

**CITY OF SHERMAN  
CITY COUNCIL REGULAR MEETING AGENDA  
COUNCIL CHAMBERS OF THE CITY HALL  
220 WEST MULBERRY STREET  
SHERMAN, TEXAS  
MONDAY, MAY 5, 2014  
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER LAWRENCE DAVIS**
- A. 3. INVOCATION BY COUNCIL MEMBER LAWRENCE DAVIS**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 7, 2014**

**Proclamations**

- B. 1. PROCLAMATION**  
"Mental Health Awareness Month" – May 2014
- B. 2. PROCLAMATION**  
"National Travel and Tourism Week" – May 3-11, 2014

**Public Hearing**

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5815**  
Denying the Rate Increase Requested by Atmos Energy Corp., Mid-Tex Division under the Company's 2014 Annual Rate Review Mechanism Filing in All Cities Exercising Original Jurisdiction; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses Pertaining to Review of the RRM; Authorizing the City's Participation with Atmos Cities Steering Committee in Any Appeal Filed at the Railroad Commission of Texas by the Company; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses in Any Such Appeal to the Railroad Commission; Requiring Delivery of this Ordinance to the Company and the Steering Committee's Legal Counsel

**Close Public Hearing and Consider Adoption of Ordinances**

- C. 2. ADOPTION OF ORDINANCES**  
Consider Adoption of Ordinance Number: 5815

**C. 3.      CONSENT AGENDA**

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

**Resolutions**

**D. 1.      \* RESOLUTION NO. 5854**

Accepting the Contract with Jerry Paul Higgins, Ltd. as Complete for the Wastewater Treatment Plant East Bar Screen Replacement Project

**D. 2.      \* RESOLUTION NO. 5855**

Authorizing Execution of a Developer's Agreement with DGR Development Group, LTD. for Construction of Public Facilities in the O'Hanlon Ranch Phase IV Addition to the City of Sherman

**Other Business**

**E. 1.      \* OTHER BUSINESS**

Consider Request of the 2014 Neighborhood Recreational Committee to Temporarily Close Certain Streets for the Annual "Juneteenth Celebration" and "Juneteenth Parade" on Saturday, June 14, 2014

**E. 2.      OTHER BUSINESS**

Receive a Community Services Presentation from Director of Community and Support Services Don Keene

**E. 3.      OTHER BUSINESS**

Approve Quarterly Investment Report for Period Ending March 31, 2014

**F.          CITIZEN REQUESTS**

**G.          MEDIA QUESTIONS**

**Consider Board/Commission Appointments**

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

(a)      Sherman Higher Education Finance Corporation (7)

**I.          COUNCIL COMMENTS**

## **Executive Session**

### **J. 1. EXECUTIVE SESSION**

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

Section 551.071 Consultation with City Attorney concerning Pending or Contemplated Litigation:

- (a) Receive the City Attorney's Briefing on Pending or Contemplated Litigation

## **The Council reconvenes into General Session**

### **K. 1. OPEN MEETING**

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

### **L. ADJOURNMENT**

## **COUNCIL CALENDAR**

## **CERTIFICATION**

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on May 1, 2014 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 1<sup>st</sup> day of May, 2014  
City of Sherman, Texas

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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

Robert G. Softly

Council Members

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

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

Lawrence Davis, Council – District #1

Robert G. Softly, Council – District #2

Tom Watt, Council – District #3

David Plyler, Council – District #4



# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. A. 4.**

**Meeting Date:** 05/05/2014

**Prepared By:** Linda Ashby, City Clerk

**Approved By:** George Olson, City Manager

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**Caption:**

**APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 7, 2014**

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**Attachments**

April 7, 2014

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STATE OF TEXAS

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April 7, 2014

COUNTY OF GRAYSON

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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 7, 2014.

MEMBERS PRESENT:

MAYOR CARY WACKER; DEPUTY MAYOR ROBERT  
SOFTLY.  
COUNCIL MEMBERS DAVIS, PLYLER, SOFEY.

MEMBERS ABSENT:

COUNCIL MEMBERS JOHNSON, WATT.

**CALL TO ORDER**

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

CALL TO ORDER

**APPROVE MINUTES**

The Council reviewed the Minutes of the Called City Council Meeting of March 12, 2014, the Regular City Council Meeting of March 17, 2014, the Called City Council Meeting (Held Jointly with the Sherman Economic Development Corporation Board of Directors) of March 21, 2014, and the Called City Council Meeting of March 26, 2014. Deputy Mayor Softly moved to approve the Minutes as presented; Second by Council Member Sofey. All present voted AYE. MOTION CARRIED.

APPROVE MINUTES

**PROCLAMATIONS**

**RECOGNIZING JERRY CHAPMAN FOR HIS 32 YEARS AS  
GENERAL MANAGER OF THE GREATER TEXOMA UTILITY  
AUTHORITY**

Mayor Wacker presented a proclamation to Jerry Chapman, General Manager of the Greater Texoma Utility Authority, on his retirement after 32 years and on his dedication and service to the citizens of Sherman.

JERRY CHAPMAN  
GTUA – 32 YEARS

Mr. Chapman thanked the Mayor and Council adding that he loves this City and for the past 45 years he has been able to represent her interests in one way or the other. He said it has been a joy and hasn't seemed like a job at all.

**"NATIONAL LIBRARY WEEK" – APRIL 13-19, 2014**

Council Member Plyler presented a proclamation to Jacqueline Banfield, Library Services Administrator, designating April 13 through 19, 2014, as "National Library Week" in Sherman.

NATIONAL LIBRARY  
WEEK  
(APRIL 13-19, 2014)

Ms. Banfield thanked the Mayor and City Council for the proclamation. She outlined the various activities that will be held at the Sherman Public Library in celebration of the special week and throughout the summer.

Mayor Wacker said libraries are taken for granted, and are very important in the life of a community, for civic engagement, literacy, and for information.

**INTRODUCTION AND PUBLIC HEARING OF ORDINANCES**

Mayor Wacker introduced Ordinance 5812 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A RETAIL NATURAL STONE FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 5208 TEXOMA PARKWAY, BEING 3.919 ACRES IN THE D.C. SHELP SURVEY, ABSTRACT NO. 1097 (K INVEST, OWNER; SCOTT SANDERS, PROSPECTIVE BUYER; C&L NATURAL STONE, PROPOSED TENANT; AND HELVEY & ASSOCIATES SURVEYING INC., SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5812  
SUP FOR RETAIL  
NATURAL STONE  
FACILITY  
(5208 TEXOMA PKWY)

No citizens appeared before the City Council to discuss Ordinance 5812.

Mayor Wacker introduced Ordinance 5813 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AT 130 MISSION DRIVE (JAMES & SANDRA MAHON, OWNERS; JASON MAHON, REPRESENTATIVE; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.

ORD 5813  
ZONE CHANGE  
(130 MISSION DR)

No citizens appeared before the City Council to discuss Ordinance 5813.

The Public Hearing was closed.

**ADOPTION OF ORDINANCES**

**Ordinance 5812**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A RETAIL NATURAL STONE FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 5208 TEXOMA PARKWAY, BEING 3.919 ACRES IN THE D.C. SHELP SURVEY, ABSTRACT NO. 1097 (K INVEST, OWNER; SCOTT SANDERS, PROSPECTIVE BUYER; C&L NATURAL STONE, PROPOSED TENANT; AND HELVEY & ASSOCIATES SURVEYING INC., SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 5812  
SUP FOR RETAIL  
NATURAL STONE  
FACILITY  
(5208 TEXOMA PKWY)

**Ordinance 5813**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT AT 130 MISSION DRIVE (JAMES & SANDRA MAHON, OWNERS; JASON MAHON, REPRESENTATIVE; AND SARTIN & ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER.**

**ORD 5813**

**ZONE CHANGE  
(130 MISSION DR)**

**ACTION TAKEN.**

Motion by Council Member Sofey to approve Ordinance Nos. 5812 and 5813, as presented. Second by Deputy Mayor Softly.

**VOTING AYE:** Davis, Plyler, Sofey, Softly.

**VOTING NAY:** None.

**MOTION CARRIED.**

**CONSENT AGENDA**

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

**CONSENT AGENDA**

**RESOLUTIONS**

**RESOLUTION NO. 5847 – AUTHORIZING THE EXECUTION OF A DRAINAGE AND PARK IMPROVEMENT AGREEMENT WITH ARTISAN DEVELOPMENT COMPANY, INC.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DRAINAGE AND PARK IMPROVEMENT AGREEMENT WITH ARTISAN DEVELOPMENT COMPANY, INC.**

**RES 5847**

**DRAINAGE &  
PARK IMPROVEMENT**

Clay Barnett, Director of Public Works and Engineering, said Walt DeRonde of Artisan Development Company, approached the City with the prospect of partnering with him on the detention aspect of his development.

He proposed an agreement whereby he would develop 380 lots and give the City \$658 per lot, for a total of \$250,000. At which time, the City would be responsible for building a park as well as any needed detention facilities.

Mr. Barnett said this is an example of how the City is partnering with the development community in order to leverage funds to create something better than past detention facilities. He added this is a prime example of what the City could do with a fee in lieu of detention.

Mayor Wacker verified that the specific plans were not developed yet, but the City would be working on the plans for the park improvements. She felt it was a good plan.

**ACTION TAKEN.**

Motion by Council Member Sofey to approve Resolution No. 5847, as presented. Second by Council Member Plyler.

COUNCIL MINUTES – APRIL 7, 2014

VOTING AYE: Davis, Plyler, Sofey, Softly.  
VOTING NAY: None.  
MOTION CARRIED.

RESOLUTION NO. 5848 -- ABANDONING A DRAINAGE  
EASEMENT DESCRIBED IN VOLUME 4900, PAGE 280 OF  
THE REAL PROPERTY RECORDS OF GRAYSON COUNTY,  
TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SHERMAN, TEXAS, ABANDONING A DRAINAGE EASEMENT  
DESCRIBED IN VOLUME 4900, PAGE 280 OF THE REAL  
PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS.  
CONSENT AGENDA.

RES 5848  
ABANDON DRAINAGE  
EASEMENT

RESOLUTION NO. 5849 – AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT  
OF AD VALOREM PROPERTY TAXES FOR THE  
CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE  
AT 1417 NORTH HOARD AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT  
OF AD VALOREM PROPERTY TAXES FOR THE  
CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE  
AT 1417 NORTH HOARD AVENUE.  
CONSENT AGENDA.

RES 5849  
RESIDENTIAL TAX  
ABATEMENT  
(1417 N. HOARD)

RESOLUTION 5850 – AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT  
OF AD VALOREM PROPERTY TAXES FOR THE  
CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE  
AT 1419 NORTH HOARD AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT  
OF AD VALOREM PROPERTY TAXES FOR THE  
CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE  
AT 1419 NORTH HOARD AVENUE.  
CONSENT AGENDA.

RES 5850  
RESIDENTIAL TAX  
ABATEMENT  
(1419 N. HOARD)

RESOLUTION 5851 – AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT  
OF AD VALOREM PROPERTY TAXES FOR THE  
CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE  
AT 1423 NORTH HOARD AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH MARIO TOBAR FOR THE ABATEMENT  
OF AD VALOREM PROPERTY TAXES FOR THE  
CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE  
AT 1423 NORTH HOARD AVENUE.  
CONSENT AGENDA.

RES 5851  
RESIDENTIAL TAX  
ABATEMENT  
(1423 N. HOARD)

RESOLUTION NO. 5852 – AUTHORIZING EXECUTION OF AN  
AGREEMENT WITH CUPID INVESTMENTS FOR THE  
ABATEMENT OF AD VALOREM PROPERTY TAXES FOR

RES 5852  
RESIDENTIAL TAX  
ABATEMENT

THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 701 SOUTH AUSTIN STREET

(701 S. AUSTIN)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 701 SOUTH AUSTIN STREET.

CONSENT AGENDA.

RESOLUTION NO. 5853 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO JEFF AND KARLA WINTERS FOR THE CONSTRUCTION OF A SWIMMING POOL WITHIN A UTILITY EASEMENT

RES 5853  
UTILITY EASEMENT  
FOR SWIMMING  
POOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO JEFF AND KARLA WINTERS FOR THE CONSTRUCTION OF A SWIMMING POOL WITHIN A UTILITY EASEMENT.

CONSENT AGENDA.

REQUEST TO ADVERTISE JANITORIAL SERVICES

REQ TO ADVERTISE  
JANITORIAL SERVICES

The City Council approved a request to advertise for proposals for janitorial services for certain City-owned facilities. As an ongoing effort to increase efficiency, the City contracts out janitorial services for the Library, Police Department, Municipal Airport, Utilities Laboratory, Senior Citizen Center, City Hall, Parks & Recreation Activity Center, and the Glennie O. Ham Center (Parks & Recreation Administrative Offices).

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER SILVER CREEK OIL & GAS' APPLICATION FOR A PERMIT TO DRILL AN OIL AND GAS WELL (MUSTANG 2H) IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT LOCATED IN THE 5600 BLOCK OF FARMINGTON ROAD, BEING 76.54 ACRES IN THE WILLIAM MARTIN SURVEY, ABSTRACT NO. 765

SILVER CREEK  
OIL & GAS  
PERMIT

The City Council approved Silver Creek Oil & Gas' application for a permit to drill an oil and gas well in an R-1 (One Family Residential) District, located in the 5600 block of Farmington Road.

All necessary paperwork has been provided and the public hearing was held at the March 17, 2014 City Council Meeting.

CONSENT AGENDA.

RECEIVE PRESENTATION FROM THE TEXOMA COUNCIL OF GOVERNMENTS (TCOG) ON THE AGING SERVICES PROGRAMS AVAILABLE THROUGH TCOG

TCOG AGING  
SERVICES

Mayor Wacker introduced Texoma Council of Governments Representatives Judy Conner, Virginia Rhodes, and Janet Karam to present information on the Aging Services Programs available through TCOG.

Mayor Wacker said she has served on the TCOG Governing Board since 2005, and the Aging Services Programs are one of the strongest areas in the organization.

Ms. Conner, Caregiver/Care Coordination Program Manager, said there are almost three million informal caregivers in Texas, with an estimated cost of \$26 billion in services. The State partially funds TCOG for some of these services, but not for respite, books, or resources that will assist the caregivers.

Many of the caregivers learn “on the job” as needed, when their loved one has a medical issue for which they must provide care. TCOG’s objective with the caregiver program is to provide assistance to these caregivers in Grayson, Fannin, and Cooke Counties, in any way that is needed. This could be through respite care, books and resources, and sometimes through training.

A Caregiver Conference will also be held, in partnership with Grayson College, and will feature a national speaker. An Annual Caregiver Walk will also be held in September at Fairview Park. All money raised will go back into the program for respite care, to give the caregiver a break so they can continue to care for their loved ones.

Ms. Rhodes, Senior Corps Program Manager, briefed the Council on the volunteer programs, including the Foster Grandparent Program and the Retired and Senior Volunteer Program (RSVP). Volunteers are essential to the community and the goal of the programs are to bridge the gap between people age 55 and older, with their experience and the unmet needs of the community.

Foster grandparents normally work in the schools and daycares, supporting the teachers and at-risk students with special needs. There are approximately 21 stations and 36 foster grandparents that are actively serving at this time in the tri-county area.

The RSVP is also for people age 55 and older and they assist in local hospitals as “Pink Ladies”, at the Crisis Centers, in food pantries, with Meals-on-Wheels, and at Grand Central Station. There are approximately 620 RSVP members in 71 stations, currently in the tri-county area.

Ms. Rhodes said they recognize participants in both programs through an annual banquet. In 2013, volunteers reported over 87,000 hours served. She added that in 2013, Grand Central Station served over 28,000 meals.

Ms. Karam, Benefits Counseling Program Manager, said they help individuals 60 years of age and older with issues related to public benefits as well as those under 60 that are on Medicare.

With the automated systems there are many barriers to access to health care insurance issues and a lot of paperwork that is required for public benefits and they help citizens with those issues, one-on-one, at no cost.

She said they also help with vulnerable seniors that are “lost” after the death of a spouse. Sometimes they have a health issue or have trouble sorting through their situation. They help families apply for long term Medicaid so they can either stay in their home, if they are able, or go to a facility.

They work hard to become very knowledgeable about the resources available to seniors so if they can’t help them, they can direct them to someone that can help them.

Mayor Wacker said their services are appreciated and it is nice for citizens to know what services are available to them.

RECEIVE QUARTERLY PROGRESS REPORT FROM  
SHERMAN ECONOMIC DEVELOPMENT CORPORATION  
BOARD CHAIRMAN CHRIS PENDERGRASS AND SEDCO  
PRESIDENT SCOTT CONNELL

**SEDCO QUARTERLY  
REPORT**

Chris Pendergrass, Sherman Economic Development Corporation Chairman, introduced the Quarterly Progress Report and welcomed Council Members Sofey and Plyler as Ex-Officio Members to SEDCO.

He said during the first quarter, SEDCO has approved two performance agreements and completed the sale of 13 acres in Progress Park. The total investment of the projects is approximately \$13.6 million, with 185 new jobs and 174 retained jobs. The total incentive package for the two projects is \$780,000 if all performance measures are met.

SEDCO also validated the performance on two previous agreements that were a total investment of \$5.1 million, 81 new jobs, and 1,500 retained jobs. Mr. Pendergrass said there are still several projects they are working on to drive investment and new jobs in Sherman. SEDCO balances current businesses in the community as they look to invest in Sherman as well as attracting new businesses.

