

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, MAY 5, 2008
5:00 P.M.**

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2 [PLEDGE OF ALLEGIANCE](#)
- A.3 [INVOCATION BY COUNCIL MEMBER JOE N. SMITH](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 21, 2008](#)

Proclamations

- A.5 [PROCLAMATION](#)
“National Tourism Week” – May 10-18, 2008
- A.6 [PROCLAMATION](#)
“National Public Works Week” – May 18-24, 2008

Public Hearing

- B.1 [PUBLIC HEARING](#)
Final Statement/Action Plan for Program Year 2008 Community Development Block Grant

Introduction and Public Hearing of Ordinances

- B.2 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5531](#)
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Phat Vo (Owner) and Mike Wilson (Representative) to Allow a 32 Square Foot Double Faced Monument Off-Premise Sign in Lieu of One Freestanding Sign Per Development Lot in a C-2 (General Commercial) District at 1720 Gallagher Drive, being Lot 2-B, Block 1 of The Center at Gallagher Drive; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.3 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5532](#)

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Whitmire Enterprises, Inc. (Owners) and Robert Allen (Tenant) to Allow an Impound Lot in an M-2 (Heavy Manufacturing) District at 532 East King Street, being 0.458 acres in the Samuel Blagg Survey, Abstract No. 56; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.4 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5533](#)

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 2412 North Travis Street, being 2.37 acres in the J.B. McAnair Survey, Abstract No. 763 (Dr. Shawn MacDonald, Owner; David Baca, Architect; and Sartin & Associates, Surveyor)

Close Public Hearing and Consider Adoption of Ordinances

B.5 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- a) 5531
- b) 5532
- c) 5533

B.6 [TABLED AT THE APRIL 7, 2008 COUNCIL MEETING:](#)
[ADOPTION OF ORDINANCE NO. 5527](#)

Amending Chapter 13 of the Code of Ordinances, “Utilities”, Article 13.07, “Water, Sewers and Sewage Disposal”, at Sections 13.07.033 and 13.07.034, to Modify the Requirements Related to the Installation of Water Service Lines and the Provision of Water Meters and Meter Boxes

B.7 [CONSENT AGENDA](#)

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

Resolutions

C.1 [RESOLUTION NO. 5199](#)

Authorizing Execution of a Consulting Services Agreement with Dunkin Sims Stoffels, Inc. for the Center Street Park Project

C.2 [* RESOLUTION NO. 5200](#)

Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Fiscal Year 2008; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Fiscal Year 2008

- C.3 [* RESOLUTION NO. 5201](#)
Authorizing Execution of a Deed Without Warranty to Calix Properties for the Conveyance of Property at 800 North Brents Street
- C.4 [* RESOLUTION NO. 5202](#)
Authorizing Execution of a Deed Without Warranty to Barton Capital, Ltd. for the Conveyance of Property at 1624 East King Street
- C.5 [* RESOLUTION NO. 5203](#)
Authorizing Execution of a Deed Without Warranty to Douglass Distributing, Inc. for the Conveyance of Property in the 500 Block of East Lake Street
- C.6 [* RESOLUTION NO. 5204](#)
Authorizing Execution of a Professional Services Agreement with Timothy L. Morris, P.E. d/b/a Morris Engineers for Design of the Texoma Parkway Sewer Main Replacement between Grand Avenue and Broughton Street
- C.7 [* RESOLUTION NO. 5205](#)
Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, LTD. to Replace a Culvert on Lake Street near First Street
- C.8 [* RESOLUTION NO. 5206](#)
Rescinding Resolution No. 5144 in its Entirety and Awarding a Bid to Grand Prairie Ford for the Purchase of Four 2008 Ford Crown Victoria Police Interceptor Vehicles

Requests to Advertise

- D.1 [* REQUEST TO ADVERTISE](#)
2007-2008 Street Mill and Overlay Program
- D.2 [* REQUEST TO ADVERTISE](#)
Travis Street Water Main Replacement
- D.3 [* REQUEST TO ADVERTISE](#)
Repairs to Luella 4 Woodbine Water Well

Change Order

- D.4 [* CHANGE ORDER NO.1](#)
Weisinger Water Well, Inc.; Dorchester 8T Water Well Repairs; \$880.00, Increase

Other Business

- D.5 [OTHER BUSINESS](#)
Discuss the City of Sherman's Employee Group Health Insurance Fund

D.6 [* OTHER BUSINESS](#)

Approve Quarterly Investment Report for Period ending March 31, 2008

D.7 [* OTHER BUSINESS](#)

Final Plat Approval of the Coursier Addition, being 0.40 acres in the Samuel Blagg Survey, Abstract No. 56; Michael Cunha and Richard and Paula Garcia, Owners (301, 303, 305, 307, 309 and 311 West King Street)

D.8 [* OTHER BUSINESS](#)

Consideration to Ordinance No. 2684, Section 26(B)(2)(b) for a Variance to Allow a Rural Type Subdivision with Lots less than an Acre and a Variance to Section 12(E)(2) with no Public Street Frontage in Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction in the 2100-2400 Blocks of Hudgins Road (Highway 289 Extension) and the 400-500 Blocks of Preston Club Drive, being 51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey, Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368, and the John K. Miller Survey, Abstract No. 819 (Robert J. Tate, Christopher Rehmet, and Claire Rehmet, Owners)

D.9 [CITIZEN REQUESTS](#)

D.10 [MEDIA QUESTIONS](#)

Consider Board/Commission Appointments

D.11 [APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS](#)

Planning and Zoning Commission (1)

D.12 [COUNCIL COMMENTS](#)

D.13 [ADJOURNMENT](#)

[COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Joe N. Smith, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER JOE N. SMITH



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. A.4

APPROVE MINUTES

THE REGULAR CITY COUNCIL MEETING OF APRIL 21, 2008

STATE OF TEXAS §
 April 21, 2008
COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on April 21, 2008.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI.
 COUNCIL MEMBERS HUGHES, SMITH, T. STEELE, W.
 STEELE, WACKER.

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of April 7, 2008. Council Member Hughes moved to approve the Minutes as presented; Second by Council Member Terrence Steele. All present voted AYE. MOTION CARRIED.

PROCLAMATION

"EQUAL PAY DAY" – APRIL 22, 2008

Mayor Magers presented a proclamation to Lisa Hebert, Sherman BPW President, Lana Barnardin, BPW Vice President, and Jacqueline Banfield, BPW Member, proclaiming April 22, 2008 as "Equal Pay Day." He stressed the challenges and issues that come with unequal pay for women and minorities.

Ms. Barnardin thanked the Mayor and City Council for continuing to support women in the community. Ms. Hebert added that there have been many changes in salary from when their mothers' were in the work industry. Today she brought her 13 year old daughter saying she hoped her daughter never had to stand before a City Council to receive a proclamation about unequal pay.

PUBLIC HEARING

CONDUCT THE SECOND PUBLIC HEARING CONCERNING THE ANNEXATION OF APPROXIMATELY 44.97 ACRES OF LAND AT THE INTERSECTION OF U.S. HIGHWAY 82 AND HUDGINS ROAD (STATE HIGHWAY 289) IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION

Mayor Magers introduced the second public hearing for the proposed annexation of approximately 44.97 acres of land at the intersection of Highway 82 and Hudgins Road in the City's extra territorial jurisdiction.

CALL TO ORDER

APPROVE MINUTES

**EQUAL PAY DAY
APRIL 22, 2008**

**ANNEXATION
HWY 82 & HUDGINS RD**

No citizens appeared before the City Council to discuss the proposed annexation of 44.97 acres of land at the intersection of U.S. Highway 82 and Hudgins Road (State Highway 289).

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5530 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, MAKING AN EMERGENCY APPOINTMENT OF ELECTION OFFICIALS FOR AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 10TH DAY OF MAY, 2008, FOR THE PURPOSE OF ELECTING FOUR (4) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY.

ORD 5530
ELECTION JUDGES

No citizens appeared before the City Council to discuss Ordinance 5530.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5530

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, MAKING AN EMERGENCY APPOINTMENT OF ELECTION OFFICIALS FOR AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 10TH DAY OF MAY, 2008, FOR THE PURPOSE OF ELECTING FOUR (4) DISTRICT CITY COUNCIL MEMBERS FOR SAID CITY.

ORD 5530
ELECTION JUDGES

Mayor Magers confirmed that the ordinance appointed a Presiding Judge and Alternate Judge for the Fairview School Polling location.

ACTION TAKEN.

Motion by Deputy Mayor Adami to approve Ordinance No. 5530, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5197 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH BEARD & BULLER LLC UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT

RES 5197
DOWNTOWN
RESTORATION
(100 S. CROCKETT)

GRANT PROGRAM FOR IMPROVEMENTS TO 100 SOUTH CROCKETT STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH BEARD & BULLER LLC UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 100 SOUTH CROCKETT STREET.

Scott Buller, Partner with Beard & Buller LLC, addressed the Council about their planned project for the building at 100 S. Crockett Street, which they purchased in August 2007.

They have applied for a \$25,000 grant through the City's Building Restoration and Improvement Grant Program, designed to stimulate substantial, visible, and permanent improvements to historically significant commercial buildings and to spur interest in vacant and underutilized buildings of historical value, in the Central Business District.

The building was built in 1856 and Mr. Buller addressed the historical significance it has had throughout the years. It is the only building in the downtown area that pre-dates the Civil War. Over the years the building has housed the New York Auction House, the Sherman Democrat Newspaper Office, the Post Office, and Babcock Brothers Auto Supply.

Mr. Buller said the building has been vacant for approximately 10 years and they are planning a renovation project to beautify the outside and to include retail, a restaurant, and professional offices.

They have complied with the grant and will make the building ADA compliant to serve the needs of the disabled and will install a limited use elevator, new bathrooms, a roof, and HVAC. They also plan to install new windows and awnings, and a parapet.

He felt their project would help spur economic growth and help beautify the downtown area with high impact improvements.

ACTION TAKEN.

Motion by Council Member Terrence Steele to approve Resolution No. 5197, as presented. Second by Council Member Smith.

VOTING AYE: Magers, Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5198 –AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DEBLAN COMPANY, A TEXAS LIMITED PARTNERSHIP, FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF

**RES 5198
RESIDENTIAL TAX
ABATEMENT
(808 S. CHARLES)**

A NEW SINGLE-FAMILY RESIDENCE AT 808 SOUTH CHARLES STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE DEBLAN COMPANY, A TEXAS LIMITED PARTNERSHIP, FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 808 SOUTH CHARLES STREET.
CONSENT AGENDA.

OTHER BUSINESS

REVIEW OPERATION AND MAINTENANCE AGREEMENT FOR CITY OF SHERMAN FLOOD CONTROL SITES AND POST OAK CHANNEL IN THE CHOCTAW WATERSHED PROJECT

Donald Gibbons, Soil Conservationist with the Natural Resources Conservation Service, reviewed the operation and maintenance agreement for the City of Sherman flood control site and the Post Oak Channel in the Choctaw Watershed Project.

The original agreement was approved on June 30, 1967, and should be reviewed every five years. No action from the City Council is required.

The agreement states that the City of Sherman is a sponsor for Flood Control Sites 1, 4, 10, 11, and 35 and the Post Oak Channel in the Choctaw Watershed Water Improvement District. Only Sites 10 and 11 (Dean Gilbert Lake and Pickens Lake at Herman Baker Park) were ever constructed.

Mr. Gibbons added that the City is doing a good job on maintenance of the facilities. He offered to work with the City in completing the inspections of the structures.

RECEIVE CHIEF ANIMAL CONTROL OFFICER SCOTT PARKER'S REPORT ON THE SHERMAN ANIMAL SHELTER'S ADOPT-A-THON SCHEDULED FOR SATURDAY, MAY 3RD AND SUNDAY, MAY 4TH

Scott Parker, Chief Animal Control Officer, invited the City Council and all citizens to attend the 12th Annual Adopt-A-Thon, scheduled for May 3 and 4, 2008 at the City's Animal Shelter at 1800 E. Ida Road. He brought two kittens that are available for adoption.

The event is a national event and each year the Sherman Animal Shelter joins with hundreds of shelters across the country to promote animal adoptions.

RECEIVE SYSTEMS MANAGER KAY THOMAS' PRESENTATION ON THE CITY OF SHERMAN'S INCODE BUSINESS SYSTEM MANAGEMENT SOFTWARE PACKAGE

Kay Thomas, Systems Manager, updated the City Council on the City's new INCODE Business System Management Software Package. The project began last budget year and is

OPERATION &
MAINTENANCE
FOR FLOOD
CONTROL SITES

ANIMAL CONTROL
ADOPT-A-THON

INCODE SOFTWARE
UPDATE

approximately 95% complete. It was completed on time and within budget. It changes the software that the City staff uses in the day-to-day operations.

The new software replaces Pentamation, which was based on 1980 technology, purchased in 1993. The original software was a good investment but is at the end of its life cycle.

She outlined the process used to determine the best software to fit the City's needs. A decision was finally made in October 2006.

Two specific applications were not covered by most software products and a vendor, RTA was found that could install software for the Fleet Maintenance and Building Maintenance Departments. These two functions were implemented in March 2007.

INCODE, owned by Tyler Technologies, was selected for the remaining part of the project. Mrs. Thomas added that with the purchase of the new software, the City has made a 20 year leap in technology in a single calendar year. The company is also committed to future technology and provides annual updates.

She addressed the specific departments that have been converted and the success of the various upgrades. The system consists of utility billing, cash collections, financials, human resources, building projects, call center, business licenses, and courts. Cemetery records will be converted in May or June 2008.

Benefits of the new system are that it standardizes the procedures and allows various departments to use shared databases, the system is familiar to external vendors and allows an interface with their systems, and the technology and future options that will be available.

Mayor Magers asked if citizens might eventually be able to purchase garage sale permits or other City services on-line. Mrs. Thomas said the City has not purchased those modules, but they are available through INCODE. She said they also offer building permit scheduling of inspections.

SET DATE TO CANVASS RESULTS OF THE CITY OF SHERMAN'S REGULAR MUNICIPAL ELECTION

The City Council set a Called Council Meeting on Tuesday, May 13, 2008 at 12:00 noon, to canvass the results of the May 10, 2008 Regular Municipal Election.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

CANVASS OF ELECTION

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

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

CIVIL SERVICE COMMISSION (2)

ACTION TAKEN.

Motion by Council Member Terrence Steele to confirm the City Manager's reappointment of Charles H. Brown, Sr. to the Civil Service Commission for a term from May 29, 2008 to May 29, 2011, and James Lough to the Civil Service Commission for a term from June 7, 2008 to June 7, 2011. Second by Council Member Wacker.

VOTING AYE: Adami, Hughes, Smith, T. Steele, W. Steele, Wacker.

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

SPRING CLEAN-UP

Council Member Wacker said the Spring Clean-Up is progressing and she asked if the monthly Brush Pick-Up program would begin after it is complete.

Jeff Miller, Director of Public Works, said plans are being completed now and the program is expected to begin in July 2008.

JOB FAIR AT MIDWAY MALL

Council Member Terrence Steele said Workforce Texoma will hold a Job Fair, Friday, April 25, 2008, at Midway Mall. Applications will be taken and interviews will be conducted. He encouraged all citizens that need a job to participate in the Job Fair.

RESIDENTIAL TAX ABATEMENT PROGRAM

Council Member Willie Steele said Resolution 5198 on tonight's agenda was the residential tax abatement for ad valorem property taxes.

He added that Ron Barton with Cupid Homes, is one developer that has received many residential tax abatements from the City and he is now breaking ground on his 100th home. Ninety five of the homes he has built have been under the residential tax abatement program.

He said the program is working on the east side of Sherman and these homes are back on the tax rolls and using City services.

Mayor Magers added that much of the construction has been done in the College Park Addition and is beginning to transform the neighborhood.

MEDIA QUESTIONS

**CIVIL SERVICE
COMMISSION**

SPRING CLEAN-UP

**JOB FAIR AT
MIDWAY MALL**

**RESIDENTIAL TAX
ABATEMENT
PROGRAM**

CENTRAL BUSINESS DISTRICT HISTORIC BUILDING GRANT PROGRAM

Mayor Magers welcomed Scott Buller of Beard & Buller LLC to Sherman and said the matching grant program established in 2003 is beginning to pay dividends. Two businesses in town have now received grant money to restore historic buildings in the downtown area. There is no cost to Sherman taxpayers.

ADJOURNMENT

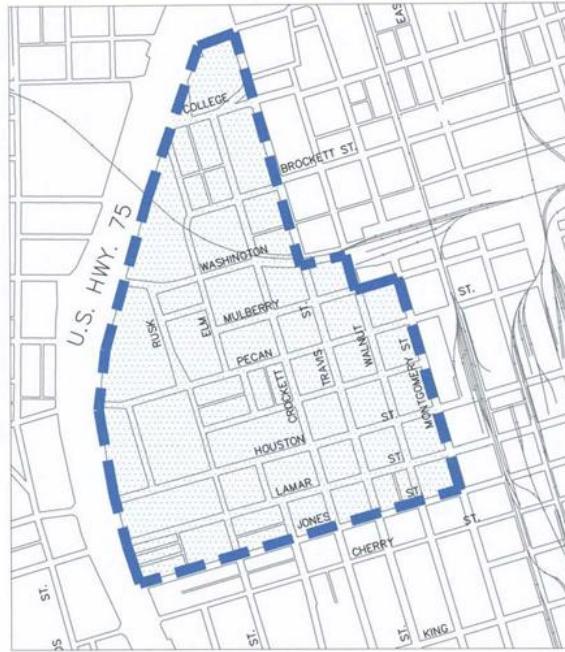
On Motion duly made and carried, the meeting adjourned at 5:30 p.m.

**CENTRAL BUSINESS
DISTRICT HISTORIC
BUILDING GRANT
PROGRAM**

ADJOURNMENT

MAYOR

CITY CLERK



CITY OF SHERMAN, TEXAS
CENTRAL BUSINESS DISTRICT
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM
Department of Developmental Services

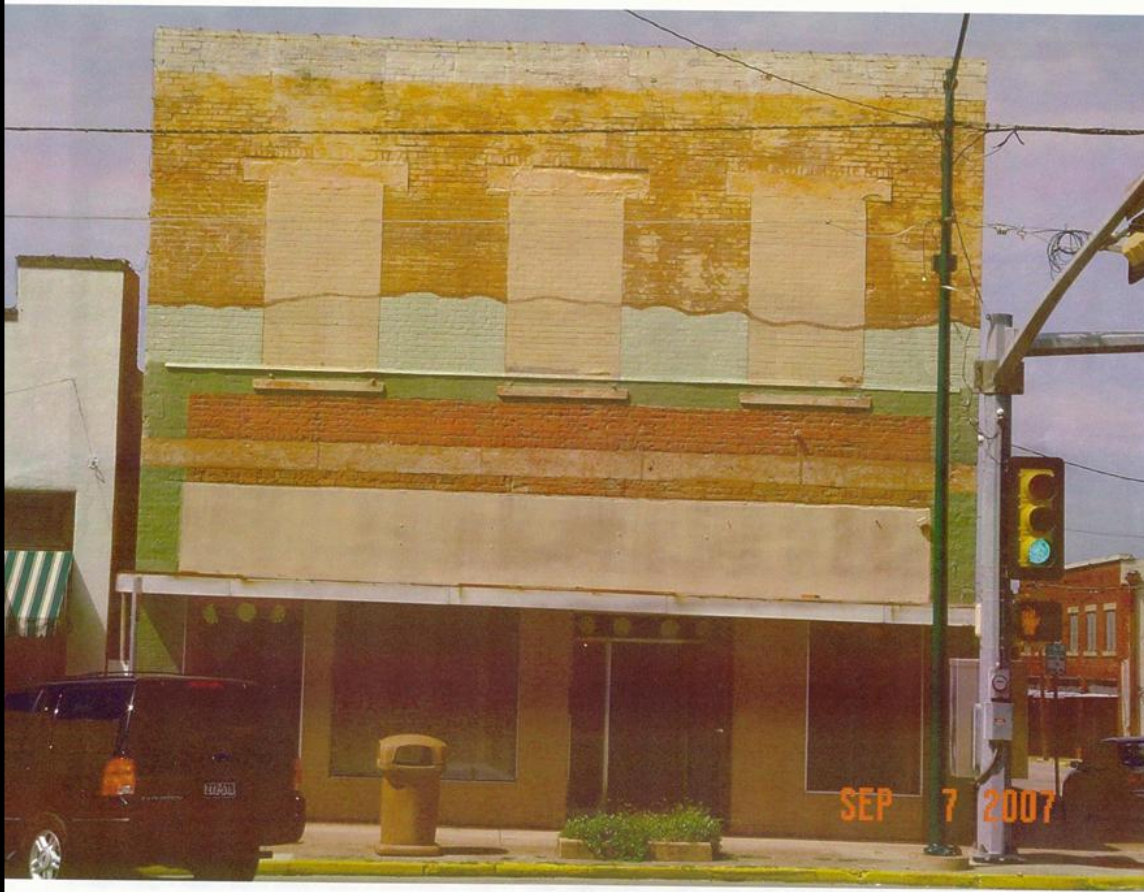






Early Sherman Democrat Newspaper Office

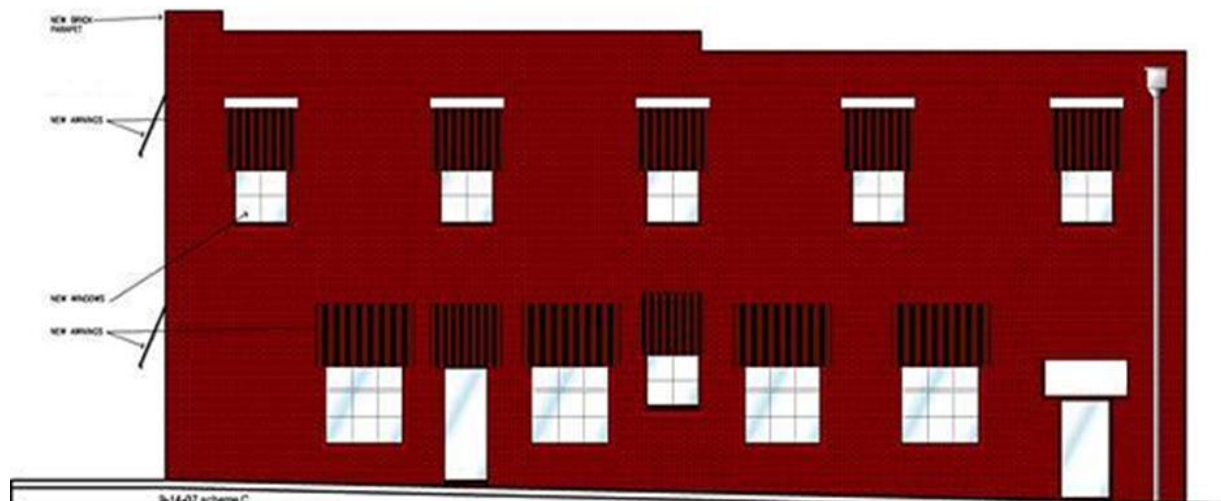






DOWN TOWN MCKINNEY TX. - INSPIRATIONAL PHOTO





3-14-07 scheme C

2 proposed Houston elevation
note: 1/4" = 1'-0"

COMPUTER SERVICES

INCODE PROJECT

Status Report
April 21, 2008

WHY CHANGE?

- **PENTAMATION**

WHY CHANGE?

- **PENTAMATION**
- 1980 Technology

WHY CHANGE?

- **PENTAMATION**
- 1980 Technology
 - UNIX
 - INFORMIX Database
 - Text Based
 - Line Printers

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- **RTA**

- Fleet Maintenance
- Building Maintenance
- Current Technology
- March 2007

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- **INCODE**

- Current Technology
 - Windows
 - SQL Database
 - GUI
 - Laser Printers
 - MS Office Suite

WHY CHANGE?

- **PENTAMATION**

- 1980 Technology
 - UNIX
 - INFORMIX Database
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- No software updates available
- Good investment, but at end of life cycle

- **INCODE**

- Current Technology
 - Windows
 - SQL Database
 - GUI
 - Laser Printers
 - MS Office Suite
- Commitment to future technology
 - .NET in development
 - Web Components
 - Annual updates

SOFTWARE MODULES

- Utility Billing
- Cash Collection
- Financials
 - GL, AP, AR, Budget, Fixed Assets, GASB Reporting
- Human Resources
 - Payroll, HR, Benefits, Applicant Tracking

SOFTWARE MODULES

- Utility Billing
- Cash Collection
- Financials
 - GL, AP, AR, Budget, Fixed Assets, GASB Reporting
- Human Resources
 - Payroll, HR, Benefits, Applicant Tracking
- Building Projects
- Call Center
 - Code Enforcement
- Business License
 - Alarm Permits
 - Contractor License
 - Garage Sale Permits
- Courts
- Cemetery Records
 - May

BENEFITS

- STANDARDIZE
 - Internal
 - Cash Collections
 - Desk Top Procedures
 - Shared Databases
 - External
 - Banks, Vendors, Auditors

BENEFITS

- TECHNOLOGY
 - Industry Standard
 - Future Path



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. A.5

PROCLAMATION

“National Tourism Week” – May 10-18, 2008

Issue

To present a proclamation designating May 10 through 18, 2008, as “National Tourism Week” in the City of Sherman

Background

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

Origination

The request for this proclamation originated with the Sherman Department of Tourism.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is the recommendation of the staff to present a proclamation proclaiming May 10th through the 18th as “National Tourism Week” in the City of Sherman.

Alternatives

The Council could choose not to present the proclamation.

Attachments

A proclamation proclaiming “National Tourism Week” is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN



Proclamation

WHEREAS, National Tourism Week was designated by Congress and established by presidential proclamation in 1983, and celebrates the value and scope of the nation's \$740 billion travel and tourism industry, and the economic and social contributions it brings to Sherman, and

WHEREAS, travel is the heart of America's economic and national security and generates millions of jobs and billions in taxes, and is a vital resource in improving America's image around the world, and

WHEREAS, the travel industry contributes substantially to Sherman's cultural and social well being, enhances our personal growth and education, and promotes an intercultural understanding and appreciation of Sherman's history, geography and culture, and

WHEREAS, travel is one of America's largest service exports and one of the nation's largest employers, accounting for more than 7.5 million direct travel-generated jobs, and

WHEREAS, the theme for the 25th Annual National Tourism Week is "Discover Great American Traditions," and encourages travel to American locales and highlights the role that tourism plays in discovering the icons of a destination, and

WHEREAS, in conjunction with National Tourism Week, the Sherman Department of Tourism will hold an Open House on Tuesday, May 13, 2008, from 5:00 to 6:30 p.m. at the Visitor Center at 101 South Travis Street.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 10 through 18, 2008

NATIONAL TOURISM WEEK

in the City of Sherman and urge all citizens to observe this week, as sanctioned by the U.S. Congress, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 5th day of May 2008.

Mayor

ATTEST:

Linda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. A.6

PROCLAMATION

“National Public Works Week” – May 18-24, 2008

Issue

To present a proclamation designating May 18 through 24, 2008, as “National Public Works Week” in the City of Sherman

Background

Each year, “National Public Works Week” is celebrated to offer recognition to the important role that Public Works plays in the lives of our citizens and in keeping our city thriving.

Origination

The request for this proclamation originated with the Public Works Department.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is the recommendation of the staff to present a proclamation proclaiming “National Public Works Week” during May 18th through 24th in Sherman.

Alternatives

The Council could choose not to present a proclamation.

Attachments

Proclamation proclaiming “National Public Works Week”

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

SHERMAN



Proclamation

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives, and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection, and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services, and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials, and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW THEREFORE, I, Bill Hagers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 18 through May 24, 2008

NATIONAL PUBLIC WORKS WEEK

in the City of Sherman and urge all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 5th day of May, 2008.

Mayor

ATTEST:

Linda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. B.1

PUBLIC HEARING

Final Statement/Action Plan for Program Year 2008

Community Development Block Grant

Issue

Approval of the Fiscal Year (FY) 2008 Community Development Block Grant Final Statement/Action Plan

Background

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U. S. Department of Housing and Urban Development (HUD). We are required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low to moderate income citizens. This Action Plan is based on a 5-year Consolidated Plan & Strategy developed by City staff and approved by the Sherman City Council. It serves as the City's long term planning tool to address the identified needs of affordable housing, public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman. Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows: FY 2003 - \$401,000; FY 2004 - \$391,000; FY 2005 - \$370,520; FY 2006 - \$333,097; and FY 2007 - \$332,014.

Origination

Director of Parks and Community Services

Financial Consideration

The City of Sherman has been allocated \$321,189 in Community Development Block Grant funds from the U.S. Department of Housing and Urban Development to address our various community development needs for low to moderate income citizens during FY 2008.

Staff Recommendation

The staff recommends that the Sherman City Council approve the FY 2008 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

FY 2008 Community Development Block Grant Final Statement/Action Plan

Prepared by:

Larry Wortham,

Director of Parks and Community Services

Approved by:

George Olson, City Manager

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2008**

GRANT NO: B-2008-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2008 is \$321,189.00. These funds will be received on October 1, 2008. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available {i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing decent housing, a suitable living environment and expanded economic opportunities principally for low and moderate-income persons of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2008**

OWNER-OCCUPIED HOUSING REHABILITATION:.....\$194,909

A program of specific housing repairs will be provided to low and moderate income homeowners who reside within the city limits of Sherman, to bring their properties to code requirements. Expenditures will be limited to \$5,000 per housing unit under this activity. This activity will cause no displacement of low and moderate income persons.

FIRST-TIME HOMEOWNERSHIP PROGRAM:..... \$ 25,000

A program, in cooperation with local lending institutions, to provide technical, educational and financial assistance to low and moderate income first-time homebuyers through a variety of services, including basic closing-cost assistance, at a maximum of \$2,000.

DEMOLITION/CLEARANCE PROGRAM:.....\$ 5,000

A program to demolish vacant, substandard structures and clear property lots which pose a risk to health/safety of low-moderate income target neighborhoods.

PROGRAM ADMINISTRATION:.....\$ 63,000

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, preparation of annual Action Plan and Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy.

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority:.....\$ 8,800

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sell of illegal drugs in and around assisted housing, apprehend sellers of such drugs and an overall reduction of crime in the assisted housing area.

Texoma Area Paratransit System, Inc:	\$ 17,600
A program that will provide transportation assistance to low and moderate income individuals who reside within the city limits of Sherman including transportation to and from work, to and from school, and to doctor and grocery trips for the elderly.	
Crisis Center:	\$ 3,080
A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.	
Child Guidance Center:	\$ 1,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income adult Sherman residents.	
North Texas Youth Connection:	\$ 1,400
A program to provide truancy counseling to low and moderate income Sherman youth who has excessive school absences.	
Boys & Girls Club of Sherman, Inc:	\$ 1,400
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized sports activities that would not otherwise be able to participate.	
TOTAL PROGRAM ALLOCATION:	\$321,189

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

1. Encourage citizen participation and input to obtain maximum public involvement in program activities.
2. Promote the rehabilitation and repair of deteriorating housing through the City's rehabilitation program.
3. Promote homeownership opportunities for low-moderate income persons through the City's First-time Homeownership closing cost assistance program.
4. Eliminate slum and blight through the removal of structures that create unsafe, unsanitary and hazardous situations for the public.
5. Promote drug elimination programs for low and moderate income assisted housing families/households.
6. Provide support for transportation assistance to low and moderate income persons.
7. Provide support for provision of emergency shelter/assistance to the homeless.
8. Assist in providing counseling services to youth and adults from low and moderate income families.
9. Assist in providing youth activities for children from low and moderate income families.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2008 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Theresa Caudle, CD Coordinator, City of Sherman, P. O. Box 1106 Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Monday, June 9, 2008. A summary of comments received will be made a part of the summary of citizen participation of this Plan.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5531

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Phat Vo (Owner) and Mike Wilson (Representative) to Allow a 32 Square Foot Double Faced Monument Off-Premise Sign in Lieu of One Freestanding Sign Per Development Lot in a C-2 (General Commercial) District at 1720 Gallagher Drive, being Lot 2-B, Block 1 of The Center at Gallagher Drive; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

Issue

To consider granting a Specific Use Permit to Phat Vo (Owner) and Mike Wilson (Representative) concerning the property located at 1720 Gallagher Drive to allow a 32 square foot double faced monument off-premise sign in lieu of one freestanding sign per development lot in a C-2 (General Commercial) District

Background

The property is located at the southwest corner of Gallagher Drive and Versaille Drive. The owner would like to erect a 32 square foot double faced monument sign for City Nails & Spa, which is located at 3200 Versaille Drive.

