

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JUNE 20, 2011
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 JOE N. SMITH](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 6, 2011](#)

Proclamation

- A.5 [PROCLAMATION](#)
Recognizing Charles H. Brown, Sr. for his service on the Civil Service Commission

Public Hearing

- B.1 [PUBLIC HEARING](#)
Final Statement/Action Plan for Program Year 2011 Community Development Block Grant
- B.2 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5701](#)
Amending Chapter 1 of the Code of Ordinances, entitled "General Provisions", at Article 1.09, entitled "Emergency Management", to Provide for a New Division 3 to be entitled "Emergency Service Fee"; Providing for the Execution of Contracts with Service Providers
- B.3 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5702](#)
Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Amend the Number of Authorized Positions in the Fire Department

Close Public Hearing and Consider Adoption of Ordinances

- B.4 [ADOPTION OF ORDINANCES](#)
Consider Adoption of Ordinance Numbers:
 - (a) 5701
 - (b) 5702

B.5 [CONSENT AGENDA](#)

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

Resolutions

C.1 [* RESOLUTION NO. 5580](#)

Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Fiscal Year 2011; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Fiscal Year 2011

C.2 [* RESOLUTION NO. 5581](#)

Authorizing the Expenditure of Three Thousand Dollars (\$3,000.00) in Matching Funds to the Texoma Council of Governments for Transportation Planning

D.1 [CITIZEN REQUESTS](#)

D.2 [MEDIA QUESTIONS](#)

Consider Board/Commission Appointments

D.3 [APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS](#)

(a) Red River Groundwater Conservation District Board of Directors (1)

D.4 [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 and Removal of Members to Boards and Commissions:

(i) Planning and Zoning Commission (3)

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: 6-20-2011

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Joe N. Smith, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER JOE N. SMITH



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF JUNE 6, 2011

STATE OF TEXAS

§

June 6, 2011

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on June 6, 2011.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR WILLIE STEELE.
COUNCIL MEMBERS SOFTLY, WACKER.

MEMBERS ABSENT: COUNCIL MEMBERS ADAMI, HOWETH, SMITH.

CALL TO ORDER

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

CALL TO ORDER

WELCOME TO INTERN

Mayor Magers welcomed Alex Clark, an intern that will be working this summer with Don Keene, Executive Director of Planning and Public Works. He will be working on special projects.

WELCOME TO
INTERN

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of May 16, 2011. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5699 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 THE EAST AND WEST SIDES OF THE 600 BLOCK OF NORTH PORTER STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY.

ORD 5699
NO PARKING SIGNS
(N. PORTER STREET)

No citizens appeared before the City Council to discuss Ordinance 5699.

Mayor Magers introduced Ordinance 5700 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A MARRIOTT COURTYARD HOTEL IN A C-1 (RETAIL BUSINESS) DISTRICT / O-1 (75 & 82) OVERLAY DISTRICT AT 4344 LOY LAKE ROAD, BEING LOT 2, BLOCK 1, AMERISTATE PLAZA (AMERISTATE BANK,

ORD 5700
SUP FOR HOTEL
(4344 Loy Lake Rd)

OWNER; SHER-DEN HOSPITALITY, LLC, RAJ PATEL, PROSPECTIVE BUYER; RICHARD HUMISTON, ARCHITECT; AND DIRK THIBODAUX, GRAY ROCK CONSULTING, LANDSCAPE ARCHITECT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

No citizens appeared before the City Council to discuss Ordinance 5700.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5699

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG THE EAST AND WEST SIDES OF THE 600 BLOCK OF NORTH PORTER STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY.

ORD 5699

**NO PARKING SIGNS
(N. PORTER STREET)**

Ordinance 5700

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A MARRIOTT COURTYARD HOTEL IN A C-1 (RETAIL BUSINESS) DISTRICT / O-1 (75 & 82) OVERLAY DISTRICT AT 4344 LOY LAKE ROAD, BEING LOT 2, BLOCK 1, AMERISTATE PLAZA (AMERISTATE BANK, OWNER; SHER-DEN HOSPITALITY, LLC, RAJ PATEL, PROSPECTIVE BUYER; RICHARD HUMISTON, ARCHITECT; AND DIRK THIBODAUX, GRAY ROCK CONSULTING, LANDSCAPE ARCHITECT); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5700

**SUP FOR HOTEL
(4344 Loy Lake Rd)**

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance Nos. 5699 and 5700, as presented. Second by Council Member Softly.

VOTING AYE: Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5578 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH R.K. HALL CONSTRUCTION LTD. FOR THE TRAVIS STREET HMAC MILL AND OVERLAY PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH R.K. HALL CONSTRUCTION LTD. FOR THE TRAVIS STREET HMAC MILL AND OVERLAY PROJECT.
CONSENT AGENDA.

RES 5578
TRAVIS STREET
MILL & OVERLAY

RESOLUTION NO. 5579 – AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING THE PAYMENT OF TEN CENTS (\$0.10) PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY LLC

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

RES 5579
ONCOR STEERING
COMMITTEE

OTHER BUSINESS

CONSIDER DECLARING A MORATORIUM ON BILLBOARDS IN THE CITY OF SHERMAN; CONSIDER THE APPOINTMENT OF AN ADVISORY COMMITTEE TO REVIEW THE BILLBOARD PROVISIONS OF THE GENERAL ZONING ORDINANCE

Mayor Magers said he asked that an item be placed on the City Council Agenda to consider declaring a moratorium on billboards in Sherman.

MORATORIUM ON
BILLBOARDS

He said he planned to appoint Deputy Mayor Willie Steele, Planning and Zoning Commission Chairman Lawrence Davis, and Planning and Zoning Commission Member David Plyler to a committee to review the current billboard ordinance. At the last Council Meeting there was an item concerning a billboard that could potentially be digital.

He felt there were valid points discussed and the current ordinance was originally designed for non-digitized billboards. He said he would like to have a report from the committee back to the City Council within 90 days. This 90 day deadline should also include presentation to the Planning and Zoning Commission.

Mayor Magers said Scott Shadden, Director of Development Services, indicated there was someone in the industry that he felt would be good to help the committee with the

technical aspects of the issue. That person will be used as a reference for the committee.

Deputy Mayor Steele asked if the study could be expanded to include all signs. Mayor Magers did not feel that the moratorium should apply to all signs. Deputy Mayor Steele agreed saying not to shut all signs down, but to study all signs.

George Olson, City Manager, clarified that the moratorium would only be on billboards, but the committee could study all signs if they wanted too.

Mayor Magers felt it was most important for the committee to focus on the billboards, but there are other aspects that they might want to review. He wanted to limit the moratorium to only include billboards.

Council Member Wacker said she would like to see billboards be the main focus at the present time. She said additional design issues might require a separate study.

Council Member Softly agreed that a moratorium and study on billboards was fine.

ACTION TAKEN.

Motion by Council Member Wacker to declare a moratorium on billboards in the City of Sherman until the proposed study is completed, with a target date of no longer than 90 days, as presented. Second by Council Member Softly.

VOTING AYE: Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

Mayor Magers reiterated that the committee appointed to study the issue would be Deputy Mayor Willie Steele, Planning and Zoning Commission Chairman Lawrence Davis, and Planning and Zoning Commission Member David Plyler. The committee will make recommendations to the Planning and Zoning Commission and the issue will then be presented to the City Council.

CONSIDER CALLING A SPECIAL MEETING OF THE CITY COUNCIL FOR TUESDAY, JULY 5, 2011, DUE TO CONFLICT WITH A FEDERAL HOLIDAY

Mayor Magers asked if there were any "pressing issues" scheduled for the first Council Meeting in July 2011. Mr. Olson said at the moment, there are no pressing issues scheduled for that meeting. Mr. Shadden also verified that there are no pressing Planning and Zoning items either.

**SET CALLED
CITY COUNCIL
MEETING**

Mayor Magers told the City Council they could cancel the meeting, reschedule the meeting with the understanding that if there is no pressing business the meeting will be canceled, or the meeting can be canceled and put back on the agenda if needed at a later date.

Mayor Magers said he would be out of town and would not be able to attend the meeting. Council Member Wacker verified that the Planning and Zoning items would be on the second Council Meeting in July 2011.

Council Members canceled the meeting that would have been held on July 4, 2011.

CITIZENS REQUESTS

There were no citizens requests.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

HOT SUMMER NIGHTS

Council Member Wacker thanked the staff for a great opening to Hot Summer Nights.

HOT SUMMER NIGHTS

Council Member Softly agreed it was a great opening for Hot Summer Nights and told everyone to prepare for a long hot summer.

WASHINGTON STREET IMPROVEMENTS

Mayor Magers recognized Mr. Keene and the great job that he did on the Washington Street project. He urged everyone not to let the smooth street cause them to drive too fast.

AUSTIN COLLEGE IDEA CENTER

Mayor Magers congratulated Austin College on their IDEA Center. They recently broke ground on the \$28 million project. He said it had been many years in the making but would be great for the campus and for the citizens of Sherman.

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
CONSIDER THE
QUALIFICATIONS, APPOINTMENT
AND REMOVAL OF MEMBERS TO
BOARDS AND COMMISSIONS:

CITIZENS REQUESTS

MEDIA QUESTIONS

HOT SUMMER NIGHTS

HOT SUMMER NIGHTS

WASHINGTON STREET IMPROVEMENTS

AUSTIN COLLEGE IDEA CENTER

EXECUTIVE SESSION

PLANNING AND ZONING
COMMISSION (3)

HOUSING AUTHORITY BOARD (2)

CIVIL SERVICE COMMISSION (2)

Council Members decided that no Executive Session was needed to discuss the Board appointments.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS:
PLANNING AND ZONING COMMISSION (3)
HOUSING AUTHORITY BOARD (2)
CIVIL SERVICE COMMISSION (2)

PLANNING &
ZONING
COMMISSION
HOUSING AUTHORITY
BOARD
CIVIL SERVICE
COMMISSION

ACTION TAKEN.

