

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, MAY 3, 2010
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 PAMELA L. HOWETH](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 19, 2010](#)

Proclamations

- A.5 [PROCLAMATION](#)
“National Tourism Week” – May 8-16, 2010

Public Hearing

- B.1 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5650](#)
Providing for Permanent “No Parking” Signs Restricting Parking along the North and South Sides of Sparrow Lane and Moravec Lane, from Travis Street to Crockett Street, within the City Limits of the City of Sherman

Close Public Hearing and Consider Adoption of Ordinances

- B.2 [ADOPTION OF ORDINANCES](#)
Consider Adoption of Ordinance Number: 5650
- B.3 [CONSENT AGENDA](#)
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

- C.1 [* RESOLUTION NO. 5484](#)
Approving the Greater Texoma Utility Authority’s Intention to Contract with Howard-Estruct JV, LLC. for Construction of the U.S. Highway 75 North Sewer Improvements, Contract “D”

C.2 [* RESOLUTION NO. 5485](#)

Approving the Greater Texoma Utility Authority's Intention to Contract with ITT Flygt Corporation for the Acquisition of Pumping Equipment for the U.S. Highway 75 North Sewer Improvements, Contract "D"

C.3 [* RESOLUTION NO. 5486](#)

Awarding a Bid to and Authorizing Execution of a Contract with Martin Asphalt Company for the Purchase of an Annual Supply of Emulsified Asphalt Oil for the 2010 Seal Coat Program

C.4 [* RESOLUTION NO. 5487](#)

Authorizing Execution of an Encroachment Easement to Robert W. McNinch for Construction of a Modular Block Retaining Wall in the Street Right-of-Way of Catalina Circle and Canyon Creek Drive located at Lot 16, Block 2 of the Canyon Creek Addition, Replat of Section One to the City of Sherman (1801 Catalina Circle)

C.5 [* RESOLUTION NO. 5488](#)

Authorizing Execution of an Agreement with Gonzalo Navarro Ramirez and Crews Felipe Ramirez for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1616 South Elm Street

Other Business

D.1 [OTHER BUSINESS](#)

Receive Parks and Recreation Update from Administrator Kevin Winkler

D.2 [* OTHER BUSINESS](#)

Approve Quarterly Investment Reports for Period ending March 31, 2010

D.3 [CITIZEN REQUESTS](#)

D.4 [MEDIA QUESTIONS](#)

D.5 [COUNCIL COMMENTS](#)

Executive Session

E.1 [EXECUTIVE SESSION](#)

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

- Section 551.071 Consultation with City Attorney Concerning Pending or Contemplated Litigation:
(a) Receive the City Attorney's Briefing on Potential Litigation
- Section 551.072 Deliberations Regarding Real Property:
(a) Deliberate Regarding the Purchase, Exchange, Lease, or Value of Real Property:
(i) Blalock Fire Station in the 100 Block of Highway 1417 East

The Council reconvenes into General Session

F.1 [OPEN MEETING](#)

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

F.2 [ADJOURNMENT](#)

[COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

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: 5-3-2010

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Pamela L. Howeth, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF APRIL 19, 2010

STATE OF TEXAS

§

April 19, 2010

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 19, 2010.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR JOE SMITH.
COUNCIL MEMBERS ADAMI, HOWETH, SOFTLY, STEELE,
WACKER.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:01 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Robert Softly.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of April 5, 2010. Council Member Adami moved to approve the Minutes as presented; Second by Council Member Steele.

APPROVE MINUTES

Council Member Wacker asked to amend the Minutes to read "Council Member Wacker asked if the project had been scaled back to include a sidewalk on one side." Council Member Adami amended his motion to approve the Minutes, as amended; Second by Council Member Steele. All present voted AYE.

MOTION CARRIED.

PROCLAMATION

"YOUNG LIFE"

Deputy Mayor Smith presented a proclamation recognizing the 25th Anniversary of "Young Life" to Alex Clark, Young Life Student Staff.

YOUNG LIFE
PROCLAMATION

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5648 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5570 IN ITS ENTIRETY; RESCINDING THE SIXTY (60) MILES PER HOUR MAXIMUM RATE OF SPEED ON U.S. HIGHWAY 82 IN THE CORPORATE LIMITS OF SHERMAN, GRAYSON COUNTY, TEXAS, ESTABLISHED DURING THE TEXAS DEPARTMENT OF TRANSPORTATION'S CONSTRUCTION PROJECT PTF 2008 (247); PROVIDING FOR A REPEALER.

ORD 5648
RESCIND SPEED
LIMIT ON HWY 82
DURING TXDOT
PROJECT

No citizens appeared before the City Council to discuss Ordinance 5648.

Mayor Magers introduced Ordinance 5649 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 SHERMAN INDEPENDENT SCHOOL DISTRICT, SHERMAN, TEXAS, ON THE 8TH DAY OF MAY, 2010, FOR THE PURPOSE OF ELECTING THREE (3) SHERMAN INDEPENDENT SCHOOL DISTRICT TRUSTEES FOR SAID SCHOOL DISTRICT.

ORD 5649
ELECTION OFFICIALS
FOR SISD ELECTION

No citizens appeared before the City Council to discuss Ordinance 5649.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 5648

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5570 IN ITS ENTIRETY; RESCINDING THE SIXTY (60) MILES PER HOUR MAXIMUM RATE OF SPEED ON U.S. HIGHWAY 82 IN THE CORPORATE LIMITS OF SHERMAN, GRAYSON COUNTY, TEXAS, ESTABLISHED DURING THE TEXAS DEPARTMENT OF TRANSPORTATION'S CONSTRUCTION PROJECT PTF 2008 (247); PROVIDING FOR A REPEALER.

ORD 5648
RESCIND SPEED
LIMIT ON HWY 82
DURING TXDOT
PROJECT

Ordinance 5649

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 SHERMAN INDEPENDENT SCHOOL DISTRICT, SHERMAN, TEXAS, ON THE 8TH DAY OF MAY, 2010, FOR THE PURPOSE OF ELECTING THREE (3) SHERMAN INDEPENDENT SCHOOL DISTRICT TRUSTEES FOR SAID SCHOOL DISTRICT.

ORD 5649
ELECTION OFFICIALS
FOR SISD ELECTION

Mayor Magers said that the City is appointing Election officials for the School District's Election and he asked if the City was responsible for the Election Judges as well. Linda Ashby, City Clerk, explained that the City originally appointed the Judges however the husband of one Judge is ill and she will be unable to work. The City does appoint Election Judges for the School District even though the City canceled their Election.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance Nos. 5648 and 5649, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY:

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Robby Hefton, Assistant City Manager/CFO, requested that Item D-1 entitled "Request to Advertise – Lease Purchase Financing of Capital Equipment" be removed from the Consent Agenda for discussion in its regular order of business.

Mayor Magers confirmed that with the removal of Item D-1 from the Consent Agenda, only Item C-1 remained on the Consent Agenda.

RESOLUTIONS

RESOLUTION NO. 5483 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HABITAT FOR HUMANITY OF GRAYSON COUNTY FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1413 NORTH BRENTS AVENUE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HABITAT FOR HUMANITY OF GRAYSON COUNTY FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1413 NORTH BRENTS AVENUE.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution 5483, as presented. Second by Council Member Adami.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.

VOTING NAY:

MOTION CARRIED.

REQUEST TO ADVERTISE

LEASE-PURCHASE FINANCING OF CAPITAL EQUIPMENT

Mr. Hefton asked that Item D-1 be removed from the Consent Agenda for discussion in its regular order of business.

He explained that the staff originally drafted the request to advertise to be only a lease-purchase type of financing and they want to expand that so if there are some banks that want to provide a conventional, 7 year, commercial loan, it would be acceptable too. They are not so concerned about the form of the loan, but are more concerned about financing it over the life of the unit.

Mayor Magers verified that the request would read "financing of capital equipment" instead of "lease-purchase financing."

ACTION TAKEN.

Motion by Council Member Wacker to approve the request to advertise for Lease-Purchase Financing of Capital Equipment, with the change to read "financing of capital equipment." Second by Council Member Adami.

CONSENT AGENDA

RES 5483

RESIDENTIAL TAX
ABATEMENT
(1413 N. BRENTS)

REQ TO ADVERTISE
LEASE-PURCHASE
OF CAPITAL
EQUIPT.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY:
MOTION CARRIED.

OTHER BUSINESS

**RECEIVE QUARTERLY PROGRESS REPORT FROM
SHERMAN ECONOMIC DEVELOPMENT CORPORATION
BOARD MEMBER KELLY BICKERSTAFF AND SEDCO
PRESIDENT JOHN BOSWELL**

**SEDCO QUARTERLY
REPORT**

Kelly Bickerstaff, Sherman Economic Development Corporation Board Member, presented the Quarterly Progress Report for the Board.

He said the economy has extended to Sherman but SEDCO continues to work with existing employers to try and maintain their employment levels and their success. They have also completed mandatory Board training.

Mr. Bickerstaff said SEDCO extended their land option agreement with Panda Energy and that project continues to move forward, although not as quickly as was hoped. They have also completed a performance agreement with West Asset Management that was approved in 2005. They complied with all requirements.

This year, Folgers and MEMC announced that they would cease operations during the first quarter of 2011. SEDCO continues to work with those companies to find alternative uses for the facilities.

They are currently discussing with some companies potential expansion to Sherman and there is hope for a positive turn around in the economy.

Mayor Magers asked if he knew the status of GlobiTech's air permit. Mr. Bickerstaff did not know the status.

**RECEIVE CHIEF ANIMAL CONTROL OFFICER SCOTT
PARKER'S REPORT ON THE SHERMAN ANIMAL SHELTER'S
ADOPT-A-THON SCHEDULED FOR SATURDAY, MAY 1, 2010**
Scott Parker, Chief Animal Control Officer, and Steve West, Animal Control Officer, displayed a kitten and puppy to announce this year's Annual Adopt-A-Thon.

**ANIMAL CONTROL
ADOPT-A-THON**

Mr. Parker said this is the 14th year that the City has participated in the national event. The event will be held Saturday, May 1, 2010 from 10 a.m. to 4 p.m. at the Animal Shelter.

The adoption fee for that day is \$44 for dogs and puppies and \$33 for cats and kittens. The fee includes spay or neutering, vaccination against rabies, and a free examination by the veterinarian.

Mayor Magers thanked the Animal Control Officers for their hard work and the great job they do.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

YOUNG LIFE

Council Member Adami said he grew up with Young Life and really enjoyed it. He encouraged citizens to attend their banquet and support the organization.

YOUNG LIFE

YOUNG LIFE

Council Member Wacker and Council Member Softly both echoed Council Member Adami's comments about Young Life and said they are proud of the organization.

YOUNG LIFE

PARKS AND THE SPLASH

Mayor Magers said this past Saturday the park was packed and his sons know that The Splash opens on May 29 and are excited.

PARKS AND THE SPLASH

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

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

EXECUTIVE SESSION

SECTION 551.072

DELIBERATIONS REGARDING
REAL PROPERTY:
DELIBERATE REGARDING THE
PURCHASE, EXCHANGE, LEASE,
OR VALUE OF REAL PROPERTY:
BLALOCK INDUSTRIAL PARK /
COMMERCIAL OVERLAY
DISTRICT

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:15 p.m.

On Motion duly made and carried, the Executive Session recessed at 5:35 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

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

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. A.5

PROCLAMATION

“National Tourism Week” – May 8-16, 2010

Issue

To present a proclamation designating May 8 through 16, 2010, as “National Tourism Week” in the City of Sherman

Background

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

Origination

The request for this proclamation originated with the Tourism Department.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is the recommendation of the staff to present a proclamation proclaiming May 8th through the 16th 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, the travel industry ranks as the 5th largest employer in the United States and among the top 10 industries in 48 states and the District of Columbia when measured by employment, and

WHEREAS, travel contributes to personal growth, health, professional advancement, education, cultural understanding and the enhancement of America's image around the world, and

WHEREAS, travel can serve as a catalyst to help move the national economy forward, and

WHEREAS, the Sherman Tourism Department is dedicated to bringing appropriate tourism to the community and advancing an appreciation of Sherman's history, geography, and culture.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 8 through 10, 2010

NATIONAL TOURISM WEEK

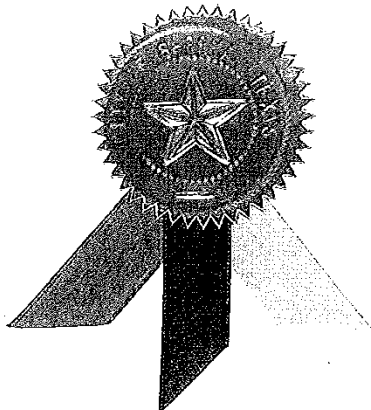
in the City of Sherman and encourage all citizens to observe this week and to promote tourism throughout Sherman

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, 2010.

Mayor

ATTEST:

Ginda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5650

Providing for Permanent “No Parking” Signs Restricting Parking along the North and South Sides of Sparrow Lane and Moravec Lane, from Travis Street to Crockett Street, within the City Limits of the City of Sherman

Issue

To introduce an ordinance and seek public input concerning the establishment of parking restrictions along the north and south sides of Sparrow Lane and Moravec Lane, between Travis Street and Crockett Street

Background

The Director of Facilities from St. Mary’s Catholic Church contacted the City in January 2010 and asked that parking restrictions be placed on Sparrow Lane and Moravec Lane. It was explained that, during church services/activities, cars were being parked along Sparrow and Moravec and were creating a potentially unsafe situation whereby emergency vehicles might not be able to reach the church. Both Sparrow and Moravec are very narrow streets and do not have adequate width (ranging from 15’ to 20’) for parking. The church indicated that there is adequate parking available in their parking lot and on Crockett Street and Travis Street. “No Parking” signs have been in place for a 90-day trial period; and no complaints have been received or issues raised.