Scott Connell, SEDCO President, thanked the citizens of Sherman for allowing them to use sales tax for economic development, which he said was a “game changer” in Texas. He also thanked the staff and City Council for working in partnership with SEDCO.

SEDCO had a great first quarter including a performance agreement with GlobiTech for an expansion project with a \$9.6 million investment and the addition of ten new jobs to their current staffing of 174. The expansion will be interior and will be for equipment advancement to continually grow in their market. The project will continue through the 2015 calendar year.

The newest project is Direct Connect, which is a call center that will move into Jamestown Plaza. They will employ 150 new jobs and have already begun hiring. The incentive is for \$300,000 which will be paid through October of 2015.

The Southeastern Freight Line project was announced last summer. An extension of Northgate Drive, with utilities and infrastructure, was completed to accommodate their entranceway. The sale of the sight and the infrastructure was completed during the first quarter and they are currently under construction on the site. The project is a \$4 million investment and will have 25 new jobs.

Consolidated Container finished their project that was announced during the first quarter of 2013. The project was an investment of \$1.1 million and 16 new jobs, with retention of the current 70 jobs. They are a plastic manufacturer and their main product is milk jugs.

Tyson's Fresh Meats project added \$4 million and 75 new jobs in the first phase. They are the largest employer in Grayson County. Mr. Connell said SEDCO sees food industry as a continuing growth industry for the region.

SEDCO is also busy with infrastructure investments and is a part of several projects including the exit ramp on U.S. Hwy 75 southbound near F.M. 1417, which will be a much safer environment for trucks and for passengers. The partnership also includes the developer and the Texas Department of Transportation.

SEDCO and the City also partnered on the water line as a support mechanism for Panda Energy as they go online in the next couple of months. Work on the line is underway and construction is being done by City staff. The water line will also open up many other sites for development.

Mr. Connell thanked the City Council for attending the recent tour of the Panda Energy site. He said Panda would have a peak impact on the market.

He said one focus of SEDCO during the last quarter was on marketing and it was important to keep a relationship with the consultants to keep Sherman in the forefront in competition with other cities.

Mr. Connell said SEDCO is "numbers driven" and they are moving ahead with their goals toward new companies and the expansion of existing companies.

Mayor Wacker said they hope the indicators continue on a positive track and things are growing in Sherman.

FINAL PLAT APPROVAL OF WEST CANYON CREEK ESTATES, SECTION 1, BEING 2.29 ACRES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288; WEST CANYON

APPROVE FINAL PLAT  
WEST CANYON  
CREEK ESTATES

CREEK ESTATES, L.P., OWNERS; AND HARLAN LAND SURVEYING, INC., SURVEYORS (200-500 BLOCKS OF SHADY OAKS LANE)

The City Council approved the Final Plat of West Canyon Creek Estates, Section 1, located in the 200 to 500 blocks of Shady Oaks Lane. The property is 2.29 acres and was formerly the County Farm, which was annexed into the City in 2003.

In 2012, the Preliminary and Final Plats were approved for Section 1 for seven lots, but the plat was never filed. The owner has revised the Preliminary and Final Plats by dividing the tract into five lots for residential development.

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

FINAL PLAT APPROVAL OF WEST CANYON CREEK ESTATES, SECTION 2, BEING 4.163 ACRES IN THE JAMES H. VADEN SURVEY, ABSTRACT NO. 1288; WEST CANYON CREEK ESTATES, L.P., OWNERS; AND HARLAN LAND SURVEYING, INC., SURVEYORS (200-500 BLOCKS OF SHADY OAKS LANE)

APPROVE FINAL PLAT  
WEST CANYON  
CREEK ESTATES

The City Council approved the Final Plat of West Canyon Creek Estates, Section 2, located in the 200 to 500 blocks of Shady Oaks Lane. The property is 4.163 acres and was formerly the County Farm, which was annexed into the City in 2003.

This is the second phase of the West Canyon Creek Estates Addition and the owner would like to plat the property into eight residential lots for residential development.

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

FINAL PLAT APPROVAL OF FOSTER ADDITION IN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION (ETJ), BEING 6.49 ACRES IN THE LEONARD REED SURVEY, ABSTRACT NO. 1029; DEAN & JUANITA JOHNSON, OWNERS; JEFFREY S. FOSTER, APPLICANT; AND SARTIN & ASSOCIATES, INC., SURVEYORS (500 BLOCK OF PLEASANT HOME ROAD AND 700 BLOCK OF RIDDELS ROAD)

APPROVE FINAL PLAT  
FOSTER ADDITION

The City Council approved the Final Plat of Foster Addition in the City's Extraterritorial Jurisdiction. The property is 6.49 acres and is located in the 500 block of Pleasant Home Road and the 700 block of Riddels Road. The owners would like to plat the property into one lot for residential development.

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

COUNCIL MINUTES – APRIL 7, 2014

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

LIBRARY BOARD (1)

ACTION TAKEN.

Motion by Council Member Plyler to reappoint Darlene Schweizer to the Library Board for a term from April 8, 2014 to April 8, 2017. Second by Deputy Mayor Softly.

VOTING AYE: Davis, Plyler, Sofey, Softly.

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

RETIREMENT OF JERRY CHAPMAN FROM GTUA

Council Member Plyler thanked Jerry Chapman for his years of service to the Sherman area.

RETIREMENT OF JERRY CHAPMAN FROM GTUA

Council Member Davis also thanked Mr. Chapman for his years of service.

TOUR OF PANDA ENERGY

Council Member Davis said he enjoyed the recent tour of the Panda Energy plant. It was very impressive and a great asset to the City.

KICK WINTER TO THE CURB FESTIVAL

Mayor Wacker said the recent "Kick Winter to the Curb" festival at Pecan Grove Park - West was fun and she thanked the City staff, Parks and Recreation, Keep Sherman Beautiful Commission, and the other volunteers. She said there were many people in attendance and lots of kites flying.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:36 p.m.

CITIZENS REQUESTS

MEDIA QUESTIONS

LIBRARY BOARD

JERRY CHAPMAN  
RETIREMENT

JERRY CHAPMAN  
RETIREMENT

TOUR OF  
PANDA ENERGY

KICK WINTER TO  
THE CURB FESTIVAL

ADJOURNMENT

---

MAYOR

---

CITY CLERK



# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. B. 1.**

**Meeting Date:** 05/05/2014

**Prepared By:** Linda Ashby, City Clerk

**Approved By:** George Olson, City Manager

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**Caption:**

**PROCLAMATION**

"Mental Health Awareness Month" – May 2014

**Issue:**

To present a proclamation designating May 2014 as "Mental Health Awareness Month" in Sherman

**Background:**

For many years, May has been designated as "National Mental Health Month." This year's theme is "Mind Your Health" and the goal is to build public recognition about the importance of mental health to overall health and wellness; to inform people of the ways that the mind and body interact with each other; and provide tips and tools for taking positive actions to protect mental health and promote whole health.

**Origination:**

The request originated from Mayor Cary Wacker.

**Financial Consideration:**

There is no financial consideration.

**Staff Recommendation:**

It is recommended that the City Council present a proclamation designating May 2014 as "Mental Health Awareness Month" in Sherman.

**Alternatives:**

The Council could choose not to present the proclamation.

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**Attachments**

**Mental Health Awareness Month Proclamation**

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## Proclamation

WHEREAS, mental health is essential to everyone's overall health and well-being, and

WHEREAS, all Americans experience times of difficulty and stress in their lives, and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions, and

WHEREAS, there is a strong body of research that supports specific tools that all Americans can use to better handle challenges and protect their health and well-being, and

WHEREAS, mental health conditions are real and prevalent in our nation, and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives, and

WHEREAS, each business, school, government agency, healthcare provider, organization, and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and awareness and support prevention efforts.

NOW THEREFORE, I, Cary Wacker, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 2014

### MENTAL HEALTH AWARENESS MONTH

In the City of Sherman and urge all citizens, government agencies, public and private institutions, businesses, and schools in Sherman to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 5<sup>th</sup> day of May, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

Sinda Ashby  
City Clerk





# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. B. 2.**

**Meeting Date:** 05/05/2014

**Prepared By:** Linda Ashby, City Clerk

**Approved By:** George Olson, City Manager

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**Caption:**

**PROCLAMATION**

"National Travel and Tourism Week" – May 3-11, 2014

**Issue:**

To present a proclamation designating May 3 through 11, 2014, as "National Travel and Tourism Week" in the City of Sherman

**Background:**

Since 1984, the U.S. Travel Association has designated the first full week in May as "National Travel and Tourism Week." This year's theme is "Travel Effect" and is a part of the campaign to prove the benefits of travel. The Travel Effect proves the economic, societal, business and personal benefits of travel, and demonstrates the hidden impacts that travel can have on people.

**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 3 through 11, 2014 as "National Travel and Tourism Week" in the City of Sherman.

**Alternatives:**

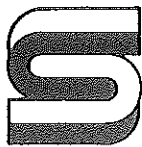
The Council could choose not to present a proclamation.

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**Attachments**

National Travel and Tourism Week Proclamation

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## Proclamation

WHEREAS, travel has a positive effect on Texas and the nation's economic prosperity and image abroad, to business productivity and to individual travelers' well-being, and

WHEREAS, travel to and within the United States provides significant economic benefits for the nation, generating \$2.1 trillion in economic output in 2013, with \$887.9 billion spent directly by travelers, and

WHEREAS, travel is among the largest private-sector employers in the United States, supporting 14.9 million jobs in 2013, including 7.9 million directly in the travel industry and 7.0 million in other industries, and

WHEREAS, travelers' spending directly generated tax revenues of \$134 billion for federal, state, and local governments, funds used to support essential services and programs, and

WHEREAS, in 2013, more than 240 million travelers visited Texas destinations with an estimated \$67 billion in direct travel spending, and

WHEREAS, this tourism directly supported 599,000 jobs in Texas and generated nearly \$4.7 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' health and wellness, creativity, cultural awareness, education, happiness, productivity, and relationships, and

WHEREAS, travel is a pillar of economic growth, creating jobs at a 19-percent faster rate than other sectors.

NOW THEREFORE, I, Cary Malcher, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 3 through 11, 2014

### NATIONAL TRAVEL AND TOURISM WEEK

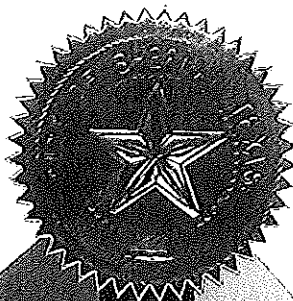
in the City of Sherman and urge all citizens to join me in this special observance with appropriate events and commemorations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 5<sup>th</sup> day of May, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

Ginda Ashby  
City Clerk





# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. C. 1.**

**Meeting Date:** 05/05/2014

**Prepared By:** Brandon Shelby, City Attorney

**Approved By:** George Olson, City Manager

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**Caption:**

**INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5815**

Denying the Rate Increase Requested by Atmos Energy Corp., Mid-Tex Division under the Company's 2014 Annual Rate Review Mechanism Filing in All Cities Exercising Original Jurisdiction; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses Pertaining to Review of the RRM; Authorizing the City's Participation with Atmos Cities Steering Committee in Any Appeal Filed at the Railroad Commission of Texas by the Company; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses in Any Such Appeal to the Railroad Commission; Requiring Delivery of this Ordinance to the Company and the Steering Committee's Legal Counsel

**Issue:**

Denying the requested rate change of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company")

**Background:**

On February 28, 2014, Atmos Mid-Tex filed a Rate Review Mechanism application with each of the approximately 164 ACSC members, including the City of Sherman, requesting an increase of \$45.7 million in additional revenues. ACSC met with Company officials to negotiate a settlement. ACSC consultants determined the Company can justify and is only entitled to a \$19 million increase, approximately 42% of the Company's request under the RRM filing. ACSC and the Company were unable to reach a compromise.

Under the RRM Tariff, Atmos Mid-Tex may appeal the cities' rate decision to the Railroad Commission, said appeal must be filed within thirty (30) days of the cities' action. The Tariff also allows Atmos Mid-Tex to implement its requested rates effective June 1<sup>st</sup> while any appeal at the Railroad Commission is pending.

Atmos Mid-Tex is requesting a monthly increase of \$2.02 for the average residential customer; but the RRM Tariff limits the annual increase in the residential customer charge to no more than \$0.50. Subsequently, the current \$17.70 customer charge will be increased to \$18.22 per month plus an energy conservation program surcharge of \$0.02.

The ACSC General Counsel recommends the City adopt an ordinance denying Atmos Mid-Tex's proposed rate increase no later than June 1, 2014.

**Origination:**

Geoffrey M. Gay, General Counsel to the ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C.

**Financial Consideration:**

All costs (legal and consulting) incurred by the City will be reimbursed by Atmos Mid-Tex.

**Staff Recommendation:**

It is recommended that Ordinance No. 5815 be adopted denying the requested rate change.

**Alternatives:**

None recommended

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**Attachments**

Ordinance No. 5815

Memo from ACSC General Counsel dated April 28, 2014

Staff Report in Support of Ordinance

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## **ORDINANCE NO. 5815**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; 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 of Sherman, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

**WHEREAS**, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

**WHEREAS**, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature; and

**WHEREAS**, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff; and

**WHEREAS**, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

**WHEREAS**, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

**WHEREAS**, the RRM renewal tariff contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications; and

**WHEREAS**, on or about February 28, 2014, the Company filed with the City its second annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$45.7 million; and

**WHEREAS**, ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to investigate issues identified by ACSC in the Company's RRM filing; and

**WHEREAS**, ACSC attorneys and consultants have concluded that the Company is unable to justify a rate increase of the magnitude requested in the RRM filing; and

**WHEREAS**, ACSC's consultants determined the Company is only entitled to a \$19 million increase, approximately 42% of the Company's request under the 2014 RRM filing; and

**WHEREAS**, the Company would only be entitled to approximately \$31 million if it had a GRIP case; and

**WHEREAS**, the Company's levels of operating and maintenance expense have dramatically risen without sufficient justification; and

**WHEREAS**, the Company has awarded its executives and upper management increasing and unreasonable levels of incentives and bonuses, expenses which should be borne by shareholders who received a 23% total return on investment in 2013; and

**WHEREAS**, the Company requested a drastically high level of medical expense that is unreasonable and speculatively based upon estimates; and

**WHEREAS**, ACSC and the Company were unable to reach a compromise on the amount of additional revenues that the Company should recover under the 2014 RRM filing; and

**WHEREAS**, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities deny the requested rate increase; and

**WHEREAS**, the Company's current rates are determined to be just, reasonable, and in the public interest;

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

**SECTION 1.** That the findings set forth in this ordinance are hereby in all things approved.

**SECTION 2.** That the City Council finds that Atmos Mid-Tex was unable to justify the appropriateness or the need for the increased revenues requested in the 2014 RRM filing, and that existing rates for natural gas service provided by Atmos Mid-Tex are just and reasonable.

**SECTION 3.** That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.

**SECTION 4.** That, in the event the Company files an appeal of this denial of rate increase to the Railroad Commission of Texas, the City is hereby authorized to intervene in such appeal, and shall participate in such appeal in conjunction with the ACSC membership. Further, in such event Atmos Mid-Tex shall reimburse the reasonable expenses of the ACSC Cities in participating in the appeal of this and other ACSC City rate actions resulting from the 2014 RRM filing.

**SECTION 5.** That a copy of this ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**SECTION 6.** That, if any one or more sections or clauses of this ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance and the remaining provisions of the ordinance shall be interpreted as if the offending section or clause never existed.

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

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

**INTRODUCED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**ADOPTED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**EFFECTIVE DATE** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**CITY OF SHERMAN, TEXAS**

**BY:** \_\_\_\_\_  
**CAROLYN S. WACKER, MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**LINDA ASHBY, CITY CLERK**

**APPROVED AS TO FORM  
AND CONTENT:**

**BY:** \_\_\_\_\_  
**BRANDON S. SHELBY,  
CITY ATTORNEY**

## MEMORANDUM

TO: Atmos Cities Steering Committee

FROM: Geoffrey M. Gay, Georgia N. Crump, Eileen McPhee

DATE: April 28, 2014

RE: Action Required before June 1, 2014 – Resolution Denying Rate Increase under Second Annual RRM Rate Increase Under the Renewed RRM Tariff

### **CONFIDENTIAL/ATTORNEY-CLIENT COMMUNICATION**

On February 28, 2014, Atmos Energy Corporation-Mid Tex Division (“Atmos” or “Company”) filed a Rate Review Mechanism (“RRM”) application with each of the Atmos Cities Steering Committee (“ACSC”) members. In the filing, Atmos alleged a test year revenue deficiency of \$49 million on a total Company basis. Pursuant to the ordinances passed by cities that renewed the RRM process that was negotiated following the Railroad Commission’s (“RRC”) Final Order in the 2012 rate case, Atmos was required to make a downward adjustment of at least \$3 million to its alleged system-wide cost of service (adjusted each year by a percentage equal to the total percentage increase in base rate revenue sought in each filing). Thus, Atmos requested \$45.7 million in additional revenues.

