CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JULY 6, 2009
5:00 P.M.

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY DEPUTY MAYOR JOE N. SMITH

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 15, 2009 AND THE CALLED CITY COUNCIL (BUDGET WORKSHOP) MEETING OF JUNE 18, 2009

Public Hearing

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5608
Amending Chapter 1 of the Code of Ordinances, entitled “General Provisions”, at Article 1.02, entitled “Administration”, to Provide for Section 1.02.004 to Establish a Convenience Fee of $1.25 for Online and Telephone Credit Card Payments

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5609
Providing for Permanent “No Parking” Signs Restricting Parking along the East Side of Ricketts Street for a Distance of Approximately 100 Feet South of Pelton Street within the City Limits of the City of Sherman

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5610
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Living Quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District at 8111 U.S. Highway 75 South, Suites 100 and 200, being Lot 1, Block 1, Cedar Lake Addition (Jack Hopper, Owner; and Air Evac, Helicopter Ambulance Service, Tenant); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Close Public Hearing and Consider Adoption of Ordinances

B.4 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
(a) 5608
(b) 5609
(c) 5610

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. 5378

Authorizing the Submission and Acceptance of a Direct Formula Grant from the Energy Efficiency and Conservation Block Grant (EECBG) Program under the Recovery Act: U.S. Department of Energy – CFDA #81.128 to Develop and Implement an Energy Efficiency and Conservation Strategy for the City of Sherman

C.2 ** RESOLUTION NO. 5379*

Authorizing Execution of an Encroachment Easement to Daniel-Gray Christian Methodist Episcopal (CME) Church for Construction of a Sign in the Street Right-of-Way at 2002 South East Street

C.3 ** RESOLUTION NO. 5380*

Authorizing Execution of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for Replacement of the Willow Street Water Main

C.4 ** RESOLUTION NO. 5381*

Authorizing Execution of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for the Construction of Relief Sewer "C"

C.5 ** RESOLUTION NO. 5382*

Authorizing Execution of an Agreement with Cupid Investments for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1221 North Broughton Street

Other Business

D.1 ** OTHER BUSINESS*

Final Plat Approval of Travis Street Patio Homes, a Replat of Lot 18R of the M.B. Moore's Addition; 1002 South Travis, LP, Owner; Teague, Nall & Perkins, Engineer; and Underwood Drafting and Surveying, Surveyors (1002 South Travis Street)

D.2 ** OTHER BUSINESS*

Final Plat Approval of the Kings Ridge Addition in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 21.19 acres in the Fielding Bacon Survey, Abstract No. 120 and the William Thompson Survey, Abstract No. 1209; Claire Rehmet, Owner; and Sartin and Associates, Inc., Surveyors (200-600 Blocks of Norwood Drive)

D.3 **** OTHER BUSINESS***

Replat Approval of Lots 2 and 3, Block 1, Texoma Center Addition, being 4.15 acres in the John Hendrix Survey, Abstract No. 503; WWF Motors, Inc., Barry Fontaine, Owner; and Sartin & Associates, Inc., Surveyors (4505 and 4509 Texoma Parkway)

D.4 **** OTHER BUSINESS***

Replat Approval of Lots 6 and 7, Block 1, Heritage Park Addition, Phase Two, being 6.50 acres in the Hillard Jennings Survey, Abstract No. 639; Grayson County Physicians Property, LLC, Owners; and Sartin and Associates, Inc., Surveyors (3603 Calais Drive)

D.5 CITIZEN REQUESTS

D.6 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.7 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Parks and Recreation Advisory Board (1)

D.8 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION

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

Section 551.072 Deliberation Regarding Real Property

(a) Deliberate Regarding the Potential Purchase of a Piece of Real Property:

(i) West Washington Street

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:

(i) Panda Sherman Power, LLC

(ii) Carrus Medical Center

The Council reconvenes into General Session

F.1 OPEN MEETING
Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

Introduction of Ordinances
The City Council shall introduce this and all following ordinances by reading their captions and shall set a public hearing for such ordinances in one motion for the 20th day of July, 2009 at 5:00 p.m.

G.1 INTRODUCTION OF ORDINANCE NO. 5611
Designating a Certain Area as an Industrial Reinvestment Zone, City of Sherman, Texas, Providing for the Establishment of Agreements within the Zone, and Other Matters Relating Thereto; Providing Findings of Fact; Providing an Effective Date for the Commencement of the Reinvestment Zone and this Ordinance

G.2 INTRODUCTION OF ORDINANCE NO. 5612
Designating a Certain Area as an Industrial Reinvestment Zone, City of Sherman, Texas, Providing for the Establishment of Agreements within the Zone, and Other Matters Relating Thereto; Providing Findings of Fact; Providing an Effective Date for the Commencement of the Reinvestment Zone and this Ordinance

H.1 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. A.3

INVOCATION BY DEPUTY MAYOR JOE N. SMITH

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. A.4

APPROVE MINUTES
THE REGULAR CITY COUNCIL MEETING OF JUNE 15, 2009 AND
THE CALLED CITY COUNCIL (BUDGET WORKSHOP) MEETING OF JUNE 18, 2009

STATE OF TEXAS §

June 15, 2009

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on June 15, 2009.

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

MEMBERS ABSENT: **COUNCIL MEMBER ADAMI.**

CALL TO ORDER

CALL TO ORDER
Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Pam Howeth.

Mayor Magers said Council Member Adami had another civic meeting to attend tonight and would be absent from the City Council Meeting.

APPROVE MINUTES

APPROVE MINUTES
The Council reviewed the Minutes of the Regular City Council Meeting of June 1, 2009. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

ORD 5607
SUP FOR A
PRIVATE CLUB

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES
Mayor Magers introduced Ordinance 5607 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PRIVATE CLUB (SPORTS BAR) IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 401 SOUTH SAM RAYBURN FREEWAY, SUITE 1, BEING 3.37 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 (AGASIMAA, LLC, J.R. PATEL, OWNERS AND EFRAIN ARROYO, 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.

Carmen Prado, 401 S. Sam Rayburn, appeared asking for favorable consideration of the Specific Use Permit for a private club.

No other citizens appeared before the City Council to discuss Ordinance 5607.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES
Ordinance 5607

ORD 5607
SUP FOR A PRIVATE CLUB

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PRIVATE CLUB (SPORTS BAR) IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND THE O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 401 SOUTH SAM RAYBURN FREEWAY, SUITE 1, BEING 3.37 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 (AGASIMAA, LLC, J.R. PATEL, OWNERS AND EFRAIN ARROYO, 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.

ACTION TAKEN.
Motion by Deputy Mayor Smith to approve Ordinance No. 5607, as presented. Second by Council Member Steele.
VOTING AYE: Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS
RESOLUTION NO. 5369 – AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009

RES 5369
BUDGET AMENDMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009.
CONSENT AGENDA.

RESOLUTION NO. 5370 – AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT FOR THE SHERMAN POLICE DEPARTMENT UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE (PASS-THROUGH FROM STATE) FOR THE PURCHASE OF AN AUTOMATED LICENSE PLATE RECOGNITION (ALPR) SYSTEM

RES 5370
POLICE DEPT.
JAG GRANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT FOR THE SHERMAN POLICE DEPARTMENT UNDER THE RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE (PASS-THROUGH FROM STATE) FOR THE PURCHASE OF AN AUTOMATED LICENSE PLATE RECOGNITION (ALPR) SYSTEM.

<u>RESOLUTION NO. 5371 – AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON FOR AND THE ACCEPTANCE OF GRANTS UNDER THE ANNUAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE – CFDA #16.738</u>

RES 5371
JOINT APPLICATION
FOR JAG GRANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON FOR AND THE ACCEPTANCE OF GRANTS UNDER THE ANNUAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM DISTRIBUTED BY THE U.S. DEPARTMENT OF JUSTICE – CFDA #16.738.

<u>RESOLUTION NO. 5372 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF DENISON FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE ANNUAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM—CFDA #16.738</u>

RES 5372
SHERMAN/DENISON
JAG GRANT

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

George Olson, City Manager, explained that all grants are from the Federal Government. There are two grants, one of which will be for the purchase of an automated license plate recognition system for the Police Department, and is a pass-through under the Texoma Council of Governments.

The other grant will also be an automated license plate recognition system and will be jointly with the City of Denison. The third resolution is an agreement between the Cities of Sherman and Denison and is administrative clean-up.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution Nos. 5370, 5371, and 5372, as presented. Second by Council Member Softly.

VOTING AYE: Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 5373 – AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING THE PAYMENT OF TEN CENTS ($0.10) PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY

RES 5373
ONCOR STEERING COMMITTEE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING THE PAYMENT OF TEN CENTS ($0.10) PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY.
CONSENT AGENDA.

RESOLUTION NO. 5374 – AUTHORIZING EXECUTION OF A CONSULTING AGREEMENT WITH TRISTEM, LTD. FOR UTILITY BILL AUDIT SERVICES

RES 5374
ONCOR STEERING COMMITTEE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONSULTING AGREEMENT WITH TRISTEM, LTD. FOR UTILITY BILL AUDIT SERVICES.
CONSENT AGENDA.

RESOLUTION NO. 5375 – AUTHORIZING EXECUTION OF A REMOTE DEPOSIT AGREEMENT AND AN ITEM PROCESSING AGREEMENT WITH KENNEY BANK AND TRUST AND ISTREAM FINANCIAL SERVICES, INC. FOR THE REMOTE DEPOSIT AND ELECTRONIC DISBURSEMENT OF PAYMENTS MADE FOR THE CITY OF SHERMAN'S EMERGENCY MEDICAL SERVICES

RES 5375
EMS REMOTE DEPOSIT PAYMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A REMOTE DEPOSIT AGREEMENT AND AN ITEM PROCESSING AGREEMENT WITH KENNEY BANK AND TRUST AND ISTREAM FINANCIAL SERVICES, INC. FOR THE REMOTE DEPOSIT AND ELECTRONIC DISBURSEMENT OF PAYMENTS MADE FOR THE CITY OF SHERMAN'S EMERGENCY MEDICAL SERVICES.
CONSENT AGENDA.

RESOLUTION NO. 5376 – AUTHORIZING THE EXPENDITURE OF $3,000.00 IN MATCHING FUNDS TO THE TEXOMA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION PLANNING

RES 5376
TCOG TRANSPORTATION PLANNING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXPENDITURE OF THREE THOUSAND DOLLARS ($3,000.00) IN MATCHING FUNDS TO THE TEXOMA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION PLANNING.
CONSENT AGENDA.

RESOLUTION NO. 5377 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC TO REBUILD INTERSECTIONS ON TAYLOR STREET

RES 5377
REBUILD INTERSECTIONS ON TAYLOR ST.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC TO REBUILD INTERSECTIONS ON TAYLOR STREET.
CONSENT AGENDA.

OTHER BUSINESS
RECEIVE PRESENTATION FROM PROPERTY OWNERS SCOTT C. WEBB AND SHERMAN E. NOBLE, P.E. CONCERNING THE WASHINGTON STREET RE-CONSTRUCTION PLAN

WASHINGTON ST. RECONSTRUCTION

Mayor Magers asked for discussion on the Washington Street Reconstruction Plan.

Sherman Noble, 2701 W. Washington
Mr. Noble is a major property owner losing the most land under the current Washington Street Reconstruction Plan. He said the residents on Washington Street were never informed about what the procedure would be or how the project would be completed.

On May 12 or May 15, 2009, Mr. Noble received a letter from Jeff Miller, Director of Public Works, notifying him of what area would be taken from his property. The area consisted of .55 acres and Mr. Noble was asked to sell it to the City for one dollar. He said that was the first time he was notified by anyone that there would be major construction along Washington Street.

Mr. Noble said the plan was also done without asking any of the residents their opinion. He added that he was not against expansion. He asked why residents were not informed about the plan and why they were not given a chance to voice their opinion.

He also asked why land was only being taken on one side of the road instead of being divided equally on each side of the road. He felt it was recommended by the Engineering Company that provided the study because it was the cheapest way to do it. He asked why the road wasn't being divided equally on each side.

Mayor Magers confirmed that five feet is being taken from one side and 10 feet from the other side, instead of 7.5 feet from both sides.

Mr. Noble asked why the bridge was being demolished. It has steel I-beams with a concrete cover on top and it appears to be in good condition. There are many trees and logs piled up against the bridge and against the sewer line for Bentbrook that need to be cleaned out. If the City would remove this debris and improve the creek flow, the bridge would be in a better condition and last for a long time.

He added that the current road is three feet narrower than the bridge. Mr. Noble suggested expanding the road to accommodate the existing bridge.

Also, property for the bridge is being taken on the south side of Washington Street, but on the north side of Washington Street the land is vacant, except it is very low and would require the addition of fill dirt.

The City is moving the road, not the bridge, so it doesn't matter whether it is on the north side or the south side of the present location. Mr. Noble asked the City to use the vacant land on the north side of the present road instead of taking his property and move the bridge and the road to the north side. He added that this would also increase the radius of the turn from 90 degrees to 60 degrees. He added that the Engineering Company wants to use the cheapest and easiest method.

Mr. Noble asked why only one plan was submitted to the City. There should always be more than one alternative to any plan. With a $4 million project there should be other options offered.

He reiterated that the existing bridge is not in bad condition and could be repaired. The creek could be enlarged and trash and debris removed for better water flow. This would also decrease the flood zone.

He reiterated that the residents of Washington Street were not informed. They should have been given the full scope of the plan.

<u>Scott Webb, 2701 W. Washington</u>
Mr. Webb said his family will have the biggest potential loss of property for the proposed project and they are upset with the plan. They will loose full-grown trees and there will be increased traffic flow and noise. This will also devalue their property.

Mr. Webb also expressed concern about the period of time the bridge will be out of commission and the time delay that the Police and Fire Departments and the ambulance would experience if emergency help is needed. Both his parents have health issues and he expressed concern about the length of time it might take to get medical response to the residence. The residents will also be inconvenienced by having to drive around to Friendship Road.

Mr. Webb said the existing road is already on their property and there is a sewer line easement on the back side of their property. With the current plan, a large amount of property in their front yard will also be used and will make them the only property owner affected on two sides.

Mr. Noble said the City should have an additional plan to address these issues and it should be given to the affected

residents. He also felt a study should be made of the bridge because he did not feel it had to be demolished. He felt the steel I-beams and concrete would support the bridge with maybe some additions for support.

Mayor Magers reiterated Mr. Noble's key points:

- **Why is the land not being divided 50-50 on either side of the road**
- **Why demolish the bridge**
- **Why not move the road and the bridge north**
- **What is the timeline for how long the bridge will be under construction**

<u>Cynthia Goosen, 32 Timbercreek</u>
Ms. Goosen said the proposed project will also affect her property. She was concerned that the City was going to spend $3.7 million on this project because Sherman will develop to the west. Between Washington Street and F.M 1417, there are already five different housing developments and not much more room for additional development.

She said if the Grayson County Commissioners are going to pay to take the road up to Hwy 289, then it would be more cost effective for the City to wait and do the last mile then. She felt the $3.7 million was too much to spend on less than one mile of road. She felt there were other projects that could be completed for $3.7 million that would enhance development and be a better use of tax dollars.

She added that taking half an acre out of Mr. Noble's front yard is a huge thing and will destroy his yard.

<u>Joan Hodges, 2810 W. Washington</u>
Ms. Hodges just found out about the project and never dreamed it would widen the road as much as they have indicated. As a home owner she purchased her home five years ago in a quiet country area. The street has gotten busier over the years, but she expressed disappointment about the project and concern about the loss in property values.

She said they did not want sidewalks and wanted the area left as it is. They would like the street repaired but not widened and she urged the City Council to leave the area as it is.

Ms. Hodges said with the current economic situation the City should maintain until the economy turns around and not stretch the tax dollars. She asked the City Council to drop the case as it is and re-evaluate it as a repair instead of making a highway to Hwy 289 when there are already three other roads to Hwy 289.

<u>Ron Coleman, 2209 Covington</u>
Mr. Coleman said he did not want the expansion because it would decrease his property value. It would increase the

traffic and noise and he will loose several old trees that are next to his backyard.

Mr. Coleman did not feel the project was a good use of taxpayer money. He works in Lewisville and currently travels Hwy 56 to Hwy 289 every day. Mr. Coleman said he did not need another option and felt the City Council should find another way to use the money.

Mr. Noble said a previous City Council voted to reconstruct/ resurface Washington Street. He asked why not resurface Washington Street, which would be a lot cheaper and then when the City moves west, discuss widening Washington Street. Hwy 56 and Hwy 82 already go to Hwy 289 with only a three mile distance in-between.

Taking Washington Street to Hwy 289 will be a "curvy" road and it will take away from taxpayers property to make it a thoroughfare instead of a country road, which is what the residents wanted when they originally moved to that area. Residents chose the area because it was a rural area and he urged the City Council to keep it that way.

Mr. Noble again addressed the fact that there was never an alternative plan drawn up. He said projects should always have an alternative plan.

<u>Anita Rawls, 2910 Wellington</u>
Ms. Rawls said the project would affect her very much and asked how long the bridge would be out. She also asked what the purpose was for widening the street for one mile and where would it be going.

Mayor Magers asked Mr. Noble if he would mind if the Engineering Firm prepared answers to his questions. He also asked Mr. Miller how long it would take to get answers to the questions. Mr. Miller said the staff should be able to get back with answers by the end of the week. Mayor Magers said one question everyone wants to know is the timeframe on the construction of the bridge.

Mayor Magers said he ran for election on a platform of preparing Sherman for the future and there is no doubt that the residential development of Sherman will move west and it will be "bookended" by Hwy 56 and Hwy 82, west of Heritage Parkway. He said the timing of the movement could be debated and he asked if residents wanted to be proactive or reactive.

He added that Washington Street from Heritage Parkway to the City limits is developed and for all practical purposes there is no more development in that area. He added that Ms. Goosen's point reinforces why the street is needed.

A couple of years ago, the City Council put together a plan that addressed these issues. They were resurfacing 25

existing roads, were going to issue bonds to improve the Parks and Recreation amenities, and expand the infrastructure. This was to be accomplished through a combination of a sales tax shift, the issuance of bonds at historically low numbers, and a decrease in property taxes by 20%. The plan was presented extensively through various luncheons and civic organization meetings and clearly showed the City's thoroughfare network and included the roads that would be redone through the issuance of bonds.

He did not know what specific information went to the residents of Washington Street, but he said the City was very meticulous about how the information was presented. Of course the specifics of the project were not known at that time and are issues that are being dealt with today. But the voters of Sherman were given direct input into the plan and 70% of the citizens approved this plan.

Mayor Magers said "progress doesn't come without a price" and he empathized with those that will be affected by these developments. He did assure the citizens that as this plan moves forward, the Council Members will be highly respectful and consider their private property rights. The City is not out to take anyone's land for a dollar. The citizens will be treated courteously, fairly, and equitably.

He added that the staff does not have answers to the questions asked at the meeting and will need time to get the answers. Mayor Magers said the plan has been out there, has been in the newspaper, in print, and in meetings, and is not a new situation suddenly sprung on the citizens. It has been discussed for many years. Mayor Magers said the City staff is working to try and minimize the inconvenience this will cause to residents, and he emphasized the importance of continued communication.

Mayor Magers added that the City Council is not raising taxes over this issue. It is a bond issuance over 20 years and this is in the Budget. The taxpayers aren't paying for this out of tax dollars, but it will be paid with bonds. The City will have some debt service. With the current rates, now is a good time to borrow infrastructure money.

He asked that the answers to questions asked tonight be answered by the Engineers as soon as possible and also provided to the City Council.

Council Member Steele asked about names and addresses provided by Mr. Noble of other residents living in the Washington Street area. Mr. Noble said he has talked to most of those property owners but the information submitted is not a petition.

Mayor Magers addressed a question about the parking of heavy equipment on Mr. Noble's property during the

construction phase of the project. He asked for more detail on construction easements for the parking of equipment during the project. Mr. Noble said there is vacant land up the road where the equipment could be stored.

Mayor Magers thanked everyone for coming and said they would work with residents to address their concerns.

RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD CHAIRMAN ANDY OLMSTEAD AND SEDCO PRESIDENT JOHN BOSWELL

SEDCO QUARTERLY REPORT

Andy Olmstead, Sherman Economic Development Corporation Chairman, presented a quarterly progress report on the Corporation's activities. SEDCO has completed an agreement with Leadership Sherman for a new sign, and with Property Radio Group (DOCK FM 107.3) which included seven new jobs. They continue to work with the joint marketing effort for the North Texas Regional Airport.

Sherman's unemployment rate is now at 6.9% instead of 9.4%.

Mayor Magers asked about the sales tax numbers. Mr. Olmstead said sales tax has been pretty flat, but there was a small increase.

Mr. Olmstead also referenced an article in the "Texas Rising" publication from the Texas Comptroller's Office about Sherman and Denison's work force and the abundance of utilities which are attracting industry giants.

REPLAT APPROVAL OF LOTS 1 AND 2, BLOCK 1 OF THE O'HANLON RANCH ADDITION, PHASE 2; DAVID SPROWL, OWNER; SARTIN AND ASSOCIATES, INC., SURVEYORS (2925 AND 2929 SEDALIA TRAIL)

REPLAT APPROVAL O'HANLON RANCH ADDITION

The City Council approved the Replat of Lots 1 and 2, Block 1, O'Hanlon Ranch Addition, Phase 2, located at the northeast corner of Sedalia and Silverado Trails, in the O'Hanlon Ranch Estates Subdivision. The owner, David Sprowl, would like to replat two lots into one for residential development. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

CITIZENS REQUESTS

STREET REPAVING ON MAXEY STREET

STREET REPAVING ON MAXEY ST.

Dorothy Steward, 530 S. Maxey, addressed the City Council about the condition of South Maxey Street, from Pecan Street to Wells Street, which she said was in extremely poor condition. She said the street needs to be redone very soon.

She added that the sidewalk at the property line of 530 S. Maxey was left uncompleted to King Street and also needs to be completed and made handicap accessible.

Mayor Magers said the streets that are being rebuilt now are not normal Capital Improvement Program projects, but are projects being paid for with the sales tax initiative. These projects were based on a heavier traffic volume and are different that the normal street maintenance projects.

Mayor Magers confirmed that Maxey Street is on the list for this summer for some interim improvements.

COUNCIL COMMENTS

HOT SUMMER NIGHTS

HOT SUMMER NIGHTS

Council Member Wacker said the City had a great start to Hot Summer Nights this past Thursday and she appreciated the work that has been done by the City staff and others for this summer's season.

THE SPLASH

THE SPLASH

Mayor Magers said he was at The Splash recently for a private party. He heard there were approximately 850 visitors to The Splash this past Saturday. He congratulated the staff on the great job.

ADJOURNMENT

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:47 p.m.

____

MAYOR

____

CITY CLERK

City Manager
220 W. Mulberry
Sherman, Texas 75091-1106

RE: 2701 W. Washington Street / Reconstruction Plan
Owners: Scott C. Webb / Sherman E. Noble P. E.

As property owners in the area of the proposed improvements to Washington Street we would like to address the Council and voice our opinion of the proposal. We would also like to ask several questions as to how the plan was draw up without the input of the residence in the area.

Please note approximately 90% of the residence in this area do not want the reconstruction to go forward. As the City said in 1998 the road should be repaired.

The proposed design will cost approxma5tly $3.7 Million for approximately .9 miles and end at the County line. This amounts to approximately $750.00 per foot. This road should be improved when the county improves the remainder.

There is no doubt that West Washington Street is in need of repairs and improvements; however, this can be accomplished by increasing the width of the road to match the width of the existing bridge. This would increase the width of the road two – three feet. This would also make the improvement to the counties road cheaper and could possibly be completed at an earlier date which would make the road from Hwy 1417 to Hwy 56 in better condition without widening the road.

NOTE: This proposal creates not only the value loss of the .555 acres but would in turn devalue our remaining home and property. Please note: the .555 acres listed does not include the easement we have already given to the city. Our property line already extends into ½ Washington Street which is included in the size of our property.

At the present time the easement is included in the size of our existing property; therefore, the amount of acreage taken by this proposal will be closer to ¾ of an acre.

We are also taxed on 2.046 acres; with the loss of an additional .555 and the .25 acres for the existing easement we will only have access to approximately 1.25 acres.

Although our house and property have been here a bit longer than others we have invested a large amount of money on renovations/updates inside and out. What attracted us to the property when we bought it was the treed setting and privacy.

Annexation into the city of Sherman (although not all bad) when we bought the home outside the city limits and which meant almost a doubling of property taxes.

There is also and easement for the city of Sherman sewer line that we allowed on our property behind the house.

We have already given our share to support the City of Sherman
This proposal would reduce our front yard by half as can be seen on the attached pictures and would require the removal of many fully mature trees and probably additional trees due the cutting of the roots of the trees close to the new road.– yet another desirable asset of the property.

After the City takes ½ of our front yard the City also wants to extend into our front yard with an easement for grading vehicles which is approximately 960 square feet. This is the size of a normal apartment or small hoHow many other residents would permit the parking of constructions vehicles in their front yard? There are other places these could be stored.

How long will the grading easement be in place? As can be seen in the pictures this grading easement will be almost to our front entry.

What is the length of time proposed for this reconstruction?

People already speed up and down the street - speeds will increase just by repairing the road – let alone straightening the curves

Ask our mailman how crazy people drive as the road is now. We also moved the mail box from the west side of the road to the north side to give the mailman a safe place to deliver the mail.

With the bridge demolished for a long period of time how will the fire department and ambulance get to a fire and injured person in a short period of time. The time to arrive at a home will increase at least 15-30 minutes from the station.

Replacing the bridge and widen the road will greatly increase traffic/noise and speed of vehicles.
What is the time frame to demolish and replace the bridge?

We have owned this property for 18 plus years – longer than most people and houses in the area. We purchased the home and acreage because of the setting and that it was not in the city limits at that time – and was not close to the street.

The existing plans as shown on the attached drawing shows an easement leading into the Bentbrook addition. If the new curve is approved it will be almost impossible to connect the two without major changes to the road.

Question how will the easement into Bentbrook 2 connect to the large curve proposed by the city?

A suggestion to improve the road and also plan for the future development of Bentbrook addition 2 (as shown on your map) on the north side of W. Washington St.would be to make the curve a two way stop with a 90 degree corner. The existing road is very close to being a 90 degree curve at this time. This would also slow traffic down in this area and reduce traffic from Hwy 56 to Hwy 1417.

It should also be pointed out that in the 18 years that we have lived at this address there have been four cars that appear to have been speeding and have gone off the road beside the bridge and several have even hit the bridge. Again by decreasing the curve the speed of cars will increase.

Increasing the size of the bridge would also be costly and will not benefit the residents in this area. The bridge could be re-enforced by adding additional bracing under the bridge instead of building a new bridge. This would also reduce the amount of time the residents in this area would have to drive back to Hwy. 56 to return to Hwy. 1417.

Repairing the road by removing the existing road surface and installing a new road base and surface would be the cheapest and most cost effective way to improve the existing road.

The widening of the road should also be shared by residents on both side of the road, not just the south side. There is ample room to widen the road on the north side of W. Washington Street.

The time to make the improvements to the road excluding the decreasing the radius of the curves should be accomplished when the County improves the remainder of the road to Hwy. 56.

If the curve remains at approximately the 90 degrees will we still loose the rock flower beds and bushes. The rock walls, plants and extending the drives were very costlyThe improvements suggested will only improve the road to the city limits. This will be less then half the road from 1417 to hwy. 56. This leaves over half the road in poor condition.

The City of Sherman should coordinate the improvement to Washington St. with the County.

The proposal also calls for installing sidewalks.

Why do sidewalks have to be installed? On the east side of FM1417 the existing Washington Street does not have sidewalks in front of all houses. Why?

Please note by taking .555 acres from my property the City will be removing large trees, 1/2 of large front yard and part of our circle drive. This will put cars driving on the proposed road very close to our home. This will decrease the value of our home and property by 50%. The beauty of my home includes the front yard and the distance from the road and high speed traffic.
As an Engineer I can see many ways to improve W. Washington Street without removing large section of land from individual residents.

If you need the input from the residents please call for our help in coming up with an alternant plan that would better accommodate the residents on West Washington St. please give me a call at:
903-892-1465 or 903-821-7465

Sincerely

Scott C. Webb / Sherman E. Noble P.E.
2701 W. Washington St.
Sherman, Texas 75092

NAMES & ADDRESS – HOUSES ON WASHINGTON

SHERMAN NOBLE/SCOTT WEBB 2701 W. WASHINGTON
903-892-1465 903-821-7465

WALTER EDMONDS 2502 W. WASHINGTON
903-891-3041

LARRY WATKINS 2348 W. WASHINGTON
903-892-0105

LAVON QUIN W. WASHINGTON
QUIN STUDIO – 903-893-0219

MARILYN PICKENS WELLINGTON
903-892-9636

WILLIAM PLAUCHE 2805 W. WASHINGTON
903-892-3282, 903-421-2252

ROY C. SEWELL # 2 TIMBERCREEK
903-893-3578

CYNTHIA GOOSEN 903-821-1229 # 32 TIMBERCREEK
GUY GOOSEN 972-365-0903

DANIEL & KAYE JAMBOR 2340 W. WASHINGTON
903-814-4628

WINDEL WRIGHT 2206 MEADOWS LANE
903-868-1070

THIS IS A RESIDENTIAL ROAD TROUGH A FAMILY HOUSING AREA - IF THE CURVE IS INCREASED TO A MORE GRADUAL CURVE TRAFFIC SPEED WILL INCREASE THIS WILL MAKE THE ROAD DANGEROUS TO CHILDREN ON BIKES.

WE THE RESIDENTS IN THIS AREA WOULD LIKE THE ROAD REPAIRED AND THE WIDTH OF THE ROAD TO STAY THE SAME.

THE PLAN PROPOSED WILL TAKE LAND FROM THE MAJORITY OF HOMES IN THIS AREA. THE BRIDGE IS IN GOOD CONDITION AND TO DEMOLISH THE BRIDGE WILL LEAVE THE RESIDENTS ON THE WEST SIDE OF THE BRIDGE HAVING TO DRIVE TO FRIENDSHIP ROAD AND THEN TO HWY 1417. THE PROPOSED PLAN WILL LEAVE THE RESIDENTS ISOLATED FOR APPROXIMATELY ONE YEAR.

THERE ARE ALSO SCHOOL AGE CHILDREN IN THIS AREA THAT RIDE SCHOOL BUSSES. ARE THE SCHOOL BUSSES GOING TO DRIVE TO FRIENDSHIP ROAD AND THEN TO WASHINGTON TO DROP OFF AND PICK UP THE CHILDREN?

THIS WILL ALSO INCREASE CITY TAXES FOR THE RESIDENTS IN THIS AREA. THE CITY MUST ALSO PAY A FAIR MARKET VALUE FOR THE LAND NEEDED TO INCREASE THE SIZE OF THE ROAD. **APPROX. COST FOR THIS PROPOSAL IS $750.00 PER FOOT.**

AT THE PRESENT TIME WASHINGTON STREET HAS TREES ON EITHER SIDE OF THE ROAD. THE PROPOSED IMPROVEMENT WILL DESTROY MOST OF THE TREES. THE TREES ARE PART OF THE REASONS WE THE RESIDENTS LIVE IN THIS AREA.

THE PLAN ALSO CALLS FOR SIDEWALKS. WASHINGTON STREET TO THE EAST OF FM1417 HAS VERY FEW SIDEWALKS.

THE PROPOSAL ALSO STOPS AT THE CITY MAINTENANCE WHICH IS LESS THEN 1 MILE FROM FM 1417 AND ENDS INTO THE COUNTY ROAD AS SHOWN ON THE ATTACHED DRAWING.

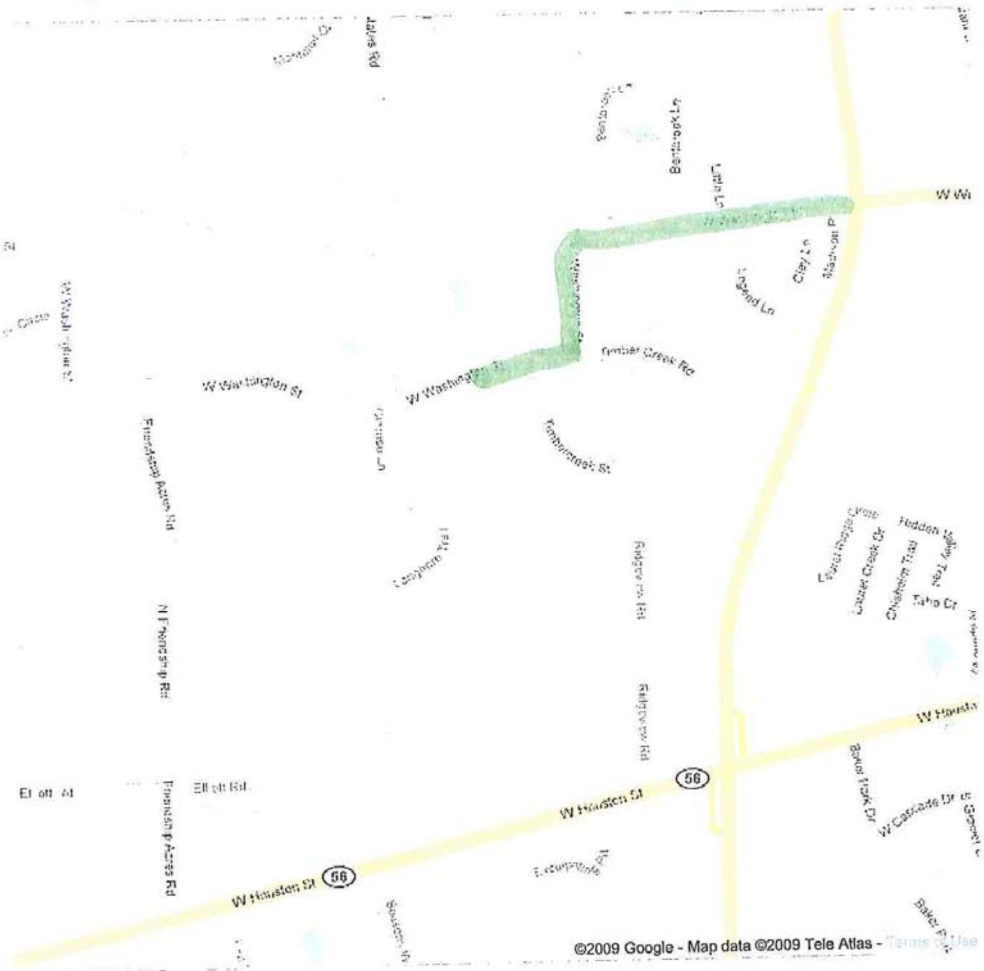
THIS IS A LOT OF MONEY TO SPEND ON A ROAD THAT LEADS TO NOWHERE.

