

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JULY 15, 2013
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER ROBERT G. SOFTLY**
- A. 3. INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 17, 2013, AND THE CALLED CITY COUNCIL (BUDGET WORKSHOP) MEETING OF JUNE 19, 2013**

Public Hearing

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5780**
Creating a Joint Airport Zoning Board and Investing such Joint Airport Zoning Board with the Powers such Boards are Authorized to Exercise Under the Provisions of the Airport Zoning Act, Texas Local Government Code, §241.001, et. seq.; Providing for an Effective Date
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5781**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District at 817 North Travis Street (MWWF LLC, Owners; and Barry Fontaine, Representative)
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5782**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District at 812 and 814 North Walnut Street (MWWF LLC, Owners; and Barry Fontaine, Representative)

Close Public Hearing and Consider Adoption of Ordinances

- B. 4. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 5780, 5781 and 5782

B. 5. 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. 5780

Authorizing Execution of an Encroachment Easement to XTO Energy, Inc. for the Construction of a 4.5" Oil Flowline in the Street Right of Way of Canyon Grove Road within the City of Sherman

C. 2. * RESOLUTION NO. 5781

Authorizing Execution of an Encroachment Easement to The Quintin Little Company, Inc. for the Construction of a 4" Poly Gas Gathering Line Encased in Steel Conduit within a 20' Drainage and Utility Easement on Lot 4, Block 1 of the Crescent Oaks Plaza Addition to the City of Sherman

C. 3. * RESOLUTION NO. 5782

Authorizing Execution of an Encroachment Easement to Ronald Lynn Franklin for the Construction of a Sidewalk within the Street Right-of-Way on Lot 3, Block 1, Northwest Heights 3rd Addition, within the City of Sherman (1729 N. Highland Avenue)

C. 4. * RESOLUTION NO. 5783

Authorizing Execution of a Contract with Garland/DBS, Inc. for Roof and Gutter Repairs to the Kidd-Key Auditorium/Municipal Building through the U.S. Communities Government Purchasing Alliance

C. 5. * RESOLUTION NO. 5784

Approving the Greater Texoma Utility Authority's Intention to Contract with Jerry Paul Higgins, LTD. for Installation of the East Bar Screen Replacement Equipment at the Wastewater Treatment Plant

Payment Approvals

D. 1. PAYMENT APPROVAL

State of Texas, Acting By and Through the Texas Department of Transportation; Advance Funding for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match (Reconstruction of the Northbound Frontage Road of US 75 at Loy Lake); \$1,300,000.00

Other Business

E. 1. OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Chairman Dean Gilbert, Jr. and SEDCO President Scott Connell

E. 2. OTHER BUSINESS

Receive Presentation from Grayson County Clerk Wilma Bush on Proposed Grayson County Voting Centers

E. 3. OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of 63.757 Acres of Land at the Southwest Corner of F.M. 1417 (Heritage Parkway) and F.M. 691; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

E. 4. OTHER BUSINESS

Review 2013-2014 Draft Budget

E. 5. OTHER BUSINESS

Discussion of the Proposed Tax Rate for Fiscal Year 2013-2014 and Scheduling Public Hearings for the Budget and Proposed Tax Rate

E. 6. * OTHER BUSINESS

Consider Request of United Way of Grayson County to Temporarily Close Certain Streets for the "United Way Hustle for Health" on Saturday, August 24, 2013

E. 7. * OTHER BUSINESS

Replat Approval of Mozele Plaza, a Replat of Mozele Plaza and Part of Lot 4, Block 22 of the B.H. Moore Heirs Addition

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

Consider Board/Commission Appointments

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

(a) Keep Sherman Beautiful Commission (6)

H. 2. APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

(a) Substandard Structure Commission (5)

I. COUNCIL COMMENTS

Executive Session

J. 1. EXECUTIVE SESSION

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

- | | |
|-----------------|--|
| Section 551.071 | Consultation with City Attorney concerning Pending or Contemplated Litigation:
(a) Receive the City Attorney's Briefing on Pending or Contemplated Litigation |
| Section 551.074 | Personnel Matters
(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:
(1) Red River Groundwater Conservation District Board of Directors (1) |
| Section 551.087 | Deliberation Regarding Economic Development Negotiations
(a) Deliberate Regarding Commercial or Financial Information that the City has Received from Business Prospects and Deliberate any Offers or Incentives to the Business Prospects, including the following:
(1) Project Lightning |

The Council reconvenes into General Session

K. 1. OPEN MEETING

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

L. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on July 11, 2013 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 11th day of July, 2013
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

Carolyn S. Wacker

Deputy Mayor

Pamela L. Howeth

Council Members

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

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

Joe N. Smith, Council – District #1

Robert G. Softly, Council – District #2

Pamela L. Howeth, Council – District #3

David Plyler, Council – District #4



City Council Regular Meeting

Agenda Item No. A. 4.

Meeting Date: 07/15/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

**APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 17, 2013,
AND THE CALLED CITY COUNCIL (BUDGET WORKSHOP) MEETING OF JUNE 19, 2013**

Attachments

June 17, 2013 Minutes

Nancy Aiken Mathieu Petition

James Calhoun Petition

June 19, 2013 Budget Work Session Minutes

STATE OF TEXAS

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June 17, 2013

COUNTY OF GRAYSON

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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 June 17, 2013.

MEMBERS PRESENT:

MAYOR CARY WACKER.
COUNCIL MEMBERS JOHNSON, PLYLER, SMITH, SOFEY,
SOFTLY.

MEMBERS ABSENT:

DEPUTY MAYOR PAM HOWETH.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of June 3, 2013. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Johnson. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PUBLIC HEARING

FINAL STATEMENT/ACTION PLAN FOR PROGRAM YEAR 2013 COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor Wacker called for the public hearing on the Final Statement/Action Plan for Program Year 2013 Community Development Block Grant.

CDBG FINAL
STATEMENT &
ACTION PLAN

The City of Sherman has been allocated \$311,726 in CDBG funds to address various community development needs for low to moderate income citizens during FY 2013.

No citizens appeared before the City Council to discuss the Final Statement/Action Plan for Program Year 2013 Community Development Block Grant.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5777 (UNDER APPEAL FROM P&Z)

Mayor Wacker called for the Public Hearing of Ordinance 5777:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 927 AND 929 W. BIRGE STREET (LANDMARK BANK, OWNERS; MIRZA BAIG, PROSPECTIVE BUYER; AND GARY LOWELL, REPRESENTATIVE); PROVIDING FOR A REPEALER.

ORD 5777
ZONE CHANGE FOR
CONVENIENCE STORE
& CLEANERS
(APPEAL FROM P&Z)
(927 & 929 W. BIRGE)

Nancy Aiken Mathieu, 1008 Short Lane

Ms. Mathieu voiced her opposition, and her neighbor's

opposition to the zone change at 927 and 929 West Birge, which is directly adjacent to her home. For years her family has dealt with the commercial businesses at this site, which are located in a residential area.

Ms. Mathieu said her mother previously lived at the residence and was subjected to several electrical fires from the properties, as well as excessive dust and vapors from the dryers and dry cleaning machine.

She said the property is currently owned by a bank and they are requesting a zone change in order to sell it. Ms. Mathieu said she did not feel this location was conducive to a successful commercial business and that these businesses have occupied the property illegally for the past 50 years.

Ms. Mathieu presented the City Council with a petition signed by ten property owners indicating their opposition to the zone change. This petition includes all property owners within 200 feet, as well as others. Two of the residents had originally offered no objection to the zoning, but are now opposing it.

Ms. Mathieu said during the Planning and Zoning Commission Meeting, the prospective owners said they planned to sell beer and wine in the proposed convenience store. Commission Members voted unanimously to deny the request. She added that these properties are currently zoned residential and should remain that way. She asked the Council Members to agree with the Planning and Zoning Commission decision to support the neighborhood and its residents by denying this appeal for a zone change.

James Calhoun, 1115 N. Ricketts

Mr. Calhoun said he has owned property in the neighborhood for many years and was a mail carrier. He said the laundry was always very convenient for him and they did his laundry for many years. He added that everyone living in the neighborhood has seen the convenience store and Laundromat.

Mr. Calhoun presented the City Council with a petition signed by 28 people in the neighborhood that would like to see the stores open for business.

Ms. Mathieu said her signatures are from adjacent property owners within 200 feet of the proposed zone change. She added that the Sherman Independent School District also has a bus stop on Birge Street. Ms. Mathieu said the citizens that signed her petition are on a fixed income and don't have the luxury of shopping at a convenience store or taking their laundry to a Laundromat.

Mr. Calhoun said the citizens that signed his petition also live in the area, along Birge, Wharton, Ricketts and Hunt Streets.

COUNCIL MINUTES – JUNE 17, 2013

No other citizens appeared before the City Council to discuss Ordinance 5777.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Wacker called for the Public Hearing of Ordinance 5778:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW USED AUTOMOBILE SALES, SERVICE, TIRE SALES AND SERVICE AND LIGHT MECHANICAL WORK IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 1804 NORTH HIGHWAY 75, BEING LOT 1, BLOCK 1, JAMES PLAZA ADDITION (STEVE STARNES, OWNER; DREW BURK, REPRESENTATIVE; RED RIVER AUTO GROUP, TENANT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5778
SUP FOR AUTO &
TIRE SALES, LIGHT
MECHANICAL WORK
(1804 N. HWY 75)

No citizens appeared before the City Council to discuss Ordinance 5778.

Mayor Wacker called for the Public Hearing of Ordinance 5779:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW USED AUTOMOBILE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 901 EAST PECAN STREET, BEING THE SOUTH 68' OF LOTS 1-4, BLOCK 17, CHAFFIN'S 1ST ADDITION (L&DB PARTNERSHIP, OWNERS AND DARREN K. PULS, TENANT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5779
SUP FOR AUTO SALES
(901 E. PECAN)

Darren Puls, 1509 E. Magnolia

Mr. Puls said he was available if anyone had any questions about his request for a specific use permit.

No other citizens appeared before the City Council to discuss Ordinance 5779.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 927 AND 929 W. BIRGE STREET (LANDMARK BANK, OWNERS;

ORD 5777
ZONE CHANGE FOR
CONVENIENCE STORE
& CLEANERS
(APPEAL FROM P&Z)
(927 & 929 W. BIRGE)

MIRZA BAIG, PROSPECTIVE BUYER; AND GARY LOWELL, REPRESENTATIVE); PROVIDING FOR A REPEALER. (DENIED)

Council Member Smith said, as a child, he remembered the convenience store located on Birge Street, and felt it would be a convenience to people living in the neighborhood. However, he also understood the concerns of the neighbors that lived within 200 feet of the property.

He asked Ms. Mathieu what she would like to see located on that property. Ms. Mathieu said it should be bulldozed and used for a residence. Council Member Smith asked if she had considered purchasing the property herself. He added that someone has considered purchasing the property. He said something needs to go there and not everyone can be happy. What will happen is that it will remain a dilapidated commercial property that no one wants. He questioned if that was better for the neighborhood.

Mayor Wacker asked about the previous non-conforming use on the property. Scott Shadden, Director of Development Services, explained that the current zoning of the property is residential. When the commercial use ceased, it lost the commercial zoning. Council Member Sofey verified that the property hasn't been used illegally for 50 years. It was an existing nonconforming use and when that use ceased it lost its nonconforming status. Now the property requires a zone change for commercial use.

Council Member Smith said something needs to be done with the property and it won't make everyone happy.

Council Member Plyler said his concern is to rezone a portion of a neighborhood to C-1. He felt there were other ways the business could exist at this location, rather than a zone change. Mr. Shadden said a specific use permit would not be available in a residential district. Council Member Plyler said he did not want to see the property zoned C-1, because the City would lose a lot of control over it.

Council Member Johnson expressed concern that changing the property from residential to commercial might be okay for a convenience store and a Laundromat now, but that leaves the door open for anything to be located there in the future. He was concerned since that is really a residential neighborhood.

Council Member Sofey asked the potential buyers if that was the only businesses they wanted to locate at the site. He said he didn't want to see a vacant building there and would like to see it used.

Roger Baig, 2104 Bois d' Arc Drive
Gary Lowell, 1504 Southridge Lane

Mr. Baig is the prospective buyer of the property and Mr. Lowell is his representative. Council Member Sofey asked if

there were any other opportunities for use of the property that might require a “lighter” zoning, such as office space. Mr. Baig said he is in the convenience store business.

Mr. Lowell said they did a survey in the neighborhood and found that several people traveled to Texoma Parkway for a Laundromat. Council Member Sofey said when the Planning and Zoning Commission or the City Council change the zoning to C-1, they leave the door open for many different types of businesses that could potentially be located in that zoning district. He had hoped there might be another opportunity for a lighter commercial use for the property.

Brandon Shelby, City Attorney, clarified that the property had never been zoned C-1, but was a nonconforming use as long as the businesses were open. The actual zoning is residential.

Council Member Johnson said it was a tough dilemma because you didn’t want a dilapidated building located in a nice residential neighborhood, but you are opening the door to any type of business that would be allowed in a C-1 zoning district. There is a long list of businesses that can be located in a C-1 zoning district and once the zoning is changed, the City would lose the ability to control what is located on the property in the future.

Mayor Wacker explained that a vote of six would be needed to overturn the Planning and Zoning Commission’s decision.

ACTION TAKEN.

Motion by Council Member Plyler to deny Ordinance No. 5777, and uphold the Planning and Zoning Commission decision. Second by Council Member Johnson.

VOTING AYE: Johnson, Plyler, Sofey, Softly.

VOTING NAY: Smith.

MOTION CARRIED TO DENY.

Ordinance 5778

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW USED AUTOMOBILE SALES, SERVICE, TIRE SALES AND SERVICE AND LIGHT MECHANICAL WORK IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82) OVERLAY DISTRICT AT 1804 NORTH HIGHWAY 75, BEING LOT 1, BLOCK 1, JAMES PLAZA ADDITION (STEVE STARNES, OWNER; DREW BURCK, REPRESENTATIVE; RED RIVER AUTO GROUP, TENANT; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 5778
SUP FOR AUTO &
TIRE SALES, LIGHT
MECHANICAL WORK
(1804 N. HWY 75)**

COUNCIL MINUTES – JUNE 17, 2013

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5778, as presented. Second by Council Member Sofey.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 5779

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW USED AUTOMOBILE SALES IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 901 EAST PECAN STREET, BEING THE SOUTH 68' OF LOTS 1-4, BLOCK 17, CHAFFIN'S 1ST ADDITION (L&DB PARTNERSHIP, OWNERS AND DARREN K. PULS, TENANT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5779

**SUP FOR AUTO SALES
(901 E. PECAN)**

Council Member Smith verified that the property was currently zoned C-2 and the request was for a specific use permit.

ACTION TAKEN.

Motion by Council Member Sofey to approve Ordinance No. 5779, as presented. Second by Council Member Plyler.

VOTING AYE: Johnson, Plyler, Smith, Sofey.

VOTING NAY: None.

ABSTAIN: Softly.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5774 – AUTHORIZING EXECUTION OF A CONTRACT WITH SHARON A. MALONE, MD AS LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION; PROVIDING FOR AUTOMATIC RENEWAL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH SHARON A. MALONE, MD AS LICENSED MEDICAL DIRECTOR FOR EMERGENCY MEDICAL SERVICES; PROVIDING FOR A STATEMENT OF MEDICAL DIRECTION; PROVIDING FOR AUTOMATIC RENEWAL.

CONSENT AGENDA.

RES 5774

**EMS MEDICAL
DIRECTOR**

RESOLUTION NO. 5775 – AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR

RES 5775

CDBG FINAL

THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2013; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2013

STATEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2013; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2013.

CONSENT AGENDA.

RESOLUTION NO. 5776 – AUTHORIZING SUBMISSION OF A JOINT GRANT APPLICATION WITH GRAYSON COUNTY FOR, AND THE ACCEPTANCE OF, A GRANT AWARDED UNDER THE 2013 JUSTICE ASSISTANCE GRANT PROGRAM – CFDA #16.738

RES 5776
JAG GRANT
APPLICATION WITH
GRAYSON COUNTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF A JOINT GRANT APPLICATION WITH GRAYSON COUNTY FOR, AND THE ACCEPTANCE OF, A GRANT AWARDED UNDER THE 2013 JUSTICE ASSISTANCE GRANT PROGRAM – CFDA #16.738.

CONSENT AGENDA.

RESOLUTION NO. 5777 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2013 JUSTICE ASSISTANCE GRANT PROGRAM – CFDA #16.738

RES 5777
JAG GRANT
INTERLOCAL
AGREEMENT WITH
GRAYSON COUNTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2013 JUSTICE ASSISTANCE GRANT PROGRAM – CFDA #16.738.

CONSENT AGENDA.

RESOLUTION NO. 5778 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH VULCAN INDUSTRIES, INC. FOR REPLACEMENT OF THE EAST BAR SCREEN AT THE CITY OF SHERMAN WASTEWATER TREATMENT PLANT

RES 5778
EAST BAR SCREEN
REPLACEMENT AT
WWTP

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH VULCAN INDUSTRIES, INC. FOR THE REPLACEMENT OF

THE EAST BAR SCREEN AT THE CITY OF SHERMAN
WASTEWATER TREATMENT PLANT.
CONSENT AGENDA.

RESOLUTION NO. 5779 – AUTHORIZING EXECUTION OF AN
EASEMENT AND RIGHT-OF-WAY TO GTE SOUTHWEST
INCORPORATED D/B/A VERIZON SOUTHWEST FOR
COMMUNICATION FACILITIES AT THE BLALOCK FIRE
STATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN
EASEMENT AND RIGHT-OF-WAY TO GTE SOUTHWEST
INCORPORATED D/B/A VERIZON SOUTHWEST FOR
COMMUNICATION FACILITIES AT THE BLALOCK FIRE
STATION.
CONSENT AGENDA.

RES 5779
COMMUNICATION
EASEMENT AT
BLALOCK FIRE
STATION

OTHER BUSINESS

RECEIVE PRESENTATIONS FROM SEVERAL MEMBERS OF
COMMUNITY ARTS GROUPS SUPPORTED BY HOTEL/
MOTEL TAX FUNDS

Mayor Wacker thanked citizens for attending the meeting.
She added that the arts hold a significant place in the City of
Sherman and in the overall tourism plan. She also wanted to
“get everyone on the same page.”

HOTEL/MOTEL
TAX FUND
DISCUSSION FROM
COMMUNITY GROUPS

Mayor Wacker felt that citizens had been given an
incomplete picture of the discussion that has been taking
place among Council Members as they face some critical
budget issues. One of the missing pieces concerns the
mission and core values of the tourism program. The core
value is to promote Sherman’s unique heritage, venues, and
activities. While the goals and objectives are to increase
visitor awareness, to foster usage of City facilities, and to
support local arts and humanities programs and other
tourism related groups.

As the Council discussed the funding areas for Hotel/Motel
Tax, they knew they were all important, but it was a
prioritizing exercise. There was never any intention to cut
all the funding to any group, however the City is \$100,000
short in the Hotel/Motel Tax Fund this year.

Mayor Wacker said the overall Hotel/Motel Tax is falling and
there is no longer enough money to fund all the requests
that are coming into the City each year. She reminded
citizens that the Council recognizes the importance of these
groups, as well as all the programs they have been funding
that bring visitors to Sherman.

She added that additional sponsorships were needed for Hot
Summer Nights and the Chamber of Commerce stepped up
and raised an additional \$12,000 for the program. That’s the
kind of discussion that has been going on behind the
scenes to address this critical issue. She urged all groups
to work together to help solve this problem.

COUNCIL MINUTES – JUNE 17, 2013

George Olson, City Manager, explained that the City had previously received a memo from Larry Wall, President of the Sherman Council for the Arts & Humanities, in late May 2013, rescinding his request for funding for SCAH for 2014. Mr. Wall had found some other private anonymous donations to fund the organizations for the upcoming year.

Mayor Wacker reiterated that the City Council is not making any budget decisions at tonight's City Council Meeting.

Webster Crocker, Theatricks Director

Mr. Crocker appeared to express the importance of the arts in the community, as well as funding for the various programs. They realize that there have been economic hardships that have forced everyone to "cut back."

He asked the City Council to consider the effect that these cuts have on the programs that help to make Sherman unique and of value to the citizens. He discussed Sherman, which was previously known as the "Athens of Texas" because of its cultural diversity. SCAH has been instrumental in keeping that cultural diversity alive and bringing these organizations together each year for the Arts Festival.

Mr. Crocker presented various quotes and letters over the years praising the Sherman Community Players and Theatricks, including one from Cary Wacker written in 1992, when she was the President of SCAH.

He urged the City Council and the staff to work together to support SCAH and help invigorate the unique qualities to make Sherman "a beacon in Texas."

Mayor Wacker said that in the past she has been President of the Arts Council, has served as Chairman and Committee Member of Arts Festival, was on the Sherman Preservation League Board, and the Sherman Museum Board.

Dan Steelman, Sherman Museum Executive Director

Mr. Steelman thanked the City Council for their long standing tradition of supporting the arts in Sherman. The City has "staunchly" supported the Sherman Museum for more than 37 years, initially as a City installation, and more recently as an independent organization. The City's efforts, combined with the hard work of volunteers, board members, and staff, have contributed to make the Sherman Museum one of Texoma's finest.

He added that the Sherman Museum is a small museum, and he listed various programs and exhibits that have been featured in the past, such as Dino Days and Toyland. They have also made the Museum more accessible by adding an elevator.

COUNCIL MINUTES – JUNE 17, 2013

Mr. Steelman said the Sherman Museum has increased tourism in Sherman and had their best year in a decade in terms of visitor count and door donations. Even so, Mr. Steelman said over half of their annual budget comes from the Hotel/Motel Tax Fund.

Any reduction in funding will directly and proportionally impact their ability to serve the public. Installation of the elevator consumed all of their reserve funds. Therefore Hotel/Motel Tax funding cuts will likely result in reductions of hours, services, and personnel, as well as exhibits such as Dino Days.

Mr. Steelman said he was disappointed because the progress of the last few years will be “stymied” if funding is cut. The timing is especially bad because 2014 marks the centennial of the building that the Museum occupies.

He added that during budget presentations last year, the City Council’s remarks about the Museum were overwhelmingly favorable, and he hoped they still felt the same. He admitted there were tough decisions for the Council to make since every organization and program has value.

Since these organizations generally operate on a lean budget, Mr. Steelman urged the City Council to be judicious and democratic with their cuts. Since they all benefit from funding during good times, they should all be willing to sacrifice during the tough times. He did not feel that any organization that received Hotel/Motel Tax funding should be exempted except where legal obligations require.

Mr. Steelman said any effective tourism effort requires a team effort. He commended Sherman for their outstanding tourism staff and for the entire staff and Council. He also recognized the dedicated volunteers that work through SCAH and other organizations on the City’s behalf, to help make Sherman a better place. He urged the City Council to keep the partnership strong and share the sacrifices equally.

Larry Wall, Sherman Council for the Arts & Humanities, Inc. President

Mr. Wall explained that SCAH is an organization with no infrastructure, no buildings, no rented offices, no telephones, no utility bills, and no paid staff. Their most valuable asset is the 501c3 designation which makes them a non-profit organization which can accept donations that are tax deductible, which is critical to organizing the Arts Festival.

Besides the Arts Festival, grants pass through SCAH and are distributed to other non-profit organizations. All of these eleven non-profit organizations also volunteer to assist with Arts Festival, as a moral imperative. SCAH never charges a dime to the City for putting on Arts Festival.

This year the City will no longer be handling the vendor activities for the Arts Festival and SCAH has had to hire a contractor to perform that job.

He said some believe that the City values the SCAH organizations less that they should but he did not feel this was the case. The cuts are due to a lack of funding, and Mr. Wall said you can't make Hotel/Motel Tax appear "from thin air."

The SCAH organizations are not primarily supported by City funds. SCAH funding is only about 5% of these total revenues from all these organizations. He discussed how possible cuts might be made in the organizations if funding is cut. He considered whether or not Lights on the Lake and Hot Summer Nights are funded entirely from Hotel/Motel Tax funds.

Mayor Wacker said the City receives significant sponsorship money for both of those events. She said the City also has a big investment in the Arts Festival through staff time. Council Member Smith added that even though it's not cash, the City contributes a lot of money to Arts Festival. Mayor Wacker added that there are a lot of costs to the City, such as staff overtime, that may not be reflected on SCAH's books.

Mr. Wall said he felt that Lights on the Lake and Hot Summer Nights are more vulnerable than the Arts Council groups are and it made more sense to consider them a higher priority. He felt that funding for those two programs should not be taken as a lack of value on the arts groups.

Mr. Wall said he felt the City actually had a significant shortfall in funding that would not be a short term problem. He felt the City had probably been spending down reserves and just couldn't continue to do that anymore. At that point, he knew that SCAH needed to look beyond this year for funding.

As a result, Mr. Wall said they have found a donor base that will keep SCAH going for another five to six years. At that time, it is hoped that the City will have the debt service paid off and funding for the SCAH groups can return to normal. He reiterated that the SCAH grants will be at full value for at least the next five to six years.

Mayor Wacker said that is exactly the kind of solution the Council had been discussing, either to come up with new events or new donors to drive revenue up in that fund so the organizations can continue to function at that level. She thanked Mr. Wall for "taking that on."

Council Member Smith explained that the City has a budget that they must stay within. He said he has been on the City Council a long time and he has worked with Mayor Wacker

for many years. He assured everyone that she staunchly defends every one of the organizations on a regular basis. He did not want the misconception out there that she is not 100% behind all the organizations. He took exception to the fact that she was quoted from a comment she made 12 years ago and he felt that was a “dig” at her.

Council Member Smith said he felt the decisions that were being made now should have been made years ago. They tried to put them off to make everyone happy and they hoped that things would “turn around.” But it hasn’t. Now they must face the decisions that were put off five years ago.

He added that there is only so much money. He said it has to happen somewhere at some point in time and if not these organizations, then who. Council Member Smith said he was thrilled that Mr. Wall had found a donor to “take the City’s place.” He applauded Mr. Wall’s work, saying it was awesome.

He said the Council hates to have to make these types of decisions. It is the worse part of the job. Council Member Smith added that it is an honor and a privilege to serve on the Council. He said these are difficult decisions and not everyone will be happy with the decisions made at the upcoming Budget Work Session, but he said the decisions will be made with a lot of thought and compassion, and as much intelligence as possible.

Mayor Wacker added that Council Member Smith has also served in the past on a prior tourism committee and has been very committed. She said the Council is very involved and hear and respect what these representatives have to say. It is a value to the City and the Council is fully committed in doing what they can to resolve the issue and turn it around for the future. Mayor Wacker said the Council is optimistic about the future but there will probably be one more tough year.

The upcoming budget discussions will include some options on ways to address the ongoing decline in Hotel/Motel funding and look at events and exciting ways to draw visitors back to Sherman.

Council Members thanked the citizens for attending the meeting and expressing their concerns about funding for the local organizations.

CITIZENS REQUESTS

HIGH SPEED INTERNET SERVICE

Richard Hose, 301 S. Heritage Parkway, asked the City Council to direct the City Manager to “look into” a problem he is having.

HIGH SPEED INTERNET SERVICE

Mr. Hose lives at the Villas of Parkhaven and when they moved in they were assured that they would have high

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speed Internet. Apparently Verizon is the only Internet provider for that location.

He understood that the City has a franchise agreement with Verizon to provide telephone and Internet services in Sherman. Verizon is currently telling Mr. Hose that it will be six months to two years before they can provide high speed Internet to that location.

Many living in the Villas depend on the Internet to conduct their personal or professional business. Mr. Hose said he has not been successful in getting Verizon to install the connections.

He asked the City Council to look into the situation and determine why the citizens can't get the services that have been contracted for with Verizon.

Mayor Wacker asked the City Manager to meet with Mr. Hose on his issues.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS

KEEP SHERMAN BEAUTIFUL COMMISSION (7)

Mayor Wacker said there will be additional applications coming for the Keep Sherman Beautiful Commission, but she wanted to start with the first appointment.

KEEP SHERMAN
BEAUTIFUL
COMMISSION

ACTION TAKEN.

Motion by Council Member Smith to appoint Jennifer Thompson to the Keep Sherman Beautiful Commission for a term from June 18, 2013 to June 18, 2015. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

SHERMAN COUNCIL FOR THE ARTS AND HUMANITIES

Council Member Johnson and Council Member Plyler both thanked the members of SCAH for coming out to show their support. The upcoming Budget Work Session will be a tough day for everyone. Decisions will have to be made on many issues.

SCAH

ANNOUNCEMENTS

Mayor Wacker announced the following:

- The Sherman Police Department is currently seeking entry level patrol officers. Applications are available at the Human Resources Office or online at the City's website. The next Civil Service test is scheduled for August 2013.

ANNOUNCEMENTS

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- The fourth annual Lights on the Lake will be held on July 3, 2013. She invited everyone to attend at Pecan Grove West. The event will include fireworks, music from the Hunter Smith Band and SoundHouse, kid's activities, food, and more. Gates open at 6:00 p.m. and TAPS will run a shuttle service.
- Hot Summer Nights continues this week with bluegrass from the Bluefield Express. Music starts at 7:30 p.m. and is located on the Municipal Building grounds.
- Dino Days is ongoing at the Sherman Museum through August 3, 2013.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:09 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

PROPERTY OWNERS PROTEST

ZONING CASE NO: Concerning the property located at 927 and 929 W. Birge Street in Sherman, Texas.

The undersigned, being property owners of land immediately adjoining the area covered by the proposed zoning change and extending 200 feet from that area, do hereby protest the requested change in zoning and request that the Planning and Zoning Commission deny the same.

	Name	Signature	Property Address
1.	Kelly Flowers	Kelly Flowers	1008 Short Lane
2.	DAVID E. TINGLE	David E. Tingle	1012 Short Lane
3.	OLAN E BULLARD	Olan E. Bullard	1020 Short Lane
4.	John D Franklin	John D Franklin	1024 Short Lane
5.	RICH HAYES	Rich Hayes	1018 Short Lane
6.	OPAL KIRK	Opal Kirk	1005 Short Ln.
7.	John Kirk	John Kirk	1007 Short Ln.
8.	Clem Lavender	Clem Lavender	1003 Short Ln.
9.	Lavonda Jannie Lavender	Lavonda Jannie Lavender	1003 Short Lane
10.	Nancy Aiken	Nancy Aiken-Mathieu	1008 Short Lane Dr.

Petition

June 11, 2013

Concerning approval to change R-1 to a C-1

Property Address: 927 and 929 W. Birge Sherman, Texas

This Petition represents citizens in the Fairview addition who would like to see the Laundry mat opened back up. Residents in the area say this Laundry mat has been a blessing when it was opened, now neighborhood residents have to drive to Texoma parkway to the public wash. Please review the signatures and addresses to see everyone who lives in this area and has used this business one time or another.

1. Sid Walker 1120 N. Ricketts 903-892-9944
2. Mike Cummings 1104 N. Wharton 903-891-0890
3. Mary B. O'Neil 1104 N. Wharton St 903-891-0890
4. Mike McKinney 1023 W. Birge 903-892-9006
5. Ronald Ray McLean 1203 W. Birge 903-892-9006
6. James Calhoun 1115 N. Ricketts 903-893-0509 Cell 903-247-2561
7. Martha Calhoun 1115 N. Ricketts 903-893-0509
8. Regina M. X. P. 820 N. Sam Rutherford Apt 215 903-267-7314
9. Lyndon Trotter 915 W. Hunt 903-893-8408
10. Vanessa Trotter 915 W. Hunt 903-893-8408
11. Roy Jackson 1000 N. Wharton St 903-744-5542
12. John 1000 N. Wharton St 903-744-9472
13. Netta Hubbard 1013 N. Wharton St. 903-868-4736
14. Lizzie Lehorrey Briggan 1013 N. Wharton 903-868-4736
15. Jamie Hubbard 1013 N. Wharton St. 903-868-4736
16. Jerry Tate 1014 N. Wharton 903-815-5954
17. _____
18. _____
19. _____
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____
28. _____
29. _____

Paul McKinney	812 N Ricketts	903-819-0210
Haley McKinney	812 N Ricketts	903-868-1320
Melina McKinney	1417 N. Ricketts	903-267-4620
Deborah Calhoun	716 N. Ricketts	903-892-3875
Jason McKinney	1417 N Ricketts	903-820-8947
Sharon McKinney	1422 N Ricketts	903-436-4647
Steph Daw	1421 N. Ricketts	903-892-6193
Steph Daw	1421 N. Ricketts	903-892-6193
Bill Cowin	821 N Ricketts	903-267-4319
James Newby	926 W FISHEN	NO PHONE

Magakene Kirvin - 1205 Blanton Dr.
Billy Wilson, 2014 Alma St.

STATE OF TEXAS §

June 19, 2013

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the City Council Chambers, City Hall, 220 West Mulberry, Sherman, Texas, on June 19, 2013.

MEMBERS PRESENT: Mayor Cary Wacker; Deputy Mayor Pam Howeth.
Council Members Johnson, Plyler, Smith, Sofey, Softly.

MEMBERS ABSENT: None.

STAFF PRESENT: George Olson, City Manager; Robby Hefton, Assistant City Manager/CFO; Brandon Shelby, City Attorney; Otis Henry, Police Chief; Jeff Jones, Fire Chief; Don Keene, Director of Public Works; Mark Gibson, Director of Engineering and Utilities; Scott Shadden, Director of Development Services; Clay Barnett, City Engineer; Lisa Whitfield, Development Coordinator; Mary Lawrence, Controller; Kevin Winkler, Parks and Recreation Administrator; Tammy Davis, Support Services Director; Jim Cross, Maintenance Superintendent; Diana Adair, Tourism Manager; Craig Long, Budget Analyst; Pam Cloer, Assistant to the City Manager; and Linda Ashby, City Clerk.