ACSC consultants filed discovery requests on the Company and produced a report to ACSC counsel on April 9, 2014. That report concluded that Atmos qualified for a significantly lower level of rate increase under the RRM tariff—namely the consultants were able to justify only a \$19 million increase. The report was provided to Atmos and the ACSC Executive Committee on April 10<sup>th</sup>. The ACSC Executive Committee gave its counsel settlement authority up to \$28 million. ACSC and the Company were unable to reach a compromise on the amount of additional revenues that Atmos should be allowed to recover under the RRM tariff. In a conference call on April 22, 2014, a quorum of the ACSC Executive Committee<sup>1</sup> unanimously recommended that ACSC members adopt a resolution denying all rate relief to the Company. **Action should be taken before June 1, 2014.**

Attached to this communication please find the following:

1. a Resolution denying the rate increase request; and
2. a Model Staff Report in support of the Resolution.

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<sup>1</sup> The ACSC Executive Committee includes representatives from Abilene, Arlington, Carrollton, College Station, Colleyville, Denison, Duncanville, Eastland, Farmers Branch, Flower Mound, Fort Worth, Garland, Grand Prairie, Haltom City, Irving, Kerrville, Killeen, Lewisville, Mesquite, Plano, Sherman, Waco and Waxahachie.

Unlike the confidential communication, neither the Resolution nor the Model Staff Report are confidential and may be distributed as you choose.

Anticipate an Appeal

The Company will most certainly appeal this action. Under the RRM tariff, the Company may appeal the city's ordinance to the RRC. The filing will be similar but not identical to a Statement of Intent ("SOI") filing in which the Company seeks a system-wide rate increase. For example, under the RRM, there is no examination of the Company's return on equity or capital structure and certain elements of the case will be controlled by prior decisions of the Commission.

The RRM tariff also provides that when the appeal is filed, the Company may implement its requested RRM rates effective on **June 1**, subject to refund. This equates to a monthly increase of approximately \$2 for the average residential customer. The residential customer charge will increase \$0.52. The tariff also provides that the cities will not advocate for a surety bond in order for the requested rates to go into effect. The Gas Utility Regulatory Act ("GURA") gives the Company thirty (30) days to appeal a municipal rate action to the Commission.

If you have any concerns or questions, please do not hesitate to call Geoffrey (512-322-5875), Georgia (512-322-5832), or Eileen (512-322-5817).

## STAFF REPORT SUPPORTING ORDINANCE DENYING ATMOS MID-TEX'S PROPOSED RATE INCREASE

The City of Sherman, along with approximately 164 other cities served by Atmos Energy Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On or about February 28, 2014, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff renewed by the City in 2013 as a continuation and refinement of the previous RRM rate review process. This is the second annual RRM filing under the renewed RRM tariff.

The Atmos Mid-Tex RRM filing sought a \$45.7 million rate increase system-wide based on an alleged test-year cost of service revenue deficiency of \$49 million. Of the total amount requested, almost \$37 million is attributable to the affected cities. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. Although a good faith attempt was made by ACSC to reach a compromise with Atmos Mid-Tex, an agreement was not reached. In the absence of an agreement, the ACSC Executive Committee and ACSC's legal counsel have recommended that ACSC members adopt the attached Ordinance denying the rate increase request.

The RRM tariff was adopted by the City as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. In past years, cities have been able to reach a compromise with Atmos to reduce the rate impact from the requested RRM increases, and these compromises have also been lower than the rates that Atmos would have been entitled to under the GRIP filing. In this case, the Company would have been entitled to an increase from GRIP of no more than \$31.5 million. The magnitude of the requested increase under the 2014 RRM filing, and the wide differences between it and the ACSC consultants' recommendations made a compromise much more difficult and ultimately impossible. The Company demanded more than it would be entitled to if it had filed a GRIP case. For this reason, the ACSC Executive Committee and ACSC legal counsel recommend that all ACSC Cities adopt the Ordinance denying the requested rate change.

### RRM Background:

The RRM tariff was originally approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. In early 2013, the City adopted a renewed RRM tariff for an additional five years. This is the second RRM filing under the renewed tariff. This filing was made by agreement less than one year after the first filing in order for the RRM rate-setting process to hereafter use a calendar year as the test period.

The RRM tariff and the process implementing that tariff were created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP surcharge

process. ACSC has opposed GRIP because it constitutes piecemeal ratemaking, does not allow any review of the reasonableness of Atmos' expenditures, and does not allow participation by cities or recovery of cities' rate case expenses. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings. ACSC's consultants have calculated that had Atmos filed under the GRIP provisions, it would have received additional revenues from ratepayers of approximately \$31.5 million.

#### Purpose of the Ordinance:

Rates cannot change without the adoption of rate ordinances by cities. No related matter is pending at the Railroad Commission. The purpose of the Ordinance is to deny the rate increase requested by Atmos. Under the RRM tariff, Atmos may appeal the rate decision of the cities to the Railroad Commission; such appeal must be filed within thirty (30) days of the City action.

The RRM tariff also allows Atmos to implement its requested rates effective June 1 while any appeal at the Commission is pending, subject to refunds based upon the outcome of the appeal. This would represent a monthly increase of approximately \$2.02 for the average residential customer, subject to any refund if the Commission reduces the rates implemented by Atmos. The actual impact will be slightly less than \$2.02 for most residential customers because the Company has indicated it will not appeal and thus concedes several of the issues raised by Cities. The Ordinance also authorizes the City to participate as a party to the appeal in conjunction with the ACSC, and requires the Company to reimburse the City for its rate case expenses associated with the City's review of the RRM filing, and with the appeal of the City's denial of the rate increase.

#### Rate Impact of Appeal by Atmos Effective June 1:

The RRM tariff constrains the annual increase in the residential customer charge to no more than \$0.50. The current \$17.70 customer charge will be increased to \$18.22 per month with the addition of an energy conservation program surcharge of \$0.02. The current \$17.70 customer charge for unincorporated area customers will become \$20.32 per month because all of the increase associated with a GRIP filing, which is applicable to all customers not covered by a RRM tariff, is placed on the customer charge. However, the commodity charge for unincorporated residential service will be less than one-half of the commodity charge for residents of incorporated areas—\$0.04172 per Ccf vs. \$0.08998 per Ccf.

A comparison of rates and rate impact of what Atmos initially proposed in its RRM filing is reflected in the following chart:

| Customer Class | Current Bill | New Bill | Difference | New Customer Charge | New Commodity Charge | Base Rate Increase |
|----------------|--------------|----------|------------|---------------------|----------------------|--------------------|
| Residential    | 48.09        | 50.11    | 2.02       | \$ 18.22            | \$0.08998 Ccf        | 9.41%              |
| Commercial     | 254.85       | 260.91   | 6.06       | \$ 38.85            | \$0.07678 Ccf        | 9.59%              |

|                |          |          |        |          |                 |       |
|----------------|----------|----------|--------|----------|-----------------|-------|
| Industrial     | 4,680.30 | 4,837.10 | 156.80 | \$675.00 | declining block | 9.70% |
| Transportation | 2,836.84 | 2,993.64 | 156.80 | \$675.00 | declining block | 9.70% |

However, Atmos has indicated that it will not appeal all issues raised by Cities and thus the impact should be slightly less than what is reflected in the above chart. A precise impact statement cannot be presented until after the Company's appeal is filed.

#### Reasons Justifying Approval of the Ordinance:

Consultants working on behalf of ACSC Cities have investigated the Company's requested rate increase. While the evidence does not support the \$45.7 million increase requested by the Company, ACSC's consultants agree that the Company can justify an increase in revenues of a much lesser amount—namely, an increase of only \$19 million. The Executive Committee authorized a settlement value considerably above the consultants' recommendation but it was insufficient to meet the Company's expectation. The Company and ACSC Cities were too far apart in their positions to reach a compromise, and rather than granting a partial increase that the Company will not accept, the option remaining is to deny the rate increase request in its entirety, and participate in the Company's appeal of this decision at the Railroad Commission.

#### Explanation of "Be It Ordained" Paragraphs:

1. This paragraph approves all findings in the Ordinance.
2. This section denies the requested rate increase, finds the proposed rates to be unreasonable and not in the public interest, and finds the existing rates to be just and reasonable.
3. This section requires the Company to reimburse ACSC Cities for reasonable ratemaking costs associated with reviewing and processing the RRM application.
4. This section authorizes participation by the City in conjunction with ACSC in any appeal filed by the Company at the Railroad Commission, and authorizes ACSC and its counsel to act on behalf of the City. This section also requires the Company to reimburse ACSC Cities for reasonable ratemaking costs associated with any appeal filed by the Company to the City's ordinance.
5. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
6. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining

provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.

7. This paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.



# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. C. 2.**

**Meeting Date:** 05/05/2014

**Prepared By:** Pamela Cloer, Assistant to the City Manager

**Approved by:** George Olson, City Manager

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**Caption:**

**ADOPTION OF ORDINANCES**

Consider Adoption of Ordinance Number: 5815

**List of Agenda Items:**

**C.1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5815**

Denying the Rate Increase Requested by Atmos Energy Corp., Mid-Tex Division under the Company's 2014 Annual Rate Review Mechanism Filing in All Cities Exercising Original Jurisdiction; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses Pertaining to Review of the RRM; Authorizing the City's Participation with Atmos Cities Steering Committee in Any Appeal Filed at the Railroad Commission of Texas by the Company; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses in Any Such Appeal to the Railroad Commission; Requiring Delivery of this Ordinance to the Company and the Steering Committee's Legal Counsel

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# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. C. 3.**

**Meeting Date:** 05/05/2014

**Prepared By:** Pamela Cloer, Assistant to the City Manager

**Approved by:** George Olson, City Manager

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**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.1.      \* RESOLUTION NO. 5854**  
Accepting the Contract with Jerry Paul Higgins, LTD. as Complete for the Wastewater Treatment Plant East Bar Screen Replacement Project
- D.2.      \* RESOLUTION NO. 5855**  
Authorizing Execution of a Developer's Agreement with DGR Development Group, LTD. for Construction of Public Facilities in the O'Hanlon Ranch Phase IV Addition to the City of Sherman
- E.1.      \* OTHER BUSINESS**  
Consider Request of the 2014 Neighborhood Recreational Committee to Temporarily Close Certain Streets for the Annual "Juneteenth Celebration" and "Juneteenth Parade" on Saturday, June 14, 2014
-



# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. D. 1.**

**Meeting Date:** 05/05/2014

**Prepared By:** Mark Gibson, Director of Utilities

**Approved By:** George Olson, City Manager

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**Caption:**

**\* RESOLUTION NO. 5854**

Accepting the Contract with Jerry Paul Higgins, Ltd. as Complete for the Wastewater Treatment Plant East Bar Screen Replacement Project

**Issue:**

To consider acceptance of the contract with Jerry Paul Higgins, Ltd. as complete for the Wastewater Treatment Plant East Bar Screen Replacement Project

**Background:**

Jerry Paul Higgins, Ltd. has completed all work required under its contract for improvements at the City's Wastewater Treatment Plant. The improvements included installation of a new bar screen on the east trunk sewer to the plant.

**Origination:**

Greater Texoma Utility Authority (GTUA)

**Financial Consideration:**

The project was funded through a GTUA revenue bond issue.

**Staff Recommendation:**

It is recommended that the attached resolution be approved by the City Council.

**Alternatives:**

As may be directed by the City Council

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**Attachments**

Resolution No. 5854

Project Completion Certifications

Project Location Map

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**RESOLUTION NO. 5854**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH JERRY PAUL HIGGINS, LTD. AS COMPLETE FOR THE WASTEWATER TREATMENT PLANT EAST BAR SCREEN REPLACEMENT PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Sherman has entered into a Contract for the Wastewater Treatment Plant East Bar Screen Replacement Project with Jerry Paul Higgins, Ltd.; and

**WHEREAS**, representatives of the City of Sherman and the project engineer have inspected the Wastewater Treatment Plant East Bar Screen Replacement Project and found the project to be complete;

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

**SECTION 1.** That the City of Sherman hereby formally accepts the contracted work of Jerry Paul Higgins, Ltd., for the Wastewater Treatment Plant East Bar Screen Replacement Project.

**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 \_\_\_\_\_, 2014.

**CITY OF SHERMAN, TEXAS**

**ATTEST:**

**BY:** \_\_\_\_\_  
**LINDA ASHBY, CITY CLERK**

**BY:** \_\_\_\_\_  
**CAROLYN S. WACKER, MAYOR**

**APPROVED AS TO FORM  
AND CONTENT:**

**BY:** \_\_\_\_\_  
**BRANDON S. SHELBY,  
CITY ATTORNEY**



## GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

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DATE: April 21, 2014

SUBJECT: AGENDA ITEM NO. VIII

**CONSIDER AND ACT UPON A RESOLUTION ACCEPTING THE CONTRACT WITH  
JERRY PAUL HIGGINS, LTD. FOR THE SHERMAN WWTP EAST BAR SCREEN  
REPLACEMENT PROJECT AS COMPLETE**

**ISSUE**

Consideration and act upon closing the contract with Jerry Paul Higgins, Ltd. for the City of Sherman Wastewater Treatment Plant (WWTP) East Bar Screen Replacement Project.

**BACKGROUND**

The Authority has been in the process of refurbishing components of the Sherman WWTP that have reached the end of their useful life. Replacement of the East Bar Screen is one of those projects.

In June 2013, the Board awarded a contract to Vulcan Industries for the manufacturing and delivery of a bar screen capable of 21 million gallons per day in the amount of \$159,327. This contract was to be assigned to the future successful general contractor at the Sherman WWTP.

At the July 2013 board meeting, the board authorized the award of construction contract to Jerry Paul Higgins, Ltd. in the amount of \$216,590. At the February 2014 board meeting, the board authorized a change order that revised the total contract amount to \$219,488.00.

**CONSIDERATIONS**

This work is now complete and the project engineer, Mr. David Gattis, has submitted a request to accept the project as complete. All of the close out documents have been received.

**STAFF RECOMMENDATIONS**

The staff recommends the Board accept the engineer's recommendation to accept the project as complete.

**ATTACHMENTS**

Close out documents  
Resolution

PREPARED AND SUBMITTED BY:

  
\_\_\_\_\_  
Drew Satterwhite, General Manager

JFERRY PAUL HIGGINS, LTD.  
P O BOX 1865  
SHERMAN, TX 75091-1865

**INVOICE**  
**18783**

**GREATER TEXOMA UTILITY AUTHORITY**  
**ATTN: ACCOUNTS PAYABLE**  
**5100 AIRPORT DRIVE**  
**DENISON, TEXAS 75020-8448**

| Invoice # | Date       | Ordered By    | Contract # |
|-----------|------------|---------------|------------|
| 18783     | 03-25-2014 | Jerry Chapman | 12109      |

| Line Item # | Description                                                                                                                                       | Amount                     |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|             | <b>Contract # 12109</b>                                                                                                                           |                            |
|             | <b>GTUA for City of Sherman Post Oak Wastewater Treatment Plant</b>                                                                               | <b>\$ 2,898.00</b>         |
|             | <b>Final</b>                                                                                                                                      |                            |
|             | <b>Billing for change order #1</b>                                                                                                                |                            |
|             | <b>Sherman WWTP East Bar Screen Replacement</b>                                                                                                   |                            |
|             | <b>City of Sherman</b>                                                                                                                            |                            |
|             | <br><b>Additional Conduit &amp; Control Wiring</b>                                                                                                | <b>\$ 4,868.00</b>         |
|             | <b>Control Panel &amp; Programming Cost to Credit</b>                                                                                             | <b><u>\$- 2,970.00</u></b> |
|             | <b>Difference</b>                                                                                                                                 | <b><u>\$ 1,898.00</u></b>  |
|             | <br><b>Excavation &amp; Cleanup</b>                                                                                                               | <b><u>\$ 1,000.00</u></b>  |
|             | <br><b>Grand Total</b>                                                                                                                            | <b>\$ 2,898.00</b>         |
|             | <b>I. The above price is based on the following Qualifications and Assumptions:</b>                                                               |                            |
|             | <b>A. Verbal instruction from Plant Engineer and Vulcan Rep.</b>                                                                                  |                            |
|             | <b>II. We have INCLUDED the following items.</b>                                                                                                  |                            |
|             | <b>A. Credit for building control panel and simple integration.</b>                                                                               |                            |
|             | <b>B. (320') 2x 160'- 1" PVC conduit &amp; fittings underground from control building to control panel with Aluminum Rigid Stubs at each end.</b> |                            |
|             | <b>C. (40) #14 Control Wires in one conduit.</b>                                                                                                  |                            |
|             | <b>D. (5) #12 &amp; #14 wires for 120v Receptacle &amp; Pilot Light.</b>                                                                          |                            |
| 23-82       | <b>TOTAL</b>                                                                                                                                      | <b>\$ 2,898.00</b>         |

