

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JUNE 17, 2019
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER DARON HOLLAND**
- A. 3. INVOCATION BY COUNCIL MEMBER DARON HOLLAND**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 3, 2019**

Public Hearing

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6218**
Extending the Corporate Limits of Said City so as to Annex an Approximately 217.7 Acre Tract of Land located West of F.M. 1417, South of O.B. Groner Road and East of Bradley Road, Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; Providing for a Municipal Service Plan
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6219**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District in the 2000-2900 blocks of North State Highway 289, being 111.721 acres in the J.K. Miller Survey, Abstract No. 819, J.M. Thomas Survey, Abstract No. 1234, the Daniel Bickenbach Survey, Abstract No. 128 and Block 1, Preston Club, The Classics, Phase Three, Blocks 2, 3 and 4, Preston Club, The Classics, Phase Four and all of Blocks 1 and 5, Preston Club, The Classics, Phase Four (WUI Development, LLC, Christopher Rehmet and Claire Tate and Robert Tate, Owners; Clay Barnett, P.E., Representative; and Helvey-Wagner Surveying, Inc., Surveyor)
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6220**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Concrete Recycling Facility in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417) Overlay District at 1022 Northeast F.M. 1417, being 19.980 acres in the Aaron Burleson Survey, Abstract No. 61 (Sammy Dolezalek, Owner; Brown Lewisville Railroad Family Trust, LP, Prospective Buyer; Trey Brown and Drue Bynum, Representatives; Big City Crushed Concrete, Proposed Tenant; David Fite Surveying, Surveyor; and GSO Architects, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6221**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Tattoo and Art Studio in a C-2 (General Commercial) District/Central Business District at 119 East Wall Street, being part of Lots 7, 8 and 9, Block D, T.J. Shannon Supplement (John and Sharen Arriazola, Owners; Electric Age Tattoo Company, Proposed Tenant; and John C. Stone, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Close Public Hearing and Consider Adoption of Ordinances

B. 5. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6218, 6219, 6220 and 6221

B. 6. CONSENT AGENDA

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

Resolutions

C. 1. RESOLUTION NO. 6489

Awarding a Proposal to and Authorizing Execution of a Contract with Lynn Vessels Construction, LLC based on a Request for Proposal for the Construction of the West Travis Street Phase II & III Project

C. 2. RESOLUTION NO. 6490

Authorizing Execution of a Development Agreement with Wyldewood Homes for the Construction of Public Facilities in Heritage Farms Estates, a 26.106-acre Development off of Quail Run Road, west of F.M. 1417 (Heritage Parkway) in the City of Sherman

C. 3. RESOLUTION NO. 6491

Awarding a Bid to and Authorizing Execution of a Client Services Agreement with Lockton-Dunning Series of Lockton Companies, LLC as Benefits Broker for the City of Sherman

Change Orders

D. 1. CHANGE ORDER NO. 1

Approving a Change Order of \$186,010.00 for Construction of the Pecan Grove West Athletic Complex Walking Trail

Other Business

E. 1. * OTHER BUSINESS

Replat Approval of Lots 7-10, Block 10, College Park Addition, being Lots 7-10, Block 10, College Park Addition, containing 1.143 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor (700 block of North Grand Avenue)

E. 2. * OTHER BUSINESS

Replat Approval of Lots 1-16, Block 9, Mildred Heights Replat, being all of Block 9, Mildred Heights Addition, containing 2.853 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor (1200 block of North Hurt and North Bledsoe Streets)

E. 3. * OTHER BUSINESS

Final Plat Approval of Graham Addition, being 2.788 acres in the J.B. McAnair Survey, Abstract No. 763; Bryan and Margaret Graham, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (2300-2400 blocks of North Hickory Street and 229 West Pelton Street)

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

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

Section 551.071	Consultation with City Attorney concerning Pending or Contemplated Litigation
Section 551.071	Consult with the City Attorney on a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter
Section 551.087	Deliberation Regarding Economic Development Negotiations: (a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

J. 1. OPEN MEETING

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

K. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on June 12, 2019 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 12th day of June, 2019.
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Shawn C. Teamann

Council Members

Willie Steele, Council-At-Large, PL #1

Sandra Melton, Council-At-Large, PL #2

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 06/17/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 3, 2019

Attachments

June 3, 2019

Sherman Cultural District Quarterly Report

Storm Water Utility Program Presentation

STATE OF TEXAS §

COUNTY OF GRAYSON §

June 3, 2019

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 3, 2019.

**MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR SHAWN TEAMANN.
COUNCIL MEMBERS HOLLAND, HOWETH, MELTON, STEVENSON.**

MEMBERS ABSENT: COUNCIL MEMBER STEELE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Deputy Mayor Shawn Teamann.

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council (Budget Planning) Meeting of April 26, 2019 and of the Regular City Council Meeting of May 20, 2019. Council Member Howeth moved to approve the Minutes, as presented; Second by Council Member Holland; All present voted AYE. MOTION CARRIED.

SPECIAL PRESENTATION

PRESENTATION OF 2019 COMMUNITY CHAMPION AWARD

Mayor Plyler introduced William Meyers, Texoma Health Foundation Chairman, for the presentation of the 2019 Community Champion Award.

Mr. Meyers said the mission of the Texoma Health Foundation is to support the health and well-being of people in the Texoma Health Foundation community. They serve Grayson and Fannin Counties in Texas, and Bryan and Marshall Counties in Oklahoma.

He said in 2012, THF made mental health a priority and has increased their investment by researching the services and needs to improve the mental health and well-being of people in the THF community. They have increased funding of grants to mental health programs, developing endowments, and establishing prevention efforts.

The Behavioral Health Leadership Team was officially formed in 2017 to help erase the stigma and improve the quality of life for those facing mental illness.

The THF Community Champion Award was created to recognize outstanding leaders in Texoma who give above and beyond to create a better community for their residents. The award includes a \$1,000 charitable contribution that the

designee is allowed to donate to the organization of their choice that aligns with THF's mission, in their service area.

Police Chief Zach Flores and Grayson County Sheriff Tom Watt, volunteered to serve as co-chairmen for the Texoma Behavioral Health Leadership Team. Since that time, Chief Flores has continued to invest significant time and has demonstrated his compassion to helping improve the lives of their residents.

Mr. Meyers said Chief Flores is a leader, a motivator, a facilitator, and a change-maker, and is dedicated to improving the mental health of the communities. He added that the time and commitment from Chief Flores is appreciated.

He presented Chief Flores with the 2019 Community Champion Award. Chief Flores thanked Mr. Meyers and the THF, saying he was very proud of the Behavioral Leadership Team and what they have done. He thanked THF for being a partner with the Behavioral Leadership Team, and said together, they have proven they can get a lot of things done.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Plyler introduced Ordinance No. 6217 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", ARTICLE 3.14, ENTITLED "PERMIT, DEVELOPMENT AND REGISTRATION FEES", AT SECTION 3.14.001, ENTITLED "BUILDING PERMITS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6217
BUILDING PERMIT
FEES

Scott Shadden, Director of Development Services, said House Bill 852 was recently signed by the Governor, which prohibits cities from basing building permit fees on the cost of a proposed structure. There was no grace period for the change.

Sherman's ordinance was based on the cost, so the staff modified the ordinance to reflect this change in law. He said the City is now in compliance with State law and he expects no impact on the money collected.

No citizens appeared before the City Council to discuss Ordinance No. 6217.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6217

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED "BUILDING REGULATIONS", ARTICLE 3.14, ENTITLED "PERMIT, DEVELOPMENT AND REGISTRATION FEES", AT SECTION 3.14.001, ENTITLED

ORD 6217
BUILDING PERMIT
FEES

“BUILDING PERMITS”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Ordinance No. 6217, as presented. Second by Council Member Howeth.

VOTING AYE: Holland, Howeth, Melton, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Howeth moved to approve the Consent Agenda, as presented. Second by Deputy Mayor Teamann. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6487 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH NICK & SONS CONSTRUCTION, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN AMISTAD ESTATES, PHASE 1, AN 8.05-ACRE DEVELOPMENT OFF OF FRIENDSHIP ROAD, WEST OF F.M. 1417 (HERITAGE PARKWAY) IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH NICK & SONS CONSTRUCTION, LLC FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN AMISTAD ESTATES, PHASE 1, AN 8.05-ACRE DEVELOPMENT OFF OF FRIENDSHIP ROAD, WEST OF F.M. 1417 (HERITAGE PARKWAY) IN THE CITY OF SHERMAN.
CONSENT AGENDA.

**RES 6487
BUILDING PERMIT
FEES**

RESOLUTION NO. 6488 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE NALL & PERKINS, INC. FOR THE ENGINEERING DESIGN OF MOORE STREET FROM WEST TRAVIS STREET TO PARK AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TEAGUE NALL & PERKINS, INC. FOR THE ENGINEERING DESIGN OF MOORE STREET FROM WEST TRAVIS STREET TO PARK AVENUE.

**RES 6488
DESIGN OF
MOORE STREET**

Clint Philpott, Director of Engineering, said this contract with Teague, Nall & Perkins is to extend and improve Moore Street, from West Travis Street to Park Avenue. The plan is for four lanes and a median. It is expected that construction will be phased and only the west two lanes will be constructed until development in the area increases.

He said Teague Nall & Perkins was chosen because they did the on-site civil design for the new high school. This allows staff to make sure that all the coordination is done with the

school. The plan is to have the road constructed and open by the time school starts in August 2020.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6488, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Howeth, Melton, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

RECEIVE QUARTERLY REPORT ON THE SHERMAN CULTURAL DISTRICT

SHERMAN CULTURAL DISTRICT

Cary Wacker, Associate Vice President for Institutional Advancement & Director of the Center for Community & Regional Development at Austin College, presented a quarterly report from the Sherman Cultural District Advisory Council.

She introduced Ginger Nye, Director of the Austin College Center for Community & Regional Development; and Cultural District Board Members Sarah McRae, Sherman Tourism/Main Street Manager; and Terrence Steele, Assistant City Manager.

Since the last report, the Board has had several meetings with their committees and the Advisory Council to plan activities. The first Cultural Conversations Meeting was held in April 2019 with various organizations to discuss future art activities, planning for the future, and promoting the arts in the Cultural District.

Ms. Wacker said between March and May, 2019, they have had 64 arts-based events and opportunities, including multiple performances. She discussed upcoming events for the summer and said they are planning ahead for the 2019-2020 year.

She discussed the Focalpoint Project, a grant funded project with the National Endowment for the Arts, which is really moving forward this summer. Citizens can contribute their images of Sherman to the project. They will then decide how they want to display the art to enhance the Downtown Cultural District and the Main Street area.

They are also planning some summer photography workshops about how to compose images that will really convey a story about life in Sherman. They hope to have enough images collected by August 1, 2019 for the selection committee to choose images to become the inspiration for contemporary artists to display art downtown.

Upcoming events and projects include grant projects, Arts Fest activities, wayfinding signage to direct visitors to various art destinations, and the incorporation of public art into new infrastructure development.

RECEIVE UPDATE FROM ENGINEERING DIRECTOR CLINT PHILPOTT ON THE CITY'S STORMWATER UTILITY PROGRAM

**STORMWATER
UTILITY PROGRAM**

Robby Hefton, City Manager, said originally this presentation was going to be made at the Budget Workshop, however it was determined that there probably wouldn't be enough time. This report is to give an update on the progress being made with the Stormwater Utility Program.

Mr. Philpott said a Post Oak Creek Flood Study was completed in 2013 that identified 42 projects in the Post Oak Creek Watershed. Estimated cost of the projects was \$56.2 million.

In 2017, under the Utility Program, the City began work on the projects, including the acquisition of property on State Highway 56 and the application of a Severe Repetitive Loss Grant through the Federal Emergency Management Agency.

In 2017 the Stormwater Utility Fund was created and a fee was established. The first step was to provide a detailed study of the flood plain and to update the FEMA maps for a more accurate and detailed study.

The \$1 fee (equivalent residential unit) was started in December 2017, with smaller houses charged \$0.60 and larger houses charged \$1.80. The charges for commercial property are based on the square footage of the impervious area. In total, the fee generates about \$435,000 annually.

Mr. Philpott said instead of tackling the \$56 million project list \$200,000 at a time, the City decided to issue debt to fund the stormwater CIP projects. In 2018, \$3.9 million in debt was issued to fund larger projects and to acquire property as needed. The annual debt service on that \$3.9 million is about \$262,000 annually. Two employees were also hired to handle stormwater cleanup.

Mr. Philpott said money was still available from the debt issued in 2018. To date, about \$1.1 million has been spent.

He discussed property acquisition, with most being along Post Oak Creek. These include the Severe Repetitive Loss properties through FEMA, Regency Drive, the mobile home park on Houston and Lamar Streets, a home on Lamberth Road, and one on Houston Street.

To date, the City has spent \$1.1 million to remove the structures for \$2.2 million in property value. Through FEMA, he said the City was able to purchase the property at a really good rate.

The property at 1600 West Lamar Street is adjacent to City park property. A parking lot and a granite trail was installed, and they will add some bridges to tie it into the park system.

The City also hired Halff & Associates to review the FEMA Flood Plain Maps for an update. It was completed in December

2018 and the City is waiting on FEMA to publish the updated maps. He showed examples of how the maps were changed for the update and how they were made more accurate

The study covers 33 square miles, the majority of the City limits, including the East Fork of Post Oak Creek, Sand Creek, and Post Oak Creek Main Stem. Mr. Philpott said the maps for the area south of town will probably also need to be updated.

Another part of the study was to analyze where they felt detention ponds would be beneficial. They determined that a pond south of Fairview Park would cost \$20 million and would only reduce the flood plain by two feet, effecting 27 properties on the fringe of the flood plain. It was determined that property acquisition was a better solution.

A detention pond on West Sand Creek would cost \$83 million and reduce the flood plain by 7.5 feet, effecting 130 properties. The pond would be about ten times larger than Baker Park. This would be a long range project, paid for by grant funding.

Mr. Philpott said if you can't reduce the flood plain, the other alternative is to increase the bridge crossings. One project is the South Travis Street Bridge, which is very narrow. The City qualified for a Federal Highway Funds Grant to replace the bridge, which is about 20 foot wide and located by the Old Camelot Apartments. Through the grant, the City's portion will only be 10%, and construction is expected to start in late 2020.

Another project is for erosion control on the Center Street Bridge over Post Oak Creek. The engineering design is estimated to cost about \$175,000 and the design work should start this summer.

The City also hired two full-time employees earlier this year for the Stormwater Crew. Their goal is to clean out ditches; bridge crossing clean-ups after storms; minor culvert repair; and larger projects in-house, supplemented by the Street Department personnel. Major projects will continue to be bid out for construction.

Mr. Philpott said the other big project that is being funded with the debt issuance for 2018 is the Lamberth Road Crossing, between US Hwy 75 and Travis Street. One of the houses that was torn down was part of the Severe Repetitive Loss Program.

The pipe is an existing 10 foot diameter pipe, and based on the analysis, four 12' x 12' box culverts are needed to handle a 100-year event. The project would also raise the road about four feet, and would include purchasing one of the homes on the north side of the road. Construction is expected to cost between \$1.5 million and \$1.7 million.

Money left after the Lamberth Road Project will be used for smaller projects to help improve the flood plain. The City will

continue to focus on acquisition. Every property purchased has been voluntary and not through condemnation. The City is also continuing to partner with developers to increase regional detention and its effectiveness. They will also continue to look for grant funding opportunities for bridge improvements, and use the City crew to maintain stormwater infrastructure.

Ronald Aycock, 220 E. Houston

Mr. Aycock said the staff is showing maps to dig holes to catch water and buying houses to spread water out, but he has seen nothing about cleaning vegetation out of creeks to move water out of town.

Mayor Plyler said the City hired two additional employees to help with creek cleaning. He said no work has been done on creeks at Houston and Lamar Streets, Archer Drive, or in South Sherman, to help the water flow quicker.

Council Member Holland said work on the creeks at Center Street has begun. Mr. Philpott added that one problem is that many creeks in Sherman are privately owned and the City doesn't normally clean private property.

Council Member Howeth addressed the impact citizens can have when mowing their grass and blowing clippings into the street. When it rains, those clippings are carried into the drainage system and clog it up. Trash also can be pushed into the drains and cause blockage.

Deputy Mayor Teamann said developers are also required to install drainage for their subdivisions, and he asked if that was having the impact that the City hoped.

Mr. Philpott said the idea on the detention pond is to not increase the flow directly downstream of the development. As development continues, these small ponds won't have a significant impact on flooding downstream. The City continues to look at larger detention ponds in the developing areas.

Council Member Melton said some of the detention, retention ponds are grass only, and she expressed concern about them holding mosquitos and snakes. She asked who was responsible for maintaining these ponds.

Mr. Philpott said the developer or whoever owns the pond itself is responsible for upkeep and maintenance. The developer may have sold it to a management company who would be responsible. The City's Code Enforcement Office can help make sure it's maintained.

Mr. Hefton said the staff is not proposing any changes to the stormwater fees at the upcoming Budget Workshop.

CONSIDER CHANGING THE LOCATION OF THE CITY COUNCIL'S BUDGET WORKSHOP CALLED FOR JUNE 13-14, 2019

**BUDGET WORKSHOP
LOCATION**

Mr. Hefton said the staff is proposing to have the Budget Workshop at the meeting room at the new Schulman's Movie Bowl Grill. They have a nice facility with good audio-visual capabilities. He felt it was a good representation of the development and partnering that the City has done with other developers.

He said the staff is still planning on a one day event, but have both June 13 and 14, 2019 booked for the Workshop. Since the Council has previously set the location of the Budget Workshop, they need to consider moving the location to the new facility.

ACTION TAKEN.

Motion by Council Member Howeth to approve changing the location of the Budget Workshop, scheduled for June 13-14, 2019, to Schulman's Movie Bowl Grill, to show support to the new business, as presented. Second by Council Member Teamann.

VOTING AYE: Holland, Howeth, Melton, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUEST OF THE 2019 NEIGHBORHOOD RECREATION COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL "JUNETEENTH CELEBRATION" ON SATURDAY, JUNE 15, 2019

**CLOSE STREETS
JUNETEENTH
CELEBRATION
(JUNE 15, 2019)**

The City Council approved the request of the Neighborhood Recreation Committee to temporarily close certain streets for the annual Juneteenth Celebration on June 15, 2019.

The event will be held at Lucy Kidd-Key Park and they will close the streets around the Municipal Building. Labor and equipment to drop off and pick up barricades and solid waste containers will be required. The Building Maintenance staff will also assist with electrical and water connections for vendor booths and amusement activities.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

SCHULMAN'S MOVIE BOWL GRILL

Deputy Mayor Teamann said he attended the ribbon cutting event for Schulman's Movie Bowl Grill and it was very exciting for the City of Sherman. A lot of work went into making that happen in Sherman.

**SCHULMAN'S MOVIE
BOWL GRILL**

ANIMAL SERVICES MANAGER

Mayor Plyler introduced Ty Coleman, the new Animal Services Manager, for the City of Sherman, and welcomed him to Sherman.

**ANIMAL SERVICES
MANAGER**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Hot Summer Nights kicks off on June 6, 2019, with Flock of Seagulls.
- Coffee With the Mayor will be held on June 7, 2019 at 8:00 a.m., at the Sherman Museum. Country music star Jason Allen will join the event.
- The Sherman Community Players will present West Side Story, at Kidd-Key Auditorium, opening June 14, 2019. The event will feature a live symphony.
- The Annual Juneteenth Celebration will be held on the Municipal Lawn on June 15, 2019.

ANNOUNCEMENTS

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.

EXECUTIVE SESSION

SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

SECTION 551.071 -- CONSULT WITH THE CITY ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER

SECTION 551.087 -- DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

COUNCIL MINUTES – JUNE 3, 2019

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:58 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:29 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:30 p.m.

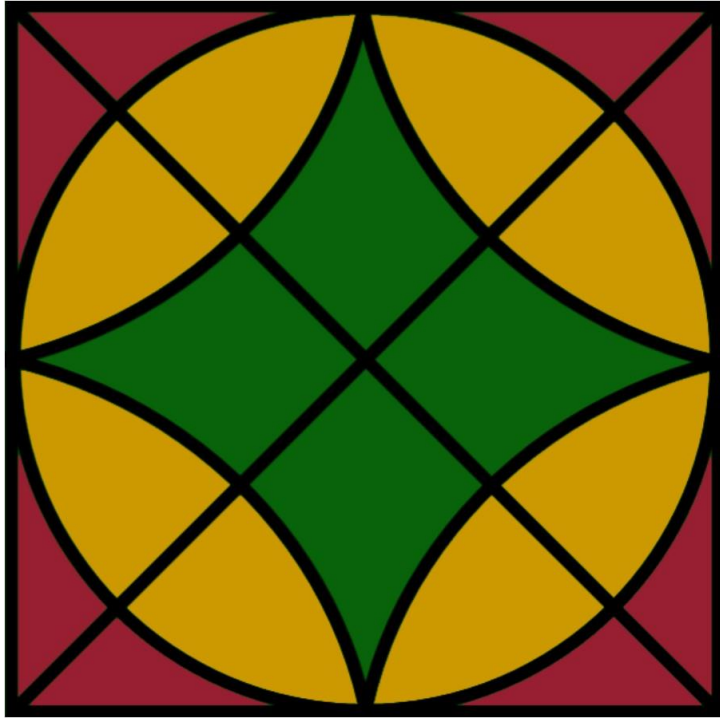
ADJOURNMENT

MAYOR

CITY CLERK

Quarterly Report

Spring 2019



SHERMAN
CULTURAL
DISTRICT

Spring 2019 Summary



- ▶ Cultural Conversations - April →
- ▶ Committees actively meeting
- ▶ Coordinating with other arts organizations
- ▶ Sherman Art League display →
- ▶ 64 Arts-based events on the calendar
 - ▶ March - 16
 - ▶ April - 26
 - ▶ May - 22
- ▶ Planning events for 2019-2020



Coming Up - Focalpoint(!) events

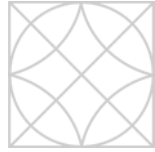


- ▶ June 6 - Booth at Hot Summer Nights kick-off
- ▶ “Themes” for summer assignments:
 - ▶ June: “My summer in Sherman means.....”
- ▶ Two student interns for summer activities
- ▶ Summer photography workshops
- ▶ Call for artists - first round of temporary public art by August 1

Focalpoint(!)



Planning Now: Events & Projects for 2019-2020



- ▶ Texas Commission on the Arts - Grant Projects
- ▶ Arts Fest Activities
- ▶ Wayfinding Signage
- ▶ Art Dash - February 2020
- ▶ Summer 2020 event to be announced! →
- ▶ Art for new downtown infrastructure
↓



**Texas
Commission
on the Arts**
State Cultural District





STORM WATER UTILITY

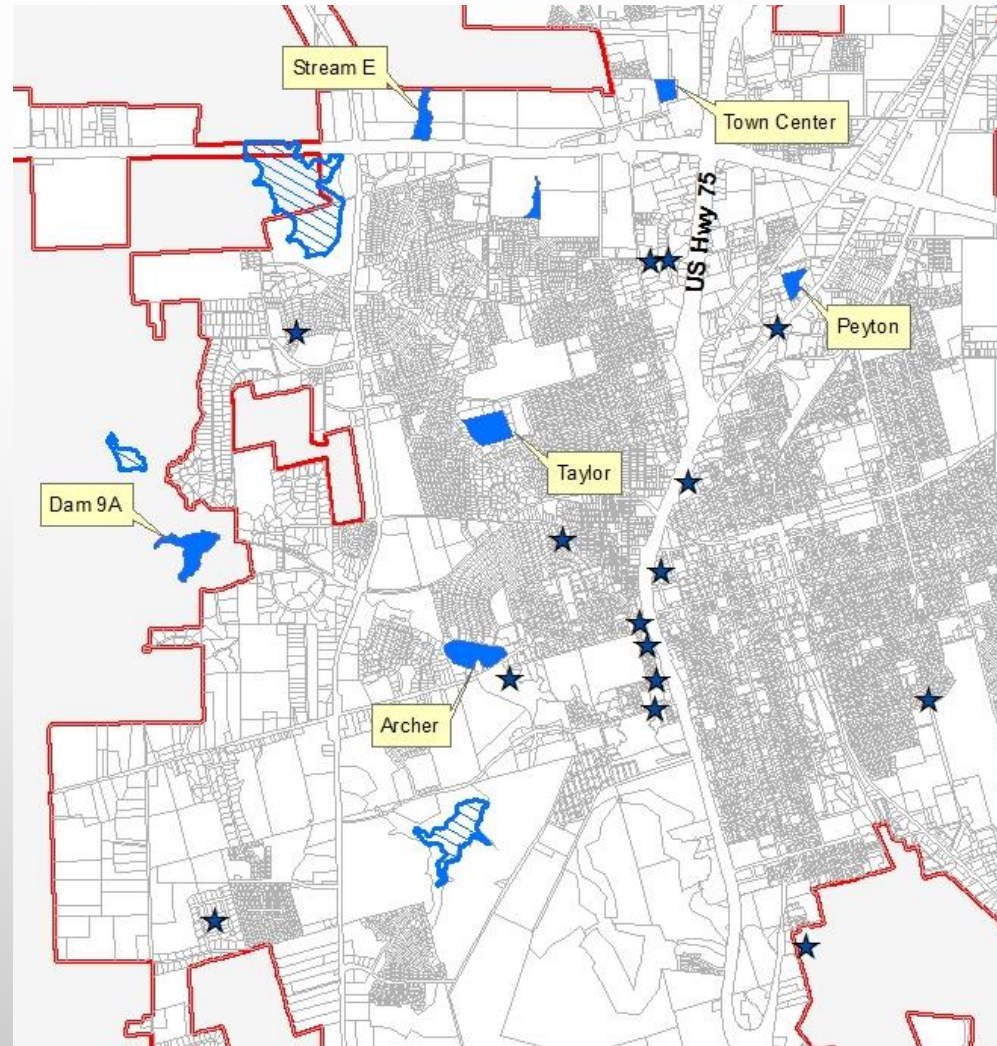
2018 - 2019

OVERVIEW



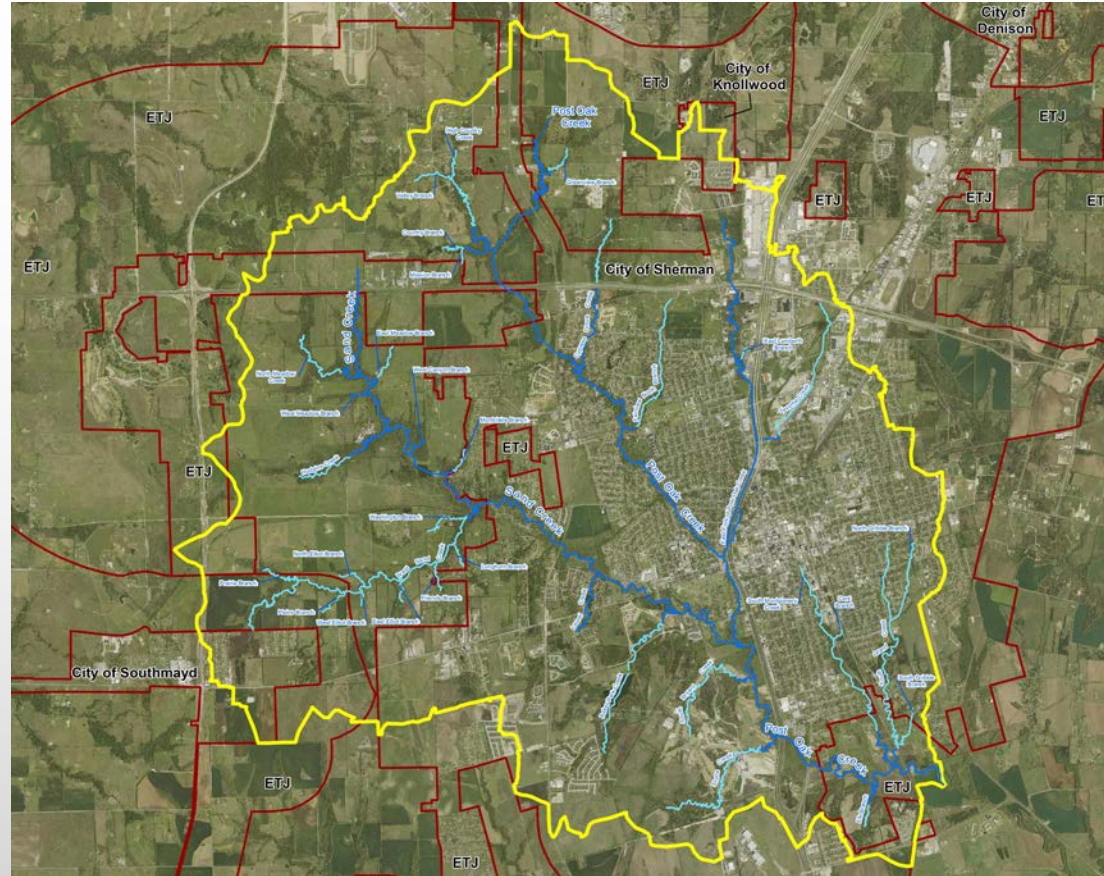
STORM WATER UTILITY

- 42 total projects identified in Post Oak Creek Study 2013
- Cost estimated at \$56.2 million
- Projects completed 2017:
 - State Highway 56 property acquisition
 - FEMA SRL properties (8 of 9) acquired



STORM WATER UTILITY

- In 2017 the Storm Water Utility Fund and Fee was established.
- Step one was to provide detailed study of the Flood Plain and Update the FEMA Maps in Sherman.
- Next, staff began to prioritize the Capital Projects based new funding sources and emergency service needs.



FEE STRUCTURE – STARTED IN DEC 2017

Residential	\$1.00/ERU
Residential Tier 1	\$0.60
Residential Tier 2	\$1.00
Residential Tier 3	\$1.80
Non-Residential	\$1.00/ERU
Example: Whataburger (8 ERUs)	\$8.00
Example: Walmart (235 ERUs)	\$235.00
Annual Revenue	\$435,000

ANNUAL FEE BREAK DOWN

- \$3.9M (2018 DEBT TO FUND STORMWATER CIP PROJECTS)

- FLOOD PLAIN PLANNING
 - PROPERTY ACQUISITION
 - CONSTRUCTION PROJECTS
- | | |
|--------------|-----------|
| DEBT SERVICE | \$262,000 |
|--------------|-----------|

- STORM WATER CREW

- 2 EMPLOYEES
 - MATERIALS & SUPPLIES
- | | |
|--|----------|
| | \$98,000 |
| | \$60,000 |

TOTAL =	\$420,000
---------	-----------

LEFT ANNUALLY	\$15,000
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PROPERTY ACQUISITIONS

2017

- SRL PROPERTIES (FEMA)
- REGENCY DRIVE
- HOUSTON / LAMAR PROPERTIES

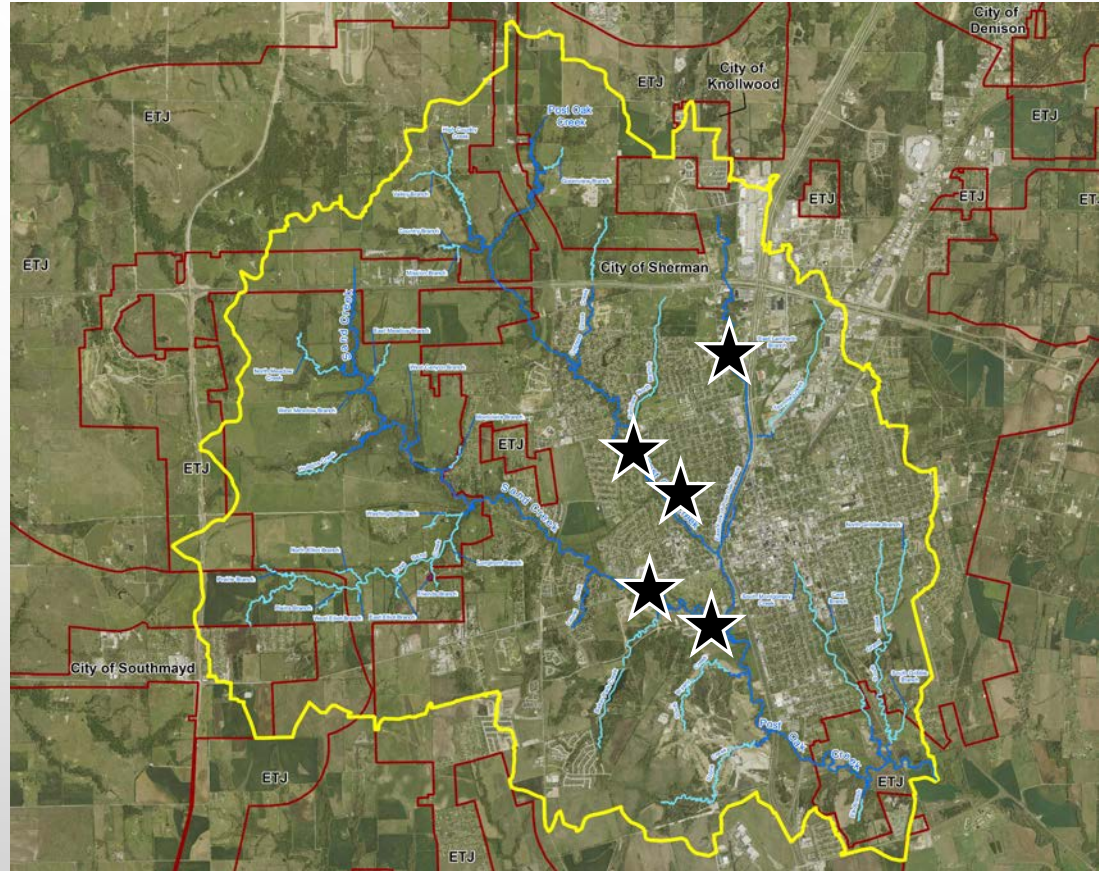
2018

- 205 E. LAMBERTH
- REGENCY DRIVE

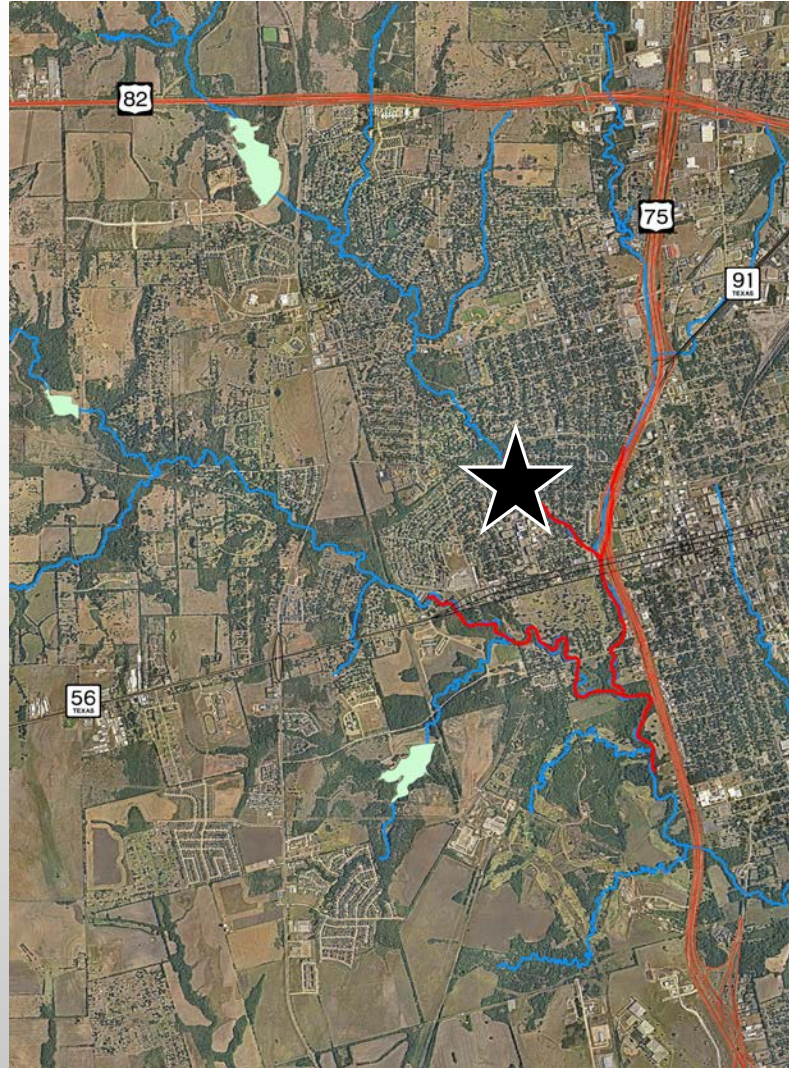
2019

- 1600 HOUSTON

TO DATE WE HAVE SPENT \$1.1M AND
REMOVED \$2.2M OUT OF FLOOD PLAIN



PROPERTY ACQUISITION REGENCY CIRCLE



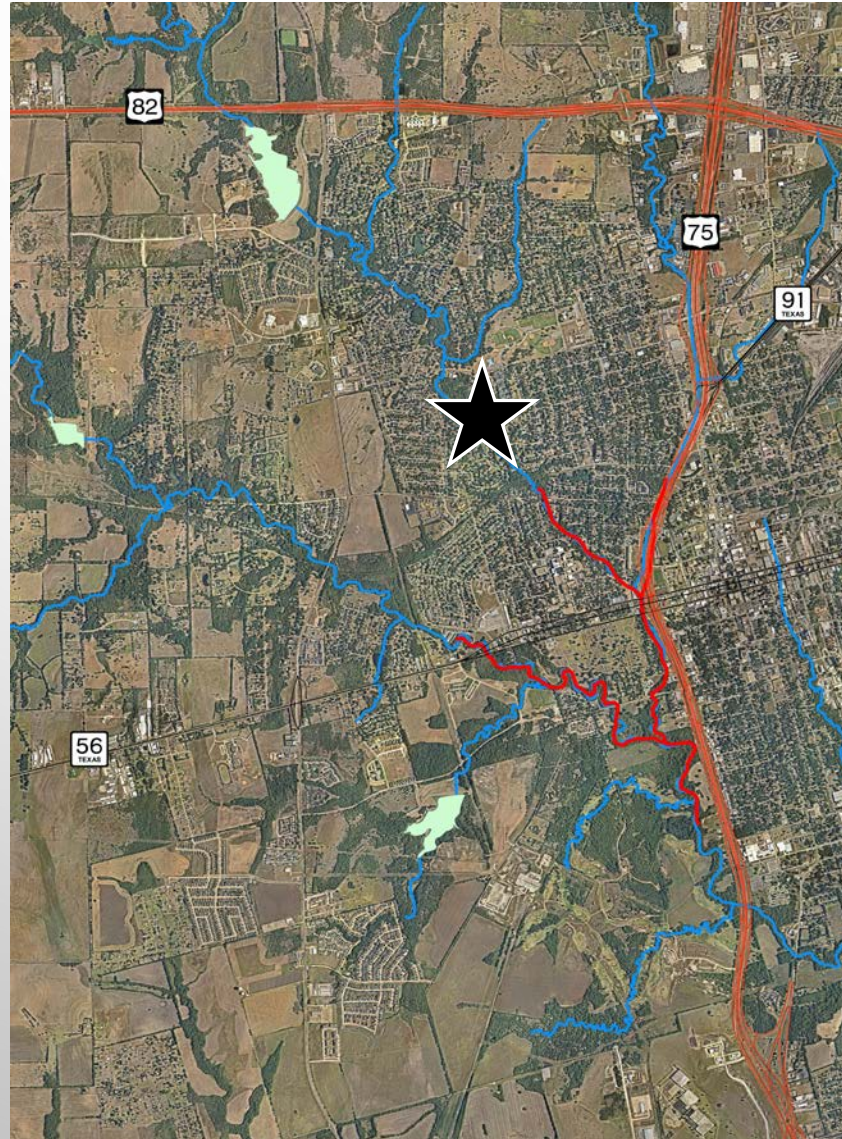
PROPERTY ACQUISITION REGENCY CIRCLE (BEFORE)



PROPERTY ACQUISITION REGENCY CIRCLE (AFTER)



PROPERTY ACQUISITION MCGEE ST.



