

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, MAY 6, 2013
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER JOE N. SMITH**
- A. 3. INVOCATION BY COUNCIL MEMBER JOE N. SMITH**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 15, 2013**

Proclamations

- B. 1. PROCLAMATION**
“Motorcycle Safety and Awareness Month” – May 2013
- B. 2. PROCLAMATION**
“National Travel and Tourism Week” – May 4-12, 2013

Public Hearing

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5773**
Ordaining the City's Participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), Providing Tax Incentives, Designating a Liaison for Communication with Interested Parties, and Nominating Tyson Fresh Meats, Inc. to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (BANK) as an Enterprise Project (Project)
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5774**
Establishing Maximum, Reasonable and Prudent Rates of Speed on Certain Portions of State Highway 56 (SH 56) in the Corporate Limits of Sherman, Grayson County, Texas; Fixing Penalties for Violation Thereof; Declaring an Emergency

Close Public Hearing and Consider Adoption of Ordinances

C. 3. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5773 and 5774

C. 4. 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

D. 1. RESOLUTION NO. 5765

Authorizing the Execution of a Professional Services Agreement with Vilbig & Associates, PLLC for the Design of the Loy Lake Road Improvements

D. 2. * RESOLUTION NO. 5766

Abandoning a Twenty Foot (20') City Drainage and Utility Easement located on the North Side of Lot 2, Block 1 of the Crescent Oaks Plaza Addition and Shown by Plat Recorded in Volume 21, Pages 39-40 of the Plat Records of Grayson County, Texas

Other Business

E. 1. OTHER BUSINESS

Receive Chief Animal Control Officer Scott Parker's Report on the Sherman Animal Shelter's Adopt-a-thon Scheduled for Saturday, June 1, 2013 and Sunday, June 2, 2013

E. 2. * OTHER BUSINESS

Approve Quarterly Investment Reports for Period Ending March 31, 2013

E. 3. * OTHER BUSINESS

Site Plan Approval for American Realty Capitol Operating Partnership, LP, Owners; FedEx Ground Package Handling Facility, Tenant; Vortex Engineering & Architecture, Inc., Engineer/Architect; and Robert W. Jones, II, Representative, under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Office and Parking Lot Addition in the Blalock Industrial Park District at 3221 Northgate Drive

E. 4. * OTHER BUSINESS

Replat Approval of Lots 3 and 4, Block 1, Fairview Park Patio Homes, Replat of Lots 1-7, containing 0.742 acres; Shreetejas LLC, Owner; and Data Land Services, Surveyor (1400 Block of Park Place)

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

H. COUNCIL COMMENTS

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

Dated this 2nd day of May, 2013
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

Carolyn S. Wacker

Deputy Mayor

Pamela L. Howeth

Council Members

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

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

Joe N. Smith, Council – District #1

Robert G. Softly, Council – District #2

Pamela L. Howeth, Council – District #3

David Plyler, Council – District #4



City Council Regular Meeting

Agenda Item No. A. 4.

Meeting Date: 05/06/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 15, 2013

Attachments

April 15, 2013 Minutes

Loy Lake Road Project Map

SEDCO Handout

STATE OF TEXAS

§

April 15, 2013

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on April 15, 2013.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of April 1, 2013. Deputy Mayor Howeth moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"NATIONAL LIBRARY WEEK" – APRIL 14-20, 2013

Council Member Plyler presented a proclamation to Jacqueline Banfield, Library Services Administrator, designating April 14 through 20, 2013 as "National Library Week."

NATIONAL
LIBRARY WEEK
(APRIL 14-20, 2013)

Ms. Banfield outlined several of the recent activities sponsored by the Sherman Public Library including the 24th Authorfest which featured author Gordon Korman. Mr. Korman presented several programs and writing workshops for local students.

The Library also sponsors such events as the Pajama Storytime and Sleepover, where children leave a favorite stuffed animal overnight in the Library and the AARP tax assistance program for seniors. The Friends Book Sale is scheduled for April 20 and they are getting ready for the Annual Summer Reading Club.

Ms. Banfield added that circulation for children and young adults and for downloadable and audio books has increased at the Library. She said there are over 20,000 Internet computer uses per year, and the Library has increased the number of Internet computers from 12 to 17 due to demand.

Mayor Wacker thanked the Library staff saying they are not taken for granted for the services they provide to the community.

“TEXOMA EARTH DAY FESTIVAL DAY” – APRIL 20, 2013

Deputy Mayor Howeth presented a proclamation to Marla Loturco, Texoma Earth Day Festival Committee, designating April 20, 2013 as “Texoma Earth Day Festival Day.”

TEXOMA EARTH
DAY FESTIVAL DAY
(APRIL 20, 2013)

Ms. Loturco thanked the Mayor and City Council for the proclamation and invited everyone to attend the Texoma Earth Day Festival and take part in the workshops and activities.

Mayor Wacker said the Festival would be held on Saturday, April 20, from 8:30 a.m. to 5:00 p.m. on the Municipal Building Grounds.

PUBLIC HEARING

**PROPOSED AGREEMENT WITH TEXAS INSTRUMENTS
INCORPORATED FOR THE ABATEMENT OF AD VALOREM
PROPERTY TAXES FOR IMPROVEMENTS WITHIN
INDUSTRIAL REINVESTMENT ZONE, NUMBER 042013-1,
CITY OF SHERMAN, TEXAS**

INDUSTRIAL TAX
ABATEMENT
TEXAS INSTRUMENTS

Mayor Wacker called for a Public Hearing on the proposed agreement with Texas Instruments Incorporated for the abatement of ad valorem property taxes for improvements within Industrial Reinvestment Zone, Number 042013-1.

Texas Instruments plans to warehouse equipment to be relocated to its Sherman plant from other locations within the company. The equipment will be stored locally until it can be relocated to other facilities, repositioned within the Sherman plant, or otherwise liquidated. Texas Instruments expects the value of the equipment to be between \$10 and \$300 million and expects the equipment to be on site for up to five years.

No citizens appeared before the City Council to discuss the Proposed Agreement with Texas Instruments Incorporated for the abatement of ad valorem property taxes.

PUBLIC HEARING OF ORDINANCES

Mayor Wacker called for the Public Hearing of Ordinance 5771:

ORD 5771
STOP SIGNS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “STOP” SIGNS AT THE INTERSECTIONS OF SHERBROOKE PLACE AND PEGGY’S COVE, SHERBROOKE PLACE AND SOUTHRIDGE LANE, SOUTHRIDGE LANE AND PORTSMOUTH PLACE, AND PORTSMOUTH PLACE AND PEGGY’S COVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5771.

Mayor Wacker called for the Public Hearing of Ordinance 5772:

ORD 5772
SUP FOR TIRE
SALES & SERVICE

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 TIRE SALES AND SERVICE IN A C-1 (RETAIL BUSINESS) DISTRICT AT 804 E. LAMAR STREET, BEING LOTS 1, 2, 3, AND THE WEST 22 FEET OF LOT 4, BLOCK A, H.M. SUMNER'S FIRST ADDITION (ISIDORO LOPEZ, OWNER; AND FRANK LEAL, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Frank Leal appeared to represent the request of Mr. Isidoro Lopez for a specific use permit to allow tire sales and service at 804 E. Lamar Street. He said that all requirements from the Planning and Zoning Commission Meeting have been fulfilled. The fencing has been erected and the permits are in order and they are requesting approval from the City Council.

Deputy Mayor Howeth confirmed that they plan to open the store as soon as possible.

Council Member Smith asked Scott Shadden, Director of Development Services, if all requirements have been met. Mr. Shadden said that would be verified after tonight's City Council Meeting.

Council Member Softly expressed his concern for the specific use permit since his church is located directly across the street from the proposed site. He asked for a copy of the requirements that had been placed on the permit.

No other citizens appeared before the City Council to discuss Ordinance 5772.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5771

ORD 5771
STOP SIGNS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTIONS OF SHERBROOKE PLACE AND PEGGY'S COVE, SHERBROOKE PLACE AND SOUTHRIDGE LANE, SOUTHRIDGE LANE AND PORTSMOUTH PLACE, AND PORTSMOUTH PLACE AND PEGGY'S COVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 5772

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 TIRE SALES AND SERVICE IN A C-1 (RETAIL BUSINESS) DISTRICT AT 804 E. LAMAR STREET, BEING LOTS 1, 2, 3, AND THE WEST 22 FEET OF LOT 4, BLOCK A, H.M. SUMNER'S FIRST ADDITION (ISIDORO LOPEZ, OWNER; AND FRANK LEAL, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5772

**SUP FOR TIRE
SALES & SERVICE**

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance Nos. 5771 and 5772, as presented. Second by Council Member Johnson.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTIONS

RESOLUTION NO. 5760 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH TEXAS INSTRUMENTS INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 042013-1, CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH TEXAS INSTRUMENTS INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES WITHIN INDUSTRIAL REINVESTMENT ZONE NO. 042013-1.

RES 5760

**TEXAS INSTRUMENTS
AD VALOREM TAX
ABATEMENT**

Mayor Wacker thanked Texas Instruments for their continued investment in the community.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Resolution No. 5760, as presented. Second by Council Member Softly.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5761 – AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF

RES 5761

NORTHBOUND

SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH (RECONSTRUCTION OF THE NORTHBOUND FRONTAGE ROAD OF US 75 AT LOY LAKE)

FRONTAGE ROAD
OF US 75 AT LOY
LAKE ROAD

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR VOLUNTARY LOCAL GOVERNMENT CONTRIBUTIONS TO TRANSPORTATION IMPROVEMENT PROJECTS WITH NO REQUIRED MATCH (RECONSTRUCTION OF THE NORTHBOUND FRONTAGE ROAD OF US 75 AT LOY LAKE).

Mayor Wacker explained that the project is a \$5.6 million Texas Department of Transportation bridge project that will add three lanes to the Loy Lake Road Bridge and will make improvement and grade changes at the intersection. Clay Barnett, City Engineer, presented a map of the project.

Council Member Smith expressed concern about the traffic issues with the project during the holiday season. George Olson, City Manager, said bids would be let in August and the project would take 12 to 18 months to complete. Mr. Barnett said the bridge would be closed for about one month so the approaches could be poured.

Mayor Wacker said the project would significantly improve traffic flow at that intersection and probably help development on both sides of the highway.

Deputy Mayor Howeth asked about the signage that will be used during the project. Mr. Barnett said TxDOT will be in charge of signage.

Council Member Sofey asked if there will be an additional traffic signal at Loy Lake Road and Sara Swamy Drive. Mr. Barnett said they are working with the developer to plan for four lanes on Loy Lake Road, south of the TxDOT project and there will be a traffic signal at Sara Swamy Drive.

Council Member Johnson confirmed that the advance funding agreement will include \$1.3 million in escrow from UCR, the realty company that represents the development.

ACTION TAKEN.

Motion by Council Member Sofey to approve Resolution No. 5761, as presented. Second by Council Member Smith.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5762 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO SAXTON SHERMAN, LLC FOR THE PLACEMENT OF FOUR LIGHT POLES OVER A SANITARY SEWER EASEMENT AND TWO UTILITY EASEMENTS ON LOT 1-R, BLOCK “C” OF THE SHERMAN COMMONS ADDITION WITHIN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO SAXTON SHERMAN, LLC FOR THE PLACEMENT OF FOUR LIGHT POLES OVER A SANITARY SEWER EASEMENT AND TWO UTILITY EASEMENTS ON LOT 1-R, BLOCK “C” OF THE SHERMAN COMMONS ADDITION WITHIN THE CITY OF SHERMAN. CONSENT AGENDA.

RES 5762
ENCROACHMENT IN
THE SHERMAN
COMMONS
ADDITION

RESOLUTION NO. 5763 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOSH WILLEFORD FOR AN AGRICULTURAL LEASE AT THE SHERMAN WASTEWATER TREATMENT PLANT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOSH WILLEFORD FOR AN AGRICULTURAL LEASE AT THE SHERMAN WASTEWATER TREATMENT PLANT. CONSENT AGENDA.

RES 5763
AG LEASE AT
WWTP

RESOLUTION NO. 5764 – 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.

RES 5764
RESIDENTIAL TAX
ABATEMENT
GUIDELINES &
CRITERIA

Mayor Wacker said the Residential Tax Abatement Program was first initiated in November 1996. Since that time there have been 207 residential tax abatement agreements and \$13.8 million in real property added to the tax rolls because of new construction or remodels in the abatement zone. She said this program is great for renewal and reinvestment in some of the older neighborhoods.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5764, as presented. Second by Deputy Mayor Howeth.

VOTING AYE: Howeth, Johnson, Plyler, Smith, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

**RECEIVE QUARTERLY PROGRESS REPORT FROM
SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD CHAIRMAN DEAN GILBERT, JR. AND SEDCO
PRESIDENT SCOTT CONNELL**

**SEDCO QUARTERLY
REPORT**

Scott Connell, Sherman Economic Development Corporation President, presented the quarterly progress report of their activities. He distributed an update on SEDCO's Work Plan also outlining some successes based on the Plan.

Mr. Connell said this had been a busy quarter and he highlighted a couple of projects. The US Aviation Group is located at the North Texas Regional Airport and their agreement is for new hangar space for maintenance operations for their aircraft. The agreement is for \$45,000 paid over two years for 30 new jobs.

Consolidated Container is reinvesting \$1.1 million in their present facility during this calendar year. This will add six new jobs over their current 70 jobs. The incentive for the project is \$60,000 that will be paid when their project is completed.

Mr. Connell said SEDCO began the analysis on their Master Plan for Progress Park. A key element for SEDCO is to manage their real estate, especially working with the private sector real estate community and the adjacent land owners. They are looking at infrastructure improvements in the area and how they can support the industry.

There were some railroad crossing improvements completed this quarter in Progress Park. Panda Project has completed a contract to upgrade the main rail line that enters Progress Park north-south, behind Tyson Fresh Meats to accommodate some very heavy equipment that will be delivered to Sherman during the construction project.

The crossing, over Dorsett Drive, is very heavily traveled and SEDCO is fortunate to add to their contract for a new concrete improvement for a smoother transition for trucks and passenger rail. The panels used for the crossing are actually made in Sherman by Delta Crossing, a local company.

Mr. Connell said SEDCO has done a lot of marketing during the last couple of months. The focus has been on building relationships with real estate companies throughout the country as well as in Dallas. They now maintain a new website, www.ShermanSites.com to manage local real estate for retail, industrial, and office needs.

He added that they will continue to look at infrastructure projects and how SEDCO can work with the City staff for opportunities to partner to improve the infrastructure.

COUNCIL MINUTES – APRIL 15, 2013

He highlighted the U.S. Hwy 75 ramp project at F.M. 1417 saying they are excited for that project to begin later this year. They want to continue to look at “creative financing” ways to make these projects happen.

Mayor Wacker thanked Mr. Connell for the information, adding that it would be helpful to determine SEDCO’s priorities and what they are working on.

Council Member Smith verified that the exit ramp at Hwy 75 should be underway by the summer and construction should take less than a year. He added that the financing is in place to move forward with the project.

Deputy Mayor Howeth asked about the status of the helicopter plant and the rumors that it was coming to the North Texas Regional Airport. Mr. Connell said the plant was originally located in Phoenix, Arizona and decided to stay at that location. He added that Sherman also encourages reinvestment from industries that are already located here.

REPLAT APPROVAL OF LOT 22, BLOCK 2, O’HANLON RANCH ADDITION, PHASE 2 AND LOT 21, BLOCK 2 OF THE REPLAT OF LOTS 18, 20, AND 21, BLOCK 2, O’HANLON RANCH ADDITION, PHASE 2, CONTAINING 0.59 ACRES; DGR DEVELOPMENT GROUP LTD AND DEAN GILBERT, INC. OWNERS; SARTIN & ASSOCIATES, INC., SURVEYORS (2908 AND 2912 SEDALIA TRAIL)

The City Council approved the Replat of Lot 22, Block 2 of the O’Hanlon Ranch Addition, Phase 2, and Lot 21, Block 2 of the Replat of Lots 18, 20, and 21, Block 2 of the O’Hanlon Ranch Addition, Phase 2.

The area contains 0.59 acres and is located at 2908 and 2912 Sedalia Trail, off of FM 1417 (Heritage Parkway). The owners would like to replat two lots into one for residential development.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen’s requests.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

UPCOMING EVENTS

Mayor Wacker reminded everyone about the Kite and Bike Festival this weekend from 10 a.m. until 4 p.m. at Pecan Grove West. There will be many activities, along with live music for the event.

The Texoma Earth Day Festival will also be held on Saturday from 8:30 a.m. until 5 p.m. on the Municipal Grounds.

REPLAT APPROVAL
O’HANLON RANCH
ADDITION
(2908 & 2912
SEDALIA TRAIL)

CITIZEN’S REQUESTS

MEDIA QUESTIONS

UPCOMING EVENTS

COUNCIL MINUTES – APRIL 15, 2013

Mayor Wacker said the City will soon be launching a redesigned Keep Sherman Beautiful Commission and will be discussing projects and prioritizing parts of the City that need work. She asked Council Members to start thinking about how the board should be set up and about projects that might be needed.

FIRE ENGINE DEDICATION

Council Member Johnson said he attended the dedication ceremony for the new Fire Engine 83 and it is a very nice piece of equipment of which the citizens should be proud. The new safety features will help improve everyone's safety.

He added that he is proud that Sherman can stay on the cutting edge of technology and he felt the new equipment would serve the citizens well.

KEEP SHERMAN BEAUTIFUL COMMISSION

Council Member Johnson felt the Keep Sherman Beautiful Commission was a great program and he was glad Council was going to re-launch the program. He encouraged any interested citizens to get involved in the Commission.

FIRE ENGINE DEDICATION

Council Member Plyler felt the new fire engine was a great benefit to the City and felt Sherman was really moving forward.

FIRE ENGINE DEDICATION

Council Member Sofey said it was nice to see the citizens at the fire engine dedication.

REDEVELOPMENT THROUGH TAX ABATEMENTS

Council Member Sofey said he was proud of the tax abatements that were being approved for redevelopment of the older parts of Sherman. This adds to the tax base, but it also helps upgrade the peripheral parts of the City.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:35 p.m.