Terms: Net 30 Days

5100 AIRPORT DRIVE  
DENISON, TEXAS 75020-8448

| Invoice # | Date       | Ordered By    | Contract # |
|-----------|------------|---------------|------------|
| 18783     | 03-25-2014 | Jerry Chapman | 12109      |

| Line Item # | Description                                                                                                                                                         | Amount              |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|             | Contract # 12109                                                                                                                                                    |                     |
|             | GTUA for City of Sherman Post Oak Wastewater Treatment Plant<br>Final<br>Billing for change order #1<br>Sherman WWTP East Bar Screen Replacement<br>City of Sherman | \$ 2,898.00         |
|             | Additional Conduit & Control Wiring                                                                                                                                 | \$ 4,868.00         |
|             | Control Panel & Programming Cost to Credit                                                                                                                          | <u>\$- 2,970.00</u> |
|             | Difference                                                                                                                                                          | \$ 1,898.00         |
|             | Excavation & Cleanup                                                                                                                                                | <u>\$ 1,000.00</u>  |
|             | Grand Total                                                                                                                                                         | \$ 2,898.00         |
|             | I. The above price is based on the following Qualifications and Assumptions:                                                                                        |                     |
|             | A. Verbal instruction from Plant Engineer and Vulcan Rep.                                                                                                           |                     |
|             | II. We have INCLUDED the following items.                                                                                                                           |                     |
|             | A. Credit for building control panel and simple integration.                                                                                                        |                     |
|             | B. (320') 2x 160' 1" PVC conduit & fittings underground from control building to control panel with Aluminum Rigid Stubs at each end.                               |                     |
|             | C. (40) #14 Control Wires in one conduit.                                                                                                                           |                     |
|             | D. (5) #12 & #14 wires for 120v Receptacle & Pilot Light.                                                                                                           |                     |
| 23-82       | <i>Recommended for Payment</i><br><i>David S. Vetter</i><br>FMI<br>3-26-2014                                                                                        | TOTAL \$ 2,898.00   |

Terms: Net 30 Days

JERRY PAUL HIGGINS, LTD  
P.O. BOX 1865  
SHERMAN, TX 75091-1865  
jphigginsltd@verizon.net  
office: 903 893- 0672  
fax: 903 892-4628

APPLICATION FOR PAYMENT

FROM: JERRY PAUL HIGGINS, LTD  
P.O. BOX 1865  
SHERMAN, TX 75091-1865

PROJECT: GTUA for City of Sherman Post Oak Waste Water Treatment Plant

CONTRACT NO: 12109

INVOICE DATE: 3-25-2014

REQUEST FOR PAYMENT NO. 2

PERIOD 2-1-2014 THRU 2-5-2014

|    |                               |                      |
|----|-------------------------------|----------------------|
| I. | ORIGINAL CONTRACT SUM         | \$ <u>216,590.00</u> |
|    | NET CHANGE BY CHANGE ORDER #1 | \$ <u>2,898.00</u>   |
|    | CONTRACT SUM TO DATE          | \$ <u>219,488.00</u> |

|     |                          |                      |
|-----|--------------------------|----------------------|
| II. | AMOUNT COMPLETE TO DATE: |                      |
| A.  | MATERIALS ON SITE        | \$ <u>—</u>          |
| B.  | SKILLS & SERVICES        | \$ <u>—</u>          |
| C.  | STORED MATERIALS         | \$ <u>—</u>          |
|     | TOTAL COMPLETE           | \$ <u>219,488.00</u> |

|      |                                 |                      |
|------|---------------------------------|----------------------|
| III. | GROSS AMOUNT COMPLETE TO DATE   | \$ <u>219,488.00</u> |
|      | LESS GROSS OF LAST REQUEST      | \$ <u>216,590.00</u> |
|      | TOTAL GROSS AMOUNT THIS REQUEST | \$ <u>2,898.00</u>   |
|      | LESS 10% RETAINAGE              | \$ <u>—</u>          |
|      | NET AMOUNT DUE THIS REQUEST     | \$ <u>2,898.00</u>   |

|     |                        |             |
|-----|------------------------|-------------|
| IV. | TOTAL RETAINED TO DATE | \$ <u>—</u> |
|-----|------------------------|-------------|

BOND NUMBER 022044595

## CONSENT OF SURETY TO FINAL PAYMENT

Conforms with the American Institute of  
Architects, AIA Document G707

|            |                          |
|------------|--------------------------|
| OWNER      | <input type="checkbox"/> |
| ARCHITECT  | <input type="checkbox"/> |
| CONTRACTOR | <input type="checkbox"/> |
| SURETY     | <input type="checkbox"/> |
| OTHER      | <input type="checkbox"/> |

TO OWNER:

*(Name and address)*

Greater Texoma Utility Authority  
5100 Airport Drive  
Denison, Texas 75020

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: Installation of Equipment to Replace  
East Bar Screen

PROJECT:

*(Name and address)*

Post Oak Wastewater Treatment Plant

CONTRACT DATED: 07/15/2013

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
*(Insert name and address of Surety)*

The Ohio Casualty Insurance Company  
62 Maple Avenue, Keene, New Hampshire 03431

, SURETY,

on bond of

*(Insert name and address of Contractor)*

Jerry Paul Higgins, LTD  
P. O. Box 1865  
Sherman, Texas 75091

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any  
of its obligations to  
*(Insert name and address of Owner)*

Greater Texoma Utility Authority  
5100 Airport Drive  
Denison, Texas 75020

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: 03/27/2014  
*(Insert in writing the month followed by the numeric date and year.)*

The Ohio Casualty Insurance Company  
*(Surety)*

*(Signature of authorized representative)*

Roger B. Luttrell, Attorney-in-Fact

*(Printed name and title)*

Attest:

*(Signature)*

American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
West American Insurance CompanyLiberty Mutual Insurance Company  
Peerless Insurance Company

## POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of Ohio, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, that Peerless Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, ROGER B. LUTTRELL, WILLIAM D. BENTON,

all of the city of VAN ALSTYNE, state of TEXAS each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this

14th day of May, 2012.

American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
Peerless Insurance Company  
West American Insurance Company

By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss  
COUNTY OF KING

On this 14th day of May, 2012, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, Peerless Insurance Company and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.



By: KD Riley  
KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, West American Insurance Company and Peerless Insurance Company, which resolutions are now in full force and effect reading as follows:

**ARTICLE IV - OFFICERS - Section 12. Power of Attorney.** Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

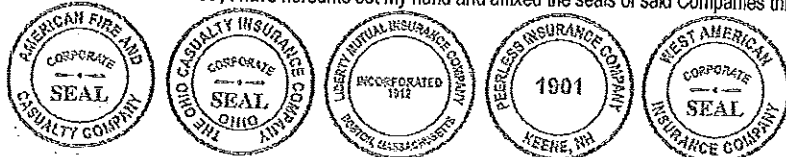
**ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation -** The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorney-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization -** By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, West American Insurance Company and Peerless Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 27th day of MARCH, 20 14.



By: David M. Carey  
David M. Carey, Assistant Secretary

CONTRACTOR'S CERTIFICATION AND GUARANTEE

Date: March 25, 2014

Project: SHERMAN WWTP EAST BAR SCREEN REPLACEMENT

Owner: Greater Texoma Utility Authority/City of Sherman

Contractor: Jerry Paul Higgins, LTD

Date of Contract: July 15, 2013

Date of Project Completion: February 5, 2014

Final Contract Amount: \$219,488.00

The CONTRACTOR certifies that (1) all payments received from OWNER on account of WORK done under the CONTRACT have been applied to discharge obligations of CONTRACTOR incurred in connection with WORK; and (2) title to all materials and equipment incorporated in said WORK will pass to OWNER at time of payment free and clear of all liens, claims, security interests and encumbrances.

The CONTRACTOR shall guarantee all materials and equipment furnished and WORK performed for a period of two (2) years from the date of completion as evidenced by the Engineer's Final Certificate. The CONTRACTOR warrants and guarantees for a period of two (2) years from the date of completion that all work under the CONTRACT is free from faulty materials in every particular and free from improper workmanship, and against injury from proper and usual wear, and agrees to replace or to re-execute without cost to the OWNER such work as may be found to be improper or imperfect and to make good all damages caused to the other work or materials, due to such required replacement or re-execution. The OWNER will give notice of observed defects with reasonable promptness. In the event that the CONTRACTOR should fail to make such repairs, adjustments, or other work that may be made necessary to such defects, the OWNER may do so and charge the CONTRACTOR the cost thereby incurred. The PERFORMANCE BOND shall remain in full force and effect through the guarantee period.

Contractor: Jerry Paul Higgins, LTD

By: Don Charles Whitley

Date: 3/25/2014

Attest: May C. Mitchell

Date of Issuance: March 25, 2014

Engineer: Freeman-Millican, Inc.

February 5, 2014  
Date of Completion

RESPONSIBILITIES:

OWNER: Security, operation, safety, maintenance, heat, utilities, insurance

---

CONTRACTOR: Two Years Contractor's Guarantee (from the date of completion),  
Payment and Performance Bonds

---

The following documents are attached to and made a part of this Certificate:

Contractor's Guarantee, Consent of Surety, Final Pay Estimate

---

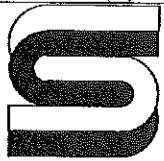
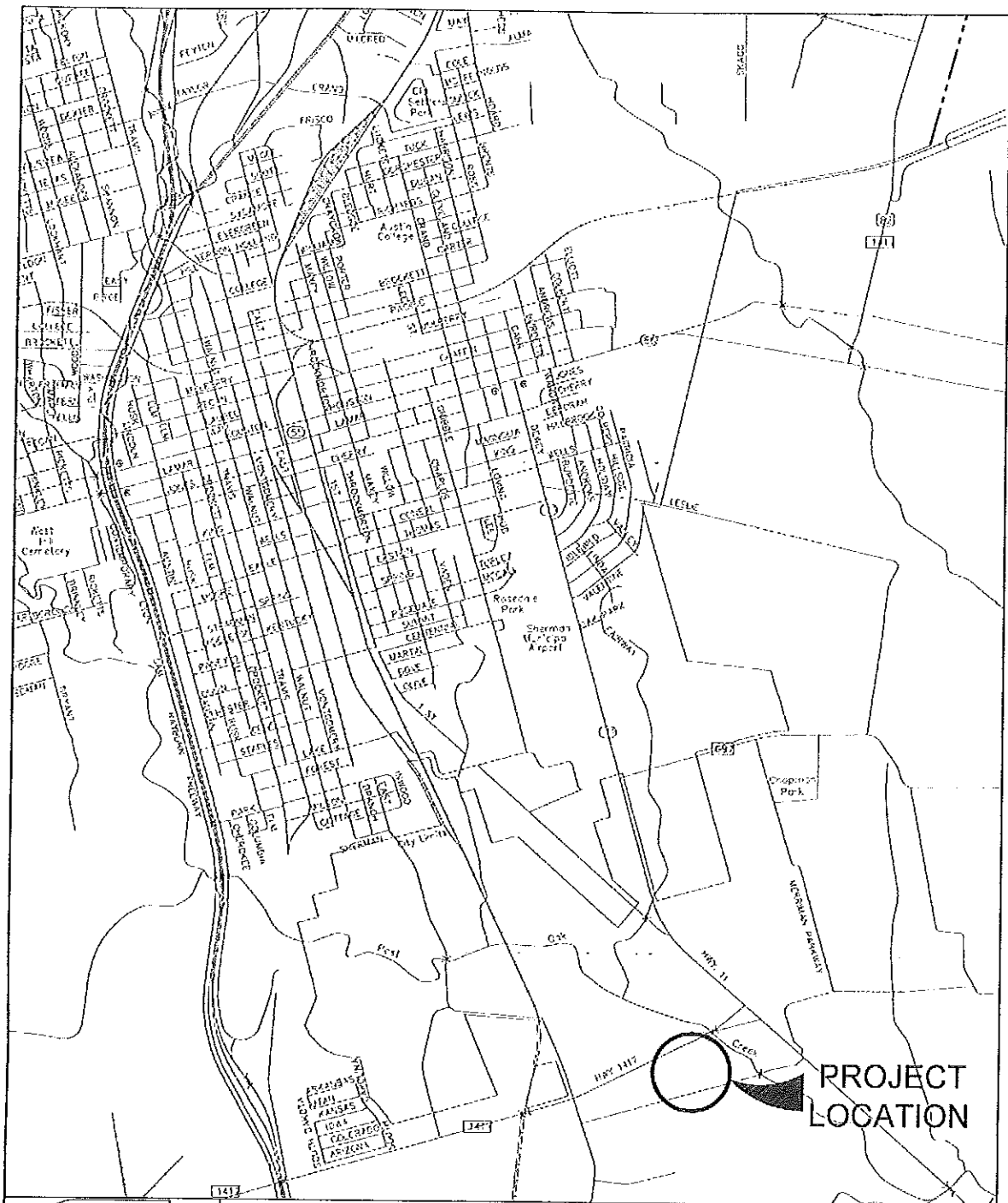
This certificate does not constitute an acceptance of work not in accordance with the Contract Documents nor is it a release of CONTRACTOR'S obligations to complete the Work in accordance with the Contract Documents.

---

Executed by ENGINEER on March 25, 2014.

Freeman-Millican, Inc.  
ENGINEER

By: David S. Hattis  
F/M/I



City of Sherman, Texas  
WASTEWATER TREATMENT PLANT  
PROJECT LOCATION MAP





## SHERMAN CITY COUNCIL

### Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. D. 2.**

**Meeting Date:** 05/05/2014

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

**Approved By:** George Olson, City Manager

---

**Caption:**

**\* RESOLUTION NO. 5855**

Authorizing Execution of a Developer's Agreement with DGR Development Group, LTD. for Construction of Public Facilities in the O'Hanlon Ranch Phase IV Addition to the City of Sherman

**Issue:**

The construction of public facilities in the O'Hanlon Ranch Phase IV Addition to the City of Sherman

**Background:**

DGR Development Group, LTD. proposes to construct the O'Hanlon Ranch Phase IV Addition, which includes the construction of streets, drainage, water mains and sanitary sewer.

**Origination:**

Department of Engineering & Utilities

**Financial Consideration:**

None

**Staff Recommendation:**

Staff recommends approval of the Developer's Agreement.

**Alternatives:**

As directed by the City Council

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### **Attachments**

Resolution No. 5855

Developer's Agreement

Exhibit "A"

Location Map

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**RESOLUTION NO. 5855**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR CONSTRUCTION OF PUBLIC FACILITIES IN THE O'HANLON RANCH PHASE IV ADDITION TO THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

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

**SECTION 1.** That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Development Agreement with DGR Development Group, LTD. for the construction of public facilities in the O'Hanlon Ranch Phase IV Addition to the City of Sherman, Grayson County, Texas, in the same or substantially same form as the contract documents to be attached hereto and incorporated herein for all purposes.

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

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2014.

**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**

STATE OF TEXAS           §  
                                          §  
COUNTY OF GRAYSON   §

**DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF SHERMAN AND DGR DEVELOPMENT GROUP, LTD.**

**THIS DEVELOPMENT AGREEMENT** ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 (the "Effective Date"), by and among the City of Sherman ("City"), a municipal corporation organized under the laws of the State of Texas, and DGR Development Group, LTD. ("Developer") a Texas limited partnership.

**WITNESSETH:**

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

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

**WHEREAS**, Developer owns or controls lands located in Sherman, Texas, and described in the final plat submitted to the City by the Developer as O'Hanlon Ranch Addition, Phase IV, and attached hereto and made a part hereof as if fully set out in this paragraph as Exhibit "A" and hereinafter referred to as the "Property", and Developer intends to develop the Property by constructing improvements thereon; and

**WHEREAS**, the Developer desires that the City accept the dedication of the streets, utilities, and other improvements as reflected on the plans and specifications submitted by the Developer as a part of the public facilities of the City, as indicated in Paragraph 2 of Article I; and

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

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

**ARTICLE I.  
SPECIFIC CONTRACT PROVISIONS**

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

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

2. **Assurance of Accuracy of Documents:** Developer has caused the subdivision plat of the Property (the "plat") and all plans and specifications (the "plans") for the streets, utilities and other improvements to be developed on the Property (collectively the "Project") as part of the public facilities of the City, to be prepared by a Registered Professional Engineer and that Plat and Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the Plat and Plans in making its determination as to whether the documents comply with all City ordinances, state and federal law.
3. **Development Documents:** Upon the execution of this Agreement, Plat, Plans, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the subdivision depicted on the Plat (hereinafter the "Subdivision") are confirmed, ratified, and agreed upon by both parties and attached hereto as Exhibit "B". Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract, as applicable to the Subdivision; and all of the work of the Project will be done under the supervision of the City Engineer (as defined in Paragraph 8 of this Article) to City standards, and in accordance with applicable City regulations. The Plat, Plans, orders of the City Planning and Zoning Commission, and the City Council and Ordinance No. 2684 (hereinafter collectively referred to as the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.
4. **Delivery of Improvements:** The Developer will pay for and deliver to the City free and clear of all liens and costs, all of the improvements provided in the Development Documents.
5. **Performance Bond:** No work shall be performed within the Subdivision until the Developer presents to the City Manager a satisfactory Performance Bond and a Payment Bond, as provided by Chapter 2253 of the Texas Government Code, from the Contractor in favor of the Developer and the City. Such bond shall be made for 100% of the contract price for all streets and utilities and public works to be installed in the Subdivision, and shall be in a form containing all other provisions set forth in Chapter 2253 of the Texas Government Code, including, but not limited to, Section 2253.021 of that Chapter.
6. **Failure to Complete Development:** If the Developer does not complete the Improvements contained in the Development Documents on or before May 1, 2015, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph may be extended by the mutual agreement of the parties. Such extension shall be in writing, as provided in Paragraph 13 of Article II.

