

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, DECEMBER 17, 2018
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY DEPUTY MAYOR SHAWN TEAMANN**
- A. 3. INVOCATION BY DEPUTY MAYOR SHAWN TEAMANN**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 3, 2018**

Public Hearing

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6169**
Designating a Certain Area as Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas, Providing for the Establishment of Agreements within the Zone, and Other Matters Relating Thereto; Providing Findings of Fact; Providing an Effective Date for the Commencement of the Reinvestment Zone and this Ordinance
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6170**
Closing and Abandoning a Portion of the Developed Right-of-Way being East Lake Street between Montgomery Street and the former Houston & Texas Central Railroad to the East of Montgomery Street, being more particularly described in the attached Exhibit "A", said Right-of-Way to be Retained and Maintained as a Utility Easement; Conveying the Interest in Said Right-of-Way to the Abutting and Adjacent Property Owner, Douglass Distributing, Inc.
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6171**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 511 North East Street, being Part of Lots 3, 6 and 7, Block 9, Bond's 2nd Addition, containing 0.3334 acres (Tobar Properties, LLC, Owner; NBS Drafting & Design, Draftsman; and Helvey-Wagner Surveying, Surveyor)
- B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6172**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District in the 4100-4300 blocks of Quail Run Road; Tract 1: Being 2.060 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the Proposed Lots 39-49, Block 11, The Preserve, Phase II; Tract 2: Being 1.513 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the Proposed Lots 10-18, Block 14, The Preserve, Phase II (Westar Home Builders, LLC, Owners; Cross Engineering Consultants, Civil Engineer; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Close Public Hearing and Consider Adoption of Ordinances

B. 5. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6169, 6170, 6171 and 6172

B. 6. CONSENT AGENDA

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

Resolutions

C. 1. RESOLUTION NO. 6443

Nominating Tyson Fresh Meats, Inc. to the Office of the Governor Economic Development and Tourism ("EDT") through the Economic Development Bank ("Bank") as an Enterprise Project ("Project") to Encourage Private Investment and Job Retention

C. 2. RESOLUTION NO. 6444

Authorizing Execution of a Development Agreement with Brookstone Estates Development Joint Venture for the Construction of Public Facilities in Brookstone Estates Addition, a 23.455-acre Development off of F.M. 1417 (Heritage Parkway), southeast of Quail Run Road in the City of Sherman

C. 3. RESOLUTION NO. 6445

Authorizing the Execution of a Professional Services Agreement with Brockett/Davis/Drake, Inc. for the Engineering Design of Flanary Road and Progress Drive Extensions/Improvements

C. 4. * RESOLUTION NO. 6446

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Northwest Lift Station and Sewer Improvements; 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. 5. * RESOLUTION NO. 6447

Authorizing Execution of an Agreement with Luz M. Leszczynski for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 411 West Cherry Street

C. 6. * RESOLUTION NO. 6448

Revoking and Replacing Resolution No. 6405; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

Requests to Advertise

D. 1. * REQUEST TO ADVERTISE

Annual Supply of Chemicals

Other Business

E. 1. OTHER BUSINESS

Setting the Public Hearing on the Proposed Agreement with Tyson Fresh Meats, Inc. for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas

E. 2. OTHER BUSINESS

Replat Approval of Lots 1, 2 and 3, Parkview Addition and Adjoining Tract to the South, being 0.801 acres in the J.B. McAnair Survey, Abstract No. 763; City of Sherman and Scott Adams, Owners; and Helvey-Wagner Surveying, Surveyor (106 North Woods, 118 and 128 Kessler Boulevard)

E. 3. * OTHER BUSINESS

Final Plat Approval of Sherman Crossroads, Phase II, being 21.5528 acres in the Preston Kitchen Survey, Abstract No. 667; Sherman Crossroads, LTD, Owners; and Brockett/Davis/Drake, Inc., Surveyor (3100-3600 blocks of South U.S. Highway 75)

E. 4. * OTHER BUSINESS

Variance and Site Plan Approval for Sherman Crossroads, LTD, Owners; Braum's, Developer/Tenant; Brockett/Davis/Drake, Inc., Surveyor; Kimley Horn, Civil Engineer; and Elliott Architects, Inc., Architect under Ordinance No. 2252, Article IV, Sections 410 (2)(g) and Section 410 (2)(j) to allow a 33' Setback on the South Property Line for a Braum's Ice Cream and Dairy in the Blalock Industrial Park/Blalock Commercial Overlay District at 3120 South U.S. Highway 75

E. 5. * OTHER BUSINESS

Replat Approval of The Shops of Grayson Addition, being a Replat of Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, being Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A, Dr. Swamy Addition and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, containing 2.433 acres in the William Milligan Survey, Abstract No. 875; One Ganesha LTD, Owners; Dr. Arshad Khalil, M.D., Prospective Buyer; KISS Development, Developer; and Underwood Drafting and Surveying, Surveyor (2415 and 2429 Swamy Drive)

E. 6. * OTHER BUSINESS

Replat Approval of Lot 6, Block A, Dr. Swamy Addition, being Lot 6, Block A, Dr. Swamy Addition, containing 2.714 acres in the William Milligan Survey, Abstract No. 875; 2017 GK Associates, LLC, Dr. Mandeep Singh, M.D., Owners; Dean Gilbert, Representative; and Helvey-Wagner Surveying, Surveyor (2416 and 2500 Swamy Drive)

E. 7. * OTHER BUSINESS

Final Plat Approval of The Preserve, Phase II, being 10.264 acres in the Elizabeth Jones Survey, Abstract No. 625; Westar Home Builders, LLC, Owners; Cross Engineering Consultants, Civil Engineer; and Underwood Drafting and Surveying, Surveyor (4100-4300 blocks of Quail Run Road)

E. 8. * OTHER BUSINESS

Replat Approval of The Tobar Addition, being a Replat of the South 48' of Lot 30 and the North 8' of the Alley, Block 10 of the Hare and Randolph Addition, being 0.273 acres in the Samuel Blagg Survey, Abstract No. 56 and being the South 48' of Lot 30 and the North 8' of the Alley, Block 10, Hare & Randolph Addition; Leticia and Julio Cesar Tobar, Owners; and Underwood Drafting and Surveying, Surveyor (714 South Crockett Street)

E. 9. * OTHER BUSINESS

Final Plat Approval of Barnes Subdivision in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 5.326 acres in the Jeremiah McDaniel Survey, Abstract No. 774; Danny & Melva Barnes, LLC, Owners; and Helvey-Wagner Surveying, Surveyor (2789 Luella Road)

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

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

Section 551.071	Consultation with City Attorney concerning Pending or Contemplated Litigation
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Section 551.071	Consult with the City Attorney on a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter
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Section 551.074	Personnel Matters: (a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions: (1) Planning & Zoning Commission (2)
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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
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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 December 13, 2018 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 13th day of December, 2018.
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Shawn C. Teamann

Council Members

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

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

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 12/17/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 3, 2018

Attachments

December 3, 2018

December 3, 2018

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR SHAWN TEAMANN (VIA SKYPE). COUNCIL MEMBERS HOLLAND, HOWETH, MELTON, STEELE, STEVENSON.

CALL TO ORDER

CALL TO ORDER

APPROVE MINUTES

APPROVE MINUTES

SPECIAL PRESENTATION

DOG PARK

The City will also launch the Commemorative Brick Program at the event. Citizens can purchase engraved bricks to honor their pets and to support the development of additional amenities at the Dog Park.

She said the first big event at the Dog Park will be the Second Annual Mardi Paws on March 9, 2019. The event will feature a parade, vendors, contests, and demonstrations.

Council Member Howeth confirmed that they will sell two sizes of bricks with several different options. Cost of a 4x8 brick will start at \$50 and a 12x12 brick will cost \$150. A symbol can be added for \$10.

1

COUNCIL MINUTES – DECEMBER 3, 2018

Ms. Hutchinson said that would be determined prior to the event.

Robby Hefton, City Manager, said the Parks and Cemetery Maintenance crew recently received an award. Ms. Hutchinson said the ballfield crew, under the direction of Jimmy Mrozinski, Parks and Cemetery Maintenance Superintendent, and Jeff McKinney, Parks Maintenance Senior Foreman, recently received the Texas Turfgrass Association Green Thumb Award for a rehab project they completed on Field 6 at Fairview Park.

Field 6 is the most used field in the City's athletic system, with over 100 soccer and lacrosse games each year. The field had become compacted to where the ground could not be penetrated with a shovel. The usage and the compaction has turned the middle of the field into a dirt surface, where it was difficult to grow grass.

Ms. Hutchinson said the crew used equipment purchased by the City, such as the verticutter, knowledge from attending educational workshops, and a lot of hard work over several months to turn the field around.

She recognized the following employees for their hard work and dedication to the project, Mr. Mrozinski, Mr. McKinney, Tony Brown, Steven Pine, Jason Smith, Elpidio Martinez, Gabriel Garcia, Jarod Letz, and Joshua Bray. Next week, the team will travel to San Antonio to accept the award for the City of Sherman.

Mr. Hefton and the City Council congratulated the employees on a job well done.

Council Member Steele said he has had two children that have played various sports on the fields, and those fields look better now than they ever have. He said he appreciated the employees very much.

Mayor Plyler said he receives many, many compliments on the grounds at all the City's facilities. He especially singled out Pecan Grove Park and West Hill Cemetery, and said he appreciates all their hard work.

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 6441 – AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR CONSULTING SERVICES WITH EIKON CONSULTING GROUP, LLC FOR DESIGN OF THE CITY OF SHERMAN EMS AND FIRE EQUIPMENT STORAGE BUILDING
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR CONSULTING SERVICES WITH EIKON

CONSENT AGENDA

RES 6441
EMS & FIRE
EQUIPT STORAGE
BLDG

CONSULTING GROUP, LLC FOR DESIGN OF THE CITY OF SHERMAN EMS AND FIRE EQUIPMENT STORAGE BUILDING.

Danny Jones, Fire Chief, said the resolution is authorizing a contract for consulting services with Eikon Consulting Group, which is the same company that designed the new Fire Station #4. This is Phase 2 of the project and includes an EMS and fire equipment storage building.

The old Fire Station included a 3,000 square foot basement that was used for storage. This building will be used for storage at the new station. Eikon Consulting was selected for the design services to assure consistency with the new station.

The timeline is to break ground in the Summer of 2019, with completion of the project scheduled for Fall 2019.

Council Member Steele verified that the storage building will not be a metal building and will be consistent with the design of Fire Station #4 and will match that building.

ACTION TAKEN.

Motion by Council Member Howeth to approve Resolution No. 6441, as presented. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6442 – AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE CONSTRUCTION PHASE OF THE AWARDED CONTRACT WITH DEAN ELECTRIC, INC. DBA DEAN CONSTRUCTION AS CONSTRUCTION MANAGER-AT-RISK (CMAR) FOR CONSTRUCTION OF THE PECAN GROVE WEST ATHLETIC COMPLEX

**RES 6442
PECAN GROVE WEST
ATHLETIC COMPLEX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE CONSTRUCTION PHASE OF THE AWARDED CONTRACT WITH DEAN ELECTRIC, INC. DBA DEAN CONSTRUCTION AS CONSTRUCTION MANAGER-AT-RISK (CMAR) FOR CONSTRUCTION OF THE PECAN GROVE WEST ATHLETIC COMPLEX.

Steve Ayers, Assistant City Manager, said this resolution is for the construction phase of Pecan Grove West Athletic Complex. Dean Construction is the Construction Manager-at-Risk and they have submitted the guaranteed maximum price for the first phase of the Complex. Cost of the construction phase will be \$3.9 million.

Once the contract is approved, they should begin “turning dirt” in a matter of weeks. He said this phase would establish the foundational elements of the park. Phase 2, at a later date, would add amenities.

He said the staff is looking at additional funding sources, and have applied for a grant for Phase 2. Amenities that might be added include a splash park, walking trail, and some additional lighting.

This resolution is for the construction phase at a cost of \$3.9 million. The request is consistent with the City's Master Plan and the approved capital budget.

ACTION TAKEN.

Motion by Council Member Holland to approve Resolution No. 6442, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

REQUEST TO ADVERTISE

PURCHASE OF A NEW SERVICE TRUCK CHASSIS AND CRANE BODY FOR USE WITHIN THE EQUIPMENT SERVICES DEPARTMENT

The City Council approved the request to advertise for a new service truck chassis and crane body for use within the Equipment Services Department. The new vehicle will replace Unit #322, which has reached the end of its useful life.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

CHRISTMAS PARADE

Council Member Stevenson said the Christmas Parade and the Tree Lighting was fantastic this year. He said he enjoyed riding on the fire truck in the parade. He said it was a great event and commended the City staff, especially Sarah McRae, Tourism/Main Street Manager.

CHRISTMAS PARADE

Council Member Holland said the Christmas Parade was a great event and a lot of planning went into it.

PARK MAINTENANCE CREW

Council Member Holland recognized the hard work by the Park Maintenance crew in all phases of their grounds work.

CHRISTMAS PARADE

Deputy Mayor Teamann said the Christmas Parade was well put together with one of the largest turnouts he has ever seen.

REQ TO ADVERTISE
TRUCK & CRANE
FOR EQUIPMENT
SVCS

CITIZENS REQUESTS

MEDIA QUESTIONS

CHRISTMAS PARADE

CHRISTMAS PARADE

PARK MAINTENANCE
CREW

CHRISTMAS PARADE

PARK MAINTENANCE CREW

Deputy Mayor Teamann said he appreciated everything the Park Maintenance Department does every day. He said they work long hours trying to minimize the cost to the citizens.

PARK MAINTENANCE
CREW

THANKS TO INFORMATION TECHNOLOGY DEPARTMENT

Deputy Mayor Teamann thanked the Information Technology Department for their work making it possible to Skype his appearance in today at the Council Meeting.

THANKS TO IT
DEPT

THANKS TO STAFF

Council Member Howeth thanked the staff for their “work and effort.”

THANKS TO STAFF

CHRISTMAS PARADE

Council Member Steele said Sherman is becoming a “big city” and making other cities sit up and take notice. He said the Christmas Parade was a “big city” parade and a lot of work went into its planning. He said there was a big turnout and citizens were eight or nine people deep in some places along the parade route. There were 90 floats in the parade.

CHRISTMAS PARADE

CHRISTMAS PARADE

Council Member Melton thanked the people that planned and worked on the Christmas Parade, and said it was “amazing.” She said she enjoyed riding on the fire truck.

CHRISTMAS PARADE

PARK MAINTENANCE CREW

Council Member Melton thanked the Park Maintenance crew for their work on the ball fields.

PARK MAINTENANCE
CREW

ANNOUNCEMENTS

Mayor Plyler announced the following:

ANNOUNCEMENTS

- Thanked the Tourism staff, Ms. McRae and Michelle Adams for all their work to make this year’s Christmas Parade a success.
- Urged citizens to be vigilant during the Christmas season and said the Sherman Police Department reminds everyone to lock their car doors, hide valuables from plain sight, and park in well lit, high traffic areas to avoid becoming a victim of theft.
- The grand opening of the new Dog Park will be held behind Veteran’s Field in Fairview Park on December 6, 2018 at 4:00 p.m.
- Coffee With the Mayor will be held on December 7, 2018, at 8:00 a.m., at Touch of Class Antique Mall. The new State Representative will be in attendance to speak about his first few weeks in Austin.
- The City of Sherman will host Christmas Thunder, on December 9, 2018, in conjunction with Southeastern Oklahoma State University and Old Iron Post. The

free concert will be held on the Grayson County Court House steps at 7:00 p.m.

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 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

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

SECTION 551.074 -- PERSONNEL MATTERS:
CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS:
GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS (1)

SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS – EX-OFFICIO MEMBER (1)

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

Mayor Plyler said there was no need for an Executive Session.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS

GREATER TEXOMA UTILITY AUTHORITY BOARD OF
DIRECTORS (1)

GTUA

ACTION TAKEN.

Motion by Council Member Holland to reappoint Brad Morgan to the Greater Texoma Utility Authority Board of Directors, for a term from December 31, 2018 to December 31, 2020. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS – EX-OFFICIO MEMBER (1)

SEDCO

ACTION TAKEN.

Motion by Council Member Stevenson to appoint Shawn Teamann as Ex-Officio Member to the Sherman Economic Development Corporation Board of Directors for a term from December 4, 2018 to October 1, 2020. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:18 p.m.

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 12/17/2018

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6169

Designating a Certain Area as Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas, Providing for the Establishment of Agreements within the Zone, and Other Matters Relating Thereto; Providing Findings of Fact; Providing an Effective Date for the Commencement of the Reinvestment Zone and this Ordinance

Issue:

The creation of a new industrial reinvestment zone in response to a tax abatement requested by Tyson Fresh Meats, Inc. (Tyson).

Background:

On Tuesday, November 27, 2018, the Tax Reinvestment Committees of the City of Sherman, the Sherman Independent School District, Grayson County, and Grayson College (the "Committee") met to consider a request from Tyson Fresh Meats Inc. for a tax abatement involving a project to invest \$30 million in a facility expansion and manufacturing equipment in Sherman. The taxable value of Tyson's current property is about \$88 million, with this project adding about \$19 million in additional taxable value. The project is scheduled to begin first quarter of 2019 and be fully operational by the summer of 2020.

The Committee voted to recommend an abatement and the creation of the Zone to the City Council and other taxing entities. The law requires that a reinvestment zone be established prior to a tax abatement being granted for eligible projects. The attached ordinance is the first step in accomplishing the creation of a new commercial/industrial reinvestment zone, which would cover only Tyson's property. Prior to its adoption, a public hearing must be held to allow for interested parties to speak to the issue. The Tax Abatement Agreement will be addressed at the City Council's regular meeting on Monday, January 7, 2019, in the form of a resolution.

Origination:

Tyson Fresh Meats, Inc., Applicant
Tax Reinvestment Committee

Financial Consideration:

There is no direct cost to creating Industrial Reinvestment Zone, Number Nine (#9) and providing the medium for granting tax abatement agreements within the designated zone.

Staff Recommendation:

The staff recommends that the City Council introduce and hold the public hearing on the ordinance and consider its adoption.

Alternatives:

No alternatives are recommended.

Attachments

Ordinance No. 6169

ORDINANCE NO. 6169

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9), CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas (the “City”), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the “CODE”); and

WHEREAS, a hearing before the City Council was set for 5:00 p.m. on the 17th day of December, 2018, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Sherman; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Grayson County, Grayson County College, and Sherman Independent School District, as required by the CODE; and

WHEREAS, upon such hearing being convened, there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone, whether all or part of the territory, which is described by a metes and bounds description attached hereto as Exhibit “A” and depicted in the drawing attached hereto as Exhibit “B”, should be included in such proposed Reinvestment Zone; and

WHEREAS, all owners of property located within the proposed Reinvestment Zone, and all other taxing units and other interested persons, were given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

WHEREAS, the proponents of the Reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the Reinvestment Zone, and no opponents of the Reinvestment Zone appeared to contest creation of the Reinvestment Zone; and

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Zone, will be of general benefit to the City of Sherman, and that it will be in the public interest to pass this ordinance creating a Reinvestment Zone;

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the Reinvestment Zone has been properly called, held and conducted, and that notice of such hearing has been published as required by law;
- (b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone, pursuant to the CODE;
- (c) That creation of the proposed Zone, with boundaries as described in Exhibits “A” and “B”, will result in benefits to the City, its residents and property owners, and to the property, residents and property owners in the Reinvestment Zone; and
- (d) That the Reinvestment Zone, as defined in Exhibits “A” and “B”, meets the criteria for the creation of a Reinvestment Zone as set forth in Section 312.202 of the CODE in that:
 - (1) It is a contiguous geographic area located wholly within the corporate limits of the City.
 - (2) The area will reasonably be likely, as a result of the designation, to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property and that would contribute to the economic development of the City.
 - (3) No part of the property in the Reinvestment Zone is owned or leased by a member of the governing body of the City or Town, or by a member of a zoning or planning board or commission of the City.
 - (4) Improvements in the Reinvestment Zone will enhance significantly the value of all taxable real property in the Reinvestment Zone.

SECTION 3. That the City hereby creates a Reinvestment Zone over the area described by the description in Exhibit “A”, attached hereto and depicted in a drawing attached hereto as Exhibit “B”, and such Reinvestment Zone shall hereafter be identified as the Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas (the “Zone”).

SECTION 4. That the written agreement(s) as provided in the CODE, with the owners of the property located within the Reinvestment Zone, is hereby authorized for a period of up to ten (10) years, and the written agreement(s) shall provide an exemption from taxation of the increased value in the real and/or personal property in the percentages and for the years to be established in the agreements.

SECTION 5. That, if any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 6. That it is hereby officially found, determined, and declared that a sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 7. That the contents of the notice of public hearing, which hearing was held before the City Council on the 17th day of December, 2018, and the publication of said notices, is hereby ratified, approved, and confirmed.

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

EXHIBIT "A"
INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9)
CITY OF SHERMAN, TEXAS
FIELD NOTES

Legal Description

SITUATED in Grayson County, Texas in the City of Sherman, the William Martin Survey, Abstract No. 765, the John Chronister Survey, Abstract No. 248 and the S. Dunman Survey, Abstract No. 329 and being part of two (2) tracts more particularly referenced as follows:

1. Part of a called 5.450 acre tract of land conveyed to Texas Instruments Inc. from D.C. Enloe et al. by deed filed September 28, 1965 and recorded in volume 1038, page 49 of the Deed Records of Grayson County.
2. Part of a called 470.340 acre tract of land conveyed to Texas Instruments Inc. from Joe Hilburn and wife Johnnie V. Hilburn by deed filed September 1, 1965 and recorded in volume 1036, page 247 of the Deed Records of Grayson County, Texas.

Said part of two tracts being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod in the curve of the West right-of-way of U.S. Highway 75 and in the East line of said 5.450 acre tract, said iron rod bears N 3° 10' 31" E 11.09 feet from the Southeast corner of the 5.450 acre tract, said iron rod also bears S 86° 52' 56" E 5530.00 feet from the center of said curve;

THENCE: With the curve of the West right-of-way of U.S. 75 and the East line of the 5.450 acres and 470.340 acres tracts through an arc length of 785.29 feet to a 1/2 inch iron rod at the point of tangency, said curve having a central angle of 8° 08' 11", a radius of 5530.00 feet and a chord bearing and distance of S 7° 11' 10" W 784.63 feet;

THENCE: S 11° 15' 15" W 2772.22 feet with the West right-of-way of U.S. 75 and the East line of the 470.340 acre tract to a 1/2 inch

iron rod for corner from which a right-of-way marker bears N 11° 15' 15" E 151.00 feet and from which the most Easterly Southeast corner of the 470.340 acre tract bears S 11° 15' 15" W 661.92 feet;

THENCE: Across said 470.340 acre tract as follows:

S 76° 15' 10" W 1378.36 feet to a 1/2 iron rod;
N 59° 39' 46" W 817.23 feet to a 1/2 iron rod;
N 0° 21' 35" W 1139.66 feet to a 1/2 iron rod;
N 27° 07' 26" E 739.59 feet to a 1/2 iron rod;
S 89° 14' 11" E 277.52 feet to a 1/2 iron rod;
N 0° 38' 45" E 311.12 feet to a 1/2 iron rod;
S 83° 58' 11" E 194.32 feet to a 1/2 iron rod;
N 9° 41' 33" E 206.44 feet to a 1/2 iron rod;
S 89° 54' 09" E 982.17 feet to a 1/2 iron rod;
N 0° 44' 03" E 462.12 feet to a 1/2 iron rod;

THENCE: N 42° 21' 28" E 918.42 feet across the 470.340 acre and 5.450 acre tracts to a 1/2 inch iron rod for corner;

THENCE: S 86° 19' 00" E 237.95 feet across said 5.450 acre tract to the POINT OF BEGINNING and containing 136.869 acres of land more or less.

EXHIBIT "B"
INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9)
CITY OF SHERMAN, TEXAS
SKETCH

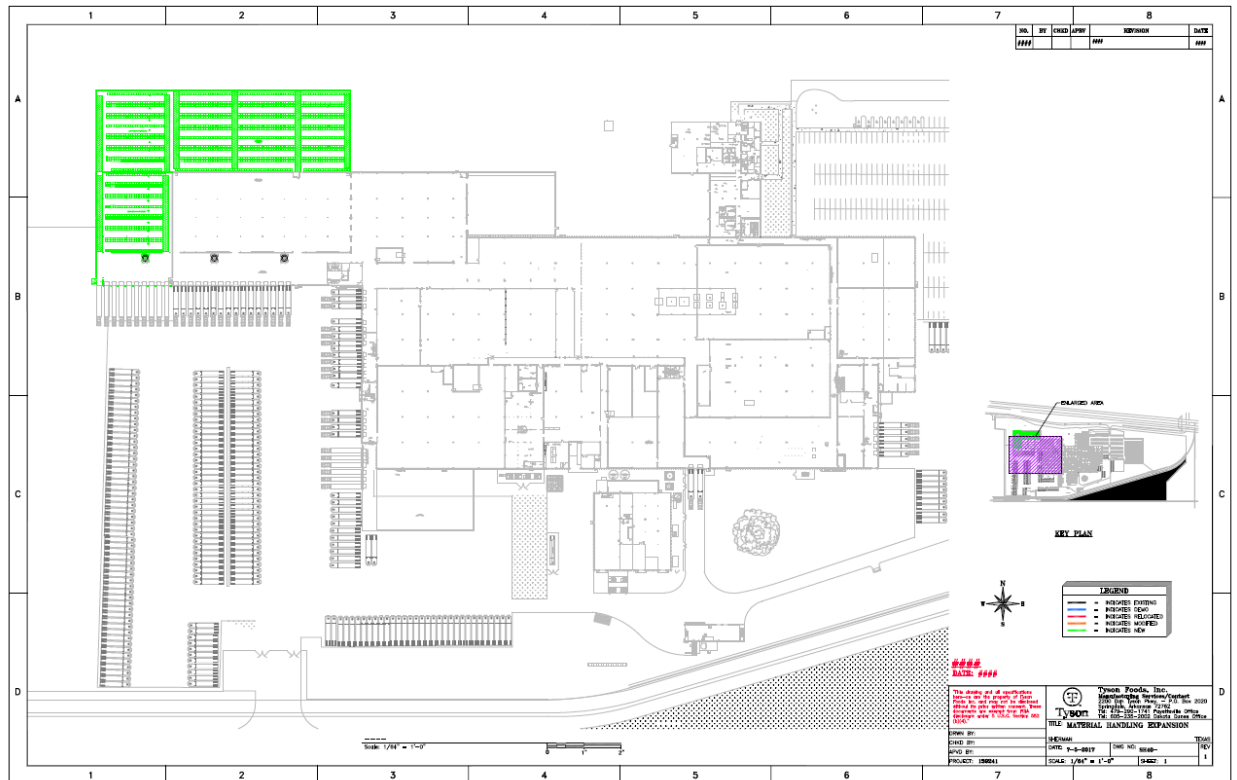


EXHIBIT "B"
INDUSTRIAL REINVESTMENT ZONE, NUMBER NINE (#9)
CITY OF SHERMAN, TEXAS
VICINITY MAP



Sherman
ENGINEERING DEPT.
222 W. MULBERRY
SHERMAN, TX 79060

Tyson Foods
4700 S US Hwy 75
1 inch = 500 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.2.

Meeting Date: 12/17/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6170

Closing and Abandoning a Portion of the Developed Right-of-Way being East Lake Street between Montgomery Street and the former Houston & Texas Central Railroad to the East of Montgomery Street, being more particularly described in the attached Exhibit "A", said Right-of-Way to be Retained and Maintained as a Utility Easement; Conveying the Interest in Said Right-of-Way to the Abutting and Adjacent Property Owner, Douglass Distributing, Inc.

Issue:

To consider approving the closure and abandonment of right-of-way for conveyance to Douglass Distributing, Inc.

Background:

In the Summer of 2015, extreme weather caused the saturation and collapse of a portion of East Lake Street. The 2009 Comprehensive Master Plan calls for extending East Park Avenue to tie into East Lake Street at a point east of the collapsed portion. Completing this connection would allow the failed portion of East Lake Street to be abandoned in place. The adjacent and surrounding property owner, Douglass Distributing, Inc., has agreed to accept the portion of Lake Street that is being abandoned and has agreed to pay an estimated \$100,000.00 for the property. This funding will help toward the cost of the Park Street re-alignment.

Origination:

Engineering Department

Financial Consideration:

The maintenance of this right-of-way will revert to Douglass Distributing, Inc.

Staff Recommendation:

It is recommended that the City Council approve the Ordinance closing and abandoning this right-of-way and permitting the transfer of property ownership to Douglass Distributing, Inc.

Alternatives:

As may be directed by the City Council

Attachments

Ordinance No. 6170

Quitclaim Deed

Exhibit "A" as noted in all documents

Aerial Location Map

ORDINANCE NO. 6170

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF THE DEVELOPED RIGHT-OF-WAY BEING EAST LAKE STREET BETWEEN MONTGOMERY STREET AND THE FORMER HOUSTON & TEXAS CENTRAL RAILROAD TO THE EAST OF MONTGOMERY STREET, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A", SAID RIGHT-OF-WAY TO BE RETAINED AND MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, DOUGLASS DISTRIBUTING, INC.; 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the hereinafter described portion of right-of-way being the developed portion of East Lake Street between Montgomery Street and the former Houston & Texas Central Railroad to the east of Montgomery Street, being more particularly described in the attached Exhibit "A", be and is hereby closed and vacated as public rights-of-way in the City of Sherman, save and except there is reserved unto the public easements for any and all existing utilities for right of ingress and egress to same for purposes of operation, maintenance or removal of such utilities or until such utilities shall be abandoned and relocated.

SECTION 2. That it is the intent of the City Council that the right and interest in such right-of-way herein abandoned, closed and vacated shall vest to the abutting property owner, Douglass Distributing, Inc., by appropriate conveyance of said right-of-way herein described.

SECTION 3. That 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 _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

QUITCLAIM DEED

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS QUITCLAIM DEED, executed this ____ day of _____, 2018, by the CITY OF SHERMAN, a municipal corporation of the State of Texas, with an address of P.O. Box 1106, Sherman, Texas 75091, hereinafter called “Grantor,” acting by and through its duly authorized City Manager, to DOUGLASS DISTRIBUTING, INC., with an address of P.O. Box 1124, Sherman, Texas, 75091, hereinafter called “Grantee”;

WITNESSETH, that the said Grantor, for good consideration and for the sum of \$10.00 paid by the said DOUGLASS DISTRIBUTING, INC., the receipt whereof is hereby acknowledged, and pursuant to the authority of Ordinance No. 6170 of the City of Sherman, Texas, passed and approved on the 17th day of December, 2018, does hereby remise, release and quitclaim unto DOUGLASS DISTRIBUTING, INC. forever, all the right, title, interest and claim which the said Grantor has in and to a portion of the Lake Street right-of-way lying between Montgomery Street and the former Houston & Texas Central Railroad to the East of Montgomery Street in the City of Sherman, Grayson County, Texas, being more particularly described in the Exhibit “A” attached hereto and made a part hereof for all purposes, and improvements and appurtenances thereto in the County of Grayson, State of Texas, SAVE AND EXCEPT the abandoned approximate 2.06 acres of right-of-way, as shown in the attached Exhibit “A,” to be retained and maintained as a utility easement for all existing utilities for right of ingress and egress to same for purposes of operation, maintenance, or removal of such utilities or until such utilities shall be abandoned and relocated.

RELEASE. In accepting the quitclaim of this property, Grantee expressly accepts the property in its “as is” condition, with all of its faults and encumbrances, if any. Grantee RELEASES and forever discharges the Grantor, its officers, agents and employees from all rights, claims, demands, or causes of action, at law or in equity, Grantee has, or even can, shall, or may have in the future in connection with this transaction, including hazardous materials or environmental issues in, on or upon the property, if any. Grantee states that he is not relying upon any representations or disclosures by the Grantor and none have been made in connection with this property. This release shall be binding upon Grantee’s heirs, assigns and successors in interest.

IN WITNESS WHEREOF, the City of Sherman, Texas, a municipal corporation of Grayson County, Texas, has caused this instrument to be executed by its City Manager, on the this ____ day of _____, 2018.

CITY OF SHERMAN

BY:

**ROBBY HEFTON,
CITY MANAGER**

ACKNOWLEDGMENT

THE STATE OF TEXAS

§

§

COUNTY OF GRAYSON

§

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared Robby Hefton, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, a municipal corporation of the State of Texas, and that he executed the same as the act of such corporation for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of _____, 2018.

Notary Public in and for the State of Texas

My Commission Expires:_____

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	187.89'	135.00'	S 74°28'09" E	173.09'
C2	114.68'	200.00'	N 51°01'30" W	113.11'
C3	132.22'	95.00'	N 74°28'09" W	121.80'

LINE	BEARING	DISTANCE
L1	N 09°07'30" W	51.12'
L2	S 14°49'27" E	3.00'
L3	S 38°54'26" E	6.68'
L4	S 65°43'19" E	165.40'
L5	S 74°53'34" W	99.19'
L6	S 65°39'36" W	34.97'
L7	S 38°54'26" E	5.34'
L8	S 74°53'34" W	44.64'
L9	S 03°00'38" W	4.01'

SAMUEL BLAGG SURVEY
ABST. NO. 56

2.658 AC.
DOUGLASS DISTRIBUTING
VOL. 4847, PG. 441
O.P.R.G.C.T.

0.72 AC.
W. DOUGLASS
DISTRIBUTING, LTD.
VOL. 4409, PG. 547
O.P.R.G.C.T.

0.90 AC.
BRADI MANAGEMENT, L.C.
VOL. 4385, PG. 761
O.P.R.G.C.T.

3.36 AC.
BRADI MANAGEMENT, L.C.
TRACT ONE
VOL. 4346, PG. 841
O.P.R.G.C.T.

3.748 AC.
W. DOUGLASS
DISTRIBUTING, LTD.
VOL. 573, PG. 802
O.P.R.G.C.T.

4.024 AC.
DOUGLASS DISTRIBUTING, INC.
VOL. 4452, PG. 498
O.P.R.G.C.T.

2.06 ACRES

KEVIN & WHITNEY ADDITION

LEGAL DESCRIPTION
STREET ABANDONMENT

Situated in the City of Sherman, Grayson County, State of Texas, being a part of the Preston Kitchen Survey, Abstract No. 667, the Samuel Blagg Survey, Abstract No. 56, and the George B. Pilant Survey, Abstract No. 963, and being an irregular strip of land embracing a public road locally known as Lake Street, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found maintaining the point of intersection of the North line of said Lake Street with the East line of a 60 foot wide street locally known as Montgomery Street, said rod also being the Southwest corner of the same tract of land described as 0.72 acres conveyed by Lisa Champ Phillips to W. Douglass Distributing, Ltd. by Correction Deed dated September 5, 2007, recorded in Volume 4409, Page 659, Official Public Records, Grayson County, Texas;

Thence North 74°32'08" East with the said North line of Lake Street, at a distance of 300.00 feet passing a 1/2" steel rod found maintaining the Southeast corner of the said 0.72 acre tract in the West line of Branch Street and continuing, at 360 feet passing the Southwest corner of the same tract of land described as 0.90 acres conveyed by Mack Reaves to Bradi Management, L.C. by deed dated January 10, 2008, recorded in Volume 4385, Page 761, said Official Public Records and continuing, at 491.80 feet passing the Southeast corner of the said 0.90 acre tract and the Southwest corner of the same tract of land described as 2.658 acres conveyed to Douglass Distributing by Sheriff's Tax Deed dated August 16, 2010, recorded in Volume 4847, Page 441, said Official Public Records and continuing for a total distance of 997.06 feet to a point for the Southeast corner of the said 2.658 acre tract in Spring Branch and West line of the same tract of land described as 3.36 acres and referred to

as Tract One as conveyed by George R. Coyle to said Bradi Management, L.C. by deed dated October 24, 2007, recorded in Volume 4346, Page 841, said Official Public Records;

Thence South 14°49'27" East in said branch a distance of 3.00 feet to a point for the Southwest corner of said Tract One and the most Northerly Northwest corner of the same tract of land described as 4.024 acres conveyed by the City of Sherman to said Douglass Distributing, Inc. by deed dated May 5, 2008, recorded in Volume 4452, Page 498, said Official Public Records;

Thence North 65°39'36" East a distance of 139.55 feet to a 1/2" steel rod found maintaining the Southeast corner of said Tract One and Northeast corner of the said 4.024 acre tract in the West right-of-way line of the Burlington Northern Santa Fe Railroad, (formerly St. Louis, San Francisco & Texas Railroad);

Thence South 38°54'26" East with said West right-of-way line a distance of 6.68 feet to a point for corner;

Thence North 65°39'36" East with the generally occupied said North line of Lake Street a distance of 45.37 feet to the beginning of a curve to the right having a radius of 135.00 feet;

Thence in a Southeasterly direction with said curve, (chord bears South 74°28'09" East, 173.09 feet), an arc distance of 187.89 feet to the end of said curve;

Thence South 34°35'55" East with the generally occupied East line of said Lake Street a distance of 378.58 feet to an angle point;

Thence South 65°43'19" East a distance of 165.40 feet to a point for the Southeast corner of the herein described strip of land in the West right-of-way line of the former Houston & Texas Central Railroad;

Thence South 74°53'34" West a distance of 99.19 feet to a point for the Southwest corner of the herein described tract at the intersection said East right-of-way line of the Burlington Northern Railroad with the generally occupied Westerly line of Lake Street;

Thence in a Northwesterly direction with said West line of Lake Street along a curve to the right having a radius of 200.00 feet, (chord bears North 51°01'30" West, 113.11 feet), an arc distance of 114.68 feet to the end of said curve;

Thence North 34°35'55" West with said generally occupied West line of Lake Street a distance of 378.58 feet to the beginning of a curve to the left having a radius of 95.00 feet;

Thence in a Northwesterly direction with said curve, (chord bears North 74°28'09" West, 121.80 feet) an arc distance of 132.22 feet to the end of said curve;

Thence South 65°39'36" West a distance of 34.97 feet to a point for corner in the West line of said Burlington Northern Railroad and East line of the said 4.024 acre tract;

Thence South 38°54'26" East with said West right-of-way line a distance of 5.34 feet to a point for corner;

Thence South 65°39'36" West with the generally occupied South line of Lake Street a distance of 159.46 feet to an angle point;

Thence South 74°53'34" West continuing with said generally occupied South line of Street a distance of 44.64 feet to the most Westerly Northwest corner of the said 4.024 acre tract;

Thence North 03°00'38" West a distance of 4.01 feet to a point for corner;

Thence South 74°32'08" West continuing with said South line of Lake Street a distance of 960.45 feet to the point of intersection of said South line of said Lake Street with said East line of said Montgomery Street;

Thence North 09°07'30" West across said Lake Street a distance of 51.12 feet to the Point of Beginning and containing 2.06 acres of land more or less.....

I, James R. Maret, Registered Professional Land Surveyor, hereby certify that this plat was prepared from an actual survey performed on the ground. Said survey was performed without benefit of Title Examination, and no certification is made regarding the existence or effect of any easements, rights of way, covenants, appurtenances, or encumbrances embraced by the subject property.

James R. Maret
Registered Professional
Land Surveyor No. 5433
11-09-2018



This survey contains information that is proprietary to Underwood Drafting & Surveying, Inc. Its use or disclosure in whole or part without the express written permission of Underwood Drafting & Surveying, Inc. is prohibited.
The survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply.
Copyright © 2018
Underwood Drafting & Surveying, Inc.
All rights reserved.
FIRM #10006300

Exhibit "A"

Lake Street to be Abandoned



0 250 500 1,000 1,500 2,000 1 inch = 500 feet Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.3.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6171

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 511 North East Street, being Part of Lots 3, 6 and 7, Block 9, Bond's 2nd Addition, containing 0.3334 acres (Tobar Properties, LLC, Owner; NBS Drafting & Design, Draftsman; and Helvey-Wagner Surveying, Surveyor)

Issue:

To consider the request of Tobar Properties, LLC (Owners), NBS Drafting & Design (Draftsman), and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 511 North East Street, being part of Lots 3, 6 and 7, Block 9, Bond's 2nd Addition, containing 0.3334 acres for a zone change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District

Background:

The property is located at 511 North East Street, between the railroad tracks and Pacific Street, and is zoned an R-1 (One Family Residential) District. The owners would like to change the zoning on the property to an R-2 (Multi-Family Residential) District to construct a fourplex on the lot; each unit will be approximately 854 square feet with two bedrooms. Parking will be provided for two cars per unit. They are also requesting an exception to allow a six foot wood privacy fence in lieu of the required masonry perimeter wall.

Origination:

Tobar Properties, LLC (Owners)
NBS Drafting & Design (Draftsman)
Helvey-Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6171

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Survey

Site Plan

Building Elevations

Staff Review Letter

P&Z Communcation

ORDINANCE NO. 6171

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 511 NORTH EAST STREET, BEING PART OF LOTS 3, 6 AND 7, BLOCK 9, BOND'S 2ND ADDITION, CONTAINING 0.3334 ACRES (TOBAR PROPERTIES, LLC, OWNER; NBSDRAFTING & DESIGN, DRAFTSMAN; AND HELVEY-WAGNER SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the R-2 (Multi-family Residential) District at 511 North East Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a part of the J. B. McAnair Survey, Abstract No. 763, and being a part of Lots 3 and 6, Block 9, G. W. Bond's Second Addition to the City of Sherman, Texas, as per plat of record in Volume "M", Page 63, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a ½ inch capped rebar set in the East line of East Street, a public street, in the West line of said Lot 3, at the Southwest corner of the 48 foot by 120 foot tract conveyed to Jewel Freeling and Joe H. Bruce in Volume 2195, Page 787, Real Property Records, Grayson County, Texas, at the Northwest corner of the herein described tract, being North 74 deg. 47 min. 26 sec. East, 1.8 foot from a 1 inch pipe found;

THENCE North 74 deg. 47 min. 26 sec. East, over and across said Lot 3, with the South line of said Freeling & Bruce tract, a distance of 120.98 foot to a 2 inch pipe found at the base of a 5 inch Bois d' Arc corner post, in the West line of a 10 foot by 193 foot alley conveyed to the City of Sherman in Volume 301, Page 591, said Deed Records, at the Southeast corner of said Freeling & Bruce tract, at the most Northerly Northeast corner of the herein described tract;

THENCE South 15 deg. 12 min. 34 sec. East, continuing over and across said Lot 3, with the West line of said alley, crossing the South line of said Lot 3 and the North line of said Lot 6 and continuing now over and across said Lot 6 for a total distance of 93.00 foot to a ½ inch capped rebar set stamped "RPLS 6578" at the Southwest corner of said alley, at an Ell corner of the herein described tract;

THENCE North 74 deg. 47 min. 26 sec. East, continuing over and across said Lot 6, with the South line of said alley, a distance of 10.00 foot to a ½ inch capped rebar set stamped "RPLS 6578" in the West line of the 50 foot by 140 foot tract of land (as described on page 939) conveyed to Iglesia DeDios Vida Nueva in Volume 4818, Page 933, Official Public Records, Grayson County, Texas, at the most Easterly Northeast corner of the herein described tract;

THENCE South 15 deg. 12 min. 34 sec. East, continuing over and across said Lot 6, with the West line of said Nueva tract, passing the Southwest corner of said Nueva tract and continuing for a total distance of 25.00 foot to a ½ inch capped rebar set stamped "RPLS 6578" in the "called" North line of Lot 7, in the "called" South line of said Lot 6, at the Southeast corner of the herein described tract;

THENCE South 74 deg. 47 min. 26 sec. West, with the "called" North line of said Lot 7 and the "called" South line of said Lot 6, a distance of 130.98 foot to a ½ inch capped rebar set stamped "RPLS 6578" in the East line of said East Street, at the "called" Northwest corner of said Lot 7, at the "called" Southwest corner of said Lot 6, at the Southwest corner of the herein described tract;

THENCE North 15 deg. 12 min. 34 sec. West, with the East line of said East Street and the West line of said Lot 6, passing the Northwest corner of said Lot 6 and the Southwest corner of said Lot 3 and continuing now over and across said Lot 3 for a total distance of 118.00 ft. to the **PLACE OF BEGINNING AND CONTAINING 0.3334 ACRES OF LAND.....**

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

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

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

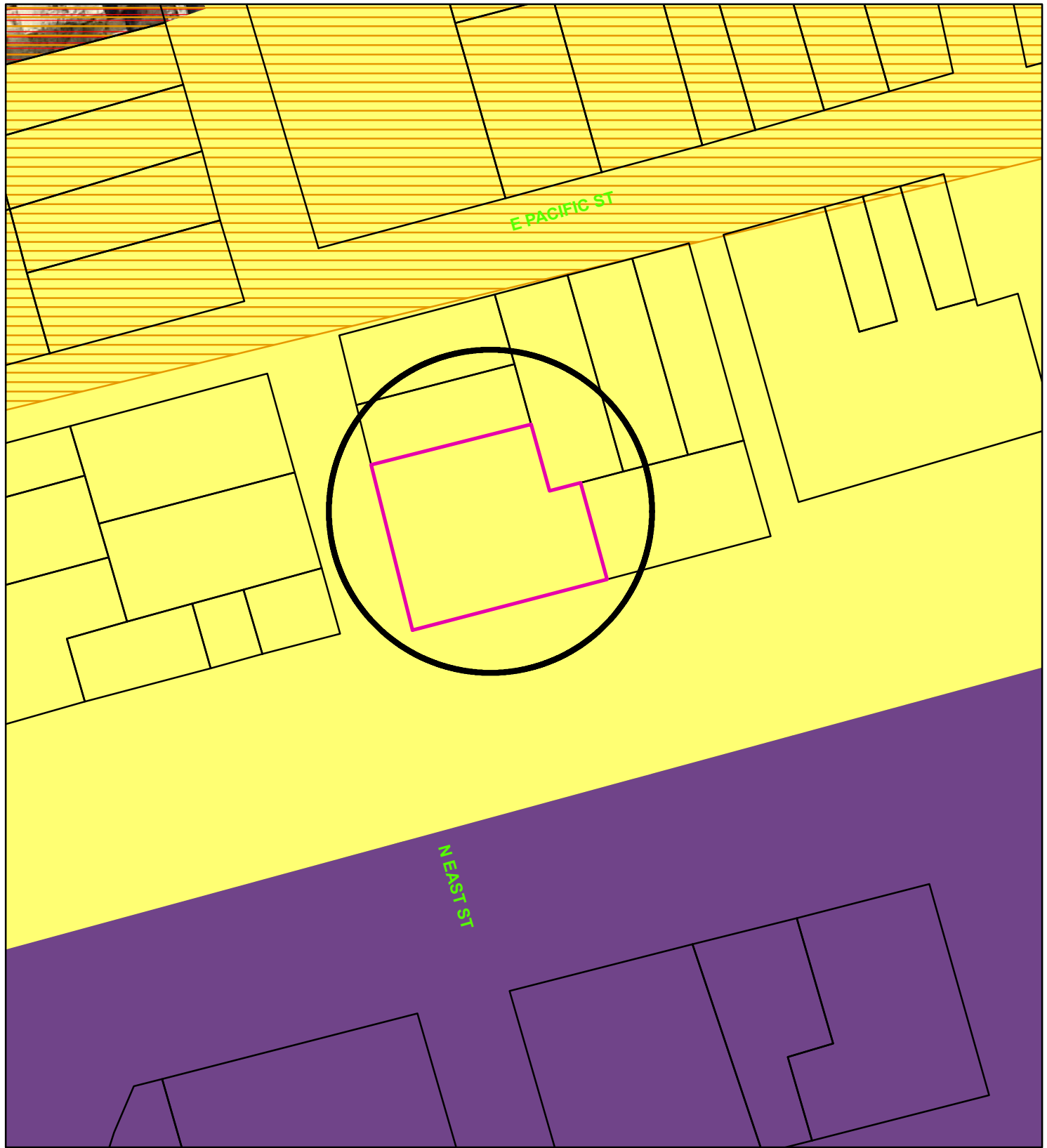
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Zoning - 511 N. East Street

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: SpermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

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

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



NOT TO SCALE

1 in = 100 ft

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department

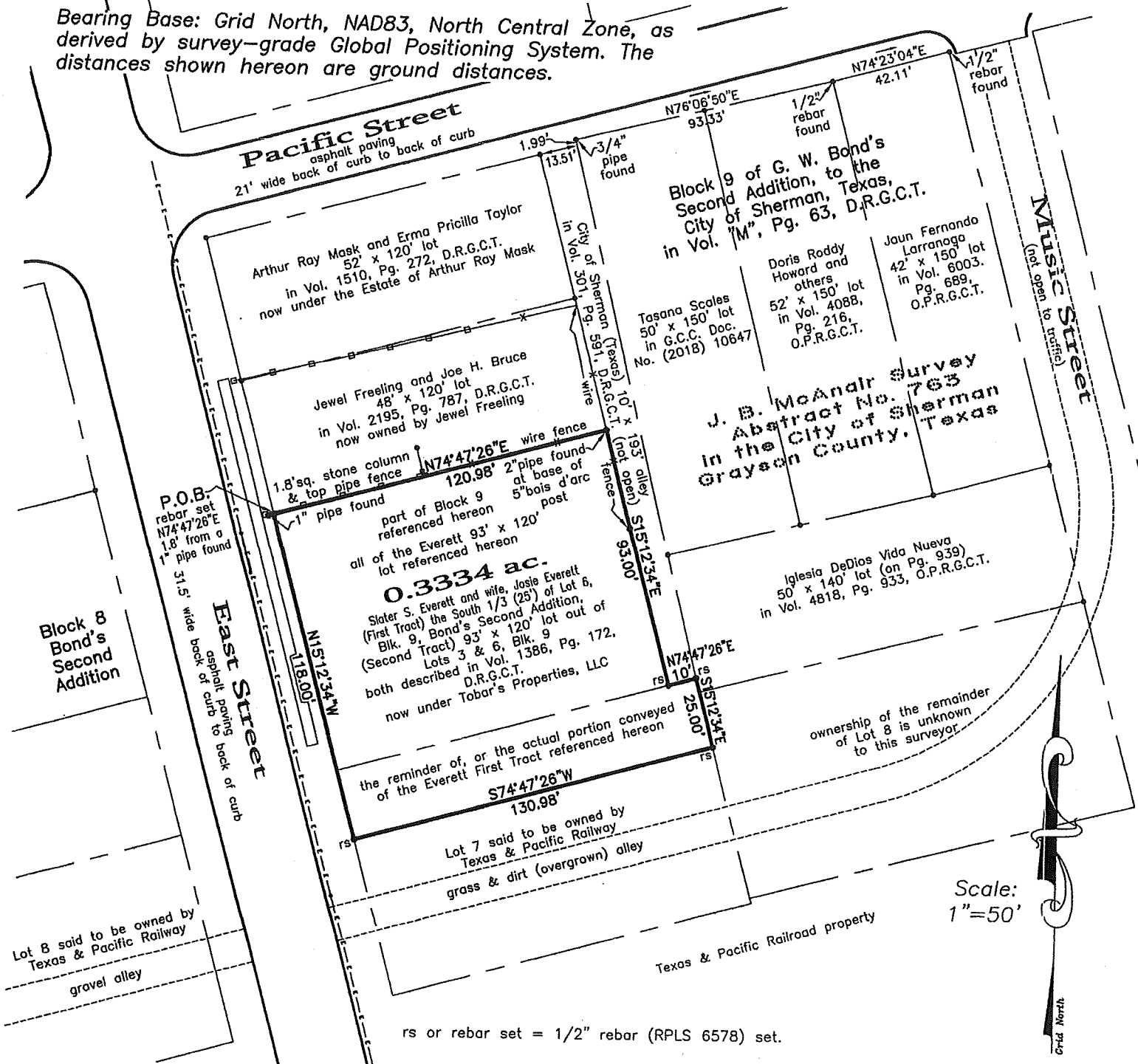
511 N. East Street



In the exterior we will put a dark cream color, in the texture is slapbrush ceiling texture, a much more unique sort of knockdown look is used by hand. Joint substance is still made use of, nonetheless, the plaster is cominged in numerous directions. The roller produces a look with numerous big tops standing from the wall surface are.

