

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JUNE 15, 2015
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY MAYOR CAROLYN S. WACKER**
- A. 3. INVOCATION BY MAYOR CAROLYN S. WACKER**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 1, 2015**

Public Hearing

- B. 1. PUBLIC HEARING**
2015-2019 Five-Year Consolidated Plan & Strategy and Final Statement/Action Plan for Program Year 2015 Community Development Block Grant
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5879**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow the Installation of Ground Mounted Solar Panels in an R-1 (One Family Residential) District at 1715 East King Street, being Lots 1 & 2, Block 2, J.C. Linnstaedt Addition (Michael L. Moore, Owner); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5880**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District at 529 South Crockett Street, being 0.310 acres in the Samuel Blagg Survey, Abstract No. 56 (Kent Hughlett, Owner; David Fite Surveying, Surveyor); 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. 5881**
Closing and Vacating a Certain Easement in the D.C. Shelp Survey, Abstract No. 1097, in the City of Sherman, Grayson County, Texas; Providing for the Reversion of Interest to the Owner of Said Property

- B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5882**
Creating a Charter Review Commission in the City
- B. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5883**
Amending Chapter 2 of the Code of Ordinances, entitled "Animal Control," at Article 2.01, entitled "General Provisions," at Sections 2.01.010 and 2.01.011; Providing an Effective Date

Close Public Hearing and Consider Adoption of Ordinances

- B. 7. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 5879, 5880, 5881, 5882 and 5883
- B. 8. 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. 5977**
Approving the By-Laws of the Keep Sherman Beautiful Commission
- C. 2. * RESOLUTION NO. 5978**
Approving the 2015-2019 Five-Year Consolidated Plan & Strategy and Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Program Year 2015; Authorizing Submission of the Five-Year Consolidated Plan & Strategy and the One-Year Action Plan; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Program Year 2015
- C. 3. * RESOLUTION NO. 5979**
Authorizing Execution of a Developer's Agreement with Jova Inc. for Construction of Public Facilities in the C&M Addition to the City of Sherman

Other Business

- D. 1. OTHER BUSINESS**
Receive Presentation on the New Emergency Medical Dispatch (EMD) Program initiated as a Result of a Collaborative Effort between the Sherman Police and Fire Departments
- D. 2. * OTHER BUSINESS**
Authorizing a New Emergency Medical Service Provider named Texoma EMS to Provide Non-Emergency Ambulance Transfers within the City of Sherman
- D. 3. OTHER BUSINESS**
Mayor's Appointments to a Charter Review Commission

D. 4. * OTHER BUSINESS

Replat Approval of Lots 64 and 65, Birge's 2nd Fairview Addition; containing 0.570 acres in the J.B. McAnair Survey, Abstract No. 763; Robert and Vicki Beeghly, Owners; and Underwood Drafting and Surveying, Surveyor (1126 West Hunt Street)

D. 5. * OTHER BUSINESS

Site Plan Approval for Tyson Fresh Meats, Inc., Owners; and Geoff Bates, Bates & Associates, Inc., Engineer/Surveyor; under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Expansion of the Truck Parking Lot for Tyson Fresh Meats in the Blalock Industrial Park District at 4700 South U.S. Highway 75

D. 6. * OTHER BUSINESS

Approval of M&K Dunlap Addition, a Replat of Part of Lot 1, Boyer & Lucas Addition, Part of Lots 18, 19 and 20 and All of Lots 6, 7, 8, 9, 10 and 11, Block 3, W.P. Carters Addition, and a Portion of the Alley released in Ordinance No. 3813, containing 0.508 acres in the J.B. McAnair Survey, Abstract No. 763; Melvin and Kimberly Dunlap, Owners; and Underwood Drafting and Surveying, Surveyor (908 and 910 North Broughton Street)

D. 7. * OTHER BUSINESS

Approval of Nevins Addition, a Replat of Part of Lot 1, Block 1, Hare & Randolph's Addition; containing 0.33 acres in the Samuel Blagg Survey, Abstract No. 56; Katherine Nevins, Owner; and Sartin & Associates, Inc., Surveyor (602 and 606 South Travis Street)

D. 8. * OTHER BUSINESS

Approval of Michael Moore Addition, a Replat of Lots 1 and 2, Block 2, J.C. Linnstaedt Addition; containing 0.327 acres in the G.B. Pilant Survey, Abstract No. 963; Michael L. Moore, Owner; and Underwood Drafting and Surveying, Surveyor (1715 East King Street)

E. CITIZEN REQUESTS

F. MEDIA QUESTIONS

Consider Board/Commission Appointments

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

- (a) Keep Sherman Beautiful Commission (3)

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 551.087	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 11, 2015 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 11th day of June, 2015
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.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code

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

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

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

Mayor

Carolyn S. Wacker

Deputy Mayor

David Plyler

Council Members

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

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

Lawrence Davis, Council – District #1

Terrence R. Steele, Council – District #2

Tom Watt, Council – District #3

David Plyler, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. A. 4.

Meeting Date: 06/15/2015

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JUNE 1, 2015

Attachments

June 1, 2015

Sherman's Smoking Regulations

STATE OF TEXAS §
 June 1, 2015
COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on June 1, 2015.

MEMBERS PRESENT: MAYOR CARY WACKER; DEPUTY MAYOR DAVID PLYLER.
 COUNCIL MEMBERS DAVIS, JOHNSON, SOFEY, STEELE,
 WATT.

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

Mayor Wacker thanked the staff for their response to the many months of weather events Sherman has had. They have done a remarkable job taking care of the safety of citizens and visitors.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of May 18, 2015. Council Member Sofey moved to approve the Minutes as presented; Second by Deputy Mayor Plyler. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5974 -- AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2015 JUSTICE ASSISTANCE GRANT PROGRAM -- CFDA #16.738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN, THE CITY OF DENISON, AND GRAYSON COUNTY FOR GRANT FUNDING TO BE AWARDED BY THE U.S. DEPARTMENT OF JUSTICE UNDER THE 2015 JUSTICE ASSISTANCE GRANT PROGRAM -- CFDA #16.738.
CONSENT AGENDA.

**RES 5974
JUSTICE ASSISTANCE
GRANT AGREEMENT**

RESOLUTION NO. 5975 -- AUTHORIZING SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON AND GRAYSON COUNTY FOR, AND THE ACCEPTANCE OF, A GRANT AWARDED UNDER THE 2015 JUSTICE

**RES 5975
JUSTICE ASSISTANCE
JOINT APPLICATION**

ASSISTANCE GRANT PROGRAM -- CFDA #16.738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF A JOINT GRANT APPLICATION WITH THE CITY OF DENISON AND GRAYSON COUNTY FOR, AND THE ACCEPTANCE OF, A GRANT AWARDED UNDER THE 2015 JUSTICE ASSISTANCE GRANT PROGRAM -- CFDA #16.738.

CONSENT AGENDA.

RESOLUTION NO. 5976 -- APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ADVERTISE FOR BIDS FOR THE PROCUREMENT OF HIGH TECHNOLOGY EQUIPMENT FOR THE CITY OF SHERMAN WATER TREATMENT PLANT EXPANSION PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO ADVERTISE FOR BIDS FOR THE PROCUREMENT OF HIGH TECHNOLOGY EQUIPMENT FOR THE CITY OF SHERMAN WATER TREATMENT PLANT EXPANSION PROJECT.

RES 5976
WATER TREATMENT
PLANT EXPANSION

Mark Gibson, Director of Utilities, explained that the City is currently running pilot tests for the membrane units at the Water Treatment Plant. There are four vendors that are currently testing. The tests will continue through the middle of June and one vendor will probably extend through the end of June.

He said the staff is currently asking the Council for approval to advertise the units for bid. There is a long lead time on the item and the City must select a vendor so the rest of the plant can be designed around the membrane system that they will be using.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 5976, as presented. Second by Council Member Johnson.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

CONSIDER REQUEST OF LAUREN ROTH AND CELEBRATE IN STYLE, A CORPORATE EVENT PLANNER, TO TEMPORARILY CLOSE ELM STREET FOR THE TAYLOR PHELAN CONCERT ON SATURDAY, JULY 11, 2015

Lauren Roth, Tourism Director, said the request is for a privately planned concert that is not being done through the Tourism Department or the Chamber of Commerce. They would like to close Elm Street and also bring in a caterer, such as Fulbelli's, to serve alcohol. If approved, Fulbelli's will handle all the Texas Alcoholic Beverage Commission licensing, and the area will be fenced off as required.

CLOSE STREETS
TAYLOR PHELAN
CONCERT
(JULY 11, 2015)

COUNCIL MINUTES – JUNE 1, 2015

Ms. Roth asked for approval to allow food trucks to park on the street, and to serve alcohol and have music playing outside prior to the concert.

Mayor Wacker said the request is in line with ordinance changes that were made about four years ago to allow the hosting of events and closing of streets with certain requirements. The ordinance requires a perimeter with signage stating that no alcohol is allowed beyond a certain point. Off-duty police officers are also required at the event.

She added that the ordinance was established to allow the City to host entertainment events such as this.

Ms. Roth said they have also rented the Municipal Ballroom and Kidd-Key Auditorium for the event, and have requested four off-duty police officers to work.

ACTION TAKEN.

Motion by Council Member Watt to approve the request of Lauren Roth and Celebrate in Style, to close Elm Street for the Taylor Phelan Concert on July 11, 2015, as presented. Second by Council Member Davis.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUEST OF UNITED WAY OF GRAYSON COUNTY TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "UNITED WAY HUSTLE FOR HEALTH" ON SATURDAY, AUGUST 15, 2015

The City Council approved the request of United Way of Grayson County to temporarily close certain streets for the "United Way Hustle for Health" on August 15, 2015, as presented.

They are requesting traffic control assistance and cones for the run, and the closure of Rusk Street, in front of the Municipal Building from 8:00 a.m. until 9:00 a.m. They will also need barricades and assistance to place and remove the barricades and cones.

CONSENT AGENDA.

RECEIVE UPDATE ON PROPOSED AMENDMENT TO THE CITY'S ANIMAL CONTROL CODE PROVISIONS

Brandon Shelby, City Attorney, briefed the City Council on the proposed amendment to the City's Animal Control Code. Mr. Shelby said several months ago the City Council was approached by a citizen that was having a dispute with her neighbor over livestock. The Council asked the staff to review the current small livestock ordinance to see if any code revisions could help remedy the issues.

He said the staff has reviewed what other cities around Sherman are doing and there is really no uniformity to the ordinances, and in fact, the real problem seems to be

CLOSE STREETS
UNITED WAY
HUSTLE FOR HEALTH
(AUG. 15, 2015)

ANIMAL CONTROL
CODE

enforcement. If the homeowners were in compliance with the current ordinance at all times, the problem probably wouldn't be as bad as the neighbors perceived it to be. However, it is difficult for the City to enforce the distance and enclosure requirements because Animal Control Officers would have to witness the violation taking place.

The staff tried to make the proposed ordinance as simple as possible and revised the definition of livestock to include livestock of any size and then remove the small livestock exception for properties under an acre.

Essentially, Mr. Shelby said the proposed ordinance says if you live on less than an acre, inside the City limits, you would not be allowed to have any livestock and would limit the number of fowl. If you live on more than an acre, you could have livestock and fowl. He said this follows other ordinance revisions by delineating property rights based on acreage.

Mr. Shelby asked for direction from Council as to whether or not to bring this forward as an ordinance for their consideration.

Robby Hefton, City Manager, said there has also been discussion about implementation of the ordinance. He said there may be some citizens that are currently in violation of the proposed ordinance if it were passed today. He said the Council could implement the ordinance and grandfather those that already have livestock that would be in violation, and when those livestock "go away" there would be no replacement.

Another option would be to delay the effective date to allow the owner a period of time to be in compliance with the ordinance. The staff has no recommendation, but there are several ways to handle the implementation if the Council does choose to adopt the ordinance.

Council Member Johnson asked if a registration process would be used to grandfather the livestock. Mr. Hefton said the City does not have the staff to monitor and register livestock throughout the City. It would really be on a complaint basis. He said it would probably be easier to set an effective date in the future for compliance.

Mayor Wacker said this has been an issue for a long time and the Council agrees that within the City, where neighbors are in close proximity, most farm animals are not compatible. She said there are many variations with other cities' ordinances, but most do not allow livestock on small City lots. The proposed ordinance is very simple and straight forward, and she asked the Council what they wanted to do.

Council Member Watt said there would be challenges, but he asked what effective date the staff was thinking about. Mr. Hefton said probably no longer than 12 months, but he felt six months might be about right. Council Member Johnson felt January 1, 2016 would be a good natural point to start.

Council Member Watt asked if the lady that appeared at a past Council Meeting could have sought relief under the current ordinance. Mr. Shelby said she did. She gathered evidence herself and filed complaints in Municipal Court. The neighbors were found guilty and fined in Municipal Court.

Council Member Davis asked if the staff had any idea how many residences have livestock. Mr. Shelby said the City is "complaint based" and does not know how many have livestock.

Council Member Steele verified that the City would advertise any changes to the ordinance several ways so the citizens would be aware of the new regulations. Mr. Shelby said warnings could also be issued during that period so citizens would become aware of the changes.

Council Member Steele asked if the Animal Shelter was prepared to accept any livestock that citizens wanted to turn over as the new ordinance goes into effect. Mr. Hefton said that would not be encouraged, but the staff would take that on a case-by-case basis. Council Member Davis said most livestock would have some type of commercial value to someone living in the country.

Council Member Sofey felt the first of the year would be a good effective date. He asked if there was a time period after the ordinance is in effect, for citizens to comply when complaints are made against them. Mr. Shelby said a violation of the ordinance would be a Class C Misdemeanor, prosecuted in Municipal Court, so there should be a way to work out something during prosecution of the violation.

Council Member Watt would like to make sure that "liberal approach" is made known to the Municipal Court Judge and ask him to work with the citizens that violate the ordinance.

Mr. Hefton said the ordinance would be brought back at the next meeting for Council consideration.

DISCUSS THE PROPOSED AMENDMENT OF THE CITY'S SMOKING CODE PROVISIONS

Mr. Hefton said on March 16, 2015, the City Council asked the staff to study the issue of a City-wide smoking ban, especially in restaurants and bars. Council Members asked the staff to research the opinions of local restaurant and bar owners and managers, to assess the impact of a smoking

SMOKING CODE PROVISIONS

ban on the existing establishments, to review current proposed State legislation, and to review policies from other cities to determine if and how they regulated smoking.

The City currently has a smoking policy that prohibits smoking at the airport, City buildings and facilities, common area of theaters, concert halls, public elevators, public schools, hospitals or nursing homes, and certain public transportation facilities and on public transportation vehicles. It also requires that the smoking and non-smoking areas be separated and that there is no smoking in entrance areas of restaurants.

Mr. Hefton said the staff contacted owners or managers at all restaurants and bars in Sherman. There are currently 91 restaurants and/or bars, and of those, 73 are dine-in. Nine of the 73 permit smoking. Three of the nine that permit smoking would oppose a smoking ban. One of those three would be okay with a ban in restaurants, but not in bars. The staff could not reach Rendezvous Club. The survey also polled whether or not they thought a smoking ban would hurt their business

Currently there is no State-wide smoking ban in Texas, but there are some regulations that apply. As for SB 87 that was introduced in January 2015, the current status is that it "died in committee." Mr. Hefton also presented information on smoking regulations in our peer cities.

He presented three options to the Council. They could leave the ordinance as it is and let the businesses make the decision; approve a comprehensive ban in restaurants, bars, buildings, government facilities, and parks; or approve a partial ban, considering areas such as restaurants and bars only, restaurants only, indoor vs outdoor patio areas, and outdoor events.

Mr. Hefton said many cities that have regulated smoking in restaurants, have still allowed it in patio areas and outside, as long as it is a specific number of feet away from entrances.

Council Member Davis asked, of the nine restaurants/bars that allow smoking, are there any that are strictly bars. Mr. Hefton said that depends on the TABC definition of a bar. Legally, he did not believe there were any "bars" in Sherman, but there are some private clubs that are located in the community. As for enforcement, Mr. Shelby said it would probably be based on how the facility is defined with TABC. He added that there is a wide array of TABC licenses in the State. Mr. Hefton added that it is a function of the sources of revenue and the licensing from TABC.

Council Member Watt asked about the private clubs in Sherman, but Mr. Shelby said the survey didn't specifically address that issue so he was not aware whether or not there

COUNCIL MINUTES – JUNE 1, 2015

were any operating in Sherman. He said that before the local option election in Sherman, private clubs were a way that facilities could serve alcohol.

Mr. Hefton said additional research could be done to determine the designations if the Council would like. Council Member Davis verified that private clubs would include organizations such as the VFW, Knights of Columbus, and other organizations. Mr. Shelby said it did include those organizations, but there might be others too. Council Member Sofey said some cities characterize these organizations as "fraternal organizations" and allowed smoking.

There were no citizens in the audience that wanted to speak before the City Council about this issue. Mayor Wacker asked for Council direction to the staff.

Council Member Sofey said he was in favor of some form of ordinance, even if it allowed smoking in the outdoor areas and in bars.

Deputy Mayor Plyler said he would like to see additional research as to what constitutes a private club or bar. The City should not mistakenly cause a business owner any hardship. He said he was uncomfortable with City government telling Americans how to run their business, and in doing that the City must be very careful and very deliberate about how that is done.

Council Member Davis said he was surprised at the number of restaurants that don't allow smoking. He did not feel that government should unnecessarily regulate businesses and the private sector is doing the job. He also asked who the City is protecting. There are restaurants and bars where smokers go with their friends and they voluntarily accept any risks by doing so.

He also expressed concern about unintended consequences such as places that depend on customers that smoke and might lose business, and businesses that have made expensive improvements to accommodate smokers.

Mayor Wacker said there is a lot of data for cities that have enacted smoking bans that demonstrate there is no financial harm to the businesses. Many restaurants that have already banned smoking are reacting to what their customers want. Cities frequently regulate what private businesses do for health concerns or public safety. She added that the City is not taking away the rights of smokers, because there are many other places they can smoke.

Mayor Wacker said she would like to see an ordinance for a "moderate smoking ban" that restricts smoking in restaurants. The ordinance should be very specific in what

it excludes and should not exclude smoking in the fraternal halls or private clubs.

Council Member Davis said his opinion did not have anything to do with smokers' or non-smokers' rights, but with unnecessarily regulating businesses and unintended consequences. A possible solution is to require every restaurant and bar to have a smoking policy and to state on a sign on the door, what that policy is.

Council Member Johnson said he wouldn't be opposed to reviewing a proposed ordinance, but he felt that with only nine out of 73 restaurants or bars that allow smoking, there is pretty good self-policing. He also was concerned about government regulating businesses.

Council Member Steele expressed concern about the smoking section of a restaurant being near a door where those entering must walk through to get to the non-smoking area. He didn't want to hurt businesses, but he was in favor of some type of smoking ban for restaurants. He did not feel it would be detrimental to the business.

Mr. Hefton said the staff will bring back a draft ordinance for discussion, excluding things that might relate to private clubs and fraternal organizations. He asked if they wanted to allow smoking in outside areas, but a specific number of feet from the entrance, or on patios.

Council Member Sofey liked allowing it on patios, in fraternal organizations, and nursing homes that have a smoking section, but not at City events, on City property, or in City parks.

Council Member Watt verified that smoking was not allowed on school property. Mayor Wacker said all campuses are smoke free, as well as in Bearcat Stadium.

Deputy Mayor Plyler asked if there was a time factor where a bar or restaurant could allow smoking after 9:00 p.m. or 10:00 p.m. Mr. Hefton said that could be included in an ordinance.

Council Member Davis asked about cigar bars. Mr. Hefton said most cities did not regulate or prohibit smoking in those types of establishments, or private homes or vehicles.

Mayor Wacker said she felt that having a non-smoking ordinance that regulates these types of activities shows that Sherman is a progressive City. She recommended that the staff bring back a proposed ordinance after the budget work session, in early to mid-July.

CONSIDER CALLING AN ELECTION FOR CHARTER
AMENDMENT FOR THE NOVEMBER 3, 2015 REGULAR AND
SPECIAL ELECTION

CHARTER
AMENDMENT
ELECTION

COUNCIL MINUTES – JUNE 1, 2015

Mayor Wacker said periodically the Council and staff reviews the City Charter to make sure everything is up to date.

Mr. Shelby said a City is allowed to amend their Charter every two years, and Sherman's last Charter Election was in 2010. Since that time, some provisions have probably become dated.

In consideration of items that need to be amended, input will be gathered from all City departments and from Council Members. Normally the City Council appoints an ad hoc committee to review the Charter and make recommendations on proposed amendments. He urged the Council to appoint the committee at the next Council Meeting so they can review recommendations and present those to the Council at the August 3, 2015 Council Meeting. The Election must be called no later than August 24, 2015 for inclusion on the November ballot.

Mayor Wacker said the proposed timeline would be as follows:

- Appoint the ad hoc committee by June 15, 2015
- Committee recommendations presented to the full Council on August 3, 2015
- Ordinance ordering the Charter Amendment Election considered on August 17, 2015

ACTION TAKEN.

Motion by Council Member Sofey to adopt the proposed timeline for a Charter Amendment Election on November 3, 2015, as presented. Second by Council Member Steele.

VOTING AYE: Davis, Johnson, Plyler, Sofey, Steele, Watt.

VOTING NAY: None.

MOTION CARRIED.

CITIZENS REQUESTS

TAYLOR PHELAN CONCERT

Kevin Couch, 225 N. Travis, is the owner of CBC Creative, and is involved in the Taylor Phelan concert mentioned earlier in the meeting. He thanked the Council for approving the street closures for the concert.

TAYLOR PHELAN
CONCERT

He said Mr. Phelan's mission on "The Voice" was to show how important the City of Sherman was in his development as an artist. He said that even though this wasn't a tourism event, it would bring a lot of attention to Sherman through several bigger media outlets.

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

THANKS TO STAFF

Council Member Steele thanked the staff for keeping the City

THANKS TO STAFF

COUNCIL MINUTES – JUNE 1, 2015

Council and the citizens informed about the recent tornado that touched down near his home. He was out of town at the time, but appreciated knowing the situation since his family was here.

THANKS TO STAFF

Council Member Watt agreed with Council Member Steele about the recent weather events.

THANKS TO STAFF

THANKS TO STAFF

Council Member Sofey added a thanks to the staff during the recent dam breach and the gas evacuation on Friday, May 29, 2015. He recognized the way the situations were handled by the Engineering Department, the Fire Department, and the Police Department.

THANKS TO STAFF

THANKS TO STAFF

Deputy Mayor Plyler agreed and recognized the City staff that were out in the weather performing these duties.

THANKS TO STAFF

THANKS FOR UPDATES

Council Member Johnson said he was also out of town last week but thanked Mr. Hefton for his updates on the situations. He recognized the hard work of the City staff and the first responders.

THANKS FOR
UPDATES

RECENT WEATHER EVENT

Council Member Davis said he was also thankful that the City didn't have the downpour at one time, that they did in 2007.

RECENT WEATHER
EVENT

SEDCO TOUR OF CARRUS SPECIALTY HOSPITAL

Council Member Davis said he was recently invited by the Sherman Economic Development Corporation, to visit Carrus Specialty Hospital, along with the Mayor. He said they met with the management, owners, and the head nurse, and toured the facility. He said it was very interesting and informative. He added that they were a great corporate citizen and he was glad they were located in Sherman.

SEDCO TOUR OF
CARRUS SPECIALITY
HOSPITAL

ANNOUNCEMENTS

Mayor Wacker announced the following:

- Many people visited Sherman this past weekend to attend the Second Annual Interurban Film Festival.
- Hot Summer Nights begins this Thursday at 7:30 p.m. on the Municipal Grounds, with the Fin City Band.
- "Les Miserables" opens at the Finley Theater on June 5, 2015. The show is a collaboration with many community partners and should draw many people into Sherman.
- Sherman Public Library is hosting Monday Madness from June 8 through June 27, 2015.

ANNOUNCEMENTS

- The Sherman Museum also has Dino Days opening soon. She urged citizens to visit the City's website or the Chamber's tourism website to see the great events in Sherman.

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

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

EXECUTIVE SESSION

SECTION 551.071 CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION:
RECEIVE THE CITY ATTORNEY'S
BRIEFING ON PENDING OR
CONTEMPLATED LITIGATION

SECTION 551.074 PERSONNEL MATTERS:
DELIBERATE THE APPOINTMENT,
EMPLOYMENT, EVALUATION,
REASSIGNMENT, DUTIES,
DISCIPLINE, OR DISMISSAL OF A
PUBLIC OFFICER OR EMPLOYEE

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:00 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:18 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 6:19 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



Robby Hefton, City Manager
June 1, 2015 City Council Meeting

Smoking Laws and Regulations

Origin and Purpose



- Smoking in public places has become a public health and safety issue in cities across the state and country
- Council direction to staff at March 16, 2015 Council meeting - study issue of city-wide smoking ban, especially in restaurants and bars

Council Direction



- Understand opinions of restaurant/bars owners and managers
- Assess possible impacts of smoking ban on existing establishments
- Review pending State legislation on proposed state-wide smoking ban (SB 87)
- Review other cities policies to determine norms

Sherman Smoking Regulations



- Smoking currently prohibited:
 - Airport
 - City of Sherman buildings/facilities
 - Common areas of theaters, concert halls, etc
 - Public elevators, public schools, hospital or nursing homes
 - Certain public transportation facilities and on public transportation vehicles

Restaurant/Bar Survey



- Contacted owners or managers at all restaurants and bars in Sherman
- 91 Restaurants/bars, 73 are dine-in
- 9 of 73 permit smoking
- 3 of 9 that permit smoking would oppose a smoking ban (4 if include Rendezvous Club, which could not be reached)
- 1 of 3 that oppose would be ok with ban in restaurants, but not bars

Restaurant/Bar Survey – Potential Impacts



- Of 9 that permit smoking, would smoking ban hurt business?:
 - 2 – yes
 - 2 – maybe (1 said short-term effect)
 - 2 – neutral/don't know
 - 2 – no
 - 1 – did not respond

State Law - Current



Texas has no state-wide smoking ban

■ Current Legislation

- Texas Education Code §38.006
 - Prohibits smoking at school-related or school-sanctioned activities on or off school property; and
 - Prohibits students from possessing tobacco products at school-related or school-sanctioned activities on or off school property.
- Texas Penal Code §48.01(a)
 - Prohibits smoking in a public primary or secondary school, an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus or intrastate bus, plane or train which is a public place.
- Texas Penal Code §48.01(b)
 - Requires a reasonable sized notice that smoking is prohibited by state law in such conveyance or public place and that an offense is punishable by a fine not to exceed \$500.
- Texas Penal Code §48.01(c)
 - Such conveyances and public places must be equipped with facilities for extinguishment of smoking materials.
- Texas Penal Code §48.01(d)
 - Permits smoking exclusively within an area designated for smoking tobacco or as a participant in an authorized theatrical performance.
- Texas Penal Code §48.01(f)
 - An offense under this section is punishable as a Class C misdemeanor.

State Law - proposed



■ Pending Legislation

- Senate Bill 87, Relating to the elimination of smoking in certain workplaces and public places; providing penalties
 - Referred to Health & Human Services (Committee) on 1/26/2015
 - Current Status – In Committee
 - If adopted as written, would prohibit smoking in workplaces, restaurants, and bars.
 - No activity since 1/26/2015

Surrounding cities with smoking bans in restaurants and/or bars



- Bonham (2015)
- Paris (2014)
- McKinney
- Plano
- Frisco
- Dallas
- University Park
- Ft Worth
- Southlake
- Lewisville
- Mesquite
- Prosper
- Arlington
- Forney

Statistics



- As of 2013, there were 1,216 incorporated cities in Texas:
 - 246 cities with population of 10,000 or more, i.e., Sherman
 - 68 cities with population of 50,000 or more
 - 35 cities with population of 100,000 or more
- Cities with active smoking bans cover nearly 8.5 million Texans, or about 45 percent of all Texas residents.
- There are currently 38 Texas cities with a “comprehensive” smoking ban, meaning the city is entirely smoke-free in workplaces, restaurants and bars

Options and considerations



- Leave as-is and let businesses make the decision
- Comprehensive Ban (Restaurants, bars, buildings, government facilities, parks, etc)
- Partial Ban
 - Restaurants and bars, but no other places addressed
 - Restaurants only vs. restaurants and bars
 - Indoors vs. outdoor patio areas
 - Outdoor events (Lights on the Lake, concerts, etc)??

