS IMPOSED ON THE CITY IN CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.

INSTEAD, I AGREE THAT MONIES MAY BE HELD BY THE CITY IN ACCORDANCE WITH THE FUTURE INSTALLMENT COSTS AGREEMENT AND THAT THE CITY IS NOT REQUIRED TO COMPLY WITH THE PROCEDURES IN CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.

16. Future Installation Costs: Developer agrees to submit to the City any monies reasonably required to cover the cost of any future paving improvements to be held in escrow, as set forth in the attached Exhibit "C," which is incorporated into this Agreement for all purposes.

17. Other Provisions:

- A. Upon Completion of the Subdivision one electronic copy and one set of reproducible "Record" drawings will be supplied to the City.
- B. The Developer shall pay to the City an engineering plan review, inspection, and testing fee equal for \$2,360.06.
- C. Developer agrees that the development, as set forth in the Agreement Documents, will comply with all federal, state and local laws relating to the discharge of storm water during every phase of the Project development.

ARTICLE II.

GENERAL CONTRACT PROVISIONS

- 1. **Force Majeure.** If the performance of any of the parties hereto is delayed by reason of war, civil commotion, acts of God, inclement weather, unanticipated subsurface conditions, fire or other casualty, court injunction or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such

circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such design or construction requirement shall be extended for a period of time equal to the period such party was delayed. The terms above shall not apply to extend the time permitted for any payment obligations set forth in this Agreement.

2. **INDEMNIFICATION AND HOLD HARMLESS.** TO THE MAXIMUM EXTENT PERMITTED BY LAW, DEVELOPER OBLIGATES ITSELF TO THE CITY TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPERS EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION HERewith, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF DEVELOPER, ITS OFFICERS, AGENTS, CONTRACTORS, OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. This indemnity does not waive any governmental immunity available to the City under Texas law and does not waive any defenses of the parties under Texas law.
3. **City to Bind and Limitation.** Each general partner or member executing this Agreement on behalf the Developer represents that, by executing this Agreement in such capacity, it acts within the scope of its authority and does not exceed the bounds of its authority to act to bind such party regarding the obligations and assurances contained in this Agreement. City represents that the execution of this Agreement as provided below has been duly authorized by the City Council as provided in the Approval Resolution.
4. **Events of Default.** A default shall exist if either party fails to perform or observe any material covenant contained in this Agreement. The non-defaulting party shall immediately notify the defaulting party in writing upon becoming aware of any change in the existence of any condition or event which would constitute a default or, with the giving of notice or passage of time, or both, would constitute a default under this Agreement. Such notice shall specify the nature and the period of existence thereof and what action, if any, the notifying party requires or proposes to require with respect to curing the default.
5. **Remedies Available to City.** If a default by Developer shall occur and continue, after thirty (30) day's notice to cure default, City may, at its option, pursue any and all remedies it may be entitled to, at law or in equity, in accordance with Texas law,

without the necessity of further notice to or demand upon Developer. City shall also have the option to proceed forward with any and all remedies under the Performance Bond provided under this Agreement. City shall not, however, have the right to exercise such remedies for so long as Developer proceeds in good faith and with due diligence to remedy and correct the default, provided that Developer has commenced to cure such default within thirty (30) days following notice, pursues such cure with reasonable diligence and completes such cure within one hundred eighty (180) days.

6. **No Waiver of Defenses.** Nothing in this Agreement shall be construed or intended to waive any defenses available to the City, including, but not limited to, governmental immunity.
7. **Venue and Governing Law.** This Agreement is performable in Grayson County, Texas and venue of any action arising out of this Agreement shall be exclusively in Grayson County. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.
8. **Notices.** Any notice required by this Agreement shall be deemed to be properly served (i) three (3) days following deposit if deposited in the U.S. mail by certified letter, return receipt requested; (ii) on the next business day if sent by nationally recognized overnight delivery service; or (iii) upon receipt if transmitted by facsimile or electronic transmission, addressed to the recipient at the recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described.

CITY:

DESIGNEE: James M. Shankles, Jr., P.E.

ADDRESS: 220 W. Mulberry Street
Sherman, TX 75090

PHONE: 903-892-7622

FAX: 903-870-7802

DEVELOPER:

DESIGNEE: Kennis Ketchum

ADDRESS: 2616 Hibernia Street
Dallas, TX 75204

PHONE: 214-220-3100

FAX: 214-220-3133

9. **Legal Construction.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement. Although this Agreement is drafted by the City, should any part be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.
10. **Counterparts.** This Agreement may be executed in any number of counterparts, which may be transmitted originally or electronically, each of which shall be deemed an original and constitute one and the same instrument.
11. **Captions.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
12. **Successors and Assigns.** The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto, provided, however, this Agreement shall not be assigned by Developer without prior written approval by the City Manager of the City, which approval shall not be unreasonably withheld or delayed. City may assign or delegate any of its rights or obligations under this Agreement but the same shall not constitute a novation.
13. **Entire Agreement.** This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.

IN WITNESS WHEREOF parties have caused this Agreement to be executed in duplicate this _____ day of _____ 2007, with an original to each party.

Developer: Northside on Travis, Ltd. By

Sherman on Travis, Ltd. By

Portfolio Development, LLC. - GP

BY: *[Signature]* manager

NAME: Kennis Ketchum

TITLE: Manager

CITY OF SHERMAN

BY: _____

NAME: George Olson

TITLE: City Manager

ATTEST:

BY: _____

NAME: Linda Ashby

TITLE: City Clerk

APPROVAL RECOMMENDED:

James M. Shankles, Jr., P.E. City Engineer

Jeff Miller, Director of Engineering & Public Works

APPROVED AS TO FORM:

Doreen E. McGookey, City Attorney:

FUTURE INSTALLATION COST AGREEMENT

THIS FUTURE INSTALLATION COST AGREEMENT ("Agreement") is made and entered into as of this 27 day of July, 2007, by and between, **Northside on Travis, Ltd.** ("Developer") and the **CITY OF SHERMAN**, a Texas Political Subdivision, 220 W. Mulberry, Sherman, TX 75090 ("City"),

WHEREAS, Developer, subject to Article I, Paragraph 1 of the Development Agreement, will own the real property located in Grayson County, Texas and more particularly described in Exhibit A to the Developer's Agreement;

WHEREAS, Developer has agreed with City to construct streets, water and sewer lines and to otherwise develop the Subdivision as described in the Developer's Agreement;

WHEREAS the Developer desires that the City accept the streets, utilities, and other improvements as a part of the public facilities of the City and

WHEREAS, Developer recognizes that certain street improvements and/or water utility requirements will not be needed until sometime in the future;

NOW THEREFORE, in consideration of the mutual covenants and obligations herein, the parties agree as follows:

1. This Future Installation Cost Agreement is subject to the Condition Precedent set forth in Article I, Paragraph 1 of the Development Agreement.
2. The Funds. Concurrently with the execution and delivery of this Agreement, the Developer will deliver the following amount: \$107,520.00, being herein referred to as the "Funds," and direct that the same be held and used by the City as herein provided. The Funds represents the total amount that Developer would be required to deliver to the City, unless otherwise agreed to in writing by the parties to this Agreement. If any security other than cash is paid to the City to cover the cost of future street improvements, the security shall contain a provision for increasing the amount of the security at a rate of four (4%) percent per annum. Any Funds that are cash may be held in an interest bearing account.
3. City Shall Hold the Funds. Except as may be otherwise provided in this Agreement, the City shall hold the funds in an escrow account of local financial institution that names the City as a party to such account. The City may draw from the Funds at a point and time that the City Engineer, as defined in the Developer's Agreement, finds it necessary to complete the construction of any street improvements, water and sewer lines, or other utilities described the Developer's Agreement. The City agrees not to use the Funds for any other purpose other than what is set forth in this Agreement and the Developer's Agreement.

4. Construction. The Funds shall be used to assist in paying, either totally or partially, for the completion of any street improvements, water and sewer lines, or other utilities related to the attached Exhibit B, to the Developer's Agreement.
5. Counterparts. This Agreement is executed in counterparts, each of which shall be deemed an original and such counterparts shall constitute and be one and the same instrument.
6. Assignment of Interest. None of the Undersigned shall assign or attempt to assign or transfer his or its interest hereunder or any part hereof. Any such assignment or attempted assignment by any one or more of the Undersigned shall be in direct conflict and the City shall not be bound thereby.
7. Amendments. This Agreement cannot be amended or modified except by another agreement in writing signed by all the parties to this Agreement.
8. Headings. The paragraph headings contained herein are for convenience of reference only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement.
9. Governing Law. This Agreement shall be deemed to have been made and shall be construed and interpreted in accordance with the laws of the State of Texas.
10. Conflict. To the extent that there are any conflicts between the this Agreement and the Developer's Agreement, the provisions in the Agreement prevail over the provisions in the Developer's Agreement.
11. Notices. All notices entitled or required to be given under this Agreement shall be in writing and shall be sent by (a) United States certified mail, return receipt requested, postage paid or (b) commercial courier service guaranteeing next business day delivery and requiring receipt of delivery (such as Federal Express) to the following addresses:

CITY:

DESIGNEE: James M. Shankles, Jr., P.E.
ADDRESS: 220 W. Mulberry Street
Sherman, TX 75090
PHONE: 903-892-7622
FAX: 903-870-7802

DEVELOPER:

DESIGNEE: Kennis Ketchum

ADDRESS: 2616 Hibernia Street

Dallas, TX 75204

PHONE: 214-220-3100

FAX: 214-220-3133

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in multiple originals effective the day and date set forth above.

CITY OF SHERMAN

BY: _____

NAME: George Olson

TITLE: CITY MANAGER

DEVELOPER:

Northside on Travis, Ltd. By

Sherman on Travis, Ltd. By

Portfolio Development, LLC. - GP

BY: 

NAME: Kennis Ketchum

TITLE: Manager

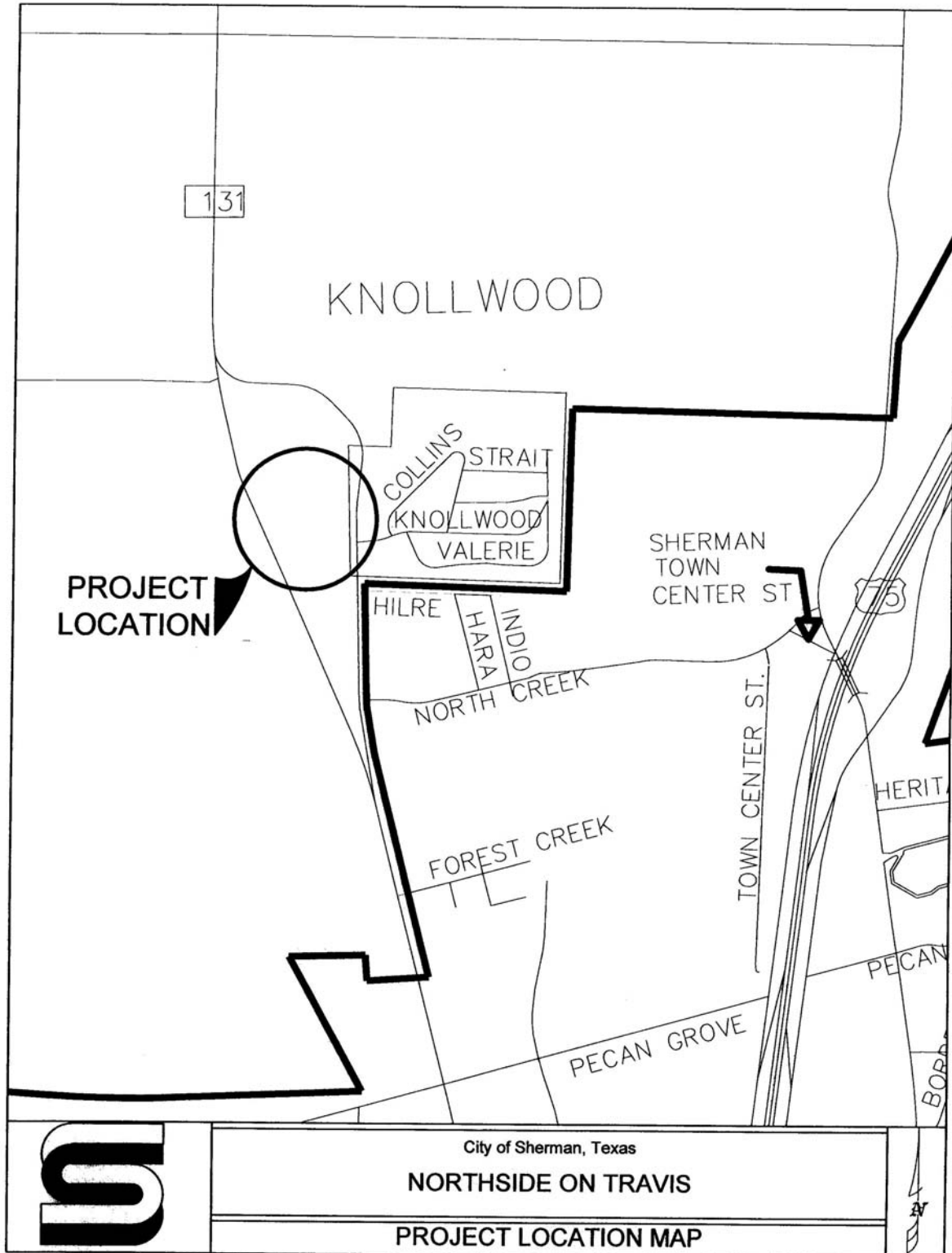
ATTEST:

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM:

DOREEN E. MCGOOKEY

CITY ATTORNEY





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5054**

**Approving the Use of the Proceeds of the Texoma Housing Finance Corporation
Single Family Mortgage Revenue Bonds, Series 2007 in the City, and Resolving
Other Matters in Connection Therewith**

Issue

To consider approval of the Texoma Housing Finance Corporation's use of proceeds from their Single Family Mortgage Revenue Bonds, Series 2007 in the City of Sherman

Background

The Texoma Housing Finance Corporation is a corporation under the umbrella of the Texoma Council of Governments (TCOG). The proceeds from this \$18,900,000 bond issuance would be used to provide lower interest rate and/or down payment assistance loans for first time, single-family homeowners in the Grayson, Cooke, and Fannin tri-County area.

Origination

Frances Pelley, TCOG Executive Director

Financial Consideration

No tax dollars would be used; and the City of Sherman has no financial responsibility.

Staff Recommendation

It is recommended that the City Council approve TCOG's request.

Alternatives

None recommended

Attachments

Resolution No. 5054
Certificate of City Clerk
TCOG Letter
Program Terms and Rate Program

Prepared by:
Robby Hefton, Director of Finance & Administration

Approved by:
George Olson, City Manager

RESOLUTION NO. 5054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE USE OF THE PROCEEDS OF THE TEXOMA HOUSING FINANCE CORPORATION SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 2007 IN THE CITY, AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH; 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 Commissioners Courts of Cooke, Fannin, and Grayson Counties, Texas, have jointly created a public nonprofit housing finance corporation designated as the Texoma Housing Finance Corporation (the "Corporation"); and,

WHEREAS, pursuant to the Texas Housing Finance Corporations Act, Chapter 394, Texas Local Government Code, as amended (the "Act"), the Board of Directors of the Corporation intends to issue bonds entitled "Single Family Mortgage Revenue Bonds, Series 2007" (the "Bonds"); and,

WHEREAS, Section 394.005 of the Act provides that certain cities, including the city of Sherman (the "City"), must approve the application of the Act to property within such cities in order to use Bond proceeds in such cities to fund mortgages; and,

WHEREAS, the City Council hereby finds and determines that such approval is in the best interests of the citizens of the City;

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

SECTION 1. The City Council, pursuant to the Act, including particularly Section 394.005, hereby approves the use of the proceeds of the Bonds to originate mortgages within the boundaries of the City.

SECTION 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 3. This Resolution shall become effective immediately upon its passage, and it is so enacted.

SECTION 4. 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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

1. On _____, 2007, the City Council (the “Council”) of the City of Sherman, Texas (the “City”), convened in regular session (the “Meeting”) at its regular meeting place in the City Hall of the City, the duly constituted members of the Council being as follows:

and all of such persons were present at the Meeting, except the following: _____, thus constituting a quorum. Among other business considered at the Meeting, the attached resolution (the “Resolution”) entitled:

was introduced and submitted to the Council for passage and adoption. After presentation and due consideration of the Resolution, a motion was made and seconded and the Resolution was carried by the following vote:

all as shown in the official Minutes of the Council for the Meeting.

2. The attached Resolution is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the City Council of the City on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Council was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, including the subject of the Resolution, was posted and given in advance thereof in compliance with the provisions of Texas Government Code, Chapter 551, as amended.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the City,
this _____, 2007.

**Linda Ashby, City Clerk
City of Sherman, Texas**

[SEAL]



Administration
& Finance
903-813-3510

Area Agency on
Aging
903-813-3574

Area
Information
& Access
2-1-1

Criminal Justice
& Emergency
Planning
903-813-3552

Economic
Development
903-813-3524

Public Housing
903-583-3336

Section 8
Housing
903-813-3536

Solid Waste
903-813-3577

Transportation/
Census
903-813-3534

Utility
Assistance
903-813-3541

Weatherization
903-813-3526

9-1-1
903-813-3570

July 25, 2007

Mayor Bill Magers
Sherman City Hall
P. O. BOX 1106
Sherman, TX 75091-1106

RE: Resolution for Texoma Housing Finance Corporation

Dear Mayor Magers:

The Texoma Housing Finance Corporation is developing an \$18,900,000 bond to make available lower interest rate and/or down payment assistance loans for first time homeowners. These loans will be available for single family homes throughout the three county region. Passage of the attached resolution will allow these loans to be written for first time homeowners in the city of Sherman. I have also included information that was provided by our financial consultant further elaborating this program.

Please do not hesitate to contact me at (903) 813-3512 if you have any questions or need further assistance.

Sincerely,



Frances Pelley, Executive Director
Texoma Council of Governments

PROGRAM TERMS AND RATE NOTICE

TEXOMA HOUSING FINANCE CORPORATION

SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM SERIES 2007-1

July 06, 2007

The Texoma Housing Finance Corporation (the "*Corporation*") and CitiMortgage, Inc., as master servicer and administrator (the "*Servicer*"), hereby propose the following terms and conditions for all of the participating Lenders under the Corporation's Single Family Mortgage Revenue Bond Program Series 2007 (the "*Program*"). Lender eligibility is defined in the Invitation and Application to Participate. Lenders must be approved by the Corporation and the Servicer. All conforming Mortgage Loans originated by the participating Lenders will be purchased and serviced by the Servicer. Capitalized terms not otherwise defined herein shall have the meanings assigned thereto in the Master Glossary.

Bond Issue	Series 2007-1 (the "<i>Bonds</i>").
Available Funding	\$18,910,000 is available to participating Lenders, subject to the reservation of funds for a specific period of time as described herein.
Program Start Date	The proceeds of the Bonds will not be available to purchase Mortgage Loans until the issue date of the Bonds, currently scheduled for August 29, 2007 . The Servicer will not purchase Mortgage Loans to be purchased with the proceeds of the Bonds from a Lender until the Servicer has received notification from the Corporation that the Lender has submitted all documentation required to originate Mortgage Loans, including an executed copy of the Offer, Certification and Acknowledgment and the Bond Lender Addendum, both of which were included as part of the Invitation and Application to Participate. As stated, the Corporation's commitment to purchase Mortgage Loans with the proceeds of the Bonds becomes effective on the issue date of the Bonds. Any Lender that closes a Mortgage Loan to be purchased with the proceeds of the Bonds before August 29, 2007, assumes the risk that the Bonds may not be issued and that the Servicer will not purchase that Mortgage Loan.
Program Area	Bond proceeds may be used to finance Mortgage Loans for the purchase of Residences throughout the Program Area including the counties of Cooke, Fannin, and Grayson.

Mortgage Loan Purchase Standards	The Servicer will use its best efforts to meet the following loan purchase standards: (i) Mortgage Loans received will be reviewed within six business days; (ii) all pending items received will be reviewed within two business days; (iii) all files found eligible for purchase will be funded within two business days.		
Lender Compensation	Lenders are to retain a 1.00% Origination Fee and a 1.00% Discount Point at the close of escrow for a total of 2.00% in compensation. Lenders may charge fees and expenses that are reasonable and customary. Lenders may charge document preparation fees so long as those fees do not exceed the usual and reasonable fees for document preparation that would be charged if the financing were not provided with tax-exempt bonds.		
State Law Requirements	State law requires the limited availability of loans for manufactured housing and for Mortgagors with incomes below 100% of the state median income. Under this Program, the Servicer will monitor overall reservations to assure that: (i) 30% of the funds is available for up to 60 days from the issue date of the Bonds for Mortgagors with incomes below the state median, and (ii) 10% of the funds is available to finance the purchase of manufactured homes for up to three months from the issue date of the Bonds.		
Income Limits		<u>2 or less</u>	<u>3 or more</u>
	Non-Targeted Areas	\$54,300	\$62,445
	Targeted Areas	N/A	N/A
Income Information	The Mortgagor's annualized Household Income cannot exceed the established Program Income Limits as defined above. Under federal tax law, qualifying income is based on Household Income, which means, for Mortgagors, the annualized gross income of the Mortgagor and any person 18 years of age or older who is expected to live in the home whether or not secondarily liable on the Note. The gross monthly income is the sum of the monthly pay, any additional income from sources including but not limited to overtime, part-time employment, bonuses, dividends, disability, VA compensation, alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, business income and rental income. <u>The definition of Household Income for purposes of the Program may not be consistent with the methodology used under FHA, Fannie Mae or Freddie Mac underwriting guidelines and, therefore, may not always be the same as the Lender's underwriting income used to qualify the Mortgagor.</u>		
Loan Underwriting	Mortgagor's qualifying Household Income must be calculated in accordance with FHA, VA, RHS, Fannie Mae or Freddie Mac and Program underwriting guidelines. Loan Prospector (LP) and Desktop Underwriter (DU) may be used in accordance with FHA, Fannie Mae and Freddie Mac guidelines.		
Acquisition Cost Limits		<u>One-Family Residence</u>	<u>Two-Family Residence</u>
		\$237,031	\$303,451

Eligible Mortgagors	Except for Mortgagors who are Qualified Veterans, the Mortgagor may not have owned a principal residence during the three years preceding the origination of the Mortgage Loan. The Mortgagors must occupy the property within 60 days of the close of escrow, must occupy the property as their primary residence, and not intend to use the property for investment or income producing purposes. The Mortgagor must not have received a mortgage loan financed, directly or indirectly, from the proceeds of bonds issued by the Corporation during the three years preceding the origination of the Mortgage Loan.
Qualified Veteran	A "Qualified Veteran" is a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable (as provided in 38 U.S.C. Section 101) who has not previously obtained a loan financed by single family mortgage revenue bonds utilizing the veterans exception to the 3-year requirement set forth in Section 416 of the Tax Relief and Health Care Act of 2006.
Eligible Properties	Single-family, owner-occupied, residential dwellings, including single family detached housing, PUDs, duplexes (subject to certain restrictions), condominiums, townhouses and manufactured homes. Three- and four-unit residences are not eligible for financing under the Program.
Minimum Homebuyer Contribution	The Mortgagor may be asked to make a minimum contribution in accordance with FHA, VA, RHS, Fannie Mae and Freddie Mac guidelines with respect to the particular loan product being used.
Loan Purchase Period/ Final Loan Purchase Date	August 29, 2007 through August 28, 2009 (unless extended at the option of the Corporation).
Federal Recapture	Mortgagors may be subject to the federal recapture tax under certain conditions if the property is sold within the first nine years.
Assumptions/Refinance	Government Loans, Fannie Mae-eligible and Freddie-Mac-eligible Mortgage Loans originated under this Program are assumable by another qualified Mortgagor as long as such Mortgagor meets the Program terms and conditions at the time of assumption.
Compliance Review	All Mortgage Loans are to be registered by the Lender via the Website. Following underwriting approval of a Mortgage Loan, the Underwriter shall use the Website to execute an Underwriter's Certification. Upon completion of the Underwriter's Certification, the Lender is free to close the Mortgage Loan. The Lender is charged with making those examinations or investigations necessary to determine that all of the requirements of FHA, VA, RHS, Fannie Mae or Freddie Mac are met. The Lender is further charged with determining that the Mortgage Loan file meets Program requirements as outlined in the Master Origination Guide. Within 30 days of the Mortgage Loan closing, the Lender will submit a closed Mortgage Loan package for final compliance review to the Servicer. The Servicer will review the file for compliance with Program guidelines and will note any Mortgage Loan exceptions on the Website.

Servicer Fees	The Servicer will collect the cost of obtaining a tax service contract, which will be deducted from the funding amount at the time of purchase. The fee is currently \$80. Each Mortgagor (or Seller) will also be charged a Bond Application Fee of \$225 payable to the Servicer. These fees will be netted out at loan purchase and must be disclosed as "payable to CitiMortgage, Inc" on the HUD-1 Statement.
Temporary Buydown	Permitted, subject to FHA or Fannie Mae or Freddie Mac guidelines. The Second Loan proceeds may <u>not</u> be used for this purpose.
Co-Signers/Co-Mortgagors	Co-signers - someone who signs the Note but not the Mortgage - are permitted in accordance with FHA, VA, RHS, Fannie Mae and Freddie Mac guidelines. Non-occupant co-Mortgagors are <u>not</u> permitted.