Motion by Council Member Wacker to reappoint Darren Tankersley to the Planning and Zoning Commission for a term from June 10, 2011 to June 10, 2014; to reappoint Barbara Williams and Beth Williams to the Housing Authority Board for a term from June 1, 2011 to June 1, 2013; and to reappoint James Lough and to appoint Keith Carlisle to the Civil Service Commission for a term from June 7, 2011 to June 7, 2014. Second by Council Member Softly.

VOTING AYE: Softly, Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:12 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. A.5

PROCLAMATION

Recognizing Charles H. Brown, Sr. for his service on the Civil Service Commission

Issue

To present a proclamation recognizing Charles H. Brown, Sr. for his service on the Civil Service Commission

Background

Mr. Brown has served on the Civil Service Commission from May 29, 2002 through May 29, 2011. He served as chairman of the Commission from January 2005 through January 2009. Service on the Civil Service Commission is limited to three terms of three years. Mr. Brown has served the total terms allowed on the Commission.

Origination

The request for the proclamation originated with Wayne Blackwell, Civil Service Administrator.

Financial Consideration

There is no financial consideration to the City.

Alternatives

The Council could choose not to present the proclamation.

Attachments

A proclamation recognizing Charles H. Brown, Sr. is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN



Proclamation

WHEREAS, Charles H. Brown, Sr. has served the citizens of Sherman for many years through his service on the City's Civil Service Commission, and

WHEREAS, the Civil Service Commission is an independent body that meets to review and interpret the State Civil Service into as it relates to the local Police and Fire Departments, and

WHEREAS, Mr. Brown was originally appointed to the Civil Service Commission on May 20, 2002 and has served continuously through May 20, 2011, and

WHEREAS, Mr. Brown has served as chairman of the Civil Service Commission from January 2005 through January 2009, and

WHEREAS, Mr. Brown has been an asset to the Civil Service Commission through his concern for the police officers, firefighters, and the City and through his rational and prudent decisions.

NOW THEREFORE, I, Bill Rogers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby recognize

CHARLES H. BROWN, SR.

for his service on the Sherman Civil Service Commission and for his dedication and reasoning of issues that come before that astute board.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 20th day of June, 2011.

Mayor

ATTEST:

Scinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. B.1

PUBLIC HEARING
Final Statement/Action Plan for
Program Year 2011 Community Development Block Grant

Issue

Approval of the Fiscal Year (FY) 2011 Community Development Block Grant Final Statement/Action Plan

Background

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). We are required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low to moderate income citizens. This Action Plan is based on a five (5) year Consolidated Plan & Strategy developed by City staff and approved by the Sherman City Council. It serves as the City's long term planning tool to address the identified needs of affordable housing, public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman. Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows: FY 2006 - \$333,097; FY 2007 - \$332,014; FY 2008 - \$321,189; FY 2009 - \$324,495; and FY 2010 - \$351,141.

Origination

Theresa Caudle, Neighborhood Services

Financial Consideration

The City of Sherman has been allocated \$293,001 in Community Development Block Grant funds from the U.S. Department of Housing and Urban Development to address our various community development needs for low to moderate income citizens during FY 2011.

Staff Recommendation

The staff recommends that the Sherman City Council approve the FY 2011 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

Memorandum from Theresa Caudle, Community Development Coordinator
FY 2011 Community Development Block Grant Final Statement/Action Plan

Prepared and Approved by:
George Olson, City Manager

memo

DATE: Wednesday, June 8, 2011
TO: George Olson, City Manager
FROM: Theresa Caudle, CD Coordinator 
SUBJECT: PY 2011 Final Statement/Action Plan

The City of Sherman's Proposed Final Statement/Action Plan of Community Development Objectives with projected use of the funds for Program Year 2011 was published in the Herald Democrat on May 6, 2011. The required 30-day public comment period has concluded and there were no public comments received on the Proposed Statement of Objectives.

Therefore, we are now ready to proceed with submitting this to the City Council in the form of a Resolution establishing the City of Sherman's PY 2011 Final Statement/Action Plan.

I am requesting that you set this item for public hearing and present the Resolution for consideration and approval by our City Council at the next regular scheduled meeting of June 20, 2011.

Should you have any questions, please let me know.



Sherman

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2011**

GRANT NO: B-2011-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2011 is \$293,001.00. These funds will be received on October 1, 2011. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available (i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing decent housing, a suitable living environment and expanded economic opportunities principally for low and moderate-income persons of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2011**

OWNER-OCCUPIED HOUSING REHABILITATION:.....\$171,201

A program of specific housing repairs will be provided to low and moderate income homeowners who reside within the city limits of Sherman, to bring their properties to code requirements. Expenditures will be limited to \$5,000 per housing unit under this activity. This activity will cause no displacement of low and moderate income persons.

DEMOLITION/CLEARANCE PROGRAM..... \$30,000

A program to demolish vacant, substandard structures and clear property lots which pose a risk to health/safety of low-moderate income target neighborhoods.

PROGRAM ADMINISTRATION..... \$ 58,000

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, preparation of annual Action Plan and Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy.

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority:.....\$ 8,800

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sell of illegal drugs in and around assisted housing, apprehend sellers of such drugs and an overall reduction of crime in the assisted housing area.

Texoma Area Paratransit System, Inc:.....\$ 17,500

A program that will provide transportation assistance to low and moderate income individuals who reside within the city limits of Sherman including transportation to and from work, to and from school, and to doctor and grocery trips for the elderly.

Crisis Center:	\$ 3,000
A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.	
Child & Family Guidance Center of Texoma:	\$ 1,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income adult Sherman residents.	
Boys & Girls Club of Sherman, Inc:	\$ 1,500
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized sports activities that would not otherwise be able to participate.	
City of Sherman Parks & Recreation:	\$ 1,000
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized activities that would not otherwise be able to participate.	
MasterKey Ministries of Grayson County, Inc:	\$1,000
A Program to provide scholarships for an academic summer camp to improve academic skills for Sherman youth from low-moderate income families with emphasis on Hispanic youth.	

TOTAL PROGRAM ALLOCATION:.....**\$293,001**

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the rehabilitation and repair of deteriorating housing through the City's rehabilitation program.
3. Promote homeownership opportunities for low-moderate income persons through the City's First-time Homeownership closing cost assistance program.
4. Eliminate slum and blight through the removal of structures that create unsafe, unsanitary and hazardous situations for the public.
5. Promote drug elimination programs for low and moderate income assisted housing families/households.
6. Provide support for transportation assistance to low and moderate income persons.
7. Provide support for provision of emergency shelter/assistance to the homeless.
8. Assist in providing counseling services to youth and adults from low and moderate income families.
9. Assist in providing youth activities for children from low and moderate income families.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2011 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Theresa Caudle, CD Coordinator, City of Sherman, P. O. Box 1106 Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Monday, July 25, 2011. A summary of comments received will be made a part of the summary of citizen participation of this Plan.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5701

Amending Chapter 1 of the Code of Ordinances, entitled “General Provisions”, at Article 1.09, entitled “Emergency Management”, to Provide for a New Division 3 to be entitled “Emergency Service Fee”; Providing for the Execution of Contracts with Service Providers

Issue

Adopt an ordinance to establish the 9-1-1 Emergency Service Fee and authorize the execution of contracts with service providers

Background

On May 11, 1992 the City of Sherman adopted, by resolution, the set fee of thirty-two cents (\$0.32) per month for each residential and business line within the City that service providers are to charge for the billing and collection of 9-1-1 fees. These fees support the 9-1-1 system, updates, upgrades, maintenance, and salaries of 9-1-1 personnel.

Current norms and a study of governmental entities in the State of Texas (see attached “MECDA 9-1-1 Fee”) show that the range charged is from thirty-two cents (\$0.32) by Sherman to two dollars and ninety-three cents (\$2.93) by Wylie. However, the most common charge for 9-1-1 fees is seventy-five cents (\$0.75); and the emergency service fees are established by a City Ordinance, not a Resolution. As noted, Sherman presently charges the lowest fees for 9-1-1.

The State of Texas, under Federal guidelines, is in the process of mandating that each 9-1-1 entity have enhanced 9-1-1 capabilities known as Next Generation 9-1-1 (NG9-1-1). The process is occurring now with an implementation deadline of three years. NG9-1-1 is very costly and, because of the State’s mandate, many of the cities contacted for the fee study are looking to increase their fees. The expected initial cost of this system is about \$110,000. Ongoing costs are expected to rise from current levels as well, further demonstrating the need for this proposed rate increase.

The proposed ordinance will set the 9-1-1 fees for both residential and business lines at sixty cents (\$0.60) and is needed to keep up with the cost of the technology required to serve the emergency needs of the public in Sherman. Need for future increases will be evaluated as more information is gained through implementation of the NG9-1-1 system.

Origination

Finance and Police Departments

Financial Consideration

The adoption of this ordinance, as recommended, will bring in an estimated additional \$30,000.00 to support the 9-1-1 function.

Staff Recommendation

Adopt the ordinance

Alternatives

Continue at the current rate, as established under the 1992 resolution, or increase/decrease the recommended fee and adopt by ordinance.