Google maps


W Washington St
W Washington St
W Washington St
W Washington St
W Washington St
Timbercreek St
Timbercreek St
Timber Creek Rd
N Friendship Rd
Clay Ln

Google maps

Get Google Maps on your phone
Text the word "GMAPS" to 466453



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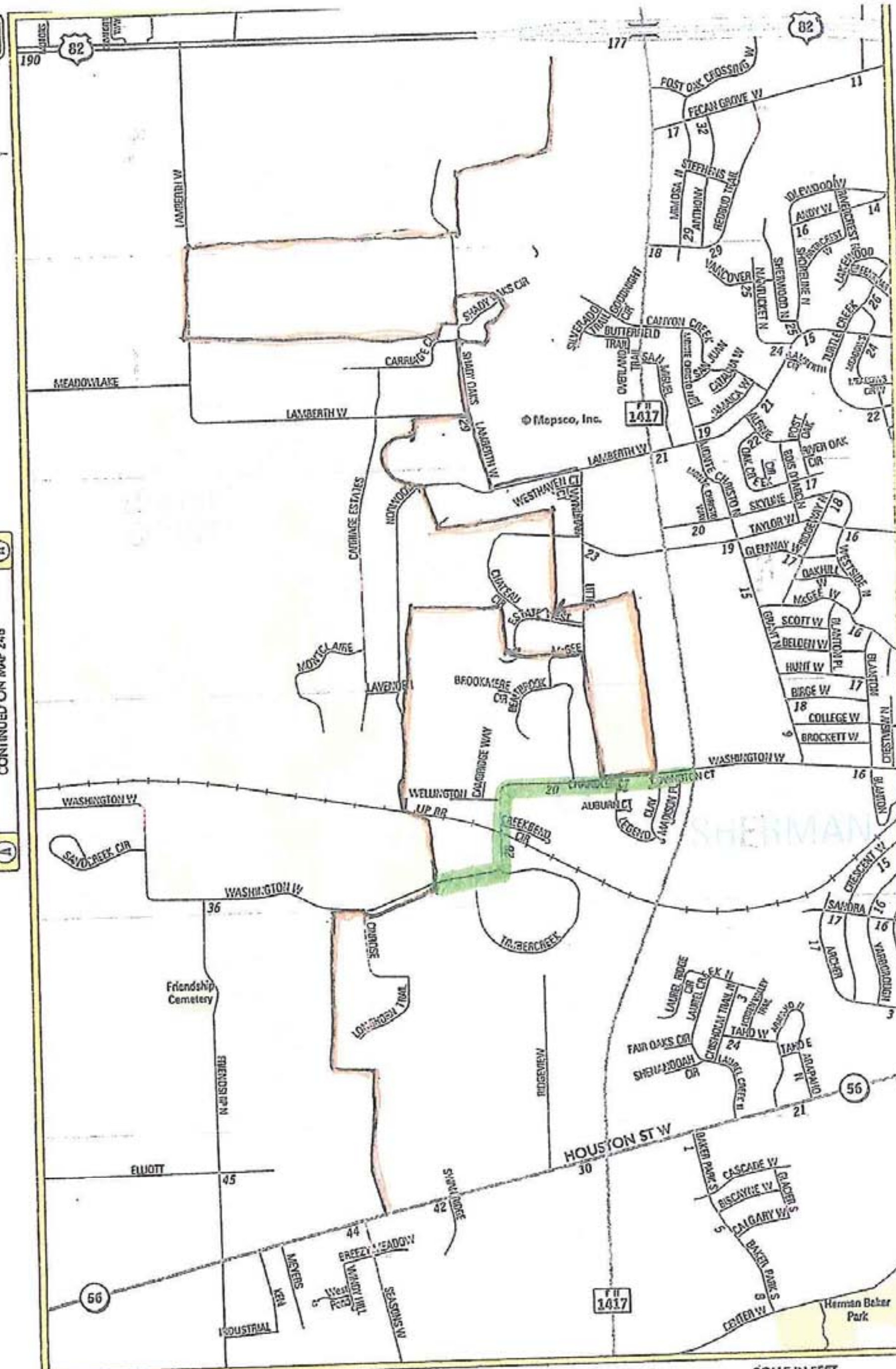
CONTINUED ON MAP 246



CONTINUED ON MAP 279

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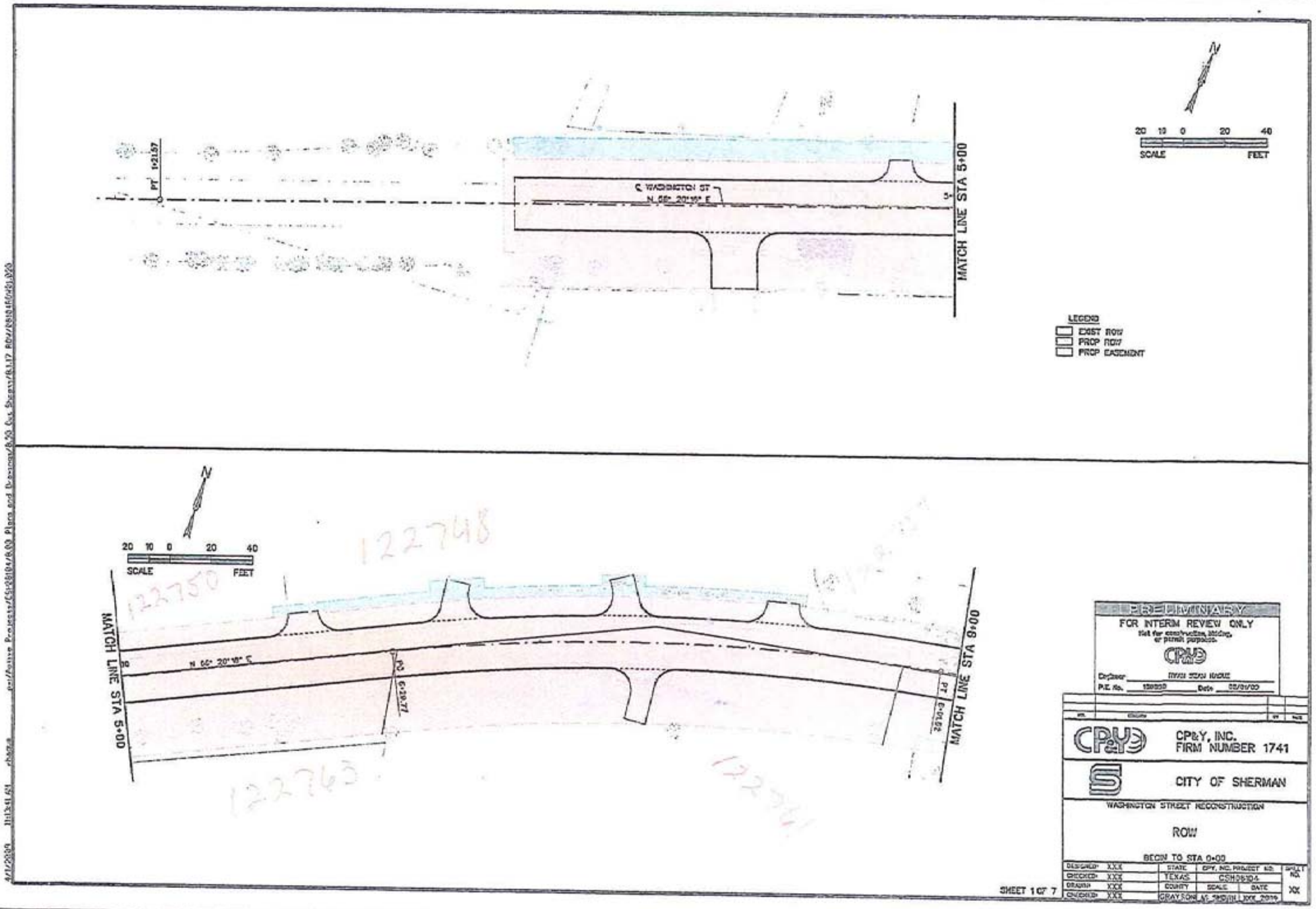
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FOR INTERIM REVIEW ONLY
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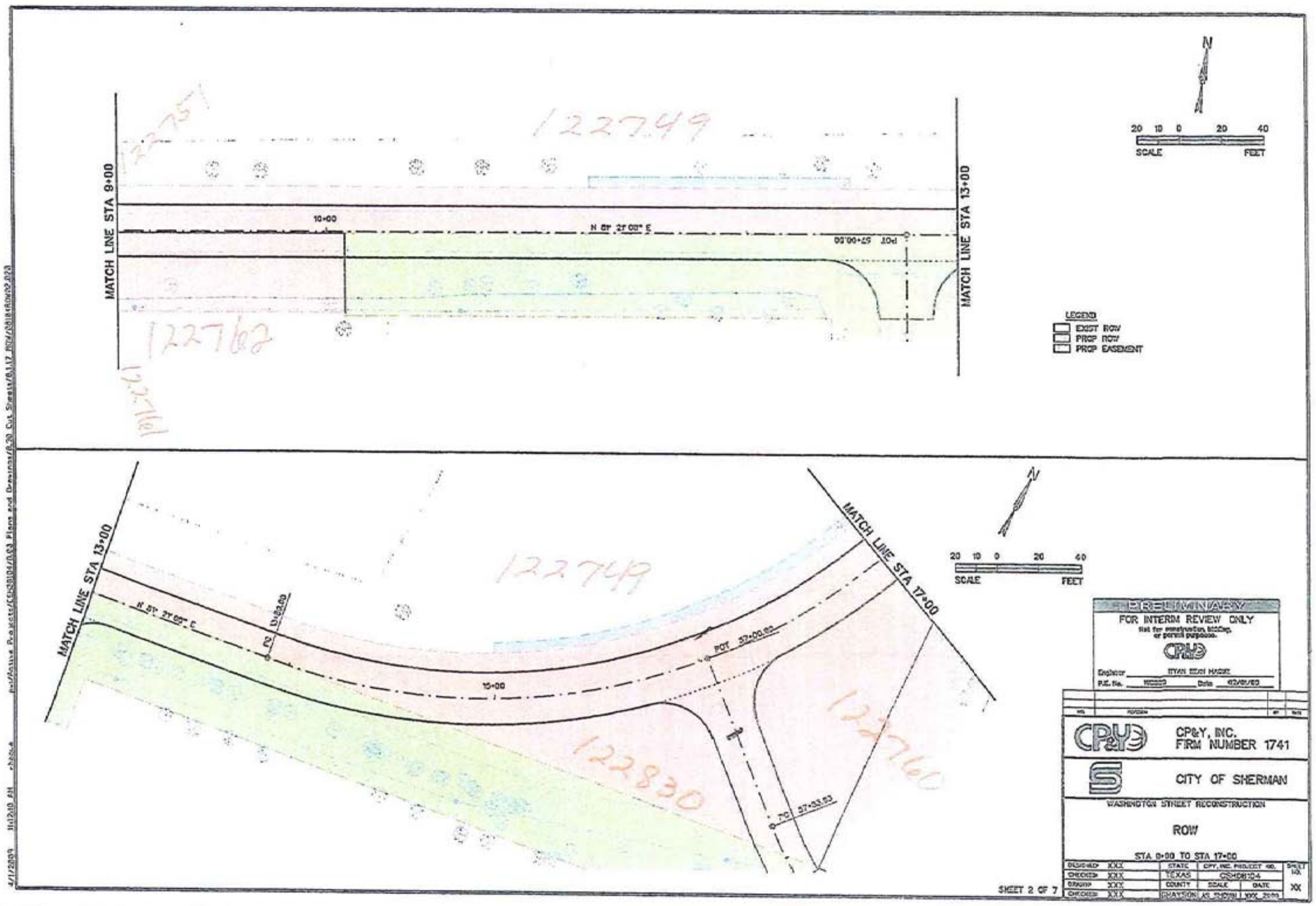
SHEET 1 OF 7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CP&Y
Engineer
RYAN SEAN HAGAE
P.E. No.
Date
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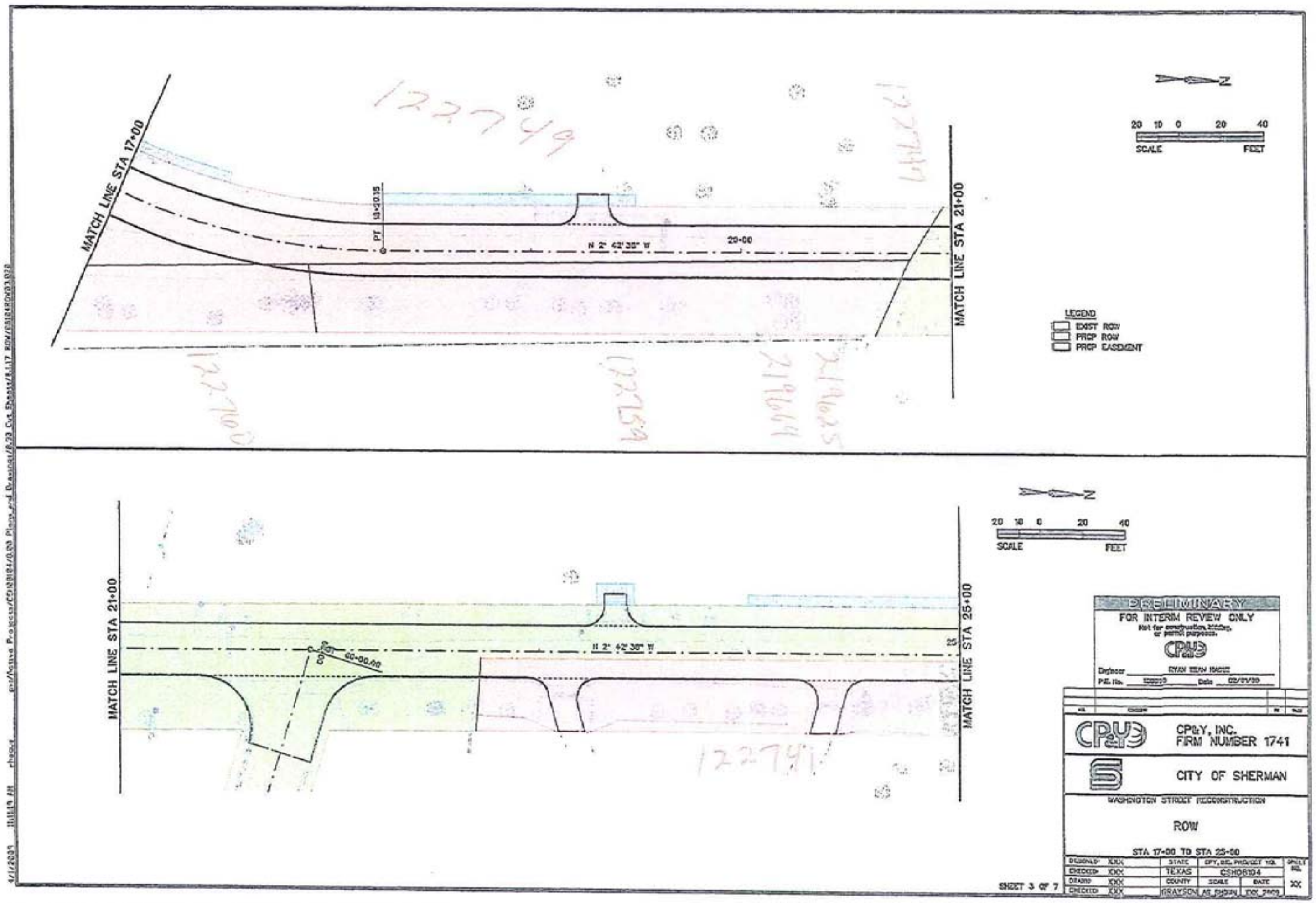
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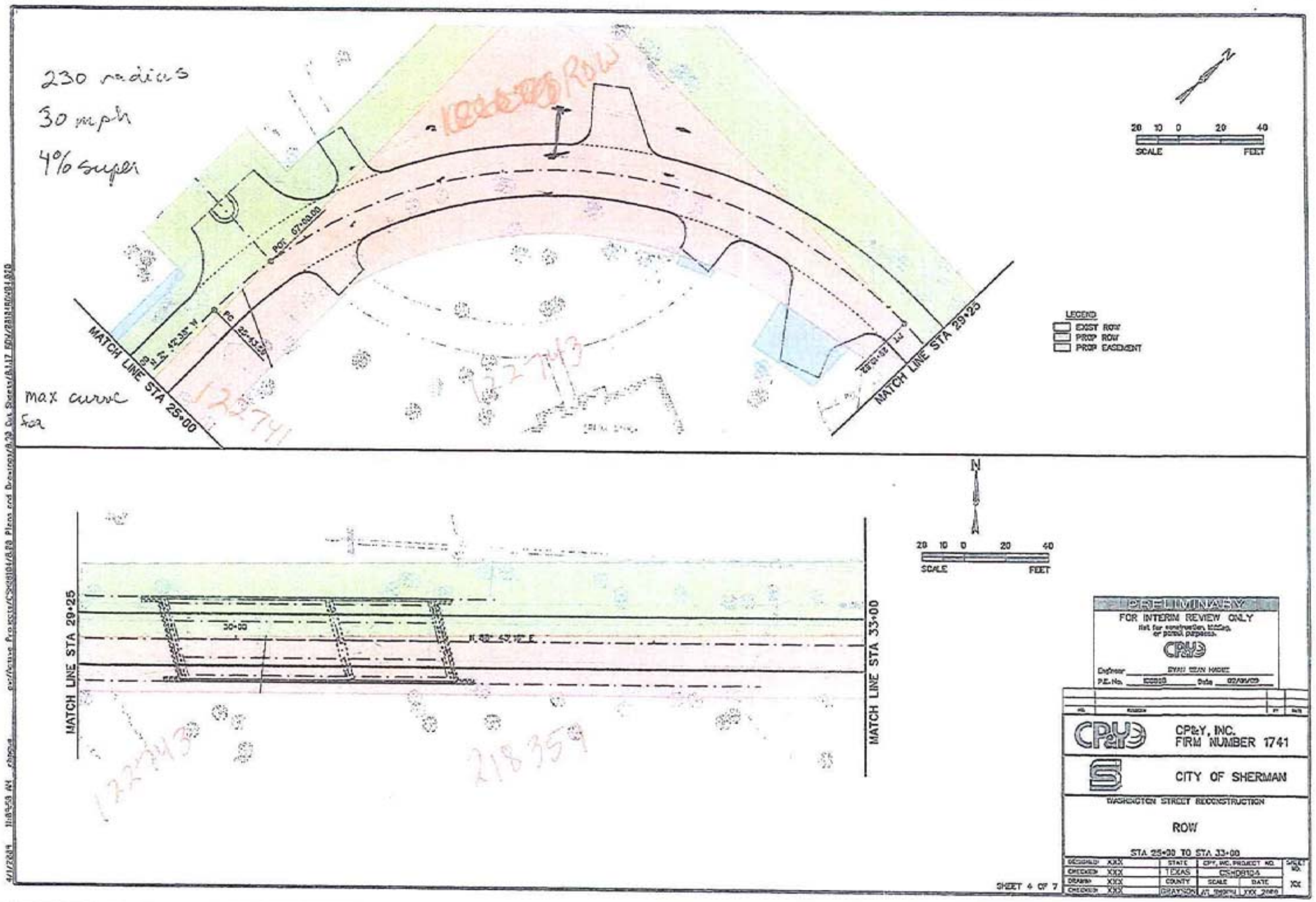
SHEET 3 OF 7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FOR INTERIM REVIEW ONLY
CP&Y, INC.
FIRM NUMBER 1741
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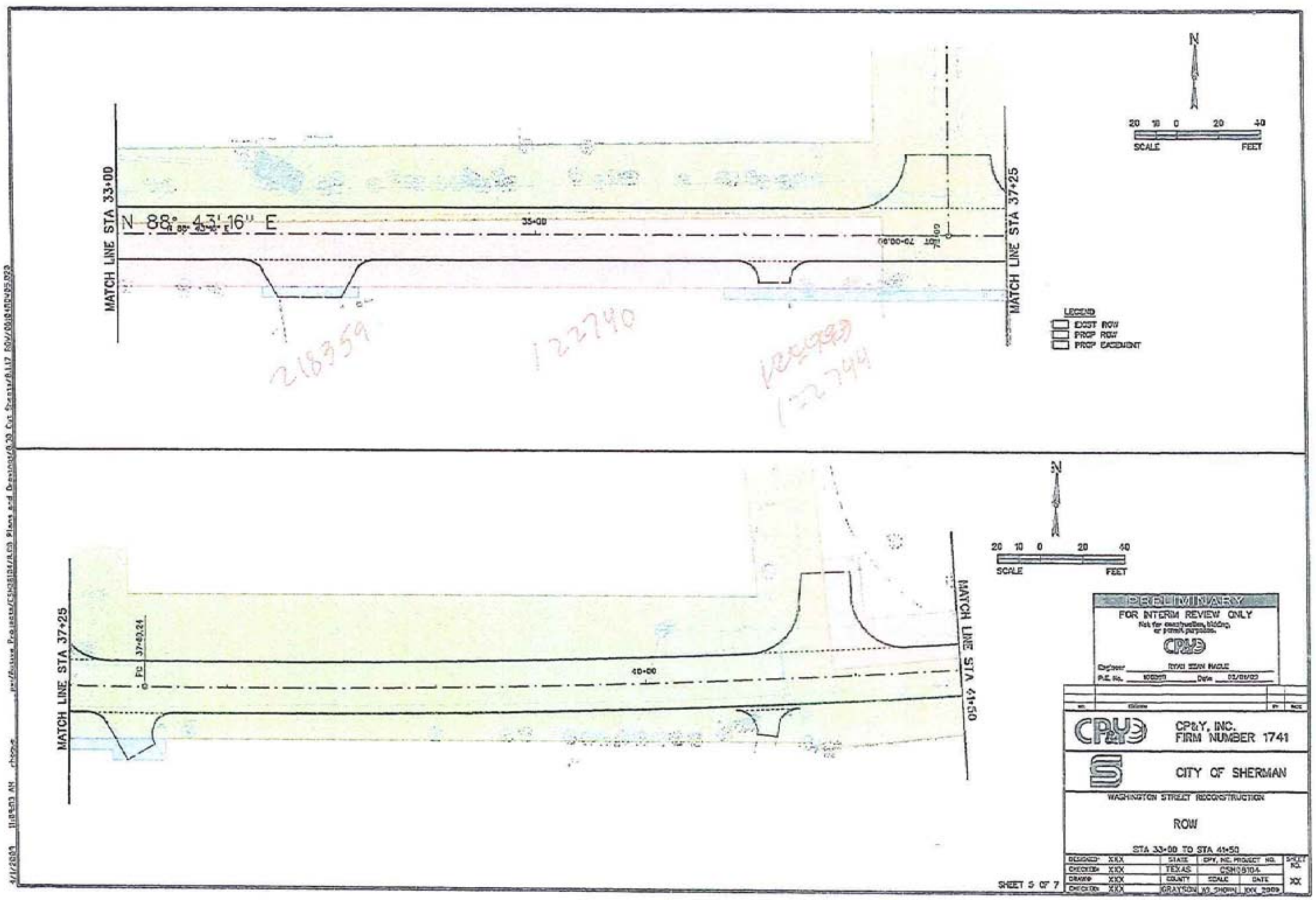
SHEET 4 OF 7
STATE TEXAS
COUNTY GRAYSON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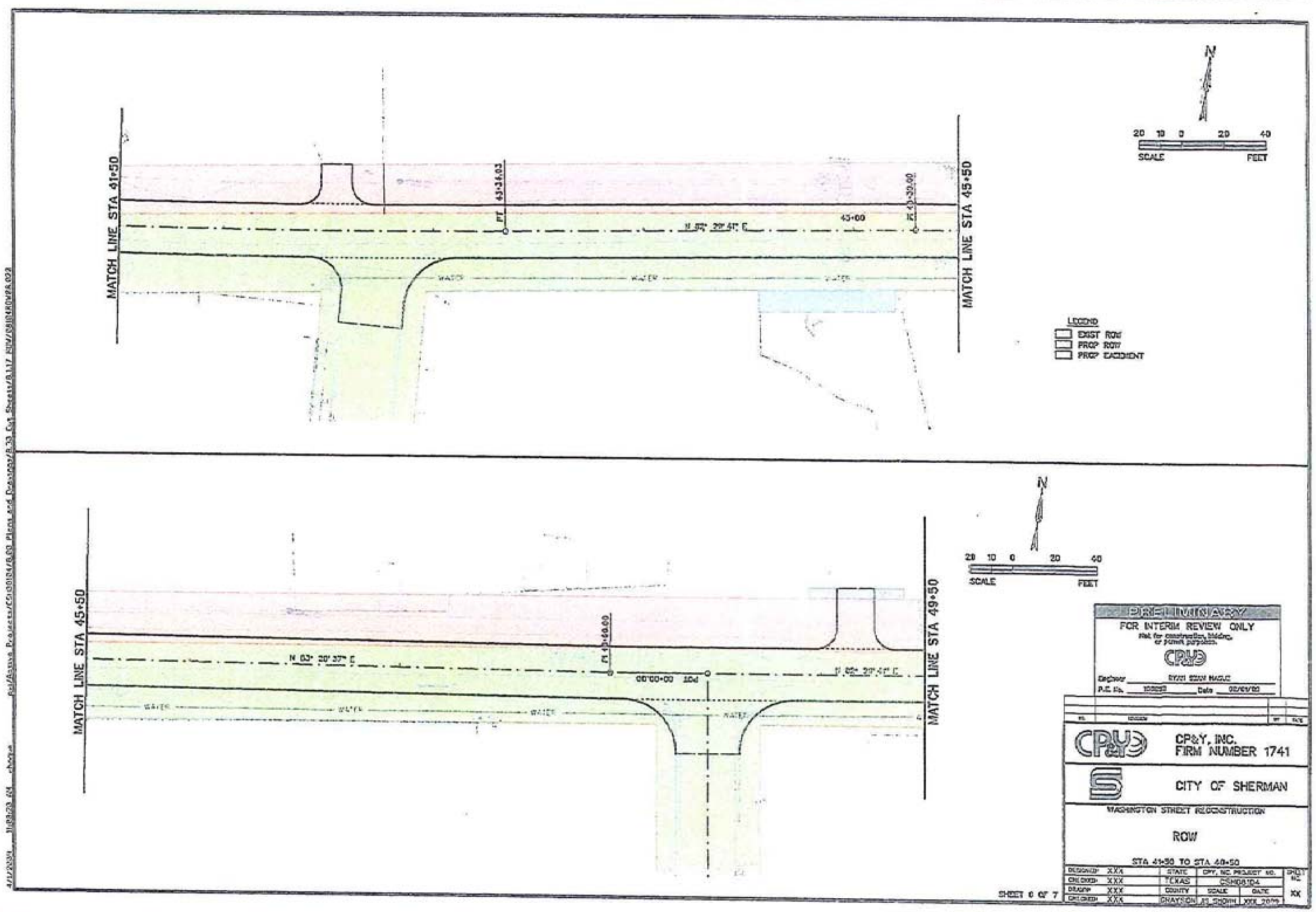
SHEET 5 OF 7



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PRELIMINARY
FOR INTERIM REVIEW ONLY
CP&Y, INC.
FIRM NUMBER 1741
CITY OF SHERMAN
WASHINGTON STREET RECONSTRUCTION
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SHEET 6 OF 7
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COUNTY
GRAYSON
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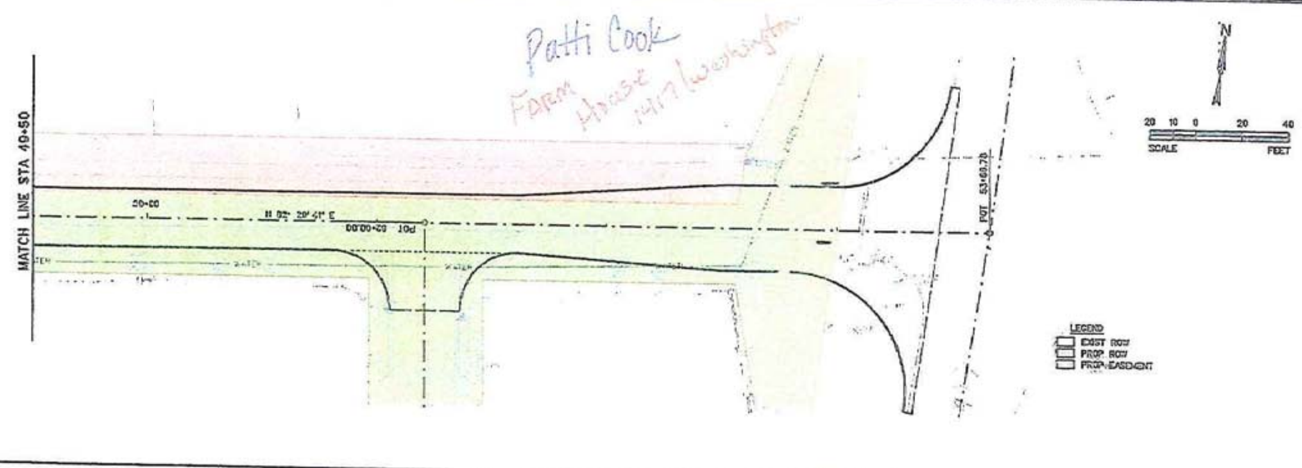

PRELIMINARY

FOR INTERIM REVIEW ONLY

Not for construction, bidding, or permit purposes.

CP&Y, INC.
FIRM NUMBER 1741

CITY OF SHERMAN

WASHINGTON STREET RECONSTRUCTION

ROW

STA 49+50 TO END

DESIGNED	XXX	STATE	CPY, INC. PROJECT NO.		SHEET NO.
CHECKED	XXX	TEXAS	CSH08104		
DRAWN	XXX	COUNTY	SCALE	DATE	XX
CHECKED	XXX	GRAYSON	AS SHOWN	XXX 2009	

SHEET 7 OF 7

January/February 2009

Texas Rising

Susan Combs Texas Comptroller of Public Accounts Partnering with local governments to solve important issues

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In This Issue

Small Cities, Big Business

Sherman-Denison's work force, abundant utilities attract industry giants.

by Tracey Lamphere

Household names such as Tyson Fresh Meats, Folgers and Sunny Delight are staples in Sherman-Denison's economy.

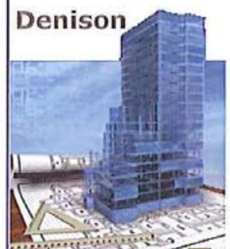
Boasting aggressive tax incentives, a well-educated work force and an abundance of utilities, these relatively small cities – located just north of Dallas-Fort Worth and with a combined population of about 60,000 – continue to be a choice location for industry giants.

While 2008's economic climate may have been tough for much of the nation, it brought 466 full-time jobs and \$337 million in new projects to Sherman.

"This commitment is the largest expansion of new capital improvements in Sherman's history," says John Boswell, Sherman Economic Development Corp. (SEDCO) president. "The expanded tax base will allow all taxing entities to continue to provide the types of government services that the citizens in our area have come to expect without raising tax rates."

Local Government Tools that Made the Difference:

Denison



Seeing the community's need for a conference center and hotel, Denison Development Alliance (DDA) officials built a public-private partnership with Second Century Investments and Gateway Hospitality Group to bring in a conference center with 17,500 square feet of meeting space.

"We realized that we, as a community, couldn't afford to build a hotel and conference center

Oil town diversifies economy, adds jobs

Partnering for Impact: Funding options for cash-strapped local governments

Texas economy surpasses nation's

Web Exclusive

Canyon rising

Dallas-based Panda Energy selected Sherman as a site for its 500-megawatt power plant, which is expected to bring more than $248 million into the economy during the next decade. Another company, Capio Partners LLC, has said it will bring 168 jobs to its new Sherman call center. SEDCO officials offered Capio $336,000 in incentives during the next three years, provided the company meets job creation and wage requirements.

Sherman's economic development officials also negotiated incentives with four existing companies that created 298 full-time jobs and $37 million in new capital investment to the property tax base.

In addition to incentives, Sherman officials tout another advantage.

"We have an abundance of surface water here," says Robby Hefton, Sherman's assistant city manager.

ourselves," says Scott Smathers, vice president for business development for the DDA. The DDA worked with city officials to offer the following incentives:

- the DDA will grant up to $1 million for site improvements and infrastructure and an additional $200,000 for marketing over 5 years.
- city officials approved a five-year, 50 percent property tax abatement and a 100 percent hotel tax rebate for the conference center's first five years of operation; and
- the two groups worked together to secure the hotel/conference center location next to the new Texoma Medical Center.

As competition increases for recruiting businesses, providing a plentiful supply of water and electricity gives Sherman an edge, Hefton says.

The Denison City Council and Denison Development Alliance, meanwhile, created a public-private partnership with Second Century Investments and Gateway Hospitality Group to build a 150-room hotel and 17,500-square-foot conference center. The hotel and conference center, which will receive about $2.73 million in property tax abatements and hotel tax rebates, are expected to create 50 new jobs and boost the city's growing tourism industry. Other projects on the horizon include the new Texoma Medical Center, which will create 4,000-5,000 jobs when it opens in 2010.

The key to Sherman's transformation from college town to a center of industry began decades ago, when city leaders made the deliberate decision to grow business. Home to five colleges, the city already had an educated work force, which helped it attract Johnson & Johnson in 1961. For more than 40 years, the company provided an industry anchor for the city to build on. Five years after Johnson & Johnson arrived, Texas Instruments established operations there and still operates today with 750 employees.

For a listing of tax programs and incentives communities can use to support development visit the Comptroller's Texas Ahead portal at www.texasahead.org/tax_programs/

SEDCO leaders believe education is the foundation for economic growth. In 2003, they approved an agreement with Grayson County College for the development of the Center for Workplace Learning (CWL). The CWL opened in 2006, in time to train 1,100 new Tyson employees.

