

**CITY OF SHERMAN
CITY COUNCIL REGULAR TELEPHONIC MEETING AGENDA
SHERMAN, TEXAS
MONDAY, APRIL 20, 2020
5:00 P.M.**

Pursuant to Section 551.127 of the Texas Government Code, and in conjunction with the guidance and provisions provided by the Governor of Texas in the declaration of disaster and subsequent executive orders altering certain Open Meeting Act requirements and ordering that gatherings of more than ten (10) people shall be avoided, the City Council of the City of Sherman, Texas will conduct the meeting scheduled for **5:00 p.m. on Monday, April 20, 2020**, in the Council Chambers located at 220 West Mulberry Street, Sherman, Texas **by telephone conference** in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") and to slow the spread of the "Coronavirus Disease 2019" ("COVID-19").

To join in the City Council's regular telephonic meeting from an electronic device, please click the link below:

<https://zoom.us/j/95511866988?pwd=MkJqUUxpYnVnelB5Z25qK0ZPbm9Pd09>

Password: 8675309

or you may join the meeting via telephone:

Dial 1-253-215-8782

Webinar ID: 955 1186 6988

Attendee ID: #

Password: 8675309

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- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
 - A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER SANDRA MELTON**
 - A. 3. INVOCATION BY COUNCIL MEMBER SANDRA MELTON**
 - A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 16, 2020 AND THE CALLED TELEPHONIC CITY COUNCIL MEETING OF MARCH 30, 2020**

Public Hearing

- B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6289**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Renew a Specific Use Permit to Allow a Preschool Learning Center in an R-1 (One Family Residential) District at 1211 Blanton Drive, being Lot 5, Block 8, Western Hills Addition (Delmar Hill, Owner; Chiniqua Hill, Representative; Little Zebra Child Development Center, Tenant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

- B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6290**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Permanent Makeup/Micro-Blading in a C-2 (General Commercial) District at 1735 Texoma Parkway, Suite 105, being 5.34 acres in the J. B. McAnair Survey, Abstract No. 763 (Eisenhower Texoma LTD, Owners; and Erinn Teague, Tenant/Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6291**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit Amendment to Allow Heavy Equipment Sales and Rentals and Wash Bay with Stucco and Metal Finishes, as shown in the Exhibit, in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District at 910 South Sam Rayburn Freeway, being 9.27 acres in the Samuel Blagg Survey, Abstract No. 56 (6M Holdings, LTD, Owners; Sunbelt Rentals, Inc., Tenant; Dustin Tippetts, Representative; UPI Builders, Contractors; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6292**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Two Event Centers in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn Overlay) District at 1000 North Travis Street, Suites P and S, being 4.296 acres in the J. B. McAnair Survey, Abstract No. 763 (Villasenor Santoyo Properties, LLC, Owners; Alberto Villasenor, Representative; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6293**
Closing and Abandoning a Portion of the Branch Street Right-of-Way lying between Blocks Fifty-Four (54) and Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown on Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes; Conveying the Interest in said Right-of-Way to the Surrounding Property Owner, Kirk D. Allen
- B. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6294**
Closing and Abandoning a Portion of the East Street Right-of-Way lying between Blocks Fifty-Five (55) and Fifty-Six (56), and the Platted Alley within Block Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown on Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes, said Property to be Maintained as a Utility Easement; Conveying the Interest in said Right-of-Way and Alley to the Surrounding Property Owner, Kirk D. Allen

Close Public Hearing and Consider Adoption of Ordinances

- B. 7. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 6289, 6290, 6291, 6292, 6293 and 6294
- B. 8. 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. 6609

Finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") Application for Approval to Amend Its Distribution Cost Recovery Factor to Increase Distribution Rates within the City Should Be Denied; Authorizing Participation with Oncor Cities Steering Committee; Authorizing the Hiring of Legal Counsel and Consulting Services; Finding that the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Requiring Notice of this Resolution to the Company and Legal Counsel

C. 2. RESOLUTION NO. 6610

Authorizing Execution of a Street and Utility Agreement with the Sherman Independent School District

C. 3. RESOLUTION NO. 6611

Creating a Capital Improvements Advisory Committee; Providing for its Membership; Establishing and Adopting Procedural Rules for and Duties Associated Therefore in Accordance with Chapter 395 of the Texas Local Government Code Regarding Impact Fees

C. 4. * RESOLUTION NO. 6612

Abandoning a Portion of a Sixteen Foot (16') Drainage and Utility Easement lying along the common lot line of Lots 20 and 21, Dos Lagos Subdivision, Volume 4, Page 94, Plat Records, Grayson County, Texas, and being more particularly described on the Exhibit "A" attached hereto and made a part hereof for all purposes

C. 5. * RESOLUTION NO. 6613

Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 913 East Cherry Street within City of Sherman Reinvestment Zone, Number Ten (#10)

Requests to Advertise

D. 1. * REQUEST TO ADVERTISE

Request to Advertise for the Annual Supply of Tires for On-Road and Off-Road Fleet Equipment

Other Business

E. 1. OTHER BUSINESS

Consider Approval of a Revised Annexation Scheduling Plan for Adoption of 6.00 acres located East of Lamberth Road, at the intersection of Meadowlake Drive and Lamberth Road, adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

E. 2. OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of Approximately 10.25 acres located West of East Street, South of Sherman Street, and East of Montgomery Street, adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

E. 3. * OTHER BUSINESS

Consider Request of Downtown Sherman NOW to Temporarily Close Certain Streets for "Craft the Night Away" on Saturday, June 20, 2020

E. 4. * OTHER BUSINESS

Consider Request of Sherman Main Street to Temporarily Close Certain Streets for "Christmas in July" on Saturday, July 11, 2020

E. 5. * OTHER BUSINESS

Approve Quarterly Investment Report for Quarter Ended March 31, 2020

E. 6. * OTHER BUSINESS

Replat Approval of Lot 6, Block 31, Hilltop Estates, being 0.817 acres in the J. Hendrix Survey, Abstract No. 503, also being all of Lot 6, Block 31, Hilltop Estates; Tobar Properties, LLC, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (2701 Dripping Springs Road)

E. 7. * OTHER BUSINESS

Final Plat Approval of Hancock Ranch in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being eleven (11) acres in the Winifred Bailey Survey, Abstract No. 66; George Hancock, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1493 F.M. 697)

E. 8. * OTHER BUSINESS

Final Plat Approval of Post Oak Place in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 10.25 acres in the Preston Kitchen Survey, Abstract No. 667; Kirk and Karl Allen, Owners; and Underwood Drafting and Surveying, Inc., Surveyor (300-400 Blocks of East Sherman Street)

E. 9. * OTHER BUSINESS

Replat Approval of Bethany Road Estates, No. II, Lots 5R-1 and 5R-2 in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 2.301 acres in the Aaron Burleson Survey, Abstract No. 61, also being all of Lot 5 of Bethany Road Estate No. II; Stone Castle Investors, LLC, Owners; and Preston Trail Land Surveying, LLC, Surveyor (515 Bethany Road)

F. MEDIA QUESTIONS

Consider Board/Commission Appointments

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

(a) Main Street Advisory Committee (3)

H. COUNCIL COMMENTS

I. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Telephonic Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on April 16, 2020 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 16th day of April, 2020.
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Willie Steele

Council Members

Willie Steele, Council-At-Large, PL #1
Sandra Melton, Council-At-Large, PL #2
Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2
Pamela L. Howeth, Council – District #3
Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

A. 4.

Meeting Date: 04/20/2020

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

**APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 16, 2020
AND THE CALLED TELEPHONIC CITY COUNCIL MEETING OF MARCH 30, 2020**

Attachments

March 16, 2020

March 30, 2020 - Called Meeting

STATE OF TEXAS

§

March 16, 2020

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 March 16, 2020.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR WILLIE STEELE.
COUNCIL MEMBERS HOLLAND, HOWETH, MELTON,
STEVENSON, TEAMANN.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Shawn Teamann.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of March 2, 2020. Council Member Melton moved to approve the Minutes, as presented; Second by Council Member Stevenson; All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

CITIZEN'S REQUESTS

CLARIFICATION ON CITIZEN'S REQUESTS

Ronald Aycock, 220 E. Houston, questioned the clarification on citizen's requests. Mayor Plyler said this was the first meeting they added a clarification to citizen's requests in writing on the agenda.

**CLARIFICATION ON
CITIZEN'S REQUESTS**

Mr. Aycock asked for additional clarification because it was confusing. Mayor Plyler said citizens are allowed to speak on items on the agenda, based on language in the "Citizen's Comments."

Mr. Aycock said "Citizen's Comments" have always been where anyone can ask questions. He asked why it was changed.

Mayor Plyler said the State law changed.

Mayor Plyler introduced Ordinance No. 6284 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 5900 NORTH U.S. HIGHWAY 75, BEING 1.18 ACRES IN THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265 (STANLEY BLYTHE, OWNER; BRYAN WEISGERBER, CROSS ENGINEERING CONSULTANTS, INC., REPRESENTATIVE/CIVIL ENGINEER; LAY DESIGN/BUILD, ARCHITECT; AND UNDERWOOD

ORD 6284
ZONE CHANGE
FOR DAIRY QUEEN
(HWY 75 & FM 691)

DRAFTING AND SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

Scott Shadden, Director of Development Services, said this request is to change to C-1 Zoning to allow for commercial development along the west side of Hwy 75, near FM 691.

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

Stanley Blythe, 1105 Emerald Court, Colleyville, Texas 76034
Mr. Blythe is the property owner of 5900 North Hwy 75, and is requesting the Zone Change. They had a contract with Dairy Queen, but they called Friday to terminate the agreement. Since the Plat and the Zone Change were already in progress, they decided to continue with the process to sell the property for commercial or retail use.

No other citizens appeared before the City Council to discuss Ordinance No. 6284.

Mayor Plyler introduced Ordinance No. 6285 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT AMENDMENT TO ALLOW A CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2605 REX CRUSE DRIVE, BEING ALL OF LOTS 1-6 AND ALL OF THE ABANDONED PLATTED J. FIELDING CIRCLE (ORDINANCE NO. 6282) OF THE JOE E. PRICE SUBDIVISION, ALSO BEING 4.19 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (NORTH PARK BAPTIST CHURCH, OWNERS; KENT SALISBURY, DAVID BACA STUDIOS, ARCHITECT; AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6285
SUP FOR CHURCH
(2605 REX CRUSE DR)

Mr. Shadden said this application was originally for C-1 Zoning, but the Planning and Zoning Commission restricted it to a SUP, because some of the neighbors had concerns that a Zone Change would allow anything in a C-1 District at a future date.

The Planning and Zoning Commission recommended approval of the SUP in a Residential District, subject to the Staff Review Letter.

No citizens appeared before the City Council to discuss Ordinance No. 6285.

Mayor Plyler introduced Ordinance No. 6286 and called for a public hearing:

ORD 6286
SUP FOR
PRIVATE SCHOOL

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PRIVATE SCHOOL IN A C-1 (RETAIL BUSINESS) DISTRICT AT 214 WEST BROCKETT STREET, BEING LOT 4, BLOCK 2, BROILES ADDITION, A REPLAT OF LOT 1, BLOCK 1, OF THE REPLAT OF LOTS 19-21, L.C. CHAPMAN'S ADDITION, AND ALL OF LOT 9 AND PART OF LOT 12, TOGETHER WITH AN ALLEY RUNNING SOUTHERLY FROM BROCKETT STREET AND LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOTS 9-11, L.C. CHAPMAN'S ADDITION (MACK BROILES, OWNER; MICAELA HOOPS, APPLICANT; AND EC STANTON COMMUNITY SCHOOL TEXAS 4H, PROPOSED TENANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

(214 W. BROCKETT)

Mr. Shadden said the request is for a SUP for a school at the old House of Hope.

The Planning and Zoning Commission recommended approval of the SUP, subject to the Staff Review Letter, and limiting the SUP to the EC Stanton Community School Texas 4H, and also putting a two year time limit on the SUP.

Courtney Bradford, 307 W. Steadman

Ms. Bradford appeared to answer any questions the Council might have about the request.

Brian Prichard, 975 Desvoignes Road, Denison, Texas 75020

Mr. Prichard said the students and the staff work together to help the students form their direction in life. It is student led learning, so the students have an opportunity to discover their passion. The adults act as mentors to direct and drive the learning.

No other citizens appeared before the City Council to discuss Ordinance No. 6286.

Mayor Plyler introduced Ordinance No. 6287 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW NEW AND USED TIRE SALES AND REPAIR, GENERAL MAINTENANCE WITH ALIGNMENTS AND OIL CHANGES IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 207 AND 209 SOUTH DEWEY AVENUE, BEING 1.091 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963 DESCRIBED AS LOTS 3, 4 AND PART OF LOT 5 INCLUDING THE ALLEY LYING BETWEEN LOTS 3 AND 4, BLOCK 3, J.P. LOVING'S 2ND ADDITION (MIGUEL A. AVALOS, OWNER; MIGUEL AVALOS, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR

ORD 6287
SUP FOR NEW &
USED TIRE SALES,
ALIGNMENTS, &
OIL CHANGES
(207 & 209 S. DEWEY)

A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

Mr. Shadden said this request is for a SUP at a building that was formerly Tom's Auto Body Shop. The owners plan to have new and used tire sales, general maintenance, and oil changes, in this C-2 District.

The Planning and Zoning Commission recommended approval of the SUP, subject to the Staff Review Letter, and limiting the SUP to the applicant. The applicant is also planning to screen the business next to the residential property.

Mary Nelson, 1920 Jones Circle

Ms. Nelson said there are already two businesses that sell tires and change oil in this area, and those businesses are a mess. She said she has been trying for years to get them to clean up.

She received a letter from the City about fats, oils, and grease in the street that needs to be cleaned up. There are also trucks loaded with trash parked behind the Dairy Queen. She said nothing has been done about these problems. She asked why another tire place was needed, if the ones that are already there can't be cleaned up.

No other citizens appeared before the City Council to discuss Ordinance No. 6287.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6284

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 5900 NORTH U.S. HIGHWAY 75, BEING 1.18 ACRES IN THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265 (STANLEY BLYTHE, OWNER; BRYAN WEISGERBER, CROSS ENGINEERING CONSULTANTS, INC., REPRESENTATIVE/CIVIL ENGINEER; LAY DESIGN/BUILD, ARCHITECT; AND UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER.

ORD 6284
ZONE CHANGE
FOR DAIRY QUEEN
(HWY 75 & FM 691)

ACTION TAKEN.

Motion by Council Member Melton to adopt Ordinance No. 6284, as presented. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6285

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT AMENDMENT TO ALLOW A CHURCH IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2605 REX CRUSE DRIVE, BEING ALL OF LOTS 1-6 AND ALL OF THE ABANDONED PLATTED J. FIELDING CIRCLE (ORDINANCE NO. 6282) OF THE JOE E. PRICE SUBDIVISION, ALSO BEING 4.19 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 (NORTH PARK BAPTIST CHURCH, OWNERS; KENT SALISBURY, DAVID BACA STUDIOS, ARCHITECT; AND COPLEY LAND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6285
SUP FOR CHURCH
(2605 REX CRUSE DR)

Council Member Melton asked why the church needed a Specific Use Permit. Mr. Shadden said the church requested a permit to add to the structure and to move the parking lot toward Lamberth Road. That triggered the SUP request or the Zone Change.

He said churches are permitted in a Commercial District or allowed in a Residential District with an SUP. He said they were legal and current with the SUP, however when they came in to enlarge the facility, they must amend the SUP or request a Zone Change.

Council Member Melton asked if the SUP was approved tonight, would it stay with the church. Mr. Shadden said the Council can add that limit.

ACTION TAKEN.

Motion by Council Member Melton to adopt Ordinance No. 6285, with the Specific Use Permit staying with the church.
Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6286

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A PRIVATE SCHOOL IN A C-1 (RETAIL BUSINESS) DISTRICT AT 214 WEST BROCKETT STREET, BEING LOT 4, BLOCK 2, BROILES ADDITION, A REPLAT OF LOT 1, BLOCK 1, OF THE REPLAT OF LOTS 19-21, L.C. CHAPMAN'S ADDITION, AND ALL OF LOT 9 AND PART OF LOT 12, TOGETHER WITH AN ALLEY RUNNING SOUTHERLY FROM BROCKETT STREET AND LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOTS 9-11, L.C. CHAPMAN'S ADDITION (MACK BROILES, OWNER; MICAELA

ORD 6286
SUP FOR
PRIVATE SCHOOL
(214 W. BROCKETT)

HOOPS, APPLICANT; AND EC STANTON COMMUNITY SCHOOL TEXAS 4H, PROPOSED TENANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ACTION TAKEN.

Motion by Council Member Melton to adopt Ordinance No. 6286, with the Specific Use Permit staying with the property owner. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

Ordinance 6287

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW NEW AND USED TIRE SALES AND REPAIR, GENERAL MAINTENANCE WITH ALIGNMENTS AND OIL CHANGES IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 207 AND 209 SOUTH DEWEY AVENUE, BEING 1.091 ACRES IN THE G.B. PILANT SURVEY, ABSTRACT NO. 963 DESCRIBED AS LOTS 3, 4 AND PART OF LOT 5 INCLUDING THE ALLEY LYING BETWEEN LOTS 3 AND 4, BLOCK 3, J.P. LOVING'S 2ND ADDITION (MIGUEL A. AVALOS, OWNER; MIGUEL AVALOS, REPRESENTATIVE; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6287
SUP FOR NEW &
USED TIRE SALES,
ALIGNMENTS, &
OIL CHANGES
(207 & 209 S. DEWEY)

Council Member Teamann confirmed that the applicants did not own any other tire shops in town. He asked if they planned to improve the façade of the building.

Miguel Avalos, 207-209 S. Dewey

Mr. Avalos is the owner of the proposed tire shop and said he and his father are "very picky" on how they want to run their business. They plan to maintain a clean facility and add screening to the fence. They have already cleaned up a lot.

Council Member Teamann asked about the parking restrictions on the business. Mr. Shadden said there can be no outside storage of junked or wrecked vehicles, or tires. Mr. Avalos said their customers would be "in and out" all day. He said the tire displays would be stored at the 209 S. Dewey location, inside the building. The dismounted tires will also be in that building prior to disposal.

Council Member Teamann verified that, if the applicant doesn't comply with the terms of the SUP, it can be revoked.

COUNCIL MINUTES – MARCH 16, 2020

Council Member Holland asked if there was a time limit on the SUP. Mr. Shadden said it runs with the land, unless a specific time limit is applied by the Council or Planning and Zoning Commission.

Deputy Mayor Steele said a time limit was set on the previous SUP, and asked how a time limit was determined. Mr. Shadden said the Planning and Zoning Commission or the City Council can recommend a time limit.

Deputy Mayor Steele said the business needs to be run with the guidelines, but sometimes they are not, and that becomes an enforcement issue. He felt the request should be limited to one year, so the Council could look at the situation after that time.

Council Member Howeth said there are four of these types of shops in a four block area, and none are being kept well.

Council Member Teamann agreed that the SUP should have a time restriction, to assure that the rules are being followed. Council Member Stevenson said he didn't want to "punish Mr. Avalos for the sins of others." He said the City has an enforcement branch to assure that the requirements of the SUP are being followed. He felt it was an issue of compliance.

Council Member Melton verified that Mr. Avalos will provide screening of the facility.

Council Member Teamann verified that the Council could impose a 12 month limit on this SUP, then when it comes back for review, they could grant the SUP without a time limit. Deputy Mayor Steele agreed that a 12 month time limit was appropriate. If the requirements are met, it could then be expanded past the 12 months.

Council Member Holland said the City needs to increase enforcement on the other companies that are violating the requirements of their SUP.

ACTION TAKEN.

Motion by Deputy Mayor Steele to adopt Ordinance No. 6287, with a 12 month limit on the Specific Use Permit.

Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Plyler removed Item F-12, entitled "Consider Request of the 2020 Earth Day Planning Committee to Temporarily Close Certain Streets for the '12th Annual Earth Day Festival' on Saturday, April 18, 2020" which will be considered in its regular order of business.

CONSENT AGENDA

Council Member Stevenson moved to approve the Consent Agenda, with the exception of Item F-12, which will be considered in its regular order of business. Second by Council Member Holland. All present voted AYE.

CONSIDER REQUEST OF THE 2020 EARTH DAY PLANNING COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE “12TH ANNUAL EARTH DAY FESTIVAL” ON SATURDAY, APRIL 18, 2020

**CLOSE STREETS
EARTH DAY
FESTIVAL
(APRIL 18, 2020)**

Mayor Plyler removed Item F-12 from the Consent Agenda. He asked Amy Hoffman-Shehan, Chairman of the Earth Day Planning Committee, if she would like to speak on the event. She explained that they have decided they should cancel the event because of the spread of the Corona Virus.

Next year’s Earth Day Festival will be held on April 17, 2021. They hope to plan a recycling event sometime later this year. They now have a glass recycler that will take bottles and jars, and have expanded their electronic waste recycling.

Council Member Howeth thanked Ms. Hoffman-Shehan for trying to provide some of these activities later in the year.
REMOVED FROM CONSENT AGENDA.

RESOLUTION NO. 6606 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DICKERSON CONSTRUCTION COMPANY, INC. BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF THE BNSF WATERLINE RELOCATION PROJECT

**RES 6606
BNSF WATERLINE
RELOCATION
PROJECT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DICKERSON CONSTRUCTION COMPANY, INC. BASED ON AN INVITATION TO BID FOR CONSTRUCTION OF THE BNSF WATERLINE RELOCATION PROJECT.

Tom Pruitt, Utility Engineer, said BNSF Railroad has notified the City of the need to relocate a water line that was originally installed in 1935. They are in the process of a track realignment and doing drainage improvements that will conflict with the City’s water line. The project is located west of Austin College.

The City’s Engineering Department completed the design, and the cost estimate was \$200,000. Two bids were received and the low bid was \$133,230. The railroad has requested a June 1, 2020 completion date, but that is a short deadline.

Mayor Plyler asked if the City could leverage this project with the Park Street Project.

Deputy Mayor Steele verified that two bids were received and asked about the City’s history with this company. Mr. Pruitt said this company has done a bore for the City in the past.

Deputy Mayor Steele asked about the difference from hiring this job out and completing it in-house. Mr. Pruitt said this project is on a very short timeframe.

Robby Hefton, City Manager, said there is also a portion of the project that is not included in the contract. There is part of the larger project that will be completed in-house. The engineering was completed in-house and a portion of the project outside the railroad right-of-way will be completed in-house. The portion that Dickerson Construction would be doing is in the railroad right-of-way.

Council Member Teamann asked if the staff knew why one bid was substantially higher than the other. Mr. Pruitt said one contractor always seems to be a lot higher than the other bidders.

Council Member Howeth expressed her concern about the railroad company taking so long to give the City permission for road repairs on Park Street and Lake Street. Clint Philpott, Assistant City Manager, said the staff has recently received a contract from the railroad and are working through the details.

Council Member Melton asked if the timeframe was the only reason the City wasn't completing the project in-house. Mr. Philpott said it was a bore and the City doesn't have the type of equipment to do the bore. The waterline is in the railroad's right-of-way, and if they don't move it, the railroad will.

ACTION TAKEN.

Motion by Council Member Howeth to adopt Resolution No. 6606, as presented. Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6607 – AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO ULISES ADONAY HENRIQUEZ LOPEZ AND MARIBEL ROMERO MANJIVAR FOR THE ENCROACHMENT OF A ONE STORY METAL COMMERCIAL BUILDING WITHIN THE PLATTED PUBLIC RIGHT OF WAY ALONG THE NORTH SIDE OF LOT 1, BLOCK 6 OF JONES & WAINRIGHTS ADDITION, VOLUME 35, PAGE 96, DEED RECORDS, LOCALLY KNOWN AS 1201 SOUTH MONTGOMERY STREET IN THE CITY OF SHERMAN, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO ULISES ADONAY HENRIQUEZ LOPEZ NAD MARIBEL ROMERO MANJIVAR FOR THE ENCROACHMENT OF A ONE STORY METAL COMMERCIAL BUILDING WITHIN THE PLATTED PUBLIC RIGHT OF WAY ALONG THE NORTH SIDE OF LOT 1, BLOCK 6

**RES 6607
ENCROACHMENT
EASEMENT FOR
METAL COMMERCIAL
BLDG
(1201 S.
MONTGOMERY ST)**

OF JONES & WAINRIGHTS ADDITION, VOLUME 35, PAGE 96, DEED RECORDS, LOCALLY KNOWN AS 1201 SOUTH MONTGOMERY STREET IN THE CITY OF SHERMAN, TEXAS. CONSENT AGENDA.

RESOLUTION NO. 6608 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH AMX PREMIUM CLEANING SERVICES, LLC FOR THE ANNUAL CITY PARKS AND GROUNDS RESTROOM CLEANING CONTRACT
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH AMX PREMIUM CLEANING SERVICES, LLC FOR THE ANNUAL CITY PARKS AND GROUNDS RESTROOM CLEANING CONTRACT. CONSENT AGENDA.

