CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, JUNE 3, 2013
5:00 P.M.

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

A. 2. PLEDGE OF ALLEGIANCE BY COUNCIL MEMBER JASON SOFEY

A. 3. INVOCATION BY COUNCIL MEMBER JASON SOFEY

A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 20, 2013

Public Hearing

B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5776
Providing for Permanent "Stop" Signs at the Intersections of Center Street and Rusk Street, and at Steeple Chase Drive and Heritage Parkway (F.M. 1417), within the City Limits of the City of Sherman; Providing for a Penalty Provision

Close Public Hearing and Consider Adoption of Ordinances

B. 2. ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Number: 5776

B. 3. 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. 5771
Authorizing the Relocation of the Marcy's California and Butterfield Trail Marker

C. 2. **RESOLUTION NO. 5772**

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of City Project State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer); Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

C. 3. **** RESOLUTION NO. 5773***

Authorizing Execution of an Easement and Right-of-Way to Oncor Electric Delivery Company, LLC for Overhead and/or Underground Electric Supply and Communication Facilities at the City Water Treatment Plant

Requests to Advertise

D. 1. **** REQUEST TO ADVERTISE***

Services to Perform the Annual Audit for Period Ending September 30, 2013

D. 2. **** REQUEST TO ADVERTISE***

Annual Contract for Gasoline and Diesel Supply

Other Business

E. 1. **OTHER BUSINESS**

Receive Presentation from Parks and Community Service Director Kevin Winkler on "The Taylor Street Complex"

F. **CITIZEN REQUESTS**

G. **MEDIA QUESTIONS**

H. **COUNCIL COMMENTS**

Executive Session

I. 1. **EXECUTIVE SESSION**

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

Section 551.074 Personnel Matters

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

(1) Planning and Zoning Commission (2)

(2) Civil Service Commission (1)

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 May 30, 2013 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 30th day of May, 2013
City of Sherman, Texas

____
City Clerk

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

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

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

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

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

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

Mayor	Deputy Mayor	Council Members	
Carolyn S. Wacker	Pamela L. Howeth	Ryan Johnson, Council-At-Large, PL #1	Robert G. Softly, Council – District #2
		Jason Sofey, Council-At-Large, PL #2	Pamela L. Howeth, Council – District #3
		Joe N. Smith, Council – District #1	David Plyler, Council – District #4

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

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No.** **A. 4.**

Meeting Date: 06/03/2013

Approved By: George Olson, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 20, 2013

Attachments

May 20, 2013 Minutes

TCOG Presentation

Substandard Ordinance Flow Chart

STATE OF TEXAS §

May 20, 2013

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 May 20, 2013.

MEMBERS PRESENT: **MAYOR CARY WACKER; DEPUTY MAYOR PAM HOWETH. COUNCIL MEMBERS JOHNSON, PLYLER, SOFEY, SOFTLY.**

MEMBERS ABSENT: **COUNCIL MEMBER SMITH.**

CALL TO ORDER

CALL TO ORDER

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

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council (Budget Planning) Meeting of April 26, 2013 and the Regular City Council Meeting of May 6, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE.
MOTION CARRIED.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5775
ATMOS ENERGY
RATE SCHEDULE

Mayor Wacker called for the Public Hearing of Ordinance 5775:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ATMOS CITIES STEERING COMMITTEE LEGAL COUNSEL.

No citizens appeared before the City Council to discuss Ordinance 5775.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

ORD 5775
ATMOS ENERGY
RATE SCHEDULE

Ordinance 5775
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EFFECTIVE DATE; REQUIRING DELIVERY OF THIS

ORDINANCE TO THE COMPANY AND THE ATMOS CITIES STEERING COMMITTEE LEGAL COUNSEL.

Mayor Wacker confirmed that the rate change would not be effective until October of 2013 and will be no more than $0.50 per month on any individual's bill. The rate change was recommended by the ATMOS City Steering Committee and their legal counsel.

ACTION TAKEN.
Motion by Deputy Mayor Howeth to approve Ordinance No. 5775, as presented. Second by Council Member Plyler.
VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Council Member Plyler moved to approve the Consent Agenda, as presented. Second by Council Member Johnson. All present voted AYE.

RESOLUTIONS

RES 5767 SURFACE WATER DISTRIBUTION PIPELINE EAST

RESOLUTION NO. 5767 – ACCEPTING THE CONTRACT WITH W. BROWN ENTERPRISES, INC. AS COMPLETE FOR THE SURFACE WATER DISTRIBUTION PIPELINE EAST – SCHEDULE "A"
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH W. BROWN ENTERPRISES, INC. AS COMPLETE FOR THE SURFACE WATER DISTRIBUTION PIPELINE EAST – SCHEDULE "A".
CONSENT AGENDA.

RES 5768 STEPHENS WOODBINE #2 WELL REPAIRS

RESOLUTION NO. 5768 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS WOODBINE #2 WELL REPAIRS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS WOODBINE #2 WELL REPAIRS.
CONSENT AGENDA.

RES 5769 STEPHENS TRINITY #1 WELL REPAIRS

RESOLUTION NO. 5769 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS TRINITY #1 WELL REPAIRS
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE STEPHENS TRINITY #1 WELL REPAIRS.
CONSENT AGENDA.

RES 5770
OLD SETTLERS
TRINITY #1
WELL REPAIRS

RESOLUTION NO. 5770 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE OLD SETTLERS TRINITY #1 WELL REPAIRS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH WEISINGER INCORPORATED FOR THE OLD SETTLERS TRINITY #1 WELL REPAIRS.
CONSENT AGENDA.

CHANGE ORDER
SURFACE WATER
DISTRIBUTION
PIPELINE EAST

CHANGE ORDER NO. 2
SURFACE WATER DISTRIBUTION PIPELINE EAST – SCHEDULE "A"; W. BROWN ENTERPRISES, INC.; $6,468.00 DECREASE

The City Council approved Change Order No. 2 for the Water Treatment Plant second feed project Schedule "A". This is a final reconciliatory change order to adjust the final project quantities for the west portion of the second feed project.

The change order results in a $6,468 decrease in the contract amount, yielding a final contract price of $759,444.50. The project was funded through the Greater Texoma Utility Authority and was part of the City's Capital Improvement Program.
CONSENT AGENDA.

OTHER BUSINESS

TCOG REGIONAL
TOURISM INITIATIVE

RECEIVE PRESENTATION FROM TEXOMA COUNCIL OF GOVERNMENTS (TCOG) EXECUTIVE DIRECTOR DR. SUSAN B. THOMAS ON A REGIONAL TOURISM BRANDING INITIATIVE AND ITS ECONOMIC IMPACT TO THE REGION

Dr. Susan Thomas, Executive Director of Texoma Council of Governments, presented a report on a regional tourism branding initiative and its economic impact to the region.

Mayor Wacker said the City has participated in the initiative for about the last two years. The project promotes tourism in the entire Texoma region. Dr. Thomas said the project actually started in April of 2009.

She displayed a flyer that was sent to local school districts to tell them how TCOG served their community and how they indirectly effect various organizations.

Dr. Thomas also presented information on their budget, which started May 1, 2013. She said the budget is lower than in the past few years because the stimulus money has been used.

She outlined TCOG's economic impact on the community adding how important it is for all entities to work together and support the various organizations. She emphasized the importance of working together regionally, adding that it is a smart way to invest limited resources.

Dr. Thomas listed the original sponsors for the Texoma Tourism Branding and Steering Committee. A consultant was hired and a comprehensive plan was completed. The plan is now ready for implementation.