Job No. AGS30918

Bearing Base: Grid North, NAD83, North Central Zone, as derived by survey-grade Global Positioning System. The distances shown hereon are ground distances.



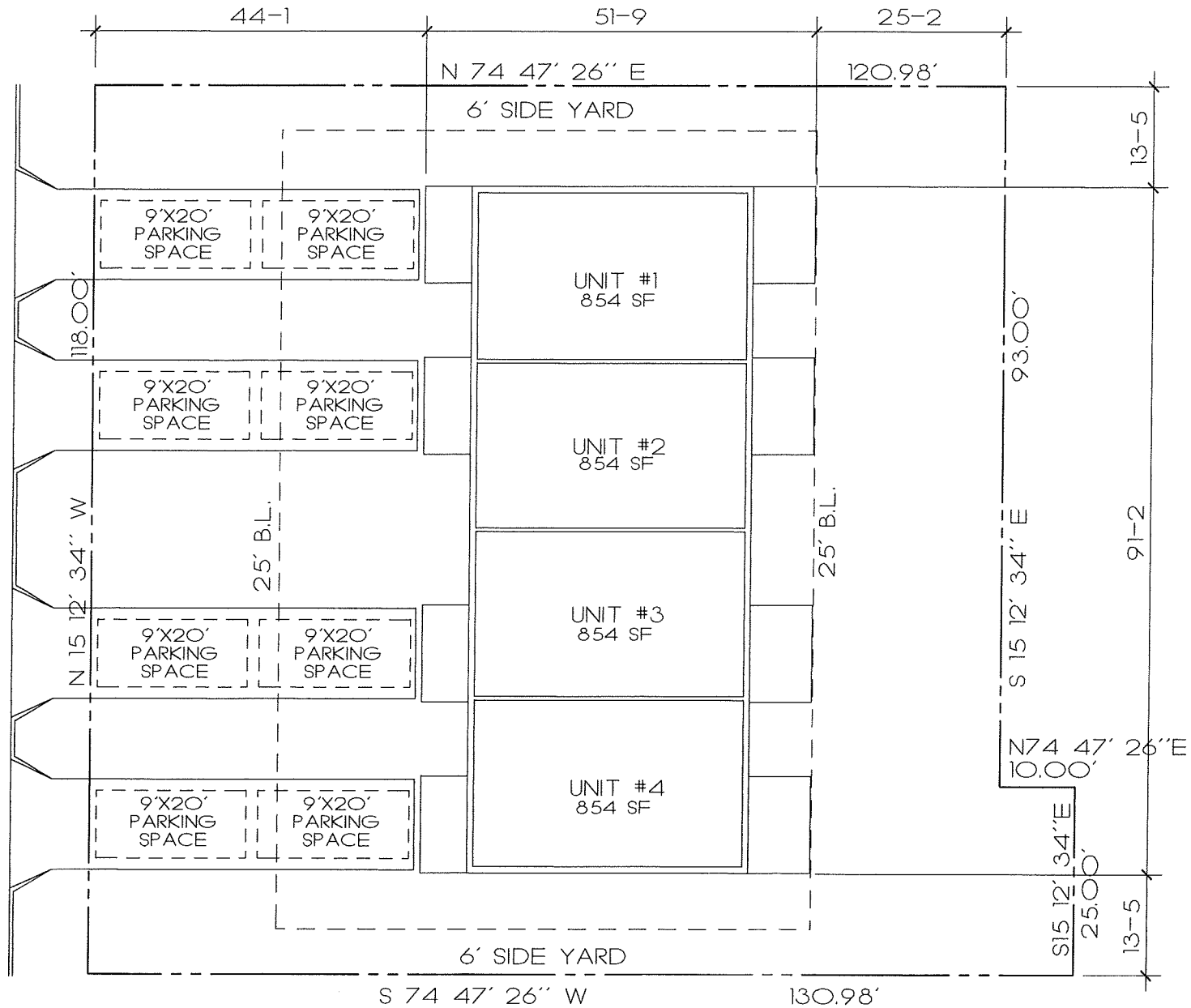
Owner: Tobar's Properties, LLC

Address: 511 N. East Street
Sherman, Texas

This survey is for the sole benefit of the transaction by and between: Owner stated hereon and is null and void for any other transaction. Any unauthorized use of this survey without the sole consent of the undersigned surveyor will infringe upon state and federal copyright statutes. Any violation of said statutes will be aggressively pursued.

I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with both the General Rules of Procedures and Practices as adopted by the Texas Board of Professional Land Surveying and the current Texas Society of Professional Surveyors standards and is a true and correct representation of the property shown hereon. Field Notes attached hereto

EAST STREET

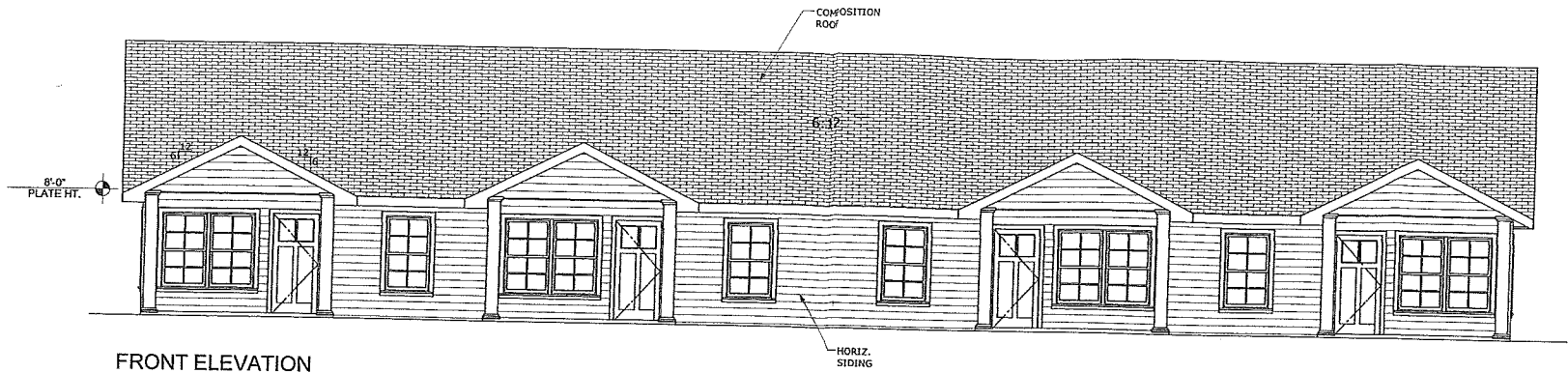


SITE PLAN

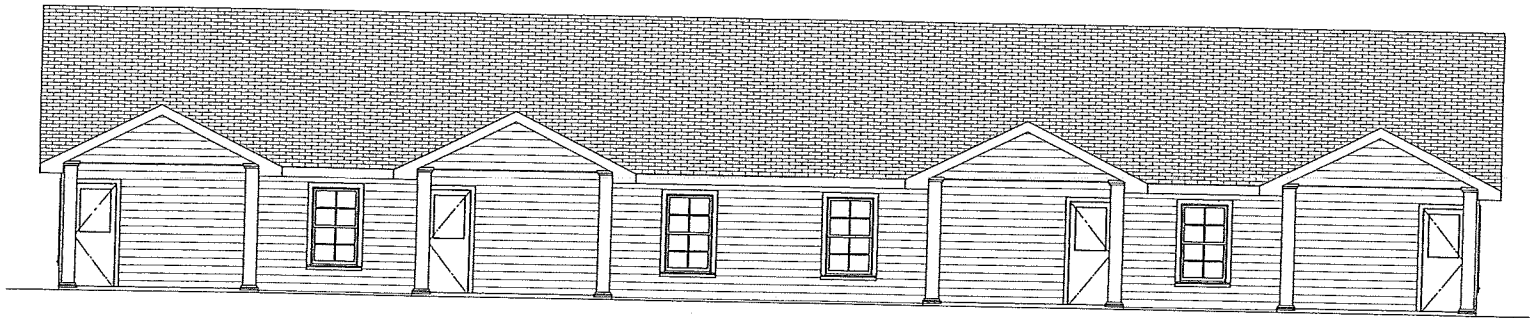
SCALE: 1" = 20'-0"



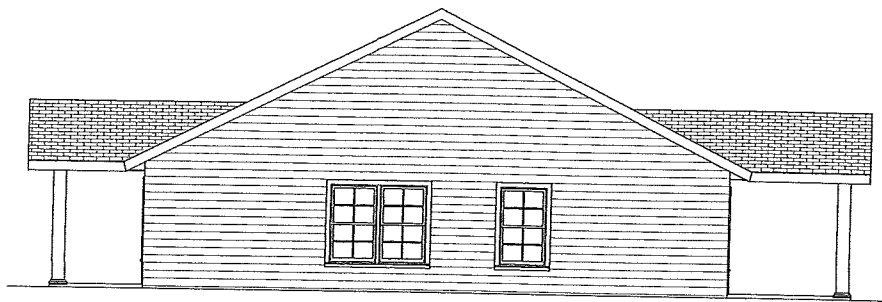
511 N. EAST STREET
SHERMAN, TEXAS
GRAYSON COUNTY



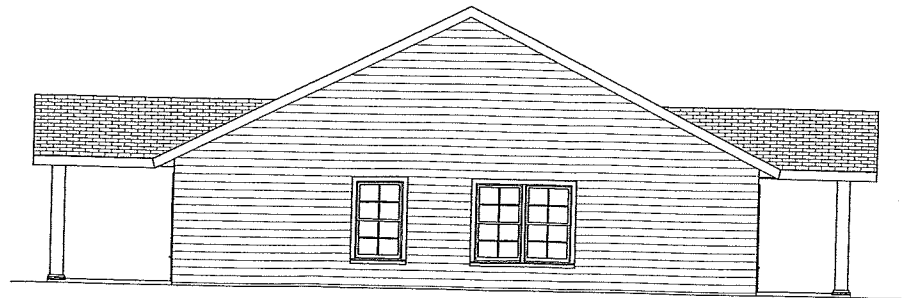
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

SHEET TITLE:

PROJECT DESCRIPTION:
A New 4-plex for
MARIO TOBAR

DRAWINGS PROVIDED BY:
NBS Drafting & Design
303 W. Houston

DATE:
10/23/2

SCALE:

NO. DESCRIPTION BY DATE

STAFF REVIEW LETTER

November 13, 2018

Tobar's Properties, LLC
635 Preston Meadows Rd.
Sherman, TX 75092

NBS Drafting & Design
303 W. Houston
Sherman, TX 75090

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

Dear Applicants,

The request for a zone change from an R-1 (One Family Residential) District to an R-2 (Multi-family Residential) District and site plan approval for a fourplex for the property located at 511 North East Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the R-2 (Multi-Family Residential) District and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All wall finishes shall be masonry or masonry veneer.
4. A minimum 6 foot masonry perimeter wall shall be provided surrounding the development; unless an exception is granted.
5. The fence will need to be maintained at all times.
6. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
7. Parking is permitted on paved surfaces only (concrete or asphalt).
8. Review the zoning and development ordinance for additional requirements.
9. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

10. Replatting of the property is required.
11. No structures will be permitted over lot lines.
12. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
13. Sewer not available. Require extension of 8" Public Sewer Line to southernmost end of property line.
14. Water Pro-Rata will be due upon development.
15. The location of trash receptors must be approved by the Public Works 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., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 6.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

511 NORTH EAST STREET

The request of Tobar Properties, LLC (Owners), NBS Drafting & Design (Draftsman) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 511 North East Street, being part of Lots 3, 6 and 7, Block 9, Bond's 2nd Addition, containing 0.3334 acres, as follows:

Planning and Zoning Commission

Zone change and site plan approval for a fourplex under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District.

Board of Adjustments

Exception under Ordinance No. 2280, Section 6.3, Subsection (7) to allow a 6' wood privacy fence in lieu of the required masonry perimeter wall in an R-2 (Multi-Family Residential) District.

Background:

The property is located at 511 North East Street between the railroad tracks and Pacific Street and is zoned an R-1 (One Family Residential) District. The owner would like to change the zoning on the property to an R-2 (Multi-Family Residential) District to construct a fourplex on the lot; each unit will be approximately 854 square foot with two bedrooms. Parking will be provided for two cars. They are also requesting an exception to allow a six foot wood privacy fence in lieu of the required masonry perimeter wall.

Adjacent Zoning:

R-1 (One Family Residential) District

M-2 (Heavy Manufacturing) District

Origination:

Tobar Properties, LLC (Owners)

NBS Drafting & Design (Draftsman)

Helvey-Wagner 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:

13

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Survey

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.4.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6172

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District in the 4100-4300 blocks of Quail Run Road; Tract 1: Being 2.060 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the Proposed Lots 39-49, Block 11, The Preserve, Phase II; Tract 2: Being 1.513 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the Proposed Lots 10-18, Block 14, The Preserve, Phase II (Westar Home Builders, LLC, Owners; Cross Engineering Consultants, Civil Engineer; and Underwood Drafting and 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 Westar Home Builders, LLC (Owners), Cross Engineering Consultants (Civil Engineer), and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 4100-4300 blocks of Quail Run Road; Tract 1: Being 2.060 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the proposed Lots 39-49, Block 11, The Preserve, Phase II; Tract 2: Being 1.513 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the proposed Lots 10-18, Block 14, The Preserve, Phase II, for a Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District

Background:

The property is located in the 4100-4300 blocks of Quail Run Road, between South F.M. 1417 (Heritage Parkway) and Swan Ridge Drive and is zoned an R-1 (One Family Residential) District. The owners are requesting a Specific Use Permit to allow patio homes on twenty-one (21) lots in The Preserve, Phase II Addition, a proposed subdivision containing forty-two (42) lots.

Origination:

Westar Home Builders, LLC (Owners)
Cross Engineering Consultants (Civil Engineer)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted 6/0 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. 6172

Location Map

Zoning Map

Zoning Sign Photo

Plat

Site Plan

Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6172

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 PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 4100-4300 BLOCKS OF QUAIL RUN ROAD; TRACT 1: BEING 2.060 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, ALSO BEING THE PROPOSED LOTS 39-49, BLOCK 11, THE PRESERVE, PHASE II; TRACT 2: BEING 1.513 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625, ALSO BEING THE PROPOSED LOTS 10-18, BLOCK 14, THE PRESERVE, PHASE II (WESTAR HOME BUILDERS, LLC, OWNERS; CROSS ENGINEERING CONSULTANTS, CIVIL ENGINEER; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Westar Home Builders, LLC (Owners), Cross Engineering Consultants (Civil Engineer) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 4100-4300 blocks of Quail Run Road and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

TRACT 1

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the lands conveyed to 1417 Land Holdings, LLC as shown by deed of record in Volume 4940, Page 511, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" steel rod set with a cap marked RPLS 4709 in the north line of Quail Run Road, said rod being the southeast corner of Lot I, Block II of the Preserve, Phase I, an addition to the City of Sherman, Texas as shown by plat of record in Volume 20, Page 81, Plat Records, Grayson County, Texas;

THENCE North 00°33'47" West, along the east line of said Block 11, a distance of 665.10 feet to a point;

THENCE over and across said 1417 Land Holdings Tract the following calls and distances:

North 89°26'13" East, a distance of 135.00 feet to a point, South 00°33'47" East, a distance of 655.04 feet to a point,

South 44°24'45" West, a distance of 14.15 feet to a point in the north line of Quail Run Road;

THENCE South 89°23'17" West with said north line, a distance of 125.00 feet to the **POINT OF BEGINNING AND CONTAINING 2.060 ACRES OF LAND**

ALSO being the proposed Lots 39-49, Block 11, The Preserve, Phase II.

TRACT 2

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the lands conveyed to 1417 Land Holdings, LLC as shown by deed of record in Volume 4940, Page 511, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" steel rod set with a cap marked RPLS 4709 in the north line of Quail Run Road, said rod being the southeast corner of Lot 1, Block 11 of the Preserve, Phase I, an addition to the City of Sherman, Texas as shown by plat of record in Volume 20, Page 81, Plat Records, Grayson County, Texas;

THENCE North 89°23'17" East with said north line, a distance of 300.00 feet to the True Point of Beginning;

THENCE over and across said 1417 Land Holdings Tract the following calls and distances:

North 00°33'47" West, a distance of 550.08 feet to a point,

North 89°30'47" East, a distance of 110.00 feet to a point,

South 44°40'04" East, a distance of 14.36 feet to a point,

South 00°33'47" East, a distance of 529.52 feet to a point,

South 44°24'45" West, a distance of 14.15 feet to a point in the north line of Quail Run Road,

THENCE South 89°23'17" West with said north line, a distance of 110.00 feet to the **POINT OF BEGINNING AND CONTAINING 1.513 ACRES OF LAND.....**

ALSO being the proposed Lots 10-18, Block 14, The Preserve, Phase II.

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, the patio home ordinance, the screening ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9’x20’.
5. Parking is permitted on paved surfaces only (concrete or asphalt).
6. Violation of the conditions of the SUP will terminate the Specific Use Permit.
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.

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 _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

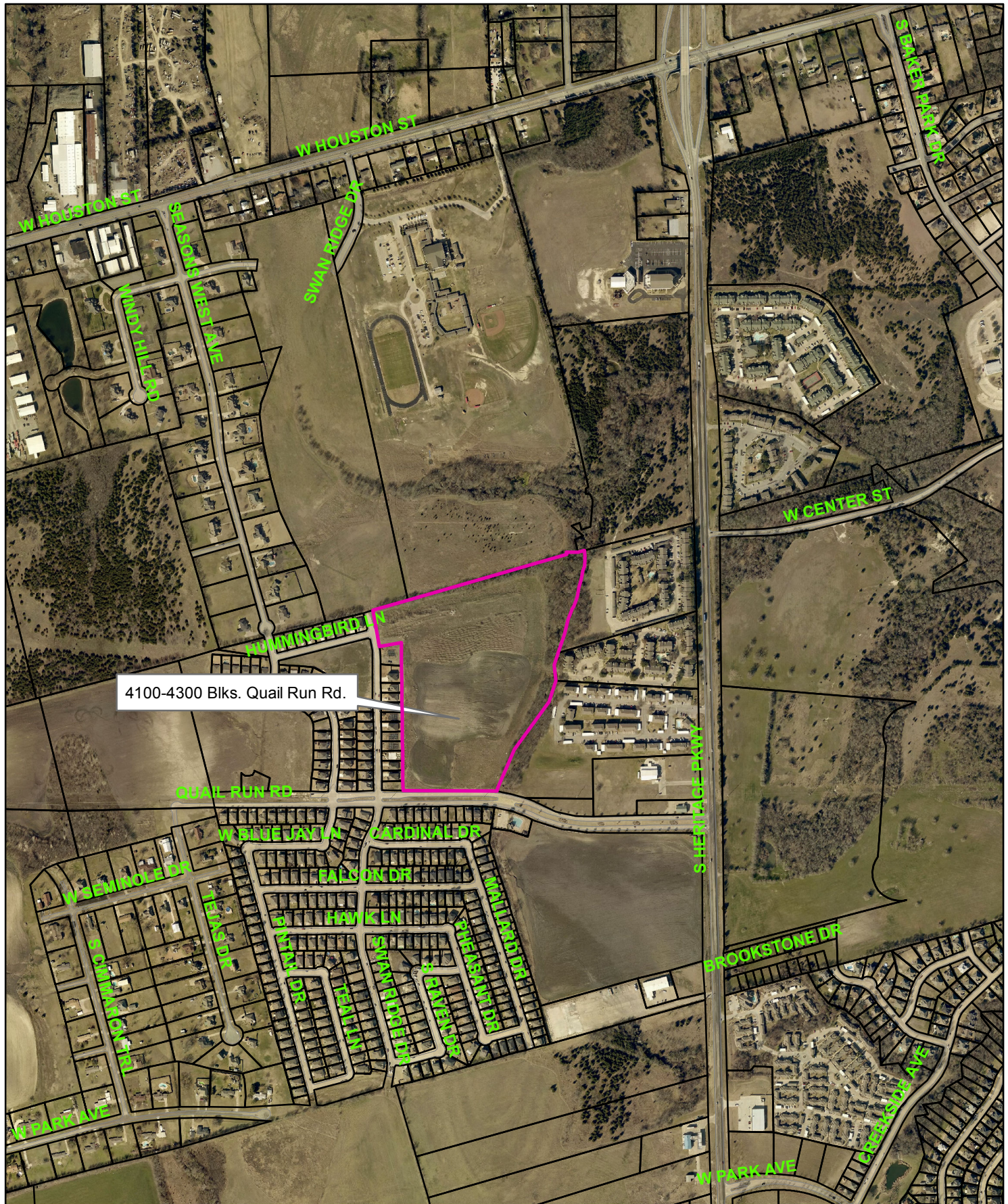
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

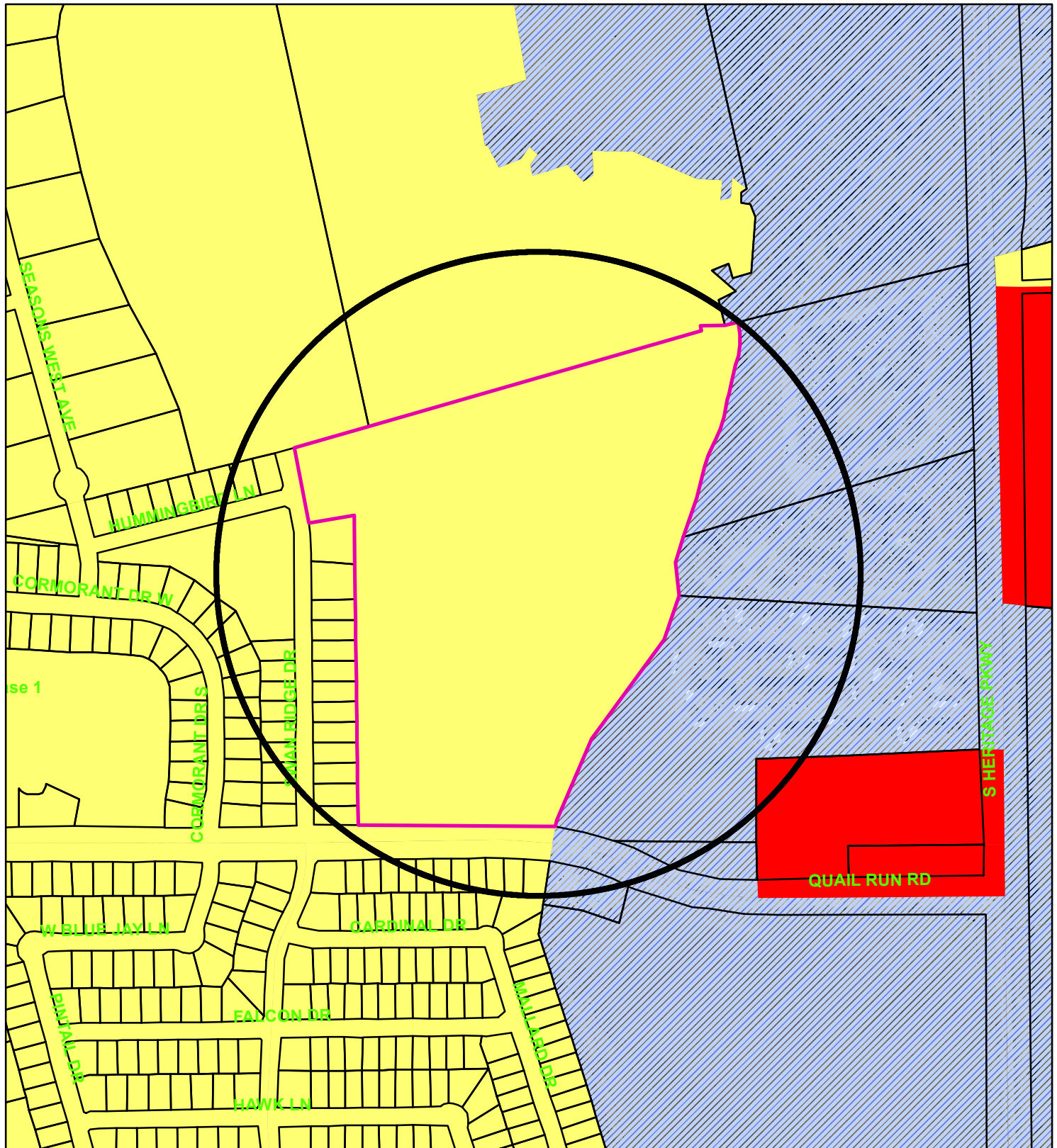
BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



4100-4300 Blocks Quail Run Road



1 in = 800 ft



Zoning - 4100-4300 Quail Run Road

Legend

Special Districts Overlay

DISTRICT_NAME

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

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park

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



City of Sherman, Texas
Developmental Services Department

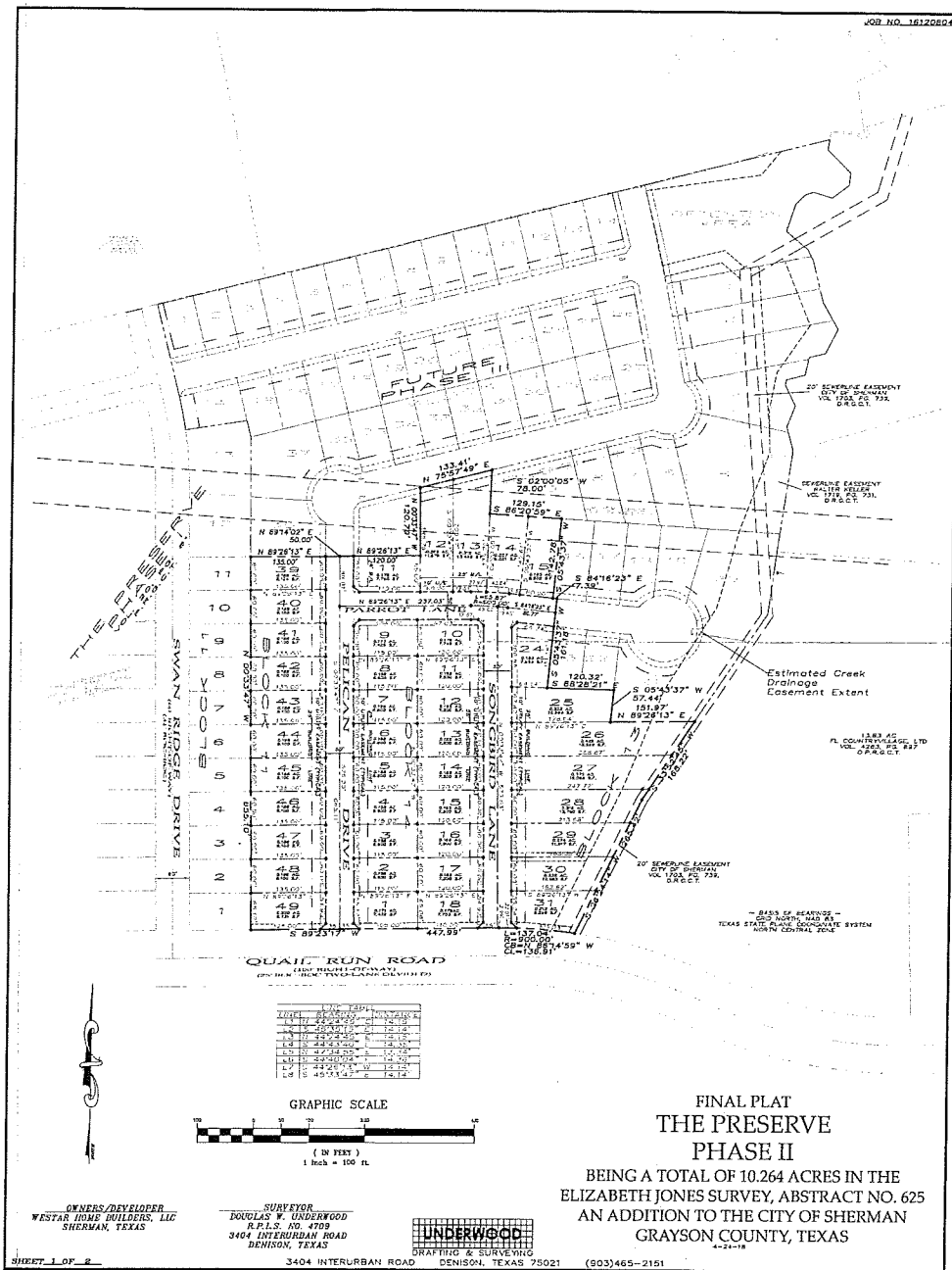


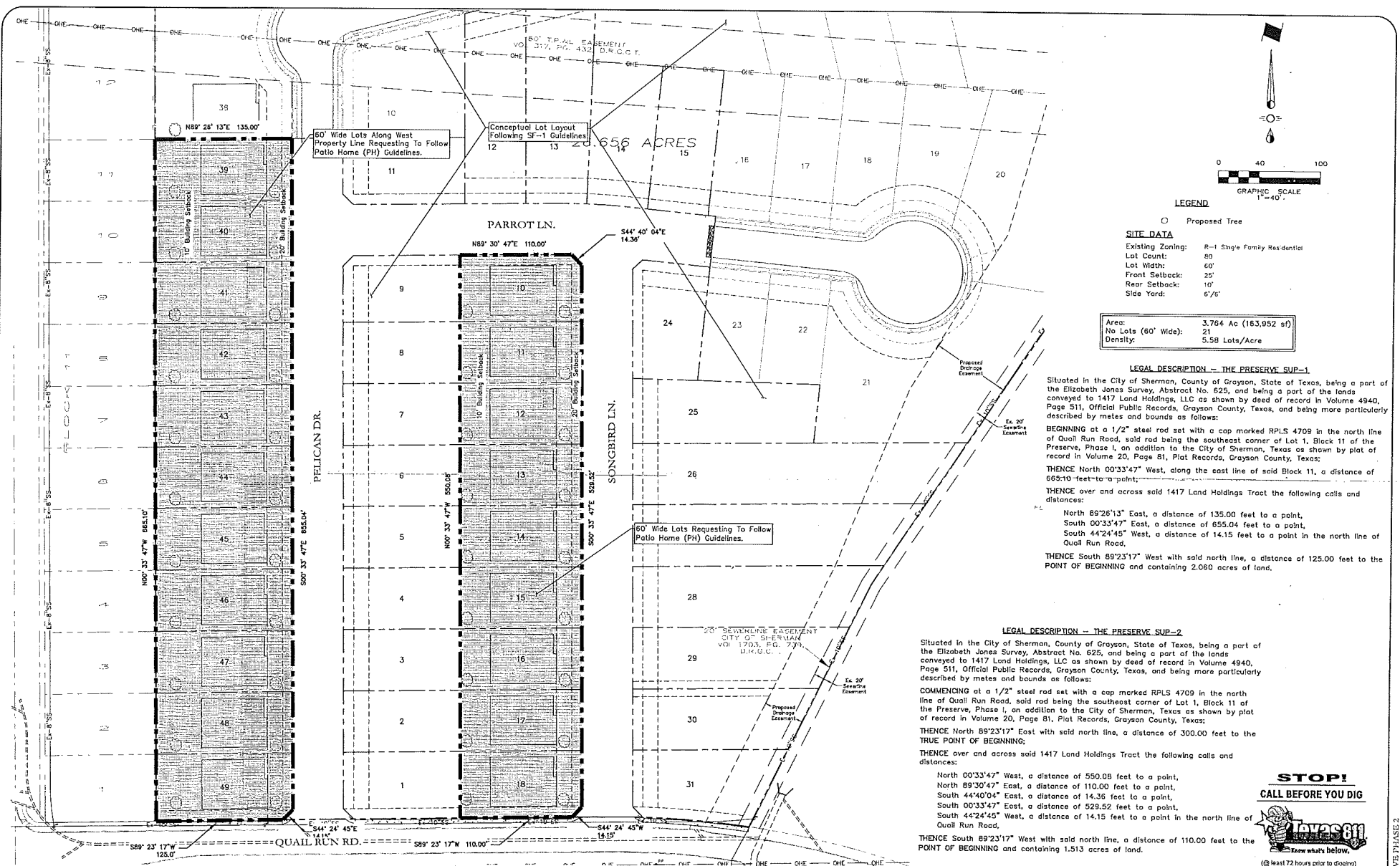
NOT TO SCALE

1 in = 400 ft

4100-4300 Blocks Quail Run Road







LEGEND

SITE DATA

Existing Zoning: R-1 Single Family Residential
Lot Count: 80
Lot Width: 60'
Front Setback: 25'
Rear Setback: 10'
Side Yard: 6'6"

Area: 3.764 Ac (163,952 sq ft)
No Lots (60' Wide): 21
Density: 5.58 Lots/Acre

LEGAL DESCRIPTION - THE PRESERVE SUP-1

Situated in the City of Sherman, County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the lands conveyed to 1417 Land Holdings, LLC as shown by deed of record in Volume 4940, Page 511, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" steel rod set with a cap marked RPLS 4709 in the north line of Quail Run Road, sold rod being the southeast corner of Lot 1, Block 11 of the Preserve, Phase I, on addition to the City of Sherman, Texas as shown by plat of record in Volume 20, Page 81, Plat Records, Grayson County, Texas;

THENCE North 00°33'47" West, along the east line of said Block 11, a distance of 665.10 feet to a point;

THENCE over and across said 1417 Land Holdings Tract the following calls and distances:
North 89°26'13" East, a distance of 135.00 feet to a point,
South 00°33'47" East, a distance of 655.04 feet to a point,
South 44°24'45" West, a distance of 14.15 feet to a point in the north line of Quail Run Road,

THENCE South 89°23'17" West with said north line, a distance of 125.00 feet to the POINT OF BEGINNING and containing 2.060 acres of land.

LEGAL DESCRIPTION - THE PRESERVE SUP-2

Situated in the City of Sherman, County of Grayson, State of Texas, being a part of the Elizabeth Jones Survey, Abstract No. 625, and being a part of the lands conveyed to 1417 Land Holdings, LLC as shown by deed of record in Volume 4940, Page 511, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" steel rod set with a cap marked RPLS 4709 in the north line of Quail Run Road, sold rod being the southeast corner of Lot 1, Block 11 of the Preserve, Phase I, on addition to the City of Sherman, Texas as shown by plat of record in Volume 20, Page 81, Plat Records, Grayson County, Texas;

THENCE North 89°23'17" East with said north line, a distance of 300.00 feet to the TRUE POINT OF BEGINNING;

THENCE over and across said 1417 Land Holdings Tract the following calls and distances:

North 00°33'47" West, a distance of 550.08 feet to a point,
North 89°30'47" East, a distance of 110.00 feet to a point,
South 44°40'04" East, a distance of 14.36 feet to a point,
South 00°33'47" East, a distance of 528.52 feet to a point,
South 44°24'45" West, a distance of 14.15 feet to a point in the north line of Quail Run Road,

THENCE South 89°23'17" West with said north line, a distance of 110.00 feet to the POINT OF BEGINNING and containing 1.513 acres of land.

STOP!
CALL BEFORE YOU DIG



NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.

BENCHMARK:

Ref. of existing survey benchmark located at the southwest corner of property. Elevation = 821.20

Issue Date:	Revision:	Date:
1	1	
2	2	
3	3	
4	4	
5	5	
6	6	

CROSS ENGINEERING CONSULTANTS
131 S. Eisenhower St.
712.562.1819
McKean, Texas 79706
TAMU P.E. Reg. No. 1-935

Drawn By: C.E.C.I.
Checked By: C.E.C.I.
Scale: 1"=40'

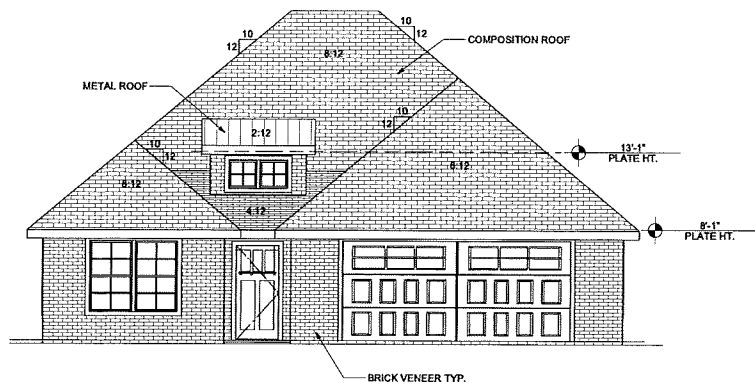
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERVIEW REVIEW UNDER THE AUTHORITY OF JONATHAN D. HACE, P.E. NO. 94738 ON 10/22/2018. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

SPECIFIC USE PERMIT

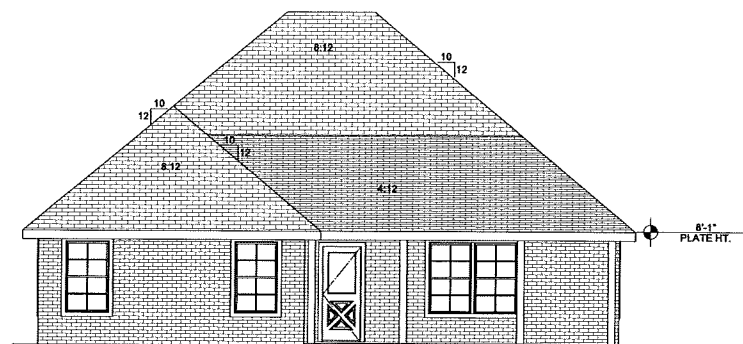
THE PRESERVE PHASE 2

Westar Home Builders, LLC
Sherman, Texas

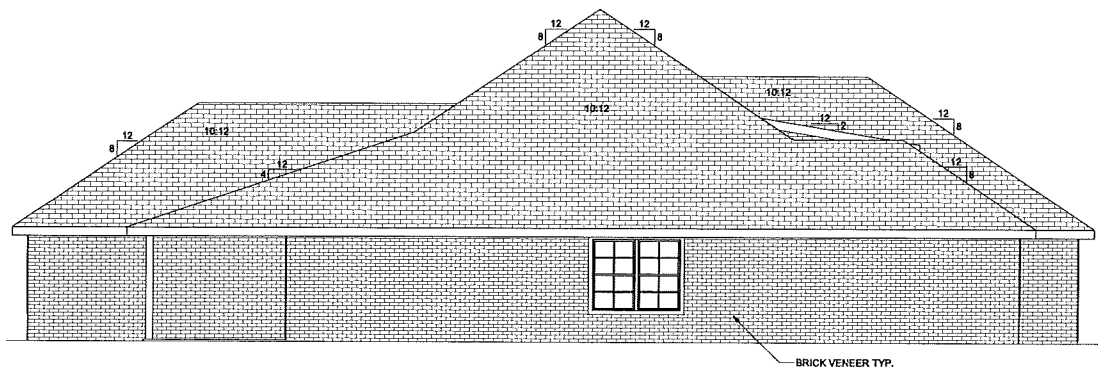
Sheet No.
SUP
Project No.
17154



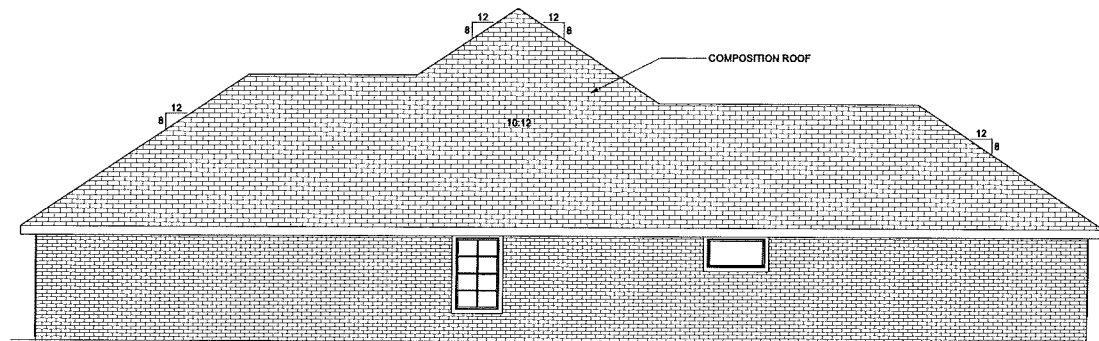
FRONT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"



LEFT ELEVATION
SCALE: 1/4"=1'-0"



RIGHT ELEVATION
SCALE: 1/4"=1'-0"

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

PROJECT DESCRIPTION:
A New Build for
JIM HIDALGO
2500 W CENTER ST.
SHERMAN, TX 75090

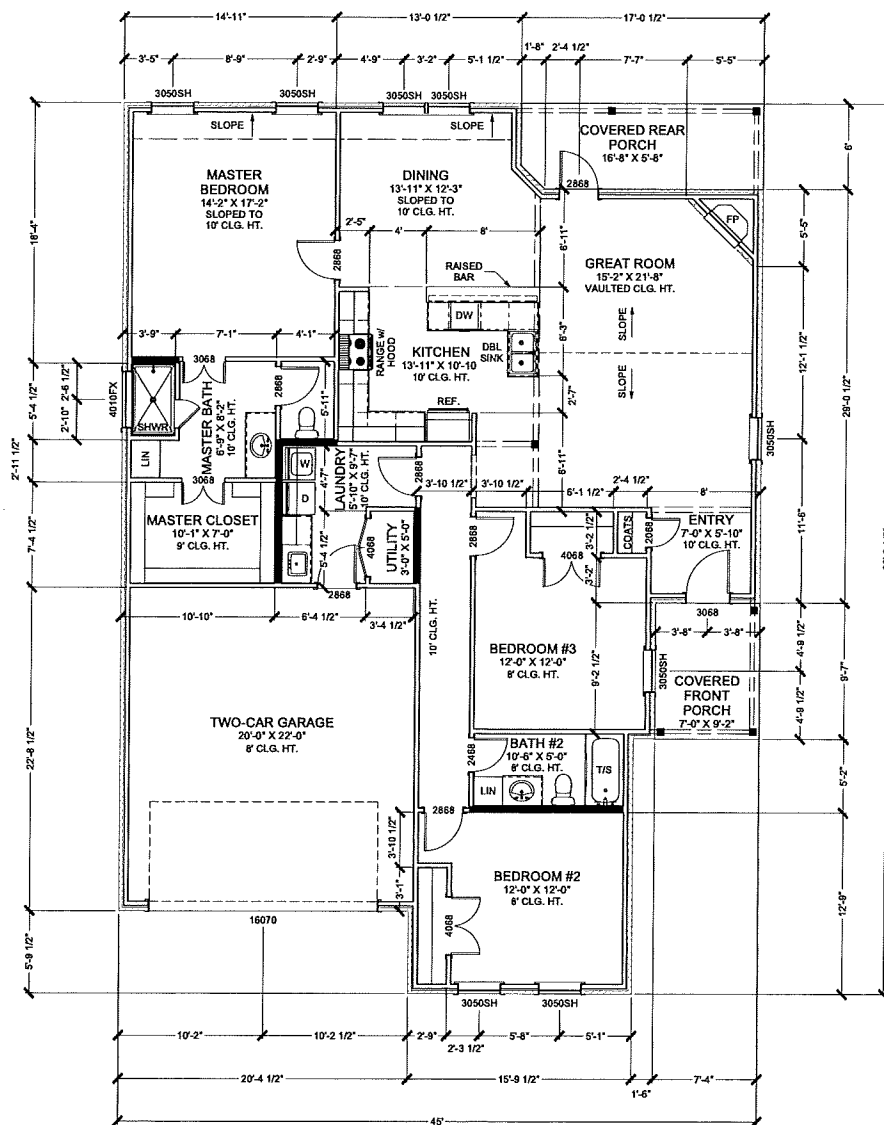
DRAWINGS PROVIDED BY:
VANTAGE POINT DESIGN
189 KAREN DR.
DENISON, TEXAS 75021
903.818.5978

DATE:
10/25/2018

SCALE:

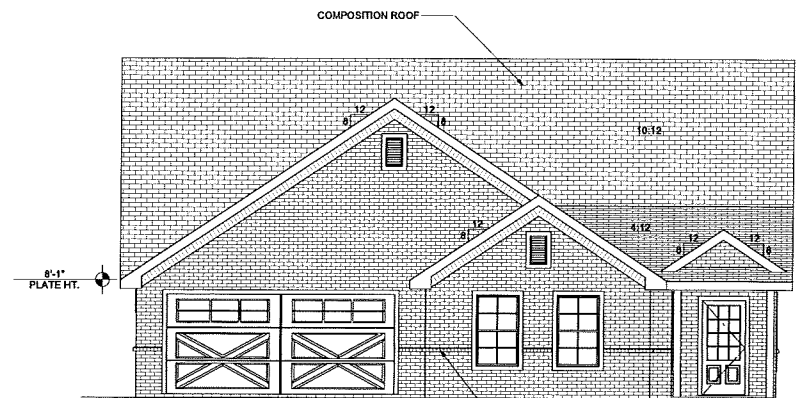
SHEET:

A-2

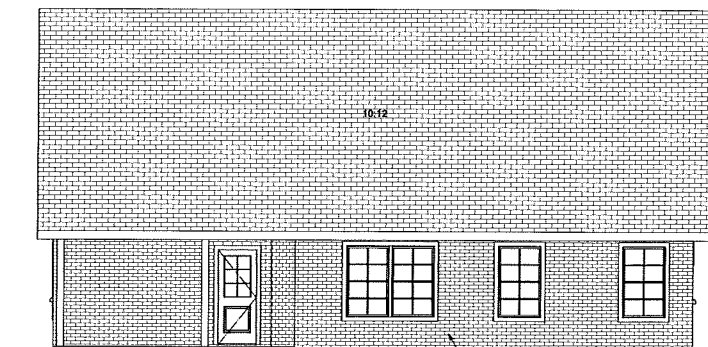


FLOOR PLAN
SCALE: 1/4"=1'-0"

AREA CALCULATIONS:
1896 SF - TOTAL LIVING
471 SF - GARAGE
70 SF - COVERED FRONT PORCH
101 SF - COVERED REAR PORCH
2538 SF - TOTAL UNDER ROOF



FRONT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"

REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

PROJECT DESCRIPTION:
A New Build for
JIM HIDALGO
169 KAREN DR.
DENSON, TEXAS 75021
SHERMAN, TX 75090

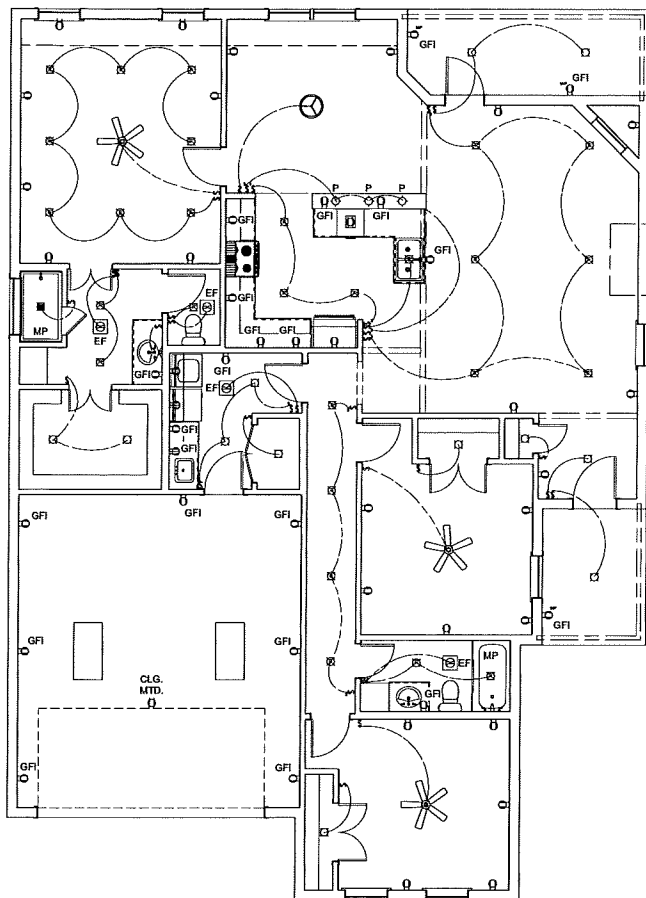
DRAWINGS PROVIDED BY:
VANTAGE POINT DESIGN
169 KAREN DR.
DENSON, TEXAS 75021
903.818.5978

DATE:
10/25/2018

SCALE:

SHEET:

A-1

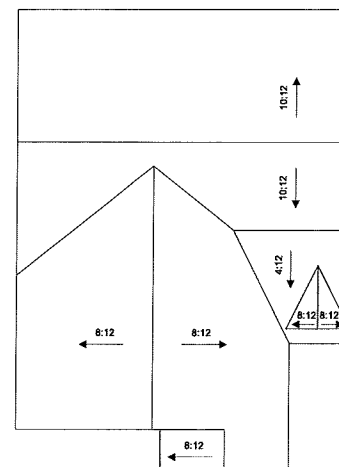


ELECTRICAL PLAN
SCALE: 1/4"=1'-0"

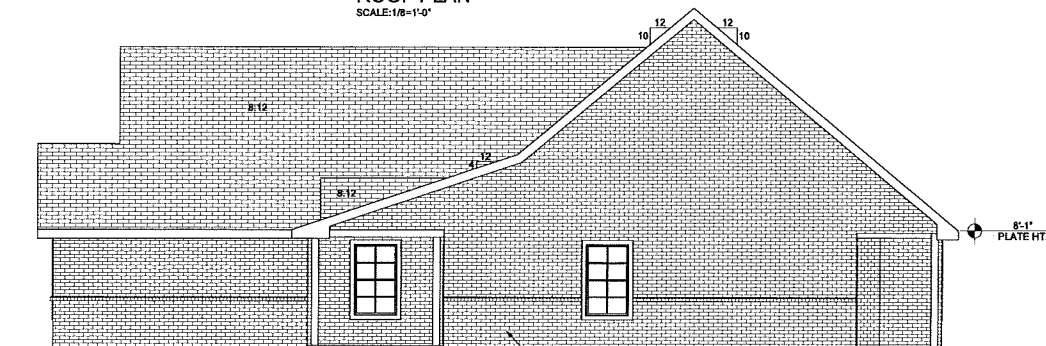
WATER TABLE
(BRICK TYP.)