RES 6608
PARKS & GROUNDS
ANNUAL RESTROOM
CLEANING

REQUEST TO ADVERTISE
PURCHASE OF A USED CITIZEN RESCUE HARDENED
VEHICLE FOR USE WITHIN THE SHERMAN POLICE
DEPARTMENT

REQ TO ADVERTISE
CITIZEN RESCUE
VEHICLE FOR
POLICE DEPT

Zach Flores, Police Chief, said the City has the opportunity to purchase an armored vehicle for the tactical team, which is really the only full tactical team in the area, which means they respond to other jurisdictions.

He said the purchase of this vehicle would ultimately come from seizure funds. The seizure funds have strict rules for use and can't go toward salaries. This vehicle is an appropriate way to use those funds.

The request is to advertise for the purchase of this vehicle so they can get the right vehicle for the job. They did not want to spend this money out of the General Fund, if they didn't have too.

ACTION TAKEN.

Motion by Council Member Howeth to approve the request to advertise for the purchase of a used Citizen Rescue Hardened Vehicle for the Police Department, as presented.
Second by Council Member Holland.

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

VOTING NAY: None.

MOTION CARRIED.

SEMIANNUAL JANITORIAL SERVICES

JANITORIAL SERVICES

Council Member Teamann asked if the staff has talked about increasing the need in the janitorial services based on the current environment, especially the Corona Virus.

Mr. Hefton said one of the reasons the staff is requesting to advertise for janitorial services, is that they are not pleased with the level of service the City has been getting. The staff is evaluating whether to take this back in-house or not.

This request is only for the remainder of this fiscal year. The staff would be open to continuing this service on a contract basis if they can find someone that would clean like they want it cleaned. He said it is hard to find that level of service.

This request is meant to be a temporary request until there is a “full picture” of what they want to do long term. Mr. Hefton said hopefully the City will get a company that is interested in providing this service for the six months as a trial period. If the job is done to the City’s standards, they could consider a long term contract.

Council Member Teaman said when this is put out for bid, the staff might address “ramping up” the level of sanitation required.

The City Council approved the request to advertise for the semiannual janitorial services contract for several City buildings. The contract will include the Parks and Recreation Activity Center, Glennie O. Ham Center, City Hall, Public Library, West Hill Cemetery, Equipment Services Center, Taylor Street Gym, Water Maintenance Shop, Municipal Airport, Police Department, Municipal Building, Senior Center, and the Utilities Laboratory.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF SHERMAN FIRE-RESCUE SERVICES TO AUTHORIZE A BUSINESS RELATIONSHIP WITH SHERMAN FIRE FIGHTER MICHAEL TYLER JONES, D/B/A JONES METAL BUILDING, LLC AS REQUIRED BY ARTICLE X, SECTION 1(C)(A) OF THE SHERMAN CITY CHARTER

**BUSINESS
RELATIONSHIP
WITH FIREFIGHTER**

Danny Jones, Fire Chief, said several months ago the City Council decided to purchase the building just north of Station 5 on Frisco Road, to use as a storage building and office space. They began remodeling and upgrading the facility and need to add a metal cover for various equipment trailers and the mobile command post.

They received bids from several companies. Fire Fighter Tyler Jones owns a business called Jones Metal Buildings, LLC, and can provide that service. His bid offered the City a savings of about \$8,500 over the next bid.

According to the City’s Charter, for him to be able to do business with the City, it must be approved by the City Council. All work would be done off-duty through his business entity.

Council Member Holland asked if this had been presented to the City Council prior to this meeting. Chief Jones said several months ago they asked to use Fire Fighter Dalton Griffin’s company to service the Fire Department’s overhead doors. There were some savings with that relationship, but it was more the convenience of having a vendor that would respond in a timely manner.

Council Member Teamann verified that the cost of this service would be under the threshold of the amount that would come before the Council for approval. Chief Jones said it is under the \$50,000 amount that must be approved.

He added that the other bidder offered a bolt-together building and this one is a weld-together building. This type of building would be better constructed.

ACTION TAKEN.

Motion by Council Member Melton to authorize a business relationship with Sherman Fire Fighter Michael Tyler Jones, d/b/a Jones Metal Building, LLC, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF 6.00 ACRES LOCATED EAST OF LAMBERTH ROAD, AT THE INTERSECTION OF MEADOWLAKE DRIVE AND LAMBERTH ROAD, ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; AND DIRECTING THE DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN

APPROVE
ANNEXATION
SCHEDULE
(WILEY
DEVELOPMENT)

Mr. Philpott said this request to voluntarily annex six acres of land was made by the property owners, primarily to obtain water to the site. Discussions also included the future expansion of Lamberth Road, which would be Friendship Road.

The City agreed to annex their property and they would dedicate the right-of-way for the expansion for free, in exchange for the water line along their property line.

Action for this item would be to approve the annexation schedule only.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Annexation Scheduling Plan for a 6.00 acre tract, located east of Lamberth Road, at the intersection of Meadowlake Drive and Lamberth Road, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

SITE PLAN APPROVAL, EXCEPTION AND VARIANCE TO ORDINANCE NO. 2252, ARTICLE IV, SECTION 410 (2)(J) AND (2) (G)(2), AND ORDINANCE NO. 2280, SECTION 6.8.4,

APPROVE SITE PLAN,
EXCEPTION,
VARIANCE FOR

SUBSECTIONS (7) AND (11) FOR A PANDA EXPRESS RESTAURANT WITH DRIVE THRU WITH A 20' SETBACK ON THE SOUTH PROPERTY LINE IN LIEU OF THE REQUIRED 55.7' AND AN EXCEPTION TO ALLOW FIBERON COMPOSITE DECKING IN LIEU OF THE REQUIRED MASONRY IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT AT 3150 SOUTH U.S. HIGHWAY 75

PANDA EXPRESS
(3150 S. US HWY 75)

Mr. Shadden said this request is for approval of a Site Plan, with an Exception and a Variance for a new Panda Express Restaurant, located at 3150 South Hwy 75. The location is in the Blalock Industrial Park and the Blalock Commercial Overlay District.

The Planning and Zoning Commission recommended approval of the Site Plan, Exception and Variance, subject to the Staff Review Letter.

Council Member Teamann said the Site Plan includes an eight foot tall monument sign, and asked if that fell within the development ordinance. Mr. Shadden said the ordinance allows a 12-foot sign, with a 65-foot face.

ACTION TAKEN.

Motion by Council Member Howeth to approve the Site Plan, Exception, and Variance for a Panda Express Restaurant, to be located at 3150 South Hwy 75, as presented. Second by Council Member Melton.

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

VOTING NAY: None.

MOTION CARRIED.

REPLAT APPROVAL OF SHERMAN CROSSROADS, PHASE II, LOTS 1R-1 AND 6, BLOCK 2, BEING A REPLAT OF LOT 1R, BLOCK 2, SHERMAN CROSSROADS, PHASE II; BEING PART OF THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, CONTAINING 9.950 ACRES, ALSO BEING A PART OF LOT 1R, BLOCK 2, SHERMAN CROSSROADS, PHASE II; SHERMAN CROSSROADS, LTD, OWNERS; AND A&W SURVEYORS, INC., SURVEYOR (3100—3600 BLOCKS SOUTH U.S. HIGHWAY 75)

APPROVE REPLAT
SHERMAN
CROSSROADS
PHASE II
(3100-3600 S. HWY 75)

The City Council approved the Replat of Sherman Crossroads, Phase II, Lots 1R through 6, block 2, in the Preston Kitchen Survey.

The 9.950 acre tract is located in the 3100 to 3600 blocks of South Hwy 75, at the northwest corner of FM 1417, and is in the Blalock Industrial Park and Blalock Commercial Overlay District. The owners would like to replat the property into two lots for commercial development.

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

CONSENT AGENDA.

FINAL PLAT APPROVAL OF SHERMAN LANDING, PHASE II, BEING 1.18 ACRES IN THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265; STANLEY BLYTHE, OWNER; BRYAN WEISGERBER, CROSS ENGINEERING CONSULTANTS, INC., REPRESENTATIVE/CIVIL ENGINEER; AND UNDERWOOD DRAFTING AND SURVEYING, INC., SURVEYOR (5900 NORTH U.S. HIGHWAY 75)

APPROVE FINAL PLAT
SHERMAN LANDING
PHASE II
(5900 N. HWY 75)

The City Council approved the Final Plat of Sherman Landing, Phase II, located in the W.S. Thurman Survey.

The 1.18 acre tract is located at 5900 North Hwy 75 and is zoned an SF-1 (Single Family Residential) District. It is also located in the O-1 (75 & 82) Overlay District and the O-1.3 (FM Hwy 691) Overlay District. The owner would like to plat the property into one lot for commercial development.

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

REPLAT APPROVAL OF CHAFFIN'S FIRST ADDITION, BLOCK 11, LOT 23R, BEING LOTS 23 AND 24, BLOCK 11, CHAFFIN'S FIRST ADDITION, ALSO BEING A PART OF THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, CONTAINING 0.164 ACRES; JOSE AND MARIA LARA, OWNERS; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (802 EAST HOUSTON STREET)

APPROVE REPLAT
CHAFFIN'S FIRST
ADDITION
(802 E. HOUSTON)

The City Council approved the Replat of Chaffin's First Addition, Block 11, Lot 23R, also being a part of the J.B. McAnair Survey.

The 0.164 acre tract is located at 802 East Houston Street, and is zoned an R-1 (One Family Residential) District. The owners would like to replat two lots into one lot for residential development.

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

REPLAT APPROVAL OF LOTS 1 AND 2 UNDERWOOD ADDITION, BEING LOTS 1 AND 2, UNDERWOOD ADDITION, ALSO BEING A PART OF THE FIELDING BACON SURVEY, ABSTRACT NO. 120, CONTAINING 3.157 ACRES; OUR LEASING COMPANY, OWNERS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR (2201 AND 2203 NORWOOD STREET)

APPROVE REPLAT
UNDERWOOD
ADDITION
(2201 & 2203
NORWOOD ST)

The City Council approved the Replat of Lots 1 and 2 of the Underwood Addition, also being a part of the Fielding Bacon Survey.

The 3.157 acre tract is located at 2201 and 2203 Norwood Street, and is zoned an R-1 (One Family Residential) District. The owners would like to replat two lots for residential development.

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

REPLAT APPROVAL OF COLLEGE PARK ADDITION, BLOCK 1, LOT 7R AND 8R, BEING A PART OF THE C. CARTER SURVEY, ABSTRACT NO. 229, CONTAINING 0.389 ACRES, ALSO BEING ALL OF LOTS 7 AND 8, BLOCK 1, COLLEGE PARK ADDITION; MUNAZZA JABEEN AND ANJUM KARIM, OWNERS; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (1024 NORTH CLEVELAND AVENUE)

The City Council approved the Replat of the College Park Addition, Block 1, Lot 7R and 8R, being a part of the C. Carter Survey.

The 0.389 acre tract is located at 1024 North Cleveland Avenue, and is zoned an R-1 (One Family Residential) District and the College Park Overlay District. The owners would like to replat the property into two lots for residential development.

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

FINAL PLAT APPROVAL OF MERZA ADDITION, BEING 0.547 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56; ROBERTO MERAZ, OWNER; LISSETH LARA, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, SURVEYOR (519 SOUTH MONTGOMERY STREET)

The City Council approved the Final Plat of the Meraz Addition, in the Samuel Blagg Survey.

The 0.547 acre tract is located at 519 South Montgomery Street and is zoned an R-2 (Multi-Family Residential) District. The owner would like to plat the property into three lots for residential development. A variance was approved to allow smaller lot widths than the required 60 feet.

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

REPLAT APPROVAL OF NORTH PARK BAPTIST CHURCH, A REPLAT OF LOTS 1, 2, 3, 4, 5 AND 6 OF THE JOE E. PRICE SUBDIVISION, BEING ALL OF LOTS 1-6, AND ALL OF THE ABANDONED PLATTED J. FIELDING CIRCLE OF THE JOE E. PRICE SUBDIVISION, ALSO BEING 4.198 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763; NORTH PARK BAPTIST CHURCH, OWNERS; AND COPLEY LAND SURVEYING, SURVEYOR (2605 REX CRUSE DRIVE)

The City Council approved the Replat of the North Park Baptist Church, in the Joe E. Price Subdivision.

The 4.198 acre tract is located at 2605 Rex Cruse Drive, and is zoned an R-1 (One Family Residential) District with a Specific Use Permit to allow a church in an R-1 (One Family Residential)

APPROVE REPLAT
COLLEGE PARK
ADDITION
(1024 N. CLEVELAND)

APPROVE FINAL PLAT
MERZA ADDITION
(519 S. MONTGOMERY)

APPROVE REPLAT
NORTH PARK
BAPTIST CHURCH
(2605 REX CRUSE DR)

District. North Park Baptist Church would like to replat six lots into one lot and an abandoned right-of-way, for an addition to the church.

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

FINAL PLAT APPROVAL OF PECAN ACRES IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION (ETJ), BEING 2.109 ACRES IN THE JOHN McCLENIHAN SURVEY, ABSTRACT NO. 789; WILLIAM AND JUDY SMITH, OWNERS; AND COPLEY LAND SURVEYING, SURVEYOR (600 BLOCK OF BROWN ROAD AND 100 BLOCK OF BARBARA LANE)

The City Council approved the Final Plat of Pecan Acres in the City's Extra Territorial Jurisdiction.

The 2.109 acre tract is located in the 600 block of Brown Road and the 100 block of Barbara Lane. The owners would like to plat the property into one lot for residential development.

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

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

ANIMAL CONTROL ADVISORY COMMITTEE (8)

ACTION TAKEN.

Motion by Deputy Mayor Steele to appoint members as outlined in the Staff Recommendation to the Animal Control Advisory Committee, for a term from March 17, 2020 to the term as determined by the Committee By-Laws, and to appoint Council Member Sandra Melton and Animal Services Manager Ty Coleman to serve, as presented.
Second by Council Member Stevenson.

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

VOTING NAY: None.

MOTION CARRIED.

KEEP SHERMAN BEAUTIFUL COMMISSION (2)

ACTION TAKEN.

Motion by Council Member Melton to appoint Sarah Richardson and Nathaniel Lightfoot to the Keep Sherman Beautiful Commission, for a term from March 17, 2020 to March 17, 2022, as presented. Second by Council Member Teamann.

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

VOTING NAY: None.

MOTION CARRIED.

APPROVE FINAL PLAT
PECAN ACRES – ETJ
(600 BLOCK BROWN
RD & 100 BLOCK
BARBARA LN)

MEDIA QUESTIONS

ANIMAL CONTROL
ADVISORY COMMITTEE

KEEP SHERMAN
BEAUTIFUL
COMMISSION

COUNCIL COMMENTS

CORONA VIRUS RESPONSE

**CORONA VIRUS
RESPONSE**

Mr. Hefton briefed the City Council and citizens on the Corona Virus situation and what the City's working on. The City has been receiving almost hourly updates from the Federal Government, State Government, County Government, and agencies such as the Center for Disease Control. He said the staff remains confident that steps are being taken to minimize the impact to the extent possible.

He said this is a virus, and there is no cure. It just has to run its course. All recommendations deal with limiting exposure socially. He said they are relying on the County to be their source of authority, from the medical standpoint.

He said Grayson County has just issued a Declaration of Disaster, and the County Commissioners will be talking about that at their meeting tomorrow. He said there is no reason to panic.

Mr. Hefton added that there may be some additional measures that the City takes later, such as limiting social gatherings at some facilities, such as the Senior Center. Other facilities might include the Library and the Taylor Street Gym.

He asked Moises Duran, Emergency Management Coordinator, to brief the Council as well. Mr. Duran said they are aware of the situation and "on top of things." All City departments are coordinating to make sure things go smoothly and make sure that the employees are taken care of during this time.

He said things are very fluid at the moment and he is receiving reports constantly. As things progress, he will make sure the Council and staff are aware of the situation and recommendations that are passed down.

The Mayor would be the one that makes any declaration of emergency for the City, or if any quarantines are needed. Some changes may need to be made to diminish the chances of getting any cases in Sherman. He said the City wants to be wise and take precautions, but not act out of panic or fear.

Mr. Hefton said the direction coming down from higher levels is not about treatment of the virus, it's about managing the effects of the spread of the virus, especially on the healthcare system.

Council Member Howeth expressed her concern about protecting the first responders. Mr. Hefton said protocols are already in place to do that.

PRECAUTIONS FOR CORONA VIRUS

**PRECAUTIONS FOR
CORONA VIRUS**

Council Member Melton advised citizens to take precautions for their family and wash, wash, wash.

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

EXECUTIVE SESSION

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.

SECTION 551.071 -- CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION

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

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

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:01 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:52 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING

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

COUNCIL MINUTES – MARCH 16, 2020

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:55 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

STATE OF TEXAS §
COUNTY OF GRAYSON §

March 30, 2020

BE IT REMEMBERED THAT A Called Telephonic Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held electronically on March 30, 2020.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR WILLIE STEELE.
COUNCIL MEMBERS HOLLAND, HOWETH, MELTON,
STEVENSON, TEAMANN.

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Plyler called the meeting to order at 12:00 p.m. The Invocation was given by Mayor David Plyler.

CALL TO ORDER

Mayor Plyler introduced Ordinance No. 6288 and called for a public hearing:

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE LOCAL DECLARATION OF PUBLIC HEALTH DISASTER INDEFINITELY; ADOPTING AND APPROVING CERTAIN RULES TO PROTECT THE HEALTH OF PERSONS IN THE CITY DUE TO THE IMPACT OF COVID-19; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND LEGAL DOCUMENTS NECESSARY FOR CONDUCTING BUSINESS FOR THE DURATION OF THE DECLARATION OF DISASTER; FIXING PENALTIES FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6288
EXTEND
DECLARATION
OF PUBLIC HEALTH
DISASTER

Robby Hefton, City Manager, said the primary thing that the proposed ordinance does is to extend the declaration of disaster that was made by the Mayor on Monday, March 23, 2020.

The ordinance also does several other things that are typical during declared emergencies, such as giving the City Manager authority to sign contracts and do other operational things to conduct business for the City, that would normally come before the City Council. If this provision is used, there is a weekly report that must be made for any contracts or purchases made under that authority.

It also permits the City Manager to extend the time requirement for any Planning and Zoning appeal, and similar things of that nature; and allows the Mayor to cancel or postpone any Council Meetings or Planning and Zoning Commission Meetings. It cancels the April 6, 2020 regularly scheduled City Council Meeting and permits the Mayor to cancel any other regular or other meeting during the months of April and May 2020, as needed. The ordinance also postpones any Municipal Court proceedings.

Mr. Hefton said the ordinance is an extension of the emergency declaration that was made last Monday, by the Mayor.

Mayor Plyler asked if anyone from the public wished to speak on this item.

No citizens calling into the meeting wished to discuss Ordinance No. 6288.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6288

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE LOCAL DECLARATION OF PUBLIC HEALTH DISASTER INDEFINITELY; ADOPTING AND APPROVING CERTAIN RULES TO PROTECT THE HEALTH OF PERSONS IN THE CITY DUE TO THE IMPACT OF COVID-19; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND LEGAL DOCUMENTS NECESSARY FOR CONDUCTING BUSINESS FOR THE DURATION OF THE DECLARATION OF DISASTER; FIXING PENALTIES FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6288
EXTEND
DECLARATION
OF PUBLIC HEALTH
DISASTER

Council Member Melton confirmed that anything scheduled for the April 6, 2020 Council Meeting would be moved to the next City Council Meeting.

Council Member Teamann said the proposed ordinance did list some penalties for failure to comply, and he asked what would be considered failure to comply. He said it was a misdemeanor charge.

Mr. Hefton said a few of the City's facilities have been closed. There might be future requirements issued to close some businesses. The City hasn't done that yet, nor has the State. For the most part, it has been left to the individuals to do that. However, if the City did require certain things from individuals or businesses, they would have the ability to enforce that.

For example, Mr. Hefton said this weekend, a restaurant/bar that was precluded from having gatherings of more than 10 people, was having a gathering that was clearly in violation of the State's and the President's mandate.

The Police Department was sent out to disperse that gathering. The business was not cited or fined, even though the City had the ability to do so, because it was a violation of a restriction placed by the State government.

Mr. Hefton said if that happened again, with that same business, they would probably be fined because they had been warned. He said it would be a Class B misdemeanor.

Brandon Shelby, City Attorney, clarified that a violation of this ordinance would be a Class C misdemeanor because that's all the City's ordinance would allow. But the State penalty for violation of the Governor's Executive Order is a \$1,000 fine and 180 days in jail. The fine limit for a Class C, if it's "health and safety" is up to \$2,000.

Mr. Hefton added that this ordinance doesn't set out additional guidance for things not allowed, but it anticipates things that might be needed in the coming days and weeks. If and when that time comes, those things will be communicated to the community, the businesses, and the citizens, through social media, the news media, Facebook, the City's website, and if needed, postings on doors for businesses.

Council Member Howeth asked if the City needs to enact an order for "stay in place," can the Mayor do that on his own, or does it take a vote of the Council. Mr. Shelby said the City Council has extended the emergency declaration indefinitely, and as long as that order is in effect, the Mayor has the power to do that.

ACTION TAKEN.

Motion by Council Member Stevenson to adopt Ordinance No. 6288, as presented. Second by Council Member Holland.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

CORONA VIRUS RESPONSE

Council Member Stevenson encouraged everyone to follow social distancing protocols as much as possible. He encouraged them to check on their neighbors over the coming weeks and to abide by all guidelines because it is for everyone's protection.

**CORONA VIRUS
RESPONSE**

CORONA VIRUS RESPONSE

Council Member Holland agreed with Council Member Stevenson and encouraged all citizens to keep their hands clean and to abide by the rules and regulations.

**CORONA VIRUS
RESPONSE**

CORONA VIRUS RESPONSE

Council Member Teamann said Mayor Plyler and Mr. Hefton are going to have a tremendous amount of responsibility in the upcoming weeks and months. He said the other Council Members are here to help them if needed. He said they appreciate them taking on that responsibility.

**CORONA VIRUS
RESPONSE**

CORONA VIRUS RESPONSE

Council Member Melton urged everyone to stay safe and clean, and do what needs to be done to get through this. She offered prayers for everyone.

CORONA VIRUS
RESPONSE

CORONA VIRUS RESPONSE

Council Member Howeth complimented the citizens that are following the regulations of not meeting in more than groups of 10 and are doing social distancing.

CORONA VIRUS
RESPONSE

She also recognized citizens that are posting on Facebook and Twitter to help local cancer patients that are in need of Clorox Wipes or hand sanitizer. She urged everyone to continue working together to help their fellow citizens.

CORONA VIRUS RESPONSE

Mayor Plyler said he appreciated everyone's service to the community and to the citizens. He said they are blessed to serve such a great City. The citizens are rallying around each other, taking care of each other, and are observing guidelines from the CDC.

CORONA VIRUS
RESPONSE

He reminded citizens to check on their friends, family, and neighbors, and make sure no one does without. He said the Sherman Independent School District provided over 22,000 meals last week. He added that "we will get through this together."

CORONA VIRUS RESPONSE

Mr. Hefton said the City is making changes daily and responding to things in the community. He said he didn't know when the next City Council Meeting or Planning and Zoning Commission Meeting would be, but the City has the ability to call a meeting at any time.

CORONA VIRUS
RESPONSE

He urged the Council to "stick by their phones" and it will be communicated to them. These are uncharted waters and every City is dealing with the same thing. He said he appreciated their patience with the staff as they work through these issues.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 12:24 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 1.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6289

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Renew a Specific Use Permit to Allow a Preschool Learning Center in an R-1 (One Family Residential) District at 1211 Blanton Drive, being Lot 5, Block 8, Western Hills Addition (Delmar Hill, Owner; Chiniqua Hill, Representative; Little Zebra Child Development Center, Tenant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of of Delmar Hill (Owner), Chiniqua Hill (Representative), Little Zebra Child Development Center (Tenant) and Underwood Drafting and Surveying (Surveyor) concerning the property at 1211 Blanton Drive, being Lot 5, Block 8, Western Hills Addition for a renewal of a Specific Use Permit to allow a Preschool Learning Center in an R-1 (One Family Residential) District

Background:

The property is located at 1211 Blanton Drive, between Hunt and Belden Streets. The owner purchased the property in 2015 to open a licensed child care facility (Little Zebra Child Development Center) to be used for the care and educational development of young children from zero to five years of age. Hours of operation are 6 a.m. to 6 p.m., Monday through Friday. The maximum number of students is fifteen (per Ordinance No. 6014). They are a registered Child Care Home licensed by the Texas Department of Family and Protective Services.

At the February 16, 2016 Planning and Zoning Commission Meeting, Mr. and Mrs. Delmar Hill requested a Specific Use Permit to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District. After hearing the opposition in regard to the incompatibility of the proposed use from the neighborhood, the Planning and Zoning Commission voted 8/0 to deny the Specific Use Permit to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District at 1211 Blanton Drive.

On February 23, 2016, Mr. Hill filed an appeal of the Planning and Zoning Commission's denial of the proposed Specific Use Permit as allowed by City Code. The City Council heard the appeal at the March 21, 2016 meeting and adopted Ordinance No. 5943 to allow a daycare/preschool/educational development center effective for one year, subject to reapplication in one year and to the Staff Review Letter.