Discussion and Direction



???

Other Information



- Statistics
- City of Sherman provisions
- Recently enacted New Orleans smoking ban provisions

Statistics



Texas Cities with "Comprehensive" Smoking Ban (100% Smoke-Free in Workplaces, Restaurants and Bars)

Abilene	Dallas	Laredo	San Angelo
Alton	Eagle Pass	Lufkin	San Antonio
Austin	El Paso	Marshall	San Marcos
Baytown	Ennis	McKinney	Socorro
Beaumont	Flower Mound	Missouri City	Southlake
Benbrook	Frisco	Nacogdoches	Spring Valley
Brownsville	Granbury	Pearland	Tyler
College Station	Harlingen	Plano	Vernon
Copperas Cove	Horseshoe Bay	Rowlett	Victoria
Corpus Christi	Houston		

Statistics



Texas Cities with "Partial" Smoking Ban (Does not include all Bars and Restaurants)

City	Workplaces	Restaurants	Bars
Alpine			Banned
Alvin		Banned	
Angleton		Banned	
Arlington		Banned	
Athens	Banned		
Boerne		Banned	
Brenham		Banned	
Caldwell	Banned		
Conroe	Banned	Banned	
Denton	Banned		

Statistics



Texas Cities with "Partial" Smoking Ban (Does not include all Bars and Restaurants)

City	Workplaces	Restaurants	Bars
El Lago		Banned	Banned
Forney		Banned	
Fort Worth	Banned	Banned	
Gainesville	Banned		
Galveston	Banned		
Hewitt	Banned		
Highland	Banned		
Humble	Banned	Banned	
Kaufman	Banned		
Kerrville			Banned

Statistics



Texas Cities with "Partial" Smoking Ban (Does not include all Bars and Restaurants)

City	Workplaces	Restaurants	Bars
Kilgore	Banned		
Killeen	Banned	Banned	
Leander	Banned		
Lewisville		Banned	Banned
Mesquite		Banned	Banned
New Braunfels	Banned		
North Richland Hills	Banned		
Palestine	Banned		
Paris	Banned	Banned	
Pasadena	Banned	Banned	

Statistics



Texas Cities with "Partial" Smoking Ban (Does not include a// Bars and Restaurants)

City	Workplaces	Restaurants	Bars
Portland	Banned	Banned	
Prosper		Banned	
Richardson	Banned		
Robinson	Banned	Banned	
Rockwall		Banned	
Rollingwood		Banned	Banned
Rosenberg	Banned	Banned	
Round Rock	Banned	Banned	
Stafford	Banned		
Sugar Land	Banned	Banned	

Statistics



Texas Cities with "Partial" Smoking Ban (Does not include all Bars and Restaurants)

City	Workplaces	Restaurants	Bars
Sweeny		Banned	
Texarkana		Banned	
University Park		Banned	Banned
Woodway	Banned		
Yoakum	Banned		
Sherman	Does not prohibit - employer may designate smoking or non-smoking with written policy	Requires separate smoking and non-smoking dining areas; and bans smoking in general access areas	No regulation

Code of Ordinance Provisions



Chapter 1, General Provisions, Article 1.07, Aviation

- Prohibits smoking within 150' of any fuel tank, fuel pump or fuel truck at the Municipal Airport

Code of Ordinance Provisions



Chapter 1, General Provisions, Article 1.11, Parks, Recreation and Miscellaneous Public Property

- Prohibits smoking in municipal swimming pools, including the pool and the pool area
- Prohibits smoking in the common areas of theaters, movie theaters, concert halls and cultural facilities such as the Kidd-Key Auditorium (unless part of a performance)

Code of Ordinance Provisions



Chapter 4, Business Regulations, Article 4.10, Oil and Gas Wells

- Prohibits smoking within 150' of an oil or gas drilling well

City of Sherman Personnel Rules and Regulations



Chapter 6, Rules of Conduct, Section 6.08, City Vehicles and Equipment

- Prohibits smoking, including the use of electronic cigarettes, in any City vehicle or while operating motor equipment.

City of Sherman Personnel Rules and Regulations



Chapter 6, Rules of Conduct, Section 6.11, Smoking

- Prohibits the smoking of tobacco products, including the use of electronic cigarettes, in any interior space owned, rented or leased by the City of Sherman
- Smoking is only permitted in designated smoking areas that are properly ventilated

Code of Ordinance Provisions



Chapter 8, Offenses and Nuisances, Article 8.06, Smoking

- Prohibits smoking in any City facility unless designated and signed as a smoking area
- Prohibits smoking in a library or museum
- Prohibits smoking in public elevators
- Prohibits smoking in any facility of a public primary or secondary school
- Prohibits smoking in a hospital or nursing home

Code of Ordinance Provisions



Article 8.06 – continued

- Prohibits smoking in areas signed “No Smoking” in hospitals, nursing homes, public places, retail or service establishments serving the general public
- Prohibits smoking in all enclosed retail or service establishments and financial institutions serving the general public
- Prohibits smoking in the public areas and waiting rooms of public transportation facilities with indoor or enclosed dining

Code of Ordinance Provisions



Article 8.06 – continued

- Prohibits smoking in the nondining (i.e., food order, food service, restroom, cashier) areas of a food establishment; and requires separate smoking and nonsmoking dining areas for a food establishment with indoor or enclosed dining
- Prohibits smoking in transportation vehicles unless chartered buses for private hire or taxicabs clearly designated as smoking areas
- Does not prohibit smoking in a workplace; an employer may designate any workplace or a portion thereof as a smoking area

Code of Ordinance Provisions



Article 8.06 – continued

- Establishes penalties ranging from \$25 to \$500, with each day considered a separate offense
- Does not require the incurrence of any expense to make structural or other physical modifications other than signage or ashtrays

Code of Ordinance Provisions



- The City Code does not specifically provide protection:
 - in the enclosed areas of a child-care or adult daycare facility;
 - in the common areas of multiple-unit residential facilities;
 - in the enclosed areas of a sports arena;
 - in the seating areas of an outdoor arena, stadium or amphitheater and the bleachers or grandstands used by spectators at sporting or other public events;
 - in bars in restaurants and bars not in restaurants; and
 - provides only minimal protection in a place of employment.

Statistics



New Orleans, Louisiana Smoking Ban

Venue	Smoking & Vaping Banned	Notes
Bars	Yes	Goes for all establishments with one or more employees.
Restaurants	Yes	A 2007 state law banned smoking in places where food is the primary focus.
Casinos	Yes	
Patios, courtyards, balconies and outdoor areas	No	The final law exempts these places attached to bars, casinos and restaurants.
Parks	No	The lone exceptions are Lafayette Square and the Cancer Survivors Plaza on Loyola Avenue.

Statistics



New Orleans, Louisiana Smoking Ban

Venue	Smoking & Vaping Banned	Notes
Public events	No	The ban won't affect Mardi Gras parade-watching and celebrations.
Hotel and motel rooms	Yes	
Bingo and video poker halls	Yes	
Sidewalks and streets	No	The original bill required smokers to stand 25' away from places where smoking was banned. Councilwoman LaToya Cantrell agreed to shrink that to 5'. But Councilman James Gray's successful amendment eliminated all distances.

Statistics



New Orleans, Louisiana Smoking Ban

Venue	Smoking & Vaping Banned	Notes
Private homes	No	
Private clubs	Yes	
Conventions	Maybe	Exceptions include events hosted and controlled by tobacco retailers, smoking and vaping organizations or businesses that aren't open to the public. Such instances apply to convention halls and designated rooms or areas in hotels.
Nursing homes and assisted living facilities	Yes	An exception is a private or semi-private room where all occupants agree to allow smoking or vaping and can show smoke or vapor won't enter a larger complex's ventilation system.

Statistics



New Orleans, Louisiana Smoking Ban

Venue	Smoking & Vaping Banned	Notes
Outdoor shopping malls	No	
Parking lots and garages	No	
Stadiums, amphitheaters and outdoor arenas	Yes	Exceptions can be made for concerts, fairs, farmers' markets, festivals and parades.
Outdoor common areas in apartment complexes and trailer parks	No	

Statistics



New Orleans, Louisiana Smoking Ban

Venue	Smoking & Vaping Banned	Notes
Tobacco businesses	No	
Hookah bars	No	To be exempt from the ban, hookah bars must show they were operating on December 14, 2014 and that 10% of their business comes from sales of hookah tobacco. Cigarettes are still banned.
Cigar bars	No	To be exempt from the ban, cigar bars must show that they were operating on December 14, 2014 and that 10% of their business comes from sales of cigars or humidor rentals. Cigarettes are still banned.

Statistics



New Orleans, Louisiana Smoking Ban

Venue	Smoking & Vaping Banned	Notes
Vape shops	No	
Schools and child care facilities	Yes	State law continues to ban smoking within 200' of any place with organized care for youth
Correctional facilities	Yes	
Bus shelters	Maybe	Smoking at bus stops is banned in the final bill, but Councilman James Gray said his amendment eliminating distances for smokers would essentially allow smoking at outdoor public transit stations



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 1.

Meeting Date: 06/15/2015

Prepared By: Don Keene, Director of Administration and Finance

Approved By: Robby Hefton, City Manager

Caption:

PUBLIC HEARING

2015-2019 Five-Year Consolidated Plan & Strategy and Final Statement/Action Plan for Program Year
2015 Community Development Block Grant

Issue:

A public hearing on the 2015-2019 Five-Year Consolidated Plan & Strategy and the Program Year (PY)
2015 Community Development Block Grant Final Statement/Action Plan

Background:

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). Recipients of funding are required to develop a plan every five (5) years to assess the needs of the community and prioritize services to be provided to meet those needs. We are also required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low to moderate income citizens. This Action Plan is based on the Five-Year Consolidated Plan & Strategy developed by City staff and approved by the Sherman City Council. It serves as the City's long term planning tool to address the identified needs of affordable housing, public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman.

Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows:

- PY 2010 - \$351,141
- PY 2011 - \$293,001
- PY 2012 - \$289,254
- PY 2013 - \$311,726
- PY 2014 - \$301,322

Origination:

Theresa Caudle, Neighborhood Services

Financial Consideration:

The City of Sherman has been allocated \$317,392 in Community Development Block Grant funds from HUD to address our various community development needs for low to moderate income citizens during PY 2015.

Staff Recommendation:

The staff recommends the Sherman City Council hold the public hearing prior to adopting the 2015-2019 Five-Year Consolidated Plan & Strategy and the PY 2015 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives:

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

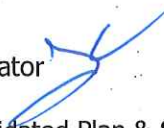
Attachments

Memo from Theresa Caudle, Community Development Coordinator
PY 2015 CDBG Final Statement/Action Plan

memorandum

DATE: Thursday, June 4, 2015

TO: Robby Hefton, City Manager

FROM: Theresa Caudle, CD Coordinator 

SUBJECT: 2015-2019 Five-Year Consolidated Plan & Strategy and PY 2015 Community Development Block Grant Proposed Final Statement/Action Plan

This is to let you know that we are in the final stage to approve the 2015-2019 Five-Year Consolidated Plan & Strategy and PY 2015 Community Development Block Grant Action Plan for the City's use of Community Development Block Grant funds, as required by HUD.

The Five-Year Consolidated Plan & Strategy is a comprehensive planning document required by HUD, and serves as the long term planning tool to address the identified needs of affordable housing, homelessness, other special needs populations, and non-housing community development activities for the City of Sherman, and it is with these established goals and objectives that the City's performance and future funding is evaluated by HUD. The City is also required to prepare an annual action plan to meet the goals and objective as identified in the Five-Year Consolidated Plan & Strategy.

A Public Hearing was held in March at the City Council Chambers to allow the citizens, public agencies, and other interested parties an opportunity to discuss local housing and community development needs.

A Community Needs Questionnaire was sent to local service providers to gather data on services provided and to help identify gaps in our service delivery system. This data assisted us in determining priority needs of our community and enabled us set priorities to be addressed in the Plan. Housing continues to be the number one priority for use of the block grant funds.

With this mandated directive and based on relative input from local service providers, citizens, census data and various other information sources – community needs were identified and the planning mechanism to create and direct the city in establishing the City of Sherman's Five-Year Consolidated Plan & Strategy and PY 2015 Action Plan.

Therefore, we are now ready to proceed with submitting this to the City Council in the form of a Resolution establishing the City of Sherman's 2015-2019 Five-Year Consolidated Plan & Strategy and PY 2015 Community Development Block Grant Proposed Final Statement/Action Plan.

I am requesting that you set this item for public hearing and present the Resolution for consideration and approval by our City Council at the next regular scheduled meeting of June 15, 2015.

During the interim, should you have any questions or desire additional information or clarification, please let me know.

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2015**

GRANT NO: B-2015-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2015 is \$317,392.00. These funds will be received on October 1, 2015. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

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

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

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2015**

OWNER-OCCUPIED HOUSING REHABILITATION:..... \$185,802

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

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

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

PROGRAM ADMINISTRATION:.....\$63,470

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

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority:.....\$10,000

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

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

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

Grayson County Crisis Center:\$3,000

A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.

Grayson County Shelter, Inc.:\$3,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman.

Child & Family Guidance Center of Texoma:	\$2,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income Sherman residents.	
Boys & Girls Club of Sherman, Inc. :	\$1,620
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized activities that would not otherwise be able to participate.	
MasterKey Ministries of Grayson County, Inc.	\$1,000
A Program to provide scholarships for an academic summer camp to improve academic skills for Sherman youth from low-moderate income families.	

TOTAL PROGRAM ALLOCATION:\$317,392

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

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

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

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2015 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Theresa Caudle, CD Coordinator, City of Sherman, P. O. Box 1106 Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Tuesday, July 20, 2015. A summary of comments received will be made a part of the summary of citizen participation of this Plan.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 2.

Meeting Date: 06/15/2015

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5879

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow the Installation of Ground Mounted Solar Panels in an R-1 (One Family Residential) District at 1715 East King Street, being Lots 1 & 2, Block 2, J.C. Linnstaedt Addition (Michael L. Moore, Owner); 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 Michael L. Moore (Owner) concerning the property located at 1715 East King Street, being Lots 1 & 2, Block 2, J.C. Linnstaedt Addition, to allow the installation of ground mounted solar panels in an R-1 (One Family Residential) District

Background:

The property is located at 1715 East King Street, between Loving and Dewey Avenues. The owner would like to erect 60 ground mounted solar panels on the lot next to his residence to be used for his residential dwelling.

A solar panel system is a combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy for the purpose of generating electricity. A ground mounted solar panel system is a solar panel system with supporting framework that is placed on, or anchored in the ground, and is independent of any building or other structure.

Origination:

Michael L. Moore (Owner)

Financial Consideration:

None

Staff Recommendation:

At the May 19, 2015 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and providing a fence around the solar panel system.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 5879

Location Map

Zoning Map

Zoning Photo

Narrative

Site Plan

Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 5879

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 THE INSTALLATION OF GROUND MOUNTED SOLAR PANELS IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1715 EAST KING STREET, BEING LOTS 1 & 2, BLOCK 2, J.C. LINNSTAEDT ADDITION (MICHAEL L. MOORE, OWNER); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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, Michael L. Moore (Owner) are granted a Specific Use Permit to allow the installation of ground mounted solar panels in an R-1 (One Family Residential) District at 1715 East King Street, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lots 1 & 2, Block 2, J.C. Linnstaedt Addition

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. The solar panels shall not exceed eight feet in height.

4. The minimum setback requirement shall be 60' from the front property line, 5' from the side and rear property line and 6' from any other structures and cannot be located inside any drainage or utility easements.
5. Shall comply with all zoning district setback and lot coverage requirements.
6. A building permit shall be approved before the solar panel system shall be erected, constructed or installed.
7. A building permit shall also be required for any physical modification to an existing solar panel system.
8. The solar panel system must comply with applicable adopted construction codes and amendments including but not limited to the 2009 International Energy Conservation Code, the 2009 International Residential Code, the 2011 National Electrical Code and the 2009 International Fire Code.
9. The solar panel system shall meet or exceed current standards and regulations of the FAA and any other agency of the State or Federal Government with the authority to regulate solar panel systems.
10. The solar panel system shall be maintained by the owner at all times so that it does not create a nuisance or a safety issue for surrounding property owners.
11. The solar panels shall be designed and located to avoid glare or reflection onto adjacent properties and roadways and shall not interfere with traffic or create a safety hazard.
12. If the solar panel system has been inactive for a continuous 12 month period it shall be removed.
13. Screening of the solar panel system is required by a solid screening fence or wall that meets City Code.
14. Engineered drawings shall be provided for the solar panels and the electrical work to obtain a building permit.
15. The solar panel system shall be installed by qualified licensed installers.
16. Review the zoning and development ordinance for additional requirements.
17. 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:

18. The solar panel system shall be enclosed by a fence.

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 _____, 2015.

ADOPTED on this the _____ day of _____, 2015.

EFFECTIVE DATE on this the _____ day of _____, 2015.

CITY OF SHERMAN, TEXAS

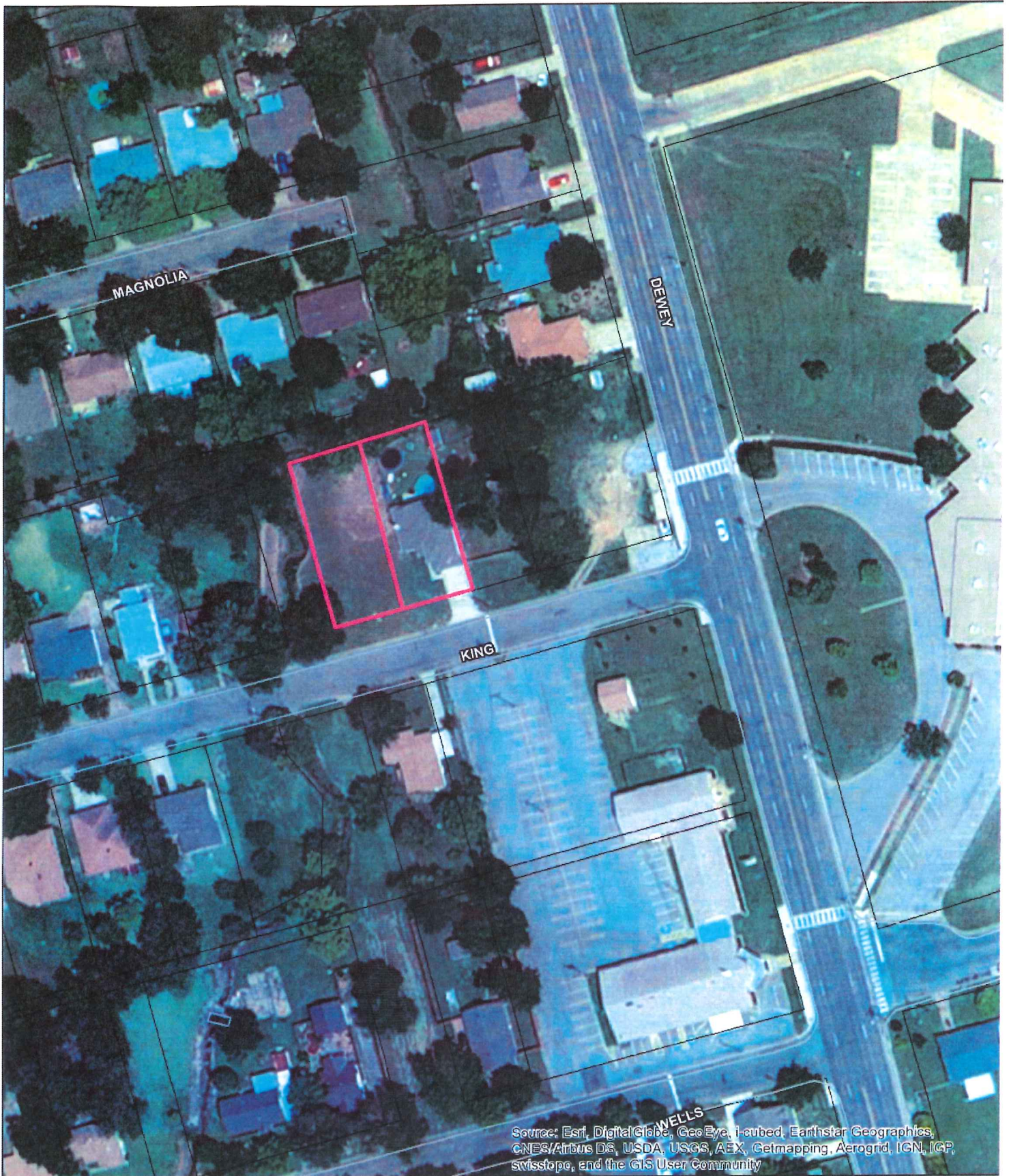
BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Sherman
CLASSIC TOWN BROAD HORIZON

City of Sherman, Texas
Developmental Services Department

1715 E. King



NOT TO SCALE

1 inch = 93 feet



Zoning - 1715 E. King

Legend

Transportation Corridors Overlay DISTRICT_NAME

HWY_NAME

FM 1417

Sam Rayburn Freeway

US Hwy 82 and 75

Special Districts Overlay

Arts and Cultural District

Blalock Commercial Overlay District

Central Business District

College Park District

Downtown Overlay District

Historic Preservation District

ZONING PARCELS

Zoning Classification

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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 80 ft

1715 E. King

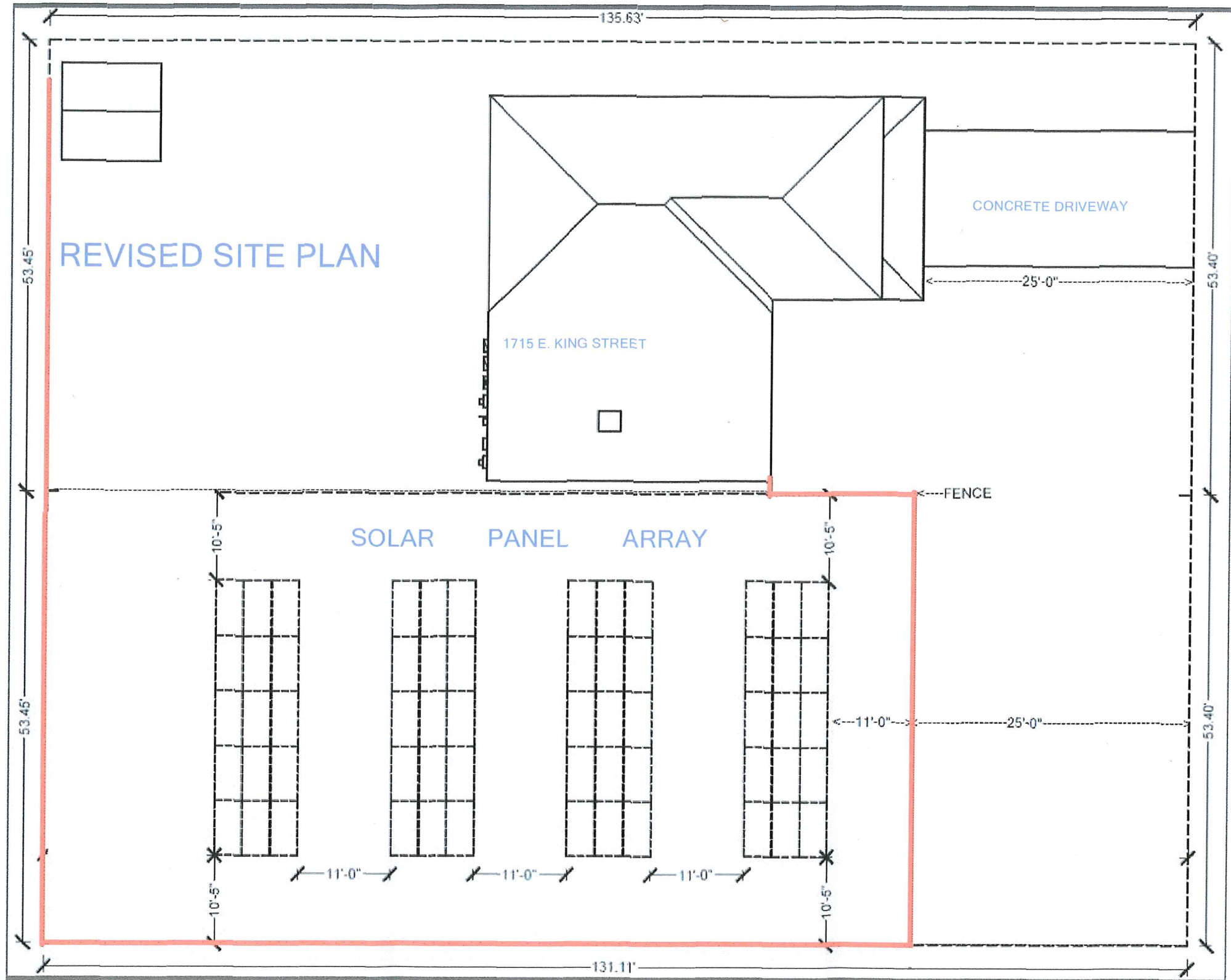


PROJECT SPECIFIC USE NARRATIVE

Proposed project is a new residential ground mounted solar panel array to be located on our property behind a locked privacy fence to produce up to 70 to 100% of our yearly electricity use. This array is to be for our own private use. It utilizes the latest technology in solar panels and installation parts, with an above average warranty. The project will be assembled per guidelines set by the City of Sherman. Included per request of the city is a street view of our house and location of the solar array behind a privacy fence to show what it would look like from the street. As you can see from the photo, there is only a slight amount of the solar array that can be seen above the fence line, in which is not a distraction by all means. This solar array is approved and recommended by ONCOR/TXU for use in our area. There are no hazards, emissions, or any harmful effects to the environment from solar panel arrays. There are many extreme benefits that help the environment through the use of a residential solar array. Below are examples of a few that just this project alone will produce.

The proposed solar array will generate significant environmental benefits. These come primarily from avoided power plant emissions. Below is a summary of yearly environmental benefits that this proposed solar array will provide:

Equivalent vehicles taken off the road	3.90
Equivalent gallons of gasoline	2,450
Acres of forest growth saved	16.2
Equivalent number of trees saved	492
Barrels of oil NOT consumed	48.5







STAFF REVIEW LETTER

May 13, 2015

Michael Moore
1715 E. King
Sherman, TX 75090

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow the installation of ground mounted solar panels in an R-1 (One Family Residential) District for the property located at 1715 East King Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 19, 2015 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 R-1 (One Family Residential) District must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. The solar panels shall not exceed eight feet in height.
4. The minimum setback requirement shall be 60' from the front property line, 5' from the side and rear property line and 6' from any other structures and cannot be located inside any drainage or utility easements.
5. Shall comply with all zoning district setback and lot coverage requirements.
6. A building permit shall be approved before the solar panel system shall be erected, constructed or installed.
7. A building permit shall also be required for any physical modification to an existing solar panel system.
8. The solar panel system must comply with applicable adopted construction codes and amendments including but not limited to the 2009 International Energy Conservation Code, the 2009 International Residential Code, the 2011 National Electrical Code and the 2009 International Fire Code.
9. The solar panel system shall meet or exceed current standards and regulations of the FAA and any other agency of the State or Federal Government with the authority to regulate solar panel systems.
10. The solar panel system shall be maintained by the owner at all times so that it does not create a nuisance or a safety issue for surrounding property owners.
11. The solar panels shall be designed and located to avoid glare or reflection onto adjacent properties and roadways and shall not interfere with traffic or create a safety hazard.
12. If the solar panel system has been inactive for a continuous 12 month period it shall be removed.
13. Screening of the solar panel system is required by a solid screening fence or wall that meets City Code.
14. Engineered drawings shall be provided for the solar panels and the electrical work to obtain a building permit.
15. The solar panel system shall be installed by qualified licensed installers.
16. Review the zoning and development ordinance for additional requirements.
17. 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., City Engineer

Jamie Baggs, Fire Marshal
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator



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

Agenda Item No. 6.