Lender Obligations Regarding Mortgage Loans

1. The Lender hereby represents and warrants to the Servicer each of the representations and warranties of the Lender contained in Article II of the Master Origination Guide relating to the Mortgage Loans originated by the Lender. The Servicer will enforce the provisions of the Master Origination Guide relating to Mortgage Loans on behalf of the Corporation.
2. Except for a first payment default, the Servicer will not require the Lender to repurchase the Mortgage Loan solely because of subsequent payment defaults. However, if the Mortgage Loan is found to be fraudulent, defective or does not meet Program or applicable FHA, GNMA, Fannie Mae or Freddie Mac requirements, the Mortgage Loan is subject to repurchase.

[Remainder of page intentionally left blank.]

Approved and accepted on this 6th day of July, 2007.

TEXOMA HOUSING FINANCE CORPORATION

By: _____
Title: _____

CITIMORTGAGE, INC.

By: _____
Title: _____

[Signature Page to Program Terms and Rate Notice]



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 5055**

**Authorizing Execution of a Utility Easement Encroachment at Lot 5R-2, Block 1
of the Replat of Lot 5, Block 1 of the Cornerstone Addition (2622 U.S. Highway 75 North)
in the City of Sherman**

Issue

To consider an encroachment into a utility easement for the construction of a monument sign in the Cornerstone Addition

Background

Dr. Charles Phelps obtained a variance at the July meeting of the Planning & Zoning Commission to allow a ten (10') foot setback in lieu of the required forty (40') foot or twenty-five (25') foot setback plus the height of the structure, whichever is greater, in order to construct a monument sign. The proposed sign will be located within a 25' x 25' wide utility easement.

Origination

Dr. Charles Phelps

Financial Consideration

None

Staff Recommendation

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

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5055

Encroachment Easement

Exhibit "A"

Request Letter from Dr. Charles Phelps

Location Map

Prepared by:

Jeff Miller, Director of Public Works/Engineering

Approved by:

George Olson, City Manager

RESOLUTION NO. 5055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A UTILITY EASEMENT ENCROACHMENT AT LOT 5R-2, BLOCK 1 OF THE REPLAT OF LOT 5, BLOCK 1 OF THE CORNERSTONE ADDITION (2622 U.S. HIGHWAY 75 NORTH) IN THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute a utility easement encroachment in the Cornerstone Addition, in substantially the same form as presented at this meeting, for a monument sign, in accordance with the field notes and the survey approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

UTILITY EASEMENT ENCROACHMENT

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

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **DR. CHARLES PHELPS** of Sherman, Texas, hereinafter called "GRANTEE", a utility easement encroachment to construct a monument sign at Lot 5R-2, Block 1 of the Replat of Lot 5, Block 1 of the Cornerstone Addition (2622 U.S. Highway 75 North) within the City of Sherman as shown on the sketch marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said utility easement encroachment shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying a utility easement encroachment to GRANTEE, their successors and assigns, for the limited purpose of constructing a monument sign in a utility easement herein described, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the monument sign in the right-of-way shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

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

Release. In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the monument sign and loss of use of such area.

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

EXECUTED this the _____ day of _____, A.D., 2007.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 2007.

**NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS**

APPROVED AS TO FORM:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

[illegible]

July 17, 2007

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

Attn: Scott Shadden

REF: Signage on property located at 2622 US Highway 75 North

Dear Scott:

I am requesting an encroachment from the Sherman City Council for the proposed signage installed along the utility easement.

Respectfully,

A handwritten signature in dark ink, appearing to read 'C. Phelps', with a long horizontal flourish extending to the right.

Dr. Charles Phelps
4303 Sierra Dr.
Denison, TX 75020





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5056**

Authorizing Execution of a Utility Easement Encroachment at Lot 1 of the Replat of Lots 1 & 2 of the Replat of Lot 2 of the Replat of Lot 1B of Post Oak Crossing Addition, for a Monument Sign at 3425 North F.M. 1417 in the City of Sherman

Issue

To consider an encroachment into a 20' utility easement for the construction of a 6' high monument sign in the Post Oak Crossing Addition

Background

First Texoma National Bank obtained a variance at the July meeting of the Planning & Zoning Commission to allow a fifteen (15') foot setback in lieu of the required twenty-five (25') foot setback in order to construct a monument sign. The proposed sign will be located within a 20' wide utility easement.

Origination

First Texoma National Bank

Financial Consideration

None

Staff Recommendation

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

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5056

Encroachment Easement

Exhibit "A"

Request Letter from First Texoma National Bank

Location Map

Prepared by:

Jeff Miller, Director of Public Works/Engineering

Approved by:

George Olson, City Manager

RESOLUTION NO. 5056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A UTILITY EASEMENT ENCROACHMENT AT LOT 1 OF THE REPLAT OF LOTS 1 & 2 OF THE REPLAT OF LOT 2 OF THE REPLAT OF LOT 1B OF POST OAK CROSSING ADDITION, FOR A MONUMENT SIGN AT 3425 NORTH F.M. 1417 IN THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute a utility easement encroachment in the Post Oak Crossing Addition, in substantially the same form as presented at this meeting, for a monument sign, in accordance with the field notes and the survey approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

UTILITY EASEMENT ENCROACHMENT

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

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **FIRST TEXOMA NATIONAL BANK** of Sherman, Texas, hereinafter called "GRANTEE", a utility easement encroachment to construct a monument sign at Lot 1 of the Replat of Lots 1 & 2 of the Replat of Lot 2 of the Replat of Lot 1B of Post Oak Crossing Addition. (3425 FM Hwy 1417 North) within the City of Sherman as shown on the sketch marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said utility easement encroachment shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying a utility easement encroachment to GRANTEE, their successors and assigns, for the limited purpose of constructing a monument sign in a utility easement herein described, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the monument sign in the right-of-way shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

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

Release. In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the monument sign and loss of use of such area.

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

EXECUTED this the _____ day of _____, A.D., 2007.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

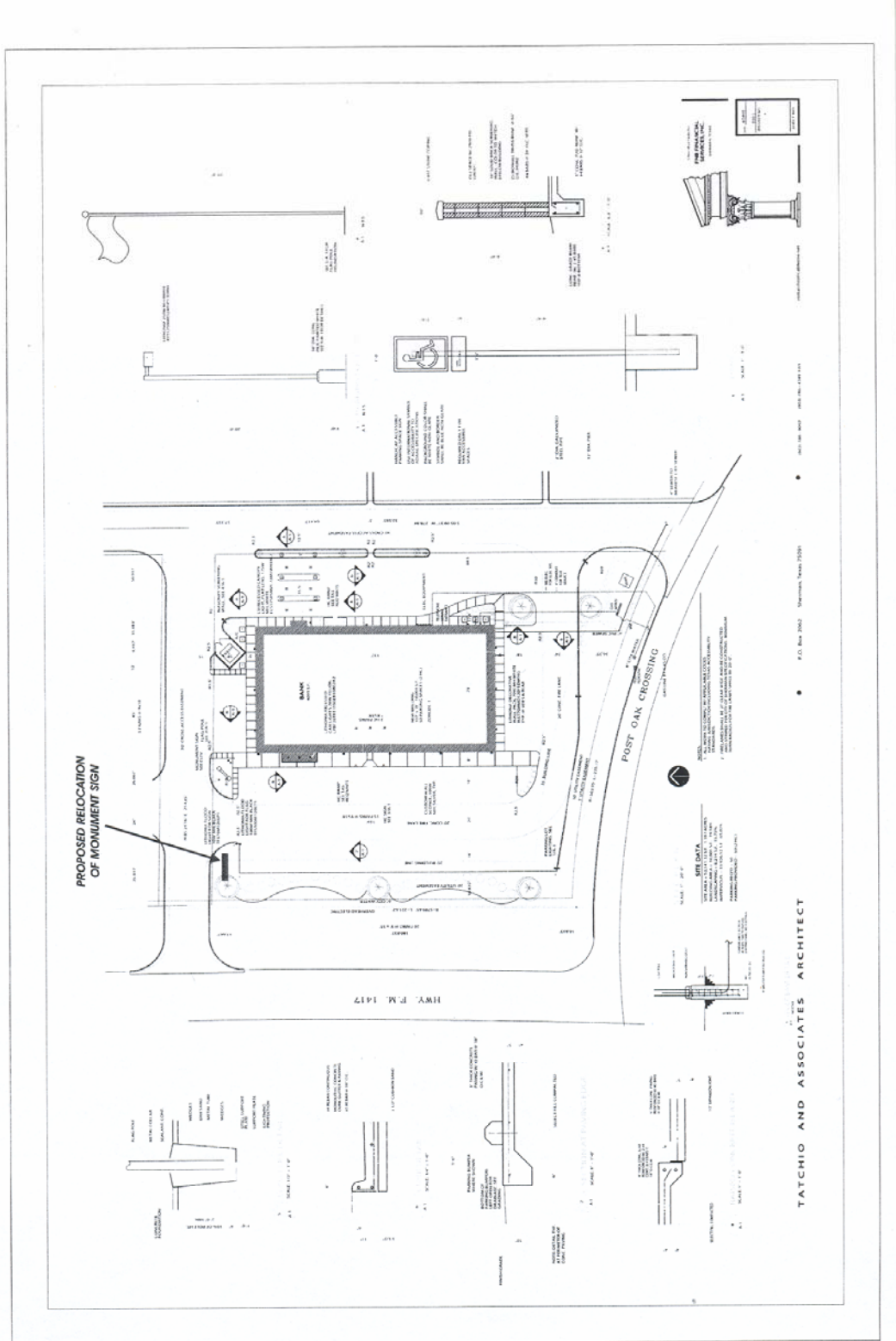
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 2007.

**NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS**

APPROVED AS TO FORM:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

EXHIBIT "A"



July 17, 2007

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

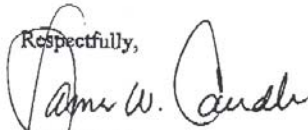
Attn: Scott Shadden

REF: Signage on property located at 3425 FM 1417 North (Heritage Parkway)

Dear Scott:

I am requesting an encroachment from the Sherman City Council for the proposed signage installed along the utility easement along the highway right of way.

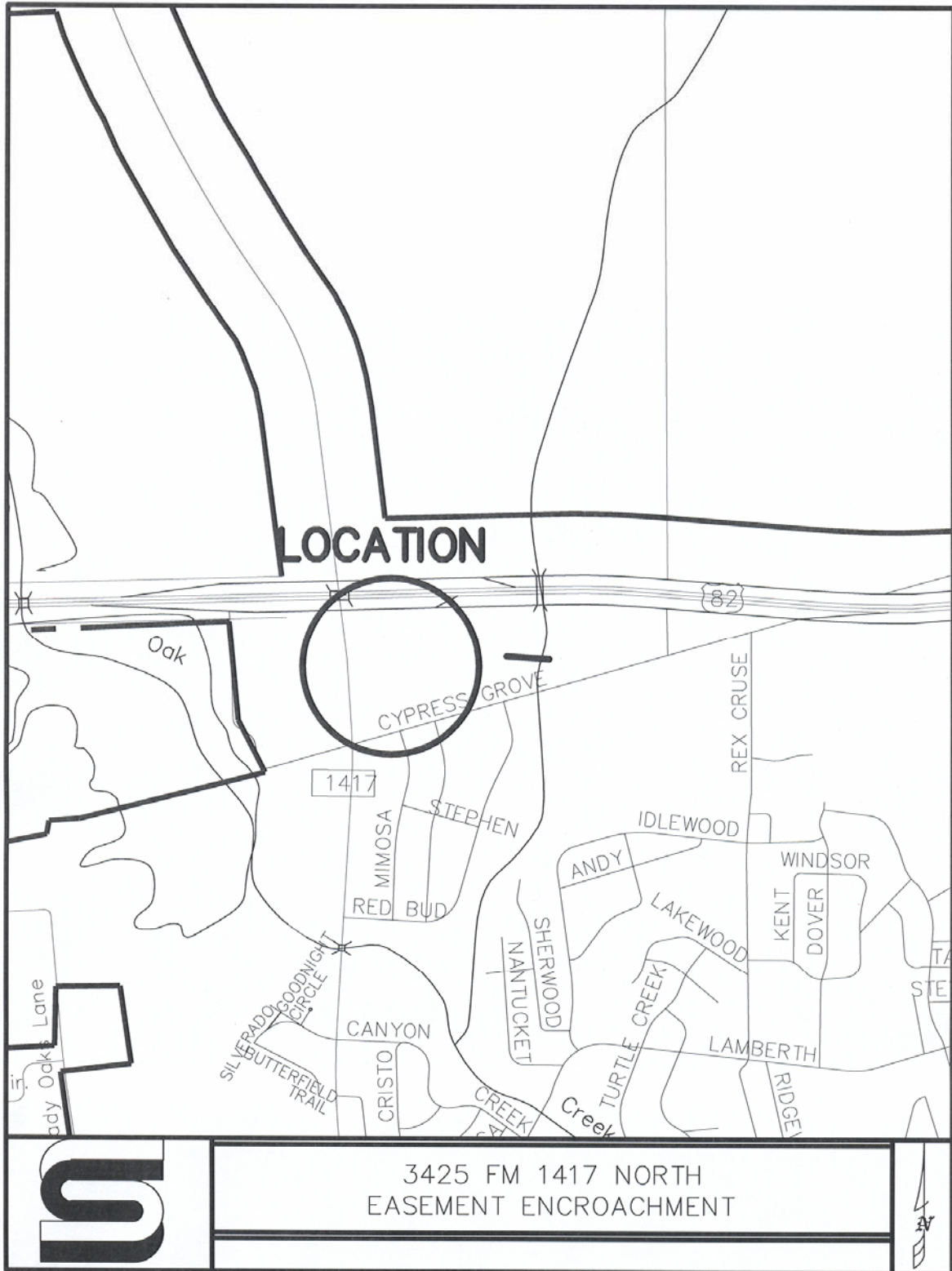
Respectfully,



James Caudle

First Texoma National Bank
3401 FM 1417 North
Sherman, TX 75090

580/924-4242





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.6

*** RESOLUTION NO. 5057**

**Authorizing Greater Texoma Utility Authority to Contract with Jerry Paul Higgins, Ltd.
for the Lockhart Street Water Main Replacement**

Issue

To approve a resolution authorizing the Greater Texoma Utility Authority (GTUA) to contract with Jerry Paul Higgins, Ltd. for the Lockhart Street Water Main Replacement

Background

The current Capital Improvement Program contains a project to replace and upsize the Lockhart Street Water Main between Belden Street and Taylor Street, and between Pelton Street and Lamberth Road. Five (5) bidders responded to the request for bids. A bid tabulation is attached.

Origination

Department of Utilities Administration

Financial Consideration

Funding for the project in the amount of \$195,970.89 will be provided through GTUA.

Staff Recommendation

It is recommended that the City Council approve the resolution authorizing GTUA to contract with Jerry Paul Higgins, Ltd. for the Lockhart Street Water Main Replacement.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5057

Engineer's Recommendation

Bid Tabulation

Location Map

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING GREATER TEXOMA UTILITY AUTHORITY TO CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR THE LOCKHART STREET WATER MAIN REPLACEMENT; 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 Greater Texoma Utility Authority is hereby authorized to contract with Jerry Paul Higgins, Ltd. for the Lockhart Street Water Main Replacement, between Belden Street and Taylor Street, and between Pelton Street and Lamberth Road, in the amount of One Hundred Ninety-Five Thousand Nine Hundred Seventy Dollars and Eighty-Nine Cents (\$195,970.89).

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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

MORRIS ENGINEERS

July 17, 2007

Jerry Chapman, General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

**RE: Lockhart Water Line Replacement for the City of Sherman, Texas
Recommendation of Award**

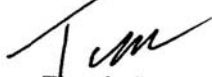
Dear Jerry,

Bids were received on July 12, 2007 for the construction of the Lockhart Water Line Replacement for the City of Sherman. The bids were in response to an Advertisement for Bids dated June 19, 2007, which was published in the Herald-Democrat by the Authority. Individual bidding notices were mailed to twelve (12) contractors. During the bidding period, five (5) prospective bidders picked up plans and specifications. A total of five (5) bids were received. Enclosed is a tabulation of those bids.

The lowest bid was submitted by Jerry Paul Higgins, Ltd., of Sherman, Texas, for the amount of \$195,970.89. Based on my prior experience with this contractor, I believe him to be responsible and competent. I recommend that you award the project to Jerry Paul Higgins, Ltd. for the amount bid.

I have enclosed a Notice of Award for your use in awarding the contract. If you will sign, date, and return the notice to me, we will forward it to the contractor along with contracts for execution.

Sincerely,



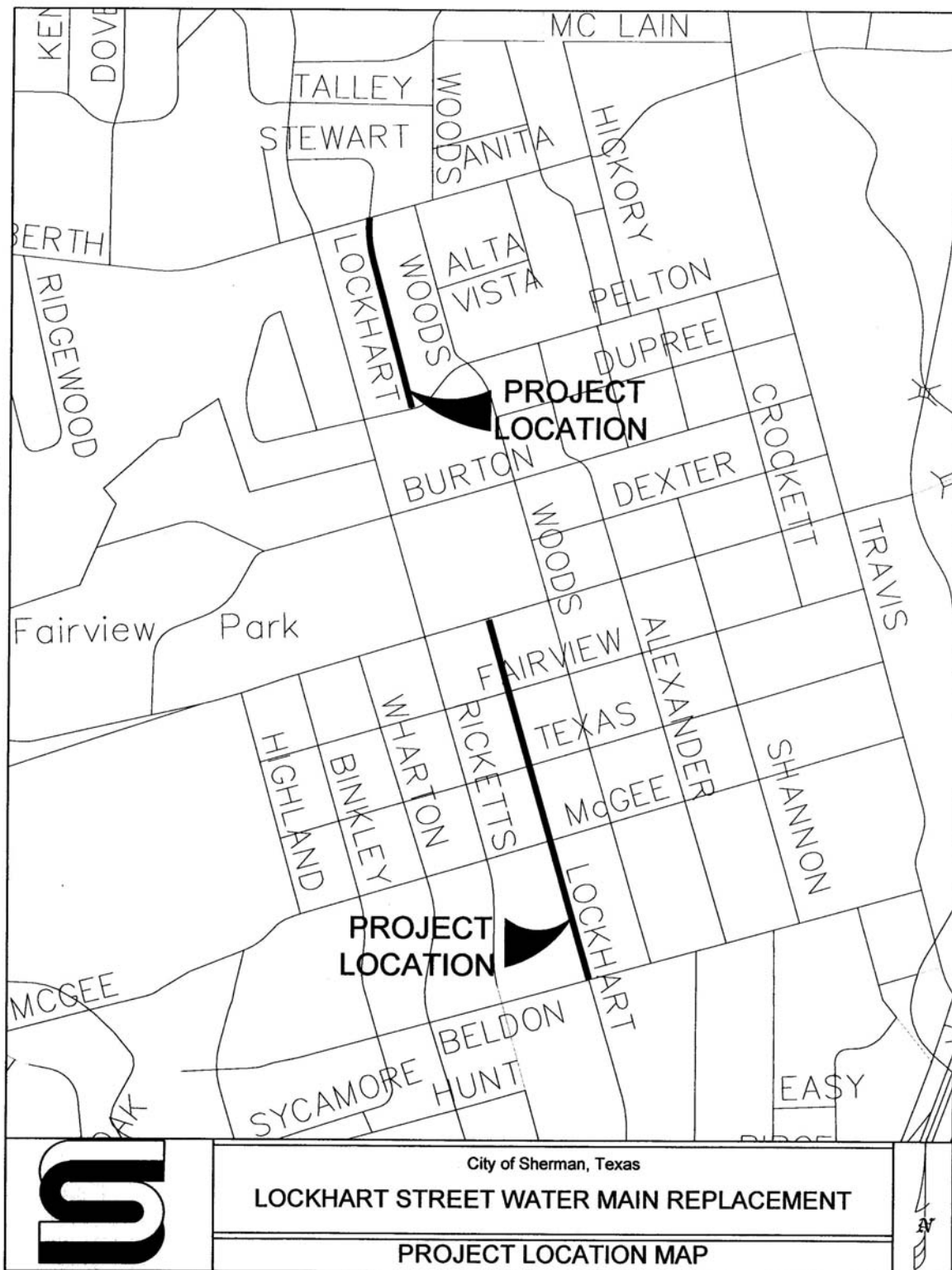
Timothy L. Morris, P.E.

Enclosures

c: Mark Gibson, P.E., Director of Utilities, City of Sherman
Jerry Paul Higgins, Ltd.
Project file

BID TABULATION
GREATER TEXOMA UTILITY AUTHORITY
LOCKHART STREET WATER LINE REPLACEMENT
FOR THE CITY OF SHERMAN, TEXAS
BID OPENING: JULY 12, 2007 AT 10:00 A.M.

CONTRACTOR	TOTAL BID AMOUNT
J. P. Higgins, LTD P.O. Box 1865 Sherman, TX 75091-1865	\$195,970.89
B&R Excavations & Utility 10633 John W. Elliott Drive Frisco, TX 75034	\$202,555.59
Lynn Vessels Construction P.O. Box 1212 Sherman, TX 75091	\$219,928.54
Dickerson Construction P.O. Box 181 Celina, TX 75009	\$272,008.00
Howard Construction P.O. Box 1685 Ardmore, OK 73402-1685	\$284,304.00





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.7

*** RESOLUTION NO. 5058**

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

Issue

To renew the guidelines and criteria established for the Central Business District Tax Abatement Program

Background

Every two years, the City Council is required to pass a new resolution to keep the Central Business District Tax Abatement Program active. This program was first adopted at the City Council's July 6, 2004 meeting. At the August 1, 2005 meeting, the City Council revised the program's guidelines and criteria to promote the development or redevelopment of commercial structures in the Central Business District, whether they be retail, service, or professional in purpose, with improvements valued in excess of \$25,000.00. A certificate of occupancy must be issued to qualify; and the City Council has the opportunity to review and approve all tax abatement applications. Once approved, 100% of taxes on the improvements only are abated for five (5) years.

Origination

Mayor and City Council

Financial Consideration

There is no immediate financial impact to renewing the guidelines and criteria. The impact of a particular abatement is judged when the abatement agreement is presented to the City Council for approval.

Staff Recommendation

It is recommended that the City Council approve Resolution No. 5058 to renew the Central Business District Tax Abatement Program.

Alternatives

The City Council could decide not to participate in this tax abatement program or could revise the guidelines and criteria.

Attachments

Resolution No. 5058

Location Map

Prepared and Approved by:
George Olson, City Manager

RESOLUTION NO. 5058

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

WHEREAS, the City Council of the City of Sherman, Texas, desires to promote the development/redevelopment of the Central Business District within its jurisdiction; and

WHEREAS, the City of Sherman, Texas, is authorized to enter into Tax Abatement Agreements for commercial-industrial or residential purposes as authorized by Chapter 312 of the Texas Property Tax Code; and

WHEREAS, the Code requires the City of Sherman, Texas, to renew its guidelines and criteria for the designation of reinvestment zones for Tax Abatement Agreements;

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

SECTION 1. That the City of Sherman, Texas, declares it is eligible for and intends to renew its Tax Abatement Program.

SECTION 2. That the City of Sherman, Texas, hereby renews the following Guidelines and Criteria for Tax Abatement for use in its Tax Abatement Program:

CITY OF SHERMAN TAX ABATEMENT GUIDELINES AND CRITERIA

GENERAL PURPOSE AND OBJECTIVES

The City of Sherman is committed to an expansion of its tax base, an increase to its population, the promotion of development in all parts of the City, and to an ongoing improvement in the quality of life for its citizens. As these objectives are generally served by the enhancement and expansion of the local economy, the City of Sherman will offer a downtown tax abatement as a stimulus for economic development in Sherman. The policy of the City of Sherman is to make downtown tax abatement available to new structures and to the modernization of existing structures. It is the policy of the City of Sherman that such tax abatement will be provided in accordance with the procedures and criteria outlined in this document and as permitted by State statute. The guidelines and criteria herein adopted shall expire two (2) years from and after adoption. The provisions herein are severable and, if any provision or requirement of these guidelines or criteria is declared or found to be illegal or invalid, such illegality or invalidity shall not affect the remaining provisions, since the City Council would have adopted these guidelines and criteria without the incorporation of the portions found to be invalid.

DEFINITION OF TERMS

Act — means the Property Redevelopment and Tax Abatement Act, Texas Tax Code Ann. 312.001, et seq., as amended from time to time.

Agreement — means a contractual agreement between a property owner and the City of Sherman for the purposes of tax abatement.

Applicant — means an owner of real property who requests tax abatement in accordance with these guidelines.

Base Year Value — means the assessed value of eligible property on January 1 preceding the date of execution of the agreement.

Economic Life — means the number of years a property improvement is expected to be in service.

Modernization — means the replacement, expansion and upgrading of commercial improvements for purposes of reconditioning, refurbishing or expanding.

New Structure — means commercial improvements made to a property previously undeveloped which is placed into use by means other than or in conjunction with expansion or modernization.

Reinvestment Zone — means a contiguous geographic area in the jurisdiction of the municipality in which tax abatements may be granted to promote commercial development or redevelopment if the governing body determines that commercial development or redevelopment would not occur solely through private investment in the reasonably foreseeable future.

Commercial Improvements — means the construction of commercial building(s), and all the appurtenances thereto, whether retail, service, or professional in purpose, and includes modernization and new structures.

Total Facility — means all buildings and structures along with the appurtenances thereto.