LEFT ELEVATION
SCALE: 1/4"=1'-0"

ELECTRICAL - DATA - AUDIO LEGEND	
SYMBOL	DESCRIPTION
	Ceiling Fan
	Ventilation Fans: Ceiling Mounted, Wall Mounted
	Ceiling Mounted Light Fixtures: Surface/Pendant, Recessed, Flush/Low Voltage
	Wall Mounted Light Fixtures: Flush Mounted, Wall Sconce
	Chandelier Light Fixture
	Fluorescent Light Fixture
	300V Receptacle
	110V Receptacles: Duplex, Weather Proof, GFI
	Switches: Single Pole, Weather Proof, 3-Way, 4-Way
	Switches: Dimmer, Timer
	Audio Video: Control Panel, Switch
	Speakers: Ceiling Mounted, Wall Mounted
	Wall Jacks: CAT5, CAT6, TV, TV/Cable
	Telephone Jack
	Microphone
	Thermostat
	Door Chime, Door Bell Button
	Smoke Detectors: Ceiling Mounted, Wall Mounted
	Electrical Breaker Panel



ROOF PLAN
SCALE: 1/8"=1'-0"



RIGHT ELEVATION
SCALE: 1/4"=1'-0"

REVISION TABLE	
NUMBER	DATE

PROJECT DESCRIPTION:
A New Build for
JIM HIDALGO
2500 W CENTER ST.
SHERMAN, TX 75090

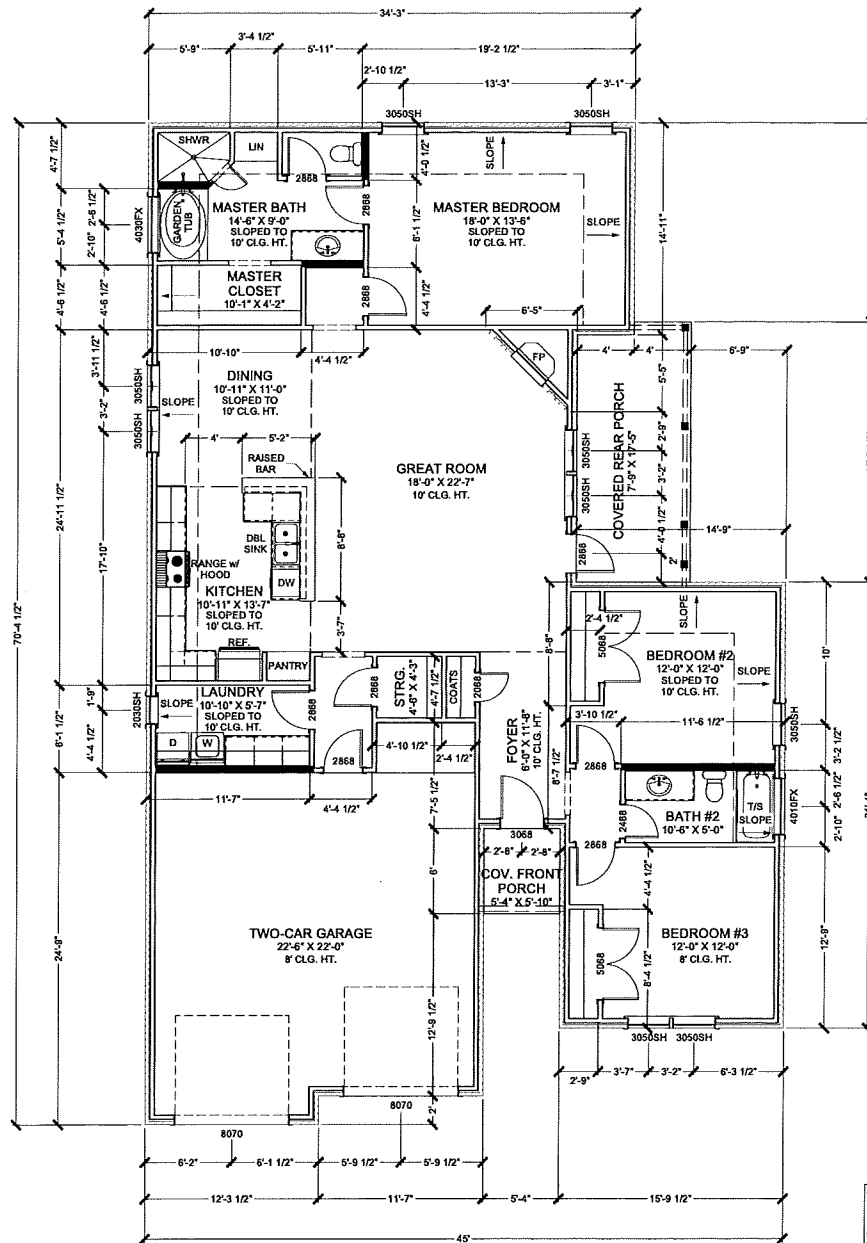
DRAWINGS PROVIDED BY:
VANTAGE POINT DESIGN
169 KAREN DR.
DENISON, TEXAS 75021
903.818.5978

DATE:
10/25/2018

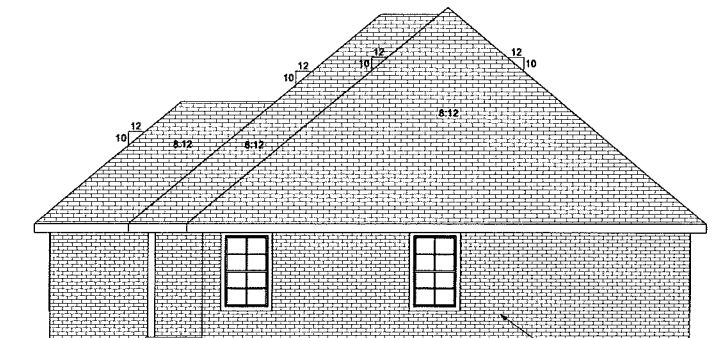
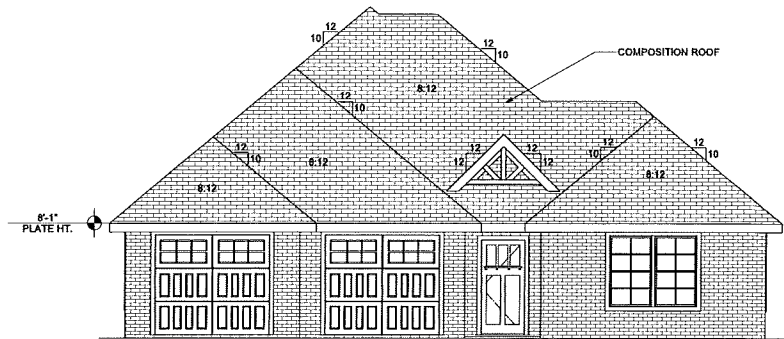
SCALE:

SHEET:

A-2



AREA CALCULATIONS:
 1919 SF - TOTAL LIVING
 589 SF - GARAGE
 32 SF - COVERED FRONT PORCH
 143 SF - COVERED REAR PORCH
 2683 SF - TOTAL UNDER ROOF

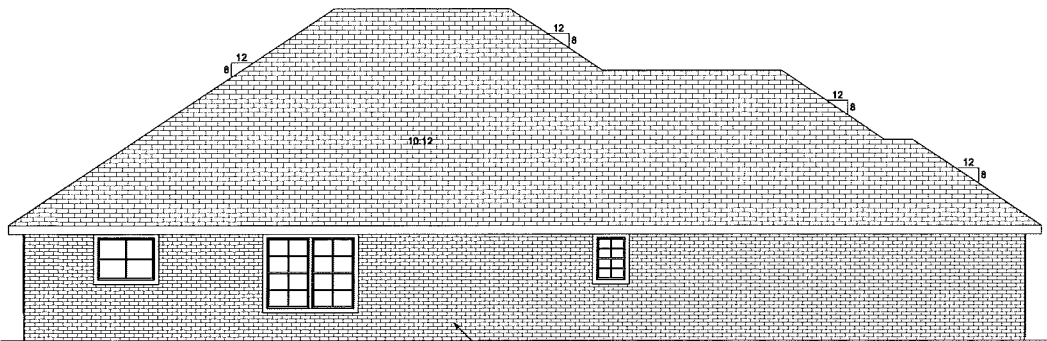


REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

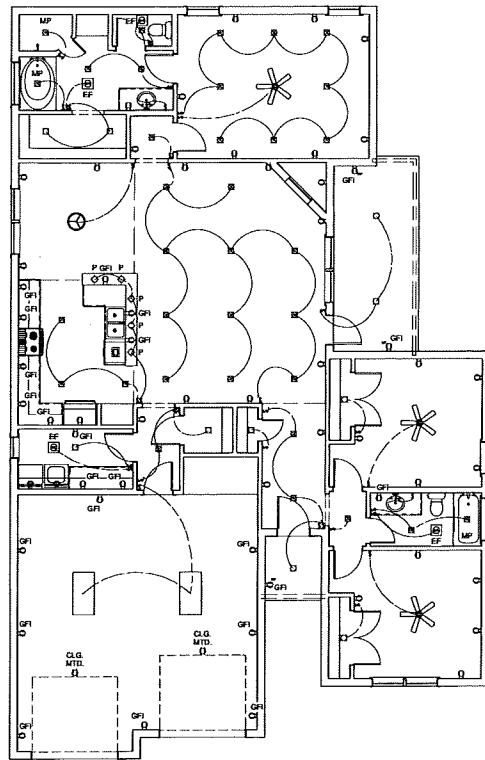
PROJECT DESCRIPTION:
 A New Build for
 JIM HIDALGO
 168 KAREN DR.
 DENISON, TEXAS 75021
 SHERMAN, TX 75090

DRAWINGS PROVIDED BY:
 VANTAGE POINT DESIGN
 168 KAREN DR.
 DENISON, TEXAS 75021
 903.318.5978

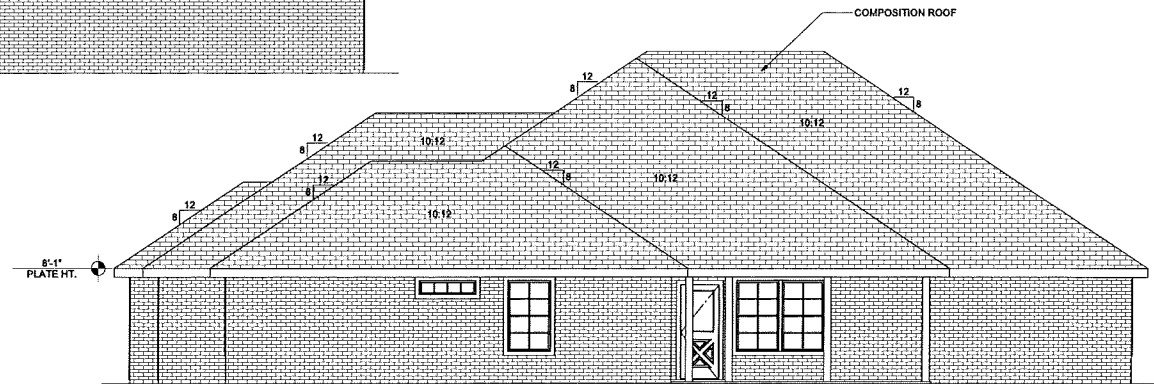
DATE:
 10/25/2018
 SCALE:
 SHEET:
A-1



LEFT ELEVATION
SCALE: 1/4"=1'-0"

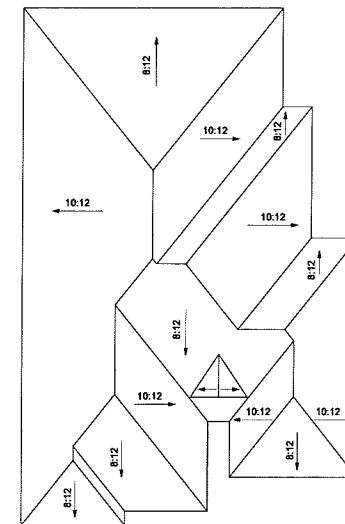


ELECTRICAL PLAN
SCALE: 3/16"=1'-0"



RIGHT ELEVATION
SCALE: 1/4"=1'-0"

ELECTRICAL - DATA - AUDIO LEGEND	
SYMBOL	DESCRIPTION
	Ceiling Fan
	Ventilation Fan: Ceiling Mounted, Wall Mounted
	Ceiling Mounted Light Fixture: Surface/Pendant, Recessed, Heat Lamp, Low Voltage
	Wall Mounted Light Fixture: Push Mounted, Wall Sconce
	Chandelier Light Fixture
	Fluorescent Light Fixture
	240V Receptacle
	110V Receptacles: Duplex, Weather Proof, GFCI
	Switches: Single Pole, Weather Proof, 3-Way, 4-Way
	Switches: Dimmer, Timer
	Audio Video: Control Panel, Switch
	Speakers: Ceiling Mounted, Wall Mounted
	Wall Jacks: CAT5, CAT5 + TV, TV/Cable
	Telephone Jack
	Intercom
	Thermostat
	Door Chime, Door Bell Button
	Smoke Detectors: Ceiling Mounted, Wall Mounted
	Electrical Breaker Panel



ROOF PLAN
SCALE: 1/8"=1'-0"

REVISION TABLE
NUMBER DATE REVISION BY DESCRIPTION

PROJECT DESCRIPTION:
A New Build for
JIM HIDALGO
2500 W CENTER ST.
SHERMAN, TX 75090

DRAWINGS PROVIDED BY:
VANTAGE POINT DESIGN
169 KAREN DR.
DENISON, TEXAS 75021
903.818.5978

DATE:
10/25/2018

SCALE:

SHEET:

A-2

STAFF REVIEW LETTER

November 13, 2018

Westar Home Builders
1716 Davy Lane
Denison, TX 75020

Cross Engineering Consultants
Jonathan Hake
131 S. Tennessee St.
McKinney, TX 75069

Dear Applicants,

The request for a Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District for the property located in the 4100-4300 blocks Quail Run Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the patio home ordinance, the screening ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Side yard setbacks must be uniform for all homes within a given block.
4. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
5. Parking is permitted on paved surfaces only (concrete or asphalt).
6. Violation of the conditions of the SUP will terminate the Specific Use Permit.
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.

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,

A handwritten signature in blue ink, reading "Scott Shadden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

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

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 8.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

4100-4300 BLOCKS QUAIL RUN ROAD

The request of Westar Home Builders, LLC (Owners), Cross Engineering Consultants (Civil Engineer) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 4100-4300 Blocks of Quail Run Road, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow patio homes in an R-1 (One Family Residential) District.

- **Tract 1:** Being 2.060 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the proposed Lots 39-49, Block 11, The Preserve, Phase II.
- **Tract 2:** Being 1.513 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the proposed Lots 10-18, Block 14, The Preserve, Phase II.

Background:

The property is located in the 4100-4300 Blocks of Quail Run Road between South FM 1417 (Heritage Parkway) and Swan Ridge Drive and is zoned an R-1 (One Family Residential) District. The owners are requesting a Specific Use Permit to allow patio homes on twenty-one (21) lots in The Preserve, Phase II Addition, a proposed subdivision containing forty-two (42) lots.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

Origination:

Westar Home Builders, LLC (Owners)

Cross Engineering Consultants (Civil Engineer)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

41

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Plat - The Preserve Phase II

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.5.

Meeting Date: 12/17/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6169, 6170, 6171 and 6172

Issue:

B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6169

Designating a Certain Area as Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas, Providing for the Establishment of Agreements within the Zone, and Other Matters Relating Thereto; Providing Findings of Fact; Providing an Effective Date for the Commencement of the Reinvestment Zone and this Ordinance

B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6170

Closing and Abandoning a Portion of the Developed Right-of-Way being East Lake Street between Montgomery Street and the former Houston & Texas Central Railroad to the East of Montgomery Street, being more particularly described in the attached Exhibit "A", said Right-of-Way to be Retained and Maintained as a Utility Easement; Conveying the Interest in Said Right-of-Way to the Abutting and Adjacent Property Owner, Douglass Distributing, Inc

B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6171

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 511 North East Street, being Part of Lots 3, 6 and 7, Block 9, Bond's 2nd Addition, containing 0.3334 acres (Tobar Properties, LLC, Owner; NBS Drafting & Design, Draftsman; and Helvey-Wagner Surveying, Surveyor)

B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6172

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Patio Homes in an R-1 (One Family Residential) District in the 4100-4300 blocks of Quail Run Road; Tract 1: Being 2.060 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the Proposed Lots 39-49, Block 11, The Preserve, Phase II; Tract 2: Being 1.513 acres in the Elizabeth Jones Survey, Abstract No. 625, also being the Proposed Lots 10-18, Block 14, The Preserve, Phase II (Westar Home Builders, LLC, Owners; Cross Engineering Consultants, Civil Engineer; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.6.

Meeting Date: 12/17/2018

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. 4. * RESOLUTION NO. 6446

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Northwest Lift Station and Sewer Improvements; 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. 5. * RESOLUTION NO. 6447

Authorizing Execution of an Agreement with Luz M. Leszczynski for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 411 West Cherry Street

C. 6. * RESOLUTION NO. 6448

Revoking and Replacing Resolution No. 6405; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

D. 1. * REQUEST TO ADVERTISE

Annual Supply of Chemicals

E. 3. * OTHER BUSINESS

Final Plat Approval of Sherman Crossroads, Phase II, being 21.5528 acres in the Preston Kitchen Survey, Abstract No. 667; Sherman Crossroads, LTD, Owners; and Brockett/Davis/Drake, Inc., Surveyor (3100-3600 blocks of South U.S. Highway 75)

E. 4. * OTHER BUSINESS

Variance and Site Plan Approval for Sherman Crossroads, LTD, Owners; Braum's, Developer/Tenant; Brockett/Davis/Drake, Inc., Surveyor; Kimley Horn, Civil Engineer; and Elliott Architects, Inc., Architect under Ordinance No. 2252, Article IV, Sections 410 (2)(g) and Section 410 (2)(j) to allow a 33' Setback on the South Property Line for a Braum's Ice Cream and Dairy in the Blalock Industrial Park/Blalock Commercial Overlay District at 3120 South U.S. Highway 75

E. 5. * OTHER BUSINESS

Replat Approval of The Shops of Grayson Addition, being a Replat of Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, being Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A, Dr. Swamy Addition and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, containing 2.433 acres in the William Milligan Survey, Abstract No. 875; One Ganesha LTD, Owners; Dr. Arshad Khalil, M.D., Prospective Buyer; KISS Development, Developer; and Underwood Drafting and Surveying, Surveyor (2415 and 2429 Swamy Drive)

E. 6. * OTHER BUSINESS

Replat Approval of Lot 6, Block A, Dr. Swamy Addition, being Lot 6, Block A, Dr. Swamy Addition, containing 2.714 acres in the William Milligan Survey, Abstract No. 875; 2017 GK Associates, LLC, Dr. Mandeep Singh, M.D., Owners; Dean Gilbert, Representative; and Helvey-Wagner Surveying, Surveyor (2416 and 2500 Swamy Drive)

E. 7. * OTHER BUSINESS

Final Plat Approval of The Preserve, Phase II, being 10.264 acres in the Elizabeth Jones Survey, Abstract No. 625; Westar Home Builders, LLC, Owners; Cross Engineering Consultants, Civil Engineer; and Underwood Drafting and Surveying, Surveyor (4100-4300 blocks of Quail Run Road)

E. 8. * OTHER BUSINESS

Replat Approval of The Tobar Addition, being a Replat of the South 48' of Lot 30 and the North 8' of the Alley, Block 10 of the Hare and Randolph Addition, being 0.273 acres in the Samuel Blagg Survey, Abstract No. 56 and being the South 48' of Lot 30 and the North 8' of the Alley, Block 10, Hare & Randolph Addition; Leticia and Julio Cesar Tobar, Owners; and Underwood Drafting and Surveying, Surveyor (714 South Crockett Street)

E. 9. * OTHER BUSINESS

Final Plat Approval of Barnes Subdivision in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 5.326 acres in the Jeremiah McDaniel Survey, Abstract No. 774; Danny & Melva Barnes, LLC, Owners; and Helvey-Wagner Surveying, Surveyor (2789 Luella Road)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 12/17/2018

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6443

Nominating Tyson Fresh Meats, Inc. to the Office of the Governor Economic Development and Tourism ("EDT") through the Economic Development Bank ("Bank") as an Enterprise Project ("Project") to Encourage Private Investment and Job Retention

Issue:

The nomination of Tyson Fresh Meats, Inc. as an Enterprise Project

Background:

Tyson plans to expand the Sherman facility by 80,000 square feet to increase their material handling ability. The proposed project would add approximately \$19 million to the tax rolls in real and personal property. Tyson has requested that this project be considered for the State's Enterprise Zone Program as an Enterprise Project, which would allow them to receive certain State sales tax rebates. Tyson previously had an Enterprise project in 2005 and again in 2013. In order to be considered for the State's designation as an Enterprise Project, this nomination from the City Council is required.

Origination:

Tyson Fresh Meats, Inc.
Sherman Economic Development Corporation

Financial Consideration:

There is no cost to the City to nominate Tyson.

Staff Recommendation:

It is recommended that the City Council approve the nomination.

Alternatives:

The City Council could choose not to nominate Tyson.

Attachments

Resolution No. 6443
Aerial Location Map

RESOLUTION NO. 6443

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, NOMINATING TYSON FRESH MEATS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK ("BANK") AS AN ENTERPRISE PROJECT ("PROJECT") TO ENCOURAGE PRIVATE INVESTMENT AND JOB RETENTION; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Tyson Fresh Meats, Inc. (Tyson) as an enterprise project pursuant to a nomination and an application made by the City;

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

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

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

1. Tyson is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Tyson as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Tyson meets the criteria for tax relief and other incentives adopted by the City and nominates Tyson for enterprise project status on the grounds that it will

be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Tyson as an enterprise project pursuant to the Act;

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

SECTION 1. That the findings of the City and its actions approving this resolution taken at the council meeting are hereby approved and adopted.

SECTION 2. That the City hereby nominates Tyson for enterprise project status.

SECTION 3. That Tyson is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

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

SECTION 5. That all parts of any resolution in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

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

PASSED AND APPROVED on this _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

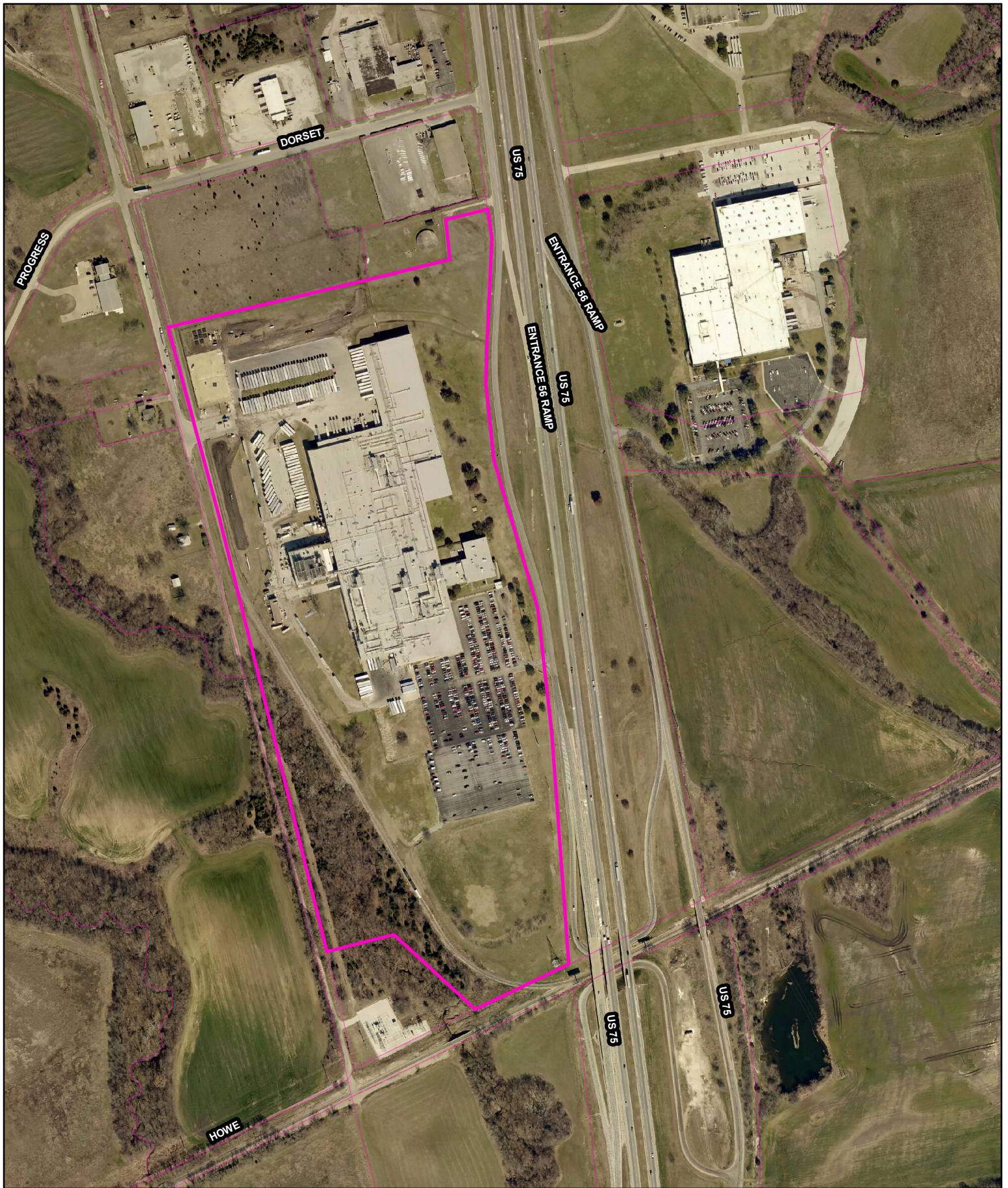
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLAYER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

Tyson Foods
4700 S US Hwy 75

1 inch = 500 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 12/17/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6444

Authorizing Execution of a Development Agreement with Brookstone Estates Development Joint Venture for the Construction of Public Facilities in Brookstone Estates Addition, a 23.455-acre Development off of F.M. 1417 (Heritage Parkway), southeast of Quail Run Road in the City of Sherman

Issue:

The construction of public facilities in Brookstone Estates Addition, a 23.455-acre development off of F.M. 1417 (Heritage Parkway), southeast of Quail Run Road in the City of Sherman

Background:

Brookstone Estates Development Joint Venture proposes to construct a 23.455-acre development off of F.M. 1417 (Heritage Parkway), southeast of Quail Run Road, which includes the construction of storm water, water mains, sanitary sewer mains and public roads.

Origination:

Engineering Department

Financial Consideration:

The development fee to be paid by the developer for public inspection will be \$23,011.82.

Staff Recommendation:

Staff recommends approval and execution of the Development Agreement.

Alternatives:

As directed by City Council

Attachments

Resolution No. 6444

Development Agreement - Brookstone Estates

Unrecorded Proposed Plat

Location Map

RESOLUTION NO. 6444

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN BROOKSTONE ESTATES ADDITION, A 23.455-ACRE DEVELOPMENT OFF OF F.M. 1417 (HERITAGE PARKWAY), SOUTHEAST OF QUAIL RUN ROAD IN THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Development Agreement with Brookstone Estates Development Joint Venture for the construction of public facilities in Brookstone Estates Addition, a 23.455-acre development off of F.M. 1417 (Heritage Parkway), southeast of Quail Run Road in the City of Sherman, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND BROOKSTONE ESTATES DEVELOPMENT JOINT
VENTURE**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2018 (the "Effective Date"), by and among the City of Sherman ("City"), a municipal corporation organized under the laws of the State of Texas, Brookstone Estates Development Joint Venture, ("Developer").

WITNESSETH:

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

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

WHEREAS, Developer owns or controls lands located in Sherman, Texas, and described to the City by the Developer as Brookstone Estates 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 streets, utilities, and other improvements as reflected on the plans and specifications submitted by the Developer as a part of the public facilities of the City, as indicated in Paragraph 2 of Article I; and

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

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

**ARTICLE I.
SPECIFIC CONTRACT PROVISIONS**

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

title, setting out the name of the legal title holders, the outstanding mortgages, taxes, liens and covenants. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in this Agreement.

2. **Assurance of Accuracy of Documents:** Developer has caused the subdivision plat of the Property (the "plat") and all plans and specifications (the "plans") for the streets, utilities and other improvements to be developed on the Property (collectively the "Project") as part of the public facilities of the City, to be prepared by a Registered Professional Engineer and that Plat and Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the Plat and Plans in making its determination as to whether the documents comply with all City ordinances, state and federal law.
3. **Development Documents:** Upon the execution of this Agreement, Plat, Plans, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the subdivision depicted on the Plat (hereinafter the "Subdivision") are confirmed, ratified, and agreed upon by both parties and attached hereto as Exhibit "B". Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract, as applicable to the Subdivision; and all of the work of the Project will be done under the supervision of the City Engineer (as defined in Paragraph 8 of this Article) to City standards, and in accordance with applicable City regulations. The Plat, Plans, orders of the City Planning and Zoning Commission, and the City Council and Ordinance No. 2684 (hereinafter collectively referred to as the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.
4. **Delivery of Improvements:** The Developer will pay for and deliver to the City free and clear of all liens and costs, all of the improvements provided in the Development Documents.
5. **Performance Bond:** No work shall be performed within the Subdivision until directed by the City Manager or 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. The City at its own election may waive this bonding requirement. If required, 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 June 01, 2019, 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 \$23,011.82.

- C. Developer agrees that the development, as set forth in the Contract Documents, will comply with all federal, state and local laws relating to the discharge of storm water upon completion of the development.
- D. Developer and City agree that any and all goods and services relative to infrastructure dedicated to the City are exempt from state and local sales tax in accordance with Texas Tax Code §§151.309 and 151.311.

ARTICLE II.

GENERAL CONTRACT PROVISIONS

1. **Force Majeure.** If the performance of any of the parties hereto is delayed by reason of war, civil commotion, acts of God, inclement weather, unanticipated subsurface conditions, fire or other casualty, court injunction or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated or not, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such design or construction requirement shall be extended for a period of time equal to the period such party was delayed. The terms above shall not apply to extend the time permitted for any payment obligations set forth in this Agreement.
2. **INDEMNIFICATION AND HOLD HARMLESS.** TO THE MAXIMUM EXTENT PERMITTED BY LAW, DEVELOPER OBLIGATES ITSELF TO THE CITY TO FULLY AND UNCONDITIONALLY PROTECT, INDEMNIFY AND DEFEND THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITY FOR INJURIES TO PROPERTY, INJURIES TO PERSONS (INCLUDING DEVELOPERS EMPLOYEES), INCLUDING DEATH, AND FROM ANY OTHER COSTS, EXPENSES, REASONABLE ATTORNEY FEES, CLAIMS, SUITS, LOSSES OR LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION HERewith, REGARDLESS OF CAUSE OR OF THE SOLE, JOINT, COMPARATIVE OR CONCURRENT NEGLIGENCE OR GROSS NEGLIGENCE OF DEVELOPER, ITS OFFICERS, AGENTS OR EMPLOYEES. THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY. This indemnity does not waive any governmental immunity available to the City under Texas law and does not waive any defenses of the parties under Texas law.

3. **Authority to Bind.** Each general partner or member executing this Agreement on behalf the Developer represents that, by executing this Agreement in such capacity, it acts within the scope of its authority and does not exceed the bounds of its authority to act to bind such party regarding the obligations and assurances contained in this Agreement. City represents that the execution of this Agreement as provided below has been duly authorized by the City Council as provided in the Approval Resolution.
4. **Events of Default.** A default shall exist if either party fails to perform or observe any material covenant contained in this Agreement. The non-defaulting party shall immediately notify the defaulting party in writing upon becoming aware of any change in the existence of any condition or event which would constitute a default or, with the giving of notice or passage of time, or both, would constitute a default under this Agreement. Such notice shall specify the nature and the period of existence thereof and what action, if any, the notifying party requires or proposes to require with respect to curing the default.
5. **Remedies Available to City.** If a default by Developer shall occur and continue, after thirty (30) days' notice to cure default, City may, at its option, pursue any and all remedies it may be entitled to, at law or in equity, in accordance with Texas law and including using the Performance Bond to complete the work, without the necessity of further notice to or demand upon Developer. City shall not, however, have the right to exercise such remedies for so long as Developer proceeds in good faith and with due diligence to remedy and correct the default, provided that Developer has commenced to cure such default within thirty (30) days following notice, pursues such cure with reasonable diligence and completes such cure within one hundred eighty (180) days.
6. **No Waiver of Defenses.** Nothing in this Agreement shall be construed or intended to waive any defenses available to the City, including, but not limited to, governmental immunity.
7. **Venue and Governing Law.** This Agreement is performable in Grayson County, Texas and venue of any action arising out of this Agreement shall be exclusively in Grayson County. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.
8. **Notices.** Any notice required by this Agreement shall be deemed to be properly served (i) three (3) days following deposit if deposited in the U.S. mail by certified letter, return receipt requested; (ii) on the next business day if sent by nationally recognized overnight delivery service; or (iii) upon receipt if transmitted by facsimile or electronic transmission, addressed to the recipient at the recipient's address shown below, subject to the right of either party to designate a different address by notice given in the manner just described.

CITY:

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

DEVELOPER:

DESIGNEE: Joe Gilbert, President
ADDRESS: 801 E. Taylor St.
Sherman, TX 75090
PHONE: 903-893-5188
FAX: _____

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

IN WITNESS WHEREOF, parties have caused this Agreement to be executed in duplicate this ____ day of _____ 2018, with an original to each party.

Developer: BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE

BY: _____
NAME: Joe Gilbert
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:

Clint Philpott, P.E. / Director Engineering

APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney



OWNER'S CERTIFICATE

WHEREAS BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE is the rightful owner of all of that certain tract or parcel of land situated in the Elizabeth Jones Survey, Abstract No. 625, City of Sherman, Grayson County, Texas, and being part of a called 136.88 acre tract of land described as Tract 2 in the deed to SSGCG Holdings, LLC, recorded in Volume 5232, Page 220, Official Records of Grayson County, Texas, and being a re-tracement survey of a called 23.455 acre tract of land described in the deed to Brookstone Estates Development Joint Venture, recorded in Instrument No. 2018-15595, said Official Records, and being more particularly described as follows:

COMMENCING at a 1/2-inch square tube found for the southwest corner of said 136.88 acre tract, common to the northwest corner of Lot 1R of Park Plaza Addition according to the plat thereof recorded in Volume 18, Page 30, Plat Records of Grayson County, Texas, and common to the southwest corner of Brookstone Garden Homes, according to the plat thereof recorded in Instrument No. 2018-6, said Plat Records, and on the easterly right-of-way line of Heritage Parkway (F.M. 1417);

THENCE North 74°48'32" East, with the southerly line of said 136.88 acre tract, and with the southerly line of said Brookstone Garden Homes, and with the northerly line of said Park Plaza Addition, passing en route at a distance of 464.60 feet a 1/2-inch iron rod with plastic cap stamped "GEES INC" found for the northeast corner of said Park Plaza Addition, common to the northwest corner of Pebblebrook Phase II according to the plat thereof recorded in Volume 8, Page 117, said Plat Records, and continuing on said course with the northerly line of said Pebblebrook Phase II, a total distance of 711.71 feet to a 1/2-inch iron rod with plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 6585" (hereinafter referred to as Capped Iron Rod) set for the POINT OF BEGINNING of the herein described tract of land, common to the southeast corner of said Brookstone Garden Homes;

THENCE crossing said 136.88 acre tract, the following five (5) courses:

1. North 01°25'06" West, with the easterly line of said Brookstone Garden Homes, and with an easterly line of a called 2.212 acre tract of land described in the deed to 1305 S FM 1417, LP, recorded in Instrument No. 2018-5749, said Official Records, a distance of 299.33 feet to a Capped Iron Rod set for corner;
2. North 74°45'37" East, with a southerly line of said 2.212 acre tract, a distance of 238.58 feet to a Capped Iron Rod set for corner;
3. North 03°29'52" East, with an easterly line of said 2.212 acre tract, a distance of 641.89 feet to a Capped Iron Rod set for corner;
4. North 89°25'18" East, a distance of 1120.15 feet to a Capped Iron Rod set for corner, common to the northwest corner of a called 6.920 acre tract of land described as Exhibit "A" in the deed to City of Sherman, recorded in Instrument No. 2018-20166, said Official Records;
5. South 15°16'36" East, with the westerly line of said 6.920 acre tract, a distance of 611.18 feet to a 3/8-inch iron rod found for a re-entrant corner on the southerly line of said 136.88 acre tract, common to the northeast corner of aforesaid Pebblebrook Phase II;

THENCE South 74°24'48" West, with the southerly line of said 136.88 acre tract, and with the northerly line of said Pebblebrook Phase II, a distance of 753.17 feet to a Capped Iron Rod set for corner;

THENCE South 74°48'32" West, continuing with the southerly line of said 136.88 acre tract, and the northerly line of said Pebblebrook Phase II, a distance of 847.20 feet to the POINT OF BEGINNING and enclosing 23.455 acres (1,021.692 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE, does hereby adopt this plat designating the hereinbefore described property as BROOKSTONE ESTATES ADDITION, an Addition to the City of Sherman, Grayson County, Texas, and does hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

Brookstone Estates Development Joint Venture, a Texas Joint Venture

By: Joe Gilbert Construction, LLC, a Texas limited liability company,
Its managing member

Joe Gilbert, President

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 Joe Gilbert, 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 considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20_____.

Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of BROOKSTONE ESTATES ADDITION to the City of Sherman was submitted to the City Council on the _____ day of _____, 20_____, 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 hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20_____.

Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION
CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20_____, by the City
Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground and that all monuments shown hereon actually actually exist and that their location, size, and material are correctly shown.

Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

PRELIMINARY
THIS DOCUMENT SHALL
NOT BE RECORDED FOR
ANY PURPOSE AND
SHALL NOT BE USED OR
VIEWED OR RELIED
UPON AS A FINAL
SURVEY DOCUMENT

OWNER/DEVELOPER:
Brookstone Estates Development Joint Venture
801 East Taylor Street
Sherman, TX 75090
Ph: 903-893-5188
Contact: Joe Gilbert

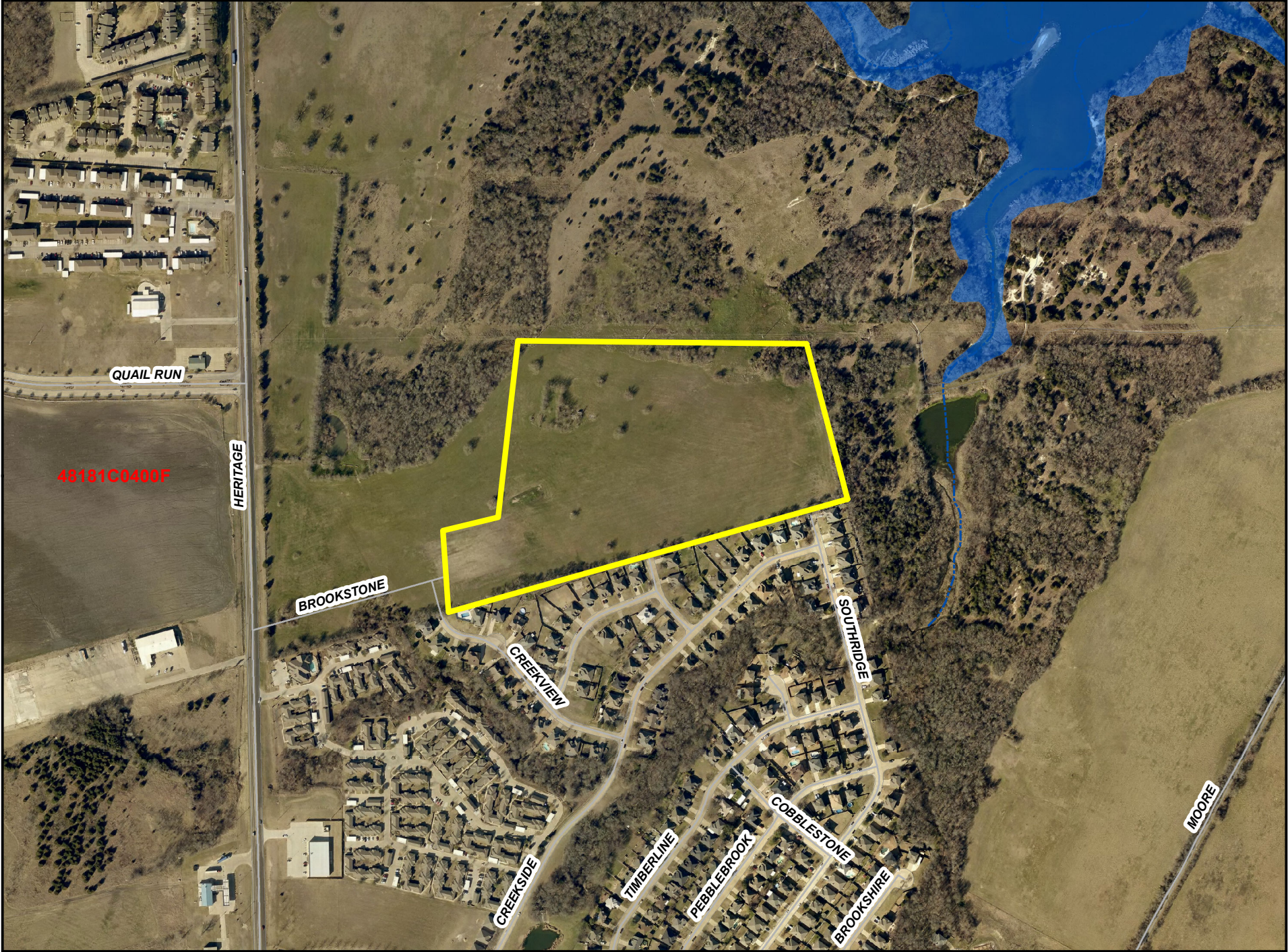
ENGINEER:
Vilbig & Associates, PLLC
517 West Woodard Street
Denison, TX 75020
Ph: 214-352-7333
Contact: David A. Vilbig, P.E.