TCOG facilitated the project, but now an organization is needed to carry the effort forward and "drive" tourism traffic to the entire region. An Implementation Committee has been named and will finalize the budget for the first year and get the other institutions "on board" and develop an organization and governance structure for how the organization will move forward. They will then begin fundraising for the initial ad campaign. A region-wide event will be held to "roll-out" the new brand.

Dr. Thomas thanked the City of Sherman for being a leader in the effort over the last few years. She felt Sherman would benefit greatly through the project. She recognized all the stakeholders for their commitment to the project for the entire region.

Mayor Wacker said she attended some of the meetings and was glad to see the Chamber of Commerce stepping forward in the project. She said with Hotel/Motel Tax "shrinking" it is good to leverage the funds with other entities for a regional campaign.

CLOSE STREETS JUNETEENTH CELEBRATION

<u>CONSIDER REQUEST OF THE 2013 NEIGHBORHOOD RECREATIONAL COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL "JUNETEENTH CELEBRATION" ON SATURDAY, JUNE 22, 2013</u>
The City Council approved the request of the 2013 Neighborhood Recreational Committee to temporarily close certain streets for the Annual "Juneteenth Celebration" on Saturday, June 22, 2013.

The event will be held in Martin Luther King, Jr. Park from 8:00 a.m. to 6:00 p.m. and the organizers would like to close East Street, between Vernon Holland Street and College Street. Barricades will be provided, however the organizers were reminded that even though East Street will be closed, accessibility for emergency vehicles must be maintained at all times throughout the event.
CONSENT AGENDA.

CLOSE STREETS CANCER BENEFIT

<u>CONSIDER REQUEST OF MR. JOHN ARRIAZOLA TO TEMPORARILY CLOSE CERTAIN STREETS FOR A CANCER BENEFIT FOR AINSLEY MORAVEC ON SATURDAY, JUNE 29, 2013; AND CONSIDER MR. ARRIAZOLA'S REQUEST TO APPLY FOR A LIQUOR PERMIT TO SELL ALCOHOL ON THE STREET DURING THE EVENT</u>
The City Council approved the request of John Arriazola to temporarily close certain streets for a Cancer Benefit for Ainsley Moravec on Saturday, June 29, 2013. He also requested approval of a liquor permit to sell alcohol on the street during the event.

The event will be held from 7:00 p.m. to 10:00 p.m. at Lupe's World Famous Tamales and Mr. Arriazola has asked to close Wall Street between Travis Street and Walnut Street. He also requested permission to apply for a liquor permit from the Texas Tobacco and Alcohol Commission to sell alcohol on the street during the event.

Barricades will be provided, however Mr. Arriazola was reminded that even though Wall Street will be closed, accessibility for emergency vehicles must be maintained at all times throughout the event.
CONSENT AGENDA.

PROPOSED SUBSTANDARD STRUCTURE ORDINANCE

<u>RECEIVE THE CITY ATTORNEY'S PRESENTATION ON A PROPOSED SUBSTANDARD STRUCTURE ORDINANCE</u>
Brandon Shelby, City Attorney, presented an overview of the proposed changes to the City's Substandard Structure Ordinance. Mr. Shelby said the Substandard Structure Ordinance had been a concern of the City Council for some time. He met with the staff, management, and a committee of Council Members to determine the issues that should be addressed in the draft ordinance.

Mr. Shelby said the intent of the proposed ordinance is to spur property owner maintenance, and ultimately improve the safety and aesthetics of Sherman. He added that he felt the proposed ordinance struck the proper balance between respect for property rights and the due process rights of individual property owners, as well as the health and safety of the entire City.

Mr. Shelby presented a flow chart that outlined the process of abating a substandard structure. The process includes time and opportunity for the property owner to make the necessary changes to bring their property into compliance.

The process begins with an inspection and a notice of violation to make the property owner aware of the substandard condition of the property and identify the steps to bring it into compliance. He added that, hopefully, it stops there. The goal is for the property owner to take the initiative and bring the property into compliance with City standards.

Thirty days later the building official will re-inspect the property for compliance. If the property is still substandard, a hearing will be set before the Commission on Substandard Property. This Commission will consist of three members and two alternatives. These members should have some level of expertise in building construction or building maintenance.

At the hearing, Mr. Shelby said he would represent the City and would present evidence about the condition of the property and the steps necessary to bring the property into compliance. The property owner would also have the

opportunity to present his evidence. The Commission will then make a ruling and identify the steps necessary to bring the property into compliance and a timeline for completion of the steps.

Mr. Shelby said enforcement is the biggest difference between this proposed ordinance and the former ordinances. Past ordinances completely lacked an enforcement provision.

This ordinance offers a three-prong mechanism for enforcement. Mr. Shelby said first, if compliance is not met after the Commission's order, there will be criminal enforcement. The ordinance makes it a Class C Misdemeanor to violate an order of the Commission. This will allow the City to file charges in Municipal Court and seek a fine for noncompliance of the Commission's order. The fine will be $250 per day, per Court occurrence or violation.

Second, the ordinance allows for a civil penalty which would be a lawsuit filed in District Court based on noncompliance of the Commission's order. The fine for this is $1,000 per day, per violation.

Third, the ordinance would provide for abatement by the City. Mr. Shelby said this is not the goal. The goal is to get the property owner to take initiative to abate the problem.

Mr. Shelby said in recent years, the Texas Supreme Court has set up some roadblocks hampering the City's ability to pursue abatement. In order to comply with Supreme Court case law, the City must file a declaratory judgment action in District Court and seek a ruling by the judge declaring the property a nuisance. Once a District Court declares that a property is a nuisance, the City has the ability to pursue abatement on their own and try to recoup the cost of abatement through liens on the property.

Mr. Shelby said the proposed ordinance is a last resort for the City, but depending on the number of cases that proceed to City abatement, it may become a budgetary issue and the Council might need to set priorities.

He added that the ordinance, in its present form, is ready for Council consideration, but in order for the staff to implement and enforce the ordinance, the staff will need the appointment of the Substandard Ordinance Commission from the City Council. Mr. Shelby reiterated that the Commission would be comprised of three members and two alternates.

Mayor Wacker asked Council Members to review the proposed ordinance and send any changes to Mr. Shelby. George Olson, City Manager, asked Council Members to decide when they want to bring the ordinance back for consideration too. Mr. Shelby reiterated that it doesn't need

to be brought back until the City Council is ready to appoint members to the Commission. Mayor Wacker also asked Council Members to consider citizens they would like to appoint to the Commission. She said the Council needs to "move" on this ordinance so she asked Council Members to review the proposed ordinance and to consider appointments to the Commission.

CITIZENS REQUESTS **CITIZEN'S REQUESTS**
There were no citizen's requests.

MEDIA QUESTIONS **MEDIA QUESTIONS**
There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
PARKS AND RECREATION ADVISORY BOARD (2) **PARKS & RECREATIONS ADVISORY BOARD**
ACTION TAKEN.
Motion by Deputy Mayor Howeth to reappoint Lauren Roth to the Parks and Recreation Advisory Board for a term from May 17, 2013 to May 17, 2015 and to appoint Tracey Brown for a term from May 21, 2013 to May 21, 2015. Second by Council Member Plyler.
VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

TEXOMA AREA PARATRANSIT SYSTEM (TAPS) BOARD OF DIRECTORS (1) **TAPS BOARD**
ACTION TAKEN.
Motion by Council Member Plyler to appoint Council Member Ryan Johnson to the Texoma Area Paratransit (TAPS) Board of Directors for a term from May 21, 2013 to May 21, 2015. Second by Deputy Mayor Howeth.
VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS
END OF SCHOOL AND MEMORIAL DAY HOLIDAY **END OF SCHOOL & MEMORIAL DAY**
Mayor Wacker said it was near the end of the school year and the Memorial Day weekend and she urged everyone to stay safe.