7. **Availability of Public Facilities:** No public facilities will be made available to any lot within any segment of this Subdivision until the work on each segment is performed and approved as agreed upon in this Agreement.
8. **Registered Civil Engineer:** All of the plans and specifications for the improvements herein mentioned in the Development Documents, shall be prepared by a Registered Professional Civil Engineer, and all of the improvements shall be built under the supervision of such engineer, and the engineer shall certify to the City that, as each segment is built, such segment as built is true and correct in accordance with the plans and specifications, and that the same was built under his supervision, and the certificate shall be signed and sealed by such engineer. All of the expense of such engineering shall be paid for by the Developer.
9. **City Engineer:** Before work is begun on any improvement, the City Engineer shall designate a person, hereinafter identified as "City Engineer," who shall be notified and arrangements made for inspection by the City Engineer at such stages of construction as required by him, and no improvement constructed underground shall be covered by the Developer until inspected by the City Engineer and approved by him. At any time any construction is contrary to the plans and specifications, the City Engineer shall be, and is, empowered to stop construction and require correct construction and installation at the Developer's risk and without liability to the City.
10. **Coordination of Work:** The work will be coordinated between the City and the Developer so that the utilities will be in place before the permanent improvements are installed.
11. **Utility Arrangements:** The Developer will make its own arrangements with gas, electric, and telephone service providers for extensions of their utilities, and upon complying with this Agreement, the City utilities will be furnished.
12. **Fees:** Other fees normally charged by the City for building permits, water taps, service connections, and similar fees will be paid as required to the City by the Developer.
13. **Guarantee or Maintenance Bond:**
  - A. If, within one year after the acceptance, defects should appear in the materials or workmanship, the Developer shall have such defects promptly repaired at its own expense, and shall leave the work as intended by the plans and specifications. This guarantee will apply to all parts of the work which have been accepted by the City.
  - B. Instead of the Guarantee set for in subparagraph (A) of this paragraph, Developer may provide a Maintenance Bond to the City at the time of final acceptance of the improvements by the City Engineer. The Bond shall name the City as an obligee under the bond and the bond shall provide a one (1) year guarantee on all the improvements contained in the Development Documents.

14. **WAIVER OF RIGHTS UNDER STATE LAW:**

- A. Developer understands that, pursuant to Section 212.904 of the Texas Local Government Code, the developer is entitled to an apportionment of the municipal infrastructure cost and that such apportionment must be done by a professional engineer. Developer hereby agrees that any land or property it donates to the City, as reflected on the Final Plat, is roughly proportionate to the need for such land. Developer further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the development of the Property and its needs related thereto. BY MY SIGNATURE ON THIS AGREEMENT, DEVELOPER HEREBY FREELY, KNOWINGLY AND VOLUNTARILY WAIVES ITS RIGHTS UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, OR ANY OTHER RELATED CLAIMS. DEVELOPER AGREES THAT THE DEVELOPER'S AGREEMENT MAY PROCEED WITHOUT THE REQUIREMENTS IMPOSED ON THE CITY UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, EXCEPT DEVELOPER SPECIFICALLY RESERVES ITS RIGHT TO APPEAL THE APPORTIONMENT IN ACCORDANCE WITH SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.
- B. BOTH DEVELOPER AND THE CITY FURTHER AGREE TO WAIVE AND RELEASE ALL CLAIMS ONE MAY HAVE AGAINST THE OTHER RELATED TO ANY AND ALL ROUGH PROPORTIONALITY AND INDIVIDUAL DETERMINATION REQUIREMENTS MANDATED BY *DOLAN V. TOWN OF TIGARD*, 512 U.S. 374 (1994), AND ITS PROGENY, AND WELL AS ANY OTHER REQUIREMENTS OF A NEXUS BETWEEN THE DEVELOPMENT CONDITIONS AND THE PROJECTED IMPACT OF THE FOREGOING, INCLUDING ALL DEDICATIONS OF LAND, PARKLAND, AND ANY INFRASTRUCTURE REFERENCED HEREIN. I CONSENT TO THIS WAIVER AFTER HAVING THE OPPORTUNITY TO REVIEW THIS AGREEMENT AND WAIVER PROVISION WITH MY ATTORNEY, OR IF I HAVE NOT REVIEWED THIS WITH AN ATTORNEY, THAT I HAVE HAD THE OPPORTUNITY TO DO SO AND HAVE VOLUNTARILY CHOSEN NOT TO SEEK THE ADVICE OF AN ATTORNEY.

15. **Other Provisions:**

- A. Upon Completion of the Subdivision one electronic copy and one set of reproducible "Record" drawings will be supplied to the City.

- B. The Developer shall pay to the City an engineering plan review, inspection, and testing fee of \$15,174.18.
- C. Developer agrees that the development, as set forth in the Contract Documents, will comply with all federal, state and local laws relating to the discharge of storm water upon completion of the development.
- D. The City will furnish two (2) connections to the twenty-four inch water main within the subdivision as required by the original O'Hanlon Agreement (One connection remains.)

## ARTICLE II.

### GENERAL CONTRACT PROVISIONS

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

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

**CITY:**

DESIGNEE: Clay Barnett, P.E.

ADDRESS: 220 W. Mulberry Street  
Sherman, TX 75090

PHONE: 903-892-7210

FAX: 903-870-7802

**DEVELOPER:**

DESIGNEE: Dean Gilbert

ADDRESS: 801 E. Taylor St.  
Sherman, TX 75090

PHONE: 903-893-5188

FAX: 903-892-1487

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

IN WITNESS WHEREOF, parties have caused this Agreement to be executed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_ 2014, with an original to each party.

Developer: DGR DEVELOPMENT GROUP, LTD.

DEAN GILBERT, INC., its General Partner

BY: [Signature]

NAME: Dean Gilbert, Jr.

TITLE: ~~President~~ vice-president

ATTEST:

BY: Pam Williams

NAME: Pam Williams

TITLE: \_\_\_\_\_

CITY: CITY OF SHERMAN

BY: \_\_\_\_\_

NAME: George Olson

TITLE: City Manager

ATTEST:

BY: \_\_\_\_\_

NAME: Linda Ashby

TITLE: City Clerk

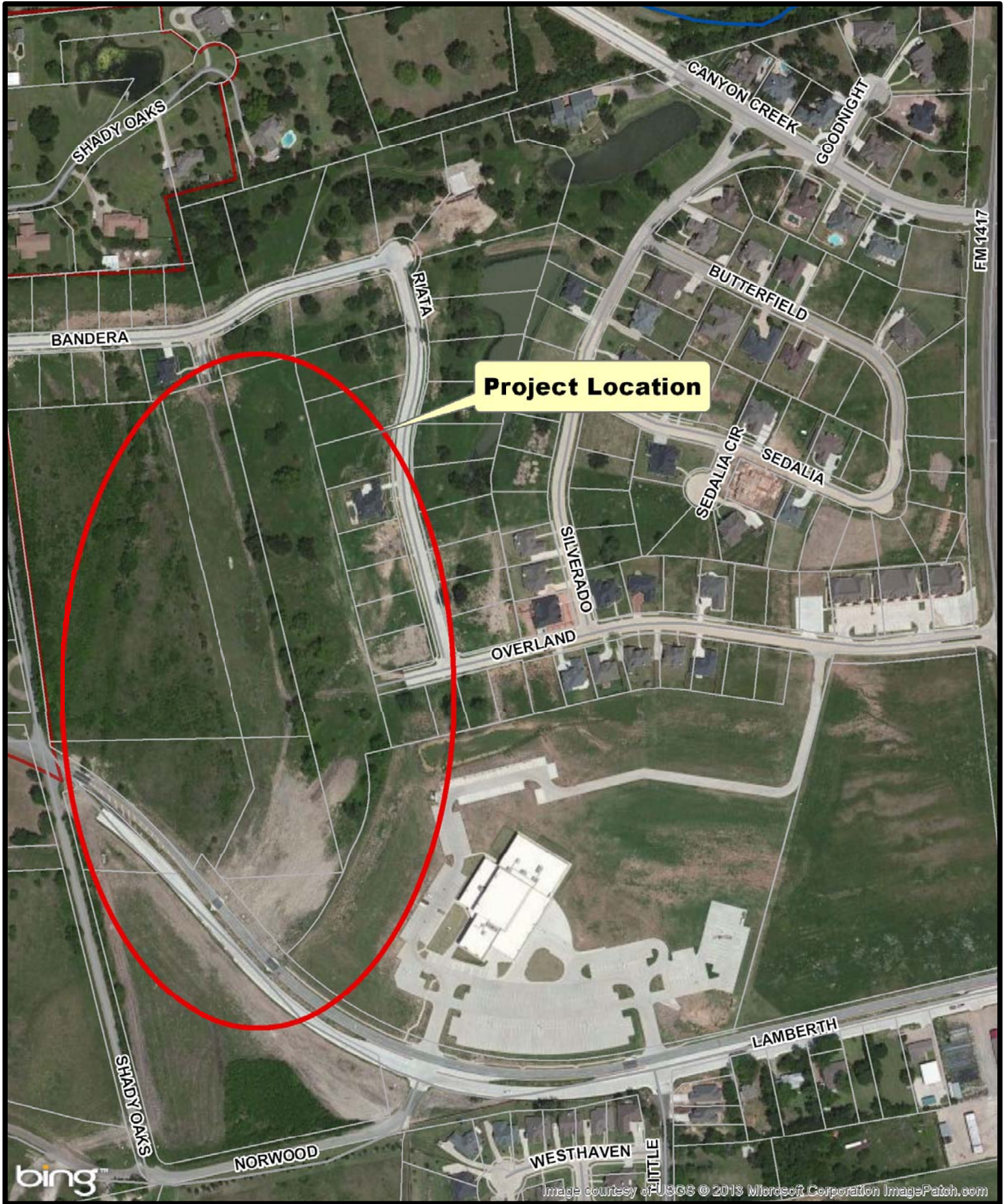
APPROVAL RECOMMENDED:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Brandon S. Shelby, City Attorney

OH-4-FINAL-1.pcs

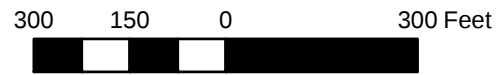


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Image courtesy of USGS © 2013 Microsoft Corporation ImagePatch.com

*Sherman*  
CLASSIC TOWN. BROAD HORIZON.

Engineering Department





## SHERMAN CITY COUNCIL

### Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. E. 1.**

**Meeting Date:** 05/05/2014

**Prepared By:** Don Keene, Director of Community and Support Services

**Approved By:** George Olson, City Manager

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**Caption:**

**\* OTHER BUSINESS**

Consider Request of the 2014 Neighborhood Recreational Committee to Temporarily Close Certain Streets for the Annual "Juneteenth Celebration" and "Juneteenth Parade" on Saturday, June 14, 2014

**Issue:**

The Neighborhood Recreational Committee proposes to hold the annual "Juneteenth Celebration" and requests barricades and a street closure on Saturday, June 14, 2014. On that same day, the Committee also requests to close certain streets for a "Juneteenth Parade".

**Background:**

Ms. Tracey Ross, representing the 2014 Neighborhood Recreational Committee, proposes to hold the annual "Juneteenth Celebration" at Martin Luther King Jr. Park from 8:00 a.m. to 8:00 p.m. on Saturday, June 14, 2014. In order to accommodate the celebration, the Committee requests delivery and pick up of barricades for the closure of East Street, between Vernon Holland Street and College Street. The event organizers have been reminded that, although East Street will be closed with barricades, accessibility through East Street by emergency vehicles must be maintained at all times throughout the event.

Ms. Ross also proposes a "Juneteenth Parade" starting at 11:00 a.m. that will follow the route described in the attached request and outlined on the attached map. The event will require traffic control assistance and barricades from the City of Sherman.

**Origination:**

Tracey Ross, President of the 2014 Neighborhood Recreational Committee

**Financial Consideration:**

City labor and equipment to provide traffic control assistance and implement barricade placement and removal will be required. The event organizers will pay park and pavilion rental fees for the use of Martin Luther King Jr. Park.

**Staff Recommendation:**

It is recommended that the City Council authorize the street closures and necessary traffic control and support to accommodate the events.

**Alternatives:**

As directed by the Council

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**Attachments**

Street Closure Map

Proposed Parade Route

Parade Map

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MLK Park

Vernon Holland Memorial Dr

East St

N Broughton St

E Richards St

N Music St

MLK Park

MLK Park

N Broughton St

E College St

N Branch St

Kerr East Complex

N East St

Martin Luther King Park

N Music St

0 37 74 148 222 296 Feet

### Route to the MLK Park

Leaving from in front of First Baptist Church proceeding down Travis to Brockett turning right on Brockett down to East St turning left on East St. proceeding to the MLK Park.

I plan for this Parade to be a little bit bigger than last years I will be advertising to the Public.





# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. E. 2.**

**Meeting Date:** 05/05/2014

**Prepared By:** Don Keene, Director of Community and Support Services

**Approved By:** George Olson, City Manager

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**Caption:**

**OTHER BUSINESS**

Receive a Community Services Presentation from Director of Community and Support Services Don Keene

**Issue:**

The presentation will provide an update on Community Service activities within Parks and Recreation and Tourism, and at the Sherman Public Library and the Sherman Senior Center.

**Origination:**

City Manager

**Financial Consideration:**

There is no financial impact to be considered.

**Staff Recommendation:**

The Council need take no action on this informational item.

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# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. E. 3.**

**Meeting Date:** 05/05/2014

**Prepared By:** Robby Hefton, Assistant City Manager/CFO

**Approved By:** George Olson, City Manager

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**Caption:**

**OTHER BUSINESS**

Approve Quarterly Investment Report for Period Ending March 31, 2014

**Issue:**

To approve the Investment Report for the quarterly period ending March 31, 2014

**Background:**

This report is 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.

As of March 31, 2014, the portfolio was in compliance with applicable state laws and the Investment Policy. The Operating investment portfolio had a book value of about \$16.8 million, an increase of about \$2.5 million from prior quarter of \$14.3 million. This portfolio is appropriately liquid; and its weighted-average maturity was about 425 days, up from 304 days last period. The portfolio yield of 0.42% for the quarter is higher than the benchmark yield of 0.13%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

**Origination:**

Finance

**Financial Consideration:**

None

**Staff Recommendation:**

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

**Alternatives:**

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

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**Attachments**

Memo to Investment Committee with 03/31/2014 Quarterly Investment Report

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## memorandum

**DATE:** Monday, April 28, 2014

**TO:** The Investment Committee Members:  
Councilman Jason Sofey  
Councilman Tom Watt  
George Olson, City Manager

**FROM:** Robby Hefton, Assistant City Manager/CFO 

**SUBJECT:** Investment Report for Quarter Ended March 31, 2014

Enclosed is a copy of the quarterly investment report for the quarter ended March 31, 2014. As of that date, the City was in compliance with all applicable state laws and internal policies for the portfolio.

The total operating portfolio balance of about \$16.8 million increased by about \$2.5 million during the quarter, compared to the balance at December 31, 2013 of \$14.3 million, because of property tax collections during this period. The underlying investments were adequately diversified among six different types of securities. The portfolio had a weighted-average maturity of about 425 days, up from 304 days last quarter, because of securities purchased during the quarter. The portfolio yield of 0.42% was higher than our benchmark 1 year Constant Maturity Treasury Index of 0.13%. Book value closely approximated market value.

This investment report will be on the May 5, 2014 City Council agenda for their review and approval. Please call me if you have any questions about this item.

RH:pc

attachment (as stated above)

CITY OF SHERMAN, TEXAS  
INVESTMENT PORTFOLIO SUMMARY  
For the Quarter Ending March 31, 2014

| Total Portfolio Summary          |                            |                             |                          |
|----------------------------------|----------------------------|-----------------------------|--------------------------|
|                                  | Current Quarter<br>3/31/14 | Prior Quarter<br>12/31/2013 | Change From<br>Prior Qtr |
| Book Value                       | \$ 16,816,922              | \$ 14,340,906               | \$ 2,476,016             |
| Market Value                     | \$ 16,810,788              | \$ 14,352,457               | \$ 2,458,331             |
| Weighted Average Maturity - Days | 425                        | 303                         | 122                      |
| Weighted Average Yield           | 0.420%                     | 0.368%                      | 0.052%                   |
| Earned Income                    | \$ 17,905                  | \$ 12,588                   | \$ 5,317                 |
| Earned Income - Year-to-Date     | \$ 30,493                  | \$ 12,588                   | \$ 17,905                |

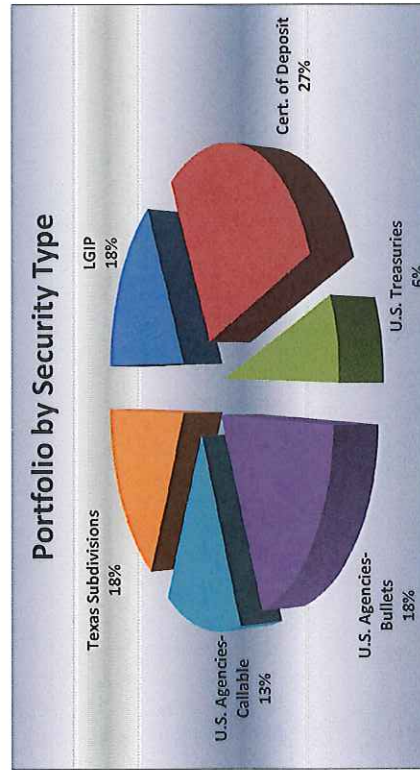
This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law.

