CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, DECEMBER 21, 2009
5:00 P.M.

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

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 7, 2009

Public Hearing

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5634
Ordaining the City's Participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Providing Tax Incentives; and Designating a Liaison for Communication with Interested Parties

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5635
Amending Ordinance No. 2792 to Provide for Permanent "No Parking" Signs Restricting Parking along the West Side of South Vaden Street, from Lamar Street to Thomas Street, within the City Limits of the City of Sherman

Close Public Hearing and Consider Adoption of Ordinances

B.3 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
(a) 5634
(b) 5635

B.4 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. 5446
Recognizing that The Folger Coffee Company is a "Qualified Business" as Defined in Section 2303.402 of the Texas Enterprise Zone Act and Meets the Criteria for

Designation as an Enterprise Project, as Set Forth in Section 2303, Subchapter F of the Act; and Nominating The Folger Coffee Company to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project

C.2 ** RESOLUTION NO. 5447*
Approving the Greater Texoma Utility Authority's Intention to Enter into an Agreement with Vescor Inc. dba Vessels Construction for the Construction of the K-4 Phase II Sewer between Turtle Creek West and Lamberth Road

C.3 ** RESOLUTION NO. 5448*
Approving the Greater Texoma Utility Authority's Intention to Enter into a Contract with JR Sheldon Co., Inc. for the Construction of Fine Screen Improvements at the Sherman Wastewater Treatment Plant

C.4 ** RESOLUTION NO. 5449*
Authorizing Execution of a Development Agreement with SDB Partners, LLC. for the Construction of Public Facilities in the Carrus Medical Plaza Addition to the City of Sherman

C.5 ** RESOLUTION NO. 5450*
Authorizing Execution of an Easement to Oncor Electric Delivery Company, LLC for the Placement of a Single Phase Overhead Power Line in a 15' Electric Utility and Right-of-Way Easement at Pecan Grove Park

C.6 ** RESOLUTION NO. 5451*
Authorizing the Purchase of Bunker Gear for the Sherman Fire Department from Casco Industries

C.7 ** RESOLUTION NO. 5452*
Authorizing Execution of Deeds for the Resale of Two Tracts of Land at 706 East Jones Street and 707 East Jones Street, Seized for Delinquent Taxes

Request to Advertise

D.1 ** REQUEST TO ADVERTISE*
Stephens #2 Trinity Well Evaluation

Other Business

D.2 OTHER BUSINESS
Receive Police Department's Presentation on the Purchase of an Online Crime Mapping Program

D.3 CITIZEN REQUESTS

D.4 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.5 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

a) Airport Advisory Board (2)

D.6 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION

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

Section 551.074 Personnel Matters:

(a) Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:

(i) Greater Texoma Utility Authority Board (2)

Section 551.087 Deliberations 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) Project Frontier

The Council reconvenes into General Session

F.1 OPEN MEETING

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

F.2 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Robert G. Softly, Council Member

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 7, 2009

STATE OF TEXTS §

December 7, 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 December 7, 2009.

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

MEMBERS ABSENT: **NONE.**

<u>CALL TO ORDER</u> — **CALL TO ORDER**

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

Mayor Magers recognized December 7, 2009 as Pearl Harbor Remembrance Day, and thanked all those who served their country.

<u>APPROVE MINUTES</u> — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of November 16, 2009. Council Member Adami moved to approve the Minutes as presented; Second by Council Member Wacker. All present voted AYE.
MOTION CARRIED.

<u>INTRODUCTION AND PUBLIC HEARING OF ORDINANCES</u>

ORD 5632
NO PARKING SIGNS
(W. McLAIN)

Mayor Magers introduced Ordinance 5632 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG PORTIONS OF THE NORTH SIDE OF THE 300 BLOCK OF WEST McLAIN STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN.

No citizens appeared before the City Council to discuss Ordinance 5632.

ORD 5633
SUP FOR
PARKING LOT
(2917 OVERLAND TR.)

Mayor Magers introduced Ordinance 5633 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 AN AUTOMOBILE PARKING LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2917 OVERLAND TRAIL, BEING LOT 4, BLOCK 2, O'HANLON RANCH ADDITION, PHASE 2 (BLUESTONE PARTNERS, LLC, OWNERS); 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.

No citizens appeared before the City Council to discuss Ordinance 5633.

The Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5632

ORD 5632 NO PARKING SIGNS (W. McLAIN)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG PORTIONS OF THE NORTH SIDE OF THE 300 BLOCK OF WEST McLAIN STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN.

Ordinance 5633

ORD 5633 SUP FOR PARKING LOT (2917 OVERLAND TR.)

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 AN AUTOMOBILE PARKING LOT IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2917 OVERLAND TRAIL, BEING LOT 4, BLOCK 2, O'HANLON RANCH ADDITION, PHASE 2 (BLUESTONE PARTNERS, LLC, OWNERS); 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.

Council Member Steele verified that the request would be for a parking lot that would be located west of the existing parking. Joe Dell, Branch Manager, for Bluestone Partners LLC, explained it would alleviate parking stress in the current parking lot and where people are parking on the street. He added that the fence would be extended to screen the parking lot from the residential area.

Council Member Steele said there would still be area to the north and verified that it was going to remain vacant land for now. If Bluestone Partners wanted to construct a building on that area they would still need to have the property rezoned. He said that area would eventually be used for parking too.

Mayor Mages asked why they didn't want to rezone it now. Mr. Dell said it didn't need to be rezoned if they weren't going to construct a building. They just needed a Specific Use Permit for a parking lot. Mayor Magers verified that the area is still zoned residential and Bluestone Partners could not construct a building on the property without a zone change.

ACTION TAKEN.

Motion by Deputy Mayor Smith to approve Ordinance Nos. 5632 and 5633, as presented. Second by Council Member Softly.

VOTING AYE: Adami, 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 Deputy Mayor Smith. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5438 – CERTIFYING FUNDING AND SUPPORT FOR THE TEXAS TRANSPORTATION ENHANCEMENT PROGRAM NOMINATION FORM 2009 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE APPLICATION TO RECEIVE FUNDING TO BUILD THE DOWNTOWN SHERMAN STREETSCAPE ENHANCEMENT PROJECT

RES 5438
DOWNTOWN
SHERMAN
STREETSCAPE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CERTIFYING FUNDING AND SUPPORT FOR THE TEXAS TRANSPORATION ENHANCEMENT PROGRAM NOMINATION FORM 2009 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE APPLICATION TO RECEIVE FUNDING TO BUILD THE DOWNTOWN SHERMAN STREETSCAPE ENHANCEMENT PROJECT.

George Olson, City Manager, explained that the Texas Department of Transportation called for nominations for the Texas Transportation Enhancement Program grant application. With the recently completed Comprehensive Master Plan, the staff determined that the enhancement program would fit with the downtown area, which is a priority of the Comprehensive Plan.

Since David Baca, Principal, and Jared Tredway, Project Manager, with David Baca Studio has been working with Downtown Sherman Preservation and Revitalization, the staff approached them and asked for assistance with the grant submission. The Council is asked to consider approval of the submission, and the grant award is scheduled to be announced by the end of 2010. Funding would be scheduled for 2011.

Mr. Olson said David Baca Studio is also working with DSP&R on the Tax Increment Financing funds. A presentation will be made at a later time on projects for the TIF funds. However, Mr. Olson explained that if the projects are approved and funded, they will fit together and be positive for the downtown area.

<u>David Baca, Principal, David Baca Studio</u>
Mr. Baca discussed the projects that will be included in the funding. The Brockett Street Project is almost complete and was funded from money set aside to create a connection from Austin College to downtown.

The TIF funding projects would include Travis Street and the Court House Square and will be presented to the Council at a later date.

The proposed grant for the Transportation Enhancement project will connect Highway 75 to the proposed Travis Street project, and then to the Brockett Street project. This will create a connection from Highway 75 to Austin College.

Mr. Baca presented the proposed plan for the grant application submission, which includes Houston and Lamar Streets, from Highway 75 to Montgomery Street. The Court House Square is not a part of this plan but is included in the TIF plan.

The plan includes rebuilding some of the curbs and sidewalks to plant trees, generally at intersections, but also at driveway approaches. Mr. Baca said this would provide better control of traffic and better control visually. They would use landscaped or hardscaped curb in the area used for parking, however no parking spaces will be lost. The street would be narrowed at each intersection which would be a traffic calming device and would increase pedestrian safety.

He presented examples of the narrowed area at intersections and the trees brought out from under the overhead power lines. He said it was less expensive to add trees than it is to bury the overhead lines. Mayor Magers asked if the trees would be planted in the utility right-of-way, but Mr. Baca said they would actually be in the street. Trees would be selected carefully to be sure they were appropriate for the location.

Mr. Baca addressed the expected benefits of the Enhancement Program including increased walkability, slowing of traffic, aesthetic enhancement, and spurring an increase in private development.

Mayor Magers said Oncor has an individual that works with cities on this type of projects. He asked if tree roots would be a problem for underground utilities. Jeff Miller, Director of Public Works, said it possibly could be a problem, but selecting appropriate trees will help a lot. Council Member Steele added that utilities will be enclosed in conduit.

Council Member Steele asked if the grant included any money for long-term maintenance. Mr. Olson said no money was included in the grant for maintenance. Once the trees are established, however, the maintenance will diminish greatly.

Mayor Magers verified that the grant is a 20% match, with the total project being approximately $485,000. TxDOT would fund about $388,000 and the City would fund about $97,000. He reminded the Council that this was just a grant submittal and the money wouldn't be awarded until 2011.

Mayor Magers asked for clarification on the TIF. With the debt service already issued for the projects already done, he thought most of the TIF money had been used for debt service. Robby Hefton, Assistant City Manager/CFO, explained that the money for the $450,000 is in the bank and the debt has been issued, therefore all of the TIF money coming in will be used to service the debt.

The $450,000 that is currently in the bank will be used for the first phase which is the project for Travis Street, the Court House Square, and possibly one other side street. He added that the proposed plan ties in nicely with the other plan that is being proposed for the TIF. Mr. Hefton added that TIF money cannot be used for the match.

Mayor Magers said he thought the project for the lights, trash cans, and planters had used all the TIF money. Mr. Hefton said those projects were done with TIF money, but used only about 10% to 15% of the total funding available for the projects.

<u>Bob Minshew, 703 W. Birge</u>
Mr. Minshew appeared representing DSP&R. He thanked the City for allowing April Patterson, Tourism Director, to help organize this year's Christmas Parade. She and Tracy Carlson, President of the Chamber of Commerce, did a great job.

He also thanked the City staff for working with DSP&R and representatives from David Baca Studio on the Sitescape Plan and the Sherman Now Project. With those projects and now the TxDOT project, the excitement level is high. He encouraged the City Council to adopt the resolution for submission of the grant.

<u>Dr. Tom Nuckols, 2341 Canyon Creek</u>
Dr. Nuckols appeared representing Texoma Parks and Trails. He referenced the earlier forum and petition that urged the Council to give priority to quality of life factors in the Comprehensive Master Plan.

The first issue was the greening of downtown Sherman, which was determined to be the most cost effective, efficient way to transform the City. He commended David Baca Studio for their expertise and for providing leadership in this move. He also commended the City staff who have collaborated on the project. This is the perfect example of cooperation between the public and the private sector. Between the TIF money and the proposed grant, this will give almost $1 million to "green" the downtown.

The second part of the petition discussed a broader issue of "greening" Sherman. An Austin College Survey in 1980 showed that the citizens of Sherman gave a priority to greening Sherman, including parks and trails.

Dr. Nuckols added that the Comprehensive Master Plan gives priority to the development of a plan to green Sherman and specifically to acquire flood plain for green space, for "islands of tranquility."

He urged the City Council not to forget this part of the recommendation and to acquire flood plain to begin the linking of different parks and green space with trails in the flood plain.

Dr. Nuckols said the flood plain area east of F.M. 1417 below Dean Gilbert Dam has specifically been identified, and he urged the staff to begin acquiring the flood plain for development of green space. He urged them to take action within the year.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5438, as presented. Second by Council Member Steele.

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

RES 5439
JAG GRANT FOR SHERMAN, DENISON, GRAYSON COUNTY

RESOLUTION NO. 5439 – AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON AND GRAYSON COUNTY 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

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 AND GRAYSON COUNTY 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.
CONSENT AGENDA.

RES 5440
JAG GRANT FOR SHERMAN, DENISON, GRAYSON COUNTY

RESOLUTION NO. 5440 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE ANNUAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – CFDA #16.738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE

U.S. DEPARTMENT OF JUSTICE UNDER THE ANNUAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – CFDA #16.738.
CONSENT AGENDA.

RES 5441
POLICE DEPT.
SMART PHONES

<u>RESOLUTION NO. 5441 – AUTHORIZING EXECUTION OF AN NCITE MOBILE DETECTIVE SERVICE AGREEMENT WITH IBERON, LLC FOR THE INSTALLATION OF SMART PHONE APPLICATIONS FOR THE POLICE DEPARTMENT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN NCITE MOBILE DETECTIVE SERVICE AGREEMENT WITH IBERON, LLC FOR THE INSTALLATION OF SMART PHONE APPLICATIONS FOR THE POLICE DEPARTMENT.

Tom Watt, Police Chief, explained that the product would allow for the extension of crime data through the State of Texas to be made available to "smart phones" in the field. At times there are officers that do not have access, or it's not appropriate to use a radio or a laptop, and these officers would be able to receive crime data through the use of their Blackberry. He said this would be a good asset for the Police Department and he asked the Council for their approval.

Chief Watt explained that Iberon's main focus is to create a good working product and to provide it for a low cost. The City would receive 15 licenses and all the software and hardware needed for use of the application for $1 per year. Sherman would then be used as a reference for the application. This is the same type of agreement that Iberon had with the Fire Department for the Intermedix System.

The term of the agreement would be for 3 years, with a 30 day "walk out." Council Member Adami verified that the City currently owns the Blackberrys and Iberon would provide the software and the server for the system.

Mayor Magers verified that the benefit would be that the officers in the field would have more information at their disposal.

ACTION TAKEN.
> **Motion by Deputy Mayor Smith to approve Resolution No. 5441, as presented. Second by Council Member Steele.**

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

RES 5442
BRENTS ST.
SEWER
REPLACEMENT

<u>RESOLUTION NO. 5442 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E. D/B/A MORRIS ENGINEERS FOR DESIGN OF THE BRENTS STREET SEWER REPLACEMENT PROJECT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L.

MORRIS, P.E. D/B/A MORRIS ENGINEERS FOR DESIGN OF THE BRENTS STREET SEWER REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 5443
PELTON ST.
WATER MAIN
REPLACEMENT

<u>RESOLUTION NO. 5443 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E. D/B/A MORRIS ENGINEERS FOR DESIGN OF THE PELTON STREET WATER MAIN REPLACEMENT PROJECT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E. D/B/A MORRIS ENGINEERS FOR DESIGN OF THE PELTON STREET WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 5444
ANNUAL SUPPLY
OF CHEMICALS

<u>RESOLUTION NO. 5444 – AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE SHERMAN WATER TREATMENT PLANT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING BIDS TO AND AUTHORIZING EXECUTION OF CONTRACTS WITH MULTIPLE VENDORS FOR AN ANNUAL SUPPLY OF CHEMICALS FOR THE SHERMAN WATER TREATMENT PLANT.
CONSENT AGENDA.

RES 5445
COMMUNICATION
ANTENNAS ON
FAIRVIEW WATER
TOWER

<u>RESOLUTION NO. 5445 – AUTHORIZING EXECUTION OF A FAIRVIEW ELEVATED WATER TANK USE AGREEMENT WITH AT&T MOBILITY TEXAS LLC</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A FAIRVIEW ELEVATED WATER TANK USE AGREEMENT WITH AT&T MOBILITY TEXAS LLC.
CONSENT AGENDA.

REQ TO ADVERTISE
WEST LAMBERTH
ROAD EXTENSION

<u>REQUEST TO ADVERTISE</u>
<u>CONSTRUCTION OF THE SOUTH LANE OF WEST LAMBERTH ROAD, FROM HERITAGE PARKWAY TO SHADY OAKS LANE</u>
The City Council approved the request to advertise for bids to construct the south lane of Lamberth Road from Heritage Parkway to Shady Oaks Lane. Teague, Nall and Perkins is nearing completion of the engineering plans and specifications for the construction project.
CONSENT AGENDA.

PAYMENT APPROVAL
TCEQ ANNUAL
FEE FOR PUBLIC
WATER SYSTEMS

<u>PAYMENT APPROVAL</u>
<u>TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ANNUAL FEE FOR PUBLIC WATER SYSTEMS FISCAL YEAR 2009-2010: $35,214.85</u>
The City Council approved payment of the annual fee for Public Water Systems to the Texas Commission on

Environmental Quality (TCEQ) for Fiscal Year 2009-2010 in the amount of $35,214.85.

The fee is imposed to fund TCEQ expenses for administering public water systems programs and is calculated based on the number of water service connections. Funds are budgeted for this expenditure.
CONSENT AGENDA.

OTHER BUSINESS

RECEIVE REPORT FROM TOURISM DIRECTOR APRIL PATTERSON

TOURISM REPORT

Ms. Patterson updated the City Council on tourism activities since she was hired as Tourism Director in April 2009. She outlined accomplishments such as the continuation of Hot Summer Nights, the relocation of the Visitor Center and addition of downtown signage, the development of a work plan for next year, the restructuring as a City department, and the re-establishment of relationships with various other entities.

Next year, Ms. Patterson said one of the most important items is to continue focusing on building relationships involving other community groups. Sherman has many attractions and she plans to work with established events, groups, and businesses to market things that are already here.

She discussed the consistency that information should have when disseminated by both the Tourism Department and the City, including the website and marketing materials. She also discussed branding so that all entities have a cohesive look.

Ms. Patterson added that the Tourism Department will be more involved in the marketing of Kidd-Key Auditorium, the Municipal Ballroom, and eventually the Pecan Grove Amphitheater. They will be involved in marketing materials for the facilities, prominence on the tourism website, actively planning performances, and assessing event capabilities.

Ms. Patterson said she is also working with the Parks and Recreation Department to plan a July 4 concert celebration at the new Pecan Grove Amphitheater.

She added that next year plans are underway to move the reservations for Kidd-Key Auditorium and the Municipal Ballroom from the City Clerk's Office to the Tourism Department. She hoped to eventually move to on-line, electronic reservations.

Council Member Adami asked if citizens would also have the opportunity to speak with someone when they were making reservations. Ms. Patterson said they would still take telephone calls to book reservations.

Mayor Magers said he was impressed with the amount of administrative overhead that the City had saved by bringing the Tourism Department in-house, and the way the tax dollars have been used.

<u>RECEIVE THE FIRE DEPARTMENT'S PRESENTATION ON CERTIFICATION AND TRAINING LEVELS, CAPABILITIES AND ACCOMPLISHMENTS</u>

FIRE DEPT. CERTIFICATION & TRAINING LEVELS

Captain Gregg Loyd, Fire Department Division Chief, presented a report on the Fire Department's certification and training levels, and their capabilities and accomplishments.

In 2006 the City hired a consultant to perform a study to determine changes that might be made to improve the City's Insurance Service Office Public Protection Classification (ISO rating). This rating is what a citizen's homeowners insurance cost is based on.

The consultant identified some additional training that was needed and made some recommendations about categorizing the training.

In 2006, the Fire Department met the minimum Texas Commission on Fire Protection standards, which is the licensing organization to fight fires, and met eight additional certifications above that minimum standard. They were also using a 40 year old training tower that was in disrepair. Captain Loyd said training compliance was at about 30%.

In 2007, the Fire Department continued to meet the TCFP standards, and achieved 13 additional new certifications. The training tower continued to deteriorate and training compliance remained at 30%.

In 2008, they continued to meet the commission minimum standards and reorganized the training to be in compliance with the ISO training requirements. Fifty six new additional certifications were added in 2008 and the training tower was refurbished. Training compliance increased to 80%.

In 2009, the Department continued to meet both the TCFP and ISO standards and added 50 new advanced certifications. The training tower was now being used by the City's Fire and Police Departments, as well as other Fire Departments. Training compliance again increased to 90%.

Captain Loyd said in 2010, they project to add about 46 new advanced certifications and an in-house certification program. A new training tower and drill field is planned as part of the new Blalock Station. Training compliance is projected at 95%.

In the past, the Department has out-sourced the certification program. If someone wanted to obtain a certification for a job requirement or a promotion, they had to go outside the Fire Department to achieve the training. In 2008 the

Department received a grant that allowed them to purchase a pump simulator and educational software that would allow in-house certification. The first in-house certification program began on November 16, 2009.

Captain Loyd presented descriptions and examples of the number of different certifications achieved over the specified time period. He discussed the emphasis the Department has on officer development. These officers will be trained and will then become the trainers for the in-house program.

Captain Loyd said changes in the Department include obtaining the grant funding specifically to be used for the training simulator; developing a certification program for in-house certifications; and involving the officers in certification instruction.

They have also increased the scope of the Technical Rescue Team, who are now trained in both swift water rescue and trench rescue. They also plan to build on that training and increase their scope of rescue abilities.