Origination

Phat Vo (Owner) and Mike Wilson (Representative)

Board Recommendation

At the April 22, 2008 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter and on the condition if another freestanding sign is proposed it would require approval from the Planning and Zoning Commission.

Attachments

Ordinance No. 5531

Location Map

Photograph

Site Plan

P&Z Communication Form

Staff Review Letter

Prepared by:

Scott Shadden, Development Services Director

Approved by:

George Olson, City Manager

ORDINANCE NO. 5531

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 PHAT VO (OWNER) AND MIKE WILSON (REPRESENTATIVE) TO ALLOW A 32 SQUARE FOOT DOUBLE FACED MONUMENT OFF-PREMISE SIGN IN LIEU OF ONE FREESTANDING SIGN PER DEVELOPMENT LOT IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1720 GALLAGHER DRIVE, BEING LOT 2-B, BLOCK 1 OF THE CENTER AT GALLAGHER DRIVE; 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; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That from and after the passage of this ordinance, Phat Vo (Owner) and Mike Wilson (Representative) are granted a Specific Use Permit to allow a 32 square foot double faced monument off-premise sign in a C-2 (General Commercial) District at 1720 Gallagher Drive, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

Being Lot 2-B, Block 1 of The Center at Gallagher Drive.

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

1. No further development activities shall be allowed on this lot until utility extensions, sidewalks, etc. are completed.

2. If another freestanding sign is proposed on the lot, it would require approval from the Planning and Zoning Commission.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

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

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

INTRODUCED on this the _____ day of _____, 2008.

ADOPTED on this the _____ day of _____, 2008.

EFFECTIVE DATE on this the _____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

**DOREEN E. MCGOOKEY,
CITY ATTORNEY**



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT	Q-1	OVERLAY DISTRICT - 75 & 82
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	Q-1.1	OVERLAY DISTRICT - 1417
C-1	RETAIL BUSINESS DISTRICT	Q-1.2	OVERLAY DISTRICT - SAM RAYB
C-2	GENERAL COMMERCIAL DISTRICT	CPO	COLLEGE PARK OVERLAY
C-O	OFFICE DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT		



1720 GALLAGHER DRIVE SPECIFIC USE PERMIT

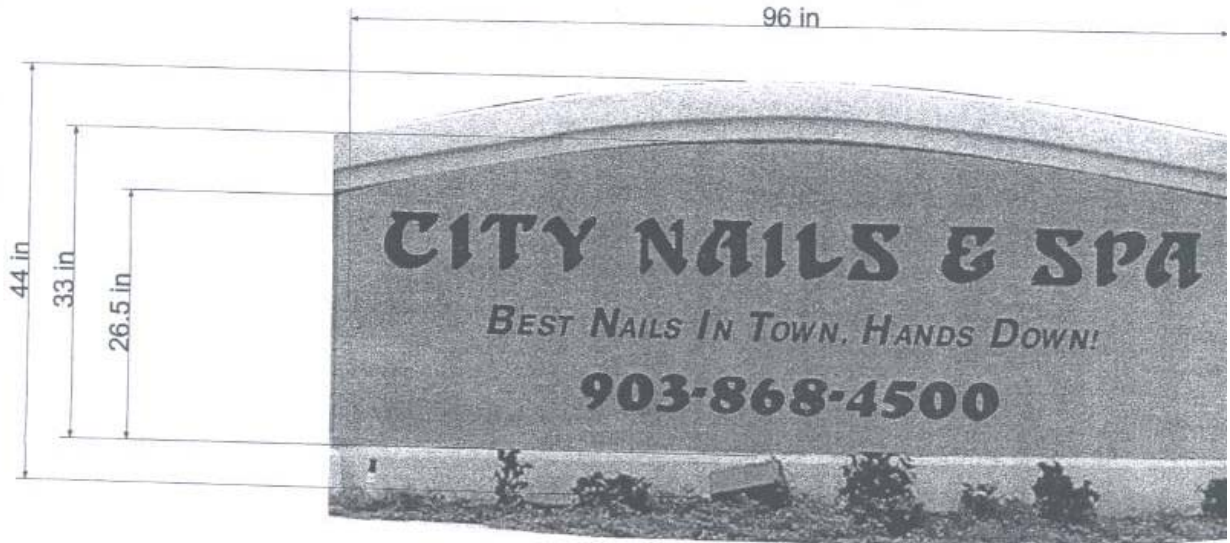
ENGINEERING DEPARTMENT

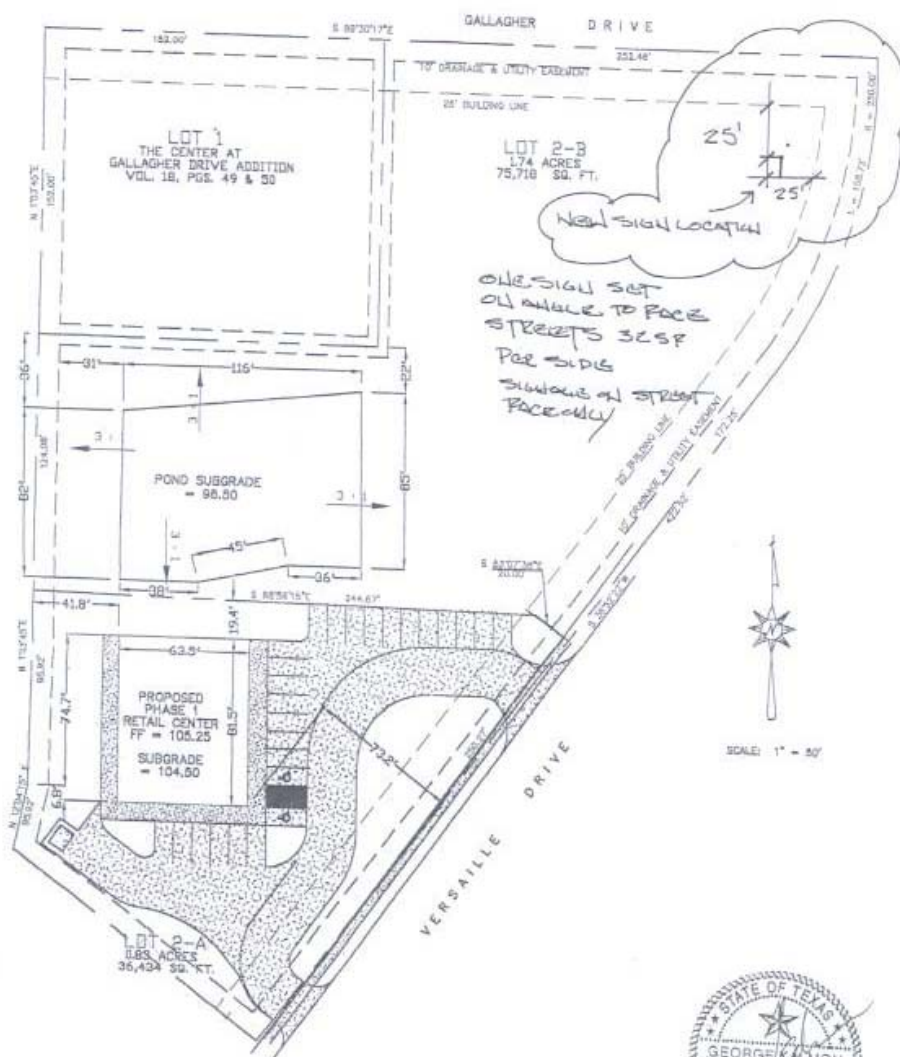


1720 Gallagher



Handwritten signature





ONE SIGN SET
ON ANGLE TO FACE
STREETS 32 SF
PER SIDE
SIGNAGE ON STREET
FACE ONLY



SCALE: 1" = 50'



SHERMAN

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

April 4, 2008

Paul Millmann
23 Campbell Rd.
Sadler, TX 76264

APR 14 2008

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, April 22, 2008 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Phat Vo (Owner) and Mike Wilson (Representative) concerning the property located at 1720 Gallagher Drive, being Lot 2-B, Block 1 of The Center at Gallagher Drive

The request is as follows:

Specific Use Permit under Ordinance No. 2280, Section 8, Subsection (5) (a) to allow a 32 square foot double faced monument off-premise sign in lieu of one freestanding sign per development lot in a C-2 (General Commercial) District.

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you can not attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106

Scott Shadden /PR
Secretary, Planning & Zoning Board

I plan on attending - I am on the agenda for my comment.
My only concern is that Mr. Vo's sign will not obstruct my sign.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
April 22, 2008
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Robin Atherton, Commissioner

Specific Use Permit & Site Plan
1720 Gallagher Drive
Being Lot 2-B, Block 1 of The Center at Gallagher Drive

Requested Action/Proposed Use:

Specific Use Permit and site plan approval to allow a 32 square foot double faced monument off-premise sign in lieu of one freestanding sign per development lot in a C-2 (General Commercial) District.

Background

The property is located at the southwest corner of Gallagher Drive and Versaille Drive. The owner would like to erect a 32 square foot double faced monument sign for City Nails which is located at 3200 Versaille Drive.

Adjacent Zoning:

C-2 (General Commercial) District and R-1 (One Family Residential) District

Origination:

Phat Vo (Owner) and Mike Wilson (Representative)

Master Plan Designation:

Residential

Number of notices mailed:

21

Objections received:

1

Attachments:

Location map; Site Plan; Staff Review Letter

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Director of Development Services

STAFF REVIEW LETTER

April 17, 2008

Phat Vo
3200 Versaille Drive
Sherman, Texas 75090

Mike Wilson
4520 Texoma Parkway
Sherman, Texas 75090

Dear Applicants,

Your request for approval of a Specific Use Permit to allow a 32 square foot double faced monument off-premise sign for property located at 1720 Gallagher Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 22, 2008 at 6:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. No further development activities shall be allowed on this lot until utility extensions, sidewalks, etc. are completed.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rita Gaither at 903-892-7212 prior to the meeting.

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator

Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5532

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Whitmire Enterprises, Inc. (Owners) and Robert Allen (Tenant) to Allow an Impound Lot in an M-2 (Heavy Manufacturing) District at 532 East King Street, being 0.458 acres in the Samuel Blagg Survey, Abstract No. 56; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

Issue

To consider granting a Specific Use Permit to Whitmire Enterprises, Inc. (Owners) and Robert Allen (Tenant) concerning the property located at 532 East King Street to allow an impound lot in an M-2 (Heavy Manufacturing) District

Background

The property is located at 532 East King Street, just west of the railroad tracks. The property was granted a Specific Use Permit for an impound lot in 2005, but the business closed for more than sixty days so the Specific Use Permit went away.

Origination

Whitmire Enterprises, Inc. (Owners) and Robert Allen (Tenant)

Board Recommendation

At the March 18, 2008 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter. Planning and Development Coordinator Rita Gaither informed the owner/applicant at the Planning and Zoning Commission Meeting that sidewalks would not be required.

Attachments

Ordinance No. 5532
Location Map
Photograph
Site Plan
P&Z Communication Form
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5532

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 WHITMIRE ENTERPRISES, INC. (OWNERS) AND ROBERT ALLEN (TENANT) TO ALLOW AN IMPOUND LOT IN AN M-2 (HEAVY MANUFACTURING) DISTRICT AT 532 EAST KING STREET, BEING 0.458 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56; 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; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That from and after the passage of this ordinance, Whitmire Enterprises, Inc. (Owners) and Robert Allen (Tenant) are granted a Specific Use Permit to allow an impound lot in an M-2 (Heavy Manufacturing) District, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING all that certain lot, tract or parcel of land situated in the City of Sherman, Grayson County, Texas, and being a part of survey originally granted to Samuel Blagg, and more fully described as follows, to-wit:

BEGINNING on the South line of East King Street in said City of Sherman on the West boundary line of the right-of-way of the H. & T. C. R. R. right-of-way;

THENCE South 16 deg. East with said right-of-way 350 feet to a stake;

THENCE South 74 deg. West 57 feet to a stake 50 feet South of the Southeast corner of Block "C" of G. W. Bond's Third or Richland Addition to Sherman, Texas;

THENCE North 16 deg. West passing the Southeast corner of the said Block "C" at 50 feet and continuing in the same direction with the East line of said Block "C" in all 350 feet to the South line of said East King Street;

THENCE North 74 deg. East 57 feet to the **PLACE OF BEGINNING**, containing 57 x 350 feet of land;

BEING the same land conveyed by W. Elliot to G. W. Brown by deed dated March 1, 1915, recorded in Volume 216, Page 255, Deed Records, Grayson County, Texas.

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

1. In the event commercial style pick up is utilized, screening of the trash receptor will be required.
2. Sidewalks and driveways shall conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
3. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

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

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

INTRODUCED on this the _____ day of _____, 2008.

ADOPTED on this the _____ day of _____, 2008.

EFFECTIVE DATE on this the _____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

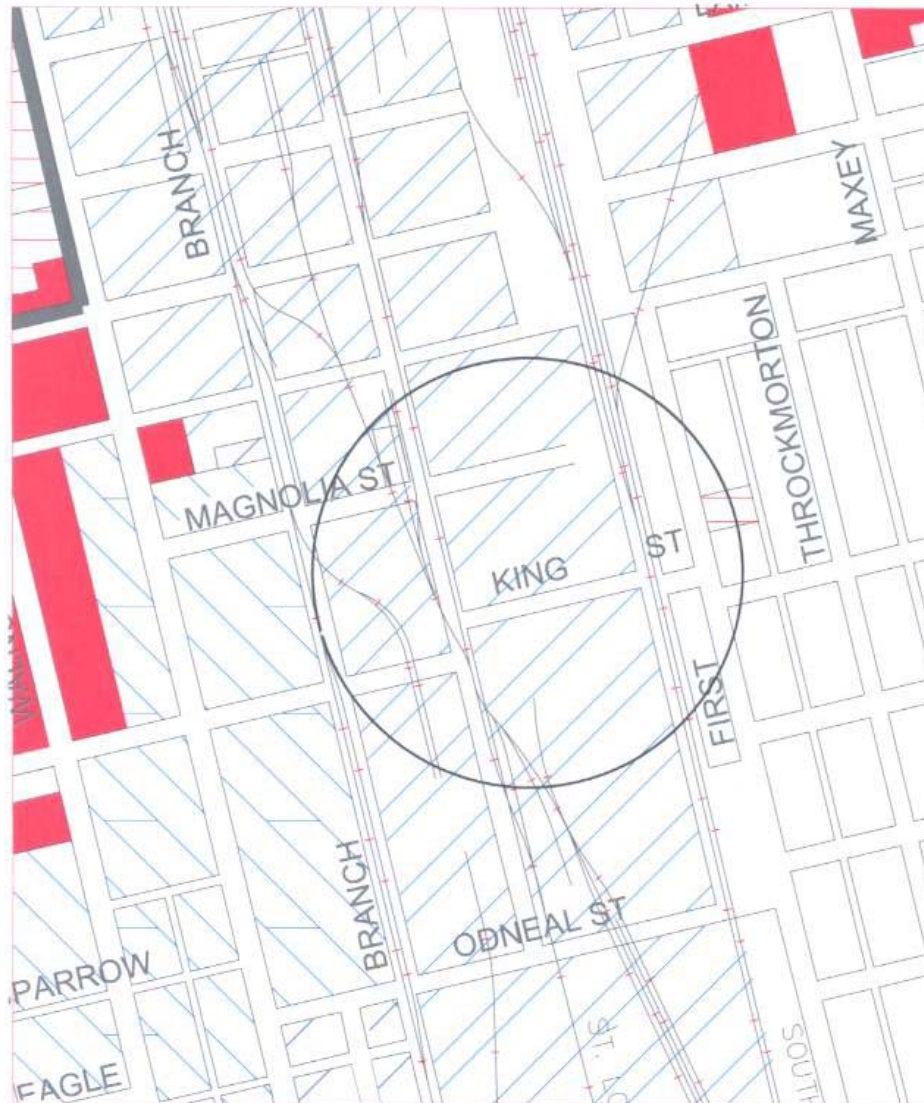
BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT		O-1	BLALOCK INDUSTRIAL PARK OVERLAY DISTRICT - 75 & 80
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-1	RETAIL BUSINESS DISTRICT		O-1.2	OVERLAY DISTRICT - SAM R
	C-2	GENERAL COMMERCIAL DISTRICT		CPO	COLLEGE PARK OVERLAY DISTRICT
	CO	OFFICE DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1	LIGHT MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT			



532 EAST KING SPECIFIC USE PERMIT

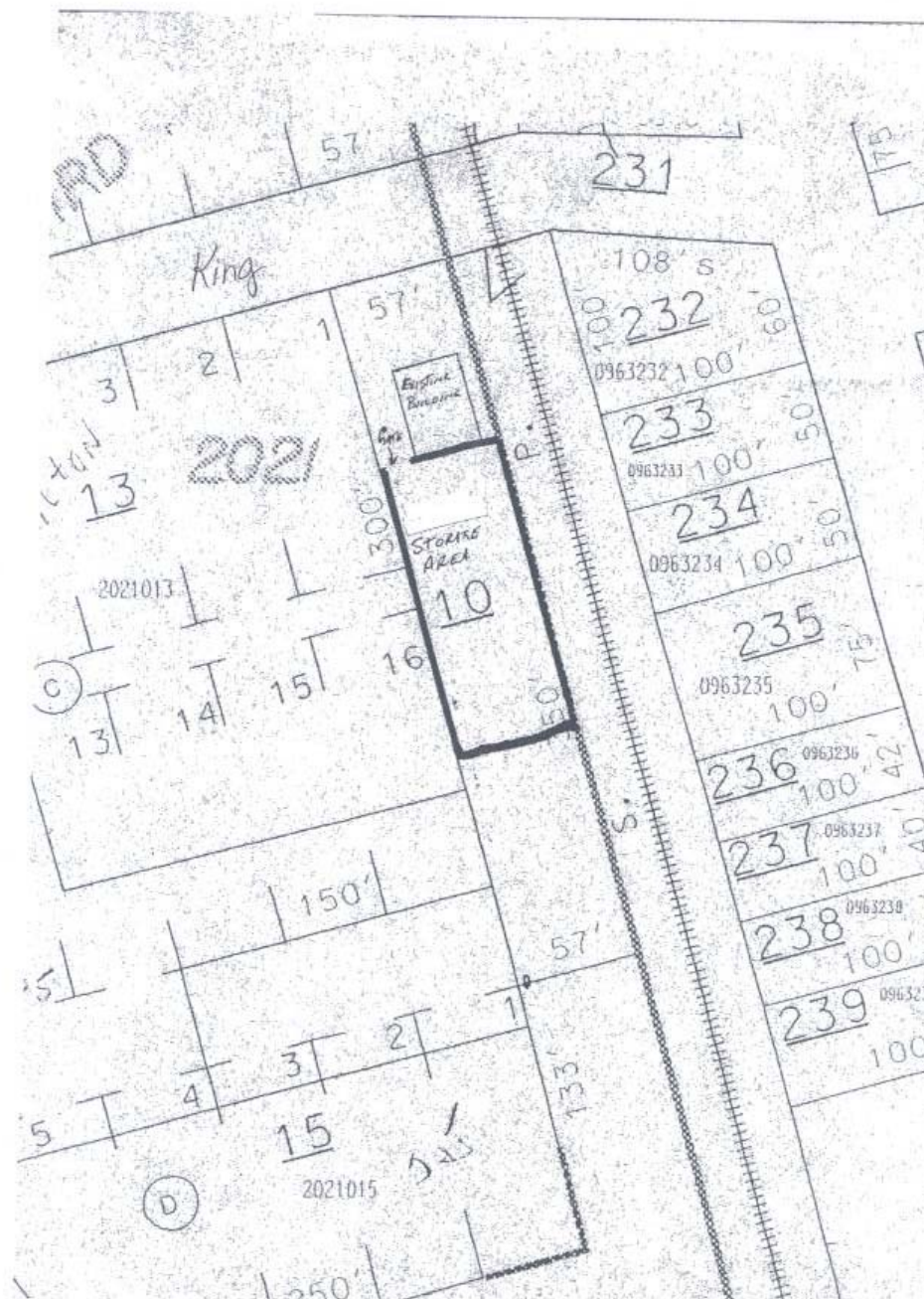
Department of Developmental Services



Scale: 1 inch = 70.0 feet

532 E. King





City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
April 22, 2008
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Robin Atherton, Commissioner

Specific Use Permit & Site Plan
532 East King Street
Being 0.458 acres in the Samuel Blagg Survey, Abstract No. 56

Requested Action/Proposed Use:

Specific Use Permit and Site Plan Approval to allow an impound lot in an M-2 (Heavy Manufacturing) District.

Background

The property is located at 532 East King Street, just west of the railroad tracks. The property was granted a Specific Use Permit for an impound lot in 2005, but the business closed for more than sixty days so the Specific Use Permit went away.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Whitmire Enterprises, Inc. (Owners) and Robert Allen (Tenant)

Master Plan Designation:

Industrial

Number of notices mailed:

14

Objections received:

0

Attachments:

Location map; Site Plan; Staff Review Letter

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Director of Development Services

STAFF REVIEW LETTER

April 17, 2008

Whitmire Enterprises, Inc.
1316 Preston Drive
Sherman, Texas 75092

Robert Allen
88 Beaver Run
Sherman, Texas 75090

Dear Applicants,

Your request for approval of a Specific Use Permit and site plan to allow an impound lot located at 532 East King Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 22, 2008 at 6:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. In the event commercial style pick up is utilized, screening of the trash receptor will be required.
2. Sidewalks and driveways shall conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
3. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to consider a request unless it has representation. You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Rita Gaither at 903-892-7212 prior to the meeting.

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator

Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5533

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 2412 North Travis Street, being 2.37 acres in the J.B. McAnair Survey, Abstract No. 763 (Dr. Shawn MacDonald, Owner; David Baca, Architect; and Sartin & Associates, Surveyor)

Issue

To consider the request of Dr. Shawn MacDonald (Owner), David Baca (Architect), and Sartin & Associates (Surveyor) concerning the property at 2412 North Travis Street to change the zoning from an R-1 (One Family Residential) District to a C-1 (Retail Business) District

Background

The property is located at 2412 North Travis Street. The owner would like to rezone the property to construct a medical office on this tract and the tract to the north which is already zoned C-1 (Retail Business) District.

Origination

Dr. Shawn MacDonald (Owner), David Baca (Architect), and Sartin & Associates (Surveyor)

Board Recommendation

At the April 22, 2008 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the zone change be approved.

Attachments

Ordinance No. 5533

Location Map

Photograph

Site Plan

Letters

P&Z Communication Form

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5533

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-1 (RETAIL BUSINESS) DISTRICT AT 2412 NORTH TRAVIS STREET, BEING 2.37 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763; DR. SHAWN MACDONALD (OWNER), DAVID BACA (ARCHITECT), AND SARTIN & ASSOCIATES (SURVEYOR); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That from and after the passage of this ordinance, the following described property shall be in the C-1 (Retail Business) District at 2412 North Travis Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J.B. McAnair Survey, Abstract No. 763, being the same property described as being 2.7505 acres (5.654 acres LESS & EXCEPT 2.9035 acres) in Substitute Trustee's Deed from C.H. Gillespie, III, Substitute Trustee to Doris Stalling and Grace V. Cantwell, dated August 4, 1992, recorded in Volume 2226, Page 260, Real Property Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a set ½ inch rebar on the West right-of-way line of F.M. Highway 131 known as Travis Street, said rebar maintaining the Southeast corner of said 2.7505 acre tract, the Northeast corner of a 1 acre tract of land conveyed by Leola White Estep to Marvin Averille White, et al by deed dated May 28, 1986, recorded in Volume 1836, Page 553, Real Property Records, Grayson County, Texas;

THENCE South 71 deg. 23 min. 29 sec. West, with the general line of a fence, the North line of said 1 acre tract, passing its Northwest corner, the Northeast corner of a 1.904 acre tract of land described in First Tract in deed from Luther Yost to Otto Howard, et al, Trustees, dated December 15, 1971, recorded in Volume 1206, Page 797, Deed Records, Grayson County, Texas, and continuing for a total distance of 485.15 feet to a Bois d' arc fence corner post on an East line of a tract of land conveyed by Jacob M. Yost, Independent Executor of the Estate of Luther Yost, Deceased to Charles Edward Kretsinger by deed dated August 30, 1996, recorded in Volume 2490, Page 456, Official Public Records, Grayson County, Texas, said corner post maintaining the Northwest corner of said 1.904 acre tract;

THENCE North 15 deg. 17 min. 42 sec. West, with the general line of an old fence, the East line of said Kretsinger tract, passing its Northeast corner, the Southeast corner of a tract of land conveyed by Donald R. Spencer, et ux to David Allen Spencer, et ux by deed dated September 26, 1988, recorded in Volume 2002, Page 745, Real Property Records, Grayson County, Texas, and continuing with the East line of said Spencer tract, for a total distance of 156.81 feet to a found ½ inch rebar maintaining its Northeast corner, the Southeast corner of a 1.667 acre tract of land conveyed by Charles Edward Rowland, et al to George E. Rowland by deed dated October 17, 1992, recorded in Volume 2241, Page 916, Real Property Records, Grayson County, Texas;

THENCE North 15 deg. 01 min. 54 sec. West, continuing with the general line of said fence, and with the East line of said 1.667 acre tract for a distance of 156.81 feet to a set ½ inch rebar for the Southwest corner of a 2.9035 acre tract of land conveyed by Leonard Collinsworth to Rose Collinsworth Trust by deed dated June 21, 1991, recorded in Volume 2161, Page 19, Real Property Records, Grayson County, Texas;

THENCE North 72 deg. 32 min. 17 sec. East, a distance of 492.87 feet to a set ½ inch rebar for the Southeast corner of said 2.9035 acre tract on the West right-of-way line of said Travis Street;

THENCE in a Southeasterly direction with the West right-of-way line of Travis Street, and with a curve to the left having a radius of 4558.50 feet, (chord bears South 12 deg. 42 min. 10 sec. East, 151.62 ft.) a distance of 151.62 feet to the end of said curve;

THENCE South 13 deg. 39 min. 21 sec. East, continuing with the West right-of-way line of Travis Street, a distance of 55.65 feet to the place of beginning and containing **2.37 ACRES OF LAND more of less.....**

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

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

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

INTRODUCED on this the _____ day of _____, 2008.

ADOPTED on this the _____ day of _____, 2008.

EFFECTIVE DATE on this the _____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT	BLA	BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
C-O	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT



2412 NORTH TRAVIS STREET ZONE CHANGE

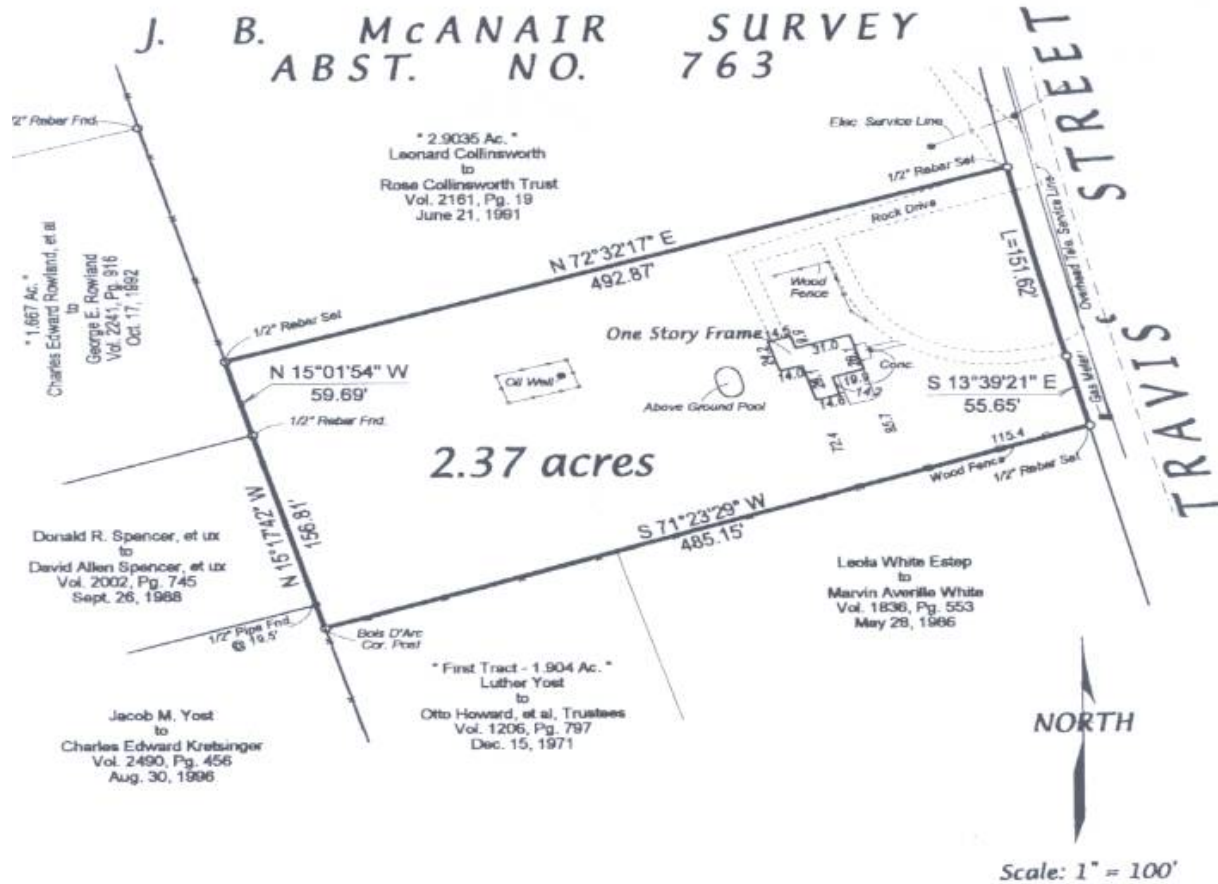
ENGINEERING DEPARTMENT





2412 N. Travis





Bearings are based on monuments found, and F. M. Highway 131 right-of-way map.

**SARTIN & ASSOCIATES
SURVEYING COMPANY
P.O. Box 1843 Sherman, Texas 75091-1843 (903) 892-8003
FAX NUMBER 903-868-2970**

Survey for: JEFF GLOVER

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 18 th day of March, 1998 of the following described property:

(LEGAL DESCRIPTION ATTACHED)

That the improvements located on said property are known as **2412 N. TRAVIS STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying.

Marshall Sartin
Marshall Sartin, R.P.L.S.

