

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, MAY 6, 2019
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER PAMELA HOWETH**
- A. 3. INVOCATION BY COUNCIL MEMBER PAMELA HOWETH**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 15, 2018**

Public Hearing

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6206**
Extending the Corporate Limits of Said City so as to Annex a 56.07 Acre Tract of Land along Fallon Drive, East of Texoma Parkway (State Highway 91), Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; Providing for a Municipal Service Plan
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6207**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.02, entitled "Water Conservation and Drought Contingency Plan"
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6208**
Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", to Delete Article 4.13, entitled "Police Rotation List Tow Services", in its entirety, and to Provide for a New Article 4.13 to be entitled "Towing Regulations"
- B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6209**
Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Police Department
- B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6210**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 212 North Cleveland Avenue, being the south 22' of Lots 6 and 7 and the north 20' of Lot 8, Block 32, College Park Addition (Danny Fuller, Owner; Joshua Fuller, Applicant; and Jeremy W. Bullard Design Studio, LLC, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

- B. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6211**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow Three Duplexes in an R-1 (One Family Residential) District in the 1200 block of South Austin Street and the 400 block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56 (Ramiro and Leticia Alvarez, Owners; Rick Green, General Contractor; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6212**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 722 North Ross Avenue, being Lot 1, Block 4, C.J. Keliehor's First Addition (Tim Pike, Owner; and Helvey-Wagner Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6213**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 719 East McGee Street, being part of Lot 1, Block 2, Jones & Summit Addition (Seraj Ali, Owner; Underwood Drafting and Surveying, Surveyor; and D2L Designs, LLC, Designer); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 9. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6214**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading/Permanent Makeup in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District at 614 East Lamberth Road, being Lot 1, Block 4, Dr. J.H. Carraway's Subdivision (J Toland's Continental Stylists, Owners; Barbie Wright, Representative; and Olga Kladova, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 10. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6215**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Vape Shop in a C-2 (General Commercial) District and M-1 (Light Manufacturing) District at 2002 Loy Lake Road, being Lot C, Taylor Plaza (Altona, Inc., Owner; Smoke on the Water, Proposed Tenant; Shannon Reed, Applicant; Mangrum Commercial Real Estate, Representative, 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. 11. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 6206, 6207, 6208, 6209, 6210, 6211, 6212, 6213, 6214 and 6215
- B. 12. 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. 6479**
Awarding a Bid to and Authorizing Execution of a Contract with The Playground, Shade and Surfacing Depot, LLC for the Library Park Renovations Project
- C. 2. **RESOLUTION NO. 6483**
Authorizing the Adoption of a Written Definition and Criteria for Accurately Determining the Safety Record of a Bidder for Contractor Consideration
- C. 3. *** RESOLUTION NO. 6480**
Authorizing the Purchase of a New 2019 Autocar ACX64 for use with Heil Durapack Python Automated Side Load Refuse Body for the Solid Waste Department from Chastang Enterprises, Inc. through the Texas Local Government Purchasing Cooperative (BuyBoard)
- C. 4. *** RESOLUTION NO. 6481**
Authorizing the Purchase of a New Heil DP Python 28 Yard ASL Side Load for the Solid Waste Department from Heil of Texas, Inc. through the Local Government Purchasing Cooperative (BuyBoard)
- C. 5. *** RESOLUTION NO. 6482**
Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1103 South Walnut Street

Requests to Advertise

- D. 1. **REQUEST TO ADVERTISE**
Construction of West Travis Street Phase II and III

Other Business

- E. 1. **OTHER BUSINESS**
Consider Approval of the Annexation Scheduling Plan for Adoption of 217.7 acres located West of F.M. 1417, South of O.B. Groner Road, and East of Bradley Road, adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan.
- E. 2. **OTHER BUSINESS**
Exception and Variance Approval for MKT Real Estate Holdings, Owners; Schulman MBG, Tenant; Craig Waldrum, SSC Sign & Lighting, Applicant; and Justin Barnabee, Chandler Signs, Sign Contractor under Ordinance No. 2280, Section 6.8.4, Subsection (8) and Ordinance No. 2252, Article IV, Section 410 (2)(n), being Lots 3 and 4, MBG Sherman Addition, to allow a 467 square foot, 60' tall multi-tenant freestanding sign along South U.S. Highway 75 and a 130 square foot, 12' tall multi-tenant monument sign, 18' from the F.M. 1417 (Vietnam Veterans Parkway) property line in the Blalock Industrial Park/Blalock Commercial Overlay District

E. 3. * OTHER BUSINESS

Final Plat Approval of Menjivar's Addition, being 0.9956 acres in the J.B. McAnair Survey, Abstract No. 763; Jose Menjivar, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (2400 block of North Hickory Street)

E. 4. * OTHER BUSINESS

Replat Approval of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56; Ramiro and Letica Alvarez, Owners; and Preston Trail Land Surveying, Surveyor (1200 block of South Austin Street and 400 block of West Dulin Street)

E. 5. * OTHER BUSINESS

Replat Approval of Austin Hawthorn Addition, a Replat of Lots 1, 2, 3 & 4, Plat of J.S. Hefner's Division of 2.11 acres of J.B. McAnair Survey, being part of the J.B. McAnair Survey, Abstract No. 763 and all of Lots 1, 2, 3, and 4, Plat of J.S. Hefner's Division, containing 6.033 acres; Austin College, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (1900 block of North Grand Avenue and 1100 block of Frisco Road)

E. 6. * OTHER BUSINESS

Final Plat Approval of Opel Addition, being 2.432 acres in the G. B. Pilant Survey, Abstract No. 963; Equity Trust Co., Owner; Kalena Cook, Representative; and Owens Land Surveying, Surveyor (1000 South Gribble Street)

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

Consider Board/Commission Appointments

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

- (a) Keep Sherman Beautiful Commission (3)

H. 2. APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

- (a) Main Street Advisory Committee (1)

I. COUNCIL COMMENTS

Executive Session

J. 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
- Section 551.074 Personnel Matters:
- (a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:
 - (1) Planning and Zoning Commission (2)
- Section 551.087 Deliberation Regarding Economic Development Negotiations:
- (a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

K. 1. OPEN MEETING

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

L. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on May 2, 2019 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 2nd day of May, 2019.
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Shawn C. Teamann

Council Members

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

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

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 05/06/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 15, 2018

Attachments

April 15, 2019

Certificates of Obligation Bid Sheet

GTUA Bond Refinancing Summary

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF SHERMAN, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019”; SPECIFYING THE TERMS AND FEATURES OF SAID CERTIFICATES; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE NET REVENUES FROM THE OPERATION OF THE CITY’S WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mary Lawrence, Director of Finance, said the City’s Certificates of Obligation were competitively bid this morning. The certificates will be used to finance only street projects, including payments of approximately \$11 million to the Texas Department of Transportation.

Funding will also be used for continued construction on West Travis Street, Legacy Boulevard, Moore Street by the new high school, and several other projects.

She introduced the City’s Financial Advisor Garry Kimball, President, Specialized Public Finance, Inc., and Bond Attorney Kristen Savant, Partner, Norton Rose Fulbright.

Mr. Kimball distributed copies of the bid tab for the sale of the Certificates of Obligation, saying there were 10 bids, the most ever received for a sale of this type for the City of Sherman. The low bid was submitted by Bank of America Merrill Lynch and was at a 3.07% true interest cost.

For a 25 year fixed rate, he said that was incredibly low, and was lower than the amount used for budgeting purposes, which was 3.85%. He said the bidders represented over 40 firms. Sherman was the only “high-grade” City in the market today.

Ronald Aycock, 220 E. Houston

Mr. Aycock had several questions about the timeline for the Certificates of Obligation. He asked if there was a certain timeline or number of days, from when the process starts to the time a vote is taken.

Brandon Shelby, City Attorney, said the City advertised that the bonds would be voted on at tonight’s meeting, but at the time they did not know who the low bidder would be. The bonds were sold this morning.

Mr. Kimball said there is a State-mandated, statutory minimum of 31 days between the publication of the Notice of Intent and the date of the award of the sale. There is no maximum

timeframe. The Notice must include the use of the proceeds and the date when the Council will take action to award the sale of the Certificates. By State statute, that must be a minimum of 31 days.

Mr. Aycock said Ms. Lawrence mentioned several street projects that will be included under the Certificates of Obligation. He asked if there would be more information for the public on the projects that this money would fund and how much would be spent on each specific project.

Robby Hefton, City Manager, said there are budgets for each project, but the staff won't know the actual amount until the project is bid. Mr. Shelby added that there are cost estimates, but the City will award the bid to the low bidder.

Mr. Aycock questioned if the cost of the project will be available prior to the project construction. Mr. Hefton said the award of bid will come before each project is started. The City Council will consider each project individually, over the next 12 to 18 months. The cost and specifics of each project will be discussed by the City Council at that time.

Mr. Aycock was concerned that the cost of the project would not be publicized prior to a vote by the City Council. Mr. Hefton said every meeting where the Council considers a contract for construction will be a public meeting, which will be noticed, with an agenda published, and the amounts available.

Deputy Mayor Teamann said the Council has seen these projects and their expected cost several times. Every time one of the projects comes back for bid it will be voted on with a specific dollar amount. The Council and the staff won't know the exact cost until the bids are received.

Mr. Aycock asked why the staff didn't get the cost first and then do the Certificates of Obligation. Mr. Kimball said, in most cases, State law requires that you can't bid a contract until funds are in the bank. Therefore, a City can't get the final cost for a project, unless the full amount is in the bank. Council Member Melton reiterated that the City is following State law.

No other citizens appeared before the City Council to discuss Ordinance No. 6200.

Mayor Plyler introduced Ordinance No. 6201 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE AND REFUNDING BONDS, SERIES 2019 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE REFUNDING OF CERTAIN OUTSTANDING BONDS OF THE AUTHORITY AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY.

ORD 6201
GTUA BONDS FOR
WATER & SEWER
PROJECTS

Ms. Lawrence said the City contracts with the Greater Texoma Utility Authority to secure funding for utility projects. This issue is to refund some 2008 and 2009 bonds, and provides additional funding for some water and wastewater projects.

She introduced Drew Satterwhite, General Manager for GTUA, and said Mr. Kimball is also the Financial Advisor for GTUA. Mr. Kimball distributed a handout covering the request. He said they constantly monitor the bond debt that was previously issued, looking for opportunities to refinance that debt.

He said there are currently four series of bond issues by GTUA, for the City of Sherman, that would be “in the money” to refinance. He said there are about \$7.3 million worth of bonds that have an average interest rate of almost 4%. They felt they could reduce that almost 4% rate to about 2.63%, based on the current market.

Mr. Kimball said that amount has not been locked in yet, because they need the Council’s authorization prior to the transaction. That would result in a savings of about \$320,000 over an 11 year period, or about \$29,000 annually for 11 years.

The net present value would be a little over \$274,000, or 3.76% on the face amount of the bonds. An “in the money” deal is anything that produces over 3% net present value.

He asked for the Council’s permission to move forward with the refinancing. GTUA approved the refinancing earlier today.

No other citizens appeared before the City Council to discuss Ordinance No. 6201.

Mayor Plyler introduced Ordinance No. 6202 and called for a public hearing:

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 5217 NORTH TRAVIS STREET, BEING 6.635 ACRES IN THE ALEXANDER & RICHARDS SURVEY, ABSTRACT NO. 42 (RYAN FAMILY TRUST, OWNERS; BRANDON MILLER, PROSPECTIVE BUYER); PROVIDING FOR A REPEALER.

ORD 6202
ZONE CHANGE
(5217 N. TRAVIS)

Scott Shadden, Director of Development Services, said this request is a zone change from SF-1 (Single Family) to MF (Multi-Family), on North Travis Street. The owner would like to construct apartments.

The Planning and Zoning Commission recommended approval of the zone change, subject to the Staff Review Letter.

Brandon Miller, the prospective buyer, was in attendance to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6202.

Mayor Plyler introduced Ordinance No. 6203 and called for a public hearing:

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-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 205 AND 215 EAST BROCKETT STREET, BEING ALL OF LOT 3 AND PART OF LOTS 4, 5 AND 6, BLOCK 4, BOND'S SUPPLEMENT NUMBER TWO, CONTAINING 0.392 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 (MAE LOU WRIGHT, OWNER; RALPH AND ROSALIND HOLT, REPRESENTATIVES; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6203
ZONE CHANGE
(205 & 215 E.
BROCKETT)

Mr. Shadden said this is the former Wayside Florist property, which was zoned C-1, and the property owner has requested to change to R-1. The property is adjacent to R-1 zoning.

The Planning and Zoning Commission recommended approval of the zone change, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6203.

Mayor Plyler introduced Ordinance No. 6204 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT AN AMENDMENT TO THE SPECIFIC USE PERMIT TO ALLOW AN AUTOMOBILE BODY REPAIR SHOP FOR SHERMAN COLLISION REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 1317 SOUTH SAM RAYBURN FREEWAY, BEING LOT 1 OF THE SCR 1 ADDITION, BEING A REPLAT OF A PART OF LOT 8, BLOCK 23 AND A PART OF LOT 4, BLOCK 24 AND PART OF THE FORMER HESTER STREET RIGHT-OF-WAY BETWEEN BLOCKS 23 AND 24, B.H. MOORE HEIRS ADDITION (SHERMAN COLLISION REPAIR, LLC, OWNERS; AND TERRY MOORE, REPRESENTATIVE); 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.

ORD 6204
AMEND SUP FOR
AUTO BODY
REPAIR SHOP
(1317 S.
SAM RAYBURN)

Mr. Shadden said Collision Repair would like to add another 3,600 square foot building at their current facility. The request is subject to them bringing the metal building to the masonry requirement within one year. The Planning and Zoning Commission also required them to put aluminum and glass doors on the bays, instead of the regular overhead doors.

The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter.

Terry Moore, representative, was in attendance to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6204.

Mayor Plyler introduced Ordinance No. 6205 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW NEW AND USED COMPACT AND CONSTRUCTION EQUIPMENT SALES, PARTS, RENTALS, AND SERVICE WITH DISPLAYS IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 4612 TEXOMA PARKWAY, BEING 2.698 ACRES IN THE W.F. PATTERSON SURVEY, ABSTRACT NO. 969 AND THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503 (MLJ REAL ESTATE, LP, OWNERS; RANDY VICKERS, BERRY COMPANIES, INC., PROSPECTIVE BUYER; AND COX LAND 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.

ORD 6205
SUP FOR NEW
& USED EQUIPMENT
(4612 TEXOMA PKWY)

Mr. Shadden said this is a Specific Use Permit to allow the sale, service, repair, and display of construction equipment in the old Haverty's building on Texoma Parkway.

The Planning and Zoning Commission recommended approval of the Specific Use Permit, subject to the Staff Review Letter.

Randy Vickers, Berry Companies, Inc., the prospective buyer, was in attendance to answer any questions the Council might have.

No other citizens appeared before the City Council to discuss Ordinance No. 6205.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6200

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SHERMAN, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2019"; SPECIFYING THE TERMS AND FEATURES OF SAID CERTIFICATES; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE NET REVENUES FROM THE OPERATION OF THE CITY'S WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT

ORD 6200
CERTIFICATES OF
OBLIGATION

AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AND PROVIDING AN EFFECTIVE DATE.

Council Member Steele asked if the City was receiving good rates on their bond sales because of their AA bond rating and asked what justified that bond rating.

Mr. Hefton said the City's bond rating is similar to an individual's credit rating, and is the primary basis for the rates the City receives. It also depends on how many issues are on the table for sale at the same time.

The City's "credit worthiness" is what sets the rates for the bonds that the City issues. The City currently has a AA rating, and has had that for several years. Standard & Poor's outlook for the City is a "stable outlook," with high marks.

He added that there are some metrics that are used, of which the City has no control. For example, the City is at the highest bond rating available without the average value of homes in Sherman doubling.

Mr. Hefton said the City's AA bond rating has been sustained for several years and is the primary basis for the City getting a 3.07% rate on a 25 year debt.

Council Member Steele added that it also has to do with the way the City reports things, shares information, and the transparency. Mr. Hefton said there are many different factors and they really don't tell you how those factor in.

Mr. Kimball said there are probably 20 different specific objective measures that they look at. But it is an analysis of your ability to pay and your willingness to pay. The rating is really assigned on behalf of the investors and the municipal bond investment community.

Mr. Kimball said Sherman's AA rating is considered "very high grade paper." There are only eight "triple triples" in the State of Texas. The AA rating is the same as the United States of America, in terms of Standard & Poor's credit quality.

He said bond sales do relate to supply and demand, but disclosure is a huge item too. Without proper disclosure on an annual basis, bidders will refuse to bid on your paper.

The City has satisfied all of the requirements of the SEC rules for full disclosure and no bidders failed to bid because of disclosure issues. Mr. Kimball said that does happen.

Ordinance 6201

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RELATING TO GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE AND REFUNDING BONDS, SERIES 2019 (CITY OF SHERMAN PROJECT); APPROVING THE ISSUANCE THEREOF, THE REFUNDING OF

ORD 6201
GTUA BONDS FOR
WATER & SEWER
PROJECTS

CERTAIN OUTSTANDING BONDS OF THE AUTHORITY AND THE FACILITIES TO BE CONSTRUCTED OR ACQUIRED BY THE AUTHORITY FOR THE BENEFIT OF THE CITY.

Ordinance 6202

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 5217 NORTH TRAVIS STREET, BEING 6.635 ACRES IN THE ALEXANDER & RICHARDS SURVEY, ABSTRACT NO. 42 (RYAN FAMILY TRUST, OWNERS; BRANDON MILLER, PROSPECTIVE BUYER); PROVIDING FOR A REPEALER.

ORD 6202
ZONE CHANGE
(5217 N. TRAVIS)

Ordinance 6203

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-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 205 AND 215 EAST BROCKETT STREET, BEING ALL OF LOT 3 AND PART OF LOTS 4, 5 AND 6, BLOCK 4, BOND'S SUPPLEMENT NUMBER TWO, CONTAINING 0.392 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763 (MAE LOU WRIGHT, OWNER; RALPH AND ROSALIND HOLT, REPRESENTATIVES; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6203
ZONE CHANGE
(205 & 215 E. BROCKETT)

Ordinance 6204

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 AN AMENDMENT TO THE SPECIFIC USE PERMIT TO ALLOW AN AUTOMOBILE BODY REPAIR SHOP FOR SHERMAN COLLISION REPAIR IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 1317 SOUTH SAM RAYBURN FREEWAY, BEING LOT 1 OF THE SCR 1 ADDITION, BEING A REPLAT OF A PART OF LOT 8, BLOCK 23 AND A PART OF LOT 4, BLOCK 24 AND PART OF THE FORMER HESTER STREET RIGHT-OF-WAY BETWEEN BLOCKS 23 AND 24, B.H. MOORE HEIRS ADDITION (SHERMAN COLLISION REPAIR, LLC, OWNERS; AND TERRY MOORE, REPRESENTATIVE); 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.

ORD 6204
AMEND SUP FOR
AUTO BODY
REPAIR SHOP
(1317 S. SAM RAYBURN)

Council Member Steele confirmed that there would be no outside storage of cars at the facility.

Ordinance 6205

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 9, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW NEW AND USED COMPACT AND CONSTRUCTION EQUIPMENT SALES, PARTS, RENTALS, AND SERVICE WITH DISPLAYS IN A C-2 (GENERAL

ORD 6205
SUP FOR NEW
& USED EQUIPMENT
(4612 TEXOMA PKWY)

COMMERCIAL) DISTRICT AT 4612 TEXOMA PARKWAY, BEING 2.698 ACRES IN THE W.F. PATTERSON SURVEY, ABSTRACT NO. 969 AND THE JOHN HENDRIX SURVEY, ABSTRACT NO. 503 (MLJ REAL ESTATE, LP, OWNERS; RANDY VICKERS, BERRY COMPANIES, INC., PROSPECTIVE BUYER; AND COX LAND 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.

Council Member Steele asked if it would be allowable for them to park their construction equipment in the front parking lot of the store. Mr. Shadden confirmed, that their request included parking new and used equipment that is for sale, in the parking lot.

Council Member Steele confirmed that they could not park inoperable vehicles that were being serviced in the parking lot. Mr. Shadden said no dismantled junk or vehicle parts would be allowed outside.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance Nos. 6200, 6201, 6202, 6203, 6204, and 6205, as presented.

Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mr. Aycock asked to remove Item C-3, entitled “Resolution 6476 – Authorizing Execution of an Encroachment Easement to M&G Home Builders, LLC for the Installation of a Private Sanitary Sewer Service Lateral Line within the Platted Right of Way running North and South along North Branch Street in the J.Q.A. Carter’s Addition for Sanitary Sewer Services at 1104 North Branch Street in the City of Sherman, Texas”, from the Consent Agenda for consideration in its regular order of business.

Mr. Aycock asked if he could speak on Item C-3. Mayor Plyler said he could not, but the City Council would discuss the item separately. Mr. Shelby explained that citizens were allowed to speak during the Public Hearing portion of the meeting, but that has been closed. The next opportunity for citizens to speak is under Citizen’s Requests.

Council Member Melton clarified that, if a citizen removes an item from the Consent Agenda, he doesn’t get to speak on that item. Mr. Shelby said that item wasn’t advertised for Public Hearing. He can discuss the item in Citizen’s Requests.

CONSENT AGENDA

Mr. Aycock clarified that the Citizen's Requests are on the agenda after the item will be discussed and voted on by the Council.

Mr. Shelby said that the agenda states that a citizen can request that a specific item be discussed and voted on separately.

Council Member Stevenson moved to approve the Consent Agenda, with the exception of Item C-3, which will be discussed in its regular order of business. Second by Council Member Holland. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 6474 – FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE §25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

RES 6474
ONCOR RATE
INCREASE

Mr. Shelby said on April 8, 2019, Oncor exercised their right to file a distribution cost recovery factor with the Public Utility Commission. They are seeking reimbursement for what they claim are extra costs they've encountered in delivering electricity.

They are seeking an additional \$29,433,804, which would translate to a \$0.25 in rates, which would be about \$0.34 on everyone's monthly bill.

The City's Steering Committee counsel has recommended that the rate increase be denied and that they attempt to negotiate a lower increase.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6474, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6475 – ABANDONING A PORTION OF TWO (2) TWENTY FOOT (20') SANITARY SEWER EASEMENTS LOCATED IN LOT 4 OF THE MBG SHERMAN ADDITION, DOCUMENT NO. 2018-51, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED ON THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, WHICH SANITARY SEWER EASEMENTS ARE RECORDED IN VOLUME 860, PAGE 407 OF THE DEED RECORDS AND IN VOLUME 1623, PAGE 302 OF THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A PORTION OF TWO (2) TWENTY FOOT (20') SANITARY SEWER EASEMENTS LOCATED IN LOT 4 OF THE MBG SHERMAN ADDITION, DOCUMENT NO. 2018-51, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED ON THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, WHICH SANITARY SEWER EASEMENTS ARE RECORDED IN VOLUME 860, PAGE 407 OF THE DEED RECORDS AND IN VOLUME 1623, PAGE 302 OF THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS.
CONSENT AGENDA.

RES 6475
ABANDON SEWER
EASEMENTS

RESOLUTION NO. 6476 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO M&G HOME BUILDERS, LLC FOR THE INSTALLATION OF A PRIVATE SANITARY SEWER SERVICE LATERAL LINE WITHIN THE PLATTED RIGHT OF WAY RUNNING NORTH AND SOUTH ALONG NORTH BRANCH STREET IN THE J.Q.A. CARTER'S ADDITION FOR SANITARY SEWER SERVICES AT 1104 NORTH BRANCH STREET IN THE CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO M&G HOME BUILDERS, LLC FOR THE INSTALLATION OF A PRIVATE SANITARY SEWER SERVICE LATERAL LINE WITHIN THE PLATTED RIGHT OF WAY RUNNING NORTH AND SOUTH ALONG NORTH BRANCH STREET IN THE J.Q.A. CARTER'S ADDITION FOR SANITARY SEWER SERVICES AT 1104 NORTH BRANCH STREET IN THE CITY OF SHERMAN, TEXAS.

RES 6476
ENCROACHMENT
EASEMENT FOR
SEWER LATERAL
LINE

Mr. Aycock asked to remove Item C-3 from the Consent Agenda for consideration in its regular order of business.

Mr. Philpott said this encroachment easement is in the older part of town where there are a lot of infill or vacant lots. Some of the lots have water and sewer that connect easily, however some do not have water or sewer close that they can connect too.

In this instance, he said, there is not currently a sewer line on Branch Street. The closest sewer line is on Vernon Holland Drive.

The homebuilder is requesting an encroachment easement in the City's right-of-way, to connect a sewer line from their property to Vernon Holland Drive. Typically they are directed to contact the adjacent property owner to acquire a private easement that would not be in the right-of-way. However, the adjacent property is vacant and they have been unable to make contact with the property owner.

The City has verified with the franchise utility owners that there are no lines located in that area. The encroachment will allow them to have a private service line that attaches to the City's public line.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6476, as presented. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6477 – DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA.
CONSENT AGENDA.

RES 6477
RESIDENTIAL
TAX ABATEMENT
PROGRAM

RESOLUTION NO. 6478 – AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH BERRY COMPANIES INC. FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT WITH BERRY COMPANIES INC. FOR THE GRANT OF INCENTIVES PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE.

RES 6478
380 AGREEMENT
BERRY COMPANIES

Mr. Hefton said this is a companion to Item B-7, which was a Specific Use Permit for Berry Companies Inc. to allow new and used compact and construction equipment sales, parts,

rentals, and service in the old Haverty's building, located at 4612 Texoma Parkway.

This would be the first award under the City's new Retail Recruitment Program, to encourage businesses to locate in Sherman. He said the company meets the requirement of the program, and will generate both property taxes and sales tax.

The agreement proposes to share the incremental sales tax proceeds for a two year period. Council Member Melton added that there would also be jobs attached to the business.

Council Member Steele asked about the sliding scale on the agreement. Mr. Hefton said it is not an ad valorem tax abatement, but a tax rebate. It will be a cash grant equivalent to 50% of the sales tax generated over the first two years.

The company will pay the sales tax to the State, and once a year the City will pay them for 50% of that sales tax. Based on an estimate of their sales, Council Member Steel asked what the rebate amount would be. Mr. Hefton said the company might want to share that estimate with the Council, but he felt it was confidential for the company.

Mr. Vickers said they expected the store to do \$6 million to \$8 million in sales, based on similar stores in other communities. They expect to start with 10 employees and hire up to 25 or 30. Deputy Mayor Teamann asked what percentage of their sales were actually taxable. Mr. Vickers said it varies widely, but they expected it to be about 75% to 80% in Sherman.

Council Member Howeth verified that they plan to locate in Sherman for "the long haul." Mr. Vickers said they also own the building where they will be located. They spent about a year planning a store for this area, from Whitesboro to Durant to Sherman. They plan on investing another \$400,000 to \$500,000 in the building.

Mr. Hefton added that the company was looking at other sites. Council Member Melton asked if the incentive helped bring them to Sherman. Mr. Vickers said it definitely helped.

The Haverty's building is a different repurpose of a building than what they've tried, and they were concerned. There were some properties in the other cities that fit their business better. He said this store did offer some advantages, that they hope to utilize. He added that the incentive was definitely a "mark on Sherman's side."

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution No. 6478, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

**REQUEST TO ADVERTISE
COMMUNITY DEVELOPMENT SOFTWARE**

The City Council approved the request to advertise for the purchase and implementation of community development software. The system would provide mobility solution to address time and labor limitations relating to manual paperwork in the field.

The software would also provide GIS interaction and permitting applications for the Development Services, Neighborhood Services, Code Enforcement, and Public Records Departments.

CONSENT AGENDA.

**REQ TO ADVERTISE
COMMUNITY
DEVELOPMENT
SOFTWARE**

OTHER BUSINESS

**RECEIVE QUARTERLY PROGRESS REPORT FROM
SHERMAN ECONOMIC DEVELOPMENT CORPORATION
PRESIDENT KENT SHARP**

**SEDCO QUARTERLY
PROGRESS REPORT**

Kent Sharp, President of the Sherman Economic Development Corporation, presented the quarterly progress report on their activities. He said SEDCO was one of 51 State organizations to receive the Texas Economic Development Council 2018 Economic Excellence Award. He said there are approximately 780 Economic Development Corporations in Texas. He recognized the SEDCO staff on this accomplishment.

SEDCO has also submitted 12 new project proposals and hosted four site visits. These companies range from one with a \$600 million investment and 1,200 jobs to one looking at an existing building with plans to hire 10 to 15 employees.

They also approved a Performance Agreement with Modular Power Solutions. MPS will invest over \$10.2 million and retain 105 jobs and SEDCO will provide a \$510,000 incentive.

They also authorized a dedication of right-of-way in Legacy Village to the City for the construction of Legacy Boulevard.

Mr. Sharp said they have discussed increased marketing and having one of the SEDCO staff attend more trade shows. By attending, they will market the land in Sherman that is available for development.

He recognized Ashton Ghaemi, Director of Research & Marketing, for her work with the shermantxjobs campaign, which lists many of the Sherman industries and the jobs they have available. They were also able to target about 250 people that were being laid off from another company, that is not located in this area. Several hundred responses were received from that community.

Mr. Sharp said SEDCO is currently working on six active projects with an estimated \$244 million in investments and approximately 1,200 new jobs.

REPAIR AND REWORK THE DORCHESTER 8 TRINITY WELL UNDER AN EMERGENCY DESIGNATION

The City Council approved the repair and rework of the Dorchester 8 Trinity Well under an emergency designation. The well has suffered a failure that has rendered it inoperable. The well is the prime producer for the ground water supply zone, and is needed to meet production demands.

The repair is considered an emergency due to the time involved to repair the well, and the need to return the well to service as soon as possible to meet the oncoming Summer demands.

The staff estimated that the cost to repair the well will be between \$250,000 and \$275,000.

CONSENT AGENDA.

DORCHESTER 8
TRINITY WELL
EMERGENCY REPAIRS

CONSIDER REQUEST OF TRUE OPTIONS PREGNANCY CENTER TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE FOURTH ANNUAL “TURKEY TROT 5K & FUN RUN” ON SATURDAY, NOVEMBER 23, 2019

The City Council approved the request of True Options Pregnancy Center to temporarily close certain streets for the Fourth Annual “Turkey Trot 5K & Fun Run” on November 23, 2019.

They have asked to close Rusk Street in front of the Municipal Building for the race. They will also need traffic control assistance, cones, and barricades.

CONSENT AGENDA.

CLOSE STREETS
TURKEY TROT 5K
& FUN RUN
(NOV. 23, 2019)

FINAL PLAT APPROVAL OF MAVERICK ADDITION, PHASE TWO, BEING 0.341 ACRES IN THE J.B. McANAI SURVEY, ABSTRACT NO. 763; MJLM HOLDINGS, LLC, OWNER; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR (1300 NORTH BROUGHTON STREET)

The City Council approved the Final Plat of Maverick Addition, Phase Two, located at 1300 North Broughton Street. The 0.341 acre tract is zoned R-1 (One Family Residential) District and the owner would like to plat the property into two lots for residential development.

An exception was granted by the Planning and Zoning Commission to allow a 51.87 lot width in lieu of the required 60 feet in the R-1 District on Lot 1. The Commission also recommended approval of the Final Plat, subject to the Staff Review Letter.

CONSENT AGENDA.

APPROVE FINAL PLAT
MAVERICK ADDITION
(1300 N. BROUGHTON)

REPLAT APPROVAL OF LOT 1 OF THE AMENDED PLAT OF HALIBURTON ADDITION, BEING 9.524 ACRES IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 625; EAST

APPROVE REPLAT
HALIBURTON
ADDITION

SHERMAN BAPTIST CHURCH, OWNERS; BLUESTONE PARTNERS, DEVELOPER/REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYOR [2122 SOUTH F.M. 1417 (HERITAGE PARKWAY)]

(2122 S. FM 1417)

The City Council approved the Replat of Lot 1 of the Amended Plat of Haliburton Addition, located at 2122 South FM 1417. The 9.524 acre tract is located in front of the City's water tower, across from the Pebblebrook Subdivision.

The property is zoned a C-1 (Retail Business) District and is located in the O-1.1 (FM 1417) Overlay District. The owners would like to replat the property into two lots for commercial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

REPLAT APPROVAL OF MIDWAY INDUSTRIAL PARK ADDITION, LOTS 2R, 6 AND 7, BLOCK 1, A REPLAT OF LOTS 2, BLOCK 1, MIDWAY INDUSTRIAL PARK ADDITION, BEING ALL OF LOT 2, BLOCK 1, MIDWAY INDUSTRIAL PARK ADDITION AND A PORTION OF MIDWAY DRIVE, CONTAINING 70.76 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085; DATAVAULT JOINT VENTURE, OWNERS; HOLTMAN DESIGNWORKS, DEVELOPER; AND EAGLE SURVEYING, LLC, SURVEYOR (2900 BLOCK OF FALLON DRIVE)

APPROVE REPLAT
MIDWAY INDUSTRIAL
PARK ADDITION
(2900 BLOCK OF
FALLON DR)

The City Council approved the Replat of Midway Industrial Park Addition, Lots 2R, 6 and 7, Block 1, a Replat of Lot 2, Block 1, Midway Industrial Park Addition, being all of Lot 2, Block 1, Midway Industrial Park Addition, and a portion of Midway Drive, located in the 2900 block of Fallon Drive.

The 70.76 acre tract extends to the end of Fallon Drive and includes a portion of the property in the City's Extra Territorial Jurisdiction. It is zoned an M-1 (Light Manufacturing) District, and the owners would like to replat the property into three lots for industrial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

APPROVE QUARTERLY INVESTMENT REPORT FOR QUARTER ENDED MARCH 31, 2019

QUARTERLY
INVESTMENT
REPORT

The City Council approved the Quarterly Investment Report for the quarter ended March 31, 2019. As of March 31, the portfolios were in compliance with applicable State laws and the City's Investment Policy.

The operating investment portfolio had a book value of about \$15.0 million, an increase of about \$2.5 million from the prior quarter of \$12.5 million, due to investments made with property tax receipts. The underlying investments were adequately diversified among four different types of securities.

This portfolio is appropriately liquid, and its weighted-average maturity was about 405 days, down from 448 days last quarter. The portfolio yield of 2.22% for the quarter is 18 basis points lower than the benchmark yield of 2.40%. The portfolio value on the City's books approximates market value.

The debt proceeds portfolio balance of \$23.8 million was invested in a Local Government Investment Pool and an FDIC insured investment account. Transactions in this portfolio include payments for capital projects and the receipt of interest income. The yield of 2.41% was below the benchmark yield of 2.43% for this portfolio. Book value and market value were about the same.

CONSENT AGENDA.

CITIZENS REQUESTS

DEVELOPMENT AROUND OLD SHOPPING MALLS

Peter Tracy, 705 S. Valentine, expressed concern about a "swath of decay." Sherman previously had a mall located on Texoma Parkway at Hwy 82. Now there is Midway Mall located farther north on Texoma Parkway.

He addressed the businesses that grew up around Midway Mall and the fact that the area is now dying. He asked what was being planned to rejuvenate that area.

He said several of the malls in Dallas are being torn down and replaced with apartment complexes, which bring in customers for those businesses, as well as residents.

He asked what was in the future for the many vacant buildings in Texoma. He encouraged revitalization of the existing structures.

Mayor Plyler said the Council has discussed motivating the developers and real estate personnel to repurpose those types of facilities. SEDCO is working hard to bring in employers.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

BUDDY BENCHES

Council Member Howeth thanked ARThropology, a new downtown business that teaches art lessons, and Home Depot, that combined their efforts to create "Buddy Benches."

Two Buddy Benches will be placed at each elementary school in Sherman for children that feel alone, or are "out of sorts." Kids can sit on the bench and other kids are being instructed that if they see someone on the benches, go say hello. Counselors will then follow-up with the kids.

ARThropology painted the benches and Home Depot supplied the materials and constructed the benches. She thanked the

DEVELOPMENT
AROUND OLD
SHOPPING MALLS

MEDIA QUESTIONS

BUDDY BENCHES

local businesses for working together to provide a very important program for the schools.

BERRY COMPANIES, INC.

Council Member Melton thanked the Berry Companies for locating in Sherman and using one of the vacant buildings in town. She said the Council can't have people purchase property, but she was glad they were able to offer an incentive to encourage them to locate here.

BERRY COMPANIES

Mr. Vickers thanked City staff members Patsy Reeves, Development Services Coordinator, and Pam Cloer, Assistant to the City Manager, for all their help during the process.

THANKS TO SEDCO

Council Member Melton thanked SEDCO for what they do. She said the City tries to work with the citizens, with companies located in Sherman, and with new companies coming to the community.

THANKS TO SEDCO

ANNOUNCEMENTS

Mayor Plyler announced the following:

- The Sherman Community Players show of "Annie" will continue through April 28, 2019.
- The Sherman Farmers Market will open for the season on April 20, 2019, at the northwest corner of Crockett and Houston Streets.
- Parks and Recreation will hold their annual "Eggstravaganza" on April 20, 2019, at 10:00 a.m., at Fairview Park.
- He encouraged everyone to meet the artist at a reception for the Sherman Art League artists, whose works are on display at the Sherman Public Library. The reception will be held at the Library on April 30, 2019, from 6:00 p.m. to 8:00 p.m.
- The 10th Annual Lights on the Lake will be held on July 3, 2019, at Pecan Grove Park West. KC and the Sunshine Band will perform at the event. Fireworks will follow the concert. The event is free to the public.

ANNOUNCEMENTS

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

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

EXECUTIVE SESSION

SECTION 551.071 --

CONSULTATION WITH CITY
ATTORNEY CONCERNING

PENDING OR CONTEMPLATED
LITIGATION

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

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

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

On Motion duly made and carried, the Executive Session
recessed at 6:34 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at
6:35 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



\$19,130,000
CITY OF SHERMAN, TEXAS
COMBINATION TAX AND REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2019

Sealed Bids Due Monday, April 15, 2019, at 9:30 AM, CDT

Bidder	True Interest Cost	Submitted Via
Bank of America Merrill Lynch	3.070945%*	Parity
Robert W. Baird & Co., Inc.**	3.086420%	Parity
Raymond James & Associates, Inc.	3.104935%	Parity
Citigroup Global Markets Inc.	3.112023%	Parity
IFS Securities, Inc.	3.113406%	Parity
Mesirow Financial, Inc.	3.117216%	Parity
HilltopSecurities	3.148860%	Parity
UMB Bank, N.A.	3.184860%	Parity
J.P. Morgan Securities LLC	3.211025%	Parity
RBC Capital Markets	3.213686%	Parity

*Based on the revised amortization schedule, the final True Interest Cost is 3.0679108%.

**See Robert W. Baird & Co., Inc. syndicate on next page.



SPECIALIZED PUBLIC FINANCE INC.
FINANCIAL ADVISORY SERVICES

Bidder

Robert W. Baird & Co., Inc. Syndicate Members:

- C.L. King & Associates WMBE
- Edward Jones
- Davenport & Co. L.L.C.
- Loop Capital Markets
- Dougherty & Company, LLC
- Duncan-Williams, Inc.
- Crews & Associates, Inc.
- Oppenheimer & Co.
- Isaak Bond Investments, Inc
- BNYMellon Capital Markets
- SumRidge Partners
- Sierra Pacific Securities
- Vining-Sparks IBG, Limited Partnership
- Bernardi Securities, Inc.
- Stephens Inc.
- Country Club Bank
- George K. Baum & Company
- Wintrust Investments, LLC
- Ross, Sinclair & Associates, LLC
- Alamo Capital WMBE
- Midland Securities
- Valdes and Moreno
- Stifel, Nicolaus & Company, Inc.
- FMS Bonds Inc.
- First Kentucky Securities Corp.
- Commerce Bank, N.A.
- Multi-Bank Securities Inc.
- First Southern Securities
- Dinosaur Securities
- First Bankers' Banc Securities, Inc.
- Mountainside Securities LLC

Preliminary

**Greater Texoma Utility Authority (City of Sherman)
Contract Revenue Bond Refunding Summary**

Refunded (Old) Bonds:

	<u>Maturities</u>	<u>Amount</u>	<u>Callable</u>	<u>Avg. Coupon</u>	<u>Premium</u>
Contract Revs (1)	10/1/19-29	7,300,000	10/1/2019	3.95%	None
		<u>\$ 7,300,000</u>			

Refunding (New) Bonds:

Preliminary Results		<i>Budget</i>
True Interest Cost (TIC)		2.63%
Par Amount of Refunding Bonds	\$	6,845,000
Estimated Issuance Costs	\$	140,000
Maturing		10/1/19-29
Net Debt Service Reduction	\$	320,947
Average Annual Debt Service Reduction (2019-29)	\$	29,177
Net Present Value Savings \$(net of issuance costs)	\$	274,430
Net Present Value Savings (% of Refunded Par)		3.76%

(1) Includes Series 2008, 2008 Refunding, 2009 and 2009-A Bonds.



SPECIALIZED PUBLIC FINANCE INC.
FINANCIAL ADVISORY SERVICES



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 05/06/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6206

Extending the Corporate Limits of Said City so as to Annex a 56.07 Acre Tract of Land along Fallon Drive, East of Texoma Parkway (State Highway 91), Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; Providing for a Municipal Service Plan

Issue:

To introduce, hold a public hearing, and consider adoption of the annexation ordinance that extends the City of Sherman's corporate limits so as to annex 56.07 acres along Fallon Drive, east of Texoma Parkway (State Highway 91), adjacent to the Sherman city limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter.

Background:

It is the City's intention to annex specifically identified individual areas in the City's ETJ, in accordance with state law and the City Charter. At its March 18th meeting, the City Council approved the schedule for annexation of this property, which set the first public hearing for the April 1st regular Council meeting, the second public hearing for the April 15th regular Council meeting, and introduction and adoption of the annexation ordinance for the May 6th regular Council meeting. The first and second public hearings were held on April 1st and April 15th, as scheduled, with no objections received.

This annexation was requested by the property owner.

The Sherman Economic Development Corporation (SEDCO) and the City of Sherman have indicated the need to improve and expand a portion of Fallon Drive. The extension of Fallon Drive east and tying into Dripping Springs Road is part of the Master Thoroughfare Plan. Currently, there is a 20-acre development wanting to develop east of the end of Fallon Drive but is currently outside the City limits. This annexation will encompass all 20 acres of that development and include future development along the future Fallon Drive extension, Jack Cole Road and Dripping Springs Road.

State law requires the City Council conduct two (2) public hearings on its intent to annex and the provision of services no later than forty (40) days nor earlier than twenty (20) days before introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than ten (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City

Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Origination:

Letter requesting annexation by Oliver McElroy, Managing Partner of Midway Warehouses (Property Owner/Developer)

Financial Consideration:

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

Staff Recommendation:

It is recommended that the City Council introduce, hold the public hearing, and consider adoption of the ordinance for annexation of this 56.07 acre tract of land along Fallon Drive, east of Texoma Parkway (State Highway 91), in the ETJ.

Alternatives:

As directed by the City Council

Attachments

Ordinance No. 6206

Exhibit "A" - Survey and Field Notes

Exhibit "B" - Aerial Location Map

Exhibit "C" - Municipal Service Plan

Request for Annexation dated March 11, 2019

Annexation Scheduling Plan

ORDINANCE NO. 6206

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX A 56.07 ACRE TRACT OF LAND ALONG FALLON DRIVE, EAST OF TEXOMA PARKWAY (STATE HIGHWAY 91), ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL SERVICE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

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

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

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

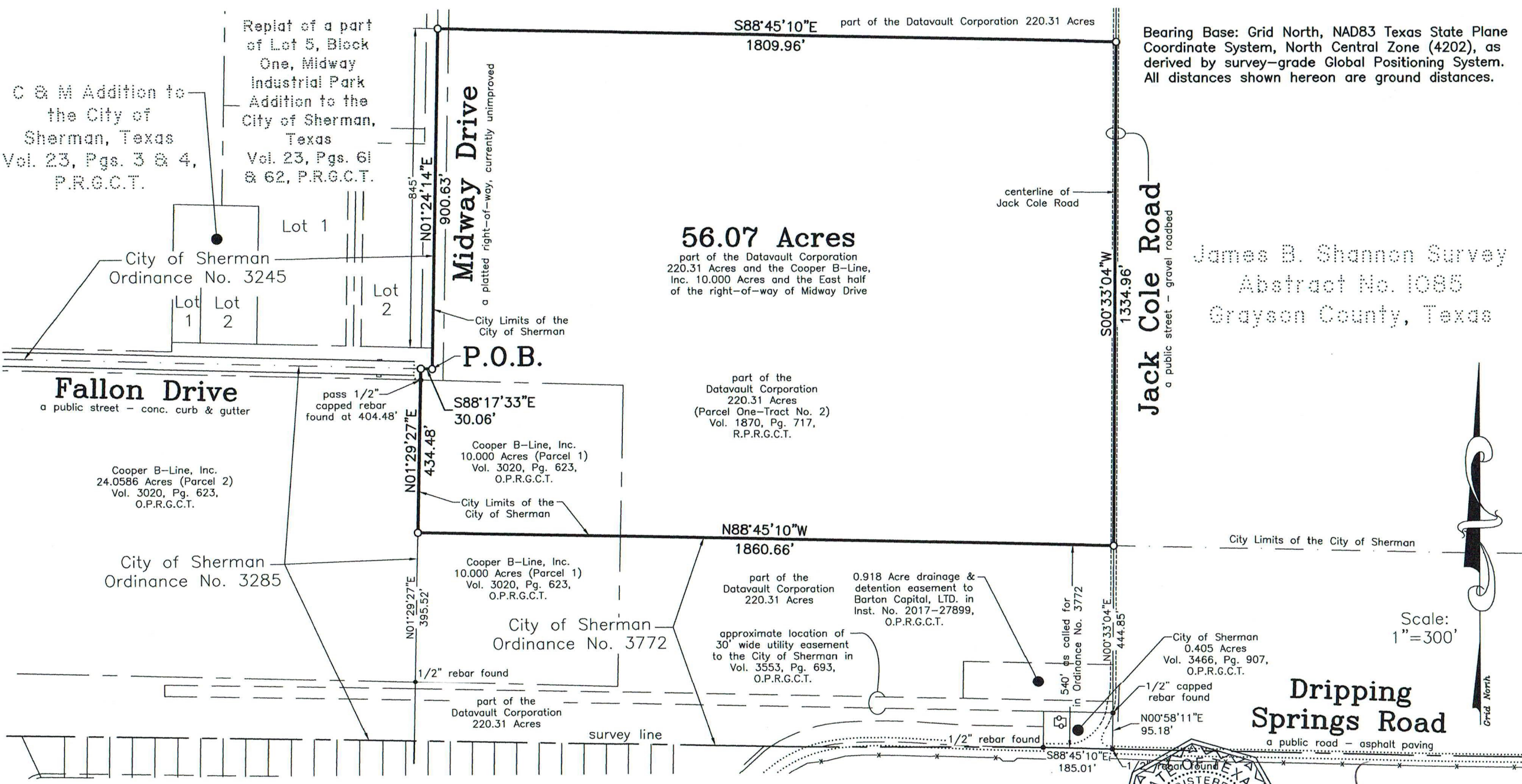
**APPROVED AS TO FORM
AND CONTENT:**

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

C & M Addition to the City of Sherman, Texas
Vol. 23, Pgs. 3 & 4, P.R.G.C.T.

Replat of a part of Lot 5, Block One, Midway Industrial Park Addition to the City of Sherman, Texas
Vol. 23, Pgs. 61 & 62, P.R.G.C.T.

Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone (4202), as derived by survey-grade Global Positioning System. All distances shown hereon are ground distances.



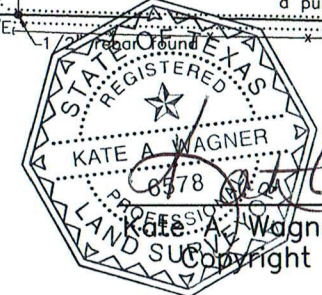
James B. Shannon Survey
Abstract No. 1085
Grayson County, Texas

Scale:
1"=300'

Job No. CGS630219

Proposed City Limits Tract to the City of Sherman

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



Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: February 28, 2019

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Kenneth N. Russell, RPLS No. 4409

56.07 Acres – Proposed City Limits Tract to the City of Sherman

SITUATED in the County of Grayson, State of Texas, and being a part of the James B. Shannon Survey, Abstract No. 1085, and being a part of the 220.31 ac. tract of land (Parcel One – Tract No. 2) conveyed to Datavault Corporation by Day Manufacturing Co. by Warranty Deed dated November 4, 1985 and recorded in Volume 1870, Page 717, Real Property Records, Grayson County, Texas, and being a part of the 10.000 ac. tract of land (Parcel 1) conveyed to Cooper B-Line, Inc. by B-Line Systems Manufacturing, Inc. by Special Warranty Deed dated December 29, 2000 and recorded in Volume 3020, Page 623, Official Public Records, Grayson County, Texas, and being a part of the East half of the right-of-way of Midway Drive, a 60 ft. wide unimproved right-of-way, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a point at the centerline intersection of said Midway Drive with the center of Fallon Drive, a public street, at an Ell corner of the existing City Limits of the City of Sherman, at the Southeast corner of the City Limits tract described in City Ordinance No. 3245, at the most Westerly Northwest corner of the herein described tract;

THENCE North 01 deg. 24 min. 14 sec. East, with the center of said Midway Drive right-of-way, a distance of 900.63 ft. to a point at the Northwest corner of the herein described tract;

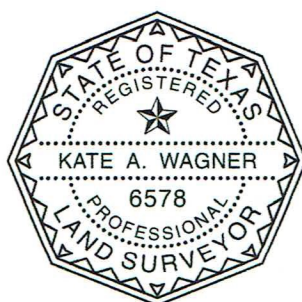
THENCE South 88 deg. 45 min. 10 sec. East, over and across the East half of the right-of-way of Midway Drive, crossing the East line of said Midway Drive and continuing over and across the remainder said Datavault Corporation 220.31 ac. for a total distance of 1,809.96 ft. to a point in the center of Jack Cole Road, in the East line of said Datavault Corporation 220.31 ac., at the Northeast corner of the herein described tract;

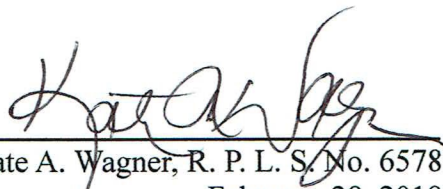
THENCE South 00 deg. 33 min. 04 sec. West, with the center of said Jack Cole Road and the East line of said Datavault Corporation 220.31 ac., a distance of 1,334.96 ft. to a point in a North line of both the existing City Limits of the City of Sherman and the City Limits tract described in City Ordinance No. 3772, at the Southeast corner of the herein described tract, being North 00 deg. 58 min. 11 sec. East, 95.18 ft. and North 00 deg. 33 min. 04 sec. East, 444.85 ft. from a 1/2 inch rebar found at the Southeast corner of said Datavault Corporation 220.31 ac.;

THENCE North 88 deg. 45 min. 10 sec. West, over and across the remainder of said Datavault Corporation 220.31 ac., crossing the East line of said Cooper B-Line, Inc. 10.000 ac. and continuing now over and across said Cooper B-Line, Inc. 10.000 ac. for a total distance of 1,860.66 ft. to a point in the West line of said Cooper B-Line, Inc. 10.000 ac., in an East line of the existing City of Sherman right-of-way, in the East line of the City Limits tract described in City Ordinance No. 3285, at the Southwest corner of the herein described tract, being North 01 deg. 29 min. 27 sec. East, 395.52 ft. from a 1/2 inch rebar found at the Southwest corner of said Cooper B-Line, Inc. 10.000 ac.;

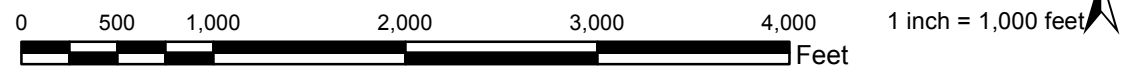
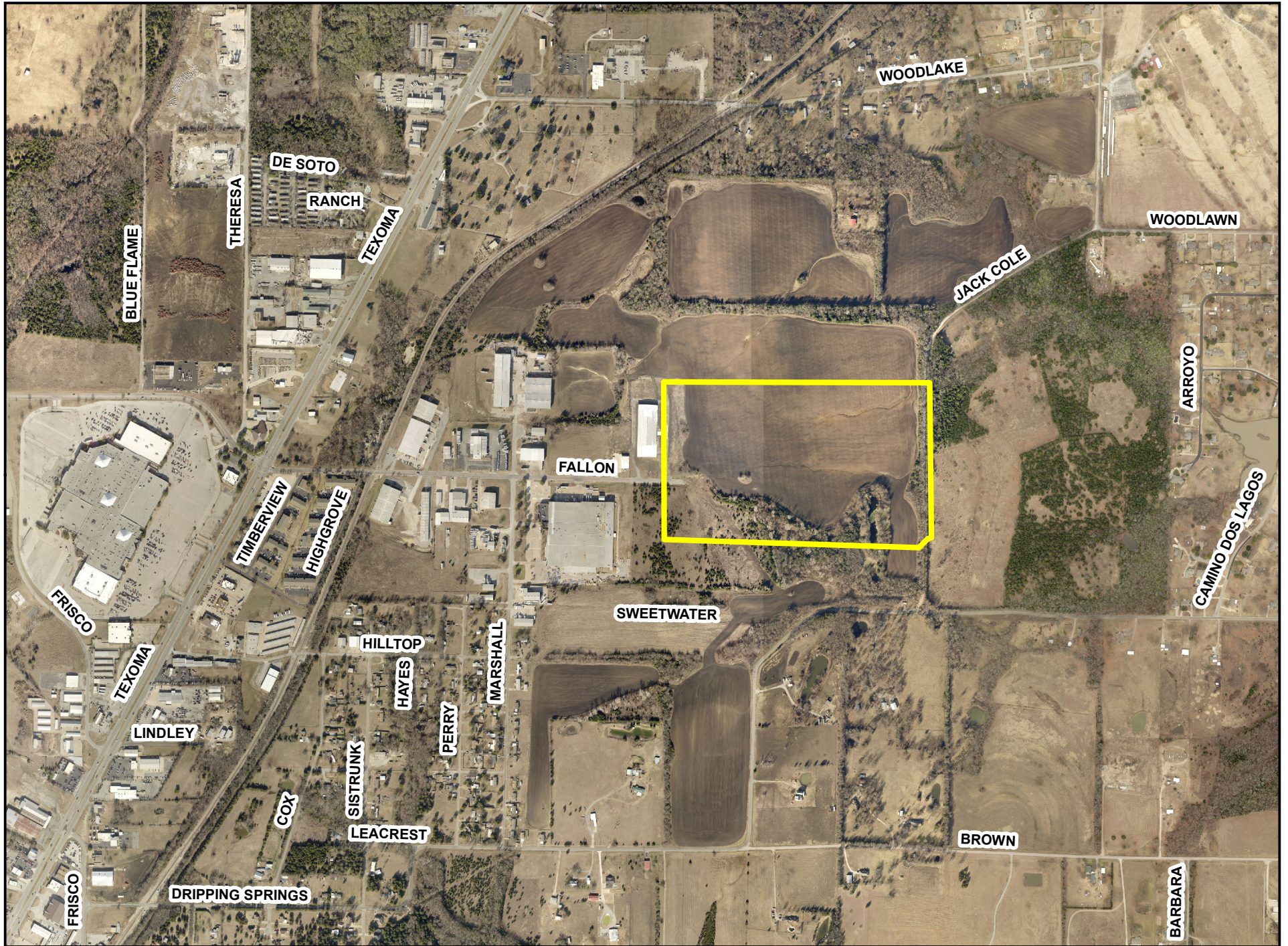
THENCE North 01 deg. 29 min. 27 sec. East, with the West line of said Cooper B-Line, Inc. 10.000 ac., passing a 1/2 inch capped rebar found in the South line of said Fallon Drive, at the Northwest corner of said Cooper B-Line, Inc. 10.000 ac. at 404.48 ft. and continuing for a total distance of 434.48 ft. to a point in the center of said Fallon Drive, in the South line of said City Limits tract described in City Ordinance No. 3245, at the Northeast corner of said City Limits tract described in City Ordinance No. 3285, at an Ell corner of the existing City Limits of the City of Sherman, at the most Westerly Northwest corner of the herein described tract;

THENCE South 88 deg. 17 min. 33 sec. East, with a South line of the existing City Limits of the City of Sherman, the center of said Fallon Drive and the South line of said City Limits tract described in City Ordinance No. 3245, a distance of 30.06 ft. to the **PLACE OF BEGINNING** and containing **56.07 ACRES** of land.