FISHING DERBY **FISHING DERBY**
Mayor Wacker said the Fishing Derby would be held on June 1, 2013 at Pickens Lake at Herman Baker Park.

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

SECTION 551.071(1)	**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 CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: SHERMAN HOUSING AUTHORITY (2)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:25 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:40 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

SHERMAN HOUSING AUTHORITY

<u>SHERMAN HOUSING AUTHORITY BOARD</u>
ACTION TAKEN.
Motion by Council Member Johnson to reappoint Beth Williams and Barbara Williams to the Housing Authority Board for a term from June 1, 2013 to June 1, 2015. Second by Council Member Plyler.
VOTING AYE: Howeth, Johnson, Plyler, Sofey, Softly.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

<u>ADJOURNMENT</u>
On Motion duly made and carried, the meeting adjourned at 5:42 p.m.

____
MAYOR

____
CITY CLERK

Why TCOG Matters
to Local Schools

In 2012, TCOG supported over $250k in tax revenue for schools. Here are 7 more reasons how your district benefits from a TCOG membership.

TCOG Helps **Students**

Kids deserve a **warm bed** in winter

TCOG weatherized homes and paid utility bills for 536 Texoma families with 867 children.

Better Sleep = Better Performance

More Security = More Confidence

Kids are **happier** when they are secure in their homes and know where they will wake up tomorrow

TCOG provides safe and affordable housing to 746 children and even prevented eviction for 11 Texoma families

Kids who know what to do in an emergency are **safer** and help **keep others around them safe.**

TCOG provides schools with 9-1-1 education and outreach opportunities.

More 9-1-1 Know-How = Safer Environment

Reduce, Reuse, Recycle = Cleaner Environment

Kids want to know how to **protect and preserve** the environment.

TCOG provides classroom demonstrations on composting and recycling.

TCOG Helps **Teachers**

Special needs kids require **extra attention.**

TCOG's Foster Grandparents assist and support teachers by tutoring and mentoring these children

More Support = Improved Instruction

TCOG Helps **Administrators**

School administrators need access to **current technology** and data to allocate limited resources and plan for the future.

TCOG can provide your administration maps, current demographic and geographic data, and research support.

Better Resources = Better Decisions

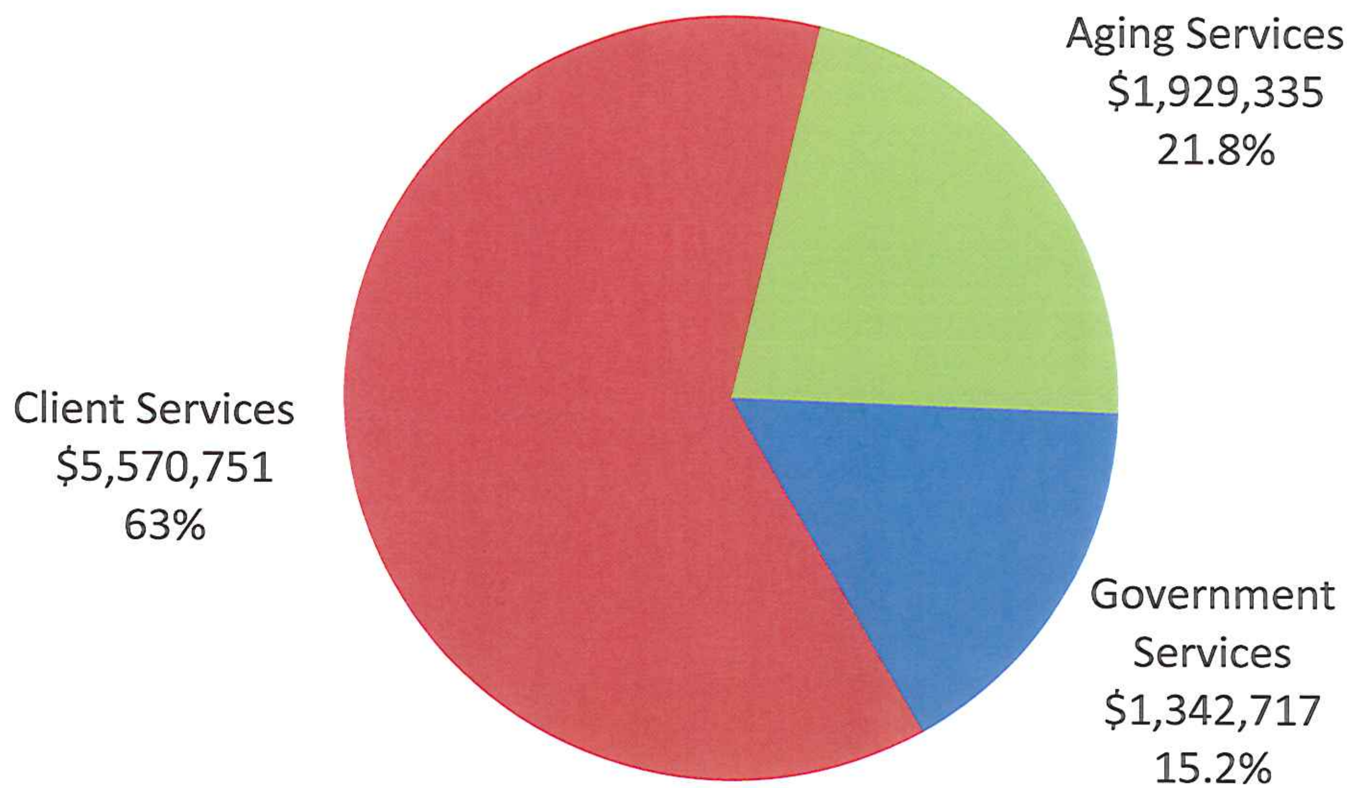
School counselors and administrators are often the **go-to people** for children and families that are in crisis.

Dial 2-1-1 and TCOG will provide you with appropriate information and referrals to assist those families