Meeting Date: 05/19/2015

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Ron Barton, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Requested Action/Proposed Use:

1715 E. KING

The request of Michael L. Moore (Owner) concerning the property at 1715 East King Street, being Lots 1 & 2, Block 2, J.C. Linnstaedt Addition, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5) (a) to allow the installation of ground mounted solar panels in an R-1 (One Family Residential) District.

Background:

This item was moved from the April 21, 2015, Planning and Zoning Commission Meeting. The property is located at 1715 East King Street between Loving and Dewey Avenues. The owner would like to erect 60 ground mounted solar panels on the lot next to his residence to be used for his residential dwelling.

A solar panel system is a combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy for the purpose of generating electricity. A ground mounted solar panel system is a solar panel system with supporting framework that is placed on, or anchored in the ground and is independent of any building or other structure.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

Michael Moore (Owner)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

11

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Photo

Narrative

Site Plan

Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 3.

Meeting Date: 06/15/2015

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5880

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District at 529 South Crockett Street, being 0.310 acres in the Samuel Blagg Survey, Abstract No. 56 (Kent Hughlett, Owner; David Fite Surveying, Surveyor); 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 Kent Hughlett (Owner) and David Fite Surveying (Surveyor) concerning the property located at 529 South Crockett Street, being 0.310 acres in the Sameul Blagg Survey, Abstract No. 56, to allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District

Background:

The property is located at 529 South Crockett Street, the northeast corner of Crockett and King Streets. A Certificate of Appropriateness was granted at the November 25, 2013 Historical Preservation Board Meeting for the exterior colors, gutters, fence, garage, fireplace chimney caps and recommendations to the Planning and Zoning Commission to allow a bed and breakfast. At the April 20, 2015 City Council Meeting, an encroachment easement was granted to place a decorative fence within the South Crockett Street right-of-way.

The owners are currently remodeling the house; and they would like to open a Bed and Breakfast (two rooms) at this location.

Origination:

Kent Hughlett (Owner)

David Fite Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 19, 2015 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 5880

Location Map

Zoning Map

Zoning Photo

Site Plan

Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 5880

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 BED AND BREAKFAST IN AN R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT/HISTORIC PRESERVATION DISTRICT AT 529 SOUTH CROCKETT STREET, BEING 0.310 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 (KENT HUGHLETT, OWNER; DAVID FITE SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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, Kent Hughlett (Owner) and David Fite Surveying (Surveyor) are granted a Specific Use Permit to allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District at 529 South Crockett Street, 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 Samuel Blagg Survey, Abstract No. 56, in the City of Sherman, Grayson County, Texas, and being known as that tract of land described in a Deed to Cynthia L. Nelson as recorded in Volume 3803, Page 913 of the Official Public Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a cut "X" found for corner in a sidewalk at the intersection of the North line of King Street with the East line of Crockett Street and being the Southwest corner of said Nelson tract;

THENCE North 16 deg. 00 min. 00 sec. West (Directional Control Line) with the East line of Crockett Street, a distance of 96.05 feet to a 3/8" iron rod found for corner on the South side of a sidewalk at the Northwest corner of said Nelson tract;

THENCE North 74 deg. 04 min. 45 sec. East along the south side of said sidewalk and with the North line of said Nelson tract, a distance of 140.00 feet to a point for corner at the Northeast corner of said Nelson tract;

THENCE South 15 deg. 57 min. 28 sec. East with the East line of said Nelson tract, passing a 3/8" iron rod found on the edge of a building and at the base of a Bois D'Arc post at a distance of 30.77 feet and continuing for a total distance of 96.96 feet to a concrete monument found for corner on the North line of King Street at the Southeast corner of said Nelson tract;

THENCE South 74 deg. 27 min. 07 sec. West with the North line of King Street, a distance of 139.93 feet to the **POINT OF BEGINNING and containing 0.310 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 R-2 (Multi-Family Residential) District, the Historic Preservation District, the Residential Tree and Landscaping Ordinance and the sign ordinance must be followed.
- 2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
- 3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
- 4. Parking is permitted on a dust free surface only (concrete or asphalt).
- 5. All parking shall be on private property and shall not encroach into Crockett or King Street right-of-way.
- 6. The fence shall be maintained at all times.
- 7. Review the zoning and development ordinance for additional requirements.
- 8. 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:

- 9. Drive approaches and sidewalks shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.

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 _____, 2015.

ADOPTED on this the _____ day of _____, 2015.

EFFECTIVE DATE on this the _____ day of _____, 2015.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

529 S. Crockett

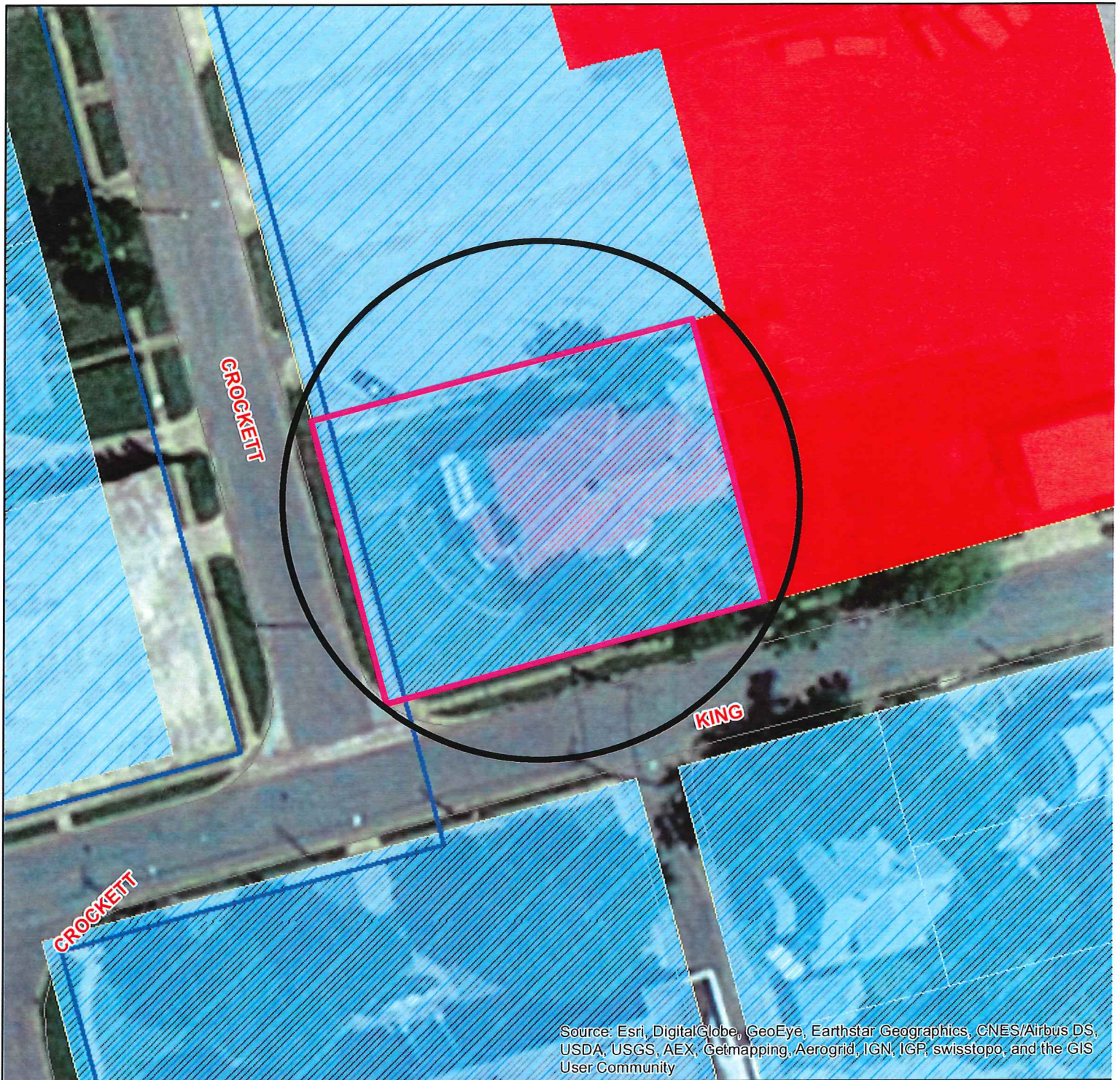
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 97 ft



Zoning - 529 S. Crockett

Legend

Transportation Corridors Overlay

HWY_NAME

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75

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

ZONING PARCELS

Zoning Classification

- 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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

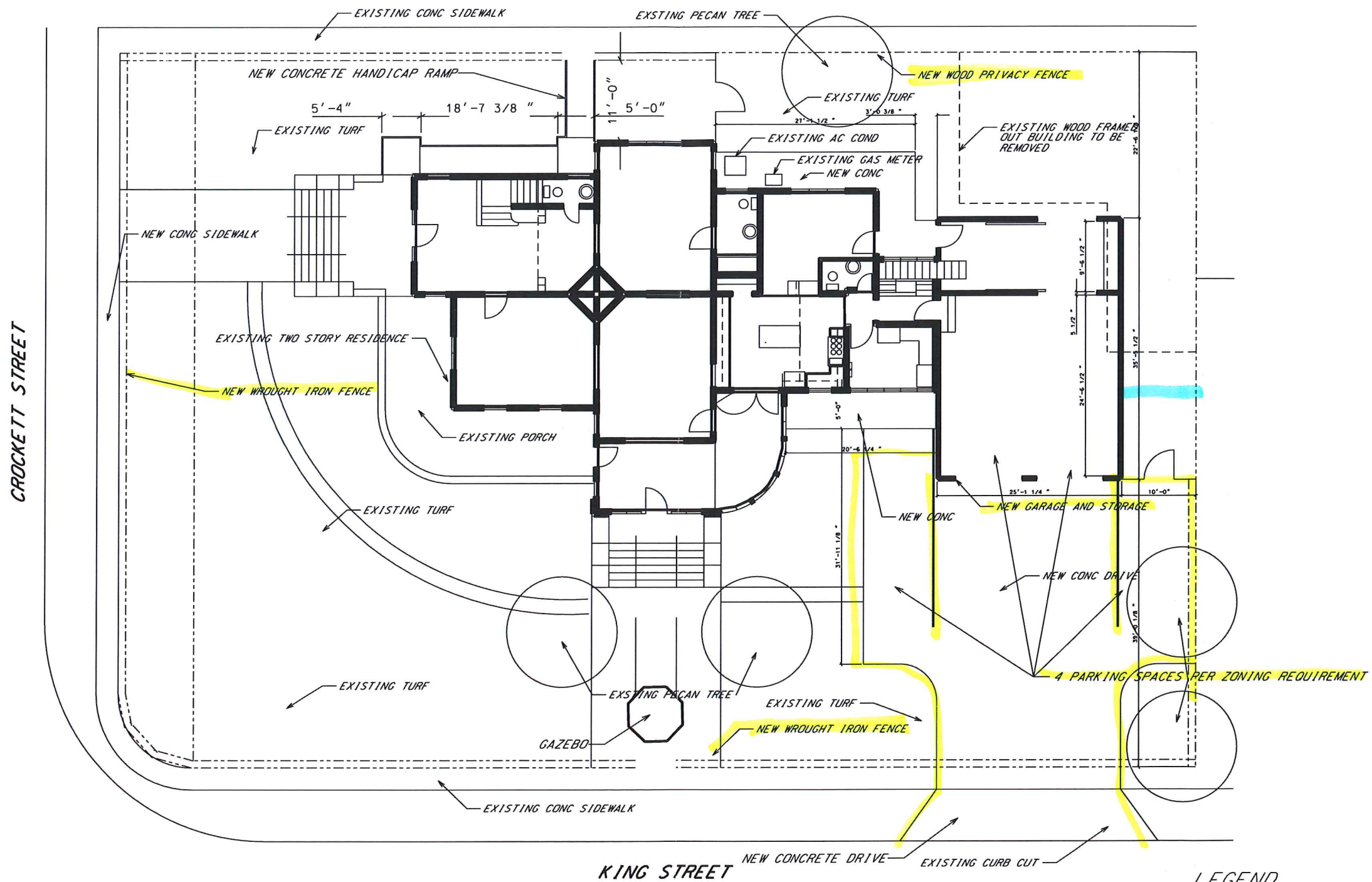


NOT TO SCALE

1 in = 49 ft

529 S. Crockett





SITE PLAN
 SCALE: 1/16" = 1'-0"

LEGEND

----- PROPERTY LINE

□ BUILDING LINE

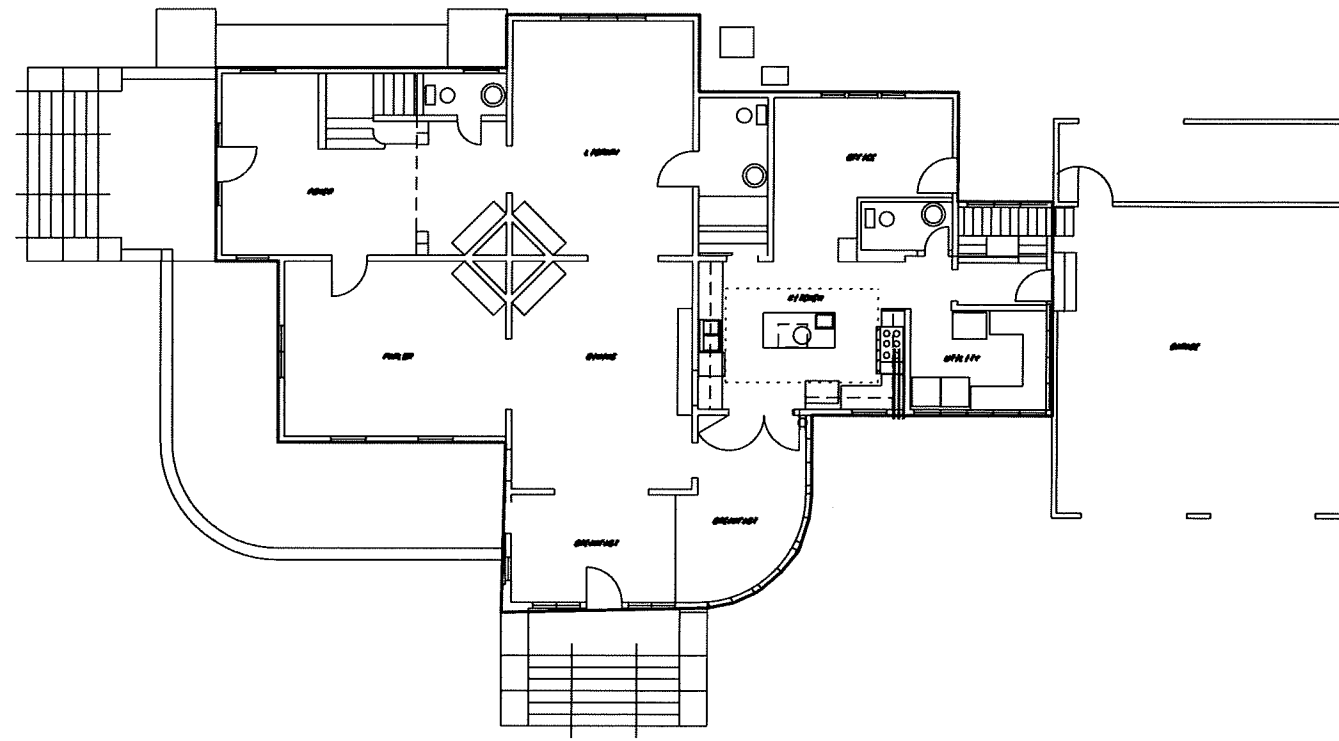


KENT HUGHLETT, ARCHITECT PLLC
 109 ARROWHEAD DRIVE
 GUNTER, TEXAS 75058
 972-743-8398 RKHUGHLETT@GMAIL.COM

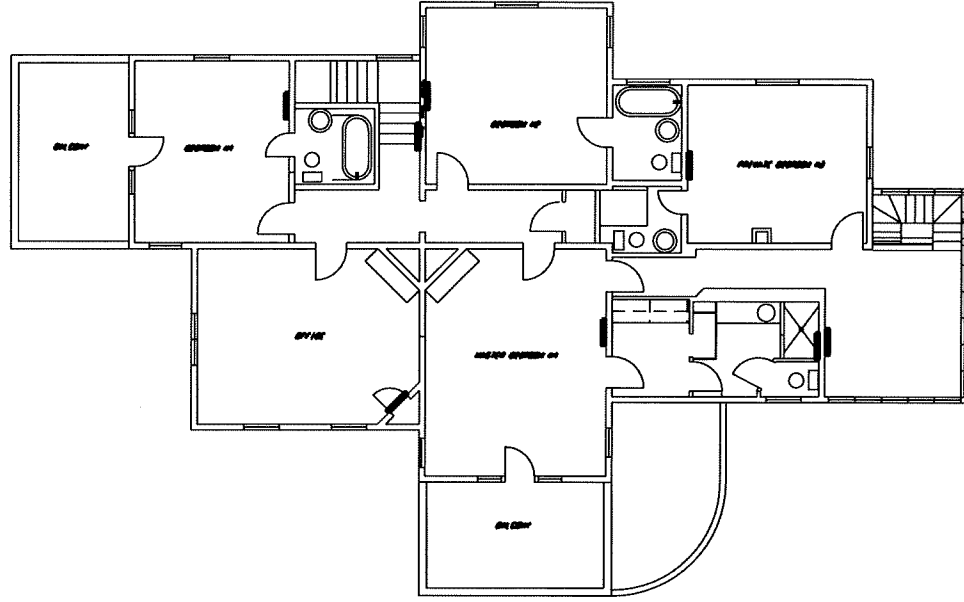
HUGHLETT RESIDENCE
 529 S. CROCKETT
 SHERMAN, TEXAS



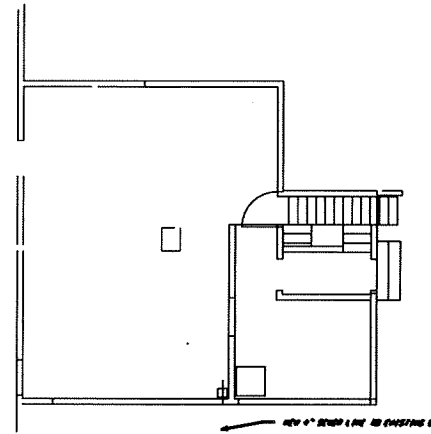
NOV. 15, 2013



FIRST FLOOR PLAN
DATE: 10/15/13



SECOND FLOOR PLAN
DATE: 10/15/13



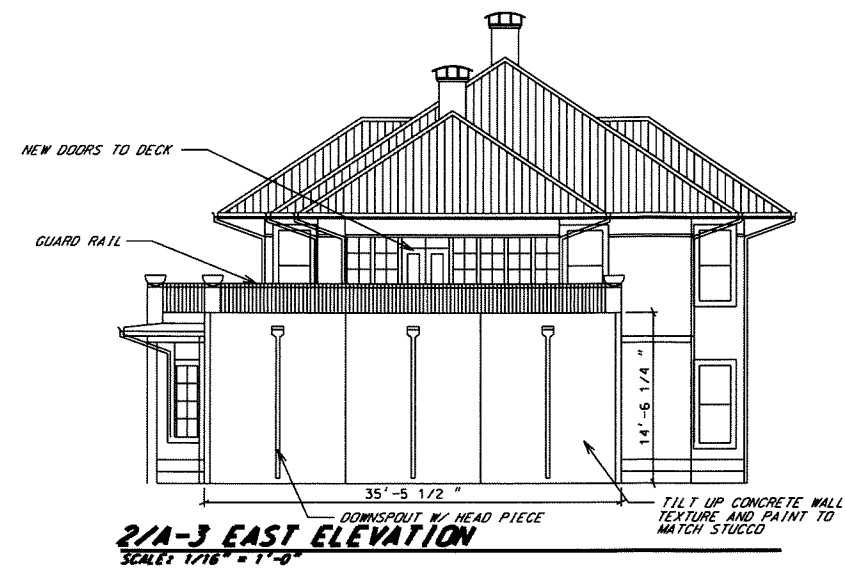
BASMENT FLOOR PLAN
DATE: 10/15/13

HUGHLETT RESIDENCE
529 S. CROCKETT STREET
SHERMAN, TEXAS

KENT HUGHLETT, ARCHITECT PLLC
109 ARROWHEAD DRIVE
GUNTER, TEXAS 75058
972-743-8398 KKHUGHLETT@GMAIL.COM

A-1

NOV. 15, 2013



KENT HUGHLETT, ARCHITECT PLLC
109 ARROWHEAD DRIVE
GUNTER, TEXAS 75058
972-743-8398
KHUGHLETT@GMAIL.COM

HUGHLETT RESIDENCE
529 S. CROCKETT STREET
SHERMAN, TEXAS



NOV. 15, 2013

STAFF REVIEW LETTER

May 13, 2015

Kent Hughlett
PO Box 423
Gunter, TX 75058

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District for the property located at 529 South Crockett Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 19, 2015 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 R-2 (Multi-Family Residential) District, the Historic Preservation District, the Residential Tree and Landscaping Ordinance and the sign ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
4. Parking is permitted on a dust free surface only (concrete or asphalt).
5. All parking shall be on private property and shall not encroach into Crockett or King Street right-of-way.
6. The fence shall be maintained at all times.
7. Review the zoning and development ordinance for additional requirements.
8. 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:

9. Drive approaches and sidewalks shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.

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

P&Z Meeting – May 19, 2015 – 529 S. Crockett –SUP

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., City Engineer

Jamie Baggs, Fire Marshal
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator



Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 10.

Meeting Date: 05/19/2015

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Ron Barton, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Requested Action/Proposed Use:

529 S. CROCKETT

The request of Kent Hughlett (Owner) and David Fite Surveying (Surveyor) concerning the property located at 529 South Crockett Street, being 0.310 acres in the Samuel Blagg Survey, Abstract No. 56, as follows:

Board of Adjustments

- Exception under Ordinance No. 2280, Section 6.3 to permit a 6' wrought iron fence inside the existing concrete sidewalk along Crockett and King Streets in an R-2 (Multi-Family Residential) District/Historic Preservation District.
- Variance under Ordinance No. 2280, Section 6.3, Subsection (1) to allow a 10' rear setback for an attached garage in lieu of the required 25' in an R-2 (Multi-Family Residential) District/Historic Preservation District.

Planning and Zoning Commission

Specific Use Permit and site plan approval under Section 8, Subsection (5)(a) to allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District.

Background:

The property is located at 529 South Crockett Street, the northeast corner of Crockett and King Streets. A Certificate of Appropriateness was granted at the November 25, 2013, Historical Preservation Board Meeting for the exterior colors, gutters, fence, garage, fireplace chimney caps and recommendations to the Planning and Zoning Commission to allow a bed and breakfast. At the April 20, 2015, City Council Meeting, an encroachment easement was granted to place a decorative fence within the South Crockett Street right-of-way.

The owners are currently remodeling the house and they would like to open a Bed and Breakfast (2 rooms) at this location. They would also like to construct an attached garage, 10' from the rear property line and erect a 6' wrought iron fence in the South Crockett Street right-of-way.

Adjacent Zoning:

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

Origination:

Kent Hughlett (Owner)

David Fite Surveying (Surveyor)

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:

8

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Photo

Survey

Site Plan

Elevations

Resolution 5966

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 4.

Meeting Date: 06/15/2015

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5881

Closing and Vacating a Certain Easement in the D.C. Shelp Survey, Abstract No. 1097, in the City of Sherman, Grayson County, Texas; Providing for the Reversion of Interest to the Owner of Said Property

Issue:

It is necessary to close and vacate an easement in the D.C. Shelp Survey, Abstract No. 1097

Background:

The easement was obtained for the Sears Gravity Sewer Project in the City of Sherman. The route was changed and a second easement was obtained. This easement will not be utilized and is no longer necessary.

Origination:

Utility Services

Financial Consideration:

A minimal filing fee at Grayson County.

Staff Recommendation:

It is recommended that the City Council approve closing and vacating the sanitary sewer easement and the reversion of interest to the property owner, Michele A. Garson.

Alternatives:

The City Council could retain the easement.

Attachments

Ordinance No. 5881

Exhibits "A" and "B"

Location Map

ORDINANCE NO. 5881

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND VACATING A CERTAIN EASEMENT IN THE D.C. SHELPS SURVEY, ABSTRACT NO. 1097, IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, PROVIDING FOR THE REVERSION OF INTEREST TO THE OWNER OF SAID PROPERTY; 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:

WHEREAS, the owner of the subject property is Michele A. Garson; and

WHEREAS, said owner has requested that the easement hereinafter described be closed and vacated.

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

SECTION 1. That the hereinafter described sanitary sewer easement in the D.C. Shelp Survey, Abstract No. 1097, City of Sherman, Grayson County, Texas, be and the same is hereby extinguished, vacated, closed and permanently abandoned as an easement for public utilities, as described in Exhibit "A" and shown in Exhibit "B".

SECTION 2. That fee title to such land be and is hereby released and shall revert to the owner of said property as provided by law.

SECTION 3. 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 _____, 2015.

ADOPTED on this the _____ day of _____, 2015.

EFFECTIVE DATE on this the _____ day of _____, 2015.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

**EXHIBIT A
LEGAL DESCRIPTION
MICHELE A. GARSON
PERMANENT SANITARY SEWER EASEMENT**

Being a 0.082 acre (3,592 square feet) tract of land, situated in the D.C. Shelp Survey, Abstract 1097, City of Sherman, Grayson County, Texas, and being a portion of a 8.2 tract of land conveyed by deed to Michele A. Garson, as recorded in Volume 4254 Page 674 of the Deed Records of Grayson County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the east corner of said 8.2 acre tract, said corner being the intersection of the southwest right-of-way (ROW) of Grayson Road (FM 691) and the centerline of Theresa Drive;
THENCE South 40 degrees 26 minutes 05 seconds West along the common line of said centerline and the southeast line of said 8.2 acre tract a distance of 938.17 feet to the **POINT OF BEGINNING**;

THENCE FROM THE POINT OF BEGINNING South 40 degrees 26 minutes 05 seconds West continuing along said common line a distance of 20.00 feet to a point for a corner;

THENCE North 48 degrees 37 minutes 44 seconds West departing said common line a distance of 33.82 feet to a point for a corner;

THENCE North 12 degrees 56 minutes 36 seconds West a distance of 110.70 feet to a point for a corner in the west line of said 8.2 acre tract and the east line of a 21.144 acre tract as conveyed to Lattimore Materials Company, LP as recorded in Volume 3420, Page 885 of the Deed Records of Grayson County, Texas;

THENCE North 00 degrees 32 minutes 55 seconds East along the common line of said 21.144 acre tract and said 8.2 acre tract a distance of 85.72 feet to a point for a corner;

THENCE South 12 degrees 56 minutes 36 seconds East departing said common line a distance of 187.62 feet to a point for corner;

THENCE South 48 degrees 37 minutes 44 seconds East a distance of 27.05 feet to the **POINT OF BEGINNING**; containing 0.082 acres (3,592 square feet), more or less.

A 50 foot-width temporary construction easement is dedicated as shown on Exhibit "B".