SHERMAN



**PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT**

Telephone No. (903) 892-7225

FAX No. (903) 892-7274

April 7, 2008 First Assembly of God Church
121 W. Pelton
Sherman, Texas 75092

APR

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, April 22, 2008 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Dr. Shawn MacDonald (Owner), David Baca (Architect) and Sartin & Associates (Surveyor) concerning the property at 2412 North Travis Street, being 2.37 acres in the J.B. McAnair Survey, Abstract No. 763

The request is as follows:

Zone Change under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential) District to a C-1 (Retail Business) District.

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you can not attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106


Secretary, Planning & Zoning Board

We are in favor of this zone change.

Sincerely,

Terry Johnson, Pastor

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

SHERMAN



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

April 7, 2008

Georgia Hendrix
9131 Livenshire Dr.
Dallas, TX 75238

(2511 N. Travis)

APR 14 2008

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, April 22, 2008 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Dr. Shawn MacDonald (Owner), David Baca (Architect) and Sartin & Associates (Surveyor) concerning the property at 2412 North Travis Street, being 2.37 acres in the J.B. McAnair Survey, Abstract No. 763

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As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you can not attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106


Secretary, Planning & Zoning Board

It is alright with me.

*My Property is for Sale pending
rezoning.*

*Georgia Hendrix
214 - 348 - 5452*

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
April 22, 2008
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Robin Atherton, Commissioner

Zone Change
2412 North Travis Street
Being 2.37 acres in the J.B. McAnair Survey, Abstract No. 763

Requested Action/Proposed Use:

Zone Change from an R-1 (One Family Residential) District to a C-1 (Retail Business) District.

Background

The property is located at 2412 North Travis Street. The owner would like to rezone the property for a medical office.

Adjacent Zoning:

C-1 (Retail Business) District, R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District

Origination:

Dr. Shawn MacDonald (Owner), David Baca (Architect) and Sartin & Associates (Surveyor)

Master Plan Designation:

Retail/Commercial

Number of notices mailed:

14

Objections received:

0

Attachments:

Location map
Photographs
Site Plan

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Director of Development Services



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. B.5

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5531, 5532 and 5533

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5531

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Phat Vo (Owner) and Mike Wilson (Representative) to Allow a 32 Square Foot Double Faced Monument Off-Premise Sign in Lieu of One Freestanding Sign Per Development Lot in a C-2 (General Commercial) District at 1720 Gallagher Drive, being Lot 2-B, Block 1 of The Center at Gallagher Drive; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5532

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Whitmire Enterprises, Inc. (Owners) and Robert Allen (Tenant) to Allow an Impound Lot in an M-2 (Heavy Manufacturing) District at 532 East King Street, being 0.458 acres in the Samuel Blagg Survey, Abstract No. 56; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5533

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 2412 North Travis Street, being 2.37 acres in the J.B. McAnair Survey, Abstract No. 763 (Dr. Shawn MacDonald, Owner; David Baca, Architect; and Sartin & Associates, Surveyor)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. B.6

TABLED AT THE APRIL 7, 2008 COUNCIL MEETING:

ADOPTION OF ORDINANCE NO. 5527

Amending Chapter 13 of the Code of Ordinances, "Utilities", Article 13.07, "Water, Sewers and Sewage Disposal", at Sections 13.07.033 and 13.07.034, to Modify the Requirements Related to the Installation of Water Service Lines and the Provision of Water Meters and Meter Boxes

Issue

This agenda item is to amend the "Water, Sewers and Sewage Disposal" provisions of the Code of Ordinances at Sections 13.07.033 and 13.07.034. **As this item was tabled following public hearing at the April 7th City Council meeting, a motion and order are required to remove it from the table for consideration at this meeting.**

Background

The purpose for this ordinance change is to allow the City to have input on specifications required of contractors on the installation of water services, including the service line, meter, and meter boxes. Currently, in situations involving 1½" meters, there is not adequate working space in meter boxes used for this size meter. This change will help alleviate that problem. This proposed ordinance has the following effect on current policies: 1) will allow only "Type K" copper for water line construction for connections from City mains to meter boxes, and 2) will require that the City provide specifications and approval for meter boxes and meter box installation.

In the staff's research regarding this issue, it was noted that a majority of the eleven cities surveyed charge customers for these water service costs on new installations. The City's stance on assessing fees or requiring reimbursement from citizens and customers for certain City services is vital to the growth and development of the City. Therefore, the staff has begun considering the City's policies regarding rates and fees for many areas of the City's operations, including water operations, and will come back to the Council at the appropriate time to further discuss this issue.

Origination

Finance/Utility Billing

Financial Consideration

The boxes needed for installation of 1½" meters range in cost from about \$250 for a large polymer box to about \$1,850 for a 3' x 3' concrete vault and metal lid. The City will continue to bear these costs. Since there are only about twelve of these installations each year, the cost range for the City to provide these boxes is \$3,000 to about \$22,000.

Staff Recommendation

The staff recommends approving this change to the Code of Ordinances.

Alternatives

No other alternatives can be suggested at this time.

Attachments

Ordinance No. 5527

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager

ORDINANCE NO. 5527

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, "UTILITIES", ARTICLE 13.07, "WATER, SEWERS AND SEWAGE DISPOSAL", AT SECTIONS 13.07.033 AND 13.07.034, TO MODIFY THE REQUIREMENTS RELATED TO THE INSTALLATION OF WATER SERVICE LINES AND THE PROVISION OF WATER METERS AND METER BOXES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Section 13.07.033 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended to read as follows:

Sec. 13.07.033 Water taps generally; installation and maintenance of water-service lines, etc.

(a) The city will furnish the corporation cock and make all water taps to the water mains. Excavation for the tap shall be made by the developer or consumer, and all ground compaction for taps and service lines in streets and behind curbs will be the responsibility of the developer or consumer. Compaction, when completed, must be equal to or better than that of the surrounding soil. Water-service lines from the main to the meter box, which is to be located within three (3) feet behind the curb, will be installed by the developer or consumer, with work being guaranteed by the installing plumber for a period of one (1) year, after which time the service line from the main to the meter will be maintained by the city. From the meter box to the structure, the service line will be installed by the developer or consumer and maintained by the consumer. All water-service lines from the main to the meter box will be a minimum of three-fourths-inch type "K" or type "L" copper, and no joints will be permitted in the water-service line under streets. Flared type joints with brass fittings must be used at the corporation and at any necessary joint between the curb and meter box. Curb stops will be furnished and installed by the consumer. ~~The city will furnish the meter couplings the water meter in sizes up to but not including a two-inch meter, and the meter box.~~ Minimum size meter shall not be less than three-quarters inch.

(b) All water-service lines from the main to the meter box must be laid according to city specifications and be passed by the city inspector before the ditch may be backfilled and compacted.

SECTION 2. That Section 13.07.034 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended to read as follows:

Sec. 13.07.034 Water meters and meter accessories

(a) *The city will furnish the meter couplings on meters less than two (2) inches.*

(b) *The city will furnish the meter box and lid for water meters less two (2) inches. The meter box and lid for water meters two (2) inches and larger are the water customer's responsibility.*

(ca) All water meters less than two (2) inches ~~shall~~ will be installed provided and maintained by the city at no expense to the water customer. Water meters two (2) inches or larger must be purchased by the water customer from the customer service department or an approved source at the customer's expense.

(d) *Meter box and meter specifications will be provided by the City. Installations must meet City specifications and approval.*

(e) The customer service department will also inspect and test all water meters two (2) inches or larger on an annual basis. The water customer will be responsible for the cost of the annual inspection and test, as well as for any repairs which are found necessary to ensure proper operation of the meter.

(f~~b~~) In addition to the annual inspection and test, a test or calibration of meters two (2) inches or larger may be ordered at any time the customer service department suspects that a meter is working improperly. If the test confirms a defective meter, the cost of the test, repair and/or replacement of the meter will be the responsibility of the water customer.

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

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

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

INTRODUCED on this the _____ day of _____, 2008.

ADOPTED on this the _____ day of _____, 2008.

EFFECTIVE DATE on this the _____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. B.7

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

C.2 * RESOLUTION NO. 5200

Authorizing Publication of the Proposed Final Statement/Action Plan for the Community Development Block Grant for Fiscal Year 2008; Authorizing Submission of the Block Grant Application; Authorizing Execution of Certain Assurances of Compliance in Connection with the Administration and Conduct of the Community Development Program for Fiscal Year 2008

C.3 * RESOLUTION NO. 5201

Authorizing Execution of a Deed Without Warranty to Calix Properties for the Conveyance of Property at 800 North Brents Street

C.4 * RESOLUTION NO. 5202

Authorizing Execution of a Deed Without Warranty to Barton Capital, Ltd. for the Conveyance of Property at 1624 East King Street

C.5 * RESOLUTION NO. 5203

Authorizing Execution of a Deed Without Warranty to Douglass Distributing, Inc. for the Conveyance of Property in the 500 Block of East Lake Street

C.6 * RESOLUTION NO. 5204

Authorizing Execution of a Professional Services Agreement with Timothy L. Morris, P.E. d/b/a Morris Engineers for Design of the Texoma Parkway Sewer Main Replacement between Grand Avenue and Broughton Street

C.7 * RESOLUTION NO. 5205

Awarding a Bid to and Authorizing Execution of a Contract with Jerry Paul Higgins, LTD. to Replace a Culvert on Lake Street near First Street

C.8 * RESOLUTION NO. 5206

Rescinding Resolution No. 5144 in its Entirety and Awarding a Bid to Grand Prairie Ford for the Purchase of Four 2008 Ford Crown Victoria Police Interceptor Vehicles

D.1 * REQUEST TO ADVERTISE

2007-2008 Street Mill and Overlay Program

D.2 * *REQUEST TO ADVERTISE*

Travis Street Water Main Replacement

D.3 * *REQUEST TO ADVERTISE*

Repairs to Luella 4 Woodbine Water Well

D.4 * *CHANGE ORDER NO. 1*

Weisinger Water Well, Inc.; Dorchester 8T Water Well Repairs; \$880.00, Increase

D.6 * *OTHER BUSINESS*

Approve Quarterly Investment Report for Period ending March 31, 2008

D.7 * *OTHER BUSINESS*

Final Plat Approval of the Coursier Addition, being 0.40 acres in the Samuel Blagg Survey, Abstract No. 56; Michael Cunha and Richard and Paula Garcia, Owners (301, 303, 305, 307, 309 and 311 West King Street)

D.8 * *OTHER BUSINESS*

Consideration to Ordinance No. 2684, Section 26(B)(2)(b) for a Variance to Allow a Rural Type Subdivision with Lots less than an Acre and a Variance to Section 12(E)(2) with no Public Street Frontage in Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction in the 2100-2400 Blocks of Hudgins Road (Highway 289 Extension) and the 400-500 Blocks of Preston Club Drive, being 51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey, Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368, and the John K. Miller Survey, Abstract No. 819 (Robert J. Tate, Christopher Rehmet, and Claire Rehmet, Owners)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.1

RESOLUTION NO. 5199

Authorizing Execution of a Consulting Services Agreement with Dunkin Sims Stoffels, Inc. for the Center Street Park Project

Issue

To consider authorizing the execution of a Consulting Services Agreement with Dunkin Sims Stoffels, Inc. for the Center Street Park Project

Background

At the April 7, 2008 meeting, following a presentation by Park Planner Dennis Sims of Dunkin Sims Stoffels, Inc., the Sherman City Council approved the proposed master plan for the Center Street Park Project. The staff is recommending that we move forward with this Consulting Services Agreement to provide professional services for construction documents and specifications, bidding, contract award, and construction administration for the Center Street Park Project.

Origination

Director of Community Services

Financial Consideration

This project was included in the 2008-2009 Capital Improvement Program at a cost of \$1 million. Staff is recommending that we reallocate (internally) funds previously allocated to the Union Pacific Right-of-Way (UP R-O-W) in the current year for the engineering portion of the Center Street Park Project and will come back at a future City Council meeting to request a budget amendment for construction of the entire master planned project. The staff has evaluated the feasibility of the UP R-O-W project and has determined that the property available from Union Pacific would not suit the City's needs. The staff will assess other options for this UP R-O-W project as this property develops in the future. In the interim, funds previously budgeted for the UP R-O-W project are available for reallocation.

Staff Recommendation

The staff recommends approval of the Resolution and Consulting Services Agreement.

Alternatives

The Council could modify the scope of the project.

Attachments

Resolution No. 5199

Consulting Services Agreement and Exhibit "A", Scope of Services

Center Street Park Master Plan

Location Map

Prepared by:

Larry Wortham,

Director of Parks and Community Services

Approved by:

George Olson, City Manager

RESOLUTION NO. 5199

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONSULTING SERVICES AGREEMENT WITH DUNKIN SIMS STOFFELS, INC. FOR THE CENTER STREET PARK PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute a Consulting Services Agreement with Dunkin Sims Stoffels, Inc. for the Center Street Park Project, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

CONSULTING SERVICES AGREEMENT

THIS AGREEMENT is made and entered by and between the **CITY OF SHERMAN**, a Home-Rule Municipality, organized and existing under the laws of the state of Texas, hereinafter referred to as "City", and **DUNKIN, SIMS, STOFFELS, INC.**, hereinafter referred to as "Consultant", to be effective upon the date indicated below.

WITNESSETH:

WHEREAS, the City desires to engage the services of the Consultant, as indicated in Exhibit A, for CENTER STREET PARK and to perform other related services for the City, which is herein referred to as the "Project"; and

WHEREAS, the Consultant desires to render such services for the City upon the terms and conditions provided herein.

NOW, THEREFORE, in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties hereto agree as follows:

1. **Employment of the Consultant.** The City hereby agrees to retain the Consultant to perform professional services in connection with the Project. Consultant agrees to perform such services in accordance with the terms and conditions of this Agreement and to the standards recognized in consultant's industry.
2. **Scope of Work.** The parties agree that Consultant shall perform such services as are set forth and described in Exhibit "A", which is attached hereto and made a part of this Agreement. The parties understand and agree that deviations or modifications in the form of written contract modifications may be authorized from time to time by the City. Consultant agrees to submit all final documents in a form acceptable to the City.
3. **Contracts.** Any contracts for contractors or subcontractors for services rendered under this Agreement on behalf of the City shall be in a contract form provided and approved by the City's Attorney.
4. **Time of the Essence.** Time is of the essence. Consultant agrees to commence work immediately upon execution of this Agreement and to proceed diligently to completion except for delays beyond Consultant's reasonable control.
5. **Compensation and Method of Payment.** The parties agree that Consultant shall be compensated for all services provided pursuant to this Agreement in the amount described and set forth in Exhibit "A". The contract amount specified in Exhibit "A" shall not be exceeded without the written permission of the City.
6. **Insurance.** Consultant agrees to procure the following insurance:
 - a. Workers' Compensation as required by law.
 - b. Professional Liability Insurance in an amount not less than \$1,000,000 in the aggregate.

- c. Comprehensive General Liability and Property Damage Insurance with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for each occurrence of damage to or destruction of property.
- d. Comprehensive Automobile and Truck Liability Insurance covering owned, hired, and non-owned vehicles, with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for property damage.
- e. The Consultant shall include the City as an additional insured under the policies, with the exception of the Professional Liability Insurance and Workers' Compensation. Certificates of Insurance and endorsements shall be furnished to the City before work commences. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, and/or reduced in coverage or in limits ("Change in Coverage") except with prior written consent of the City and only after the City has been provided with written notice of such Change in Coverage, such notice to be sent to the City either by hand delivery to the City Manager or by certified mail, return receipt requested, and received by the City no fewer than thirty (30) days prior to the effective date of such Change in Coverage. Prior to commencing services under this Contract, Consultant shall furnish City with Certificates of Insurance, or formal endorsements as required by this Contract, issued by Consultant's insurer(s), as evidence that policies providing the required coverage, conditions, and limits required by this Contract are in full force and effect.

7. Indemnity and Duty to Defend.

A. CONSULTANT SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD CITY AND ITS OFFICERS, AGENTS AND EMPLOYEES HARMLESS FROM AND AGAINST ALL DAMAGES, INJURIES (INCLUDING DEATH), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, RELATED TO, OR RESULTING FROM THE SERVICES PROVIDED BY CONSULTANT AND TO THE EXTENT CAUSED BY THE NEGLIGENCE ACT OR OMISSION OR INTENTIONAL WRONGFUL ACT OR OMISSION OF CONSULTANT, ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR ANY OTHER THIRD PARTIES FOR WHOM CONSULTANT IS LEGALLY RESPONSIBLE.

B. Consultant is expressly required to defend the City against all Claims for which the City becomes liable. In its sole discretion, City shall have the right to select or to approve defense counsel to be retained by Consultant in fulfilling its obligation hereunder to defend and indemnify City, unless such a right is expressly waived by City in writing by the City Manager, approved by the City Attorney, and properly authorized by the City's Council. City reserves the right to provide a portion or all of its own defense; however, City is under no obligation to do so. Any such action by City is not to be construed as a waiver of Consultant's obligation to defend the City or as a waiver of Consultant's obligation to indemnify the City pursuant to this Contract. Consultant shall retain City approved defense counsel within seven (7) business days of City's written notice that City is invoking its right to indemnification under this Contract. If Consultant fails to retain Counsel within such time period, City shall have the right to retain defense

counsel on its own behalf, and Consultant shall be liable for all costs incurred by City in defense of Claims for which Consultant is liable under this Paragraph.

C. This indemnification and duty to defend is subject to and does not waive any governmental immunity available to the City under Texas law, and any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

8. **Independent Contractor.** Consultant is an independent contractor and not an officer, agent, servant or employee of the City. Consultant shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants; that the doctrine of respondeat superior shall not apply as between City and Consultant, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Consultant.

9. **Assignment and Subletting.** Consultant agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of the City. Consultant further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Consultant from its full obligations to the City as provided by this Agreement.

10. **Contract Termination.** The parties agree that the City shall have the right to terminate this Agreement with or without cause upon thirty (30) days written notice to Consultant. In the event of such termination, Consultant shall deliver to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items prepared by Consultant in connection with this Agreement. Consultant shall be entitled to compensation for any and all work completed to the satisfaction of City in accordance with the provisions of this Agreement prior to termination. In the event this Agreement is terminated, the City shall have the option of entering into an Agreement with another party for the completion of the work.

11. **Ownership of Documents and Waiver of Copyright Claims.**

a. The Project is the property of the City and Consultant may not use the photogrammetric mapping and related documents therefore for any purpose not relating to the Project without City's consent. All such photogrammetric mapping and related documents shall be the property of the City who may use them without Consultant's permission for any proper purpose including, but not limited to, additions to or completion of the Project.

b. **WAIVER.** ONCE THE INFORMATION IS SUBMITTED TO THE CITY, CONSULTANT AGREES TO WAIVE ANY COPYRIGHT CLAIMS TO THE INFORMATION AND HEREBY RELEASES, DISCHARGES, AND CONVENANTS NOT TO SUE THE CITY, ITS OFFICERS, SERVANTS, AGENTS, OR EMPLOYEES (HEREINAFTER REFERRED TO AS RELEASEES) FROM ANY AND ALL LIABILITY, CLAIMS, DEMANDS, ACTIONS AND CAUSES OF ACTION WHATSOEVER ARISING OUT OF OR RELATED TO ANY LOSS, DAMAGE, OR INJURY, THAT MAY BE SUSTAINED BY CONSULTANT, PERTAINING TO ANY CLAIMS THAT THE

DOCUMENTS ARE COPYRIGHTED BY CONSULTANT. CONSULTANT ALSO ACKNOWLEDGES THAT SUCH INFORMATION SHALL BECOME SUBJECT TO THE PUBLIC INFORMATION LAWS OF THIS STATE AND THAT THE CITY CAN RELEASE SUCH INFORMATION TO THE PUBLIC WITHOUT ANY RECOURSE BY THE CONSULTANT, INCLUDING, WITHOUT LIMITATION, CLAIMS FOR COMPENSATION, DEFAMATION, OR INVASION OF PRIVACY, OR OTHER INFRINGEMENTS OR VIOLATIONS OF COPYRIGHT, PERSONAL, OR PROPERTY RIGHTS OF ANY SORT WHATSOEVER.

12. Complete Contract. This Agreement, including Exhibit "A," constitutes the entire agreement by and between the parties regarding the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings. To the extent that any of the provisions in Exhibit "A" conflict with this Agreement, the provisions in the Agreement control over the provisions in the exhibit. Except as provided by Section 2 of this Agreement, this Agreement may only be amended, supplemented, modified or canceled by a duly executed written instrument signed by both parties.

13. Mailing of Notices. Unless instructed otherwise in writing, Consultant agrees that all notices or communications to City permitted or required under this Agreement shall be addressed to City at the following address:

City Manager
P.O. Box 1106
Sherman, Texas 75090

City agrees that all notices or communications to Consultant permitted or required under this Agreement shall be addressed to Consultant at the following address:

All notices or communications required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is posted by the sending party.

14. Miscellaneous.

A. Paragraph Headings. The paragraph headings contained herein are for convenience only and are not intended to define or limit the scope of any provision in this Agreement.

B. Contract Interpretation. Although this Agreement is drafted by the City, should any part be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

C. Venue/Governing Law. The parties agree that the laws of the State of Texas shall govern this Agreement. Exclusive venue shall lie in Grayson County, Texas.

D. Successors and Assigns. City and Consultant, and their partners, successors, subcontractors, executors, legal representatives, and administrators are hereby bound to the terms and conditions of this Agreement.

E. Severability. In the event a term, condition, or provision of this Agreement is determined to be void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be deleted and the remainder of the Agreement shall remain in full force and effect.

F. Effective Date. This Agreement shall be effective from and after execution by both parties hereto.

SIGNED on the date indicated below.

CITY OF SHERMAN

**CONSULTANT: DUNKIN SIMS
STOFFELS, INC.**

A _____ Corporation

George Olson
City Manager

BY: _____

Title: _____

DATE:

DATE:

Attest: City Clerk

ATTEST:

By: _____
Linda Ashby

By: _____
Printed Name: _____

APPROVED AS TO FORM:

Doreen E. McGookey
CITY ATTORNEY

Exhibit “A”
SCOPE OF SERVICES

April 25, 2008

Mr. Larry P. Wortham
Director of Parks and Community Services
405 North Rusk Street
P.O. Box 1106
Sherman, Texas 75091-1106

Dear Mr. Wortham:

We appreciate the opportunity to submit this Scope of Services for the Center Street Park in Sherman, Texas. This proposal is being submitted for your review and approval. The Scope of Services is divided into two Phases: Phase I - Basic Design Services and Construction Documents; and Phase II - Additional Services.

PHASE I - BASIC DESIGN SERVICES AND CONSTRUCTION DOCUMENTS

Design Development Services

An opinion of probable cost for construction will be prepared for the programs elements identified by the City for construction in this phase of the project. It is our understanding the City has budgeted \$1,500,000.00 for the project budget. The elements proposed for this park are identified in the adopted master plan and cost estimate, excluding the pedestrian bridge.

The services in this phase are divided into three sections: (1) construction documents and specifications; (2) bidding and contract award; and (3) construction administration. Each section sets forth the services to be performed.

Construction Documents and Specifications

Construction documents and specifications will be prepared for the park elements outlined in the opinion of probable cost for construction. The consulting team will perform the following tasks in this section of the project:

- Grading Plan(s), which will establish grades for all elements of the project.
- Layout Plan(s) locating by dimensions all structures, walks, foul lines, fence lines, planting areas, etc.
- Restroom/Concession Building (Pre-fabricated)
- Sports lighting plans for the fields
- Irrigation Plan(s) showing the location of all heads, pipe, valves, pumps, and controls.
- Construction Details providing plans, sections, elevations of the individual elements of the plans.
- Prepare proposal forms and appropriate add or deduct alternates.
- Prepare the project manual

Bidding and Contract Award

The Consultant will be responsible for the following tasks in this phase:

- Distribute plans and specifications from our office to interested contractors.
- Answer questions and interpret drawing during the bidding period.
- Assist the City in receiving bids.
- Prepare and distribute any required addendum.
- Attend the bid opening and prepare a bid tabulation sheet for completion at the bid opening.
- Analyze the bids and make a written recommendation to the City for awarding a contract.

Construction Administration

We will perform the following tasks during this phase of the project:

- Consultation and advice to the City.
- Preparation of elementary and supplementary sketches required to resolve field conditions.
- Approval of submittals and shop drawings submitted by contractors for conformance with the design concept.
- The consulting team shall make periodic site visits to determine if the project is proceeding in accordance with the contract documents. The consulting team shall not be responsible or liable for the Contractor's failure to perform the construction work in accordance with the contract documents.
- Review and approval of all certificates for payment submitted by the Contractor.
- Prepare Change Orders for the City's approval and execution.
- Coordinate final site walk through with the City at the conclusion of the construction and provide a punch list to Contractor to complete the project.

PHASE II-ADDITIONAL SERVICES

The following items set forth below are services provided in addition to Basic Design Services. Costs for each item listed have been provided as a reimbursable expense.

Plan and Specification Printing

The Consultant will invoice the City at cost plus 10% for all out-of-house printing of plans, specifications and plotting of AutoCAD files. Requested mounting or laminating of master plans will also be invoiced at the incurred cost.

In-house printing of check prints for use in preparing the construction documents are included in the basic design services.

Postage and delivery expenses will not be invoiced during the Design Phase of the contract. Courier, express mail, or overnight delivery charges, as well as, the cost of mailing sets of contract documents to prospective bidders will be charged to the City. We would recommend the City budget \$2,500.00 for this task.

Topographical Survey

An on the ground topographical survey will be performed to establish grades and manhole location. We would recommend the City budget \$6,000.00 for this task.

Geotechnical Report

A geotechnical report will be prepared for the park for structural recommendations for the light poles, building foundation, parking areas and bridge abutments.

Texas Department of Licensing and Regulation (TDLR)

ADA Review and Inspection fees are required for this submission to the TDLR.

Summary of Fees

City of Sherman Project Budget.....\$1,500,000.00
Estimated Cost of Construction.....\$1,320,700.00

Phase I – Basic Design Services and Construction Documents
(8% of Base Bid and Alternates)

Phase II – Additional Services:

Geotechnical Report.....\$ 3,000.00
Plan and Specification Printing.....\$ 2,500.00
Topographical Survey.....\$ 6,000.00
TDLR Review & Inspection.....\$ 1,500.00

TOTAL SERVICES FEES:.....\$13,000.00

Preparation of Alternates

The Consultant's fees are based upon the total dollars allocated for construction of the project. The Consultant will prepare an estimate for probable cost of construction. This estimate will be based on the design development phase of the project. Should the City request design alternates be prepared for bidding, the consulting team will invoice the City in addition to the original contract amount, the agreed 8 percent of construction cost for preparation of plans, construction documents and specifications for the alternates. Any such expenses shall be pre-authorized by the City in advance of work being performed.

The consulting team appreciates the opportunity to submit this Scope of Services and we look forward to working with you and the City of Sherman. If you have any questions, do not hesitate to call me.

Sincerely,



Dennis Sims, ASLA
Principal





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 5200**

**Authorizing Publication of the Proposed Final Statement/Action Plan
for the Community Development Block Grant for Fiscal Year 2008; Authorizing
Submission of the Block Grant Application; Authorizing Execution of Certain Assurances
of Compliance in Connection with the Administration and Conduct of the
Community Development Program for Fiscal Year 2008**

Issue

Approval of the Fiscal Year (FY) 2008 Community Development Block Grant Final Statement/Action Plan

Background

Each year, the City of Sherman receives an entitlement grant (Community Development Block Grant) from the U.S. Department of Housing and Urban Development (HUD). We are required to prepare and submit an annual Action Plan, which is a description of the activities that will be undertaken during the coming year to address the needs of our low to moderate income citizens. This Action Plan is based on a 5-year Consolidated Plan & Strategy that is established by City staff and approved by the Sherman City Council. It serves as the City's long term planning tool to address the identified needs of affordable housing, public housing, homelessness, and other non-housing community development needs and activities within the City of Sherman. Over the past five (5) years, the City of Sherman's history of allocations for the Community Development Block Grant is as follows: FY 2003 - \$401,000; FY 2004 - \$391,000; FY 2005 - \$370,520; FY 2006 - \$333,097; and FY 2007 - \$332,014.

Origination

Director of Parks and Community Services

Financial Consideration

The City of Sherman has been allocated \$321,189 in Community Development Block Grant funds from the U.S. Department of Housing and Urban Development to address our various community development needs for low to moderate income citizens during FY 2008.

Staff Recommendation

It is staff recommendation that the Sherman City Council approve the resolution to adopt the FY 2008 Community Development Block Grant Final Statement/Action Plan as submitted.

Alternatives

The Sherman City Council may change or re-appropriate these funds/allocations as they see fit.

Attachments

Resolution No. 5200

FY 2008 Final Statement/Action Plan

Memorandum from Theresa Caudle, CD Coordinator

Prepared by:

Larry Wortham, Parks & Community Services Director

Approved by:

George Olson, City Manager

RESOLUTION NO. 5200

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING PUBLICATION OF THE PROPOSED FINAL STATEMENT/ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2008; AUTHORIZING SUBMISSION OF THE BLOCK GRANT APPLICATION; AUTHORIZING EXECUTION OF CERTAIN ASSURANCES OF COMPLIANCE IN CONNECTION WITH THE ADMINISTRATION AND CONDUCT OF THE COMMUNITY DEVELOPMENT PROGRAM FOR FISCAL YEAR 2008; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under the Housing and Community Development Act of 1974, as amended, the City of Sherman is eligible to receive an estimated \$321,189.00 for fiscal year 2008, to be expended on eligible activities primarily benefiting low/moderate income families; and

WHEREAS, the Community Development Block Grant regulations require the opportunity for citizen participation in the development of the final statement and authorizing of the expenditure of such funds; and

WHEREAS, after proper notice was published in the Herald Democrat, a newspaper of general circulation in the City of Sherman, public hearings were held by said Community Development Staff to receive citizen participation and input on February 1, 2008, and February 3, 2008; and

WHEREAS, the City Council, after due consideration of the proposed Community Development Final Statement and of all matters raised at public meetings, is of the opinion that, unless public comment warrants revisions, said final statement should be submitted as the Community Development Application for the City of Sherman for the program year 2008 to the U.S. Department of Housing and Urban Development, in order to secure funding as provided herein;

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

SECTION 1. That the Community Development Final Statement, embodying those projects set forth on Attachment "A", attached hereto and made a part hereof for all purposes, is hereby approved and adopted as the Community Development Plan of the City of Sherman, Texas, for the program year 2008.

SECTION 2. That the City Council of the City of Sherman hereby certifies and assures the U.S. Department of Housing and Urban Development that development of this application for funds under the Housing and Community Development Act of 1974, as amended, and the implementation of the Block Grant Program will be conducted in accordance with all applicable provisions of the “Assurances” as required.

SECTION 3. That the City Manager of the City of Sherman is hereby authorized to execute, on behalf of the City of Sherman, the “Assurances” set forth on Attachment “B”, attached hereto and made a part hereof for all purposes. These Assurances concern compliance with certain guidelines, regulations, and policies in preparation of this application and in conducting the Community Development Program of the City of Sherman.

SECTION 4. That the City Manager of the City of Sherman is hereby authorized to submit, as the Chief Executive Officer of the City of Sherman, and on behalf of the City of Sherman, the Community Development Final Statement and a certified copy of this resolution and all attachments thereto to the U.S. Department of Housing and Urban Development, in application for funds available to the City of Sherman under the Housing and Community Development Act of 1974, as amended. Said application shall be made on forms required by the U.S. Department of Housing and Urban Development.

SECTION 5. That the City Manager of the City of Sherman is hereby authorized and designated to act as Chief Executive Officer in connection with this application, and is hereby authorized and directed to provide such additional information as may be required in connection with said application.