PURPOSE: CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

2013-2014 BUDGET REVIEW

ADJOURNMENT

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Wacker called the meeting to order at 8:15 a.m., declared a quorum present, and opened the meeting. She thanked the staff saying she was proud of what the City's been able to do with little money. Sherman is at a real crossroads this year. She said the Council will have to make some tough decisions and some pro-active decisions that will drive Sherman forward as they wait on the economic recovery. Mayor Wacker said she was optimistic that the Council would come out with some good solutions.

OPENING COMMENTS

George Olson, City Manager, welcomed everyone and thanked the City Council for their time, their dedication, and their direction over the past few months. He said there will be decisions to make today and some won't be easy. He thanked the staff for their tireless efforts within the organization.

He said that throughout today's presentations, the theme will be sustainability, both from an operational and financial standpoint. He outlined specific topics that will be discussed adding that some are not about the upcoming budget, but are about continuous planning initiatives, including the Airport and the Storm Water Management Plan. He mentioned a fee plan that would bring Sherman more in line with its peer cities.

Mr. Olson said the economy has created some very challenging obstacles for everyone over the last few years. The City has had to delay many projects and address various needs, while still "living within their means." That has been done, while still maintaining an exceptional level of

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service. The City has accomplished this by wisely utilizing the excess reserves. However, that source is no longer available. Now the City must continue to look for new ways to sustain the mission and the service level for citizens. He encouraged Council Members to ask questions during the presentations.

2013-2014 BUDGET REVIEW

Operations History/Sustainability

Robby Hefton, Assistant City Manager/CFO, presented history of where the City of Sherman has been. In 2008/2009, the City issued debt for some major improvements with the streets, parks, and downtown area. This was the first time Certificates of Obligation had been issued since the 1970's.

At that time, Sherman was experiencing a sustained, moderate 3% to 4% growth in the tax base. When the debt was issued, the property tax rate was decreased from \$0.40 to \$0.32 per \$100 valuation, and a portion of that tax was dedicated to increasing the sales tax in lieu of property tax. In 2012, the citizens again approved the street sales tax and the City is in year two of that designation.

Mr. Hefton said in 2008, the budget was \$30.2 million. In 2013 the budget is \$30 million. The budget has remained "flat" over those years, by curtailing capital spending and using an "entity wide" look at the operations.

There are three main "pockets" of operations, the Solid Waste Fund, the Utility Fund, and the General Fund. This "wide" view allows the City to share reserves and share resources among funds to help balance the budget. He added that this was the right thing to do at that time.

Mr. Hefton explained that prior to 2007/2008, the City had very stable sales and property tax growth. In 2008 there was a sales tax election to reduce the property tax rate to increase the rate for street sales tax. At the same time the City increased their bond rating from A to A+ to AA- to AA, which has been sustained since that time. However, about the same time, the recession started. Even though the City didn't experience a decrease in sales tax, it did "flatten out." Instead of a 3% to 4% growth, there was 0% growth.

That was the same time that debt service was issued, which is ongoing for the next 17 years. Cost of the debt service is about \$900,000 annually and is paid through property taxes. The debt was issued to complete the thoroughfare plan and the Capital Improvement Program.

During the same time, there were many foreclosures of residential real estate, the unemployment rates increased, and MEMC and Folgers closed. This year, 2013, was the last year of the plan to recoup water and sewer revenue that was lost from the plant closings. About 14% of the City's revenue was lost through "shrinkage" and through some recycling projects initiated by the industries.

Mr. Hefton considered what sales tax and property tax would do over the next few years. There is evidence of growth, and the Panda Energy plant and some commercial growth will help the tax base, but the staff really doesn't know what the tax base will do. The staff must design a sustainable plan to make sure that the City is funding the current level of operations to which they have committed.

Over the last few years, Mr. Hefton said the City has added 150 acres of park land at Pecan Grove Park, and have not proportionally increased the staffing for the parks. The City has established a level of service in all their departments that is the prudent minimal level of service.

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In developing this budget, the staff has focused on how to sustain that level of service, if there is no growth in sales and property taxes. The City has been using reserves in the General Fund, Utility Fund, Hotel/Motel Tax Fund, and the CIP Funds for the last five years, spending them down intentionally. The ability to do this is gone after 2014.

Mr. Hefton said the revenue and rate discussion is not a new discussion and has been talked about for several years. The City needs to not only cover the revenues and expenses, but also needs to set aside money from the General Fund and the Utility Fund to pay for capital projects. Many CIP projects were put off because there was no money to fund them. The focus for 2014 is to fund only the critical projects were something is failing. But with the General Fund, the Solid Waste Fund, and the Utility Fund, the City needs to be setting aside money to at least partially fund these CIP projects. He added that the goal is to maintain a 70 day fund balance in these funds.

Mr. Hefton said the reserves have been “spent down” so now the focus is on something different. Once everything has been done to manage costs, to increase fees, and to change operations where it is acceptable, then there will be some decisions to make about increasing property taxes or implementing service cuts. The excessive reserves were the City’s biggest tool, but that is now gone.

He outlined the items completed in the operations sustainability plan such as completing the four year CIP program, completing the three year utility revenue replacement plan, completing the fund balance reduction plan, making efficiency cuts and re-establishing a focus on essential services, increasing miscellaneous fees, deferring capital spending and employee raises, and keeping the annual budget flat for several years. He added that the focus on this budget will be on taking steps toward sustaining the future.

Mr. Hefton said for 2014, the staff is proposing to adjust various fees, which will increase the General Fund by about \$200,000; provide employees with a 2% across-the-board wage adjustment; fund only critical CIP projects; and use the remaining excess fund balances to adjust reserves to target levels.

Mr. Hefton highlighted several issues with this year’s budget. He said fund balances will be at 76 days in the General Fund, 71 days in the Utility Fund, and 63 days in the Solid Waste Fund. The targeted range for fund balance is 60 to 90 days. Sales tax revenues and water/sewer consumption is flat. Property taxes are expected to increase slightly. In 2013, the City tried to catch up with fleet and equipment purchases and will continue to do so in 2014. This budget proposes about \$1.5 million for these purchases.

The proposed budget also includes increased funding levels for group health in the major funds. Currently it is funded through rates instead of using fund balance. The staff is focused on sustaining the basic levels of service. There are things that the City probably should be doing but can’t because of funding.

The challenge will be beyond 2014. Mr. Hefton said the General Fund is a \$30 million budget and if things increase at a moderate 2% cost every year, that amounts to \$600,000 in revenues that must be made up. Historically that has been made up from a growth in property and sales tax. A 3% increase in the tax base and in sales tax would almost exactly cover the \$600,000 increase from inflation. But the City has not had that increase over the last few years.

The Utility Fund debt has also decreased the last few years which helped provide some relief for additional fund balances. However the debt will increase over the next few years due to some

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large water and sewer projects, and additional Utility Fund balances will be unavailable to help “prop up” other funds.

Mr. Hefton also mentioned some positive things that will be coming up, including the effect of the Panda Energy project. Even after their abatement, it is expected that Panda will add \$300,000 to \$400,000 to the property tax revenues in the 2016 budget year. They should be using about \$800,000 in water once they are up and running. Their projected opening date is the fourth quarter of 2014, so the City should start seeing revenue in the 2015 budget year. He added that the City has low and moderate property tax and utility rates, so there is room to make some adjustments and still remain competitive.

Mr. Hefton presented a list of areas where the City is falling behind. One budget request this year was to add a concrete street maintenance crew. The request is not in the proposed budget, but in the near future, he felt it might need to be addressed. Many of the levels where the City is falling behind are really just maintaining the current level of operations.

He also explained the tax rate history adding that in 2009 the City's tax rate was decreased from \$0.40 per \$100 valuation to \$0.32. The effective tax rate is the rate that would need to be adopted to raise the same amount of revenue. The State allows the City to adopt the effective tax rate each year without requiring a vote of the citizens.

The strategy moving forward is to continue to use the sales and property tax base growth to fund growth in the future. A 2.5% increase is equal to \$450,000 annually. The General Fund should be funded through taxes. In the absence of that, other changes must be made. These changes include reducing the quality of life services and focusing on essentials, continuing to increase water and sewer rates to transfer to the General Fund, using positive budget variances to minimize the need for service cuts or tax increases, or a tax rate increase.

Hotel/Motel Fund & Tourism

Mr. Hefton briefed the City Council on the Hotel/Motel Tax Fund and specifically on the mission, values, and goals and objectives of Sherman's tourism program. It's not just about the use of Kidd-Key Auditorium. He said every year, sports tournaments are held in Sherman that completely fill the local hotels. There are many tournaments held at Old Settler's Park that bring visitors into the community. He addressed Hot Summer Nights and Arts Festival, saying that even if the City is not managing these events, the City's resources, such as staff, facilities, tables, and chairs are used during the event.

At the start of the budget process, the City's goal was to cut about \$100,000 from the Hotel/Motel Tax operating budget. Reserves have been spent down and helped fund things such as the new website. Some initial cuts have already been made such as a reduction in advertising from \$45,000 to \$15,000 and a reduction in the Central Business District grant program from \$25,000 to \$15,000.

He said the Sherman Council for the Arts and Humanities has rescinded their request for \$36,000 in funding and have a separate funding source for the next few years. The transfer from the Hotel/Motel Tax Fund to the General Fund was also cut. Mr. Hefton said the staff tried to cut everything else down to acceptable levels before funding was reduced for SCAH or the Sherman Museum. With these cuts, that left \$60,000 going to the Sherman Museum this year instead of \$82,500.

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Mr. Hefton said the Hotel/Motel Tax fund balance is down to \$20,000, but this isn't a fund that requires a large fund balance. An additional cushion for the fund balance should be realized in 2014 in case the revenues don't increase as expected.

Council Member Smith asked why the staff felt that Hotel/Motel taxes would increase by \$25,000 this year. Mr. Hefton said the staff has had success in collecting a portion of the past due taxes owed by some of the local hotels. Also, some of the hotels have changed management. Hopefully things will be better than in the past as far as the collection of this revenue. Mayor Wacker said another hotel reopened this past year after being closed for about two years. Mr. Hefton said the proposed convention center for Denison may be some competition for Sherman's hotels, but did not feel that would happen in 2014.

Mr. Hefton said if additional tax money was received, the staff could present that to the City Council mid-year and they could decide to distribute the additional money within the budget. He said another option would be to "shuffle" some of the money around now to give more to the Sherman Museum. He said the tourism grant line item was increased by \$10,000 with the thought that the Museum, as well as the other entities requesting grants would have additional funding for their submissions. Mr. Hefton said it would be a great opportunity for the Museum to request additional funding for a specific project, such as Dino Days, through grant money.

Council Member Smith asked if, in the past, the grant money has been used in its entirety. Mr. Hefton said usually it has been. He added that the City could give out more in grants than people have requested, because requests are generally adjusted. He said there are more requests than there is money.

Council Member Plyler said the proposed budget cut for the Museum was a significant cut. Mayor Wacker asked if additional community groups could be found to sponsor Hot Summer Nights and Lights on the Lake so more money could be "shifted" to the Museum so the first year would not have such a drastic cut. Council Member Johnson said he wanted to revisit the budget after six months because some of these events occur later in the year anyway. Maybe at that point, there will be more money.

Mr. Olson said the City has approached the Chamber of Commerce to see if they would like to take over the Hot Summer Nights program, but they aren't quite ready to do that. The events are booked earlier and contracts are signed, and if the sponsorships don't happen, the City would still need to fund the event. They have "cut back" on the costs for Lights on the Lake. Mr. Hefton said a decision could be made up front to cut the number of nights that Hot Summer Nights is held in order to cut the budget for the event.

Council Member Smith confirmed that the \$82,500 going to the Sherman Museum makes up about 50% of their budget. Mr. Hefton said besides the money from the City, the Museum also receives \$5,000 from SCAH. He said the \$20,000 cut is about 12% of their budget.

Council Member Johnson asked about suspending the downtown grant program for a year. Mr. Hefton said the grant program is designed to encourage reinvestment in the downtown area. It has been a popular program with good participation. Council Member Smith asked how much money has been invested in downtown in other ways. Mr. Hefton said the City just completed a \$600,000 project to draw investment to downtown. Council Member Smith asked why the City would spend \$600,000 downtown and then stop the incentive program. It's already being cut.

Council Member Plyler asked about moving the tourism grant money to the Museum so they don't have such a significant cut, and then re-evaluate in six months. The grant line item was

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increased by \$10,000. Mr. Olson said there is some criteria that goes with the grant line item to justify that they will bring a certain number of people into the hotels.

Mayor Wacker felt it was important to have a community patriotic event and this project has a major sponsor to underwrite the fireworks. Council Member Sofey agreed that the Lights on the Lake allows the citizens to benefit from the Hotel/Motel tax dollars.

Council Member Johnson asked about the 44% cut to regional advertising, saying it was significant. Mayor Wacker said maybe the City could be “cleaver” with social media, but she did express her concern about the cut. Council Member Sofey said he wasn’t sure how much of a direct impact a lack of advertising would have for one year as opposed to cutting the events themselves. Mr. Hefton said the City and the Sherman Economic Development Corporation have a \$10,000 commitment with the Texoma Council of Governments for branding.

Council Member Johnson asked about funding for the Arts Festival. Mr. Hefton said the City has been in discussions with the Chamber to help provide some relief for the Arts Festival, but at this point they don’t know if that will happen or what the impact will be.

Mayor Wacker felt the pressure with the Hotel/Motel Tax Fund will continue until there is a good year. Everything will have to make an adjustment, including the Museum. She felt cuts should be made to everything but agreed that the Museum funding could be increased to help with the transition. She said they are pretty pro-active with fundraising and have adopted a different model with admission costs. But she did not feel the City could continue to fund the Museum at the same level as in the past.

Council Members discussed possible changes that might be made to Hot Summer Nights to reduce the costs.

Mr. Olson asked what level of funding increase Council Members wanted for the Museum. Council Members wanted to increase Museum funding to \$70,000 by taking the additional \$10,000 from tourism grants. Council Member Plyler suggested reviewing the funding for tourism grants with a mid-year update and adjustments as needed. The staff will also work to get additional sponsorships for Hot Summer Nights.

City Council Members took a break from 9:27 a.m. to 9:47 a.m.

Airport

Don Keene, Director of Public Works, presented an overview of the Sherman Municipal Airport. While there are no decisions that are currently needed, he said there are some major items on the horizon.

The Airport is a general aviation community service airport with one asphalt runway and four existing structures. There is a terminal building, two T-hangars, and one Quonset hangar. There is currently a waiting list for the T-hangar space. Eight of the 18 T-hangars are rented by Sherman residents. J&S Aviation is housed in the Quonset hangar and the owner, John Hooker, serves as the on-site airport attendant.

Over the last five years, there has been an average of approximately 20 to 30 landings and take-offs per day, which means 10 to 15 aircraft per day visit the Airport. A courtesy car is used once every three to four days. The majority of these aircraft are landing, purchasing fuel, and taking off again.

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Over the last five years, Mr. Keene said the Airport is “marginally” covering its costs. There are some major maintenance items coming up in the next year or two. There has been no major maintenance to the runway, taxiway, or buildings in over five years.

Revenue for the Airport is almost \$500,000 annually with most coming from fuel sales. The 18 hangars are full and average about \$205 per month per hangar in gross revenue. Over the last five years, it has averaged 100,000 gallons of aircraft fuel sold per year. Mr. Keene said the City is trying to stay in the \$0.25 to \$0.30 price per gallon margin, which is cheaper than other area airports.

Many pilots from the area will fly to Sherman to purchase fuel and then fly home and actually save money. If the City increases the price per gallon, they might gain some on a per gallon basis but lose volume-wise. He added that Sherman is usually \$0.25 to \$0.40 per gallon cheaper than other airports. He said the City might increase the price by \$0.05 per gallon this year, which would amount to about \$5,000 a year. Council Member Johnson asked for a breakdown on low-lead fuel as compared to other cities. Mr. Keene said the major expenditure for the Airport is the fuel purchase.

Mr. Keene outlined several larger maintenance projects that will be upcoming in the future. The Airport terminal needs some repairs including a roof replacement and exterior and interior repairs. South hangar repairs include an office roof repair and exterior and interior repairs. There is currently \$42,000 in the CIP for 2015 for these repairs.

The City contracted with an engineering firm to provide an analysis of the Airport to determine the needed runway and taxiway rehabilitation projects. They determined that, beginning in 2015, over a five year period, the City will need to spend approximately \$1 million for runway, taxiway, and apron repairs. Council Member Smith verified that would be the total cost, not just the City's portion.

Mr. Keene presented a potential CIP plan for Airport maintenance projects. The total cost estimate for the five year plan is \$988,000 with the Texas Department of Transportation aviation grants paying 90% or \$889,200 and the City paying 10% or \$98,800.

In FY 2017 the plan includes the construction of two six-unit T-hangars which would allow the City to generate additional revenue for the future. This would be an option to the plan and would cost an additional \$650,000 for the total project. TxDOT's portion would be \$585,000 and the City portion would be \$65,000.

Council Member Johnson asked if the City's portion would be due as the projects progressed or up front of the entire plan. Mr. Keene verified that the City would pay as each project was done and the grants would be separate grants paid each year.

Council Member Plyler asked about the amount of revenue that would be generated from the new T-hangars. Mr. Keene said they would generate about \$31,000 in revenue per year for each hangar. He added that the staff feels the hangar rates should be increased by about \$10 per month anyway. Council Member Plyler suggested that the City could help pay for their part of the projects with the revenue from the new hangars and the monthly rental increase.

Mr. Hefton reminded Council Members that every time a grant was accepted from TxDOT, that “reset the clock” on the twenty year period that the Airport must remain operational. Mr. Olson added that there was no guarantee that the City would receive the TxDOT grant money or that it would continue to be available. Mr. Keene said the TxDOT Aviation Department and the

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engineer are very optimistic about the possibilities of receiving the grants, but until TxDOT goes through their budget process and approves the grants, there is no guarantee. Mr. Olson said if the money is not available from TxDOT, at what point does the City have to do something with these projects at the Airport. Mr. Keene said airport safety is always first. The runway and taxiway must be safe before the terminal is repaired. The engineer feels that FY 2015 is when the City would definitely need to be doing something to the runway and taxiway.

Council Member Johnson asked about the possibility of a ground lease with a third party to come in and build the additional hangars. Council Member Smith said the City has tried that for years but no private sector person will do it because they will lose money. Council Member Johnson felt the City could still see what options might be available in the private sector. Council Member Sofey said if a commitment is made for a ground lease, the City would still need to commit with TxDOT and keep the Airport operational. Mr. Olson said in the past, it was determined that the return on a ground lease investment was 40 years or more.

Council Member Plyler said the landings and takeoffs were increasing and he asked if it was anticipated that the trend would continue. Mr. Keene said he expected it to “flatten out.” Council Member Smith added that most landings and takeoffs are simply to refuel. Mayor Wacker added that besides the fuel, pilots must have a certain number of landings and takeoffs per month to maintain their license and this is a good Airport for that. This airspace is not as congested as in the Dallas area.

Mr. Keene said the City must optimize the fuel and hangar rental rates to recover costs. The staff is recommending a \$0.05 per gallon increase in fuel and a \$10 per month increase in hangar rentals.

Mr. Keene said a year ago, the City Council requested that the staff review options for alternative use of the Airport property. One option is for a Sherman Recreational Complex which would be a multipurpose complex to support the City's recreational needs for generations. This complex is supported by the Comprehensive Master Plan. Features of the complex would include lighted, multi-purpose game fields, practice areas, an indoor recreation center, walking trails, green space, a skate park, restrooms, maintenance facilities, and connectivity to both Hawn and Rosedale Parks. He presented an artist conceptualization of the complex.

Mayor Wacker said the Council can't arbitrarily close the Airport. The citizens must vote to close the Airport.

Miscellaneous Fees

Mr. Hefton said at the Budget Planning Meeting, the Council asked the staff to review various types of fees and revenue sources. Fees reviewed include building and inspection fees and licensing, traffic and court fees, parks and recreation fees, and cemetery fees. Some fees were reviewed over the past two years and adjustments were made at that time. Water and sewer fees and tax rates will be discussed later in the presentation. Mr. Hefton said Sherman's fees were reviewed against six peer cities including Denison and Gainesville,

The staff found that contractor registration fees were fairly well in line, but building fees were very low. He showed Sherman's fees as compared to the average fee from the peer cities. They focused on both the per square foot fee as well as the minimum fee. The new construction building fees are also low.

Mr. Hefton said Sherman's minimum building fee, electrical, HVAC, and plumbing fees are all lower than the average peer cities' fee, some up to 50% lower. New residential construction and

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new commercial construction are per square foot fees and are one-third to one-sixth of what the peer cities charge, respectively. He proposed that adjustments be made to all those areas to bring them more in line with the peer cities. He also proposed to increase the minimum fee on remodels from \$28 to \$50. With these changes the annual increase is expected to be from \$40,000 to \$50,000.

Council Member Smith felt this was still low. Council Member Sofey felt it was a good one-year jump, but still below the peer group. He did not feel that building would decrease because the rates increased. Mr. Hefton did not feel that the City was out of line with the rate increase. Council Members supported the rate increase.

Mr. Hefton presented a review of the Parks and Recreation fees. Fees for The Splash were adjusted in 2010 for both pool admission and rentals and no adjustments are proposed at this time. City sponsored leagues pay for expenses through their registration fees. Sherman Youth Soccer and Sherman Youth Baseball do not currently pay for field use. The staff will review payment from these leagues for a field use fee on a per head basis. Austin College and the Sherman Independent School District do reimburse expenses or barter facility usage on a contract basis, but they are not paying the City's cost for field or facility usage. Many supplies and man-hours are spent annually for field maintenance and they are not reimbursed by the entities.

Mr. Hefton proposed that the City charge field use fees for children's baseball, softball, and soccer, and for adult softball, soccer, basketball, and volleyball. He presented proposals for a field use fee of \$5, \$8, and \$10 for both children and adults. He said the field use fees wouldn't amount to a lot of money, but it is more a concept to charge for field usage. The City spends much more money in personnel, equipment, and materials to maintain the fields. He asked the City Council for their input on the proposed field usage fees.

Council Member Smith said they charge \$80 per child now for baseball, softball, and soccer and he felt the new fee would be passed along to the parents through the registration fee. He felt an additional \$10 could "stretch" some of the parents, even though he agreed with the field usage fee. Council Member Sofey said other cities charge a field use fee and so should Sherman. Mr. Olson confirmed that Sherman Youth does have scholarships available.

Council Members discussed what the field usage charge should be. They decided to charge an \$8 field use fee for youth and a \$10 field use fee for adults.

Mr. Hefton said the staff also reviewed cemetery fees and compared them with the peer cities. The staff proposed an increase in several fees that should provide an annual revenue increase of approximately \$35,000. Council Members were in agreement with the proposed changes.

He provided a list of the top ten traffic and court fines and a proposed increase for each. The City currently receives between \$900,000 and \$1 million in court and traffic fines. The proposed fines are below average fines in the peer cities. The annual effect on the proposed increase is estimated at \$103,357.

Council Members felt there would probably be complaints on the cost of the parking tickets which would increase from \$21 to \$41. Mayor Wacker asked if deferred adjudication was available. Brandon Shelby, City Attorney, said deferred adjudication is offered on almost every ticket, but it is not "advertised." There is a \$40 administrative fee for deferred adjudication and they are required to pay the court fine. Mayor Wacker asked if that fee should be reviewed. Mr. Hefton confirmed that the Council wanted to set the parking ticket fee at \$40.

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Mr. Hefton said the staff looked at Animal Control fees and Sherman is lower than the peer cities. Even though the adoption fees are lower than the peer cities, the staff decided not to propose changes to those fees. Sherman has had a great success with the adoption program over the last six months.

They are proposing to increase first time reclamation fees from \$15 and \$30 for spayed and unsprayed, respectively to \$25 and \$40, and increase the impound fee from \$45 per day to \$50 per day. The annual revenue generated is estimated at \$9,000. Council Members were in agreement with the proposed changes.

Mr. Hefton said the proposed changes in the various fees and fines would increase annual revenue by almost \$200,000, subject to the changes made. This money will be included in the General Fund.

Council Member Smith verified that this increase will already be included in the budget that the Council reviews later today.

City Council Members took a break from 10:49 a.m. to 10:59 a.m.

Storm Water Management Plan

Clay Barnett, City Engineer, said Sherman has had 14 floods recorded by the National Climatic Data Center since 1993, with the most significant event happening on June 18, 2007. During that event there was 7.6 inches of rainfall in seven hours. U.S. Highway 75 was closed for several hours and 89 single family homes, 270 apartment units, and 40 commercial properties flooded.

In 2009 the Comprehensive Master Plan listed a storm drainage study and planning as the number three priority. Total cost of the study was \$333,000 with a portion being paid by a grant. The City's portion was \$154,000. The study process began in September 2011 and included four public meetings for input.

The scope of the study included all of the Post Oak Creek Drainage Basin that is located in Sherman, which is approximately 33 square miles. This area includes 50.5 miles of stream and 68 bridges and culverts. The study identified 13 areas of structural flooding which includes 153 structures. Forty four bridges and culverts were found to be insufficient to pass a 1% flood incident.

In order to prevent additional flooding in Sherman, four mitigation projects were identified. These include floodplain land acquisition, storage, channel improvements, and bridge and culvert improvements. He outlined specific efforts that were included under each mitigation project, with the cost and possible grant eligibility.

Floodplain land acquisition includes the buyout of repetitive loss properties, converting land to a natural green belt, and eight proposed property acquisition projects at a total estimated cost of \$9,305,700, with grant eligibility of \$5,785,829. Council Member Sofey verified that all the properties were in the floodplain.

The retention storage projects reduce peak flow rates and downstream velocities. Currently the detention ponds are Dean Gilbert Lake and Pickens Lake in Herman Baker Park. Additional projects identified in the study are the Archer Detention Pond, Dam 9A, modifications to the Town Center Detention Pond, and five others. Projected cost of the projects is \$13,855,000 with grant eligibility of \$5,438,250.

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Three channel improvements were identified to increase capacity and improve channel stability on Post Oak Creek. These projects include Center Street, Lamar Street, and Pecan Street, with a projected cost of \$18,337,000.

One problem during the 2007 flood was the inability to get emergency services to the west side of Sherman due to the flooding of Post Oak Creek. One of the objectives identified fairly early was to provide bridge and culvert improvements to provide access for these emergency services. Nine bridge and culvert projects were identified at a projected cost of \$13,947,000.

Mr. Barnett said the projected cost of all projects is \$55,444,700 with a total grant eligibility of \$11,224,079.

The study also identified non-structural flood prevention measures such as updating the Land Use Plan, updating the Storm Drainage Design Manual, updating the Floodplain Ordinance, implementing a Creek Maintenance Program, updating the Floodplain Mapping, and participation in a Community Rating System. Currently the Land Use Plan does not accurately identify property in the floodplain.

Basically all creeks in Sherman are privately owned and the City does not have the ability to enter and service them. A Creek Maintenance Program is important to remove debris prior to an event so it does not clog the culverts downstream. This increases the capacity for water flow and helps with bank stabilization.

He said there are two ways to implement this program. Either the City can obtain rights-of-way or easements on the property and then maintain the creeks or they can implement a private maintenance program where citizens apply for grant money for their creek cleaning maintenance.

Mr. Barnett presented a Federal Emergency Management Agency Map designating both the floodplain and the floodway. No building is allowed in the floodway. Mr. Barnett explained that if more accurate flood maps were available, some of the areas could be developed. Council Member Smith asked about the cost of a flood zone study. Mr. Barnett estimated it would cost probably \$80,000 to complete a new flood zone study. Council Member Smith said if the new maps would allow additional development, then that money would eventually come back to the City.

The Community Rating System is a FEMA program to encourage cities to take certain measures to prevent flood damage, which will result in lower insurance premiums for citizens. The City already does many of the items that would be required in the Rating System.

Mr. Barnett outlined several funding alternatives for the projects such as bonds, impact fees, a Storm Water Utility Fund, and State and Federal assistance. There are also several competitive grants for which the City could apply.

One way to establish a dedicated source of funding for the program is through a Storm Water Utility Fee. This fee, which is generally added to the water bill, would allow a City to leverage regular income for issuing debt if large projects require multi-years. It is a fair way to determine how much citizens pay for the program, and it doesn't depend on the private sector, such as with impact fees that may negatively affect development. Cost of the Storm Water Utility Fee Study, which is mandated by the State, is estimated at \$200,000. Mr. Barnett outlined the implementation process for the Storm Water Utility Fee.

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Mayor Wacker asked why the study is so expensive. Mr. Barnett said the cost depends on how many water services a City has. Mayor Wacker verified that the study is a very labor intensive project and would require analysis of each parcel of land. The cost is based on a “ground zero process” and the City does already have GIS maps available.

Council Member Sofey asked what the expected monthly fee would be for Sherman residents. Mr. Olson said it would probably be between \$0.50 and \$1.50 per month. Mr. Barnett said Richardson's fee is \$5.00 per month. The money would be set up in a specific fund for these types of projects but it would function as a fund and could pay for some items that are now paid from the General Fund. Mayor Wacker added that the fee is usually a dedicated fee.

Mr. Barnett said the City now has a roadmap of where to go and there are no action steps for FY 2014. Decisions on the process will be made in conjunction with long term strategic planning in FY 2014-2015.

Council Member Plyler asked about property acquisition and whether that would require the City to maintain land whether it is green space or not. Mr. Barnett said there were some properties that would need to be maintained. He outlined a priority list of projects (property acquisitions, detention ponds, bridges/culverts) within the study. Mayor Wacker said the list would be implemented over a long period of time and Mr. Barnett said the priorities can be re-prioritized. Council Member Plyler verified that the estimated cost includes all costs, including engineering and design work.

City Council Members took a lunch break from 11:33 a.m. to 11:53 a.m.

Financial Presentation – Operations

Mr. Hefton said the Council and staff have done a good job of managing things appropriately from a financial standpoint. If a City accumulates too many excess reserves, maybe their rates are too high. If a City doesn't have enough reserves maybe their rates aren't high enough. He said the biggest tool of using fund balances will be gone in 2014. Once you've done everything you can to minimize inefficiencies, to raise fees, and to adjust services, you must look at tax rates.

He discussed the effective tax rate and the rollback tax rate. The rollback tax rate is the rate where a City must go to the voters to get approval of the tax rate. Generally that is about \$0.03 for the City of Sherman. Currently the City's tax rate is \$0.32 per \$100 property valuation. He presented a Texas Municipal League Tax Rate Survey with other cities that are approximately Sherman's population. In the survey, Copperas Cove with a population of 32,522 has a tax rate of \$0.764 as compared to Sherman with a population of 38,690 and a tax rate of \$0.32. Twenty three other cities fell in between these two cities. Denison's tax rate is \$0.65 per \$100 valuation.

Mr. Hefton said the average revenue generated from this peer group for property taxes is \$13.8 million. Sherman generates about \$7 million. The State gives a City about 8% margin before they must go to the voters for a property tax increase. If a City's tax rate is \$0.70, they can adjust almost 8% before they need to go to the voters. If a City's rate is \$0.30, then they only have 2.5% before they must go to the voters. As the property tax rate increases, a City's ability to use that tax to adjust the budget increases, which is what the State intended cities to do. Mr. Hefton said a \$0.015 property tax increase would generate \$322,000 annually.

The General Fund, ongoing, is unbalanced by \$1.8 million. Council Member Smith verified that amount does include a property tax increase of \$0.015. Mr. Hefton added that it also includes that for the next two or three years, the Utility Fund will have excess reserves that can be transferred into the General Fund, leaving a deficit of \$400,000 or \$500,000. When debt in the

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Utility Fund continues to increase, then the ability to transfer funds from the Utility Fund to the General Fund decreases. Currently in 2014, there is about \$2 million being transferred into the General Fund from the Utility Fund that will not be ongoing. Fund balances are where they need to be for both the General Fund and the Utility Fund.

General Fund

Mr. Hefton said the General Fund has 70 to 75 days of fund balance for 2014. That includes planned transfers in from the Utility Fund and a \$0.015 increase in the property tax rate, which is about \$300,000. It also includes a projected modest growth in the property tax base. The proposed budget includes about \$200,000 additional revenue from increased fees that were discussed earlier. He added that the staff is projecting that sales tax will be flat. The June sales tax numbers showed an increase of 10%, but there is no trend for continued increase. Earlier this year there was a 10% decrease in the sales tax. Sales tax is the largest revenue source in the General Fund.

Expenditures in the proposed budget for the General Fund show an increase in expenditures of about \$400,000. This includes a 2% across the board pay increase for employees, which in the General Fund is about \$300,000. The other increase is funding for the health fund which is coming from the operating fund and not from fund balance as has been done in previous years. The City is still “catching up” so there is also a \$1.2 million transfer to the Fleet Fund.

Council Member Smith verified that if the property tax increase is not approved the fund balance would drop to about 71 days for 2014. Mr. Hefton said the City won't have reserves to move any more so they will need either additional revenues or will need reductions in service to sustain what they have now. He reiterated that he isn't talking about growth, just sustaining. Council Member Smith felt it was important for people to know that it's not only 2014, it's 2015, and beyond.

Mr. Hefton said it is a measured step because you don't know what 2015 will be. If there is growth in the sales tax and property tax that will be great. Council Member Smith said in the past five years, Sherman's tax rate has only decreased. Council Member Sofey verified that approximately three cents is the maximum property tax increase that can be approved without a vote. Mr. Hefton said every one cent tax rate increase is about \$10 per year for the average resident. He added that senior citizens are “frozen” and they are at a fixed dollar amount.

Mr. Hefton said when the tax rate was reduced, historically Sherman was seeing a 3% to 4% growth annually. But that growth didn't continue. The original plan was to be back at “square one” by the time the four year period was over. The economy “fell off the table” and now something else must be done.

Mayor Wacker said Sherman is at a “tipping point” where they would consider cutting services. Mr. Hefton said after 2014, the City will be down to zero in the CIP fund.