ELIGIBILITY

A new structure or modernization of a structure anywhere within the Central Business District of Sherman of a value in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) may receive abatement. As provided in the Act, abatement may only be granted for the value of eligible property subsequent to and listed in an abatement agreement between the City of Sherman and the property owner.

Eligible Property — Abatement will be extended to the increased value of real estate, buildings, structures, and site improvements along with the appurtenances thereto. A Certificate of Occupancy issued by the City of Sherman's building official must be obtained at the completion of each project for it to be eligible for abatement.

Value and Term of Abatement — Upon determination that all requirements for tax abatement have been satisfied by the applicant, the value and terms of the abatement will be for a period of five (5) years in accordance with the following schedule for the abatement of taxes on the added value above the base year value. Abatement shall be granted effective with the January 1 valuation date immediately following the date of completion of the improvements. Applicant agrees that the eligible property for which the abatement is granted shall be occupied and operational during the entire abatement period.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
1	100%
2	100%
3	100%
4	100%
5	100%

CRITERIA

Any request for tax abatement shall be reviewed for completeness. The City staff shall determine whether the application satisfies the guidelines and criteria. Tax abatement shall be based upon an evaluation of the following criteria which each applicant will be requested to address in narrative format:

Fiscal Impact

Addition of real property improvements to the tax rolls.

No utility construction by the City would be required other than routine.

Community Impact

The project is compatible with the City's comprehensive plan.

No adverse environmental impact will be created by the project.

PROCEDURES

Any person, partnership, organization, corporation or other entity desiring that the City of Sherman consider providing tax abatement to encourage location within the Central Business District of Sherman shall be required to comply with the following procedural guidelines:

1. Preliminary Application Steps

- A. Applicant shall submit an "Application for Tax Abatement" contemporaneously with the application for a building permit, and shall pay a filing fee of \$75.00 to cover publication, notice cost, review and processing. If the applicant for the building permit is not the owner of the real estate and does not make application for tax abatement on behalf of the owner, the City staff shall notify the owner by certified mail, return receipt requested, that tax abatement must be filed with the City within ten (10) business days of receipt of the notice.

- B. If the applicant does not wish to apply for tax abatement at the time that the building permit is issued or if the owner fails to respond to the written notice of availability for tax abatement, the opportunity for tax abatement is waived. The staff shall prepare forms necessary to reflect the refusal of an applicant to participate and to document the lack of response by the owner to the written notice. The refusal or waiver to participate in tax abatement by the owner or applicant shall be binding on subsequent owners of the real property.
 - C. The City may request applicant to provide substantiation of economic feasibility of the overall project to assist in determining the long-term benefit to the City.
 - D. A complete legal description shall be provided.
 - E. Applicant shall complete all forms and information detailed above and submit them to the City of Sherman.
2. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
- If necessary, applicant will meet with City to discuss details of the application and prepare for presentation of application to the City Council.
3. The application shall include the total capital investment for real property improvements and type of project.

LEGAL DOCUMENTATION PREPARATION

The City will be responsible for drafting the proposed agreement pursuant to the approved Tax Abatement, as well as all associated documentation.

The legal document is to include the following:

- 1. Estimated value of modernization or new construction to be abated.
- 2. Percent of value to be abated each year.
- 3. Commencement date and the termination date of abatement.
- 4. Proposed use of the facility, nature of construction, time schedule, map, property description and improvements list as provided in the application.
- 5. Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture and administration.

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 _____, 2007.

CITY OF SHERMAN, TEXAS

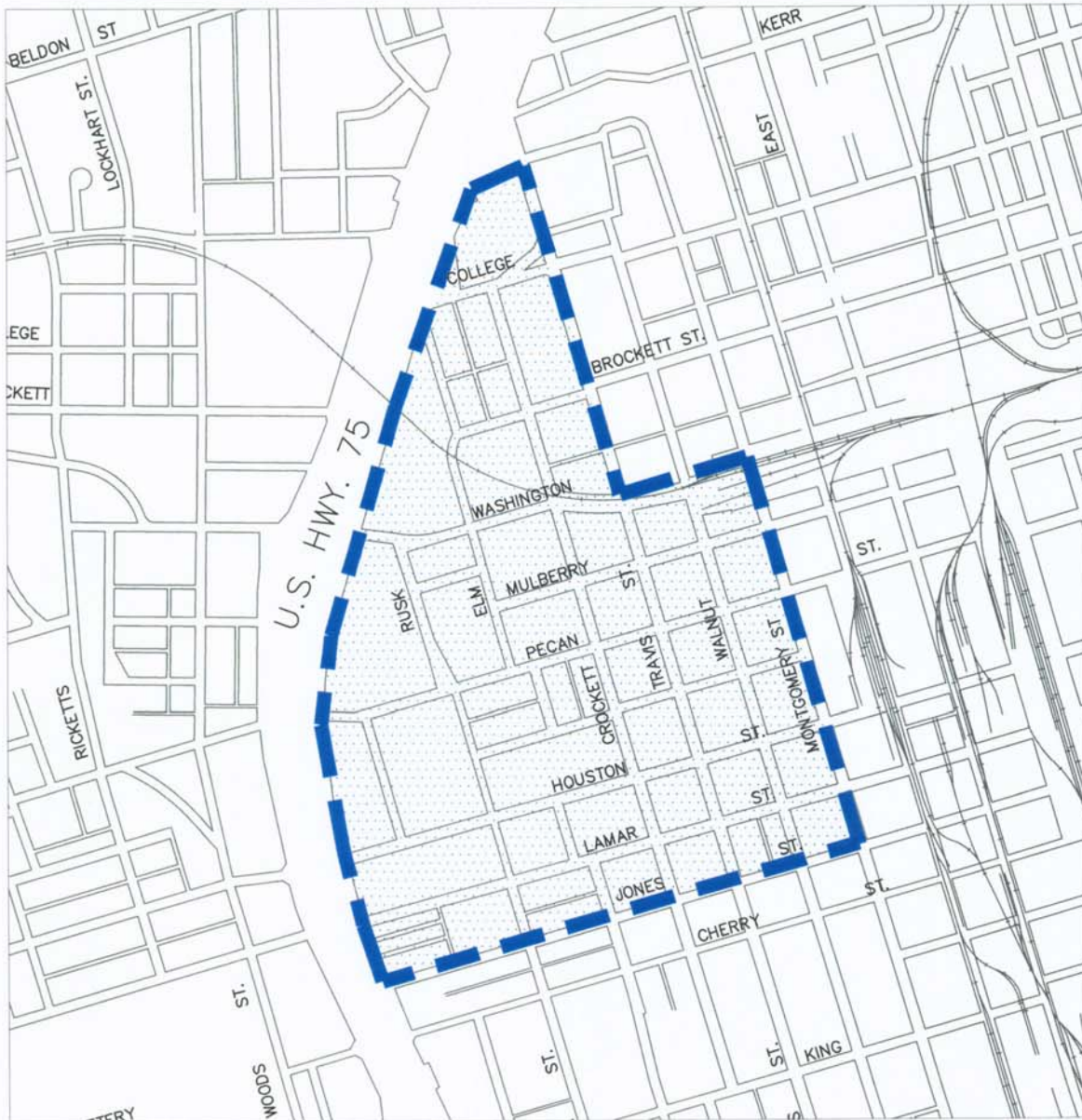
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY



CITY OF SHERMAN, TEXAS

THE TAX REINVESTMENT ZONE
FOR THE CENTRAL BUSINESS DISTRICT

Department of Developmental Services





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.8

*** RESOLUTION NO. 5059**

**Authorizing the Execution of an Agreement with TXA Holdings Properties, LP
for the Abatement of Ad Valorem Property Taxes for the Construction of a
New Single-Family Residence at 608 North Branch Street**

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 608 North Branch Street.

Background

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

Origination

TXA Holdings Properties, LP, Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$256.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5059
Residential Tax Abatement Agreement
Application
Building Permit Application
Location Map

Prepared by:
Robby Hefton, Director of Finance/Administration

Approved by:
George Olson, City Manager

RESOLUTION NO. 5059

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TXA HOLDINGS PROPERTIES, LP FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 608 NORTH BRANCH STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from TXA Holdings Properties, LP, and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with TXA Holdings Properties, LP for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 608 North Branch Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

**_____
DOREEN E. MCGOOKEY,
CITY ATTORNEY**

THE STATE OF TEXAS
COUNTY OF GRAYSON

§
§
§

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as **CODE**; and

WHEREAS, the **CITY** has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, **OWNER** is prepared to comply with the provisions of the **CITY'S** guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, **CITY** hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of **OWNER** in the **CITY** over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback

taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being 2/3rds of Lot 5, Block 6 of the G.W. Bond's Second Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 608 North Branch Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

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

XI.

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

XII.

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

City of Sherman
PO Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

TXA Holdings Properties, LP
c/o Benny J Risner
12651 Briar Forest Drive #190
Houston, TX 77077
(281) 808-1213

Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the

19th day of July, 2007.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
TXA HOLDINGS PROPERTIES, LP

BY: _____
GEORGE OLSON
ACTING CITY MANAGER

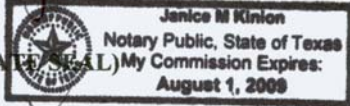
ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

DOREEN E. MCGOOKEY
CITY ATTORNEY

BY: Benny Risner
NAME: Benny G. Risner
TITLE: Signor

(CORPORATE SEAL)  Janice M. Kinton
Notary Public, State of Texas
My Commission Expires:
August 1, 2009

Notary Public: Janice M. Kinton
Commission Exp. August 01, 2009
License No (where applicable): 01090149-2

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: TXA Holdings Properties, LP
Mailing Address: 12651 Briar Forest Dr. #190 Houston, TX 77077
Telephone Number: 281-808-1213

Contact (if different than owner):

Name: Benny Risner
Mailing Address: 12651 Briar Forest Dr. #190 Houston, TX 77077
Telephone Number: 281-808-1213

Property:

Physical Address: 608 N. Branch St. Sherman, TX 75090
Summary Legal Description: Lot: 5 Block: 6 Addition: Bonds Addition

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

N 2/3 of Lots 5/6 w. Bonds Addition

Improvements:

Type of Improvements (please check one): New Construction: ☒ Remodeling: ☐

Estimated Value of Improvements: \$64,000

Estimated Date of Start of Construction: 7-9-07

Estimated Date of Completion of Project: 9-30-07

Description of Project: Single family home

Applicant(s): Benny Risner Date: 7-13-07

SHERMAN



P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER

375

OCCUPANCY NUMBER

233

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME 668 W. Brown St.		SUBDIVISION OR SURVEY N. 2/3 of Lot 56 W. Bonds		LOT 5	BLOCK 6	CENSUS TRACT
	FLOOD ZONE BASE FLOOD ELE. 1ST FLOOR ELE.		E. ZONING FIRE ZONE PLANS		TIME TO COMPLETE _____ DAYS		
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		new residential 3/2/1 single Family Home				
	2 ☐ ALTERATION		H.V.A.C. - 4 star Heat & A/C				
	3 ☐ REPAIR, Replacement		Plumbing - Brown's Plumbing				
	4 ☐ MOVING (relocation)		Electrical - Beste Electric				
III BUILDING SPECS.	B. OWNERSHIP		C. COST \$ 64,800.00				
	1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)		D. FEE N/C				
	2 ☐ PUBLIC (Federal, state, or local government)		25.00 STORM WTR. FEE				
	Sq. Ft. { Main Bldg. _____						
	Accs. Bldg. _____						
IV IDENTI- FICATION	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing)		☒ PUBLIC OR PRIVATE CO.		Number of Stories 1		
	☒ WOOD FRAME		☐ INDIVIDUAL (Septic tank, etc.)		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS		
	☐ STRUCTURAL STEEL		I. TYPE OF WATER SUPPLY		TOTAL LAND AREA SQ. FT.		
	☐ REINFORCED CONCRETE		☒ PUBLIC OR PRIVATE CO.		L. No. OFF-STREET PARKING SPACES		
V SIGNATURE OF APPLICANT	☐ OTHER - SPECIFY _____		☐ INDIVIDUAL (well, cistern)		ENCLOSED 1		
	G. Principal Type of Heating Fuel		J. ADDITIONAL INFO		OUTDOORS 2		
	☐ GAS ☐ OIL		RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO		M. RESIDENTIAL BLDG. ONLY		
	☒ ELECTRICITY ☐ COAL		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		Full 2		
	☐ OTHER _____				No. of Bedrooms 3 No. of Bathrooms Partial		
VI OWNER AND CONTACT	NAME		MAILING ADDRESS		PHONE		
	1. OWNER TXA INC.						
	2. CONT. Kight Family L.P.#1		860 Brown Rd. Sherman, TX		903-821-8828		
VII ARCHITECT	3. Architect N/A						
The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman							
Signature of Applicant		Address		Date			
David S. Kight		860 Brown Rd. Sherman, TX		6/23/07			

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED

7-9 20 07

DENIED

20

BUILDING OFFICIAL SIGNATURE

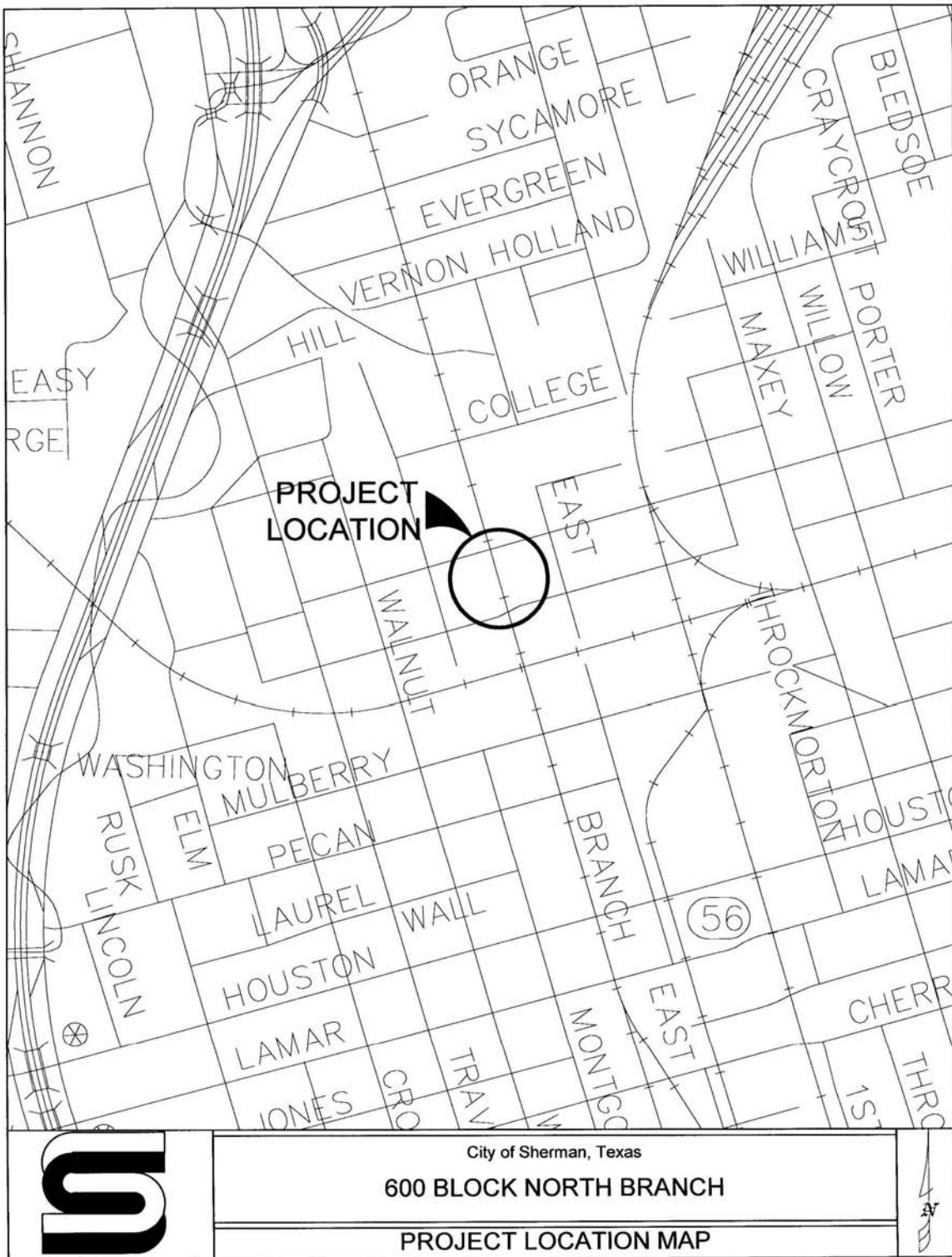
Green - F4s

127-015-88

White - File

Pink - Owners Application

Yellow - Tax Office





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.9

*** RESOLUTION NO. 5060**

Authorizing the Execution of an Agreement with Barton Capital, Ltd. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 613 South Charles Street

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 613 South Charles Street.

Background

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

Origination

Barton Capital, Ltd., Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$240.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5060
Residential Tax Abatement Agreement
Application
Building Permit Application
Location Map
Survey/Warranty Deed

Prepared by:
Robby Hefton, Director of Finance/Administration

Approved by:
George Olson, City Manager

RESOLUTION NO. 5060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 613 SOUTH CHARLES STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, Ltd., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, Ltd. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 613 South Charles Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback

taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being North 50' of Lot 2, Block 5 of the C L Stowe Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 613 South Charles Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

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

XI.

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

XII.

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

City of Sherman	Barton Capital, LTD.
PO Box 1106	715 Hwy 75 South
Sherman, Texas 75091-1106	Sherman, Texas 75090
(903) 892-7200	(903) 868 - 4201

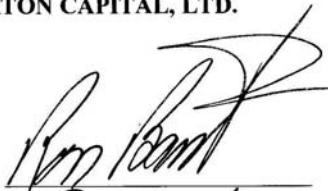
Copy to: Grayson Appraisal District
205 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2007.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
BARTON CAPITAL, LTD.

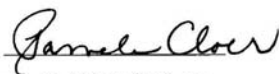
BY: _____
GEORGE OLSON
ACTING CITY MANAGER

BY: 
NAME: Ron BARTON
TITLE: PRES

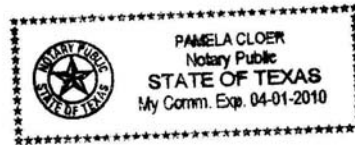
ATTEST:

(CORPORATE SEAL)

BY: _____
LINDA ASHBY
CITY CLERK

Notary Public: 
Commission Exp. 04/01/2010
License No (where applicable): _____

APPROVED AS TO FORM
AND CONTENT:



DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903-868-4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 613 S. CHARLES

Summary Legal Description: Lot: 2nd Block: 5 Addition: C.L. STOKES ADD

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one): New Construction: ☒ Remodeling: ☐

Estimated Value of Improvements: \$60,000

Estimated Date of Start of Construction: 7-16-07

Estimated Date of Completion of Project: 9-16-07

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): Guy L. P. Date: 7-16-07

SHERMAN



P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER

411

OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME <u>613 S. Charles</u>		SUBDIVISION OR SURVEY <u>C.L. STOWES ADD.</u>		LOT <u>N 50' of</u> <u>2</u>	BLOCK <u>5</u>	CENSUS TRACT
	FLOOD ZONE _____ BASE FLOOD ELE. _____ 1ST FLOOR ELE. _____		E. ZONING _____ FIRE ZONE _____ PLANS _____		TIME TO COMPLETE <u>180</u> DAYS		
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		<u>NEW HOME CONSTRUCTION</u>				
	2 ☐ ALTERATION		<u>BESTE ELECTRIC - 903-564-6853</u>				
	3 ☐ REPAIR, Replacement		<u>RED RIVER PLUMBING - 903-821-5715</u>				
	4 ☐ MOVING (relocation)						
III BUILDING SPECS.	5 ☐ FOUNDATION ONLY						
	B. OWNERSHIP						
	1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)		<u>MARKYL & SONS - 903-893-3060</u>				
	2 ☐ PUBLIC (Federal, state, or local government)						
	C. COST \$ <u>69,000</u>						
IV IDENTI- FICATION	D. FEE <u>25.00</u>						
	Sq. Ft. { Main Bldg. <u>1009</u> Accs. Bldg. _____		<u>#25 Stormwater</u>				
	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing)		☒ PUBLIC OR PRIVATE CO.		Number of Stories <u>1</u>		
	☒ WOOD FRAME		☐ INDIVIDUAL (Septic tank, etc.)		TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS <u>1009</u>		
V OTHER SPECS.	☐ STRUCTURAL STEEL		I. TYPE OF WATER SUPPLY		TOTAL LAND AREA SQ. FT. <u>7000</u>		
	☐ REINFORCED CONCRETE		☒ PUBLIC OR PRIVATE CO.		L. No. OFF-STREET PARKING SPACES		
	☐ OTHER - SPECIFY _____		☐ INDIVIDUAL (well, cistern)		ENCLOSED <u>0</u>		
	G. Principal Type of Heating Fuel		J. ADDITIONAL INFO		OUTDOORS <u>2</u>		
	☐ GAS ☐ OIL		RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO		M. RESIDENTIAL BLDG. ONLY		
VI SIGNATURE OF APPLICANT	☒ ELECTRICITY ☐ COAL		WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		No. of Bedrooms <u>2</u> Full <u>2</u>		
	☐ OTHER _____				No. of Bathrooms _____ Partial _____		
	Wrecking - Fill Out Part K Only						
	All Others Skip to IV						
VII OWNER INFORMATION	NAME		MAILING ADDRESS		PHONE		
	1. OWNER						
	<u>Cupid Investments</u>		<u>715 HWY 75 SHERMAN, TX</u>		<u>868-4201</u>		
	2. CONT.				<u>818-6130</u>		
	3. Architect						

The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

SIGNATURE OF APPLICANT

ADDRESS

DATE

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____

DENIED _____ 20 _____

BUILDING OFFICIAL SIGNATURE

127-015-88

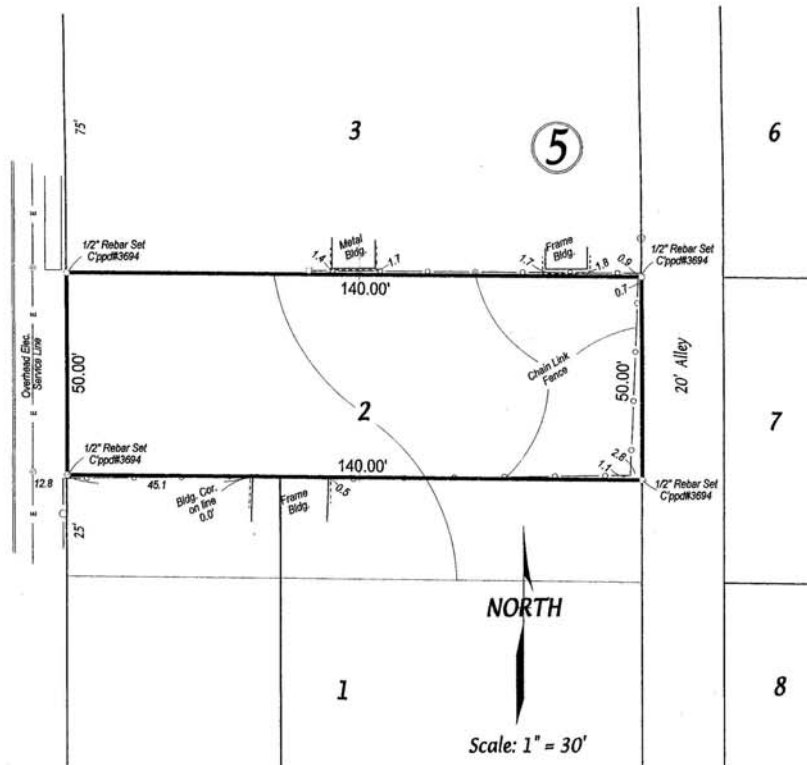
White - File

Canary - Owners Application

Pink - Tax Office

Gold - File

CHARLES STREET



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: BARTON CAPITAL, LTD.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 2 nd day of May, 2007 of the following described property:

The North Fifty feet (50.00 feet) of Lot TWO (2) in Block FIVE (5) of C. L. STOWE'S ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 122, Page 201, Deed Records, Grayson County, Texas.

That the improvements located on said property are known as 613 S. CHARLES STREET, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMED HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

Marshall Sartin
R.P.L.S. # 3694



613CHARL.pcs

WARRANTY DEED

103562

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

COUNTY OF GRAYSON

KNOW ALL MEN BY THESE PRESENTS:

THAT RANDY VANNESTE, 100 Pine Ridge Circle, Sherman, TX

(Hereinafter called "GRANTORS" whether one or more), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations cash in hand paid by BARTON CAPITAL, LTD.

whose address is 715 S. Hwy. 75, Sherman, Tx,

(hereinafter called "GRANTEES" whether one or more), the receipt and sufficiency of which are hereby acknowledged and confessed.

Have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto the said Grantees herein, the following described property, together with all improvements thereon, to-wit:

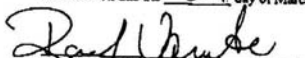
BEING THE NORTH 50.0 FEET OF LOT TWO (2) IN BLOCK FIVE (5) OF THE C.L. STOWE ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, LOCALLY KNOWN AS 613 S. CHARLES ST., SHERMAN, TEXAS.

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in any wise belonging, unto the said Grantees, their heirs and assigns forever. And Grantors do hereby bind themselves, their heirs, executors and administrators, to warrant and forever defend all and singular, the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Taxes for the current year have been prorated and are assumed by Grantee.