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

PASSED AND APPROVED on this the ____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____

BILL MAGERS, MAYOR

BY: _____

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

**DOREEN E. MCGOOKEY,
CITY ATTORNEY**

**CITY OF SHERMAN, TEXAS
FINAL STATEMENT/ACTION PLAN OF
COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USE OF FUNDS FOR PROGRAM YEAR 2008**

GRANT NO: B-2008-MC-48-0027

The City of Sherman has received notice from the U.S. Department of Housing and Urban Development (HUD) that its entitlement grant for the Community Development Program (CDBG) for fiscal year 2008 is \$321,189.00. These funds will be received on October 1, 2008. Activities that directly benefit low and moderate-income persons will be available citywide. Other activities which have an area benefit will only be available in areas of the city which are populated by a majority of low and moderate-income persons. The City has met citizen participation requirements.

The City of Sherman's Consolidated Plan is a document which is required by the U.S. Department of Housing and Urban Development, and includes the following subjects: (1) Housing and Homeless Needs Assessment - A description of the jurisdiction's estimated housing needs for the ensuing five-year period; (2) Housing Market Analysis - A description of the significant characteristics of the jurisdiction's housing market, including supply, demand, condition and cost of housing and the housing stock and services available {i.e., public and assisted housing, homeless, elderly, frail elderly, persons with disabilities (mental/physical/developmental), persons with alcohol and other drug addictions, and persons with HIV/AIDS and related diseases; (3) Strategic Plan - A description of the five-year strategy and plan to address affordable housing, homelessness, other special needs and non-housing community development plan; and, (4) Action Plan - A description of the jurisdiction's one-year plan of activities to be undertaken during the coming year.

The overall goal of this community development planning and development program is to develop viable urban communities by providing decent housing, a suitable living environment and expanded economic opportunities principally for low and moderate-income persons of the City of Sherman. Therefore, based on these objectives, the following use of funds is being proposed:

**COMMUNITY DEVELOPMENT PROGRAM ACTION PLAN
PROGRAM YEAR 2008**

OWNER-OCCUPIED HOUSING REHABILITATION:.....\$194,909

A program of specific housing repairs will be provided to low and moderate income homeowners who reside within the city limits of Sherman, to bring their properties to code requirements. Expenditures will be limited to \$5,000 per housing unit under this activity. This activity will cause no displacement of low and moderate income persons.

FIRST-TIME HOMEOWNERSHIP PROGRAM:..... \$ 25,000

A program, in cooperation with local lending institutions, to provide technical, educational and financial assistance to low and moderate income first-time homebuyers through a variety of services, including basic closing-cost assistance, at a maximum of \$2,000.

DEMOLITION/CLEARANCE PROGRAM:.....\$ 5,000

A program to demolish vacant, substandard structures and clear property lots which pose a risk to health/safety of low-moderate income target neighborhoods.

PROGRAM ADMINISTRATION:.....\$ 63,000

The City proposes to use the Administration funds for personnel and support for all phases of the application process, environmental reviews, fair labor standard compliance, contract management, fair housing Grantee Performance Report, preparation of annual Action Plan and Performance Report associated with the City of Sherman Five-Year Consolidated Plan and Strategy.

PUBLIC SERVICE ACTIVITIES:

Sherman Housing Authority:.....\$ 8,800

A program to address the problems of drug abuse and associated crime in public housing. Activities include increasing law enforcement services to stop the sell of illegal drugs in and around assisted housing, apprehend sellers of such drugs and an overall reduction of crime in the assisted housing area.

Texoma Area Paratransit System, Inc:	\$ 17,600
A program that will provide transportation assistance to low and moderate income individuals who reside within the city limits of Sherman including transportation to and from work, to and from school, and to doctor and grocery trips for the elderly.	
Crisis Center:	\$ 3,080
A program of activities that will provide emergency assistance to homeless women and children of domestic violence, who at one time, resided within the city limits of Sherman.	
Child Guidance Center:	\$ 1,000
A program to provide counseling services for family dysfunction, alcohol and substance abuse, domestic violence and sexual abuse for the low and moderate income adult Sherman residents.	
North Texas Youth Connection:	\$ 1,400
A program to provide truancy counseling to low and moderate income Sherman youth who has excessive school absences.	
Boys & Girls Club of Sherman, Inc:	\$ 1,400
A program to provide scholarships for the low and moderate income Sherman youth. Scholarship funding will provide the opportunity for low/moderate income youth to participate in organized sports activities that would not otherwise be able to participate.	
TOTAL PROGRAM ALLOCATION:	\$321,189

The City of Sherman seeks, through the following program objectives, to improve housing conditions, neighborhood appearance, employment opportunities, and the overall quality of life for low and moderate-income citizens. No activities will be undertaken which cause involuntary displacement of persons.

CITY OF SHERMAN COMMUNITY DEVELOPMENT OBJECTIVES

10. Encourage citizen participation and input to obtain maximum public involvement in program activities.
11. Promote the rehabilitation and repair of deteriorating housing through the City's rehabilitation program.
12. Promote homeownership opportunities for low-moderate income persons through the City's First-time Homeownership closing cost assistance program.
13. Eliminate slum and blight through the removal of structures that create unsafe, unsanitary and hazardous situations for the public.
14. Promote drug elimination programs for low and moderate income assisted housing families/households.
15. Provide support for transportation assistance to low and moderate income persons.
16. Provide support for provision of emergency shelter/assistance to the homeless.
17. Assist in providing counseling services to youth and adults from low and moderate income families.
18. Assist in providing youth activities for children from low and moderate income families.

The Action Plan of Community Development Objectives and Projected Use of Funds for Program Year 2008 are available in the Community Development Office of the City of Sherman. Any citizen or agency interested in commenting on this Final Statement of Objectives is invited to submit written comments c/o Theresa Caudle, CD Coordinator, City of Sherman, P. O. Box 1106 Sherman, TX 75091-1106. Written comments must be received prior to 5:00 p.m. on Monday, June 9, 2008. A summary of comments received will be made a part of the summary of citizen participation of this Plan.

memorandum

DATE: April 22, 2008
TO: Larry Wortham, Director of Parks and Community Services
FROM: Theresa Caudle, CD Coordinator
SUBJECT: PY 2008 Final Statement/Action Plan

The City of Sherman's Proposed Final Statement/Action Plan of Community Development Objectives with projected use of the funds for Program Year 2008 was published in the Herald Democrat on March 21, 2008. The required 30-day public comment period has concluded and there were no public comments received on the Proposed Statement of Objectives.

Therefore, we are now ready to proceed with submitting this to the City Council in the form of a Resolution establishing the City of Sherman's PY 2008 Final Statement/Action Plan.

I am requesting that you set this item for public hearing and present the Resolution for consideration and approval by our City Council at the next regular scheduled meeting of May 5, 2008.

Should you have any questions, please let me know.



Sherman



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5201**

**Authorizing Execution of a Deed Without Warranty to Calix Properties
for the Conveyance of Property at 800 North Brents Street**

Issue

This item approves the sale of the above described property located at 800 North Brents Street to the highest bidder.

Background

At the March 17, 2008 meeting, the City Council granted permission to sell the excess right-of-way located at 800 North Brents Street, being a 60' x 150' tract of land (a closed and abandoned portion of Carter Street) lying between Lot 12 in Block 1 and Lot 7 in Block 2 of the Keliehor's Fourth Addition. A public sealed bid process was used since the property is large enough to contain a structure. The City received three sealed bids.

Origination

Rita Gaither, Planning and Development Coordinator

Financial Consideration

The sale of this lot would yield \$6,120.00 and return the property to the tax rolls.

Staff Recommendation

The staff recommends selling this lot to the highest bidder, Calix Properties with a bid amount of \$6,120.00.

Alternatives

While not recommended, the City Council could reject the bid and retain the property.

Attachments

Resolution No. 5201

Bid Tabulation

Deed Without Warranty to Calix Properties

Maps

Prepared by:

Mark Gibson, Director of Utilities & Engineering

Approved by:

George Olson, City Manager

RESOLUTION NO. 5201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO CALIX PROPERTIES FOR THE CONVEYANCE OF PROPERTY AT 800 NORTH BRENTS STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form by the City Attorney, to execute a Deed Without Warranty to Calix Properties for the conveyance of the property located at 800 North Brents Street within the City of Sherman, Grayson County, Texas, in accordance with the documents 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 _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

BID TABULATION

PROPERTY: 800 N. Brents Street

OWNER: City of Sherman

BID TIME & DATE: April 16, 2008 10:30 a.m.

BID LOCATION: Engineering Department

BIDDER	TOTAL AMOUNT OF BID
Roberto Merez	\$4,200.00
Barton Capital, Ltd.	\$5,313.00
Calix Properties	\$6,120.00

DEED WITHOUT WARRANTY

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

§

§

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "Grantor", acting by and through its duly authorized Mayor, for and in consideration of the sum of Six Thousand One Hundred Twenty Dollars and No Cents (\$6,120.00) by **CALIX PROPERTIES**, hereinafter called "Grantee", the receipt of which is hereby acknowledged, through the process of public auction, hereby grants, sells, releases, and forever conveys unto **CALIX PROPERTIES** all of Grantor's right, title and interest in and to the following described real property, to-wit:

Being a 60' x 150' tract of land (a closed and abandoned portion of Carter Street) lying between Lot 12 in Block 1 and Lot 7 in Block 2 of the Keliehor's Fourth Addition

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property and premises unto the said Grantees, their heirs, successors and assigns forever, without express or implied warranty, so that neither Grantor nor Grantor's successors, legal representatives or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof,

SAVE AND EXCEPT that any easements are reserved for any and all existing utilities as may be now located in said above described property, with the right of ingress and egress to same for the purpose of operation, construction, repair, reconstruction, improvement, maintenance, or removal of such utilities until such shall be abandoned or relocated. All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

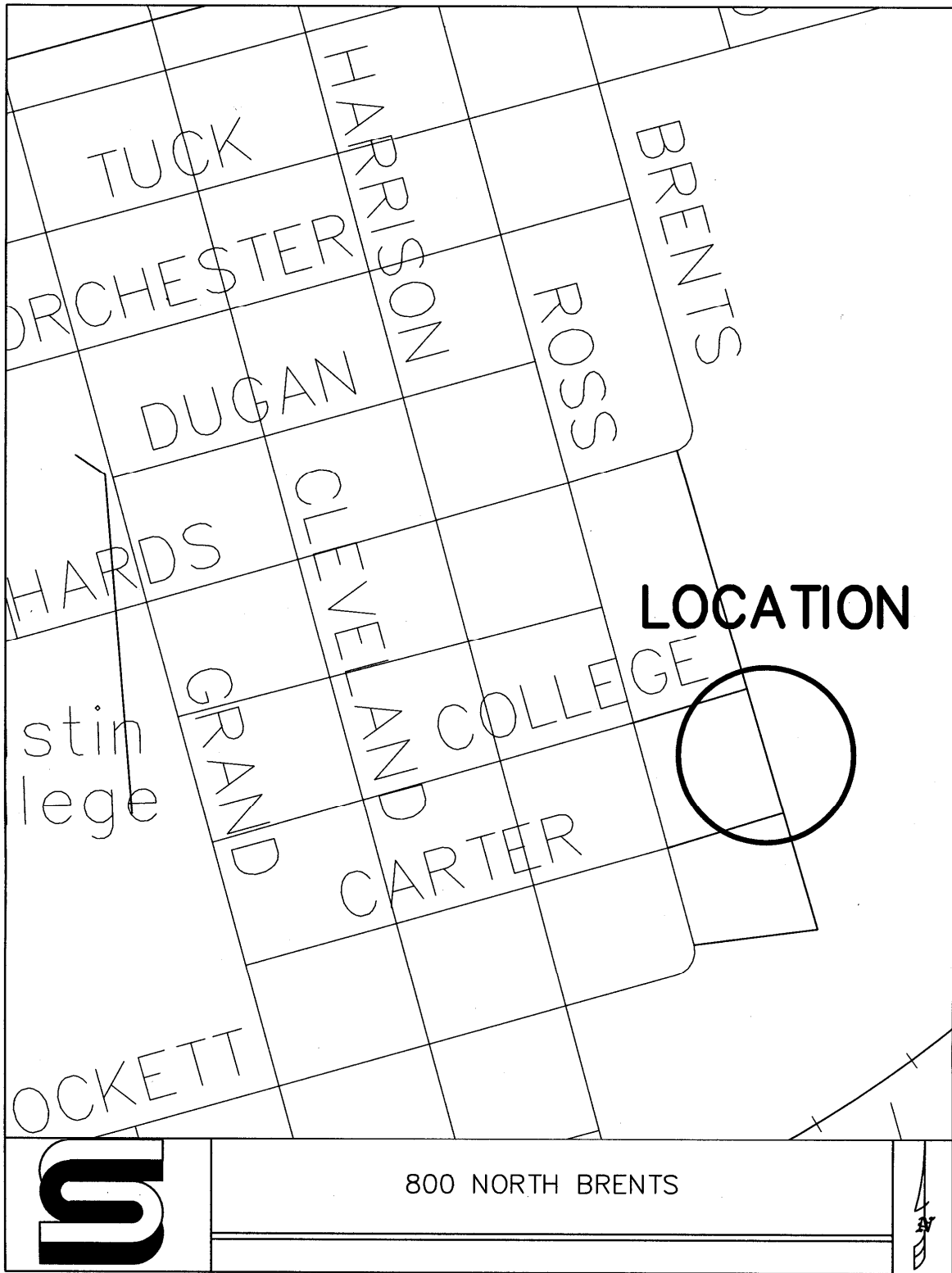
This conveyance is made and accepted subject to any and all conditions and restrictions, if any, relating to the hereinabove described property, shown of record in the office of the County Clerk of Grayson County, Texas.

Release. In accepting the conveyance of this property, Grantees expressly accept the property in its "as is" condition, with all of its faults and encumbrances, if any. GRANTEES RELEASE AND FOREVER DISCHARGE THE GRANTOR, ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL RIGHTS, CLAIMS, DEMANDS, OR CAUSES OF ACTION, AT LAW OR IN EQUITY, GRANTEES PRESENTLY HAVE, OR EVEN CAN, SHALL, OR MAY HAVE IN THE FUTURE IN CONNECTION WITH THIS TRANSACTION, INCLUDING HAZARDOUS MATERIALS OR ENVIRONMENTAL ISSUES IN, ON OR UPON THE PROPERTY, IF ANY. GRANTEES STATE THAT THEY ARE NOT RELYING UPON ANY REPRESENTATIONS OR DISCLOSURES BY THE GRANTOR AND NONE HAVE BEEN MADE IN CONNECTION WITH THE ACQUISITION OF THIS PROPERTY. This release shall be binding upon Grantees' heirs, assigns and successors in interest.

TO HAVE AND TO HOLD all of its right, title and interest in and to the above described property and premises subject to the aforesaid, unto the said Grantees, their heirs, successors and assigns forever, so that the Grantor, its legal representatives, successors and assigns shall not have, claim or demand any right, title or interest to the aforesaid property, premises or appurtenances or any part thereof.

Grantor acknowledges and confesses that this conveyance is made pursuant to the authority of Resolution No. 5201 of the City of Sherman, Texas, passed and approved on the 5th day of May, 2008.

Notary Public in and for the State of Texas
My Commission Expires: _____



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2124

COLLEGE STREET

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CARTER

ROSS

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2390014	2390015	2390016	2390017
2390015	2390016	2390017	2390018
2390016	2390017	2390018	2390019

BROCKETT

STREET



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 5202**

**Authorizing Execution of a Deed Without Warranty to Barton Capital, Ltd.
for the Conveyance of Property at 1624 East King Street**

Issue

This item approves the sale of the above described property located at 1624 East King Street to the highest bidder.

Background

At the March 17, 2008 meeting, the City Council granted permission to sell a platted lot that the City of Sherman received for delinquent taxes. The property is located at 1624 East King Street, being Lot 1, Block 1 of the Replat of Lot 19, Block 3 and a Portion of Harrison Street between Blocks 3 and 4 of the J.C. Linnsteadt's Addition. A public sealed bid process was used since the property is large enough to contain a structure. The City received one sealed bid.

Origination

Rita Gaither, Planning and Development Coordinator

Financial Consideration

The sale of this lot would yield \$2,515.00 and return the property to the tax rolls.

Staff Recommendation

The staff recommends selling this lot to the sole bidder, Barton Capital, Ltd. with a bid amount of \$2,515.00.

Alternatives

While not recommended, the City Council could reject the bid and retain the property.

Attachments

Resolution No. 5202

Bid Tabulation

Deed Without Warranty to Barton Capital, Ltd.

Maps

Prepared by:

Mark Gibson, Director of Utilities & Engineering

Approved by:

George Olson, City Manager

RESOLUTION NO. 5202

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO BARTON CAPITAL, LTD. FOR THE CONVEYANCE OF PROPERTY LOCATED AT 1624 EAST KING STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form by the City Attorney, to execute a Deed Without Warranty to Barton Capital, Ltd. for the conveyance of a portion of an unusable right-of-way at 1624 East King Street within the City of Sherman, Grayson County, Texas, in accordance with the documents 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 _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

BID TABULATION

PROPERTY: 1624 East King Street

OWNER: City of Sherman

BID TIME & DATE: April 16, 2008 10:30 a.m.

BID LOCATION: Engineering Department

BIDDER	TOTAL AMOUNT OF BID
Barton Capital, Ltd.	\$2,515.00

DEED WITHOUT WARRANTY

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

§

§

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "Grantor", acting by and through its duly authorized Mayor, for and in consideration of the sum of Two Thousand Five Hundred Fifteen Dollars and No Cents (\$2,515.00) by **BARTON CAPITAL, LTD.**, hereinafter called "Grantee", the receipt of which is hereby acknowledged, through the process of public auction, hereby grants, sells, releases, and forever conveys unto **BARTON CAPITAL, LTD.** all of Grantor's right, title and interest in and to the following described real property, to-wit:

Being Lot 1, Block 1 of the Replat of Lot 19, Block 3, and a Portion of Harrison Street between Blocks 3 and 4 of the J.C. Linnsteadt's Addition

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property and premises unto the said Grantees, their heirs, successors and assigns forever, without express or implied warranty, so that neither Grantor nor Grantor's successors, legal representatives or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof,

SAVE AND EXCEPT that any easements are reserved for any and all existing utilities as may be now located in said above described property, with the right of ingress and egress to same for the purpose of operation, construction, repair, reconstruction, improvement, maintenance, or removal of such utilities until such shall be abandoned or relocated. All warranties that might arise by common law as well as the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

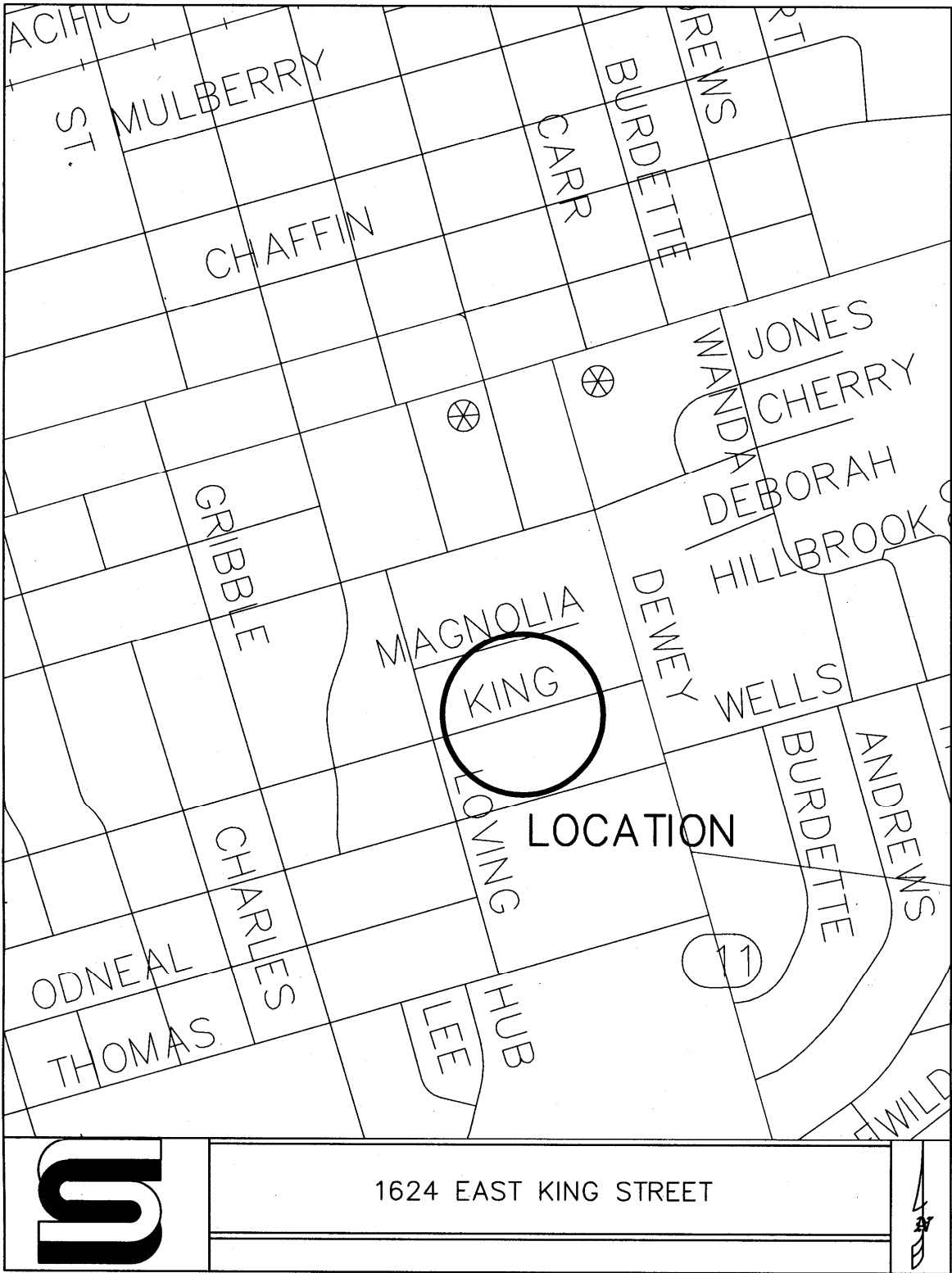
This conveyance is made and accepted subject to any and all conditions and restrictions, if any, relating to the hereinabove described property, shown of record in the office of the County Clerk of Grayson County, Texas.

Release. In accepting the conveyance of this property, Grantees expressly accept the property in its "as is" condition, with all of its faults and encumbrances, if any. GRANTEES RELEASE AND FOREVER DISCHARGE THE GRANTOR, ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL RIGHTS, CLAIMS, DEMANDS, OR CAUSES OF ACTION, AT LAW OR IN EQUITY, GRANTEES PRESENTLY HAVE, OR EVEN CAN, SHALL, OR MAY HAVE IN THE FUTURE IN CONNECTION WITH THIS TRANSACTION, INCLUDING HAZARDOUS MATERIALS OR ENVIRONMENTAL ISSUES IN, ON OR UPON THE PROPERTY, IF ANY. GRANTEES STATE THAT THEY ARE NOT RELYING UPON ANY REPRESENTATIONS OR DISCLOSURES BY THE GRANTOR AND NONE HAVE BEEN MADE IN CONNECTION WITH THE ACQUISITION OF THIS PROPERTY. This release shall be binding upon Grantees' heirs, assigns and successors in interest.

TO HAVE AND TO HOLD all of its right, title and interest in and to the above described property and premises subject to the aforesaid, unto the said Grantees, their heirs, successors and assigns forever, so that the Grantor, its legal representatives, successors and assigns shall not have, claim or demand any right, title or interest to the aforesaid property, premises or appurtenances or any part thereof.

Grantor acknowledges and confesses that this conveyance is made pursuant to the authority of Resolution No. 5202 of the City of Sherman, Texas, passed and approved on the 5th day of May, 2008.

Notary Public in and for the State of Texas
My Commission Expires: _____







SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5203**

**Authorizing Execution of a Deed Without Warranty to Douglass Distributing, Inc.
for the Conveyance of Property in the 500 Block of East Lake Street**

Issue

This item approves the sale of the above described property located in the 500 Block of East Lake Street to the highest bidder.

Background

At the March 17, 2008 meeting, the City Council granted permission to sell unused property that was donated to the City of Sherman. The property is located in the 500 block of East Lake Street, being 4.024 acres in the Preston Kitchens Survey, Abstract No. 667, and the Samuel Blagg Survey, Abstract No. 56, and of the Spring Glen Park Addition, Block 9 and Part of Blocks 3 and 4, and a Part of Adjacent Streets. A public sealed bid process was used since the property is large enough to contain a structure. The City received one sealed bid.

Origination

Rita Gaither, Planning and Development Coordinator

Financial Consideration

The sale of this lot would yield \$5,225.00 and return the property to the tax rolls.

Staff Recommendation

The staff recommends selling this lot to the sole bidder, Douglass Distributing, Inc., with a bid amount of \$5,225.00.

Alternatives

While not recommended, the City Council could reject the bid and retain the property.

Attachments

Resolution No. 5203

Bid Tabulation

Deed Without Warranty to Douglass Distributing, Inc.

Maps

Prepared by:

Mark Gibson, Director of Utilities & Engineering

Approved by:

George Olson, City Manager

RESOLUTION NO. 5203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO DOUGLASS DISTRIBUTING, INC. FOR THE CONVEYANCE OF PROPERTY IN THE 500 BLOCK OF EAST LAKE STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the Mayor be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form by the City Attorney, to execute a Deed Without Warranty to Douglass Distributing, Inc. for the conveyance of property in the 500 Block of East Lake Street within the City of Sherman, Grayson County, Texas, in accordance with the documents 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 _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

DOREEN E. MCGOOKEY,
CITY ATTORNEY

BID TABULATION

PROPERTY: 500 Block of Lake Street

OWNER: City of Sherman

BID TIME & DATE: April 16, 2008 10:30 a.m.

BID LOCATION: Engineering Department

BIDDER	TOTAL AMOUNT OF BID
Douglass Distributing, Inc.	\$5,225.00

DEED WITHOUT WARRANTY

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

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "Grantor", acting by and through its duly authorized Mayor, for and in consideration of the sum of Five Thousand Two Hundred Twenty-Five Dollars and No Cents (\$5,225.00) by **DOUGLASS DISTRIBUTING, INC.**, hereinafter called "Grantee", the receipt of which is hereby acknowledged, through the process of public auction, hereby grants, sells, releases, and forever conveys unto **DOUGLASS DISTRIBUTING, INC.** all of Grantor's right, title and interest in and to the following described real property, to-wit:

Being 4.024 acres in the Preston Kitchens Survey, Abstract No. 667, and the Samuel Blagg Survey, Abstract No. 56, and of the Spring Glen Park Addition, Block 9 and Part of Blocks 3 and 4, and a Part of Adjacent Streets

TO HAVE AND TO HOLD all of Grantor's right, title and interest in and to the above described property and premises unto the said Grantees, their heirs, successors and assigns forever, without express or implied warranty, so that neither Grantor nor Grantor's successors, legal representatives or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof,

SAVE AND EXCEPT that any easements are reserved for any and all existing utilities as may be now located in said above described property, with the right of ingress and egress to same for the purpose of operation, construction, repair, reconstruction, improvement, maintenance, or removal of such utilities until such shall be abandoned or relocated.

SAVE AND EXCEPT that Grantor specifically reserves the following 20 foot wide perpetual, exclusive and irrevocable easement for all utility purposes, including, but not limited to, the right to erect, construct, install, lay and thereafter use, together with the perpetual rights of inspection, operation, patrol, removal, repair, replacement, construction, reconstruction, installation, improvement, enlargement and maintenance of any utility purposes, together with the necessary appurtenances, over, under, through, and across the following, and as shown in Exhibit "A," attached hereto and made a part of for all purposes, to wit:

Field Notes for a 20 feet wide sanitary sewer easement in the City of Sherman, Grayson County, Texas, out of the Preston Kitchens Survey, Abstract No. 667, on a tract of land conveyed to Martha B. Tomlin by deed recorded in Volume 1641 at Page 312 and accepted by the City of Sherman by Resolution No. 3931.

Beginning in the west line of Martha B. Tomlin, at a point North 19°45' West, 63.1 feet from the Southwest corner of said Tomlin tract;

Thence South 42°27' East a distance of approximately 73 feet to a point in the south line of said Tomlin tract, containing 0.034 acres, more or less.

This conveyance is made and accepted subject to any and all conditions and restrictions, if any, relating to the hereinabove described property, shown of record in the office of the County Clerk of Grayson County, Texas.