He outlined other changes in the Department including a new hire orientation process, succession training and advanced certification training, a wellness/fitness program, and an Employee Assistance Program.

Captain Loyd said the goals for 2010 include continuing to seek grant funding to increase the Technical Rescue Team's response capabilities for swift water, trench, high angle, confined space, and vehicle rescue, as well as increasing the rescue level of training for the entire Department.

They also plan to increase the training levels and certifications of all personnel, especially by using the in-house rescue certification program. Ultimately the goal is to provide a better firefighter and rescue for the citizens.

Mayor Magers commended the Fire Department adding that we need to continue to upgrade our public services.

AD VALOREM TAX ROLL VALUE & TAX LEVY

<u>APPROVAL OF THE 2009 AD VALOREM TAX ROLL VALUE AND TAX LEVY</u>
The City Council approved the Ad Valorem Tax Roll Value and Tax Levy for Fiscal Year 2009-2010. The 2009 tax year represents taxes that will be collected during the City's 2009-2010 fiscal year.

The Grayson County Tax Assessor/Collector's Office has provided the taxable value as $2,220,498,836, which equates to a levy of $7,080,353.95 based on the City's total tax rate of $0.32 per $100 valuation.
CONSENT AGENDA.

<u>REPLAT APPROVAL OF LOTS 18, 20 AND 21, BLOCK 2, O'HANLON RANCH ADDITION, PHASE 2, CONTAINING 1.076 ACRES; JEREMY AND SHERRY KNIGHT, BLUESTONE PARTNERS, LLC, AND DGR DEVELOPMENT GROUP, LTD, OWNERS; UNDERWOOD DRAFTING AND SURVEYING, SURVEYORS (2505 SEDALIA CIRCLE, 2912 AND 2916 SEDALIA TRAIL)</u>

APPROVE REPLAT O'HANLON RANCH ADDITION

The City Council approved the Replat of Lots 18, 20 and 21, Block 2, O'Hanlon Ranch Addition, Phase 2, containing 1.076 acres. The property is located at 2505 Sedalia Circle and 2912 and 2916 Sedalia Trail in Phase 2 of the O'Hanlon Ranch Addition, off of F.M. 1417 North (Heritage Parkway). The Replat is to redefine property lines to enlarge Lot 18. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

<u>CITIZENS REQUESTS</u>
<u>CHRISTMAS PARADE</u>

CHRISTMAS PARADE

Tracy Carlson, President of the Sherman Chamber of Commerce, complimented Ms. Patterson on her hard work on this year's Christmas Parade. She felt she was a good choice as Tourism Director.

<u>MEDIA QUESTIONS</u>

MEDIA QUESTIONS

There were no media questions.

<u>APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS</u>
<u>PARKS AND RECREATION ADVISORY BOARD (3)</u>

PARKS & REC ADVISORY BOARD

ACTION TAKEN.

> **Motion by Council Member Steele to reappoint Trent Bass to the Parks and Recreation Advisory Board for a term from November 8, 2009 to November 8, 2011, and to appoint Donald L. Ward and Aaron Wilson for terms from December 8, 2009 to December 8, 2011, as presented. Second by Council Member Adami.**

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

<u>COUNCIL COMMENTS</u>
<u>CHRISTMAS PARADE</u>

CHRISTMAS PARADE

Council Member Steele said it was a great Christmas Parade and there were lots of citizens attending.

<u>COMMENDATION OF CITY STAFF</u>

COMMENDATION OF CITY STAFF

Deputy Mayor Smith said it was impressive to hear five or six times at this meeting alone, how people have complimented City staff, the job they are doing, and how helpful they are. He thanked Mr. Olson and asked him to pass the compliments on to the staff. That's what makes Sherman a good place.

COMMENDATION OF CITY STAFF

COMMENDATION OF CITY STAFF
Council Member Wacker agreed adding that she is hearing in the community about the collaboration of various groups in the region. She specifically recognized the partnership with Austin College on the Brockett Street Project and the various tourism events. She added that there was a "great spirit" in the community right now and she complimented the staff for their part.

GRAYSON COUNTY JAIL

GRAYSON COUNTY JAIL
Mayor Magers thanked the Grayson County Commissioners for their approval of a make-over of the downtown pods to modify them for maximum security at the Grayson County Jail. He felt the estimated cost will be a fiscally conservative measure.

MERRY CHRISTMAS

MERRY CHRISTMAS
Mayor Magers said he will miss the next City Council Meeting on December 21, 2009, and he wanted to count blessings. He added that Sherman is very blessed to be led by the current City staff and the current City Council Members. He said it was a pleasure and an honor to work with everyone here. He wished everyone a very Merry Christmas.

EXECUTIVE SESSION

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

SECTION 551.074	**PERSONNEL MATTERS: DELIBERATE THE EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE: ANNUAL PERFORMANCE EVALUATION OF THE CITY MANAGER**
	SIX-MONTH EVALUATION OF THE CITY ATTORNEY

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:07 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:43 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:43 p.m.

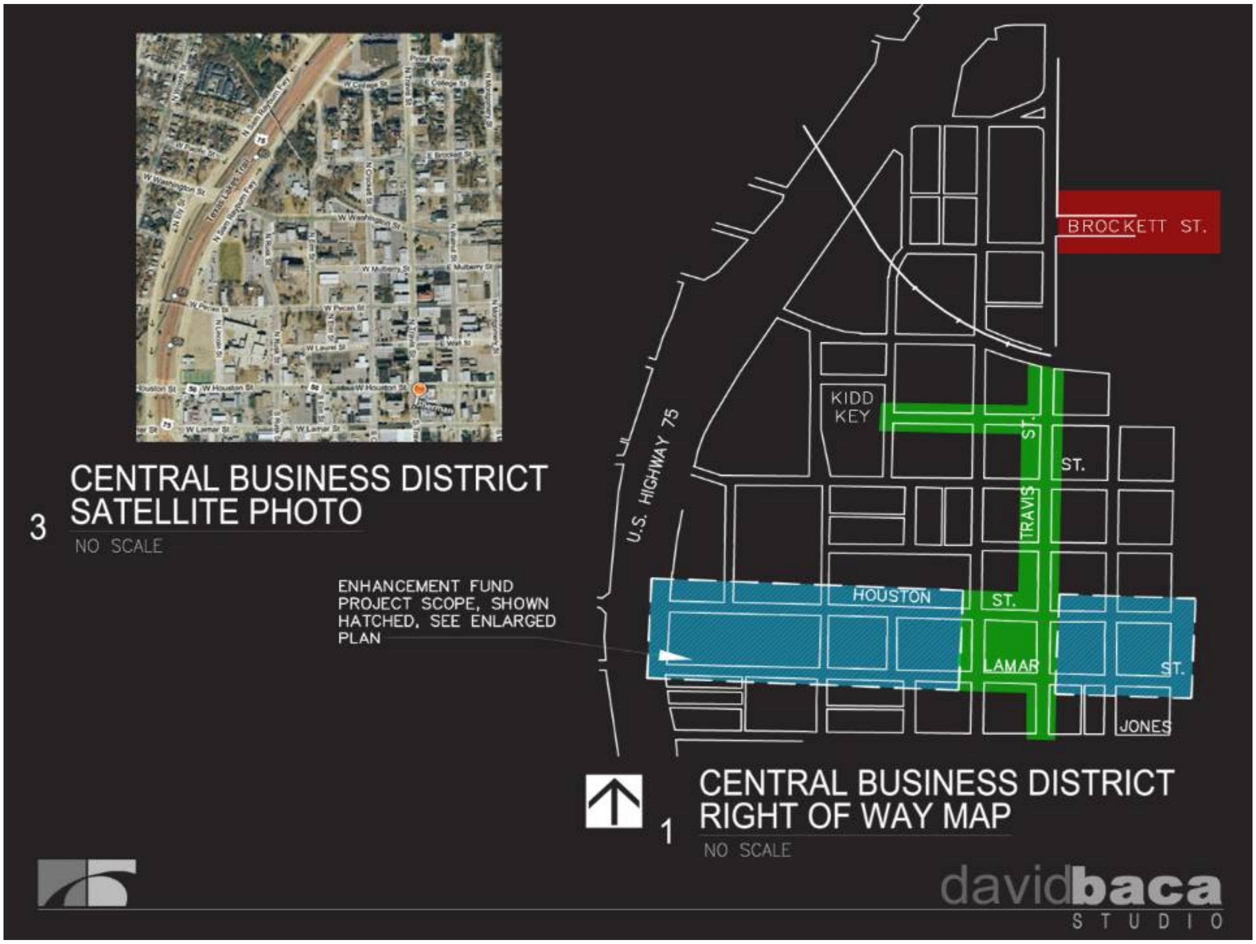
ADJOURNMENT

MAYOR

CITY CLERK

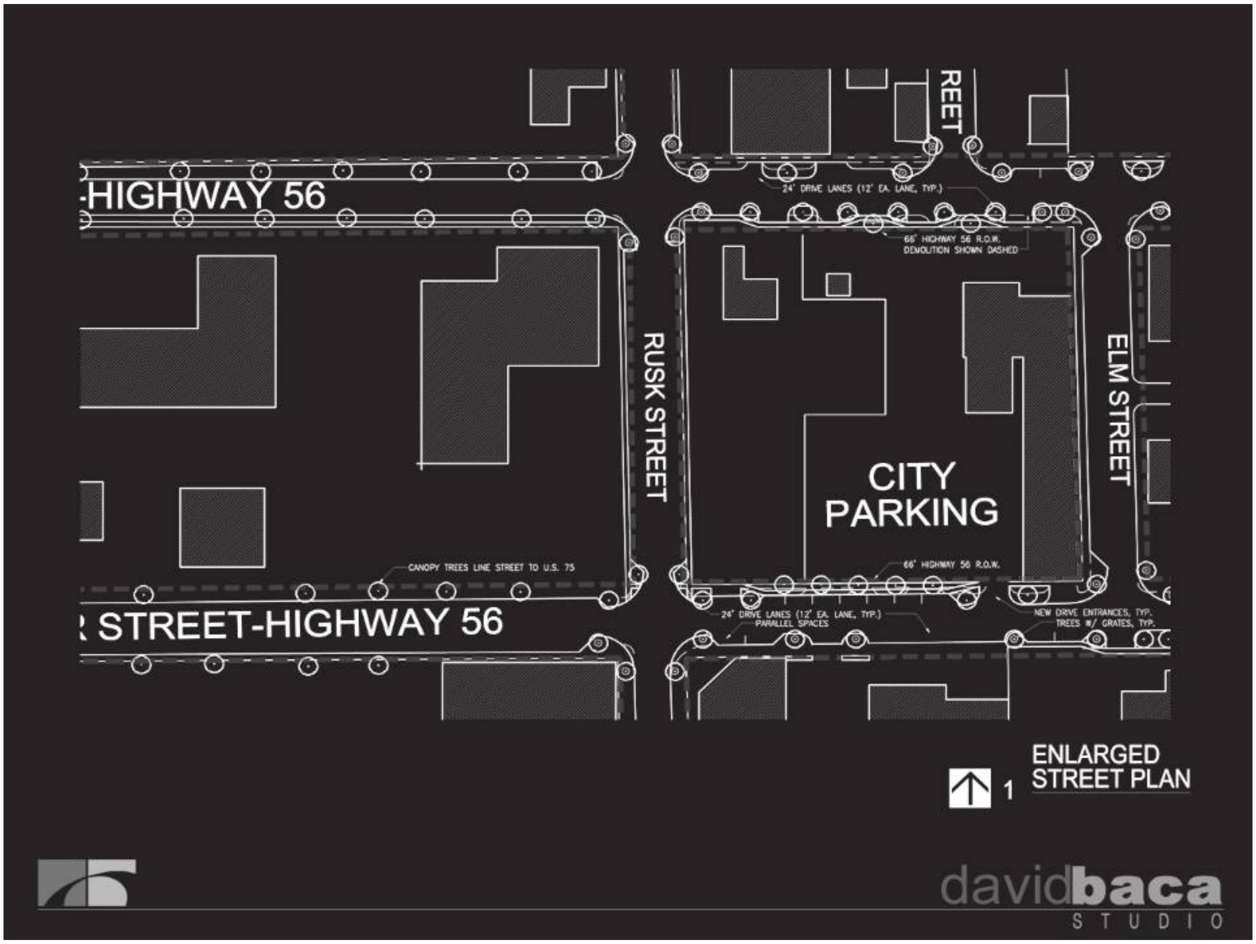
Downtown Sherman
Streetscape Enhancement Plan

davidbaca
STUDIO

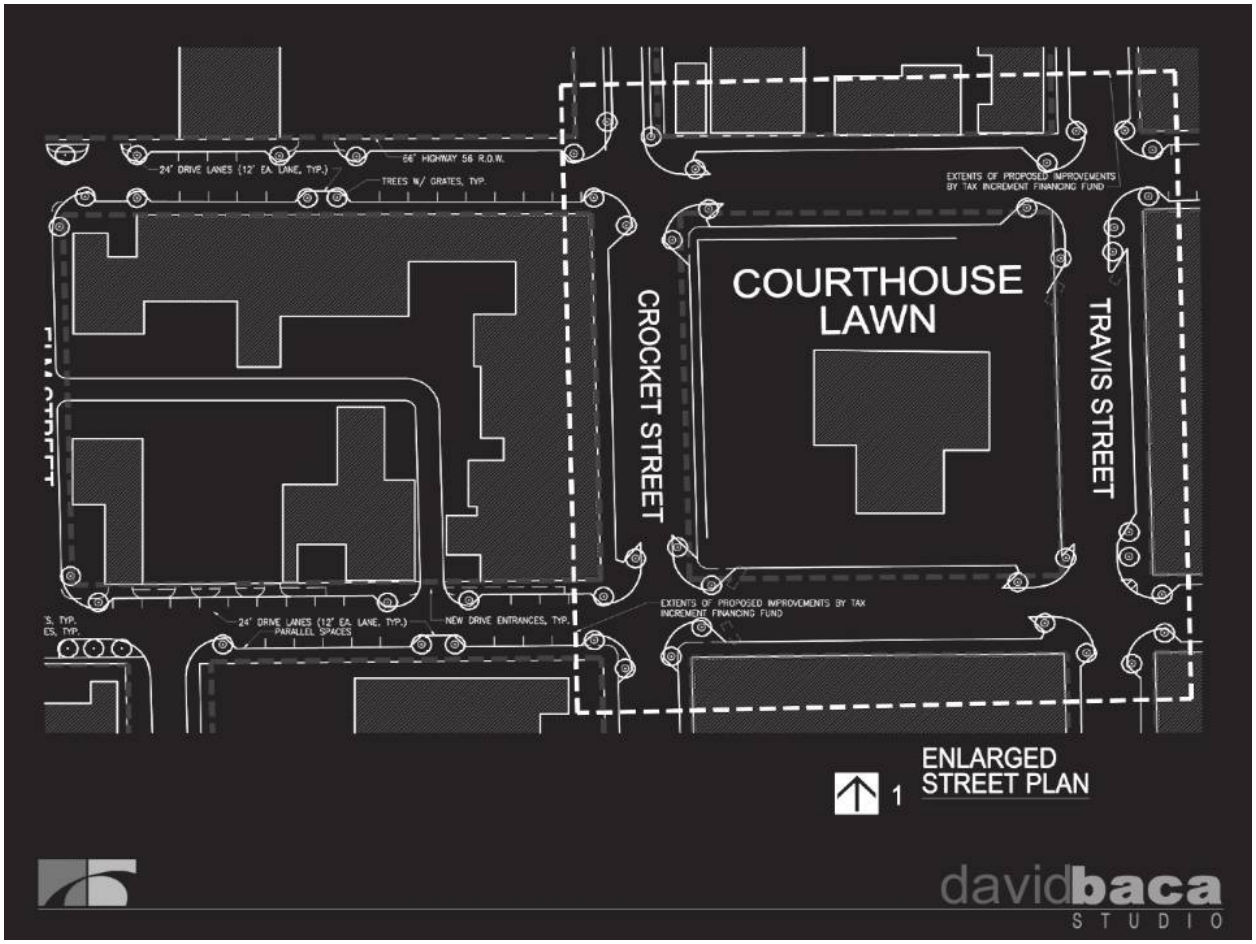

CENTRAL BUSINESS DISTRICT
SATELLITE PHOTO
3
NO SCALE
ENHANCEMENT FUND PROJECT SCOPE, SHOWN HATCHED, SEE ENLARGED PLAN
BROCKETT ST.
KIDD KEY
U.S. HIGHWAY 75
TRAVIS ST.
ST.
HOUSTON ST.
LAMAR ST.
JONES
CENTRAL BUSINESS DISTRICT
RIGHT OF WAY MAP
1
NO SCALE
davidbaca
STUDIO