PROPERTY ACQUISITION MCGEE ST. (BEFORE)

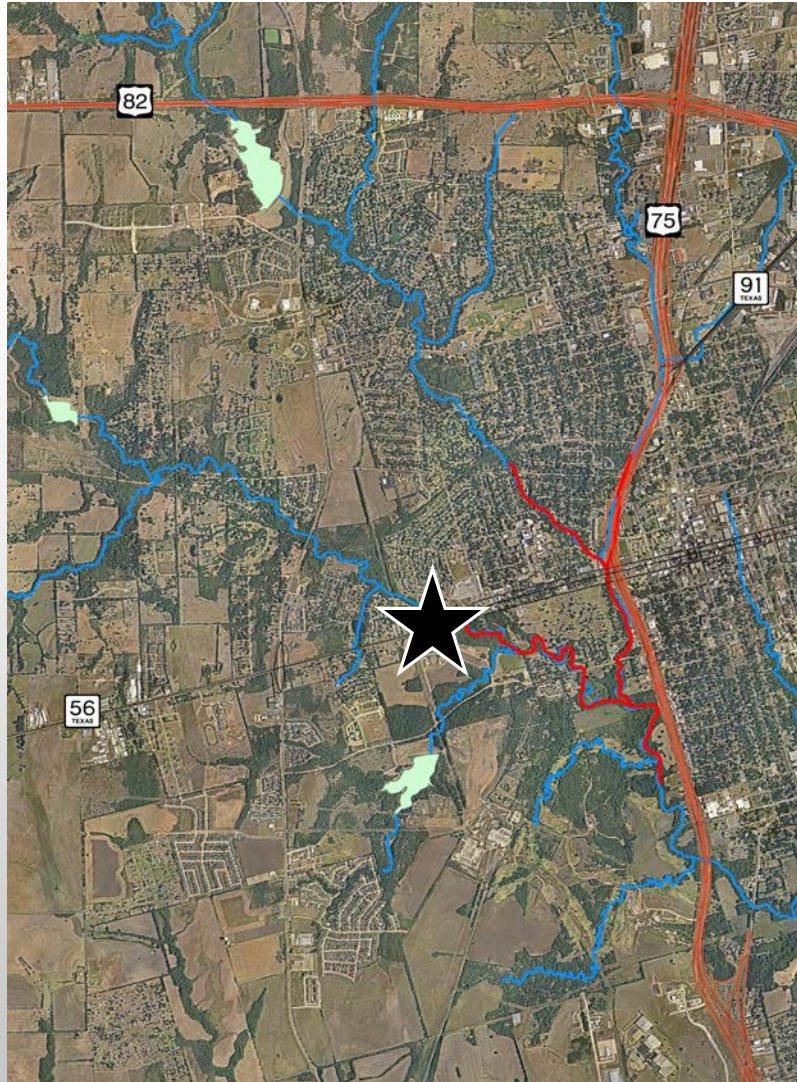


PROPERTY ACQUISITION MCGEE ST. (AFTER)



PROPERTY ACQUISITION

1600 W LAMAR



PROPERTY ACQUISITIONS

1600 W LAMAR

(BEFORE)



PROPERTY ACQUISITIONS

1 600 W LAMAR

(AFTER)



FEMA FLOOD PLAIN MAP UPDATE

HALFF & ASSOCIATES

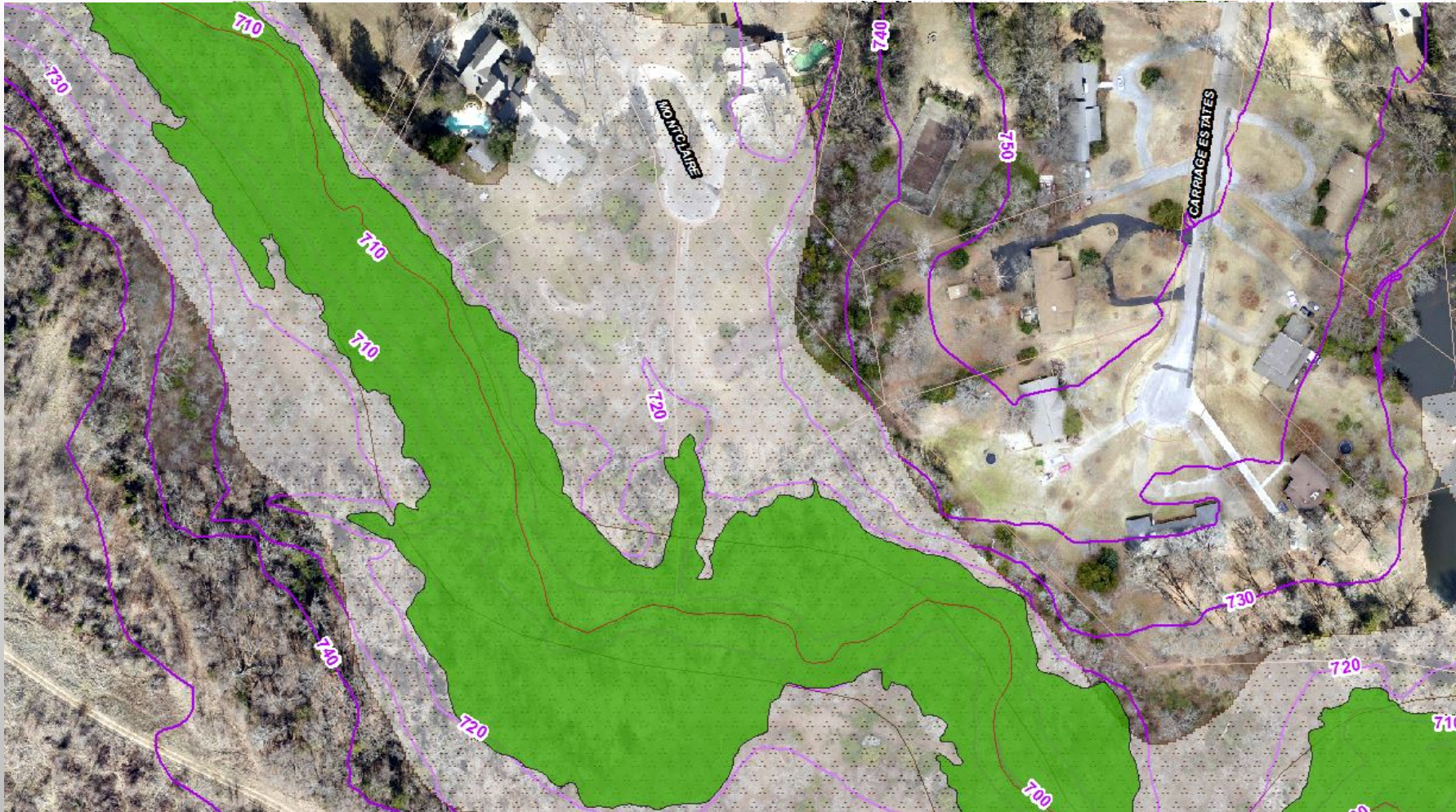
- BUDGET \$340,000
- BEGAN NOVEMBER 2017
- COMPLETE DECEMBER 2018
- WAITING ON FEMA TO PUBLISH THE UPDATED MAPS.

33 SQUARE MILES

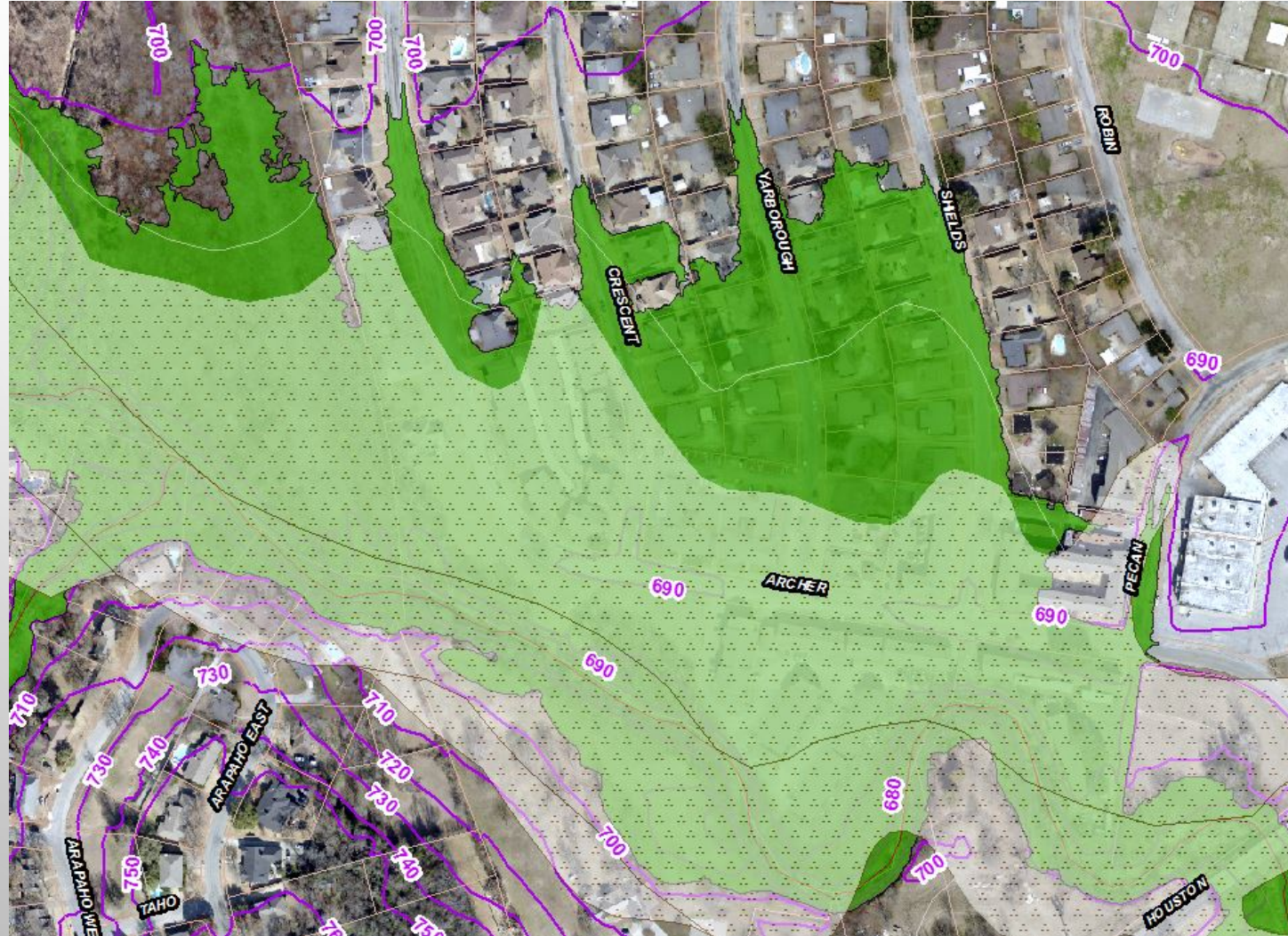
- COVER MAJORITY OF CITY LIMITS
- EAST FORK OF POST OAK CREEK
- SAND CREEK
- POST OAK CREEK MAIN STEM



FEMA FLOOD PLAIN UPDATE WEST SHERMAN SITE 8A



FEMA FLOOD PLAIN UPDATE ARCHER STREET AREA



FEMA FLOOD PLAIN UPDATE US 75 AND 82 INTERCHANGE



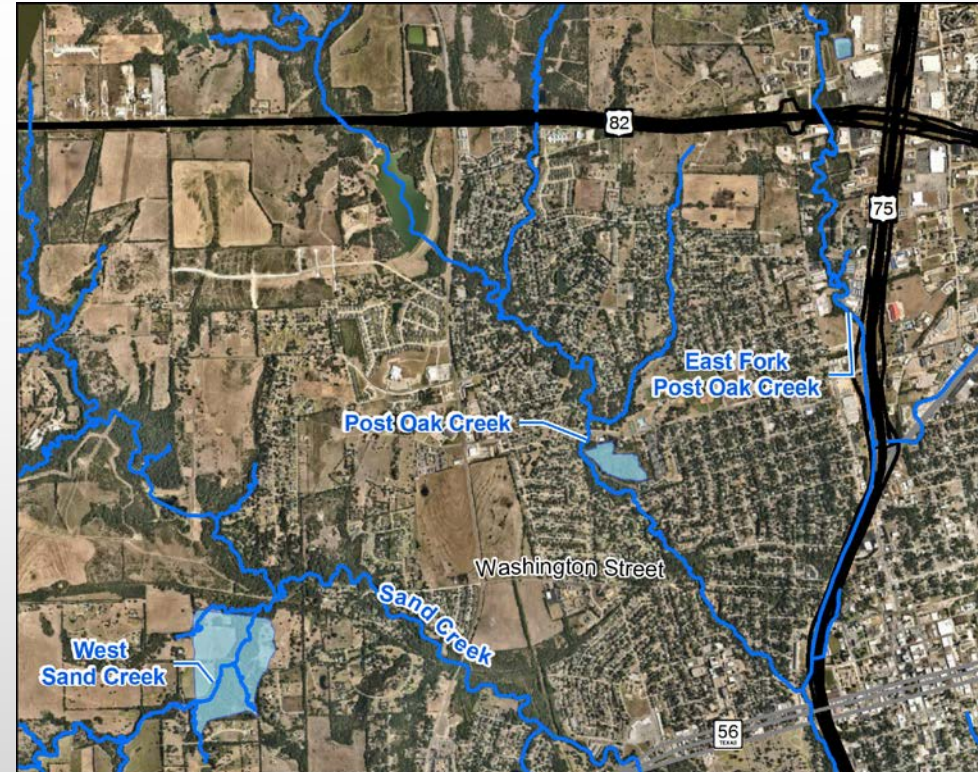
DETENTION POND ANALYSIS

HALFF & ASSOCIATES

- BUDGET \$30,000
- BEGAN JUNE 2018
- COMPLETE DECEMBER 2018

ANALYZED DIFFERENT POND ALTERNATIVES

- | | |
|--|-------------------------------------|
| • SOUTH OF FAIRVIEW PARK | \$20M |
| • TOWN CENTER POND EXP. | \$4.2M |
| • SOUTH OF WASHINGTON
WEST SAND CREEK | \$3.6M DRY ALONG
\$82M RESERVOIR |



DETENTION POND ANALYSIS SOUTH OF FAIRVIEW PARK

- CONSTRUCTION COST: \$20M
- FLOOD PLAIN REDUCTION: 2FT
- PROPERTIES EFFECTED: 27
- 225 ACRE-FT

DETENTION POND ANALYSIS SOUTH OF FAIRVIEW PARK

Due to Detention	
	1% Annual Chance Floodplain Increases
	1% Annual Chance Floodplain Decreases
	No Change in 1% Annual Chance Floodplain



DETENTION POND ANALYSIS WEST SAND CREEK

- CONSTRUCTION COST: \$83M
 - FLOOD PLAIN REDUCTION: 7.5 FT
 - PROPERTIES EFFECTED: 130
 - 2160 ACRE-FT
- 

DETENTION POND ANALYSIS WEST SAND CREEK

Due to Detention
■ 1% Annual Chance Floodplain Increases
■ 1% Annual Chance Floodplain Decreases
■ No Change in 1% Annual Chance Floodplain

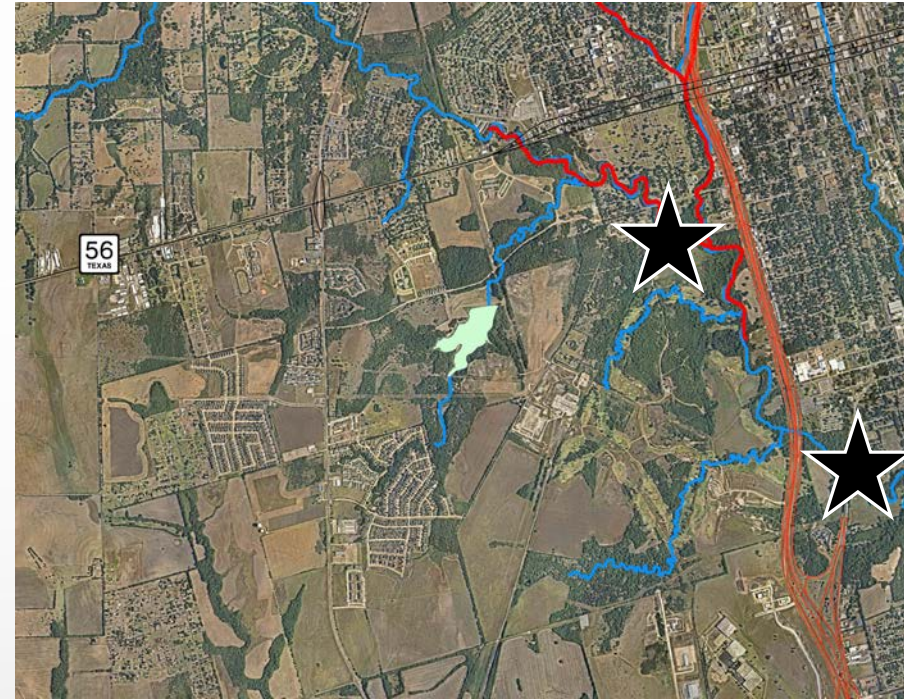
DETENTION POND ANALYSIS WEST SAND CREEK

Due to Detention
■ 1% Annual Chance Floodplain Increases
■ 1% Annual Chance Floodplain Decreases
■ No Change in 1% Annual Chance Floodplain

BRIDGE PROJECTS

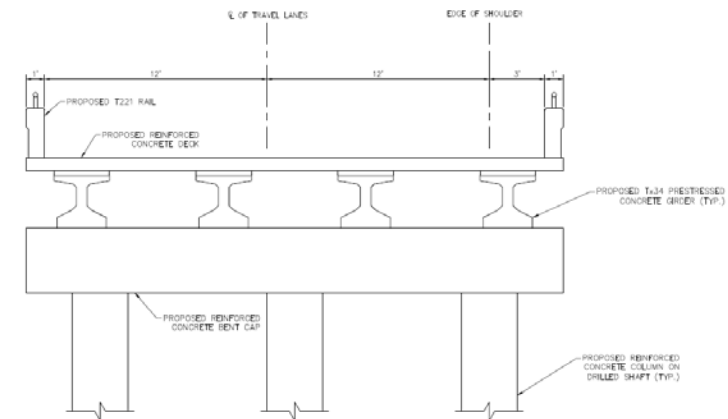
SOUTH TRAVIS ST.

- BUDGET ESTIMATE \$2M
- FED 90% LOCAL MATCH 10%
- CONSTRUCTION STARTS IN LATE 2020



CENTER STREET POST OAK CREEK

- IMPROVEMENT UNDER BRIDGE DUE TO EROSION.
- IMPROVEMENT OF BRIDGE STRUCTURE DUE TO AGE OF BRIDGE.
- ENGINEERING DESIGN ESTIMATED COST \$175K
- DESIGN WILL START THIS SUMMER

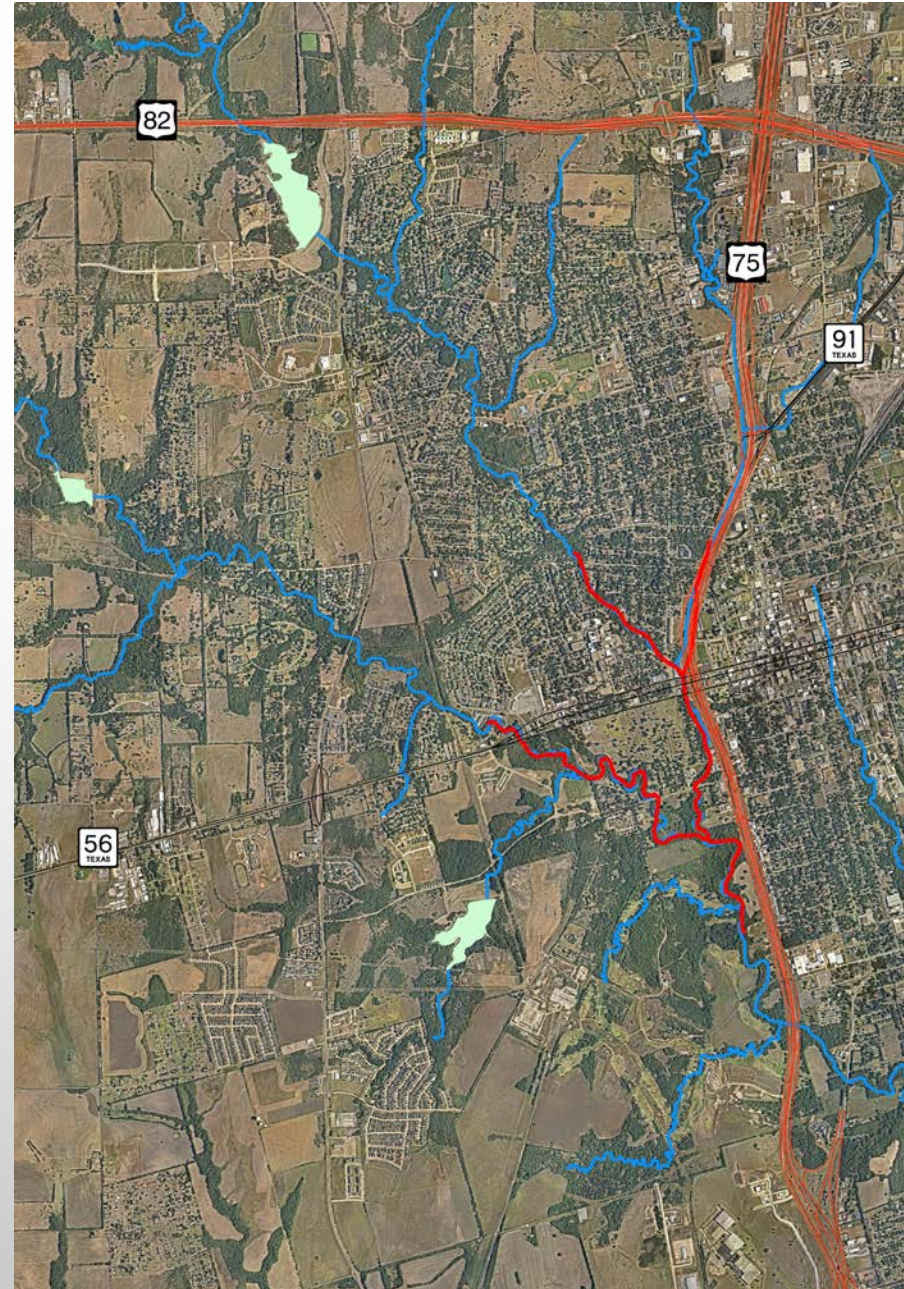


TYPICAL SECTION

STORMWATER CREW

2 FULL TIME EMPLOYEES

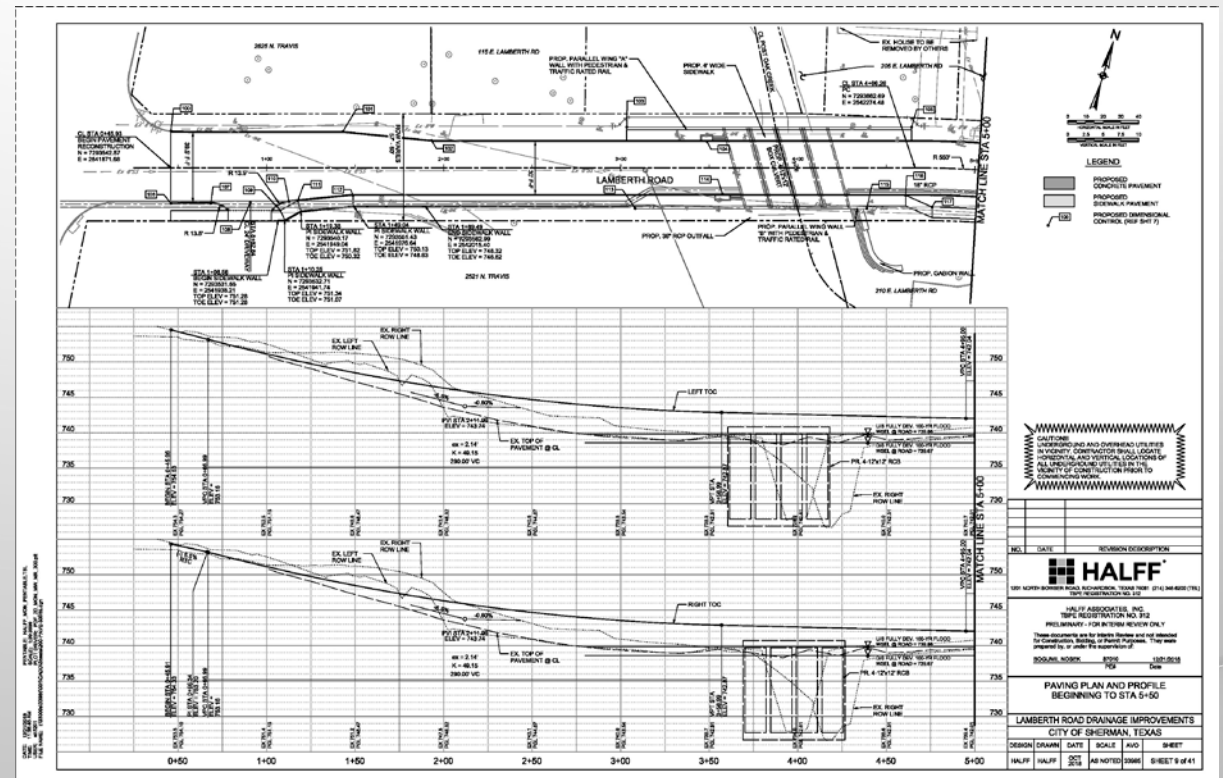
- STARTED SPRING 2019
- WORKING ON DITCH CLEAN UP AND CROSSING CLEARING
- MINOR CULVERT REPAIR
- LARGER PROJECTS WILL BE SUPPLEMENTED BY STREET DEPARTMENT PERSONNEL
- MAJOR PROJECTS WILL CONTINUE TO BE BID OUT FOR CONSTRUCTION



LAMBERTH ROAD CROSSING

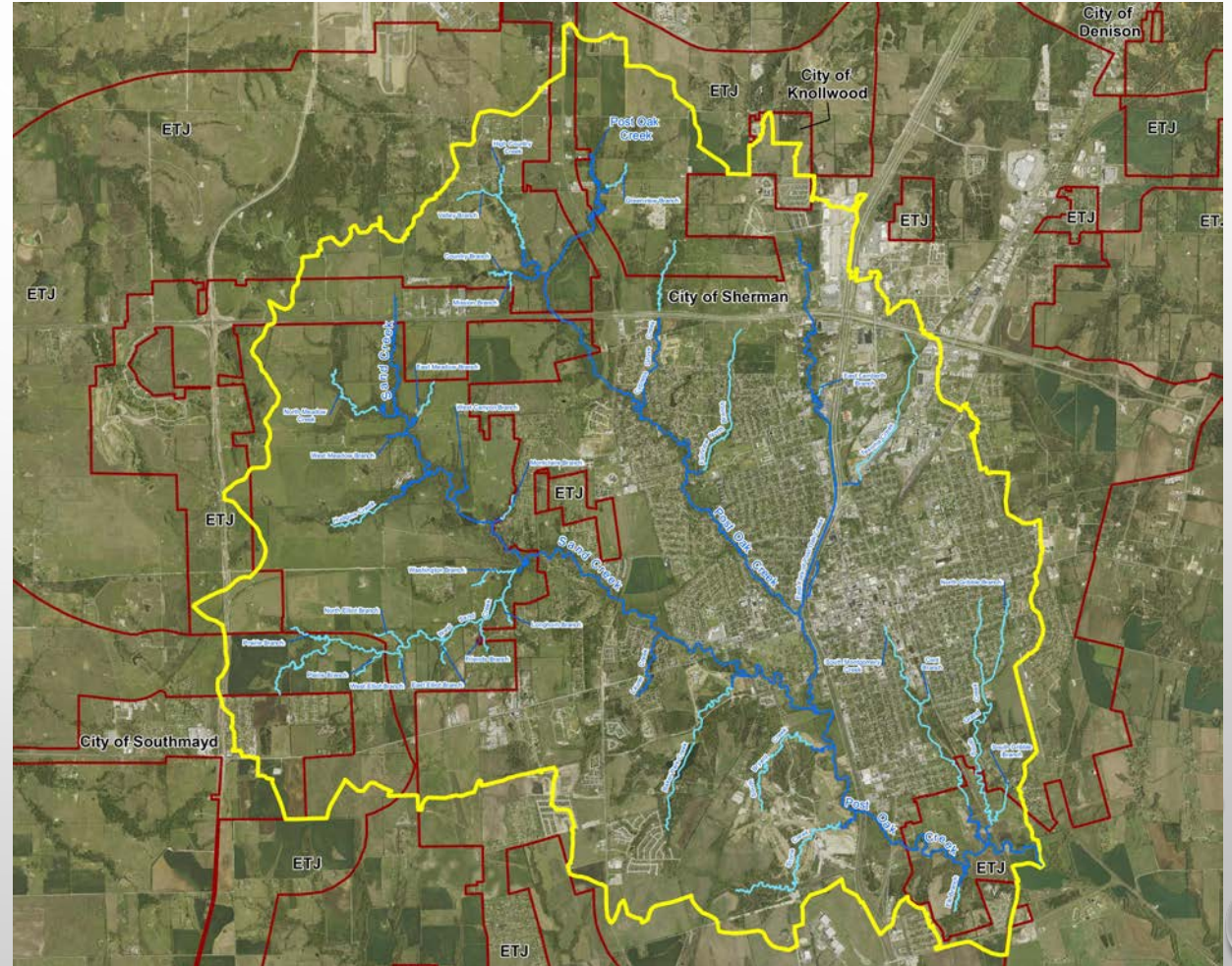
HALFF & ASSOCIATES

- DESIGN COST: \$190,000
- CONSTRUCTION ESTIMATE: \$1.7M
- BID: SUMMER 2019
- IMPROVING CROSSING TO HANDLE 100YR. FLOOD EVENT.
- REPLACING EXISTING 10' DIA. PIPE WITH 4-12'X12' BOX CULVERTS, RAISING ROAD 4 FT.



FUTURE STORM WATER UTILITY

- Focus on floodway property acquisition as funding allows.
- Partnering with developers to increase Regional Detention effectiveness.
- Continue to look for Grant funding opportunities for future detention and bridge improvement projects.
- Use City Crew to maintain existing Stormwater Infrastructure.