This conveyance is made and accepted subject to (i) any and all outstanding minerals, mineral leases, restrictions, covenants, conditions and easements, to the extent that they are in force and effect; (ii) all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, to the extent that they are applicable and enforceable; (iii) any and all easements, rights of way and encroachments that are apparent, including any utilities buried beneath the surface of the ground; and (iv) all rights of parties in possession of any part of the Property.

When this deed is executed by one person, or when the Grantee is one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words "heirs, executors or administrators" or "heirs and assigns" shall be construed to mean "Successors and assigns".

Executed on this the 27 day of March, 2007.

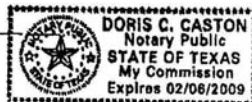

RANDY VANNESTE

THE STATE OF TEXAS

COUNTY OF GRAYSON

This instrument was acknowledged before me this 27 day of March, 2007, by RANDY VANNESTE.


NOTARY PUBLIC - STATE OF TEXAS



AFTER RECORDING RETURN TO:

BARTON CAPITAL, LTD.
715 S. Hwy. 75
Sherman, TX 75090



City of Sherman, Texas

600 BLOCK SOUTH CHARLES STREET

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.10

*** RESOLUTION NO. 5061**

Providing for the Exemption of Certain Vehicles Used by the Sherman Police Department from the Inscription Requirements as Authorized by V.T.C.A. Transportation Code §721.005; Authorizing Individuals to Apply for Special License Plates

Issue

Resolution No. 5061 is needed to replace former City Manager L. Scott Wall's name on the current resolution that authorizes specific City officials to sign for special license plates. The resolution should designate George Olson, City Manager; Tom Watt, Chief of Police; and Linda Ashby, City Clerk, as those authorized to sign for special license plates.

Background

The State requires that a City designate officials authorized to sign documentation for special license plates, including exempt plates placed on vehicles that carry the City's inscription.

Origination

The request originated with the City Clerk's Office.

Financial Consideration

There is no financial consideration for the City.

Staff Recommendation

It is the staff recommendation that the City Council approve Resolution No. 5061 authorizing City Manager George Olson, Police Chief Tom Watt, and City Clerk Linda Ashby to submit applications for special license plates to the State Department of Highways and Public Transportation on behalf of the City of Sherman.

Alternatives

The Council could designate other officials to sign the documentation.

Attachments

Resolution No. 5061

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

RESOLUTION NO. 5061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR THE EXEMPTION OF CERTAIN VEHICLES USED BY THE SHERMAN POLICE DEPARTMENT FROM THE INSCRIPTION REQUIREMENTS AS AUTHORIZED BY V.T.C.A. TRANSPORTATION CODE §721.005; AUTHORIZING INDIVIDUALS TO APPLY FOR SPECIAL LICENSE PLATES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Texas Transportation Code at §721.004 requires an inscription to be placed on City-owned vehicles, and §721.005 provides for exemption of certain vehicles when used for the purpose of performing official duties;

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

SECTION 1. That, in accordance with the provisions of the Texas Transportation Code §721.005, specific investigative police vehicles are hereby exempted from City vehicle inscription requirements.

SECTION 2. That the following persons are hereby authorized to submit applications for special license plates to the Texas State Department of Highways and Public Transportation, on behalf of the City:

George Olson, City Manager
Tom Watt, Chief of Police
Linda Ashby, City Clerk

SECTION 3. That Resolution No. 4629 is hereby repealed in its entirety.

SECTION 4. 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 _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.11

RESOLUTION NO. 5062

Executing the Second Amendment to the Original Contract with SunGard HTE, Inc. for the Purchase of OSSl Traffic Citation Module at the Sherman Police Department

Issue

To authorize the purchase of a citation module, hardware, software interfaces, and annual maintenance from SunGard HTE, Inc. This purchase will allow the deployment of the Police Department's electronic ticket writer program and will allow interfacing with the Tyler Technologies (INCODE) court case management software. SunGard and INCODE have an existing, established relationship. The purchase will be reflected as the Second Amendment to an existing contract between the City and SunGard HTE, Inc.

Background

SunGard is the provider of the computer aided dispatch (CAD) software and the records management software (RMS) used extensively by the Police Department. SunGard offers a traffic citation module as an add-on to their software. Using this module, via the mobile computers in the patrol cars, officers will be able to electronically input and upload most violator information. Once completed, the citation is printed in the car and delivered to the violator. Once uploaded, the data will be processed through SunGard via an interface to the INCODE court case management software.

Origination

Police Department

Financial Consideration

The current budget contains \$112,900 for the purchase of an "electronic ticket writer" system. The SunGard citation module, hardware, software interfaces, and annual maintenance can be funded for \$29,000. Companion costs associated with this project are described in Agenda Item No. C.12.

Staff Recommendation

The Staff recommends the Council authorize the purchase and implementation of the SunGard/OSSI citation module, interface, associated printer hardware, and professional and project management services.

Alternatives

The Council could direct the Staff not to implement this particular compatible ticket writer system, maintain the status quo, or search for another vender.

Attachments

Resolution No. 5062

Second Amendment

Exhibit A – SunGard add-on quote

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXECUTING THE SECOND AMENDMENT TO THE ORIGINAL CONTRACT WITH SUNGARD HTE, INC. FOR THE PURCHASE OF OSSI TRAFFIC CITATION MODULE AT THE SHERMAN POLICE DEPARTMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That SunGard HTE, Inc. is hereby awarded a contract, for the purchase of a OSSI Traffic Citation Module and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a second amendment to the original contract with SunGard HTE, Inc. for \$29,000.00, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

SECOND AMENDMENT TO THE SUNGARD OSSI SOFTWARE LICENSE AND SERVICES AGREEMENT

THIS IS THE SECOND AMENDMENT is to the SunGard OSSI Software License and Service Agreement (hereinafter "Original Agreement") between SunGard OSSI, now Sungard HTE, Inc., (hereinafter "SunGard") and the City of Sherman (the "City") which was signed by the City on November 22, 2004. This Amendment, which is signed by all the parties, has the same effect as if in the Original Agreement signed by the parties. The Original Agreement remains in effect, except as amended by the First and Second Amendment:

1. That this Amendment is subject to and incorporates all the provisions of "Amendment to the SunGard OSSI Software License and Service Agreement" ("First Amendment") effective October 30, 2006.
2. The parties agreed to incorporate the attached Exhibit "A" into this Agreement for all purposes and as if fully set forth in the Agreement.

IN WITNESS WHEREOF, SunGard and the City have signed this Amendment in duplicate. One counterpart each has been delivered to the SunGard and the City.

This Amendment will be effective on _____, _____ (which is the Effective Date of the Amendment).

CITY OF SHERMAN, TEXAS

SUNGARD HTE, INC.

By: _____
City Manager

By: _____
Graham Harbin
Vice President of Professional Service, SunGard HTE Inc.

Print Title and Name

Attest _____
City Clerk

Attest _____
(notary)



Penny Lou Turner
My Commission DG344817
Expires August 08, 2008

Approved as to form and content:

Doreen E. McGookey
City Attorney

Exhibit A

SunGard HTE Inc.
4000 OSSI Ct - High Point, NC 27265 -
Phone: (336) 885-0911 - Fax: (336) 885-5329 - Email: tbracken@ossiusa.com

SUNGARD®

Add-On Quote

Date	Quote #	Acct Mgr
06/27/07	TQDBQ2534	Tammy Bracken

Quote Prepared For:

Sherman, TX
Captain Otis Henry
317 S. Travis
Sherman, TX 75090

Proposal does not include installation of printers and mounts.

Qty	Part Number	Product Description	Unit Price	Extended Price	Annual Maintenance
Mobile Citation					
17	MCT-MFR-CITATION	MFR CLIENT - CITATION	\$500.00	\$8,500.00	\$1,360.00
The Citation Module allows officers using SunGard OSSI's Mobile product to capture data from the written state citation form. In some states, this Module does reproduce the state form and can print in the car.					
			SubTotal:	\$8,500.00	
Mobile Citation Implementation (Travel and Living Not Included)					
1	MCT-PROF-ADD	ADDITIONAL PROFESSIONAL SERVICES - TRAINING	\$1,000.00	\$1,000.00	\$0.00
Services provided by SunGard's OSSI Product or Training Specialists. Services may include but are not limited to add-on module training, refresher training, system analysis, or consulting.					
1	MCT-PROJ-MGNT	PROJECT MANAGEMENT SERVICES	\$250.00	\$250.00	\$0.00
Includes professional services from SunGard OSSI for management oversight and coordination with the Customer's project management, SunGard OSSI's internal resources and any third party vendors. Includes coordinating with the Customer's Project Manager all SunGard OSSI related deliveries such as application software, implementation services, and scheduling of SunGard OSSI's resources with the Customer.					
1	MCT-PROF-ADD	ADDITIONAL PROFESSIONAL SERVICES - INSTALLATION	\$250.00	\$250.00	\$0.00
Services provided by SunGard's OSSI Product or Training Specialists. Services may include but are not limited to add-on module training, refresher training, system analysis, or consulting.					
			SubTotal:	\$1,500.00	
Mobile Printing Solution					
17	HWR-PNTX-PJ3	Mobile Thermal Printer - USB	\$285.00	\$4,845.00	\$0.00
Pentax PocketJet 3 thermal printer for mobile installations.					

Qty	Part Number	Product Description	Unit Price	Extended Price	Annual Maintenance
17	HWR-PNTX-DCPWR	Mobile Printer DC Power Adapter Pentax PocketJet DC power adapter for direct connection to the vehicle fuse box.	\$22.22	\$377.74	\$0.00
17	HWR-PNTX-MNT	Mobile Printer Car Mount Pentax PocketJet automotive mount and media tray.	\$94.44	\$1,605.48	\$0.00
17	HWR-CBL-USBMB10	USB Mini-B Cable - 10' 10' USB Mini-B cable. Connects a computer or USB hub to a digital camera or other portable device connector using an A Plug to 5-Pin Mini-B connection..	\$12.22	\$207.74	\$0.00
SubTotal:				\$7,035.96	
Magswipes					
17	HWR-MGTK-SWIPE1	Magtek MiniWedge Swipe Reader MagTek USB Magstripe Swipe Card Reader model 21040102 for in car MCT use to swipe Operator's License in States that use a mag-stripe system. InCode Interface	\$64.71	\$1,100.07	\$0.00
1	RMS-INCODE-INTF	INTERFACE TO INCODE COURT SYSTEM The purpose of this interface is to move name demographic data and citation charge data from RMS to the Incode court software	\$7,500.00	\$7,500.00	\$1,200.00
1	MCT-PROJ-MGNT	PROJECT MANAGEMENT SERVICES Includes professional services from SunGard OSSI for management oversight and coordination with the Customer's project management, SunGard OSSI's internal resources and any third party vendors. Includes coordinating with the Customer's Project Manager all SunGard OSSI related deliveries such as application software, implementation services, and scheduling of SunGard OSSI's resources with the Customer.	\$250.00	\$250.00	\$0.00
1	MCT-PROF-ADD	ADDITIONAL PROFESSIONAL SERVICES - INSTALLATION Services provided by SunGard's OSSI Product or Training Specialists. Services may include but are not limited to add-on module training, refresher training, system analysis, or consulting.	\$250.00	\$250.00	\$0.00
Total:				\$26,136.03	\$2,560.00

This quote is valid until 09/30/07

This Quote constitutes a Supplement to the Contract and Agreement by and between the parties hereto. Except as otherwise provided herein, all terms and conditions of the Contract and Agreement shall remain in full force and effect. As applicable for certain customers, the term "Contract and Agreement" is defined as the Software License & Services Agreement and the License Program Support Agreement between the parties hereto.

Should Customer terminate this agreement per the "Term and Contract" Section of the Contract and Agreement, the Customer agrees to pay, immediately upon termination, the remaining balance for all hardware, software, and services delivered prior to the termination date together with travel reimbursements, if any, related to the foregoing. Notwithstanding any language in the Contract and Agreement to the contrary, the purchase of support services is NOT necessary for the continuation of Customer's License.

Licensed Program(s) are provided in and may be used in machine-readable object code form only. SunGard offers the Customer, through a third party escrow agent, a Source Code Escrow Agreement that provides for release of the source code version of the Licensed Program(s) from escrow upon the occurrence of certain release events, such as SunGard's failure to provide required maintenance services as agreed.

Applicable taxes are not included, and, if applicable, will be added to the amount in the payment of invoice(s) being sent separately. Travel and living expenses are in addition to the prices quoted above and shall be governed by the SunGard Corporate Travel and Expense Reimbursement Policy.

The SunGard application software warranty shall be for a period of one (1) year after Delivery. There is no Testing and Acceptance period on the Licensed Program(s) herein.

Any interfaces listed above are interfaces only. Customer shall be responsible for obtaining the applicable software, hardware and system software from the appropriate third party vendor.

Preprinted conditions and all other terms not included in this Quote or in the Contract and Agreement, stated on any purchase order or other document submitted hereafter by Customer are of no force or effect, and the terms and conditions of the Contract and Agreement and any amendments thereto shall control unless expressly accepted in writing by SunGard to Customer.

Third party hardware/software maintenance and/or warranty will be provided by the third party hardware and software manufacturer(s). SunGard makes no representations as to expected performance, suitability, or the satisfaction of Customer's requirements with respect to the hardware or other third party products specified in this Quote. The return and refund policy of each individual third party hardware/software supplier shall apply.

This Agreement is based on the current licensing policies of each third party software manufacturer as well as all hardware manufacturers. In the event that a manufacturer changes any of these respective policies or prices, SunGard reserves the right to adjust this proposal to reflect those changes.

This Quote shall be effective notwithstanding any provisions as to non-availability of funds contained in the Contract and Agreement.

Payment Terms are as Follows:

License, Conversion, Project Planning, Project Management and Third Party Hardware and Systems Software Fees are due upon execution of this Quote. Training, Professional Services and Travel/Living expenses are due as incurred daily. Installation is due upon completion. Additional services, if requested, will be invoiced at then-current rates. Any shipping charges shown are estimated only - actual shipping charges will be due upon delivery. Third Party Hardware and Systems Software Implementation is due 50% on execution of this Quote, and 50% due upon invoice, upon completion.

SunGard Application Annual Support - the initial term of support is included in License Fees and begins upon delivery of the first major module (such as Base CAD, RMS, JAIL or Mobile) of the Licensed Program(s) and extends for a twelve (12) month period. Subsequent terms of support will be for twelve (12) month periods, commencing at the end of the initial support period. Support fees shown for the second term of support shall be due prior to the start of that term. Fees for subsequent terms of support will be due prior to the start of that term at the then prevailing rate. Third Party Application Annual Support Fees - payment terms shall be as provided by the Third Party to Customer with the exception that any Fees listed above for the initial term of support are due upon execution of this Quote.

Accepted:

Sherman, TX

Signature

Date

Printed Name



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. C.12

RESOLUTION NO. 5063

Executing the Second Amendment to the Original Contract with Tyler Technologies, Inc. for the Purchase of INCODE Court Case Management Software at the Sherman Police Department

Issue

To authorize the purchase of INCODE, through Tyler Technologies, to align the Municipal Court with the City's next generation business systems management software package, which is also an INCODE, Tyler Technologies product

Background

INCODE offers a court case management software package that will standardize the business of the Municipal Court with the INCODE business systems management software package soon to be implemented by the City, as authorized by Resolution No. 4945. There would be an automatic interface between Finance and the Court, with a standardized report generated. All other related functions would dovetail together as part of the same overall city-wide business systems management software package. Additionally, this package will offer citizens the ability to pay Municipal Court fines by credit card or electronic check via the Internet if they meet certain requirements as defined by the Municipal Court.

Origination

Police Department

Financial Consideration

The current budget contains \$112,900 for the purchase of an "electronic ticket writer" system. The INCODE court case management software package, annual maintenance, and Courts Online can be funded for \$70,497. Companion costs associated with this project are described in Agenda Item No. C.11.

Staff Recommendation

The staff recommends the Council authorize the purchase and implementation of the INCODE court case management package.

Alternatives

To continue use of the existing Municipal Court software package and not authorize this purchase

Attachments

Resolution No. 5063

Tyler Technologies (INCODE) court case management information systems proposal

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5063

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXECUTING THE SECOND AMENDMENT TO THE ORIGINAL CONTRACT WITH TYLER TECHNOLOGIES, INC. FOR THE PURCHASE OF INCODE COURT CASE MANAGEMENT SOFTWARE AT THE SHERMAN POLICE DEPARTMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Tyler Technologies, Inc. is hereby awarded a contract, for the purchase of INCODE Court Case Management Software and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a second amendment to the original contract with Tyler Technologies, Inc. for \$70,497.00, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2007.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

**SECOND AMENDMENT TO THE CITY OF SHERMAN AND THE TYLER TECHNOLOGIES, INC.
AGREEMENT**

THIS IS THE SECOND AMENDMENT to the City of Sherman General Services Contract (hereinafter "Original Agreement") between Tyler Technology, Inc. (hereinafter "Tyler") and the City of Sherman (the "City") which was approved by the Sherman City Council by Resolution No. 4945 and signed by the City on December 19, 2006, and Tyler Contract ID # 2006-0404 signed by Tyler on December 11, 2006. This Amendment, which is signed by all the parties, has the same effect as is if in the Original Agreement signed by the parties. The Original Agreement remains in effect, except as amended by this Amendment:

1. The parties agreed to incorporate the attached Exhibit "A" into this Agreement for all purposes and as if fully set forth in the Agreement.

IN WITNESS WHEREOF, Tyler and the City have signed this Amendment in duplicate. One counterpart each has been delivered to the Tyler and the City.

This Amendment will be effective on _____, _____ (which is the Effective Date of the Amendment).

CITY OF SHERMAN, TEXAS

TYLER TECHNOLOGIES, INC.

By: _____
George Olson, City Manager

By: _____

Print Title and Name

Attest _____
City Clerk

Attest _____
(notary)

Approved as to form and content:

Doreen E. McGookey
City Attorney

EXHIBIT A

Existing Customer
TSM: L.Midkiff/J.Driver

ADDENDUM

Per Contract ID # 2006-0404, issued 10/12/06 and received 12/21/06, the City of Sherman, TX desires to add the following software, services, and hardware:

Software Licenses and Professional Services							
Application Software	QTY	Pricing		INCLUDE Implementation		Total Cost	Annual Maintenance
		License Fee	Conversion	Estimated Hours	Estimated Services		
INCODE Court Case Management	1	25,000	8,920	70	8,400	42,320	6,250
Criminal Court Case Management	1	NC		4	400	400	
Centralized Cash Collections (Already Licensed by the City)	1	2,500		N/A	N/A	2,500	625
Citation Issuing Device Interface	1	5,000		N/A	N/A	5,000	1,250
Court (QML) to Police (non-INCODE) Interface							
INCODE Professional Services							
Network Support	1				600	600	600
Project Management	1				1,500	1,500	
System Software							
System Software	1	2,785			N/A	2,785	696
INCODE Subtotal		32,500	8,920	74	9,400	50,900	6,725
Project Management					1,500	1,500	
INCODE System Software Subtotal		2,785				2,785	696
Total		35,285	8,920	74	10,900	55,185	9,421

Conversion Breakdown			
Application Software	Conversion		Estimated Services
	Programming Fee	Estimated Hours	
Court Case Management			
Ticket Master File (Subject to change based on Vendor)	7,000	16	1,920
Warrant Master File	Included		
Docket Master File	Included		
Conversion Total	7,000	16	1,920

EXHIBIT A

Addendum A continued:

Cash Collection Hardware					
Misc. Hardware and Network Equip.	QTY	Purchase Price	Installation Expenses	Annual Maintenance	Maintenance Source
Cash Collection					
Epson TM-U950P Receipt/Validation Printer (Parallel) (L)	1	1,015	120	203	INCODE - 12 mos warranty
Installation and Configuration of System (# of Hours)	1				
Total		1,015	120	203	
Please refer to INCODE's RMA policy for all returns.					

Please Note: Travel expenses are estimated to be \$3,473. Services and travel expenses are billed as incurred.

ACCEPTED BY:

THE CITY OF SHERMAN, TX

ACCEPTED BY:

TYLER TECHNOLOGIES, INC.

By:

Signature

By:

Signature

Title

Title

Issue Date

Issue Date



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.1

**** REQUEST TO ADVERTISE***

Services to Perform the Annual Audit for Period Ending September 30, 2007

Issue

To advertise for services to perform the annual audit for the fiscal year ending September 30, 2007

Background

By Charter, the City Council is required to annually appoint an independent auditor to perform a financial audit for the City and a compliance audit for our federal grant programs. Our financial policies require the periodic rotation of auditors. Based on the quality of audit services performed in the prior year by Davis, Kinnard & Company, the staff recommends selecting a different firm to perform the audit for the coming year. The staff will consider proposals received in the prior year as a basis on which to start the process of identifying the successor auditor. The staff will work with the Audit Committee to identify candidates for these services. If a successor auditor can be identified using the work performed last year to solicit proposals, it will not be necessary to advertise. Staff is seeking permission to advertise in order to expedite this process if needed.

Origination

Director of Finance and the Audit Committee

Financial Consideration

The cost of advertising for these services should be less than \$1,000.

Staff Recommendation

The staff recommends that a list of potential auditors be developed from currently available information obtained during this process last year and, in the absence of identified qualified auditors, that the Council instruct the Audit Committee to seek proposals for the services of an independent auditor to perform the annual audit for the fiscal year ending September 30, 2007.

Alternatives

The City Council could instruct the staff to renew the contract for audit services with the incumbent auditor, Davis, Kinnard & Company.

Attachments

None

Prepared by:
Robby Hefton, Director of Finance & Administration

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.2

*** REQUEST TO ADVERTISE**

Annual Contract for Water and Sewer Parts and Supplies

Issue

Request to advertise for bids for the annual contract for water and sewer parts and supplies

Background

The period for purchasing under our existing annual contract will end in the next few months. The staff is finalizing the bid documents for the proposed new annual supply contract. The water and sewer piping supplies and parts are used in the maintenance of the City's water system and sewer system.

Origination

Department 710, Utilities Administration

Financial Consideration

Purchases are made with budgeted funds in the Water Utility Cost Centers, and are included in the draft 2007-2008 budget. Cost for advertising for this contract is expected to be less than \$200.

Staff Recommendation

It is requested that the City Council authorize the staff to advertise the annual contract for bids.

Alternatives

Could solicit quotations and purchase more frequently; however, delivery time-frame would be longer and more man-hours would be spent on procurement.

Attachments

None

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.3

*** REQUEST TO ADVERTISE**
Annual Supply of Tires and Tubes

Issue

Request to advertise for public bids for the fiscal year (FY) 2007-2008 annual supply of tires and tubes. Necessary fleet and equipment tires and tubes/supplies for the City's fleet is bid annually in support of all City fleet and equipment operational and repair needs.

Background

Historically, public bid specifications are let annually for the City's supply of fleet tires and tubes. Although the current contract allows for renewing the contract at the mutual consent of the City and the vendor, the current vendor declined to renew at the current contract prices. Thus, the staff will advertise for public bidding on these parts.

Origination

Finance Department

Financial Consideration

Funding for tires and tubes is proposed in the draft budget for FY 2007-2008. Cost of advertising for these parts is less than \$200.

Staff Recommendation

Approve request to advertise.

Alternatives

N/A

Attachments

None

Prepared by:
Robby Hefton, Director of Finance & Administration

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.4

*** REQUEST TO ADVERTISE**

Repairs to Dorchester Trinity Water Wells 8T and 10T

Issue

Request to advertise for a bid to repair the Dorchester 8 Trinity and Dorchester 10 Trinity Water Wells

Background

The pumps on the Dorchester 8 Trinity and the Dorchester 10 Trinity Water Wells have failed and need to be pulled and inspected, with repairs and/or replacement as required.

Origination

Department of Utilities Administration

Financial Consideration

Funds for the well repairs are available in Water Production budget. Costs for advertising are expected to be less than \$200.

Staff Recommendation

It is recommended that the City Council approve this request to advertise for a bid to repair these wells.

Alternatives

As may be directed by the City Council

Attachments

Location Map

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.5

*** REQUEST TO ADVERTISE**

Restroom/Locker Room Area Renovation at the Sherman Police Department

Issue

To request permission to advertise for the renovation of the restroom/locker room area in the basement of the Sherman Police Department

Background

During the Fiscal Year (FY) 2006-2007 budget planning session, the Sherman City Council allocated funds to renovate the restroom/locker room area located in the Police Department's basement.

Origination

Police Chief Tom Watt

Financial Consideration

FY 2006-2007 Building Repair funds in the amount of \$34,000.00 have been allocated for this renovation project. The cost to advertise this project for public bid is estimated at \$200.00.

Staff Recommendation

It is recommended that the Sherman City Council authorize the staff to advertise this renovation project for public bid.

Alternatives

As directed by the Sherman City Council

Attachments

None

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.6

*** CHANGE ORDER NO. 1**

Dickerson Construction Company, Inc.; Highway 56 Water Main; \$4,305.82, Decrease

Issue

Change Order No. 1 is a final reconciliatory change order to adjust the final contract amount.

Background

Construction of the Highway 56 Water Main project resulted in \$2,616.00 in additions and \$6,821.82 in deductions. A net decrease of \$4,305.82 resulted. A copy of the change order is attached, with a detailed listing of the changes.

Origination

Department of Utilities Administration

Financial Consideration

The change order results in a net decrease of \$4,305.82 to the original contract amount of \$77,844.00, yielding a final contract price of \$73,538.18.

Staff Recommendation

It is recommended that the City Council approve this proposed change order.