1 ENLARGED STREET PLAN
NO SCALE

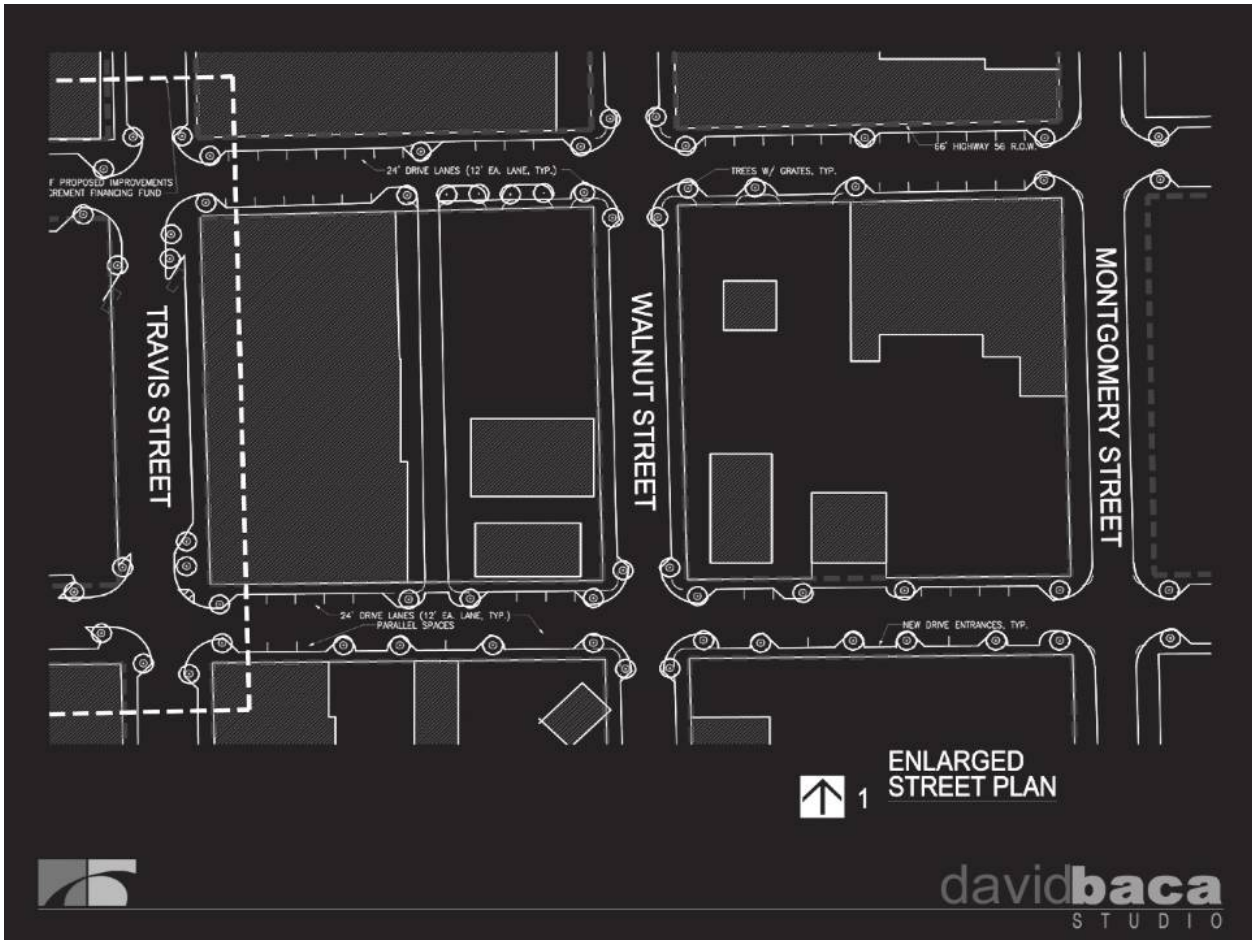
davidbaca STUDIO



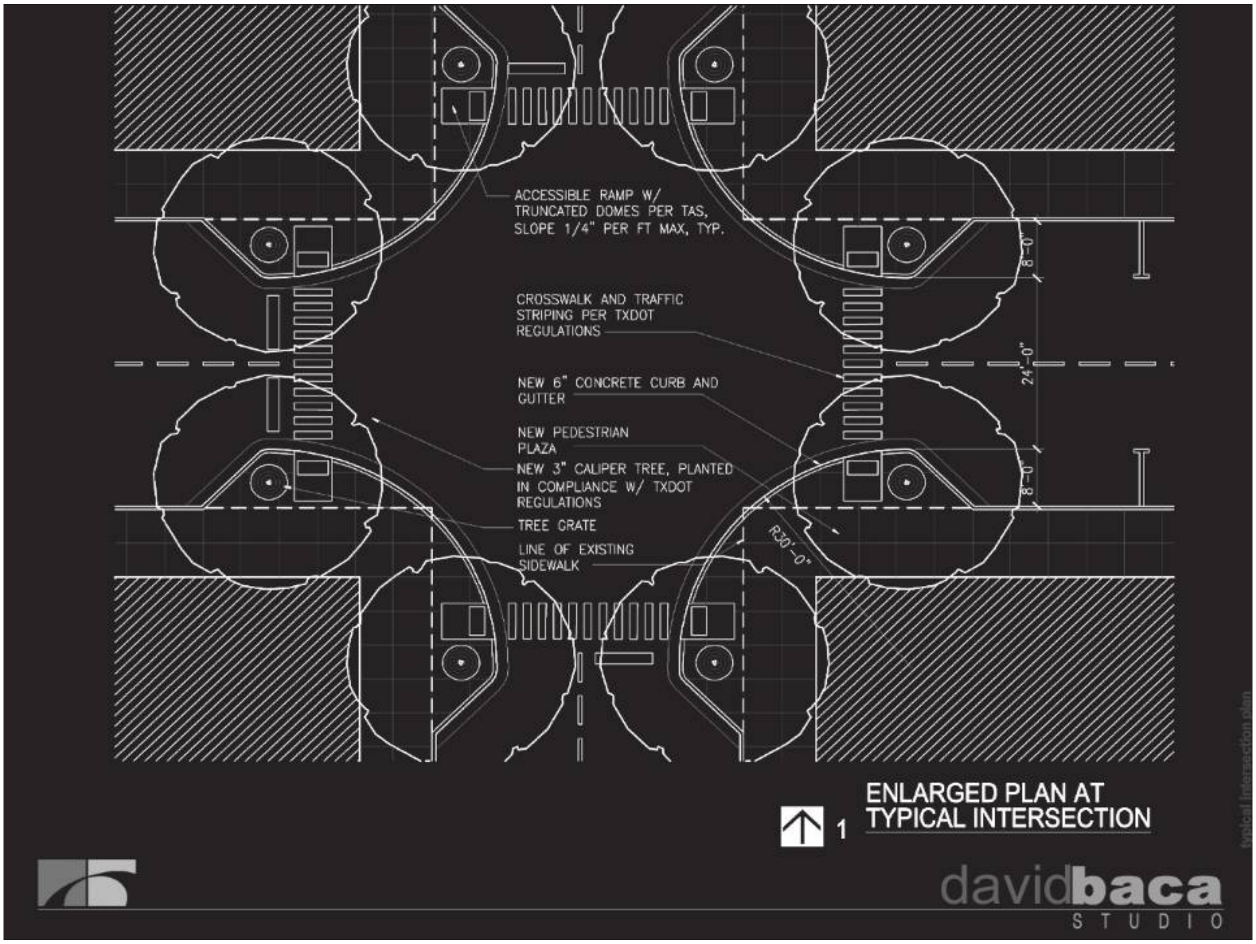
REET
HIGHWAY 56
24' DRIVE LANES (12' EA. LANE, TYP.)
66' HIGHWAY 56 R.O.W.
DEMOLITION SHOWN DASHED
RUSK STREET
ELM STREET
CITY
PARKING
CANOPY TREES LINE STREET TO U.S. 75
66' HIGHWAY 56 R.O.W.
STREET-HIGHWAY 56
24' DRIVE LANES (12' EA. LANE, TYP.)
PARALLEL SPACES
NEW DRIVE ENTRANCES, TYP.
TREES W/ GRATES, TYP.
1
ENLARGED
STREET PLAN
davidbaca
STUDIO



66' HIGHWAY 56 R.O.W.
24' DRIVE LANES (12' EA. LANE, TYP.)
TREES W/ GRATES, TYP.
EXTENTS OF PROPOSED IMPROVEMENTS BY TAX INCREMENT FINANCING FUND
COURTHOUSE LAWN
CROCKET STREET
TRAVIS STREET
24' DRIVE LANES (12' EA. LANE, TYP.)
PARALLEL SPACES
NEW DRIVE ENTRANCES, TYP.
EXTENTS OF PROPOSED IMPROVEMENTS BY TAX INCREMENT FINANCING FUND
1 ENLARGED STREET PLAN
davidbaca STUDIO



F PROPOSED IMPROVEMENTS
CREMENT FINANCING FUND
24' DRIVE LANES (12' EA. LANE, TYP.)
TREES W/ GRATES, TYP.
66' HIGHWAY 56 R.O.W.
TRAVIS STREET
WALNUT STREET
MONTGOMERY STREET
24' DRIVE LANES (12' EA. LANE, TYP.)
PARALLEL SPACES
NEW DRIVE ENTRANCES, TYP.
1
ENLARGED
STREET PLAN
davidbaca
STUDIO


ACCESSIBLE RAMP W/ TRUNCATED DOMES PER TAS, SLOPE 1/4" PER FT MAX, TYP.
CROSSWALK AND TRAFFIC STRIPING PER TXDOT REGULATIONS
NEW 6" CONCRETE CURB AND GUTTER
NEW PEDESTRIAN PLAZA
NEW 3" CALIPER TREE, PLANTED IN COMPLIANCE W/ TXDOT REGULATIONS
TREE GRATE
LINE OF EXISTING SIDEWALK
8'-0"
24'-0"
8'-0"
R30'-0"
ENLARGED PLAN AT TYPICAL INTERSECTION
1
davidbaca
STUDIO
typical intersection plan

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STUDIO


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STUDIO

davidbaca
STUDIO


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STUDIO

Benefits:

1. Narrow crosswalks and street trees increases walkability, according to the Seaside Institute.
2. Slows traffic, leading to greater vehicular and pedestrian safety.
3. Makes neighborhood a symbol of pride for citizens and more desirable for visitors.
4. Greatest potential for aesthetic enhancement relative to the associated costs.
5. Spurs private development interest.

davidbaca
STUDIO


SHERMAN DEPT. OF TOURISM
April-September, 2009
- Hot Summer Nights
- Visitor Center
- Development of work plan
- Work within the city's administrative structure, as a city department
- Re-establish relationships
- Sherman Chamber of Commerce, SEDCO
- Downtown Sherman Preservation & Revitalization
- Sherman Council for Arts & Humanities
- Hoteliers
- Tourist-related businesses, events and attractions

WHAT'S NEXT?

FY 2010

Continued focus on relationships

Events

This year's Christmas Parade is a good example of involving community groups

Marketing

We don't have to create attractions – Sherman already has them!

Work with established events, groups, businesses to help market what we already have.

Visibility & Consistency

Websites

- Tourism site
- City site
- Develop sites together
  - Similar standards
  - Fresh, modern look
  - Functional
  - Two-way communication

Marketing

- Detailed evaluation of Sherman's events & attractions (and potential of each)
- Assessment of target markets
- Branding (all the fun stuff!)
  - Cohesive look & feel with city, Chamber, SEDCO, and other relevant entities

FACILITIES

Marketing| Administration | Evaluation

Assessment & Marketing

Visitor Center

- New sign
- Heavier marketing
- Assess value & effectiveness

Kidd-Key/Ballroom/ Pecan Grove Amphitheater

- Develop print/electronic marketing materials
- Prominence on Tourism website
- Actively pursue/plan performances
- Assess event capabilities

Reservation Management for Kidd-Key Auditorium & Municipal Ballroom

Move to electronic reservation, communication & documentation

Sherman Fire Department

Training Division

Progress Report

Comprehensive Operations Study

- 2006 Insurance Service Office (ISO) Study
  - Commissioned to Identify Items needed to maintain or improve Public Protection Classification (PPC)
    - Identified additional training needed
    - Specified training in certain categories
    - Identified training needed to improve PPC

2006

- Met minimum Texas Commission on Fire Protection (TCFP) Standard
- 8 New Advanced Certifications
- 40 year old Training Tower in disrepair
- Training compliance at 30%

2007

- Continued to meet TCFP Standard
- 13 New Advanced Certifications
- Training Tower continuing to deteriorate
- Training compliance at 30%

2008

- Continued to meet TCFP Standard
- Compliance with ISO Training Requirements
- 56 New Advanced Certifications
- Training Tower refurbished
- Training compliance at 80%

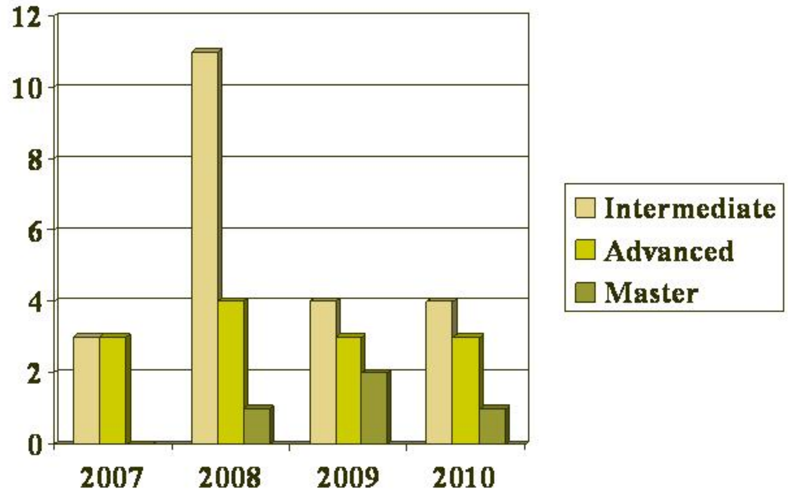
2009

- Continued to meet TCFP & ISO Standard
- 50 New Advanced Certifications
- Training Tower being used by Fire, Police and other fire departments
- Training compliance at 90%

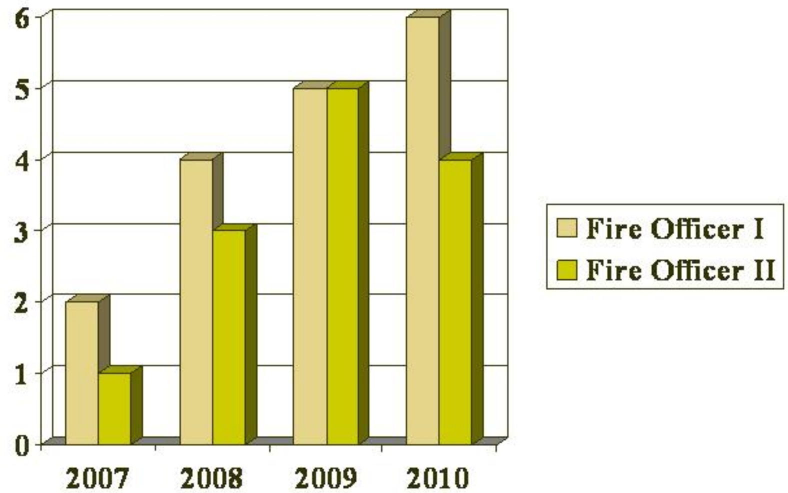
2010

- Est. 46 New Advanced Certifications
- In-House Certification Program
- New Training Tower and Drill Field planned as part of New Blalock Station
- Projected Training compliance at 95%

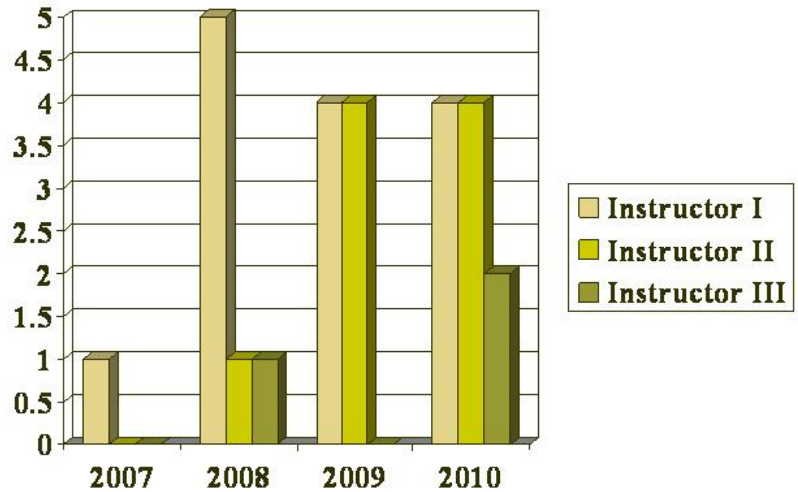
Structural Firefighter Certification



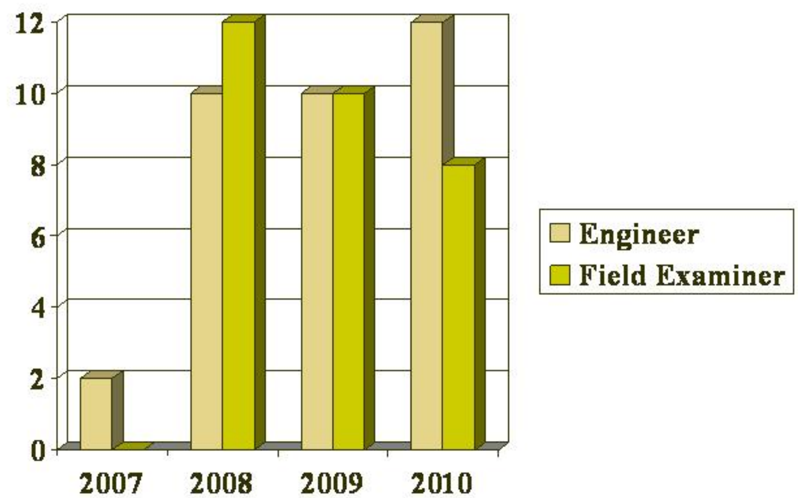
Fire Officer Certification



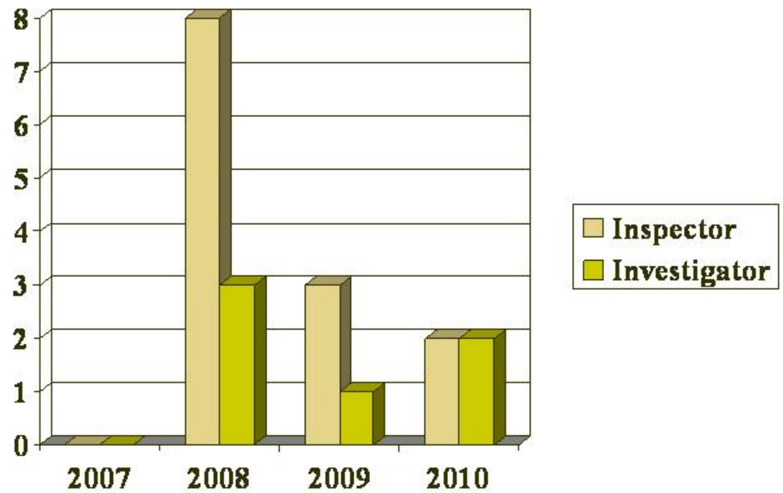
Instructor Certification



Engineer/Examiner Certification



Inspector/Investigator Certification



What Has Changed

- Grant funds utilized for Training Simulator and educational software
- Certification Program Developed for In–House Certifications
- Officer involvement in Certification Instruction
- Increase the Technical Scope of the Rescue Team
- College hours achieved in 2008 increased by 100% over 2006

Other Changes

- New Hire Orientation process
  - Multi-Phase Program
  - Ensures capabilities and competencies
  - Increases New Employees confidence and integration into the Department
  - Provides for a more cohesive transition for the new employee

- Succession training allowing for advanced certification to promote
- Implemented Wellness/Fitness Program
- Implemented a Employee Assistance Program

Results

- More capable and confident Fire personnel
- Increased succession training
- Increased the Operational rescue capabilities of the entire department

Goals

- 2010
  - Continue to seek Grant Funds to increase response capabilities of the Technical Rescue Team
    - Swift Water
    - Trench
    - High Angle
    - Confined Space
    - Vehicle Rescue

- Increase Rescue Level Training for entire Fire Department

Goals

- All Engineers - Certified through the TCFP
- All Officers – Certified through the TCFP
- In-House Certification Program to encompass ALL TCFP certifications
- In-House Rescue Certification Program

Summary

- Increase Training Levels and Certifications of All personnel
- Reduce City liability
- In-House Programs reduce cost and increase content control
- Maximize the use of Federal Grant Programs
- Provide a better trained Firefighter/Rescuer for the citizens

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5634
Ordaining the City's Participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code; Providing Tax Incentives; and Designating a Liaison for Communication with Interested Parties

Issue
This ordinance provides for the City's participation in the Texas Enterprise Zone Program and amends the local tax incentives available to potential projects.

Background
Being named as a state enterprise project allows a company to receive rebates of state sales taxes paid on building materials and reductions of franchise taxes as an incentive to locate within the state. A condition of this incentive is that at least twenty-five percent (25%) of the workers must be hired from among low to moderate income individuals. In a separate agenda item, The Folgers Coffee Company has applied for Enterprise Zone recognition under this program, nomination of which by the City will be by resolution.

Origination
The City Manager's Office and the Sherman Economic Development Corporation

Financial Consideration
There is no financial consideration to the City of Sherman in the recommended course of action.

Staff Recommendation
The staff recommends adoption of this ordinance.

Alternatives
The City Council could deny the ordinance.

Attachments
Ordinance No. 5634
SEDCO Memo in Support of Project dated December 1, 2009

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5634

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING TAX INCENTIVES; AND DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES; 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 (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on December 21, 2009;

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

SECTION 1. That the following local incentives are or may be made available to any nominated Enterprise Project, activity or qualified business in the City of Sherman:

(a) The City may refund to any qualified business located in such enterprise zone the amount of tax paid under the Municipal Sales and Use Tax Act (Texas Tax Code, Chapter 321) by the business and remitted to the Comptroller of Public Accounts up to the maximum extent authorized by Sections 2303.505 and 2303.506 of the Act, and for a period determined by the City, but which shall not exceed five (5) years.

(b) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone.

(c) Waiver of development fees to enterprise zone businesses meeting minimum standards.

(d) Accelerated zoning and permit procedures. Enterprise zone businesses will be processed upon receipt, before non-enterprise zone businesses already in hand.

Other incentives may be provided by the City in the proposed enterprise zone upon its designation as an enterprise zone and. throughout the City, including:

(a) Capital improvements in water and sewer facilities and road repair.

(b) The City may apply for training grants for new permanent jobs as available and appropriate to the industry.

(c) One-stop permitting.

(d) Improved fire and police protection.

(e) Tax Increment Financing.

(f) Freeport exemption.

(g) Economic Development Sales Tax (4A).

(h) Zoning changes / variances.

(i) Building code exemptions.

(j) Road repair.

(k) Promotion and marketing services.

(l) Retraining Program.

(m) Vocational education.

(n) Customized job training.

SECTION 2. That the enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

SECTION 3. That the City of Sherman City Council directs and designates its City Manager as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

SECTION 4. That any enterprise project shall take effect on the date of designation of the enterprise project by the EDT and shall terminate five (5) years from that date.

SECTION 5. That this ordinance shall take effect from and after its passage as the law and charter in such case provides.

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

MEMO

Date: December 1, 2009

To: George Olson, City Manager
Robby Hefton, Assistant City Manager

From: John Boswell, SEDCO President

Subject: Texas Enterprise Zone

The Texas Enterprise Zone program is an economic development tool that Sherman has historically used in conjunction with the State of Texas to promote job creation and capital investment. The City of Sherman can designate up to four businesses for designation as enterprise projects during a state biennium. Designated projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and the amount of the refunds are related to the capital investment and jobs created at the site. Sherman currently has no designated enterprise projects. The Enterprise Zone program is an underutilized economic development tool that can help both new and existing businesses.

This Enterprise Zone project was requested by the Folger Coffee Company. The approval of the project and the designation of the Folger Coffee Company as an Enterprise Zone project is consistent with the strategies in Chapter Nine of the Comprehensive Master Plan.

If you have further questions or need any additional information, please feel free to contact me.

307 W. Washington Suite 102 • Sherman, TX 75090 • 903-868-2566 • 800-981-2566 • fax 903-813-0403
www.sedco.org

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5635
Amending Ordinance No. 2792 to Provide for Permanent "No Parking" Signs Restricting Parking along the West Side of South Vaden Street, from Lamar Street to Thomas Street, within the City Limits of the City of Sherman

Issue
Amending Ordinance No. 2792 and seeking public input concerning the establishment of parking restrictions along the west side of Vaden Street, from Lamar Street to Thomas Street

Background
Residents living along South Vaden Street, from Cherry Street to Wells Street, have requested that parking be allowed (previously "No Parking" was allowed). However, due to the street's narrow width of 21', the decision to allow parking is difficult because parked cars may interfere with traffic mobility. In May 2009, Street Maintenance crews removed the "No Parking" signs along the east side of this section of Vaden to see if street parking would cause a problem for motorist or residents. After seven months, no comments or complaints have been received from residents or motorists indicating that the parking is causing a problem. Others portions of South Vaden Street already allow parking on the east side; however the street is three feet wider in those areas.

Origination
Public Works Department

Financial Consideration
Street Maintenance crews have incurred labor and a small amount of material cost to remove signs and install several new ones.