Attachments

9-1-1 Fee Study

Ordinance No. 5701

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

MECDA 9-1-1 Fee

Company	9-1-1 Fee		
	Res	Bus	Trunk
Addison PD	\$ 0.62	\$ 1.52	\$ 2.40
Aransas Pass PD			
Cedar Hill PD (SWRCC)	\$ 0.62	\$ 1.36	
Coppell	\$ 0.75	\$ 1.25	\$ 1.25
Corpus Christi PD (Metrocom)	\$ 1.25	\$ 1.45	\$ 1.60
Dallas County SO			
Dallas, City of	\$ 0.62	\$ 1.52	\$ 2.40
Denison FD	\$ 35.00	\$ 0.75	\$ 0.75
DeSoto PD (SWRCC)	6%		
Duncanville	\$ 0.75	\$ 0.75	\$ 1.50
Ennis PD			
Farmers Branch PD	\$ 1.00	\$ 1.95	\$ 2.50
Garland Police/Fire/EMs	\$ 0.75	\$ 1.25	\$ 2.00
Glenn Heights PD	6%		
Highland Park DPS	8%		
Hutchins PD	\$ 1.00	\$ 1.50	
Kilgore PD	\$ 0.87	\$ 0.87	\$ 0.87
Lancaster PD	\$ 0.62	\$ 1.52	\$ 2.50
Longview PD	\$ 0.90	\$ 1.60	\$ 2.25
Mesquite PD	\$ 0.75	\$ 0.75	\$ 0.75
Plano PSC	\$ 0.75	\$ 0.75	\$ 0.75
Portland PD	\$ 1.30	\$ 1.30	\$ 1.30
Richardson PD	\$ 0.75	\$ 1.25	\$ 2.00
Rowlett PD	\$ 1.00	\$ 1.50	
Sherman PD	\$ 0.32	\$ 0.32	\$ 0.32
University Park PD	6%		
Wylie	\$ 1.22	\$ 2.93	\$ 4.47

The City of Denison should read fifty cents (\$0.50) for residential and not thirty five cents.

ORDINANCE NO. 5701

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", AT ARTICLE 1.09, ENTITLED "EMERGENCY MANAGEMENT", TO PROVIDE FOR A NEW DIVISION 3 TO BE ENTITLED "EMERGENCY SERVICE FEE"; PROVIDING FOR THE EXECUTION OF CONTRACTS WITH SERVICE PROVIDERS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 1, Article 1.09 of the Code of Ordinances of the City of Sherman, Texas, be and is hereby amended to include a new Division 3, such division to read as follows:

Division 3. Emergency Service Fee

Sec. 1.09.050 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Local exchange access line or equivalent local exchange access line mean the physical voice grade telecommunications connection or the cable or broadband transport facilities, or any combination of these facilities, between an end user customer's premises, and a service provider's network that, when the digits 9-1-1 are dialed, provides the end user customer access to a public safety network. Each such connection (e.g. individual channel) provided to an end user customer shall constitute a separate "local exchange access line" or "equivalent local exchange access line." A service provider that bills federal subscriber line charges on all its retail lines and services to all its end user customers may use the federal subscriber line charge as an alternative definition and may bill, collect, and remit 9-1-1 emergency service fees on that basis.

Local exchange access line or equivalent local exchange access line do not include coin-operated public telephone equipment, public telephone equipment operated by card reader, commercial mobile radio service that provides access to a paging or other one-way signaling service, a communication channel suitable only for data transmission, a line from a telecommunications service provider to an Internet service provider for the Internet service provider's data modem lines only to provide its Internet access service and that are not capable of transmitting voice messages, a wireless roaming service or other nonvocal commercial mobile

radio service, a private telecommunications system, or a wireless telecommunications connection subject to Texas Health and Safety Code, § 771.0711.

9-1-1 service means a telecommunications service through which the user of a public telephone system has the ability to reach the city's public safety answering point by dialing the digits 9-1-1.

9-1-1 emergency service system means a system of processing emergency 9-1-1 calls.

Public safety answering point means the city communications facility that:

- (a) is operated continuously;*
- (b) is assigned the responsibility to receive 9-1-1 calls and to dispatch emergency response services directly or to transfer or relay emergency 9-1-1 calls to other public safety agencies;*
- (c) is the first point of receipt by a public safety agency of a 9-1-1 call; and*
- (d) serves the city.*

Service provider means an entity providing local exchange access lines and/or equivalent local exchange access lines to a service user in the city.

Service user means a person or business entity that is provided local exchange access lines or equivalent local exchange access lines in the city.

Sec. 1.09.051 Service fee

There is hereby imposed on each service user's local exchange access line and equivalent local exchange access line in the city a 9-1-1 service fee of sixty cents (\$0.60) per month for each residential line and each business line. Such 9-1-1 service fee shall be used only to provide for the purchase, installation, operation, and maintenance expenses of 9-1-1 service, including required personnel.

Sec. 1.09.052 Execution of contracts with 9-1-1 service providers

The city manager, or his designee, is hereby authorized to execute a contract or contracts on behalf of the city with any service provider, pursuant to the provisions of this article, to provide for the billing and collection of fees imposed by the city pursuant to the provisions hereof.

Sec. 1.09.053 Restrictions and limitations on 9-1-1 service fee

The 9-1-1 service fee imposed by this article shall be subject to the following restrictions and limitations:

- (a) *The 9-1-1 service fee may only be imposed upon service users' local exchange access lines and equivalent local exchange access lines.*
- (b) *The 9-1-1 service fee may not be imposed upon more than one hundred (100) local exchange access lines per service user per location, or more than one hundred (100) local exchange access lines for a single business entity at a single location unless the lines or services are used by residents of the location. The fee limitation of this section shall not apply to equivalent local exchange access lines.*
- (c) *The 9-1-1 service fee may not be imposed upon any coin-operated or coin/card reader operated telephone equipment.*
- (d) *The 9-1-1 service fee shall be stated separately on each service user's bill.*
- (e) *The 9-1-1 service fee shall have uniform application within the municipal boundaries of the city.*
- (f) *Each service provider not already remitting 9-1-1 service fees should be advised in writing of the amount of the 9-1-1 service fee to be applied to each type of service at least ninety (90) days prior to the first billing date. A failure to do so, however, shall not affect the validity of the fee or responsibility for payment.*
- (g) *No service provider will be obliged or authorized to take any legal action to enforce the collection of any billed 9-1-1 service fee.*
- (h) *No service provider will disconnect any service user's telephone service for failure to pay the 9-1-1 service fee.*
- (i) *Each service provider will assess a 9-1-1 service fee to each service user on a monthly basis and will remit the collected 9-1-1 service fee to the city no later than thirty (30) days after the close of the month in which such 9-1-1 service fees were assessed.*
- (j) *Each service provider will retain from its remittance to the city one (1) percent of the collected 9-1-1 service fees as its compensation for performing its obligations under this division.*
- (k) *Each service provider shall provide the following information to the city along with the remitted 9-1-1 service fees:*
 - (1) *the number of local exchange access lines that the service provider has in the city; and*
 - (2) *the number of local exchange access lines that were excluded from the definition of a local exchange access line or an equivalent local exchange access line under Section 771.063.*

- (3) *the calculation, including the 1% fee retained by the service provider for performing its obligations under this ordinance, of the remitted 9-1-1 service fees.*
- (l) *Each service provider will provide the city with a list of any service users who have refused to pay the 9-1-1 service fee. This list shall be provided a minimum of once per calendar year.*
- (m) *Each service provider will retain records of the amount of 9-1-1 service fees collected for a period not to exceed two (2) years from the date of collection.*
- (n) *Should the city desire to audit the records of collected fees from any service provider, it may do so at the city's sole cost and expense.*
- (o) *All federal service users located in the city are exempt from the 9-1-1 service fee.*

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

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

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

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

INTRODUCED on this the _____ day of _____, 2011.

ADOPTED on this the _____ day of _____, 2011.

EFFECTIVE DATE on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5702

Amending Chapter 9 of the Code of Ordinances, entitled “Personnel”, Article 9.05, entitled “Civil Service for Firefighters and Police Officers”, at Section 9.05.026, entitled “Authorized Number of Positions”, to Amend the Number of Authorized Positions in the Fire Department

Issue

The City Council is required by state law to establish by ordinance the job titles and number of positions in each rank for members of the classified service in the City’s Fire and Police Departments.

Background

In 2009, the City Council authorized the creation of four Division Chief positions. One of the Division Chief positions has remained unfilled since July 2010. Lowering the rank will allow a lateral move from one position within the department to another. The Fire Department has determined, in order to increase efficiency, one of these positions should be changed to Battalion Chief. The position will be filled through the regular Civil Service promotional process.

Origination

J. J. Jones, Fire Chief

Wayne Blackwell, Civil Service Director

Financial Consideration

Changing the rank from Division Chief to Battalion Chief will decrease salary costs by \$4,800.00.

Staff Recommendation

Staff recommends approval.

Alternatives

The City Council could choose not to adopt this ordinance, leaving unchanged the fire and police pay staffing adopted in 2009.