Origination

Public Works Department

Financial Consideration

The Street Department has incurred costs of \$2,857.00 for labor and materials to install seventeen (17) “No Parking” signs.

Staff Recommendation

Adopt the proposed ordinance to provide for the restricted parking along the north and south sides of Sparrow Lane and Moravec Lane, between Travis Street and Crockett Street.

Alternatives

Those as may be recommended by the City Council

Attachments

Ordinance No. 5650
Location Map

Prepared by:
Don Keene, Exec. Director - Planning & Public Works

Approved by:
George Olson, City Manager

ORDINANCE NO. 5650

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “NO PARKING” SIGNS RESTRICTING PARKING ALONG THE NORTH AND SOUTH SIDES OF SPARROW LANE AND MORAVEC LANE, FROM TRAVIS STREET TO CROCKETT STREET, WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; 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, permanent “NO PARKING” signs will be erected within the corporate limits of the City of Sherman and parking is prohibited in the following locations:

Along the north and south sides of Sparrow Lane and Moravec Lane, between Travis Street and Crockett Street, as shown by Exhibit “A” attached hereto and incorporated herein for all purposes.

SECTION 2. That the Director of Public Works is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the “NO PARKING” signs herein authorized, it shall be unlawful for any motorist to park a vehicle in such area designated as a “NO PARKING” zone, as provided in Sec. 12.04.020 of the Code of Ordinances of the City of Sherman, Texas. Violators of this ordinance shall be subject to fine as provided in Section 1.01.009 of the Code of Ordinances of the City of Sherman, Texas.

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

SECTION 5. 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 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 _____, 2010.

ADOPTED on this the _____ day of _____, 2010.

EFFECTIVE DATE on this the _____ day of _____, 2010.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



EXHIBIT "A"
NO PARKING ORDINANCE FOR
SPARROW LANE AND MOORAVEC LANE
BETWEEN TRAVIS STREET
AND CROCKETT STREET



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. B.2

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Number: 5650

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5650

Providing for Permanent “No Parking” Signs Restricting Parking along the North and South Sides of Sparrow Lane and Moravec Lane, from Travis Street to Crockett Street, within the City Limits of the City of Sherman



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. B.3

CONSENT AGENDA

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

C.1 * RESOLUTION NO. 5484

Approving the Greater Texoma Utility Authority's Intention to Contract with Howard-Estruct JV, LLC. for Construction of the U.S. Highway 75 North Sewer Improvements, Contract "D"

C.2 * RESOLUTION NO. 5485

Approving the Greater Texoma Utility Authority's Intention to Contract with ITT Flygt Corporation for the Acquisition of Pumping Equipment for the U.S. Highway 75 North Sewer Improvements, Contract "D"

C.3 * RESOLUTION NO. 5486

Awarding a Bid to and Authorizing Execution of a Contract with Martin Asphalt Company for the Purchase of an Annual Supply of Emulsified Asphalt Oil for the 2010 Seal Coat Program

C.4 * RESOLUTION NO. 5487

Authorizing Execution of an Encroachment Easement to Robert W. McNinch for Construction of a Modular Block Retaining Wall in the Street Right-of-Way of Catalina Circle and Canyon Creek Drive located at Lot 16, Block 2 of the Canyon Creek Addition, Replat of Section One to the City of Sherman (1801 Catalina Circle)

C.5 * RESOLUTION NO. 5488

Authorizing Execution of an Agreement with Gonzalo Navarro Ramirez and Crews Felipe Ramirez for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1616 South Elm Street

D.2 * OTHER BUSINESS

Approve Quarterly Investment Reports for Period ending March 31, 2010



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. C.1

*** RESOLUTION NO. 5484**

**Approving the Greater Texoma Utility Authority's Intention to Contract
with Howard-Estruct JV, LLC. for Construction of the
U.S. Highway 75 North Sewer Improvements, Contract "D"**

Issue

Approving the intention of the Greater Texoma Utility Authority (GTUA) to administer an agreement for the construction of the fourth phase of the U.S. Highway 75 North sewer system. The project is divided into four phases, with Contract "D" being the fourth and final phase of construction.

Background

The current Capital Improvement Program contains a project to construct a sewer system along U.S. Highway 75 North. Eight (8) bidders responded to the request for bids. A bid tabulation is attached. The low bid in the amount of \$987,500.00 was submitted by Howard-Estruct JV, LLC. of Ardmore, Oklahoma.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be paid through GTUA.

Staff Recommendation

It is recommended that the City Council approve GTUA's intention to contract with the low bidder, Howard-Estruct JV, LLC. in the amount of \$987,500.00.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5484

Engineer's Recommendation with Bid Tabulation

Location Map

Prepared by:

Mark Gibson, Director of Engineering/Public Works

Approved by:

George Olson, City Manager

RESOLUTION NO. 5484

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH HOWARD-ESTRUCT JV, LLC. FOR CONSTRUCTION OF THE U.S. HIGHWAY 75 NORTH SEWER IMPROVEMENTS, CONTRACT "D"; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with Howard-Estruct JV, LLC. in the total amount of Nine Hundred Eighty-Seven Thousand Five Hundred Dollars and No Cents (\$987,500.00) for construction of the U.S. Highway 75 North Sewer Improvements, Contract "D".

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 _____, 2010.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



J. TERRY MILLICAN, P.E.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.L.A.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

April 19, 2010

Mr. Jerry W. Chapman
General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

Re: Sherman Highway 75 North Sewer Lift Stations – Contract "D" Award

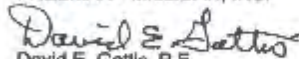
Dear Mr. Chapman:

Bids were received on the Highway 75 North Sewer Lift Stations – Contract "D" on April 8, 2010. A tabulation of these bids is attached. The project consists of the construction of two (2) duplex submersible pump lift stations with two 950 g.p.m. pumps at Lift Station No. 1 and two 2,500 g.p.m. pumps at Lift Station No. 2. Pump control panels, access roads, back up power generators and other appurtenances are included.

Eight competitive bids were received. The low bid submitted at \$987,500.00 is about 11% lower than the 2nd bidder and about 15% lower than the 3rd bidder. The low bid is well within the project budget.

The qualification statement and attached list of projects completed indicate that the low bidder is qualified to complete the Contract "D" project. Note that the list of projects is by Howard Construction, Inc. of Ardmore, Oklahoma. Howard Construction, Inc. is currently going through a merger process with Estrut, LLC of Norman, Oklahoma and has bid the project as a joint venture. Michael Howard is the owner of Howard Construction, Inc. and is the managing partner. Checked references were very positive. We recommend that the Greater Texoma Utility Authority award the contract to the low bidder, Howard-Estrut JV in the amount of \$987,500.00 and authorize execution of the required contract documents.

Sincerely,
FREEMAN - MILLICAN, INC.


David E. Gattis, P.E.

Enclosure (2)

Copy:

Sherman, Mark Gibson, Director of Engineering and Utilities
Terry Millican

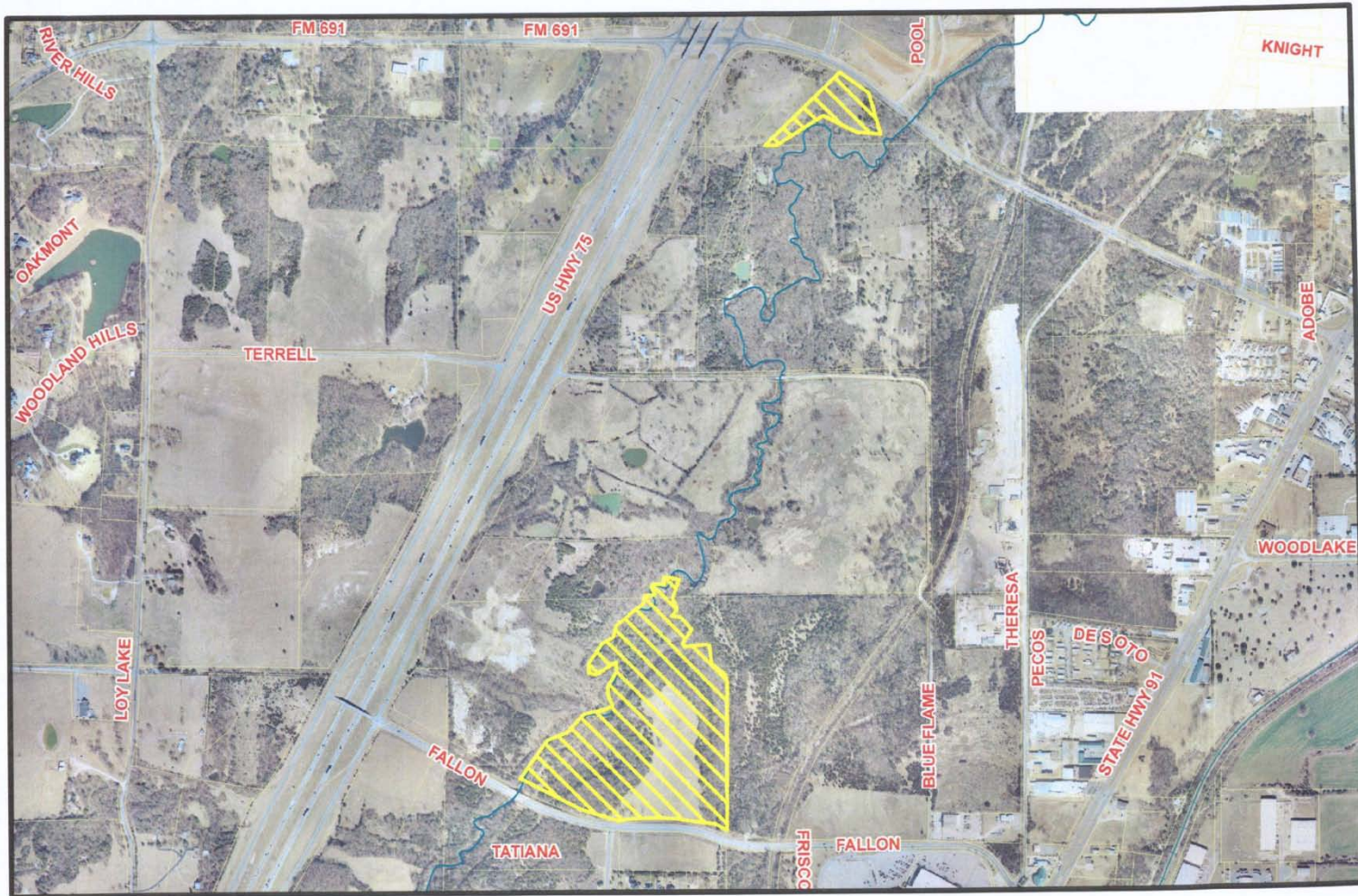
NO INSULATION

OWNER: Greater Tarrant County Authority		Contractor: Howard Street, P.C.	Contractor: Long Vantage Construction, LLC	Contractor: Oakley Construction Co.	Contractor: Legacy Contracting, L.P. dba General Sewerline Services						
PROJECT: City of Sherman - Highway 75 North Sewer Lift Station -		Address: PO Box 1099	Address: 1841 Taylor Hwy Suite	Address: 480 Independence St.	Address: PO Box 1419						
CADD: Freeman-Miller, Inc. - Tarrant Registered Engineering Firm # 2897		City, State: Arlington, TX 76010	City, State: Sherman, TX 76652	City, State: Midwney, TX 75071	City, State: Ockmer, TX 75824						
BID DATE: 2008 PM Thursday, April 6, 2010		Phone: (817) 258-1200	Phone: (817) 258-1200	Phone: (214) 848-1111	Phone: (817) 258-1111						
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Concrete Lift Station No. 1	1.00	SF	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00
P.2	Concrete Lift Station No. 2	1.00	SF	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00
P.3	Design and install Pumping Station System and Travel Safety	1.00	SF	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
P.4	Authorization to Discharge Storm Water and Sewer	1.00	SF	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
P.5	Pump Equipment Allowance	1.00	SF	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00
TOTAL AMOUNT OF CONTRACT BID					\$242,000.00	\$242,000.00	\$242,000.00	\$242,000.00	\$242,000.00	\$242,000.00	\$242,000.00
Insurance Deductible					10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Time of Completion (Calendar Days)					300 days	300 days	300 days	300 days	300 days	300 days	300 days

OWNER: Greater Tarrant County Authority		Contractor: Associated Construction Partners, Ltd		Contractor: Red River Constructors		Contractor: Michael Schreppel, Ltd		Contractor: J.R. Shelton and Co., Inc.			
PROJECT: City of Sherman - Highway 75 North Sewer Lift Station -		Address: 211 W Broadway Apt 114		Address: 3804 Capital Street		Address: 708 North Crockett		Address: PO Box 3048			
CADD: Freeman-Miller, Inc. - Tarrant Registered Engineering Firm # 2897		City, State: Brown, TX 76007		City, State: Wylie, TX 75086		City, State: Sherman, TX 76652		City, State: Sherman, TX 76652			
BID DATE: 2008 PM Thursday, April 6, 2010		Phone: (817) 258-1200		Phone: (817) 258-1200		Phone: (817) 258-1200		Phone: (817) 258-1200			
ITEM NO.		DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	
P.1	Concrete Lift Station No. 1	1.00	SF	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	
P.2	Concrete Lift Station No. 2	1.00	SF	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	
P.3	Design and install Pumping Station System and Travel Safety	1.00	SF	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	
P.4	Authorization to Discharge Storm Water and Sewer	1.00	SF	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	
P.5	Pump Equipment Allowance	1.00	SF	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	
TOTAL AMOUNT OF CONTRACT BID						\$1,242,000.00		\$1,242,000.00		\$1,242,000.00	
Insurance Deductible					1.00	SF	10,000.00	10,000.00	1.00	SF	10,000.00
Time of Completion (Calendar Days)						300 days		300 days		300 days	



David E. Gattis
4-19-2010



City of Sherman, Texas
Engineering Department

CONTRACT "D" - LIFT STATIONS



0 280 560 1,120 Feet



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 5485**

Approving the Greater Texoma Utility Authority's Intention to Contract with ITT Flygt Corporation for the Acquisition of Pumping Equipment for the U.S. Highway 75 North Sewer Improvements, Contract "D"

Issue

Approving the intention of the Greater Texoma Utility Authority (GTUA) to administer an agreement for the acquisition of pumping equipment for the fourth phase of the U.S. Highway 75 North sewer system. The pumps will be installed in two lift stations constructed as the fourth phase (Contract "D") of the project.