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 06/17/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6218

Extending the Corporate Limits of Said City so as to Annex an Approximately 217.7 Acre Tract of Land located West of F.M. 1417, South of O.B. Groner Road and East of Bradley Road, Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; Providing for a Municipal Service Plan

Issue:

To introduce, hold a public hearing, and consider adoption of the annexation ordinance that extends the City of Sherman's corporate limits so as to annex approximately 217.7 acres of land located west of F.M. 1417, south of O.B. Groner Road and East of Bradley Road, adjacent to the Sherman city limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

It is the City's intention to annex specifically identified individual areas in the City's ETJ, in accordance with state law and the City Charter. At its May 6th meeting, the City Council approved the schedule for annexation of this property, which set the first and second public hearings for the May 20th regular Council meeting, and adoption of the Ordinance for this June 17th regular Council meeting. The first and second public hearings were held on May 20th, as scheduled, with no objections received.

This annexation was requested by the property owner, The Munson Realty Company.

Development and construction of the new High School has resulted in increased development for the area along F.M. 1417. The Munson Realty Group owns the land directly south of the High School site and is working toward the submittal of an over 600-acre Planned Development. The Munson Realty Group has requested this 217.7 acre tract be accepted into the city limits so that the entire Planned Development will be within the city limits. The rest of the development is currently within the Sherman city limits.

Origination:

Letter requesting annexation by The Munson Realty Company, subject Property Owner/Developer

Financial Consideration:

Once developed, the additional property taxes on the land raised from this annexation are estimated at about \$45,000.00 annually, which approximates the estimated costs associated with providing general City services.

Staff Recommendation:

It is recommended that the City Council introduce, hold the public hearing, and consider adoption of the ordinance for annexation of this approximately 217.7 acre tract of land lying west of F.M. 1417, south of O.B. Groner Road and east of Bradley Road, in the ETJ.

Alternatives:

As directed by the City Council

Attachments

Ordinance No. 6218

Exhibit "A" - Legal Description

Exhibit "B" - Location Map

Exhibit "C" - Municipal Service Plan

Request for Annexation dated May 1, 2019

Annexation Schedule

ORDINANCE NO. 6218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX AN APPROXIMATELY 217.7 ACRE TRACT OF LAND LOCATED WEST OF F.M. 1417, SOUTH OF O.B. GRONER ROAD AND EAST OF BRADLEY ROAD, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL SERVICE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Chapter 43 of the Texas Local Government Code and Article X, Section 12 of the City Charter of Sherman, Texas, an incorporated City, authorizes the annexation of territory, subject to the laws of this State; and

WHEREAS, the procedures proscribed in Chapter 43 of the Texas Local Government Code, the City Charter of the City of Sherman, Texas, and any other applicable laws have been duly followed with respect to the territory described in Section 1 of this Ordinance;

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

SECTION 1. That the limits of the City of Sherman, Texas, shall be extended so as to hereinafter include within the corporate limits of said City the tracts of land, being more particularly described in Exhibit "A" and shown in Exhibit "B".

SECTION 2. That the inhabitants thereof shall hereinafter be entitled to all the rights and privileges of other citizens of the City of Sherman and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

SECTION 3. That the Service Plan for the annexed area is adopted and attached as Exhibit "C" to this Ordinance and incorporated for all purposes.

SECTION 4. 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 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



**PROPOSED ANNEXATION
(CITY OF SHERMAN, TEXAS)**

PROPERTY DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the same tract of land described as 385 acres, comprised of First Tract, described as 190 acres, and Second Tract, described as 390-1/2 acres, Save and Except 5-1/2 acres, as conveyed by Robert S. Davis et ux to The Munson Realty Company by deed dated December 29, 1960, recorded in Volume 925, Page 261, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a railroad spike found maintaining the Southwest corner of the said 385 acre tract in the West line of the said Elizabeth Jones Survey and East line of the Thomas Jones Survey, Abstract No. 635, said spike also being at the intersection of an East-West road locally known as Old Dorchester Road with the center of a public road to the North locally known as Bradley Road, said spike also maintaining an inside angle corner to the same tract of land described as 175.04 acres conveyed by Thomas D. Scott to TLS Investments, L.P. by deed dated November 14, 2017, recorded in Document No. 2017-27771, Official Public Records, Grayson County, Texas;

Thence North 14°17'41" West with said center of Bradley Road and West line of the said Elizabeth Jones Survey, at a distance of 3060.58 feet passing the Northeast corner of the said Thomas Jones Survey, the most Northerly Northeast corner of the said 175.04 acre tract, the Southeast corner of the Jason Stamps Survey, Abstract No. 1115, and the most Southerly Southeast corner of the same tract of land described as 220.14 acres conveyed by Bobbie Lou Gee et al to Huy Quach and Charles Shao Wu by deed dated June 3, 2002, recorded in Volume 3260, Page 62, said Official Public Records, and continuing, leaving said road at its turn to the East and continuing for a total distance of 3400.39 feet to a 1/2" steel rod found maintaining the Northwest corner of the said 385 acre tract and an inside "L" corner to the said 220.14 acre tract at the intersection of the extended center of Bradley Road with the extended center from the East of a public road locally known as O. B. Groner Road;

Thence North 74°04'23" East, entering and continuing with said center of O. B. Groner Road a distance of 1585.34 feet to a spike nail set marking the most Easterly Southeast corner of the said 220.14 acre tract and the Southwest corner of the same tract of land described as 70.15 acres conveyed by \$G Holdings, Ltd et al to A.R.C. STX Holdings, L.L.C. by deed dated December 18, 2009, recorded in Volume 4740, Page 328, said Official Public Records;

Thence North 73°45'28" East continuing with said center of O. B. Groner Road a distance of 851.32 feet to a point for the Northeast corner of the herein described tract in the West line of the Sherman City Limits as described in Ordinance No. 3262 dated August 14, 1978;

Thence South 26°33'47" East with said West line a distance of 1652.29 feet to a point for the beginning of a curve to the left having a radius of 2686.48 feet;

Thence in a Southeasterly direction continuing with said West line along said curve, (chord bears South 34°39'22" East, 840.89 feet), an arc distance of 843.69 feet to a point for the most Easterly Southeast corner of the herein described tract at the intersection of said West line of City Limits with the North line of the same tract of land described as 34.93 acres previously severed from said Second Tract and subsequently conveyed by Farmington 1417, Ltd. to Classic Ed Jointure by deed dated January 29, 2016, recorded in Volume 5752, Page 746, said Official Public Records;

Thence South 52°06'46" West with a fence a distance of 579.84 feet to a wooden corner post maintaining the Northwest corner of the said 34.93 acre tract;

Thence South 16°06'21" East with a fence, exiting said fence at 977.3 feet at a fence post on the North side of said Old Dorchester Road and continuing for a total distance of 995.27 feet to a spike nail set marking the Southwest corner of the said 34.93 acre tract in the said center of Old Dorchester Road in or near the South line of the said Elizabeth Jones Survey and North line of both the William Martin Survey, Abstract No. 765 and the same tract of land described as 54.785 acres conveyed by Western Investments to 6401 Skillman I, Ltd. by deed dated February 16, 2006, recorded in Volume 4008, Page 808, said Official Public Records;

Thence South 73°54'10" West with said center of road a distance of 360.31 feet to a spike nail set marking the Northwest corner of the said 54.785 acre tract and the Northeast corner of the same tract of land described as 47.243 acres and referred to as Tract Two as conveyed by Jane Mangrum to Trinidad Ranch, L.L.C. by deed dated December 16, 2016, recorded in Volume 5923, Page 765, said Official Public Records;

Thence South 73°25'25" West continuing with said center of road, passing the Easterly Northwest corner of said Tract Two and the Northeast corner of the same tract of land described as 7.50 acres and referred to as Tract One in said Volume 5923, Page 765 and continuing for a total distance of 450.89 feet to a spike nail set at an angle point;

Thence South 83°00'03" West continuing with said center of road, passing the Northwest corner of said Tract One and the Westerly Northeast corner of said Tract Two and continuing for a total distance of 918.79 feet to a spike nail found maintaining the Westerly Northwest corner of said Tract Two and the most Easterly Northeast corner of the said 175.04 acre tract;

Thence South 83°18'36" West continuing with said center of road and extending at its turn Southwesterly for a distance of 771.37 feet to a 1/2" steel rod set marking an angle point in a North line of the said 175.04 acre tract;

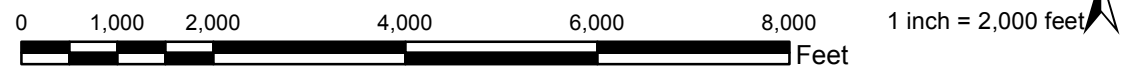
Thence South 55°26'36" West continuing with said center of road a distance of 98.80 feet to the Point-of-Beginning and containing 217.7 acres of land more or less.....

I, James R. Maret, Registered Professional Land Surveyor, hereby certify that the above legal description was prepared from an actual survey made on the ground and is true and correct to the best of my knowledge and belief.

James R. Maret
Registered Professional
Land Surveyor No. 5433

05-01-2019

Munson Development Annexation



City of Sherman Municipal Service Plan Munson Development

INTRODUCTION:

The annexation is the site of approximately 217.7 acres West of F.M. 1417, South of O.B. Groner Road, and East of Bradley, lying adjacent to the City of Sherman existing city limits.

This annexation is a step in the process of providing for the orderly growth and development of the City, to protect the City from substandard development and to provide for the enlargement of the city limits by including developments and improvements that are logically a part of the City and receive city utilities.

MUNICIPAL SERVICES TO BE PROVIDED:

POLICE PROTECTION: Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment will be provided on the effective date of annexation.

FIRE PROTECTION: Fire protection by the present personnel and equipment of the fire fighting force will be provided on the effective date of annexation.

SOLID WASTE: The same solid waste collection and disposal service now provided within the City of Sherman will be extended to the annexed area on the effective date of annexation.

BULK WASTE PICKUP: Free monthly bulk trash and brush pickup would be available on the effective date of annexation.

STREETS AND BRIDGES: All roads shall be accepted in current as-is conditions and shall be maintained by the City of Sherman. Any future streets or improvements will be developed by the standard provisions of the Developer's Ordinance. Street lighting will be established according to city guidelines.

PARKS: No public parks exist in the area to be annexed. Any new park facilities will be developed according to existing City policies as applicable to all city residents.

CONSTRUCTION INSPECTIONS: Building inspection activities will be available upon annexation.

ENVIRONMENTAL HEALTH AND HEALTH CODE ENFORCEMENT: Enforcement of the City's environmental health ordinances and regulations shall be provided within this area on the effective date of the annexation ordinance.

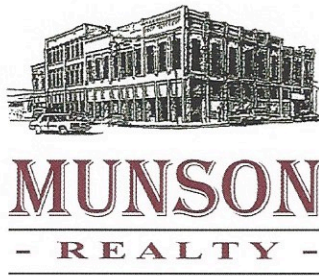
ANIMAL CONTROL: Animal control services will be provided by the City on the effective date of annexation.

PLANNING AND ZONING: The Planning and Zoning jurisdiction of the City will extend to this area on the effective date of this annexation. All areas will be annexed as an AG on the effective date of the annexation ordinance.

CAPITAL IMPROVEMENTS:

WATER SERVICE: Upon annexation, the City of Sherman will provide water service to the annexed area. Any required utility extensions to serve the area will be constructed in accordance with the City's Developer's Ordinance.

SEWER SERVICE: Upon annexation, the City of Sherman will provide sewer service to the annexed area. Any required utility extensions to serve the area will be constructed in accordance with the City's Developer's Ordinance.



May 1, 2019

Mr. Robby Hefton
City Manager
City of Sherman
220 West Mulberry Street
Sherman, TX 75090

Dear Mr. Hefton,

On behalf of The Munson Realty Company, owner, I would like to request that the City of Sherman consider annexation proceedings concerning the following property:

Situated in the County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract 625, and described as 238.74 acres, as conveyed by Robert S. Davis et ux to The Munson Realty Company by deed dated December 29, 1960, recorded in Volume 925, Page 261, Deed Records, Grayson County, Texas and being more particularly described by the attached Survey and metes and bounds.

Sincerely,
The Munson Realty Company

Merry Munson Wyatt
President

Enclosure

ANNEXATION SCHEDULING PLAN

**Annexation of approximately 217.7 acres of land adjacent to the city limits
located West of F.M. 1417, South of O.B. Groner Road, and East of Bradley Road,
being more specifically described as:
MUNSON DEVELOPMENT**

- Wednesday, May 8, 2019..... Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
- Thursday, May 9, 2019..... Post notice on City's website, newspaper and City Hall for City Council's 1st and 2nd Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
- Thursday, May 16, 2019..... Post notice of 1st and 2nd Public Hearing under the Open Meetings Act.
- Monday, May 20, 2019..... City Council's 1st and 2nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
- Thursday, June 13, 2019..... Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.*
- Monday, June 17, 2019..... City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.* (Regular Council Meeting)

* If more than twenty (20) adults who are residents of the area to be annexed protest within ten (10) days of the notice by publication, then one (1) of the public hearings must be held in the area to be annexed.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.2.

Meeting Date: 06/17/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6219

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District in the 2000-2900 blocks of North State Highway 289, being 111.721 acres in the J.K. Miller Survey, Abstract No. 819, J.M. Thomas Survey, Abstract No. 1234, the Daniel Bickenbach Survey, Abstract No. 128 and Block 1, Preston Club, The Classics, Phase Three, Blocks 2, 3 and 4, Preston Club, The Classics, Phase Four and all of Blocks 1 and 5, Preston Club, The Classics, Phase Four (WUI Development, LLC, Christopher Rehmet and Claire Tate and Robert Tate, Owners; Clay Barnett, P.E., Representative; and Helvey-Wagner Surveying, Inc., Surveyor)

Issue:

To consider the request of WUI Development, LLC, Christopher Rehmet & Claire Tate and Robert Tate (Owners) Clay Barnett, P.E. (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 2000-2900 Blocks North State Highway 289, being 111.721 acres in the J.K. Miller Survey, Abstract No. 819, J.M. Thomas Survey, Abstract No. 1234, the Daniel Bickenbach Survey, Abstract No. 128 and Block 1, Preston Club, The Classics, Phase Three, Blocks 2, 3 & 4, Preston Club, The Classics, Phase Four and all of Blocks 1 and 5, Preston Club, The Classics, Phase Four, for a zone change from an R-A (Single Family Agricultural) District and R-1 (One Family Residential) District to a C-1 (Retail Business) District.

Background:

The property is located in the 2000-2900 blocks of North State Highway 289 between West Washington Street and U.S. Highway 82; approximately a quarter of a mile from the intersection of State Highway 289 and U.S. Highway 82. The property is zoned an R-A (Single Family Agricultural) District and an R-1 (One Family Residential) District and located in the O-1.4 (State Highway 289) Overlay District. They are requesting a C-1 (Retail Business) District zoning; the site plan is conceptual and will require additional approval from the Planning and Zoning Commission before construction begins.

Origination:

WUI Development, LLC, Christopher Rehmet & Claire Tate and Robert Tate (Owners)
Clay Barnett, P.E. (Representative)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 21, 2019 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter. Four citizens appeared at the Planning and Zoning Commission Meeting and three letters were received in opposition of the zone change. Concerns included: traffic issues, retail adjoining the Preston Club residential subdivision, screening, property values and uncertainty of what the retail use will be.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6219

Location Map

Zoning Map

Zoning Sign Photo

Survey

Conceptual Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

Letter from Carter and Helen Helm

Letter from Philip and Inma Lyons

Letter from Eddie and Brenda Young

ORDINANCE NO. 6219

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT IN THE 2000-2900 BLOCKS OF NORTH STATE HIGHWAY 289, BEING 111.721 ACRES IN THE J.K. MILLER SURVEY, ABSTRACT NO. 819, J.M. THOMAS SURVEY, ABSTRACT NO. 1234, THE DANIEL BICKENBACH SURVEY, ABSTRACT NO. 128 AND BLOCK 1, PRESTON CLUB, THE CLASSICS, PHASE THREE, BLOCKS 2, 3 AND 4, PRESTON CLUB, THE CLASSICS, PHASE FOUR AND ALL OF BLOCKS 1 AND 5, PRESTON CLUB, THE CLASSICS, PHASE FOUR (WUI DEVELOPMENT, LLC, CHRISTOPHER REHMET AND CLAIRE TATE AND ROBERT TATE, OWNERS; CLAY BARNETT, P.E., REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the C-1 (Retail Business) District in the 2000-2900 blocks of North State Highway 289, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the J. K. Miller Survey, Abstract No. 819, J.M. Thomas Survey, Abstract No. 1234 and the Daniel Bickenbach Survey, Abstract No. 128, being a part of the following tracts of land: **1)** 137.11 acre tract of land conveyed by Warranty Deed with Vendor's Lien from James G. Fallon to Christopher Rehmet and Claire Tate Rehmet on August 30, 2007, recorded in Volume 4316, Page 291, Official Public Records, Grayson County, Texas; **2)** 60.00 acre tract of land conveyed by Warranty Deed with Vendor's Lien from C.B. Fallon to Christopher Rehmet and Claire Tate Rehmet on May 9, 2003 and recorded in Volume 3452, Page 156, said Official Public Records; **3)** Block 1, Preston Club The Classics, Phase Three to Grayson County, Texas as per plat of record in Volume 19, Pages 46 and 47, Plat Records, Grayson County, Texas (*herein after referred to as "Phase Three"*); **4)** Blocks 2, 3 and 4, Preston Club The Classics, Phase Four to Grayson County, Texas as per plat of record in Volume 20, Pages 144 and 145, said Plat Records (*herein after referred to as "Phase Four"*) and being all of Blocks 1 and 5, said Preston Club The Classics, Phase Four and being more particularly described as one tract of land by metes and bounds as follows, to-wit;

BEGINNING at a point on the West right-of-way line of State Highway No. 289, in the South line of said J.K. Miller Survey and the North line of both the Samuel Bryson Survey, Abstract No. 99 and the Bar S Cattle Company 135.739 acre tract of land, recorded in Volume 2568, Page 662, said Official Public Records and at the most Southern Southeast corner of said Rehmet 137.11 acres and the herein described tract;

THENCE South 88 deg. 32 min. 55 sec. West, with said Survey Lines and with the North line of said Bar S 135.739 acres and the South line of said Rehmet 137.11 acres, a distance of 1,093.53 feet to a point at Southwest corner of the herein described tract;

THENCE North 02 deg. 51 min. 30 sec. West, over and across said Rehmet 137.11 acres, passing the South line of said Block 4, said Preston Club The Classics, Phase Four, continuing through the said Block 4 and Prairie View right-of-way and said Block 3, said Preston Club The Classics, Phase Four, passing the North line of said J.K. Miller Survey and the South line of said J.M. Thomas Survey, continuing and passing the North line of said Phase Four and the South line of the remainder of said Rehmet 60 acres, continuing over and across remainder of said Rehmet 60 acres, said Block 2, Phase Four and said Block 1, Phase Three, passing the North line of said J.M. Thomas Survey and the South line of said Daniel Beckenbach Survey, continuing for a total distance of 5,152.56 feet to a point in a South line of the 5.5 acre tract of land conveyed to Daniel A. Stengel, recorded in Volume 2238, Page 418, Real Property Records, Grayson County, Texas and in the North line of said Phase Four, at the Northwest corner of the herein described tract;

THENCE North 89 deg. 11 min. 17 sec. East, with a South line of said Stengel 5.5 acres and the North line of said Phase Four, a distance of 910.58 feet to a point in the West right-of-way line of said State Highway No. 289, at the most Northern Northeast corner of both said Phase Four and the herein described tract;

THENCE Southerly with the West right-of-way line of said State Highway No. 289 and the East lines of said Phase Four, the following calls and distances:

1. South 02 deg. 51 min. 30 sec. East, passing the South line of said Daniel Bickenbach Survey and the North line of said J.M. Thomas Survey, continuing for a total distance of 268.36 feet to a point at an Ell corner of said Phase Four;
2. South 47 deg. 51 min. 30 sec. East, a distance of 8.07 ft. to a point at the most Eastern Northeast corner of said Phase Four;
3. South 02 deg. 51 min. 30 sec. East, a distance of 50.00 feet to a point at the most Eastern Southeast corner of said Phase Four;
4. South 42 deg. 08 min. 30 sec. West, a distance of 8.07 feet to a point at an Ell corner of said Phase Four;

5. South 02 deg. 51 min. 30 sec. East, passing the South line of said J.M Thomas Survey and the North line of said J.K. Miller Survey, and continuing for a total distance of 1,410.24 feet to an angle point;
6. South 08 deg. 27 min. 06 sec. West, a distance of 204.11 feet to an angle point;
7. South 01 deg. 55 min. 57 sec. East, a distance of 823.36 feet to an angle point;
8. South 09 deg. 34 min. 14 sec. East, a distance of 1,389.19 feet to an angle point;
9. South 27 deg. 29 min. 27 sec. East, a distance of 208.44 feet to an angle point;
10. South 02 deg. 02 min. 46 sec. East, a distance of 793.33 feet to an angle point;
11. South 05 deg. 21 min. 55 sec. West, a distance of 21.51 feet to the **PLACE OF BEGINNING and containing 111.721 ACRES of land.....**

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

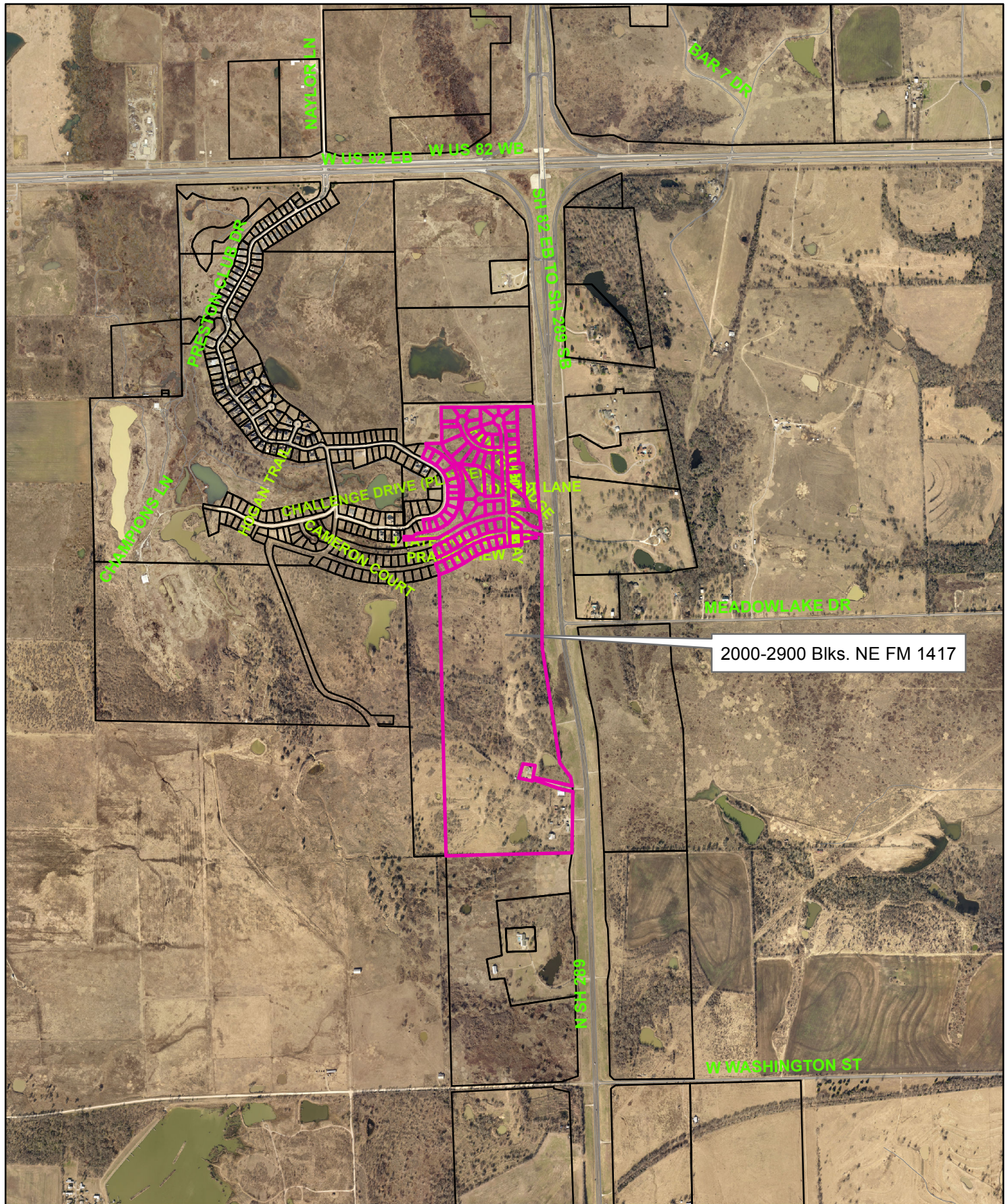
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

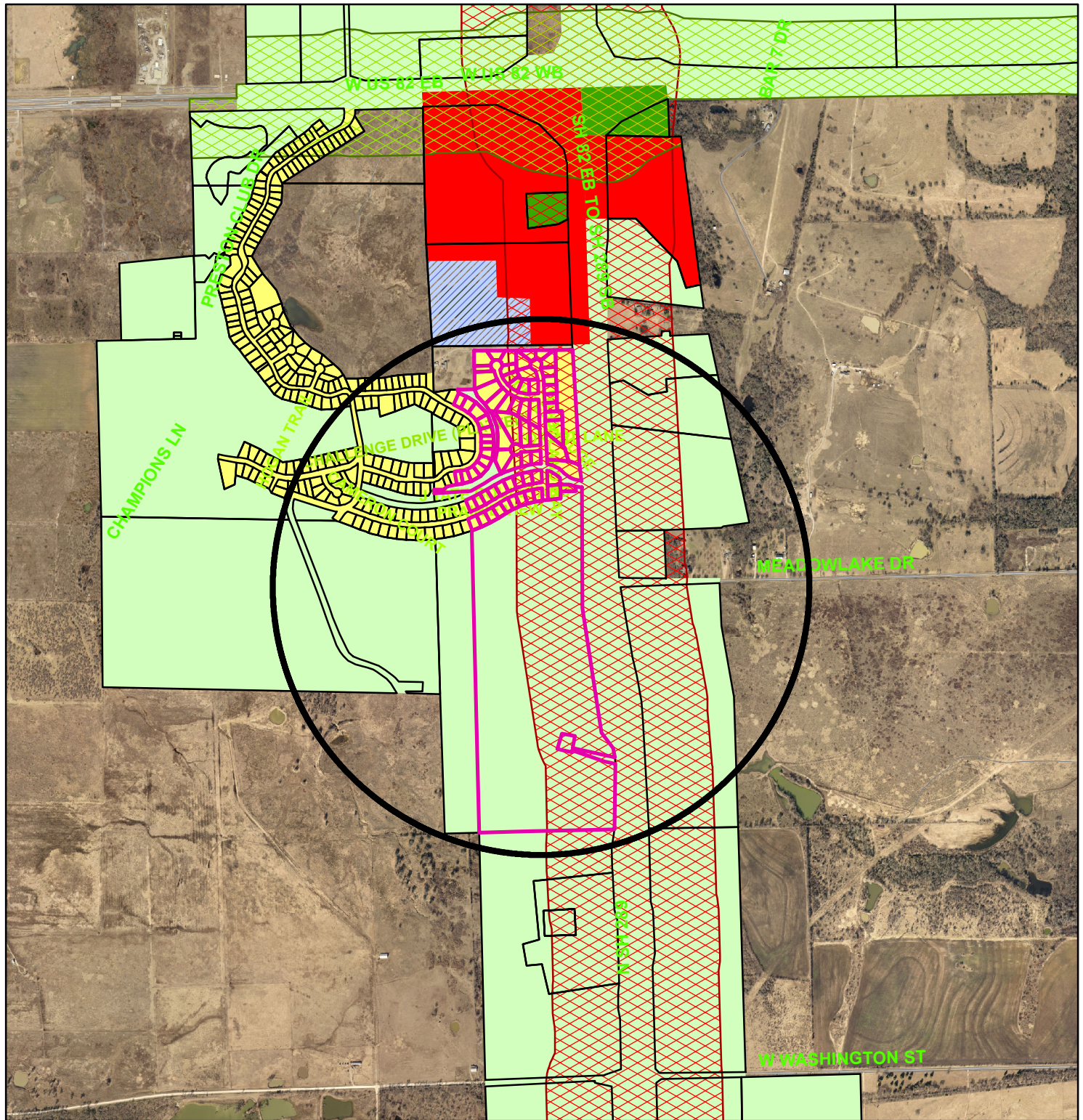


2000-2900 Blks. N. S.H. 289



NOT TO SCALE

1 in = 1,489 ft



Zoning - 2000-2900 Blks. N. S.H. 289

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District
- Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP - Blalock Industrial Park
- C-1 Retail Business District

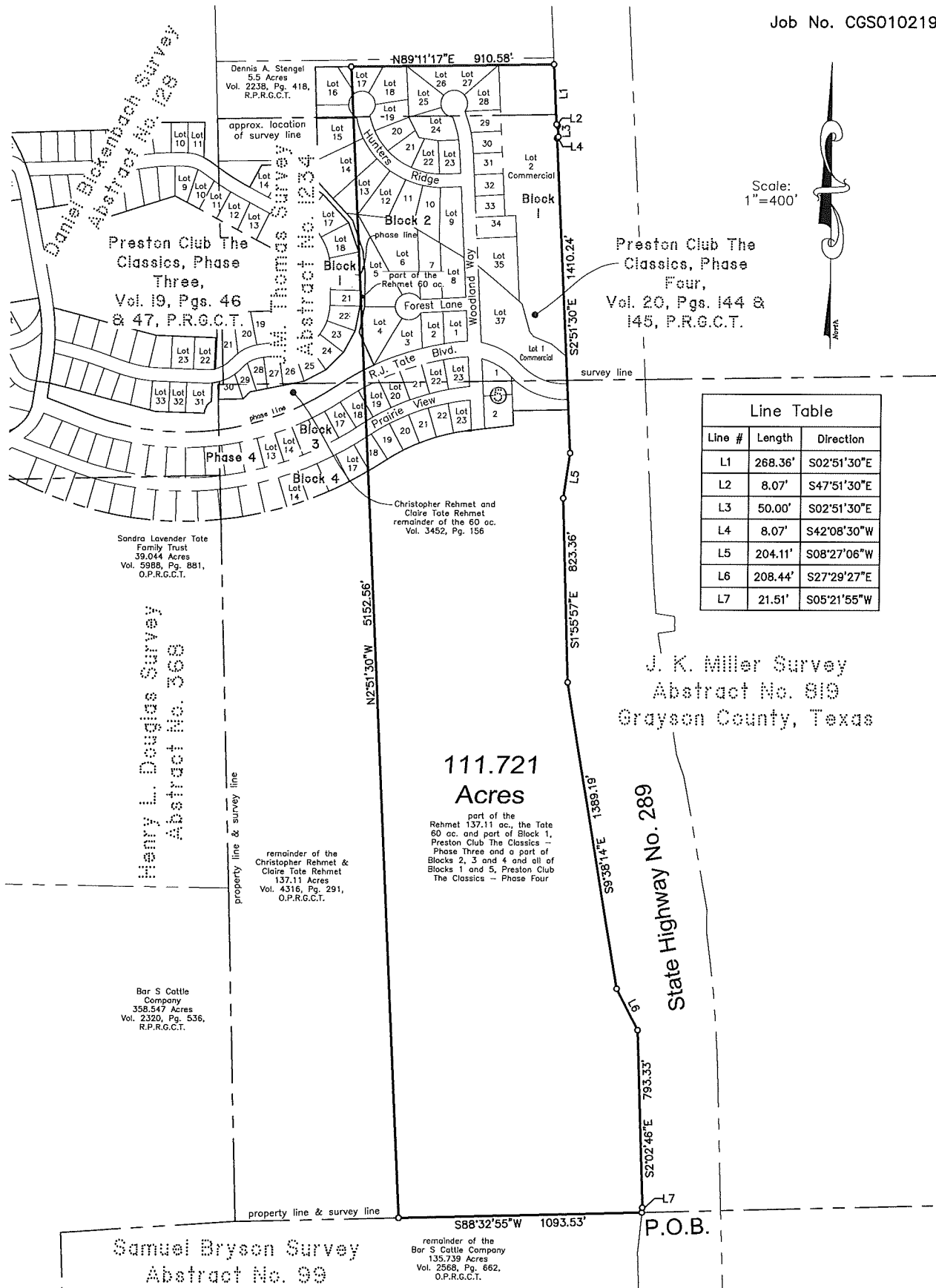
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



NOT TO SCALE

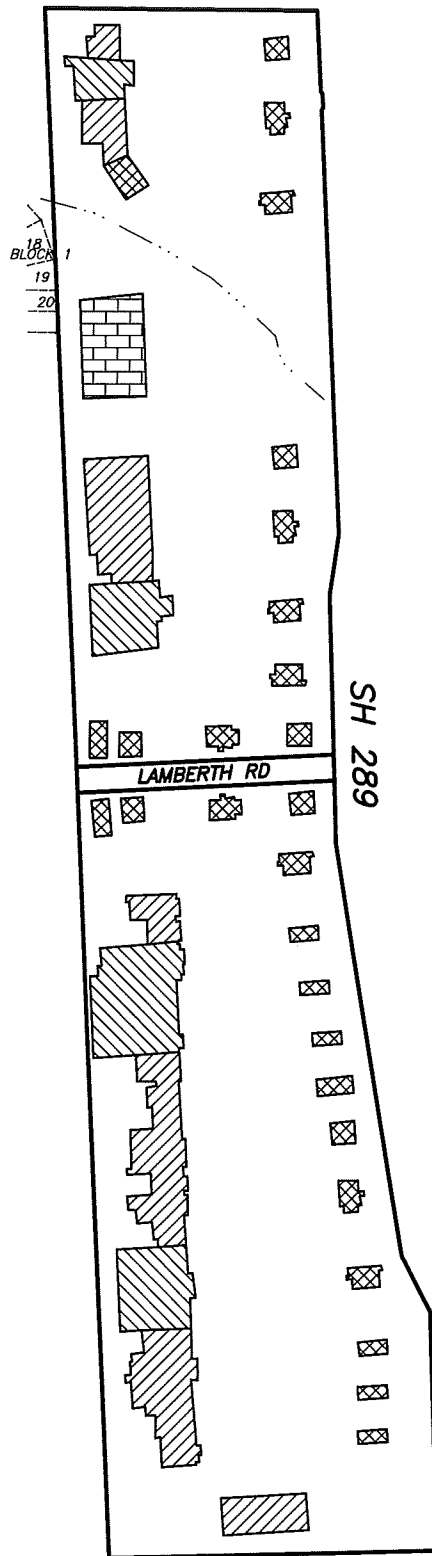
2000-2900 North S.H. 289



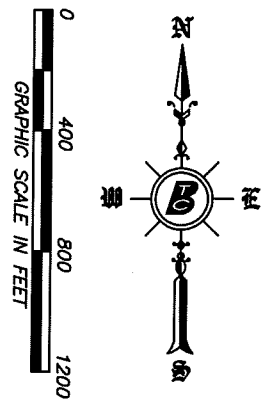


Rezoning Plat for Rehmet 137.11 ac. and parts of Preston Club The Classics, Phases Three & Four

Helvey-Wagner Surveying, Inc.
 222 W. Main St., Denison, Texas 75020
 Ph: (903) 463-6191 Fax: (903) 463-4088
 Email: helveysurvey@comcast.net
 Texas Board of Professional Land Surveying
 Firm Registration No. 10088100



- LEGEND:
- ANCHOR
 - RESTAURANT
 - RETAIL



SHEET	SCALE	JOB NUMBER	DATE	CONCEPTUAL SITE PLAN	 TCB ENGINEERING, LLC CIVIL ENGINEERING • LAND PLANNING 3101 REDBUD TRAIL SHERMAN, TEXAS 75092-3489 (903) 870-6543 FAX #20110
1 OF 1		2019-01	03/09/2019		

© Copyright 2019 TCB Engineering. All Rights Reserved.
This drawing is the property of TCB Engineering, LLC.
Any modification or use of this drawing without the express
written authorization of TCB Engineering, LLC is prohibited.