Council Member Johnson said the small increase this year is being pro-active and would help avoid a big increase in 2015 or 2016. Mr. Hefton said this is step one of sustainability beyond 2014. The City can only set a budget for one year at a time. There are no excess reserves for the future. The City must look at fees, which they have done; taxes, which they are doing now; or cut services.

Council Member Smith said the City is already down to the “bare bones” in cutting services, and has been “living within their means” for the last five years. Mr. Olson added that a tax increase is

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to sustain, not to add more. Mayor Wacker said a modest tax increase will keep services for citizens and it is still the lowest tax rate of Sherman's peer cities.

Utility Fund

Mr. Hefton said several years ago the City started a revenue replacement plan to replace the revenues that were lost when several major industries closed. Over the last three years the plan was to replace that revenue with increases of 6%, 4% and 4%. This year was the last year of the plan. The proposed increase for this upcoming fiscal year is 1%, which is still lower than the cost of living. The 1% increase in water and sewer rates amounts to about \$160,000 or \$170,000 annually.

After the transfers out, the fund balance has intentionally been reduced to about 70 days. He outlined various expenses for the upcoming year. The debt service went down a little over \$1 million from 2012 to 2013. As additional projects are scheduled for the Water Treatment Plant and the Wastewater Treatment Plant, the debt service will increase.

Solid Waste Fund

Mr. Hefton said a 1% rate increase is also proposed for the Solid Waste Fund. On the expense side, Texoma Area Solid Waste Authority's disposal fees are "flat" for 2014. He said they actually built in a \$2 to \$3 increase per ton for disposal fees. Therefore that number should be reduced which will increase the fund balance days.

Mr. Hefton said the capital expenses line item is for fleet purchases, which are very expensive in this fund. Cost is generally \$250,000 to \$300,000 per vehicle and the City normally replaces at least one annually. This year the proposal is for two vehicles.

General Improvement Fund

Mr. Hefton said there are more projects in the General Improvement Fund than the City has money to fund, so they are doing the absolute minimum needed. The Municipal Building repair is phase two of a project started this year. Cost of the project is \$190,000 and is maintenance that is long overdue.

The Fallon Drive bridge repair is critical and was identified by TxDOT. Another project is for erosion control on Hunt Street. After these projects, that leaves a fund balance of \$45,986. The \$200,000 schedule for the GIS system is a pass through and is being paid for by SEDCO.

Utility Improvement Fund

Mr. Hefton said the ending fund balance for the Utility Improvement Fund is \$380,937. There are some issues with the Gallagher Elevated Water Tank that need immediate attention. It needs paint inside and outside and there are some holes in the tank. Cost of the project will be \$1,125,000 and it is critical.

There is also a State driven mandate and the Cherry Park Pump Station needs to be in compliance. Mr. Hefton said unless they are critical, the staff has pushed projects to 2015 and beyond.

Hotel/Motel Tax Fund

Mr. Hefton said the staff has already received direction pertaining to the Hotel/Motel Tax Fund.

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Insurance Fund

Mr. Hefton said the City is funding the Insurance Fund at a much higher level for employee contributions. He said the City should be at a \$4.2 million to \$4.5 million level. There is a little cushion in this fund. There is ample fund balance in this fund.

Council Direction

Mr. Hefton clarified the Council direction on the following items:

- **Hotel/Motel Tax Fund** – increase the Museum amount by \$10,000, to \$70,000, moving it from tourism grants; come back mid-year with a report about how revenues and expenses are trending; make adjustments as needed
- **Miscellaneous Fees** – increase fees for cemetery, building permits and licenses, traffic and court fines and fees, and animal control fees as presented; increase parks and recreation fees as presented except add field use fee of \$8 for children and \$10 for adults
- **2% COLA** – give employees a 2% cost-of-living increase
- **Solid Waste Rates** – increase solid waste rates by 1%
- **Property Tax Rates** – increase property tax rates by \$0.015
- **Utility Rates** – increase utility rates by 1%

Council Member Smith said he would like to know the cost on the Floodplain Rezoning Map. He felt that the money paid for the maps would be returned by development.

Mayor Wacker said the staff continues to look at ways to creatively do things or to partner with the private sector to keep the progress going. The City can't get to a number of projects on the CIP list because there just isn't enough money. She felt recovery is coming to Sherman and said some of the major industries have announced expansions and reinvestments and that is a very good sign.

ADJOURNMENT

There being no further business to come before the City Council today, motion was duly made and approved to adjourn the Called meeting at 12:55 p.m. Documentation for the Budget Work Session is held in the General File "Budget Work Session FY 2013-2014" in the City Clerk's Office.

ATTEST

MAYOR

CITY CLERK



City Council Regular Meeting

Agenda Item No. B. 1.

Meeting Date: 07/15/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5780

Creating a Joint Airport Zoning Board and Investing such Joint Airport Zoning Board with the Powers such Boards are Authorized to Exercise Under the Provisions of the Airport Zoning Act, Texas Local Government Code, §241.001, et. seq.; Providing for an Effective Date

Issue:

The creation of a Joint Airport Zoning Board for the North Texas Regional Airport and the appointment of two members to said Board

Background:

The North Texas Regional Airport is operated by the Grayson County Regional Mobility Authority and contributes to the economy of Grayson County, the City of Sherman, the City of Denison, and the City of Pottsboro. The Airport Zoning Act (Chapter 241 of the Texas Local Government Code) prohibits the creation of an airport hazard and provides means for the elimination, removal, alteration, mitigation or marking and lighting of an airport hazard. Section 241.014 provides for the creation of a Joint Airport Zoning Board. Said Board should be created jointly with other affected political subdivisions by resolution or ordinance. The Board must consist of two members appointed by each political subdivision plus an additional member, a chairman elected by a majority of the appointed members, for a nine-member board.

The Pottsboro City Council and the Denison City Council appointed their two members at the May 6th and May 20th meetings, respectively. At the June 25th meeting, the Grayson County Commissioners appointed their three North Texas Regional Airport Zoning Commission Members to the Joint Airport Zoning Board.

Mike Shahan (Airport Director for the North Texas Regional Airport) and Phil Roether (Chairman of the Airport Zoning Commission) will be present to explain the purpose and responsibilities of the Joint Airport Zoning Board and to respond to any questions or concerns.

Origination:

Mike Shahan, Airport Director, North Texas Regional Airport
Phil Roether, Chairman, Airport Zoning Commission

Financial Consideration:

There is no financial impact associated with this agenda item.

Staff Recommendation:

It is recommended that the City Council consider adoption of this ordinance and appointment of two members to the Joint Airport Zoning Board.

Alternatives:

The Council could choose to not adopt the ordinance.

Attachments

Ordinance No. 5780

Airport Zoning Commission Chairman Phil Roether's Letter of April 25, 2013

Texas Local Government Code, Chapter 241 - Airport Zoning Act

ORDINANCE NO. 5780

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISIONS OF THE AIRPORT ZONING ACT, TEXAS LOCAL GOVERNMENT CODE, §241.001, ET. SEQ.; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; 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 County of Grayson operates an airport known as the North Texas Regional Airport under the auspices of the Grayson County Regional Mobility Authority; and

WHEREAS, the North Texas Regional Airport serves the interest of Grayson County, the City of Sherman, the City of Denison, and the City of Pottsboro by contributing to the economic well being of the area; and

WHEREAS, it is in the interest of the three cities and the county to provide protection to the airport from future adjacent development that could be detrimental to the operations of the airport or could be negatively impacted or pose a public safety concern due to the airport operations and flight patterns; and

WHEREAS, Section 241 of the Texas Local Government Code makes provisions for the protection of airports by regulating height and land use regulations around and adjacent to such airports that could pose a public risk or nuisance and interfere with the proper operations of the airport;

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

SECTION 1. That, subject to like provisions being made by the Commissioners Court of Grayson County, Texas, by proper order, duly promulgated and entered on their minutes, and as authorized by the provisions of the Airport Zoning Act, Texas Local Government Code §241.001, et. seq., there is hereby created a joint airport zoning board, to be known as the Joint Airport Zoning Board, which board shall have the powers and exercise the duties set forth in Texas Local Government Code §241.014.

SECTION 2. That the Joint Airport Zoning Board shall be comprised of nine (9) members: two (2) members appointed by the Sherman City Council, two (2) members appointed by the Denison City Council, two (2) members appointed by the Pottsboro City Council, and three (3) members appointed by the Commissioners Court of Grayson County, Texas; and the Chairman of the Joint Airport Zoning Board shall be elected by a majority of the members so appointed.

SECTION 3. That, exercising its rights as an appointing authority, the Sherman City Council appoints _____ and _____ to the Joint Airport Zoning Board, who may continue to serve solely at the discretion of this City Council.

SECTION 4. That, if any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 5. That this ordinance shall become effective from and after its passage.

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



April 25, 2013

Mr. George Olsen
City Manager
Sherman City Hall
220 W Mulberry St
Sherman, TX 75090

RE: Joint Airport Zoning Board Membership

Dear Mr. Olsen:

Based on the recommendation in the Airport Business Plan approved in October 2006, the Grayson County Commissioners' Court re-appointed three members to the Airport Zoning Commission on October 20, 2008. The Commission had been inactive since August 22, 1983.

Since that time, the Airport Zoning Commission has been working with consultants, who specialize in airport land use development plans, in developing a Land Use Compatibility Zoning Ordinance for property near the North Texas Regional Airport. On December 18, 2012, the Grayson County Commissioners' Court approved the North Texas Regional Airport Land Use Compatibility Zoning Ordinance and requested that the Airport Zoning Commission adopt the Land Use Compatibility Zoning Ordinance.

In accordance with the Airport Zoning Act, Texas Local Government Code, Section 241.014 (c), a Joint Airport Zoning Board is being created with two members each from Sherman, Pottsboro and Denison and the members of the Grayson County Zoning Commission for a total of nine members. This Board is the Administrative Agency that will oversee the Land Use Compatibility Zoning Ordinance.

We are requesting the Sherman City Council appoint two members to the Joint Airport Zoning Board at their earliest convenience. We are requesting the same from the City Councils of Pottsboro and Denison.

It is our hope to have the first Joint Airport Zoning Board meeting in late May or early June. This meeting will bring all participating members up to date on the proposed North Texas Regional Airport Land Use Compatibility Zoning Ordinance. The end goal is to establish Land Use Compatibility Zoning Ordinance.

Please contact me at 903-786-7878 or Mike Shahan at 903-786-2904, if you have any questions or need additional information.

Sincerely,

Phil Roether
Chairman, Airport Zoning Commission

Cc Airport Zoning Commission
 Honorable Drue Bynum, Grayson County Judge

LOCAL GOVERNMENT CODE

SUBTITLE C. REGULATORY AUTHORITY APPLYING TO MORE THAN ONE TYPE OF
LOCAL GOVERNMENT

CHAPTER 241. MUNICIPAL AND COUNTY ZONING AUTHORITY AROUND AIRPORTS

SUBCHAPTER A. GENERAL PROVISIONS

§ 241.001. SHORT TITLE. This chapter may be cited as the
Airport Zoning Act.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.002. LEGISLATIVE FINDINGS. The legislature finds
that:

(1) an airport hazard endangers the lives and property
of users of the airport and of occupants of land in the vicinity of
the airport;

(2) an airport hazard that is an obstruction reduces
the size of the area available for the landing, taking off, and
maneuvering of aircraft, tending to destroy or impair the utility
of the airport and the public investment in the airport;

(3) the creation of an airport hazard is a public
nuisance and an injury to the community served by the airport
affected by the hazard;

(4) it is necessary in the interest of the public
health, public safety, and general welfare to prevent the creation
of an airport hazard;

(5) the creation of an airport hazard should be
prevented, to the extent legally possible, by the exercise of the
police power without compensation; and

(6) the prevention of the creation of an airport
hazard and the elimination, the removal, the alteration, the
mitigation, or the marking and lighting of an airport hazard are
public purposes for which a political subdivision may raise and
spend public funds and acquire land or interests in land.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.003. DEFINITIONS. In this chapter:

(1) "Airport" means an area of land or water, publicly
or privately owned, designed and set aside for the landing and
taking off of aircraft and used or to be used in the interest of the
public for that purpose. The term includes an area with
installations relating to flights, including installations,
facilities, and bases of operations for tracking flights or
acquiring data concerning flights.

(2) "Airport hazard" means a structure or object of
natural growth that obstructs the air space required for the taking

off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

(3) "Airport hazard area" means an area of land or water on which an airport hazard could exist.

(4) "Airport zoning regulation" means an airport hazard area zoning regulation and an airport compatible land use zoning regulation adopted under this chapter.

(5) "Centerline" means a line extending through the midpoint of each end of a runway.

(6) "Compatible land use" means a use of land adjacent to an airport that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft.

(7) "Controlled compatible land use area" means an area of land located outside airport boundaries and within a rectangle bounded by lines located no farther than 1-1/2 statute miles from the centerline of an instrument or primary runway and lines located no farther than five statute miles from each end of the paved surface of an instrument or primary runway.

(8) "Instrument runway" means an existing or planned runway of at least 3,200 feet for which an instrument landing procedure published by a defense agency of the federal government or the Federal Aviation Administration exists or is planned.

(9) "Obstruction" means a structure, growth, or other object, including a mobile object, that exceeds a limiting height established by federal regulations or by an airport hazard area zoning regulation.

(10) "Political subdivision" means a municipality or county.

(11) "Primary runway" means an existing or planned paved runway, as shown in the official airport layout plan (ALP) of the airport, of at least 3,200 feet on which a majority of the approaches to and departures from the airport occur.

(12) "Runway" means a defined area of an airport prepared for the landing and taking off of aircraft along its length.

(13) "Structure" means an object constructed or installed by one or more persons and includes a building, tower, smokestack, and overhead transmission line.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.004. AIRPORT USED IN INTEREST OF PUBLIC. For the purposes of this chapter, an airport is used in the interest of the public if:

(1) the owner of the airport, by contract, license, or otherwise, permits the airport to be used by the public to an extent that the airport fulfills an essential community purpose; or

(2) the airport is used by the state or an agency of the state or by the United States for national defense purposes or for any federal program relating to flight.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.005. ADOPTION OF REGULATION INCLUDES AMENDMENT OR OTHER CHANGE. A reference in this chapter to the adoption of an airport zoning regulation includes the amendment, repeal, or other change of a regulation. A reference to the adoption of an airport zoning regulation also includes the amendment of an airport zoning regulation existing on the date the law codified by this chapter took effect, which was September 5, 1947.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

SUBCHAPTER B. ADOPTION OF AIRPORT ZONING REGULATIONS

§ 241.011. AIRPORT HAZARD AREA ZONING REGULATIONS. (a) To prevent the creation of an airport hazard, a political subdivision in which an airport hazard area is located may adopt, administer, and enforce, under its police power, airport hazard area zoning regulations for the airport hazard area.

(b) The airport hazard area zoning regulations may divide an airport hazard area into zones and for each zone:

- (1) specify the land uses permitted;
- (2) regulate the type of structures; and
- (3) restrict the height of structures and objects of natural growth to prevent the creation of an obstruction to flight operations or air navigation.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ [241.012\[0\]](#). AIRPORT COMPATIBLE LAND USE ZONING REGULATIONS. (a) A political subdivision may adopt, administer, and enforce, under its police power, airport compatible land use zoning regulations for the part of a controlled compatible land use area located within the political subdivision if the airport is:

- (1) used in the interest of the public to the benefit of the political subdivision; or
- (2) located within the political subdivision and owned or operated by a federal defense agency or by the state.

(b) The political subdivision by ordinance or resolution may implement, in connection with airport compatible land use zoning regulations, any federal law or rules controlling the use of land located adjacent to or in the immediate vicinity of the airport.

(c) The airport compatible land use zoning regulations must include a statement that the airport fulfills an essential community purpose.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.013. EXTRATERRITORIAL ZONING IN POLITICAL SUBDIVISIONS WITH POPULATION OF MORE THAN 45,000. (a) A political subdivision with a population of more than 45,000 in which an airport used in the interest of the public to the benefit of the

political subdivision is located may adopt, administer, and enforce:

(1) airport hazard area zoning regulations applicable to an airport hazard area relating to the airport and located outside the political subdivision; and

(2) airport compatible land use zoning regulations applicable to a controlled compatible land use area relating to the airport and located outside the political subdivision.

(b) The political subdivision has the same power to adopt, administer, and enforce airport hazard area zoning regulations or airport compatible land use zoning regulations under this section as that given a political subdivision by Sections 241.011 and [241.012\[0\]](#).

(c) The airport hazard area zoning regulations or airport compatible land use zoning regulations must include a statement that the airport fulfills an essential community purpose.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 98, § 1, 2, eff. Aug. 26, 1991.

§ 241.014. JOINT AIRPORT ZONING BOARD. (a) A political subdivision to whose benefit an airport is used in the interest of the public or in which an airport owned or operated by a defense agency of the federal government or the state is located may create a joint airport zoning board with another political subdivision in which an airport hazard area or a controlled compatible land use area relating to the airport is located. The political subdivisions must act by resolution or ordinance in creating the joint board.

(b) The joint airport zoning board has the same power to adopt, administer, and enforce airport hazard area zoning regulations or airport compatible land use zoning regulations under this section as that given a political subdivision by Sections 241.011 and [241.012\[0\]](#).

(c) The joint airport zoning board must consist of two members appointed by each of the political subdivisions creating the board and, in addition, a chairman elected by a majority of the appointed members.

(d) If an agency of the state owns and operates an airport located within an airport hazard area or controlled compatible land use area governed by a joint airport zoning board, the agency is entitled to have two members on the board.

(e) The joint airport zoning board for an airport that is owned or operated by a defense agency of the federal government and that is closed by the federal government may provide that zoning regulations adopted by the board continue in effect until the fourth anniversary of the date the airport is closed.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 352, § 1, eff. May 27, 1997; Acts 1999, 76th Leg., ch. 1176, § 1, eff. June 18, 1999.

§ 241.015. INCORPORATION OF AIRPORT ZONING REGULATION INTO COMPREHENSIVE ZONING ORDINANCE. A political subdivision may incorporate an airport zoning regulation in a comprehensive zoning

ordinance and administer and enforce it in connection with the administration and enforcement of the comprehensive zoning ordinance if:

(1) the two zoning regulations apply, in whole or in part, to the same area; and

(2) the comprehensive zoning ordinance includes, among other matters, a regulation on the height of buildings.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.016. AIRPORT ZONING COMMISSION. (a) Before an airport zoning regulation may be adopted, a political subdivision acting unilaterally under Section 241.013 must appoint an airport zoning commission. If the political subdivision has a planning commission or comprehensive zoning commission, that commission may be designated as the airport zoning commission.

(b) The commission shall recommend the boundaries of the zones to be established and the regulations for these zones.

(c) The commission shall make a preliminary report and hold public hearings on the report before submitting a final report.

(d) Before the 15th day before the date of a hearing under Subsection (c), notice of the hearing shall be published in an official newspaper or a newspaper of general circulation in each political subdivision in which the airport hazard area or controlled compatible land use area to be zoned is located.

(e) A joint airport zoning board created under Section 241.014 is not required to appoint a commission under this section.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 697, § 1, eff. Sept. 1, 1995.

§ 241.017. PROCEDURAL LIMITATIONS APPLYING TO ADOPTION OF ZONING REGULATIONS. (a) The governing body of a political subdivision may not hold a public hearing or take other action concerning an airport zoning regulation until it receives the final report of the airport zoning commission.

(b) An airport zoning regulation may not be adopted except by action of the governing body of the political subdivision or a joint airport zoning board after the political subdivision or joint airport zoning board holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard.

(c) Before the 15th day before the date of a hearing under Subsection (b), notice of the hearing must be published in an official newspaper or a newspaper of general circulation in each political subdivision in which the area to be zoned is located.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 697, § 2, eff. Sept. 1, 1995.

§ 241.018. REASONABLENESS OF AIRPORT ZONING REGULATIONS. (a) An airport zoning regulation must be reasonable and may impose a requirement or restriction only if the requirement or restriction is reasonably necessary to achieve the purposes of this chapter.

(b) In determining which airport zoning regulations to adopt, the governing body of a political subdivision or a joint airport zoning board shall consider, among other things:

- (1) the character of the flying operations expected to be conducted at the airport;
- (2) the nature of the terrain within the airport hazard area;
- (3) the character of the neighborhood; and
- (4) the current and possible uses of the property to be zoned.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.019. NONCONFORMING USES AND STRUCTURES. Except as provided by Section 241.035, airport zoning regulations may not require:

- (1) changes in nonconforming land use existing on the date of the adoption of the regulations;
- (2) the removal, lowering, or other change of a structure that does not conform to the regulations on the date of their adoption, including all phases or elements of a multiphase structure, regardless of whether actual construction has commenced, that received a determination of no hazard by the Federal Aviation Administration under 14 C.F.R., Part 77, before the regulations were adopted;
- (3) the removal, lowering, or other change of an object of natural growth that does not conform to the regulations on the date of their adoption; or
- (4) any other interference in the continuation of a use that does not conform to the regulations on the date of their adoption.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.020. PERMITS. (a) Airport zoning regulations may require that a permit be obtained before:

- (1) a new structure is constructed;
- (2) an existing structure is substantially changed or repaired;
- (3) a new use is established; or
- (4) an existing use is substantially changed.

(b) Airport zoning regulations must provide that a permit be obtained from the administrative agency authorized to administer and enforce the regulations before:

- (1) a nonconforming structure may be replaced, rebuilt, or substantially changed or repaired; or
- (2) a nonconforming object of natural growth may be replaced, substantially changed, allowed to grow higher, or replanted.

(c) A permit may not allow:

- (1) the establishment of an airport hazard;
- (2) a nonconforming use to be made;
- (3) a nonconforming structure or object of natural growth to become higher than it was at the time of the adoption of the airport zoning regulations relating to the structure or object

of natural growth or at the time of the application for the permit;
or

(4) a nonconforming structure, object of natural growth, or use to become a greater hazard to air navigation than it was at the time of the adoption of the airport zoning regulations relating to the structure, object of natural growth, or use or at the time of the application for the permit.

(d) Except as provided by Subsection (c), an application for a permit shall be granted.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

SUBCHAPTER C. ADMINISTRATIVE AGENCY AND BOARD OF ADJUSTMENT

§ 241.031. ADMINISTRATIVE AGENCY. (a) Airport zoning regulations must provide for the administration and enforcement of the regulations by an administrative agency. The administrative agency may be:

(1) an agency created by the regulations;
(2) an existing official, board, or agency of the political subdivision adopting the regulations; or
(3) an existing official, board, or other agency of a political subdivision that participated in the creation of a joint airport zoning board adopting the regulations, if satisfactory to that political subdivision.

(b) The administrative agency may not be the board of adjustment or include any member of the board.

(c) The administrative agency shall hear and decide all applications for permits under Section 241.020.

(d) The agency may not exercise any of the powers delegated to the board of adjustment.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.032. BOARD OF ADJUSTMENT. (a) Airport zoning regulations must provide for a board of adjustment.

(b) If a zoning board of appeals or adjustment exists, it may be designated as the board of adjustment under this chapter.

(c) If a zoning board of appeals or adjustment does not exist or is not designated as the board of adjustment under this chapter, a board of adjustment must be appointed. The board must consist of five members to be appointed for terms of two years. The appointing authority may remove a board member for cause on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(d) The concurring vote of four members of the board is necessary to:

(1) reverse an order, requirement, decision, or determination of the administrative agency;
(2) decide in favor of an applicant on a matter on which the board is required to pass under an airport zoning regulation; or
(3) make a variation in an airport zoning regulation.
(e) The board shall adopt rules in accordance with the

ordinance or resolution that created it.

(f) Meetings of the board are held at the call of the chairman and at other times as determined by the board. The chairman or acting chairman may administer oaths and compel the attendance of witnesses. All hearings of the board shall be open to the public.

(g) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.033. AUTHORITY OF BOARD. The board of adjustment shall:

(1) hear and decide an appeal, as provided by Section 241.036, from an order, requirement, decision, or determination made by the administrative agency in the enforcement of an airport zoning regulation;

(2) hear and decide special exceptions to the terms of an airport zoning regulation when the regulation requires the board to do so; and

(3) hear and decide specific variances under Section 241.034.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.034. VARIANCES. (a) A person who desires to erect or increase the height of a structure, permit the growth of an object of natural growth, or otherwise use property in violation of an airport zoning regulation, may apply to the board of adjustment for a variance from the regulation.

(b) The board shall allow a variance from an airport zoning regulation if:

(1) a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship; and

(2) the granting of the relief would:

(A) result in substantial justice being done;

(B) not be contrary to the public interest; and

(C) be in accordance with the spirit of the regulation and this chapter.

(c) The board may impose any reasonable conditions on the variance that it considers necessary to accomplish the purposes of this chapter.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.035. HAZARD MARKING AND LIGHTING. If the administrative agency or board of adjustment considers it reasonable in the circumstances and advisable to accomplish the purposes of this chapter, the agency or board may require in a

permit or a variance granted under this chapter that the owner of a structure or object of natural growth allow the political subdivision, at its own expense, to install, operate, and maintain on the structure or object of natural growth any markers and lights necessary to indicate to flyers the presence of an airport hazard.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.036. APPEAL TO BOARD. (a) A decision of the administrative agency made in its administration of an airport zoning regulation may be appealed to the board of adjustment by:

- (1) a person who is aggrieved by the decision;
- (2) a taxpayer who is affected by the decision; or
- (3) the governing body of a political subdivision or a joint airport zoning board that believes the decision is an improper application of the airport zoning regulation.

(b) The appellant must file with the board and the administrative agency a notice of appeal specifying the grounds for the appeal. The appeal must be filed within a reasonable time as determined by the rules of the board. On receiving the notice, the administrative agency shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

(c) An appeal stays all proceedings in furtherance of the action that is appealed unless the administrative agency certifies in writing to the board facts supporting the agency's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by an order of the board, after notice to the administrative agency, if due cause is shown.

(d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.

(e) The board may reverse or affirm, in whole or in part, or modify the administrative agency's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative agency.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

SUBCHAPTER D. JUDICIAL REVIEW AND OTHER REMEDIES

§ 241.041. JUDICIAL REVIEW OF BOARD DECISION. (a) A person who is aggrieved or a taxpayer who is affected by a decision of a board of adjustment, or the governing body of a political subdivision or a joint airport zoning board that believes a decision of a board of adjustment is illegal, may present to a court of record a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality. The petition must be presented within 10 days after the date the decision is filed in the board's office.

(b) On the presentation of the petition, the court may grant

a writ of certiorari directed to the board of adjustment to review the board's decision. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the board the court may grant a restraining order if due cause is shown.

(c) The board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision that is appealed. The board is not required to return the original documents on which the board acted but may return certified or sworn copies of the documents or parts of the documents as provided by the writ.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.042. TRIAL BY COURT. (a) The court, in an appeal from a decision of a board of adjustment as provided by Section 241.041, shall try and determine the case de novo on the basis of the facts adduced in the trial of the case in the court. The court shall independently rule on the facts and the law as in an ordinary civil suit.

(b) The court has exclusive jurisdiction to reverse or affirm, in whole or in part, or modify the decision that is appealed and, if necessary, may order further proceedings by the board.

(c) Costs may not be assessed against the board unless the court determines that the board acted with gross negligence, in bad faith, or with malice in making its decision.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.043. EFFECT OF HOLDING OF THE COURT. If the court holds that an airport zoning regulation, although generally reasonable, interferes with the use or enjoyment of a particular structure or parcel of land to such an extent that, or is so onerous in its application to a particular structure or parcel of land that, the application of the regulation constitutes a taking or deprivation of property in violation of the state or federal constitution, the holding does not affect the application of the regulation to any other structure or parcel of land.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.044. ADDITIONAL REMEDIES. (a) A political subdivision or joint airport zoning board adopting airport zoning regulations may bring an action in a court of competent jurisdiction to prevent, restrain, correct, or abate a violation of:

- (1) this chapter;
- (2) an airport zoning regulation adopted by the political subdivision or board; or
- (3) an order or ruling made in connection with the administration or enforcement of an airport zoning regulation adopted by the political subdivision or board.

(b) The court shall grant any relief, including an injunction which may be mandatory, as may be proper under all the

facts and circumstances of the case to accomplish the purposes of this chapter and the regulations adopted and orders and rulings made under it.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

§ 241.901. CONFLICT OF AN AIRPORT HAZARD AREA ZONING REGULATION WITH ANOTHER REGULATION. (a) If an airport hazard area zoning regulation conflicts with any other regulation applicable to the same area, the more stringent limitation or requirement controls.

(b) Subsection (a) applies to any conflict with respect to the height of a structure or object of natural growth or any other matter.

(c) Subsection (a) applies to any regulation that conflicts with an airport hazard area zoning regulation whether the regulation was adopted by the political subdivision that adopted the airport zoning regulation or by another political subdivision.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.902. CONFLICT OF AN AIRPORT COMPATIBLE LAND USE ZONING REGULATION WITH ANOTHER REGULATION. (a) If an airport compatible land use zoning regulation conflicts with any other regulation applicable to the same area, the airport compatible land use zoning regulation controls.

(b) Subsection (a) applies to any conflict with respect to the use of land or any other matter.

(c) Subsection (a) applies to any regulation that conflicts with an airport compatible land use zoning regulation, whether the regulation was adopted by the political subdivision that adopted the airport compatible land use zoning regulation or by another political subdivision.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

§ 241.903. ACQUISITION OF AIR RIGHTS OR OTHER PROPERTY. (a) A political subdivision may acquire from a person or other political subdivision an air right, aviation easement, or other estate or interest in property or in a nonconforming structure or use if:

(1) the acquisition is necessary to accomplish the purposes of this chapter;

(2) the property or nonconforming structure or use is located within the political subdivision, the political subdivision owns the airport, or the political subdivision is served by the airport; and

(3)(A) the political subdivision desires to remove, lower, or terminate the nonconforming structure or use;

(B) airport zoning regulations are not sufficient to provide necessary approach protection because of

constitutional limitations; or

(C) the acquisition of a property right is more advisable than an airport zoning regulation in providing necessary approach protection.

(b) An acquisition under this section may be by purchase, grant, or condemnation in the manner provided by Subchapter B, Chapter 21, Property Code.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.

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City Council Regular Meeting

Agenda Item No. B. 2.

Meeting Date: 07/15/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5781

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District at 817 North Travis Street (MWWF LLC, Owners; and Barry Fontaine, Representative)

Issue:

To consider the request from MWWF LLC (Owners) and Barry Fontaine (Representative) for a zone change and site plan approval from a C-1 (Retail Business) District to an R-1 (One Family Residential) District concerning the property at 817 North Travis Street

Background:

The property is located at 817 North Travis Street, between College and Brockett Streets. The owners would like to change the zoning to an R-1 (One Family Residential) District to be used as rental property. The home has three (3) bedrooms; and parking is available in the rear of the lot. The home had been used as an office for many years but has been vacant for about four years.