As March 31, 2014, the City's portfolio had a book value of \$16.8 million, which approximates the market value. Of this amount, \$2.9 million was held in Local Government Investment Pools (LGIP), \$4.5 million was held in Certificates of Deposit (CD), \$5.3 million was held in U.S. Agency Securities, \$1.0 million was held in a U.S. Treasury, and \$3.1 million was held in State of Texas political subdivision obligations.

The portfolio value increased by \$2.5 million over the previous quarter due primarily to the seasonal collection of property taxes.

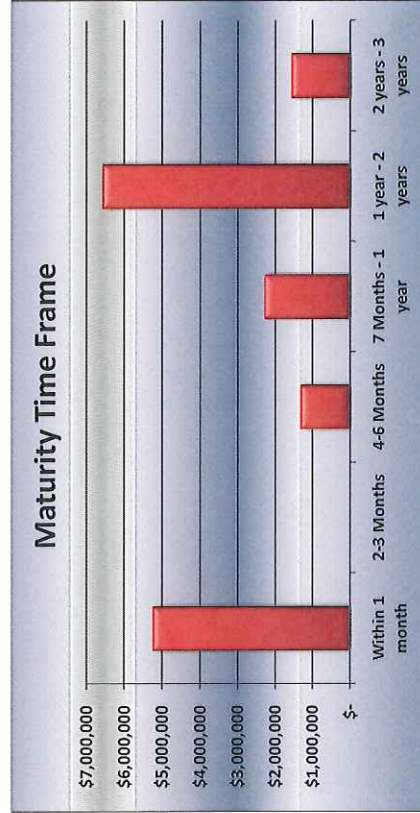
The weighted average yield on the portfolio was .42%, about 29 basis points above the 1-year Constant Maturity Treasury Index of .13%. The weighted average yield was higher than the previous quarter due to purchases.

The weighted average maturity of the portfolio increased from 303 days at December 31, 2013 to 425 days at March 31, 2014 due to purchases during the quarter.



*Robby Hefton*

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



*Mary Lawrence*

Mary Lawrence, Controller and City of Sherman Investment Officer

| CUSIP         | Settle Date | Sec. Type         | Sec. Description  | CPN   | Mty Date   | S&P Rating | Par Value    | Purch Price | Orig Cost    | Book Value   | Mkt Price | Market Value | Days to Mty | YTM   |
|---------------|-------------|-------------------|-------------------|-------|------------|------------|--------------|-------------|--------------|--------------|-----------|--------------|-------------|-------|
| Tex-Pool      |             | LGIP              | TexPool           |       |            | AAA        | \$ 1,558,348 | 100.00      | \$ 1,558,348 | \$ 1,558,348 | 100.01    | \$ 1,558,477 | 1           | 0.03% |
| TexStar       |             | LGIP              | TexSTAR           |       |            | AAA        | 1,382,782    | 100.00      | 1,382,782    | 1,382,782    | 100.01    | \$ 1,382,864 | 1           | 0.03% |
| CD 1013674007 | 4/5/2012    | CD                | CDARS             | 0.45% | 4/3/2014   |            | 1,000,000    | 100.00      | 1,000,000    | 1,008,991    | 100.00    | 1,008,991    | 3           | 0.45% |
| CD 4176803858 | 1/28/2013   | CD                | Landmark Bank     | 0.35% | 9/28/2014  |            | 1,000,000    | 100.00      | 1,000,000    | 1,003,505    | 100.00    | 1,003,505    | 181         | 0.35% |
| CD 4176804229 | 12/5/2013   | CD                | Landmark Bank     | 0.30% | 12/5/2014  |            | 1,000,000    | 100.00      | 1,000,000    | 1,000,740    | 100.00    | 1,000,740    | 249         | 0.30% |
| CD 4176804278 | 1/14/2014   | CD                | Landmark Bank     | 0.30% | 7/14/2015  |            | 1,000,000    | 100.00      | 1,000,000    | 1,000,000    | 100.00    | 1,000,000    | 470         | 0.30% |
| CD 4176804344 | 2/20/2014   | CD                | Landmark Bank     | 0.50% | 10/20/2016 |            | 500,000      | 100.00      | 500,000      | 500,000      | 100.00    | 500,000      | 934         | 0.50% |
| 31328X25JO    | 2/2/2012    | Agency Callable   | FHLMC             | 4.60% | 4/2/2014   | AA+        | 1,250,000    | 109.17      | 1,384,625    | 1,250,290    | 99.99     | 1,250,155    | 2           | 0.36% |
| 052396B23     | 10/5/2011   | Texas Subdivision | Austin, TX CO     | 3.00% | 9/1/2014   | AA+        | 285,000      | 107.12      | 305,286      | 287,942      | 100.15    | 288,360      | 154         | 0.71% |
| 590741X33     | 6/19/2013   | Texas Subdivision | Mesquite, TX      | 2.00% | 2/15/2015  | AA         | 140,000      | 102.50      | 143,504      | 141,859      | 100.00    | 141,856      | 321         | 0.48% |
| 590741V76     | 10/5/2011   | Texas Subdivision | Mesquite, TX      | 2.00% | 2/15/2015  | AA         | 115,000      | 102.50      | 117,878      | 116,527      | 100.00    | 116,525      | 321         | 0.48% |
| 3135GOHG1     | 2/23/2012   | Agency Bullet     | FNMA              | 2.00% | 3/16/2015  | AAA        | 1,000,000    | 99.33       | 993,250      | 997,885      | 100.41    | 1,002,011    | 350         | 0.60% |
| 912828NLO     | 1/6/2012    | US Treasury       | Treasury Note     | 1.88% | 6/30/2015  | AA+        | 1,000,000    | 104.66      | 1,046,641    | 1,016,733    | 100.43    | 1,021,133    | 456         | 0.52% |
| 313371VFO     | 3/11/2013   | Agency Bullet     | FHLMC             | 1.63% | 12/11/2015 | AA+        | 1,000,000    | 103.23      | 1,032,320    | 1,019,939    | 100.07    | 1,020,672    | 620         | 0.44% |
| 667825RN5     | 5/23/2013   | Texas Subdivision | Northwest ISD     | 4.60% | 2/15/2016  | Aaa        | 350,000      | 110.88      | 388,087      | 376,365      | 100.34    | 377,650      | 686         | 0.55% |
| 129703EQ3     | 2/1/2014    | Texas Subdivision | CALHN CNTY TX ISI | 3.00% | 2/15/2016  | AAA        | 500,000      | 105.19      | 525,955      | 525,913      | 99.70     | 524,340      | 686         | 0.38% |
| 914729JM1     | 5/23/2013   | Texas Subdivision | UNT               | 4.50% | 4/15/2016  | Aa2        | 250,000      | 111.26      | 278,153      | 269,983      | 99.93     | 269,793      | 746         | 0.55% |
| 54810C6X3     | 5/23/2013   | Texas Subdivision | LCRA              | 5.00% | 5/15/2016  | A          | 290,000      | 112.86      | 327,300      | 316,726      | 99.90     | 316,410      | 776         | 0.61% |
| 796456DW8     | 2/14/2013   | Texas Subdivision | St Augustine ISD  | 1.00% | 8/15/2016  | AAA        | 500,000      | 101.21      | 506,050      | 504,109      | 100.11    | 504,645      | 868         | 0.65% |
| 3134G4WJ3     | 3/19/2014   | Agency Callable   | FHLMC             | 0.63% | 9/19/2016  | AA+        | 1,000,000    | 100.00      | 1,000,000    | 1,000,000    | 99.86     | 998,598      | 903         | 0.63% |
| 129703ER1     | 2/1/2014    | Texas Subdivision | CALHN CNTY TX ISI | 3.00% | 2/15/2017  | AAA        | 500,000      | 107.20      | 535,985      | 535,950      | 99.21     | 531,695      | 1,052       | 0.57% |
| 3130AOWJ5     | 3/6/2014    | Agency Bullet     | FHLMC             | 1.02% | 8/7/2017   | AA+        | 1,000,000    | 100.24      | 1,003,178    | 1,002,337    | 99.01     | 992,369      | 1,225       | 0.95% |

Total \$ 16,621,130 \$ 17,009,341 \$ 16,816,922 \$ 16,810,788



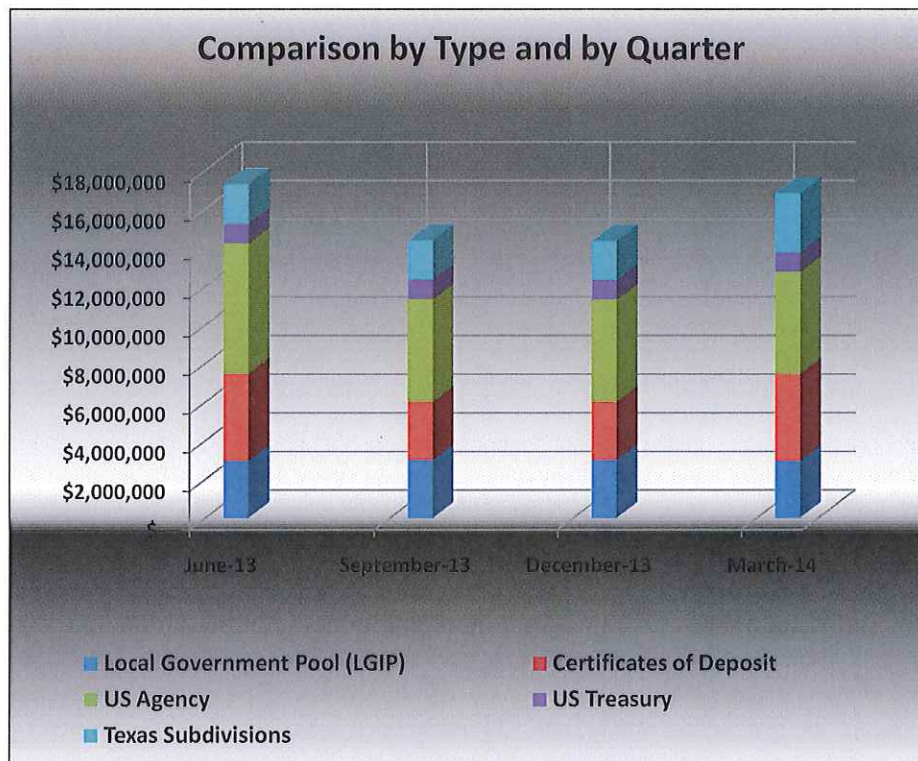
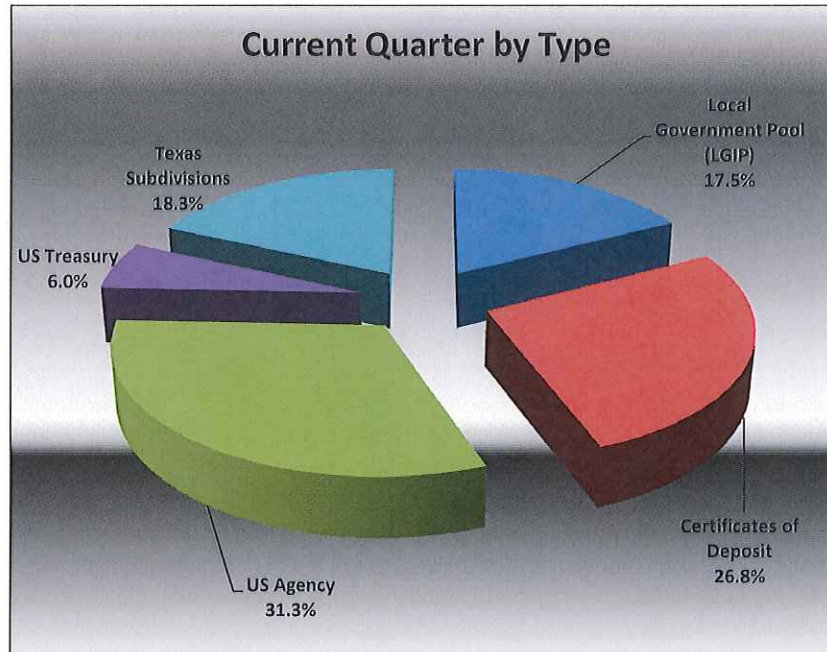
**CITY OF SHERMAN, TX**  
**Market Value Summary**  
**AS of 3/31/2014**

| CUSIP         | Settle Date | Sec. Description    | Mty Date   | Market Value<br>12/31/2013 | Change in<br>Market Value | Market Value<br>3/31/2014 |
|---------------|-------------|---------------------|------------|----------------------------|---------------------------|---------------------------|
| Tex-Pool      |             | TexPool             |            | \$ 1,558,285               | \$ 192                    | \$ 1,558,477              |
| TexStar       |             | TexSTAR             |            | 1,438,476                  | (55,612)                  | 1,382,864                 |
| CD 1013674007 | 4/5/2012    | CDARS               | 4/3/2014   | 1,007,872                  | 1,119                     | 1,008,991                 |
| CD 4176803858 | \$41,302    | Landmark Bank       | 9/28/2014  | 1,002,620                  | 885                       | 1,003,505                 |
| CD 4176804229 | 12/5/2013   | Landmark Bank       | 12/5/2014  | 1,000,000                  | 740                       | 1,000,740                 |
| CD 4176804278 | 1/14/2014   | Landmark Bank       | 7/14/2015  | -                          | 1,000,000                 | 1,000,000                 |
| CD 476804344  | 2/20/2014   | Landmark Bank       | 10/20/2016 | -                          | 500,000                   | 500,000                   |
| 31398AVZ2     | 2/7/2013    | FNMA                | 3/13/2014  | 1,005,164                  | (1,005,164)               | -                         |
| 31328X25JO    | 2/2/2012    | FHLMC               | 4/2/2014   | 1,263,768                  | (13,613)                  | 1,250,155                 |
| 052396B23     | 10/5/2011   | Austin, TX CO       | 9/1/2014   | 290,301                    | (1,941)                   | 288,360                   |
| 590741X33     | 6/19/2013   | Mesquite, TX        | 2/15/2015  | 142,279                    | (423)                     | 141,856                   |
| 590741V76     | 10/5/2011   | Mesquite, TX        | 2/15/2015  | 116,872                    | (347)                     | 116,525                   |
| 3135GOHG1     | 2/23/2012   | FNMA                | 3/16/2015  | 1,001,607                  | 404                       | 1,002,011                 |
| 912828NLO     | 1/6/2012    | Treasury Note       | 6/30/2015  | 1,024,219                  | (3,086)                   | 1,021,133                 |
| 3134G3MY3     | 2/28/2012   | FHLMC               | 8/28/2015  | 1,000,824                  | (1,000,824)               | -                         |
| 313371VFO     | 3/11/2013   | FHLB                | 12/11/2015 | 1,021,974                  | (1,302)                   | 1,020,672                 |
| 667825RN5     | 5/23/2013   | Northwest ISD       | 2/15/2016  | 381,217                    | (3,567)                   | 377,650                   |
| 914729JM1     | 5/23/2013   | Univ of N. Texas    | 4/15/2016  | 271,498                    | (1,706)                   | 269,793                   |
| 54810C6X3     | 5/23/2013   | LCRA                | 5/15/2016  | 318,611                    | (2,201)                   | 316,410                   |
| 796456DW8     | 2/14/2013   | St Augustine ISD    | 8/15/2016  | 506,870                    | (2,225)                   | 504,645                   |
| 129703EQ3     | 2/16/2014   | Calhoun Cnty TX ISD | 2/15/2016  | -                          | 524,340                   | 524,340                   |
| 3134G4WJ3     | 3/19/2014   | FHLMC               | 9/19/2016  | -                          |                           | 998,598                   |
| 129703ER1     | 2/15/2017   | Calhoun Cnty TX ISD | 2/15/2017  | -                          | 531,695                   | 531,695                   |
| 3130AOWJ5     | 3/6/2014    | FHLB                | 8/7/2017   | -                          | 992,369                   | 992,369                   |
| <b>Total</b>  |             |                     |            | <b>\$ 14,352,457</b>       | <b>\$ 1,459,733</b>       | <b>\$ 16,810,788</b>      |