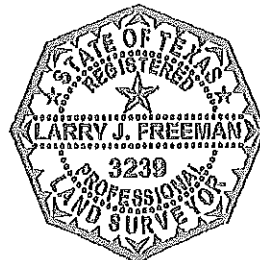
BASIS OF BEARINGS:

GPS OBSERVATION NAD 83, TEXAS NORTH CENTRAL ZONE GRID NORTH

PREPARED UNDER MY PERSONAL SUPERVISION


LARRY J. FREEMAN, R.P.L.S. NO. 3239

DATE: 3-21-14



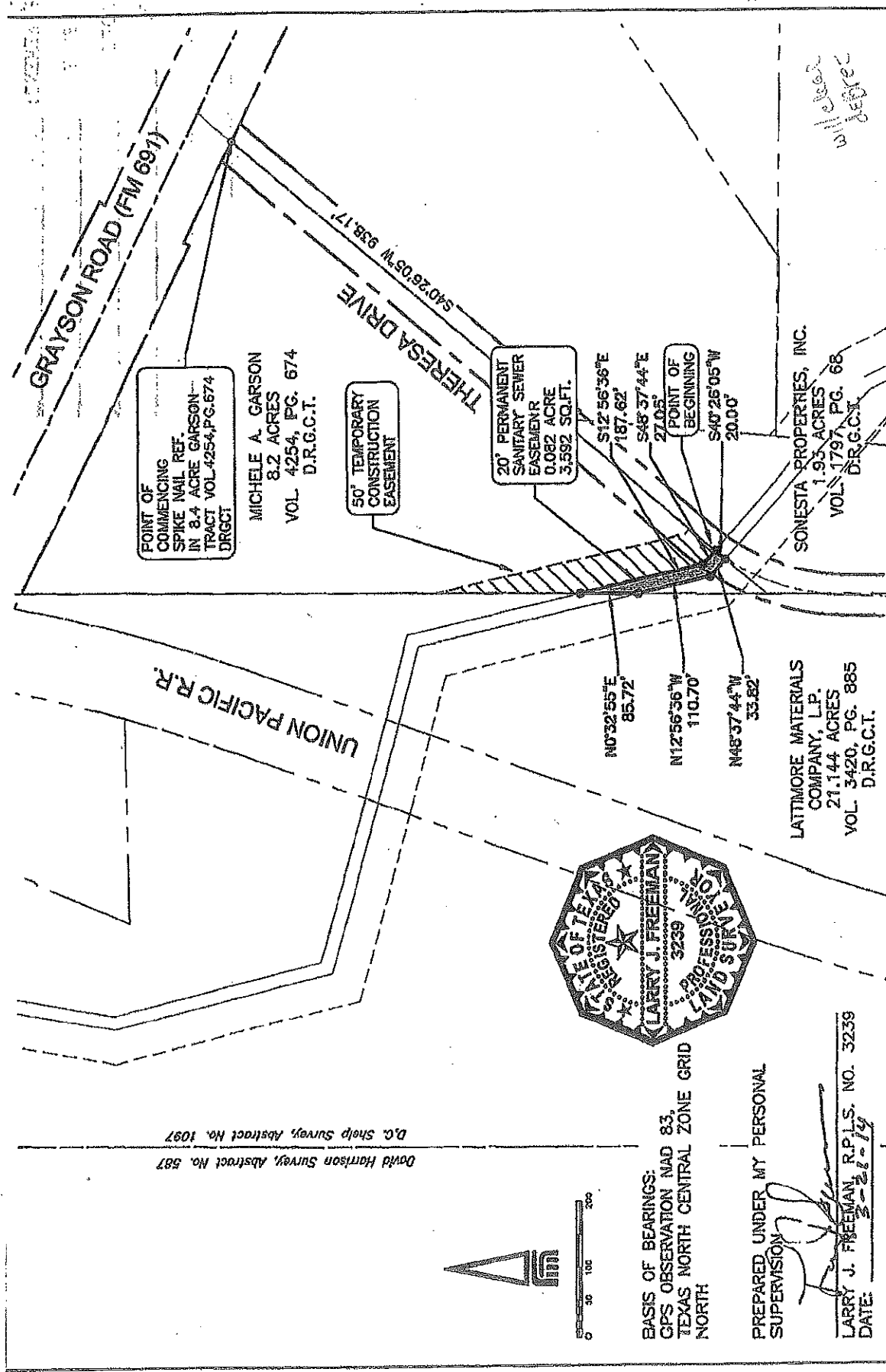


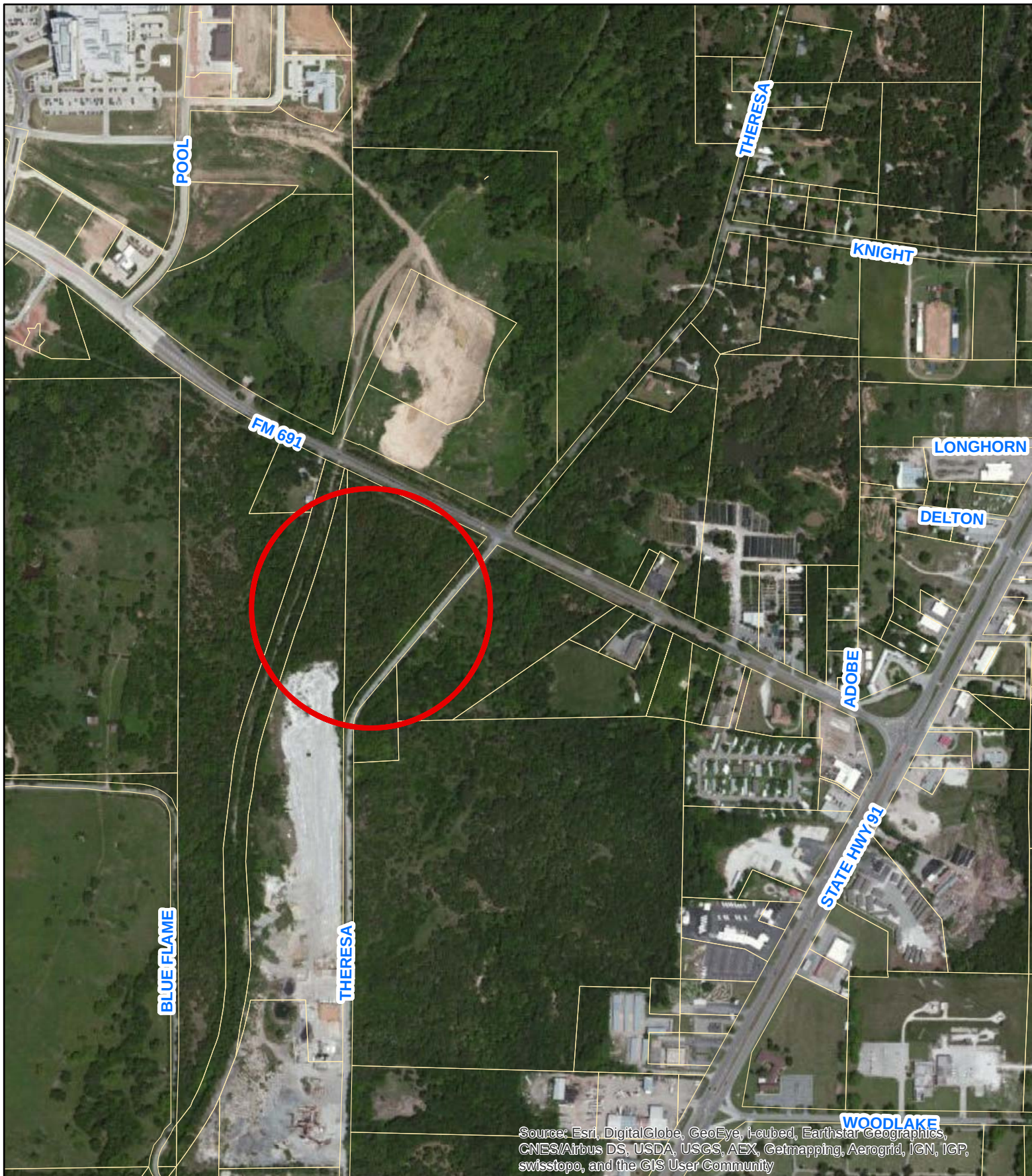
EXHIBIT "B"

SEARS LIFT STATION RELIEF SEWER

04 - MICHELE A. GARSON

Freeman-Millican, Inc.
ENGINEERS - ARCHITECTS - PLANNERS

12160 N. LBJ PARKWAY, SUITE 508 DALLAS, TEXAS 75243 TEL: 214.593.0353 FAX: 214.593.0353





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 5.

Meeting Date: 06/15/2015

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5882

Creating a Charter Review Commission in the City

Issue:

The creation of a Charter Review Commission and defining its charge

Background:

At the June 1st meeting, the City Attorney made a presentation on the process required to amend the City Charter for a possible special election on November 3, 2015. The City Charter, at Section 15(a), requires that a Charter Review Commission be created by ordinance.

City staff is now undergoing the process of reviewing the City Charter for needed amendments; and the City Attorney would like the Mayor to appoint certain Council members to a Charter Review Commission for the same purpose. The Commission members would review the Charter and return to the City Council on August 3rd with recommended alterations, revisions or amendments. The Commission would cease to function on December 31, 2015.

Origination:

Brandon S. Shelby, City Attorney

Financial Consideration:

There is no financial impact as members would receive no compensation for serving on this Commission.

Staff Recommendation:

Adopt the ordinance to create the Charter Review Commission and approve, by motion and order, the City Attorney's drafting of amendments to the City Charter.

Alternatives:

The Council could decide to forego amendment of the City Charter.

Attachments

Ordinance No. 5882

City Charter, Article X, Section 15, "Charter amendment"

ORDINANCE NO. 5882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A CHARTER REVIEW COMMISSION IN THE CITY; 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, Section 15(a) of the Charter of the City of Sherman, Texas provides that amendments to the charter may be framed and proposed by report of a charter commission created by ordinance; and

WHEREAS, the City Council of the City of Sherman, Texas desires to create a Charter Review Commission for said purpose;

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

SECTION 1. That this Council hereby creates a Charter Review Commission in accordance with Section 15 (a) of the Charter of the City of Sherman, Texas.

SECTION 2. That the Charter Review Commission shall consist of no more than three (3) members of current City Council.

SECTION 3. That appointments to the Charter Review Commission shall be made by the Mayor in accordance with the existing Charter.

SECTION 4. That the Charter Review Commission shall, not later than August 3, 2015, present to the entire City Council body its recommendations, if any, of alterations, revisions or amendments to the Charter of the City.

SECTION 5. That members of the Charter Review Commission shall serve without compensation.

SECTION 6. That the Charter Review Commission shall cease to function on December 31, 2015.

SECTION 7. 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 8. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. 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 _____, 2015.

ADOPTED on this the _____ day of _____, 2015.

EFFECTIVE DATE on this the _____ day of _____, 2015.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

ARTICLE X. GENERAL PROVISIONS

Section 15. Charter amendment.

- (a) *Proposal of amendment.* Amendments to this charter may be framed and proposed:
- (1) In the manner provided by law,
 - (2) By ordinance of the council containing the full text of the proposed amendment and effective upon adoption, or
 - (3) By the voters of the city, or
 - (4) By report of a charter commission created by ordinance.

Proposal of an amendment by the voters of the city shall be by petition containing the full text of the proposed amendment, and shall be governed by the same procedures and requirements prescribed in Article IX for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by qualified voters of the city equal in number to at least ten percent (10%) of the total number of qualified electors registered to vote at the last regular city election. The petitioners' committee may withdraw the petition at any time before the 15th day immediately preceding the day scheduled for the city vote on the amendment.

(b) *Election for amendments.* Upon delivery to the city election authorities of the report of a charter commission or committee, or delivery by the city attorney of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to subsection (a), the election authorities shall submit the proposed amendment(s) to the voters of the city at an election. Such election shall be announced by a notice containing a substantial copy of the proposed amendment(s) and shall be published on the same day in each of two (2) successive weeks in a newspaper of general circulation, with the first publication occurring before the 14th day before the date of the election. Each amendment will not contain more than one subject. The election shall be held on the first authorized uniform election date prescribed by the Election Code and that occurs on or after the 30th day after the date the ordinance is adopted. If no regular election is to be held within that period, the council shall provide for a special election on the proposed amendment(s); otherwise the holding of a special election shall be within the discretion of the council. The form of ballot shall be as specified in Article III, Section 5.

(c) *Adoption of amendment.* If a majority of the qualified voters of the city voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective upon entry of an order by the municipality declaring that the charter amendment is adopted.

(d) *Adoption of a new charter.* A new charter may be framed pursuant to the procedures as prescribed by state law.

(Ordinance 4267, sec. 2, adopted 1/16/93)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 6.

Meeting Date: 06/15/2015

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5883

Amending Chapter 2 of the Code of Ordinances, entitled "Animal Control," at Article 2.01, entitled "General Provisions," at Sections 2.01.010 and 2.01.011; Providing an Effective Date

Issue:

Proposed amendments to the City's animal control code provisions pertaining to the keeping of livestock within the city limits

Background:

At the June 2, 2014, October 6, 2014, and December 1, 2014 meetings, the City Council heard concerns from a citizen regarding her neighbor's pygmy goats. At the December 1st meeting, in response, the City Council directed staff to research the practices and ordinances of neighboring municipalities as guidance for keeping livestock within the city limits. Research has revealed that there is no uniform model to look to for guidance. Each municipality seems to have developed an ordinance that best fits its own needs; and these ordinances vary greatly from municipality to municipality. A proposed draft ordinance revising the City's current livestock ordinance was recently presented to a Council subcommittee and, based on that feedback and the research performed by City staff, the staff recommended to the City Council at the June 1st meeting modifications to the livestock ordinance contained in the Sherman Code of Ordinances at Sections 2.01.010 and 2.01.011. Council provided direction regarding a proposed effective date and enforcement provisions. The Ordinance as presented is based on those instructions.

Origination:

City Council

Financial Consideration:

Negligible

Staff Recommendation:

The staff recommends the City Council adopt the proposed ordinance.

Alternatives:

The Council may direct the staff to bring forward further changes to the City's animal control code provisions or leave the current code unchanged.

Attachments

Ordinance No. 5883

ORDINANCE NO. 5883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL," AT ARTICLE 2.01, ENTITLED "GENERAL PROVISIONS," AT SECTIONS 2.01.010 AND 2.01.011; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 2, Article 2.01 of the Code of Ordinances of the City of Sherman, Texas, be amended at Section 2.01.010 to read as follows:

Sec. 2.01.010 Livestock in residential areas

It shall be unlawful for any person to keep or cause to be kept any livestock including but not limited to horses, mules, donkeys, cattle, goats, sheep, swine or llamas regardless of *size*, age, breed or sex on any lot, tract or parcel of land of less than one (1) acre within the city. *Upon inspection, a seven-day notice of a violation of this section shall be sent to the owner or occupants of a particular tract of land found to be in violation. If the violation is not cured within the fourteen (14) days, a civil fine may be levied by the city. A violation of this section shall cause a civil penalty of not less than one hundred dollars (\$100.00) and no more than two hundred dollars (\$200.00) for each day the violation continues.*

SECTION 2. That Chapter 2, Article 2.01 of the Code of Ordinances of the City of Sherman, Texas, be amended at Section 2.01.011 to read as follows:

Sec. 2.01.011 ~~Small livestock and fowl~~ Fowl in residential areas

- (a) It shall be unlawful to keep or cause to be kept more than ten (10) ~~small livestock or fowl~~ including but not limited to ~~rabbits~~, chickens, turkeys, ducks, geese, peacocks or pheasants regardless of age, breed or sex on any lot, tract or parcel of land of less than one (1) acre within the city.
- (b) ~~Small livestock/fowl~~ Fowl must be contained within a pen or enclosure at all times. Enclosures and pens shall be located a minimum of fifteen (15) feet inside the property line of the keeper, owner or possessor of such ~~small livestock or fowl~~.
- (c) *Upon inspection, a seven-day notice of a violation of this section shall be sent to the owner or occupants of a particular tract of land found to be in violation. If the violation*

is not cured within the fourteen (14) days, a civil fine may be levied by the city. A violation of this section shall cause a civil penalty of not less than one hundred dollars (\$100.00) and no more than two hundred dollars (\$200.00) for each day the violation continues.

SECTION 3. That this ordinance shall become effective on the 1st day of January, 2016.

SECTION 4. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

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

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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 _____, 2015.

ADOPTED on this the _____ day of _____, 2015.

EFFECTIVE DATE on the 1st day of January, 2016.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY,
CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 7.

Meeting Date: 06/15/2015

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5879, 5880, 5881, 5882 and 5883

Issue:

- B.2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5879**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow the Installation of Ground Mounted Solar Panels in an R-1 (One Family Residential) District at 1715 East King Street, being Lots 1 & 2, Block 2, J.C. Linnstaedt Addition (Michael L. Moore, Owner); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00
- B.3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5880**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Bed and Breakfast in an R-2 (Multi-Family Residential) District/Historic Preservation District at 529 South Crockett Street, being 0.310 acres in the Samuel Blagg Survey, Abstract No. 56 (Kent Hughlett, Owner; David Fite Surveying, Surveyor); 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. 5881**
Closing and Vacating a Certain Easement in the D.C. Shelp Survey, Abstract No. 1097, in the City of Sherman, Grayson County, Texas; Providing for the Reversion of Interest to the Owner of Said Property
- B.5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5882**
Creating a Charter Review Commission in the City
- B.6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5883**
Amending Chapter 2 of the Code of Ordinances, entitled "Animal Control," at Article 2.01, entitled "General Provisions," at Sections 2.01.010 and 2.01.011; Providing an Effective Date
-



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. B. 8.

Meeting Date: 06/15/2015

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:

C.2. * RESOLUTION NO. 5978

Approving the 2015-2019 Five-Year Consolidated Plan & Strategy and Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Program Year 2015; Authorizing Submission of the Five-Year Consolidated Plan & Strategy and the One-Year Action Plan; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Program Year 2015

C.3. * RESOLUTION NO. 5979

Authorizing Execution of a Developer's Agreement with Jova Inc. for Construction of Public Facilities in the C&M Addition to the City of Sherman

D.2. * OTHER BUSINESS

Authorizing a New Emergency Medical Service Provider named Texoma EMS to Provide Non-Emergency Ambulance Transfers within the City of Sherman

D.4. * OTHER BUSINESS

Replat Approval of Lots 64 and 65, Birge's 2nd Fairview Addition; containing 0.570 acres in the J.B. McAnair Survey, Abstract No. 763; Robert and Vicki Beeghly, Owners; and Underwood Drafting and Surveying, Surveyor (1126 West Hunt Street)

D.5. * OTHER BUSINESS

Site Plan Approval for Tyson Fresh Meats, Inc., Owners; and Geoff Bates, Bates & Associates, Inc., Engineer/Surveyor; under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Expansion of the Truck Parking Lot for Tyson Fresh Meats in the Blalock Industrial Park District at 4700 South U.S. Highway 75

D.6. * OTHER BUSINESS

Approval of M&K Dunlap Addition, a Replat of Part of Lot 1, Boyer & Lucas Addition, Part of Lots 18, 19 and 20 and All of Lots 6, 7, 8, 9, 10 and 11, Block 3, W.P. Carters Addition, and a Portion of the Alley released in Ordinance No. 3813, containing 0.508 acres in the J.B. McAnair Survey, Abstract No. 763; Melvin and Kimberly Dunlap, Owners; and Underwood Drafting and Surveying, Surveyor (908 and 910 North Broughton Street)

D.7. * OTHER BUSINESS

Approval of Nevins Addition, a Replat of Part of Lot 1, Block 1, Hare & Randolph's Addition; containing 0.33 acres in the Samuel Blagg Survey, Abstract No. 56; Katherine Nevins, Owner; and Sartin & Associates, Inc., Surveyor (602 and 606 South Travis Street)

D.8. * OTHER BUSINESS

Approval of Michael Moore Addition, a Replat of Lots 1 and 2, Block 2, J.C. Linnstaedt Addition; containing 0.327 acres in the G.B. Pilant Survey, Abstract No. 963; Michael L. Moore, Owner; and Underwood Drafting and Surveying, Surveyor (1715 East King Street)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 1.

Meeting Date: 06/15/2015

Prepared By: Don Keene, Director of Administration and Finance

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 5977

Approving the By-Laws of the Keep Sherman Beautiful Commission

Issue:

To amend the By-Laws of the Keep Sherman Beautiful Commission, as recommended by the Commission Members

Background:

The members of the Keep Sherman Beautiful Commission have requested that the By-Laws be amended to allow nine (9) members instead of seven (7).

Origination:

Keep Sherman Beautiful Commission

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is the staff's recommendation that the Council approve Resolution No. 5977 and the proposed revision to the Keep Sherman Beautiful Commission's By-Laws.

Alternatives:

The Council could choose not to make the suggested revision to the By-Laws.

Attachments

Resolution No. 5977

Current By-Laws with Proposed Amendment

RESOLUTION NO. 5977

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE BY-LAWS OF THE KEEP SHERMAN BEAUTIFUL COMMISSION; PROVIDING AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Keep Sherman Beautiful Commission (“Commission”) was organized on February 3, 1992 and ratified by Resolution No. 4043, to serve in an advisory capacity to the City Council; and

WHEREAS, Article VI of the By-Laws of the Commission require that any amendments thereto may be made at any regular City Council meeting, upon motion of the City Council or at the request of the Commission; and

WHEREAS, the By-Laws of the Commission were last amended by Resolution No. 5041, approved at the July 16, 2007 City Council meeting; and

WHEREAS, the Members of the Commission wish to amend Article II, Section 1 of the By-Laws to increase the composition from seven (7) members to nine (9) members;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby finds that the By-Laws of the Keep Sherman Beautiful Commission, a true copy of which is attached hereto as Exhibit “A” and made a part hereof for all purposes, have been adopted by the Members of the Commission and should be approved by the City Council.

SECTION 2. That the City Council of the City of Sherman, Texas, hereby approves the amended By-Laws of the Keep Sherman Beautiful Commission.

SECTION 3. That this resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

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 _____, 2015.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Current (Redlined) By-Laws
KEEP SHERMAN BEAUTIFUL COMMISSION
of the
CITY OF SHERMAN

BY-LAWS

ARTICLE I

Section 1. Name. The name of the organization shall be the “Keep Sherman Beautiful Commission, hereafter referred to as the “Commission,” which is an advisory commission to the City Council of the City of Sherman, Texas.

Section 2. Creation. The Commission was organized on February 3, 1992, as an advisory commission to the City Council of the City of Sherman, Texas and ratified by Resolution No. 4043.

Section 3. Purpose and Duties. The Commission shall function to assist the City Council and the City staff by involving individuals, businesses, and industries throughout the community to promote education and activities that encourage waste reduction, litter prevention, and beautification programs and projects in affiliation with the Keep Texas Beautiful objectives.

Section 4. Powers. In order to perform the duties enumerated in Section 3 above, the Commission shall have the following authority.

1. To plan, initiate, direct, and coordinate community-wide efforts to achieve its goals.
2. To solicit and accept donations and appropriations of money, services, products, property, and/or facilities for expenditure and use by the Commission for the accomplishment of its objectives as approved by the City Council.
3. To make recommendations to the City Council as well as the private sector, regarding measures, which it deems necessary to accomplish the objectives of both the City and the Commission.

ARTICLE II

Section 1. Structure. The Commission shall be composed of ~~seven (7)~~ **nine (9)** members who will serve without remuneration. The Commission shall have a Chairperson and a Vice-Chairperson.

Section 2. Membership. The members and Chairperson shall be appointed by the City Council with new terms beginning January 1 of each year. The President of the Sherman Chamber of Commerce or his/her authorized representative, the Director or the Downtown Sherman Preservation and Revitalization (DSP&R) or his/her authorized representative and the city staff designees shall serve as ex-officio members of the Commission.

Section 3. Committees: The City Council may direct the Chair to appoint temporary or special committees as needed to perform specific duties or to delegate certain tasks to be performed. A Committee shall include a least one Board Member and may include non-Board Members.

Sections 4. Voting Rights. Each member of the Commission shall have one (1) vote. The Chairperson shall vote only to break a tie. All voting shall be by voice vote or call for a roll call. Ex-officio members and members of temporary or special committees shall not have voting rights on the Commission.

ARTICLE III

Section 1. Meetings. Meetings of the Commission will be held at least bi-monthly at 5:30 p.m. in the Sherman City Council Chambers unless changed by the Commission, or when called by the Chairperson of the Commission, city staff designee, or by any three (3) Commission members. At least three (3) days' notice must be given before each meeting. All meetings shall be conducted in accordance with an agenda established for each meeting. The Commission shall submit to the City Council or city staff designee a copy of the minutes of each regular and special meeting with a list of members absent from such meeting.

Section 2. Open Meetings. All meetings shall be open to the public. Public notice of meetings shall be given at least 72 hours in advance of the meetings, as required by Chapter 551, Government Code of the State of Texas.

Section 3. Quorum. A simple majority of the total number of occupied Commission positions shall constitute a quorum for the transaction of business.

Section 4. Transaction of Business. Every act or decision done or made by a majority vote of the Commission members present at a duly called meeting at which a quorum is present shall be regarded as the act of the entire Commission.

Section 5. Order of Business. All meetings shall be conducted according to Roberts Rules of Order, current addition. It shall be the responsibility of each Commission member to observe that these rules are followed and the meeting conducted in accordance therewith.

ARTICLE IV

Section 1. Terms. All members shall be appointed for terms of two years, and shall not serve for more than three consecutive terms.

Section 2. Attendance and Participation. If a Commission member misses two meetings without notice and/or without good cause within a calendar year, after written notification by the Chairman, he/she shall automatically relinquish his/her place on the Commission. The Commission shall review the attendance and participation of all members, and report to the City Council at any time with a recommendation for appropriate City Council action. The City Council, on its own motion or at the request of the Commission, may remove any officer or member of the Commission at any time.

Section 3. Resignation. Any member may resign at any time by giving written notice to the Commission Chairperson. Such resignations will take effect on the date of receipt of such notice or at any later date specified therein. The acceptance of a resignation shall not be necessary to make it effective.

Section 4. Vacancies. A vacancy on the Commission shall be filled in the manner prescribed in Article 11, Section 2. The member appointed to such vacancy shall serve for the remainder of the term of the member replaced.

Section 5. Duties. The duties are as follows:

1. Commission Chairperson. The Commission Chairperson shall be the spokesperson for the Commission at public functions, and ex-officio member of all committees; shall establish an agenda for all meetings. In addition, the Commission Chairperson shall present reports to the Commission, its members, and to the City Council as the business of the Commission and of the City as may require.
2. Commission Vice-Chairperson. Acts in the place and stead of the Commission Chairperson in the event of the Chairperson's absence, inability, or refusal to act, and shall exercise and discharge such other duties as may be required by the Commission.
3. Recording Secretary. Shall keep the minutes of all meetings, and in the Recording Secretary's absence, the Chairman shall designate another member to act as Recording Secretary. The Recording Secretary may accept the assistance of City Personnel in the transcribing the minutes, when available, but shall sign same officially before presenting it to the Board for approval.
4. Committee Chairpersons. Shall perform such duties as may be required of them by the Commission.

ARTICLE V

Section 1. Management of Funds. As may be approved by the City Council from time to time, the Commission may receive and disburse funds within the limitations of appropriations, gifts and grants, and in connection with projects or undertakings, which shall be deposited with the City. All disbursements of funds must either be approved by the City Manager, if the expenditure is less than twenty-five thousand (\$25,000.00) dollars, or by the City Council, if the expenditure is more than twenty-five thousand (\$25,000.00) dollars. The Commission, upon approval of the City Council and in accordance with state and local laws, policies and procedures, may contract with any private or public agency to the extent required for its proper operation. The Commission shall make its annual report to the City Council in October on the preceding year's activities. The report shall include the Commission's actions and accomplishments in connection with each project or undertaking, and shall include as part of its report a detailed statement of its receipts and disbursements from whatever source and to whatever object for the preceding

twelve (12) months. The Commission shall present its proposed projects and budget to the City for their consideration during the annual budget planning process, detailing its anticipated revenues and expenditures for the fiscal year. Any funds for the Commission shall be kept by the City of Sherman and dispensed in accordance with state law, city ordinances, the City Charter, and established City policies and procedures.

ARTICLE VI

Section 1. Amendments. These By-Laws may be amended by the City Council at any regular City Council meeting, upon its own motion or at the request of the Commission.

ARTICLE VII

Section 1. Conflicts. In the case of any conflict between city ordinance, the City Charter, and these By-Laws, the city ordinance or the City Charter, shall control.

Section 2. Majority. As used in By-Laws, the term “majority” shall mean those votes totaling more than fifty percent (50%) of the total vote of the membership. Unless otherwise stated, all decisions will be by majority vote.