Background

The current Capital Improvement Program contains a project to construct a sewer system along U.S. Highway 75 North. Two (2) bidders responded to the request for bids for pumping equipment. A bid tabulation is attached. The low bid in the amount of \$226,543.00 was submitted by ITT Flygt Corporation of Carrollton, Texas.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be paid through GTUA.

Staff Recommendation

It is recommended that the City Council approve GTUA's intention to contract with the low bidder, ITT Flygt Corporation, in the amount of \$226,543.00.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5485

Engineer's Recommendation with Bid Tabulation

Location Map

Prepared by:

Mark Gibson, Director of Engineering/Public Works

Approved by:

George Olson, City Manager

RESOLUTION NO. 5485

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH ITT FLYGT CORPORATION FOR THE ACQUISITION OF PUMPING EQUIPMENT FOR THE U.S. HIGHWAY 75 NORTH SEWER IMPROVEMENTS, "CONTRACT D"; 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 of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with ITT Flygt Corporation of Carrollton, Texas, in the total amount of Two Hundred Twenty-Six Thousand Five Hundred Forty-Three Dollars and No Cents (\$226,543.00) for the acquisition of pumping equipment for the U.S. Highway 75 North Sewer Improvements, Contract "D".

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 _____, 2010.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



J. TERRY MILLICAN, P.E.
RICHARD A. DORMIER, P.E.
JOHN D. GATTIS, A.I.A.
DAMIR LULO, P.E.
MICHAEL K. STACEY, P.E.
LARRY J. FREEMAN, P.E.

April 19, 2010

Mr. Jerry W. Chapman
General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

Re: Sherman Highway 75 North Sewer – Lift Stations: Pump Bid Award

Dear Mr. Chapman:

On April 8, 2009 two pump bids (from ITT Flygt and Smith Pump bidding Flowserve) were received and opened for the above referenced project. The analysis of these two bids is given in the attached Bid Tabulation below. ITT Flygt bid 1,800 r.p.m. pumps while Flowserve bid 1200 r.p.m. pumps.

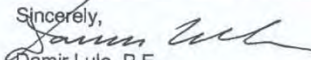
Both manufacturers complied with the specification requirements regarding the pump design, curves, material, references, and service facilities. The apparent low bidder was ITT Flygt with a total amount of \$226,542 followed by Smith Pump in the amount of \$315,414. However, in order to evaluate pumps with different efficiencies, we applied methodology defined in the Specification Section 15145, Paragraph 1.7.B and Addendum No. 1. Item 13: This provided that if the low bidder has a pump with a lower efficiency than the next bidder, an adder of \$2 per HP for each 1/10 of percent difference is added to the low bid price for evaluation purposes. This adder represents the present worth calculation of increased electrical cost that this pump will accumulate over an expected 20-year life span. This efficiency evaluation was applied only to Lift Station No. 1 (with 2~950 g.p.m. pumps) where ITT Flygt, as the low bidder, had a pump with lower efficiency than Smith Pump. The ITT Flygt pump selection for Lift Station No.2 had higher efficiency than Smith Pump/Flowserve pumps; therefore, no efficiency evaluation was required.

Based on this formula, there is an additional cost of \$12,504 over 20-year period for running a lower efficiency pump (Flygt) at Lift Station No. 1. However, even with that adder, the two 950 g.p.m. Flygt pumps were still \$4,100 cheaper than Smith Pump's proposed 1,200 r.p.m. pumps.

Knowing Sherman's preference to award this contract to a single pump supplier and taking into account bid amounts, delivery times and efficiency evaluation, we would recommend the award of this equipment bid to ITT Flygt in the amount of \$226,543.

If you have any questions please do not hesitate to call me @ 214-503-0555 ext. 105.

Sincerely,


Damir Lulo, P.E.
FREEMAN-MILLICAN, INC.

David E. Gattis, P.E.

Enclosure (1)

Copy:

Sherman, Mark Gibson, Director of Engineering and Utilities;
Terry Millican

BID TABULATION

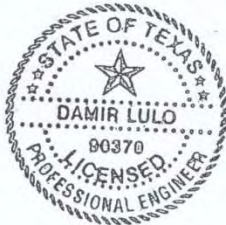
Label	Item	ITT Flygt 2400 Tarpley Rd Carrollton, TX 75006 Tel: 972-418-2400	Smith Pumps (bidding Flowserve) 7437 Tower Street, Forth Worth TX 76118 Tel: 817-589-2060
PE.1 (Base Bid)	Furnishing 2~950 g.p.m. 1800 r.p.m. submersible sewage pumps with control panel, appurtenances and five year full warranty	\$71,960	Did not bid
PE.2 (Base Bid)	Furnishing 2~2,500 g.p.m. 1800 r.p.m. submersible sewage pumps with control panel, appurtenances and five year full warranty	\$149,383	Did not bid
PE.3 (Base Bid)	Witness testing at mfr. facility including paid travel cost for Owner's Representative	\$5,200	Included in PAE.1 and PAE.2
PAE.1 (Alternate Bid)	Furnishing 2~950 g.p.m. 1200 r.p.m. submersible sewage pumps with control panel, appurtenances and five year full warranty	Did not bid	\$88,572
PAE.2 (Alternate Bid)	Furnishing 2~2,500 g.p.m. 1200 r.p.m. submersible sewage pumps with control panel, appurtenances and five year full warranty	Did not bid	\$226,842
	TOTAL BID	\$226,543	\$315,414



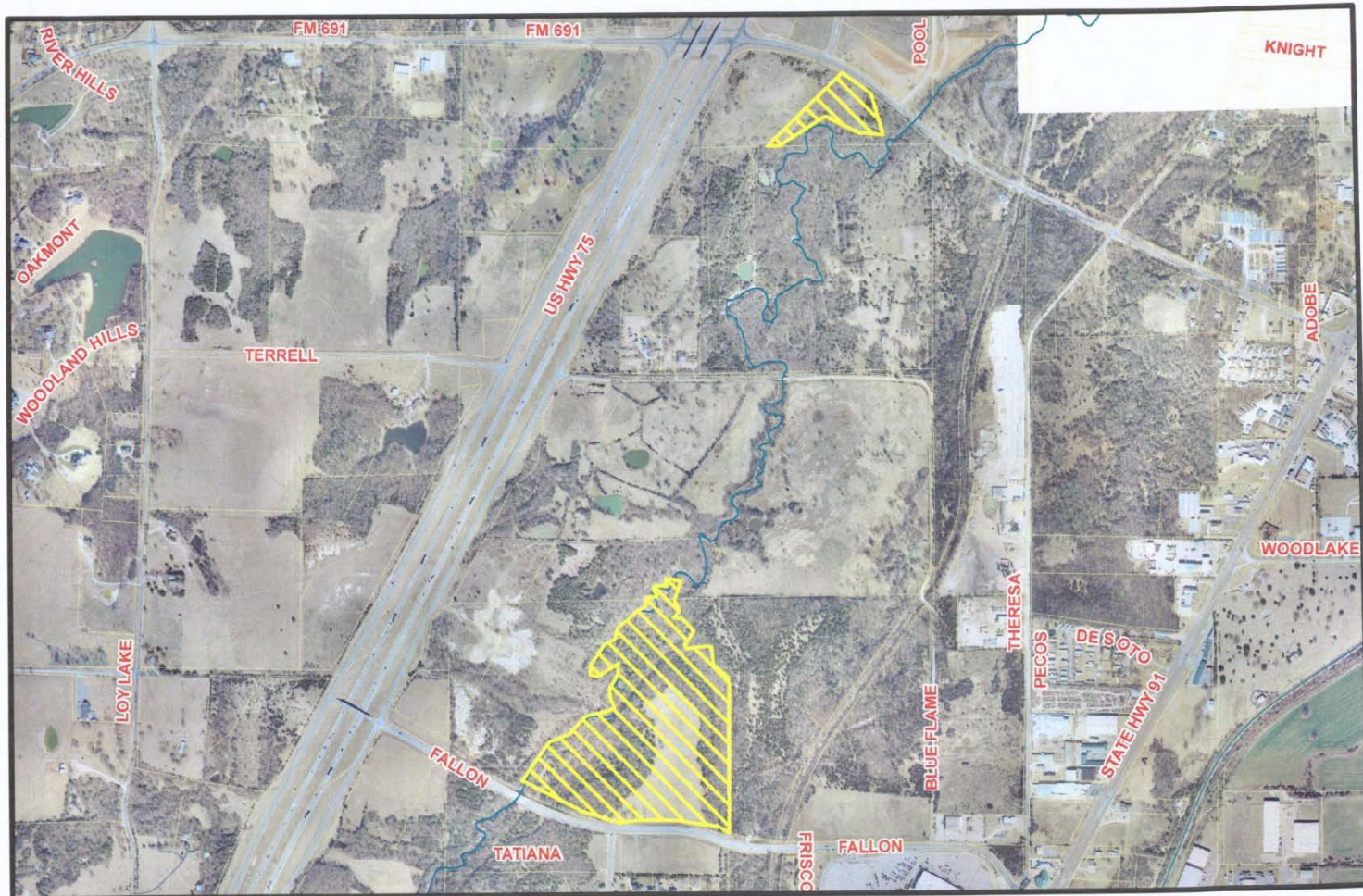
Damir Lulo
4/13/2010

BID EVALUATION

Label	Item	ITT Flygt 2400 Tarpley Rd Carrollton, TX 75006 Tel: 972-418-2400	Smith Pumps (bidding Flowserve) 7437 Tower Street, Forth Worth TX 76118 Tel: 817-589-2060
EV1	Delivery Time -- for 2~950 g.p.m. pumps after approved submittal	16 weeks	18 weeks
EV2	Delivery Time -- for 2~2,500 g.p.m. pumps after approved submittal	16 weeks	30 weeks
EV3	Guaranteed wire-to-water efficiency for 2~950 g.p.m. pumps	49.7%	63%
EV4	Guaranteed wire-to-water efficiency for 2~2500 g.p.m. pumps	68.3%	64%
EV5	Adder for Lower Efficiency for evaluation purposes per Addendum No. 1 Item 13 applied on 2~950 g.p.m. pumps	$\frac{63\% - 49.7\%}{0.1} \times 47HP \times \frac{\$2.00}{HP} = \$12,502$	
	PE.1 with efficiency adder	\$84,462	



Damir Lulo
4/19/2010



City of Sherman, Texas
Engineering Department

CONTRACT "D" - LIFT STATIONS



0 280 560 1,120 Feet



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5486**

**Awarding a Bid to and Authorizing Execution of a Contract
with Martin Asphalt Company for the Purchase of an Annual Supply of
Emulsified Asphalt Oil for the 2010 Seal Coat Program**

Issue

To consider the award of a bid to Martin Asphalt Company of Houston, Texas, for the purchase of up to 80,000 gallons of CRS-2 emulsified asphalt oil for the 2010 street seal coat program

Background

Following the required advertising in the local newspaper and notices being sent to oil suppliers, three bids for emulsified oil were received and opened on April 6, 2010. No local vendors sell this type of material.

Origination

Department of Public Works

Financial Consideration

Martin Asphalt's bid for the required asphalt oil was \$2.01 per gallon. This is an \$.11/gallon increase over last year. There are sufficient funds in the fiscal year 2009-2010 Street Department operating budget to purchase up to 80,000 gallons of emulsified asphalt oil.

Staff Recommendation

Award the bid for seal coat emulsified oil to Martin Asphalt Company.

Alternatives

As may be recommended by the City Council

Attachments

Bid Tabulation

Resolution No. 5486

Contract

Martin Asphalt Bid Documents

Prepared by:

Don Keene, Exec. Director of Planning/Public Works

Approved by:

George Olson, City Manager

**City of Sherman
Bid Tabulation
Emulsified Asphalt Oil**

Bidder Name	Unit Price / Gallon	Amount
Martin	\$2.01	\$160,800.00
Ergon	\$2.13	\$170,400.00
P2 Emulsion	\$2.72	\$217,600.00

RESOLUTION NO. 5486

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MARTIN ASPHALT COMPANY FOR THE PURCHASE OF AN ANNUAL SUPPLY OF EMULSIFIED ASPHALT OIL FOR THE 2010 SEAL COAT PROGRAM; 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 Martin Asphalt Company of Houston, Texas, is hereby awarded the bid in the total amount of One Hundred Sixty Thousand Eight Hundred Dollars and No Cents (\$160,800.00) for an annual supply of emulsified asphalt oil for the 2010 Seal Coat Program and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved by the City Attorney, to execute a contract with Martin Asphalt Company for an annual supply of emulsified asphalt oil, in accordance with all contract 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 _____, 2010.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

CONTRACT OF SALE

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

That the **CITY OF SHERMAN, TEXAS**, a municipal corporation, hereinafter referred to as "BUYER", and **MARTIN ASPHALT COMPANY** of Houston, Texas, hereinafter referred to as "SELLER."