South Dakota-based Tyson Fresh Meats, a subsidiary of Tyson Foods Inc., began operations in Sherman in 2006. The company employs about 1,200 people and spent $100 million to renovate the former Oscar Mayer facility, which closed in 1998.

Tyson officials say the state's strong business climate put Texas in the running for its largest production plant specializing in prepackaged meats. The $7 million from the Texas Enterprise Fund and $3 million in support from SEDCO clinched the deal. TR

Fiscal Year	Investment Dollars
1996-1997	$6,700,000
1997-1998	$24,135,000
1998-1999	$67,034,000
1999-2000	$40,800,000
2000-2001	$15,500,000
2001-2002	$1,863,000
2002-2003	$75,490,000
2003-2004	$28,523,000
2004-2005	$85,219,000
2005-2006	$17,520,000
2006-2007	$111,000
2007-2008	$337,016,600

STATE OF TEXAS §

June 18, 2009

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 18, 2009.

MEMBERS PRESENT: Mayor Bill Magers; Deputy Mayor Joe Smith.
Council Members Adami, Howeth, Softly, Steele, Wacker.

MEMBERS ABSENT: None.

STAFF PRESENT: George Olson, City Manager; Robby Hefton, Assistant City Manager/CFO; Brandon Shelby, City Attorney; Tom Watt, Police Chief; Jeff Jones, Fire Chief; Jeff Miller, Director of Public Works; Mark Gibson, Director of Utilities and Engineering; Scott Shadden, Director of Developmental Services; Lisa Whitfield, Development Coordinator; Mary Lawrence, Controller; Tammy Davis, Grant Writer; April Patterson, Tourism Director; Pam Cloer, Assistant to the City Manager; and Linda Ashby, City Clerk.

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

2009-2010 BUDGET REVIEW

DISCUSSION OF LONG-RANGE PLANNING

ADJOURNMENT

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Magers called the meeting to order at 8:10 a.m., declared a quorum present, and opened the meeting.

2009-2010 BUDGET REVIEW

Opening Comments

Mayor Magers thanked everyone in attendance and said after reviewing the numbers he congratulated the staff on a great budget. It is a very conservative budget. The assumption is that the next six months will be worse than the last six months. The proposed budget focuses on the things a City government should do and has a long-term look forward on key projects. He added that Sherman is one of the few cities in North Texas that hasn't made the news because of budget shortfalls or layoffs. He congratulated the staff on doing a great job watching the taxpayer's dollars.

George Olson, City Manager, said the proposed budget is conservative and the staff doesn't have a lot of new projects to present to the City Council. The staff does have some operational efficiencies to present and will discuss five year planning. He outlined how the budget presentations would be made.

This year the staff could present the budget earlier since the City was able to cancel their Election because of unopposed candidates.

Mr. Olson said the staff was given very clear direction by the City Council to fulfill the promises already made, finish the Capital Improvement Projects that were already started, and purchase additional Lake Texoma water as it becomes available. Currently the Greater Texoma Utility Authority is working to purchase 10,000 acre feet but that amount may increase to 20,000 or 25,000 acre feet.

The City has added approximately 200 acres of parks in the last two years, and park maintenance is an important part of the proposed budget. The staff is presenting a balanced General Fund Budget, maintaining the $0.32 tax rate, planning additional bond projects, and addressing the high priority issues from the City's Comprehensive Master Plan, including GIS enhancements and some storm drainage improvements. The proposed budget does not include a cost of living increase for employees, but there are no layoffs either.

Mr. Olson said the proposed budget does include some operational efficiencies that were identified by the staff while looking at their operations and trying to maintain the current service level. Highlights of the proposed budget include the addition of four police officers for the Traffic Safety Unit and a civilian intelligence analyst for the Police Department, which are grant funded; three additional employees for the Fire Department, one per shift, to help control overtime; two additional Street Department employees which would allow bringing the street cut and curb and gutter repairs in house; and a new monthly bulk solid waste pick up.

<u>Parks Presentation</u>
Mr. Olson said Kevin Winkler, Parks and Recreation Administrator, recently had surgery and is unable to make his presentation on the Parks and Recreation Department. Mr. Olson will present his information.

Pecan Grove Park – Phase 1
Mr. Olson said Pecan Grove Park, Phase 1, features a 33-space parking lot, a picnic pavilion, a 1,068 square foot playground for 5 to 12 year olds, and 1,060 feet of concrete walking trail on the east side of the park. The park is late opening because of the rain and some slope issues but it should be open before the end of June 2009. There will be a dedication ceremony but not a big grand opening since Phase 2 of the project will be opening next summer.

Center Street Sports Complex
This project is also delayed and the proposed August 31, 2009 opening is based on rain days. Mr. Olson anticipated that the park will open in July 2009. The park will include a 100-space parking lot, picnic pavilion, 1,122 square foot playground for 5 to 12 year olds, a 2,500 foot concrete walking trail, two full-sized lighted sports fields with irrigation, and a restroom/ concession building. The walking trail will tie into Binkley Park and Herman Baker Park. New policies will limit the use of the fields in order to protect the City's investment, however new programs such as adult flag football will also be started. Mr. Olson said the City has purchased the frontage on Center Street and will clean that area out in the Fall.

Pecan Grove Park – Phase 2
Mr. Olson said the City is completing the designs and specifications on the Pecan Grove Park, Phase 2 Project, and the bid should be awarded in August 2009. The project will include 6,300 feet of concrete walking trail, two parking lots, two playgrounds, six picnic pavilions, a fishing pier, restroom/concession building, and an amphitheatre with lawn seating.

This project does not include a nature trail, however Mr. Olson said there is a heavily wooded area that would be conducive to nature trails and the City would like to have citizens help design these trails in the future.

Council Member Wacker questioned the use of a sidewalk across the top of the dam and said a grass base for that part of the walking trail would save money and be very functional. She added that concrete is not always needed to connect areas. Mr. Olson said the staff will look at the specifications to see if the sidewalk is an add alternate that could be removed. Mayor Magers confirmed that this Phase 2 trail will connect with the Phase 1 part of the trail too.

Council Member Steele confirmed that the amphitheatre will seat 3,000 to 4,000 people. Mr. Olson said however the available parking will be considerably less and in the event of large activities, Mayor Magers suggested using a park and ride system utilizing the Texoma Area Paratransit System buses. Electricity will be available adjacent to the amphitheatre and sewer will be taken to the park. Mr. Olson felt the venue could be a good one to bring people and revenue into Sherman.

Mr. Olson said the budget request for the Parks Department is to bring park maintenance closer to the standard. The national average is to have one full time employee for each ten or eleven acres of parks a City has. In 2005 the City's parks maintenance staff level was at one full time employee per 20.75 acres and in 2009 the level is one employee per 39.9 acres.

With the addition of Pecan Grove Park, Phase 2, the City will have added over 200 acres of parks over the last two years and currently has 11 employees for parks maintenance. Mr. Olson recommended adding two additional maintenance workers and a Maintenance Superintendent, purchasing a truck for the new employees, and one additional mower. This would allow a basic maintenance level of service. He then suggested evaluating the need and level of service that the City should provide and the funding available, as well as the possible use of privatization and other efficiencies.

Deputy Mayor Smith asked what type of privatization was being considered. Mr. Olson said the City now uses privatization contracts to clean the restrooms and for some mowing. Pecan Grove Park will not be mowed like Fairview Park and will still have some higher grass areas. He said the City needs to measure what they are doing, make sure the time is being used wisely, and that they have the correct equipment. He wanted to review revenue options such as grants and volunteer programs. Mayor Magers agreed that the City's assets need to be protected.

Council Member Steele said the parks are one thing that is seen and used and he felt there should be a high level of service for their maintenance. Council Member Adami said the request is to add three employees, however in 2004 and for a while thereafter, the City had 13 budgeted positions and dropped two employees last year for a total of 11 employees. Adding these three new employees will put the staffing at 14 employees, which is only one more than before. He said he was proud of the improvement of the parks and the City needs to maintain them, but not waste money.

Council Member Steele wanted to determine the cost to the City to maintain the parks and facilities that other entities are using. Mr. Olson said the City has interlocal agreements with the Sherman Independent School District and Austin College for their use of the City's facilities. Those agreements need to be reviewed to make sure the City isn't losing money. Mayor Magers said many outside teams use the City's facilities, and the pricing could feature a tiered system for non-citizen's use of the facilities.

Police Department Presentation

Tom Watt, Police Chief, said after many years of working on budgets, he felt this year, the key elements were all in line with a common goal to be proactive to the community. The Council and the senior management staff are all proactive, and that is also what the Police Department is trying to do. The first step to a proactive Police Department was a better records management system. With the City Council's help and some grants, they were able to accomplish this over the past three years.

At the present time, manpower levels are the only impediment to being proactive. In an effort to be more efficient, Chief Watt said they are addressing manpower issues with two grant opportunities.

In 2006 the Police Department instituted a Traffic Safety Unit (TSU) and created eight positions. It was decided to grow the Unit slowly and only four of the positions were funded at the time. The four positions that Chief Watt is asking to staff now are the four positions that have been unfunded since 2006.

The TSU was developed with specific goals and objectives such as reducing the number of crashes, reducing injuries and fatalities, aggressive DWI enforcement, and community and school awareness programs. The TSU would also decrease the workload of patrol officers by assisting with traffic accident investigations, serving as escorts, and highway drug interdiction. Chief Watt promised periodic updates to brief the Council on the success of the TSU.

One grant, the COPS Hiring Recovery Program, would allow 100% funding for 36 months for four officers that would be used in the TSU. The grant requires no local match, but does require a one-year retention after the 36 months. Chief Watt felt at the end of the three-year funding period, he would have no problem justifying the tremendous impact these additional four positions would have for the City of Sherman.

Chief Watt added that Police Officer Mark Wood is expected to return to duty on Sunday, June 21, 2009, after an extended illness. He is a member of the current TSU and that will bring the Unit back up to four officers. Chief Watt felt adding four additional officers to the TSU would make a tremendous impact on the general traffic flow in Sherman and would calm things down. Mayor Magers confirmed that adding the four officers would be contingent on the City receiving the grant funding.

Council Member Adami said the Council approved the four positions in the TSU, but he was unaware of the statistics generated with that program. He asked if the goals had been met and if the community was safer. Chief Watt said there haven't been four officers in the TSU for a long time. There were two or three resignations with officers moving to the Metroplex and the TSU staffing was reduced to two officers. With Officer Wood's illness the TSU was reduced to one officer.

At the inception of the program, Chief Watt felt the only thing they could do was increase the number of citations written and try and slow things down. With the additional four officers, the TSU can be more proactive, being in the schools, more DWI weekends, and things that would add to the efficiency and effectiveness of the program.

Mr. Olson added that the staff needs to communicate with the City Council better and provide more measurements in Council approved programs. Several years ago the Council approved a change in the salary structure for police officers and firefighters. Since the change, there has been a tremendous impact on the City's ability to get better qualified applicants and hire better officers in both departments. Both departments actually have waiting lists now. Mr. Olson promised the Council that measurements will be made and related to the Council.

Council Member Adami expressed concern about adding four additional officers when he really didn't know how the program was going with the initial four officers. It was hard to add additional officers when the stigma is that they are there only to write tickets. He wanted to be sure that traffic safety was also being improved. Chief Watt said with the inability to sustain four officers in the TSU, it has been very difficult to man the Unit. He committed to the Council, when the TSU comes on line, he will report the successes and the lack of success directly to the City Council.

Chief Watt said originally there were 18 or 20 "hotspots" that were designated for the TSU to patrol. Those hotspots periodically change, but are usually major thoroughfares.

Deputy Mayor Smith confirmed that the grant is for three years of funding, including salary, benefits, retirement, and equipment. After the three years, the City would be required to keep the officers for one year, whether or not the goals are being met. Cost of the four officers for one year would be approximately $250,000.

Chief Watt said the return on investment for the TSU has been substantial. Deputy Mayor Smith asked if writing tickets justified the positions. Chief Watt said the justification of the positions is the safety and welfare of the citizens and a reduction in traffic accidents.

Council Member Adami asked if there had been a reduction in traffic accidents so far. Chief Watt said there was no major reduction in accidents for 2008 from 2007, however the manpower of the TSU has been very sporadic. Many times the TSU was staffed by only one officer, and that is not effective. There were also several horrific accidents in 2008, including the bus accident that killed 17 people. Chief Watt said he believed that there would be a decrease in the number of accidents, injuries, and fatalities, at the end of the four year period with a fully staffed TSU.

Council Member Adami asked what was provided for with the creation of the original four positions in the TSU and the compensation salary study. The TSU has been down to one officer, was the City unable to recruit additional officers. Chief Watt said in 2005-2006, the City lost two or three officers to the

Metroplex. He could not take those positions from the patrol officers because they must have first responders available. Therefore the TSU was reduced to one person. The horrible bus accident also happened in August 2008 and three officers were tied up on that criminal investigation for about six weeks. Officer Wood also became ill during this time. Chief Watt said there were two or three major fatalities in a row and the officers that should have been working to reduce accidents were actually working the fatalities.

Chief Watt said with the Federal government paying for the four officers for a three-year time period that would allow the City to evaluate the success of the TSU program. In the police industry, Chief Watt said it is understood that a good TSU is the way to reduce accidents, injuries, and fatalities. Deputy Mayor Smith said he had no problem with the Federal government funding the program for three years, but he was concerned about the following years when it is hard to eliminate employees once they have been added. Chief Watt said it is not difficult to delete the positions if you understand Civil Service.

Chief Watt said the City has just added 200 acres of parks and has added new roadways. The City is doing a lot of infrastructure work to provide for growth in the community, and as the City grows, additional police officers will be needed anyway four years down the road.

Mayor Magers said he wanted to get feedback on the program regardless of how it is doing, good or bad. The Council needs to see the results of the changes that they make. He addressed the salary compensation study several years ago saying the Council invested a lot of taxpayer dollars trying to solve that problem. Until today, he said he did not know what the result of those changes had been. Now the Council is being asked to invest in the TSU program and they need feedback about the program's results. Council Member Wacker suggested quarterly reports about the program. Chief Watt added that if those positions need to be deleted after the three-year period, even with Civil Service, it will not be hard to do so.

Chief Watt presented charts of man-hours that have been relieved from the regular patrol officers by using the TSU to handle accident investigations and escorts.

Council Member Adami added that he felt the crime rate should also be down with more patrol activity. Chief Watt said there are many issues that drive the crime rate. He said the Sherman Police Department is mainly a reactive police department. The officers run from one call to another and very little proactive policing exists. Just adding people is not what it's all about. The key is to add people in smart locations so they can direct the patrol shifts where they need to be working. He needs time to grow the plan and become more efficient and proactive.

Council Member Adami said he understood several years ago that part of the benefit of the TSU was to alleviate patrol to do a better job at being proactive instead of reactive and reducing overall crime rates. Chief Watt felt a solid impact could not be made with only one or two officers in the TSU. At full manpower it will relieve additional officers to do other things and they will have some opportunity to have some impact. He said organizational change takes time.

Council Member Steele verified that TSU officers are baseline police officers but have additional training. Chief Watt added that when a priority one call comes in, if TSU officers are the only backup, they go. This is the only patrol related call TSU officers would handle. They receive additional training in accident investigation, radar enforcement, laser enforcement, and traffic safety programs for the kids.

Council Member Wacker said the TSU would give the Department more tools to help with public safety issues and crime prevention issues, however the results can't be guaranteed because of other factors. She did feel that the numbers should show some impact.

Chief Watt asked the Council to give him an opportunity to put the full program together and said he would report back with a six month or yearly update and if it's not working, the program will be deleted. He felt that once the program is manned, it will show its effectiveness.

Chief Watt said the second grant is for a Civilian Intel Analyst position and would provide 100% of funding for one year with no local match. There are also no retention requirements, however subsequent Justice Assistance Grant funds may be awarded during the following three years. Chief Watt said the Department currently has one Intel Analyst now and has had incredible success with the program. The current Intel Analyst spends approximately 60% to 65% of his time going through the databases looking for crime trends and patterns to help the officers work smarter.

Chief Watt added that this position would be a civilian position. Mayor Magers said the concern is that there is a return on the taxpayer's investments. There must be accountability. Council Member Smith said he has been behind the Police Department for many years but if the positions are just being added to write tickets to justify the positions, he does not like it. He was in support of the Intel Analyst position and felt it would be very beneficial.

Chief Watt said the Council has been behind the Police Department for a long time and they are the ones held accountable by the citizens. It is their job to manage what is going on in the City. The essence of proactive policing is using your assets in the most intelligent, smartest way you can. The Intel Analyst will essentially double their ability to be smarter and to target habitual offenders and is a critical position.

Council Member Adami said it is easy when the grant is for equipment but when it is for personnel that you might have to let go later, it is very difficult to make that decision.

Fire Department Presentation

Jeff Jones, Fire Chief, discussed four topics, maximizing the Homeland Security and Assistance to Firefighter Grants, bringing some of the training in house for employee development and succession planning, a further reduction in overtime expenses, and apparatus replacement.

Most of the grants for the Fire Department have been reactive. Since 2006 the City has received over $600,000 in grant funding. He introduced the large pieces of equipment that have been purchased with this grant funding, including the rescue watercraft; a trailer with heavy rescue equipment for structural collapse below grade and high angle rescue; the command post; and a new pump simulator.

With the new pump simulator the Fire Department can train and also provide for annual required pump tests on the equipment. Previously the Department's apparatus needed to be taken to Dallas or Oklahoma for the annual pump tests. Now it can be handled locally in one day. This provides for a reduction in manpower and in travel time.

Chief Jones said after the bus crash in 2008, the City applied for a grant for some specialized mass casualty response equipment. They have received tentative approval for the grant, however some of the grants make require a 10% or 20% local match. If the City receives the grant, Chief Jones said they will need to make a critical decision concerning the local match, however some funding has been included in the budget for that local match. Mayor Magers confirmed that some of the grants include money for training and overtime costs for current personnel.

Chief Jones also recommended adding three additional employees, one per each shift to improve efficiencies and reduce overtime costs. The plan should save over $40,000 in real overtime costs. It is an addition of employees but will result in a real reduction of overall costs. Mr. Olson said the Department may still have overtime costs during bad events. Council Member Adami said overtime is a huge management issue and still needs to have good overall review. He felt Chief Jones would need to be accountable for the overtime issue. Mayor Magers added that overtime in the Fire Department has been an ongoing critical issue.

Chief Jones said by adding the additional employees, taking advantage of grants for equipment, and providing for a lot of in-house training, they are identifying various ways to reduce the overtime costs. Sending an employee for out-of-town training incurs travel costs and in many cases, overtime costs. If that cost can be shifted to purchase equipment, partially or wholly through grant money, and the training can be done in-house, the overtime costs have essentially been reduced. Chief Jones said that is one of the steps that the City is taking.

He said no personnel have been added to the Fire Department since 1996 and there has been an increased demand for service. The success of the City Council's previous salary structure plan that was completed two years ago, is that they now have a waiting list.

Chief Jones is recommending replacement of one engine, purchased in 1999, based on age, mileage, engine hours, pump hours, and maintenance costs. The engine will be replaced with a ladder truck for the Downtown area. The current truck will be moved to Station 3, which will allow for future growth to the north and west. This plan will also provide critical protection to the east side of Sherman and Austin College area. Cost of the ladder truck is $1.1 million and it should last 10 years on the front-line and a couple of years in reserve. The ladder truck will not have the high traffic that a regular engine would have so the lifespan should be increased. The purchase will be financed.

Chief Jones said the City has replaced one engine annually for the past three years at a cost of just under $400,000. Mr. Olson said the staff has changed the City's policy on vehicle replacement, but in 1999 the City purchased four new engines. They all turned 10 years old at the same time, but this is the last piece to be replaced and the replacement schedule will now be spread out.

Chief Jones said the Fire Department will not be adding any new programs this year and plans to maintain what they are currently doing. They will maximize their efficiency through grant opportunities and will continue to focus on inside professional development, and make the operations as efficient as possible. They will also replace one piece of equipment.

Mayor Magers said he served on the Homeland Security Committee with Chief Jones and he praised him for the good job he does representing Sherman.

Council Member Adami asked for feedback on the overtime situation in six months after the new budget beings. Mayor Magers addressed the preference of hiring paramedics over emergency medical technicians that are on the waiting list. Chief Jones said the Ordinance allows that preference be given to applicants that are already paramedics. That's where the Department is moving and many individuals are paying for their own paramedic training.

Council Member Howeth said she sees many students that want to become a firefighter. Chief Jones said there was a patriotic spike after 2001, but now with the poor economy, a public safety job is a steady job and the employees want to stay with the Department.

City Council Members took a break from 10:00 a.m. to 10:09 a.m.

<u>Street Presentation</u>
Jeff Miller, Director of Public Works, presented reports on two departments in his area of responsibility.

Brush / Bulky Waste Collection Programs
The City began a Curbside Brush Collection Program in July 2008 which has been very well received by the public. It has proven to be very easy to collect brush monthly with the two brush trucks that were previously purchased by the City. The program serves over 12,000 homes monthly and has good participation rates. Over the last 12 months, approximately 15,000 cubic yards of brush has been collected through the program, saving the taxpayers over $75,000 a year at the landfill.

When the program first began, Mr. Miller said there was a fairly high participation rate, however that has now settled into a consistent rate of 15% to 20% monthly. Over the year there has been a participation rate of 80%. The brush is taken to the City's South Plant and not to the Ida Road site. It is ground three times a year and used as boiler fuel.

Mr. Miller said with the success of the brush program, the staff is proposing to add a monthly Bulky Trash Collection Program, starting October 1, 2009. He is confident that the additional service can be provided with no additional equipment or manpower. The collection schedule will be the same as the brush collection program. With the new service, taxpayers will save money by not having the special pick-up or the Spring Clean-Up services. The program should also help keep the City clean, provide year round collection, and cause less Code Enforcement, at no increase in cost.

Mr. Olson said there will be “growing pains” with the new service and there will be a higher cost special pick-up for those not following the program. The staff wants to make sure that the trash is not sitting out for a week before the scheduled pick-up. Mr. Miller said the focus is to keep the City as clean as possible.

Street Department

Mr. Miller said while preparing the FY 2009-2010 Budget, two critical Street Department areas were identified where the staff felt they could improve. The areas are the repair of street cuts and the repair of curb and gutter. Currently those tasks are performed by outside contractors. Mr. Miller said after considerable discussion and analysis, the staff feels that these tasks can be performed in-house more cost effectively and efficiently.

In an average year, the City pays a contractor from $160,000 to $200,000 to make street cut repairs. Mayor Magers confirmed that this is an ongoing expense for the Street Department. These repairs come from water line breaks, sewer line repairs, utility connections, curb cuts, and the repair of the old, failing curb and gutter across the City. The cost of adding two new employees to the Street Department is approximately $90,000 and some of the material used for street cut repairs is already housed at the South Plant, the savings potential will be significant. He added that the City will have the ability to make the repairs more quickly and at the higher quality demanded by the City.

Council Member Adami said the City used to repair the curb cuts and curb and gutter repair in-house, but stopped and began contracting the job out. He asked what had changed to make it advantageous to do in-house again. Mr. Miller said timeliness is the critical issue. The street cut repairs that are being made through contractors are good but the problem is whether or not the contractor is available when the repair needs to be made or is he on some big job and unavailable for three or four weeks.

Council Member Adami clarified that the City’s specifications on street cut repairs states that the repair should be completed within 10 days from the cut. This allows time to be driven on for maximum compaction. Streets are cut hundreds of times per year for utility repair by either City personnel are the other utility companies. There is a tracking program to monitor in-house street cuts and a permit program to oversee the activity by other utility companies and plumbers. The repairs must be made to a certain standard to minimize the damage to the street base and the driving surface.

Mr. Miller said the function of curb and gutters is to move storm water efficiently off the streets. Failure to do that leads to premature street base failure and damage to the driving surface. Sherman has thousands of linear feet of old, failing, poorly constructed curb and gutter that needs to be replaced. Everyday there is additional damage to the curb and gutter as vehicles and trucks drive over the curb and gutter and break them.

Mayor Magers asked if there would also be an opportunity to complete some sidewalk repair as well. Mr. Miller said typically the curb and gutter is a separate unit even if the sidewalk adjoins it. Mr. Olson added that there could be some coordination but the staff and Council needs to review the Ordinance and policy on sidewalks and determine who owns them and who repairs them.

Council Member Steele asked if the City receives reimbursement from the other utilities when they cut the street. Mr. Miller said there is an agreement with the utilities, principally the gas company, because they do the most cuts. They use their own contractor at their own expense, the City inspects and approves the cut repair. The Ordinance does state an amount that is charged if the City makes a cut for a plumber or anyone else, and the City does bill them.

Mr. Miller explained that in 2007 the City privatized street sweeping by entering into an Interlocal Agreement with the City of Plano. From the beginning, the contractor gave the City poor service and it cost a lot of money. The contract was terminated, however two City driver positions had already been eliminated. After the contract was terminated, the Street Department, without adding staff, began sweeping the streets again with old equipment.

Mr. Miller said sweeping the streets is important because the streets receive runoff from adjacent areas during rainfall events, and with that runoff comes debris such as rocks, stone, litter, trash, and hydrocarbons from the street. If the debris is not swept up, it will eventually enter the storm water system and end up in the creeks, streams, and ditches. Vegetation growing in the asphalt street will also eventually break down the asphalt. Sweeping picks up the weed seed and scrubs off the vegetation that is growing in the street. Litter is another reason why the streets are swept.

The staff recently obtained a quote from a sweeping contractor to sweep the streets four times per year, excluding the Downtown area, for over $90,000 annually. If we consider the in-house cost to sweep, equipment, maintenance, fuel, and labor, the City's cost would be approximately $65,000 annually, which would be a savings of $25,000.

Mr. Miller proposed the purchase of the necessary equipment to continue sweeping the streets in-house. It can be done more cost effectively and the City would control the quality and performance of that service. The City could still sweep all streets four times a year, but they could also sweep after special events, construction and maintenance operations, after storm events, and can generally move toward better maintained streets and a cleaner City.

Council Member Steele confirmed that the $65,000 would include the debt service on the equipment. Mr. Miller said the sweeper they are proposing to purchase is a regenerative air sweeper and is a brush and a vacuum, and has the ability to pick up rocks and stones.

Council Member Softly asked how someone would get a street swept that needed it. Mr. Olson said the City has not been sweeping the streets for a month and a half because the equipment is inoperable. The City is at a crucial point now.

Council Member Steele confirmed that a street sweeper generally costs $175,000 to $180,000 and lasts 10 to 12 years. The City would pay for the equipment over a five to seven year period. Council Member Howeth confirmed that the debris from the street sweeper is considered solid waste and must be eventually taken to the landfill.

Financial Presentation – FY 2010

Robby Hefton, Assistant City Manager/CFO, presented a review of the City's financial status adding that the staff is taking a longer term approach to this year's budget than in the past. There are several things over the next few years that will effect the City's budget including issuing the last series of bonds at the end of this summer to complete the projects. This will affect the financials over the next 20 years. Panda Energy will bring both tax dollars and water revenue into the Utility Fund. With these types of issues, the staff felt they should take a more comprehensive, longer term look at the budget because today's decisions will affect the City's future. There are also several other items of efficiencies and a few new programs, many of which will be funded through grant money or savings. There are also several Comprehensive Master Plan priorities that are included in the budget, including storm water management, GIS system development, development ordinances, and parks maintenance to standard.

Mr. Hefton said "at a high level" the General Fund is balanced for 2010. There are some revenue sources and some expenditures that will be increasing, but it is balanced on an on-going basis. The Utility Fund is not balanced on an on-going basis, but Mr. Hefton will present more information on that Fund later.

In the Solid Waste Fund, rates continue to increase for the Texoma Area Solid Waste Authority Landfill, as well as fuel costs. Another increase has been included in the Solid Waste Fund. There has been a decrease in revenues for the Fund, especially in the Commercial Solid Waste Program. Since construction has been down, the roll-off business is also down. Other companies are also finding efficiencies that help them save money, thereby costing the City revenue.

Rate increases in the Residential Solid Waste Program have not kept up with the cost of the service, which has increased partly because of TASWA costs. Mr. Hefton said the staff is recommending a rate increase for residential solid waste collection. Mayor Magers asked if the driving cost to the City was the landfill costs. Mr. Hefton said the landfill tipping fees are the biggest driving cost increase for the Solid Waste Program and it is hard to know where these increases will stop. The City's rate is currently at $11.90 but needs to be $14 per resident.

For the General Fund, new programs are proposed at a net total of $166,000. Some of the programs will be funded by grants and some will be partially funded by savings in other Funds.

General Fund
Mr. Hefton said the staff is projecting to be at $5.7 million in reserves in the General Fund in 2010. This is 71 days of reserves. The target is at least 60 days, but as previously related to the City Council, Mr. Hefton would like to begin increasing the target for money kept in reserve. Revenues are projected to increase by approximately $1 million, in multiple line items. Increases are projected in property taxes due to new property and a modest increase in existing property tax values. Mayor Magers confirmed that the additional taxable value is about $50 million and about half of that is new property. The tax base is about $2.1 billion.

Mr. Hefton said increases for sales tax were built in at 2% for inflation and because the City will have had 12 months of sales tax in lieu of property tax. Other increases are noted in fines and forfeitures and grants and miscellaneous.

Council Member Adami asked about the reduction in interest revenue. Mr. Hefton said the staff is projecting to begin the year with less that they did last year, so most is just a function of fund balances. He said the City is currently receiving about 1.25% now, which is good.

Total expenditures are expected to be down about $1 million. Personnel expenditures are expected to increase, but there are no across-the-board increases built in. The net effect relates to the additional personnel proposed, increases in the Texas Municipal Retirement System rate that is being phased in over several years, and a slight increase in group health insurance.

Supplies increased about $200,000, partially because the City has held back over the last couple of years on computer purchases. Also all tools and equipment under $5,000 is placed in this line item and some of the equipment that can be purchased with grant money is placed in this line item.

Mr. Hefton said there is a $200,000 transfer from the General Fund to the Debt Service Fund to help service the Certificates of Obligation debt.

Utility Fund
Mr. Hefton said a 1.5% rate increase in water and sewer was built in. The find balance is projected to be $3.5 million, which is 65 days of fund balance. There is a one-time transfer in of $450,000. It appears to be balanced for 2010, but Mr. Hefton said without the $450,000 transfer in, the Fund would be about $300,000 "under water." Long term the debt service will be substantially reduced in three years and revenues will increase with both water sales to Panda Energy. The expenses are nearly flat, about $100,000 increase on a $17 million budget, or less than 1%.

There are some personnel increases that relate to open positions and the TMRS and group health increases. The Biosolids Program cost is included in the contractual and special services line item. For 2010, the staff has included the normal cost of processing the biosolids and some additional funding to begin emptying the basins. The staff will make a final recommendation on the biosolids later this year. The discussion has been whether they should be land applied or landfilled.

Solid Waste Fund
Mr. Hefton said he had more concern about the Solid Waste Fund. He included a $1 rate increase in the Residential Solid Waste Program, but it really should be a $2 rate increase this year.

Mayor Magers said TASWA has had consecutive increases for the past two years for a total of $4, or approximately 20% on the City's cost of dumping trash. Two years ago the City did not increase the rates for the first year of TASWA's increase, but they did increase the rate a little last year. Of the three municipalities, Sherman hauls about half of the trash and pays the same amount as the other entities. Sherman's rate will be $30 per ton this year, the same rate that any citizen taking trash to Hillside Landfill would pay without a contract. He felt the City needs to raise rates to meet the actual costs for use of the landfill.

Mr. Hefton said there are three major programs in the Solid Waste Fund, including the Residential Trash Program, the Commercial Trash Program, and Residential Recycling. Residential Recycling is paying for itself. The Commercial Trash Program does pay for itself in a normal year, however with construction down this is not a normal year. The staff is also not projecting that it will pay for itself in 2010 either, but it is not far off from a "break even" point.

From a policy standpoint, Mayor Magers verified that whether the City takes residential or commercial waste to the TASWA Landfill, as of July 1, 2009, they are paying $2 more per ton. He recommended that the City increase both the residential and the commercial service to offset this increase.

Mr. Hefton said in 2006, the Commercial Trash Program was generating between $400,000 and $500,000 more than it cost. That has been going down steadily and now it's not paying for itself. He felt that maybe the policy should be that each program should pay for itself individually. It is very close now to breaking even and may increase with the economy. He said if it doesn't increase, then the rates should definitely be increased to meet the costs. Mayor Magers added that originally this fund had a large fund balance, and the Council decided not to increase rates, even though TASWA did, to reduce that fund balance. He emphasized that the reduction in the fund balance was by design.

Mayor Magers felt the City should take the steps today to get the rates in line with the costs. Council Member Adami said he would be in favor of a smaller rate increase for commercial now than to have to make a huge increase next year. He also felt the City needs to increase the residential rate and should probably review the rate for recycling and whether or not the second recycling container should be free.

Deputy Mayor Smith confirmed that the Commercial Program was increased 4% last year for a total of $125,000, however it was the first increase since the City took over the program. The Residential Program was increased 11% last year. Mr. Hefton said the City would have needed to increase rates another 8% last year. This year, to cover the costs, the rate increase should be 8% to 10%. Deputy Mayor Smith confirmed that the City can't do anything about the cost increases because their rate is being increased by TASWA.

Mr. Hefton said the City actually needs about another 8% or $200,000 for the Commercial Program. To balance the Commercial Program for 2010, the City needs an 8% to 10% increase in rates. Mr. Hefton said he did not build in any increase for commercial in the proposed budget and only built in $1 for the residential. The residential rate really should be increased by $2.

Deputy Mayor Smith asked what the theory was behind increasing the residential rate but not increasing the commercial rate. Mr. Hefton said residential is in the hole and there is no indication the revenues will be changing. On commercial, if business and construction picks back up, then the revenue will increase. He said it is easier to increase rates in increments, rather than reduce rates that have been increased. Deputy Mayor Smith felt there should also be an increase in the commercial rate.

Council Member Adami asked about a project in the General Improvement Fund to rebuild the Solid Waste driveway for $60,000. He felt it should be funded with a transfer from the Utility Fund. Mr. Hefton said the General Improvement Fund is a "catch all" for any project that is not a utility project. He recommended transferring $60,000 from the Solid Waste Fund into the General Improvement Fund to pay for the project.