Staff Recommendation
Amend portions of Ordinance No. 2792 through the adoption of Ordinance No. 5635 to provide for restricted parking on the west side of South Vaden Street, from Lamar Street to Thomas Street. All other provisions of the existing Ordinance No. 2792 should remain as originally written.

Alternatives
Those as may be recommended by the City Council

Attachments
Ordinance No. 2792
Ordinance No. 5635
Location Map

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

70 304

ORDINANCE NO. 2792

AN ORDINANCE OF THE CITY OF SHERMAN CREATING "NO PARKING" ZONES ON EITHER SIDE OF VADEN STREET FROM CHERRY STREET TO WELLS AVENUE; ON THE NORTH SIDE OF CHERRY STREET FROM GRAND AVENUE TO FIRST STREET; AND ON THE WEST SIDE OF VADEN STREET FROM CHERRY STREET TO LAMAR STREET, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

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

SECTION 1. No person shall park any vehicle at any time on either side of Vaden Street from Cherry Street to Wells Avenue.

SECTION 2. No person shall park any vehicle at any time on the north side of Cherry Street from Grand Avenue to First Street.

SECTION 3. No person shall park any vehicle at any time on the west side of Vaden Street from Cherry Street to Lamar Street.

SECTION 4. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $25.00.

Passed and approved this 19th day of October, 1970.

S. E. Gillespie

Mayor

ATTEST:

J Spears

City Clerk

ORDINANCE NO. 5635

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING ORDINANCE NO. 2792 TO PROVIDE FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE WEST SIDE OF SOUTH VADEN STREET, FROM LAMAR STREET TO THOMAS STREET, WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, Section 1 of Ordinance No. 2792, adopted on October 19, 1970 by the City Council of the City of Sherman, Texas, be and is hereby amended to read as follows:

Permanent "NO PARKING" signs will be erected within the corporate limits of the City of Sherman and parking is prohibited in the following location:

> No person shall park any vehicle at any time on ~~either~~ *the west* side of Vaden Street from ~~Cherry Street to Wells Avenue~~ *Lamar Street to Thomas 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

City of Sherman, Texas
Engineering Department

NO PARKING ZONE

Located on west side of Vaden St.
From Lamar St. south to Thomas St.

N

Feet
0 75 150 300

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. B.3

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5634 and 5635

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5634
Ordaining the City's Participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (ACT); Providing Tax Incentives; and Designating a Liaison for Communication with Interested Parties

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5635
Amending Ordinance No. 2792 to Provide for Permanent "No Parking" Signs Restricting Parking along the West Side of South Vaden Street, from Lamar Street to Thomas Street, within the City Limits of the City of Sherman

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. B.4

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. 5447
Approving the Greater Texoma Utility Authority's Intention to Enter into an Agreement with Vescor Inc. dba Vessels Construction for the Construction of the K-4 Phase II Sewer between Turtle Creek West and Lamberth Road

C.3 * RESOLUTION NO. 5448
Approving the Greater Texoma Utility Authority's Intention to Enter into a Contract with JR Sheldon Co., Inc. for the Construction of Fine Screen Improvements at the Sherman Wastewater Treatment Plant

C.4 * RESOLUTION NO. 5449
Authorizing Execution of a Development Agreement with SDB Partners, LLC. for the Construction of Public Facilities in the Carrus Medical Plaza Addition to the City of Sherman

C.5 * RESOLUTION NO. 5450
Authorizing Execution of an Easement to Oncor Electric Delivery Company, LLC for the Placement of a Single Phase Overhead Power Line in a 15' Electric Utility and Right-of-Way Easement at Pecan Grove Park

C.6 * RESOLUTION NO. 5451
Authorizing the Purchase of Bunker Gear for the Sherman Fire Department from Casco Industries

C.7 * RESOLUTION NO. 5452
Authorizing Execution of Deeds for the Resale of Two Tracts of Land at 706 East Jones Street and 707 East Jones Street, Seized for Delinquent Taxes

D.1 * REQUEST TO ADVERTISE
Stephens #2 Trinity Well Evaluation

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. C.1

RESOLUTION NO. 5446
Recognizing that The Folger Coffee Company is a "Qualified Business" as Defined in Section 2303.402 of the Texas Enterprise Zone Act and Meets the Criteria for Designation as an Enterprise Project, as Set Forth in Section 2303, Subchapter F of the Act; and Nominating The Folger Coffee Company to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project

Issue
This resolution would nominate The Folger Coffee Company as a state enterprise project. The selection of state enterprise projects is made by the Governor's Office.

Background
The consultant hired by Folgers requested this resolution. Folgers has submitted the required application for consideration as a State Enterprise project. This status allows them to receive rebates of state sales taxes paid on building materials and reductions of franchise taxes as an incentive to locate within the state, in addition to receiving any local incentives offered by the City. A condition of Enterprise Zone award is that at least twenty-five percent (25%) of the workers must be hired from among low to moderate income individuals. Folgers is not requesting the potential local incentives, such as tax abatement, granting the local portion of sales taxes on building materials, waiving permitting fees, and accelerated permitting.

Origination
The Folger Coffee Company

Financial Consideration
There is no financial consideration to the City of Sherman in the recommended course of action.

Staff Recommendation
The staff recommends approval of this resolution in order to seek incentives from the State of Texas, with the condition that no local incentives be offered.

Alternatives
The City Council could deny the Resolution.

Attachments
Resolution No. 5446
SEDCO Memo in Support of Project dated December 1, 2009
Location Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5446

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RECOGNIZING THAT THE FOLGER COFFEE COMPANY IS A "QUALIFIED BUSINESS" AS DEFINED IN SECTION 2303.402 OF THE TEXAS ENTERPRISE ZONE ACT AND MEETS THE CRITERIA FOR DESIGNATION AS AN ENTERPRISE PROJECT, AS SET FORTH IN SECTION 2303, SUBCHAPTER F OF THE ACT; AND NOMINATING THE FOLGER COFFEE COMPANY TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman has previously passed Ordinance No. 5634 electing to participate in the Texas Enterprise Zone Program and the local incentives offered under this Resolution are substantially the same on this date as were outlined in Ordinance No. 5634; and

WHEREAS, the Office of the Governor Economic Development and Tourism ("EDT") through the Economic Development Bank will consider The Folger Coffee Company as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), The Folger Coffee Company has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that The Folger Coffee Company meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. The Folger Coffee Company is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

3. The designation of The Folger Coffee Company as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that The Folger Coffee Company meets the criteria for tax relief and other incentives adopted by the City and nominates The Folger Coffee Company for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City of Sherman to nominate The Folger Coffee Company as an enterprise project pursuant to the Act;

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

SECTION 1. That the findings of the City and its actions approving this Resolution taken at the City Council Meeting are hereby approved and adopted.

SECTION 2. That the City hereby nominates The Folger Coffee Company for enterprise project status.

SECTION 3. That The Folger Coffee Company is a "qualified business" as defined in Section 2303.402 of the Texas Enterprise Zone Act and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

SECTION 4. That the enterprise project shall take effect on the date of designation of the enterprise project by the EDT and shall terminate five (5) years from that date.

SECTION 5. 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

MEMO

Date: December 1, 2009

To: George Olson, City Manager
Robby Hefton, Assistant City Manager

From: John Boswell, SEDCO President

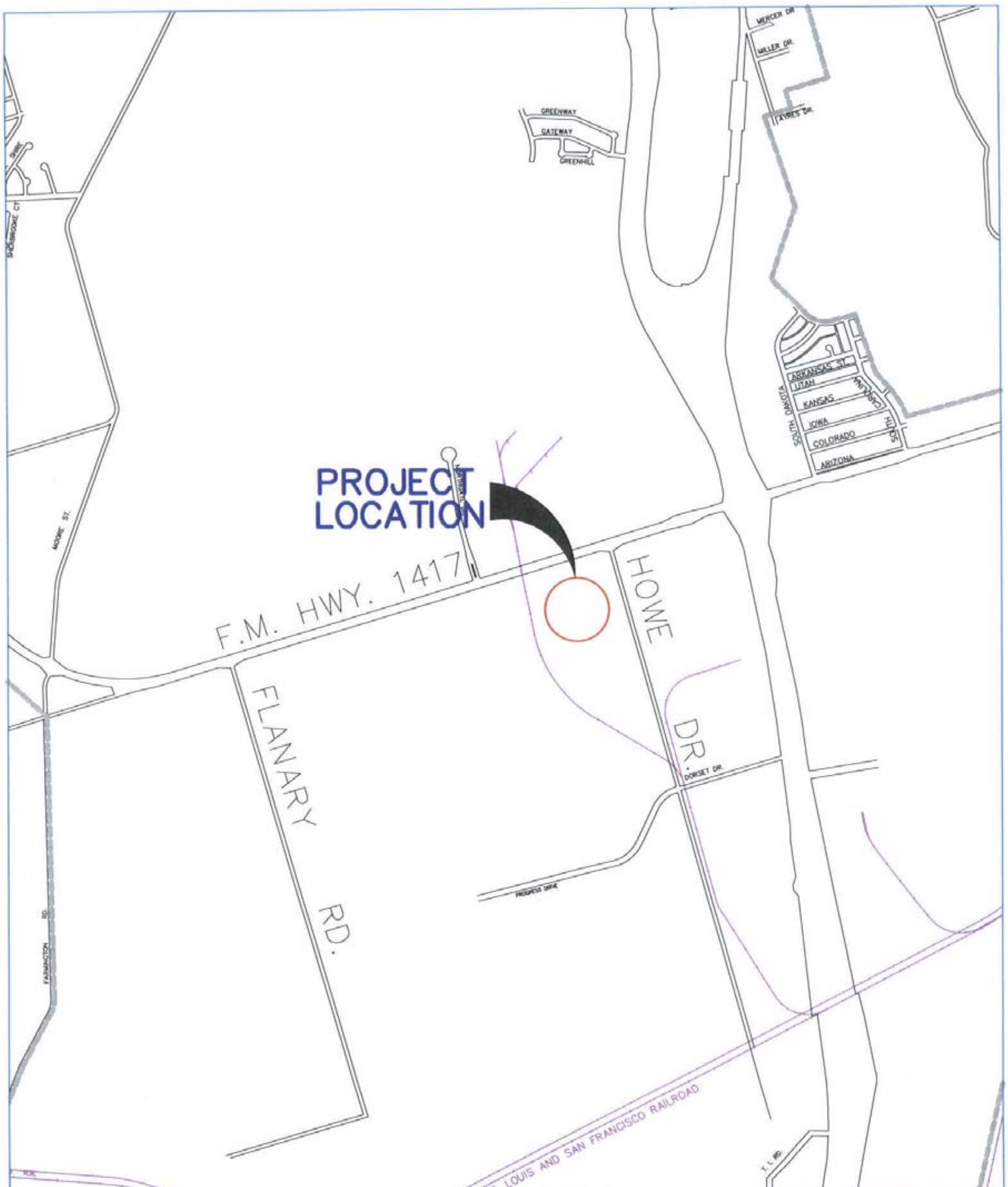
Subject: Texas Enterprise Zone

The Texas Enterprise Zone program is an economic development tool that Sherman has historically used in conjunction with the State of Texas to promote job creation and capital investment. The City of Sherman can designate up to four businesses for designation as enterprise projects during a state biennium. Designated projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and the amount of the refunds are related to the capital investment and jobs created at the site. Sherman currently has no designated enterprise projects. The Enterprise Zone program is an underutilized economic development tool that can help both new and existing businesses.

This Enterprise Zone project was requested by the Folger Coffee Company. The approval of the project and the designation of the Folger Coffee Company as an Enterprise Zone project is consistent with the strategies in Chapter Nine of the Comprehensive Master Plan.

If you have further questions or need any additional information, please feel free to contact me.

307 W. Washington Suite 102 • Sherman, TX 75090 • 903-868-2566 • 800-981-2566 • fax 903-813-0403
www.sedco.org



Location Map
FOLGERS COFFEE COMPANY

City of Sherman, Texas

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 5447***

Approving the Greater Texoma Utility Authority's Intention to Enter into an Agreement with Vescor Inc. dba Vessels Construction for the Construction of the K-4 Phase II Sewer between Turtle Creek West and Lamberth Road

Issue

Approval of the Greater Texoma Utility Authority's (GTUA) intention to administer an agreement for the construction of the K-4 Phase II relief sewer between Turtle Creek West and Lamberth Road

Background

The current Capital Improvement Program contains a project to replace the existing sewer between Turtle Creek West and Lamberth Road. Three (3) bidders responded to the request for bids. A bid tabulation is attached.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be paid through GTUA.

Staff Recommendation

It is recommended that the City Council approve GTUA'S intention to enter into a contract with the low bidder, Vescor Inc. dba Vessels Construction, in the amount of $243,348.89.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5447
Engineer's Recommendation with Bid Tabulation
Agreement
CIP Project Sheet and Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5447

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO AN AGREEMENT WITH VESCOR INC. DBA VESSELS CONSTRUCTION FOR THE CONSTRUCTION OF THE K-4 PHASE II SEWER BETWEEN TURTLE CREEK WEST AND LAMBERTH ROAD; 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 THAT:

SECTION 1. That the City of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with Vescor Inc. dba Vessels Construction in the total amount of Two Hundred Forty-Three Thousand Three Hundred Forty-Eight Dollars and Eighty-Nine Cents ($243,348.89) for construction of the K-4 Phase II Sewer between Turtle Creek West and Lamberth Road in the City of Sherman, Texas.

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

MORRIS ENGINEERS

December 9, 2009

Mark Gibson, P.E., Director of Utilities
City of Sherman
P.O. Box 1106
Sherman, TX 75091

Jerry Chapman
Greater Texoma Utility Authority
5100 Airport Drive
Denison, TX 75020

RE: Relief Sewer K from Turtle Creek West to Lamberth Road
City of Sherman, Texas (TWDB #72300)
Recommendation of Award

Gentlemen:

Bids were received on December 1, 2009 for the construction of Sewer K, phase 2, from Turtle Creek West to Lamberth Road in Sherman. The bids were in response to an Advertisement for Bids dated November 1 & 8, 2009. Publication in the newspaper was handled by GTUA staff. Individual bidding notices were mailed from our office to twelve (12) contractors. Bidding documents were sent to three (3) planrooms. During the bidding period, five (5) prospective contractors picked up plans and specifications. A total of three (3) bids were received. Enclosed is a tabulation of those bids.

The lowest bid was submitted by VESCOR Inc., dba Vessels Construction, of Sherman, Texas, for the amount of $243,348.89. Enclosed is their Contractor's Qualification Statement. I have known Vessels Construction to be a responsible bidder. I recommend this project be awarded to them for the amount bid.

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

Sincerely,

Timothy L. Morris, P.E.

Enclosures: Bid Tab; Contractor Qualification Statement; Notice of Award

c: Vessels Construction
Project file

P.O. Box 606 225 E. Houston Sherman, Texas 75091-0606 903 - 868 - 1644

BID TABULATION

GREATER TEXOMA UTILITY AUTHORITY

SEWER K FROM TURTLE CREEK WEST TO LAMBERTH ROAD, SHERMAN, TX

BID OPENING: DECEMBER 1, 2009 AT 10:00 A.M.

ITEM NO	ITEM DESCRIPTION	QTY.	UNIT	Vessels Construction, P.O. Box 28, Sherman, TX 75091		Dickerson Construction Co., P.O. Box 181, Celina, TX 75009		Lynn Vessels Construction, P.O. Box 1212, Sherman, TX 75091	
				UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST	UNIT COST	TOTAL ITEM COST
1	F&I 21" DIA. GRAVITY SEWER PIPE								
	8' TO 10' DEEP	5	LF	48.10	240.50	49.00	245.00	70.47	352.35
	10' TO 12' DEEP	7	LF	49.59	347.13	49.00	343.00	70.47	493.29
	12' TO 14' DEEP	184	LF	50.53	9,297.52	49.00	9,016.00	73.81	13,581.04
	14' TO 16' DEEP	1519	LF	49.51	75,205.69	55.00	83,545.00	76.04	115,504.76
	16' TO 18' DEEP	92	LF	57.03	5,246.76	90.00	8,280.00	92.77	8,534.84
	18' TO 20' DEEP	10	LF	61.50	615.00	100.00	1,000.00	98.34	983.40
2	F&I 15" DIA. GRAVITY SEWER PIPE								
	5' TO 8' DEEP	8	LF	28.05	224.40	60.00	480.00	53.52	428.16
3	F&I 10" DIA. GRAVITY SEWER PIPE								
	5' TO 8' DEEP	38	LF	23.57	895.66	45.00	1,710.00	41.26	1,567.88
4	F&I 8" DIA. GRAVITY SEWER PIPE								
	8' TO 10' DEEP	31	LF	24.38	755.78	42.50	1,317.50	39.03	1,209.93
5	F&I 5' DIA. MANHOLE								
	12' TO 14' DEEP	1	EA	3,411.89	3,411.89	3,800.00	3,800.00	3,706.26	3,706.26
	14' TO 16' DEEP	6	EA	3,589.49	21,536.94	4,700.00	28,200.00	4,244.81	25,468.86
6	ADD FOR BOLTED & GASKETED COVER & RING	7	EA	100.01	700.07	250.00	1,750.00	13.38	93.66
7	ADD FOR MANHOLE DROPS								
	8"	20	FT	447.77	8,955.40	50.00	1,000.00	65.65	1,313.00
	10"	8	FT	850.16	6,801.28	180.00	1,440.00	98.41	787.28
8	ADD FOR PROTECTIVE COATING FOR 60" DIA. MH (Specify on BID)	58	VF	171.20	9,929.60	200.00	11,600.00	200.03	11,601.74
	-OR-								
	ADD FOR 60" DIA. FIBERGLASS MH								
	Manhole Sta. 43+76.5			NB		NB		NB	
	Manhole Sta. 46+34.5			NB		NB		NB	
	Manhole Sta. 54+16.1			NB		NB		NB	
	Manhole Sta. 56+01.5			NB		NB		NB	
9	F&I CREEK XING @ STA. 48+70, 130' ENCASEMNT. PIPE, ETC.	1	JOB		13,601.44		15,700.00		17,188.51
10	F&I CREEK XING @ STA. 53+35, 40' ENCASEMNT. PIPE, ETC.	1	JOB		4,781.68		7,500.00		6,961.17
11	F&I STREET XING @ STA. 58+50, 100' ENCASEMNT. PIPE, ETC.	1	JOB		24,304.67		30,000.00		36,906.50
	-OR-								
	F&I STREET XING @ STA. 58+50, TUNNELING, 100' GFR JACKING PIPE	1	JOB		NB		NB		NB
12	F&I SEWER SERVICE WYE OR TEE								
	6" MAIN	1	EA	143.74	143.74	180.00	180.00	172.83	172.83
	8" MAIN	1	EA	151.40	151.40	200.00	200.00	183.98	183.98
12A	F&I SWR. SVC. CONNECTION ON 21" MAIN, W/ INSERTA-TEE FITTINGS	3	EA	299.66	898.98	300.00	900.00	200.70	602.10
13	F&I SDR 35 PVC SERVICE LINE								
	4" SERVICE LINE	150	LF	15.61	2,341.50	15.00	2,250.00	36.35	5,452.50
	6" SERVICE LINE	50	LF	16.36	818.00	20.00	1,000.00	37.13	1,856.50
14	DEMO. ABANDONED MANHOLES	9	EA	244.00	2,196.00	1,000.00	9,000.00	501.75	4,515.75
15	DEMO. EXIST. CREEK XINGS @ STA. 49+00, 53+50	1	JOB		439.20		4,000.00		1,170.75
16	EQPT. & LABOR TO ADJ. WATERLINES/ELIMINATE CONFLICT								
	4" WATERLINE	2	EA	522.49	1,044.98	2,000.00	4,000.00	446.00	892.00
	6" WATERLINE	2	EA	923.54	1,847.08	2,250.00	4,500.00	446.00	892.00
	8" WATERLINE	2	EA	1,183.18	2,366.36	3,000.00	6,000.00	446.00	892.00
	10" WATERLINE	2	EA	2,417.21	4,834.42	3,500.00	7,000.00	2,787.50	5,575.00
	12" WATERLINE	2	EA	2,311.41	4,622.82	4,000.00	8,000.00	2,787.50	5,575.00
	14" WATERLINE	2	EA	3,368.83	6,737.66	4,500.00	9,000.00	1,393.75	2,787.50
17	F&I @ STA. 59+80 TRANSITION FROM EXIST. SWR. TO NEW SWR.	1	JOB		1,559.72		1,800.00		2,464.15
18	TRENCH EXCAVATION PROTECTION	2047	LF	1.02	2,087.94	2.00	4,094.00	2.01	4,114.47
19	ADD FOR STONE BACKFILL @ STA. 46+55	1	JOB		8,207.45		2,100.00		1,031.38
20	SWPPP	1	JOB		16,200.23		7,000.00		1,672.50
	TOTAL BID				243,348.89		277,950.50		286,533.04
	BID BOND/CASHIER'S CHECK?				BB		BB		BB
	ADDENDUM ACKNOWLEDGED?				N/A		N/A		N/A
	CONDITIONAL OR QUALIFIED BID?				N		N		N

NB = No Bid

I certify that the foregoing is a true and correct tabulation of all bids received in response to Advertisement for Bids dated November 1 & 8, 2009.