Kate A. Wagner, R. P. L. S. No. 6578
February 28, 2019

Fallon Drive to Jack Cole Road Annexation



City of Sherman Municipal Service Plan Fallon Drive to Jack Cole Road

INTRODUCTION:

The annexation is the site of approximately 56.07 acres along Fallon Drive, East of Texoma Parkway (State Highway 91), lying adjacent to the City of Sherman existing city limits.

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

MUNICIPAL SERVICES TO BE PROVIDED:

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

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

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

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

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

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

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

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

PLANNING AND ZONING: The Planning and Zoning jurisdiction of the City will extend to this area on the effective date of this annexation. All areas will be annexed as an M-1 on the effective date of the annexation ordinance.

CAPITAL IMPROVEMENTS:

WATER SERVICE: Water improvements to serve the area will be in accordance with the City's Subdivision Ordinance and the City's Utility Extension Policies.

SEWER SERVICE: Sewer improvements to serve the area will be in accordance with the City's Subdivision Ordinance and the City's Utility Extension Policies.



2741 Fallon Drive
Sherman, TX 75090
Office - Ph: 903-893-5591

Clint Philpott, P.E.
Director of Engineering
City of Sherman
220 W. Mulberry Street
Sherman, TX 75090
903-892-7327

Dear Clint,

March 11, 2019

Please submit the part of the 56.07 acres attached, that belongs to Datavault for annexation. One corner of this property belongs to Eaton Cooper B-Line.

A handwritten signature in black ink, appearing to read 'O. McElroy', is positioned above the name Oliver McElroy.

Oliver McElroy, Managing Partner

Midway Warehouse, LLC
2741 Fallon Dr.
Sherman, TX 75090
903-893-5591

ANNEXATION SCHEDULING PLAN

Wednesday, March 20, 2019.....	Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
Thursday, March 21, 2019.....	Post notice on City's website, newspaper and City Hall for City Council's 1 st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
Thursday, March 28, 2019.....	Post notice of 1 st Public Hearing under the Open Meetings Act.
Monday, April 1, 2019.....	City Council's 1 st Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
Thursday, April 4, 2019	Post notice on City's website, newspaper and City Hall for City Council's 2 nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
Thursday, April 11, 2019.....	Post notice of 2 nd Public Hearing under the Open Meetings Act.
Monday, April 15, 2019.....	City Council's 2 nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
Thursday, May 2, 2019.....	Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.*
Monday, May 6, 2019.....	City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.* (Regular Council Meeting)

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.2.

Meeting Date: 05/06/2019

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6207

Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.02, entitled "Water Conservation and Drought Contingency Plan"

Issue:

Amending the City of Sherman's Water Conservation and Drought Contingency and Water Emergency Response Plan

Background:

In 1999, the City established a Drought Contingency Plan in accordance with the Texas Commission on Environmental Quality (TCEQ) rules. TCEQ requires a plan review and update every five (5) years. The existing plan was updated in 2009 and in 2014 and is being revised to meet TCEQ's 2019 update requirements. The plan addresses public involvement, public education, authorization, triggering criteria for water rationing, enforcement, and variances. The changes to the existing document consist of revising one table, rearranging attachments, and changing dates and percentages within the plan. A summary of the plan is attached for your review.

Origination:

Utilities Administration

Financial Consideration:

None

Staff Recommendation:

It is recommended that Ordinance No. 6207 be adopted.

Alternatives:

Change the plan as may be directed by the City Council

Attachments

Ordinance No. 6207

Plan Summary

ORDINANCE NO. 6207

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "UTILITIES", AT ARTICLE 13.02, ENTITLED "WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 13 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended at Article 13.02 to read as follows:

**WATER CONSERVATION AND
DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN
FOR SHERMAN, TEXAS
~~APRIL 2014~~ MAY 2019**

1. INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. In recent years, the growing population and economic development of North Central Texas has led to increasing demands for water supplies. At the same time, local and less expensive sources of water supply are largely developed. Additional supplies to meet higher demands will be expensive and difficult to develop. It is therefore important that the City of Sherman and its customers make the most efficient use of existing supplies. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality ("TCEQ") has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers¹. The City of Sherman has developed this water conservation and drought contingency and emergency water response plan for its customers following TCEQ guidelines and requirements.

The water conservation sections of this plan include measures that are intended to result in ongoing, long-term water savings. The drought contingency and water emergency response

¹ Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1, 288.2, and Subchapter B, Rule 288.20 downloaded from: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?s1=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&r1=1](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?s1=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&r1=1), March 2009

sections of this plan address strategies designed to temporarily reduce water use in response to specific conditions.

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts
- To reduce the loss and waste of water
- To improve efficiency in the use of water
- To extend the life of current water supplies by reducing the rate of growth in demand
- To educate the public concerning water conservation

The water conservation plan presented in this document is a water conservation plan also intended for adoption by City of Sherman customers. In order to adopt this plan, each customer will need to do the following:

- Complete the water utility profile
- Set five-year and ten-year goals for per capita water use
- Adopt ordinance(s) or regulation(s) approving the plan

The water utility profile, goals, and ordinance(s) or regulations should be provided to the City of Sherman in draft form for review and comments. Final adopted versions should also be provided to the City of Sherman, as well as TCEQ.

This plan includes all of the elements required by TCEQ. Any City of Sherman water customer wishing to adjust elements of the plan should coordinate with the City of Sherman.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

2.1 Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in ~~Appendix~~ Attachment B. For the purpose of these rules, a water conservation plan is defined as: “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.”²

2.2 Drought Contingency and Water Emergency Response Plans

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas

² Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1, 288.2, and Subchapter B, Rule 288.20 downloaded from: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?s1=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&r1=1](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?s1=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=288&r1=1), March 2009

Administrative Code. For the purpose of these rules, a drought contingency and water emergency response plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

3. WATER UTILITY PROFILE

Attachment A to this water conservation and drought contingency and water emergency response plan is a sample water utility profile based on the format recommended by the TCEQ. In adopting this water conservation plan, each customer will provide a water utility profile to the City of Sherman.

4. SPECIFICATION OF WATER CONSERVATION GOALS

TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, each customer must develop 5-year and 10-year goals for per capita municipal use. These goals should be submitted to the City of Sherman. The goals for this water conservation plan include the following:

- Maintain the per capita municipal water use below the specified amount in gallons per capita day in a dry year, as shown in the completed Table 4.1
- Maintain the level of unaccounted water in the system below 15 percent annually in 2014 2019 and subsequent years, as discussed in Section 5.4
- Maintain a program of universal metering and meter replacement and repair, as discussed in Section 5.2
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6
- Encourage the replacement of plumbing fixtures with low flush commodes and low flow shower heads in residences and commercial establishments
- Continue the use of uniform rate structure to discourage high usage

Table 4.1
Five-Year and Ten-Year Municipal Per Capita Water Use Goals (gpcd)

Description	Current Average (gpcd)	5-Year Goal (gpcd)	10-Year Goal (gpcd)
Current 5-Year Average Per Capita Municipal Use with Credit for Reuse	205	175	150
Expected Reduction Due to Low Flow Plumbing Fixtures	—	3	5
Projected Reduction Due to Elements in this Plan	—	2	5
Water Conservation Goals	—	5	10

Table 4.1
Five-Year and Ten-Year Municipal Per Capita Water Use Goals

	<i>Historic 5-Year Average</i>	<i>Baseline</i>	<i>5-Year Goal for Year 2024</i>	<i>10-Year Goal for Year 2029</i>
Total GPCD	225	225	200	175
Residential GPCD	74	74	70	65
Water Loss (GPCD)	29	30	25	23
Water Loss Percentage	13.00%	13.00%	12.00%	12.00%

1. *Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365*
2. *Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365*
3. *Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365*
4. *Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100*

5. METERING, WATER USE RECORDS, CONTROL OF UNACCOUNTED WATER, AND LEAK DETECTION AND REPAIR

One of the key elements of water conservation is tracking water use and controlling losses through illegal diversions and leaks. It is important to carefully meter water use, detect and repair leaks in the distribution system and provide regular monitoring of unaccounted water.

5.1 Accurate Metering

The City of Sherman will continue its aggressive program of testing, repair and replacement of residential and commercial meters throughout the city. Positive displacement meters utilized for residential customer service, turbine or compound meters are utilized for industrial customers, and ultrasonic meters are utilized at points of entry into the distribution system. Meters are repaired and replaced as needed, to insure the accuracy of the water being sold. Meters installed by the city are required to be at least within plus or minus 5.0% of accuracy in order to measure and account for the amount of water diverted from the source of supply. The city has made an aggressive effort to meter all of its own uses, to better account for water pumpage. ~~The city has consistently been able to account for 85% to 90% of water pumped.~~

5.2 Metering of Customer and Public Uses and Meter Testing, Repair and Replacement

Sherman meters the quantity of water that is delivered to each residential and commercial customer, and to each public use, including city facilities. Meters are read and the quantities are recorded once per month, with billings made monthly to residential and commercial customers. Sherman staff conducts periodic visual inspections along distribution lines to determine if leakage is present. Periodic audits of the system are undertaken to determine if illegal connections are present, or if services have been abandoned.

5.3 Record Management System

The City of Sherman has established a regularly scheduled leak detection program. This program was first initiated on a regular basis in 1980, with additional surveys occurring every year. When leaks are reported, they are repaired and recorded on a Master Distribution Map. The city staff then records and prioritizes the lines with the worst leak record, and includes those lines in a Capital Improvements Program for the City of Sherman. New meter boxes and fittings are also installed at the time that the line replacements are made. The city staff audits its water usage on a monthly basis by comparing its pumping records to the amount of water sold, and accounting for any differences, including line flushings, fires, breaks and any other unmetered uses of water. Each year, several line replacement projects are authorized for construction. These line replacements are based on the lines with the most leaks reported during the previous year.

5.4 Determination and Control of Unaccounted Water

Unaccounted water is the difference between water delivered to customers and metered water sales to customers plus authorized but unmetered uses. (Authorized but unmetered uses would include use for fire fighting, releases for flushing of lines, uses associated with new construction, etc.) Unaccounted water can include several categories:

- Inaccuracies in customer meters (customer meters tend to run more slowly as they age and under-report actual use)
- Accounts that are being used but have not yet been added to the billing system
- Losses due to water main breaks and leaks in the water distribution system
- Losses due to illegal connections and theft
- Other

Measures to control unaccounted water are part of the routine operations of the City. Maintenance crews and personnel look for and report evidence of leaks in the water distribution system. A leak detection and repair program is described in Section 5.5 below. Meter readers watch for and report signs of illegal connections, so they can be quickly addressed.

The City of Sherman maintains a record management system to record water pumped, water deliveries, water sales and water losses, which allows for the desegregation of water sales and uses for residential and industrial customers. ~~The city has consistently been able to account for 85% to 90% of water pumped.~~

5.5 Leak Detection and Repair

As described above, city utility crews and other personnel look for and report evidence of leaks in the water distribution system. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement through the City's Capital Improvement Program as funds are available.

5.6 Monitoring of Effectiveness and Efficiency – Annual Water Conservation Report

Attachment A (Water Utility Profile based on TCEQ format) is the form that shall be used in the development of an annual water conservation report by the City. This form will be completed by May 1 of the following year and used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year.

~~5.7 Water Conservation Implementation Report~~

~~Attachment I includes the TCEQ required water conservation implementation report. The report is due to the TCEQ by May 1 of every year, starting in the year 2010. This report lists the various water conservation strategies that have been implemented, including the date the strategy was implemented. The report also calls for the five-year and ten-year per capita water use goals from the previous water conservation plan. The reporting entity must answer whether or not these goals have been met and if not, why not. The amount of water saved is also requested.~~

6. CONTINUING PUBLIC EDUCATION AND INFORMATION CAMPAIGN

The continuing public education and information campaign on water conservation includes the following elements:

- Designate a staff member to assist other Sherman staff members in the execution of the city's water conservation program
- Make water conservation presentations at institutions, organizations, and groups at periodic intervals
- Conduct or sponsor exhibits on water conservation and water saving devices to promote water conservation and efficiency
- Provide and distribute water conservation brochures to citizens. Materials are available from the Texas Agricultural Extension service and other state agencies.
- Work in cooperation with schools to establish an educational program, and provide conservation videos, brochures, and teaching aids
- Issue press releases on water conservation tips and water conservation rates
- Issue public service announcements for use by local news media
- Provide water conservation information to new water and wastewater customers at the time service is established
- Continue Water Department staff attendance and participation in water conservation program training offered by state agencies and professional organizations
- Promote the Texas Smartscape website (www.txsmartscape.com) and provide water conservation brochures and other water conservation materials available to the public at the customers' city hall/administrative offices, GTUA Administrative Offices and other public places
- Make information on water conservation available online on the City's website (if applicable) and include links to the Texas Smartscape website and to information on water conservation on the TWDB and TCEQ websites and other resources

7. WATER RATE STRUCTURE

The City Council of Sherman reviews the water rates annually and makes whatever adjustments necessary to provide for a self-sufficient, well-maintained water system. (See Attachment E - Water and Sewer Rates) The rate structure is intended to encourage conservation and discourage excessive use and waste of water.

8. OTHER WATER CONSERVATION MEASURES

8.1 Reuse and Recycling of Wastewater

The City of Sherman encourages, through its Industrial Waste Ordinance, the reuse of water by its major industrial customers.

8.2 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The city's Plumbing code encourages the use of water conserving plumbing fixtures for residential and commercial construction. In 1991, the Texas Legislature passed legislation requiring that plumbing fixtures sold in Texas after January 1, 1992 meet the following standards:

- Shower Heads: No more than 2.75 gallons per minute at 80 pounds per square inch of pressure
- Lavatory/Sink Faucets and Aerators: No more than 2.2 gallons per minute at 60 pounds per square inch of pressure
- Wall Mounted, Flush-o-meter Toilets: No more than 2.0 gallons per flush
- All Other Toilets: No more than 1.6 gallons per flush
- Drinking Water Fountains: Must be self closing

The above standards are enforced through requirements placed directly on the manufacturers, importers, and suppliers of new fixtures in Texas. In addition, the City encourages the following water conservation measures:

- Hot Water Pipes: Hot water lines not in or under a concrete slab should be insulated
- Swimming Pools: Swimming pools should have recirculation filtering equipment
- Automatic Dishwashers: Automatic dishwashers installed in residential dwellings should be a design that uses a maximum of 6 gallons of per cycle
- Automatic Clothes washers: Automatic clothes washers installed in residential dwellings should be a design that uses a maximum of 14 gallons of water per cycle

New plumbing fixtures that replace or renovate existing plumbing fixtures should follow the residential and commercial construction requirements.

Retrofit of existing plumbing fixtures is being accomplished through the voluntary efforts of individual consumers and business operators.

8.3 Landscape Water Management Measures

Through its public information program, the city encourages and supports the use of landscaping techniques requiring less water.

8.4 Requirement for Water Conservation Plans by Wholesale Customers

The City of Sherman shall require that for every wholesale water supply contract entered into or renewed after adoption of this Plan, including contract extensions, the wholesale customer develop and implement a Water Conservation Plan using the applicable elements of Chapter 288 of the Texas Commission on Environmental Quality (TCEQ) rules. If the wholesale customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for resale of water must have water conservation requirements so the each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of Chapter 288 of the TCEQ rules.

8.5 Coordination with Regional Water Planning Group and GTUA

Attachment H includes a letter to the Chair of the Region C Water Planning Group transmitting this water conservation plan. Each wholesale customer will send a copy of their ordinance(s) or regulation(s) implementing the plan and their water utility profile to the City of Sherman. The adopted ordinance(s) or regulation(s) and the adopted water utility profile will be sent to the Chair of the Region C Water Planning Group by the wholesale customers and to the City of Sherman, with a copy of the Water Conservation Plan.

9. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

The City Manager, as part of the regular duties of that position, is responsible for implementing and enforcing the Sherman Water Conservation Plan, as adopted by the Sherman City Council (See Attachment F)

9.1 Schedule for Implementing the Plan to Achieve Targets and Goals

Following is a schedule, to achieve the targets and goals for water conservation:

- Calibrations of large meters for treated water deliveries to be conducted annually
 - Meter replacement program:
 - Meters will continue to be monitored for accuracy annually and replaced on a fifteen-year cycle, or when accuracy cannot be maintained within $\pm 5\%$
- Water audits conducted annually
 - Real water losses are identified and corrected
 - Real water losses are minimized by replacement of deteriorating water mains and appurtenances, conducted on an on-going basis

- Materials developed to encourage water conservation measures, materials obtained from the Texas Water Development Board, Texas Commission on Environmental Quality or other sources will be available by referencing the City's website or at the City offices
- Water conserving pricing
 - A rate analyst will be hired when necessary to review rates and determine any changes necessary to the rate structure
 - Rates shall be reviewed annually to insure water revenues exceed expenses and replacement costs and to discourage excessive and wasteful use
- The leak detection program to reduce real water losses
 - Continuing inspections of water mains and connections
 - Intermittent night-flow measurements to be conducted annually
 - Pressure control of the water system by use of SCADA system
 - Pressure zones operated based on the topography
 - Surges in pressure limited by proper valve operation
- The 2009 International Plumbing Code shall be followed, and all new construction or renovations required to use water conserving fixtures

9.2 Tracking of Targets and Goals

Staff shall track targets and goals by utilizing the following procedures:

- Records shall be maintained for meter calibration, meter testing, and meter replacement programs
- Annual water audits shall be documented and kept in the files
- Records shall be maintained for the Leak Detection Program, including but not limited to the following:
 - Inspections of selected water main fittings and connections throughout the distribution system
 - Annual intermittent night-flow measurements
 - SCADA system is used to monitor water systems
 - Maintain records of water main repairs
 - Develop water main replacement projects based on leak and repair data

10. REVIEW AND UPDATE OF WATER CONSERVATION PLAN

TCEQ requires Water Conservation Plans be updated prior to May 1, ~~2014~~ 2019. The plans are required to be updated every five years thereafter. The plan will be updated as required and as appropriate based on new or updated information.

11. DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN

11.1 Declaration of Policy, Purpose and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, to protect and preserve public health, welfare, and safety, and minimize the adverse impacts of water supply

shortage or other water supply emergency conditions, the City of Sherman ~~hereby adopts the following adopted~~ regulations and restrictions on the delivery and consumption of water *through Ordinance No. 6207 on May 6, 2019.*

Water uses regulated or prohibited under this Drought Contingency Plan (“the Plan”) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 11.12 of this Plan.

11.2 Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Sherman by means of a public meeting held in the Council Chambers on ~~Friday, April 18, 2014 at 11:30 a.m.~~ *Monday, May 6, 2019 at 5:00 p.m.* Public notice of this meeting was provided by a paid advertisement in the Herald Democrat, the newspaper of general circulation in Grayson County (Attachment G).

11.3 Public Education

The City of Sherman will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases to local radio, TV and newspapers. Notices will also be placed on the City’s website.

11.4 Coordination with Regional Water Planning Groups

The service area of the City of Sherman is located within the Region C Water Planning Area and the City of Sherman provided a copy of this Plan to the Chairman of Region C Regional Water Planning Group (Attachment H).

11.5 Authorization

The Mayor or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

11.6 Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Sherman. The terms “person” and “customer” as used in the Plan include individuals, corporation’s partnerships, associations, and all other legal entities.

11.7 Definitions

For the purpose of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels, motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of Sherman.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians

Non-essential water use: water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) flushing gutters or permitting water to run or accumulate in any gutter or street;

- f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) failure to repair controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

11.8 Triggering Criteria for Initiation and Termination of Drought Response Stages

The Mayor or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of a publication in the newspaper of general circulation, notification to local radio/TV stations, posting notices on the public access cable channel, and written faxes to industrial and wholesale water users.

The triggering criteria described below are based on the drought of record of this area from 1950 to 1957. The City of Sherman is currently allotted 33,400 acre feet of water storage in Lake Texoma. This will provide an annual yield of 35 mgd available from Lake Texoma. The City currently has treatment capacity of 10 mgd. The City also has a well system capable of delivery of 13.8 mgd on a peak basis.

Sherman's Plan is based on the adequacy and reliability of the water production and distribution facilities under drought conditions. Capacity and equipment problems could temporarily impact Sherman's water production and delivery system. Given the groundwater and surface water resources available it is unlikely that the water supply will not meet the City's water needs to the 2050 planning period required by Senate Bill 1.

Stage 1 – Mild Water Shortage Conditions

Requirements for initiation – Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 11.7 - Definitions, when total daily water demand equals 80 percent or 18 mgd for five (5) consecutive days based on the "safe" operating capacity of water supply facilities.

Requirements for termination – Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

Stage 2 – Moderate Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 11.7 of this Plan when water demands equal or exceed 90 percent, or 21 mgd for three (3) consecutive days based on the safe operating capacity of the facilities.

Requirements for termination – Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 – Severe Water Shortage Conditions

Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of the Plan when water demand equals 100% or 23 mgd for three (3) consecutive days based on the state operating capacity of the facilities.

Requirements for termination – Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 – Emergency Water Shortage Conditions

Requirements for initiation – The City of Sherman will recognize an emergency water shortage when one or more of the following conditions exist:

- a) Natural or man-made contamination occurs in the water supply source(s) of Lake Texoma
- b) The City of Sherman experiences water production or distribution system limitations
- c) The City of Sherman experiences a system outage due to the failure or damage of major water system components

Requirements for termination – Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days.

11.9 Drought Response Stages

The Mayor/Manager and his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 11.8 of the Plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of a notice in a newspaper of general circulation:

Stage 1 – Mild Water Shortage Conditions

Goal: Achieve a voluntary 5 percent reduction in daily water demand.

Supply Management Measures:

In an effort to manage limited water supplies and/or reduce water demand the City of Sherman will reduce or discontinue flushing of water mains.

Voluntary Water Use Restrictions:

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with street addresses ending in an even number (0, 2, 4, 6, or 8) and Saturdays and Tuesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), or to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- b) All operations of the City of Sherman shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 – Moderate Water Shortage Conditions

Goal: Achieve a 15 percent reduction in daily water demand.

Supply Management Measures:

In an effort to manage limited water supplies and/or reduce water demand, the City of Sherman will reduce or discontinue flushing of water mains and reduce or discontinue irrigation of public landscaped areas.

Water Use Restrictions – under threat of penalty or violation, the following water use restrictions shall apply to all persons:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Tuesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Sherman.
- f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Sherman, the facility shall not be subject to these regulations.
- g) All restaurants are prohibited from serving water to its patrons except when requested.
- h) The following uses of water are defined as non-essential and are prohibited:
 - 1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3) use of water for dust control except where there is concern for public health in confined spaces;

- 4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
- 5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 – Severe Water Shortage Conditions

Goal: Achieve a 20 percent reduction in daily water demand.

Supply Management Measures:

In an effort to manage limited water supplies and/or reduce water demand, the City of Sherman will reduce or discontinue flushing of water mains, discontinue irrigation of public landscaped areas and use of reclaimed water for non-potable purposes.

Water Use Restrictions: all requirements of Stage 2 shall remain in effect during Stage 3 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Sherman.
- c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 – Emergency Water Shortage Conditions

Whenever emergency water shortage conditions exist as defined in Section 11.8 of the Plan, the Mayor or his/his designee shall:

- a) Assess the severity of the problem and identify the actions needed and time required to solve the problem
- b) Inform the appropriate city staff members and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored)
- c) If appropriate, notify city, county and/or state emergency response officials for assistance
- d) Undertake necessary actions, including repair and/or cleanup as needed

- e) Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.

11.10 Industrial Customers

A monthly water usage allocation shall be established by the Mayor, or his/her designee, for each industrial customer that uses water for processing purposes. The industrial customer's allocation shall be approximately 90 percent of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the three-month period ending prior to the date of implementation of Stage 2 of the Plan. The Mayor shall give his/her best effort to see that notice of each industrial customer's allocation is mailed or faxed to such customer. If, however, a customer does not receive such notice, it shall be customer's responsibility to contact the City of Sherman to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of such notice. Upon request of the customer or at the initiative of the Mayor the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water usage because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Council.

11.11 Water Rationing

Outside Wholesale Customer

The City of Sherman has contracted with several wholesale customers who are located outside the city limits. When drought conditions trigger Stage 1 criteria, each wholesale water customer will be mailed or faxed a notice requesting that they comply with the same voluntary water use practices as the water customers of the City of Sherman.

When moderate or Stage 2 criteria are triggered each wholesale water user will be mailed or faxed a letter advising that they will be expected to comply with a pro-rata reduction of water usage in compliance with provisions of Section 11.039 of the Texas Water Code. This pro-rata reduction shall mean that the same water use restrictions enforced on the City of Sherman water users will be applicable to wholesale water customers.

If Stage 3 criteria are triggered the City of Sherman will mail or fax a letter to each wholesale water customer advising that each wholesale water customer will be expected to comply with the same restrictions as customers of the City of Sherman and each wholesale water customer must comply with the provisions of Section 11.039 of the Texas Water Code.

If, however, a customer does not receive a notice sent by the City of Sherman, it shall be the wholesale customer's responsibility to contact the City of Sherman to determine the restrictions with which it must comply. In future contracts for wholesale water sales or renewals of existing contracts the City of Sherman will include a provision stating that in case of a shortage of water resulting from a drought or equipment failure, the water to be distributed shall be divided in accordance with the Texas Water Code, Section 11.039.

11.12 Enforcement

a) No person shall knowingly or intentionally allow the use of water from the City of Sherman for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of the Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Mayor or his/her designee in accordance with the provisions of this Plan.

b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than Twenty Dollars (\$20.00) and not more than One Hundred Fifty Dollars (\$150.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of reconnection charge, hereby established at Fifteen Dollars (\$15.00), and any other costs incurred by the City of Sherman in discontinuing service. In addition, suitable assurance must be given to the Mayor that the same action be sought through injunctive relief in the district court.

c) Any person, including a person classified as a water customer of the City of Sherman, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proved he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

d) Any employee of the City of Sherman, police officer, or other Sherman employee designated by the Mayor may issue a citation to a person he/she reasonably believes to be in violation of this Plan.

11.13 Variances

The Mayor or his/her designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would

cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or he person requesting such variance and if one or more of the following conditions are met:

- a) Compliance with the Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the Mayor within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor or his/her designee, and shall include the following:

- a) Name and address of the petitioner(s).
- b) Purpose of water use.
- c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- e) Description of the relief requested.
- f) Period of time for which the variance is sought.
- g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- h) Other pertinent information.

Variances granted by the City of Sherman shall be subject to the following conditions, unless waived or modified by the Mayor or his/her designee:

- a) Variances granted shall include a timetable for compliance.
- b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

11.14 Severability

It is hereby declared to be the intention of the Sherman City Council that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the Sherman City Council without the incorporation of this Plan of any such unconstitutional phrase, clauses, sentence, paragraph, or section.

11.15 Plan Review and Update

The City of Sherman shall review and update, as appropriate, the Drought Contingency Plan every five (5) years, based on New or updated information.

11.16 Coordination with the Regional Water Planning Groups

Attachment H includes a copy of a letter sent to the Chair of the Region C Water Planning Group with this model drought contingency and water emergency response plan. City of Sherman customers will send a draft of its ordinance(s) or other regulation(s) implementing this plan to the City of Sherman for review and comment. The customer will also send the final ordinance(s) or other regulations(s) to the City of Sherman, as well as a copy of the final plan.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Summary Water Conservation and Drought Contingency and Water Emergency Response Plan

Objectives

- Determination and resolution of water losses.
- Public education concerning water conservation.
- Continue to upgrade preventive maintenance programs.
- Repair and replace meters as needed.
- Implement leak detection measures.
- Increase control over pressure variations.

Goals

- Maintain consumption at or below 175 gpcd (gallons per capita per day).
- Obtain 12% or less unaccounted for water for 2020 target.
- Obtain 12% or less unaccounted for water for 2025 target.
- Distribute conservation information to customers.
- Encourage use of water conservation fixtures such as low flow shower heads and low flow flush toilets.
- Public education on use of reduced irrigation landscaping.
- Use of uniform rate structure to discourage high usage.

Summary Water Conservation and Drought Contingency and Water Emergency Response Plan

STAGE 1: Mild Water Shortage Conditions

- Voluntary rationing of outside watering.
- Triggered by five (5) consecutive days at or above 80% (for 18 MGD) of total demand.
- Goal is a 5% reduction in demand.

STAGE 2: Moderate Water Shortage Conditions

- Mandatory rationing of outside watering.
- Triggered by three (3) consecutive days at or above 90% (or 21 MGD) of total demand.
- Goal is a 15% reduction in demand.

STAGE 3: Severe Water Shortage Conditions

- More restrictive and mandatory rationing of outside water (hand-held hose watering at limited times of the day).
- Triggered by three (3) consecutive days at or above 100% (or 23 MGD) of total demand.
- Goal is a 20% reduction in demand.

STAGE 4: Emergency Water Shortage Conditions

- Natural or man-made contamination occurs.
- The City of Sherman experiences water production or distribution system limitations.
- The City of Sherman experiences a system outage due to the failure or damage of major water system components.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.3.

Meeting Date: 05/06/2019

Prepared By: Zachary Flores, Police Chief

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6208

Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", to Delete Article 4.13, entitled "Police Rotation List Tow Services", in its entirety, and to Provide for a New Article 4.13 to be entitled "Towing Regulations"

Issue:

To consider approval of amendments to the City's Wrecker Ordinance, codified at Chapter 4, Article 4.13 of the Sherman Code of Ordinances

Background:

The current Wrecker Code provisions in the Code of Ordinances do not provide the department with the necessary tools to address many of the issues that arise when dealing with wrecker companies and the towing industry as a whole. The proposed ordinance will provide the police department with the authority to enter into agreements with wrecker companies, therefore allowing an increased level of accountability and a degree of flexibility for both the wrecker companies and the City.

Origination:

Police Chief Zachary Flores

Financial Consideration:

None

Staff Recommendation:

It is recommended that the City Council approve the proposed deletion and replacement of Article 4.13 to be entitled, "Towing Regulations".

Alternatives:

As directed by the City Council

Attachments

Ordinance No. 6208

Wrecker Services Agreement

ORDINANCE NO. 6208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", TO DELETE ARTICLE 4.13, ENTITLED "POLICE ROTATION LIST TOW SERVICES", IN ITS ENTIRETY, AND TO PROVIDE FOR A NEW ARTICLE 4.13 TO BE ENTITLED "TOWING REGULATIONS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 4 of the Code of Ordinances of the City of Sherman, Texas, entitled "Business Regulations", be amended to delete Article 4.13, entitled "Police Rotation List Tow Services", in its entirety.

~~ARTICLE 4.13 POLICE ROTATION LIST TOW SERVICES~~

~~Division 1. Generally~~

~~Sec. 4.13.001—Definitions~~

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

~~*Consent tow.* A tow in which the operator of the vehicle is present and not incapacitated who selects the tow service of his choice. Tows in which the vehicle is to remain in police custody, or in which the police intend to conduct a search or inventory, are not consent tows.~~

~~*Day towing.* Towing service between the hours of 8:00 a.m. and 5:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday which is not an official federal holiday.~~

~~*Hookup.* The application and first connection of a chain hook from the tow service truck to the towed motor vehicle.~~

~~*Motor vehicle.* Any vehicle which is self propelled; this does not include motor assisted bicycles as defined by the laws of the state.~~

~~*Night, weekend and holiday towing.* Towing service at all times other than "day towing."~~

~~*Nonconsent tow.* A tow at the direction of a police officer from the rotation list.~~

~~*Owner.* Any person who holds the legal title to a motor vehicle or has the legal right to possession thereof. This does not include any person who has gained possession of a motor vehicle only as a result of wrecker services performed.~~

~~*Tow service.* A person engaged in the business of a wrecker or towing service, whereby motor vehicles are towed or otherwise removed at the direction of officers of the city police department by the use of a wrecker or motor vehicle designed for that purpose.~~

~~*Truck.* A vehicle of two-ton capacity or more, other than city vehicles.~~

~~*Vehicle depository.* The site to which a tow service tows and stores motor vehicles.~~

~~*Wrecked motor vehicle.* A motor vehicle not capable of or safe for self-propulsion.~~

(1991 Code, sec. 36-26)

~~Sec. 4.13.002 — Police rotation list established~~

~~The chief of police is hereby authorized to establish a rotation list of tow services desiring to provide towing services upon request of police officers. New tow services which desire to be placed upon and remain on a rotation list shall be placed at the bottom of the list once they comply with the requirements of this article and with all other rules and regulations which may be issued by the chief of police regarding towing services requested by personnel of the police department. A separate rotation list will be maintained for those tow services capable of towing trucks. Unless otherwise stated, all provisions of this article apply to both rotation lists. (1991 Code, sec. 36-28)~~

~~Sec. 4.13.003 — Exclusions; liability~~

~~This article shall not apply to wrecker services which are not listed on the police rotation list. The city assumes no liability for motor vehicles towed and/or stored in tow service's vehicle depository pursuant to this article. (1991 Code, sec. 36-29)~~

~~Sec. 4.13.004 — Penalty~~

~~Any person who shall violate a provision of this article, or fails to comply therewith or with any of the requirements thereof, shall be guilty of a misdemeanor punishable by a fine as provided in section 1.01.009. (1991 Code, sec. 36-30)~~

~~Sec. 4.13.005 — Selection of tow services by police~~

~~In nonconsent tows, the police officer ordering the tow shall request that the towing service be performed by the tow service then first on the rotation list maintained in the police communications center. When emergency circumstances exist which require the immediate removal of a vehicle from the roadway, the police officer may disregard the rotation list and use the tow service nearest to the scene of the emergency. A police officer may also request towing service from any company~~

~~operating large cranes or other heavy equipment if same is necessary to remove traffic obstructions involving large trucks or heavy equipment. (1991 Code, sec. 36-31)~~

~~Sec. 4.13.006 — Influence in selection of tow service~~

~~A police officer investigating or present at the scene of a wreck or collision shall not directly or indirectly recommend to any person the name of any tow service, nor shall any such police officer influence or attempt to influence in any manner the decision of any person on choosing or selecting a tow service. (1991 Code, sec. 36-32)~~

~~Secs. 4.13.007-4.13.040 — Reserved~~

Division 2. Permit

~~Sec. 4.13.041 — Required; fee~~

~~All tow trucks performing nonconsent tows within the boundaries of the municipality shall obtain a police rotation list privilege permit from the city. The annual permit fee shall be as established by ordinance. (1991 Code, sec. 36-46)~~

~~Sec. 4.13.042 — Application~~

~~Application for a police rotation list privilege permit shall be notarized and shall be made on forms prepared and made available by the police department. The application shall contain the following information:~~

- ~~(1) — The name, home address and business address of each owner, part owner, agent of record or partner, silent or active.~~
- ~~(2) — The business address, telephone number, night telephone number and the location of and telephone number of any storage area.~~
- ~~(3) — A description of the size and capacity of all tow trucks used by the tow service.~~
- ~~(4) — A copy of a certificate of a garage or automobile liability insurance policy insuring the tow service owner and his employees as required by state law.~~
- ~~(5) — The application shall be signed by each owner, part owner or partner, active or silent.~~

~~(1991 Code, sec. 36-47)~~

~~Sec. 4.13.043 — Insurance required~~

~~The insurance described in section 4.13.042 shall be required for all tow services and must be kept in effect during the period for which the permit is issued. Cancellation of such insurance without replacement shall result in the cancellation of any permit issued hereunder and removal from the list of tow services. (1991 Code, sec. 36-48)~~

Sec. 4.13.044 — Investigation

~~Within five (5) business days after receipt of each application, the chief of police or his representative shall cause an investigation to be made of the applicant and of his operation. Such investigation shall be made for the purpose of verifying the information in the application and to ensure compliance with the provisions of this article. The investigation shall include the following items:~~

~~(1) — That all applicants, owners and partners are fit and proper persons to conduct or work in the proposed business and have never been convicted of any theft, felony assault or any other crime involving the taking, use, tampering with or conversion of a motor vehicle.~~

~~(2) — That the tow service will use only tow trucks equipped with adequate emergency lights.~~

~~(3) — That the tow service will respond to each call for towing services by the police department twenty four (24) hours per day, seven (7) days per week.~~

~~(4) — That the requirements of all governing laws and ordinances will be met.~~

~~(1991 Code, sec. 36-49)~~

Sec. 4.13.045 — Issuance

~~The police department shall issue a permit and add a tow service to the rotation list when:~~

~~(1) — The police investigation confirms the requirements of section 4.13.044;~~

~~(2) — The insurance policies as required by this article have been produced;~~

~~(3) — The permit fee has been paid; and~~

~~(4) — The tow service is in compliance with all applicable state or federal laws and regulations.~~

~~(1991 Code, sec. 36-50)~~

Sec. 4.13.046 — Revocation or suspension causes

~~The chief of police shall revoke or suspend a police rotation list privilege permit issued hereunder when he finds any of the following to be true:~~

~~(1) — The permit was procured by fraudulent conduct or false statement of a material fact or that any fact concerning the applicant was not disclosed at the time of application and such fact would have constituted just cause for refusal to issue such permit;~~

~~(2) — The permittee illegally solicited tow or repair services at a police investigation;~~

~~(3) — The permittee has exceeded the fee schedule;~~

~~(4) — The permittee has violated any of the requirements of this article or any of the rules and regulations as established by the police department, the city council or the state. (1991 Code, sec. 36-51)~~

~~Sec. 4.13.047 — Revocation or suspension terms~~

~~The period of suspension or revocation shall be:~~

~~(1) — For the first violation, not more than thirty (30) days;~~

~~(2) — For the second violation, not more than ninety (90) days;~~

~~(3) — For the third or subsequent violation, such period of suspension as the chief of police may determine, including permanent revocation.~~

~~(1991 Code, sec. 36-52)~~

~~Sec. 4.13.048 — Renewal~~

~~The police rotation list privilege permit shall be valid for one (1) year from the date of issuance. Each application for renewal shall contain adequate assurances that the applicant continues to comply with all standards, rules and regulations prescribed by this article and all other standards, rules and regulations issued hereunder. Such renewals shall be on a form furnished by the police department and shall contain the names of any new owners, part owners or partners and the names of any new employees. (1991 Code, sec. 36-53)~~

~~Secs. 4.13.049 4.13.080 — Reserved~~

~~Division 3. Tow Service Regulation~~

~~Sec. 4.13.081 — Maintenance of equipment~~

~~Tow services shall maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner and proper equipment to tow vehicles in such a manner as to minimize any damage to towed vehicles, as well as appropriate equipment to properly remove any glass or other injurious substance off the roadway resulting from the vehicle being towed or accident in which the vehicle was involved. (1991 Code, sec. 36-66)~~

~~Sec. 4.13.082 — Hours for service~~

~~The tow service will provide twenty four hour a day, seven day a week, on call service. (1991 Code, sec. 36-67)~~

~~Sec. 4.13.083 — Time limits to respond~~

~~The tow service will arrive at the location of the vehicle to be towed within fifteen (15) minutes after receiving a request for day towing and within a reasonable time after receiving a request for night, weekend and holiday towing from the police department, which time shall not exceed twenty (20) minutes. No response or failure to respond within the time limits established herein will result in the tow service being placed at the end of the rotation list. (1991 Code, sec. 36-68)~~

Sec. 4.13.084 — Fees

~~(a) — The fees which may be charged by operators under this article shall be established by ordinance as follows:~~

- ~~(1) — Towing of automobiles, vans, motorcycles, and trucks of one (1) ton or less shall be not more than seventy dollars (\$70.00). This fee includes driving to the scene, thirty (30) minutes time on the scene, hookup and tow to anywhere in the city limits.~~
- ~~(2) — Towing of trucks greater than (1) ton shall be not more than two hundred dollars (\$200.00) per hour, plus not more than fifty dollars (\$50.00) per hour for each additional man required.~~
- ~~(3) — Storage fees of all vehicles shall be as established by state law.~~
- ~~(4) — Towing of automobiles, vans, motorcycles, and trucks of one (1) ton or less outside the city limits shall be an additional charge of not more than two dollars and no cents (\$2.00) per mile one way, or not more than one dollar (\$1.00) per mile for the total mileage from the shop back to the shop, whichever is greater.~~
- ~~(5) — If, for any reason not the fault of the tow service, the wrecker operator must remain at the scene of the tow for a period in excess of thirty (30) minutes, the operator will be entitled to charge up to twenty dollars (\$20.00) per each fifteen (15) minutes or portion thereof beyond the initial thirty minute period.~~

~~(b) — The above rates are based on one (1) wrecker and one (1) operator. When the use of additional wreckers is deemed necessary by the wrecker operator, with prior approval of the requesting police officer, each additional wrecker may charge the above fees.~~

~~(c) — For a towing involving extraordinary labor and expenses, the above maximums may be exceeded with the approval of the chief of police if unusual and extraordinary circumstances occur at the scene of an emergency.~~

~~(1991 Code, sec. 36-69)~~

Sec. 4.13.085 — Monitoring or intercepting police calls

~~No tow service shall arrive at the scene of a police investigation as a result of monitoring or intercepting police calls by radio or other device. (1991 Code, sec. 36-70)~~

Sec. 4.13.086 — Towing to place designated by owner; exception

~~Any tow service on the wrecker rotation list must tow to a place designated by the owner unless the owner of the vehicle is disabled by physical injury and is therefore unable to designate a location for the vehicle to be towed; the tow service shall then store the vehicle in the vehicle depository operated by the towing service. In all cases, the officer on the scene shall have the authority to require the vehicle to be towed to a city vehicle depository, if so directed. (1991 Code, sec. 36-71)~~

~~Sec. 4.13.087 — Vehicle depositories~~

~~All tow services on the wrecker rotation list shall maintain or have access to vehicle depositories located within the city. The vehicle depository, if an open lot, shall be enclosed by a fence of adequate construction which shall be a minimum of six (6) feet in height and which shall be kept well secured, as may be required by the chief of police. The vehicle depository required herein shall be separate and apart from any vehicle depository operated by the city. Failure to meet these conditions will subject a tow service to the administrative penalties as set out in this article. (1991 Code, sec. 36-72)~~

~~Sec. 4.13.088 — Recordkeeping~~

~~Any tow service operating under this article must keep and maintain for one (1) year from the date of towing the following records:~~

- ~~(1) — The make and model of the vehicle;~~
 - ~~(2) — The license number of the vehicle;~~
 - ~~(3) — The vehicle identification number (VIN);~~
 - ~~(4) — The date of the tow.~~
- ~~(1991 Code, sec. 36-73)~~

~~Sec. 4.13.089 — Minimizing damage to towed vehicles~~

~~The person operating the tow service shall make every reasonable effort to minimize damage to towed vehicles. Where appropriate, such reasonable effort shall include, but is not limited to:~~

- ~~(1) — Use of a dolly or carriage for towing;~~
 - ~~(2) — Disconnection of the drive shaft;~~
 - ~~(3) — Release of brakes;~~
 - ~~(4) — Towing at a reasonable speed.~~
- ~~(1991 Code, sec. 36-74)~~

~~Sec. 4.13.090 — Dismantling towed vehicles~~

~~No towed vehicle may be dismantled, have parts removed or tires deflated except as necessary for towing. (1991 Code, sec. 36-75)~~

~~Sec. 4.13.091 — Itemized billing~~

~~The bill for towing of any motor vehicle shall be itemized to reflect services performed, labor or other materials required and any other charges. (1991 Code, sec. 36-76)~~

~~Sec. 4.13.092 — Responsibilities enumerated~~

~~The tow service shall be responsible for collecting all fees set out in section 4.13.084 from the owner of the towed vehicles as well as handling all paper work and processing all notices required by state or federal law. (1991 Code, sec. 36-77)~~

SECTION 2. That Chapter 4 of the Code of Ordinances of the City of Sherman, Texas, entitled “Business Regulations”, be amended to add a new Article 4.13 to be entitled “Towing Regulations”, said article to read as follows:

ARTICLE 4.13 TOWING REGULATIONS

4.13.001 Purpose

To protect the health, safety and general welfare of the residents of the city and to preserve and protect functionality and integrity of the city’s roads, streets and highways by the regulation of vehicle tow services in the city.

4.13.002 Definitions

For purposes of this article, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this article shall be given their common and ordinary meaning.

Consent tow means any tow of a motor vehicle by the owner or operator of the motor vehicle or by a person who has possession, custody, or control of the motor vehicle. The term does not include an incident management tow or a private property tow.

Incident management tow means any tow of a motor vehicle in which the tow truck is summoned because of a traffic accident or to an incident.

Motor vehicle means a vehicle subject to registration under the Certificate of Title Act, Texas Transportation Act, Chapter 501, as amended, or any other device designed to be self-propelled or transported on a public highway and/or which may be attached to a trailer or other similar device.

Non-consent tow means any tow of a motor vehicle that is not a consent tow, including an incident management tow and a private property tow.

Police department means the chief of police, supervisors, police officers and dispatchers of the city police department only.

Private property tow means any tow of a motor vehicle authorized by a parking facility owner without the consent of the owner or operator of the motor vehicle.

Vehicle storage facility means a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking ten or more motor vehicles per year.

Wrecker or tow truck means a truck-mounted crane or A-frame, with either power of mechanical boom and hoist, or winch and hoist, or any combination thereof, which motor vehicle is commonly

used to move, tow and convey wrecked and disabled motor vehicles, vehicles, trailer or semitrailers, or both, from the scene or site of a wreck, motor vehicle accident or collision and has a permit issued by the state department of licensing and regulation.

Wrecker contractor means a wrecker operator who has entered into an agreement for services with the city for police-directed tows.

Wrecker operator or tow truck operator means any person who owns or operates a wrecker within the corporate limits of the city, who is regularly engaged in the business of repairing, rebuilding, storing, wrecking, selling or trading wrecked and disabled motor vehicles, vehicles, trailers or semitrailers, or both and has a license issued by the state department of licensing and regulation.

4.13.003 Providing for non-consent towing by the city

No person shall provide wrecker service to the city without first executing an agreement therefore with the city, nothing in this section shall prohibit the city from utilizing the services of non-contract wreckers for towing services originating outside the corporate limits of the city.

4.13.004 Maximum rates

Maximum rates for wrecker services provided to the city shall be specified in the agreement and shall comply with applicable state law.

4.13.005 Agreement for wrecker service

The city shall have the power and authority to prepare requirements for wrecker operators, which shall be set forth in the agreement. Upon execution of the agreement, the wrecker contractor shall respond upon request of the city to the scene or site of any wreck, motor vehicle accident or collision occurring within the corporate limits of the city, or to any other scene or site at which the services of a wrecker are required by the city.

4.13.006 Inspection

The police department shall have authority to inspect all wreckers belonging to a wrecker contractor to ensure the wrecker operators' continued compliance with the terms of the agreement and state law.

4.13.007 Dispatch by police generally

It shall be unlawful for any wrecker operator or driver to proceed to the scene or site of a wreck, motor vehicle accident or collision, or follow any ambulance or police car which is traveling in response to a report of a wreck, motor vehicle accident or collision, unless such wrecker has been duly, legally dispatched to the scene or site by the city police department or has been requested to come to the scene by a party involved in the wreck, motor vehicle accident or collision.

4.13.008 Promulgation of additional requirements

The chief of police shall have authority to promulgate other reasonable rules, regulations and requirements as may become necessary to ensure that the wrecker contractor protects the motor vehicle and their contents.

4.13.009 Private property tows

A wrecker operator that intends to remove a motor vehicle from a parking facility in accordance with V.T.C.A., Transportation Code Ch. 684 may not tow a motor vehicle to a vehicle storage facility more than 15 miles outside of the city corporate limits.

4.13.010 Tow truck operator and vehicle storage facility's duty to report after towing or accepting unauthorized vehicle

A tow truck operator towing a motor vehicle and a vehicle storage facility accepting a motor vehicle that is towed under this chapter shall, within 30 minutes after towing from the parking facility or receiving the motor vehicle, report to the city police department in which the parking facility is located:

- (1) A general description of the motor vehicle;*
- (2) The state and number of the motor vehicle's license plate, if any;*
- (3) The vehicle identification number of the motor vehicle, if it can be ascertained;*
- (4) The location from which the motor vehicle was towed; and*
- (5) The name and location of the vehicle storage facility where the motor vehicle is being stored.*

The report required by this section must be made by telephone or delivered personally or by facsimile.

4.13.011 Reports to city police department of towing pursuant to lienholder's request

(a) Whenever a wrecker operator tows, transports or otherwise takes a motor vehicle pursuant to a request by a lienholder incident to a lawful repossession, the wrecker operator taking the motor vehicle shall make a verbal report to the city police department within 30 minutes of the time of picking up the motor vehicle, which shall include the following information:

- (1) The license plate number of the repossessed motor vehicle;*
- (2) The motor vehicle identification number of the repossessed motor vehicle;*
- (3) The year, make, model and color of the repossessed motor vehicle;*
- (4) The name, address and telephone number of the lienholder who requested the taking of the motor vehicle;*
- (5) The state license plate number of the auto wrecker used, and the name and Texas driver's license number of the wrecker driver; and*

(6) *The location from which the motor vehicle was towed, the date and time that the motor vehicle was picked up and the name, street address and telephone number of the place to which the motor vehicle was taken for storage.*

(b) *The chief of police shall designate a telephone number for the filing of oral reports under this section.*

SECTION 3. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

WRECKER SERVICES AGREEMENT

This Agreement (the "Agreement") is entered into as of the ____ day of _____, 20____ by and between **the City of Sherman, Texas**, a Texas home-rule municipality (the "City"), and [CONTRACTOR NAMES], a [TYPE OF ENTITY] ("Contractor"), and on the terms and conditions hereinafter set forth.

WHEREAS, the City desires to engage an independent contractor to provide City with wrecker and impound services for the purposes of, among others, towing, impounding and storing, if necessary, vehicles as requested by the City Police Department; and

WHEREAS, the City Council of the City of Sherman, Texas, (the "City Council") has investigated and determined that it is in the best interests of the citizens to enter into such an Agreement with the Contractor;

NOW, THEREFORE, for and in consideration of the promises, covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, City and Contractor hereby agree as follows:

Article I Term and Termination

The term of the Agreement shall be for a period of one (1) year commencing _____, 20____ (the "Effective Date"), and, unless renewed according to the terms set forth in this Article, terminating _____, 20____ (the "Primary Term").