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
83493 N State Highway 289
Suite No. 5
Pottsboro, TX 75076
Ph: 903-786-6029

FINAL PLAT
BROOKSTONE ESTATES ADDITION
23.455 ACRES
ELIZABETH JONES SURVEY, ABSTRACT NO. 625
City of Sherman, Grayson County, Texas

		83493 N. State Hwy 289, Suite 5 Pottsboro, TX 75076 www.prestontrailandsurveying.com 903-786-6029	
TPLS Firm No. 10194175	Drawn by: BNH Checked by: CRN	Scale: 1"=60' Date: 09/20/2018	Project No. 174583.1 Sheet No. 3 of 3

Brookstone Estates Addition





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 12/17/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6445

Authorizing the Execution of a Professional Services Agreement with Brockette/Davis/Drake, Inc. for the Engineering Design of Flanary Road and Progress Drive Extensions/Improvements

Issue:

To consider a contract for professional services with Brockette/Davis/Drake, Inc. for the engineering design of Flanary Road and Progress Drive Extensions/Improvements

Background:

The Sherman Economic Development Corporation (SEDCO) and the City of Sherman have indicated a need to improve and expand a portion of Flanary Road and Progress Drive. This professional services agreement will include the design of a four-lane median divided roadway along Flanary Road and a two lane extension of Progress Drive. The project will allow for a secondary exit from the industrial locations in the area as well as improve the traffic flow to and from said industrial locations. SEDCO and the City have agreed to split the costs of this project as both parties will benefit from this project.

Origination:

Sherman Economic Development Corporation
City Manager

Financial Consideration:

Final Engineering Design of Flanary Road and Progress Drive Expansion/Improvements will be \$156,600.00. The City will fund \$94,100.00; and SEDCO has agreed to fund the remaining \$62,500.00.

Staff Recommendation:

It is recommended that the contract for professional services with Brockette/Davis/Drake, Inc. for the engineering design of Flanary Road and Progress Drive Extensions/Improvements be approved.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6445

Agreement for Professional Services

Scope of Services

Aerial Location Map

RESOLUTION NO. 6445

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BROCKETTE/DAVIS/DRAKE, INC. FOR THE ENGINEERING DESIGN OF FLANARY ROAD AND PROGRESS DRIVE EXPANSION/IMPROVEMENTS; 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 Professional Services Agreement with Brockette/Davis/Drake, Inc. for the engineering design of Flanary Road and Progress Drive Expansion/Improvements, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

AGREEMENT FOR PROFESSIONAL SERVICES

THIS Agreement for Professional Services ("Agreement") is entered into December 17, 2018 by and between the CITY OF SHERMAN, TEXAS, hereinafter referred to as the "City", and Brockette/Davis/Drake, Inc., a Texas corporation, hereinafter referred to as "Company".

WHEREAS, the City desires Company to perform certain work and services set forth in the Scope of Services attached hereto as Exhibit A and incorporated herein (the "Scope of Services") (the work and services to be provided by the Company under this Agreement, including all plans, drawings, specifications, designs, reports, records, and other work product, and estimates, set forth in the Scope of Services and otherwise described or referred to herein are referred to in this Agreement as the "Services"); and

WHEREAS, the Company has expressed a willingness and desires to perform the Services as set forth in this Agreement.

NOW, THEREFORE, the City of Sherman, Texas and Brockette/Davis/Drake, Inc. in consideration of the covenants and agreements set forth herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, do hereby contract and agree as follows:

ARTICLE I

GENERAL

The Company shall furnish and pay for all labor, tools, materials, equipment, supplies, transportation and management necessary to perform all Services set forth in Article II hereof for the City in accordance with the terms, conditions and provisions of the Scope of Services, attached

hereto as Exhibit "A" and incorporated herein for all purposes, and all of the terms, conditions, and provisions of this Agreement. The City may, at any time, stop any Services by the Company upon giving the Company written notice. Company shall be bound to City by the terms, conditions and responsibilities toward the City for Company's services set forth in this Agreement.

Company shall serve as City's design professional and engineering representative for the project for which the Services are being provided by Company, providing professional engineering services, consultation and advice with respect thereto. Company's work and services consist of that work and services performed by Company and its owners, directors, officers, employees, agents, contractors, subcontractors, representatives, and consultants.

Company shall perform all work hereunder in a manner satisfactory and acceptable to City in accordance with the terms and conditions of this Agreement, including (without limitation) the standard of care set forth in this Agreement. Company shall perform all of its services in a timely and professional manner, utilizing at all times an economical and expeditious manner for performing such services. No less than monthly, Company shall keep City informed, orally or in writing (as requested by City), as to the status of all services of Company in process. All oral information shall be subsequently confirmed in writing.

Company shall not begin work on any Services described herein or other work until City directs Company in writing to proceed.

Company will use its professional skill, judgment and abilities in the performance of its work and Services hereunder, and all work and Services performed under this Agreement shall be conducted in a manner consistent with that level of care and skill ordinarily exercised by reputable members of the engineering profession currently practicing in the same locality in which the work

and Services hereunder are being provided under similar conditions. Company shall re-perform and otherwise remedy any work or Services provided by or for Company not meeting or satisfying this standard of care without additional compensation. Further, Company shall perform all services in accordance with, and Company's work product shall comply with, any applicable law, rule, statute, ordinance, regulation, standard, policy or order of any federal, state or local governmental entity or agency having jurisdiction over any matter related to this Agreement or the project for which the Services are being provided by the Company. Company shall be wholly and solely responsible for any work or Services provided by any officer, employee, agent, representative, contractor or subcontractor of Company.

Company represents that it is authorized to practice civil engineering in the State of Texas and that any necessary licenses, permits or other authorization to practice civil engineering and professional surveying and to provide the Services set forth herein have been heretofore acquired as required by law, rule or regulation. Company agrees and acknowledges that City is entering into this Agreement in reliance on Company's professional abilities with respect to performing the Services set forth herein.

Notwithstanding anything to the contrary in this Agreement, the Company is and shall be construed to be an independent contractor exercising control over its work and services and the manner in which it is performed. Nothing in this Agreement is intended nor shall be construed to create an employer-employee relationship, a joint venture, a joint enterprise relationship, or to allow the City to exercise discretion or control over the professional manner in which the Company performs the work and Services which are the subject matter of this Agreement; provided always however that the work and Services to be provided by Company shall be provided in a manner consistent with all applicable laws, standards, rules and regulations governing such work and

Services. The method and manner in which Company's work and Services hereunder shall be performed shall be determined by Company in its sole discretion. The officers, employees, agents, and representatives of, and the methods, equipment and facilities used by, the Company shall at all times be under the Company's exclusive direction and control.

ARTICLE II

SERVICES

A. The following services, when authorized in writing by a Notice to Proceed, shall be performed by the Company in accordance with the City's requirements:

PREPARATION OF ALL PLANS, SPECIFICATIONS, DRAWINGS, DESIGNS, DOCUMENTS, REPORTS, RECORDS, OTHER WORK PRODUCT, AND ESTIMATES NECESSARY FOR THE FLANARY ROAD AND PROGRESS DRIVE EXTENSIONS/IMPROVEMENTS PROJECT DESCRIBED IN THE SCOPE OF SERVICES ATTACHED HERETO AS EXHIBIT "A".

B. Company shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, plans and other work and Services furnished by for, or on behalf of Company under this Agreement. Company shall, without additional compensation, correct or revise any errors or deficiencies in the design, drawings, specifications, plans and other work and Services.

C. Neither City's review, approval or acceptance of, nor payment for any of the Services required or provided under this Agreement, shall be construed to operate as a waiver of

any rights under this Agreement or of any cause of action arising out of the performance of this Agreement or a release of the responsibility and liability of Company, its owners, officers, employees, subcontractors, agents and consultants for the accuracy and competency of the same, and Company shall be and remain liable to City in accordance with applicable law for all damages to City caused by Company's negligent performance of or willful misconduct in connection with any of the Services or any other services or work furnished by or on behalf of Company under or in connection with this Agreement, nor shall such review, approval, acceptance, or payment be deemed to be an assumption of or an indemnification for such responsibility or liability by City for any defect, error or omission in the same, and shall not constitute nor be deemed a release of the responsibility and liability of Company, its employees, associates, agents and consultants for the accuracy or competency of their designs, working drawings and specifications, or other Services, documents and work, it being understood that City at all times is relying on Company's skill and knowledge in preparing and providing the Services.

D. The rights and remedies of City and Company under this Agreement are as provided by law.

E. Notwithstanding City's review, approval, or acceptance of, or payment for, any plans, drawings, specifications, or any other work product or Services of Company, Company represents that (i) such plans, drawings, specifications, and other work product or Services (and including, without limitation, as the same may be amended or supplemented by Company), (i) shall be sufficient and adequate for the project and fit for the purposes for which they are intended, and (ii) shall, to the best of Company's knowledge, information and belief as a civil engineer performing the practice of civil engineering in accordance with the standards, duties, and obligations set forth herein, be free from material error, and shall be satisfactory to City. In

accordance with the standard of care set forth herein, Company agrees that if it shall recommend unsuitable materials in connection with the project for which the Services are being provided by the Company or this Agreement or if the design of the project should be defective in any way, Company will assume sole responsibility for any damages, loss, claims, or expenses to the extent caused by Company's recommendation of unsuitable materials or defective design.

ARTICLE III

PAYMENT

A. City shall pay Company for all Services authorized in writing and properly performed by Company on the basis herein described, subject to additions or deletions for changes or extras agreed upon in writing, and subject to the City's right to withhold payment pursuant to the terms of this Agreement.

B. Partial payment shall be paid based upon a percentage of work completed. Company shall submit to City monthly invoices for its Services under this Agreement. Each invoice shall be accompanied by such documentation as the City may require to verify the accuracy of the invoice, including an itemized statement of reimbursable costs incurred (if any), and the sum of all prior payments under this Agreement. Company shall not be entitled to any compensation for any Services or work not actually performed or for any lost profits as a result of any abandonment or suspension of any Services or work by the City.

Any provision hereof to the contrary notwithstanding, City shall not be obligated to make payment to Company hereunder if:

1. Company is in default of any of its obligations under this Agreement or any other documents in connection with the Services or the project (and payment may be withheld to the extent of any such default);

2. Any part of such payment is attributable to any work or Services of Company which are not performed in accordance with this Agreement;

3. Company has failed to make payment promptly to subcontractors or consultants or other third parties used by Company in connection with Company's Services or other work hereunder for which the City has made payment to Company; or

4. If City, in its good faith judgment and after consultation with Company, determines that the portion of the compensation then remaining unpaid will not be sufficient to complete the Company's Services or other work under this Agreement, no additional payments will be due Company hereunder unless and until Company performs a sufficient portion of its Services so that such portion of the compensation remaining unpaid is determined by City to be sufficient to complete the Company's Services or other work.

C. Upon complete performance of this Agreement by Company and final approval and acceptance of Company's Services by City, City will make final payment to Company of the balance due under this Agreement within thirty (30) days of the following month after final payment for such Services has been billed by Company.

D. City may deduct from any amounts due or to become due to Company any sum or sums owing by Company to City. In the event of any breach by Company of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against City, or the City's premises or property, arising out of Company's performance of this Agreement, City shall have the right to retain out of any payments due or to become due to

Company an amount sufficient to completely protect the City from any and all loss, damage or expense there from, until the breach, claim or lien has been satisfactorily remedied or adjusted by the Company.

E. Company shall not be entitled to any compensation for any Services or work not actually performed or for any lost profits as a result of any abandonment or suspension of any Services or other work by the City.

ARTICLE IV

TIME FOR PERFORMANCE

A. Company shall perform all Services and any other work as provided for under this Agreement in a proper, efficient and professional manner. Subject to the terms and provisions of this Agreement, both parties have agreed to the provisions of this Agreement in anticipation of the orderly and continuous progress of the Services through completion of the Scope of Services specified in Exhibit "A", attached hereto.

B. In the event Company's performance of this Agreement is delayed or interfered with by acts of the City or others, Company may request an extension of time for the performance of same as hereinafter provided, but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.

C. No allowance of any extension of time, for any cause whatsoever, shall be claimed by or made to the Company, unless Company shall have made written request upon City for such extension within forty-eight (48) hours after the cause for such extension occurred, and unless City and Company have agreed in writing upon the allowance of additional time to be made.

ARTICLE V

DOCUMENTS

A. All instruments of service (including all plans, specifications, drawings, reports, information, designs, documents, computations, computer programs, estimates, surveys, other data or work items, etc., in whatever form or format (whether electronic or otherwise)) prepared by or for Company under or in connection with this Agreement shall be submitted for approval of the City. All instruments of service shall be professionally sealed as may be required by law or by City.

B. All such instruments of service, together with necessary supporting documents, shall be delivered to City, and shall be, belong to, and remain the sole property of the City for the City's exclusive reuse at any time, and the City shall have unlimited rights, for the benefit of City, in all instruments of service, including the right to use same on any other work of City without additional cost to City. The City shall have the right to use such instruments of service for the purpose of completing the project for which the instruments of service were prepared or for such other purposes as the City may deem appropriate; provided, however, that should the City use the same for a purpose not in connection with the project, the City does so at its own risk.

C. Company agrees to and does hereby grant and assign to City all intellectual property rights (whether copyright or otherwise) in and to all such instruments of service in which Company may have a copyright or other intellectual property interest, and to all designs as to which Company may assert any rights or establish any claim under patent, copyright, or other intellectual property laws. Company, after completion of the Services and final payment, agrees to furnish the originals of all such instruments of service to the City (or, if this Agreement is terminated or the project for

which the Services are being provided is abandoned prior to such completion, Company shall provide the originals of all such instruments of service (whether finished or unfinished) to the City upon such termination or abandonment and the payment of any amounts then due the Company pursuant to this Agreement).

D. All documents or other instruments of service supplied by or on behalf of Company to City as provided herein shall be in Microsoft Word 2003 or compatible with Microsoft Word 2003.

ARTICLE VI

TERMINATION

A. City may suspend or terminate this Agreement at any time and for any reason (or for no reason), in its sole discretion, by giving written notice to the Company. In the event of such suspension or termination by City, Company shall have no recourse against City, except for payment for the Services of Company, in accordance with the terms of this Agreement, reasonably determined by the City to have been properly performed hereunder prior to the suspension or termination and for which Company has not been paid. Such payment will be due upon delivery of all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items, or any other instruments of service, in whatever form or format, prepared by, for, or on behalf of Company in connection with this Agreement, to City.

B. Either City or Company may suspend or terminate this Agreement because of a breach of this Agreement by the other party, such suspension or termination to be effective ten (10) days after receipt by the breaching party of a written notice specifying such breach, unless the breaching party corrects such breach or presents a mutually agreeable plan to cure such breach

within such time. In the event of such suspension or termination, payment to the Company, in accordance with the terms of this Agreement, will be made on the basis of Services reasonably determined by City to be satisfactorily performed prior to the date of suspension or termination. Such payment will be due upon delivery of all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items, or any other instruments of service, in whatever form or format, prepared by, for, or on behalf of Company in connection with this Agreement, to City.

In the event of such termination, City may proceed to complete the Services in any manner deemed proper by City, either by the use of its own forces or by resubmitting to others.

In the event of such termination, City may, without terminating this Agreement or taking over the Services, furnish the necessary materials, equipment, supplies and/or help necessary to remedy the situation, at the expense of the Company.

C. Should the City require a modification of this Agreement, and in the event City and Company fail to agree upon such modification, either City or Company shall have the option in their respective sole discretion of terminating this Agreement. In the event of such termination, payment to Company shall be made by the City in accordance with the terms of this Agreement, for the Services mutually agreed upon by the City and the Company to be properly performed by the Company prior to such termination date. Such payment will be due upon delivery of all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items, or any other instruments of service, in whatever form or format, prepared by, for, or on behalf of Company in connection with this Agreement, to City.

D. In the event of termination of this Agreement for cause or breach of this Agreement, Company shall promptly deliver to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items, or any other instruments of service, in whatever form or format, prepared by, for, or on behalf of Company in connection with this Agreement, to City.

ARTICLE VII

INSURANCE

A. In connection with this Agreement, Company shall provide and maintain the minimum insurance coverages set forth below:

1. Company shall provide and maintain Workers Compensation at statutory limits, including Employers Liability coverage a minimum limits of \$500,000 each-occurrence each accident/\$500,000 by disease each-occurrence/\$500,000 by disease aggregate.

2. Company shall provide and maintain in full force and effect during the time of this Agreement, commercial automobile liability insurance (including, but not limited to, insurance covering the operation of owned, non-owned, and hired automobiles, trucks and other vehicles) protecting Company and City as an additional Insured at minimum combined single limits of \$1,000,000 per occurrence for bodily injury and property damage.

3. Company shall provide Commercial General Liability Insurance at minimum combined single limits of \$1,000,000 per-occurrence and \$2,000,000 general aggregate for bodily injury and property damage, which coverage shall include products/completed operations (\$1,000,000 products/ completed operations aggregate) and contractual liability. Coverage for

products/completed operations must be maintained for at least two (2) years after the construction work has been completed. Coverage must be amended to provide for an each- project aggregate limit of insurance.

4. Company shall also provide and maintain Professional Liability coverage at minimum limits of \$2,000,000.00 covering claims resulting from engineering errors and omissions. Such insurance shall be kept in effect for at least four (4) years after the completion of the Services and this Agreement. If Company fails to maintain the insurance covered during that time, City may pay the premiums to keep the insurance in effect and recover the cost from the Company. If coverage is written on a claims-made basis, a policy retroactive date equivalent to the inception date of this Agreement (or earlier) must be maintained during the full term of this Agreement and for the four year period thereafter.

B. With reference to the foregoing insurance, Company shall specifically endorse applicable insurance policies as follows:

1. The City of Sherman, Texas shall be named as an additional insured with respect to General Liability and Automobile Liability.

2. All liability policies with the exception of professional liability shall contain no cross liability exclusions or insured versus insured restrictions.

3. A waiver of subrogation in favor of the City of Sherman, Texas shall be contained in the Workers Compensation and all liability policies.

4. All insurance policies shall be endorsed to the effect that the City of Sherman, Texas will receive at least sixty (60) days' notice prior to cancellation or non-renewal of the insurance.

5. All insurance policies, which name the City of Sherman, Texas as an additional insured, must be endorsed to read as primary coverage regardless of the application of other insurance.

6. Required limits may be satisfied by any combination of primary and umbrella liability insurances.

7. Company may maintain reasonable and customary deductibles, subject to approval by the City of Sherman, Texas

8. Insurance must be purchased from insurers that are financially acceptable to the City of Sherman, Texas.

C. All insurance must be written on forms filed with and approved by the Texas Department of Insurance. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, delivered to the City simultaneously with the execution of this Agreement, and shall contain provisions representing and warranting the following:

1. Set forth all endorsements and insurance coverages according to requirements and instructions contained herein.

2. Shall specifically set forth the notice-of-cancellation or termination provisions to the City of Sherman, Texas,

3. Upon request, Company shall furnish the City of Sherman, Texas with certified copies of all insurance policies.

D. City reserves the right to review the insurance requirements contained herein and to adjust coverages and limits when deemed necessary and prudent by City.

ARTICLE VIII

COMPANY'S INDEMNIFICATION OBLIGATION

Company covenants and agrees to FULLY INDEMNIFY AND HOLD HARMLESS the City of Sherman, Texas and the elected officials, the officers, employees, representatives, and volunteers of the City of Sherman, Texas, individually or collectively, in both their official and private capacities (the City of Sherman, Texas, and the elected officials, the officers, employees, representatives, and volunteers of the City of Sherman, Texas each being a "Sherman Person" and collectively the "Sherman Persons"), from and against any and all costs, claims, liens, harm, damages, losses, expenses, fees, fines, penalties, proceedings, judgments, actions, demands, causes of action, liability and suits, of any kind and nature whatsoever, made upon or incurred by any Sherman Person, whether directly or indirectly, (collectively, the "Claims"), that arise out of, result from, or relate to an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the Company or the Company's agent, consultant under contract, or another entity over which the Company exercises control (such agent, consultant under contract, or another entity being "Company Persons"). SUCH INDEMNITY AND HOLD HARMLESS OBLIGATION SHALL AND DOES INCLUDE CLAIMS FOUND TO HAVE BEEN CAUSED IN PART BY THE NEGLIGENCE OF A SHERMAN PERSON. However

when Claims arise out of the co-negligence of a Sherman Person and the Company or any Company Persons, Company's liability under this clause shall be reduced by that portion of the total amount of the Claims equal to the Sherman Person or Persons' proportionate share of the negligence that caused the loss attributable to such negligence. Likewise, Company's liability for Sherman Person's defense costs and attorneys' fees shall be reduced by that portion of the defense costs and attorneys' fees equal to Sherman Person or Persons' proportionate share of the negligence that caused the loss attributable to such negligence.

Company shall promptly advise the City in writing of any claim or demand against any Sherman Person or Company or Company Person related to or arising out of Company's activities under this Agreement. The Sherman Persons shall have the right, at the Sherman Persons' option and at own expense, to participate in such defense without relieving Company of any of its obligations hereunder. The provisions of any indemnity, and hold harmless obligation set forth in this Agreement shall survive the termination or expiration of this Agreement.

ARTICLE IX

COMPANY INDEMNIFICATION FOR EMPLOYEES

Company agrees that it is an independent contractor and not an agent of the City, and that Company is subject, as an employer, to all applicable unemployment compensation statutes, laws, rules, and regulations, so as to relieve City of any responsibility or liability from treating Company's employees as employees of City for the purpose of keeping records, making reports or payments of unemployment compensation taxes or contributions. WITHOUT LIMITING THE INDEMNITY, AND HOLD HARMLESS OBLIGATION SET FORTH IN ARTICLE VIII AND ANY OTHER INDEMNITY, AND HOLD HARMLESS PROVISION INCLUDED IN THIS AGREEMENT, COMPANY FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY OF SHERMAN, TEXAS AND ALL OTHER SHERMAN PERSONS (AS DEFINED IN ARTICLE VIII) FROM AND AGAINST AND REIMBURSE THE SAME FOR ANY CLAIMS, COSTS, LIENS, HARM, DAMAGES, LOSSES, FEES, PROCEEDINGS, ACTIONS, CAUSES OF ACTION, DEMANDS, PENALTIES, FINES, JUDGMENTS, SUITS, EXPENSES OR LIABILITY OF ANY KIND OR NATURE INCURRED UNDER OR RELATED TO SAID STATUTES OR IN CONNECTION WITH EMPLOYEES OF COMPANY.

ARTICLE X

ASSIGNMENT

Company shall not and has no power or authority to sell, assign, transfer, or otherwise convey (by any means, including by operation of law or otherwise), or subcontract, this Agreement or any right, duty, obligation or part thereof, without the prior written consent of City. Sale of

more than 50% ownership of Company shall be construed as an assignment, transfer, or other conveyance, and any such sale, assignment, transfer, or other conveyance, or subcontract, without the City's prior written consent shall be null and void *ab initio*.

ARTICLE XI

APPLICABLE LAWS; GOVERNING LAW; VENUE

Company shall comply with all Federal, State, County and Municipal laws, ordinances, regulations, safety orders, resolutions and codes (including, without limitation, building and related codes), including but not limited to the Americans With Disabilities Act and Chapter 469 of the Texas Government Code (relating to elimination of architectural barriers), relating or applicable to the work and Services to be performed under this Agreement.

This Agreement is performable in Grayson County, State of Texas and shall be governed by the laws of the State of Texas; and, with respect to any conflict of law provisions, the parties agree that such conflict of law provisions shall not affect the application of the law of Texas (without reference to its conflict of law provisions) to the governing, interpretation, validity and enforcement of this Agreement. Venue on any suit or matter hereunder shall be exclusively in Grayson County, Texas.

ARTICLE XII

ADJUSTMENTS IN SERVICES

No claims for extra services, additional services or changes in the services will be made by Company without a written agreement with City prior to the performance of such services.

ARTICLE XIII

EXECUTION BECOMES EFFECTIVE

This Agreement will be effective upon the last of the representatives of the parties to execute this Agreement, as set forth below.

ARTICLE XIV

AGREEMENT AMENDMENTS

This Agreement contains the entire and integrated understanding of the parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Agreement which have not been incorporated herein. This Agreement may only be modified, amended, supplemented or waived by a written instrument executed by duly authorized representatives of the parties, except as may be otherwise provided therein.

ARTICLE XV

GENDER AND NUMBER; HEADINGS

The use of any gender in this Agreement shall be applicable to all genders, and the use of singular number shall include the plural and conversely. Article and section headings are for convenience only and shall not be used in interpretation of this Agreement.

ARTICLE XVI

NOTICES AND AUTHORITY

A. The Company agrees to send all notices required under this Agreement to the City Manager of the City of Sherman at 220 W. Mulberry St., Sherman, TX 75090.

B. The City agrees to send all notices required under this Agreement to the Company at 4144 N. Central Expressway, Suite 1100, Dallas, Texas 75204.

C. For purposes of this Agreement, notices and all other communications provided for herein shall be in writing, addressed as provided hereinafter to the party to whom the notice or request is given, and shall be either (i) delivered personally, (ii) sent by United States certified mail, postage prepaid, return receipt requested, or (iii) placed in the custody of Federal Express Corporation or other nationally recognized carrier to be delivered overnight. Notice shall be deemed given when received. From time to time either party may designate another address within the 48 contiguous states of the United States for all purposes of this Agreement by giving the other party not less than ten (10) days advance notice of such change of address in accordance with the provisions hereof.

D. The undersigned officers and/or agents of each of the parties hereto are the properly authorized officials or representatives and have the necessary authority to execute this Agreement on behalf of each of the respective parties.

ARTICLE XVII

MISCELLANEOUS

A. No Third Party Benefits. This Agreement and each of its provisions are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any third person or entity.

B. Rights and Remedies Cumulative; No Waiver; Survival of Remedies. The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law statute, ordinance, or otherwise. The failure by either party to exercise any right, power, or authority given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies either party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement.

C. Severability. The terms and provisions of this Agreement are severable, and if any term or provision is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable and this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable term or provision is not a part hereof, and the remaining provisions hereof shall remain in full force and effect. In lieu of any illegal, invalid or unenforceable term or provision herein, the parties agree to seek to negotiate the insertion of a term or provision as

similar in its terms to such illegal, invalid or unenforceable term or provision as may be possible, with the intent that such added term or provision is legal, valid and enforceable.

D. Release of Information. Company shall not divulge or release any information concerning the project or this Agreement to the public, including any the media representative, without City's prior written consent.

E. Force Majeure. Neither party is liable to the other for any damages for delay in performance caused by acts of God, strikes, lockouts, accidents, fire, casualty, labor trouble, failure of power, governmental authority, riots, insurrections, war, acts or threats of terrorism, or other events or reasons of a like nature which are beyond the control of the party obligated to perform and not avoidable by the diligence of that party ("Event of Force Majeure"); in such event, the party obligated to perform give the other party prompt notice of such delay and the performance of this Agreement shall be excused for the period of such delay. If such an event necessitates a change in the time required for performance of any act or services hereunder, subject to the other terms and provisions of this Agreement, the parties shall make an equitable adjustment of the schedule and price; provided, however, that the party obligated to perform shall continue to promptly perform all of its obligations under this Agreement while the parties are determining the nature and extent of any such adjustments.

F. Authorized Signatories. The undersigned officers and/or agents of the parties hereto are the properly authorized officials or representatives and have the necessary authority to execute this Agreement on behalf of each of the respective parties, and each party hereby certifies to the other that any necessary resolutions or other act extending such authority have been duly passed and are now in full force and effect.

IN WITNESS WHEREOF, parties have caused this Agreement to be executed in duplicate this ____ day of _____ 2018, with an original to each party.

COMPANY: _____

BY: _____

NAME: _____
Address

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:

Clint Philpott, P.E. / Director of Engineering

APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney



December 4, 2018

Mr. Clint Philpott, P.E.
Director of Engineering
City of Sherman
220 W. Mulberry Street
Sherman, TX 75090

Re: Civil Engineering/Survey Fee Proposal
Flanary Road and Progress Drive Extension/Improvements
Sherman, Texas

Dear Mr. Philpott:

Brockette/Davis/Drake, Inc. (BDD) is pleased to submit for your consideration the following proposal to provide civil engineering and surveying services for the above referenced project. Our understanding of the scope of the project is as follows:

- Flanary Road approximately 4,200 LF from FM 1417 to the extension of Progress Drive.
- Progress Drive approximately 2,400 LF from its westerly terminus to the extension of Flanary Road.
- Drainage Plan for the proposed roadway.

Our proposed scope of services is as follows:

PRELIMINARY ENGINEERING

1. Obtain as-built engineering plans from the City of Sherman.
2. Attend meetings with the City of Sherman (4 meetings estimated).

PRELIMINARY SURVEYING

1. Prepare an on the ground topographic survey for the proposed roadway. BDD will tie to the boundary of the tract.
 - Approx. 200-foot wide topographic survey utilizing the centerline (100 feet each side of centerline) of each roadway.
2. Separate instrument easements for right-of-way dedication. It is our understanding the Sherman Economic Development Corporation owns the property where the roadways are being constructed.
3. A boundary verification will be required to prepare a metes/bounds description and tying the topographic survey.

CONSTRUCTION DOCUMENTS

1. Paving Plan/Profile
 - Prepare a plan/profile for the proposed Progress Drive and Flanary Road.
 - Prepare the necessary construction details.
2. Drainage Plan
 - Prepare a drainage area map for the proposed roadway and the land area draining to the road.
 - Prepare plan/profile for the proposed storm sewer system.
 - Prepare the necessary construction details.
 - BDD will supplement the on the ground topographic information with aerial topography to prepare the drainage area map.

Mr. Clint Philpott
City of Sherman

Re: Civil Engineering/Survey Fee Proposal
Flanary Road and Progress Drive Extension/Improvements
Sherman, Texas

December 4, 2018

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3. Bid Documents

- Prepare quantity estimate for the contract documents/bidding.

4. Erosion Control Plan

- An erosion control plan indicating a minimal set of controls shall be included in the construction plans. This plan alone does not meet the requirements of a Storm Water Pollution Prevention Plan (SWPPP). BDD will not prepare the Storm Water Pollution Prevention Plan (SWPPP) Manual. It will be the owner's/contractor's responsibility to prepare the SWPPP, Notice of Intent (NOI) and the Notice of Termination (NOT). BDD will coordinate with the client's SWPPP consultant in providing them with the necessary information from the plans to complete the SWPPP.

POST DESIGN SERVICES

1. Answer contractor questions.
2. Review contractor product submittals during construction as requested.
3. Prepare client requested "Record Drawings" based on contractor markups. The "Record Drawings" will not be sealed and signed by a Professional Engineer employed by Brockette/Davis/Drake unless all construction proposed in the plans is witnessed and observed by a representative of BDD under the direct supervision of the Professional Engineer.
4. Provide client requested services after city approval of the construction documents.
5. Perform periodic site visits during construction (approximately 3 visits).*
6. Perform a final punch list site visit.*

* The engineering site visits will be for the purpose of observing the progress of the work. They will not be an inspection of the work. Construction inspection shall be provided by a testing agency selected by the owner.

Note: It is understood that the architect and/or owner will be responsible for the overall construction administration of this project and that Brockette/Davis/Drake will provide limited post design services as identified herein. Requested site visits during construction will be on an hourly basis as directed (per the attached rate schedule).

COMPENSATION: BDD proposes to provide the herein-defined services for the following fees. Invoices will be submitted monthly for work completed to date and shall be due upon receipt.

<u>Description</u>	<u>Fee</u>
Preliminary Engineering	\$ 5,500.00
Preliminary Surveying	
Topographic Survey	
Flanary Road	\$ 15,800.00
Progress Drive	\$ 9,500.00
Separate Instrument Easements	\$ 5,300.00
Construction Documents	
Flanary Road	\$ 70,000.00
Progress Drive	\$ 45,000.00
Post Design Services (hourly estimated fee)	\$ 5,500.00
Total Estimated Fee (without change in scope)	\$ 156,600.00

REIMBURSABLE EXPENSES: Reimbursable expenses (printing, deliveries, mileage, long distance communications, records research, etc.) shall also be invoiced at our cost plus 10%. State and local

Mr. Clint Philpott
City of Sherman

Re: Civil Engineering/Survey Fee Proposal
Flanary Road and Progress Drive Extension/Improvements
Sherman, Texas

December 4, 2018

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sales tax at a rate of 8.25% will be invoiced for separate instrument easements without mark-up.

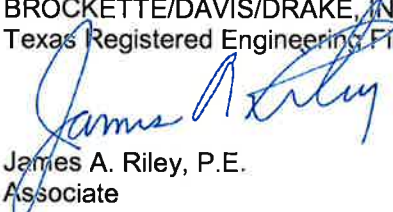
ADDITIONAL SERVICES: Compensation for authorized additional services, including additional site visits, shall be on an hourly basis in accordance with the enclosed rate schedule.

EXCLUSIONS: This proposal specifically excludes the following items as well as any work not considered to be within the scope of normal civil engineering and surveying services:

1. offsite improvements other than those listed in the scope of services
2. traffic control plans or traffic studies
3. detention/retention calculations or design
4. retaining or screen wall design
5. fire protection beyond normal fire hydrant installation
6. design of bracing or shoring for trench safety
7. franchise utility design and staking
8. public works inspection (if required)
9. construction management and/or supervision of the civil engineering work
10. ADA (Americans with Disabilities Act) and accessibility compliance and/or submittal to TDLR (Texas Department of Licensing and Regulation); architect to ensure site plan compliance with the ADA
11. specifications
12. Storm Water Pollution Prevention Plan (SWPPP), Notice of Intent (NOI) and Notice of Termination (NOT)
13. environmental assessments or environmental site investigations
14. geotechnical investigations
15. flood studies and/or FEMA submittals (CLOMR and LOMR)
16. Texas Commission on Environmental Quality (TCEQ) and/or Environmental Protection Agency (EPA) permitting
17. 404 permitting
18. boundary, land title, tree and as-built surveys except as noted for the topographic and separate instruments
19. lighting
20. landscaping/irrigation
21. construction staking
22. platting
23. wet utility design

The return of an executed copy of this letter agreement will serve as your acceptance and our authorization to commence work. Brockette/Davis/Drake, Inc. appreciates the opportunity to submit this proposal. Should you require further information concerning this proposal, please do not hesitate to call.

Sincerely,
BROCKETTE/DAVIS/DRAKE, INC.
Texas Registered Engineering Firm No. F-841


James A. Riley, P.E.
Associate

JAR/dh

Accepted: _____
Signature

Printed Name: _____

Title: _____

Name of Company: _____

Date: _____

Mr. Clint Philpott
City of Sherman
Re: Civil Engineering/Survey Fee Proposal
Flanary Road and Progress Drive Extension/Improvements
Sherman, Texas
December 4, 2018
Page 4 of 5

**BROCKETTE/DAVIS/DRAKE, INC.
RATE SCHEDULE
2018**

PRINCIPAL	\$ 300.00/HR
ASSOCIATE	\$ 225.00/HR
SENIOR PROJECT MANAGER	\$ 200.00/HR
PROJECT MANAGER	\$ 175.00/HR
PROJECT ENGINEER	\$ 150.00/HR
DESIGN ENGINEER	\$ 125.00/HR
SENIOR TECHNICIAN	\$ 150.00/HR
TECHNICIAN	\$ 125.00/HR
CLERICAL	\$ 70.00/HR
3 MAN SURVEY CREW	\$ 190.00/HR
2 MAN SURVEY CREW	\$ 180.00/HR
1 MAN SURVEY CREW	\$ 110.00/HR
GPS/RTK SYSTEM	\$ 70.00/HR

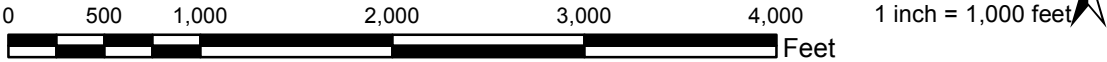
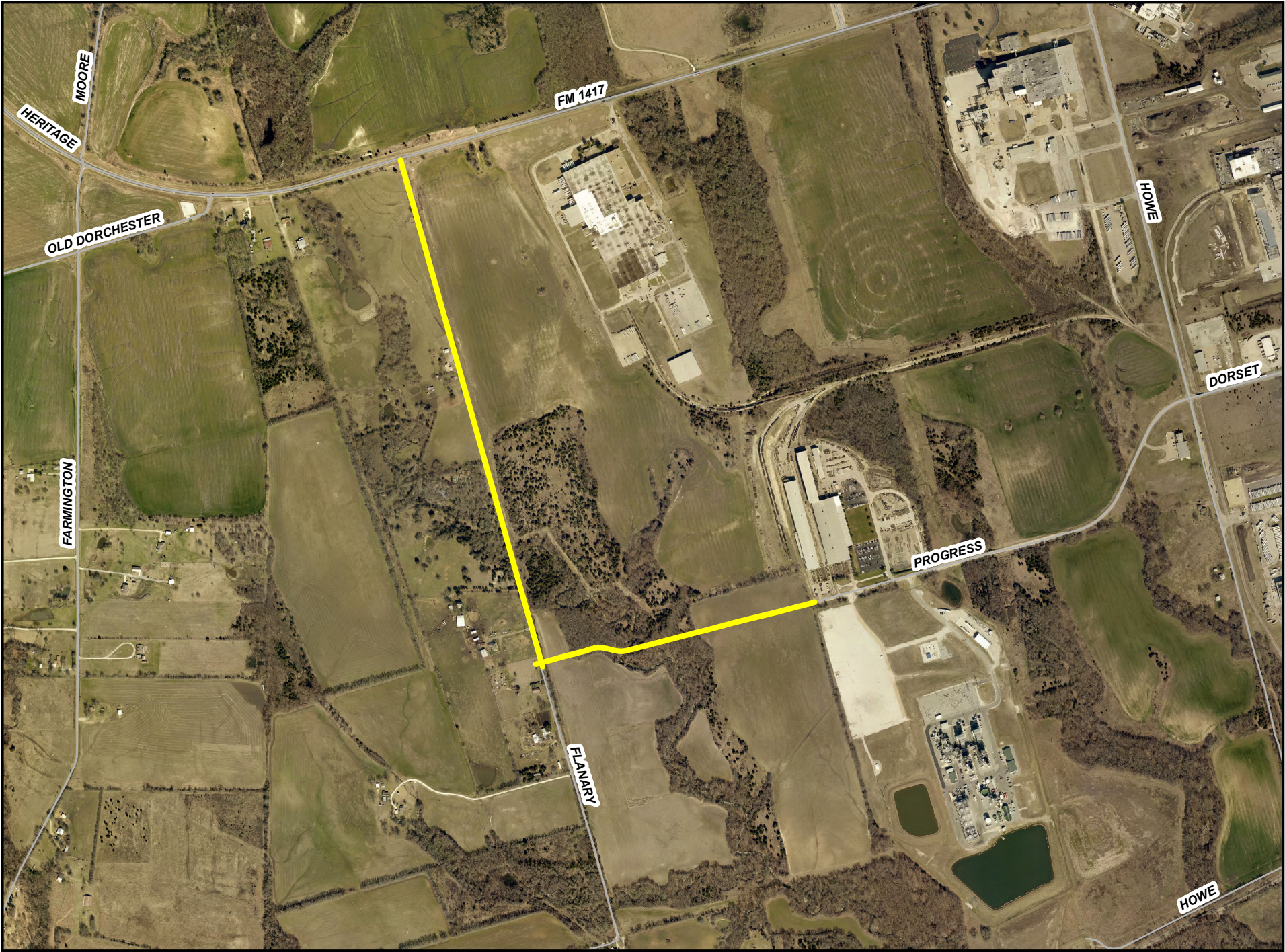
RATES EFFECTIVE THROUGH DECEMBER 31, 2018

Mr. Clint Philpott
City of Sherman
Re: Civil Engineering/Survey Fee Proposal
Flanary Road and Progress Drive Extension/Improvements
Sherman, Texas
December 4, 2018
Page 5 of 5

DESIGN SCHEDULE (week = 5 working days)

Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Surveying			6 weeks																				
DD (Prel. Horiz/Vertical)						3 weeks																	
City Review									2 weeks														
CD													8 weeks										
City Review																		2 weeks					
Bidding																					3 weeks		

Flanary Road and Progress Drive Expansion/Improvements





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.4.

Meeting Date: 12/17/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6446**

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Sherman Northwest Lift Station and Sewer Improvements; 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 Sherman Northwest Lift Station and Sewer Improvements and, if necessary, to begin condemnation proceedings

Background:

The Sherman Northwest Lift Station and Sewer Improvements have been designed and are ready for construction. The proposed sewer routes will likely be resisted by one or more property owners. An appraiser is requested to complete appraisals of the property and easement areas, which are being submitted to the property owners. It is anticipated that some property owners may not execute easements for this project in a timely manner. To prevent any undue delay in the project, the City Council's authorization to negotiate, make final offers and, if necessary, begin condemnation proceedings as required by law is requested.

Origination:

Director of 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. 6446

Aerial Location Map

RESOLUTION NO. 6446

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 THE SHERMAN NORTHWEST LIFT STATION AND SEWER IMPROVEMENTS; 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 Freeman-Millican, Inc. to plan for the construction of the Sherman Northwest Lift Station and Sewer Improvements; and

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

WHEREAS, the City Council has considered the Sherman Northwest Lift Station and Sewer Improvements; and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the Sherman Northwest Lift Station and Sewer Improvements; and

WHEREAS, the City Council has funded and approved the Sherman Northwest Lift Station and Sewer Improvements;

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 Sherman Northwest Lift Station and Sewer Improvements; 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.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the Sherman Northwest Lift Station and Sewer Improvements 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.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the Sherman Northwest Lift Station and Sewer Improvements 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.

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

SECTION 5. 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

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

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

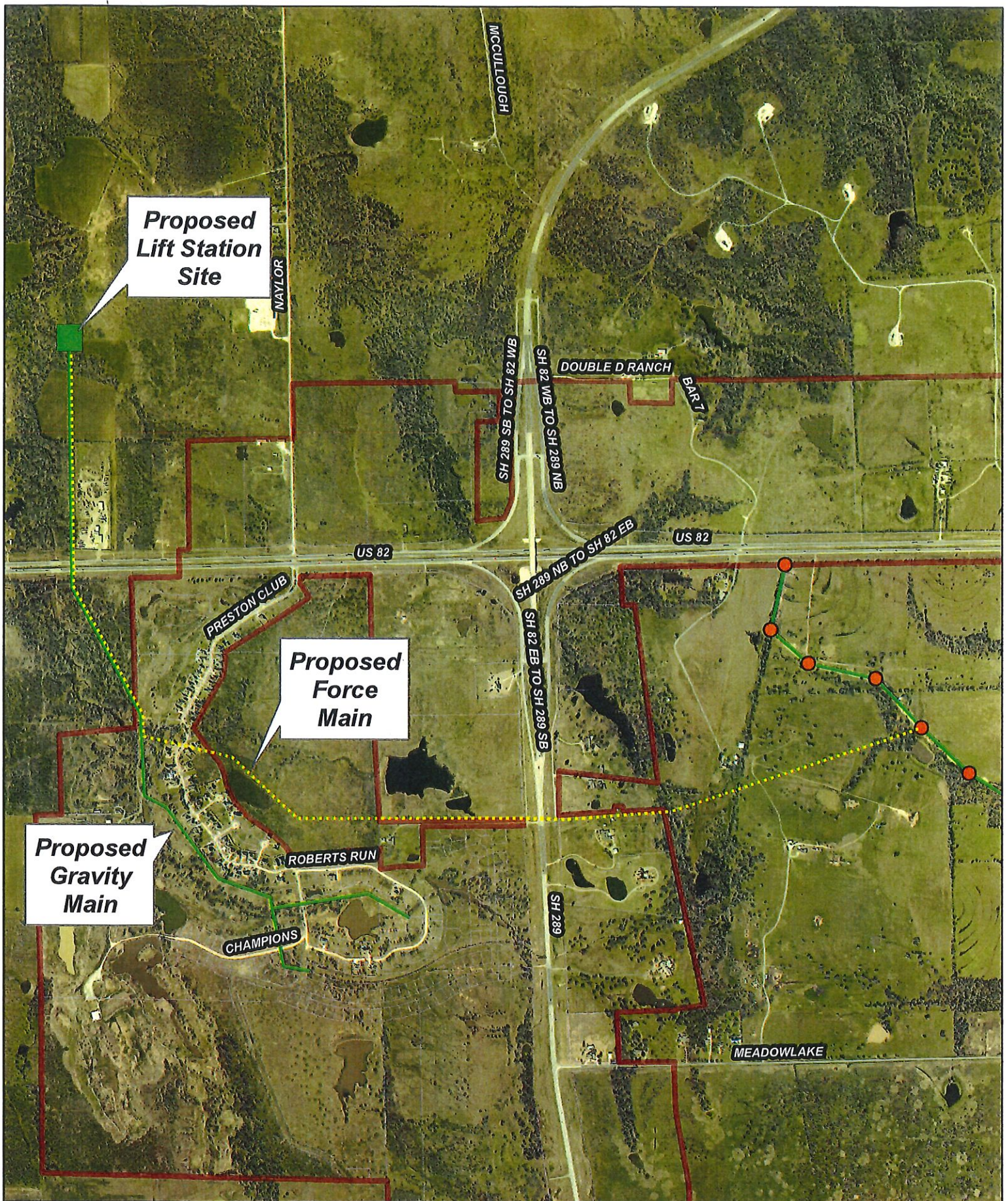
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.5.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6447**

Authorizing Execution of an Agreement with Luz M. Leszczynski for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 411 West Cherry Street

Issue:

This item is to consider property tax abatement for the construction of a new single-family residence at 411 West Cherry Street.

Background:

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the current designated zone for residential tax abatement.

Origination:

Luz M. Leszczynski, Owner

Financial Consideration:

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this property will be approximately \$363.20 annually.

Staff Recommendation:

The staff recommends approval of this abatement since it meets the requirements of the process.

Alternatives:

The City Council could decide against granting this abatement.