Mr. Hefton confirmed that the Council did want to increase both the residential and the commercial solid waste rate, mainly because of the increase in the TASWA rates. Mayor Magers said even with the $2 TASWA increase, their budget is still very “slim.” Mr. Hefton said today, to fix the residential rate, a $2.10 rate increase is needed. Every year the rate will need to be reviewed depending on the TASWA increases.

Mr. Hefton said the City has only had one rate increase for commercial service since it began and they have reduced the fund balance to where it needs to be. Mayor Magers recommended raising the residential rate $1 and the commercial rate $1, which would increase revenue more than raising the residential rate $2. He said more tonnage goes to TASWA on the commercial side rather than the residential side.

Mr. Hefton felt that each program should be self-sufficient and the rates should be based accordingly. To be self-sufficient, the residential rate needs to be increased $2 and the commercial rate needs to be increased 10%.

Council Member Adami added that the City has expanded services by offering the monthly brush pick up and now the monthly bulky trash pick up. Council Member Wacker added that, even at the new rate, Sherman citizens get a lot of value from the service provided.

Mr. Hefton added that he is proposing that the second trash cart be supplied at the same rate as the first trash cart. Council Member Wacker was still in favor of the free second recycling cart, in order to encourage citizens to recycle rather than put it in the landfill. Council Member Adami agreed, but suggested reviewing that in the future as costs increase.

Mr. Hefton said an increase of $2 ($1 is already built in) on the residential and 5% on the commercial would generate about $275,000 annually, which is back to break-even and puts the fund balance back where it should be. Mayor Magers suggested increasing 6% on the commercial. Council Members decided to increase the residential solid waste rate by $2 and the commercial solid waste rate by 6%. Mayor Magers added that Sherman residents and businesses are still not incurring the full cost increase that the City is getting from TASWA.

City Council Members took a break from 11:26 a.m. to 11:32 a.m.

General Improvement Fund
Mr. Hefton said the General Improvement Fund should end the year with about $500,000 in fund balance. However, he said that might not happen depending on some projects. Several of the projects are completing things that are already in process. Money is also included in the budget for the City’s portion of the Texas Department of Transportation projects for the U.S. 75 Frontage Road Reversal and the Canyon Grove Road Relocation. Both are Metropolitan Planning Organization projects in which the City is participating. Mayor Magers added that those are the top two projects on the MPO list and if TxDOT funding becomes available, they should be done first. Mr. Hefton said that money needs to be in the City’s budget or TxDOT considers the money not available for that project.

Mr. Hefton said there is also money budgeted for street oversizing in case opportunities arise with development for the City to widen the street. The money is appropriated but there are no specific projects at this time. There is also money budgeted for drainage improvement projects and the staff has developed a comprehensive list of culverts that are already failing. The staff has programmed approximately $1.25 million for drainage related projects over the next five years. They will also look for grant money for drainage basin studies that will help identify areas of concern.

Mr. Hefton said $60,000 will be moved into the General Improvement Fund for the Solid Waste Driveway Rebuild from the Utility Fund. This will allow the Drainage Improvement Project line item to be increased to $300,000.

Mayor Magers addressed the $40,000 budgeted for the Recreation Center Study. He did not feel the project was needed this year, especially with the current economic situation and not being able to give the City employees a salary increase. Council Member Wacker asked if the study would encompass a new facility or the utilization of existing buildings. Mr. Olson said the study was recommended by the 2005 Parks Master Plan and would be a multifaceted study to determine what is needed in the community, and when and where it is needed. Council Member Adami agreed that the project is valid but right now might not be the right time.

Mr. Hefton said the budget does include a GIS Project for $146,700, which includes software, training, hardware, and development of additional database levels for all departments that had requested a budget item.

Utility Improvement Fund
Mr. Hefton said currently the budget includes $4 million for 2010 for additional water storage rights. That number might change and if the City can get 20,000 acre feet of water storage, the number will increase to $8 million. The City will be financing whatever storage rights become available and it will not affect the ending fund balance. Mayor Magers confirmed that there will be no problem for the City to take on the financial burden to purchase the water storage rights.

Insurance Fund
Mr. Hefton said there is a transfer out of the Utility Improvement Fund into the Employee Insurance Fund. He felt the Employee Insurance Fund had “gotten over the hump.” Of course no one knows when other catastrophic claims will come up, but the ones the Fund had previously seen, even those extending over multiple years, are no longer an issue. He added that the City has seen a great claims history over the last three or four months.

The proposed budget includes $3.6 million in claims for the next fiscal year. The City has had three years of pretty bad claims, but the trend seems to be turning. Council Member Adami asked if the City should review whether self-funding insurance is still the right way to go. Mr. Hefton said the staff does review that issue annually but they don’t always approach the Council with a recommendation to make changes. With the City’s consultant, Fidelity Benefits, the staff reviews claims history, projected claims, and goes out for RFP bids both on a self-funded basis versus a full indemnity plan, reviewing which one makes sense for the City.

Mr. Hefton said it will be reviewed again this year and barring any unforeseen multiple catastrophic claims, the City will be in better shape with a good fund balance. He felt the City had experienced three years of anomalies, but it wasn’t from an increased utilization; it was an increased number of claims over $100,000.

Hotel/Motel Tax Fund
Mr. Hefton said the Hotel/Motel Tax Fund appears not to be balance, but it truly is. The amount transferred to Auditorium/Ballroom is more than is usually transferred, because there are a couple of projects they are trying to fund for the additional $40,000. The ending fund balance is also larger and as discussed in previous years, it needs to be reduced. The funding levels are fairly constant for the budgeted items.

The proposed budget also reflects bringing the Tourism Department in-house. With this change, the administration costs are significantly less than in the past, and more Hotel/Motel Tax dollars can be spent on program costs such as grants, marketing, and website. Mayor Magers confirmed that tourism program costs have increased from $26,000 last year to $116,700 this year. He agreed this is what was intended with the changes in the Tourism Department.

Citizen's Question
Ernestine Harrell, 2600 Nantucket Drive
Mayor Magers said Ms. Harrell asked to speak to the City Council. She had questions about the reconstruction of West Washington Street and the use of a bond issue to fund the project. Since the bond issue will be $3.7 million, she asked if the interest rate on those bonds had been set. Mayor Magers said the City expects the interest rate to be approximately 4%. Since the budget is tight and the economy is not expected to get better in the next six months, Ms. Harrell asked how the interest on the bonds would be paid and where the repayment would come from.

Mayor Magers said the $3.7 million will be spread over 20 years of bond payments and will be paid from General Fund dollars. The City has no impact fees but they do ask the developer to pay a road escrow fee. That road escrow fee has been paid except for a small portion that has not been developed. The road will be taken from the west side of F.M. 1417, Heritage Parkway, to the City limits, and has already been paid for with road escrow fees. Lamberth Road will also be rebuilt using the same process. S.H. 289 is supposed to open in July 2009. The City has a road thoroughfare plan and the Council's feeling is that the roads need to be moved so when development comes the proper roads are in place and the City will be ready for the proper development.

Mayor Magers felt there would be a race between the City of Sherman and the City of Southmayd to develop land east of S.H. 289. He said the Council is going to make sure the City is prepared so that when development comes there will be a choice of development. Good roadways will be a clear advantage for Sherman.

Council Member Adami said the thoroughfare plan was publicized and was presented to the citizens in 2007 for a vote. It passed with 70% of the voters in favor of the plan, which also included both the Washington and Lamberth Street extensions. The Council is doing what the voters asked them to do. They also identified cost savings to expand what they originally said they were going to do.

Ms. Harrell was concerned about incurring this type of debt. Mayor Magers said for the first time, the City of Sherman has a AA credit rating and can handle this debt. The budget includes plenty of money to pay the debt. He confirmed that the interest rate is fixed.

Mr. Hefton added that not only is the bond issue a fixed rate, but the City actually has lower interest on the "front end" which could be as low as 2 point something percent. As for debt, the City is extremely lowly leveraged with debt compared to most cities the size of Sherman.

Council Member Adami added that he felt it was smarter to pay for assets that last 20 or 30 years over time instead of up front. Mayor Magers added that the City is not going to pay for developments to the west. Developers will pay, but the City needs to be sure they have the right infrastructure for growth.

City Council Members took a lunch break from 11:58 a.m. to 12:13 p.m.

DISCUSSION OF LONG-RANGE PLANNING
Financial Presentation – Long Term
Mr. Hefton said the staff wanted to start looking at long term planning issues at a very high level. They want to look at what the financial impact is for the things that are decided today and how that impacts operations over the next few years. He presented revenue and expense trends and projections for the General Fund, Utility Fund, and Solid Waste Funds, for the next five years and for a couple of years prior. This is not an attempt to balance any budget for any year other than 2010; it's just to have a heads up as decisions for the upcoming year are made.

The General Fund is driven by sales tax, property tax, and franchise taxes and the long-range planning includes things they know are coming, such as Panda property taxes which will come on line in 2012.

Mr. Hefton presented the five-year financial projections for items that were actually known at this time. The first scenario doesn't include any cost-of-living increase, however he presented a second scenario that does include a 2% across-the-board, cost-of-living increase. The budget is projected to be balanced in 2010, but there are some challenges in 2011 through 2014. There could also be changes in revenues so the end result is not known at this time. Mr. Hefton said the long-range planning would just help the Council set their minds on the effects of such items as the Certificates of Obligation and the TMRS increases. The benchmark on $30 million expenditures needs to be $5 million to $5.5 million in fund balance. He added that every year there are challenges but nothing he saw now really caused him major concern. Every year the requests are more than the revenue and the staff has to find ways to be more efficient and balance financing.

According to Mr. Hefton, the Utility Fund looks good especially because of Panda Energy coming in and a reduction in the debt service. The City will be in a good financial position, especially in years three through five. Revenues were projected using a modest 2% growth estimate for water and sewer sales, either through growth or rate increases. Starting at 2012, the debt service will start to be reduced. He also referenced projects that are built into the budget that may or may not happen.

Mayor Magers confirmed that, based on what is known today, the City has the capability to purchase whatever water storage becomes available in Lake Texoma.

Mr. Hefton said the Solid Waste Fund projects will be positive with the changes discussed earlier today. Even though the City of Sherman has only a 20% control on TASWA, they need to watch expenditures and will need to make adjustments every year.

Mr. Hefton said the staff is being pushed by Panda Energy to get the tax abatement agreement and the 380 Economic Development Agreement done because Panda wants to get started. Deputy Mayor Smith confirmed that the tax abatement agreement will probably be on the Council Agenda for the first meeting in July 2009.

Council Direction

Council Member Adami commended Mr. Olson and Mr. Hefton, as well as the staff on their good forward thinking. He said on a $30 million budget, foresight was definitely needed. Mr. Hefton said he is not satisfied with the AA bond rating and the staff will be working for the next level. Long-term planning is one of the things that they look for in the bond analysis process. They also want to know if a City has written debt policies, written financial polices, and do they do long-term planning that is presented to the Council. He said the long-range planning is a tool and a practice that should be in place anyway, but it also helps the City get to a AA+ bond rating, which is the next goal.

Mayor Magers confirmed that it will probably take from three to five years to get the various funds to a 90 day fund balance. He felt the three year Council terms would help give a more consistent plan for running the City. Council Member Wacker agreed because the projects are being financed by bond issues over a longer period of time and the City will be working with the Comprehensive Master Plan. The Council can now make good, evidence-based decisions.

Mayor Magers said the last two years of budgets have been better than in past years. He praised the staff for a job well done. Council Member Adami said the staff also did a great job of recognizing the issues of drainage and did a great job implementing the plan.

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 12:32 p.m. Documentation for the Budget Work Session is held in the General File “Budget Work Sessions FY 2009-2010" in the City Clerk’s Office.

MAYOR

ATTEST

CITY CLERK

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5608
Amending Chapter 1 of the Code of Ordinances, entitled "General Provisions", at Article 1.02, entitled "Administration", to Provide for Section 1.02.004 to Establish a Convenience Fee of $1.25 for Online and Telephone Credit Card Payments

Issue
To consider amending Chapter 1, Article 1.02 of the Code of Ordinances to implement a One Dollar and Twenty-Five Cents ($1.25) convenience fee for online and telephone credit card payments

Background
Approved as part of the fiscal year (FY) 2008-2009 budget, the City will be implementing INCODE's online module, which includes a Utility Billing web application and ultimately the ability to process credit cards at various departments within the City, such as Animal Control and Code Enforcement. This functionality was presented to the Council in May in the form of proposed changes to the Utility Billing electronic transaction processing, even though it relates to multiple departments. However, the overwhelming largest user of this feature will be Utility Billing.

Origination
Robby Hefton, Assistant City Manager/CFO
Angela Gurley, Customer Service Manager in the Utility Billing Department

Financial Consideration
The City is expected to recoup at least $18,000.00 by implementing this convenience fee within the Utility Billing and other City departments.

Staff Recommendation
It is recommended that the Council adopt the proposed ordinance to establish a $1.25 convenience fee for online and telephone credit card payments.

Alternatives
The Council could opt not to approve the proposed ordinance.

Attachments
Ordinance No. 5608

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5608

AN ORDINANCE BY THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", AT ARTICLE 1.02, ENTITLED "ADMINISTRATION", TO PROVIDE FOR SECTION 1.02.004 TO ESTABLISH A CONVENIENCE FEE OF $1.25 FOR ONLINE AND TELEPHONE CREDIT CARD PAYMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, the City Council desires to set the credit card payment convenience fee at an amount that is reasonable to the expenses incurred by the City for the processing of credit card payments; and

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

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

SECTION 1. That Chapter 1, Article 1.02 of the Code of Ordinances of the City of Sherman, Texas, shall be and is hereby amended by adding Section 1.02.004, said section to read as follows:

Sec. 1.02.004 Convenience Fee for Credit Card Payments

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

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

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

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

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

INTRODUCED on this the ______________ day of __________________, 2009.

ADOPTED on this the _________________ day of __________________, 2009.

EFFECTIVE DATE on this the _________ day of __________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: _______________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _______________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5609
Providing for Permanent "No Parking" Signs Restricting Parking along the East Side of Ricketts Street for a Distance of Approximately 100 Feet South of Pelton Street within the City Limits of the City of Sherman

Issue
To introduce an ordinance and seek public input concerning the establishment of parking restrictions along the east side of Ricketts Street, south of Pelton Street

Background
The resident living at the southeast corner of Pelton Street and Ricketts Street has complained that, during large events at Fairview Park, individuals park their cars too close to his driveway or actually block his driveway. The resident requested that the parking be restricted on the east side of Ricketts for a distance of approximately 100 feet south of Pelton to assure that his driveway is not blocked.

Origination
Citizen Complaints and Public Works Department

Financial Consideration
It was necessary to only install one sign to restrict the parking in this area for a total cost of less than $100.00.

Staff Recommendation
Adopt the proposed ordinance to provide for the restricted parking on the east side of Ricketts Street for a distance of approximately 100 feet south of Pelton Street.

Alternatives
Those as may be recommended by the City Council

Attachments
Ordinance No. 5609
Location Map

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

ORDINANCE NO. 5609

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE EAST SIDE OF RICKETTS STREET FOR A DISTANCE OF APPROXIMATELY 100 FEET SOUTH OF PELTON STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, permanent "NO PARKING" signs will be erected within the corporate limits of the City of Sherman and parking is prohibited in the following location:

> The east side of Ricketts Street for a distance of approximately 100 feet south of Pelton Street, as shown by Exhibit "A" attached hereto and incorporated herein for all purposes.

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

SECTION 3. That, from and after the erection of the "NO PARKING" signs herein authorized, it shall be unlawful for any motorist to park a vehicle in such area designated as a "NO PARKING" zone, as provided in Sec. 12.04.020 of the Code of Ordinances of the City of Sherman, Texas. Violators of this ordinance shall be subject to fine as provided in Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas.

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

SECTION 5. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

INTRODUCED on this the _____________ day of _________________, 2009.

ADOPTED on this the ________________ day of _________________, 2009.

EFFECTIVE DATE on this the _________ day of _________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY

Exhibit "A"


RIC
PELTON
NO PARKING
RICKETTS
Southeast Corner of Ricketts St. and Pelton St.
NO PARKING ZONE
City of Sherman, Texas
N

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5610
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Living Quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District at 8111 U.S. Highway 75 South, Suites 100 and 200, being Lot 1, Block 1, Cedar Lake Addition (Jack Hopper, Owner; and Air Evac, Helicopter Ambulance Service, Tenant); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Issue
To consider the request of Jack Hopper (Owner) and Air Evac, Helicopter Ambulance Service (Tenant) concerning the property located at 8111 U.S. Highway 75 South, Suites 100 and 200, being Lot 1, Block 1, Cedar Lake Addition to allow living quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District

Background
The property is located at 8111 U.S. Highway 75 South, Suites 100 and 200. Jim Walter Homes was formerly the tenant. Air Evac, Helicopter Ambulance Service is proposing to develop the property for a medical air ambulance base. They would use the existing two story house for crew quarters, construct a 30’x 50’ hangar with a stone and lap siding exterior finish on three sides, and construct a 40’x 40’ concrete pad to be used as a landing pad. A fuel tank will be enclosed by a 6’ privacy fence.

Origination
Jack Hopper (Owner) and Air Evac, Helicopter Ambulance Service (Tenant)

Board Recommendation
At the June 16, 2009 regular meeting, the Planning and Zoning Board voted 9/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and subject to being restricted for residential use for the Air Evac, Helicopter Ambulance Service only.

Attachments:
Ordinance No. 5610; Location Map; Photograph; Site Plan; Letter Approving the Request; P&Z Communication Form; and Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5610

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 LIVING QUARTERS IN A C-1 (RETAIL BUSINESS) DISTRICT AND THE O-1 (75 & 82) OVERLAY DISTRICT AT 8111 U.S. HIGHWAY 75 SOUTH, SUITES 100 AND 200, BEING LOT 1, BLOCK 1, CEDAR LAKE ADDITION (JACK HOPPER, OWNER; AND AIR EVAC, HELICOPTER AMBULANCE SERVICE, 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; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Jack Hopper (Owner) and Air Evac, Helicopter Ambulance Service (Tenant) are granted a Specific Use Permit to allow living quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Block 1, Cedar Lake Addition

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the Commercial Tree and Landscaping Ordinance and the O-1 (75 & 82) Overlay District must be followed.
2. Fire lanes shall be coordinated with the Fire Marshal, (903.892.7267)

3. Any off-street parking area, service drive or driveway shall be surfaced with concrete so as to provide a durable and dustless surface.
4. A minimum 6’ screening height is required abutting any residential uses.
5. All parking shall be on private property and shall not encroach onto the U.S. Highway 75 frontage road; parking is permitted on paved surfaces only.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering

7. Detention in accordance with City criteria is required.
8. Meet the wastewater requirements of Grayson County.
9. If the property is divided and placed under different ownerships, replatting of the property will be required.

Planning & Zoning Commission

10. Residential living quarters restricted for the Air Evac, Helicopter Ambulance Service only

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

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

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

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

INTRODUCED on this the ______________ day of __________________, 2009.

ADOPTED on this the _________________ day of __________________, 2009.

EFFECTIVE DATE on this the _________ day of __________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ________________________________

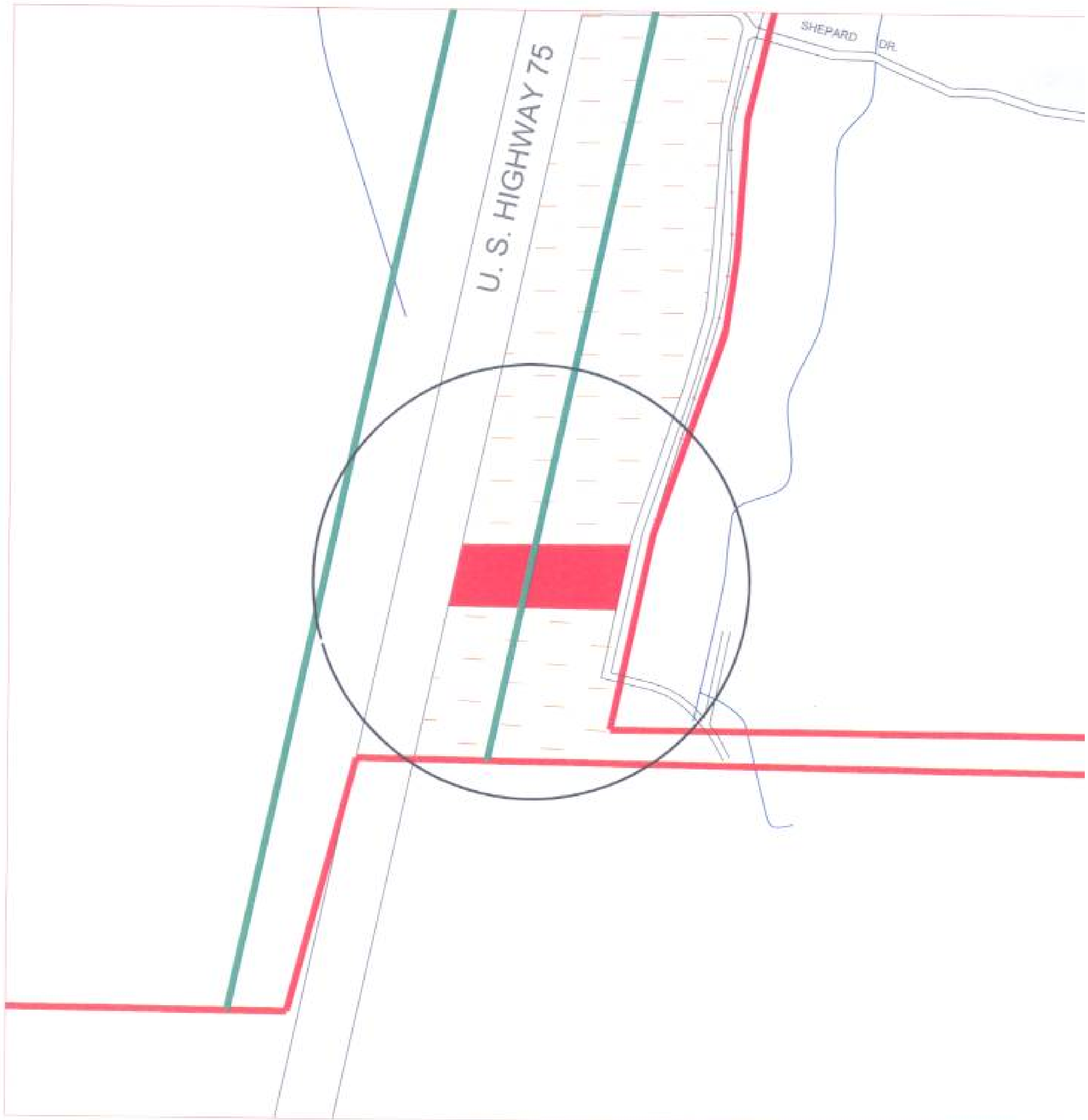
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY



LEGEND

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

8111 U.S. HIGHWAY 75 SOUTH
SUITES 100 AND 200

Department of Developmental Services

N


SAM RAYBURN
Sherman

8111 S. Highway 75

Sam Hix

Air Evac Lifeteam

(417) 505-0059

hixsamuel@air-evac.com

May 26, 2009

To Whom It May Concern:

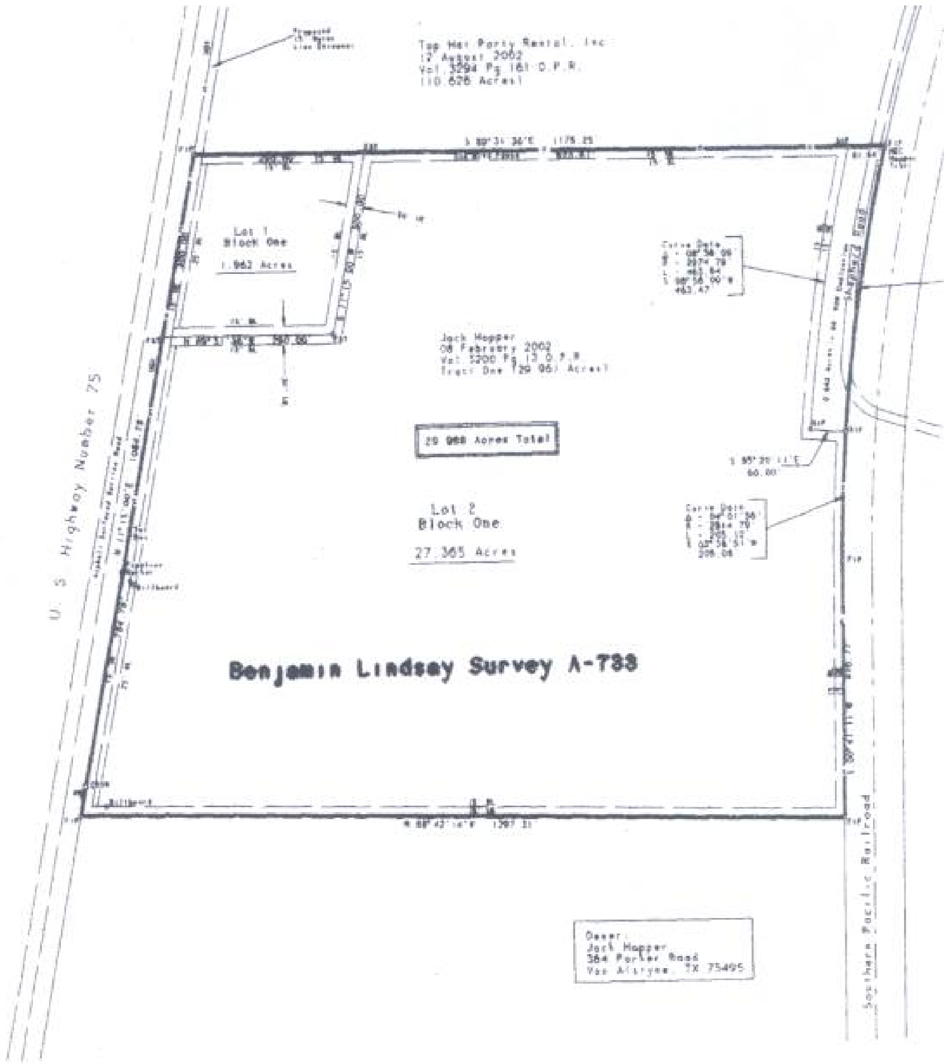
Air Evac Lifeteam is proposing the development of ~~8100~~ 8111 S. Hwy 75 in Sherman, TX, for a medical air ambulance base. The property is owned by Jack Hopper and has two buildings on the premises. We will be renting both buildings from Mr. Hopper for use as an office and a crew quarters. The site will require the addition of a 30'x50' metal building with an attached 40'x40' concrete pad behind the existing structures; these will serve as the base hangar and landing site.

We have been informed of the city's building codes and have tried to develop a plan in accordance to these standards. The design is flexible and can be changed to better meet the city's parameters.

Thank You,

Sam Hix,

Facilities Coordinator, Air Evac Lifeteam



** Basis of Bearings **

Bearing along the east line of Hopper Deed Vol. 3200 Pg 13 O.P.R.

LEGEND

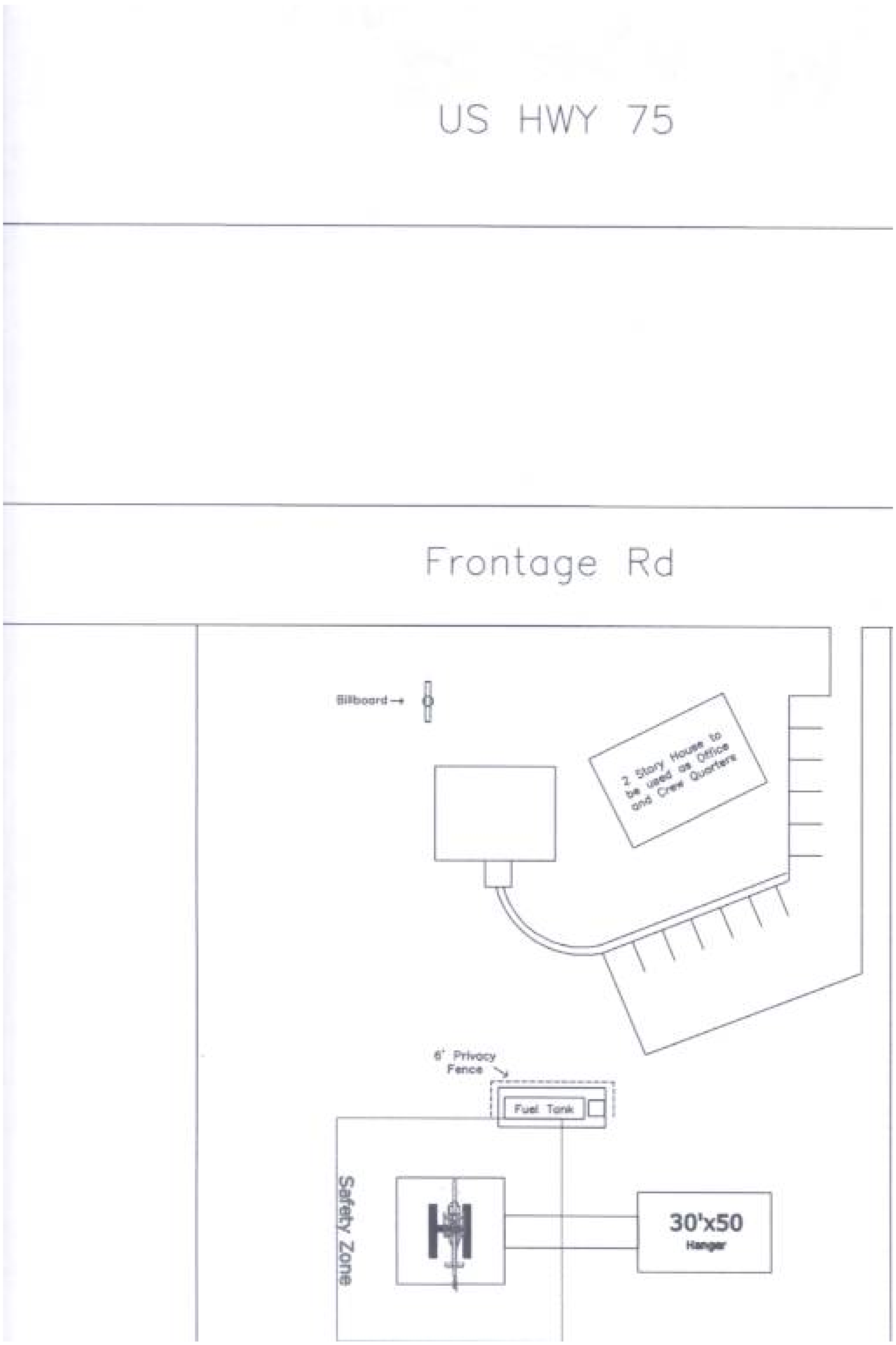
SSM - Set Survey Mark Nail
FIP - Found Rebar
SIP - Set 1/2" Sq. Tubing
FST - Fd 1/2" Sq. Tubing
FSR - Fd Sq. Rod
ROW - Right-of-Way
-X- - Fence Line
( ) - Deed Calls
-E- - Electric Line
-T- - Telephone Line
-C- - TV Cable
GM - Gas Meter
PP - Power Pole
WM - Water Meter
AC - Air Cond
BL - Building Line
UGT - Undergd phone
FCP - Fence Corner Post
UE - Utility Easement
BC - Back of Curb

Notes:

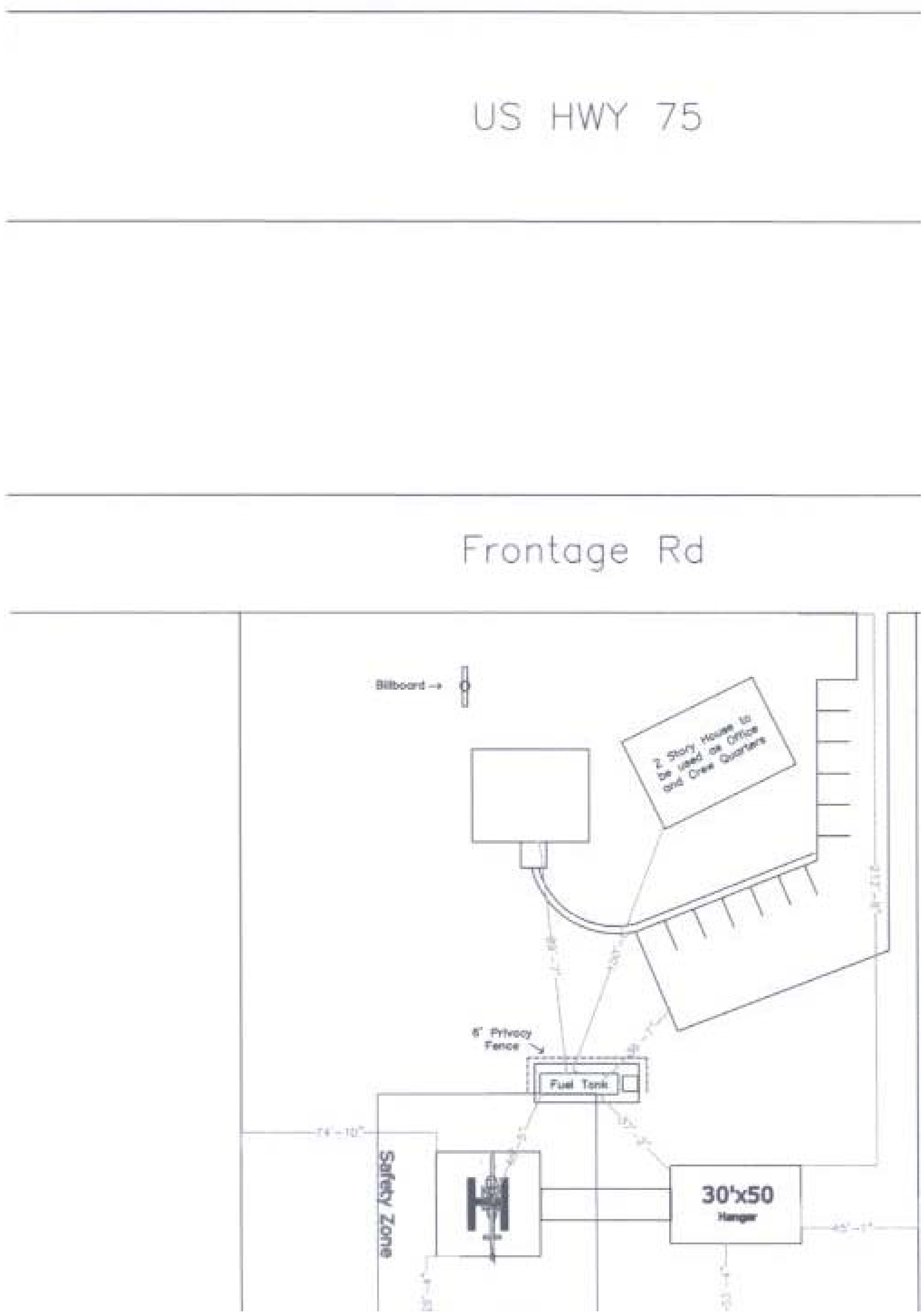
1. Water Service is to be supplied by the City of Sherman.
2. Electric Service to be supplied by Grayson-Collin Electric Co-op.
3. This property forms no part of the Developer's homestead.
4. Lot owners to furnish and install septic systems according to the Standards of Grayson County, Texas.
5. Proposed land use for Lot 1, Block One is commercial use.
6. I have examined the Department of Housing and Urban Development, federal flood hazard boundary map for the City of Sherman, Grayson County Texas, Community Panel Number 485509, effective date of 04 June 1980, and that map indicates that no part of this property is within Zone 'A' (special flood hazard area) as shown on Panel Number 0015-B.

This flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage on rare occasions. Greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

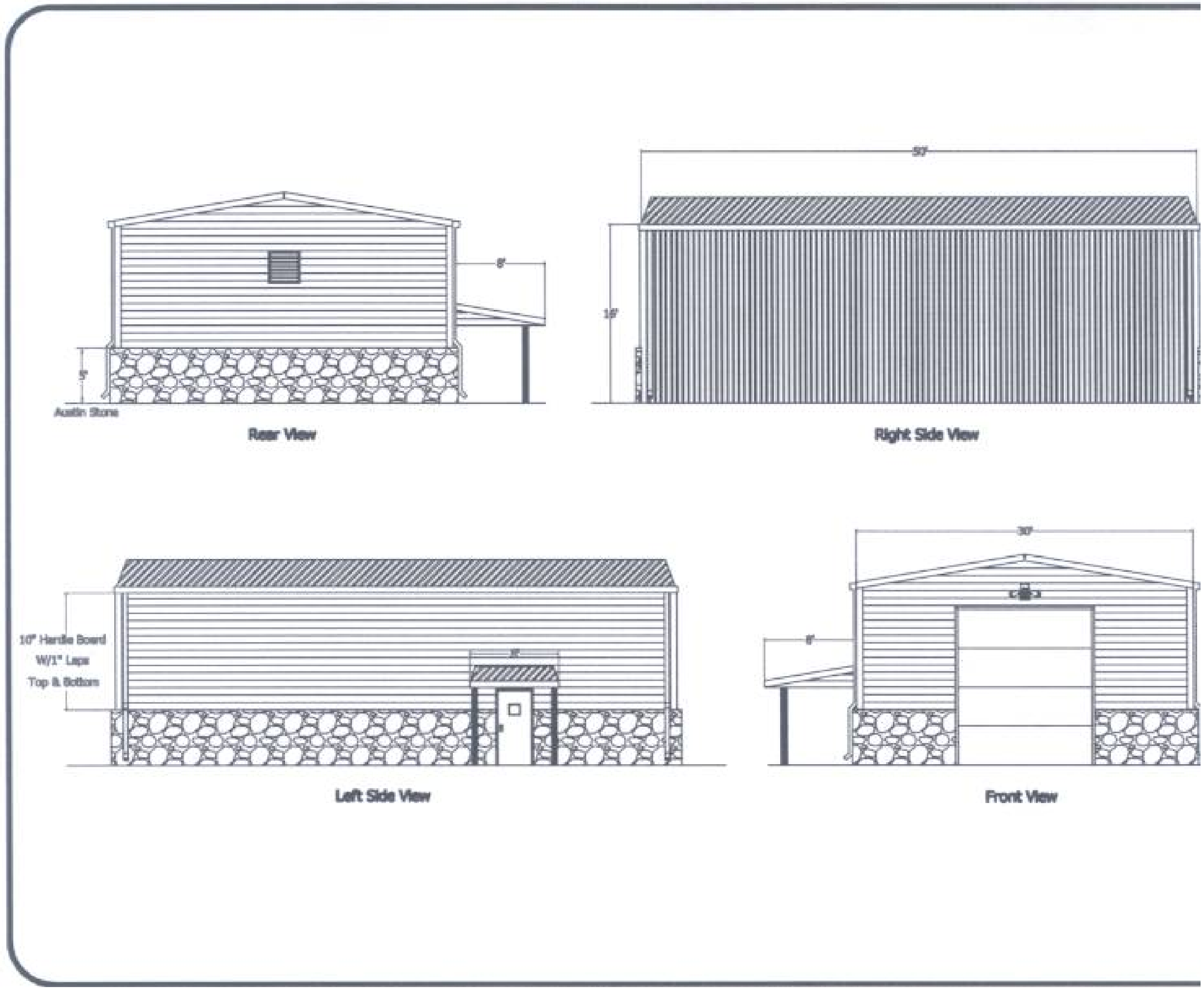
0 50 100



US HWY 75
Frontage Rd
Billboard
2 Story House to be used as Office and Crew Quarters
6' Privacy Fence
Fuel Tank
Safety Zone
30'x50
Hanger



US HWY 75
Frontage Rd
Billboard
2 Story House to be used as Office and Crew Quarters
8" Privacy Fence
Fuel Tank
Safety Zone
30'x50
Hanger
74'-10"


50'
8'
5'
Austin Stone
Rear View
Right Side View
10" Hardie Board
W/1" Laps
Top & Bottom
30'
8'
Left Side View
Front View

SHERMAN

PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
Telephone No. (903) 892-7229
FAX No. (903) 892-7274

Bonnie West
PO Box 338
Howe, TX 75459

June 1, 2009

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, June 16, 2009 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Jack Hopper (Owner) and Air Evac, Helicopter Ambulance Service (Tenant) concerning the property located at 8111 U.S. Highway 75 South, Suites 100 and 200, being Lot 1, Block 1, Cedar Lake Addition

The request is as follows:

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8 (5)(a) to allow living quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay 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

Scott Shadden
Secretary, Planning & Zoning Board

SOUNDS LIKE AN EXCELLENT ADDITION TO THE COMMUNITY.

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.

AGENDA ITEM #6

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

June 16, 2009

Jason Sofey, Chairman

8111 U.S. Highway 75 South, Suites 100 and 200
Being Lot 1, Block 1, Cedar Lake Addition
Specific Use Permit & Site Plan

Requested Action/Proposed Use:
Planning and Zoning Commission
Specific Use Permit and site plan approval to allow living quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District.
Planning and Zoning Commission
Site plan approval for a 30'x50' base hangar and a 40'x40' concrete landing pad.

Background:
The property is located at 8111 U.S. Highway 75 South, Suites 100 and 200; Jim Walter Homes was formerly the tenant. Air Evac, Helicopter Ambulance Service is proposing to develop the property for a medical air ambulance base. They would use the existing two story house for crew quarters, construct a 30'x50' hangar with a stone and lap siding exterior finish on three sides, and construct a 40'x40' concrete pad to be used as a landing pad. A fuel tank will be enclosed by a 6' privacy fence.

Adjacent Zoning:
M-1.5(Medium Manufacturing) District and C-1 (Retail Business) District

Origination:
Jack Hopper (Owner) and Air Evac, Helicopter Ambulance Service (Tenant)

Master Plan Designation:
Industrial

Number of notices mailed:
1

Objections received:
0

Attachments:
Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:
Patsy Reeves, Development Svcs. Secretary

Approved by:
Scott Shadden, Development Svcs. Director

STAFF REVIEW LETTER

June 11, 2009

Jack Hopper
364 Parker Rd.
Van Alstyne, TX 75495

Sam Hix
2212 Bridge St.
Gatesville, TX 76528

Dear Applicants,

The request for approval of Specific Use Permit to allow living quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District and a site plan approval for a 30’x50’ base hangar and a 40’x40’ concrete landing pad for the property located at 8111 U.S. Highway 75 South, Suites 100 and 200 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 16, 2009 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

<u>Zoning:</u>

1. All aspects of the C-1 (Retail Business) District, the Commercial Tree and Landscaping Ordinance and the O-1 (75 & 82) Overlay District must be followed.
2. Fire lanes shall be coordinated with the Fire Marshal, (903.892.7267)
3. Any off-street parking area, service drive or driveway shall be surfaced with concrete so as to provide a durable and dustless surface.
4. A minimum 6’ screening height is required abutting any residential uses.
5. All parking shall be on private property and shall not encroach onto the U.S. Highway 75 frontage road; parking is permitted on paved surfaces only.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

<u>Engineering</u>

1. Detention in accordance with City criteria is required.
2. Meet the wastewater requirements of Grayson County.
3. If the property is divided and placed under different ownerships, replatting of the property will be required.

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

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 Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

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

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. B.4

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5608, 5609 and 5610

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5608
Amending Chapter 1 of the Code of Ordinances, entitled "General Provisions", at Article 1.02, entitled "Administration", to Provide for Section 1.02.004 to Establish a Convenience Fee of $1.25 for Online and Telephone Credit Card Payments

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5609
Providing for Permanent "No Parking" Signs Restricting Parking along the East Side of Ricketts Street for a Distance of Approximately 100 Feet South of Pelton Street within the City Limits of the City of Sherman

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5610
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Living Quarters in a C-1 (Retail Business) District and the O-1 (75 & 82) Overlay District at 8111 U.S. Highway 75 South, Suites 100 and 200, being Lot 1, Block 1, Cedar Lake Addition (Jack Hopper, Owner; and Air Evac, Helicopter Ambulance Service, Tenant); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. 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

C.2 **** RESOLUTION NO. 5379***
Authorizing Execution of an Encroachment Easement to Daniel-Gray Christian Methodist Episcopal (CME) Church for Construction of a Sign in the Street Right-of-Way at 2002 South East Street

C.3 **** RESOLUTION NO. 5380***
Authorizing Execution of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for Replacement of the Willow Street Water Main

C.4 **** RESOLUTION NO. 5381***
Authorizing Execution of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for the Construction of Relief Sewer "C"

C.5 **** RESOLUTION NO. 5382***
Authorizing Execution of an Agreement with Cupid Investments for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1221 North Broughton Street

D.1 **** OTHER BUSINESS***
Final Plat Approval of Travis Street Patio Homes, a Replat of Lot 18R of the M.B. Moore's Addition; 1002 South Travis, LP, Owner; Teague, Nall & Perkins, Engineer; and Underwood Drafting and Surveying, Surveyors (1002 South Travis Street)

D.2 **** OTHER BUSINESS***
Final Plat Approval of the Kings Ridge Addition in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 21.19 acres in the Fielding Bacon Survey, Abstract No. 120 and the William Thompson Survey, Abstract No. 1209; Claire Rehmet, Owner; and Sartin and Associates, Inc., Surveyors (200-600 Blocks of Norwood Drive)

D.3 * OTHER BUSINESS

Replat Approval of Lots 2 and 3, Block 1, Texoma Center Addition, being 4.15 acres in the John Hendrix Survey, Abstract No. 503; WWF Motors, Inc., Barry Fontaine, Owner; and Sartin & Associates, Inc., Surveyors (4505 and 4509 Texoma Parkway)

D.4 * OTHER BUSINESS

Replat Approval of Lots 6 and 7, Block 1, Heritage Park Addition, Phase Two, being 6.50 acres in the Hillard Jennings Survey, Abstract No. 639; Grayson County Physicians Property, LLC, Owners; and Sartin and Associates, Inc., Surveyors (3603 Calais Drive)

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. C.1

RESOLUTION NO. 5378
Authorizing the Submission and Acceptance of a Direct Formula Grant from the Energy Efficiency and Conservation Block Grant (EECBG) Program under the Recovery Act: U.S. Department of Energy – CFDA #81.128 to Develop and Implement an Energy Efficiency and Conservation Strategy for the City of Sherman

Issue
Submission and Acceptance of a Direct Formula Grant from the Energy Efficiency and Conservation Block Grant (EECBG) Program

Background
The City of Sherman is eligible to receive a direct formula grant of $170,000.00 through the EECBG Program (based on population). As part of the application process, the City of Sherman must develop and implement an Energy Efficiency and Conservation Strategy to help identify projects, prioritize savings opportunities, track progress, and document both energy and cost savings.

The purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to:

- reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities;
- reduce the total energy use of the eligible entities; and
- improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.

The City of Sherman views this not only as an opportunity for energy savings, but also for potential cost savings. Up to $75,000.00 of the award may be used for administrative expenses to develop and implement an Energy Efficiency and Conservation Strategy, with the remaining grant funds to be used for energy savings projects.

Origination
Finance Department

Financial Consideration
There is no matching funds requirement for this grant, but staff time would be required.

Staff Recommendation
Authorize the submission and acceptance of this grant.

Alternatives
The Council could decline to take advantage of this non-matching grant opportunity.

Attachments
Resolution No. 5378

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5378

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A DIRECT FORMULA GRANT FROM THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM UNDER THE RECOVERY ACT: U.S. DEPARTMENT OF ENERGY – CFDA #81.128 TO DEVELOP AND IMPLEMENT AN ENERGY EFFICIENCY AND CONSERVATION STRATEGY FOR THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council finds it in the best interest of its citizens to acquire Energy Efficiency and Conservation Block Grant (EECBG) Program funds to develop and implement an Energy Efficiency and Conservation Strategy; and

WHEREAS, the City Manager will be designated as the City of Sherman's authorized official, given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City of Sherman;

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

SECTION 1. That the City Manager be and is hereby authorized and directed to submit the grant application for EECBG funds to develop and implement an Energy Efficiency and Conservation Strategy for the City of Sherman.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

BY: ______________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY, CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 5379***

Authorizing Execution of an Encroachment Easement to Daniel-Gray Christian Methodist Episcopal (CME) Church for Construction of a Sign in the Street Right-of-Way at 2002 South East Street

Issue
Authorizing an encroachment into the street right-of-way at 2002 South East Street

Background
Through the Planning and Zoning Commission, Daniel-Gray Christian Methodist Episcopal (CME) Church is requesting permission to place a 4' x 8' lighted sign for their church in the City street right-of-way at 2002 South East Street.

Origination
Daniel-Gray CME Church (Owner) and Todd Bass, North Texas Services (Sign Contractor)

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
Request Letter with Photo
Resolution No. 5379
Encroachment Easement
Zoning Application with Photos
Location Map

Prepared by:
Mark Gibson, Director of Utilities and Engineering

Approved by:
George Olson, City Manager

City of Sherman
220 W Mulberry
Sherman, TX

Attn: George Olsen
RE: Encroachment

I would like to apply for a encroachment for the installation of a sign for Daniel Gray United Methodist Church located at 2002 South East Street. The sign will be going on Wilson street which is where the main entrance to the Church is. The sign will be 7' 6"off of the curb. The base of the sign is installed using Texas approved "breakaways". Enclosed is a drawing of where the sign will be going if approved.

Thank you,

Todd Bass

Todd Bass

Nts signs
4408 Texoma Pkwy
Sherman, TX 75090

903-892-9541
Fax 903-892-3004

6/18/2009

RECEIVED
JUN 2009
City Manager's
Office

nts signs
North Texas Services
Sign Division
903-892-9541
www.ntssigns.com

Standard Model
Size: 4' x 8'
Overall Sq/Ft:
Date: 3/2/09
Scale:

Notes: 9' 4" OAH

RESOLUTION NO. 5379

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO DANIEL-GRAY CHRISTIAN METHODIST EPISCOPAL (CME) CHURCH FOR CONSTRUCTION OF A SIGN IN THE STREET RIGHT-OF-WAY AT 2002 SOUTH EAST STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to Daniel-Gray Christian Methodist Episcopal (CME) Church, in substantially the form as presented at this meeting, for the construction of a sign in the street right-of-way at 2002 South East Street, in accordance with the location map approved by the Utilities and Engineering Director 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 ________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________

BRANDON S. SHELBY,
CITY ATTORNEY

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 **DANIEL-GRAY CHRISTIAN METHODIST EPISCOPAL CHURCH** of Sherman, Texas, hereinafter called "GRANTEE", an encroachment easement to construct a sign within a street right-of-way at 2002 South East Street, as shown on the location map 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 successors and assigns, for the limited purpose of constructing a sign within the herein described street right-of-way, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the sign 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 sign and loss of use of such area.

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

EXECUTED this the __________ day of ________________________, A.D., 2009.

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., 2009.

____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

AGENDA ITEM #2

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

June 16, 2009

Jason Sofey, Chairman

2002 South East Street
Being Lot 1 and part of Lot 2, Block 45, Southside Addition
Variance

Requested Action/Proposed Use:
Board of Adjustments
Variance to allow a 0 foot front yard setback for a 4' x 8' sign in lieu of the required 25 foot in an R-1 (One Family Residential) District.

Background
The property is located at the corner of East and Wilson Streets, Daniel-Gray CME Church is the tenant. They would like to erect a 4'x8' freestanding sign on the property line.

Adjacent Zoning:
R-1 (One Family Residential) District

Origination:
Daniel-Gray CME Church (Owners), Morgan Brown (Representative) and Todd Bass, North Texas Services (Sign Contractor)

Master Plan Designation:
Residential

Number of notices mailed:
18

Objections received:
0

Attachments: Location map, Photographs, Site Plan

Prepared By:
Patsy Reeves
Developmental Services Secretary

Approved By:
Scott Shadden,
Director of Developmental Services


96 in
Daniel-Gray Christian
Methodist Episcopal Church
48 in
84"

2002 S. East


ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7232
WELCOME
MORNING SERVICE 11:00 A.M.
5:00 P.M.
EVENING SERVICE 7:00 P.M.
PRAYER SERVICE WED. 7:00 P.M.

WILSON
Sherman
EAST
N

LEGEND

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

2002 SOUTH EAST STREET

Department of Developmental Services

N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. C.3

**** RESOLUTION NO. 5380***
Authorizing Execution of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for Replacement of the Willow Street Water Main

Issue
To consider approval of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., allowing the City to move forward with the replacement of a water main on Willow Street

Background
The attached Occupancy License Agreement will allow the City to cross the Railroad's right of way to install a replacement water main along Willow Street.

Origination
Director of Utilities and Engineering

Financial Consideration
An annual fee of $620.00 is required. Funds are available in the current budget for this fee.

Staff Recommendation
It is recommended that the Occupancy License Agreement be approved.

Alternatives
As may be directed by the Council

Attachments
Resolution No. 5380
Occupancy License Agreement
Location Map

Prepared by:
Mark Gibson, Director of Utilities and Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5380

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN OCCUPANCY LICENSE AGREEMENT WITH THE TEXAS NORTHEASTERN RAILROAD, A DIVISION OF MID-MICHIGAN RAILROAD, INC., FOR REPLACEMENT OF THE WILLOW STREET WATER MAIN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for replacement of the Willow Street Water Main, 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 ________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ___________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ___________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

OCCUPANCY LICENSE AGREEMENT

This Agreement (hereinafter "Agreement") made this ________ day of ____________, 2009, by and between **Texas Northeastern Railroad, A division of Mid-Michigan Railroad Inc.,** its successors, assigns or affiliated companies (hereinafter "LICENSOR"), whose address is **C/O DGNO Railroad, 403 International Pkwy - Suite 500 Richardson, Tx 75081** and **City of Sherman** (hereinafter "LICENSEE"), whose address is **220 W. Mulberry, Sherman, Texas 75091.**

For valuable consideration as outlined herein, the receipt of which is hereby acknowledged, LICENSOR hereby conveys to LICENSEE a license (hereinafter "Occupancy") to operate upon, along or across LICENSOR'S property as indicated below:

A. ( ) above ground (x) below ground
B. (x) water pipeline ( ) sewer pipeline ( ) gas pipeline ( ) oil pipeline

including necessary appurtenances and other related fixtures, equipment, marker posts or electric power which are in, under, upon, over or across LICENSORS property located at or near Mile Post **155.39** at or near **Sherman**, County of **Grayson**, State of **TX**.

Said Occupancy to be located and described as follows:

Underground 6.625" Water Pipeline including necessary appurtenances and other related fixtures, equipment, marker posts or electric power **("LICENSEE'S Facilities"), placed as shown on LICENSEE'S "Exhibit A" attach hereto and made a part hereof. LICENSEE'S Facilities are subordinated to all matters of record. LICENSOR reserves the right to use the area three (3) feet below ground level and to enter LICENSEE'S Facilities for construction and maintenance of LICENSORS property.**

THE UNDERSIGNED AGREES that the continuation of the Occupancy and use herein shall be subject to the following conditions, the default upon same could cause LICENSOR, its successors or assigns, to terminate this Agreement and to order the removal of LICENSEE'S Facilities and Occupancy. The conditions are as follows:

1. Said Agreement and Occupancy is granted contingent upon payment to LICENSOR of an **annual** fee of **$620.00** LICENSEE shall also submit a **one-time agreement processing fee** of **$1000.00, engineering observation fee** of **$1500.00** and a contractor **right of entry fee** of **$1500.00,** which is covered by a separate agreement known as CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT, **TNER 090512A**. LICENSOR reserves the right to adjust the annual fee on each anniversary date of this Agreement, or at such other times as conditions warrant. Billing or acceptance by LICENSOR of any annual fee shall not imply a definite term or otherwise restrict either party from canceling this Agreement as herein provided.

2. In the event that the use as set forth above is (1) materially changed, (2) terminated or (3) LICENSEE'S Facilities are removed, this Agreement shall automatically terminate.

3. This Agreement or Occupancy herein granted may not be transferred, assigned or sublet to another party not signatory hereto without the prior written approval of LICENSOR. Said approval by LICENSOR, subject to LICENSEE'S satisfaction of applicable transfer of rights or assignment fees in effect at that time, shall not be unreasonably withheld.

4. LICENSOR shall not be responsible for any damage to LICENSEE'S Facilities at any time while this Agreement is in effect.

5. (a) LICENSEE HEREBY AGREES TO INDEMNIFY, SAVE AND HOLD HARMLESS AND DEFEND LICENSOR, AND RAILAMERICA, INC., THEIR RESPECTIVE OFFICERS, DIRECTORS AND EMPLOYEES FROM ANY AND ALL ACTIONS AT LAW, CLAIMS, DEMANDS, LOSSES, DAMAGES, SUITS, FINES, PENALTIES, BY LICENSEE OR ANY OTHER PARTY TO RECOVER ACTUAL OR PUNITIVE DAMAGES FOR DEATH, BODILY INJURY, PERSONAL INJURY OR PROPERTY DAMAGE, WHICH MAY RESULT DIRECTLY OR INDIRECTLY FROM LICENSEE'S ACTIVITIES HEREUNDER, INCLUDING BUT NOT LIMITED TO THE SUBSEQUENT USE AND OCCUPANCY OF LICENSEE'S FACILITIES BY LICENSEE, ITS PERMITTEES, INVITEES OR ANY OTHER PERSON.

(b) THE PARTIES ACKNOWLEDGE THAT THE USE OF LICENSOR'S PREMISES IS FOR THE SOLE CONVENIENCE OF LICENSEE AND THAT LICENSOR SHALL HAVE NO DUTY TO LICENSEE, ITS OFFICERS, EMPLOYEES, AGENTS OR CONTRACTORS TO PROVIDE A REASONABLY SAFE PLACE IN WHICH TO WORK, TO PROVIDE ADEQUATE OR SAFE METHODS AND EQUIPMENT FOR THEIR WORK OR TO INSPECT OR MAINTAIN LICENSEE'S FACILITIES FOR SAID SAFE METHODS AND WORK EQUIPMENT NOR TO GIVE ANY WARNINGS OR OTHER NOTICES TO LICENSEE'S EMPLOYEES OR INVITEES REGARDING SAFETY EITHER OF LICENSEE'S FACILITIES AND RELATED WORKPLACE OR LICENSOR'S PROXIMATE RAILROAD OPERATIONS AND THAT ALL SUCH DUTIES SHALL BE ASSUMED BY LICENSEE WHO FURTHER AGREES TO DEFEND AND HOLD HARMLESS LICENSOR FROM ANY AND ALL CLAIMS ALLEGING ANY FAILURE TO PERFORM SAID DUTIES.

6. LICENSEE shall name LICENSOR, and RAILAMERICA, INC., their respective officers, directors and employees, as additional insured for all risks, (including, if applicable, fire and explosion due to LICENSEE'S crossing(s), in an amount not less than Two million and no/100 dollars ($2,000,000.00) per occurrence, Six million and no/100 dollars ($6,000,000.00) aggregate liability and, prior to any construction project, a policy of Railroad Protective Liability Insurance in the amount of Two million and no/100 dollars ($2,000,000.00) per occurrence, Six million and no/100 dollars ($6,000,000.00) aggregate. Each policy shall be endorsed to provide a minimum of 10 days advance notice of cancellation to said additional insured. LICENSEE shall furnish a certified policy of insurance prior to the construction period. Said coverage shall remain in force for the duration of this Agreement. Provided, however, LICENSOR may require increases in liability coverage to equal or exceed LICENSOR'S own level of liability coverage, having regard for the circumstances. LICENSOR shall further have the right to approve the Carrier furnishing such coverage. Evidence satisfactory to LICENSOR'S General Counsel of LICENSEE'S authorized self-insurance program capable of providing for such limits, will be accepted in lieu of a policy from a commercial carrier. This clause shall not serve in any way to limit LICENSEE'S liability to the amounts of insurance required.

7. If required by LICENSOR, LICENSEE at its sole cost and expense, shall, upon completion of the construction and installation of said LICENSEE'S Facilities, furnish LICENSOR with a **survey drawing**, showing the final exact location of said Occupancy as constructed. The survey drawing shall indicate LICENSOR'S survey valuation station which said installation is located, and/or the position of LICENSEE'S Facilities in relation to the center line of the track and/or the centerline of the closest public street crossing said track(s). Said survey drawing to be attached to this Agreement as **Licensee's Exhibit "B"** and made a part hereof.

8. LICENSEE'S Facilities shall be installed to the satisfaction and approval of LICENSOR'S Engineer and all costs of LICENSOR'S Engineer and other technicians or professional consultants as may be required from time to time shall be borne by LICENSEE.

9. LICENSEE hereby agrees to reimburse LICENSOR for any and all expenses LICENSOR may incur or be subjected to, or in consequence of, the planning, negotiation, installation, construction, location, changing, alteration, relocation, operation or renewal of said Facilities, within thirty (30) days after receipt of LICENSOR'S invoice for payment.

10. In the event LICENSEE shall at any time desire to make changes in the physical or operational characteristics of said Occupancy, LICENSEE shall first secure in writing, the consent and approval of LICENSOR. All renewals, changes or additional construction after LICENSEE'S Facilities have initially been constructed, shall be authorized only after an additional CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT is approved and executed by LICENSOR. LICENSEE agrees that such changes shall be made at LICENSEE'S sole risk, cost and expense and subject to all the terms, covenants conditions and limitation of this Agreement.

11. No other use shall be made by anyone under, across, upon and/or over the Occupancy herein described, without obtaining the prior written permission of LICENSEE, its successors or assigns; except, LICENSOR shall have access as it deems appropriate from time to time, to operate on LICENSOR property.

12. This Agreement shall continue in force indefinitely from and after the date hereof, subject, however, to the right of either party to terminate this Agreement as to the Occupancy or LICENSEE'S Facilities, or any part of LICENSEE'S Facilities, at any time, upon giving the other party thirty (30) days' notice in writing of its desire to terminate this Agreement, and indicating in said notice the extent of said facilities and facilities to which such termination shall apply. When this Agreement shall be terminated as to LICENSEE'S Facilities, or as to any part thereof, LICENSEE within thirty (30) days' after the expiration of the time stated in said termination notice, agrees at LICENSEE'S own risk and expense to remove LICENSEE'S Facilities from

the property of LICENSOR, or such portion thereof as LICENSOR shall require removed, and to restore LICENSOR premises and property to a neat and safe condition, and if LICENSEE shall fail to do so within said time, LICENSOR shall have the right, but not the duty, to remove and restore the same, at the risk and expense of LICENSEE. Said restoration shall include, but not be limited to, any and all harm, damage or injury done to LICENSOR'S property and/or to any other public or private property by acts or occurrences subject to Federal, State or local environmental enforcement or regulatory jurisdiction, and shall include necessary and appropriate testing and cleanup. Nothing herein contained shall be construed as conferring any property right on LICENSEE.

13. Upon termination of this Agreement and Occupancy for any reason, all structures and alterations shall be removed from LICENSOR'S property and said property shall be returned to a physically and environmentally whole condition to the satisfaction of LICENSOR'S designated Officer or Representative, all at the sole cost and expense of LICENSEE. LICENSOR may, at LICENSOR'S sole discretion, during the removal of LICENSEE'S Facilities, require LICENSEE to conduct an environmental appraisal and report of the property formerly occupied by LICENSEE'S Facilities, All reports shall be prepared by a LICENSOR approved environmental consultant, to determine if LICENSOR'S property has been environmentally impacted by said Occupancy. All environmental reports, which are prepared subject to this clause, shall be immediately available to LICENSOR by LICENSEE. This clause shall survive termination of this Agreement.

14. LICENSEE agrees that any installation, maintenance, renewing or removal provisions referenced in this Agreement, covers only the requirements and/or specifications of installation, maintenance, renewing or removal. Any said reference shall not be construed as LICENSOR'S permission or authority for LICENSEE to enter LICENSOR'S property without first obtaining a CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT from LICENSOR, and fulfilling the requirements contained therein.

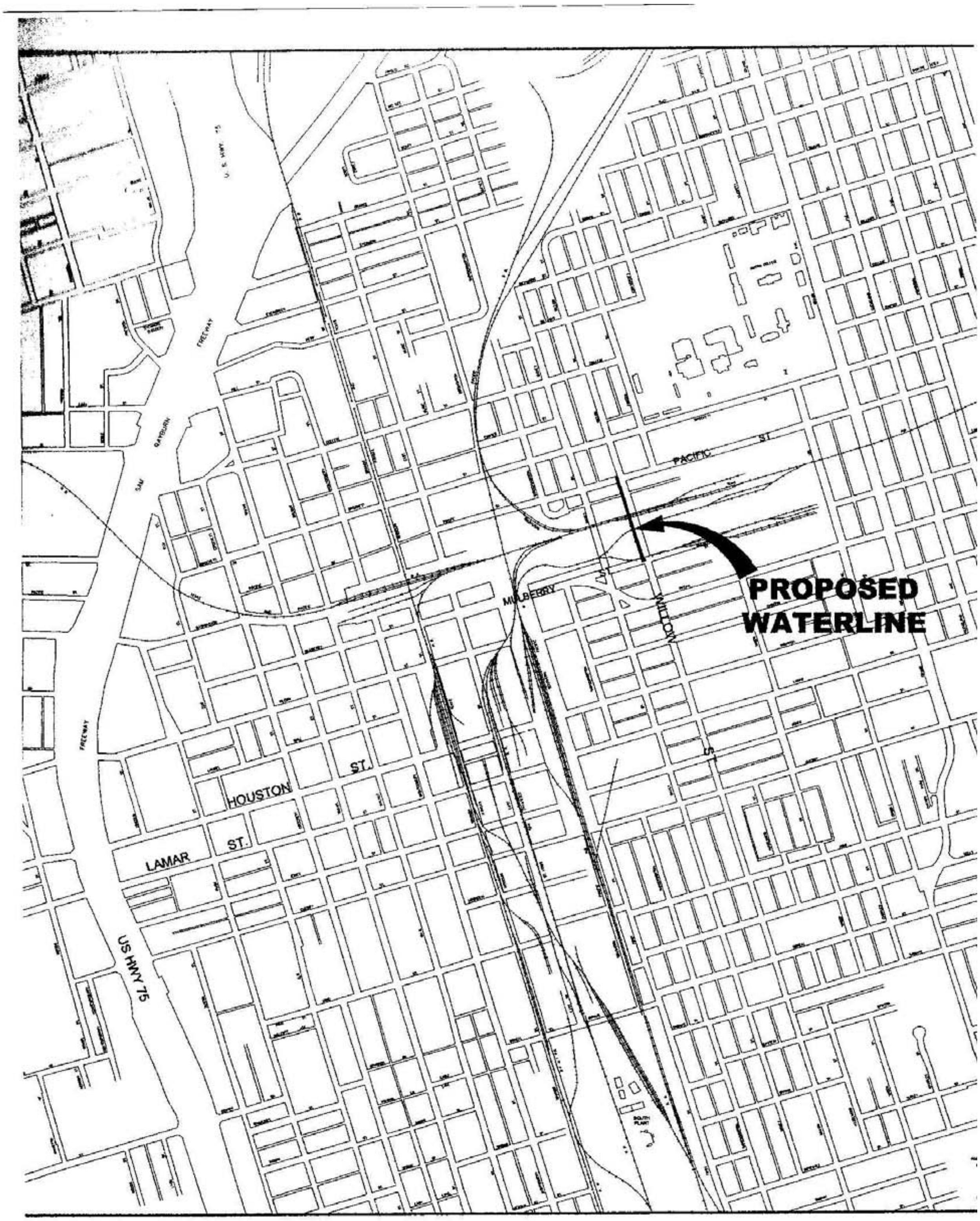
15. Execution of this Agreement shall supersede and/or cancel, as of the date first above written, any and all previous agreements, if any, related to the Occupancy and use herein described, which may exist between the parties or their predecessors.

THIS AGREEMENT IS hereby declared to be binding upon the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seals this __________ day of ______________20_____.