The Primary Term of the Agreement may be extended by agreement of the parties for an additional _____ (__) year period upon the same terms and conditions as herein set forth or as amended. In order for the Primary Term to be extended for a renewal term, Contractor must notify City, in writing, of its desire to extend the Agreement for an additional _____ (__) year period. Such notice shall be given no more than ninety (90) days prior to the end of the Primary Term. City shall, after Contractor gives such notice, have forty-five (45) days in which to notify Contractor of its agreement to extend the term of the Agreement. If City fails to notify Contractor, in writing, of its agreement to extend the Agreement, the Agreement will expire as provided herein.

Except as provided herein, if, at any time, Contractor shall fail to perform the terms, covenants and/or conditions set forth herein, City shall notify Contractor of the reasons in support of City's claim that Contractor has breached the Agreement. Contractor shall be allowed a fourteen (14) day period from the date of receipt of said notice from City to remedy any breach. If Contractor fails to remedy any breach during the time period prescribed herein, the Agreement shall terminate without further notice to Contractor.

Article II Rotation List

By entering into this Agreement, the Contractor acknowledges that the Contractor shall be placed on a Rotation List with other contractors to provide the services described herein at the

request of the City Police Department. This Agreement provides no guarantee that Contractor shall be contacted by the City Police Department.

In order to be listed on the Rotation List, the Contractor has provided the City with the following information:

1. Name, address and date of birth of the Contractor;
2. Number of tow trucks proposed to be operated by the Contractor;
3. Address and telephone number of the business location from which the Contractor will operate such wrecker service;
4. Amount and type of tow truck equipment which will be placed in operation along with the following information:
 - a. Year and make of the vehicle.
 - b. Vehicle identification number.
 - c. Vehicle certificate of title number.
 - d. Empty weight.
 - e. Gross weight.
 - f. Current Texas license plate number.
 - g. Sales tax identification number, if applicable.
 - h. A copy of the certificate of registration issued by the Texas Department of Licensing and Regulation.
5. Proof that the Contractor has available storage space that meets the requirements of state law for properly accommodating and protecting all motor vehicles to be removed by Contractor from the places where they are found;
6. Proof of ownership of or access to the use of a vehicle storage facility licensed by the Texas Department of Licensing and Regulation;
7. The names of operators who shall drive the wreckers for the Contractor and the appropriate class of drivers license by number; and
8. Such other information as the Chief of Police shall find reasonably necessary to affect the purpose of this Agreement and to arrive at a fair determination of whether Contractor has complied with the terms of this Agreement.

Article III

Scope of Services

The Scope of Services shall consist of the items contained in this Agreement. Contractor will be responsible, at its own cost and expense, to furnish well-trained personnel and appropriate, well-maintained equipment of the highest quality to efficiently and economically perform the services included in the Agreement, providing all necessary supervision of such services and to complete said work in accordance with or above the level of performance set forth in the Agreement.

1. **General Requirements:**

- a. Contractor shall conduct themselves in a dignified and respectable manner and shall be courteous to the public and shall follow directions of the investigating officers as to the disposition of vehicles to be moved or towed to a place of storage;
- b. Contractor shall have available sufficient personnel and equipment to provide services at all times to meet the needs of the Police Department;
- c. Contractor shall provide one (1) standard duty one-ton wreckers with a five thousand (5,000) pound minimum carrying capacity, if the Contractor is applying to also be included on the heavy duty wrecker rotation list, they must provide one (1) heavy duty wrecker with a twenty thousand (20,000) pound minimum carrying capacity;
- d. Contractor shall ensure that while lifting a vehicle in preparation for towing that all other persons are kept a safe distance away from the tow truck and vehicle to be towed. A safe distance is at least twice the distance between the end of the boom and the hook up point on a vehicle or twice the distance of the cars being lifted, whichever is greater. If a hydraulic lift is being used, a safe distance is twice the distance to which the lift arm is extended;
- e. Contractor shall, upon receiving a complaint from any source claiming damage to a vehicle or its contents towed by a tow truck operator, submit a written report to the Chief of Police or his designee within twenty-four (24) hours after receipt of such complaint. Such report shall contain all facts pertinent to the claim or the complaint presented;
- f. Contractor shall respond and proceed to the scene and/or site of a wreck, motor vehicle accident or collision within City's corporate limits and/or follow an ambulance or police car, which is traveling in response to a report of a wreck, motor vehicle accident or collision, within City's corporate limits **only** after being duly and legally dispatched to the scene and/or site by City or if requested to respond to the scene and/or site by a party involved in the wreck, motor vehicle accident or collision;
- g. Contractor shall ensure that all of its tow truck drivers are trained in safety procedures to, among others, protect the public, any and all property and themselves. In this connection, Contractor shall have annual training sessions for all of its drivers to update them in proper safety procedures;
- h. Contractor shall maintain inventory and records in accordance with all laws governing a storage facility in the State of Texas and City. In this connection, Contractor shall maintain its inventory, records and vehicles, kept and/or stored in accordance with this Agreement, separate from any other records, inventory and/or vehicles of Contractor. On or before the 15th day of each month throughout the term of this Agreement and any extensions hereto, Contractor shall provide

City a monthly report containing the status and/or disposition of each and every vehicle impounded in accordance with this Agreement. Contractor agrees that, at any time during business hours and as often as City deems necessary, Contractor shall make available to representatives of City for examination all of its records with respect to all matters covered by this Agreement and will permit such representatives of City to audit, examine, copy and make excerpts or transcripts from such records, and to make audits of all invoices, materials, and other data relating to all matters covered by this Agreement, all for a period of one (1) year from the date the Agreement is terminated, or for such other or longer period, if any, as may be required by law;

- i. Contractor shall, at all times, perform and provide the services to the City as set forth herein prior to performing and/or providing any of the same or similar services to any other person or entity;
- j. Contractor shall, as requested by City, tow and dispose of junked or abandoned vehicles in accordance with the laws of the State of Texas and City;
- k. Contractor shall perform any other service(s) requested of City which relates to the towing, impounding, storing and/or auctioning of vehicles; and
- l. Contractor wreckers and storage facilities shall be inspected by the City on an annual basis during the term of this Agreement.

2. Equipment Required

- a. Contractor agrees to maintain wrecker equipment with the following requirements:
 - i. Be not less than one (1) ton and be equipped with booster brakes and dual rear wheels.
 - ii. Be equipped with a power winch, winch line, boom (flatbeds require no boom) and lifting capacity of not less than eight thousand (8,000) pounds, which must be a factor-rated lifting capacity.
 - iii. Carry as standard equipment safety chains, fire extinguisher (a minimum of five pounds), crow bar or wrecking bar at least thirty-six (36) inches in length, broom designed for pushing with an eighteen (18) inch head and a handle at least thirty-six (36) inches in length, shovel with a flat edge at least nine (9) inches wide and a handle of at least thirty-six (36) inches, an axe, road flares or reflective triangles, a container for carrying glass and debris, string, rope or straps suitable for securing doors, hoods, trunks, etc., and a towing dolly (flatbed shall be excluded on towing dolly).
 - iv. Wreckers will be equipped with outside rearview mirrors, one on each side of the vehicle.

- b. Each heavy-duty tow truck must comply with the requirements in subsection (a) of this section unless this subsection specifies a different requirement.
 - i. Each heavy-duty tow truck must not be less than two and one-half (2½) tons.
 - ii. Each heavy-duty tow truck shall be equipped with a power-operated winch, winch line and boom, with a factory-rated lifting capacity of not less than thirty-two thousand (32,000) pounds, single-or double-line capacity.
 - iii. Carry as standard equipment safety chains, fire extinguisher [a minimum of ten (10) pounds], crow bar or wrecking bar at least thirty-six (36) inches in length, broom designed for pushing with an eighteen (18) inch head and a handle at least thirty-six (36) inches in length, shovel with a flat edge at least nine (9) inches wide and a handle of at least thirty-six (36) inches, an axe, road flares or reflective triangles, a container for carrying glass and debris, string rope or straps suitable for securing doors, hoods, trunks, etc.
 - iv. Towing dollies are not required.
 - v. Wreckers will be equipped with outside rearview mirrors, one on each side of the vehicle.
- c. An emergency warning light device shall be mounted on the wrecker, amber in color, alternately flashing or rotating, mounted as high as possible and as far to both left side and right side as possible, so as to be visible to the front and rear of the vehicle at all times when in operation. The warning device should be in operation from the time the tow truck arrives at the scene until the time of departure. The warning devices (amber) may be used, if necessary, for departure at the scene during travel to the storage facility, using the most expedient route. If the tow truck is equipped with a red light that faces the front of the vehicle, the red light may only be displayed while under the direction of a law enforcement officer at the scene of an accident or while hooking up to a disabled vehicle on a roadway.

3. Vehicle Storage Facility

- a. Each Contractor under this Agreement shall provide a suitable place for storage for vehicles towed at the request of the Police Department and such place shall:
 - i. Be located within the City corporate limits.
 - ii. Be properly licensed and zoned according to the Texas Department of Licensing and Regulation.
 - iii. Hold a minimum of ten (10) automobiles.

- iv. Be enclosed by a metal chain link fence, or other fence of better construction, which is of at least six (6) feet in height. This fence must meet any specific zoning requirements set forth by the City.
- v. Have a gate which is kept locked when not attended.
- vi. Maintain all screening, fences and gates in good condition.
- vii. Be adequately lit for security purposes.
- viii. Provide a minimum of three (3) parking spaces for customers of the business.
- ix. Comply with all applicable state laws relative to the operation of a wrecker service and vehicle storage facility.
- x. Provide a maximum security indoor area for storage of vehicles at the request of the Police Department.
- xi. Be available for service on a twenty-four (24) hour basis, seven (7) days a week.

4. Response Time

- a. The Contractor will arrive at the location of the vehicle to be towed within thirty (30) minutes after receiving a request for towing. The response time for a heavy duty or specialized equipment tow truck will be forty-five (45) minutes. It will be the duty of the Contractor to notify the Police Department if they are unable to make a tow as requested.

5. Duty of Contractor to Clean Street and Remove Debris

- a. The Contractor shall be responsible for cleaning the roadway of glass and debris when responding to a call of a motor vehicle crash, in accordance with the provisions of applicable state statutes.

6. Compliance with Abandoned Motor Vehicle Act

- a. Contractor agrees to comply with all guidelines set forth in the Texas Abandoned Motor Vehicle Act, Tex. Transportation Code, Chapter 683, as amended.

7. Impoundment of Vehicles

- a. All vehicles towed by the Contractor at the direction of the Police Department shall be impounded by such Contractor either at the vehicle storage facility of the Contractor, as described in this Agreement, or at a location designated by the

Police Department. Vehicles that have a Police Department hold placed on them shall not be returned to the owner of the vehicle until release of such vehicle is authorized by a Police Department supervisor or investigator.

8. Suspension and Removal from Rotation List

- a. Any Contractor who makes application under this Agreement and is placed on the rotation list and is called by the Police Department under the terms of this Agreement shall be required to respond to any authorized call. The Police Department shall remove the Contractor from the rotation list for any of the following reasons:
 - i. Failure to respond to three (3) consecutive calls.
 - ii. Failure to respond to twenty-five (25) calls within a twelve (12) month period. [Contractors may remove themselves from the rotation list with appropriate notification to the Police Department communications center without the penalty of failure to respond. Removal from the rotation list must be for a minimum of one (1) day-24 hours].
 - iii. Causing undue damage to vehicle picked up or any other act of incompetency of operation.
 - iv. Intoxication or incompetency of a tow truck driver/operator.
 - v. Failure to allow the Chief of Police or his designee to periodically make safety inspections of the tow truck or tow trucks, the tow truck service, and or vehicle storage facility as required herein.
 - vi. Failure to comply with the requirements for required equipment on tow trucks.
 - vii. Failure to comply with any other provision of this Agreement.
 - viii. The making of any false statement as to a material matter in an initial or renewal application.
- b. The name of any such Contractor shall be suspended from the rotation list and said Contractor shall not be eligible to have its name replaced on the rotation list for a period of up to twelve (12) months from the date of its removal.
- c. Any Contractor that receives a total of three (3) suspensions in a twelve (12) month time period shall have its permit terminated immediately. That Contractor shall not be eligible to re-apply for a permit for a twelve (12) month period commencing on a date of termination.

Article IV
Responsibilities of City and Police Department

1. The City shall not be responsible for the payment of towing and/or storage charges of any vehicle not owned by the City; and the Contractor may demand payment from the owner of the charges incurred in accordance with the schedule described in this Agreement before releasing any vehicle.
2. The Police Department shall dispatch in rotation the wrecker or wreckers required to satisfy any call or request for wrecker service from police officers except in cases where a vehicle is left abandoned on private property and no police action is involved. In such cases, it will be the responsibility of the citizen to request wrecker service.
3. The Police Department shall have exclusive jurisdiction in response to an accident or arrest involving a non-consent tow, in removing vehicles from the scene of such involvement by Contractor; however, requests by any private citizen, in a consent tow or otherwise, shall not affect the rotation schedule.
4. The Police Department shall keep a log of every call received under this Agreement. The log shall indicate the date, the time of the call, the disposition of the vehicle towed and the date and time of such disposition. If a listed Contractor cannot furnish a wrecker upon being called by the Police Department, the next Contractor listed shall be called and the pertinent information noted on the log.
5. The Police Department shall make a list of contents of the vehicle towed by the Contractor. This list will be completed on the Police Department's vehicle impound sheet. This impound sheet will be signed by the officer completing it and the Contractor. A copy will be retained by the Police Department for future reference and one copy shall be given to the Contractor.
6. Chief of Police or his designee may inspect any and all wreckers operated by the Contractor and shall maintain the results of such inspection.
7. Chief of Police or his designee may inspect all wreckers and storage yards owned or operated by the Contractor without notice.

Article V
Rates

The fees which may be charged by operators under this article shall be established by ordinance as follows:

1. Towing of automobiles, vans, motorcycles, and trucks of one (1) ton or less shall be not more than one hundred twenty dollars (\$120.00). This fee includes driving to the scene, thirty (30) minutes time on the scene, hookup and tow to anywhere in the city limits.

2. Towing of trucks greater than one (1) ton shall be not more than two hundred dollars (\$200.00) per hour, plus not more than fifty dollars (\$50.00) per hour for each additional man required.
3. Towing of any automobile, van, motorcycle, or truck due to the driver's lack of insurance, shall be not more than ninety-five dollars (\$95.00).
4. Storage fees of all vehicles shall be as established by state law.
5. Towing of automobiles, vans, motorcycles, and trucks of one (1) ton or less outside the city limits shall be an additional charge of not more than two dollars (\$2.00) per mile one way, or not more than one dollar (\$1.00) per mile for the total mileage from the shop back to the shop, whichever is greater.
6. If, for any reason not the fault of the tow service, the wrecker operator must remain at the scene of the tow for a period in excess of thirty (30) minutes, the operator will be entitled to charge up to fifty dollars (\$50.00) per each fifteen (15) minutes or portion thereof beyond the initial thirty (30) minute period.

Article VI Insurance

Contractor shall procure and maintain, for the duration of the Agreement, and any extension hereto, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work performed hereunder by Contractor. The cost of such insurance shall be borne by Contractor; and a Certificate of Insurance evidencing that such insurance has been procured and is in force will be forwarded to City on or before the Effective Date of the Agreement.

Contractor must procure and maintain the following minimum limits of insurance pursuant to the above-mentioned specifications during the entire Agreement period, including any extensions thereof:

<u>Coverage</u>	<u>Limits of Liability</u>
Worker's Compensation	Statutory
Employer's Liability	\$500,000.00
Bodily Injury Liability (Except automobile)	\$1,000,000.00 each occurrence \$2,000,000.00 aggregate
Property Damage Liability (Except automobile)	\$1,000,000.00 each occurrence \$2,000,000.00 aggregate
Automobile Bodily Injury (Except automobile)	\$1,000,000.00 each person \$2,000,000.00 each occurrence
Automobile Property Damage Liability	\$500,000.00 each occurrence

The certificates shall contain the following express obligations:

“This is to certify that the policies of insurance described herein have been issued to the insured for whom this certificate is executed and are in force at this time. In the event of cancellation or material change in a policy affecting the certificate holder, thirty (30) days prior written notice shall be given to the City of Sherman.”

As soon as practicable, but not more than ten (10) days after the execution of the Agreement, Contractor shall have City named as an additional insured on each certificate of insurance except Worker’s Compensation and Employer’s Liability, providing written evidence of same to City, and shall have each policy including Worker’s Compensation and Employers’ Liability endorsed to provide a waiver of subrogation in favor of City.

Insurance is to be placed with insurers licensed in the State of Texas and rated A- or better by A.M. Best, or A or better by Standard and Poor’s.

Article VII Additional Requirements

City shall have the authority to promulgate other reasonable rules, regulations and requirements as may become necessary to ensure that Contractor adequately protects vehicles and vehicle contents.

Article VIII Independent Contractor

Contractor is, and shall at all times be, deemed to be an independent contractor and shall be wholly responsible for the manner in which it performs the services required of it by the terms of this Agreement. Nothing herein shall be construed as creating the relationship of employer and employee, or principal and agent, between City and Contractor or any of Contractor’s agents or employees. Contractor assumes, exclusively, the responsibility for the acts of its employees as they relate to the services provided during the course and scope of their employment. Contractor, its agents and employees, shall not be entitled to any rights or privileges of City’s employees and shall not be considered in any manner to be City’s employees.

Article IX Participation in City-Sponsored Community Events

Contractor agrees to make every reasonable effort to participate in any and all City-sponsored community events when requested by City.

Article X Inspection

City shall, at all times, have the authority to inspect all of Contractor’s vehicles and equipment to ensure compliance with this Agreement.

ARTICLE XI

Termination of Agreement and Remedies

Either Party may, upon ten (10) days written notice to the other Party, terminate this Agreement, for any reason or no reason at all, before the termination date hereof, and without prejudice to any other remedy it may have. If City terminates this Agreement due to a default of and/or breach by Contractor and the City incurs an expense in correcting the Contractor's breach, then Contractor shall reimburse the City for any costs associated with City's correction of the Contractor's breach.

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 rights to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

Article XII

Dispute Resolution/Mediation

In addition to all remedies at law, the parties may resolve/mediate any controversy, claim or dispute arising out of or relating to the interpretation or performance of this Agreement, or breach thereof, by voluntary mediation to be conducted by a mutually acceptable mediator.

Article XIII

INDEMNITY

CONTRACTOR SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS CITY AND ITS CITY COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES FROM AND AGAINST ALL DAMAGES, INJURIES (INCLUDING DEATH), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEY'S FEES AND EXPENSES INCURRED IN ENFORCING THIS INDEMNITY), TO THE EXTENT CAUSED, IN WHOLE OR IN PART, BY THE NEGLIGENT, GROSSLY NEGLIGENT, AND/OR INTENTIONAL WRONGFUL ACT AND/OR OMISSION OF CONTRACTOR, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR ANY OTHER THIRD PARTIES FROM WHOM CONTRACTOR IS LEGALLY RESPONSIBLE, IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT AND/OR ARISING OUT OF GOODS AND/OR SERVICES PROVIDED BY CONTRACTOR PURSUANT TO THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE CITY (HEREINAFTER "CLAIMS"). THIS INDEMNIFICATION PROVISION AND THE USE OF THE TERM "CLAIMS" IS ALSO SPECIFICALLY INTENDED TO APPLY TO, BUT NOT LIMITED TO, ANY AND ALL CLAIMS, WHETHER CIVIL OR CRIMINAL, BROUGHT AGAINST CITY BY ANY GOVERNMENT AUTHORITY OR AGENCY RELATED TO ANY PERSON PROVIDING SERVICES UNDER THIS AGREEMENT THAT ARE BASED ON ANY FEDERAL IMMIGRATION LAW AND ANY AND ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS AND CAUSES OF ACTION OF EVERY KIND AND NATURE, KNOWN AND UNKNOWN, EXISTING OR CLAIMED TO EXIST, RELATING TO OR ARISING OUT OF ANY EMPLOYMENT RELATIONSHIP BETWEEN CONTRACTOR AND ITS EMPLOYEES OR

SUBCONTRACTORS AS A RESULT OF THAT SUBCONTRACTOR'S OR EMPLOYEE'S EMPLOYMENT AND/OR SEPARATION FROM EMPLOYMENT WITH THE CONTRACTOR, INCLUDING BUT NOT LIMITED TO ANY DISCRIMINATION CLAIM BASED ON SEX, SEXUAL ORIENTATION OR PREFERENCE, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE OR DISABILITY UNDER FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION, AND/OR ANY CLAIM FOR WRONGFUL TERMINATION, BACK PAY, FUTURE WAGE LOSS, OVERTIME PAY, EMPLOYEE BENEFITS, INJURY SUBJECT TO RELIEF UNDER THE WORKERS' COMPENSATION ACT OR WOULD BE SUBJECT TO RELIEF UNDER ANY POLICY FOR WORKERS COMPENSATION INSURANCE, AND ANY OTHER CLAIM, WHETHER IN TORT, CONTRACT OR OTHERWISE. CONTRACTOR IS EXPRESSLY REQUIRED TO DEFEND CITY AGAINST ALL SUCH CLAIMS; PROVIDED, HOWEVER, IF A COURT OF COMPETENT JURISDICTION SIGNS A JUDGMENT THAT BECOMES FINAL AND NON-APPEALABLE, DETERMINING THAT THE CITY (WITHOUT WAIVING ANY GOVERNMENTAL IMMUNITY) HAS JOINT, CONCURRENT OR SOLE NEGLIGENCE FOR THE CLAIMS, IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS (THE "JUDGMENT"), THEN CONTRACTOR IS NOT REQUIRED TO INDEMNIFY OR DEFEND THE CITY TO THE EXTENT OF THE NEGLIGENCE APPORTIONED TO THE CITY FOR EACH CAUSE(S) OF ACTION IDENTIFIED IN THE JUDGMENT. IN THE EVENT THE JUDGMENT PROVIDES THAT CITY IS JOINTLY, CONCURRENTLY, OR SOLELY NEGLIGENT FOR THE CLAIMS REFERRED TO THEREIN, CITY AGREES TO REIMBURSE CONTRACTOR FOR ALL REASONABLE AND NECESSARY COSTS INCURRED AND PAID BY CONTRACTOR THAT ARE ATTRIBUTABLE TO CITY'S PERCENTAGE OF JOINT, CONCURRENT, OR SOLE NEGLIGENCE, AS SET FORTH IN THE JUDGMENT, INCLUDING REASONABLE AND NECESSARY ATTORNEY'S FEES AND EXPENSES, TO CONTRACTOR WITHIN SIXTY (60) DAYS OF THE DATE OF THE JUDGMENT (THE "REIMBURSEMENT ALLOCATION").

IN ITS SOLE DISCRETION, CITY SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY CONTRACTOR IN FULFILLING ITS OBLIGATION HEREUNDER TO DEFEND AND INDEMNIFY CITY, UNLESS SUCH RIGHT IS EXPRESSLY WAIVED BY CITY IN WRITING. CITY RESERVES THE RIGHT TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE; HOWEVER, CITY IS UNDER NO OBLIGATION TO DO SO. ANY SUCH ACTION BY CITY IS NOT TO BE CONSTRUED AS A WAIVER OF CONTRACTOR'S OBLIGATION TO DEFEND CITY OR AS A WAIVER OF CONTRACTOR'S OBLIGATION TO INDEMNIFY CITY PURSUANT TO THIS AGREEMENT. CONTRACTOR SHALL RETAIN CITY-APPROVED DEFENSE COUNSEL WITHIN SEVEN (7) BUSINESS DAYS OF CITY'S WRITTEN NOTICE THAT CITY IS INVOKING ITS RIGHT TO INDEMNIFICATION UNDER THIS AGREEMENT. IF CONTRACTOR FAILS TO RETAIN COUNSEL WITHIN SUCH TIME PERIOD, CITY SHALL HAVE THE RIGHT TO RETAIN DEFENSE COUNSEL ON ITS OWN BEHALF, AND CONTRACTOR SHALL BE LIABLE FOR ALL COSTS INCURRED BY CITY. THE RIGHTS AND OBLIGATIONS CREATED BY THIS PARAGRAPH SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

Article XIV

Notices

Contractor agrees that all notices or communications to City permitted or required under this Agreement shall be delivered to City at the following addresses:

City of Sherman Police Department
Attn: Chief of Police
317 S Travis Street
Sherman, Texas 75090

City agrees that all notices or communication to Contractor permitted or required under this Agreement shall be delivered to Contractor at the following addresses:

Attn: _____

Any notice provided in writing under the terms of this Agreement by either party to the other shall be in writing and may be effected by registered or certified mail, return receipt requested.

All notices or communication required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is postmarked by the sending party. Each party may change the address to which notice may be sent to that party by giving notice of such change to the other party in accordance with the provisions of this Agreement.

Article XV

Miscellaneous

- 15.1 **Assignment and Subletting** – The Contractor agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of the City. The Contractor further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Contractor of its full obligations to the City as provided by this Agreement. All such approved work performed by assignment or subletting shall be billed through Contractor, and there shall be no third party billing.
- 15.2 **Successors and Assigns** – City and Contractor, and their partners, assigns, successors, subcontractors, executors, officers, agents, employees, representatives, and administrators are hereby bound to the terms and conditions of this Agreement.
- 15.3 **Severability** – In the event a term, condition, or provision of this Agreement is determined to be invalid, illegal, void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be deleted and the

remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained herein.

- 15.4 **Venue** – This entire Agreement is performable in Grayson County, Texas and the venue for any action related, directly or indirectly, to this Agreement or in any manner connected therewith shall be in Grayson County, Texas, and this Agreement shall be construed under the laws of the State of Texas.
- 15.5 **Execution / Consideration** – This Agreement is executed by the parties hereto without coercion or duress for any substantial consideration, the sufficiency of which is forever confessed.
- 15.6 **Authority** – The individuals executing this Agreement on behalf of the respective parties below represent to each other that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the other party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.
- 15.7 **Waiver** – Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.
- 15.8 **Headings** – The headings of the various sections of this Agreement are included solely for convenience of reference and are not to be full or accurate descriptions of the content thereof.
- 15.9 **Multiple Counterparts** – This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.
- 15.10 **Sovereign Immunity** – The parties agree that the City has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.
- 15.11 **Additional Representations** – Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had the opportunity to confer with its counsel.
- 15.12 **Miscellaneous Drafting Provisions** – This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply.

15.13 **No Third Party Beneficiaries** – Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.

15.14 **Indemnity** – The parties agree that the Indemnity provision set forth in Article 12 herein is conspicuous and the parties have read and understood the same.

IN WITNESS, WHEREOF, we, the contracting parties, by our duly authorized agents, hereto affix our signatures and seals as of this the ____ day of _____, 20__.

**THE CITY OF SHERMAN, TEXAS,
a municipal corporation**

By: _____
Zachary Flores, Chief of Police

Date: _____

CONTRACTOR:

a _____

By: _____

Print Name: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **ZACHARY FLORES**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me he is the duly authorized representative for the **CITY OF SHERMAN, TEXAS**, and he executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20__.

Notary Public in and for the State of Texas

My Commission Expires:

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he/she acknowledged to me he/she is the duly authorized representative for _____, and he/she executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20__.

Notary Public in and for the State of Texas

My Commission Expires:



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.4.

Meeting Date: 05/06/2019

Prepared By: Zachary Flores, Police Chief

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6209

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

Issue:

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

Background:

The Texas Local Government Code Chapter 143, "Municipal Civil Service for Firefighters and Police Officers", Section 143.014 states the following:

(b) If approved by the governing body of the municipality by resolution or ordinance, the head of a fire or police department in the municipality in which at least four classifications exist below the classification of department head may appoint each person occupying an authorized position in the classification immediately below that of department head, as prescribed by this section. The classification immediately below that of department head may include a person who has a different title but has the same pay grade.

(c) In a police department, the total number of persons appointed to the classification immediately below that of department head may not exceed the total number of persons, plus one, serving in that classification on January 1, 1983. In a fire department in a municipality having fewer than 300 certified fire fighters, the department head may appoint not more than one person to the classification immediately below that of department head.

Police Department Titles	Current No. Positions	Proposed 10/01/2018
Patrolman	52	53
Corporal	5	5
Sergeant	9	9
Lieutenant	4	4
Assistant Chief - Appointed	4	3
Chief	1	1

The 4th Assistant Chief position was meant for temporary restructuring. The position has served its purpose. The Department would like to reallocate the position to Patrolman to provide for lower financial impact on the overall personnel budget.

Origination:

Police Chief Zachary Flores

Financial Consideration:

None

Staff Recommendation:

Staff recommends adopting the proposed ordinance.

Alternatives:

No alternatives are recommended.

Attachments

Ordinance No. 6209

ORDINANCE NO. 6209

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

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

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

Sec. 9.05.026 Authorized number of positions

The number of allocated positions for each job title in the fire and police departments are set forth below in order of ranking:

(1) Fire department

<u>Title</u>	<u>No. Positions</u>
Firefighter	46
Engineer	15
Captain	17
Battalion Chief	3
Division Chief	3
Assistant Chief	1
Fire Chief	1

- (a) Active staffing in the “engineer” position greater than the number allocated shall be considered overstaffed and said position shall not be filled upon the occurrence of vacancy due to promotion, demotion, attrition, termination, retirement, or any other reason.

- (b) Staffing in the “firefighter” position shall be increased with each occurrence of the number of active “engineer” positions being eliminated until the total number of “engineer” positions meets the number of allocated positions set forth in subsection (1) above.
- (c) Once the number of active “engineer” positions is reduced to meet the number of allocated positions set forth in subsection (1) above. The number of active “firefighter” positions shall be increased to meet the number of allocated positions set forth in subsection (1) above.

(2) Police department

<u>Title</u>	<u>No. Positions</u>
Patrolman	52 53
Corporal	5
Sergeant	9
Lieutenant	4
Assistant Chief-Appointed	4 3
Chief	1

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

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

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

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

INTRODUCED this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.5.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6210

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 212 North Cleveland Avenue, being the south 22' of Lots 6 and 7 and the north 20' of Lot 8, Block 32, College Park Addition (Danny Fuller, Owner; Joshua Fuller, Applicant; and Jeremy W. Bullard Design Studio, LLC, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Danny Fuller (Owner), Joshua Fuller (Applicant), and Jeremy W. Bullard Design Studio, LLC (Architect) concerning the property located at 212 North Cleveland Avenue, being the south 22' of Lots 6 and 7 and the north 20' of Lot 8, Block 32, College Park Addition, for a Specific Use Permit to allow a duplex in an R-1 (One Family Residential) District

Background:

The property is located at 212 North Cleveland Avenue between Chaffin and Pecan Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to construct a two-bedroom per unit duplex at this location. The exterior facade will be hardy board siding. The lot is presently ninety-two feet wide; and he plans to purchase property to the south and come back with a replat to establish another lot. The owner was granted a variance to allow a 5' side yard setback on the north property line. The variance was in preparation of obtaining additional property to the south and coming back with a Replat for two, sixty-foot lots.

Origination:

Danny Fuller (Owner)

Joshua Fuller (Applicant)

Jeremy W. Bullard Design Studio, LLC (Architect)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted 5/0 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. 6210
Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6210

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DUPLEX IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 212 NORTH CLEVELAND AVENUE, BEING THE SOUTH 22' OF LOTS 6 AND 7 AND THE NORTH 20' OF LOT 8, BLOCK 32, COLLEGE PARK ADDITION (DANNY FULLER, OWNER; JOSHUA FULLER, APPLICANT; AND JEREMY W. BULLARD DESIGN STUDIO, LLC, ARCHITECT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Danny Fuller (Owner), Joshua Fuller (Applicant) and Jeremy W. Bullard Design Studio, LLC (Architect) concerning the property located at 212 North Cleveland and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING the south 22' of Lots 6 and 7 and the north 20' of Lot 8, Block 32, College Park Addition.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.

2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. No structure will be permitted along existing lot lines. Platting of subject property may be required upon review of survey.
8. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
9. The City of Sherman does not maintain alleys.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

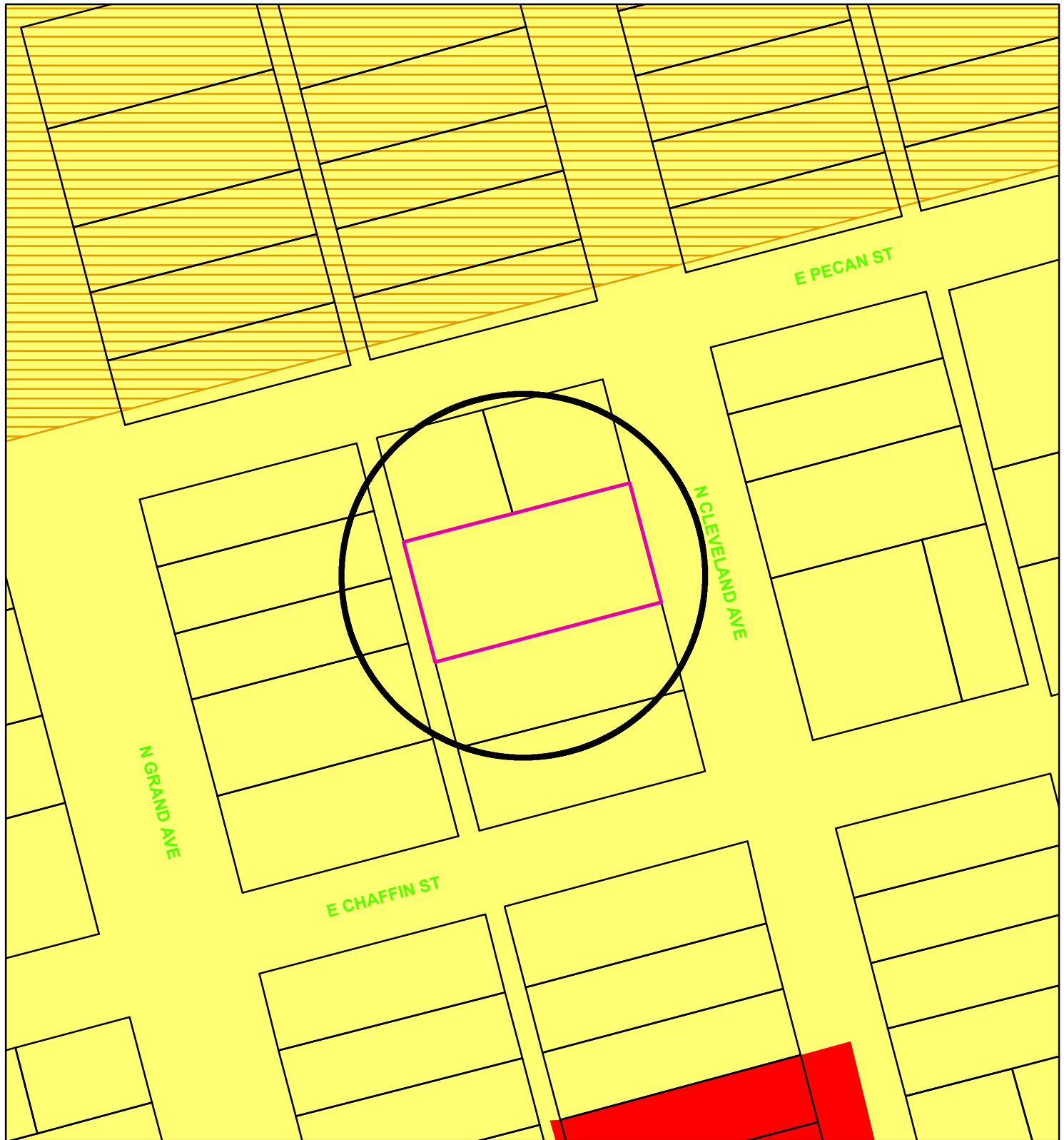
BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



City of Sherman, Texas
Developmental Services Department



Zoning - 212 N. Cleveland Avenue

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

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

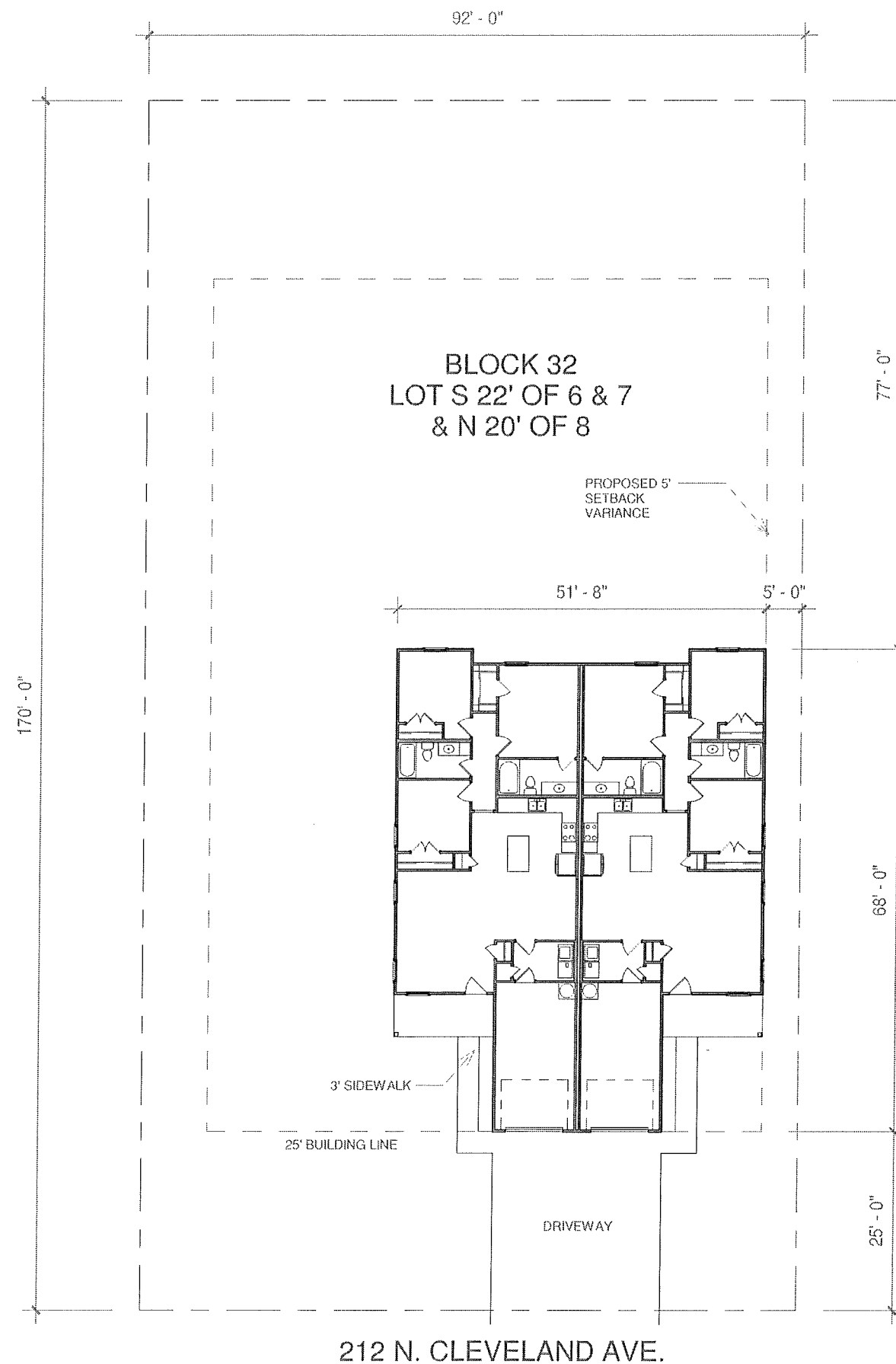


NOT TO SCALE

1 in = 100 ft

212 N. Cleveland Avenue



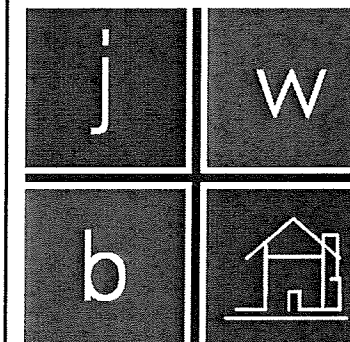


212 N. CLEVELAND AVE.

1 SITE PLAN
1" = 20'-0"

Managed By: JWB

Date: 03/18/19



JEREMY W. BULLARD
DESIGN STUDIO, LLC

306 W. Main Street
PO Box 593
Gunter, Texas 75058
903.821.8941
jwbullard@yahoo.com
www.jwbdesignstudio.com

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DANNY FULLER
212 N. CLEVELAND
SHERMAN, TX.
19334-R3

SITE PLAN

B4 Scale: 1" = 20'-0"

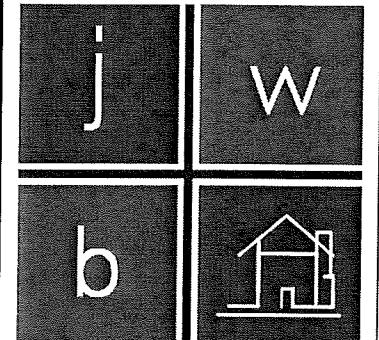


① FRONT ELEVATION BROCHURE
1/8" = 1'-0"



Managed By: JWB

Date: 03/18/19



**JEREMY W. BULLARD
DESIGN STUDIO, LLC**

306 W. Main Street
PO Box 593
Gunter, Texas 75058
903.821.8941
jwbullard@yahoo.com
www.jwbdesignstudio.com

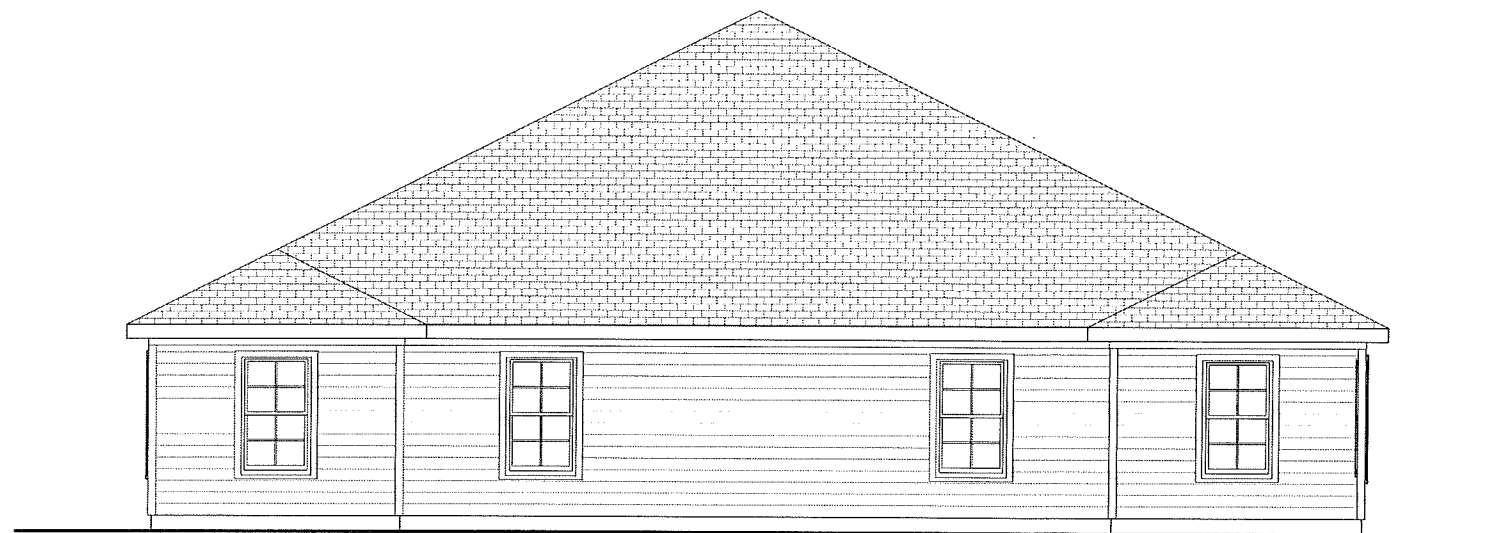
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DANNY FULLER
212 N. CLEVELAND
SHERMAN, TX.
19334-R3

ELEVATIONS

B1 Scale: 1/8" = 1'-0"

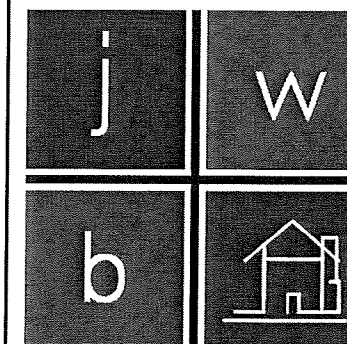


① REAR ELEVATION Brochure
1/8" = 1'-0"



Managed By: JWB

Date: 03/18/19



**JEREMY W. BULLARD
DESIGN STUDIO, LLC**

306 W. Main Street
PO Box 593
Gunter, Texas 75058
903.821.8941
jwbullard@yahoo.com
www.jwbdesignstudio.com

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DANNY FULLER
212 N. CLEVELAND
SHERMAN, TX.
19334-R3

ELEVATIONS

B2 Scale: 1/8" = 1'-0"

STAFF REVIEW LETTER

April 9, 2019

Danny Fuller
1610 Idlewood Dr.
Sherman, TX 75092

Joshua Fuller
107 Broken Bow Dr.
Gunter, TX 75058

Dear Applicants,

The request for Specific Use Permit and site plan approval to allow a duplex in an R-1 (One Family Residential) District for the property located at 212 North Cleveland Avenue has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. No structure will be permitted along existing lot lines. Platting of subject property may be required upon review of survey.
8. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
9. The City of Sherman does not maintain alleys.

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

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

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

Respectfully,



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

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

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



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

Agenda Item No. 10.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

212 NORTH CLEVELAND AVENUE

The request of Danny Fuller (Owner), Joshua Fuller (Applicant) and Jeremy W. Bullard Design Studio, LLC (Architect) concerning the property located at 212 North Cleveland Avenue, being the south 22' of Lots 6 & 7 and the north 20' of Lot 8, Block 32, College Park Addition, as follows:

Board of Adjustments

Variance under Ordinance No. 2280, Section 6.2, Subsection (1) to allow a 5' side yard setback on the north property line in lieu of the required 9'2" for a duplex in an R-1 (One Family Residential) District.

Planning and Zoning Commission

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

Background:

The property is located at 212 North Cleveland Avenue between Chaffin and Pecan Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to construct a duplex at this location, there will be two bedrooms per unit. The exterior facade will be hardy board siding. They are also requesting a variance to allow a 5' side yard setback on the north property line.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Danny Fuller (Owner)

Joshua Fuller (Applicant)

Jeremy W. Bullard Design Studio, LLC (Architect)

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:

18

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.6.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6211

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow Three Duplexes in an R-1 (One Family Residential) District in the 1200 block of South Austin Street and the 400 block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56 (Ramiro and Letica Alvarez, Owners; Rick Green, General Contractor; and Preston Trail Land 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 Ramiro and Letica Alvarez (Owners), Rick Green (General Contractor), and Preston Trail Land Surveying (Surveyor) concerning the property located in the 1200 block of South Austin Street and the 400 block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56, for a Specific Use Permit to allow three (3) duplexes in an R-1 (One Family Residential) District

Background:

The property is located in the 1200 block of South Austin Street and the 400 block of West Dulin Street, the northeast corner of Austin and Dulin Streets. The property is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into three lots for residential development of three duplexes. The duplexes will have two bedrooms per unit for a total of four bedrooms. The exterior facade will be brick. Four parking spaces will be provided per lot.

Origination:

Ramiro and Letica Alvarez (Owners)
Rick Green (General Contractor)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted 5/0 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. 6211

Location Map

Zoning Map

Zoning Sign Photo

Replat Lots 5 & 6, Blk 16, B.H. Moore Heirs Addition

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

Letter from Carmen Martin

ORDINANCE NO. 6211

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 THREE DUPLEXES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT IN THE 1200 BLOCK OF SOUTH AUSTIN STREET AND THE 400 BLOCK OF WEST DULIN STREET, BEING ALL OF LOTS 5 AND 6, BLOCK 16, B.H. MOORE HEIRS ADDITION, CONTAINING 0.764 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 (RAMIRO AND LETICA ALVAREZ, OWNERS; RICK GREEN, GENERAL CONTRACTOR; AND PRESTON TRAIL LAND 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, Ramiro and Leticia Alvarez (Owners), Rick Green (General Contractor), and Preston Trail Land Surveying (Surveyor) concerning the property located in the 1200 block of South Austin Street and the 400 block of West Dulin Street and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. Platting of the property is required.
8. The City of Sherman does not maintain alleys.
9. Private Sanitary Sewer Easement required to serve structures along Dulin Street.
10. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
11. Parking off of Austin and Dulin Streets does not meet standards; coordinate with Engineering Department. Maximum drive approach width for Residential approaches is 24 feet.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

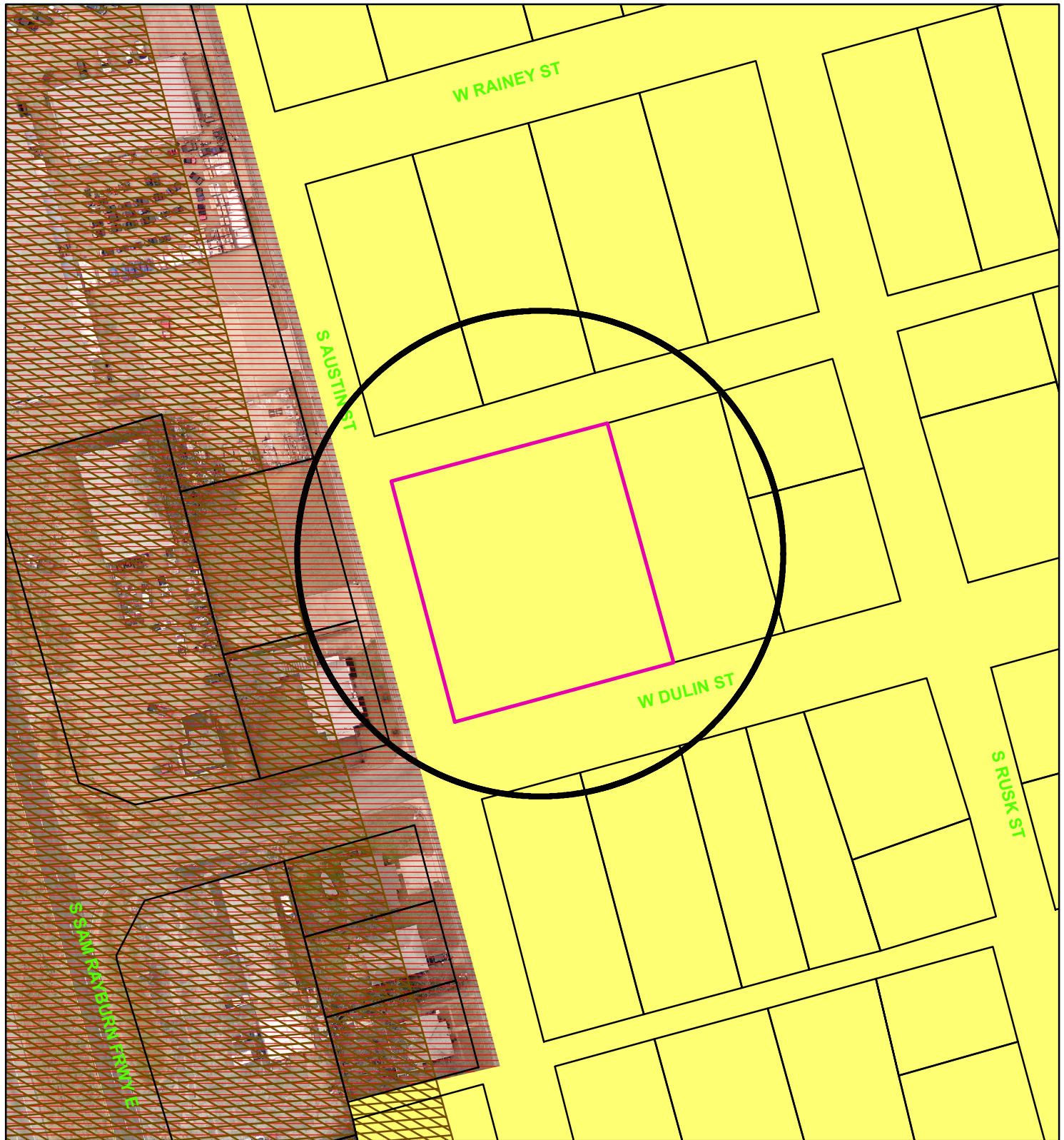
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Zoning - 1200 Blk. S. Austin Street & 400 Blk. W. Dulin Street

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

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



NOT TO SCALE

1 in = 100 ft

Sherman
CLASSIC TOWN. BROAD HORIZON.