FIRE ENGINE
DEDICATION

KEEP SHERMAN
BEAUTIFUL

FIRE ENGINE
DEDICATION

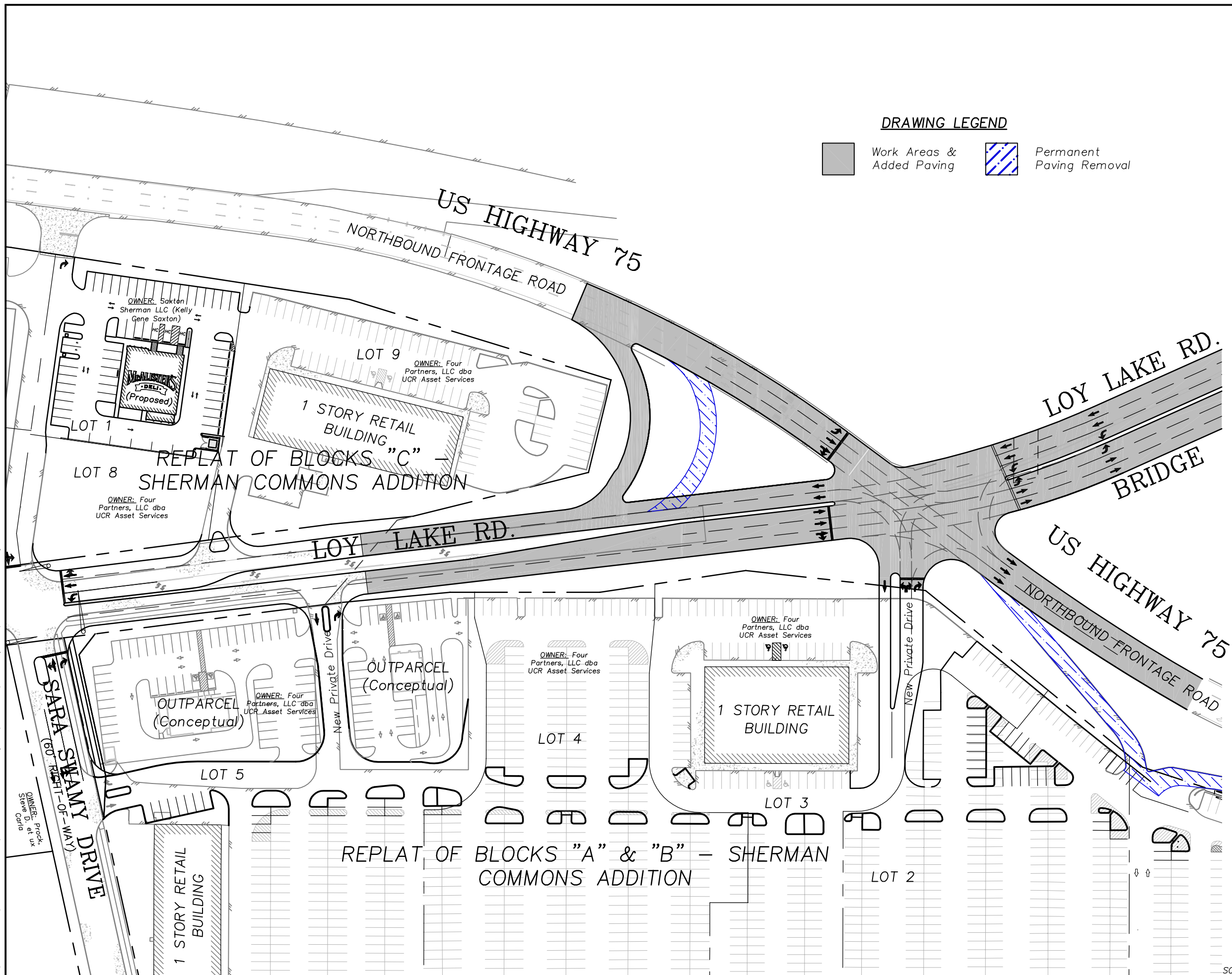
FIRE ENGINE
DEDICATION

REDEVELOPMENT
THROUGH TAX
ABATEMENTS

ADJOURNMENT

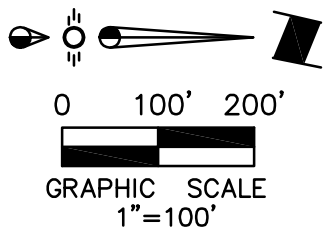
MAYOR

CITY CLERK

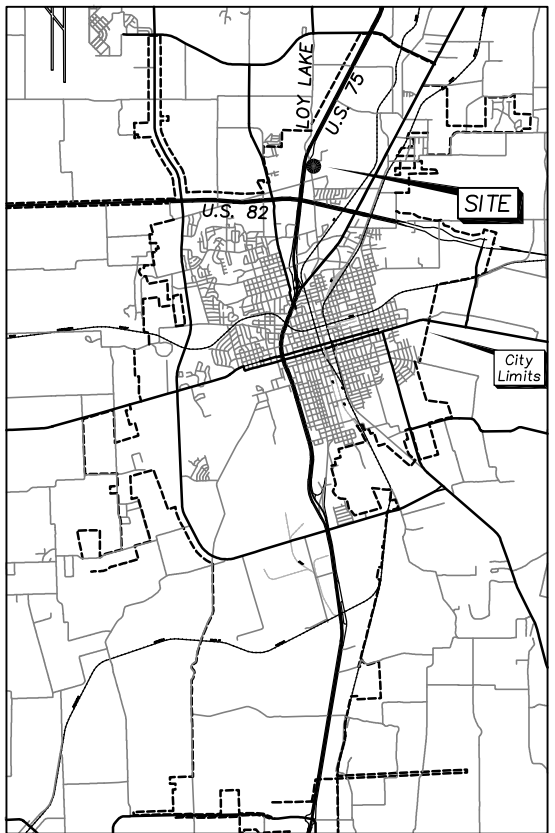


DRAWING LEGEND

- Work Areas & Added Paving
- Permanent Paving Removal



THIS DRAWING IS INTENDED FOR PRELIMINARY LAND PLANNING PURPOSES ONLY. IT IS NOT A CONSTRUCTION DOCUMENT.



VICINITY MAP
NOT TO SCALE

ENGINEER
VILBIG & ASSOCIATES, P.L.L.C.
10132 Monroe Drive
Dallas, Texas 75229
(214) 352-7333
TX Eng. Firm No. F-5614

**LOY LAKE & U.S. HIGHWAY 75
SHERMAN COMMONS
RIGHT-OF-WAY EXHIBIT**

CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

Sherman Economic Development Corporation

Work Program 2012-2013

Mid-Year Report

Mission

Grow and diversify the economy of Sherman and the surrounding area through the addition of new jobs and investment of primary employers.

A. Goal: Retain and Expand Existing Primary Employers

- Maintain close relationships through regular contact with existing primary employers.
- Complete three (3) expansion projects with a total capital investment of \$50,000,000; 50 new jobs (\$15.00 median wage rate); 200 retained jobs

Three projects capital investment \$1,500,000; 36 new jobs, 223 retained jobs:

- **Presco Polymers**
- **US Aviation Group**
- **Consolidated Container**

Key Actions:

1. *Initiated a business retention/expansion program.*
2. *Hosted a Plant Managers Forum.*

B. Goal: Recruit Targeted National and International Primary Employers

- Recruit targeted national and International primary employers.
- Attract 3 new primary employers with a total capital investment of \$40,000,000; 100 new jobs (\$15.00 median wage rate)

One new project, 65 new jobs:

- **Eco Green Recycling**

Key Actions:

1. *Participated in the Team Texas Site Consultant Forum and made direct presentations to nine consultants. Attended IAMC conference for corporate real estate executives. Participated in a recruitment mission with the DFW Marketing team. Staff also used the trips to provide follow up meetings for specific recruitment projects.*
2. *Regularly updating and building out property listings on www.ShermanSites.com with a focus on industrial and commercial buildings.*
3. *Participated with Oncor Electric Deliver at Plastec West trade show in Anaheim, CA for the medical device, plastic processing, packaging, and electronics industries.*
4. *Launched the marketing campaign of "Sherman Works" that provides a broad base of opportunities to promote existing industries, key target industries, Progress Park, transportation and quality of life.*

Sherman Economic Development Corporation

Work Program 2012-2013

Mid-Year Report

C. Goal: Recruit Large Water User Industries

- Enhance the recruitment strategy to attract industries with large water usage.
- Recruit 2 primary employers with water usage of at least 700,000 gallons per day.

Key Actions:

1. *Developed new advertising to target attraction of food and beverage industries.*
2. *Staff actively markets the MEMC building to all appropriate clients with the assistance of the real estate brokers. It is identified as a signature available property in Sherman.*

D. Goal: Target Dallas Area Businesses for Expansion/Relocation

- Expand the strategy to attract three (3) Dallas area businesses with capital investment of \$10,000,000, 40 jobs (\$15 average wage rate)

Key Actions:

1. *Regular meetings with Dallas-Fort Worth real estate representatives resulting in several active clients.*
2. *Responded to regular requests for market data.*

E. Goal: Establish Sherman as a Retail Market Center

- Expand the strategy to attract three (3) Retail or Commercial businesses to Sherman with capital investment of \$5,000,000; 40 jobs

Key Actions:

1. *Improved www.ShermanSites.com with available retail sites and buildings. Investigating research reports/companies for new retail market data.*
2. *Promoting www.ShermanSites.com to commercial real estate community representing retail clients.*

Sherman Economic Development Corporation

Work Program 2012-2013

Mid-Year Report

F. Goal: Manage SEDCO Real Estate to Attract Business Investment

- Develop, maintain and market Progress Park to attract primary employers that result in sale of 40 acres of property.
- ***Master Plan process for Progress Park underway.***
- ***Dorset Drive rail crossing upgraded to concrete structure.***

Key Actions:

1. *Developed new advertisements for Progress Park as part of the "Sherman Works" campaign.*
2. *Committed to upgrade rail crossing at Howe Drive to concrete materials and working with BNSF Railroad for project timing.*

G. Goal: Invest in Projects that Enhance Sherman Quality of Place

- Identify and participate in the funding of community projects that will create an investment environment for attracting primary employers and other businesses.
- ***Agreement in place for new US Hwy 75 exit ramp at FM 1417 in 2013.***

Key Actions:

1. *SEDCO working with the City staff regarding the funding of multiple infrastructure projects in Sherman.*
2. *Progress Park Master Plan process underway and will offer recommendations for infrastructure investments.*

H. Goal: Raise Sherman profile in local, state, national, and international markets

- Improve and enhance positive awareness of Sherman and its assets.

Key Actions:

1. *SEDCO staff works closely with various City staff members on a regular basis.*
2. *SEDCO staff regularly works with local and state agencies and organizations on client projects and issues of regional significance including Center for Workplace Learning, regional branding, Sherman Education Foundation, etc.*
3. *SEDCO staff participate in state and national economic development organizations and industry associations.*



City Council Regular Meeting

Agenda Item No. B. 1.

Meeting Date: 05/06/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

PROCLAMATION

"Motorcycle Safety and Awareness Month" – May 2013

Issue:

The Texoma Chapter of ABATE ("American Bikers Aimed Towards Education") has requested a proclamation designating May as "Motorcycle Safety and Awareness Month."

Background:

Each year in May, Texas ABATE celebrates "Motorcycle Safety and Awareness Month" and they request a proclamation to publicize their awareness campaign.

Origination:

The request originated with the Texoma Chapter of ABATE.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating May 2013 as "Motorcycle Safety and Awareness Month" in Sherman.

Alternatives:

The Council could choose not to present the proclamation.

Attachments

Motorcycle Safety and Awareness Month Proclamation

Proclamation

WHEREAS, our beautiful roadways and twelve-month riding season contribute to Texas having one of the nation's largest motorcycling populations, and

WHEREAS, motorcycle awareness is necessary to increase public awareness about motorcycle use on our roadways, and encourage their safe and proper use among motorcycle riders, and

WHEREAS, campaigns have helped inform riders, and motorists alike, on motorcycle safety issues that can reduce motorcycle related risks, injuries, and most of all, fatalities, and

WHEREAS, it is the responsibility of everyone who gets behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this community, and it is the responsibility of riders, and motorists alike, to obey all traffic laws and safety rules, and

WHEREAS, urging all citizens of our community to become more aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike, to give each other the mutual respect and privileges they deserve.

NOW THEREFORE, I, Cary Wacker, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 2013

MOTORCYCLE SAFETY AND AWARENESS MONTH

in the City of Sherman and urge all citizens to do their part to increase motorist safety, show mutual respect for all motorists, and to increase motorcycle awareness in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 6th day of May 2013.

Mayor

ATTEST:

Linda Ashby
City Clerk





City Council Regular Meeting

Agenda Item No. B. 2.

Meeting Date: 05/06/2013

Prepared By: Linda Ashby, City Clerk

Approved By: George Olson, City Manager

Caption:

PROCLAMATION

"National Travel and Tourism Week" – May 4-12, 2013

Issue:

To present a proclamation designating May 4 through 12, 2013, as "National Travel and Tourism Week" in the City of Sherman

Background:

The Tourism Department has requested a proclamation to recognize the contribution made by the tourism industry.

Origination:

The request for this proclamation originated with the Tourism Department.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating May 4 through 12, 2013 as "National Travel and Tourism Week" in the City of Sherman.

Alternatives:

The Council could choose not to present a proclamation.

Attachments

National Travel and Tourism Week Proclamation

Proclamation

WHEREAS, travel matters to the nation's economic prosperity and its image abroad, to business wealth and to individual travelers, and

WHEREAS, travel to and within the United States provides significant economic benefits for the nation, generating \$2 trillion in economic output in 2012, with \$855.4 billion spent directly by travelers that spurred an additional \$1.1 trillion in other industries, and

WHEREAS, travel is among the largest private-sector employers in the United States, supporting 14.6 million jobs in 2012, including 7.7 million directly in the travel industry and 6.9 million in other industries, and

WHEREAS, travelers' spending directly generated tax revenues of \$129 billion for federal, state, and local governments, funds used to support essential services and programs, and

WHEREAS, in 2012, more than 200 million travelers visited Texas destinations and spent more than \$80 billion, making that year one of the best for tourism across the state, and

WHEREAS, this tourism supported 564,000 jobs in Texas and generated nearly \$4.4 billion in local and state taxes, and

WHEREAS, leisure travel, which accounts for more than three-quarters of all trips taken in the United States, spurs countless benefits to travelers' creativity, cultural awareness, education, happiness, productivity, relationships and wellness, and

WHEREAS, travel is a catalyst that moves the national economy forward.

NOW THEREFORE, I, Cary Wacker, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 4 through 12, 2013

NATIONAL TRAVEL AND TOURISM WEEK

in the City of Sherman and urge all citizens to join me in this special observance with appropriate events and commemorations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 6th day of May, 2013.

Mayor

ATTEST:

Sinda Ashby

City Clerk





City Council Regular Meeting

Agenda Item No. C. 1.

Meeting Date: 05/06/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5773

Ordaining the City's Participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), Providing Tax Incentives, Designating a Liaison for Communication with Interested Parties, and Nominating Tyson Fresh Meats, Inc. to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (BANK) as an Enterprise Project (Project)

Issue:

This Ordinance provides for the City's participation in the Texas Enterprise Zone Program with respect to the Tyson Fresh Meats, Inc. project and provides parameters for potential economic and development incentives. Further, the ordinance nominates Tyson Fresh Meats, Inc. to the State of Texas as an Enterprise Project. This ordinance will replace Ordinance No. 5767, adopted at the March 18th City Council meeting.

Background:

At the March 18th meeting, the City Council adopted Ordinance No. 5767, nominating Tyson Fresh Meats, Inc.'s project for consideration in the Texas Enterprise Zone Program. The wording for this ordinance was originally obtained from the EDT Office. After the ordinance was adopted, it was sent to and reviewed by EDT. Upon further review, their office requested that the ordinance wording be changed to conform specifically to the wording reflected in the application made by Tyson for this project. The EDT office has apologized for the inconvenience.

The essence of this project is that Tyson has plans to expand its meat-packing operations by adding a new line of equipment. This investment of about \$5.5 million is expected to bring potentially dozens of new jobs as well. Tyson has requested that this project be considered for the State's Enterprise Zone Program, which would allow them to receive certain State sales tax rebates as part of the project. Tyson was previously awarded Enterprise Zone status as part of their relocation to Sherman in 2005. In order to be considered for the State's designation as an Enterprise Zone Project, this nomination from the City Council is required.

Origination:

- SEDCO
- Tyson Fresh Meats, Inc.
- The Office of the Governor Economic Development & Tourism

Financial Consideration:

There is no financial consideration to the City of Sherman in the recommended course of action.

Staff Recommendation:

The staff recommends adoption of this ordinance in order to secure incentives from the State of Texas, but does not recommend the granting of local inducements beyond any incentive that SEDCO may grant.

Alternatives:

The City Council could deny the ordinance.

Attachments

Ordinance No. 5773

Tyson's Request for Ordinance Update

Ordinance No. 5767

Location Map

ORDINANCE NO. 5773

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING TYSON FRESH MEATS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT); 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, the City Council of the City of Sherman, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, Tyson Fresh Meats, Inc. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Tyson Fresh Meats, Inc. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on March 18, 2013;

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

SECTION 1. That the City nominates Tyson Fresh Meats, Inc. for enterprise project status.

SECTION 2. That the following local incentives, at the election of the governing body, are or will be made available to the nominated Project or activity of the qualified business in the City of Sherman:

- (a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Sherman Tax Abatement Policy, and with qualified employee being defined by the Act.
- (b) The City may provide regulatory relief to businesses, including:
 - (1) zoning changes or variances;
 - (2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - (3) streamlined permitting.
- (c) The City may provide enhanced municipal services to business, including:
 - (1) improved police and fire protection.
- (d) The City may provide improvements in community facilities, including:
 - (1) capital improvements in water and sewer facilities;
 - (2) road repair; or
 - (3) creation or improvement of parks.
- (e) The City may provide business and industrial development services, including:
 - (1) low-interest loans for businesses;
 - (2) use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
 - (3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
 - (4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - (5) promotion and marketing services.
- (f) The City may provide job training and employment services to businesses, including:
 - (1) retraining programs;
 - (2) literacy and employment skills programs; or
 - (3) vocational education.

SECTION 3. That the enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

SECTION 4. That the City of Sherman City Council directs and designates its City Manager as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

SECTION 5. That the City finds that Tyson Fresh Meats, Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a) Tyson Fresh Meats, Inc. is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business’ new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
- (b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c) The designation of Tyson Fresh Meats, Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

SECTION 6. That the enterprise project shall take effect on the date of designation of the enterprise project by the EDT and shall terminate five (5) years from that date.

SECTION 7. That this ordinance shall take effect from and after its passage as the law and charter in such case provides.

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

SECTION 9. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

EFFECTIVE DATE on this the _____ day of _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Tyson Foods, Inc.

April 22, 2013

Brandon Shelby, City Attorney
City of Sherman
220 W Mulberry Street
Sherman, TX 75091

RE: Tyson Fresh Meats, Inc. Enterprise Project Application—Ordinance No. 5767

Dear Mr. Shelby,

Tyson Fresh Meats, Inc. ("Tyson") submitted an application to be designated as an Enterprise Project. In reviewing our application, Mr. Javier Gadney, Program Specialist for the Texas Enterprise Zone Program, has asked that The City of Sherman remove the verbiage "the 2013 Ground Beef Additional Volume Project of" from Ordinance No. 5767.

Please accept this letter as our request to update Ordinance No. 5767 to more specifically nominate Tyson Fresh Meats, Inc. for enterprise project status. The following areas of the ordinance need to state "Tyson Fresh Meats, Inc." instead of "the 2013 Ground Beef Additional Volume Project of Tyson Fresh Meats, Inc.":

The opening paragraph
Section 1, page 1
Section 5, page 3
Section 5(c), page 3

If you have any questions regarding this request, please contact Rachel Stewart by phone at (479) 290-4403 or by email at rachel.stewart@tyson.com

Sincerely,

A handwritten signature in blue ink that reads "Mark B. Elser".

Mark B. Elser
Vice President, Tax
Tyson Foods, Inc.

Cc: Scott Connell, President, Sherman Economic Development Corp

ORDINANCE NO. 5767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING THE 2013 GROUND BEEF ADDITIONAL VOLUME PROJECT OF TYSON FRESH MEATS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, Tyson Fresh Meats, Inc. has applied to the City for designation of its 2013 Ground Beef Additional Volume Project as an enterprise project; and

WHEREAS, the City finds that Tyson Fresh Meats, Inc. meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on March 18, 2013;

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

SECTION 1. That the City nominates the 2013 Ground Beef Additional Volume Project of Tyson Fresh Meats, Inc. for enterprise project status.

SECTION 2. That the following local incentives, at the election of the governing body, are or will be made available to the nominated Project or activity of the qualified business in the City of Sherman:

- (a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Sherman Tax Abatement Policy, and with qualified employee being defined by the Act.
- (b) The City may provide regulatory relief to businesses, including:
 - (1) zoning changes or variances;
 - (2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - (3) streamlined permitting.
- (c) The City may provide enhanced municipal services to business, including:
 - (1) improved police and fire protection.
- (d) The City may provide improvements in community facilities, including:
 - (1) capital improvements in water and sewer facilities;
 - (2) road repair; or
 - (3) creation or improvement of parks.
- (e) The City may provide business and industrial development services, including:
 - (1) low-interest loans for businesses;
 - (2) use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
 - (3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
 - (4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - (5) promotion and marketing services.
- (f) The City may provide job training and employment services to businesses, including:
 - (1) retraining programs;
 - (2) literacy and employment skills programs; or
 - (3) vocational education.