Mr. and Mrs. Hill reapplied to the February 21, 2017 Planning and Zoning Commission and the request was denied 3/2. They appealed to the City Council and were approved subject to the Staff Review Letter and a three-year expiration (Ordinance No. 6014).

At the March 17, 2020 regular meeting, the Planning and Zoning Board voted 6/1 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and limited to Mr. and Mrs. Delmar Hill. Commission Member Davis voted against the request.

Origination:

Delmar Hill (Owner)
Chiniqua Hill (Representative)
Little Zebra Child Development Center (Tenant)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 17, 2020 regular meeting, the Planning and Zoning Board voted 6/1 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and limited to Mr. and Mrs. Delmar Hill. Commission Member Davis voted against the request.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6289
Aerial Location Map
Zoning Map
Narrative
Zoning Sign Photo
Site Plan
Building Elevations
Ordinance No. 6014
Staff Review Letter
P&Z Communication
Letter from Bo Bond
Letter from Karen & Bert Bond
Letter from Kimberly Donnell
Letter from Katie Dupuis
Email from David Dooley
Letter from Jessica Benivamonde
Email from Becka Gudgel
Letter from Cicily Stone

Letter from Chad & Haylea Dooley

Letter from Andrea Bond

Email from Carolyn Spencer-Harris

Letter from Erie Wiliams

Letter from Ertha Cannon

Letter from Carolyn Guess

Email from Daphne Wiley

Letter from LaVonda Lewis

ORDINANCE NO. 6289

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO RENEW A SPECIFIC USE PERMIT TO ALLOW A PRESCHOOL LEARNING CENTER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1211 BLANTON DRIVE, BEING LOT 5, BLOCK 8, WESTERN HILLS ADDITION (DELMAR HILL, OWNER; CHINIQUA HILL, REPRESENTATIVE; LITTLE ZEBRA CHILD DEVELOPMENT CENTER, TENANT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Delmar Hill (Owner), Chiniqua Hill (Representative), Little Zebra Child Development Center (Tenant), and Underwood Drafting and Surveying (Surveyor) are granted a Specific Use Permit to allow a Preschool Learning Center in an R-1 (One Family Residential) District at 1211 Blanton Drive, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 5, Block 8, Western Hills Addition

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Signs advertising the business will not be allowed.
3. Shall maintain the residential look of the property.
4. Off-street parking is permitted on paved surfaces only (concrete or asphalt).
5. All parking shall be on private property and shall not encroach into Blanton Drive right-of-way; drop off and pick areas should be provided to eliminate stacking of vehicles in the street.
6. The maximum number of children shall be (15) fifteen between the ages of 0-5 years of age.
7. Hours of operation shall only be allowed from 6 a.m. to 6 p.m., Monday thru Friday.
8. The Specific Use Permit is contingent on the ownership and residency of the adjacent property (1215 Blanton Drive).
9. Violation of the conditions of the SUP will terminate the Specific Use Permit.
10. Review the zoning and development ordinance for additional requirements.
11. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Planning & Zoning Commission:

12. Limited to Mr. & Mrs. Delmar Hill.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

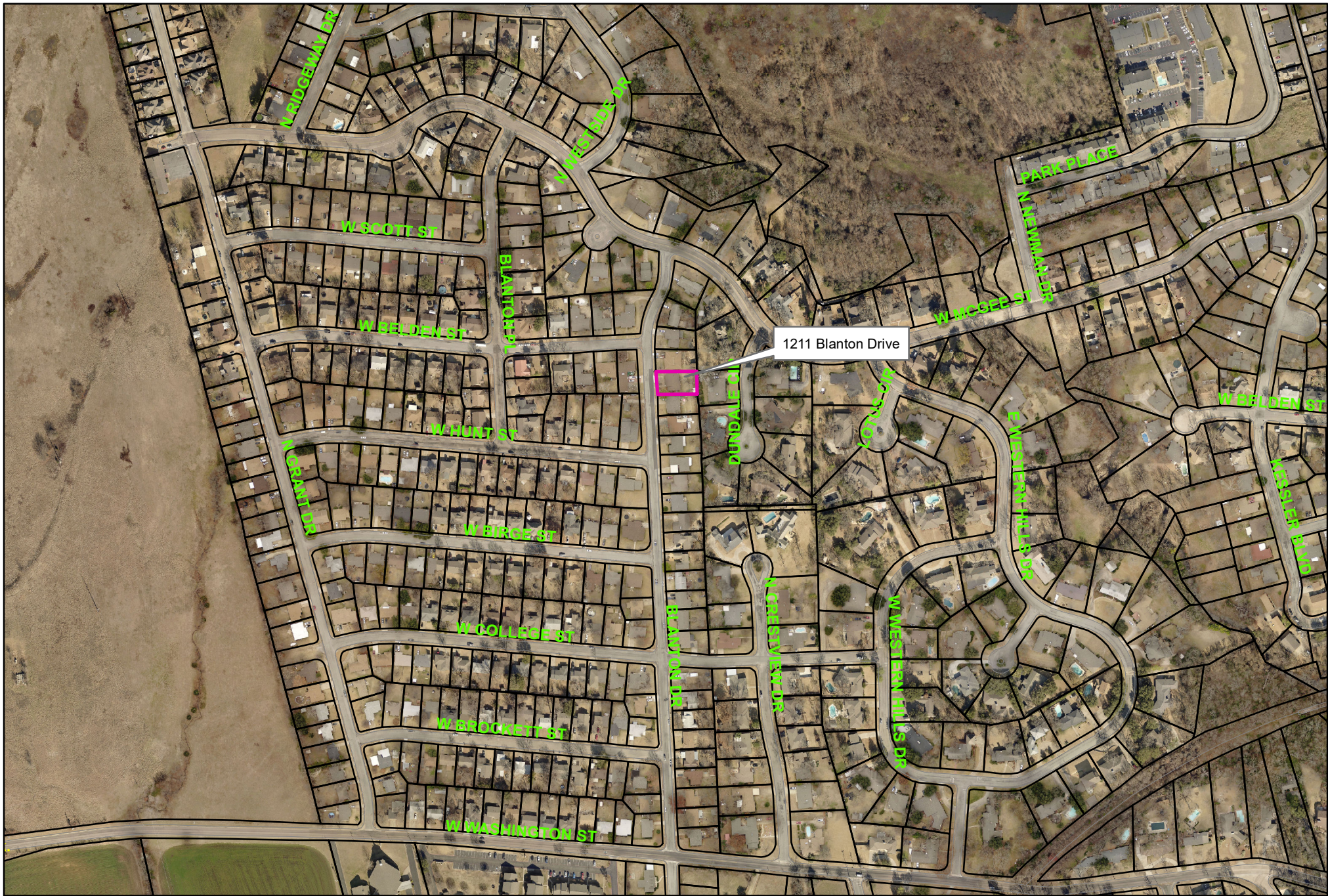
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

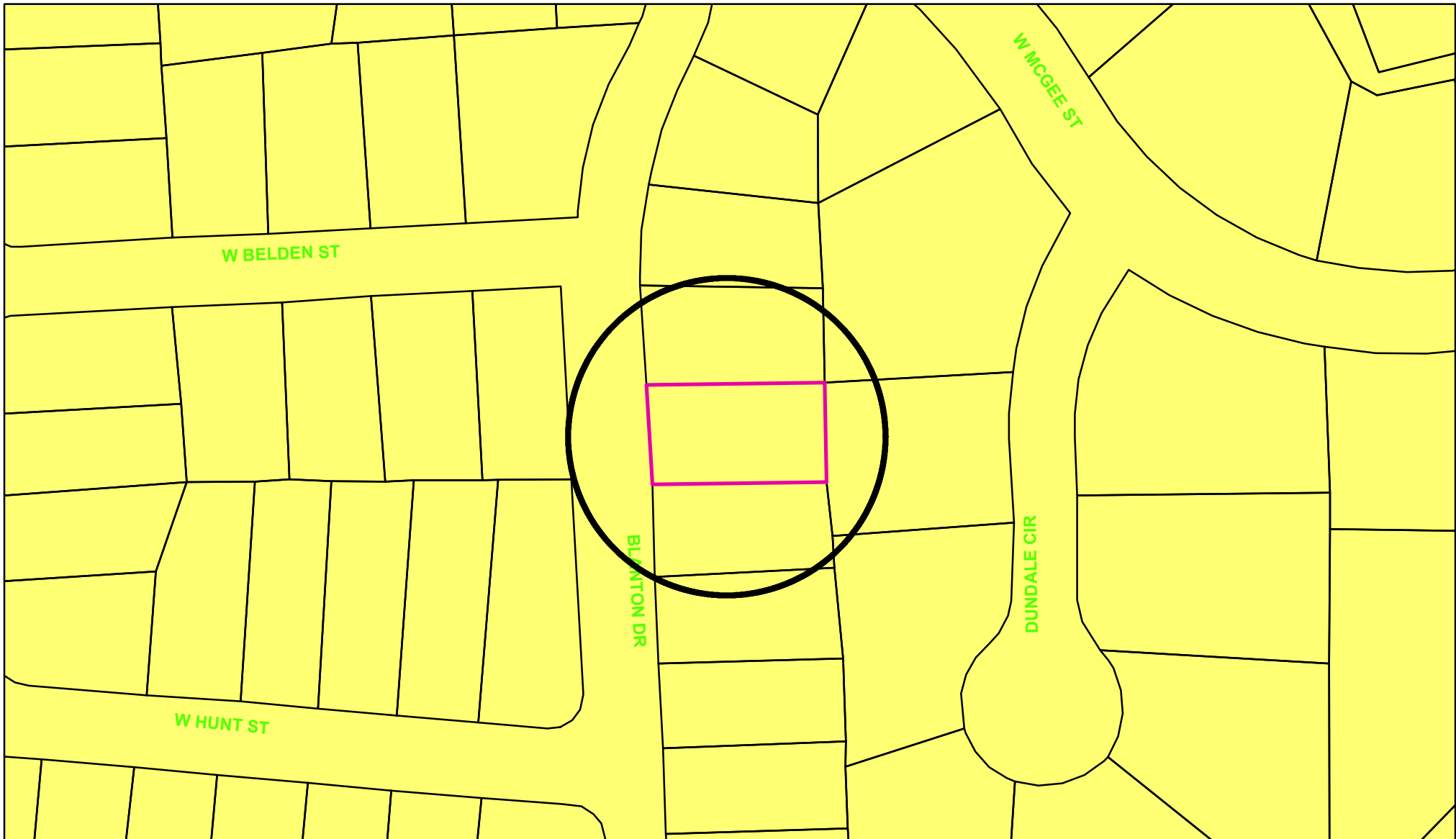


1211 Blanton Drive



City of Sherman, Texas
Developmental Services Department

1 in = 400 ft



Zoning - 1211 Blanton Drive



City of Sherman, Texas
Developmental Services Department

Transportation Corridor

Representation: SpermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Legend

Representation: SpermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Pavement



NOT TO SCALE

1 in = 100 ft

Little Zebra's Operations

Little Zebra's goal is for each child to feel good about themselves, to feel safe and loved, and to have tons of fun learning. Little Zebra Child Development Center provides a safe learning experience for our children in a Christian atmosphere to prepare them to enter Kindergarten.

The age range for Little Zebra's is 0 to 5 years of age. Maximum number of students is 20. Little Zebra's Child Development Center will be properly staffed. Hours of operation Monday through Friday 6:00AM – 6:00PM

Little Zebra teachers have many qualities, but their best gift is that they love each and every child as their own. The staff has an average of 20 plus years of experience at the head start/preschool level. Each teacher is certified in CPR and First Aid and receives continuing education annually.

Little Zebra Child Development Center is a registered Child Care Home licensed by the Texas Department of Family and Protective Services.

1211 Blanton Drive



SCALE
1" = 30'

~ BASIS OF BEARINGS ~
GPS OBSERVATION
TEXAS COORDINATE SYSTEM
NORTH CENTRAL ZONE
NAD 83

THE SUBJECT PROPERTY IS NOT AFFECTED BY EASEMENT AGREEMENT WITH TEXAS POWER & LIGHT COMPANY RECORDED IN VOLUME 886, PAGE 441, D.R.G.C.T.

THE SUBJECT PROPERTY IS THAT AFFECTED BY PARTIAL RELEASE OF EASEMENT RECORDED IN VOLUME 893, PAGES 252 AND 254, D.R.G.C.T. AS SHOWN.

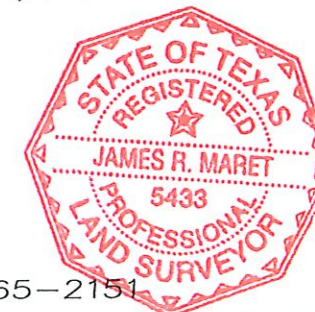
LOCATION OF EASEMENT TO TEXAS POWER & LIGHT COMPANY RECORDED IN VOLUME 825, PAGE 455, D.R.G.C.T. IS UNDETERMINED.

THE SUBJECT PROPERTY IS AFFECTED BY EASEMENT TO THE CITY OF SHERMAN RECORDED IN VOLUME 888, PAGE 202, D.R.G.C.T.

I, James R. Maret, Registered Professional Land Surveyor, do hereby certify that on the 30th day of June, 2015, a survey was made on the ground of the property shown hereon, described as Lot 5 in Block 8 of Western Hills Addition Section Two to the City of Sherman, Texas, as shown by plat of record in Volume 1, Page 87, Plat Records, Grayson County, Texas, and is correct, and that there are no conflicts, overlapping of improvements, easements or rights of way, except as shown on the plat herewith, and that the plat herewith is a correct representation of the property legally described hereinabove;

The building on said lot is known as 1211 Blanton Drive, Sherman, Texas, and is wholly located on said lot; there are no encroachments or protrusions from buildings on adjoining lots or tracts of land except as shown.

James R. Maret
James R. Maret
Registered Professional
Land Surveyor No. 5433



This survey contains information that is proprietary to Underwood Drafting & Surveying, Inc. Its use or disclosure in whole or part without the express written permission of Underwood Drafting & Surveying, Inc. is prohibited.
This survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply:

Copyright © 2015
Underwood Drafting & Surveying, Inc.
All rights reserved.
FIRM #10006300

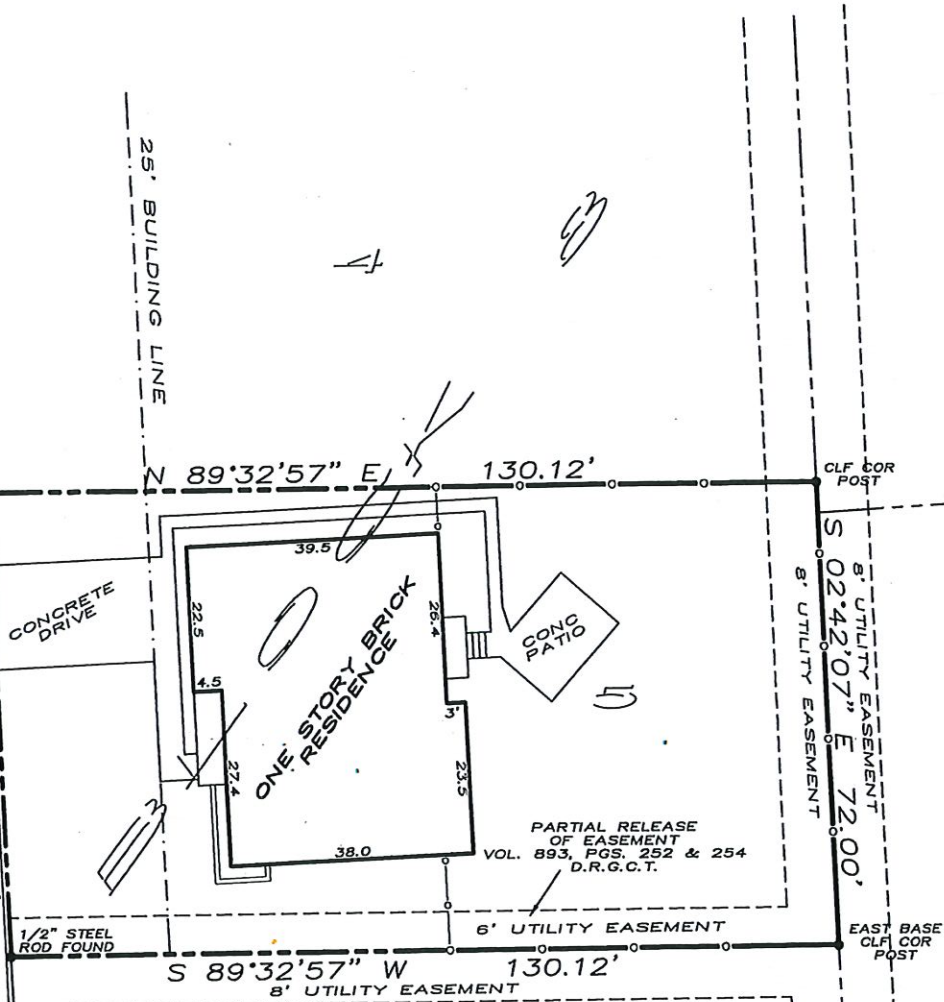
UNDERWOOD
DRAFTING & SURVEYING

3404 INTERURBAN ROAD DENISON, TEXAS 75021

(903)465-2151

BLANTON DRIVE

1211 BLANTON DRIVE
SHERMAN, TEXAS 75074





ORDINANCE NO. 6014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DAYCARE/PRESCHOOL/EDUCATIONAL DEVELOPMENT CENTER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 1211 BLANTON DRIVE, BEING LOT 5, BLOCK 8, WESTERN HILLS ADDITION (DELMAR HILL, OWNER; CHINIQUA HILL, REPRESENTATIVE; AND UNDERWOOD DRAFTING & SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Delmar Hill (Owner), Chiniqua Hill (Representative) and Underwood Drafting & Surveying, Inc. (Surveyor) are granted a Specific Use Permit to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District at 1211 Blanton Drive, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 5, Block 8, Western Hills Addition

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District must be followed.
2. Signs advertising the business will not be allowed.

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

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

3. Shall maintain the residential look of the property.
4. Off-street parking is permitted on paved surfaces only (concrete or asphalt).
5. All parking shall be on private property and shall not encroach into Blanton Drive right-of-way; drop off and pick areas should be provided to eliminate stacking of vehicles in the street.
6. The maximum number of children shall be (15) fifteen between the ages of 0-5 years of age.
7. Hours of operation shall only be allowed from 6 a.m. to 6 p.m., Monday thru Friday.
8. The Specific Use Permit is contingent on the ownership and residency of the adjacent property (1215 Blanton Drive).
9. Violation of the conditions of the SUP will terminate the Specific Use Permit.
10. Review the zoning and development ordinance for additional requirements.
11. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

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

INTRODUCED on this the 20th day of March, 2017.

ADOPTED on this the 20th day of March, 2017.

EFFECTIVE DATE on this the 20th day of March, 2017.

CITY OF SHERMAN, TEXAS

BY:



DAVID PLYLER, MAYOR

STAFF REVIEW LETTER

March 9, 2020

Delmar Hill
1215 Blanton Dr.
Sherman, Texas 75092

Dear Applicants,

The request to Renew a Specific Use Permit and site plan approval to allow a Preschool Learning Center in an R-1 (One Family Residential) District for the property located at 1211 Blanton Drive, has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the R-1 (One Family Residential) District, the fence ordinance and the Residential Tree and Landscaping Ordinance must be followed.
2. Signs advertising the business will not be allowed.
3. Shall maintain the residential look of the property.
4. Off-street parking is permitted on paved surfaces only (concrete or asphalt).
5. All parking shall be on private property and shall not encroach into Blanton Drive right-of-way; drop off and pick areas should be provided to eliminate stacking of vehicles in the street.
6. The maximum number of children shall be (15) fifteen between the ages of 0-5 years of age.
7. Hours of operation shall only be allowed from 6 a.m. to 6 p.m., Monday thru Friday.
8. The Specific Use Permit is contingent on the ownership and residency of the adjacent property (1215 Blanton Drive).
9. Violation of the conditions of the SUP will terminate the Specific Use Permit.
10. Review the zoning and development ordinance for additional requirements.
11. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

Respectfully,

A handwritten signature in cursive script, reading "Scott Shadden". The signature is fluid and elegant, with a large initial "S" and a long, sweeping underline.

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

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Christopher Armstrong, Asst. City Engineer

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Amber Doan, Engineering Coordinator



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

Agenda Item No. 7.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

1211 BLANTON DRIVE

The request of Delmar Hill (Owner), Chiniqua Hill (Representative), Little Zebra Child Development Center (Tenant) and Underwood Drafting and Surveying (Surveyor) concerning the property at 1211 Blanton Drive, being Lot 5, Block 8, Western Hills Addition, as follows;

Planning and Zoning Commission

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

Background:

The property is located at 1211 Blanton Drive between Hunt and Belden Streets. The owner purchased the property in 2015 to open a licensed child care facility (Little Zebra Child Development Center) to be used for the care and educational development of young children from zero to five years of age. Hours of operation are 6 a.m. to 6 p.m., Monday through Friday. The maximum number of students is 15 (per Ordinance 6014). They are a registered Child Care Home licensed by the Texas Department of Family and Protective Services.

At the February 16, 2016, Planning and Zoning Commission Meeting, Mr. and Mrs. Delmar Hill requested a Specific Use Permit to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District. After hearing the opposition in regard to the incompatibility of the proposed use from the neighborhood, the Planning and Zoning Commission voted 8/0 to deny the Specific Use Permit to allow a Daycare/Preschool/Educational Development Center in an R-1 (One Family Residential) District at 1211 Blanton Drive.

On February 23, 2016, Mr. Hill filed an appeal of the Planning and Zoning Commission's denial of the proposed Specific Use Permit as allowed by City Code. The City Council heard the appeal at the March 21, 2016 meeting and adopted Ordinance No. 5943 to allow a daycare/preschool/ educational development center effective for one year, subject to reapplication in one year and the Staff Review Letter.

They reapplied to the February 21, 2017, Planning and Zoning Commission and the request was denied 3/2. They appealed to the City Council and was approved subject to the Staff Review Letter and a three

year expiration (Ord. 6014)

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Delmar Hill (Owner)

Chiniqua Hill (Representative)

Underwood Drafting & Surveying (Surveyor)

Master Plan Designation:

Auto-Urban Single Family Residential – This character type is the single-family residential category with the greatest density and the shortest building setbacks. Most driveways will face the street as well as the garage. Sidewalks are available for pedestrians. Less lot area is devoted to open space and greenery.

Number of notices mailed:

21

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Site Plan

Elevations

Ordinance 6014

Staff Review Letter

Bo Bond

1208 Western Hills Dr.

Sherman, TX 75092

March 5, 2020

RECEIVED

MAR 11 2020

To:

Sherman Planning and Zoning Board

220 W. Mulberry St.

Sherman, TX 75090

Dear Sherman Planning and Zoning Board,

My name is Bo Bond, and my youngest son Warren Bond attends the Pre-School for Little Zebras located at 1211 Blanton Dr. in Sherman. He just turned 3, and has attended the school for almost a year now. Warren absolutely loves Mrs. Hill, her staff, and all his friends at the school. It's come to my family's attention that there may be some concerns with regards to the school, its location, and possible traffic issues. I hope my input below helps you resolve any possible concerns.

To our knowledge, there's never been a complaint against the school for street congestion or issues with traffic. The street doesn't seem to be a place for high traffic, and I've never personally witnessed any traffic congestion myself. My family lives in Western Hills, just two streets over, so we're certainly familiar with the streets in this area. Given the limited number of kids attending the school, and the fact that parents are dropping off (and picking up) their kids within a 1-2 hour window every morning and afternoon, we rarely even see another parent while dropping off (or picking up) our child. All of the teachers park their cars in the drive way, so there's no congestion there either. From what I've seen and witnessed every day, without exception, there are no traffic issues related to the Pre-School for Little Zebras.

My wife (Andrea Bond) and I absolutely love this school and what it's done for our son (as well as other kids we know and go to church with). Little Zebras has helped Warren become more independent and accountable, even at such a young age. He's has learned to respect others in his class, respect authority, control his tone and volume with others, how to play well with others, learned what teamwork is, prays for his friends and food every day, along with all the specific curriculum that will prepare him for kindergarten. We're truly blessed to have found a spot for our child at this school. My family fully supports Mrs. Hill and her staff, and needs this school to continue teaching and preparing our child in the God fearing way that they do. It is my request that you allow this school to continue to function in the same capacity that they've always functioned, and in an even great capacity than before if possible. My wife and I appreciate your time and attention to this letter, and look forward to many great days ahead at the Pre-School for Little Zebras.

Sincerely,

Bo Bond

bobond@cableone.net / 214-243-0779

Sherman Planning and Zoning Board

PO Box 1106

Sherman, TX 75091

RECEIVED

MAR 11 2020

Dear Board,

My husband and I have a 3-year-old grandson (Warren) who attends Little Zebras Pre-School at 1211 Blanton Drive. Compared to the other Sherman pre-schools that our 4 older grand children have attended this school is undoubtedly the best. I have been impressed by what Warren has learned: Respect, discipline, and good Christian values, along with all the regular school lessons.