WITNESSETH:

Terms of Purchase. SELLER agrees to sell and will deliver to BUYER, and BUYER agrees to purchase from SELLER,

Up to 80,000 gallons of CRS-2 Emulsified Asphalt Oil

(hereinafter referred to as "CRS-2")

As consideration for this Contract, SELLER agrees to make the CRS-2 available for the amount specified herein and BUYER agrees to purchase these items exclusively from the SELLER, as specified in Exhibit "A."

Reference is hereby made to the specifications and requirements of the Invitation to Bid prepared by BUYER and the Bid submitted by SELLER on March 24th, 2010, in answer to BUYER's Invitation to Bid. All of the specifications and requirements of BUYER's Invitation to Bid and SELLER's Bid, identified as Exhibit "A", are incorporated herein by reference and made a part of this contract for all purposes.

SELLER hereby agrees to deliver the CRS-2 to BUYER at Sherman, Texas, as requested by BUYER.

BUYER retains the right to reject all or any part of the CRS-2 delivered by SELLER that do not comply with the specifications as set forth in the Invitation to Bid and the Bid Proposal submitted by SELLER. Should any of the CRS-2 be rejected because of failure to meet specifications, and SELLER not supply conforming products within ten (10) days of date of rejection, then BUYER may purchase such products from the next lowest bidder willing to honor its bid, and SELLER agrees to pay to BUYER in cash the difference in the Bid Proposals.

Ownership of Items. SELLER represents that it is the record and beneficial owner of the items set forth in Exhibit "A," free and clear of any Lien and any other limitation or restriction (including any restriction on the right to vote, sell or otherwise dispose of the items, and will transfer and deliver to Buyer the items free and clear of any Lien and any such limitation or restriction.

Insurance. SELLER agrees to carry insurance as specified in Exhibit "A" and to name the BUYER as an additional insured.

INDEMNIFICATION. SELLER AGREES TO DEFEND, INDEMNIFY AND HOLD BUYER, ITS OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES INCLUDING ATTORNEYS FEES, FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM, FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY SELLER'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT, OR BY ANY NEGLIGENT, GROSSLY NEGLIGENT, STRICTLY LIABLE ACT, OR ANY OMISSION OF SELLER, ITS OFFICERS, AGENTS, EMPLOYEES OR SUBCONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT (HEREINAFTER "CLAIMS"); EXCEPT THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR FAULT OF BUYER, ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS. IN ADDITION, THIS INDEMNIFICATION AND SAVE HARMLESS SHALL APPLY TO ANY IMPUTED OR ACTUAL JOINT ENTERPRISE LIABILITY.

No Waiver of Governmental Immunity. 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 BUYER against claims arising from the exercise of governmental powers and functions.

Litigation. There is no action, suit, investigation, or proceeding pending against, or to the knowledge of SELLER threatened against or affecting, SELLER or any of their respective properties before any court or arbitrator or any governmental body, agency or official which in any manner challenges or seeks to prevent, enjoin, alter or materially delay the transactions contemplated by this Agreement.

Payment of Monies Owed to the City of Sherman. BUYER may, in its discretion, apply any monies owed to SELLER, the contracting party under this agreement, in partial or complete satisfaction of any property taxes due or other monies owe the City of Sherman, which are or become delinquent during the term of this contract.

Amendment of Contract. This agreement may not be changed, varied or altered except by an instrument in writing, duly executed on behalf of BUYER and by SELLER.

Assignment of Contract. 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 this Contract.

Severability. Any provision or part of this Contract is 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 the BUYER and SELLER, who agree that the Contract 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.

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.

Applicable Laws and Venue. This agreement shall be construed in accordance with the laws of the State of Texas, shall be deemed performable and enforceable in the State of Texas, with venue in Grayson County, Texas.

IN WITNESS WHEREOF, this instrument, in duplicate originals of equal force, has been executed on behalf of SELLER and on behalf of BUYER, City of Sherman, by its City Manager and attested by its City Clerk, effective the _____ day of _____, 2009.

SELLER:
MARTIN ASPHALT COMPANY

BUYER:
CITY OF SHERMAN, TEXAS

BY: Jon Hernandez
NAME: Tom Hernandez
ASPHALT SALES
3 RIVERWAY, SUITE 400
HOUSTON, TEXAS 77056

BY: _____
GEORGE OLSON
CITY MANAGER
220 W. MULBERRY
SHERMAN, TEXAS 75090

DATE: 4-27-2010

DATE: _____

ATTEST:

ATTEST:

BY: Linda Ashby
NAME: Linda Ashby
TITLE: Accounting Manager

LINDA ASHBY, CITY CLERK

APPROVED:

BRANDON S. SHELBY
CITY ATTORNEY

CITY OF SHERMAN
P.O. Box 1106
Sherman, TX 75091-1106
Telephone: 903/892-7215
<http://www.ci.sherman.tx.us>
INVITATION TO BID
CRS-2 AND/OR CRS-2H EMULSIFIED ASPHALT

RETURN YOUR BID PROPOSAL TO:	VENDOR NAME/ADDRESS:
Purchasing Agent City of Sherman 405 N. Rusk P.O. Box 1106 Sherman, TX 75090	MARTIN ASPHALT COMPANY THREE RIVERWAY, SUITE 400 HOUSTON, TX 77056

The enclosed INVITATION TO BID (ITB) and accompanying SPECIFICATIONS AND PROPOSAL SHEET(S) are for your convenience in submitting a BID on the enclosed referenced products and/or services for the City of Sherman. All parts of this packet constitutes the complete ITB and all parts must be returned to be considered.

SEALED BIDS SHALL BE RECEIVED NO LATER THAN:
3:00 p.m., APRIL 6, 2010
ALL ENVELOPES SHALL BE MARKED WITH THE FOLLOWING:
CRS-2 AND/OR CRS-2H EMULSIFIED ASPHALT

If forwarded by mail, the sealed envelope containing the bid must be enclosed in another envelope addressed as specified above.

THE CITY OF SHERMAN appreciates your time and effort in preparing this Bid. Please note that to be considered, all Bids MUST BE RECEIVED AT THE DESIGNATED LOCATION AND BY THE DEADLINE SHOWN ABOVE. Bids received after the deadline shown above will not be considered for the award of this contract, and shall be considered void and unacceptable. The Bid opening is scheduled to be held in the City Municipal Building, Purchasing Department, 405 N. Rusk, Sherman, Texas 75090. YOU ARE INVITED TO ATTEND. Faxed bid replies will not be accepted.

If you do not wish to submit a Bid at this time, but you wish to remain on our bid list for this commodity, please mark the No Bid@ space below, sign the last sheet of this proposal and return by the same time and at the same location as stated above.

OUR COMPANY WILL SUBMIT A NO BID@ FOR ALL OF THE ITEMS LISTED IN THIS BID/PROPOSAL:

The City is aware of the time and effort you expend in preparing and submitting Bids. Please let us know of any requirements which are causing you difficulty in responding to our bid invitation. We want to make the process as easy as possible so that all responsible vendors can compete for the City's business.

Contract Awards will be made by the City Council. Council meetings are held every other Monday or as directed by the City Council. To obtain bid results or tabulations, please contact the City of Sherman Purchasing Office between the hours of 8:00 a.m. and 5:00 p.m. at (903) 892-7215.

SPECIFICATIONS FOR PURCHASE OF CRS-2 AND CRS-2H EMULSIFIED ASPHALT

This specification is for CRS-2 and CRS-2H emulsified asphalt for use by the City of Sherman, Texas to sealcoat asphalt surfaced streets. A coverstone will be used with this asphalt material. The estimated quantity of material required is 80,000 gallons. This quantity is for estimating purposes only, and shall not bind the City of Sherman to any minimum or maximum quantity to be purchased.

The emulsified asphalt material quality shall meet or exceed the most recent updated specification in the Texas State Department of Highways and Public Transportation, Revised Standard Specifications for Construction of Highways, and Bridges adopted, Part 11, Division 111, Item 300. The asphalt residue, by percent, under distillation, shall be a minimum of 65%.

The City of Sherman reserves the right to test material supplied, or intended for supply, according to the recommended method TEX 542-C of The Texas Department of Highways and Public Transportation.

The supplier shall pay for the cost of testing on any materials ultimately rejected by the City.

Two material characteristics are of special importance to proper utilization of those materials, viscosity and delivery temperature. Successful bidder shall warrant ability to provide reasonable viscosity adjustment within the specified limits in order to secure proper binding of the aggregate during application.

Delivery temperature at point of destination in Sherman, Texas, shall be 150 F. To 170 F. Delivery shall be to Sherman, Texas. Delivery point within City Limits to be specified by City on day individual order is placed. Freight shall be prepaid and included in the bid price.

Individual loads of material shall be ordered from supplier by telephone or by written notification. Orders shall be given by 3:00 p.m. on the day prior to delivery, but may be canceled up to time of departure of material from supplier point of origin on the day of delivery. Delivery times could be as early as 6:00 am. Full loads of 5,000 to 6,000 gallons only will be accepted.

Should the successful bidder be unable to provide reasonable quality, quantity, price, or delivery as compared to other sources at time of any order being placed by City. The City of Sherman shall reserve the right to contract with other suppliers until successful bidder can regain a competitive position in the market place.

CRS - 2 & CRS-2H

It is contemplated that the majority of purchases described in this document will be made within six months of the award of bid. Firm price quotations are requested in dollars per gallon, based on 5,000 to 6,000 gallon load orders delivered in Sherman, Texas, with the ability to provide the estimated quantity of 80,000 gallons.

The price quoted shall be a per gallon price for either CRS-2 or CRS-2H. The Street Superintendent will make determination of which material shall be delivered when the daily material order is placed. Supplier shall provide CRS-2 or CRS-2H as instructed by the Street Superintendent. Both materials shall meet the applicable section of the specifications referenced previously.

CONTAMINATED MATERIAL:

In the event that the material delivered to the City of Sherman becomes contaminated due to the fault of the vendor or is otherwise un-usable when received, the vendor shall replace the material and shall dispose of the contaminated material and clean any City of Sherman equipment, which has received the contaminated material. The City shall not be charged for the contaminated load, cleaning, or demurrage if the vendor in the process of cleaning or replacing the contaminated load incurs it.

If the City equipment has to be taken out of service for a period of time to allow for cleaning, the vendor shall provide substitute equipment at no cost to the City until the City equipment is cleaned and returned to service.

In the event that no bid meets the specification it shall be up to the Street Superintendent or the Director Of Public Works to reject all bids or except the bid that they feel is the most advantageous to the City Of Sherman

CRS-2 Product Data Sheet



Description and Physical Properties

CRS-2 is a cationic water-based emulsified asphalt designed for use as a bituminous binder for chip seals. It is supplied in bulk.

- C.A.S. Number: 8052-42-4
- Boiling Point (F): 212°F
- Specific Gravity (H₂O=1): 1.01
- Percent Volatile: 0
- Solubility In Water: Soluble
- Appearance and Odor: Brown Liquid, Faint Petroleum Odor
- Flammability: Non-flammable in water-based state

Recommended Use

CRS-2 emulsions should be applied with well-calibrated distributors. The distributor nozzles and spray bar should be sized and set to deliver the desired shot rate. The shot rate should be determined by a laboratory chip seal design with the project aggregate and the conditions of the existing pavement. The air and pavement temperatures should be sufficiently high to allow the emulsion to fully cure. Item 316 of the TxDOT Standard Specifications requires that seal coats and surface treatments be placed when the air temperature is above 50°F and rising. CRS-2 should not be applied when the air temperature is below 60°F and falling. TxDOT further states that no asphalt binders should be applied during rain or imminent threat of rain. If an unexpected shower arises during operations, the asphalt distributor should be shut off immediately and placement of aggregate continued until all asphalt has been covered. This area should be rolled well and watched carefully after opening to traffic. After a rain, operations should always be suspended until the pavement has completely dried.

Specifications CRS-2 Conforms to Texas Department of Transportation Specifications-Item 300.2:

Properties	Test Procedure	Minimum	Maximum
Viscosity, 122° F, seconds Saybolt Furol	T72	150	400
Sieve Test, %	T59	-	0.10
Demulsibility, 35 ml of 0.8 Sodium dioctyl sulfosuccinate, %	T59	40	-
Storage Stability, 1 day, %	T59	-	1.0
Distillation Test:	T59	-	-
▪ Residue by Distillation, % by weight	T59	65	-
▪ Oil distillate, by volume of emulsion, %	T59	-	0.5
Tests on Residue from Distillation:	-	-	-
▪ Penetration, 77 °F, 100 g., 5 sec.	T49	120	160
▪ Solubility in Trichloroethylene, %	T44	97.5	-
▪ Ductility, 77 °F, 5 cm./min., cm.	T51	100	-

Storage and Handling

The water-based emulsion should not be exposed to freezing temperatures or overheating. The emulsion is a chemically stabilized system, so care should be taken not to upset the chemical balance with contamination by chemicals, over-exposure to air, or adverse mechanical or thermal conditions. Rapid setting emulsions are formulated to be stable during storage and transport, but to break immediately on application to the road surface. As such, they are the least stable of asphalt emulsions. Typically, CRS-2 should not be diluted with water. Before being filled, tanks and trucks should be examined for possible contaminants. Tanks may be circulated top to bottom with a pump, but over-pumping is to be avoided. Recommended use and storage temperatures are given in the table.