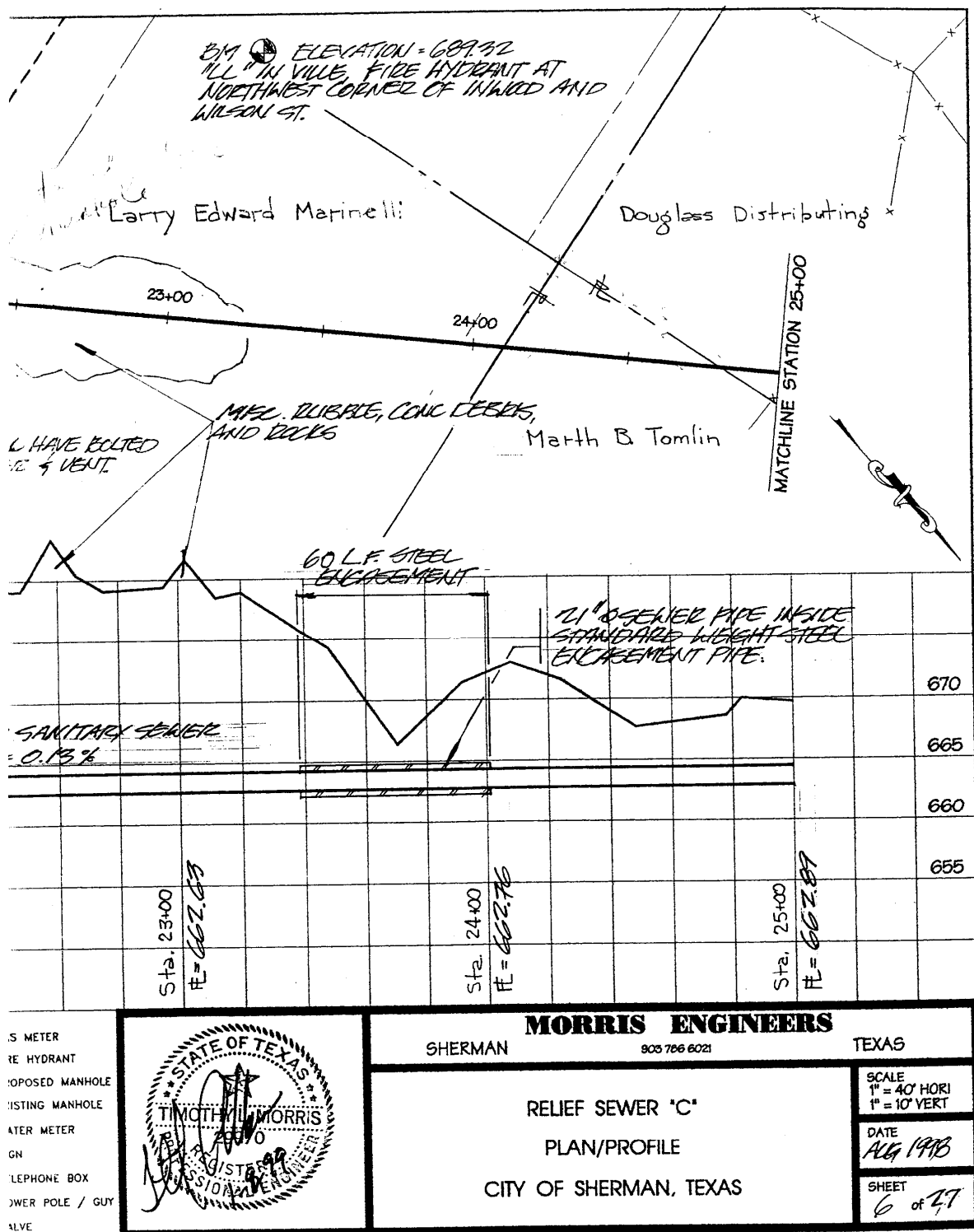
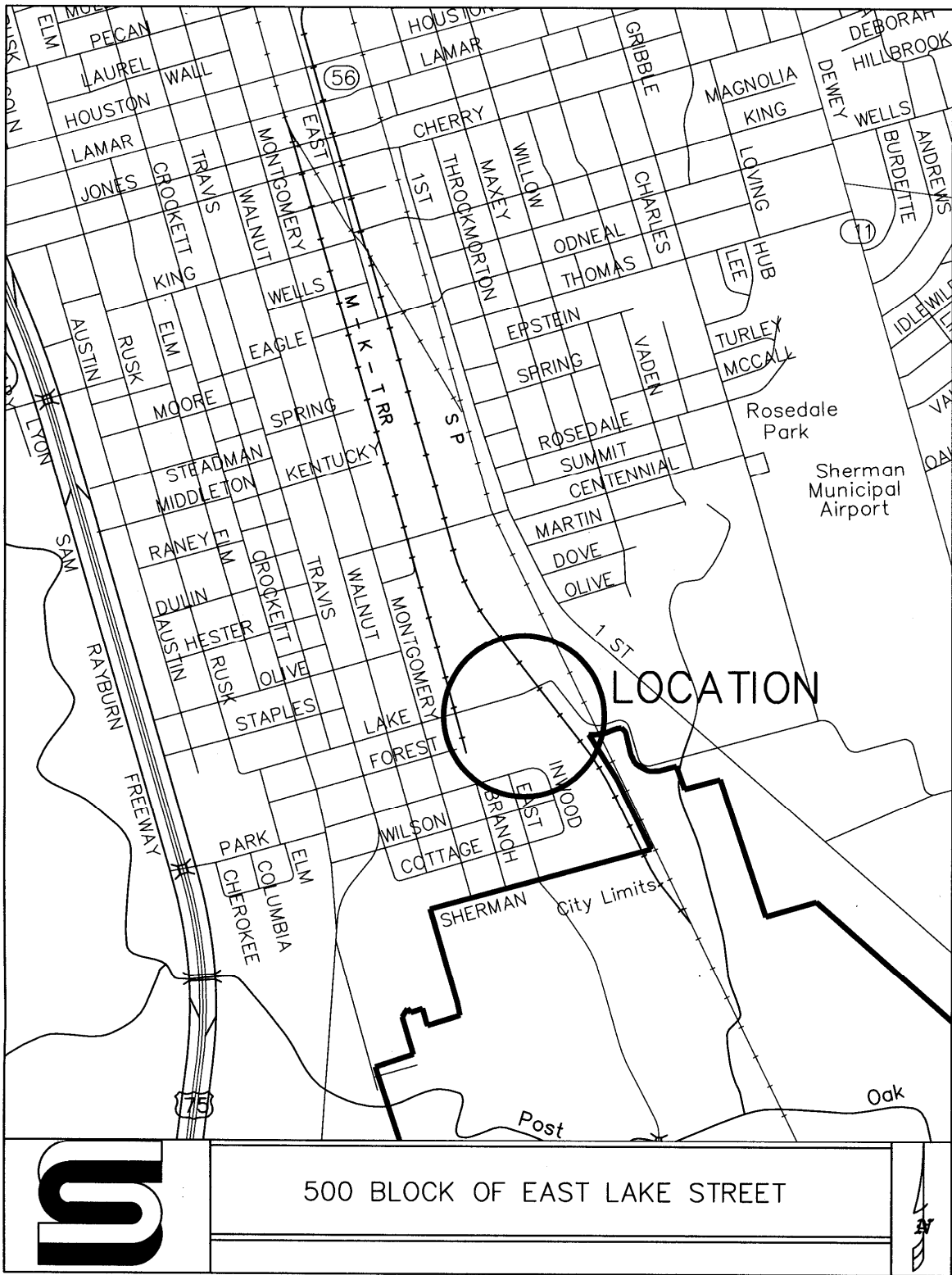
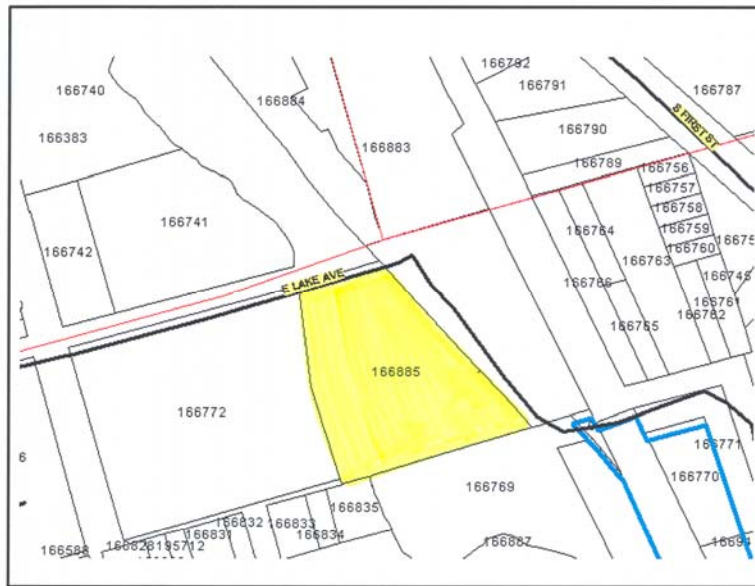


EXHIBIT "A"



ESRI ArcExplorer 2.0

500 BLOCK EAST LAKE STREET



- streets (RDNAME)
- Addresses (NEW_ADD)
- City_Limits (CITY_NAME)
- Abstracts ()
- Prop_ID (PROP_ID)



Monday, Mar 10 2008



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.6

*** RESOLUTION NO. 5204**

**Authorizing Execution of a Professional Services Agreement with Timothy L. Morris, P.E.
d/b/a Morris Engineers for Design of the Texoma Parkway Sewer Main Replacement
between Grand Avenue and Broughton Street**

Issue

To consider a contract for professional engineering services with Morris Engineers for design of the Texoma Parkway Sewer Main Replacement between Grand Avenue and Broughton Street

Background

The previous year's Capital Improvement Program contained a project to replace the existing sewer main along Texoma Parkway, between Grand Avenue and Broughton Street. Engineering services are required to design the project in a timely manner.

Origination

Utilities and Engineering, Department 119

Financial Consideration

The fee for engineering services will be \$16,000.00. Funds are available from project savings in other projects in the Utility Improvement Fund in the current year to fund this engineering services contract.

Staff Recommendation

It is recommended that the contract for professional engineering services with Morris Engineers, to design the replacement of the Texoma Parkway sewer main between Grand Avenue and Broughton Street, be approved.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5204

Contract for Professional Services

Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5204

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TIMOTHY L. MORRIS, P.E. D/B/A MORRIS ENGINEERS FOR DESIGN OF THE TEXOMA PARKWAY SEWER MAIN REPLACEMENT BETWEEN GRAND AVENUE AND BROUGHTON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute a Professional Services Agreement with Timothy L. Morris, P.E. d/b/a Morris Engineers for the design of the Texoma Parkway Sewer Main Replacement between Grand Avenue and Broughton Street, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT is entered into between the City of Sherman ("CITY" or "OWNER") and Timothy L. Morris, P.E. d/b/a Morris Engineers ("ENGINEER or CONSULTANT").

The CITY engages the ENGINEER to perform professional services for a project known and described as engineering services for the Texoma Parkway Sewer Replacement from FRISCO ROAD to GRAND AVENUE (hereinafter "PROJECT").

SECTION I. SERVICES OF THE ENGINEER

- A. The ENGINEER shall perform the following professional services to CITY standards and in accordance with the degree of care and skill that a licensed professional engineer in Texas would exercise under the same or similar circumstances.
- B. The ENGINEER shall complete the work indicated in Exhibit A, attached, for a detailed SCOPE OF WORK and PROJECT schedule, as indicated in Exhibit B. The ENGINEER'S proposal letter is set forth in Exhibit C. Exhibits A, B and C are incorporated into this Contract for all purposes.
- C. The ENGINEER shall prepare and submit a detailed opinion of estimated cost of the PROJECT.
- D. The ENGINEER acknowledges it will not engage in any of the following activities: any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The ENGINEER also agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.
- E. ENGINEER shall prepare for review and approval by the CITY, all general conditions and supplementary conditions, bid forms, invitations to bid and instructions to bidders and assist in the preparation of other related documents.
- F. Any contracts for contractors or subcontractors for services rendered under this Agreement shall be in a contract form provided and approved by the CITY attorney.
- G. The ENGINEER shall submit ten (10) copies of the drawings, specifications, and construction contract documents to the CITY.
- H. All information and other data given to, prepared, or assembled by ENGINEER under this Contract, and other related items, shall become the sole property of City and shall be delivered to City, without restriction on future use. ENGINEER may make copies of any and all documents and items for its files and use. ENGINEER shall have no liability for changes made to or use of the drawings, specifications, and other documents by City or by other engineers subsequent to the completion of the Project. City shall require that any such change or other use shall be sealed by the Engineer making that change or use and shall be appropriately marked to reflect what was changed or modified. By execution of this Contract and in consideration of the fee for services to be paid under the Contract, ENGINEER hereby conveys, transfers and assigns to City all rights under the Federal Copyright Act of 1976 (or any successor copyright statute), as amended, all common law copyrights and all other intellectual property rights acknowledged by law in the project designs and other project deliverables developed under this Contract.

- I. The ENGINEER shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons, damages to property, or any errors and omissions relating to the performance of any work by the ENGINEER, its agents, employees or subcontractors under this Agreement, as follows:
1. Workers' Compensation as required by law.
 2. Professional Liability Insurance in an amount not less than \$1,000,000 in the aggregate.
 3. Commercial General Liability and Property Damage Insurance with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for each occurrence of damage to or destruction of property.
 4. Automobile and Truck Liability Insurance covering owned, hired, and non-owned vehicles, with minimum limits of \$1,000,000 for injury or death of any one person, \$1,000,000 for each occurrence, and \$1,000,000 for property damage.
 5. The ENGINEER shall include the CITY as an additional insured under the policies, with the exception of the Professional Liability Insurance and Workers' Compensation. Certificates of Insurance and endorsements shall be furnished to the CITY before work commences that demonstrates that the required coverage, conditions, and limits required by this CONTRACT are in full force and effect.. Certificates shall state that coverage shall not be suspended, voided, canceled, and/or reduced in coverage or in limits (Change in Coverage) prior to the receipt of written notice provided to the CITY at least thirty (30) days prior to the effective date of such Change in Coverage.
- J. **Indemnity.** ENGINEER SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD CITY AND ITS OFFICERS, AGENTS AND EMPLOYEES HARMLESS FROM AND AGAINST ALL DAMAGES, INJURIES (INCLUDING DEATH), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, RELATED TO, OR RESULTING FROM THE SERVICES PROVIDED BY ENGINEER AND TO THE EXTENT CAUSED BY THE NEGLIGENT ACT OR OMISSION OR INTENTIONAL WRONGFUL ACT OR OMISSION OF ENGINEER, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE ENGINEER, ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES OR THE ENGINEER'S AGENT, ENGINEER UNDER CONTRACT, OR ANOTHER ENTITY OVER WHICH THE ENGINEER EXERCISES CONTROL. THIS AGREEMENT DOES NOT WAIVE, NOR SHALL IT BE DEEMED TO WAIVE, ANY IMMUNITY OR DEFENSE, INCLUDING, BUT NOT LIMITED TO, GOVERNMENTAL IMMUNITY, THAT WOULD OTHERWISE BE AVAILABLE TO THE CITY.
- K. All parties intend that the ENGINEER, in performing services pursuant to this CONTRACT, shall act as an independent contractor and shall have control of its

own work and the manner in which it is performed. The ENGINEER is not to be considered an agent or employee of the CITY.

SECTION II. PERIOD OF SERVICE

- A. As described in the Attached Exhibit B.

SECTION III. ENGINEER'S COMPENSATION

- A. Methods of Payment for Services and Expenses of ENGINEER.

1. CITY shall pay ENGINEER for services rendered under this Contract on the following basis:

a. Lump Sum. The work of the entire Project is awarded on the basis of one prime contract fee of Sixteen Thousand Dollars (\$16,000.00).

- B. Times of Payment

1. ENGINEER shall submit monthly statements for services rendered during that time period. OWNER shall make prompt monthly payments in response to ENGINEER's monthly statements.

2. The CITY shall, upon conclusion of each phase of services set forth below, pay such additional amount, if any, as may be necessary to bring total compensation paid on account of such phase to the following of total compensation for the phases indicated below:

a.	Basic Engineering Services	\$ 12,000.00
b.	Bidding and Construction Phase Engineering Services	<u>\$ 4,000.00</u>
	TOTAL FEE	<u>\$ 16,000.00</u>

This is a lump sum Contract and at no time will the compensation under this Contract exceed the amounts set forth above, unless otherwise agreed in writing by the parties to the Contract.

- C. General

1. If CITY fails to make any payment due ENGINEER for services and expenses within sixty days after receipt of ENGINEER's bill therefore, the amounts due ENGINEER shall include a charge at the rate of 1% per month from said sixtieth day, and in addition ENGINEER may, after giving seven days' written notice to CITY, suspend services under this Agreement until he has been paid in full all amounts due him for services and expenses.

2. If this CONTRACT is terminated by CITY, upon the completion of any phase of the services under this Contract, payments due ENGINEER for services rendered through such phase shall constitute total payment for such services. If this CONTRACT is

terminated by CITY during any phase of the services, ENGINEER will be paid for services rendered during that phase on the basis ENGINEER's hourly fee schedule for services rendered during that phase to date of termination by principals and employees assigned to the Project. In the event of any termination, ENGINEER will be paid for all unpaid services, plus all termination expenses. Termination expenses mean reimbursable expenses directly attributable to termination. The hourly fee schedule is as follows:

Hourly Fee Schedule

The hourly fee schedule primary project personnel are:

Engineering Services Payroll Costs:

Principal Engineer	\$ 85.00 per hour
Designer	\$ 45.00 per hour
Engineering Technician	\$ 35.00 per hour
Engineering Administration	\$ 35.00 per hour

SECTION IV. THE CITY'S RESPONSIBILITIES

- A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.
- B. The CITY shall review submittals by the ENGINEER and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the ENGINEER'S work. The CITY will keep the ENGINEER advised concerning the progress of the CITY'S review of the work. The ENGINEER agrees that the CITY'S inspection, review, acceptance or approval of ENGINEER'S work shall not relieve ENGINEER'S responsibility for errors or omissions of the ENGINEER or its sub-engineer(s) or in any way affect the ENGINEER'S status as an independent contractor of the CITY.
- C. All other responsibilities as listed in the attached Exhibit D.

SECTION V. TERMINATION

- A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason—with or without cause—by delivering written notice to ENGINEER personally or by certified mail at to the person indicated in the Notice provision of this CONTRACT. Immediately after receiving such written notice, the ENGINEER shall discontinue providing the services under this CONTRACT.
- B. If this CONTRACT is terminated, ENGINEER shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the ENGINEER under the CONTRACT, entirely or partially completed, together with all unused materials

supplied by the CITY on or before the 15th day following termination of the CONTRACT.

- C. In the event of such termination, the ENGINEER shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the ENGINEER has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the ENGINEER under the CONTRACT.
- D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the ENGINEER based upon the scope of work.
- E. In the event this CONTRACT is terminated, the CITY shall have the option of completing the work, or entering into a CONTRACT with another party for the completion of the work.

SECTION VI – GENERAL PROVISIONS

- A. **Venue.** If the CITY terminates this CONTRACT for cause and/or if either party breaches any provision of this CONTRACT, then the parties shall have all rights and remedies in law and/or equity in any legal actions related to the services under this CONTRACT. Venue for any action or dispute arising out of or relating to this CONTRACT shall be in Grayson County, Texas. The laws of the State of Texas shall govern the terms of this CONTRACT.
- B. **Mediation.** ENGINEER and CITY desire an expeditious means to resolve any disputes that may arise between under this CONTRACT. To accomplish this, the parties agree to mediation as follows: If a dispute arises out of or relates to this CONTRACT, or the breach thereof, and if the dispute cannot be settled through negotiation, then the parties agree first to try in good faith, and before pursuing any legal remedies, to settle the dispute by mediation of a third party who will be selected by agreement of the parties.
- C. **Paragraph Headings.** The paragraph headings contained herein are for convenience only and are not intended to define or limit the scope of any provision in this CONTRACT.
- D. **Contract Interpretation.** Although this CONTRACT is drafted by the City, should any part be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.
- E. **Mailing of Notices.** Unless instructed otherwise in writing, ENGINEER agrees that all notices or communications to CITY permitted or required under this Agreement shall be addressed to CITY at the following address:

Director of Utilities
City of Sherman
P.O. Box 1106
Sherman, Texas 75090

CITY agrees that all notices or communications to ENGINEER permitted or required under this Agreement shall be addressed to ENGINEER at the following address:

Timothy Morris, PE
Morris Engineers
225 E. Houston
Sherman, Texas 75091

All notices or communications required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is posted by the sending party.

SECTION VII – ENTIRE AGREEMENT

This CONTRACT represents the entire agreement between the CITY and the ENGINEER and supersedes all prior negotiations, representations, or contracts, either written or oral. This CONTRACT may be amended only by written instrument signed by both parties. To this extent the provisions in the Exhibits conflict with this Contract, the provisions in the Contract control.

SECTION VIII – COVENANT AGAINST CONTINGENT FEES

The ENGINEER affirms that he has not employed or retained any company or person, other than a bona fide employee working for the ENGINEER to solicit or secure this CONTRACT, and that he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the CONTRACT. For breach or violation of this clause, the CITY may terminate this CONTRACT without liability, and in its discretion, may deduct from the CONTRACT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee that has been paid.

SECTION IX- SUCCESSORS AND ASSIGNS

This CONTRACT shall not be assignable except upon the written consent of the parties hereto. CITY and ENGINEER each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the in this CONTRACT.

Executed on this _____ day of _____, 2008.

CITY OF SHERMAN

ENGINEER

Timothy Morris, individually and d/b/a
Morris Engineers

BY: _____

George Olson
City Manager

DATE:

DATE:

4/29/08

APPROVED AS TO FORM:

BY: _____

DOREEN E. MCGOOKEY
City Attorney

EXHIBIT A
SCOPE OF SERVICES

Task 1: Preparatory Phase

- a. Consult with OWNER to determine his requirements for the Project and review available data.
- b. Advise OWNER as to the necessity of his providing or obtaining from others data or services of the types which are not part of ENGINEER'S Basic Services, and assist OWNER in obtaining such data and services.
- c. Identify requirements of governmental authorities having jurisdiction to approve portions of the Project designed or specified by ENGINEER with whom consultation is to be undertaken in connection with the Project.

Task 2: Preliminary Design Phase

- a. Prepare preliminary design criteria and outline specifications.
- b. Advise OWNER if additional data or services are necessary and assist OWNER to obtain such data and services.

Task 3: Final Design Phase

- a. On the basis of the preliminary design, prepare final Drawings and Specifications to show the character and scope of the work to be performed by contractor.
- b. Provide technical criteria, written descriptions and design data for OWNER'S use in filing applications for permits with or obtaining approvals of such governmental authorities as have jurisdiction to approve the design of the Project, and assist OWNER in consultations with appropriate authorities.
- c. Furnish OWNER his opinion of typical cost based on the Drawings and Specifications.
- d. If required, assist OWNER in the acquisition of any Texas Department of Transportation right-of-way permits. Prepare for review and approval by OWNER, its legal counsel and other advisors, contract agreement forms, general conditions and supplementary conditions, bid forms, invitations to bid and instructions to bidders and assist in the preparation of other related documents.
- e. Furnish ten (10) copies of the Drawings, Specifications, and Construction Contract Documents to the OWNER.

Task 4: Bidding or Negotiating Phase

- a. Assist OWNER to advertise for and obtain bids or negotiate proposals for each separate prime contract for construction, materials, services, or equipment.
- b. Issue Addenda as appropriate to clarify or change the Bidding Documents.
- c. Consult with and advise OWNER as to the acceptability of contractors and other persons and organizations proposed by prime contractor(s) for those portions of the work as to which such acceptability is required by the Contract Documents.

- d. Consult with OWNER concerning the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution is permitted by the Contract Documents.
- e. Attend the bid opening, tabulate the bids, and assist OWNER in evaluating bids or proposals and in assembling and awarding contracts.

Task 5: Construction Phase

- a. ENGINEER shall consult with and advise OWNER and act as OWNER'S representative as provided by the Construction Contract. The extent and limitations of the duties, responsibilities and authority of ENGINEER as assigned in said Construction Contract shall not be modified except as ENGINEER may agree in writing. All of OWNER'S instructions to Contractor(s) will be issued through ENGINEER who will have authority to act on behalf of OWNER to the extent provided by the Contract Documents.
- b. ENGINEER shall make periodic visits to the site at intervals appropriate to the various stages of construction as ENGINEER deems necessary to observe as an experienced and qualified design professional the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents. ENGINEER will utilize, guide, and direct the activities of the Resident Project Representative assigned to the PROJECT by OWNER to provide more continuous observation of the work. Based on information obtained by such observations, ENGINEER shall endeavor to determine if the work is proceeding in general conformance to the Contract Documents and to keep the OWNER informed of the progress of the work.

ENGINEER shall have no responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor, for safety precautions and programs incident to the work of Contractor(s) or for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes, or orders applicable to Contractor(s) performing their work. ENGINEER shall have no responsibility for Contractor's failure to perform the work according to the Contract Documents. ENGINEER may disapprove or reject Contractor's work if ENGINEER believes the work will not produce a completed Project that conforms to the requirements of the Contract Documents or that it will prejudice the integrity of the design concept of the Project as reflected by the Contract Documents.

- c. ENGINEER shall issue necessary interpretations and clarifications of the Contract Documents related to its ENGINEERING services. ENGINEER shall review shop drawings, samples, and other data which Contractor is required to submit, but only for conformance with the design concept according to the Contract Documents. ENGINEER shall evaluate substitute materials and equipment proposed by Contractor according to the Contract Documents. ENGINEER may, as OWNER'S representative, require special inspection or testing of the work, and shall receive and review all certificates of inspection, testing, and approval required by laws, rules, regulations, ordinances, codes, orders or the Contract Documents. ENGINEER shall prepare routine Change Orders, Field Orders, and Work Change Directives.
- d. ENGINEER shall act as initial interpreter of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of OWNER and Contractor relating to the acceptability of the work or the requirements of the Contract Documents pertaining to the execution and progress of the work.
- e. Based on his on-site observations as an experienced and qualified design professional, or information provided by the resident Project Representative, and on his review of

Contractor's applications for payment and the accompanying data and schedules: ENGINEER shall determine the amounts owing to Contractor and recommend in writing payments to Contractor in such amounts; such approvals of payment will constitute a representation to OWNER, based on such observations and review, that the work has progressed to the point indicated. Recommending a payment will not impose on ENGINEER responsibility to make any examination to ascertain how or for what purpose the Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any of the work, materials, or equipment has passed to OWNER free and clear of any lien, claims, security interests, or encumbrances, or that there may not be other matters at issue between OWNER and Contractor that might affect the amount that should be paid.

- f. ENGINEER shall conduct an inspection to determine if the Project is substantially complete and a final inspection to determine if the Project has been completed in accordance with the Contract Documents and if each Contractor has fulfilled all of his obligations thereunder so that ENGINEER may approve, in writing, final payment to each contractor. ENGINEER'S recommendation of any payment or performance of any inspections does not relieve Contractor(s) of any responsibility to fulfill the terms of the Contract Documents nor will such inspection or recommendation place any responsibility on ENGINEER for Contractor(s) failure to perform according to the Contract Documents.
- g. ENGINEER shall not be responsible for the acts or omissions of any Contractor, any subcontractor or any of the Contractor(s)' or subcontractors' agents or employees or any other persons (except his own employees and agents) at the Project site or otherwise performing any of the work of the Project.

Task 6: Post Construction

- a. ENGINEER shall prepare for OWNER a set of reproducible record prints of Drawings showing those changes made during the construction process, based on the marked-up prints, drawings and other data furnished by Contractor(s) and Resident Project Representative to ENGINEER and which ENGINEER considers significant.

EXHIBIT B

PROJECT SCHEDULE

Engineer shall endeavor to accomplish the work in accordance with the following schedule:

Complete Preliminary Design within 30 days of completion of survey.

Complete Final Design within 60 days of review by CITY of Preliminary Design.

EXHIBIT C

ADDITIONAL SERVICES OF ENGINEER (CONSULTANT)

General

If authorized by CITY, ENGINEER shall furnish or obtain from others Additional Services of the following types which are not considered normal or customary Basic Services; these services will be paid for by CITY as indicated in Section III.C.2.

Direct expenses and cost of Additional Services obtained from others shall be paid for by CITY at the price shown on invoices received by ENGINEER for such expenses and services.

1. Preparation of applications and supporting documents for governmental grants, loans, or permits in connection with the Project; preparations or review of environmental assessments and impact statements; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the Project.
2. Services to make measured drawings of or to investigate existing conditions or facilities, or to verify the accuracy of drawings or other information furnished by OWNER.
3. Services resulting from significant changes in general scope of the Project or its design including, but not limited to, changes in size, complexity, CITY's schedule, or character of construction; and revising previously accepted studies, reports, design documents or Contract Documents when such revisions are due to causes beyond ENGINEER's control.
4. Providing renderings or models for CITY's use.
5. Preparing documents for alternate bids requested by CITY for work which is not executed or documents for out-of-sequence work.
6. Investigations involving detailed consideration of operations, maintenance and overhead expenses; providing value engineering during the course of the design, the preparation of feasibility studies, cash flow and economic evaluations, rate schedules and assistance in obtaining financing for the Project; detailed quantity surveys of material, equipment and labor; and audits or inventories required in connection with construction performed by CITY.
7. Furnishing the services of independent consultants for other than the normal civil, structural, mechanical and electrical engineering and normal architectural design incidental thereto, and providing data or services of the types described in Paragraph 3 of Exhibit D.
8. Assistance in connection with bid protests, re-bidding or renegotiating contracts for construction, materials, equipment or services.
9. Services in connection with Change Orders and Work Change Directives to reflect changes requested by CITY if the compensation for Basic Services is not commensurate with the additional services rendered; services in making revisions to Drawings and Specifications caused by acceptance of substitutions proposed by Contractor; and services resulting from significant delays, changes, or price increases occurring as a direct result of the Project.

10. Services during out-of-town travel required of ENGINEER other than visits to the Project site as required by Section 1.
11. Providing field surveys for design purposes and engineering surveys and staking to enable Contractor(s) to proceed with its work and any type of property surveys or related engineering services needed for the transfer of interests in real property; and providing other special field surveys.
12. Additional or extended services during construction made necessary by (1) work damaged by fire or other cause during construction, (2) a significant amount of defective or neglected work of any Contractor, (3) prolongation of the contract time of any prime contract by more than sixty days, (4) acceleration of the work schedule involving services beyond normal working hours, and (5) default by any Contractor.
13. Preparation of operating, maintenance, and staffing manuals; extensive assistance in the utilization of any equipment or system (such as initial start-up, testing, adjusting and balancing); and training personnel for operation and maintenance.
14. Service after completion of the Construction Phase, such as inspections during any guarantee period and reporting observed discrepancies under guarantees called for in any contract for the Project.
15. Serving as a consultant or witness for CITY in any litigation, arbitration, mediation, public hearing or other legal or administrative proceeding involving the Project.
16. Additional service in connection with the Project, including services normally furnished by CITY and services not otherwise provided for in this CONTRACT.

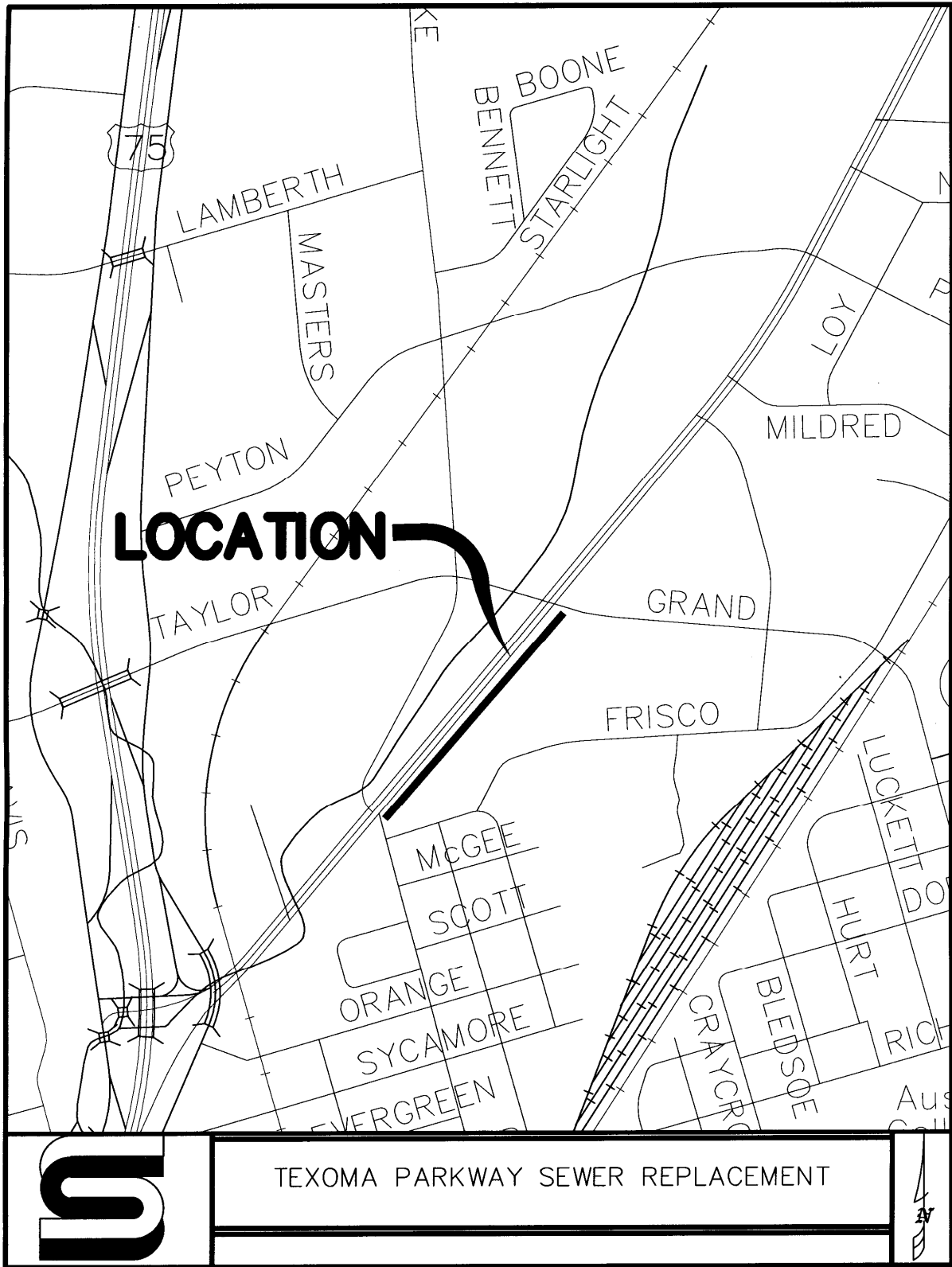
EXHIBIT D

CITY'S RESPONSIBILITIES

CITY shall furnish to ENGINEER, as required by him for performance of his Basic Services, data prepared by or services of others, such as design surveys, core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests and inspections of samples, materials and equipment, environmental assessment and impact statements; appropriate professional interpretations of all of the foregoing; property, boundary, easement, right-of-way, topographic and utility surveys; property descriptions, zoning, deed, and other land use; restriction; and other special data or consultations; all of which ENGINEER may rely upon in performing his services and:

1. Provide full information as to CITY's requirements for the Project.
2. Assist ENGINEER by placing at his disposal all available information pertinent to the Project including previous reports and any other data relative to design and construction of the Project.
3. Furnish to ENGINEER, as required by him for performance of his Basic Services, data prepared by or services of others, such as core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests and inspections of samples, materials and equipment; environmental assessment and impact statements; appropriate professional interpretations of all of the foregoing; property, boundary, easement, right-of-way, topographic and utility surveys; property descriptions, zoning, deed, and other land use; restriction; and other special data or consultations not covered in Paragraph 2; all of which ENGINEER may rely upon in performing his services.
4. Provide field surveys for engineering design, provide any other surveys for right-of-way and easement acquisitions, and provide other surveys needed for project purposes.
5. Arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform his services.
6. Examine all studies, reports, sketches, Drawings, Specifications, proposals and other documents presented by ENGINEER, and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of ENGINEER.
7. Pay all costs incident to obtaining bids or proposals from contractors.
8. Provide such accounting and independent cost estimating to ascertain how or for what purpose any Contractor has used the moneys paid to him under the construction contract.
9. Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of any defect in the Project.

10. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
11. Bear all costs incident to compliance with the requirements of this Exhibit D.
12. Furnish a Resident Project Representative and assistants to provide further protection against defects and deficiencies in the constructed works by day-to-day inspections of the construction activities. CITY and ENGINEER will cooperate to provide mutual assistance for the accomplishment of ENGINEER's responsibilities and those of the Resident Project Representative.





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.7

*** RESOLUTION NO. 5205**

**Awarding a Bid to and Authorizing Execution of a Contract
with Jerry Paul Higgins, LTD. to Replace a Culvert on Lake Street near First Street**

Issue

To consider an award of bid to and authorizing the City Manager to execute a contract with Jerry Paul Higgins, LTD. to replace a culvert on Lake Street

Background

During the June 2007 floods, a large culvert (120") on Lake Street, west of First Street, was damaged beyond repair. The actual extent of the damage to the culvert was not determined and confirmed by the Federal Emergency Management Agency (FEMA) until August of 2007. In early 2008, FEMA actually reimbursed the City a total of \$37,750.63 (approximately 75% of their estimated replacement cost) for the culvert's replacement. The project was publicly bid; and the City received two bids from local contractors on April 15, 2008. The low bid was received from Jerry Paul Higgins, LTD. in the amount of \$39,187.28. The Street Department has appropriated \$40,000.00 to fund the replacement of the culvert.

Origination

Department of Public Works

Financial Consideration

This project was not budgeted for in the fiscal year (FY) 2007-2008 budget. However, the Street Department was able to allocate a maximum of \$40,000.00 to fund the culvert's replacement.

Staff Recommendation

It is recommended that the City Council award the bid to and authorize the City Manager to sign a contract with Jerry Paul Higgins, LTD. to complete the necessary culvert replacement. If the City incurs additional costs to replace the culvert, it is recommended that we seek additional eligible reimbursement from FEMA.

Alternatives

Those as may be recommended by the City Council.

Attachments

Bid Tab
Resolution No. 5205
Contract
Location Map

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

BID TABULATION
LAKE STREET CULVERT REPLACEMENT
APRIL 15, 2008

BIDDER	BID BONDS INCLUDED	TOTAL BID AMOUNT
Jerry Paul Higgins, LTD	Yes	\$39,187.28
Vessels Construction	Yes	\$64,871.11

RESOLUTION NO. 5205

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JERRY PAUL HIGGINS, LTD. TO REPLACE A CULVERT ON LAKE STREET NEAR FIRST STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Jerry Paul Higgins, LTD. of Sherman, Texas, is hereby awarded the bid in the total amount of \$39,187.28, with change orders, for replacement of a culvert on Lake Street near First Street; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute a contract with Jerry Paul Higgins, LTD. for construction of the Lake Street Culvert Replacement, in accordance with the terms and provisions of all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

CITY OF SHERMAN §
COUNTY OF GRAYSON §

**CONTRACT
BETWEEN THE CITY OF SHERMAN AND THE CONTRACTOR**

THIS AGREEMENT is by and between the **CITY OF SHERMAN** ("CITY" or "OWNER") and
and **JERRY PAUL HIGGINS, LTD.** ("CONTRACTOR").

The **CITY** and **CONTRACTOR**, for the consideration set forth in Article 4 of the Contract, agree as follows:

ARTICLE 1 - PROJECT

- 1.01 **CONTRACTOR** shall complete all Work as specified or indicated in the Contract Documents. The Project is generally described as follows:

For the construction of the Lake Street Culvert Replacement located in Sherman, Texas.

This Project will be completed with change orders and all extra work in connection with the project, as described in the contract documents, shall be at the **CONTRACTOR'S** sole cost and expense all the materials, supplies, machinery, equipment, tools, superintendence, labor, necessary and customary insurance, and other accessories and services necessary to complete the Project in accordance with the Contract Documents.

ARTICLE 2 – INDEPENDENT CONTRACTOR

- 2.01 **CONTRACTOR** is and throughout this Contract shall remain an **INDEPENDENT CONTRACTOR** and as such is the sole judge on how to perform the work required under this Contract.

ARTICLE 3 - CONTRACT TIMES

- 3.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

- 3.02 *Dates for Completion and Final Payment*

A. The Work will be completed and ready for final payment within thirty (30) calendar days of the Notice to Proceed issued by the City.

ARTICLE 4 - CONTRACT PRICE/CONSIDERATION

- 4.01 CITY shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 4.01.A and 4.01.B below:
- A. For all Project work, a total Sum of:

Thirty Nine Thousand, One Hundred and Eight-Seven Dollars and Twenty-Eight Cents(\$39,187.28)
 - B. If the payment for the Project is based on Unit Pricing, the Contract Price shall be as set forth in the Unit Pricing portion of the Proposal.
 - C. The above price reflects the consideration for the performance of this Contract.

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 *Submittal and Processing of Payments*
- A. CONTRACTOR shall submit Applications for Payment in accordance with Section 5.02 of the General Conditions. Applications for Payment will be processed by the ENGINEER as provided in the General Conditions.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

- 6.01 In order to induce CITY to enter into this Agreement CONTRACTOR makes the following representations:
- A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
 - B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 - C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
 - D. CONTRACTOR has carefully studied all Contract Documents and understands the Work and Performance required in the Contract Documents and represents to the CITY that CONTRACTOR is fully capable of completing the work specified in the Contract Documents.
 - E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required

by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. CONTRACTOR is aware of the general nature of work to be performed by CITY and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CONTRACTOR has given CITY written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents, and the written resolution thereof by CITY is acceptable to CONTRACTOR.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 *Contents*

A. The Contract Documents consist of the following and are incorporated into this Contract for all purposes:

1. This Contract;
2. Bid Specifications for the construction of the Lake Street Culvert Replacement (entire packet);
3. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed;
 - b. CONTRACTOR'S Bid and Bidder Information on the Bid Form;
 - c. Documentation submitted by CONTRACTOR prior to Notice of Award;

B. The Contract Documents may only be amended, modified, or supplemented as provided in paragraph 9.08 of this Contract.

ARTICLE 8 - NOTICE

Any notice and/or statement required or permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing;

If intended for CITY to:

Designee: Jeff Miller, Director

Address:

P. O. Box 1106

Sherman, TX 75091

If intended for CONTRACTOR, to:

Designee: Don Charles Whitley

Address:

P.O. Box 1865

Sherman, Texas 75091

ARTICLE 9 - MISCELLANEOUS

9.01 *Assignment of Contract*

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.02 *Successors and Assigns*

A. CITY and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

9.03 *Severability and Conflict*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon CITY and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

B. If there are any conflicts between the Contract and the Contract Documents, the provisions in the Contract prevail over the provisions in the Contract Documents.

9.04 *Captions*

Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

9.05 *INDEMNITY AND DUTY TO DEFEND*

A. CONTRACTOR agrees to defend, indemnify and hold CITY, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for personal injury (including death), property damage or other harm, including attorneys fees, for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by CONTRACTOR'S breach of

any of the terms or provisions of this Agreement, or by any negligent or strictly liable act or omission of CONTRACTOR, its officers, agents, employees or subcontractors, in the performance of this Agreement; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of CITY, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence of the CONTRACTOR and the CITY, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, subject to and without waiving any governmental immunity available to the CITY under Texas law, and any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

B. CONTRACTOR is expressly required to defend the CITY against all Claims for which the CITY becomes liable. In its sole discretion, CITY shall have the right to select or to approve defense counsel to be retained by CONTRACTOR in fulfilling its obligation hereunder to defend and indemnify CITY, unless such a right is expressly waived by CITY in writing by the City Manager after proper authorization from the CITY'S Council. CITY reserves the right to provide a portion or all of its own defense; however, CITY is under no obligation to do so. Any such action by CITY is not to be construed as a waiver of CONTRACTOR'S obligation to defend the CITY or as a waiver of CONTRACTOR'S obligation to indemnify the CITY pursuant to this Contract. CONTRACTOR shall retain CITY approved defense counsel within seven (7) business days of CITY'S written notice that CITY is invoking its right to indemnification under this Contract. If CONTRACTOR fails to retain Counsel within such time period, CITY shall have the right to retain defense counsel on its own behalf, and CONTRACTOR shall be liable for all costs incurred by CITY in defense of Claims for which CONTRACTOR is liable under this Paragraph.

9.06 *Choice of Law: Venue.*

This contract, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This contract is wholly performable in Grayson County, Texas. Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.

9.07 *Binding Authority*

By their signatures below, the individuals represent that they have reviewed Contract with their attorney and that the individuals have the express authority to enter into this Contract.

9.08 *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 both the parties to be attached to and made a part of this Agreement.

IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Agreement in duplicate. One counterpart each has been delivered to CITY and CONTRACTOR. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or on their behalf.

This Agreement will be effective on _____, _____ (which is the Effective Date of the Agreement).

CITY: CITY OF SHERMAN, TEXAS

CONTRACTOR:

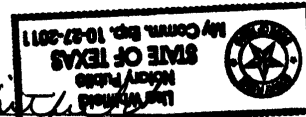
JERRY PAUL HIGGINS, LTD.

By: _____
George Olson, City Manager

By: Don Charles Whitley

Attest _____
Linda Ashby, City Clerk

Attest Lisa Whitley
Notary Public



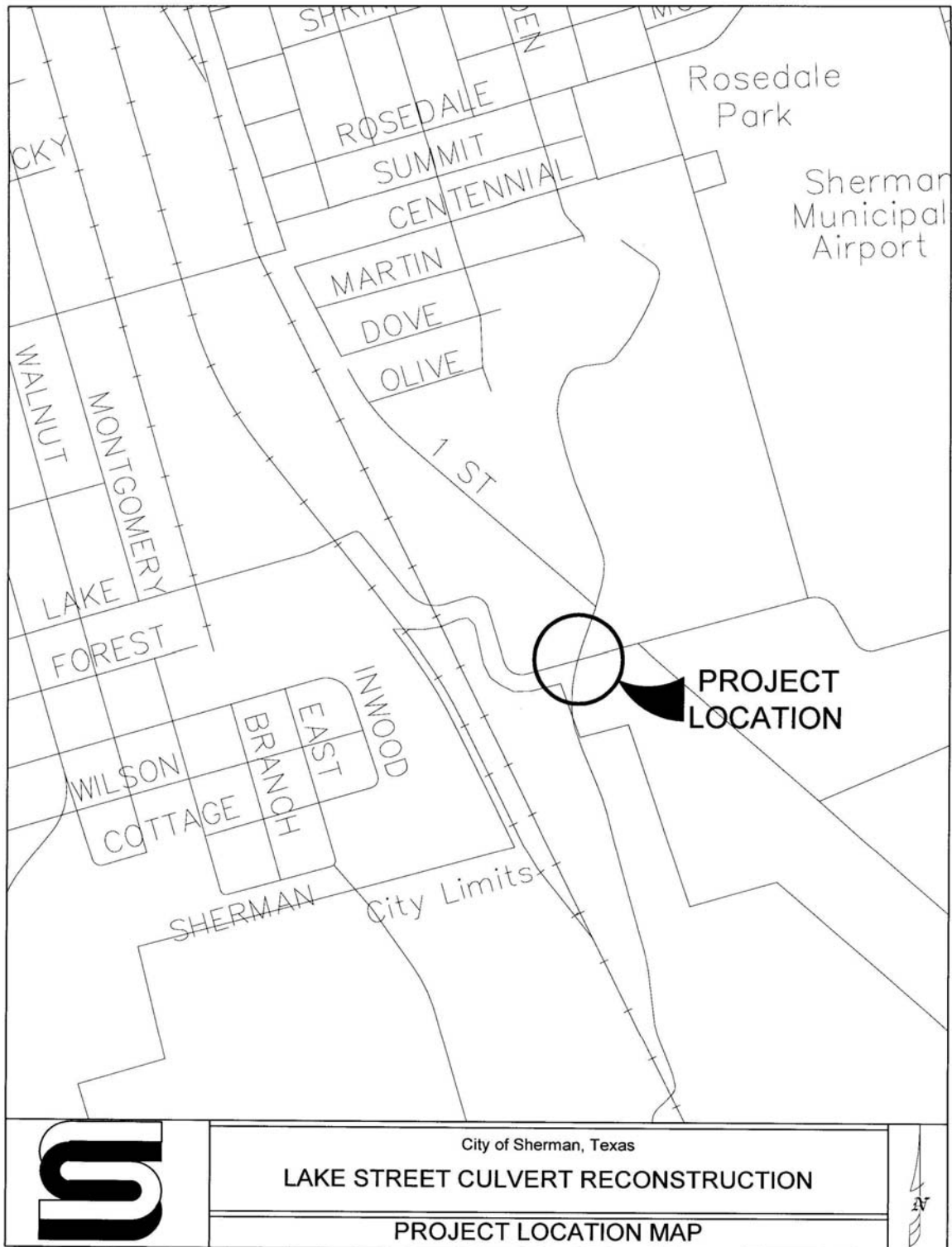
License No. _____
(Where applicable)

Agent for service of process: _____

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign.)

Approved as to form:

Doreen E. McGookey
City Attorney





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. C.8

*** RESOLUTION NO. 5206**

Rescinding Resolution No. 5144 in its Entirety and Awarding a Bid to Grand Prairie Ford for the Purchase of Four 2008 Ford Crown Victoria Police Interceptor Vehicles

Issue

This item is to rescind Resolution No. 5144 for the purchase of four police interceptor vehicles from Sam Pack's Five Star Ford, approved at the City Council's January 7, 2008, and approve the purchase of the vehicles from Grand Prairie Ford.

Background

At the November 19, 2007 meeting, the Sherman City Council authorized the request to advertise and solicit bids for four police patrol vehicles. The bidding process was implemented, with appropriate notification being made. The following bids for four 2008 Ford Crown Victoria Police Interceptors were received:

- | | |
|------------------------------------|---------------------------|
| • Grand Prairie Ford | \$21,281.00 (per vehicle) |
| | \$85,124.00 (total) |
| • Planet Ford 6 (H-GAC) | \$21,998.00 (per vehicle) |
| | \$87,992.00 (total) |
| • Sam Pack's Five Star Ford (TBPC) | \$22,237.92 (per vehicle) |
| | \$88,951.68 (total) |
| • Philpott Ford (H-GAC) | \$25,208.63 (per vehicle) |
| | \$100,834.52 (total) |

At the January 7, 2008 meeting, the City Council awarded the bid of Sam Pack's Five Star Ford for the purchase of these vehicles. It was subsequently discovered that, when Sam Pack submitted their quote, it was in error and didn't include the options in the total quote as required by the bid specifications. This increased their per vehicle cost by \$1,719.00. With this increase, Grand Prairie Ford is now the lowest bid. The Purchase Order with Sam Pack has been cancelled. It is recommended that the City rescind Resolution No. 5144, which awarded the bid to Sam Pack's Five Star Ford, and accept Grand Prairie Ford's bid as the supplier of four 2008 Ford Crown Victoria Police Interceptor vehicles.

Origination

Police Department

Financial Consideration

The budgeted amount for this purchase is \$22,500.00 per vehicle, for a total of \$90,000.00 for all four.

Staff Recommendation

It is recommended that the City Council rescind Resolution No. 5144 and accept Grand Prairie Ford's bid for the purchase of four police patrol vehicles.

Alternatives

There are no reasonable alternatives at this time.

Attachments

Resolution No. 5144, TBPC Agreement and Sam Pack's Bid; Resolution No. 5206 and Grand Prairie Ford's Bid

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

Police vehicle through the
(TBPC) bid to Sam Pack's

RESOLUTION NO. 5144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO SAM PACK'S FIVE STAR FORD THROUGH THE TEXAS BUILDING AND PROCUREMENT COMMISSION (TBPC) GOVERNMENT CONTRACT FOR THE PURCHASE OF FOUR 2008 FORD CROWN VICTORIA POLICE INTERCEPTOR VEHICLES; 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 Sam Pack's Five Star Ford is hereby awarded a bid for the purchase of four 2008 Ford Crown Victoria Police Interceptor Vehicles for the total purchase price of Eighty-Two Thousand Seventy-Five Dollars and Sixty-Eight Cents (\$82,075.68). Budgeted funds are available for this purchase. If applicable, any agreements or contracts related to this transaction must be reviewed and approved by the City Attorney.

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 7th day of January, 2008.

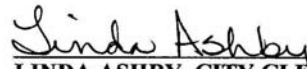
CITY OF SHERMAN, TEXAS

BY:


BILL MAGERS, MAYOR

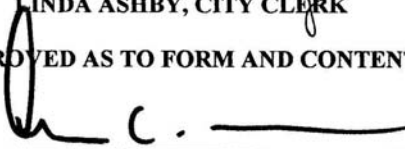
ATTEST:

BY:


LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY:


**DOREEN MCGOOKEY,
CITY ATTORNEY**



General Services Commission

1711 San Jacinto P.O. Box 13047

Austin, Texas 78711-3047

Web site: www.gsc.state.tx.us

CHAIRMAN
Alphonso Jackson
VICE CHAIRMAN
Ramin "Ran" Guzman
COMMISSIONERS
Orlita de los Santos
Dorecia Vidal Flores, P.E.
Barbara Rutledge
Gene Shall
EXECUTIVE DIRECTOR
Tom Trevelay

RE: State of Texas Cooperative Purchasing Program

Thank you for your interest in the Cooperative Purchasing Program. Created by legislation in 1979, the GSC Cooperative Purchasing Program offers political subdivisions a unique opportunity to purchase products from state automated and non-automated term contracts and the Catalogue Purchasing Program. Members benefit from the state's volume purchasing power, and save time by avoiding the bid process, since GSC term contracts are competitively bid. Cooperative Purchasing Program members have the support of three CPP staff members as well as access to 17 GSC purchasers.

Sections 271.081-271.083 Local Government Code, V. T. C. A., Section 2155.202 and 2175.001(1) of the Texas Government Code, Title 10, Subtitle D, provide the legal authority for local governments, MHMR community centers, and assistance organizations to participate in the State of Texas Cooperative Purchasing Program. These sections define local government to mean a county, municipality, special district, school district, junior college district, rural fire prevention district, volunteer fire department, or other legally constituted political subdivision of the state (hereinafter referred to as qualified entity). Community centers for mental health and mental retardation services must receive state grants-in-aid under provisions of Article 4 of the Texas Mental Health and Mental Retardation Act (Article 5547-204). Assistance organizations which are *non-profit* and provide educational, health, or human services or provide assistance to homeless individuals, that *receive any state funds* may purchase goods and services through the General Services Commission.

Participation in the Cooperative Purchasing Program is strictly voluntary. A local government, MHMR community center, or assistance organization may join the CPP by filing with the GSC a resolution adopted by the governing body of the qualified entity. The resolution must state that the qualified entity will: 1) designate one or two individuals as authorized to sign requisitions; 2) participate in the program and pay participation fees established by the commission; 3) be responsible for direct payment to vendors and 4) be responsible for ensuring the vendor's compliance with contract delivery and quality standards.

Membership in the CPP requires an annual non-refundable subscription fee. Once the completed resolution, required documentation for proof of eligibility in the CPP, and subscription fees have been received, GSC will forward a Cooperative Purchasing Program Instruction Manual, a complete set of term contracts on microfiche, and a packet of order forms. Paper copies of the monthly term contract books are available for an additional annual fee.

Requisitions for Automated Term Contract items must be processed through the GSC using a CPP Requisition form. Items purchased from Non-Automated Term Contracts and through the Catalogue Purchase Procedure are ordered directly from the vendor by the CPP member. However, Non-Automated orders require a copy of the order be provided to the GSC.

A cooperative purchasing partnership between qualified entities and the state can be advantageous to all concerned, but particularly beneficial to the taxpayer and the governmental entity. If you have any questions or need more information, please feel free to call a member of the CPP staff at 512/463-3368.

Post-it® Fax Note	7671	Date	2/4	# of pages	6
To	Mary Ann Winkle	From	Susan		
Co./Dept.	City of Sherman	Co.	GSC		
Phone #	903 892-7285	Phone #			
Fax #	817-2394	Fax #			

8/22/97



General Services Commission

1711 San Jacinto - P.O. Box 13047

Austin, Texas 78711-3047

Web Site: www.gsc.state.tx.us

(512) 463-3035

CHAIRMAN
Alfonso Jackson
VICE-CHAIRMAN
Ranero "Ram" Guzman
COMMISSIONERS
Ofelia de los Santos
Dionicio Vidal Flores, P.E.
Barbara Flocking
Gene Shull
EXECUTIVE DIRECTOR
Tom Truesdew

March 25, 1999

Giles Brown, Director of Finance
City of Sherman
PO Box 1106
Sherman Tx 75091-1106

Dear Mr. Brown:

The processing for your participation in our Cooperative Purchasing Program (GSC Co-Op) has been finalized, activating your membership through **March 18, 2000**. We have enclosed the following for your information:
(renewed annually)

- ❖ Your **Account Number: M0913**
- ❖ The **Purchasing Instruction Manual**.
- ❖ A small amount of forms which may be copied by you.

You may access all state term contracts and other information on the Internet through the General Services Commission's home page, www.gsc.state.tx.us. If you requested additional publications, you will begin receiving them within 4-6 weeks.

The GSC Co-Op Team, Jessica Costilla and Susan Steele, wishes to ensure that your membership meets all expectations. For further assistance, contact us at 512/463-3368.

Sincerely,

Chuck Boorman
GSC Co-Op
Program Manager

Enclosures



TSPC Govt. Contract

Sam Pack's Five Star Ford*Takin' Care of Business***888-8 FLEETZ**

1635 IH 35E
 Carrollton, Texas 75006
 Phone (888) 835-3389 Local (972) 466-5031
 Fax 972-245-5278

Bill To:
 City of Sherman
 ATT:Kay Smith

Quotation

DATE October 27, 2007
Quotation # 07-1892
Customer ID

Quotation valid until: February 24, 2008
Prepared by: Alan J Rosner

Comments or special instructions:

Description	AMOUNT
2008 Ford Crown Victoria Police Interceptors	\$20,548.92
Trunk Organizer	Included
Power Seat (B18)	\$329.00
Power Heated Mirrors	\$30.00
Keyed Alike	\$40.00
DELETE Cruise Control	(\$168.00)
DELETE Side Curtain Airbags	(\$261.00)
OPTIONS:	
Spotlamp mounted	\$159.00
Floor Mats	\$69.00
Supression Package	\$129.00
Set of Repair Manuals - Priced per Set	\$179.00
Pre-wire for overhead lights No hole cut in roof	\$74.00
Pre-wire for overhead lights WITH hole cut in roof	\$170.00
Pre-wired for 2 way radios - Price includes antenna	\$169.00
Complete Law Enforcement wiring package - Ford option 65A	\$770.00
	\$20,518.92

If you have any questions concerning this quotation, contact Alan J Rosner - 888-835-3389
alanrosner@spford.com

THANK YOU FOR YOUR BUSINESS!

RESOLUTION NO. 5206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RESCINDING RESOLUTION NO. 5144 IN ITS ENTIRETY AND AWARDING A BID TO GRAND PRAIRIE FORD FOR THE PURCHASE OF FOUR 2008 FORD CROWN VICTORIA POLICE INTERCEPTOR VEHICLES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Resolution No. 5144, approved at the January 7, 2008 meeting of the Sherman City Council, be and is hereby rescinded in its entirety.

SECTION 2. That Grand Prairie Ford is hereby awarded a bid for the purchase of four 2008 Ford Crown Victoria Police Interceptor Vehicles for the total purchase price of Eighty-Five Thousand One Hundred Twenty-Four Dollars and No Cents (\$85,124.00). Budgeted funds are available for this purchase. If applicable, any agreements or contracts related to this transaction must be reviewed and approved by the City Attorney.

SECTION 3. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the _____ day of _____, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
DOREEN MCGOOKEY,
CITY ATTORNEY

**CITY OF SHERMAN
POLICE VEHICLES
BID PROPOSAL:**

Brand of Vehicle: Ford
Model: Crown Victoria Police Interceptor
Earliest Possible Delivery: 14-16 weeks
Warranty: 3rd Ford OEM
36 months - 36,000 miles bumper to bumper
100 miles - 100,000 miles powertrain

Cost per vehicle bid: 20009
*Extended total bid: 80036

INFORMATION TO VENDORS:

Bid prices will be compared with State and Inter-local Agreement Contract prices available to the City of Sherman

VENDOR INFORMATION:

Name of Bidder: Grand Prairie Ford
Address: 2101 Country Bell Drive, Garland, TX 75040
Telephone Number: 214-215-1028
Authorized Signature: [Signature]
Must be signed by an authorized agent of your firm

SPECIFICATIONS:

Vehicles shall be equipped with all standard items not specifically mentioned and current State Inspection Sticker

List any exceptions to these specifications:

noted within bid sheets

**CITY OF SHERMAN
SPECIFICATIONS 2008
POLICE PACKAGE PATROL VEHICLE**

New 2008, full size, 114" minimum wheel-base, rear-wheel drive, four door sedan with police performance package, white in color, all standard equipment and choice of optional equipment, as specified below.

I. Standard Equipment

A. Exterior

1. Bumpers: Concealed with one-piece full-wrap cover. Body color with black insert.
2. Deck-lid: Low, lift-over design
3. Glass: Solar tinted, full with ceramic shade band behind review mirror.
4. Grille: Black with center manufacturer emblem
5. Lights: Low profile, duel headlamps.
6. Mirrors: Black fold-away, dual power remote control.
7. Moldings:
 - a. Black rocker panels.
 - b. Black windshield and back-light.
 - c. Bright surround on side windows.
 - d. Color-keyed body-side.
8. Paint: Vibrant white, clear-coat or similar.
9. Urethane protection, lower body-side.

B. Interior

1. Airbag: Dual front supplemental restraint system; driver and front passenger.
2. No Carpet: (Install Rubber/Vinyl flooring throughout).
3. Cigarette Lighter: In instrument panel, center stack.
4. Door Trim Panels:
 - a. Front with armrests.
 - b. Ashtray deleted from rear door trim panels.
5. Fuse Panel: easy access, labeled.
6. Gauge cluster: four analog (volt, oil pressure, water temperature, and fuel). Include tachometer
7. Glove Box: illuminated, large bin.
8. Headliner: removable with dome lamp.
9. Head Restraints: two-way.
10. Instrument panel with side window demisters.
11. Interior color: gray
12. Map Pockets: integral front door.

13. Mirror: day/night inside rearview.
14. Radio: electronic AM/FM stereo with clock and front speakers.
15. Personal safety system with dual (driver and front passenger) airbags, 2nd generation.
16. Safety Belts: 3 point active for front and rear occupants (belt pre-tensioners on front seat belts).
17. Scuff Plates: color-keyed, front and rear doors.
18. Seats:
 - a. Driver's Seat: cloth bucket with electronically operated fully adjustable operation to include up/down adjustment for shorter drivers.
 - b. Passenger Seat: cloth bucket manual recline.
 - c. Back Seat: vinyl.
19. Steer Wheel: color-keyed with center horn blow.
20. Sun Visors: cloth-covered with retention clips.
21. Tilt Steering Wheel: mounted controls for washer/wiper, high/low beam headlamp, turn signal.
22. Trip Odometer
23. Trunk: deep well
24. Trunk Organizer

C. Functional

1. Air Conditioning
2. Alternator: 200 amp
3. Radio antenna
4. Battery: maintenance free, 750 CCA
5. Battery saver
6. Body-on-frame construction
7. Brakes: power, dual front piston, single rear piston, 4 circuit and ABS
8. Child proof rear door locks
9. Conventional spare tire and wheel
10. Coolant recovery system
11. Deck-lid release: remote, interior release
12. Defroster: rear window
13. Engine: 4.6L overhead cam, SEFI V-8, minimum 200 hp
14. Engine oil cooler
15. Engine-idle meter
16. Exhaust system: dual
17. Front stabilizer bar
18. Fuel door remote access *NA from Ford Add \$10 for Locking GAS CAP*
19. Fuel tank: minimum 19 gallons
20. Glass: solar tinted
21. Headlamps: reminder chime
22. Hood assists: gas cylinder

23. Ignition system: electronic
24. Parking brake: single stroke; manual release
25. Passenger capacity: minimum 5
26. Rear stabilizer bar
27. Shock absorbers: heavy duty
28. Speedometer: certified calibration
29. Steering: power rack and pinion, variable ratio, with steering oil cooler
30. Suspension: heavy duty
 - a. Front: independent SLA with ball joint and coil spring.
 - b. Rear: 4 bar link with Watts Linkage.
31. Tires: all season
32. Transmission: Electronic 4 speed automatic overdrive.
33. Transmission oil cooler
34. Wheels: heavy duty steel
35. Windows: power with express-down driver's window
36. Windshield washers: dual
37. Windshield wipers: interval
38. Heavy duty frame and body mounts
39. Hub caps
40. Rear window defroster
41. Power heated exterior side mirrors
42. Power door locks
43. Keys: each ordered patrol car will be like keyed between units and single key operation between ignition/doors and trunk locks. Spare key included for each unit.