We have never had any problems with traffic or parking at the school.

We support Little Zebras and hope it's allowed to remain in operation at its current location.

Regards,

A handwritten signature in cursive script that reads "Karen Bond".

Karen & Bert Bond

2301 Canyon Creek Dr

Sherman, TX 75092

March 10, 2020

City of Sherman
Planning & Zoning Commission
220 W Mulberry Street
Sherman, TX 75090

RECEIVED

MAR 12 2020

Dear Chairman Mahone and Board Members,

As a parent of a former and future Little Zebra, I wish to express my opinion in the matter of the zoning permit for Preschool for Little Zebras at 1211 Blanton Dr, Sherman, TX 75092 up for discussion at the March 17, 2020 meeting of the Planning and Zoning Commission. The opportunities generated by the location of the school, quality of preschool education, and love felt from the director and teachers for my child are top reasons for my love of the facility. The impact the Preschool for Little Zebras made on my family will be forever cherished.

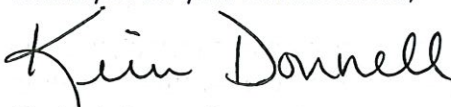
Due to its unique location on a quiet neighborhood street with sidewalks, students at the Preschool for Little Zebras are given opportunities to explore their surroundings in a safe, controlled environment. There are multiple child care centers in the area that are on busy streets, even highways. This makes a walk down the street to learn about the changing of the seasons, where to find address numbers on homes, or different types of transportation up close impossible. It was on these walks that my daughter learned where to find our house number and eventually learned our address. It hadn't occurred to me that my 4 year old would need to know her address, but in an emergency, it can be priceless.

Access to the school is a great quality of Preschool for Little Zebras. Parking is not difficult and the size of the school makes it easy to get in and out. There was always a limited number of parents arriving to pick up and drop off, so the process was always quick. I always felt my daughter was safe with the doors locked, tucked away in a quiet neighborhood where the location doesn't stand out as a child care facility.

The quality of education at Preschool for Little Zebras is exceptional. Opportunities to learn are in every crevice of the facility –play activities inside and outside, dancing, creating art, story-telling, and praying. My daughter came home excited to tell me about a wide range of topics, some that ended up being a learning opportunity for me. One of the most valuable lessons my entire family learned from Mrs. Hill and her staff (more like family) is how to love one another. The Little Zebras are taught from the beginning that each one of them matters and to treat each other as such. They are given the chance to greet each other, serve one another, and lead prayer as part of their rotating weekly responsibilities – behaviors that can be built upon as they grow.

Preschool for Little Zebras is so much more than a preschool – it feels more like an extension of home. The location, home, and director create a learning environment unrivaled by large centers in churches or large buildings. Please allow Mrs. Hill to keep all of our Little Zebras (current and future) at the current location and continue to learn in an organic environment that feels more like home than a child care center.

Thank you for your consideration,



Kimberly Donnell
1806 Westside Dr
Sherman, TX 75092
(903) 819-8642

March 12, 2020

RECEIVED

MAR 12 2020

Clay Mahone, Chairman, and Planning Board Members

220 W Mulberry Street

Sherman, TX 75090

Re: Zoning Request for Preschool for Little Zebras

Dear Chairman and Board Members:

Our son attends The Preschool For Little Zebras. The preschool is located on Blanton Drive, a two-lane residential street in Sherman.

Of all the times we have either dropped off or picked up our son, there has never been congestion preventing throughput of traffic, regardless of time of day. I, as well as the other parents whose children attend the daycare, have always been able to get in and out quickly without delay, especially since we all come at varying times. I have never witnessed nor heard of any issues with congestion and do not anticipate any in the future.

Any zoning changes made in regards to the school have a significant impact to many children and parents that must be acknowledged. Specifically, our son has progressed drastically in his academic and social skills since he has become a "Zebra." He loves learning and is already beginning to read at age 3. He names his teachers and classmates individually with a loving smile on his face. And we are excited to enroll his sister in the same school later this year as a result.

I am so impressed at how prepared my children will be when it is time for them to enroll in Kindergarten because of the love and dedication showed by the preschool. Their contribution to this community should be supported in the years to come.

Thank you for your consideration of this matter,

Katie Dupuis

Reeves, Patsy

From: Snapp, Ryan
Sent: Thursday, March 12, 2020 1:18 PM
To: Reeves, Patsy
Subject: FW: Little Zebras Daycare

RECEIVED
MAR 12 2020

-----Original Message-----

From: David Dooley [mailto:ddooley@co.collin.tx.us]
Sent: Thursday, March 12, 2020 12:52 PM
To: Snapp, Ryan <rsnapp@cityofsherman.com>
Subject: Little Zebras Daycare

EXTERNAL EMAIL: - Avoid clicking on links or files - Be safe!

Please continue the SUP for the Little Zebras Daycare. They really are one of the best, if not the best daycare in Sherman. They are very clean and strict about city policies. They even made me start parking the right direction in the street when picking my kid up, lol. Great establishment. Thank you for your consideration.

Jessica Benivamonde
2905 Cathleen Lane S
Sherman, TX 75092
(903) 819-0563

RECEIVED

MAR 13 2020

City of Sherman
Planning & Zoning Commission Members

Dear Members,

This letter is regarding the Pre-School for Little Zebras upcoming evaluation by the Planning & Zoning Committee. Pre-School for Little Zebras is an outstanding school that offers a great academic program, teaches the students good morals and most of all Mrs. Hill demonstrates love and compassion to every one of her little zebras. As a parent to a special needs child it is not easy to find someone willing to take on the responsibility of teaching your child or even trust that they will know how to handle a server meltdown.

In 2016 my husband and I were faced with the challenge of finding a local school that could teach an autistic child but a phone call from Mrs. Hill changed our lives forever. She gave us hope after being declined by several schools claiming they did not feel comfortable or did not have the proper training to allow an autistic child in their classrooms. Pouring my heart out to a stranger letting all the emotions of a sad, terrified, helpless mother Mrs. Hill listened, understood and assured me that she could teach Christian (our son) since she had worked at Fred Douglas Early Childhood Center for years prior. Mrs. Hill was the answer to our prayers and will forever be a huge part of Christians life. Being Mrs. Hill's first student Christian spent a lot of one on one time with her for the first few months, but it was exactly what our nonverbal son needed. Christian quickly started reciting words and before we knew it, he was able to communicate with us again. Along with communicating he learned how to write his letter, spell his full name which is 20 letters long and could tell us all about the planets in the solar system before the age of 4. Christian graduated from Pre-School for Little Zebras last summer and is excelling as a kindergartner at Percy W Neblett Elementary School. His teachers continuously ask what school he attended before since they are amazed by how academically advanced, he is for his age.

I hope this letter gives clarity and insight into why Pre-School for Little Zebras is much needed and deserves a permanent place in our community.

Sincerely,

Jessica Benivamonde

Reeves, Patsy

From: Snapp, Ryan
Sent: Monday, March 16, 2020 8:08 AM
To: Reeves, Patsy
Subject: FW: PreSchool for Little Zebras

RECEIVED

MAR 16 2020

-----Original Message-----

From: Beck G [mailto:rgudgel718@gmail.com]
Sent: Friday, March 13, 2020 11:47 AM
To: Snapp, Ryan <rsnapp@cityofsherman.com>
Subject: PreSchool for Little Zebras

EXTERNAL EMAIL: - Avoid clicking on links or files - Be safe!

Good morning,

Please allow PreSchool for Little Zebras to continue operating at 1211 Blanton Drive in Sherman. My son has been attending this preschool for about a year and a half now and has learned so much. Mrs. Hill and her staff are amazing and really prepare the kids for Kindergarten. They provide so many amazing experiences for the kids and my son is excelling here. I drop him off every morning around 7:30 and pick him up around 4:30. There is never any traffic or congestion on the street. There may be one or 2 other parents dropping off or picking up at the same time as me, but there is always plenty of parking. I have never seen an issue with traffic flow at this location. Thank you for your consideration!

Becka Gudgel

Sent from my iPhone

March 11, 2020

RECEIVED
MAR 16 2020

To whom it may concern:

I am a current employee of Pre-School for Little Zebras owned and operated by Delmar and Chiniqua Hill. I have been an employee since August 2018. I am a certified teacher certified to teach grades 4th through 8th grade. I have an alternative teaching certification and because of limited classroom experience Pre-School for Little Zebras was the only facility that extended an employment opportunity to me. I am very grateful for the opportunity the Hills have given me. My previous job was in corporate America and although a decent salary it was just a job that lacked substance. Over the last year and a half, I absolutely love my job and see it not as a job but a career.

Pre-School for Little Zebras is dedicated to shaping and developing well round cultured individuals. The curriculum follows the state of Texas' mandated preschool guidelines and one of the few facilities in the Sherman/Denison area that is a part of Texas Rising Star with a four-star rating. Each of the employees is dedicated to ensure that the two to five year old children in our care receive the best education possible. Each employee of Pre-School for Little Zebras has obtained more than the recommended training ours mandated by the state.

Mr and Mrs Hill are dedicated to maintaining a safe environment for all the students, employees, and visitors arriving and departing from the Pre-School for Little Zebras. There is not a lot of congestion on the street, and the flow of traffic has not increased as a result of the business being in a residential area. Employees and students arrive and depart at staggered times of the day to avoid congestion. The Hills strongly encourage employees, parents, and visitors to utilize the driveway for parking, drop-offs, and pickups which limits the amount of parked cars on the street and it reduces the safety risk for all individuals.

This facility is a source of income for me and an opportunity for me to grow in my profession, and I hope the planning and zoning commission board takes my input into consideration. The facility is a tremendous asset to the community. Please grant the facility an ongoing permit.

Thank you for your time,

Cicily Stone

Cicily Stone

Cicily Stone
301 N FM 1417 #2D
Sherman, Tx 75092

RECEIVED

March 10, 2020

MAR 16 2020

To whom it may concern,

I am writing to inform you of how much I appreciate Preschool for Little Zebras, owned and operated by Chiniqua Hill. My twins are two and a half and have been attending Mrs. Hill's pre-school since August 2019. My twins enjoy waking up every day to go see Mrs. Hill and her enthusiastic staff. They warmly welcome them daily, and send them home with smiles and stories of their fun filled day.

When dropping my twins off, I always have a safe parking spot to unload them. There is not a flow of traffic with cars passing by which eases my concerns when unloading two small children. There also isn't any congestion with other parent(s) picking up their children. I have never struggled for a safe parking spot due to congestion.

As an educator myself, education and safety are on the forefront when it comes to raising my children. Since attending Mrs. Hill's school, my children have learned their numbers, shapes, colors, cultural songs, pledge of allegiance, character traits, and many other categories. My children are thriving in this atmosphere and are above the mainstream academic level since attending. Mrs. Hill and her staff are highly dedicated to keeping my children safe. I feel confident leaving them with them on a daily basis. I do not feel as though there are safety issues with parking, inside, or in the backyard.

This is the best preschool I have seen in my eight years of education. I hope you and your staff take me seriously when I say this is the best atmosphere for my kids. I am highly satisfied with Pre-School for Little Zebras.

Thank you for your time,

Chad and Haylea Dooley

1027 W. Sycamore
Sherman, TX 75092

Andrea Bond
1208 Western Hills Dr.
Sherman, TX 75092
March 5, 2020

RECEIVED
MAR 16 2020

To:
Sherman Planning and Zoning Board
220 W. Mulberry St.
Sherman, TX 75090

Dear Sherman Planning and Zoning Board,

My name is Andrea Bond, my youngest son Warren Bond attends the Little Zebras pre-school located at 1211 Blanton Dr. Sherman. I cannot tell you enough how much this school means to us. My son Warren is the youngest of three children and the first one to attend School for Little Zebras. This is, by far, one of the greatest preschools in the area. When Warren comes home from school, you can tell he's had an awesome day. The teachers there show so much love and kindness and it shows up in the children that attend. Warren has so many best friends there. At the age of 2 ½, Warren knew his ABC's, how to count to 20, and was completely potty-trained. He respects authority, has learned to control his tone and volume with others, and prays for his friends and food every day. To my knowledge, there is a waiting list to attend this school.

If there are concerns about the residential area, we have had absolutely no issue with traffic or parking. Parents drop off and pick up at different times. I live on Western Hills, just two blocks over, and this is not an area for high traffic.

I feel truly blessed to have found a spot for my child at this school. I highly recommend it to families with preschool aged children. We fully support Mrs. Hill and her staff. We need this school to continue teaching and preparing our child and other children for kindergarten. It is my request that you allow this school to continue. I appreciate your time and attention to this letter. I look forward to many great days ahead at the School for Little Zebras.

Sincerely,

Andrew Bond

acbond@cableone.net / 903-819-7851

Andrew Bond
1208 Western Hills Dr.
Sherman, TX 75092

Reeves, Patsy

From: Shadden, Scott
Sent: Monday, March 16, 2020 11:58 AM
To: Reeves, Patsy
Subject: FW: Little Zebras Pre School

RECEIVED

MAR 16 2020

From: Carolyn Spencer <Carolyn.SpencerHarris@wnco.com>
Sent: Wednesday, March 11, 2020 3:29 PM
To: Shadden, Scott <scotts@cityofsherman.com>
Subject: Little Zebras Pre School

EXTERNAL EMAIL: - Avoid clicking on links or files - Be safe!

Hello

This letter is addressed to the **Planning and Zoning board in the City of Sherman** regarding an On-Going Permit for the **Little Zebras Pre School** to remain at its current location of 1211 Blanton Drive, Sherman, TX

My name is Carolyn Frances Spencer-Harris. I am a resident of Sherman, TX. I live at 2401 Friendship Rd. My concern today is to support the ongoing operation of this Pre-School asking the City of Sherman to allow the school to remain in the same location which is in the heart of our community, and, a location which is convenient for the families which use this facility as an educational start for their children.

This is a wholesome, Christian family operating this Pre School for young minds, and I know some of the children who attend this school. It would be a shame if you all were to take away their privilege and convenience of the said location at **1211 Blanton Drive, Sherman, TX.**

This school offers an organized, fun and wholesome curriculum and they teach more than academics. They teach social lessons regarding life as well as academia. I don't believe any of the parents are complaining about the locale and it would be a shame to force the school to relocate.

I anticipate you will allow them to remain in their current location. Thank You for allowing me a voice in this matter.

*Carolyn Spencer-Harris
Quality Assurance Specialist
Ground Ops, Headquarters
2195 Research Row
Dallas, TX 75235
469-603-5292
Restorative, Responsibility, Intellection, Connectedness, Learner*

Southwest

RECEIVED

MAR 16 2020

Dear P&Z board,

My name is Erie Williams and my kid attends Little Zebra Preschool. This school is so amazing, my kid loves being there and the staff. My child has been enrolled over an year now and she has blossomed. My child has learned so much, she can spell her name and recite her ABC's at age 3. My child will be ready for kindergarten upon graduating from little zebras. The streets are wide enough, there's not a lot of traffic during drop off or pick up. This school means so much to the community, and my family. I'm able to go to work and not have to worry about my child. Thank you for your time and allow Mrs. Hill to continue to be a blessing to our community.

Thank you

Erie Williams

Erie Williams
309 W. King St.
Sherman, TX 75090

RECEIVED

MAR 16 2020

City of Sherman Developmental Services
220 W Mulberry
P. O. Box 1106
Sherman, Tx 75091

These people are outstanding members of our church. Chiniqua is an incredible singer who is a member of the women's choir, praise team and women's association. Her voice is unbelievably beautiful. When I moved back to Sherman, after being gone for 45 years, I returned to Greater New Hope Church which I had attended since birth. I came back to care for my mother, who died shortly thereafter. After hearing Chiniqua's soul inspiring voice, I asked her to sing at my mom's funeral, which she graciously accepted. My family members were impressed and deeply moved by her song, for which I will always be thankful. You can feel her love for God and others when she sings. She talks about the children that she cares for at the pre-school, the love they have for her and the joy she has for providing a well-rounded and nurtured experience for the kids. Delmar Hill is a respected member who is a deacon at the church. The pre-school is a vital resource for the children whose parents are busy working to provide for them. They have a place they can stay with trusted individuals and grow up safely. There can never be enough hands to help raise children, it takes a village. The amount of inconvenience it places on neighbors is outweighed by its importance to those children. This is not some wild drunken party but small children gathering together and play in a safe environment.

Sincerely,
Ertha Rose Cannon

Ertha Cannon
1209 N Leslie Ave.
Sherman, TX 75092

MAR 16 2020

March 8th 2020

Developmental Services Coordinator

Patsy Reeves,

I am writing you on behalf of Delmar and Chéniqua Hill. They are the owner of the Little Zebra Day Care.

Bro. and Sis Hill are good and decent people. They are teaching the children in their care valuable life lessons. They teach academics as well as social skills.

It would be a great loss for us to lose their school. Please think positively toward them. They are genuinely trying to teach skills to the children that will help them have a positive impact in the future and in their lives.

Carolyn R. Guesen
714 E. Rosedale
Shorman, Tx. 75090

Thank You

Carolyn R. Guesen
Youth Council
Greater New Hope Church

Snapp, Ryan

From: Daphne W. <daphne.wiley@gmail.com>
Sent: Tuesday, March 17, 2020 7:34 AM
To: Snapp, Ryan
Subject: PreSchool for Little Zebras

RECEIVED
MAR 17 2020

EXTERNAL EMAIL: - Avoid clicking on links or files - Be safe!

Attn: Zoning Board of the City of Sherman TX

Hello All,

I am writing today as a parent that has a child that attends preschool for Little Zebras. My son Julian has shown tremendous learning skills while attending Preschool for Little Zebras for the past two years. Preschool for Little Zebras and Mrs. Hill have allowed my child to grow and learn social skills as well. Mrs. Hill and her staff are excellent with our children and they are truly cultivating and creating strong future Sherman Bearcats!! The curriculum is Texas educationally based. So, as a concerned parent for the planning and zoning committee, I ask that you take into all consideration and allow preschool for little zebras to remain open and continue to be a pillar in our community. Thank you, and the kindest regards a proud preschool for little zebras parent.

Daphne L. Wiley

Dear members and representatives of the Planning and Zoning board,

I, LaVonda Lewis, am in support of the continuation of Pre-School for Little Zebras as a business in its current location. Being a long-term employee, I have seen the positive impact that the school has made on the students and their families, as well as on myself. The location provides a safe environment that allows the children to play without disturbing neighboring homes. The pre-school does not disturb the flow of traffic within the neighborhood. As a college student, Pre-School for Little Zebras has provided me with mentorship and guidance in the field of education and childcare. I whole-heartedly support the operation of Pre-School for Little Zebras.

LaVonda Lewis

LaVonda Lewis
422 E. Cottage St.
Sherman, TX 75090

RECEIVED

MAR 19 2020



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 2.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6290

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Permanent Makeup/Micro-Blading in a C-2 (General Commercial) District at 1735 Texoma Parkway, Suite 105, being 5.34 acres in the J. B. McAnair Survey, Abstract No. 763 (Eisenhower Texoma LTD, Owners; and Erinn Teague, Tenant/Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of of Eisenhower Texoma LTD (Owners) and Erinn Teague (Tenant/Applicant) concerning the property located at 1735 Texoma Parkway, Suite 105, being 5.34 acres in the J.B. McAnair Survey, Abstract No. 763, for a Specific Use Permit to allow Permanent Makeup/Micro-Blading in a C-2 (General Commercial) District

Background:

The property is located at 1735 Texoma Parkway, Suite 105, between Broughton Street and North Grand Avenue - Big Apple Salons. The property is zoned a C-2 (General Commercial) District. Erinn Teague has been a hair stylist since 2001 and recently became certified to do permanent makeup. She would like to offer permanent makeup and micro-blading to her clients at the salon and continue her business at this location.

Origination:

Eisenhower Texoma LTD (Owners)
Erinn Teague (Tenant/Applicant)

Financial Consideration:

None

Staff Recommendation:

At the March 17 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and limited to Erinn Teague.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6290

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6290

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW PERMANENT MAKEUP/MICRO-BLADING IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 1735 TEXOMA PARKWAY, SUITE 105, BEING 5.34 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 (EISENHOWER TEXOMA LTD, OWNERS; AND ERINN TEAGUE, TENANT/APPLICANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Eisenhower Texoma LTD (Owners) and Erinn Teague (Tenant/Applicant) are granted a Specific Use Permit to allow permanent makeup/micro-blading in a C-2 (General Commercial) District at 1735 Texoma Parkway, Suite 105 and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of County of Grayson, State of Texas, a part of No. 24 and as of the J.B. Shannon Division of the J.B. McAnair Survey, Abstract No. 763, being all of an 0.234 acre tract of land conveyed by Oscar L. Orr, et ux to H.R. Gibson, et ux by deed dated February 23, 1962, recorded in Volume 951, Page 111, Deed Records, Grayson County, Texas; being all of 1.343 acre tract of land described as Tract No. 1, and all of a triangular tract of described as Tract No. 2 in deed from Oscar Orr, et ux to H. R. Gibson, et ux, dated September 12, 1961, recorded in Volume 940, Page 449 of said Deed Records; a part of a 1.67 acre tract

of land described as First Tract, and all of an 0.5 acre tract of land described as Second Tract in deed from Howard B. Kirby, et ux to H. R. Gibson, Sr., et ux, dated September 12, 1961, recorded in Volume 940, Page 446 of said Deed Records; being all of a 6,205.26 square foot tract of land conveyed by H. R. Anderson, et ux to H. R. Gibson, Sr. by deed dated September 25, 1964, recorded in Volume 1015, Page 871 of said Deed Records; being all of a tract of land conveyed by H. R. Anderson, et ux to H. R. Gibson, Sr. by deed dated September 25, 1964, recorded in Volume 2015, Page 873 of said Deed Records; being all of a 1, 506.45 square foot tract of land conveyed by Ellen Bridges to H. R. Gibson, Sr. by deed recorded in Volume 1032, Page 806 of said Deed Records; being the West 246 feet of Lot No. 12 of the Plat of J. S. Hefner's Division of 2.11 acres of the J. B. McAnair Survey as shown by plat of record in Volume 345, Page 188 of said Deed Records, as conveyed by J. H. Acklin to H. R. Gibson, Sr. by deed dated May 7, 1965, recorded in Volume 2030, Page 77 of said Deed Records, and more particularly described as follows, to wit:

BEGINNING at a ½ inch steel rod on the East right-of-way line of U.S. Highway No. 75, said road maintaining the most Northerly corner of said 1, 506.45 square foot tract, and the Southwest corner of a tract of land conveyed as Second Tract in deed from Bowen McClure, III to Jack Wall, dated June 13, 1980, recorded in Volume 1519, Page 709 of said Deed Records:

THENCE South 56 deg, 58 min. 09 sec. East, with the South line of said Second Tract, a distance of 57,67 feet to a ½ inch steel rod at an angle point in the South line of said Second Tract, on the North line of said tract of land conveyed by H. R. Anderson, et ux to H. R. Gibson, Sr., recorded in Volume 1015, Page 873 of said Deed Records, said rod maintaining the most easterly corner of said 1,506.45 square foot tract;

THENCE North 84 deg. 09 min. 00 sec. East, continuing with the South line of said Second Tract, and with the North line of said Anderson to Gibson tract, a distance of 250,70 feet to a ½ inch steel rod at the base of a Bois d' arc fence corner post, on the West line of a 2.807 acre tract of land conveyed to Transcontinental Hotels, Inc. to LaVillita Motor Inns Venture No. 2 by deed dated June 22, 1982, recorded in 2696, Page 390 of said Deed Records, said rod maintaining the Southeast corner of said second Tract, and the Northeast corner of said Anderson to Gibson tract;

THENCE South 05 deg. 56 min. 55 sec. West with the West line of said 2.807-acre tract, the East line of said Anderson to Gibson tract, a distance of 248.42 feet to a ½ steel rod at the base of a Bois d' arc fence post on the North line of said Lot No. 12 of J. S. Hefner's Subdivision, said rod maintaining the Southwest corner of said 2.807-acre tract, and the Southeast corner of said Anderson to Gibson tract;

THENCE North 76 deg. 12 min. 27 sec. East, with South line of said 2.807-acre tract, and the North line of No. 12, a distance of 62.72 feet to a ½ inch steel rod the Northeast corner of that portion of said No. 12 conveyed by Acklin to Gibson;

THENCE South 13 deg. 47 min. 33 sec. East, a distance of 14.39 feet to a ½ inch steel rod on the South line of said Lot No. 12, the North line of Frisco Road, said rod maintaining the Southeast corner of that portion of said No. 12 conveyed by Acklin to Gibson;

THENCE South 76 deg. 54 min. 51 sec. West, with the South line of said Lot No. 12, the North line of said Frisco Road, a distance of 67.67 feet to a chiseled in concrete driveway at an angle point in the South line of said Lot No. 12, the North line of said Frisco Road;

THENCE South 73 deg. 01 min. 00 sec. West, continuing with the South line of said Lot No. 12, the North line of said Frisco Road, a distance of 161.03 feet to a chiseled "X" in concrete at an angle point in the North line of said Frisco Road;