SECTION 3. That the enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

SECTION 4. That the City of Sherman City Council directs and designates its City Manager as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

SECTION 5. That the City finds that the 2013 Ground Beef Additional Volume Project of Tyson Fresh Meats, Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a) Tyson Fresh Meats, Inc. is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business’ new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
- (b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c) The designation of the 2013 Ground Beef Additional Volume Project of Tyson Fresh Meats, Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

SECTION 6. That the enterprise project shall take effect on the date of designation of the enterprise project by the EDT and shall terminate five (5) years from that date.

SECTION 7. That this ordinance shall take effect from and after its passage as the law and charter in such case provides.

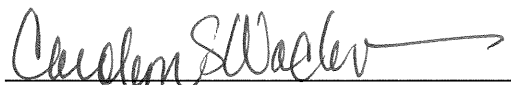
SECTION 8. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the 18th day of March, 2013.

ADOPTED on this the 18th day of March, 2013.

EFFECTIVE DATE on this the 18th day of March, 2013.

CITY OF SHERMAN, TEXAS

BY: 
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Sherman
CLASSIC TOWN. BROAD HORIZON.
Engineering Department

700 350 0 700 Feet





Sherman
CLASSIC TOWN. BROAD HORIZON.
Engineering Department

700 350 0 700 Feet





City Council Regular Meeting

Agenda Item No. C. 2.

Meeting Date: 05/06/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5774

Establishing Maximum, Reasonable and Prudent Rates of Speed on Certain Portions of State Highway 56 (SH 56) in the Corporate Limits of Sherman, Grayson County, Texas; Fixing Penalties for Violation Thereof; Declaring an Emergency

Issue:

The Texas Department of Transportation (TxDOT) is requesting reduced speeds limits and a 25 mph school zone in front of Sherman High School on SH 56 within Sherman's city limits.

Background:

TxDOT has performed an engineering and traffic study and survey to determine the maximum, reasonable and prudent speeds for vehicles traveling upon SH 56 in the vicinity of the Sherman High School within Sherman's city limits. As a result, TxDOT is requesting the City Council establish by ordinance reduced speeds that would range from 30 mph to 50 mph, with a 25 mph school zone to be effective only on school days.

The proposed ordinance would replace Ordinance No. 5203 adopted at the January 5, 2004 City Council meeting.

Origination:

The Texas Department of Transportation

Financial Consideration:

None

Staff Recommendation:

It is recommended that TxDOT's proposed speed zones on the stated portion of SH 56 be approved.

Alternatives:

As may be directed by the City Council

Attachments

TxDOT Request Letter dated April 15, 2013

Ordinance No. 5774

Speed Zone Map

Ordinance No. 5203

Location Map



1365 North Main Street • Paris, Texas 75469 • (903) 737-9498

April 15, 2013

Mr. George Olson
City Manager, City of Sherman
P.O. Box 1106
Sherman, TX 75091

Dear Mr. Olson:

Our District Traffic Office as recently studied the SH 56 request to add a school zone in front of Sherman High School.

Attached is a sample speed zoning ordinance covering the proposed speed zone. The sample ordinance may be used in its present form, or may be rewritten, using the distances and speed limits given. This would amend city ordinance 5203 dated 1-5-2004 from Harrison St to the east city limit.

Please present the proposed speed zoning plan to the city council for their review and passage of the required ordinance. When approved, **two (2) signed and sealed original copies of the completed ordinance should be sent to this office at the above address.**

Upon receiving the city ordinance arrangements will be made with the Sign Crew to have signs installed per ordinance. If you have any questions contact Kim Walker in the District Traffic Office at 903-737-9344 or at Kim.Walker@txdot.gov by contacting her, she can e-mail you a copy of the ordinance for making changes easier.

Sincerely,

Darius Samuels, P.E.
Traffic Engineer

DLS:akw
Attachments
Cc: David Selman
 DTO file

ORDINANCE NO. 5774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF STATE HIGHWAY 56 (SH 56) IN THE CORPORATE LIMITS OF SHERMAN, GRAYSON COUNTY, TEXAS; FIXING PENALTIES FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; 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, by authority and direction of the City Council of the City of Sherman, Texas, an engineering and traffic study and survey have been made by the Transportation Operations Office of the Texas Department of Transportation to determine the maximum, reasonable and prudent speeds for vehicles traveling upon the following named streets and highways and parts thereof, to facilitate the most effective use of said streets and highways and the safe and effective movement of vehicular traffic thereon; and

WHEREAS, such study and survey establishes, and it is so found by the City Council of the City of Sherman, Texas, that the following are the maximum, reasonable and prudent rates of speed for vehicular traffic upon said streets and highways and parts thereof;

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

SECTION 1. That no person shall drive a vehicle upon a public road, street and highway in the City of Sherman, Texas, at a speed greater than is reasonable and prudent under the conditions and circumstances then existing. Except, when a special hazard exists that requires lower speeds for compliance with the above requirement, the limits hereinafter set out shall be lawful; but any speed in excess of the limits as hereinafter set out for the streets and highways and portions thereof to which they apply shall be prima facie evidence that the speed is not reasonable or prudent:

To amend Ordinance No. 5203 placed in force on January 5, 2004, the section of State Highway 56 (SH 56) known as Houston Street, from the designation known as Harrison Street easterly for a distance of approximately 0.189 miles, a speed limit of thirty (30) miles per hour at all times; thence easterly for a distance of approximately 0.367 miles, a speed limit of forty (40) miles per hour at all times; except that a school speed limit of twenty-five (25) miles per hour will be effective on school days only at the school zone, from approximately highway mile point 21.273 to the mile point 21.640, only during the following hours:

- from 45 minutes before school opens until classes begin;
- from the beginning to the end of the lunch period, if needed; and

- for a 30-minute period beginning at the close of school;

thence easterly for a distance of approximately 0.253 miles, a speed limit of fifty (50) miles per hour at all times to the east city limits of Sherman, as evidenced by the attached, which is hereby approved and made a part hereof.

SECTION 2. That any person violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding FIVE HUNDRED AND NO/100 DOLLARS (\$500.00).

SECTION 3. That the fact that present traffic regulations are inadequate to control traffic in areas covered by this ordinance creates an emergency which is here and now declared, and all rules and regulations providing for the reading of ordinance is passed as an emergency measure and shall be in full force and effect from and after its passage and publication and after the installation of speed limit signs.

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 _____, 2013.

ADOPTED on this the _____ day of _____, 2013.

EFFECTIVE DATE on this the _____ day of _____, 2013.

CITY OF SHERMAN, TEXAS

BY: _____
CAROLYN S. WACKER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

ORDINANCE 5203

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF STATE HIGHWAY 56 IN THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; 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, by authority and direction of the City Council of the City of Sherman, Texas, an engineering and traffic study and survey have been made by the Transportation Operations Office of the Texas Department of Transportation to determine the maximum, reasonable and prudent speeds for vehicles traveling upon the following named streets and highways and parts thereof, to facilitate the most effective use of said streets and highways and the safe and effective movement of vehicular traffic thereon; and

WHEREAS, such study and survey establishes, and it is so found by the City Council of the City of Sherman, Texas, that the following are the maximum, reasonable and prudent rates of speed for vehicular traffic upon said streets and highways and parts thereof;

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

SECTION 1. No person shall drive a vehicle upon a public road, street and highway in the City of Sherman, Texas, at a speed greater than is reasonable and prudent under the conditions and circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with the above requirement, the limits hereinafter set out shall be lawful but any speed in excess of the limits as hereinafter set out for the streets and highways and portions thereof to which they apply shall be prima facie evidence that the speed is not reasonable or prudent:

On State Highway 56, easterly from the west city limit of Sherman for a distance of approximately 0.492 miles, a speed limits of fifty-five (55) miles per hour at all times except of a school speed limit of thirty-five (35) miles per hour will be effective on school days only at the school crossing zone, from approximate highway mile point 17.229 to mile point 17.566 only during the following hours:

From forty-five (45) minutes before school opens until classes begin; from the beginning to the end of lunch period, if needed; and for a thirty (30) minute period beginning at the close of school;

Thence easterly for a distance of approximately 0.730 miles, a speed limits of fifty (50) miles per hour at all times; thence easterly on the section of roadway known as Lamar Street for a distance of approximately 0.602 miler, a speed limit of forty (40) miles per hour at all times; thence easterly for a distance of approximately 2.119 miles, a speed limit of thirty (30) miles per hour at all times; thence easterly for a distance of approximately 0.437 miles, a speed limit of forty (40) miles per hour at all times, thence easterly for a distance of approximately 0.285 miles a speed limit of fifty-five (55) miles per hour at all times to the east city limit of Sherman; thence westerly on the section of roadway known as Houston Street from the designation known as Harrison Street to Holly Avenue an approximate distance of 2.032 miles, a speed limit of thirty (30) miles per hour at all times; thence westerly for a distance of approximately 0.502 miles to the connection with Lamar Street, a speed of forty (40) miles per hour at all times as evidenced by the attached which is hereby approved and made a part thereof

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Any person violating the provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished a fine not exceeding Two Hundred Dollars (\$200.00).

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

INTRODUCED on this the 15th day of December, 2003.

ADOPTED on this the 5th day of January, 2003.4.

EFFECTIVE DATE on this the 5th day of January, 2003.4.

CITY OF SHERMAN, TEXAS

BY: 
JULIE ELLIS STARR, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

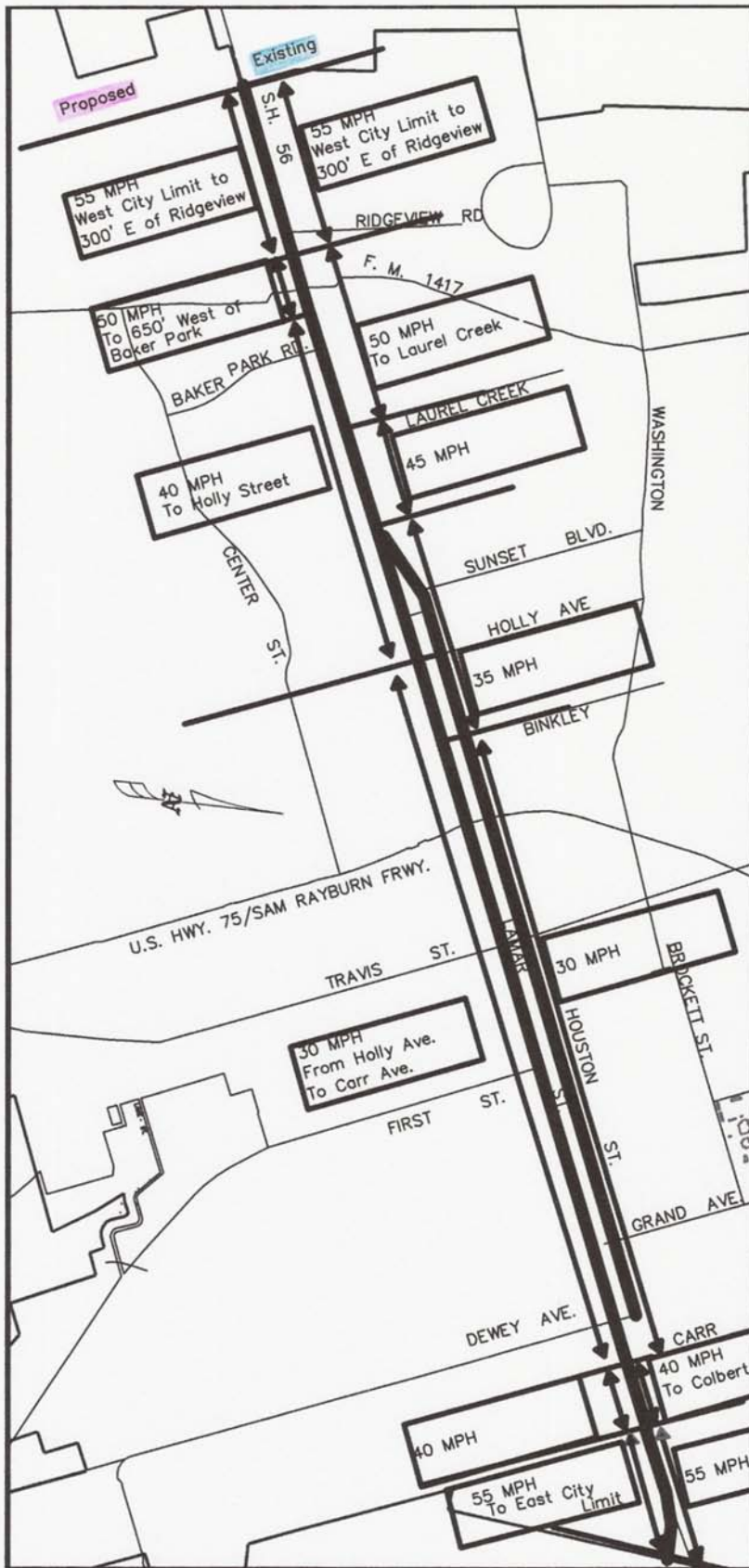
APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland
CHARLES W. ROWLAND,
CITY ATTORNEY

CERTIFIED COPY- DOCUMENT
THIS IS CERTIFIED TO BE A TRUE COPY
OF THE PERMANENT RECORD AS FILED IN
THE OFFICE OF THE CITY CLERK.

Linda Ashby
CITY CLERK, SHERMAN, TEXAS

ISSUED: 1/16/04







City Council Regular Meeting

Agenda Item No. C. 3.

Meeting Date: 05/06/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5773 and 5774

List of Agenda Items:

C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5773

Ordaining the City's Participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), Providing Tax Incentives, Designating a Liaison for Communication with Interested Parties, and Nominating Tyson Fresh Meats, Inc. to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (BANK) as an Enterprise Project (Project)

C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5774

Establishing Maximum, Reasonable and Prudent Rates of Speed on Certain Portions of State Highway 56 (SH 56) in the Corporate Limits of Sherman, Grayson County, Texas; Fixing Penalties for Violation Thereof; Declaring an Emergency



City Council Regular Meeting

Agenda Item No. C. 4.

Meeting Date: 05/06/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved by: George Olson, City Manager

Caption:

CONSENT AGENDA

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

List of Agenda Items:

D. 2. * RESOLUTION NO. 5766

Abandoning a Twenty Foot (20') City Drainage and Utility Easement located on the North Side of Lot 2, Block 1 of the Crescent Oaks Plaza Addition and Shown by Plat Recorded in Volume 21, Pages 39-40 of the Plat Records of Grayson County, Texas

E. 2. * OTHER BUSINESS

Approve Quarterly Investment Reports for Period Ending March 31, 2013

E. 3. * OTHER BUSINESS

Site Plan Approval for American Realty Capitol Operating Partnership, LP, Owners; FedEx Ground Package Handling Facility, Tenant; Vortex Engineering & Architecture, Inc., Engineer/Architect; and Robert W. Jones, II, Representative, under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Office and Parking Lot Addition in the Blalock Industrial Park District at 3221 Northgate Drive

E. 4. * OTHER BUSINESS

Replat Approval of Lots 3 and 4, Block 1, Fairview Park Patio Homes, Replat of Lots 1-7, containing 0.742 acres; Shreetejas LLC, Owner; and Data Land Services, Surveyor (1400 Block of Park Place)



City Council Regular Meeting

Agenda Item No. D. 1.

Meeting Date: 05/06/2013

Prepared By: Clay Barnett, City Engineer

Approved By: George Olson, City Manager

Caption:

RESOLUTION NO. 5765

Authorizing the Execution of a Professional Services Agreement with Vilbig & Associates, PLLC for the Design of the Loy Lake Road Improvements

Issue:

A contract for professional services with Vilbig & Associates, PLLC to design the Loy Lake Road Improvements

Background:

At the request of the City of Sherman, the Sherman-Denison Metropolitan Planning Organization included in their Transportation Improvement Program a project to widen the existing Loy Lake Bridge. The request was made in order to alleviate traffic congestion in this area. The new bridge will double the capacity of the Loy Lake Bridge from two lanes with a shared left turn lane for each direction to four lanes with a dedicated left turn lane for each direction.

However, Loy Lake Road is currently a two-lane road with a continuous left turn lane. In order to avoid a bottleneck at the intersection, widening the roadway to four lanes with a median from the service road to the intersection of Sara Swamy is recommended. This transition section will reduce the likelihood of a bottleneck occurring at the intersection. The project will include signalizing the intersection of Loy Lake and Sara Swamy. Engineering services are required to design the improvements.

Origination:

City Engineer

Financial Consideration:

The fee for engineering services will be \$33,250.00, with adequate funding available in the Tax Increment Financing #2 Fund.

Staff Recommendation:

It is recommended that the contract for professional engineering services with Vilbig & Associates, PLLC to design the Loy Lake Road Improvements be approved.

Alternatives:

Those as may be directed by the City Council

Attachments

Resolution No. 5765

Contract

Location Map

RESOLUTION NO. 5765

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH VILBIG & ASSOCIATES, PLLC FOR THE DESIGN OF THE LOY LAKE ROAD IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute Professional Services Agreements with Vilbig & Associates, PLLC for the Loy Lake Road Improvements, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

VA VILBIG & ASSOCIATES, PLLC

Civil Engineering and Land Surveying

April 30, 2013

City of Sherman
220 Mulberry Street
Sherman, Texas 75090

Project: Loy Lake Road Expansion
Sherman Commons @ NEC US 75
Sherman, Texas
VAi No. 606-03 Rev 4.30.12

RE: Agreement for Professional Services

ATTN: Mr. George Olson,

We are pleased to submit the following agreement for Surveying and Civil Engineering Services for the above referenced project.

We agree to provide the services on a **Fixed Fee basis, plus Direct Expense. Project Administration will be billed at an Hourly Fee basis.** Attached is a breakdown of the Scope of Work.

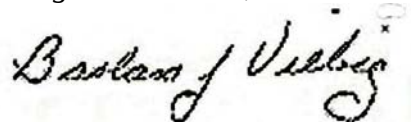
Payment terms:

- The invoice for services will be due and payable at the office of the Engineer/ Surveyor within ten (10) days of the date on the invoice.
- Without exception, final construction plans will not be released from the Engineer's office until full payment has been received.

We look forward to working with you on this project. If this agreement is acceptable to you, please sign a copy and return it to our office. We must receive a signed agreement before beginning work.

Please call if you have any questions.

Vilbig & Associates, P.L.L.C.



Barbara J. Vilbig, P.E.
Chief Executive Manager

Accepted / Title

Date

Continuing the Tradition of the Vilbig's in Dallas Business Since 1886

10132 MONROE DRIVE
DALLAS, TEXAS 75229

Texas Engineer Firm F-5614
(214) 352-7333

FEE SCHEDULE:

The Engineer anticipates the following Surveying and Civil Engineering Services for the project:

CIVIL ENGINEERING SERVICES

FIXED FEE

Loy Lake Expansion

<i>Additional Topographic Survey</i>	<i>\$1,500.00</i>
<i>TopoBase Map</i>	<i>\$1,000.00</i>
<i>Demolition Plan</i>	<i>\$1,500.00</i>
<i>Pavement Plan</i>	<i>\$5,500.00</i>
<i> with dimensions and coordinate control</i>	
<i>Striping and Signage Plan</i>	<i>\$1,750.00</i>
<i>Utility Relocation Coordination</i>	<i>\$2,500.00</i>
<i>Bid Proposals & Quantities</i>	<i>\$7,500.00</i>
<i>Traffic Signal Design at Sara Swamy</i>	
<i> by DeShazo Group</i>	<i>\$12,000.00</i>
<i>TOTAL CIVIL FEE</i>	<i>\$33,250.00</i>

Plus Direct Expense & Sales Tax

THIS AGREEMENT EXCLUDES THE FOLLOWING:

- 1. Soils Report, Borings, Environmental Reports, etc.*
- 2. Design of any retaining walls or foundations (structural).*
- 3. Construction layout or As-Built survey.*
- 4. Boundary or Tree Survey.*
- 5. Traffic Control Plan.*
- 6. Construction Administration or Shop Drawing Review.*
- 7. Construction Draw Requests, pay application review or coordination.*
- 8. Construction inspection, testing, or structural testing.*
- 9. Onsite or Offsite Utility Design (gas, electric, telephone and cable).*
- 10. Offsite Grading & Paving Plan.*
- 11. Landscape Plan.*
- 12. Detention Pond / Storm Water Detention / or calculations.*
- 13. Any and all storm and/or utility profiles.*
- 14. Traffic Studies*
- 15. Site Plan for submittal and/or approval as an SUP.*
- 16. National Pollution Discharge Elimination System (NPDES) storm water pollution prevention plan as required by the EPA. This is required for sites over 1 acre.*
- 17. Texas Department of Licensing and Regulation Architectural Barriers compliance submission.*
- 18. Filing fees, cost of printing, and/or any other direct expenses incurred in the production and completion of the Final Plat is not included in the surveying services fee.*

The above services are not included in this agreement and scope of work but can be provided to the Owner upon written request and implementation of a written contract for the specific services needed.