| Trade Date             | Settle Date | CUSIP         | Security Description | Coupon | Mty Date   | Call Date | Par Value    | Principal Amount | Interest Purchased/Received | Total Amount | YTM   |
|------------------------|-------------|---------------|----------------------|--------|------------|-----------|--------------|------------------|-----------------------------|--------------|-------|
| <b>Maturities</b>      |             |               |                      |        |            |           |              |                  |                             |              |       |
|                        | 2/28/2014   | 3134G3MY3     | FHLMC                | 0.65%  |            | 2/28/2014 | \$ 1,000,000 | \$ 1,000,000     | \$ 3,250                    | \$ 1,003,250 | 0.65% |
|                        | 3/13/2014   | 31398AVZ2     | FNMA                 | 2.75%  | 3/13/2014  |           | 1,000,000    | 1,028,150        | 13,750                      | \$ 1,041,900 | 0.18% |
| <b>Purchases</b>       |             |               |                      |        |            |           |              |                  |                             |              |       |
|                        | 1/4/2014    | CD 4176804278 | Landmark Bank        | 0.30%  | 7/14/2015  |           | 1,000,000    | 1,000,000        | -                           | 1,000,000    | 0.30% |
|                        | 2/20/2014   | CD 4176804344 | Landmark Bank        | 0.50%  | 10/20/2016 |           | 500,000      | 500,000          | -                           | 500,000      | 0.50% |
|                        | 2/19/2014   | 129703EQ3     | CALHN CNTY TX ISI    | 3.00%  | 2/15/2016  |           | 500,000      | 525,965          | -                           | 525,965      | 0.38% |
|                        | 2/19/2014   | 129703ER1     | CALHN CNTY TX ISI    | 3.00%  | 2/15/2017  |           | 500,000      | 535,985          | -                           | 535,985      | 0.57% |
|                        | 3/4/2014    | 3130AOWJ5     | FHLB                 | 1.24%  | 8/7/2017   |           | 1,000,000    | 1,002,385        | 793                         | 1,003,178    | 0.95% |
|                        | 3/4/2014    | 3134G4WJ3     | FHLMC                | 1.24%  | 9/19/2016  | 6/19/2014 | 1,000,000    | 1,000,000        | -                           | 1,000,000    | 0.95% |
| <b>Income Payments</b> |             |               |                      |        |            |           |              |                  |                             |              |       |
|                        | 3/31/2014   | Tex-Pool      | LGIP                 | 0.03%  |            |           | 1,558,348    |                  | 110                         | 110          | 0.03% |
|                        | 3/31/2014   | TexStar       | LGIP                 | 0.03%  |            |           | 1,382,782    |                  | 116                         | 116          | 0.03% |
|                        | 1/28/2014   | CD 4176803858 | Landmark Bank        | 0.35%  | 9/28/2014  |           | 1,000,000    |                  | 885                         | 885          | 0.35% |
|                        | 1/31/2014   | CD 1013674007 | CDARS CD             | 0.40%  | 12/8/2013  |           | 1,000,000    |                  | 385                         | 385          | 0.40% |
|                        | 2/18/2014   | 667825RN5     | Northwest ISD        | 4.60%  | 5/15/2016  |           | 290,000      |                  | 8,050                       | 8,050        | 0.55% |
|                        | 2/18/2014   | 590741X33     | Mesquite, TX Ref     | 2.00%  | 6/19/2013  |           | 140,000      |                  | 1,836                       | 1,836        | 0.48% |
|                        | 2/18/2014   | 590741V76     | Mesquite, TX         | 2.00%  | 6/16/2013  |           | 115,000      |                  | 1,150                       | 1,150        | 0.48% |
|                        | 2/18/2014   | 796456DW8     | SINGSCD              | 1.21%  | 8/15/2016  |           | 1,000,000    |                  | 2,500                       | 2,500        | 0.44% |
|                        | 2/28/2014   | CD 1013674007 | CDARS CD             | 0.45%  | 4/3/2014   |           | 1,000,000    |                  | 348                         | 348          | 0.45% |
|                        | 3/5/2014    | CD 4176804229 | Landmark Bank        | 0.30%  | 12/5/2014  |           | 1,000,000    |                  | 740                         | 740          | 0.30% |
|                        | 3/17/2014   | 3135GOHG1     | FNMA                 | 0.38%  | 3/16/2015  |           | 1,000,000    |                  | 1,875                       | 1,875        | 0.60% |
|                        | 3/31/2014   | 052396B23     | AUS                  | 0.71%  | 9/1/2014   |           | 285,000      |                  | 4,275                       | 4,275        | 0.53% |
|                        | 3/31/2014   | CD 1013674007 | CDARS CD             | 0.45%  | 4/3/2014   |           | 1,000,000    |                  | 386                         | 386          | 0.45% |

|              |                      |                  |                     |
|--------------|----------------------|------------------|---------------------|
| <b>Total</b> | <b>\$ 17,271,130</b> | <b>\$ 40,448</b> | <b>\$ 6,632,933</b> |
|--------------|----------------------|------------------|---------------------|

| Cash/Investment Type         | Balance<br>6/30/2013 | Balance<br>9/30/2013 | Balance<br>12/31/2013 | Balance<br>3/14/2014 | Percent of<br>Portfolio | Portfolio<br>Cap |
|------------------------------|----------------------|----------------------|-----------------------|----------------------|-------------------------|------------------|
| Local Government Pool (LGIP) | \$ 2,940,257         | \$ 2,996,339         | \$ 2,996,707          | \$ 2,941,130         | 17.49%                  | 50.00%           |
| Certificates of Deposit      | 4,531,758            | 3,015,758            | 3,010,492             | 4,513,235            | 26.84%                  | 30.00%           |
| US Agency                    | 6,736,046            | 5,310,833            | 5,288,597             | 5,270,451            | 31.34%                  | 50.00%           |
| US Treasury                  | 1,026,788            | 1,023,412            | 1,020,036             | 1,016,733            | 6.05%                   | 85.00%           |
| Texas Subdivisions           | 2,049,624            | 2,037,349            | 2,025,074             | 3,075,373            | 18.29%                  | 50.00%           |
| <b>Total</b>                 | <b>\$ 17,284,473</b> | <b>\$ 14,383,691</b> | <b>\$ 14,340,906</b>  | <b>\$ 16,816,922</b> | <b>100.00%</b>          |                  |





CITY OF SHERMAN, TX  
Portfolio by Maturity  
AS of 3/31/2014

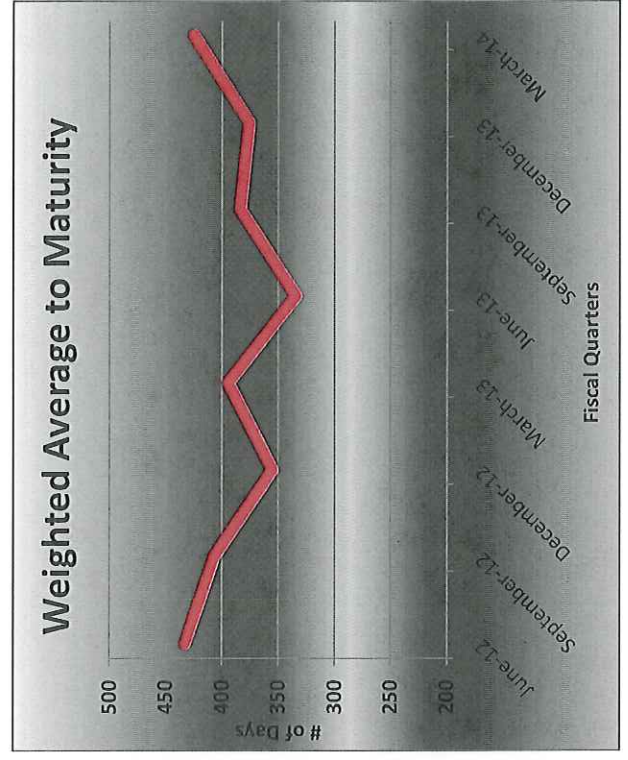
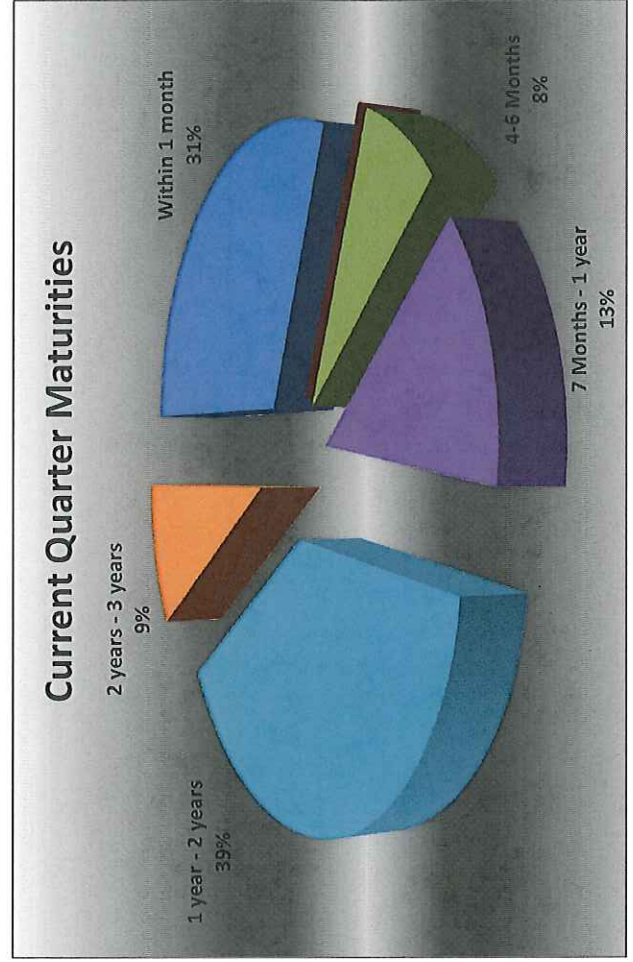
| Maturity Time Frame | Balance<br>6/30/2013 | Balance<br>9/30/2013 | Balance<br>12/31/2013 | Balance<br>3/31/2014 | Percent of<br>Portfolio | Minimum<br>Allowable |
|---------------------|----------------------|----------------------|-----------------------|----------------------|-------------------------|----------------------|
| Within 1 month      | \$ 4,459,287         | \$ 2,940,542         | \$ 2,996,707          | \$ 5,200,411         | 30.92%                  |                      |
| 2-3 Months          | 2,409,254            | 1,007,292            | 1,005,080             | -                    | 30.92%                  |                      |
| 4-6 Months          | 1,018,061            | -                    | 2,271,215             | 1,291,446            | 38.60%                  |                      |
| 7 Months - 1 year   | 3,589,656            | 4,588,140            | 2,292,281             | 2,257,011            | 52.02%                  | 50.00%               |
| 1 year - 2 years    | 3,284,284            | 3,280,495            | 4,299,539             | 6,529,768            | 90.85%                  |                      |
| 2 years - 3 years   | 2,523,931            | 2,511,425            | 1,476,084             | 1,538,287            | 100.00%                 |                      |
| 3 years - 4 years   | -                    | -                    | -                     | -                    | 100.00%                 |                      |
| 4 years - 5 years   | -                    | -                    | -                     | -                    | 100.00%                 |                      |

\$ 17,284,473 \$ 14,327,894 \$ 14,340,906 \$ 16,816,922

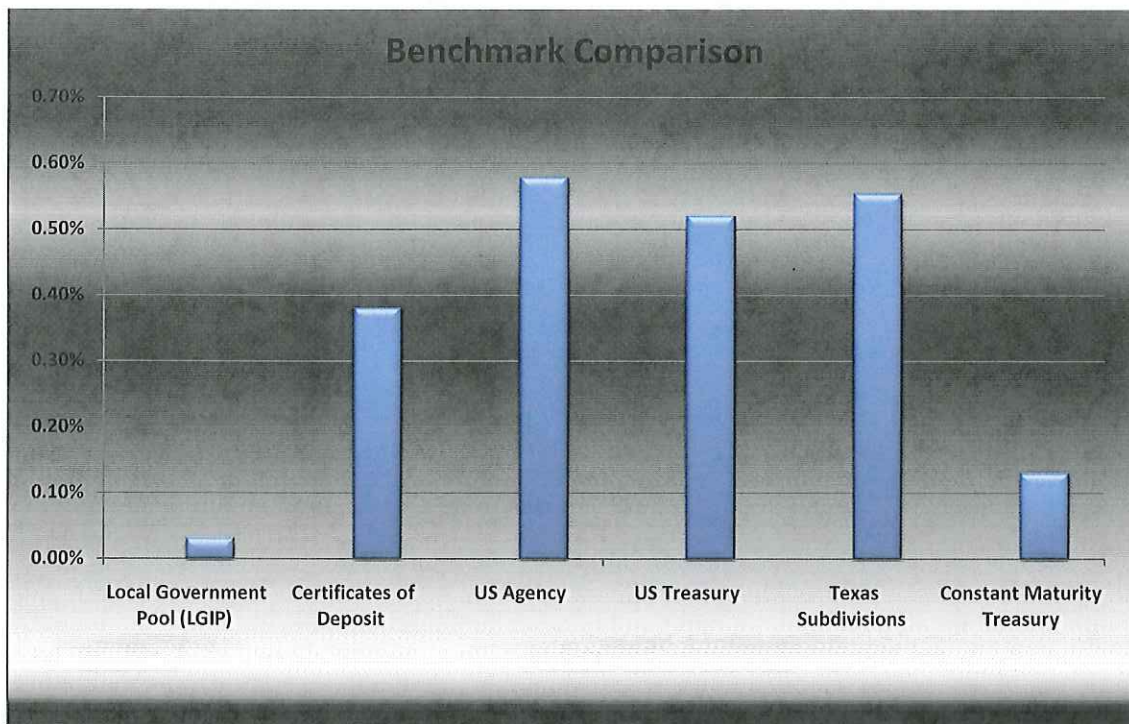
Liquidity Indicator

Weighted Average Maturity

334.16 383.92 375.82 425.00



| Date<br>Received/<br>Purchased | CUSIP         | Security Description | Coupon | YTM   | Interest<br>Purchased/<br>Received | Accrued<br>Interest/<br>Amortization | Income<br>Earned |
|--------------------------------|---------------|----------------------|--------|-------|------------------------------------|--------------------------------------|------------------|
| 3/31/2014                      | Tex-Pool      | TexPool              |        | 0.03% | \$ 110                             | \$ -                                 | \$ 110           |
| 3/31/2014                      | TexStar       | TexSTAR              |        | 0.03% | 116                                | -                                    | 116              |
| 1/31/2014                      | CD 1013674007 | CDARS                | 0.45%  | 0.45% | 385                                | -                                    | 385              |
| 2/28/2014                      | CD 1013674007 | CDARS                | 0.45%  | 0.45% | 348                                | -                                    | 348              |
| 3/31/2014                      | CD 1013674007 | CDARS                | 0.45%  | 0.45% | 386                                | -                                    | 386              |
| 1/28/2014                      | CD 4176803858 | Landmark Bank        | 0.35%  | 0.35% | 885                                | (44)                                 | 841              |
| 3/5/2014                       | CD 4176804229 | Landmark Bank        | 0.30%  | 0.30% | 740                                | -                                    | 740              |
| 3/31/2014                      | CD 4176804344 | Landmark Bank        | 0.50%  | 0.50% | -                                  | 267                                  | 267              |
| 3/31/2014                      | CD 4176804278 | Landmark Bank        | 0.30%  | 0.30% | -                                  | 625                                  | 625              |
| 3/31/2014                      | CD 4176804344 | Landmark Bank        | 0.50%  | 0.50% | -                                  | 267                                  | 267              |
| 2/18/2014                      | 3134G3MY3     | FHLMC                | 0.65%  | 0.65% | 3,250                              | (2,239)                              | 1,011            |
| 3/13/2014                      | 31398AVZ2     | FNMA                 | 2.75%  | 0.18% | 13,750                             | (13,253)                             | 497              |
| 3/31/2014                      | 31328X25JO    | FHLMC                | 4.60%  | 0.36% | -                                  | 1,125                                | 1,125            |
| 3/31/2014                      | 914729JM1     | Univ. of N Texas     | 4.50%  | 0.55% | -                                  | 402                                  | 402              |
| 3/31/2014                      | 54810C6X3     | LCRA                 | 5.00%  | 0.61% | -                                  | 445                                  | 445              |
| 3/31/2014                      | 313371VFO     | FHLB                 | 1.63%  | 0.44% | -                                  | 1,113                                | 1,113            |
| 3/31/2014                      | 129703EQ3     | Calhoun Cnty TX ISD  | 3.00%  | 0.38% | -                                  | 1,261                                | 1,261            |
| 3/31/2014                      | 590741X33     | Mesquite, TX         | 2.00%  | 0.48% | 1,836                              | (1,666)                              | 170              |
| 3/31/2014                      | 129703ER1     | Calhoun Cnty TX ISD  | 3.00%  | 0.57% | -                                  | 2,550                                | 2,550            |
| 3/31/2014                      | 3135GOGH1     | FNMA                 | 0.38%  | 0.60% | 1,875                              | (414)                                | 1,461            |
| 3/31/2014                      | 912828NLO     | Treasury Note        | 1.88%  | 0.52% | -                                  | 1,321                                | 1,321            |
| 3/31/2014                      | 796456DW8     | St. Augustine TX ISD | 1.21%  | 0.65% | 2,500                              | (1,755)                              | 745              |
| 3/31/2014                      | 052396B23     | City of Austin       | 3.00%  | 0.53% | 4,275                              | (3,921)                              | 354              |
| 3/31/2014                      | 667825RN5     | Northwest ISD        | 4.60%  | 0.55% | 8,050                              | (7,520)                              | 530              |
| 3/31/2014                      | 590741V76     | Mesquite, TX         | 2.00%  | 0.48% | 1,150                              | (1,032)                              | 118              |
| 3/31/2014                      | 3130A0WJ5     | FHLB                 | 1.02%  | 0.95% | 793                                | (366)                                | 427              |
| 3/31/2014                      | 3134G4WJ3     | FHLMC                | 0.63%  | 0.56% | -                                  | 291                                  | 291              |
|                                |               |                      |        |       | \$ 40,449                          | \$ (22,543)                          | \$ 17,905        |





**City Council Regular Meeting**

**Agenda Item No. H. 1.**

**Meeting Date:** 05/05/2014

**Prepared By:** Linda Ashby, City Clerk

**Approved By:** George Olson, City Manager

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**Caption:**

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS**

(a) Sherman Higher Education Finance Corporation (7)

**Issue:**

Terms for all members on the Sherman Higher Education Finance Corporation Board expired on April 18, 2014. All of the members are eligible for reappointment; however William Richardson does not wish to be reappointed. Anna Laura Page has completed an application to serve on the Board.