Recommended Temperatures	Min	Max
Storage	50°F	185°F
Application	110°F	160°F

Martin Asphalt Quality

Through Martin Asphalt, you get **Everything Asphalt**—a full range of products. In addition, you receive technical assistance in selecting the right materials and application. The company's AASHTO Certified Laboratory makes sure the products meet your specifications. And your products are delivered both on spec and on time via Martin's Gulf Coast network of production plants, storage facilities and transportation fleet including ocean-going and inland barges, rail cars and tanker trucks. For more information, contact us.

www.MartinAsphalt.com

EVERYTHING ASPHALT

800-662-0987

Product Data Sheet - CRS-2.doc rev. 12/18/06

ACORD_{TM} CERTIFICATE OF LIABILITY INSURANCE						DATE (MM/DD/YYYY) 2/1/2009 12/22/2008
PRODUCER LOCKTON COMPANIES, LLC-N DALLAS 717 N. HARWOOD, LB#27 DALLAS 75201 214-969-6700				THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.		
INSURED MARTIN RESOURCE MANAGEMENT CORPORATION 1302743 (SEE LISTING PAGE 2) PO BOX 191 KILGORE TX 75662				INSURERS AFFORDING COVERAGE INSURER A: American Senterfit Insurance Co.,LTD INSURER B: ACE American Insurance Company INSURER C: INSURER D: INSURER E:		
				NAIC # 22667		
COVERAGES MARRE05 GO						
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR	ADD'L	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
		GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC	1-10004-GL-2008	2/1/2008	2/1/2009	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
B		AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS	ISA H08238509	2/1/2008	2/1/2009	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX
		GARAGE LIABILITY ☐ ANY AUTO	NOT APPLICABLE			AUTO ONLY - EA ACCIDENT \$ XXXXXXXX OTHER THAN EA ACC \$ XXXXXXXX AUTO ONLY: AGG \$ XXXXXXXX
		EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ UMBRELLA FORM RETENTION \$	NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$ XXXXXXXX \$ XXXXXXXX \$ XXXXXXXX
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? NO If yes, describe under SPECIAL PROVISIONS below	WLR C44480050	2/1/2008	2/1/2009	☒ WC STATU-TORY LIMITS ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
		OTHER				
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS						
CERTIFICATE HOLDER 3996736 County of Gillespie Gillespie Courthouse, Room 203 101 W. Main, Unit #4 Fredericksburg TX 78264				CANCELLATION [MARRE05] SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 		

NAMED INSURED

MARTIN RESOURCE MANAGEMENT CORPORATION, MARTIN MIDSTREAM PARTNERS LP, AND/OR ANY OF THEIR RESPECTIVE PARENTS, SUBSIDIARIES, AFFILIATES AND INTERRELATED COMPANIES.

AMERICAN SENTERFITT INSURANCE COMPANY LTD.
ARCADIA GAS STORAGE LLC
BERRY PETROLEUM COMPANY
C.F. MARTIN SULPHUR HOLDING CORPORATION
C.F. MARTIN SULPHUR, L.L.C.
C.F. MARTIN SULPHUR, LP.
C.W. BROOKS, INC.
CENTRAL OIL COMPANY, INC.
CONTINENTAL SULFUR COMPANY
CONTINENTAL SULFUR COMPANY, L.L.C.
CROSS OIL REFINING & MARKETING, INC.
CROSS OIL REFINING & MARKETING, INC. DBA CROSS OIL PACKAGING
ICAN ENERGY COMPANY
MARTIN ADMINISTRATIVE SERVICES LLC
MARTIN GAS SALES, INC.
MARTIN GAS SALES, LLC
MARTIN INTEGRATED SULFUR SYSTEMS
MARTIN MARINE
MARTIN MIDSTREAM GP LLC
MARTIN NATURAL GAS STORAGE CONSULTING LLC
MARTIN NATURAL GAS STORAGE CONSULTING LLC DBA INTERNATIONAL GAS CONSULTING
MARTIN OPERATING GP LLC
MARTIN OPERATING PARTNERSHIP L.P.
MARTIN OPERATING PARTNERSHIP L.P. DBA MARTIN MIDSTREAM MEGA LUBRICANTS
MARTIN PRODUCT SALES, LLC
MARTIN PRODUCT SALES, LLC DBA GULF STATES ASPHALT CO.
MARTIN PRODUCT SALES, LLC DBA MARTIN ASPHALT CO.
MARTIN PRODUCT SALES LLC, DBA MONARCH OIL COMPANY
MARTIN RESOURCE LLC
MARTIN TRANSPORT, INC.
MARTIN UNDERGROUND STORAGE, INC.
MCLEOD GAS GATHERING AND PROCESSING COMPANY, LLC
MCX TRANSPORT, INC. DBA MARTIN TRANSPORT, INC.
MIDSTREAM FUEL SERVICE LLC
MIDSTREAM FUEL SERVICE LLC DBA PETROLEUM ENERGY PRODUCTS COMPANY (PEPCO)
PRISM GAS SYSTEMS GP, LLC
PRISM GAS SYSTEMS I, L.P.
PRISM GAS SYSTEMS, INC.
PRISM GULF COAST SYSTEMS, LLC
TRANSMAR, INC.
WASKOM GAS PROCESSING COMPANY AND ITS GENERAL PARTNERS.
WOODLAWN PIPELINE CO., INC.

CITY OF SHERMAN

VENDOR INSURANCE REQUIREMENTS

COMMERCIAL GENERAL LIABILITY INSURANCE

A. Commercial General Liability Insurance (occurent form) in amounts of not less than \$1,000,000 each occurrence, \$2,000,000 General Aggregate limit, and \$2,000,000 Products/Completed Operations Aggregate limit insuring the Vendor against liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury. The insurance policy shall be written on ISO form CG 00 01 10 93 (or a substitute form providing equivalent or broader coverage). There shall be no endorsement or modification of the policy limiting the coverage for liability arising from the products/completed operations exposure.

B. Vendor shall provide the City with satisfactory certificates of insurance prior to the initial delivery of the purchased products and at least 30 days prior to the expiration of the respective policies throughout the term of the purchase agreement. The certificates should be provided to the City Attorney's Office. The certificates shall obligate each insurance company to endeavor to notify the City at least 30 days before cancellation or material change of any such insurance. All such insurance policies shall be in a form reasonably satisfactory to the City and shall be written by insurers who are licensed to do business in the City and shall be written by insurers who are licensed to do business in the State of Texas. Failure of the City to demand such certificate or other evidences of full compliance with these insurance requirements or failure of the City to identify a deficiency from evidence that is provided shall not be construed as a waiver of the Vendor's obligation to maintain such insurance. Failure to maintain the required insurance may result in termination of the purchase agreement at the City's option. Vendor shall provide certified copies of all insurance policies required herein within 10 days of the City's written request for said copies.

C. By requiring insurance herein, the City does not represent that coverage and limits will necessarily be adequate to protect the Vendor, and such coverage and limits shall not be deemed as a limitation on the Vendor's liability under a purchase agreement with the City.

This form must be signed and returned with your bid to verify that you can and will meet the insurance requirements listed herein should you be awarded the bid and will provide the certificates of insurance acceptable to the City.

AGREEMENT

I agree to provide the above described insurance coverages to the City of Sherman, City Attorney's office 220 W. Mulberry, P.O. Box 1106, Sherman, Texas 75090, prior to a Purchase Order being issued.

Company: MARTIN ASPHALT COMPANY

Printed name: THREE RIVERWAY, Suite 400

Signature: J. N. [Signature] Date: 3/24/2010

**CITY OF SHERMAN
BID SHEET
CRS2 AND/OR CRS-2H EMULSIFIED ASPHALT
APRIL 6, 2010, 3:00 P.M.**

Does your bid meet all specifications contained herein? Yes ☒ No ☐

Does your material and workmanship meet all specifications? Yes ☒ No ☐

If no is indicated, attached a sheet indicating exceptions

PRICE PER GALLON:\$ 2.01 NET BID:\$ 160,800.00

NOTICE TO BIDDERS: Any bidder who falsifies responses indicating compliance or non-compliance with minimum requirements listed will be suspended and/or disqualified from bidding

MARTIN ASPHALT COMPANY
BIDDER

J. N. NIMMO
SIGNED BY JACK NIMMO

ASPHALT SALES
TITLE

THREE RIVERWAY, SUITE 400
ADDRESS: STREET OR PO BOX

HOUSTON TX 77056
CITY STATE ZIP

713-350-6849 713-350-2849
PHONE FAX

BID SHEET MUST BE SIGNED BY AN AUTHORIZED AGENT OF YOUR FIRM



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 5487**

Authorizing Execution of an Encroachment Easement to Robert W. McNinch for Construction of a Modular Block Retaining Wall in the Street Right-of-Way of Catalina Circle and Canyon Creek Drive located at Lot 16, Block 2 of the Canyon Creek Addition, Replat of Section One to the City of Sherman (1801 Catalina Circle)

Issue

Authorizing an encroachment into the street right-of-way of Catalina Circle and Canyon Creek Drive for a modular block retaining wall

Background

Mr. Robert W. McNinch has requested permission to place a modular block retaining wall approximately five (5) feet behind the curb within the street right-of-way of Catalina Circle and Canyon Creek Drive at 1801 Catalina Circle. The maximum height of the wall will be three (3) feet.

Origination

Mr. Robert W. McNinch of 1801 Catalina Circle, Sherman, Texas (Grantee)

Financial Consideration

The Grantee will be responsible for any damage to utilities located within the easement. The Grantee will also be responsible for removal and/or replacement of the retaining wall should utility work within the street right-of-way require removal of the wall.

Staff Recommendation

The staff has no objections to the proposed encroachment and recommends approval contingent upon the approval of Verizon, Cable One, Atmos and Oncor.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5487
Encroachment Easement
Encroachment Sketch
Aerial Photo
Location Map

Prepared by:
Mark Gibson, Director of Engineering/Public Works

Approved by:
George Olson, City Manager

RESOLUTION NO. 5487

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO ROBERT W. MCNINCH FOR CONSTRUCTION OF A MODULAR BLOCK RETAINING WALL IN THE STREET RIGHT-OF-WAY OF CATALINA CIRCLE AND CANYON CREEK DRIVE LOCATED AT LOT 16, BLOCK 2 OF THE CANYON CREEK ADDITION, REPLAT OF SECTION ONE TO THE CITY OF SHERMAN (1801 CATALINA CIRCLE); 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 documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to Robert W. McNinch, in substantially the same form as presented at this meeting, for construction of a modular block retaining wall in the street right-of-way of Catalina Circle and Canyon Creek Drive located at Lot 16, Block 2 of the Canyon Creek Addition, Replat of Section One to the City of Sherman (1801 Catalina Circle), in accordance with the encroachment documents approved by the City Engineer and the City Attorney, 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 _____, 2010.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

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", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **ROBERT W. MCNINCH** of Sherman, Texas, hereinafter called "GRANTEE", an encroachment easement to construct a modular block retaining wall within the street right-of-way at Lot 16, Block 2 of the Canyon Creek Addition, Replat of Section One to the City of Sherman and known as 1801 Catalina Circle, as shown on the location map marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

This instrument shall be construed as conveying an encroachment easement to GRANTEE, his successors and assigns, for the limited purpose of constructing a modular block retaining wall within the herein described encroachment area, as shown on the attached exhibit. GRANTEE agrees that all maintenance of the easement area shall be the responsibility of GRANTEE without cost, fees or expense to GRANTOR.

That GRANTEE shall fully and completely indemnify and hold harmless the GRANTOR from any and all damages, actions, suits, claims, demands, liabilities, executions and judgments, whether liquidated or unliquidated, absolute or contingent, direct or indirect, at law or in equity, together with attorneys fees which may occur in any manner by reason of any matter, fact, or thing arising from this conveyance and use of the area.

In the event it becomes necessary for the GRANTOR or any public utility to utilize the encroachment area for the purpose of installing new utilities, removing or repairing any public utilities located therein, GRANTEE hereby releases GRANTOR and any public utility from any and all claims for damages, costs or expenses, and shall include, but specifically not be limited to, the cost of repair, relocation, or removal of the retaining wall and loss of use of such area.

TO HAVE AND TO HOLD the above described encroachment easement unto the said GRANTEE, his successors and assigns, until the use of such encroachment is no longer necessary.

EXECUTED this the _____ day of _____, A.D., 2010.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared **GEORGE OLSON**, City Manager, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, Texas, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 2010.

**NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS**

APPROVED AS TO FORM AND CONTENT:

BRANDON S. SHELBY
City Attorney

April 27, 2010

From: Robert W. McNinch
1801 Catalina Circle
Sherman, TX 75092

To: City Council of Sherman, TX

I would like to request an encroachment into the City's right of way in order to build a small removable retaining wall of paver stones. The wall would have a maximum length of about 140 feet, a maximum height of about 40 inches, and would extend around the corner of Canyon Creek Drive and Catalina Circle about 5 feet in from the curb.