Alternatives

As may be directed by the City Council

Attachments

Proposed Change Order No. 1

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
George Olson, City Manager

CHANGE ORDER

No. 1

PROJECT SH 56 Waterline

DATE OF ISSUANCE 6/27/07 EFFECTIVE DATE _____

OWNER City of Sherman

OWNER's Contract No. _____

CONTRACTOR Dickerson Construction Co., Inc. ENGINEER Morris Engineers

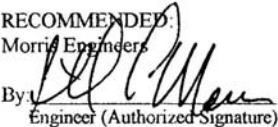
You are directed to make the following changes in the Contract Documents:

Description: Adjustment to reconcile contract price to final quantities of work

Reason for Change Order:

Attachments: Spreadsheet; Contractor's breakdown of price adjustment for flowable fill, DI fittings

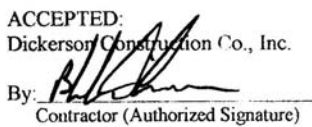
CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ 77,844.00	Original Contract Times Substantial Completion: Ready for Final Payment:
Net changes from previous Change Orders No. <u>0</u> to <u>0</u> . \$ 0.00	Net change from previous Change Orders No. <u> </u> to <u> </u> . Days
Contract Price prior to this Change Order \$ 77,844.00	Contract times prior to this Change Order Substantial Completion: Ready for Final Payment:
Net Increase (Decrease) of this Change Order \$ (4,305.82)	Net Increase (Decrease) of this Change Order Days
Contract Price with all approved Change Orders \$ 73,538.18	Contract Times with all approved Change Orders Substantial Completion: Ready for Final Payment:

RECOMMENDED:
Morris Engineers
By: 
Engineer (Authorized Signature)

Date: 6/28/07

APPROVED:
City of Sherman
By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:
Dickerson Construction Co., Inc.
By: 
Contractor (Authorized Signature)

Date: 7-2-2007

CONSTRUCTION OF SH 56 WATERLINE
CITY OF SHERMAN
DICKERSON CONSTRUCTION CO., INC.

ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	ORIGINAL CONTRACT AMOUNT	CHANGE ORDER NO. 1			QTY.	CONTRACT TOTAL
						ADD	DEDUCT	TOTAL		
1	F&I 8" DIA. AWWA C900 DR 18 PVC	1836	LF	\$ 24.00	\$ 44,064.00	34		\$ 816.00	1870	\$ 44,880.00
2	F&I 8" DIA. AWWA GATE VALVES	3	EA	\$ 900.00	\$ 2,700.00				3	\$ 2,700.00
3	F&I FIRE HYDRANT ASSEMBLY	2	EA	\$ 2,250.00	\$ 4,500.00				2	\$ 4,500.00
4	F&I CEMENT LINED D.I. FITTINGS	0.15	TONS	\$ 4,000.00	\$ 600.00	0.45		\$ 1,800.00	0.6	\$ 2,400.00
5	F&I STREET & DRIVEWAY REPAIR	302	LF	\$ 40.00	\$ 12,080.00		-89.5	\$ (3,580.00)	212.5	\$ 8,500.00
6	F&I NEAR SIDE SERVICE CONNECTIONS	11	EA	\$ 400.00	\$ 4,400.00		-4	\$ (1,600.00)	7	\$ 2,800.00
7	F&I FRIENDSHIP RD. CROSSING	1	JOB	\$ 6,500.00	\$ 6,500.00				1	\$ 6,500.00
8	PROVIDE TxDOT TRAFFIC CONTROL	1	JOB	\$ 3,000.00	\$ 3,000.00				1	\$ 3,000.00
CO1	CREDIT FOR FLOWABLE FILL AT HMAC REPAIR							\$ (1,741.82)		\$ (1,741.82)
	TOTAL PROJECT				\$ 77,844.00			\$ (4,305.82)		\$ 73,538.18

LIST OF DUCTILE IRON FITTINGS AND WEIGHTS

" MJ 90° BEND	2 ea. @	125#	250#
" MJ 45° BEND	4 ea. @	110#	440#
" SOLID SLEEVE	2 ea. @	85#	170#
" MEGA-LUG	16 ea. @	21#	336#
TOTAL WEIGHT			1196#

CREDIT FOR FLOWABLE FILL AT HMAC REPAIR

12.50 l.f. in length x 2' wide x 2.33' in depth	=	36.67 cu. yds.
6.67 cu. yd. flowable fill at \$65.00 yd.	=	(\$2,383.55)
6.67 cu. yd. manufactured sand at \$17.50 yd.	=	<u>\$641.73</u>
TOTAL CREDIT		(\$1,741.82)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.7

OTHER BUSINESS

Review 2007-2008 Draft Budget

Issue

Reviewing the draft budget for the 2007-2008 fiscal year

Background

The City Charter requires that a draft budget be submitted to the Council at least 50 days prior to the start of the new fiscal year. This draft budget reflects the direction given by the Council at the recent budget workshop held during July 12 and 13, 2007. The budget contains \$65.1 million in appropriations, which represents an approximate 16.9% increase from the prior year's original budget, the increase 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 \$.40/\$100, and no increases in water/sewer rates and solid waste rates are included. More detailed information is available on the attachments.

Origination

Director of Finance and Administration

Financial Consideration

The proposed draft budget contains appropriations of \$65.1 million for the 2007-2008 fiscal year.

Staff Recommendation

The staff recommends that the budget ordinance be prepared using the draft budget as presented herein. If the draft meets with the Council's approval, the staff will present the budget ordinance at the September 4, 2007 meeting of the City Council.

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

Memo to City Council, summary budget text, summary budget schedule, individual fund statements

Prepared by:
Robby Hefton, Director of Finance & Administration

Approved by:
George Olson, City Manager

DRAFT BUDGET FOR THE CITY OF SHERMAN
FOR FISCAL YEAR 2007-2008
August 6, 2007

SUMMARY:

The attached draft budget for 2007-2008 is based on the direction provided by the City Council at the budget workshop that was held on July 12 and 13, 2007.

The draft budget reflects a renewed focus on long-term planning designed to provide a roadmap for the City's expected future growth. Capstones of these initiatives include an update of the Comprehensive Master Plan, East-West Thoroughfare development, water/sewer infrastructure development along Hwy 75 North and Hwy 82 west, development of a strategic marketing plan, and Central Business District Enhancements. Additionally, the Council has given priority to public safety by funding a significant increase in public safety compensation. Further, the Council is considering alternative financing sources, including:

- Certificates of obligation to fund street and park development initiatives
- 1/8 cent sales tax election to reduce property taxes
- 1/8 cent sales tax to provide funding for street repair and maintenance
- Sherman Economic Development Corporation (SEDCO) funding to help develop infrastructure to spur development north along Highway 75

Appropriations for 2007-2008 total about \$65.1 million. This is approximately 16.9% more than the \$55.7 million in the original 2006-2007 budget. Increased spending on capital projects represents the largest component of the increased appropriations.

Total budgeted full-time positions in the draft budget are 413, up from 412 in fiscal year 2006-2007. The increase results from making a part-time position in utility billing a full-time position.

The General Fund is balanced on an on-going basis, with slightly increased revenues off-setting the increased personnel costs related to public safety and a 2% across-the-board raise. The property tax rate remains at \$.40 per \$100 valuation, but increased valuations will enable us to budget approximately \$350,000, or 5.0%, more revenue than the prior year's budgeted amount. The Council is looking in 2007-08 at implementing alternatives to lower the tax rate; however, the effect of this would likely not occur until the 2008-2009 fiscal year. Sales tax revenue is projected to continue increasing due to the healthy outlook of our local economy and the continued retail business being developed in the Hwy 75 North area of Sherman. The sales tax revenue is budgeted to increase about \$800,000 or 7.8%, over the prior year's budgeted revenues. The General Fund will transfer about \$480,000 to begin debt service payments on a proposed bond issue of about \$10 million. Additionally, healthy reserve balances in the General Fund allow \$1.7 million to be transferred to the General Improvement Fund for capital projects.

The Utility Fund is balanced on an on-going basis, although expenses will exceed revenues due to non-recurring capital purchases and transfers of excess fund balances to fund future utility infrastructure improvements. No rate increase is proposed for this budget year. Recent heavy rainfalls are expected to cause a decrease in water and sewer revenues for fiscal year 2006-2007 compared to originally budget amounts. However, total budgeted revenues for 2007-2008 are expected to be relatively flat, since no increase in rates is being proposed. A net loss for 2007-

2008 is budgeted at about \$970,000 since funding for capital expenses and transfers is being taken from excess fund balances. Remaining fund balances are projected to be a healthy \$3.2 million, or about 60 days of ongoing operating expenses.

The Solid Waste Fund is balanced on an on-going basis, although expenses will exceed revenues due to funding of non-recurring capital expenses and transfers-out of excess fund balances. No rate increase is recommended for this fund. Estimated operating results for fiscal year 2006-2007 reflect slightly negative net revenues of about \$30,000, or 0.5% of budgeted expenses, when factoring in the budgeted transfer out of \$600,000 of excess fund balances. Healthy fund balances in this fund will allow for an additional one-time transfer of \$700,000 to the General Improvement Fund. Fund balances are expected to remain more than \$900,000, or over 60 days of ongoing expenses.

The draft budget contains significant projects in each of the Capital Projects Funds. Some of these projects are proposed to be funded through debt financing through issuance of Certificates of Obligation or indirectly through Greater Texoma Utility Authority (GTUA), while others are expected to be funded through reserves. Of the approximate \$3.5 million available from General Improvement Fund reserves, the draft budget appropriates approximately \$1.5 million, leaving a reserve of \$2.0 million; of this amount, \$120,000 is designated for transportation. About \$7.8 million would remain at the end of the year from bond proceeds, after having funded about \$2.6 million in projects related to street and park improvements. The largest projects in this fund are Brockett Street improvements, United Pacific Right of Way purchase (UP ROW), Pecan Grove Park Phase I and the Comprehensive Master Plan update.

In the Utility Improvement Fund, the City of Sherman will issue revenue bonds of \$2,560,000 through GTUA. The largest projects to be funded through this source are the Waste Water Treatment Plant (WWTP) Digester Rehabilitation and Phase I of Relief Sewer K-4. 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 \$6.1 million in available fund balance in the Utility Improvement Fund. These include Water Treatment Plant Phase II improvements, and Screw Lift Pump replacement at the WWTP.

Additionally, the Council has worked with SEDCO to leverage SEDCO's financial strength to fund a major water/sewer infrastructure development project on Highway 75 north to Hwy 691. This initiative is expected to have a substantial effect on timing of development along this important commercial and retail corridor.

DETAILED INFORMATION:

Additional information on major components of the 2007-2008 draft budget follows.

Certificates of Obligation: The draft budget includes the effects of issuing about \$10.3 million in Certificates of Obligation (CO), funding of which could be used for projects such as East-West Thoroughfares, Brockett Street, Pecan Grove Park development, and Center Street Complex. Debt service for this bond issue would be through ad-valorem taxes and a general revenue pledge.

Sales Tax Election: This initiative includes two components: 1) a reduction of property tax equal to 1/8 cent sales tax, and 2) street sales tax equal to 1/8 cent sales tax for a four-year period to fund significant street improvement projects. A preliminary plan for use of the street sales tax proceeds would be provided prior to the election. Further, the Council is considering a reduction of property taxes above the equivalent 1/8 cent sales tax that would otherwise be provided through this election. A 1/8 cent sales tax would reduce property taxes by about \$0.0575/\$100 valuation.

Property Tax Relief: In addition to the initiatives described in the Sales Tax Election above, this measure would provide for additional property tax relief by reducing the property tax rate from \$.40/\$100 to \$.32/\$100 valuation. Since this initiative would be contingent upon the successful passing of the Sales Tax Election, which would be held during the 2007-2008 fiscal year, the likely effective date of this measure would be October 1, 2008.

Comprehensive Master Plan Update: This project will update the City's Comprehensive Master Plan, which is about 10 years old. It will provide direction to City staff and the Council about the nature, timing, and extent of future development for the City, including infrastructure and thoroughfares, parks and recreation, land use, etc.

Public Safety Compensation: This plan provides additional base pay and incentive and certification pay to police and fire department personnel. The intent of this objective is to allow the City to recruit and retain qualified, highly trained officers to ensure the continued public safety of the residents and other City stakeholders. This initiative would also eliminate the residency requirements for these personnel. The annual cost of this program is about \$560,000.

Brockett Street: The draft budget includes roughly \$1.6 million for improvements to this thoroughfare to link Austin College with the City's downtown area. These improvements are also expected to tie in to the proposed trail system using the UP ROW, and will significantly enhance the College Park Overlay District. This proposed funding for this project will be CO debt.

East-West Thoroughfares: The scope of these projects is expected to dovetail with the direction received from the Comprehensive Master Plan update. It includes improvement and expansion of existing thoroughfares to the City limits west of Heritage Parkway. The two projects identified at this point are Washington St. and Lamberth Road, with expected costs of \$3.6 million and \$.8 million, respectively. These projects are proposed to be funded through debt.

Center Street Complex: The 2007-2008 draft budget includes \$5,000 for a park plan update for the proposed Center Street Complex. Development of this area is proposed to be funded in 2008-2009 through bond funds. The envisioned use of this property would be for activities such as lighted sport fields, a trail system, and restroom and concession areas. The expected cost of development is about \$1 million.

Trail Development: The draft budget for the General Improvement Fund includes \$575,000 for this initiative, which includes possible development of the Anderson Meat Property near Fairview Park, and possible acquisition of the UP ROW for future trail development. These

measures are aimed at developing a comprehensive recreational trail network throughout the City.

Water Treatment Plant Upgrade – Phase II: The draft budget for the Utility Improvement Fund includes \$1,425,000 for this project, a continuation of a project that began in 2006-2007. Another phase is expected in a future year. This project will enable the Treatment Plant to upgrade the membranes that filter the water.

Highway 82 Water Main: The second and third phases of a three phase plan to extend City water to the planned Highway 82/Highway 289 intersection is estimated at \$700,000. Since it is included in the GTUA bond issue, this project will be carried on GTUA's books, rather than the City's.

Wage Increase – 2% Across-the-Board: The draft budget contains a 2% increase in base salaries. The annual cost of this increase for all funds is projected to be about \$390,000. Additionally, the draft budget contains an additional ½% increase available to fund a management initiative to recognize outstanding performance among city employees. This is expected to cost up to \$98,000 overall.

Grant Writing Program: This program provides funding for a part-time employee to seeking alternative financing sources through federal, state, and local granting agencies. The success of this program will be monitored during the year to ascertain whether or not this program is viable long-term. The expected cost of this program is about \$35,000.

SUMMARY SCHEDULES, DETAILED FUND STATEMENTS, AND OTHER INFORMATION

The following pages include a schedule that summarizes the draft 2007-2008 budget, eliminating double counting for internal service funds and inter-fund transfers. Also included are statements of revenues and expenditures/expenses for each fund, a debt schedule, and a general fund summary of expenditures by function/department.

NOTE: THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$650,000 AND 8.9%, AND OF THAT AMOUNT \$390,000 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE ROLL THIS YEAR.

**Summary of Receipts and Expenditures/Expenses
Fiscal Year 2007-2008**

	General Fund	Enterprise Funds	Internal Service Funds	Special Revenue Funds	Capital Projects Funds	Trust Fund	Debt Service Funds	Elim. Interfund Transfers	Totals
Beginning Fund Balance	\$ 6,256,085	\$ 6,837,155	\$ 2,006,735	\$ 1,292,482	\$ 5,757,010	\$ 1,272,399	\$ 541,709	\$ (2,006,735)	\$ 21,956,840
Receipts:									
Taxes	22,029,709	-	-	1,033,000	-	-	381,000	-	23,443,709
Water Sales	-	10,994,000	-	-	-	-	-	-	10,994,000
Sewer Sales	-	7,028,000	-	-	-	-	-	-	7,028,000
Solid Waste Sales	-	5,030,000	-	-	-	-	-	-	5,030,000
Other Fees for Services	4,006,435	499,000	6,671,993	865,050	-	-	-	(5,812,393)	6,230,085
Interest	431,500	448,400	93,700	58,050	215,000	2,000	27,900	-	1,276,550
Other	535,002	424,200	18,500	116,300	3,700,000	6,000	-	-	4,800,002
Bond Proceeds	-	-	-	-	10,300,000	-	-	-	10,300,000
Transfers In	2,095,938	-	-	62,000	3,645,162	-	595,187	(6,398,287)	-
Total Receipts	29,098,584	24,423,599	6,784,193	2,134,400	17,860,162	8,000	1,004,087	(12,210,680)	69,102,345
Expenditures/Expenses:									
Personnel	19,633,685	5,945,743	1,006,416	78,310	-	-	-	-	26,664,154
Supplies	1,145,038	1,171,244	1,036,129	498,788	-	-	-	-	3,851,199
Maintenance	1,156,424	1,704,246	560,643	514,625	-	-	-	-	3,935,938
Utilities	1,510,115	3,327,575	62,500	53,900	-	-	-	-	4,954,090
Contract Wages	335,910	90,300	10,100	-	-	-	-	-	436,310
Computer Services	387,900	99,300	18,500	-	-	-	-	(505,700)	-
Debt Service	211,885	5,374,077	95,232	-	-	-	-	-	5,681,194
Contractual Services	1,787,912	2,820,939	4,007,094	758,898	-	-	842,843	(2,853,093)	7,364,593
Vehicle Usage	1,207,900	1,268,700	-	1,900	-	-	-	(2,453,600)	24,900
Equipment & Buildings	687,093	717,825	25,100	194,500	10,340,040	-	-	-	11,964,558
Other	-	218,998	-	-	-	-	-	-	218,998
Transfers Out	2,181,750	3,941,100	-	175,437	100,000	-	-	(6,398,287)	-
Total Expenditures/Expenses	30,245,612	26,680,047	6,821,714	2,276,358	10,440,040	-	842,843	(12,210,680)	65,095,934
Ending Fund Balance	\$ 5,109,057	\$ 4,580,708	\$ 1,969,214	\$ 1,150,524	\$ 13,177,132	\$ 1,280,399	\$ 702,953	\$ (2,006,735)	\$ 25,963,252

**General Fund
Summary of Receipts & Expenditures**

	Actual 2005-2006	Original Budget 2006-2007	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	5,229,891	\$5,061,404	\$5,915,878	\$ 6,100,660
Receipts				
Property Taxes	6,894,312	7,001,723	7,021,965	7,500,000
Sales Taxes	10,355,403	10,281,161	10,816,301	11,086,709
Franchise Taxes	3,401,743	3,350,000	3,293,233	3,330,000
Other Taxes	116,394	115,000	113,000	113,000
Fines & Forfeitures	710,089	1,000,000	704,000	754,500
Recreation	69,949	169,250	269,500	278,500
Permits & Licenses	455,348	484,000	484,000	439,000
Rentals	4,084	5,000	5,000	5,650
Cemetery Sales and Services	128,725	130,000	130,000	164,000
Sales & Services	398,500	510,000	517,205	514,785
Ambulance Services	1,626,354	1,648,000	1,850,000	1,850,000
Interest	251,467	200,000	425,000	425,000
Grants and Miscellaneous	964,203	794,900	848,836	520,002
Total Revenues	25,376,571	25,689,034	26,478,040	26,981,146
Transfers In	1,719,559	1,999,564	1,999,564	2,095,938
Total Receipts	27,096,130	27,688,598	28,477,604	29,077,084
Total Funds Available	32,326,021	32,750,002	34,393,482	35,177,744
Expenditures				
Personnel	17,713,301	18,650,287	18,817,342	19,633,685
Supplies	694,899	823,450	872,138	1,145,038
Maintenance	803,112	1,442,944	1,529,730	1,156,424
Utilities	1,323,583	1,427,063	1,394,174	1,510,115
Contract Wages	230,471	304,200	324,188	335,910
Computer Services	314,135	380,079	409,300	387,900
Debt Service	172,774	286,200	286,200	211,885
Contractual and Sundry Services	1,344,759	1,541,475	1,500,877	1,734,662
Vehicle Usage	1,112,762	1,226,297	1,100,050	1,207,900
Equipment and Buildings	1,396,347	1,163,429	1,262,823	687,093
Transfer Out to Debt Service	-	-	-	481,750
Transfers Out- CIP Fund	1,304,000	796,000	796,000	1,700,000
Total Expenditures	26,410,143	28,041,424	28,292,822	30,192,362
Excess Receipts over Expenditures	685,987	(352,826)	184,782	(1,115,278)
Ending Fund Balance	5,915,878	4,708,578	\$ 6,100,660	\$ 4,985,382
Target Fund Balance	4,402,571	4,674,505	4,716,413	4,749,677
Additional Fund Balance	1,513,307	34,073	1,384,246	235,705

Utility Fund
Summary of Receipts & Expenses

	Actual	Original	Estimated	Requested
	2005-2006	Budget	2006-2007	2007-2008
	2005-2006	2006-2007	2006-2007	2007-2008
Beginning Reserve	\$ 5,778,005	\$ 6,970,845	\$ 8,276,844	\$ 4,216,041
Receipts				
Water Revenues	10,859,674	11,182,700	10,600,000	10,994,000
Sewer Revenues	6,610,903	6,548,887	6,650,000	7,028,000
Laboratory Charges	128,565	136,300	84,000	84,000
Service & Penalties	417,135	532,000	415,000	415,000
Earned Interest	323,847	350,000	345,000	345,000
Miscellaneous	301,025	270,000	306,000	306,000
Total Current Revenues	18,641,149	19,019,887	18,400,000	19,172,000
Total Funds Available	24,419,154	25,990,732	26,676,843	23,388,041
Expenses				
Personnel	3,896,147	4,280,809	4,188,859	4,398,178
Supplies	713,306	819,174	823,443	950,891
Maintenance & Repair	1,103,683	1,501,116	1,871,101	1,676,626
Utilities	2,649,014	3,292,907	3,113,395	3,317,075
Computer Services	68,683	102,202	93,500	88,600
Debt Service	4,577,430	4,910,190	4,953,332	4,992,322
Contract Wages	89,025	78,000	78,000	84,000
Contractual & Special Services	874,338	1,304,851	1,469,818	1,378,590
Vehicle Usage	228,019	310,574	229,690	259,000
Other	247,125	175,998	175,998	218,998
Capital Expenses	206,917	277,769	308,040	480,825
Total Expenses	14,653,687	17,053,590	17,305,176	17,845,105
Transfers Out				
General Fund	1,323,553	1,497,826	1,497,826	1,500,000
Others	165,070	3,657,800	3,657,800	800,000
Total Transfers Out	1,488,623	5,155,626	5,155,626	2,300,000
Total Expenses	16,142,310	22,209,216	22,460,802	20,145,105
Excess Receipts over Expenditures	2,498,839	(3,189,329)	(4,060,802)	(973,105)
Ending Reserve	\$ 8,276,844	\$ 3,781,516	\$ 4,216,041	\$ 3,242,936
Target Fund Balance	2,690,923	3,702,276	3,744,216	3,224,829
Additional Fund Balance	5,585,921	79,240	471,826	18,107

**Solid Waste Fund
Summary of Receipts & Expenses**

	Actual	Original	Estimated	Requested
	2005-2006	Budget 2006-2007	2006-2007	2007-2008
Beginning Fund Balance	\$ 1,347,262	\$ 1,619,004	\$ 2,458,927	\$ 1,828,410
Solid Waste Fees	5,086,276	5,100,000	4,850,000	4,947,000
Service Penalties	-	55,000	83,000	83,000
Interest	55,578	-	95,000	95,000
Loan Proceeds	385,954	-	-	-
Miscellaneous	140,759	100,000	118,200	118,200
Total Receipts	<u>5,668,567</u>	<u>5,255,000</u>	<u>5,146,200</u>	<u>5,243,200</u>
Total Funds Available	7,015,829	6,874,004	7,605,127	7,071,609
Expenses				
Personnel	1,255,190	1,436,594	1,414,730	1,547,565
Supplies	157,141	204,705	252,879	220,353
Maintenance & Repair	6,991	13,920	13,920	27,620
Utilities	7,419	9,309	9,077	10,500
Contract Wages	2,374	5,600	5,600	6,300
Computer Services	7,928	19,957	16,462	10,700
Solid Waste Debt Service	453,291	492,112	480,280	381,755
Contractual & Sundry Services	1,303,035	1,470,657	1,450,126	1,432,349
Vehicle Usage	712,524	840,071	840,750	1,009,700
Capital Expenses	300,003	27,445	196,955	237,000
Transfers Out	351,006	1,095,938	1,095,938	1,195,938
Total Expenses	<u>4,556,902</u>	<u>5,616,308</u>	<u>5,776,717</u>	<u>6,079,780</u>
Excess Receipts over Expenditures	<u>1,111,665</u>	<u>(361,308)</u>	<u>(630,517)</u>	<u>(836,580)</u>
Ending Fund Balance	<u>\$ 2,458,927</u>	<u>\$ 1,257,696</u>	<u>\$ 1,828,410</u>	<u>\$ 991,829</u>
Target Balance	759,636	936,239	962,979	913,479
Additional Fund Balance	1,699,292	321,457	865,431	78,350