SHEET	SCALE	JOB NUMBER	DATE
1 OF 1		2019-01	03/09/2019

CONCEPTUAL ELEVATION

TCB ENGINEERING, LLC
CONSULTING ENGINEERS
3101 REDBUD TRAIL
SHERMAN, TEXAS 75092-3489
(903) 870-6543 FAX #20110

STAFF REVIEW LETTER

May 13, 2019

WUI Development, LLC
2902 N. Highway 75
Sherman, TX 75090

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Clay Barnett, P.E.
3101 Redbud Trail
Sherman, TX 75092

Dear Applicants,

The request for a zone change from an R-A (Single Family Agricultural) District and R-1 (One Family Residential) District to a C-1 (Retail Business) District and conceptual site plan approval for the property located in the 2000-2900 blocks North State Highway 289 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 21, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the C-1 (Retail Business) District, the O-1.4 (State Highway 289) Overlay District, screening ordinance, and the Commercial Tree and Landscaping Ordinance must be followed.
2. A minimum 4' screening device shall be provided abutting residential.
3. The site plan is conceptual and will require additional site plan approval before construction begins.
4. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
5. Parking is permitted on paved surfaces only (concrete and asphalt).
6. All parking shall be on private property and shall not encroach into State Highway 289 right-of-way.
7. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
8. All aspects of the Floodplain Ordinance must be followed.
9. Replatting of the property is required.
10. Review the zoning and development ordinance for additional requirements.
11. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

12. Plat required upon property transfer/development. Additional Right of Way will be required along Hwy. 289 at time of plat.
13. New drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from the City of Sherman Engineering Department.
14. Shared Access Agreements required as limited drive approaches will be permitted.
15. Privately owned and maintained detention in accordance with City criteria is required upon future development.

16. Final site plans, utility, drainage and grading plan shall be provided and approved by the City Engineering Department.
17. Engineering plans for grading and storm drain design in accordance with City ordinances shall be submitted to the City Engineer for approval.
18. Water shall be extended to serve the development per City standards.
19. Sewer not available at this time. No development permitted until future lift station is constructed.
20. Development Agreement required for Public Infrastructures

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

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,



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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 5.

Meeting Date: 05/21/2019

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

2000-2900 BLOCKS NORTH STATE HIGHWAY 289

The request of WUI Development, LLC, Christopher Rehmet & Claire Tate and Robert Tate (Owners) Clay Barnett, P.E. (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 2000-2900 Blocks North State Highway 289, being 111.721 acres in the J.K. Miller Survey, Abstract No. 819, J.M. Thomas Survey, Abstract No. 1234, the Daniel Bickenbach Survey, Abstract No. 128 and Block 1, Preston Club, The Classics, Phase Three, Blocks 2, 3 & 4, Preston Club, The Classics, Phase Four and all of Blocks 1 and 5, Preston Club, The Classics, Phase Four, as follows:

Planning and Zoning Commission

Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an R-A (Single Family Agricultural) District and R-1 (One Family Residential) District to a C-1 (Retail Business) District.

Background:

The property is located in the 2000-2900 blocks of North State Highway 289 between West Washington Street and U.S. Highway 82. The property is zoned an R-A (Single Family Agricultural) District and an R-1 (One Family Residential) District and located in the O-1.4 (State Highway 289) Overlay District. The owners would like to change the zoning on the property to a C-1 (Retail Business) District for future commercial development. The site plan is conceptual and will require additional approval before construction begins.

Adjacent Zoning:

R-A (Single Family Agricultural) District

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

Origination:

WUI Development, LLC, Christopher Rehmet & Claire Tate and Robert Tate (Owners)
Clay Barnett, P.E. (Representative)
Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Was not included in the Master Plan.

Number of notices mailed:

10

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Conceptual Site Plan
Conceptual Building Elevations
Staff Review Letter

Reeves, Patsy

From: carter@carterhelmassc.com
Sent: Monday, May 20, 2019 10:56 AM
To: Reeves, Patsy
Cc: 'Carter'
Subject: Vote Against Retail @ Preston Club

RECEIVED

MAY 20 2019

EXTERNAL EMAIL: - Avoid clicking on links or files - Be safe!

Good Morning Patsy,

The reason we settled and bought out here is because it is country.

See you tomorrow PM

Sincerely,

Carter & Helen Helm

Carter Real Estate

Business & Commercial Brokerage

Sherman, TX 75092

469-767-7846

MAY 21 2019

Reeves, Patsy

From: INMA LYONS <lyonscivico@cableone.net>
Sent: Monday, May 20, 2019 8:16 PM
To: Reeves, Patsy
Subject: Proposed Zoning Change to Phase III - Preston Club - Roberts Run

EXTERNAL EMAIL: - Avoid clicking on links or files - Be safe!

Dear Patsy,

We would like the City Council to note our objection to the zoning change on Phase III - Roberts Run for the following reasons:

1. Uncertainty regarding the future value of our properties.
2. We also like the quiet, country-like feel of the zone, and this zoning change will most certainly disrupt that.
3. One of the maps attached, which is labeled "Conceptual Site Map," shows Lamberth Rd.. to divide the zone. Lamberth Rd. does not come to SH 289.
4. On the Staff Review Letter there are items of concern:

Item 19 states that sewer is not available at this time, no development permitted until future lift station is constructed. Where would the lift station for the sewer be placed? Will the tax payers pay for the cost?

Item 2 states that a minimum 4' screening device shall be provided abutting residential. A 4' screen is absolutely not sufficient, it would not block the noise nor the view. A minimum 8' brick wall would be necessary.

For the above stated reason, we object to the proposed zoning change.

Sincerely,
Philip and Inma Lyons
508 Roberts Run



YOUNG ENTERPRISES, L.P.
P.O. BOX 517 SHERMAN, TEXAS 75091-0517
903/892-1508 FAX 903/892-1500

RECEIVED

MAY 21 2019

To: Planning and Zoning Board
City of Sherman

ATTN: Patsy Reeves

Subject: Re-zoning for 2000-2900 Blocks of North State HWY 289

Patsy,

After reviewing the above subject property for re-zoning, I have the following questions and comments.

First, all residents along Hwy-289 have experienced the construction of the new highway from an original Farm to Market Road, i.e., Hudgins Road to a very busy state highway. Most residents objected to the new highway due to traffic concerns, but it passed anyway. This new traffic, which is increasing annually has and continues to be a safety issue.

Second, there are 4 residential entrances directly across Hwy-289 on the east side, with separate entrances and drives. With the traffic that exist currently and a new retail development with a new entrance or entrances on the west side, this will cause additional safety issues in and out of the development.

Third and final comment in regards to State Hwy 289, with private entrances does not allow for easy and safe access. It is my opinion that a new retail development will only create more situations for accidents and therefore, any approval for new zoning to retail or commercial should be denied.

Eddie & Brenda Young
Owners: #2703 St. Hwy -289
Sherman, TX 75092



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.3.

Meeting Date: 06/17/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6220

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Concrete Recycling Facility in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417) Overlay District at 1022 Northeast F.M. 1417, being 19.980 acres in the Aaron Burleson Survey, Abstract No. 61 (Sammy Dolezalek, Owner; Brown Lewisville Railroad Family Trust, LP, Prospective Buyer; Trey Brown and Drue Bynum, Representatives; Big City Crushed Concrete, Proposed Tenant; David Fite Surveying, Surveyor; and GSO Architects, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Sammy Dolezalek (Owner), Brown Lewisville Railroad Family Trust, LP (Prospective Buyer), Trey Brown and Drue Bynum (Representatives), Big City Crushed Concrete (Tenant), David Fite Surveying (Surveyor) and GSO Architects (Architect) concerning the property located at 1022 Northeast F.M. 1417, being 19.980 acres in the Aaron Burleson Survey, Abstract No. 61, for a Specific Use Permit to allow a concrete recycling facility in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417) Overlay District

Background:

The property is located at 1022 Northeast F.M. 1417, between U.S. Highway 82 and the railroad tracks. The property is zoned an M-1 (Light Manufacturing) District and is located in the O-1.1 (FM 1417) Overlay District. The owners would like to open Big City Crushed Concrete, a concrete recycling facility. Big City Crushed Concrete has been recycling for over thirty years in Texas and recycling for the City of Sherman for over six years. The facility would receive loads of concrete free of charge from contractors, cities, and the public. The materials would be reprocessed, reinforcing steel removed and stockpiled for sale to projects within the region. The recycling operation is governed by the Texas Commission on Environmental Quality.

Origination:

Sammy Dolezalek (Owner)
Brown Lewisville Railroad Family Trust, LP (Prospective Buyer)
Trey Brown and Drue Bynum (Representatives)
Big City Crushed Concrete (Tenant)
David Fite Surveying (Surveyor)
GSO Architects (Architect)

Financial Consideration:

None

Staff Recommendation:

At the May 21, 2019 regular meeting, the Planning and Zoning Board voted 4/3 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Commission Members voting against the request: David Downtain, John Manley and Trish Wood.

Concerns included: Concrete dust, air quaility, water run-off issues, property values, location next to schools, noise and heavy traffic.

Citizens appearing before the Planning and Zoning Commission opposing request: 6

Letters received oppoing request: 2

Calls received opposing request: 1

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6220
Location Map
Zoning Map
Zoning Sign Photo
Narrative
Survey
Site Plan
Staff Review Letter
P&Z Communication
Call from Clay Precision LTD
Letter from Grayson Bible Baptist Church
Letter from RJ Spencer Investments LLC

ORDINANCE NO. 6220

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 CONCRETE RECYCLING FACILITY IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1.1 (FM 1417) OVERLAY DISTRICT AT 1022 NORTHEAST F.M. 1417, BEING 19.980 ACRES IN THE AARON BURLESON SURVEY, ABSTRACT NO. 61 (SAMMY DOLEZALEK, OWNER; BROWN LEWISVILLE RAILROAD FAMILY TRUST, LP, PROSPECTIVE BUYER; TREY BROWN AND DRUE BYNUM, REPRESENTATIVES; BIG CITY CRUSHED CONCRETE, PROPOSED TENANT; DAVID FITE SURVEYING, SURVEYOR; AND GSO ARCHITECTS, ARCHITECT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Sammy Dolezalek (Owner), Brown Lewisville Railroad Family Trust, LP (Prospective Buyer), Trey Brown and Drue Bynum (Representatives), Big City Crushed Concrete (Tenant), David Fite Surveying (Surveyor) and GSO Architects (Architect) concerning the property located at 1022 Northeast F.M. 1417 and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

ALL that certain lot, tract or parcel of land situated in the Aaron Burleson Survey, Abstract No. 61, Grayson County, Texas, and being known as that tract of land

described in a Deed to Sammy Dolezalek as recorded in Volume 4178, Page 464 of the Official Public Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a concrete monument found for corner at the intersection of the West line of F.M. Highway No. 1417 and the North line of the Texas & Pacific Railroad at the Southeast corner of said Dolezalek tract;

THENCE in a Westerly direction with a curve to the right in the North line of said railroad, having a radius of 5725.80 feet, a central angle of 07 deg. 22 min 59 sec., a chord of South 76 deg. 49 min. 41 sec. West a distance of 737.31 feet and an arc length of 737.82 feet to a point for corner at the end of said curve;

THENCE South 80 deg. 28 min. 07 sec. West with the North line of said railroad, a distance of 993.30 feet to a ½" iron rod found for corner at the Southwest corner of said Dolezalek tract;

THENCE North 16 deg. 17 min. 32 sec. East with the West line of said Dolezalek tract, a distance of 593.95 feet to a ½" iron rod found for corner in a field at the Northwest corner of said Dolezalek tract;

THENCE North 80 deg. 24 min. 52 sec. East with the North line of said Dolezalek tract, passing 0.37 feet south of a 1" pipe at a distance of 870.64 feet and continuing for a total distance of 1577.12 feet to a ½" iron rod set for corner in a non-tangent curve to the left in the West line of said highway and being the Northeast corner of said Dolezalek tract, from said point a 60d nail found bears North 69 deg. 47 min. 12 sec. West a distance of 1.37 feet, a ½" iron found bears North 21 deg. 45 min. 44 sec. West a distance of 4.25 feet and another ½" iron rod found at the Southeast corner of Lot 1, of the R.J. Spencer Investment Addition recorded in Volume 20, Page 40 of the P.R.G.C.T., bears North 05 deg. 35 min. 20 sec. East a distance of 62.07 feet;

THENCE in a Southerly direction with said curve in the West line of said highway, having a radius of 3404.04 feet, a central angle of 02 deg. 40 min 18 sec., a chord of South 03 deg. 39 min. 56 sec. West, a distance of 158.71 feet and an arc length of 158.73 feet to a concrete monument found for corner at the end of said curve;

THENCE South 02 deg. 21 min. 31 sec. West with the West line of said highway, a distance of 342.14 feet to the **POINT OF BEGINNING and containing 19.980 acres of land more or less.....**

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

Zoning

1. All aspects of the M-1 (Light Manufacturing) District, the O-1.1 (FM 1417) Overlay District, the fence ordinance, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into FM 1417 right-of-way.
4. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
5. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
6. A parking space is considered to be 9'x20'.
7. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
8. Violations of the conditions of the SUP will terminate the Specific Use Permit.
9. Review the zoning and development ordinance for additional requirements.
10. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

11. Platting of the property is required.
12. Additional ROW will be required upon platting per the Grayson County 2040 Thoroughfare Plan.
13. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department. Only one (1) drive approach will be permitted off FM 1417.
14. Water to be provided by Pink Hill Water Supply or City of Sherman water must be extended to serve the development. Confirm availability of water from Pink Hill Water Supply.
15. City sewer is not available to this site. On-site sewage facilities required to serve the development.
16. Privately owned and maintained detention in accordance to City criteria is required as the site develops. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
17. The location of trash receptors must be approved by the Public Works Department.
18. Verify fire lane requirements with Fire Marshall. 24' Fire lane with turn around required.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

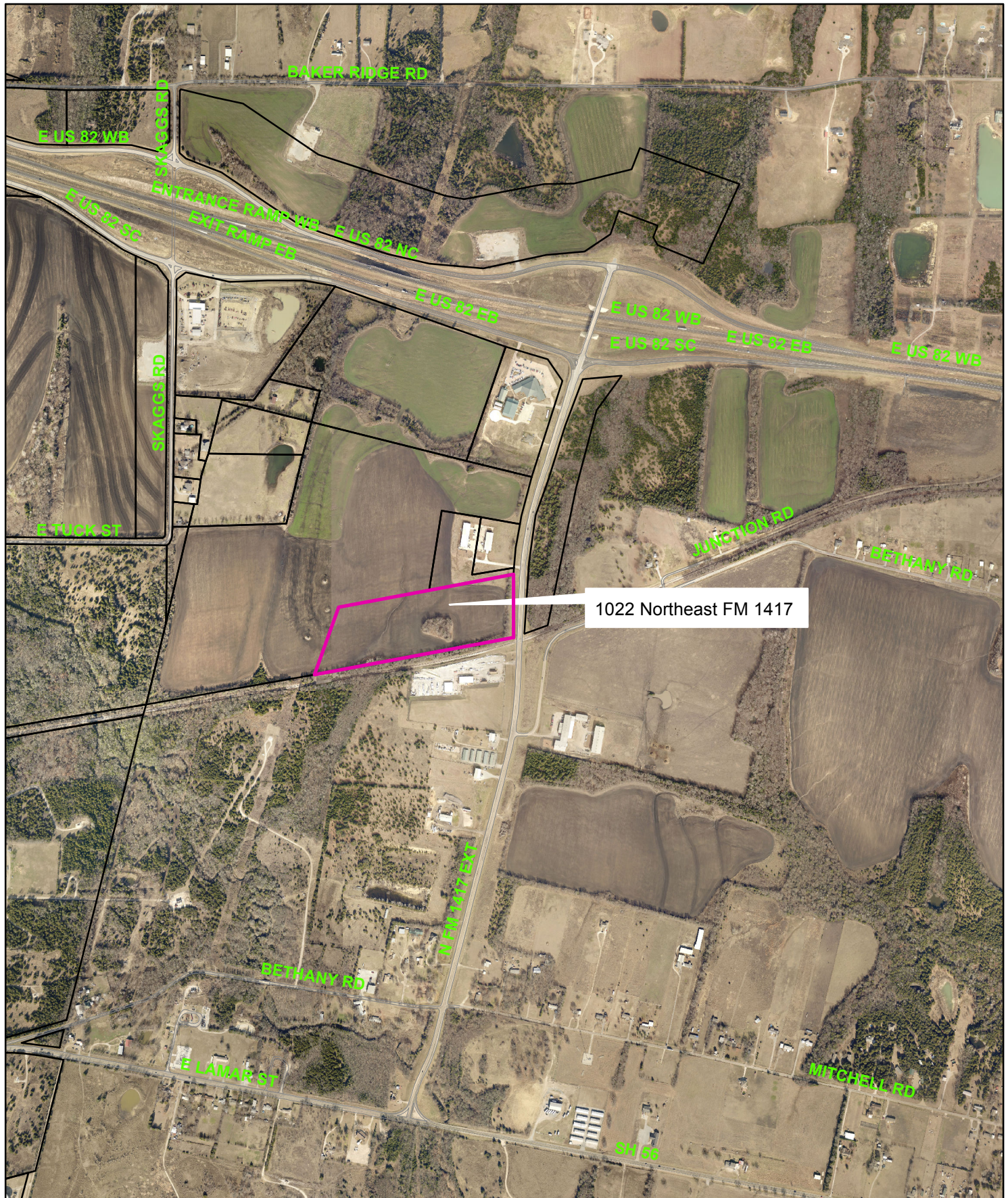
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



1022 Northeast FM 1417



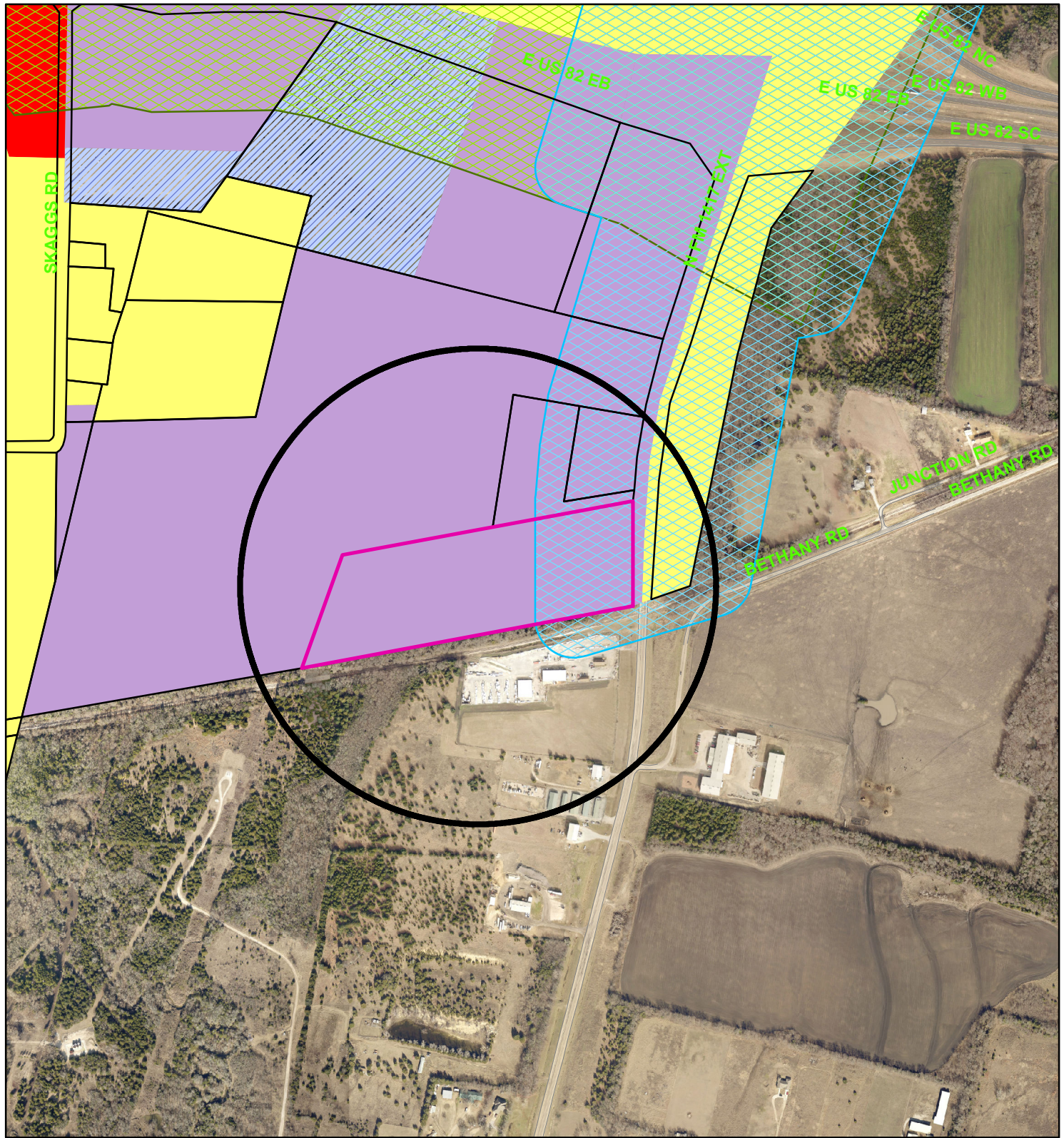
1022 Northeast FM 1417



NOT TO SCALE

1 in = 1,103 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 1022 Northeast FM 1417

Legend

Special Districts Overlay

DISTRICT_NAME
Arts and Cultural District
Blalock Commercial Overlay District
Central Business District
College Park District
Downtown Overlay District
Historic Preservation District
Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

FM 1417
Sam Rayburn Freeway
US Hwy 82 and 75
SH 289
FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP Blalock Industrial Park
C-1 Retail Business District

Representation: ShermGIS.DBO.ZoningDistrict_Rep

C-2 General Commercial District
CO Office District
Lakes
M-1 Light Manufacturing District
M-1.5 Medium Manufacturing District
M-2 Heavy Manufacturing District
MH Manufacturing Housing District
R-1 One Family Residential District
R-2 Multi-Family Residential District
R-A Single Family Agricultural District
SF-1 Single Family Residential District



1022 Northeast FM 1417





Big City Crushed Concrete

www.werockdallas.com

PO Box 29816

Dallas, Texas 75229

972-243-5820

City of Sherman Development Services

April 25, 2019

Re: Requested Zoning Change

By: BLRRFF, L.P. for tenant Big City Crushed Concrete

¹⁰²²
1102 N.E. FM 1417, Sherman Texas

Officials,

Big City Crushed Concrete requests a zoning change for the twenty acre site located at ¹⁰²²1102 N.E. FM 1417 from Agriculture to a Specific Use Permit for concrete recycling.

Waste concrete and asphalt are generated, within the region, by municipal, highway department, and private construction projects. This waste stream material was dumped in ditches or landfills for decades. Now the recycling of these materials can reduce illegal dumping and unnecessary landfilling, and encourage the legal processing of these materials into TXDOT specification aggregate products.

Big City Crushed Concrete has been recycling for over thirty years in Texas and has been recycling for the City of Sherman for over six years.

This facility would receive loads of concrete free of charge from contractors, cities, and the public. The materials would be reprocessed, reinforcing steel removed, and stockpiled for sale to projects within the region.

The recycling operation is governed by the Texas Commission on Environmental Quality, and that agency assures compliance of all proposed operations.

Thank you for your consideration of this new recycling facility.

Sincerely,

Mason C. Brown III (Trey), V.P.

Big City Crushed Concrete

DESCRIPTION

All that certain lot, tract or parcel of land situated in the Aaron Burleson Survey, Abstract No. 61, Grayson County, Texas, and being known as that tract of land described in a Deed to Sammy Dolezalek as recorded in Volume 4178, Page 464 of the Official Public Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a concrete monument found for corner at the intersection of the West line of F.M. Highway No. 1417 and the North line of the Texas & Pacific Railroad at the Southeast corner of said Dolezalek tract;

THENCE in a Westerly direction with a curve to the right in the North line of said railroad, having a radius of 5725.80 feet, a central angle of 07 deg. 22 min 59 sec., a chord of S. 76 deg. 49 min. 41 sec. W. a distance of 737.31 feet and an arc length of 737.82 feet to a point for corner at the end of said curve;

THENCE S. 80 deg. 28 min. 07 sec. W. with the North line of said railroad, a distance of 993.30 feet to a 1/2" iron rod found for corner at the Southwest corner of said Dolezalek tract;

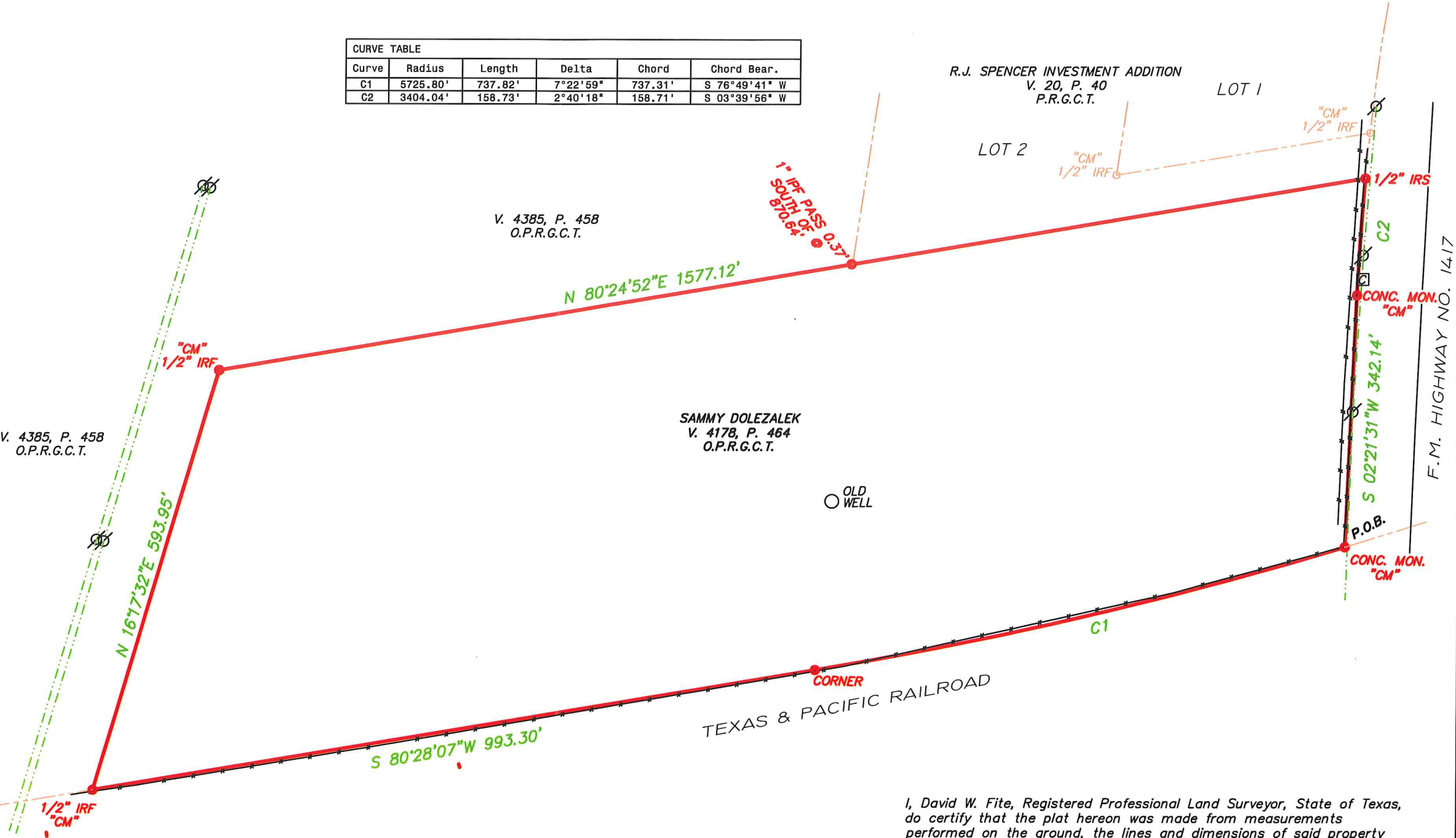
THENCE N. 16 deg. 17 min. 32 sec. E. with the West line of said Dolezalek tract, a distance of 593.95 feet to a 1/2" iron rod found for corner in a field at the Northwest corner of said Dolezalek tract;

THENCE N. 80 deg. 24 min. 52 sec. E. with the North line of said Dolezalek tract, passing 0.37 feet south of a 1" pipe at a distance of 870.64 feet and continuing for a total distance of 1577.12 feet to a 1/2" iron rod set for corner in a non-tangent curve to the left in the West line of said highway and being the Northeast corner of said Dolezalek tract, from said point a 60d nail found bears N. 69 deg. 47 min. 12 sec. W. a distance of 1.37 feet, a 1/2" iron found bears N. 21 deg. 45 min. 44 sec. W. a distance of 4.25 feet and another 1/2" iron rod found at the Southeast corner of Lot 1, of the R.J. Spencer Investment Addition recorded in Vol. 20, Pg. 40 of the P.R.G.C.T., bears N. 05 deg. 35 min. 20 sec. E. a distance of 62.07 feet;

THENCE in a Southerly direction with said curve in the West line of said highway, having a radius of 3404.04 feet, a central angle of 02 deg. 40 min 18 sec., a chord of S. 03 deg. 39 min. 56 sec. W. a distance of 158.71 feet and an arc length of 158.73 feet to a concrete monument found for corner at the end of said curve;

THENCE S. 02 deg. 21 min. 31 sec. W. with the West line of said highway, a distance of 342.14 feet to the POINT OF BEGINNING and containing 19.980 acres of land more or less.

CURVE TABLE					
Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	5725.80'	737.82'	7°22'59"	737.31'	S 76°49'41" W
C2	3404.04'	158.73'	2°40'18"	158.71'	S 03°39'56" W



LEGEND

IRS	IRON ROD SET W/CAP "FITE 5837"
IRFC	IRON ROD FOUND W/CAP
IRF	IRON ROD FOUND
"CM"	CONTROL MONUMENT
Ø	POWER POLE
●	LIGHT POLE
⊕	ANCHOR
▼	ELEC. METER
⊗	GAS METER
⊗	WATER METER
⊗	WATER VALVE
⊗	FIRE HYDRANT
⊗	TELEPHONE PEDESTAL
⊗	CABLE PEDESTAL
⊗	SUBSURFACE UTILITY BOX
⊗	ELECTRIC TRANSFORMER

NOTES

- 1) BEARING SOURCE: GPS TEXAS NORTH CENTRAL, NAD 83
- 2) Survey prepared with benefit of Title Commitment, G.F. No. 1902-23VA, Effective Date March 1, 2019.
- 3) The following documents DO AFFECT this tract: V. 2810, P. 450.
- 4) The following easements DO NOT AFFECT this tract: V. 1528, P. 246

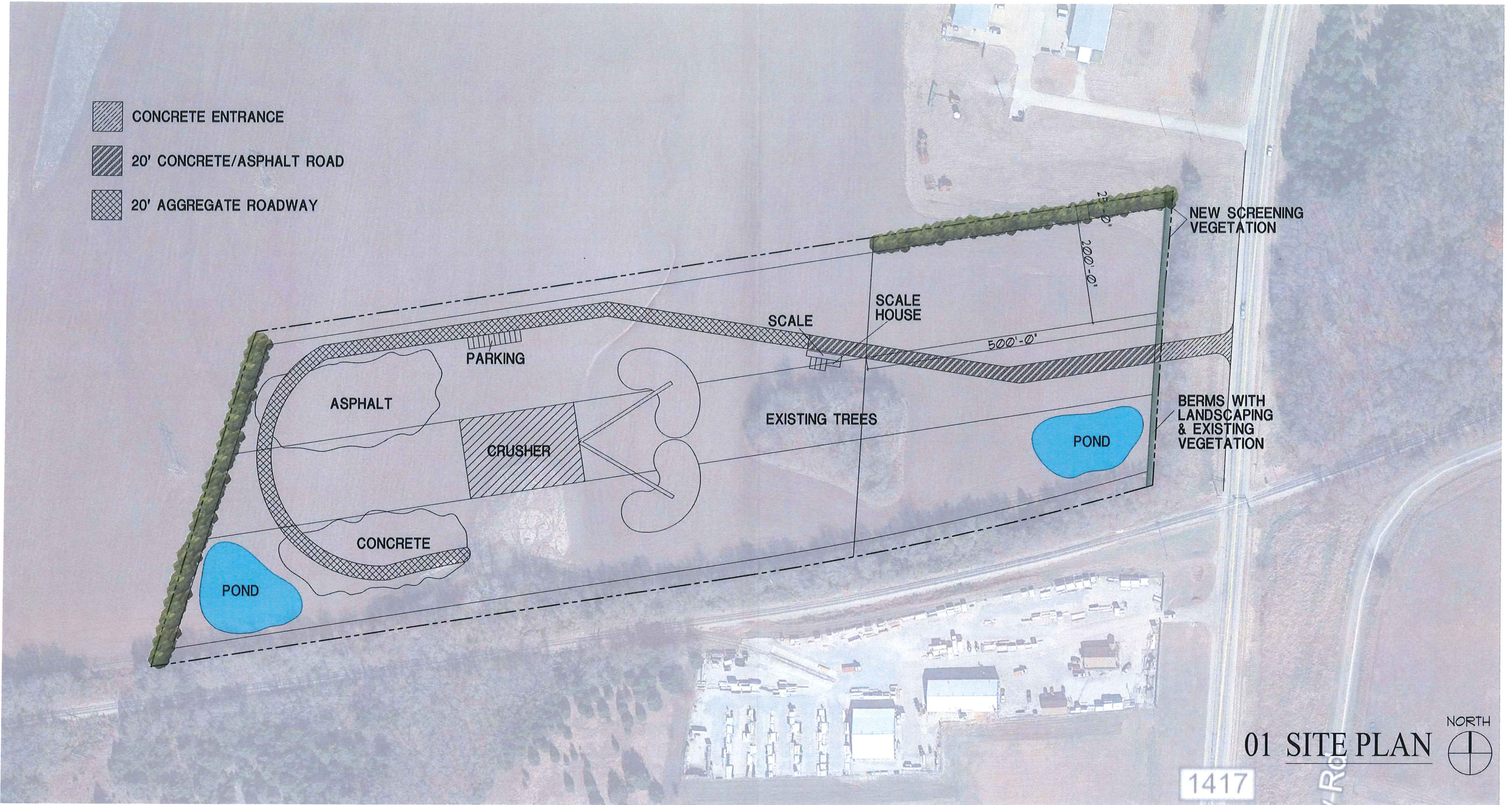
I, David W. Fite, Registered Professional Land Surveyor, State of Texas, do certify that the plat hereon was made from measurements performed on the ground, the lines and dimensions of said property being indicated by the plat, the improvements are within the boundaries of the property, set back from the property lines the distances indicated and there are NO VISIBLE EASEMENTS, ENCROACHMENTS CONFLICTS OR PROTRUSIONS, except as shown on the plat hereon.