ARTICLE VIII

Section 1. Dissolution. In the event of dissolution, the residual assets of the Commission shall be left to the discretion of the City Council.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 2.

Meeting Date: 06/15/2015

Prepared By: Don Keene, Director of Administration and Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 5978**

Approving the 2015-2019 Five-Year Consolidated Plan & Strategy and Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Program Year 2015; Authorizing Submission of the Five-Year Consolidated Plan & Strategy and the One-Year Action Plan; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Program Year 2015

Issue:

Approval of the 2015-2019 Five-Year Consolidated Plan & Strategy and Program Year (PY) 2015 Community Development Block Grant Final Statement/Action Plan

Background:

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). Recipients of funding are required to develop a plan every five (5) years to assess the needs of the community and prioritize services to be provided to meet those needs. We are also required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low to moderate income citizens. This Action Plan is based on the Five-Year Consolidated Plan & Strategy developed by City staff and approved by the Sherman City Council. It serves as the City's long term planning tool to address the identified needs of affordable housing, public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman.

Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows:

- PY 2010 - \$351,141
- PY 2011 - \$293,001
- PY 2012 - \$289,254
- PY 2013 - \$311,726
- PY 2014 - \$301,322

Origination:

Theresa Caudle, Neighborhood Services

Financial Consideration:

The City of Sherman has been allocated \$317,392 in Community Development Block Grant funds from HUD to address our various community development needs for low to moderate income citizens during PY 2015.

Staff Recommendation:

It is staff recommendation that the Sherman City Council approve the resolution to adopt the 2015-2019 Five-Year Consolidated Plan & Strategy and the PY 2015 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives:

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

Attachments

Resolution No. 5978

Memo from Theresa Caudle, Community Development Coordinator

PY 2015 CDBG Final Statement/Action Plan

RESOLUTION NO. 5978

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE 2015-2019 FIVE-YEAR CONSOLIDATED PLAN & STRATEGY AND AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR PROGRAM YEAR 2015; AUTHORIZING SUBMISSION OF THE FIVE-YEAR CONSOLIDATED PLAN & STRATEGY AND THE ONE-YEAR ACTION PLAN; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEAR 2015; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under the Housing and Community Development Act of 1974, as amended, the City of Sherman is eligible to receive an estimated \$317,392.00 for program year 2015, to be expended on eligible activities primarily benefiting low/moderate income families; and

WHEREAS, the Community Development Block Grant regulations require the opportunity for citizen participation in the development of the Five-Year Consolidated Plan & Strategy and Action Plan Final Statement and authorizing of the expenditure of such funds; and

WHEREAS, after proper notice was published in the Herald Democrat, a newspaper of general circulation in the City of Sherman, public hearings were held by said Community Development Staff to receive citizen participation and input on March 9, 2015 and April 12, 2015; and

WHEREAS, the City Council, after due consideration of the Five-Year Consolidated Plan & Strategy and the Action Plan Final Statement and of all matters raised at public meetings, is of the opinion that, unless public comment warrants revisions, said Five-Year Consolidated Plan & Strategy and Action Plan Final Statement should be submitted as the Community Development Application for the City of Sherman for the program year 2015 to the U.S. Department of Housing and Urban Development, in order to secure funding as provided herein;

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

SECTION 1. That the City of Sherman's Five-Year Consolidated Plan & Strategy, to be attached hereto and made a part hereof for all purposes, is hereby approved and adopted for program year 2015-2019.

SECTION 2. That the Community Development Final Statement, embodying those projects set forth on Attachment "A", attached hereto and made a part hereof for all purposes, is hereby approved and adopted as the Community Development Plan of the City of Sherman, Texas, for the program year 2015.

SECTION 3. That the City Council of the City of Sherman hereby certifies and assures the U.S. Department of Housing and Urban Development that development of this application for funds under the Housing and Community Development Act of 1974, as amended, and the implementation of the Block Grant Program will be conducted in accordance with all applicable provisions of the "Assurances" as required.

SECTION 4. That the City Manager of the City of Sherman is hereby authorized to execute, on behalf of the City of Sherman, the "Assurances" set forth on Attachment "B", attached hereto and made a part hereof for all purposes. These Assurances concern compliance with certain guidelines, regulations, and policies in preparation of this application and in conducting the Community Development Program of the City of Sherman.

SECTION 5. That the City Manager of the City of Sherman is hereby authorized to submit, as the Chief Executive Officer of the City of Sherman, and on behalf of the City of Sherman, the 2015-2019 Five-Year Consolidated Plan & Strategy, the Community Development Final Statement, and a certified copy of this resolution and all attachments thereto to the U.S. Department of Housing and Urban Development, in application for funds available to the City of Sherman under the Housing and Community Development Act of 1974, as amended. Said application shall be made on forms required by the U.S. Department of Housing and Urban Development.

SECTION 6. That the City Manager of the City of Sherman is hereby authorized and designated to act as Chief Executive Officer in connection with this application, and is hereby authorized and directed to provide such additional information as may be required in connection with said application.

SECTION 7. 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 _____, 2015.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

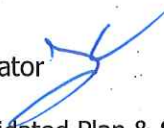
**APPROVED AS TO FORM
AND CONTENT:**

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

memorandum

DATE: Thursday, June 4, 2015

TO: Robby Hefton, City Manager

FROM: Theresa Caudle, CD Coordinator 

SUBJECT: 2015-2019 Five-Year Consolidated Plan & Strategy and PY 2015 Community Development Block Grant Proposed Final Statement/Action Plan

This is to let you know that we are in the final stage to approve the 2015-2019 Five-Year Consolidated Plan & Strategy and PY 2015 Community Development Block Grant Action Plan for the City's use of Community Development Block Grant funds, as required by HUD.

The Five-Year Consolidated Plan & Strategy is a comprehensive planning document required by HUD, and serves as the long term planning tool to address the identified needs of affordable housing, homelessness, other special needs populations, and non-housing community development activities for the City of Sherman, and it is with these established goals and objectives that the City's performance and future funding is evaluated by HUD. The City is also required to prepare an annual action plan to meet the goals and objective as identified in the Five-Year Consolidated Plan & Strategy.

A Public Hearing was held in March at the City Council Chambers to allow the citizens, public agencies, and other interested parties an opportunity to discuss local housing and community development needs.

A Community Needs Questionnaire was sent to local service providers to gather data on services provided and to help identify gaps in our service delivery system. This data assisted us in determining priority needs of our community and enabled us set priorities to be addressed in the Plan. Housing continues to be the number one priority for use of the block grant funds.

With this mandated directive and based on relative input from local service providers, citizens, census data and various other information sources – community needs were identified and the planning mechanism to create and direct the city in establishing the City of Sherman's Five-Year Consolidated Plan & Strategy and PY 2015 Action Plan.

Therefore, we are now ready to proceed with submitting this to the City Council in the form of a Resolution establishing the City of Sherman's 2015-2019 Five-Year Consolidated Plan & Strategy and PY 2015 Community Development Block Grant Proposed Final Statement/Action Plan.

I am requesting that you set this item for public hearing and present the Resolution for consideration and approval by our City Council at the next regular scheduled meeting of June 15, 2015.

During the interim, should you have any questions or desire additional information or clarification, please let me know.

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2015**

GRANT NO: B-2015-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2015 is \$317,392.00. These funds will be received on October 1, 2015. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

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

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

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2015**

OWNER-OCCUPIED HOUSING REHABILITATION:..... \$185,802

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

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

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

PROGRAM ADMINISTRATION:.....\$63,470

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

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority:.....\$10,000

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

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

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

Grayson County Crisis Center:\$3,000

A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.

Grayson County Shelter, Inc.:\$3,000

A program of activities that will provide emergency assistance to homeless individuals and families, who at one time, resided within the city limits of Sherman.

Child & Family Guidance Center of Texoma:	\$2,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income Sherman residents.	
Boys & Girls Club of Sherman, Inc. :	\$1,620
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized activities that would not otherwise be able to participate.	
MasterKey Ministries of Grayson County, Inc.	\$1,000
A Program to provide scholarships for an academic summer camp to improve academic skills for Sherman youth from low-moderate income families.	

TOTAL PROGRAM ALLOCATION:\$317,392

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

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

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

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2015 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Theresa Caudle, CD Coordinator, City of Sherman, P. O. Box 1106 Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Tuesday, July 20, 2015. A summary of comments received will be made a part of the summary of citizen participation of this Plan.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. C. 3.

Meeting Date: 06/15/2015

Prepared By: Clay Barnett, Director of Public Works and Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 5979**

Authorizing Execution of a Developer's Agreement with Jova Inc. for Construction of Public Facilities in the C&M Addition to the City of Sherman

Issue:

The construction of public facilities in the C&M Addition to the City of Sherman

Background:

Jova Inc. proposes to construct the C&M Addition, which includes the construction of a water main extension on Fallon Drive.

Origination:

Department of Engineering

Financial Consideration:

None

Staff Recommendation:

Staff recommends approval of the Developer's Agreement.

Alternatives:

As directed by the City Council

Attachments

Resolution No. 5979

Developer's Agreement

Exhibit "A"

Location Map

RESOLUTION NO. 5979

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH JOVA INC. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE C&M ADDITION TO THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Development Agreement with Jova Inc. for the construction of public facilities in the C&M Addition on Fallon Drive to the City of Sherman, Grayson County, Texas, in the same or substantially same form as the contract documents to be attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2015.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON SHELBY,
CITY ATTORNEY

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND JOVA INC.**

4 **THIS DEVELOPMENT AGREEMENT** ("Agreement") is made and entered into this day of June, 2015 (the "Effective Date"), by and among the City of Sherman ("City"), a municipal corporation organized under the laws of the State of Texas, and Jova Inc. ("Developer").

WITNESSETH:

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

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

WHEREAS, Developer owns or controls lands located in Sherman, Texas, and described in the final plat submitted to the City by the Developer as C&M Addition, 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 utilities 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 July 1, 2016, 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 \$1,314.30.
- C. All sidewalks must be completed prior to future phases being approved.
- D. 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.
- E. 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: 903-892-4547
FAX: 903-870-7802

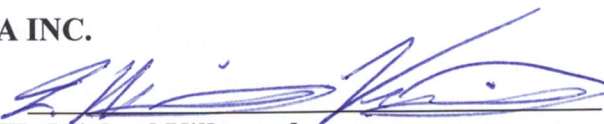
DEVELOPER:

DESIGNEE: Michael Villarreal
ADDRESS: 216 Market Avenue, Suite 115
Boerne, TX 78006
PHONE: 210-391-7711
FAX: N/A

9. **Legal Construction.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.
10. **Counterparts.** This Agreement may be executed in any number of counterparts, which may be transmitted originally or electronically, each of which shall be deemed an original and constitute one and the same instrument.
11. **Captions.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
12. **Successors and Assigns.** The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto, provided, however, this Agreement shall not be assigned by Developer without prior written approval by the City Manager of the City, which approval shall not be unreasonably withheld or delayed. City may assign or delegate any of its rights or obligations under this Agreement but the same shall not constitute a novation.
13. **Entire Agreement.** This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.
14. **Interpretation of Agreement.** This is 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 4 day of June 2015, with an original to each party.

Developer: JOVA INC.

BY: 

NAME: Michael Villarreal

TITLE: President

ATTEST:

BY: _____

NAME: _____

TITLE: _____

CITY: CITY OF SHERMAN

BY: _____

NAME: Robby Hefton

TITLE: City Manager

ATTEST:

BY: _____

NAME: Linda Ashby

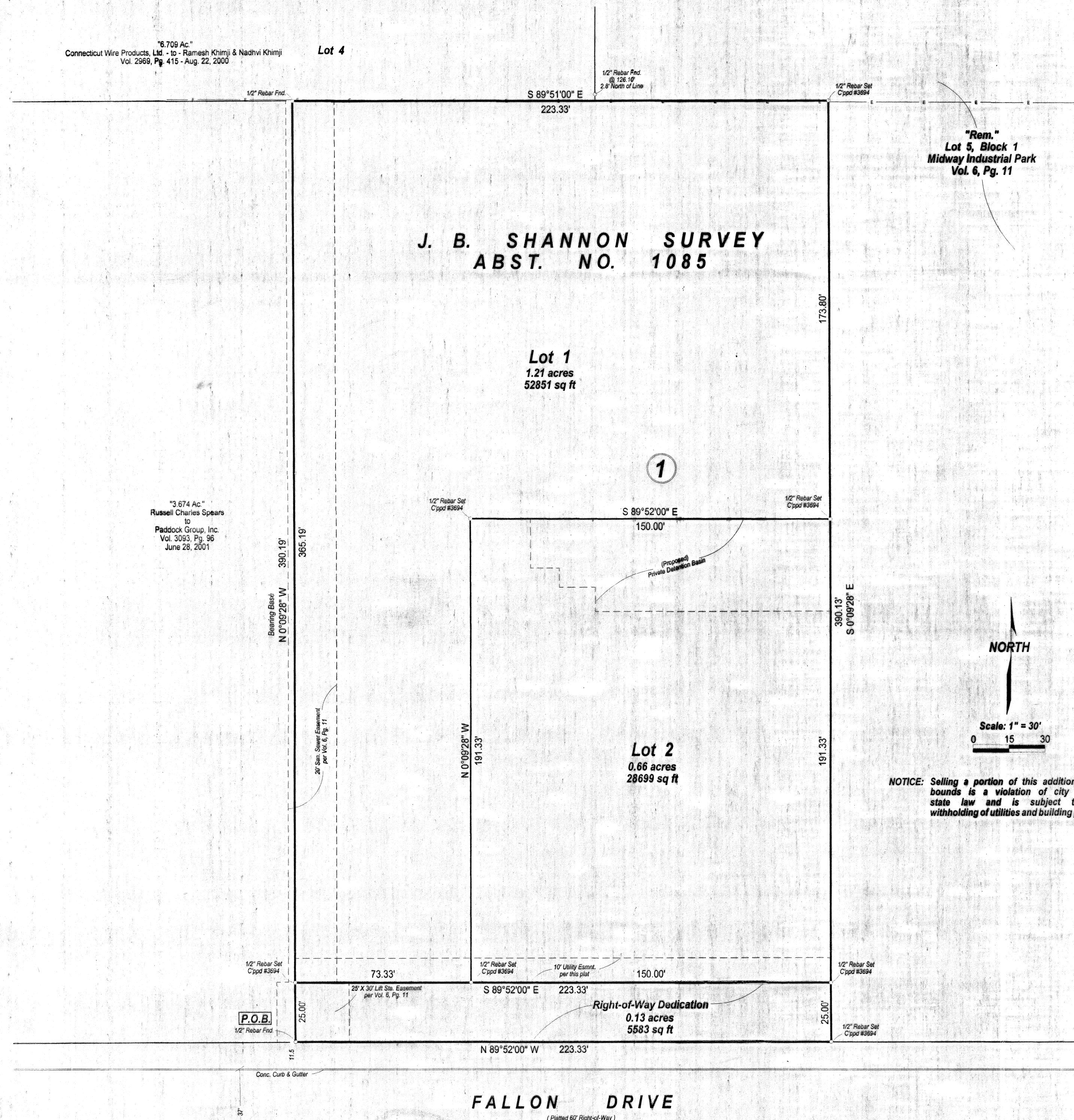
TITLE: City Clerk

APPROVAL RECOMMENDED:

Clay Barnett, P.E. / Director of Public Works & Engineering

APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney



Final Plat
of
C & M ADDITION
to the
CITY of SHERMAN, TEXAS

A Replat of a Part of Lot 5, Block 1
Midway Industrial Park, Volume 6, Page 11, G.C.P.R.

being 2.00 Acres
out of
J. B. SHANNON SURVEY ABST. NO. 1085

Owner & Developer

Carlos Villareal
(210) 885-1959

SARTIN & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
FIRM Headquarters - # 10081100

109 S. Travis, P.O. Box 1843 Sherman, Texas 75091-1843
Ph: (903) 882-6003 Fax: (903) 882-2970 Email: msartin@gocisp.com

SHEET 1 OF 2

C&M-F3.pcs

SITUATED in the County of Grayson, State of Texas, being a part of the J. B. SHANNON SURVEY, Abstract No. 1085, being a part of Lot FIVE (5) in Block ONE (1) of MIDWAY INDUSTRIAL PARK ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 6, Page 11, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found 1/2 inch rebar maintaining the Southeast corner of a 3.674 acre tract conveyed by Russell Charles Spears to Paddock Group, Inc. by deed dated June 28, 2001, recorded in Volume 3093, Page 96, Official Public Records, Grayson County, Texas, on the Southerly South line of said Lot Five, the North line of Fallon Drive;

THENCE North 00 deg. 09 min. 28 sec. West, with the East line of said 3.674 acre tract, a distance of 390.19 feet to a found 1/2 inch rebar maintaining its Northeast corner, on a North line of said Lot Five, the South line of Lot Four in said Block One, the South line of a 6.709 acre tract conveyed by Connecticut Wire Products, Ltd. To Ramesh Khimji and Nadhi Khimji by deed dated August 22, 2000, recorded in Volume 2969, Page 413, Official Public Records, Grayson County, Texas;

THENCE South 89 deg. 51 min. 00 sec. East, with a North line of said Lot Five, the South line of both said Lot Four and 6.709 acre tract, at a distance of 125.92 feet passing the Southeast corner of both said Lot Four and 6.709 acre tract, at a distance of 126.10 feet passing 2.8 feet South of a found 1/2 inch rebar and continuing for a total distance of 223.33 feet to a set 1/2 inch capped rebar stamped SARTIN-3694;

THENCE South 00 deg. 09 min. 28 sec. East, a distance of 390.13 feet to a set 1/2 inch capped rebar stamped SARTIN-3694 on the Southerly South line of said Lot Five, the North line of said Fallon Drive;

THENCE North 89 deg. 52 min. 00 sec. West, with the Southerly South line of said Lot Five, the North line of said Fallon Drive, a distance of 223.33 feet to the PLACE OF BEGINNING and containing 2.00 ACRES OF LAND more or less.....

I, Marshall Sartin, Registered Professional Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground on the 19th day of August, 2014 and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Sherman, Texas

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



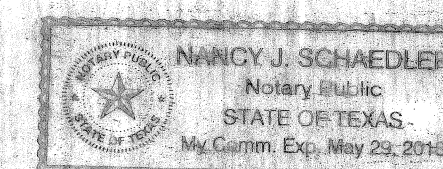
That, Carlos Villareal, owner and developer of C & M ADDITION, to the City of Sherman, Texas, do hereby dedicate the streets and easements shown hereon to the public use forever.

By: Carlos Villareal

THE STATE OF TEXAS:
COUNTY OF GRAYSON:

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Carlos Villareal, 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 2 day of March, 2015.



NOTARY PUBLIC, State of Texas

Approved this 21st day of October, 2014 by the City Planning and Zoning Commission of the City of Sherman, Texas.

CHAIRMAN

SECRETARY

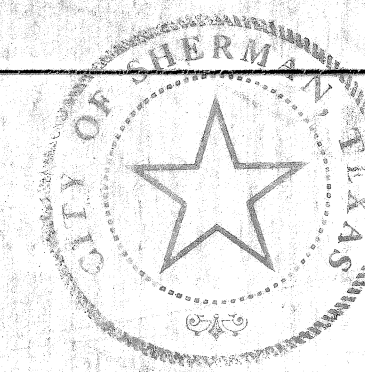
Accepted by the City Council of the City of Sherman, Texas on this 17th day of NOVEMBER, 2014

MAYOR, City of Sherman

The undersigned, the City Clerk of the City of Sherman, Texas, hereby certifies that the foregoing final plat of C & M ADDITION to the City of Sherman, was submitted to the City Council on the 17th day of NOVEMBER, 2014 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 plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein subscribed.

Witness my hand this 4th day of March, 2015

CITY CLERK, City of Sherman, Texas

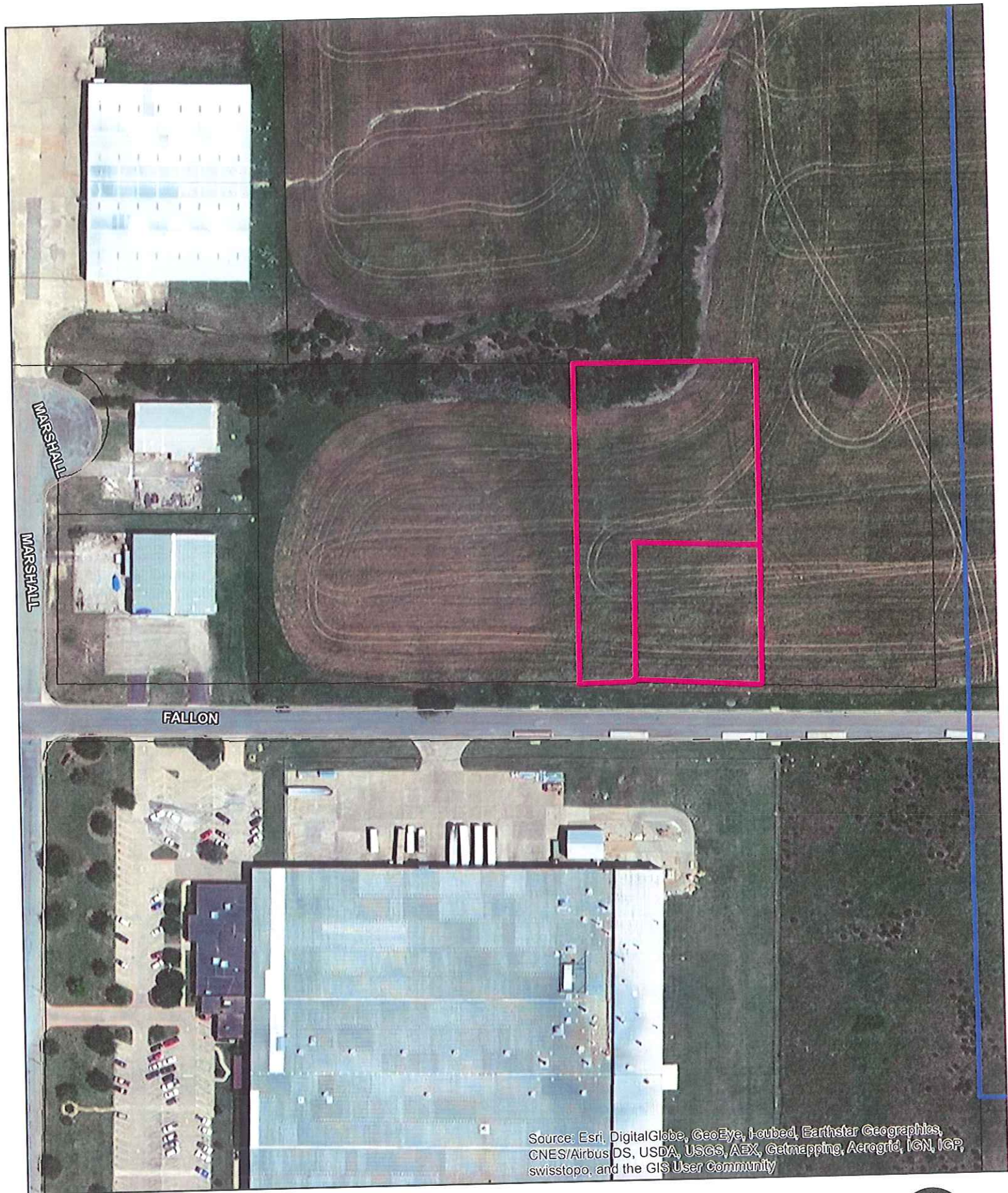


SARTIN & ASSOCIATES, INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
FIRM Headquarters - # 10081100

109 S. Travis, P.O. Box 1843 Sherman, Texas 75091-1843
Ph: (903) 882-6003 Fax: (903) 882-2970 Email: msartin@gocisp.com

SHEET 2 OF 2

C&M-F3.pcs



Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

C&M Additon
2931 Fallon Drive



NOT TO SCALE

1 inch = 153 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 1.

Meeting Date: 06/15/2015

Prepared By: Otis Henry, Police Chief

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive Presentation on the New Emergency Medical Dispatch (EMD) Program initiated as a Result of a Collaborative Effort between the Sherman Police and Fire Departments

Issue:

Previously, Dispatchers within our Communications Center were only able to receive and route calls to emergency medical response personnel and provide limited information. This enhanced training gives them the ability to obtain and provide critical, life saving information to emergency medical responders that will greatly improve the level of service offered to our community.

Background:

Emergency Medical Dispatch is a system used by our Communications Center to provide pre-arrival medical instructions to citizens, prior to emergency personnel arriving on the scene. The pre-arrival instructions that the dispatchers will be providing to the citizens of Sherman can not only be life saving, but will also give them the reassurance that we are helping them from the minute they call for help. This information gathering process will assist our emergency medical personnel before they arrive at the scene. They will know more specific information about the patient, which in turn will prepare them for what steps they need to take next. There is no delay in care. In a true medical emergency, when seconds count, we will provide life saving, step-by-step instructions.

Our EMD Dispatchers are CPR certified and have attended an in depth, intense 24-hour training program and are required to pass a certification exam prior to providing these instructions. This program will be overseen by Dr. Malone who is the Medical Director for the Sherman Fire Department.

Origination:

Sherman Police and Fire Departments

Financial Consideration:

Training costs for all communications personnel are approximately \$6,800.00 and will be taken from the drug enforcement existing budget.

Staff Recommendation:

The Council need take no action on this agenda item - it is for informational purposes only.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 2.

Meeting Date: 06/15/2015

Prepared By: Danny Jones, Interim Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Authorizing a New Emergency Medical Service Provider named Texoma EMS to Provide Non-Emergency Ambulance Transfers within the City of Sherman

Issue:

To consider approval for Texoma EMS, a new Emergency Medical Service (EMS) Provider, to provide non-emergency ambulance transfers within the City of Sherman

Background:

The City of Sherman is the sole provider of emergency ambulance service within the city limits of Sherman. The City does not provide non-emergency medical transfers. A new EMS Provider, named Texoma EMS, has applied to the State of Texas for a license to provide medical services. The State of Texas requires that all new EMS Providers provide a letter of approval from the governing body of the municipality in which the applicant is located and is applying to provide Emergency Medical Services.

Origination:

Texoma EMS
The Sherman Fire Department

Financial Consideration:

The City charges a permit fee for each ambulance that provides services within the city limits.

Staff Recommendation:

It is recommended that the Council approve, **by motion and order**, the request from Texoma EMS to provide ambulance services within the city limits of Sherman.

Alternatives:

The City Council could deny Texoma EMS's request to provide said services.

Attachments

Letter of Approval for Texoma EMS



June 2, 2015

To whom it may concern:

This letter of approval is issued for Brandon Jarvis, owner of Texoma EMS, as required by the Department of State Health Services, to obtain an EMS Provider License.

The applicant is establishing a business in the City of Sherman and is applying to provide EMS.

The City of Sherman attests that the addition of another licensed EMS provider will not interfere with or adversely affect the provision of EMS by the licensed EMS providers operating in the municipality.

The City of Sherman attests that the addition of another licensed EMS provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed EMS providers operating in the municipality.

The City of Sherman attests that the addition of another licensed EMS provider will not cause an oversupply of licensed EMS providers in the municipality.

Respectfully,

Sherman Fire
Danny Jones, Interim Fire Chief
Administrative Offices 318 S. Travis, Sherman Texas 75090
903-892-7263 903-813-0411 (fax)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 3.

Meeting Date: 06/15/2015

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Mayor's Appointments to a Charter Review Commission

Issue:

The appointment of members to the City of Sherman's Charter Review Commission that was created by separate Ordinance at this June 15, 2015 Council meeting. The Commission is to be comprised of members of the Sherman City Council.

Background:

Following the City Attorney's briefing at the June 1st meeting, the City Council adopted the following timeline for a Charter Amendment Election to be called for November 3, 2015.

- June 15th - Mayor appoints Ad Hoc Committee for Charter Amendment Review
- August 3rd - Committee recommendations are presented to the full Council
- August 17th - Ordinance ordering election is presented

Pursuant to Article X, Section 15(a) of the City Charter, amendments to the City Charter may be framed and proposed, inter alia, by report of a charter commission created by ordinance.