Attachments

Resolution No. 6447

Residential Tax Abatement Agreement

Application

Plat

Warranty Deed

Building Permit

Site Plan

Location Map

Photo

Reinvestment Zone Map

RESOLUTION NO. 6447

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH LUZ M. LESZCZYNSKI FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 411 WEST CHERRY STREET; 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 receipt of a fully-executed agreement from Luz M. Leszczynski and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Luz M. Leszczynski for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 411 West Cherry Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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 _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY, and **LUZ M. LESZCZYNSKI**, hereinafter referred to as OWNER,

WITNESSETH:

WHEREAS, on the 18th day of April, 2011, the City Council of Sherman, Texas, passed Ordinance No. 5692 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 6210) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

WHEREAS, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

WHEREAS, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 18th day of April, 2011;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2017, and continuing for tax years 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026,

2027 and 2028, with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2019, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2019	100%
2020	100%
2021	100%
2022	100%
2023	100%
2024	100%
2025	80%
2026	60%
2027	40%
2028	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at 411 West Cherry Street, Sherman, Texas, and as more particularly described by the following:

BEING the west twenty-five feet of Lot 2 and the east forty-five feet of Lot 3, Block 2, McBride's Addition.

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no

event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 512 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Luz M. Leszczynski
7559 Bryce Canyon Drive
Frisco, TX 75035
(972) 9517665

Copy to: Grayson Appraisal District
512 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2018.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
HABITAT FOR HUMANITY OF
GRAYSON COUNTY

BY: _____
ROBBY HEFTON
CITY MANAGER

BY: _____
LUZ M. LESZCZYNSKI

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY
CITY ATTORNEY

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **LUZ M. LESZCZYNSKI** 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 express.

GIVEN UNDER MY HAND and seal of office this _____ day of _____, 2018 A.D.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

**CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT**

Property Owner:

Name: Luz M. Leszczynski

Mailing Address: 7559 Bryce Canyon Dr. Frisco, TX 75035

Telephone Number: (972) 9517665

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 411 Cherry St. SHERMAN, TX 75090

Summary Legal Description: Lot: W. 125' Lot 2 E 45' L3 Block: 2 Addition: McBrides Addn Replat

Full Legal Description: Include as an attachment a full legal description with metes and bounds. Vol. 125 Pg 53

Improvements:

Type of Improvements (please check one). New Construction: ☒ Remodeling: ☐

Estimated Value of Improvements: \$85,000

Estimated Date of Start of Construction: Dec. 01 /2018

Estimated Date of Completion of Project: April 01 /2018

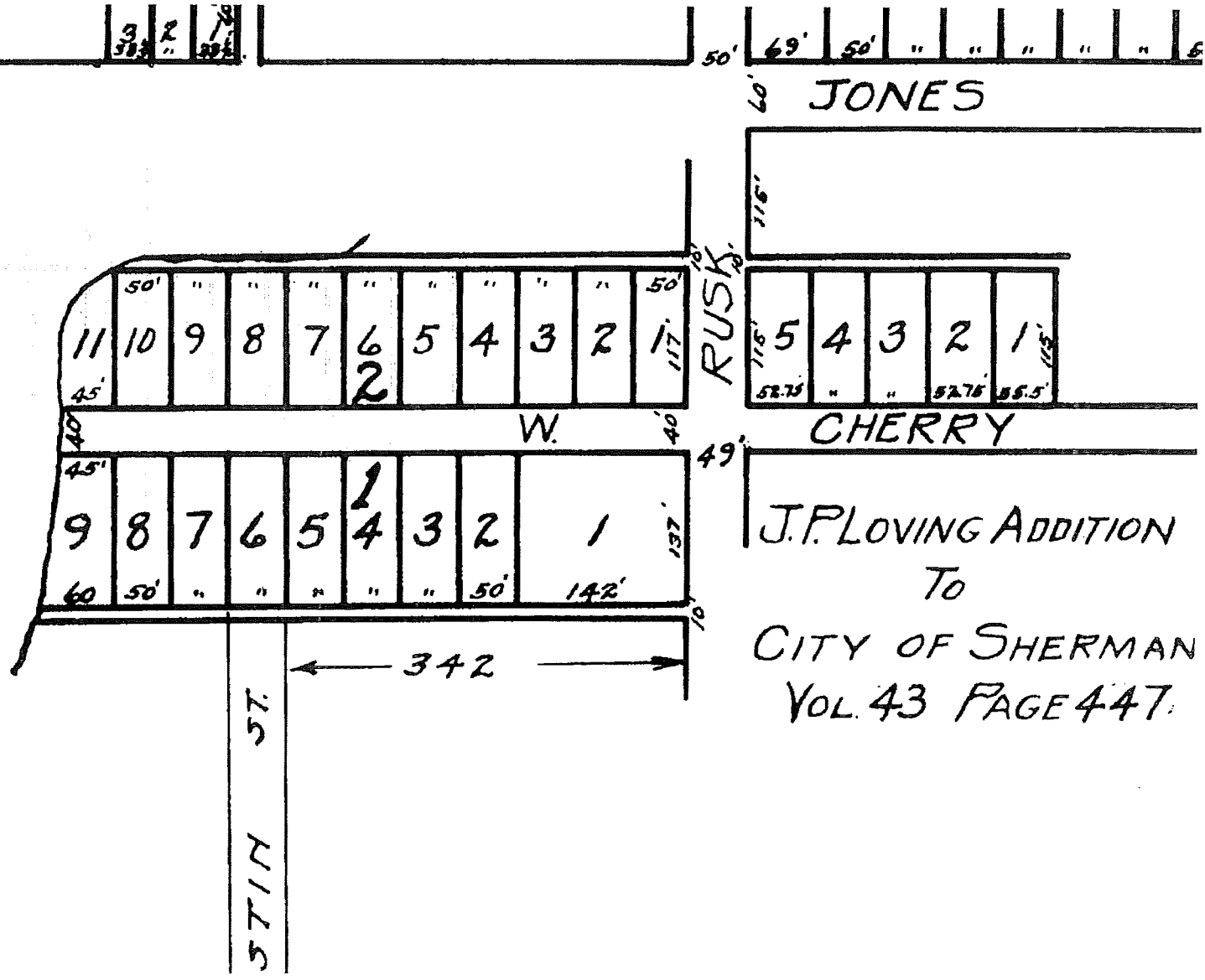
Description of Project: 1442 Sq. FT. - SINGLE FAMILY UNIT.
one story -

Applicant(s): Luz M. Leszczynski
Luz M. Leszczynski

Date: Nov. 15 /2018

Date: _____

McBRIDE REPLAT
 To
 CITY OF SHERMAN
 Vol. 125 PAGE 53



J.P. LOVING ADDITION
 To
 CITY OF SHERMAN
 Vol. 43 PAGE 447.

Bk Vol Pg
00004375 OR 5257 559

Filed for Record in:
Grayson County

On: Feb 28, 2013 at 01:55P

As a
Recording

Document Number: 00004375

Amount: 16.00

Receipt Number - 372219

By:
GAIL WHITE

STATE OF TEXAS COUNTY OF GRAYSON
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
Grayson County
as stamped hereon by me.

Feb 28, 2013

Wilma Bush, Grayson County Clerk
Grayson County

Grayson County
Wilma Bush
Grayson County Clerk
Sherman, Texas 75090



70 2013 00004375

Instrument Number: 2013-00004375

As

Recorded On: February 28, 2013

Recordings

Parties: REPETTO MICHAEL D

Billable Pages: 1

To LESZCZYNSKI LUZ M

Number of Pages: 3

Comment: WD

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	16.00
Total Recording:	16.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Record and Return To:

Document Number: 2013-00004375

Receipt Number: 372219

Recorded Date/Time: February 28, 2013 01:55:22P

Book-Vol/Pg: BK-OR VL-5257 PG-557

User / Station: G WHITE - Cashiering Station 1

RED RIVER TITLE CO

421 N. CROCKETT ST

SHERMAN TX 75090



THE STATE OF TEXAS
COUNTY OF GRAYSON
I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

015770

WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

THAT MICHAEL D. REPETTO, a single person

(Hereinafter called "GRANTORS" whether one or more), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations cash in hand paid by LUZ M. LESZCZYNSKI

whose address is 8856 Coelman, Frisco, TX 75034,

(hereinafter called "GRANTEES" whether one or more), the receipt and sufficiency of which are hereby acknowledged and confessed.

Have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto the said Grantees herein, the following described property, together with all improvements thereon, to-wit:

BEING THE WEST TWENTY-FIVE FEET (W 25 FT.) OF LOT NO. TWO (2) AND THE EAST FORTY-FIVE FEET (E 45 FT.) OF LOT NO. THREE (3) IN BLOCK NO. TWO (2) OF THE MCBRIDE'S ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, AS SHOWN BY THE AMENDED PLAT OF SAID ADDITION OF RECORD IN VOLUME 125, PAGE 53, DEED RECORDS, GRAYSON COUNTY, TEXAS.

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in any wise belonging, unto the said Grantees, their heirs and assigns forever. And Grantors do hereby bind themselves, their heirs, executors and administrators, to warrant and forever defend all and singular, the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof. Taxes for the current year have been prorated and are assumed by Grantee.

This conveyance is made and accepted subject to (i) any and all outstanding minerals, mineral leases, restrictions, covenants, conditions and easements, to the extent that they are in force and effect; (ii) all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, to the extent that they are applicable and enforceable; (iii) any and all easements, rights of way and encroachments that are apparent, including any utilities buried beneath the surface of the ground; and (iv) all rights of parties in possession of any part of the Property.

When this deed is executed by one person, or when the Grantee is one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words "heirs, executors or administrators" or "heirs and assigns" shall be construed to mean "Successors and assigns".

Executed on this the 28 day of February, 2013.

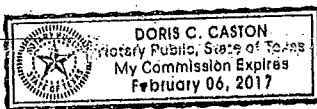

MICHAEL D. REPETTO

THE STATE OF TEXAS

COUNTY OF GRAYSON

This instrument was acknowledged before me this 28 day of February, 2013, by MICHAEL D. REPETTO.


NOTARY PUBLIC - STATE OF TEXAS



AFTER RECORDING RETURN TO:

RED RIVER TITLE COMPANY
421 N. Crockett St.
Sherman, Texas 75090

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

PERMIT #: 182455 SUBCONTRACTOR: MARIA LUZ LESZCZYNSKI
DATE ISSUED: 11/15/2018

PROJECT ADDRESS: 411 W CHERRY ST
PARCEL ID: 163611
SUBDIVISION:

LOT #:
BLK #:
ZONE ORD: R-2 MULTI-FAMILY RESIDENTIAL

ISSUED TO: MARIA LUZ LESZCZYNSKI
ADDRESS: 7559 BRYCE CANYON DR
CITY, ST ZIP: FRISCO TX 75035
PHONE: 972-951-7665

CONTRACTOR: MARIA LUZ LESZCZYNSKI
ADDRESS: 7559 BRYCE CANYON DR
CITY, ST ZIP: FRISCO TX 75035
PHONE:

PROP. USE: SINGLE FAMILY RESIDENTIAL
WORK: NEW RESIDENTIAL
CONSTRUCTION
VALUATION: \$ 85,000.00
OCCP TYPE: SINGLE FAMILY RESIDENTIAL
CNST TYPE: WOOD FRAME

SQ FT: 1,442.00
BEDROOMS: 2
BATHROOMS: 2
STORIES: 1

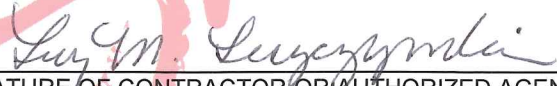
FEE CODE	DESCRIPTION	AMOUNT
BLD10	RESIDENTIAL STORMWATER MGMT	\$ 25.00
TOTAL		\$ 25.00

NOTES:

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

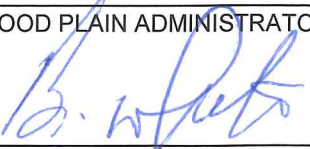
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.


(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

11/16/2018
DATE


(APPROVED BY) FLOOD PLAIN ADMINISTRATOR

11/16/2018
DATE


(APPROVED BY) BUILDING & ZONING

12/3/18
DATE

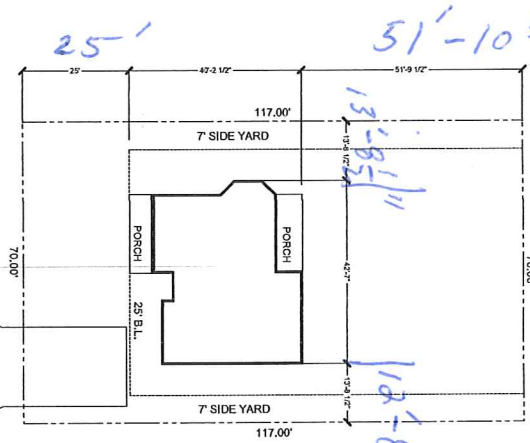
SITE PLAN



CHERRY STREET

USE EXISTING
CONCRETE
NEW DRIVEWAY

411 WEST CHERRY ST.
SHERMAN, TX
GRAYSON COUNTY



SP-1

SHEET:

SCALE:

DATE:

DRAWINGS PROVIDED BY:
NBS DRAFTING AND DESIGN
303 W. HOUSTON
SHERMAN, TEXAS 75090
903.892.5620

A New Site Plan For
Luz Leszczynski
411 West Cherry St
Sherman, Tx

REVISION TABLE		
NUMBER	DATE	REVISION BY DESCRIPTION



411 W. Cherry Street



411 West Cherry Street

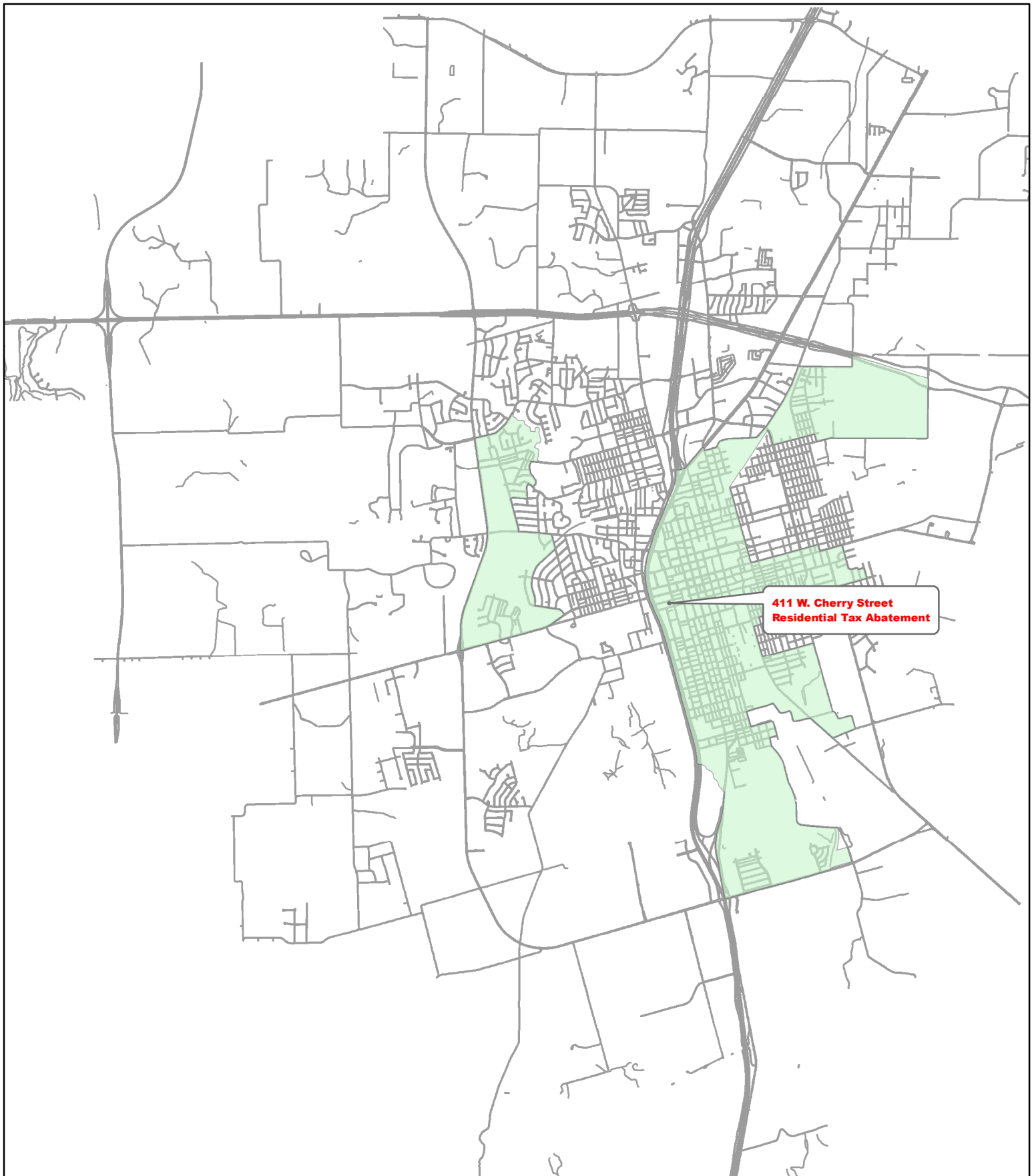


1 in = 200 ft

City of Sherman, Texas
Developmental Services Department

411 W. Cherry Street





Residential Tax Abatement
411 West Cherry Street



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE
1 inch = 6,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.6.

Meeting Date: 12/17/2018

Prepared By: Danny Jones, Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6448**

Revoking and Replacing Resolution No. 6405; Establishing Salary Structures and Incentive/Certification Pay Schedules for Firefighters and Police Officers; Establishing Special Longevity Pay Schedules for Newly Hired Firefighters and Police Officers; Providing for an Effective Date

Issue:

The City Council is required by state law to establish salary structures and incentive/certification pay schedules for members of the classified service.

Background:

The City Council has authorized base salary, certification, and incentive pay for certain positions within the Police and Fire Departments. The pay increases for fiscal year (FY) 2018-2019 were implemented through Resolution No. 6405, approved at the September 4, 2018 City Council meeting.

Currently, under our Fire and Police Lateral Entry programs, we have the ability to start a new Police Officer or Firefighter, with previous experience, at a higher level of pay than entry level candidates with no experience. However, the current system only allows this benefit if the candidate has at least two (2) years of experience as a paid, full-time certified Police Officer or Firefighter to the maximum of the three (3) year level.

The new rule would allow eligibility into the Fire Lateral Entry Program at one (1) year of previous paid, full-time certified Firefighter experience and would raise the maximum pay to the five-year level.

The eligibility requirement for Entry level Police Officers will remain at two (2) years experience but does not stop at the three-year level. It too caps out consistent with our approved pay scale.

The new resolution for Fire would change the way we calculate prior experience by changing “as of last date applications are accepted” to “as of date of hire.” For Fire this makes sense because many experienced Firefighters work out a notice with their current employer until it is time to start with Sherman Fire. This change is not being made to the Police Department.

The Police Department is changing seniority for reappointed Officers through the Lateral Entry Program. Reappointed Officers’ seniority will be calculated based on the total number of years of service with

Sherman Police. This change is not being made to Fire. Fire's seniority date for reappointment will remain at the most recent Civil Service hire date.

The Civil Service Commission has already considered and approved the changes for PD effective July 31, 2018 and for Fire effective December 16, 2018.

With the current atmosphere of high competition for Police Officers and Firefighters, we believe these modifications will help with our recruitment of experienced Officers and Firefighters for each department respectively. When experienced candidates are hired, we reduce the time it takes in our initial training; and it allows us to count them as a full FTE sooner.

Origination:

City Manager
Sherman Fire-Rescue Services
Sherman Police Department

Financial Consideration:

There is no financial impact to this agenda item.

Staff Recommendation:

Staff recommends approval of the resolution.

Alternatives:

The City Council could choose not to approve the resolution, leaving unchanged the fire and police pay schedules and incentives adopted on September 4, 2018 by Resolution No. 6405.

Attachments

Resolution No. 6448
Resolution No. 6448 - Redlined Version
Resolution No. 6405 approved at the September 4, 2018 City Council Meeting

RESOLUTION NO. 6448

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6405; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR 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.

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

SECTION 1. That Resolution No. 6405, passed and approved on the 4th day of September, 2018, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2018, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

FIRE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
FIREFIGHTER			
Entry	\$4,123.33	N/A	\$4,123.33
1 Year	\$4,123.33	\$ 424.85	\$4,548.18
2 Year	\$4,123.33	\$ 487.73	\$4,611.05
3 Year	\$4,123.33	\$ 550.60	\$4,673.92
4 Year	\$4,123.33	\$ 608.39	\$4,731.71
5 Year	\$4,123.33	\$ 745.37	\$4,868.69
ENGINEER			
Entry	\$5,248.87	N/A	\$5,248.87
1 Year	\$5,248.87	\$ 66.08	\$5,314.95
2 Year	\$5,248.87	\$ 132.70	\$5,381.57
CAPTAIN			
Entry	\$5,879.19	N/A	\$5,879.19
1 Year	\$5,879.19	\$ 72.77	\$5,951.96
BATTALION CHIEF			
Entry	\$6,481.96	N/A	\$6,481.96
1 Year	\$6,481.96	\$ 104.34	\$6,586.30

DIVISION CHIEF	\$7,335.18	N/A	\$7,335.18
ASSISTANT CHIEF	\$8,126.87	N/A	\$8,126.87
POLICE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$4,009.20	N/A	\$4,009.20
Entry – Certified	\$4,323.04	N/A	\$4,323.04
1 Year	\$4,323.04	\$ 54.18	\$4,377.22
2 Year	\$4,323.04	\$ 226.47	\$4,549.51
3 Year	\$4,323.04	\$ 685.04	\$5,008.08
4 Year	\$4,323.04	\$ 810.65	\$5,133.69
5 Year	\$4,323.04	\$ 952.38	\$5,275.42
10 Year	\$4,323.04	\$ 1,067.87	\$5,390.91
20 Year	\$4,323.04	\$1,183.36	\$5,506.40
CORPORAL	\$5,746.76	N/A	\$5,746.76
SERGEANT	\$6,232.88	N/A	\$6,232.88
LIEUTENANT	\$6,757.06	N/A	\$6,757.06
ASSISTANT CHIEF	\$8,056.00	N/A	\$8,056.00

SECTION 3. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.041 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after July 31, 2018 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a one-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the commensurate number of years of prior qualified service at their previous agency or agencies as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen will begin on their most recent Civil Service hire date with the Sherman Police

Department. Exception will be made for reappointed patrolmen in which seniority will include all time served as a paid Sherman Police Officer.

5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after December 16, 2018 shall be eligible for Special Longevity pay for lateral entry if they have at least one (1) year of continuous service as a paid, full time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than a one (1) year break in service from the time the applicant left employment as a certified firefighter as of the date of hire.
3. Starting Pay: The starting pay for lateral firefighters will be determined based on the number of years of prior qualified service as of the date of hire.
 - i. Lateral entry firefighter's starting pay will be determined based on the commensurate number of years of qualified service at their previous agency or agencies as of the date of hire.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire

Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.

6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least one (1) year of prior qualified service will be increased to the commensurate number of years of service according to the Sherman Fire Department pay schedule.

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

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 _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

RESOLUTION NO. 6405 6448

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6261 6405; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR 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.

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

SECTION 1. ~~That Resolution No. 6261, passed and approved on the 5th day of September, 2017, is hereby revoked. That Resolution No. 6405, passed and approved on the 4th day of September, 2018, is hereby revoked.~~

SECTION 2. That, from and after the effective date of the 1st day of October, 2018, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

FIRE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
FIREFIGHTER			
Entry	\$4,123.33	N/A	\$4,123.33
1 Year	\$4,123.33	\$ 424.85	\$4,548.18
2 Year	\$4,123.33	\$ 487.73	\$4,611.05
3 Year	\$4,123.33	\$ 550.60	\$4,673.92
4 Year	\$4,123.33	\$ 608.39	\$4,731.71
5 Year	\$4,123.33	\$ 745.37	\$4,868.69
ENGINEER			
Entry	\$5,248.87	N/A	\$5,248.87
1 Year	\$5,248.87	\$ 66.08	\$5,314.95
2 Year	\$5,248.87	\$ 132.70	\$5,381.57
CAPTAIN			
Entry	\$5,879.19	N/A	\$5,879.19
1 Year	\$5,879.19	\$ 72.77	\$5,951.96

BATTALION CHIEF Entry 1 Year	\$6,481.96 \$6,481.96	N/A \$ 104.34	\$6,481.96 \$6,586.30
DIVISION CHIEF	\$7,335.18	N/A	\$7,335.18
ASSISTANT CHIEF	\$8,126.87	N/A	\$8,126.87
POLICE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
PATROLMAN Entry – Non-Certified Entry – Certified 1 Year 2 Year 3 Year 4 Year 5 Year 10 Year 20 Year	\$4,009.20 \$4,323.04 \$4,323.04 \$4,323.04 \$4,323.04 \$4,323.04 \$4,323.04 \$4,323.04 \$4,323.04	N/A N/A \$ 54.18 \$ 226.47 \$ 685.04 \$ 810.65 \$ 952.38 \$ 1,067.87 \$1,183.36	\$4,009.20 \$4,323.04 \$4,377.22 \$4,549.51 \$5,008.08 \$5,133.69 \$5,275.42 \$5,390.91 \$5,506.40
CORPORAL	\$5,746.76	N/A	\$5,746.76
SERGEANT	\$6,232.88	N/A	\$6,232.88
LIEUTENANT	\$6,757.06	N/A	\$6,757.06
ASSISTANT CHIEF	\$8,056.00	N/A	\$8,056.00

SECTION 3. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.

- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.

- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.041 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after ~~February 17, 2014~~ **July 31, 2018** shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a ~~two-year~~ **one-year** break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the **commensurate** number of years of prior qualified service **at their previous agency or agencies** as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. ~~Lateral entry patrolmen who have at least three (3) years of prior qualified service according to the Sherman Police Department pay schedule.~~

~~iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.~~

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen ~~and reappointed patrolmen~~ will begin on their most recent Civil Service hire date with the Sherman Police Department. *Exception will be made for reappointed patrolmen in which seniority will include all time served as a paid Sherman Police Officer.*
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after ~~July 1, 2015~~ *December 16, 2018* shall be eligible for Special Longevity pay for lateral entry if they have at least ~~two (2) years~~ *one (1) year of* continuous service as a paid, full time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than a one ~~(1)~~ year break in service from the time the applicant left employment as a certified firefighter as of the ~~last date applications are accepted~~ *date of hire*.

3. Starting Pay: ~~The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted. The starting pay for lateral firefighters will be determined based on the number of years of prior qualified service as of the date of hire.~~
- i. ~~Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.~~
- ii. ~~Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.~~
- i. *Lateral entry firefighter's starting pay will be determined based on the commensurate number of years of qualified service at their previous agency or agencies as of the date of hire.*
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least ~~two (2) years~~ *one (1) year* of prior qualified service will be increased to ~~two (2) years of service~~ *the commensurate number of years of service* according to the Sherman Fire Department pay schedule.
8. ~~Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will~~

~~be increased to three (3) years of service according to the Sherman Fire Department pay schedule.~~

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

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 _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

RESOLUTION NO. 6405

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6261; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR 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.

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

SECTION 1. That Resolution No. 6261, passed and approved on the 5th day of September, 2017, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2018, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

FIRE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
FIREFIGHTER			
Entry	\$4,123.33	N/A	\$4,123.33
1 Year	\$4,123.33	\$ 424.85	\$4,548.18
2 Year	\$4,123.33	\$ 487.73	\$4,611.05
3 Year	\$4,123.33	\$ 550.60	\$4,673.92
4 Year	\$4,123.33	\$ 608.39	\$4,731.71
5 Year	\$4,123.33	\$ 745.37	\$4,868.69
ENGINEER			
Entry	\$5,248.87	N/A	\$5,248.87
1 Year	\$5,248.87	\$ 66.08	\$5,314.95
2 Year	\$5,248.87	\$ 132.70	\$5,381.57
CAPTAIN			
Entry	\$5,879.19	N/A	\$5,879.19
1 Year	\$5,879.19	\$ 72.77	\$5,951.96
BATTALION CHIEF			
Entry	\$6,481.96	N/A	\$6,481.96
1 Year	\$6,481.96	\$ 104.34	\$6,586.30

DIVISION CHIEF	\$7,335.18	N/A	\$7,335.18
ASSISTANT CHIEF	\$8,126.87	N/A	\$8,126.87
POLICE DEPARTMENT CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY STEP PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$4,009.20	N/A	\$4,009.20
Entry – Certified	\$4,323.04	N/A	\$4,323.04
1 Year	\$4,323.04	\$ 54.18	\$4,377.22
2 Year	\$4,323.04	\$ 226.47	\$4,549.51
3 Year	\$4,323.04	\$ 685.04	\$5,008.08
4 Year	\$4,323.04	\$ 810.65	\$5,133.69
5 Year	\$4,323.04	\$ 952.38	\$5,275.42
10 Year	\$4,323.04	\$ 1,067.87	\$5,390.91
20 Year	\$4,323.04	\$1,183.36	\$5,506.40
CORPORAL	\$5,746.76	N/A	\$5,746.76
SERGEANT	\$6,232.88	N/A	\$6,232.88
LIEUTENANT	\$6,757.06	N/A	\$6,757.06
ASSISTANT CHIEF	\$8,056.00	N/A	\$8,056.00

SECTION 3. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2018, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.041 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than

patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.

- i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

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 4th day of September, 2018.

CITY OF SHERMAN, TEXAS

BY:


DAVID PLYLER, MAYOR

ATTEST:

BY:


LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY:


**BRANDON S. SHELBY,
CITY ATTORNEY**

RESOLUTION NO. 6261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6130; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR 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.

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

SECTION 1. That Resolution No. 6130, passed and approved on the 6th day of September, 2016, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2017, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,926.98	N/A	\$3,926.98
1 Year	\$3,926.98	\$ 404.62	\$4,331.60
2 Year	\$3,926.98	\$ 464.50	\$4,391.48
3 Year	\$3,926.98	\$ 524.38	\$4,451.36
4 Year	\$3,926.98	\$ 579.42	\$4,506.39
5 Year	\$3,926.98	\$ 709.87	\$4,636.85
ENGINEER			
Entry	\$4,998.92	N/A	\$4,998.92
1 Year	\$4,998.92	\$ 62.94	\$5,061.86
2 Year	\$4,998.92	\$ 126.38	\$5,125.30
CAPTAIN			
Entry	\$5,599.23	N/A	\$5,599.23
1 Year	\$5,599.23	\$ 69.31	\$5,668.54
BATTALION CHIEF			
Entry	\$6,173.29	N/A	\$6,173.29
1 Year	\$6,173.29	\$ 99.37	\$6,272.67

DIVISION CHIEF	\$6,985.89	N/A	\$6,985.89
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,855.00	N/A	\$3,855.00
Entry – Certified	\$4,156.77	N/A	\$4,156.77
1 Year	\$4,156.77	\$ 52.10	\$4,208.87
2 Year	\$4,156.77	\$ 217.76	\$4,374.53
3 Year	\$4,156.77	\$ 658.69	\$4,815.46
4 Year	\$4,156.77	\$ 779.47	\$4,936.24
5 Year	\$4,156.77	\$ 915.75	\$5,072.52
10 Year	\$4,156.77	\$ 1,026.80	\$5,183.57
20 Year	\$4,156.77	\$1,137.84	\$5,294.61
CORPORAL	\$5,525.73	N/A	\$5,525.73
SERGEANT	\$5,993.15	N/A	\$5,993.15
LIEUTENANT	\$6,497.17	N/A	\$6,497.17
ASSISTANT CHIEF	\$7,746.15	N/A	\$7,746.15

SECTION 3. That, from and after the effective date of the 1st day of October, 2017, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.

- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2017, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.

- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. That eligible pay types are authorized by the City Council below for patrolmen and firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. That detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

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 5th day of September, 2017.

CITY OF SHERMAN, TEXAS

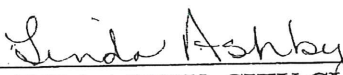
BY:



DAVID PLYLER, MAYOR

ATTEST:

BY:



LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY:



BRANDON S. SHELBY,
CITY ATTORNEY

RESOLUTION NO. 6130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 6004; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR 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.

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

SECTION 1. That Resolution No. 6004, passed and approved on the 8th day of September, 2015, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2016, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,739.98	N/A	\$3,739.98
1 Year	\$3,739.98	\$ 385.36	\$4,125.34
2 Year	\$3,739.98	\$ 442.38	\$4,182.36
3 Year	\$3,739.98	\$ 499.42	\$4,239.40
4 Year	\$3,739.98	\$ 551.82	\$4,291.80
5 Year	\$3,739.98	\$ 676.08	\$4,416.06
ENGINEER			
Entry	\$4,760.88	N/A	\$4,760.88
1 Year	\$4,760.88	\$ 59.94	\$4,820.82
2 Year	\$4,760.88	\$ 120.36	\$4,881.24
CAPTAIN			
Entry	\$5,332.60	N/A	\$5,332.60
1 Year	\$5,332.60	\$ 66.02	\$5,398.62
BATTALION CHIEF			
Entry	\$5,879.34	N/A	\$5,879.34
1 Year	\$5,879.34	\$ 94.64	\$5,973.98

DIVISION CHIEF	\$6,653.24	N/A	\$6,653.24
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,706.74	N/A	\$3,706.74
Entry – Certified	\$3,996.90	N/A	\$3,996.90
1 Year	\$3,996.90	\$ 50.10	\$4,047.00
2 Year	\$3,996.90	\$ 209.38	\$4,206.28
3 Year	\$3,996.90	\$ 633.36	\$4,630.26
4 Year	\$3,996.90	\$ 749.50	\$4,746.40
5 Year	\$3,996.90	\$ 880.54	\$4,877.44
10 Year	\$3,996.90	\$ 987.30	\$4,984.20
20 Year	\$3,996.90	\$1,094.08	\$5,090.98
CORPORAL	\$5,313.20	N/A	\$5,313.20
SERGEANT	\$5,762.64	N/A	\$5,762.64
LIEUTENANT	\$6,247.28	N/A	\$6,247.28
ASSISTANT CHIEF	\$7,448.22	N/A	\$7,448.22

SECTION 3. That, from and after the effective date of the 1st day of October, 2016, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.

- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2016, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.

- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for patrolmen and Firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's

total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.

- ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes of Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

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 6th day of September, 2016.

CITY OF SHERMAN, TEXAS

BY:


DAVID PLYLER, MAYOR

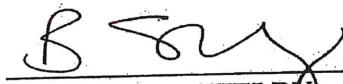
ATTEST:

BY:


LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY:


BRANDON S. SHELBY,
CITY ATTORNEY

RESOLUTION NO. 6004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5962; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR NEWLY HIRED FIREFIGHTERS AND POLICE OFFICERS; PROVIDING FOR 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.

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

SECTION 1. That Resolution No. 5962, passed and approved on the 20th day of April, 2015, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2015, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and the Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,666.80	N/A	\$3,666.80
1 Year	\$3,666.80	\$ 377.62	\$4,044.42
2 Year	\$3,666.80	\$ 433.58	\$4,100.38
3 Year	\$3,666.80	\$ 489.35	\$4,156.15
4 Year	\$3,666.80	\$ 540.84	\$4,207.64
5 Year	\$3,666.80	\$ 662.53	\$4,329.33
ENGINEER			
Entry	\$4,536.49	N/A	\$4,536.49
1 Year	\$4,536.49	\$ 48.67	\$4,585.16
2 Year	\$4,536.49	\$ 98.18	\$4,634.67
CAPTAIN			
Entry	\$4,915.11	N/A	\$4,915.11
1 Year	\$4,915.11	\$ 79.79	\$4,994.90
BATTALION CHIEF			
Entry	\$5,606.08	N/A	\$5,606.08
1 Year	\$5,606.08	\$ 102.67	\$5,708.75

DIVISION CHIEF	\$6,523.08	N/A	\$6,523.08
CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
PATROLMAN			
Entry – Non-Certified	\$3,563.13	N/A	\$3,563.13
Entry – Certified	\$3,880.00	N/A	\$3,880.00
1 Year	\$3,880.00	\$ 48.73	\$3,928.73
2 Year	\$3,880.00	\$ 163.22	\$4,043.22
3 Year	\$3,880.00	\$ 648.36	\$4,528.36
4 Year	\$3,880.00	\$ 716.28	\$4,596.28
5 Year	\$3,880.00	\$ 785.28	\$4,665.28
10 Year	\$3,880.00	\$ 887.58	\$4,767.58
20 Year	\$3,880.00	\$ 989.68	\$4,869.68
CORPORAL			
Entry	\$4,916.44	N/A	\$4,916.44
1 Year	\$4,916.44	\$ 96.36	\$5,012.80
SERGEANT			
Entry	\$5,550.00	N/A	\$5,550.00
1 Year	\$5,550.00	\$ 100.00	\$5,650.00
LIEUTENANT	\$6,125.00	N/A	\$6,125.00
ASSISTANT CHIEF	\$6,833.33	N/A	\$6,833.33

SECTION 3. That, from and after the effective date of the 1st day of October, 2015, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meets the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$125.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.
- (c) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.

- (d) Each employee who is certified by the Texas Commission on Fire Protection Personnel Standards and Education as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Personnel Standards and Education Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October, 2015, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement Officer Standards and Education as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Officer Standards and Education Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief, shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for patrolmen and Firefighters.

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.

iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Department seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Longevity pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.

3. Starting Pay: The starting pay for a lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry firefighters who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighters who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral entry firefighters will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire Chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighters, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

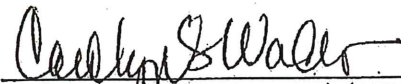
SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes for Police Department policies, by the Fire Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

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 8th day of September, 2015.

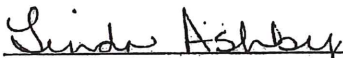
CITY OF SHERMAN, TEXAS

BY:


CAROLYN S. WACKER, MAYOR

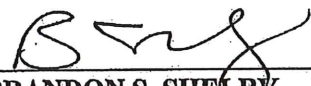
ATTEST:

BY:


LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY:


BRANDON S. SHELBY,
CITY ATTORNEY

RESOLUTION NO. 5962

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REVOKING AND REPLACING RESOLUTION NO. 5878; ESTABLISHING SALARY STRUCTURES AND INCENTIVE/CERTIFICATION PAY SCHEDULES FOR FIREFIGHTERS AND POLICE OFFICERS; ESTABLISHING SPECIAL LONGEVITY PAY SCHEDULES FOR SOME NEWLY HIRED FIREFIGHTERS; PROVIDING FOR 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.

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

SECTION 1. That Resolution No. 5878, passed and approved on the 2nd day of September 2, 2014, is hereby revoked.

SECTION 2. That, from and after the effective date of the 1st day of October, 2014, the following salary structures and incentive/certification pay schedules will be adopted for the Sherman Fire Department and Sherman Police Department:

CLASSIFICATION	MONTHLY BASE SALARY	MONTHLY SENIORITY PAY	TOTAL
FIREFIGHTER			
Entry	\$3,295.80	N/A	\$3,295.80
1 Year	\$3,295.80	\$366.22	\$3,662.02
2 Year	\$3,295.80	\$419.08	\$3,714.88
3 Year	\$3,295.80	\$472.76	\$3,768.56
4 Year	\$3,295.80	\$527.24	\$3,823.04
5 Year	\$3,295.80	\$582.54	\$3,878.34
ENGINEER			
Entry	\$3,982.44	N/A	\$3,982.44
1 Year	\$3,982.44	\$57.72	\$4,040.16
2 Year	\$3,982.44	\$116.26	\$4,098.70
CAPTAIN			
Entry	\$4,348.64	N/A	\$4,348.64
1 Year	\$4,348.64	\$63.22	\$4,411.86
BATTALION CHIEF			
Entry	\$4,669.06	\$352.00	\$5,021.06
1 Year	\$4,669.06	\$442.66	\$5,111.72

DIVISION CHIEF	\$5,182.10	\$805.98	\$5,988.08
PATROLMAN			
Entry – Non-Certified	\$3,489.84	N/A	\$3,489.84
Entry – Certified	\$3,800.00	N/A	\$3,800.00
1 Year	\$3,800.00	\$47.92	\$3,847.92
2 Year	\$3,800.00	\$160.06	\$3,960.06
3 Year	\$3,800.00	\$635.22	\$4,435.22
4 Year	\$3,800.00	\$701.74	\$4,501.74
5 Year	\$3,800.00	\$769.32	\$4,569.32
10 Year	\$3,800.00	\$869.52	\$4,669.52
20 Year	\$3,800.00	\$969.52	\$4,769.52
CORPORAL			
Entry	\$4,815.32	N/A	\$4,815.32
1 Year	\$4,815.32	\$94.38	\$4,909.70
SERGEANT			
Entry	\$5,035.31	\$211.19	\$5,246.50
1 Year	\$5,035.31	\$311.91	\$5,347.22
2 Year	\$5,035.31	\$414.59	\$5,449.90
LIEUTENANT			
Entry	\$5,401.52	\$158.42	\$5,559.94
1 Year	\$5,401.52	\$266.48	\$5,668.00
ASSISTANT CHIEF			
Entry	\$5,676.20	\$527.98	\$6,204.18
1 Year	\$5,676.20	\$641.52	\$6,317.72

SECTION 3. That, from and after the effective date of the 1st day of October, 2014, the following incentive/certification pay schedules shall be adopted for the Sherman Fire Department:

- (a) Each employee certified by the Texas Department of State Health Services as a Paramedic and who meet the Sherman Medical Director's prescribed Medical Standards for Medical Authorization shall receive \$375.00 per month Incentive/Certification Pay.
- (b) Each employee who is certified by the Texas Commission on Fire Protection as an Intermediate Firefighter shall receive \$104.00 per month Incentive/Certification Pay.

- (c) Each employee who is certified by the Texas Commission on Fire Protection as an Advanced Firefighter shall receive \$218.40 per month Incentive/Certification Pay.
- (d) Each employee who is certified by the Texas Commission on Fire Protection as a Master Firefighter shall receive \$318.40 per month Incentive/Certification Pay.
- (e) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Fire Protection Certification achieved.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.
- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$75.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$175.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 4. That, from and after the effective date of the 1st day of October 2014, the following incentive/certification pay schedules shall be adopted for the Sherman Police Department:

- (a) Each employee certified by the Texas Commission on Law Enforcement as an Intermediate Peace Officer shall receive \$75.00 per month Incentive/Certification Pay.
- (b) Each employee certified by the Texas Commission on Law Enforcement as an Advanced Peace Officer shall receive \$175.00 per month Incentive/Certification Pay.
- (c) Each employee certified by the Texas Commission on Law Enforcement as a Master Peace Officer shall receive \$275.00 per month Incentive/Certification Pay.
- (d) Incentive/Certification Pay shall only be paid for the highest Texas Commission on Law Enforcement Certification achieved.
- (e) Each employee who speaks Spanish as a second language, as certified and designated by the Police Chief shall receive \$100.00 per month Incentive/Certification Pay.
- (f) All Certifications shall be kept current to receive Incentive/Certification Pay.

- (g) Each employee who holds an Associates Degree from an accredited college or university shall receive \$100.00 per month Education Incentive Pay.
- (h) Each employee who holds a Bachelors Degree from an accredited college or university shall receive \$250.00 per month Education Incentive Pay.
- (i) Each employee who holds a Masters Degree from an accredited college or university shall receive \$500.00 per month Education Incentive Pay.
- (j) Education Incentive Pay shall only be paid for the highest degree received.

SECTION 5. Eligible pay types are authorized by the City Council below for Patrolmen and Firefighters:

(a) Seniority Pay – Lateral Entry (prior Police Experience):

1. Seniority Pay is authorized by Chapter 143.04 (c)(1) of the Texas Local Government Code.
2. Applicants for patrolmen positions who are hired after February 17, 2014 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer, or comparable Military Police experience as approved by the Chief of Police, with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties. A lateral entry applicant shall not have more than a two-year break in service from the time the applicant left employment as a certified peace officer, or Military Police service and, as of the last date, applications are accepted.
3. Starting Pay: The starting pay for lateral entry patrolmen with prior qualifying law enforcement experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.
 - i. Lateral entry patrolmen who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Police Department pay schedule.
 - ii. Lateral entry patrolmen who have at least three (3) year of prior qualified service will start at three (3) years of service according to the Sherman Police Department pay schedule.
 - iii. Previous Sherman Police Patrolmen who are reappointed as patrolmen will be placed in the same salary step that they held at the time of their separation unless the applicant for reappointment

separated employment while at a classification higher than patrolman. If the applicant for reappointment separated from service with the Sherman Police Department while at a classification higher than patrolman, then the reappointed patrolman's pay shall correspond with the reappointed patrolman's total prior service years but shall not exceed the top pay of the patrolman classification.

4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior law enforcement work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral patrolmen and reappointed patrolmen will begin on their most recent Civil Service hire date with the Sherman Police Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by police policies and Local Civil Service Commission Rules and Regulations. The Chief of Police shall make the final determination as to whether an applicant meets the criteria for the Police Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Sworn Police employees shall be paid Longevity Pay in accordance with City policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.

(b) Seniority Pay – Lateral Entry (prior Fire Experience):

1. Seniority Pay is authorized by Chapter 143.041(c)(1) of the Texas Local Government Code.
2. Applicants for firefighter positions who are hired after July 1, 2015 shall be eligible for Special Seniority Pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified firefighter as approved by the Fire Chief. A lateral entry applicant shall not have more than one year break in service from the time the applicant left employment as a certified firefighter as of the last date applications are accepted.
3. Starting Pay: The starting pay for lateral entry firefighter with prior qualifying firefighting experience will be determined based on the number of years of prior qualified service as of the last date applications are accepted.

- i. Lateral entry firefighter who have at least two (2) years of prior qualified service will start at two (2) years of service according to the Sherman Fire Department pay schedule.
 - ii. Lateral entry firefighter who have at least three (3) years of prior qualified service will start at three (3) years of service according to the Sherman Fire Department pay schedule.
4. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-Section is for seniority pay purposes only to determine placement into the existing pay schedule. Prior fire work experience will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral firefighter will begin on their most recent Civil Service hire date with the Sherman Fire Department.
5. Requirements: Guidelines and administration for eligibility for lateral entry shall be governed by fire department policies and Local Civil Service Commission Rules and Regulations. The Fire chief shall make the final determination as to whether an applicant meets the criteria for the Fire Lateral Entry Program; and the Chief's decision shall be final and non-appealable to the Civil Service Commission or to any court.
6. Longevity Pay: Fire department employees shall be paid Longevity Pay in accordance with City Policy, Chapter 142 of the Texas Local Government Code, and as permitted under Chapter 143.041(c)(1) of the Texas Local Government Code. City policy provides specifics on administration and application.
7. Base pay for incumbent firefighter, hired prior to the adoption date of this Resolution who have at least two (2) years of prior qualified service will be increased to two (2) years of service according to the Sherman Fire Department pay schedule.
8. Base pay for incumbent firefighter, hired prior to the adoption date of this Resolution who have at least three (3) years of prior qualified service will be increased to three (3) years of service according to the Sherman Fire Department pay schedule.

SECTION 6. Detailed rules and regulations for qualifying standards, eligibility and administration of such pay types may be stated within the City and/or Police Department policies and/or Fire Department policies, and/or Local Civil Service Commission Rules and Regulations. Such policies are subject to change as needed and approved by the City Manager for purposes of City policies or by the Chief of Police for purposes of Police Department policies, by the Fire

Chief for purposes of Fire Department policies, or by the Local Civil Service Commission for the purposes of Local Civil Service Commission Rules and Regulations.

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 20th day of April, 2015.

CITY OF SHERMAN, TEXAS

BY: Carolyn S. Wacker
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: Brandon S. Shelby
BRANDON S. SHELBY
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.1.