NOTICE TO OUR CLIENTS
EROSION CONTROL PLAN
Vilbig & Associates does NOT prepare SWPPP.

IT IS NOT PART OF THIS AGREEMENT!

Based on the Regulations, there are penalties for non-compliance that we are not willing to accept. Vilbig recommends that the Client engage a specialist in the area

As part of the Water Quality Act of 1987, storm water discharges associated with industrial activity from a point source to waters of the United States is unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Construction activities which disturb an area greater than 1 acre by grading, clearing, grubbing or other construction activity is defined as an industrial activity, subject to the requirement of an NPDES permit. In order to effectively manage the permit process, the EPA has produced a general permit for construction activities which defines specific conditions and requirements to be met as part of the permit. The general permit establishes the procedures required for proper coverage, the requirement for a Storm Water Pollution Prevention Plan (SWPPP) and requirements for termination of permit coverage.

The operator of the site is required to submit the Notice of Intent (NOI) 48 hours prior to beginning of construction activities on the site. The operator of the site is ultimately responsible for the effective reduction of pollution and sediment loss from the site. The operator can be the owner (or owner's representative), the general contractor for the project or specific subcontractors for the project. The operator is loosely defined in the general permit as the entity with 'day to day operational control' of the site along with control over construction specifications. The EPA provides for multiple NOIs for the site, creating a co-permittee condition in which responsibilities are shared between owner and / or contractor(s).

SCOPE OF WORK

TOPOGRAPHIC SURVEY & TOPO BASE MAP

The Surveyor will prepare a certified map or plat, on a reproducible sheet (24" x 36") unless otherwise requested), showing a complete survey as made on the ground which will include the following:

- 1. The Surveyor will indicate location and type of all buildings and other improvements on the subject property and distances to the nearest exterior property lines of the subject property.*
- 2. The Survey will indicate the location of all fences (both perimeter and cross) and all walls and other improvements along the property lines with dimensions. All party walls of buildings, or other structures, on the property line indicating the thickness of the portions on each side of the property line and the type of the walls.*
- 3. The Survey will indicate the location of any railroad tracks and boundaries of railway rights-of-way affecting the subject property.*
- 4. The Survey will indicate the location of all wires and cables crossing, entering, or leaving the subject property and all anchors or guy wires affecting subject property, as well as ordinary wire service drops.*
- 5. The Survey will indicate the location of the parking areas on the subject property showing the number of parking spaces provided by such parking areas.*
- 6. The Survey will indicate the location and size of all utilities and drainage systems on and affecting subject property (including the nearest fire hydrant). Underground utility and storm sewer locations may be taken from City records and field verified by valve locations, or manhole locations, and other surface evidence.*
- 7. The Surveyor will prepare a topographic survey at one foot intervals of the subject property. Top of curb elevation generally at 50 foot intervals and a grid as required to adequately depict the site topography.*
- 8. The Survey will indicate the scale, the north direction, the distance to the nearest intersecting street and point of reference from which the subject property is measured. **BOUNDARY SURVEY WILL NOT BE PERFORMED AND ONLY BOUNDARY VERIFICATION AS TO FIELD CORNERS FOR CONTROL.***

DEMOLITION PLAN

The Engineer will prepare a plan showing the removal of all required pavement, retaining walls, side walks, fencing, planters, and bollards.

This plan will indicate utility company contacts and telephone numbers for coordination in the removal of each particular utility.

PAVING, STRIPING & SIGNAGE PLANS

1. *The Engineer will prepare plans and profiles with all necessary pavement lines and grades as required.*
2. *The Engineer will design the proposed pavement and prepare details for pavement connections, dimension control, and pavement joint details as may be required.*
3. *The Civil Engineer will prepare a striping and signage plan as required and will locate by coordinate and dimensions the major items required.*

BID PROPOSAL

The Engineer upon completion of the construction plans will prepare a detailed construction quantity take off on an item by item basis. This bid proposal will detail paving quantities, excavation quantities, storm sewer quantities and utility quantities for submittal to various contractors for obtaining bids for the work.

Such services shall represent the Engineer's judgment as a design professional familiar with the construction industry. It is recognized, however, that the Engineer does not have control over the cost of labor, material or equipment, over methods of determining bid prices, or over competitive bidding, market or negotiating conditions. Accordingly, the Engineer cannot and does not warrant or represent that bids or negotiated prices will not vary from the Owner's budget for the Project or from the Engineer's estimate of the Cost of the Work for the Engineer's Portion of the Project or evaluation thereof.

The Engineer will assist the owner in review and analysis of the bids if requested.

Traffic Signal Design

Refer to attached proposal from DeShazo Group dated April 10, 2013, project No. 13070.

Vilbig & Associates, P.L.L.C.

Standard Provisions

The firm shall perform the services outlined in this agreement for the stated fee arrangement.

Fee:

The total fee, if stated, is valid for a period of 60 days and shall be understood to be an estimate. Where the fee arrangement is to be on an hourly basis, the rates shall be those that prevail at the time services are rendered. The following rates effective as of December 2005:

Principal	\$160 per Hour	Registered Surveyor	\$90 per Hour
Project Manager	\$135 per Hour	Design Engineer	\$100 per Hour
Project Engineer	\$120 per Hour	Technician	\$45 per Hour
Sr. Technician	\$75 per Hour	Jr. Technician	\$30 per Hour
3 Man Field Crew	\$120 per Hour (\$135 per Hour for construction layout)		
2 Man Field Crew	\$100 per Hour (\$120 per Hour for construction layout)		
Principal	\$250 per Hour (Expert Witness Testimony)		

Direct Expense:

A. PRINTING: All printing, including plots and blueprints, will be billed as Direct Expense. This includes printing deemed necessary for the production of work, intermediate progress, coordination, and final completion of the project. In house printing will be charged at rates comparable to current commercial rates.

B. DELIVERIES: Deliveries necessary for production, coordination, and general project expediency. The determination of required deliveries will be made solely by the Engineer/Surveyor.

C. DEEDS/FEEES/PLANS: Any and all research of deed records for easements, etc. will be billed as Direct Expense. Fees: All filing fees, review fees, etc. will be paid by the Client. The Engineer/Surveyor will notify Client when fees are required. Plans: All as-built plans and existing plans required to perform services will be obtained from the City or State entities and invoiced as Direct Expense. Deeds, fees, and plans will be billed at cost plus 10% as Direct Expense.

D. TRAVEL AND MILEAGE: Travel and Mileage necessary for expedient production and performance of work will be invoiced to the Client as Direct Expense at the current rate set as an allowable deduction by the I.R.S. plus 10%.

E. PHONE CALLS: Any and all long distance charges and mobile or cellular charges incurred in coordination and production of work will be invoiced to the Client as Direct Expense based on actual phone service billing.

F. SALES TAX: We will be charging sales tax at a rate of 8.25% on all real property surveying. This will include Boundary Surveys, Title Surveys, and Final Plats.

H. MONUMENTATION: If the Surveyor is required to set brass monuments at missing or new property corners and interior corners as indicated by City Ordinance, each monument will be invoiced to the Client at a rate of \$75.00 per monument.

Billings/Payments:

Invoices for the firm's services shall be submitted, at the Firm's option, either upon completion of such services or on a monthly basis. Invoices shall be payable within 10 days after invoice date, unless agreed upon differently in contract. Retainers shall be credit on the final invoices. Reimbursables will be billed with at 10% handling charge.

Late Payments:

In the unlikely event of an account being unpaid 30 days after the invoice date may be subject to a monthly services charge of 1.5% on the then unpaid balance (18% true and annual rate), at the sole election of the Firm. In the event any portion or all of an account remains unpaid after billing, the Client shall pay all costs of collection, including reasonable attorney's fees.

Client shall also pay Engineer the cost associated with premature project demobilization. In the event the project is remobilized, Client shall also pay the cost of remobilization, and shall renegotiate appropriate contract terms and conditions, such as those associated with budget, schedule, or scope of services.

In the event any bill or portion thereof is disputed by Client, Client shall notify Engineer within ten days of receipt of bill in question, and Client and Engineer shall work together to resolve the matter within 60 days of its being called to the Engineer's attention. If resolution of the matter is not attained within 60 days, either party may terminate this agreement in accordance with conditions indicated in "Termination of Services".

Risk Allocations:

In recognition of the relative risks, rewards and benefits of the project to both the Client and the Firm, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, the Firm's total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim except for those from Firm Employee expenses arising out of this agreement from any cause or causes, shall not exceed our fee. Such causes include, but are not limited to, the Firm's negligence, errors, omission, and strict liability, breach of contract or breach of warranty.

Cost Estimates:

When included in Consultant's scope of services, opinions or estates of probable construction cost are prepared on the basis of Consultant's experience and qualifications and represent Consultant's judgment as a professional generally familiar with the industry. However, since Consultant has no control over the cost of labor, materials, equipment or services furnished by others, over contractor's methods of determining prices, or over competitive bidding or market conditions, Consultant cannot and does not guarantee that proposals, bids or the actual construction cost will not vary from Consultant's opinions or estates of probable construction cost.

Standard of Care

The standard of care for all professional services performed or furnished by Consultant under this Agreement will be the skill and care used by members of Consultant's profession practicing under similar circumstances at the same time and the same locality. Consultant makes no warranties, express or implied, under this Agreement or otherwise, in connection with Consultant's services.

Compliance

The Consultant shall review laws, regulations, codes and standards in effect as of the date of the plans are issued that are applicable to the Consultant's services and shall exercise professional care and judgment to design in compliance with requirements imposed by governmental authorities having jurisdiction over the project. Any additional changes, design review or requests for additional information required by a governmental authority or other official after the plans have been issued for construction the client must assume the risk and costs associated with the changes. In addition any changes or modifications required to be made to the plans by the Consultant will be billed on an hourly basis.

Change Orders

The use of change orders is a basic element of the design and construction process. While it is desirable to prepare plans and specifications to be perfect and unambiguous, the reality of the situation is that it is not cost-effective for a client to pay a design professional for the levels of service necessary to achieve a 'perfect' set of instruments of services; and no matter how extensive design services may be, certain aspects of the design will require modification to reflect conditions at the construction site. Reasonable practices involve a certain level of flexibility in the development of a project as it moves from the final design through the construction process. Costs and expenses for change orders and or modifications during the

construction process are the responsibility of the client. In addition any changes or modifications required to be made to the plans by the Consultant will be billed to the client on an hourly basis as Project Administration.

Termination of Services:

This agreement may be terminated by the Client or the Firm should the other fail to perform its obligations hereunder. In the event of termination the Client shall pay the Firm for all services rendered to the date of termination, all reimbursable expenses, and reimbursable termination expenses. In the event that no work has been performed on the contract services as a result of action by other than the Firm, for a period of 90 days, the contract may be considered to be terminated at the discretion of the Firm.

This agreement may be terminated by the Firm upon seven days written notice if the Client demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional. Engineer shall have no liability to the Client on account of such termination.

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Deed Research:

The Owner or Client will, upon execution of this agreement, provide the Surveyor with all deeds and easements. These may be obtained by the Owner/Client through the title company providing the title commitment.

If these instruments are not received upon execution of this agreement, the Surveyor is herein authorized to engage a records research firm independent from the title company to provide the needed research. The fee for these instruments will be charged to the Owner/Client at actual cost of the service plus 10%.

There will be an additional fee of \$500.00 if we receive the title commitment package after our field work is completed. The title commitment package should include copies of all recorded deeds, easements, plats, etc...

Access to the Site:

Unless otherwise stated, the firm will have access to the site for activities necessary for the performance of the services. The firm will take precautions to minimize damage due to these activities, but have not included in the fee the cost of restoration of any resulting damage.

Applicable Laws:

Unless otherwise specified, the laws of the State of Texas shall govern this agreement.



April 10, 2013

Mr. David Vilbig
Vilbig & Associates, Inc.
10132 Monroe Drive
Dallas, Texas 75229

**RE: Traffic Signal Design for Loy Lake Road at Sara Swamy Drive in Sherman, Texas
(Project No. 13070)**

Dear Mr. Vilbig:

We are pleased to submit this proposal to provide professional transportation engineering services for the above referenced project. If accepted by you, this proposal will become a Letter of Agreement between Vilbig & Associates, Inc. ("the Client") and DeShazo Group, Inc. (DeShazo) to provide the scope of services described below.

SCOPE OF SERVICES

Our services include the following tasks.

TASK 1 — Research and Background Information

- 1.1 Obtain from the Client in electronic CADD format a detailed drawing of the complete intersection that includes utilities.
- 1.2 Meet with the City of Sherman to discuss traffic signal preferences.

TASK 2 — Traffic Signal Design

- 2.1 Provide traffic signal design for Loy Lake Road at Sara Swamy Drive.
- 2.2 Create base plan sheets for signal plans from "as-built" drawings supplied by the Client. These drawings shall include details on all four corners of the intersection.
- 2.3 Inspect intersection to confirm existing pavement widths, lane configurations, and nearby traffic control devices. Identify obvious above ground utilities.
- 2.4 Develop construction plan sheets that show traffic signal poles, detectors, conduit runs, wiring, and signal head types and locations to City/TxDOT specifications.
- 2.5 Develop quantity estimates.
- 2.6 Insert appropriate specification sheets from TxDOT/City.

- 2.7 Provide one (1) set of reproducible drawings and specifications and one electronic file.
- 2.8 Provide appropriate documents for bidding purposes.

TASK 3 — Additional Services

- 3.1 Attend meetings with the Client, TxDOT or the City of Sherman to respond to traffic related issues.
- 3.2 Perform other technical services (e.g., data collection, analysis, design, etc.) not specified above as needed to assist in completing the assessment of the proposed signal as directed by the Client, TxDOT or the City of Sherman.
- 3.3 Revise and/or reissue all or portions of work, either completed or in progress, this is/are necessary for our services to be consistent and accurate with the latest project data, which result from substantive modifications to the project.
- 3.4 Interconnect the signal for the above intersection with other existing signals if required by TxDOT/City of Sherman.
- 3.5 Provide system optimization/timing plans.
- 3.6 Perform additional traffic counts.

FEE FOR SERVICES

The Scope of Services described in Tasks 1 and 2 will be performed for a fee of \$12,000*.

* Plus reimbursable expenses for traffic counts, copies, courier service, reproduction, travel, etc. to be billed at Net Cost times 1.15 for an estimated fee of \$200

TASK 3 — Additional Services Time-and-expense basis upon request at
the following rates

Principals -----	\$250/Hour
Professional, Technical & Clerical-----	Salary x 2.5
Expenses-----	Net x 1.15

Payment for any invoice is due upon receipt. Payments not received within 30 days of invoice date are subject to a service charge at the sole discretion of DeShazo Group. DeShazo Group, Inc., reserves the right to suspend services if payment has not been received within 45 days of the respective invoice date.

LIMITATIONS OF LIABILITY

Limitations on liability help to keep our fee structure as low as possible. The Client agrees to limit the liability of DeShazo Group, Inc. to the Client and to any and all contractors and subcontractors on the project, due to negligent acts, errors or omissions by DeShazo Group, Inc. such that the total aggregate liability of the firm to all those named shall not exceed \$50,000 or the total fee for services rendered on this project.

AUTHORIZATION

We are prepared to initiate work on this project upon receipt of a signed copy of this Letter of Agreement. This proposal shall remain valid for thirty (30) days.

Mr. David Vilbig
April 10, 2013
Page 3

We appreciate the opportunity to submit this proposal and look forward to assisting you on this project. If you have any questions, please call 214-748-6740.

Sincerely,
DeSHAZO GROUP, INC.

A handwritten signature in black ink that reads "Tom Simerly". The signature is written in a cursive, slightly stylized font.

Tom Simerly, P.E.
President

TJS:lsk

THIS AGREEMENT ACKNOWLEDGED AND ACCEPTED

BY: _____

DATE: _____

TITLE: _____

Please return one (1) signed copy to DeShazo and retain appropriate copies for your records



Project Location

Sherman
CLASSIC TOWN. BROAD HORIZON.

Engineering Department

300 150 0 300 Feet





City Council Regular Meeting

Agenda Item No. D. 2.

Meeting Date: 05/06/2013

Prepared By: Mark Gibson, Director of Engineering & Utilities

Approved By: George Olson, City Manager

Caption:

*** RESOLUTION NO. 5766**

Abandoning a Twenty Foot (20') City Drainage and Utility Easement located on the North Side of Lot 2, Block 1 of the Crescent Oaks Plaza Addition and Shown by Plat Recorded in Volume 21, Pages 39-40 of the Plat Records of Grayson County, Texas

Issue:

To consider the abandonment of a 20' Drainage and Utility Easement lying within Lot 2, Block 1 of the Crescent Oaks Plaza Addition in the City of Sherman, Texas

Background:

The easement along the north property line is not being utilized and is no longer deemed necessary.