City staff is now undergoing the process of reviewing the City Charter for needed amendments; and the City Attorney would like the Mayor to appoint certain Council members to the Charter Review Commission for the same purpose. The Commission members would review the Charter and return to the City Council on August 3rd with recommended alterations, revisions or amendments. The Commission would cease to function on December 31, 2015.

Origination:

Brandon S. Shelby, City Attorney

Financial Consideration:

There is no financial impact as members would receive no compensation for serving on this Commission.

Staff Recommendation:

Mayor's Appointments

The Mayor will announce her appointments at the June 15th City Council meeting:

1. _____
2. _____
3. _____

It is recommended that the Council confirm the Mayor's appointments to the Charter Review Commission.

Alternatives:

The Council could decide to forego amendment of the City Charter.

Attachments

City Charter, Article X, Section 15, "Charter amendment"

ARTICLE X. GENERAL PROVISIONS

Section 15. Charter amendment.

- (a) *Proposal of amendment.* Amendments to this charter may be framed and proposed:
- (1) In the manner provided by law,
 - (2) By ordinance of the council containing the full text of the proposed amendment and effective upon adoption, or
 - (3) By the voters of the city, or
 - (4) By report of a charter commission created by ordinance.

Proposal of an amendment by the voters of the city shall be by petition containing the full text of the proposed amendment, and shall be governed by the same procedures and requirements prescribed in Article IX for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by qualified voters of the city equal in number to at least ten percent (10%) of the total number of qualified electors registered to vote at the last regular city election. The petitioners' committee may withdraw the petition at any time before the 15th day immediately preceding the day scheduled for the city vote on the amendment.

(b) *Election for amendments.* Upon delivery to the city election authorities of the report of a charter commission or committee, or delivery by the city attorney of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to subsection (a), the election authorities shall submit the proposed amendment(s) to the voters of the city at an election. Such election shall be announced by a notice containing a substantial copy of the proposed amendment(s) and shall be published on the same day in each of two (2) successive weeks in a newspaper of general circulation, with the first publication occurring before the 14th day before the date of the election. Each amendment will not contain more than one subject. The election shall be held on the first authorized uniform election date prescribed by the Election Code and that occurs on or after the 30th day after the date the ordinance is adopted. If no regular election is to be held within that period, the council shall provide for a special election on the proposed amendment(s); otherwise the holding of a special election shall be within the discretion of the council. The form of ballot shall be as specified in Article III, Section 5.

(c) *Adoption of amendment.* If a majority of the qualified voters of the city voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective upon entry of an order by the municipality declaring that the charter amendment is adopted.

(d) *Adoption of a new charter.* A new charter may be framed pursuant to the procedures as prescribed by state law.

(Ordinance 4267, sec. 2, adopted 1/16/93)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 4.

Meeting Date: 06/15/2015

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 64 and 65, Birge's 2nd Fairview Addition; containing 0.570 acres in the J.B. McAnair Survey, Abstract No. 763; Robert and Vicki Beeghly, Owners; and Underwood Drafting and Surveying, Surveyor (1126 West Hunt Street)

Issue:

To consider Replat approval of Lots 64 and 65, Birge's 2nd Fairview Addition; containing 0.570 acres in the J.B. McAnair Survey, Abstract No. 763 located at 1126 West Hunt Street

Background:

The property is located at 1126 West Hunt Street, between Kessler Boulevard and Binkley Street. The owners would like to replat the property into two lots for residential development.

Origination:

Robert and Vicki Beeghly (Owners)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 19, 2015 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

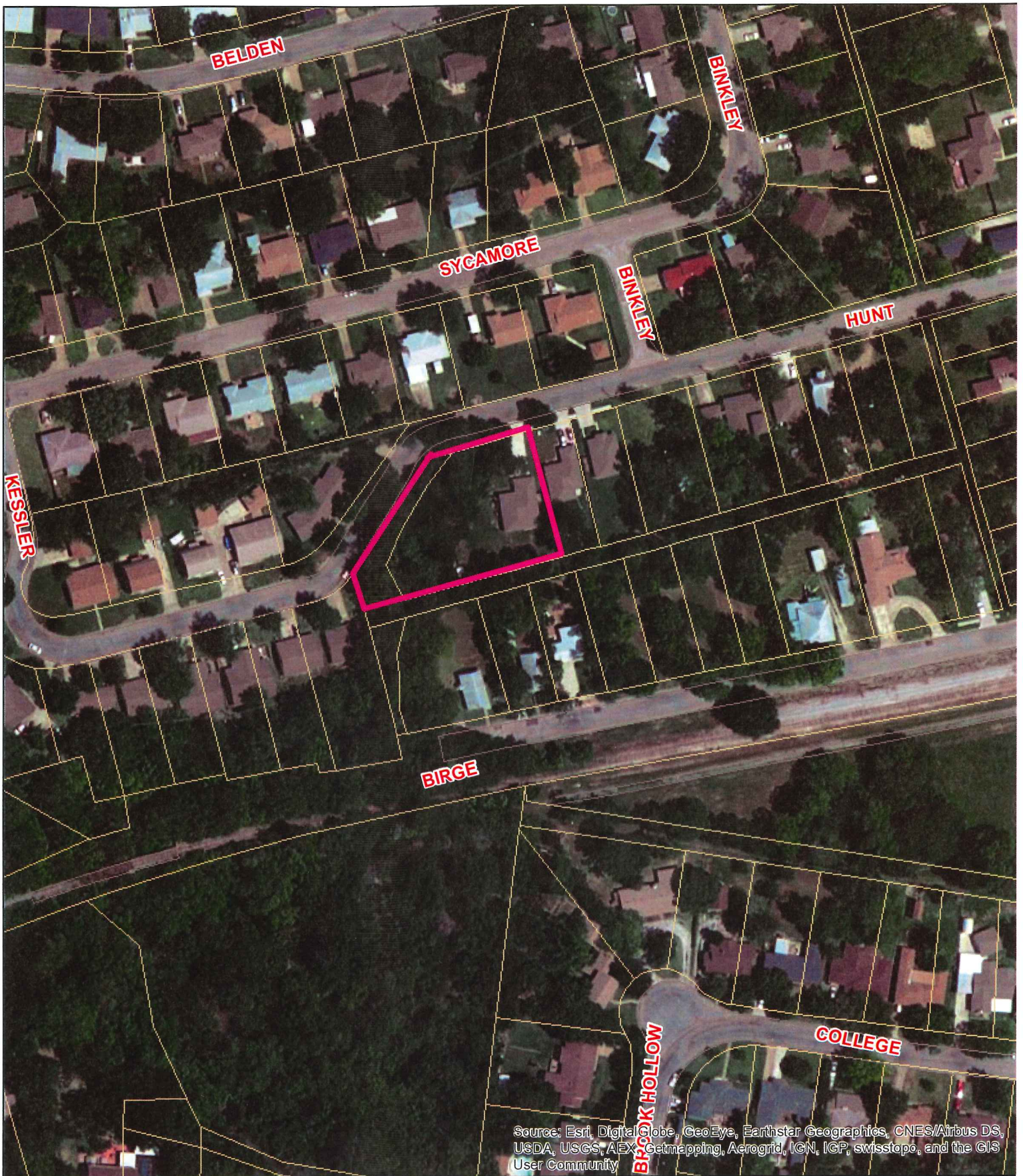
Zoning Map

Zoning Photo

Replat

Staff Review Letter

P&Z Communication



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

1126 W. Hunt

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 146 ft



Zoning - 1126 W. Hunt

Legend

Transportation Corridors Overlay Special Districts Overlay

HWY_NAME

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75

DISTRICT_NAME

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

ZONING PARCELS

Zoning Classification

- 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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

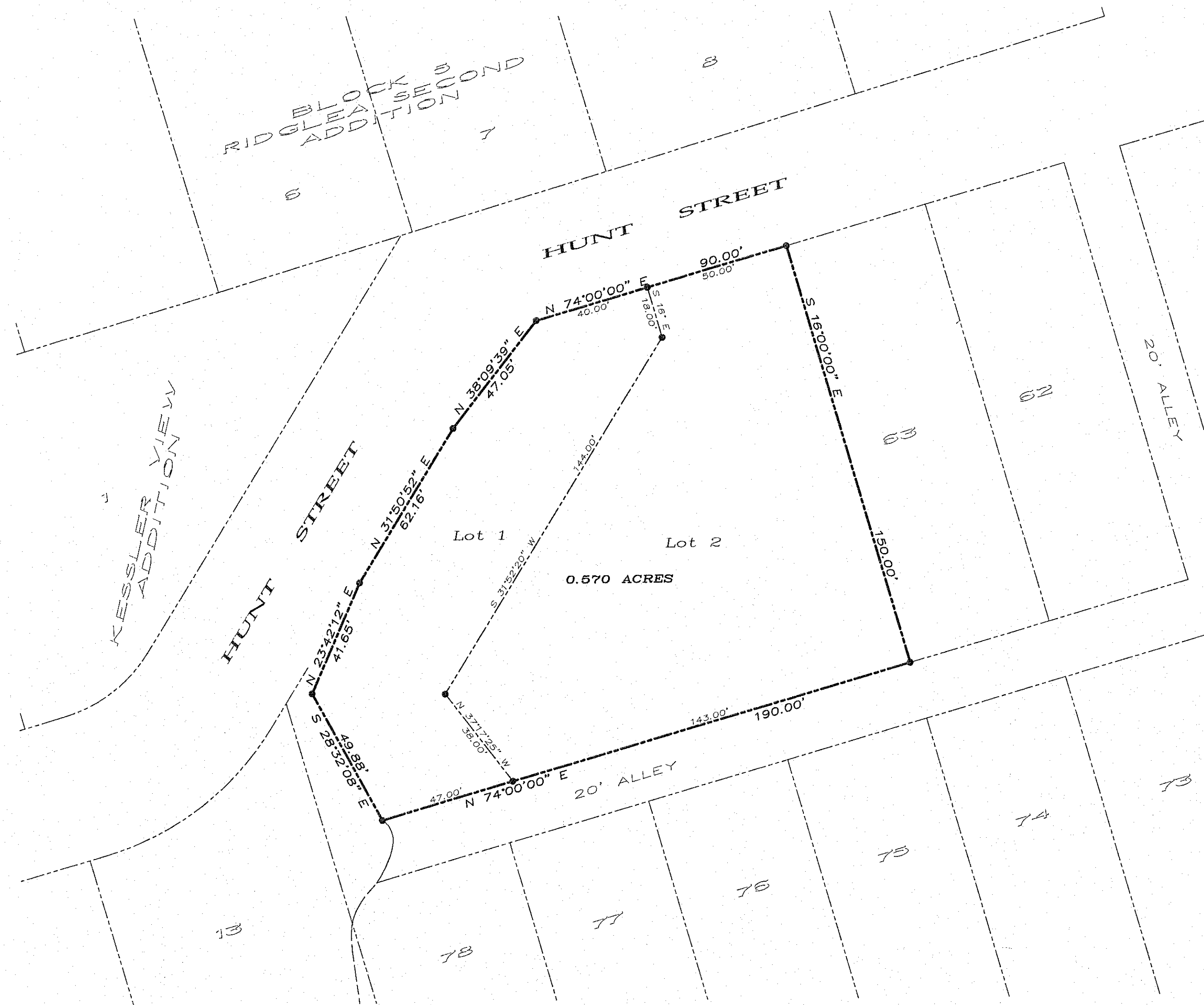


NOT TO SCALE

1 in = 146 ft

1126 W. Hunt



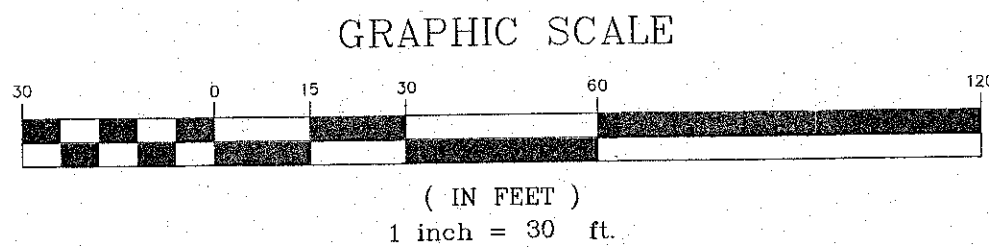


Approved this _____ day of _____, 2015, by the City Planning Commission to the City of Sherman, Texas.

Chairman Secretary

Accepted by the City Council of the City Sherman

Mayor, City of Sherman, Texas Date



OWNERS/DEVELOPER
ROBERT M. BEEGHLY
VICKI L. BEEGHLY
1126 W. HUNT ST.
SHERMAN, TEXAS 75091

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

~ BASIS OF BEARINGS ~
COURSE ALONG HUNT STREET
(N 74° E ASSUMPTION)

UNDERWOOD

DRAFTING & SURVEYING

3404 INTERURBAN ROAD

DENISON, TEXAS 75021

(903)465-2151

LEGAL DESCRIPTION

Situated in the City of Sherman, Grayson County, Texas, being all of Lots 64 & 65 of Birge's 2nd Fairview Addition, an addition to the City of Sherman, as shown by plat of record in Volume 183, Page 111, of the Deed Records, Grayson County, Texas, and being the same land conveyed to Robert M. Beeghly & Vicki L. Beeghly deed of record in Volume 5372, Page 464, of the Official Public Records, Grayson County, Texas, an being more particularly described as follows:

Beginning at a 1/2" steel rod found in the south right-of-way line of Hunt Street at the northeast corner of said Lot 64;

Thence South 16°00'00" East, with the east line of said Lot 64, a distance of 150.00 feet to a 1/2" steel rod found maintaining the southeast corner of said Lot 64;

Thence South 74°00'00" West, a distance of 190.00 feet to a point in the center of a creek being the southwest corner of said Lot 65;

Thence North 28°32'08" West, along the center of said creek, a distance of 49.88 feet to an angle point;

Thence North 23°42'12" East, continuing along the center of said creek, a distance of 41.65 feet to a point in the south line of said Hunt Street;

Thence North 31°50'52" East, along the south line of said Hunt Street, a distance of 62.16 feet to an angle point;

Thence North 38°09'39" East, continuing along the south line of said Hunt Street, a distance of 47.05 feet to an angle point;

Thence North 74°00'00" East, continuing along the south line of said Hunt Street, a distance of 90.00 feet to the Point-of-Beginning and containing 0.570 acres of land.

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

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, REPLAT OF LOT 64 & 65 OF BIRGE'S 2ND FAIRVIEW ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2015, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2015.

Clerk, City of Sherman, Texas

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, Robert & Vicki Beeghly, do hereby adopt this plat designating the hereinabove property as the REPLAT OF LOT 64 & 65 OF BIRGE'S 2ND FAIRVIEW 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 _____, 2015.

Robert M. Beeghly

Vicki L. Beeghly

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 Robert & Vicki Beeghly, 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 _____, 2015.

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

**STAFF REVIEW LETTER**

May 13, 2015

Robert & Vicki Beeghly
34160 Powell Hill Loop
Shedd, OR 97377

Dear Applicants,

The request for approval of 1126 W Hunt Street, being Lots 64 & 65, Birge's 2nd Fairview Addition, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 19, 2015 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. The width of the right-of-way and pavement for streets shall be shown on the plat.
4. The Point of Beginning shall be shown on the plat.
5. The field notes call N28°32'08"W shall be reconciled with the boundary sketch.
6. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,

Clint A. Philpott,
City Engineer

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Jamie Baggs, Fire Marshal
Clay Barnett, Director of Public Works and Engineering
Underwood Drafting & Surveying, 3404 Interurban Rd., Denison, Texas 75020

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Don Keene, Dir. of Community and Support Services
Lisa Whitfield, Engineering & Development Coordinator



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

Agenda Item No. 7.

Meeting Date: 05/19/2015

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Eric Elliott, Commissioner

Ron Barton, Commissioner

Chris Vellotti, Commissioner

Sam Thorpe, Commissioner

Sean Vanderveer, Commissioner

Ronnie Dutton, Commissioner

Shawn Davis, Commissioner

Requested Action/Proposed Use:

*** 1126 W. HUNT**

The request of Robert & Vicki Beeghly (Owners) and Underwood Drafting and Surveying (Surveyor) concerning the property at 1126 West Hunt Street, being Lots 64 & 65, Birge's 2nd Fairview Addition, containing 0.570 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Replat approval of Lots 64 & 65, Birge's 2nd Fairview Addition.

Background:

The property is located at 1126 West Hunt Street between Kessler Boulevard and Binkley Street. The owner would like to replat the property into two lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Robert & Vicki Beeghly (Owners)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

39

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Photo

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 5.

Meeting Date: 06/15/2015

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Site Plan Approval for Tyson Fresh Meats, Inc., Owners; and Geoff Bates, Bates & Associates, Inc., Engineer/Surveyor; under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Expansion of the Truck Parking Lot for Tyson Fresh Meats in the Blalock Industrial Park District at 4700 South U.S. Highway 75

Issue:

Site plan approval for an expansion of the truck parking lot for Tyson Fresh Meats in the Blalock Industrial Park located at 4700 South U.S. Highway 75

Background:

The property is located at 4700 South U.S. Highway 75 in the Blalock Industrial Park. Tyson Fresh Meats is the tenant at this location; and they would like to expand their parking on site for trucks and trailers behind their building along Howe Drive and extend a 7' chain link fence. They roughly have one thousand (1,000) trucks in and out of their facility every week.

Origination:

Tyson Fresh Meats, Inc. (Owners)
Geoff Bates, Bates & Associates, Inc. (Engineer/Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the regular meeting on May 19, 2015, the Planning and Zoning Board voted 8/0 to approve the Site Plan subject to the Staff Review Letter and to forward the request to the City Council.

Alternatives:

The City Council could deny the request.

Attachments

Location Map

Zoning Map

Zoning Photo

Site Plan

Staff Review Letter

P&Z Communication



City of Sherman, Texas
Developmental Services Department

4700 S. US Highway 75



NOT TO SCALE

1 in = 1,052 ft



Zoning - 4700 S. US Highway 75

Legend

Transportation Corridors Overlay Special Districts Overlay

HWY_NAME

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75

DISTRICT_NAME

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

ZONING PARCELS

Zoning Classification

- 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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



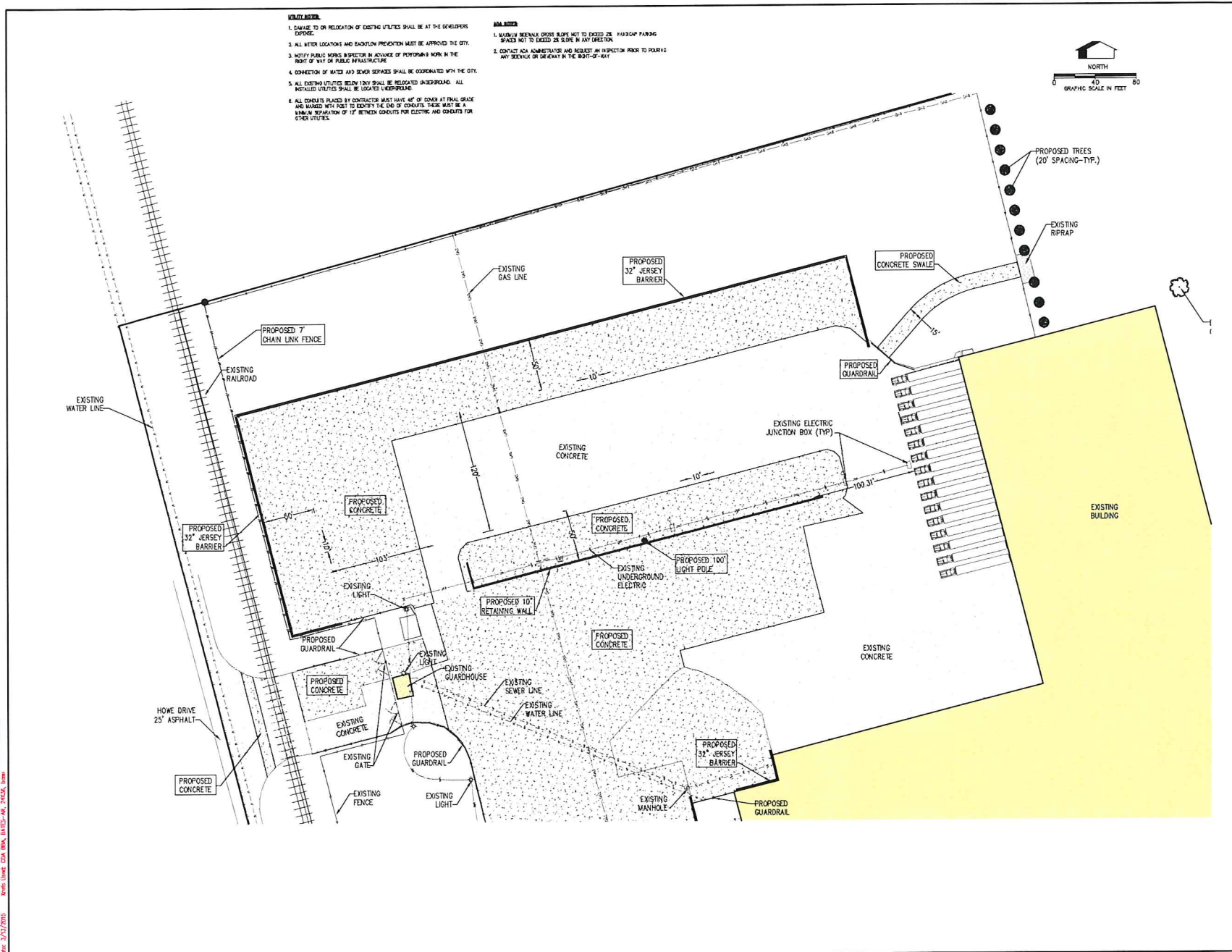
NOT TO SCALE

1 in = 935 ft

4700 S. Hwy. 75



Date: 3/20/2013
 Drawing Name: 15-0303-0101 Engineering (15-0303-0101.dwg)
 Author: J. Bates
 Scale: 1"=30' (R/S)
 Date: 3/20/2013



REVISIONS

DATE	REVISIONS
02/27/13	FIRST SUBMITTAL

**TRUCK PARKING LOT
CIVIL CONSTRUCTION PLANS**

SITE PLAN

SHERMAN, TEXAS

Bates & Associates, Inc.
 www.batesandassociates.com
 Civil Engineering & Surveying
 P.O. Box 1000, Sherman, Texas 79153
 Phone: 409.442.2300 Fax: 409.471.0355

Tyson

PROJECT NO: 15-033

03



STAFF REVIEW LETTER

May 13, 2015

Tyson Foods, Inc.
Dustin Kratochvil
4700 S. US Highway 75
Sherman, TX 75090

Bates & Associates, Inc.
Geoffrey Bates
91 W. Colt Square Dr., Ste. 3
Fayetteville, AR 72703

Dear Applicants,

The request for Site plan approval for an expansion of the Truck Parking Lot for Tyson Fresh Meats in the Blalock Industrial Park for the property located at 4700 South US. Highway 75 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 19, 2015 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 Blalock Industrial Park District Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
3. Screening is required by fences, earthen berms, walls or plantings so that it cannot be seen from a public street.
4. Storage of all bulk liquids and gases, including oil, gasoline, petroleum products, acid waste neutralization, deionized water, as well as nitrogen and other gases shall be screened from public view.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. Drive approaches shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.

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., City Engineer

Jamie Baggs, Fire Marshal
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator



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

Agenda Item No. 15.

Meeting Date: 05/19/2015

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Ron Barton, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Requested Action/Proposed Use:

4700 SOUTH U.S. HIGHWAY 75

The request of Tyson Fresh Meats, Inc. (Owners) and Geoff Bates, Bates & Associates, Inc. (Engineer/Surveyor) concerning the property located at 4700 South U.S. Highway 75, being 73.76 acres in the Sherod Dunman Survey, Abstract No. 329, and in Tract 2 of the Blalock Industrial Park, as follows:

Planning and Zoning Commission

Site plan approval to Ordinance No. 2252 Article IV Section 410 (2) (j) for an expansion of the Truck Parking Lot for Tyson Fresh Meats in the Blalock Industrial Park.

Background:

The property is located at 4700 South U.S. Highway 75 in the Blalock Industrial Park; Tyson Fresh Meats is the tenant. They would like to add additional truck parking behind their building along Howe Drive and extend a 7' chain link fence.

The following requests have been approved for the property at 4700 South U.S. Highway 75:

- August 21, 1972 - To allow metal panels on the exterior of the building, to exceed 300 square foot for a sign and to use a 40' separation instead of 55.7'.
- October 9, 1984 - To allow an incinerator building to be erected with a metal facing in lieu of the required masonry facing.
- January 22, 1996 - To not require masonry construction on a portion of the rear of the building.
- May 1, 2006 - To allow an employee parking lot on the south side of the plant, a lighted sign in front and an employee smoking area behind the cafeteria.
- January 7, 2008 - to extend the parking area for trailer storage in the rear of the building.

Adjacent Zoning:

Blalock Industrial Park

R-1 (One Family Residential) District

Origination:

Tyson Fresh Meats Inc, (Owners
Geoff Bates, Bates & Associates, Inc. (Engineer/Surveyor)

Master Plan Designation:

Business Park and Research – Business Park designation allows for compatibility with the use of the roadway and rail system for frequent truck and rail traffic. Industrial and office uses are the most appropriate and compatible land uses adjacent to a truck route and the state road and/or rail system. Typical tenants of a business park and research center include light industrial manufacturing, wholesaling, warehouse facilities, light assembly plants, research and development firms and distribution centers.

Number of notices mailed:

38

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Photo

Site Plan

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 6.

Meeting Date: 06/15/2015

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Approval of M&K Dunlap Addition, a Replat of Part of Lot 1, Boyer & Lucas Addition, Part of Lots 18, 19 and 20 and All of Lots 6, 7, 8, 9, 10 and 11, Block 3, W.P. Carters Addition, and a Portion of the Alley released in Ordinance No. 3813, containing 0.508 acres in the J.B. McAnair Survey, Abstract No. 763; Melvin and Kimberly Dunlap, Owners; and Underwood Drafting and Surveying, Surveyor (908 and 910 North Broughton Street)

Issue:

To consider the approval of M&K Dunlap Addition, a Replat of Part of Lot 1, Boyer & Lucas Addition, Part of Lots 18, 19 and 20 and All of Lots 6, 7, 8, 9, 10 and 11, Block 3, W.P. Carters Addition, and a Portion of the Alley released in Ordinance No. 3813, containing 0.508 acres in the J.B. McAnair Survey, Abstract No. 763, located at 908 and 910 North Broughton Street

Background:

The property is located at 908 and 910 North Broughton Street, between College and Richards Streets. The owners would like to replat three lots into one lot for commercial development.