David W. Fite, R.P.L.S. No. 5837

DAVID FITE SURVEYING

SCALE: 1" = 160'
JOB NO. DF190137
DATE: 4-11-2019
G.F. NO. 1902-23VA
DRAWN: D.W.F.
CHECK: D.W.F.
3480 COUNTY ROAD 3307
GREENVILLE, TX 75402
PH. NO. 903-355-8178
FAX NO. 903-454-7478
E-MAIL: davidfite@wildblue.net





THESE DRAWINGS, OR PARTS THEREOF, MAY NOT BE REPRODUCED IN ANY FORM, BY ANY METHOD, FOR ANY PURPOSE, WITHOUT PRIOR WRITTEN CONSENT FROM GSO ARCHITECTS, INC.

1022
1102 NE FM 1417

SHERMAN, TEXAS
BIG CITY CRUSHED CONCRETE

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

SP01

JOB NO: 19-027
ISSUE DATE: 4/11/2019
SCALE: AS NOTED

STAFF REVIEW LETTER

May 13, 2019

Sammy Dolezalek
7527 FM 901
Whitesboro, TX 76273

David Fite Surveying
3480 CR 3307
Greenville, TX 75402

Brown Lewisville Railroad Family Trust
Trey Brown & Drue Bynum
PO Box 29615
Dallas, TX 75229

GSO Architects
5310 Harvest Hill Rd.
Dallas, TX 75230

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow a concrete recycling facility in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District for the property located at 1022 Northeast FM 1417 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 21, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the M-1 (Light Manufacturing) District, the O-1.1 (FM 1417 Overlay) District, the fence ordinance, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into FM 1417 right-of-way.
4. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
5. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
6. A parking space is considered to be 9'x20'.
7. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
8. Violations of the conditions of the SUP will terminate the Specific Use Permit.
9. Review the zoning and development ordinance for additional requirements.
10. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

11. Platting of the property is required.
12. Additional ROW will be required upon platting per the Grayson County 2040 Thoroughfare Plan.
13. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department. Only one (1) drive approach will be permitted off FM 1417.
14. Water to be provided by Pink Hill Water Supply or City of Sherman water must be extended to serve the development. Confirm availability of water from Pink Hill Water Supply.
15. City sewer is not available to this site. On-site sewage facilities required to serve the development.

16. Privately owned and maintained detention in accordance to City criteria is required as the site develops. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
17. The location of trash receptors must be approved by the Public Works Department.
18. Verify fire lane requirements with Fire Marshall. 24' Fire lane with turn around required.

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

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,



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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 16.

Meeting Date: 05/21/2019

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

1022 NORTHEAST FM 1417

The request of Sammy Dolezalek (Owner), Brown Lewisville Railroad Family Trust, LP (Prospective Buyer), Trey Brown and Drue Bynum (Representatives), Big City Crushed Concrete (Tenant), David Fite Surveying (Surveyor) and GSO Architects (Architect) concerning the property located at 1022 Northeast FM 1417, being 19.980 acres in the Aaron Burleson Survey, Abstract No. 61, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a concrete recycling facility in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District.

Background:

The property is located at 1022 Northeast FM 1417 between U.S. Highway 82 and the railroad tracks. The property is zoned an M-1 (Light Manufacturing) District and located in the O-1.1 (FM 1417) Overlay District. The owners would like to open Big City Crushed Concrete, a concrete recycling facility. Big City Crushed Concrete has been recycling for over thirty years in Texas and recycling for the City of Sherman for over six years. The facility would receive loads of concrete free of charge from contractors, cities, and the public. The materials would be reprocessed, reinforcing steel removed and stockpiled for sale to projects within the region. The recycling operation is governed by the Texas Commission on Environmental Quality.

Adjacent Zoning:

R-1 (One Family Residential) District

M-1 (Light Manufacturing) District

Origination:

Sammy Dolezalek (Owner)
Brown Lewisville Railroad Family Trust, LP (Prospective Buyer)
Trey Brown and Drue Bynum (Representatives)
Big City Crushed Concrete (Tenant)
David Fite Surveying (Surveyor)
GSO Architects (Architect)

Master Plan Designation:

Agricultural and Rural – Typically are large parcels that are primarily used for crops or pasture land. These low density regions surrounding the City do not have significant demands on the transportation or utilities network.

Number of notices mailed:

2

Objections Received:

2

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Narrative
Survey
Site Plan
Staff Review Letter
Letter from Grayson Bible Baptist Church
Letter RJ Spencer Investments LLC

16. **1022 NORTHEAST FM 1417**

The request of Sammy Dolezalek (Owner), Brown Lewisville Railroad Family Trust, LP (Prospective Buyer), Trey Brown and Drue Bynum (Representatives), Big City Crushed Concrete (Tenant), David Fite Surveying (Surveyor) and GSO Architects (Architect) concerning the property located at 1022 Northeast FM 1417, being 19.980 acres in the Aaron Burleson Survey, Abstract No. 61, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a concrete recycling facility in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District.

A call was received 5/8/2019 at 9:15 a.m. from:

Clay Precision, LTD, 1102 NE. FM 1417, Sherman, TX

They were opposed to the Specific Use Permit because of effects of the concrete dust.



RECEIVED
MAY 13 2019

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

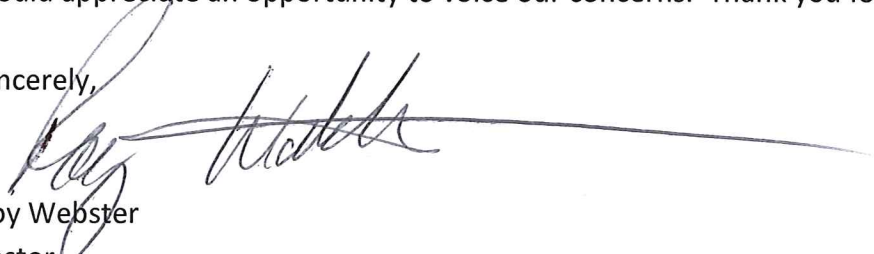
Dear Mr. Shadden,

I have been informed that there is a pending request for zoning by Big City Crushed Concrete, and would like to offer formal notice that we, at Grayson Bible Baptist Church, are opposed to having this company in our area. Our primary concern is how the air quality would be affected for our students. Grayson Christian School, which is located on our property at 4400 US Hwy 82 E, has been a vital part of our ministry for forty-five years. GCS enrollment is at approximately 175, from K3 through 12th Grade. We also host many varied weekly activities for our church members. Another concern would be regarding increased traffic delays due to trains passing by while hauling materials, etc.

Since building on this property site in 2002, we have dealt with a lot of expense and difficulty as a result of being placed in an overlay district. So, we would not want to see this type of business come into the overlay. We feel that it would further disturb and possibly even damage the effectiveness of our ministry. Frankly, it does not seem appropriate to allow this type of business to operate near any school or church.

While we wish no ill will towards the company owners/partners, it is our request that this petition for zoning be denied for all of the previously stated reasons. I plan to attend the public hearing on May 21, and would appreciate an opportunity to voice our concerns. Thank you for your time.

Sincerely,


Roy Webster
Pastor



Developmental Services

May 3, 2019

RJ Spencer Investments LLC
2107 Joni Circle
Sherman, TX 75092

RECEIVED

MAY 15 2019

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, May 21, 2019 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Sammy Dolezalek (Owner), Brown Lewisville Railroad Family Trust, LP (Prospective Buyer), Trey Brown and Drue Bynum (Representatives), Big City Crushed Concrete (Tenant), David Fite Surveying (Surveyor) and GSO Architects (Architect) concerning the property located at 1022 Northeast FM 1417, being 19.980 acres in the Aaron Burleson Survey, Abstract No. 61

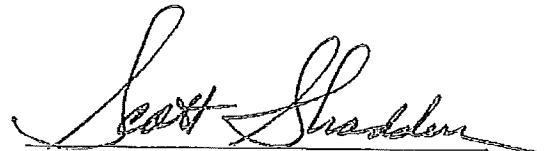
The request is as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow concrete recycling in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District.

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

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



Secretary, Planning & Zoning Board

We have many concerns regarding this request, and will be in attendance at the public hearing on 052419.

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.4.

Meeting Date: 06/17/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6221

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Tattoo and Art Studio in a C-2 (General Commercial) District/Central Business District at 119 East Wall Street, being part of Lots 7, 8 and 9, Block D, T.J. Shannon Supplement (John and Sharen Arriazola, Owners; Electric Age Tattoo Company, Proposed Tenant; and John C. Stone, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of John and Sharen Arriazola (Owners), Electric Age Tattoo Company (Proposed Tenant), and John C. Stone (Applicant) concerning the property located at 119 East Wall Street, being part of Lots 7, 8 and 9, Block D, T.J. Shannon Supplement, for a Specific Use Permit to allow a Tattoo and Art Studio in a C-2 (General Commercial) District/Central Business District

Background:

The property is located at 119 East Wall Street, between Travis and Walnut Streets, zoned a C-2 (General Commercial) District and located in the Central Business District. John C. Stone and his partner, Jayce Cogburn, would like to open Electric Age Tattoo Studio at this location. They have tattooed here for ten years and have an extensive client base between the two of them, mostly by appointments only.

Origination:

John and Sharen Arriazola (Owners)
Electric Age Tattoo Company (Proposed Tenant)
John C. Stone (Applicant)

Financial Consideration:

None

Staff Recommendation:

At the May 21, 2019 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and limiting it to John C. Stone (Electric Age Tattoo Company). One citizen was opposed to the request at the Planning and Zoning Commission Meeting.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6221

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Aerial

Building Elevations

Interior

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6221

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 TATTOO AND ART STUDIO IN A C-2 (GENERAL COMMERCIAL) DISTRICT/CENTRAL BUSINESS DISTRICT AT 119 EAST WALL STREET, BEING PART OF LOTS 7, 8 AND 9, BLOCK D, T. J. SHANNON SUPPLEMENT (JOHN AND SHAREN ARRIAZOLA, OWNERS; ELECTRIC AGE TATTOO COMPANY, PROPOSED TENANT; AND JOHN C. STONE, APPLICANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, John and Sharen Arriazola (Owners), Electric Age Tattoo Company (Proposed Tenant) and John C. Stone (Applicant) concerning the property located at 119 East Wall Street and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING part of Lots 7, 8 and 9, Block D, T.J. Shannon Supplement.

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

Zoning

1. All aspects of the C-2 (General Commercial) District, the Central Business District and the sign ordinance must be followed.

2. Fire access, lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
4. Hours of operation must comply with all City of Sherman Ordinances.
5. The property must be properly maintained in a state of good repair and neat appearance.
6. Signs illuminated or flashing to such intensity or in a manner to cause a glare or brightness that constitutes a hazard or nuisance to traffic or to adjoining residential uses is prohibited. Brightness shall be no more than 0.3 foot-candles over ambient light.
7. Violations of the conditions of the SUP will terminate the Specific Use Permit
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Planning & Zoning Commission:

10. Limited to John C. Stone (Electric Age Tattoo Co.)

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

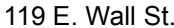
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



119 E. Wall Street



1 in = 200 ft



Zoning - 119 E. Wall Street

Legend

Special Districts Overlay

DISTRICT_NAME

-  Arts and Cultural District
-  Blalock Commercial Overlay District
-  Central Business District
-  College Park District
-  Downtown Overlay District
-  Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

-  FM 1417
-  Sam Rayburn Freeway
-  US Hwy 82 and 75
-  SH 289
-  FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

-  Unknown
-  BIP Blalock Industrial Park
-  C-1 Retail Business District

C-2 General Commercial District

-  CO Office District
-  Lakes
-  M-1 Light Manufacturing District
-  M-1.5 Medium Manufacturing District
-  M-2 Heavy Manufacturing District
-  MH Manufacturing Housing District
-  R-1 One Family Residential District
-  R-2 Multi-Family Residential District
-  R-A Single Family Agricultural District
-  SF-1 Single Family Residential District



NOT TO SCALE

1 in = 50 ft

119 East Wall Street



To the City of Sherman Planning and Zoning Committee, and City Council, myself, Caleb Stone, and my partner Jayce Cogburn are proposing and seeking approval to open Electric Age Tattoo Company, a Tattoo and Art Studio on 119 E Wall Street in the C1 District of downtown Sherman.

Jayce and I both grew up in Sherman and started our careers in Sherman. We are both approaching a decade of tattooing in this city. We work mostly by appointment and aim to create a more comfortable environment for our clients, all while creating and boosting the culture of our community. Growing up here, we have seen, and are proud of the progress that our city has achieved, especially with our downtown area, and would like to contribute to its growth and overall aesthetic.

While more businesses within our industry are geared for a more high traffic, fast paced walk-in client basis, we would like to create a place that allows us to work individually with each of our customers, allowing us to create our best work for each person. We aim to keep only two to three artists within our business, including ourselves to ensure that the quality that comes out of our shop maintains a high standard. Our goal is to create the best art possible, while also keeping the most positive attitude toward our community. We believe that a small cozy spot in the somewhat secluded location, will help us grow in a way that we will be able to uphold these values.

Our vision for the aesthetic of our business is one that we believe will fit the look that downtown aspires toward, while also capturing the history of our business and will show others what makes tattooing so special to us. We believe theres somewhat of a disconnect between tattooing and the world outside of it, and we would like to communicate that within our shop. Theres so much history behind our business thats rooted right here in Texas, and we would like to share that, along with the rest of the history and art that made us fall in love with what we do. The outside appearance of the building is perfect as is, the only change we would like is to hang our own sign. Being that a tattoo shop requires to be a clean space, our interior design will be very minimal and clean, with the walls filled with art work depicting the history and culture of tattooing. We would like to make it somewhat of an exhibit for people to come in and check out. We also like that the section that the building is in has an artistic feel, with murals lining the street on the opposite side. Jayce is actually one of the artists who helped create the murals. We are very excited to be a part of the growing culture of Sherman, and it's our goal to help nurture that and continue its progress.

We thank you for your time to hear our proposal, and we hope to work forward with the city to continue its growth and progress. Growing up in Sherman we are very proud of what our once small town has grown into, and very excited to see whats in store for the future. We only hope that we could soon be a part of its growth.



119 E Wall St

56

Sh

119 E Wall St

119 E Wall St





STAFF REVIEW LETTER

May 13, 2019

John & Sharen Arriazola
129 E. Wall St.
Sherman, TX 75090

John C. Stone
522 Marcel Drive
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit to allow a tattoo and art studio in a C-2 (General Commercial) District/Central Business District for the property located at 119 East Wall Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 21, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the C-2 (General Commercial) District, the Central Business District and the sign ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
4. Hours of operation must comply with all City of Sherman Ordinances.
5. The property must be properly maintained in a state of good repair and neat appearance.
6. Signs illuminated or flashing to such intensity or in a manner to cause a glare or brightness that constitutes a hazard or nuisance to traffic or to adjoining residential uses is prohibited. Brightness shall be no more than 0.3 foot-candles over ambient light.
7. Violations of the conditions of the SUP will terminate the Specific Use Permit
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,



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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 6.

Meeting Date: 05/21/2019

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

119 EAST WALL STREET

The request of John and Sharen Arriazola (Owners), Electric Age Tattoo Co. (Proposed Tenant) and John C. Stone (Applicant) concerning the property located at 119 East Wall Street, being part of Lots 7, 8 & 9, Block D, T.J. Shannon Supplement, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a tattoo and art studio in a C-2 (General Commercial) District/Central Business District.

Background:

The property is located at 119 East Wall Street between Travis and Walnut Streets. The property is zoned a C-2 (General Commercial) District and located in the Central Business District. Electric Age Tattoo Studio would like to open a tattoo and art studio at this location.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

John and Sharen Arriazola (Owners)

Electric Age Tattoo Co (Proposed Tenant)

John C. Stone (Applicant)

Master Plan Designation:

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

Number of notices mailed:

14

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Building Elevations

Interior

Sign Elevation

Aerial

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.5.

Meeting Date: 06/17/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6218, 6219, 6220 and 6221

Issue:

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6218**
Extending the Corporate Limits of Said City so as to Annex an Approximately 217.7 Acre Tract of Land located West of F.M. 1417, South of O.B. Groner Road and East of Bradley Road, Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; Providing for a Municipal Service Plan
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6219**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District in the 2000-2900 blocks of North State Highway 289, being 111.721 acres in the J.K. Miller Survey, Abstract No. 819, J.M. Thomas Survey, Abstract No. 1234, the Daniel Bickenbach Survey, Abstract No. 128 and Block 1, Preston Club, The Classics, Phase Three, Blocks 2, 3 and 4, Preston Club, The Classics, Phase Four and all of Blocks 1 and 5, Preston Club, The Classics, Phase Four (WUI Development, LLC, Christopher Rehmet and Claire Tate and Robert Tate, Owners; Clay Barnett, P.E., Representative; and Helvey-Wagner Surveying, Inc., Surveyor)
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6220**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Concrete Recycling Facility in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417) Overlay District at 1022 Northeast F.M. 1417, being 19.980 acres in the Aaron Burleson Survey, Abstract No. 61 (Sammy Dolezalek, Owner; Brown Lewisville Railroad Family Trust, LP, Prospective Buyer; Trey Brown and Drue Bynum, Representatives; Big City Crushed Concrete, Proposed Tenant; David Fite Surveying, Surveyor; and GSO Architects, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6221

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Tattoo and Art Studio in a C-2 (General Commercial) District/Central Business District at 119 East Wall Street, being part of Lots 7, 8 and 9, Block D, T.J. Shannon Supplement (John and Sharen Arriazola, Owners; Electric Age Tattoo Company, Proposed Tenant; and John C. Stone, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.6.

Meeting Date: 06/17/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

E. 1. * OTHER BUSINESS

Replat Approval of Lots 7-10, Block 10, College Park Addition, being Lots 7-10, Block 10, College Park Addition, containing 1.143 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor (700 block of North Grand Avenue)

E. 2. * OTHER BUSINESS

Replat Approval of Lots 1-16, Block 9, Mildred Heights Repat, being all of Block 9, Mildred Heights Addition, containing 2.853 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor (1200 block of North Hurt and North Bledsoe Streets)

E. 3. * OTHER BUSINESS

Final Plat Approval of Graham Addition, being 2.788 acres in the J.B. McAnair Survey, Abstract No. 763; Bryan and Margaret Graham, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (2300-2400 blocks of North Hickory Street and 229 West Pelton Street)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 06/17/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6489

Awarding a Proposal to and Authorizing Execution of a Contract with Lynn Vessels Construction, LLC based on a Request for Proposal for the Construction of the West Travis Street Phase II & III Project

Issue:

To consider awarding a proposal to and authorizing execution of a contract with Lynn Vessels Construction, LLC of Sherman, Texas, based on a request for proposal, for the construction of the West Travis Street Phase II & III Project

Background:

The Phase II & III portion of West Travis Street will include a four-lane, median divided section that will connect to the existing West Travis Street Phase I, Northgate Drive and the West Travis Street Phase IV currently under construction. Three (3) proposers responded to the request for proposal. Based on scoring of the proposals, it is recommended that the proposal be awarded for construction of the West Travis Street Phase II & III Project to Lynn Vessels Construction, LLC in the amount of \$4,772,874.94. The proposal scoring tabulation is attached.

Origination:

Engineering Department

Financial Consideration:

Funding for this project is available through the Capital Improvement Program.

Staff Recommendation:

It is recommended that the proposal be awarded for construction of the West Travis Street Phase II & III Project to Lynn Vessels Construction, LLC in the amount of \$4,772,874.94. It is also recommended that the City Manager be authorized to execute the required contract documents.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6489
Contract Agreement
Review Sheet
Aerial Location Map

RESOLUTION NO. 6489

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDED A PROPOSAL TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC BASED ON A REQUEST FOR PROPOSAL FOR THE CONSTRUCTION OF THE WEST TRAVIS STREET PHASE II & III PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Lynn Vessels Construction, LLC of Sherman, Texas, is hereby awarded the proposal and the City of Sherman hereby approves the contract with Lynn Vessels Construction, LLC in the amount of Four Million, Seven Hundred Seventy-Two Thousand, Eight Hundred Seventy-Four Dollars and Ninety-Four Cents (\$4,772,874.94) for construction of the West Travis Street Phase II & III Project; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with Lynn Vessels Construction, LLC for construction of the aforementioned improvements, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

CONTRACT AGREEMENT

STATE OF TEXAS

COUNTY OF

GRAYSON

THIS AGREEMENT is made and entered into this ____ day of _____, 2019 by and between the City of Sherman, of the County of Grayson and State of Texas, acting through its City Manager, thereunto duly authorized so to do, Party of the First Part, hereinafter termed the OWNER, and Lynn Vessels Construction, LLC, of the City of Sherman, County of Grayson, State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payment and agreement hereinafter mentioned, to be made and performed by the OWNER, the said CONTRACTOR hereby agrees with the said OWNER to commence and complete construction of certain improvements as follows:

West Travis Street Phase II & III

and all extra work in connection therewith, under the terms as stated in the General and Specific Conditions of the AGREEMENT; and at his own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto and in accordance with the following:

- (a) Notice to Offerors
- (b) General Instructions to Offerors
- (c) Pre RFP Checklist
- (d) Chapter 2270 Prohibition on Contracts with Companies Boycotting Israel
- (e) Suspension and Debarment Certification
- (f) Bid Bond and POA
- (g) Contractors Statement of Qualifications
- (h) Insurance Requirement Affidavit
- (i) Bid Submittal Form
- (j) Safety Record Questionnaire
- (k) Proposed List of Subcontractors
- (k) Resolution of Award
- (l) Contract Agreement (this form)
- (m) Certificate of Interested Parties (form 1295)
- (n) Performance Bond and POA
- (o) Payment Bond and POA
- (p) Notice to Proceed
- (q) Certificate of Insurance
- (r) Maintenance Bond and POA
- (s) Special Provisions (includes Technical Specifications)
- (t) Federal Labor Standards (Davis-Bacon Wage Rate Decision)

Plans and other drawings and printed or written explanatory matter thereof, and the Technical Specifications and Addenda thereto, as prepared by the OWNER, each of which has been identified by the endorsement of the CONTRACTOR and the OWNER thereon, together with the CONTRACTOR's written Proposal and the General Provisions, all of which are made a part hereof and collectively evidence and constitute the entire AGREEMENT.

Notice to Proceed

The CONTRACTOR hereby agrees to commence work within ten (10) calendar days after the date of written notice to do so shall have been given to him, to complete the work within THREE HUNDRED SIXTY FIVE (365) calendar days, after he commences work, subject to such extensions of time as are provided by the General Provisions.

The OWNER agrees to pay the CONTRACTOR Four Million, Seven Hundred Seventy-Two Thousand, Eight Hundred Seventy-Four Dollars and Ninety-Four Cents (**\$4,772,874.94**) in current funds for the performance of the Contract in accordance with the Proposal submitted thereof, subject to additions and deductions, as provided in the General Provisions, and to make payments of account thereof as provided therein.

IN WITNESS WHEREOF, the parties of these presents have executed this AGREEMENT in the year and day first above written.

CITY OF SHERMAN, TEXAS (OWNER)

ATTEST:

By: _____ By: _____
Robby Hefton, City Manager Linda Ashby, City Clerk

By: _____ By: _____
(CONTRACTOR) ATTEST:

The following to be executed if the CONTRACTOR is a corporation:

I, _____ certify that I am the secretary of the corporation named as CONTRACTOR herein; that _____, who signed this Contract on behalf of the CONTRACTOR is the _____ (official title) of said corporation; that said Contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

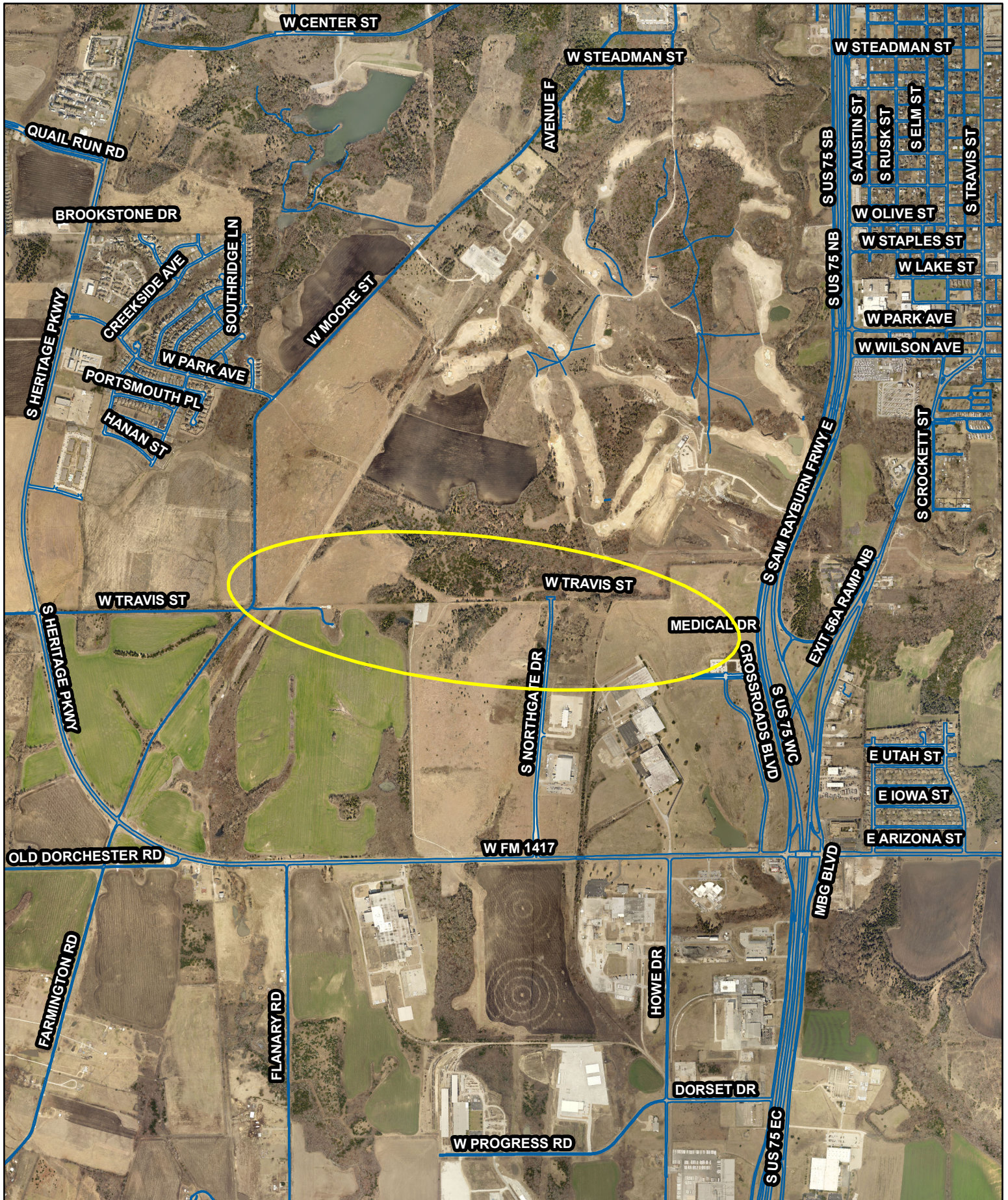
Corporate Seal

West Travis Phase II and III				
Points distributed to each bidder				
Description	Weighting Value	Lynn Vessels	Ed Bell Const.	Vessels Const.
Bid amount (Base Bid)		\$ 4,772,874.94	\$ 5,469,291.80	\$ 5,755,322.54
Safety (Experience Modification Rate)		0.75	0.7	0.83
Time (Days)		365	365	365
Proposed Price (percent of low bid)	60%	60.00	52.40	49.80
Qualifications of Offeror	30%	23.25	27.75	22.50
Time (Days)	5%	5.00	5.00	5.00
Safety	5%	4.25	5.00	3.80
Total points distributed	100%	92.50	90.15	81.10

Notes:

Have each reviewer rate each bidder based on the number of points allowed in each category

Proposed Price (percent of low bid)	Average score =	60.0	52.4	49.8
Clint P.		60.0	52.4	49.8
Christopher A.		60.0	52.4	49.8
Tom P.		60.0	52.4	49.8
Craig L.		60.0	52.4	49.8
Qualifications of Offeror	Average score =	23.25	27.75	22.50
Clint P.		28	30	25
Christopher A.		28	30	25
Tom P.		10	27	19
Craig L.		27	24	21
Time (Days)	Average score =	5.00	5.00	5.00
Clint P.		5.0	5.0	5.0
Christopher A.		5.0	5.0	5.0
Tom P.		5.0	5.0	5.0
Craig L.		5.0	5.0	5.0
Safety	Average score =	4.25	5.00	3.80
Clint P.		4.5	5.0	4.2
Christopher A.		4.5	5.0	4.0
Tom P.		4.0	5.0	4.0
Craig L.		4.0	5.0	3.0





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 06/17/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6490

Authorizing Execution of a Development Agreement with Wyldewood Homes for the Construction of Public Facilities in Heritage Farms Estates, a 26.106-acre Development off of Quail Run Road, west of F.M. 1417 (Heritage Parkway) in the City of Sherman

Issue:

The construction of public facilities in Heritage Farms Estates, an 26.106-acre development off of Quail Run Road, west of F.M. 1417 (Heritage Parkway) in the City of Sherman

Background:

Wyldewood Homes proposes to construct an 26.106-acre development off of Quail Run Road, west of F.M. 1417 (Heritage Parkway), which includes the construction of storm water, water mains, sanitary sewer mains and public roads.

Origination:

Engineering Department

Financial Consideration:

The development fee to be paid by the developer for public inspection will be \$47,273.67.

Staff Recommendation:

Staff recommends approval and execution of the Development Agreement.

Alternatives:

As directed by City Council

Attachments

Resolution No. 6490

Development Agreement - Heritage Farms Estates

Proposed Plat

Aerial Location Map

RESOLUTION NO. 6490

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH WYLDWOOD HOMES FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN HERITAGE FARMS ESTATES, A 26.106-ACRE DEVELOPMENT OFF OF QUAIL RUN ROAD, WEST OF F.M. 1417 (HERITAGE PARKWAY) IN THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Development Agreement with Wyldewood Homes, for the construction of public facilities in Heritage Farms Estates, a 26.106-acre development off of Quail Run Road, west of F.M. 1417 (Heritage Parkway) in the City of Sherman, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND WYLDEWOOD HOMES**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this ____ day of _____, 2019 (the “Effective Date”), by and among the City of Sherman (“City”), a municipal corporation organized under the laws of the State of Texas, and Wyldewood Homes, (“Developer”).

WITNESSETH:

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

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

WHEREAS, Developer owns or controls lands located in Sherman, Texas, and described to the City by the Developer as Heritage Farms Estates, and attached hereto and made a part hereof as if fully set out in this paragraph as Exhibit “A” and hereinafter referred to as the "Property", and Developer intends to develop the Property by constructing improvements thereon; and

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

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

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

**ARTICLE I.
SPECIFIC CONTRACT PROVISIONS**

1. **Assurance of Title:** At the time of execution of this Agreement, the Developer agrees to deliver to City a copy of a Title Insurance Policy, or an opinion of title from a qualified attorney-at-law addressed to the City in a form and substance satisfactory to City with respect to the Property, which opinion shall include a current report on the status of the title, setting out the name of the legal title holders, the outstanding mortgages, taxes, liens

and covenants. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in this Agreement.

2. **Assurance of Accuracy of Documents:** Developer has caused the subdivision plat of the Property (the "plat") and all plans and specifications (the "plans") for the streets, utilities and other improvements to be developed on the Property (collectively the "Project") as part of the public facilities of the City, to be prepared by a Registered Professional Engineer and that Plat and Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the Plat and Plans in making its determination as to whether the documents comply with all City ordinances, state and federal law.
3. **Development Documents:** Upon the execution of this Agreement, Plat, Plans, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the subdivision depicted on the Plat (hereinafter the "Subdivision") are confirmed, ratified, and agreed upon by both parties and attached hereto as Exhibit "B". Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract, as applicable to the Subdivision; and all of the work of the Project will be done under the supervision of the City Engineer (as defined in Paragraph 8 of this Article) to City standards, and in accordance with applicable City regulations. The Plat, Plans, orders of the City Planning and Zoning Commission, and the City Council and Ordinance No. 2684 (hereinafter collectively referred to as the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.
4. **Delivery of Improvements:** The Developer will pay for and deliver to the City free and clear of all liens and costs, all of the improvements provided in the Development Documents.
5. **Performance Bond:** No work shall be performed within the Subdivision until the Developer presents to the City Manager a satisfactory Performance Bond and a Payment Bond, as provided by Chapter 2253 of the Texas Government Code, from the Contractor in favor of the Developer and the City. Such bond shall be made for 100% of the contract price for all streets and utilities and public works to be installed in the Subdivision, and shall be in a form containing all other provisions set forth in Chapter 2253 of the Texas Government Code, including, but not limited to, Section 2253.021 of that Chapter.
6. **Failure to Complete Development:** If the Developer does not complete the Improvements contained in the Development Documents on or before January, 2020, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph may be extended by the mutual agreement of the parties. Such extension shall be in writing, as provided in Paragraph 13 of Article II.
7. **Availability of Public Facilities:** No public facilities will be made available to any lot within any segment of this Subdivision until the work on each segment is performed and approved as agreed upon in this Agreement.

8. **Registered Civil Engineer:** All of the plans and specifications for the improvements herein mentioned in the Development Documents, shall be prepared by a Registered Professional Civil Engineer, and all of the improvements shall be built under the supervision of such engineer, and the engineer shall certify to the City that, as each segment is built, such segment as built is true and correct in accordance with the plans and specifications, and that the same was built under his supervision, and the certificate shall be signed and sealed by such engineer. All of the expense of such engineering shall be paid for by the Developer.
9. **City Engineer:** Before work is begun on any improvement, the City Engineer shall designate a person, hereinafter identified as "City Engineer," who shall be notified and arrangements made for inspection by the City Engineer at such stages of construction as required by him, and no improvement constructed underground shall be covered by the Developer until inspected by the City Engineer and approved by him. At any time any construction is contrary to the plans and specifications, the City Engineer shall be, and is, empowered to stop construction and require correct construction and installation at the Developer's risk and without liability to the City.
10. **Coordination of Work:** The work will be coordinated between the City and the Developer so that the utilities will be in place before the permanent improvements are installed.
11. **Utility Arrangements:** The Developer will make its own arrangements with gas, electric, and telephone service providers for extensions of their utilities, and upon complying with this Agreement, the City utilities will be furnished.
12. **Fees:** Other fees normally charged by the City for building permits, water taps, service connections, and similar fees will be paid as required to the City by the Developer.
13. **Guarantee or Maintenance Bond:**
 - A. If, within one year after the acceptance, defects should appear in the materials or workmanship, the Developer shall have such defects promptly repaired at its own expense, and shall leave the work as intended by the plans and specifications. This guarantee will apply to all parts of the work which have been accepted by the City.
 - B. Instead of the Guarantee set for in subparagraph (A) of this paragraph, Developer may provide a Maintenance Bond to the City at the time of final acceptance of the improvements by the City Engineer. The Bond shall name the City as an obligee under the bond and the bond shall provide a one (1) year guarantee on all the improvements contained in the Development Documents.
14. **WAIVER OF RIGHTS UNDER STATE LAW:**
 - A. Developer understands that, pursuant to Section 212.904 of the Texas Local Government Code, the developer is entitled to an apportionment of the municipal

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

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

15. **Other Provisions:**

- A. Upon Completion of the Subdivision one electronic copy and one set of reproducible "Record" drawings will be supplied to the City.
- B. The Developer shall pay to the City an engineering plan review, inspection, and testing fee of \$47,273.67.
- C. Developer agrees that the development, as set forth in the Contract Documents, will comply with all federal, state and local laws relating to the discharge of storm water upon completion of the development.