More Referrals = More Assistance

Budgeted Revenue

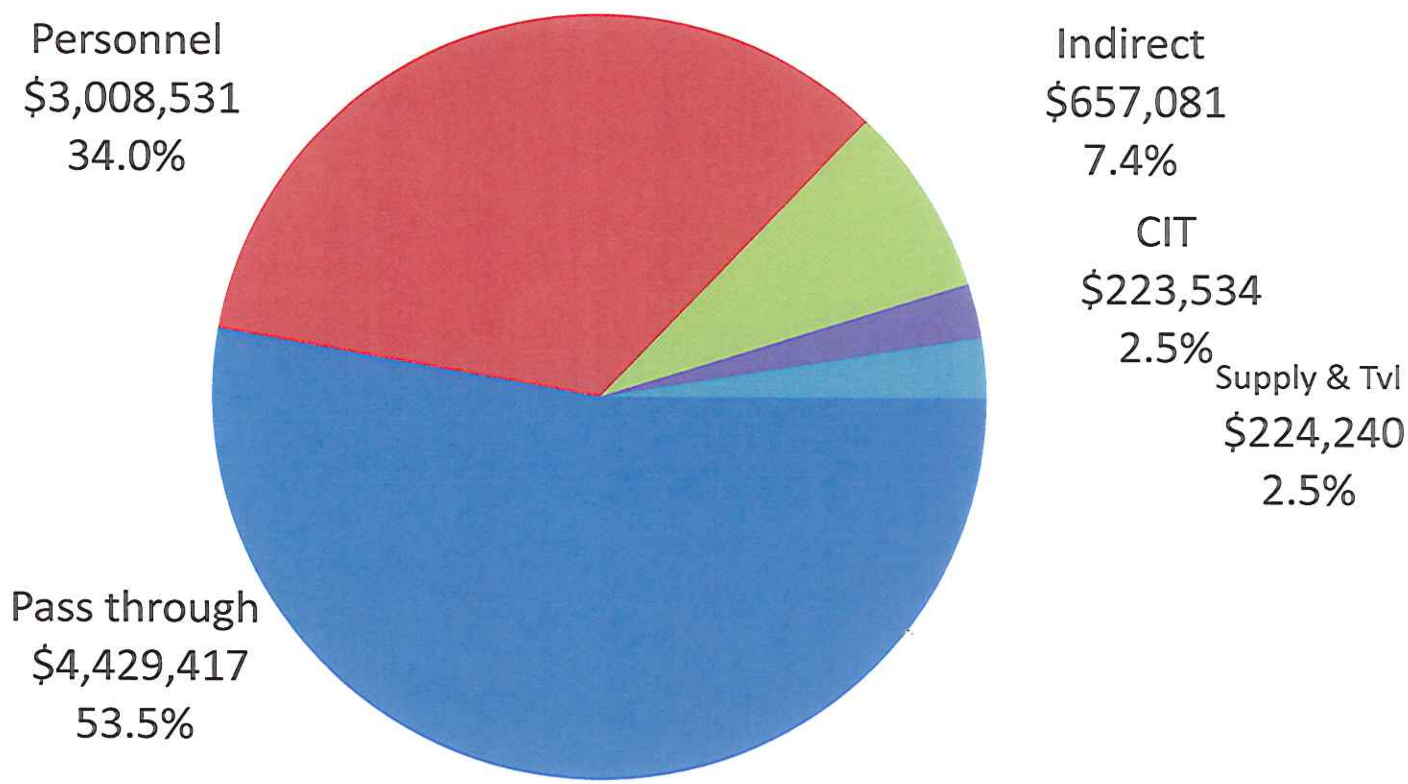
$8.8 Million



TCOG

Budgeted Expenses

$8.8 Million



TCOG 2012 Economic Impact

- Including workers' salaries, volunteer hours, expenditures to local vendors, and pass through payments: $29 million
- Local tax revenues to our member jurisdictions: over $567,000
- Local property taxes for school districts: over $250,000

Texoma Tourism Branding Sponsors and Steering Committee
Final list of original sponsors and the contact for that entity

$10,000 Sponsorships
Chickasaw Nation (Paige Williams, Department of Tourism)
Choctaw Nation/ Resort & Casino (James Dry, Choctaw Casino & Resort)
Schuler Development (Cindy North, Preston Harbour, LLC)
Denison Development Alliance (Tony Kaai, Denison Development Alliance)
City of Durant (Mayor Jerry Tomlinson)
City of Sherman (Mayor Cary Wacker)
Gainesville, TX (Kent Sharp, Gainesville EDC)

$5,000
Workforce Solutions Texoma (Janie Bates)

$2,500
North Texas Regional Airport (Bill Retz, Marketing Coordinator)

$1,000
Denison Development Foundation (Bill Retz, President)

$500
Southern Oklahoma Development Association (Wes Bowman)
SOSU Center for Regional Economic Development (Kathy Hendrick)

Texoma Tourism Branding
Long Term Plan

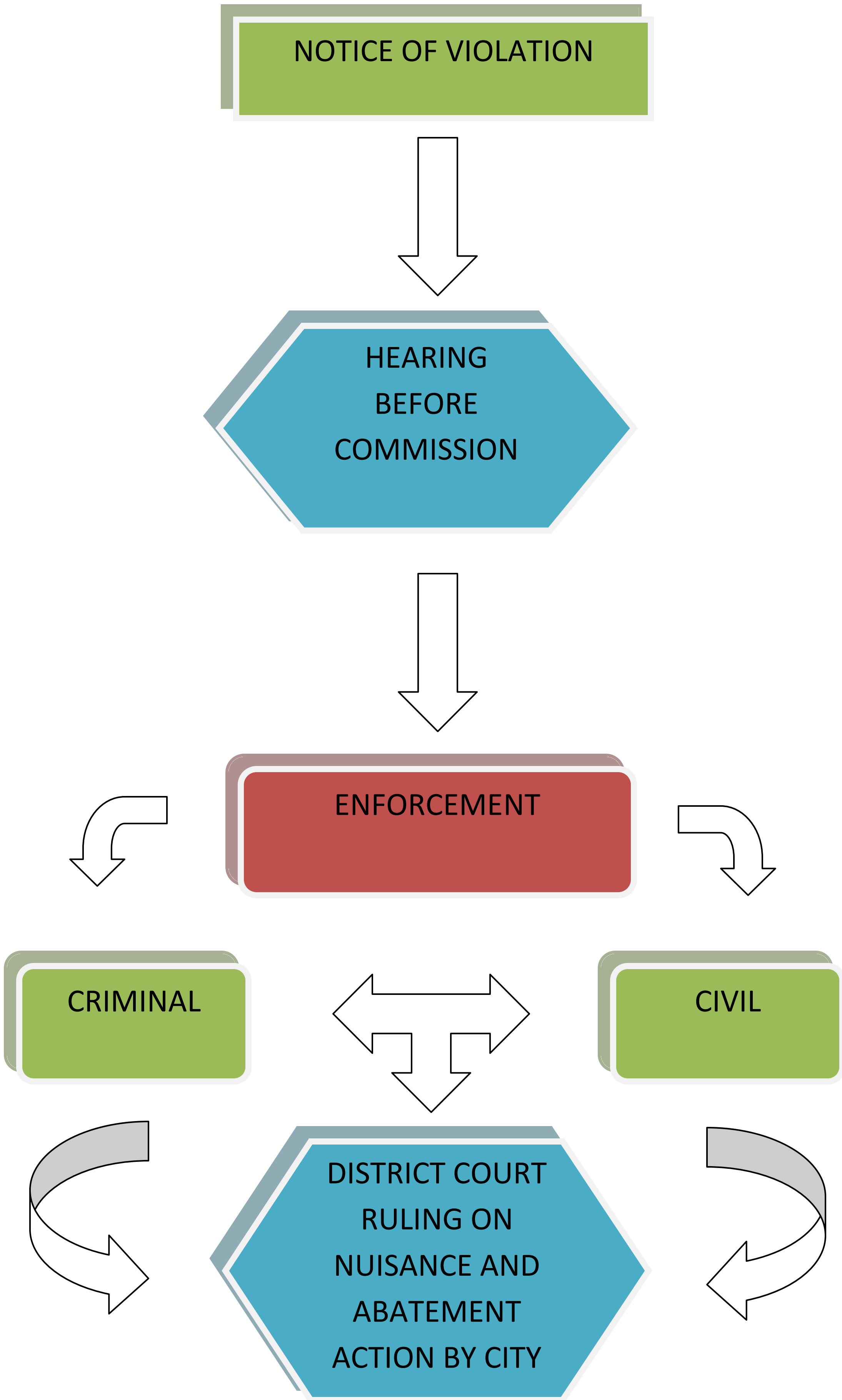
Implement a robust overarching regional brand and ad campaign that will drive tourism traffic to the Texoma Region through which all entities will benefit through increased tourism revenue.