II. Options

- | | |
|--|--|
| A. Six inch spotlight mounted on driver's door (left hand) | \$ <u>160</u> |
| B. Floor mats (driver and front passenger only in addition To rubber/vinyl flooring) | \$ <u>45</u> |
| C. Suppression package for two-way radio interference | \$ <u>30 - OEM installed</u> |
| D. 1 set repair manuals and 1 set parts manual included w/delivery | \$ <u>340 - DVP And CD</u> |
| E. Pre-wired for overhead lights <u>40 Amp Light bar converter</u> | \$ <u>No charge</u> |
| N/A F. Pre-wired for two-way radios | \$ <u>28 N/A</u> |
| G. Complete law enforcement wiring package | <u>647\$</u> <u>See Attached sheets with enclosed descriptions And price</u> |

151310.00
1272.00



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.1

*** REQUEST TO ADVERTISE**
2007-2008 Street Mill and Overlay Program

Issue

Seeking approval to advertise for bids that will provide the City with a contractor for the 2007-2008 Mill and Overlay Program

Background

This fiscal year, the City's overall street improvement program includes several mill and overlay projects that are part of both the new "Enhanced Thoroughfare Network" program and the Capital Improvement Program. To improve the City's chances of receiving the lowest possible bids, the decision was made to bundle all mill and overlay projects together as one large project. Funding for these projects will come from three sources: the Street Department budget, sales tax revenue, and the Capital Improvement Program budget. The projects include: Travis Street from Kam Corners to Washington Street (CIP); Ricketts Street from McGee to Washington (Street Department budget), and Taylor Street from Ricketts Street to Heritage Parkway (sales tax revenue).

Origination

Department of Public Works

Financial Consideration

Funds have been appropriated for these projects in three sources: Capital Improvement Program, sales tax revenue, and the Street Department budget. Costs of advertising are expected to be about \$200.

Staff Recommendation

Approve advertising for the three projects as one large mill and overlay project.

Alternatives

Those as may be recommended by the City Council

Attachments

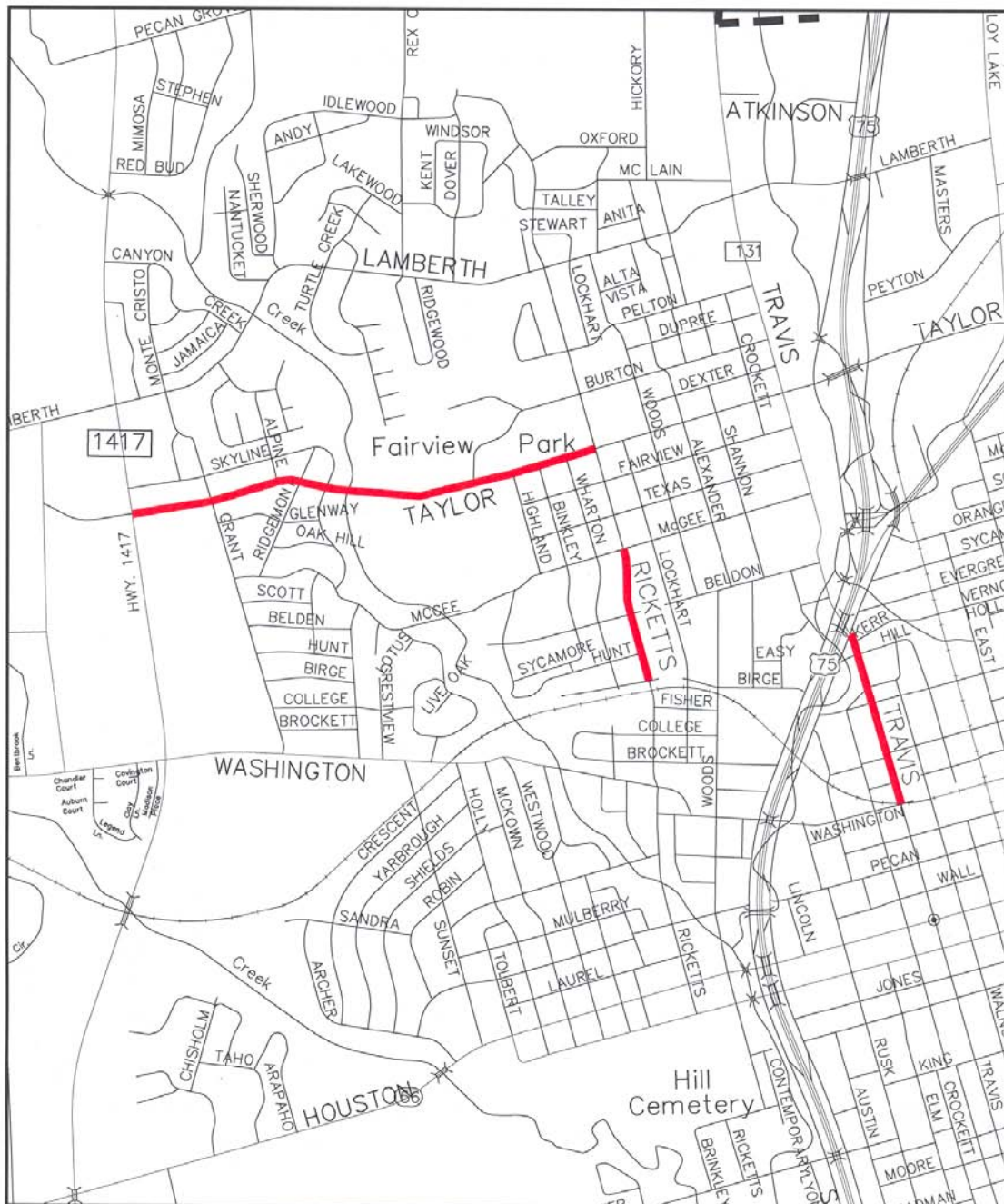
Location Map

Prepared by:

Jeff Miller, Director of Public Works

Approved by:

George Olson, City Manager



City of Sherman, Texas

2008 MILL & OVERLAY

PUBLIC WORKS





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.2

*** REQUEST TO ADVERTISE**
Travis Street Water Main Replacement

Issue

Permission to advertise for bids to replace the Travis Street Water Main

Background

The existing water mains are deteriorated, resulting in frequent breaks and service interruptions. The project will replace a 6-inch main on Travis Street, between U.S. Highway 75 and Washington Street, with an 8-inch main. The project is funded in this year's Capital Improvement Program.

Origination

Department of Utilities Administration

Financial Consideration

The project is funded at \$250,000.00 in this year's Capital Improvement Program. Cost of advertising is expected to be about \$200.

Staff Recommendation

It is recommended that the City Council authorize the staff to advertise the project for bid.

Alternatives

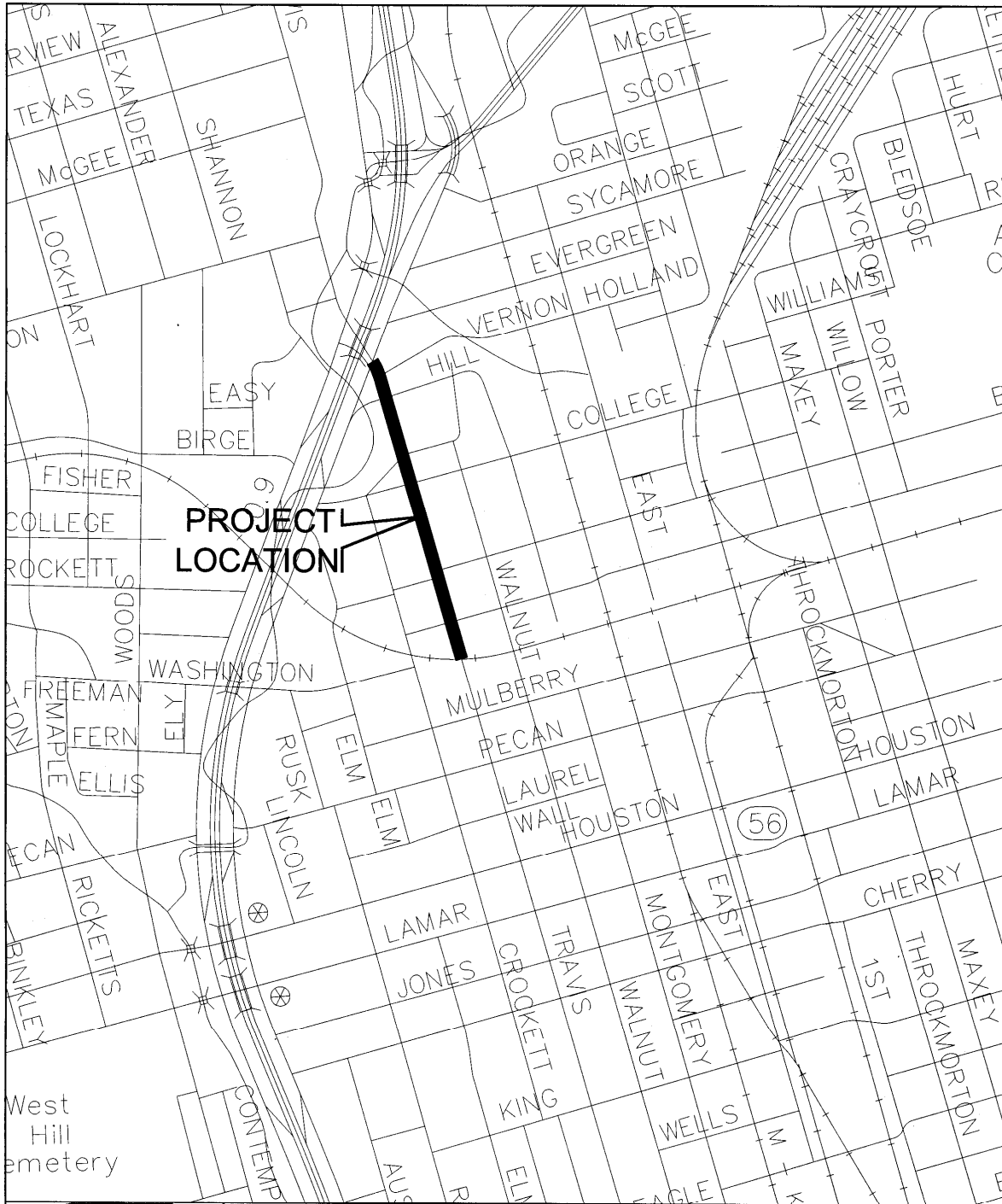
As may be directed by the City Council

Attachments

Location map

Prepared by:
Mark Gibson, Director of Utilities and Engineering

Approved by:
George Olson, City Manager



City of Sherman, Texas

TRAVIS STREET between HWY 75 and WASHINGTON

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.3

*** REQUEST TO ADVERTISE**
Repairs to Luella 4 Woodbine Water Well

Issue

Consider a request to advertise for a bid to repair the Luella 4 Woodbine Water Well

Background

The pump on the Luella 4 Woodbine Water Well is failing and needs to be pulled and inspected. The pump will be repaired or replaced as required.

Origination

Department of Utilities Administration

Financial Consideration

Funds for the well repair are available in the Water Production budget. Costs for advertising are expected to be less than \$200.00.

Staff Recommendation

It is recommended that the City Council approve this request to advertise for a bid to repair this well.

Alternatives

As may be directed by the City Council

Attachments

None

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.4

*** CHANGE ORDER NO.1**

Weisinger Water Well, Inc.; Dorchester 8T Water Well Repairs; \$880.00, Increase

Issue

Change Order No. 1 is a final reconciliatory change order to adjust the final contract amount for repairs to the Dorchester 8T Water Well.

Background

The cost to provide an abrasion resistant package on the submersible pump was quoted as \$10,880.00. The amount transcribed in error to the contract was \$10,000.00, resulting in an \$880.00 deficit. The change order corrects this error.

Origination

Department of Utilities Administration

Financial Consideration

The change order results in an increase of \$880.00 to the original contract amount of \$243,800.00, yielding a final contract price of \$244,680.00. Adequate funding exists to facilitate payment of the change order.

Staff Recommendation

It is recommended that the City Council approve this proposed change order.

Alternatives

As may be directed by the City Council

Attachments

Proposed Change Order No. 1

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

CHANGE ORDER NO. 1

PROJECT: Dorchester 8T Water Well Repairs

DATE OF ISSUANCE: 04/18/08

EFFECTIVE DATE: _____

OWNER: City of Sherman

OWNER's Contract No.: _____

CONTRACTOR: Weisinger Water Well, Inc. ENGINEER: City of Sherman

You are directed to make the following changes in the Contract Documents:

Description: Adjustment to reconcile contract price

CHANGE IN CONTRACT PRICE:

Original Contract Price
\$243,800.00

Net changes from previous Change Orders
\$ 0

Contract Price prior to this Change Order
\$243,800.00

Net Increase of this Change Order
\$ 880.00

Contract Price with all approved Change Orders
\$244,680.00

RECOMMENDED:

APPROVED:
City of Sherman

By: M. J. [Signature]
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

Date: 4/29/08

Date: _____

ACCEPTED:
Weisinger Water Well, Inc.

By: [Signature]
Contractor (Authorized Signature)

Date: 4-27-08



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.5

OTHER BUSINESS

Discuss the City of Sherman's Employee Group Health Insurance Fund

Issue

To receive a report on the financial performance of the City's Group Health Insurance Fund

Background

The City maintains a partially self-funded group health insurance plan (Plan). Under this arrangement, the City bears the financial risk for health claims incurred by City employees, their dependents, and retirees covered under the Plan. The City has a separate insurance policy to limit the financial exposure related to individual claims and also total Plan claims.

Beginning in April of 2007, the City has experienced unusually high claims that are having a significant negative impact on the Fund. This presentation will address this issue, in addition to providing an overall review of the financial condition of the Fund.

Origination

Assistant City Manager/CFO

Council Action Requested

There is no Council action required. This presentation is informational only.

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.6

*** OTHER BUSINESS**

Approve Quarterly Investment Report for Period ending March 31, 2008

Issue

To approve the Investment Report for the quarterly period ending March 31, 2008

Background

By law, the Council is required to receive and accept an investment report from the City's investment officer. This report is first submitted to the Investment Committee for their review prior to its presentation to the Council. The Investment Committee has received the report. The report reflects a portfolio position for the Operating Funds of about \$32.4 million. As of March 31, 2008, the City was in compliance with all applicable state laws and the provisions of the City's internal Investment Policy. The portfolio remains adequately liquid; and its yield of 3.35% for the quarter is higher than the benchmark yield of 1.50%. The market value of the overall portfolio was 100.24% of the book value. Also included is a report for the Certificate of Obligation Debt Proceeds. This is new for the quarter and relates to the funds received from the \$5 million CO Debt Issue funded in March of 2008.

Origination

Finance Department

Financial Consideration

None

Staff Recommendation

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

Alternatives

The Council could request disclosures in addition to those required by law.

Attachments

Memo to Investment Committee

Investment Report and Related Schedules

Prepared by:

Robby Hefton, Assistant City Manager/CFO

Approved by:

George Olson, City Manager

memo raindium

DATE: Friday, April 25, 2008
TO: Investment Committee – Councilmembers Willie Steele and Terrence Steele and George Olson, City Manager
FROM: Robby Hefton, Assistant City Manager/CFO 
SUBJECT: **Investment Report for Quarter Ended March 31, 2008**

Enclosed is a copy of the quarterly investment reports for the quarter ended March 31, 2008. There are two reports, one for the Operating Funds and one for the CO Debt Proceeds. The report covering the CO Debt Proceeds is new, and relates to receipt of \$4.95 million in March from the issuance of CO Bonds approved by the Council.

Both reports reflect that the City was in compliance with all aspects of the Investment Policy and related state laws. The total portfolio balance of \$32.4 million for the Operating Funds as of March 31, 2008 was up about \$4.6 million from three months prior, due primarily to the receipt of property tax revenues during the quarter. The weighted average maturity of about 39 days was down from last quarters' average of 75 days due to maturing securities during the quarter. Further, the portfolio yield of 3.35% was considerably higher than the benchmark 180-day T-Bill rate of 1.50% because of market interest rate declines during the quarter.

As of March 31, 2008 all of the CO Debt Proceeds were invested in TexStar, a pooled investment yielding 2.98%, higher than the benchmark 180-day T-Bill rate of 1.50%.

The investment reports will be on the May 5, 2008 City Council Agenda for their review and acceptance. Please call me if you have any questions on these reports.

attachment (as stated above)



CITY OF SHERMAN, TX
Investment Report Summary
March 31, 2008

This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law. At March 31, 2008, investment book value was about \$32.4 million and had increased by approximately \$4.6 million from three months prior. Increases in investment balances are customary during this quarter each year due to significant property tax collections. The City's investment portfolio includes interest-bearing demand deposits, repurchase agreements through the depository, investment pools that strive to maintain a 100% net asset value, U.S. Treasury securities, and U.S. Agency securities.

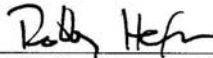
The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of March 31, 2008. The weighted-average maturity of the portfolio was about 39 days at March 31, 2008 compared to about 75 days at December 31, 2007. The decrease in weighted-average maturity occurred because there were no investments purchased during the period.

The market value of the portfolio was 100.24% of book value as of March 31, 2008. This percentage was slightly higher than, 2007 because of the effect of falling interest rates in the market.

The portfolio yield of 3.35% at March 31, 2008 was higher than the benchmark yield on the 180-day T-Bill, which was 1.50%. Short-term market interest rates decreased significantly during the period, as the Federal Reserve seeks to bolster the sluggish economic through rate decreases.

There were two securities that matured during the quarter with a par value totaling \$3,000,000. No new securities were purchased during the quarter. All other transactions were routine.

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



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



Mary Lawrence, Controller and City of
Sherman Investment Officer

CITY OF SHERMAN, TX
Detailed Investment Report
As of March 31, 2008

Investment	Par	VALUES - December 31, 2007		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - March 31, 2008	
		Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change In Market Price	Book	Market
DEMAND DEPOSITS									
Depository Bank-Chase		\$ 1,274,717	\$ 1,274,717	\$ 318,473	\$ -	\$ 318,473	\$ -	\$ 1,593,190	\$ 1,593,190
Depository Bank-Landmark		\$ -	\$ -	\$ 1,530,335	-	\$ 1,530,335	-	\$ 1,530,335	\$ 1,530,335
Depository Bank-Repos		1,838,149	1,838,149	7,208,755	-	7,208,755	-	9,046,904	9,046,904
Savings Account		1,518,841	1,518,841	(1,518,841)	-	(1,518,841)	-	-	-
		<u>4,631,707</u>	<u>4,631,707</u>	<u>7,538,722</u>	<u>-</u>	<u>7,538,722</u>	<u>-</u>	<u>12,170,429</u>	<u>12,170,429</u>
INVESTMENT POOLS									
Tex-Pool		5,880,211	5,881,328	-	52,260	-	52,863	5,932,471	5,934,191
TexStar		6,197,875	6,199,124	-	54,826	-	55,153	6,252,701	6,254,277
		<u>12,078,086</u>	<u>12,080,453</u>	<u>-</u>	<u>107,086</u>	<u>-</u>	<u>108,016</u>	<u>12,185,172</u>	<u>12,188,468</u>
SECURITY INVESTMENTS									
Treasury Note 4.375% 12/31/07	2,000,000	2,000,000	2,000,000	(2,000,000)	-	(2,000,000)	-	-	-
Treasury Note 4.625% 3/31/08	1,000,000	1,001,637	1,003,360	(1,000,000)	(1,637)	(1,000,000)	(3,360)	-	-
FHLB 4.48% 4/18/08	1,000,000	999,915	999,690	-	64	-	1,250	999,979	1,000,940
FHLB 4.875% 6/4/08	1,000,000	1,001,661	1,001,250	-	(831)	-	3,130	1,000,830	1,004,380
Treasury Note 5% 7/31/08	1,000,000	1,005,436	1,008,750	-	(2,323)	-	3,050	1,003,113	1,011,800
FNMA 3.25% 8/15/08	1,000,000	992,199	993,440	-	2,909	-	9,690	995,108	1,003,130
FHLB 4.25% 9/12/08	1,000,000	998,660	999,660	-	445	-	8,470	999,105	1,008,130
Treasury Note 4.875% 10/31/08	1,000,000	1,007,487	1,012,110	-	(2,234)	-	7,970	1,005,253	1,020,080
FNMA 3.875% 11/17/08	1,000,000	995,627	997,500	-	1,188	-	11,880	996,815	1,009,380
FHLMC 3.875% 1/12/09	1,000,000	\$995,352	\$998,750	-	1,065	-	13,440	996,417	1,012,190
		<u>10,997,972</u>	<u>11,014,510</u>	<u>(3,000,000)</u>	<u>(1,352)</u>	<u>(3,000,000)</u>	<u>55,520</u>	<u>7,996,620</u>	<u>8,070,030</u>
		<u>27,707,765</u>	<u>27,726,670</u>	<u>\$4,538,722</u>	<u>\$105,734</u>	<u>\$4,538,722</u>	<u>\$163,535</u>	<u>\$32,352,221</u>	<u>\$32,428,927</u>

CITY OF SHERMAN, TX
Comparison of Portfolio to Policy Limits
As of March 31, 2008

<u>LIMITS ON TYPES OF SECURITIES</u>	<u>Target Investment Level</u>	<u>Portfolio Cap</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Demand Deposits	100%	100%	37.62%	62.38%
Bank Time Deposits	25%	30%	0.00%	30.00%
U. S. Treasury Securities	80%	85%	6.21%	78.79%
U. S. Agency Securities	45%	50%	18.51%	31.49%
Investment Pools	45%	50%	37.66%	12.34%

<u>LIMITS ON MATURITIES</u>	<u>Minimum Allowable Percentage of Portfolio</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
Available within 1 month	25%	78.37%	53.37%
Available within 3 months	33%	81.47%	48.47%
Available within 6 months	45%	90.73%	45.73%
Available within 1 year	60%	100.00%	40.00%
Available within 2 years	70%	100.00%	30.00%
Available within 3 years	80%	100.00%	20.00%
Available within 4 years	90%	100.00%	10.00%
Available within 5 years	100%	100.00%	0.00%

	<u>Maximum Allowable</u>	<u>Actual Average Maturity</u>	<u>Policy Limit Days Available</u>
Weighted Average Days to Maturity	500	38.64	461.36

CITY OF SHERMAN, TX**Calculation of Weighted Average Maturity and Yield****As of March 31, 2008**

	<u>Market Value</u>	<u>Book Value</u>	<u># of Days To Maturity</u>	<u>Original Yield to Maturity</u>	<u>Percent of Portfolio</u>
Demand Deposits					
Depository Bank - Chase	1,593,190	1,593,190	0	0.00%	4.92%
Depository Bank - Landmark	1,530,335	1,530,335	0	2.86%	4.73%
Depository Bank - Repos	<u>9,046,904</u>	<u>9,046,904</u>	0	2.91%	<u>27.96%</u>
	12,170,429	12,170,429			37.62%
Investment Pools					
Tex-Pool	5,934,191	5,932,471	1	3.55%	18.34%
TexStar	<u>6,254,277</u>	<u>6,252,701</u>	1	3.54%	<u>19.33%</u>
	12,188,468	12,185,172			37.66%
Federal Securities and Notes					
FHLB 4.48% 4/18/08	1,000,940	999,979	18	4.50%	3.09%
FHLB 4.875% 6/4/08	1,004,380	1,000,830	65	4.52%	3.09%
Treasury Note 5% 7/31/08	1,011,800	1,003,113	122	4.04%	3.10%
FNMA 3.25% 8/15/08	1,003,130	995,108	137	4.45%	3.08%
FHLB 4.25% 9/12/08	1,008,130	999,105	165	4.43%	3.09%
Treasury Note 4.875% 10/31/08	1,020,080	1,005,253	214	3.95%	3.11%
FNMA 3.875% 11/17/08	1,009,380	996,815	231	4.37%	3.08%
FHLMC 3.875% 1/12/09	<u>1,012,190</u>	<u>996,417</u>	287	4.32%	<u>3.08%</u>
	8,070,030	7,996,620			24.72%
TOTAL	<u>\$32,428,927</u>	<u>\$32,352,221</u>			<u>100.00%</u>
Weighted Average Maturity					
Weighted Average Days to Maturity				38.64	
Weighted Average Days to Maturity-Operating (ex.depository bank-checking)				61.94	
Weighted Average Yield					
Weighted Average Yield				3.35%	
Weighted Average Yield - Operating (excluding depository bank-checking)				3.56%	
Yield to Maturity of 180 day T-Bill at March 31, 2008				1.50%	

CITY OF SHERMAN, TX
Market Value Analysis
As of March 31, 2008

CHANGES IN MARKET VALUE:

BEGINNING VALUE - December 31, 2007		\$27,726,670
<u>INVESTMENT ACTIVITY:</u>		
Purchases	-	
Maturities	(3,000,000)	
Net Changes in Market Price	<u>55,520</u>	
		(2,944,480)
Bank and Pooled Investment Deposits/(Withdrawals) - Net		<u>7,646,738</u>
ENDING VALUE - March 31, 2008		<u><u>\$32,428,927</u></u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

<u>BEGINNING VALUE - December 31, 2007</u>		
Market Value	\$27,726,670	
Book Value	\$27,707,765	
Ratio of Market Value to Book Value		100.07%
 <u>ENDING VALUE - March 31, 2008</u>		
Market Value	\$32,428,927	
Book Value	\$32,352,221	
Ratio of Market Value to Book Value		100.24%

CITY OF SHERMAN, TX
Year To Date Investment Transaction Report
As of March 31, 2008

PURCHASES

<u>Date</u>	<u>Type</u>	<u>Principal Purchase Price</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>	<u>Maturity Date</u>
NONE					

MATURITIES

<u>Date</u>	<u>Type</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>
12/31/2007	Treasury Note 4.375%	\$2,000,000	5.09%
3/31/2008	Treasury Note 4.675%	\$1,000,000	3.94%
Total Maturities		\$3,000,000	

CITY OF SHERMAN, TX
CO Debt Proceeds
Investment Report Summary
March 31, 2008

This report complies with the requirements of the public funds investment law and covers Certificate of Obligation Debt Proceeds of the City of Sherman that is subject to that law. At March 31, 2008, investment book value was about \$5.0 million due to the initial deposit of proceeds made on March 27, 2008. The City's investment portfolio includes an investment pool that strives to maintain a 100% net asset value.

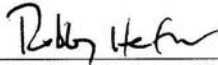
The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of March 31, 2008. The weighted-average maturity of the portfolio was 1 day at March 31, 2008.

The market value of the portfolio was 100.03% of book value as of March 31, 2008.

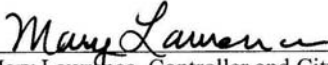
The portfolio yield of 2.98% at March 31, 2008 was higher than the benchmark yield on the 180-day T-Bill, which was 1.50%.

All other transactions were routine.

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



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



Mary Lawrence, Controller and City of
Sherman Investment Officer

CITY OF SHERMAN, TX
CO Debt Proceeds
Detailed Investment Report - Debt Proceeds
As of March 31, 2008

Investment	VALUES - December 31, 2007		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - March 31, 2008	
	Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change in Market Price	Book	Market
TEX-POOL	-	-	\$ 4,952,294	-	\$ 4,952,294	1,248	\$ 4,952,294	\$ 4,953,542

CITY OF SHERMAN, TX
CO Debt Proceeds
Comparison of Portfolio to Policy Limits
As of March 31, 2008

LIMITS ON MATURITIES	Minimum Allowable Percentage of Portfolio	Actual Percentage of Portfolio	% Variance Policy Limits
Cash Demands within 1 month	10%	100.00%	90.00%
Cash Demands within 3 months	14%	100.00%	85.96%
Cash Demands within 6 months	40%	100.00%	59.70%
Cash Demands within 1 year	77%	100.00%	23.34%
Cash Demands within 2 years	100%	100.00%	0.00%

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

CITY OF SHERMAN, TX
CO Debt Proceeds
Calculation of Weighted Average Maturity and Yield
As of March 31, 2008

Investment Pool					
	<u>Market Value</u>	<u>Book Value</u>	<u># of Days To Maturity</u>	<u>Original Yield to Maturity</u>	<u>Percent of Portfolio</u>
Tex-Star	\$ 4,953,542	\$ 4,952,294	1	2.98%	100.00%

Weighted Average Maturity	
Weighted Average Days to Maturity	1
Weighted Average Yield	
Weighted Average Yield	2.98%
Yield to Maturity of 180 day T-Bill at March 31, 2008	1.50%

CITY OF SHERMAN, TX
CO Debt Proceeds
Market Value Analysis
As of March 31, 2008

CHANGES IN MARKET VALUE:

BEGINNING VALUE - December 31, 2007		\$ -
<u>INVESTMENT ACTIVITY:</u>		
Purchases	4,952,294	
Maturities	-	
Net Changes in Market Price	1,248	
		4,953,542
Pooled Investment Deposits/(Withdrawals) - Net		-
ENDING VALUE - March 31, 2008		<u>\$4,953,542</u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:

<u>BEGINNING VALUE - December 31, 2007</u>		
Market Value	\$ -	
Book Value	\$ -	
Ratio of Market Value to Book Value		0.00%
 <u>ENDING VALUE - March 31, 2008</u>		
Market Value	\$4,953,542	
Book Value	\$4,952,294	
Ratio of Market Value to Book Value		100.03%

CITY OF SHERMAN, TX
CO Debt Proceeds
Year To Date Investment Transaction Report
As of March 31, 2008

PURCHASES

There were no purchases during the period.

MATURITIES

There were no maturities during the period.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.7

*** OTHER BUSINESS**

**Final Plat Approval of the Coursier Addition, being 0.40 acres
in the Samuel Blagg Survey, Abstract No. 56; Michael Cunha and Richard
and Paula Garcia, Owners (301, 303, 305, 307, 309 and 311 West King Street)**

Issue

To consider Final Plat approval of the Coursier Addition

Background

The property is located at the northwest corner of King and Elm Streets. This is the redevelopment of existing property that has never been platted. The owner would like to plat this property into two lots.