THENCE South 41 deg. 39 min. 00 sec. West, continuing with the North or West line of said Frisco Road, a distance of 03.60 feet to a chiseled "X" in concrete on the East line of said 1.343-acre tract;

THENCE South 22 deg. 32 min. 00 sec. West, continuing with the North or West line of said Frisco Road, the East line of said 1.343-acre tract, a distance of 229.17 feet to a P/K rail maintaining the Southeast corner of said 1.343-acre tract;

THEICE South 75 deg. 13 min. 00 sec. West, continuing with the North line of said Frisco Road, and with the South line of said 1.343-acre tract, passing its Southwest corner, the Southeast corner of said 0.234-acre tract, continuing for a total distance of 244.02 feet to a railroad spike maintaining the Southwest corner of said 0.234-acre tract;

THENCE North 26 deg. 46 min. 37 sec. West, with the West line of said 0.234-acre tract, a distance of 251.31 feet to a ½ inch steel rod on the East right-of-way line of said U. S. Highway No. 75, the South line of said 1.67-acre tract, said rod maintaining the Northwest corner of said 0.234-acre tract, and the most Westerly corner of said triangular tract of land described as Tract No. 2 in said deed from Oscar L. Orr, et ux to H. R. Gibson, et ux;

THENCE North 41 deg. 25 min. 00 sec. East, with the East right-of-way line of said highway, passing the North line of said 1.67 acre tract, the Southwest corner of said Anderson to Gibson tract, recorded in Volume 1015, Page 873 of said Deed Records, and continuing with the West line of said Anderson to Gibson tract, passing its Northwest corner, the most westerly corner of said 1,506.45 square foot tract, and continuing for a total distance of 568.57 feet to the **PLACE OF BEGINNING AND CONTAINING 5.341 ACRES OF LAND.....**

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access lanes and codes shall be coordinated with the Fire Marshal 903-892-7267.
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. Review the zoning and development ordinance for additional requirements.
5. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Planning & Zoning Commission:

6. Limited to Errin Teague.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY:

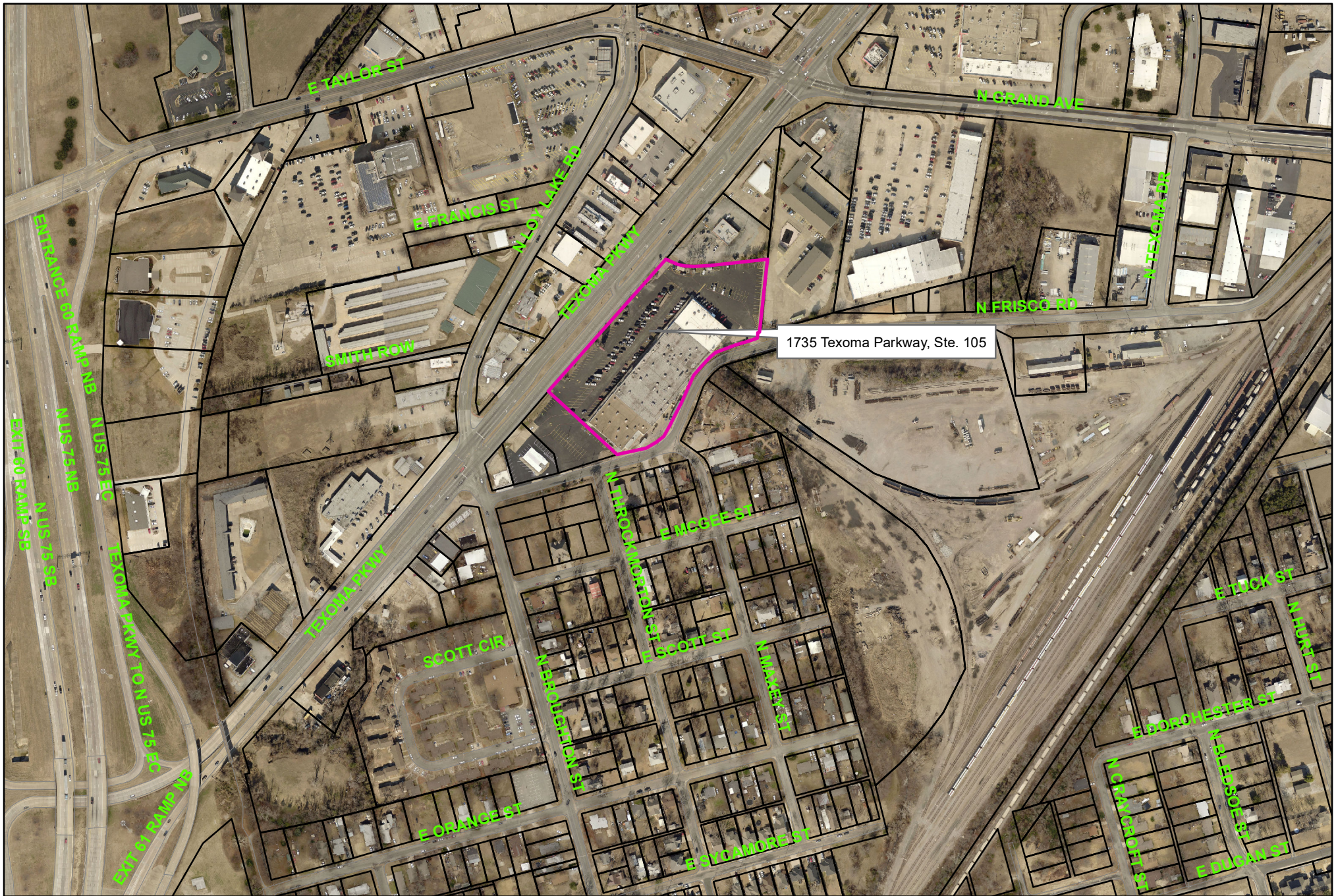
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



1735 Texoma Parkway, Ste. 105



City of Sherman, Texas
Developmental Services Department

1735 Texoma Parkway, Ste 105



1 in = 400 ft



Zoning - 1735 Texoma Parkway, Ste 105

Legend

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District

- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development
- Pavement



City of Sherman, Texas
Developmental Services Department

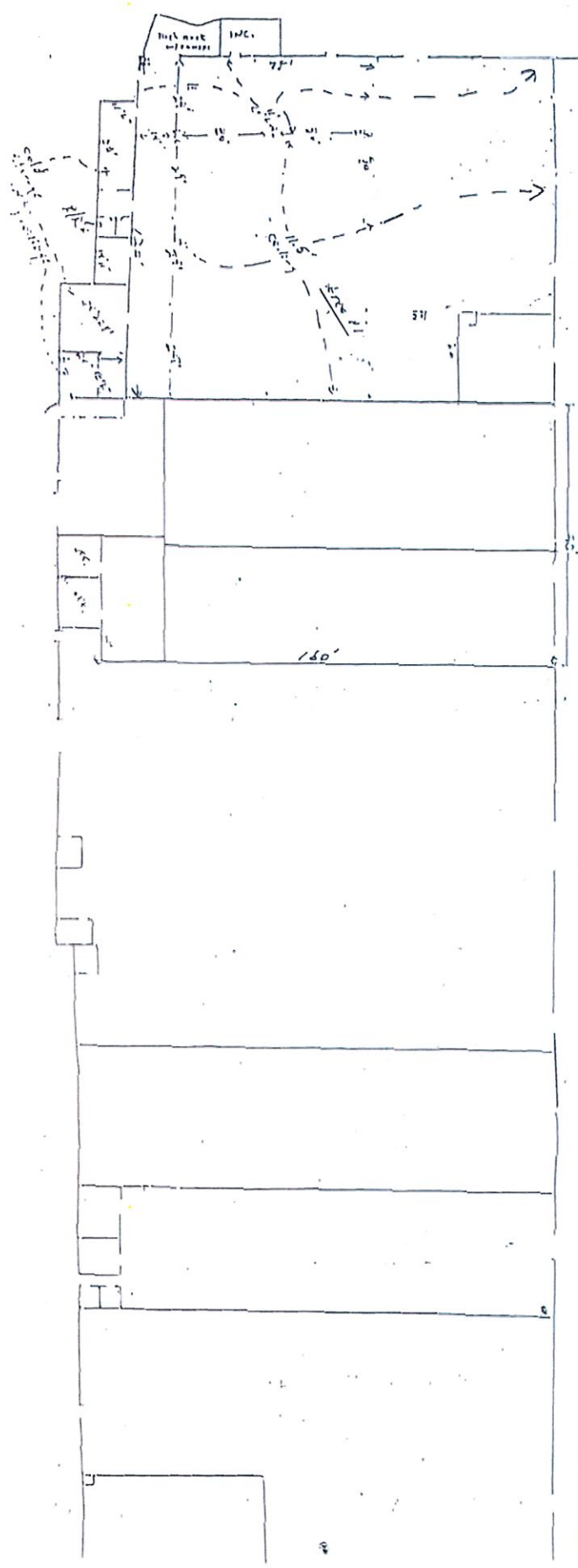


NOT TO SCALE

1 in = 200 ft

1735 Texoma Parkway, Suite 105





15,500 sq. ft. health club

Nautilus

Red Wing Boots

Milano's Tools

Crisis Center Thrift Store

Yes! Less

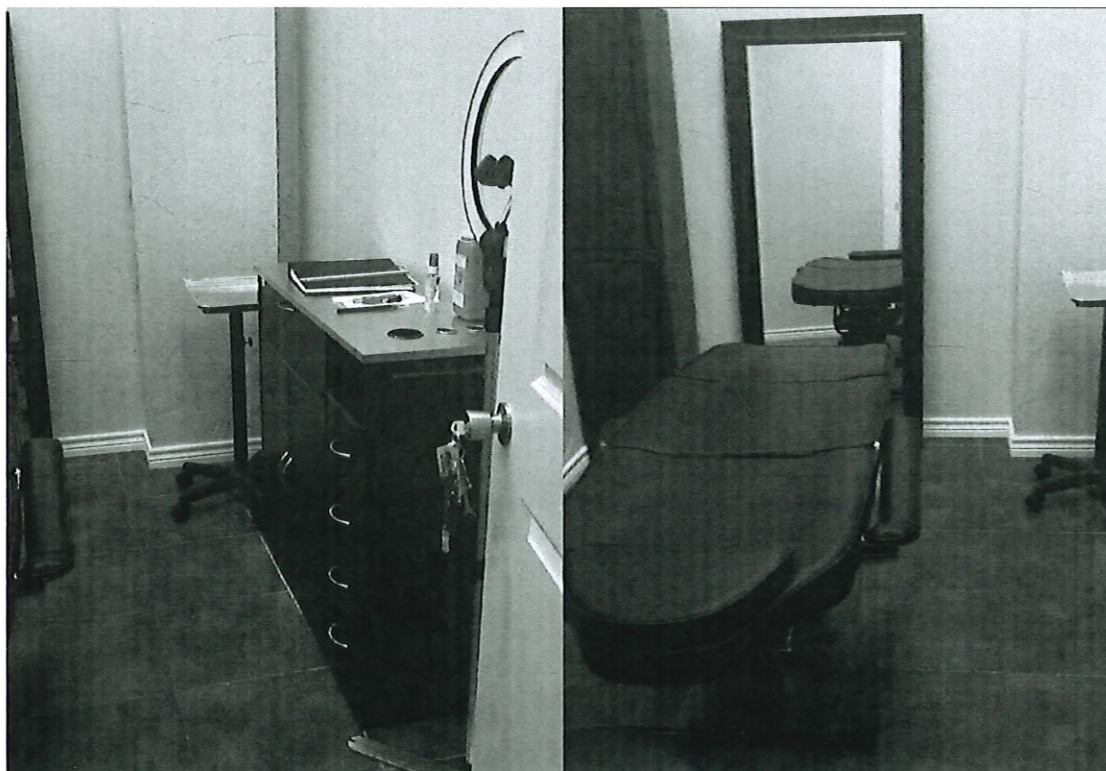
Pam's Dig Apple

EZ Pawh

Breath of Life

Wash Zone

Arkway Village Shopping Center



STAFF REVIEW LETTER

March 9, 2020

John Munson
1717 Texoma Parkway
Sherman, TX 75090

Erinn Teague
1735 Texoma Parkway, Ste. 105
Sherman, TX 75090

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow permanent makeup/micro-blading in a C-2 (General Commercial) District for the property located at 1735 Texoma Parkway, Suite 105 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Fire access lanes and codes shall be coordinated with the Fire Marshal 903-892-7267.
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. Review the zoning and development ordinance for additional requirements.
5. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

Respectfully,



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

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Christopher Armstrong, Asst. City Engineer

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Amber Doan, Engineering Coordinator



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

Agenda Item No. 6.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

1735 TEXOMA PARKWAY, SUITE 105

The request of Eisenhower Texoma LTD (Owners) and Errin Teague, (Tenant/Applicant) concerning the property located at 1735 Texoma Parkway, Suite 105, being 5.34 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow permanent makeup/micro-blading in a C-2 (General Commercial) District.

Background:

The property is located at 1735 Texoma Parkway, Suite 105 between Broughton Street and North Grand Avenue; Big Apple Salons. The property is zoned a C-2 (General Commercial) District. Errin Teague would like to offer permanent makeup and microblading to her clients at the salon.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

R-1 (One Family Residential) District

M-1 (Light Manufacturing) District

Origination:

Eisenhower Texoma LTD (Owners)

Errin Teague, (Tenant/Applicant)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

20

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 3.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6291

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit Amendment to Allow Heavy Equipment Sales and Rentals and Wash Bay with Stucco and Metal Finishes, as shown in the Exhibit, in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District at 910 South Sam Rayburn Freeway, being 9.27 acres in the Samuel Blagg Survey, Abstract No. 56 (6M Holdings, LTD, Owners; Sunbelt Rentals, Inc., Tenant; Dustin Tippetts, Representative; UPI Builders, Contractors; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of 6M Holdings, LTD (Owners), Sunbelt Rentals, Inc. (Tenant), Dustin Tippetts (Representative), UPI Builders (Contractors) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 910 South Sam Rayburn Freeway, being 9.27 acres in the Samuel Blagg Survey, Abstract No. 56, for a Specific Use Permit amendment and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow heavy equipment sales and rentals with a wash bay in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District

Background:

The property is located at 910 South Sam Rayburn Freeway between Center Street and Gateway Drive; Sunbelt Rentals is the tenant. The property is zoned an R-1 (One Family Residential) District and C-2 (General Commercial) District. A Specific Use Permit to allow heavy equipment sales for Grayson County Equipment in a C-2 (General Commercial) District was approved July 21, 1997 by Ordinance No. 4626.

Sunbelt Rentals recently purchased the property at 910 South Sam Rayburn Freeway. There is an existing 5,200 square foot showroom and retail building for the heavy equipment sales and rentals; and they would like to construct a 20' x 40' wash bay to clean the heavy equipment. They plan to stucco the front of the existing building, improve the parking lot, and erect a wood fence 25' from the property line to protect the building and heavy equipment.

Origination:

6M Holdings, LTD (Owners)
Sunbelt Rentals, Inc. (Tenant)
Dustin Tippetts (Representative)
UPI Builders (Contractors)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the January 14, 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit Amendment be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6291
Aerial Location Map
Zoning Map
Zoning Sign Photo
Narrative
Survey
Site Plan
Wash Bay Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6291

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT AMENDMENT TO ALLOW HEAVY EQUIPMENT SALES AND RENTALS AND WASH BAY WITH STUCCO AND METAL FINISHES, AS SHOWN IN THE EXHIBIT, IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 910 SOUTH SAM RAYBURN FREEWAY, BEING 9.27 ACRES IN THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56 (6M HOLDINGS, LTD, OWNERS; SUNBELT RENTALS, INC., TENANT; DUSTIN TIPPETTS, REPRESENTATIVE; UPI BUILDERS, CONTRACTORS; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, 6M Holdings, LTD (Owners), Sunbelt Rentals, Inc. (Tenant), Dustin Tippetts (Representative), UPI Builders (Contractors) and Underwood Drafting and Surveying (Surveyor) are granted a Specific Use Permit amendment and site plan approval to allow heavy equipment sales and rentals and wash bay with stucco and metal finishes as shown in the exhibit in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District at 910 South Sam Rayburn Freeway and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, Grayson County, Texas, in the Samuel Blagg Survey, Abstract No. 56, being a survey of the 9.27 acre tract described in a deed from Sherman Independent School District to Grayson County Equipment, Inc., dated May 16, 1996, recorded in Volume 2466, Page 433 of the Grayson County Deed Records; being also the same land located at 910 South Sam Rayburn Freeway, Sherman, Texas; being described by metes and bounds as follows:

BEGINNING at a one-inch iron pipe found in concrete at the northeast corner of said 9.27 acre tract, in the west right-of-way line of U.S. Highway 75;

THENCE southerly with the east line of said 9.27 acre tract and the west right-of-way line of said U.S. Highway 75 as follows:

South 19° 14' 09" East, 52.20 feet to a concrete marker found;

South 15° 25' 09" East, 453.50 feet (call distance = 455.74 feet) to a ½ inch iron pin set at the northeast corner of the 5.869 acre tract recorded in Volume 3485, Page 202;

THENCE South 74° 38' 22" West, with the evidence of an old fence, passing a ½ inch iron pin set by an old fence post at 649.17 feet and continuing in all, 768.21 feet (call distance = 724.80 feet) to a point in Post Oak Creek;

THENCE northerly with the center of Post Oak Creek and with the west line of said 9.27 acre tract as follows:

North 67° 59' 12" West, 59.55 feet;

North 54° 49' 16" West, 132.65 feet;

North 63° 48' 41" West, 62.65 feet;

North 17° 50' 56" West, 39.26 feet;

North 12° 46' 36" East, 39.29 feet;

North 35° 54' 08" East, 20.45 feet;

North 69° 35' 31" East, 62.06 feet;

South 81° 27' 51" East, 26.24 feet;

North 75° 07' 38" East, 66.79 feet;

North 64° 38' 45" East, 30.64 feet;

North 18° 36' 05" East, 48.75 feet;

North 02° 13' 28" East, 66.50 feet;

North 25° 06' 20" West, 22.69 feet;

North 49° 29' 56" West, 29.95 feet;

North 42° 39' 54" West, 56.39 feet;

North 48° 30' 15" West, 41.22 feet to the northwest corner of said 9.27 acre tract; same being the southwest corner of the L.C. Chapman's 2nd Addition recorded in Volume 207, Page 496 of the Grayson County Deed Records;

THENCE North 74° 21' 45" East, with the north line of said 9.27 acre tract and the south line of said L. C. Chapman's 2nd Addition, passing a ½ inch iron pin set at 45.0 feet, passing a ½ inch iron pin found at 235.35 feet, passing another ½ inch iron pin found at 275.30 feet, passing another ½ inch iron pin found at 415.10 feet, passing another ½ inch iron pin found at 610.06 feet and continuing in all, 748.92 feet to the **PLACE OF BEGINNING and containing 9.27 acres of land.....**

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1.2 (Sam Rayburn Overlay) District, the fence ordinance, the sign ordinance and the Commercial Tree and Landscaping Ordinance shall apply to all new and existing structures and improvements.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into the right-of-way.
4. No outside parking or storage of dismantled, junk or inoperable vehicles, equipment, wrecks, tires or parts is allowed.
5. The lifts on the front-end loaders shall be stored in the down position.
6. Parking of heavy equipment shall be on an improved surface; concrete.
7. Parking is permitted on paved surfaces only (concrete); a parking space is considered to be 9'x20'.
8. Service bays shall be screened from all thoroughfares.
9. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
10. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
11. Chain link fences are not an approved material approved for screening in the O-1.2 (Sam Rayburn) Overlay District.
12. Shall comply with all EPA, City, Federal and State regulations for this use.
13. Violation of the conditions of the SUP will terminate the Specific Use Permit.
14. All requirements of the Floodplain Ordinance shall be followed.
15. Review the zoning and development ordinance for additional requirements.
16. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

17. All discharges from wash bays must be contained on-site per City and State regulations.
18. All requirements of the Floodplain Ordinance shall be followed.

19. New drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

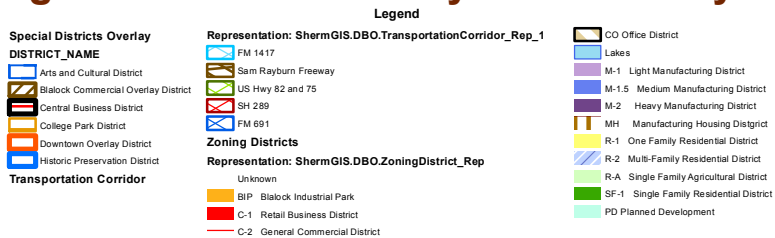
BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



Zoning - 910 South Sam Rayburn Freeway



City of Sherman, Texas
Developmental Services Department


$$1 \text{ in} = 300 \text{ ft}$$

910 South Sam Rayburn Freeway





UPI Builders, LLC
5008 Fuqua Street
Houston, TX 77048
Telephone: 281-286-2000

City of Sherman – Zoning Application

Narrative Explanation of Project

Sunbelt Rentals
901 S. Sam Rayburn Frwy
Sherman, TX 75090

We are going to put in a 20 x 40 Wash Bay (cleaning station) in order for the company to clean the heavy equipment and dispose the waste utilizing an oil and water separator.

Also, we are putting a Chain Link Fence to protect the building as well as all heavy equipment and if needed we can also put a privacy screen into the chain link fence.

THE CITY OF SHERMAN, OKLAHOMA, OKLAHOMA COUNTY, OKLAHOMA, BEING A SURVEY OF THE 9.27 ACRES TRACT DESCRIBED IN A DEED FROM SHERMAN INDEPENDENT SCHOOL DISTRICT TO OKLAHOMA COUNTY, BEING A DEED DATED MAY 14, 1996, RECORDED IN VOLUME 2465, PAGE 433 OF THE OKLAHOMA COUNTY DEED RECORDS, BEING ALSO THE SAME LAND LOCATED IN 1918, IN THE RAYBURN FREEWAY, SHERMAN, TEXAS, BEING DESCRIBED BY MEASUREMENTS AND BOUNDS AS FOLLOWS:

BEING KNOWN AS A TRACT BOUND BY PIPE RAIL FENCE IN CORNER OF THE NORTHEAST CORNER OF SAID 9.27 ACRES TRACT, IN THE WEST RIGHT-OF-WAY LINE OF U. S. HIGHWAY 75.

THENCE SOUTHERLY WITH THE SAID LINE OF SAID 9.27 ACRES TRACT AND THE WEST RIGHT-OF-WAY LINE OF SAID U. S. HIGHWAY 75 AS FOLLOWS:

South 15°10'00" East, 62.29 feet to a concrete marker found.
 South 15°20'00" East, 433.50 feet (total distance = 495.79 feet) to a 1/4-inch iron pin set at the northeast corner of the 8.800 acres tract recorded in volume 2465, page 433.
 THENCE SOUTH 14°28'22" West, with the evidence of an old fence, passing a 1/4-inch iron pin set at an old fence post at 442.17 feet and continuing in said 778.21 feet (total distance = 778.40 feet) to a post in Post Oak Creek.
 THENCE NORTHERLY WITH THE CENTER OF POST OAK CREEK AND WITH THE WEST LINE OF SAID 9.27 ACRES TRACT AS FOLLOWS:

North 64°49'18" West, 80.86 feet;
 North 64°49'18" West, 132.66 feet;
 North 63°42'41" West, 82.66 feet;
 North 17°02'56" West, 30.25 feet;
 North 12°45'30" East, 30.25 feet;
 North 30°54'06" East, 20.43 feet;
 North 80°39'31" East, 62.06 feet;
 South 81°27'31" East, 28.34 feet;
 North 13°07'30" East, 86.79 feet;
 North 64°34'48" East, 30.64 feet;
 North 18°18'00" East, 48.17 feet;
 North 02°12'28" East, 86.30 feet;
 North 48°20'20" West, 22.89 feet;
 North 48°20'20" West, 28.95 feet;
 North 42°38'54" West, 58.36 feet;
 North 42°38'54" West, 41.22 feet to the northwest corner of said 9.27 acres tract, same being the southwest corner of the L. C. Chapman's 2nd Addition recorded in volume 202, page 438 of the Oklahoma County Deed Records.
 THENCE NORTH 14°24'47" East, with the north line of said 9.27 acres tract and the south line of said L. C. Chapman's 2nd Addition, passing a 1/4-inch iron pin set at 43.8 feet, passing a 1/4-inch iron pin set at 226.35 feet, passing another 1/4-inch iron pin set at 272.30 feet, passing another 1/4-inch iron pin set at 415.10 feet, passing another 1/4-inch iron pin set at 410.82 feet and continuing in said 743.82 feet to the PLACE OF BEGINNING and containing 9.27 acres. This description is based on the Land Title Survey and plat made by Bruce Geer, Registered Professional Land Surveyor, Texas registration no. 4117 on February 12, 2016 and bearing source is based on GDA North using Western Data Systems GPS network.

The above described tract was surveyed on the ground and under my supervision. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Contention 1 Survey.

Office work completed on February 12, 2016.