Origination:

MWWF LLC (Owners) and Barry Fontaine (Representative)

Financial Consideration:

None

Staff Recommendation:

At the June 18, 2013 regular meeting, the Planning and Zoning Commission voted 6/0 to approve the zone change.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 5781

Location Map

Zoning Map

Photo

Site Plan

Elevations

P&Z Communication

Letter from Craig Watson & Mori Family LTD

ORDINANCE NO. 5781

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 817 NORTH TRAVIS STREET (MWWF LLC, OWNERS; AND BARRY FONTAINE, REPRESENTATIVE); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the R-1 (One Family Residential) District at 817 North Travis Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, Grayson County, Texas, and being a part of a survey originally granted to J.B. McAnair and described as follows, to-wit:

BEGINNING at the Northwest corner of lot sold and conveyed by Georgia A. Shannon to R.E. Smith by deed recorded in Volume 276, Page 216, in the Deed Records of Grayson County, Texas;

THENCE North 16 deg. West with the East line of N. Travis Street 54 feet;

THENCE North 74 deg. East parallel with the North line of said R.E. Smith lot 150 feet;

THENCE South 16 deg. East parallel with N. Travis Street, 54 feet;

THENCE South 74 deg. West with the North line of the said lot conveyed by Georgia A. Shannon to R.E. Smith, 150 feet to the **PLACE OF BEGINNING, containing 54 x 150 feet of land.**

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



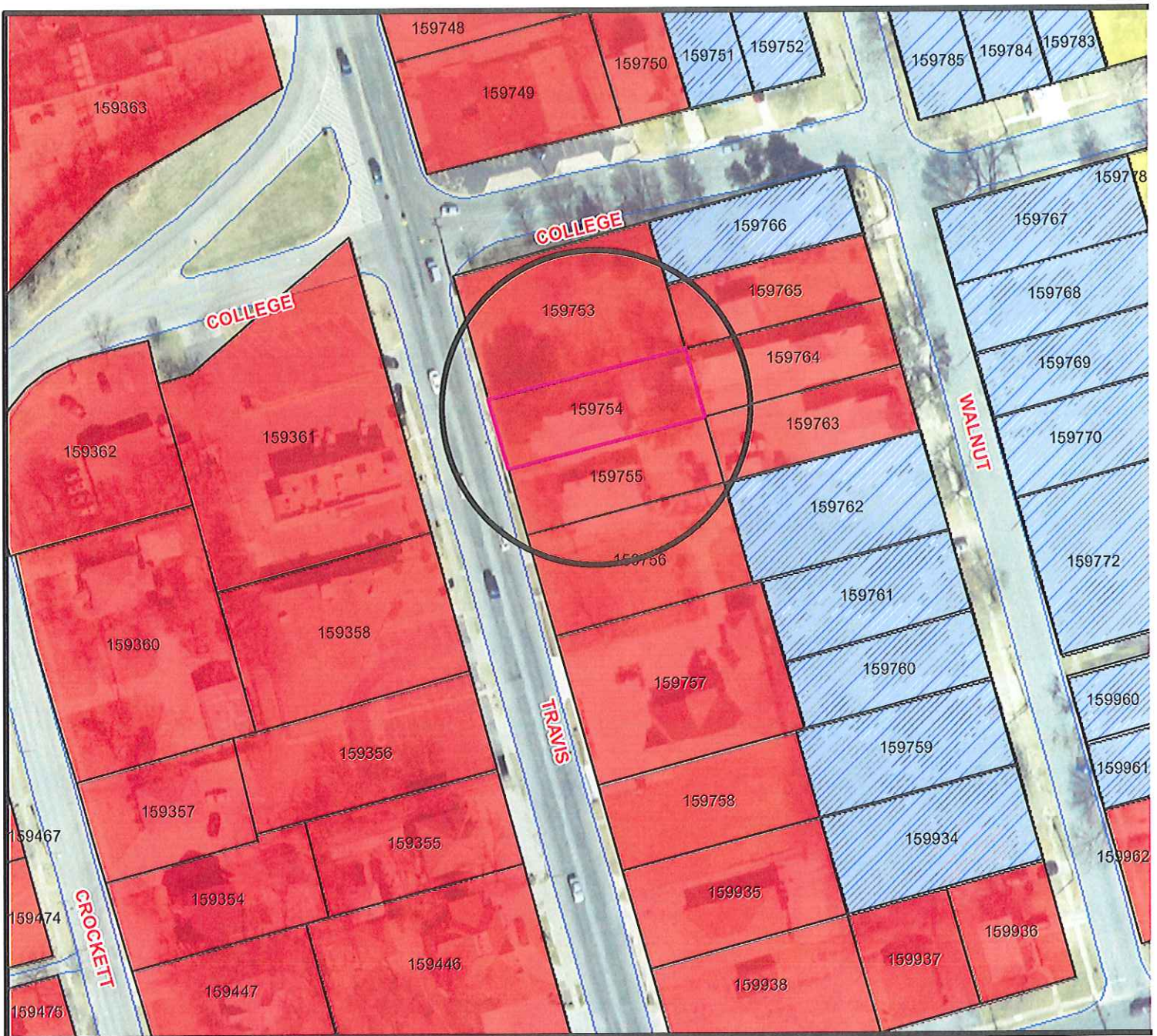
817 N Travis

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 107 feet

City of Sherman, Texas
Developmental Services Department



Zoning - 817 N. Travis

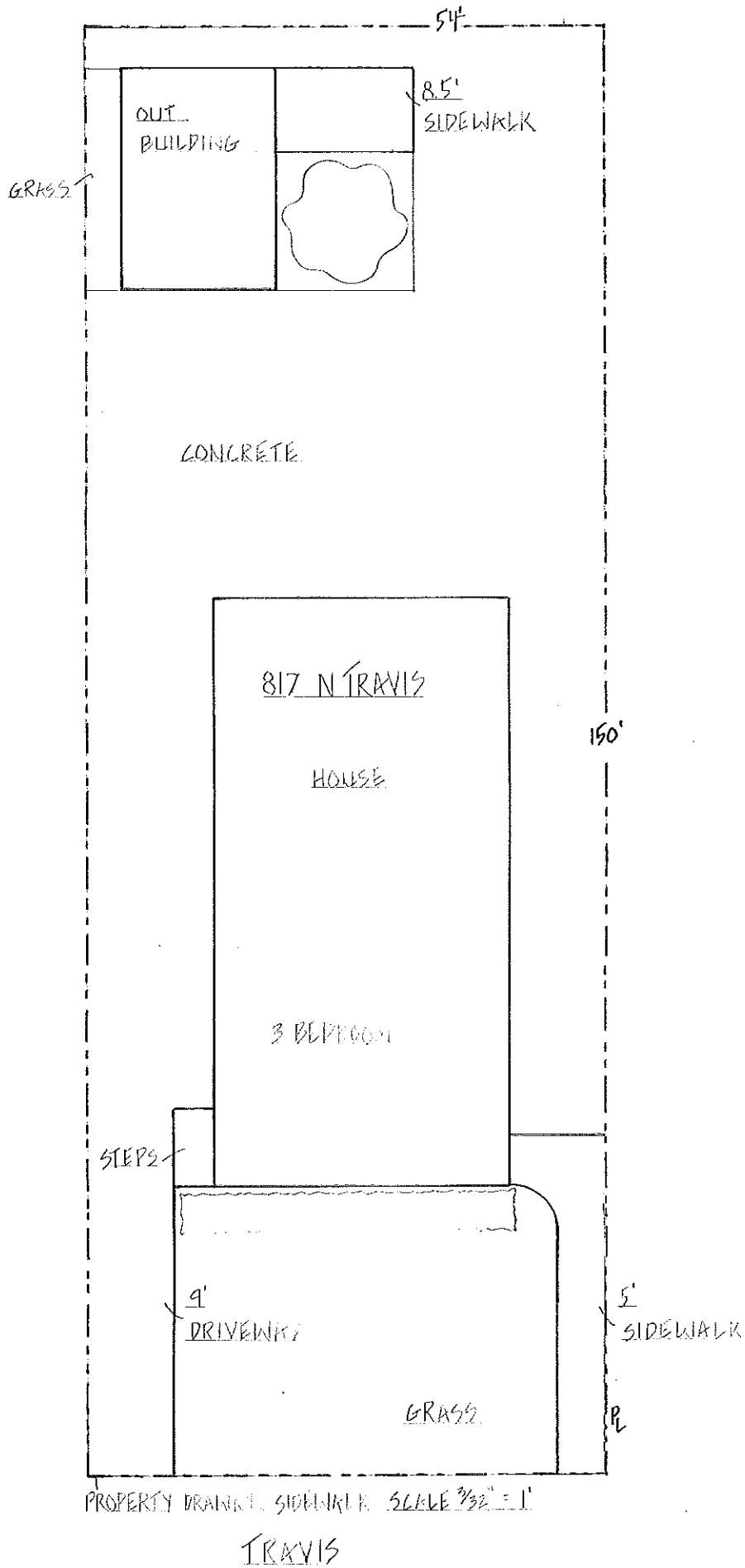
Legend

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



817 N. Travis









**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 7.

Meeting Date: 06/18/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Ron Barton, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Dr. Alan Scheibmeir, Commissioner

Andrew Olmstead, Commissioner

Requested Action/Proposed Use:

817 N. TRAVIS

The request of MWWF LLC (Owners) and Barry Fontaine (Representative) concerning the property located at 817 N. Travis Street, being .17 acres in the J.B. McAnair Survey, Abstract No. 763, as follows;

Planning and Zoning Commission

Zone change under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One Family Residential) District.

Background:

The property is located at 817 N. Travis Street between College and Brockett Streets. The owner would like to change the zoning to an R-1 (One Family Residential) District. The home has three (3) bedrooms and parking is available in the rear.

Adjacent Zoning:

C-1 (Retail Business) District and R-2 (Multi-Family Residential) District

Origination:

MWWF LLC (Owners) and Barry Fontaine (Representative)

Master Plan Designation:

Urban/Downtown – Buildings are two to five stories and are built right up to the sidewalk, creating a sense of enclosure. Sidewalks provide pedestrian access and streetscape amenities. Parking is available along the street or in small parking lots in the rear of the buildings.

Number of notices mailed:

11

Objections Received:

0

Attachments

Location Map

Zoning Map

Photo

Site Plan

Elevations

Letter from Craig Watson & Mori Family LTD

SHERMAN



PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT

Telephone No. (903) 892-7229

FAX No. (903) 892-7274

RECEIVED

JUN 05 2013

May 31, 2013 Craig Watson & Mori Family LTD
805 N. Travis, Ste. 400
Sherman, TX 75090

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, June 18, 2013 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

MWWF LLC (Owners) and Barry Fontaine (Representative) concerning the property located at 817 N. Travis Street, being .17 acres in the J.B. McAnair Survey, Abstract No. 763

The request is as follows:

Planning and Zoning Commission

Zone change under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One Family Residential) 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

Owner is in favor of the request.

6/4/13

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 Council Regular Meeting

Agenda Item No. B. 3.

Meeting Date: 07/15/2013

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5782

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District at 812 and 814 North Walnut Street (MWWF LLC, Owners; and Barry Fontaine, Representative)

Issue:

To consider the request from MWWF LLC (Owners) and Barry Fontaine (Representative) for a zone change and site plan approval from a C-1 (Retail Business) District to an R-1 (One Family Residential) District concerning the properties at 812 and 814 North Walnut Street

Background:

The properties are located at 812 and 814 North Walnut Street, between College and Brockett Streets. The property at 812 North Walnut was granted a zone change to a C-1 (Retail Business) District in 1983; and the property at 814 North Walnut was granted a zone change to a C-1 (Retail Business) District in 1986.

Mr. Fontaine would like to change the zoning to an R-1 (One Family Residential) District to be used as rental property. The house at 812 North Walnut has four (4) bedrooms; and parking is available in the rear on a concrete pad. The house at 814 North Walnut has three (3) bedrooms with covered parking in the rear.

Origination:

MWWF LLC (Owners) and Barry Fontaine (Representative)

Financial Consideration:

None

Staff Recommendation:

At the June 18, 2013 regular meeting, the Planning and Zoning Commission voted 6/0 to approve the zone change.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 5782

Location Map

Zoning Map

Photo

Site Plan

Elevations

P&Z Communication

Letter from Craig Watson & Mori Family LTD

ORDINANCE NO. 5782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 812 AND 814 NORTH WALNUT STREET (MWWF LLC, OWNERS; AND BARRY FONTAINE, REPRESENTATIVE); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the R-1 (One Family Residential) District at 812 and 814 North Walnut Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

812 NORTH WALNUT

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J.B. McAnair Survey, Abstract No. 763, being the same 50 x 150 ft. tract of land conveyed by Sherman Radiology Associates Profit Sharing Trust to Jim Mchaffey and Associated, Inc., by deed dated September 23, 1983, recorded in Volume 1663, Page 49, Deed Records, Grayson County, Texas and being more particularly described as follows, to-wit:

BEGINNING at a 3/8 inch steel rod on the West line of Walnut Street, said rod maintaining the Northeast corner of said 50 x 150 ft. tract, the Southeast corner of a 50 x 150 ft. tract of land conveyed by Richard C. Brown, et ux to Welby S. Pleasant by deed dated January 11, 1977, recorded in Volume 1370, Page 465 of said Deed Records;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Walnut Street, a distance of 50.00 feet to a 3/8 inch steel rod;

THENCE South 74 deg. 00 min. 00 sec. West, a distance of 150.00 feet to a 3/8 inch steel rod;

THENCE North 16 deg. 00 min. 00 sec. West, a distance of 50.00 feet to a chiseled "X" in concrete, said "X" maintaining the Southwest corner of said Pleasant 50 x 150 ft. tract;

THENCE North 74 deg. 00 min. 00 sec. East, with the South line of said Pleasant's 50 x 150 ft. tract, a distance of 150.00 feet to the **PLACE OF BEGINNING and containing 50 x 150 feet of land.**

814 NORTH WALNUT

SITUATED in the City of Sherman, County of Grayson, State of Texas, out of the J.B. McAnair Survey, Abstract No. 763, and being the same land conveyed to Welby S. Pleasant, Administrator of the Estate of Harry C. McHanny, et al by deed dated January 11, 1977 and recorded in Volume 1370, Page 465, of the Deed Records of Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rod found in the West line of North Walnut Street, said rod being South 16 deg. East approximately 98 feet from the South line of College Street;

THENCE South 74 deg. West, 150.00 feet to an X marked in a concrete driveway found and used as corner;

THENCE North 16 deg. West, 50.00 feet to a ½ inch rod set;

THENCE North 74 deg. East, 150.00 feet to a ½ inch rod set in the West line of North Walnut Street;

THENCE South 16 deg. East with the West line of Walnut Street, a distance of 50.00 feet to the **PLACE OF BEGINNING and containing 0.17 acres of land** and being locally known as 814 N. Walnut Street in the City of Sherman, Texas.

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____

CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



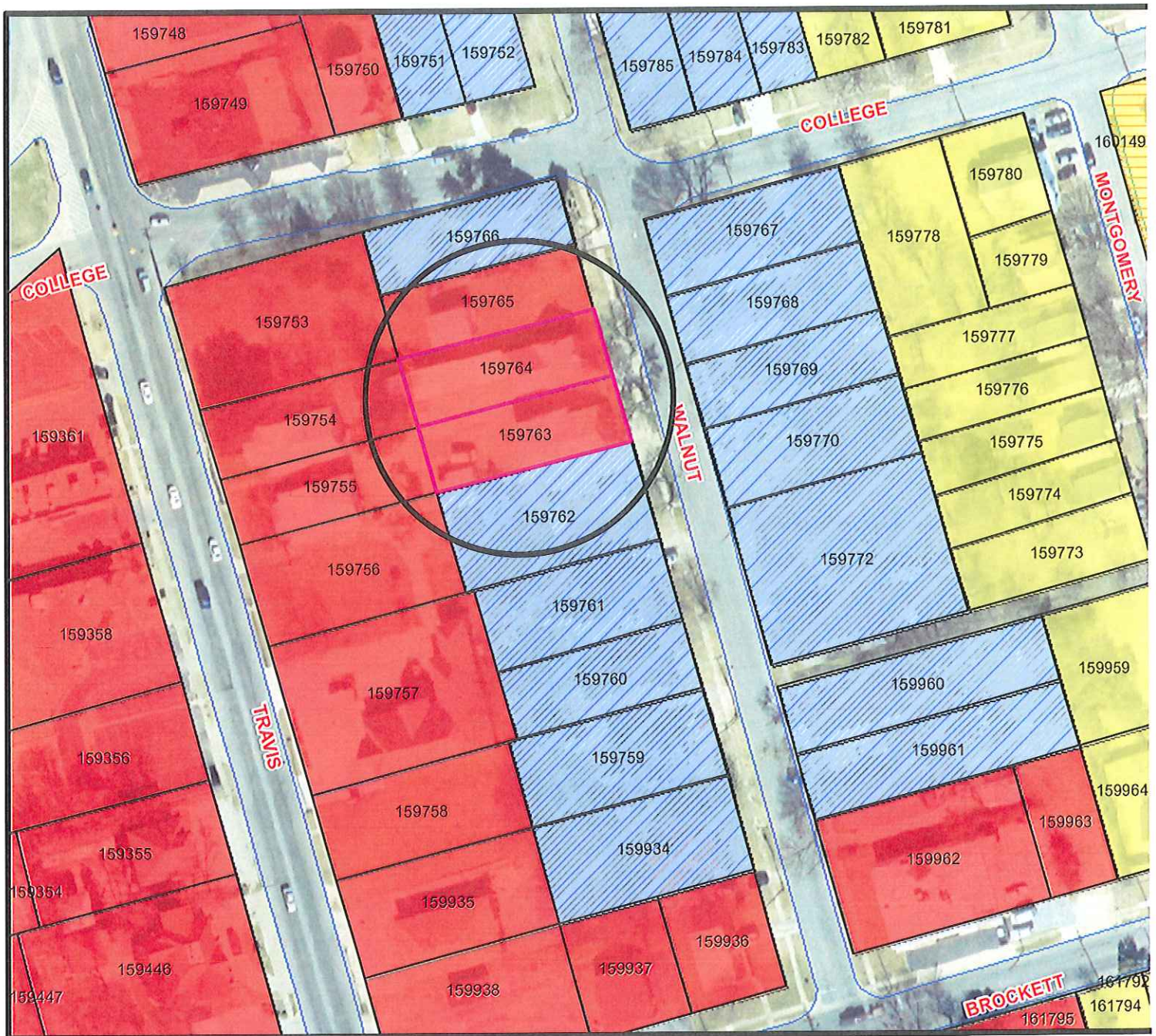
812 & 814 N. Walnut

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 67 feet



Zoning - 812 & 814 N. Walnut

Legend

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

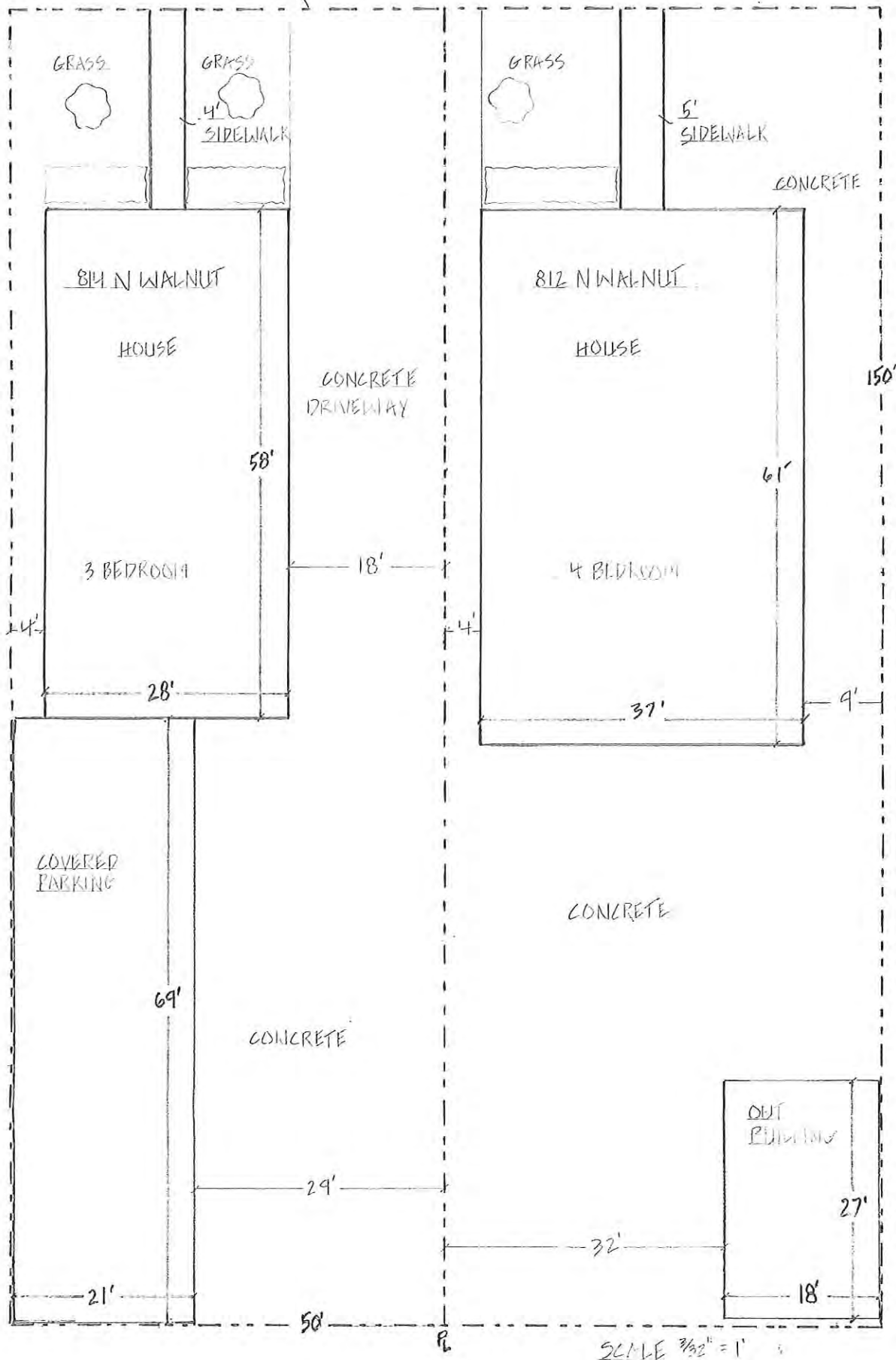


812 & 814 N. Walnut



WALNUT

PROPERTY DRAWN TO SIDEWALK







**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 8.

Meeting Date: 06/18/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Ron Barton, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Dr. Alan Scheibmeir, Commissioner

Andrew Olmstead, Commissioner

Requested Action/Proposed Use:

812 & 814 N. WALNUT

The request of MWWF LLC (Owners) and Barry Fontaine (Representative) concerning the properties located at 812 and 814 N. Walnut Street, being a total of .34 acres in the J.B. McAnair Survey, Abstract No. 763, as follows;

Planning and Zoning Commission

Zone change under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One Family Residential) District.

Background:

The properties are located at 812 and 814 N. Walnut Street between College and Brockett Streets. The property at 812 N. Walnut was granted a zone change to a C-1 (Retail Business) District in 1983 and the property at 814 N. Walnut was granted a zone change to a C-1 (Retail Business) District in 1986.

Mr. Fontaine would like to change the zoning to an R-1 (One Family Residential) District. The house at 812 N. Walnut has four (4) bedrooms and parking is available in the rear on a concrete pad. The house at 814 N. Walnut has three (3) bedrooms with covered parking available in the rear.

Adjacent Zoning:

C-1 (Retail Business) District and R-2 (Multi-Family Residential) District

Origination:

MWWF LLC (Owners) and Barry Fontaine (Representative)

Master Plan Designation:

Urban/Downtown – Buildings are two to five stories and are built right up to the sidewalk, creating a sense of enclosure. Sidewalks provide pedestrian access and streetscape amenities. Parking is available along the street or in small parking lots in the rear of the buildings.

Number of notices mailed:

18

Objections Received:

0

Attachments

Location Map

Zoning Map

Photo

Site Plan

Elevations

Letter from Craig Watson & Mori Family LTD

SHERMAN



PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT

Telephone No. (903) 892-7229

FAX No. (903) 892-7274

RECEIVED

JUN 05 2013

May 31, 2013 Craig Watson & Mori Family LTD
805 N. Travis, Ste. 400
Sherman, TX 75090

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, June 18, 2013 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

MWWF LLC (Owners) and Barry Fontaine (Representative) concerning the property located at 812 and 814 N. Walnut Street, being a total of .34 acres in the J.B. McAnair Survey, Abstract No. 763

The request is as follows:

Planning and Zoning Commission

Zone change under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-1 (One Family Residential) 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

Owner is in favor of this request.

6/4/13

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City Council Regular Meeting

Agenda Item No. B. 4.

Meeting Date: 07/15/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5780, 5781 and 5782

List of Agenda Items:

- B.1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5780**
Creating a Joint Airport Zoning Board and Investing such Joint Airport Zoning Board with the Powers such Boards are Authorized to Exercise Under the Provisions of the Airport Zoning Act, Texas Local Government Code, §241.001, et. seq.; Providing for an Effective Date
- B.2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5781**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District at 817 North Travis Street (MWWF LLC, Owners; and Barry Fontaine, Representative)
- B.3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5782**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-1 (One Family Residential) District at 812 and 814 North Walnut Street (MWWF LLC, Owners; and Barry Fontaine, Representative)
-



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 5.

Meeting Date: 07/15/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

CONSENT AGENDA

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

List of Agenda Items:

- C.1. * RESOLUTION NO. 5780**
Authorizing Execution of an Encroachment Easement to XTO Energy, Inc. for the Construction of a 4.5" Oil Flowline in the Street Right of Way of Canyon Grove Road within the City of Sherman
- C.2. * RESOLUTION NO. 5781**
Authorizing Execution of an Encroachment Easement to The Quintin Little Company, Inc. for the Construction of a 4" Poly Gas Gathering Line Encased in Steel Conduit within a 20' Drainage and Utility Easement on Lot 4, Block 1 of the Crescent Oaks Plaza Addition to the City of Sherman
- C.3. * RESOLUTION NO. 5782**
Authorizing Execution of an Encroachment Easement to Ronald Lynn Franklin for the Construction of a Sidewalk within the Street Right-of-Way on Lot 3, Block 1, Northwest Heights 3rd Addition, within the City of Sherman (1729 N. Highland Avenue)
- C.4. * RESOLUTION NO. 5783**
Authorizing Execution of a Contract with Garland/DBS, Inc. for Roof and Gutter Repairs to the Kidd-Key Auditorium/Municipal Building through the U.S. Communities Government Purchasing Alliance
- C.5. * RESOLUTION NO. 5784**
Approving the Greater Texoma Utility Authority's Intention to Contract with Jerry Paul Higgins, LTD. for Installation of the East Bar Screen Replacement Equipment at the Wastewater Treatment Plant
- E.6. * OTHER BUSINESS**
Consider Request of United Way of Grayson County to Temporarily Close Certain Streets for the "United Way Hustle for Health" on Saturday, August 24, 2013

E.7. * *OTHER BUSINESS*

Replat Approval of Mozele Plaza, a Replat of Mozele Plaza and Part of Lot 4, Block 22 of the
B.H. Moore Heirs Addition



City Council Regular Meeting

Agenda Item No. C. 1.

Meeting Date: 07/15/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5780**

Authorizing Execution of an Encroachment Easement to XTO Energy, Inc. for the Construction of a 4.5" Oil Flowline in the Street Right of Way of Canyon Grove Road within the City of Sherman

Issue:

Authorizing an encroachment into the street right-of-way of Canyon Grove Road for an oil flowline

Background:

XTO Energy, Inc. has requested permission to place a 4.5" oil flowline in the Canyon Grove Road right-of-way to accommodate the Creed Canyon Addition on the corner of Canyon Grove Road and F.M. 131.

Origination:

XTO Energy, Inc.

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. 5780

Encroachment Easement

Exhibit "A"

Location Map

RESOLUTION NO. 5780

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO XTO ENERGY, INC. FOR THE CONSTRUCTION OF A 4.5" OIL FLOWLINE IN THE STREET RIGHT OF WAY OF CANYON GROVE ROAD WITHIN THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to XTO Energy, Inc., in substantially the same form as presented at this meeting, for the construction of a 4.5" oil flowline in the street right of way of Canyon Grove Road to accommodate the Creed Canyon Addition on the corner of Canyon Grove Road and F.M. 131, in accordance with the encroachment easement document and location map approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

THE STATE OF TEXAS
COUNTY OF GRAYSON

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

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 **XTO ENERGY INC.**, whose mailing address is 810 Houston Street, Fort Worth, TX 76102, hereinafter called "GRANTEE", a three-foot wide encroachment easement for a road bore crossing under that certain right-of-way and easement(s) for the Canyon Grove Road to construct operate, maintain, repair and replace a 4.5" oil flowline to accommodate Creed Canyon Addition, as shown in Exhibit "A" (the "Encroachment Easement"), attached hereto and incorporated herein for all purposes. The said Encroachment Easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying the Encroachment Easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of a constructing, operating, maintaining, repairing, and replacing the oil flowline. GRANTEE agrees that all maintenance of the Encroachment Easement shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorneys fees which may occur from GRANTEE'S ownership, construction, operation, maintenance, repair or replacement of the Encroachment Easement, except to the extent caused by the fault, sole negligence, gross negligence or willful misconduct of GRANTOR.

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 related thereto, which shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the appurtenances and loss of use of land covered by the Encroachment Easement. In addition, in the event of such relocation, GRANTOR shall grant GRANTEE a new encroachment easement for the purposes of this Encroachment Easement. Location of the new encroachment easement shall be chosen by GRANTOR.

TO HAVE AND TO HOLD the Encroachment Easement unto GRANTEE, its heirs, successors and assigns, until the Encroachment Easement is abandoned.

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

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

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

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

Doug Schultze,
Mid-Continent Operations Division Senior VP

BY: DC Schultze

ADDRESS: 210 Park Avenue #2350

Oklahoma City, OK 73102

PHONE #: 405-319-3214

ACKNOWLEDGEMENT

STATE OF OKLAHOMA *

COUNTY OF Oklahoma *

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 1st day of

July, A.D., 2013.

NOTARY SIGNATURE: Kaye Dunham

COMMISSION EXPIRES: 11-19-14



Exhibit "A"

Canyon Grove Road Crossing

Creed Canyon Partners, Ltd.
28.78 Acres
Vol. 3807, Pg. 320

STA: 1+63.16

Canyon

Grove Road

3.00 Ac. easement
area in Vol. 1505, Pg. 230

STA: 1+00.73

A-S 78 Hwy. 82 Pecan Grove, L.P.
10.831 Acres
Vol. 3892, Pg. 772

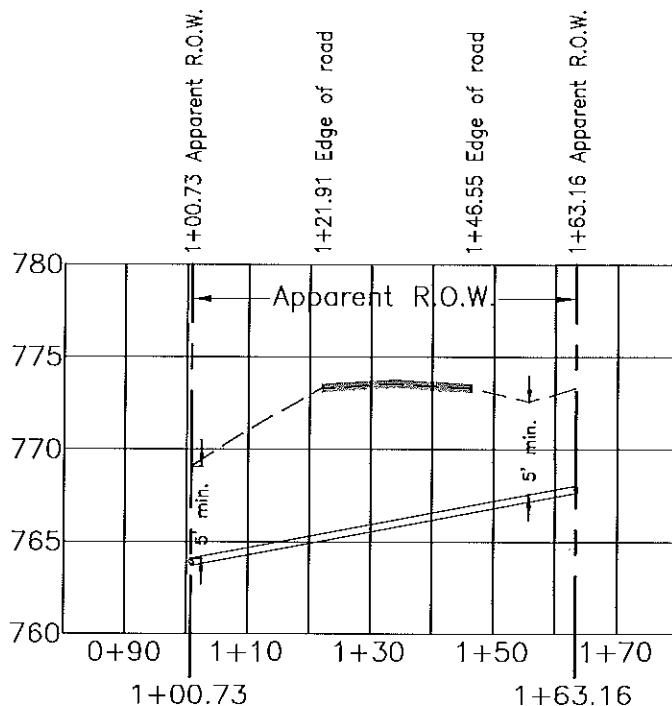
Bearing Base: Geodetic North,
WGS84 Coordinate System, as
derived by survey-grade Global
Positioning System

Casing Specifications:

Steel Alloy/Grade: Steel/API 5L/X-52
Nominal Outside Diameter: 4.500"
Wall Thickness: 0.237" (Sch. 40)

Flowline Specifications:

Steel Alloy/Grade: Steel/A106 Grd.B/X-42
Nominal Outside Diameter: 2.375"
Wall Thickness: 0.218" (Sch. 80)



XTO Energy, Inc.

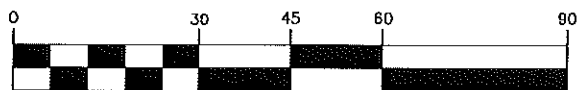
PROPOSED PIPELINE CROSSING
CANYON GROVE ROAD
GRAYSON COUNTY, TX

DATE	BY:	REVISION	
5/7/13	JSR	Added casing profile	DATE: 05/28/2013
5/28/13	JSR	New route	DRAWN BY: JSR
SHEET		1 OF 2	SCALE: 1"=30'

— — — — — overhead electrical line



Existing Road



(IN FEET)

Prepared By:

Helvey & Associates Surveying, Inc.

222 W. Main St. — Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088



HICKORY

bing™

Image courtesy of USGS © 2013 Microsoft Corporation ImagePatch.com



City Council Regular Meeting

Agenda Item No. C. 2.

Meeting Date: 07/15/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5781**

Authorizing Execution of an Encroachment Easement to The Quintin Little Company, Inc. for the Construction of a 4" Poly Gas Gathering Line Encased in Steel Conduit within a 20' Drainage and Utility Easement on Lot 4, Block 1 of the Crescent Oaks Plaza Addition to the City of Sherman

Issue:

To consider granting an encroachment in the 20' drainage and utility easement located on Lot 4, Block 1 of the Crescent Oaks Plaza Addition

Background:

The owner of the property proposes to place a 4" poly gas gathering line encased in steel conduit which would encroach into the existing easement.

Origination:

The Quintin Little Company, Inc.

Financial Consideration:

None

Staff Recommendation:

The staff and the utility companies have no objections to the proposed encroachment and recommend approval.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5781

Encroachment Easement

Utility Letters

Location Map

RESOLUTION NO. 5781

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO THE QUINTIN LITTLE COMPANY, INC. FOR THE CONSTRUCTION OF A 4" POLY GAS GATHERING LINE ENCASED IN STEEL CONDUIT WITHIN A 20' DRAINAGE AND UTILITY EASEMENT ON LOT 4, BLOCK 1 OF THE CRESCENT OAKS PLAZA 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 documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to The Quintin Little Company, Inc., in substantially the same form as presented at this meeting, for the construction of a four inch (4") poly gas gathering line encased in steel conduit within an existing twenty foot (20') Drainage and Utility Easement on Lot 4, Block 1 of the Crescent Oaks Plaza Addition to the City of Sherman, in accordance with the easement document and location map approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

§

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **The Quintin Little Company, Inc.** of Ardmore, Oklahoma, hereinafter called "GRANTEE", an encroachment easement to construct a 4" poly gas gathering line incased in steel conduit within a 20' Drainage and Utility Easement on Lot 4, Block 1 of the Crescent Oaks Plaza Addition, as shown on the sketch marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of constructing a 4" poly gas gathering line incased in steel conduit within the easement area. As shown on the attached exhibit. GRANTEE agrees that all maintenance of the 4" poly gas gathering line incased in steel conduit shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

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

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

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

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

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

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

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

Jud Little, President
The Quintin Little Company, Inc.

BY: _____

ADDRESS: P.O. Box 1509
Ardmore, Oklahoma 73402

PHONE #: (580) 226-7600

ACKNOWLEDGEMENT

STATE OF ~~TEXAS~~ *
 OKLAHOMA *
COUNTY OF CARTER *

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 21st day of
June, A.D., 2013.