**General Improvement Fund
Summary of Receipts & Expenditures**

	Actual 2005-2006	Original Budget 2006-2007	Estimated 2006-2007	From Reserves 2007-2008	Bond Funded 2007-2008	Requested 2007-2008
Beginning Fund Balance	\$ 3,956,401	\$ 1,959,550	\$ 4,173,153	\$ 1,044,097		\$ 1,044,097
Revenues:						
Transfers In	1,304,000	1,507,508	1,507,508	2,400,000		2,400,000
Bond Proceeds					10,300,000	10,300,000
Investment Interest	187,569	35,000	145,000	25,000		25,000
Total Receipts	1,491,569	1,542,508	1,652,508	2,425,000	10,300,000	12,725,000
Total Funds Available	5,447,970	3,502,058	5,825,661	3,469,097	10,300,000	13,769,097
Expenditures:						
Binkley Park Improvements	13,778	-				
Taylor/Lamberth Right of Way	150	-	5,500			
Texoma Median Beautification	(11,264)	-				
Street Oversizing		100,000	20,929			
Binkley Park Walking Trail	174,276					
Binkley Park Parking Lot	52,039					
Soccer Fields - High School & Center St.	230,233					
Fairview Pool Construction	255,912	1,929,000	2,073,870			
Old Settlers Park Shade Structures			93,036			
Old Settlers Park Road and Courts	1,588		250,237			
Restroom at Baker Park	94,837		-			
Rebuilding Loy Lake - Taylor to Lamberth	436,020		1,465,000			
Curb and Gutter Replacement	27,248		-			
Solid Waste Parking Lot Improvements - Phase III		75,000	75,000			
Culvert at King Street and First Street		60,000	60,000			
FM 1417/Highway 56 Intersection ROW Acquisition		30,000	28,350			
Fairview Soccer Field Irrigation/Renovation		135,000	125,000			
MLK Park Lighted Hike/Bike Trail		192,500	192,500			
Fairview Park Lighted Hike/Bike Trail Expansion		313,500	313,500			
Fairview Park Picnic Pavilions		45,000	44,999			
Municipal Grounds Irrigation Project		65,000	33,643			
Texoma Pkwy - Loy Lake Box Culvert				150,000		150,000
Harrison Storm Water Improvement		-		80,000		80,000
Aerial and Topographic Map Updates		-		170,000		170,000
Comprehensive Plan Study		-		200,000		200,000
Center Street Complex Planning		-		5,000		5,000
Hawn Park Upgrade		-		130,000		130,000
Pecan Grove Park Development - Phase I					400,000	400,000
Library Parking and Sidewalk				78,540		78,540
Old Settlers Park Restroom/Concession				200,000		200,000
Emergency Siren Replacement				195,000		195,000
Central Business District Rehabilitation Study				20,000		20,000
Park Mapping Project				50,000		50,000
Travis Street ROW- Taylor to Lamberth				50,000		50,000
Travis Street Overlay - Hwy 75 to Washington				111,500		111,500
Street Right-of-Way & Oversizing				50,000		50,000
UP R-O-W Purchase					575,000	575,000
Brockett St. - Grand to Travis					1,575,000	1,575,000
Total Expenditures	1,274,817	2,945,000	4,781,564	1,490,040	2,550,000	4,040,040
Ending Fund Balance	\$ 4,173,153	\$ 557,058	\$ 1,044,097	\$ 1,979,057	\$ 7,750,000	\$ 9,729,057
Designated for Transportation	-	120,000	-	120,000		120,000
Designated for Bond Projects					7,750,000	7,750,000
Not Designated	4,173,153	437,058	1,044,097	1,859,057		1,859,057

**Utility Improvement Fund
Summary of Receipts & Expenses**

	Actual	Original	Estimated	Reserves	SEDCO	Requested
	2005-2006	Budget 2006-2007	2006-2007	2007-2008	2007-2008	2007-2008
Beginning Fund Balance	\$ 2,951,197	\$ 2,308,162	\$ 3,083,122	\$ 4,712,913		\$ 4,712,913
Revenues						
Interest Income/Other Income	268,384	40,000	155,000	190,000	3,700,000	3,890,000
Debt from Corps of Engineers	3,727,060		-	-		-
Transfer-in from Utility Fund	-		3,500,000	800,000		800,000
Transfer-in from Utility Bond Funds	3,500,000	3,500,000		445,162		445,162
Total Revenues	<u>3,995,444</u>	<u>3,540,000</u>	<u>3,655,000</u>	<u>1,435,162</u>	<u>3,700,000</u>	<u>5,135,162</u>
Total Funds Available	6,946,641	5,848,162	6,738,122	6,148,075	3,700,000	9,848,075
Expenses						
Lake Texoma Storage	3,727,060					
WWTP Clarifier #2	69,977					
Wells St. Water Line Replacement	12,866					
Walnut St. Water Line Replacement	21,465					
Rusk & Mulberry Water Line Replacement	16,576					
Cottonwood Water Line Replacement	11,345					
Highway 91 Sewer Line Replacement	2,430					
Lamberth/Devonshire Sewer Replacement	1,800		2,120			
Hub Street Water Line Replacement			57,756			
NW Sherman Water Line Replacement			86,004			
Ricketts/Kessler Water Line Replacement			54,728			
WTP - Upgrade Phase I		1,350,000	1,000,000			
WWTP - Influent Metering System Upgrade		150,000	28,000			
Texoma Parkway Water Line Replacement - Phase II			29,509			
Hwy 56 Water Line Connection - West to Friendship		45,000	80,000			
Dexter Street Water Line Replacement		76,000	153,000			
West Washington Water Replacement		100,000	125,000			
Texoma Parkway Sewer Replacement		90,000	112,500			
Belden Street Water Line Replacement		60,000	75,000			
Oakhill Water Line Replacement		50,000	62,500			
Utility Oversizing			159,092			
* WWTP - Digester Rehabilitation						-
WWTP Screw Lift Pump Replacement				690,000		690,000
WTP - Upgrade Phase II				1,425,000		1,425,000
* Texoma Parkway Water Replacement - Phase III						-
* Relief Sewer K-4 Phase 1						-
Utility Oversizing		100,000		100,000		100,000
Highland Street Water Replacement				135,000		135,000
Travis Street Water Line Replacement - 75 to Washington				250,000		250,000
* Hwy 82 West Water Line - Phase II & Phase III						-
Hwy 75 Water/Sewer to 691					3,700,000	3,700,000
Total Expenses	<u>3,863,519</u>	<u>2,021,000</u>	<u>2,025,209</u>	<u>2,600,000</u>	<u>3,700,000</u>	<u>6,300,000</u>
Ending Fund Balance	<u>\$ 3,083,122</u>	<u>\$ 3,827,162</u>	<u>\$ 4,712,913</u>	<u>\$ 3,548,075</u>	<u>\$ -</u>	<u>\$ 3,548,075</u>

* Note: Projects thru GTUA will not be reflected on City's books. This presentation is for discussion purposes only.

Public Charities Fund
Summary of Receipts & Expenditures

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

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 101,671	\$ 98,338	\$ 103,566
Receipts			
Interest	4,734	4,400	4,500
F.E.M.A. Grant	2,616	3,000	3,000
Glennie O. Ham Donations	2,800	2,000	2,500
Altrusa (W.A.F.A.)	250	250	
Sherman Beautification	500		
Library Donations	6,250	2,200	2,000
Animal Shelter Donations	5,522	7,000	5,000
Fishing Festival	225		
Fire Dept Donations		2,600	2,000
Medical Transportation	1,000		
Total Receipts	<u>23,897</u>	<u>21,450</u>	<u>19,000</u>
Total Funds Available	125,568	119,788	122,566
Expenditures			
F.E.M.A. Grant	3,422	1,000	3,000
Library Donations		1,422	4,000
Glennie O. Ham Center	1,602	2,500	3,500
Day Care Lapsed Grant Funds		8,750	
Altrusa (W.A.F.A.)	183	150	250
Senior Citizen's Dance Club	53		500
Sherman Beautification	1,675		1,500
Animal Shelter Donations			5,000
Fire Dept Donations		2,400	500
Remodeling Contingency	20,295		25,000
Total Expenditures	<u>27,230</u>	<u>16,222</u>	<u>43,250</u>
Ending Fund Balance	<u>\$ 98,338</u>	<u>\$ 103,566</u>	<u>\$ 79,316</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 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 51,797	\$ 54,359	\$ 51,859
Receipts			
Other revenue	654	500	500
Interest Earned	4,608	2,000	2,000
Total Receipts	5,262	2,500	2,500
Total Funds Available	57,059	56,859	54,359
Expenditures			
Miscellaneous	2,700	5,000	10,000
Ending Fund Balance	\$ 54,359	\$ 51,859	\$ 44,359

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

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

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 326,620	\$ 356,843	\$ 387,043
Receipts			
Interest Income	24,908	30,000	28,000
Street Assessment	5,315	200	-
Total Receipts	<u>30,223</u>	<u>30,200</u>	<u>28,000</u>
Total Funds Available	356,843	387,043	415,043
Expenditures			
No Expenditures	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ 356,843</u>	<u>\$ 387,043</u>	<u>\$ 415,043</u>

TIF #2 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 a pay-as-you-go basis.

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ -	\$ -	\$ 34,093
Receipts			
Property Tax	-	33,520	35,000
Interest	-	573	1,000
Total Receipts	<u>-</u>	<u>34,093</u>	<u>36,000</u>
Total Funds Available	-	34,093	70,093
Expenditures			
Improvements	-	-	50,000
Agent Fees	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>50,000</u>
Ending Fund Balance	<u>\$ -</u>	<u>\$ 34,093</u>	<u>\$ 20,093</u>

**Auditorium & Ballroom Fund
Summary of Receipts & Expenditures**

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 68,783	\$ 61,525	\$ 62,155
Receipts			
Transfer-In from Hotel/Motel	46,581	63,355	62,000
Interest	3,374	2,700	2,000
Auditorium/Ballroom Rental	33,380	27,000	27,000
Total Receipts	<u>83,335</u>	<u>93,055</u>	<u>91,000</u>
Total Funds Available	152,118	154,580	153,155
Expenditures			
Ballroom:			
Personnel	22,323	12,900	12,700
Supplies		50	10,675
Maintenance	6,434	12,025	12,025
Utilities	35,153	27,200	27,200
Equipment	332	10,650	
Auditorium:			
Personnel	3,828	3,800	4,000
Supplies	40		25
Maintenance	10,844	16,800	35,400
Utilities	11,639	8,500	8,500
Contract Services		500	500
Total Expenditures	<u>90,593</u>	<u>92,425</u>	<u>111,025</u>
Ending Fund Balance	<u>\$ 61,525</u>	<u>\$ 62,155</u>	<u>\$ 42,130</u>

Police Programs Fund
Summary of Receipts & Expenditures

	<u>Actual</u> <u>2005-2006</u>	<u>Estimated</u> <u>2006-2007</u>	<u>Requested</u> <u>2007-2008</u>
Beginning Fund Balance	\$ 97,123	\$ 144,419	\$ 189,119
Receipts			
E 9-1-1 Service Fees	206,341	205,000	203,000
Security and Technology Fees	46,032	42,000	40,000
Grants		12,000	
Interest	11,083	8,000	7,000
Total Receipts	<u>263,456</u>	<u>267,000</u>	<u>250,000</u>
Total Funds Available	360,579	411,419	439,119
Expenditures			
Personnel	63,299	61,000	61,610
Supplies		300	16,700
Maintenance/Repairs		1,000	5,700
Contractual Payments	110,309	120,000	158,002
Equipment	42,552	40,000	118,000
Total Expenditures	<u>216,160</u>	<u>222,300</u>	<u>360,012</u>
Ending Fund Balance	<u>\$ 144,419</u>	<u>\$ 189,119</u>	<u>\$ 79,107</u>

Hotel/Motel Tax Fund
Summary of Receipts & Expenses

	Actual 2005-2006	Budget 2006-2007	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 125,672	\$ 106,708	\$ 153,215	\$ 190,422
Receipts				
Hotel/Motel Tax 5%	368,754	330,750	375,000	375,000
Hotel/Motel Tax 2%	147,363	131,250	150,000	150,000
Proceeds from Sale of Museum Building	97,697	-	-	-
Interest	4,788	5,000	8,300	3,000
Total Receipts	<u>618,602</u>	<u>467,000</u>	<u>533,300</u>	<u>528,000</u>
Total Funds Available	744,274	573,708	686,515	718,422
Expenditures				
Museum Support	80,000	80,000	80,000	82,500
Museum - Payment for Past Services	100,000	-	-	-
Downtown Preservation	20,000	30,620	20,000	20,000
Convention and Visitors (Tourism)	166,315	202,025	202,025	229,725
Downtown Building Incentive	5,000	25,000	25,000	25,000
Arts Council	25,800	32,000	32,000	33,171
Transfer to Auditorium/Ballroom	46,581	63,355	63,355	62,000
Transfer 2% to Auditorium Debt Service	147,363	73,713	73,713	113,437
Total Expenditures	<u>591,059</u>	<u>506,713</u>	<u>496,093</u>	<u>565,833</u>
Excess Receipts over Expenditures	<u>27,543</u>	<u>(39,713)</u>	<u>37,207</u>	<u>(37,833)</u>
Ending Fund Balance	<u>\$ 153,215</u>	<u>\$ 66,995</u>	<u>\$ 190,422</u>	<u>\$ 152,589</u>

**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 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 35,574	\$ 17,843	\$ 51,943
Receipts			
Police Confiscated Funds	26,879	52,000	45,000
Interest Income	390	1,100	800
Total Receipts	<u>27,269</u>	<u>53,100</u>	<u>45,800</u>
Total Funds Available	62,843	70,943	97,743
Expenditures			
Supplies		6,000	17,988
Maintenance and Repair			3,500
Travel & Tuition		3,000	14,500
Machinery & Equipment		10,000	26,500
Transfer Out	45,000		
Total Expenditures	<u>45,000</u>	<u>19,000</u>	<u>62,488</u>
Ending Fund Balance	<u>\$ 17,843</u>	<u>\$ 51,943</u>	<u>\$ 35,255</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 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 183,050	\$ 294,614	\$ 322,065
Receipts			
Interest Income	17,260	13,000	15,000
Airport Rentals	48,228	50,000	50,000
Oil & Gas Royalty	89,395	65,000	70,000
Fuel Sales	295,879	325,000	475,050
Grant Revenue	2,548		50,000
Miscellaneous Revenue	101		
Total Receipts	<u>453,411</u>	<u>453,000</u>	<u>660,050</u>
Total Funds Available	636,461	747,614	982,115
Expenditures			
Fuel Purchases	266,888	300,000	445,050
Other Supplies	1,302	2,350	3,950
Maintenance	3,047	7,700	8,000
Contractual Services	53,734	97,119	162,500
Utilities	15,175	16,920	18,200
Vehicle Usage	1,701	1,460	1,900
Total Expenditures	<u>341,847</u>	<u>425,549</u>	<u>639,600</u>
Ending Fund Balance	<u><u>\$ 294,614</u></u>	<u><u>\$ 322,065</u></u>	<u><u>\$ 342,515</u></u>

**Street Sales Tax
Summary of Receipts & Expenditures**

This special revenue fund accounts for the proposed revenues generated from the additional 1/8 cent sales tax and expenditures for street improvements funded through these revenues.

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ -	\$ -	\$ -
Receipts			
Street Sales Tax Revenues	-	-	473,000
Interest Revenues	-	-	-
Total Receipts	-	-	473,000
Total Funds Available	-	-	473,000
Expenditures			
Street Improvements	-	-	450,000
Total Expenditures	-	-	450,000
Ending Fund Balance	\$ -	\$ -	\$ 23,000

Parks Pride Fund
Summary of Receipts & Expenditures

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 21,888	\$ 33,218	\$ 29,818
Receipts			
PRIDE Donations	11,294	10,500	10,500
Interest Income	10,244	1,100	750
Miscellaneous Income	7		
Total Receipts	<u>21,545</u>	<u>11,600</u>	<u>11,250</u>
Total Funds Available	43,433	44,818	41,068
Expenditures			
Park Improvements	<u>10,215</u>	<u>15,000</u>	<u>15,000</u>
Total Expenditures	<u>10,215</u>	<u>15,000</u>	<u>15,000</u>
Ending Fund Balance	<u><u>\$ 33,218</u></u>	<u><u>\$ 29,818</u></u>	<u><u>\$ 26,068</u></u>

Police Pride Fund
Summary of Receipts & Expenditures

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 15,437	\$ 19,634	\$ 25,384
Receipts			
PRIDE Donations	11,257	10,500	10,500
Interest Income	324	750	500
Total Receipts	<u>11,581</u>	<u>11,250</u>	<u>11,000</u>
Total Funds Available	27,018	30,884	36,384
Expenditures			
Supplies	114	2,000	4,000
Travel/Tuition	2,521	1,000	3,500
Contractual Services	4,749	1,000	5,000
Equipment		1,500	
Canine Replacement Dog	9,000	-	9,500
Total Expenditures	<u>7,384</u>	<u>5,500</u>	<u>22,000</u>
Ending Fund Balance	<u>\$ 19,634</u>	<u>\$ 25,384</u>	<u>\$ 14,384</u>

Donations Fund
Summary of Receipts & Expenditures

This fund includes donations for Holiday Decorating & Library

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 5	\$ 133	\$ 440
Receipts			
Donations	380	300	300
Interest Income	-	7	-
Total Receipts	<u>380</u>	<u>307</u>	<u>300</u>
Total Funds Available	385	440	740
Expenditures			
Supplies	-	-	400
Travel/Tuition	-	-	-
Contractual Services	252	-	-
Equipment	-	-	-
Total Expenditures	<u>252</u>	<u>-</u>	<u>400</u>
Ending Fund Balance	<u>\$ 133</u>	<u>\$ 440</u>	<u>\$ 340</u>

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

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 56,589	\$ 94,938	\$ 58,146
Receipts			
Transfers-in from Hotel/Motel Tax	147,363	73,713	113,437
Transfers-in from Auditorium Impr	-	-	-
Interest	1,189	650	700
Total Receipts	<u>148,552</u>	<u>74,363</u>	<u>114,137</u>
Total Funds Available	205,141	169,301	172,283
Expenditures			
Debt Service	109,703	110,655	113,437
Agent Fees	500	500	500
Total Expenditures	<u>110,203</u>	<u>111,155</u>	<u>113,937</u>
Ending Fund Balance	<u>\$ 94,938</u>	<u>\$ 58,146</u>	<u>\$ 58,346</u>

TIF Debt Service Fund
Summary of Receipts & Expenditures

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 219,062	\$ 332,465	\$ 483,563
Receipts			
Property Tax	251,794	326,184	326,000
Interest	12,705	25,400	27,000
Total Receipts	<u>264,499</u>	<u>351,584</u>	<u>353,000</u>
Total Funds Available	483,561	684,049	836,563
Expenditures			
Debt Service	151,096	199,986	246,656
Agent Fees	-	500	500
Total Expenditures	<u>151,096</u>	<u>200,486</u>	<u>247,156</u>
Ending Fund Balance	<u><u>\$ 332,465</u></u>	<u><u>\$ 483,563</u></u>	<u><u>\$ 589,407</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

	<u>Actual 2005-2006</u>	<u>Estimated 2006-2007</u>	<u>Requested 2007-2008</u>
Beginning Fund Balance	\$ -	\$ -	\$ -
Receipts			
Property Tax	-	-	55,000
Interest	-	-	200
Total Receipts	<u>-</u>	<u>-</u>	<u>55,200</u>
Total Funds Available	-	-	55,200
Expenditures			
Debt Service	-	-	-
Agent Fees	-	-	-
Total Expenditures	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 55,200</u>

CO Debt Service Fund
Summary of Receipts & Expenditures

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ -	\$ -	\$ -
Receipts			
Transfer from General Fund	-	-	481,750
Interest	-	-	-
Total Receipts	<u>-</u>	<u>-</u>	<u>481,750</u>
Total Funds Available	-	-	481,750
Expenditures			
Debt Service	-	-	481,250
Agent Fees	-	-	500
Total Expenditures	<u>-</u>	<u>-</u>	<u>481,750</u>
Ending Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

**Insurance Fund
Summary of Receipts & Expenses**

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 1,187,385	\$ 1,626,122	\$ 1,783,521
Receipts			
Employer Contributions	2,859,445	2,900,000	2,853,093
Employee Contributions	644,425	700,000	700,000
Retiree Contributions	123,090	152,000	160,000
COBRA Contributions	239	-	-
Interest Income	79,507	85,000	86,000
Miscellaneous	19,245	18,583	18,500
Total Receipts	<u>3,725,951</u>	<u>3,855,583</u>	<u>3,817,593</u>
Total Funds Available	4,913,336	5,481,705	5,601,114
Expenses			
Health & Dental Claims	2,585,703	3,050,000	3,200,000
Insurance Premiums & Cost	635,294	550,000	600,000
Life Insurance	58,816	65,000	68,000
AD & D	7,401	8,185	8,500
Miscellaneous		24,999	-
Transfer out	-	-	100,000
Total Expenses	<u>3,287,214</u>	<u>3,698,184</u>	<u>3,976,500</u>
Ending Fund Reserve	<u>\$ 1,626,122</u>	<u>\$ 1,783,521</u>	<u>\$ 1,624,614</u>
Reserved for Future Claims	-	-	-
Unreserved	1,626,122	1,783,521	1,624,614

Computer Service Fund
Summary of Receipts & Expenses

	Actual 2005-2006	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 363,732	\$ 380,027	\$ 187,114
Revenues			
Debt Proceeds		400,000	
Interest Income	11,836	12,000	7,700
Computer Usage:			
General Fund	304,175	457,758	387,500
Equipment Services Fund	14,855	21,833	18,500
Utility Fund	68,683	102,135	88,600
Solid Waste Fund	7,928	13,322	10,700
Total Current Revenues	<u>407,477</u>	<u>1,007,048</u>	<u>513,000</u>
Total Funds Available	771,209	1,387,075	700,114
Expenses			
Personnel	193,821	262,738	258,776
Supplies	6,517	9,460	50,210
Maintenance & Repairs	70,008	76,300	124,643
Utilities	29,409	25,093	27,000
Contract Wages	(3,369)	210,000	10,100
Debt Service		47,616	95,232
Contractual Services & Other	55,795	124,750	28,139
Equipment, Capital Outlay	39,001	444,004	19,700
Total Expenses	<u>391,182</u>	<u>1,199,961</u>	<u>613,800</u>
Ending Fund Balance	<u>\$ 380,027</u>	<u>\$ 187,114</u>	<u>86,314</u>

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

	Actual	Estimated	Requested
	<u>2005-2006</u>	<u>2006-2007</u>	<u>2007-2008</u>
Beginning Fund Balance	\$ (88,949)	\$ (49,400)	\$ 36,100
Revenues			
Equipment Service Revenue:			
General Fund	1,087,818	1,329,243	1,187,400
Airport Fund	1,662	2,031	0
Utility Fund	139,818	170,848	259,000
Solid Waste Fund	<u>715,977</u>	<u>874,878</u>	<u>1,007,200</u>
	<u>1,945,275</u>	<u>2,377,000</u>	<u>2,453,600</u>
Total Funds Available	1,856,326	2,327,600	2,489,700
Expenses			
Personnel	674,915	725,000	747,640
Supplies	702,531	1,000,000	985,919
Maintenance & Repair	387,082	410,000	436,000
Utilities	28,137	31,000	35,500
Computer Services	14,855	20,000	18,500
Contractual Services	97,811	98,000	102,455
Equipment	<u>395</u>	<u>7,500</u>	<u>5,400</u>
Total Expenses	<u>1,905,726</u>	<u>2,291,500</u>	<u>2,331,414</u>
Ending Fund Balance	<u>\$ (49,400)</u>	<u>\$ 36,100</u>	<u>\$ 158,286</u>

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

	Actual 2006-2007	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 186,429	\$ 186,429	\$ 186,429
Receipts			
Interest Income			
Total Funds Available	186,429	186,429	186,429
Expenses			
Miscellaneous	-	-	-
Ending Fund Balance	\$ 186,429	\$ 186,429	\$ 186,429

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

	<u>Actual 2006-2007</u>	<u>Estimated 2006-2007</u>	<u>Requested 2007-2008</u>
Beginning Fund Balance	\$ 140,058	\$ 153,013	\$ 161,113
Receipts			
Interest Income	8,468	8,100	8,400
Pro Rata Fees	4,487	-	-
Total Receipts	<u>12,955</u>	<u>8,100</u>	<u>8,400</u>
Total Funds Available	153,013	161,113	169,513
Expenses			
Miscellaneous	<u>-</u>	<u>-</u>	<u>10,000</u>
Ending Fund Balance	<u><u>\$ 153,013</u></u>	<u><u>\$ 161,113</u></u>	<u><u>\$ 159,513</u></u>

**Revenue Debt Service Fund
Summary of Receipts & Expenses**

This debt service fund is to insure the payment of principal and interest on the City of Sherman's Revenue bonds. The amount required to make these payments is transferred to this fund from the Utility Fund on a monthly basis.

NOTE: BOTH OF THESE FUNDS WILL BE CLOSED OUT IN FY2008 SINCE THE BONDS ARE PAID IN FULL

	Actual 2005-06	Estimated 2006-2007	Requested 2007-2008
Beginning Fund Balance	\$ 256,498	\$ 276,109	\$ 283,609
Receipts			
Transfer In (Utility Fund)	178,693	157,800	-
Interest on Investments	8,024	8,200	-
Total Current Receipts	<u>186,717</u>	<u>166,000</u>	<u>-</u>
Total Funds Available	443,215	442,109	283,609
Expenses			
Bond Maturities	150,000	150,000	
Interest	16,470	7,800	
Paying Agent	636	700	
Transfer-out	-	-	283,609
Total Budgeted Expenses	<u>167,106</u>	<u>158,500</u>	<u>283,609</u>
Ending Fund Reserves	<u><u>\$ 276,109</u></u>	<u><u>\$ 283,609</u></u>	<u><u>\$ -</u></u>

**Revenue Debt Service ReserveFund
Summary of Receipts & Expenses**

This fund is used to maintain reserve bond funds in accordance with the City's outstanding revenue water and sewer bonds. The requirements of this fund are to maintain a reserve equal to the average annual debt service of the remaining principal and interest payments on the bonds.