- D. Developer and City agree that any and all goods and services relative to infrastructure dedicated to the City are exempt from state and local sales tax in accordance with Texas Tax Code §§151.309 and 151.311.

ARTICLE II.

GENERAL CONTRACT PROVISIONS

1. **Force Majeure.** If the performance of any of the parties hereto is delayed by reason of war, civil commotion, acts of God, inclement weather, unanticipated subsurface conditions, fire or other casualty, court injunction or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such design or construction requirement shall be extended for a period of time equal to the period such party was delayed. The terms above shall not apply to extend the time permitted for any payment obligations set forth in this Agreement.
2. **INDEMNIFICATION AND HOLD HARMLESS.** TO THE MAXIMUM EXTENT PERMITTED BY LAW, DEVELOPER OBLIGATES ITSELF TO THE CITY TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPERS EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION HERewith, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF DEVELOPER, ITS OFFICERS, AGENTS OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. This indemnity does not waive any governmental immunity available to the City under Texas law and does not waive any defenses of the parties under Texas law.
3. **Authority to Bind.** Each general partner or member executing this Agreement on behalf the Developer represents that, by executing this Agreement in such capacity, it acts within the scope of its authority and does not exceed the bounds of its authority to act to bind such party regarding the obligations and assurances contained in this Agreement. City represents that the execution of this Agreement as provided below has been duly authorized by the City Council as provided in the Approval Resolution.
4. **Events of Default.** A default shall exist if either party fails to perform or observe any material covenant contained in this Agreement. The non-defaulting party shall immediately

notify the defaulting party in writing upon becoming aware of any change in the existence of any condition or event which would constitute a default or, with the giving of notice or passage of time, or both, would constitute a default under this Agreement. Such notice shall specify the nature and the period of existence thereof and what action, if any, the notifying party requires or proposes to require with respect to curing the default.

5. **Remedies Available to City.** If a default by Developer shall occur and continue, after thirty (30) day's notice to cure default, City may, at its option, pursue any and all remedies it may be entitled to, at law or in equity, in accordance with Texas law and including using the Performance Bond to complete the work, without the necessity of further notice to or demand upon Developer. City shall not, however, have the right to exercise such remedies for so long as Developer proceeds in good faith and with due diligence to remedy and correct the default, provided that Developer has commenced to cure such default within thirty (30) days following notice, pursues such cure with reasonable diligence and completes such cure within one hundred eighty (180) days.
6. **No Waiver of Defenses.** Nothing in this Agreement shall be construed or intended to waive any defenses available to the City, including, but not limited to, governmental immunity.
7. **Venue and Governing Law.** This Agreement is performable in Grayson County, Texas and venue of any action arising out of this Agreement shall be exclusively in Grayson County. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.
8. **Notices.** Any notice required by this Agreement shall be deemed to be properly served (i) three (3) days following deposit if deposited in the U.S. mail by certified letter, return receipt requested; (ii) on the next business day if sent by nationally recognized overnight delivery service; or (iii) upon receipt if transmitted by facsimile or electronic transmission, addressed to the recipient at the recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described.

CITY:

DESIGNEE: Clint Philpott, P.E.
ADDRESS: 220 W. Mulberry Street
Sherman, TX 75090
PHONE: 903-892-7327
FAX: 903-870-7802

DEVELOPER: Wyldewood Homes

DESIGNEE: Al Denson
ADDRESS: P.O. Box 911688
Sherman, TX 75091
PHONE: (903) 271-9777
FAX: _____

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

IN WITNESS WHEREOF, parties have caused this Agreement to be executed in duplicate this ____ day of _____ 2019, with an original to each party.

Developer: WYLDEWOOD HOMES

BY: _____
NAME: Al Denson
TITLE: Owner

ATTEST: **BY:** _____
NAME: _____
TITLE: _____

CITY: CITY OF SHERMAN

BY: _____
NAME: Robby Hefton
TITLE: City Manager

ATTEST: BY: _____
NAME: Linda Ashby
TITLE: City Clerk

APPROVAL RECOMMENDED:

Clint Philpott, P.E. / Director Engineering

APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney



Curve Table				
Curve #	Length	Radius	Delta	Chord
C2	48.18'	1010.00'	2°49'46"	575'56"29", 49.87'
C3	78.71'	1010.00'	4°27'54"	579'35"20", 78.69'
C4	10.13'	1060.00'	0°32'52"	574'48"52", 10.13'
C5	66.04'	1060.00'	3°34'10"	580'06"10", 66.03'
C6	35.84'	20.00'	102°41'03"	554'08"14", 31.24'
C7	80.05'	225.00'	20°23'09"	507'23"52", 79.63'
C8	4.50'	275.00'	0°58'14"	517'07"19", 4.50'
C9	55.75'	275.00'	11°36'52"	510°54'48", 55.65'
C10	4.61'	495.00'	0°32'02"	505°18'21", 4.61'
C11	60.43'	495.00'	6°59'39"	509°04"12", 60.39'
C12	40.70'	495.00'	4°42'40"	514°55'21", 40.69'
C13	34.17'	275.00'	7°07'12"	513°43'08", 34.15'
C14	24.57'	275.00'	5°07'10"	507°35'55", 24.56'
C15	36.07'	495.00'	4°10'32"	507°07'38", 36.07'
C16	60.11'	495.00'	6°57'29"	512°41'36", 60.08'
C17	12.25'	495.00'	1°25'06"	516°52'53", 12.25'
C18	15.13'	275.00'	3°09'09"	516°00'52", 15.13'
C19	60.89'	275.00'	12°42'03"	508°05'16", 60.83'
C20	40.86'	275.00'	8°30'51"	502°31'10", 40.83'
C21	60.01'	1060.00'	3°14'37"	576°41'48", 60.03'
C22	118.44'	50.00'	135°43'09"	543°17'00", 92.63'
C23	13.35'	50.00'	15°18'00"	532°12'54", 13.31'
C24	48.71'	275.00'	10°08'52"	503°12'55", 48.64'
C25	44.64'	275.00'	8°18'06"	512°56'24", 44.60'
C26	18.76'	225.00'	4°46'35"	515°12'09", 18.75'
C27	30.53'	225.00'	7°46'32"	508°55'36", 30.51'
C28	30.40'	545.00'	3°11'44"	506°38'12", 30.39'
C29	60.38'	545.00'	6°20'53"	511°24'30", 60.35'
C30	25.64'	545.00'	2°41'45"	515°55'49", 25.64'
C31	40.30'	50.00'	46°10'53"	505°14'49", 39.22'
C32	41.10'	50.00'	47°05'39"	541°23'27", 39.95'
C33	44.05'	50.00'	50°26'32"	589°49'48", 42.64'
C34	31.22'	50.00'	35°46'24"	546°42'00", 30.71'
C35	49.15'	50.00'	56°19'35"	586°09'40", 47.20'
C36	28.25'	50.00'	32°22'03"	547°29'31", 27.87'
C37	48.53'	50.00'	55°36'39"	503°30'10", 46.65'
C38	19.83'	50.00'	22°43'09"	535°39'44", 19.70'
C39	8.61'	525.00'	0°56'21"	501°55'07", 8.61'
C40	80.20'	525.00'	6°34'10"	505°04'23", 80.16'
C41	5.51'	525.00'	0°36'03"	509°15'30", 5.51'
C42	54.77'	475.00'	6°36'23"	506°15'20", 54.74'
C43	12.46'	475.00'	1°30'12"	503°12'02", 12.46'
C44	29.72'	1010.00'	1°41'09"	589°23'38", 29.72'
C45	89.99'	1010.00'	5°06'18"	587°12'38", 89.96'
C46	62.95'	1060.00'	3°24'10"	586°17'30", 62.95'
C47	58.62'	1060.00'	3°10'08"	589°34'39", 58.62'
C48	5.31'	1060.00'	0°17'13"	588°41'40", 5.31'
C49	21.07'	525.00'	2°17'59"	502°35'56", 21.07'
C50	53.24'	525.00'	5°48'35"	506°39'13", 53.21'
C51	7.07'	475.00'	0°51'10"	509°07'56", 7.07'
C52	60.16'	475.00'	7°15'24"	505°04'39", 60.12'
C53	13.24'	20.00'	37°56'20"	517°31'14", 13.00'
C54	13.24'	20.00'	37°56'21"	505°27'34", 13.00'
C55	24.03'	225.00'	6°07'11"	514°13'06", 24.02'
C56	24.03'	225.00'	6°07'11"	508°05'59", 24.02'
C57	37.04'	545.00'	3°53'39"	506°59'09", 37.03'
C58	60.31'	545.00'	6°20'24"	512°06'11", 60.28'
C59	22.05'	545.00'	2°19'04"	516°25'55", 22.04'
C60	30.60'	225.00'	7°47'31"	513°41'41", 30.58'
C61	65.09'	225.00'	16°34'31"	501°30'40", 64.88'

Line Table		
Line #	Length	Bearing
L1	42.53'	N72°24'34"E
L6	81.94'	S74°31'25"E
L7	16.57'	S74°31'25"E
L8	47.65'	S77°54'08"E
L9	31.05'	S77°54'08"E
L10	56.09'	N72°24'34"E
L11	35.45'	S77°35'26"E
L12	57.92'	S77°35'26"E
L13	60.12'	S77°35'26"E
L14	60.83'	S77°35'26"E
L15	62.78'	S77°35'26"E
L16	64.67'	S77°35'26"E
L17	47.30'	S77°35'26"E
L18	31.85'	S77°35'26"E
L19	35.63'	S77°35'26"E
L20	24.69'	S77°35'26"E
L21	35.58'	S77°35'26"E
L22	25.89'	S77°35'26"E
L23	33.37'	S77°35'26"E
L24	25.00'	S77°35'26"E
L25	25.00'	S77°35'26"E

Heritage Farms Estates (Replat of Lot 2) Country Ridge Estates No. 10

to the
City of Sherman, Texas

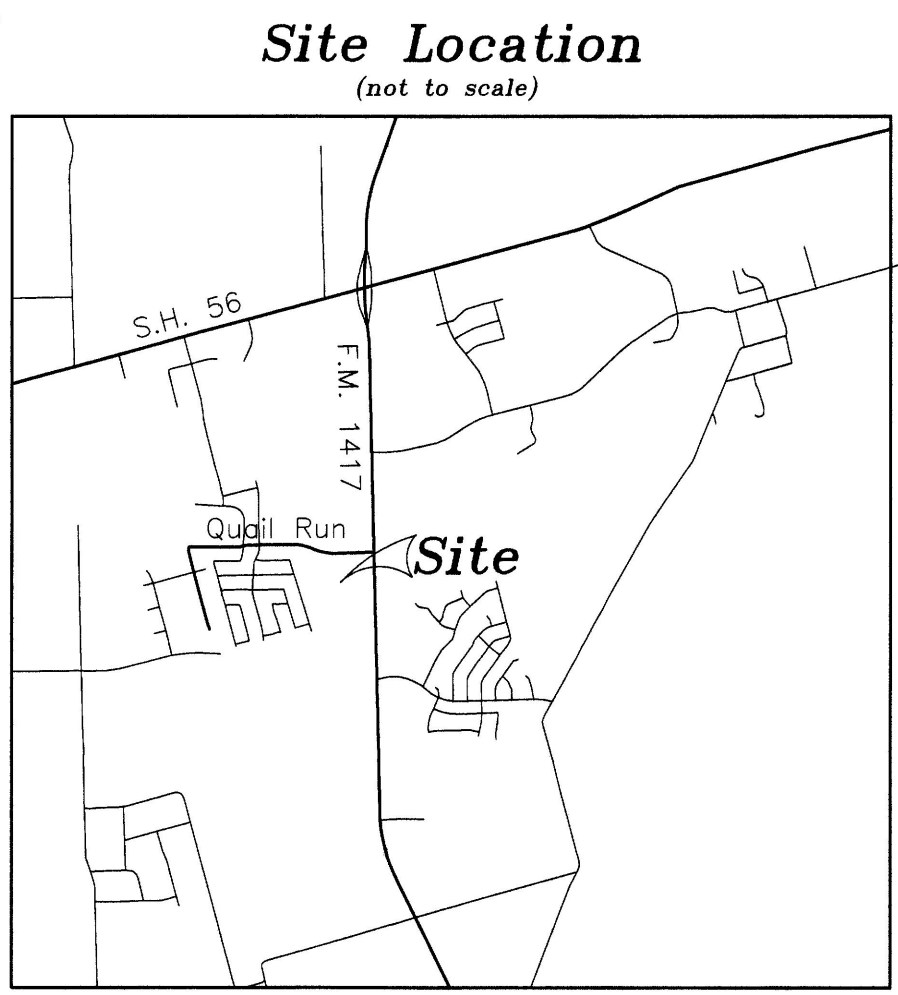
26.106 Acres
in the
Elizabeth Jones Survey
Abstract No. 625

Owner:
Wyldehood Homes, LLC.
P.O. Box 911688
Sherman, Texas 75091

Job No. CGS__1218

GRAPHIC SCALE

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@cablone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



FIELD NOTES

SITUATED in the County of Grayson, State of Texas, and being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a replat of Lot 2, Country Ridge Estates No. 10 to the City of Sherman, Texas, as per plat of record in Volume 15, Page 3, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a 1/2 inch capped rebar set stamped "RPLS 6578" at the intersection of the South line of Quail Run Road, a public street, with the West line of F. M. Highway No. 1417, at the Northeast corner of said Lot 2;

THENCE South 01 deg. 26 min. 56 sec. East, with the West right-of-way line of said F. M. Highway No. 1417 and the East line of said Lot 2, a distance of 809.52 ft. to a 1/2 inch capped rebar found stamped "Tipton" at the Southeast corner of said Lot 2;

THENCE South 74 deg. 25 min. 45 sec. West, with the South line of said Lot 2, a distance of 1,053.14 ft. to a 1/2 inch rebar found at the most Easterly Southeast corner of Lot 45, Country Ridge Estates No. 1 to the City of Sherman, Texas, as per plat of record in Volume 14, Page 62, said Plat Records and the Southwest corner of said Lot 2;

THENCE North 17 deg. 35 min. 26 sec. West, with the East line of Lots 45 through 24 and a West line of said Lot 2, a distance of 1,058.51 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at an angle point;

THENCE North 07 deg. 51 min. 19 sec. East, continuing with the East line of said Lot 24 and a West line of said Lot 2, passing the Northeast corner of said Lot 24 and the Southeast corner of Lot 23 and continuing now with the East line of said Lot 23 for a total a distance of 84.67 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the Southwest corner of Lot 1, at the most Westerly Northwest corner of said Lot 2;

THENCE South 83 deg. 59 min. 41 sec. East, with the South line of said Lot 1 and a North line of said Lot 2, a distance of 118.41 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at an angle point;

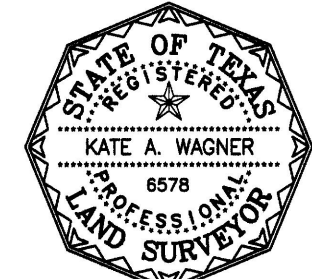
THENCE South 68 deg. 50 min. 45 sec. East, continuing with the South line of said Lot 1 and a North line of said Lot 2, a distance of 111.96 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the Southeast corner of said Lot 1, at an Ell corner of said Lot 2;

THENCE North 21 deg. 11 min. 14 sec. East, with the East line of said Lot 1 and a West line of said Lot 2, a distance of 120.22 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the Northeast corner of said Lot 1, at the most Northerly Northwest corner of said Lot 2;

THENCE Easterly, with the South line of said Quail Run Road and a North line of said Lot 2 and with a non-tangent curve to the left, having a radius of 900.00 ft. and a central angle of 25 deg. 19 min. 01 sec. (chord bears South 78 deg. 47 min. 26 sec. East, 394.45 ft.), an arc distance of 397.68 ft. to a point at the end of said curve, being South 40 deg. 13 min. East, 0.66 ft. from a 1/2 inch capped rebar found stamped "RPLS 5252";

THENCE North 88 deg. 33 min. 04 sec. East, continuing with the South line of said Quail Run Road and with the North line of said Lot 2, a distance of 650.00 ft. to the **PLACE OF BEGINNING** and containing **26.106 ACRES** of land.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was made on the ground of the property shown hereon under my personal and direct supervision, and that the corner monumentation meets the standards set according to the Subdivision Regulations of the City of Sherman, Texas.



Kate A. Wagner, R. P. L. S. No. 6578 Date:

I, Wyldehood Homes, LLC., owner of Replat of Lot 2, Country Ridge Estates No. 10 to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

Authorized Representative for Wyldehood Homes, LLC.

Before me the undersigned, a notary public in and for said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____ 2018.

Notary Public, Grayson County, Texas

Sherman
CLASSIC TOWN. BROAD HORIZON.

This, the Replat of Lot 2, Country Ridge Estates No. 10 to the City of Sherman, Texas,, is hereby approved this _____ day of _____, 2018, by the Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

This, the Replat of Lots 2, Country Ridge Estates No. 10 to the City of Sherman, Texas,, is hereby approved this _____ day of _____, 2018, by the City Council of the City of Sherman, Texas.

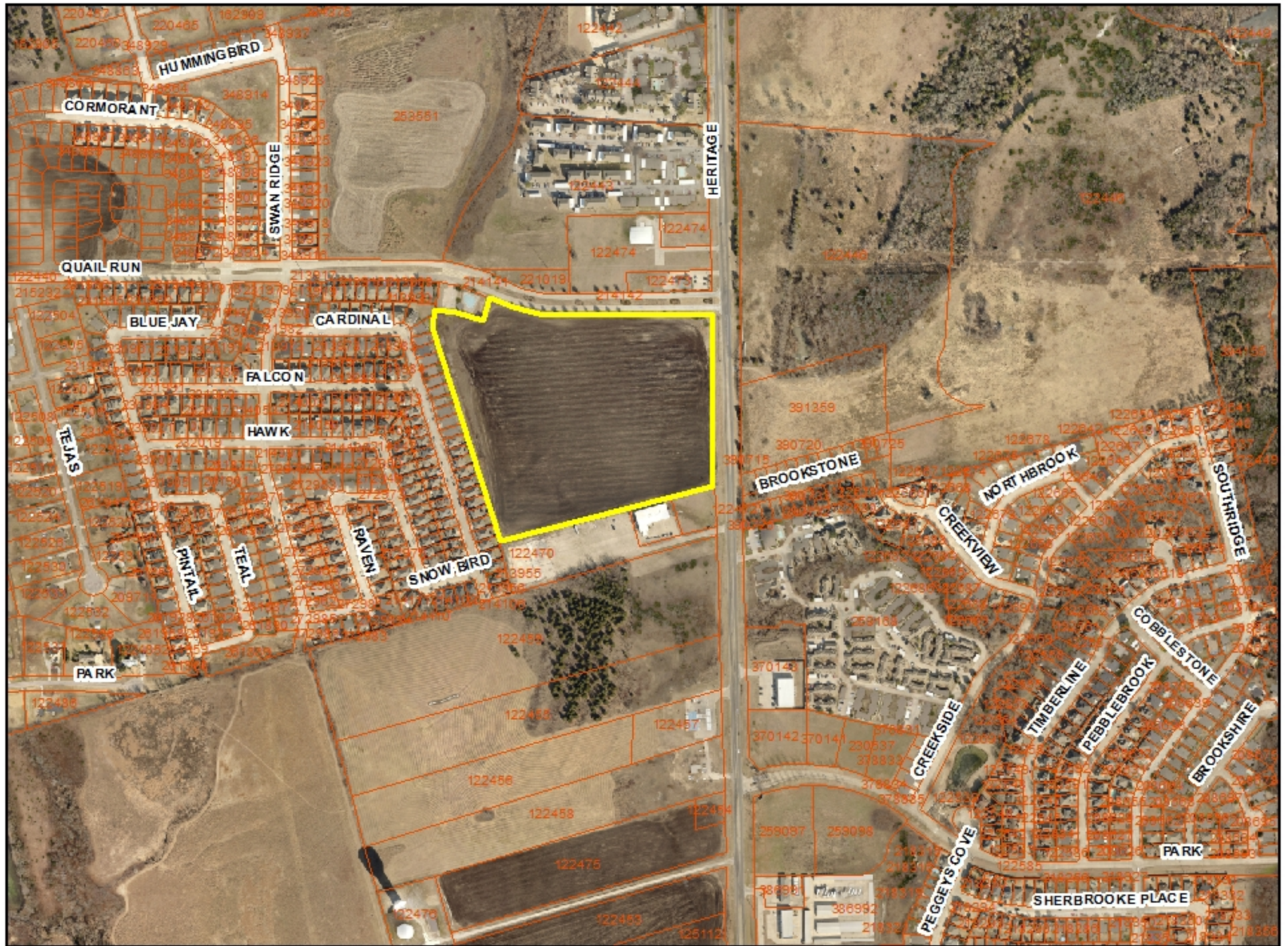
ACCEPTED BY THE CITY COUNCIL OF SHERMAN, TEXAS: _____ MAYOR, CITY OF SHERMAN, TEXAS DATE

The undersigned, the City Clerk of the City of Sherman, Texas, does hereby certify that the foregoing Replat of Lot 2, Country Ridge Estates No. 10 to the City of Sherman, Texas, was submitted to the city council of Sherman, Texas, on the _____ day of _____, 2018, and that the City Council, by formal action, then and there accepted the dedication of all easements, and other public areas, as shown and set forth in and upon said plat; and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as here above subscribed.

CERTIFIED THIS _____ DAY OF _____, 2018, BY _____ CITY CLERK, CITY OF SHERMAN, TEXAS

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@cablone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100

Heritage Farms Estates



0 305 610 1,220 1,830 2,440 1 inch = 600 feet Feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 06/17/2019

Prepared By: Leah Campbell, Human Resources and Organizational Development Administrator

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6491

Awarding a Bid to and Authorizing Execution of a Client Services Agreement with Lockton-Dunning Series of Lockton Companies, LLC as Benefits Broker for the City of Sherman

Issue:

Awarding of services for Benefits Broker for the City of Sherman

Background:

As a self-funded municipality, the City of Sherman contracts with a brokerage firm to coordinate all employee benefits (medical, dental, vision, pharmacy, life, AD&D, and COBRA). At the April 1, 2019 meeting, the City Council approved a request to advertise for benefit broker services. On May 6, 2019, eight (8) responses were opened. Based upon specific scoring criteria included in the bid solicitation, City staff recommends awarding the bid and contract to Lockton-Dunning Series of Lockton Companies, LLC of Plano, Texas.

Origination:

Human Resources Department

Financial Consideration:

Funding is available in the fiscal year (FY) 2018-2019 budget for benefit broker services.

Staff Recommendation:

Staff recommends awarding a bid to and authorizing execution of a contract with Lockton-Dunning Series of Lockton Companies, LLC of Plano, Texas for benefits broker services.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6491

Client Services Agreement with Addendum A - Scope of Services

RESOLUTION NO. 6491

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CLIENT SERVICES AGREEMENT WITH LOCKTON-DUNNING SERIES OF LOCKTON COMPANIES, LLC AS BENEFITS BROKER FOR THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Lockton-Dunning Series of Lockton Companies, LLC of Plano, Texas, is hereby awarded the City of Sherman's contract for Benefits Broker services, in accordance with all bid documentation attached hereto and incorporated herein for all purposes.

SECTION 2. That the City Manager is hereby authorized and directed, subject to all contract documents being completed and approved as to form and content by the City Attorney, to execute a Client Services Agreement with Lockton-Dunning Series of Lockton Companies, LLC of Plano, Texas as Benefits Broker for the City of Sherman, in the same or substantially same form as the contract documents to be attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



CLIENT SERVICES AGREEMENT

CITY OF SHERMAN

AND

LOCKTON-DUNNING SERIES OF LOCKTON COMPANIES, LLC

This Client Services Agreement (hereinafter referred to as the “Agreement”) made and entered into effective as of July 1, 2019 (the “Effective Date”), by and between **CITY OF SHERMAN** having offices at 405 North Rusk Street, Sherman, Texas 75091 (hereinafter referred to as “Client”) and **LOCKTON-DUNNING SERIES OF LOCKTON COMPANIES, LLC**, having offices at 2100 Ross Avenue, Suite 1200, Dallas, Texas 75201 (hereinafter referred to as “Lockton”).

Client wishes to procure certain services that can be performed by Lockton; and Lockton can provide and desires to render to Client such services; and

The parties agree that it would be to their mutual advantage to execute this Agreement and thereby define the terms and conditions that shall control the rendering of services provided to Client by Lockton.

Now, therefore, in consideration of the foregoing recitals, the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

I. Service Period

This Agreement will be in effect from the Effective Date above for a period of twelve (12) months. Thereafter, this Agreement shall automatically renew for annual periods unless either party gives written notice to the other party 60 days in advance of the anniversary of the Effective Date indicating its intent to not renew for additional annual periods, or otherwise terminates in accordance with Article IV.

II. Service Compensation

A. Services provided by Lockton as set forth in Addendum A will be performed for annual compensation in the amount of seventy-five thousand dollars

(\$75,000.00) or approximately \$12.27 PEPM (“Fee”), to be paid on the following payment terms:

- Monthly Fee for Services of six thousand two hundred fifty dollars (\$6,250.00).
- Payment of all invoices submitted under this Agreement will be made within thirty (30) days.

- B. Client acknowledges that commissions may be paid by insurance companies, other intermediaries, or third parties (“Commissions”) for the placement and/or renewal of insurance products by Lockton. Lockton agrees to cap such Commissions attributable to voluntary product placements at fifteen thousand dollars (\$15,000.00) annually. Commissions attributable to voluntary product placements received over this amount shall be used to offset the cost of additional services offered by Lockton, as permitted by applicable law. Client consents and agrees to Lockton’s ability to receive Commissions under all circumstances.
- C. The amount of the Fee shall be guaranteed for a period of five (5) years. Notwithstanding the foregoing, the Fee as expressed in this Agreement is calculated using a baseline benefit-eligible employee/retiree count of approximately 509. Should the number of benefit-eligible employees/retirees increase by more than twenty percent (20%) over the previous 12 months, Lockton reserves the right to adjust the Fee.
- D. Client further acknowledges that Lockton may receive certain incentive compensation including contingency payments, overrides, and bonuses as a result of being Client’s insurance broker (collectively, “Additional Compensation”). Client consents and agrees to Lockton’s ability to receive such Additional Compensation under all circumstances.
- E. Client further acknowledges that Lockton may receive fees, commissions, or other forms of compensation that have no impact to rates as filed with a particular state (collectively, “Vendor Management Fees”) for the performance of certain core and/or optional services listed in Addendum A. Client consents and agrees to Lockton’s ability to receive such Vendor Management Fees under all circumstances.

III. Services

- A. It is hereby understood and agreed that in consideration of the compensation set forth above that Lockton will provide services which are outlined in Addendum A (and any subsequent addendum as agreed to by both parties), which is attached to and made part of this Agreement (“Scope of Services”).
- B. It is further agreed that other services that are outside the foregoing Scope of Services, and compensation for such services, may be undertaken by mutual written agreement by the parties.
- C. When, in Lockton’s professional judgment, it is necessary or appropriate, Lockton may utilize the services of other intermediaries or other appropriate outside vendors to assist in the servicing of Client’s insurance programs. However, this may only be done after consultation with and prior approval by Client.
- D. To the extent permitted by law, Lockton agrees to offer a performance guarantee for Client, whereby Lockton agrees to put one hundred percent (100%) of its Commissions at risk contingent upon Client’s subjective evaluation of Lockton’s performance. In the event this performance guarantee provision is invoked, Lockton shall credit the amount at risk against future Commissions. Thus, Lockton agrees that it will seek to have future placements made net of base Commissions and/or return Commissions directly to the insurance company, other intermediary, or third party, to the extent permitted by applicable law, until the amount at risk has been recovered.

IV. Termination of Services

Client or Lockton may terminate this Agreement at any time with 60 days written notice to the other party. Should Client terminate Lockton or designate an entity or individual other than Lockton as its agent of record at any time subsequent to the date of this Agreement, Lockton shall immediately cease providing services under this Agreement and will assist in the transition to a new broker/consultant. In such event, Lockton shall bill Client for the Fee relating to Services provided up to the effective date of termination on a pro rata basis in accordance with the compensation terms of this Agreement. Moreover, Lockton shall be entitled to receive all

Commission and Additional Compensation income earned up to the effective date of termination.

V. Additional Obligations

- A. Client shall provide Lockton with reasonable cooperation and assistance necessary for Lockton to fulfill its responsibilities to Client pursuant to the terms of this Agreement, including, without limitations, copies of all documents reasonably requested by Lockton and the cooperation of and access to certain of Client's personnel.
- B. Lockton acknowledges that the nature of its relationship with Client is one in which Client shall entrust Lockton as the custodian of certain of Client's information, some of which may be of a confidential or proprietary nature. Lockton shall undertake all reasonable efforts to maintain the integrity of all of Client's information, whether or not such information is confidential or proprietary.
- C. Lockton shall at all times: (1) exercise care, skill and diligence that a prudent person acting in a like capacity and familiar with Client's benefits program would use under similar circumstances in the discharge of Lockton's services under this Agreement, (2) act in Client's best interest and put Client's interest ahead of its own, (3) fully disclose all material facts relating to Lockton's vendor or other third-party business relationships and compensation arrangements, (4) provide impartial and honest advice, and (6) not enter into any agreement that would materially prevent Lockton from performing the Services for the Client under this Agreement. The foregoing shall in no way imply that Lockton will be acting as, or considered by Client to be, an ERISA fiduciary nor will the Services provided by Lockton be deemed to include or imply any discretionary authority by Lockton over the operation of the Client benefit plan in any manner that would cause Lockton to be deemed a fiduciary, trustee, plan administrator or named fiduciary of the Client benefit plan pursuant to ERISA or any applicable law.

VI. General Conditions

- A. Neither party shall assign the rights nor duties herein set forth without the prior written consent of the other party.

- B. The terms and conditions of this Agreement constitute the entire Agreement between the parties with respect to the subject matter hereof. This Agreement shall not be amended except by a written amendment signed by both parties, and no promises, agreement, or representations not herein set forth shall be of any force or effect between them. This Agreement shall serve to terminate and supersede all agreements and undertakings heretofore entered into between the parties on subjects covered by this Agreement.
- C. Lockton and Client shall indemnify, defend, and hold one another, their directors, officers, employees, agents, and representatives harmless from and against any and all claims, damages, losses, or expenses (including such parties' reasonable attorney, accountant, and expert witness fees and costs) incurred by one party as the result of (i) a material breach by the other party of any of its obligations under this Agreement or (ii) any willful or negligent conduct of the other party.
- D. Any communication or notice required or which may be given hereunder shall be addressed to Client and to Lockton at their addresses set forth in the preamble hereof.
- E. This Agreement shall be governed for all purposes by the laws of the state of Texas.

In witness whereof, the parties hereto have executed the Agreement as of the day and year first written above.