NOTARY SIGNATURE: Lorye Wells
COMMISSION EXPIRES: 9/27/2016

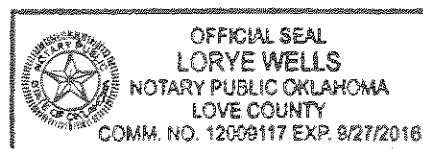
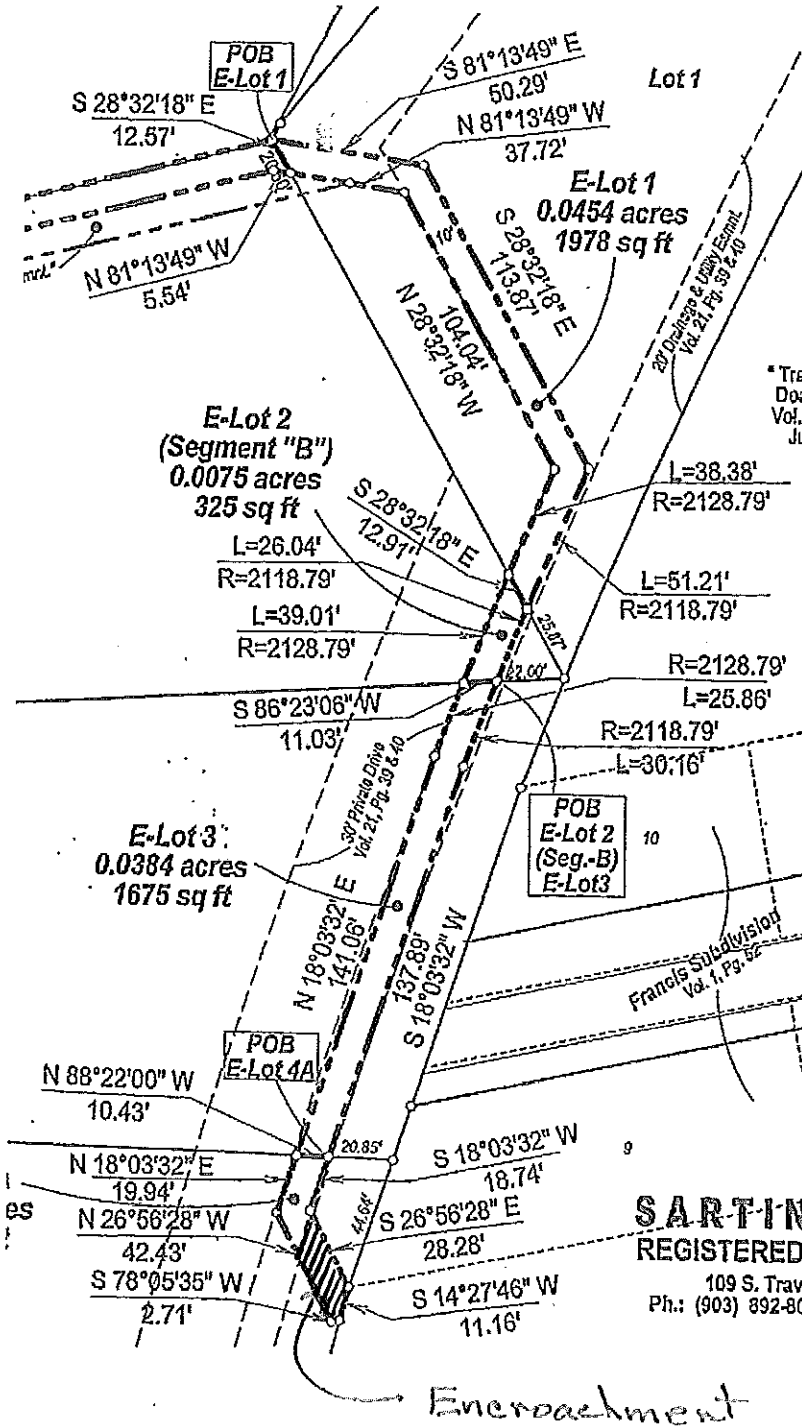


Exhibit "A"



NORTH

Scale: 1" = 60'

0 30 60

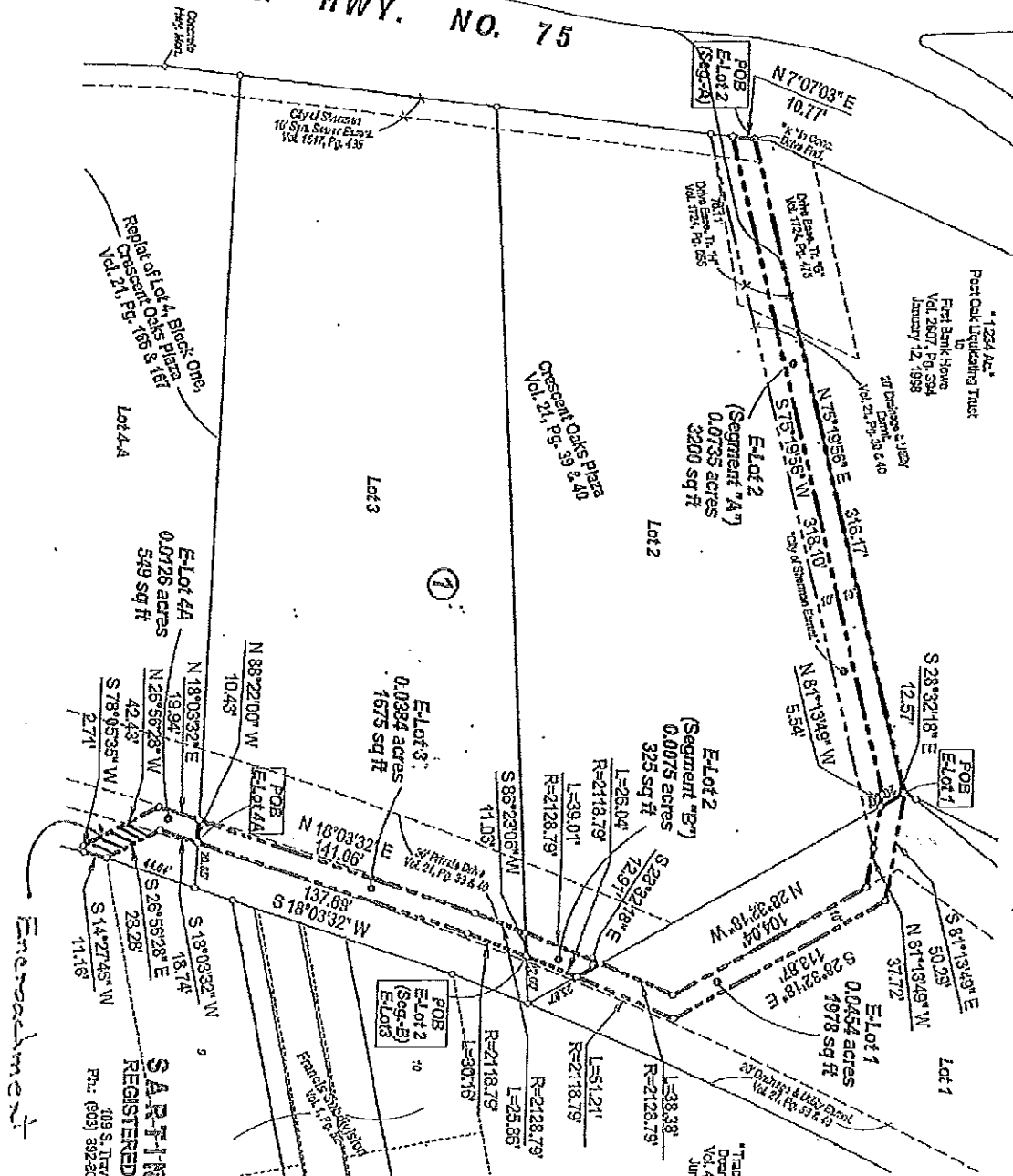
CRSOAKSBRDPIPELINE7D.pcs

J. B. MCANAIR
ABST. NO. 763
SURVEY

SARTIN & ASSOCIATES, INC
REGISTERED PROFESSIONAL LAND SURVEYOR
109 S. Travis, P. O. Box 1843 Sherman, Texas 76091-1843
Ph.: (903) 892-8003 Fax: (903) 868-2970 Email: msartin@gcacsip.co

U. S. HWY. NO. 75

Northbound Service Road



Encroachment

SARTIN & ASSOCIATES, INC.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 108 S. Travis, P.O. Box 1845, Sherman, Texas 75091-1845
 Ph: (803) 882-2003 Fax: (803) 882-2570 Email: sartin@jpsnet.com

J. B. MCANAIR ABST. NO. SURVEY 763

C:\SOAKS\BUD\PEP\JEB.Dwg

Whitfield, Lisa

From: Smith, Chris W (CHRIS) [smith.chris@verizon.com]
Sent: Tuesday, June 11, 2013 2:31 PM
To: Whitfield, Lisa
Subject: RE: Encroachment Request

Verizon has no objections to this encroachment as worded below.

Thanks,

Chris W. Smith
Section Manager
Network Engineering
Twin Cities/Eastern Districts
Ofc 972-578-3311
Fax 972-578-3396



From: Whitfield, Lisa [mailto:lisaw@ci.sherman.tx.us]
Sent: Tuesday, June 11, 2013 1:54 PM
To: 'Graham, Nolan'; 'Cook, Clint'; 'Thomas, Jacky G'; Smith, Chris W (CHRIS)
Subject: Encroachment Request

Attached is a sketch (the full sketch and an enlargement of the area) from the Quintin Little Company (Andrew C. Jackson). They are looking to encroach into the 20' Drainage and Utility Easement in the Crescent Oaks Plaza Addition. The City's utilities (water and sewer) have already been built and are not using the easement for utility purposes, but other utilities (gas, cable, phone, electric) may have or need the easement. Our encroachment wording to protect the utility companies is as follows:

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 appurtenances and loss of use of such area.

Please review and let me know if you have a problem or not with the encroachment easement.

Have a great day!

Lisa Whitfield
City of Sherman
Engineering & Development Coordinator
903-892-7212
903-870-7802 (fax)

Whitfield, Lisa

From: Thomas, Jacky G [Jacky.Thomas@atmosenergy.com]
Sent: Wednesday, June 12, 2013 8:51 AM
To: Whitfield, Lisa
Subject: RE: Encroachment Request

OK Atmos is good with wording we have a 2" poly distribution line in the specified easement.

From: Whitfield, Lisa [mailto:lisaw@ci.sherman.tx.us]
Sent: Wednesday, June 12, 2013 8:47 AM
To: Thomas, Jacky G
Subject: RE: Encroachment Request

Yes, I am sorry. It is just south of Taylor Street. It runs along the private drive behind those new doctor offices.

From: Thomas, Jacky G [mailto:Jacky.Thomas@atmosenergy.com]
Sent: Wednesday, June 12, 2013 8:44 AM
To: Whitfield, Lisa
Subject: RE: Encroachment Request

Do you have a cross street location for this easement?

From: Whitfield, Lisa [mailto:lisaw@ci.sherman.tx.us]
Sent: Tuesday, June 11, 2013 1:54 PM
To: 'Graham, Nolan'; 'Cook, Clint'; Thomas, Jacky G; 'Smith, Chris W (CHRIS)'
Subject: Encroachment Request

Attached is a sketch (the full sketch and an enlargement of the area) from the Quintin Little Company (Andrew C. Jackson). They are looking to encroach into the 20' Drainage and Utility Easement in the Crescent Oaks Plaza Addition. The City's utilities (water and sewer) have already been built and are not using the easement for utility purposes, but other utilities (gas, cable, phone, electric) may have or need the easement. Our encroachment wording to protect the utility companies is as follows:

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 appurtenances and loss of use of such area.

Please review and let me know if you have a problem or not with the encroachment easement.

Have a great day!

Lisa Whitfield

Whitfield, Lisa

From: Graham, Nolan [Nolan.Graham@oncor.com]
Sent: Friday, June 14, 2013 4:42 PM
To: Whitfield, Lisa
Subject: RE: Encroachment Request

Oncor has field checked the proposed encroachment, and with the proposed indemnity wording included, we do not have any objections to the city granting permission for the encroachment. Thanks, Nolan Graham, Oncor Project Designer Sr.

From: Whitfield, Lisa [<mailto:lisaw@ci.sherman.tx.us>]
Sent: Tuesday, June 11, 2013 1:54 PM
To: Graham, Nolan; 'Cook, Clint'; 'Thomas, Jacky G'; 'Smith, Chris W (CHRIS)'
Subject: Encroachment Request

Attached is a sketch (the full sketch and an enlargement of the area) from the Quintin Little Company (Andrew C. Jackson). They are looking to encroach into the 20' Drainage and Utility Easement in the Crescent Oaks Plaza Addition. The City's utilities (water and sewer) have already been built and are not using the easement for utility purposes, but other utilities (gas, cable, phone, electric) may have or need the easement. Our encroachment wording to protect the utility companies is as follows:

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 appurtenances and loss of use of such area.

Please review and let me know if you have a problem or not with the encroachment easement.

Have a great day!

Lisa Whitfield
City of Sherman
Engineering & Development Coordinator
903-892-7212
903-870-7802 (fax)

Sherman
CLASSIC TOWN. BROAD HORIZON.

Confidentiality Notice: This email message, including any attachments, contains or may contain confidential information intended only for the addressee. If you are not an intended recipient of this message, be advised that any reading, dissemination, forwarding, printing, copying or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply message and delete this email message and any attachments from your system.

Whitfield, Lisa

From: Cook, Clint [Clinton.Cook@cableone.biz]
Sent: Wednesday, June 19, 2013 10:09 AM
To: Whitfield, Lisa
Subject: FW: Encroachment Request
Attachments: 20130611134933540.pdf

Lisa,

Looks like CablOne is ok with this encroachment request.

Thanks

Clint Cook
Technical Operations Manager
Sherman, TX
903-815-0127

From: Cook, Clint
Sent: Monday, June 17, 2013 2:01 PM
To: Miller, Cedi
Subject: FW: Encroachment Request

Can you look at this for me.

From: Whitfield, Lisa [<mailto:lisaw@ci.sherman.tx.us>]
Sent: Tuesday, June 11, 2013 1:54 PM
To: 'Graham, Nolan'; Cook, Clint; 'Thomas, Jacky G'; 'Smith, Chris W (CHRIS)'
Subject: Encroachment Request

Attached is a sketch (the full sketch and an enlargement of the area) from the Quintin Little Company (Andrew C. Jackson). They are looking to encroach into the 20' Drainage and Utility Easement in the Crescent Oaks Plaza Addition. The City's utilities (water and sewer) have already been built and are not using the easement for utility purposes, but other utilities (gas, cable, phone, electric) may have or need the easement. Our encroachment wording to protect the utility companies is as follows:

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 appurtenances and loss of use of such area.

Please review and let me know if you have a problem or not with the encroachment easement.

Have a great day!





City Council Regular Meeting

Agenda Item No. C. 3.

Meeting Date: 07/15/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5782**

Authorizing Execution of an Encroachment Easement to Ronald Lynn Franklin for the Construction of a Sidewalk within the Street Right-of-Way on Lot 3, Block 1, Northwest Heights 3rd Addition, within the City of Sherman (1729 N. Highland Avenue)

Issue:

To consider granting an encroachment into the street right-of-way located on Lot 3, Block 1 of the Northwest Heights 3rd Addition

Background:

The owner of the property proposes to place a sidewalk which would encroach into the street right-of-way.

Origination:

Ronald Lynn Franklin (Property Owner)

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. 5782

Encroachment Easement

Location Map

RESOLUTION NO. 5782

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO RONALD LYNN FRANKLIN FOR THE CONSTRUCTION OF A SIDEWALK WITHIN THE STREET RIGHT-OF-WAY ON LOT 3, BLOCK 1, NORTHWEST HEIGHTS 3RD ADDITION, WITHIN THE CITY OF SHERMAN (1729 N. HIGHLAND AVENUE); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to Ronald Lynn Franklin in substantially the same form as presented at this meeting, for the construction of a sidewalk within the street right-of-way on Lot 3, Block 1, Northwest Heights 3rd Addition, within the City of Sherman (1729 N. Highland Avenue), in accordance with the encroachment easement document and location map approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

§

§

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **Ronald Lynn Franklin** of Sherman, Texas, hereinafter called "GRANTEE", an encroachment easement to construct a sidewalk within the street right-of-way on Lot 3, Block 1, in Northwest Heights 3rd Addition, as shown on the sketch marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, its heirs, successors and assigns, for the limited purpose of constructing two flagstone sidewalks within the herein described encroachment area (one sidewalk to Highland Avenue and one sidewalk to Fairview Street). As shown on the attached exhibit the encroachment will encroach into the Street Right-of-Way. GRANTEE agrees that all maintenance of the sidewalk shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

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

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

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

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

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

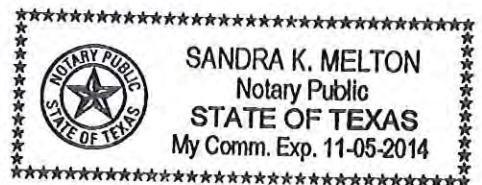
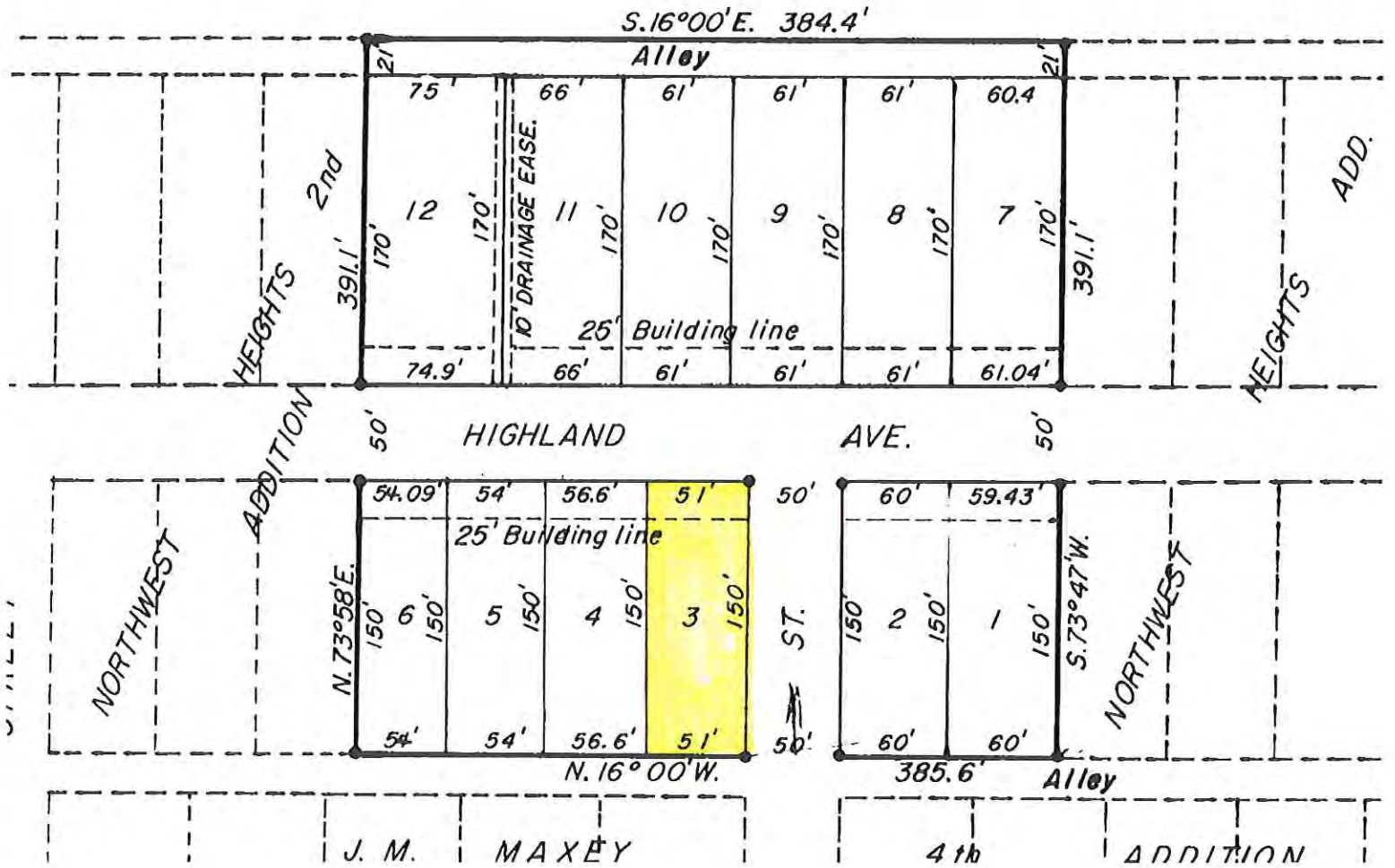


Exhibit "A"

• Denotes monuments placed at property line intersections



"FIELD NOTES"

Situated in the City of Sherman, Grayson County, Texas, and being 3.4575 acres out of the J.B. McAnair Survey, and described by metes and bounds as follows:

Beginning at a point, on an iron pipe in the ground, which maintains the SE corner of Lot 4, Northwest Heights Addition to the City of Sherman, the plat thereof being of record in Vol. 646, page 363, Deed Records, Grayson County, Texas, said pipe being 240' S. 16°00'E., along the West line of a 21' alley, from the NE corner of Lot 1 of said Northwest Heights Addition, said NE corner of Lot 1 being in the South line of Taylor St.;

Thence S. 16°00'E., 385.6' to a pipe in the ground which maintains the NE corner of Lot 3 of the Northwest Heights 2nd Addition to the City of Sherman, the plat thereof being of record in Vol. 1, page 5, Plat Records, Grayson County, Texas;

Thence S. 73°58'W., 391.1' to a pipe in the West line of a 21' alley;

Thence N. 16°00'W., 384.4' to a pipe in the ground;

Thence N. 73°47'E., 391.1' to the place of beginning, containing 3.4575 acres of land, more or less.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Salem G. Kumler, a Registered Professional Engineer, do hereby certify that this plat was prepared from an actual survey made on the ground and that the corner monuments were placed under my personal supervision.

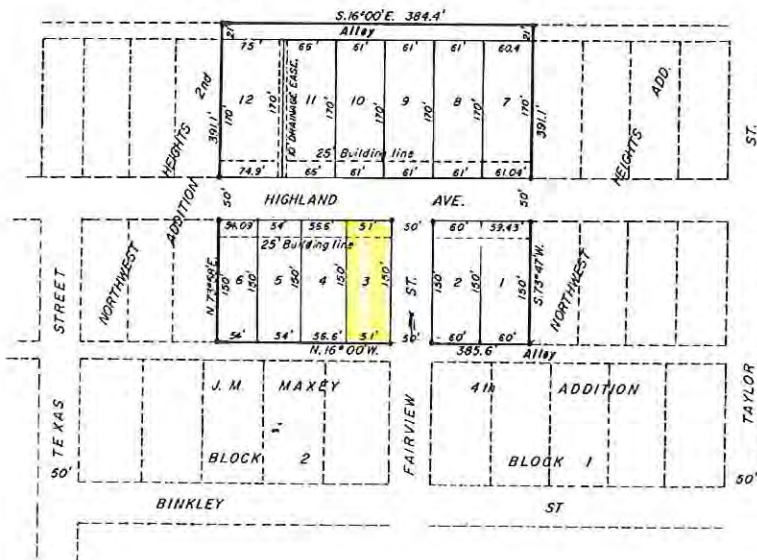
Salem G. Kumler 3-22-1961
Salem G. Kumler Date

• Denotes Monuments placed at property line deflections

FILED FOR RECORD

J. C. BUCHANAN
Notary Public, Grayson Co., Texas

SCALE: 1 inch = 100 feet



NORTHWEST HEIGHTS 3rd ADDITION TO SHERMAN, TEXAS

Owner: Lloyd D. Green and J.Q. Thomson

The streets, alleys and easements shown on this plat of NORTHWEST HEIGHTS 3rd ADDITION are hereby dedicated to the public use forever.

WITNESS MY HAND THIS 29th DAY OF March, 1961

Lloyd D. Green
Lloyd D. Green

J. Q. Thomson
J. Q. Thomson

THE STATE OF TEXAS:
COUNTY OF GRAYSON:

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Lloyd D. Green and J.Q. Thomson, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 29th day of March, 1961.

Salem G. Kumler
Notary Public in and for Grayson County, Texas

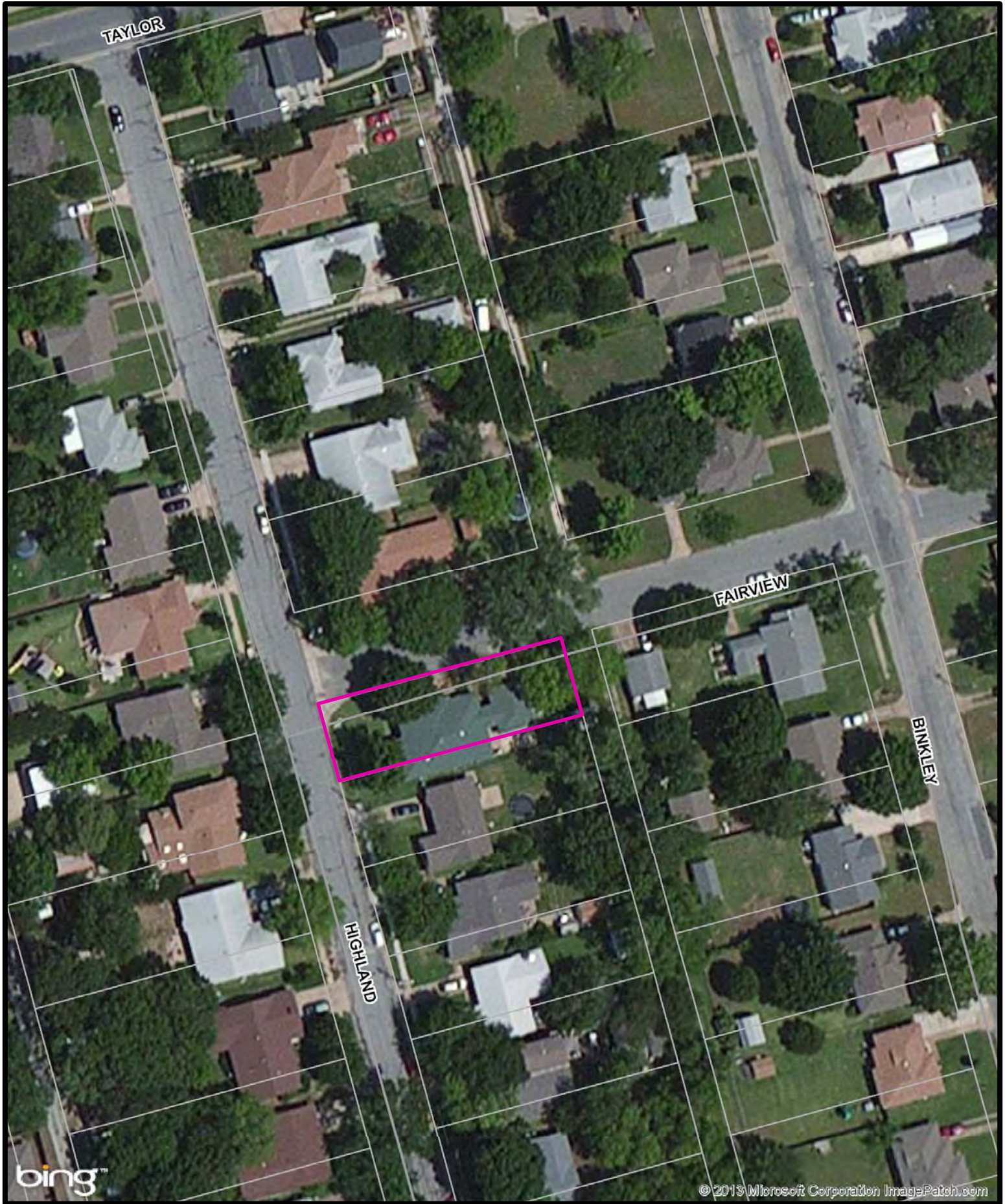
Approved: [Signature] 3-24-61
Chairman, City Planning Commission Date

Accepted: [Signature] 4-10-61
Mayor, City of Sherman Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that this plat of NORTHWEST HEIGHTS 3rd ADDITION to the City of Sherman was submitted to the City Commission on the 29th day of March, 1961, and the City Commission by formal action then and there authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this 10th day of April, 1961

[Signature]
City Clerk, City of Sherman





City Council Regular Meeting

Agenda Item No. C. 4.

Meeting Date: 07/15/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5783**

Authorizing Execution of a Contract with Garland/DBS, Inc. for Roof and Gutter Repairs to the Kidd-Key Auditorium/Municipal Building through the U.S. Communities Government Purchasing Alliance

Issue:

To obtain the City Council's authorization to execute a contract with Garland/DBS, Inc. for roof and gutter repair project to the Kidd-Key Auditorium/Municipal Building

Background:

The contract with Garland/DBS Inc. is through the US Communities Government Purchasing Alliance. US Communities contracts are established to meet the competitive solicitation requirements of state statutes and the consent requirements between all the participating entities. The City of Sherman is a member of U.S. Communities. Garland/DBS, Inc. is listed as a qualified goods and service provider under the requirements of U.S. Communities.

Origination:

Don Keene, Director of Public Works

Financial Consideration:

Total projected costs for this project are \$111,457. Funds for the Kidd-Key Auditorium Roofing Project are available in the current General Services Capital Improvement Program (CIP) budget.

Staff Recommendation:

It is recommended that the contract for the Kidd-Key Auditorium Roofing Project be awarded to Garland/DBS, Inc., through the U.S. Communities Government Purchasing Alliance.

Alternatives:

As may be directed by the Sherman City Council

Attachments

Resolution No. 5783

Contract

Proposal

U.S. Communities Fast Facts

Master Intergovernmental Cooperative Purchasing Agreement

CIP Project Sheet

RESOLUTION NO. 5783

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH GARLAND/DBS, INC. FOR ROOF AND GUTTER REPAIRS TO THE KIDD-KEY AUDITORIUM/MUNICIPAL BUILDING THROUGH THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; 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, or his authorized representative, be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Garland/DBS, Inc. for roof and gutter repairs to the Kidd-Key Auditorium/Municipal Building 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 _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

CONTRACT

BETWEEN THE CITY OF SHERMAN, TEXAS, AND GARLAND/DBS, INC. FOR THE CITY OF SHERMAN KIDD-KEY AUDITORIUM ROOFING PROJECT

- 1.) This CONTRACT is made at **the City of Sherman**, as of the **8th** day of July, 2013 (“Effective Date”), by and between the **City of Sherman** located at **220 W Mulberry Street, PO Box 1106, Sherman, TX. 75090** (hereinafter designated the “CUSTOMER”), and **Garland/DBS, Inc.**, located at **3800 East 91 Street, Cleveland, Ohio 44105-2197, (216) 641-7500** (hereinafter designated the “CONTRACTOR”).
- 2.) The CONTRACTOR shall furnish all material, labor, equipment, and tools necessary for the **Kidd-Key Auditorium** located at **400 Elm Street, Sherman, Texas, 75090** as well as all work incidental and pertinent thereto, (hereinafter designated the “Project”) Roofing Material and Services Proposal dated **7/03/2013**, submitted by the CONTRACTOR. In the event of any conflict, ambiguity, or inconsistency between the terms contained in this CONTRACT and the Exhibits, the terms set forth in this CONTRACT shall govern and control.
- 3.) The term of the CONTRACT shall begin on the Effective Date first written above, and shall be completed by **9/30/2013**, unless sooner terminated as permitted herein, or unless extended by agreement of the parties set forth in writing. The work shall commence within ten (10) days from the date that CONTRACTOR receives a copy or original of the fully executed CONTRACT, which receipt shall be considered Notice to Proceed. The CONTRACTOR is required to submit to the CUSTOMER a Certificate of Insurance and Performance and Payment bonds prior to commencing work. In addition, the work shall be scheduled as agreed upon by the parties.
- 4.) The sums to be paid to the CONTRACTOR shall be at the bid price(s) Roofing Material and Services Proposal dated **7/03/2013**, and the total to be paid to CONTRACTOR shall be a maximum of **\$111,457**, as set forth Roofing Material and Services Proposal dated **7/03/2013**. Invoices shall provide details of all Project expenses as permitted in this CONTRACT. CONTRACTOR shall apply no late charges, interest or penalties to any invoice or charges for services until 30 days from the CUSTOMER receipt of the invoice. If this CONTRACT is terminated for convenience for any reason, then the CONTRACTOR shall be paid pro rata for all services performed, materials purchased, and administrative costs incurred, including lost profit, to the effective date of termination.
- 5.) If the CUSTOMER wishes to terminate the CONTRACTOR for cause due to the failure of CONTRACTOR to perform as required under this CONTRACT and/or in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances, then the CUSTOMER must provide the CONTRACTOR with written notice of said failure to perform. The CUSTOMER must give ten (10) working days from the CONTRACTOR’s receipt of the Notice to Cure for the CONTRACTOR to cure or take reasonable action to commence to cure the performance concerns specified. If the CONTRACTOR does not take appropriate

action within the ten (10) day period, the CUSTOMER may issue a Final Notice to Cure. The CONTRACTOR will have an additional five (5) working days from the receipt of the Notice to Cure to cure or take reasonable action to commence to cure before the CUSTOMER can terminate the CONTRACT. If the CONTRACTOR is terminated for cause, the CUSTOMER may provide or employ any necessary labor and materials in lieu of CONTRACTOR to finish part or all of the work under the CONTRACT or to supplement the work of CONTRACTOR, and to deduct the cost thereof from any money, then due or thereafter to become due to the CONTRACTOR; and if such cost shall exceed the balance due to CONTRACTOR, then the CONTRACTOR shall pay the difference to the CUSTOMER.