Attachments

Ordinance No. 5702

Prepared by:

J. J. Jones, Fire Chief

Approved by:

George Olson, City Manager

ORDINANCE NO. 5702

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED "PERSONNEL", AT ARTICLE 9.05, ENTITLED "CIVIL SERVICE FOR FIREFIGHTERS AND POLICE OFFICERS", AT SECTION 9.05.026 TO AMEND THE NUMBER OF AUTHORIZED POSITIONS IN THE FIRE DEPARTMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 9, Article 9.05 of the Code of Ordinances of the City of Sherman, be and is hereby amended at Section 9.05.026 so that such section shall read as follows:

Sec. 9.05.026 Authorized number of positions

The number of positions for each job title in the Fire and Police Departments are set forth below in order of ranking:

(1) Fire Department

<u>Title</u>	<u>No. Positions</u>
Firefighter	27
Engineer	27
Captain	15
Battalion Chief	3 4
Division Chief	4 3
Fire Chief	1

(2) Police Department

<u>Title</u>	<u>No. Positions</u>
Patrolman	47
Corporal	6
Sergeant	8
Lieutenant	4
Captain	2
Chief	1

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

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

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

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

INTRODUCED on this the _____ day of _____, 2011.

ADOPTED on this the _____ day of _____, 2011.

EFFECTIVE DATE on this the _____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. B.4

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5701 and 5702

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5701

Amending Chapter 1 of the Code of Ordinances, entitled “General Provisions”, at Article 1.09, entitled “Emergency Management”, to Provide for a New Division 3 to be entitled “Emergency Service Fee”; Providing for the Execution of Contracts with Service Providers

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5702

Amending Chapter 9 of the Code of Ordinances, entitled “Personnel”, Article 9.05, entitled “Civil Service for Firefighters and Police Officers”, at Section 9.05.026, entitled “Authorized Number of Positions”, to Amend the Number of Authorized Positions in the Fire Department



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. B.5

CONSENT AGENDA

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

C.1 * RESOLUTION NO. 5580

Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Fiscal Year 2011; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Fiscal Year 2011

C.2 * RESOLUTION NO. 5581

Authorizing the Expenditure of Three Thousand Dollars (\$3,000.00) in Matching Funds to the Texoma Council of Governments for Transportation Planning



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. C.1

*** RESOLUTION NO. 5580**

Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Fiscal Year 2011; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Fiscal Year 2011

Issue

Approval of the Fiscal Year (FY) 2011 Community Development Block Grant Final Statement/Action Plan

Background

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). We are required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low to moderate income citizens. This Action Plan is based on a five (5) year Consolidated Plan & Strategy developed by City staff and approved by the Sherman City Council. It serves as the City's long term planning tool to address the identified needs of affordable housing, public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman. Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows: FY 2006 - \$333,097; FY 2007 - \$332,014; FY 2008 - \$321,189; FY 2009 - \$324,495; and FY 2010 - \$351,141.

Origination

Theresa Caudle, Neighborhood Services

Financial Consideration

The City of Sherman has been allocated \$293,001 in Community Development Block Grant funds from the U.S. Department of Housing and Urban Development to address our various community development needs for low to moderate income citizens during FY 2011.

Staff Recommendation

It is staff recommendation that the Sherman City Council approve the resolution to adopt the Fiscal Year (FY) 2011 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

Memorandum from Theresa Caudle, Community Development Coordinator
Resolution No. 5580
FY 2011 Final Statement/Action Plan

**Prepared and Approved by:
George Olson, City Manager**

memo

DATE: Wednesday, June 8, 2011
TO: George Olson, City Manager
FROM: Theresa Caudle, CD Coordinator 
SUBJECT: PY 2011 Final Statement/Action Plan

The City of Sherman's Proposed Final Statement/Action Plan of Community Development Objectives with projected use of the funds for Program Year 2011 was published in the Herald Democrat on May 6, 2011. The required 30-day public comment period has concluded and there were no public comments received on the Proposed Statement of Objectives.

Therefore, we are now ready to proceed with submitting this to the City Council in the form of a Resolution establishing the City of Sherman's PY 2011 Final Statement/Action Plan.

I am requesting that you set this item for public hearing and present the Resolution for consideration and approval by our City Council at the next regular scheduled meeting of June 20, 2011.

Should you have any questions, please let me know.



Sherman

RESOLUTION NO. 5580

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2011; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2011; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under the Housing and Community Development Act of 1974, as amended, the City of Sherman is eligible to receive an estimated \$293,001.00 for fiscal year 2011, to be expended on eligible activities primarily benefiting low/moderate income families; and

WHEREAS, the Community Development Block Grant regulations require the opportunity for citizen participation in the development of the final statement and authorizing of the expenditure of such funds; and

WHEREAS, after proper notice was published in the Herald Democrat, a newspaper of general circulation in the City of Sherman, public hearings were held by said Community Development Staff to receive citizen participation and input on March 28, 2011 and June 20, 2011; and

WHEREAS, the City Council, after due consideration of the proposed Community Development Final Statement and of all matters raised at public meetings, is of the opinion that, unless public comment warrants revisions, said final statement should be submitted as the Community Development Application for the City of Sherman for the program year 2011 to the U.S. Department of Housing and Urban Development, in order to secure funding as provided herein;

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

SECTION 1. That the Community Development Final Statement, embodying those projects set forth on Attachment "A", attached hereto and made a part hereof for all purposes, is hereby approved and adopted as the Community Development Plan of the City of Sherman, Texas, for the program year 2011.

SECTION 2. That the City Council of the City of Sherman hereby certifies and assures the U.S. Department of Housing and Urban Development that development of this application for funds under the Housing and Community Development Act of 1974, as amended, and the implementation of the Block Grant Program will be conducted in accordance with all applicable provisions of the “Assurances” as required.

SECTION 3. That the City Manager of the City of Sherman is hereby authorized to execute, on behalf of the City of Sherman, the “Assurances” set forth on Attachment “B”, attached hereto and made a part hereof for all purposes. These Assurances concern compliance with certain guidelines, regulations, and policies in preparation of this application and in conducting the Community Development Program of the City of Sherman.

SECTION 4. That the City Manager of the City of Sherman is hereby authorized to submit, as the Chief Executive Officer of the City of Sherman, and on behalf of the City of Sherman, the Community Development Final Statement and a certified copy of this resolution and all attachments thereto to the U.S. Department of Housing and Urban Development, in application for funds available to the City of Sherman under the Housing and Community Development Act of 1974, as amended. Said application shall be made on forms required by the U.S. Department of Housing and Urban Development.

SECTION 5. That the City Manager of the City of Sherman is hereby authorized and designated to act as Chief Executive Officer in connection with this application, and is hereby authorized and directed to provide such additional information as may be required in connection with said application.

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

PASSED AND APPROVED on this the ____ day of _____, 2011.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____

BILL MAGERS, MAYOR

BY: _____

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____

**BRANDON S. SHELBY,
CITY ATTORNEY**

Attachment "A"

CITY OF SHERMAN, TEXAS FINAL STATEMENT/ACTION PLAN OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2011

GRANT NO: B-2011-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2011 is \$293,001.00. These funds will be received on October 1, 2011. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available (i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing decent housing, a suitable living environment and expanded economic opportunities principally for low and moderate-income persons of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN PROGRAM YEAR 2011

OWNER-OCCUPIED HOUSING REHABILITATION:.....\$171,201

A program of specific housing repairs will be provided to low and moderate income homeowners who reside within the city limits of Sherman, to bring their properties to code requirements. Expenditures will be limited to \$5,000 per housing unit under this activity. This activity will cause no displacement of low and moderate income persons.

DEMOLITION/CLEARANCE PROGRAM:.....\$30,000

A program to demolish vacant, substandard structures and clear property lots which pose a risk to health/safety of low-moderate income target neighborhoods.

PROGRAM ADMINISTRATION:.....\$ 58,000

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, preparation of annual Action Plan and Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy.

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority:.....\$ 8,800

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sell of illegal drugs in and around assisted housing, apprehend sellers of such drugs and an overall reduction of crime in the assisted housing area.

Texoma Area Paratransit System, Inc.:.....\$ 17,500

A program that will provide transportation assistance to low and moderate income individuals who reside within the city limits of Sherman including transportation to and from work, to and from school, and to doctor and grocery trips for the elderly.

Crisis Center:	\$ 3,000
A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.	
Child & Family Guidance Center of Texoma:	\$ 1,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income adult Sherman residents.	
Boys & Girls Club of Sherman, Inc:	\$ 1,500
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized sports activities that would not otherwise be able to participate.	
City of Sherman Parks & Recreation:	\$ 1,000
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized activities that would not otherwise be able to participate.	
MasterKey Ministries of Grayson County, Inc:	\$1,000
A Program to provide scholarships for an academic summer camp to improve academic skills for Sherman youth from low-moderate income families with emphasis on Hispanic youth.	

TOTAL PROGRAM ALLOCATION:.....**\$293,001**

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the rehabilitation and repair of deteriorating housing through the City's rehabilitation program.
3. Promote homeownership opportunities for low-moderate income persons through the City's First-time Homeownership closing cost assistance program.
4. Eliminate slum and blight through the removal of structures that create unsafe, unsanitary and hazardous situations for the public.
5. Promote drug elimination programs for low and moderate income assisted housing families/households.
6. Provide support for transportation assistance to low and moderate income persons.
7. Provide support for provision of emergency shelter/assistance to the homeless.
8. Assist in providing counseling services to youth and adults from low and moderate income families.
9. Assist in providing youth activities for children from low and moderate income families.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2011 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Theresa Caudle, CD Coordinator, City of Sherman, P. O. Box 1106 Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Monday, July 25, 2011. A summary of comments received will be made a part of the summary of citizen participation of this Plan.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 5581**

Authorizing the Expenditure of Three Thousand Dollars (\$3,000.00) in Matching Funds to the Texoma Council of Governments for Transportation Planning

Issue

The Sherman-Denison Metropolitan Planning Organization (MPO) has asked the City of Sherman to provide \$3,000.00 as its portion of the local match needed to acquire the transportation planning funds made available from the Federal Transit Administration under Section 5307, Title 49 U.S.C.