Timothy L. Morris, P.E. / Morris Engineers

December 1, 2009

AGREEMENT

THIS AGREEMENT is dated as of the _________ day of __________ in the year 20___ by and between the **Greater Texoma Utility Authority** (hereinafter called OWNER) and ___________________________(hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

> **Construction of Sewer K from Turtle Creek West to Lamberth Road in the City of Sherman, Texas,** as set out and further described by the plans and specifications that are a part hereof.

Article 2. ENGINEER.

The Project has been designed by Morris Engineers, 225 E. Houston St., Sherman, Texas, who will act as ENGINEER in connection with completion of the Work in accordance with the Contract Documents.

Article 3. CONTRACT TIME.

3.1. The Work will be substantially completed within one hundred fifty (150) days after the date when the Contract Time commences to run on the day indicated in the Notice to Proceed, and completed and ready for final payment in accordance with Article 14.13 of the General Conditions within one hundred eighty (180) days after the date when the Contract Time commences to run.

3.2. OWNER and CONTRACTOR agree that CONTRACTOR shall pay OWNER two hundred seventy dollars ($270.00) for each day that expires after the time specified in paragraph 3.1 or any proper extension thereof granted by OWNER for Substantial Completion until the Work is substantially complete. OWNER and CONTRACTOR also agree that CONTRACTOR shall pay OWNER fifty dollars ($50.00) for each day that expires after the time specified in paragraph 3.1 or any proper extension thereof granted by OWNER for completion and readiness for final payment until the Work is complete and ready for final payment according to Article 14.13. of the General Conditions.

Article 4. CONTRACT PRICE.

4.1. OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents in current funds:

____ **Dollars**, ($__________) being the amount derived from the Unit and Lump Sum Prices bid.

Article 5. PAYMENT PROCEDURES.

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1 Progress Payments, Retainage. OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR'S Applications for Payment as recommended by ENGINEER, on or about the 15th day or each month during construction as provided in paragraph 5.1.1. and 5.1.2. All such payments will be measured by the schedule of values established in paragraph 2.9 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with Article 14.7 of the General Conditions.

90% of Work completed (with the balance being retainage). If Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of Work completed.

90% (with the balance being retainage) of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to OWNER as provided in Article 14.2 of the General Conditions.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 95% of the Contract Price (with the balance being retainage), less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with Article 14.7 of the General Conditions.

5.2. Final Payment. Upon final completion and acceptance of the Work in accordance with Article 14.13 of the General Conditions, OWNER shall pay the remainder of the

Contract Price as recommended by ENGINEER as provided in said Article 14.13.

Article 6. THIS ARTICLE IS NOT USED IN THIS AGREEMENT.

Article 7. CONTRACTOR'S REPRESENTATIONS.

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

7.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in paragraph 8) and the other related data identified in the Bidding Documents including "technical data".

7.2. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the Work.

7.3. CONTRACTOR is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.

7.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.2.1. of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.2. of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.2. of the General Conditions. CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.

7.5. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.

7.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

7.7. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR, and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 8. CONTRACT DOCUMENTS.

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

8.1. Advertisement For Bids
8.2. Instruction To Bidders
8.3. Bid Proposal
8.4. Bid Bond
8.5. Notice of Award
8.6. Agreement
8.7. Construction Payment Bond
8.8. Construction Performance Bond
8.9. Certificates of Insurance
8.10. Notice to Proceed
8.11. General Conditions
8.12. Supplementary Conditions
8.13. General Requirements
8.14. Contractor's Certification and Guarantee
8.15. Consent of Surety
8.16. DRAWINGS Prepared by Morris Engineers numbered 1 of _ through _ of _, and dated April, 2001 and updated ________.
8.17. SPECIFICATIONS prepared or issued by Morris Engineers, dated December 2008.
8.18. ADDENDA:
No. ___, dated
No. ___, dated
8.19. Documentation submitted by CONTRACTOR prior to Notice of Award.
8.20. Greater Texoma Utility Authority (GTUA) Contract Documents
8.21. Texas Water Development Board (TWDB) Contract Documents

8.22. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:

All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to Article 3.5 and 3.6 of the General Conditions.

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented as provided in Article 3.5 and 3.6 of the General Conditions.

Article 9. MISCELLANEOUS

9.1. Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

9.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.3. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

9.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in triplicate. One counterpart each has been delivered to OWNER, CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.

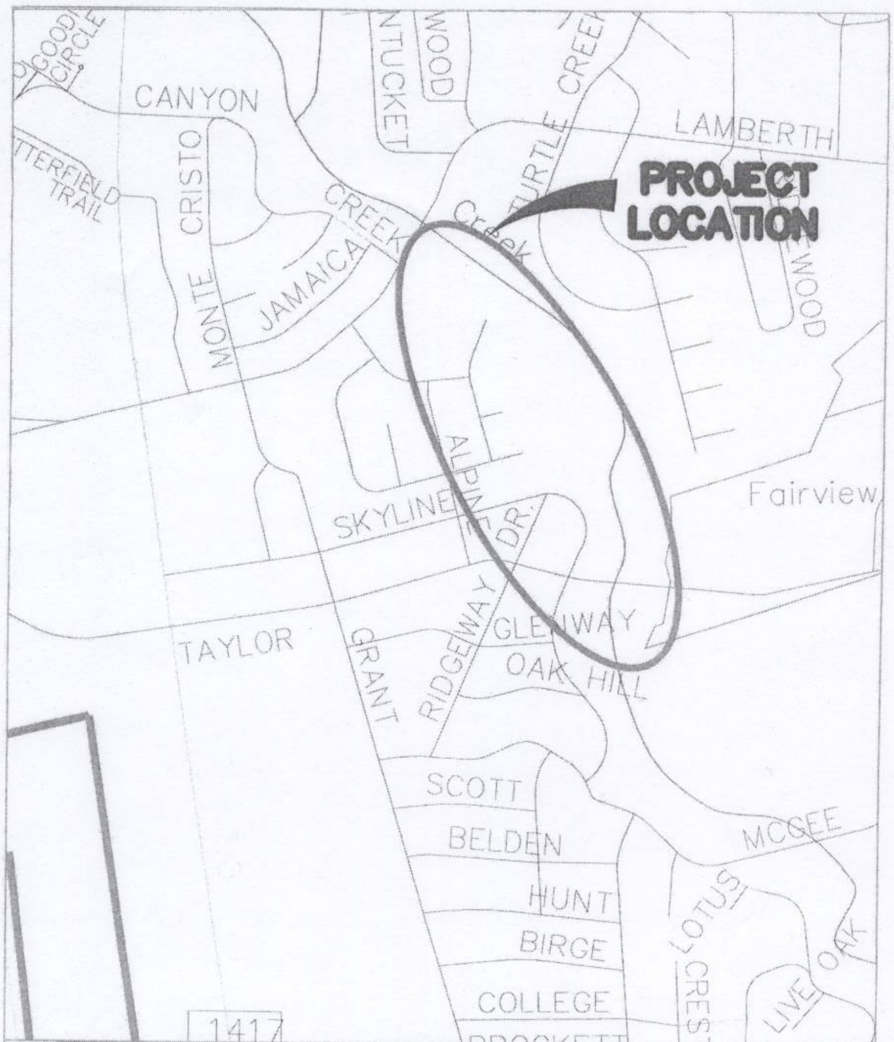
This Agreement will be effective on ________________, 20__ (which is the Effective Date of the Agreement).

OWNER: Greater Texoma Utility Authority	CONTRACTOR: ______________________
5100 Airport Drive, Denison, TX 75020	______________________
By: ______________________	By: ______________________
Title: ______________________	Title: ______________________
[CORPORATE SEAL]	[CORPORATE SEAL]
Attest ______________________	Attest ______________________
Address for giving notices	Address for giving notices
______________________	______________________
______________________	______________________
	License No. ______________________
	Agent for service of process:
	______________________
	______________________

MORRIS ENGINEERS
REV 3/22/01

PROJECT YEAR: 2008-2009

PROJECT NAME:	Relief Sewer K-4 - Phase II
DESCRIPTION:	Continue with construction of a relief sewer on McGee Street and Lamberth Road.
ESTIMATED COST:	$900,000
ESTIMATED O&M COST:	Not Applicable
PROPOSED FINANCING:	Utility Improvement Fund
PROJECT NECESSITY:	Existing sewer is deteriorated and has severe infiltration problems. Line needs to be up-sized due to capacity problems.
DEPARTMENT/DIRECTOR:	Utility and Engineering Services, Mark Gibson
PROPOSED START DATE:	May, 2009
PROPOSED END DATE:	October, 2009



City of Sherman, Texas

SEWER K-4, PHASE II

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. C.3

**** RESOLUTION NO. 5448***

Approving the Greater Texoma Utility Authority's Intention to Enter into a Contract with JR Sheldon Co., Inc. for the Construction of Fine Screen Improvements at the Sherman Wastewater Treatment Plant

Issue

Approving the Greater Texoma Utility Authority's (GTUA) intention to administer an agreement for the construction of Fine Screen Improvements at the Sherman Wastewater Treatment Plant

Background

The current Capital Improvement Program contains a project to install fine screens at the City's wastewater treatment plant. Five (5) bidders responded to the request for bids. A bid tabulation is attached.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be paid through GTUA.

Staff Recommendation

It is recommended that the City Council approve GTUA's intention to enter into a contract with the low bidder, JR Sheldon Co., Inc., in the amount of $550,000.00.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5448
Engineer's Recommendation with Bid Tabulation
Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5448

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ENTER INTO AN AGREEMENT WITH JR SHELDON CO., INC. FOR THE CONSTRUCTION OF FINE SCREEN IMPROVEMENTS AT THE SHERMAN WASTEWATER TREATMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City of Sherman hereby approves Greater Texoma Utility Authority's intention to enter into an agreement with JR Sheldon Co., Inc. in the total amount of Five Hundred Fifty Thousand Dollars and No Cents ($550,000.00) for Fine Screen Improvements at the Sherman Wastewater Treatment Plant.

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

PASSED AND APPROVED on this the _____ day of ________________, 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

FREEMAN-MILLICAN, INC.
ENGINEERS - ARCHITECTS - PLANNERS

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

December 15, 2009

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

Re: Sherman 2009 WWTP Fine Screen Improvements Award

Dear Mr. Chapman:

Bids were received on the 2009 WWTP Fine Screen Improvements on December 14, 2009. A tabulation of these bids is attached. The project includes construction of two perforated screens at the grit facility with solids compactor, accessories and piping. Removal of slide gates and construction of new by-pass channels is also included in the project.

Five competitive bids were received. The low bid at $550,000.00 is about 1.2% lower than the 2nd bidder and about 10.7% under the 3rd bidder.

The low bidder, J.R. Sheldon & Company, Inc. completed a water pump station project for GTUA and Freeman-Millican at Van Alstyne about five years ago and another Gober pump station project for GTUA. We have reviewed there experience record and received positive comments on five additional water projects competed in the past five years or, are currently under construction. Bank of America gives a good positive reference on the company's banking.

We recommend that the Greater Texoma Utility Authority award the contract to J.R. Sheldon & Company, Inc. based on the low bid of $550,000.00 and authorize execution of the required contract documents.

Sincerely,
FREEMAN - MILLICAN, INC.
David E. Gattis
David E. Gattis, P.E.

Enclosure (1)
Copy:
Sherman, Mark Gibson, Director of Engineering and Utilities
Terry Millican

12225 GREENVILLE AVENUE, SUITE 121 DALLAS, TEXAS, 75243 (214) 503-0555 FAX (214) 503-1148
TEXAS ENGINEERING FIRM REGISTRATION NO. 2827

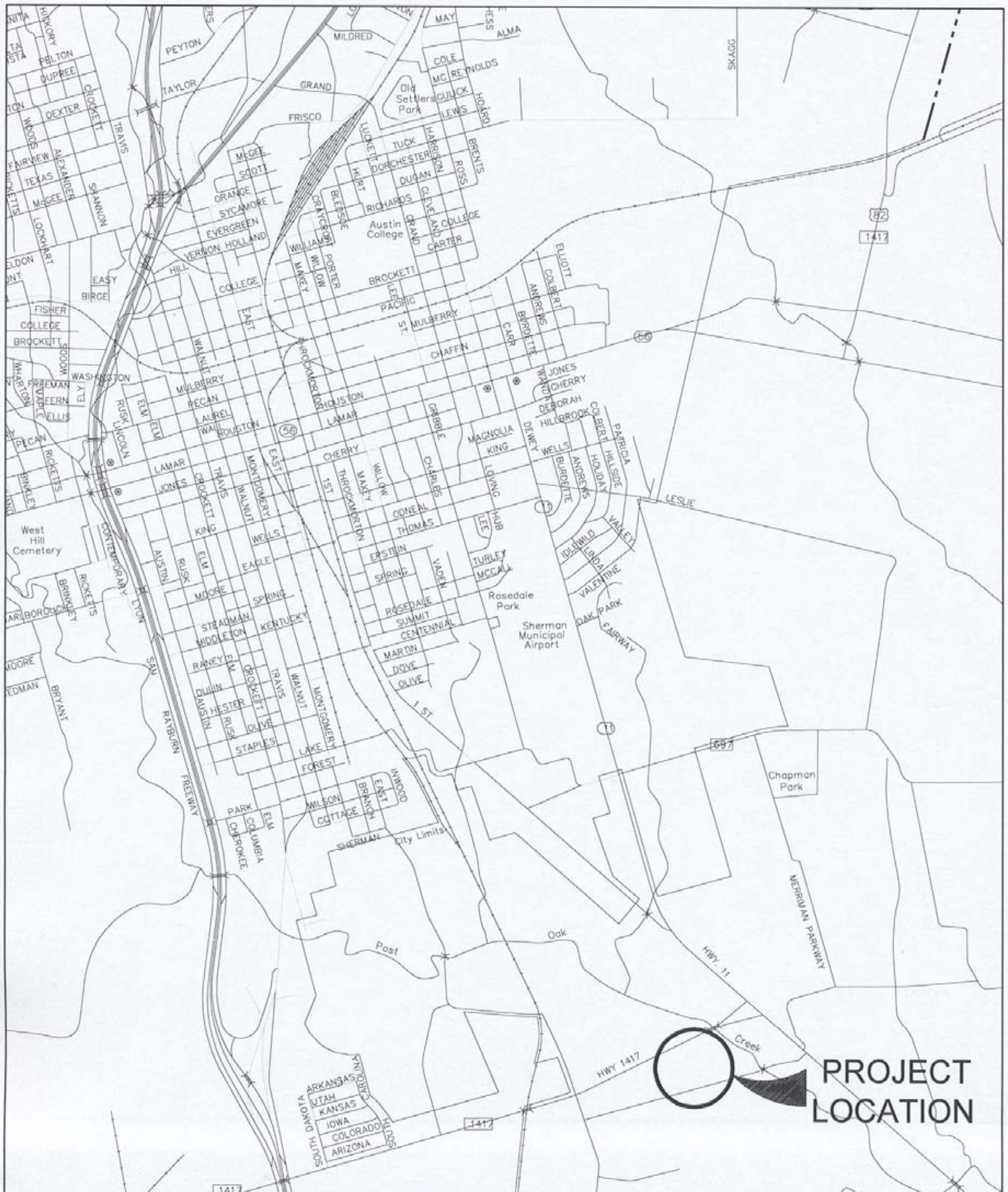
BID TABULATION

OWNER:	Greater Texoma Utility Authority			Contractor	JR Sheldon & Co., Inc.	Contractor	Jerry Paul Higgins, LTD
PROJECT:	2009 WWTP Fine Screen Improvements			Address	PO Box 2069	Address	PO Box 1865
ENGINEER:	Freeman-Millican, Inc. - Firm Registration No.: 2827			City, State	Pilot Point, TX	City, State	Sherman, TX
BID DATE:	December 14, 2009			Phone	940-368-5793	Phone	903-893-0672
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Remove all non-salvageable material from grit chambers	1	LS	50,000.00	50,000.00	15,230.00	15,230.00
P.2	Install and construct new fine screen improvements	1	LS	500,000.00	500,000.00	541,575.00	541,575.00
	TOTAL AMOUNT OF CONTRACT BID				$550,000.00		$556,805.00
	Time of Completion (Calendar Days)				270 days		280 days

OWNER:	Greater Texoma Utility Authority			Contractor	Associated Construction Partners, Ltd.	Contractor	Legacy Contracting
PROJECT:	2009 WWTP Fine Screen Improvements			Address	215 W Bandera Rd Ste 114-161	Address	PO Box 1479
ENGINEER:	Freeman-Millican, Inc. - Firm Registration No.: 2827			City, State	Boerne, TX	City, State	Decatur, TX
BID DATE:	December 14, 2009			Phone	210-698-8714	Phone	940-626-1415
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Remove all non-salvageable material from grit chambers	1	LS	150,000.00	150,000.00	38,000.00	38,000.00
P.2	Install and construct new fine screen improvements	1	LS	459,000.00	459,000.00	598,500.00	598,500.00
	TOTAL AMOUNT OF CONTRACT BID				$609,000.00		$636,500.00
	Time of Completion (Calendar Days)				240 days		240 days

OWNER:	Greater Texoma Utility Authority			Contractor	Mitchell Enterprises, LTD
PROJECT:	2009 WWTP Fine Screen Improvements			Address	700 N Crockett
ENGINEER:	Freeman-Millican, Inc. - Firm Registration No.: 2827			City, State	Sherman, TX
BID DATE:	December 14, 2009			Phone	903-893-6593
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT
P.1	Remove all non-salvageable material from grit chambers	1	LS	26,100.00	26,100.00
P.2	Install and construct new fine screen improvements	1	LS	661,563.00	661,563.00
	TOTAL AMOUNT OF CONTRACT BID				$687,663.00
	Time of Completion (Calendar Days)				210 days

STATE OF TEXAS
JOE T. MILLICAN
85154
LICENSED
PROFESSIONAL ENGINEER
15 DEC 09



City of Sherman, Texas

WASTEWATER TREATMENT PLANT

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. C.4

**** RESOLUTION NO. 5449***
Authorizing Execution of a Development Agreement with SDB Partners, LLC. for the Construction of Public Facilities in the Carrus Medical Plaza Addition to the City of Sherman

Issue
The construction of public facilities in the Carrus Medical Plaza Addition to the City of Sherman

Background
SDB Partners, LLC. proposes to construct Carrus Medical Plaza Addition, which includes the construction of water and sewer main extensions.

Origination
Department of Engineering & Utilities

Financial Consideration
None

Staff Recommendation
Staff recommends approval of the Development Agreement.

Alternatives
As directed by the City Council

Attachments
Resolution No. 5449
Development Agreement
Location Map

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5449

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH SDB PARTNERS, LLC. FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE CARRUS MEDICAL PLAZA ADDITION TO THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

PASSED AND APPROVED on this the _____ day of ________________, 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

STATE OF TEXAS §
§
COUNTY OF GRAYSON §

DEVELOPMENT AGREEMENT BETWEEN

THE CITY OF SHERMAN AND SDB PARTNERS

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _______ day of ______, 2009 (the "Effective Date"), by and among City of Sherman ("City"), a municipal corporations organized under the laws of the State of Texas, and SDB Partners, LLC. ("Developer").

WITNESSETH

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

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

WHEREAS, Developer owns or controls lands located in Sherman, Texas, and described in the final plat of **Carrus Medical Plaza** submitted to the City by the Developer and attached hereto and made a part hereof as if fully set out in this paragraph as Exhibit "A" and hereinafter referred to as the "Property", and Developer intends to develop the Property by constructing improvements thereon; and

WHEREAS, the Developer desires that the City accept the dedication of the streets, utilities, and other improvements as reflected on the plans and specifications submitted by the Developer as a part of the public facilities of the City, as indicated in Paragraph 2 of Article I; and

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

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

ARTICLE I.

SPECIFIC CONTRACT PROVISIONS

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

2. **Assurance of Accuracy of Documents:** Developer has caused the subdivision plat of the property (the "plat") and all plans and specifications (the "plans") for the streets, utilities and other improvements to be developed on the Property (collectively the "Project") as part of the public facilities of the City, to be prepared by a Registered Professional Engineer and that Plat and Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the Plat and Plans in making its determination as to whether the documents comply with all City ordinances, state and federal law.

3. **Development Documents:** Upon the execution of this Agreement, Plat, Plans, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the subdivision depicted on the Plat (hereinafter the "Subdivision") are confirmed, ratified, and agreed upon by both parties and attached hereto as Exhibit "B". Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract, as applicable to the Subdivision; and all the work of the Project will be done under the supervision of the City Engineer (as defined in Paragraph 8 of this Article) to City standards, and in accordance with applicable City regulations. The Plat, Plans, orders of the City Planning and Zoning Commission, and the City Council and Ordinance No. 2684 (hereinafter collectively referred to as the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.

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

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

6. **Failure to Complete Development:** If the Developer does not complete the Improvements contained in the Development Documents on or before September 1, 2010, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph maybe extended by the mutual agreement of the parties. Such extension shall be in writing, as provided in Paragraph 13 of Article II.