LOCKTON-DUNNING SERIES OF LOCKTON COMPANIES, LLC

BY: _____ **DATE:** _____

CITY OF SHERMAN

BY: _____ **DATE:** _____

ADDENDUM A

SCOPE OF SERVICES

Services	Frequency	Included
Client Onboarding		
❖ Data collection ❖ Develop client-specific service calendar	At Engagement	X
Strategic Planning		
❖ Establish short and long-term goals and targets for benefit plans and their role in client's total compensation program	Annually	X
❖ Develop benefit philosophies specific to client	As Necessary	X
❖ Review workforce needs and trends to develop a benefits program that supports client's overall business objectives	Annually	X
❖ Compare client's current benefits program to national and peer group benchmarks	Annually	X
❖ Conduct situational analysis and identify opportunities to: ➢ Contain and/or reduce current cost trends ➢ Optimize vendor and network performance ➢ Improve the health and productivity of workforce ➢ Increase provider quality and improve clinical outcomes ➢ Determine those benefit programs that are necessary to recruit and retain talent ➢ Create an equitable employee/employer cost sharing structure ➢ Optimize member utilization of healthcare ➢ Identify operational/administrative inefficiencies and gaps to best practices ➢ Enhance employee appreciation and satisfaction of benefit programs	Annually	X
❖ Conduct meetings to solicit key stakeholder feedback	As Necessary	X
Health Reform Advisory Practice		
❖ Provide information, advice and assistance with analysis and implementation of health reform legislation requirements	Ongoing	X
❖ Advise clients on the integration of health reform requirements with their overall compensation and benefits strategies	Ongoing	X
❖ Deliver options and recommendations tailored to each client's circumstance	Ongoing	X
❖ Plan valuations, impact studies, plan modeling and pricing strategies	Ongoing	X
❖ Model potential financial impact due to healthcare reform	Ongoing	X
❖ Evaluate feasibility of open market exchanges	Ongoing	X
❖ Develop strategies and resources for required employee communications	Ongoing	X
Program Design		
❖ Review current and alternative health and welfare delivery models and funding methodology	Annually	X
❖ Develop recommended plan design alternatives ➢ Review and recommend changes to detailed coverage provisions	Annually	X
❖ Contribution modeling for employees & employer	Annually	X
❖ Develop budgets and economic impact measurements of proposed changes	Annually	X
❖ Assess the impact of proposed designs on employee satisfaction ➢ Conduct employee surveys and focus groups	As Necessary	X
❖ Meet with client's senior executives, key stakeholders and the HR/Benefits team to discuss recommendations and implementation strategy decisions	Annually	X

❖ Lockton Interactive Financial Tool (LIFT)	Annually	X
➤ Interactive Plan Design Modeling tool		

Renewal, Marketing and Vendor Selection

❖ Request and coordinate renewal activities with all vendors:		
➤ Medical		
➤ Prescription Drug		
➤ Dental	Annually	X
➤ Vision		
➤ Life and AD&D		
➤ Absence and Disability		
➤ Other Ancillary Lines (as applicable)		
❖ Quantify financial impact of renewal and negotiate any variance between renewal and client's budget projections	Annually	X
❖ Market benefit programs to mutually agreed upon vendors:		
➤ Develop Request for Proposal (RFP) with request bid specifications	As Necessary	X
➤ Coordinate RFP release to market		
➤ Respond to carrier questions and data requests		
➤ Negotiate best and final offers		
❖ Prepare and present a detailed marketing and renewal report which would include:		
➤ Total and itemized cost results		
➤ Rate guarantees		
➤ Network discount analysis		
➤ Provider disruption analysis		
➤ Service capabilities	Annually	X
➤ Performance guarantees		
➤ Benefit designs and variances		
➤ Carrier financial ratings		
➤ Develop vendor marketing results scorecard		
➤ Executive Summary of final decisions, including marginal cost analysis associated with program changes and/or price changes		
❖ Negotiate client:		
➤ Rate Guarantees	Annually	X
➤ Performance Guarantees		
➤ Implementation Allowance		

Implementation Process

❖ Conduct vendor site visits	As Necessary	X
❖ Manage implementation process:		
➤ Review and negotiate final agreements and contracts to ensure they conform to bid specifications		
➤ Review all vendor provided employee communications, SPDs, benefit booklets and required documents		
➤ Coordinate the administrative set-up between client and vendors for reporting, billing, banking and data transfers	As Necessary	X
➤ Assist with the completion and review of all required applications and other documents as needed to place coverage		
➤ Manage a post implementation debriefing with client and vendors to discuss performance and needed areas for improvement		
❖ Participate with client's legal counsel to negotiate contracts	As Necessary	X

Benchmarking

❖ Dynamic and proven methodology for assessing, reporting, and improving employer benefit programs through benchmarking	Annually	X
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❖ Facilitate the selection of the most relevant survey tools including:		
➤ Lockton's Book of Business Medical plan design, contribution, and costs survey		
➤ Publicly available surveys with Public/Private and Industry cuts	Annually	X
➤ Cost sharing InfoLock Norms		
➤ Benefit Point survey		
➤ Industry Group surveys		
<i>Includes Medical, RX, Dental, Vision, Life/AD&D and Disability</i>		
❖ Analyze health plan historical cost trend analysis vs. peer and national benchmarks	Annually	X

Financial Management and Reporting

❖ Financial reporting package:		
➤ Month by month paid claims segregated by line of coverage		
➤ Month by month enrollment		
➤ Actual plan expenses compared to budget		
➤ High claimant activity report including plan option elected, relation, diagnosis, paid claims amount, increase in most recent month, and amount over specific	Monthly	X
➤ Aggregate stop loss analysis including paid loss ratio and aggregate loss ratio		
❖ Develop Executive Dashboard of key plan metrics	Annually	X

Actuarial Services

❖ Develop emerging and projected budgets based on historical paid claims and current market trends	Semi-Annually	X
❖ Funding Rate Development	Annually	X
❖ COBRA rate development and rate change notification to vendors	Annually	X
❖ IBNR calculations and auditor interface	Quarterly	X
❖ Plan design change valuation	Annually	X
❖ Stop loss/high claimant probability modeling	Annually	X
❖ Enrollment migration modeling	Annually	X
❖ Employee out-of-pocket analysis by plan options	Annually	X
❖ Medicare Part D Credible Coverage Determination by plan	Annually	X
❖ Medicare Part D Actuarial Attestation	If Necessary	X
❖ Post Enrollment Analysis	Annually	X
❖ Budget variance analysis	As Necessary	X
❖ Health Reimbursement Account (HRA) liability evaluation	As Necessary	X

Data Warehousing-InfoLock®

❖ Highly technical centralized data warehouse tool that provides decision support for self-funded employers:		
➤ Standardized quarterly medical and RX claim inputs from over 30 selected vendors	Quarterly	X
➤ Database includes 300+ employers and 1.5M lives (4M for Normative data)		
➤ InfoLock® dedicated Lockton management, reporting, and clinical staff		

❖ Combines technology with consulting expertise to monitor, report, control costs, and design benefit programs and initiatives		
➤ Standard and custom outputs, including:		
❖ Comprehensive Utilization reports	Annually	X
❖ Health/risk status		
❖ Preventive Care Compliance		
❖ Chronic Gaps in care for members with chronic conditions		
❖ Customized performance indicators		

Clinical and Health Risk Solutions Services

❖ Medical Director and staff to support Client with the management of their benefit program:		
➤ Clinical interpretation of utilization data		
➤ Industry best-practices for coverage determinations		
➤ Utilization management provider performance review	Ongoing	X
➤ High cost claimant review and treatment protocol		
➤ Recommend interventions to contain/reduce cost		
➤ ERISA appeals support		
➤ On-site clinic feasibility analysis		
❖ Dedicated Health Risk Solutions specialists focused on improving the health of Client's workforce:		
➤ Population health risk assessment		
➤ Well-being cultural assessment		
➤ Identify proper risk measurement and ROI assessment		
➤ Establish the realities around financial ROI		
➤ Determine financial return in conjunction with wellness budget needs		
➤ Develop multi-year risk-specific wellness programs	Ongoing	X
➤ Develop multi-year well-being strategies		
➤ Evaluate opportunities for wellness intervention programs		
➤ Wellness vendor RFP development, review and selection process		
➤ Vendor implementation oversight		
➤ Vendor management		
➤ Vendor assessment (this is the investigation of new vendors that market to our clients)		

Compliance Services

❖ Inventory of compliance-related documents	At Engagement	X
❖ Research legislative/regulatory issues	As Necessary	X
❖ Periodic topical webcasts and seminars	Ongoing	X
❖ Compliance alerts, newsletters and employee guides	Ongoing	X
❖ Provide updates on trends and developments for Health & Welfare legislative guidance and changes	Ongoing	X
❖ Prepare and provide Form 5500 in a signature-ready format	Annually	X
❖ Review proposed updates to contracts, SPDs and benefit summaries for accurate terms, plan requirements and plan design	As Requested	X
❖ Compliance training in areas of COBRA, Medicare, etc.	As Requested	X
❖ HIPAA compliance toolkit including HIPAA training	As Needed	X

Technology Solutions

❖ Compliance Reference Library	Ongoing	X
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❖ Partner Portal	Ongoing	X
❖ Benefit Administration/Enrollment System (via third-party vendor)	Ongoing	Additional \$2.95-\$4.55 PEPM

Communication Services

❖ Develop Communication strategy	Annually	X
❖ Coordinate distribution/printing of all communication materials	Ongoing	X
❖ Draft Employee Benefits Communications: ➤ Employee Benefit Guide or Benefit Highlights Brochure ➤ PowerPoint presentation for employee meetings ➤ Vendor Contact Card ➤ Annual Enrollment Postcard ➤ Annual Enrollment Posters ➤ Home Mailers ➤ Employee Recruiting Guide	Annually	X
➤ Conduct “train the trainer” for employee benefit plan meetings	As Necessary	X
➤ Distribute health awareness and consumerism communication newsletter	Monthly	X
❖ Strategic Communication consulting services ➤ Corporate communication ○ Media relations, employee communication and community relations ➤ Digital media strategic communication ○ Assessment, strategy development and plan implementation ➤ Issues management ○ Strategy development, document creation and plan implementation ➤ Crisis communication consulting ○ Plan, development, training and execution	Ongoing	X

Ongoing Service & Vendor Management

❖ Manage vendor participation in annual enrollment process	Annually	X
❖ Facilitate service meetings with vendors to address issues/problems and measure results against performance standards	Quarterly	X
❖ Provide daily assistance in resolving vendor service issues: ➤ Claims ➤ Billing ➤ Eligibility ➤ Coverage appeals	Ongoing	X
❖ Meet with client to discuss/review plan performance and open items	Ongoing	X
❖ Monitor and facilitate vendor performance scorecard	Semi-Annually	X
❖ Coordinate benefit changes and plan details with benefits outsourcing partner and communication resource(s): ➤ Plan design changes ➤ Employee contributions and COBRA rates ➤ Vendor rates of premium equivalent rates ➤ Vendor contact information ➤ Facilitate meetings/conference calls between vendors, outsourcing partner and communications team	Annually	X
❖ Prepare and deliver stewardship report	Annually	X

Voluntary Benefits

❖ Voluntary Benefits		
➤ Needs assessment		
➤ Claims data analysis		
➤ Program Design	Ongoing	X
➤ Financial analysis		
➤ Technology offset negotiations		
➤ Marketing/Placement		
➤ Implementation		

Stop Loss Management

❖ Renewal, Marketing and Placement		
➤ Conduct preliminary risk review to determine market strategy	Annually	X
➤ Collect and analyze market results		
➤ Consult with clinical resource regarding ongoing claimants		
➤ Conduct policy to policy review		
❖ Implementation		
➤ Ensure completion of underwriting requirements		
➤ Oversee completion and review of policy application as well as executed contract	Annually	X
➤ Conduct client plan document versus stop loss policy review		
➤ Establish reporting between stop loss carrier and ASO vendor as needed		
❖ Ongoing Management		
➤ Track claims identified during marketing/placement process		
➤ Conduct monthly monitoring of stop loss reporting for cost-savings opportunities	Ongoing	X
➤ Identify potential excess claims		
➤ Ensure timely claim reimbursement		
➤ Report monthly status to Client Service Team		
➤ Provide year end reconciliation of excess claims		

Optional Services*

❖ M&A Due Diligence
➤ Review cost and benefits of client's current programs compared to programs of target company
➤ Determine needs assessment to integrate programs
➤ Manage integration of benefits programs if target is acquired
❖ Collective Bargaining Valuations
❖ GASB Valuation – Initial and/or ongoing valuations
❖ GASB Analysis – Comprehensive mitigation and/or elimination strategies
❖ Compliance audit
❖ Lockton Survey
❖ Additional Communications Services:
➤ Annual Enrollment Videos
➤ Employee Benefit Statements
➤ Employee Recruiting Guide
➤ Custom Benefit Guide
➤ Employee Handbook updates
➤ Bilingual communication translations
➤ Conduct annual enrollment presentations and/or webinars
➤ “Benefit Bytes” – Smartphone friendly communication materials
➤ Develop social networking campaigns through twitter, Facebook, etc.
❖ Employee Advocacy Call Center
❖ Outsourcing vendor selection and implementation
❖ Executive Benefits consulting
❖ Compensation consulting services
❖ Retirement consulting services
❖ International Benefits consulting services
❖ Property and Casualty/Risk Management
❖ Human Capital Advisory and Consulting
❖ HR Outsourcing
➤ Augment client HR teams
➤ Assist clients in four key areas:
○ Benefits Administration
○ Retirement Plan Administration
○ Compensations Consulting and Outsourcing
○ Absence Management Administration
❖ Integrated Absence Solutions
➤ Evaluation of all Absence/Leave programs for plan/company competitiveness
➤ Cost/Allocation Analysis as it relates to direct and indirect business costs for all leave types
➤ Current State Assessments of all program administration (people/process/technology)
➤ Complex program/RFP reviews for Future State modeling and/or negotiation purposes
➤ Compliance analysis of policies and procedures
➤ Employee experience assessments
➤ Claim and Process Audits on pre- and post-implementations of all non-occupational leave types
➤ Dedicated/Experienced staff in the Absence Space

***May require additional charges**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.1.

Meeting Date: 06/17/2019

Prepared By: Theresa Hutchinson, Parks & Recreation Manager

Approved By: Robby Hefton, City Manager

Caption:

CHANGE ORDER NO. 1

Approving a Change Order of \$186,010.00 for Construction of the Pecan Grove West Athletic Complex Walking Trail

Issue:

To consider approval of Change Order No. 1 for construction of a walking trail at the Pecan Grove Athletic Complex

Background:

At the December 3, 2018 meeting, the City Council awarded a bid and contract to Dean Electric, Inc. dba Dean Construction of Cedar Hill, Texas, to serve as Construction Manager-at-Risk (CMAR) for construction of the Pecan Grove West Athletic Complex. Under this agreement, the CMAR assumes the risk of construction of the facility at a guaranteed maximum price. This change order represents additional construction of a perimeter walking trail. The original contract totaled \$3,938,495.48; and this change order totaled \$186,010.00.

Origination:

City Manager's Office

Financial Consideration:

The original contract price approved is \$3,938,495.48. The change order results in a \$186,010.00 increase in the contract amount, yielding a revised contract price of \$4,124,505.48 and is funded through the Capital Improvement Projects fund.

Staff Recommendation:

It is recommended that Change Order No. 1 be approved.

Alternatives:

As may be directed by the City Council

Attachments

Change Order No. 1

Resolution No. 6442 with Attachments

Aerial Location Map



AIA[®] Document G701/CMa[™] – 1992

Change Order - Construction Manager-Adviser Edition

PROJECT: <i>(Name and address)</i> Pecan Grove West Athletic Compl 3320 Canyon Creek Drive	CHANGE ORDER NUMBER: 001 INITIATION DATE: 6/10/2019 PROJECT NUMBERS: 5410 / /	OWNER ☐ CONSTRUCTION MANAGER ☒ ARCHITECT ☐ CONTRACTOR ☐ FIELD ☐ OTHER ☐
TO CONTRACTOR: <i>(Name and address)</i> Dean Electric, Inc dba Dean Con 701 Hall Street Cedar Hill, Texas 75104	CONTRACT DATE: 12/27/2018 CONTRACT FOR: Athletic Complex Construct	

THE CONTRACT IS CHANGED AS FOLLOWS:

Addition of 8' Loop Trail

The original Guaranteed Maximum Price	was	\$	3,938,495.48
Net change by previously authorized Change Orders		\$	0.00
The Guaranteed Maximum Price	prior to this Change Order was	\$	3,938,495.48
The Guaranteed Maximum Price	will be increased by this Change Order	\$	186,010.00
The new Guaranteed Maximum Price	including this Change Order will be	\$	4,124,505.48
The Contract Time will be increased	by forty five (45) days.		

The date of Substantial Completion as of the date of this Change Order therefore is November 14, 2019

(NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive.)

NOT VALID UNTIL SIGNED BY THE OWNER, CONSTRUCTION MANAGER, ARCHITECT AND CONTRACTOR.

Dean Electric, Inc. dba Dean Construction
CONSTRUCTION MANAGER *(Firm name)*
701 Hall Street
Cedar Hill, TX 75104

ADDRESS

BY *(Signature)*

Gregory Firebaugh
(Typed name)

6/10/2019
DATE

ARCHITECT *(Firm name)*

ADDRESS

BY *(Signature)*

(Typed name) DATE

CONTRACTOR *(Firm name)*

ADDRESS

BY *(Signature)*

(Typed name)

DATE

OWNER *(Firm name)*

ADDRESS

BY *(Signature)*

(Typed name)

DATE

RESOLUTION NO. 6442

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE CONSTRUCTION PHASE OF THE AWARDED CONTRACT WITH DEAN ELECTRIC, INC. DBA DEAN CONSTRUCTION AS CONSTRUCTION MANAGER-AT-RISK (CMAR) FOR CONSTRUCTION OF THE PECAN GROVE WEST ATHLETIC COMPLEX; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

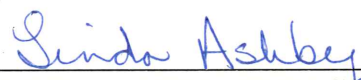
SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being completed and approved as to form and content by the City Attorney, to execute an agreement for the construction phase of the awarded contract with Dean Electric, Inc. dba Dean Construction of Cedar Hill, Texas, as Construction Manager-at-Risk (CMAR), for construction of the Pecan Grove West Athletic Complex, in accordance with all contract documents attached hereto and made a part here for all purposes.

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

PASSED AND APPROVED on this the 3rd day of December, 2018.

CITY OF SHERMAN, TEXAS

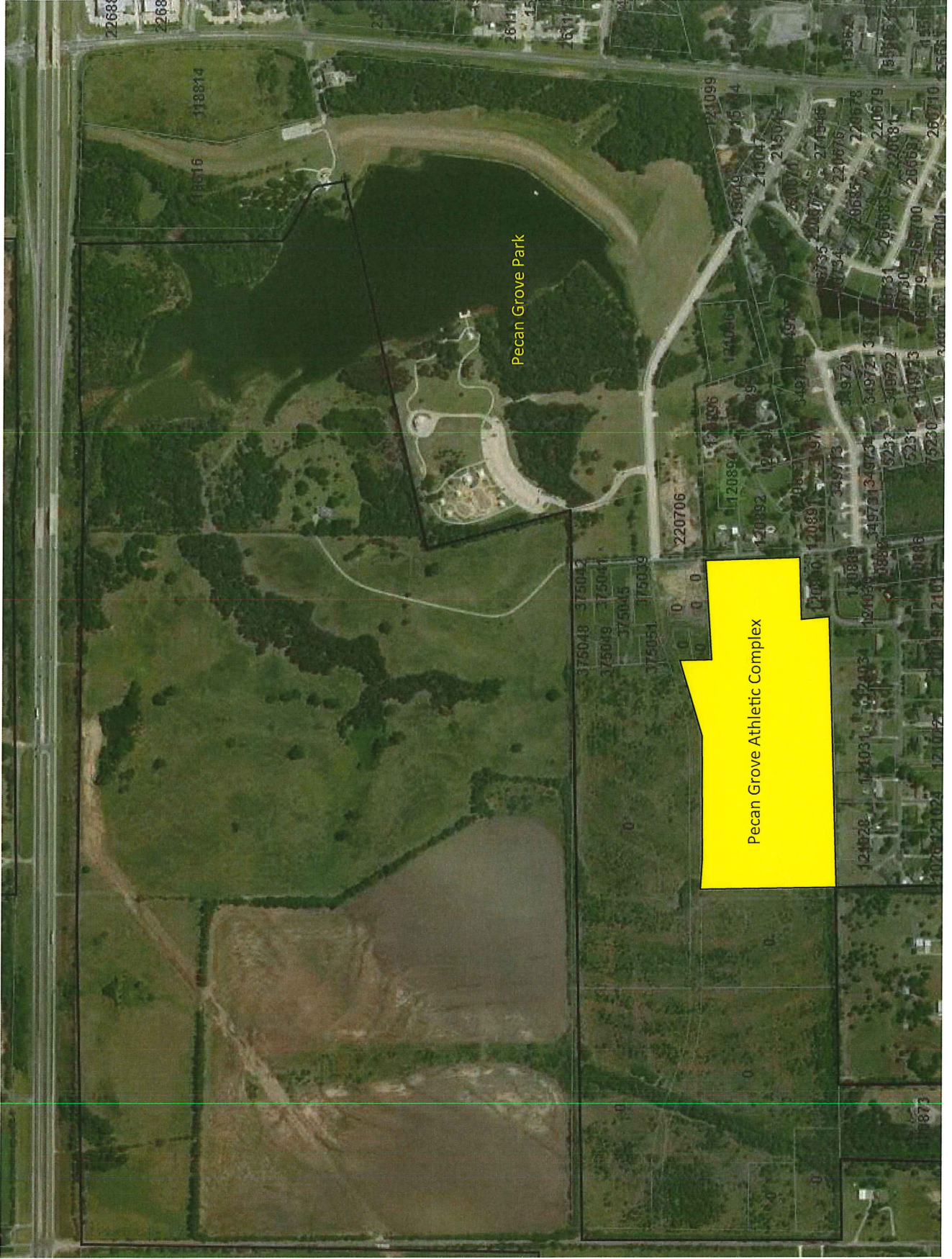
ATTEST:

BY: 
LINDA ASHBY, CITY CLERK

BY: 
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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





AIA®

Document A133™ – 2009 Exhibit A

Guaranteed Maximum Price Amendment

for the following PROJECT:

(Name and address or location)

Pecan Grove West Athletic Complex
3320 Canyon Creek Drive

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

THE OWNER:

(Name, legal status and address)

City of Sherman
405 N Rusk
Sherman, TX 75090

THE CONSTRUCTION MANAGER:

(Name, legal status and address)

Dean Electric, Inc. dba Dean Construction
701 Hall Street
Cedar Hill, TX 75104

ARTICLE A.1

§ A.1.1 Guaranteed Maximum Price

Pursuant to Section 2.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager's Fee plus the Cost of the Work, as that term is defined in Article 6 of this Agreement.

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed

(\$3,938,495.48), subject to additions and deductions by Change Order as provided in the Contract Documents.

§ A.1.1.2 Itemized Statement of the Guaranteed Maximum Price. Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, allowances, contingencies, alternates, the Construction Manager's Fee, and other items that comprise the Guaranteed Maximum Price.

(Provide below or reference an attachment.)

Please see "Attachment A".

Init.

§ A.1.1.3 The Guaranteed Maximum Price is based on the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

(State the numbers or other identification of accepted alternates. If the Contract Documents permit the Owner to accept other alternates subsequent to the execution of this Amendment, attach a schedule of such other alternates showing the amount for each and the date when the amount expires.)

§ A.1.1.4 Allowances included in the Guaranteed Maximum Price, if any:

(Identify allowance and state exclusions, if any, from the allowance price.)

Item	Price
Testing	\$30,000.00

§ A.1.1.5 Assumptions, if any, on which the Guaranteed Maximum Price is based:

§ A.1.1.6 The Guaranteed Maximum Price is based upon the following Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
----------	-------	------	-------

§ A.1.1.7 The Guaranteed Maximum Price is based upon the following Specifications:

(Either list the Specifications here, or refer to an exhibit attached to this Agreement.)

Please see "Attachment B"

Section	Title	Date	Pages
---------	-------	------	-------

§ A.1.1.8 The Guaranteed Maximum Price is based upon the following Drawings:
(Either list the Drawings here, or refer to an exhibit attached to this Agreement.)

Please see "Attachment C"

Number

Title

Date

§ A.1.1.9 The Guaranteed Maximum Price is based upon the following other documents and information:
(List any other documents or information here, or refer to an exhibit attached to this Agreement.)

ARTICLE A.2

§ A.2.1 The anticipated date of Substantial Completion established by this Amendment:

September 30, 2019

OWNER (Signature)

Robby Hefton, City Manager

(Printed name and title)

City of Sherman

CONSTRUCTION MANAGER (Signature)

Gregory Firebaugh - President

(Printed name and title)

Init.

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Attachment A

Pecan Grove west Athletic Complex

Guaranteed Maximum Price

Task	Price	Contractor
Tree Protection Fence	\$3,187.00	Prime Erosion Control
Erosion Control	\$24,217.00	Prime Erosion Control
Demo / earthwork	\$239,832.00	Lynn Vessels Construction, LLC
Utilities	\$189,396.00	Lynn Vessels Construction, LLC
Firelane & Vehicular Paving	\$705,286.00	Pavecon
Deduct to replace lime with extra concrete	-\$32,171.00	Pavecon
Parking Lot striping & signage	\$10,167.00	Pavecon
Site concrete	\$539,495.00	Dean Construction
Fence	\$170,000.00	Dean Construction
Baseball field development	\$46,000.00	Dean Construction
Handrails/ guardrails / safety guard rails	\$92,040.00	Dean Construction
Aluminum Bleachers Seats	\$19,535.00	Dean Construction
Irrigation system	\$332,000.00	Allison Landscape & Pool Ltd
Fine grade / grade maintenance	\$50,000.00	Dean Construction
Site electrical	\$707,195.00	Nema 3 Electric
Turf establishment	\$72,000.00	Dean Construction
Site amenities	\$16,400.00	Dean Construction
Playground	\$149,500.00	Dean Construction
Testing Allowance	\$30,000.00	
	\$3,364,079.00	
5% contingency	\$168,203.95	
Sub Total	\$3,532,282.95	
Fee / General Conditions 11.5%	\$406,212.53	
Total Proposed GMP	\$3,938,495.48	

excludes

Permit fees

electric company charges

loop trail

restroom concession building

maintenance building

paving at maintenance area

wall at maintenance area

water and sewer lines

water meters

impact fees

water for turf establishment

"Attachment B"

Specifications

for

Pecan Grove West Athletic Complex City of Sherman, Texas

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DIVISION 0 -- BIDDING AND CONTRACT REQUIREMENTS

- 00020 - Advertisement for Bids
- 00100 - Construction Manager's Instructions to Bidders
- 00300 - Proposal (Bid) Form
- 00400 - Contract Forms, Bonds and Certificates
- 00600 - Supplementary General Conditions

DIVISION 1 -- GENERAL REQUIREMENTS

- 01020 - Allowances
- 01045 - Cutting and Patching
- 01077 - Reference Standards
- 01150 - Measurement and Payment
- 01200 - Project Meetings
- 01310 - Construction Schedules
- 01340 - Shop Drawings, Product Data and Samples
- 01370 - Schedule of Values
- 01410 - Testing Laboratory Services
- 01500 - Temporary Facilities and Controls
- 01532 - Tree and Plant Protection
- 01580 - Project Identification & Signage
- 01630 - Substitutions
- 01700 - Projects Closeout
- 01710 - Cleaning Up
- 01720 - Project Record Documents
- 01730 - Trench Safety
- 01740 - Operation and Maintenance Data
- 01750 - Storm Water Pollution Prevention Plan



Robert P. Stoffels
10/22/18

DIVISION 2 -- SITE WORK

- 02100 - Site Preparation
- 02201 - Earthwork - Site
- 02211 - Fine Grading
- 02226 - Excavating, Backfilling, and Compacting for Paving
- 02835 - Galvanized Chain Link Fencing
- 02930 - Turf Establishment
- 02950 - Landscape Planting

DIVISION 3 -- CONCRETE

- 03101 - Concrete Form Work (Site)
- 03201 - Concrete Reinforcement (Site)
- 03301 - Cast-In-Place Concrete (Site)
- 03351 - Concrete Finishing and Curing (Site)

DIVISION 4 -- MASONRY

N/A

DIVISION 5 -- METALS

N/A

DIVISION 6 -- WOOD, PLASTICS, AND COMPOSITES

N/A

DIVISION 7 -- THERMAL AND MOISTURE PROTECTION

N/A

DIVISION 8 -- OPENINGS

N/A

DIVISION 9 -- FINISHES

N/A

DIVISION 10 -- SPECIALTIES

N/A

DIVISION 11 -- EQUIPMENT

N/A

DIVISION 12 -- FURNISHINGS

N/A

DIVISION 13 -- SPECIAL CONSTRUCTION

N/A

DIVISION 14 -- CONVEYING SYSTEMS

N/A

DIVISION 15 -- MECHANICAL

N/A

DIVISION 16 – SITE ELECTRICAL

16010	- General Requirements for Electrical Work
16111	- Raceways and Fittings
16112	- Surface Raceways
16120	- Wire and Cable
16130	- Boxes
16141	- Wiring Devices
16160	- Cabinets and Enclosures
16195	- Electrical Identification
16450	- Grounding and Bonding
16461	- Transformers
16471	- Panelboards
16485	- Contactors
16491	- Disconnect Switches
16503	- Poles and Standards
16510	- Site Lighting Fixtures

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"Attachment C"

SHEET INDEX:

SN-1	GENERAL NOTES	CD-1	CONSTRUCTION DETAILS
		CD-2	CONSTRUCTION DETAILS
SP-1	SITE PREPARATION PLAN	CD-3	CONSTRUCTION DETAILS
SP-2	SITE PREPARATION PLAN	CD-4	CONSTRUCTION DETAILS
SP-3	SITE PREPARATION PLAN	CD-5	CONSTRUCTION DETAILS
SP-4	SITE PREPARATION PLAN	CD-6	CONSTRUCTION DETAILS
SP-5	SITE PREPARATION PLAN	CD-7	CONSTRUCTION DETAILS
SP-6	SITE PREPARATION PLAN	CD-8	CONSTRUCTION DETAILS
		CD-9	CONSTRUCTION DETAILS
SL-1	SITE LAYOUT PLAN	CD-10	CONSTRUCTION DETAILS
SL-2	SITE LAYOUT PLAN	CD-11	CONSTRUCTION DETAILS
SL-3	SITE LAYOUT PLAN	CD-12	CONSTRUCTION DETAILS
SL-4	SITE LAYOUT PLAN		
SL-5	SITE LAYOUT PLAN	LI-1	LANDSCAPE IRRIGATION
SL-6	SITE LAYOUT PLAN	LI-2	LANDSCAPE IRRIGATION
SL-7	SITE LAYOUT PLAN	LI-3	LANDSCAPE IRRIGATION
SL-8	SITE LAYOUT PLAN	LI-4	LANDSCAPE IRRIGATION
		LI-5	LANDSCAPE IRRIGATION
SG-1	SITE GRADING	LI-6	LANDSCAPE IRRIGATION
SG-2	SITE GRADING	LI-7	IRRIGATION DETAILS
SG-3	SITE GRADING		
SG-4	SITE GRADING	SE-0	SITE ELECTRICAL
SG-5	SITE GRADING	SE-1	SITE ELECTRICAL
SG-6	SITE GRADING	SE-2	SITE ELECTRICAL
SG-7	SITE GRADING	SE-3	SITE ELECTRICAL
		SE-4	SITE ELECTRICAL
SU-1	SITE UTILITIES	SE-5	SITE ELECTRICAL
SU-2	SITE UTILITIES	SE-6	SITE ELECTRICAL

R

OWETH, DEPUTY MAYOR
Y, COUNCIL MEMBER
MANN, COUNCIL MEMBER
E, COUNCIL MEMBER
AND, COUNCIL MEMBER
NISON, COUNCIL MEMBER

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S MANAGER

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REATION MANAGER
TCHINSON





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.1.

Meeting Date: 06/17/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 7-10, Block 10, College Park Addition, being Lots 7-10, Block 10, College Park Addition, containing 1.143 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor (700 block of North Grand Avenue)

Issue:

To consider Replat approval of Lots 7-10, Block 10, College Park Addition, being Lots 7-10, Block 10, College Park Addition, containing 1.143 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor, located in the 700 block of North Grand Avenue

Background:

The property is located in the 700 block of North Grand Avenue, the northeast corner of Brockett Street and Grand Avenue. The property is zoned an R-1 (One Family Residential) District and is located in the College Park Overlay District. Austin College would like to Replat the property into one lot for development of student housing.

Origination:

Austin College (Owners)

Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 21, 2019 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat Lots 7-10, Block 10, College Park Addition

Staff Review Letter

P&Z Communication

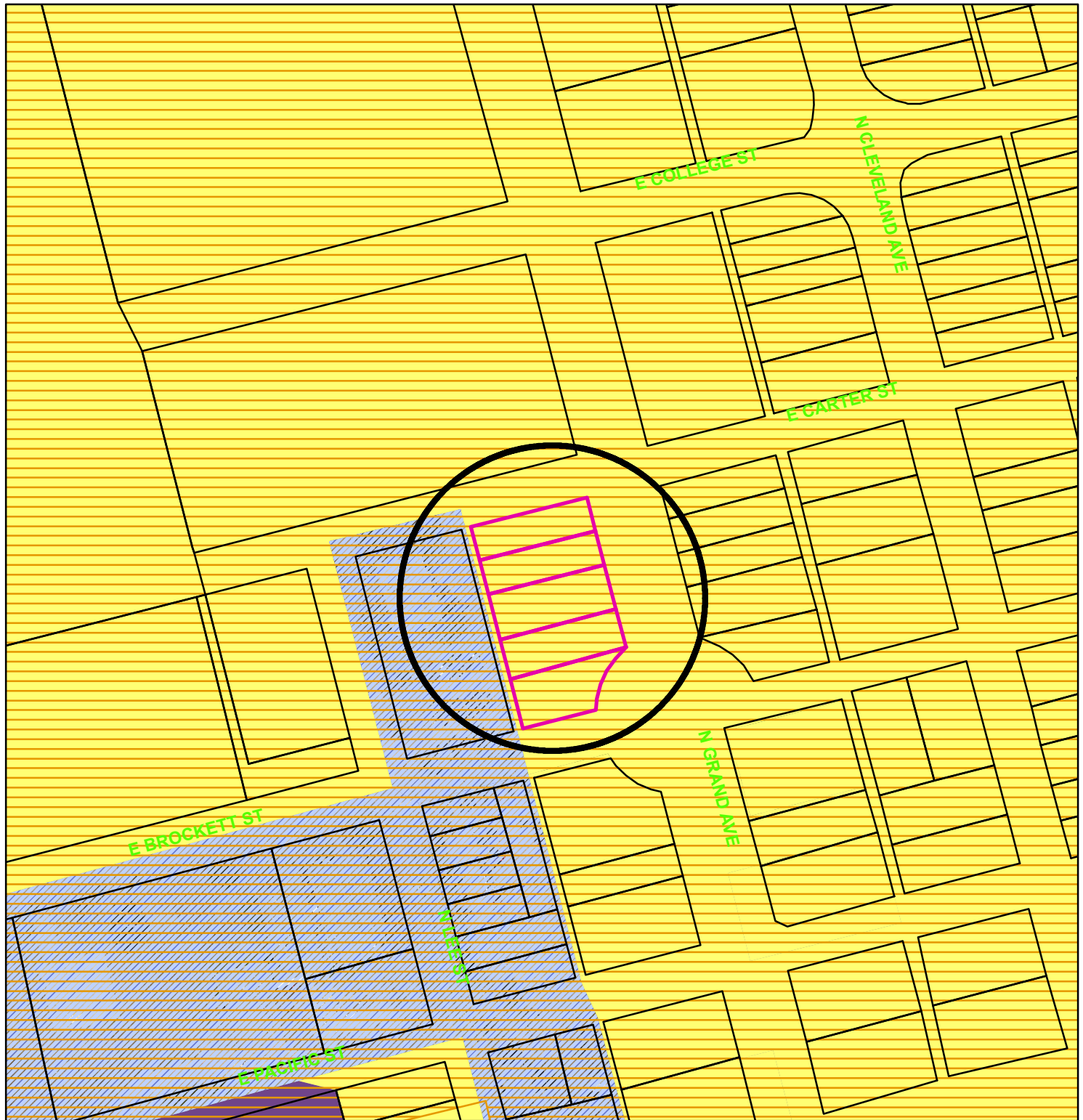


700 Block N. Grand Avenue



1 in = 300 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 700 Block N. Grand Avenue

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District
- Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District

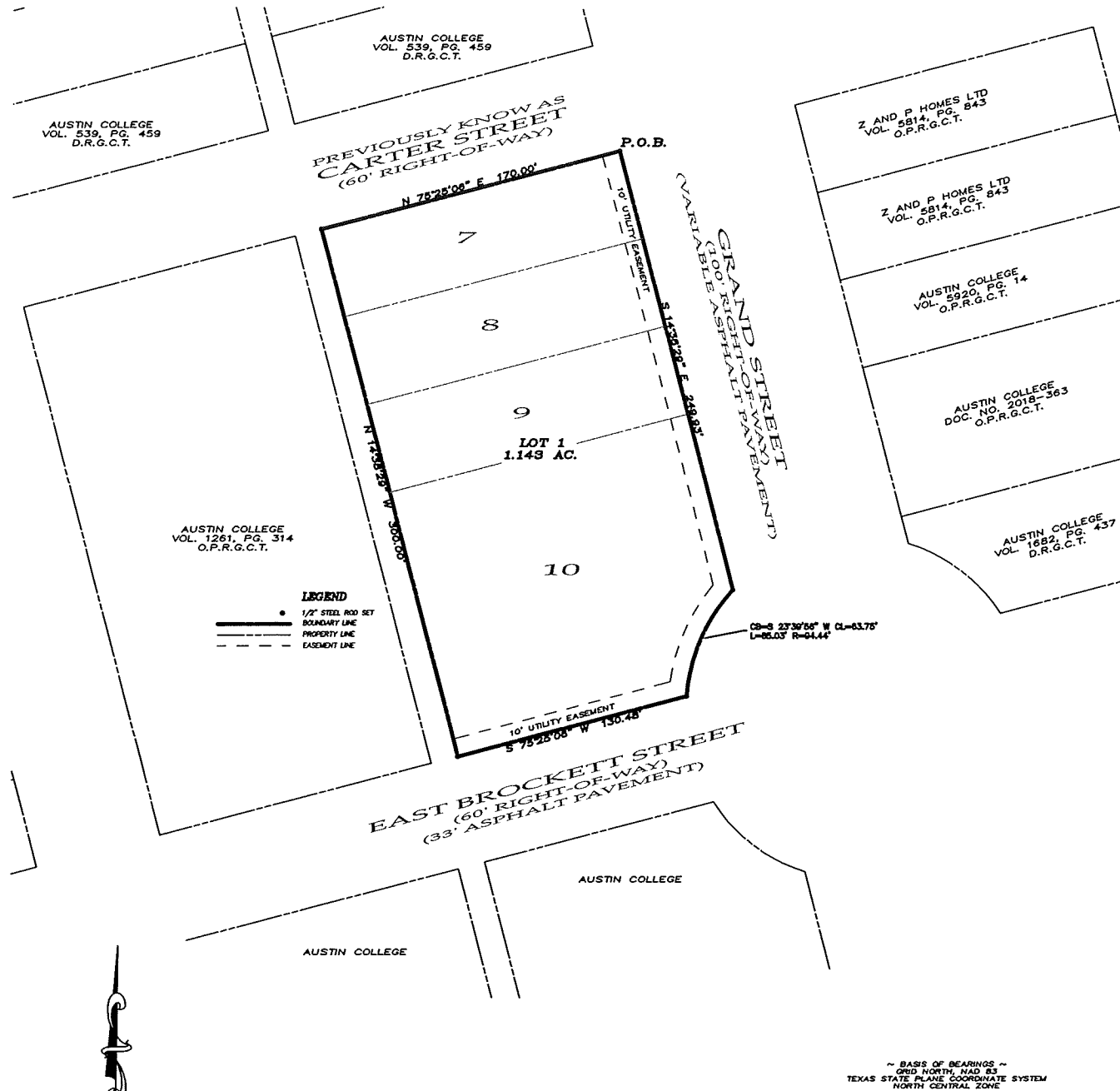


NOT TO SCALE

1 in = 200 ft

700 Block North Grand Avenue





LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being Lots 7-10, Block 10, College Park Addition, recorded in Volume 81, Page 437, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at the Northeast corner of said Block 10, being at the intersection of the South Right-of-Way of Carter Street and the west Right-of-Way of Grand Street;

Thence South 14°38'29" East, with the east line of said Block 10 a distance of 249.93 feet to a set 1/2" steel rod;

Thence with a non-tangent curve to the left having a radius of 94.44 feet, (chord bears South 23°39'58" West, a distance of 63.75 feet) an arc length of 65.03 feet to a set 1/2" steel rod;

Thence South 75°25'08" West, with the north Right-of-Way of East Brockett Street a distance of 130.48 feet to a set 1/2" steel rod;

Thence North 14°38'29" West, with the west line of said Block 10 a distance of 300.00 feet to a found 1/2" steel rod;

Thence North 75°25'08" East, with the north line of Block 10 a distance of 170.00 feet to the Point-of-Beginning and containing 1.143 acres of land.