Implementation Committee

Chickasaw Nation – Paige Williams
Choctaw Nation – James Dry
City of Denison – Anna McKinney, Denison Chamber of Commerce
City of Durant – Jim Dunegan, City of Durant
City of Sherman – Eddie Brown, Sherman Chamber of Commerce

Next Steps

- Implementation Committee to set budget and work plan for Year 1
- Develop Implementation Organization and set Governance Structure
- Fundraising
- Public Roll-Out of Brand
- Regional Tourism Campaign Begins


NOTICE OF VIOLATION
HEARING BEFORE COMMISSION
ENFORCEMENT
CRIMINAL
CIVIL
DISTRICT COURT RULING ON NUISANCE AND ABATEMENT ACTION BY CITY

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No. B. 1.**

Meeting Date: 06/03/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5776

Providing for Permanent "Stop" Signs at the Intersections of Center Street and Rusk Street, and at Steeple Chase Drive and Heritage Parkway (F.M. 1417), within the City Limits of the City of Sherman; Providing for a Penalty Provision

Issue:

To consider introducing, seeking public input on, and adopting an ordinance providing for permanent "Stop" signs at the intersections of Center Street and Rusk Street, stopping eastbound traffic on Center Street, and at Steeple Chase Drive and Heritage Parkway (F.M. 1417), stopping westbound traffic on Steeple Chase Drive

Background:

The Engineering Department received a request for the "Stop" signs from the Sherman Police Department and evaluated the request based on the criteria set forth by the Texas Manual on Uniform Traffic Control Devices. The signs have been in place for a 90-day trial period with no complaints or issues noted.

Origination:

Sherman Police Department and City Engineer

Financial Consideration:

The City's cost for installing the signs, totaling approximately $340.00 (time and materials).

Staff Recommendation:

It is recommended that the City Council adopt the proposed ordinance.

Alternatives:

As directed by the Council

Attachments

Ordinance No. 5776

Location map

Location Map

ORDINANCE NO. 5776

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTIONS OF CENTER STREET AND RUSK STREET, AND AT STEEPLE CHASE DRIVE AND HERITAGE PARKWAY (F.M. 1417), WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; 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, from and after the passage of this ordinance, permanent "Stop" signs shall be in place at the following locations within the corporate limits of the City of Sherman, Texas:

> At the intersection of Center Street and Rusk Street, stopping eastbound traffic on Center Street, as shown by the exhibit attached hereto and incorporated herein for all purposes.
>
> At the intersection of Steeple Chase Drive and Heritage Parkway (F.M. 1417), stopping westbound traffic on Steeple Chase Drive.

SECTION 2. That the City Engineer is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the stop signs herein authorized, it shall be unlawful for the driver of any vehicle approaching such stop signs to fail to bring such vehicle to a complete stop at a clearly-marked stop line; but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Violators of this ordinance shall be subject to fine as provided in Chapter 1, Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas, codified.

SECTION 4. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

<u>SECTION 6</u>. 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 __________________, 2013.

ADOPTED on this the _________________ day of __________________, 2013.

EFFECTIVE DATE on this the _________ day of __________________, 2013.

CITY OF SHERMAN, TEXAS

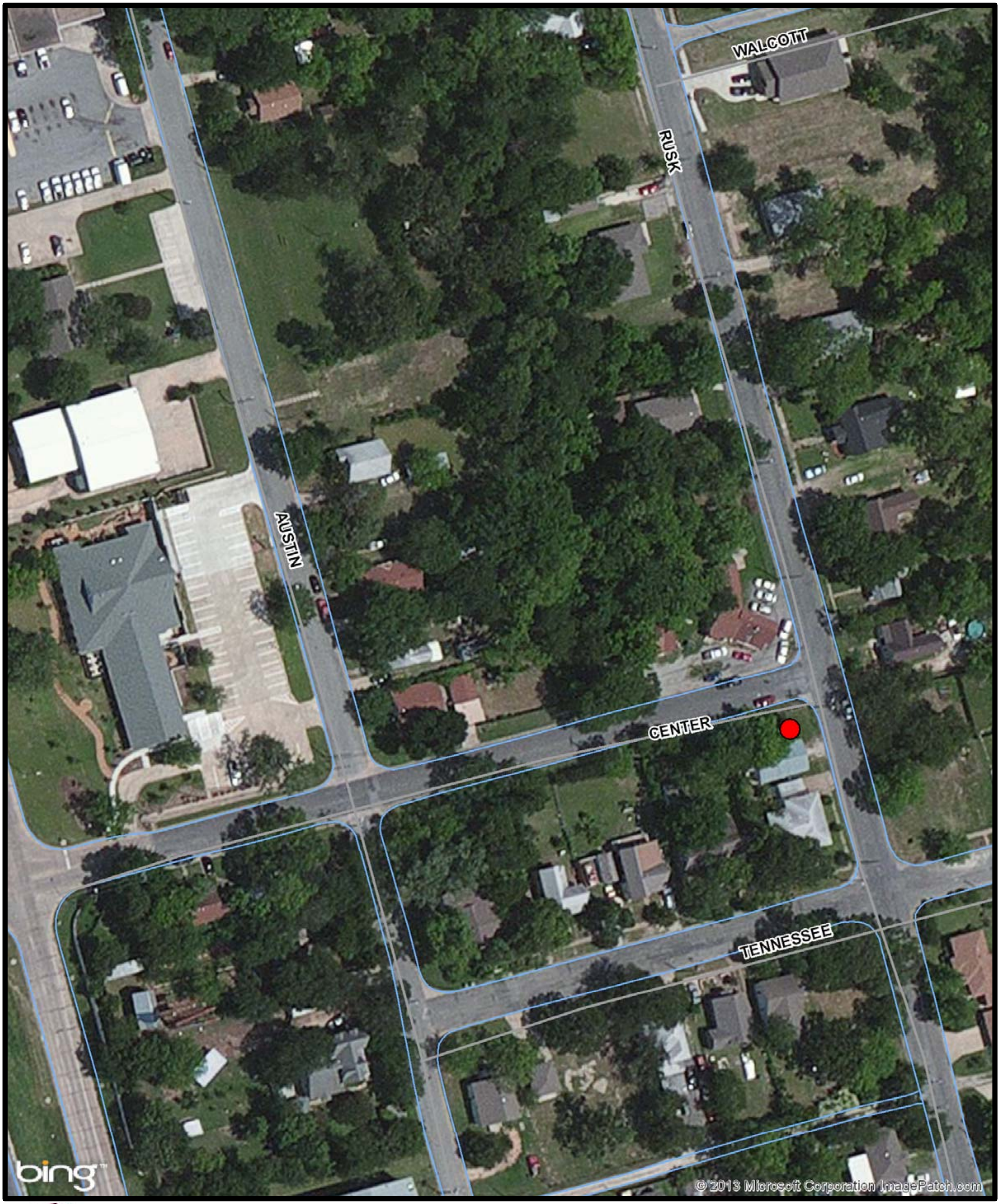
BY: ______________________________________
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: ________________________________
BRANDON S. SHELBY,
CITY ATTORNEY



Sherman
CLASSIC TOWN. BROAD HORIZON.

Engineering Department

100 50 0 100 Feet

N

Sherman
CLASSIC TOWN. BROAD HORIZON.

Engineering Department

300 150 0 300 Feet

N

SHERMAN CITY COUNCIL
Agenda Communication Form

Sherman
CLASSIC TOWN. BROAD HORIZON.