Origination

Michael Cunha and Richard and Paula Garcia (Owners); Sartin & Associates (Surveyors)

Board Recommendation

At the April 22, 2008 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map

Photos

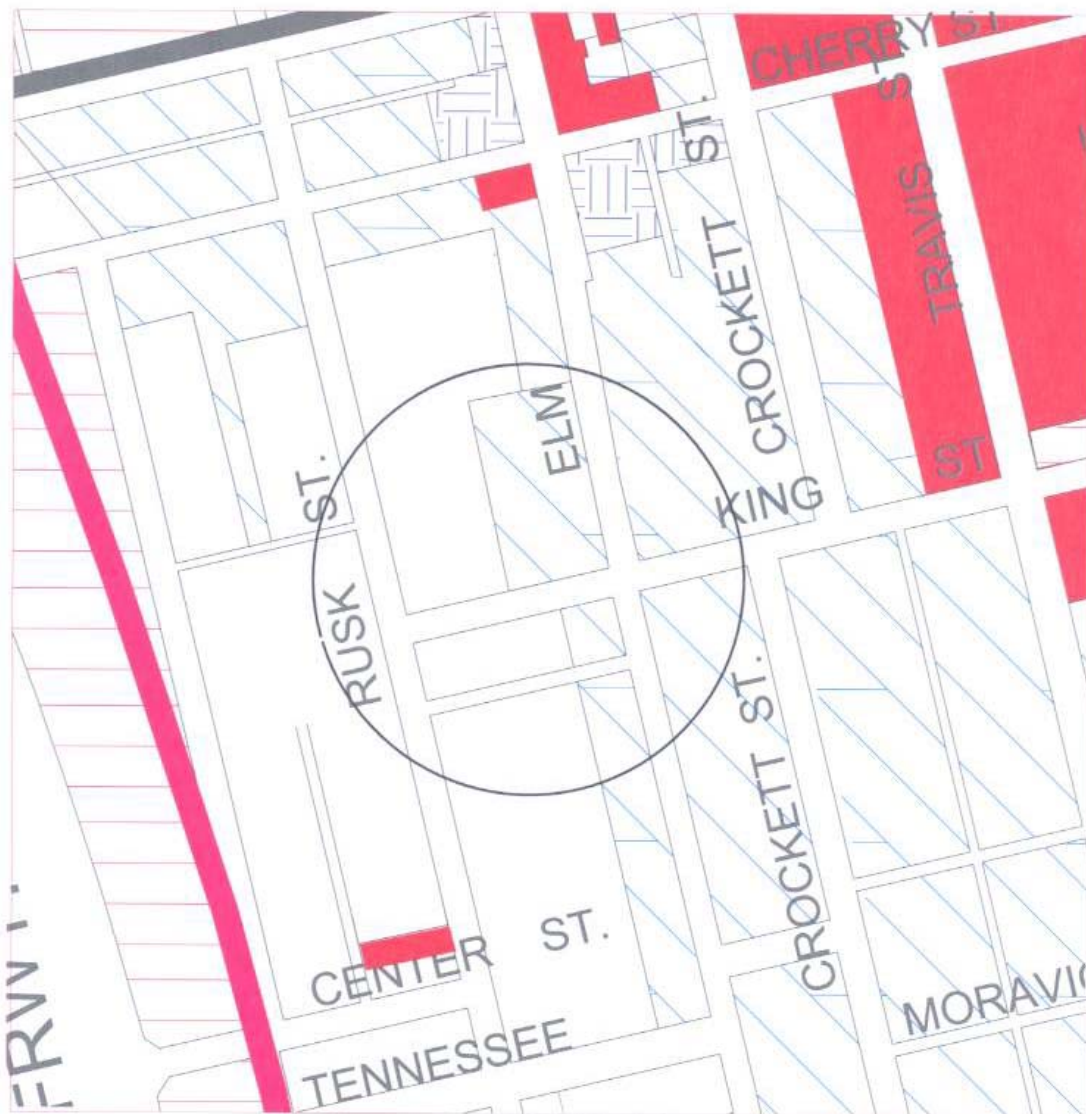
Plat

P&Z Communication

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M-H	MANUFACTURED HOUSING DISTRICT
	R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT			BLALOCK INDUSTRIAL PARK
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1	OVERLAY DISTRICT - 75 & 82
	C-1	RETAIL BUSINESS DISTRICT		O-1.1	OVERLAY DISTRICT - 1417
	C-2	GENERAL COMMERCIAL DISTRICT		O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
	CO	OFFICE DISTRICT		CPO	COLLEGE PARK OVERLAY
	M-1	LIGHT MANUFACTURING DISTRICT		A&C	ARTS & CULTURAL OVERLAY DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT		CBD	CENTRAL BUSINESS DISTRICT



300 BLOCK OF WEST KING STREET FINAL PLAT

Department of Developmental Services





Scale: 1 inch = 75.0 feet



COURSIER ADDITION

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
April 22, 2008
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Robin Atherton, Commissioner

301, 303, 305, 307, 309 and 311 W. King
.40 acres in the Samuel Blagg Survey, Abstract No. 56
Final Plat

Requested Action/Proposed Use:

Approval of Final Plat of Coursier Addition.

Background

This is redevelopment of existing property that has never been platted.

Adjacent Zoning:

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

Origination:

Michael Cunha and Richard & Paula Garcia (Owner) and Sartin & Associates (Surveyors).

Master Plan Designation:

Residential

Attachments:

Location map
Photographs
Final Plat
Staff Review

Prepared by:
Rita Gaither,
Planning & Development Coordinator

Approved by:
Mark Gibson,
Director of Utilities & Engineering Services

STAFF REVIEW LETTER

April 14, 2008

Michael Cunha
655 Filbert Street
Half Moon Bay, CA 94019

Richard & Paula Garcia
3118 Dee Ct
Fremont, CA 94536

Dear Applicants,

The request for approval of a Final Plat of the Coursier Addition concerning the property located at 301, 303, 305, 307, 309, and 311 West King Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 22, 2008 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

4. Acreage to be divided needs to be shown on Page 1 of the plat.
5. Original tax certificates to be furnished for the purpose of recording the plat.
6. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire)
7. Sidewalks and Driveways shall conform to City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
8. A copy of the private easement shall be provided to the City of Sherman Engineering Department.
9. A private water service easement indicated on the plat is required for any water service lines serving Lot 1.
10. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Jeff Miller, Director of Public Works
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Doreen E. McGookey, City Attorney
Sartin & Associates Survey Company, P.O. Box 1843, Sherman, Texas 75090



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.8

*** OTHER BUSINESS**

Consideration to Ordinance No. 2684, Section 26(B)(2)(b) for a Variance to Allow a Rural Type Subdivision with Lots less than an Acre and a Variance to Section 12(E)(2) with no Public Street Frontage in Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction in the 2100-2400 Blocks of Hudgins Road (Highway 289 Extension) and the 400-500 Blocks of Preston Club Drive, being 51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey, Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368, and the John K. Miller Survey, Abstract No. 819 (Robert J. Tate, Christopher Rehmet, and Claire Rehmet, Owners)

Issue

To consider the request of Robert J. Tate, Christopher Rehmet and Claire Rehmet (Owners) and Sartin and Associates (Surveyors) for special consideration for a variance to allow a rural type subdivision with lots less than an acre and with no public street frontage in Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction (ETJ) in the 2100-2400 Blocks of Hudgins Road (Highway 289 Extension) and the 400-500 Blocks of Preston Club Drive

Background

The property is located in the City of Sherman's ETJ and is a continuation of the Preston Club Addition.

Origination

Robert J. Tate, Christopher Rehmet and Claire Rehmet (Owners); Sartin and Associates (Surveyors)

Board Recommendation

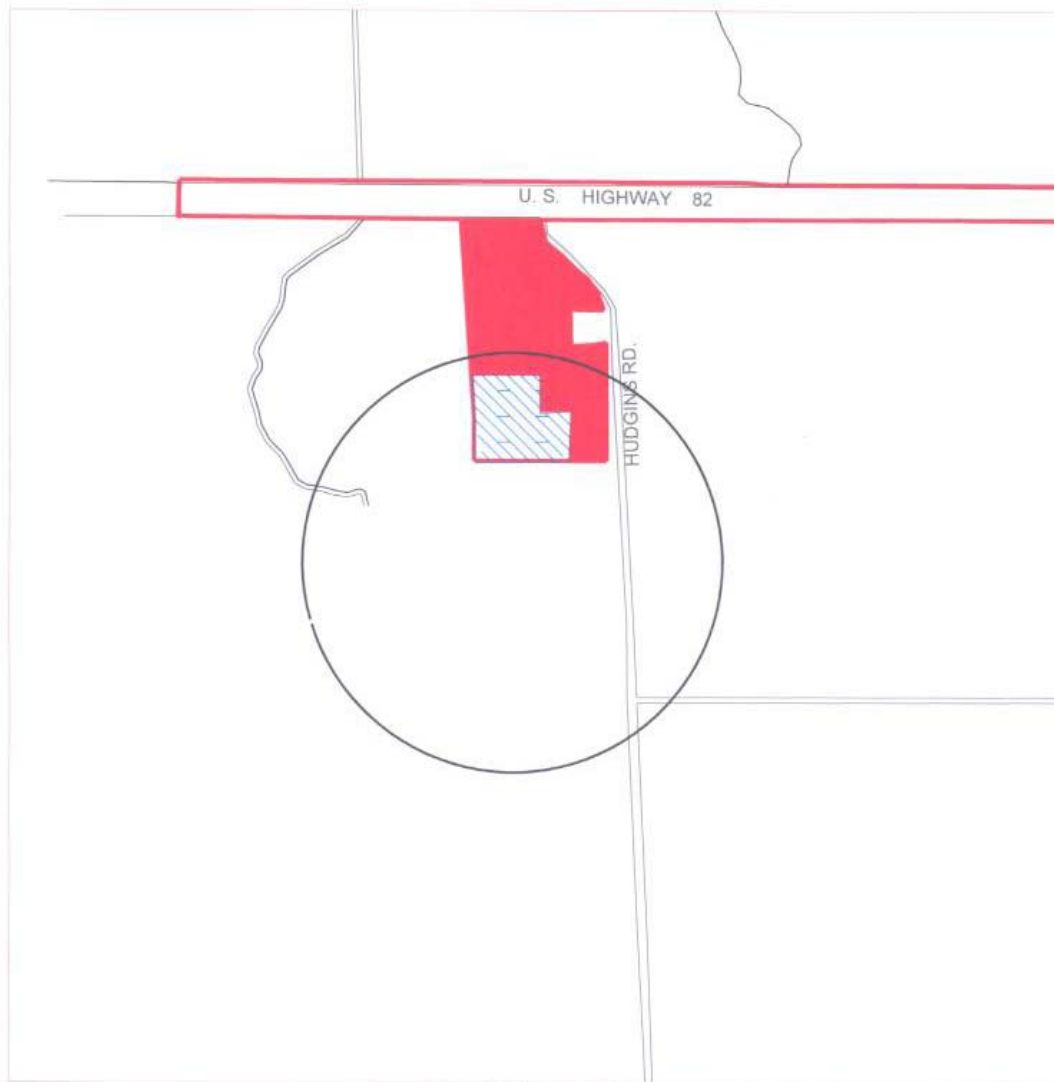
At the regular meeting on April 22, 2008, the Planning and Zoning Board voted 8/0 to approve the variance and forward the request to the City Council.

Attachments

Location Map; Photographs; Site Plan; P&Z Communications Form; Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M-H	MANUFACTURED HOUSING DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT	BLA	BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT - SAM RAYBURN FREEWAY
C-O	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLAY DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRICT



2100-2400 BLOCKS HUDGINS ROAD VARIANCE

ENGINEERING DEPARTMENT



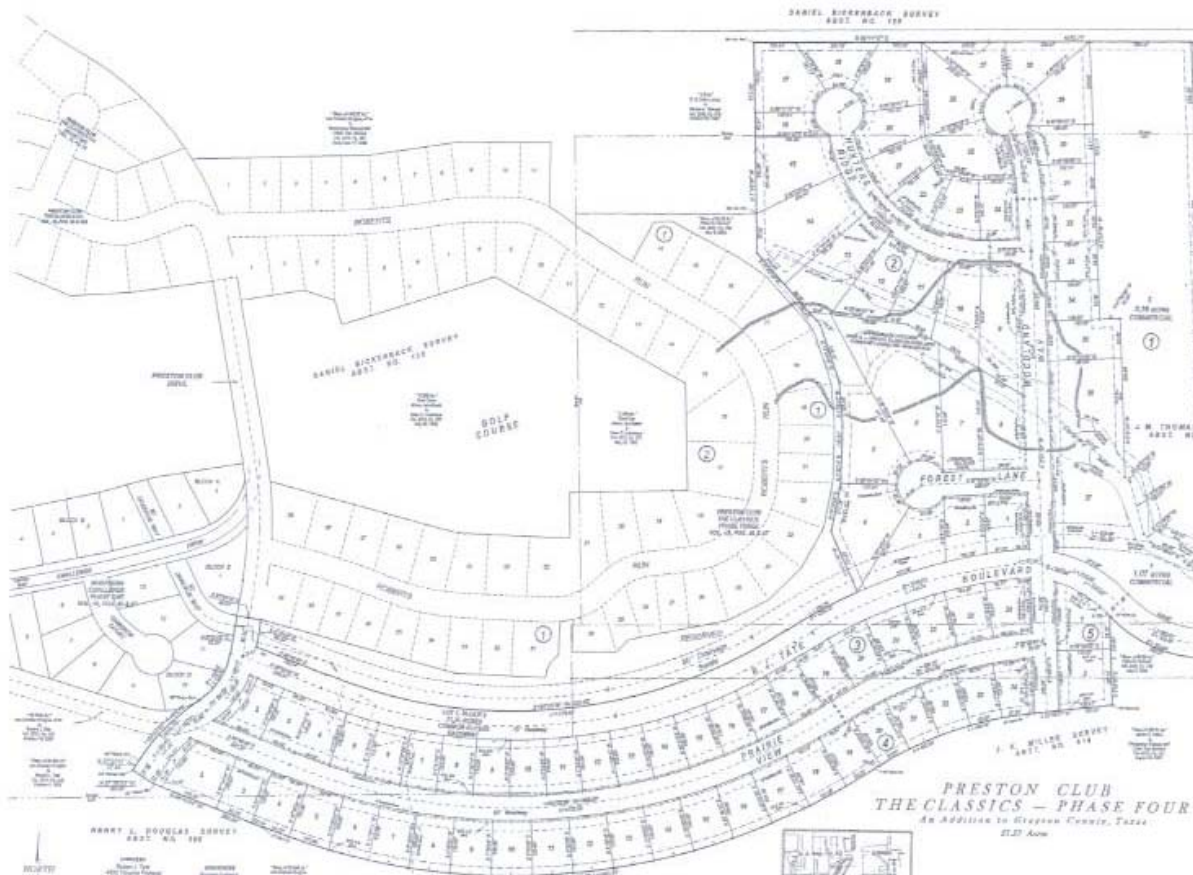


Average Scale: 1 inch = 489.2 feet

© Copyright 2006, Pictures

400-500 Blk Preston Dr.





City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
April 22, 2008
Jason Sofey, Chairman

Jim Jacobs, Vice Chairman
Jason Bethel, Commissioner
Lawrence Davis, Commissioner
Robert Softly, Commissioner

John Nix, Commissioner
Steve Jones, Commissioner
David Plyler, Commissioner
Robin Atherton, Commissioner

Variance
2100-2400 Blks Hudgins Road (Highway 289 Extension) &
400-500 Blks Preston Club Drive
Being 51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey,
Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368 and the John K. Miller Survey,
Abstract No. 819

Requested Action/Proposed Use:

Variance to allow a rural type subdivision with lots less than an acre and with no public street frontage.

Background

The property is located in the extra territorial jurisdiction of the City of Sherman and is a continuation of the Preston Club Addition.

Adjacent Zoning:

NA

Origination:

Robert J. Tate, Christopher Rehmet, Claire Rehmet (Owners), Sartin and Associates (Surveyors), and George Kalmon (Engineer)

Master Plan Designation:

Residential

Number of notices mailed:

2

Objections received:

0

Attachments:

Location map; Photographs; Site Plan

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Director of Development Services

STAFF REVIEW LETTER

March 11, 2008

Robert J. Tate
4520 Texoma Parkway
Sherman, Texas 75090

Christopher Rehmet
Claire Tate Rehmet
4520 Texoma Parkway
Sherman, Texas 75090

Dear Applicants,

The request for approval of a variance to allow a rural type subdivision with lots less than an acre and with no public street frontage concerning the property located in the 2100 - 2400 Blocks of Hudgins Road (S.H. 289 Extension) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, April 22, 2008 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. This land lies in the extra territorial jurisdiction of the City of Sherman. The plat is being reviewed using the City of Sherman rules and regulations.
2. If the subdivision is to be developed with private streets the following items shall be considered and reviewed in more detail prior to the final plat and the developer shall agree to provide the city a copy of an agreement with these terms:
 - a) Streets shall be built under the same standards and guidelines as if they were public streets.
 - b) A subdivision developed with private streets must have a mandatory property owners association which includes all property served by private streets. This association shall be responsible for the maintenance of the private streets and appurtenances.
 - c) The street itself must be a lot owned by the association and must provide an easement to the city and all utility providers for access.
 - d) The city shall not pay for any portion of the cost of construction or maintaining private streets. All other requirements and fees related to development are still applicable and must be paid by the developer.
 - e) Entrances to all private streets must be manned 24 hours a day or must provide an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification.

- f) There shall be language on the final plat, property deeds and property owner association documents that cover items such as a waiver of certain city services such as routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports.
 - a. There shall also be a clause to allow the association to request the City to accept the streets as public streets in the future.
 - b. There shall also be Hold Harmless language on the subdivision plat whereby the Property Owners Association shall release the city, governmental entities and public utilities for damage and injuries.
- 3. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

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

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

Respectfully,

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Doreen E. McGookey, City Attorney

Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
Rita Gaither, Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.9

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.10

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.11

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
Planning and Zoning Commission (1)**

Issue

Robert Softly has resigned from the Planning and Zoning Commission because he is an unopposed candidate for the Sherman City Council. The Election is May 10, 2008; and Mr. Softly will be sworn in as a Council Member on May 13, 2008. Applications are on file for the Planning and Zoning Commission from Brad Morgan, Terry Dee Rainbow, Frank Gadek, Sam Thorpe, Darren Tankersley, and Don Hicks.

Background

The Planning and Zoning Commission makes recommendations to the City Council concerning requests in the areas of public improvements; civic improvements; city planning; opening, widening and changing the streets; routing of public utilities; controlling and regulation of traffic upon public streets; and hears requests for exceptions or changes to the zoning ordinance.

Origination

The appointment originated with the City Clerk's Office.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is recommended that the City Council consider an appointment to the Planning and Zoning Commission.

Alternatives

The City Council could delay the appointment.

Attachments

A membership roster, fact sheet, applicant list, and applications are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER**PLANNING & ZONING BOARD**

LENGTH OF TERMS:THREE YEARS

City Charter Art. VII, Sec. 1-Two Term Limit

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
David Plyler	4	U 6/5/2007	8/1/2009	1	
Jason Bethel	3	U 7/23/2002 R 6/9/2005	6/9/2005 6/9/2008	1 2	
Jason Sofey Chairman	1	A 11/8/2005	11/8/2008	1	
Vacant					
Jim Jacobs	1	A 6/1/2005	6/1/2008	1	
Robin Atherton	1	A 11/6/2007	11/6/2010	1	
Lawrence Davis	4	A 8/8/2006	8/8/2009	1	
M. Steve Jones	1	A 8/8/2006	8/8/2009	1	
John Nix	1	A 7/6/2005	7/6/2008	1	

NOTE: CHAIR MAY SERVE TWO 1-YEAR APPOINTMENTS

CHAIR	APPOINTMENT DATE	DATE CHAIR EXPIRES	YEARS SERVED AS CHAIR
David Estes	A 8/1/2002	8/1/2003	1
Kelly Bickerstaff	A 8/1/2003	8/1/2004	1
Kelly Bickerstaff	R 8/1/2004	8/1/2005	2
Kelly Bickerstaff	R 8/1/2005	8/1/2006	3
Willie Steele	A 8/8/2006	8/1/2007 (Resigned 5/22/2007)	1
Jason Sofey	U 6/5/2007	8/1/2007	0
Jason Sofey	R 8/1/2007	8/1/2008	1

City Staff: Scott Shadden - Revised – 4/25/2008

FACT SHEET

PLANNING AND ZONING BOARD

Established by ORDINANCE 3143 - SEPTEMBER 27, 1976

1. Number of members NINE
2. Term of Appointment THREE YEARS
3. Consecutive Term Rule TWO TERMS - CITY CHARTER, ARTICLE VII-SECTION 1
4. Qualifications for Membership SHERMAN CITY CHARTER, ARTICLE VII-SECTION 1
5. Appointed by CITY COUNCIL
6. Board Organization ORDINANCE 4370 SET TWO-YEAR LIMIT TO SERVE AS CHAIR, EFFECTIVE 10/17/94
CHAIRPERSON Appointed by City Council
VICE CHAIR Elected by Member of Board
7. Departmental Responsibility CITY MANAGER
8. Meeting Date TUESDAY EACH MONTH @ 5:30 P.M.; SPECIAL MEETINGS AS CALLED
9. Attendance Requirements AUTOMATIC TERMINATION OF MEMBERSHIP FOR FAILURE TO ATTEND THREE CONSECUTIVE MEETINGS WITHOUT GOOD CAUSE (ORD 3143-9/27/76)

=====

PURPOSE:

To make recommendations to the City Council concerning requests in the areas of public improvements, civic improvements, city planning, opening, widening and changing the streets, routing of public utilities, controlling and regulating traffic upon public streets and ways of the city, and other related matters.

To hear requests for exceptions or changes to Zoning Ordinance; to control platting or subdividing within the City and extra territorial jurisdiction.

CITY CHARTER MEMBERSHIP REQUIREMENTS:

1. Resident of Sherman
2. Qualified Voter of the City
3. Hold no other City office during the Term on said Board

APPLICANT LIST
PLANNING AND ZONING COMMISSION

Positions Vacant 1

Applicant	Address	District	Qualifications
Brad Morgan	141 Shady Oaks Circle	1	Merrill Lynch
Terry Dee Rainbow	1103 W. College	4	Sales
Frank Gadek	5501 Bello Vista	2	Sherman Economic Development Corporation
Sam Thorpe	2502 Monte Cristo	1	Self Employed – Insurance
Darren Tankersley	1008 Western Hills	1	Knight Furniture Company
Don Hicks	1607 Crescent	4	Texoma Country Pools & Spas

COMMENTS:



CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP

RECEIVED
OCT 2007
In the
CITY CLERK'S
OFFICE

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

Name of Board or Commission: Planning & Zoning Commission

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: <u>41 Shady Oaks Circle</u>	Business Name: <u>Merrill Lynch</u>
Mailing Address: _____	Occupation: <u>Financial Advisor</u>
Telephone: <u>903 868 2352</u> Fax: _____	Address: <u>2301 Eldorado PKwy #100</u>
E-Mail: <u>brad_morgan@ML.com</u>	Telephone: <u>972 369 1980</u> Fax: <u>972 607 9388</u>
Sherman Resident for <u>36</u> years County: <u>Grayson</u>	E-Mail: <u>brad_morgan@ML.com</u>
Drivers License No.: <u>01630695</u>	
*Voter Registration No.: <u>9101725</u> ✓	

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

Prior work experience: (please include dates)

ML 2003 - current Raytheon 1995 - 1996
IT 2000 - 2003
MPMC 1996 - 2000

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1990
Business College, Correspondence School, Adult Education, Other? University of Texas @ Dallas
Name of College/University: University of Dallas ☒ Bachelor's ☒ Master's ☐ PhD

Volunteer Work: (please include dates)

Sherman Chamber of Commerce Board 2006 - current / Adviser 2005 - 2006
Sherman Airport Advisory Board 2005 - 2007

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)?
It is an opportunity to work with the city & help it grow in the right way.
I have looked forward to this for a couple of years but not been able to do it of my business
Now I am looking forward to being a part of the growth 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) Not familiar enough w/ the issues at hand. But I will always
try and make a decision looking ~~at~~ ^{to provide the} best interest for the
City of Sherman & its citizens with my action

2)

3)

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

Micro soft Office, Ten years experience as a Cost Accountant, A life long resident of Sherman
who wants to see things done correctly

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

N/A

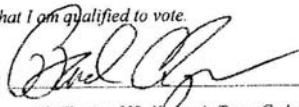
Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No
Comments:

Statement of Intent

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

*I affirm that I am qualified to vote.

Signature:



Date:

10-16-07

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.





CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP

RECEIVED
2007
In the
CITY CLERK'S
OFFICE

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:

TERRY DEE RAINBOW

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

Name of Board
or Commission:

PLANNING & ZONING COMMISSION

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: 1103 W. College	Business Name:
Mailing Address: SAME	Occupation: SALES
Telephone: 819-0022 Fax: 813-5445	Address: 506 E TAYLOR
E-Mail: TDR7@CARLEONE.NET	Telephone: 903-819-0022 Fax: 903-813-5445
Sherman Resident for 15 years County: GRAYSON	E-Mail: TDR7@CARLEONE.NET
Drivers License No.: 05383520	
*Voter Registration No.: 1025061636 ✓	

Which Council District do you live in? (see attached map)

D1 D4 ✓

Prior work experience: (please include dates)

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1971

Business College, Correspondence School, Adult Education, Other?

Name of College/University: UNIVERSITY OF OKLAHOMA ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Through my Church

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.

N/A

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? NONE

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

I BELIEVE THAT I COULD HELP GUIDE THE CITY THROUGH ITS UPCOMING GROWTH. HELP OUR CITY GROW AND CREATE A REVENUE BASE

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) UPCOMING GROWTH - I BELIEVE THE COMMISSION NEEDS TO LOOK AT SOME OF THE OTHER CITIES THAT ARE EXPERIENCING OUR KIND OF GROWTH.

2) CURRENT GROWTH

UP GRADE OUR CURRENT GROWTH

DO NOT ACCEPT LESS THAN - EXPECT MORE

3)

LET'S MAKE SHERMAN A CITY THAT OTHER CITIES WOULD LIKE TO BE LIKE

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

I'VE SERVED ON FAITH CHURCH BUILDING COMMITTEE. SUB CONTRACTOR 3-HOMES. WANT CITY OF SHERMAN TO BE A MODEL CITY - A CITY THAT OTHER CITIES WANT TO BE LIKE

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

NONE

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

Comments: I BELIEVE I CAN MAKE AN IMPACT

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.

*I affirm that I am qualified to vote.

Signature: [Signature]

Date: 06/11/07

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.





CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP

Return completed application to:

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

Name of Board
or Commission: Planning & Zoning Commission

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

Personal Information	Occupational Information
Home Address: <u>5501 Belle Vista</u>	Business Name: <u>SEDCO</u>
Mailing Address: <u>307 W. Washington St 102</u>	Occupation: <u>Financial Developer</u>
Telephone: <u>903-868-2564</u> Fax: <u>903-813-0403</u>	Address: <u>307 W. Washington St 102</u>
E-Mail: <u>Frankga@sedco.org</u>	Telephone: <u>903-868-2564</u> Fax: <u>903-813-0403</u>
Sherman Resident for <u>24</u> years County: <u>Grayson</u>	E-Mail: <u>Frankga@sedco.org</u>
Drivers License No.: <u>13476017</u>	
*Voter Registration No.: <u>8501008</u> ✓	

Which Council District do you live in? (see attached map) D-2 ✓

Prior work experience: (please include dates)
Verizon/GTE 1973-1994

Educational Achievement:

High School Graduate? ☐ Yes ☐ No Year Graduated/Left School? _____

Business College, Correspondence School, Adult Education, Other? _____

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

Volunteer Work: (please include dates)

Rotary; Child & Family Guidance Center of Texoma (Board);
Center for Workplace Learning Board.

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)?

Participate in Sherman growth & development.

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) *Review building codes (revisions)*

2) *Review of overlay districts (revisions)*

3) *Review of developer ordinance (revisions)*

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

Property development, real estate licensee, business development

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:

Would have to abstain from decisions pertaining to SECO projects

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.

*I affirm that I am qualified to vote.

Signature: _____

L.C. Faldk

Date: _____

2/8/08

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.





CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP

RECEIVED
FEB 2008
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OFFICE

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

Please type or use black ink

Please complete one application for each board or commission membership
Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name:

SAM THORPE

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

Name of Board
or Commission:

PLANNING & ZONING COMMISSION

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information

Occupational Information

Home Address: 2502 MINTS CREST

Business Name: SELF

Mailing Address:

Occupation: INSURANCE

Telephone: 938/52217

Fax:

Address:

E-Mail: SAMJTHORPE@gmail.com

Telephone:

Fax:

Sherman Resident for 40 years

County:

E-Mail:

Drivers License No.:

08944363 ✓

*Voter Registration No.:

Which Council District do you live in? (see attached map)

Dist 1 ✓

Prior work experience: (please include dates)

Educational Achievement:

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

Business College, Correspondence School, Adult Education, Other?

Name of College/University: AUSTIN COLLEGE ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

HABITAT FOR HUMANITY (current), KAWANIS (current), Boy Scouts 1990-2001,
JUNIOR ACHIEVEMENT 1990-1995,

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)?

I would like to ensure that Sherman's growth is done with quality in mind.

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) Enforcement - currently the code enforcement officers only react to complaints. I believe this board to support & encourage city staff to be proactive. It is not the responsibility of citizens to turn these neighbors in.

2) Differences in Buildings - We are getting to many metal buildings in Sherman. We have to hold everyone to a higher standard.

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

Previous experience in this board Building experience.

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:

NA

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.

*I affirm that I am qualified to vote.

Signature:

[Handwritten Signature]

Date:

2/17/08

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.





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: Darren Wade Tankersley - Darren Tankersley
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Planning and Zoning Commission

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

Personal Information

Home Address: 1008 Western Hills
Mailing Address: _____
Telephone: (903) 892-4853 Fax: _____
E-Mail: darren@knightfurniture.com
Sherman Resident for 36 years County: 36
Drivers License No.: 12201687
*Voter Registration No.: 102 498 4126 ✓

Occupational Information

Business Name: Knight Furniture Co.
Occupation: General Manager
Address: 108 W. Lamar
Telephone: (903) 893-9484 Fax: (903) 893-9480
E-Mail: darren@knightfurniture.com

Which Council District do you live in? (see attached map) D-1 ✓

Prior work experience: (please include dates)

I have been with Knight Furniture for 21 years and have worked in all areas of the business. I began my management career in 1994 as Gainesville Store Manager and then in 2000 was the Operations Manager and in 2002 became the Company General Manager and oversee the entire company.

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1987
Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: Grayson County College ☐ Bachelor's ☐ Master's ☐ PhD
UNT - 20 hours short of Bachelors ☒ Associates

Volunteer Work: (please include dates)

Being a father of 4 teenage children most of my time away from work involves sports and youth events with the church. My wife and I volunteer for youth group events and we often are a host home for overnight and weekend events for the youth group.

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)?

I want to be involved in working on issues that allow for growth and development in our community.

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) Master Plan - Update the Master Plan to have a reliable guide to use to help facilitate development and transportation in Sherman and to direct positive growth. It is vital to have a comprehensive plan that is forward thinking and is ~~designed~~ designed for growth.
- 2) Overlay Districts - Set a standard for development along our major thoroughfares and highways to allow for continued growth in these areas. We should also be open to make changes as needed to allow for these areas to continue to grow.
- 3) Substandard Neighborhoods & Business Districts - Develop more guidelines to prevent substandard neighborhoods and business districts from falling further into disorder. How we deal with these issues is vital to how potential developers and businesses view our commitment for growth.

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

Leadership skills, communicate well with the public, served the area for the last 21 years in a local business, multi-tasking skills.

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.

*I affirm that I am qualified to vote.

Signature: _____

Date: _____

3-25-08

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.





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: Donald Kevin Hicks (Don Hicks)
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Planning And Zoning

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

Personal Information

Home Address: 1607 Crescent Dr
Mailing Address: Same
Telephone: 903-893-2490 Fax: _____
E-Mail: Texoma country 24 @ MSN. com
Sherman Resident for 10 years County: 16 yrs
Drivers License No.: 09976177
*Voter Registration No.: 1025032277 ✓

Occupational Information

Business Name: Texoma Country Pools + Spas
Occupation: General Manager
Address: 3811 Texoma Pkwy
Telephone: 903-891-3483 Fax: 903-893-7699
E-Mail: FAN@TEXOMAPOOLSANDSPAS.COM

Which Council District do you live in? (see attached map) #4 ✓

Prior work experience: (please include dates)

Build & manage swimming pool company 1998 to Present
Insurance Adjuster 1987 to 1998

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1982
Business College, Correspondence School, Adult Education, Other? _____
Name of College/University: UT Arlington ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

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)?
I feel it is my obligation to serve + give back to the city that I live in.

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) Growth of Business + Residential Areas - Each issue should be heard + considered using both the ordinance language + common sense.

2) _____

3) _____

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

10 yrs experience in construction + running a small business.
Ability to read + understand legal documents.

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: Attended recent meeting concerning construction of Petro homes in West Sherman.

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.

*I affirm that I am qualified to vote.

Signature: Don Hall

Date: 4/3/08

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 CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.12

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. D.13

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-5-2008

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2008

CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		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		

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					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	

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					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						

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	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				

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			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	

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						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						

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	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			

01/21/08 - M.L.K., Jr. Birthday - Called Council Meeting on 01/22/08
02/29/08 - 12:00 Noon Called Meeting with Chamber Board
05/10/08 - City Council Election
05/13/08 - 12:00 Noon Called Meeting to Canvass Election Results
09/01/08 - Labor Day - Called Council Meeting on 09/02/08