ACCEPTANCE

Approved this _____ day of _____, 2019, by the
 City Planning Commission to the City of Sherman, Texas.

Chairman Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas Date

CERTIFICATE OF COMPLIANCE

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, The REPLAT OF LOTS 7-10, BLOCK 10, COLLEGE PARK ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2019, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the compliance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2019.

Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
 Registered Professional
 Land Surveyor, No. 4709

BEING A
REPLAT OF LOTS 7-10, BLOCK 10, COLLEGE
PARK ADDITION

AN ADDITION TO THE CITY OF SHERMAN AS SHOWN BY PLAT OF
 RECORD IN VOLUME 81, PAGE 437, D.R.G.C.T. AN ADDITION TO
 THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

OWNERS/DEVELOPER
 AUSTIN COLLEGE
 900 NORTH GRAND AVE.
 SHERMAN, TEXAS 75092

SURVEYOR
 DOUGLAS W. UNDERWOOD
 R.P.L.S. NO. 4709
 3404 INTERURBAN ROAD
 DENISON, TEXAS

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, Austin College/Heldi B. Ellis, do hereby adopt this plat designating the hereinabove property as the REPLAT OF LOTS 7-10, BLOCK 10, COLLEGE PARK ADDITION an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2019.

Heldi B. Ellis

STATE OF TEXAS
 COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Heldi B. Ellis known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

Notary Public in and for
 the State of Texas
 Commission Expires _____



STAFF REVIEW LETTER

May 10, 2019

Austin College
900 N. Grand Avenue
Sherman, TX 75090

Underwood Drafting & Surveying
3404 Interurban Rd
Denison, TX 75021

Dear Applicants,

The request for approval of the Replat of Lots 7-10, Block 10, College Park Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 21, 2019 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Grand Street should be Grand Avenue.
6. Remove direction (East) from East Brockett Street.
7. Show a minimum of three (3) found monuments on drawing.
8. The alley West of subject property and Carter Street have been abandoned by City of Sherman, please note Abandonment Ordinances on drawing.
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Billy Hartsfield, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



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

Agenda Item No. 8.

Meeting Date: 05/21/2019

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 700 BLOCK NORTH GRAND AVENUE**

The request of Austin College (Owners) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 700 Block of North Grand Avenue, being Lots 7-10, Block 10, College Park Addition, containing 1.143 acres, as follows:

Planning and Zoning Commission

Replat approval of Lots 7-10, Block 10, College Park Addition.

Background:

The property is located in the 700 block of North Grand Avenue; the northeast corner of Brockett Street and Grand Avenue. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District. The owner would like to plat the property into one lot for development of student housing for Austin College.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

Origination:

Austin College (Owners)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Public/Institutional – The Public and Institutional character type includes schools, churches, and other public services for the City. Buildings may be designed to act as landmarks and this urban design adds flair to a neighborhood.

Number of notices mailed:

206

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat Lots 7-10, Blk. 10 College Park Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.2.

Meeting Date: 06/17/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 1-16, Block 9, Mildred Heights Replat, being all of Block 9, Mildred Heights Addition, containing 2.853 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor (1200 block of North Hurt and North Bledsoe Streets)

Issue:

To consider Replat approval of Lots 1-16, Block 9, Mildred Heights Replat, being all of Block 9, Mildred Heights Addition, containing 2.853 acres; Austin College, Owner; and Underwood Drafting and Surveying, Surveyor, located in the 1200 block of North Hurt and North Bledsoe Streets

Background:

The property is located in the 1200 block of North Hurt and North Bledsoe Streets, between Dugan and Dorchester Streets. The property is zoned an R-1 (One Family Residential) District and is located in the College Park Overlay District. Austin College would like to Replat the property into one lot for development of student housing.

Origination:

Austin College (Owners)

Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 21, 2019 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

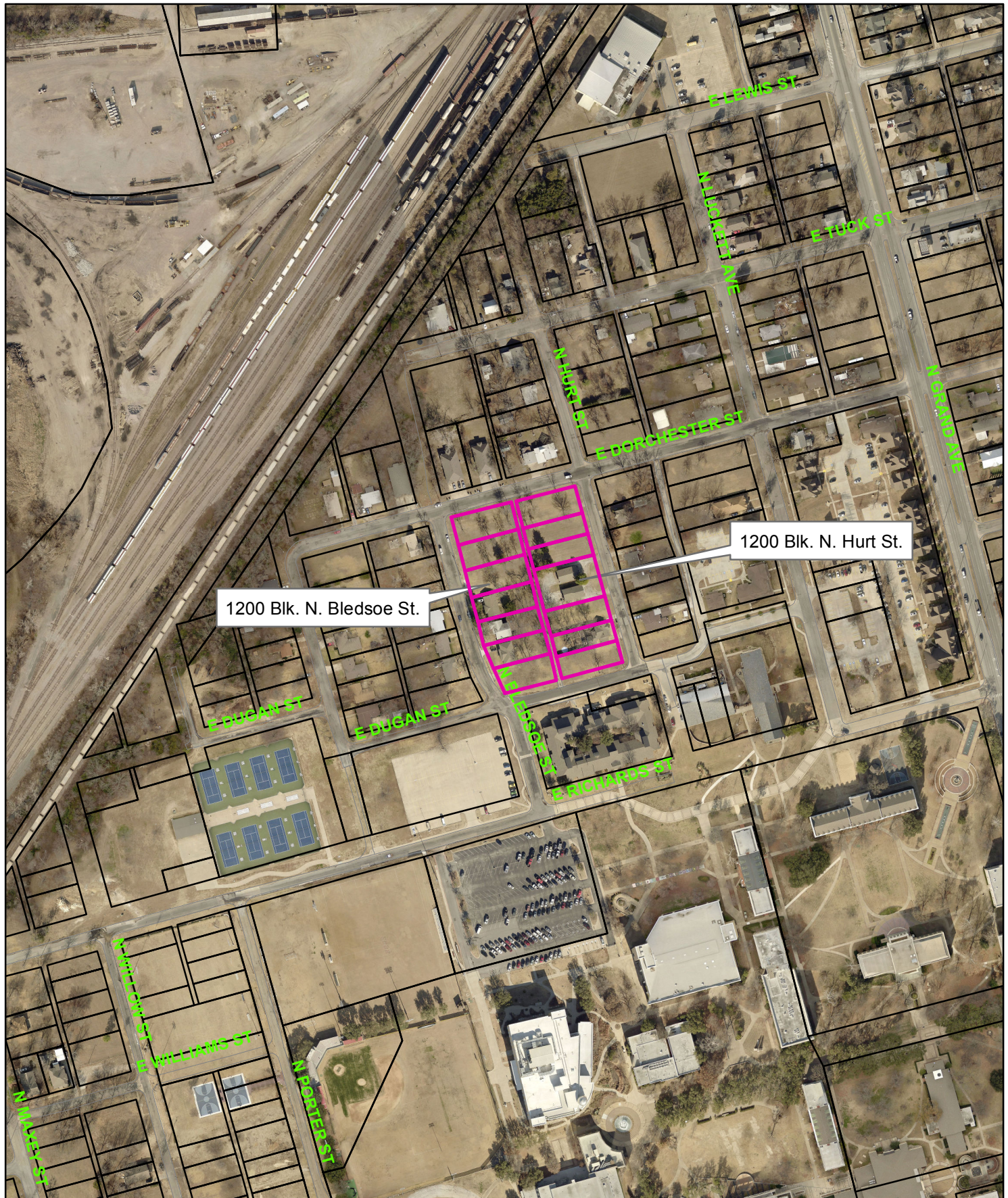
Zoning Map

Zoning Sign Photo

Replat Lots 1-16, Block 9, Mildred Heights Replat

Staff Review Letter

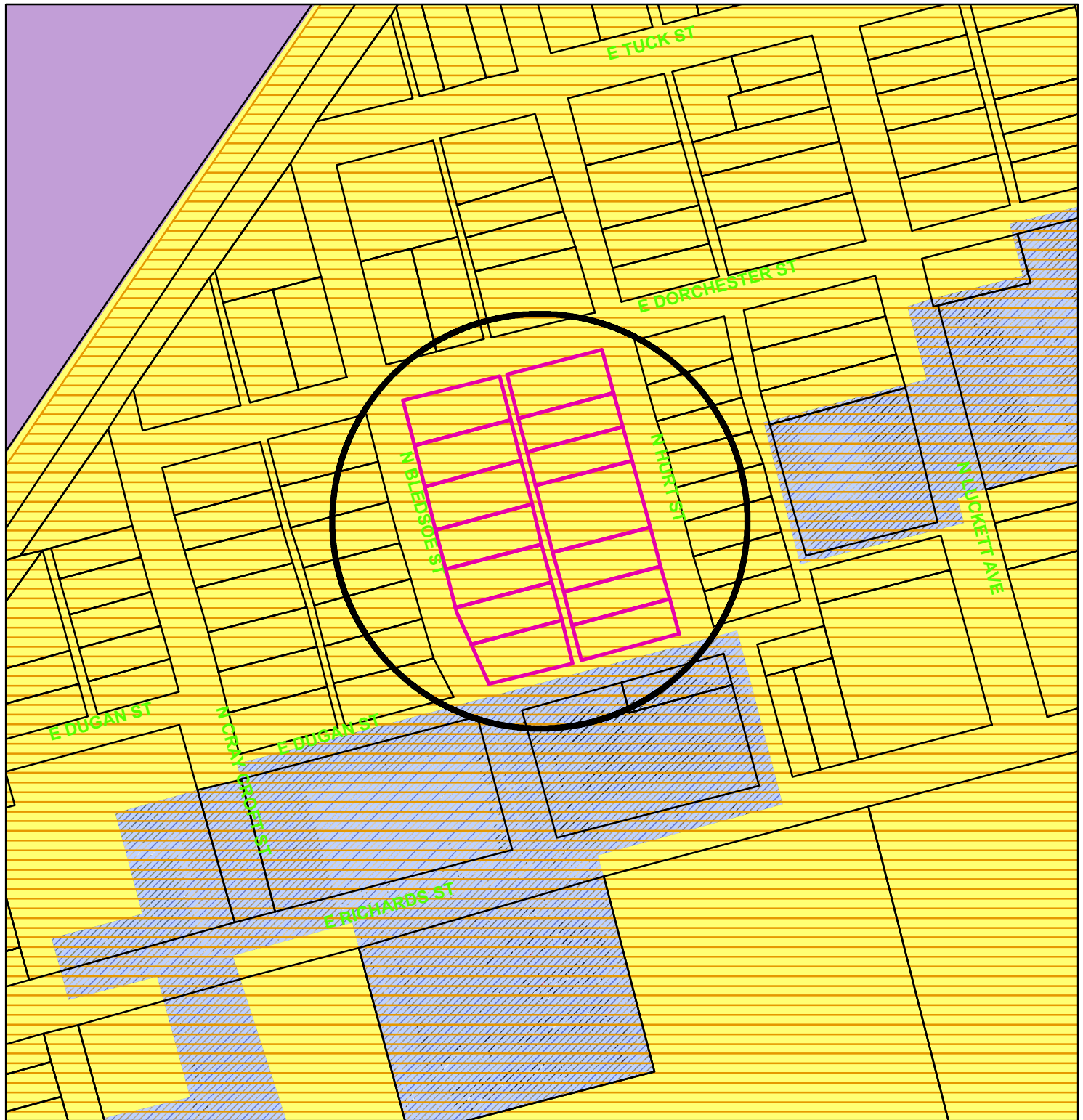
P&Z Communication



1200 Blks. N. Hurt & N. Bledsoe Streets



1 in = 300 ft



Zoning - 1200 Block N. Hurt & N. Bledsoe Streets

Legend

Special Districts Overlay

DISTRICT_NAME

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP - Blalock Industrial Park
- C-1 Retail Business District

C-2 General Commercial District

- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District

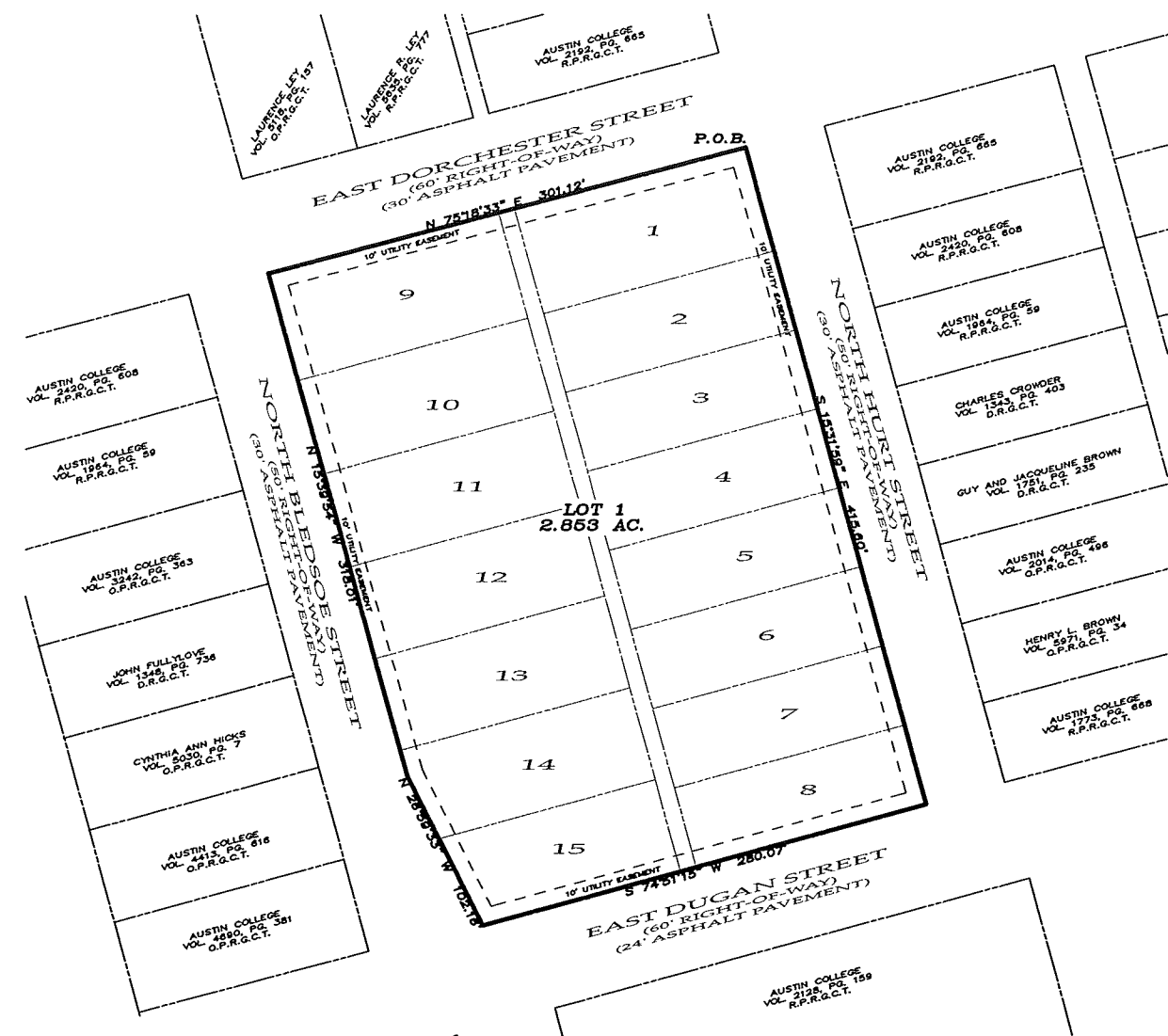


1200 Block North Hurt Street



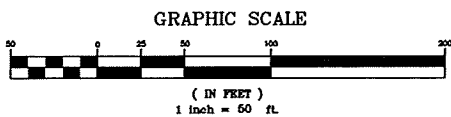
1200 Block North Bledsoe Street





~ BASIS OF BEARINGS ~
GRID NORTH, MAG. 83°
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

BEING A
REPLAT OF LOTS 1-16 BLOCK 9,
MILDRED HEIGHTS ADDITION
AN ADDITION TO THE CITY OF SHERMAN AS SHOWN BY
PLAT OF RECORD IN VOLUME 81, PAGE 438, D.R.G.C.T. AN
ADDITION TO THE CITY OF SHERMAN, GRAYSON
COUNTY, TEXAS



OWNERS/DEVELOPER
AUSTIN COLLEGE
900 NORTH GRAND AVE.
SHERMAN, TEXAS 75092

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being All of Block 9 of the Mildred Heights Addition, to the City of Sherman recorded in Volume 191, Page 1, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning Set $\frac{1}{2}$ " steel rod in the northeast corner of said block 9, also being at the intersection of the south Right-of-Way of East Dorchester Street and the West Right-of-Way of North Hurt Street;

Thence South $15^{\circ}31'59''$ East, with said west Right-of-Way of North Hurt Street a distance of 415.60 feet to a set $\frac{1}{2}$ " steel rod;

Thence South $74^{\circ}51'15''$ West, with the North Right-of-Way line of East Dugan Street a distance of 280.07 feet to a set $\frac{1}{2}$ " steel rod;

Thence North $28^{\circ}59'33''$ West, with the east Right-of-Way line of North Bledsoe Street a distance of 102.16 feet to a set $\frac{1}{2}$ " steel rod;

Thence North $15^{\circ}39'54''$ West, with said Right-of-Way of Bledsoe Street a distance of 318.01 feet to a set $\frac{1}{2}$ " steel rod;

Thence North $75^{\circ}18'33''$ East, with the south Right-of-Way of East Dorchester Street a distance of 301.12 feet to the Point-of-Beginning and containing 2.853 acres of land.

ACCEPTANCE

Approved this _____ day of _____, 2019, by the City Planning Commission to the City of Sherman, Texas.

Chairman Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas Date

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, REPLAT OF LOTS 1-16, BLOCK 9, MILDRED HEIGHTS REPLAT, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2019, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereon subscribed.

Witness my hand this _____ day of _____, 2019.

Clerk, City of Sherman, Texas

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, Austin College/Heldi B. Ellis, do hereby adopt this plat designating the hereinabove property as the REPLAT OF LOTS 1-16, BLOCK 9, MILDRED HEIGHTS REPLAT, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2019.

Heldi B. Ellis

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Heldi B. Ellis known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

Notary Public in and for
the State of Texas
Commission Expires _____

BEING A
REPLAT OF LOTS 1-16 BLOCK 9,
MILDRED HEIGHTS ADDITION
AN ADDITION TO THE CITY OF SHERMAN AS SHOWN BY
PLAT OF RECORD IN VOLUME 81, PAGE 438, D.R.G.C.T. AN
ADDITION TO THE CITY OF SHERMAN, GRAYSON
COUNTY, TEXAS

OWNERS/DEVELOPER
AUSTIN COLLEGE
900 NORTH GRAND AVE.
SHERMAN, TEXAS 75092

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151



STAFF REVIEW LETTER

May 10, 2019

Austin College
900 N. Grand Avenue
Sherman, TX 75090

Underwood Drafting & Surveying
3404 Interurban Rd
Denison, TX 75021

Dear Applicants,

The request for approval of the Replat of Lots 1-16, Block 9, Mildred Heights Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 21, 2019 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Remove directions from street names.
6. Require a minimum of three (3) found monuments be shown.
7. Alley to be abandoned by separate instrument.
8. Sewer to be abandoned by separate instrument. Contractor to coordinate with City of Sherman Engineering Department prior to abandoning sewer line.
9. Privately owned and maintained detention in accordance with City criteria is required upon future development. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
11. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Billy Hartsfield, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



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

Agenda Item No. 10.

Meeting Date: 05/21/2019

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 1200 BLOCK NORTH HURT & NORTH BLEDSOE STREETS**

The request of Austin College (Owners) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 1200 block of North Hurt and North Bledsoe Streets, being all of Block 9, Mildred Height Addition, containing 2.853 acres, as follows:

Planning and Zoning Commission

Replat approval of Lots 1-16, Block 9, Mildred Heights Replat.

Background:

The property is located in the 1200 block of North Hurt and North Bledsoe Streets between Dugan and Dorchester Streets. The property is zoned an R-1 (One Family Residential) District and located in the College Park Overlay District. Austin College would like to Replat the property into one lot for development of student housing.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

Origination:

Austin College (Owners)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Public/Institutional – The Public and Institutional character type includes schools, churches, and other public services for the City. Buildings may be designed to act as landmarks and this urban design adds flair to a neighborhood.

Number of notices mailed:

37

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat Lots 1-16, Blk. 9, Mildred Heights Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.3.

Meeting Date: 06/17/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Graham Addition, being 2.788 acres in the J.B. McAnair Survey, Abstract No. 763; Bryan and Margaret Graham, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (2300-2400 blocks of North Hickory Street and 229 West Pelton Street)

Issue:

To consider Final Plat approval of Graham Addition, being 2.788 acres in the J.B. McAnair Survey, Abstract No. 763; Bryan and Margaret Graham, Owners; and Helvey-Wagner Surveying, Inc., Surveyor, located in the 2300-2400 blocks of North Hickory Street and 229 West Pelton Street

Background:

The property is located in the 2300-2400 blocks of North Hickory Street and 229 West Pelton Street; the northeast corner of Hickory and Pelton Streets. The property is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into three lots for residential development.

Origination:

Bryan and Margaret Graham (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 21, 2019 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

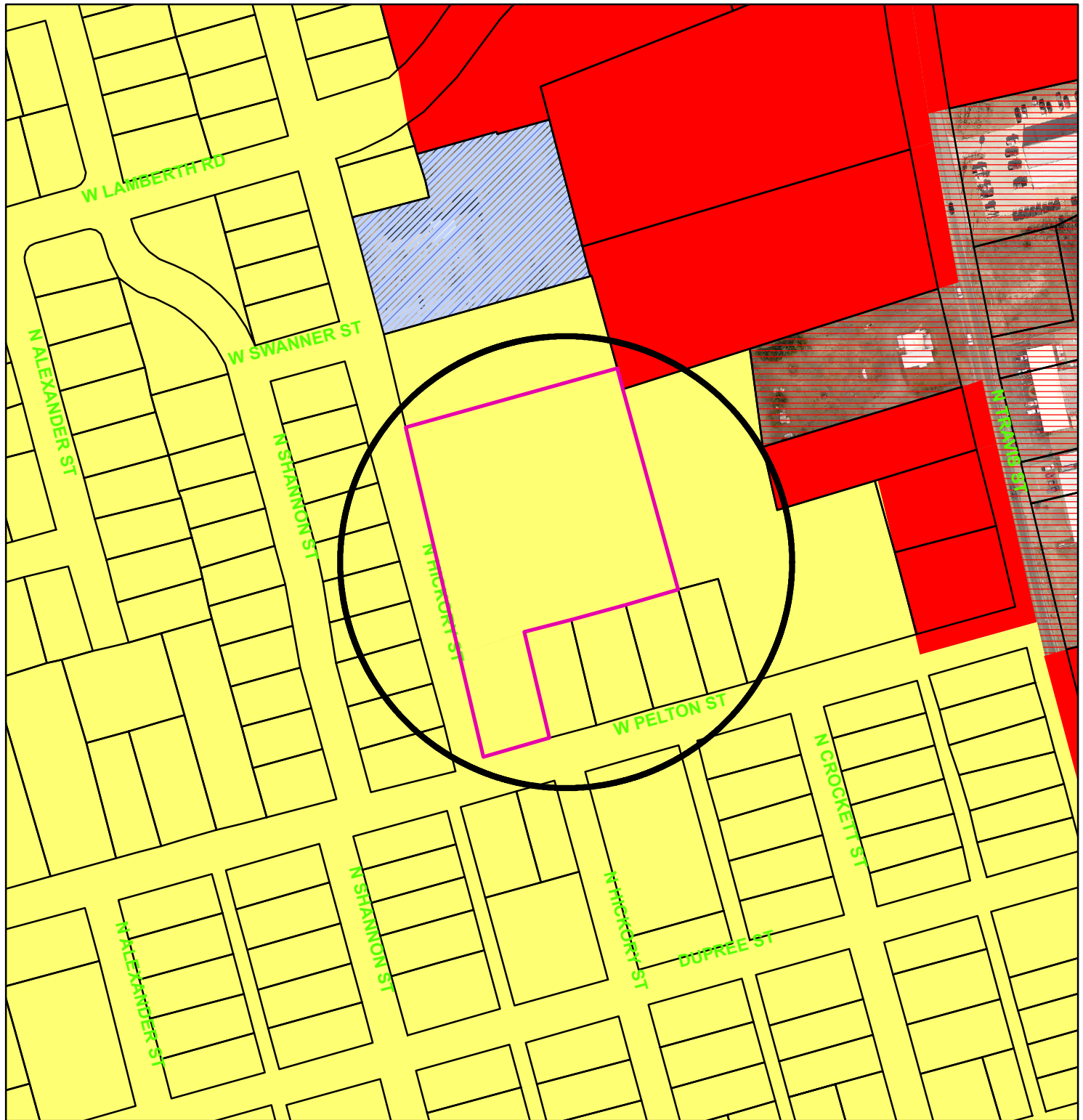
Final Plat - Graham Addition

Staff Review Letter

P&Z Communication



City of Sherman, Texas
Developmental Services Department



Zoning - 2300-2400 Blks. N. Hickory Street & 229 W. Pelton Street

Legend

Special Districts Overlay

DISTRICT_NAME

-  Arts and Cultural District
-  Blalock Commercial Overlay District
-  Central Business District
-  College Park District
-  Downtown Overlay District
-  Historic Preservation District
-  Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

-  FM 1417
-  Sam Rayburn Freeway
-  US Hwy 82 and 75
-  SH 289
-  FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

-  Unknown
-  BIP Blalock Industrial Park
-  C-1 Retail Business District

-  C-2 General Commercial District
-  CO Office District
-  Lakes
-  M-1 Light Manufacturing District
-  M-1.5 Medium Manufacturing District
-  M-2 Heavy Manufacturing District
-  MH Manufacturing Housing District
-  R-1 One Family Residential District
-  R-2 Multi-Family Residential District
-  R-A Single Family Agricultural District
-  SF-1 Single Family Residential District

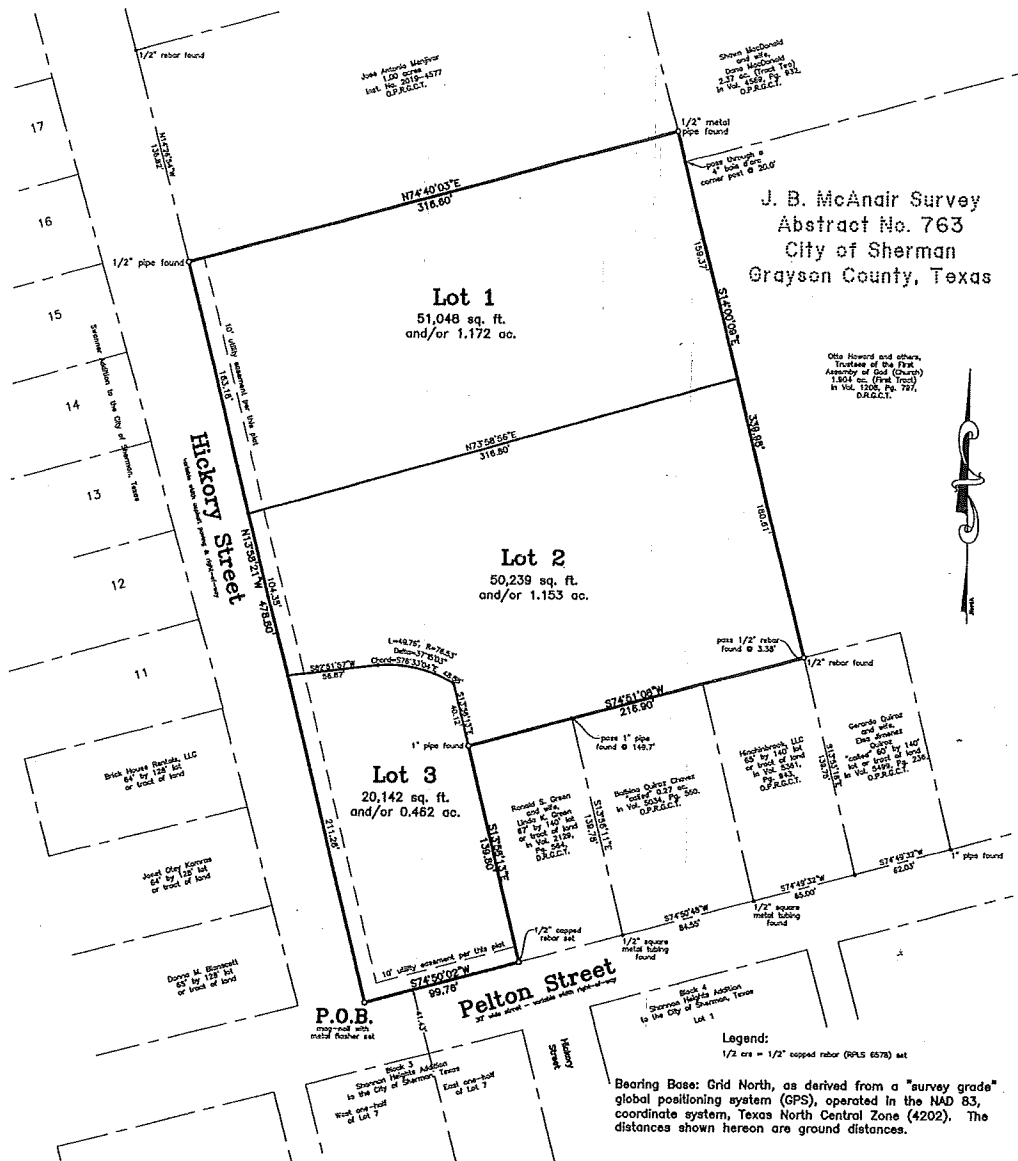


NOT TO SCALE

1 in = 200 ft



City of Sherman, Texas
Developmental Services Department



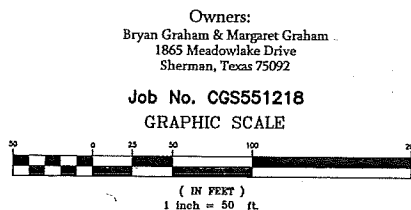
Graham Addition to the City of Sherman, Texas 2.788 Acres

in the
**J.B. McAnair Survey
Abstract No. 763**

General Notes:

1. Water Supply to be provided by City of Sherman.
2. Sewer service to be provided by City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. Grayson County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 4816100290 F, Revised Date: September 28, 2010.
8. Neither Grayson County nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph: (903) 463-6191 Fax: (903) 463-4088
Email: helveysurvey@comcast.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



Site Location (not to scale)





STAFF REVIEW LETTER

May 10, 2019

Bryan & Margaret Graham
1865 Meadowlake Dr.
Sherman, TX 75092

Helvey-Wagner Surveying, Inc.
222 W. Main St.
Denison, TX 75020

Dear Applicants,

The request for approval of the Graham Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 21, 2019 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Metes and bounds description must match drawing.
6. Water Pro-Rata will be due at the time of development.
7. Sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use. Coordinate with adjacent developer for sewer extension.
8. Development Agreement required for Public Infrastructures.
9. Items #6 and #8 under General Notes should read City of Sherman rather than Grayson County.
10. Privately owned and maintained detention in accordance with City criteria may be required upon future development.
11. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
12. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Billy Hartsfield, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



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

Agenda Item No. 13.

Meeting Date: 05/21/2019

Prepared by: Patsy Reeves, Developmental Services Coordinator
Scott Shadden, Director of Development Services

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 2300-2400 BLOCKS NORTH HICKORY STREET & 229 WEST PELTON STREET**

The request of Bryan and Margaret Graham (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 2300-2400 blocks of North Hickory Street and 229 West Pelton Street, being 2.788 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Final Plat approval of Graham Addition.

Background:

The property is located in the 2300-2400 blocks of North Hickory Street and 229 West Pelton Street; the northeast corner of Hickory and Pelton Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into three lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Bryan and Margaret Graham (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Final Plat - Graham Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 06/17/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2019 Council Calendar

2019

JANUARY						
S	M	T	W	T	F	S
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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1/21/2019	Martin Luther King, Jr. Day/Called City Council Meeting on 1/22/2019
2/27/2019	Called Council Meeting - Training Session for Council Members
4/26/2019	Called Budget Planning Meeting in Council Chambers
6/13/2019	Called Budget Workshop at Schulman's MBG in Sherman
6/14/2019	Called Budget Workshop at Schulman's MBG in Sherman
9/2/2019	Labor Day/Called City Council Meeting on 09/03/2019

[illegible]