WITNESS	LICENSOR
	Texas Northeastern Railroad **A division of Mid-Michigan Railroad, Inc.**
______________________	by: ______________________
	its: ______________________
	Signed: ______________________

WITNESS	LICENSEE
	City of Sherman
______________________	by: ______________________
	its: ______________________
	Signed: ______________________



PROPOSED
WATERLINE
PACIFIC
ST
MULBERRY
WILLOW
HOUSTON
ST.
LAMAR
ST.
US HWY 75

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. C.4

**** RESOLUTION NO. 5381***
Authorizing Execution of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for the Construction of Relief Sewer "C"

Issue
To consider approval of an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., allowing the City to move forward with the construction of a sewer main along Branch Street (Relief Sewer "C")

Background
The attached Occupancy License Agreement will allow the City to cross the Railroad's right of way to install a replacement sewer main along Branch Street.

Origination
Director of Utilities and Engineering

Financial Consideration
An annual fee of $800.00 is required. Funds are available in the current budget for this fee. The other fees required by this agreement have already been paid.

Staff Recommendation
It is recommended that the Occupancy License Agreement be approved.

Alternatives
As may be directed by the Council

Attachments
Resolution No. 5381
Occupancy License Agreement
Location Map

Prepared by:
Mark Gibson, Director of Utilities and Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5381

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN OCCUPANCY LICENSE AGREEMENT WITH THE TEXAS NORTHEASTERN RAILROAD, A DIVISION OF MID-MICHIGAN RAILROAD, INC., FOR THE CONSTRUCTION OF RELIEF SEWER "C"; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute an Occupancy License Agreement with the Texas Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc., for the construction of Relief Sewer "C", 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 ________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

OCCUPANCY LICENSE AGREEMENT

This Agreement (hereinafter "Agreement") made this ________ day of ____________, 2009, by and between **Texas Northeastern Railroad, A division of Mid-Michigan Railroad Inc.,** its successors, assigns or affiliated companies (hereinafter "LICENSOR"), whose address is **C/O DGNO Railroad, 403 International Pkwy - Suite 500 Richardson, Tx 75081** and **City of Sherman** (hereinafter "LICENSEE"), whose address is **220 W. Mulberry, Sherman, Texas 75091.**

For valuable consideration as outlined herein, the receipt of which is hereby acknowledged, LICENSOR hereby conveys to LICENSEE a license (hereinafter "Occupancy") to operate upon, along or across LICENSOR'S property as indicated below:

A. ( ) above ground (x) below ground
B. (x) water pipeline ( ) sewer pipeline ( ) gas pipeline ( ) oil pipeline

including necessary appurtenances and other related fixtures, equipment, marker posts or electric power which are in, under, upon, over or across LICENSORS property located at or near Mile Post **154.77** at or near **Sherman**, County of **Grayson**, State of **TX.**

Said Occupancy to be located and described as follows:

Underground 15.30" Sewer ~~Water~~ Pipeline including necessary appurtenances and other related fixtures, equipment, marker posts or electric power **("LICENSEE'S Facilities"), placed as shown on LICENSEE'S "Exhibit A" attach hereto and made a part hereof. LICENSEE'S Facilities are subordinated to all matters of record. LICENSOR reserves the right to use the area three (3) feet below ground level and to enter LICENSEE'S Facilities for construction and maintenance of LICENSORS property.**

THE UNDERSIGNED AGREES that the continuation of the Occupancy and use herein shall be subject to the following conditions, the default upon same could cause LICENSOR, its successors or assigns, to terminate this Agreement and to order the removal of LICENSEE'S Facilities and Occupancy. The conditions are as follows:

1. Said Agreement and Occupancy is granted contingent upon payment to LICENSOR of an **annual** fee of **$800.00** LICENSEE shall also submit a **one-time agreement processing fee** of **$1000.00, engineering observation fee** of **$1500.00** and a contractor **right of entry fee** of **$1500.00,** which is covered by a separate agreement known as CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT, **TNER 090513A**. LICENSOR reserves the right to adjust the annual fee on each anniversary date of this Agreement, or at such other times as conditions warrant. Billing or acceptance by LICENSOR of any annual fee shall not imply a definite term or otherwise restrict either party from canceling this Agreement as herein provided.

2. In the event that the use as set forth above is (1) materially changed, (2) terminated or (3) LICENSEE'S Facilities are removed, this Agreement shall automatically terminate.

3. This Agreement or Occupancy herein granted may not be transferred, assigned or sublet to another party not signatory hereto without the prior written approval of LICENSOR. Said approval by LICENSOR, subject to LICENSEE'S satisfaction of applicable transfer of rights or assignment fees in effect at that time, shall not be unreasonably withheld.

4. LICENSOR shall not be responsible for any damage to LICENSEE'S Facilities at any time while this Agreement is in effect.

5. (a) LICENSEE HEREBY AGREES TO INDEMNIFY, SAVE AND HOLD HARMLESS AND DEFEND LICENSOR, AND RAILAMERICA, INC., THEIR RESPECTIVE OFFICERS, DIRECTORS AND EMPLOYEES FROM ANY AND ALL ACTIONS AT LAW, CLAIMS, DEMANDS, LOSSES, DAMAGES, SUITS, FINES, PENALTIES, BY LICENSEE OR ANY OTHER PARTY TO RECOVER ACTUAL OR PUNITIVE DAMAGES FOR DEATH, BODILY INJURY, PERSONAL INJURY OR PROPERTY DAMAGE, WHICH MAY RESULT DIRECTLY OR INDIRECTLY FROM LICENSEE'S ACTIVITIES HEREUNDER, INCLUDING BUT NOT LIMITED TO THE SUBSEQUENT USE AND OCCUPANCY OF LICENSEE'S FACILITIES BY LICENSEE, ITS PERMITTEES, INVITEES OR ANY OTHER PERSON.

(b) THE PARTIES ACKNOWLEDGE THAT THE USE OF LICENSOR'S PREMISES IS FOR THE SOLE CONVENIENCE OF LICENSEE AND THAT LICENSOR SHALL HAVE NO DUTY TO LICENSEE, ITS OFFICERS, EMPLOYEES, AGENTS OR CONTRACTORS TO PROVIDE A REASONABLY SAFE PLACE IN WHICH TO WORK, TO PROVIDE ADEQUATE OR SAFE METHODS AND EQUIPMENT FOR THEIR WORK OR TO INSPECT OR MAINTAIN LICENSEE'S FACILITIES FOR SAID SAFE METHODS AND WORK EQUIPMENT NOR TO GIVE ANY WARNINGS OR OTHER NOTICES TO LICENSEE'S EMPLOYEES OR INVITEES REGARDING SAFETY EITHER OF LICENSEE'S FACILITIES AND RELATED WORKPLACE OR LICENSOR'S PROXIMATE RAILROAD OPERATIONS AND THAT ALL SUCH DUTIES SHALL BE ASSUMED BY LICENSEE WHO FURTHER AGREES TO DEFEND AND HOLD HARMLESS LICENSOR FROM ANY AND ALL CLAIMS ALLEGING ANY FAILURE TO PERFORM SAID DUTIES.

6. LICENSEE shall name LICENSOR, and RAILAMERICA, INC., their respective officers, directors and employees, as additional insured for all risks, (including, if applicable, fire and explosion due to LICENSEE'S crossing(s), in an amount not less than Two million and no/100 dollars ($2,000,000.00) per occurrence, Six million and no/100 dollars ($6,000,000.00) aggregate liability and, prior to any construction project, a policy of Railroad Protective Liability Insurance in the amount of Two million and no/100 dollars ($2,000,000.00) per occurrence, Six million and no/100 dollars ($6,000,000.00) aggregate. Each policy shall be endorsed to provide a minimum of 10 days advance notice of cancellation to said additional insured. LICENSEE shall furnish a certified policy of insurance prior to the construction period. Said coverage shall remain in force for the duration of this Agreement. Provided, however, LICENSOR may require increases in liability coverage to equal or exceed LICENSOR'S own level of liability coverage, having regard for the circumstances. LICENSOR shall further have the right to approve the Carrier furnishing such coverage. Evidence satisfactory to LICENSOR'S General Counsel of LICENSEE'S authorized self-insurance program capable of providing for such limits, will be accepted in lieu of a policy from a commercial carrier. This clause shall not serve in any way to limit LICENSEE'S liability to the amounts of insurance required.

7. If required by LICENSOR, LICENSEE at its sole cost and expense, shall, upon completion of the construction and installation of said LICENSEE'S Facilities, furnish LICENSOR with a **survey drawing**, showing the final exact location of said Occupancy as constructed. The survey drawing shall indicate LICENSOR'S survey valuation station which said installation is located, and/or the position of LICENSEE'S Facilities in relation to the center line of the track and/or the centerline of the closest public street crossing said track(s). Said survey drawing to be attached to this Agreement as **Licensee's Exhibit "B"** and made a part hereof.

8. LICENSEE'S Facilities shall be installed to the satisfaction and approval of LICENSOR'S Engineer and all costs of LICENSOR'S Engineer and other technicians or professional consultants as may be required from time to time shall be borne by LICENSEE.

9. LICENSEE hereby agrees to reimburse LICENSOR for any and all expenses LICENSOR may incur or be subjected to, or in consequence of, the planning, negotiation, installation, construction, location, changing, alteration, relocation, operation or renewal of said Facilities, within thirty (30) days after receipt of LICENSOR'S invoice for payment.

10. In the event LICENSEE shall at any time desire to make changes in the physical or operational characteristics of said Occupancy, LICENSEE shall first secure in writing, the consent and approval of LICENSOR. All renewals, changes or additional construction after LICENSEE'S Facilities have initially been constructed, shall be authorized only after an additional CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT is approved and executed by LICENSOR. LICENSEE agrees that such changes shall be made at LICENSEE'S sole risk, cost and expense and subject to all the terms, covenants conditions and limitation of this Agreement.

11. No other use shall be made by anyone under, across, upon and/or over the Occupancy herein described, without obtaining the prior written permission of LICENSEE, its successors or assigns; except, LICENSOR shall have access as it deems appropriate from time to time, to operate on LICENSOR property.

12. This Agreement shall continue in force indefinitely from and after the date hereof, subject, however, to the right of either party to terminate this Agreement as to the Occupancy or LICENSEE'S Facilities, or any part of LICENSEE'S Facilities, at any time, upon giving the other party thirty (30) days' notice in writing of its desire to terminate this Agreement, and indicating in said notice the extent of said facilities and facilities to which such termination shall apply. When this Agreement shall be terminated as to LICENSEE'S Facilities, or as to any part thereof, LICENSEE within thirty (30) days' after the expiration of the time stated in said termination notice, agrees at LICENSEE'S own risk and expense to remove LICENSEE'S Facilities from

the property of LICENSOR, or such portion thereof as LICENSOR shall require removed, and to restore LICENSOR premises and property to a neat and safe condition, and if LICENSEE shall fail to do so within said time, LICENSOR shall have the right, but not the duty, to remove and restore the same, at the risk and expense of LICENSEE. Said restoration shall include, but not be limited to, any and all harm, damage or injury done to LICENSOR'S property and/or to any other public or private property by acts or occurrences subject to Federal, State or local environmental enforcement or regulatory jurisdiction, and shall include necessary and appropriate testing and cleanup. Nothing herein contained shall be construed as conferring any property right on LICENSEE.

13. Upon termination of this Agreement and Occupancy for any reason, all structures and alterations shall be removed from LICENSOR'S property and said property shall be returned to a physically and environmentally whole condition to the satisfaction of LICENSOR'S designated Officer or Representative, all at the sole cost and expense of LICENSEE. LICENSOR may, at LICENSOR'S sole discretion, during the removal of LICENSEE'S Facilities, require LICENSEE to conduct an environmental appraisal and report of the property formerly occupied by LICENSEE'S Facilities, All reports shall be prepared by a LICENSOR approved environmental consultant, to determine if LICENSOR'S property has been environmentally impacted by said Occupancy. All environmental reports, which are prepared subject to this clause, shall be immediately available to LICENSOR by LICENSEE. This clause shall survive termination of this Agreement.

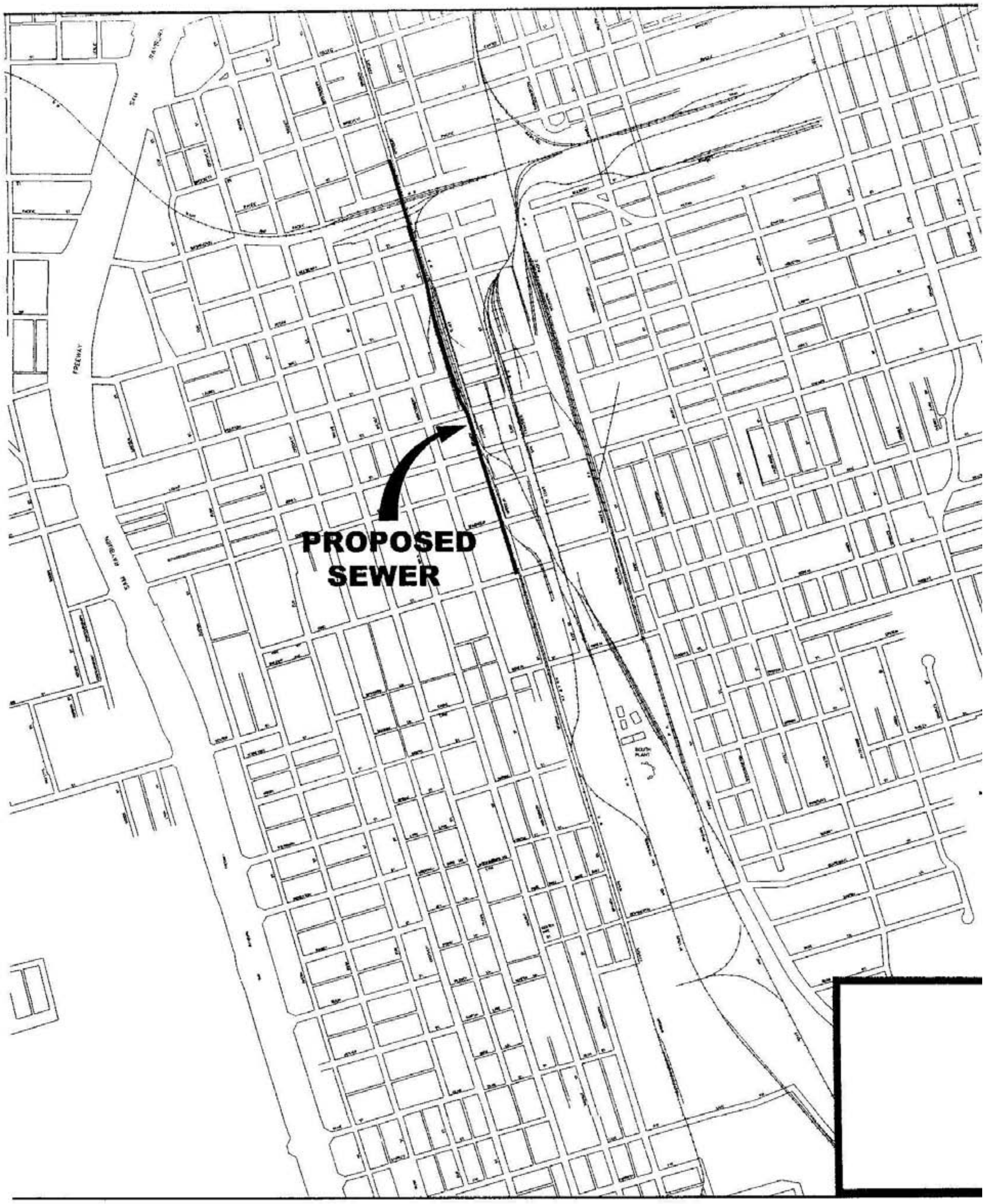
14. LICENSEE agrees that any installation, maintenance, renewing or removal provisions referenced in this Agreement, covers only the requirements and/or specifications of installation, maintenance, renewing or removal. Any said reference shall not be construed as LICENSOR'S permission or authority for LICENSEE to enter LICENSOR'S property without first obtaining a CONTRACTOR OCCUPANCY/ACCESS LICENSE AGREEMENT from LICENSOR, and fulfilling the requirements contained therein.

15. Execution of this Agreement shall supersede and/or cancel, as of the date first above written, any and all previous agreements, if any, related to the Occupancy and use herein described, which may exist between the parties or their predecessors.

THIS AGREEMENT IS hereby declared to be binding upon the parties hereto.

IN WITNESS WHEREOF, the undersigned have hereunto set their hand and seals this ________ day of ____________ 20____.

WITNESS	LICENSOR
	Texas Northeastern Railroad **A division of Mid-Michigan Railroad, Inc.**
____________________	by: ____________________
	its: ____________________
	Signed: ____________________
WITNESS	LICENSEE
	City of Sherman
____________________	by: ____________________
	its: ____________________
	Signed: ____________________


PROPOSED
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SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. C.5

**** RESOLUTION NO. 5382***

Authorizing Execution of an Agreement with Cupid Investments for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1221 North Broughton Street

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 1221 North Broughton Street.

Background

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

Origination

Cupid Investments, Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $208.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5382
Residential Tax Abatement Agreement
Application
Warranty Deed
Site Plan
Photo
Building Permit Application
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5382

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1221 NORTH BROUGHTON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Cupid Investments and subject to all contract documents being properly completed and approved by the City Attorney, to execute an agreement with Cupid Investments for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1221 North Broughton Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

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

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
BRANDON SHELBY, CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 2nd day of June, 2008, the City Council of Sherman, Texas, passed Ordinance No. 5537 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 5336) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 2nd day of June, 2008;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2009, and continuing for tax years 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2009, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2009	100%
2010	100%
2011	100%
2012	100%
2013	100%
2014	100%
2015	80%
2016	60%
2017	40%
2018	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, 2017 and 2018 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at 1221 North Broughton Street, Sherman, Texas, and as more particularly describe by the following:

BEING Lot 1, Block 1, Cupid Broughton Addition.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

City of Sherman P.O. Box 1106 Sherman, Texas 75091-1106 (903) 892-7200	Cupid Investments 715 S. Sam Rayburn Freeway Sherman, Texas 75090 (903) 868-4201

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

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

_____ day of ___________________________, 2009.

CITY:
CITY OF SHERMAN, TEXAS

BY: __________________________
GEORGE OLSON
CITY MANAGER

ATTEST:

BY: __________________________
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM:

BY: ________________________
BRANDON SHELBY,
CITY ATTORNEY

OWNER:
CUPID INVESTMENTS

BY: __________________________
NAME: _______________________
TITLE: _______________________

(CORPORATE SEAL)

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

GIVEN UNDER MY HAND and seal of office this _____day of __________, 2009 A.D.

____
Tammy Biggar
Notary Public

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Cupid Investments

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

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 1221 N. BROUGHTON

Summary Legal Description: Lot: 1 Block: 1 Addition: Cupid Broughton

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

Improvements:

Type of Improvements (please check one): New Construction: ✓ Remodeling: ______

Estimated Value of Improvements: $65,000

Estimated Date of Start of Construction: 6-18-09

Estimated Date of Completion of Project: 8-18-09

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: 6-16-09

WARRANTY DEED

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

THE STATE OF TEXAS

COUNTY OF GRAYSON KNOW ALL MEN BY THESE PRESENTS:

THAT DANNY BOWLING and GWENDOLYN BOWLING,

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

whose address is 715 Highway 75 South, Sherman TX 75090,

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

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

BEING A TRACT OF LAND OUT OF THE J. B. MCANAIR SURVEY, ABSTRACT NO. 763, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

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

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

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

Executed on this the 12 day of January 2007.

Danny Bowling

DANNY BOWLING

Gwendolyn Bowling

GWENDOLYN BOWLING

COUNTY OF GRAYSON

This instrument was acknowledged before me this 12 day of January 2007, by DANNY BOWLING.

NOTARY PUBLIC - STATE OF TEXAS

DORIS C. CASTON
Notary Public
STATE OF TEXAS
My Commission
Expires 02/06/2009

THE STATE OF TEXAS

COUNTY OF GRAYSON

This instrument was acknowledged before me this 12 day of January 2007, by GWENDOLYN BOWLING.

NOTARY PUBLIC - STATE OF TEXAS

DORIS C. CAST
Notary Public
STATE OF TEXA
My Commissio
Expires 02/06/20

AFTER RECORDING RETURN TO:
Barton Capital, Ltd.
715 Highway 75 South
Sherman TX 75090

EXHIBIT A

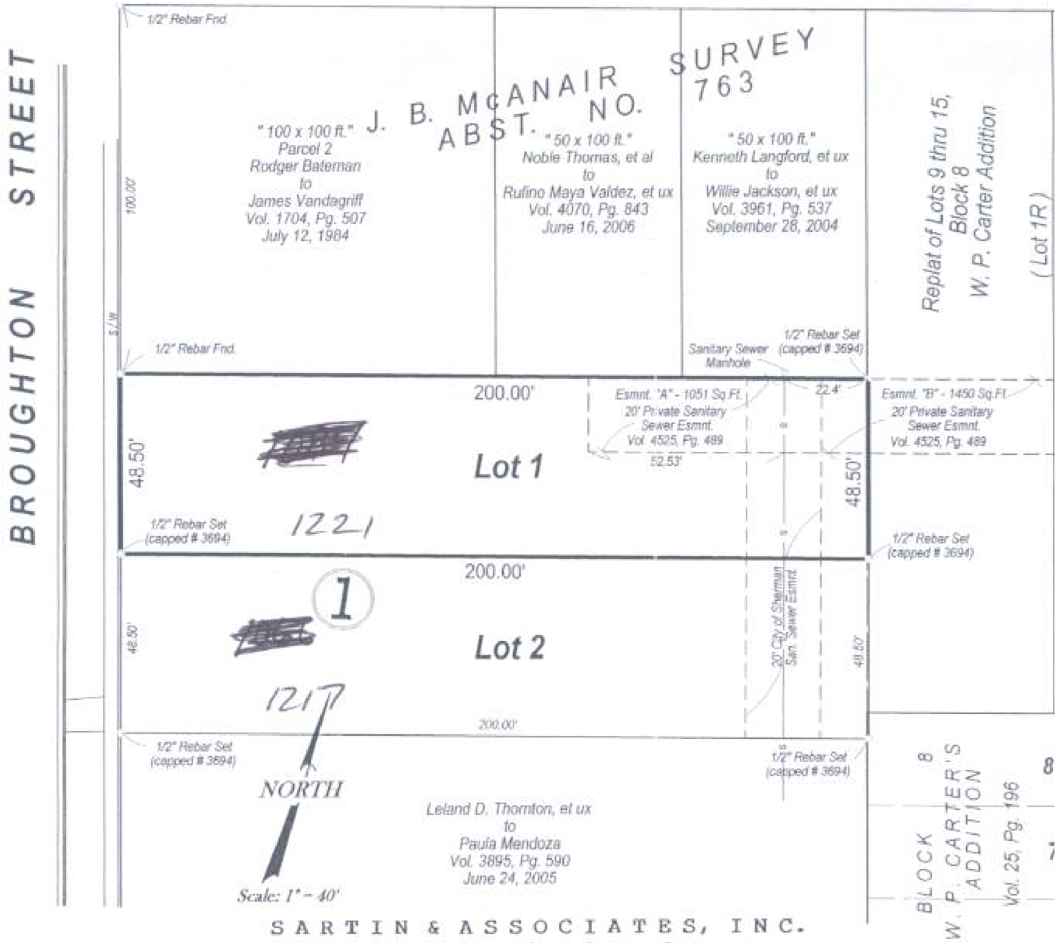
Situated in the State of Texas, County of Grayson, and City of Sherman, being a part of survey originally granted to J. B. McAnair, being on North Broughton Street, and BEGINNING on the East line of said street at the N. W. corner of a lot deeded to J. W. Boyer;

THENCE North with the East line of said street about 97 feet to S. W. corner of a lot deeded to Ara A. and Wm. Turley;

THENCE East with the South line of said Turley lot and parallel with the North line of the Bostwick 5 acres about 200 feet to the East line of said 5 acres;

THENCE South with the East line of said 5 acre tract about 97 feet to the N. E. corner of said Boyer lot.

THENCE West with the North line of said Boyer lot about 200 feet to the place of beginning, less that part thereof deeded by us to Walter Garr by deed dated September 18th, 1943, recorded in Vol. 450, page 4 of the Deed Records of said County, and being the property commonly known as 1217 N. Broughton Street, Sherman, Texas.



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

SURVEY FOR: CUPID HOMES INVESTMENTS

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 4 th day of January, 2008 of the following described property:

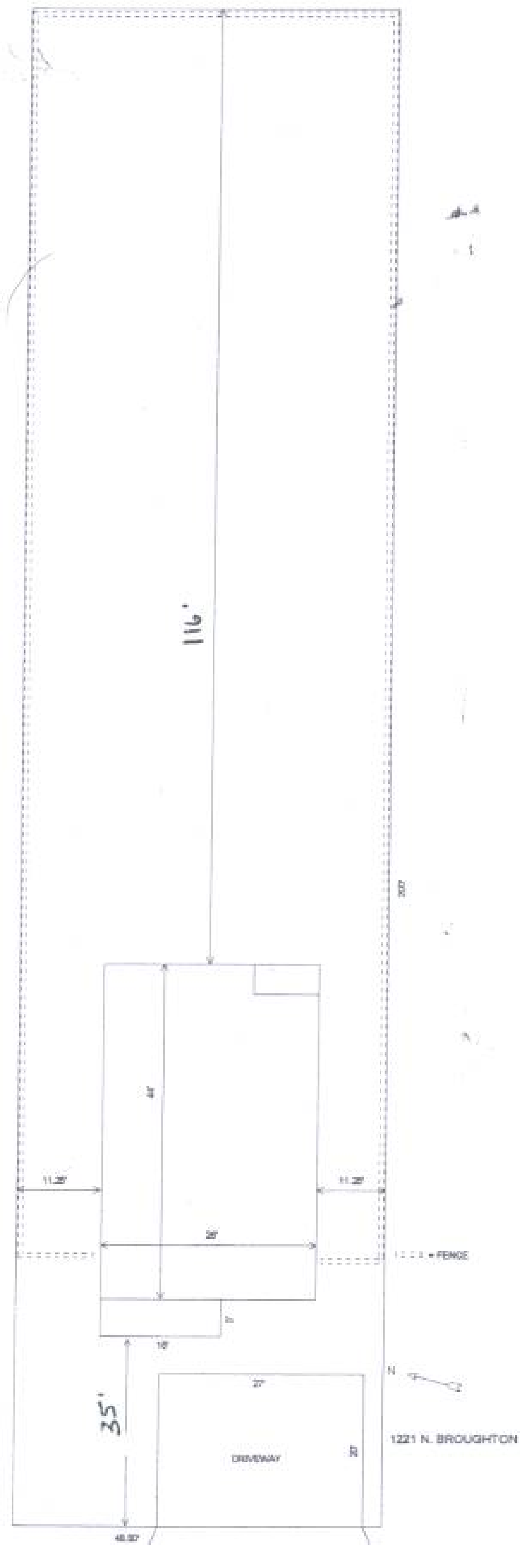
Lot ONE (1) in Block ONE (1) of CUPID BROUGHTON ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 20, Pages 35 & 36, Plat Records, Grayson County, Texas.

That the improvements located on said property are known as 1221 **N. BROUGHTON STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

STATE OF TEXAS REGISTERED

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


116'
200'
44'
11.25'
11.25'
26'
= FENCE
8'
18'
35'
N
27'
DRIVEWAY
20'
1221 N. BROUGHTON
48.50'

1221 N. Broughton

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: CUPID INVESTMENTS

PERMIT #: 91195

DATE ISSUED: 6/16/2009

PROJECT ADDRESS:	1221 N BROUGHTON ST	LOT #:	1
PARCEL ID:		BLK #:	1
SUBDIVISION:	CUPID BROUGHTON ADDN	ZONE ORD:	
ISSUED TO:	CUPID INVESTMENTS	CONTRACTOR:	CUPID INVESTMENTS
ADDRESS:	715 S US HIGHWAY 75	ADDRESS:	715 S US HIGHWAY 75
CITY, ST ZIP:	SHERMAN TX 75090-7260	CITY, ST ZIP:	SHERMAN TX 75090-7260
PHONE:	903-868-4201	PHONE:	
PROP.USE:	RESIDENTIAL	SQ FT:	1,164.00
WORK:	NEW RESIDENTIAL CONSTRUCTION	BEDROOMS:	3
VALUATION:	$ 65,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

FEE CODE	DESCRIPTION	AMOUNT
BLD10	RESIDENTIAL STORMWATER MGMT	$ 25.00
	TOTAL	$ 25.00

NOTES:

NOTICE

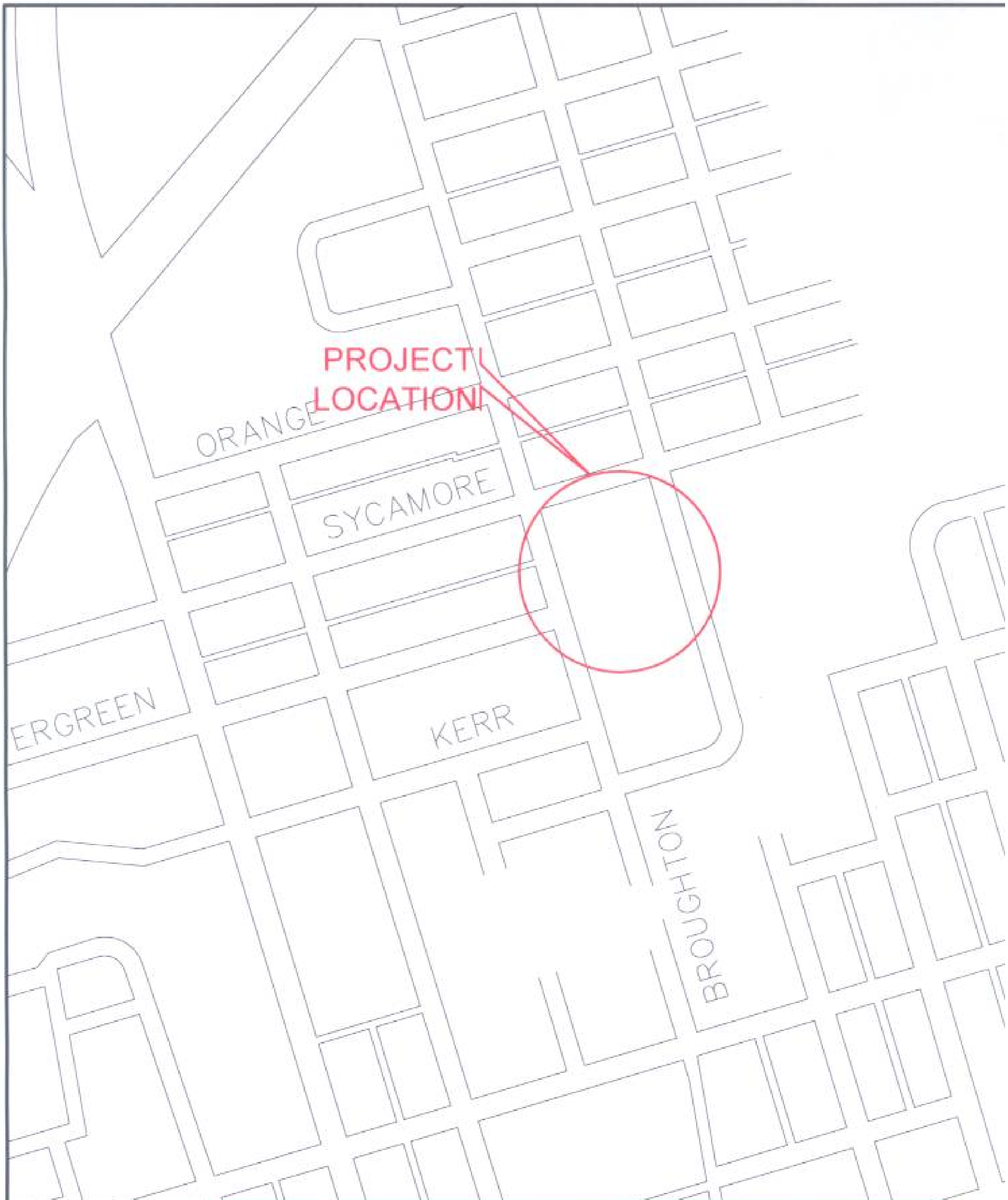
THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

____________________________ ___/___/___

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT DATE

____________________________ ___/___/___



City of Sherman, Texas

1221 NORTH BROUGHTON

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.1

**** OTHER BUSINESS***

Final Plat Approval of Travis Street Patio Homes, a Replat of Lot 18R of the M.B. Moore's Addition; 1002 South Travis, LP, Owner; Teague, Nall & Perkins, Engineer; and Underwood Drafting and Surveying, Surveyors (1002 South Travis Street)

Issue

To consider final plat approval of Travis Street Patio Homes, a Replat of Lot 18R of the M.B. Moore's Addition

Background

The property is located at 1002 South Travis Street between Spring and Lark Streets. The owners were approved for a zone change from an R-2 (Multi-Family Residential) District to an R-1 (One Family Residential) District and a Specific Use Permit to allow patio homes in November 2008, subject to a more detailed site plan being submitted and the property being replatted into lots. They were also approved for a variance to allow lots with no public street frontage and an exception to allow a six (6) foot privacy fence in the front yard of a front line street with a 17' setback. They would like to replat the property into eleven lots for residential development.