Meeting Date: 12/17/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Annual Supply of Chemicals

Issue:

Approval of a request to advertise for the annual supply of chemicals for the calendar year 2019

Background:

Annually, the City requests public bids or renews the contract, if able, for the supply of our industrial chemical purchases. These chemicals are for use at the Water Treatment Plant and the Wastewater Treatment Plant.

Origination:

Utilities Administration

Financial Consideration:

Funds for the purchase of chemicals are included in the recently approved budget for fiscal year 2018-2019. Advertising costs are estimated to be about \$200.00.

Staff Recommendation:

It is recommended that the City Council approve the advertising related to the purchase of the annual supply of chemicals.

Alternatives:

As may be directed by the City Council



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.1.

Meeting Date: 12/17/2018

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Setting the Public Hearing on the Proposed Agreement with Tyson Fresh Meats, Inc. for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas

Issue:

To consider setting a public hearing on a proposed tax abatement agreement for the City Council's regular meeting on Monday, January 7, 2019.

Background:

On Tuesday, November 27, 2018, the Tax Reinvestment Committees of the City of Sherman, the Sherman Independent School District, Grayson County, and Grayson College (the "Committee") met to consider a request from Tyson Fresh Meats Inc. for a tax abatement involving a project to invest \$30 million in a facility expansion and manufacturing equipment in Sherman. The taxable value of Tyson's current property is about \$88 million with this project adding about \$19 million in additional taxable value. The project is scheduled to begin first quarter of 2019 and be fully operational by the summer of 2020.

The Committee voted to recommend an abatement and the creation of the Zone to the City Council and other taxing entities. The law requires that a reinvestment zone be established prior to a tax abatement being granted for eligible projects. Ordinance No. 6169 creating Industrial Reinvestment Zone, Number Nine (#9), City of Sherman, Texas, necessary for consideration of this tax abatement, is scheduled for public hearing and adoption at this meeting.

The Committee agreed to propose a six (6) year tax abatement of 50%, 50%, 50%, 50%, 50% and 50%, in accordance with the City's current tax abatement matrix. With the City Council's approval of this agenda item, approval of this abatement agreement will be considered at the January 7, 2019 Council meeting.

Origination:

Tyson Fresh Meats, Inc., Applicant
Tax Reinvestment Committee

Financial Consideration:

There is no direct cost associated with the public hearing.

Staff Recommendation:

The staff recommends that the City Council set a public hearing on the proposed tax abatement agreement for the regular January 7, 2019 Council meeting.

Alternatives:

No alternatives are recommended.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.2.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Replat Approval of Lots 1, 2 and 3, Parkview Addition and Adjoining Tract to the South, being 0.801 acres in the J.B. McAnair Survey, Abstract No. 763; City of Sherman and Scott Adams, Owners; and Helvey-Wagner Surveying, Surveyor (106 North Woods, 118 and 128 Kessler Boulevard)

Issue:

To consider Replat approval of Lots 1, 2 and 3, Parkview Addition and adjoining tract to the south, being 0.801 acres in the J.B. McAnair Survey, Abstract No. 763 located at 106 North Woods Street, 118 and 128 Kessler Boulevard

Background:

The property is located at 106 North Woods Street, 118 and 128 Kessler Boulevard between West Houston Street and Kessler Boulevard, and is zoned a C-1 (Retail Business) District. The owners would like to replat the property into two lots.

Origination:

The City of Sherman and Scott Adams (Owners)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

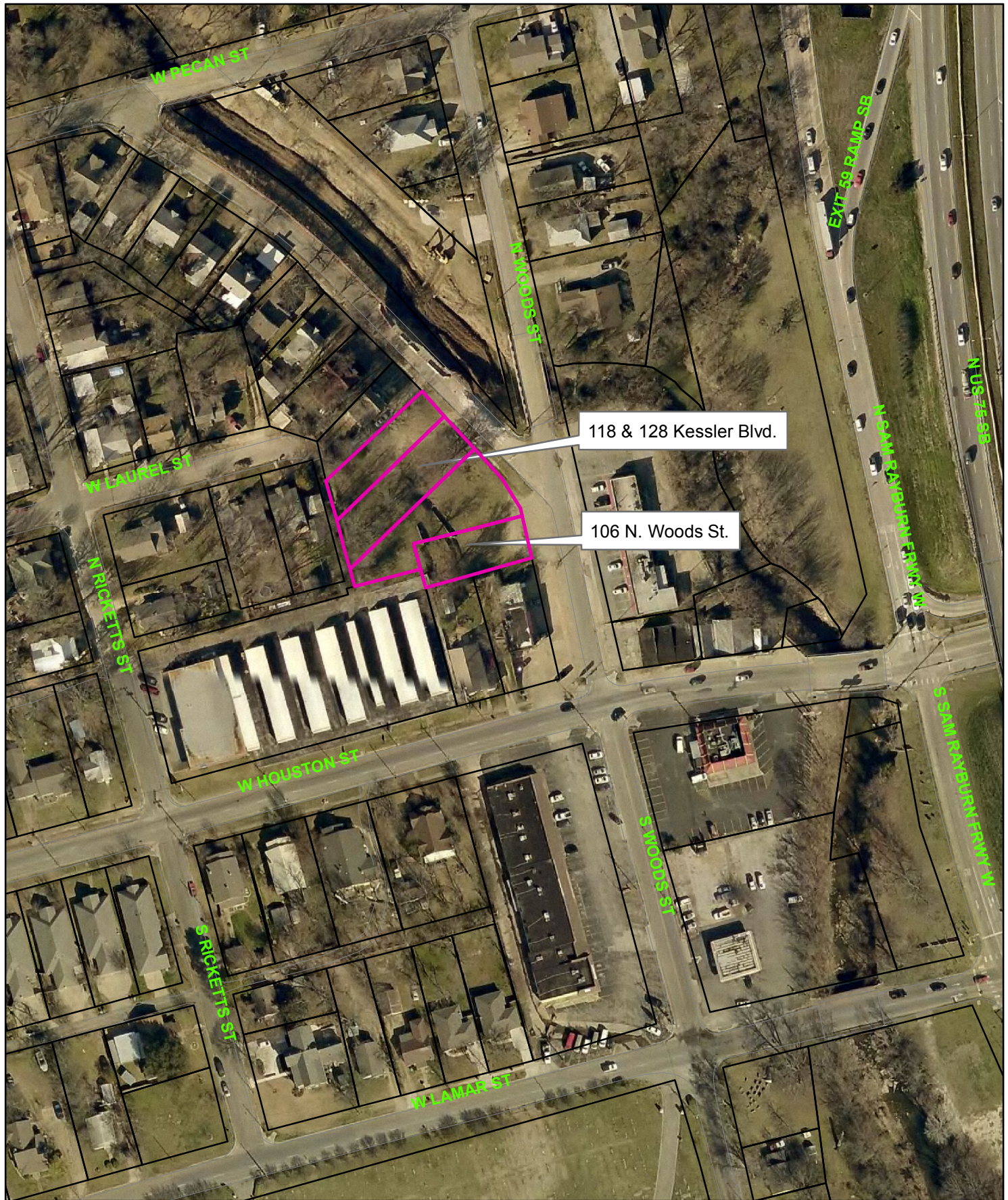
Zoning Map

Zoning Sign Photo

Replat - Parkview Addition

Staff Review Letter

P&Z Communication



118 & 128 Kessler Blvd.

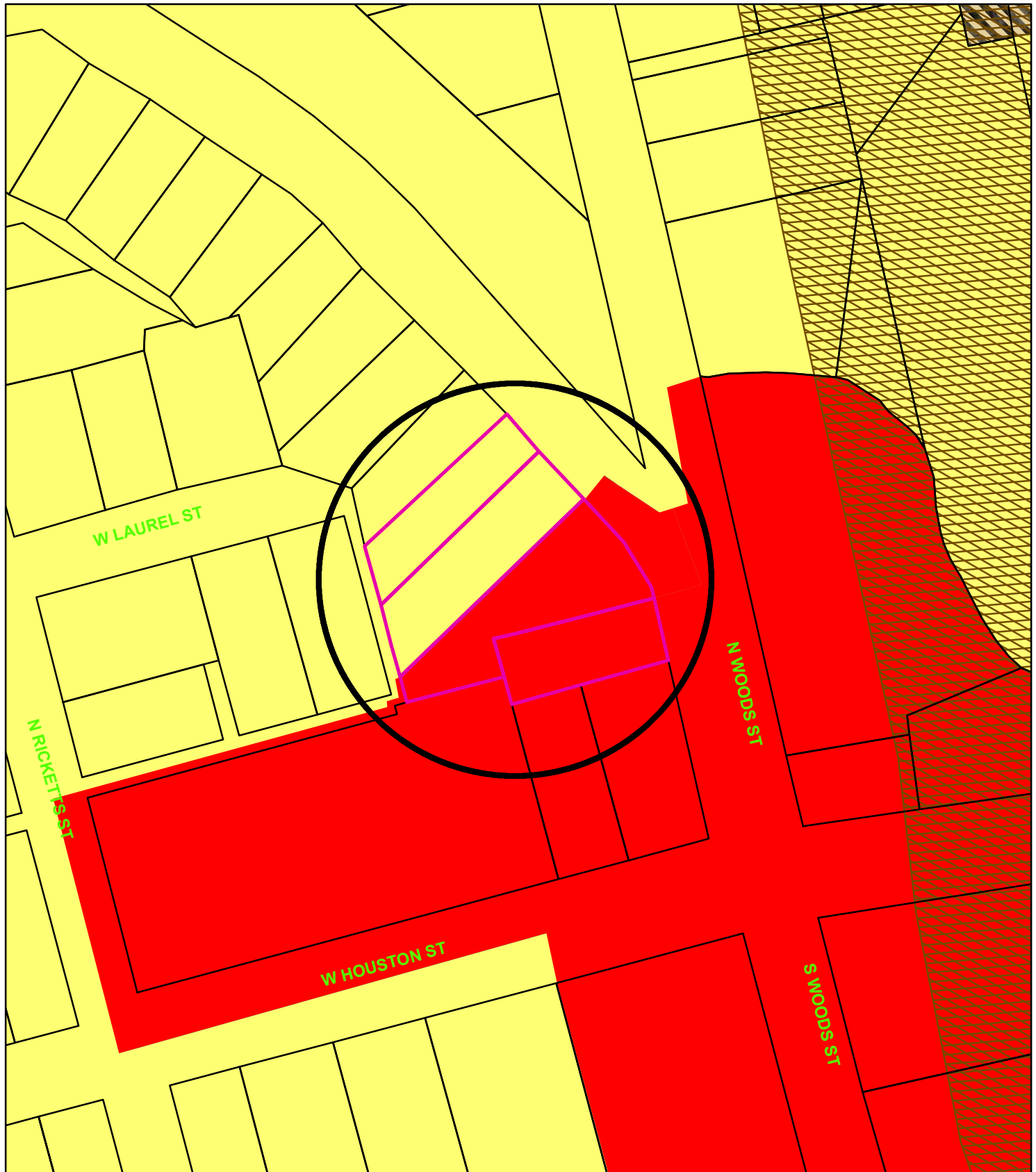
106 N. Woods St.



**106 N. Woods St.
118 & 128 Kessler Blvd.**



1 in = 144 ft



Zoning - 106 N. Woods St. & 118 & 128 N. Kessler Blvd.



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

Legend

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

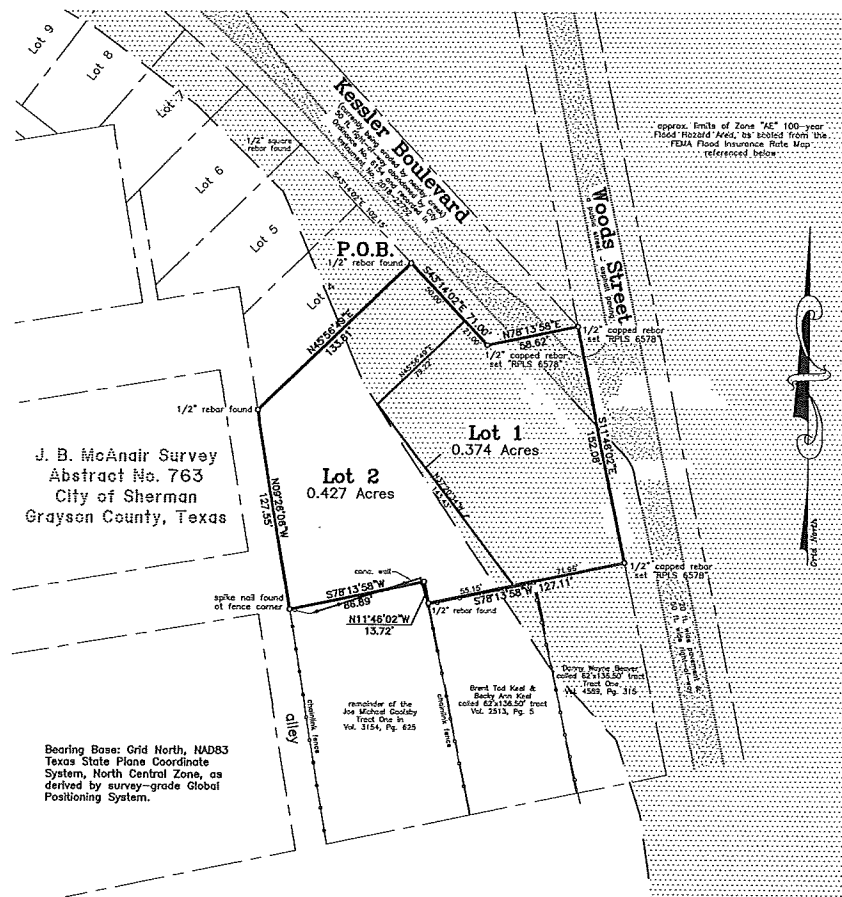


NOT TO SCALE

1 in = 100 ft

**106 N. WOODS STREET &
118 & 128 KESSLER BOULEVARD**





**Replat of Lots 1, 2 and 3, Parkview Addition
and adjoining tract to the South
to
the City of Sherman, Texas
0.801 Acres**

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

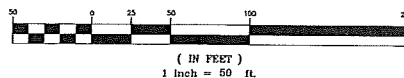
General Notes:

1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. A portion of the property shown on the plot hereon lies within a Zone "A" 100-Year Flood Hazard Area Designation, as scaled from the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0290F, Revised Date: September 29, 2010.
5. The City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
6. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Owner (Lots 1 & 2 and adjoining parcel):
Scott Adams
1713 Oak Creek Drive
Sherman, Texas 75092

Owner (portion of Kessler Blvd.
abandoned right-of-way):
City of Sherman
P.O. Box 1106
Sherman, Texas 75091

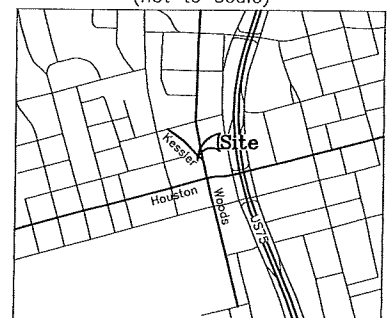
GRAPHIC SCALE



Job No. CGS431018

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

Location Map
(not to scale)





STAFF REVIEW LETTER

November 9, 2018

Scott Adams
1713 Oak Creek Drive
Sherman, TX 75092

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

Dear Applicants,

The request for approval of the Replat of Lots 1, 2, and 3, Parkview Addition and adjoining tract to the South has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. All requirements of the Floodplain Ordinance should be followed.
6. Revise ownership of part of Kessler Blvd. per Warranty Deed filed in Document No. 2018-24820, OPRGCT.
7. The City of Sherman does not maintain alleys.
8. Privately owned and maintained detention in accordance with City criteria is required.
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

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



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

Agenda Item No. 12.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 106 NORTH WOODS STREET, 118 AND 128 KESSLER BOULEVARD**

The request of The City of Sherman and Scott Adams (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 106 North Woods Street, 118 and 128 Kessler Boulevard, being 0.801 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Replat approval of Lots 1, 2 and 3, Parkview Addition and the adjoining tract to the South

Background:

The property is located at 106 North Woods Street, 118 and 128 Kessler Boulevard between West Houston Street and Kessler Boulevard and is zoned a C-1 (Retail Business) District. The owners would like to replat the property into two lots.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

The City of Sherman and Scott Adams (Owners)

Helvey-Wagner Surveying, Inc. (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. and

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

Number of notices mailed:

16

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat - Parkview Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.3.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Sherman Crossroads, Phase II, being 21.5528 acres in the Preston Kitchen Survey, Abstract No. 667; Sherman Crossroads, LTD, Owners; and Brockette/Davis/Drake, Inc., Surveyor (3100-3600 blocks of South U.S. Highway 75)

Issue:

To consider Final Plat approval of Sherman Crossroads, Phase II, being 21.5528 acres in the Preston Kitchen Survey, Abstract No. 667 located in the 3100-3600 blocks of South U.S. Highway 75

Background:

The property is located in the 3100-3600 blocks of South U.S. Highway 75; the northwest corner of U.S. Highway 75 and West F.M. 1417; just south of the new West Travis Street extension. This is the second phase of the Sherman Crossroads development; and the owners would like to plat the property into three lots for commercial development and dedicate a new street, "Crossroads Boulevard".

Origination:

Sherman Crossroads, LTD (Owners)
Brockette/Davis/Drake, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

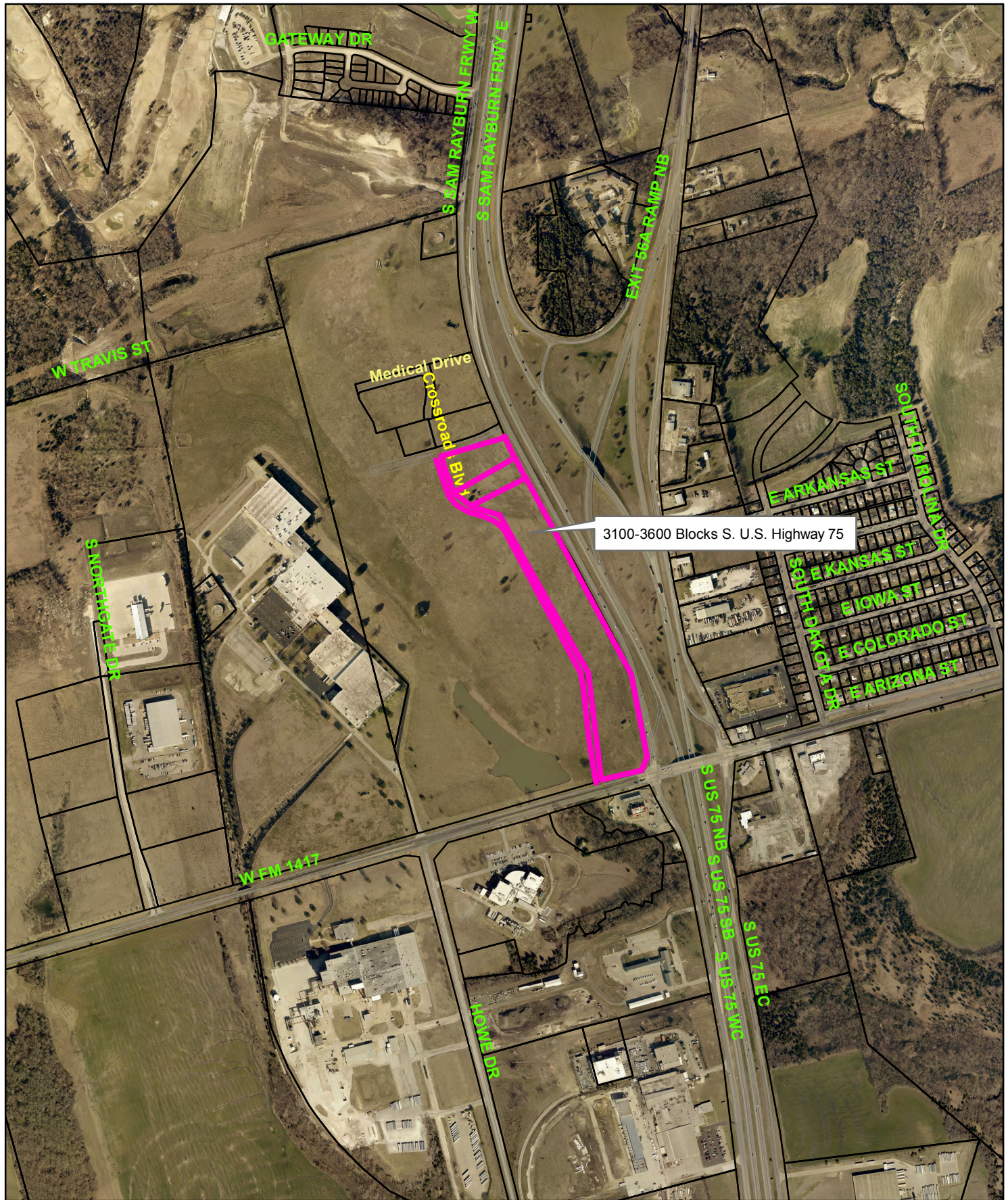
Location Map

Zoning Map

Final Plat - Sherman Crossroads Phase II

Staff Review Letter

P&Z Communication



3100-3600 Blocks S. U.S. Highway 75



3100-3600 Blks. S. U.S. Highway 75



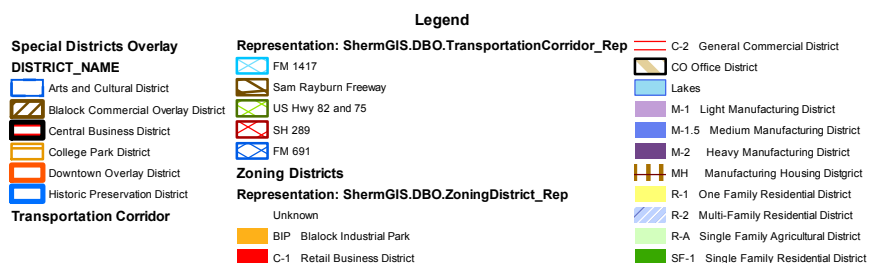
NOT TO SCALE

1 in = 897 ft

Zoning - 3100-3600 Blocks South U.S. Highway 75



City of Sherman, Texas
Developmental Services Department


$$1 \text{ in} = 700 \text{ ft}$$



STAFF REVIEW LETTER

November 9, 2018

Sherman Crossroads, Ltd.
4650 Beltline Road, Suite 400
Addison, TX 75001

Brockette/Davis/Drake, Inc.
4144 North Central Expressway, Ste. 1100
Dallas, TX 75204

Dear Applicants,

The request for approval of the Final Plat of Sherman Crossroads, Phase II has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Change Lot 1R to Lot 1. Coordinate with City of Sherman Engineering Department for lot identification.
6. Update dates on signature page to reflect current year.
7. Privately owned and maintained detention in accordance with City criteria is required.
8. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
9. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

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



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

Agenda Item No. 13.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 3100-3600 BLOCKS SOUTH U.S. HIGHWAY 75**

The request of Sherman Crossroads, LTD (Owners) and Brockette/Davis/Drake, Inc. (Surveyor) concerning the property located in the 3100-3600 Blocks of South U.S. Highway 75, being 21.5528 acres in the Preston Kitchen Survey, Abstract No. 667, as follows:

Planning and Zoning Commission

Final Plat approval Sherman Crossroads, Phase II

Background:

The property is located in the 3100-3600 blocks of South U.S. Highway 75; the northwest corner of Highway 75 and West F.M. 1417; just south of the new West Travis Street extension. This is the second phase of the Sherman Crossroads development; and the owners would like to plat the property into three lots for commercial development and dedicate a new street, "Crossroads Boulevard".

Adjacent Zoning:

Blalock Industrial Park

Blalock Commercial Overlay District

Origination:

Sherman Crossroads, LTD (Owners)

Brockette/Davis/Drake, Inc. (Surveyor)

Master Plan Designation:

Suburban Commercial - Suburban character primarily from reduced site coverage relative to more auto-oriented commercial development. Especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. Range of commercial retail and service uses, at varying scales and intensities depending on the site.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Final Plat - Sherman Crossroads Phase II

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.4.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Variance and Site Plan Approval for Sherman Crossroads, LTD, Owners; Braum's, Developer/Tenant; Brockette/Davis/Drake, Inc., Surveyor; Kimley Horn, Civil Engineer; and Elliott Architects, Inc., Architect under Ordinance No. 2252, Article IV, Sections 410 (2)(g) and Section 410 (2)(j) to allow a 33' Setback on the South Property Line for a Braum's Ice Cream and Dairy in the Blalock Industrial Park/Blalock Commercial Overlay District at 3120 South U.S. Highway 75

Issue:

Variance and site plan approval for Sherman Crossroads, LTD (Owners), Braum's (Developer/Tenant), Brockette/Davis/Drake, Inc. (Surveyor), Kimley Horn (Civil Engineer) and Elliott Architects, Inc. (Architect) under Ordinance No. 2252, Article IV, Sections 410 (2)(g) and Section 410 (2)(j) for a variance to allow a 33' setback on the south property line for a Braum's Ice Cream and Dairy in the Blalock Industrial Park/Blalock Commercial Overlay District at 3120 South U.S. Highway 75.

Background:

The property is located at 3120 South U.S. Highway 75; the northwest corner of U.S. Highway 75 and West F.M. 1417 (Heritage Parkway). Braum's Ice Cream and Dairy would like to construct a 6,300 square foot restaurant with drive thru; the exterior facade will be brick with stone accents. Parking will be provided for fifty-six (56) spaces. They are also requesting a variance to allow a 33' foot setback on the south property line in lieu of the required 55.7'.

Origination:

Sherman Crossroads, LTD (Owners)
Braum's (Developer)
Brockette/Davis/Drake, Inc. (Surveyor)
Kimley Horn (Civil Engineer)
Elliott Architects, Inc. (Architect)

Financial Consideration:

None

Staff Recommendation:

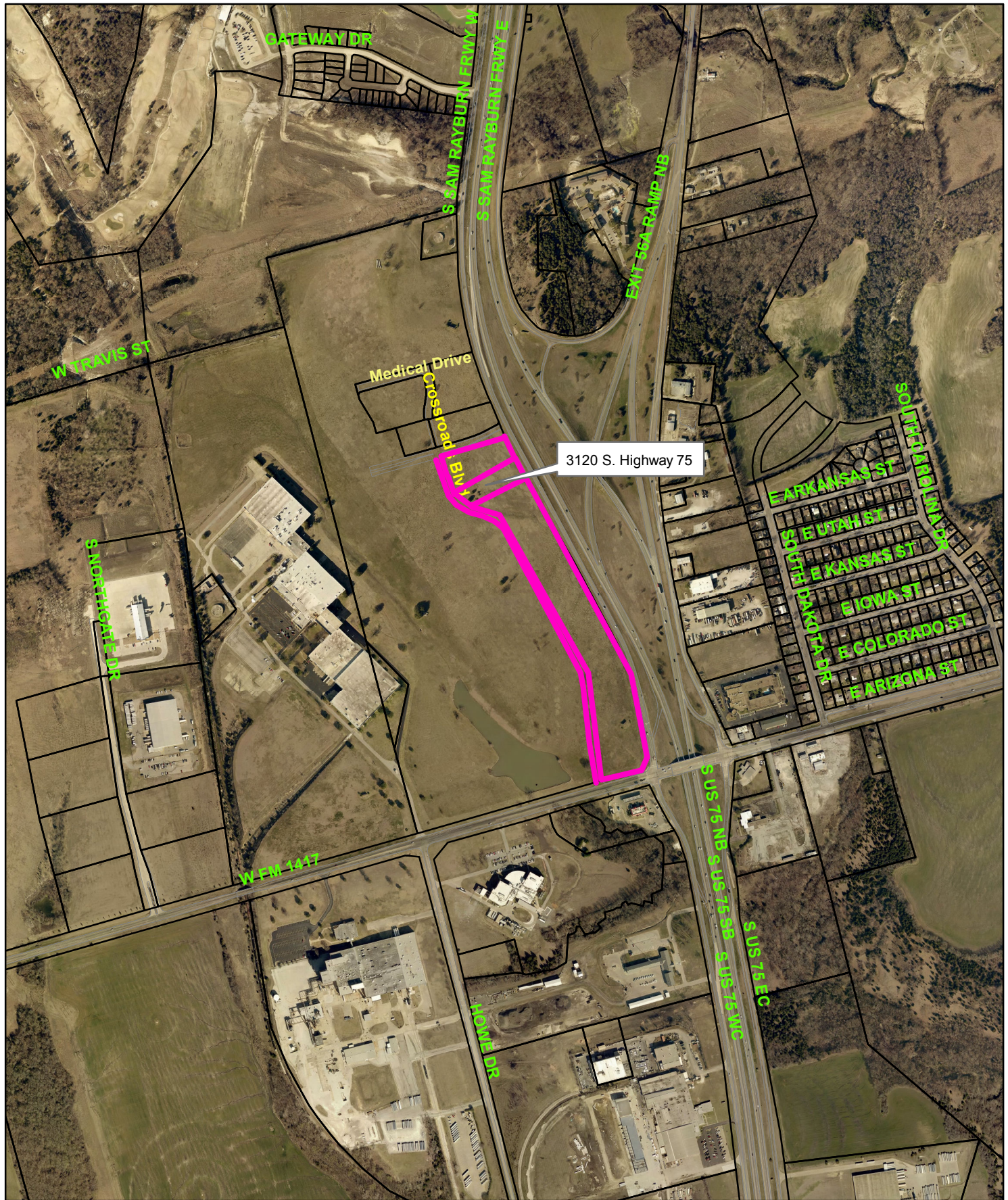
At the November 20, 2018 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the variance and site plan be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

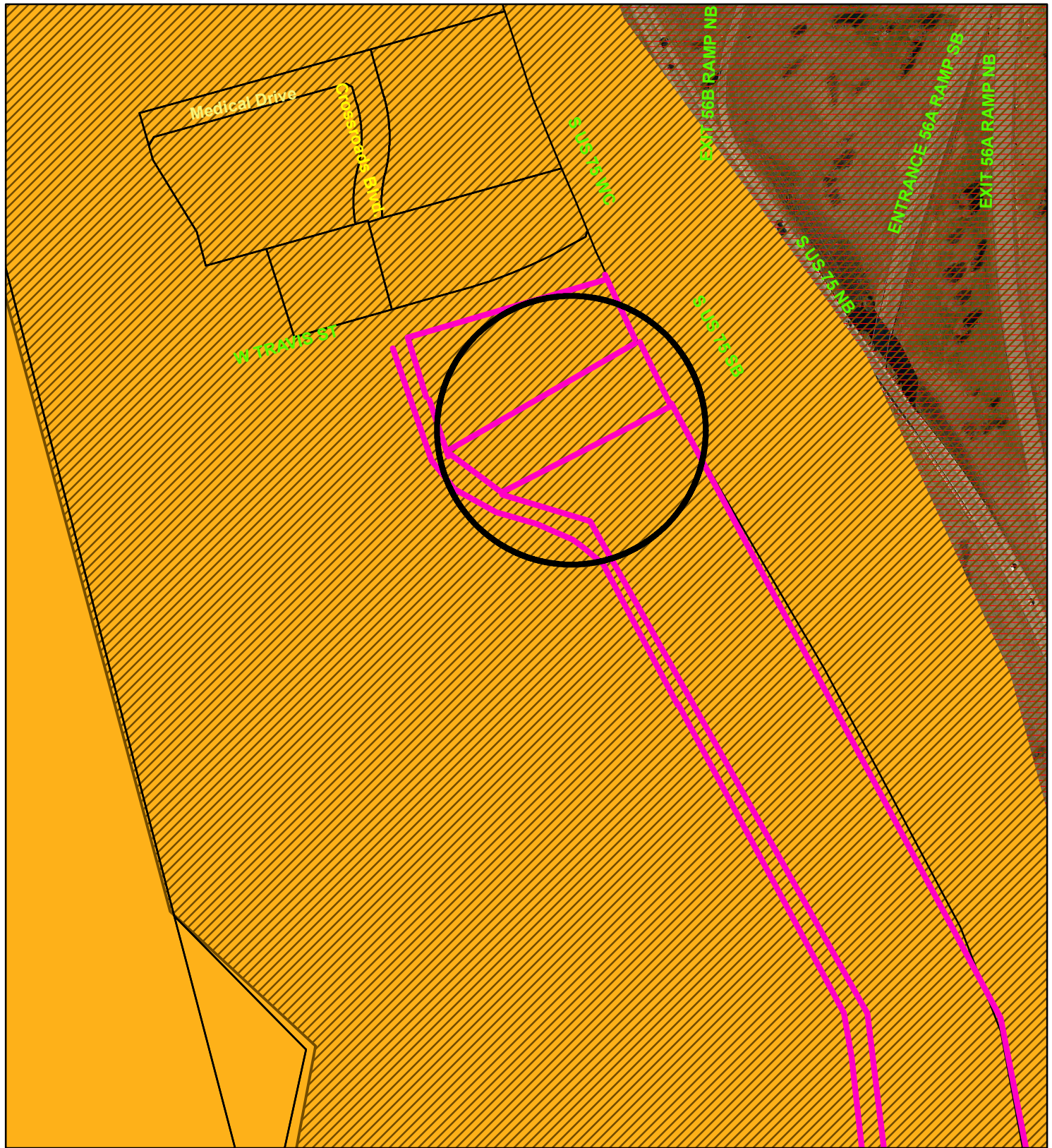
Location Map
Zoning Map
Zoning Sign Photo
Plat
Site Plan
Building Elevations
Landscape Plan
Lighting
Staff Review Letter
P&Z Communication



3120 S. U.S. Highway 75



1 in = 897 ft



Zoning - 3120 South U.S. Highway 75

Legend

Special Districts Overlay

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

- Representation: ShermGIS.DBO.ZoningDistrict_Rep**
- Unknown
 - BI-P Blalock Industrial Park
 - C-1 Retail Business District

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



NOT TO SCALE

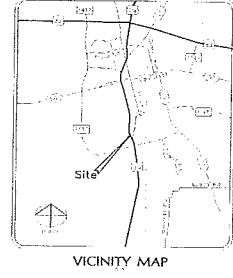
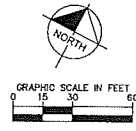
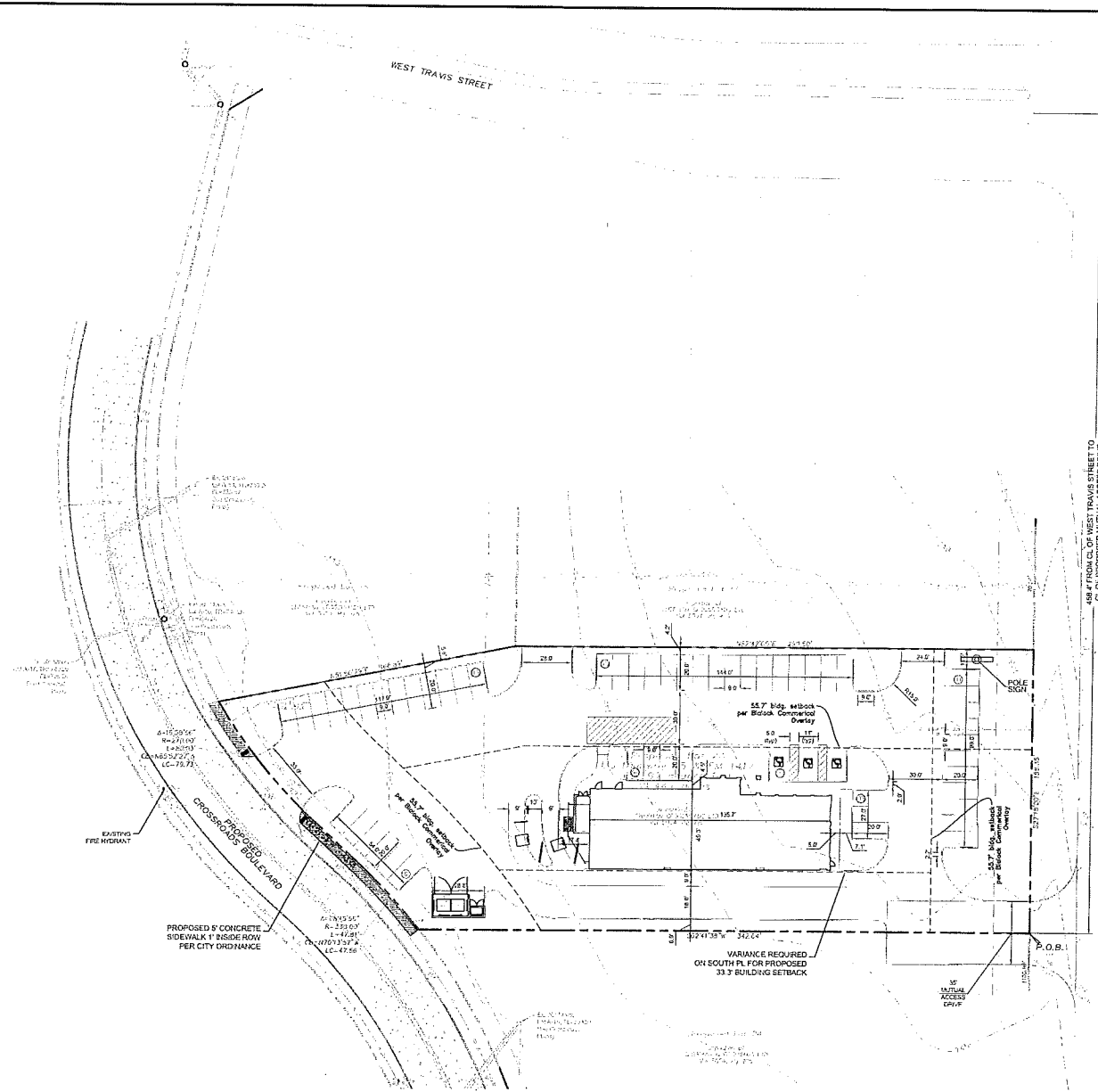
1 in = 300 ft



City of Sherman, Texas
Developmental Services Department

3120 South U.S. Highway 75





SITE DATA TABLE-BRAUM'S	
LOT/BLOCK	PROPOSED LOT 31 (SHERMAN CROSSROADS) LTD., SHERMAN, TEXAS
LAND AREA SQUARE FEET/ACRES	62,837 S.F. (1.44 AC)
ZONING	BULK OVERLAY
DETENTION	NO ADDITIONAL DETENTION IS REQUIRED, TO BE PROVIDED BY DEVELOPER
EXISTING USE	None
PROPOSED USE	RESTAURANT (ICE CREAM) TRUCK
BUILDING AREA (SF)	6,300
BUILDING HEIGHT (FT)	
SITE PARKING	1 SPACES SEATS (RESTAURANT) 32 1 SPACE FOR SF FOR GROCERY-13
PARKING RATIO (FROM ZONING ORDINANCE)	
REQUIRED PARKING (# SPACES)	33
PROVIDED PARKING (# SPACES)	33
ACCESSIBLE PARKING PROVIDED (# SPACES)	3
VARIANCE FOR BUILDING SETBACK (SOUTH PROPERTY LINE)	REQUIRED

US HIGHWAY 75
(SERVICE ROAD)

Kimley»Horn
FIRM NO. 2740
13013 HINDSON DR., SUITE A2 OMAHA, NE 68134
TEL: 402-466-1111 FAX: 402-466-1112
WWW.KIMLEY-HORN.COM

**BRAUM'S
ICE CREAM COMPANY**
1000 N.E. 3RD, SHERMAN, TX 75150
TEL: 409-835-4781 FAX: 409-835-4782
WWW.BRAUMS.COM

**PROPOSED SITEPLAN
SHERMAN, TEXAS**

DATE: October 23, 2018
BY: [Signature]
CHKD: [Signature]
APP'D: [Signature]

SHEET
C 0.1

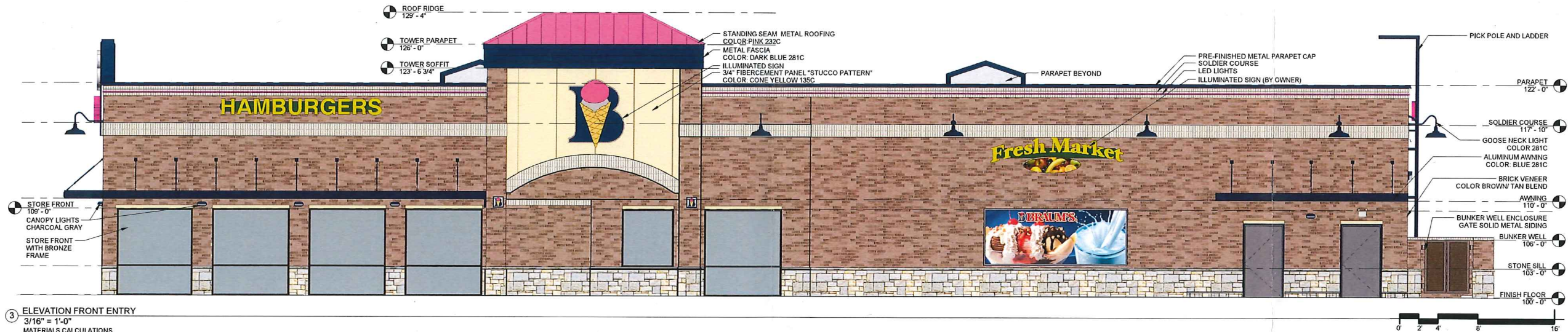
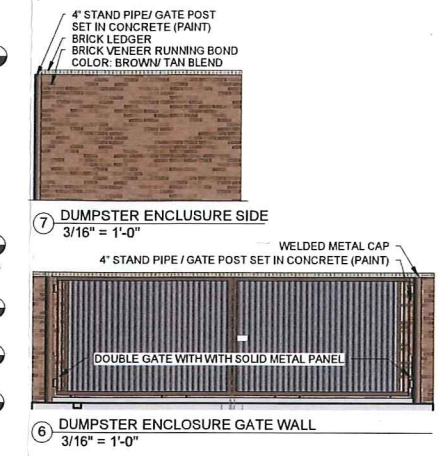
10/18/2018 4:51:16 PM

\\SERVER\BRAUMS\BRAUMS_XL\10.15.18 PIEDMONT BEFORE SHERMAN.rvt



MATERIALS SCHEDULE	
BRICK VENEER: ACME BRICK, KENNEWICK KINGSIZE	
BRICK SOLDIER COURSE VENEER: ACME BRICK, GLACIER WHITE KINGSIZE	
STONE SILL: AUSTON WHITE LIME STONE	
STONE VENEER: EAGLE STONE, GRANBURY YELLOW GRAY MIX	
FIBER CEMENT SIDING: HARDI PANEL "STUCCO PATTERN" PANTONE CONE YELLOW-135C	
METAL ROOF: 24 GA STANDING SEAM POWDER COAT PANTONE PINK-232C	
TRIM METAL: 24 GA PRE-FINISHED PANTONE BLUE-281C	
STOREFRONT FRAMING: TUBE LIGHT SERIES 4500 ANODIZED ALUMINUM: DARK BRONZE	
PARKING LOT LIGHTS: TECH LIGHT LSMT SERIES	
WALL PACK LIGHTS: CANOPY LIGHTS CHARCOAL GRAY	
GOOSENECK LIGHTS: ANP 18" MILKCAN WITH 18" GOOSENECK ARM	

5 MATERIALS SUMMARY	
TOTAL MATERIALS CALCULATION	
BRICK MASONRY:	72%
STONE MASONRY:	13%
FIBERCEMENT:	7%
ARCHITECTURAL METAL:	8%



Elliott Architects Inc.
300 N.W. 6th Street
Tulsa, Oklahoma 74103
Tel: (405) 272-1500
Fax: (405) 272-1502
Email: craig@elliottarchitects.com

PHONE:	(405) 285-5511
ADDRESS:	2240 NW 16TH ST. EDMOND, OK 73513
CONSULTANT:	KIMLEY HORN
DISCIPLINE:	CIVIL
STRUCTURAL	S.A.I.
MECHANICAL	P.E.C.
ELECTRICAL	P.E.C.
PLUMBING	P.E.C.

COLOR ELEVATIONS

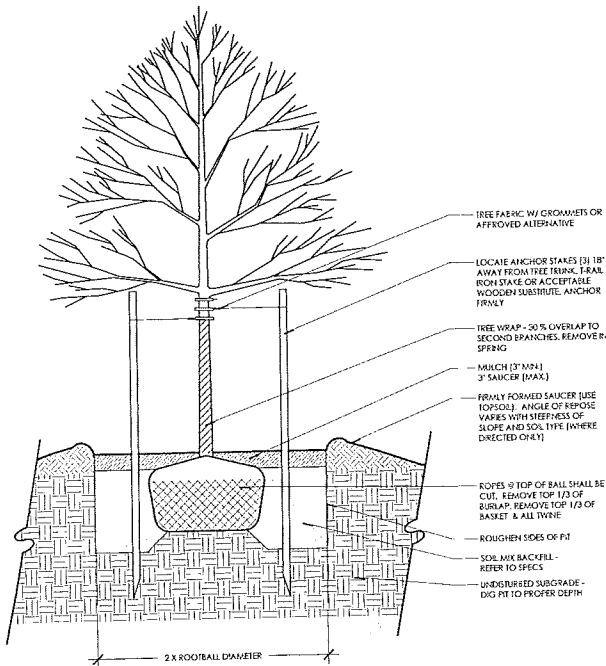
BRAUMS STORE MODEL "XL"
HIGHWAY 75 & FM 1417
SHERMAN, TX

PROJECT: 21824
DATE: 10/15/18
REVISIONS #/DATE
DATE # DATE
1 6
2 7
3 8
4 9
5 10

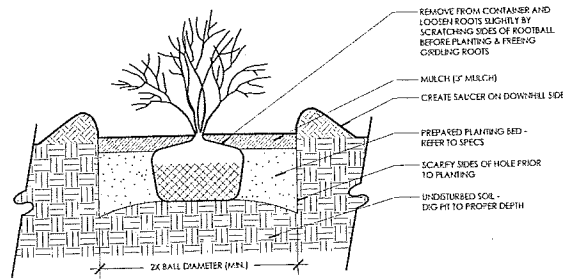
SHEET:

A3.2

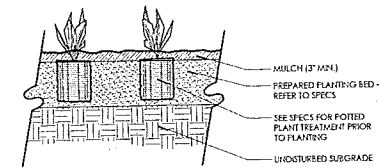
L-1



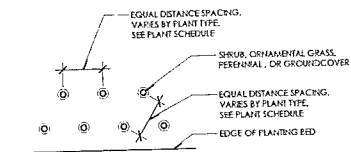
1 SECTION: DECIDUOUS TREE PLANTING
1"=1'-0"



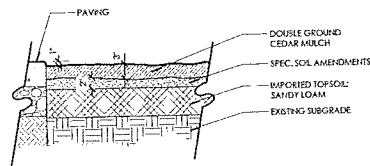
2 SECTION: SHRUB PLANTING
1"=1'-0"



3 SECTION: PERENNIAL & GROUND COVER PLANTING
1"=1'-0"



4 DETAIL PLAN: TYPICAL PLANT LAYOUT
1"=1'-0"



NOTES:
1) REMOVE ALL ROCK, DEBRIS AND OTHER FOREIGN MATTER OVER 1" IN DIAMETER FROM TOP 4" OF SOIL.
2) R/7 TO SUBGRADE PRIOR TO INSTALLING TOPSOIL AND THE INTERFACE OF SUBGRADE AND TOPSOIL.
3) TOPSOIL AND SOIL AMENDMENTS TO A MIN. OF 4" DEPTH.
4) CONTRACTOR TO ASSURE PLANTING BEDS ARE FREE OF WEED SEEDS AND EXISTING LAWN GRASSES.