Origination:

The Property Owner

Financial Consideration:

None

Staff Recommendation:

Staff recommends approval of the 20' Drainage and Utility Easement abandonment.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 5766

Exhibit "A"

Request Letter

Utility Letters

Location Map

RESOLUTION NO. 5766

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A TWENTY FOOT (20') CITY DRAINAGE AND UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF LOT 2, BLOCK 1 OF THE CRESCENT OAKS PLAZA ADDITION AND SHOWN BY PLAT RECORDED IN VOLUME 21, PAGES 39-40 OF THE PLAT RECORDS OF GRAYSON COUNTY, TEXAS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council is of the opinion that the abandoning, vacating and closing of said drainage and utility easement as depicted on the attached map is in the public interest and is approved;

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

SECTION 1. That the twenty foot (20') drainage and utility easement located on the north side of Lot 2, Block 1 of the Crescent Oaks Plaza Addition, as depicted in Exhibit "A", and shown by Plat recorded in Volume 21, Pages 39-40 of the Plat Records of Grayson County, Texas, is hereby extinguished, vacated, closed, and permanently abandoned as an easement for public use.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

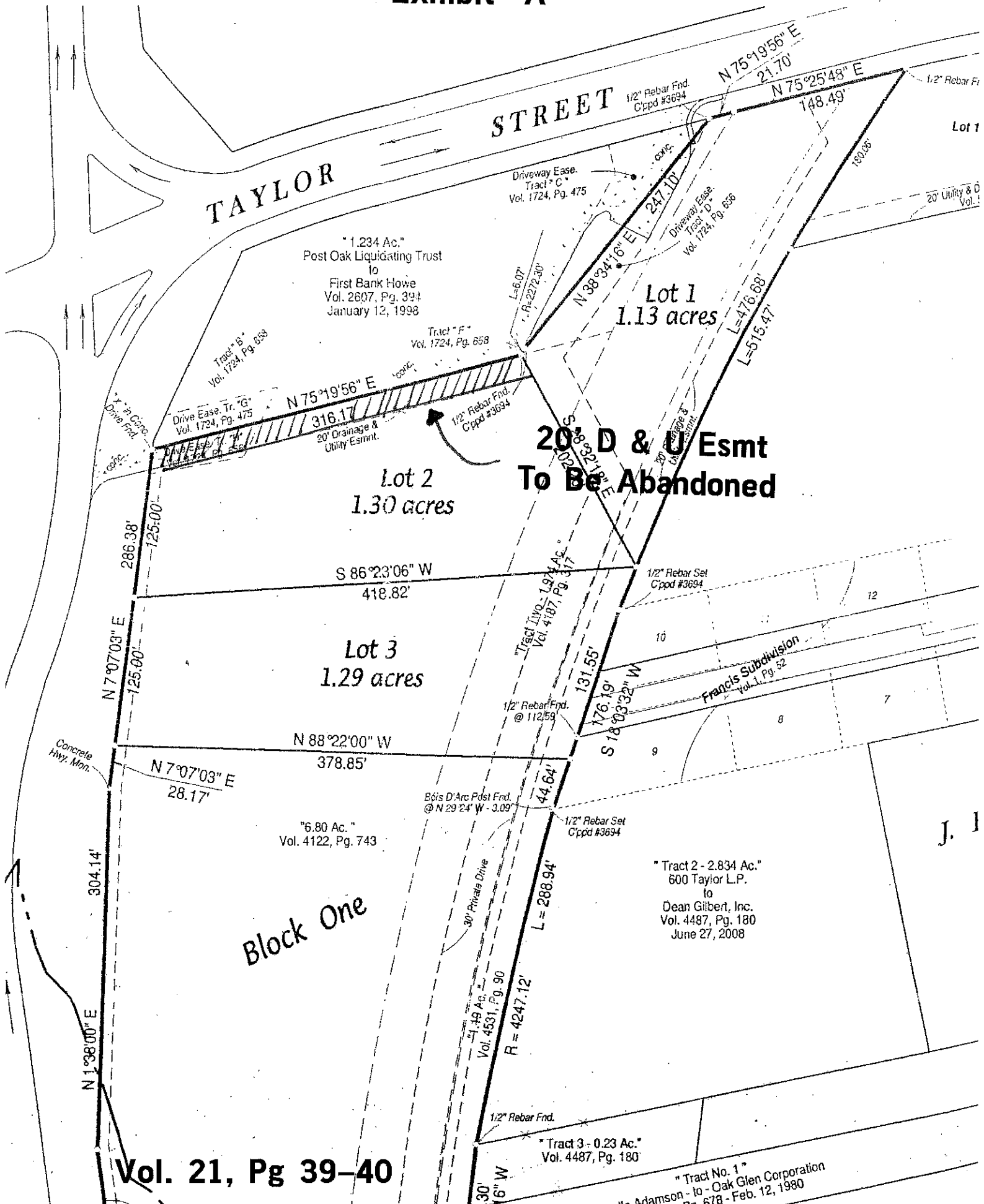
BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
CAROLYN S. WACKER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

Exhibit "A"





www.deangilbert.com

March 18, 2013

Mr. Mark Gibson
City of Sherman
City Engineer
P. O. Box 1106
Sherman, Texas 75091

Re: Easement Abandonment

Dear Mark:

This request concerns Lot 2, Block 1 of Crescent Oaks Plaza Addition to the City of Sherman. A 20' Drainage and Utility Easement was granted to the City of Sherman during the platting process that we need to have abandoned.

We need to abandon this easement because The Quintin Little Company, Inc. has an existing gas transmission line on the north 10' of the herein described Drainage and Utility Easement. Also, the lots bordering the subject lot are fully developed and there is not a need for the easement. The current utility providers are utilizing the front and the rear of the lots, rather than this easement.

Attached is a copy of the plat showing both easements. Let me know if additional documentation is needed. Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Gilbert". The signature is stylized with a large, looped "D" and a cursive "G".

Dean Gilbert

Whitfield, Lisa

From: Whitfield, Lisa
Sent: Thursday, March 28, 2013 11:59 AM
To: 'Smith, Chris W (CHRIS)'; Cook, Clint; 'lj.robinson@atmosenergy.com'; 'Meek, Stephen'
Subject: Easement Abandonment
Attachments: 20130328092731618.pdf

The owner of Lot 2 has sent us the attached request to abandon the 20' Drainage and Utility Easement in the Crescent Oaks Subdivision. The City's utilities (water and sewer) have already been built and we are not using the easement, but other utilities (gas, cable, phone, electric) may still have a need for the easement. Please let us know your desires for the utility easement shown on the attached sketch.

Please let me know if you need further information.

Thank you,

Lisa Whitfield
City of Sherman
Engineering & Development Coordinator
903-892-7212
903-870-7802 (fax)

Sherman
CLASSIC TOWN. BROAD HORIZON.



3720 TEXOMA PARKWAY
P.O. Box 1223
SHERMAN, TX 75090
TEL 903 • 893 • 6548
FAX 903 • 868 • 2754

March 28, 2013

Mr. Mark Gibson

City of Sherman

City Engineer

P. O. Box 1106

Sherman, Texas 75091

Re: Easement Abandonment

Dear Mr. Gibson,

Cableone has no objection to the abandonment of the 20' Drainage and Utility Easement on the north side of Lot 2, Block 1, of Crescent Oaks Addition to the City of Sherman.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Clint Cook". The signature is fluid and cursive, with the first and last names being clearly legible.

Clint Cook

Technical Operations Manager

Whitfield, Lisa

From: Smith, Chris W (CHRIS) [smith.chris@verizon.com]
Sent: Tuesday, April 02, 2013 1:47 PM
To: Whitfield, Lisa
Subject: RE: Easement Abandonment

Verizon has no objections to the Abandonment of the referenced easement.

Thanks,

*Chris W. Smith
Section Manager
Network Engineering
Twin Cities/Eastern Districts
Ofc 972-578-3311
Fax 972-578-3396*



From: Whitfield, Lisa [<mailto:lisaw@ci.sherman.tx.us>]
Sent: Thursday, March 28, 2013 11:59 AM
To: Smith, Chris W (CHRIS); Cook, Clint; 'lj.robinson@atmosenergy.com'; 'Meek, Stephen'
Subject: Easement Abandonment

The owner of Lot 2 has sent us the attached request to abandon the 20' Drainage and Utility Easement in the Crescent Oaks Subdivision. The City's utilities (water and sewer) have already been built and we are not using the easement, but other utilities (gas, cable, phone, electric) may still have a need for the easement. Please let us know your desires for the utility easement shown on the attached sketch.

Please let me know if you need further information.

Thank you,

*Lisa Whitfield
City of Sherman
Engineering & Development Coordinator
903-892-7212
903-870-7802 (fax)*

Sherman
CLASSIC TOWN. BROAD HORIZON.

Whitfield, Lisa

From: Graham, Nolan [Nolan.Graham@oncor.com]
Sent: Wednesday, April 10, 2013 12:02 PM
To: Whitfield, Lisa
Subject: RE: Easement Abandonment

Oncor does not see a need for us to utilize the subject easement. Therefore, we do not object to the platted easement being abandoned. Thanks.

From: Meek, Stephen
Sent: Thursday, March 28, 2013 12:43 PM
To: Graham, Nolan
Cc: Lisa Whitfield (lisaw@ci.sherman.tx.us)
Subject: FW: Easement Abandonment

Nolan,

Can you help Lisa on this opportunity.
Thanks

Stephen Meek
Sr. Project Manager
ONCOR ELECTRIC DELIVERY

2201 Woodlake Rd
Denison, Texas 75021
903-868-8287

No Injuries...No Accidents...NOT TODAY!!!

From: Whitfield, Lisa [<mailto:lisaw@ci.sherman.tx.us>]
Sent: Thursday, March 28, 2013 11:59 AM
To: 'Smith, Chris W (CHRIS)'; Cook, Clint; 'lj.robinson@atmosenergy.com'; Meek, Stephen
Subject: Easement Abandonment

The owner of Lot 2 has sent us the attached request to abandon the 20' Drainage and Utility Easement in the Crescent Oaks Subdivision. The City's utilities (water and sewer) have already been built and we are not using the easement, but other utilities (gas, cable, phone, electric) may still have a need for the easement. Please let us know your desires for the utility easement shown on the attached sketch.

Please let me know if you need further information.

Thank you,

Lisa Whitfield
City of Sherman

Whitfield, Lisa

From: Thomas, Jacky G [Jacky.Thomas@atmosenergy.com]
Sent: Thursday, April 11, 2013 1:55 PM
To: Whitfield, Lisa
Cc: Robinson, L. J.
Subject: RE: Easement Abandonment

Lisa all of Atmos Energy's facilities in this area are located in the far eastern 20' utility easement.

From: Whitfield, Lisa [mailto:lisaw@ci.sherman.tx.us]
Sent: Thursday, April 11, 2013 1:36 PM
To: Thomas, Jacky G
Subject: FW: Easement Abandonment

Jacky,
Is this something you would review?

Thanks
Lisa

From: Whitfield, Lisa
Sent: Thursday, March 28, 2013 11:59 AM
To: 'Smith, Chris W (CHRIS)'; Cook, Clint; 'lj.robinson@atmosenergy.com'; 'Meek, Stephen'
Subject: Easement Abandonment

The owner of Lot 2 has sent us the attached request to abandon the 20' Drainage and Utility Easement in the Crescent Oaks Subdivision. The City's utilities (water and sewer) have already been built and we are not using the easement, but other utilities (gas, cable, phone, electric) may still have a need for the easement. Please let us know your desires for the utility easement shown on the attached sketch.

Please let me know if you need further information.

Thank you,

Lisa Whitfield
City of Sherman
Engineering & Development Coordinator
903-892-7212
903-870-7802 (fax)

Sherman
CLASSIC TOWN. BROAD HORIZON.



bing™

Image courtesy of USGS © 2013 Microsoft Corporation ImagePatch.com



City Council Regular Meeting

Agenda Item No. E. 1.

Meeting Date: 05/06/2013

Prepared By: Scott Shadden, Director Developmental Services

Approved By: George Olson, City Manager

Caption:

OTHER BUSINESS

Receive Chief Animal Control Officer Scott Parker's Report on the Sherman Animal Shelter's Adopt-a-thon Scheduled for Saturday, June 1, 2013 and Sunday, June 2, 2013

Issue:

The Sherman Animal Shelter will hold its annual Adopt-a-thon on Saturday, June 1st and Sunday, June 2nd during the hours of 10:00 a.m. to 6:30 p.m. at their facility at 1800 East Ida Road.

Background:

In 1995, Pet Adopt-a-thon began simply as a North Shore Animal League America adoption weekend, with the goal of finding homes for each dog and cat in the shelter. The first weekend in May was set aside and plans were made to stay open 36 hours straight. Local media was called and special fun activities were held under the big tent – all to call attention to the many dogs, cats, puppies and kittens at the League. And it worked! That weekend, over 500 needy pets were placed in excellent adoptive homes. It became apparent that the overwhelming success had to be shared. Soon the League extended invitations to shelters everywhere to participate in Pet Adopt-a-thon '96. That year, over 700 animal organizations joined together; the result was thousands more loving adoptions. And every year since, Pet Adopt-a-thon has continued to grow

(http://www.nsalamerica.org/how_we_help/adoptathon/).

The City of Sherman's Animal Shelter held its first Adopt-a-thon in 1996 and has continued the event each and every year. Last year, (7) dogs and (2) cats were adopted during Sherman's annual Adopt-a-thon event.

Origination:

The City Manager's Office

Financial Consideration:

None

Staff Recommendation:

The Council need take no action on this agenda item; for informational purposes only.

Alternatives:

None

Attachments

Flyer

Location Map

SHERMAN ANIMAL SHELTER

ADOPT-A-THON

June 1st and 2nd

10:00 AM TO 6:30 PM

2013

COME JOIN IN THE FUN



Free Hot Dog & Drinks
Balloons for the Kids
Live Remote Katy Country 93.1



ANIMAL SHELTER 1800 E. IDA ROAD SHERMAN
FOR INFORMATION CALL (903) 892-7255



Image courtesy of USGS © 2013 Microsoft Corporation ImagePatch.com



City Council Regular Meeting

Agenda Item No. E. 2.

Meeting Date: 05/06/2013

Prepared By: Robby Hefton, Assistant City Manager/CFO

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Approve Quarterly Investment Reports for Period Ending March 31, 2013

Issue:

To approve the Investment Reports for the quarterly period ending March 31, 2013

Background:

These reports are being presented in accordance with the state law that requires at least quarterly presentation to the Council. The report was given to the Investment Committee prior to submittal to the Council. Both the Operating portfolio and CO Debt Proceeds portfolio are presented.

As of March 31, 2013, both portfolios were in compliance with applicable state laws and the Investment Policy. The Operating portfolio had a book value of about \$22.3 million. This portfolio is appropriately liquid; and its weighted-average maturity increased to about 302 days, up from 257 days last period, because additional securities were purchased during the quarter. The portfolio yield of 0.36% for the quarter is higher than the benchmark yield of 0.11%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The CO Debt Proceeds portfolio balance of about \$56,000 is down approximately \$3,000 from the previous quarter due to payment on a construction project. The portfolio remains adequately liquid, with all of the funds available within one day. Its yield of 0.11% for the quarter was equal to the benchmark yield. The portfolio value on the City's books is equal to the market value of the overall portfolio.

Origination:

Finance

Financial Consideration:

None

Staff Recommendation:

It is recommended that the Council accept the reports as presented.

Alternatives:

The Council could offer suggestions for improvement or could request more frequent reporting.

Attachments

Memo to Investment Committee

Investment Report - Operating Portfolio

Investment Report - CO Debt Proceeds Portfolio



memorandum

DATE: Wednesday, May 1, 2013

TO: The Investment Committee Members:
Councilman Jason Sofey
Councilman Robert G. Softly
George Olson, City Manager

FROM: Robby Hefton, Assistant City Manager/CFO 

SUBJECT: Investment Reports for Quarter Ended March 31, 2013

Enclosed is a copy of the quarterly investment reports for the quarter ended March 31, 2013. Reports are included for the two major portfolios – the operating portfolio and the CO Debt portfolio. As of that date, the City was in compliance with all applicable state laws and internal policies for both portfolios.

The total operating portfolio balance of about \$22.3 million increased during the quarter due to seasonal property tax collections, and had a weighted-average maturity of about 302 days, up from 257 days last quarter, because additional securities were purchased during the quarter. The portfolio yield of 0.36% was higher than our benchmark 180-day T-Bill yield, which was 0.11%; and book value closely approximated market value.

Also, as of March 31, 2013, all of the CO Debt Proceeds was invested in pooled investments, yielding 0.11%, equaling the yield of the benchmark 180-day T-Bill rate. The Debt Proceeds portfolio balance remained essentially unchanged during the quarter because few payments were made from these funds on construction projects.

This investment reports will be on the May 6, 2013 City Council Agenda for their review and approval. Please call me if you have any questions about this item.

RH:pc

attachments (as stated above)

CITY OF SHERMAN, TX
Investment Report Summary
March 31, 2013

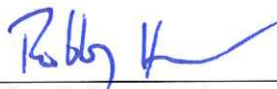
This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law. At March 31, 2013 investment book value was about \$22.3 million and had increased as expected by approximately \$2.1 million from three months prior due to property tax collections. The City's investment portfolio includes interest-bearing demand deposits, bank time deposits at our depository bank, State of Texas Obligations, CDARS certificates of deposit, investment pools that strive to maintain a 100% net asset value, a U.S. Treasury Note and U.S. Agency securities.

The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of March 31, 2013. The weighted-average maturity of the portfolio increased to about 302 days at March 31, 2013 compared to about 257 days at December 31, 2012 due to investment purchases.

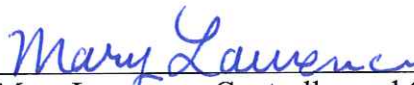
The market value of the portfolio was 100.1% of book value as of March 31, 2013. The portfolio yield of 0.36% at March 31, 2013 was higher than the benchmark yield on the 180-day T-Bill, which was 0.11%.

One security matured during the quarter with a par value of \$1.0 million. Three securities and a certificate of deposit were purchased with a par value of \$2.5 million and \$1.0 million, respectively. Accrued interest of about \$5,000 was added to CD principal. All other transactions were routine.

The following schedules are also a part of this investment report.



Robby Hefton, Assistant City Manager/CFO
and City of Sherman Investment Officer



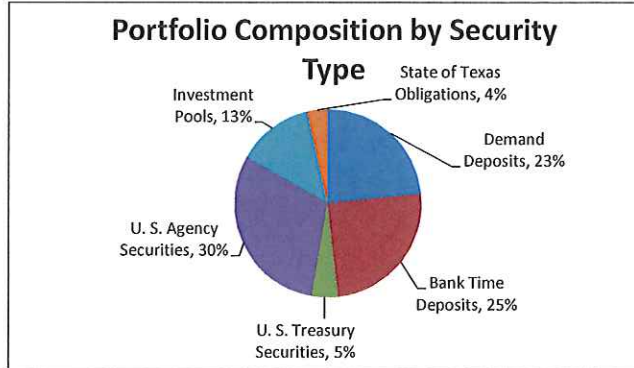
Mary Lawrence, Controller and City of
Sherman Investment Officer

CITY OF SHERMAN, TX
Detailed Investment Report
As of March 31, 2013

Investment	Par	VALUES - DECEMBER 31, 2012		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - MARCH 31, 2013	
		Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change In Market Price	Book	Market
DEMAND DEPOSITS									
Depository Bank		\$ 4,913,570	\$ 4,913,570	\$ (457,111)	\$ -	\$ (457,111)	\$ -	\$ 4,456,459	\$ 4,456,459
Depository Bank-TIF Funds		743,057	743,057	279	-	279	-	743,336	743,336
		5,656,626	5,656,626	(456,832)	-	(456,832)	-	5,199,795	5,199,795
BANK TIME DEPOSITS									
Certificate of Deposit 0.70% 7/11/2013		1,513,775	1,513,775	2,667	-	2,667	-	1,516,442	1,516,442
Certificate of Deposit 0.40% 12/08/2013		1,004,283	1,004,283	991	-	991	-	1,005,274	1,005,274
Certificate of Deposit 0.25% 5/9/2013		1,001,261	1,001,261	630	-	630	-	1,001,891	1,001,891
Certificate of Deposit 0.45% 4/3/14		1,003,347	1,003,347	1,113	-	1,113	-	1,004,460	1,004,460
Certificate of Deposit 0.35% 9/28/2014		-	-	1,000,000	-	1,000,000	-	1,000,000	1,000,000
		4,522,666	4,522,666	1,005,401	-	1,005,401	-	5,528,067	5,528,067
INVESTMENT POOLS									
Tex-Pool		1,557,208	1,557,348	-	380	-	380	1,557,588	1,557,728
TexStar		1,381,730	1,381,900	-	367	-	371	1,382,097	1,382,271
		2,938,938	2,939,248	-	747	-	752	2,939,685	2,940,000
SECURITY INVESTMENTS									
FHLB 2.63% 9/13/2013	400,000	405,560	406,811	-	(1,924)	-	(2,278)	403,636	404,533
FNMA 1.13% 9/30/2013	1,000,000	1,003,907	1,007,026	-	(1,288)	-	(2,088)	1,002,619	1,004,938
FHLMC .55% 1/9/14, called 1/9/2013	1,000,000	1,000,000	1,000,073	(1,000,000)	-	(1,000,000)	(73)	-	-
FNMA 2.75% 3/13/2014	1,000,000	-	-	1,028,150	(3,669)	1,028,150	(3,673)	1,024,481	1,024,477
FHLMC 4.60% 4/2/14	1,250,000	1,316,279	1,317,409	-	(13,052)	-	(12,706)	1,303,227	1,304,703
AUS 0.711% 9/1/2014	285,000	296,633	297,720	-	(1,719)	-	(1,725)	294,914	295,995
FNMA .375% 3/16/15	1,000,000	995,135	1,001,329	-	544	-	23	995,679	1,001,352
US Treasury 1.875% 6/30/15	1,000,000	1,033,430	1,038,750	-	(3,303)	-	(3,047)	1,030,127	1,035,703
FHLMC 0.65% 8/28/2015	1,000,000	1,000,000	1,005,264	-	-	-	(1,164)	1,000,000	1,004,100
FHLB 1.62% 12/11/2015	1,000,000	-	-	1,032,320	(643)	1,032,320	(999)	1,031,677	1,031,321
SNGS 1.21% 8/15/2016	500,000	-	-	506,050	(213)	506,050	2,045	505,837	508,095
		7,050,944	7,074,382	1,566,520	(25,268)	1,566,520	(25,685)	8,592,196	8,615,217
		20,169,174	20,192,922	2,115,090	(24,520)	\$2,115,090	(24,933)	22,259,743	22,283,078