Bruce Geer, Registered Professional Land Surveyor, No. 4117
 1101 W. University Drive (U.S. Highway 380)
 McKinney, Texas 75069
 972-662-8608
 972-642-6751 fax

Bearing lines: NAD 83 Old North Texas North Central Zone 4202 and by using Western Data Systems GPS network;
 Book Backer working from the plane to surface is 1.00012

Controlling monuments: Concrete monument found in west right-of-way line of U. S. Highway 75 at station 856+72 and iron pin found in concrete in said west right-of-way line at station 870+62.1.

According to FEMA map no. 48181C0200, dated 8-29-2010, the above described property is partially in the 100 year flood plain.

LAND TITLE SURVEY
 9.27 ACRES
 S. BLAGG SURVEY
 ABSTRACT NO. 56
 CITY OF SHERMAN
 GRAYSON COUNTY, TEXAS
 DATE: FEBRUARY 12, 2016
 SCALE 1" = 50'
 910 S. SAM RAYBURN FREEWAY
 SHERMAN, TEXAS 75090
 CLIENT: DAVID R. SIX

CLIENT: DAVID R

NOTE: ALL MONUMENTS SHOWN HEREON ARE IN GOOD CONDITION

PROJECT DESCRIPTION SCOPE:
1000 SQUARE FOOT EQUIPMENT WASH BAY

- A) STRUCTURAL - STRUCTURAL FRAMING NON ENCLOSURE.
- B) ELECTRICAL - LIGHTING AND POWER.
- C) MECHANICAL - PUMP EQUIPMENT BY OTHERS.
- D) PLUMBING WATER AND SANITARY TIE IN ON PROPERTY ONLY.
- E) SITE: NO SITEWORK

PRIMARY: OFFICE /WAREHOUSE

CONSTRUCTION TYPE: BB

USE AND OCCUPANCY CLASSIFICATION: B GROUP

IBC 2015
GENERAL: STRUCTURES OR PORTIONS OF STRUCTURES SHALL BE CLASSIFIED WITH RESPECT TO OCCUPANCY IN ONE OR MORE OF THE GROUPS LISTED BELOW. STRUCTURES WITH MULTIPLE USES SHALL BE CLASSIFIED ACCORDING TO SECT. 302.3. WHERE A STRUCTURE, OR PORTION THEREOF, IS PROPOSED FOR A PURPOSE WHICH IS NOT SPECIFICALLY PROVIDED FOR IN THIS CODE, SUCH STRUCTURE, OR PORTION THEREOF SHALL BE CLASSIFIED IN THE GROUP WHICH THE OCCUPANCY MOST NEARLY RESEMBLES, ACCORDING TO THE FIRE SAFETY AND RELATIVE HAZARD INVOLVED.

BUILDING PROPOSED USE:

1- S-2 GROUP (IBC SECT. 304)
2- COMPLIANCE CODES ARE AS FOLLOWS: 2015 IBC, 2015 IECC, 2015 IFC, 2015 IPC, 2015 IMC, 2015 IRC, 2015 NEC, 2017 NEC AND 2017 NEC AS ADOPTED BY THE CITY OF SHERMAN CITY COUNCIL.

CODES: ALL CONSTRUCTION SHALL COMPLY WITH THE INTERNATIONAL BUILDING CODE 2015 WITH CITY OF SHERMAN AMENDMENTS, AND ALL LOCAL CODES. THE DESIGN COMPLIES WITH IBC 2015 BASIC WIND SPEED OF 110 MPH/3 SEC GUSTS.

COMPLYING WITH SEC. 1609.11 AND 1609.3

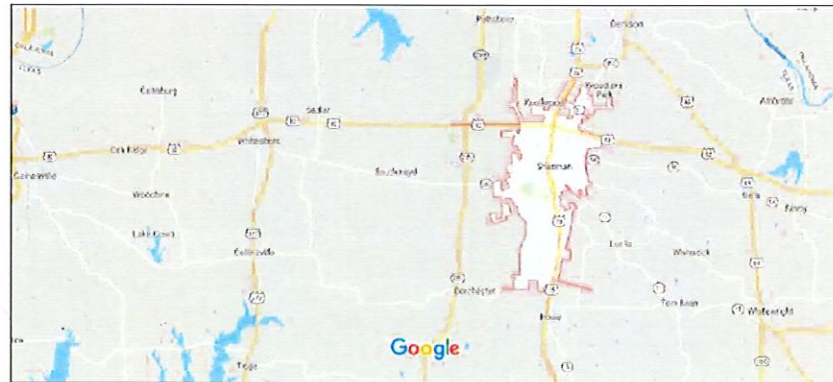
SUNBELT RENTAL WASH BAY

910 S SAM RAYBURN FWY

SHERMAN TEXAS 75090



SITE IMAGE



VICINITY MAP

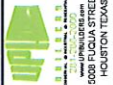
INDEX OF SHEETS

SHEET No.	SHEET TITLE
AT-1	COVER SHEET
A-1	ARCHITECTURAL DRAWINGS
A-2	ARCHITECTURAL DRAWINGS
S-1	STRUCTURAL DRAWINGS
S-2	STRUCTURAL DRAWINGS
S-3	STRUCTURAL DRAWINGS
E-1	ELECTRICAL DRAWINGS

REVISIONS

No.	DATE	DESCRIPTION
1		
2		
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4		

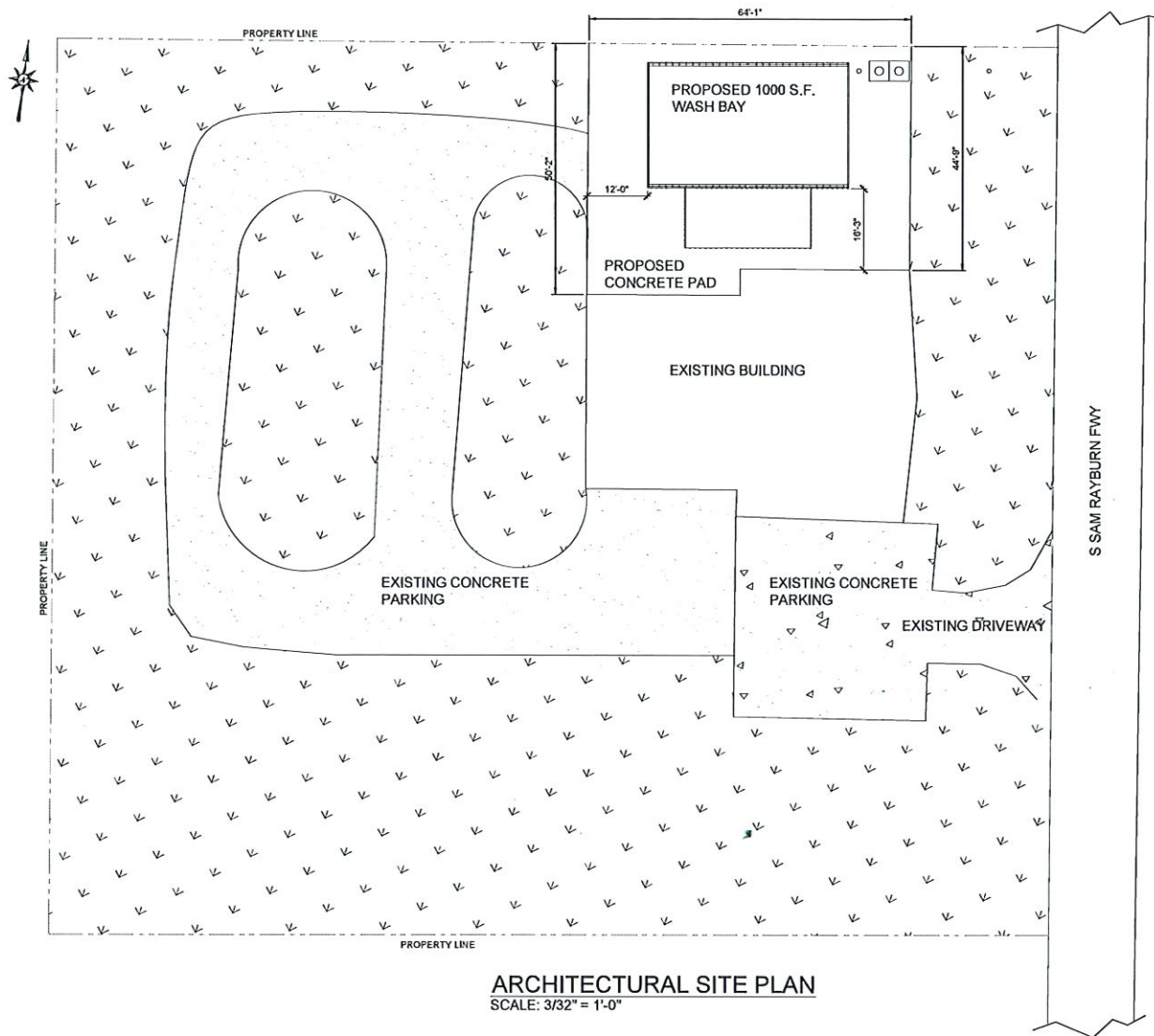
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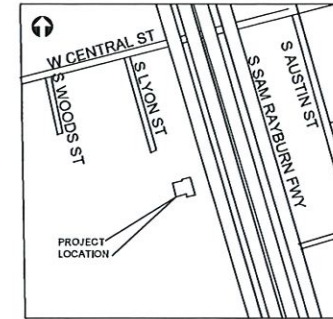
SUNBELT RENTALS
PROPOSED WASH BAY-SHERMAN
910 S SAM RAYBURN FWY
SHERMAN, TEXAS
GRAYSON COUNTY, 75090

DATE: 10-14-19
CHECKED BY: T. SOPER
DESIGNED BY: T. SOPER
SCALE: NOTED
JOB No.: XXX-XXX
FILE: FILE_LOCATION

SHEET:
AT-1
01 OF 07



ARCHITECTURAL SITE PLAN
SCALE: 3/32" = 1'-0"



VICINITY MAP

NOTE: ALL DIMENSIONS TO
BE FIELD VERIFIED

LEGAL DESCRIPTION:
A LAND TITLE SURVEY OF TRACT OF LAND
CONTAINING 9.27 ACRES, DESCRIBED BY A
DEED TO 6M HOLDINGS RECORDED IN
VOLUME 5767, PAGE 38 OF THE OFFICIAL
PUBLIC RECORD OF GRAYSON COUNTY,
TEXAS.

REVISIONS	
No.	DESCRIPTION
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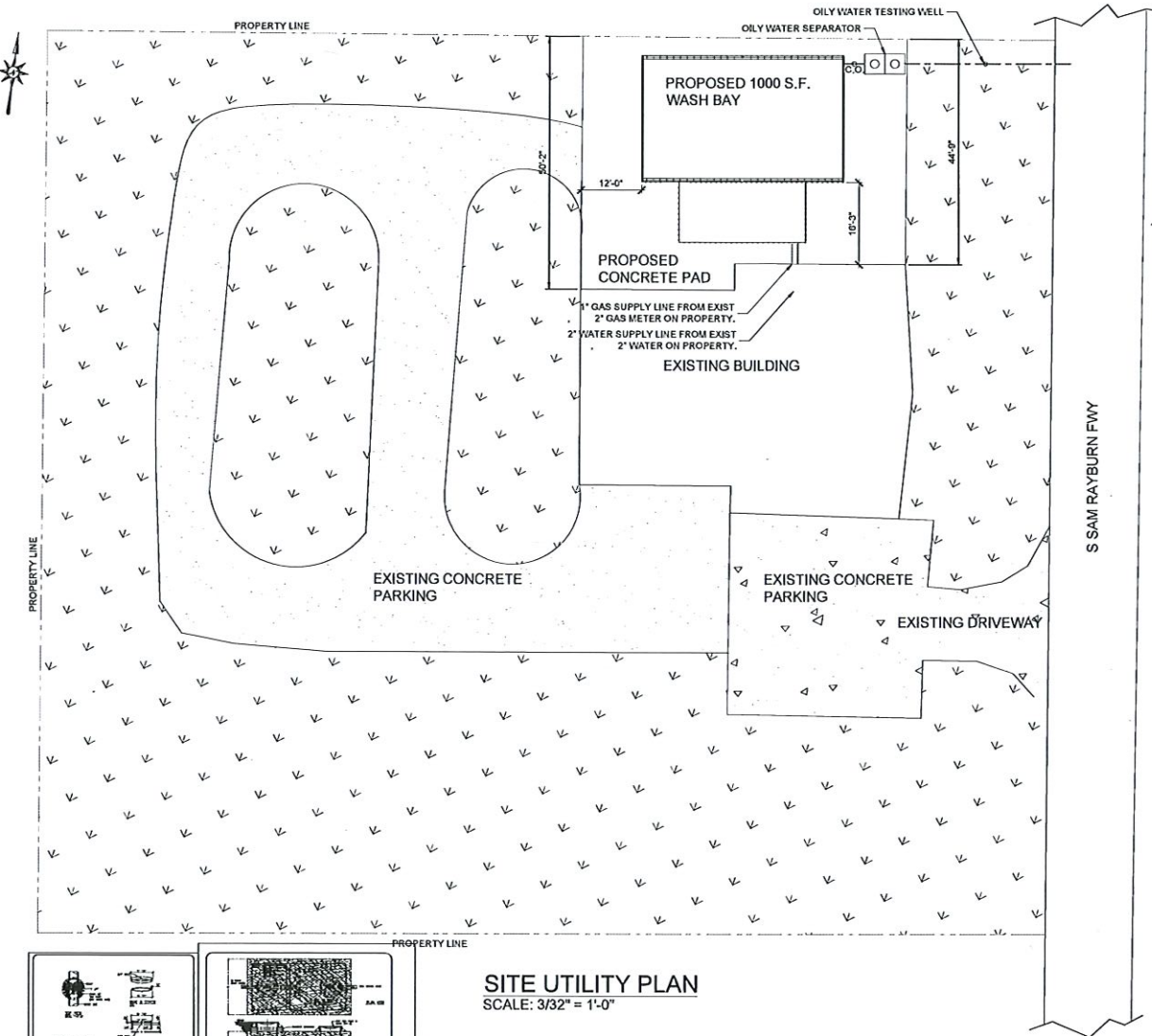
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CONTRACTOR IS RESPONSIBLE FOR ANY
CHANGES OR ADJUSTMENTS TO THE
DOCUMENTS AND TO CONTACT ENGINEER
ON NOTIFICATION.



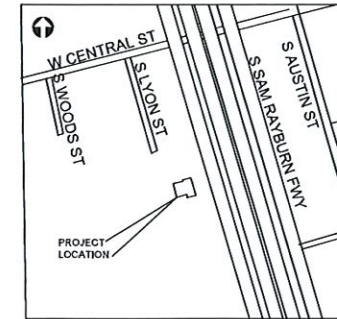
SUNBELT RENTALS
PROPOSED WASH BAY-SHERMAN
810 S SAM RAYBURN FWY
SHERMAN, TEXAS 75090

DATE: 10-14-19
CHECKED BY: -
DESIGNED BY: T. SOPER
SCALE: NOTED
JOB NO.: XXX-XXX
FILE: FILE LOCATION

SHEET:
A-1
02 OF 07



SITE UTILITY PLAN
SCALE: 3/32" = 1'-0"



VICINITY MAP

NOTE: ALL DIMENSIONS TO
BE FIELD VERIFIED

REVISIONS		
No.	DATE	DESCRIPTION
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THIS DRAWING IS PROPERTY OF
UP BUILDING AND SHOULD BE KEPT IN
THE OFFICE OF THE ARCHITECT OR
ENGINEER OR IN THE HANDS OF THE
CONTRACTOR. IT IS NOT TO BE
REPRODUCED OR COPIED IN ANY
MANNER WITHOUT THE WRITTEN
PERMISSION FROM UP BUILDING.

CONTRACTOR IS RESPONSIBLE FOR ANY
CHANGES OR MODIFICATIONS TO THE
DRAWING. ANY CHANGES MUST BE
APPROVED BY THE ARCHITECT OR
ENGINEER BEFORE CONSTRUCTION.



SUNBELT RENTALS
PROPOSED WASH BAY-SHERMAN
810 S SAM RAYBURN FWY
SHERMAN, TEXAS 75090

DATE:	10-14-18
CHECKED BY:	T. SOPER
DESIGNED BY:	T. SOPER
SCALE:	NOTED
JOB NO.:	XXX-XXX
FILE:	FILE LOCATION



SHEET:
S-1
04 OF 07



TYPICAL WALL SECTION

BOND BEAM, END OF THE TOP OF BLOCK WALL

TOP OF THE DOOR

6" CMU BOND BEAM
REINF W/2 #5 CONT. @ MAX 4'-0"

#5 VERT. @ 32" O.C.
FILL REINF. CELLS
W/ NON-SHRINK
GROUT

#5 VERT. x 3'-0"
DOWELS @ 32" O.C.

4'-0"

1 1/2"

CORNER REINFORCEMENT DETAILS

CORNER REINF. TO MATCH JOINT REINF.

4'-0" CORNER BAR @ BOND BM. TO MATCH TYP. REINF.

3 VERT. BARS TO MATCH TYP. WALL REINF.

1 VERT. BAR TO MATCH TYP. WALL REINF.

CORNER

OPENING END

THRU INTERSECTION

RUN BOTH SETS OF HORIZ. BARS CONT. THRU INTERSECTION. DRAPE ONE SET TO CLEAR THE OTHER. TIE ALL REBAR @ CORNERS. (TYP. TOP)

2-#5 CORNER BAR (TOP & BOT)

TYP. GRADE BEAM REINF.

T-INTERSECTION

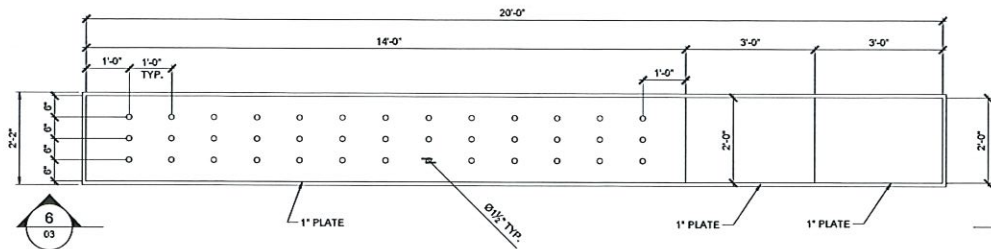
2-#5 CORNER BAR (TOP & BOT)

TYP. GRADE BEAM REINF.

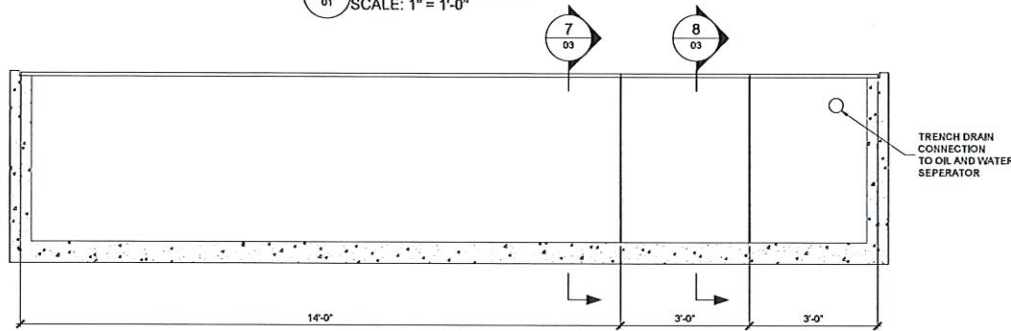
CORNER

TYPICAL REINFORCEMENT DETAILS
@ GRADE BEAM INTERSECTIONS

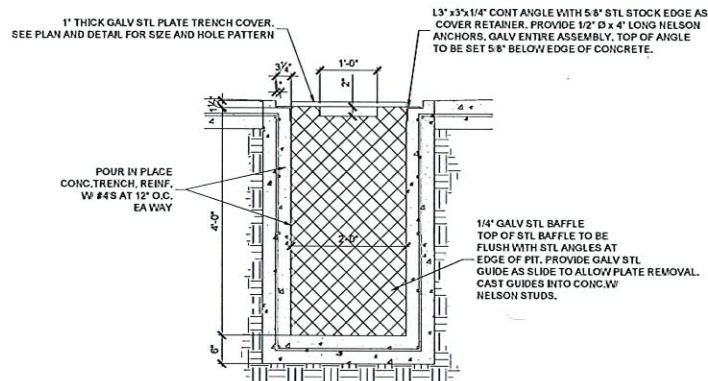
SHEET:
S-2
05 OF 07



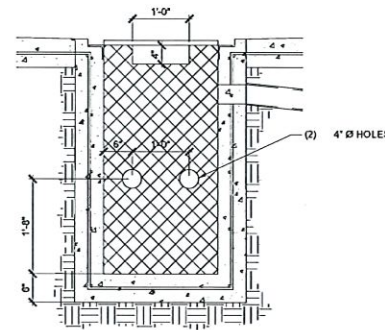
5 TRENCH PLAN
SCALE: 1" = 1'-0"



6 TRENCH ELEVATION
SCALE: 1" = 1'-0"



7 TRENCH DRAIN DETAIL
SCALE: 1" = 1'-0"



8 TRENCH DRAIN DETAIL
SCALE: 1" = 1'-0"

REVISIONS

No.	DATE	DESCRIPTION
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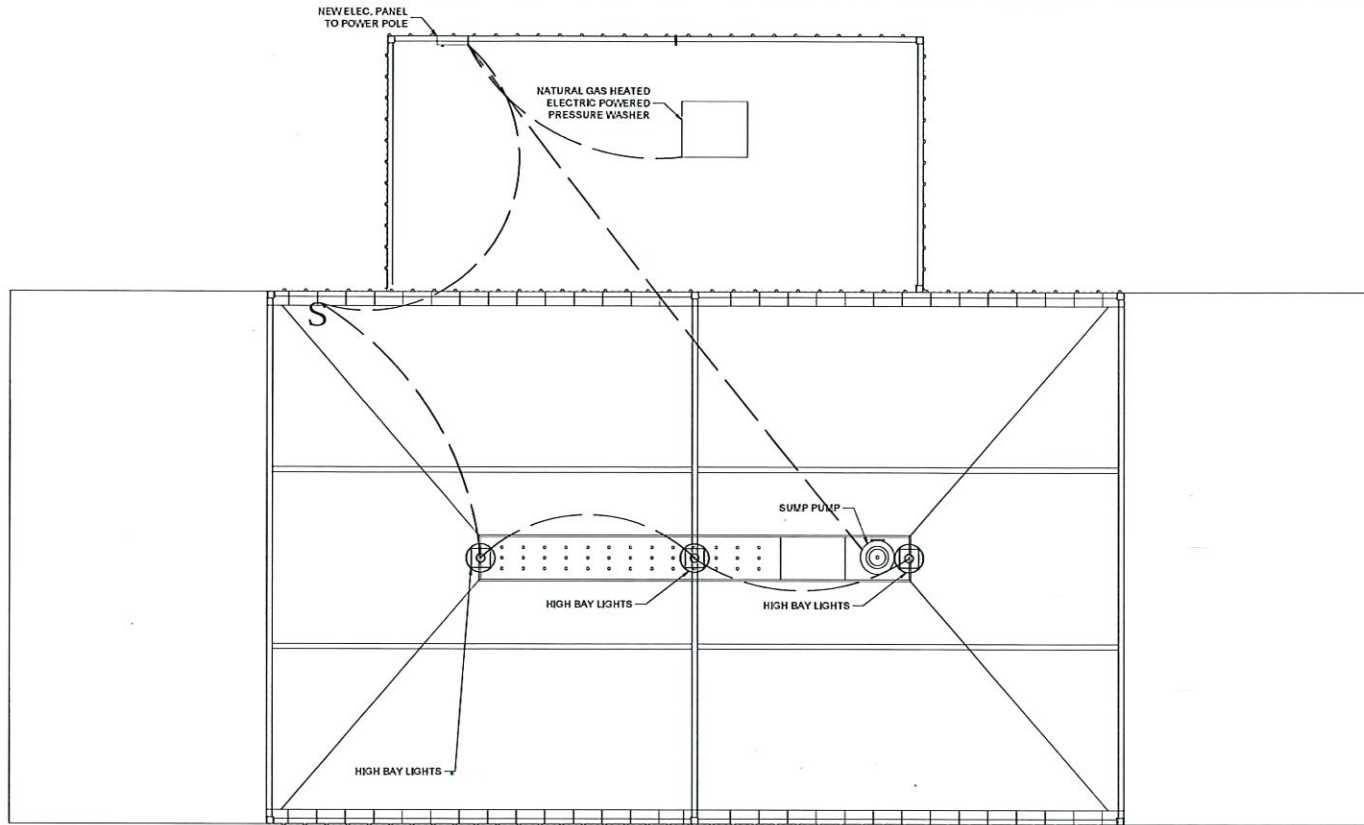
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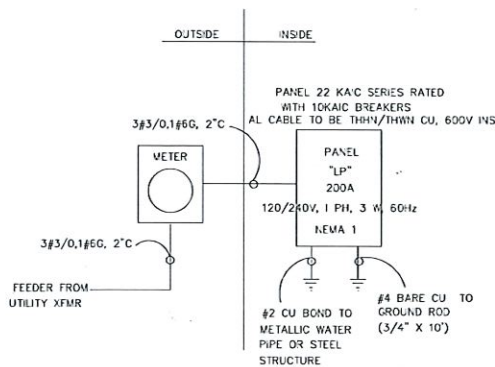
SUNBELT RENTALS
PROPOSED WASH BAY-SHERMAN
8710 S SAM RAYBURN FWY
SHERMAN, TEXAS 75090

DATE: 10-14-19
CHECKED BY: T. SOFER
DESIGNED BY: T. SOFER
SCALE: NOTED
JOB NO.: XXX-XXX
FILE: FILE LOCATION

SHEET:
S-3
06 OF 07



ELECTRICAL PLAN SCALE: 3/8" = 1'-0"



ELECTRICAL ONE LINE DIAGRAM

ELECTRICAL POWER GENERAL NOTES:

1. ALL BRANCH CIRCUITS SHALL HAVE A GROUNDING CONDUCTOR EXCLUSIVE OF THE CONDUIT RACEWAY.
2. REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATION MOUNTING HEIGHT, ORIENTATION, AND FINISH FOR ALL WALL MOUNTED DEVICES INCLUDING ALL DATA AND POWER OUTLETS.
3. COORDINATE AND INSTALL J-BOX FOR PROVIDING POWER FOR GAS RANGE ELECTRICAL SPARK IGNITION.
4. ELECTRICAL CONTRACTOR SHALL COORDINATE INSTALLATION OF ALL KITCHEN APPLIANCE AND SHOP EQUIPMENT JUNCTION BOXES AND RECEPTACLES WITH OWNER, ARCHITECTURAL DRAWINGS AND OTHER TRADES TO ENSURE CORRECT INSTALLATION LOCATIONS AND VOLTAGE REQUIREMENTS.
5. THE CONTRACTOR SHALL INFORM THE ARCHITECT IN WRITING OF ANY DISCREPANCIES FOUND BETWEEN APPLIANCE/EQUIPMENT VOLTAGE AND PANEL SCHEDULE INDICATION.
6. DISHWASHER AND GARBAGE DISPOSAL DISCONNECT MEANS VIA "DECOR" STYLE LIGHT SWITCHES. MOUNT DISHWASHER SWITCH UNDER COUNTER AND GARBAGE DISPOSAL SWITCH ABOVE COUNTER. COORDINATE WITH OWNER.
7. ALL EXTERIOR MOUNTED RECEPTACLE OUTLETS SHALL BE HORIZONTALLY FLUSH MOUNTED GCI "DECOR" RECEPTACLES. PROVIDE WITH RACO MODEL #5101.
8. ALL MULTI-CABLE (CAT3, CAT5 AND COAX) RUNS SHALL TERMINATE AT AUDIO, VIDEO, DATA HUB. COORDINATE WITH OWNER.
9. COORDINATE SECURITY AND SOUND CABLING REQUIREMENTS WITH SECURITY AND CABLING CONTRACTOR AND OWNER PRIOR TO INSTALLATION.
10. ELECTRICAL CONTRACTOR SHALL INSTALL (1) 2" SPARE CONDUIT FOR USE BY SOUND CONSULTANT. CONDUIT SHALL RUN FROM MASTER BEDROOM TO ENTERTAINMENT CENTER AREA. STUB-OUT CONDUIT 4" A.F.F. AT ENTERTAINMENT CENTER. COORDINATE EXACT INSTALLATION METHOD AND REQUIREMENTS WITH OWNER PRIOR TO INSTALLATION.
11. REFER TO A312, REFLECTED CEILING PLAN FOR J-BOX AND EQUIPMENT LOCATIONS IN THE CEILING AND ATTIC.