Background

Federal Transit Administration Section 5307 Planning Funds are available to the Cities of Sherman and Denison through The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). These activities are carried on in cooperation with the Texas Department of Transportation. The City of Sherman's matching requirement for grant participation is \$3,000.00 annually. This participation will allow us to have access to funds for public transit administration and planning (TAPS), the Operating Transportation Grant received by the Senior Citizens Transportation program, and Off-System Bridge Repair/Replacement (not on state highways or roads). These planning funds also could be available for efforts such as truck route studies, traffic counts to determine high hazardous intersections, and SAFETEA-LU required TxDOT projects for improvement to the State Transportation System. The professional staff of the MPO is available for traffic planning studies and information for planning purposes.

Origination

Sherman-Denison MPO

Financial Consideration

This year's local match of \$3,000.00 is budgeted in fiscal year 2010-2011.

Staff Recommendation

It is recommended that the City Council adopt the attached resolution, authorizing the City staff to participate in the public transit administration and planning effort and that the grant match fee of \$3,000.00 be approved.

Alternatives

The City Council could opt not to contribute Sherman's local match. This alternative would leave us without a voice on the MPO Board and would cause us to lose benefits attributable to the program.

Attachments

Resolution No. 5581; Request from MPO Chairman Bill Magers dated June 10, 2011

Prepared by:

Don Keene, Exec. Director – Planning & Public Works

Approved by:

George Olson, City Manager

RESOLUTION NO. 5581

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXPENDITURE OF THREE THOUSAND DOLLARS (\$3,000.00) IN MATCHING FUNDS TO THE TEXOMA COUNCIL OF GOVERNMENTS FOR TRANSPORTATION PLANNING; 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 Federal Transit Administration has available transportation planning funds for the Texoma Council of Governments acting as the Metropolitan Planning Organization; and

WHEREAS, 49 U.S.C. and The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires local governments to contribute matching funds for the operation of the program;

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

SECTION 1. That the City Manager is hereby authorized and directed to expend Three Thousand Dollars and No Cents (\$3,000.00) to the Texoma Council of Governments as the City's share of the matching funds for public transit administration and planning.

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 _____, 2011.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____

BILL MAGERS, MAYOR

BY: _____

LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____

**BRANDON S. SHELBY,
CITY ATTORNEY**



SHERMAN-DENISON
METROPOLITAN PLANNING ORGANIZATION
INTERMODAL URBAN TRANSPORTATION PLANNING
www.sdmpo.org

June 10, 2011

George Olson, City Manager
City of Sherman
220 West Mulberry Street
Sherman, Texas 75090

Dear Mr. Olson:

The Sherman - Denison Metropolitan Planning Organization (MPO) has been advised of the availability of planning funds from the Federal Transit Administration (FTA) under Section 5307 Title 49 U.S.C.

In accordance with Title 49 U.S.C. and The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local governments must provide matching funds for the operation of this program. The MPO respectfully requests the City of Sherman provide \$3,000, by resolution, as its portion of the local match needed to accomplish the required public transit administration and planning in support of the Section 5307 grant. The City of Denison has also been requested to provide \$3,000.

Twelve years ago we were able to reduce your needed local match amount by \$ 1,000. We are glad to announce that because of state funding match (\$11,000) for this important program we will be able to keep the required local match at the same level as last year. Additionally, we have been able to hold the line on budget increases for this program.

The attached administrative and planning budget is for your use as appropriate. This budget has been approved by the MPO, but is subject to State and FTA administrative changes. The SAFETEA-LU required annual listing of projects is also attached.

These transportation programs will provide an excellent return on the city's investment. As an example, the MPO has been able to set aside \$ 10,000 annually to meet city specific needs. A copy of your last year's resolution is attached.

If you have any questions, please contact me or Bob Wood, the MPO Director, at (903) 813-3534.

Sincerely,

Bill Magers
Chairman
Sherman - Denison MPO

enclosures

Sherman - Denison Urban Area

**FTA SECTION 5307 ALLOCATION
FOR FY 2011**

TASK	FTA FUNDING	Min. Required LOCAL SHARE¹	TOTAL
Planning¹	\$68,000	\$17,000	\$85,000
Capital²	\$100,000	\$24,000	\$124,000
Operations (TAPS)	\$800,000	\$800,000	\$1,600,000
TOTAL³	\$968,000	\$841,000	\$1,809,000

1. Planning requires \$ 6,000 local share plus \$11,000 additional offset by state match.

2. Capital items includes funds allocated for preventative maintenance of vehicles, ADA equipment and software upgrades.

3. Total FTA funds may vary due to the Congressional process

SHERMAN-DENISON METROPOLITAN PLANNING ORGANIZATION

FY 2010

ANNUAL PROJECT LISTING

FEDERAL FUNDS OBLIGATED REPORT

Submitted to the Texas Department of Transportation – December 1, 2010

"Obligation" and Reimbursement of Federal Funds

Funding for projects is programmed or reserved for a project until they are "obligated". Obligation is a way of ensuring that actual cash is available to pay for project expenditures. Obligation of funds occurs on a project phase basis (i.e. design, right of way or construction). Key activities under each phase will trigger obligation of funds. Typically these are critical points at which commitments are made, but expenditures have yet to start. Such items as advertisement of consultant or construction contracts and preparing offers for property acquisition are actions which will obligate funds.

Before an agency can obligate funds, it must have approval to do so. In the case of highway and streets projects, the authority to approve the obligation of funds is passed from the Federal Highway Administration (FHWA) on to the Texas Department of Transportation (TxDOT). The TxDOT has specific processes that must be followed for an agency to get to a point in which funds can be obligated. These vary depending on the program, but generally include submitting a "project authorization request" and/or entering into an Agreement with TxDOT. For transit related projects, the lead agency for the project must transmit specific information directly to the Federal Transit Authority (FTA).

Once an agency has authorization to proceed with a project, it can obligate funds. Every federal program will have specific time limits in which funds must be obligated. Typically these are by the end of a federal or state fiscal year (September 30th and August 30th, respectively). If funds are not obligated by those deadlines, those funds are withdrawn from the project. FTA projects have a longer window of opportunity, typically three years from the time the grant is approved.

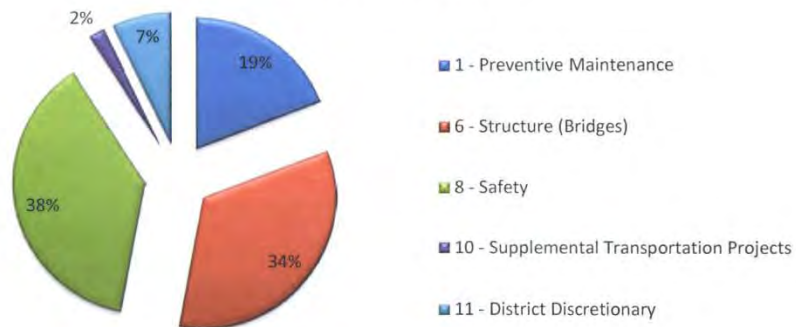
Federal funding is typically transferred to an agency on a reimbursement basis. Therefore, the agency must ensure it has adequate cash flows to cover planned project expenditures. Typically once expenditures are incurred, the agency can request reimbursement for those costs. If the agency is required to provide matching monies to the federal funds, those must also be expended. Once the project is complete, the lead agency may have to conduct an audit to ensure funds were spent in accordance with the grant or funding program guidelines.

This document was developed by the Sherman-Denison MPO for informational purposes and is not warranted for any other use. The information contained in the document was provided to Sherman-Denison MPO by the Texas Department of Transportation and the transportation provider in the Sherman-Denison MPO region. No warranty is made by Sherman-Denison MPO regarding the accuracy or completeness of the information provided.

FHWA Total

1 - Preventive Maintenance	6 - Structure (Bridges)	8 - Safety	10 - Supplemental Transportation Projects	11 - District Discretionary	Total
\$4,330,680	\$7,620,000	\$8,570,900	\$457,086	\$1,600,000	\$22,578,666

FY 2010 Obligated Funds

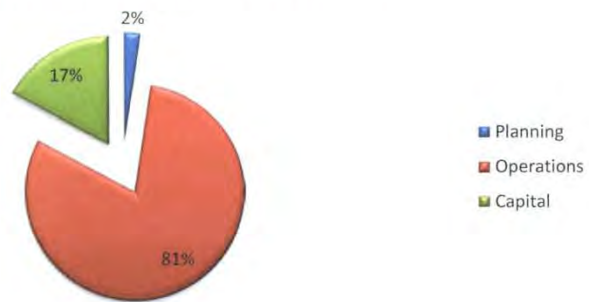


Project information is listed on pages 4 through 8.

FTA Total

Planning	Operations	Capital	Total
\$41,643	\$1,407,516	\$297,146	\$1,746,305

5307 FY 2010 Obligated Funds



Project information is listed on pages 9 through 10.