	Actual 2005-06	Estimated 2006-2007	Approved 2007-2008
Beginning Fund Reserves	\$ 165,817	\$ 161,553	\$ 161,553
Receipts - Interest	<u>9,359</u>	<u>-</u>	<u>-</u>
Total Funds Available	175,176	161,553	161,553
Transfers Out	<u>13,623</u>	<u>-</u>	<u>161,553</u>
Ending Cash Reserves	<u><u>\$ 161,553</u></u>	<u><u>\$ 161,553</u></u>	<u><u>\$ -</u></u>

TRANSFERS SCHEDULE

FUND DEPT ACCOUNT DETAILS

11	191	6950	From fund 60
	191	6950	From fund 70 5% franchise, admin cost
	191	6950	From fund 79, dept 243 and 244
11	191	8950	To Debt Service Fund
	191	8950	To fund 22
22	900	6950	From fund 79, dept 291
	900	6950	From fund 11, dept 191
31	900	6950	From fund 46
DEBT SERVICE FUND From fund 11			
42	900	6950	From fund 46
46	691	8950	To fund 31 and 42
60	900	8950	To fund 11
70	791	8950	To fund 77
	791	8430	To fund 11 4% franchise, admin cost
73	900	8950	To Fund 70
74	900	8950	To Fund 70
77	900	7950	From fund 70
77	900	7950	From funds 73, 74
79	243	8950	To fund 11 4% franchise, admin cost
79	244	8950	To fund 11 4% franchise, admin cost
79	245	8950	To fund 11 4% franchise, admin cost
79	291	8950	To fund 22, General CIP

TOTALS

BUDGETED FY07/08	
Expense TRANSFER FROM Debit	Revenue TRANSFER TO Credit
	\$ 100,000.00
	\$ 1,500,000.00
	\$ 495,938.00
\$ 481,750.00	
\$ 1,700,000.00	
	\$ 700,000.00
	\$ 1,700,000.00
	\$ 113,437.00
	\$ 481,750.00
	\$ 62,000.00
\$ 175,437.00	
\$ 100,000.00	
\$ 800,000.00	
\$ 1,500,000.00	
\$ 283,609.00	
\$ 161,553.00	
	\$ 800,000.00
	\$ 445,162.00
\$ 144,280.00	
\$ 304,641.00	
\$ 47,017.00	
\$ 700,000.00	
\$ 6,398,287.00	\$ 6,398,287.00

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 (est)	\$ 1,782,497	\$ 7,130	\$ 7,022

City of Sherman, Texas

Bonded Debt as of 7/31/2007

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				(3) \$1,605,000 General Obligation Refunding, Series 2006			
	Coupon	Principal	Interest	TOTAL	Coupon	Principal	Interest	TOTAL	Coupon	Principal	Interest	TOTAL
2008	5.75%	35,000.00	4,873.75	39,873.75	4.44%	125,000.00	121,656.00	246,656.00	3.50%	10,000.00	63,562.50	73,562.50
2009	5.75%	35,000.00	2,861.25	37,861.25	4.44%	125,000.00	116,106.00	241,106.00	3.50%	15,000.00	63,125.00	78,125.00
2010	5.30%	35,000.00	927.50	35,927.50	4.44%	130,000.00	110,556.00	240,556.00	3.50%	15,000.00	62,600.00	77,600.00
2011				-	4.44%	135,000.00	104,784.00	239,784.00	3.50%	55,000.00	61,375.00	116,375.00
2012				-	4.44%	140,000.00	98,790.00	238,790.00	3.50%	55,000.00	59,450.00	114,450.00
2013				-	4.44%	150,000.00	92,574.00	242,574.00	3.50%	60,000.00	57,437.50	117,437.50
2014				-	4.44%	155,000.00	85,914.00	240,914.00	3.50%	55,000.00	55,425.00	110,425.00
2015				-	4.44%	160,000.00	79,032.00	239,032.00	3.75%	60,000.00	53,337.50	113,337.50
2016				-	4.44%	170,000.00	71,928.00	241,928.00	3.75%	60,000.00	51,087.50	111,087.50
2017				-	4.44%	180,000.00	64,380.00	244,380.00	3.75%	65,000.00	48,743.75	113,743.75
2018				-	4.44%	185,000.00	56,388.00	241,388.00	3.75%	70,000.00	46,212.50	116,212.50
2019				-	4.44%	195,000.00	48,174.00	243,174.00	4.00%	70,000.00	43,500.00	113,500.00
2020				-	4.44%	205,000.00	39,516.00	244,516.00	4.00%	75,000.00	40,600.00	115,600.00
2021				-	4.44%	215,000.00	30,414.00	245,414.00	4.00%	80,000.00	37,500.00	117,500.00
2022				-	4.44%	230,000.00	20,868.00	250,868.00	4.00%	80,000.00	34,300.00	114,300.00
2023				-	4.44%	240,000.00	10,656.00	250,656.00	4.00%	85,000.00	31,000.00	116,000.00
2024				-				-	4.00%	85,000.00	27,600.00	112,600.00
2025				-				-	4.25%	85,000.00	24,093.75	109,093.75
2026				-				-	4.25%	95,000.00	20,268.75	115,268.75
2027				-				-	4.25%	100,000.00	16,125.00	116,125.00
2028				-				-	4.375%	100,000.00	11,812.50	111,812.50
2029				-				-	4.375%	105,000.00	7,328.13	112,328.13
2030				-				-	4.375%	115,000.00	2,515.63	117,515.63
		105,000.00	8,662.50	113,662.50		2,740,000.00	1,151,736.00	3,891,736.00		1,595,000.00	919,000.01	2,514,000.01

(1) These bonds were issued in 2000 to provide funding for Auditorium/Ballroom restoration. Debt service is financed through combination property tax and Hotel Motel tax revenues. These bonds were refinanced in 2006 (see 2006 Series GO Refunding).

(2) These bonds were issued in 2004 to provide funding for infrastructure development for Sherman Town Center. Debt service is financed through tax increment property tax revenues.

(3) These bonds were issued in 2006 to partially refund the 2000 Series Auditorium/Ballroom restoration bonds.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.8

OTHER BUSINESS

Discussion of the Proposed Tax Rate for Fiscal Year 2007-2008 and Scheduling Public Hearings for Budget and Proposed Tax Rate

Issue

This item is mandated by revisions in the State of Texas' Truth-In-Taxation laws.

Background

The requirements for due process regarding budget and tax rate adoption have become very cumbersome in the last two years. For 2007, any city that sets a tax rate that exceeds the effective tax rate must: (1) hold a meeting to discuss the tax rate and set two public hearings; (2) hold two separate public hearings that are three to fourteen days apart; and (3) pass an ordinance setting the tax rate at a meeting held three to fourteen days after the second public hearing. Also, there are new requirements concerning notice and hearings relating to a budget that proposes to increase property tax revenues. Attached is a schedule outlining the requirements of the public hearings for both budget and tax rates, as well as setting the dates for adoption of each. In summary, the required Council action is as follows:

- August 20th: Public Hearing on Budget; Introduce Budget Ordinance; 1st Public Hearing on Tax Increase
- September 4th: Adopt Budget Ordinance; Ratification of Property Tax Increase - Budget; 2nd Public Hearing on Tax Increase
- September 17th: Adopt Tax Rate

Origination

Finance Department

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 following the schedule shown above, which meets the requirements of State law.

Alternatives

The City Council could change the direction that they gave at the Budget Workshop by requesting a tax rate other than \$.40 per \$100 valuation.

Attachments

Budget and Tax Calendar

Prepared by:
Robby Hefton, Director of Finance & Administration

Approved by:
George Olson, City Manager

Budget and Tax Calendar

	Budget	Tax Rate	Meeting or Advertisement	Notes
Budget Filed with City Clerk	08/03/07		N/A	Must be filed with Clerk over 15 days from date of public hearing on budget, and 30 days before tax rate is adopted; <u>budget must be posted on internal website</u>
Draft Budget Presented to Council	08/06/07		Meeting	If tax revenue increase, must include a statement prescribed by HB 3195: "This budget will raise more total property taxes than last year's budget by \$_____ and __%, and of that amount \$_____ is tax revenue to be raised from new property added to the roll this year".
Publish Effective and Rollback Rate in Newspaper, Website		08/06/07	Ad	
Notice of Public Hearing on Budget	08/10/07		Ad	No less than 10 days before the budget hearing; must include the statement from HB 3195 if applicable
Notice of Public Hearing on Tax Rate Increase		08/13/07	Ad	No later than 7 days prior to first Public Hearing on Tax Rate Increase; also must put on Website and Gov't Access Channel
Public Hearing on Budget if there's an increase in property tax revenues	08/20/07		Meeting	Hearing must be at a date before the date of the Tax Adoption; must be after 15th day the proposed budget is filed with City Clerk; the Council is required to take some action (vote) on the budget at the conclusion of the hearing, even if it is to postpone final vote on budget until another meeting
Introduce Budget Ordinance	08/20/07		Meeting	
Public Hearing on Tax Rate Increase- 1st		08/20/07	Meeting	At least 3 days before 2nd Public Hearing on Tax Rate Increase
Notice of Final Budget Adoption	8/29/2007		Ad	Per Charter - at least 5 days prior to final adoption
Adopt Budget Ordinance	09/04/07		Meeting	
Ratification of Property Tax Revenue Increase by Council - separate vote than adoption of budget ordinance	09/04/07		Meeting	
Public Hearing on Tax Rate Increase - 2nd		09/04/07	Meeting	At least 3 days before Adopt Tax Rate, no more than 14 days before Adopt Tax Rate
Publish Notice of Vote on Tax Increase		9/12/2007	Ad	Must be done after 2nd hearing on Tax Rate Increase
Adopt Tax Rate		09/17/07	Meeting	
Advertisements August 6 Meeting August 20 Meeting September 4 Meeting September 17 Meeting				



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.9

*** OTHER BUSINESS**

Approve Quarterly Investment Report for Period Ending June 30, 2007

Issue

To approve the Investment Report for the quarterly period ending June 30, 2007

Background

By law, the Council is required to receive and accept an investment report from the City's investment officer at least quarterly. This report is first submitted to the Investment Committee for their review prior to its presentation to the Council. The Investment Committee has received the report. The report reflects a portfolio position with a book value of nearly \$31.7 million. As of June 30, 2007, the City was in compliance with all applicable state laws and the provisions of the City's internal Investment Policy. The portfolio remains adequately liquid; and its yield of 5.24% for the quarter is more than the benchmark yield of 4.8%. The market value of the overall portfolio was 100.00% of the book value.

Origination

Robby Hefton, Director of Finance and Administration

Financial Consideration

None

Staff Recommendation

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

Alternatives

The Council could deny acceptance of the report or request disclosures in addition to those required by law.

Attachments

Memo to Investment Committee
Investment Report and Related Schedules

Prepared by:
Robby Hefton, Director of Finance and Administration

Approved by:
George Olson, City Manager

Memorandum

DATE: July 31, 2007

TO: Investment Committee – Councilmembers Willie Steele and Terrence Steele and George Olson, City Manager

FROM: Robby Hefton, Director of Finance and Administration and Investment Officer 

SUBJECT: Investment Report for Quarter Ended June 30, 2007

Attached is a copy of the Investment Report for the quarter-ended June 30, 2007. Please contact me if you have any questions about the report.

This report is scheduled to be included on the August 6, 2007 Council Agenda, unless I hear from you otherwise.

CITY OF SHERMAN, TX
Investment Report Summary
June 30, 2007

This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law. At June 30, 2007, investment book value was about \$31.7 million and had decreased by approximately \$2.2 million from three months prior. This decrease is due to a significant decrease in the collection of ad valorem tax revenues during the quarter compared to the prior quarter, and to significant payments on several large construction projects during the quarter. The City's investment portfolio includes demand deposits, a public savings account, investment pools that strive to maintain a 100% net asset value, U.S. Treasury securities, and U.S. Agency securities.

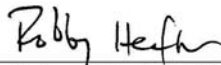
The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of June 30, 2007. The weighted-average maturity of the portfolio was about 38 days at June 30, 2007, compared to about 46 days at March 31, 2006. The decrease in weighted-average maturity occurred because there were no investments purchased during the period.

The market value of the portfolio was 100.00% of book value as of June 30, 2007 when rounded to two decimal places, although there was a difference of about \$240 between the market and book values of the portfolio. This percentage was essentially unchanged from March 31, 2007.

The portfolio yield of 5.24 % at June 30, 2007 was higher than the benchmark yield on the 180-day T-Bill, which was 4.8%.

There were 3 securities that matured during the quarter with a par value totaling \$3,000,000. No new securities were purchased during this quarter. All other transactions were routine.

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



Robby Hefton, Director of Finance
and Administration
City of Sherman Investment Officer

CITY OF SHERMAN, TX
Detailed Investment Report
As of June 30, 2007

Investment	Par	VALUES - Mar. 31, 2007		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - June 30, 2007	
		Book	Market	Purchases/ Withdrawals	Accruals/ Amortizations	Purchases & Withdrawals	Change In Market Price	Book	Market
DEMAND DEPOSITS									
Depository Bank		\$1,524,873	\$1,524,873	\$572,658	-	\$572,658	-	\$2,097,531	\$2,097,531
Savings Account		3,888,357	3,888,357	50,542	-	50,542	-	3,938,899	3,938,899
		<u>\$5,413,230</u>	<u>\$5,413,230</u>	<u>623,200</u>	<u>-</u>	<u>623,200</u>	<u>-</u>	<u>6,036,430</u>	<u>6,036,430</u>
INVESTMENT POOLS									
Tex-Pool		5,660,098	5,660,098	-	74,734	-	74,734	5,734,832	5,734,832
TexStar		5,966,110	5,965,830	-	78,829	-	78,825	6,044,939	6,044,655
		<u>11,626,208</u>	<u>11,625,928</u>	<u>-</u>	<u>153,563</u>	<u>-</u>	<u>153,560</u>	<u>11,779,771</u>	<u>11,779,487</u>
SECURITY INVESTMENTS									
FDMCDNT 4/3/07	1,000,000	999,589	999,800	(1,000,000)	411	(1,000,000)	200	-	-
FHL Note 3.250% 5/10/07	1,000,000	997,937	997,800	(1,000,000)	2,063	(1,000,000)	2,200	-	-
FDMCDNT 5/18/07	1,000,000	1,000,046	997,300	(1,000,000)	(46)	(1,000,000)	2,700	-	-
Treasury Note 3.625% 6/30/07	1,000,000	996,552	996,400		3,448		3,600	1,000,000	1,000,000
Treasury Note 3.875% 7/31/07	1,000,000	996,300	996,100		2,730		3,100	999,030	999,200
Treasury Note 3.625% 6/30/07b	1,000,000	996,552	996,400		3,448		3,600	1,000,000	1,000,000
Treasury Note 3.875% 7/31/07b	1,000,000	996,300	996,100		2,790		3,100	999,090	999,200
FHL Note 4.250% 8/8/07	1,000,000	996,441	996,100		2,491		2,600	998,932	998,700
FHL Note 4.250% 8/24/07	1,000,000	998,864	998,800		708		500	999,572	999,300
FDMCNT 3.50% 9/15/07	1,000,000	995,481	995,500		962		700	996,443	996,200
FMN 4.25% 9/15/07	1,000,000	992,239	992,400		5,690		5,200	997,929	997,600
FMDN 10/26/07	2,000,000	1,942,572	1,942,600		25,004		24,400	1,967,576	1,967,000
FMDN 11/9/07	2,000,000	1,937,684	1,938,800		25,429		24,400	1,963,113	1,963,200
Treasury Note 4.375% 12/31/07	2,000,000	1,989,525	1,990,600		3,466		4,200	1,992,991	1,994,800
	<u>\$17,000,000</u>	<u>\$16,836,082</u>	<u>\$16,834,700</u>	<u>(\$3,000,000)</u>	<u>\$78,594</u>	<u>(\$3,000,000)</u>	<u>\$80,500</u>	<u>\$13,914,676</u>	<u>\$13,915,200</u>
	<u>\$17,000,000</u>	<u>\$33,875,520</u>	<u>\$33,873,858</u>	<u>(\$2,376,800)</u>	<u>\$232,157</u>	<u>(\$2,376,800)</u>	<u>\$234,060</u>	<u>\$31,730,877</u>	<u>\$31,731,117</u>

CITY OF SHERMAN, TX
Comparison of Portfolio to Policy Limits
As of June 30, 2007

<u>LIMITS ON TYPES OF SECURITIES</u>	<u>Target Investment Level</u>	<u>Portfolio Cap</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Demand Deposits	100%	100%	19.02%	80.98%
Bank Time Deposits	25%	30%	0.00%	30.00%
U. S. Treasury Securities	80%	85%	18.88%	66.12%
U. S. Agency Securities	45%	50%	24.97%	25.03%
Investment Pools	45%	50%	37.12%	12.88%

<u>LIMITS ON MATURITIES</u>	<u>Minimum Allowable Percentage of Portfolio</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Available within 1 month	25%	68.75%	43.75%
Available within 3 months	33%	81.33%	48.33%
Available within 6 months	45%	93.72%	48.72%
Available within 1 year	60%	100.00%	40.00%
Available within 2 years	70%	100.00%	30.00%
Available within 3 years	80%	100.00%	20.00%
Available within 4 years	90%	100.00%	10.00%
Available within 5 years	100%	100.00%	0.00%

	<u>Maximum Allowable</u>	<u>Actual Average Maturity</u>	<u>Policy Limit Days Available</u>
<u>Weighted Average Days to Maturity</u>	500	37.16	462.84

CITY OF SHERMAN, TX
Calculation of Weighted Average Maturity and Yield
As of June 30, 2007

	<u>Market Value</u>	<u>Book Value</u>	<u># of Days To Maturity</u>	<u>Original Yield to Maturity</u>	<u>Percent of Portfolio</u>
Demand Deposits					
Depository Bank - Operating	\$2,097,531	\$2,097,531	0	0.00%	6.61%
Savings Account	<u>3,938,899</u>	<u>3,938,899</u>	0	5.33%	<u>12.41%</u>
	6,036,430	6,036,430			19.02%
Investment Pools					
Tex-Pool	5,734,832	5,734,832	1	5.29%	18.07%
TexStar	<u>6,044,655</u>	<u>6,044,939</u>	1	5.30%	<u>19.05%</u>
	11,779,487	11,779,771			37.12%
Federal Securities and Notes					
Treasury Note 3.625% 6/30/07	1,000,000	1,000,000	0	5.00%	3.15%
Treasury Note 3.875% 7/31/07	999,200	999,030	31	4.98%	3.15%
Treasury Note 3.625% 6/30/07b	1,000,000	1,000,000	0	5.10%	3.15%
Treasury Note 3.875% 7/31/07b	999,200	999,090	31	5.05%	3.15%
FHL Note 4.250% 8/8/07	998,700	998,932	39	5.29%	3.15%
FHL Note 4.250% 8/24/07	999,300	999,572	55	5.29%	3.15%
FDMCNT 3.50% 9/15/07	996,200	996,443	77	5.25%	3.14%
FMN 4.25% 9/15/07	997,600	997,929	77	5.26%	3.14%
FMDN 10/26/07	1,967,000	1,967,576	118	5.22%	6.20%
FMDN 11/9/07	1,963,200	1,963,113	132	5.29%	6.19%
Treasury Note 4.375% 12/31/07	<u>1,994,800</u>	<u>1,992,991</u>	184	5.09%	<u>6.28%</u>
	13,915,200	13,914,676			43.85%
TOTAL	<u>\$31,731,117</u>	<u>\$31,730,877</u>			<u>100.00%</u>
Weighted Average Maturity					
Weighted Average Days to Maturity				37.16	
Weighted Average Days to Maturity - Operating (excl. depository bank)				45.89	
Weighted Average Yield					
Weighted Average Yield				4.90%	
Weighted Average Yield - Operating (excluding depository bank)				5.24%	
Yield to Maturity of 180 day T-Bill at June 30, 2007				4.80%	

CITY OF SHERMAN, TX
Market Value Analysis
As of June 30, 2007

CHANGES IN MARKET VALUE:

BEGINNING VALUE - March 31, 2006		\$33,873,858
<u>INVESTMENT ACTIVITY:</u>		
Purchases	-	
Maturities	(\$3,000,000)	
Net Changes in Market Price	<u>80,500</u>	
		(2,919,500)
Bank and Pooled Investment Deposits/(Withdrawals) - Net		<u>776,760</u>
ENDING VALUE - June 30, 2007		<u><u>\$31,731,118</u></u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

<u>BEGINNING VALUE - March 31, 2006</u>		
Market Value	\$33,873,858	
Book Value	\$33,875,520	
Ratio of Market Value to Book Value		100.00%
 <u>ENDING VALUE - June 30, 2007</u>		
Market Value	\$31,731,117	
Book Value	\$31,730,877	
Ratio of Market Value to Book Value		100.00%

CITY OF SHERMAN, TX
Year To Date Investment Transaction Report
As of June 30, 2007

PURCHASES

<u>Date</u>	<u>Type</u>	<u>Principal Purchase Price</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>	<u>Maturity Date</u>
-------------	-------------	---	----------------------	---	--------------------------

Total Purchases	\$0	\$0
------------------------	------------	------------

MATURITIES

<u>Date</u>	<u>Type</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>
4/3/2007	FDMCDNT	\$1,000,000	5.20%
5/10/2007	FHL Note	\$1,000,000	5.21%
5/18/2007	FDMCDNT	\$1,000,000	3.25%

Total Maturities	<u>\$3,000,000</u>
-------------------------	---------------------------



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.10

OTHER BUSINESS

Receive Update on the Annual Mill and Overlay Program from Director of Public Works and Engineering Director Jeff Miller

Issue

To receive a report from the Director of Public Works and Engineering on the Fiscal Year (FY) 2006-2007 Mill and Overlay Program

Background

Due to bad weather in June and July and the ensuing flood clean-up, the Street Department lost critical summertime weather conditions and was not able to execute its annual street maintenance work as planned. With the current resources, Street Department staff will be able to only complete the planned 30 centerline miles of seal coat this fiscal year. To complete the milling and overlaying of the planned four street segments (listed below) this calendar year, staff have advertised and will receive bids from asphalt contractors to complete the work.

FY 2006-2007 Mill & Overlay Program

- Washington Street, Rusk Street to Travis Street
- Woods Street, Washington Street to Belden Street
- Ricketts Street
 - o Lamar Street to Washington Street
 - o McGee Street to Taylor Street

Origination

Department of Public Works & Engineering

Financial Consideration

In FY 2006-2007, \$215,000 was budgeted for milling and overlaying. These planned street segments will be prioritized and the work completed as far as possible, but within the budgeted amount.

Staff Recommendation

Complete the FY 2006-2007 Mill and Overlay Program as planned.

Alternatives

Those as may be recommended by the City Council

Attachments

None

Prepared by:
Jeff Miller, Director of Public Works & Engineering

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.11

OTHER BUSINESS

Consider the Designation of a Representative to the Sherman-Denison Metropolitan Planning Organization Intermodal Urban Transportation Planning Policy Board

Issue

The Council is being asked to designate an elected official to serve as City of Sherman's representative on the Sherman-Denison Metropolitan Planning Organization (MPO) Intermodal Urban Transportation Planning Policy Board.

Background

The City of Sherman holds a long-standing leadership role within the MPO. The City Manager and, most recently, the Public Works & Engineering Director have served as the City's representative on the MPO Intermodal Urban Transportation Planning Policy Board. The Mayor would like to be appointed as the City of Sherman's new representative.

Origination

Mayor Bill Magers

Financial Consideration

There is no financial impact to this agenda item.

Council Action Requested

Designate the Mayor as the City of Sherman's representative to the MPO

Alternatives

None recommended

Attachments

Letter from the Sherman-Denison MPO Chairman dated February 20, 2007

Prepared and Approved by:
George Olson, City Manager



SHERMAN-DENISON
METROPOLITAN PLANNING ORGANIZATION
INTERMODAL URBAN TRANSPORTATION PLANNING
www.sdmpo.org

February 20, 2007

Mayor Bill Magers
City of Sherman
P.O. Box 1106
Sherman Texas 75091-1106



Dear Mayor Magers:

I have recently learned that Scott Wall is no longer the city manager of Sherman. Mr. Wall was Sherman's selected representative to the Sherman - Denison Metropolitan Planning Organization (MPO). The MPO represents local involvement in the Federal and State transportation planning process as provided by federal law: Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU). The MPO is also responsible for establishing the priority for funding of all federal transportation projects within the 20 year planning boundary of the MPO.

Sherman is one of the core cities within this area. The MPO Policy Board consists of 5 voting members: one from each of the core cities (Sherman and Denison), Grayson County, a rotating small cities representative (Howe, Knollwood, Pottsboro, and Van Alstyne) and the Texas Department of Transportation District Engineer.

The criteria for your representative is that he or she will have the overall transportation needs for our combined urban community at heart, will be able to represent the City of Sherman's interest in this federally mandated cooperative program and be appointed by the city council. The representative for Sherman has not been restricted to locally elected officials, since our MPO was formed prior to 1991, thereby being "grand-fathered" before the original MPO act. However, Sherman should consider that their representative following federal legislation concerning MPO structure:

Title 23 U.S.C. Para 134 (b):

(2) STRUCTURE. Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or re-designated under this subsection, shall consist of

- (A) local elected officials;
- (B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and
- (C) appropriate State officials.