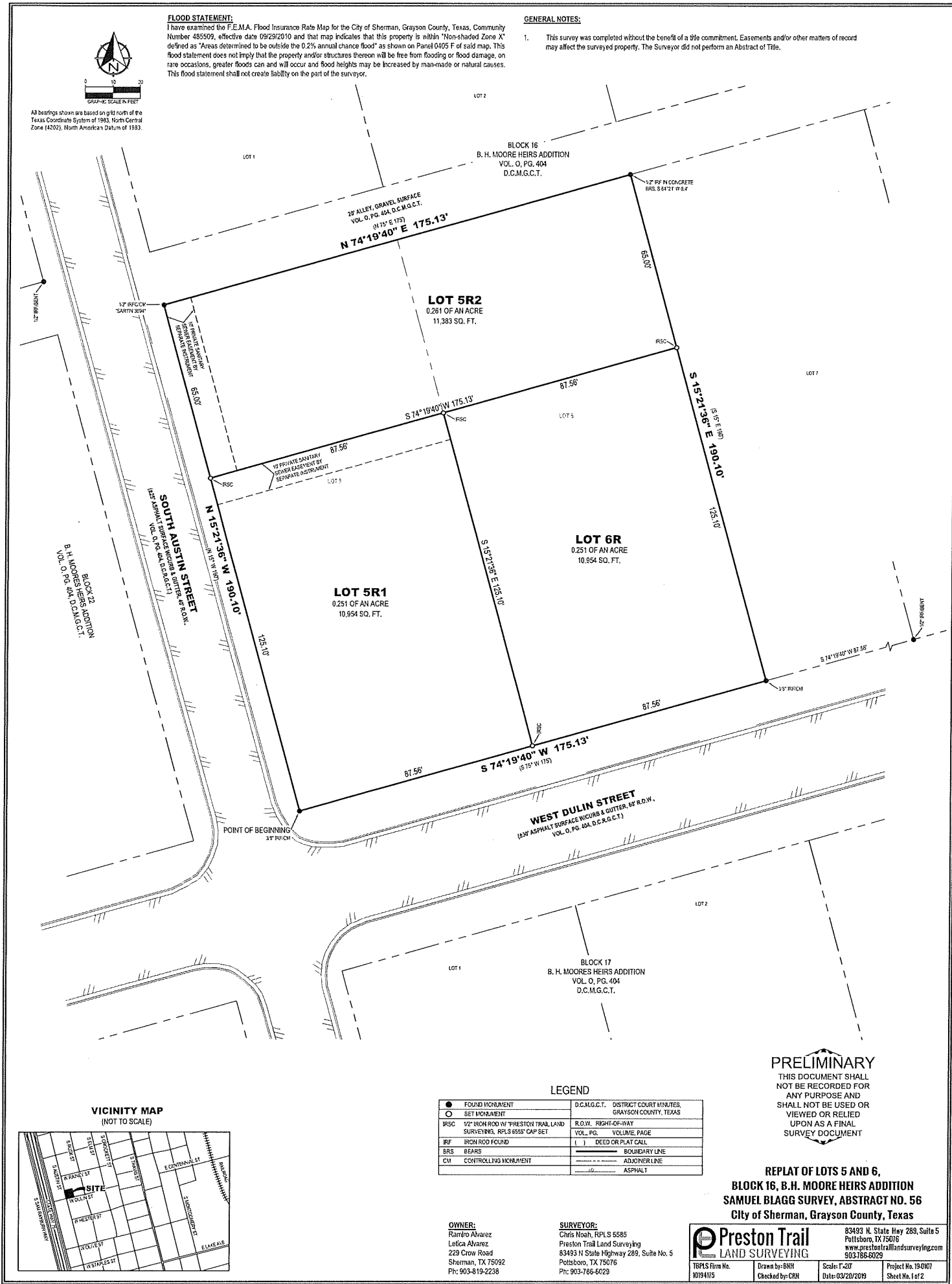
City of Sherman, Texas
Developmental Services Department

1200 Blk. S. Austin Street



400 Blk. W. Dulin Street





OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF GRAYSON §

WHEREAS RAMIRO ALVAREZ AND LETICIA ALVAREZ are the owners of all of that certain tract or parcel of land situated in Samuel Blagg Survey, Abstract No. 56, the City of Sherman, Grayson County, Texas, and being all of Lots 5 and 6 in Block 16 of B.H. Moore Heirs Addition, according to the plat thereof recorded in Volume O, Page 404, District Court Minutes of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found for the southwest corner of said Lot 5, common to the southwest corner of said Block 16, and at the intersection of the northerly right-of-way line of West Dulin Street and the easterly right-of-way line of South Austin Street

THENCE North 15°21'36" West, with the westerly line of said Lot 5, and the easterly right-of-way line of said South Austin Street, a distance of 190.10 feet to a 1/2-inch iron rod with a plastic cap stamped "SARTIN 3684" found for the northwest corner of said Lot 5, and at the intersection of the easterly right-of-way line of said South Austin Street and the southerly line of a 20-foot alley in said Block 16;

THENCE North 74°19'40" East, with the northerly line of said Lot 5, with the northerly line of aforesaid Lot 6, and with the southerly line of said 20-foot alley, along or near a fence, a distance of 175.13 feet to the northeast corner of said Lot 6, common to the northwest corner of Lot 7 in said Block 16, and from which a found 1/2-inch iron rod in concrete bears South 64°21' West, a distance of 0.4 feet;

THENCE South 15°21'36" East, with the easterly line of said Lot 6, and with the westerly line of said Lot 7, along or near a fence, a distance of 190.10 feet to a 3/8-inch iron rod found for the southeast corner of said Lot 6, common to the southwest corner of said Lot 7, and on the northerly right-of-way line of aforesaid West Dulin Street;

THENCE South 74°19'40" West, with the southerly line of said Lot 6, and with the southerly line of aforesaid Lot 5, and with the northerly right-of-way line of aforesaid West Dulin Street, along or near a fence, a distance of 175.13 feet to the POINT OF BEGINNING and enclosing 0.784 of an acre (33,291 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That RAMIRO ALVAREZ AND LETICIA ALVAREZ, do hereby adopt this plat designating the hereinbefore described property as **REPLAT OF LOTS 5 AND 6, BLOCK 16, B.H. MOORE HEIRS ADDITION**, an Addition to the City of Sherman, Grayson County, Texas, and do 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.

By: _____
Ramiro Alvarez

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 Ramiro Alvarez, 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

By: _____
Leticia Alvarez

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 Leticia Alvarez, 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 **REPLAT OF LOTS 5 AND 6, BLOCK 16, B.H. MOORE HEIRS 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

REPLAT OF LOTS 5 AND 6, BLOCK 16, B.H. MOORE HEIRS ADDITION SAMUEL BLAGG SURVEY, ABSTRACT NO. 56
City of Sherman, Grayson County, Texas

Preston Trail LAND SURVEYING

16PLS Firm No. 10194105
Drawn by:BNH
Checked by:CRN
Scale: 1"=20'
Date: 03/20/2019
Project No. 19-007
Sheet No. 2 of 2

OWNER:
Ramiro Alvarez
Leticia Alvarez
229 Crow Road
Sherman, TX 75092
Ph: 903-819-2238

SURVEYOR:
Chris Noah, RPLS 5585
Preston Trail Land Surveying
83493 N State Highway 289, Suite No. 5
Pottsboro, TX 75076
Ph: 903-786-6029

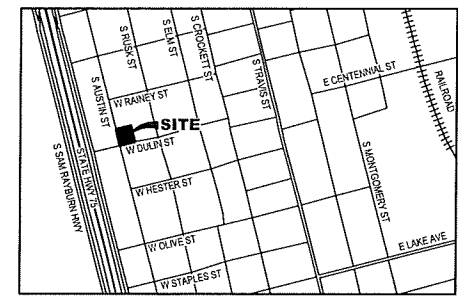


All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

GENERAL NOTES:

- Existing Zoning: R-1 One Family Residential District
Requested: Specific Use Permit to allow Duplexes.
- Require on-site parking: 1 parking space per bedroom = 12 total
Provided on-site parking: 12 total

VICINITY MAP
(NOT TO SCALE)



PRELIMINARY

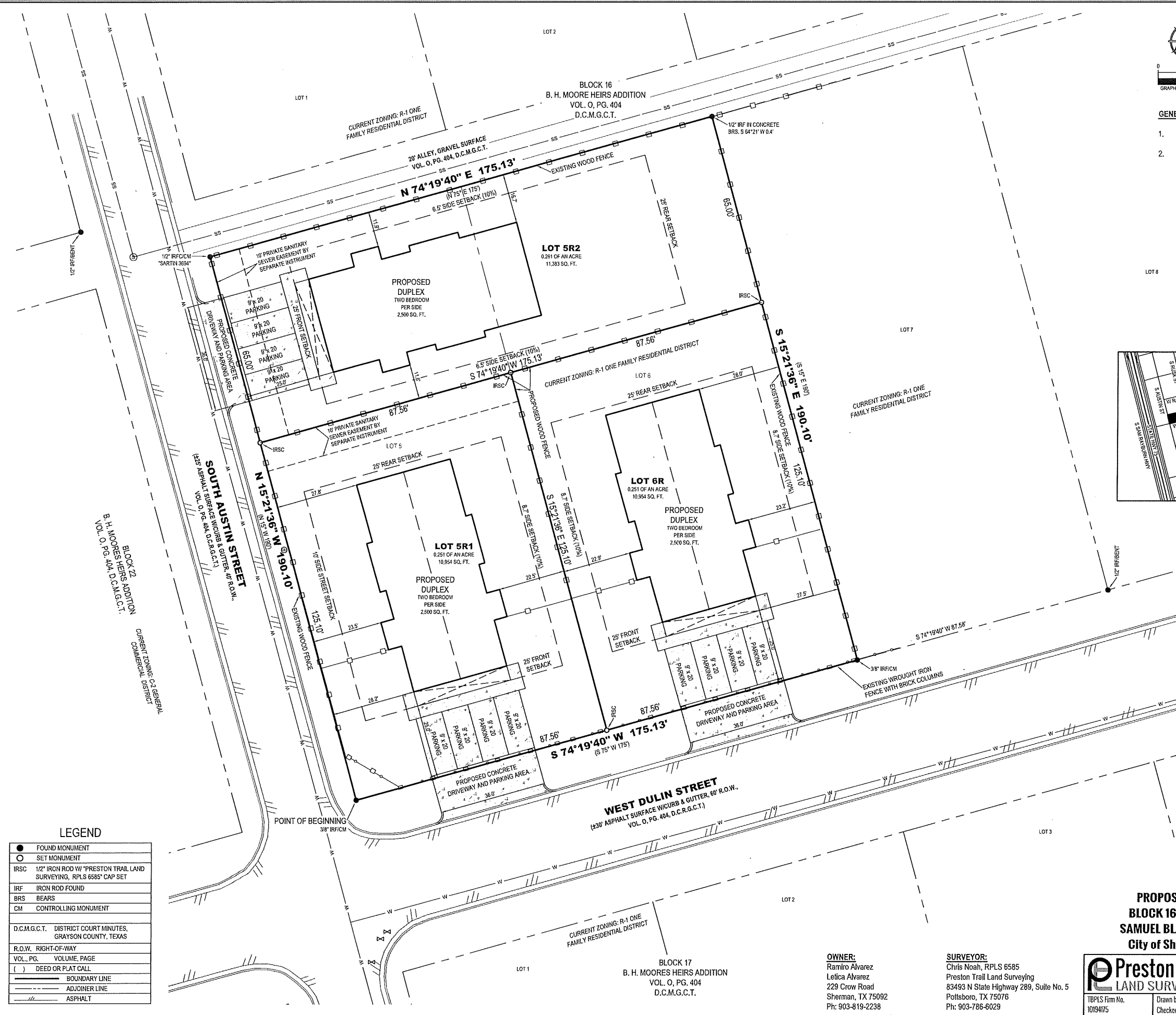
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

SITE PLAN
PROPOSED REPLAT OF LOTS 5 AND 6,
BLOCK 16, B.H. MOORE HEIRS ADDITION
SAMUEL BLAGG SURVEY, ABSTRACT NO. 56
City of Sherman, Grayson County, Texas



83493 N. State Hwy 289, Suite 5
Pottsboro, TX 75076
www.prestontrailandsurveying.com
903.786.6029

TBPLS Firm No. 10194175	Drawn by: BNH Checked by: CRN	Scale: 1"=20' Date: 03/20/2019	Project No. 19-0107 Sheet No. 1 of 1
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LEGEND

●	FOUND MONUMENT
○	SET MONUMENT
IRSC	1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET
IRF	IRON ROD FOUND
BRS	BEARS
CM	CONTROLLING MONUMENT
D.C.M.G.C.T.	DISTRICT COURT MINUTES, GRAYSON COUNTY, TEXAS
R.O.W.	RIGHT-OF-WAY
VOL., PG.	VOLUME, PAGE
()	DEED OR PLAT CALL
---	BOUNDARY LINE
---	ADJOINER LINE
---	ASPHALT

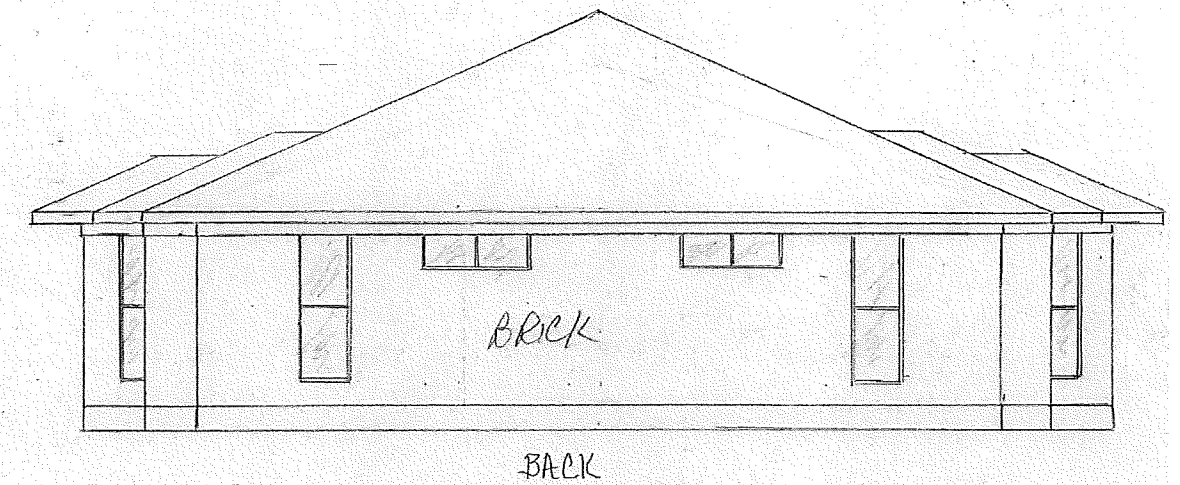
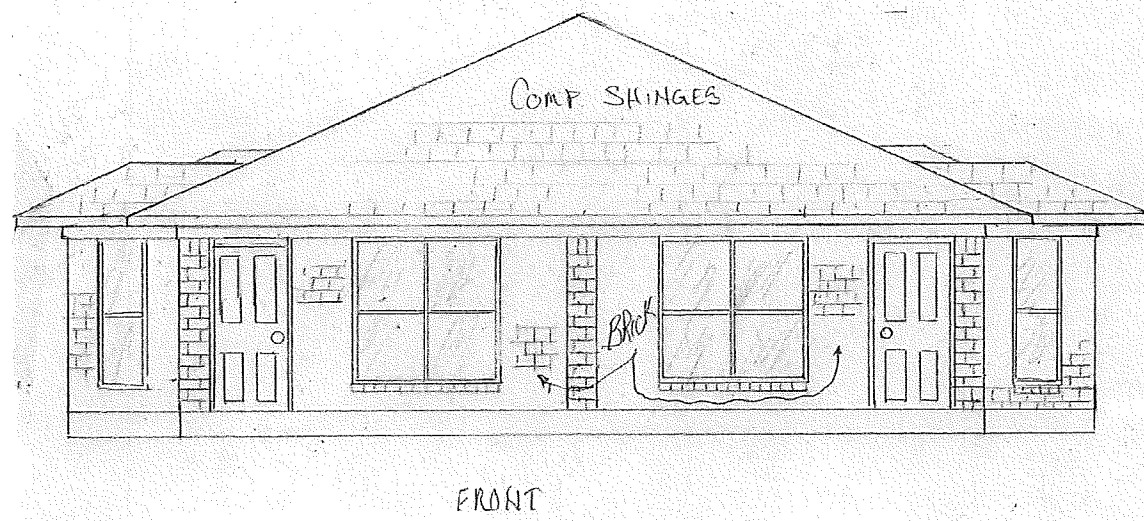
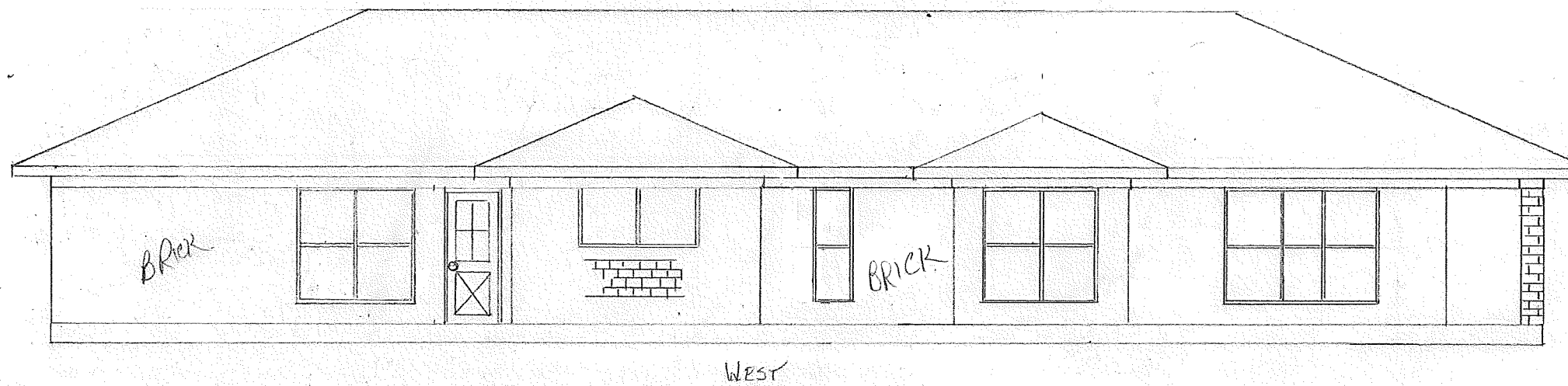
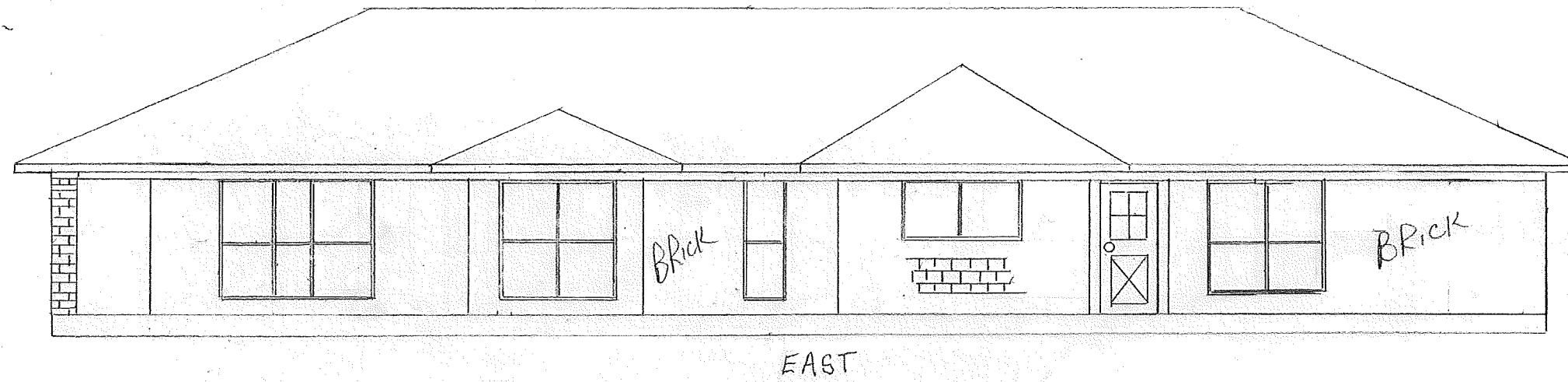
OWNER:
Ramiro Alvarez
Letica Alvarez
229 Crow Road
Sherman, TX 75092
Ph: 903-819-2238

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

BLOCK 17
B. H. MOORES HEIRS ADDITION
VOL. O, PG. 404
D.C.M.G.C.T.

Proposed Duplex Elevations

Designer: Rick Green
903-870-6006



STAFF REVIEW LETTER

April 9, 2019

Ramiro Alvarez
229 Crow Rd.
Sherman, TX 75092

Preston Trail Land Surveying
83493 N. SH 289, Ste. 5
Pottsboro, TX 75076

Dear Applicants,

The request for Specific Use Permit and site plan approval to allow three duplexes in an R-1 (One Family Residential) District for the property located in the 1200 Block of South Austin Street and the 400 Block of West Dulin Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. Platting of the property is required.
8. The City of Sherman does not maintain alleys.
9. Private Sanitary Sewer Easement required to serve structures along Dulin Street.
10. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
11. Parking off of Austin and Dulin Streets does not meet standards; coordinate with Engineering Department. Maximum drive approach width for Residential approaches is 24 feet.

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

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

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

Respectfully,



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

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

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



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

Agenda Item No. 17.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

1200 BLOCK SOUTH AUSTIN STREET & 400 BLOCK OF WEST DULIN STREET

The request of Ramiro & Letica Alvarez (Owners), Rick Green (General Contractor) and Preston Trail Land Surveying (Surveyor) concerning the property located in the 1200 Block of South Austin Street and the 400 Block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow three (3) duplexes in an R-1 (One Family Residential) District.

Background:

The property is located in the 1200 block of South Austin Street and the 400 block of West Dulin Street, the northeast corner of Austin and Dulin Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into three lots for residential development of three duplexes. The duplexes will have two bedrooms per unit for a total of four bedrooms. The exterior facade will be brick. Four parking spaces will be provided per lot.

Adjacent Zoning:

R-1 (One Family Residential) District

C-2 (General Commercial) District

Origination:

Ramiro Alvarez (Owner)

Rick Green (General Contractor)

Preston Trail Land 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:

21

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat B.H. Moore Heirs Addition

Site Plan

Building Elevations

Staff Review Letter

RECEIVED

APR 16 2018



Developmental Services

PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
TELEPHONE NO. (903) 892-7229
FAX NO. (903) 892-7274

March 29, 2019

MARTIN DONALD JAMES
1228 S. CROCKETT
SHERMAN, TX 75090

TO PROPERTY OWNERS WITHIN THE ADDITION OR WITHIN 200' OF THE PROPERTY.

State Law requires that the Planning and Zoning Board of the City of Sherman hold a public hearing on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers at 220 W. Mulberry, for the purpose of hearing the request of:

Ramiro Alvarez (Owner), Rick Green (General Contractor) and Preston Trail Land Surveying, (Surveyor) concerning the property located in the 1200 Block of South Austin Street and the 400 Block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56

The request is as follows:

Planning and Zoning Commission

Replat approval of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition.

The appellant proposes to replat the above described tract in accordance with Section 212.014 and 212.015 of the Local Government Code. When a replat occurs on a property, the size and shape of the lot or lots may change.

State law requires that if the requested replat is in accordance with State and Local law and no variances are requested the replat shall be approved.

All City Ordinances and State Law have been complied with.

State law requires that as a property owner in the original subdivision and within 200 ft. of the replat, you must be notified of this hearing. You are not required to be present, but all interested parties wishing to be heard should appeal at the time and place stated above.

Scott Shadden

Secretary, Planning and Zoning Board

Office: 220 W. Mulberry
Telephone: (903) 892-7229

Attachment: Section 212.015, Subsection (c), Local Government Code

(over)

Dear Sirs.

My concern is the number of
cars already parked on Dublin Street
and Austin.

There are times when I have to wait
to go East or West as there is only room
for one car at a time on both sides of the
street cars are parked.

Will this add additional cars
to be parked in the street.

Sorry, I cannot attend public hearing.

Sincerely,

Mrs. Carmen Marton



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.7.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6212

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 722 North Ross Avenue, being Lot 1, Block 4, C.J. Keliehor's First Addition (Tim Pike, Owner; and Helvey-Wagner 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 Tim Pike (Owner) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 722 North Ross Avenue, being Lot 1, Block 4, C.J. Keliehor's First Addition, for a Specific Use Permit to allow a duplex in an R-1 (One Family Residential) District

Background:

The property is located at 722 North Ross Avenue, the southwest corner of Ross Avenue and East Carter Street. The property is zoned an R-1 (One Family Residential) District. The owner would like to construct a three-bedroom per unit duplex at this location with a one car garage. The exterior facade will be hardy board siding.

Origination:

Tim Pike (Owner)

Helvey-Wagner Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted 5/0 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. 6212

Location Map

Zoning Map

Zoning Sign Photo

Survey/Site Plan

Floor Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6212

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DUPLEX IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 722 NORTH ROSS AVENUE, BEING LOT 1, BLOCK 4, C.J. KELIEHOR'S FIRST ADDITION (TIM PIKE, OWNER; AND HELVEY-WAGNER 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, Tim Pike (Owner) and Helvey-Wagner Surveying (Surveyor) concerning the property located at 722 North Ross Avenue and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Block 4, C.J. Keliehor's First Addition.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).

3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
8. The City of Sherman does not maintain alleys.
9. Duplex should front off Ross Avenue.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



722 N. Ross Ave.

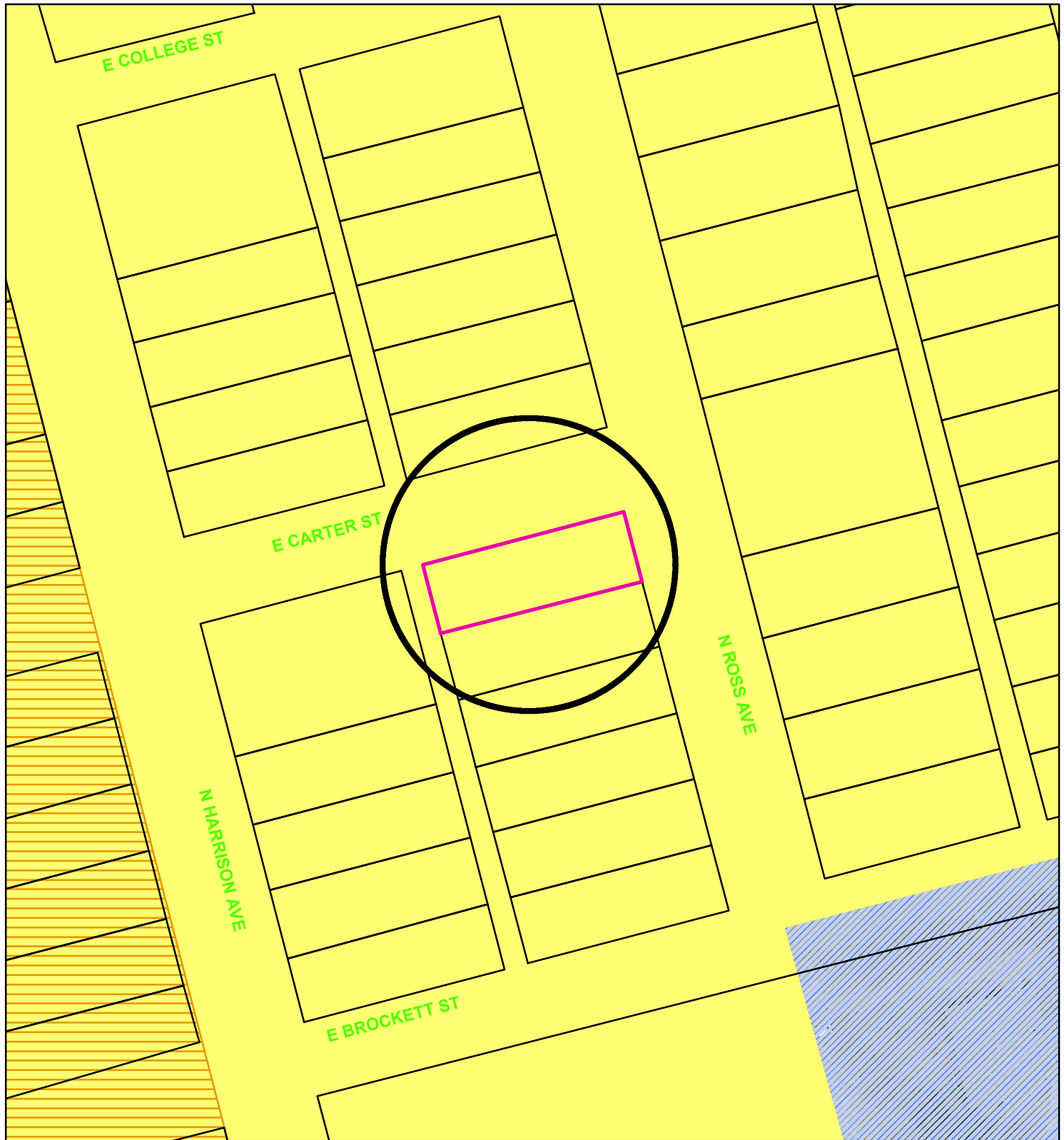


722 N. Ross Avenue



1 in = 345 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 722 N. Ross Avenue

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

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



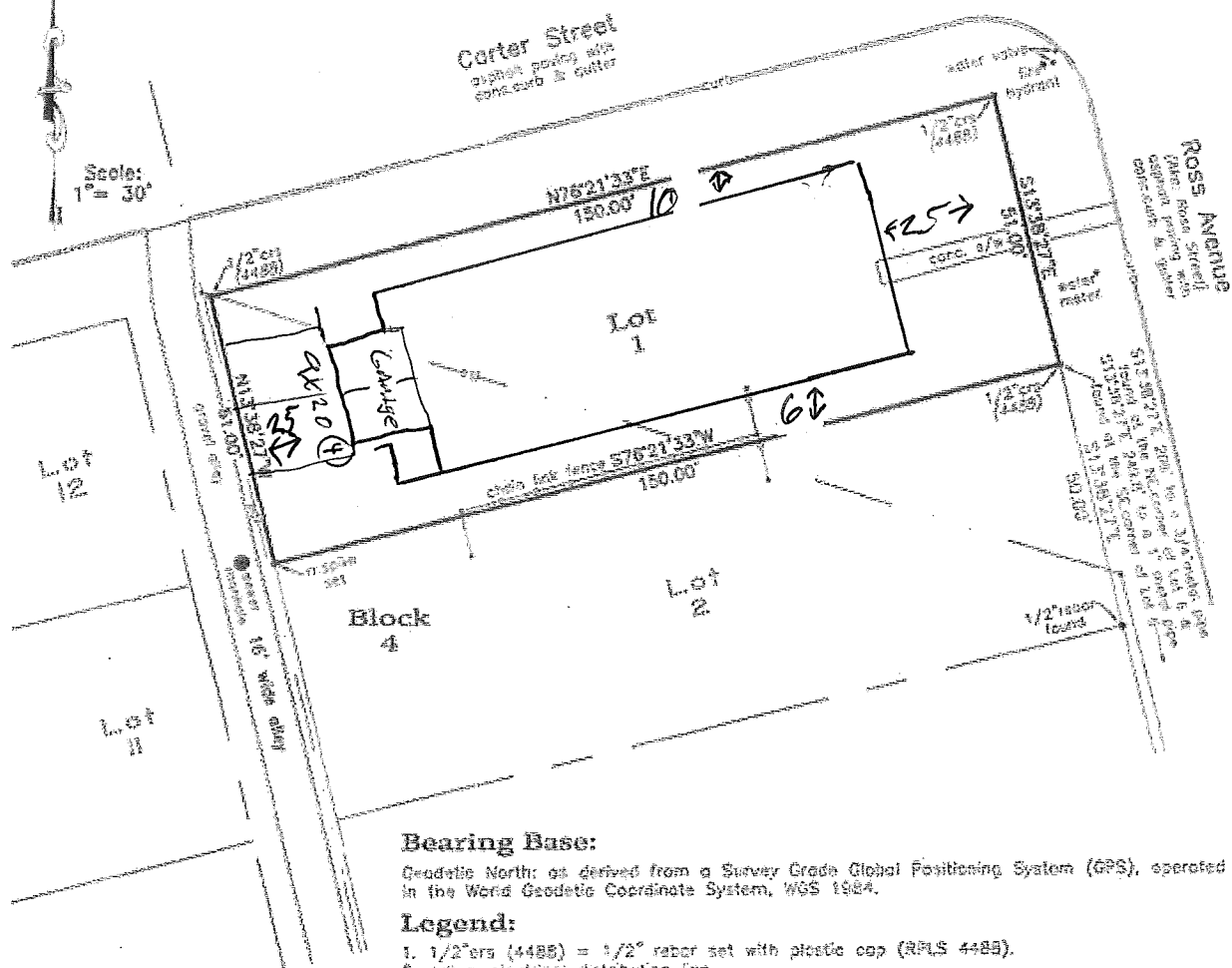
NOT TO SCALE

1 in = 100 ft



722 N. Ross Avenue





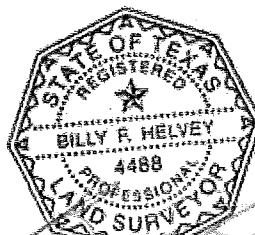
Owner: Tracy Goins

Address: 722 N. Ross Avenue (AKA: Ross Street)
Sherman, Texas

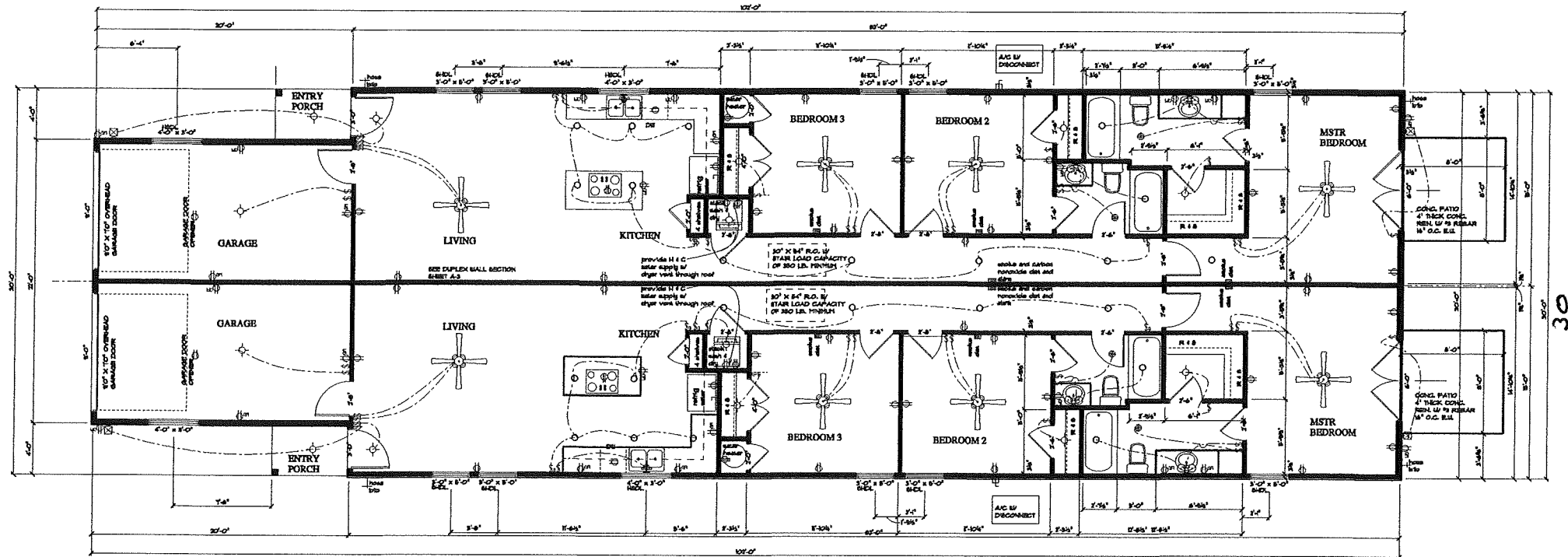
I, Billy F. Helvey, Registered Professional Land Surveyor, do hereby certify that the above plat was prepared from a survey made on the ground of Lot 1, Block 4, C. J. Kellehor's First Addition, to Sherman, Texas, as per plat of record in Volume 337, Pages 480 & 481, Deed Records, Grayson County, Texas.

The subject property shown hereon does not lie within the limits of any designated 100-year Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0290 F, Effective Date: September 29, 2010.

Helvey & Associates Surveying, Inc.
222 W. Main St.
Denton, Texas 76202
Phone: (817) 451-5100 Fax: (817) 451-4088



Billy F. Helvey, R. P. L. S. No. 4488
Copyright Date: October 11, 2012



DUPLEX FLOOR PLAN

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

AREA TABULATION FOR SINGLE UNIT.
1230 S.F. SINGLE UNIT LIVING AREA
(2460 LIVING FOR TWO UNITS)
220 S.F. GARAGE
24 S.F. ENTRY PORCH
64 S.F. REAR UNCOVERED PATIO

NOTES

PULL DOWN STAIRS SHALL BE 30" X 34" INCHES WITH A LOAD CAPACITY OF 350 POUNDS AND A CLEAR PASSAGEWAY LARGE ENOUGH TO ALLOW REMOVAL OF THE LARGEST APPLIANCE.

SMOKE ALARMS PER IRC SECTION 903.205.2 SHALL ALL SMOKE ALARMS SHALL BE HARD-WIRED, INTER-CONNECTED WITH A BATTERY BACK UP.

GARAGE

THE DOOR ENTERING GARAGE FROM RESIDENCE SHALL BE A SELF-CLOSING TIGHT FITTING DOOR. IN ADDITION TO THE DOOR, THE DOOR SHALL BE SOLID WOOD NOT LESS THAN 1 3/4" SOLID OR 1 3/4" COMPOSITE WITH DOORS NOT LESS THAN 1 3/4" OR 30 MIN. FIRE RATED DOOR BOLTED IN A SELF-CLOSING DEVICE.

CHIMNEY

FOR THE TABLE ROOMS THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN 1/2" GYP. BD. APPLIED TO THE GARAGE SIDE. 5/8" TYP. 1/2" GYP BD. IN HABITABLE ROOM ABOVE.

PROVIDE GREEN BOARD WATER RESISTANT GYP BD. IN ALL BATHS.

WINDOWS

BEDROOM EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL BE PROVIDED ON EXTERIOR DOOR OPENINGS. HANDBUILT ALL HEIGHT FROM FLOOR SHALL NOT BE MORE THAN 44" ABOVE FLOOR.

20.1.1 EMERGENCY OPENINGS SHALL HAVE A NET CLEAR OPENING OF 5.7 SQUARE FEET. EXCEPTION: GARAGE FLOOR OPENINGS SHALL HAVE A NET CLEAR OPENING OF 5.7 SQUARE FEET.

20.1.2.1 MINIMUM CLEAR HEIGHT OF OPENINGS SHALL BE 20" MIN. MINIMUM CLEAR WIDTH SHALL BE 20" MIN.

PROVIDE TYPED WINDOW CLEANING ACCESSIBLE AREAS AS SHOWN IN IRC 203 SECTION THROUGH R. 203.4.1.

203.4.1.1 WINDOW SILL. IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 10 INCHES ABOVE FINISH GRADE OR FINISH FLOOR, THE LOWEST PART OF THE CLEAR OPENING OF THE WINDOW SHALL BE A MINIMUM OF 34 INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

AND A CLEAR UNOBSTRUCTED PASSAGEWAY LARGE ENOUGH TO ALLOW REMOVAL OF THE LARGEST APPLIANCE, BUT NOT LESS THAN 30 INCHES HIGH X 32 INCHES WIDE AND NOT MORE THAN 80 FEET LONG MEASURED ALONG THE CENTERLINE OF THE PASSAGEWAY FROM THE OPENING TO THE APPLIANCE. THE PASSAGEWAY SHALL BE OF SOLID FLOORING AND NOT LESS THAN 3/4" THICK. PROVIDE A MINIMUM OF 30" WIDE AND 30" DEEP SERVICE SPACE ON BOTH SIDES OF APPLIANCE BEING ACCESSIBLE IN REAR.

PROVIDE A SWITCH AT THE ATTIC ACCESS AND LIGHTING FOR THE PASSAGEWAY AND APPLIANCE LOCATIONS.

DROP STAIR ATTIC ACCESS SHALL HAVE A STAIR LOAD CAPACITY OF 350 LB. MINIMUM AND A R.O. OF 30" X 34"

ELECTRICAL LEGEND		
ELECTRICAL	COUNT	SYMBOL
ceiling fan spotlight 01	8	
pot light	33	
recessed light 02	4	
fan	4	
light	14	
switch	44	
alarm 03	6	
switch 04	24	
switch	44	
switch 3 way	6	
well mounted 01 2 light	4	
well mounted 02 1 light	2	

SWINNEY & ASSOCIATES

GARELAND JOE SWINNEY
2575 NORTHEAST TRAIL, NEW CANEY TX 77577
PHONE: 281-667-0723

REVISIONS

DATE

DRAWN BY

CHECKED

STAFF REVIEW LETTER

April 10, 2019

Tim Pike
735 Mulberry Ct.
Celina, TX 75009

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

Dear Applicants,

The request for Specific Use Permit and site plan approval to allow a duplex in an R-1 (One Family Residential) District for the property located at 722 North Ross Avenue has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
8. The City of Sherman does not maintain alleys.
9. Duplex should front off Ross Avenue.

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

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

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

Respectfully,



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

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

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



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

Agenda Item No. 19.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

722 NORTH ROSS AVENUE

The request of Tim Pike (Owner) and Helvey-Wagner Surveying, (Surveyor) concerning the property located at 722 North Ross Avenue, being Lot 1, Block 4, C. J. Keliehor's First Addition, as follows:

Planning and Zoning Commission

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

Background:

The property is located at 722 North Ross Avenue, the southwest corner of Ross Avenue and East Carter Street. The property is zoned an R-1 (One Family Residential) District. The owner would like to construct a duplex at this location, there will be three bedrooms per unit with a one-car garage. The exterior facade will be hardy board siding.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Tim Pike (Owner)

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:

22

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey/Site Plan

Building Elevations

Floor Plan

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.8.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6213

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 719 East McGee Street, being part of Lot 1, Block 2, Jones & Summit Addition (Seraj Ali, Owner; Underwood Drafting and Surveying, Surveyor; and D2L Designs, LLC, Designer); 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 Seraj Ali (Owner), Underwood Drafting and Surveying (Surveyor), and D2L Designs, LLC (Designer) concerning the property located at 719 East McGee Street, being part of Lot 1, Block 2, Jones & Summit Addition, for a Specific Use Permit to allow a duplex in an R-1 (One Family Residential) District

Background:

The property is located at 719 East McGee Street, the northwest corner of McGee and Maxey Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to construct a duplex at this location; there will be four bedrooms per unit. The exterior facade will be brick. At the Planning and Zoning Commission Meeting, one of the neighbors was concerned with the size of the duplex, parking and noise.

Origination:

Seraj Ali (Owner)
Underwood Drafting and Surveying (Surveyor)
D2L Designs, LLC (Designer)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted 3/2 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter. Commission Members Downtain and Sims voted against the request.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6213

Location Map

Zoning Map

Zoning Sign Photo

Survey

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

Letter from Eisenhower Texoma LTD

ORDINANCE NO. 6213

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DUPLEX IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 719 EAST MCGEE STREET, BEING PART OF LOT 1, BLOCK 2, JONES & SUMMIT ADDITION (SERAJ ALI, OWNER; UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR; AND D2L DESIGNS, LLC, DESIGNER); 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, Seraj Ali (Owner), Underwood Drafting and Surveying (Surveyor), and D2L Designs, LLC (Designer) concerning the property located at 719 East McGee Street and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING part of Lot 1, Block 2, Jones & Summit Addition.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).

3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
8. Private Sanitary Sewer Easement may be required to serve property with sewer.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

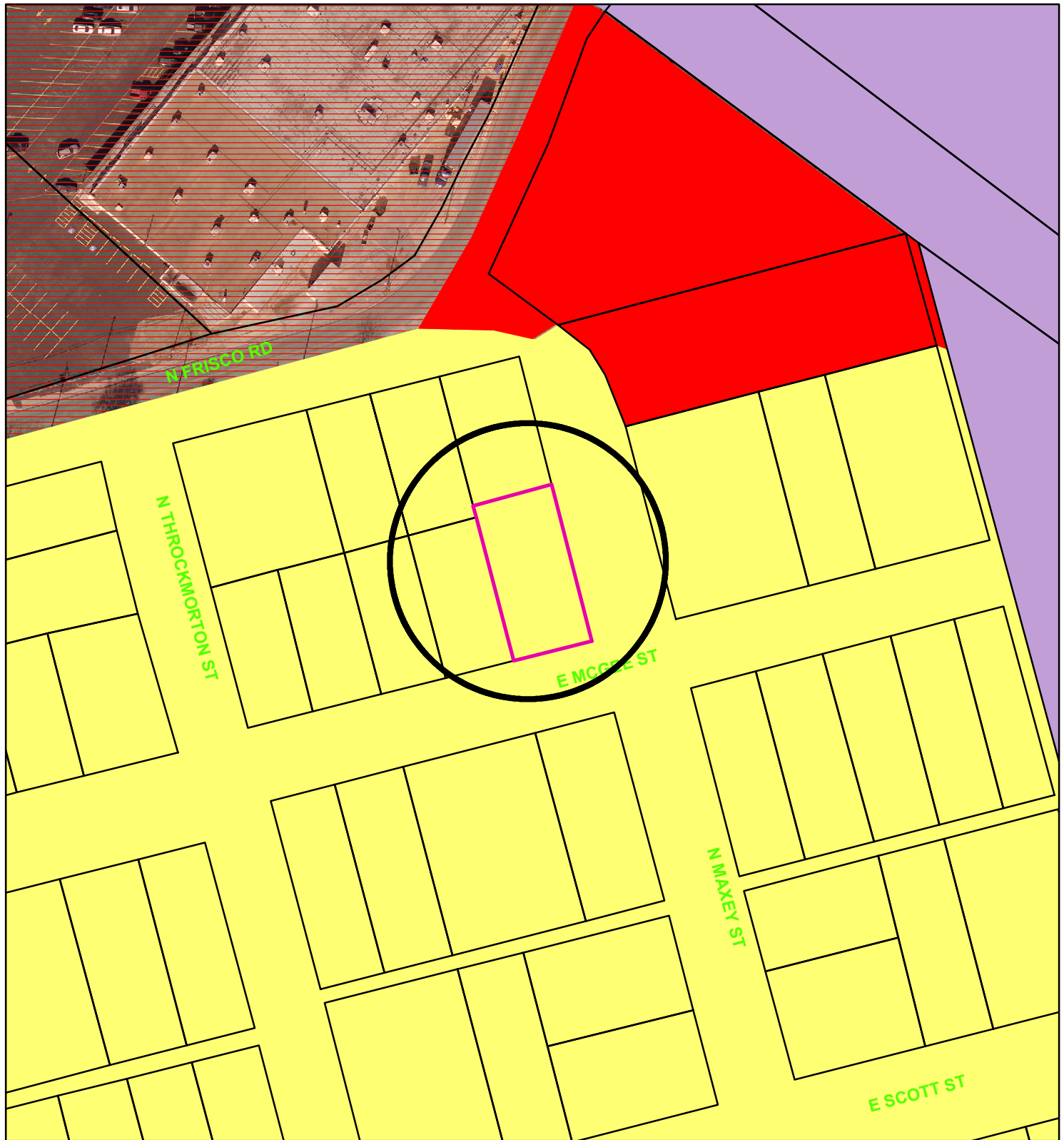


719 E. McGee Street



1 in = 165 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 719 E. McGee 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



719 E. McGee Street



JOB NO. 19020114
FW:RR -- DFT:RWS

TOBAR'S PROPERTIES
VOL. 5456, PG. 345
O.P.R.G.C.T.

PETER OKWUMA
VOL. 2705, PG. 193
O.P.R.G.C.T.

LANNY PETTIT
VOL. 3205, PG. 618
O.P.R.G.C.T.

SOUTH 120'
LOT 1
(VACANT)

MAKEY STREET

McGEE STREET

SCALE
1" = 30'

PP

LEGEND

- 1/2" STEEL ROD SET
- 1/2" STEEL ROD FOUND
- W WATER METER
- PP POWER POLE
- FH FIRE HYDRANT
- WV WATER VALVE
- BOUNDARY LINE
- - - PROPERTY LINE
- CHAINLINK FENCE

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.

This 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 © 2019
Underwood Drafting & Surveying, Inc.
All rights reserved.

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

I, Douglas W. Underwood, Registered Professional Land Surveyor do hereby certify that on the 28th day of February 2019, a survey was made on the ground of the property shown hereon, described as Lot S1, Block 2, of the Jones & Summit Addition, an addition to the City of Sherman, Texas, as shown by plat of record in Volume 304, Page 3, of the Deed Records, Grayson County, Texas, and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown on the plat herewith, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

The building on said lot is known as 719 E. McGee St., Sherman, Texas, and is wholly located on said lot; there are no encroachments or protrusions from buildings on adjoining lots or tracts of land except as shown.