Origination:

Melvin and Kimberly Dunlap (Owners)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 19, 2015 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

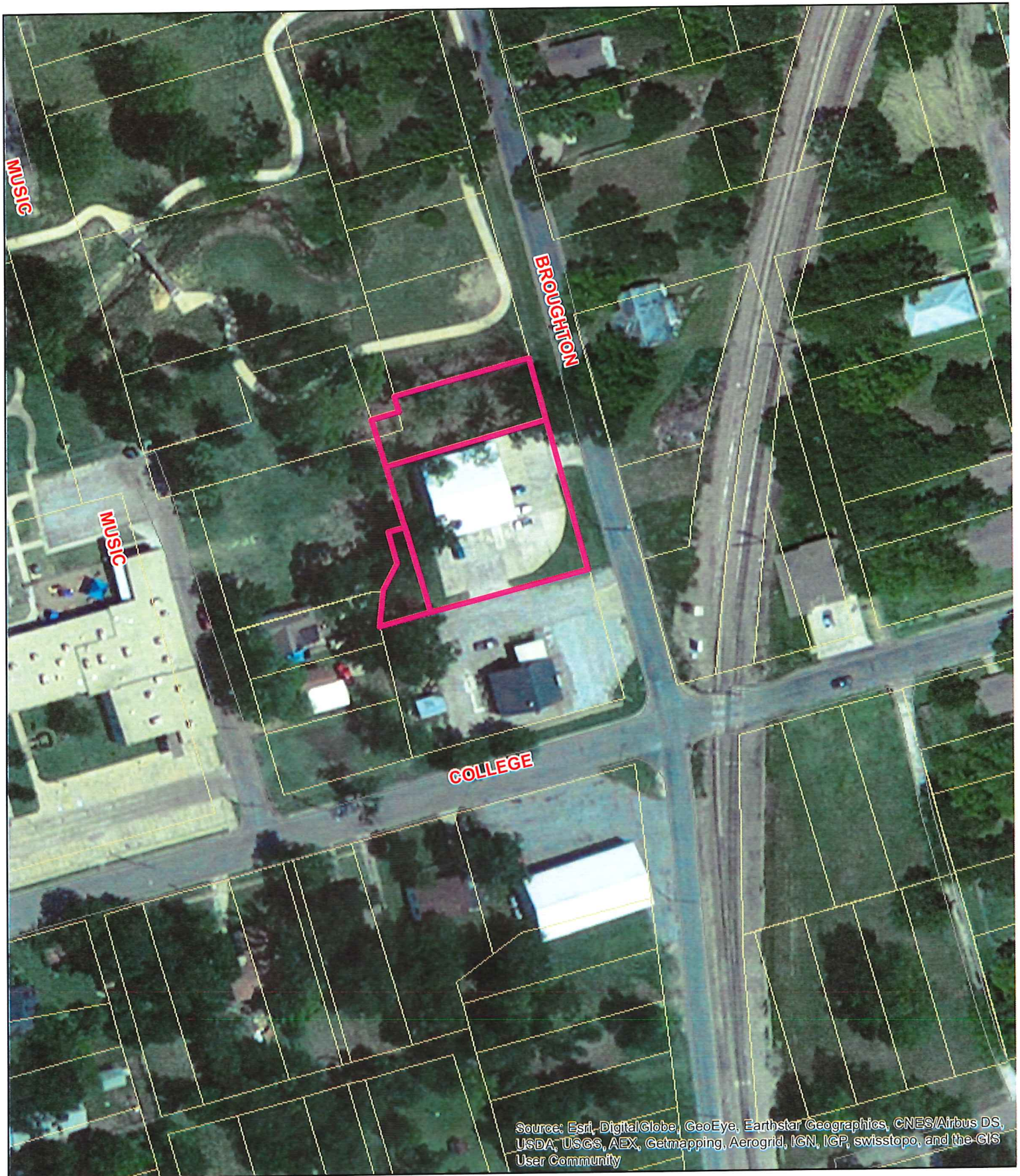
Zoning Map

Zoning Photo

Plat

Staff Review Letter

P&Z Communication



Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

908 & 910 N. Broughton



NOT TO SCALE

1 in = 97 ft



Zoning - 908 & 910 N. Broughton

Legend

Transportation Corridors Overlay

HWY_NAME
FM 1417
Sam Rayburn Freeway
US Hwy 82 and 75

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

ZONING PARCELS

Zoning Classification

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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 97 ft

908 & 910 N. Broughton



The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, M&K DUNLAP ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2015, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2015.

Clerk, City of Sherman, Texas

LEGAL DESCRIPTION

Situated in the City of Sherman, Grayson County, Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, and being all of Lots 6, 7, 8, 9, 10 and 11 and a part of Lots 18, 19, and 20 in Block 3 of W. P. Carter's Addition to said City of Sherman as shown by plat of record in Volume 25, Page 196, Deed Records, Grayson County, Texas, and being a part of Lot 1 of the Boyer & Lucas Addition to said City of Sherman as shown by plat of record in Volume 120, Page 94, said Deed Records, and also being a part of a 16 foot wide alley closed by City Ordinance No. 3813 and subsequently described as .0679 acres as conveyed by the said City of Sherman to Bill Hooten by Quit Claim Deed dated February 19, 1985, recorded in Volume 1736, Page 417, said Deed Records, and being the same 0.371 acre tract of land conveyed to Melvin Dunlap and Kimberly Dunlap by deed of record in Volume 5288, Page 586, & Lots 10 & 11 of said W.P. Carters Addition also conveyed to Melvin Dunlap and Kimberly Dunlap by deed of record in Volume 5260, Page 146, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found marking the Northeast corner of a 0.39 acre tract of land conveyed by to Rebecca Lynn Blomstedt by deed of record in Volume 5230, Page 45, of said Official Public Records said rod also maintaining the southwest corner of said Dunlap Tract;

Thence South 76°16'35" West, passing the West line of said Lot 1 of Boyer & Lucas Addition and the East line of the said .0679 acre tract (closed alley) and continuing, passing the West line of said .0679 acre tract and East line of said Tract One and continuing for a total distance of 158.55 feet to a 1/2" steel rod found marking the Northwest corner of the said 0.39 acre tract in the East line of the 16 foot wide alley as relocated and conveyed by said Bill Hooten to the said City of Sherman by Quit Claim Deed dated February 7, 1985, recorded in Volume 1736, Page 143, said Deed Records;

Thence North 03°37'53" West with said East line of relocated alley a distance of 26.51 feet to a 1/2" steel rod set marking an angle point;

Thence North 25°08'19" East continuing with said East line of relocated alley a distance of 26.55 feet to a 1/2" steel rod set marking the intersection of said East line of the relocated alley with the West line of the said .0679 acre tract and original 16 foot wide alley;

Thence North 15°11'30" West with said West line of original alley a distance of 30.22 feet to a 1/2" steel rod found marking the Northwest corner of said 0.679 acre tract;

Thence North 74°48'30" East a distance of 16.00 feet to a 1/2" steel rod set marking the Northeast corner of the said .0679 acre tract in the East line of said original alley and West line of said Lot 8 of W. P. Carter's Addition, also being the West line of said Tract Two;

Thence North 15°11'30" West with said East line of said alley a distance of 89.50 feet to a 1/2" steel rod set marking the Northwest corner of Lot 11;

Thence North 74°48'30" East, along the north line of said Lot 11, a distance of 120.00 feet to the Northeast corner of said Lot 11 in the East line of said Block 3 of W. P. Carter's Addition, also being in the West line of Broughton Street;

Thence South 15°11'30" East with said East line of said Block 3 and the west line of said Broughton Street, passing the Southeast corner of said Lot 6 and the Northeast corner of said Lot 1 of Boyer & Lucas Addition at 150 feet and continuing for a total distance of 170.00 feet to the Point-of-Beginning and containing 0.508 acres of land.

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.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, Melvin Dunlap & Kimberly Dunlap, do hereby adopt this plat designating the hereinabove property as the M&K DUNLAP 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 _____, 2015.

Melvin Dunlap

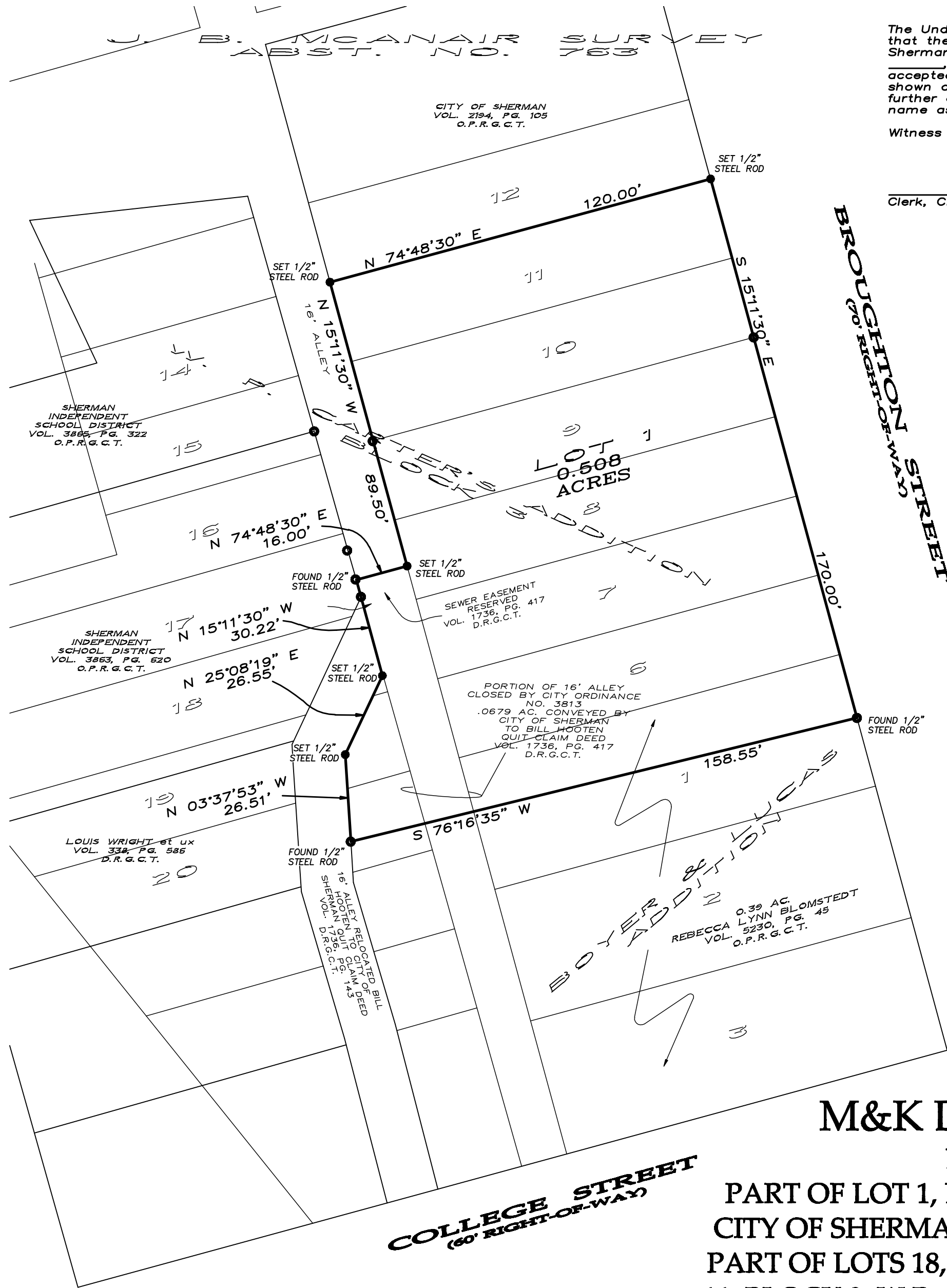
Kimberly Dunlap

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 Melvin & Kimberly Dunlap, 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 _____, 2015.

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



OWNERS/DEVELOPER
MELVIN DUNLAP
KIMBERLY DUNLAP
1817 W. HUNT
SHERMAN, TEXAS 75092

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

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

UNDERWOOD
DRAFTING & SURVEYING

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

FINAL PLAT
M&K DUNLAP ADDITION
BEING A REPLAT OF
PART OF LOT 1, BOYER & LUCAS ADDITION, TO THE
CITY OF SHERMAN, TEXAS, VOL. 120, PG. 91, D.R.G.C.T.
PART OF LOTS 18, 19, & 20, & ALL OF LOTS 6, 7, 8, 9, 10, &
11, BLOCK 3, W.P. CARTER'S ADDITION, VOL. 25, PG. 196,
D.R.G.C.T. AND A PORTION OF THE ALLEY RELEASED
IN ORDINANCE NO. 3813
BEING 0.508 ACRES IN THE
J.B. McANAIR SURVEY, ABSTRACT NO. 763
GRAYSON COUNTY, TEXAS

cc: Robby Hefton, City Manager
 Brandon Shelby, City Attorney
 Jamie Baggs, Fire Marshal
 Clay Barnett, Director of Public Works and Engineering
 Underwood Drafting & Surveying, 3404 Interurban Rd., Denison, Texas 75020

Scott Shadden, Director of Development Services
 Mark Gibson, Director of Utilities
 Don Keene, Dir. of Community and Support Services
 Lisa Whitfield, Engineering & Development Coordinator

P.O. BOX 1186 • SHERMAN, TEXAS 79091-1186 (803) 892-7206



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

Agenda Item No. 8.

Meeting Date: 05/19/2015

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Ron Barton, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Requested Action/Proposed Use:

*** 908 & 910 N. BROUGHTON**

The request of Melvin & Kimberly Dunlap (Owners) and Underwood Drafting and Surveying (Surveyor) concerning the property at 908 and 910 North Broughton Street, being all of Lots 6 thru 11 and a part of Lots 18, 19 and 20, Block 3, W.P. Carter's Addition and a part of Lot 1 of Boyer & Lucas Addition and also a part of a 16' wide alley closed by City Ordinance No. 3813, containing 0.508 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Final Plat approval of M&K Dunlap Addition, A Replat of part of Lot 1, Boyer & Lucas Addition, part of Lots 18, 19 & 20 & all of Lots 6, 7, 8, 9, 10 & 11, Block 3, W.P. Carters Addition and a portion of the Alley released in Ordinance No. 3813.

Background:

The property is located at 908 and 910 North Broughton Street between College and Richards Streets. The owners would like to replat three lots into one lot for commercial development.

Adjacent Zoning:

C-2 (General Commercial) District

R-1 (One Family Residential) District

Origination:

Melvin & Kimberly Dunlap (Owners)

Underwood Drafting and Surveying (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.

and

Parks/Open Space – Any community, city, state, or national park that is located within the ETJ or city limits. The parcel may not be fully developed, but should have some level of protection from future development (easement or public ownership).

Number of notices mailed:

67

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Photo

Replat

Ordinance 3813

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 7.

Meeting Date: 06/15/2015

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Approval of Nevins Addition, a Replat of Part of Lot 1, Block 1, Hare & Randolph's Addition; containing 0.33 acres in the Samuel Blagg Survey, Abstract No. 56; Katherine Nevins, Owner; and Sartin & Associates, Inc., Surveyor (602 and 606 South Travis Street)

Issue:

To consider approval of the Nevins Addition, a Replat of Part of Lot 1, Block 1, Hare & Randolph's Addition; containing 0.33 acres in the Samuel Blagg Survey, Abstract No. 56, located at 602 and 606 South Travis Street

Background:

The property is located at 602 and 606 South Travis Street; the southwest corner of Travis and King Streets. The lot has two houses on the lot; and the owner would like to replat the property into two lots to sell the residential properties.

Origination:

Katherine Nevins (Owner)
Sartin & Associates, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 19, 2015 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

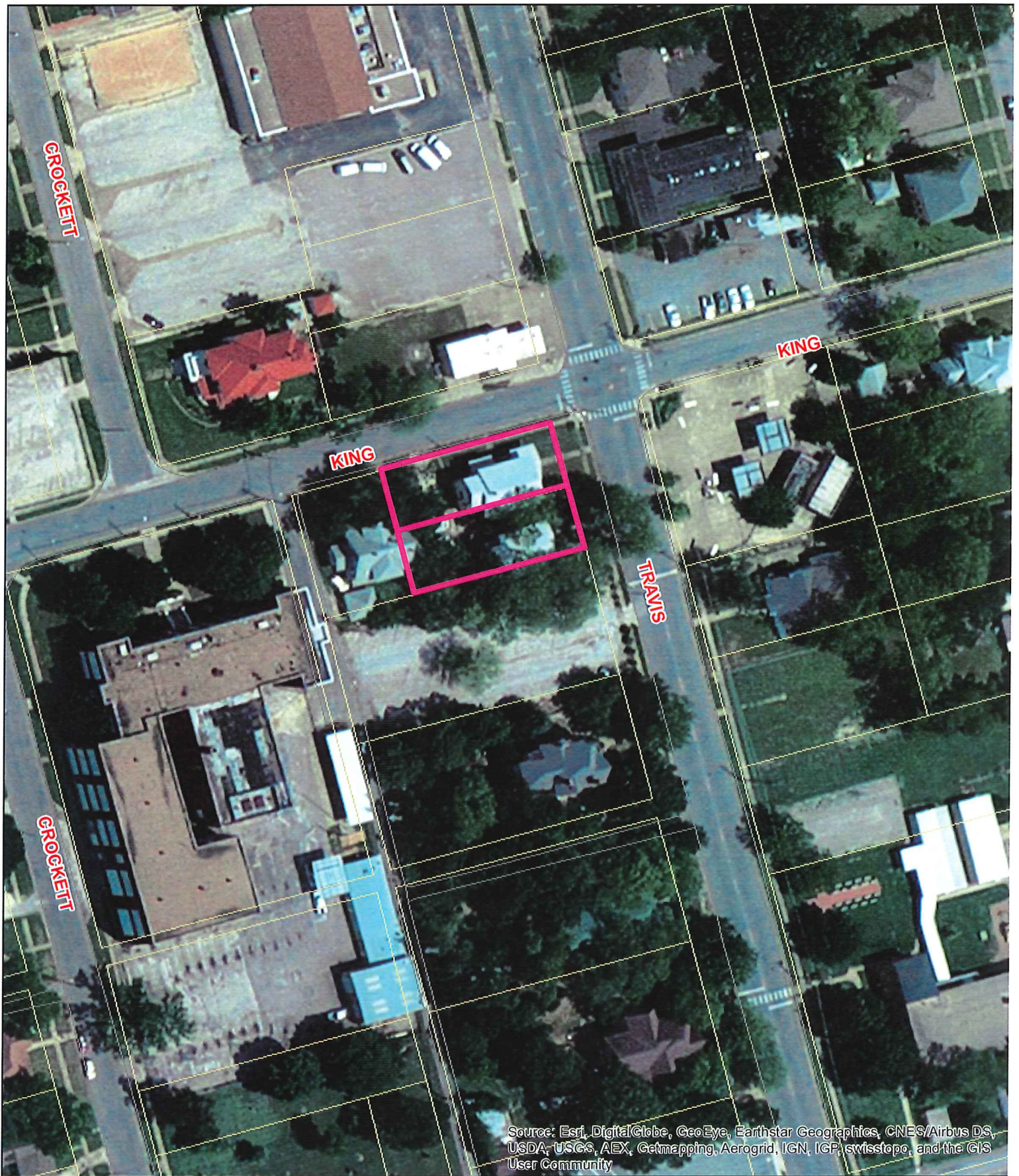
Zoning Map

Zoning Photo

Plat

Staff Review Letter

P&Z Communication



602 & 606 S. Travis

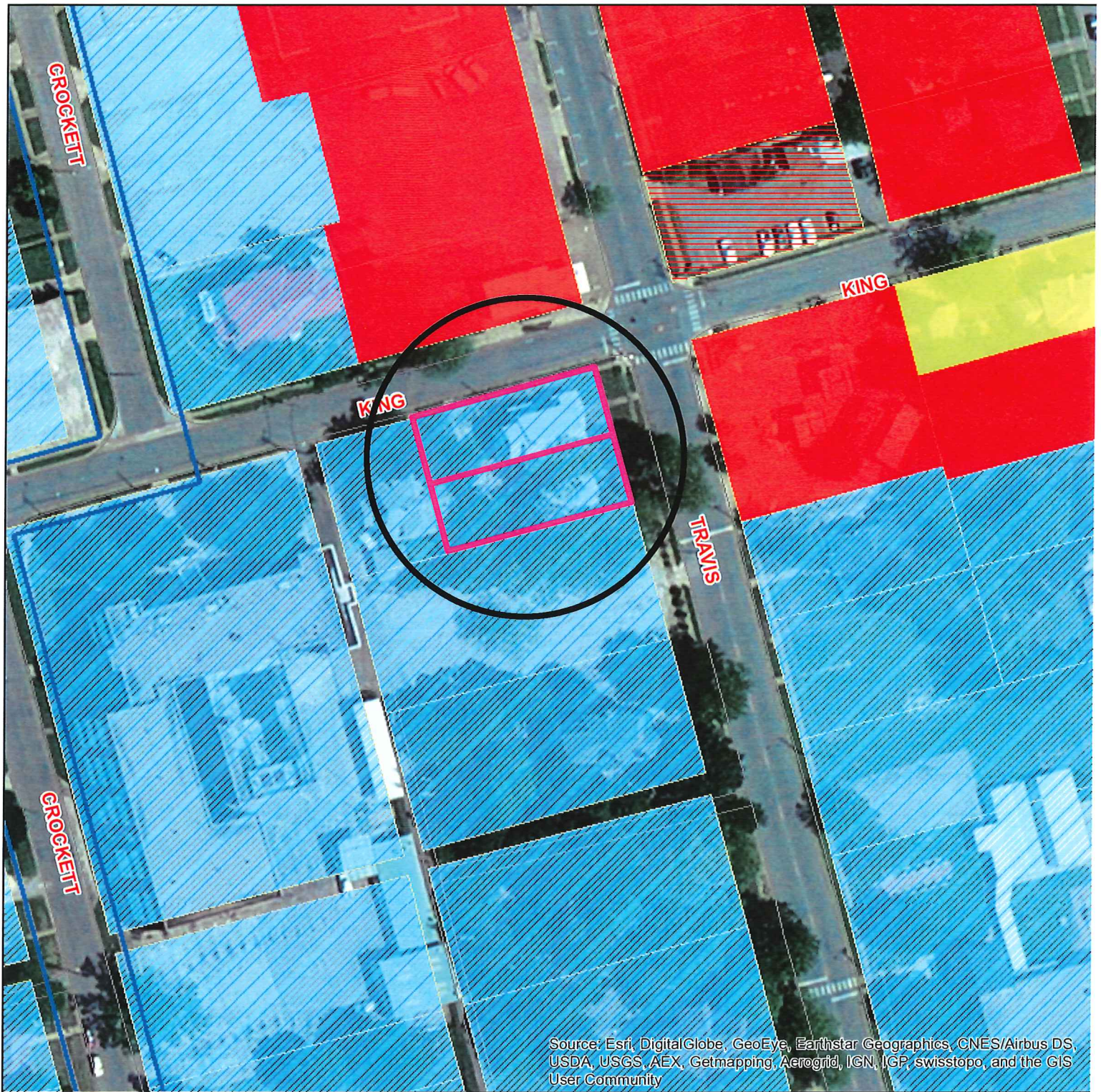
Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 97 ft



Zoning - 602 & 606 S. Travis

Legend

Transportation Corridors Overlay Special Districts Overlay

HWY_NAME

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75

DISTRICT_NAME

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

ZONING PARCELS

Zoning Classification

- 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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



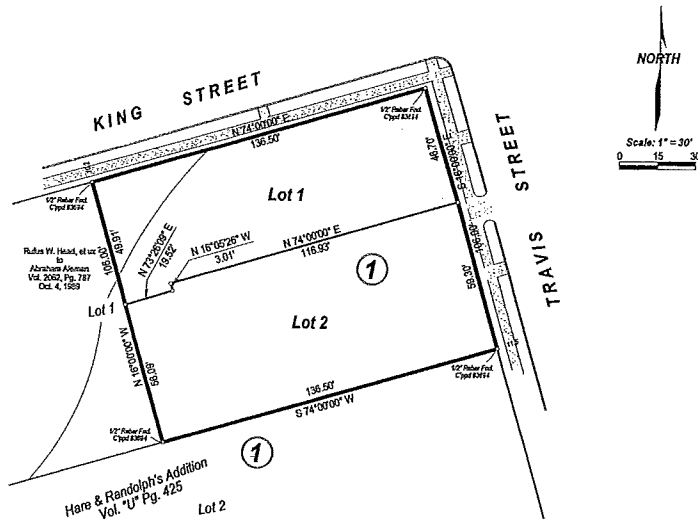
NOT TO SCALE

1 in = 97 ft

602 & 606 S. Travis



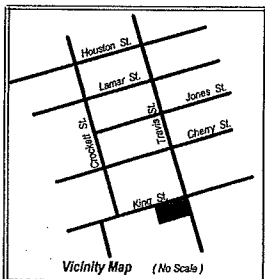
NOTICE: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fine and withholding of utilities and building permits.



Final Plat of
NEVINS ADDITION
 to the
CITY of SHERMAN, TEXAS
 being 0.33 Acres
 Being a replat of a part of
 Lot 1, Block 1 of Hare and Randolph's Addition
 Volume "U", Page 425, D.R.G.C.T.

Owner & Developer

Katherine Nevins
 5726 Bayou Glen
 Houston, Texas 77057



SARTIN & ASSOCIATES, INC.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 109 S. Travis, P.O. Box 1848 Sherman, Texas 76051-1848
 Ph.: (903) 932-4003 Fax: (903) 948-2970 Email: msartin@gocshp.com

SHEET 1 OF 2
 NEVINS-1.pcs

**STAFF REVIEW LETTER**

May 13, 2015

Katherine Nevins
5773 Woodway #221
Houston, TX 77057

Dear Applicants,

The request for approval of 602 & 606 S Travis Street, the Final Plat of Nevins Addition, a Replat of part of Lot 1, Block 1, Hare & Randolph's Addition, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 19, 2015 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches shall conform to TxDOT and City of Sherman standards and a permit is required from City of Sherman Engineering Department. Any special requirements by TxDOT shall be met.
4. Private water and sewer easements for the Lot 2 utility services shall be shown across Lot 1.
5. Each structure shall have separate water and sewer services.
6. All of Lot 1, Block 1 Hare & Randolph's Addition shall be included in the Plat.
7. Lot frontage shall meet City of Sherman standards unless a variance is granted.
8. The width of the right-of-way and pavement for streets shall be shown on the plat.
9. The Point of Beginning shall be shown on the plat.
10. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,

Clint A. Philpott,
City Engineer

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Jamie Baggs, Fire Marshal
Clay Barnett, Director of Public Works and Engineering
Sartin & Associates, Inc., PO Box 1843, Sherman, TX 75091

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Don Keene, Dir. of Community and Support Services
Lisa Whitfield, Engineering & Development Coordinator



Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 20.

Meeting Date: 05/19/2015

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Ron Barton, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Requested Action/Proposed Use:

602 & 606 S. TRAVIS

The request of Katherine Nevins (Owners) and Sartin & Associates (Surveyor) concerning the property at 602 & 606 South Travis Street, being part of Lot 1, Block 1, Hare & Randolph Addition, containing 0.33 acres in the Samuel Blagg Survey, Abstract No. 56, as follows:

Board of Adjustments

Variance under Ordinance No. 2280, Section 6.3, Subsection (1) to allow the proposed Lot 1, Block 1 of Nevins Addition to have a 46.70' wide lot and Lot 2, Block 1 to have a 59.30' wide lot in lieu of the required sixty (60) foot widths in an R-2 (Multi-Family Residential) District.

Planning and Zoning Commission

Final Plat of Nevins Addition, a Replat of part of Lot 1, Block 1, Hare & Randolph's Addition.

Background:

The property is located at 602 and 606 South Travis Street; the southwest corner Travis and King Streets. The lot has two houses on the lot and the owner would like to replat the property into two lots to sell the residential properties.

Adjacent Zoning:

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

Origination:

Katherine Nevins (Owners)

Sartin & Associates (Surveyor)

Master Plan Designation:

Auto-Urban Multi-Family – Multi-Family residential consists of residential apartment buildings and duplexes, in which the lot carries very similar characteristics as Auto-Urban Single-Family. The parking requirements mandate that the automobile becomes an important feature of the landscape.

Number of notices mailed:

Replat - 45

Variance - 11

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Photo

Survey

Plat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. D. 8.

Meeting Date: 06/15/2015

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Approval of Michael Moore Addition, a Replat of Lots 1 and 2, Block 2, J.C. Linnstaedt Addition; containing 0.327 acres in the G.B. Pilant Survey, Abstract No. 963; Michael L. Moore, Owner; and Underwood Drafting and Surveying, Surveyor (1715 East King Street)

Issue:

To consider approval of the Michael Moore Addition, a Replat of Lots 1 and 2, Block 2, J.C. Linnstaedt Addition; being Lots 1 and 2, Block 2, J.C. Linnstaedt Addition, containing 0.327 acres located at 1715 East King Street

Background:

The property is located at 1715 East King Street, between Loving and Dewey Avenues. The owner would like to replat the property into one lot for residential development. This item also relates to Ordinance 5879 for consideration on this agenda regarding installation of solar panels in a residential area.