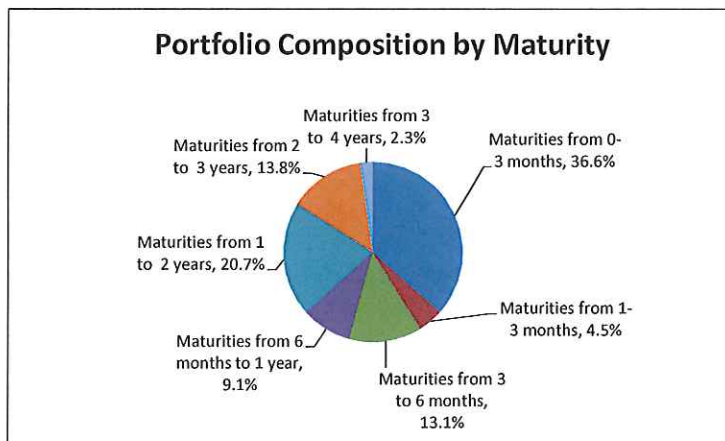
CITY OF SHERMAN, TX
Comparison of Portfolio to Policy Limits
As of March 31, 2013

<u>LIMITS ON TYPES OF SECURITIES</u>	<u>Target Investment Level</u>	<u>Portfolio Cap</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Demand Deposits	100%	100%	23.36%	76.64%
Bank Time Deposits	25%	30%	24.83%	5.17%
U. S. Treasury Securities	80%	85%	4.63%	80.37%
U. S. Agency Securities	45%	50%	30.37%	19.63%
Investment Pools	45%	50%	13.21%	36.79%
State of Texas Obligations	45%	50%	3.60%	46.40%



<u>LIMITS ON MATURITIES</u>	<u>Minimum Allowable Percentage of Portfolio</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Available within 1 month	25%	36.57%	11.57%
Available within 3 months	33%	41.07%	8.07%
Available within 6 months	45%	54.20%	9.20%
Available within 1 year	60%	63.32%	3.32%
Available within 2 years	70%	83.97%	13.97%
Available within 3 years	80%	97.73%	17.73%
Available within 4 years	90%	100.00%	10.00%
Available within 5 years	100%	100.00%	0.00%

	<u>Maximum Allowable</u>	<u>Actual Average Maturity</u>	<u>Policy Limit Days Available</u>
Weighted Average Days to Maturity	500	302.23	197.77



CITY OF SHERMAN, TX

Calculation of Weighted Average Maturity and Yield

As of March 31, 2013

	<u>S&P Rating</u>	<u>Market Value</u>	<u>Book Value</u>	<u># of Days To Maturity</u>	<u>Original Yield to Maturity</u>	<u>Percent of Portfolio</u>
Demand Deposits						
Depository Bank		\$4,456,459	\$ 4,456,459	0	0.20%	20.02%
Depository Bank -TIF Funds		<u>743,336</u>	<u>743,336</u>	0	0.20%	<u>3.34%</u>
		5,199,795	5,199,795			23.36%
Bank Time Deposits						
Certificate of Deposit 0.25% 5/9/2013		1,001,891	1,001,891	39	0.25%	4.50%
Certificate of Deposit 0.70% 8/11/2013		1,516,442	1,516,442	133	0.70%	6.81%
Certificate of Deposit 0.40% 12/8/2013		1,005,274	1,005,274	252	0.40%	4.52%
Certificate of Deposit 0.45% 4/03/2014		1,004,460	1,004,460	368	0.45%	4.51%
Certificate of Deposit 0.35% 9/28/2014		<u>1,000,000</u>	<u>1,000,000</u>	546	0.35%	<u>4.49%</u>
		5,528,067	5,528,067			24.83%
Investment Pools						
Tex-Pool	AAAm	1,557,728	1,557,588	1	0.10%	7.00%
TexStar	AAAm	<u>1,382,271</u>	<u>1,382,097</u>	1	0.11%	<u>6.21%</u>
		2,940,000	2,939,685			13.21%
Federal Securities and Notes						
FHLB 2.63% 9/13/2013	AAA	404,533	403,636	166	0.61%	1.81%
FNMA 1.13% 9/30/2013	AAA	1,004,938	1,002,619	183	0.60%	4.50%
FNMA 2.75%3/13/2014	AAA	1,024,477	1,024,481	347	0.18%	4.60%
FHLMC4.60% 4/2/14	AAA	1,304,703	1,303,227	367	0.36%	5.85%
FNMA .375% 3/16/15	AAA	1,001,352	995,679	715	0.60%	4.47%
US TREA 1.875% 6/30/15	AAA	1,035,703	1,030,127	821	0.52%	4.63%
FHLMC 0.65% 8/28/15	AAA	1,004,100	1,000,000	880	0.65%	4.49%
FHLB 1.62% 12/11/2015	AAA	<u>1,031,321</u>	<u>1,031,677</u>	985	0.44%	<u>4.63%</u>
		7,811,127	7,791,445			35.00%
State of Texas Obligations						
AUS 0.71% 9/01/2014	AAA	295,995	294,914	519	0.71%	1.32%
SNBS 1.21% 8/15/2016	AAA	<u>508,095</u>	<u>505,837</u>	1,233	0.65%	<u>2.27%</u>
		804,090	800,751			3.60%
		<u>\$22,283,078</u>	<u>\$22,259,743</u>			<u>100.00%</u>

Weighted Average Maturity

	<u>Actual</u>	<u>Maximum</u>
Weighted Average Days to Maturity	302.23	500
Weighted Average Days to Maturity-Operating (ex.depository bank-checking)	394.35	500

Weighted Average Yield

Weighted Average Yield	0.36%
Weighted Average Yield - Operating (excluding depository bank-checking)	0.42%
Target Yield to Maturity of 180 day T-Bill at March 31, 2013	0.11%

CITY OF SHERMAN, TX
Market Value Analysis
As of March 31, 2013

CHANGES IN MARKET VALUE:

BEGINNING VALUE - December 31, 2012		\$20,192,922
<u>INVESTMENT ACTIVITY:</u>		
Purchases	3,571,921	
Maturities	(1,000,000)	
Net Changes in Market Price	<u>(25,685)</u>	
		2,546,237
Bank and Pooled Investment Deposits/(Withdrawals) - Net		<u>(456,080)</u>
ENDING VALUE - March 31, 2013		<u><u>\$22,283,078</u></u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

<u>BEGINNING VALUE - December 31, 2012</u>		
Market Value	\$20,192,922	
Book Value	\$20,169,174	
Ratio of Market Value to Book Value		100.12%
 <u>ENDING VALUE - March 31, 2013</u>		
Market Value	\$22,283,078	
Book Value	\$22,259,743	
Ratio of Market Value to Book Value		100.10%

CITY OF SHERMAN, TX
Quarter to Date Investment Transaction Report
As of March 31, 2013

PURCHASES

<u>Date</u>	<u>Type</u>	<u>Principal Purchase Price</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>	<u>Maturity Date</u>
1/28/2013	CD .35%	\$ 1,000,000	\$ 1,000,000	0.35%	9/28/2014
1/31/2013	CD .45%	\$ 384	\$ 384	0.45%	4/3/2014
2/9/2013	CD .25%	\$ 631	\$ 631	0.25%	5/9/2013
2/14/2013	FNMA 2.75%	\$ 1,028,150	\$ 1,000,000	0.18%	3/13/2014
2/14/2013	SNGS 1.21%	\$ 506,050	\$ 500,000	0.65%	8/15/2016
2/28/2013	CD .70%	\$ 2,667	\$ 2,667	0.70%	7/22/2013
2/28/2013	CD .45%	\$ 347	\$ 347	0.45%	4/3/2014
3/11/2013	FHLB 1.62%	\$ 1,032,320	\$ 1,000,000	0.44%	12/11/2015
3/31/2013	CD .40%	\$ 991	\$ 991	0.40%	12/8/2013
3/31/2013	CD .45%	\$ 383	\$ 383	0.45%	4/3/2014
Total Purchases		\$ 3,571,923	\$ 3,505,403		

MATURITIES

<u>Date</u>	<u>Type</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>
1/9/2013	FHLMC .550%	\$ 1,000,000	0.55%
Total Maturities		\$ 1,000,000	

CITY OF SHERMAN, TX
Interest Receivable and Earned Interest Income
March 31, 2013

Investment	Original Yield	Interest Receivable December 31, 2012	Purchased Interest	Interest Received	Coupon Interest	Interest Receivable March 30, 2013	Amortization/ Accretion	Earned Interest Income
DEMAND DEPOSITS								
Depository Bank	0.20%	\$ -	\$ -	2,678	2,678	\$ -	\$ -	2,678
Depository Bank-TIF Funds	0.20%	-	-	279	279	-	-	279
		-	-	2,957	2,957	-	-	2,957
TIME DEPOSITS								
Certificate of Deposit .70% 7/22/2013	0.70%	1,446	-	2,667	2,609	1,388	-	2,609
Certificate of Deposit .40% 12/8/2013	0.40%	-	-	991	991	0	-	991
Certificate of Deposit 0.25% 5/9/2013	0.25%	357	-	630	617	344	-	617
Certificate of Deposit 0.45% 4/3/2014	0.45%	-	-	1,114	1,114	-	-	1,114
Certificate of Deposit 0.35% 9/28/2014	0.35%	-	-	-	595	595	-	595
		1,803	-	5,402	5,926	2,327	-	5,926
INVESTMENT POOLS								
Tex-Pool	0.10%	-	-	380	380	-	-	380
TexStar	0.11%	-	-	367	367	-	-	367
		-	-	747	747	-	-	747
SECURITY INVESTMENTS								
FHLMC.55% 1/9/2014	0.55%	2,637	-	2,750	113	-	-	113
FHLMC2.75%3/13/2014	0.18%	-	11,076	13,750	3,972	1,298	(3,669)	303
FHLB 2.63% 9/13/2013	0.61%	3,141	-	5,250	2,627	518	(1,924)	703
FNMA 1.13% 9/30/2013	0.60%	2,825	-	-	2,769	5,594	(1,288)	1,481
AUS.71% 9/1/2014	0.71%	2,786	-	4,275	2,190	701	(1,719)	471
FHLMC 4.60% 4/2/14	0.36%	14,257	-	-	14,178	28,435	(13,052)	1,126
FNMA .375% 3/16/15	0.60%	1,093	-	1,875	917	135	544	1,461
US Treasury 1.875% 6/30/15	0.52%	-	-	-	4,623	4,623	(3,303)	1,320
FHLMC 0.65% 8/28/2015	0.65%	2,226	-	3,250	1,584	560	-	1,584
FHLB 1.62%12/11/2015	0.44%	-	4,062	-	888	4,950	(643)	245
SNGS 1.21%8/15/2016	0.65%	-	403	-	746	1,149	(213)	533
		28,965	15,541	31,150	34,607	47,963	(25,268)	9,339
		\$30,768	\$15,541	\$40,257	\$44,237	50,290	(\$25,268)	\$18,970

CITY OF SHERMAN, TX
CO Debt Proceeds
Investment Report Summary
March 31, 2013

This report complies with the requirements of the public funds investment law and covers the Certificate of Obligation Debt Proceeds of the City of Sherman that is subject to that law. At March 31, 2013, investment book value decreased by about \$3,000 from the previous quarter due to a payment on a construction project. The City's investment portfolio was invested in an investment pool that strives to maintain a 100% net asset value.

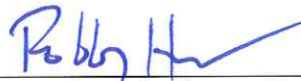
The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of March 31, 2013. The weighted-average maturity of the portfolio was 1 day at March 31, 2013.

The market value of the portfolio was 100.01% of book value as of March 31, 2013.

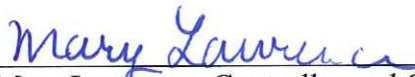
The portfolio yield of 0.11% at March 31, 2013 was the same as the benchmark yield of .11% on the 180-day T-Bill.

All other transactions were routine.

The following schedules are also a part of this investment report.



Robby Hefton, Assistant City Manager/CFO
and City of Sherman Investment Officer



Mary Lawrence, Controller and City of
Sherman Investment Officer

CITY OF SHERMAN, TX
CO Debt Proceeds
Detailed Investment Report - Debt Proceeds
As of March 31, 2013

Investment	VALUES - December 31, 2012		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - March 31, 2013	
	Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change In Market Price	Book	Market
INVESTMENT POOLS TexStar-2009A Bonds	58,874	58,881	(3,150)	14	(3,150)	14	55,738	55,745
	58,874	58,881	(3,150)	14	(3,150)	14	55,738	55,745

CITY OF SHERMAN, TX
CO Debt Proceeds
Comparison of Portfolio to Policy Limits
As of March 31, 2013

LIMITS ON MATURITIES	Minimum Allowable Percentage of Portfolio	Actual Percentage of Portfolio	% Variance Policy Limits
Cash Demands within 1 month	100.00%	100.00%	0.00%
Cash Demands within 3 months	100.00%	100.00%	0.00%
Cash Demands within 6 months	100.00%	100.00%	0.00%
Cash Demands within 1 year	100.00%	100.00%	0.00%
Cash Demands within 2 years	100.00%	100.00%	0.00%

	Maximum Allowable	Actual Average Maturity	Policy Limit Days Available
Weighted Average Days to Maturity	500	1.00	499.00

CITY OF SHERMAN, TX
CO Debt Proceeds
Calculation of Weighted Average Maturity and Yield
As of March 31, 2013

Investment Pools					
	<u>Market Value</u>	<u>Book Value</u>	<u># of Days To Maturity</u>	<u>Original Yield to Maturity</u>	<u>Percent of Portfolio</u>
Tex-Star-2009A Bonds	55,745	55,738	1	0.11%	100.00%
TOTAL	\$ 55,745	\$ 55,738			100.00%

Weighted Average Maturity

Weighted Average Days to Maturity	1
-----------------------------------	---

Weighted Average Yield

Weighted Average Yield	0.11%
Yield to Maturity of 180 day T-Bill at March 31, 2013	0.11%

CITY OF SHERMAN, TX
CO Debt Proceeds
Market Value Analysis
As of March 31, 2013

CHANGES IN MARKET VALUE:

BEGINNING VALUE - December 31, 2012	\$58,881
<u>INVESTMENT ACTIVITY:</u>	
Purchases	-
Maturities	-
Net Changes in Market Price	-
Bank and Pooled Investment Deposits/(Withdrawals) - Net	(\$3,136)
ENDING VALUE - March 31, 2013	<u><u>\$55,745</u></u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

<u>BEGINNING VALUE - December 31, 2012</u>		
Market Value	\$58,881	
Book Value	\$58,874	
Ratio of Market Value to Book Value		100.01%
 <u>ENDING VALUE - March 31, 2013</u>		
Market Value	\$55,745	
Book Value	\$55,738	
Ratio of Market Value to Book Value		100.01%

**CITY OF SHERMAN, TX
CO Debt Proceeds
Quarter To Date Investment Transaction Report
As of March 31, 2013**

PURCHASES

There were no purchases during the period.

MATURITIES

There were no maturities during the period.

CITY OF SHERMAN, TX

CO Debt Proceeds

Interest Receivable and Earned Interest Income

As of March 31, 2013

Investment	Original Yield	Interest Receivable December 31, 2012	Purchased Interest	Interest Received	Coupon Interest	Interest Receivable March 31, 2013	Amortization/ Accretion	Earned Interest Income
INVESTMENT POOLS								
TexStar - 2009A Bonds	0.11%	\$ -	\$ -	\$ 14	\$ 14	\$ -	\$ -	\$ 14
		\$ -	\$ -	\$ 14	\$ 14	\$ -	\$ -	\$ 14



City Council Regular Meeting

Agenda Item No. E. 3.

Meeting Date: 05/06/2013

Prepared By: Scott Shadden, Director Developmental Services

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Site Plan Approval for American Realty Capitol Operating Partnership, LP, Owners; FedEx Ground Package Handling Facility, Tenant; Vortex Engineering & Architecture, Inc., Engineer/Architect; and Robert W. Jones, II, Representative, under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Office and Parking Lot Addition in the Blalock Industrial Park District at 3221 Northgate Drive

Issue:

Site Plan approval for an office and parking lot addition for FedEx Ground in the Blalock Industrial Park

Background:

The property is located at 3221 Northgate Drive in the Blalock Industrial Park; FedEx Ground is the tenant. The project includes constructing a 575 square foot office addition, adding 20 employee parking spaces and 13 FedEx Home Delivery van parking spaces. The exterior of the addition will be metal panels with a stucco finish to match the existing building.

Origination:

American Realty Capitol Operating Partnership, LP (Owners); FedEx Ground Package Handling Facility (Tenant); Vortex Engineering & Architecture, Inc. (Engineer/Architect); and Robert W. Jones, II (Representative)

Financial Consideration:

None

Staff Recommendation:

At the regular meeting on April 16, 2013, the Planning and Zoning Board voted 7/0 to approve the Site Plan subject to the Staff Review Letter and forward the request to the City Council.

Alternatives:

The City Council could deny the request.