- 6.) The CUSTOMER may issue subsequent modifications to the Purchase Order(s) for additional work that was not known or included in the Specifications that is found to be needed during the work on the Project to complete the Project over and above the amount in the Roofing Material and Services Proposal dated, 7/03/2013. CONTRACTOR must seek approval from the CUSTOMER before performing any additional work. The CUSTOMER must provide the CONTRACTOR written documentation of the modification to the Purchase Order within three (3) business days of verbal approval. CONTRACTOR is not obligated to perform additional work until written modification has been received from the CUSTOMER, but may commence work based upon a reasonable assumption that written modification will be issued. Incidental additional work performed by the CONTRACTOR without CUSTOMER consent will be evaluated and considered for payment based upon the work's merit. If the CUSTOMER determines the incidental additional work was not included in the original scope of the project and required for the CONTRACTOR's uninterrupted performance in fulfillment of the contract, then the CUSTOMER will approve the CONTRACTOR's request for payment for incidental additional work.
- 7.) All the work done under this CONTRACT shall be performed under the oversight of **Mr. David Wasson**, the CUSTOMER'S representative. All notices hereunder shall be (a) in writing; (b) delivered to the representatives of the parties at the addressees set forth in the Specifications (Exhibit A), unless changed by either party by notice to the other party; and (c) effective upon receipt.
- 8.) The CONTRACTOR shall furnish the CUSTOMER with a performance or contract bond and a labor and material bond, each in the amount of **\$111,457**, a Certificate of Workers' Compensation, and a Certificate of Insurance evidential of comprehensive general liability insurance and property insurance with minimum coverage in amounts reasonable to or exceeding what is normally expected for a comparable project in size and scope. Further, said Certificate of Insurance shall name the **City of Sherman** as an additional insured. Said Certificate of Insurance shall also provide that at least thirty (30) days written notice shall be given to the CUSTOMER of any material change in, or cancellation of, said insurance.
- 9.) Should the CONTRACTOR at any time refuse or neglect to supply a sufficiency of properly skilled workers or materials of the proper quality, or fail in any respect to prosecute the work herein described with promptness and diligence, or fail in the

performance of any of the agreements contained herein, the CUSTOMER shall have the right to immediately suspend all work, or any part thereof under this CONTRACT, upon the CUSTOMER's issuance of a stop work notice to the CONTRACTOR and the CONTRACTOR's confirmed receipt of the stop work notice. The work shall continue to be suspended until such time as the CUSTOMER and CONTRACTOR have come to a mutual agreement on how the work under the CONTRACT shall proceed. Should the CONTRACTOR continue to refuse or neglect to supply a sufficiency of properly skilled workers or materials of the proper quality, or fail in any respect to prosecute the work herein described with promptness and diligence, or fail in the performance of any of the agreements contained herein, then the CUSTOMER may, after following the procedures listed in Section 5 above, terminate the CONTRACT for cause.

- 10.) The CONTRACTOR shall indemnify, save harmless, and defend the CUSTOMER from and against all losses, claims, demands, payments, suits, actions, recoveries, and judgments of every nature and description, made, brought, or recovered against the CUSTOMER by reason of any negligent act or omission of the CONTRACTOR, its agents, its subcontractors, or its employees, in the execution of the work herein contracted for.
- 11.) The CONTRACTOR has the right to request and be granted a Termination for Convenience from the CONTRACT obligations if there is a joint determination from both the CUSTOMER and the CONTRACTOR that the termination is in the best interests of both parties, or if the CONTRACTOR believes the Termination for Convenience to be in its best interests because a timely resolution, within ten (10) days from the CUSTOMER'S receipt of written notification, will not be provided with regard to requests for information (RFI), request for clarification, or requests for modification to the Purchase Order(s) due to differing site conditions, vague Specifications, or unforeseen circumstances. Under a Termination for Convenience, the CONTRACTOR shall be reimbursed for all justifiable costs including price of supplies, services delivered, and administrative expenses, including lost profit under the CONTRACT or Purchase Order.
- 12.) This CONTRACT shall be deemed to contain all the terms and conditions agreed to between the parties, who both agree that no representations or promises of any kind whatsoever have been made other than herein contained, and this CONTRACT shall be binding upon both parties and their respective heirs, administrators, executors, successors, and assigns.
- 13.) This CONTRACT is contingent upon receipt of a written purchase order from CUSTOMER. All terms must be agreed upon by both parties.
- 14.) CUSTOMER shall have the right to approve all subcontracts or assignments of work equal to or exceeding \$10,000. CUSTOMER shall not unreasonably withhold, delay or condition subcontracting or assignments, but may express final and binding disapproval of a proposed assignee or subcontractor. Should the CONTRACTOR be forced to choose a different subcontractor/assignee that is of higher cost than the initial subcontractor/assignee, due to the CUSTOMER's disapproval, the CONTRACTOR shall be able to request and will receive approval from the CUSTOMER for a modification to the

CONTRACT to cover the additional cost. CONTRACTOR shall remain responsible for the work of any agent or independent contractor to whom it assigns its Work, and any assignment or subcontract shall incorporate the terms of this Contract into its contract delegating its Work.

- 15.) If the Project involves construction of a public improvement at a cost exceeding the threshold for payment prevailing wage rates of pay, each laborer, workman or mechanic employed by the CONTRACTOR for performance of the Project herein described or by the subcontractor shall be paid not less than the minimum rate of pay for the applicable pay classification. The CONTRACTOR and their subcontractors who are subject to the requirements of paying prevailing wages shall keep full and accurate payroll records covering all disbursements of wages to their employees to whom they are required to pay not less than the prevailing rate of wages. The CONTRACTOR and its subcontractors shall deliver to the CUSTOMER a certified copy of their respective payrolls, within two weeks of the CUSTOMER's request, for each pay period requested by the CUSTOMER.
- 16.) Payments to the CONTRACTOR shall be made at the rate of ninety-five percent (95%) of the approved partial payment estimate for each monthly progress billing. The CUSTOMER will retain five percent (5%) of every approved partial payment. The retained amount will be paid to the CONTRACTOR no later than thirty (30) days following Final Acceptance of the work. Upon completion and acceptance of the work, the CUSTOMER shall issue a certificate attached to the final payment request that the work has been accepted by it under the terms, promises and conditions of the CONTRACT.
- 17.) CONTRACTOR has been employed under this Contract as an independent contractor in order to construct its portion of the Project. CONTRACTOR agrees that no authority has been conferred upon it by CUSTOMER to hire any person(s) on behalf of CUSTOMER, and CUSTOMER undertakes no obligation of any sort to CONTRACTOR's employees or subcontractors. It is understood and agreed that the CONTRACTOR shall select, engage, and discharge its employees, agents, or servants and otherwise direct and control their services. CONTRACTOR will also comply with all laws concerning qualification to do business and engage in the work involved under this CONTRACT and will file all returns and reports required of it and pay all taxes and contributions imposed upon it.
- 18.) CONTRACTOR agrees not to discriminate against any employee or applicant for employment because of age, race, color, religion, sex, or national origin.
- 19.) The CUSTOMER shall not be considered to have accepted possession of the work under this CONTRACT until a notice of completion is issued to the CONTRACTOR by the CUSTOMER or CUSTOMER's representative, or payment of the full CONTRACT compensation is received by the CONTRACTOR, unless the Parties otherwise mutually agree.
- 20.) CONTRACTOR, at all times during its performance of its work under this CONTRACT, shall keep the work site, grounds, and roof tops surrounding the work site free from accumulation of waste materials or rubbish caused by its activities. Upon completion of

the work under this CONTRACT, the CONTRACTOR shall promptly remove all its waste materials and rubbish from and about the work site, as well as, its tools, construction equipment, machinery, and surplus materials, as to leave the work site "Broom Clean" or its equivalent.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, authorized representatives of each party to this CONTRACT, indicating their party's approval of the terms herein, have signed as of the dates set forth below.

WITNESSES:

GARLAND/DBS, INC.

1. _____

By: _____

2. _____

Printed Name

Title

Tax ID. No. _____

Date: _____

WITNESSES:

CITY OF SHERMAN

1. _____

By: _____

2. _____

Date: _____

And

By: _____

Date: _____



Garland/DBS, Inc.
3800 East 91st Street
Cleveland, OH 44105
Phone: (800) 762-8225
Fax: (216) 883-2055



ROOFING MATERIAL AND SERVICES PROPOSAL

City of Sherman
Kidd-Key Auditorium
Date Submitted: 07/03/2013
Proposal #: 25-TX-130006

Please Note: The following proposal is being provided according to the pricing established under the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with Cobb County, GA and U.S. Communities. This proposal should be viewed as the maximum price an agency will be charged under the agreement. Garland/DBS, Inc. administered a competitive bid process for the project with the hopes of providing a lower market adjusted price whenever possible.

Scope of Work - Restoration of internal copper gutter Roof edge scooped gutter, downspouts, and associated stone.

- 1 At the existing built-in gutter system, we propose to remove the existing gutter but leaving in place the top edge of the one piece system in affect leaving a metal edging system in place. This will be accomplished by visually inspecting the gutter system from a line of sight point of view as to achieve an acceptable level on the cut line that is both above the gutter edge, but still leave the original copper detail above the cut line. Once this has been determined, we will proceed to cutting the existing gutter system loose from the upper portion of the now existing system and properly removing and disposing of the defective gutter system.
- 2 Once the gutter has been removed, we will then install new asphalt based composite ply sheet as a vapor barrier hence effectively providing for a proper separation barrier sheet. This will allow for the proper separation of any dissimilar materials i.e. wood to metal contact, dissimilar metal to metal contact and residual moisture contact and so on.

- 3 Over the newly installed vapor barrier, we will install a new custom copper fabricated gutter system at all locations affected. All seams will be flat lock seamed, hand mallet and then soldered in place as to achieve a water tight condition. This will consist of hand fabricating an "Acme-Lock" system in the field at each joint affixed to the gutter system. The joint will be no more the $\frac{1}{4}$ " in width and no taller than $\frac{1}{8}$ ". Each lock will be fabricated and set in a way that will NOT allow ponding or movement at the joint and PRIOR to sealing with 50/50 solder. Each locking seam will be blind riveted at the rate of now less than one (1) rivet for every 1" of seam fabricated. At each seam fabricated, there will be blind/hidden fasteners within the seam itself. These fasteners will be as per the SMACNA details and will be fabricated from a 1" wide strapping system fabricated from the same like kind and quality of the gutter system itself. At no more than forty (40) linier foot runs, there will expansion joints installed as per the suggestions of SMACNA published recommendations. Each expansion joint will be installed in a way as to allow for a minimum of 1" expansion each direction that the gutter extends towards. The expansion joints will be installed and locked together in a fashion as to match each field seam fabricated, that being field formed, seamed, mallet and soldered in place. The expansion joint will have a fully functioning expansion type capping system that will be fastened to one side of the installed expansion joint and will float freely as it ties into the opposing side of the expansion joint. All expansion joints will be installed at maximum of forty (40) linier feet (or between each down spout installed where possible on this particular building).
- 4 The new gutter system will extend up under the newly formed metal edge system a minimum of 3". At this condition, we will properly secure the new gutter system by way of mechanical fastening. The new fasteners will penetrate through the existing metal edging system (that has been newly formed) and continue through the newly installed gutter system at the rate of no less than one fastener every twelve inches (12") on center. Al fasteners installed that will be exposed to the elements will be a "Long Life" self-sealing wood grip type fastener as manufactured by "Fast-Tech".
- 5 The font edge of the newly installed gutter will extend up and on top of the existing wall system out to the leading edge of the building thus creating a complete building envelope system.
- 6 After the new gutter has been completely installed, we will then install a new, copper finished coping system. This coping will extend down in the gutter system a minimum of 2" and extend across the top of the wall and subsequently down the facade to the drip line of the existing coping stone system. All coping will be installed as per SMACNA details, that being; all face elevations will be fabricated in a fashion as to allow a contentious cleat system to be installed at these conditions. All cleats will be mechanically fastened at a rate of no less them one (1) fastener from every six (6") inches on both the top side as well as the face portion, when possible, of the cleat system. There will also be mechanically fastened at the rate of no less than one fastener every twelve inches (12") on center. All fasteners installed that will be exposed to the elements will be a "Long Life" self-sealing wood grip type fastener as manufactured by "Fast-Tech".

- 7 At ten (14) locations (4 each that extend from the built-in gutter down to the lower roof area. 8 each from the flat roof areas and 2 each at the lower roof areas at ground level), we will install a new down-spout system in a like kind and fashion as is existing. All material used in this location will be constructed from new copper. All seams will be fabricated in a fashion as to be located at the rear facing portion of the newly installed down-spouts. These seams will be fabricated in a fashion as to form an "Acme Lock" system by way of a shop fabricated Acme Lock machine in lengths no less than ten (10) linear feet for each section produced.
- 8 All associated cast stone joints in contact with the new copper gutter system are to be cut out, install necessary backer rod for sealant support and install a new single component moisture curing non sag sealant matching the color of the cast stone as closely as possible or as color selected by designated representative of the City of Sherman.
- 9 Urethane Sealant: One part, non-sag sealant as recommended and furnished by the membrane manufacturer for moving joints.
 1. Tensile Strength (ASTM D412) 250 psi
 2. Elongation (ASTM D412) 950%
 3. Hardness, Shore A (ASTM C920) 35
 4. Adhesion-in-Peel (ASTM C920) 30 pli
- 10 Sealant: Single component, 100% solids structural adhesive as furnished and recommended by the membrane manufacturer.
 1. Elongation (ASTM D412) 300%
 2. Hardness, Shore A (ASTM C920) 50
 3. Shear Strength (ASTM D1002) 300 psi
 - a. Silicone Sealant: One part, medium modulus, non-corrosive high performance silicone sealant as recommended and furnished by the membrane manufacturer.
 4. Tensile Strength (ASTM D412) 230 psi
 5. Elongation (ASTM D412) 360%
 6. Hardness, Shore A (ASTM C920) 24

Scope of Work: TPO Roof Sections

OPTION 1 - Coating - Coating (Warranty 5+5 limited extendable) Manufacturer installation requirements to be followed.

- 1 Install new 24ga minimum kynar coated bronze color counter-flashing to cover existing TPO termination bar.
- 2 Power wash entire roof surface free of all debris using at a minimum of 2000 psi, TSP or Simple green on laps and verticals if necessary. Verify existing substrate is dry with electrical capacitance moisture detection meter.
- 3 Remove blisters, ridges buckles, roofing membrane fastener buttons projecting above the membrane and other substrate irregularities from existing roofing membrane that would inhibit application of uniform, waterproof coating.
- 4 Repair membrane at locations where irregularities have been removed.
- 5 Strip in all repairs and seams with 1.5 gallons/reinforcement/1 gallon (24/16 wet mils) of multi-purpose aromatic, single-component urethane, liquid waterproofing membrane (with at least 325% elongation) per 100 sq. ft. (0.61/reinforcement/0.41 l/m2).

- 6 Embed Soft woven fiberglass/polyester mesh to seams and repairs a minimum of 4".
- 7 Brush or roll mesh into place from the center out to ensure adequate bleed through and adhesion.
- 8 Allow roof system to dry for 24-48 hours.
- 9 In the field of the roof, apply an additional 2 gallons (32wet mils) of aromatic, single-component urethane liquid waterproofing membrane (with at least 325% elongation) per 100 sq. ft. (0.82l/m2) by brush, roller or spray.
- 10 All metal surfaces must be properly primed before installation using manufacturer approved compatible material.
- 11 Install walkways following application of coating, location as directed by owner.
- 12 Restoration work including but not limited to:
 1. A multi-purpose, high build, urethane, liquid waterproofing membrane designed to maintain, restore and upgrade the performance of existing single-ply membranes.
 - a. Elongation (ASTM D 412) 325%
 - b. Tensile Strength (ASTM D 412) 1400-1600 psi (with Ulti-Mat reinforcement)
 - c. Tear Resistance (ASTM D 624) 230 lbs/in.
 - d. Energy Star Approved Yes
 - e. Flash Point 120°F
 - f. Non-Volatile (ASTM D 75) 83%
 - g. Solar Reflective Index (ASTM E 1980) 100

Scope of Work: Roof Top Dormers, Shingle Repairs & Counter Flashing Sealant - See step flashing to wall, and Underlayment

- 1 Remove existing architectural shingles 2' out from perimeter of dormer edges down to the deck.
- 2 Remove and clean out all existing repair materials.
- 3 Install peel and stick Ice and watershield barrier to dormer tail and roof deck.
- 4 Seal as necessary dormer to tail weld joint to prevent any separation or further leaks.
- 5 Install new matching architectural shingles per manufacturers guidelines and NRCA approved roofing techniques.
- 6 At all side wall conditions where step shingles now exist, remove the existing step shingles and properly cut back the existing system as per NRCA recommendations, and install new properly sized step shingles.
- 7 At the North East end of the upper roof area remove existing damaged shingles roofing materials and replace them with matching (as closely as available) shingles.
- 8 At one large attic ventilator on east facing slope, remove existing shingles on all four sides repair any damaged decking or substrate, properly strip in the base of the vent, with peel and stick Ice and water shield barrier and replace removed shingles with matching (as closely as possible) shingles.
- 9 Remove all existing counter flashing sealants and install new Bronze color moisture curing, single component, non-sag polyurethane sealant.
- 10 NRCA fastener size, and installation recommendations, and written manufacturer installation requirements to be followed for all repairs.

- Note:**
1. Furnish extra materials described below that match products installed and that are packaged with protective covering for storage and identified with labels describing contents.
 - A. Asphalt Shingles: 100 sq. ft of each type, in unbroken bundles.
 2. Contractor shall refer to Section 01010 Summary of Work as provided by the Garland Representative at time of bid.

Restoration of internal copper gutter Roof edge scooped gutter, downspouts, and associated stone:

Proposal Price Based Upon Market Experience:	\$	69,505
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TPO Roof Sections:

Proposal Price Based Upon Market Experience:	\$	26,733
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Roof Top Dormers, Shingle Repairs & Counter Flashing Sealant:

Proposal Price Based Upon Market Experience:	\$	15,219
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TOTAL Proposal Price (All Above Options):	\$	111,457
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Potential issues that could arise during the construction phase of the project will be addressed via unit pricing for additional work beyond the scope of the specifications. This could range anywhere from wet insulation, to the replacement of deteriorated wood nailers. **Tax is not included in this proposal pricing. Please provide tax exemption form.**

If you have any questions regarding this proposal, please do not hesitate to call me at my number listed below.

Respectfully Submitted,

Benjamin Runyan

Benjamin Runyan
Garland/DBS, Inc.
(216) 430-3613

More than 40,000 participating agencies and organizations procure a wide variety of products and services through the U.S. Communities Government Purchasing Alliance. For more information or to participate, visit www.uscommunities.org.

THE GARLAND/ DBS, INC. ADVANTAGE

- Providing quality solutions for the commercial building envelope since 1895
- Offering an integrated selection of roofing materials and services to meet the performance specification requirements of a full spectrum of roofing projects
- Ensuring single-source accountability for material-only or turnkey projects
- Delivering quality services through 200 locally based, employee-owner field representatives across the U.S., Canada, and the U.K.
- Delivering quality installation through our network of locally based Garland approved contractors

OUR SOLUTIONS

Garland leads the industry with innovative products and services designed to maximize the life expectancy of your roofing assets, with a full product and service offering that includes but is not limited to:

- High-performance modified roofing and built-up systems
- Architectural and structural standing seam metal roof and wall systems
- Sustainable roofing solutions, such as vegetative and photovoltaic systems
- Fluid-applied urethane, acrylic, coal tar, and asphalt restoration coatings
- Maintenance and repair products
- Engineering services
- Ten-step process for identifying and resolving roof problems
- Computerized roof-asset management services
- Design-build construction management

To arrange a visit from your local Garland/DBS, Inc. representative, contact:

Eric Younkin
Lead Referral Manager
uscommunities@garlandind.com
Fax: 216.883.2527
Phone: 800.321.9336 ext. 3659



U.S. COMMUNITIES™
GOVERNMENT PURCHASING ALLIANCE



MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT

This Master Intergovernmental Cooperative Purchasing Agreement ("Agreement") is made between certain government agencies that execute a Lead Public Agency Certificate (collectively, "Lead Public Agencies") to be appended and made a part hereof and other government agencies ("Participating Public Agencies") that agree to the terms and conditions hereof through the U.S. Communities registration process and made a part hereof.

RECITALS

WHEREAS, after a competitive solicitation and selection process by Lead Public Agencies, in compliance with their own policies, procedures, rules and regulations, a number of suppliers (each, a "Contract Supplier") have entered into Master Agreements with Lead Public Agencies to provide a variety of goods, products and services based on national and international volumes (herein "Products and Services");

WHEREAS, Master Agreements are made available by Lead Public Agencies through U.S. Communities and provide that Participating Public Agencies may purchase Products and Services on the same terms, conditions and pricing as the Lead Public Agency, subject to any applicable local purchasing ordinances and the laws of the State of purchase;

WHEREAS, the parties desire to comply with the requirements and formalities of the Intergovernmental Cooperation Act as may be applicable to the laws of the State of purchase;

WHEREAS, the parties hereto desire to conserve resources and reduce procurement cost;

WHEREAS, the parties hereto desire to improve the efficiency, effectiveness and economy of the procurement of necessary Products and Services;

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, and of the mutual benefits to result, the parties agree as follows:

1. That each party will facilitate the cooperative procurement of Products and Services.
2. That the procurement of Products and Services subject to this Agreement shall be conducted in accordance with and subject to the relevant statutes, ordinances, rules and regulations that govern each party's procurement practices.
3. That the cooperative use of solicitations obtained by a party to this Agreement shall be in accordance with the terms and conditions of the solicitation, except as modification of those terms and conditions is otherwise allowed or required by applicable law.
4. That the Lead Public Agencies will make available, upon reasonable request and subject to convenience, information which may assist in improving the effectiveness, efficiency and economy of Participating Public Agencies' procurement of Products and Services
5. That the Participating Public Agency will make timely payments to the Contract Supplier for Products and Services received in accordance with the terms and conditions of the procurement. Payment, inspections and acceptance of Products and Services ordered by the Participating Public Agency shall be the exclusive obligation of such Participating Public Agency. Disputes between the Participating Public Agency and Contract Supplier are to be resolved in accord with the law and venue rules of the State of purchase.
6. The Participating Public Agency shall not use this Agreement as a method for obtaining additional concessions or reduced prices for similar products or services.
7. The Participating Public Agency shall be responsible for the ordering of Products and Services under this Agreement. A Lead Public Agency shall not be liable in any fashion for any violation by a Participating Public Agency, and the Participating Public Agency shall hold the Lead Public Agency harmless from any liability that may arise from action or inaction of the Participating Public Agency.
8. The exercise of any rights or remedies by the Participating Public Agency shall be the exclusive obligation of such Participating Public Agency.
9. This Agreement shall remain in effect until termination by a party giving thirty (30) days prior written notice to U.S. Communities at 2999 Oak Road, Suite 710, Walnut Creek, CA 94597.
10. This Agreement shall become effective after execution of the Lead Public Agency Certificate or Participating Public Agency registration, as applicable.

PROJECT YEAR: 2012-2013

PROJECT NAME: Municipal Building Repair

DESCRIPTION: Planned repairs to the Municipal Building include exterior tuck pointing, sealing, gutter/downspout and sidewalk replacement.

ESTIMATED COST: \$190,000

ESTIMATED O&M COST: NA

PROPOSED FINANCING: General Improvement Fund

PROJECT NECESSITY: This is a necessary repair / maintenance of the City facility.

DEPARTMENT/DIRECTOR: Director of Public Works, Don Keene





City Council Regular Meeting

Agenda Item No. C. 5.

Meeting Date: 07/15/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5784**

Approving the Greater Texoma Utility Authority's Intention to Contract with Jerry Paul Higgins, LTD. for Installation of the East Bar Screen Replacement Equipment at the Wastewater Treatment Plant

Issue:

Approving the intention of the Greater Texoma Utility Authority (GTUA) to administer an agreement for the installation of the east bar screen at the City's Wastewater Treatment Plant.

Background:

The current Capital Improvement Program contains a project to replace the east bar screen at the City's Wastewater Treatment Plant. The project consists of removing the existing bar screen and installing a new bar screen that was previously bid and awarded to Vulcan Industries. Three (3) bidders responded to the request for bids. A bid tabulation is attached. The low bid in the amount of \$216,590.00 was submitted by Jerry Paul Higgins, LTD. of Sherman, Texas.

Origination:

Department of Utilities Administration

Financial Consideration:

Funds for the project will be paid through the GTUA.

Staff Recommendation:

It is recommended that the City Council approve GTUA's intention to contract with the low bidder, Jerry Paul Higgins, LTD., in the amount of \$216,590.00.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5784

Bid Tab

Recommendation Letter

Location Map

RESOLUTION NO. 5784

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH JERRY PAUL HIGGINS, LTD. FOR INSTALLATION OF THE EAST BAR SCREEN REPLACEMENT EQUIPMENT AT THE WASTEWATER TREATMENT PLANT; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into a contract with Jerry Paul Higgins, Ltd. in the total amount of Two Hundred Sixteen Thousand Five Hundred Ninety Dollars and Zero Cents (\$216,590.00) for the installation of the east bar screen replacement equipment at the City's Wastewater Treatment Plant.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

BID TABULATION

PROJECT: Sherman WWTP East Bar Screen Replacement Installation

OWNER: GTUA CITY OF Sherman

BID TIME & DATE: 2:00 PM 7-8-13

BID LOCATION: Sherman City Hall

[illegible]

J. TERRY MILLICAN, P.E.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.I.A.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

July 8, 2013

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

Re: Sherman WWTP East Bar Screen Replacement Installation Award

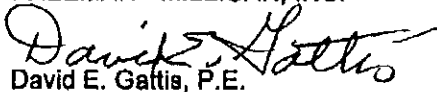
Dear Mr. Chapman:

Bids were received for the installation of the east bar screen replacement equipment for the Sherman Wastewater Treatment Plant (WWTP) head works lift station on JULY 8, 2013. A bid tabulation is attached. The project consists of removing the existing bar screen equipment and installing the new Vulcan bar screen awarded by GTUA at the June, 2013 board meeting.

Bids documents were provided to five potential bidders and three bids were received. The low bid which includes the Vulcan equipment was received from Jerry Paul Higgins, LTD in the amount of \$216,590.00. The low bid is competitive at 3.4% below the next lowest bid.

Jerry Paul Higgins, LTD has successfully completed many projects for GTUA and Sherman. Jerry Paul Higgins, LTD is qualified to install the required equipment. We recommend that the Greater Texoma Utility Authority award the contract to the low bidder, Jerry Paul Higgins, LTD for the Vulcan bar screen equipment and the installation in the amount of \$216,590.00 and authorize execution of the required contract documents.

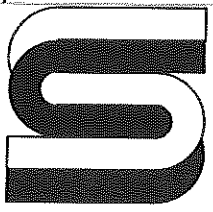
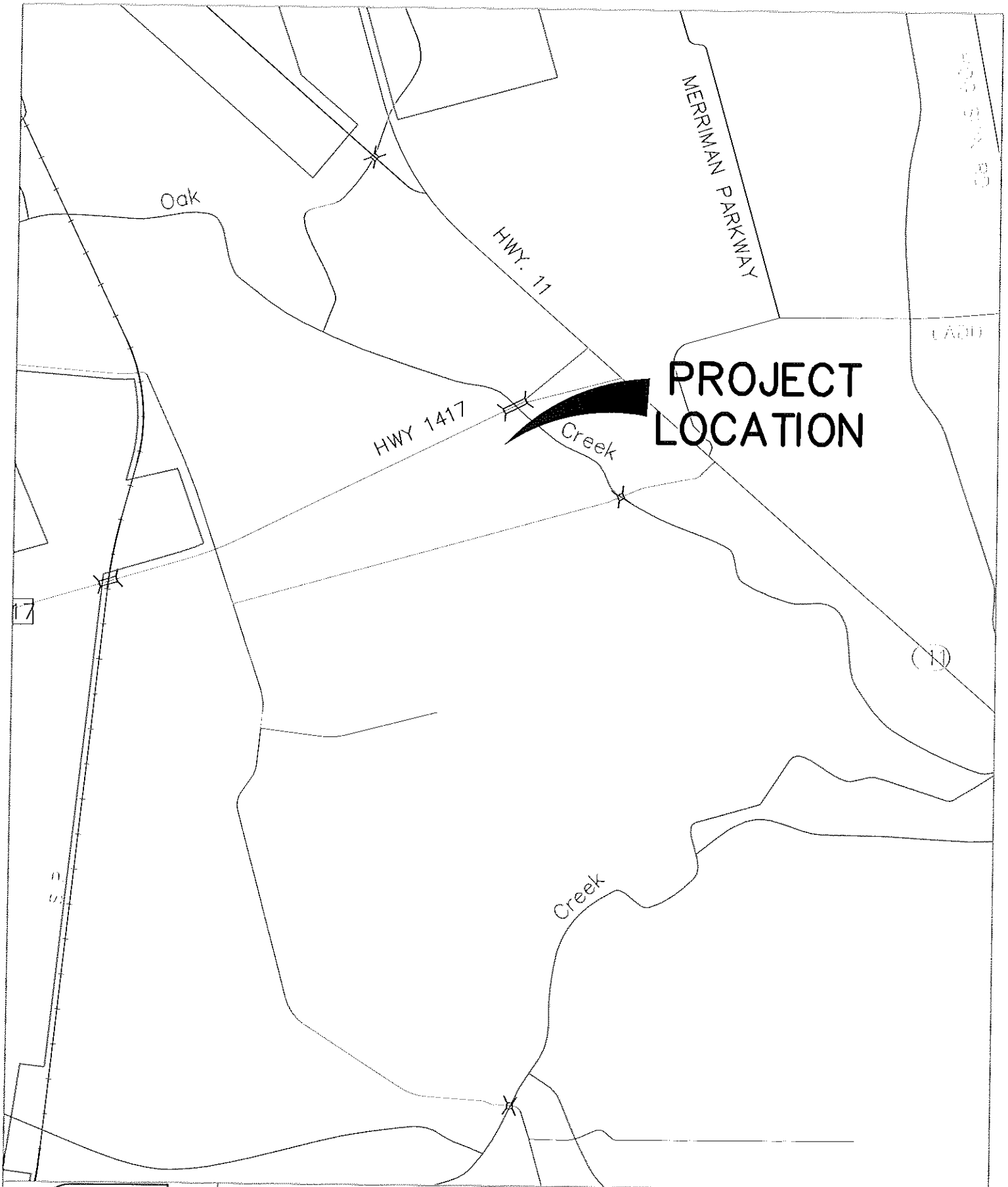
Sincerely,
FREEMAN - MILLICAN, INC.


David E. Gattis, P.E.

Enclosure

Copy:

Sherman, Mark Gibson, Director of Engineering and Utilities



City of Sherman, Texas
WASTEWATER TREATMENT PLANT
EAST BAR SCREEN REPLACEMENT
PROJECT LOCATION MAP





City Council Regular Meeting

Agenda Item No. D. 1.

Meeting Date: 07/15/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

PAYMENT APPROVAL

State of Texas, Acting By and Through the Texas Department of Transportation; Advance Funding for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match (Reconstruction of the Northbound Frontage Road of US 75 at Loy Lake); \$1,300,000.00

Issue:

Authorizing payment to the Texas Department of Transportation (TxDOT) for raising the US 75 northbound frontage road at the intersection of Loy Lake Road

Background:

The Advance Funding Agreement (AFA) for the expansion of Loy Lake Road was approved at the April 15, 2013 City Council meeting. The Advance Funding Agreement stipulates that payment of the \$1,300,000.00 is required approximately sixty (60) days prior to proceeding with construction. The project is on schedule to begin construction in September; and TxDOT has requested receipt of the funds. The City entered into a separate agreement with the property owners who have agreed to fund this project up to \$1.3 million, the agreement of which requires this amount to be placed in escrow for benefit of the City upon approval and acceptance of final engineered plans by all parties. The City will not release funds to TxDOT related to this AFA until the \$1.3 million has been placed in escrow by the property owners.

Origination:

Finance and Engineering

Financial Consideration:

Funds in the amount of \$1,300,000.00 are anticipated to be placed in escrow by the developer.

Staff Recommendation:

It is recommended that the City Council approve payment of this \$1,300,000.00 to TxDOT.

Alternatives:

Those as may be directed by the City Council

Attachments

Resolution No. 5761 and Advance Funding Agreement

Location Map

RESOLUTION NO. 5761

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH (RECONSTRUCTION OF THE NORTHBOUND FRONTAGE ROAD OF US 75 AT LOY LAKE); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an Advance Funding Agreement between the City of Sherman and the State of Texas, acting by and through the Texas Department of Transportation, for the reconstruction of the northbound frontage road of US 75 at Loy Lake, in accordance with the contract documents attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the 15th day of April, 2013.

CITY OF SHERMAN, TEXAS

ATTEST:

BY:

Linda Ashby
LINDA ASHBY, CITY CLERK

BY:

Carolyn S. Wacker
CAROLYN S. WACKER, MAYOR

APPROVED AS TO FORM
AND CONTENT:

BY:

Brandon S. Shelby
BRANDON S. SHELBY,
CITY ATTORNEY

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY
LOCAL GOVERNMENT CONTRIBUTIONS
TO TRANSPORTATION IMPROVEMENT
PROJECTS WITH NO REQUIRED MATCH**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the City of Sherman, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and,

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

WHEREAS, Commission Minute Order Number 113319 authorizes the State to undertake and complete a highway improvement generally described as intersection reconstruction as part of the overall project of widening an existing bridge at Loy Lake Road in the City of Sherman; and,

WHEREAS, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as raising the frontage road at the intersection of Loy Lake Road and US 75 Northbound frontage road in the City of Sherman, called the "Project"; and,

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the State;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the State and the Local Government do agree as follows:

AGREEMENT

1. Time Period Covered

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described in this agreement has been completed and accepted by all parties or unless terminated, as provided for by this agreement.

2. Project Funding and Work Responsibilities

- A. The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities which is attached to and made a part of this

contract. In addition to identifying those items of work paid for by payments to the State, Attachment A, Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.