5 SECTION: MULCH
1"=1'-0"

REFER TO SHEET L-3 FOR PLANTING NOTES



Tanner Consulting, Inc.
LANDSCAPE ARCHITECTS
5333 50TH AVENUE
TULSA, OKLAHOMA 74125-6537
OFFICE: 918.743.9315
www.tannerconsulting.com
TEXAS CERTIFICATION OF AUTHORIZATION
NO. 84 2321 EXP. 03/31/2019



ALL PLANTS AND MATERIALS ARE TO BE SPECIFIED, QUANTITIES ARE TO BE SPECIFIED, AND DELIVERED TO THE PROJECT SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTS AND MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTS AND MATERIALS.

DATE	DATE

Braum's
Highway 75 &
FM 1417
Sherman, TX

BRAUM'S
ICE CREAM AND DAIRY STORES
PRODUCTS, PROCESSORS & RETAILERS OF FINE DAIRY PRODUCTS
P.O. BOX 2479, 3000 N.E. 63RD, OKLAHOMA CITY, OKLAHOMA 73121
(405) 756-1666

PROJECT: 15147
ISSUE DATE: 10/18/2018
ATLAS PAGE 10: N/A
PLAN SCALE (H): 1"=1'-0"

LANDSCAPE
DETAILS

L-2

GENERAL PROJECT NOTES

1. Work performed that conform to these notes, construction drawings, and specifications.
2. Work performed that conform to all applicable local, state, and federal ordinances and regulations.
3. Contractor shall be responsible for all damage to all utilities during the installation. Contractor shall confirm the location of the utilities prior to starting any work. All utility locations shown are approximate and are based on survey information, site development plans, utility records, etc.
4. The contractor is responsible for contacting local underground utility services and/or one-call system at 1-800-522-4543 for utility location and identification, prior to commencing any construction activities.
5. Perform construction activities in the vicinity to existing utilities by hand, if necessary. The contractor bears full financial and legal responsibility for his/her work and damage to utilities that be repaired immediately at no cost to the owner.
6. Notify Landscape Architect of any site conditions that would not allow this plan to be installed as shown. If any part of this plan cannot be installed as shown due to site conditions or any other reason, notify the client's representative for clarification prior to commencing construction.
7. Verify base information. Source of surveyor, civil engineer, or architect base information is assumed to be correct. Report discrepancies to the landscape architect or Owner's Representative immediately.
8. When the contractor believes they are substantially complete, they are to request a punch-list walk-through with the owner's representative and landscape architect.

DEMOLITION NOTES

1. Items that only be removed if designated for removal in the drawings. Trees, footings, paving, and other items to be removed to their full depth unless otherwise noted.
2. Significant items found below grade and not shown on drawings that be brought to the attention of the landscape architect or owner's representative.
3. All concrete and asphalt removal shall be saw-cut. Damage to edges of paving to be saved that be repaired to an acceptable quality by the contractor at no cost to the owner.
4. Remove demolished material from site and dispose of according to local, state, and federal regulations. No burning or burying is allowed.
5. Salvage existing site materials as requested by the landscape architect and stockpile on-site in an area that will not inhibit construction activities.

LAYOUT NOTES

1. Layout and verify dimensions and locations prior to construction. Bring discrepancies to the attention of the landscape architect for clarification.
2. Written dimensions take precedence over scaled drawings. Addenda, clarifications, and specifications take precedence over written dimensions.
3. For dimensions of existing buildings and prepared buildings, refer to the architectural drawings.
4. Dimensions are measured perpendicular from adjacent face of building, wall, or other fixed site improvement. Dimensions to centerlines are as indicated.
5. Where dimensions are called "equal" or "typical" [TYP.], space referenced items equally measured to their centerlines.
6. Install intersecting elements at 90 degree angles to each other unless otherwise noted.
7. Provide expansion joints where flowwork meets buildings, footings, wall, curbs, steps, or other fixed elements.
8. Install control joints as shown on plans. Control joints in concrete walkways spaced no more than distances equal to 24 to 30 times the slab thickness and be a minimum of 1/4 of the depth of the slab made 4-12 hours after concrete finishing.
9. All walkways shall be located from finished face of buildings.

GRADING AND DRAINAGE NOTES

1. Drainage lines to be laid out in field and slope a minimum of 1% downhill.
2. All hardscape surfaces shall drain toward drainage inlets and away from structures.
3. All planting beds to drain toward drain inlets or trench drains as shown and away from building at a min. of 6" over 10'. Finished grade of planting beds shall be a minimum 8" lower than the finished floor elevation of the building slab. Notify the landscape architect immediately of any perceived discrepancies.
4. Erosion and control measures installed as required by all municipal codes and that meet all municipal code specifications.
5. All drainage pipes in lawn areas to have pop-up exits or drain to specified location.
6. The contractor is to install according to this plan but proper drainage and grading will be the ultimately be the responsibility of the Contractor on site. Discrepancies in drawing to be brought to the attention of Landscape Architect before or during construction.
7. Walls over 48" from top of wall to bottom of footing to be reviewed by designed by Licensed Engineer.

PLANTING NOTES

1. The contractor shall familiarize himself/herself with the site conditions and verify them to his/her satisfaction.
2. The contractor is responsible for maintaining, in full all planting areas (including watering, spraying, mulching, mowing, fertilizing, etc.) until the job is accepted, in full, by owner and/or Landscape Architect.
3. The landscape contractor is responsible for confirming the availability of all the specified plant materials within two (2) weeks of project award. All requests for substitution due to lack of availability must be made to the landscape architect in writing within this period. No substitution shall be permitted without prior written approval. The contractor is responsible for exhausting all means possible to attain the materials as specified prior to requesting substitution. Approved substituted materials must be offered at no additional costs to the owner.
4. The landscape contractor is responsible for confirming the quantities of each plant material required to adequately cover the area shown on the landscape plans of the prescribed spacing and notifying the landscape architect immediately of any perceived discrepancies a min. of two (2) working days prior to planting.
5. The landscape architect reserves the right to review and approve all plant materials if requested, including soil, all the source nursery with the landscape contractor prior to delivery to the job site.
6. All root balls shall conform to the size standards set forth in "American Standards for Nursery Stock".
7. Each tree shall be balled with 3 cubic feet of Bark to Nature cotton burl compost mixed thoroughly with existing topsoil. Apply Botone starter following Espoma Organic Bio-tone Starter Plus 4-3-3 following manufacturer's recommendations.
8. For evergreen shrub and tree planting, apply Wilt-Prof anti-desiccant spray at a rate of 1:10 (Wilt-Prof to water) the same day as planting.
9. Refer to Civil Engineer's grading plans for grading information. If actual site conditions vary from what is shown on the plans or if there are discrepancies between the plans, contact the Landscape Architect for direction as to how to proceed.
10. All plant material shall be protected during transport and delivery to final location with shade cloth or other acceptable means of windburn prevention.
11. All trees must be guyed or staked as shown in the details.
12. Installation- all plant material shall be installed in a sound, workman-like manner and according to accepted good planting and hole relocation procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all applicable ordinances and code requirements.
13. Contractor shall assure drainage and percolation of all planting pits prior to installation of plant material. Contractor shall fill all tree pits with water before planting to assure that proper drainage and percolation is available. Correct if required to assure percolation. Contractor is responsible for replacement of all plants lost due to inadequate drainage conditions.
14. Contractor to request final acceptance of project in writing. If all work is satisfactory and complete in accordance with conditions of contract documents, then the owner, and/or landscape architect shall declare the project substantially complete.
15. Contractor to replace rejected plant material within two (2) weeks of written notice.
16. Contractor shall mulch all plant material throughout and completely to a three-inch (3") depth of loose, weed free sterilized cedar mulch unless noted otherwise in plans or specifications. All disturbed areas to be covered with sod, mulch, planting, or gravel at completion of project. No bare soil shall remain on property or adjacent properties.
17. Contractor shall place all plant material on site and get landscape architect approval before planting.

SOIL PREPARATION NOTES

1. Till and remove the top 8" of soil and stockpile on site. Amend and reuse by percentage as shown below or replace with new conforming mix. Till the 8" of soil mix into the next 6" of soil to obtain 14" of weed free de-compacted soil. Stones over 2" to be removed from the soil.
The top 8" of planting bed soil to consist of the following percentages by volume:
Native or imported topsoil 40%
Sharp washed sand 10%
Leaf Compost 40%
Mushroom or Cotton Bur Compost 10%
2. Apply Roundup (manufactured by Monsanto Corp. or equal) according to manufacturer's rate and specification within limits of all areas to be planted. Protect existing plants to remain from overspray or spray within root zone. Contractor to ensure total weed eradication.

IRRIGATION NOTES

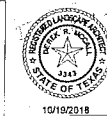
1. Contractor shall install a fully functional and automated irrigation system that provides full coverage to all landscape areas as shown in the plans and details. Contractor shall cut and remove any abandoned existing irrigation main lines and lateral lines within the project work area.
2. This irrigation design is for diagrammatic purposes only. The intent is to show the general layout and logic of the system. Minor adjustments to the design must immediately be brought to the attention of the Landscape Architect. Scaled measurements, quantities, and actual location of equipment may vary due to field adjustments. Piping layout is schematic. Locate heads, lines and wiring along back of curbs and bed edges, combine lines and wiring in common trenches where possible. Place heads directly adjacent to curbs and edges. Place valves in accessible locations. No lines are to be placed under vehicular paving areas unless in irrigation sleeves.
3. All irrigation steeking under pavements shall be minimum 4" schedule 40 pvc (unless noted otherwise) placed 18"-24" below finish grade. Cap ends shut and backfill with crushed limestone gravel and compact according to earthwork specifications. Contractor shall field verify any existing sleeves. Temporarily mark ends of all sleeves with wood stakes or steel "I" posts. Permanently mark all sleeves with 1/4" deep "V" cut into pavements. Verify actual locations on site. All steeking shall be bored underneath existing pavement or installed prior to new pavement. No existing pavement shall be removed for irrigation steeking.
4. Contractor shall verify design data water pressure and GPM flow and notify Tanner Consulting if pressure is less than or significantly higher than 40 PSI before proceeding with installation.
5. Install a Reduced Pressure Regulation Backflow Preventer in accordance with all applicable local and state regulations. Size per waterline. An insulated, fiberglass enclosure to be installed over the assembly. A GFI receptacle to be installed within the enclosure and hard wired to an electrical supply. Landscape Architect shall approve of the backflow location if there is not an existing one.
6. Install controller inside building or if installed outside it must be placed inside of a locking enclosure. Coordinate location with general contractor or landscape architect.
7. Appropriate size valve boxes are to be installed over all valves.
8. The general contractor to provide adequate electrical outlets for all irrigation controls.
9. Contractor shall obtain any required permits, adhere to all municipal codes and follow standard and accepted local practices.
10. An automatic drain valve shall be installed at the lowest portion of each zone and at 100' intervals on the mainline.
11. Provide 100% coverage for all landscape areas and make final adjustments to obtain optimal performance. 100% coverage is defined as having head to head coverage in all direction in all areas. There shall be no shrub heads or drip irrigation placed on the same zone with turf heads and vice versa.
12. Review and report any discrepancies shown on the plan, for correction, prior to proceeding with related work.
13. Install all equipment in accordance with manufacturers details and specifications.
14. Place all piping on the perimeter of landscape areas where possible. Place valves in planting areas or out of view where possible. Limit trenching around existing trees as much as possible, stay min. of 8' from trunk. Be aware of the location of new trees and shrubs and place piping away from the root balls.
15. All spray heads in planting areas to be 12" pop-ups. All spray heads in lawn areas to be a 4" pop up minimum.
16. Some piping may be shown off property or outside of sleeves for graphic purposes only. Place all irrigation components on the property and in appropriate sleeves.
17. All wire connections for the irrigation system shall be made with 3M Direct Bury Splice Kit DBR/Y-6 or approved equal.
18. Control wires shall have looped slack at all valves, corners, and boxes. Snake wire in trench to allow for contraction.
19. Detectable underground warning tape shall be installed with all main line and lateral lines.

TREE PRESERVATION NOTES

1. All trees to be preserved as indicated on the Landscape Demolition Plan shall be protected by 6' construction fence. The fence shall be located at a 5-ft radius from the edge of the trunk. The fence shall be firmly anchored into the ground and shall remain upright and intact until all construction activity is complete. Construction activities or storage shall not occur within these protected areas. The Contractor shall stake the protective fencing location. The location of the protective fencing shall be approved orally by the Landscape Architect prior to the start of any site work.
2. When excavation near a tree to be protected must be carried out, damage can be limited by root pruning. Root pruning shall be completed before grading is started and shall occur beneath the protective fencing as shown on the plan.
3. Root pruning shall be performed, when required, with a trencher such as a telephone cable puller or a "Ditch Witch" prior to adjacent excavation. The trenching shall be to a minimum depth of 24" or the depth of excavation. The contractor shall stake the limit of root pruning as per the plan. Limits of trenching shall be approved by the Landscape Architect prior to any trenching in the field. Do not trench for irrigation or electrical within drip lines of existing trees. Coordinate all trenching required for utility work with the landscape plans.
4. The best method to avoid soil compaction is to KEEP OFF. This includes restricting all traffic both vehicular and pedestrian from crossing over the root zones, and restricting even temporary material storage under trees.

LAWN NOTES

1. Sod or seed of areas as shown on plans and all disturbed areas. If not shown on plans but within limits of work, contractor to conform with landscape architect.
2. Provide 1/2 inch of compost to be filled into top 4" of lawn areas prior to seeding or sodding if heavy clay soils are present.
3. Top soil shall be free of weeds and foreign material immediately before sodding.
4. Lay sod with closely fitted joints leaving no voids and with ends of sod strips staggered. Sod shall be laid within 24 hours of harvesting.
5. Tamp and roll sod with approved equipment to eliminate minor irregularities and to form close contact with soil bed immediately after planting and watering. Submit type of tamping and rolling equipment to be used to the Landscape Architect for approval, prior to construction.
6. Evenly spread fertilizer composite at a rate of 40 pounds per 5000 square feet or as recommended by manufacturer. Fertilizer shall not be placed until 2 weeks after placement of sod.
7. Lawn to receive a minimum 1/2 inch water for the first 3 weeks after area is sodded. After 3-week period, water twice a week with 3/4 inch of water each time unless comparable amount has been provided by rain.



Tanner Consulting
1013 SOUTH LEEVES AVENUE
DALLAS, TEXAS 75219-1212
OFFICE: 972.343.9633
WWW.TANNERCONSULTING.COM
TANNER CONSULTING OF AMERICA, INC.
NO. 0023221 ERF. 8/21/2018



REVISION	DATE

Braum's
Highway 75 &
FM 1417
Sherman, TX

BRAUM'S
ICE CREAM AND DAIRY STORES
INDUSTRIAL PROCESSORS & SUPPLIES OF THE SOUTHWEST
P.O. BOX 2425, 3300 N. I-40, DALLAS, TEXAS 75217
(972) 477-5555

PROJECT: 15147
DATE: 10/18/2018
SHEET NO: N/A
PLAN SCALE: (N)

GENERAL NOTES
L-3

TECHLIGHT

2707 SATSUMA

DALLAS, TX

75229

Project:

**BRAUM'S
ICE CREAM
STORE
SHERMAN, TX**

Notes:

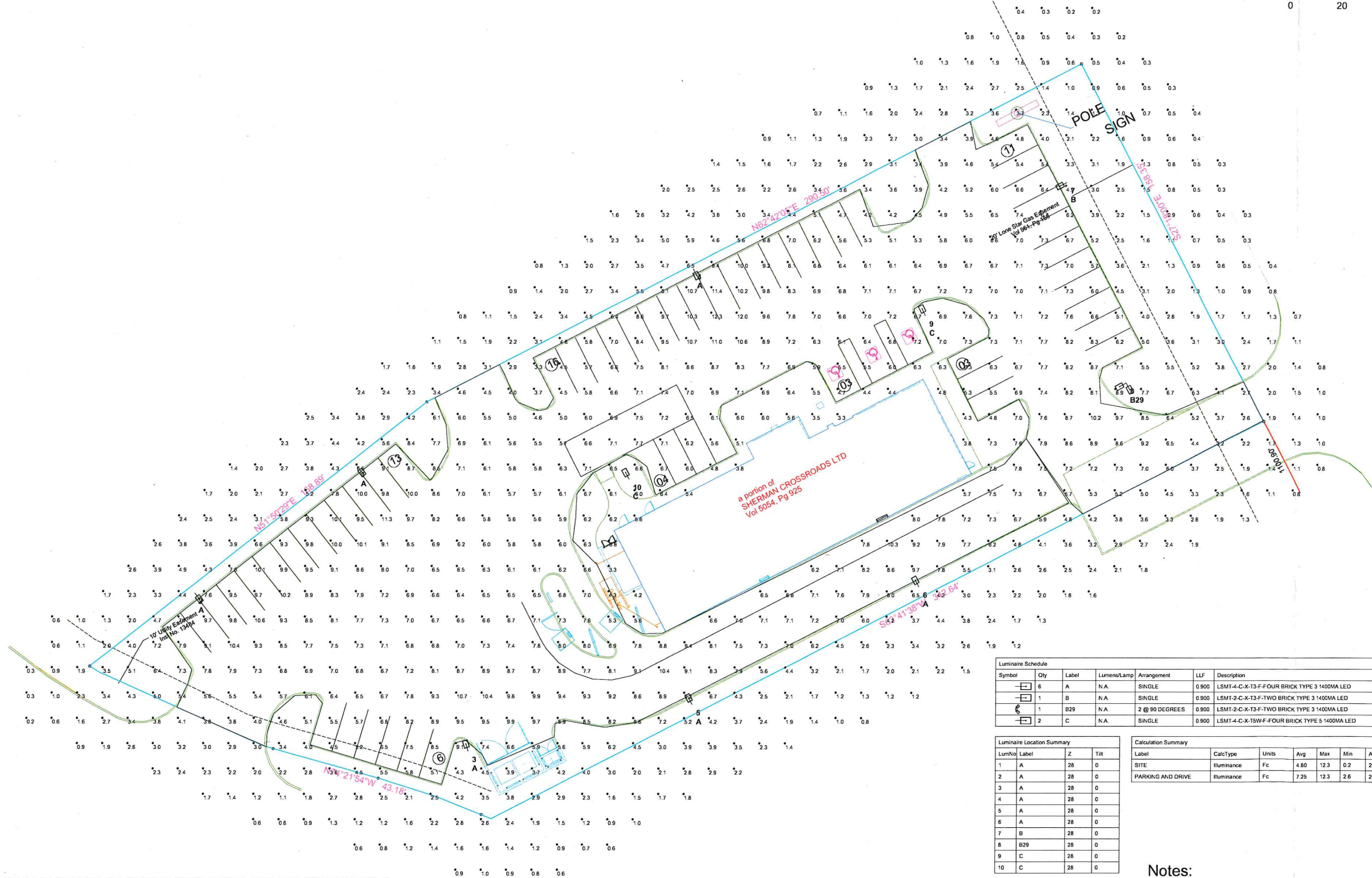
FILE:

brm-sherman.agi

Date:

10-18-18

SCALE



Luminaire Schedule						
Symbol	Qty	Label	Lumens/Lamp	Arrangement	LF	Description
	6	A	N.A.	SINGLE	0.900	LSMT-4-C-X-T3-F-FOUR BRICK TYPE 3 1400MA LED
	1	B	N.A.	SINGLE	0.900	LSMT-2-C-X-T3-F-TWO BRICK TYPE 3 1400MA LED
	1	B29	N.A.	2 @ 90 DEGREES	0.900	LSMT-2-C-X-T3-F-TWO BRICK TYPE 3 1400MA LED
	2	C	N.A.	SINGLE	0.900	LSMT-4-C-X-T5W-F-FOUR BRICK TYPE 5 1400MA LED

Luminaire Location Summary			
LumNo	Label	Z	Tilt
1	A	28	0
2	A	28	0
3	A	28	0
4	A	28	0
5	A	28	0
6	A	28	0
7	B	28	0
8	B29	28	0
9	C	28	0
10	C	28	0

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
SITE	Illuminance	Fc	4.80	12.3	0.2	24.00	61.50
PARKING AND DRIVE	Illuminance	Fc	7.25	12.3	2.6	2.78	4.73

Notes:

1. Calculation at grade.
2. Based on 28' AFG fixture mounting height, including 3' AFG base.

- DUE TO CHANGING LIGHTING ORDINANCES IT IS THE CONTRACTORS RESPONSIBILITY TO SUBMIT THE SITE PHOTOMETRICS AND LUMINAIRE SPECS TO THE LOCAL INSPECTOR BEFORE ORDERING TO ENSURE THIS PLAN COMPLIES WITH LOCAL LIGHTING ORDINANCES.
- THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS. CHANGES IN ELECTRICAL SUPPLY, AREA GEOMETRY AND OBJECTS WITHIN THE LIGHTED AREA MAY PRODUCE ILLUMINATION VALUES DIFFERENT FROM THE PREDICTED RESULTS SHOWN ON THIS LAYOUT.
- THIS LAYOUT IS BASED ON .IES FILES THAT WERE LAB TESTED OR COMPUTER GENERATED. ACTUAL RESULTS MAY VARY.

STAFF REVIEW LETTER

November 13, 2018

Sherman Crossroads, LTD
4650 Beltline Rd. #400
Addison, TX 75001

Braum's Ice Cream & Dairy
Gordon Pulis
16135 Preston Road #107
Dallas, TX 75248

Brockette/Davis/Drake, Inc.
4144 North Central Expressway, Ste. 1100
Dallas, TX 75204

Dear Applicants,

The request for site plan approval for Braum's Ice Cream and Dairy in the Blalock Industrial Park/Blalock Commercial Overlay District for the property located at 3120 South U.S. Highway 75 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the Blalock Industrial Park/Blalock Commercial Overlay District must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into U.S. Highway 75 access road right-of-way or Crossroads Boulevard right-of-way.
4. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
5. A parking space is considered to be 9'x20'.
6. Parking ratio required for a restaurant - 1 space for every four seats, grocery - 1 space per 200 square foot.
7. The drive thru shall provide stacking for eight cars (9'x20').
8. The trash dumpster will need to be located inside the main building area and screened.
9. One freestanding sign per lot is allowed. Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the property line.
10. The mutual access drive shall be filed at the Grayson County Courthouse by separate instrument before a building permit will be issued.
11. Shall comply with all EPA, City, Federal and State regulations for this use.
12. Review the zoning and development ordinance for additional requirements.
13. 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:

14. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department. Coordinate with Engineering for drive approach location along U.S. Hwy. 75 Service Road.
15. The location of trash receptors must be approved by the Public Works Department.

16. Verify fire lane requirements with Fire Marshall.
17. Platting of the property is required.
18. Entrances off U.S. Hwy. 75 Service Road will be right-in, right-out only.

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

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

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

Respectfully,



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

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

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 14.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

3120 SOUTH U.S. HIGHWAY 75

The request of Sherman Crossroads, LTD (Owners), Braum's (Developer), Brockett/Davis/Drake, Inc. (Surveyor), Kimley Horn (Civil Engineer) and Elliott Architects, Inc. (Architect) concerning the property located at 3120 South U.S. Highway 75, being the proposed Lot 2, Block 1, Sherman Crossroads, Phase II, as follows:

Planning and Zoning Commission

- Variance under Ordinance No. 2252 Article IV Section 410 (2) (g) to allow a 33' setback on the south property line in lieu of the required 55.7 in the Blalock Industrial Park/Blalock Commercial Overlay District.
- Site plan approval under Ordinance No. 2252 Article IV Section 410 (2) (j) to allow a Braum's Ice Cream and Dairy in the Blalock Industrial Park/Blalock Commercial Overlay District.

Background:

The property is located at 3120 South U.S. Highway 75; the northwest corner of Highway 75 and West FM 1417 (Heritage Parkway). Braum's Ice Cream and Dairy would like to construct a 6,300 square foot restaurant with drive thru; the exterior facade will be brick with stone accents. Parking will be provided for fifty-six (56) spaces. They are also requesting a variance to allow a 33' foot setback on the south property line in lieu of the required 55.7'.

Adjacent Zoning:

Blalock Industrial Park

Blalock Commercial Overlay District

Origination:

Sherman Crossroads, LTD (Owners)
Braum's (Developer)
Brockette/Davis/Drake, Inc. (Surveyor)
Kimley Horn (Civil Engineer)
Elliott Architects, Inc. (Architect)

Master Plan Designation:

Suburban Commercial - Suburban character primarily from reduced site coverage relative to more auto-oriented commercial development. Especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. Range of commercial retail and service uses, at varying scales and intensities depending on the site.

Number of notices mailed:

44

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Final Plat - Sherman Crossroads, Phase II
Site Plan
Building Elevations
Landscape Plan
Lighting
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.5.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of The Shops of Grayson Addition, being a Replat of Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, being Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A, Dr. Swamy Addition and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, containing 2.433 acres in the William Milligan Survey, Abstract No. 875; One Ganesha LTD, Owners; Dr. Arshad Khalil, M.D., Prospective Buyer; KISS Development, Developer; and Underwood Drafting and Surveying, Surveyor (2415 and 2429 Swamy Drive)

Issue:

To consider Replat approval of the Shops of Grayson Addition, being a Replat of Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, being Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A, Dr. Swamy Addition and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, containing 2.433 acres in the William Milligan Survey, Abstract No. 875 located at 2415 and 2429 Swamy Drive

Background:

The property is located at 2415 and 2429 Swamy Drive; the southeast corner of North U.S. Highway 75 and F.M. 691. The property is zoned a C-2 (General Commercial) District and is also located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District. The owners would like to plat two lots into one lot for commercial development.

Origination:

One Ganesha LTD (Owners)
Dr. Arshad Khalil, M.D. (Prospective Buyer)
KISS Development (Developer)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

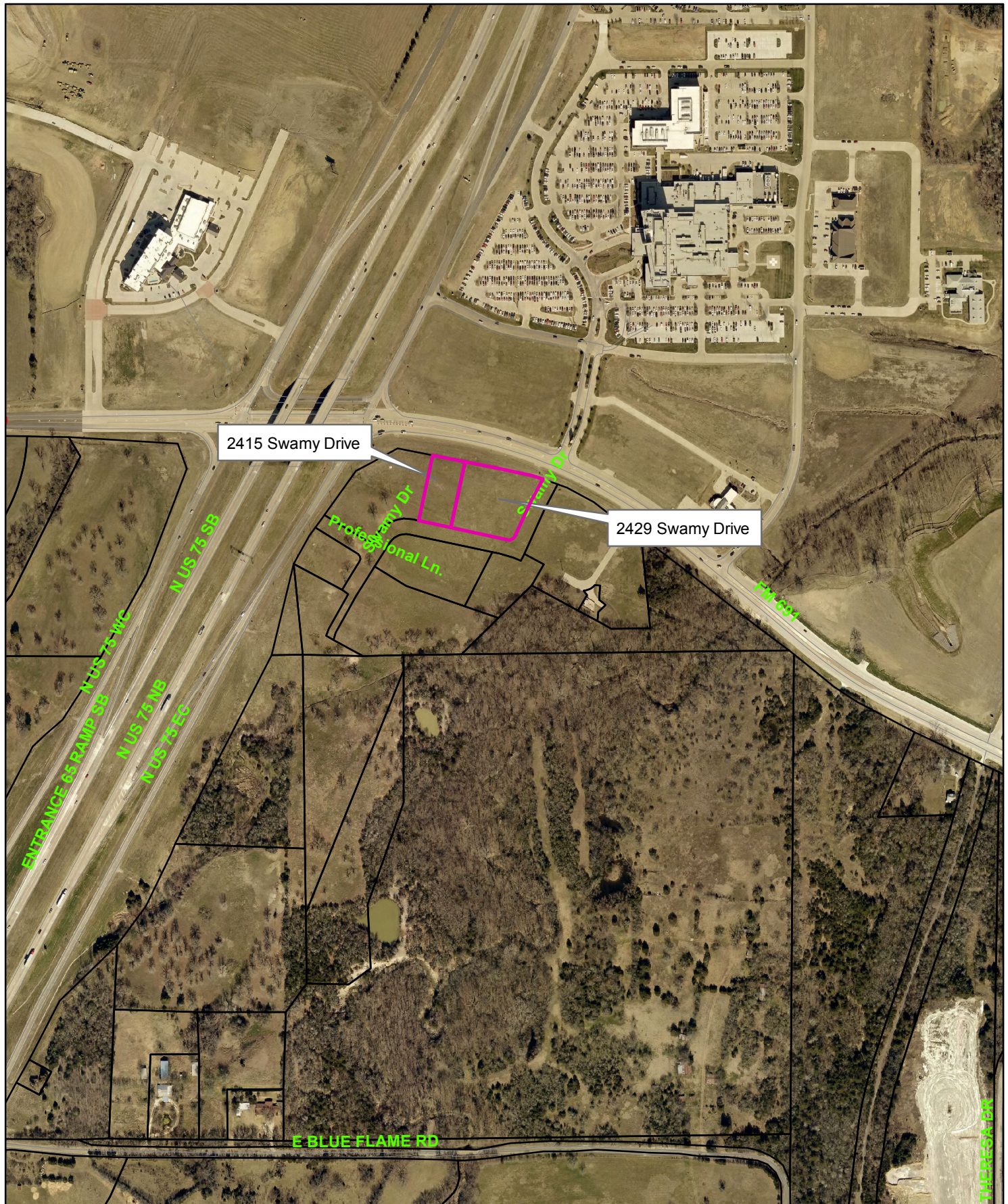
Location Map

Zoning Map

Replat - The Shop of Grayson Addition

Staff Review Letter

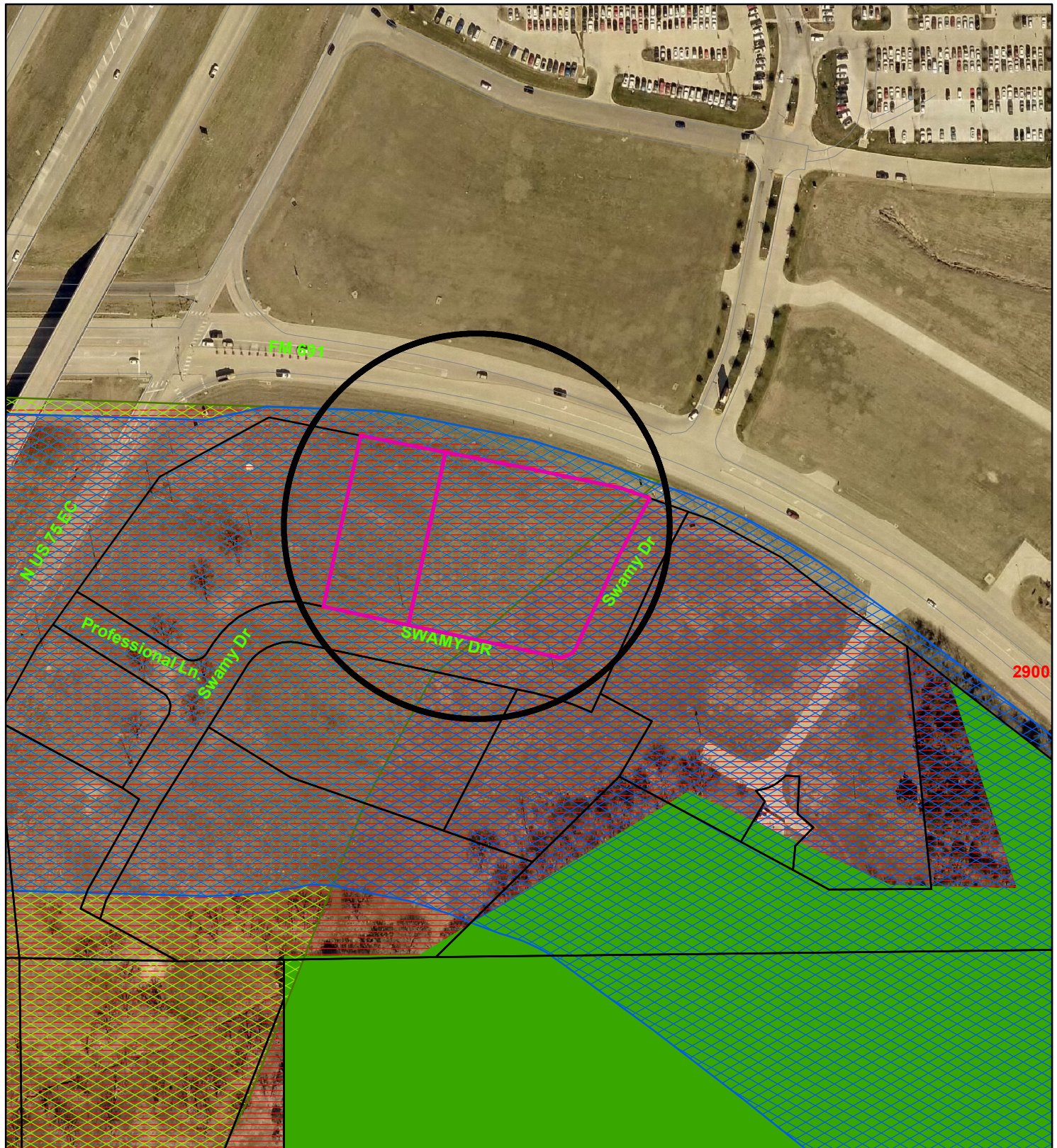
P&Z Communication



2415 & 2429 Swamy Drive



1 in = 500 ft



Zoning - 2415 & 2429 Swamy Drive

Legend

Special Districts Overlay

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

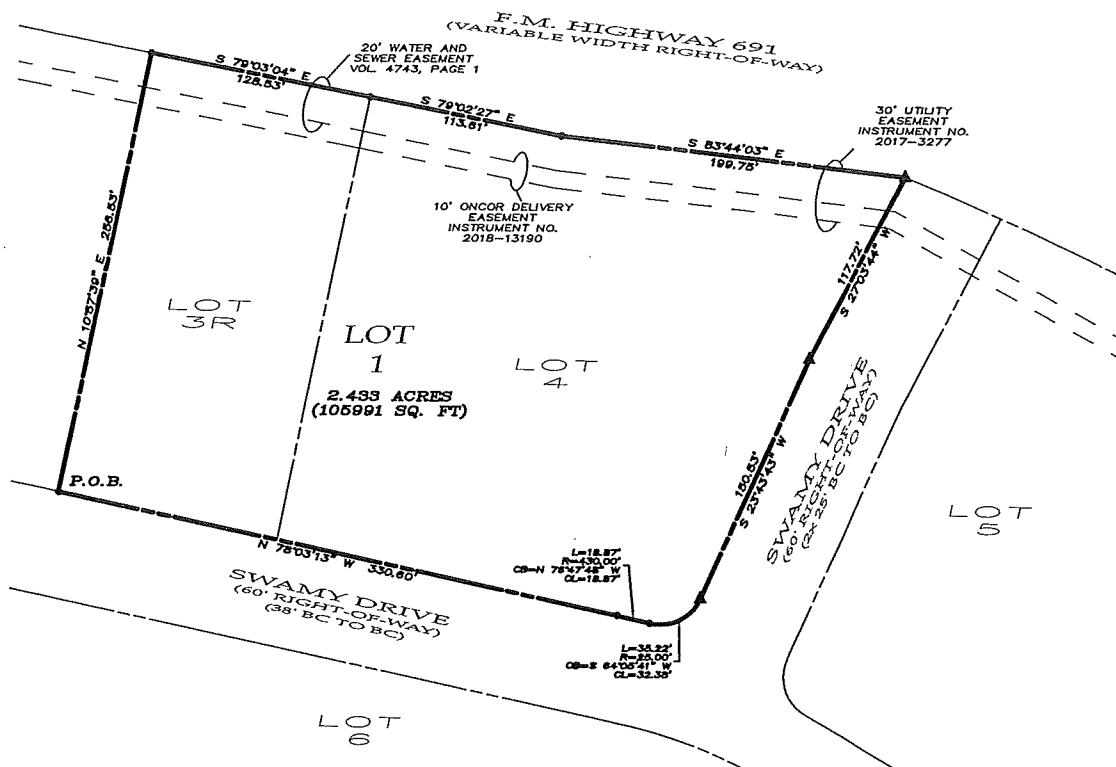
Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP Blalock Industrial Park
C-1 Retail Business District

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



1 in = 200 ft



~ BASIS OF BEARINGS ~
2660 NORTH, MAG. 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

FINAL PLAT SHOPS OF GRAYSON ADDITION

Being a Replat of Lot 4, Dr. Swamy Addition, Lots 1-7, Block A, and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition an addition to the City of Sherman, Grayson County, Texas. Containing 2.433 acres of land

OWNERS/DEVELOPER
ONE GANESHA LTD.
1111 SARA SWAMY DR.
SHERMAN, TEXAS 76090

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

10-24-18



DRAFTING & SURVEYING

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

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.



STAFF REVIEW LETTER

November 9, 2018

One Ganesha, Ltd.
1111 Sara Swamy Dr.
Sherman, TX 75090

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of Shops at Grayson Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. Drive approaches must only be off the East/West portion Swamy Drive; no additional drive approaches off of F.M. 691 or along the North/South portion of Swamy Drive will be permitted.
5. The width of the right-of-way and pavement for streets shall be shown on the plat.
6. Require 10' Utility Easement along Swamy Drive for franchise purposes.
7. Ensure 30' Utility Easement extends along full length of plat.
8. Privately owned and maintained detention in accordance with City criteria is required.
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

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



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

Agenda Item No. 10.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 2415 & 2429 SWAMY DRIVE**

The request of One Ganesha LTD (Owners), Dr. Arshad Khalil, M.D. (Prospective Buyer), KISS Development (Developer) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 2415 and 2429 Swamy Drive, being Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition, containing 2.433 acres in the William Milligan Survey, Abstract No. 875, as follows:

Planning and Zoning Commission

Replat approval of the Shops of Grayson Addition, being a Replat of Lot 4 of Dr. Swamy Addition, Lots 1-7, Block A and Lot 3R of the Replat of Lots 2 and 3, Block A, Dr. Swamy Addition.

Background:

The property is located at 2415 and 2429 Swamy Drive; the southeast corner of North Highway 75 and FM 691. The property is zoned a C-2 (General Commercial) District and also located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District. The owners would like to Replat two lots into one lot for commercial development.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

One Ganesha LTD (Owners)

Dr. Arshad Khalil (Prospective Buyer)

KISS Development (Developer)

Underwood Drafting & Surveying (Surveyor)

Master Plan Designation:

Countryside – Countryside residential development is a land use category that captures the transition between agricultural land and estate development. Countryside lots are large (5+ ac.) and are not part of a traditional subdivision. The lots maintain open space and greater building setbacks.

and

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

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat - The Shops of Grayson

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.6.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lot 6, Block A, Dr. Swamy Addition, being Lot 6, Block A, Dr. Swamy Addition, containing 2.714 acres in the William Milligan Survey, Abstract No. 875; 2017 GK Associates, LLC, Dr. Mandeep Singh, M.D., Owners; Dean Gilbert, Representative; and Helvey-Wagner Surveying, Surveyor (2416 and 2500 Swamy Drive)

Issue:

To consider Replat approval of Lot 6, Block A, Dr. Swamy Addition, being Lot 6, Block A, Dr. Swamy Addition, containing 2.714 acres in the William Milligan Survey, Abstract No. 875 located at 2416 and 2500 Swamy Drive.

Background:

The property is located at 2416 and 2500 Swamy Drive; the southeast corner of North U.S. Highway 75 and F.M. 691. The property is zoned a C-2 (General Commercial) District and is also located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District. The owners would like to plat one lot into two lots for commercial development.

Origination:

2017 GK Associates, LLC, Dr. Mandeep Singh, M.D. (Owners)
Dean Gilbert (Representative)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

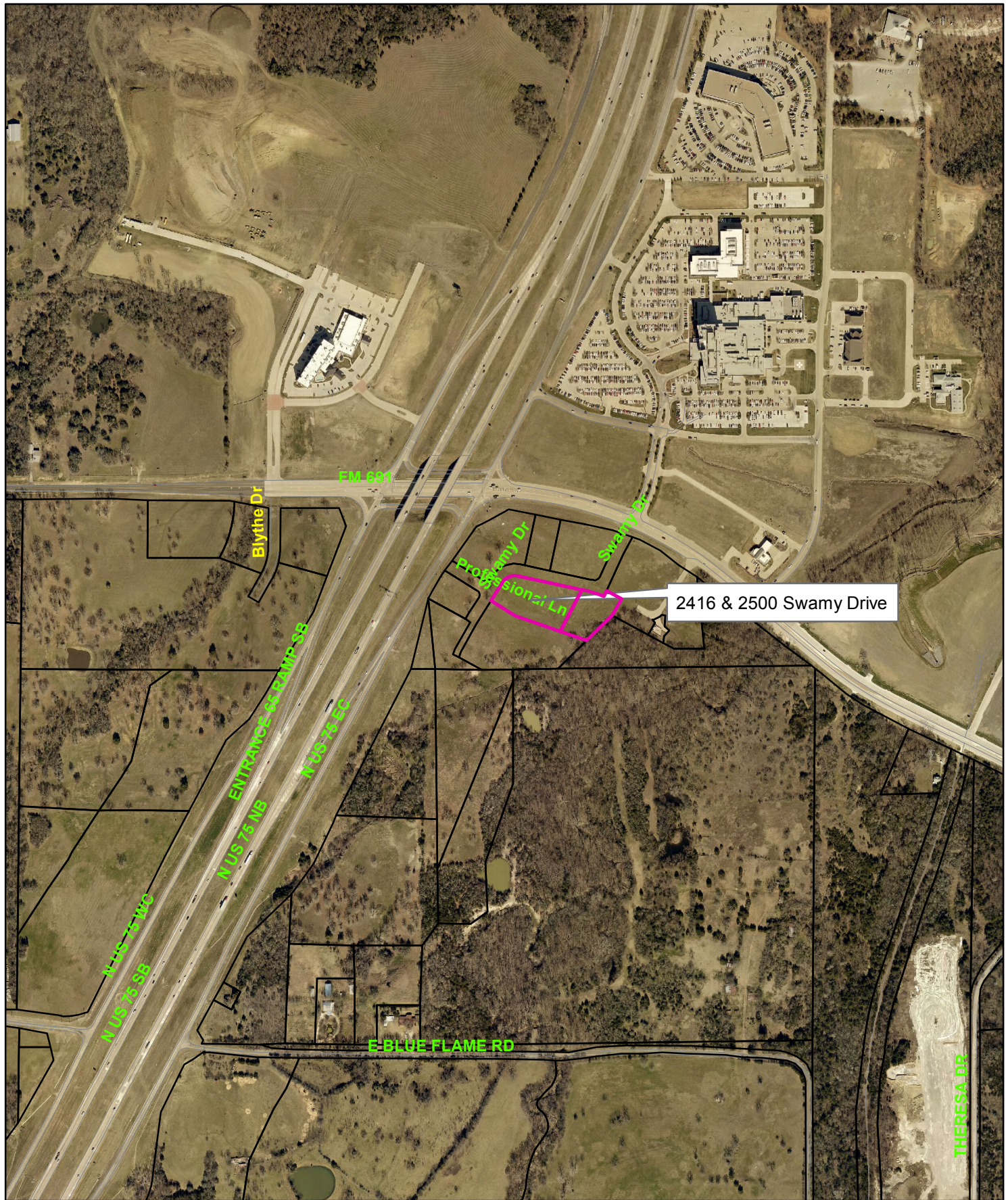
Location Map

Zoning Map

Replat - Lot 6, Block A, Dr. Swamy Addition

Staff Review Letter

P&Z Communication

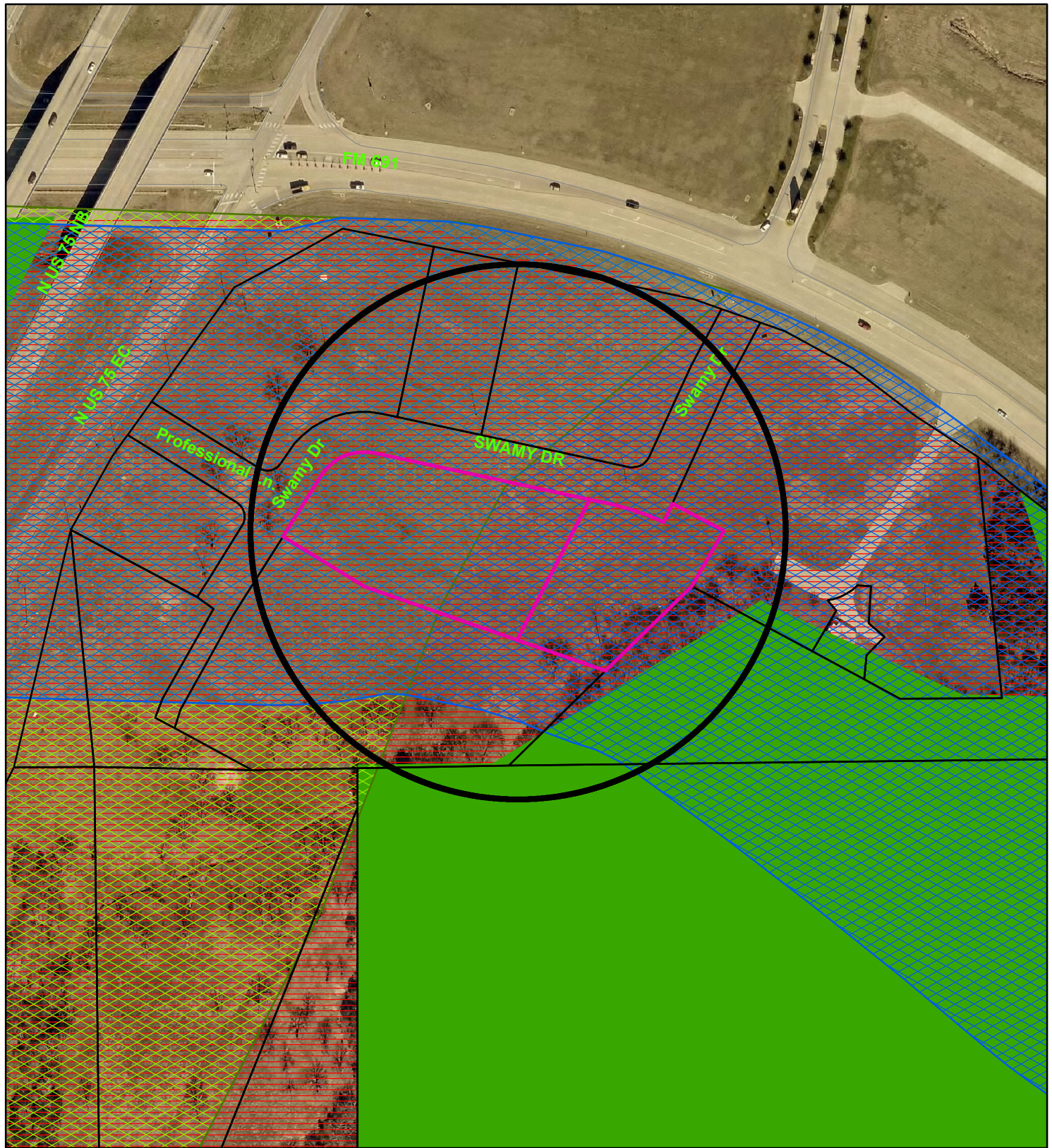


2416 & 2500 Swamy Drive



NOT TO SCALE

1 in = 646 ft



Zoning - 2416 & 2500 Swamy Drive

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: SpermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

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

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



NOT TO SCALE

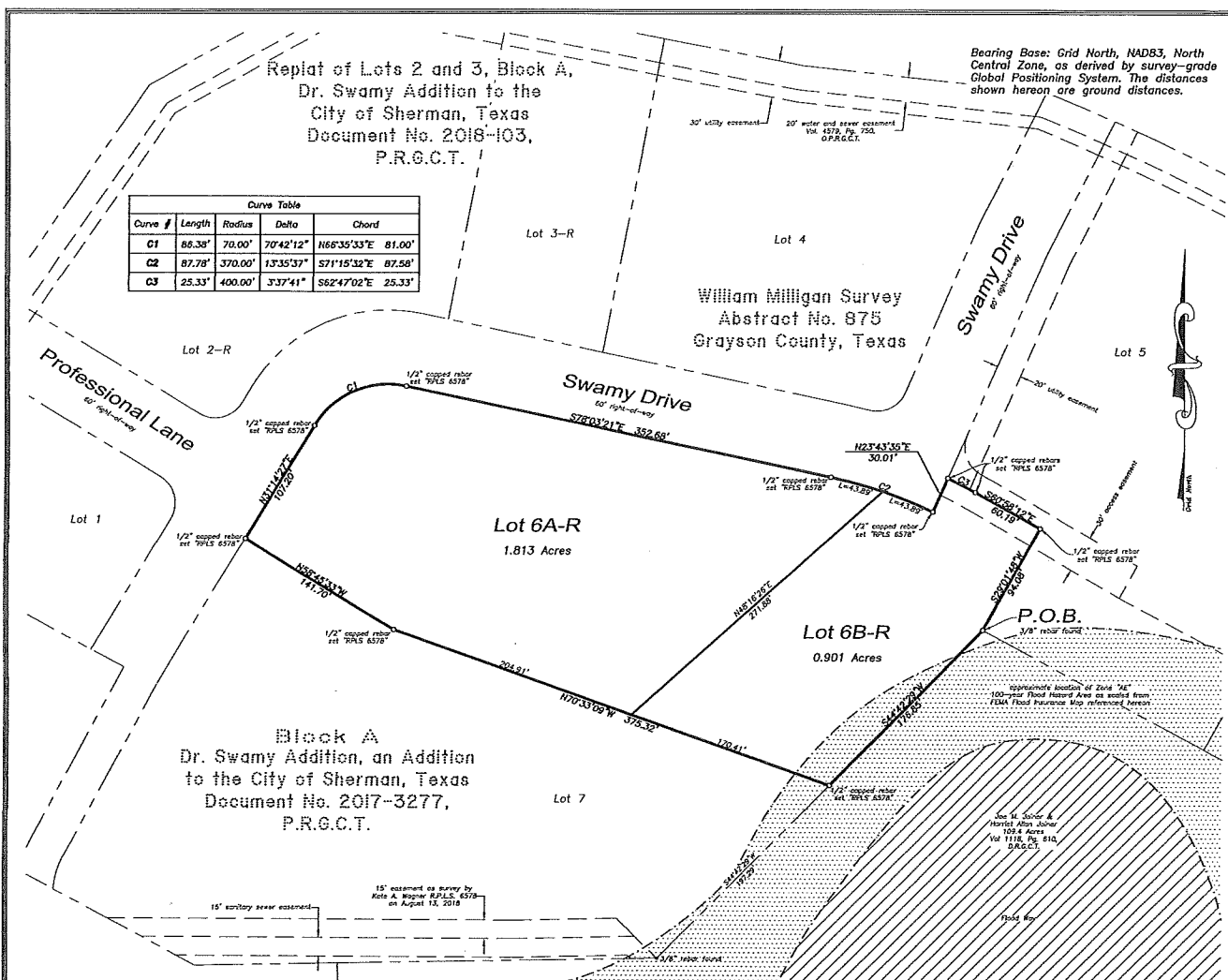
1 in = 200 ft



City of Sherman, Texas
Developmental Services Department

Bearing Base: Grid North, NAD83, North Central Zone, as derived by survey-grade Global Positioning System. The distances shown hereon are ground distances.