Attachments

Location Map

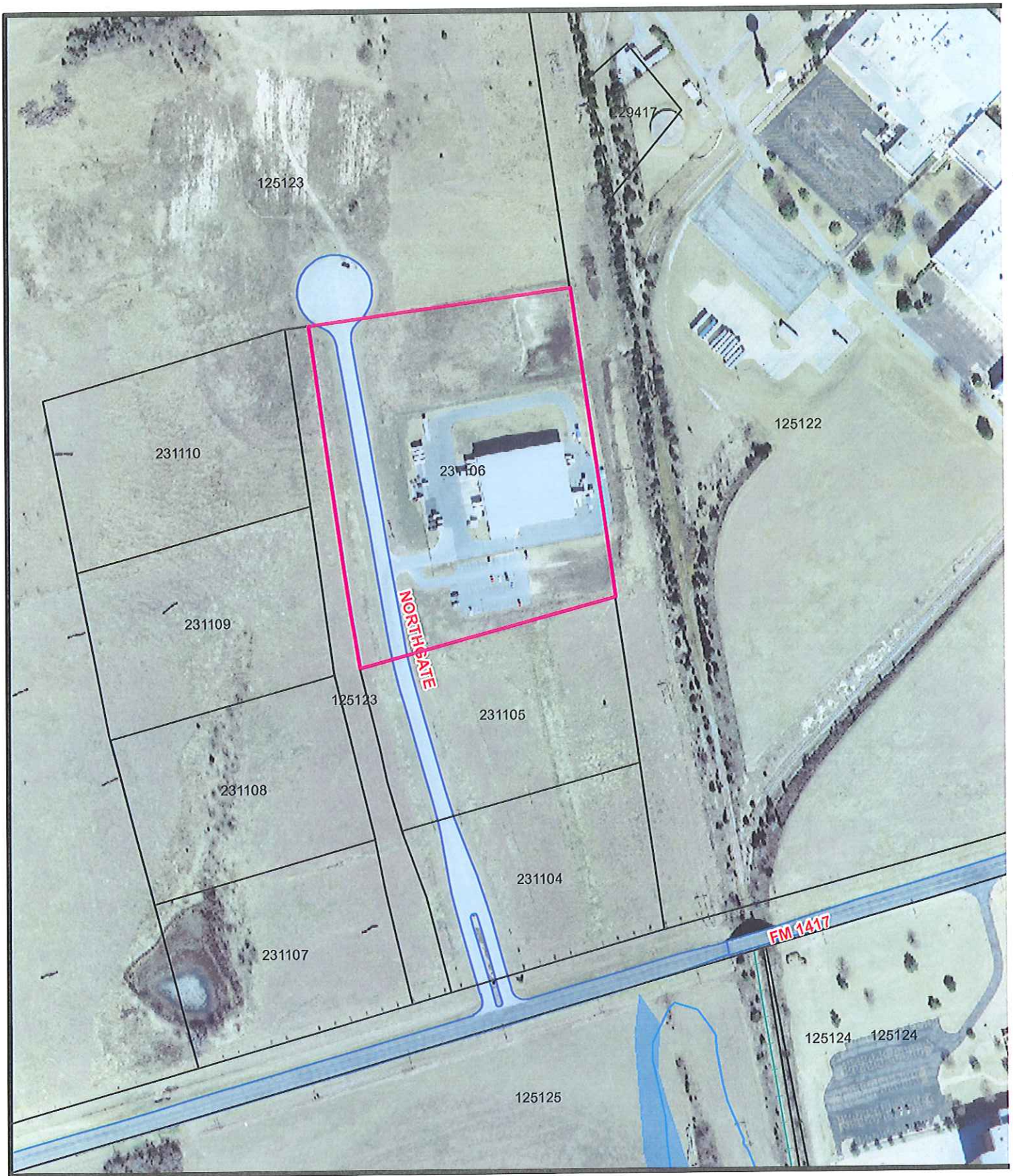
Zoning Map

Site Plan

Elevations

P&Z Communication Form

Staff Review Letter



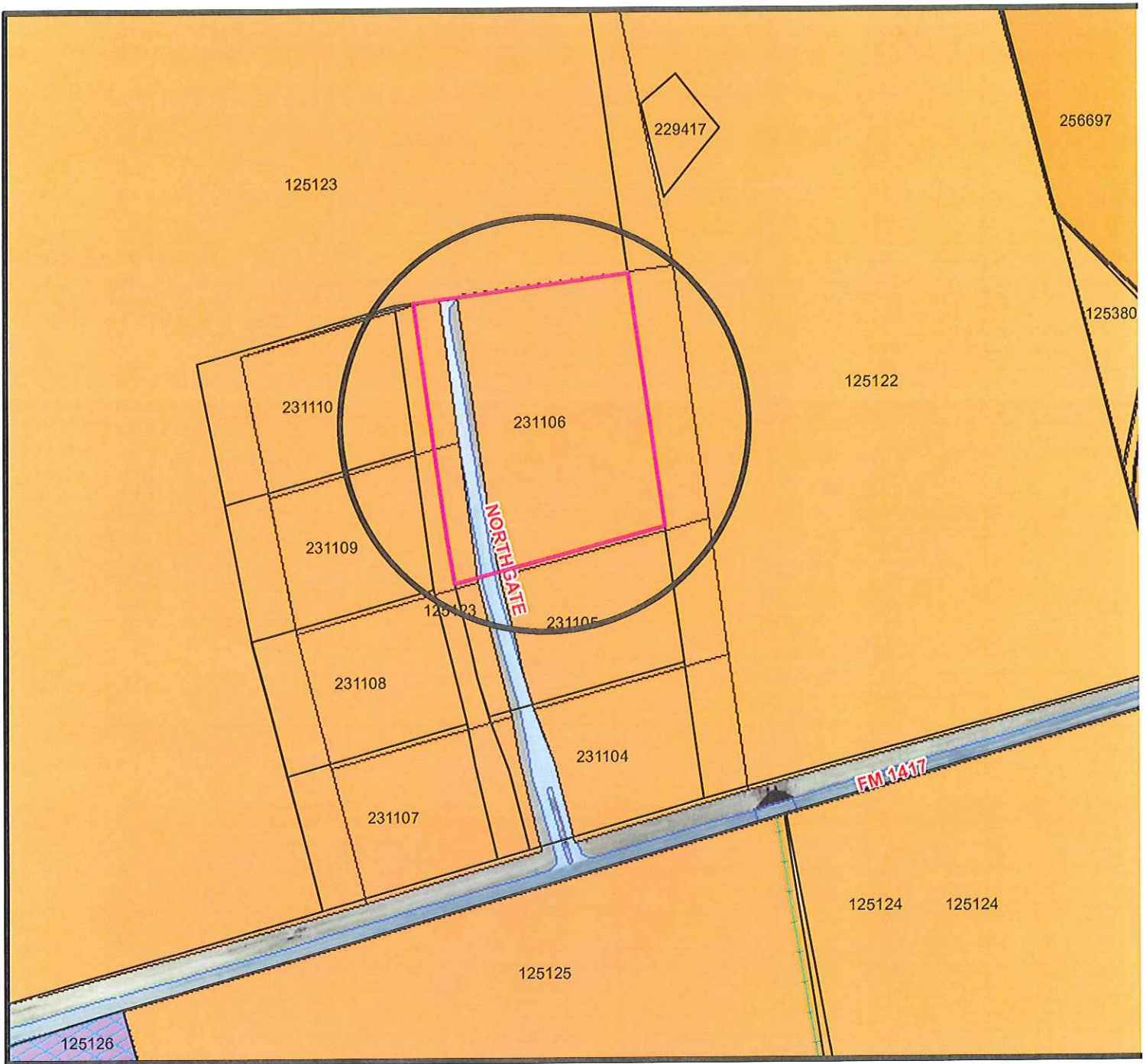
3221 Northgate Drive

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 309 feet

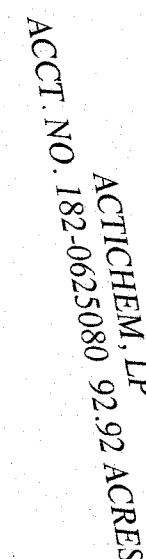


Zoning - 3221 Northgate Drive

Legend

O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT	C-2 General Commercial District
O 1.1 FM 1417 OVERLAY DISTRICT	M-1 Light Manufacturing District
O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT	R-A Single Family Agricultural District
C B D DOWNTOWN BUSINESS DISTRICT	SF-1 Single Family Residential District
C P O COLLEGE PARK OVERLAY DISTRICT	M-1.5 Medium Manufacturing District
A & C ARTS & CULTURAL OVERLAY DISTRICT	M-2 Heavy Manufacturing District
CO Office District	MH Manufacturing Housing District
R-1 One Family Residential District	Blaylock Commercial District
R-2 Multi-Family Residential District	BIP Blaylock Industrial Park
C-1 Retail Business District	



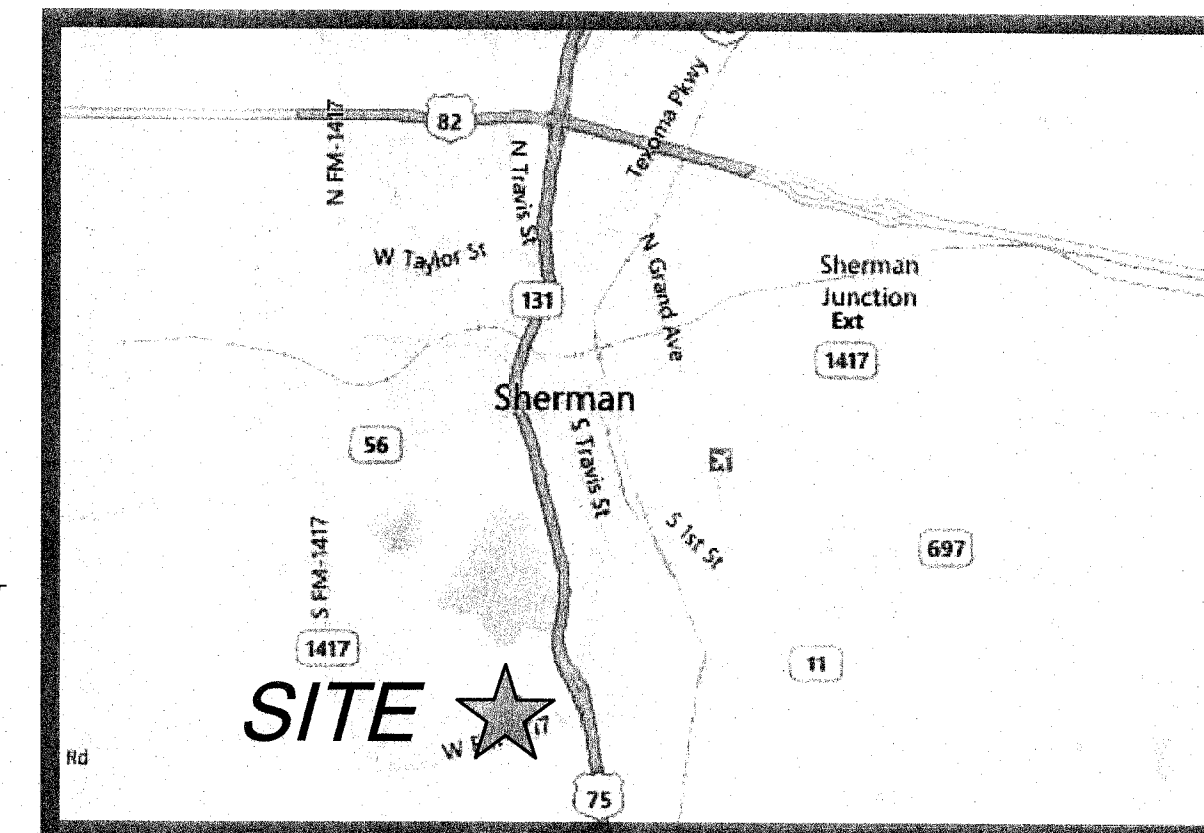


SCALE IN FEET

50 25 0 50 100

1" = 50'

VICINITY MAP



1. THIS PLAN REFERENCES: AN EXTERIOR TOPOGRAPHIC SURVEY COMPLETED BY: UNDERWOOD SURVEYING, DATED: AUGUST, 2012

2. PROPERTY OWNER: REALTY INCOME
600 LA TERRAZA BLVD
ESCONDIDO , CA 92025

3. PROPERTY APPLICANT: FEDEX GROUND PACKAGE SYSTEM, INC.
1000 FEDEX DRIVE
MOON TOWNSHIP, PA 15108
504,423 SF (11.58 ± AC)

4. PROPERTY AREA:

5. PRE & POST AREAS:

PRE IMPERVIOUS:	233,080± SF (46.21%)	
PRE PERVIOUS:	271,343± SF (53.79%)	
POST IMPERVIOUS:	240,215± SF (47.62%)	
POST PERVIOUS:	264,208±SF (52.38%)	

6. PARKING SPACES

	EXISTING	PROPOSED
AUTOMOBILE TOTAL	143	165
STANDARD	143	157
HANDICAP	5	6
28' TRAILER	18	18
LONG TRAILER	5	5
TRACTOR	6	6
DOLLY	6	6
HD VAN STAGING	0	13

7. THIS DRAWING IS THE SOLE PROPERTY OF VORTEX ENGINEERING & ARCHITECTURE, INC. (V.E.A.I) AND IS NOT TO BE UTILIZED WITHOUT WRITTEN CONSENT FROM V.E.A.I.

	EXISTING COLOUR LINE
	EXISTING PROPERTY LINE
	EXISTING EASEMENT
	EXISTING EDGE OF ASPH
	EXISTING FENCE LINE
	EXISTING GAS LINE
	EXISTING BURIED ELECTRIC
	EXISTING OVERHEAD ELECTRIC
	EXISTING TELEPHONE LINE
	EXISTING SS LINE
	EXISTING WATER LINE
	EXISTING STORM PIPE
	EXISTING CONCRETE
	PROPOSED CONCRETE
	PROPOSED CONCRETE PAVING
	PROPOSED STRIPING
	EXISTING BUILDING DOOR LOCATION
	EXISTING SINGLE POLE SIGN /
	EXISTING DOUBLE POLE SIGN

NOTES:

1. THE SIGNAGE REQUIRED IS NOTED ON THE PLANS
2. SIGNS WILL BE FURNISHED AND INSTALLED BY THE G.C.
3. CONTRACTOR SHALL PROVIDE 2" DIA. GALV. PIPE SIGN POSTS AS REQUIRED
4. SIGN ON POST
5. MINIMUM FVG REQUIREMENT, COORDINATE SIGNAGE INSTALLATION ACCORDING TO STATE SPECIFIC REQUIREMENTS AND LOCAL REQUIREMENTS WITH THE AUTHORITIES HAVING JURISDICTION.

SIGN #	DESCRIPTION	QTY
	NO ENGINE IDLING SIGN - 20" x 24" REF. TAPCO PART NO. 100092	2

VORTEX
ENGINEERING & ARCHITECTURE, INC.

* CONSTRUCTION MANAGERS & SITE PLANNERS
* PROJECT MANAGERS
* CIVIL & CONSULTING ENGINEERS / ARCHITECTS

2304 Patterson Road, Suite 20
Grand Junction, CO 81505
Phone: (970) 245-9051
Fax: (970) 245-7639

R.W. JONES I
PROFESSIONAL ENGINEER
TEXAS LICENSE No. 109013

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TEXAS CERTIFICATE OF REGISTRATION No. E 13710

Site Plan
2013 Office Expansion
FedEx Ground Facility
3221 Northgate Drive
Sherman, TX 75092

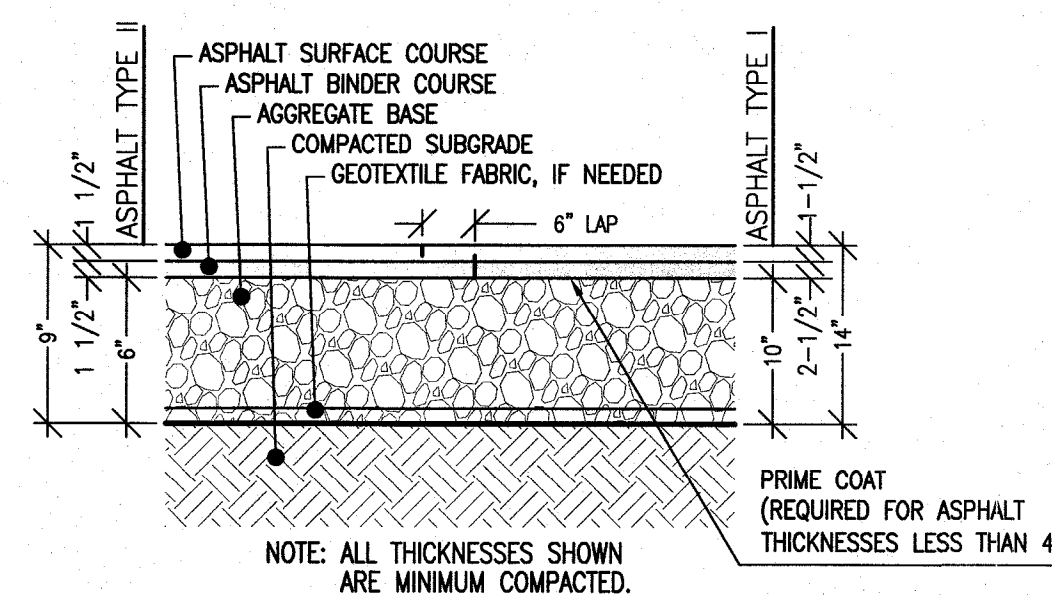
PROJECT NO: F12-037
DATE: 02/12/13
SCALE: NA
CAD ID: sherman-s2.dwg

~SHEET~

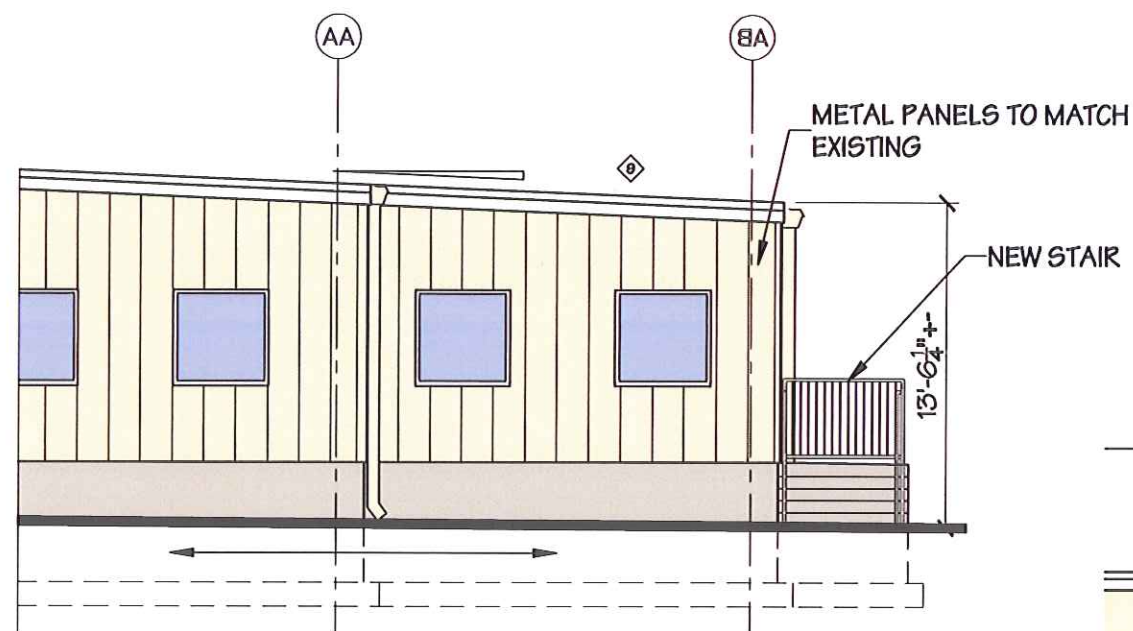
C1.0

FOR REVIEW - NOT FOR CONSTRUCTION

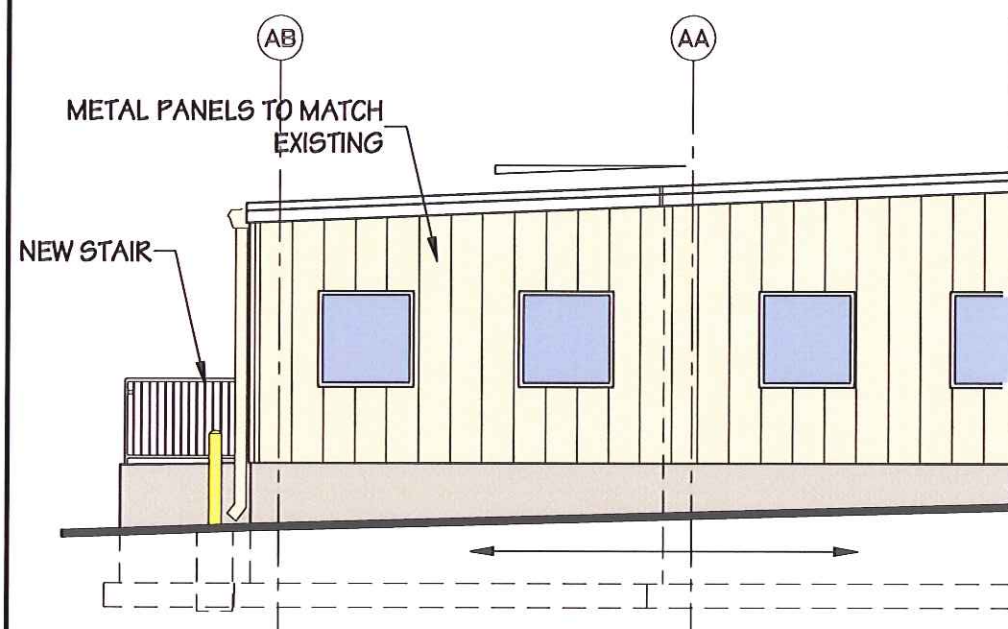
1	CONCRETE CURB AT TRACTOR PARKING PER FEDEX STD. 02522--002
2	AUTO & DOLLY PARKING BUMPER PER FEDEX STD. 02842--002
3	BOLLARD PER FEDEX STD. 02870--001 & 02870--004
4	4" WIDE PAINT STRIPE TYPICAL
5	30' VEHICLE RESTRICTION GATE PER FEDEX DETAIL STD. 02830--004
6	NEW / EXISTING ASPHALT INTERFACE PER FEDEX STD. 02510--003
7	ASPHALT AT CONCRETE SECTION PER FEDEX STD. 02510--007
8	ASPHALT PAVEMENT TERMINATION TRANSITION PER FEDEX STD. 02510--008
9	TYPICAL SIGN INSTALLATION PER FEDEX STD. 02843--003
10	PROPOSED / PRELIMINARY LIGHT POLE LOCATION (SEE SHEET C6.0)