City Council Regular Meeting **Agenda Item No. B. 2.**

Meeting Date: 06/03/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Number: 5776

List of Agenda Items:

B.1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5776

Providing for Permanent "Stop" Signs at the Intersections of Center Street and Rusk Street, and at Steeple Chase Drive and Heritage Parkway (F.M. 1417), within the City Limits of the City of Sherman; Providing for a Penalty Provision

---

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No. B. 3.**

Meeting Date: 06/03/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, 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

List of Agenda Items:

C.3. **** RESOLUTION NO. 5773***
Authorizing Execution of an Easement and Right of Way to Oncor Electric Delivery Company, LLC for Overhead and/or Underground Electric Supply and Communication Facilities at the City Water Treatment Plant

D.1. **** REQUEST TO ADVERTISE***
Services to Perform the Annual Audit for Period Ending September 30, 2013

D.2. **** REQUEST TO ADVERTISE***
Annual Contract for Gasoline and Diesel Supply

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No. C. 1.**

Meeting Date: 06/03/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

RESOLUTION NO. 5771

Authorizing the Relocation of the Marcy's California and Butterfield Trail Marker

Issue:

Representatives from the Martha Jefferson Randolph Chapter of the Daughters of the American Revolution (D.A.R.) and the Grayson County Historical Society (Ms. Teddie Ann Salmon and Mr. John Ramsey) are requesting permission from the City to relocate the Marcy's California and Butterfield Trail Marker from its current location (Washington Street and Rusk Street) to a more secure, accessible, and safer location on the Grayson County Courthouse Grounds.

Background:

The historical marker commemorates the old Butterfield Stage Line established in 1858 and the Marcy's California Trail of 1849. In February of 1936, the City Council approved the relocation of the monument from the south side of Washington Street to its current location on the north side of Washington Street at Rusk Street, in Washington Park, at the request of the Jefferson Randolph Chapter of the D.A.R.. The same organization, along with the Grayson County Historical Society, is requesting this relocation to a more secure, accessible, and safer location that keeps the monument within the area through which the trails pass.

Origination:

D.A.R. and Grayson County Historical Society Representatives
City of Sherman Public Works Department

Financial Consideration:

Only permission from the City for the relocation is being requested at this time. There are currently no plans for the City to provide assistance with the relocation.

Staff Recommendation:

City staff recommends that permission be granted for the relocation.

Alternatives:

As directed by the Council

Attachments

Relocation Request Memo

Minutes Excerpt from February 24, 1936 Council Meeting

Resolution No. 5771

April 18, 2013

Mr. Don Keene, Director of Public Works
City of Sherman
405 North Rusk Street
Sherman, Texas 75091

Dear Mr. Keene,

I am contacting you in regard to the Marcys California and Butterfield Trail Marker. In May of 1936 the Martha Jefferson Randolph DAR Chapter along with the Grayson County Historical Society erected a marker at Washington Park in Sherman. The marker has a seven foot base and is made of white stone topped with an old millstone from one of the first ox mills in Grayson County.

A great change was made in Washington Park with the arrival of Hwy. 75. Today this marker is located at the intersection of North Rusk and Washington Street. Another and more obvious change was the expansion of Washington Street which has made the marker much closer to the street. Also, over the years shrubs have been planted and they obstruct viewing from both the east and west sides.

The Martha Jefferson Randolph DAR representative is myself, Teddie Ann Salmon, Chairman of the Historic Preservation Committee, and John Ramsey, President of the Grayson County Historical Society. As you will recall both Mr. Ramsey and I met with you, informally, several weeks ago. It is the goal of both organizations that the marker be moved to the Grayson County Courthouse square, preferably on the southeast corner. The primary purpose of this requested move is to place the marker in a more secure and accessible location.

Mr. Ramsey has spoken with Judge Bynum and a representative of Love Monument regarding the move. The reaction of both parties was positive. We believe that the next step is to receive permission from the City of Sherman to move the marker. If we are able to obtain permission, our next step will be a cost estimate for the preparation of new location and movers cost. At that time the DAR would proceed to solicit the necessary funding. We might need to request assistance from the city or County Commissioners is necessary.

Thank you for your assistance in this matter.

Sincerely,

Teddie Ann Salmon

Teddie Ann Salmon, Historic Preservation Committee Chairman
Martha Jefferson Randolph DAR Chapter

cc: Beverly Martin, Regent MJR Chapter, DAR
Judge Bynum
John Ramsey

NOTE: 2 Attachments

Feb. 24, 1936

24TH DAY OF JULY, 1932; AND ORDINANCE NO. 1488, PASSED AND APPROVED THE 2ND DAY OF JULY, 1934.

A motion was made by Wilcox seconded by Young that the said Ordinance and caption be read in full and be passed and approved upon the third and final reading. The Ordinance was read in full. The Yeas and Nays were called. All members voted Yea and the motion was declared carried.

The said Ordinance is number 1517 and is recorded and set forth at length in Ordinance Book D and is hereby made a part of these minutes.

An Ordinance came upon the calendar for the 3rd and final reading entitled:
AN ORDINANCE TO AMEND ORDINANCES NO. 1433 AND 1456 KNOWN AS ORDINANCES REGULATING THE USE OF THE STREETS AND ALLEYS BY THE TEXAS ELECTRIC RAILWAY COMPANY AND ITS RECEIVERS FOR THE TRANSPORTING OF FREIGHT, PASSED AND APPROVED ON THE 2ND DAY OF MARCH A. D. 1931 AND THE 5TH DAY OF JULY A. D. 1932, RESPECTIVELY:

A motion was made by Young seconded by Wilcox that the said Ordinahce and caption be read in full and be passed and approved upon the thrid and final reading. The Ordinance was read in full. The Yeas and Nays were called. All members voted Yea and the motion was declared carried.

The said Ordinance is number 1518 and is recorded and set forth at length in Ordinance Book D and is hereby made a part of these minutes.

There was presented and read the following resolution:

THE STATE OF TEXAS)
)
COUNTY OF GRAYSON)

WHEREAS, the City Commission of the City of Sherman, Grayson County, Texas, has been requested to permit change in location of a certain monument now located on the South side of West Washington Street;

WHEREAS, such request was made by Mrs. W. H. Lucas, representing the Jefferson Randolph Chapter of the D. A. R.; and,

WHEREAS, said monument will commemorate the old Butterfield stage line established in 1858 and Marcy's California trail of 1849;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Sherman, Grayson County, Texas, that permission be and is hereby given to the Jefferson Randolph Chapter to erect said monument on the North side of West Washington Street in the Washington Park, and the City Clerk, J. C. Bryant, be and he is herenow authorized to notify Mrs. W. H. Lucas that said request is hereby granted.

Passed and approved this the 24th day of February A.D. 1936.

H. G. Tuck
Mayor

ATTEST:

J. C. Bryant
City Clerk.

A motion was made by Wilcox seconded by Young that the said resolution be approved as read. The Yeas and Nays were called. All members voted Yea and the motion was declared carried.

The City Managers' report was received and ordered filed and all bills listed therein were approved for payment.

Upon motion the Commission adjourned.

H G Tuck
Mayor

ATTEST: J C Bryant
City Clerk.

RESOLUTION NO. 5771

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE RELOCATION OF THE MARCY'S CALIFORNIA AND BUTTERFIELD TRAIL MARKER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, Texas, has been requested to permit a change in location of a certain monument now located on the north side of Washington Street at Rusk Street, in Washington Park; and

WHEREAS, such request was made by Teddie Ann Salmon, Historic Preservation Committee Chairman of the Martha Jefferson Randolph Chapter of the Daughters of the American Revolution (D.A.R.) and John Ramsey, President of the Grayson County Historical Society; and

WHEREAS, said monument commemorates the old Butterfield stage line established in 1858 and Marcy's California trail of 1849;

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

SECTION 1. That the City of Sherman, Texas, hereby authorizes the relocation of the Marcy's California and Butterfield Trail Marker.

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 ________________, 2013.

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 CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No.** **C. 2.**

Meeting Date: 06/03/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

RESOLUTION NO. 5772

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of City Project State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer); Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the City's State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer) and, if necessary, to begin condemnation proceedings

Background:

The State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer) was previously approved and budgeted. Preliminary contacts with property owners have not been successful as the City has had to obtain "right of entry" on several properties to survey for the project. It is anticipated that these property owners will not execute easements for this project. To prevent any undue delay in the project, City Council's authorization to negotiate, make final offers, employ an appraiser and, if necessary, begin condemnation proceedings as required by law is requested.