UNDERWOOD
DRAFTING & SURVEYING

Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
Firm No. 10006300

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

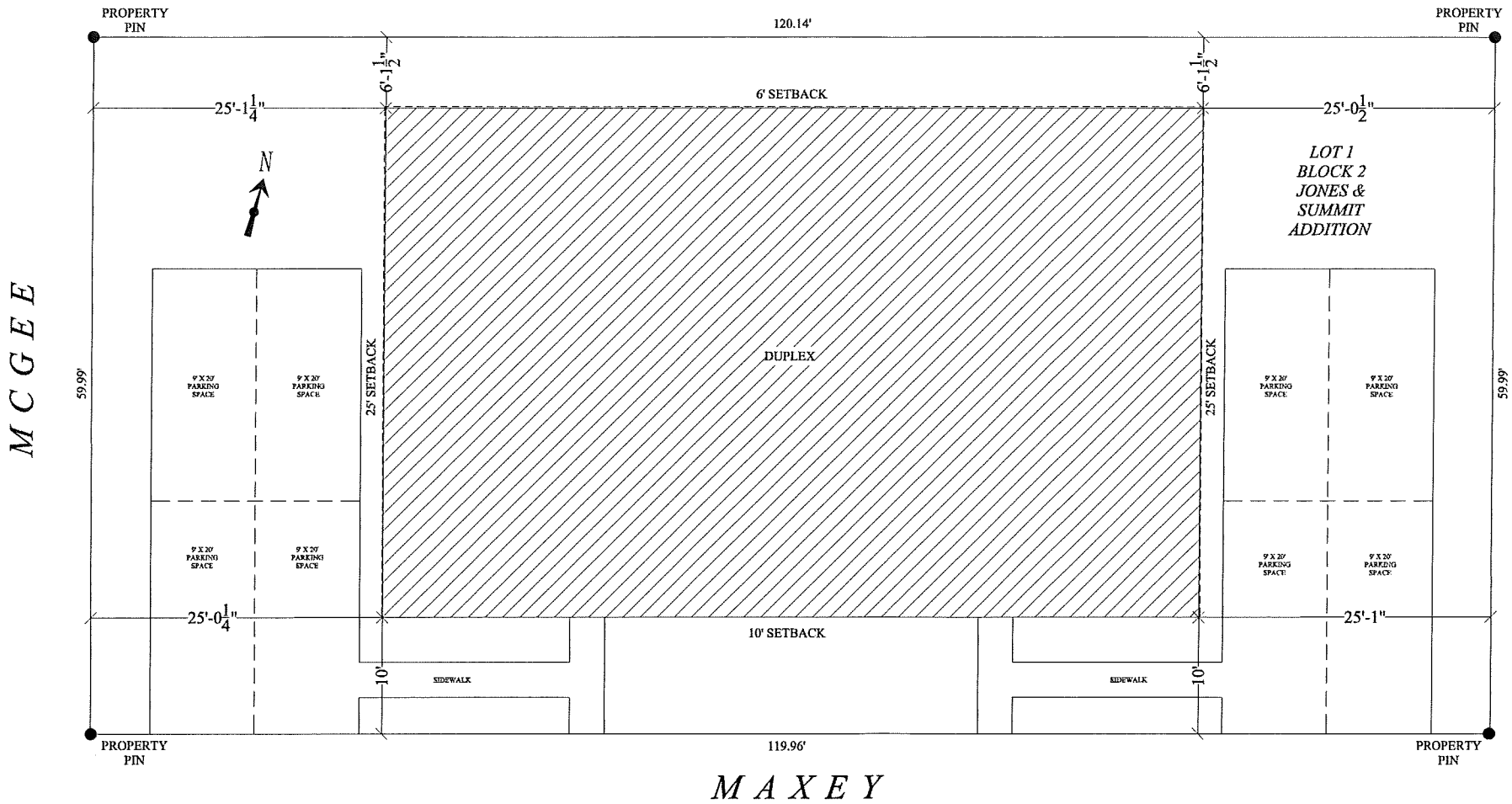


SERAJ ALI

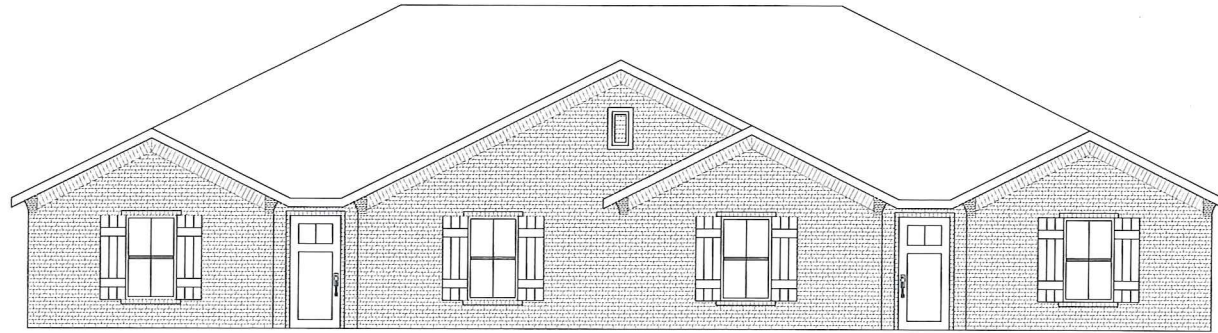
719 E. MCGEE
SHERMAN, TEXAS

D2LDESIGNS@YAHOO.COM

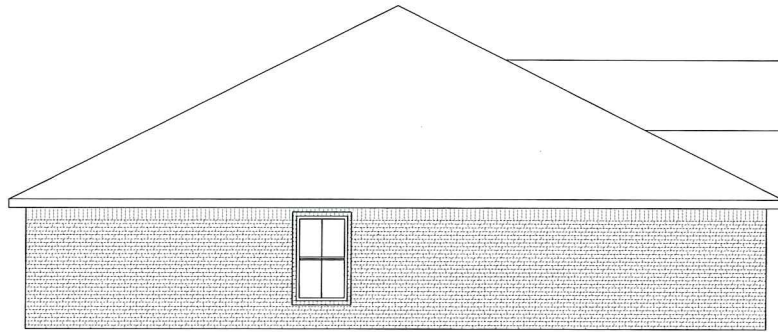
DATE
03/20/19
SHEET
SITE
SCALE
3/16" = 1'



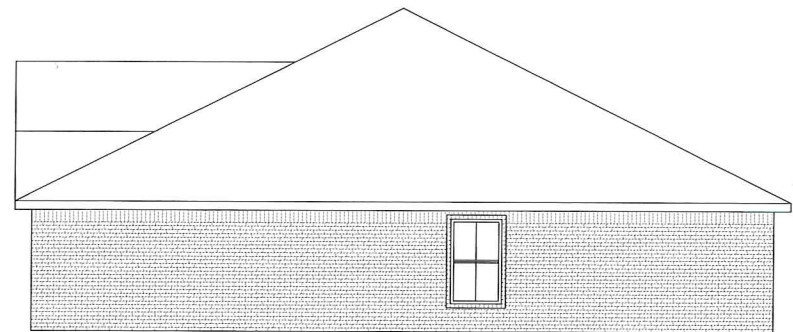
SITE PLAN



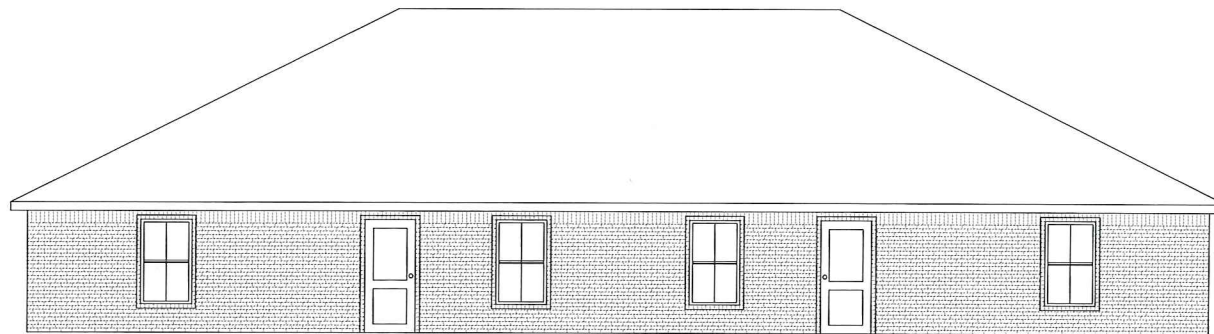
FRONT ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



BACK ELEVATION

STAFF REVIEW LETTER

April 9, 2019

Seraj Ali
1113 Lakota Pl
Carrollton, TX 75010

Underwood Drafting & Surveying
3404 Interurban Rd.
Denison, Texas 75020

Dear Applicants,

The request for Specific Use Permit and site plan approval to allow a duplex in an R-1 (One Family Residential) District for the property located at 719 East McGee Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9' x 20'.
4. Parking is permitted on paved surfaces only; concrete or asphalt.
5. Review the zoning and development ordinance for additional requirements.
6. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

7. New drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
8. Private Sanitary Sewer Easement may be required to serve property with sewer.

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

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

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

Respectfully,



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

P&Z Meeting – April 16, 2019 – 719 E. McGee Street - SUP

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

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



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

Agenda Item No. 14.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

719 EAST MCGEE STREET

The request of Seraj Ali (Owner), Underwood Drafting and Surveying (Surveyor) and D2L Designs, LLC (Designer) concerning the property located at 719 East McGee Street, being part of Lot 1, Block 2, Jones & Summit Addition, as follows:

Planning and Zoning Commission

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

Background:

The property is located at 719 East McGee Street, the northwest corner of McGee and Maxey Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to construct a duplex at this location, there will be four bedrooms per unit. The exterior facade will be brick.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

Origination:

Seraj Ali (Owner)

Underwood Drafting and Surveying (Surveyor)

D2L Designs, LLC (Designer)

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:

18

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Site Plan

Building Elevations

Staff Review Letter

Letter from Eisenhower Texoma LTD

RECEIVED

APR 04 2018



Developmental Services

March 29, 2019

Eisenhower Texoma LTD
C/O John Munson
PO Box 357
Denison, TX 75020

*Pull up
tax map*

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, April 16, 2019 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Seraj Ali (Owner), Underwood Drafting and Surveying (Surveyor) and D2L Designs, LLC (Designer) concerning the property located at 719 East McGee Street, being part of Lot 1, Block 2, Jones & Summit Addition

The request is as follows:

Planning and Zoning Commission

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

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

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


Secretary, Planning & Zoning Board

Approved, John Munson
Managing Partner *4/2/19*
Eisenhower Texoma Ltd.

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.9.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6214

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading/Permanent Makeup in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District at 614 East Lamberth Road, being Lot 1, Block 4, Dr. J.H. Carraway's Subdivision (J Toland's Continental Stylists, Owners; Barbie Wright, Representative; and Olga Kladova, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of J Toland's Continental Stylists (Owners), Barbie Wright (Representative), and Olga Kladova (Applicant) concerning the property located at 614 East Lamberth Road, being Lot 1, Block 4, Dr. J.H. Carraway's Subdivision, for a Specific Use Permit to allow Micro-Blading/Permanent Makeup in a C-1 (Retail Business) District and in the O-1 (75 & 82 Overlay) District

Background:

The property is located at 614 East Lamberth Road; the southwest corner of Lamberth Road and Masters Street. J Toland's Continental Stylists is the tenant. The property is zoned a C-1 (Retail Business) District; and it is also located in the O-1 (75 & 82) Overlay District. Olga Kladove would like to perform micro-blading and permanent makeup for her customers. She will be using a fine blade to draw hair strokes on the eyebrow area for microblading. She will be using a machine to fill in eyebrows, lips and apply eyeliner with a chosen color for permanent makeup. The treatment is semi-permanent and typically lasts one to three years.

Origination:

J Toland's Continental Stylists (Owners)
Barbie Wright (Representative)
Olga Kladova (Applicant)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted 5/0 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. 6214
Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6214

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 MICRO-BLADING/PERMANENT MAKEUP IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82 OVERLAY) DISTRICT AT 614 EAST LAMBERTH ROAD, BEING LOT 1, BLOCK 4, DR. J.H. CARRAWAY'S SUBDIVISION (J TOLAND'S CONTINENTAL STYLISTS, OWNERS; BARBIE WRIGHT, REPRESENTATIVE; AND OLGA KLADOVA, APPLICANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, J Toland's Continental Stylists (Owners), Barbie Wright (Representative), and Olga Kladova (Applicant) concerning the property located at 614 East Lamberth Road and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Block 4, Dr. J.H. Carraway's Subdivision.

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, O-1 (75 & 82 Overlay) District, the sign ordinance, the fence ordinance and the Commercial Tree and Landscaping Ordinance must be followed.

2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. Parking is permitted on paved surfaces only (concrete or asphalt).
4. A parking space is considered to be 9'x20'.
5. All parking shall be on private property and shall not encroach into Lamberth Road or Masters Street right-of-way.
6. Shall comply with all EPA, City, Federal and State regulations for this use.
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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

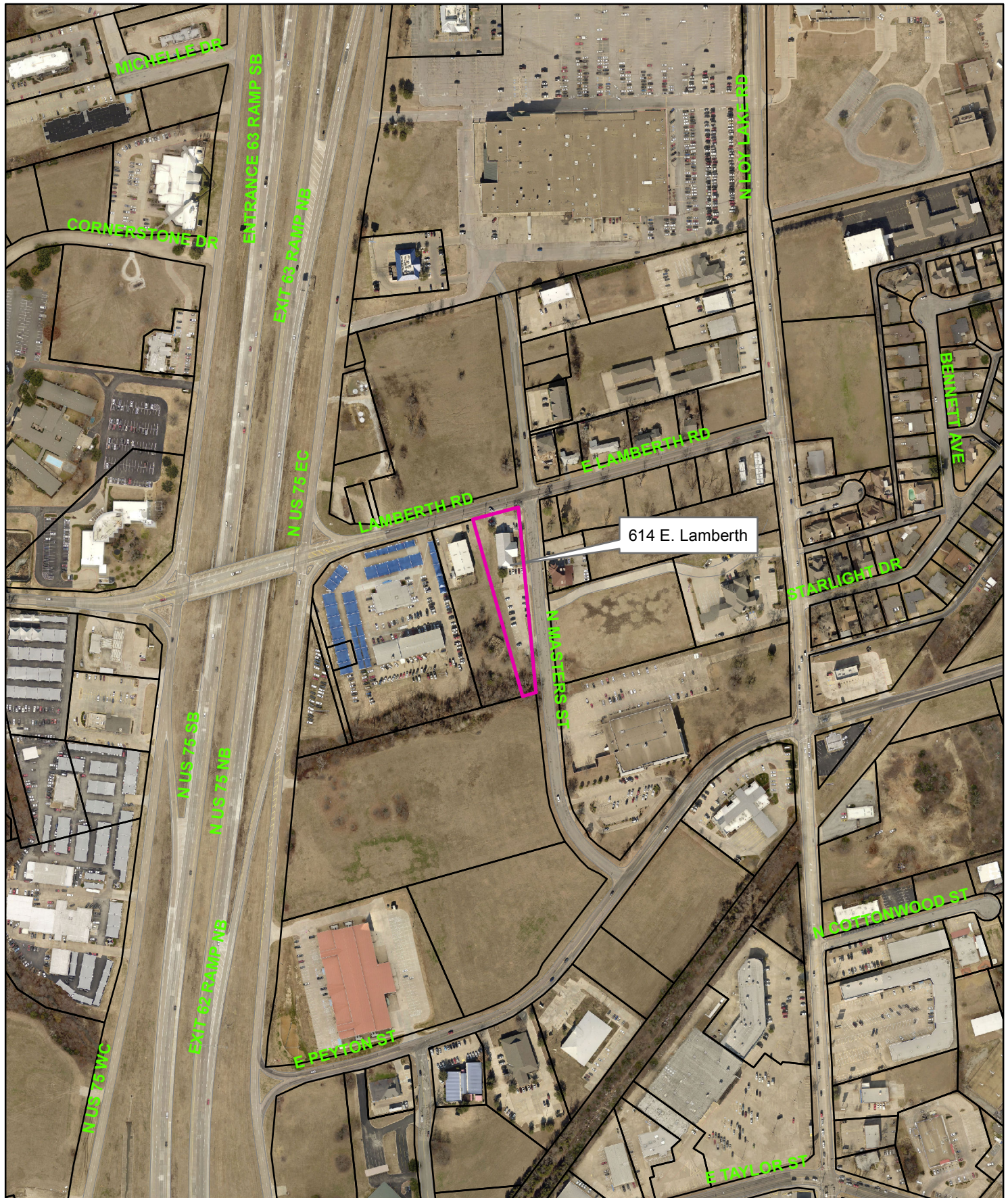
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

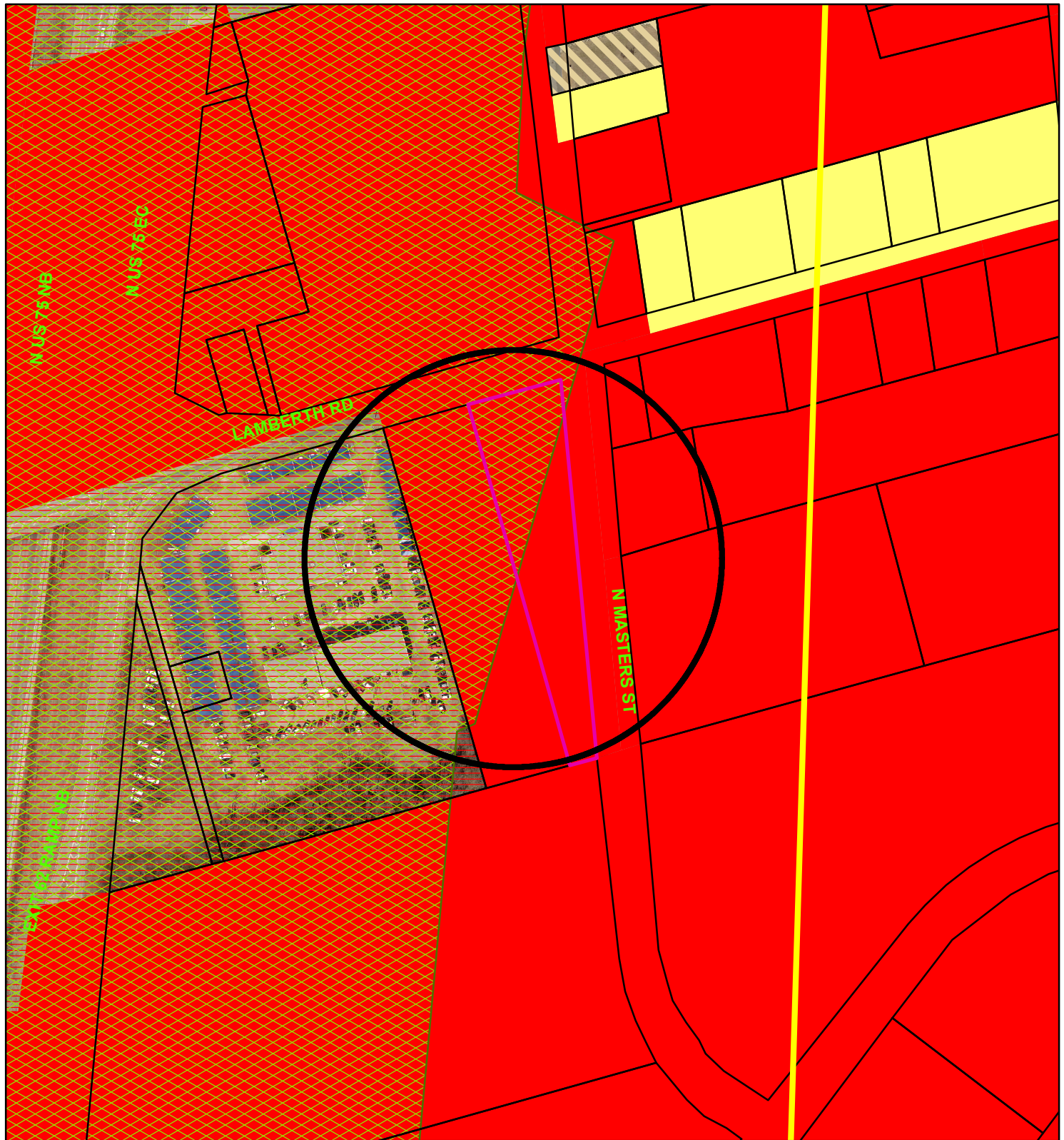
BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



614 East Lamberth Road



1 in = 400 ft



Zoning - 614 E. Lamberth 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: SpermGIS.DBO.TransportationCorridor_Rep_1

- 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



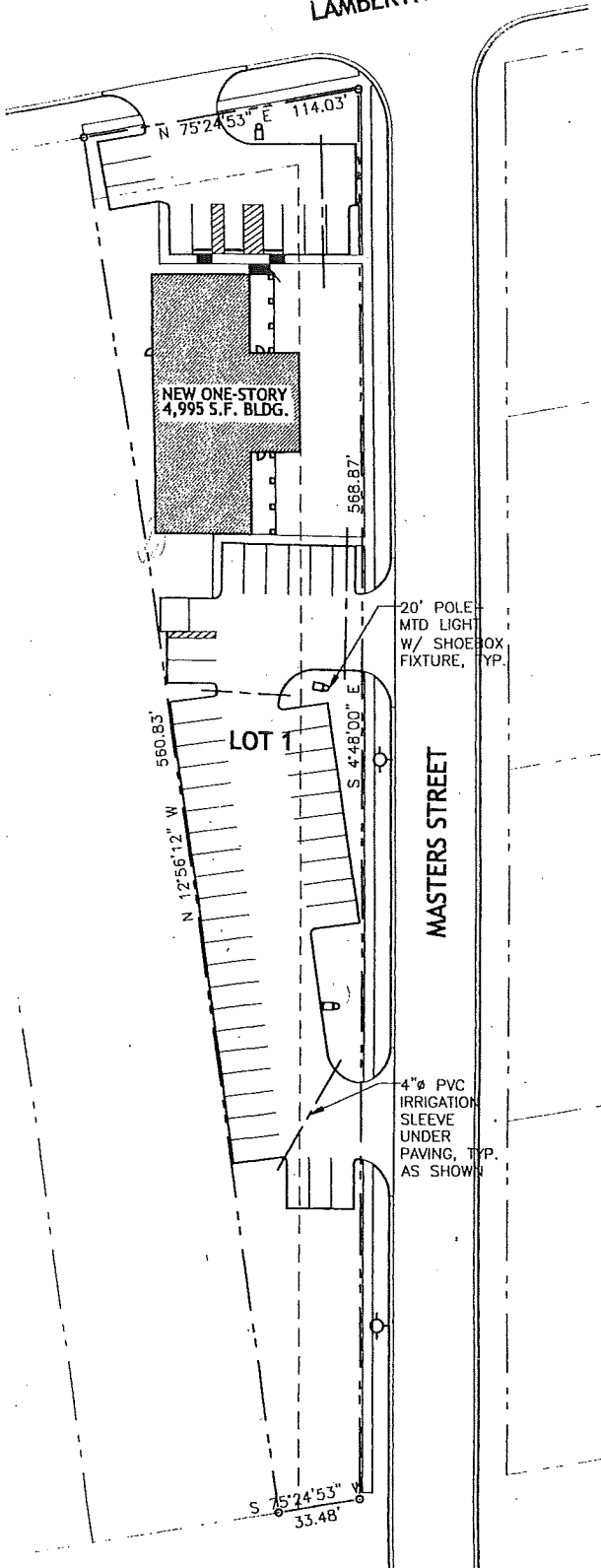
NOT TO SCALE

1 in = 207 ft

614 E. Lamberth Street



LAMBERTH ROAD



GENERAL MEP SITE PLAN NOTES:

1. ALL EXTERIOR LIGHTING SHALL BE ON SAME CIRCUIT & SWITCHED WITH AN ELECTRONIC PHOTO EYE & TIMER.
2. POLE MOUNTED LIGHT FIXTURES SHALL BE 300W METAL HALIDE.
3. PROVIDE 4" PVC IRRIGATION SLEEVES IN LOCATIONS SHOWN ON THIS PLAN.
4. PROVIDE A 2" DOMESTIC WATER METER IN LOCATION APPROVED BY THE CITY OF SHERMAN.



M.E.P. SITE PLAN
SCALE: 1" = 60'-0"

REVISED 10.28.05 PER CITY OF SHERMAN COMMENTS

11
14
05

TEXAS DESIGN WORKS

1237 CAVE ROAD, SHERMAN, TEXAS 75090
P. 903.870.9708 txdsgnwrks@juno.com



**J. TOLAND'S
CONTINENTAL STYLIST**

614 LAMBERTH ROAD, SHERMAN, TEXAS 75090

SHEET NO.

A1.1



STAFF REVIEW LETTER

April 9, 2019

Barbie Wright
614 E. Lamberth Rd.
Sherman, TX 75090

Olga Kladova
1600 W. Heron St.
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow micro-blading/permanent make up in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District for the property located at 614 East Lamberth Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the C-1 (Retail Business) District, O-1 (75 & 82 Overlay) District, the sign ordinance, the fence ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. Parking is permitted on paved surfaces only (concrete or asphalt).
4. A parking space is considered to be 9'x20'.
5. All parking shall be on private property and shall not encroach into Lamberth Road or Masters Street right-of-way.
6. Shall comply with all EPA, City, Federal and State regulations for this use.
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,


Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

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

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



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

Agenda Item No. 6.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

614 EAST LAMBERTH ROAD

The request of J Toland's Continental Stylists (Owners), Barbie Wright (Representative) and Olga Kladova (Applicant) concerning the property located at 614 East Lamberth Road, being Lot 1, Block 4, Dr. J.H. Carraway's Subdivision, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow micro-blading/permanent make up in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District.

Background:

The property is located at 614 East Lamberth Road; the southwest corner of Lamberth Road and Masters Street. J Toland's Continental Stylists is the tenant. The property is zoned a C-1 (Retail Business) District and it is also located in the O-1 (75 & 82) Overlay District. Olga Kladove would like to perform microblading and permanent makeup for their customers. She will be using a fine blade to draw hair strokes on the eyebrow area for microblading and using a machine to fill in eyebrows, lips and apply eyeliner with a chosen color for permanent makeup. The treatment is semi-permanent and typically last 1-3 years.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

J Toland's Continental Stylists (Owners)

Barbie Wright (Representative)

Olga Kladova (Applicant)

Master Plan Designation:

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

Number of notices mailed:

10

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.10.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6215

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Vape Shop in a C-2 (General Commercial) District and M-1 (Light Manufacturing) District at 2002 Loy Lake Road, being Lot C, Taylor Plaza (Altona, Inc., Owner; Smoke on the Water, Proposed Tenant; Shannon Reed, Applicant; Mangrum Commercial Real Estate, Representative, 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 Altona, Inc. (Owner), Smoke on the Water (Proposed Tenant), Shannon Reed (Applicant), Mangrum Commercial Real Estate (Representative), and Underwood Drafting and Surveying (Surveyor) concerning the property located at 2002 Loy Lake Road, being Lot C, Taylor Plaza, for a Specific Use Permit to allow a Vape Shop in a C-2 (General Commercial) District and M-1 (Light Manufacturing) District

Background:

The property is located at 2002 Loy Lake Road, the northwest corner of Loy Lake Road and Taylor Street. The property is zoned a C-2 (General Commercial) District and M-1 (Light Manufacturing) District. Smoke on the Water is currently located at 1630 Texoma Parkway; and they would like to relocate their business to this location. Smoke on the Water sells tobacco assessories (tobacco pipes, waterpipes, steam rollers, nectar collectors), E-cigarettes, vape juices and accessories; they do not sell cigarettes.

Origination:

Altona, Inc. (Owner)
Smoke on the Water (Proposed Tenant)
Shannon Reed (Applicant)
Mangrum Commercial Real Estate (Representative)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted 5/0 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. 6215

Location Map

Zoning Map

Zoning Sign Photo

Survey/Site Plan

Lease Space Elevation

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6215

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A VAPE SHOP IN A C-2 (GENERAL COMMERCIAL) DISTRICT AND M-1 (LIGHT MANUFACTURING) DISTRICT AT 2002 LOY LAKE ROAD, BEING LOT C, TAYLOR PLAZA (ALTONA, INC., OWNER; SMOKE ON THE WATER, PROPOSED TENANT; SHANNON REED, APPLICANT; MANGRUM COMMERCIAL REAL ESTATE, REPRESENTATIVE; 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, Altona, Inc. (Owner), Smoke on the Water (Proposed Tenant), Shannon Reed (Applicant), Mangrum Commercial Real Estate (Representative), and Underwood Drafting and Surveying (Surveyor) concerning the property located at 2002 Loy Lake Road and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING the Lot C, Taylor Plaza.

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

Zoning

1. All aspects of the C-2 (General Commercial) District, the M-1 (Light Manufacturing) District and the sign ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. All parking shall be on private property and shall not encroach into Loy Lake Road or Taylor Street right-of-way.
4. Parking is permitted on paved surfaces only; a parking space is considered to be 9'x20'.
5. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
6. Sale of electronic cigarettes or e-cigarettes or liquid nicotine to persons younger than 18 years of age is prohibited; proof of age required.
7. Sells, gives or causes to be sold or given an electronic cigarette or e-cigarette or liquid nicotine to another person who intends to deliver it to someone who is younger than 18 years of age is prohibited.
8. Vendor assisted sales required; self-service merchandising prohibited.
9. The facility or business shall not be open to persons younger than 18 years of age unless a parent or guardian is present.
10. Must comply with the City of Sherman Smoking Ordinance (Chapter 8.06)
11. Hours of operation must comply with all City of Sherman Ordinances.
12. The property must be properly maintained in a state of good repair and neat appearance.
13. Signs illuminated or flashing to such intensity or in a manner to cause a glare or brightness that constitutes a hazard or nuisance to traffic is prohibited. Brightness shall be no more than 0.3 foot-candles over ambient light.
14. Violations of the conditions of the SUP will terminate the Specific Use Permit.
15. Review the zoning and development ordinance for additional requirements.
16. 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 _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

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

CITY OF SHERMAN, TEXAS

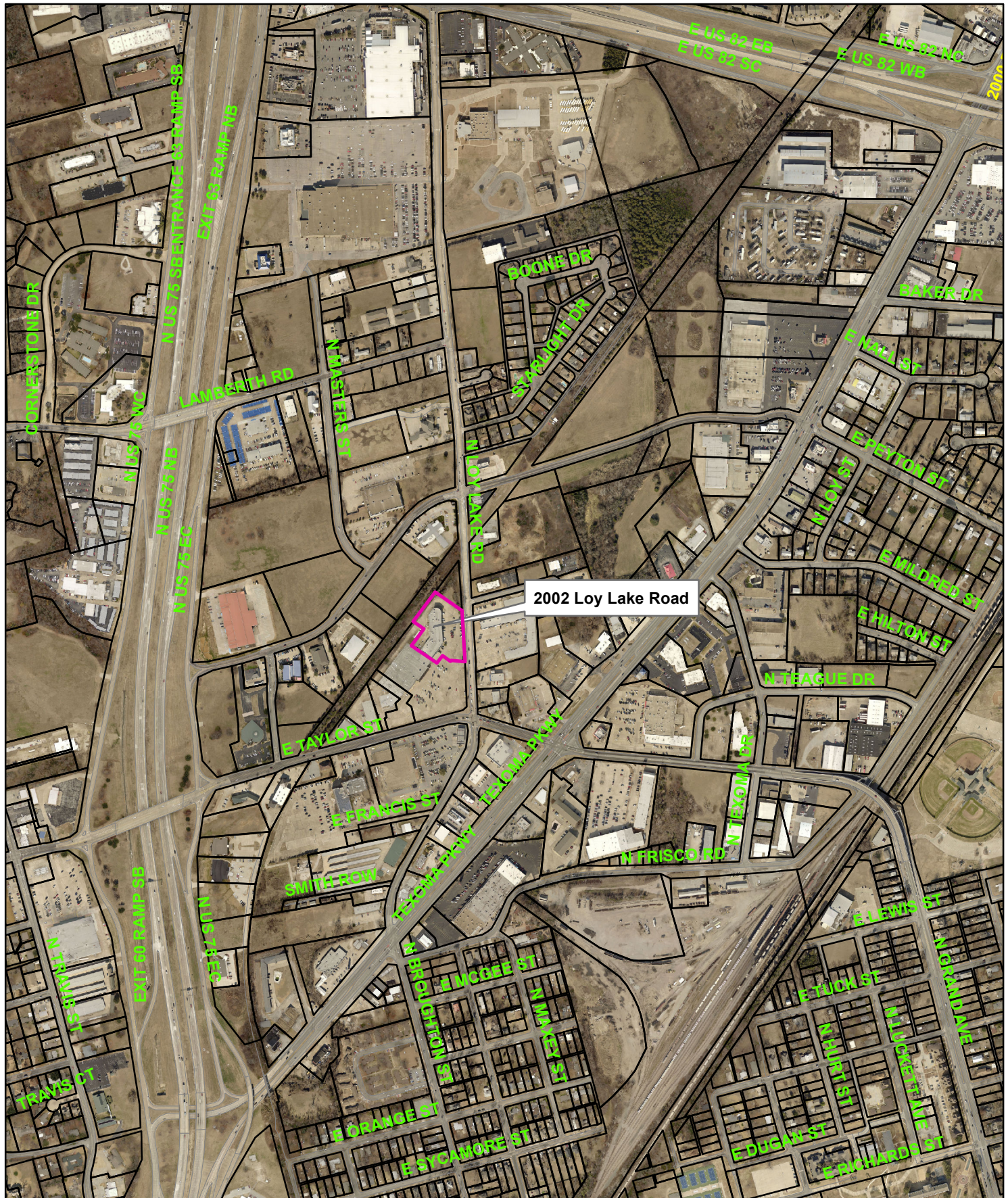
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



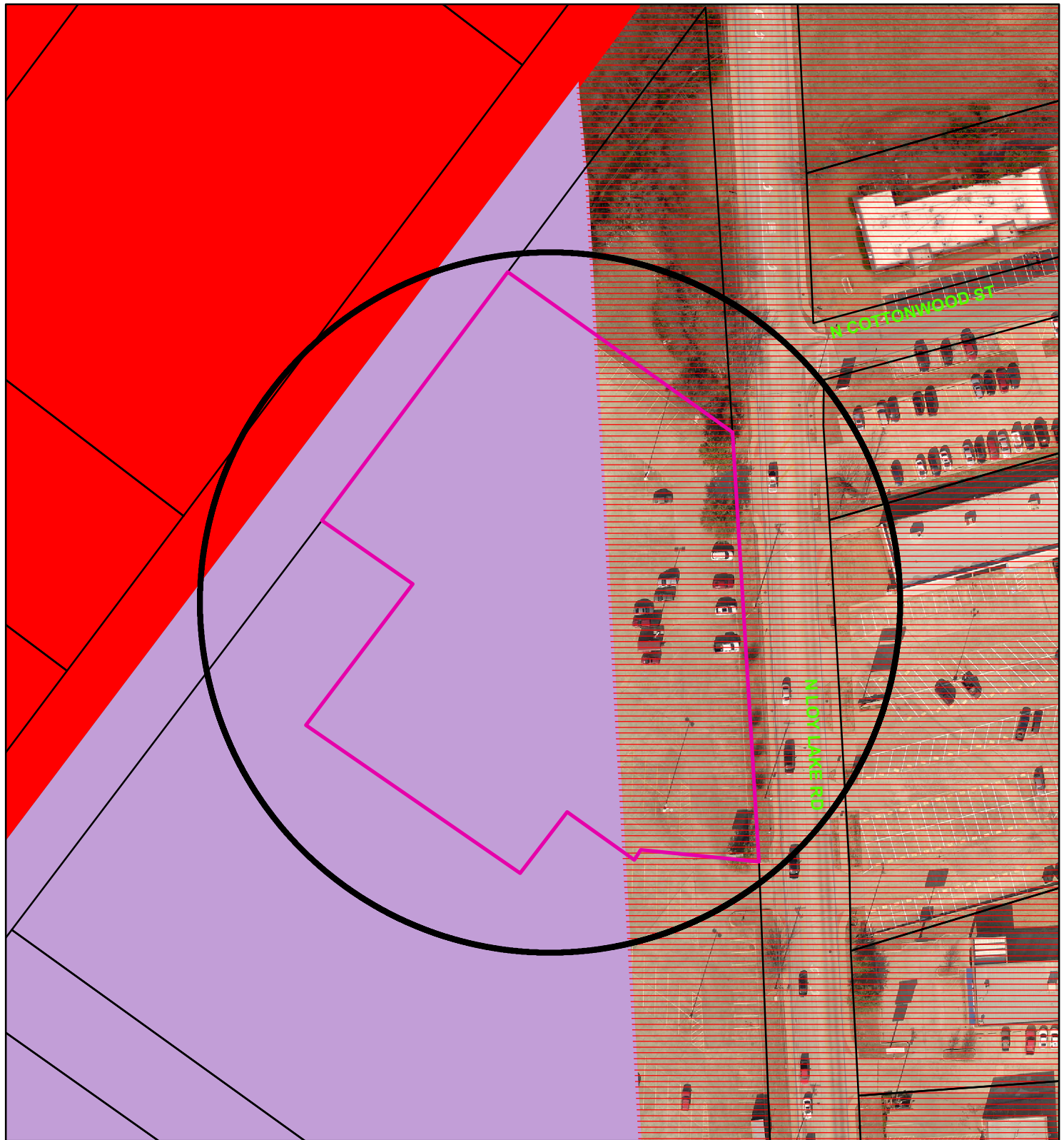
2002 Loy Lake Road



**1200 Blk. S. Austin Street &
400 Blk. W. Dulin Street**



1 in = 800 ft



Zoning - 2002 Loy Lake 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: SpermGIS.DBO.TransportationCorridor_Rep_1

- 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



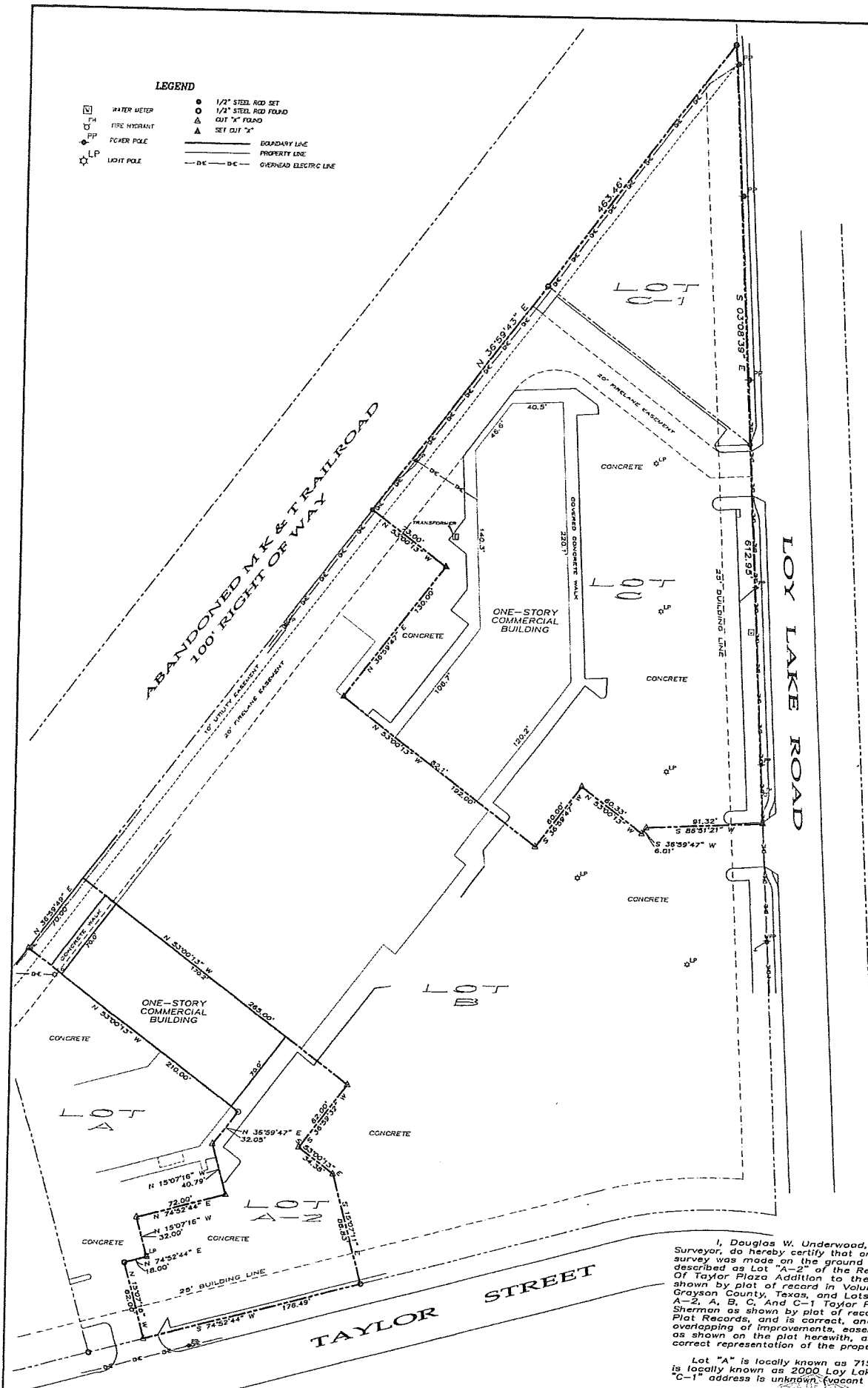
City of Sherman, Texas
Developmental Services Department

2002 Loy Lake Road



LEGEND

WATER METER	1/2" STEEL ROD SET
TH	1/2" STEEL ROD FOUND
FIRE HYDRANT	OUT "X" FOUND
PP	SET OUT "X"
FOSTER POLE	BOUNDARY LINE
LP	PROPERTY LINE
LOIT POLE	OVERHEAD ELECTRIC LINE



SCALE
1" = 50'

~ BASIS OF BEARINGS ~
GPS OBSERVATION
TEXAS COORDINATE SYSTEM
NAD 83

I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that on the 18th day of July, 2018, a survey was made on the ground of the property shown hereon, described as Lot "A-2" of the Replat of Lots A, A-1, and A-2 of Taylor Plaza Addition to the City of Sherman, Texas, as shown by plat of record in Volume 9, Page 18, Plat Records, Grayson County, Texas, and Lots "C" and "C-1" of Lots A-1, A-2, A, B, C, and C-1 Taylor Plaza Addition to said City of Sherman as shown by plat of record in Volume 8, Page 80, said Plat Records, and is correct, and that there are no conflicts, overlapping of improvements, easements or rights of way, except as shown on the plat herewith, and that the plat herewith is a correct representation of the property legally described herein.

Lot "A" is locally known as 715 E. Taylor Street, and Lot "C" is locally known as 2000 Loy Lake Road, Sherman, Texas. Lot "C-1" address is unknown (vacant lot).



Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
REVISED 09-30-2018

UNDERWOOD
DRAFTING & SURVEYING

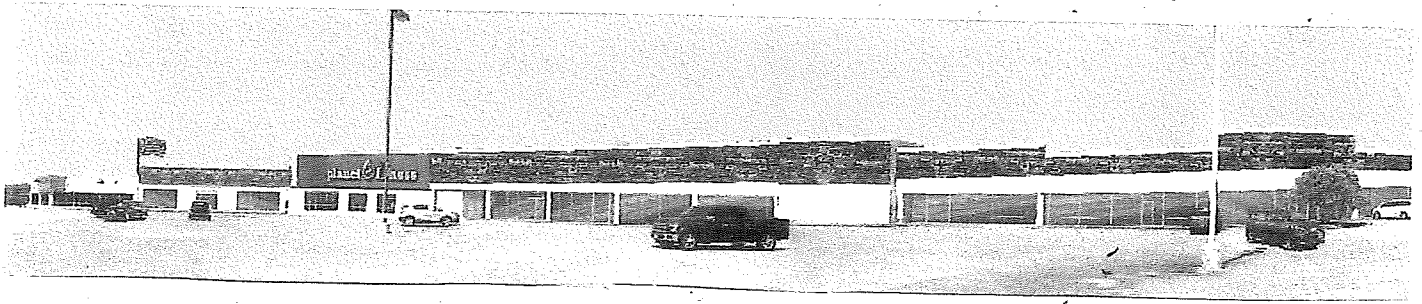
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151





MANGRUM COMMERCIAL

COMMERCIAL REAL ESTATE



Taylor Plaza Shopping Center Offering for Lease:

One of the highest traffic counts in Sherman, TX at over 37,100 +-

Rental Rate: \$12.50 PSF

Triple Net: \$2.75 PSF

TI (Tenant Improvement \$) Negotiable

Space Available:

Suite 719 E. Taylor: 11,900+- sf

Suite 725 E. Taylor: 28,678+- sf

Suite 2000: 2,400 +- sf

Suite 2002: 1,340 +- sf

Suite 2004: 1,360 +- sf

Suite 2006: 2,580 +- sf

Suite 2016: 1,410 +- sf

Suite 2028: 1,382 +- sf

Suite 2030: 2,400 +- sf

Suite 2032: 1,600 +- sf

Suite 2039: 1,352 +- sf

STAFF REVIEW LETTER

April 9, 2019

Altona, Inc.
616 Clariden Ranch Rd.
Southlake, TX 76092

Mangrum Commercial Real Estate
PO Box 127
Howe, TX 75459

Shannon Reed
2002 Loy Lake Road
Sherman, TX 75090

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow a vape shop in a C-2 (General Commercial) District and M-1 (Light Manufacturing) District for the property located at 2002 Loy Lake Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the C-2 (General Commercial) District, the M-1 (Light Manufacturing) District and the sign ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. All parking shall be on private property and shall not encroach into Loy Lake Road or Taylor Street right-of-way.
4. Parking is permitted on paved surfaces only; a parking space is considered to be 9'x20'.
5. The use of the property must comply with all Federal and State Laws and regulations and with all ordinances, rules and regulations of the City of Sherman.
6. Sale of electronic cigarettes or e-cigarettes or liquid nicotine to persons younger than 18 years of age is prohibited; proof of age required.
7. Sells, gives or causes to be sold or given an electronic cigarette or e-cigarette or liquid nicotine to another person who intends to deliver it to someone who is younger than 18 years of age is prohibited.
8. Vendor assisted sales required; self-service merchandising prohibited.
9. The facility or business shall not be open to persons younger than 18 years of age unless a parent or guardian is present.
10. Must comply with the City of Sherman Smoking Ordinance (Chapter 8.06)
11. Hours of operation must comply with all City of Sherman Ordinances.
12. The property must be properly maintained in a state of good repair and neat appearance.
13. Signs illuminated or flashing to such intensity or in a manner to cause a glare or brightness that constitutes a hazard or nuisance to traffic is prohibited. Brightness shall be no more than 0.3 footcandles over ambient light.
14. Violations of the conditions of the SUP will terminate the Specific Use Permit.
15. Review the zoning and development ordinance for additional requirements.
16. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

Respectfully,



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

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

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



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

Agenda Item No. 18.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

2002 LOY LAKE ROAD

The request of Altona, Inc. (Owner), Smoke on the Water (Proposed Tenant), Shannon Reed (Applicant), Mangrum Commercial Real Estate (Representative) and Underwood Drafting, and Surveying (Surveyor) concerning the property located at 2002 Loy Lake Road, being Lot C, Taylor Plaza, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a vape shop in a C-2 (General Commercial) District and M-1 (Light Manufacturing) District.

Background:

The property is located at 2002 Loy Lake Road, the northwest corner of Loy Lake Road and Taylor Street. The property is zoned a C-2 (General Commercial) District and M-1 (Light Manufacturing) District. Smoke on the Water is currently located at 1630 Texoma Parkway; they would like to relocate their business to this location. Smoke on the Water sells tobacco accessories (tobacco pipes, waterpipes, steam rollers, nectar collectors) E-cigarettes, vape juices and accessories.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

M-1 (Light Manufacturing) District

Origination:

Altona, Inc. (Owner)\

Smoke on the Water (Proposed Tenant)

Shannon Reed (Applicant)

Mangrum Commercial Real Estate (Representative)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

9

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey/Site Plan

Lease Space Elevation

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.11.

Meeting Date: 05/06/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6206, 6207, 6208, 6209, 6210, 6211, 6212, 6213, 6214 and 6215

Issue:

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6206**
Extending the Corporate Limits of Said City so as to Annex a 56.07 Acre Tract of Land along Fallon Drive, East of Texoma Parkway (State Highway 91), Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; Providing for a Municipal Service Plan
- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6207**
Amending Chapter 13 of the Code of Ordinances, entitled "Utilities", at Article 13.02, entitled "Water Conservation and Drought Contingency Plan"
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6208**
Amending Chapter 4 of the Code of Ordinances, entitled "Business Regulations", to Delete Article 4.13, entitled "Police Rotation List Tow Services", in its entirety, and to Provide for a New Article 4.13 to be entitled "Towing Regulations"
- B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6209**
Amending Chapter 9 of the Code of Ordinances, entitled "Personnel", Article 9.05, entitled "Civil Service for Firefighters and Police Officers", at Section 9.05.026, entitled "Authorized Number of Positions", to Revise the Number of Authorized Positions in the Police Department
- B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6210** Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 212 North Cleveland Avenue, being the south 22' of Lots 6 and 7 and the north 20' of Lot 8, Block 32, College Park Addition (Danny Fuller, Owner; Joshua Fuller, Applicant; and Jeremy W. Bullard Design Studio, LLC, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

- B. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6211**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow Three Duplexes in an R-1 (One Family Residential) District in the 1200 block of South Austin Street and the 400 block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56 (Ramiro and Letica Alvarez, Owners; Rick Green, General Contractor; and Preston Trail Land Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 7. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6212**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 722 North Ross Avenue, being Lot 1, Block 4, C.J. Keliehor's First Addition (Tim Pike, Owner; and Helvey-Wagner Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 8. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6213**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to allow a Duplex in an R-1 (One Family Residential) District at 719 East McGee Street, being part of Lot 1, Block 2, Jones & Summit Addition (Seraj Ali, Owner; Underwood Drafting and Surveying, Surveyor; and D2L Designs, LLC, Designer); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 9. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6214**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading/Permanent Makeup in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District at 614 East Lamberth Road, being Lot 1, Block 4, Dr. J.H. Carraway's Subdivision (J Toland's Continental Stylists, Owners; Barbie Wright, Representative; and Olga Kladova, Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 10 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6215**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Vape Shop in a C-2 (General Commercial) District and M-1 (Light Manufacturing) District at 2002 Loy Lake Road, being Lot C, Taylor Plaza (Altona, Inc., Owner; Smoke on the Water, Proposed Tenant; Shannon Reed, Applicant; Mangrum Commercial Real Estate, Representative, 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.12.

Meeting Date: 05/06/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

C. 3. * RESOLUTION NO. 6480

Authorizing the Purchase of a New 2019 Autocar ACX64 for use with Heil Durapack Python Automated Side Load Refuse Body for the Solid Waste Department from Chastang Enterprises, Inc. through the Texas Local Government Purchasing Cooperative (BuyBoard)

C. 4. * RESOLUTION NO. 6481

Authorizing the Purchase of a New Heil DP Python 28 Yard ASL Side Load for the Solid Waste Department from Heil of Texas, Inc. through the Local Government Purchasing Cooperative (BuyBoard)

C. 5. * RESOLUTION NO. 6482

Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1103 South Walnut Street

E. 3. * OTHER BUSINESS

Final Plat Approval of Menjivar's Addition, being 0.9956 acres in the J.B. McAnair Survey, Abstract No. 763; Jose Menjivar, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (2400 block of North Hickory Street)

E. 4. * OTHER BUSINESS

Replat Approval of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56; Ramiro and Letica Alvarez, Owners; and Preston Trail Land Surveying, Surveyor (1200 block of South Austin Street and 400 block of West Dulin Street)

E. 5. * *OTHER BUSINESS*

Replat Approval of Austin Hawthorn Addition, a Replat of Lots 1, 2, 3 & 4, Plat of J.S. Hefner's Division of 2.11 acres of J.B. McAnair Survey, being part of the J.B. McAnair Survey, Abstract No. 763 and all of Lots 1, 2, 3, and 4, Plat of J.S. Hefner's Division, containing 6.033 acres; Austin College, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (1900 block of North Grand Avenue and 1100 block of Frisco Road)

E. 6. * *OTHER BUSINESS*

Final Plat Approval of Opel Addition, being 2.432 acres in the G. B. Pilant Survey, Abstract No. 963; Equity Trust Co., Owner; Kalena Cook, Representative; and Owens Land Surveying, Surveyor (1000 South Gribble Street)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 05/06/2019

Prepared By: Theresa Hutchinson, Parks & Recreation Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6479

Awarding a Bid to and Authorizing Execution of a Contract with The Playground, Shade and Surfacing Depot, LLC for the Library Park Renovations Project

Issue:

Awarding of a bid for the Library Park Improvements to The Playground, Shade and Surfacing Depot, LLC of Keller, Texas

Background:

The 2017 Parks Master Plan was approved and adopted at the City Council meeting on May 15, 2017. Initiatives within the Plan update includes those for special use parks, identified by unique characteristics within recreational, social and community activities. The Sherman Public Library Park will host a number of social, recreational and library-specific activities overseen by the Library Department. This project will include the purchase and installation of a pavilion, benches and outdoor musical equipment, complimenting these Library Park activities.

At the February 18, 2019 meeting, the City Council approved a request to advertise for public bids for the Library Park Renovations Project. A request for bids was publicly advertised; and six (6) bids were received and opened on March 27, 2019, as noted in the attached bid tabulation. The Playground, Shade and Surfacing Depot, LLC of Keller, Texas, was the lowest responsive bid, in the amount of \$82,664.00, that met all contract requirements and specifications for the various Library Park Improvements.

Origination:

Department of Parks and Recreation

Financial Consideration:

The project cost of \$82,664.00 will be funded by the Capital Improvement Program.

Staff Recommendation:

Staff recommends that the bid be awarded to The Playground, Shade and Surfacing Depot, LLC. It is also recommended that the City Manager be authorized to execute the required contract documents.

Alternatives:

As may be recommended by the City Council

Attachments

Resolution No. 6479

City of Sherman Standard Contract

Bid Tabulation

Aerial Location Map - Sherman Library Park

RESOLUTION NO. 6479

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH THE PLAYGROUND, SHADE AND SURFACING DEPOT, LLC FOR THE LIBRARY PARK RENOVATIONS PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That The Playground, Shade and Surfacing Depot, LLC of Keller, Texas, is hereby awarded the City of Sherman's contract for the Library Park Renovations Project, in accordance with all bid documentation attached hereto and incorporated herein for all purposes.

SECTION 2. That the City Manager is hereby authorized and directed, subject to all contract documents being completed and approved as to form and content by the City Attorney, to execute a contract with The Playground, Shade and Surfacing Depot, LLC For the Library Park Renovations Project, in the same or substantially same form as the contract documents to be attached hereto and incorporated herein for all purposes.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



**CITY OF SHERMAN
STANDARD CONTRACT**

This Agreement is made by and between the City of Sherman, Texas, a home-rule municipality, hereinafter referred to as "Buyer", and the hereinafter named SELLER, referred to as the "Seller," for the sale of goods, materials and items specified hereinafter, and the Buyer and Seller hereby agree as follows:

Seller:

The Playground, Shade and Surfacing Depot, LLC

Name

200 N. Rufe Snow Dr., Ste. 209

Address

Keller, TX 76248

City, State, Zip

817-585-4636

Telephone

shane@theplaygrounddepot.com

Email

DESCRIPTION OF GOODS

This Contract is for the purchase by the City of Sherman, Texas, of the goods, materials and items described hereinafter as the "goods" or the subject of this Contract, and such parts, attachments, accessories, devices, and apparatus as may be considered an integral part of the Goods or necessary for the proper use or application of the Goods, whether or not specified herein. The Goods are more specifically described as follows:

Pavilion, Outdoor Musical Equipment, and Benches

[CHECK ONE:]

 X This contract is a "fixed price – fixed quantity" Contract for the purchase of the specified quantity at the specified price. The full quantity of the Goods shall be delivered to and received at the designated point or points of delivery no later than the date specified herein below. This date is a material term and condition of the Contract and, in connection with the delivery date, time is and shall be of the essence.

All goods should arrive within 7-9 weeks or less barring any unforeseen delays. This is from the date of receipt of PO, Colors and all contract documents.

OR

 This Contract is for a specific duration wherein the Seller will supply, furnish and deliver at the designated point or points of delivery the specified Goods in the quantities requested by Buyer at the time of Buyer's order. The delivery date(s) shall be set forth in Buyer's order. This Contract is not intended to be and shall not be construed as an exclusive requirements contract. This Contract is non-exclusive and Buyer may acquire any or all of its requirements for the specified Goods from Seller or any other source deemed appropriate by Buyer.