**Background:**

The Corporation is organized solely and exclusively for the purpose of issuing notes, bonds, or other obligations in aiding nonprofit institutions of higher education in providing educational facilities and housing facilities and facilities which are incidental, subordinate, or related thereto for institutions of higher education within the Sherman city limits.

**Origination:**

The appointments originated with Austin College.

**Financial Consideration:**

There is no financial consideration.

**Staff Recommendation:**

It is recommended that the City Council consider appointments to the Sherman Higher Education Finance Corporation.

**Alternatives:**

The alternative is to delay appointments to the Board.

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## **Attachments**

Roster

Fact Sheet

Applicant List

Dr. Al Hambrick Letter

Rad Richardson Letter

Jerry Chapman Letter

Delinda Lough Letter

George Rowland Letter

Paul Bean Letter

William Richardson Letter

Anna Laura Page Application

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# MEMBERSHIP ROSTER

SHERMAN HIGHER EDUCATION FINANCE CORPORATION

LENGTH OF TERMS: TWO YEARS  
Ordinance 4463 - October 17, 1995

| BOARD OF DIRECTORS    | DISTRICT | TERM BEGINS                                                                                                                     | TERM EXPIRES                                                                                                       | TERMS                                     | MEMBERSHIP REQUIREMENTS |
|-----------------------|----------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------|
| William W. Richardson |          | 10/17/95<br>R 10/6/97<br>R 10/18/99<br>R 10/18/2001<br>R 10/18/2003<br>R 4/18/2006<br>R 4/18/2008<br>R 4/18/2010<br>R 4/18/2012 | 10/17/97<br>10/18/99<br>10/18/2001<br>10/18/2003<br>10/18/2005<br>4/18/2008<br>4/18/2010<br>4/18/2012<br>4/18/2014 | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9 |                         |
| Dr. Al Hambrick       |          | U 5/8/2007<br>R 4/18/2008<br>R 4/18/2010<br>R 4/18/2012                                                                         | 4/18/2008<br>4/18/2010<br>4/18/2012<br>4/18/2014                                                                   | 0<br>1<br>2<br>3                          |                         |
| Rad Richardson        |          | 10/17/95<br>R 10/6/97<br>R 10/17/99<br>R 10/17/2001<br>R 10/17/2003<br>R 4/18/2006<br>R 4/18/2008<br>R 4/18/2010<br>R 4/18/2012 | 10/17/97<br>10/17/99<br>10/17/2001<br>10/17/2003<br>10/17/2005<br>4/18/2008<br>4/18/2010<br>4/18/2012<br>4/18/2014 | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9 |                         |
| Jerry Chapman         |          | A 5/18/2004<br>R 4/18/2006<br>R 4/18/2008<br>R 4/18/2010<br>R 4/18/2012                                                         | 5/18/2006<br>4/18/2008<br>4/18/2010<br>4/18/2012<br>4/18/2014                                                      | 1<br>2<br>3<br>4<br>5                     |                         |
| Delinda N. Lough      |          | A 11/1/99<br>R 11/1/2001<br>R 11/1/2003<br>R 4/18/2006<br>R 4/18/2008<br>R 4/17/2010<br>4/18/2012                               | 11/1/2001<br>11/1/2003<br>11/1/2004<br>4/18/2008<br>4/18/2010<br>4/18/2012<br>4/18/2014                            | 1<br>2<br>3<br>4<br>5<br>6<br>7           |                         |
| George Rowland        |          | A 10/7/2008<br>R 4/18/2010<br>R 4/18/2012                                                                                       | 4/18/2010<br>4/18/2012<br>4/18/2014                                                                                | 1<br>2<br>3                               |                         |
| Paul M. Bean          |          | A 4/18/2012                                                                                                                     | 4/18/2014                                                                                                          | 1                                         |                         |

|                              |                                                        |
|------------------------------|--------------------------------------------------------|
| <b>INCORPORATORS</b>         |                                                        |
| <b>William W. Richardson</b> | <b>709 North Grand Avenue<br/>Sherman, Texas 75090</b> |
| <b>Danna Bennett</b>         | <b>P.O. Box 1112<br/>Sherman, Texas 75091-1112</b>     |
| <b>Bob Denton</b>            | <b>120 West King<br/>Sherman, Texas 75090</b>          |

**Address of Corporation: 900 North Grand Avenue, Sherman, Tx 75090-4440**

**Registered Agent: George E. Rowland**

Updated: 4/17/2012

**CITY STAFF: City Manager**

## FACT SHEET

SHERMAN HIGHER EDUCATION FINANCE CORPORATION

ESTABLISHED BY ORDINANCE 4463 - OCTOBER 17, 1995

1. Number of members 7-11 Directors
2. Term of Appointment 2 years
3. Consecutive Term Rule \_\_\_\_\_
4. Qualifications for Membership None required under Ordinance  
Appointed by City Council
6. Board Organization Articles of Incorporation  
DIRECTORS Appointed by City Council  
INCORPORATORS Appointed by City Council
7. Departmental Responsibility City Manager
8. Meeting Date Called as necessary
9. Attendance Requirements None required under Ordinance

=====

### PURPOSE:

The Corporation is organized solely and exclusively for the purpose of aiding nonprofit institutions of higher education in providing educational facilities and housing facilities and facilities which are incidental, subordinate, or related thereto or appropriate in connection therewith in accordance with and subject to the provisions of the Act, all to be done on behalf of the City and as its duly constituted authority and instrumentality.

The Corporation shall have and may exercise all powers granted under the Act, except as such powers are limited by these Articles of Incorporation or by the bylaws of the Corporation.

## APPLICANT LIST

Sherman Higher Education Finance Corporation

Positions Vacant 7

| Applicant        | Address             | District | Qualifications                           |
|------------------|---------------------|----------|------------------------------------------|
| Dr. Al Hambrick  | 1920 Timberline Ln. |          | Current Member; Wishes to be Reappointed |
| Rad Richardson   | 2401 Turtle Creek   |          | Current Member; Wishes to be Reappointed |
| Jerry Chapman    | 1520 Lakewood Dr.   |          | Current Member; Wishes to be Reappointed |
| Delinda N. Lough | 622 W. Birge        |          | Current Member; Wishes to be Reappointed |
| George Rowland   | 614 N. McKown       |          | Current Member; Wishes to be Reappointed |
| Paul M. Bean     | 2405 San Miguel     |          | Current Member; Wishes to be Reappointed |
| Anna Laura Page  | 2525 Shoreline      |          | Professional Musician                    |

COMMENTS:

PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 28, 2014

Dr. Al Hambrick  
1920 Timberline  
Sherman, Texas 75092

RE: Sherman Higher Education Finance Corporation

Dear Dr. Hambrick:

Your term on the Sherman Higher Education Finance Corporation Board expires on April 18, 2014. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

*Linda Ashby*

Linda Ashby  
City Clerk

cc: Heidi Ellis, Vice President for Business Affairs  
Austin College  
900 N. Grand  
Sherman, Texas 75090

☒

I do wish to be considered for reappointment to this board

☐

I do not wish to be considered for reappointment to this board

*A Hambrick*

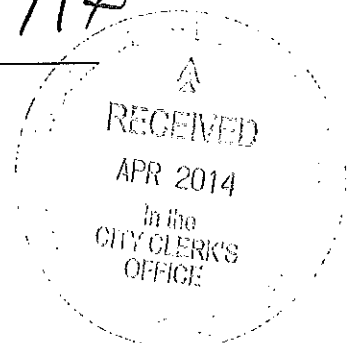
Signature

Date

3/31/14

Please return to:

City of Sherman  
City Clerk's Office  
P.O. Box 1106  
Sherman, Texas 75091-1106



PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 28, 2014

Rad Richardson  
2401 Turtle Creek  
Sherman, Texas 75092



RE: Sherman Higher Education Finance Corporation

Dear Mr. Richardson:

Your term on the Sherman Higher Education Finance Corporation Board expires on April 18, 2014. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

*Linda Ashby*

Linda Ashby  
City Clerk

cc: Heidi Ellis, Vice President for Business Affairs  
Austin College  
900 N. Grand  
Sherman, Texas 75090

X

I do wish to be considered for reappointment to this board

I do not wish to be considered for reappointment to this board

*Rad Richardson*

Signature

*3/31/14*

Date

Please return to: City of Sherman  
City Clerk's Office  
P.O. Box 1106  
Sherman, Texas 75091-1106

PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 28, 2014

Jerry Chapman  
1520 Lakewood Dr.  
Sherman, Texas 75092

RE: Sherman Higher Education Finance Corporation

Dear Mr. Chapman:

Your term on the Sherman Higher Education Finance Corporation Board expires on April 18, 2014. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

*Linda Ashby*  
Linda Ashby  
City Clerk

cc: Heidi Ellis, Vice President for Business Affairs  
Austin College  
900 N. Grand  
Sherman, Texas 75090

RECEIVED  
APR 2014  
In the  
CITY CLERK'S  
OFFICE

☒

I do wish to be considered for reappointment to this board

*Jerry Chapman*

Signature

☐ I do not wish to be considered for reappointment to this board

31 MARCH 2014  
Date

Please return to: City of Sherman  
City Clerk's Office  
P.O. Box 1106  
Sherman, Texas 75091-1106

**PUBLIC RECORDS DEPARTMENT**

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 28, 2014

Delinda Lough  
622 W. Birge  
Sherman, Texas 75092

RE: Sherman Higher Education Finance Corporation

Dear Ms. Lough:

Your term on the Sherman Higher Education Finance Corporation Board expires on April 18, 2014. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

*Linda Ashby*

Linda Ashby  
City Clerk

cc: Heidi Ellis, Vice President for Business Affairs  
Austin College  
900 N. Grand  
Sherman, Texas 75090



☒

I do wish to be considered for reappointment to this board

☐ I do not wish to be considered for reappointment to this board

*Delinda N. Lough*  
\_\_\_\_\_  
Signature

*3/31/14*  
\_\_\_\_\_  
Date

Please return to: City of Sherman  
City Clerk's Office  
P.O. Box 1106  
Sherman, Texas 75091-1106



City Clerk's Office

PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 28, 2014

George Rowland  
614 N. McKown  
Sherman, Texas 75092

RE: Sherman Higher Education Finance Corporation

Dear Mr. Rowland:

Your term on the Sherman Higher Education Finance Corporation Board expires on April 18, 2014. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby  
City Clerk

cc: Heidi Ellis, Vice President for Business Affairs  
Austin College  
900 N. Grand  
Sherman, Texas 75090



☒

I do wish to be considered for reappointment to this board

☐

I do not wish to be considered for reappointment to this board

Signature

Date

3-31-14

Please return to:

City of Sherman  
City Clerk's Office  
P.O. Box 1106  
Sherman, Texas 75091-1106

**PUBLIC RECORDS DEPARTMENT**

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 28, 2014

Paul Bean  
2405 San Miguel  
Sherman, Texas 75092

RE: Sherman Higher Education Finance Corporation

Dear Mr. Bean:

Your term on the Sherman Higher Education Finance Corporation Board expires on April 18, 2014. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

*Linda Ashby*  
Linda Ashby  
City Clerk

cc: Heidi Ellis, Vice President for Business Affairs  
Austin College  
900 N. Grand  
Sherman, Texas 75090



☒

I do wish to be considered for reappointment to this board

☐

I do not wish to be considered for reappointment to this board

*Paul Bean*  
\_\_\_\_\_  
Signature

*4-9-14*  
\_\_\_\_\_  
Date

Please return to: City of Sherman  
City Clerk's Office  
P.O. Box 1106  
Sherman, Texas 75091-1106

**PUBLIC RECORDS DEPARTMENT**

Phone No. (903) 892-7204

Fax No. (903) 892-7394

March 28, 2014

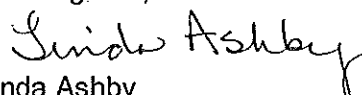
William W. Richardson  
709 N. Grand  
Sherman, Texas 75090

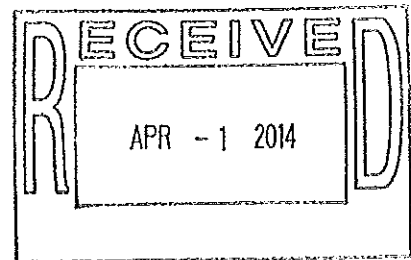
RE: Sherman Higher Education Finance Corporation

Dear Mr. Richardson:

Your term on the Sherman Higher Education Finance Corporation Board expires on April 18, 2014. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

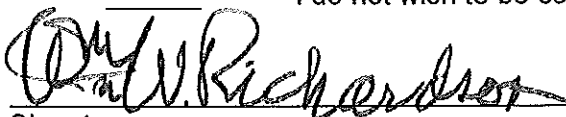
  
Linda Ashby  
City Clerk



cc: Heidi Ellis, Vice President for Business Affairs  
Austin College  
900 N. Grand  
Sherman, Texas 75090

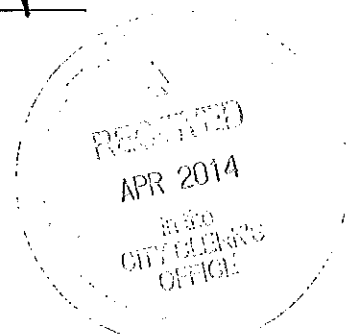
☒ I do wish to be considered for reappointment to this board

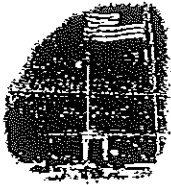
☐ I do not wish to be considered for reappointment to this board

  
Signature

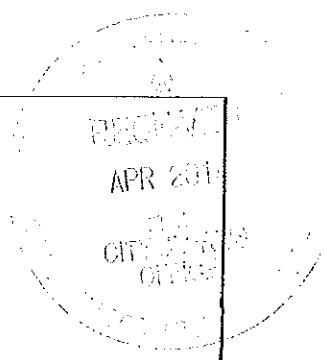
4/2/14  
Date

Please return to: City of Sherman  
City Clerk's Office  
P.O. Box 1106  
Sherman, Texas 75091-1106





# CITY OF SHERMAN APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



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

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

Name: Anna Laura Page

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

Name of Board

or Commission: Sherman Higher Education Finance Corp.

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

| Personal Information                                        | Occupational Information                         |
|-------------------------------------------------------------|--------------------------------------------------|
| Home Address: <u>2525 Shoreline Dr. 75092</u>               | Business Name: <u>Anna Laura Page</u>            |
| Mailing Address: <u>Same</u>                                | Occupation: <u>Professional Musician</u>         |
| Telephone: <u>903-868-2143</u> Fax: <u>Same</u>             | Address: <u>2525 Shoreline Dr, Sherman 75092</u> |
| E-Mail: <u>apagr@austincollege.edu</u>                      | Telephone: <u>903-868-2143</u> Fax: <u>Same</u>  |
| Sherman Resident for <u>20</u> years County: <u>Grayson</u> | E-Mail: <u>apagr@austincollege.edu</u>           |
| Drivers License No.: _____                                  |                                                  |
| Voter Registration No.: <u>1025119786</u> ✓                 |                                                  |

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

Prior work experience: (please include dates)

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1961

Business College, Correspondence School, Adult Education, Other? \_\_\_\_\_

Name of College/University: Univ. of Kentucky ☒ Bachelor's ☒ Master's ☐ PhD

Volunteer Work: (please include dates)

Board of Dir, Children's Advocacy Center

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

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

Taxes - No

Application held for 12 months from date received

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

If so, which one? \_\_\_\_\_

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

*To help Austin College and its work with the city of Sherman*

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

1) *Issuing Bonds*

2) \_\_\_\_\_

3) \_\_\_\_\_

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

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

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

#### Statement of Intent

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

Signature: *Anna Laura Page*

Date: *April 23, 2014*

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

**Sherman**  
CLASSIC TOWN, BROAD HORIZON



# SHERMAN CITY COUNCIL

## Agenda Communication Form

**City Council Regular Meeting**

**Agenda Item No. M.**

**Meeting Date:** 05/05/2014

**Prepared By:** Pamela Cloer, Assistant to the City Manager

**Approved By:** George Olson, City Manager

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**Caption:**

**COUNCIL CALENDAR**

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**Attachments**

**2014 Council Calendar**

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# 2014

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

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

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

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

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

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

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

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

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

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

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

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

|            |                                                     |
|------------|-----------------------------------------------------|
| 01/17/2014 | Joint Meeting w/SEDCO Board - Panda Tour - Canceled |
| 02/03/2014 | Regular City Council Meeting - Cancelled            |
| 02/12/2014 | Called Meeting for Informational Presentation       |
| 02/26/2014 | Called Meeting for Informational Presentation       |
| 03/12/2014 | Called Meeting for Informational Presentation       |
| 03/21/2014 | Joint Meeting w/SEDCO Board - Panda Tour            |

|               |                                                    |
|---------------|----------------------------------------------------|
| 03/26/2014    | Called Meeting for Informational Presentation      |
| 04/18/2014    | Called Budget Planning Meeting in Council Chambers |
| 04/21/2014    | Regular City Council Meeting - Cancelled           |
| 06/18-19/2014 | Called Budget Workshop in Council Chambers         |
| 09/01/2014    | Labor Day/Called Council Meeting on 09/02/2014     |
| 09/01/2014    | Labor Day/Called Council Meeting on 09/02/2014     |