Origination:

Director of Engineering and Utilities

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos.

Staff Recommendation:

Staff recommends approval

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 5772

Location Map

RESOLUTION NO. 5772

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF CITY PROJECT STATE HIGHWAY 289 SEWER PHASE "A" (NORTH BRANCH SAND CREEK SEWER); APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas has previously authorized the employment of Morris Engineers to plan for the construction of the State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer); and

WHEREAS, this project was recommended by the City Staff in order to provide necessary sewer service to City residences and recommended the acquisition of all necessary property rights; and

WHEREAS, the City Council has considered the State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer) Project and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer) Project; and

WHEREAS, the City Council has funded and approved the State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer) Project;

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

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for the construction of the State Highway 289 Sewer Phase "A" (North Branch Sand Creek Sewer) Project and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

<u>SECTION 2</u>. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the State Highway 289 Sewer Phase “A” (North Branch Sand Creek Sewer) Project for the City of Sherman, and to acquire said rights in compliance with State and Federal law. The City Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

<u>SECTION 3</u>. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the State Highway 289 Sewer Phase “A” (North Branch Sand Creek Sewer) Project property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

<u>SECTION 4</u>. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

<u>SECTION 5</u>. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein.

<u>SECTION 6</u>. 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 ________________, 2013.

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.
ENGINEERING DEPARTMENT

HWY 289 SEWER PHASE "A"
(North Branch Sand Creek Sewer)

N

1 inch = 600 feet

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No.** **C. 3.**

Meeting Date: 06/03/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

**** RESOLUTION NO. 5773***

Authorizing Execution of an Easement and Right-of-Way to Oncor Electric Delivery Company, LLC for Overhead and/or Underground Electric Supply and Communication Facilities at the City Water Treatment Plant

Issue:

Authorizing the City Manager to execute an Easement and Right-of-Way with Oncor Electric Delivery Company, LLC for the installation of overhead and/or underground electric supply and communication facilities at the City's Water Treatment Plant.

Background:

In order to properly operate the pipeline supplying water to the Panda power plant, it is necessary to extend electric power to a new vault and bypass piping at the City's Water Treatment Facility. Oncor requires an easement across city facilities to construct power lines to the bypass vault.

Origination:

Department of Utilities Administration

Financial Consideration:

None

Staff Recommendation:

It is recommended that the Easement and Right-of-Way be approved and that the City Manager be authorized to execute the document.

Alternatives:

As may be directed by the Council

Attachments

Resolution No. 5773

Easement and Right of Way

Easement Sketch

RESOLUTION NO. 5773

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY TO ONCOR ELECTRIC DELIVERY COMPANY, LLC FOR OVERHEAD AND/OR UNDERGROUND ELECTRIC SUPPLY AND COMMUNICATION FACILITIES AT THE CITY WATER TREATMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an easement to Oncor Electric Delivery Company, LLC for overhead and/or underground electric supply and communication facilities at the City Water Treatment Plant, in substantially the same form as the easement and location map approved by the City Engineer and the City Attorney (Exhibit "A"), both of which are attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the _____ day of ________________, 2013.

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

District: ______________
WR #: ______________
ER # ______________

EASEMENT AND RIGHT OF WAY

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

That ____, hereinafter called "Grantor", whether one or more, for and in consideration of Ten Dollars ($10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202-1234, hereinafter referred to as "Grantee", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon Grantor's land described as follows:

SEE EXHIBIT "A" (ATTACHED)

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

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

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

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

EXECUTED this ___________ day of ________________________________, 20____.

(CORPORATE NAME)

By:____________________________________

Name__________________________________

Title:__________________________________

STATE OF TEXAS §
§
COUNTY OF §

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

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

____
Notary Public in and for the State of Texas

EXHIBIT "A"
LEGAL DESCRIPTION
ONCOR ELECTRIC DELIVERY EASEMENT

BEING 0.255 acre of land located in the JOHN GOODE SURVEY, ABSTRACT NO. 464, Sherman, Grayson County, Texas and being a portion of the tracts of land designated as Tract I and Tract II in the deed to the City of Sherman, recorded in Volume 2040, Page 91 of the Deed Records of Grayson County, Texas. Said 0.255 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a point lying within La Cima Road and being located S 00° 49' 33" W 103.69 feet, thence N 88° 38' 54" W 37.23 feet, from a "PK" nail found near the Northeast corner of aforesaid Tract II and the approximate centerline of said La Cima Road;

THENCE S 01° 21' 06" W 785.53 feet, to a point;

THENCE S 00° 42' 39" W 203.28 feet, to a point;

THENCE N 89° 17' 21" W 90.00 feet, to a point lying in the West line of an existing 80 foot wide North Texas Municipal Water District easement according to the deed recorded in Volume 1870, Page 53 of the Deed Records of Grayson County, Texas;

THENCE S 00° 42' 38" W 10.00 feet, along the West line of said 80 foot North Texas Municipal Water District easement to a point;

THENCE N 89° 17' 21" W 20.00 feet, to a point;

THENCE N 00° 42' 39" E 20.00 feet, along the line 20 feet West of and parallel to the West line of said 80 foot wide North Texas Municipal Water District easement to a point;

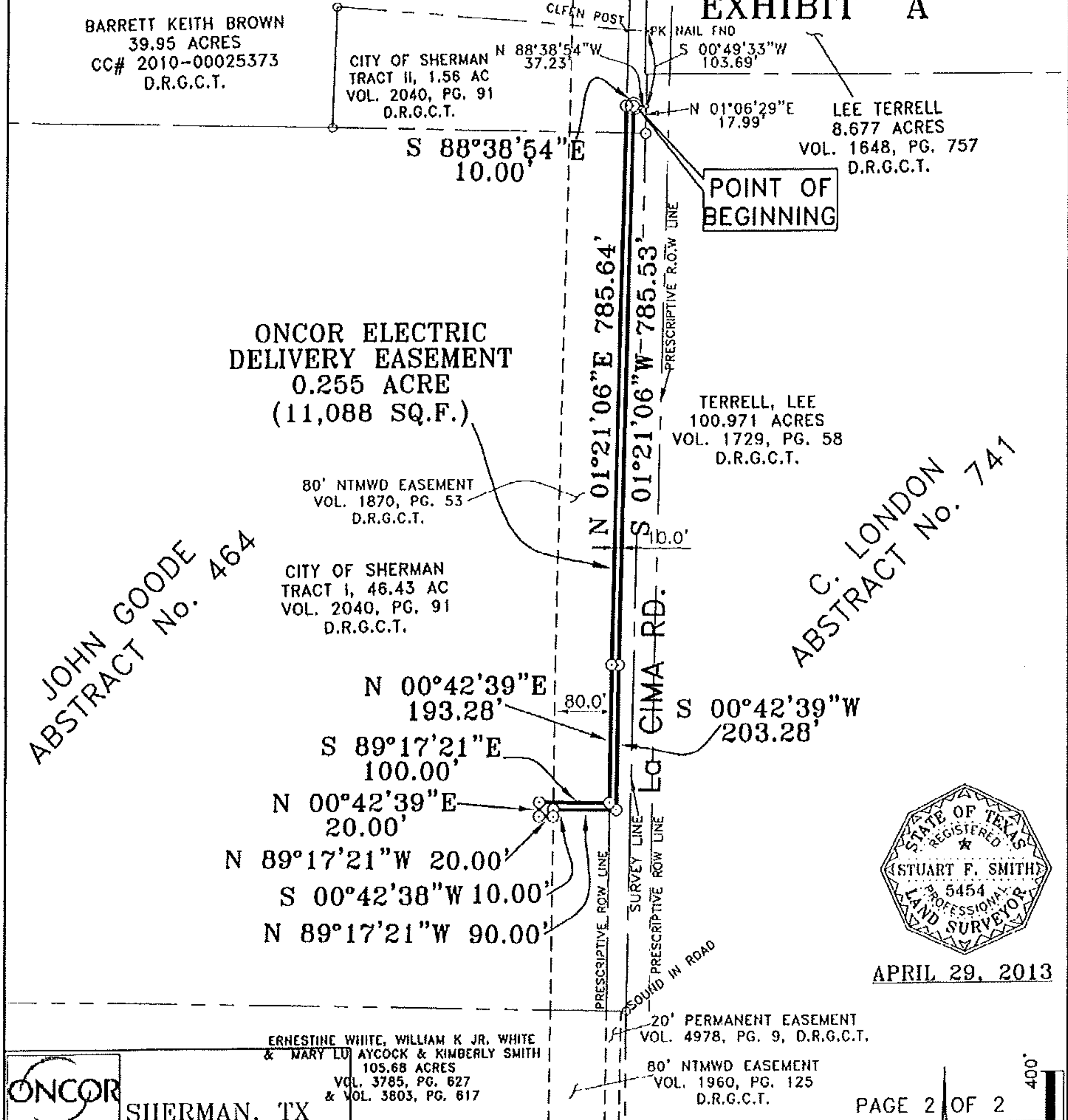
THENCE S 89° 17' 21" E 100.00 feet, to a point lying in the East line of aforesaid North Texas Municipal Water District easement;