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

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

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

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

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

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

13. **Guarantee or Maintenance Bond:**

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

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

14. **<u>WAIVER OF RIGHTS UNDER STATE LAW:</u>**

    a. **<u>WAIVER OF RIGHTS:</u>**

    b. <u>Section 212.904 of the Texas Local Government Code</u>

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

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

15. Other Provisions:
Developer Build Water and Sewer

a. The Developer will construct the water and sewer extensions to serve the subdivision in accordance with the plans and specifications prepared by Teague Nall and Perkins and approved by the City of Sherman.

b. The Developer shall pay to the City an engineering plan review, inspection, and testing fee equal for $1,924.80.

c. The Developer shall pay Street Escrow Monies in the amount of $75,000.00 for the future construction of the north one-half of Cypress Grove Road adjacent to Lot 4 of the Carrus Medical Plaza subdivision as shown in the Replat of Lot 2 of Post Oak Crossing East Addition.

d. The Developer or his successors or assigns shall pay Street Escrow Monies to the City of Sherman for the future construction of the north one-half of Cypress Grove Road adjacent to the remaining lots of the Carrus Medical Plaza Subdivision, Replat of Lot 2 of Post Oak Crossing East Addition. The escrow monies shall be paid at the time of development of the individual lots (Lots 2 and 5). Separate Developer's contracts will be required for each phase of Development/Improvement.

e. Upon the completion of construction of any public improvements associated with the subdivision or any portion of the subdivision one electronic copy and one reproducible set of "Record" drawings will be supplied to the City.

ARTICLE II.

GENERAL CONTRACT PROVISIONS

1. **Force Majeure.** If the performance of any of the parties hereto is delayed by reason of war, civil commotion, acts of God, inclement weather, unanticipated subsurface conditions, fire or other casualty, court injunction or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time

period applicable to such design or construction requirement shall be extended for a period of time equal to the period such party was delayed. The terms above shall not apply to extend the time permitted for any payment obligations set forth in this Agreement.

2. **<u>INDEMNIFICATION AND HOLD HARMLESS.</u>** TO THE MAXIMUM EXTENT PERMITTED BY LAW, DEVELOPER OBLIGATES ITSELF TO THE CITY TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPERS EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION HEREWITH, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF DEVELOPER, ITS OFFICERS, AGENTS OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. This indemnity does not waive any governmental immunity available to the City under Texas law and does not waive any defenses of the parties under Texas law.

3. **Authority to Bind.** Each general partner or member executing this Agreement on behalf the Developer represents that, by executing this Agreement in such capacity, it acts within the scope of its authority and does not exceed the bounds of its authority to act to bind such party regarding the obligations and assurances contained in this Agreement. City represents that the execution of this Agreement as provided below has been duly authorized by the City Council as provided in the Approval Resolution.

4. **Events of Default.** A default shall exist if either party fails to perform or observe any material covenant contained in this Agreement. The non-defaulting party shall immediately notify the defaulting party in writing upon becoming aware of any change in the existence of any condition or event which would constitute a default under this Agreement. Such notice shall specify the nature and the period of existence thereof and what action, if any, the notifying party requires or proposes to require with respect to curing the default.

5. **Remedies Available to City.** If a default by Developer shall occur and continue, after thirty (30) day's notice to cure default, City may, at its option, pursue any and all remedies it may be entitled to, at law or in equity, in accordance with Texas law and including using the Performance Bond to complete the work, without the necessity of further notice to or demand upon Developer. City shall not, however, have the right to exercise such remedies for so long as Developer proceeds in good faith and with due diligence to remedy and correct the default, provided that Developer has commenced to cure such default within thirty (30) days following notice, pursues such cure with reasonable diligence and completes such cure within one hundred eighty (180) days.

6. **No Waiver of Defenses.** Nothing in this Agreement shall be construed or intended to waive any defenses available to the City, including, but not limited to, governmental immunity.

7. **Venue and Governing Law.** This Agreement is performable in Grayson County, Texas and venue of any action arising out of this Agreement shall be exclusively in Grayson County. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

8. **Notices.** Any notice required by this Agreement shall be deemed to be properly served (i) three (3) days following deposit if deposited in the U.S. mail by certified letter, return receipt requested; (ii) on the next business day if sent by nationally recognized overnight delivery service; or (iii) upon receipt if transmitted by facsimile or electronic transmission, addressed to the recipient at the recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described.

CITY:

DESIGNEE: Mark Gibson

ADDRESS: 220 W. Mulberry St.

Sherman, TX 75090

PHONE: 903-892-7210

FAX: 903-870-7802

DEVELOPER:

DESIGNEE: Dr. Easwar Sundaram, M.D.

ADDRESS: P.O. Box 1088

Sherman, TX 75091

PHONE: 903-893-5141

FAX: n/a

9. **Legal Construction:** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

10. **Counterparts.** This Agreement may be executed in any number of counterparts, which may be transmitted originally or electronically, each of which shall be deemed an original and constitute one and the same instrument.

11. **Captions.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

12. **Successors and Assigns.** The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto, provided, however, this Agreement shall not be assigned by Developer without prior written approval by the City Manager of the City, which approval shall not be unreasonably withheld or delayed. City may assign or delegate any of its rights or obligations under this Agreement but the same shall not constitute a novation.

13. **Entire Agreement.** This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.

14. **Interpretation of Agreement.** This is a negotiated Agreement. If any part of this Agreement is in dispute, the parties stipulate that the Agreement shall not be construed more favorably for either party.

IN WITNESS WHEREOF parties have caused this Agreement to be executed in duplicate this ________ day of ________ 2009, with an original to each party.

DEVELOPER: SDB PARTNERS

BY: ______________________

NAME: Dr. Easwar Sundaram, M.D.

TITLE: Manager

ATTEST:

BY: ______________________

NAME: ______________________

TITLE: ______________________

CITY: CITY OF SHERMAN

BY: ______________________

NAME: George Olson

TITLE: City Manager

ATTEST:

BY: ______________________

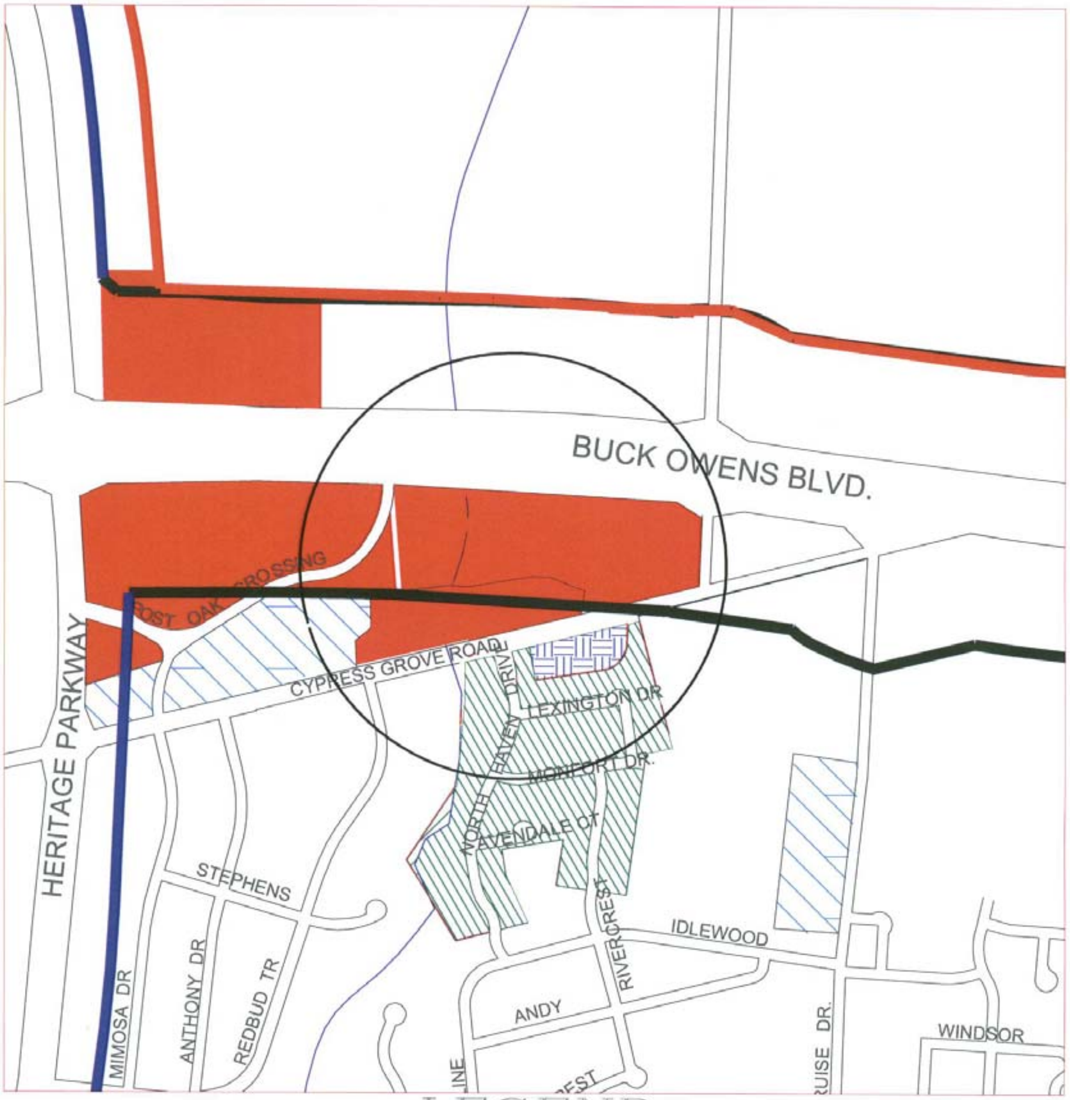
NAME: Linda Ashby

TITLE: City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY: ______________________________

Brandon Shelby



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE 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

1810 U.S.HWY 82 WEST

ENGINEERING DEPARTMENT

N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. C.5

**** RESOLUTION NO. 5450***

Authorizing Execution of an Easement to Oncor Electric Delivery Company, LLC for the Placement of a Single Phase Overhead Power Line in a 15' Electric Utility and Right-of-Way Easement at Pecan Grove Park

Issue

To consider authorizing execution of an Electric Utility and Right-of-Way Easement to Oncor Electric Delivery Company, LLC for an overhead power line on City of Sherman property

Background

Oncor is requesting a 15' Electric Utility and Right-of-Way Easement on property owned by the City of Sherman to supply power to Pecan Grove Park. The easement would be 15' wide and approximately 840' in length. The easement location is in the southwest sector of the property near its intersection with Shady Oaks Lane, running in a northerly direction as shown on the attached sketch.

Origination

Parks and Recreation Department

Financial Consideration

The cost for construction will be $6,500.00. This item is budgeted in the current Capital Improvement Program.

Staff Recommendation

It is recommended that the easement be granted as noted in the attached resolution.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5450
Easement and Exhibit "A" (Sketch)
Location Map

Prepared by:
Kevin Winkler, Parks & Recreation Administrator

Approved by:
George Olson, City Manager

RESOLUTION NO. 5450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN EASEMENT TO ONCOR ELECTRIC DELIVERY COMPANY, LLC FOR THE PLACEMENT OF A SINGLE PHASE OVERHEAD POWER LINE IN A 15' ELECTRIC UTILITY AND RIGHT-OF-WAY EASEMENT AT PECAN GROVE PARK; 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 THAT:

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 easement to Oncor Electric Delivery Company, LLC for the placement of a single phase overhead power line in a 15' Electric Utility and Right-of-Way Easement at Pecan Grove Park, in substantially the same form as the easement, sketch (Exhibit "A"), and location map approved by the City Engineer and the City Attorney, all of which are 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

District: Texoma
WR #: 3026421
ER #________________

EASEMENT AND RIGHT OF WAY

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

That City of Sherman, hereinafter called "Grantor", whether one or more, for and in consideration of Ten Dollars ($10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1601 Bryan Street, Dallas, Texas 75201, hereinafter referred to as "Grantee", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED)

Grantor recognizes that the general course of said lines, or the metes and bounds as described above, is based on preliminary surveys only, and Grantor hereby agrees that the easement and right-of-way and its general dimensions hereby granted shall apply to the actual location of said lines when constructed.

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to lease wire space for the purpose of permitting others to string or lay wire or cable along said facilities; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, in the sole judgment of Grantee, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, until all of said electric lines and facilities shall be abandoned, and in that event said easement and right-of-way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns, and legal representatives, to warrant and forever defend the above described easement and right-of-way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this ___________ day of ________________________________, 20____.

City of Sherman

By:____________________________________

Name__________________________________

Title:__________________________________

STATE OF TEXAS §
§
COUNTY OF ___________ §

BEFORE ME, the undersigned authority, on this day personally appeared ____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same as the act and deed of ____, as the ___________________________________ thereof, for the purposes and consideration therein expressed, in the capacity therein stated and that he/she is authorized to do so.

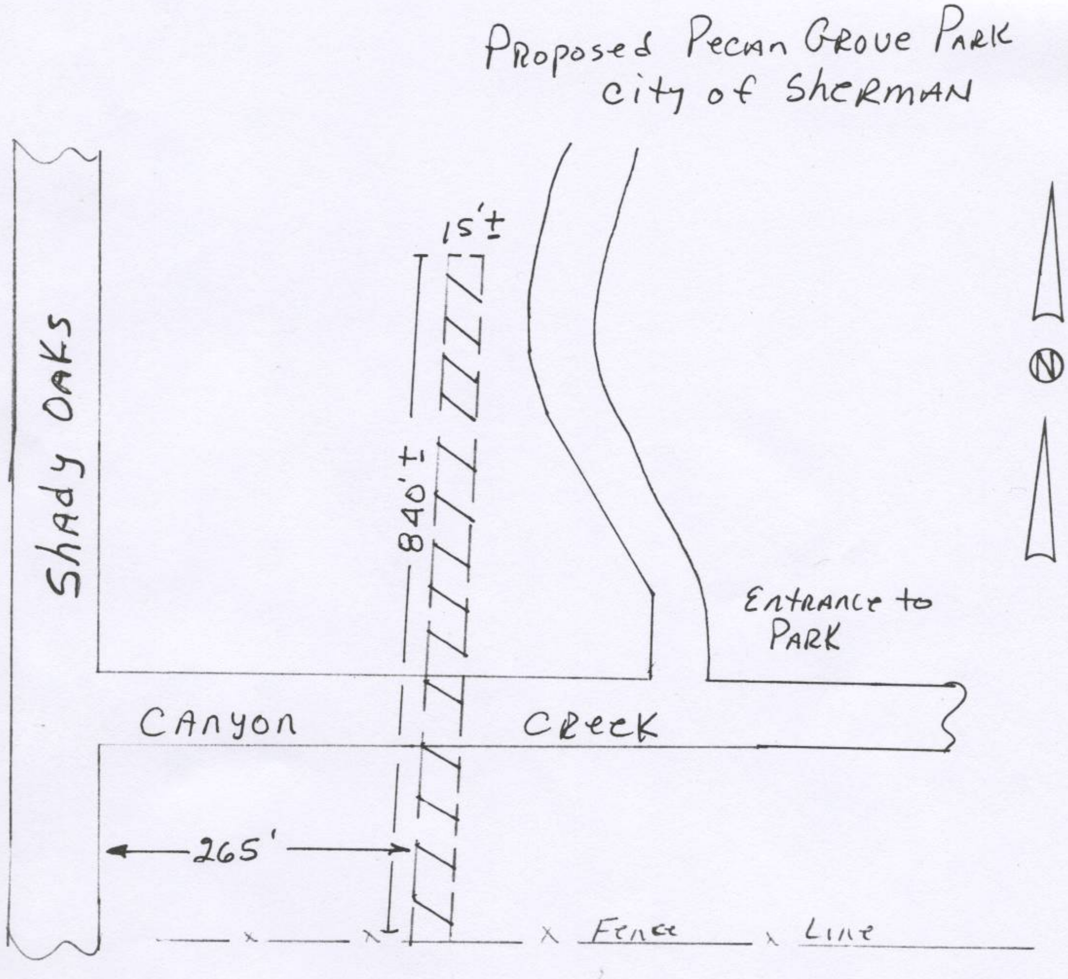
GIVEN UNDER MY HAND AND SEAL OF OFFICE this ______________ day of ____________________________________, A.D. 20____.

____
Notary Public in and for the State of Texas

After recording, return to:
Oncor Electric Delivery Company
Land Records
115 W. 7th Street, Suite 211
Ft. Worth, Texas 76102

50.3200 CORPORATE ONCOR OH/UG DISTRIBUTION EASEMENT LAST REVISED 4/28/09

"EXHIBIT A"



Easement Width: 15' **Oncor Electric Delivery Company Easement**

Denotes Easement **Scale: N.T.S.**

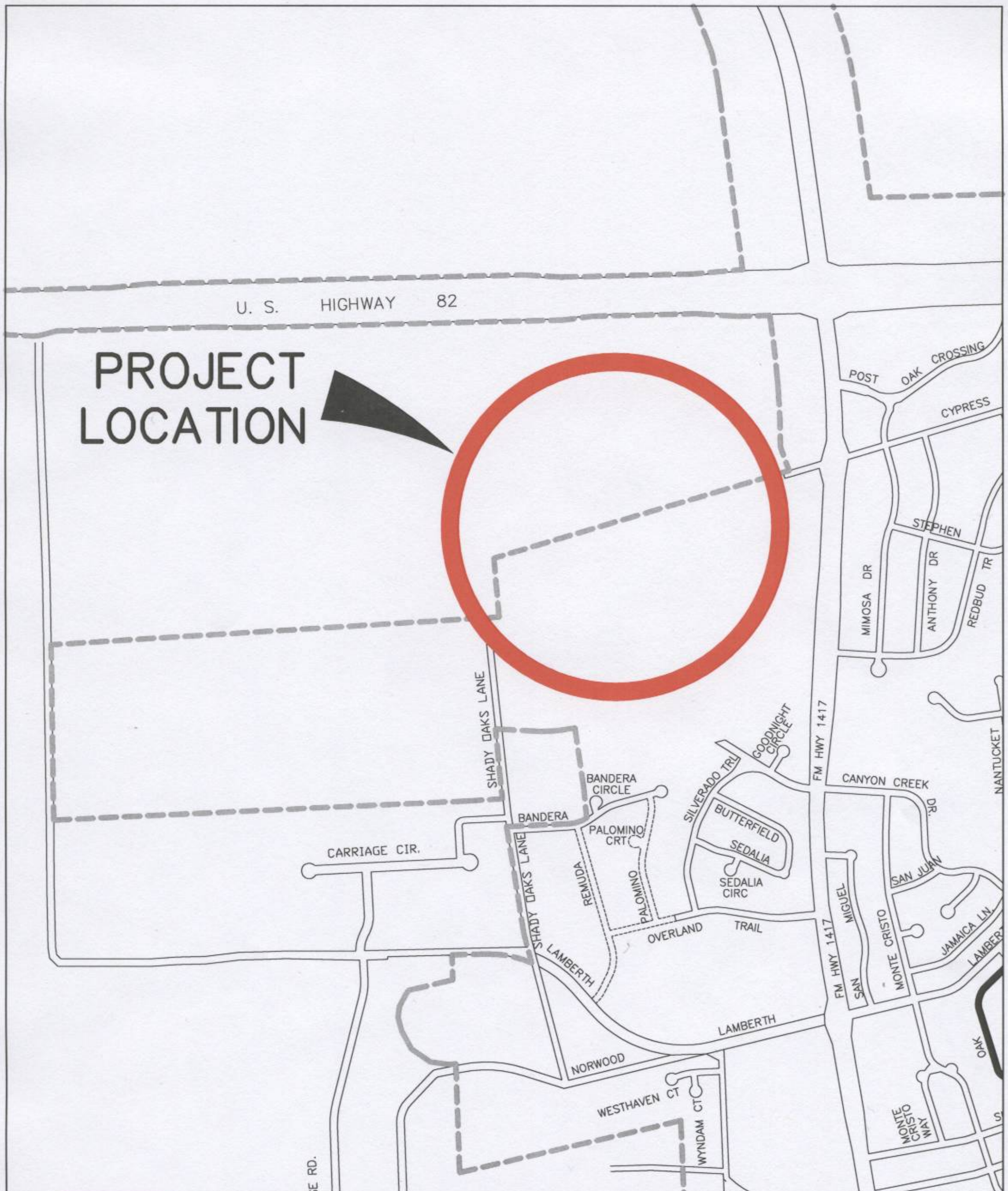
The intent of this Exhibit is to pictorially show the approximate location of the easement. It is not intended as an actual survey. Calls shown are references only. No Statement is made to the validity of these calls.

GRANTOR: City of Sherman

Volume: 3596 Page: 141-44 County: Grayson

Survey: James H. Vaden and J.B. McAnair Surveys Abstract: 1288 and 763

District: Texoma WR#: 3026421



Location Map
PECAN GROVE PARK

City of Sherman, Texas

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. C.6

**** RESOLUTION NO. 5451***
Authorizing the Purchase of Bunker Gear
for the Sherman Fire Department from Casco Industries

Issue
To purchase fifteen (15) sets of bunker gear plus two (2) replacement pants for the Sherman Fire Department from Casco Industries to facilitate compliance with the National Fire Protection Association (NFPA) 1851 standard

Background
NFPA 1851 standard requires that all firefighters are to have two (2) sets of bunker gear. The Fire Department has been making smaller purchases throughout past years to help meet this standard. Council approval is required because this single purchase exceeds $25,000.00. Casco Industries is the sole source provider for the Globe Bunker Gear that the Fire Department currently uses.