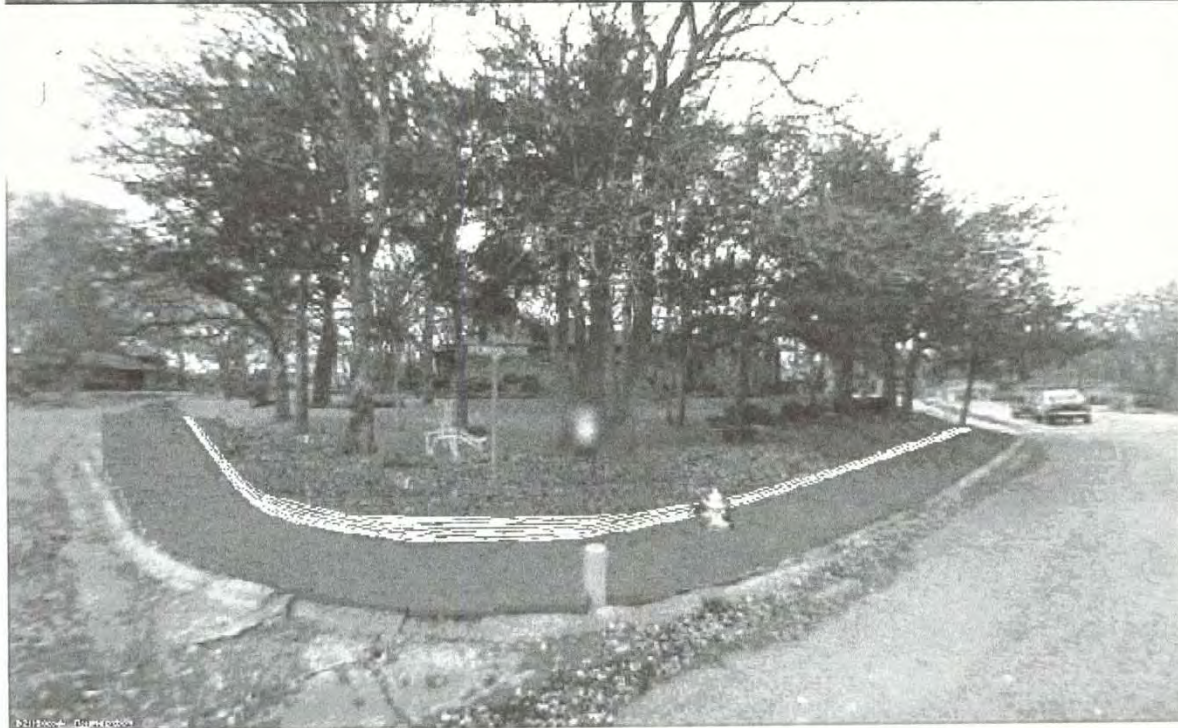
All hedges, shrubs, plants, bricks, landscape timbers, etc. previously located at or near the curb are to be removed and replaced with a simple grass strip from the curb to the retaining wall.

Attached is a photograph of the property before modification and below it is the same photograph with the proposed wall painted in to show the expected results of this project. I fully understand that I or any subsequent owners of this property may be required to remove the retaining wall should the City need to recover the right of way at any time in the future.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Robert W. McNinch".

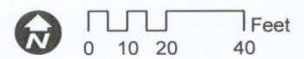
Robert W. McNinch





City of Sherman, Texas
Engineering Department

R.O.W. ENCROACHMENT FOR RETAINING WALL AT CANYON CREEK DRIVE AND CATALINA CIRCLE





Location Map
RETAINING WALL - R.O.W. ENCROACHMENT -
CANYON CREEK DRIVE AND CATALINA CIRCLE

City of Sherman, Texas





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5488**

Authorizing Execution of an Agreement with Gonzalo Navarro Ramirez and Crews Felipe Ramirez for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1616 South Elm Street

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 1616 South Elm Street.

Background

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

Origination

Gonzalo Navarro Ramirez and Crews Felipe Ramirez, Applicants

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$192.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5488
Residential Tax Abatement Agreement
Application
Warranty Deed
Site Plan
Photo
Building Permit Application
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5488

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH GONZALO NAVARRO RAMIREZ AND CREWS FELIPE RAMIREZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1616 SOUTH ELM STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Gonzalo Navarro Ramirez and Crews Felipe Ramirez and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Gonzalo Navarro Ramirez and Crews Felipe Ramirez for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1616 South Elm Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2010.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 2nd day of June, 2008, the City Council of Sherman, Texas, passed Ordinance No. 5537 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 5336) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 2nd day of June, 2008;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2010, and continuing for tax years 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2010, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2010	100%
2011	100%
2012	100%
2013	100%
2014	100%
2015	100%
2016	80%
2017	60%
2018	40%
2019	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2010, 2011, 2012, 2013, 2014, 2015 and 2016, 2017, 2018 and 2019 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at 1616 South Elm Street, Sherman, Texas, and as more particularly described by the following:

BEING the South 72.00 feet of Lot 4, Block 6, Staples Addition.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 205 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

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

XI.

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

XII.

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

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

Gonzalo Navarro Ramirez &
Crews Felipe Ramirez
2415 N. Shannon
Sherman, Texas 75092
(903) 818-3045

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

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2010.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
GONZALO NAVARRO RAMIREZ

BY: _____
GEORGE OLSON
CITY MANAGER

BY: _____
NAME: _____

ATTEST:

OWNER:
CREWS FELIPE RAMIREZ

BY: _____
LINDA ASHBY
CITY CLERK

BY: _____
NAME: _____

APPROVED AS TO FORM:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **Gonzalo Navarro Ramirez**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

GIVEN UNDER MY HAND and seal of office this ____ day of _____, 2010 A.D.

Notary Public

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **Crews Felipe Ramirez**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

GIVEN UNDER MY HAND and seal of office this ____ day of _____, 2010 A.D.

Notary Public

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: GONZALO RAMIREZ NAVARRO

Mailing Address: 2415 N SHANNON

Telephone Number: 903-818-3045

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 1616 S Elm

Summary Legal Description: Lot: 572.4 Block: 6105th St Addition: STAPLES 1616 S. ELM SHERMAN

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

Improvements:

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

Estimated Value of Improvements: ~~60000~~ 60000

Estimated Date of Start of Construction: 4-26-10

Estimated Date of Completion of Project: 5 MONTH

Description of Project: NEW HOUSE

Applicant(s): GONZALO RAMIREZ Date: 4 19 10

2415 N SHANNON
903-818-3045

00022410

WARRANTY DEED

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

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

THAT JAMES CREWS, a married man not joined by his spouse as property constitutes no part of their homestead

(Hereinafter called "GRANTORS" whether one or more), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations cash in hand paid by GONZALO NAVARRO RAMIREZ AND CREWS FELIPE RAMIREZ

whose address is 1300 WALNUT, SHERMAN, TX 75090 ,

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

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

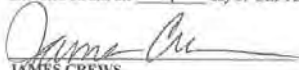
BEING THE SOUTH 72.00 FEET OF LOT 4, BLOCK 6, STAPLES ADDITION, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 170, PAGE 256, DEED RECORDS, GRAYSON COUNTY, TEXAS.

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

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

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

Executed on this the 9 day of SEPTEMBER, 2008.

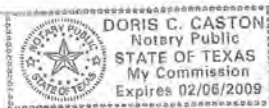

JAMES CREWS

THE STATE OF TEXAS

COUNTY OF GRAYSON

This instrument was acknowledged before me this 9 day of Sept 2008 by JAMES CREWS

NOTARY PUBLIC - STATE OF TEXAS



AFTER RECORDING RETURN TO:

RED RIVER TITLE CO.
421 N. CROCKETT
SHERMAN, TX 75090

Grayson County
Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090



70 2008 00022476

6100

Instrument Number: 2008-00022476

As

Recorded On: September 10, 2008

Recordings

Parties: CREWS JAMES

Billable Pages: 1

To RAMIREZ GONZALO NAVARRO ETAL

Number of Pages: 3

Comment: WD

(Parties listed above are for Clerks reference only)

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

Recordings	16.00
Total Recording:	16.00

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

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

File Information:

Document Number: 2008-00022476

Receipt Number: 274103

Recorded Date/Time: September 10, 2008 09:14:55A

Book-Vol/Pg: BK-OR VL-4525 PG-926

User / Station: G WHITE - Cashiering Station 1

Record and Return To:

RED RIVER TITLE CO

421 N. CROCKETT ST

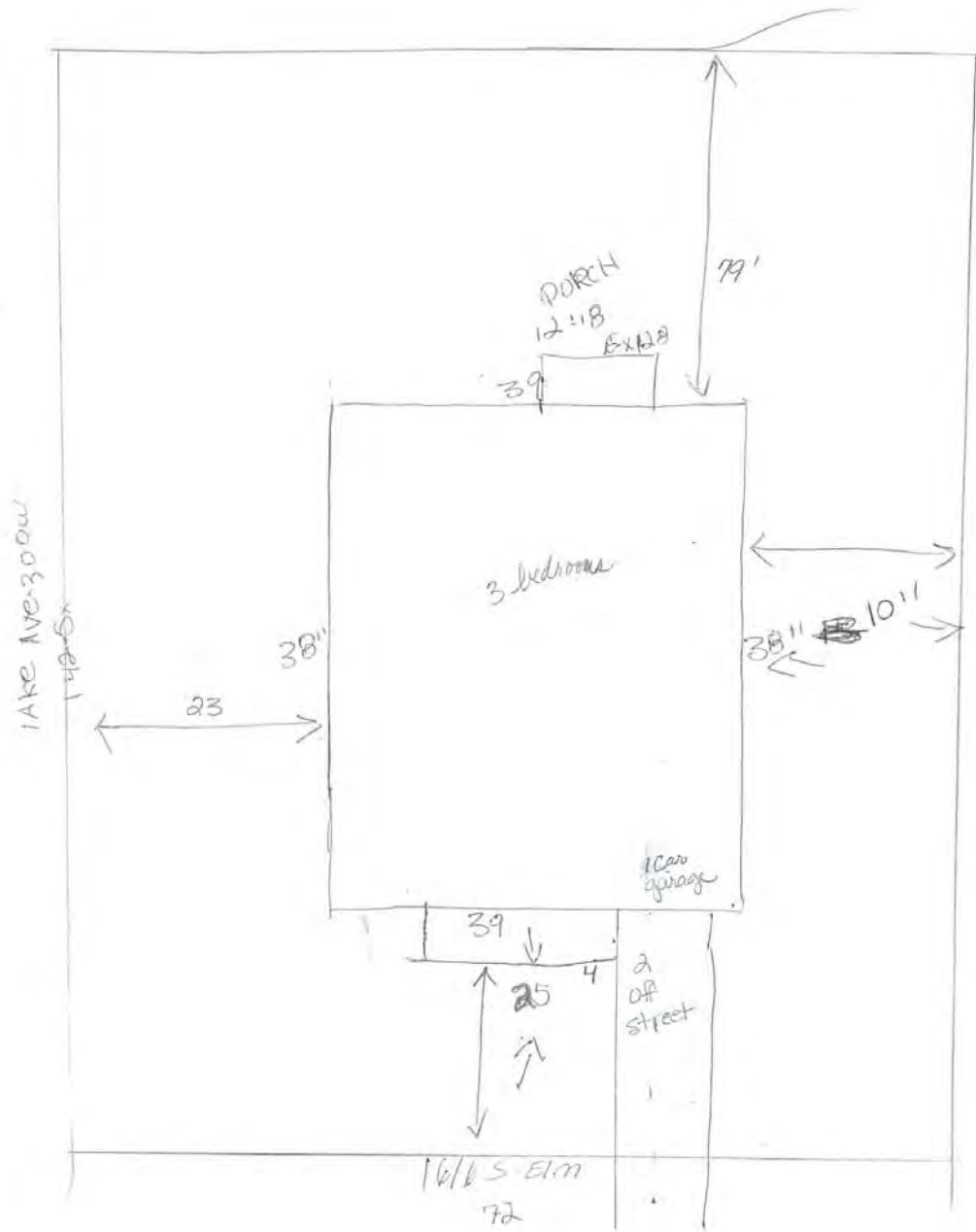
SHERMAN TX 75090



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

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk



1616 S. Elm



CITY OF SHERMAN
RESIDENTIAL BUILDING PERMIT

PERMIT #: 100557 SUBCONTRACTOR: GONZALO RAMIREZ DATE ISSUED: 4/19/2010

PROJECT ADDRESS: 1616 S ELM ST LOT #: 4
PARCEL ID: 166724 BLK #: 6
SUBDIVISION: STAPLES ADDN ZONE ORD:

ISSUED TO: GONZALO RAMIREZ CONTRACTOR: GONZALO RAMIREZ
ADDRESS: 1300 S WALNUT
CITY, ST ZIP: SHERMAN TX 75090 ADDRESS: 1300 S WALNUT
PHONE: 903-818-3045 CITY, ST ZIP: SHERMAN TX 75090
PHONE:

PROP USE: RESIDENTIAL SQ FT: 1,482.00
WORK: NEW RESIDENTIAL BEDROOMS: 3
CONSTRUCTION
VALUATION: \$ 60,000.00 BATHROOMS: 2
OCCP TYPE: RESIDENTIAL STORIES: 1
CNST TYPE: WOOD FRAME

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

NOTES:

NOTICE

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

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

Gonzalo Ramirez
(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

4/19/10
DATE

(APPROVED BY)

1/1
DATE



1616 South Elm Street



City of Sherman, Texas
Engineering Department





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. D.1

OTHER BUSINESS

Receive Parks and Recreation Update from Administrator Kevin Winkler

Issue

An informational update on the City of Sherman's Parks and Recreation Programs and the ongoing Capital Improvement Project for Pecan Grove Park Phase II

Background

The construction of Pecan Grove Park Phase II began in August of 2009; completion is expected to be in June of 2010.