ELECTRICAL NOTES:

- ALLOW FOR A/C UNITS. ()
- PROVIDE G.F.I. PROTECTION AS REQUIRED.
- SMOKE DETECTORS REQUIRES 110V CONNECTION TO HOUSE WIRING IN ADDITION TO BATTERY BACK-UP.
- VENT EXHAUST FANS TO OUTSIDE.
- PROVIDE P.C. LIGHT FIXTURE AND SMOKE DETECTOR AT EACH WATER HEATER AND A/C UNIT IN ATTIC.
- PROVIDE W.P. DISCONNECT AT EACH A/C UNIT COMP. LOCATION.
- PROVIDE LOW VOLTAGE CIRCUIT FOR BURGLAR ALARM.
- PROVIDE LOW VOLTAGE CIRCUIT FOR INTERCOM / PHONE SYSTEM WITH BASE AND SPEAKERS LOCATED BY OWNER.

NOTE: COORDINATE LOCATION AND ELECTRICAL REQUIREMENTS OF MECHANICAL EQUIPMENT WITH EQUIPMENT SPECIFICATIONS. ELECTRICAL CONTRACTOR SHALL PROVIDE AND INSTALL ALL ELECTRICAL COMPONENTS REQUIRED FOR A COMPLETE OPERATING SYSTEM

REVISIONS

No.	DATE	DESCRIPTION
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4		

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SUNBELT RENTALS
PROPOSED WASH BAY-SHERMAN
970 S SAM RAYBURN FWY
SHERMAN, TEXAS
GRAYSON COUNTY, 75090

DATE: 10-14-19
CHECKED BY: J. SOPER
SCALE: NOTED
JOB No: XXX-XXX
FILE: FILE LOCATION



827733

SUNBELT



STAFF REVIEW LETTER

March 9, 2020

6M Holdings, LTD
6440 Danbury Ln.
Dallas, TX 75214

UPI Builders
5008 Fuqua St.
Houston, TX 77048

Sunbelt Rentals
Dustin Tippetts
2341 Deerfield Dr.
Fort Mill, SC 29715-8298

Underwood Drafting and Surveying
3404 Interurban Rd.
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit amendment and site plan approval to allow heavy equipment sales and rentals and wash bay with stucco and metal finishes as shown in the exhibit in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District for the property located at 910 South Sam Rayburn Freeway has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1.2 (Sam Rayburn Overlay) District, the fence ordinance, the sign ordinance and the Commercial Tree and Landscaping Ordinance shall apply to all new and existing structures and improvements.
2. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. All parking shall be on private property and shall not encroach into the right-of-way.
4. No outside parking or storage of dismantled, junk or inoperable vehicles, equipment, wrecks, tires or parts is allowed.
5. The lifts on the front-end loaders shall be stored in the down position.
6. Parking of heavy equipment shall be on an improved surface; concrete.
7. Parking is permitted on paved surfaces only (concrete); a parking space is considered to be 9'x20'.
8. Service bays shall be screened from all thoroughfares.
9. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
10. Any structures built over any of the easements on the property will require approval for an encroachment easement from the City Council.
11. Chain link fences are not an approved material approved for screening in the O-1.2 (Sam Rayburn) Overlay District.
12. Shall comply with all EPA, City, Federal and State regulations for this use.
13. Violation of the conditions of the SUP will terminate the Specific Use Permit.
14. All requirements of the Floodplain Ordinance shall be followed.
15. Review the zoning and development ordinance for additional requirements.
16. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

17. All discharges from wash bays must be contained on-site per City and State regulations.
18. All requirements of the Floodplain Ordinance shall be followed.
19. New drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.

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

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

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

Respectfully,



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

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Christopher Armstrong, Asst. City Engineer

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Amber Doan, Engineering Coordinator



Planning & Zoning Commission and Board of Adjustments

Agenda Item No. 10.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

910 SOUTH SAM RAYBURN FREEWAY

The request of 6M Holdings, LTD (Owners), Sunbelt Rentals, Inc. (Tenant), Dustin Tippetts (Representative), UPI Builders (Contractors) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 910 South Sam Rayburn Freeway, being 9.27 acres in the Samuel Blagg Survey, Abstract No. 56, as follows:

Board of Adjustments

Exception under Ordinance No. 2280, Section 6.8.2, Subsection (7)(c) to allow a 4' wood fence, 25' from the front property line in lieu of the required 40' in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District.

Planning and Zoning Commission

Specific Use Permit amendment and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow heavy equipment sales and rentals and wash bay with stucco and metal finishes as shown in the exhibit in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District.

Background:

This item was tabled at the December 17, 2019 and January 14, 2020, Planning and Zoning Commission Meetings.

The property is located at 910 South Sam Rayburn Freeway between Center Street and Gateway Drive; Sunbelt Rentals is the tenant. The property is zoned an R-1 (One Family Residential) District and C-2 (General Commercial) District. A Specific Use Permit to allow heavy equipment sales for Grayson County Equipment in a C-2 (General Commercial) District was approved July 21, 1997 by Ordinance No. 4626.

Sunbelt Rentals recently purchased the property at 910 South Sam Rayburn Freeway. There is an existing 5,200 square foot showroom and retail building for the heavy equipment sales and rentals and they would like to construct a 20' x 40' wash bay to clean the heavy equipment. They plan to stucco the front of the existing building, improve the parking lot, and erect a wood fence, 25' from the property line to protect the building and heavy equipment.

Adjacent Zoning:

R-1 (One Family Residential) District

C-2 (General Commercial) District

Origination:

6M Holdings, LTD (Owners)

Sunbelt Rentals, Inc. (Tenant)

Dustin Tippetts (Representative)

UPI Builders (Contractors)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

11

Objections Received:

1

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Aerial

Site Plan

Building Elevations

Fence Elevations

Staff Review Letter

Letter from SSCGC Holdings LLC



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 4.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6292

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Two Event Centers in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn Overlay) District at 1000 North Travis Street, Suites P and S, being 4.296 acres in the J. B. McAnair Survey, Abstract No. 763 (Villasenor Santoyo Properties, LLC, Owners; Alberto Villasenor, Representative; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of of Villasenor Santoyo Properties, LLC (Owners), Alberto Villasenor (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1000 North Travis Street, Suites P and S, being 4.296 acres in the J.B. McAnair Survey, Abstract No. 763 for a Specific Use Permit to allow two event centers in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn Overlay) District

Background:

The property is located at 1000 North Travis Street, Suites P and S in the Kam Korner's Shopping Center. The property is zoned a C-1 (Retail Business) District and is also located in the O-1.2 (Sam Rayburn Overlay) District. The owners would like to operate two events centers to be rented for banquet halls, birthday parties and other celebrations at this location, one in Suite P and the other in Suite S. The spaces are 2,752 square feet and 4,800 square feet. He plans to renovate the lease spaces, install a grease trap, improve parking and paint the back of the building.

Origination:

Villasenor Santoyo Properties, LLC (Owners)
Alberto Villasenor (Representative)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 17, 2020 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and limited to the property owner (Villasenor Santoyo Properties, LLC) and family-oriented events.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6292
Aerial Location Map
Zoning Map
Zoning Sign Photo
Survey
Site Plan
Building Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6292

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW TWO EVENT CENTERS IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.2 (SAM RAYBURN OVERLAY) DISTRICT AT 1000 NORTH TRAVIS STREET, SUITES P AND S, BEING 4.296 ACRES IN THE J.B. MCANAIR SURVEY, ABSTRACT NO. 763 (VILLASENOR SANTOYO PROPERTIES, LLC, OWNERS; ALBERTO VILLASENOR, REPRESENTATIVE; AND HELVEY-WAGNER SURVEYING, INC., SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Villasenor Santoyo Properties, LLC (Owners), Alberto Villasenor (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) are granted a Specific Use Permit to allow two event centers in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn Overlay) District at 2002 Loy Lake Road, Suites P and S and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, being all of the 4.2955 ac. tract of land conveyed to Kam Corners, L. P. by L. B. Marks, Trustee by Special Warranty Deed dated October 31, 2002 and recorded in Volume 3352, Page 904,

Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a ½ inch rebar found at the intersection of the West line of Travis Street, a public street, with the South line of Hill Street, a public street, at the Northeast corner of said Kam Corners 4.2955 ac.;

THENCE South 15 deg. 26 min. 59 sec. East, with the West line of said Travis Street and an East line of said Kam Corners 4.2955 acres, a distance of 393.02 feet to a spike nail with flasher set at the intersection of the West line of said Travis Street with the North line of Piner Evans Street, a public street, at the most Easterly Southeast corner of said Kam Corners 4.2955 ac.;

THENCE South 49 deg. 41 min. 01 sec. West, with the North line of said Piner Evans Street and the South line of said Kam Corners 4.2955 ac., a distance of 151.78 ft. to a ½ inch capped rebar set stamped "RPLS 6578 1" at an angle point;

THENCE South 41 deg. 19 min. 01 sec. West, continuing with the North line of said Piner Evans Street and the South line of said Kam Corners 4.2955 acres, a distance of 160.66 ft. to a ½ inch capped rebar set stamped "RPLS 6578" at an Ell corner;

THENCE South 15 deg. 07 min. 59 sec. East, with an East line of said Kam Corners 4.2955 acres, a distance of 4.00 ft. to a ½ inch capped rebar set stamped "RPLS 6578" in the North line of College Street, a public street, at the most Southerly Southeast corner of said Kam Corners 4.2955 acres,

THENCE South 74 deg. 52 min. 01 sec. West, with the North line of said College Street and the South line of said Kam Corners 4.2955 acres, a distance of 224.67 feet to a ½ inch capped rebar set stamped "RPLS 6578" at the intersection of the North line of said College Street with the East right-of-way line of U. S. Highway 75, at the Southwest corner of said Kam Corners 4.2955 ac.;

THENCE North 01 deg. 08 min. 59 sec, West, with the East right-of-way line of said highway and the West line of said Kam Corners 4.2955 acres, a distance of 295.80 feet to a ½ inch capped rebar set stamped "RPLS 6578" at an angle point;

THENCE North 23 deg. 41 min. 01 sec. East, continuing with the East right-of-way line of said highway and the West line of said Kam Corners 4.2955 acres, a distance of 192.50 feet to a spike nail with flasher set at an angle point;

THENCE North 70 deg. 40 min. 01 sec. East, continuing with the East right-of-way line of said highway and the West line of said Kam Corners 4.2955 acres, a distance of 78.40 feet to a concrete nail with flasher found at an angle point;

THENCE North 20 deg. 25 min, 59 sec. West, continuing with the East right-of-way line of said highway and the West line of said Kam Corners 4.2955 acres, a distance of 68.20 feet to a ½ inch capped rebar set stamped "RPLS 6578" at an angle point;

THENCE North 37 deg. 56 min. 01 sec. East, continuing with the East right-of-way line of said highway and the West line of said Kam Corners 4.2955 acres, a distance of 52.84 feet to a ½ inch rebar found at the intersection of the East right-of-way line of said highway with the South line of said Hill Street, at the Northwest corner of said Kam Corners 4.2955 acres;

THENCE North 72 deg. 26 min. 01 sec. East, with the South line of said Hill Street and the North line of said Kam Corners 4.2955 acres, a distance of 187.65 feet to the **PLACE OF BEGINNING AND CONTAINING 4.296 ACRES OF LAND.**

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1.2 (Sam Rayburn) Overlay District, the sign ordinance and the Commercial Tree and Landscaping Ordinance shall be followed.
2. All illegal signage on the premises must be removed and in compliance with the sign ordinance.
3. A site plan showing all the required parking for the shopping center and parking ratios required shall be provided before a Certificate of Occupancy will be issued.
4. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
5. Parking and access drives are permitted on paved surfaces only (concrete or asphalt).
6. A parking space is considered to be 9'x20'.
7. All parking shall be on private property and shall not encroach into the right-of-way.
8. Parking ratio required unless an exception is approved: Commercial Amusement Center – 1 space per 200 square foot.
9. No outside storage or displays are allowed at any time.
10. Blocking of Streets or sidewalks is prohibited.
11. Violation of the conditions of the SUP will terminate the Specific Use Permit.
12. Shall comply with all EPA, City, Federal and State regulations for this use.
13. Review the zoning and development ordinance for additional requirements.
14. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

15. All requirements of the Floodplain Ordinance shall be followed.
16. Parking will be permitted on private property only.

17. Internal water and sewer lines will be privately owned and maintained

Planning & Zoning Commission:

18. Limited to property owner (Villasenor Santoyo Properties, LLC)

19. Limited to family oriented events.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

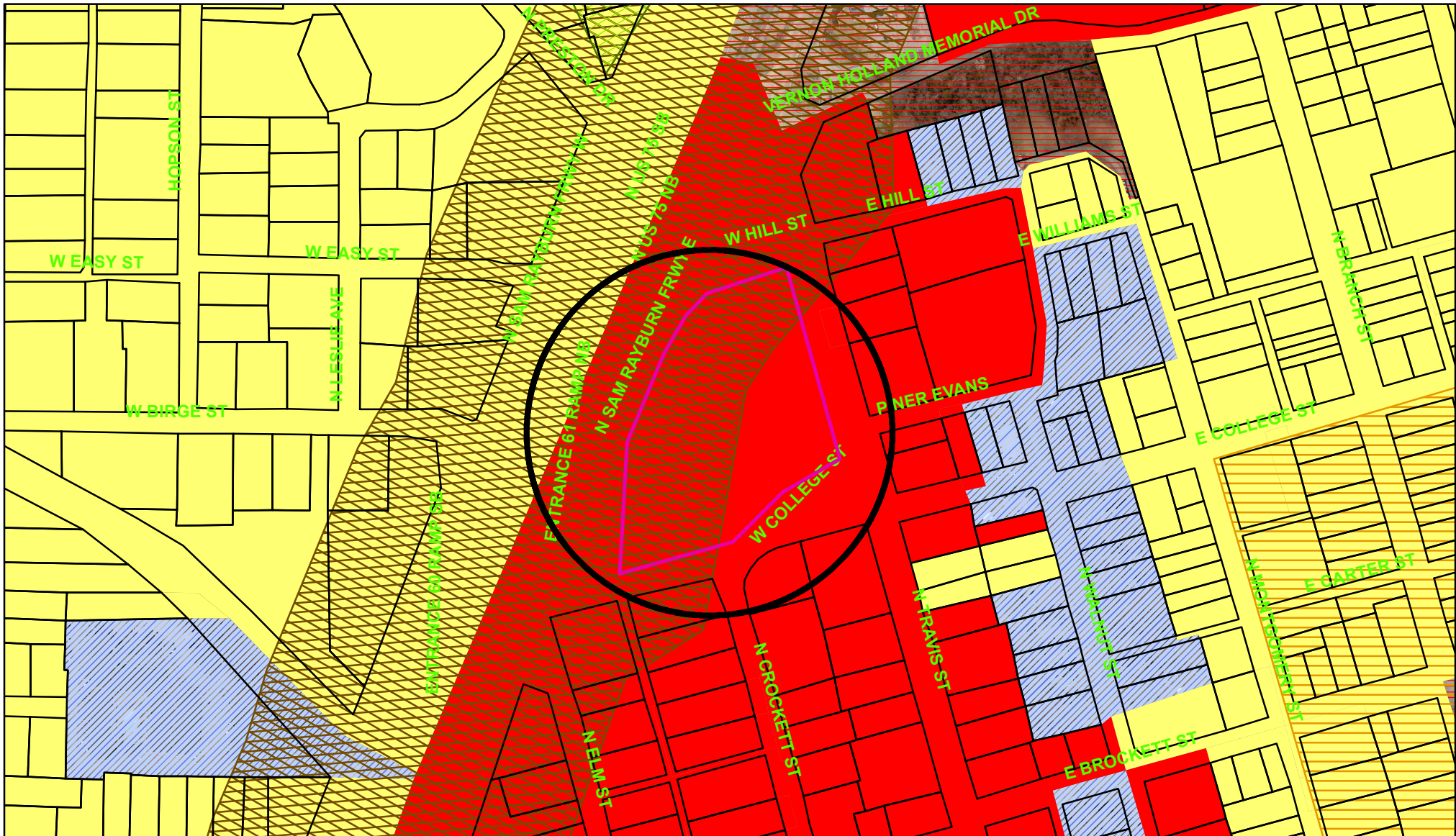
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



Zoning - 1000 North Travis Street, Suites P&S

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department

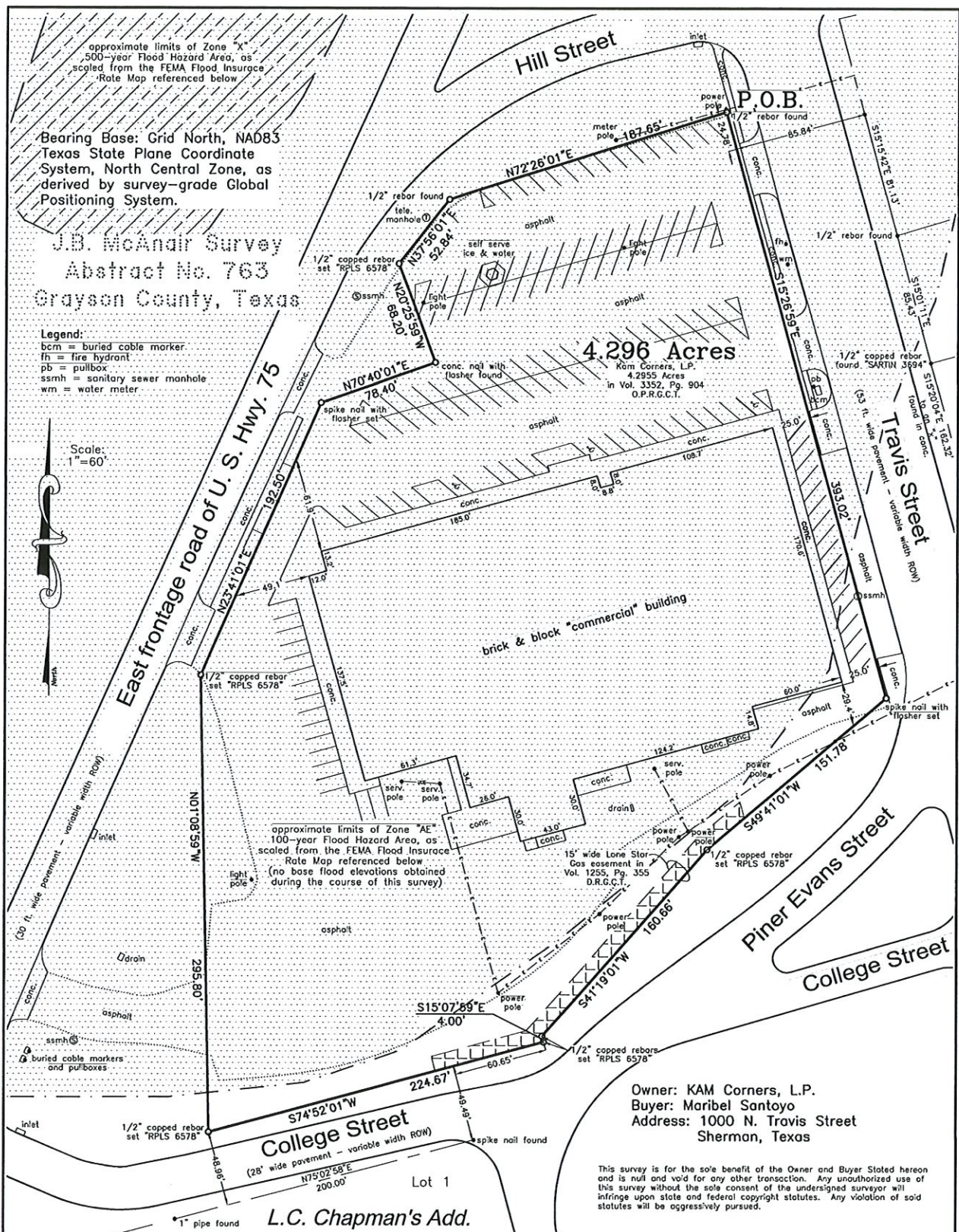


NOT TO SCALE

1 in = 300 ft

1000 North Travis Street, Suites P&S





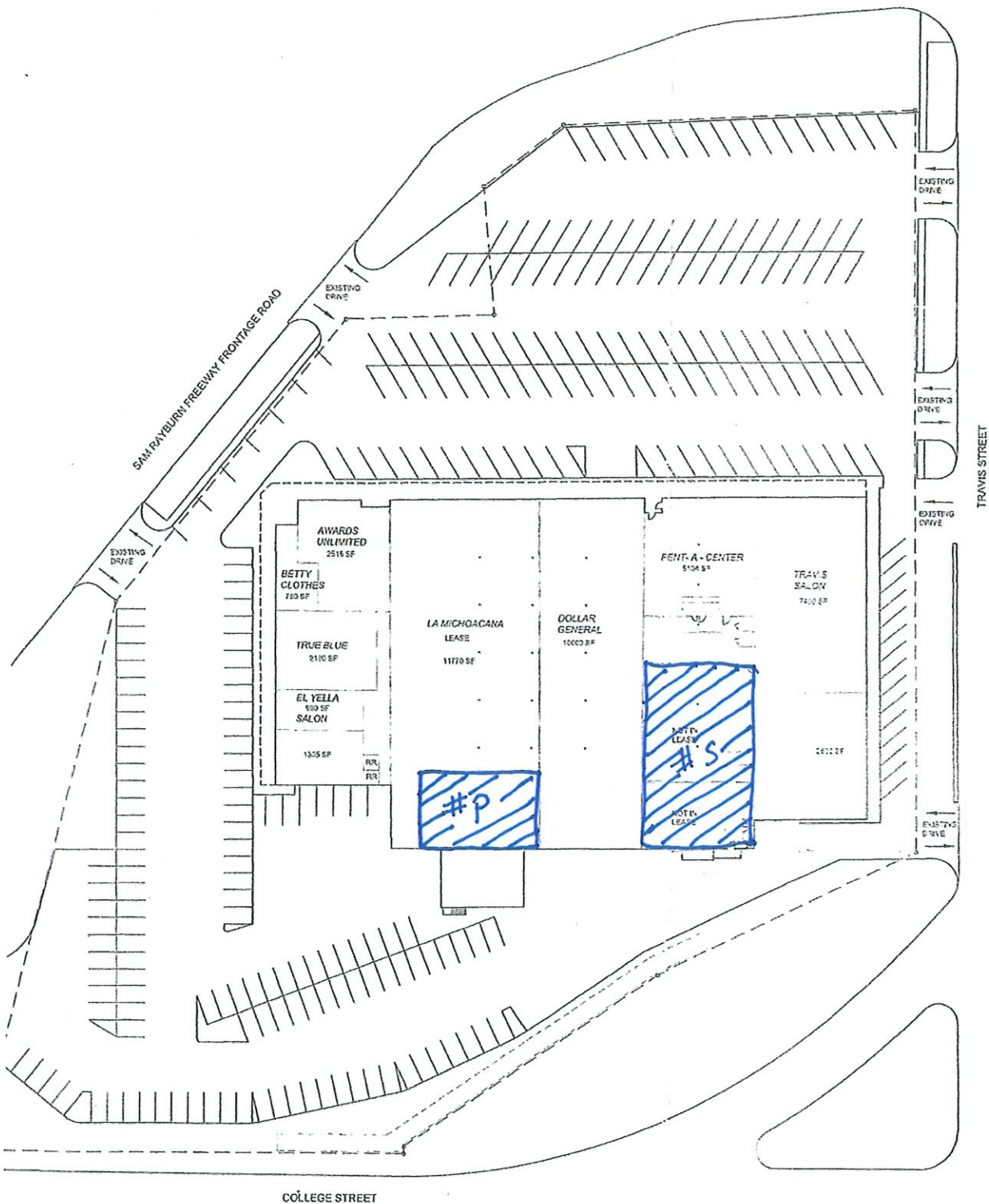
I, Kate A. Wagner, Registered Professional Land Surveyor, do hereby certify that a survey was performed on the ground of the property shown hereinabove and that this survey complies with both the General Rules of Procedures and Practices as adopted by the Texas Board of Professional Land Surveying and the current Texas Society of Professional Surveyors standards and is a true and correct to the best of my knowledge and belief. See Field Notes attached herewith.