Origination:

Michael Moore (Owner)

Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the May 19, 2015 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

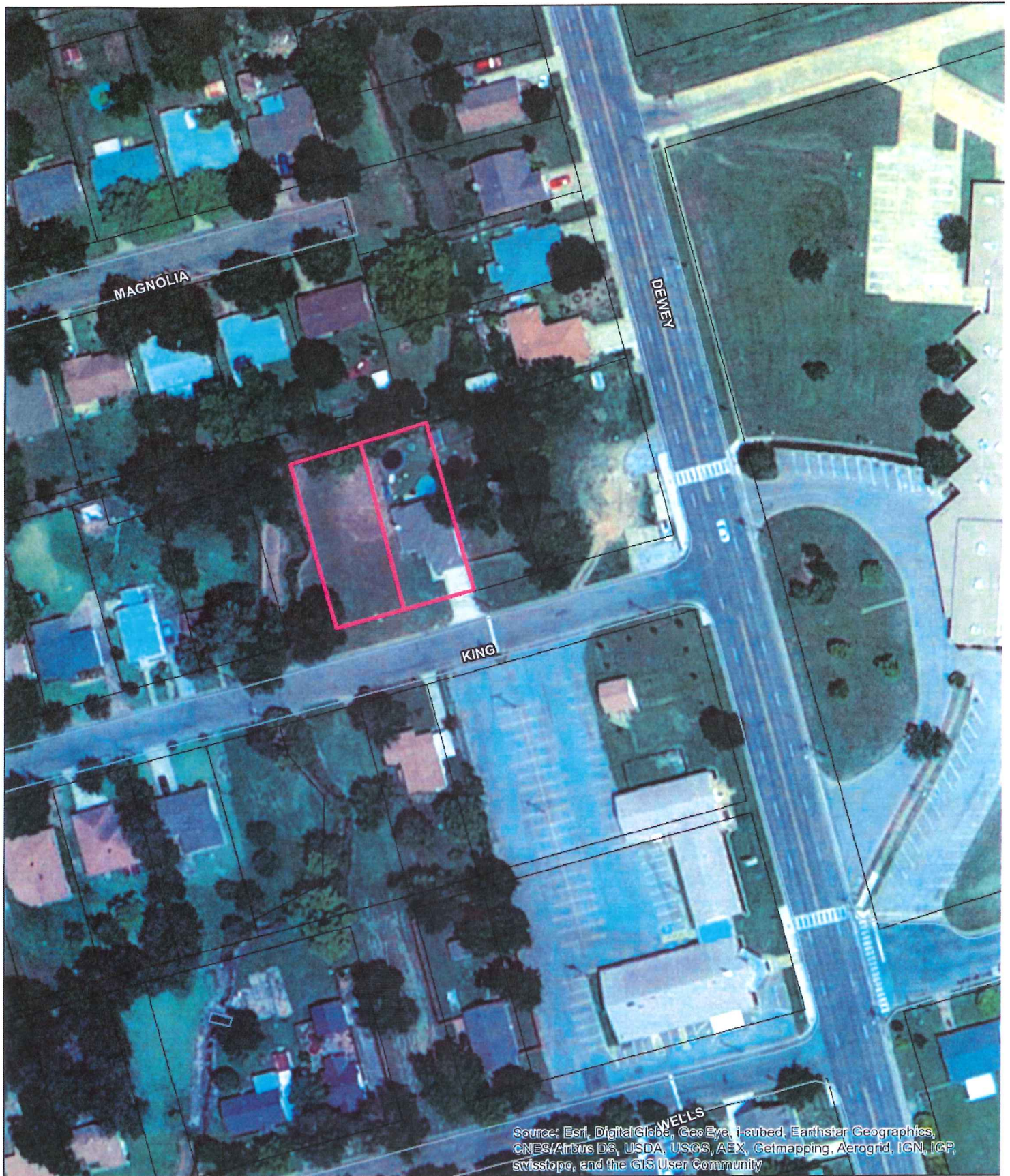
Zoning Map

Zoning Photo

Replat

Staff Review Letter

P&Z Communication



Sherman
CLASSIC TOWN BROAD HORIZON

City of Sherman, Texas
Developmental Services Department

1715 E. King



NOT TO SCALE

1 inch = 93 feet



Zoning - 1715 E. King

Legend

Transportation Corridors Overlay DISTRICT_NAME

HWY_NAME

FM 1417

Sam Rayburn Freeway

US Hwy 82 and 75

Special Districts Overlay

Arts and Cultural District

Blalock Commercial Overlay District

Central Business District

College Park District

Downtown Overlay District

Historic Preservation District

ZONING PARCELS

Zoning Classification

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

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

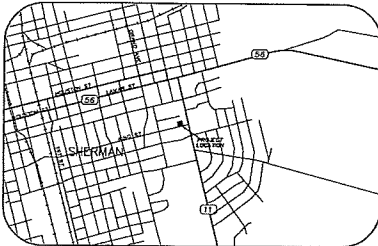


NOT TO SCALE

1 in = 80 ft

1715 E. King

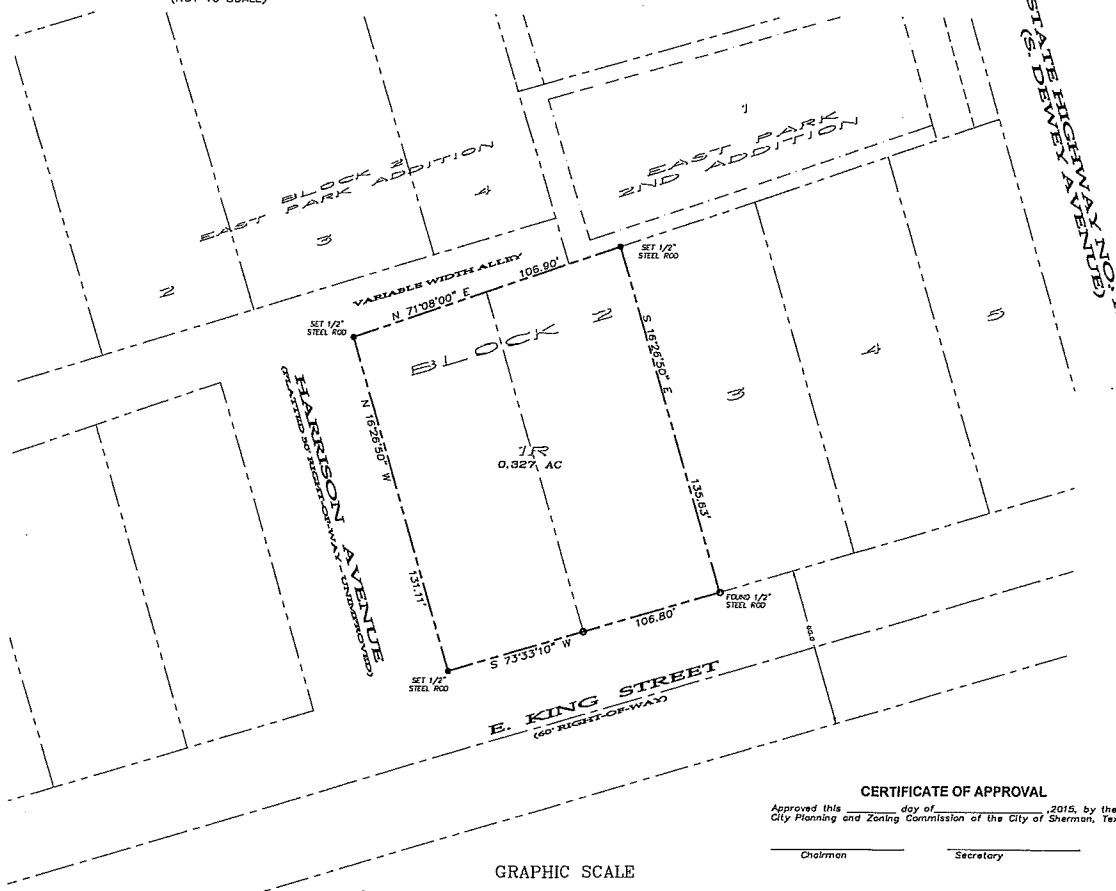




LOCATION MAP
(NOT TO SCALE)

- GENERAL NOTES ---
1. BLOCKING THE FLOW OF WATER OR CONSTRUCTION OF IMPROVEMENTS IN DRAINAGE EASEMENTS, AND PLACING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
 2. THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVELING 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 TRAVELLED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
 3. GRAYSON COUNTY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID DRAINAGE WAYS OR THE CONTROL OF FLOODING.
 4. GRAYSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOODING CONDITIONS.
 5. THE OWNER AGREES TO COMPLY WITH AND STATE OR FEDERAL REGULATIONS RELATING TO SUBDIVISIONS OF THIS TYPE.
 6. THERE WILL BE NO LOT SALES UNTIL THE PLAT HAS BEEN APPROVED BY THE CITY AND FILED IN GRAYSON COUNTY DEED RECORDS.

--- BASIS OF BEARINGS ---
COURSE ALONG DENNEY AVENUE
(U.S. HIGHWAY NO. 497)
AS PER TYPOT DATA



CERTIFICATE OF APPROVAL

Approved this _____ day of _____, 2015, by the
City Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

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

OWNER/DEVELOPER
MICHAEL MOORE
1715 E. KING STREET
SHERMAN, TX 75090

UNDERWOOD
DRAFTING & SURVEYING

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

LEGAL DESCRIPTION

Situated in the City of Sherman, County of Grayson, State of Texas, being all of Lots 1 & 2, Block 2 of the J.C. Linnstaedt Addition, on addition to the City of Sherman, Texas as recorded in Volume 313, Page 586, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found in the north right-of-way line of E. King Street (a public road) maintaining the southwest corner of Lot 3 and the southeast corner of said Lot 2 and the herein described tract;

Thence South 73°33'10" West, along said north right-of-way line, a distance of 106.80 feet to a 1/2" steel rod set for southwest corner of said Lot 1 and being the southwest corner of the herein described tract;

Thence North 16°26'50" West, along the west line of Lot 1, a distance of 131.17 feet to a 1/2" steel rod set in the south line of an alley for the northwest corner of said Lot 1 and being the northwest corner of the herein described tract;

Thence North 71°08'00" East, along the south line of said alley passing the southwest corner of Lot 1 of East Park 2nd Addition, on addition to the City of Sherman as recorded by plat of record in Volume 8, Page 63, Plat Records, Grayson County, Texas, at a distance of 86.41 feet and continuing along the south line of said 2nd Addition for a total distance of 106.90 feet to a 1/2" steel rod set for the northeast corner of said Lot 3 and the northeast corner of Lot 2 and the herein described tract;

Thence South 16°26'50" East, along the west line of said Lot 3, a distance of 135.63 feet to the Point-of-Beginning and containing 0.327 acres of land.

SURVEYOR'S CERTIFICATE

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 Date
Registered Professional
Land Surveyor, No. 4709

OWNERS DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT We, Tanglewood Development Corporation, being the owner of the hereinabove described property hereby adopt this plat designating said property as Final Plat of Michael Moore Addition, on addition to the City of Sherman, Texas, and does 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 any way may endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easement strips and any public or private utility shall, at all times, have the right of ingress and egress to, 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 _____, 2015.

Michael Moore

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Michael Moore, known to me to be the persons whose names are 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 _____, 2015.

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

CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas Date

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, Final Plat of Michael Moore Addition, to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2015, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2015.

Clerk, City of Sherman, Texas

FINAL PLAT MICHAEL MOORE ADDITION

BEING A REPLAT OF LOTS 1 & 2, BLOCK 2
OF THE J.C. LINNSTAEDT ADDITION
TO THE CITY OF SHERMAN, TEXAS
AND BEING 0.327 ACRES OF LAND IN THE
G.B. PILANT SURVEY, ABSTRACT NO. 963
SHERMAN, TEXAS

JOB NO. 15030131

**STAFF REVIEW LETTER**

May 13, 2015

Michael Moore
1715 E. King
Sherman, Texas 75090

Dear Applicants,

The request for approval of 1715 E King Street, the Michael Moore Addition, a Replat of Lots 1 & 2, Block 2, J.C. Linnstaedt Addition, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, May 19, 2015 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. The width of the pavement for streets shall be shown on the plat.
4. The Point of Beginning shall be shown on the plat.
5. Drive approaches shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
6. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,

Clint A. Philpott,
City Engineer

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Jamie Baggs, Fire Marshal

Clay Barnett, Director of Public Works and Engineering
Underwood Drafting & Surveying, 3404 Interurban Rd., Denison, Texas 75020

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Don Keene, Dir. of Community and Support Services
Lisa Whitfield, Engineering & Development Coordinator



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

Agenda Item No. 5.

Meeting Date: 05/19/2015

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Eric Elliott, Commissioner

Ron Barton, Commissioner

Chris Vellotti, Commissioner

Sam Thorpe, Commissioner

Sean Vanderveer, Commissioner

Ronnie Dutton, Commissioner

Shawn Davis, Commissioner

Requested Action/Proposed Use:

*** 1715 E. KING**

The request of Michael L. Moore (Owner) and Underwood Drafting and Surveying (Surveyor) concerning the property at 1715 East King Street, being Lots 1 & 2, Block 2, J.C. Linnstaedt Addition, containing 0.327 acres, as follows:

Planning and Zoning Commission

Replat approval of Michael Moore Addition, a Replat of Lots 1 & 2, Block 2, J.C. Linnstaedt Addition.

Background:

This item was moved from the April 21, 2015, Planning and Zoning Commission Meeting. The property is located at 1715 East King Street between Loving and Dewey Avenues. The owner would like to replat the property into one lot for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

Michael Moore (Owner)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

44

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Photo

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. G. 1.

Meeting Date: 06/15/2015

Prepared By: Don Keene, Director of Administration and Finance

Approved By: Robby Hefton, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

- (a) Keep Sherman Beautiful Commission (3)

Issue:

There is currently one vacancy on the Keep Sherman Beautiful Commission. Resolution No. 5977, considered earlier in the agenda, would increase the number of members on the Commission from seven (7) to nine (9). With approval of this Resolution, the City Council can appoint a member to fill the vacancy and two additional new members. Applications for this Commission have been submitted by Joshua Shelton, Patti Cernero, Zac Grantham, and Amanda Phillips.

Background:

The Keep Sherman Beautiful Commission promotes public interest in the general improvement of the environment of the City, and initiates, plans, directs, and coordinates programs in conjunction with and in cooperation with citizens, government, businesses, and industries within the City.

Origination:

This agenda item originated with the Keep Sherman Beautiful Commission.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

The staff's recommendation is to consider appointments for the Commission as allowed by the aforementioned Resolution.

Alternatives:

The Council could choose not to make appointments to the Keep Sherman Beautiful Commission.

Attachments

Roster

Fact Sheet

Applicant List

Joshua Shelton Application

Patti Cernero Application

Zac Grantham Application

Amanda Phillips Application

MEMBERSHIP ROSTER

KEEP SHERMAN BEAUTIFUL COMMISSION

LENGTH OF TERMS: 2 Years

Ord. 4112 Consecutive Term Limit (3)*effective 7/24/89

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Jennifer Thompson Recording Secretary	4	11/4/2013	1/1/2016*	1	2 Year Term
Michael Deen	2	11/4/2013	1/1/2016*	1	2 Year Term
Karen Tooley	4	11/4/2013	1/1/2016*	1	2 Year Term
Lauren Roth Chairperson	4	11/4/2013	1/1/2016*	1	2 Year Term
Angela Krieger	1	11/4/2013	1/1/2016*	1	2 Year Term
Dusty Payne	3	11/4/2013	1/1/2016*	1	2 Year Term
Vacant			1/1/2017	1	2 Year Term

NOTE: All members shall be appointed for terms of two (2) years, and shall not serve for more than three (3) consecutive terms.

* Initially the terms will be for more than two years, in order to meet Article II, Section 2 of the By-Laws, stating that new terms begin on January 1 of each year.

Chairperson

NOTE: Chairperson serves one year terms

CHAIR	APPOINTMENT DATE	DATE CHAIR EXPIRES	YEARS SERVED AS CHAIR
Lauren Roth	11/5/2013	1/1/2015**	1

** Initially the Chairperson's term will be for more than one year, in order to meet Article II, Section 2 of the By-Laws, stating that new terms begin on January 1 of each year

FACT SHEET

KEEP SHERMAN BEAUTIFUL COMMISSION

Established by RESOLUTION 2805 – MARCH 2, 1992 – RE-ESTABLISHED BY RESOLUTION 3807 – APRIL 19, 1999; RE-ESTABLISHED BY RESOLUTION 5041 – JULY 16, 2007

1. Number of Members: SEVEN (7)
2. Term of Appointment: TWO (2) YEARS
3. Consecutive Term Rule: THREE YEARS
4. Qualifications for Membership: INTEREST IN KEEPING SHERMAN BEAUTIFUL; DEDICATION TO IMPLEMENTATION OF ASSIGNED PROJECTS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

CHAIRPERSON A VICE CHAIRPERSON E SECRETARY E

ELECTED APPOINTED

7. Departmental Responsibility: CITY MANAGER
8. Meeting Date: BI-MONTHLY AT 5:30 P.M. OR WHEN CALLED
9. Attendance Requirements: IF A COMMISSION MISSES TWO MEETINGS WITHOUT NOTICE AND/OR WITHOUT GOOD CAUSE WITHIN A CALENDAR YEAR, AFTER WRITTEN NOTIFICATION BY THE CHAIRMAN, HE/SHE SHALL AUTOMATICALLY RELINQUISH HIS/HER PLACE ON THE COMMISSION

=====

PURPOSE:

Commission shall function to assist the City Council and the City staff by involving individuals, businesses, and industries throughout the community to promote education and activities and encourage waste reduction, litter prevention, and beautification programs and projects in affiliation with the Keep Texas Beautiful objectives.

RESPONSIBILITIES:

- (1) To plan, initiate, direct, and coordinate community-wide efforts to achieve its goals
- (2) To solicit and accept donations and appropriations for money, service, products, property, and/or facilities expenditure and use by the Commission for the accomplishment of its objectives as approved by the City Council
- (3) To make recommendations to the City Council, as well as to the private sector, regarding measures which it deems necessary to accomplish the objectives of both the City and the Commission.

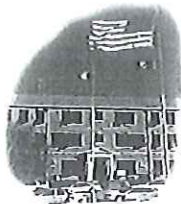
APPLICANT LIST

Keep Sherman Beautiful Commission

Positions Vacant 3

Applicant	Address	District	Qualifications
Joshua Shelton	1811 W. College	1	World Financial Group
Patti Cernero	2409 Creekbend Circle	1	n/a
Zac Grantham	1023 W. Belden	1	93.1 KMKT
Amanda Phillips	1424 N. Lockhart	1	Virginia Cook Realtors

COMMENTS:



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP

RECEIVED
SEP 2014
CITY CLERK'S
OFFICE

Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Joshua Shelton

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Keep Sherman Beautiful Commission

☒ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information

Home Address: 1811 W College
Mailing Address: same
Telephone: (225) 718-8243 Fax: _____
E-Mail: sheltonjd18@yahoo.com
Sherman Resident for 30 years County: Grayson
Drivers License No.: 18495710
Voter Registration No.: 1025105315 ✓

Occupational Information

Business Name: World Financial Group
Occupation: Agent
Address: _____
Telephone: (225) 718-8243 Fax: _____
E-Mail: _____

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

Prior work experience: (please include dates)

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? _____

Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: Grayson

☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

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

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

Application held for 12 months from date received

Taxes - No

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

If so, which one? _____

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

I'm young energetic very excited to be a resident of Sherman, feel as though it can be a vibrant city that has a urban look but country town closeness and warmth

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

- 1) *Bringing life to the downtown area - more lights, better landscaping, family attractions besides "Hot Summer Nights", variety of restaurants, museums, aquariums, music, people*
- 2) *Community Pride - Conduct more contest in each district for yard of the month/year and then have those four district winners compete such as in a play off format*
- 3) *Renovate the Historical district - there are some lovely homes, nice catholic church, remodel the duplexes on Crockett, add larger signs to invite visitors or even residents to tour the Historical District*

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

*Motivational Speaker, Customer Service Training, Psychology Training
Licensed Financial Insurance Agent of Texas*

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

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

Comments: _____

Statement of Intent

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

Signature: _____

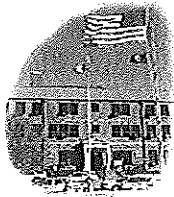
Joshua D. Shelton

Date: _____

9-11-2014

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

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name:

Patricia Cernero (Patti)

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission:

Keep Sherman Beautiful Commission

☒ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information

Occupational Information

Home Address: 2409 Creek Bend Circle

Business Name: N/A

Mailing Address: Sherman, TX 75092

Occupation: _____

Telephone: 903-870-8354 Fax: N/A

Address: _____

E-Mail: pcernero70@yahoo.com

Telephone: _____ Fax: _____

Sherman Resident for 58 years County: Grayson

E-Mail: _____

Drivers License No.: 07359984

Voter Registration No.: 1024937778 ✓

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

Prior work experience: (please include dates)

Texoma Nat'l Park 1979-1983, Old America Stores Corporate 1989-1997 - Buyer
Three Hands Corp. Show Room Mgr. 2000-2006, Ambella Home 2007-2009 Customer
Service Rep 2007-2009, Midwest - CBK - Asst. Show Room Manager 2010-2013

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1972

Business College, Correspondence School, Adult Education, Other? BCC - 2 yrs

Name of College/University: Grayson County Junior College ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

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

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

Taxes - No

Application held for 12 months from date received

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

If so, which one? _____

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

I have been a lifelong Resident of Sherman and am deeply interested in the continuing betterment of the City's environment & beauty. This is "my town" and I would love to be involved in the progress & growth of Sherman.

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

- 1) Roadside trash - I've noticed while driving down 82 & 75 the unacceptable amount of trash carelessly thrown on the roadside - getting groups of citizens (young & old) together to educate & make a conscious effort not to throw trash out - forming clean up groups
- 2) In conjunction with #1, educating about Recycling - supplying trash & Recycling bags
- 3) Cleaning up and pushing for demolition of abandoned eyesores on Business 75 (Texoma Pkwy)

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

I have been in the decor/gift industry for many years & feel my creative knowledge would be an asset as well as the fact that I am well acquainted with Sherman, TX.

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

None

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

Comments: _____

Statement of Intent

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

Signature: _____

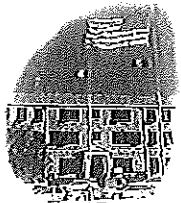
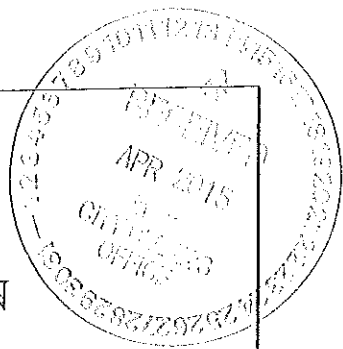
Patti S. Carner

Date: _____

10/14/2014

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

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name:

Zac Grantham

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission:

Keep Sherman Beautiful

☒ Yes, I would be interested in serving on subcommittees that may be formed.

Personal Information

Home Address: 1023 W Belden Street
Mailing Address: 1023 W Belden Street
Telephone: 940-768-8717 Fax: N/A
E-Mail: Zacgrantham@gmail.com
Sherman Resident for 2 years County: Crayson
Drivers License No.: 20460718
Voter Registration No.: 1203622223 ✓

Occupational Information

Business Name: 93.1 KMKR CD city media
Occupation: Marketing Show DJ
Address: 1800 Tessler Dr. Suite 300
Telephone: 903-463-6800 Fax: _____
E-Mail: zac@931KMKR.com

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

Prior work experience: (please include dates)

KEAT - FM in Ardmore OK from Aug 2007 - Feb 2013. Also Promotions Dir
while at KEAT - FM. Assistant Promotions MGR at WinStar Casinos
from June 2006 to August 2007.

Educational Achievement:

High School Graduate? ☒ Yes ☐ No

Year Graduated/Left School? 2005

Business College, Correspondence School, Adult Education, Other? N/A

Name of College/University: N/A

☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Volunteer at Church, Joshua's Crossing

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

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

Over book in June of 2009. Community service, fines, and lost license
for 90 days. Everything has been completed and is on my
driving record.

Application held for 12 months from date received

Texas No

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

If so, which one? _____

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

I feel like KCSB is vital for our community to keep where we live clean and I'm proud of where I live and I want others to respect how it looks and keep it beautiful.

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

1) Residents taking responsibility for our environment. We need keep everything clean and recycle to ensure our community is beautiful for years to come.

2) Preventing Littering. It's not right to throw trash out. I've seen people throw trash out windows all the time and we need provide ways for residents to think before they do such a thing.

3) Educating residents about recycling and waste prevention. What do you recycle? How can you prevent waste? Let this out to the public and you instantly change our environment.

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

My training includes promotions/marketing, helping organize events to promote an event/cause.

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

N/A

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

Comments: I've talked to Lauren Keth.

Statement of Intent

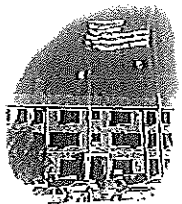
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Signature: _____

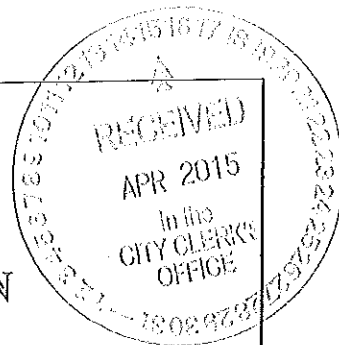
Date: 4/14/15

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Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP



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220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

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

Name: Amanda Phillips

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission:

Keep Sherman Beautiful

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

Personal Information	Occupational Information
Home Address: <u>1424 N. Lockhart</u>	Business Name: <u>Virginia Cook, Realtors</u>
Mailing Address: <u>Same</u>	Occupation: <u>Realtor 2007 - Present</u>
Telephone: <u>903-267-9704</u> Fax: _____	Address: <u>841 North Creek Drive Sherman</u>
E-Mail: <u>aphillips@virginiacook.com</u>	Telephone: <u>903-893-8174</u> Fax: <u>903-808-0889</u>
Sherman Resident for <u>11</u> years County: <u>Grayson</u>	E-Mail: _____
Drivers License No.: <u>22019794</u>	
Voter Registration No.: <u>1025484322</u> ✓	

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

Prior work experience: (please include dates)

2004-2007 - Bedre Fine Chocolates (National Sales)

2001-2004 KADA Radio Station (Morning DJ / Promotions Director)

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1998

Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: East Central University ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

North Texas Youth Connection - 2013-present

Texas Association of Realtors - 2012-present

Fairview PTA - 2013-present

Greater Texoma Association of Realtors - 2009-present

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

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

Taxes - No

Application held for 12 months from date received

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

If so, which one? _____

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

I believe every citizen has a duty to keep their city beautiful. Reducing our carbon footprint and updating the area is vital.

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

- 1) Awareness of Commission - recruitment of highly active people throughout community to spread the word. Co-sponsorship of events.
- 2) Accountability - once events are planned follow-through is integral along with support from City Council.
- 3) Diversity of members - Again, ~~the~~ "outside the box" recruitment of participants to reach untapped sources. AKA not all the same people that are on other commissions and committees.

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

Enjoy volunteering, very organized, involved in other programs that will benefit in recruitment for volunteers, Marketing/PR background

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

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

Statement of Intent

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Signature: Amanda Philein

Date: 4-15-15

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Sherman
CLASSIC TOWN. BROAD HORIZON.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Agenda Item No. L.

Meeting Date: 06/15/2015

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2015 Council Calendar

2015

JANUARY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

MARCH						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL						
S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY						
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE						
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

JULY						
S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST						
S	M	T	W	T	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

1/5/2015	Regular City Council Meeting - Cancelled
4/21/2015	Called Budget Planning Meeting in Council Chambers
06/25-26/2015	Called Budget Workshop in Council Chambers
9/8/2015	Labor Day/Called Council Meeting on 09/8/2015