DURATION: NOT APPLICABLE TO THIS BID

PAYMENT TERMS

The purchase price of the Goods shall be that contained in the Seller's bid and specifically accepted in writing by Buyer. Seller shall submit separate invoices on each purchase order after each delivery. Invoices shall indicate the purchase order number, and shall be itemized. A copy of the packing slip should be attached to the invoice. Mail to the City of Sherman, Finance Department, PO Box 1106, Sherman, TX 75091-1106. Payment shall not be due until the above instruments are submitted, until the Goods have been received by Buyer, and until Buyer has had sufficient opportunity to inspect and exercise its right to accept or reject. Seller shall keep the Finance Department advised of any changes in their remittance addressees. In no event shall Buyer be responsible for interest of any kind on any funds due to Seller, and no term or provision contained in any Seller's invoice shall in any way modify, vary or alter the provisions hereof.

Buyer's obligation is payable solely from funds available for the purpose of the purchase. Lack of funds shall render this contract null and void and to the extent funds are not available, any delivered but unpaid for goods will be returned to Seller by Buyer.

CONTRACT TERMS AND CONDITIONS

This Contract is made and entered into between the parties hereto in accordance with and subject to the following additional terms and conditions:

1. **SELLER TO PACKAGE GOODS:** Seller will package Goods in accordance with good commercial practice. Each shipping container shall be clearly marked and permanently packed as follows: (a) Seller's name and address; (b) Consignee's name, address, and purchase order number; (c) Container number and total number of containers, e.g. box 1 of 4 boxes; and (d) the number of the container bearing the packing slip. Seller shall bear cost of packing unless otherwise provided. Goods shall be suitably packed to secure lowest transportation costs and to conform to requirement of common carriers and any applicable specifications. Buyer's count or weight shall be final and conclusive on shipment not accompanied by packing lists.

2. **SHIPMENT UNDER RESERVATION PROHIBITED:** Seller is not authorized to ship the Goods under reservation and no tender of a bill of lading will operate as a tender of goods.
3. **TITLE AND RISK OF LOSS:** The title and risk of loss of the Goods shall not pass to the Buyer until the Buyer actually receives and takes possession of the Goods at the point or points of delivery.
4. **DELIVERY TERMS AND TRANSPORTATION CHARGES:** F.O.B. Destination Freight Prepaid unless delivery terms are specified otherwise in the bid; Seller shall pay for the transportation costs.
5. **NO PLACEMENT OF DEFECTIVE TENDER:** Every tender or delivery of Goods must fully comply with all provisions of this contract as to time of delivery, quality and the like. If a tender is made which does not fully conform, this shall constitute a breach and Seller shall not have the right to substitute a conforming tender, provided, where the time for performance has not yet expired, the Seller may reasonably notify Buyer of his intention to cure and may then make a conforming tender within the contract time but not afterward.
6. **PLACE OF DELIVERY:** The place of delivery shall be that set forth on the purchase order or in any other written designation by Buyer. The terms of this agreement are "no arrival, no sale."
7. **RIGHT OF INSPECTION:** Buyer shall have the right to inspect the goods at delivery before accepting them.
8. **REJECTION OF GOODS:** It is agreed that if Buyer rejects any of the goods sold pursuant to this agreement, Buyer's only duty shall be to reasonably notify Seller of the rejection and hold the goods for the disposition of Seller, and it is agreed that under no circumstances shall Buyer be required to resell the rejected goods or incur the cost to deliver same to Seller.
9. **GRATUITIES:** The Buyer may, by written notice to the Seller, cancel this contract without liability to the Seller if it be determined by the Buyer that gratuities, in the form of entertainment, gifts, or otherwise were offered or given by the Seller, or any agent or representative of the Seller, to any officer or employee of City of Sherman with view toward securing the contract or securing favorable treatment with respect to awarding or amending, or the making of any determination with respect to the performing of such a Contract. In the event this Contract is canceled by Buyer pursuant to this provision, Buyer shall be entitled in addition to any other rights and remedies, to recover and withhold the amount of the cost incurred by the Seller in providing such gratuities.
10. **SPECIAL TOOLS AND TEST EQUIPMENT:** If the price stated on the face hereof includes the cost of any special tooling or any special test equipment fabricated or required by Seller for the purpose of filling this order, such special tooling equipment and any process sheets related thereto shall become the property of the Buyer and to the extent feasible shall be identified by the Seller as such.

11. WARRANTY – PRICE:

- a. The price to be paid by the Buyer shall be that contained in the Seller's bid which Seller warrants to be no higher than Seller's current prices on orders for products of the kind and specification covered by the agreement for similar quantities under similar or like conditions and methods of purchase. In the event Seller breaches this warranty, the prices of the items shall be reduced to the Seller's current prices on orders by others, or in the alternative, Buyer may cancel this contract without liability for breach or Seller's actual expense.
- b. The Seller warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for commission, percentage, brokerage, or contingent fee excepting bona fide established commercial or selling agencies maintained by the Seller for the purpose of securing business. For breach of violation of this warranty, the Buyer shall have the right in addition to any other right or rights to cancel this contract without liability and to deduct from the contract price, or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

12. WARRANTY-PRODUCTS: Seller shall not limit or exclude any implied warranties and any attempt to do so shall render this contract voidable at the option of the Buyer. No such attempts to limit, disclaim or exclude any warranties, whether of fitness, merchantability or otherwise, by Seller shall be binding or effective. Seller warrants that the Goods furnished will conform to the specifications, drawings, and descriptions listed in the bid invitation and to the sample(s) furnished by Seller, if any. In the event of a conflict between the specifications, drawings, and descriptions, the specifications shall govern.

13. SAFETY WARRANTY: Seller warrants the product sold to the Buyer shall conform to the standards promulgated by the U.S. Department of Labor under the Occupational Safety and Health Act of 1970. In the event that the products do not conform to OSHA standards, Buyer may return the product for correction or replacement at the Seller's expense. In the event that Seller fails to make the appropriate correction within a reasonable time, any correction made by Buyer will be at Seller's expense.

14. NO WARRANTY BY BUYER AGAINST INFRINGEMENTS: As part of this contract for sale, Seller agrees to ascertain whether goods manufactured in accordance with the specifications attached to this agreement will give rise to the rightful claim of any third person by way of infringement or the like. Buyer makes no warranty that the production of goods according to the specifications will not give rise to such claim, and in no event shall Buyer be liable to Seller in the event that Seller issued on the grounds of infringement or the like. If Seller is of the opinion that an infringement or the like will result, he will notify Buyer to this effect in writing or the like, within two weeks after the signing of this agreement. If Buyer does not receive notice and a claim is asserted or Buyer is subsequently held liable for the infringement or the like, Seller will indemnify, defend and save Buyer harmless. If Seller in good faith ascertains that production of the

goods in accordance with the specifications will result in infringement or the like, this contract shall be null and void except that Buyer will pay Seller the reasonable cost of his search as to infringements.

15. **CANCELLATION:** Buyer shall have the right to cancel for default on all or any part of the undelivered portion of this order if Seller breaches any of the terms hereof including warranties of Seller or the Seller becomes insolvent or commits acts of bankruptcy. Such right of cancellation is in addition to and not in lieu of any remedies which Buyer may have at law or equity. The Buyer may for any reason whatsoever terminate performance under this Contract by the Seller for convenience at any time. The Buyer shall give notice of such termination to the Seller specifying when termination becomes effective. Goods received but unopened or unused shall be made available to Seller for delivery. Buyer will, in the event of termination, remit such sums to Seller as may be due only for those Goods retained by Buyer.

16. **FORCE MAJEURE:** If by reason of Force Majeure, either party hereto shall be rendered unable wholly or in part to carry out its obligation under the Agreement, then such party shall give notice and full particulars of Force Majeure in writing to the other party within a reasonable time after the occurrence of the event or cause relied upon, and the obligation of the party giving such notice, so far as is effected by such Force Majeure, shall be suspended during the continuance of the inability then claimed, except as hereafter provided, but for no longer periods and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

The term "Force Majeure" as employed herein, shall mean acts of God, strikes, lockouts, or other industrial disturbance, act of public enemy, orders of any kind of government of the United States or State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines, or canals, or other causes not reasonably within control of the party claiming such inability. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirements that any Force majeure shall be remedied with all reasonable dispatch shall not require the settlements of strikes and lockouts by exceeding to the demands of the opposing party or parties when such settlement is unfavorable in the judgment of the party having the difficulty.

17. **ASSIGNMENT – DELEGATION:** No right or interest in this contract shall be assigned or delegation of any obligation made by Seller without the written permission of the Buyer. An attempted assignment or delegation of Seller shall be wholly void and totally ineffective for all purposes unless made in conformity with this paragraph.

18. **MODIFICATIONS:** This contract can be modified or rescinded only in writing signed by both parties and their duly authorized agents.

19. **WAIVER:** No claim or right arising out of a breach in contract can be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or

renunciation is supported by consideration and is in writing signed by the aggrieved party.

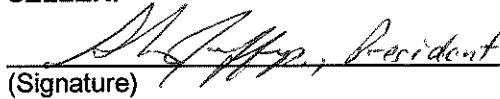
20. **INTERPRETATION-PAROL EVIDENCE:** This writing is intended by the parties as a final expression of their agreement and is intended also as a complete and exclusive statement of the terms of their agreement. No course of prior dealings between the parties and no usage of the trade shall be relevant to supplement or explain any term used in this agreement. Acceptance or acquiescence in a course of performance rendered under this agreement shall not be relevant to determine the meaning of this agreement even though the accepting or acquiescing party has knowledge of the performance and opportunity for objection. Whenever a term defined by the Uniform Commercial Code is used in this agreement, the definition contained in the Code is to control.
21. **APPLICABLE LAW:** This agreement shall be governed by the Uniform Commercial Code. Wherever the term "Uniform Commercial Code" is used, it shall be construed as meaning the Uniform Commercial Code as adopted in the State of Texas as effective and in force on the date of this agreement.
22. **ADVERTISING:** Seller shall not advertise or publish, without Buyer's prior written consent, the fact that Buyer has entered into this contract, except to the extent necessary to comply with prior requests for information from an authorized representative of federal, state or local government.
23. **RIGHT TO ASSURANCE:** Whenever one party to this contract in good faith has reason to question the other party's intent to perform he may demand that the other party give written assurance of his intent to perform. In the event that a demand is made and no assurance is given within five (5) days, the demanding party may treat this failure as an anticipatory repudiation of the contract.
24. **PROHIBITION AGAINST PERSONAL INTEREST IN CONTRACTS:** No officer or employee shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee. Any knowing and willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the governing body of the City shall render the contract involved voidable by the City Manager or the City Council.
25. **ENTIRE AGREEMENT:** This Contract, and all Specifications and Addenda attached thereto, constitute the entire and exclusive agreement between the Buyer and Seller with reference to the Goods. Specifically, but without limitation, this Contract supersedes any bid documents and all prior written or oral communications, representations and negotiations, if any, between the Buyer and Seller not expressly made a part hereof.

26. **INDEMNITY AND DISCLAIMER:** BUYER SHALL NOT BE LIABLE OR RESPONSIBLE FOR, AND SHALL BE INDEMNIFIED, HELD HARMLESS AND RELEASED BY SELLER FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, LOSSES, DAMAGES, CLAIMS, OR LIABILITY OF ANY CHARACTER, TYPE, OR DESCRIPTION, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES FOR INJURY OR DEATH TO ANY PERSON, OR INJURY OR LOSS TO ANY PROPERTY, RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS, INCLUDING THE SELLER, OR PROPERTY, ARISING OUT OF, OR OCCASIONED BY, DIRECTLY OR INDIRECTLY, THE PERFORMANCE OF SELLER UNDER THIS CONTRACT, INCLUDING CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF BUYER, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE BUYER UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THE PROVISIONS OF THIS INDEMNIFICATION ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. IT IS THE EXPRESSED INTENT OF THE PARTIES TO THIS AGREEMENT THAT THE INDEMNITY PROVIDED FOR IN THIS CONTRACT IS AN INDEMNITY EXTENDED BY SELLER TO INDEMNIFY AND PROTECT BUYER FROM THE CONSEQUENCES OF THE SELLER'S AS WELL AS THE BUYER'S NEGLIGENCE, WHETHER SUCH NEGLIGENCE IS THE SOLE OR PARTIAL CAUSE OF ANY SUCH INJURY, DEATH, OR DAMAGE. IN ADDITION, CONTRACTOR SHALL OBTAIN AND FILE WITH OWNER CITY OF SHERMAN A STANDARD CERTIFICATE OF INSURANCE AND APPLICABLE POLICY ENDORSEMENT EVIDENCING THE REQUIRED COVERAGE AND NAMING THE OWNER CITY OF SHERMAN AS AN ADDITIONAL INSURED ON THE REQUIRED COVERAGE.
27. **GOVERNING LAW:** The Contract shall be governed by the laws of the State of Texas. Venue for any causes of action arising under the terms or provisions of this Contract or the Goods to be delivered hereunder shall be in the courts of Grayson County, Texas.
28. **SUCCESSORS AND ASSIGNS:** The Buyer and Seller bind themselves, their successors, assigns and legal representatives to the other party hereto and to successors, assigns and legal representatives of such other party in respect to covenants, agreements and obligations contained in this Contract. The Seller shall not assign this Contract without written consent of the Buyer.
29. **SEVERABILITY:** The provisions of this Contract are herein declared to be severable; in the event that any term, provision or part hereof is determined to be invalid, void or unenforceable, such determination shall not affect the validity or enforceability of the remaining terms, provisions and parts, and this Contract shall be read as if the invalid, void or unenforceable portion had not been included herein.

30. NOTICES: All notices required by this Contract shall be presumed received when deposited in the mail properly addressed to the other party at the address set forth herein or set forth in a written designation of change of address delivered to all parties.

EXECUTED this 23 day of March, 2019.

SELLER:


(Signature)

Shane Jefferys, President
(Type/Print Name and Title/Position)

200 N. Rufe Snow Dr., Ste. 209
(Address)

Keller, TX 76248
(City, State, Zip)

CITY OF SHERMAN:

By: _____
Robby Hefton,
City Manager
220 W. Mulberry
Sherman, TX 75090

ATTEST:

By: _____
Linda Ashby,
City Clerk

APPROVED:

Brandon Shelby
City Attorney

City of Sherman
Library Park Renovations Project
March 27, 2019; 1:30 PM

VENDOR	Item #1 - Pavilion	Item #2 - Benches	Item #3 - Outdoor Musical Equipment	Total Bid Price
Whirlix Designs, LLC	79,570.00	2,519.00	17,910.00	99,999.00
Stemwinder, LLC	68,000.00	1,500.00	30,000.00	99,500.00
The Playground Shade & Surfacing Depot	60,497.00	1,290.00	20,877.00	82,664.00
Child's Play, Inc.	No itemized pricing provided	No itemized pricing provided	No itemized pricing provided	68,250.00
LEA Park & Play	No Bid	1,882.31	23,386.00	25,268.31
Hunter Kneppshield of Texas	45,415.50	1,526.80	20,760.40	67,702.70

Sherman Library Park





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 05/06/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6483

Authorizing the Adoption of a Written Definition and Criteria for Accurately Determining the Safety Record of a Bidder for Contractor Consideration

Issue:

To approve and adopt the written definition and criteria for accurately determining the safety record of a bidder

Background:

Development in Sherman continues to grow and construction onsite safety continues to be an important issue. City staff would like the ability to determine a project's award not solely on price but also on bidder's safety history. Public Safety Code Section 252.0435 states there are several items that have to be met in order to consider the bidder's safety record. One of the items requires the governing body to adopt a written definition and criteria for accurately determining the safety record of a bidder. The addition of the adoption of such definition and criteria will ensure the bidder chosen in the bidding process for City of Sherman advertised jobs meets certain criteria and is in the best interest of the City of Sherman and its citizens.

Origination:

Engineering Department

Financial Consideration:

None

Staff Recommendation:

Staff recommends adoption of the definition and criteria as outlined in the attached Resolution No. 6483.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6483

RESOLUTION NO. 6483

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ADOPTION OF A WRITTEN DEFINITION AND CRITERIA FOR ACCURATELY DETERMINING THE SAFETY RECORD OF A BIDDER FOR CONTRACTOR CONSIDERATION; 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 adopt the below definition and criteria for accurately determining the safety record of a bidder for contractor consideration.

SECTION 2. That the following Definition and Criteria to be determined during the awarding of advertised bids are as follows:

The City of Sherman shall consider the safety record of the offerors in determining the responsibility thereof. The City may consider any incidence involving worker safety or safety of citizens of the City of Sherman, be it related or caused by environmental, mechanical, operational, supervision or any other cause or factor. Specifically, the City may consider, among other things:

- a. Complaints to, or final orders entered by, the Occupational Safety and Health Review Commission (OSHRC), against the proposer for violations of OSHA regulations within the past three (3) years.
- b. Citations (as defined below) from an Environmental Protection Agency (as defined below) for violations within the past five (5) years. Environmental Protection Agencies include, but are not necessarily limited to, the U.S. Army Corps of Engineers (USACOE), the U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (TCEQ), the Texas Department of State Health Services (DSHS), the Texas Parks and Wildlife Department (TPWD), the Structural Pest Control Board (SPCB), agencies of local governments responsible for enforcing environmental protection or worker safety related laws or regulations, and similar regulatory agencies of other states of the United States. Citations include notices of violation, notices of enforcement, suspension/revocations of state or federal licenses or registrations, fines assessed, pending criminal complaints, indictments or convictions, administrative orders, draft orders, final orders, and judicial final judgments.
- c. Convictions of criminal offense within the past ten (10) years, which resulted in bodily harm or death.

- d. Any other safety related matter deemed by the City Council to be material in determining the responsibility of the offeror and his or her ability to perform the services or goods required by the proposal documents in a safe environment, both for the workers and other employees of offeror and the citizens of the City of Sherman.

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

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

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM.
AND CONTENT:**

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 05/06/2019

Prepared By: Michael Springer, Solid Waste & Recycling Manager

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6480**

Authorizing the Purchase of a New 2019 Autocar ACX64 for use with Heil Durapack Python Automated Side Load Refuse Body for the Solid Waste Department from Chastang Enterprises, Inc. through the Texas Local Government Purchasing Cooperative (BuyBoard)

Issue:

To consider approval of a resolution to purchase a new 2019 Autocar ACX64 for use with a Heil Durapack Python Automated Side Load Refuse Body from the BuyBoard for use within the Solid Waste Department.

Background:

The requested purchase is to replace Unit 638, a 2004 Mack Side Loader.

The Texas Local Government Purchasing Cooperative was created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system called the BuyBoard.

Origination:

Department of Public Works

Financial Consideration:

The new 2019 Autocar ACX64 for use with the Heil Durapack Python Automated Side Load will be purchased from Chastang Enterprises, Inc. for \$173,610.00 through the BuyBoard. Funding for this purchase was appropriated in the fiscal year 2018-2019 Solid Waste Department Budget.

Staff Recommendation:

It is recommended that staff be authorized to purchase the new 2019 Autocar ACX64 through the BuyBoard.

Alternatives:

As may be recommended by the City Council

Attachments

Resolution No. 6480

Chastang Enterprises Quote

BuyBoard Interlocal Agreement

RESOLUTION NO. 6480

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW 2019 AUTOCAR ACX64 FOR USE WITH HEIL DURAPACK PYTHON AUTOMATED SIDE LOAD REFUSE BODY FOR THE SOLID WASTE DEPARTMENT FROM CHASTANG ENTERPRISES, INC. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD); 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 to purchase from Chastang Enterprises, Inc. of Houston, Texas, through the Texas Local Government Purchasing Cooperative (BuyBoard), a new 2019 Autocar ACX64 for use with a Heil Durapack Python Automated Side Load Refuse Body, at a total price of One Hundred Seventy-Three Thousand Six Hundred Ten Dollars and No Cents (\$173,610.00). Any agreements related to the purchase must be approved by the City Attorney. Funds for this purchase are being committed out of the City of Sherman's fiscal year 2018-2019 budget.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
DAVID PLYLER, MAYOR

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM.
AND CONTENT:**

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



Chastang Enterprises, Inc.
6200 N. Loop East
Houston, TX 77026
713.678.5000



TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE



CUSTOMER:	City of Sherman
CONTACT	Michael Springer
PHONE:	803-892-7261
EMAIL:	michaels@ci.sherman.tx.us

QUOTE DATE:	4/12/2019
QUOTED BY:	Carl Norberg
PHONE:	713-678-5060 512-557-7453
EMAIL:	cnorberg@chastangford.com

ITEM DESCRIPTION:	2019 Autocar ACX64 for use with Heil Durapack Python Automated Side Load Refuse Body						
CONTRACT:	BuyBoard	PROPOSAL NO.	521-16	ITEM NO.	3	ITEM PRICE:	69720

CHASSIS EQUIPMENT

STANDARD EQUIPMENT
Single LH Drive Cab
Tilt/Telescope Steering Column

STANDARD EQUIPMENT
Integrated Air Conditioning
Technical Training Manuals
Autocar 24/7 Tech Support

OPTIONAL EQUIPMENT
Cummins L9 350HP
Allison 4500 Series 6 Speed Transmission
46,000 Rear Axle
46,000 Rear Suspension
Double Frame
Front PTO Adaptor
Cummins VGT Exhaust Brake
16" Two Stage Air Cleaner
Pneumatic Cab Lift Assist
Sears Air Ride Driver's Seat
22.5 Aluminum Wheel Pkg
Engine Block Heater
216" Wheelbase, 68" Afterframe
Pre-Engineered for Heil ASL
Autocar Diagnostic LED Display

OPTIONAL EQUIPMENT	
Auto Neutral Trans and programming	
Four Wheel Tandem Lock	
AM/FM CD Stereo	
5 Year Cummins ISL Warranty	
5 Year Transmission Warranty	
Heated, Power Mirrors	
16.5x7 Front Brakes	
16.5x8.62 Rear Brakes	
External Cab-Mounted Sun Visor	
Dual Fire Extinguishers	
Dual Power Windows	
Matching Front Wheel and Tire	
Matching Rear Wheel and Tire	
CHASSIS OPTIONS	103490
CHASSIS TOTAL	173210

BODY EQUIPMENT

BODY VENDOR:		PROPOSAL NO.		ITEM NO.		ITEM PRICE:	0
BODY MFG:		MODEL:		TYPE:		CAPACITY:	

OPTIONAL EQUIPMENT	COST

OPTIONAL EQUIPMENT	COST
BODY OPTIONS	0
BODY TOTAL	0

Submit Approved Quote to BuyBoard:
Fax: 800-211-5454 Email: info@buyboard.com

ESTIMATED DELIVERY	Approx. 160 Days to Body Co.
--------------------	------------------------------

UNIT PRICE	173210
QUANTITY	1
CONTRACT FEE (per PO)	400
TOTAL PURCHASE	173610

RECEIVED JUN 15 2002

YOUR COPY

INTERLOCAL PARTICIPATION AGREEMENT RECEIVED JUN 15 2002

for the
Texas Local Government Purchasing Cooperative

This Interlocal Participation Agreement ("Agreement") is made and entered into by and between the Texas Local Government Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government of the State of Texas ("Cooperative Member"). The purpose of this Agreement is to facilitate compliance with state bidding requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members.

WITNESSETH:

WHEREAS, the Cooperative Members are authorized by Chapter 791, et seq., The Interlocal Cooperation Act of the Government Code ("the Act"), to agree with other local governments to form purchasing cooperatives; and

WHEREAS, the Cooperative is an administrative agency of local governments cooperating in the discharge of their governmental functions; and

WHEREAS, the Cooperative Member does hereby adopt the Organizational Interlocal Agreement, together with such amendments as may be made in the future, reflecting the evolving mission of the Cooperative and further agrees to become an additional party to that certain Organizational Interlocal Agreement promulgated on the 26th day of January, 1998.

NOW, THEREFORE, BE IT RESOLVED that the undersigned Cooperative Member in consideration of the agreement of the Cooperative and the Cooperative Members to provide services as detailed herein does agree to the following terms, conditions, and general provisions.

In return for the payment of the contributions and subject to all terms of this Agreement, the parties agree as follows:

TERMS AND CONDITIONS

1. Adopt Organizational Interlocal Cooperation Agreement. The Cooperative Member by the adoption and execution of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated January 26, 1998, together with such amendments as may be made in the future and further agrees to become a Cooperative Member.
2. Term. The initial term of this Agreement shall commence at 12:01 a.m. on the date executed and signed and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement. The terms, conditions, and general provisions set forth below shall apply to the initial term and all renewals.
3. Termination.
 - a. By the Cooperative Member. This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative; provided all charges owed to the Cooperative and any vendor have been fully paid.
 - b. By the Cooperative. The Cooperative may terminate this Agreement by:
 1. Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member fails or refuses to make the payments or contributions as herein provided; or
 2. Giving thirty (30) days notice by certified mail to the Cooperative Member.

- c. **Termination Procedure.** If the Cooperative Member terminates its participation during the term of this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member under any provision of this Article, the Cooperative Member shall bear the full financial responsibility for any purchases occurring after the termination date, and for any unpaid charges accrued during its term of membership in the Cooperative. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. The Cooperative Member will not be entitled to a refund of membership dues paid.
4. **Payments.**
 - a. The Cooperative Member agrees to pay membership fees based on a plan developed by the Cooperative. Membership fees are payable by Cooperative Member upon receipt of an invoice from the Cooperative, Cooperative Contractor or vendor. A late charge amounting to the maximum interest allowed by law, but not less than the rate of interest under Section 2251.021, et seq., Texas Government Code, shall begin to accrue daily on the 31st day following the due date and continue to accrue until the contribution and late charges are paid in full. The Cooperative reserves the right to collect all funds that are due to the Cooperative in the event of termination by Cooperative Member or breach of this Agreement by Cooperative Member.
 - b. The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the Invitation to Bid and related procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring party shall be the exclusive obligation of the procuring Cooperative Member.
5. **Cooperative Reporting.** The Cooperative will provide periodic activity reports to the Cooperative Member. These reports may be modified from time to time as deemed appropriate by the Cooperative.
6. **Administration.** Cooperative Member will use the BuyBoard purchasing application in accordance with instruction from the Cooperative; discontinue use upon termination of participation; maintain confidentiality and prevent unauthorized use; maintain equipment, software and testing to operate the system at its own expense; report all purchase orders generated to Cooperative or its designee in accordance with instructions of the Cooperative; and make a final accounting to Cooperative upon termination of membership.
7. **Amendments.** The Board may amend this agreement, provided that notice is sent to each participant at least 60 days prior to the effective date of any change described in such amendment which, in the opinion of the Board, will have a material effect on the Cooperative Members participation in the Cooperative.

GENERAL PROVISIONS

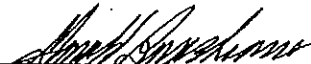
1. **Authorization to Participate.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative.
2. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all reasonable policies and procedures established by the Cooperative.
3. **Compensation.** The parties agree that the payments under this Agreement and all related exhibits and documents are amounts that fairly compensate the Cooperative for the services or functions performed under the Agreement, and that the portion of gross sales paid by participating vendors enables the Cooperative to pay the necessary licensing fees, marketing costs, and related expenses required to operate a statewide system of electronic commerce for the local governments of Texas.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this Article shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.

5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.
6. **Current Revenue.** The Cooperative Member hereby warrants that all payments, contributions, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative and/or any past or current Cooperative Member in any litigation, claim or dispute, and to engage counsel and appropriate experts, in the Cooperative's sole discretion, with respect to such litigation, claim or disputes. The Cooperative Member does hereby agree that any suit brought against the Cooperative or a Cooperative Member may be defended in the name of the Cooperative or the Member by the counsel selected by the Cooperative, in its sole discretion, or its designee, on behalf of and at the expense of the Cooperative as necessary for the prosecution or defense of any litigation. Full cooperation by the Cooperative Member shall be extended to supply any information needed or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Trustees (Board) will govern the Cooperative in accordance with the Bylaws. Travis County, Texas will be the location for filing any dispute, claim or lawsuit.
9. **Limitations of Liability.** COOPERATIVE, ITS ENDORSERS (TEXAS ASSOCIATION OF SCHOOL BOARDS, TEXAS ASSOCIATION OF COUNTIES, AND TEXAS MUNICIPAL LEAGUE) AND SERVICING CONTRACTOR (TEXAS ASSOCIATION OF SCHOOL BOARDS) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE. COOPERATIVE, ITS ENDORSERS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE PARTIES AGREE THAT IN REGARD TO ANY AND ALL CAUSES OF ACTION ARISING OUT OF OR RELATING TO THIS AGREEMENT, NEITHER PARTY SHALL BE LIABLE TO THE OTHER UNDER ANY CIRCUMSTANCES FOR SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
10. **Merger.** This Interlocal Participation Agreement, Terms and Conditions, and General Provisions, together with the Bylaws, Organizational Interlocal Agreement, and Exhibits, represents the complete understanding of the Cooperative, and Cooperative Member electing to participate in the Cooperative.
11. **Notice.** Any written notice to the Cooperative shall be made by first class mail, postage prepaid, and delivered to the Associate Executive Director Financial Planning, Texas Association of School Boards, Inc., P.O. Box 400, Austin, Texas 78767-0400.
12. **Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and venue shall lie in Travis County, Texas.
13. **Warranty.** By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform the terms of this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, sign this Agreement as of the date indicated.

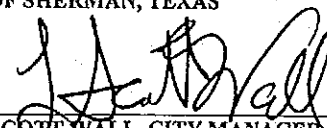
TO BE COMPLETED BY THE COOPERATIVE:

TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, as acting on behalf of all other Cooperative Members

By:  Date: 7-15-02
Gerald Brashears, Cooperative Administrator

TO BE COMPLETED BY COOPERATIVE MEMBER:

CITY OF SHERMAN, TEXAS

By:  Date: 5/28/2002
L. SCOTT WALL, CITY MANAGER

Coordinator for the Cooperative Member is:

Name: MARYANN WINKLER
Address: 405 N. RUSK STREET
SHERMAN, TEXAS 75090
Phone: (903) 892-7285
Fax: (903) 891-0255
Email: PURCH@TEXOMA.NET



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.4.

Meeting Date: 05/06/2019

Prepared By: Michael Springer, Solid Waste & Recycling Manager

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6481**

Authorizing the Purchase of a New Heil DP Python 28 Yard ASL Side Load for the Solid Waste Department from Heil of Texas, Inc. through the Local Government Purchasing Cooperative (BuyBoard)

Issue:

To consider approval of a resolution to purchase a new Heil DP Python 28 yard ASL Side Load from the BuyBoard for use within the Solid Waste Department

Background:

The requested purchase is to replace Unit 638, a 2004 Mack Side Loader.

The Texas Local Government Purchasing Cooperative was created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system called the BuyBoard.

Origination:

Department of Public Works

Financial Consideration:

The new Heil DP Python 28 yard ASL Side Load will be purchased from Heil of Texas, Inc. for \$147,279.00 through the BuyBoard. Funding for this purchase was appropriated in the fiscal year 2018-2019 Solid Waste Department budget.

Staff Recommendation:

It is recommended that staff be authorized to purchase the new Heil DP Python 28 yard ASL Side Load through the BuyBoard.

Alternatives:

As may be recommended by the City Council

Attachments

Resolution No. 6481

Heil of Texas Quote

BuyBoard Interlocal Agreement

RESOLUTION NO. 6481

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW HEIL DP PYTHON 28 YARD ASL SIDE LOAD FOR THE SOLID WASTE DEPARTMENT FROM HEIL OF TEXAS, INC. THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD); 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 to purchase from Heil of Texas, Inc. of Irving, Texas, through the Texas Local Government Purchasing Cooperative (BuyBoard), a new Heil DP Python 28 Yard ASL Side Load, at a total price of One Hundred Forty-Seven Thousand Two Hundred Seventy-Nine Dollars and No Cents (\$147,279.00). Any agreements related to the purchase must be approved by the City Attorney. Funds for this purchase are being committed out of the City of Sherman's fiscal year 2018-2019 budget.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY:

DAVID PLYLER, MAYOR

BY:

LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM.
AND CONTENT:**

BY:

**BRANDON S. SHELBY,
CITY ATTORNEY**

Heil of Texas

1440 South Loop 12 Irving, Texas 75060
Phone: (972) 438-6488 Fax: (972) 438-5564
Email: tomhafer@heiloftexas.com

To: **Michael Springer**
City of Sherman
811 S. East St..
Sherman, Texas 75091



Quotation

Quote #: Q-03202
Date: 04/16/2019
Expires On: 07/16/2019



SALESPERSON	EXT	EMAIL	DELIVERY METHOD	PAYMENT METHOD
TOM HAFER	x	tomhafer@heiloftexas.com	HOT	Net 30



BuyBoard Contract #516-16 Item 23

QTY	PART #	PRODUCT NAME	DESCRIPTION
1	ASL001	ASL	Heil DP Python 28 yd.ASL- Full Eject
1	ASL007	Mount/ Service Hoist	Full Factory Mount @ Heil/ Service Hoist Kit/ Full Eject
1	ASL010	Hopper Drain	3" Hopper Drain Valve/ Sump chutes
1	ASL021	PTO / Pump	OIGAI – Front Mount Tandem Vane Pump
1	ASL031	Work Lights	Hopper & Lift LED Work Light Kit—in cab switch
1	ASL041	LED Lights	LED Light Package/ Front Strokes
1	ASL050	Floor Liner	Hopper & Body Floor Liner (3/16-150,000psi)
1	ASL042	LED	LED Type Body Lights- Multi-Function Smart Lights
1	ASL043	LED	Body Side Backing Assist Lights
1	ASL035	Tool Box	Tool Box (Aluminum) Frame Mounted (18x18x24)
1	ASL036	Fender	Fender Extension Kit
1	ASL037	Warranty	One (1) Year Hydraulic Warranty
1	ASL038	Fire Extinguishers	Dual Fire Extinguishers (20 lb.)w/ Brackets
1	ASL039	Remote Lift	Remote Lift Controls- mounted under Curbside seat
1	ASL040	Camera System	AWT-3 rd Eye (4) camera syst. w/ DVR (Hopper/ Arm/ TG/ Windshield
1	ASL044	Mud-flaps	Mud-flaps behind rear wheels
1	ASL045	Grabbers	Belt Grabbers –Spring loaded for 60-90 gal. carts
1	ASL046	Hopper	Hopper Hood
1	ASL047	Hopper Cover	Manual Hopper Cover
1	ASL048	Broom/Shovel Kit	Broom & shovel Kit – mounted underbody for clean-out
1	ASL049	Hopper	Severe Duty Packer Wear Bar kit
1	ASL055	Decals	Caution Decal on Tailgate
1	ASL050	Strobe Light	Single Strobe Light on Tailgate
1	ASL058	Mud Guards	Mud- Guards –Steel ahead of rear wheels
1	ASL056	Freight	Freight/ Destination Charge from Fort Payne Al. to Sherman Tx.

1	ASL	Hydraulic Cover	Hydraulic Cover for Hydraulic Lines / Camera Cable
1	ASL	Stops/ Python Arm	Pin Brace/ Stops installed on Arm.
1	ASL	BUYBOARD	BuyBoard Fee for Contract 516-16
1	ASL	Steel Surcharge	Upcharge : Price Increase / Steel Surcharge from Manufacturer
			Unit Price: \$147,279.00 TOTAL PRICE: 147,279.00

TERMS AND CONDITIONS

1. General

No terms or conditions of Buyer's purchase order which is different from or in additions to Seller's terms and conditions set forth herein shall bind Seller unless expressly agreed to in writing by Seller's duly authorized representative. Buyer's acceptance of any offer made by Seller is expressly limited to the terms and conditions provided herein. Unless otherwise stated, Seller's quotation may be modified or withdrawn prior to acceptance, and in any event, shall expire after 30 days from its date. This order is not binding on TEXAN WASTE EQUIPMENT INC. dba HEIL OF TEXAS until officially approved. The said machinery, equipment and/or parts are ordered and will be purchased subject to written contract only, and are not affected by any verbal representations of agreements, nor is this order subject to cancellation by the Purchaser without the Seller's consent.

2. Price and Payment

a) Price quoted herein are exclusive of all taxes. Any taxes levied or which may become due, and other charges or assessments made by any taxing authority in connection with this contract or the sale, except those measured by Seller's net income, shall be expense of the Buyer and shall be payable to Seller at or before such tax or other amount is due. When Buyer is entitled to exemption from any tax, Buyer shall furnish Seller with a tax exemption certificate acceptable to the taxing authorities.

b) Interest at the rate of one and one-half per cent (1.5%) per month (18% per annum), or the maximum lawful rate allowable, will be charged, whichever is less, on all past due invoices. The undersigned agrees to pay all expenses, charges, costs and fees, including , without limitation, attorney's fees and expenses, of any nature whatsoever paid or incurred by, or on behalf of TEXAN WASTE EQUIPMENT INC. dba HEIL OF TEXAS, in connection with any collection action brought hereunder. The invalidity of all or any part of any provision of this Agreement shall not render invalid the remainder of such provision or any other part of this Agreement.

c) TEXAN WASTE EQUIPMENT dba HEIL OF TEXAS, shall retain ownership of and title to the above machinery, equipment and parts covered by this order until fully paid for in cash and until any note given in evidence of indebtedness, and any renewals thereof, have been fully paid. If any such note is not paid in full at its maturity, all other notes and obligations given in evidence of indebtedness hereof shall at once become due, and the said TEXAN WASTE EQUIPMENT dba HEIL OF TEXAS, shall have the right to take possession of said machinery wheresoever it may be situated and sell the same pursuant to the conditional sales statutes of the State of Texas.

3. Delivery

a) If within 5 days after receipt of the goods, Buyer fails to notify the Seller in writing of any non-conforming goods, Buyer shall be deemed to have accepted the goods delivered.

b) Deliveries dates are estimated and not guaranteed by Seller and, in any event are conditioned upon receipt of all specifications and other data required to be furnished by the Buyer.

c) If shipment or delivery is delayed because of an act or omission of the Buyer, payment shall be due upon notification by Seller that goods are ready for shipment. Buyer shall pay any additional charges including, but not limited to, cost of storage, handling, and insurance.

4. WARRANTY AND LIMITATIONS OF LIABILITY

ANY EXPRESS WRITTEN WARRANTY PROVIDED BY THE MANUFACTURER OF THE EQUIPMENT DESCRIBED IN THIS QUOTATIONS IS GIVEN IN LIEU OF ALL OTHER WARRANTIES EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. SELLER SHALL NOT BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM DEFECTIVE GOODS, SELLER'S NEGLIGENCE, BREACH OF WARRANTY OR CONTRACT, OR CLAIMS BASED UPON STRICT LIABILITY. IN NO EVENT SHALL SELLER BE LIABLE FOR CONSEQUENTIAL DAMAGES COMMERCIAL IN NATURE.

5. Delays

Sellers shall not be liable for the failure or delay in performance of any term, condition, or obligation hereunder due to any cause beyond the Seller's control, including but not limited to Acts of God, acts of the Buyer, war, insurrections or riots, fires, floods, accidents, acts, order or regulations of any government, inability to obtain necessary materials, services or facilities, strikes or other labor troubles.

6. Development Changes

Changes in design, specifications, construction or materials, may be made at Seller's discretion, and without Buyer's consent, where such changes do not materially affect price, delivery or guaranteed performance (if any) of the goods, or make unusable any other item of goods furnished hereunder.

7. Termination

No order may be terminated without Seller's written consent. Upon any termination Buyer shall pay reasonable termination charges, including but not limited to, manufacturing and sales costs, overhead, cost or goods and profit.

8. Miscellaneous

This agreement shall be binding upon the successors and assigns of the parties. If any provision herein is found to be invalid as a matter of law or by public policy, it shall be considered severed from the remainder of the provisions which shall remain in full force and effect. This agreement shall be governed by the law of the State of Texas.

ALL PRICES SUBJECT TO ANY APPLICABLE FEDERAL OR STATE TAXES AND TITLING FEES. QUOTE SUBJECT TO REVISION AFTER 15 DAYS.

NOTE: Please read carefully. This quote becomes a sales order if signed by customer. Your order will be processed as written! Notify of any changes needed within five (5) days of signing. Financing available, subject to credit approval. I have read and understand the terms and conditions on this Order.

X

Date _____

Customer Approval to Process Order Date

Thank you for the opportunity to earn your business!

RECEIVED JUN 15 2002

YOUR COPY

INTERLOCAL PARTICIPATION AGREEMENT RECEIVED JUN 15 2002

for the
Texas Local Government Purchasing Cooperative

This Interlocal Participation Agreement ("Agreement") is made and entered into by and between the Texas Local Government Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government of the State of Texas ("Cooperative Member"). The purpose of this Agreement is to facilitate compliance with state bidding requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members.

WITNESSETH:

WHEREAS, the Cooperative Members are authorized by Chapter 791, et seq., The Interlocal Cooperation Act of the Government Code ("the Act"), to agree with other local governments to form purchasing cooperatives; and

WHEREAS, the Cooperative is an administrative agency of local governments cooperating in the discharge of their governmental functions; and

WHEREAS, the Cooperative Member does hereby adopt the Organizational Interlocal Agreement, together with such amendments as may be made in the future, reflecting the evolving mission of the Cooperative and further agrees to become an additional party to that certain Organizational Interlocal Agreement promulgated on the 26th day of January, 1998.

NOW, THEREFORE, BE IT RESOLVED that the undersigned Cooperative Member in consideration of the agreement of the Cooperative and the Cooperative Members to provide services as detailed herein does agree to the following terms, conditions, and general provisions.

In return for the payment of the contributions and subject to all terms of this Agreement, the parties agree as follows:

TERMS AND CONDITIONS

1. Adopt Organizational Interlocal Cooperation Agreement. The Cooperative Member by the adoption and execution of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated January 26, 1998, together with such amendments as may be made in the future and further agrees to become a Cooperative Member.
2. Term. The initial term of this Agreement shall commence at 12:01 a.m. on the date executed and signed and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement. The terms, conditions, and general provisions set forth below shall apply to the initial term and all renewals.
3. Termination.
 - a. By the Cooperative Member. This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative; provided all charges owed to the Cooperative and any vendor have been fully paid.
 - b. By the Cooperative. The Cooperative may terminate this Agreement by:
 1. Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member fails or refuses to make the payments or contributions as herein provided; or
 2. Giving thirty (30) days notice by certified mail to the Cooperative Member.

- c. **Termination Procedure.** If the Cooperative Member terminates its participation during the term of this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member under any provision of this Article, the Cooperative Member shall bear the full financial responsibility for any purchases occurring after the termination date, and for any unpaid charges accrued during its term of membership in the Cooperative. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. The Cooperative Member will not be entitled to a refund of membership dues paid.
4. **Payments.**
 - a. The Cooperative Member agrees to pay membership fees based on a plan developed by the Cooperative. Membership fees are payable by Cooperative Member upon receipt of an invoice from the Cooperative, Cooperative Contractor or vendor. A late charge amounting to the maximum interest allowed by law, but not less than the rate of interest under Section 2251.021, et seq., Texas Government Code, shall begin to accrue daily on the 31st day following the due date and continue to accrue until the contribution and late charges are paid in full. The Cooperative reserves the right to collect all funds that are due to the Cooperative in the event of termination by Cooperative Member or breach of this Agreement by Cooperative Member.
 - b. The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the Invitation to Bid and related procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring party shall be the exclusive obligation of the procuring Cooperative Member.
5. **Cooperative Reporting.** The Cooperative will provide periodic activity reports to the Cooperative Member. These reports may be modified from time to time as deemed appropriate by the Cooperative.
6. **Administration.** Cooperative Member will use the BuyBoard purchasing application in accordance with instruction from the Cooperative; discontinue use upon termination of participation; maintain confidentiality and prevent unauthorized use; maintain equipment, software and testing to operate the system at its own expense; report all purchase orders generated to Cooperative or its designee in accordance with instructions of the Cooperative; and make a final accounting to Cooperative upon termination of membership.
7. **Amendments.** The Board may amend this agreement, provided that notice is sent to each participant at least 60 days prior to the effective date of any change described in such amendment which, in the opinion of the Board, will have a material effect on the Cooperative Members participation in the Cooperative.

GENERAL PROVISIONS

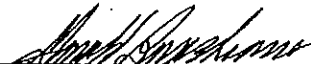
1. **Authorization to Participate.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative.
2. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all reasonable policies and procedures established by the Cooperative.
3. **Compensation.** The parties agree that the payments under this Agreement and all related exhibits and documents are amounts that fairly compensate the Cooperative for the services or functions performed under the Agreement, and that the portion of gross sales paid by participating vendors enables the Cooperative to pay the necessary licensing fees, marketing costs, and related expenses required to operate a statewide system of electronic commerce for the local governments of Texas.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this Article shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.

5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.
6. **Current Revenue.** The Cooperative Member hereby warrants that all payments, contributions, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative and/or any past or current Cooperative Member in any litigation, claim or dispute, and to engage counsel and appropriate experts, in the Cooperative's sole discretion, with respect to such litigation, claim or disputes. The Cooperative Member does hereby agree that any suit brought against the Cooperative or a Cooperative Member may be defended in the name of the Cooperative or the Member by the counsel selected by the Cooperative, in its sole discretion, or its designee, on behalf of and at the expense of the Cooperative as necessary for the prosecution or defense of any litigation. Full cooperation by the Cooperative Member shall be extended to supply any information needed or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Trustees (Board) will govern the Cooperative in accordance with the Bylaws. Travis County, Texas will be the location for filing any dispute, claim or lawsuit.
9. **Limitations of Liability.** COOPERATIVE, ITS ENDORSERS (TEXAS ASSOCIATION OF SCHOOL BOARDS, TEXAS ASSOCIATION OF COUNTIES, AND TEXAS MUNICIPAL LEAGUE) AND SERVICING CONTRACTOR (TEXAS ASSOCIATION OF SCHOOL BOARDS) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE. COOPERATIVE, ITS ENDORSERS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE PARTIES AGREE THAT IN REGARD TO ANY AND ALL CAUSES OF ACTION ARISING OUT OF OR RELATING TO THIS AGREEMENT, NEITHER PARTY SHALL BE LIABLE TO THE OTHER UNDER ANY CIRCUMSTANCES FOR SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
10. **Merger.** This Interlocal Participation Agreement, Terms and Conditions, and General Provisions, together with the Bylaws, Organizational Interlocal Agreement, and Exhibits, represents the complete understanding of the Cooperative, and Cooperative Member electing to participate in the Cooperative.
11. **Notice.** Any written notice to the Cooperative shall be made by first class mail, postage prepaid, and delivered to the Associate Executive Director Financial Planning, Texas Association of School Boards, Inc., P.O. Box 400, Austin, Texas 78767-0400.
12. **Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and venue shall lie in Travis County, Texas.
13. **Warranty.** By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform the terms of this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, sign this Agreement as of the date indicated.

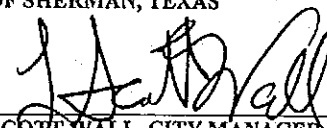
TO BE COMPLETED BY THE COOPERATIVE:

TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, as acting on behalf of all other Cooperative Members

By:  Date: 7-15-02
Gerald Brashears, Cooperative Administrator

TO BE COMPLETED BY COOPERATIVE MEMBER:

CITY OF SHERMAN, TEXAS

By:  Date: 5/28/2002
L. SCOTT WALL, CITY MANAGER

Coordinator for the Cooperative Member is:

Name: MARYANN WINKLER
Address: 405 N. RUSK STREET
SHERMAN, TEXAS 75090
Phone: (903) 892-7285
Fax: (903) 891-0255
Email: PURCH@TEXOMA.NET



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.5.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6482**

Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1103 South Walnut Street

Issue:

This item is to consider property tax abatement for the construction of a new single-family residence at 1103 South Walnut 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:

M&G Home Builders, LLC, 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 \$405.93 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. 6482

Residential Tax Abatement Agreement

Application

Warranty Deed

Building Permit

Site Plan

Location Map

Photo

Reinvestment Zone Map

RESOLUTION NO. 6482

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH M&G HOME BUILDERS, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1103 SOUTH WALNUT 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 M&G Home Builders, LLC 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 M&G Home Builders, LLC 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 1103 South Walnut 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 _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

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 **M&G HOME BUILDERS, LLC**, 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 1103 South Walnut Street, Sherman, Texas, and as more particularly described by the following:

BEING Lot 1 and the north one-half of Lot 2, Block 2, Jones and Wainwright 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

M&G Home Builders, LLC
1218 N. Brents Ave.
Sherman, TX 75090
(903) 870-8212

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 _____, 2019.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
M&G HOME BUILDERS, LLC

BY: _____
ROBBY HEFTON
CITY MANAGER

BY: _____
MARTIN COVARRUBIAS

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 **MARTIN COVARRUBIAS** 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 _____, 2019 A.D.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

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

Property Owner:

Name: M&G Home Builders, LLC

Mailing Address: 1218 N Brents, Sherman, TX

Telephone Number: 903-870-8212

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 1103 S Walnut

Summary Legal Description: Lot: LOT 1 & N/2 2 Block: 2 Addition: JONES & WAINRIGHTS

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

Improvements:

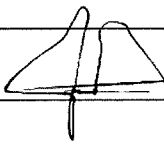
Type of Improvements (please check one). New Construction: x Remodeling: _____

Estimated Value of Improvements: 95,000

Estimated Date of Start of Construction: 4/15/19

Estimated Date of Completion of Project: 8/15/19

Description of Project: new residential construction

Applicant(s):  Date: 4/3/19

_____ Date: _____

Grayson County
Wilma Bush
County Clerk

Instrument Number: 2019 - 5309

ERecordings-RP

Recorded On: March 13, 2019 08:10 AM

Number of Pages: 4

Parties: NEELY BOOKER T JR

" Examined and Charged as Follows: "

Total Recording: \$34.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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

File Information:

Document Number: 5309
Receipt Number: 20190313000007
Recorded Date/Time: March 13, 2019 08:10 AM
User: Charlotte F
Station: CLERK06

Record and Return To:

eRx



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 Bush
County Clerk
Grayson County, TX

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

General Warranty Deed

Date: March 12, 2019

Grantor: BOOKER T. NEELY, JR. not joined herein by my spouse, the property hereinafter described being my separate property and never having been used, occupied, nor claimed as any part of our marital homestead

Grantor's Mailing Address:

512 CR 1405
Bonham TX
75418

Grantee: M&G HOME BUILDERS, LLC, a Texas limited liability company

Grantee's Mailing Address:

1218 N. Brews
Sherman TX
75690

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Being Lot ONE (1) and the North one-half (1/2) of Lot TWO (2) in Block TWO (2) of JONES AND WAINWRIGHT ADDITION, an Addition to the City of Sherman, Texas, as shown by Plat of record in Volume 35, Page 96, Deed Records, Grayson County, Texas.

Reservations from Conveyance: None

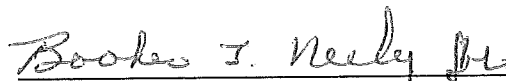
Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2019, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the property "AS IS" with any and all latent and patent defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

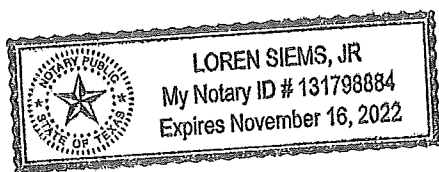
When the context requires, singular nouns and pronouns include the plural.


BOOKER T. NEELY, JR.

STATE OF TEXAS)

COUNTY OF GRAYSON)

This instrument was acknowledged before me on MARCH 12, 2019, by
BOOKER T. NEELY, JR.



A handwritten signature in cursive script, appearing to read "Loren Siems, Jr.", written over a horizontal line.