Origination
Sherman Fire Department

Financial Consideration
Cost to purchase the bunker gear from Casco Industries is $27,055.00. Funds for the purchase of 35 sets of new bunker gear were appropriated in the 2009-2010 budget year.

Staff Recommendation
It is recommended that the City Council approve the purchase of the bunker gear from Casco Industries in the amount of $27,055.00.

Alternatives
Continue to make small purchases throughout the year

Attachments
Resolution No. 5451
Sole Source Provider Letter

Prepared by:
J. J. Jones, Fire Chief

Approved by:
George Olson, City Manager

RESOLUTION NO. 5451

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF BUNKER GEAR FOR THE SHERMAN FIRE DEPARTMENT FROM CASCO INDUSTRIES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager, or his designated representative, 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 all contracts and agreements with Casco Industries for the purchase of Bunker Gear for the Sherman Fire Department.

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

Globe Manufacturing Company, LLC

December 11, 2009

Chad Martin
Sherman Fire Dept.
318 South Travis
Sherman, TX 75090

Dear Mr. Martin:

This letter stands as confirmation that Casco Industries is our exclusive authorized dealer in the State of Texas for various Globe Manufacturing Company, LLC products.

GLOBE MANUFACTURING COMPANY is a 122-year old family owned and operated business engaged in the manufacture of turnout clothing for the fire and rescue industry. We take great pride in the design and construction of our garments and strive to continue to make the best products available in today's marketplace. We do business as Globe Firefighter Suits, Cairns Protective Clothing, Globe EMS, LLC and Globe FootGear, servicing a variety of needs. In addition, we offer care & cleaning services and training.

Casco Industries and Globe Manufacturing Company, LLC have been strong partners for many years. By working together, we provide the high quality service that all of our customers expect and deserve.

We appreciate your interest in Globe Manufacturing Company products.

Sincerely,
GLOBE MANUFACTURING COMPANY, LLC

Richard O. Barr
Vice President Sales

ROB/kmr

37 Loudon Road, Pittsfield NH 03263
TEL: 800-232-8323 603-435-8323
FAX: 800-442-6388 603-435-6388
www.globefiresuits.com

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. C.7

**** RESOLUTION NO. 5452***
Authorizing Execution of Deeds for the Resale of Two Tracts of Land at 706 East Jones Street and 707 East Jones Street, Seized for Delinquent Taxes

Issue
The attached resolution authorizes Grayson County to sell two tracts of land on East Jones Street due to unpaid property taxes.

Background
Grayson County is the owner of the properties at 706 East Jones Street and 707 East Jones Street, as trustee for all taxing entities involved. The Grayson County Tax-Assessor and Collector has received an offer of $900.00 per tract, a total offer of $1,800.00 for the two properties, and is seeking the City Council's approval for the sale.

Origination
John Ramsey, Assessor and Collector of Taxes for Grayson County

Financial Consideration
The proceeds of the sale would be applied to the cost of the sale and the delinquent taxes, with the City of Sherman receiving its pro-rated share. The sale would also return the property to the tax rolls.

Staff Recommendation
The staff recommends approval of this resolution.

Alternatives
The City Council could deny the resolution.

Attachments
Resolution No. 5452
Letter and attachments from Tax Assessor-Collector John Ramsey
Photos of Properties
Location Maps

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5452

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF DEEDS FOR THE RESALE OF TWO TRACTS OF LAND AT 706 EAST JONES STREET AND 707 EAST JONES STREET, SEIZED FOR DELINQUENT TAXES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, two tracts of real property located at 706 East Jones Street and 707 East Jones Street have been struck-off/sold to Grayson County, Grayson County College, City of Sherman and Sherman Independent School District for delinquent taxes; and

WHEREAS, Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District desire to sell these properties and thereby place them back on the tax rolls; and

WHEREAS, Grayson County has received an offer to purchase the two tracts as described in the attached documentation; and

WHEREAS, the City of Sherman wishes to accept the offer on the properties by the individual for the sum listed; and

WHEREAS, the City of Sherman believes the sale of these properties for the price listed is in the best interest of the City; and

WHEREAS, the funds received pursuant to this sale shall be distributed according to the Texas Property Tax Code;

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

SECTION 1. That the two tracts of property described in the attached documentation are available for sale free of all tax liens held by the City of Sherman and may be sold for any offer accepted by Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District.

SECTION 2. That the Mayor, as the presiding officer of the City of Sherman, is hereby authorized, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute any deed or deeds on behalf of the City of Sherman necessary to complete the sale of said properties in conformance with this resolution and without further approval by this governing body.

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

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

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ___________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ___________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

OFFICE OF
JOHN W. RAMSEY
ASSESSOR AND COLLECTOR OF TAXES
GRAYSON COUNTY
www.co.grayson.tx.us

COURTHOUSE
100 W. HOUSTON • SUITE 11
P.O. BOX 2107
SHERMAN, TEXAS 75091-2107

(903) 892-TAXS (8297)
(903) 893-VOTE (8683)
(903) 813-4225 (AUTO)
Fax: (903) 893-4973
e-mail: ramseyj@co.grayson.tx.us

TO: Judge Drue Bynum, Grayson County, Commissioner Johnny Waldrip, Pct. 1, Commissioner David Whitlock, Pct. 2, Commissioner Jackie Crisp, Pct. 3, Commissioner Gene Short, Pct. 4

Mr. Giles Brown, Vice President Business Services, Grayson County College

Mr. Robby Hefton, Assistant City Manager, City of Sherman

Mr. Bruce Barnett, Assistant Superintendent of Business and Finance Services, Sherman ISD

FROM: John Ramsey

DATE: December 11, 2009

SUBJECT: **<u>CLARIFICATION - NAME OF PARTY OFFERING BID</u>**
Private Quote from December Sheriff's Sale
Tract 1 - Account # S042 2003009 (R163814) – 707 E. Jones, Sherman
Tract 2 - Account # S042 0963220 (R163785) & Account # S042 2003015 (R163819) – 706 E. Jones, Sherman

Attached is a corrected offer from Debbie Lopez-Carr, Attorney at Law on behalf of the Community Baptist Church. The original letter stated the offer was on the behalf of Mr. Charles Leslie but should have stated Mr. Charles Leslie acting on the behalf of the Community Baptist Church to purchase two tracts that was previously struck-off to Grayson County, as trustee for all taxing entities involved. These two tracts were included but not sold in the December 1, 2009 Sheriff's sale. The properties are presently exempt from taxes while owned by the taxing entities. The attached documentation provides the description and recent tax and appraisal district value for the property.

<u>Please present the enclosed Resolution to your jurisdiction at the next available meeting for consideration. Once a decision has been made by your governing body, please send a copy of the meeting minutes with your decision to this office. Also, please send back the signed Resolution if the sale has been approved.</u>

Sincerely,

John Ramsey

JR:kb
attachment

Debbie López-Carr & Associates, P.L.L.C.

DEBBIE LÓPEZ-CARR **ATTORNEY AT LAW**

200 North Travis, Suite 406
Sherman, Texas 75090

Phone: (903) 771-0030; Fax: 469.574.5105
E-mail: ourgoodlawyer@gmail.com

December 11, 2009

Mr. John Ramsey
Tax Assessor Collector
100 West Houston, Ste. 11
Sherman, 75090

Re: *Lots 38 and E 9 ½' of Lot 37 and A 50'x 137' tract in G B Pilant Survey*

Dear Mr. Ramsey:

This office has been retained to assist in the purchase of the following lots. Our client, Community Baptist Church, is interested in purchasing the following properties that were not sold at the Sheriff's sale of Tuesday, December 1, 2009:

1) Suit number: 07-3231;
Acct. #: SO42-200309 Tract 1 R163814
Legal Description: All of Lots 38 and E 9 ½' of Lot 37,Blk A, Balfour & Mayrant's Addn
Owner: JS HAMILTON
Property Location: 707 E. Jones, Sherman
School District: Sherman
Adjudged Value: $2,180.00
Minimum Bid: $2, 180.00
Tax Attorney Firm: Linebarger, Goggan, Blair & Sampson

2) Suit number: 07-3231;
Acct. #: SO42-0963220 Tract 2 R163785 SO42-2003015 R163819
Legal Description: A 50'x 137' tract in G B Pilant Survey, Abstract #963
Owner: JS HAMILTON
Property Location: 706 E. Jones, Sherman
School District: Sherman
Adjudged Value: $2,160.00
Minimum Bid: $2, 160.00
Tax Attorney Firm: Linebarger, Goggan, Blair & Sampson

We submit an offer of $900.00 (nine hundred dollars) per lot, totaling $1,800 (One thousand eight hundred dollars), to be purchased by Community Baptist Church. The name on the Deed will be Community Baptist Church, 300 South Maxey, Sherman, Texas 75090.

If you have any questions, please do not hesitate to contact us at 903.771.0030.

Respectfully submitted,

Debbie López-Carr & Associates, P.L.L.C.
Debbie López-Carr
Attorney at Law
State Bar No. 00789207
200 North Travis, Suite 406
Sherman, Texas 75090
Phone: 903.771.0030
Facsimile: 469.574.5105
E-mail: ourgoodlawyer.com

S042-2003009 Real

Appraisal Collections

Bills | Prop Fees | PrePayments | Summary | General | Ownership | Exemptions | Assessments | >>

R163814 Legal BALFOUR & MAYRANTS ADDN, BLOCK A, LOT 38 & E 9 1/2 OF 37 Owner HAMILTON J S ESTATE(0265122) Situs 707 E JONES SHERMAN

Tax Year 2009
As Of Page Not Versioned

Bill Summary

Payment Plan Edit Detail

Effective Date 12/03/2009

Exception Codes

Display Filters

Balances

View Transactions

Bill	Levy	P & I	Atty Fees	Disc/Credits	Amt Paid	Balance
2009	53.06	0.00	0.00	0.00	0.00	53.06
2008	53.09	12.20	9.79	0.00	0.00	75.08
2007	52.33	18.31	10.61	0.00	0.00	81.25
2006	58.18	27.35	12.82	0.00	0.00	98.35
2005	59.09	34.87	14.10	0.00	0.00	108.06
2004	58.96	41.85	15.12	0.00	0.00	115.93
2003	59.01	48.98	16.20	0.00	0.00	124.19
2002	58.88	55.94	17.21	0.00	0.00	132.03
2001	58.19	62.26	18.08	0.00	0.00	138.53
2000	57.38	68.29	18.84	0.00	0.00	144.51
1999	58.03	76.02	20.11	0.00	0.00	154.16
1998	58.36	83.46	21.28	0.00	0.00	163.10
1997	57.35	88.89	21.92	0.00	0.00	168.16
1996	54.69	91.33	21.90	0.00	0.00	167.92
1995	57.51	102.96	24.08	0.00	0.00	184.55
1994	363.61	694.49	158.71	0.00	0.00	1,216.81
1993	343.06	696.43	155.92	0.00	0.00	1,195.41
1992	337.79	726.24	159.61	0.00	0.00	1,223.64
1991	308.11	699.40	151.13	0.00	0.00	1,158.64
1990	273.23	653.00	138.93	0.00	0.00	1,065.16
1989	255.50	641.31	134.52	0.00	0.00	1,031.33
1988	240.63	632.85	131.03	0.00	0.00	1,004.51
1987	9.33	25.66	5.25	0.00	0.00	40.24
1986	27.05	77.64	15.70	0.00	0.00	120.39
1985	21.55	64.44	12.90	0.00	0.00	98.89
Totals	3,033.97	5,724.17	1,305.76	0.00	0.00	10,063.90

Summary

R163814 Legal BALFOUR & MAYRANTS ADDN, BLOCK A, LOT 38 & E 9 1/2 OF 37

Owner HAMILTON J S ESTATE(O265122) Situs 707 E JONES SHERMAN

Tax Year 2009 As Of 11/05/2009

General Information

Prev Next

NBHD
Total Acres N/A
Exemptions
Map ID

Print Appraisal Card

Property Value

Value Method	N/A
Land Value	N/A
Building Value	N/A
Final Value	N/A

Assessment Values

Improvement HS	$0
Improvement NHS	$0
Land HS	$0
Land NHS	$2,180
HS Cap Adjust	$0
Ag Market	$0
Ag Use	$0
Timber Market	$0
Timber Use	$0
Late Ag Loss	$0
Total Market	$2,180
Total Assessed	$2,180

Mailing Address

Owner **HAMILTON J S ESTATE**
Address **470 JUSTICE DR**
CEDAR HILL, TX 75104

Taxing Units

CSH,GRA,JRC,SSH

SSH	**Sherman School**
CSH	**Sherman City**
JRC	**Grayson College**
GRA	**Grayson County**

Images

No Images Exist

Legacy ID R163814

S042-0963220 Real

Appraisal Collections

Bills | Prop Fees | PrePayments | Summary | General | Ownership | Exemptions | Assessments | Appraisal

R163785 Legal G-0963 PILANT G B A-G0963, 50.3X125 50.3X125

Owner HAMILTON J S ESTATE(0265122)

Situs 706 E JONES SHERMAN

Tax Year 2009

As Of Page Not Versioned

Bill Summary — Payment Plan | Edit Detail

Effective Date 12/03/2009

Exception Codes

Display Filters

Balances — View Transactions

Bill	Levy	P & I	Atty Fees	Disc/Credits	Amt Paid	Balance
2009	50.88	0.00	0.00	0.00	0.00	50.88
2008	50.91	11.71	9.38	0.00	0.00	72.00
2007	50.18	17.56	10.15	0.00	0.00	77.89
2006	55.77	26.22	12.29	0.00	0.00	94.28
2005	56.66	33.42	13.52	0.00	0.00	103.60
2004	56.53	40.14	14.49	0.00	0.00	111.16
2003	56.58	46.97	15.54	0.00	0.00	119.09
2002	56.45	53.63	16.50	0.00	0.00	126.58
2001	55.79	59.68	17.34	0.00	0.00	132.81
2000	163.37	194.41	53.66	0.00	0.00	411.44
1999	165.23	216.48	57.26	0.00	0.00	438.97
1998	139.55	199.55	50.86	0.00	0.00	389.96
1997	137.13	212.56	52.46	0.00	0.00	402.15
1996	130.78	218.40	52.38	0.00	0.00	401.56
1995	137.52	246.17	57.56	0.00	0.00	441.25
1994	134.19	256.30	58.57	0.00	0.00	449.06
1993	126.49	256.78	57.49	0.00	0.00	440.76
1992	125.28	269.34	59.19	0.00	0.00	453.81
1991	114.27	259.41	56.06	0.00	0.00	429.74
1990	101.33	242.17	51.52	0.00	0.00	395.02
1989	94.76	237.84	49.89	0.00	0.00	382.49
1988	89.24	234.70	48.59	0.00	0.00	372.53
1987	16.18	44.50	9.10	0.00	0.00	69.78
1986	33.47	96.06	19.42	0.00	0.00	148.95
1985	28.09	84.00	16.81	0.00	0.00	128.90
Totals	2,226.63	3,558.00	860.03	0.00	0.00	6,644.66

Summary

R163785 Legal G-0963 PILANT G B A-G0963, 50.3X125 50.3X125

Owner HAMILTON J S ESTATE(O265122) Situs 706 E JONES SHERMAN

Tax Year 2009 As Of 11/05/2009

General Information

Prev Next

NBHD	
Total Acres	N/A
Exemptions	
Map ID	

Print Appraisal Card

Property Value

Value Method	N/A
Land Value	N/A
Building Value	N/A
Final Value	N/A

Assessment Values

Improvement HS	$0
Improvement NHS	$0
Land HS	$0
Land NHS	$2,090
HS Cap Adjust	$0
Ag Market	$0
Ag Use	$0
Timber Market	$0
Timber Use	$0
Late Ag Loss	$0
Total Market	$2,090
Total Assessed	$2,090

Mailing Address

Owner **HAMILTON J S ESTATE**
Address **470 JUSTICE DR**
CEDAR HILL, TX 75104

Taxing Units

CSH,GRA,JRC,SSH

SSH	**Sherman School**
CSH	**Sherman City**
JRC	**Grayson College**
GRA	**Grayson County**

Images

No Images Exist

Legacy ID R163785

D S042-2003015 Real — Appraisal Collections

Bills

R163819 Legal: BALFOUR & MAYRANTS ADDN, BLOCK B, LOT N PT 25 & 26 Owner HAMILTON J S ESTATE(O265122) Situs Tax Year 2009 As Of Page Not Versioned

Bill Summary — Payment Plan Edit Detail

Effective Date 12/03/2009 Exception Codes Display Filters

Balances — View Transactions

Bill	Levy	P & I	Atty Fees	Disc/Credits	Amt Paid	Balance
2009	1.70	0.00	0.00	0.00	0.00	1.70
2008	1.71	0.38	0.32	0.00	0.00	2.41
2007	1.69	0.58	0.35	0.00	0.00	2.62
2006	1.86	0.88	0.41	0.00	0.00	3.15
2005	1.90	1.12	0.45	0.00	0.00	3.47
2004	1.89	1.35	0.48	0.00	0.00	3.72
2003	1.89	1.57	0.52	0.00	0.00	3.98
2002	1.89	1.80	0.55	0.00	0.00	4.24
2001	1.87	2.00	0.59	0.00	0.00	4.46
2000	1.83	2.17	0.60	0.00	0.00	4.60
1999	1.86	2.42	0.65	0.00	0.00	4.93
1998	1.87	2.68	0.68	0.00	0.00	5.23
1997	1.84	2.83	0.71	0.00	0.00	5.38
1996	1.76	2.93	0.71	0.00	0.00	5.40
1995	1.85	3.30	0.77	0.00	0.00	5.92
1994	1.80	3.43	0.78	0.00	0.00	6.01
1993	1.70	3.44	0.77	0.00	0.00	5.91
1992	1.66	3.57	0.78	0.00	0.00	6.01
1991	1.53	3.48	0.75	0.00	0.00	5.76
1990	1.35	3.23	0.68	0.00	0.00	5.26
1989	1.27	3.18	0.66	0.00	0.00	5.11
1988	1.19	3.13	0.65	0.00	0.00	4.97
1987	1.31	3.60	0.72	0.00	0.00	5.63
1986	1.33	0.00	0.00	1.33	0.00	0.00
1985	0.98	0.00	0.00	0.98	0.00	0.00
1984	0.97	0.00	0.00	0.97	0.00	0.00
Totals	42.50	53.07	13.58	3.28	0.00	105.87

Summary

R163819 Legal BALFOUR & MAYRANTS ADDN, BLOCK B, LOT N PT 25 & 26 Owner HAMILTON J S ESTATE(O265122) Situs Tax Year 2009 As Of 11/05/2009

General Information Prev Next

NBHD
Total Acres N/A
Exemptions
Map ID

Print Appraisal Card

Property Value

Value Method	N/A
Land Value	N/A
Building Value	N/A
Final Value	N/A

Assessment Values

Improvement HS	$0
Improvement NHS	$0
Land HS	$0
Land NHS	$70
HS Cap Adjust	$0
Ag Market	$0
Ag Use	$0
Timber Market	$0
Timber Use	$0
Late Ag Loss	$0
Total Market	$70
Total Assessed	$70