FY 2010 Annual Project Listing Sherman-Denison Metropolitan Planning Organization

Project ID:	SDHWY065	Federal Cost:	\$97,152.00
CSJ Number:	0045-03-044	State Cost:	\$24,288.00
Project Name:	SH 56	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	SH 289	Total:	\$121,440.00
To:	FM 1417 West	Let Date:	Oct-09
Work Type:	Seal Coat	Funding Category:	1
		Estimated Completion Date:	Jul-10
Amt of funds programmed in the TIP (multiphased project):			\$121,440.00
Amt obligated in the program year (2010):			\$121,440.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00
Project ID:	SDHWY021	Federal Cost:	\$0.00
CSJ Number:	0045-18-029	State Cost:	\$3,337,400.00
Project Name:	US 82	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	Cooke County Line	Total:	\$3,337,400.00
To:	17.7 Mile E of Cooke County Line	Let Date:	Oct-09
		Funding Category:	8
Work Type:	Install Median Barrier	Estimated Completion Date:	Nov-10
Amt of funds programmed in the TIP (multiphased project):			\$3,000,000.00
Amt obligated in the program year (2010):			\$3,000,000.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$337,400.00
Project ID:	SDHWY065	Federal Cost:	\$90,176.00
CSJ Number:	0045-18-030	State Cost:	\$22,544.00
Project Name:	US 82	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	FM 1417 West (Frontage Road)	Total:	\$112,720.00
To:	FM 131	Let Date:	Oct-09
Work Type:	Seal Coat	Funding Category:	1
		Estimated Completion Date:	Jul-10
Amt of funds programmed in the TIP (multiphased project):			\$112,720.00
Amt obligated in the program year (2010):			\$112,720.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00

Project ID:	SDHWY021	Federal Cost:	\$0.00
CSJ Number:	0045-19-044	State Cost:	\$4,245,800.00
Project Name:	US 82	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	at FM 1417	Total:	\$4,245,800.00
To:		Let Date:	Aug-10
Work Type:	Grade Separation	Funding Category:	8
		Estimated Completion Date:	Aug-10
Amt of funds programmed in the TIP (multiphased project):			\$0.00
Amt obligated in the program year (2010):			\$0.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$4,245,800.00
Project ID:	SDHWY021	Federal Cost:	\$365,669.00
CSJ Number:	0045-19-046	State Cost:	\$91,417.00
Project Name:	US 82	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	Bethany Road	Total:	\$457,086.00
To:	US 69	Let Date:	Feb-10
Work Type:	Widen non-freeway	Funding Category:	10
		Estimated Completion Date:	Dec-11
Amt of funds programmed in the TIP (multiphased project):			\$200,000.00
Amt obligated in the program year (2010):			\$200,000.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$57,086.00
Project ID:	SDHWY065	Federal Cost:	\$0.00
CSJ Number:	0047-03-071	State Cost:	\$2,954,000.00
Project Name:	US 75	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	FM 1417	Total:	\$2,954,000.00
To:	FM 902	Let Date:	Aug-10
Work Type:	Rehabilitate Pavement	Funding Category:	1
		Estimated Completion Date:	Apr-11
Amt of funds programmed in the TIP (multiphased project):			\$0.00
Amt obligated in the program year (2010):			\$0.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$2,954,000.00

Project ID:	SDHWY065	Federal Cost:	\$44,704.00
CSJ Number:	0047-12-020	State Cost:	\$11,176.00
Project Name:	SH 19	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	Bullock Street	Total:	\$55,880.00
To:	SP 503	Let Date:	Oct-09
Work Type:	Seal Coat	Funding Category:	1
		Estimated Completion Date:	Jul-10
Amt of funds programmed in the TIP (multiphased project):			\$55,880.00
Amt obligated in the program year (2010):			\$55,880.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00

Project ID:	SDHWY065	Federal Cost:	\$604,736.00
CSJ Number:	0047-13-029	State Cost:	\$151,184.00
Project Name:	US 75	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	FM 902 (Frontage Road)	Total:	\$755,920.00
To:	Collin County Line	Let Date:	Oct-09
Work Type:	Seal Coat	Funding Category:	1
		Estimated Completion Date:	Jul-10
Amt of funds programmed in the TIP (multiphased project):			\$755,920.00
Amt obligated in the program year (2010):			\$755,920.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00

Project ID:	SDHWY124	Federal Cost:	\$1,600,000.00
CSJ Number:	0047-18-065	State Cost:	\$0.00
Project Name:	US 75	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	Inter of US 82 and US 75 SB	Total:	\$1,600,000.00
To:	Inter of Loy Lake Rd and US 75 SB	Let Date:	Aug-10
Work Type:	Reverse Existing Ramp Configuration	Funding Category:	11
		Estimated Completion Date:	Aug-11
Amt of funds programmed in the TIP (multiphased project):			\$0.00
Amt obligated in the program year (2010):			\$0.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$1,600,000.00

Project ID:	SDHWY065	Federal Cost:	\$91,744.00
CSJ Number:	0047-18-066	State Cost:	\$22,936.00
Project Name:	US 75	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	FM 691 (Frontage Roads)	Total:	\$114,680.00
To:	US 82 (Frontage Roads)	Let Date:	Oct-09
Work Type:	Seal Coat	Funding Category:	1
		Estimated Completion Date:	Jul-10
Amt of funds programmed in the TIP (multiphased project):			\$114,680.00
Amt obligated in the program year (2010):			\$114,680.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00

Project ID:	SDHWY065	Federal Cost:	\$34,912.00
CSJ Number:	0202-08-052	State Cost:	\$8,728.00
Project Name:	FM 131	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	US 82	Total:	\$43,640.00
To:	Taylor Street	Let Date:	Oct-09
Work Type:	Seal Coat	Funding Category:	1
		Estimated Completion Date:	Jul-10
Amt of funds programmed in the TIP (multiphased project):			\$43,640.00
Amt obligated in the program year (2010):			\$43,640.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00

Project ID:	SDHWY065	Federal Cost:	\$0.00
CSJ Number:	0316-02-023	State Cost:	\$172,400.00
Project Name:	FM 84	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	1025'- SE of the FM 406 intersection	Total:	\$172,400.00
To:	669' NW of the FM 406 intersection	Let Date:	Aug-10
Work Type:	Install left turn lane	Funding Category:	1
		Estimated Completion Date:	Aug-11
Amt of funds programmed in the TIP (multiphased project):			\$0.00
Amt obligated in the program year (2010):			\$0.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$172,400.00

Project ID:	SDHWY021	Federal Cost:	\$0.00
CSJ Number:	0510-01-023	State Cost:	\$262,000.00
Project Name:	FM 902	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	FM 901	Total:	\$262,000.00
To:	1.0 mile east of FM 901	Let Date:	Dec-09
Work Type:	Widen Roadway	Funding Category:	8
		Estimated Completion Date:	Dec-10
Amt of funds programmed in the TIP (multiphased project):			\$262,000.00
Amt obligated in the program year (2010):			\$262,000.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00
Project ID:	SDHWY015	Federal Cost:	\$0.00
CSJ Number:	0705-01-023	State Cost:	\$7,620,000.00
Project Name:	SH 91	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	At UP railroad in North Denison	Total:	\$7,620,000.00
To:	RR DOT # 410 961N	Let Date:	Jun-10
Work Type:	Construct overpass of UP railroad, eliminating at-grade crossing	Funding Category:	6
		Estimated Completion Date:	Aug-12
Amt of funds programmed in the TIP (multiphased project):			\$0.00
Amt obligated in the program year (2010):			\$0.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$7,620,000.00
Project ID:	SDHWY021	Federal Cost:	\$0.00
CSJ Number:	0728-02-025	State Cost:	\$576,300.00
Project Name:	FM 120	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	0.788 miles east of FM 1753	Total:	\$576,300.00
To:	3.188 miles east of FM 1753	Let Date:	Dec-09
Work Type:	Widen Roadway	Funding Category:	8
		Estimated Completion Date:	Apr-11
Amt of funds programmed in the TIP (multiphased project):			\$300,000.00
Amt obligated in the program year (2010):			\$0.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$276,300.00
Project ID:	SDHWY021	Federal Cost:	\$134,460.00
CSJ Number:	2455-01-029	State Cost:	\$14,940.00
Project Name:	FM 1417	Local Cost:	\$0.00
County Name:	GRAYSON	Local Contribution:	\$0.00
From:	0.196 miles south of SH 56	Total:	\$149,400.00
To:	0.3535 miles south of park street	Let Date:	Feb-10
Work Type:	Hazard elimination & safety	Funding Category:	8
	Add continuous two way left turn lane	Estimated Completion Date:	Aug-10
Amt of funds programmed in the TIP (multiphased project):			\$149,400.00
Amt obligated in the program year (2010):			\$149,400.00
Amt of funds remaining and available for use in subsequent yrs (multiphased project):			\$0.00
Total Federal Funds Obligated in FY 2010 (Highway Projects):			\$4,815,680.00

Project ID:	TX90X745	Federal Cost:	\$6,275.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Planning	Local Cost:	\$1,570.44
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$7,845.44
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Project ID:	TX90X745	Federal Cost:	\$0.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Operations	Local Cost:	\$79,985.35
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$79,985.35
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Project ID:	TX90X745	Federal Cost:	\$0.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Capital	Local Cost:	\$0.00
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$0.00
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Project ID:	TX90X799	Federal Cost:	\$18,486.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Planning	Local Cost:	\$4,620.99
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$23,106.99
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Project ID:	TX90X799	Federal Cost:	\$126,383.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Operations	Local Cost:	\$118,529.10
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$244,912.10
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	

Project ID:	TX90X799	Federal Cost:	\$45,631.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Capital	Local Cost:	\$7,342.86
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$52,973.86
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Project ID:	TX90X846	Federal Cost:	\$0.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Planning	Local Cost:	\$0.00
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$0.00
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Project ID:	TX90X846	Federal Cost:	\$490,669.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Operations	Local Cost:	\$365,974.60
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$856,643.60
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Project ID:	TX90X846	Federal Cost:	\$86,889.00
CSJ Number:	5307	State Cost:	\$0.00
Project Name:	Capital	Local Cost:	\$35,197.00
County Name:	Grayson	Local Contribution:	\$0.00
From:		Total:	\$122,086.00
To:		Let Date:	
Work Type:		Funding Category:	
		Estimated Completion Date:	
Total Federal Funds Obligated in FY 2010 (Transit Projects):			\$774,333.00



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. D.1

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. D.2

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. D.3

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Red River Groundwater Conservation District Board of Directors (1)

Issue

The City Council has appointed two directors to serve on the Board of the Red River Groundwater Conservation District. George Olson was appointed to serve until August 31, 2011; and David Gattis was appointed to serve until August 31, 2013. Mr. Olson's term is due to expire; and the President of the Red River Groundwater Conservation District would like to see him reappointed for a four year period to expire on August 31, 2015.