THENCE along the East boundary line of said North Texas Municipal Water District easement as follows:

1. N 00° 42' 39" E 193.28 feet, to a point;
2. N 01° 21' 06" E 785.64 feet, to a point;

THENCE S 88° 38' 54" E 10.00 feet, to the POINT OF BEGINNING containing 0.255 acre (11,088 square feet) of land.

EXHIBIT "A"



ONCOR SHERMAN, TX

BRITTAIN & CRAWFORD
LAND SURVEYING & TOPOGRAPHIC MAPPING
(817) 926-0211 – METRO (817) 429-5112
FAX No. (817) 926-9347
P.O. BOX 11374 • 3908 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com
WEBSITE: www.brittain-crawford.com

ONCOR ELECTRIC DELIVERY EASEMENT

0.255 ACRE OF LAND
LOCATED IN THE
JOHN GOODE SURVEY
ABSTRACT No. 464
THE CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

NORTH

0 200' 400'

SCALE 1"=200'

(K.G.) Data\FN\NTMWD-TEXOMA\TEXOMA-SHERMAN_ONCOR ESMT-1.dwg

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No. D. 1.**

Meeting Date: 06/03/2013
Prepared By: Robby Hefton, Assistant City Manager/CFO
Approved By: George Olson, City Manager

Caption:
REQUEST TO ADVERTISE
Services to Perform the Annual Audit for Period Ending September 30, 2013

Issue:
To advertise for services to perform the annual audit for the fiscal year ending September 30, 2013

Background:
By Charter, the City Council is required to annually appoint an independent auditor to perform a financial audit for the City and a compliance audit for our federal grant programs no less than ninety (90) days prior to year end . Six years ago, Pattillo, Brown and Hill, LLP was awarded the audit based on proposals submitted by various audit firms. The renewals have ended; and staff is seeking permission to advertise in order to expedite this process if needed.

Origination:
Assistant City Manager/Chief Financial Officer and Audit Committee

Financial Consideration:
The costs of advertising will be less than $1,000.00.

Staff Recommendation:
The staff recommends that a list of potential auditors be developed by staff and the Council instruct the Audit Committee to seek proposals for the services of an independent auditor to perform the annual audit for the fiscal year ending September 30, 2013.

Alternatives:
The City Council could instruct the staff to renew the contract for audit services with the incumbent auditor, Pattillo, Brown and Hill, LLP.

SHERMAN CITY COUNCIL
Agenda Communication Form

City Council Regular Meeting **Agenda Item No. D. 2.**

Meeting Date: 06/03/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

**** REQUEST TO ADVERTISE***

Annual Contract for Gasoline and Diesel Supply

Issue:

Approve advertising for bids for the fiscal year (FY) 2013-2014 that will provide the City with its annual fuel (gasoline and diesel) supply necessary to support the City's fleet and equipment.

Background:

Historically, public bid specifications are let annually for the supply of fleet and equipment fuel to meet our needs. The last annual contract, including four (4) renewals, ends at the end of the 2013 fiscal year.

Origination:

Don Keene, Director of Public Works

Financial Consideration:

Funding for the City's fleet and equipment fuel needs is budgeted in the amount of $1.1 million for FY 2013-2014 and is proposed in the draft budget for FY 2014-2015. Cost of advertising is less than $200.00.

Staff Recommendation:

Approve request to advertise

Alternatives:

State purchasing statutes require a public bid for expenditures of public funds for $50,000.00 or more. No alternatives are recommended.

SHERMAN CITY COUNCIL
Agenda Communication Form

Sherman
CLASSIC TOWN. BROAD HORIZON.

City Council Regular Meeting **Agenda Item No.** **E. 1.**

Meeting Date: 06/03/2013

Prepared By: Don Keene, Director of Public Works

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Receive Presentation from Parks and Community Service Director Kevin Winkler on "The Taylor Street Complex"

Issue:

A presentation on "The Taylor Street Complex", the City's new gymnasium and training facility at 1424 West Taylor Street

Background:

By Special Election on November 4, 1975, Sherman's citizens approved the sale of approximately three acres of Fairview Park on the south side of Taylor Street for the purpose of building a "Sherman Girls Club Clubhouse". On May 4, 1976, the property was conveyed by Warranty Deed to Girls Club of Sherman, Inc. for a nominal monetary consideration and the continued operation of its program, specifically the construction of a facility to be used in the continuation of its program for the benefit of all of the girls in the City of Sherman between the ages of six (6) and eighteen (18). The Warranty Deed held an Express Reservation, "in the event of the dissolution of Girls Club of Sherman, Inc. to use the property herein conveyed for the benefit of the girls of the City of Sherman, title to the property shall revert to the City of Sherman in fee simple." Girls Inc. closed its doors and operations in October 2011; and, in May 2012, the City of Sherman received the property by Special Warranty Deed.

The property is located at 1424 West Taylor Street, across from "The Splash" in Fairview Park, and contains 1.9894 acres of land and a 15,290 square foot metal building. The structure has been named "The Taylor Street Complex" and will be used as a gymnasium and a training facility.

Origination:

City Manager

Financial Consideration:

There is no financial impact associated with this presentation.

Staff Recommendation:

The Council need take no action on this presentation; it is for information purposes only.

Alternatives:

None

SHERMAN CITY COUNCIL
Agenda Communication Form

Sherman
CLASSIC TOWN. BROAD HORIZON.

City Council Regular Meeting **Agenda Item No. L.**

Meeting Date: 06/03/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: George Olson, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2013 Council Calendar

2013

JANUARY

S	M	T	W	T	F	S
		1	2	3	4	5
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FEBRUARY

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DECEMBER

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03/13/2013	12 noon Called Council Meeting for General Services, Financial, and Comprehensive Master Plan Updates
04/26/2013	Called Budget Planning Meeting in Council Chambers
06/19-20/2013	Called Budget Workshop in Council Chambers
09/02/2013	Labor Day/Called Council Meeting on 09/03/2013