- B. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- C. In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

3. Right of Access

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

4. Adjustments Outside the Project Site

The Local Government will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

5. Responsibilities of the Parties

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

6. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

7. Interest

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

8. Inspection and Conduct of Work

Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

9. Increased Costs

- A. In the event it is determined that the funding provided by the Local Government will be insufficient to cover the State's cost for performance of the Local Government's requested work, the Local Government will pay to the State the additional funds necessary to cover the anticipated additional cost. The State shall send the Local Government a written notification stating the amount of additional funding needed and stating the reasons for the needed additional funds. The Local Government shall pay the funds to the State within thirty (30) days of the written notification, unless otherwise agreed to by all parties to this agreement. If the Local Government cannot pay the additional funds, this contract shall be mutually terminated in accordance with Article 11 – Termination. If this is a fixed price agreement as specified in Attachment A, Payment Provision and Work Responsibilities, this provision shall only apply in the event changed site conditions are discovered or as mutually agreed upon by the State and the Local Government.
- B. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

10. Maintenance

Upon completion of the Project, the State will assume responsibility for the maintenance of the completed Project unless otherwise specified in Attachment A to this agreement.

11. Termination

- A. This agreement may be terminated in the following manner:
 - 1. By mutual written agreement and consent of both parties;
 - 2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or

3. By the State if it determines that the performance of the Project is not in the best interest of the State.

- B. If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.
- C. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

12. Notices

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

Local Government:	State:
Mayor City of Sherman 220 W. Mulberry Street Sherman, Texas 75090	Director of Contract Services Office Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

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

13. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

14. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

15. Amendments

By mutual written consent of the parties, this agreement may be amended prior to its expiration.

16. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the

legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

17. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately and the State may recover damages and all costs of completing the work.

18. Signatory Warranty

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

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

THE LOCAL GOVERNMENT



Signature

George Olson

Typed or Printed Name

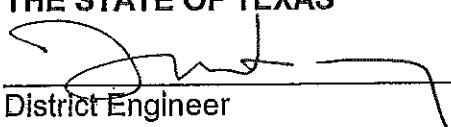
City Manager

Title

April 16, 2013

Date

THE STATE OF TEXAS

 RE.

District Engineer

4/28/13

Date

CSJ #0047-18-068
District # 01-Paris
Code Chart 64 #39200
Project:US 75 @ Loy Lake Road

ATTACHMENT A
PAYMENT PROVISION AND WORK RESPONSIBILITIES

The Local Government is funding the portion of the project that consists of raising the frontage road at the intersection of Loy Lake Road and US 75 Northbound frontage road in the City of Sherman.
Payment by the Local Government of \$1,300,000.00 shall be made sixty (60) days prior to construction.





City Council Regular Meeting

Agenda Item No. E. 1.

Meeting Date: 07/15/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Chairman Dean Gilbert, Jr. and SEDCO President Scott Connell

Issue:

To receive the Sherman Economic Development Corporation (SEDCO) quarterly progress report from Board Chairman Dean Gilbert, Jr. and President Scott Connell

Background:

The brief presentation by the SEDCO Board Chairman and President will provide the City Council with an overview of SEDCO's activities and accomplishments during the last three (3) months. SEDCO's last update was presented at the City Council's regular meeting of April 15, 2013.

Origination:

City Council

Financial Consideration:

There is no financial impact to consider.

Staff Recommendation:

The presentation is for informational purposes only; and no action is required of the City Council.

Alternatives:

None

Attachments

SEDCO's Quarterly Progress Report

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: Sherman Economic Development Corporation

Name of Chairman: Dean Gilbert Jr.

Name of Vice Chairman: Chris Pendergrass

Date of Report to City Council: July 9, 2013

1. In simple terms and as briefly as possible, please describe the mission of your board.

- *The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the Sherman and surrounding area economies through the addition of new jobs and investment.*

**2. Please list the top accomplishments of your board within the past quarter.
(Please limit the list to five or fewer items).**

- *SEDCO entered into an Economic Development Performance Agreement with Texas Turbine Conversions Inc. to establish permanent operations at North Texas Regional Airport. Texas Turbine Conversions is a leading aviation engine conversion company providing services for business aircraft (DeHavilland, Cessna). The company will hire twenty-seven (27) staff members at specific wages and salary ranges, significantly above county averages. The Performance Agreement provides an incentive of \$81,000 in one payment when the company meets all hiring requirements.*
- *SEDCO entered into an Economic Development Performance Agreement with Texas Instruments for an expansion of their operations in Sherman. The semiconductor manufacturer will invest \$18 million in new equipment and related facility expenses over the next two years. The Performance Agreement provides an incentive of \$950,000 in three increments as the project progresses from 2013-2015.*
- *SEDCO entered into a Promotional Agreement with 903 Brewers. The company is a start-up craft brewing operation located in Sherman. The agreement provides a reimbursement of expenses up to \$7,500 for promotional expenditures through May 2014 that will assist 903 Brewers to market and promote the brewery and its products. This is one of the first agreements to support an entrepreneurial venture. The company has invested approximately \$125,000 of its own funds and the product will be primarily non-retail.*
- *SEDCO entered into an Economic Development Performance Agreement with Tyson Fresh Meats for an expansion of their operations in Sherman. The meat processing company will invest \$11 million in new equipment and related facility upgrades and add 75 new positions. Tyson is the largest employer in Grayson County. The Performance Agreement provides an incentive of \$460,000 paid in two installments over the next two years.*
- *SEDCO entered into an Economic Development Performance Agreement with Brookshire Grocery Company to establish a new grocery store and related development in Sherman. The company plans to invest \$8 million to construct a new store on Heritage Parkway at Washington Avenue. The Performance Agreement provides an incentive of \$160,000 to reimburse the company for expenses in targeted infrastructure for the project. It is payable upon completion of the project and full operation is expected in the next two years. This is the first retail project incentive for*

SEDCO. The Board of Directors established strict internal guidelines for evaluating retail projects including a minimum investment of \$8 million.

3. What are your plans for this board in the next quarter?

- *SEDCO will implement the new regional data website www.ShermanHeadlight.com. The site is live and staff members are working with the company to develop specific reports for Sherman that will entice further research on the site. It is a robust database that provides the data in attractive user friendly graphs. SEDCO anticipates this to be a major resource for companies, real estate brokers, economic development consultants, researchers, grant writers and students looking for detailed information about the Sherman-Denison Metropolitan Area (Grayson County). An icon is prominently placed on www.sedco.org to lead users to Sherman Headlight.*
- *SEDCO will work with Marketing Alliance to develop an interactive 3-D online map and brochure for Progress Park. It will blend the aerial map of the park with Master Plan data for new infrastructure and add future plans for possible buildings in the Park. A key element is showing the diversity of options in Progress Park.*
- *SEDCO will continue to actively promote the Sherman area for new investment and jobs utilizing the sales tax funds for incentives. Marketing will concentrate on the commercial real estate community in the Dallas-Fort Worth Metroplex, as well as, national site location consultants. SEDCO will also continue a steady advertising program in regional and national publications with the campaign "Sherman Works".*
- *SEDCO will manage the Master Plan process for Progress Park working with our engineering firm to develop an infrastructure investment plan that supports existing industry and prepares for new development.*
- *SEDCO will work closely with companies that have announced new investments in Sherman to ensure they have the support to meet their goals including Panda Sherman Power, Eco Green Recycling, Austin College Idea Center, Consolidated Container, Texas Instruments, Tyson and others.*
- *SEDCO will maintain close relationships with local industry through a regular Business Retention and Expansion visitation program to identify expansion opportunities and address obstacles for success. An important part of the program is a quarterly Plant Managers Forum.*
- *SEDCO will work to enhance our online presence with updates to the commercial real estate property website www.ShermanSites.com.*

4. How often did this board meet in the last quarter?

- *The SEDCO Board held three regularly scheduled meetings (April 9, May 14 and June 11, 2013).*

5. In what percentage of those meeting was a quorum of board members present?

- *100%*

6. Did any member attend less than 75% of those meetings? If so, which member and how often did they attend.

- *Yes. Juston Dobbs attended one of three meetings. Chris Pendergrass and Todd Thompson attended two of three meetings. Staff stays in close touch with Board members to make sure they are briefed on issues and that their input is accepted.*

**7. What other information would your board like to communicate to the City Council?
(please be concise in your response).**

- *Regina Troutz joined the SEDCO staff in April as the new Economic Development Coordinator. She is a great asset to the organization focusing efforts on the website, marketing and real estate database. Regina attended the Basic Economic Development Course in June.*
- *SEDCO certified the completion of the Presco Polymers Economic Development Performance Agreement. The company invested over \$400,000 in the Sherman facility.*
- *Project inquiries continued to be brisk during the second quarter 2013 and SEDCO has submitted proposals for a several corporate expansions. Staff continue to work with a growing number of companies evaluating Sherman for new operations*
- *Scott Connell spoke at meetings of the Texoma Human Resource Managers Association, Grayson County Rotary Club and Sherman Kiwanis Club.*
- *SEDCO partnered with Grayson County as a sponsor of the first Grayson County Vision Meeting. The event included representatives from each city in Grayson County. We expect this "relationship building" event will continue with other events in the future.*
- *SEDCO staff participated with the Governor's Office and Texas One on a Business Consultant Panel Event in New York City in June. Representatives from cities throughout Texas attended the one day event. Four of the leading site location consultants participated in a panel discussion and took questions from the Texas delegation. A luncheon followed with a broader group of invitees in which Governor Perry spoke to encourage investment in Texas. SEDCO made some very good contacts at the event.*



City Council Regular Meeting

Agenda Item No. E. 2.

Meeting Date: 07/15/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Receive Presentation from Grayson County Clerk Wilma Bush on Proposed Grayson County Voting Centers

Issue:

A presentation on the voting centers being proposed to replace Sherman's current polling sites

Background:

Recently, City Clerk Linda Ashby was invited to participate as a member of Grayson County's Vote Center Advisory Committee, charged with reviewing a proposal to replace current polling sites with "vote centers". The proposal would allow a Sherman citizen to vote, both early and on election day, at any vote center location within Grayson County. The Grayson County Commissioners approved the Grayson County Vote Center proposal at their July 9th regular meeting. The Secretary of State must grant final approval before the Grayson County Voting Centers may be implemented and utilized for the November 5, 2013 general election and Sherman's municipal election.

Origination:

Grayson County Clerk Wilma Bush

Financial Consideration:

Sharing costs with Grayson County reduces the cost to of holding Sherman's municipal election.

Staff Recommendation:

The Council need take no action on this presentation; it is for information purposes only.

Alternatives:

None recommended

Attachments

Presentation

GRAYSON COUNTY VOTE CENTER PROPOSAL



Traditional Election Day Polling Sites vs. Vote Centers

Traditional

Current sites
accommodate one
precinct each

Voters have only one
site where they are
eligible to vote

Vote Centers

Polling sites
accommodate all
precincts-just like Early
Voting

Grayson County voters
can vote at any site

Vote Center Background

- Pilot program began 2006-Lubbock Co.; very limited
- Program has been expanded in each Legislative Session since 2006 and is now permanent
- 2013 Legislation expanded availability to all elections administered by Counties
- Once a successful election is administered by a county no further application is required

Vote Center Requirements

1. Exclusive use of direct recording electronic (DRE) voting systems at polling places
2. Computerized voter registration list that allows instantaneous verification that a voter has not already voted
3. Public hearing must be held to inform and solicit opinions from voters, minority organizations and other interested parties

Requirements Contd.

4. Commissioner's Court Approval
5. A transcript or recording of the public hearing must be submitted to the Secretary of State
6. Communication plan to inform voters
7. Methodology for placement of sites
8. Secretary of State approval is required
9. Develop plan with local political subdivisions regarding joint elections
10. Post-election report filed with legislature

Communication Plan

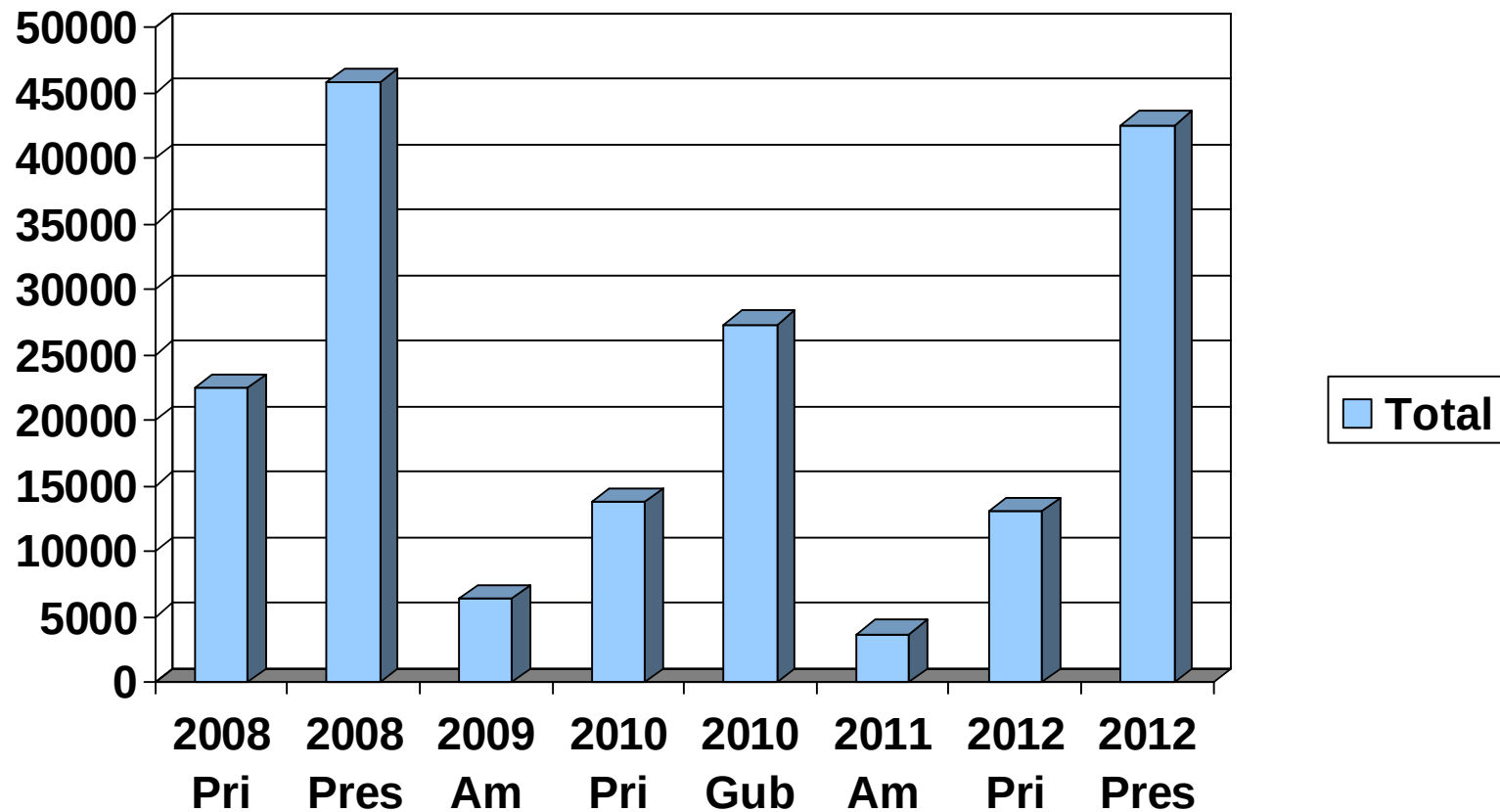
- Direct mail to Grayson County households with registered voters
 - Direct mail to city offices, city libraries, chambers of commerce
 - Notices distributed to local civic groups and community organizations
 - Phone lines dedicated to and staffed for voter questions and election worker questions
 - Notice on County website
 - Notice published in local newspapers
 - Radio/TV-Public service announcements
 - Post vote center locations at previous sites that will not be open
 - Post large banners at all vote centers
- Future: Text options
Mobile App

Criteria for Locations

1. Familiarity to Voters
 - A. Prior use as polling site
 - B. Familiarity within community
2. Ease of Access
 - A. Ground level entrance
 - B. Adequate Parking
 - C. ADA Compliance
 - D. Visibility
3. Space Requirements
 - A. Supports Voters
 - B. Supports equipment
 - C. Supports staffing



Voter Turnout Comparison



Technical Requirements for Vote Centers

- Wireless access for real-time voter verification
 - Mobile Hotspot Internet Access
 - Most secure
 - Allows access for multiple devices
- Adequate power for equipment
- Clerk trained to troubleshoot technical issues and interact with IT Dept.
- Written Backup Plan

Staffing Standards for Vote Centers

- Supervisor Judge
- Alternate Judge or Co-Judge depending on type of election
- Clerk to serve as greeter
- Spanish speaking clerk
- Clerk for technical troubleshooting
- Additional clerks based on voter estimates
- Balanced party affiliation

Site Recommendations

- Current-36
 - Voters have the choice of only one site on Election Day
- Proposed-22
 - Voters will have the choice of 22 sites on Election Day

TIMELINE

- June 25-Advisory Committee Meeting
- July 9-Commissioner's Court Proposal
- July 24-Secretary of State submission deadline
- August 23-Final approval by Secretary of State
- November 5-Utilize Vote Centers for Constitutional Amendment Election



City Council Regular Meeting

Agenda Item No. E. 3.

Meeting Date: 07/15/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of 63.757 Acres of Land at the Southwest Corner of F.M. 1417 (Heritage Parkway) and F.M. 691; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

Issue:

To consider approval of the schedule for annexation of the property at the southwest corner of F.M. 1417 (Heritage Parkway) and F.M. 691 in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

On June 21, 2013, Rex Glendenning, President of Grayson County Airport GP, LLC, requested annexation into the City limits for the property on F.M. 1417 (Heritage Parkway) and F.M. 691. A portion of his property is currently within the city Limits of Sherman; and he is requesting the remaining portion be annexed.

State law requires the City Council to conduct two (2) public hearings on its intent to annex and the provision of services no later than (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Origination:

Grayson County Airport GP, LLC

Financial Consideration:

A cost benefit analysis will be provided prior to final action on this item.

Staff Recommendation:

It is recommended that the schedule for annexation be approved and that the required public hearings be set for August 5, 2013, August 19, 2013 and September 9, 2013.

Alternatives:

The City Council could choose not to consider this request for annexation.

Attachments

Request Letter

Location Map

Annexation Schedule

GRAYSON COUNTY AIRPORT PARTNERS, LTD.

12400 Preston Road, Suite 100
Frisco, Texas 75033

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

June 21, 2013

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

RE: Annexation Request
76 Acre Tract – Northwest Sherman

Dear Mr. Olson,

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

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

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

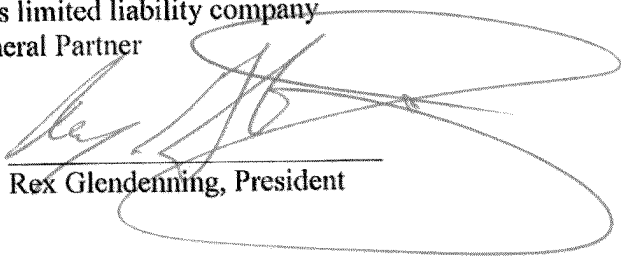
Sincerely,

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

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

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

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

By: 
Rex Glendenning, President

FIELD NOTES
63.757 ACRES

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

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

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

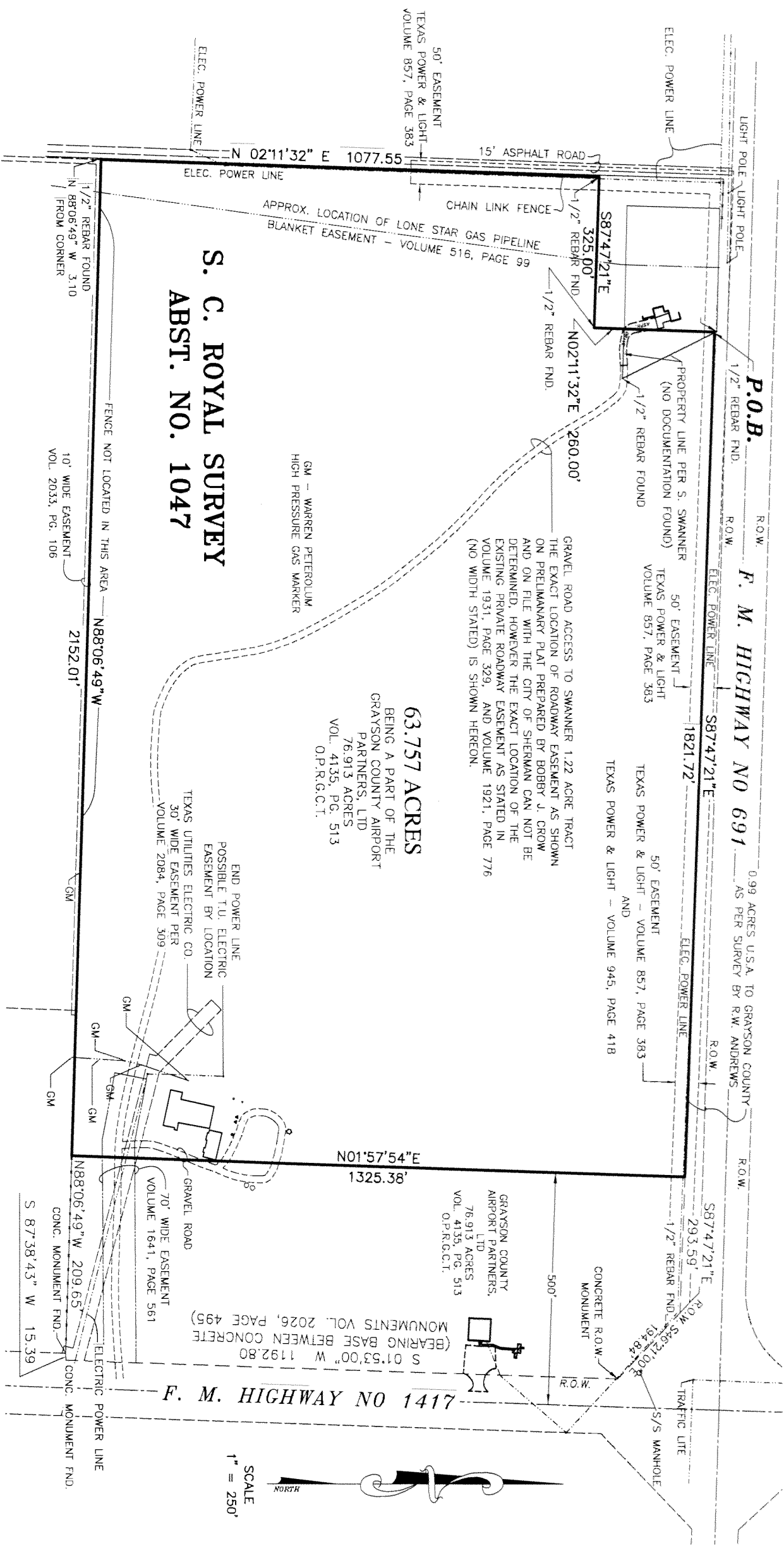
THENCE South 01 deg. 57 min. 54 sec. West, over and across said Grayson Co. Airport Partners 76.913 ac., a distance of 1325.38 ft. to a point at the Southeast corner of herein described tract, in the South line of said Grayson Co. Airport Partners 76.913 ac. and being North 87 deg. 38 min. 43 sec. East,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

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

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

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

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



**S. C. ROYAL SURVEY
ABST. NO. 1047**

63.757 ACRES

BEING A PART OF THE
GRAYSON COUNTY AIRPORT
PARTNERS, LTD
76.913 ACRES
VOL. 4135, PG. 513
O.P.R.G.C.T.

END POWER LINE
POSSIBLE T.U. ELECTRIC
EASEMENT BY LOCATION
TEXAS UTILITIES ELECTRIC CO.
30' WIDE EASEMENT PER
VOLUME 2084, PAGE 309

MONUMENTS VOL. 2026, PAGE 495
(BEARING BASE BETWEEN CONCRETE
S 01°53'00" W 1192.80
S 87°38'43" W 15.39

F. M. HIGHWAY NO 1417

P.O.B.

F. M. HIGHWAY NO 691

0.99 ACRES U.S.A. TO GRAYSON COUNTY
AS PER SURVEY BY R.W. ANDREWS

R.O.W.

S87°47'21"E

293.59'

1/2" REBAR FND.

184.84'

S/S MANHOLE

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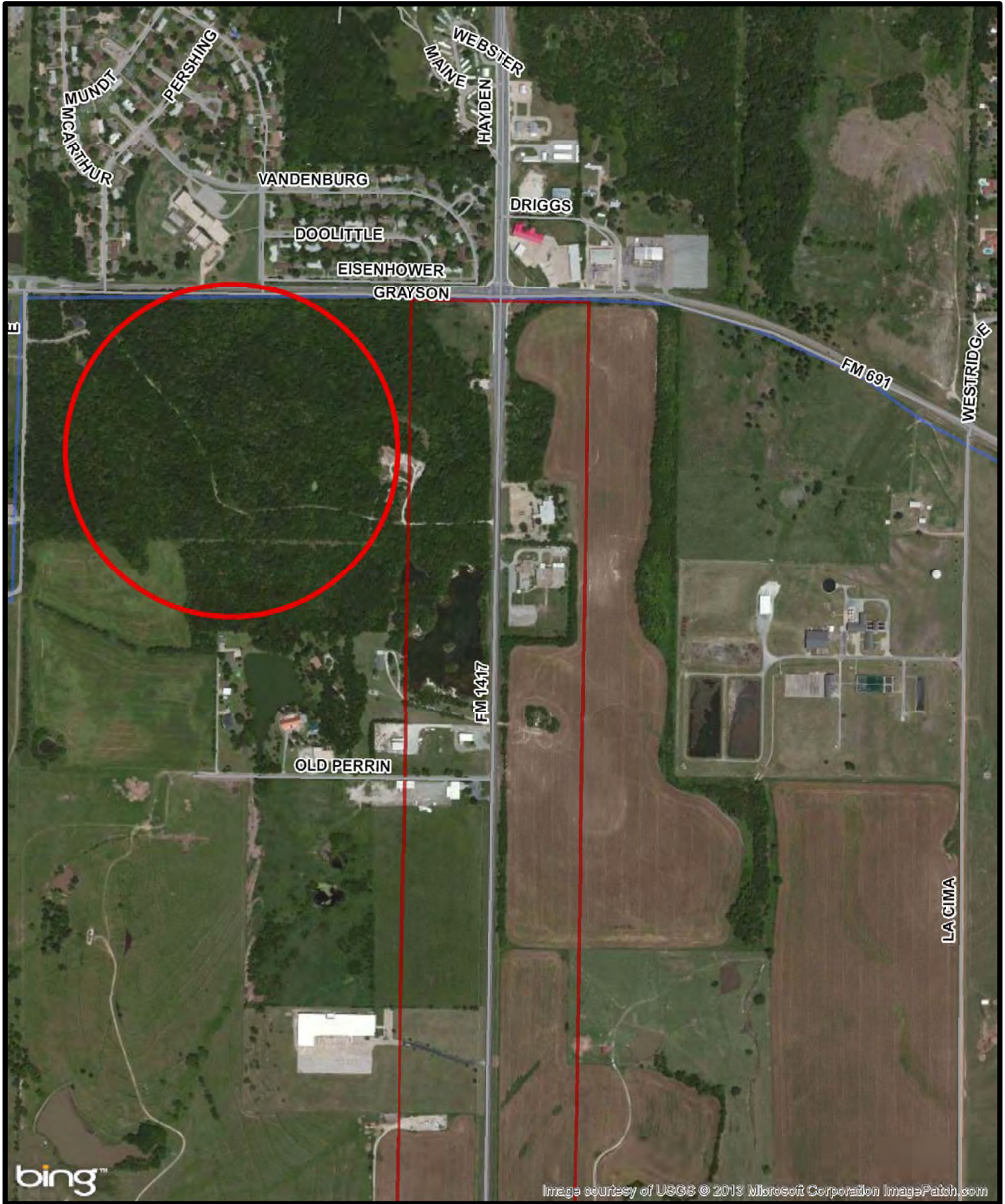
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ANNEXATION SCHEDULING PLAN

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

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

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

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



City Council Regular Meeting

Agenda Item No. E. 4.

Meeting Date: 07/15/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Review 2013-2014 Draft Budget

Issue:

Reviewing the draft budget for the 2013-2014 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 on June 19, 2013 and is focused on continuing to provide essential services at current levels. The budget contains \$59.6 million in appropriations, which is slightly lower than the prior year's original budget of \$60.4 million, due primarily to a decrease in capital spending. Staffing levels for full-time positions remain unchanged at 408; and fund balances for all major funds are within targeted ranges of 70 to 80 days. In accordance with the discussions at the Budget Workshop, the draft budget proposes a property tax rate of \$.335/\$100 and provides for increases in water/sewer and solid waste rates of about 1%. More detailed information is available on the attachments.

Origination:

Assistant City Manager/Chief Financial Officer

Financial Consideration:

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

Staff Recommendation:

The staff recommends that the budget ordinance be prepared using the draft budget as presented herein.

The following statement should be read as part of the introduction and adoption of the proposed budget:
"This budget will raise more total property taxes than last year's budget by \$524,000 and 7.3%, and of that amount \$134,000 is revenue to be raised from new property to be added to the roll this year."

If the draft meets with the Council's approval, the staff will present the budget ordinance at the August 5, 2013 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

Proposed Budget for FY 2013-2014, including Summary Budget Text, Summary Budget Schedule, Individual Fund Statements, Bonded Debt Summary and Property Tax Historical Summary

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

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

July 15, 2013

SUMMARY:

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

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

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

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

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

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

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

The proposed budget of about \$0.8 million in the General Improvement Fund consists of funding for GIS system additions and repairs to the Municipal Building, the Fallon Drive bridge and to Hunt Street. Reserves of about \$56,000 are expected at the end of FY 2014.

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

DETAILED INFORMATION:

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

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

Property Tax Rate – A property tax rate of \$.335/\$100 valuation is proposed, a 1.5 cent increase over the FY 2013 rate of \$.32/\$100. This increase is expected to generate about \$322,000 in additional revenue for the General Fund.

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

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

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

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

SUMMARY SCHEDULES, DETAILED FUND STATEMENTS, AND OTHER INFORMATION

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

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

	General Fund	Enterprise Funds	Internal Service Funds	Special Revenue Funds	Capital Improvement Funds	Trust Fund	Debt Service Funds	Elim. Interfund Transfers	Totals
Beginning Fund Balance	\$ 6,248,000	\$ 8,520,925	\$ 387,074	\$ 384,501	\$ 1,940,222	\$ 1,257,732	\$ 424,688	\$ -	\$ 19,163,142
Receipts:									
Taxes	22,370,500	-	-	460,000	126,000	-	1,275,000	-	24,231,500
Water Sales	-	12,132,000	-	-	-	-	-	-	12,132,000
Sewer Sales	-	6,654,000	-	-	-	-	-	-	6,654,000
Solid Waste Sales	-	5,392,390	-	-	-	-	-	-	5,392,390
Other Fees for Services	3,918,165	672,100	8,443,000	893,110	-	-	-	(7,549,000)	6,377,375
Interest	55,195	17,950	440	775	16,850	-	620	-	91,830
Other	212,805	630,792	-	223,800	200,000	7,500	-	-	1,274,897
Transfers In	4,311,000	135,000	1,751,319	-	1,200,000	-	115,000	(7,512,319)	-
Total Receipts	30,867,665	25,634,232	10,194,759	1,577,685	1,542,850	7,500	1,390,620	(15,061,319)	56,153,992
Expenditures/Expenses:									
Personnel	21,702,978	6,288,156	1,066,774	133,882	-	-	-	-	29,191,790
Supplies	1,380,614	1,136,937	1,172,737	510,611	-	-	-	-	4,200,899
Maintenance	1,284,100	1,796,464	794,650	187,325	-	-	-	-	4,062,539
Utilities	1,439,656	2,708,500	88,400	54,720	-	-	-	-	4,291,276
Contract Wages	231,410	126,080	25,500	-	-	-	-	-	382,990
Computer Services	496,870	80,630	9,680	-	-	-	-	(583,260)	3,920
Debt Service	-	4,695,608	220,228	-	-	-	1,343,900	-	6,259,736
Contractual Services	1,712,797	2,953,070	5,220,150	407,980	-	-	-	(4,203,600)	6,090,397
Vehicle Usage	1,419,140	1,358,520	-	1,410	-	-	-	(2,762,140)	16,930
Capital Expenses	223,429	63,500	1,351,091	87,582	2,780,500	-	-	-	4,506,102
Other	-	443,857	-	192,344	-	-	-	-	636,201
Transfers Out	889,075	6,508,244	-	115,000	-	-	-	(7,512,319)	-
Total Expenditures/Expenses	30,780,069	28,159,566	9,949,210	1,690,854	2,780,500	-	1,343,900	(15,061,319)	59,642,780
Ending Fund Balance	\$ 6,335,596	\$ 5,995,591	\$ 632,623	\$ 271,332	\$ 702,572	\$ 1,265,232	\$ 471,408	\$ -	\$ 15,674,354

General Fund
Summary of Revenues & Expenditures (Budget Basis)

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

Utility Fund
Summary of Revenues & Expenses (Budget Basis)

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

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

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

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

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

* TXDOT Participation

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

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

Insurance Fund
Summary of Receipts & Expenditures

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

Public Charities Fund
Summary of Receipts & Expenditures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Donations Fund
Summary of Receipts & Expenditures

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

Hotel/Motel Tax Fund
Summary of Receipts & Expenditures

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

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

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

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

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

Computer Service Fund
Summary of Receipts & Expenditures

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

Equipment Service Fund
Summary of Receipts & Expenditures

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

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

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

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

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

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

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

TRANSFERS SCHEDULE

FUND DETAILS

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

222 From fund 700

310 From fund 460

460 To fund 310

600 From fund 700

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

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

770 From fund 700

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

TOTALS

BUDGETED FY13/14

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

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

CITY OF SHERMAN
DEBT SERVICE
2012-2018

	Fund	2016			2017		
		Principal	Interest	Total	Principal	Interest	Total
<u>General and Internal Service</u>							
<u>Leases</u>							
General Fund Leases	100/660	210,191	10,038	220,229	162,532	2,779	165,311
<u>CO Bonds</u>							
2008 CO Bond	350	225,000	134,393	359,393	235,000	126,067	361,067
April 2009 CO Bond	351	180,000	127,627	307,627	185,000	121,327	306,327
Fall 2009A CO Bond	353	145,000	105,713	250,713	150,000	101,363	251,363
		550,000	367,733	917,733	570,000	348,757	918,757
<u>TIF Funds</u>							
Town Center	320	220,000	97,400	317,400	230,000	88,102	318,102
<u>Utility Fund</u>							
GTUA-Existing Debt	700	2,674,296	1,161,114	3,835,410	2,752,497	1,087,593	3,840,090
GTUA-Projected New Debt		543,500	412,000	955,500	409,500	546,000	955,500
Leases	700	-	-	-	-	-	-
		3,217,796	1,573,114	4,790,910	3,161,997	1,633,593	4,795,590
<u>Auditorium</u>							
	310	60,000	51,088	111,088	65,000	48,744	113,744
GRAND TOTAL		\$ 4,257,987	\$ 2,099,373	\$ 6,357,360	\$ 4,189,529	\$ 2,121,975	\$ 6,311,504

CITY OF SHERMAN
DEBT SERVICE
2012-2018

Fund	2018			2019		
	Principal	Interest	Total	Principal	Interest	Total
<u>General and Internal Service</u>						
<u>Leases</u>						
General Fund Leases	-	-	-	-	-	-
<u>CO Bonds</u>						
2008 CO Bond	245,000	117,379	362,379	255,000	108,329	363,329
April 2009 CO Bond	191,667	114,852	306,519	196,667	107,665	304,332
Fall 2009A CO Bond	155,000	96,488	251,488	165,000	91,063	256,063
	591,667	328,719	920,386	616,667	307,057	923,724
<u>TIF Funds</u>						
Town Center	238,333	78,360	316,693	248,333	68,146	316,479
<u>Utility Fund</u>						
GTUA-Existing Debt	2,851,939	1,009,625	3,861,564	2,966,547	927,507	3,894,054
GTUA-Projected New Debt	409,500	546,000	955,500	409,500	546,000	955,500
Leases	-	-	-	-	-	-
	3,261,439	1,555,625	4,817,064	3,376,047	1,473,507	4,849,554
<u>Auditorium</u>						
	70,000	46,213	116,213	70,000	43,500	113,500
<u>GRAND TOTAL</u>	\$ 4,161,439	\$ 2,008,917	\$ 6,170,356	\$ 4,311,047	\$ 1,892,210	\$ 6,203,257

City of Sherman
Property Tax Historical Summary

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



City Council Regular Meeting

Agenda Item No. E. 5.