Background

The Red River Groundwater Conservation District was approved by the 81st Texas Legislature and became effective September 1, 2009. The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of the groundwater in Grayson and Fannin Counties, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution.

Origination

The reappointment originated with the District President, George "Butch" Henderson.

Financial Consideration

There is no financial consideration to the City for the appointments.

Staff Recommendation

It is recommended that the City Council consider reappointing George Olson to the Red River Groundwater Conservation District Board of Directors.

Alternatives

The Council could appoint another individual to serve on this board.

Attachments

District President Henderson's letter of June 8, 2011, a roster and fact sheet, and the Statute are attached for examination.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager



RED RIVER
GROUNDWATER CONSERVATION DISTRICT
FANNIN COUNTY AND GRAYSON COUNTY



June 8, 2011

Mayor Bill Magers
City of Sherman
PO Box 1106
Sherman, TX 75091

RE: Red River Groundwater Conservation District Board Representation

Dear Mayor Magers,

The legislation creating the Red River Groundwater Conservation District in 2009 contains a provision for two representatives to be appointed by the City of Sherman. Since the initial terms for directors were staggered, one appointment expires August 31, 2011. The new term will be for a four year period expiring August 31, 2015.

The appointment is currently being filled by Mr. George Olson, City Manager for the City of Sherman. Mr. Olson has been an active participant on the Board of Directors. I would like to request that you place this item on the next City Council agenda to provide an appointment to the Board of Directors.

Respectfully submitted,

Butch Henderson by Carmen Catterm

George "Butch" Henderson
President

MEMBERSHIP ROSTER

RED RIVER GROUNDWATER
CONSERVATION DISTRICT

LENGTH OF TERMS: FOUR YEARS
NO TERM LIMITS

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Harold Latham			8/31/2011		Fannin County Commissioners Court Appointment
George "Butch" Henderson President			8/31/2013		Cities in Fannin County Appointment
Don Morrison			8/31/2013		Water District/Water Supply Corp. in Fannin County Appointment
George Olson Vice President		9/22/2009	8/31/2011		Sherman Appointment
David Gattis		9/22/2009	8/31/2013		Sherman Appointment
John Young			8/31/2011		Cities in Grayson County Appointment (not Sherman)
Don Wortham Secretary/Treasurer			8/31/2013		Water District/Water Supply Corp. in Grayson County Appointment

CITY STAFF: George Olson, City Manager
Revised 6/15/2011

5100 Airport Drive
Denison, Texas 75020

Staff:
Jerry Chapman
Carmen Catterson, Secretary

FACT SHEET

RED RIVER GROUNDWATER CONSERVATION DISTRICT

Established by SB 2529 which was codified as Special District Local Laws Code, Title 6, "Water and Wastewater", Subtitle H, "Districts Governing Groundwater", Chapter 8859, "Red River Groundwater Conservation District"

1. Number of Members: SEVEN DIRECTORS – TWO FROM SHERMAN
2. Term of Appointment: STAGGERED FOUR-YEAR TERMS; EXPIRE AUG. 31 OF ODD NUMBERED YEARS
3. Consecutive Term Rule: NO RULE
4. Qualifications for Membership: REGISTERED VOTER OF GRAYSON OR FANNIN COUNTIES, AS APPLICABLE
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization:
PRESIDENT X VICE PRESIDENT X SECRETARY X
ELECTED X APPOINTED
7. Departmental Responsibility: MANAGEMENT
8. Meeting Date:
9. Attendance Requirements: NO RULE

=====

RESPONSIBILITIES: The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution.

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

CHAPTER 8859. RED RIVER GROUNDWATER CONSERVATION DISTRICT

For expiration of this subchapter, see Section 8859.025.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8859.001. DEFINITIONS. In this chapter:

- (1) "Board" means the board of directors of the district.
- (2) "Director" means a member of the board.
- (3) "District" means the Red River Groundwater Conservation District.
- (4) "Water services district" means a district created under the authority of Section 59, Article XVI, or Section 52, Article III, Texas Constitution, with the authority to provide retail water service in the district.
- (5) "Water supply corporation" means a water supply corporation operating under Chapter 67, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.002. NATURE OF DISTRICT; FINDINGS. (a) The district is a groundwater conservation district in Grayson and Fannin Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is created to serve a public use and benefit.

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under

powers conferred by this chapter and by Chapter 36, Water Code.

(d) Any fees imposed by the district under this chapter are necessary to pay for the costs of accomplishing the purposes of the district, including the conservation and management of groundwater resources, as provided by this chapter and Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.003. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Grayson and Fannin Counties.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.004. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. (a) Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

(b) Subchapter B, Chapter 36, Water Code, does not apply to the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the legislative intent and purposes of Chapter 36, Water Code. A power granted by Chapter 36, Water Code, or this chapter shall be broadly interpreted to achieve that intent and those purposes.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8859.021. INITIAL DIRECTORS; APPOINTMENT. (a) Not later than the 30th day after the effective date of the Act creating this chapter, the persons designated by Sections 8859.053(a)(1), (2), (3), and (4) to appoint directors shall appoint initial directors as prescribed by Section 8859.053 and in writing shall submit the appointed directors' names to the county judge of Fannin County. The persons responsible for making nominations for the appointments under Sections 8859.053 (a)(2) and (3) shall submit initial director nominations to the commissioners court of Fannin County not later than the 20th day after the effective date of the Act enacting this chapter.

(b) Not later than the 30th day after the effective date of the Act creating this chapter, the county judge of Fannin County shall set the date, time, and location for a meeting of the representatives designated under Subsection (d) for the appointment of initial directors by the entities that Sections 8859.053(a)(5) and (6) authorize to appoint directors.

(c) The county judge of Fannin County shall give notice of the meeting required by Subsection (b) not later than the 20th day before the date of the meeting by:

(1) providing a notice to the county clerk of Fannin County for public posting; and

(2) mailing a notice to the commissioners court of Grayson County.

(d) The governing body of each entity described by Sections 8859.053(a)(5) and (6) shall designate a representative to attend the meeting described by Subsection (b) and to cast the vote on behalf of the entity. Failure of a governing body to designate a representative or of a representative to cast a vote does not invalidate the appointment of the initial directors.

(e) The county judge of Fannin County shall preside at the meeting described in Subsection (b) and may require representatives described by Subsection (d) to provide evidence

demonstrating representation of an appropriate entity and qualification under Section 8859.053(f). The county judge of Fannin County in writing shall certify to the board and to the executive director of the Texas Commission on Environmental Quality the results of the meeting described in Subsection (b), including:

- (1) the identity of each representative described by Subsection (d) who attended the meeting; and
- (2) the names and terms of each initial director appointed.

(f) If the county judge of Fannin County does not perform any duty established by this section before the 90th day after the effective date of the Act creating this chapter, the executive director of the Texas Commission on Environmental Quality shall perform that duty as soon as practicable after that date.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.022. INITIAL DIRECTORS; TERMS OF OFFICE. (a) The following initial directors shall serve from the date of appointment until August 31, 2011:

- (1) the initial director appointed by the commissioners court of Fannin County under Section 8859.053(a) (1);

- (2) one initial director appointed by the governing body of the municipality under Section 8859.053(a) (4); and

- (3) the initial director appointed by the governing bodies of the municipalities under Section 8859.053(a) (5).

(b) The following initial directors shall serve from the date of appointment until August 31, 2013:

- (1) the two initial directors appointed by the commissioners court of Fannin County under Sections 8859.053(a) (2) and (3);

- (2) one initial director appointed by the governing

body of the municipality described by Section 8859.053 (a) (4); and

(3) the initial director appointed by the governing boards described by Section 8859.053(a) (6).

(c) The governing body of the municipality that appoints initial directors under Section 8859.053(a) (4) shall indicate in the submission for each appointment the length of the term for the appointment as described by Subsection (b).

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.023. INITIAL DIRECTORS; QUALIFICATIONS. (a) To be eligible to serve as an initial director:

(1) a person appointed under Section 8859.053(a) (1), (2), or (3) must be a registered voter of Fannin County; and

(2) a person appointed under Section 8859.053(a) (4), (5), or (6) must be a registered voter of Grayson County.

(b) Each initial director must qualify to serve as a director in the manner provided by Section 36.055, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.024. ORGANIZATIONAL MEETING OF INITIAL DIRECTORS. (a) As soon as practicable after all the initial directors have qualified under Section 36.055, Water Code, a majority of the initial directors shall convene the organizational meeting of the district at the Grayson County courthouse or at another location in the district agreeable to a majority of the initial directors.

(b) The initial directors shall elect officers of the initial board in accordance with Section 36.054(b), Water Code, at its organizational meeting.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff.

September 1, 2009.

Sec. 8859.025. EXPIRATION OF SUBCHAPTER. This subchapter expires December 31, 2013.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8859.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of seven directors appointed as provided by this section.

(b) Directors serve staggered four-year terms, with the terms of three or four directors from each appointing county expiring on August 31 of each odd-numbered year.