Origination

City Manager

Council Action Requested

This is an informational update only; and the Council need take no action on this item.

Attachments

None

Prepared by:
Kevin Winkler, Parks & Recreation Administrator

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. D.2

*** OTHER BUSINESS**

Approve Quarterly Investment Reports for Period ending March 31, 2010

Issue

To approve the Investment Reports for the quarterly period ending March 31, 2010

Background

These reports are being presented in accordance with the state law that requires at least quarterly presentation to the Council. The report was given to the Investment Committee prior to submittal to the Council. Two portfolios will be addressed: Operating Portfolio and CO Debt Proceeds Portfolio.

As of March 31, 2010, all portfolios were in compliance with applicable state laws and the City's internal Investment Policy. The Operating Portfolio had a book value of about \$22.9 million, up about \$4 million from three months ago. This portfolio is appropriately liquid; and its weighted-average maturity increased to about 147 days, from about 47 days last period, because of maturity purchases during the quarter. The portfolio yield of 0.6% for the quarter is higher than the benchmark yield of 0.24%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The CO Debt Proceeds Portfolio balance decreased about \$1.3 million due to payments for construction during the period. The portfolio remains appropriately liquid, with all of the funds available within one day. Its yield of 0.16% for the quarter is less than the benchmark yield of 0.24%. Also, the portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

Origination

Finance

Financial Consideration

None

Staff Recommendation

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

Alternatives

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

Attachments

Memo to Investment Committee; Investment reports and related schedules

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

memorandum

DATE: Tuesday, April 27, 2010
TO: The Investment Committee
Council Members Willie Steele and Robert G. Softly
City Manager George Olson
FROM: Robby Hefton, Assistant City Manager/CFO 
SUBJECT: Investment Reports for Quarter ended March 31, 2010

Enclosed is a copy of the quarterly investment reports for the quarter ended March 31, 2010. Reports are included for two major portfolios: 1) operating portfolio, and 2) CO Debt portfolio. Each of these reports reflects that, as of that date, the City was in compliance with all applicable state laws as well as the City's Investment Policy.

The total operating portfolio balance of about \$22.9 million had a weighted-average maturity of about 147 days, up from 47 days last quarter due to maturing investments during the period. The portfolio yield of .60% was higher than our benchmark 180-day T-Bill yield, which was 0.24%; and book value closely approximates market value.

As of March 31, 2010, all of the CO Debt Proceeds was invested in pooled investments, together yielding 0.16%, slightly lower than the benchmark 180-day T-Bill rate. The Debt Proceeds portfolio balance decreased by about \$1.3 million during the quarter because of payments related to capital construction.

This investment report will be on the May 3, 2010 City Council Agenda for their review and approval. Please call me if you have any questions about this item.

RH:pc

attachment (as stated above)



CITY OF SHERMAN, TX
Investment Report Summary
March 31, 2010

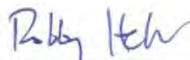
This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law. At March 31, 2010 investment book value was about \$22.9 million and had increased by approximately \$4.0 million from three months prior. Increases 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, bank time deposits, investment pools that strive to maintain a 100% net asset value, 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, 2010. The weighted-average maturity of the portfolio was about 147 days at March 31, 2010 compared to about 47 days at December 31, 2009. This increase in weighted-average maturity occurred because of investment purchases during the period.

The market value of the portfolio was 99.96% of book value as of March 31, 2010. The portfolio yield of 0.60% at March 31, 2010 was higher than the benchmark yield on the 180-day T-Bill, which was 0.24%.

Two securities and a certificate of deposit matured during the quarter with a par value totaling about \$3.0 million. One certificate of deposit and six securities were purchased during the quarter with a par value of \$6.5 million. Accrued interest of about \$13,000 was added to time deposit principal. All other transactions were routine.

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



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



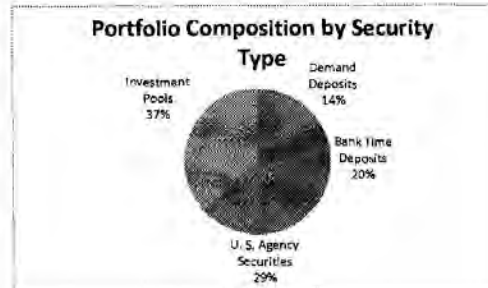
Mary Lawrence, Controller and City of
Sherman Investment Officer

CITY OF SHERMAN, TX
Detailed Investment Report
As of March 31, 2010

Investment	Par	VALUES - December 31, 2009		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - March 31, 2010	
		Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change In Market Price	Book	Market
DEMAND DEPOSITS									
Depository Bank		\$ 2,510,879	\$ 2,510,879	\$ 10,813	\$ -	\$ 10,813	\$ -	\$ 2,521,692	\$ 2,521,692
Depository Bank-TIF Funds		482,963	482,963	274,945	-	274,945	-	757,908	757,908
		2,993,842	2,993,842	285,758	-	285,758	-	3,279,600	3,279,600
BANK TIME DEPOSITS									
Certificate of Deposit 1.65% 1/29/10		1,012,392	1,012,392	(1,012,392)	-	(1,012,392)	-	-	-
Certificate of Deposit 1.51% 4/29/2010		1,511,302	1,511,302	5,752	-	5,752	-	1,517,054	1,517,054
Certificate of Deposit 1.5% 7/19/2010		1,003,806	1,003,806	3,770	-	3,770	-	1,007,576	1,007,576
Certificate of Deposit 1.5% 9/15/2010		1,000,000	1,000,000	3,781	-	3,781	-	1,003,781	1,003,781
Certificate of Deposit 1.65% 3/1/2011		-	-	1,000,000	-	1,000,000	-	1,000,000	1,000,000
		4,527,500	4,527,500	911	-	911	-	4,528,411	4,528,411
INVESTMENT POOLS									
Tex-Pool		3,545,650	3,546,217	-	1,377	-	688	3,547,027	3,546,885
TexStar		4,869,935	4,871,021	-	1,848	-	1,152	4,871,783	4,872,173
		8,415,585	8,417,238	-	3,225	-	1,820	8,418,810	8,419,058
SECURITY INVESTMENTS									
FHLB Discount Note 0.87% 1/26/10	1,000,000	999,968	1,000,310	(1,000,000)	32	(1,000,000)	(310)	-	-
FHLB 2.75% 3/12/10	1,000,000	1,003,265	1,005,000	(1,000,000)	(3,265)	(1,000,000)	(5,000)	-	-
FHLB 2.375% 4/30/10	1,000,000	1,004,388	1,007,190	-	(3,264)	-	(5,630)	1,001,124	1,001,560
FHLB 0.5% 11/23/2010	1,000,000	-	-	1,001,300	(330)	1,001,300	(1,920)	1,000,970	999,380
FFCB 3.9% 6/20/2011	1,000,000	-	-	1,045,400	(6,610)	1,045,400	(6,650)	1,038,790	1,038,750
FNMA 3.625% 8/15/2011	1,000,000	-	-	1,045,340	(4,107)	1,045,340	(6,900)	1,041,233	1,038,440
FHLB 2.1% 9/6/2011	500,000	-	-	510,700	(944)	510,700	(1,635)	509,756	509,065
FHLB 3.75% 9/9/2011	1,030,000	-	-	1,078,822	(3,683)	1,078,822	(6,015)	1,075,139	1,072,807
FHLB 2.13% 12/9/2011	1,000,000	-	-	1,004,580	(109)	1,004,580	(2,080)	1,004,471	1,002,500
		3,007,621	3,012,500	3,886,142	(22,280)	3,886,142	(36,140)	6,671,483	6,662,502
		\$18,944,548	\$18,951,080	\$3,972,811	(\$19,055)	\$3,972,811	(\$34,320)	\$22,898,304	\$22,889,571

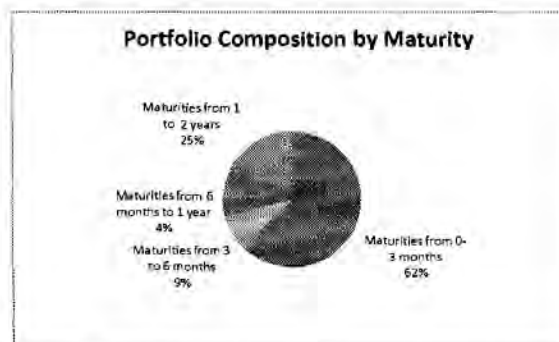
CITY OF SHERMAN, TX
Comparison of Portfolio to Policy Limits
As of March 31, 2010

LIMITS ON TYPES OF SECURITIES	Target Investment Level	Portfolio Cap	Actual Percentage of Portfolio	% Variance Policy Limits
Demand Deposits	100%	100%	14.32%	85.68%
Bank Time Deposits	25%	30%	19.78%	10.22%
U. S. Treasury Securities	80%	85%	0.00%	85.00%
U. S. Agency Securities	45%	50%	29.14%	20.68%
Investment Pools	45%	50%	36.77%	13.23%



LIMITS ON MATURITIES	Minimum Allowable Percentage of Portfolio	Actual Percentage of Portfolio	% Variance Policy Limits
Available within 1 month	25%	62.09%	37.09%
Available within 3 months	33%	62.09%	29.09%
Available within 6 months	45%	70.87%	25.87%
Available within 1 year	60%	75.24%	15.24%
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%

	Maximum Allowable	Actual Average Maturity	Policy Limit Days Available
Weighted Average Days to Maturity	500	147.23	352.77



CITY OF SHERMAN, TX

Calculation of Weighted Average Maturity and Yield

As of March 31, 2010

	<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	\$2,521,692	\$2,521,692	0	0.15%	11.01%
Depository Bank -TIF Funds	<u>757,908</u>	<u>757,908</u>	0	0.15%	<u>3.31%</u>
	3,279,600	3,279,600			14.32%
Bank Time Deposits					
Certificate of Deposit 1.51% 4/29/10	1,517,054	1,517,054	29	1.52%	6.63%
Certificate of Deposit 1.5% 7/19/2010	1,007,576	1,007,576	110	1.51%	4.40%
Certificate of Deposit 1.5% 9/15/2010	1,003,781	1,003,781	168	1.51%	4.38%
Certificate of Deposit 1.65% 3/1/2011	<u>1,000,000</u>	<u>1,000,000</u>	335	1.66%	<u>4.37%</u>
	4,528,411	4,528,411			19.78%
Investment Pools					
Tex-Pool	3,546,885	3,547,027	1	0.16%	15.49%
TexStar	<u>4,872,173</u>	<u>4,871,783</u>	1	0.15%	<u>21.28%</u>
	8,419,058	8,418,810			36.77%
Federal Securities and Notes					
FHLB 2.375% 4/30/10	1,001,560	1,001,124	30	1.05%	4.37%
FHLB 0.5% 11/23/2010	999,380	1,000,970	237	0.35%	4.37%
FFCB 3.9% 6/20/2011	1,038,750	1,038,790	446	0.71%	4.54%
FNMA 3.625% 8/15/2011	1,038,440	1,041,233	502	0.62%	4.55%
FHLB 2.1% 9/6/2011	509,065	509,756	524	0.69%	2.23%
FHLB 3.75% 9/9/2011	1,072,807	1,075,139	524	0.71%	4.70%
FHLB 2.13% 12/9/2011	<u>1,002,500</u>	<u>1,004,471</u>	618	1.09%	<u>4.39%</u>
	6,662,502	6,671,483			29.14%
TOTAL	<u>\$22,889,571</u>	<u>\$22,898,304</u>			<u>100.00%</u>

Weighted Average Maturity

Weighted Average Days to Maturity	147.23
Weighted Average Days to Maturity-Operating (ex.depository bank-checking)	171.85

Weighted Average Yield

Weighted Average Yield	0.60%
Weighted Average Yield - Operating (excluding depository bank-checking)	0.68%
Yield to Maturity of 180 day T-Bill at March 31, 2010	0.24%

CITY OF SHERMAN, TX
Market Value Analysis
As of March 31, 2010

CHANGES IN MARKET VALUE:

BEGINNING VALUE - December 31, 2009	\$18,951,080
-------------------------------------	--------------

INVESTMENT ACTIVITY:

Purchases	6,699,445	
Maturities	(3,012,392)	
Net Changes in Market Price	(36,140)	
		3,650,913

Bank and Pooled Investment Deposits/(Withdrawals) - Net	287,578
---	---------

ENDING VALUE - March 31, 2010	\$22,889,571
-------------------------------	--------------

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

BEGINNING VALUE - December 31, 2009

Market Value	\$18,951,080	
Book Value	\$18,944,548	
Ratio of Market Value to Book Value		100.03%

ENDING VALUE - March 31, 2010

Market Value	\$22,889,571	
Book Value	\$22,898,304	
Ratio of Market Value to Book Value		99.96%

CITY OF SHERMAN, TX
Quarter to Date Investment Transaction Report
As of March 31, 2010

PURCHASES

<u>Date</u>	<u>Type</u>	<u>Principal Purchase Price</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>	<u>Maturity Date</u>
1/12/2010	FHLB .5%	\$ 1,001,300	\$ 1,000,000	0.35%	11/23/2010
1/14/2010	FFCB 3.9%	1,045,400	1,000,000	0.71%	6/20/2011
1/29/2010	FHLB 2.1%	510,700	500,000	0.71%	9/6/2011
1/29/2010	CD 1.51%	\$ 5,752	\$ 5,752	1.52%	4/29/2010
2/1/2010	CD 1.65%	1,000,000	1,000,000	1.66%	3/1/2011
2/9/2010	FNMA 3.625%	1,045,340	1,000,000	0.62%	8/15/2011
2/16/2010	FHLB 3.75%	1,078,822	1,030,000	0.69%	9/9/2011
2/19/2010	CD 1.5%	3,795	3,795	1.51%	7/19/2010
3/15/2010	CD 1.5%	3,781	3,781	1.51%	9/15/2010
3/16/2010	FHLB 2.13%	1,004,580	1,000,000	1.09%	12/9/2011