Meeting Date: 07/15/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Discussion of the Proposed Tax Rate for Fiscal Year 2013-2014 and Scheduling Public Hearings for the Budget and Proposed Tax Rate

Issue:

Discussing the tax rate for the upcoming fiscal year (FY) and scheduled required public hearing dates for the budget and proposed tax rate

Background:

Because more property tax revenues will be generated in the upcoming fiscal year, compared to the current year, and because the proposed tax rate of \$.335/\$100 exceeds the lower of the expected rollback or effective tax rates, a series of public hearings must be held, and the Council must vote to place a proposal to increase taxes at future Council meetings. Accordingly, attached is a schedule that outlines the applicable requirements for public hearings and adoption of the Budget and Tax Rate Ordinances. In summary, the required Council action is as follows:

- August 5th: Introduction and First Public Hearing of Budget Ordinance
- August 19th: Second Public Hearing and Adoption of Budget Ordinance; Introduction and First Public Hearing on Tax Rate Ordinance
- September 3rd: Second Public Hearing on Tax Rate Ordinance
- September 16th: Adoption of Tax Rate Ordinance

Origination:

Finance

Financial Consideration:

Failure to follow the law allows a taxpayer to sue in district court to stop the City of Sherman from adopting a tax rate until it complies with the law.

Staff Recommendation:

The staff recommends following the schedule shown above, which meets the requirements of State law.

The following wording should be used in the motion to set the public hearings included above, **"I move to propose a tax rate of thirty-three and one-half cents per hundred valuation for the upcoming budget year and to set public hearings on this proposal as presented"**.

Alternatives:

As these requirements are set by State law, no alternatives can be offered.

Attachments

Budget and Tax Calendar - FY 2013-2014

Budget and Tax Calendar - FY 2014

	Budget	Tax Rate	Meeting or Advertisement	Notes
Budget Filed with City Clerk	07/15/13		N/A	Must be filed with Clerk over 15 days from date of final 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	07/15/13		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		08/04/13	Ad	
Meeting to discuss tax rate and schedule public hearings on rate increase		07/15/13	Meeting	If proposed rate will exceed lower of rollback or effective rate, must take record vote and schedule public hearings (Step 3 of Truth in Tax)
Notice of Public Hearing on Budget	07/24/12		Ad	At least 10 days before the budget hearing; must include the statement from HB 3195 if applicable; Chapter 102 of Local Gov Code dictates only one public hearing on the budget adoption
Notice of Public Hearing on Tax Increase		08/11/13	Ad	At least 7 days prior to first Public Hearing on Tax Increase; also must put on Website and Gov't Access Channel
Public Hearing on Budget <u>if there's an increase</u> in property tax revenues	08/05/13		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	08/05/13		Meeting	
Public Hearing on Tax Increase- 1st		08/19/13	Meeting	At least 3 days before 2nd Public Hearing on Tax Increase
Notice of Final Budget Adoption	8/11/2013		Ad	Per Charter - at least 5 days prior to final adoption
Public Hearing #2 on Budget and Adopt Budget Ordinance	08/19/13		Meeting	
Ratification of Property Tax Revenue Increase by Council - must be a separate vote (separate agenda item) than adoption of budget ordinance and tax rate ordinance	08/19/13		Meeting	
Public Hearing on Tax Increase - 2nd		09/03/13	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		9/8/2013	Ad	Must be done after 2nd hearing on Tax Increase
Adopt Tax Rate		09/16/13	Meeting	

Advertisements
 July 15 Meeting
 August 5 Meeting
 August 19 Meeting
 September 3 Meeting



City Council Regular Meeting

Agenda Item No. E. 6.

Meeting Date: 07/15/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of United Way of Grayson County to Temporarily Close Certain Streets for the "United Way Hustle for Health" on Saturday, August 24, 2013

Issue:

United Way of Grayson County will kick off its 2013 annual campaign with the "United Way Hustle for Health" on Saturday, August 24th, and is requesting the City of Sherman's assistance with street closures.

Background:

United Way of Grayson County, in conjunction with multiple sponsors, will hold its annual campaign kickoff with the "Hustle for Health", a 5K/10K fun run on, Saturday, August 24th. The event will begin at 8:00 a.m. and will follow the route displayed on the attached map. The event will require traffic control assistance, barricades, and cones from the City of Sherman.

Origination:

Minerva Paredes, Campaign Director for United Way of Grayson County

Financial Consideration:

Labor and equipment to provide traffic control assistance and place/remove barricades and cones

Staff Recommendation:

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

Alternatives:

None recommended

Attachments

Written Request dated June 24, 2013

Map of Proposed Route

713 E. Brockett, Post Office Box 1112
Sherman, TX 75091
Tel 903 893-1920 Fax 903 893-4141
www.unitedwaygrayson.org



June 24, 2013

George Olson
City of Sherman
220 West Mulberry Street
Sherman, TX 75090-5832

Dear Mr. Olson,

Last year's United Way Campaign Kickoff featured a 10k/5k/1k fun run that was a huge success. With over 500 people in attendance and over 400 race participants, we could not have been more pleased.

We are requesting from the city, traffic support and cones to be placed along the course. We are estimating six hundred (600) runners to participate. Please find below the details and attached the proposed course map.

What: CIGNA "Hustle for Health" Run & Annual Campaign Kickoff
Who: United Way of Grayson County
When: August 24th 2013
Time: Race Start 8:00 a.m. finish 11:00 a.m.
Where: Sherman Municipal Grounds

We want to thank you in advance for your consideration of this event. If we can be of any assistance please give me a call at 903-893-1920. We look forward to working with the city on this endeavor.

Sincerely,

Minerva L Paredes

Minerva Paredes
Campaign Director
United Way of Grayson County

United Way Hustle for Health 5K/10K and Fun Run August 24, 2013



5K Start

N. Rusk St.
Turn left on W. Pecan
Turn left on N. Elm
Turn right on W. Mulberry
Turn left on N. Walnut
Turn right on E. Brockett
Turn left on N. Grand
*Turn around 5K Marker
Back to Start

10K Start

N. Rusk St
Turn right on W. Pecan
Over pedestrian bridge.
Turn right on N. Ricketts
Turn left on Hillcrest
Turn right on Kessler/Bryant
Turn left on Bryant
Turn right on Hillcrest
Turn right on Sunset Blvd.
Turn right on Washington
Turn right on Westwood

Turn left Kessler/Bryant
Turn Left on Hillcrest
Turn right on Ricketts
Turn left on W. Pecan
Over pedestrian bridge
Turn left on N. Elm
Turn right on W. Mulberry
Turn left on N. Walnut
Turn right on E. Brockett
Turn left on N. Grand
*Turn around 10K Marker
Back to Start



City Council Regular Meeting

Agenda Item No. E. 7.

Meeting Date: 07/15/2013

Prepared By: Scott Shadden, Director Developmental Services

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Mozele Plaza, a Replat of Mozele Plaza and Part of Lot 4, Block 22 of the B.H. Moore Heirs Addition

Issue:

To consider Replat Approval of Mozele Plaza, a Replat of Mozele Plaza and part of Lot 4, Block 22 of the B.H. Moore Heirs Addition

Background:

The property is located at 1205 South Sam Rayburn Freeway and 1202 South Austin Street, between Middleton and Dulin Streets. Sherman Power Sports is the tenant. The owner would like to replat the property into one lot for commercial development.

Origination:

Mozele Inc (Owner) and Underwood Drafting & Surveying (Surveyors)

Financial Consideration:

None

Staff Recommendation:

At the June 18, 2013 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Replat

P&Z Communication

Staff Review Letter



1205 S. Sam Rayburn Freeway & 1202 S. Austin

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 129 feet

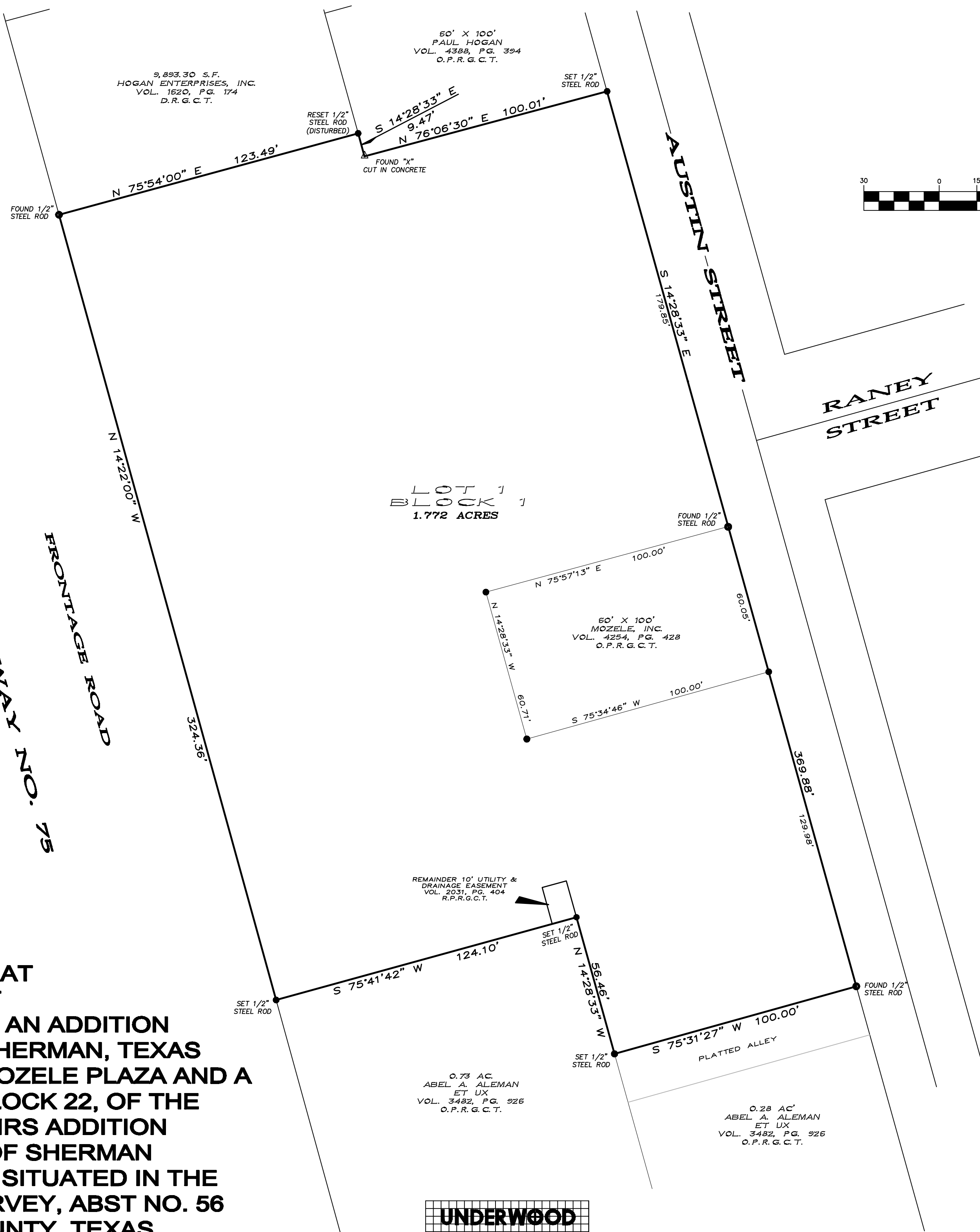


Zoning - 1205 S. Sam Rayburn Freeway & 1202 S. Austin

Legend

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





UNDERWOOD
DRAFTING & SURVEYING

OWNER/DEVELOPER
MOZELE, INC.
1205 S. SAM RAYBURN FRWY.
SHERMAN, TEXAS 75090
PHONE 903-868-3030

SURVEYOR
JASON B. ARMSTRONG
R.P.L.S. NO. 5557
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
PHONE (903) 465-2151

Legal Description

Situated in the City of Sherman, Grayson County, Texas, being a part of the Samuel Blagg Survey, Abstract No. 56, being all of Lot 1, Block 1 of Mozele Plaza an addition to the City of Sherman as shown by plat of record in Volume 18, Page 184, Plat Records, Grayson County, Texas and being a part of Lot 4, Block 22, of the B.H. Moore Heirs Addition to the City of Sherman as recorded in Volume "O", Page 405, Deed Records, Grayson County, Texas, said part of Lot 4 being conveyed to Mozele, Inc., by deed of record in Volume 4254, Page 428, Official Public Records, Grayson County, Texas, and being more particularly described as follows:

Beginning at a 1/2" steel rod found in the west right-of-way line of Austin Street at the northeast corner of a 0.28 acre tract of land conveyed to Able A. Aleman et ux by deed of record in Volume 3482, Page 926, of said Official Public Records, said rod being the southeast corner of said Lot 1;

Thence South 75°31'27" West, along the south lint of said Lot 1, a distance of 100.00 feet to a 1/2" steel rod set in the east line of the 0.73 acre tract of land conveyed to Abel A. Aleman, et ux, by deed of record in Volume 3482, Page 926, of said Official Public Records, said rod being an angle point in the south line of said Lot 1;

Thence North 14°28'33" West along the south line of said Lot 1, a distance of 56.46 feet to a 1/2" steel rod set for the northeast corner of said 0.73 acre tract an an angle point in the south line of said Lot 1;

Thence South 75°41'42" West, continuing along the south line of said Lot 1, a distance of 124.10 feet to a 1/2" steel rod set in the east right-of-way line of U.S. Highway No. 75 at the northwest corner of said 0.73 acre tract, said rod beign the southwest corner of said Lot 1;

Thence North 14°22'00" West, with said east right-of-way line, a distance of 324.36 feet to a 1/2" steel rod found maintaining the southwest corner of the 9,893.30 S.F. tract of land conveyed to Hogan Enterprises, Inc., by deed of record in Volume 1620, Page 174, of the Deed Records, Grayson County, Texas, said rod also maintaining the northwest corner of said Lot 1;

Thence North 75°54'00" East, along the north line of said Lot 1, a distance of 123.49 feet to a 1/2" steel rod set in the west line of the 60' X 100' tract of land conveyed to Paul Hogan by deed of record in Volume 2932, Page 284, of said Official Public Records, said rod being an angle point in the north line of said Lot 1;

Thence South 14°28'33" East continuing along the north line of said Lot 1, a distance of 9.47 feet to an "X" cut in concrete found at the southwest corner of said Hagan 60' X 100' tract, said "X" being an angle point in the north line of said Lot 1;

Thence North 76°06'30" East, continuing along the north line of said Lot 1, a distance of 100.01 feet to a 1/2" steel rod set in the west right-of-way line of said Austin Street for the northeast corner of said Lot 1;

Thence South 14°28'33" East with said west right-of-way line, a distance of 369.88 feet to the Point-of-Beginning and containing 1.772 acres of land.

~ GENERAL NOTES ~

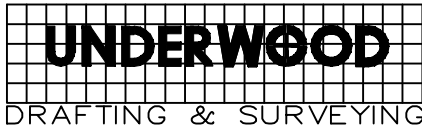
1. WATER SHALL BE SUPPLIED BY THE CITY OF SHERMAN.
2. SEWER SERVICES SUPPLIED BY THE CITY OF SHERMAN SEWER FACILITIES.
3. ELECTRIC SERVICE SHALL BE PROVIDED BY TXU ELECTRIC DELIVERY COMPANY.
4. BY GRAPHIC SCALING ONLY, THE SUBJECT TRACT LIES WITHIN ZONE "X" (AREAS OF MINIMAL FLOODING) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 48181C0145 E, DATED JULY 17, 1995. THE SUBJECT TRACT IS NEAR A DETAILED FLOOD AREA (ZONE "A") WITH AN APPROXIMATE BASE FLOOD ELEVATION OF 672.5'. NO FIELD MEASUREMENTS HAVE BEEN MADE TO DETERMINE THE RELATIONSHIP BETWEEN SUBJECT TRACT AND SAID FLOOD AREA.
5. AUSTIN STREET IS A PUBLIC ROAD AND WILL BE MAINTAINED BY THE CITY OF SHERMAN.

OWNER/DEVELOPER

MOZELE, INC.
1205 S. SAM RAYBURN FRWY.
SHERMAN, TEXAS 75090
PHONE 903-868-3030

SURVEYOR

JASON B. ARMSTRONG
R.P.L.S. NO. 5557
3404 INTERURBAN ROAD
DENISON, TEXAS 75021
PHONE (903) 465-2151



DRAFTING & SURVEYING

3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

Approved this _____ day of _____, 2013, by the
City Planning and Zoning Commission of the City of Sherman, Texas.

Chairman

Secretary

Accepted by the City Council of the City Sherman

Mayor, City of Sherman, Texas

Date

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, Replat of Mozele Plaza, to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2013, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2013.

Clerk, City of Sherman, Texas

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT We, Mozele, Inc., do hereby adopt this plat designating the hereinabove property as the Replat of Mozele Plaza, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part or any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2013.

Mozele, Inc.
Michael Minukhin, President

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Michael Minukhin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

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

Notary Public in and for
the State of Texas
Commission Expires: _____



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 6.

Meeting Date: 06/18/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Ron Barton, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Dr. Alan Scheibmeir, Commissioner

Andrew Olmstead, Commissioner

Requested Action/Proposed Use:

*** 1205 S. SAM RAYBURN FREEWAY & 1202 S. AUSTIN**

The request of Mozele Inc (Owner) and Underwood Drafting & Surveying (Surveyors) concerning the property at 1205 S. Sam Rayburn Freeway and 1202 S. Austin Street, being all of Lot 1, Block 1 of Mozele Plaza and a part of Lot 4, Block 22 of the B.H. Moore Heirs Addition, containing 1.772 acres in the Samuel Blagg Survey, Abstract No. 56, as follows:

Planning and Zoning Commission

Replat approval of Mozele Plaza, a Replat of Mozele Plaza and a part of Lot 4, Block 22 of the B.H. Moore Heirs Addition.

Background:

The property is located at 1205 S. Sam Rayburn Freeway and 1202 S. Austin Street between Middleton and Dulin Streets; Sherman Power Sports is the tenant. The owner would like to replat the property into one lot for commercial development.

Adjacent Zoning:

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

Origination:

Mozele Inc (Owner) and Underwood Drafting & Surveying (Surveyors)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

and

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

Not Required

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat

Staff Review Letter

**STAFF REVIEW LETTER**

June 13, 2013

Mozele, Inc.
Michael Minukhin
1205 W. Sam Rayburn
Sherman, TX 75090

Dear Applicants,

The request for approval of a Replat of Mozele Plaza and a part of Lot 4, Block 22 of the B.H. Moore Heirs Addition, for the property located at 1205 S. Sam Rayburn Freeway and 1202 S. Austin Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 18, 2013 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks shall conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
4. A point of beginning (POB) shall be shown on the plat.
5. The width of right-of-way for streets and the pavement width shall be shown.
6. 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.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,


Clay Barnett,
City Engineer

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Jamie Baggs, Fire Marshal
Don Keene, Dir. of Public Works

Scott Shadden, Director of Development Services
Mark Gibson, Dir. of Engineering and Utilities
Lisa Whitfield, Engineering & Development Coordinator

Underwood Drafting & Surveying, 3404 Interurban Road, Denison, TX 75021
P.O. BOX 1106 • SHERMAN, TEXAS 75091-1106 (903) 892-7206



City Council Regular Meeting

Agenda Item No. H. 1.

Meeting Date: 07/15/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

- (a) Keep Sherman Beautiful Commission (6)

Issue:

The Keep Sherman Beautiful Commission consists of seven members who serve two-year terms. Jennifer Thompson was appointed to serve on the Commission at the June 17, 2013 Council Meeting. There are currently no applications on file. Mayor Wacker has asked that this item be placed on the City Council's agenda for discussion and possible appointment of members.

Background:

The current by-laws of the Keep Sherman Beautiful Commission charges the Commission with the following 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:

This agenda item originated with Mayor Cary Wacker.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

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

Alternatives:

The Council could choose not to discuss the Keep Sherman Beautiful Commission.

Attachments

Roster

Fact Sheet

By-Laws

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
Jennifer Thompson	4	A 6/18/2013	6/18/2015	1	2 Year Term
Vacant					2 Year Term
Vacant					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.

MEMBERSHIP ROSTER

KEEP SHERMAN BEAUTIFUL COMMISSION

LENGTH OF TERMS: SEE NOTE BELOW*

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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.

RESOLUTION NO. 5041

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; 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 wishes to create the Keep Sherman Beautiful Commission, which shall serve in an advisory capacity to the City Council; approve amended By-Laws for the Commission, and ratify all the Commission's lawful acts from February 3, 1992, through the date of this resolution;

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

SECTION 1. That the City Council of the City of Sherman, Texas, does hereby create the Keep Sherman Beautiful Commission as an advisory commission to the City Council and does hereby ratify, adopt, and approve all lawful acts of the Keep Sherman Beautiful Commission from and after February 3, 1992.

SECTION 2. That the City Council of the City of Sherman, Texas, hereby approves the amended By-Laws of the Keep Sherman Beautiful Commission dated the 16th day of July, 2007, a copy of which is attached hereto and made a part hereof for all purposes.

SECTION 3. That the City Council of the City of Sherman, Texas, may, at any time and upon its own motion or at the request of the Keep Sherman Beautiful Commission appoint or remove any Commission officer or member and amend, in whole or in part, the By-Laws of the Keep Sherman Beautiful Commission.

SECTION 4. That Resolution No. 4053, passed approved by the City Council of the City of Sherman, Texas, on September 5, 2000, be and is hereby revoked in its entirety.

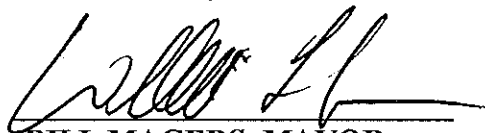
SECTION 5. That this resolution and the Commission created therein shall be effective as of June 18, 2007.

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

PASSED AND APPROVED on this the 16th day of July, 2007.

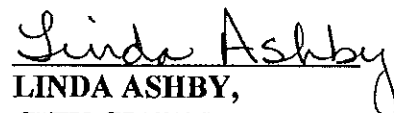
CITY OF SHERMAN, TEXAS

BY:


BILL MAGERS, MAYOR

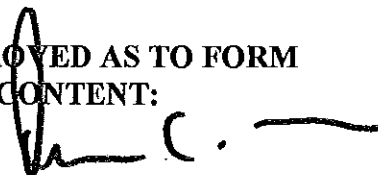
ATTEST:

BY:


**LINDA ASHBY,
CITY CLERK**

**APPROVED AS TO FORM
AND CONTENT:**

BY:


**DOREEN E. MCGOOKEY,
CITY ATTORNEY**

KEEP SHERMAN BEAUTIFUL COMMISSION
of the
CITY OF SHERMAN

BY-LAWS

ARTICLE I

Section 1. Name. The name of the organization shall be the "Keep Sherman Beautiful Commission, hereafter referred to as the "Commission," which is an advisory commission to the City Council of the City of Sherman, Texas.

Section 2. Creation. The Commission was organized on February 3, 1992, as an advisory commission to the City Council of the City of Sherman, Texas and ratified by Resolution No. 4043.

Section 3. Purpose and Duties. The 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.

Section 4. Powers. In order to perform the duties enumerated in Section 3 above, the Commission shall have the following authority.

1. To plan, initiate, direct, and coordinate community-wide efforts to achieve its goals.
2. To solicit and accept donations and appropriations of money, services, products, property, and/or facilities for 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 the private sector, regarding measures, which it deems necessary to accomplish the objectives of both the City and the Commission.

ARTICLE II

Section 1. Structure. The Commission shall be composed of seven (7) members who will serve without remuneration. The Commission shall have a Chairperson and a Vice-Chairperson.

Section 2. Membership. The members and Chairperson shall be appointed by the City Council with new terms beginning January 1 of each year. The President of the Sherman Chamber of Commerce or his/her authorized representative, the Director or the Downtown Sherman Preservation and Revitalization (DSP&R) or his/her authorized representative and the city staff designees shall serve as ex-officio members of the Commission.

Section 3. Committees: The City Council may direct the Chair to appoint temporary or special committees as needed to perform specific duties or to delegate certain tasks to be performed. A Committee shall include a least one Board Member and may include non-Board Members.

Sections 4. Voting Rights. Each member of the Commission shall have one (1) vote. The Chairperson shall vote only to break a tie. All voting shall be by voice vote or call for a roll call. Ex-officio members and members of temporary or special committees shall not have voting rights on the Commission.

ARTICLE III

Section 1. Meetings. Meetings of the Commission will be held at least bi-monthly at 5:30 p.m. in the Sherman City Council Chambers unless changed by the Commission, or when called by the Chairperson of the Commission, city staff designee, or by any three (3) Commission members. At least three (3) days' notice must be given before each meeting. All meetings shall be conducted in accordance with an agenda established for each meeting. The Commission shall submit to the City Council or city staff designee a copy of the minutes of each regular and special meeting with a list of members absent from such meeting.

Section 2. Open Meetings. All meetings shall be open to the public. Public notice of meetings shall be given at least 72 hours in advance of the meetings, as required by Chapter 551, Government Code of the State of Texas.

Section 3. Quorum. A simple majority of the total number of occupied Commission positions shall constitute a quorum for the transaction of business.

Section 4. Transaction of Business. Every act or decision done or made by a majority vote of the Commission members present at a duly called meeting at which a quorum is present shall be regarded as the act of the entire Commission.

Section 5. Order of Business. All meetings shall be conducted according to Roberts Rules of Order, current addition. It shall be the responsibility of each Commission member to observe that these rules are followed and the meeting conducted in accordance therewith.

ARTICLE IV

Section 1. Terms. All members shall be appointed for terms of two years, and shall not serve for more than three consecutive terms.

Section 2. Attendance and Participation. If a Commission member 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. The Commission shall review the attendance and participation of all members, and report to the City Council at any time with a recommendation for appropriate City Council action. The City Council, on its own motion or at the request of the Commission, may remove any officer or member of the Commission at any time.

Section 3. Resignation. Any member may resign at any time by giving written notice to the Commission Chairperson. Such resignations will take effect on the date of receipt of such notice or at any later date specified therein. The acceptance of a resignation shall not be necessary to make it effective.

Section 4. Vacancies. A vacancy on the Commission shall be filled in the manner prescribed in Article 11, Section 2. The member appointed to such vacancy shall serve for the remainder of the term of the member replaced.

Section 5. Duties. The duties are as follows:

1. **Commission Chairperson.** The Commission Chairperson shall be the spokesperson for the Commission at public functions, and ex-officio member of all committees; shall establish an agenda for all meetings. In addition, the Commission Chairperson shall present reports to the Commission, its members, and to the City Council as the business of the Commission and of the City as may require.
2. **Commission Vice-Chairperson.** Acts in the place and stead of the Commission Chairperson in the event of the Chairperson's absence, inability, or refusal to act, and shall exercise and discharge such other duties as may be required by the Commission.
3. **Recording Secretary.** Shall keep the minutes of all meetings, and in the Recording Secretary's absence, the Chairman shall designate another member to act as Recording Secretary. The Recording Secretary may accept the assistance of City Personnel in the transcribing the minutes, when available, but shall sign same officially before presenting it to the Board for approval.
4. **Committee Chairpersons.** Shall perform such duties as may be required of them by the Commission.

ARTICLE V

Section 1. Management of Funds. As may be approved by the City Council from time to time, the Commission may receive and disburse funds within the limitations of appropriations, gifts and grants, and in connection with projects or undertakings, which shall be deposited with the City. All disbursements of funds must either be approved by the City Manager, if the expenditure is less than twenty-five thousand (\$25,000.00) dollars, or by the City Council, if the expenditure is more than twenty-five thousand (\$25,000.00) dollars. The Commission, upon approval of the City Council and in accordance with state and local laws, policies and procedures, may contract with any private or public agency to the extent required for its proper operation. The Commission shall make its annual report to the City Council in October on the preceding year's activities. The report shall include the Commission's actions and accomplishments in connection with each project or undertaking, and shall include as part of its report a detailed statement of its receipts and disbursements from whatever source and to whatever object for the preceding

twelve (12) months. The Commission shall present its proposed projects and budget to the City for their consideration during the annual budget planning process, detailing its anticipated revenues and expenditures for the fiscal year. Any funds for the Commission shall be kept by the City of Sherman and dispensed in accordance with state law, city ordinances, the City Charter, and established City policies and procedures.

ARTICLE VI

Section 1. Amendments. These By-Laws may be amended by the City Council at any regular City Council meeting, upon its own motion or at the request of the Commission.

ARTICLE VII

Section 1. Conflicts. In the case of any conflict between city ordinance, the City Charter, and these By-Laws, the city ordinance or the City Charter, shall control.

Section 2. Majority. As used in By-Laws, the term "majority" shall mean those votes totaling more than fifty percent (50%) of the total vote of the membership. Unless otherwise stated, all decisions will be by majority vote.

ARTICLE VIII

Section 1. Dissolution. In the event of dissolution, the residual assets of the Commission shall be left to the discretion of the City Council.



City Council Regular Meeting

Agenda Item No. H. 2.

Meeting Date: 07/15/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS:

- (a) Substandard Structure Commission (5)

Issue:

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

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

Background:

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

Origination:

This agenda item originated with Mayor Cary Wacker.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

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

Alternatives:

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

Attachments

Proposed Substandard Structure Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", AT ARTICLE 3.06, ENTITLED "HOUSING CODE", DIVISION 2, ENTITLED "DANGEROUS BUILDINGS", AT SECTIONS 3.06.011 THROUGH 3.06.022; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

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

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

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

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

Sec. 3.06.013 Minimum Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3.06.014 Inspection and Notice of Abatement

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

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

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

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

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

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

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

CONTACT _____ AT _____ FOR FURTHER INFORMATION.

DATE: _____”

Sec. 3.06.015. Commission's Order to Abate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) the date of the hearing;

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

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

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

Sec. 3.06.016 Enforcement

(a) Criminal.

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

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

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

(b) Civil.

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

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

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

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

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

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

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

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

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

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

(b) *Definitions.*

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

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

(c) *City may secure.*

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

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

(B) *is an unsecured structure.*

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

(d) *Notice.*

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

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

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

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

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

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

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

(2) The notice must contain the following:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3.06.017 — Order to Abate

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

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

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

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

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

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

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

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

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

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

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

Sec. 3.06.018 — Filing and Publication of Order

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

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

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

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

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

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

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

Sec. 3.06.0198 Appeals

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

Sec. 3.06.020 — Penalty

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

Sec. 3.06.019 Abatement by City and Liens

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

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

Sec. 3.06.020 Receiver

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

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

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

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

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

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

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

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



City Council Regular Meeting

Agenda Item No. M.

Meeting Date: 07/15/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: George Olson, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2013 Council Calendar

2013

JANUARY						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
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FEBRUARY						
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DECEMBER						
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03/13/2013	12 noon Called Council Meeting for General Services, Financial, and Comprehensive Master Plan Updates
04/26/2013	Called Budget Planning Meeting in Council Chambers
06/19/2013	Called Budget Workshop in Council Chambers
06/20/2013	Second Day of Budget Workshop Cancelled
07/01/2013	Council Meeting Cancelled

09/02/2013	Labor Day/Called Council Meeting on 09/03/2013