Notary Public, State of Texas

My commission expires: Nov 16, 2022

PREPARED IN THE OFFICE OF:

ADAMS, BENNETT, DUNCAN & HENLEY
2745 Wind River Lane
Denton, Texas 76210
Tel: (940) 566-6221
Fax: (940) 566-4977

AFTER RECORDING RETURN TO:

CITY OF SHERMAN
RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: M&G HOME BUILDERS
LLC

PERMIT #: 190722

DATE ISSUED: 4/02/2019

PROJECT ADDRESS: 1103 S WALNUT ST
PARCEL ID: 165892
SUBDIVISION: JONES & WAINRIGHTS ADDN

LOT #: 1 & 2
BLK #: 2
ZONE ORD: R-1 ONE FAMILY RESIDENTIAL

ISSUED TO: M&G HOME BUILDERS LLC
ADDRESS: 1218 N BRENTS
CITY, ST ZIP: SHERMAN TX 75090
PHONE: 903-870-8212

CONTRACTOR: M&G HOME BUILDERS LLC
ADDRESS: 1218 N BRENTS
CITY, ST ZIP: SHERMAN TX 75090
PHONE:

PROP. USE: NEW RESIDENTIAL
WORK: CONSTRUCTION

SQ FT: 1,446.00
BEDROOMS:

VALUATION: \$ 95,000.00
OCCP TYPE:
CNST TYPE:

BATHROOMS:
STORIES:

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)

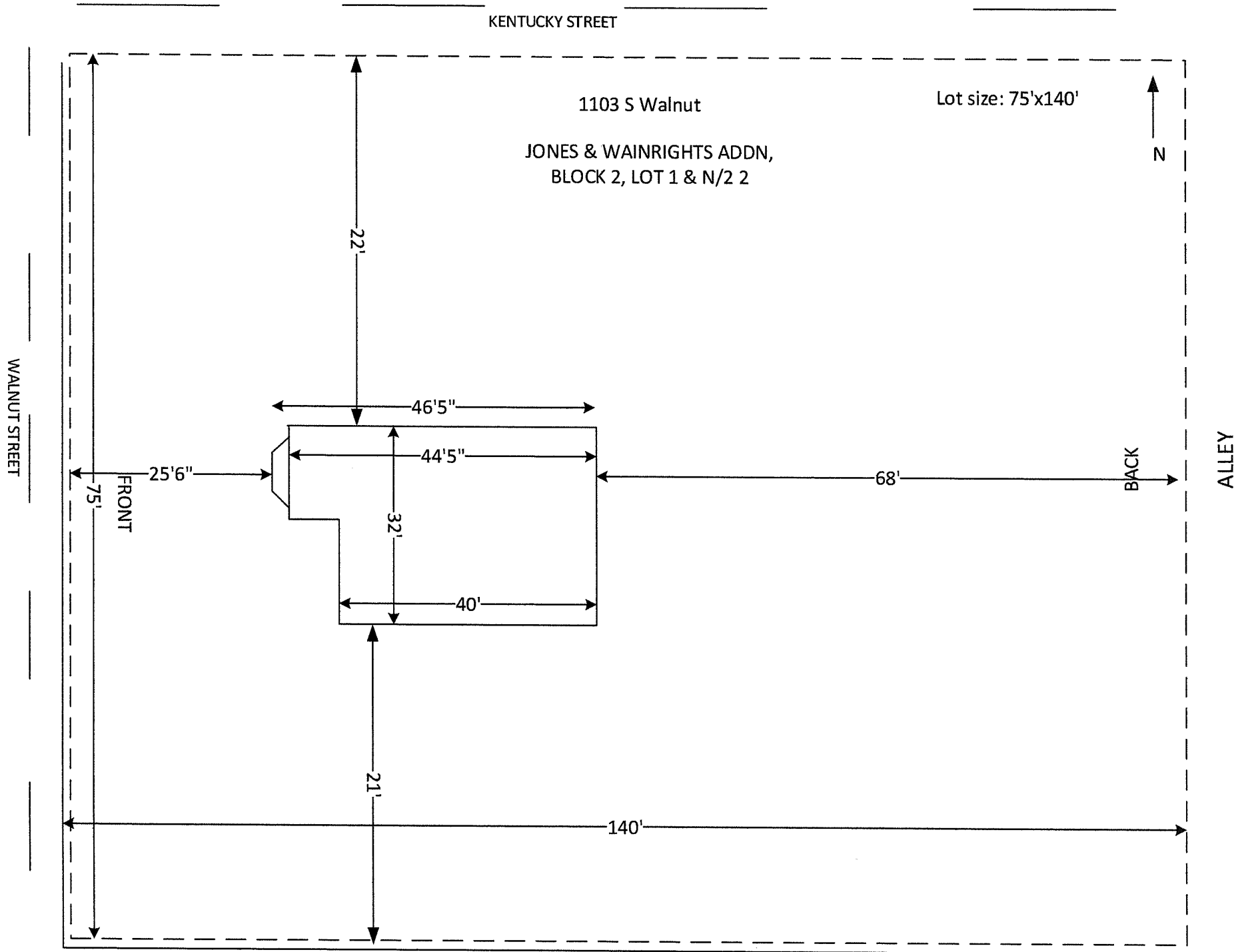
4/2/19
DATE

(APPROVED BY) FLOOD PLAIN ADMINISTRATOR

4/2/19
DATE

(APPROVED BY) BUILDING & ZONING

4/15/19
DATE





1103 S. Walnut Street

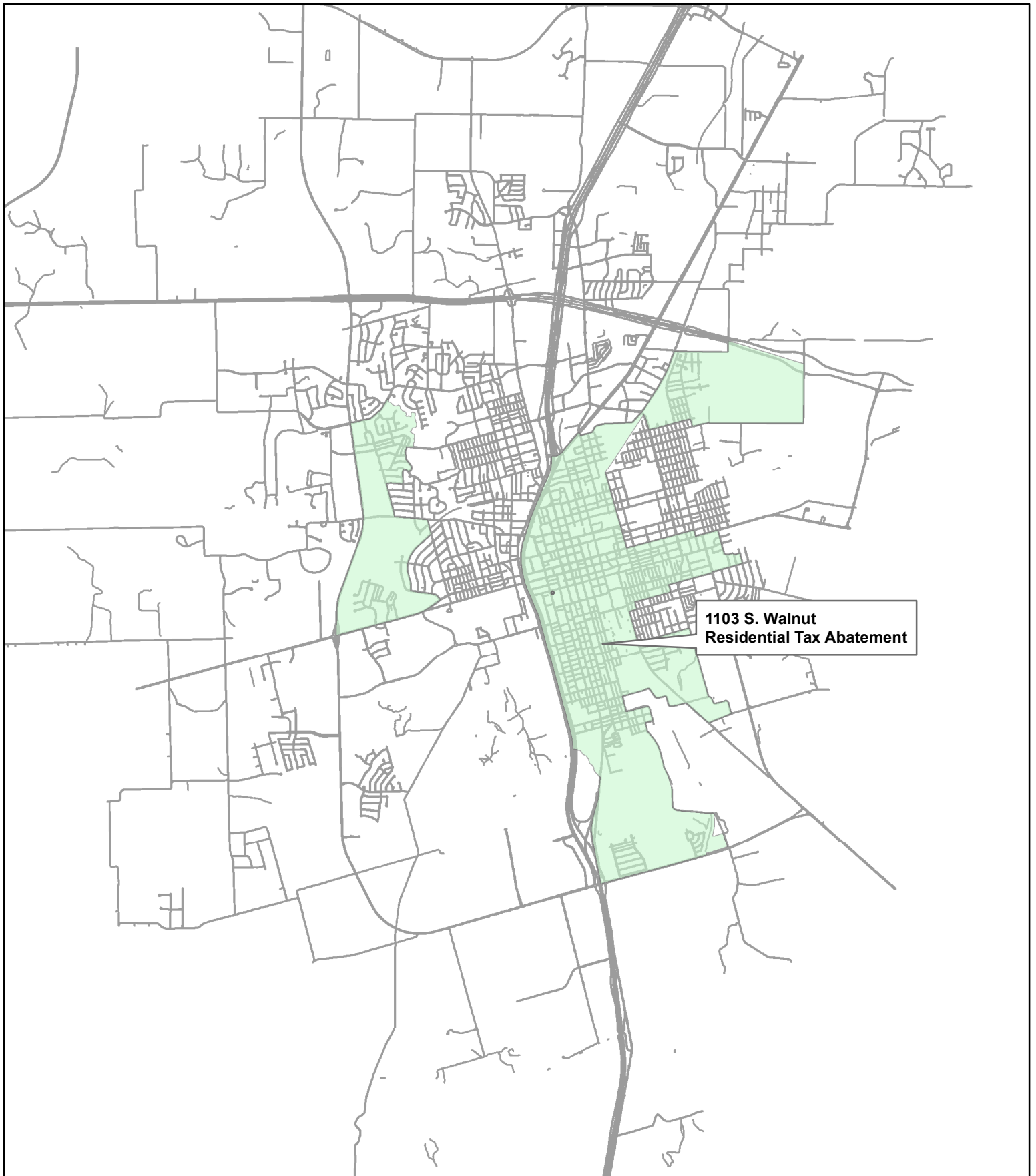


1 in = 200 ft

City of Sherman, Texas
Developmental Services Department

1103 S. Walnut Street





**Residential Tax Abatement
1103 S. Walnut 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

D.1.

Meeting Date: 05/06/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

REQUEST TO ADVERTISE

Construction of West Travis Street Phase II and III

Issue:

Requesting permission to advertise for bids the construction of West Travis Street Phase II and III

Background:

The Sherman Independent School District (SISD) is constructing their new high school facilities along West Travis Street - Phase IV. Future developments are planned around the high school and along the Sherman Crossroads area. Staff is seeking permission to advertise for bids on construction of the West Travis Street Phase II and III expansion. This phase includes construction of a four-lane median divided section that will connect to the existing West Travis Street Phase I, Northgate Drive, and the West Travis Street Phase IV which is currently under construction.

Origination:

Engineering Department

Financial Consideration:

This phase of the project will cost approximately \$7 million and is funded in the Capital Improvement Program. The cost of advertising is expected to be less than \$200.00.

Staff Recommendation:

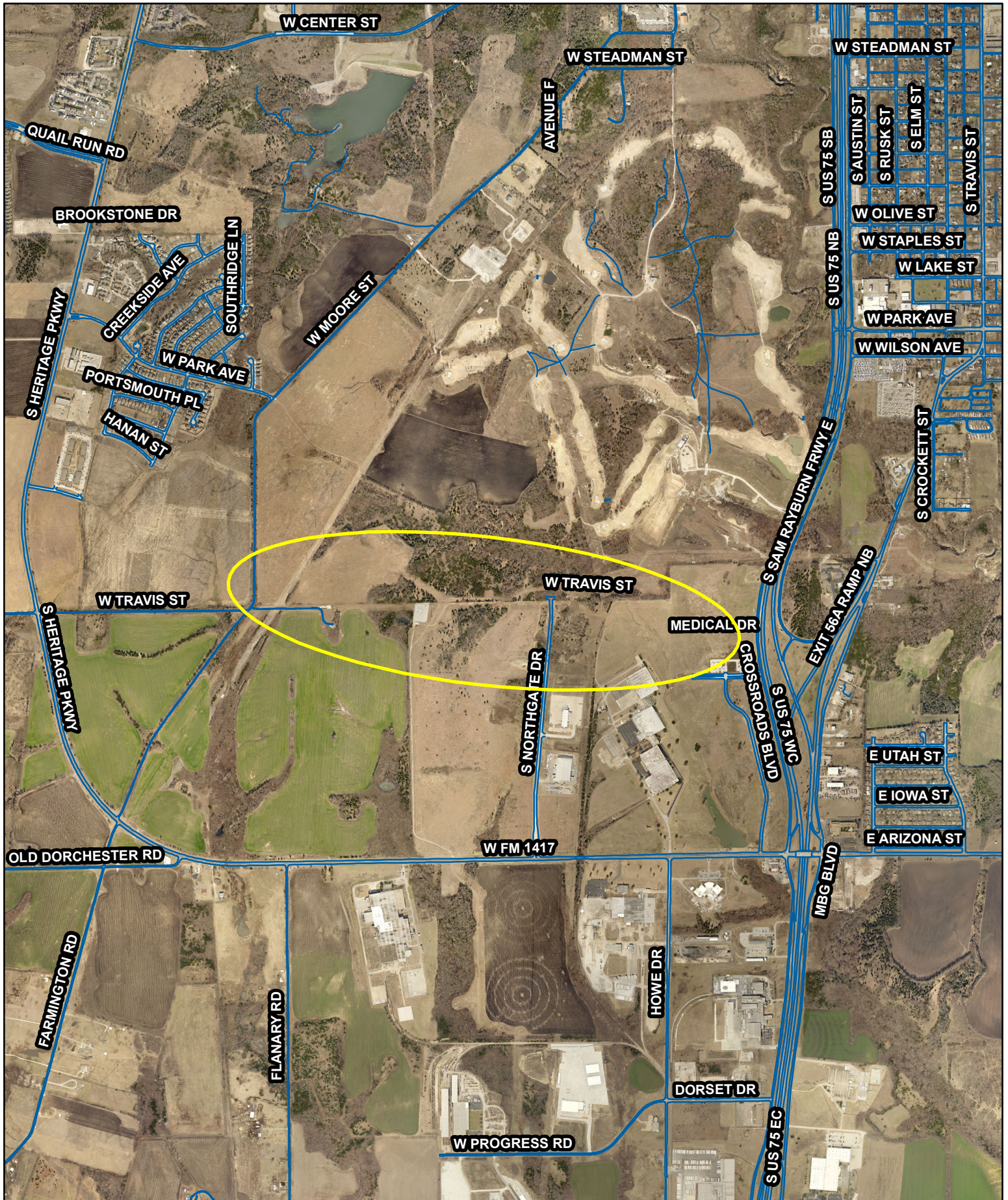
It is recommended that the City Council authorize the staff to advertise the project for bid.

Alternatives:

As may be directed by the City Council

Attachments

Aerial Location Map



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



1 inch = 1,776 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.1.

Meeting Date: 05/06/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of 217.7 acres located West of F.M. 1417, South of O.B. Groner Road, and East of Bradley Road, adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan.

Issue:

To consider approval of the schedule for annexation of 217.7 acres situated west of F.M. 1417, south of O.B. Groner Road, and east of Bradley Road, adjacent to the Sherman City Limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

The property owners have requested annexation into the city limits, 217.7 acres located west of F.M. 1417, south of O.B. Groner Road and east of Bradley Road, adjacent to the Sherman City Limits and in the City's ETJ.

State law requires the City Council conduct two (2) public hearings on its intent to annex and the provision of services no later than (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Nothing in the statute requires that the two public hearings be held on separate dates, or even at separate meetings. As the annexation was requested by the property owner and not likely to elicit objection, City staff recommends that both public hearings on the intent to annex be held at the May 20th regular meeting and that the action on the Annexation Ordinance be taken at the June 17th regular meeting.

Origination:

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

Financial Consideration:

City accepts maintenance. A cost benefit analysis will be prepared prior to final action on this item.

Staff Recommendation:

City Staff recommends that both public hearings on the intent to annex be held at the May 20th regular meeting and that the action on the Annexation Ordinance be taken at the June 17th regular meeting.

Alternatives:

None proposed

Attachments

Annexation Scheduling Plan - Munson Development

Request for Annexation

Munson Service Plan

Legal Description - Munson

Aerial Location Map

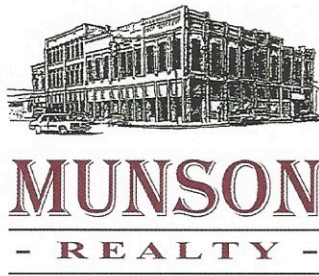
Power Point Map

ANNEXATION SCHEDULING PLAN

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

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

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



May 1, 2019

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

Dear Mr. Hefton,

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

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

Sincerely,
The Munson Realty Company

Merry Munson Wyatt
President

Enclosure

City of Sherman Municipal Service Plan Munson Development

INTRODUCTION:

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

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

MUNICIPAL SERVICES TO BE PROVIDED:

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

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

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

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

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

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

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

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

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

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

CAPITAL IMPROVEMENTS:

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

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



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

PROPERTY DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

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

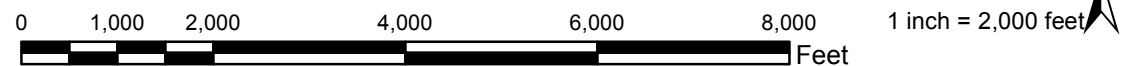
Thence South 55°26'36" West continuing with said center of road a distance of 98.80 feet to the Point-of-Beginning and containing 217.7 acres of land more or less.....

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

James R. Maret
Registered Professional
Land Surveyor No. 5433

05-01-2019

Munson Development Annexation



Munson Development Annexation





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.2.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Exception and Variance Approval for MKT Real Estate Holdings, Owners; Schulman MBG, Tenant; Craig Waldrum, SSC Sign & Lighting, Applicant; and Justin Barnabee, Chandler Signs, Sign Contractor under Ordinance No. 2280, Section 6.8.4, Subsection (8) and Ordinance No. 2252, Article IV, Section 410 (2)(n), being Lots 3 and 4, MBG Sherman Addition, to allow a 467 square foot, 60' tall multi-tenant freestanding sign along South U.S. Highway 75 and a 130 square foot, 12' tall multi-tenant monument sign, 18' from the F.M. 1417 (Vietnam Veterans Parkway) property line in the Blalock Industrial Park/Blalock Commercial Overlay District

Issue:

Exception and Variance approval for MKT Real Estate Holdings (Owners), Schulman MBG (Tenant), Craig Waldrum, SSC Sign & Lighting (Applicant); and Justin Barnabee, Chandler Signs (Sign Contractor), concerning the property located at 110 East F.M. 1417 (Vietnam Veterans Parkway), being Lots 3 and 4, MBG Sherman Addition, to allow a 467 square foot, 60' tall multi-tenant freestanding sign along South U.S. Highway 75 and a 130 square foot, 12' tall multi-tenant monument sign, 18' from the F.M. 1417 (Vietnam Veterans Parkway) property line in the Blalock Industrial Park/Blalock Commercial Overlay District

Background:

The property is located at 110 East F.M. 1417 (Vietnam Veterans Parkway); the southeast corner of U.S. Highway 75 and F.M. 1417 (Vietnam Veterans Parkway); Schulman's Movie Bowl Grill is the proposed tenant. The owners would like to erect a 467 square foot freestanding multi-tenant sign along U.S. Highway 75 and a 130 square foot multi-tenant monument sign along F.M. 1417 (Vietnam Veterans Parkway).

Origination:

MKT Real Estate Holdings (Owners)
Schulman MBG (Tenant)
Craig Waldrum, SSC Sign & Lighting (Applicant)
Justin Barnabee, Chandler Signs (Sign Contractor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted 5/0 to recommend to the City Council that the exception and variance be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

Zoning Sign Photo

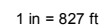
Site Plan

Sign Elevations

Staff Review Letter

P&Z Communication

Letter from Douglass Distributing LTD





Zoning - 110 E. FM 1417 (Vietnam Veterans Parkway)

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

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



NOT TO SCALE

1 in = 300 ft

110 E. FM 1417 (Vietnam Veterans Parkway)



SITE PLAN

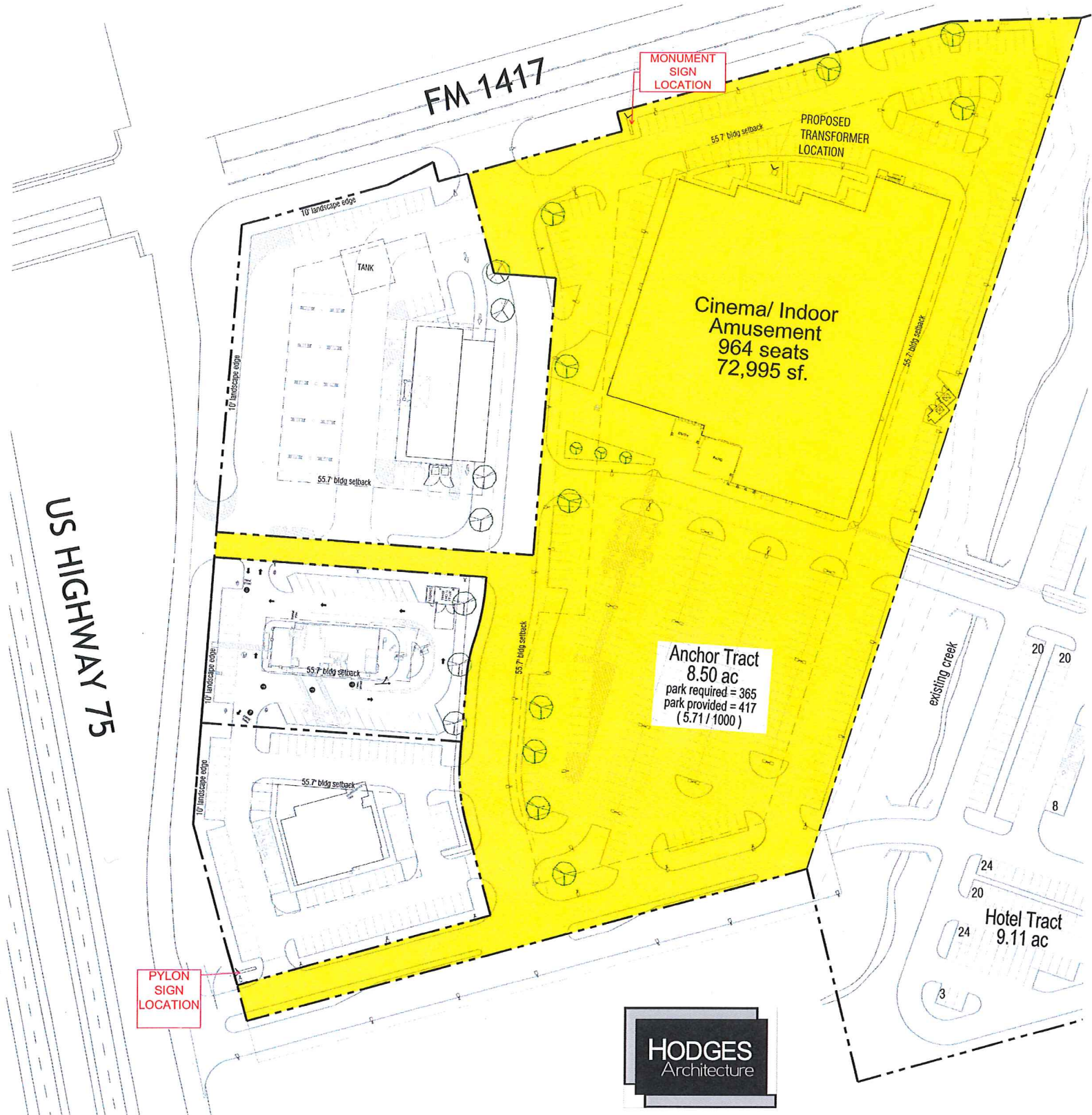
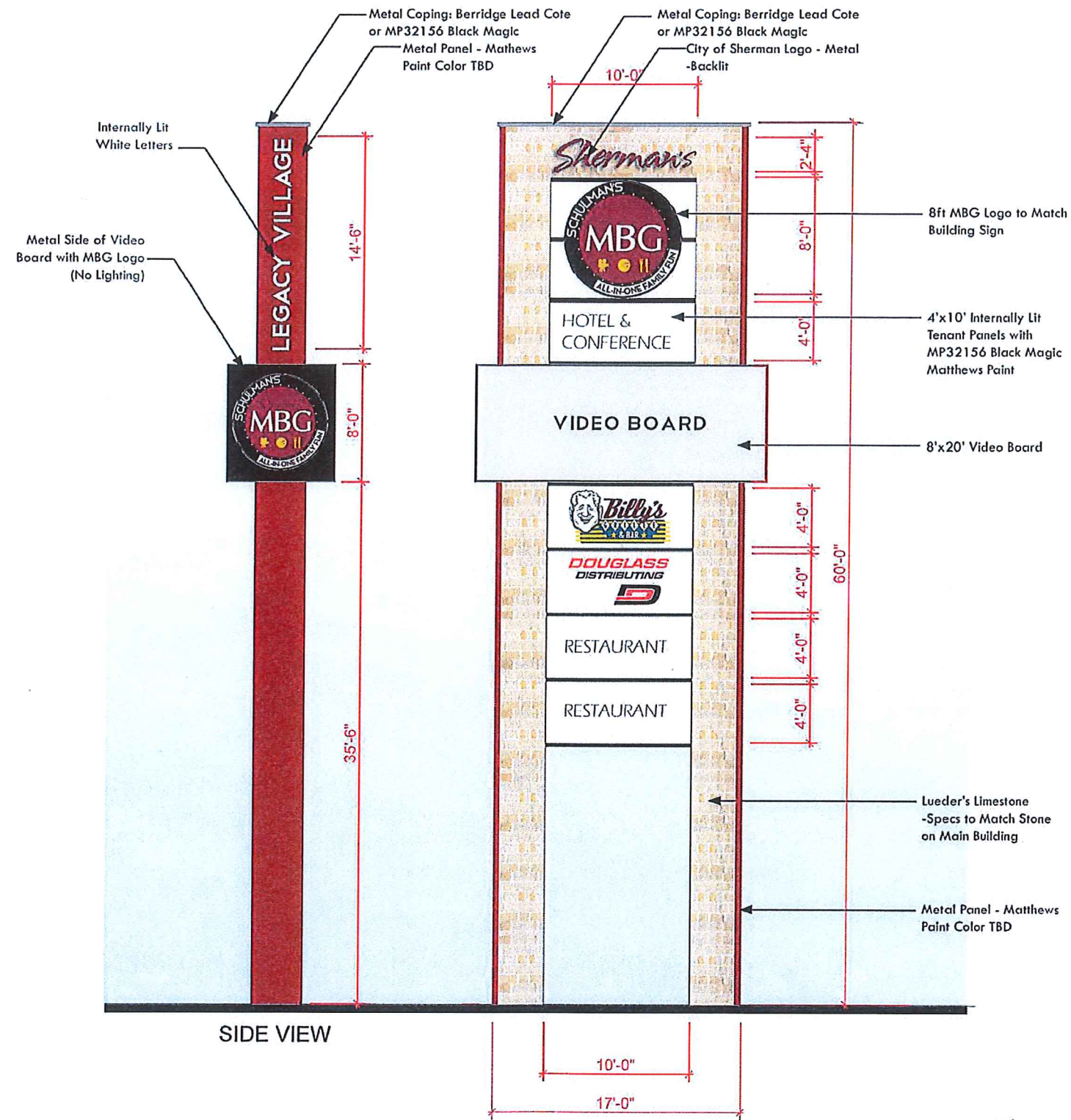


EXHIBIT A

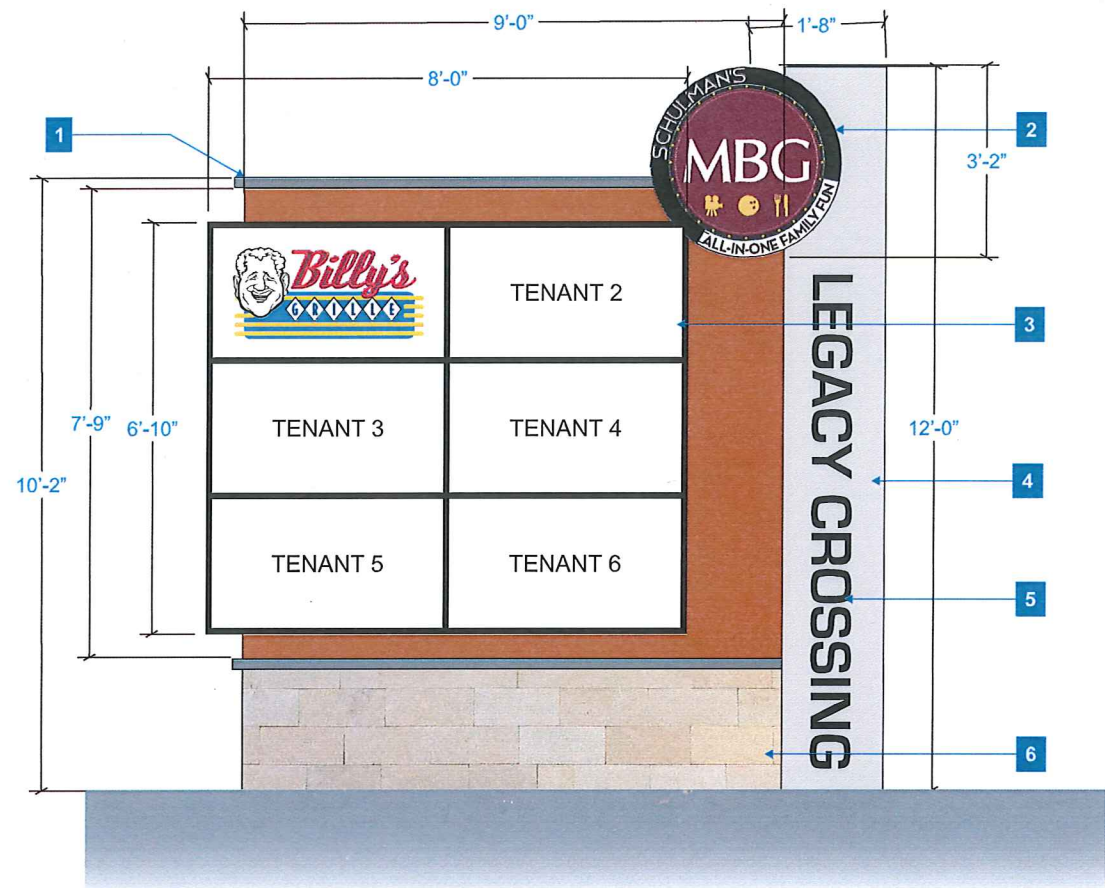
NOTE: These conceptual drawings are not for construction, just collaboration.



PYLON SIGN

SHERMAN, TEXAS





007 MONUMENT SIGN
SCALE: 1/2"= 1'

SPECIFICATIONS

1. 2" X 2" ALUM. SQ. TUBE TRIM ATTACHED TO FACE OF CABINET.
2. LED ILLUMINATED LOGO CABINET WITH FLAT ACRYLIC FACE AND TRIMCAP RETAINERS. MULTICOLOR TRANSLUCENT VINYL DECORATION.
3. 2" X 2" X 3/16" ALUM. FRAMING WITH 1/8" CLADDING AND RETAINERS. LED ILLUMINATED MULTI-TENTED CABINET WITH FLAT 3/16" ACRYLIC FACES
4. .FABRICATED WITH 125" ALUM. CLADDING OVER 1 1/2" X 1/8" ALUM. ANGLE FRAMING.
5. .25" ALUM. LETTERS ATTACHED TO PAINTED BLACK. ATTACHED TO BACKGROUND WITH STUDS.
6. FABRICATED WITH ALUM. ANGLE FRAMING WITH 1/2" WITH DUROCK CEMENT BOARD ATTACHED TO FRAMING. ATTACH STONE VENEER TO DUROCK WITH TRADITIONAL METHOD



CLIENT
Sculman's Amusement
Company
ADDRESS
US 75 AT FM 1417
SHERMAN, TX
DATE - 11-6-2018
DESIGNER - RH
DRAWING NO. - WO#

RH 11/20/2018

Dimensions are approximate & may change due to construction factors or exact field conditions. Color shown areas close as printing will allow. Always follow written specifications. All rights reserved. This design has been created for you in connection with a project being planned for you by SSC Signs & Lighting. It may not be reproduced in any manner without prior consent.

STAFF REVIEW LETTER

April 9, 2019

MKT Real Estate Holdings LLC
4565 Lake Shore Dr.
Waco, TX 73410

Chandler Signs
Justin Barnabee
14201 Sovereign Rd.
Ft. Worth, TX 76155

Dear Applicants,

The request for an exception and variance to allow a 467 square foot, 60' tall multi-tenant freestanding sign along South Highway 75 and a 130 square foot, 12' tall multi-tenant monument sign, 18' from the FM 1417 (Vietnam Veterans Parkway) property line in the Blalock Industrial Park/Blalock Commercial Overlay District for the property located at 110 East FM 1417 (Vietnam Veterans Parkway) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning

1. All aspects of the Blalock Industrial Park and Blalock Commercial Overlay District must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. Review the zoning and development ordinance for additional requirements.
5. 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:

6. Existing 10' Utility Easement along Hwy. 75 Service Road and FM 1417. Encroachment Agreement required if sign encroaches into utility easement.

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

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

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

Respectfully,



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

CC:	Robby Hefton, City Manager Mark Gibson, Director of Utilities Clint Philpott, P.E., Director of Engineering Amber Doan, Engineering Coordinator	Billy Hartsfield, Fire Marshal Brandon Shelby, City Attorney Steve Ayers, Asst. City Manager
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**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 11.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

110 EAST FM 1417 (VIETNAM VETERANS PARKWAY)

The request of MKT Real Estate Holdings (Owners), Schulman MBG (Tenant), Craig Waldrum, SSC Sign & Lighting (Applicant) and Justin Barnabee, Chandler Signs (Sign Contractor) concerning the property located at 110 East FM 1417 (Vietnam Veterans Parkway), being Lots 3 and 4, MBG Sherman Addition, as follows:

Planning and Zoning Commission

Exception and Variance under Ordinance No. 2280, Section 6.8.4, Subsection (8) and Ordinance No. 2252, Section 410 (2)(n) to allow a 467 square foot, 60' tall multi-tenant freestanding sign along South Highway 75 and a 130 square foot, 12' tall multi-tenant monument sign, 18' from the FM 1417 (Vietnam Veterans Parkway) property line in the Blalock Industrial Park/Blalock Commercial Overlay District.

Background:

The property is located at 110 East FM 1417 (Vietnam Veterans Parkway); the southeast corner of Highway 75 and FM 1417 (Vietnam Veterans Parkway); Schulman's Movie Bowl Grill is the proposed tenant. The owner would like to erect a 467 square foot freestanding multi-tenant sign along Highway 75 and a 130 square foot multi-tenant monument sign along FM 1417 (Vietnam Veterans Parkway).

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

Blalock Commercial Overlay District

Blalock Industrial Park

Origination:

MKT Real Estate Holdings (Owners)

Schulman MBG (Tenant)

Craig Waldrum, SSC Sign & Lighting (Applicant)

Justin Barnabee, Chandler Signs (Sign Contractor)

Master Plan Designation:

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

and

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:

53

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Sign Elevations

Staff Review Letter

Letter from Douglass Distributing LTD

March 29, 2019

Douglass Distributing LTD
325 E. Forest Ave.
Sherman, TX 75090

RECEIVED
APR 08 2018

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, April 16, 2019 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

MKT Real Estate Holdings (Owners), Schulman MBG (Tenant) and Craig Waldrum, SSC Sign & Lighting (Applicant), Justin Barnabee, Chandler Signs (Sign Contractor) concerning the property located at 110 East FM 1417 (Vietnam Veterans Parkway), being Lots 3 and 4, MBG Sherman Addition

The request is as follows:

Board of Adjustments

Variance under Ordinance No. 2280, Section 6.8.4, Subsection (8) to allow a 467 square foot, 60' tall multi-tenant freestanding sign along South Highway 75 and a 130 square foot, 12' tall multi-tenant monument sign, 18' from the FM 1417 (Vietnam Veterans Parkway) property line in the Blalock Industrial Park/Blalock Commercial Overlay District.

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

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


Secretary, Planning & Zoning Board

THE SIGN IS APPROPRIATE FOR THIS LARGE
DEVELOPMENT. I RECOMMEND APPROVAL OF
THE SIGN VARIANCE

Bill Douglas
Douglass Distributing Company

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.3.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Menjivar's Addition, being 0.9956 acres in the J.B. McAnair Survey, Abstract No. 763; Jose Menjivar, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (2400 block of North Hickory Street)

Issue:

To consider Final Plat approval of Menjivar's Addition, being 0.9956 acres in the J.B. McAnair Survey, Abstract No. 763; Jose Menjivar, Owner; and Helvey-Wagner Surveying, Inc., Surveyor, located in the 2400 block of North Hickory Street

Background:

The property is located in the 2400 block of North Hickory Street between Lamberth Road and Pelton Street. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into two lots for residential development.

Origination:

Jose Menjivar (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

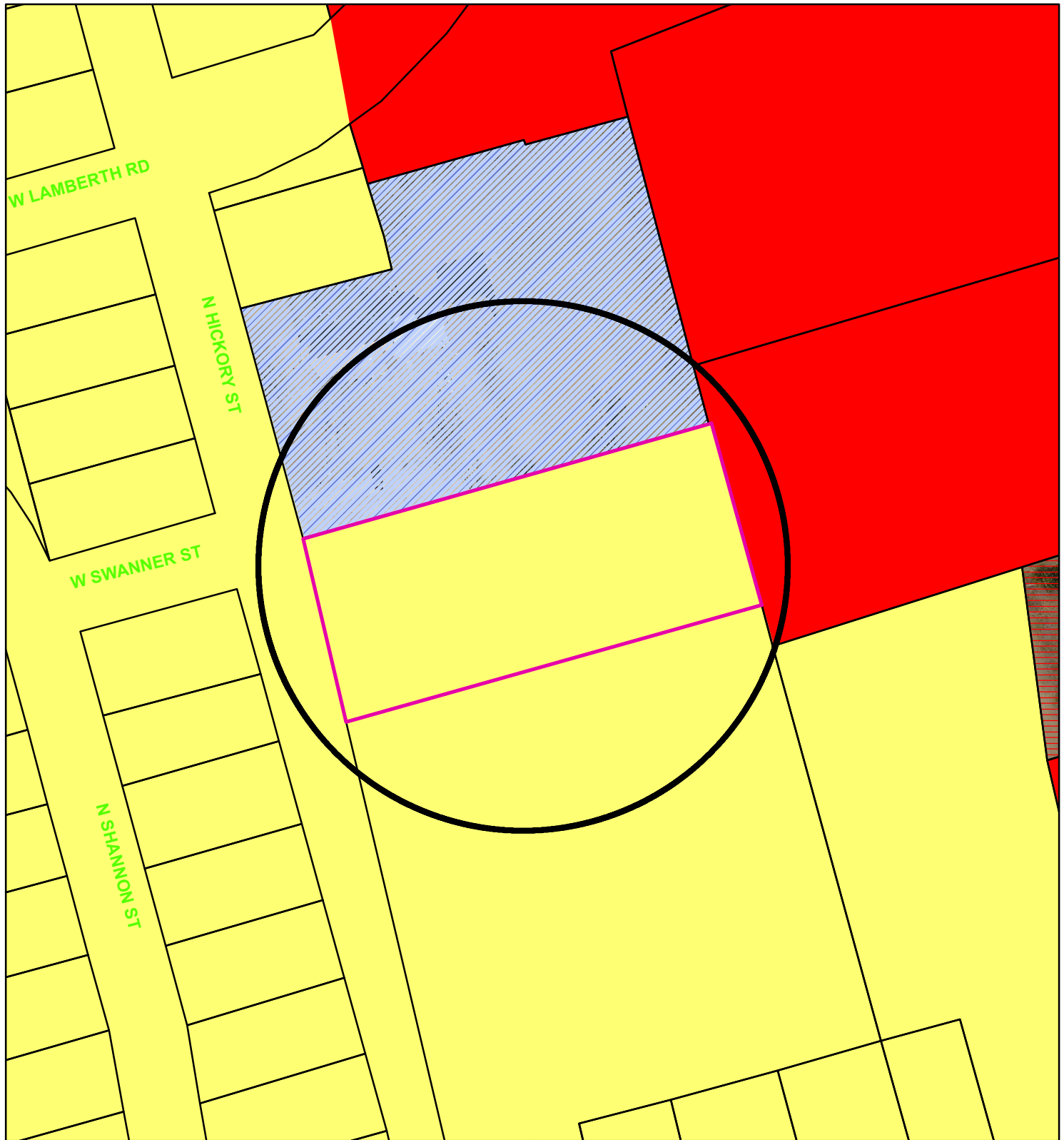
Location Map

Zoning Map

Final Plat - Menjivar's Addition

Staff Review Letter

P&Z Communication



Zoning - 2400 Block N. Hickory 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_1

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

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

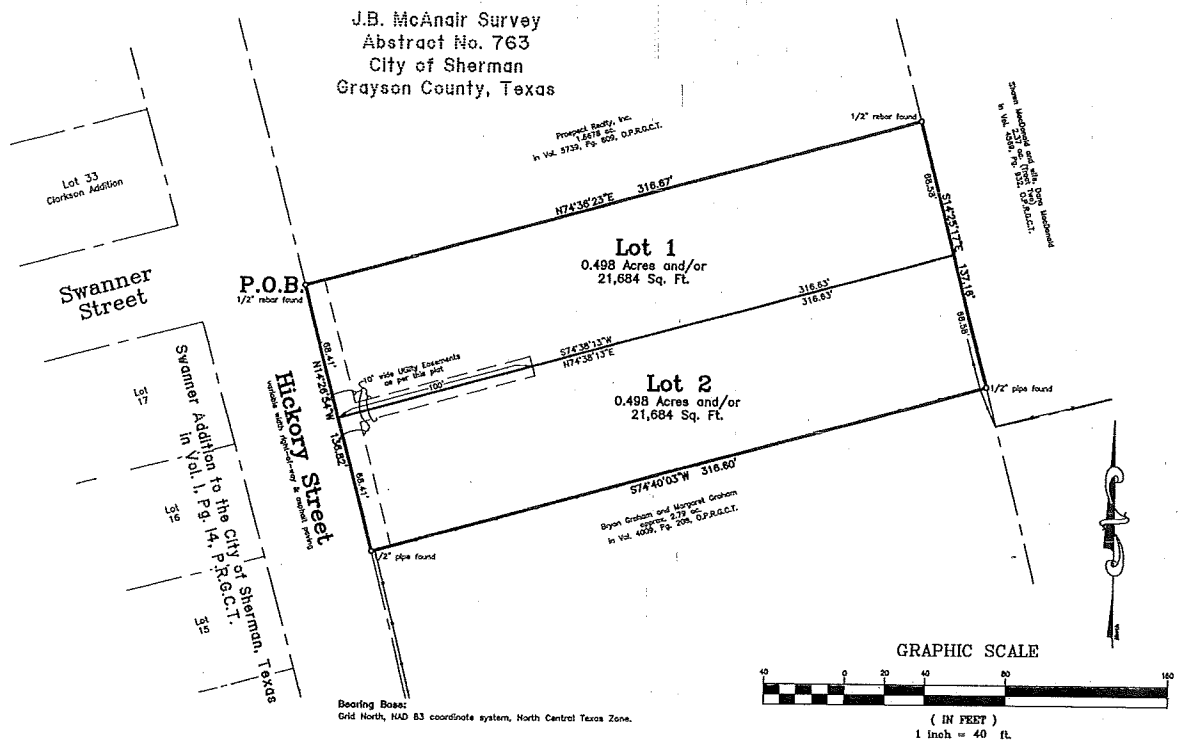
- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

- 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



Menjivar's Addition to the City of Sherman, Texas 0.996 acres in the J. B. McAnair Survey Abstract No. 763

General Notes:

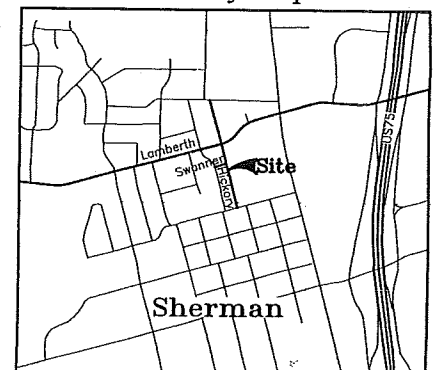
1. Water Supply to be provided by the City of Sherman.
2. Sewer service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electric Delivery Services.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat herein 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. 48181C0290 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.

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

Job No. CGS440319

Owner:
Jose Antonio Menjivar
P.O. Box 272
Sherman, Texas 75091

Vicinity Map





STAFF REVIEW LETTER

April 9, 2019

Jose Antonio Menjivar
P.O. Box 272
Sherman, TX 75091

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

Dear Applicants,

The request for approval of the Final Plat of Menjivar's Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. 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. Water Pro-Rata will be due at the time of development.
6. City Sewer Main must be extended to the southern line of the subject property to serve the development. Sewer capacity shall be verified for proposed use.
7. Remove 10' Utility Easement from between Lots 1 and 2. 10' Utility Easement shall only run along Hickory Street.
8. Metes and bounds description must match drawing.
9. Development Agreement required for Public Infrastructures.
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
11. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

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

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



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

Agenda Item No. 7.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 2400 BLOCK NORTH HICKORY STREET**

The request of Jose Menjivar (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 2400 block of North Hickory Street, being 0.9956 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Final Plat approval of Menjivar's Addition.

Background:

The property is located in the 2400 block of North Hickory Street between Lamberth Road and Pelton Street. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into two lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

Origination:

Jose Menjivar (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Menjivars's Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.4.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56; Ramiro and Letica Alvarez, Owners; and Preston Trail Land Surveying, Surveyor (1200 block of South Austin Street and 400 block of West Dulin Street)

Issue:

To consider Replat approval of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56; Ramiro and Letica Alvarez, Owners; and Preston Trail Land Surveying, Surveyor, located in the 1200 block of South Austin Street and the 400 block of West Dulin Street

Background:

The property is located in the 1200 block of South Austin Street and the 400 block of West Dulin Street, the northeast corner of Austin and Dulin Streets. The property is zoned an R-1 (One Family Residential) District. The owners would like to plat the property into three lots for residential development.

Origination:

Ramiro and Letica Alvarez (Owners)
Rick Green (General Contractor)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

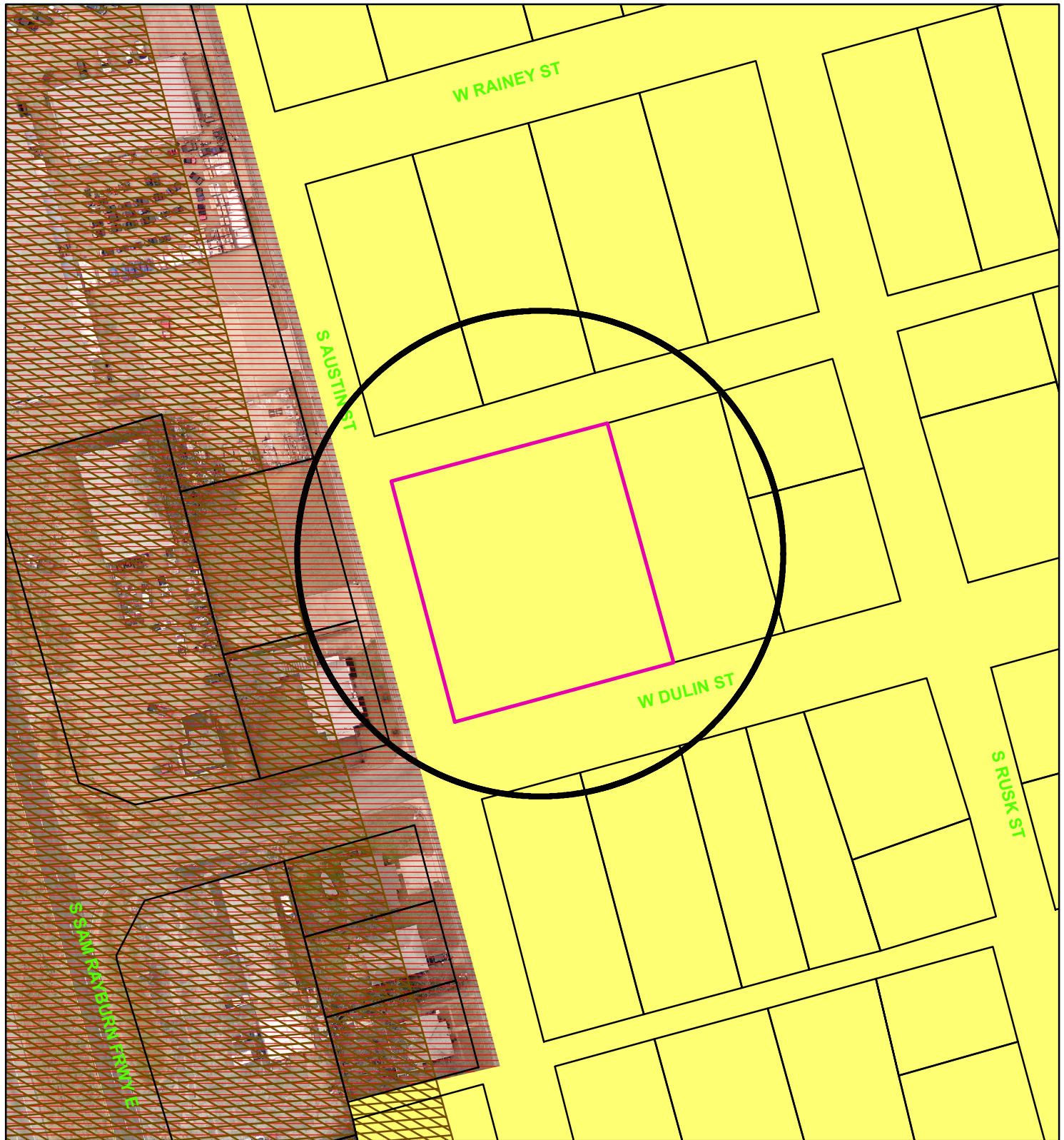
Zoning Sign Photo

Replat Lots 5 & 6, Blk 16, B.H. Moore Heirs Addition

Staff Review Letter

P&Z Communication

Letter from Carmen Martin



Zoning - 1200 Blk. S. Austin Street & 400 Blk. W. Dulin Street

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

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



NOT TO SCALE

1 in = 100 ft

Sherman
CLASSIC TOWN. BROAD HORIZON.

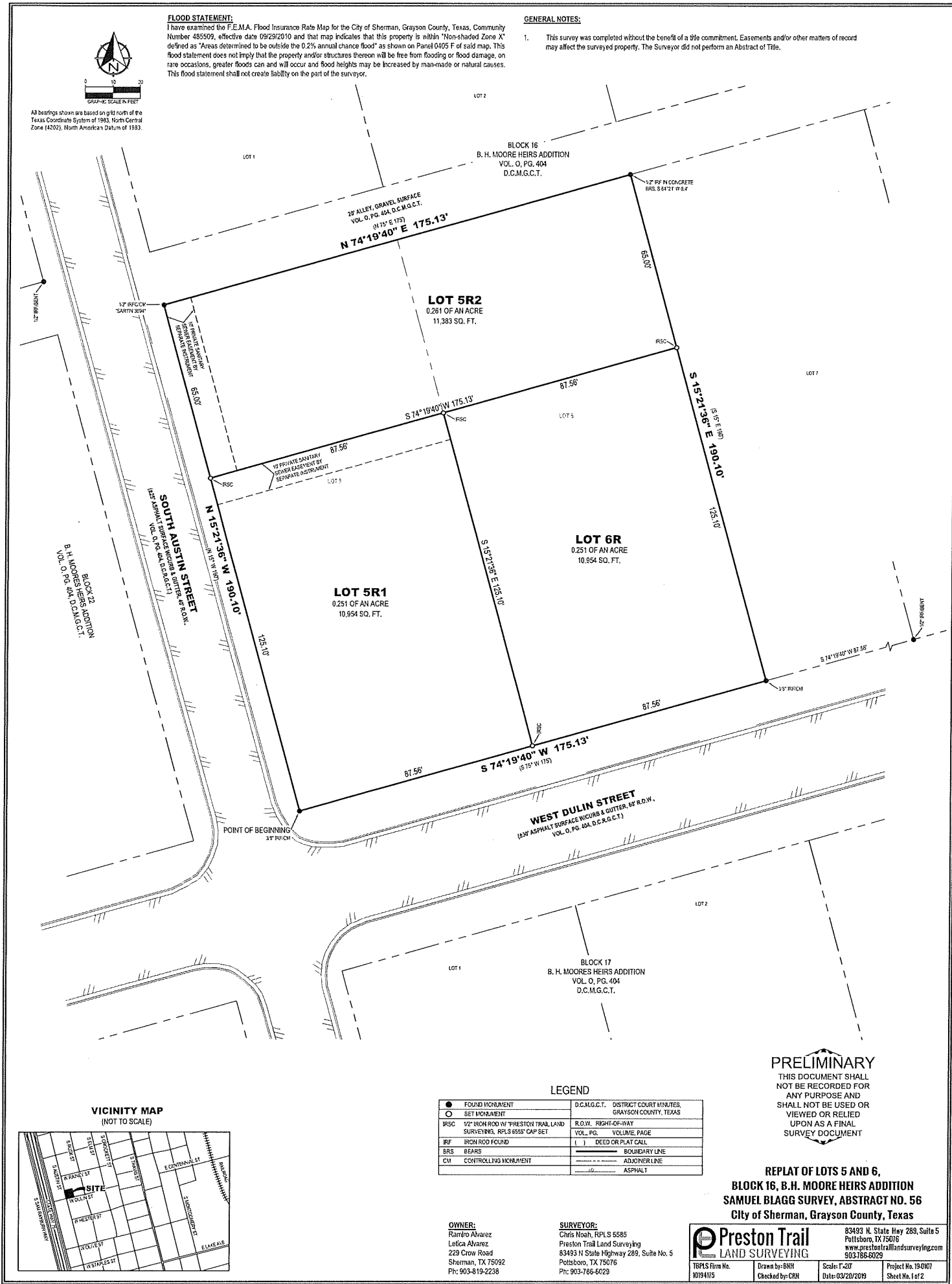
City of Sherman, Texas
Developmental Services Department

1200 Blk. S. Austin Street



400 Blk. W. Dulin Street





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 REPLAT OF LOTS 5 AND 6, BLOCK 16, B.H. MOORE HEIRS 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 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

**REPLAT OF LOTS 5 AND 6,
BLOCK 16, B.H. MOORE HEIRS ADDITION
SAMUEL BLAGG SURVEY, ABSTRACT NO. 56
City of Sherman, Grayson County, Texas**

OWNER:
Ramiro Alvarez
Leticia Alvarez
229 Crow Road
Sherman, TX 75092
Ph: 903-819-2238

SURVEYOR:
Chris Noah, RPLS 5585
Preston Trail Land Surveying
83493 N State Highway 289, Suite No. 5
Pottsboro, TX 75076
Ph: 903-786-6029

PRESTON TRAIL LAND SURVEYING
83493 N. State Hwy 289, Suite 5
Pottsboro, TX 75076
www.prestontrailandsurveying.com
903-786-6029



STAFF REVIEW LETTER

April 9, 2019

Ramiro & Leticia Alvarez
229 Crow Road
Sherman, TX 75092

Preston Trail Land Surveying
83493 N. State Hwy. 289, Ste. 5
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Replat of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. 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. Require 10' Utility Easement along Austin and Dulin Streets.
6. 10' Private Sanitary Sewer Easement must be moved out of the required 10' Utility Easement along Austin Street.
7. Said 10' Private Sanitary Sewer Easement shall be filed of record in the Official Public Records of Grayson County, Texas.
8. The City of Sherman does not maintain alleys.
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

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

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



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

Agenda Item No. 16.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 1200 BLOCK SOUTH AUSTIN STREET & 400 BLOCK OF WEST DULIN STREET**

The request of Ramiro & Letica Alvarez (Owners) and Preston Trail Land Surveying, (Surveyor) concerning the property located in the 1200 Block of South Austin Street and the 400 Block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56, as follows:

Planning and Zoning Commission

Replat approval of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition.