Origination

1002 South Travis, LP (Owners); Teague, Nall & Perkins (Engineers); and Underwood Drafting and Surveying (Surveyors)

Board Recommendation

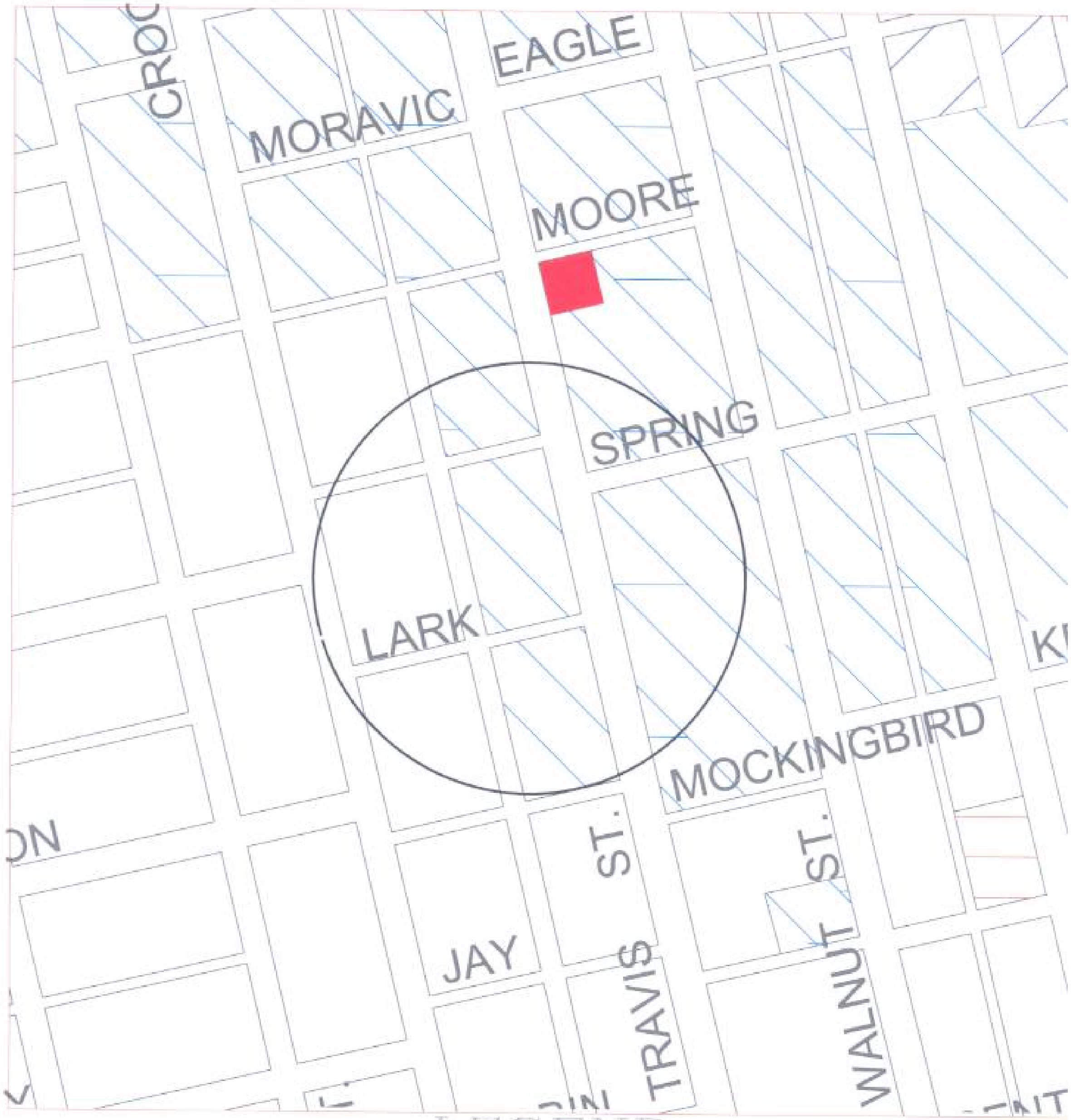
At the June 16, 2009 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

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

1002 SOUTH TRAVIS

Department of Developmental Services


SPRING
Sherman
TRAVIS

1002 S. Travis

LEGAL DESCRIPTION

STATE OF TEXAS
COUNTY OF GRAYSON

FINAL PLAT OF
TRAVIS STREET PATI
A REPLAT OF LOT18
M.B. MOORE'S ADDITION, AN
TO THE CITY OF SHERMAN
BEING 1.377 ACRES SITUAT
SAMUEL BLAGG SURVEY, AB
GRAYSON COUNTY, TE

UNDERWOOD
DRAFTING & SURVEYING

AGENDA ITEM #10

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

June 16, 2009

Jason Sofey, Chairman

1002 South Travis Street
Being Lot 18R of the Replat of M.B. Moore's Addition
Replat & Site Plan

Requested Action/Proposed Use:

Planning and Zoning Commission

Final plat approval of Travis Street Patio Homes, a Replat of Lot 18R of M.B. Moore's Addition.

Planning and Zoning Commission

Site plan approval for patio homes

Background:

The property is located at 1002 South Travis Street between Spring and Lark Streets, The owners were approved for a zone change from an R-2 (Multi-Family Residential) District to an R-1 (One Family Residential) District and a Specific Use Permit to allow patio homes in November 2008, subject to a more detailed site plan being submitted and the property replatted into lots. They were also approved for a variance to allow lots with no public street frontage and an exception to allow a six (6) foot privacy fence in the front yard of a front line street with a 17' setback. The lot was formerly the Caprice Apartments which was destroyed by fire a number of years ago.

Adjacent Zoning:

R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District

Origination:

1002 South Travis, LP (Owners), Teague, Nall & Perkins (Engineers), and Underwood Drafting and Surveying (Surveyors)

Master Plan Designation:

Residential

Number of notices mailed:

107

Objections received

Attachments:

Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:	**Approved by:**
Patsy Reeves, Development Svcs. Secretary	**Scott Shadden, Development Svcs. Director**

STAFF REVIEW LETTER

June 10, 2009

1002 South Travis, LP
200 Bering Drive, Ste. 909
Houston, TX 77057

Dear Applicants,

The request for approval of a Final Plat of the Travis Street Patio Homes, a Replat of M.B. Moore's Addition concerning the property located at 1002 South Travis Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 16, 2009 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire)
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Block One shall be noted on the plat.
4. Access easement on the plat shall be noted as being private in nature and the volume and page shall be listed.
5. The Homeowners Association Agreement shall be provided to the City to be filed concurrently with the Final Plat.
6. It shall be noted on the plat that Lot 12 which is owned by the Homeowners Association shall be maintained by the Homeowners Association.
7. Access shall be provided to the City thru the electronic gate for maintenance of utilities, solid waste service, and fire and police protection.
8. The 40' utility easement is to be extended eastward to connect to the Travis Street Right-of-way.
9. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
10. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Scott Shadden, Director of Development Services
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
Teague, Nall & Perkins, 200 N. Travis, Ste. 500, Sherman, Texas 75090
Underwood Drafting & Surveying, 3404 Interurban Rd., Denison, Texas 75020

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.2

**** OTHER BUSINESS***

Final Plat Approval of the Kings Ridge Addition in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 21.19 acres in the Fielding Bacon Survey, Abstract No. 120 and the William Thompson Survey, Abstract No. 1209; Claire Rehmet, Owner; and Sartin and Associates, Inc., Surveyors (200-600 Blocks of Norwood Drive)

Issue

To consider Final Plat approval of Kings Ridge Addition, a 21.19 acre addition in the City of Sherman's extra territorial jurisdiction (ETJ)

Background

The property is located on the east side of the 200-600 Blocks of Norwood Drive off of West Lamberth Road across from the Carriage Estates subdivision in the City of Sherman's ETJ. The owner would like to plat the property into 20 lots for residential development.

Origination

Claire Rehmet (Owner) and Sartin and Associates, Inc. (Surveyors)

Board Recommendation

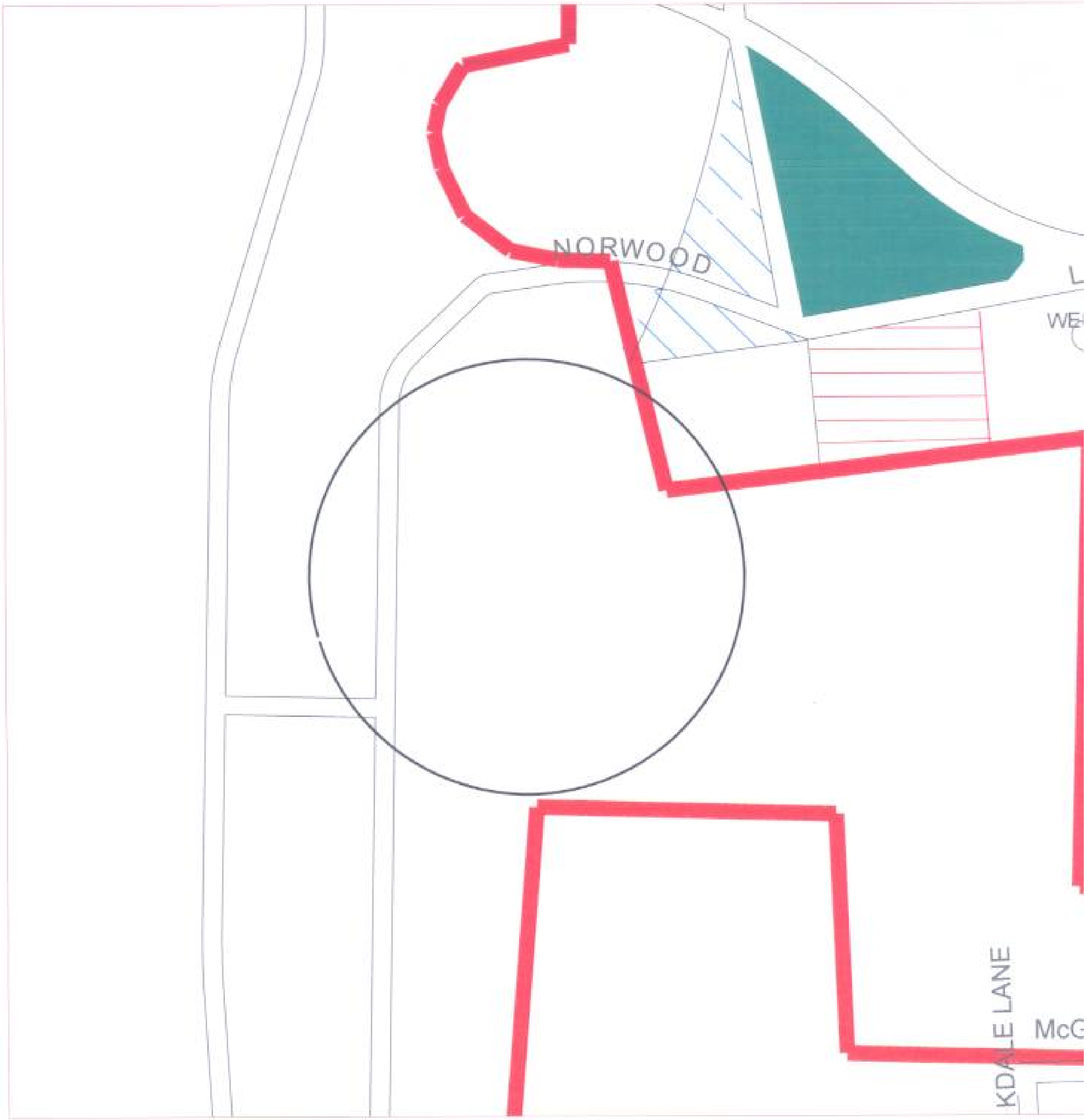
At the June 16, 2009 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

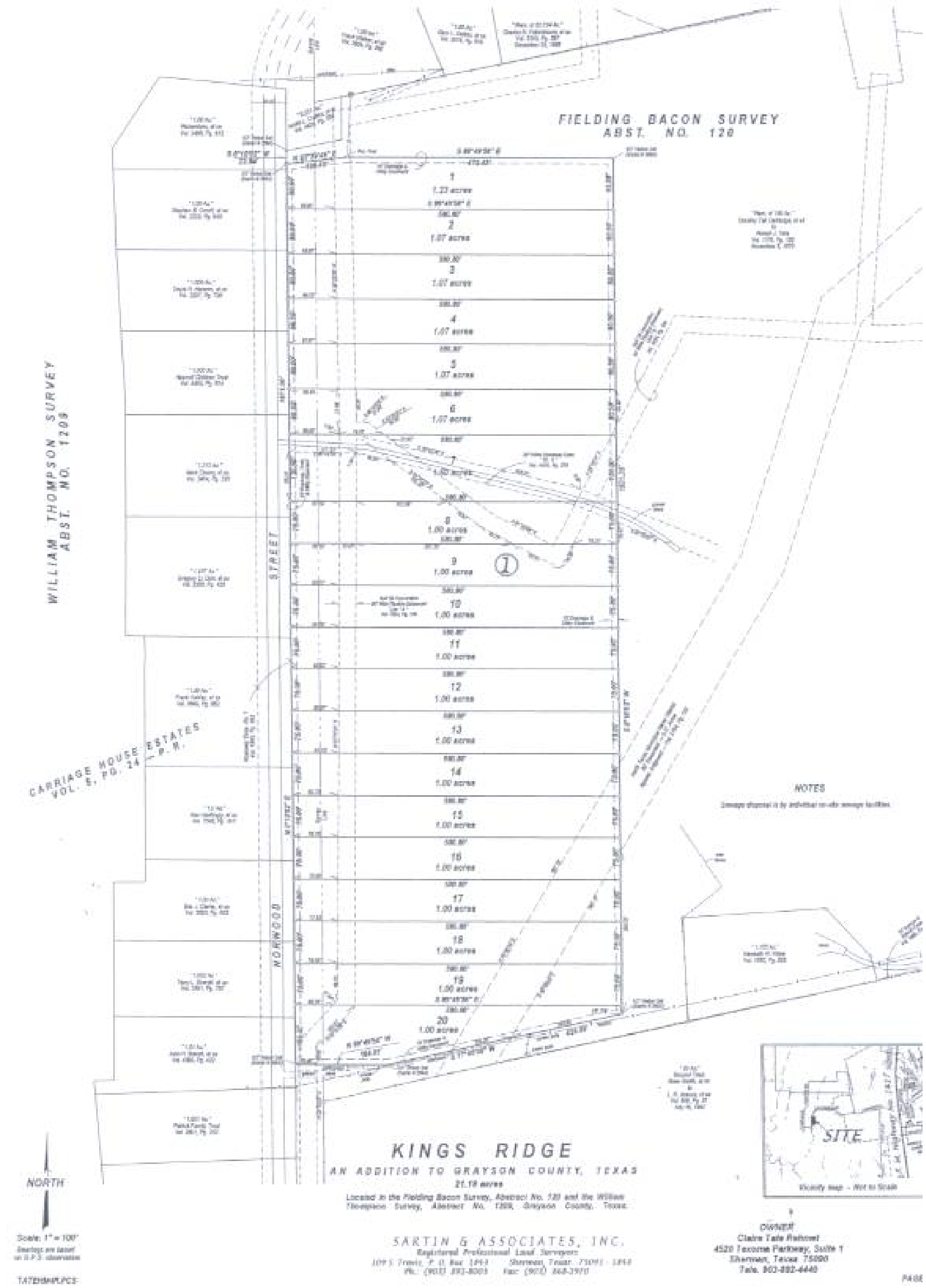
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
C O	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING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

200-600 BLOCKS NORWOOD

Department of Developmental Services

N


Sherman
CHATEA
NORWOOD
CARRIAGE EST
Sherman
ESTATE WEST


FIELDING BACON SURVEY
ABST. NO. 120
WILLIAM THOMPSON SURVEY
ABST. NO. 1209
CARRIAGE HOUSE ESTATES
VOL. 5, PG. 24 — P. R.
NORWOOD STREET
1
1.22 acres
2
1.07 acres
3
1.07 acres
4
1.07 acres
5
1.07 acres
6
1.07 acres
7
1.00 acres
8
1.00 acres
9
1.00 acres
10
1.00 acres
11
1.00 acres
12
1.00 acres
13
1.00 acres
14
1.00 acres
15
1.00 acres
16
1.00 acres
17
1.00 acres
18
1.00 acres
19
1.00 acres
20
1.00 acres
NOTES
SITE
NORTH
Scale: 1" = 100'
KINGS RIDGE
AN ADDITION TO GRAYSON COUNTY, TEXAS
21.19 acres
Located in the Fielding Bacon Survey, Abstract No. 120 and the William Thompson Survey, Abstract No. 1209, Grayson County, Texas.
SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
Ph. (903) 893-8005 Fax: (903) 868-2970
OWNER
Claire Tate Rehmel
4520 Texoma Parkway, Suite 1
Sherman, Texas 75090
Tele. 903-892-4440
TATEHMPLPCS
PAGE

AGENDA ITEM #7

City of Sherman

Planning and Zoning Commission

Agenda Communication Form

June 16, 2009

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**Don Hicks, Commissioner**
Robin Atherton, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Brad Morgan, Commissioner	**Darren Tankersley, Commissioner**

200-600 Blocks of Norwood Drive
Being 21.19 acres in the Fielding Bacon Survey, Abstract No. 120
and the William Thompson Survey, Abstract No. 1209
Preliminary and Final Plat

Requested Action/Proposed Use:
Preliminary and Final Plat of Kings Ridge Addition.

Background
This is a preliminary and final plat for property currently in our Extra-Territorial Jurisdiction (ETJ).

Adjacent Zoning:
R-1 (One and Two Family Residential) District

Origination:
Claire Rehmet (Owners) and Sartin and Associates, Inc. (Surveyors)

Master Plan Designation:
Residential

Attachments:
Location map
Photographs
Preliminary Plat
Staff Review Letter

Prepared by:	**Approved by:**
Lisa Whitfield,	**Scott Shadden,**
Engineering & Development Coordinator	**Director of Development Services**

STAFF REVIEW LETTER

June 10, 2009

Claire Rehmet
4520 Texoma Parkway, Ste. I
Sherman, Texas 75090

Dear Applicants,

The request for approval of a Preliminary and Final Plat of the Kings Ridge Addition concerning the property located in the 200-600 Blocks of Norwood Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 16, 2009 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Preliminary Plat:

1. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire)
2. The proposed size and location of the water and sewer utilities shall be shown on the plat. The utilities shall conform to the City of Sherman requirements. Water service shall meet all TCEQ and City of Sherman requirements. The source of supply and means of connection to the supply shall be indicated for the proposed 8-inch water main. Engineered plans for the water main shall be presented for approval prior to any construction activities. City inspection of the water main construction is required.
3. A drainage plan conforming to the requirements of the City's drainage criteria shall be furnished to the City Engineer for review and approval. Detention facilities are required unless runoff from the site can be directly carried to a designated FEMA floodway that has adequate capacity.
4. Any other changes made to the preliminary plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

Final Plat:

1. All the items from the preliminary plat review shall be addressed.
2. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire)
3. Original tax certificates shall be furnished for the purpose of recording the plat.
4. A final plat fee of three hundred fifty dollars ($350.00) shall be paid in the Department of Developmental Services.

5. The Grayson County Plat Review Fee of $585.00 shall be paid in the office of the Grayson County Planning Director.
6. Show easements and method of service for water and sewer.
7. Bearings and distances to locate the 30’ Gulf Oil Corporation Easements, the NTMWD Easement, and the 30’ Roadway Easement on all lots shall be added to the plat.
8. Meet the wastewater requirements of Grayson County.
9. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering & Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Scott Shadden, Director of Development Services
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
Sartin & Associates Survey Company, P.O. Box 1843, Sherman, Texas 75091

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.3

**** OTHER BUSINESS***

Replat Approval of Lots 2 and 3, Block 1, Texoma Center Addition, being 4.15 acres in the John Hendrix Survey, Abstract No. 503; WWF Motors, Inc., Barry Fontaine, Owner; and Sartin & Associates, Inc., Surveyors (4505 and 4509 Texoma Parkway)

Issue

To consider the Replat of Lots 2 and 3, Block 1, Texoma Center Addition, containing 4.15 acres in the John Hendrix Survey, Abstract No. 503

Background

The property is located at 4505 and 4509 Texoma Parkway; Credit Choice Motors is the tenant. They would like to replat the property into two lots for commercial development.

Origination

WWF Motors, Inc, Barry Fontaine (Owner) and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

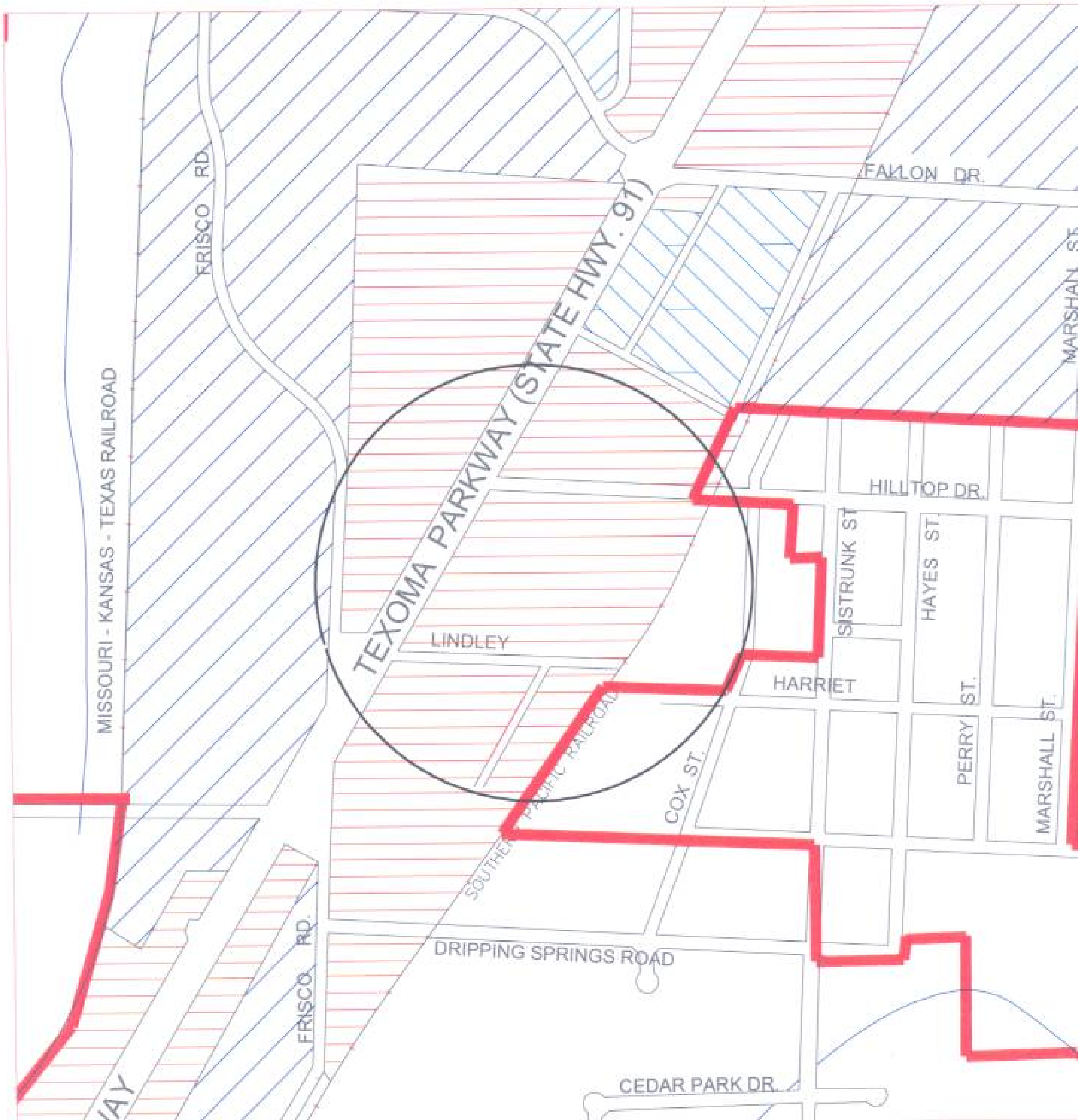
At the June 16, 2009 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

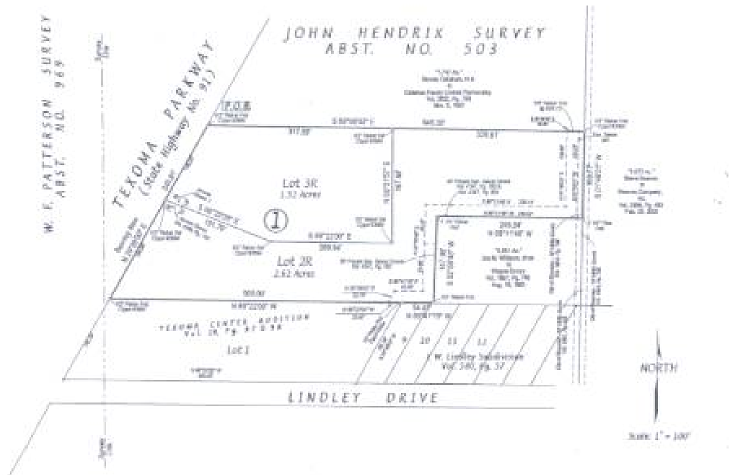
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING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

4505 & 4509 TEXOMA PARKWAY

Department of Developmental Services


HILLTOP
STATE HWY 91
Sherman

NOTICE: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.

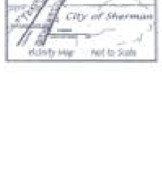


REPLAT of LOTS 2 and 3, BLOCK 1
TEXOMA CENTER ADDITION
to the
CITY of SHERMAN
GRAYSON COUNTY, TEXAS

(4.15 Acres)

Owner & Developer

WWF Motors, Inc.
4509 Texoma Parkway
Sherman, Texas 75090
(903) 891-8938
by: Barry Fontaine



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
309 S. Travis, P. O. Box 1894   Sherman, Texas 75091 - 1894
Ph.: (903) 892-8003   Fax: (903) 868-1970

SHEET 1 OF 2
RPTTXCT1.pcs

AGENDA ITEM #11

City of Sherman

Planning and Zoning Commission

Agenda Communication Form

June 16, 2009

Jason Sofey, Chairman

4505 and 4509 Texoma Parkway
4.15 acres, Lots 2 and 3, Block 1, Texoma Center Addition
Replat

Requested Action/Proposed Use:
Replat of Lots 2 and 3, Block 1, of Texoma Center Addition

Background:
Lots 2 and 3 are being reconfigured.

Adjacent Zoning:
C-2 (General Commercial) District

Origination:
WWF Motors, Inc, Barry Fontaine (Owner) and Sartin and Associates, Inc. (Surveyor)

Considerations:
Master Plan Designation: Retail/Commercial

Attachments:
Location map
Photographs
Final Plat
Staff Review Letter

Prepared by:
Lisa Whitfield,
Engineering and Development Coordinator

Approved by:
Scott Shadden,
Director of Development Services

STAFF REVIEW LETTER

June 10, 2009

WWF Motors, Inc.
4509 Texoma Parkway
Sherman, Texas 75090

Dear Applicants,

The request for approval of a Replat of the Texoma Center Addition concerning the property located at 4505 and 4509 Texoma Parkway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 16, 2009 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire).
2. Original tax certificates shall be furnished for the purpose of recording the replat.
3. A replat fee of one hundred forty dollars ($140.00) shall be paid in the Department of Developmental Services.
4. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
5. Detention in accordance with City criteria will be required if the impervious area is increased.
6. A 20' private sanitary sewer easement shall be shown across Lot 2R to serve Lot 3R.
7. Any other changes made to the final replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Sartin & Associates, PO Box 1843, Sherman, Texas 75090
Scott Shadden, Director of Development Services
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.4

**** OTHER BUSINESS***

Replat Approval of Lots 6 and 7, Block 1, Heritage Park Addition, Phase Two, being 6.50 acres in the Hillard Jennings Survey, Abstract No. 639; Grayson County Physicians Property, LLC, Owners; and Sartin and Associates, Inc., Surveyors (3603 Calais Drive)

Issue
To consider the Replat of Lots 6 and 7, Block 1, Heritage Park Addition, Phase Two, containing 6.50 acres in the Hillard Jennings Survey, Abstract No. 639

Background
The property is located at 3603 Calais Drive; the Ambulatory Surgery Center is the tenant. They would like to Replat the property into one lot for commercial development.

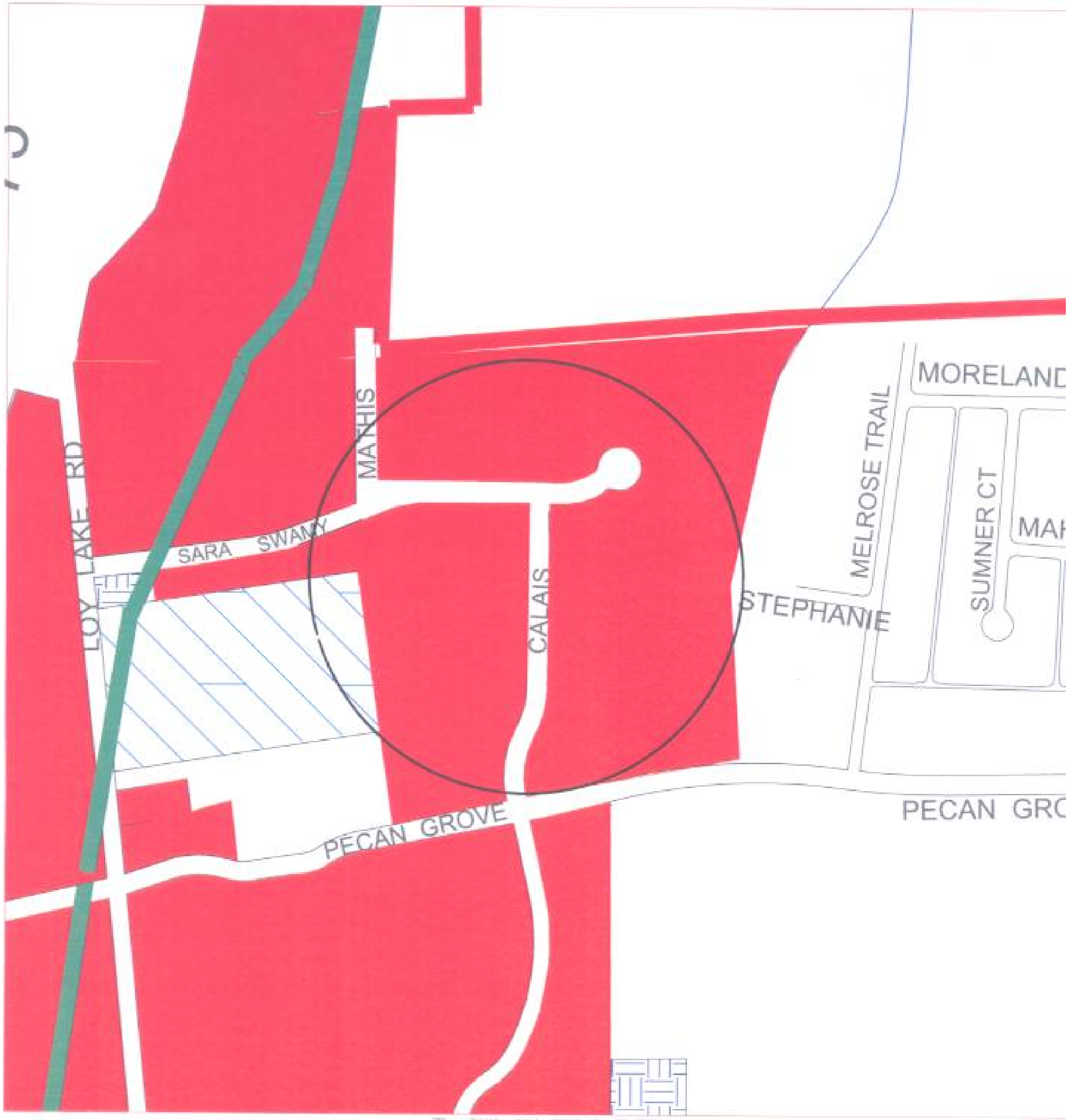
Origination
Grayson County Physicians Property, LLC (Owners) and Sartin & Associates, Inc. (Surveyors)

Board Recommendation
At the June 16, 2009 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments
Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

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

3606 CALAIS DRIVE

Department of Developmental Services

CALAIS
Sherman
CANYON GROVE
PECAN GROVE

REPLAT of LOTS SIX and SEVEN, BLOCK ONE, HERITAGE PARK ADDITION PHASE TWO

to the

CITY OF SHERMAN, TEXAS

being 6.50 Acres

Owner & Developer

Grayson County Physician's Property, LLP
Robert M. Byers, Manager

13900 N. Portland Ave, #200
Oklahoma City, OK 73134-4006

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
109 S. Travis, P.O. Box 1843 Sherman, Texas 75091 - 1843
Ph.: (903) 892-8001 Fax: (903) 868-2910

SHEET 1 OF 2
RPT6-7B1.pcs

AGENDA ITEM # 12

City of Sherman
Planning and Zoning Commission
Agenda Communication Form
June 16, 2009
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**Don Hicks, Commissioner**
Robin Atherton, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Brad Morgan, Commissioner	**Darren Tankersley, Commissioner**

3603 Calais Drive
being all of Lots 6 and 7, Block 1
Heritage Park Addition, Phase Two
Replat

Requested Action/Proposed Use:
Replat of Lots 6 and 7, Block 1, Heritage Park Addition, Phase II

Background:
This is a replat reconfiguring two adjacent lots into one lot.

Adjacent Zoning:
C-1 (Retail Business) District

Origination:
Grayson County Physicians Property, LLC (Owners) and Sartin & Associates, Inc. (Surveyors)

Master Plan Designation:
Retail/Commercial

Attachments:
Location map
Photographs
Replat
Staff Review Letter

Prepared by:	**Approved by:**
Lisa Whitfield,	**Scott Shadden,**
Engineering and Development Coordinator	**Director of Development Services**

STAFF REVIEW LETTER

June 10, 2009

Grayson County Physician's Property, LLP
13900 N. Portland Ave #200
Oklahoma City, OK 73134-4005

Dear Applicants,

The request for approval of a Replat for Lots 6 and 7, Block 1, Heritage Park Addition concerning the property located at 3603 Calais Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, June 16, 2009 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire).
2. Original tax certificates shall be furnished for the purpose of recording the replat.
3. A replat fee of one hundred forty dollars ($140.00) shall be paid in the Department of Developmental Services.
4. Drive approaches and sidewalks shall conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
5. If the property is divided and placed under different ownerships, replatting of the property will be required.
6. No permanent structures are to be placed on the utility easements.
7. The existing detention pond for Heritage Park Addition shall be utilized.
8. 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 & Zoning Commission

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Sartin & Associates, PO Box 1843, Sherman, Texas 75090
Scott Shadden, Director of Development Services
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.5

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.6

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.7

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
(a) Parks and Recreation Advisory Board (1)

Issue
Shane Best's term on the Parks and Recreation Advisory Board expired on June 19, 2009. He is eligible and does wish to be reappointed. John Murphy has also completed an application for service on the Board.

Background
The Parks and Recreation Advisory Board advises the City Council on long-range planning and the implementation of programs and activities conducted by the Parks and Recreation Department.