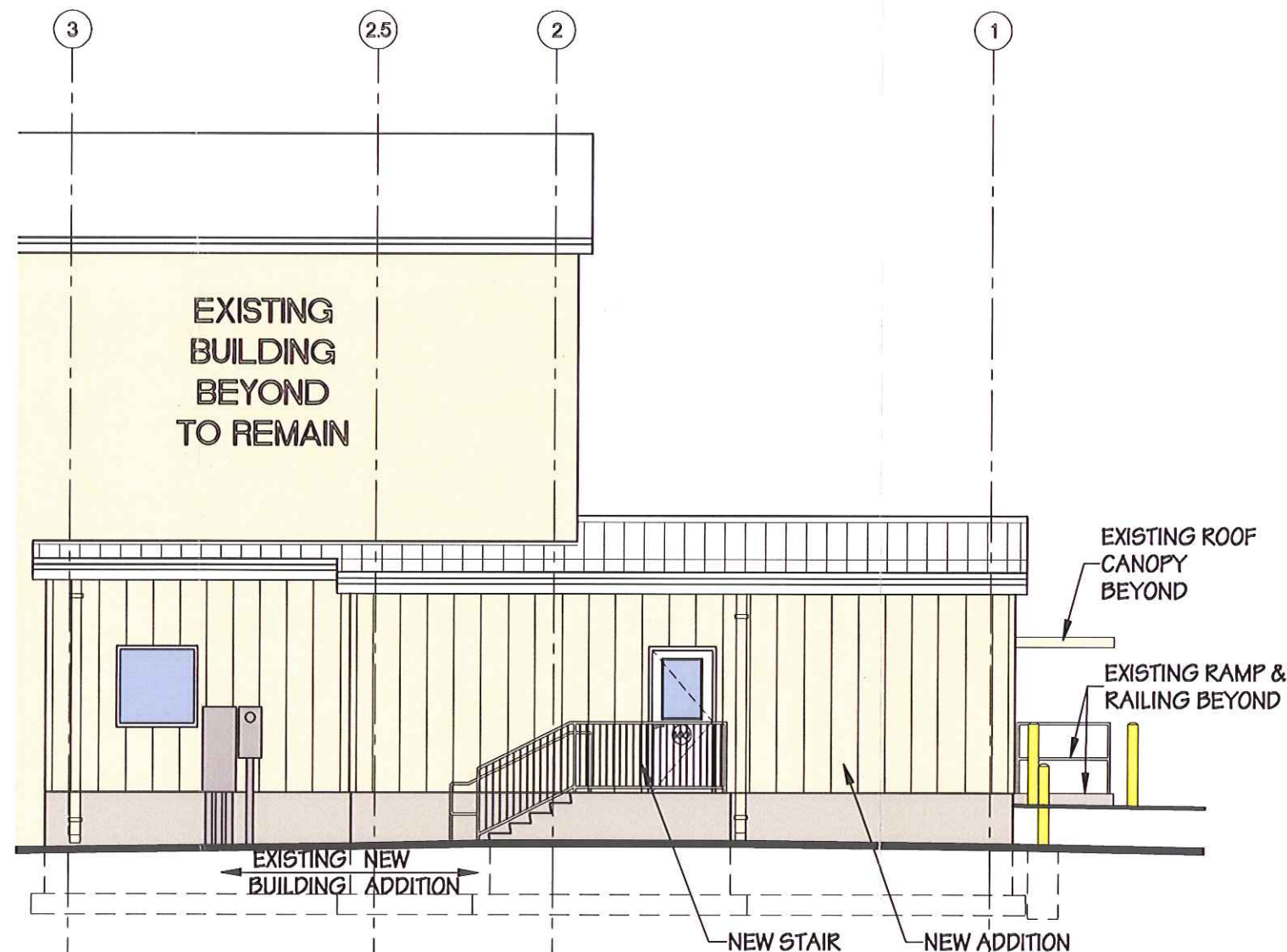
ASPHALT PAVEMENT
PAVEMENT TYPE I & II N.T.S.
PRELIMINARY PAVEMENT DESIGN
PENDING RECEIPT OF NEW
GEOTECHNICAL REPORT



1 NEW ADDITION NORTH EXTERIOR ELEVATION
SCALE: 1/8"=1'-0"



2 NEW ADDITION SOUTH EXTERIOR ELEVATION
SCALE: 1/8"=1'-0"



3 NEW ADDITION WEST EXTERIOR ELEVATION
SCALE: 1/8"=1'-0"



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

Agenda Item No. 6.

Meeting Date: 04/16/2013

Prepared by: Patsy Reeves, Developmental Services Admin Secretary

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Darren Tankersley, Commissioner

Ron Barton, Commissioner

Richard Barber, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Issue:

3221 NORTHGATE DRIVE

The request of American Realty Capitol Operating Partnership, LP (Owners), FedEx Ground Package Handling Facility (Tenant), Vortex Engineering & Architecture, Inc. (Engineer/Architect) and Robert W. Jones, II (Representative) concerning the property at 3221 Northgate Drive, being Lot 3, Block 1, Northgate Business Park, Phase One and in Tract 4.1, Blalock Industrial Park, as follows:

Planning and Zoning Commission

Site plan approval to Ordinance No. 2252 Article IV, Section 410(2)(j) for an office and parking lot addition for FedEx Ground in the Blalock Industrial Park

Requested Action/Proposed Use:

Planning and Zoning Commission

Site plan approval to Ordinance No. 2252 Article IV, Section 410(2)(j) for an office and parking lot addition for FedEx Ground in the Blalock Industrial Park.

Background:

The property is located at 3221 Northgate Drive in the Blalock Industrial Park; FedEx Ground is the tenant. The project includes constructing a 575 square foot office addition, adding 20 employee parking spaces and 13 FedEx Home Delivery van parking spaces. The exterior of the addition will be metal panels with a stucco finish to match the existing building.

Adjacent Zoning:

Blalock Industrial Park

Origination:

American Realty Capitol Operating Partnership, LP (Owners), FedEx Ground Package Handling Facility (Tenant), Vortex Engineering & Architecture, Inc. (Engineer/Architect) and Robert W. Jones, II (Representative)

Master Plan Designation:

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

Number of notices mailed:

36

Objections Received:

0

Attachments

Location Map

Zoning Map

Photo

Site Plan

Elevations

Staff Review Letter

**STAFF REVIEW LETTER**

March 10, 2013

American Realty Capitol Operating Partnership LP
Russ Winget
106 York Road
Jenkintown, PA 19046

Vortex Engineering & Architecture, Inc.
Robert W. Jones, II
2394 Patterson Road, Ste. 201
Grand Junction, CO 81505

Dear Applicants,

The request for site plan approval for an office and parking lot addition for FedEx Ground in the Blalock Industrial Park for the property located at 3221 Northgate Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2013 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 Ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903-892-7267).
3. 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 and Zoning Commission.

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 Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Clay Barnett, City Engineer

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



City Council Regular Meeting

Agenda Item No. E. 4.

Meeting Date: 05/06/2013

Prepared By: Scott Shadden, Director Developmental Services

Approved By: George Olson, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lots 3 and 4, Block 1, Fairview Park Patio Homes, Replat of Lots 1-7, containing 0.742 acres; Shreetejas LLC, Owner; and Data Land Services, Surveyor (1400 Block of Park Place)

Issue:

To consider Replat approval of Lots 3 and 4, Block 1, Fairview Park Patio Homes, Replat of Lots 1-7

Background:

The property is located in the 1400 block of Park Place across from Fairview Park and is zoned an R-2 Multi-Family Residential District. The owner would like to replat the two lots by moving lot lines for multi-family residential development.

Origination:

Shreetejas LLC (Owner) and Data Land Services (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the April 16, 2013 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

Zoning Map

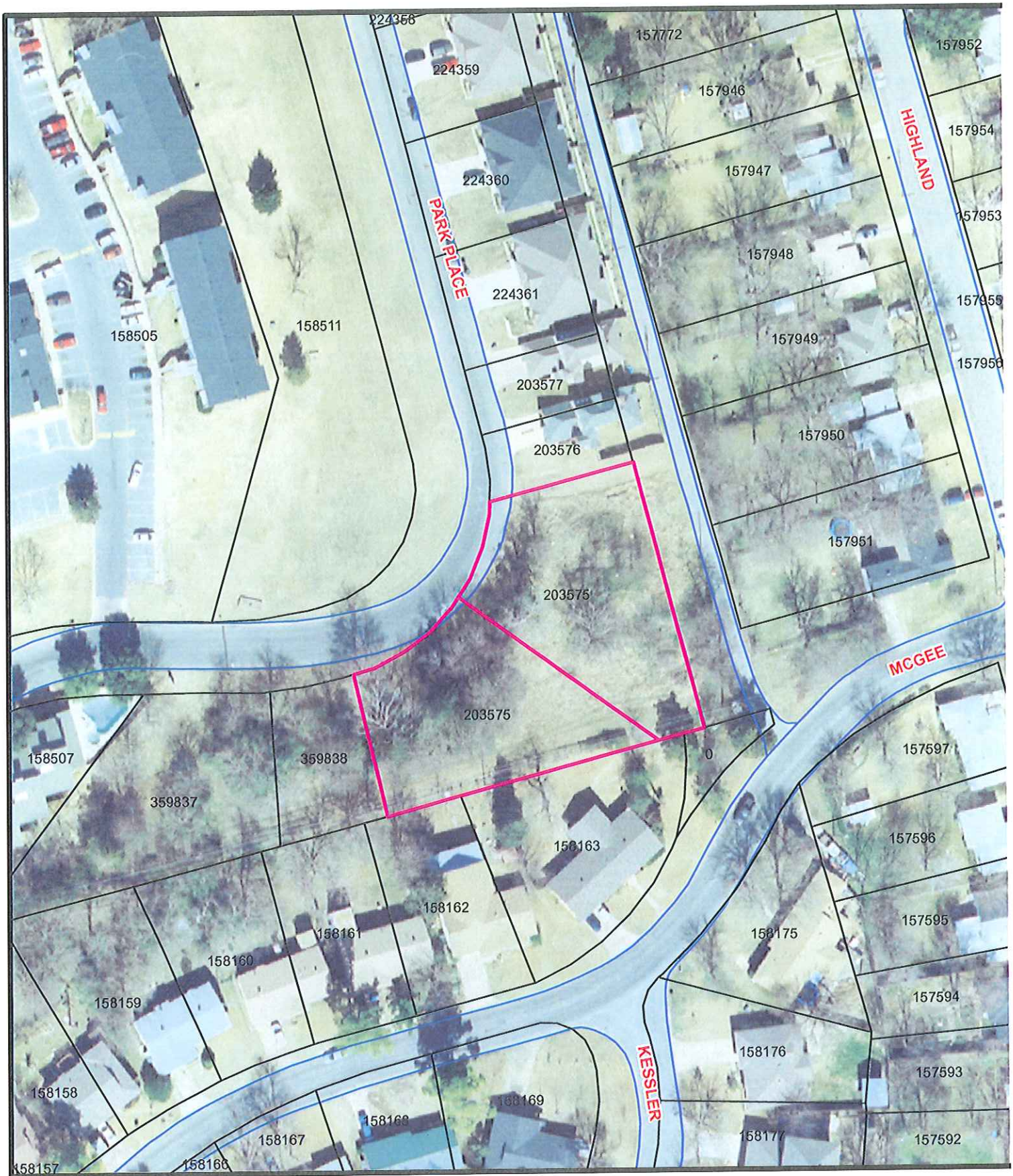
Photo

Replat

P&Z Communication Form

Staff Review Letter

Letter from Helen Jump



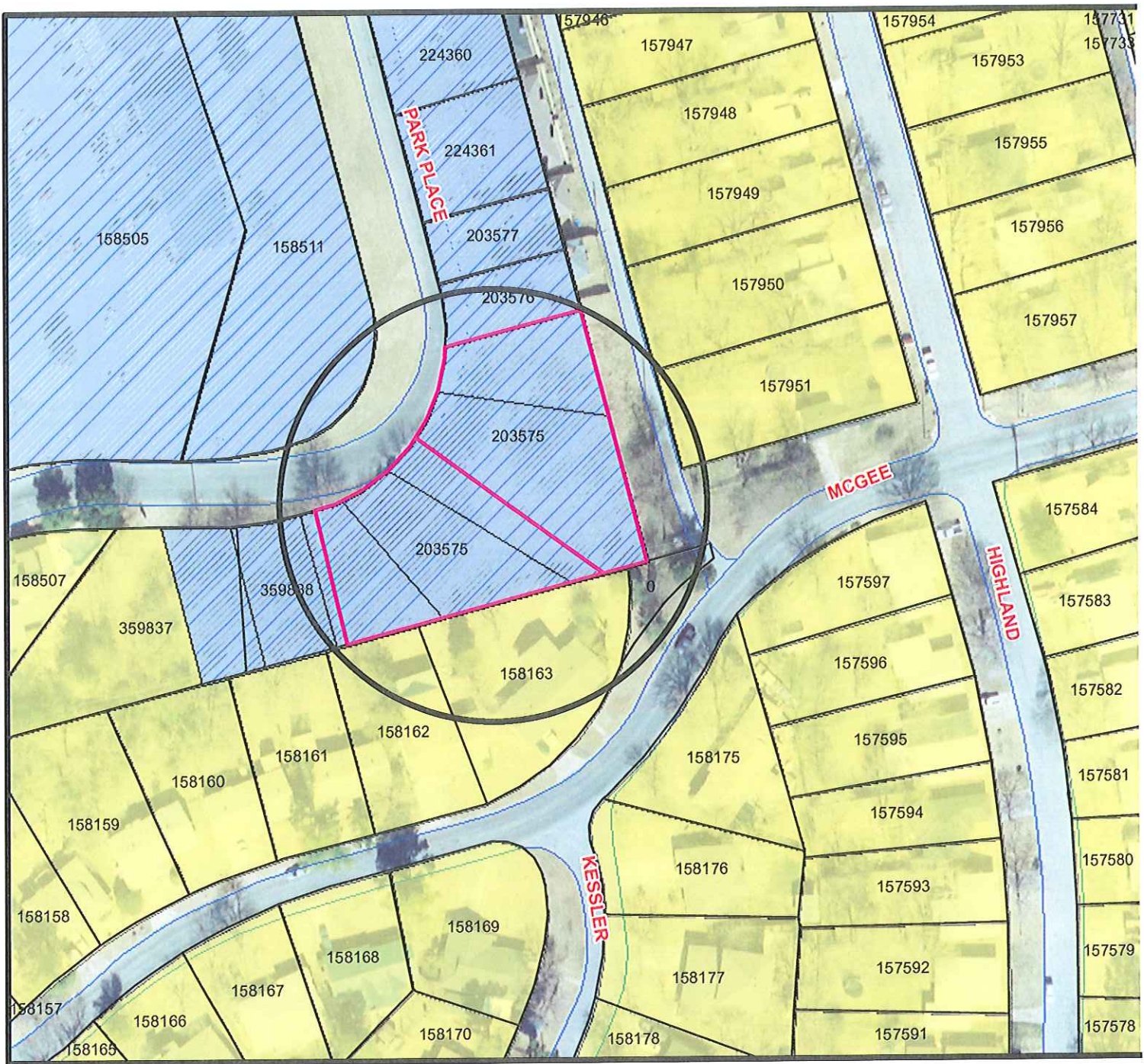
1400 Block Park Place

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 86 feet



Zoning - 1400 Block Park Place

Legend

O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT	C-2 General Commercial District
O 1.1 FM 1417 OVERLAY DISTRICT	M-1 Light Manufacturing District
O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT	R-A Single Family Agricultural District
C B D DOWNTOWN BUSINESS DISTRICT	SF-1 Single Family Residential District
C P O COLLEGE PARK OVERLAY DISTRICT	M-1.5 Medium Manufacturing District
A & C ARTS & CULTURAL OVERLAY DISTRICT	M-2 Heavy Manufacturing District
CO Office District	MH Manufacturing Housing District
R-1 One Family Residential District	Blalock Commercial District
R-2 Multi-Family Residential District	BIP Blalock Industrial Park
C-1 Retail Business District	



1400 Blk. Park Place





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

Agenda Item No. 8.

Meeting Date: 04/16/2013

Prepared by: Lisa Whitfield, Engineering & Development Coordinator

Approved by: Scott Shadden, Director of Development Services

Commissioners: Don Hicks, Chairman

Joe Gilbert, Vice-Chairman

Brad Morgan, Commissioner

Darren Tankersley, Commissioner

Ron Barton, Commissioner

Richard Barber, Commissioner

Ryan Michael Kreck, Commissioner

Sam Thorpe, Commissioner

Ronnie Dutton, Commissioner

Issue:

*** 1400 BLOCK PARK PLACE**

The request of Shreetejas LLC (Owner) and Data Land Services (Surveyors) concerning the property in the 1400 Block Park Place, being Lots 3 & 4, Block 1, Fairview Park Patio Homes Replat, Lots 1-7, containing 0.742 acres, as follows:

Planning and Zoning Commission

Replat approval of Lots 3 & 4, Block 1, Fairview Park Patio Homes, Replat Lots 1-7.

Requested Action/Proposed Use:

Planning and Zoning Commission

Replat approval of Lots 3 & 4, Block 1, Fairview Park Patio Homes, Replat Lots 1-7.

Background:

The property is located in the 1400 Block of Park Place, across from Fairview Park and is zoned an R-2 (Multi-family Residential) District. The owner would like to replat two lots by moving lot lines for multi-family residential development.

Adjacent Zoning:

R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District

Origination:

Shreetejas LLC (Owner) and Data Land Services (Surveyors)

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:

24

Objections Received:

0

Attachments

Location Map

Zoning Map

Photo

Replat

Staff Review Letter

**STAFF REVIEW LETTER**

April 9, 2013

Shreetejas LLC
10007 Stone Harbor Way
Irving, TX 75063

Dear Applicants,

The request for approval of a Replat approval of Lots 3 & 4, Block 1, Fairview Park Patio Homes Replat, Lots 1-7 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 16, 2013 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks shall conform to the City of Sherman standards.
4. Building setback lines shall be removed from the plat.
5. The City of Sherman will not maintain the alley and any future maintenance shall be the responsibility of the owner or the Developer shall build the alley to the City of Sherman standards.
6. A notation shall be shown on the plat for the power easement and the maintenance easements.
7. The building setback is shown to be within the power easement. No permanent structures shall be placed within the power easement without written consent from Oncor.
8. Original lot lines shall be removed from the plat.
9. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,

Clay Barnett,
City Engineer

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Jamie Baggs, Fire Marshal
Don Keene, Dir. of Public Works

Scott Shadden, Director of Development Services
Mark Gibson, Dir. of Engineering and Utilities
Lisa Whitfield, Engineering & Development Coordinator
Data Land Services, PO Box 2110, Forney, TX 75126

HELEN R. JUMP

RECEIVED

April 11, 2013

APR 12 2013

City of Sherman
Planning and Zoning Board
Building Inspection Department

Dear Planning and Zoning Board Members:

As an owner of property within 200 ft. of property in the 1400 Block Park Place, lots 3 & 4 , Block 1, Fairview Park Patio Homes I oppose the replat of the lots up for review.

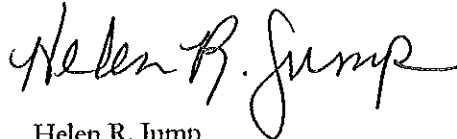
There are already apartments in that area creating noise and litter. To replat the lots in question would allow more population in that area creating even more noise and litter. I also have to keep all my gates locked to keep people from that area out of my yard. More people will mean more problems.

My sister, who is retired & disabled, lives with me. It is sometimes difficult for us to tolerate those conditions.

I have attached a copy of the letter regarding this concern that was sent to me by the Planning & Zoning Board

Thank you for your consideration.

Sincerely,



Helen R. Jump
Homeowner



City Council Regular Meeting

Agenda Item No. J.

Meeting Date: 05/06/2013

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: George Olson, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2013 Council Calendar

2013

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