(c) A director serves until the director's successor has qualified to serve.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.052. DIRECTOR ELIGIBILITY; QUALIFICATION. (a) To be eligible to serve as a director:

- (1) a person appointed under Section 8859.053(a)(1), (2), or (3) must be a registered voter of Fannin County; and
- (2) a person appointed under Section 8859.053(a)(4), (5), or (6) must be a registered voter of Grayson County.

(b) Each director must qualify to serve in the manner provided by Section 36.055, Water Code.

(c) A person who qualifies as a director may participate in all votes relating to the business of the district, regardless of any common law doctrine or statutory prohibition related to conflicts of interest or incompatibility.

(d) Section 36.058, Water Code, does not apply to a director.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff.
September 1, 2009.

Sec. 8859.053. APPOINTMENT OF DIRECTORS. (a) The board consists of seven directors as follows:

(1) one director appointed by the commissioners court of Fannin County at the discretion of the commissioners court;

(2) one director appointed by the commissioners court of Fannin County selected from a list of nominees submitted to the commissioners court by the governing bodies of the municipalities in Fannin County;

(3) one director appointed by the commissioners court of Fannin County selected from a list of nominees submitted to the commissioners court by the water services districts and water supply corporations that provide retail water service to customers in Fannin County, subject to the limitation provided by Subsection (f);

(4) two directors appointed by the governing body of the municipality in Grayson County that has the largest annual production of groundwater by volume for the four years preceding the appointment;

(5) one director appointed jointly by the governing bodies of the municipalities in Grayson County other than the municipality described by Subdivision (4); and

(6) one director appointed jointly by the governing boards of all water services districts and water supply corporations that provide retail water service to customers in Grayson County, subject to the limitation provided by Subsection (f).

(b) Directors must be appointed not later than the second Monday in August of each odd-numbered year.

(c) Not later than the 60th day before the second Monday in August of each odd-numbered year, the district shall mail written notice to each entity authorized to make an appointment

under Subsection (a).

(d) The board by rule shall adopt a procedure for the written submission of appointments to the district.

(e) An entity that Subsection (a)(2) or (3) authorizes to nominate persons for director shall submit a list of nominees not later than the 30th day before the date the appointment is to be made under this section. If an entity designated by Subsection (a)(2) or (3) does not submit the list before that date, the commissioners court of Fannin County may appoint a director to the position for which the list was not received at the discretion of the commissioners court.

(f) A water services district or water supply corporation in Grayson and Fannin Counties may not participate in the appointment of a director unless that district or corporation used groundwater produced from wells located within the district to provide retail water service in the district during the calendar year of the appointment or the calendar year preceding the appointment. The board may require evidence of eligibility to participate.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.054. VACANCIES. If a vacancy occurs on the board, the entity that appointed the director who vacated the office shall appoint a person to fill the vacancy for the unexpired term in the manner provided for the vacant position by Section 8859.053.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.055. COMPENSATION; REIMBURSEMENT. (a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive compensation for performing the duties of director.

(b) A director is entitled to reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district.

(c) A position on the board is not a civil office of emolument for any purpose, including a purpose described in Section 40, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.056. QUORUM; CONCURRENCE FOR TRANSACTING BUSINESS. (a) A majority of the board membership constitutes a quorum for any meeting and a concurrence of a majority of the board shall be sufficient to transact district business, except as provided by Subsection (b).

(b) A concurrence of not fewer than six directors is required for transacting the following district business:

(1) establishing or amending a groundwater production fee assessed by the district based on the amount of groundwater authorized by permit to be withdrawn from a well or on the amount of water actually withdrawn from a well;

(2) adopting the annual budget of the district; and

(3) except as provided by Subsection (c), granting or denying a permit or permit amendment for a well that is intended to produce water within the district which will be transported in any amount for use outside the boundaries of the district.

(c) A concurrence of a majority of the board is sufficient to grant or deny a permit or permit amendment submitted by a retail public utility that provides retail water service in the district and intends to:

(1) produce water from a well located:

(A) within the district; and

(B) inside the boundaries or a certificated service area of a retail public utility; and

(2) transport the water outside the district, so

long as the water is used within the same certificated service area or boundary of the retail public utility.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.057. DECENNIAL REVIEW OF DISTRICT REPRESENTATION. (a) Not later than January 1, 2019, and every 10 years following that date, the board shall complete a review of the adequacy of representation of water users on the board based on groundwater production and use within the district.

(b) Not later than the 20th day following the date the review is complete, the board shall submit the review described in Subsection (a) and any recommendation the board may have relating to the reapportionment of directors or the representational structure of the board to each member of the house of representatives and each member of the senate whose state legislative district includes territory in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8859.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.102. CONTRACTS. The district may enter into a

contract with any person, public or private, for any purpose authorized by law.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.103. APPLICABILITY OF DISTRICT RULES REGULATING GROUNDWATER. District rules regulating groundwater adopted under this chapter apply to all persons except as exempted under Section 36.117, Water Code, or this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.104. WELL SPACING RULES; EXEMPTIONS. (a) Except as provided by Subsection (b), the district shall exempt from the well spacing requirements adopted by the district any well that is completed on or before the effective date of those requirements.

(b) The district by rule may provide that a well may lose its exemption under this section if the well is modified in a manner that substantially increases the capacity of the well after the effective date of the well spacing requirements adopted by the district.

(c) Except as provided by this section and notwithstanding Section 8859.103, the district may require any well or class of wells exempt from permitting under Chapter 36, Water Code, to comply with the well spacing requirements adopted by the district. The district shall apply well spacing requirements uniformly to any well or class of wells based on the size or capacity of the well and without regard to the type of use of the groundwater produced by the well.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.105. REGISTRATION AND REPORTING REQUIREMENTS FOR CERTAIN EXEMPT WELLS. The district may adopt rules that require the owner or operator of a well or class of wells exempt from permitting under Section 36.117, Water Code, to register the well with the district and, except for a well exempt from permitting under Subsection (b)(1) of that section, to report groundwater withdrawals from the well using reasonable and appropriate reporting methods and frequency.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

Sec. 8859.106. ENFORCEMENT. (a) The district may enforce this chapter in the manner provided by Chapter 36, Water Code. In lieu of a remedy available to the district under Section 36.102, Water Code, or in addition to those remedies, the district may impose a fee in addition to a fee assessed under Section 8859.152 on a person producing groundwater in violation of a rule of the district, including the failure or refusal to comply with any order or rule of the district to reduce or cease groundwater usage. The purpose of a fee authorized under this subsection is to serve as a disincentive to producing groundwater except as authorized by the district.

(b) A fee imposed under Subsection (a) may not exceed an amount equal to 10 times the amount of a fee assessed under Section 8859.152.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8859.151. TAXES PROHIBITED. The district may not impose a tax. Sections 36.201-36.204, Water Code, do not apply to the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff.
September 1, 2009.

Sec. 8859.152. DISTRICT REVENUES. (a) The district by rule, resolution, or order may establish, amend, pledge, encumber, expend the proceeds from, and assess to any person production fees based on the amount of groundwater authorized by permit to be withdrawn from a well or on the amount of water actually withdrawn, to enable the district to fulfill its purposes and regulatory functions as provided by this chapter. The district may use revenues generated by fees it assesses for any lawful purpose.

(b) Notwithstanding any provision of general law to the contrary, a fee authorized by Subsection (a) may not exceed:

(1) \$1 per acre-foot annually for groundwater used for agricultural purposes; or

(2) 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes.

(c) Notwithstanding any provision of general law or this chapter to the contrary, the district may assess a production fee under this section for groundwater produced from a well or class of wells exempt from permitting under Section 36.117, Water Code, except for a well exempt from permitting under Subsection (b)(1) of that section. A production fee assessed by the district under this subsection must be based on the amount of groundwater actually withdrawn from the well and may not exceed the amount established by the district for permitted uses under Subsection (b)(2) of this section.

(d) Notwithstanding Section 36.1071(f), Water Code, the district by rule, resolution, or order before the adoption of its management plan may:

(1) establish, assess, and enforce the collection of production fees under this section; and

(2) establish and enforce metering and reporting requirements, except for a well exempt from permitting under

Section 36.117(b)(1), Water Code.

(e) The district by rule may establish a temporary or permanent discounted fee rate for persons who prepay production fees to the district under this section on or before the dates established by district rule.

(f) The district may not assess a fee for transporting water that is produced from a well located inside the district and inside a certificated service area of a retail public utility and transported outside of the district, if the water is used in the same certificated service area of the retail public utility.

Added by Acts 2009, 81st Leg., R.S., Ch. 884, Sec. 1, eff. September 1, 2009.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. D.4

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

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 and
Removal of Members to Boards and
Commissions:**
 - (i) Planning and Zoning Commission (3)**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. F.1

OPEN MEETING

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

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 6-20-2011

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2011

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
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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
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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

01/03/11 - January 3rd Council meeting cancelled
01/17/11 - M.L.K., Jr. Birthday / Regular Council Meeting
02/21/11 - Washington's Birthday / Regular Council Meeting
03/03/11 - 12 Noon Long-Term Planning Meeting
03/28/11 - 12 Noon Called Meeting for PH & Adoption of Ord. #
(Annexation of 23.065 acres south of Dripping Springs Road and
west of Cedar Park Village)
04/21/11 - 12 Noon Budget Planning Meeting in Council Chambers
06/17/11 - 8:00 AM Budget Workshop in Council Chambers
07/04/11 - Independence Day - No Meeting Called for 07/05/11

09/05/11 - Labor Day / Called Council Meeting on 09/06/11