Total Purchases \$ 6,699,470 \$ 6,543,328

MATURITIES

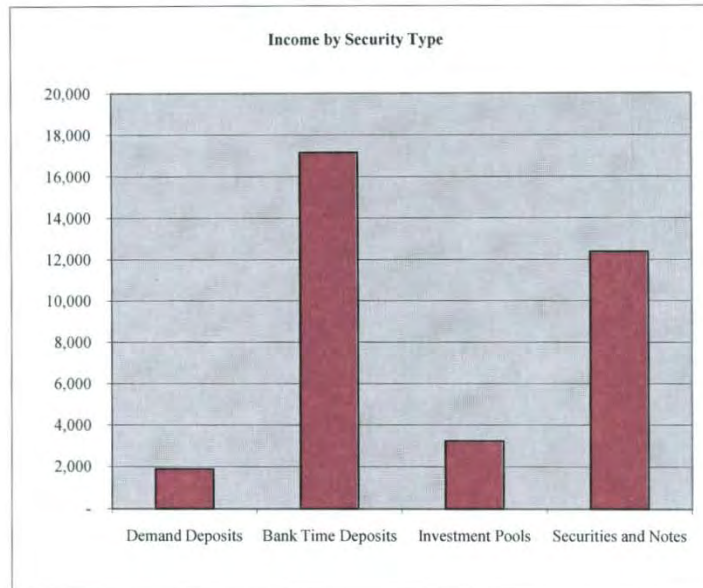
<u>Date</u>	<u>Type</u>	<u>Par Value</u>	<u>Yield/Int. Discount Rate</u>
2/1/2010	CD 1.65%	\$ 1,012,392	1.66%
1/26/2010	FHLB Discount Note .87%	1,000,000	0.920%
3/12/2010	FHLB 2.75%	1,000,000	1.085%

Total Maturities \$3,012,392

CITY OF SHERMAN, TX
Interest Receivable and Earned Interest Income
March 31, 2010

Investment	Original Yield	Interest Receivable December 31, 2009	Purchased Interest	Interest Received	Coupon Interest	Interest Receivable December 31, 2009	Amortization/ Accretion	Earned Interest Income
DEMAND DEPOSITS								
Depository Bank	0.15%	\$ -	\$ -	\$ 1,304	1,304	\$ -	\$ -	1,304
Depository Bank-TIF Funds	0.15%	-	-	579	579	-	-	579
		-	-	1,883	1,883	-	-	1,883
BANK TIME DEPOSITS								
Certificate of Deposit 1.65% 1/29/10	1.66%	2,797	-	4,348	1,551	-	-	1,551
Certificate of Deposit 1.51% 4/29/2010	1.52%	3,964	-	5,752	5,585	3,797	-	5,585
Certificate of Deposit 1.5% 7/19/2010	1.51%	1,701	-	3,795	3,724	1,630	-	3,724
Certificate of Deposit 1.5% 9/15/2010	1.51%	658	-	3,781	3,673	550	-	3,673
Certificate of Deposit 1.65% 3/1/2011	1.66%	-	-	-	2,622	2,622	-	2,622
		9,120	-	17,676	17,155	8,599	-	17,155
INVESTMENT POOLS								
Tex-Pool	0.16%	-	-	1,377	1,377	-	-	1,377
TexStar	0.15%	-	-	1,848	1,848	-	-	1,848
		-	-	3,225	3,225	-	-	3,225
SECURITY INVESTMENTS								
FHLB Discount Note 0.87% 1/26/10	0.92%	3,731	-	4,350	619	-	31	650
FHLB 2.75% 3/12/10	1.09%	8,228	-	13,750	5,522	-	(3,265)	2,257
FHLB 2.375% 4/30/10	1.05%	3,938	-	-	5,856	9,794	(3,264)	2,592
FFCB 3.9% 6/20/2011	0.71%	-	2,708	-	8,105	10,813	(6,610)	1,495
FNMA 3.625% 8/15/2011	0.62%	-	17,520	18,125	5,136	4,531	(4,107)	1,029
FHLB 2.1% 9/8/2011	0.71%	-	4,696	5,250	1,225	671	(944)	281
FHLB 3.75% 9/6/2011	0.69%	-	16,952	19,313	4,506	2,145	(3,683)	823
FHLB 0.5% 11/23/2010	0.35%	-	1,083	-	1,068	2,151	(330)	738
FHLB 2.13% 12/9/2011	1.09%	-	3,969	-	2,626	6,595	(109)	2,517
		15,897	46,928	60,788	34,663	36,700	(22,281)	12,382
		\$25,017	\$46,928	\$83,572	\$56,926	\$45,299	(\$22,281)	\$34,645

CITY OF SHERMAN, TX
Income by Security Type
March 31, 2010



CITY OF SHERMAN, TX
CO Debt Proceeds
Investment Report Summary
March 31, 2010

This report complies with the requirements of the public funds investment law and covers the Certificate of Obligation Debt Proceeds of the City of Sherman that is subject to that law. At March 31, 2010, investment book value was about \$6.2 million and had decreased by approximately \$1.3 million from the previous quarter due to payments made for construction projects. The City's investment portfolio includes interest-bearing demand deposits and investment pools that strive to maintain a 100% net asset value.

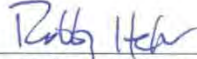
The City was in compliance with all provisions of the investment policy and the Public Funds Investment Act as of March 31, 2010. The weighted-average maturity of the portfolio was 1 day at March 31, 2010.

The market value of the portfolio was 100% of book value as of March 31, 2010.

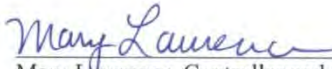
The portfolio yield of 0.16% at March 31, 2010 was lower than the benchmark yield of .24% on the 180-day T-Bill.

All other transactions were routine.

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



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



Mary Lawrence, Controller and City of
Sherman Investment Officer

CITY OF SHERMAN, TX
CO Debt Proceeds
Detailed Investment Report - Debt Proceeds
As of March 31, 2010

Investment	VALUES - December 31, 2009		Book Increase/(Decrease)		Market Increase/(Decrease)		VALUES - March 31, 2010	
	Book	Market	Purchases/ (Withdrawals)	Accruals/ Amortizations	Purchases & (Withdrawals)	Change In Market Price	Book	Market
DEMAND DEPOSITS								
Depository Bank-TIF	\$ 419,579	\$ 419,579	\$ (13,467)	\$ 146	\$ (13,467)	\$ 146	\$ 406,258	\$ 406,258
INVESTMENT POOLS								
Tex-Pool-2009 Bonds	3,536,389	3,536,955	(1,256,598)	1,154	(1,256,598)	497	2,280,945	2,280,854
TexStar-2009A Bonds	3,468,010	3,468,783	-	1,317	-	821	3,469,327	3,469,605
	7,004,399	7,005,738	(1,256,598)	2,471	(1,256,598)	1,318	5,750,272	5,750,458
	\$7,423,978	\$7,425,317	(\$1,270,065)	\$2,617	(\$1,270,065)	\$1,464	\$6,156,530	\$6,156,716

CITY OF SHERMAN, TX
CO Debt Proceeds
Comparison of Portfolio to Policy Limits
As of March 31, 2010

<u>LIMITS ON MATURITIES</u>	<u>Minimum Allowable Percentage of Portfolio</u>	<u>Actual Percentage of Portfolio</u>	<u>% Variance Policy Limits</u>
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%

	<u>Maximum Allowable</u>	<u>Actual Average Maturity</u>	<u>Policy Limit Days Available</u>
<u>Weighted Average Days to Maturity</u>	500	1.00	499.00

CITY OF SHERMAN, TX
CO Debt Proceeds
Calculation of Weighted Average Maturity and Yield
As of March 31, 2010

Demand Deposits					
	<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>
Depository Bank	406,258	406,258	0	0.15%	6.60%
Investment Pools					
Tex-Pool-2009 Bonds	2,280,854	2,280,945	1	0.16%	37.05%
Tex-Star-2009A Bonds	3,469,605	3,469,327	1	0.15%	56.35%
	5,750,458	5,750,272			93.40%
TOTAL	\$ 6,156,716	\$ 6,156,530			100.00%

Weighted Average Maturity	
Weighted Average Days to Maturity	1
Weighted Average Days to Maturity-Operating (ex.depositary bank)	1

Weighted Average Yield	
Weighted Average Yield	0.15%
Weighted Average Yield-Operating (excluding depository bank)	0.16%
Yield to Maturity of 180 day T-Bill at March 31, 2010	0.24%

CITY OF SHERMAN, TX
CO Debt Proceeds
Market Value Analysis
As of March 31, 2010

CHANGES IN MARKET VALUE:

BEGINNING VALUE - December 31, 2009	\$7,425,317
<u>INVESTMENT ACTIVITY:</u>	
Purchases	-
Maturities	-
Net Changes in Market Price	-
Bank and Pooled Investment Deposits/(Withdrawals) - Net	(\$1,268,601)
ENDING VALUE - March 31, 2010	<u><u>\$6,156,716</u></u>

COMPARISON OF BOOK VALUE TO MARKET VALUE:
--

<u>BEGINNING VALUE - December 31, 2009</u>		
Market Value	\$7,425,317	
Book Value	\$7,423,978	
Ratio of Market Value to Book Value		100.02%
 <u>ENDING VALUE - March 31, 2010</u>		
Market Value	\$6,156,716	
Book Value	\$6,156,530	
Ratio of Market Value to Book Value		100.00%

CITY OF SHERMAN, TX
CO Debt Proceeds
Quarter To Date Investment Transaction Report
As of March 31, 2010

PURCHASES

There were no purchases during the period.

MATURITIES

There were no maturities during the period.

CITY OF SHERMAN, TX
CO Debt Proceeds
Interest Receivable and Earned Interest Income
As of March 31, 2010

Investment	Original Yield	Interest Receivable December 31, 2009	Purchased Interest	Interest Received	Coupon Interest	Interest Receivable March 31, 2010	Amortization/ Accretion	Earned Interest Income
DEMAND DEPOSITS								
Depository Bank-TIF	0.15%	\$ -	\$ -	\$ 146	\$ 146	\$ -	\$ -	\$ 146
INVESTMENT POOLS								
Tex-Pool - 2009 Bonds	0.16%	-	-	1,154	1,154	-	-	1,154
TexStar - 2009A Bonds	0.15%	-	-	1,317	1,317	-	-	1,317
		-	-	2,471	2,471	-	-	2,471
		\$ -	\$ -	\$2,617	\$2,617	\$ -	\$ -	\$2,617



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. D.3

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. D.4

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. D.5

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

**Section 551.071 Consultation with City Attorney Concerning Pending
or Contemplated Litigation:**

**(a) Receive the City Attorney's Briefing on Potential
Litigation**

Section 551.072 Deliberations Regarding Real Property:

**(a) Deliberate Regarding the Purchase, Exchange,
Lease, or Value of Real Property:**

**(i) Blalock Fire Station in the 100 Block of
Highway 1417 East**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. F.1

OPEN MEETING

**Reconvene into Open Meeting and consider action, if any,
on items discussed in Executive Session**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 5-3-2010

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2010													
CITY COUNCIL MEETINGS													
JANUARY							JULY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2					1	2	3
3	4	5	6	7	8	9	4	5	6	7	8	9	10
10	11	12	13	14	15	16	11	12	13	14	15	16	17
17	18	19	20	21	22	23	18	19	20	21	22	23	24
24	25	26	27	28	29	30	25	26	27	28	29	30	31
31													
FEBRUARY							AUGUST						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6	1	2	3	4	5	6	7
7	8	9	10	11	12	13	8	9	10	11	12	13	14
14	15	16	17	18	19	20	15	16	17	18	19	20	21
21	22	23	24	25	26	27	22	23	24	25	26	27	28
28							29	30	31				
MARCH							SEPTEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30	31				26	27	28	29	30		
APRIL							OCTOBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3						1	2
4	5	6	7	8	9	10	3	4	5	6	7	8	9
11	12	13	14	15	16	17	10	11	12	13	14	15	16
18	19	20	21	22	23	24	17	18	19	20	21	22	23
25	26	27	28	29	30		24	25	26	27	28	29	30
							31						
MAY							NOVEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30				
30	31												
JUNE							DECEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5				1	2	3	4
6	7	8	9	10	11	12	5	6	7	8	9	10	11
13	14	15	16	17	18	19	12	13	14	15	16	17	18
20	21	22	23	24	25	26	19	20	21	22	23	24	25
27	28	29	30				26	27	28	29	30	31	

01/04/10 - January 4th Council meeting cancelled - holiday schedules
01/18/10 - M.L.K., Jr. Birthday / Regular Council Meeting
02/15/10 - Washington's Birthday / Regular Council Meeting
04/30/10 - 12 Noon Budget Planning Meeting in Council Chambers
05/08/10 - City Council Election
05/11/10 - Called Meeting to Canvass Election Results
06/17-18/10 - Budget Workshop/Long Range Planning Workshop in Council Chambers
07/05/10 - Independence Day - Called Council Meeting on 07/06/10
09/06/10 - Labor Day / Called Council Meeting on 09/07/10