Background:

The property is located in the 1200 block of South Austin Street and the 400 block of West Dulin Street, the northeast corner of Austin and Dulin Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into three lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

C-2 (General Commercial) District

Origination:

Ramiro Alvarez (Owner)

Rick Green (General Contractor)

Preston Trail Land 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:

187

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat B.H. Moore Heirs Addition

Staff Review Letter

RECEIVED

APR 16 2018



Developmental Services

PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
TELEPHONE NO. (903) 892-7229
FAX NO. (903) 892-7274

March 29, 2019

MARTIN DONALD JAMES
1228 S. CROCKETT
SHERMAN, TX 75090

TO PROPERTY OWNERS WITHIN THE ADDITION OR WITHIN 200' OF THE PROPERTY.

State Law requires that the Planning and Zoning Board of the City of Sherman hold a public hearing on the day of Tuesday, April 16, 2019 at 5:00 P.M., in the City Council Chambers at 220 W. Mulberry, for the purpose of hearing the request of:

Ramiro Alvarez (Owner), Rick Green (General Contractor) and Preston Trail Land Surveying, (Surveyor) concerning the property located in the 1200 Block of South Austin Street and the 400 Block of West Dulin Street, being all of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition, containing 0.764 acres in the Samuel Blagg Survey, Abstract No. 56

The request is as follows:

Planning and Zoning Commission

Replat approval of Lots 5 and 6, Block 16, B.H. Moore Heirs Addition.

The appellant proposes to replat the above described tract in accordance with Section 212.014 and 212.015 of the Local Government Code. When a replat occurs on a property, the size and shape of the lot or lots may change.

State law requires that if the requested replat is in accordance with State and Local law and no variances are requested the replat shall be approved.

All City Ordinances and State Law have been complied with.

State law requires that as a property owner in the original subdivision and within 200 ft. of the replat, you must be notified of this hearing. You are not required to be present, but all interested parties wishing to be heard should appeal at the time and place stated above.

Scott Shadden

Secretary, Planning and Zoning Board

Office: 220 W. Mulberry
Telephone: (903) 892-7229

Attachment: Section 212.015, Subsection (c), Local Government Code

(over)

Dear Sirs.

My concern is the number of
cars already parked on Dublin Street
and Austin.

There are times when I have to wait
to go East or West as there is only room
for one car at a time on both sides of the
street cars are parked.

Will this add additional cars
to be parked in the street.

Sorry, I cannot attend public hearing.

Sincerely,

Mrs. Carmen Marton



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.5.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Austin Hawthorn Addition, a Replat of Lots 1, 2, 3 & 4, Plat of J.S. Hefner's Division of 2.11 acres of J.B. McAnair Survey, being part of the J.B. McAnair Survey, Abstract No. 763 and all of Lots 1, 2, 3, and 4, Plat of J.S. Hefner's Division, containing 6.033 acres; Austin College, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (1900 block of North Grand Avenue and 1100 block of Frisco Road)

Issue:

To consider Replat approval of Austin Hawthorn Addition, a Replat of Lots 1, 2, 3 & 4, Plat of J.S. Hefner's Division of 2.11 acres of J.B. McAnair Survey, being part of the J.B. McAnair Survey, Abstract No. 763 and all of Lots 1, 2, 3, and 4, Plat of J.S. Hefner's Division, containing 6.033 acres; Austin College, Owners; and Helvey-Wagner Surveying, Inc., Surveyor, located in the 1900 block of North Grand Avenue and the 1100 block of Frisco Road

Background:

The property is located in the 1900 block of North Grand Avenue and the 1100 block of Frisco Road. The property is zoned an M-1 (Light Manufacturing) District. The owners would like to plat the property into two lots for development.

Origination:

Austin College (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

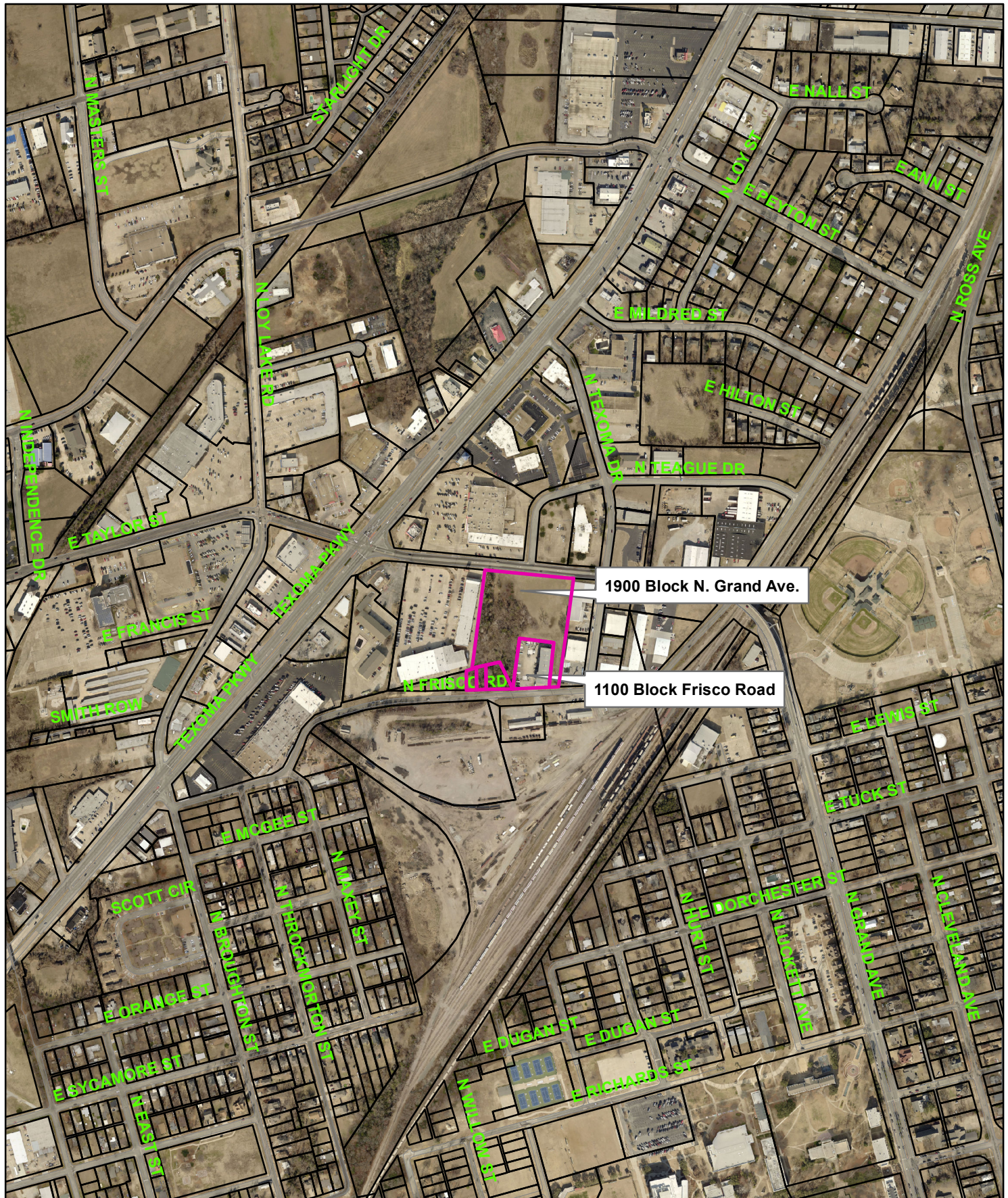
Location Map

Zoning Map

Replat Austin Hawthorn Addition

Staff Review Letter

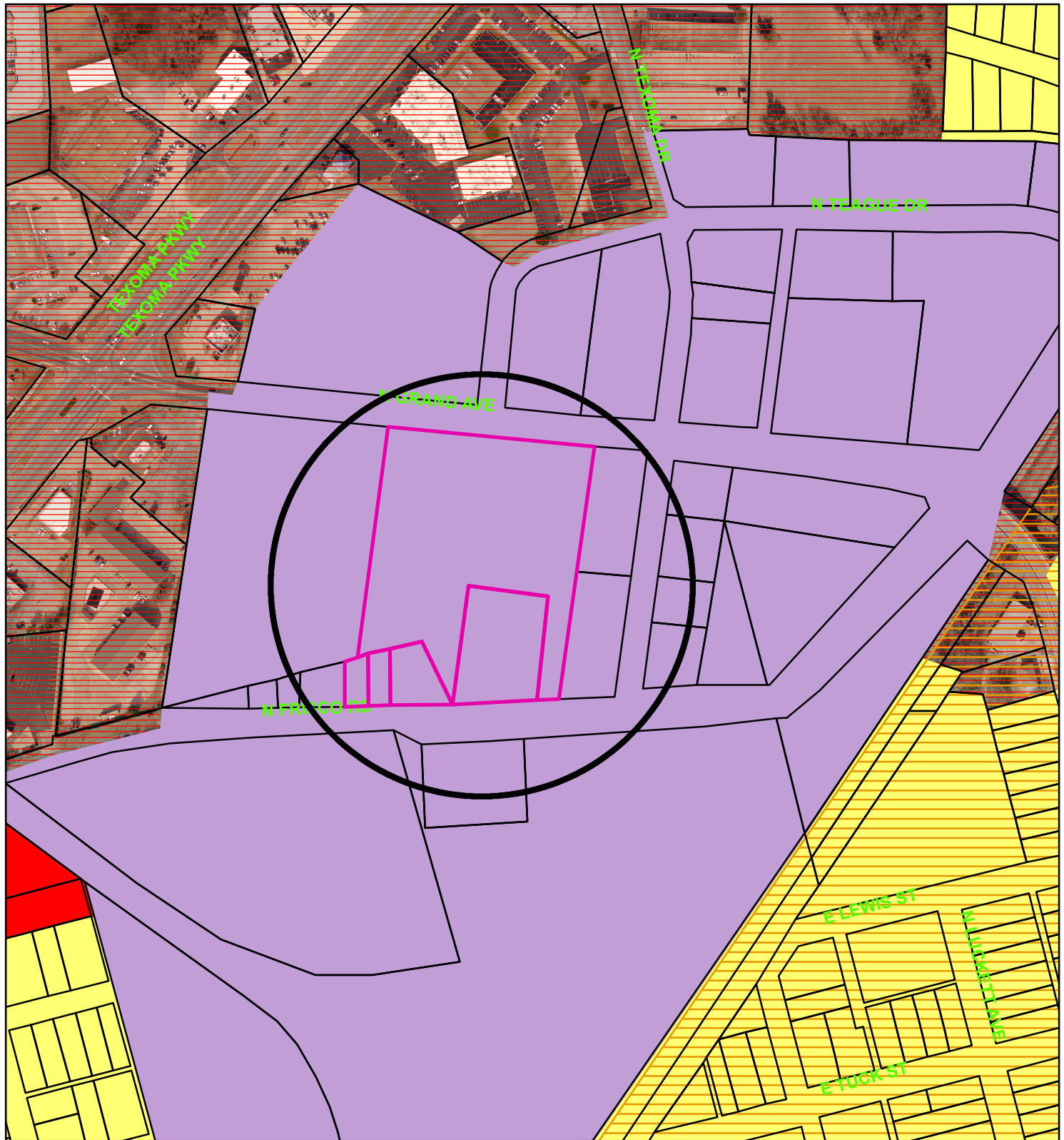
P&Z Communication



1900 Blk. N. Grand Ave & 1100 Blk. Frisco Rd.



1 in = 662 ft



Zoning - 1900 Blk. N. Grand Ave. & 1100 Blk. N. Frisco Rd.

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

- FM 1417
- Sam Rayburn Freeway
- US Hwy 62 and 75
- SH 289
- FM 691

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Balalock 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

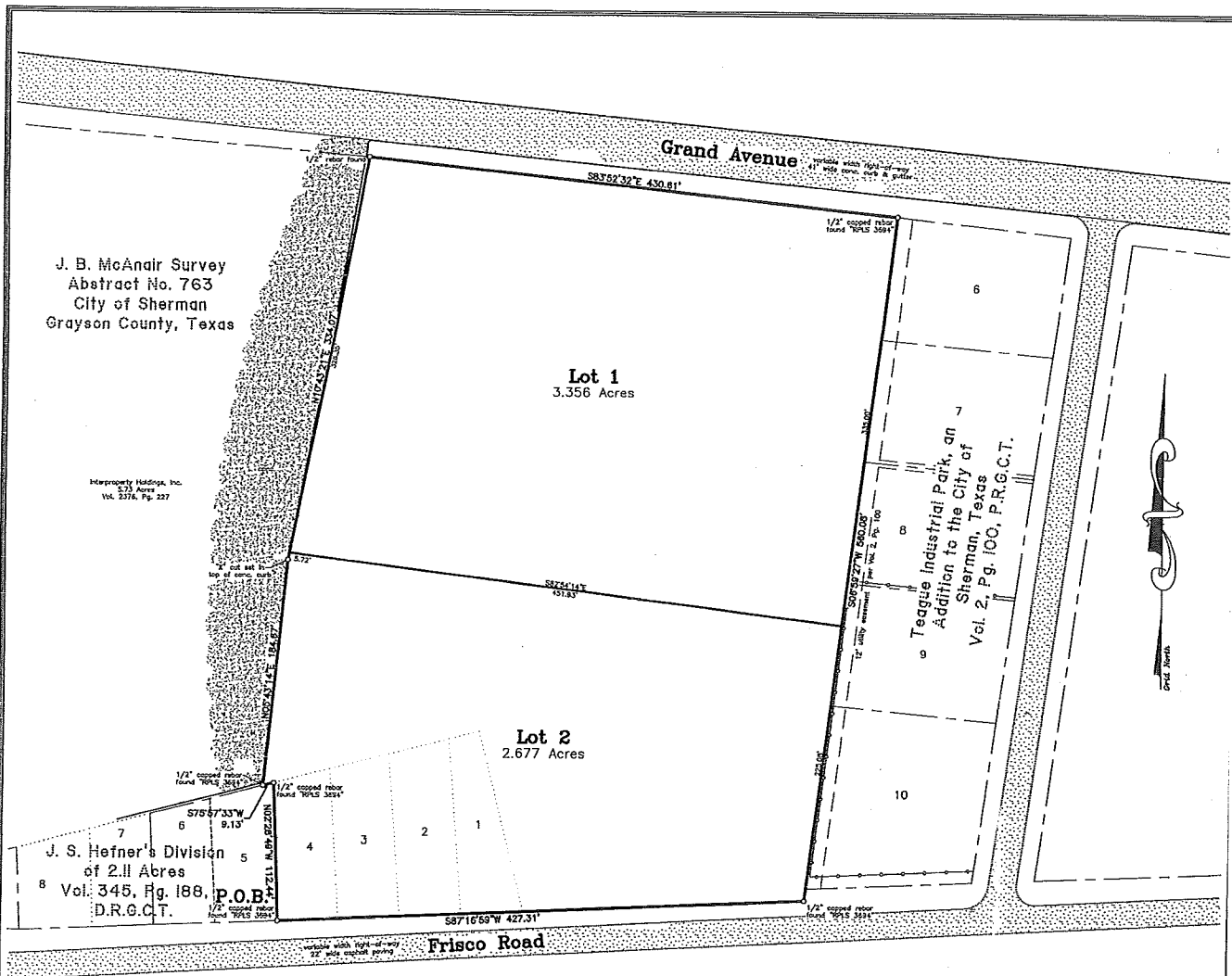


NOT TO SCALE

1 in = 300 ft



City of Sherman, Texas
Developmental Services Department



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

Austin Hawthorn Addition to the City of Sherman, Texas

(being a Replat of Lots 1, 2, 3 and 4, Plat J. S. Hefner's Division of 2.11 Acres of J. B. McAnair Survey, as per plat recorded in Vol. 345, Pg. 188, Deed Records, Grayson County, Texas and all of the 5.44 Acre tract adjoining said Lots to the East and North)

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. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. Neither the City of Sherman nor Grayson County will 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. 4818100250 F, Revised Date: September 28, 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.

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

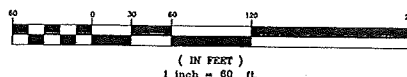
6.033 Acres

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

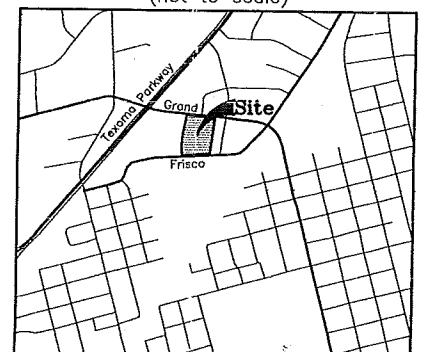
Owner:
Austin College
900 N. Grand Avenue
Sherman, Texas 75090

Job No. CGS410319

GRAPHIC SCALE



Location Map
(not to scale)





STAFF REVIEW LETTER

April 9, 2019

Austin College
900 N. Grand Avenue
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 Austin Hawthorn Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. 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. This includes Texoma Drive.
5. Dedicate a 10' Utility Easement along Grand Avenue and Frisco Road.
6. Water and Sewer Pro-Rata will be due upon development of Lot 1.
7. Metes and bounds description must match drawing.
8. Privately owned and maintained detention in accordance with City criteria will be required as the site develops. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
9. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
10. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,


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

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

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



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

Agenda Item No. 9.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 1900 BLOCK NORTH GRAND AVENUE & THE 1100 BLOCK FRISCO ROAD**

The request of Austin College (Owner) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located in the 1900 Block of North Grand Avenue and the 1100 Block of North Frisco Road, being part of the J.B. McAnair Survey, Abstract No. 763 and all of Lots 1, 2, 3, and 4, Plat of J.S. Hefner's Division, containing 6.033 acres, as follows:

Planning and Zoning Commission

Replat approval of Austin Hawthorn Addition, a Replat of Lots 1, 2, 3 & 4, Plat of J.S. Hefner's Division of 2.11 acres of J.B. McAnair Survey.

Background:

The property is located in the 1900 Block of North Grand Avenue and the 1100 Block of Frisco Road. The property is zoned an M-1 (Light Manufacturing) District. The owner would like to plat the property into two lots for development.

Adjacent Zoning:

M-1 (Light Manufacturing) District

Origination:

Austin College (Owner)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

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

and

Industrial – This character type typically has very large lot sizes with large buildings that are used for industrial purposes. A lot may have any number of buildings or storage facilities. Parking lots are necessary for employees and rail access may be necessary to ship/receive materials.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Austin Hawthorn Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.6.

Meeting Date: 05/06/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Opel Addition, being 2.432 acres in the G. B. Pilant Survey, Abstract No. 963; Equity Trust Co., Owner; Kalena Cook, Representative; and Owens Land Surveying, Surveyor (1000 South Gribble Street)

Issue:

To consider Final Plat approval of Opel Addition, being 2.432 acres in the G. B. Pilant Survey, Abstract No. 963; Equity Trust Co., Owner; Kalena Cook, Representative; and Owens Land Surveying, Surveyor, located at 1000 South Gribble Street

Background:

The property is located at 1000 South Gribble Street between Thomas and Hub Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into three lots for residential development.

Origination:

Equity Trust Co. (Owner)
Kalena Cook (Representative)
Owens Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2019 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

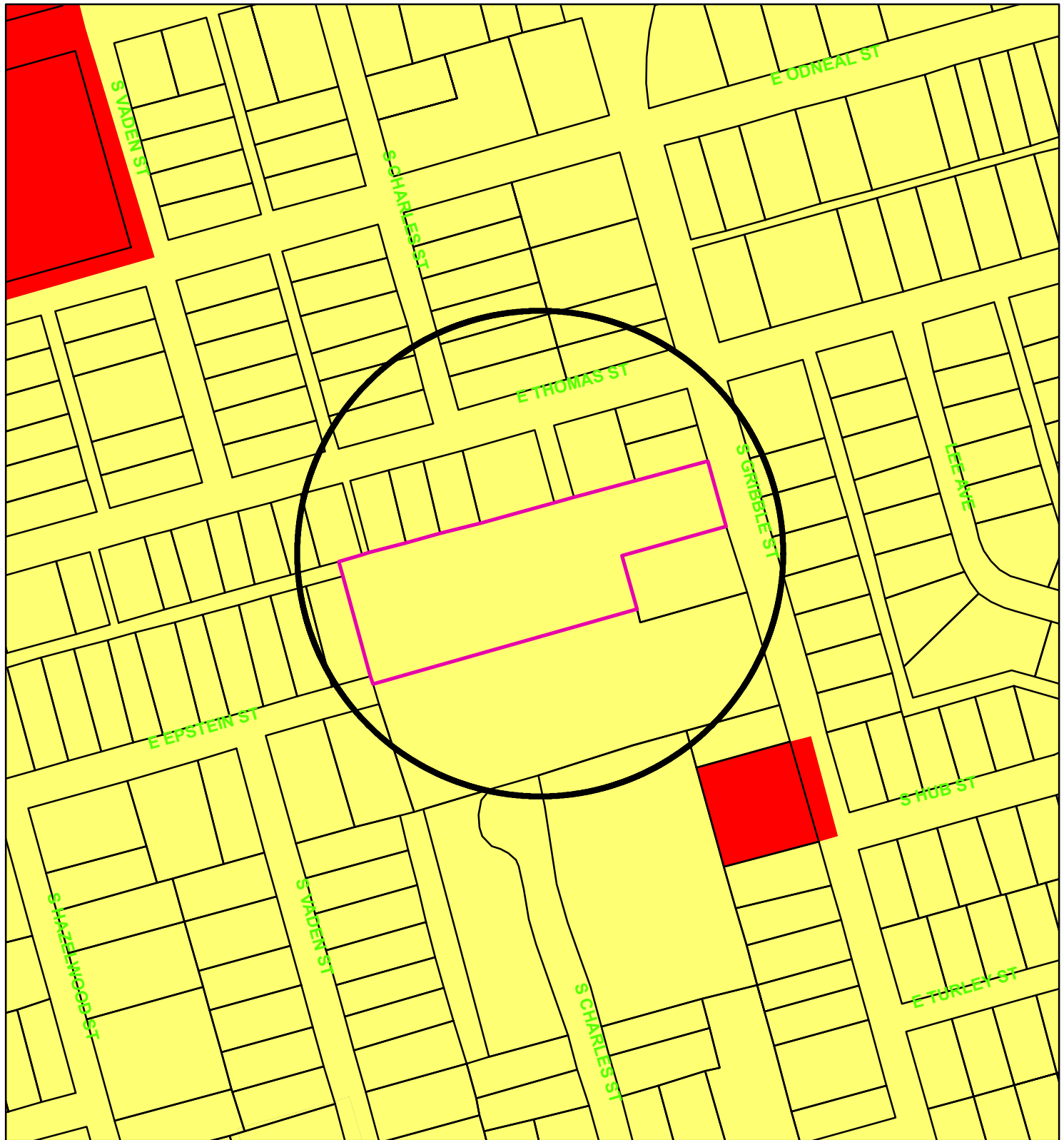
Location Map

Zoning Map

Final Plat - Opel Addition

Staff Review Letter

P&Z Communication



Zoning - 1000 S. Gribble Street

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

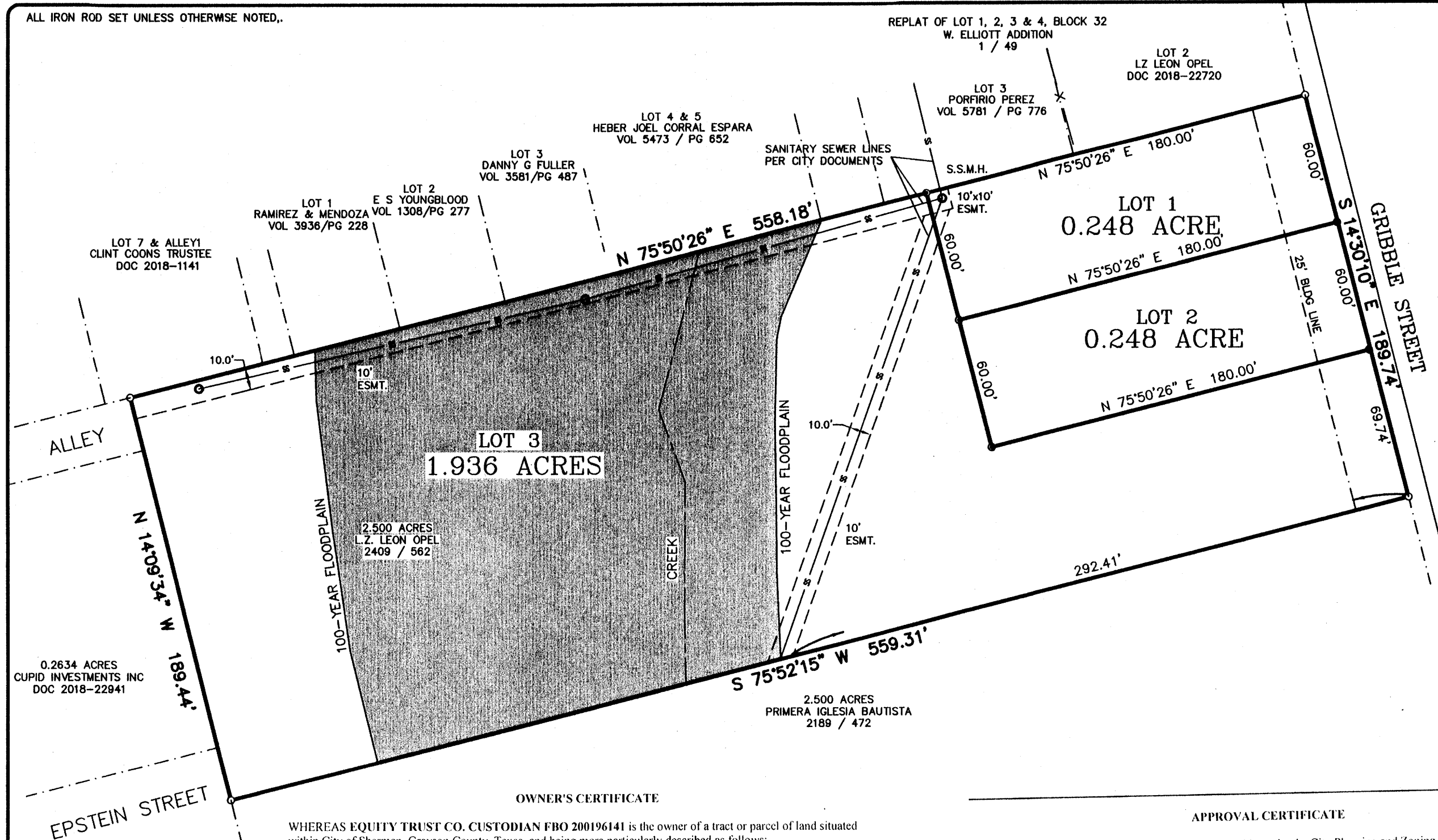
Representation: ShermGIS.DBO.ZoningDistrict_Rep

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

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



ALL IRON ROD SET UNLESS OTHERWISE NOTED.



OWNER'S CERTIFICATE

WHEREAS EQUITY TRUST CO. CUSTODIAN FBO 200196141 is the owner of a tract or parcel of land situated within City of Sherman, Grayson County, Texas, and being more particularly described as follows:

LEGAL DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in Grayson County, Texas, being a part of the Pilot Survey, Abstract No. 963, being all of Tract 1 and all of the 2,500 (Tract 2) acre tract of land as described in a General Warranty Deed from Emily Woodard, as Independent Executrix of the Estate of L.Z. Opel to Equity Trust Co. Custodian FBO 200196141 as recorded in/under Instrument No. 2018-22737 of the Official Public Records of Grayson County, Texas and being further described as follows:

BEGINNING at a 1/2 inch iron rod set for a corner at the northeast corner of said 2,500 acre tract on the west line of Gribble Street, said Point of Beginning being at the existing southeast corner Lot 2 of the REPLAT OF LOT 1, 2, 3 & 4, BLOCK 32 OF W. ELLIOTT ADDITION, an addition to the City of Sherman, Grayson County, Texas, as recorded in Volume 1 at Page 49 of the Plat Records of Grayson County, Texas;
THENCE S 14°30'10\"/>

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT EQUITY TRUST CO. CUSTODIAN FBO 200196141, hereby adopts this Plat as OPEL ADDITION, an addition to the City of Sherman, Grayson County, Texas and dedicates to the public use forever any roads and easements shown hereon (if any) for the mutual use and accommodation of any public utility desiring to use or using same for the purpose of construction, maintaining, adding to or removing any or all of their respective systems located therein.

WITNESS MY HAND this the _____ day of _____, 20____.

Owner

STATE OF TEXAS:
COUNTY OF _____:

BEFORE ME, the undersigned authority, a Notary Public in and for _____ County, Texas, on this day personally appeared the person(s) whose name(s) is(are) subscribed to the foregoing instrument and they acknowledged same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

Notary Public in and for _____ County, Texas

SURVEYOR'S CERTIFICATE

I, Frank R. Owens, Registered Professional Land Surveyor, State of Texas, hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the State of Texas, on the _____ day of _____, 20____.

Frank R. Owens
R.P.L.S. No. 5387



APPROVAL CERTIFICATE

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

Chairman

Secretary

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

Mayor, City of Sherman, Texas

Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing final plat of _____ Subdivision or 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.

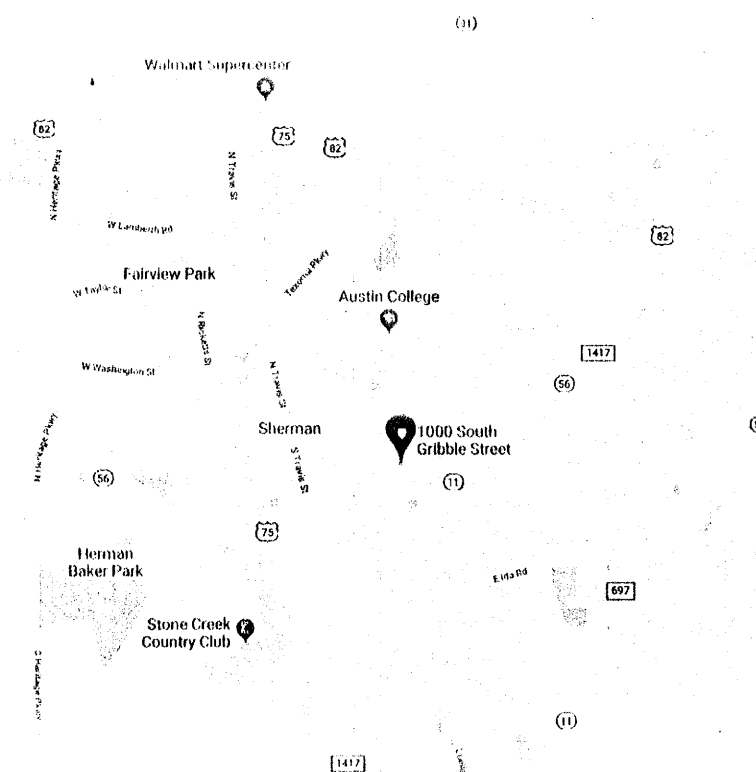
Witness my hand this _____ day of _____, 20____.

City Clerk, City of Sherman, Texas

NOTES:

1. Bearings are based on WGS84.
2. According to the Flood Insurance Rate Map No. 48181C0290F dated September 29, 2010, published by The Federal Emergency Management Agency, the subject property lies within Flood Zone "X" and is not shown to be within a special flood hazard area. This statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

VICINITY MAP



FINAL PLAT OPEL ADDITION CITY OF SHERMAN, GRAYSON COUNTY, TEXAS 2.432 ACRES JANUARY, 2019

Owners:
Equity Trust Co.
6108 Greywalls Dr.
McKinney, Tx. 75070

Surveyor:
Owens Land Surveying
P.O. Box 1025
Greenville Tx. 75403
(903) 450-9837

2.432 ACRES TOTAL

SCALE: 1"=50'

LEGEND

POWER POLE
WATER METER
GAS METER
WATER VALVE
FIRE HYDRANT
ELECTRIC METER
MAILBOX
CLEAN OUT
TELEPHONE PEDESTAL
UNDERGROUND CABLE MARKER

--- WOOD FENCE
--- BARBED WIRE FENCE
--- CHAINLINK FENCE



Owens Land Surveying

www.owenslandsurveying.com (903) 450-9837 / (903) 450-9875

FIRM REG. CERT. #10022400
P.O. BOX 1025
GREENVILLE, TX 75403



DATE: MARCH 18, 2019

DRAWN BY: B.E. & F.R.O.

SCALE: 1" = 50'

JOB NO.: 2018-491



STAFF REVIEW LETTER

April 9, 2019

Equity Trust Co.
6108 Greywalls Dr.
McKinney, TX 75070

Owens Land Surveying
P.O. Box 1025
Greenville, TX 75403

Dear Applicants,

The request for approval of the Final Plat of Opel Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2019 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. 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. Water and Sewer Pro-Rata will be due at the time of development.
7. Show Point of Beginning on drawing.
8. Dedicate a 10' Utility Easement along South and East property lines and along Gribble Street.
9. Additional Sanitary Sewer Line to the west of sewer line shown on plat. Verify location of all sanitary sewer lines.
10. Show all Sanitary Sewer Easements on subject property. Show Vol./Pg. of Easements on drawing.
11. Dedicate a 20' Sanitary Sewer Easement over all Sanitary Sewer lines.
12. Private Sanitary Sewer Easement required to serve Lot 2. Said Private Sanitary Sewer Easement must be filed of record in the Official Public Records of Grayson County, Texas.
13. Metes and bounds description should reference G.B. Pilant Survey, Abstract No. 963.
14. Require a minimum of three (3) found monuments be shown on drawing.
15. Remove Building Line from plat.
16. Correct General Notes to reflect correct Flood Zone.
17. The City of Sherman does not maintain alleys.
18. 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.

19. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

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

Respectfully,



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

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

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



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

Agenda Item No. 15.

Meeting Date: 04/16/2019

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 1000 SOUTH GRIBBLE STREET**

The request of Equity Trust Co. (Owner), Kalena Cook (Representative) and Owens Land Surveying (Surveyor) concerning the property located at 1000 South Gribble Street, being 2.432 acres in the G. B. Pilant Survey, Abstract No. 963, as follows:

Planning and Zoning Commission

Final Plat approval of Opel Addition.

Background:

The property is located at 1000 South Gribble Street between Thomas and Hub Streets. The property is zoned an R-1 (One Family Residential) District. The owner would like to plat the property into three lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Equity Trust Co. (Owner)

Kalena Cook (Representative)

Owens Land 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:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Final Plat - Opel Addition

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

H.1.

Meeting Date: 05/06/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

- (a) Keep Sherman Beautiful Commission (3)

Issue:

There are currently three vacancies on the Keep Sherman Beautiful Commission. They are all to fill unexpired terms until January 1, 2021. We currently have applications on file from Ronald Engelke, Rajendra Wagle, and Misty Dawn Tucker.

Background:

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

Origination:

This agenda item originated with the City Clerk's Office.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

The staff's recommendation is to appoint Ronald Engelke, Rajendra Wagle, and Misty Dawn Tucker to the Keep Sherman Beautiful Commission.

Alternatives:

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

Attachments

Roster

Fact Sheet

Applicant List

Ronald Engelke Application

Rajendra Wagle Application

Misty Dawn Tucker Application

MEMBERSHIP ROSTER

KEEP SHERMAN BEAUTIFUL COMMISSION

LENGTH OF TERMS: 2 Years

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

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Trace Rossi	1	A 2/6/2018	1/1/2020	1	2 Year Term
Stephanie Waitt	4	A 2/6/2018	1/1/2020	1	2 Year Term
Jessica Peters	4	A 1/5/2016 R 1/1/2018	1/1/2018 1/1/2020	1 2	2 Year Term
Amanda Smith	3	A 11/8/2016 R 1/1/2019	1/1/2019 1/1/2021	1 2	2 Year Term
Vacant			1/1/2021		2 Year Term
Dusty Payne	3	A 11/4/2013 R 1/5/2016 R 1/1/2018	1/1/2016* 1/1/2018 1/1/2020	1 2 3	2 Year Term
Vacant			1/1/2021	1	2 Year Term
Vacant			1/1/2021		2 Year Term
Amanda Phillips	1	A 6/16/2015 R 1/1/2017 R 1/1/2019	1/1/2017 1/1/2019 1/1/2021	1 2 3	2 Year Term

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

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

Chairperson

NOTE: Chairperson serves one year terms

CHAIR	APPOINTMENT DATE	DATE CHAIR EXPIRES	YEARS SERVED AS CHAIR
Lauren Roth	11/5/2013	1/1/2015**	1
Zac Grantham	1/1/2016	1/1/2017	1
Zac Grantham	1/1/2017	1/1/2018	2
Zac Grantham	1/1/2018	1/1/2019	3
Amanda Smith	1/1/2019	1/1/2020	1

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

FACT SHEET

KEEP SHERMAN BEAUTIFUL COMMISSION

Established by RESOLUTION 2805 – MARCH 2, 1992 – RE-ESTABLISHED BY RESOLUTION 3807 – APRIL 19,1999; RE-ESTABLISHED BY RESOLUTION 5041 – JULY 16, 2007; BY-LAWS UPDATED BY RESOLUTION 5977 – JUNE 15, 2015

1. Number of Members: NINE (9)
2. Term of Appointment: TWO (2) YEARS
3. Consecutive Term Rule: THREE YEARS
4. Qualifications for Membership: INTEREST IN KEEPING SHERMAN BEAUTIFUL; DEDICATION TO IMPLEMENTATION OF ASSIGNED PROJECTS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

CHAIRPERSON A VICE CHAIRPERSON E SECRETARY E

ELECTED APPOINTED

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

=====

PURPOSE:

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

RESPONSIBILITIES:

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

APPLICANT LIST

Keep Sherman Beautiful Commission

Positions Vacant 3

Applicant	Address	District	Qualifications
Ronald Engelke	116 N. Burdette	3	Retired
Rajendra Wagle	910 Cormorant	4	Reggis Liquor
Misty Dawn Tucker	3706 Brookstone Dr.	4	

COMMENTS:



CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

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



Name: RONALD ENGELKE

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

Name of Board
or Commission:

KEEP SHERMAN BEAUTIFULL COMMISSION

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

Personal Information

Occupational Information

Home Address: 116 N BURDETTE

Business Name: RETIRED

Mailing Address: SAME

Occupation: RETIRED / SALES SHERWIN WILLIAMS

Telephone: 903-357-8306 Fax: _____

Address: _____

E-Mail: COWBOY1 (A) CABLEONE.NET

Telephone: _____

Fax: _____

Sherman Resident for 39 years County: GRAYSON

E-Mail: _____

Drivers License No.: 00965634

Voter Registration No.: 1024931156 ☒

Which Council District do you live in? (see attached map) District 3 ☒

Prior work experience: (please include dates)

29 YEARS AT SHERWIN WILLIAMS - SALES 1988 - 2018

9 YEARS BOARD OF DIRECTORS AND 4 YEARS CHAIRMAN AT SHERWIN WILLIAMS FROM 2009 - 2018

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1977

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

Name of College/University: _____

☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

GREAT DAY SERVICE 1994 - 2017 ONCE A YEAR

COMPUTER SERVICE FOR KIDS 1998 - 2018

HELPING VETERANS

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

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

Application held for 12 months from date received

Taxes - Current

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

If so, which one? _____

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?
HAVE SOME FEAR FOR SHOPS DOWNTOWN AND HOW TO BRING IN
SALES, WORKED IN FLOWER SHOP SO KNOW HOW TO DECORATE AND
MAKE LOOK GOOD WILL BRING MORE IN TO SHOP. PLUS ADVERTISING

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

- 1) IF YOU HAVE TRASH BIN AROUND SQUARE LESS TRASH
WHICH MAKE IT LOOK NICER AND RUN A SMALL TV ADD
ABOUT TRASH LOOKS GROSS AND WILL TURN PEOPLE AWAY
NALA LADY THAT GIVES PARKING TICKET GIVE YOU ONE
FOR LITTERING WILL BRING MONEY DOWN TOWN
- 2) IF YOU DO MORE TV ADD AND IN NEWS PAPER ABOUT
WHAT IS GOING ON DOWN TOWN OR IN CITY MIGHT GET MORE
TO COME SOME PEOPLE DON'T HAVE FATE BOOK OR COMPUTER
BUT READ PAPER + WATCH TV.
- 3) HAVE MORE THINGS FOR SENIORS TO DO IN CITY
NOT JUST AT CENTER IF YOU DO MORE WOULD
COME AND SUPPORT OUR CITY. DECORATE WHEN DIFFERENT
CALENDAR DAY COME UP.

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

TRAINED IN COLOR TO MATCH WHEN PAINTING, COMPUTER REPAIRING
FISHING CONTEST FOR KIDS

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

NONE

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

Comments: KEEP SHERMAN BUTIRUL / TOURISM

Statement of Intent

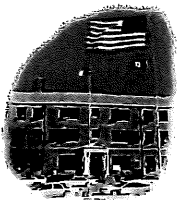
I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend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

Signature: Ronald Engelke

Date: 11-9-18

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

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP



Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

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

Name: RAJENDRA WAGLE

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

Name of Board
or Commission:

Park & Recreation Board / Planning & Zoning Board

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

Keep Sherman Beautiful

Personal Information

Occupational Information

Home Address: 910 CORMORANT DR Sherman, TX 75091

Business Name: Legg's Lawn

Mailing Address: 910 CORMORANT DR " "

Occupation: owner / Manager

Telephone: 903-815-1373 Fax: _____

Address: 2916 N. US Hwy 75 Ste #100

E-Mail: rajewagle@gmail.com

Telephone: 903-815-1373 Fax: _____

Sherman Resident for 9 years County: Grayson

E-Mail: rajewagle@gmail.com

Drivers License No.: 33713885

Voter Registration No.: 2000854568 ✓

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

Dist. 4 ✓

Prior work experience: (please include dates)

Small Business owner, One million cup sherman organizer,

Educational Achievement:

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

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

Name of College/University: Population studies/ ☐ Bachelor's ☒ Master's ☐ PhD

Volunteer Work: (please include dates)

One million cup sherman organizer since 04/01/2018
Demography, Tribhuvan University Nepal

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

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

Taxes - None

Application held for 12 months from date received

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

If so, which one? _____

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

Want to make Good place to live in.
@Attractive

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

1) preservation of originality

2) Environmentally friendly without destroying the existing structure

3) Make Attractive development.

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

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

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

Statement of Intent

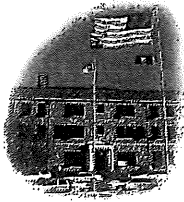
I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend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

Signature: _____

Date: 10/17/2018

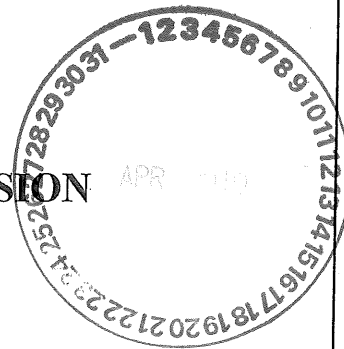
In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Sherman
CLASSIC TOWN, BROAD HORIZON.



CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

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

Name: Misty Dawn Tucker
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Keep Sherman Beautiful

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

Personal Information

Home Address: 3704 Brookstone Dr Sherman
Mailing Address: 3704 Brookstone Dr Sherman
Telephone: 903 422 0802 Fax: _____
E-Mail: tucker.misty-d@gmail.com
Sherman Resident for _____ years County: Grayson
Drivers License No.: TX12951176
Voter Registration No.: _____

Occupational Information

Business Name: _____
Occupation: _____
Address: _____
Telephone: _____ Fax: _____
E-Mail: _____

Which Council District do you live in? (see attached map) District 4 ✓

Prior work experience: (please include dates)

Staffin Eats - March 2018 - March 2019. Volunteer @ Joshua's Crossing 2011-present

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? Graduated 2003
Business College, Correspondence School, Adult Education, Other? _____
Name of College/University: Grayson College ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Joshua's Crossing 2011-Present, Masterkey Ministries-Present

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

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

Taxes - No

Application held for 12 months from date received

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

If so, which one? _____

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?
To help educate people about the benefit of keeping our community clean.

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

1) Litter Control - encouraging better enforcement of litter control ordinances

2) Recycling Awareness - Providing more education material to the community.

3) Community Beautification Project - Community Garden, Stem Programs

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

Event Planning

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

N/A

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

Statement of Intent

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

Signature: Misty D Jucker Date: 4.1.19

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

Sherman
CLASSIC TOWN, BROAD HORIZON



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

H.2.

Meeting Date: 05/06/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Main Street Advisory Committee (1)

Issue:

There is currently one vacancy on the Main Street Advisory Committee. We have received an application from Sean Vanderveer for service on the Board.

Background:

The City Council created the Main Street Advisory Committee by Resolution No. 6063, approved on March 7, 2016. The purpose of the Committee is to encourage participation in the Main Street Downtown Revitalization Program, to establish and evaluate goals and priorities for the Main Street Program, to review design appropriateness for the purpose of participation in the Main Street Low Interest Loan Program and Incentive Grant Projects, to design and coordinate activities coinciding with the Main Street Program, to assist with the Main Street Program Annual Report, and to advise and support the Main Street Manager to further the goals and priorities of the Main Street Program.

Origination:

The appointment originated with the City Clerk's Office.

Financial Consideration:

There is no financial consideration.

Staff Recommendation:

It is the staff recommendation that the City Council appoint Sean Vanderveer to the Main Street Advisory Committee.

Alternatives:

The alternative is to delay an appointment to the Board.

Attachments

Roster

Fact Sheet

Applicant List

Sean Vanderveer Application

MEMBERSHIP ROSTER

MAIN STREET ADVISORY BOARD

LENGTH OF TERMS: 2 Years
Consecutive Term Limit 3 Terms

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Sherry Little	n/a	A 3/22/2016 R 3/31/2017 R 3/31/2019	3/31/2017 3/31/2019 3/31/2021	1 2 3	
Vacant			3/31/2020		
Amanda Phillips	1	U 12/5/2017 R 3/31/2019	3/31/2019 3/31/2021	1 2	
Verna Gilbert-Morneau	4	A 3/22/2016 R 3/31/2018	3/31/2018 3/31/2020	1 2	
David Gunn	n/a	A 3/31/2017 R 3/31/2019	3/31/2019 3/31/2021	1 2	
Nancy Sims	4	A 3/31/2018	3/31/2020	1	
Lindsey Manley	1	A 9/5/2018	9/5/2020	1	
Diana Salas	n/a	A 9/5/2018	9/5/2020	1	
Courtney Mitchell	1	A 9/5/2018	9/5/2020	1	
Bill Mory	n/a	A 9/5/2018	9/5/2020	1	
Ex-Officio Members					
Daron Holland					Council Member
Karen Tooley					DSP&R President

Ex-Officio Members: City Council Member
Downtown Sherman Preservation & Revitalization President

Chair:
Vice Chair:

Resolution 6063, approved Sept. 4, 2018
Increased membership from 6 to 10

CITY STAFF:
Revised 3/27/2019

FACT SHEET

MAIN STREET ADVISORY BOARD

Established by RESOLUTION 6063 – MARCH 7, 2016

1. Number of Members: SIX
2. Term of Appointment: 2 YEARS
3. Consecutive Term Rule: THREE TERMS – ORDINANCE 4223 (10/21/91)
4. Qualifications for Membership: PRESERVE AND GROW DOWNTOWN AS A BUSINESS CENTER FOR SHERMAN
- 5.
6. Appointed by: MAYOR AND CITY COUNCIL

7. Board Organization

CHAIRPERSON E VICE CHAIRPERSON SECRETARY E

ELECTED E APPOINTED

8. Departmental Responsibility: DIRECTOR OF COMMUNITY AND SUPPORT SERVICES
9. Meeting Date: NO RULE – AS SET BY BOARD BY-LAWS
10. Attendance Requirements: NO RULE – AS SET BY BOARD BY-LAWS

=====

Ex-Officio Members:

City Council Member

Downtown Sherman Preservation & Revitalization President

PURPOSE:

- Encourage participation in the Sherman Main Street Downtown Revitalization Program
- Establish and evaluate goals and priorities for the Main Street Program
- Review design appropriateness for the purpose of participation in the Main Street Low Interest Loan Program and Incentive Grant Projects
- Design and coordinate activities coinciding with the Main Street Program
- Assist with the Main Street Program Annual Report
- Advise and support the Main Street Manager to further the goals and priorities of the Main Street Program.

RESPONSIBILITIES:

Said Board shall work with the Main Street Manager and other City officials to publicize the Main Street Program and shall recommend projects and activities to include marketing, advertising, promotion, design, organization, economic restructuring as related to the Main Street Program. The Board will also review any commercial construction or reconstruction plans proposed within the Main Street Program Target Area.

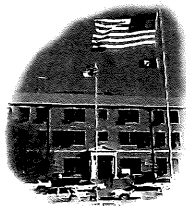
APPLICANT LIST

Main Street Advisory Board

Positions Vacant 1

Applicant	Address	District	Qualifications
Sean Vanderveer	113 N. Travis, Ste. 300	3	Sherman ISD

COMMENTS:



CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

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

Name: Sean Vanderveer

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

Name of Board

or Commission: Main Street

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

Personal Information

Occupational Information

Home Address: 113 N. Travis Ste 300, Sherman, TX 75090

Business Name: Sherman ISD

Mailing Address: 113 N. Travis Ste 300, Sherman, TX 75090

Occupation: Web & Social Media Coordinator

Telephone: 903-815-5143 Fax: _____

Address: 2701 Loy Lake Rd, Sherman, TX 75090

E-Mail: rsvanderveer@yahoo.com

Telephone: 903-891-6400 Fax: _____

Sherman Resident for 42 years County: Grayson

E-Mail: rvanderveer@shermanisd.net

Drivers License No.: 15689726

Voter Registration No.: 1025147839 ✓

Which Council District do you live in? (see attached map) 3 ✓

Prior work experience: (please include dates)

Nortex Field Services 1992-2005, Red Letter Media Group 2006-2016; Sherman ISD 2016-Current; Vanderveer Group 2014-Current

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? Sherman High School - 1995

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

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

Volunteer Work: (please include dates)

Sherman Chamber Board, Trinity Lighthouse Church, United Way of Grayson County, Downtown Sherman Now, Sherman P&Z Commissioner

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

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

Application held for 12 months from date received

Taxes - No

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

If so, which one? _____

Why do you want to become a member of this particular board or commission (*how would you use this experience to benefit the City*)?
I believe in our Downtown and want to see it reach the fullest potential. Downtown is the heart of our city and I will use my personal development and event planning experience to help the continued growth.

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

- 1) Infrastructure - the infrastructure is old and needs to be ready for growth when it happens. This is a foundational issue for the development / revitalization of the Downtown and a safety concern (access to water mains for the ability to sprinkler buildings). This commission could study the age of the infrastructure, talk to property and business owners about the condition / issues of infrastructure, then work with the city to come up with a plan and time line to make updates.
- 2) Residential development Downtown will allow a more densely populated scenario which will support the Downtown business / restaurant environment. It will also help with the critical mass of people that is needed to make the Downtown area sustainable. The commission can work with property owners, planners and the city to create residential space and offer an incentive package.
- 3) Marketing the Downtown to recruit locally owned / regional franchises. There needs to be a proactive approach / recruitment to attract business Downtown and to find the space for these businesses. The commission can create a marketing package, form a list of potential tenants and pursue the business / restaurants to open in Downtown.

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

Media work (video production, social media, graphics), event planning / promotions, creating a vision for the direction of developments redevelopment of buildings / properties.

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

In an effort to be transparent - we received a grant for our Event Venue, but I do not see this as a "conflict".

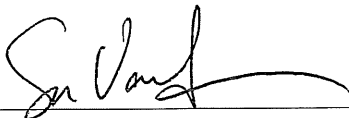
Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No

Comments: I have discussed this commission with Sherry Little and attended a meeting in the past.

Statement of Intent

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

Signature: _____



Date: _____

3/28/19

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Sherman
CLASSIC TOWN. BROAD HORIZON.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 05/06/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2019 Council Calendar

2019

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

FEBRUARY						
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17	18	19	20	21	22	23
24	25	26	27	28		

MARCH						
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24	25	26	27	28	29	30
31						

APRIL						
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28	29	30				

MAY						
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26	27	28	29	30	31	

JUNE						
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23	24	25	26	27	28	29
30						

JULY						
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AUGUST						
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25	26	27	28	29	30	31

SEPTEMBER						
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29	30					

OCTOBER						
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27	28	29	30	31		

NOVEMBER						
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17	18	19	20	21	22	23
24	25	26	27	28	29	30

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

1/21/2019	Martin Luther King, Jr. Day/Called City Council Meeting on 1/22/2019
2/27/2019	Called Council Meeting - Training Session for Council Members
4/26/2019	Called Budget Planning Meeting in Council Chambers
6/13/2019	Called Budget Workshop in Council Chambers
6/14/2019	Called Budget Workshop in Council Chambers
9/2/2019	Labor Day/Called City Council Meeting on 09/03/2019

[illegible]