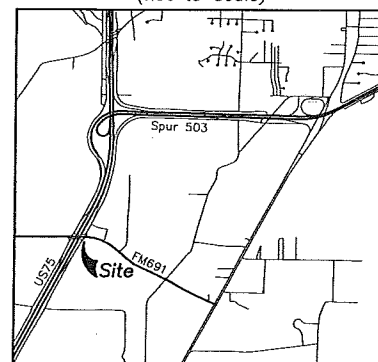
Curve Table				
Curve #	Length	Radius	Delta	Chord
C1	65.38'	70.00'	70°42'12"	N66°35'33"E 81.00'
C2	87.78'	370.00'	13°35'37"	S71°15'32"E 87.58'
C3	25.33'	400.00'	S33°41'	S62°47'02"E 25.33'



**Final Plat of
Replat of Lot 6, Block A,
Dr. Swamy Addition
to
the City of Sherman, Texas
2.714 Acres**

in the
William Milligan Survey
Abstract No. 875

Location Map
(not to scale)



General Notes:

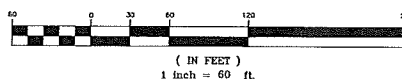
1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. A portion of the property shown on the plot hereon lies within a Zone "AE" 100-Year Flood Hazard Area Designation, as scaled from the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0280 F, Revised Date: September 29, 2010.
5. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.

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

2017 GK Associates, LLC
Owner

Job No. CGS491018

GRAPHIC SCALE





STAFF REVIEW LETTER

November 9, 2018

2017 GK Associates, LLC
3208 Monette Ln.
Plano, TX 75025

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

Dear Applicants,

The request for approval of the Replat of Lot 6, Block A, Dr. Swamy Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. All requirements of the Floodplain Ordinance should be followed.
6. Require 10' Utility Easement along Swamy Drive for franchise purposes.
7. Show full address of owners/developer on plat.
8. Privately owned and maintained detention in accordance with City criteria is required.
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

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



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

Agenda Item No. 11.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 2416 & 2500 SWAMY DRIVE**

The request of 2017 GK Associates, LLC, Dr. Mandeep Singh, M. D. (Owners), Dean Gilbert (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 2416 and 2500 Swamy Drive, being Lot 6, Block A, Dr. Swamy Addition, Lots 1-7, containing 2.714 acres in the William Milligan Survey, Abstract No. 875 as follows:

Planning and Zoning Commission

Replat approval of Lot 6, Block A, Dr. Swamy Addition

Background:

The property is located at 2416 and 2500 Swamy Drive; the southeast corner of North Highway 75 and FM 691. The property is zoned a C-2 (General Commercial) District and also located in the O-1 (75 & 82) Overlay District and O-1.3 (FM Highway 691) Overlay District. The owners would like to Replat one lot into two lots for commercial development.

Adjacent Zoning:

C-2 (General Commercial) District

Origination:

2017 GK Associates, LLC, Dr. Mandeep Singh, M. D. (Owners)

Dean Gilbert (Representative)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Countryside – Countryside residential development is a land use category that captures the transition between agricultural land and estate development. Countryside lots are large (5+ ac.) and are not part of a traditional subdivision. The lots maintain open space and greater building setbacks.
and

Agricultural and Rural – Typically are large parcels that are primarily used for crops or pasture land.

These low density regions surrounding the City do not have significant demands on the transportation or

utilities network.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Replat - Lot 6, Block A, Dr Swamy Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.7.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of The Preserve, Phase II, being 10.264 acres in the Elizabeth Jones Survey, Abstract No. 625; Westar Home Builders, LLC, Owners; Cross Engineering Consultants, Civil Engineer; and Underwood Drafting and Surveying, Surveyor (4100-4300 blocks of Quail Run Road)

Issue:

To consider Final Plat approval of The Preserve, Phase II, being 10.264 acres in the Elizabeth Jones Survey, Abstract No. 625, located in the 4100-4300 blocks of Quail Run Road

Background:

The property is located in the 4100-4300 blocks of Quail Run Road, between South F.M. 1417 (Heritage Parkway) and Swan Ridge Drive, and is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into forty-two (42) lots for residential development.

Origination:

Westar Home Builders, LLC (Owners)
Cross Engineering Consultants (Civil Engineer)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

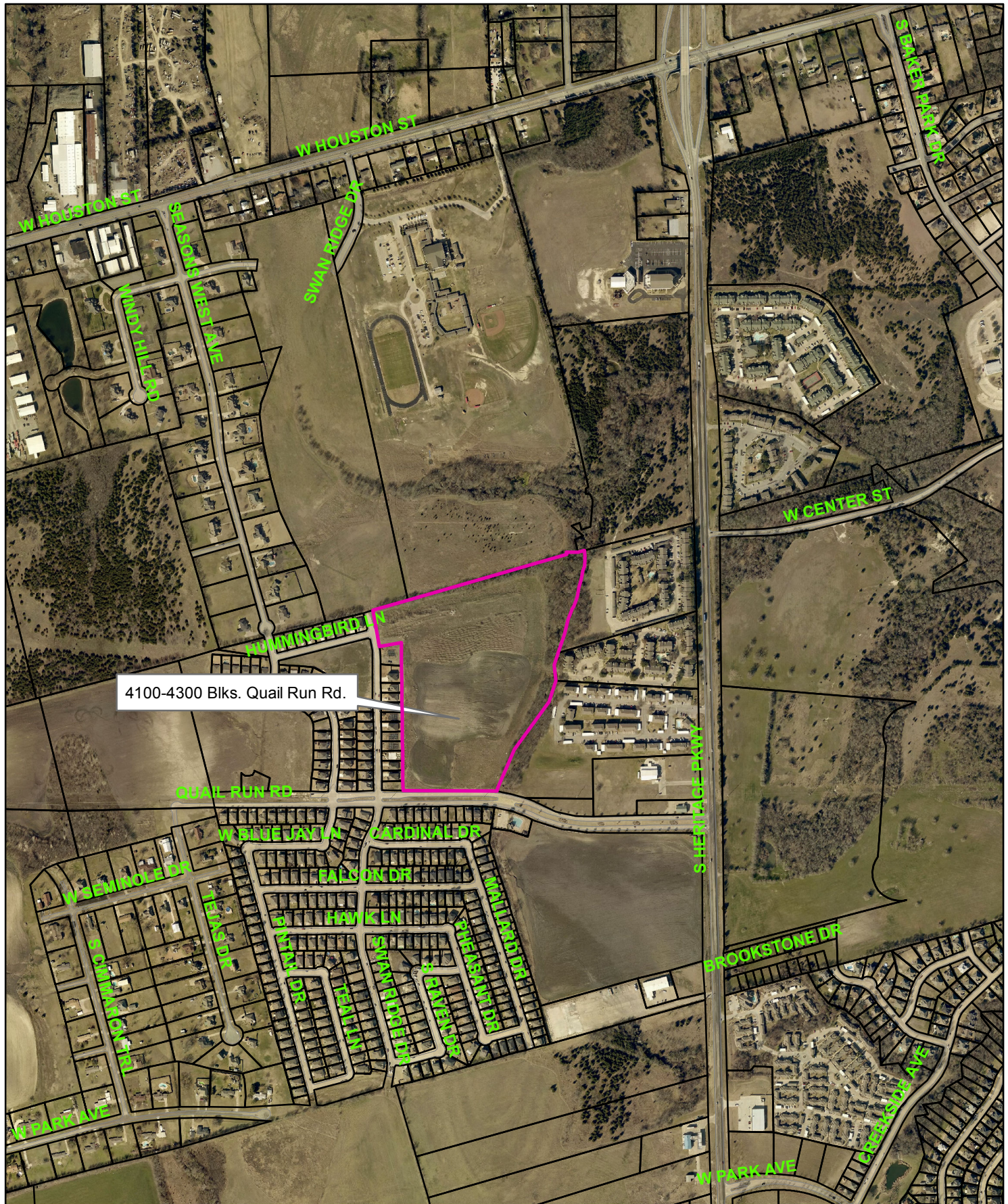
Location Map

Zoning Map

Final Plat - The Preserve, Phase II

Staff Review Letter

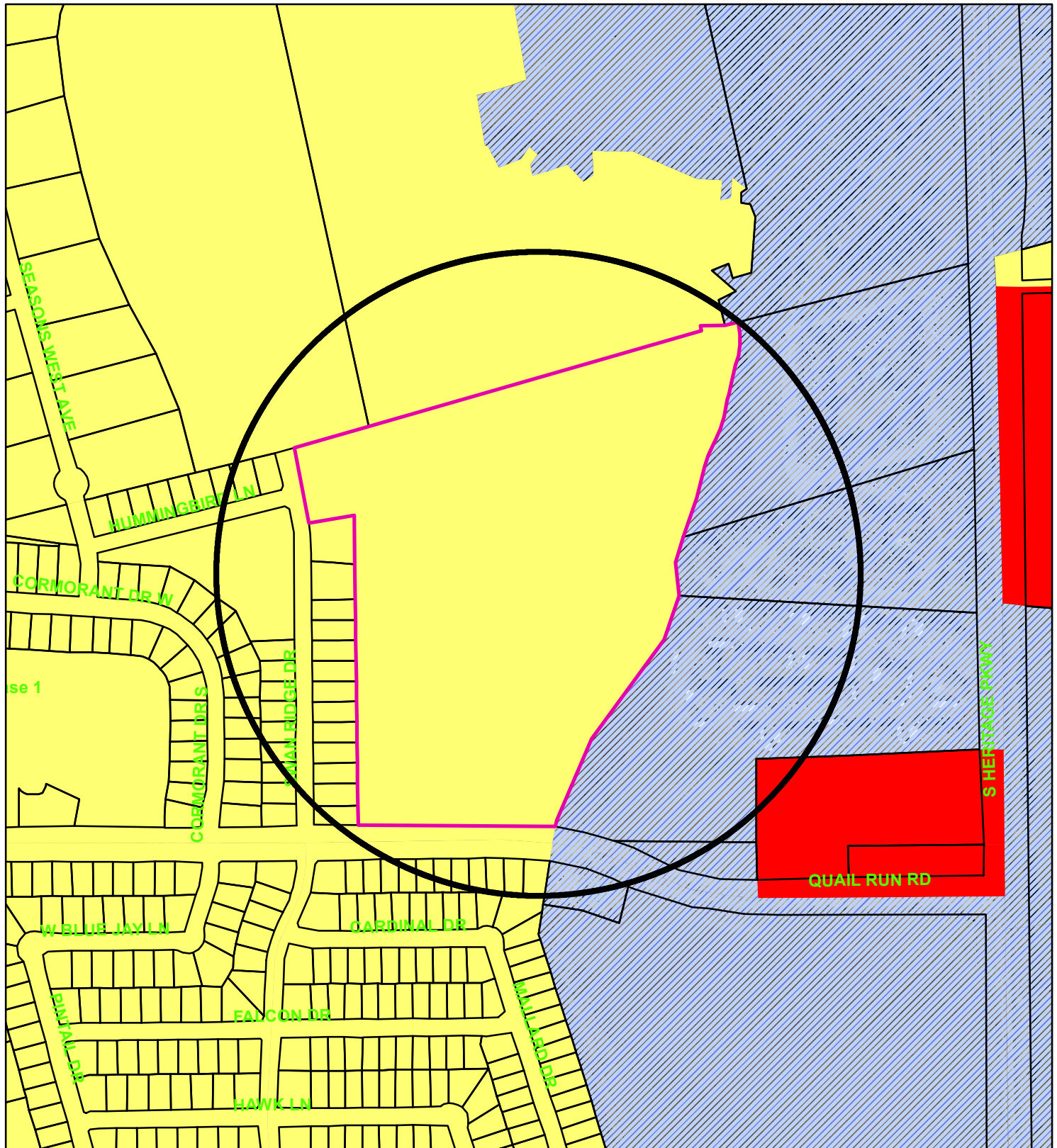
P&Z Communication



4100-4300 Blocks Quail Run Road



1 in = 800 ft



Zoning - 4100-4300 Quail Run Road

Legend

Special Districts Overlay

DISTRICT_NAME

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

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

Unknown

BIP Blalock Industrial Park

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

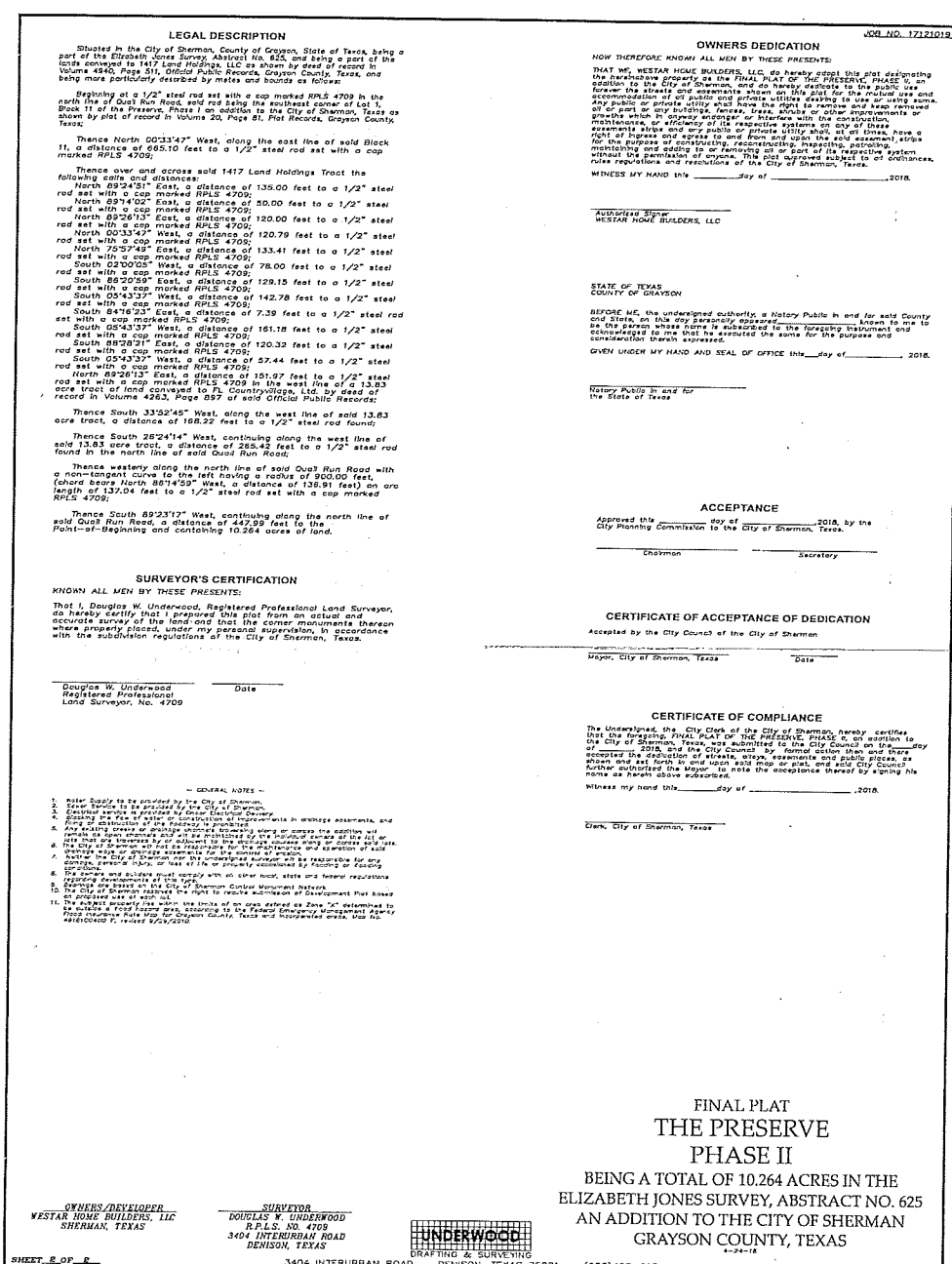
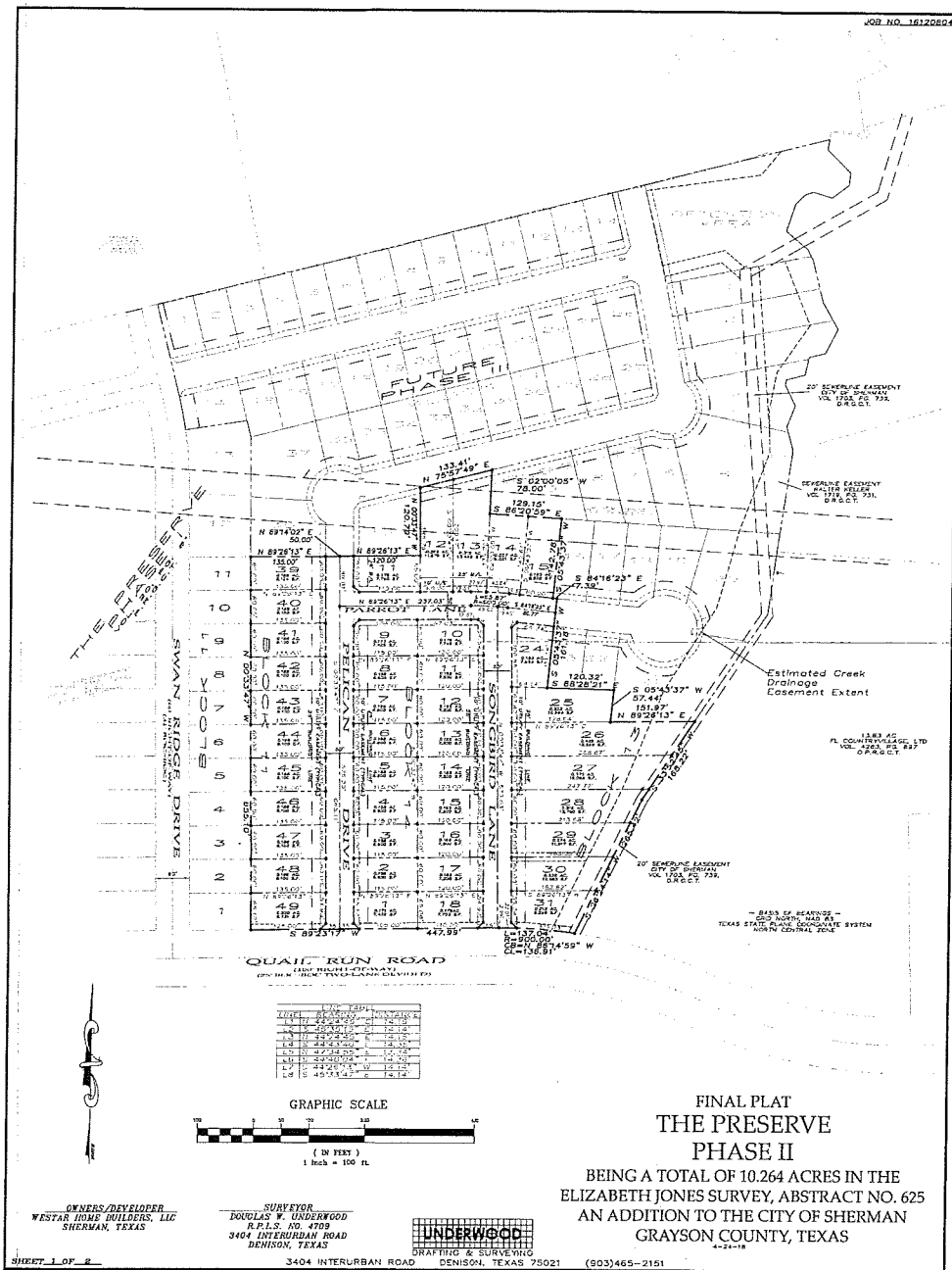


City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 400 ft





STAFF REVIEW LETTER

November 9, 2018

Westar Home Builders, LLC
1716 Davy Lane
Denison, TX 75020

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of The Preserve, Phase II has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Remove building line from plat.
6. Indicate 10' Easement along Quail Run Road as a 10' Utility Easement.
7. Show Point of Beginning on drawing.
8. Show a minimum of 3 found monuments.
9. Metes and bounds description must match drawing.
10. Show full address of owners/developer on plat.
11. Privately owned and maintained detention in accordance with City criteria is required.
12. Final site plans, utility, drainage and grading plan shall be provided and approved by the City Engineering Department.
13. Development Agreement required for Public Infrastructures.
14. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
15. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

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



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

Agenda Item No. 7.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

4100-4300 BLOCKS QUAIL RUN ROAD

The request of Westar Home Builders, LLC (Owners), Cross Engineering Consultants (Civil Engineer) and Underwood Drafting and Surveying (Surveyor) concerning the property located in the 4100-4300 Blocks of Quail Run Road, being 10.264 acres in the Elizabeth Jones Survey, Abstract No. 625, as follows:

Planning and Zoning Commission

Final Plat approval of The Preserve, Phase II

Background:

The property is located in the 4100-4300 Blocks of Quail Run Road between South FM 1417 (Heritage Parkway) and Swan Ridge Drive and is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into forty-two (42) lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

Origination:

Westar Home Builders, LLC (Owners)

Cross Engineering Consultants (Civil Engineer)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Final Plat - The Preserve Phase II

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.8.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of The Tobar Addition, being a Replat of the South 48' of Lot 30 and the North 8' of the Alley, Block 10 of the Hare and Randolph Addition, being 0.273 acres in the Samuel Blagg Survey, Abstract No. 56 and being the South 48' of Lot 30 and the North 8' of the Alley, Block 10, Hare & Randolph Addition; Leticia and Julio Cesar Tobar, Owners; and Underwood Drafting and Surveying, Surveyor (714 South Crockett Street)

Issue:

To consider Replat approval of The Tobar Addition, being a Replat of the south 48' of Lot 30 and the north 8' of the alley, Block 10 of the Hare and Randolph Addition, being 0.273 acres in the Samuel Blagg Survey, Abstract No. 56 and being the south 48' of Lot 30 and the north 8' of the alley, Block 10, Hare & Randolph Addition located at 714 South Crockett Street

Background:

The property is located at 714 South Crockett Street, between John Blaine and West Tennessee Street. The owners would like to Replat the property into two lots for residential development.

Origination:

Leticia and Julio Cesar Tobar (Owners)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat - The Tobar Addition

Staff Review Letter

P&Z Communication



714 S. Crockett

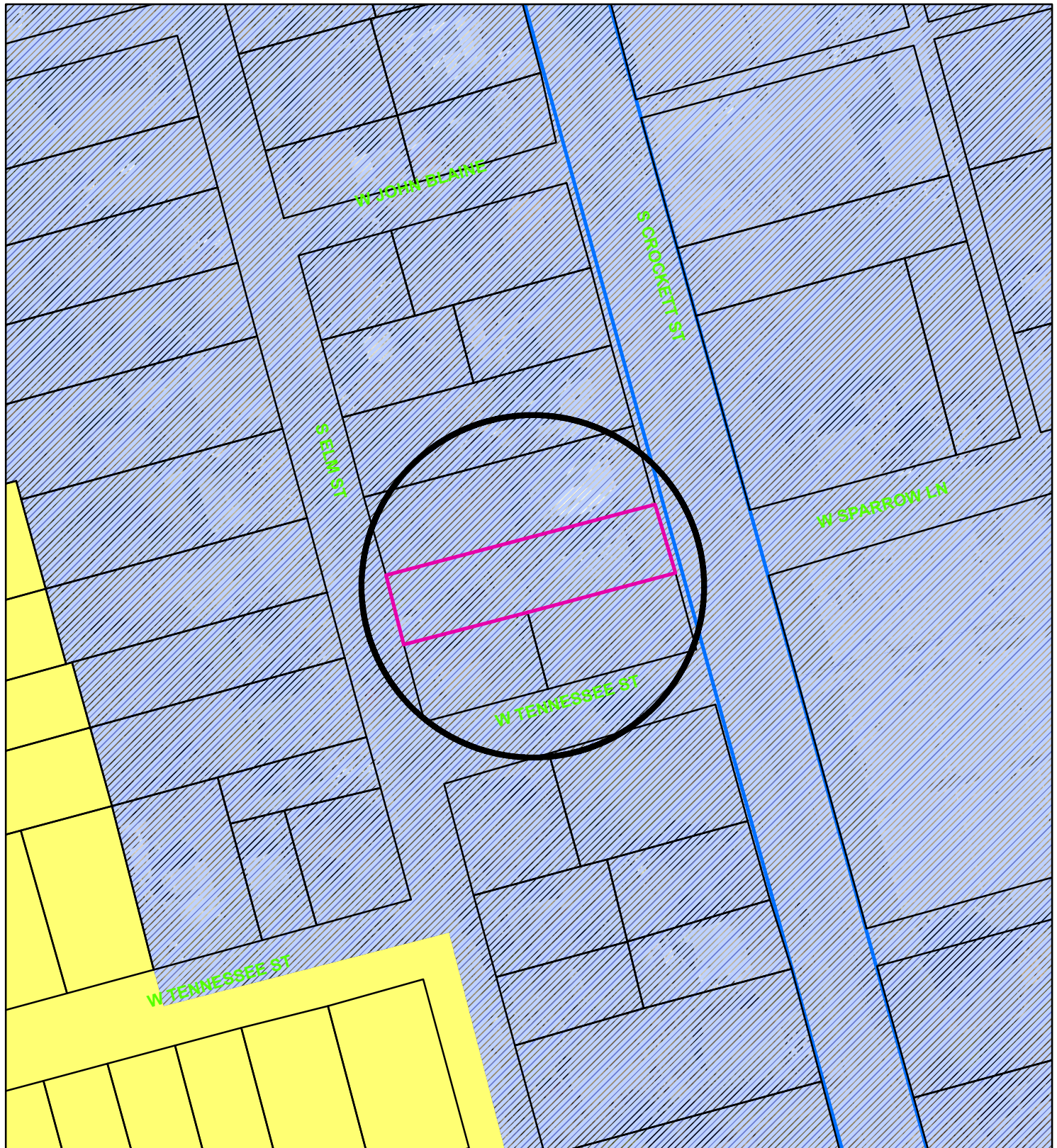


714 South Crockett Street



1 in = 400 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 714 South Crockett Street

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

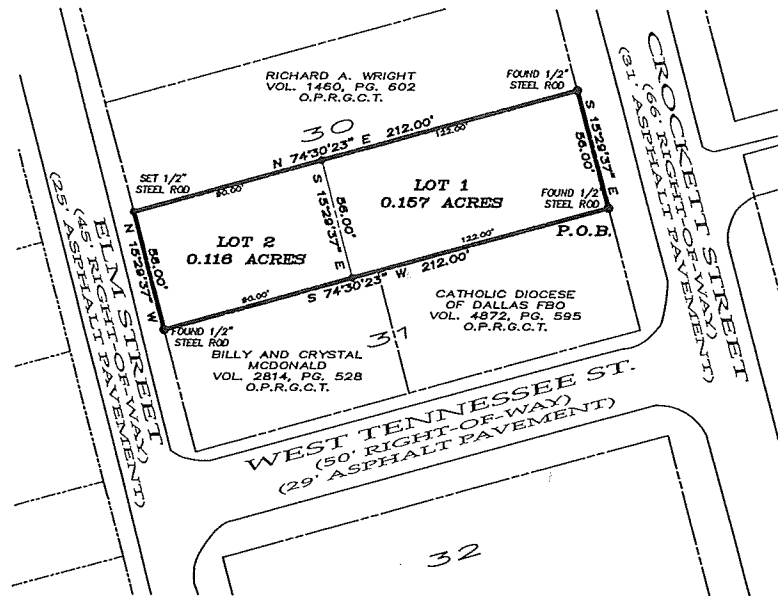
- C-2 - General Commercial District
- CO Office District
- Lakes
- M-1 - Light Manufacturing District
- M-1.5 - Medium Manufacturing District
- M-2 - Heavy Manufacturing District
- MH - Manufacturing Housing District
- R-1 - One Family Residential District
- R-2 - Multi-Family Residential District
-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



NOT TO SCALE

714 S. Crockett Street





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

FINAL PLAT THE TOBAR ADDITION

BEING A REPLAT OF THE SOUTH 48.0' OF LOT 30 AND
 THE NORTH 8.0' OF THE ALLEY, BLOCK 10 OF THE
 HARE AND RANDOLPH ADDITION, AN ADDITION TO
 THE CITY OF SHERMAN AS SHOWN BY PLAT OF
 RECORD IN VOLUME U, PAGE 425, D.R.G.C.T. AN
 ADDITION TO THE CITY OF SHERMAN, GRAYSON
 COUNTY, TEXAS

OWNERS/DEVELOPER
 JULIO CESAR AND LETICIA TOBAR
 714 S. CROCKETT ST.
 SHERMAN, TEXAS 76090

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



DRAFTING & SURVEYING

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

GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.



STAFF REVIEW LETTER

November 9, 2018

Julio Cesar and Leticia Tobar
714 S. Crockett St.
Sherman, TX 75090

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of The Tobar Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Minimum lot size is 60' of street frontage and 6,000 square feet.
6. Sewer not available on Crockett Street. Private Sanitary Sewer Easement required to serve Lot 1.
7. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
8. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

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



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

Agenda Item No. 9.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

The request of Leticia & Julio Cesar Tobar (Owners) and Underwood Drafting & Surveying (Surveyor) concerning the property located at 714 South Crockett Street, being 0.273 acres in the Samuel Blagg Survey, Abstract No. 56 and being the south 48' of Lot 30 and the north 8' of the alley, Block 10, Hare & Randolph Addition, as follows:

Planning and Zoning Commission

Replat approval of The Tobar Addition, being a Replat of the south 48' of Lot 30 and the north 8' of the alley, Block 10 of the Hare and Randolph Addition

Background:

The property is located at 714 South Crockett Street between John Blaine and West Tennessee Street. The owners would like to Replat the property into two lots for residential development.

Adjacent Zoning:

R-2 (Multi-Family Residential) District

Origination:

Leticia & Cesar Tobar (Owners)

Underwood Drafting & 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:

48

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat - The Tobar Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.9.

Meeting Date: 12/17/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Barnes Subdivision in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 5.326 acres in the Jeremiah McDaniel Survey, Abstract No. 774; Danny & Melva Barnes, LLC, Owners; and Helvey-Wagner Surveying, Surveyor (2789 Luella Road)

Issue:

To consider Final Plat approval of Barnes Subdivision in the City of Sherman's ETJ, being 5.326 acres in the Jeremiah McDaniel Survey, Abstract No. 774 located at 2789 Luella Road

Background:

The property is located at 2789 Luella Road in the City of Sherman's ETJ, southeast of Sherman, off State Highway 11. The owners would like to plat the property into two lots.

Origination:

Danny and Melva Barnes (Owners)
Helvey-Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the November 20, 2018 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

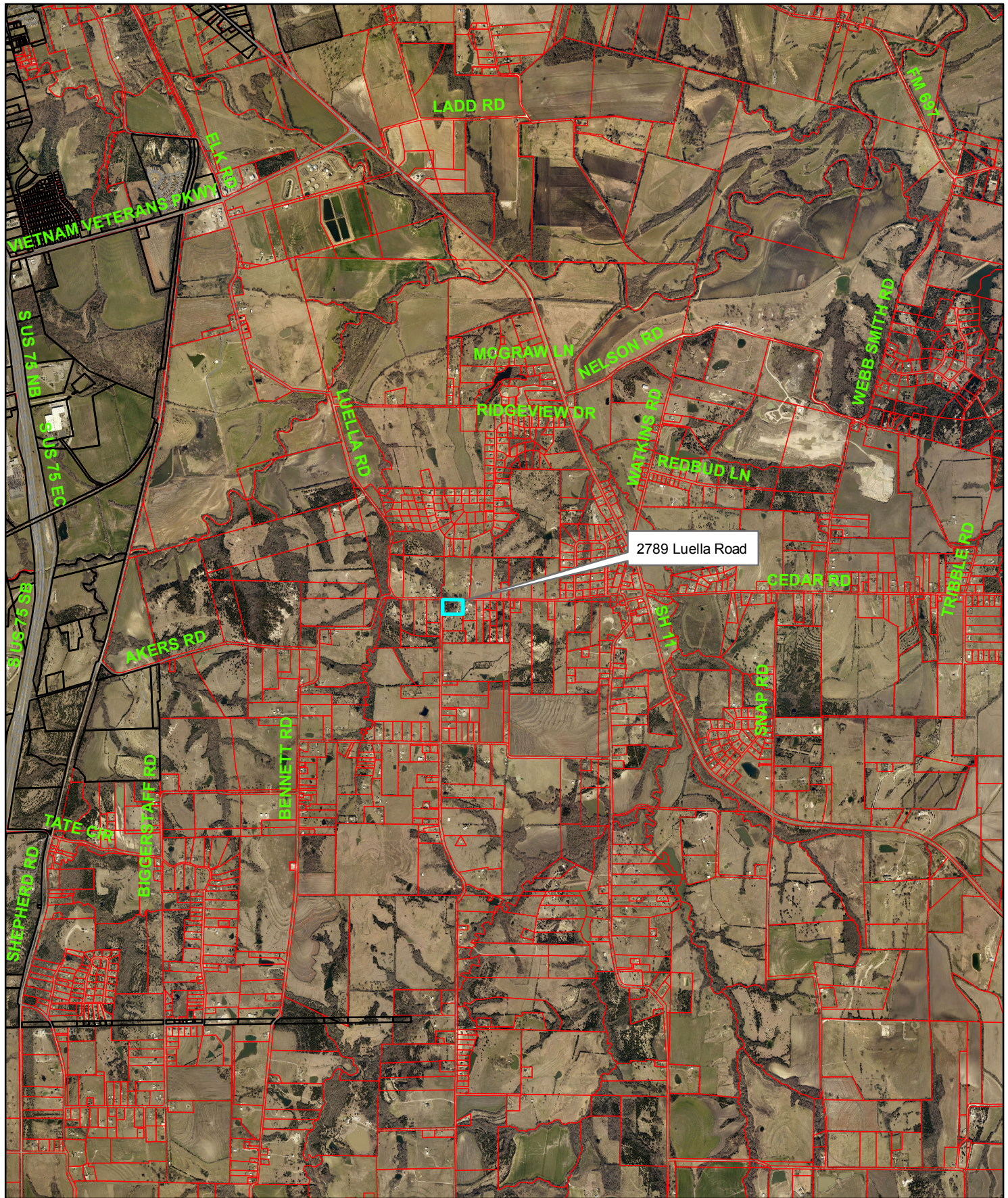
Location Map

Zoning Map

Final Plat - Barnes Subdivision

Staff Review Letter

P&Z Communication

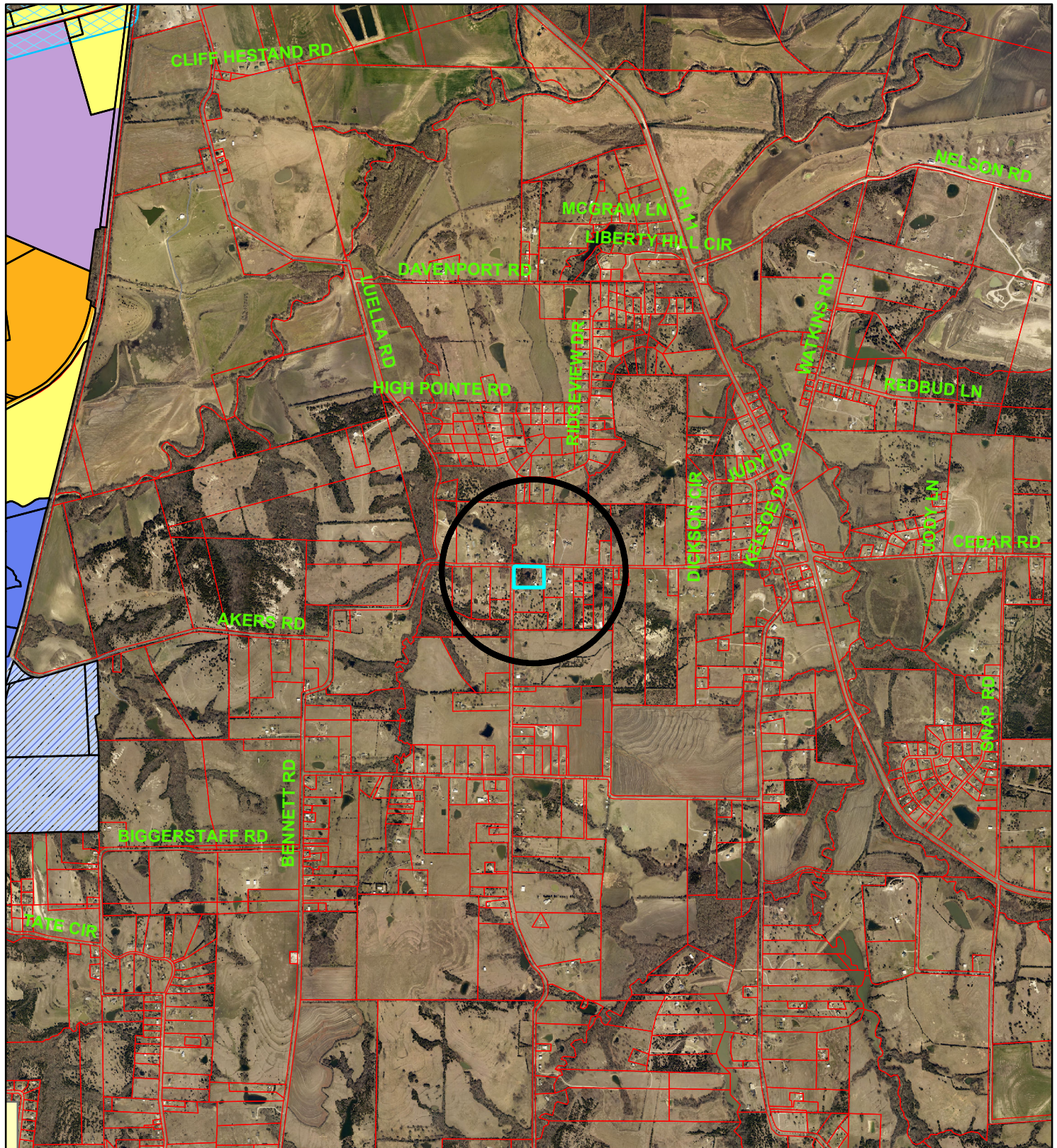


2789 Luella Road



1 in = 3,500 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 2789 Luella Road

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

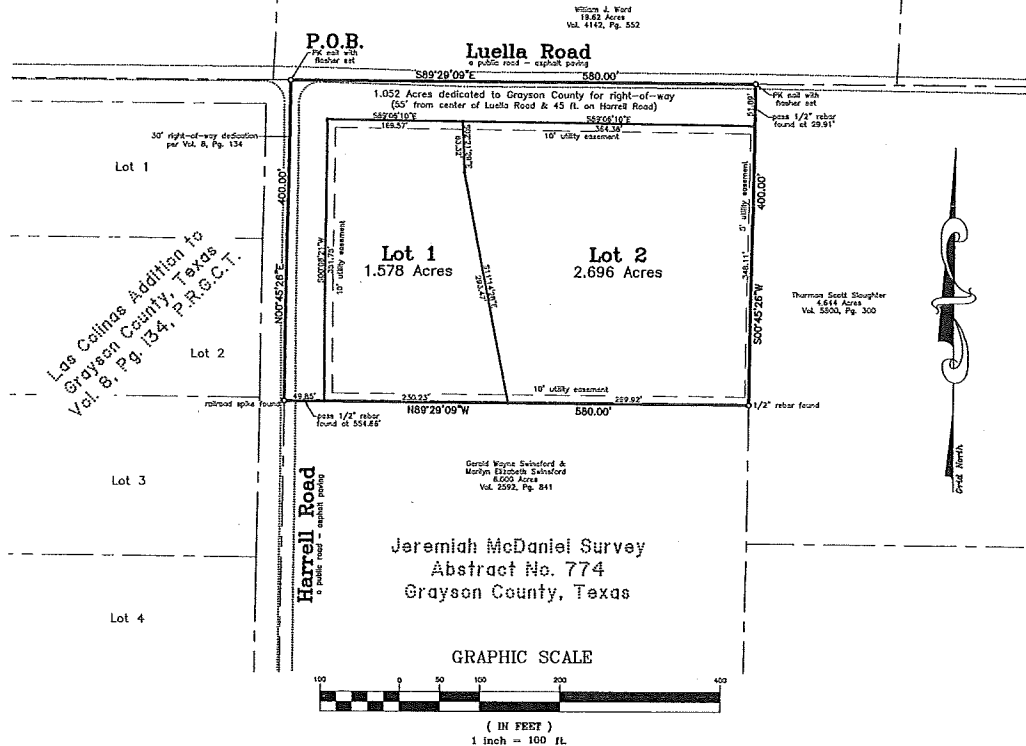
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family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



1 in = 2,500 ft

Bearing Base: Grid North, NAD83
Texas State Plane Coordinate
System, North Central Zone, as
derived by survey-grade Global
Positioning System.

Winfred Bailey Survey
Abstract No. 64
Grayson County, Texas



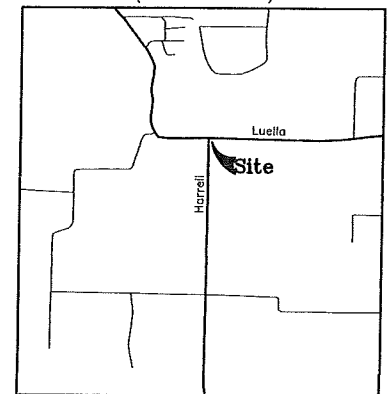
Barnes Subdivision
to
Grayson County, Texas
5.326 Acres
in the
Jeremiah McDaniel Survey
Abstract No. 774

General Notes:

1. Water Supply to be provided by Luella Water Supply.
2. Sewer service to be provided by on-site sewage facility.
3. Electrical service is provided by Oncor Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. Grayson County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0405 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.
10. Subject property is inside City of Sherman's Extraterritorial Jurisdiction.

Owners:
Dan F. Barnes & Melva D. Barnes
2789 Luella Road
Sherman, Texas 75090
Phone: 903-821-9127
Job No. CGS33918

Location Map
(not to scale)



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



STAFF REVIEW LETTER

November 9, 2018

Dan F. and Melva D. Barnes
2789 Luella Road
Sherman, TX 75090

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

Dear Applicants,

The request for approval of the Final Plat of Barnes Subdivision has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 20, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. The width of the right-of-way and pavement for streets shall be shown on the plat.
4. Metes and bounds must match drawing.
5. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
6. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

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



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

Agenda Item No. 15.

Meeting Date: 11/20/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 2789 LUELLA ROAD**

The request of Danny and Melva Barnes (Owners) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 2789 Luella Road, being 5.326 acres in the Jeremiah McDaniel Survey, Abstract No. 774, as follows:

Planning and Zoning Commission

Final plat approval of Barnes Subdivision in the City of Sherman's Extra Territorial Jurisdiction (ETJ).

Background:

This item was tabled at the October 16, 2018, Planning and Zoning Commission Meeting. The property is located at 2789 Luella Road in the City of Sherman's Extra Territorial Jurisdiction, southeast of Sherman, off State Highway 11. The owners would like to plat the property into two lots.

Adjacent Zoning:

Outside City.

Origination:

Danny and Melva Barnes (Owners)

Helvey-Wagner Surveying (Surveyor)

Master Plan Designation:

Not a part of the Master Plan

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Final Plat - Barnes Subdivision

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 12/17/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2018 Council Calendar

2019 Council Calendar

2018

JANUARY						
S	M	T	W	T	F	S
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FEBRUARY						
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1/1/2018	New Year's Day/Regular City Council Meeting on 01/02/2018
2/28/2018	Called Council Meeting - Training Session for Council Members
4/27/2018	Called Budget Planning Mtg in Council Chambers
6/14/2018	Called Budget Workshop in Council Chambers
6/15/2018	Called Budget Workshop in Council Chambers - Cancelled
7/2/2018	City Council Meeting - Cancelled
9/27/2018	Called Joint Meeting with SEDCO Board in Council Chambers
9/3/2018	Labor Day/Regular City Council Meeting on 09/04/2018

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2019

JANUARY						
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FEBRUARY						
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MARCH						
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APRIL						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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