Mailing Address

Owner **HAMILTON J S ESTATE**
Address **470 JUSTICE DR**
CEDAR HILL, TX 75104

Taxing Units CSH,GRA,JRC,SSH

SSH	Sherman School
CSH	Sherman City
JRC	Grayson College
GRA	Grayson County

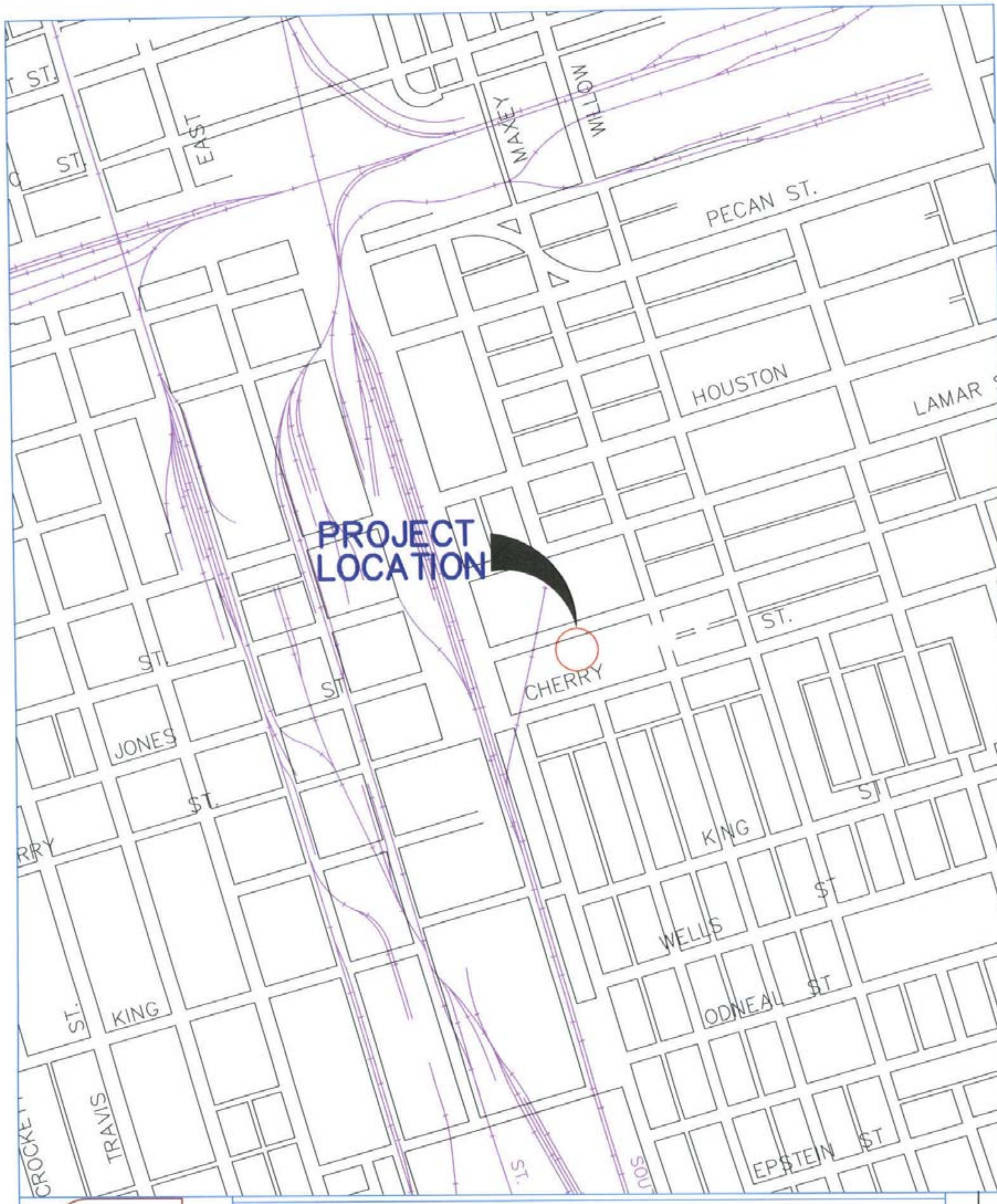
Images

No Images Exist

Legacy ID R163819

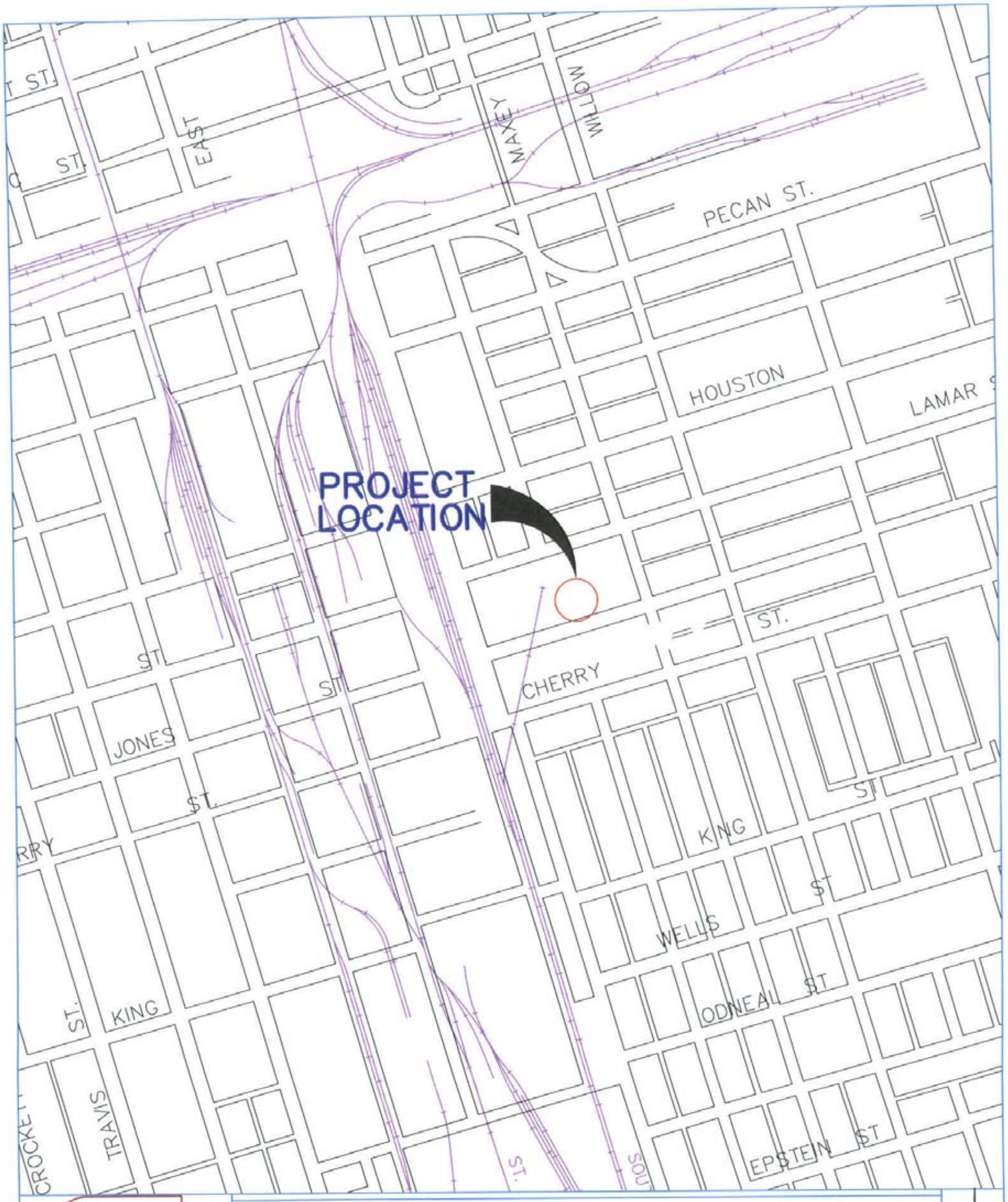
706 E Jones

707 E Jones



Location Map
706 EAST JONES

City of Sherman, Texas



Location Map
707 EAST JONES

City of Sherman, Texas

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. D.1

**** REQUEST TO ADVERTISE***
Stephens #2 Trinity Well Evaluation

Issue
Evaluate the condition of the Stephens #2 Trinity Well to determine the feasibility of repairs

Background
The Stephens #2 Trinity Well is performing poorly. The well equipment requires removal to evaluate the well and determine whether to repair or abandon the well. A separate contract will be let to repair the well if repair is warranted.

Origination
Utility Administration

Financial Consideration
Adequate funding is available in the Water Production repair budget.

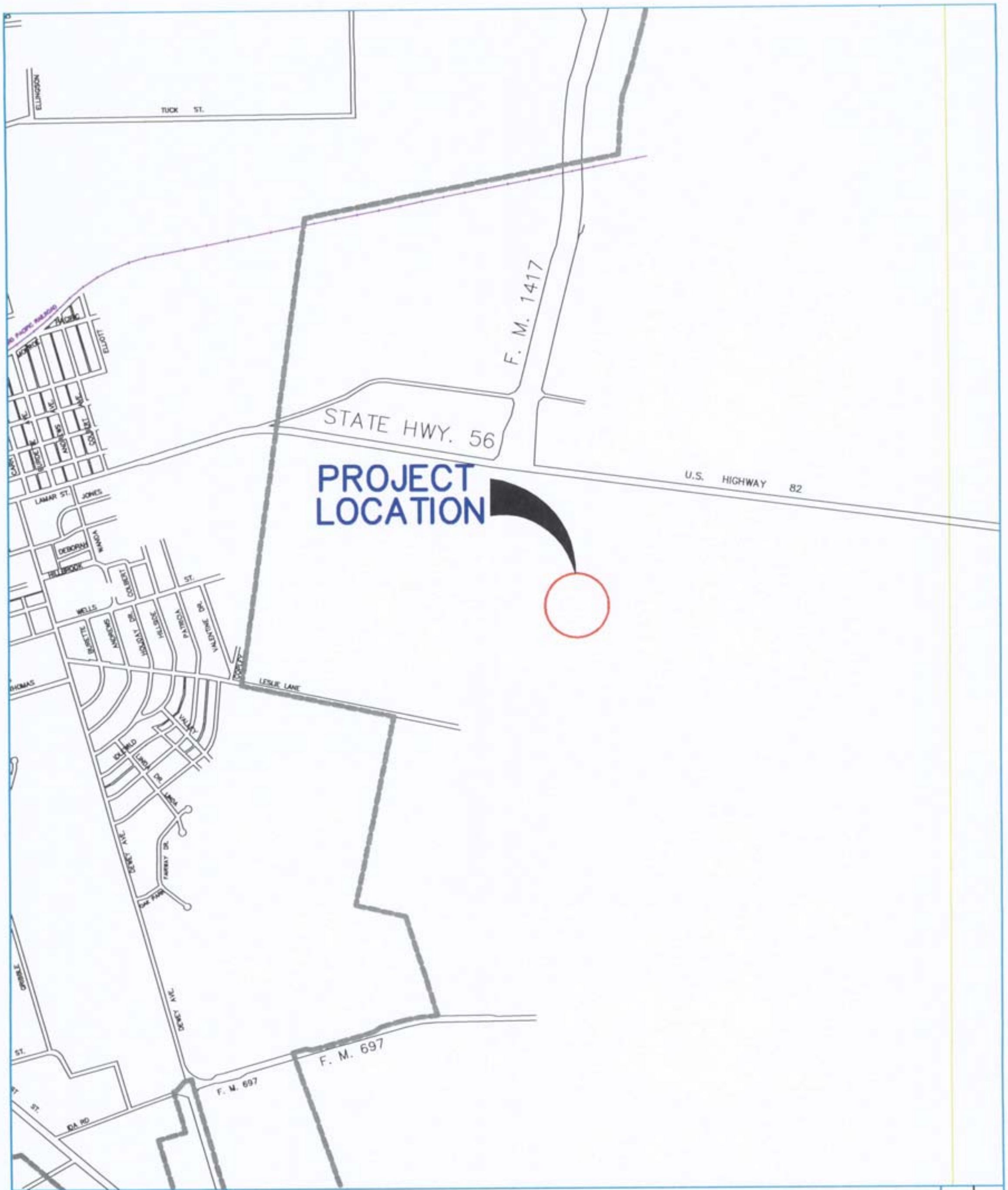
Staff Recommendation
It is recommended that the evaluation of the well be advertised.

Alternatives
As may be directed by the City Council

Attachments
Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager



Location Map
Stephens #2 Trinity Well Evaluation

City of Sherman, Texas

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. D.2

OTHER BUSINESS
Receive Police Department's Presentation on the Purchase of an Online Crime Mapping Program

Issue
The Sherman Police Department is committed to using the best available technology to engage the public and keep them informed about crime trends in the community. With the focus of our mission being the enforcement of law and the prevention of crime, we've partnered with a web-based crime mapping source, CrimeReports.com, to provide near real time crime information for our community.

Background
CrimeReports.com is an online resource for accurate, up-to-date crime mapping information. This service provides easy-to-use software tools for law enforcement agencies to illustrate crime trends and share current neighborhood crime data with the public. Our community will be able to access the integrated crime map and receive email crime alerts for free at www.crimereports.com, assisting them in making informed decisions to help improve the safety of their neighborhood and our community in general.

Origination
Sherman Police Department

Financial Consideration
The cost of this service is $1,200.00/year. The first year of the service is being funded from local grants provided by two large local retailers.

Council Action Requested
This presentation is for informational purposes only; and the Council need take no action on this agenda item.

Attachments
None

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. D.3

CITIZEN REQUESTS

The Honorable Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. D.4

MEDIA QUESTIONS

The Honorable Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. D.5

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
a) Airport Advisory Board (2)

Issue
There are two vacancies on the Airport Advisory Board. We currently have one application from Benjamin Bond.

Background
The Airport Advisory Board makes recommendations to the City Council on changes in current fees; charges for T-hanger rentals and related airport services; and rules, regulations and operations for the Sherman Municipal Airport.

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

Financial Consideration
There is no financial consideration.

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

Alternatives
The alternative is to delay the appointment.

Attachments
A roster, fact sheet, applicant list, and application are attached for examination.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

AIRPORT ADVISORY BOARD — **LENGTH OF TERMS: TWO YEARS**

Ord. 3729 Consecutive Term Limit Two Terms effective 3/26/84

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Vacant					
Donald Makinson	4	A 2/21/2007 R 2/21/2009	2/21/2009 2/21/2011	1 2	
Luke Motley IV	1	A 2/21/2007 R 2/21/2009	2/21/2009 2/21/2011	1 2	
Vacant					
Joshua Gurski	4	A 8/4/2009	8/4/2011	1	
Carlos E. Rivas	2	A 8/5/2008	8/5/2010	1	
Doug Millsap	3	A 7/17/2007 R 7/17/2009	7/17/2009 7/17/2011	1 2	Pilot's License

NOTE: Ord. 3729 Section 4-14(a) Not more than (3) members shall be elected from among those who hold a "current private pilots license,"

11/14/2002 – Determination by City Attorney:

Based on the language contained in Section 1 of Ordinance 3729 referring to Section 4-14(a) of the Code of Ordinances, mere possession of a pilots license does not make an individual a pilot. The ordinance requires a "current" pilots license, which means that every two years an individual must take and pass a bi-annual flight review and have that fact noted in the pilots log book. Therefore, the Board may consist of as many individuals as desired holding non-current pilots licenses.

Note:

Chairman –

CITY STAFF: Jeff Miller, Director of Public Services
Revised 8/4/2009

FACT SHEET

AIRPORT ADVISORY BOARD

Established by ORDINANCE 3729 - MARCH 26, 1984

1. Number of Members SEVEN

2. Term of Appointment TWO YEARS

3. Consecutive Term Rule ORDINANCE 3729 - TERM LIMIT - MAXIMUM OF TWO SUCCESSIVE TERMS

4. Qualifications for Membership NOT MORE THAN THREE MEMBERS TO BE SELECTED FROM THOSE WHO HOLD A CURRENT PRIVATE PILOTS LICENSE (SEE ORDINANCE SECTION 4-14(a)

5. Appointed by CITY COUNCIL

6. Board Organization

   CHAIRPERSON _E_ VICE CHAIRPERSON __ SECRETARY _E_

   ELECTED _E_ APPOINTED ___

7. Departmental Responsibility CITY MANAGER'S OFFICE

8. Meeting Date NO SET DATE - MEET AS CALLED BY CHAIRMAN

9. Attendance Requirements NO RULE

==

PURPOSE:
It shall provide such other airport advisory functions as may be directed by the City Council.

RESPONSIBILITIES:
This committee shall advise City Council as to recommend changes in current fees and charges for airport T-hanger rentals and related airport services, in airport rules, regulations and operations of Sherman Municipal Airport.

APPLICANT LIST
AIRPORT ADVISORY BOARD

Positions Vacant __2____

Applicant	Address	District	Qualifications
Benjamin Bond	2016 Oak Creek Circle	1	Engineer; Alcatel - Lucent

COMMENTS:

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

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

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

Name: Benjamin W. Bond (Ben)
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Airport Advisory Board

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

Personal Information

Home Address: 2016 Oak Creek Circle
Mailing Address: same Sherman, TX
Telephone: 214 708 7608 Fax:
E-Mail: bnbbond@gmail.com
Sherman Resident for 31 years County: Grayson
Drivers License No.: 14338618
*Voter Registration No.: 1025184681 ✓

Occupational Information

Business Name: Alcatel-Lucent
Occupation: Engineer
Address: 3400 W Plano Pkwy Plano, TX
Telephone: 9724770178 Fax:
E-Mail:

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

Prior work experience: *(please include dates)*
Intern - Fujitsu Ntw Comm. - 1998 - 2000
Texas Inst. - Engineer - Dallas, TX - 2002-2007
Alcatel-Lucent - Engineer - Plano, TX - 2007 - Present

Educational Achievement:
High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1996 (SHS)
Business College, Correspondence School, Adult Education, Other?
Name of College/University: Univ TX at Dallas ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: *(please include dates)*

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

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

Taxes - No

Application held for 12 months from date received

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

If so, which one? ______

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)?*
Interested in Aviation. Airplanes/Helicopters are fascinating. Feel this could allow me to gain more knowledge of the workings of an airport and what it takes to keep one going, & enhance the facilities

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) Support for enhancing the facilities of the airport to bring in more traffic/revenue.
Maybe some sort of open house/air show to get airport on peoples minds
2) Grid locked. The airport has limited space to grow/expand. Will need to optimize all that is currently available.

3) ______

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

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:

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No
Comments: I know Bobby Munn & Josh Gurski. Bobby wanted to know if I was interested

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:* 10/21/09

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:** 12-21-2009

Subject: Agenda Item No. D.6

COUNCIL COMMENTS

The Honorable Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

Section 551.074 **Personnel Matters:**

- **(a)** **Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:**
  - **(i)** **Greater Texoma Utility Authority Board (2)**

Section 551.087 **Deliberations 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)** **Project Frontier**

The Honorable Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

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 Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Joe N. Smith, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-21-2009

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2009
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	**5**	6	7	8	9	10
11	12	13	14	15	16	17
18	**19**	20	21	22	23	24
25	~~**26**~~	27	28	29	30	31

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	**2**	3	4	5	6	7
8	9	10	**11**	12	13	14
15	**16**	17	**18**	19	20	21
22	23	24	**25**	26	27	28

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	**2**	3	4	5	6	7
8	9	10	11	12	13	14
15	**16**	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	**6**	7	8	9	10	11
12	13	14	15	16	17	18
19	**20**	21	22	23	24	25
26	27	28	**29**	30		

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	**4**	5	6	7	8	9
10	11	12	13	14	15	16
17	**18**	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	**15**	16	17	**18**	19	20
21	22	23	24	25	26	27
28	29	30				

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	**6**	7	8	9	10	11
12	13	14	15	16	17	18
19	**20**	21	22	23	24	25
26	27	28	29	30	31	

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	**3**	4	5	6	7	8
9	10	11	12	13	14	15
16	**17**	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	**7**	**8**	9	10	11	12
13	14	15	16	**17**	18	19
20	**21**	22	23	24	25	26
27	28	29	30			

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	**5**	6	7	8	9	10
11	12	13	14	15	16	17
18	**19**	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	**2**	3	4	5	6	7
8	9	10	11	12	13	14
15	**16**	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	**7**	8	9	10	11	12
13	14	15	16	17	18	19
20	**21**	22	23	24	25	26
27	28	29	30	31		

01/19/09 - M.L.K., Jr. Birthday / Regular Council Meeting
~~01/26/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan~~
02/11/09 - 12 Noon Called Meeting to Interview City Attorney Candidates
02/16/09 - Washington's Birthday / Regular Council Meeting
02/18/09 - 1PM Called Meeting to Interview City Attorney Candidates
02/25/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan
~~03/06/09 - Proposed 12 Noon Called Meeting with Chamber Board~~
04/29/09 - 12 Noon Budget Planning Meeting in Council Chambers
~~05/09/09 - City Council Election~~
~~05/12/09 - 12 Noon Called Meeting to Canvass Election Results~~

~~06/17-18/09 - Budget Workshop in Council Chambers~~
06/18/09 - Budget Workshop/Long Range Planning Workshop in Council Chambers
~~06/19/09 - Long-Range Planning Workshop~~
09/07/09 - Labor Day / Called Council Meeting on 09/08/09
09/17/09 - 12 Noon Joint Meeting with SEDCO Board

2010
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	**4**	5	6	7	8	9
10	11	12	13	14	15	16
17	**18**	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	**15**	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	**15**	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	**5**	6	7	8	9	10
11	12	13	14	15	16	17
18	**19**	20	21	22	23	24
25	26	27	28	29	30	

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	**3**	4	5	6	7	8
9	10	11	12	13	14	15
16	**17**	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	**7**	8	9	10	11	12
13	14	15	16	17	18	19
20	**21**	22	23	24	25	26
27	28	29	30			

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	**5**	**6**	7	8	9	10
11	12	13	14	15	16	17
18	**19**	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	**2**	3	4	5	6	7
8	9	10	11	12	13	14
15	**16**	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	**6**	**7**	8	9	10	11
12	13	14	15	16	17	18
19	**20**	21	22	23	24	25
26	27	28	29	30		

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	**4**	5	6	7	8	9
10	11	12	13	14	15	16
17	**18**	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	**15**	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	**6**	7	8	9	10	11
12	13	14	15	16	17	18
19	**20**	21	22	23	24	25
26	27	28	29	30	31	

01/04/10 - January 4th Council meeting cancelled - holiday schedules
01/18/10 - M.L.K., Jr. Birthday / Regular Council Meeting
02/15/10 - Washington's Birthday / Regular Council Meeting
07/05/10 - Independence Day - Called Council Meeting on 07/06/10
09/06/10 - Labor Day / Called Council Meeting on 09/07/10