Origination
The appointment originated with the City Clerk's Office.

Financial Consideration
There is no financial consideration to the City.

Staff Recommendation
It is recommended that the City Council consider an appointment to the Parks and Recreation Advisory Board.

Alternatives
The City Council could choose not to appoint a new member.

Attachments
A membership roster, fact sheet, applicant list, renewal letter, and new application are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

PARKS & RECREATION BOARD

LENGTH OF TERMS: TWO YEARS
Ord. 4112 Consecutive Term Limit (3)*effective 7/24/89

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Jason Bethel	1	A 2/23/2009	2/23/2011	1	
Christopher Oestreich	4	U 4/8/2008	9/5/2009	1	
Shane Best	4	A 6/19/2007	6/19/2009	1	
Casey Peacock	1	U 4/8/2008	9/5/2009	1	
Margie Morris	4	A 11/8/2005 R 11/8/2007	11/8/2007 11/8/2009	1	
Jo Ann Osburn	1	A 9/5/2007	9/5/2009	1	
Trent Bass	1	U 3/17/2009	11/8/2009	0	

NOTE:

Chair: Chris Oestreich
Vice Chair:

Term: February 2009

CITY STAFF: Kevin Winkler, Parks and Recreation Administrator
Revised 3/16/2009

FACT SHEET

PARKS AND RECREATION BOARD

Established by ORDINANCE 3181 – MARCH 28, 1977

1. Number of Members: SEVEN (7)
2. Term of Appointment: TWO (2) YEARS
3. Consecutive Term Rule: THREE (3) TERMS – ORDINANCE 4112 (7/24/89)
4. Qualifications for Membership: INTEREST IN PROGRAMS AND ACTIVITIES CONDUCTED BY PARKS AND RECREATION DEPARTMENT. A STUDENT OF SHERMAN HIGH SCHOOL DESIGNATED BY STUDENT COUNCIL, AND THE DIRECTOR OF PARKS AND RECREATION SHALL BE EX-OFFICIO,NON-VOTING MEMBERS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

   CHAIRPERSON _E_ VICE CHAIRPERSON ____ SECRETARY _A_____

   ELECTED ____ APPOINTED ____
7. Departmental Responsibility: PARKS AND RECREATION DEPARTMENT
8. Meeting Date: FIRST WEDNESDAY OF EACH MONTH
9. Attendance Requirements: WILL FORFEIT SEAT BY MISSING 3 CONSECUTIVE MEETING WITHOUT GOOD CAUSE

===

PURPOSE:
To assist in long-range planning and implementation of programs and activities conducted by the Parks and Recreation Department.

RESPONSIBILITIES:
Advise concerning future development; to study and make recommendations concerning additional park land or sites; and to recommend means for maximum utilization of facilities.

APPLICANT LIST

Parks and Recreation Advisory Board **Positions Vacant __1____**

Applicant	Address	District	Qualifications
Shane Best	1928 Pebblebrook	4	Current Member; Wishes to be Reappointed
John Murphy	3301 N. FM 1417, Apt. 1122	1	Modern Exploration

COMMENTS:

SHERMAN

PUBLIC RECORDS DEPARTMENT
Phone No. (903) 892-7204
Fax No. (903) 892-7394

May 21, 2009

Shane Best
1928 Pebblebrook
Sherman, Texas 75090

RE: Parks and Recreation Board

Dear Mr. Best:

Your term on the Parks and Recreation Advisory Board expires on June 19, 2009. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Kevin Winkler, Parks and Recreation Administrator

✓ I do wish to be considered for reappointed to this board

____ I do not wish to be considered for reappointment to this board

Signature ______________________ Date 6/11/09

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

RECEIVED FEB 2009 In the CITY CLERK'S OFFICE

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: JOHN R MURPHY
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: PARK & REC BOARD

☐ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: 3301 N FM 1417 #1122	Business Name: MODERN EXPLORATION
Mailing Address:	Occupation: ACCOUNTING MGR
Telephone: 9032717652 Fax:	Address: 213 N TRAVIS SHERMAN
E-Mail: JOHN@MODERNEXPLORATION.COM	Telephone: 9038931129 Fax: 9038920655
Sherman Resident for 15 years County:	E-Mail:
Drivers License No.: 10188150	
*Voter Registration No.: 1025130736 ✓	

Which Council District do you live in? *(see attached map)* Dist 1 ✓

Prior work experience: *(please include dates)*
FOR MODERN SINCE 1996

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1973
Business College, Correspondence School, Adult Education, Other?
Name of College/University: MT MERCY, CEDAR RAPIDS, IA ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: *(please include dates)*
- SHERMAN CITY COUNS. 1999-2001, VARIOUS BOARDS IN CITY PRIOR TO ELECTION
- VARIOUS CHURCH ACTIVITIES - YOUTH & SERVICE ACADEMY SINCE 2002.
- ARTS FESTIVAL COMMITTEE SINCE ... 1990's, CHRISTMAS PARADE SINCE ... LINE UP @ MUNIC BLDG

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Application held for 12 months from date received

Taxes - No

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?

I ADMIRE THE INVESTMENT OUR CITY HAS MADE IN OUR PARKS & WANT TO BE PART OF THE BOARD THAT GUIDES CONTINUED GROWTH/IMPROVEMENTS

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) BALANCING THE MOST EFFECTIVE USE OF AVAIL FUNDS AGAINST THE OTHER DEMANDS OF INFRASTRUCTURE.

BOARD NEEDS TO RECOG. & ADDRESS PROJECTS WHICH WILL GIVE

2) THE CITY THE MOST "BANG FOR IT'S BUCK"

3)

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

PRIVATE SECTOR BUDGETING — MY KIDS & I HAVE & ARE, USING
PUBLIC " " — OUR WONDERFUL PARKS

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

NONE

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: ______

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: ______ *Date:* 2/19/09

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. D.8

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

Section 551.072 **Deliberation Regarding Real Property**
- **(a) Deliberate Regarding the Potential Purchase of a Piece of Real Property:**
  - **(i) West Washington Street**

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:**
  - **(i) Panda Sherman Power, LLC**
  - **(ii) Carrus Medical Center**

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. F.1

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

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. G.1

INTRODUCTION OF ORDINANCE NO. 5611
Designating a Certain Area as an Industrial Reinvestment Zone, City of Sherman, Texas, Providing for the Establishment of Agreements within the Zone, and Other Matters Relating Thereto; Providing Findings of Fact; Providing an Effective Date for the Commencement of the Reinvestment Zone and this Ordinance

Issue
The creation of a new industrial reinvestment zone in response to a tax abatement requested by Panda Sherman Power, LLC

Background
On Friday, June 5, 2009, the Tax Reinvestment Committee met to consider a request from Panda Sherman Power, LLC for a tax abatement to construct a power plant. The Committee voted to recommend the abatement and creation of the Zone to the City Council and other taxing entities. The law requires that a reinvestment zone be established prior to a tax abatement being granted for eligible projects. The attached ordinance would be the first step in accomplishing the creation of a new commercial/industrial reinvestment zone.

The Zone itself will cover only Panda's property. Prior to its adoption, a public hearing must be held to allow for interested parties to speak to the issue. If approved, the public hearing would be held at the July 20th Council meeting. The request for tax abatement will be addressed at the August 3rd Council meeting, in the form of a resolution.

Origination
Panda Sherman Power, LLC

Financial Consideration
There is no financial consideration to introducing and setting the public hearing of this ordinance.

Staff Recommendation
The staff recommends that the City Council introduce the ordinance and set the public hearing for the July 20th Council meeting.

Alternatives
The Council could decide not to introduce the ordinance.

Attachments
Ordinance No. 5611
Legal Description
Vicinity Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5611

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS AN INDUSTRIAL REINVESTMENT ZONE, CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the "CODE"); and

WHEREAS, a hearing before the City Council was set for 5:00 p.m. on the 20th day of July, 2009, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Sherman; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Grayson County, Grayson County College, and Sherman Independent School District, as required by the CODE; and

WHEREAS, upon such hearing being convened, there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone, whether all or part of the territory, which is described by a metes and bounds description attached hereto as Exhibit "A" and depicted in the drawing attached hereto as Exhibit "B", should be included in such proposed Reinvestment Zone; and

WHEREAS, all owners of property located within the proposed Reinvestment Zone, and all other taxing units and other interested persons, were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

WHEREAS, the proponents of the Reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the Reinvestment Zone, and no opponents of the Reinvestment Zone appeared to contest creation of the Reinvestment Zone; and

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Zone, will be of general benefit to the City of Sherman, and that it will be in the public interest to pass this ordinance creating a Reinvestment Zone;

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

<u>SECTION 1.</u> That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

<u>SECTION 2.</u> That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

(a) That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted, and that notice of such hearing has been published as required by law;

(b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone, pursuant to the CODE;

(c) That creation of the proposed Zone, with boundaries as described in Exhibits “A” and “B”, will result in benefits to the City, its residents and property owners, and to the property, residents and property owners in the Reinvestment Zone; and

(d) That the Reinvestment Zone, as defined in Exhibits “A” and “B”, meets the criteria for the creation of a Reinvestment Zone as set forth in Section 312.202 of the CODE in that:

(1) It is a contiguous geographic area located wholly within the corporate limits of the City.

(2) The area will reasonably be likely, as a result of the designation, to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the City.

(3) No part of the property in the Reinvestment Zone is owned or leased by a member of the governing body of the City or Town, or by a member of a zoning or planning board or commission of the City.

(4) Improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Reinvestment Zone.

SECTION 3. That the City hereby creates a Reinvestment Zone over the area described by the description in Exhibit "A", attached hereto and depicted in a drawing attached hereto as Exhibit "B", and such Reinvestment Zone shall hereafter be identified as the Industrial Reinvestment Zone, Number 072009-2, City of Sherman, Texas (the "Zone").

SECTION 4. That the written agreement(s) as provided in the CODE, with the owners of the property located within the Reinvestment Zone, is hereby authorized for a period of up to ten (10) years, and the written agreement(s) shall provide an exemption from taxation of the increased value in the real and/or personal property in the percentages and for the years to be established in the agreements.

SECTION 5. 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 6. That it is hereby officially found, determined, and declared that a sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 7. That the contents of the notice of public hearing, which hearing was held before the City Council on the 20th day of July, 2009, and the publication of said notices, is hereby ratified, approved, and confirmed.

1ST READING this the __________ day of ________________________, 2009.

2ND READING this the __________ day of ________________________, 2009.

EFFECTIVE DATE: __________ day of ________________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ____________________________________

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ____________________________________

BRANDON S. SHELBY,
CITY ATTORNEY

EXHIBIT "A"

FIELD NOTES – REINVESTMENT ZONE NO. 072009-2

TRACT ONE

Situated in the City of Sherman, Grayson County, Texas, being a part of the William Martin Survey, Abstract No. 765, and being a part of the (1) 109.760 acre tract of land and all of the (2) 37.22 acre tract of land conveyed to the Sherman Economic Development Corporation by deed of record in Volume 2633, Page 498 of the Official Public Records, Grayson County, Texas, and all of the (3) 70.68 acre tract of land and the (4) 23.63 acre tract of land conveyed to the Sherman Economic Development Corporation by deed of record in Volume 4019, Page 369 of said Official Public Records, and all of the (5) 40.03 acre tract of land conveyed to the Sherman Economic Development Corporation by deed of record in Volume 4418, Page 896 of said Official Public Records, and being more particularly described as follows:

Beginning at a ½" steel rod found in the south right-of-way line of Progress Drive for the northwest corner of said 40.03 acre tract and the northwest corner of the herein described tract;

Thence North 74°20'51" East with the south right-of-way line of Progress Drive a distance of 1,405.92 feet to a point in the center of a creek for the northeast corner of the herein described tract;

Thence in a Southerly direction with the center of said creek the following calls and distances:

South 29°38'08" East a distance of 52.73 feet;
South 07°41'27" West a distance of 50.97 feet;
South 10°23'40" East a distance of 190.88 feet;
South 43°02'42" East a distance of 117.85 feet;
North 55°32'33" East a distance of 98.58 feet;
South 49°20'09" East a distance of 53.51 feet;
South 18°07'17" West a distance of 38.00 feet;
South 07°06'09" East a distance of 138.45 feet;
South 38°21'11" East a distance of 176.76 feet;
South 19°26'00" East a distance of 72.46 feet;
North 77°12'24" East a distance of 66.97 feet;
North 23°22'22" East a distance of 64.10 feet;
South 54°32'17" East a distance of 121.05 feet;
South 11°39'13" East a distance of 48.16 feet;
South 38°21'36" East a distance of 35.59 feet;
South 73°22'59" East a distance of 114.32 feet;
South 31°03'16" West a distance of 100.19 feet;
South 00°09'28" West a distance of 64.42 feet;
South 47°28'23" East a distance of 85.75 feet;
North 30°10'37" East a distance of 76.04 feet;
South 84°38'12" East a distance of 66.35 feet;
South 01°40'43" West a distance of 79.47 feet;
South 50°16'00" West a distance of 98.85 feet;
North 57°22'55" West a distance of 45.79 feet;
South 63°16'29" West a distance of 43.89 feet;
South 01°41'19" West a distance of 22.44 feet;
South 02°25'44" West a distance of 43.58 feet;
South 37°45'00" East a distance of 29.17 feet;
South 08°21'33" East a distance of 45.58 feet;
South 04°26'27" East a distance of 51.46 feet;
South 00°50'35" West a distance of 82.57 feet;
South 24°29'48" East a distance of 22.65 feet;
South 87°38'34" East a distance of 81.83 feet;
North 86°58'42" East a distance of 76.97 feet;
South 69°06'08" East a distance of 27.15 feet;
South 38°57'22" East a distance of 60.17 feet;
South 42°11'21" East a distance of 37.74 feet;
South 22°49'34" East a distance of 51.58 feet;
South 43°04'06" East a distance of 74.45 feet;
North 75°10'46" East a distance of 26.87 feet;
North 22°44'42" East a distance of 40.25 feet;
North 82°53'37" East a distance of 29.22 feet;
South 34°11'16" East a distance of 63.18 feet;
South 33°21'17" East a distance of 52.56 feet;
North 68°03'00" East a distance of 13.73 feet;
North 38°15'30" East a distance of 35.39 feet;
North 64°33'50" East a distance of 29.29 feet;
South 57°50'11" East a distance of 13.24 feet;
South 34°26'35" East a distance of 70.92 feet;
South 69°42'17" East a distance of 14.77 feet;
North 61°13'38" East a distance of 14.46 feet;
North 47°06'21" East a distance of 34.11 feet;
South 43°45'37" East a distance of 71.54 feet;
South 63°14'43" East a distance of 55.53 feet;
North 37°01'17" East a distance of 43.53 feet;
North 22°28'00" East a distance of 26.12 feet;
South 86°49'32" East a distance of 11.89 feet;
South 39°32'06" East a distance of 24.06 feet;
South 48°02'49" East a distance of 87.83 feet;
North 53°17'04" East a distance of 43.15 feet;
South 80°11'10" East a distance of 38.20 feet;
South 09°43'07" East a distance of 52.00 feet;
South 07°14'11" West a distance of 78.30 feet;
South 08°18'33" West a distance of 65.33 feet;
South 22°29'44" East a distance of 44.41 feet;
South 66°25'46" East a distance of 48.38 feet;
North 87°52'00" East a distance of 52.17 feet;
South 01°27'35" East a distance of 67.50 feet;
South 19°47'23" West a distance of 45.81 feet;
South 36°22'56" West a distance of 61.15 feet;
South 10°41'37" East a distance of 70.35 feet;
South 46°15'08" West a distance of 57.80 feet;
South 64°21'19" West a distance of 27.36 feet;
South 78°50'20" West a distance of 43.28 feet;
South 33°00'37" West a distance of 34.00 feet;
South 02°43'09" East a distance of 32.65 feet;
South 48°26'47" East a distance of 51.14 feet;
South 03°17'43" West a distance of 33.29 feet;
South 68°04'59" West a distance of 41.28 feet;
South 42°38'20" West a distance of 19.21 feet;
South 23°51'00" East a distance of 41.21 feet;
South 23°55'19" East a distance of 55.18 feet;
South 24°06'58" West a distance of 40.71 feet;
South 46°42'41" East a distance of 27.78 feet;
South 64°57'18" East a distance of 57.68 feet;
South 11°37'31" East a distance of 21.44 feet;
South 33°48'22" West a distance of 35.17 feet;
South 10°22'28" West a distance of 28.69 feet;
South 07°22'17" East a distance of 69.82 feet to a point in the north line of the BNSF Railroad right-of-way for the southeast corner of the herein described tract;

Tract One, continued

Thence South 63°21'20" West with said north right-of-way line, a distance of 952.18 feet to a 1/2" steel rod set for the southeast corner of the 0.857 acre tract of land conveyed to the City of Sherman, Texas by deed of record in Volume 1153, Page 32 of the Deed Records, Grayson County, Texas;

Thence North 15°37'10" West a distance of 240.00 feet to a 1/2" steel rod found for the northeast corner of said 0.857 acre tract and the southeast corner of said 70.68 acre tract;

Thence South 63°21'20" West a distance of 200.00 feet to a 1/2" steel rod found for the northwest corner of said 0.857 acre tract;

Thence South 15°37'10" East a distance of 240.00 feet to a 1/2" steel rod found in said north right-of-way line for the southwest corner of said 0.857 acre tract;

Thence South 63°21'20" West with said north right-of-way line, a distance of 1,172.66 feet to a ½" steel rod found for the southwest corner of said 70.68 acre tract, said rod being the southeast corner of the 34.835 acre tract of land (Tract 1)conveyed to Weldon Moore, III by deed of record in Volume 2438, Page 278 of said Official Public Records;

Thence North 16°09'06" West with the east line of said 34.835 acre tract, a distance of 1,404.98 feet to a 1/2" steel rod found at the southeast corner of the 104.321 acre tract of land conveyed to Dennis D. Topletz, Trustee by deed of record in Volume 1712, Page 244 of said Deed Records, said rod being the northeast corner of said 34.835 acre tract;

Thence North 15°03'24" West with the east line of said 104.321 acre tract, a distance of 972.88 feet to a 1/2" steel rod found at the southwest corner of said 40.03 acre tract;

Thence North 15°38'56" West a distance of 1,106.26 feet to the Point-of-Beginning and containing 147.95 acres of land.

TRACT TWO

Situated in the City of Sherman, Grayson County, Texas, being a part of the William Martin Survey, Abstract No. 765, and being all of the (1) 37.22 acre tract of land conveyed to the Sherman Economic Development Corporation by deed of record in Volume 2633, Page 498 of the Official Public Records, Grayson County, Texas, and all of the (2) 23.63 acre tract of land conveyed to the Sherman Economic Development Corporation by deed of record in Volume 4019, Page 369 of said Official Public Records, and being more particularly described as follows:

Beginning at a ½" steel rod found in the south right-of-way line of the BNSF Railroad for the northwest corner of said 23.63 acre tract and the northwest corner of the herein described tract, said rod also being the northeast corner of the 14.270 acre tract of land (Tract 2) conveyed to Weldon L. Moore, III by deed of record in Volume 2438, Page 278 of said Official Public Records;

Thence North 63°21'20" East with said south right-of-way line, a distance of 3,218.78 feet to a 1/2" steel rod set for the northwest corner of the 21.006 acre tract of land conveyed to Texas Instruments Inc., by deed of record in Volume 3317, Page 177 of said Official Public Records, said rod being the northeast corner of said 37.22 acre tract;

Thence South 14°27'38" East with the west line of said 21.006 acre tract, a distance of 1,036.49 feet to a 1/2" steel rod set on the north bank of Choctaw Creek for the southeast corner of said 37.22 acre tract;;

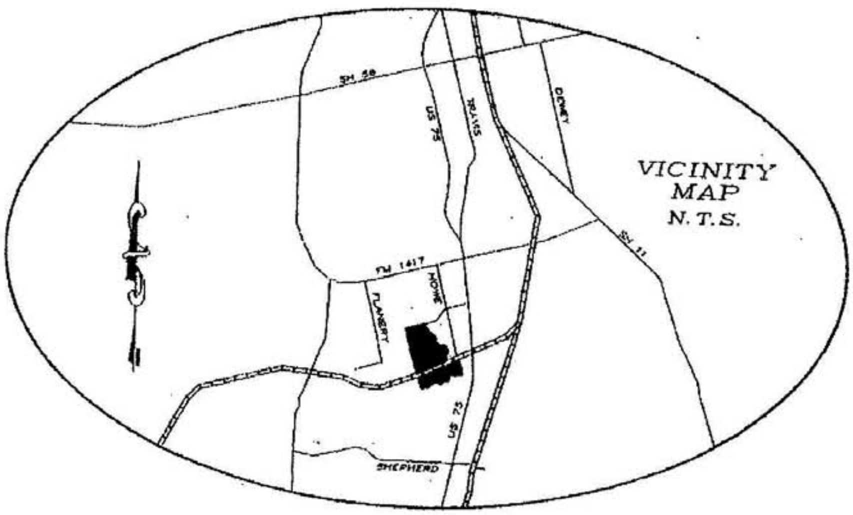
Thence in a Westerly direction with the meanders of said north bank and the south lines of said 37.22 acre tract and 23.63 acre tract;

North 89°08'07" West a distance of 50.63 feet;
South 61°50'06" West a distance of 129.18 feet;
North 65°31'21" West a distance of 213.45 feet;
South 43°38'09" West a distance of 143.38 feet;
North 76°35'12" West a distance of 305.86 feet;
South 82°00'24" West a distance of 199.24 feet;
South 07°28'29" West a distance of 447.48 feet;
South 28°46'19" West a distance of 60.92 feet;
South 78°00'17" West a distance of 242.38 feet;
South 53°19'01" West a distance of 279.39 feet;
North 81°47'10" West a distance of 158.75 feet;
South 70°57'29" West a distance of 16.05 feet;
North 46°51'54" West a distance of 71.47 feet;
North 64°56'47" West a distance of 89.81 feet;
North 74°52'56" West a distance of 94.21 feet;
South 84°55'33" West a distance of 34.55 feet;
South 65°12'48" West a distance of 69.31 feet;
South 84°39'24" West a distance of 132.97 feet;
South 42°55'42" West a distance of 71.85 feet;
South 31°29'48" West a distance of 63.23 feet;
South 42°51'36" West a distance of 154.98 feet;
South 38°33'13" West a distance of 90.82 feet;
South 27°05'10" West a distance of 74.40 feet;
South 57°08'24" West a distance of 143.86 feet;
North 58°57'02" West a distance of 75.25 feet;
North 47°55'51" West a distance of 74.03 feet;
North 58°06'24" West a distance of 46.14 feet;
South 66°03'24" West a distance of 76.50 feet;
North 70°16'10" West a distance of 22.67 feet;
South 43°33'46" West a distance of 17.61 feet;
South 12°20'55" East a distance of 18.54 feet;
South 22°13'20" West a distance of 49.55 feet;
South 35°23'00" West a distance of 93.28 feet;
South 67°23'43" West a distance of 67.60 feet to a ½" steel rod found at the southwest corner of said 23.63 acre tract and the southeast corner If said 14.270 acre tract;

Thence North 18°09'06" West with the east line of said 14.270 acre tract, a distance of 777.82 feet to the Point-of-Beginning and containing 60.85 acres of land.

EXHIBIT "B"

VICINITY MAP – REINVESTMENT ZONE NO. 072009-2



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. G.2

INTRODUCTION OF ORDINANCE NO. 5612

Designating a Certain Area as an Industrial Reinvestment Zone, City of Sherman, Texas, Providing for the Establishment of Agreements within the Zone, and Other Matters Relating Thereto; Providing Findings of Fact; Providing an Effective Date for the Commencement of the Reinvestment Zone and this Ordinance

Issue

The creation of a new industrial reinvestment zone in response to a tax abatement requested by Carrus Medical Center (Carrus)

Background

On Friday, June 5, 2009, the Tax Reinvestment Committee met to consider a request from Carrus Medical Center for a tax abatement to construct an $11 million, 65,000 square foot facility. The Committee voted to recommend the abatement and creation of the Zone to the City Council and other taxing entities. The law requires that a reinvestment zone be established prior to a tax abatement being granted for eligible projects. The attached ordinance would be the first step in accomplishing the creation of a new commercial/industrial reinvestment zone.

The Zone itself would extend roughly from Travis Street west along the north and south sides of U.S. Highway 82 to Heritage Parkway. Only qualifying commercial and/or industrial projects would be eligible within this Zone for tax abatement consideration. Prior to its adoption, a public hearing must be held to allow for interested parties to speak to the issue. If approved, that public hearing would be held at the July 20th Council meeting. The request for tax abatement will be addressed at the August 3rd Council meeting, in the form of a resolution.

Origination

Carrus Medical Center

Financial Consideration

There is no financial consideration to introducing and setting the public hearing of this ordinance.

Staff Recommendation

The staff recommends that the City Council introduce the ordinance and set the public hearing for the July 20th Council meeting.

Alternatives

The Council could decide not to introduce the ordinance.

Attachments

Ordinance No. 5612, Legal Description, Zoning Map and Aerial Photo

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5612

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS AN INDUSTRIAL REINVESTMENT ZONE, CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas (the “City”), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the “CODE”); and

WHEREAS, a hearing before the City Council was set for 5:00 p.m. on the 20th day of July, 2009, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Sherman; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Grayson County, Grayson County College, and Sherman Independent School District, as required by the CODE; and

WHEREAS, upon such hearing being convened, there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone, whether all or part of the territory, which is described by a metes and bounds description attached hereto as Exhibit “A” and depicted in the drawing attached hereto as Exhibit “B”, should be included in such proposed Reinvestment Zone; and

WHEREAS, all owners of property located within the proposed Reinvestment Zone, and all other taxing units and other interested persons, were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

WHEREAS, the proponents of the Reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the Reinvestment Zone, and no opponents of the Reinvestment Zone appeared to contest creation of the Reinvestment Zone; and

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Zone, will be of general benefit to the City of Sherman, and that it will be in the public interest to pass this ordinance creating a Reinvestment Zone;

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

(a) That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted, and that notice of such hearing has been published as required by law;

(b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone, pursuant to the CODE;

(c) That creation of the proposed Zone, with boundaries as described in Exhibits "A" and "B", will result in benefits to the City, its residents and property owners, and to the property, residents and property owners in the Reinvestment Zone; and

(d) That the Reinvestment Zone, as defined in Exhibits "A" and "B", meets the criteria for the creation of a Reinvestment Zone as set forth in Section 312.202 of the CODE in that:

(1) It is a contiguous geographic area located wholly within the corporate limits of the City.

(2) The area will reasonably be likely, as a result of the designation, to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the City.

(3) No part of the property in the Reinvestment Zone is owned or leased by a member of the governing body of the City or Town, or by a member of a zoning or planning board or commission of the City.

(4) Improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Reinvestment Zone.

SECTION 3. That the City hereby creates a Reinvestment Zone over the area described by the description in Exhibit “A”, attached hereto and depicted in a drawing attached hereto as Exhibit “B”, and such Reinvestment Zone shall hereafter be identified as the Industrial Reinvestment Zone, Number 072009-1, City of Sherman, Texas (the “Zone”).

SECTION 4. That the written agreement(s) as provided in the CODE, with the owners of the property located within the Reinvestment Zone, is hereby authorized for a period of up to ten (10) years, and the written agreement(s) shall provide an exemption from taxation of the increased value in the real and/or personal property in the percentages and for the years to be established in the agreements.

SECTION 5. 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 6. That it is hereby officially found, determined, and declared that a sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 7. That the contents of the notice of public hearing, which hearing was held before the City Council on the 20th day of July, 2009, and the publication of said notices, is hereby ratified, approved, and confirmed.

1ST READING this the __________ day of ________________________, 2009.

2ND READING this the __________ day of ________________________, 2009.

EFFECTIVE DATE: __________ day of ________________________, 2009.

CITY OF SHERMAN, TEXAS

BY: ______________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________

BRANDON S. SHELBY,
CITY ATTORNEY

EXHIBIT “A”

FIELD NOTES – REINVESTMENT ZONE NO. 072009-1

(to be attached)

EXHIBIT "B"

ZONING MAP – REINVESTMENT ZONE NO. 072009-1

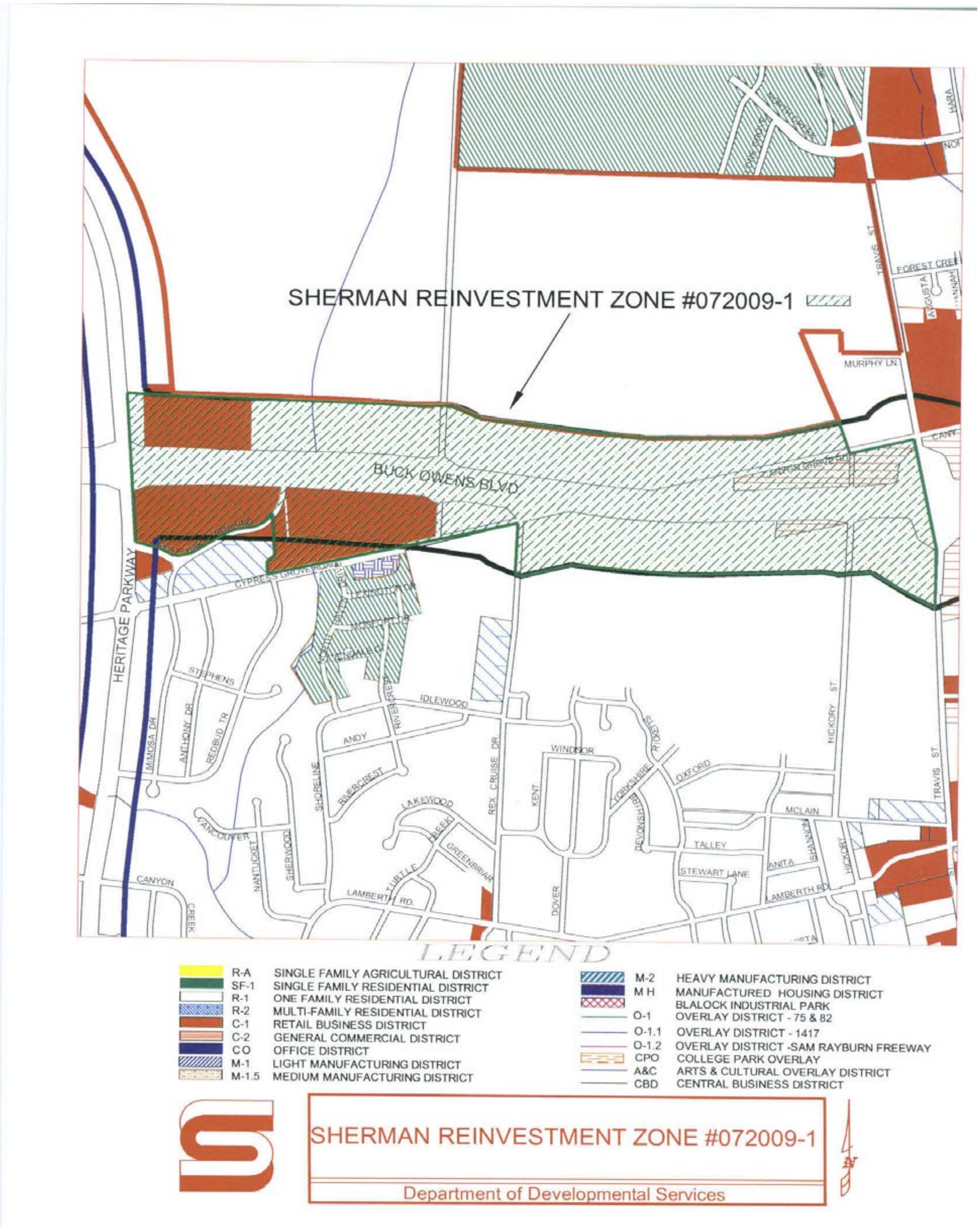


EXHIBIT “B”

AERIAL PHOTO – REINVESTMENT ZONE NO. 072009-1

(to be attached)

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. H.1

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 7-6-2009

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2009
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	**5**	6	7	8	9	10
11	12	13	14	15	16	17
18	**19**	20	21	22	23	24
25	~~**26**~~	27	28	29	30	31

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	**6**	7	8	9	10	11
12	13	14	15	16	17	18
19	**20**	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	**2**	3	4	5	6	7
8	9	10	**11**	12	13	14
15	**16**	17	**18**	19	20	21
22	23	24	**25**	26	27	28

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	**3**	4	5	6	7	8
9	10	11	12	13	14	15
16	**17**	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	**2**	3	4	5	6	7
8	9	10	11	12	13	14
15	**16**	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	**7**	**8**	9	10	11	12
13	14	15	16	17	18	19
20	**21**	22	23	24	25	26
27	28	29	30			

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	**6**	7	8	9	10	11
12	13	14	15	16	17	18
19	**20**	21	22	23	24	25
26	27	28	**29**	30		

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	**5**	6	7	8	9	10
11	12	13	14	15	16	17
18	**19**	20	21	22	23	24
25	26	27	28	29	30	31

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	**4**	5	6	7	8	9
10	11	12	13	14	15	16
17	**18**	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	**2**	3	4	5	6	7
8	9	10	11	12	13	14
15	**16**	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	**15**	16	17	**18**	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	**7**	8	9	10	11	12
13	14	15	16	17	18	19
20	**21**	22	23	24	25	26
27	28	29	30	31		

01/19/09 - M.L.K., Jr. Birthday / Regular Council Meeting
~~01/26/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan~~
02/11/09 - 12 Noon Called Meeting to Interview City Attorney Candidates
02/16/09 - Washington's Birthday / Regular Council Meeting
02/18/09 - 1PM Called Meeting to Interview City Attorney Candidates
02/25/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan
~~03/06/09 - Proposed 12 Noon Called Meeting with Chamber Board~~
04/29/09 - 12 Noon Budget Planning Meeting in Council Chambers
~~05/09/09 - City Council Election~~
~~05/12/09 - 12 Noon Called Meeting to Canvass Election Results~~

~~06/17-18/09 - Budget Workshop in Council Chambers~~
06/18/09 - Budget Workshop/Long Range Planning Workshop in Council Chambers
~~06/19/09 - Long Range Planning Workshop~~
09/07/09 - Labor Day / Called Council Meeting on 09/08/09