We look forward to meeting with Sherman's new representative. Please provide the MPO Policy Board with written notice of the city's selection. The MPO's staff stands ready to explain all the intricacies of SAFETEA-LU. Our next meeting is scheduled at 11:00 am on April 11, 2006 at the Grayson County Court House. Should you have any questions please call Robert Wood our Director of Transportation at 903-813-3534 or me at 903-813-4318.

Sincerely,

Gene Short
Chairman Sherman - Denison MPO
Grayson County Commissioner, Precinct 4



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.12

*** OTHER BUSINESS**

**Consider Calling a Special Meeting of the City Council for Tuesday, September 4, 2007,
due to Conflict with a Federal Holiday**

Issue

To consider calling a special meeting of the City Council for 5:00 p.m. on Tuesday, September 4, 2007, to make up for the first regular meeting in September, which falls on the Federal Holiday, Labor Day.

Background

The City Charter provides that City Council regular meetings shall fall “on the first and third Mondays of each month, excluding holidays, at its discretion.” The regular date for the Council’s first meeting in September is Monday, September 3rd, a Federal Holiday to celebrate Labor Day. This day is an officially recognized holiday for City of Sherman employees and is traditionally respected by not holding regular City Council meetings on this Federal Holiday. While the Charter provision does not require the City Council to meet on a Federal Holiday, neither does it establish a make up date, which would be done by a motion and order with a 72-hour public notice.

Origination

City Manager

Financial Consideration

No financial impact to be considered

Staff Recommendation

It is recommended that the City Council call a special City Council meeting for 5:00 p.m. on Tuesday, September 4th.

Alternatives

No alternative is recommended, since the first meeting in September is necessary in the process to set the property tax rate.

Attachments

None

**Prepared and Approved by:
George Olson, City Manager**



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.13

*** OTHER BUSINESS**

Set Public Hearing for Capital Improvement Program (CIP) 2007-2012 for Tuesday, September 4, 2007

Issue

To set the public hearing for the City's Capital Improvement Program (CIP) 2007-2012 for Tuesday, September 4, 2007

Background

Article V, Section 10 of the City Charter requires that the City Council, by resolution, adopt a capital program. As required, before consideration of the resolution, the City will publish a summary of the program and give notice of a public hearing in a newspaper of general circulation in the city.

Origination

Developmental Services Department

Financial Consideration

General Fund	\$27,994,040
Utility Fund	\$26,460,000
Total Funding for 2007-2012	\$54,454,040

Staff Recommendation

It is recommended that the City Council set the public hearing for the Capital Improvement Program 2007-2012 for Tuesday, September 4, 2007.

Attachments

None

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.14

*** OTHER BUSINESS**

**Final Plat Approval of Austin Landing, Phase Two,
being 2.688 Acres in the Alexander and Richards Survey, Abstract No. 42;
TexLanDev-Austin, LP, Owner (4900 Block of North Travis)**

Issue

To consider the Final Plat approval of Austin Landing, Phase Two, being 2.688 acres in the Alexander and Richards Survey, Abstract No. 42, located in the 4900 Blocks of North Travis Street

Background

The property is located in the 4900 block of North Travis Street. The owners would like to plat the property into one lot for a regional detention basin for the Austin Landing project on the east side of North Travis Street, which will be handling the detention requirements for the west side of Travis as well as for the apartments and commercial tracts.

Origination

TexLanDev-Austin Landing, LP (Owner); Helvy and Associates (Surveyors); and Vilbig and Associates (Engineers)

Board Recommendation

At the July 17, 2007 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, Developmental 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 AND TWO FAMILY RESIDENTIAL DISTRICT			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
	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



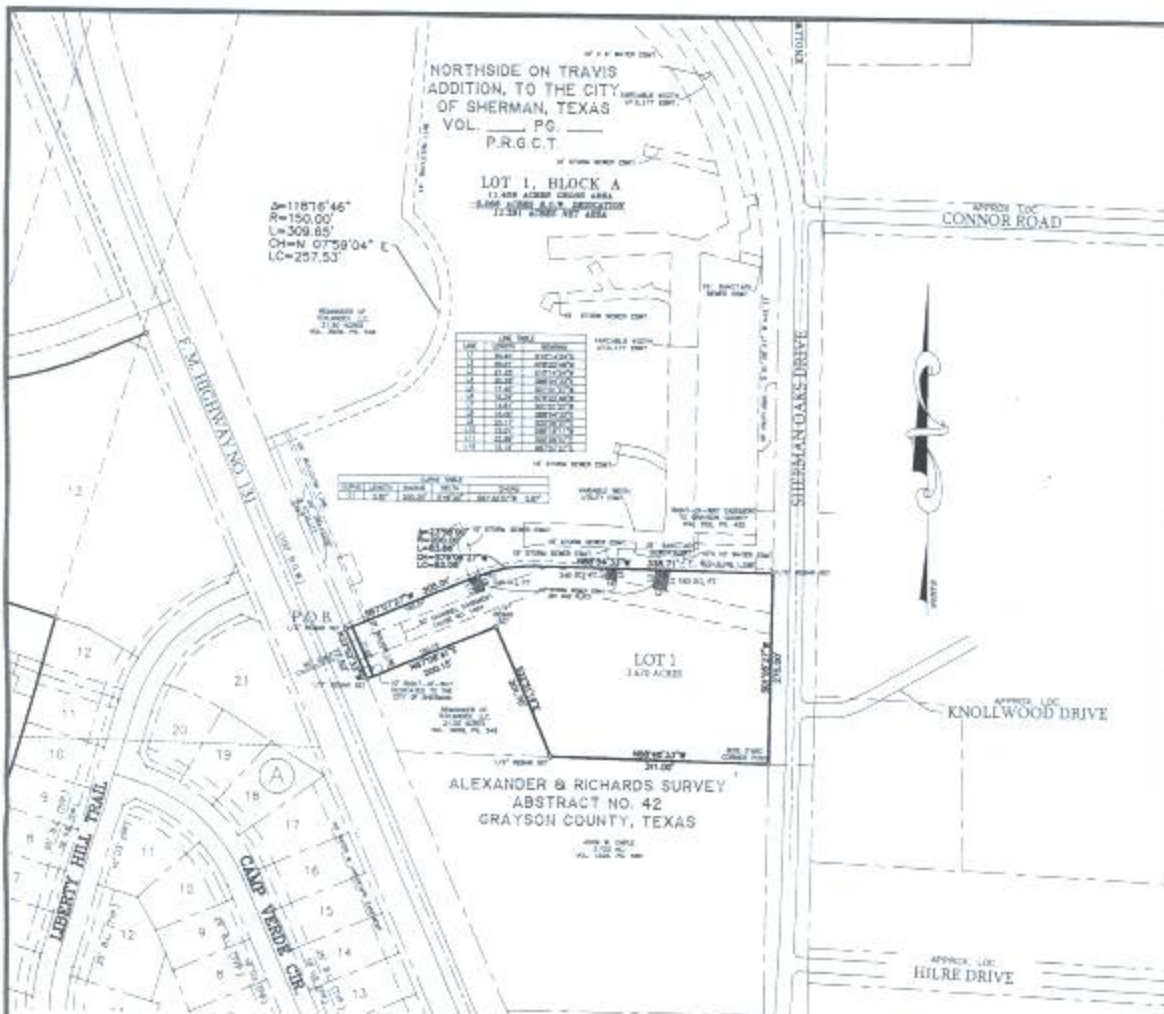
4900 BLK NORTH TRAVIS FINAL PLAT

Department of Developmental Services





(c) Copyright 2006, Pictometry Internat



AUSTIN LANDING ADDITION, PHASE TWO

**TO
THE CITY OF SHERMAN, TEXAS**

2.688 ACRES

**IN THE
ALEXANDER & RICHARDS SURVEY
ABSTRACT NO. 42, GRAYSON COUNTY, TEXAS**

TEXLANDEV, LLC.

OWNER

DON COMBS

AUTHORIZED AGENT

GENERAL NOTES:

1. WATER SUPPLY WILL BE PROVIDED BY THE CITY OF SHERMAN.
2. SEWER TO BE PROVIDED BY THE CITY OF SHERMAN.

ALBERT & ASSOCIATES SURVEYING, INC.
221 N. MAIN ST.
DENVER, CO 80202
PH: (303) 463-8181 FAX: (303) 463-4598

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
July 17, 2007
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Kelsel Thompson, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

Jason Bethel, Commissioner
John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner

4900 Block of North Travis Street
2.688 acres in the Alexander and Richards Survey, Abstract No 42
Final Plat

Requested Action/Proposed Use:

Final Plat of Austin Landing Phase Two

Adjacent Zoning:

SF-1 (Single Family Residential) District and R-2 (Multi-Family Residential) District

Origination:

TexLanDev-Austin Landing, LP (Owner), Vilbig and Associates (Engineers) and Helvy and Associates (Surveyors)

Master Plan Designation:

Residential

Recommendation:

It is recommended that the final plat be approved and forwarded to the City Council for final action.

Attachments:

Location map
Photographs
Final Plat
Staff Review

Prepared by:
Rita Gaither,
Development Coordinator

Approved by:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

July 12, 2007

TexLanDev – Austin Landing LP
Don Combs
205 Highland Knoll
Highland Village, TX 75077

Dear Applicants,

The request for approval of the Final Plat of Austin Landing Addition, Phase II for the property located in the 4900 Block of North Travis has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, July 17, 2007 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:

4. Provide a copy of the plat with field notes.
5. Remove the private storm sewer easements.
6. Remove all incorrect easements on Northside on Travis platted area to avoid confusion.
7. Escrow money for improvements to Sherman Oaks Drive (Knollwood Road) is required.
8. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
6. Original tax certificates for the property must be furnished prior to recording of the plat.
7. 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 and Zoning Commission.

It is the policy of this Board not to 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.

Respectfully,

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

CC: George Olson, Acting City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Helvey & Associates, Surveying, Inc.

Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Vilbig & Associates



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.15

*** OTHER BUSINESS**

Replat Approval of the Vaden Cupid Addition, a Replat of Lots 1 and 2, Block 6 of the C.L. Stowe Addition; Barton Capital, Owner (615 South Vaden Street)

Issue

To consider Replat approval of the Vaden Cupid Addition, a Replat of Lots 1 and 2, Block 6 of the C.L. Stowe Addition, located at 615 South Vaden Street

Background

The property is located at 615 South Vaden Street at the corner of Wells and Vaden Streets. The owners are replatting the property into three fifty foot lots for residential development.

Origination

Barton Capital (Owner); and Sartin and Associates Surveying (Surveyors)

Board Recommendation

At the July 17, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map

Photos

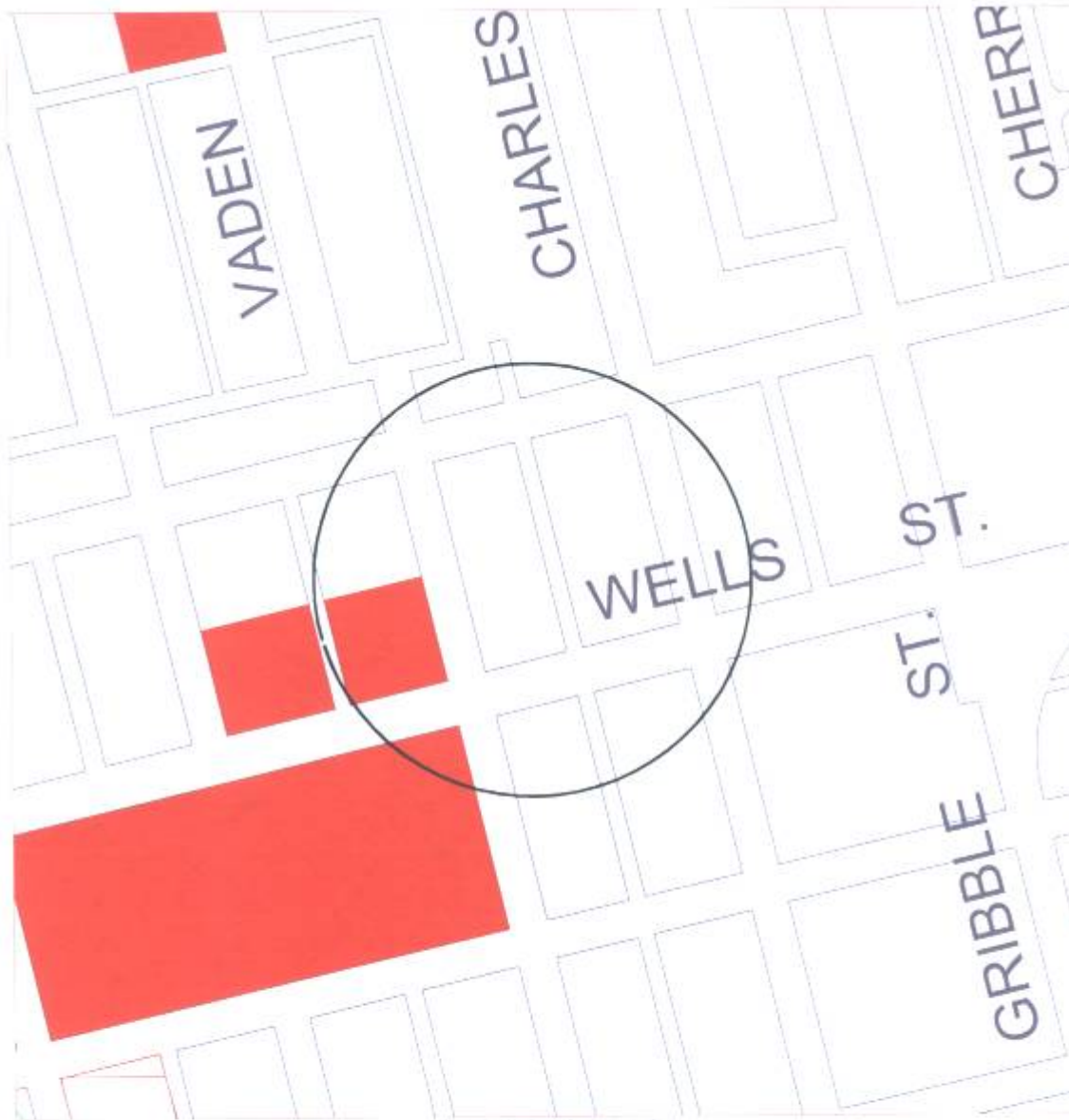
Plat

P&Z Communication

Staff Review Letters

Prepared by:
Scott Shadden, Developmental 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 AND TWO FAMILY RESIDENTIAL DISTRICT			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
	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



615 SOUTH VADEN REPLAT

Department of Developmental Services





615 S. Vaden





VADEN CUPID ADDITION to the CITY of SHERMAN, GRAYSON COUNTY, TEXAS

A replat of Lots One (1), and TWO (2) in Block SIX (6) of C. L. STOWE'S ADDITION as recorded in Volume 122, Page 201, Deed Records, Grayson County, Texas.



Owner & Developer

Don Barton
715 S. Hwy 75
Sherman, Texas 75090
903-898-4207

SARTIN & ASSOCIATES, INC.

Registered Professional Land Surveyors
309 S. Lewis, P.O. Box 2843 Sherman, Texas 75091 1893
Ph. (903) 897-8501 Fax (903) 848-7972

SHEET 1 OF 2
MCADDON-2-PLS

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
July 17, 2007
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Kelsel Thompson, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

Jason Bethel, Commissioner
John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner

615 South Vaden
Lot 1 and 2, Block 6, of the C. L. Stowe Addition
Replat

Requested Action/Proposed Use:

Replat of Lot 1 and Lot 2, Block 6 of the C. L. Stowe Addition

Adjacent Zoning:

R-1 (One and Two Family Residential) District and C-1 (Retail Business) District

Origination:

Barton Capital (Owner) and Sartin and Associates, Inc. (Surveyors)

Master Plan Designation:

Residential

Recommendation:

It is recommended that the Replat be approved and forwarded to the City Council for final action.

Number of notices mailed:

61

Objections Received:

0

Attachments:

Location map; Photographs; Replat; Staff Review Letter

Prepared by:

Rita Gaither,
Development Coordinator

Approved by:

Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

July 12, 2007

Ron Barton
Barton Capitol
715 S Sam Rayburn Freeway
Sherman, Texas 75090

Dear Applicant,

The request for approval of the Vaden Cupid Replat for the property located at 615 South Vaden Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, July 17, 2007 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:

9. It is recommended that the lots be graded to ensure proper drainage.
10. Letters from the various utility companies are required verifying availability of service. (Contacts to be made by the City).
3. Original tax certificates for the property must be furnished prior to recording of the plat.
4. Any other changes made to the 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 and Zoning Commission.

It is the policy of this Board not to 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.

Respectfully,

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

CC: George Olson, Acting City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator

Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer
Sartin and Associates, Inc.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.16

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.17

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
Keep Sherman Beautiful Commission (4)**

Issue

One of the changes made to the Keep Sherman Beautiful Commission By-Laws, approved at the July 16, 2007 Council meeting, was to reduce the number of members to seven. Currently, there are four vacancies on the Keep Sherman Beautiful Commission. We have received an application from Donna Evans.

Background

The amended By-Laws also charge the Commission with a new purpose and duties: "The Keep Sherman Beautiful Commission shall function to assist the City Council and the City staff by involving individuals, businesses, and industries throughout the community to promote education and activities that encourage waste reduction, litter prevention, and beautification programs and projects in affiliation with the Keep Texas Beautiful objectives."

Origination

The appointment originated with the City Clerk's Office.

Financial Consideration

There is no financial consideration.

Staff Recommendation

It is recommended that the City Council consider an appointment to the Keep Sherman Beautiful Commission.

Alternatives

The alternative is to delay the appointment to the Commission.

Attachments

A roster, fact sheet, applicant list, and application are attached for examination.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

KEEP SHERMAN BEAUTIFUL COMMISSION

LENGTH OF TERMS: SEE NOTE BELOW*

Ord. 4112 Consecutive Term Limit (3)*effective 7/24/89

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Rick West	4	12/5/2006	1/1/2008	1	2 Year Term
Joy Johnson	3	A 1/4/2006	1/1/2008	1	2 Year Term
Frances Nelson	1	A 1/4/2006	1/1/2008	1	2 Year Term
Vacant					2 Year Term
Vacant					2 Year Term
Vacant					2 Year Term
Vacant					2 Year Term

NOTE: All members shall be appointed for terms of two (2) years, and shall not serve for more than three (3) consecutive terms.

Alan Larsen appointed Chairman for a term from 1/1/2001 to 12/31/2001

Alan Larsen reappointed Chairman for a term from 1/1/2002 to 12/31/2002

Art Olson appointed Chairman for a term from 1/1/2003 to 12/31/2003 (Resigned 3/5/2003)

Chuck Edwards appointed Chairman to fill an unexpired term from 4/1/2003 to 12/31/2003

Chuck Edwards served as Chairman through August 8, 2006

Chuck Edwards resigned as Chairman and Board Members on August 8, 2006

EX-OFFICIO MEMBERS					
Chamber of Commerce President					
DSP&R Director					
Theresa McGlocklin Neighborhood Services					

Revised 7/17/2007

FACT SHEET

KEEP SHERMAN BEAUTIFUL COMMISSION

Established by RESOLUTION 2805 - MARCH 2, 1992 - RE-ESTABLISHED BY RESOLUTION 3807 - APRIL 19, 1999; RE-ESTABLISHED BY RESOLUTION 5041 - JULY 16, 2007

1. Number of Members: SEVEN (7)
2. Term of Appointment: TWO (2) YEARS
3. Consecutive Term Rule: THREE YEARS
4. Qualifications for Membership: INTEREST IN KEEPING SHERMAN BEAUTIFUL; DEDICATION TO IMPLEMENTATION OF ASSIGNED PROJECTS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization
CHAIRPERSON A VICE CHAIRPERSON E SECRETARY E
ELECTED APPOINTED
7. Departmental Responsibility: CITY MANAGER
8. Meeting Date: BI-MONTHLY AT 5:30 P.M. OR WHEN CALLED
9. Attendance Requirements: IF A COMMISSION MISSES TWO MEETINGS WITHOUT NOTICE AND/OR WITHOUT GOOD CAUSE WITHIN A CALENDAR YEAR, AFTER WRITTEN NOTIFICATION BY THE CHAIRMAN, HE/SHE SHALL AUTOMATICALLY RELINQUISH HIS/HER PLACE ON THE COMMISSION

=====

PURPOSE:

Commission shall function to assist the City Council and the City staff by involving individuals, businesses, and industries throughout the community to promote education and activities and encourage waste reduction, litter prevention, and beautification programs and projects in affiliation with the Keep Texas Beautiful objectives.

RESPONSIBILITIES:

- (1) To plan, initiate, direct, and coordinate community-wide efforts to achieve its goals
- (2) To solicit and accept donations and appropriations for money, service, products, property, and/or facilities expenditure and use by the Commission for the accomplishment of its objectives as approved by the City Council
- (3) To make recommendations to the City Council, as well as to the private sector, regarding measures which it deems necessary to accomplish the objectives of both the City and the Commission.

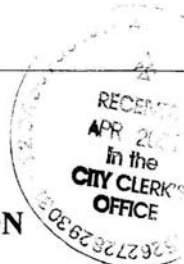
APPLICANT LIST**Keep Sherman Beautiful Commission****Positions Vacant 4**

Applicant	Address	District	Qualifications
Donna Evans	2115 Peggy's Cove	4	Terex

COMMENTS:



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP



Return completed application to:

City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Donna Evans
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Keep Sherman Beautiful Commission

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: <u>2115 PEGGEYS COVE</u>	Business Name: <u>TEREX</u>
Mailing Address: <u>Same</u>	Occupation: <u>ACCOUNTS PAYABLE</u>
Telephone: <u>903-868-4898</u> Fax: _____	Address: <u>3501 S. FM Hwy 1417 DENISON</u>
E-Mail: <u>donna.evans@terexmining.com</u>	Telephone: <u>903-337-4132</u> Fax: _____
Sherman Resident for <u>3</u> years County <u>Grayson</u>	E-Mail: <u>donna.evans@terexmining.com</u>
Drivers License No.: <u>09916050</u>	
*Voter Registration No.: <u>8700524</u> ✓	

Which Council District do you live in? (see attached map) Comm. precinct #3 4 ✓

Prior work experience: (please include dates)

~~1980-1998~~ 1996-2004 DOUGLASS DISTRIBUTING - ACCOUNTS RECEIVABLE
2006-Present - Terex Mining - ACCOUNTS PAYABLE

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1979

Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: _____ ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

1980-1996 - WORKER at my church teaching S. School ages 3 & 4 to 8 & 9

1987-1988 - GIRL SCOUTS

2000-2004 - Secretary and then President S. High School Drill Team
Booster Club

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? _____

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?

As a resident of this city, it is my strong desire for Sherman to be a city that all of us as residents can be proud of. I want to be part of being able to make a real difference.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) Areas of town that are non compliant to zoning rules and city ordinances are a huge problem facing this board. This committee should come up with tighter guidelines for enforcing compliance to these regulations.

2) The lower income areas of town need help in getting their neighborhoods cleaned up so that they can take pride in their areas. I think a community cleanup would help a lot. Maybe getting groups of people out painting, hauling off trash, making repairs to peoples property, etc.

3) I would like to see a city wide weekend where all of the residents are out picking up trash on the roadsides, planting flowers & trees. Just doing an all out cleanup of the city.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

I have a great love for anything to do with outside projects, cleanup, renovation, horticulture. I am not afraid to work hard and follow directions of others.

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

N/A

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: _____

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

*I affirm that I am qualified to vote.

Signature: Donna Evans

Date: 4-11-07

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.18

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

Subject: Agenda Item No. D.19

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

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 551.071**
- (a) Consultation with City Attorney Concerning Legal Matters**
 - (b) Consultation with the City Attorney Regarding Pending Litigation:
Prock v. Woodmont Sherman GP, LLC.; Civil
Action No. 2:06CV484**

- Section 551.074**
- Personnel Matters:**
- (a) Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:
 - i) Appointment of a Chairman for the Planning and Zoning Commission****
 - (b) Consider an Employment Agreement for the City Manager**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 8-6-2007

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: 8-6-2007

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: 8-6-2007

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2007 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					

01/01/07 - New Year's Day Holiday - Council Meeting Not Called for 01/02/07
01/15/07 - M.L.K., Jr. Birthday - Called Council Meeting on 01/16/07
01/30/07 - 12:00 Noon Called Meeting for City Charter Briefing
02/19/07 - 12:30 PM Called Meeting re: City Manager's Employment
02/19/07 - Washington's Birthday - Called Council Meeting on 02/20/07
02/28/07 - 12:00 Noon Called Meeting to Appoint Acting City Manager
03/28/07 - 12:00 Noon Called Meeting re: Acting/Permanent City Manager Issues
05/12/07 - City Council Election
05/22/07 - 12:00 Noon Called Meeting to Canvass Election Results

06/01/07 - Budget Planning Meeting in Council Chambers
06/11/07 - Called Meeting to Attend Commissioner's Court Meeting
06/13/07 - Called Meeting re: Police & Fire Comp. Study
07/02/07 - Cancelled Pre-4th of July Council Meeting
07/09/07 - Called Meeting for Social Event at Lake Texoma
07/12-14/07 - Budget Workshop in Council Chambers
09/03/07 - Labor Day - Called Council Meeting on 09/04/07