A portion of the subject property shown hereon lies within the limits of a Zone "AE", 100-year Flood Hazard Area, as scaled from the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0290 F, Revised Date: September 29, 2010.

Job No. BGS91018

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

Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: October 4, 2018





STAFF REVIEW LETTER

March 9, 2020

Villasenor Santoyo Properties, LLC
1043 Hawkwood Way
Allen, TX 75013

Alberto Villasenor
1043 Hawkwood Way
Allen, TX 75013

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow two event centers in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District for the property located at 1000 North Travis Street, Suites P and S has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1.2 (Sam Rayburn) Overlay District, the sign ordinance and the Commercial Tree and Landscaping Ordinance shall be followed.
2. All illegal signage on the premises must be removed and in compliance with the sign ordinance.
3. A site plan showing all the required parking for the shopping center and parking ratios required shall be provided before a Certificate of Occupancy will be issued.
4. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
5. Parking and access drives are permitted on paved surfaces only (concrete or asphalt).
6. A parking space is considered to be 9'x20'.
7. All parking shall be on private property and shall not encroach into the right-of-way.
8. Parking ratio required unless an exception is approved: Commercial Amusement Center – 1 space per 200 square foot.
9. No outside storage or displays are allowed at any time.
10. Blocking of Streets or sidewalks is prohibited.
11. Violation of the conditions of the SUP will terminate the Specific Use Permit.
12. Shall comply with all EPA, City, Federal and State regulations for this use.
13. Review the zoning and development ordinance for additional requirements.
14. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

15. All requirements of the Floodplain Ordinance shall be followed.
16. Parking will be permitted on private property only.
17. Internal water and sewer lines will be privately owned and maintained.

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

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

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

Respectfully,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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

CC: Robby Hefton, City Manager
Clint Philpott, Asst. City Manager
Wayne Lee, P.E., Director of Engineering
Christopher Armstrong, Asst. City Engineer

Billy Hartsfield, Fire Marshal
Brandon Shelby, City Attorney
Amber Doan, Engineering Coordinator



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

Agenda Item No. 15.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

1000 NORTH TRAVIS STREET, SUITES P & S

The request of Villasenor Santoyo Properties, LLC (Owners), Alberto Villasenor (Representative) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property located at 1000 North Travis Street, Suites P and S, being 4.296 acres in the J.B. McAnair Survey, Abstract No. 763, as follows;

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow two event centers in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn) Overlay District.

Background:

The property is located at 1000 North Travis Street, Suites P and S in the KAM KORNER'S Shopping Center. The property is zoned a C-1 (Retail Business) District and also located in the O-1.2 (Sam Rayburn) Overlay District. The owners would like to operate two events centers to be rented for parties and special meetings at this location; one in Suite P and the other in Suite S.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

Villasenor Santoyo Properties, LLC (Owners)

Alberto Villasenor (Representative)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Urban/Downtown – Buildings are two to five stories and are built right up to the sidewalk, creating a sense of enclosure. Sidewalks provide pedestrian access and streetscape amenities. Parking is available along the street or in small parking lots in the rear of the buildings.

Number of notices mailed:

12

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Survey

Site Plan

Building Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 5.

Meeting Date: 04/20/2020

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6293

Closing and Abandoning a Portion of the Branch Street Right-of-Way lying between Blocks Fifty-Four (54) and Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown on Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes; Conveying the Interest in said Right-of-Way to the Surrounding Property Owner, Kirk D. Allen

Issue:

To consider approving the closure and abandonment of street right-of-way and conveyance to the surrounding property owner, Kirk D. Allen

Background:

This Ordinance will perform the necessary administrative action to officially close and abandon the street right-of-way and prepare it for conveyance to the surrounding property owner, Kirk D. Allen.

Origination:

Kirk D. Allen, surrounding property owner

Financial Consideration:

None

Staff Recommendation:

It is recommended that the City Council approve the Ordinance closing and abandoning this street segment and permitting its conveyance to Kirk D. Allen, the surrounding property owner.

Alternatives:

As may be directed by City Council

Attachments

Ordinance No. 6293

Quit Claim Deed - Portion of Branch Street

Exhibit "A" as noted in both documents

Aerial Location Map

ORDINANCE NO. 6293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF THE BRANCH STREET RIGHT-OF-WAY LYING BETWEEN BLOCKS FIFTY-FOUR (54) AND FIFTY-FIVE (55) OF SOUTH SIDE ADDITION IN GRAYSON COUNTY, TEXAS, AS BEING SHOWN ON VOLUME 94, PAGE 135, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY SHOWN IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE SURROUNDING PROPERTY OWNER, KIRK D. ALLEN; 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 the right-of-way segment of Branch Street lying between Blocks Fifty-Four (54) and Fifty-Five (55) of the South Side Addition in Grayson County, Texas as being shown on Volume 95, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes, shall be closed and abandoned;

SECTION 2. That it is the intent of the City Council that the right and interest in such right-of-way herein closed and vacated shall vest to the abutting property owner by appropriate conveyance of said right-of-way herein described.

SECTION 3. 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 _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY:

DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

QUITCLAIM DEED

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS QUITCLAIM DEED, executed this ____ day of _____, 2020, by the CITY OF SHERMAN, a municipal corporation of the State of Texas, hereinafter called “Grantor,” acting by and through its duly authorized City Manager, to KIRK D. ALLEN, hereinafter called “Grantee”;

WITNESSETH, that the said Grantor, for good consideration and for the sum of \$10.00 paid by the said KIRK D. ALLEN, the receipt whereof is hereby acknowledged, and pursuant to the authority of Ordinance No. ____ of the City of Sherman, Texas, passed and approved on the ____ day of _____, 2020, does hereby remise, release and quitclaim unto KIRK D. ALLEN forever, all the right, title, interest and claim which the said Grantor has in and to a portion of the Branch Street right-of-way lying between Blocks Fifty-Four (54) and Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown in Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit “A” attached hereto and made a part hereof for all purposes, and improvements and appurtenances thereto in the County of Grayson, State of Texas, to wit:

RELEASE. In accepting the quitclaim of this property, Grantee expressly accepts the property in its “as is” condition, with all of its faults and encumbrances, if any. Grantee RELEASES and forever discharges the Grantor, its officers, agents and employees from all rights, claims, demands, or causes of action, at law or in equity, Grantee has, or even can, shall, or may have in the future in connection with this transaction, including hazardous materials or environmental issues in, on or upon the property, if any. Grantee states that he is not relying upon any representations or disclosures by the Grantor and none have been made in connection with this property. This release shall be binding upon Grantee’s heirs, assigns and successors in interest.

IN WITNESS WHEREOF, the City of Sherman, Texas, a municipal corporation of Grayson County, Texas, has caused this instrument to be executed by its City Manager, on the this ____ day of _____, 2020.

CITY OF SHERMAN

BY:_____

**ROBBY HEFTON,
CITY MANAGER**

ACKNOWLEDGMENT

THE STATE OF TEXAS	§
	§
COUNTY OF GRAYSON	§

BEFORE ME, the undersigned authority, in and for the State of Texas, on this day personally appeared Robby Hefton, 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, a municipal corporation of the State of Texas, and that he executed the same as the act of such corporation for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2020.

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

EXHIBIT "A"



Area to be abandoned



0 150 300 600 900 1,200 1 inch = 300 feet
Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 6.

Meeting Date: 04/20/2020

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6294

Closing and Abandoning a Portion of the East Street Right-of-Way lying between Blocks Fifty-Five (55) and Fifty-Six (56), and the Platted Alley within Block Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown on Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes, said Property to be Maintained as a Utility Easement; Conveying the Interest in said Right-of-Way and Alley to the Surrounding Property Owner, Kirk D. Allen

Issue:

To consider approving the closure and abandonment of street right-of-way and alley and conveyance to the surrounding property owner, Kirk D. Allen; maintaining said portions of property as utility easements

Background:

This Ordinance will perform the necessary administrative action to officially close and abandon the street right-of-way and alley and prepare them for conveyance to the surrounding property owner, Kirk D. Allen. The abandoned alley within platted Lot Fifty-Five (55) and the platted portion of East Street lying between Blocks Fifty-Five (55) and Fifty-Six (56) will remain as utility easements for public and franchise utilities until such utilities shall be abandoned or relocated.

Origination:

Kirk D. Allen, surrounding property owner

Financial Consideration:

None

Staff Recommendation:

It is recommended that the City Council approve the Ordinance closing and abandoning this street segment and alley and permitting its conveyance to Kirk D. Allen, the surrounding property owner.

Alternatives:

As may be directed by City Council

Attachments

Ordinance No. 6294

Quit Claim Deed - Portion of East Street & Alley

Exhibit "A" as noted in both documents

Aerial Location Map

ORDINANCE NO. 6294

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING A PORTION OF THE EAST STREET RIGHT-OF-WAY LYING BETWEEN BLOCKS FIFTY-FIVE (55) AND FIFTY-SIX (56), AND THE PLATTED ALLEY WITHIN BLOCK FIFTY-FIVE (55) OF SOUTH SIDE ADDITION IN GRAYSON COUNTY, TEXAS, AS BEING SHOWN ON VOLUME 94, PAGE 135, DEED RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY SHOWN IN THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES, SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY AND ALLEY TO THE SURROUNDING PROPERTY OWNER, KIRK D. ALLEN; 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 the right-of-way segment of East Street lying between Blocks Fifty-Five (55) and Fifty-Six (56), and the platted alley within Block Fifty-Five (55) of the South Side Addition in Grayson County, Texas, as being shown on Volume 95, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes, shall be closed and abandoned, save and except the property shall be reserved as an easement for public and franchise utilities for the right of ingress and egress to same for purposes of operation, maintenance or removal of such utilities or until such utilities shall be abandoned or relocated:

SECTION 2. That it is the intent of the City Council that the right and interest in such right-of-way herein closed and vacated shall vest to the abutting property owner by appropriate conveyance of said right-of-way herein described.

SECTION 3. 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 _____, 2020.

ADOPTED on this the _____ day of _____, 2020.

EFFECTIVE DATE on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

QUITCLAIM DEED

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

THIS QUITCLAIM DEED, executed this ____ day of _____, 2020, by the CITY OF SHERMAN, a municipal corporation of the State of Texas, hereinafter called “Grantor,” acting by and through its duly authorized City Manager, to KIRK D. ALLEN, hereinafter called “Grantee”;

WITNESSETH, that the said Grantor, for good consideration and for the sum of \$10.00 paid by the said KIRK D. ALLEN, the receipt whereof is hereby acknowledged, and pursuant to the authority of Ordinance No. ____ of the City of Sherman, Texas, passed and approved on the ____ day of _____, 2020, does hereby remise, release and quitclaim unto KIRK D. ALLEN forever, all the right, title, interest and claim which the said Grantor has in and to a portion of the East Street right-of-way lying between Blocks Fifty-Five (55) and Fifty-Six (56) and the platted alley within Block Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown in Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit “A” attached hereto and made a part hereof for all purposes, and improvements and appurtenances thereto in the County of Grayson, State of Texas, to wit:

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

RELEASE. In accepting the quitclaim of this property, Grantee expressly accepts the property in its “as is” condition, with all of its faults and encumbrances, if any. Grantee RELEASES and forever discharges the Grantor, its officers, agents and employees from all rights, claims, demands, or causes of action, at law or in equity, Grantee has, or even can, shall, or may have in the future in connection with this transaction, including hazardous materials or environmental issues in, on or upon the property, if any. Grantee states that he is not relying upon any representations or disclosures by the Grantor and none have been made in connection

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

Southside Addition
Vol. 94, Pg. 135 DRGCT

EXHIBIT "A"





0 100 200 400 600 800 1 inch = 200 feet Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 7.

Meeting Date: 04/20/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6289, 6290, 6291, 6292, 6293 and 6294

Issue:

B. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6289

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Renew a Specific Use Permit to Allow a Preschool Learning Center in an R-1 (One Family Residential) District at 1211 Blanton Drive, being Lot 5, Block 8, Western Hills Addition (Delmar Hill, Owner; Chiniqua Hill, Representative; Little Zebra Child Development Center, Tenant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6290

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Permanent Makeup/Micro-Blading in a C-2 (General Commercial) District at 1735 Texoma Parkway, Suite 105, being 5.34 acres in the J. B. McAnair Survey, Abstract No. 763 (Eisenhower Texoma LTD, Owners; and Erinn Teague, Tenant/Applicant); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6291

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit Amendment to Allow Heavy Equipment Sales and Rentals and Wash Bay with Stucco and Metal Finishes, as shown in the Exhibit, in a C-2 (General Commercial) District/O-1.2 (Sam Rayburn Overlay) District at 910 South Sam Rayburn Freeway, being 9.27 acres in the Samuel Blagg Survey, Abstract No. 56 (6M Holdings, LTD, Owners; Sunbelt Rentals, Inc., Tenant; Dustin Tippetts, Representative; UPI Builders, Contractors; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6292

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Two Event Centers in a C-1 (Retail Business) District/O-1.2 (Sam Rayburn Overlay) District at 1000 North Travis Street, Suites P and S, being 4.296 acres in the J. B. McAnair Survey, Abstract No. 763 (Villasenor Santoyo Properties, LLC, Owners; Alberto Villasenor, Representative; and Helvey-Wagner Surveying, Inc., Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

B. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6293

Closing and Abandoning a Portion of the Branch Street Right-of-Way lying between Blocks Fifty-Four (54) and Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown on Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes; Conveying the Interest in said Right-of-Way to the Surrounding Property Owner, Kirk D. Allen

B. 6. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6294

Closing and Abandoning a Portion of the East Street Right-of-Way lying between Blocks Fifty-Five (55) and Fifty-Six (56), and the Platted Alley within Block Fifty-Five (55) of South Side Addition in Grayson County, Texas, as being shown on Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and made a part hereof for all purposes, said Property to be Maintained as a Utility Easement; Conveying the Interest in said Right-of-Way and Alley to the Surrounding Property Owner, Kirk D. Allen



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

B. 8.

Meeting Date: 04/20/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

C. 4. * RESOLUTION NO. 6612

Abandoning a Portion of a Sixteen Foot (16') Drainage and Utility Easement lying along the common lot line of Lots 20 and 21, Dos Lagos Subdivision, Volume 4, Page 94, Plat Records, Grayson County, Texas, and being more particularly described on the Exhibit "A" attached hereto and made a part hereof for all purposes

C. 5. * RESOLUTION NO. 6613

Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 913 East Cherry Street within City of Sherman Reinvestment Zone, Number Ten (#10)

D. 1. * REQUEST TO ADVERTISE

Request to Advertise for the Annual Supply of Tires for On-Road and Off-Road Fleet Equipment

E. 3. * OTHER BUSINESS

Consider Request of Downtown Sherman NOW to Temporarily Close Certain Streets for "Craft the Night Away" on Saturday, June 20, 2020

E. 4. * OTHER BUSINESS

Consider Request of Sherman Main Street to Temporarily Close Certain Streets for "Christmas in July" on Saturday, July 11, 2020

E. 5. * OTHER BUSINESS

Approve Quarterly Investment Report for Quarter Ended March 31, 2020

E. 6. * *OTHER BUSINESS*

Replat Approval of Lot 6, Block 31, Hilltop Estates, being 0.817 acres in the J. Hendrix Survey, Abstract No. 503, also being all of Lot 6, Block 31, Hilltop Estates; Tobar Properties, LLC, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (2701 Dripping Springs Road)

E. 7. * *OTHER BUSINESS*

Final Plat Approval of Hancock Ranch in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being eleven (11) acres in the Winifred Bailey Survey, Abstract No. 66; George Hancock, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1493 F.M. 697)

E. 8. * *OTHER BUSINESS*

Final Plat Approval of Post Oak Place in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 10.25 acres in the Preston Kitchen Survey, Abstract No. 667; Kirk and Karl Allen, Owners; and Underwood Drafting and Surveying, Inc., Surveyor (300-400 Blocks of East Sherman Street)

E. 9. * *OTHER BUSINESS*

Replat Approval of Bethany Road Estates, No. II, Lots 5R-1 and 5R-2 in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 2.301 acres in the Aaron Burleson Survey, Abstract No. 61, also being all of Lot 5 of Bethany Road Estate No. II; Stone Castle Investors, LLC, Owners; and Preston Trail Land Surveying, LLC, Surveyor (515 Bethany Road)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

C. 1.

Meeting Date: 04/20/2020

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6609

Finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") Application for Approval to Amend Its Distribution Cost Recovery Factor to Increase Distribution Rates within the City Should Be Denied; Authorizing Participation with Oncor Cities Steering Committee; Authorizing the Hiring of Legal Counsel and Consulting Services; Finding that the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Requiring Notice of this Resolution to the Company and Legal Counsel

Issue:

Denial of the filing by Oncor Electric Delivery Company of an application to change rates within the City of Sherman, Texas

Background:

On April 3, 2020, Oncor Electric Delivery Company LLC ("Oncor" or "the Company") filed an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF") in Public Utility Commission of Texas ("PUC") Docket No. 50734. In the filing, the Company is seeking an increase in distribution revenues of \$75,889,531. This is Oncor's third DCRF filing under a law adopted in 2011 allowing electric utilities to file limited issue, limited review cases.

The Steering Committee of Cities Served by Oncor ("OCSC") has engaged the services of a consultant to review the Company's filing and identify adjustments that should be made to the Company's request. Legal Counsel for OCSC is recommending that cities retaining original jurisdiction deny the requested relief. The PUC's rules allow cities 60 days to act on this application, subsequently, the City must take action no later than June 2, 2020.

Origination:

Thomas L. Brocato and Patrick Dinnin

Lloyd Gosselink Blevins Rochelle & Townsend, P.C.

Legal Counsel to the Steering Committee of Cities Served by Oncor

Financial Consideration:

If the Company's application is approved, the City's residential customers would see a monthly increase of approximately \$0.88.

The City's reasonable rate case expenses will be reimbursed by Oncor.

Staff Recommendation:

It is the staff's recommendation that the City Council approve Resolution No. 6609, as recommended by the Steering Committee's legal counsel.

Alternatives:

No alternatives are recommended.

Attachments

Resolution No. 6609

Staff Report regarding Oncor's DCRF Filing

Oncor Cities that have Ceded Original Jurisdiction

RESOLUTION NO. 6609

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company") and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the Oncor Cities Steering Committee ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 3, 2020, Oncor filed with the Commission an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 50734, seeking to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill); and

WHEREAS, the City of Sherman will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members deny Oncor's DCRF;

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

SECTION 1. That the City of Sherman is authorized to participate with the OCSC in Commission Docket No. 50734.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Sherman hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of Oncor's DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits are hereby found to be unreasonable and shall be denied.

SECTION 4. That the Company shall continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within thirty (30) days of adoption of this Resolution.

SECTION 6. That a copy of this Resolution shall be sent to Tab Urbantke, Attorney for Oncor, at Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725 or to tbrocato@lglawfirm.com.

SECTION 7. 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 _____, 2020.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

STAFF REPORT REGARDING ONCOR'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR

The City is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"). The Oncor Cities Steering Committee ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("PUC" or "Commission") and the courts.

On April 3, 2020, Oncor filed an Application to Amend its Distribution Cost Recovery Factor ("DCRF") with each of the cities retaining original jurisdiction and with the Commission in Docket No. 50734. In the filing, the Company sought to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill).

The resolution authorizes the City to join with OCSC to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Purpose of the Resolution:

The purpose of the Resolution is to deny the DCRF amendment proposed by Oncor.

Explanation of "Be It Ordained" Sections:

1. This section authorizes the city to participate with OCSC as a party in the Company's DCRF filing in PUC Docket No. 50734.
2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. It also authorizes OCSC to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the Commission.
3. This paragraph finds that the Company's application is unreasonable and should be denied.
4. This section states that the Company's current rates shall not be changed.
5. The Company will reimburse OCSC for its reasonable rate case expenses. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.
6. This section provides Oncor and counsel for OCSC will be notified of the City's action by sending a copy of the approved and signed resolution to counsel.
7. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

ONCOR CITIES THAT HAVE CEDED ORIGINAL JURISDICTION

Abbott	Crowley	Jewett
Alma	Cumby	Jolly
Alvarado	Cushing	Josephine
Alvord	Dawson	Joshua
Angus	Dean	Justin
Anna	Dorchester	Kaufman
Annetta North	Dublin	Keene
Annetta South	Ector	Kemp
Annona	Edgecliff Village	Kerens
Appleby	Edgewood	Knollwood
Argyle	Edom	Krum
Athens	Elgin	Ladonia
Aurora	Elkhart	Lake Bridgeport
Bangs	Emhouse	Lake Dallas
Barry	Enchanted Oaks	Lakeside City
Bartlett	Eureka	Latexo
Bellevue	Eustace	Lavon
Blanket	Everman	Leona
Blooming Grove	Forney	Leroy
Boyd	Frost	Lindsay
Brownsboro	Garrett	Lipan
Buckholts	Gholson	Lorena
Buffalo	Godley	Lovelady
Burke	Golinda	Lowry Crossing
Bynum	Goodlow	Lucas
Caddo Mills	Gorman	Mabank
Cameron	Grandfalls	Malakoff
Campbell	Grandview	Malone
Caney City	Granger	Marquez
Canton	Grapeland	McGregor
Carbon	Gun Barrel City	Melissa
Centerville	Gunter	Mertens
Chico	Hebron	Milano
Chireno	Hewitt	Mildred
Clarksville	Hickory Creek	Milford
Cockrell Hill	Hideaway	Millsap
Collinsville	Holland	Mobile City
Comanche	Honey Grove	Moody
Como	Hubbard	Morgan's Point Resort
Cool	Hudson	Mount Calm
Corinth	Huntington	Murchison
Corsicana	Hutto	Mustang
Crandall	Italy	Nacogdoches
Crockett	Itasca	Navarro

ONCOR CITIES THAT HAVE CEDED ORIGINAL JURISDICTION

Nevada	Streetman
New Chapel Hill	Taylor
New Fairview	Terrell
Newark	Thorndale
Neylandville	Thorntonville
Northlake	Thrall
Oak Grove	Tira
Oak Leaf	Tool
Oak Valley	Trinidad
Oakwood	Valley View
Oglesby	Van Alstyne
Ovilla	Venus
Payne Springs	Weir
Pecan Gap	Wells
Pecan Hill	West
Penelope	Westbrook
Pflugerville	Wickett
Pleasant Valley	Wills Point
Ponder	Windom
Post Oak Bend	Wolfe City
Powell	Yantis
Poynor	Zavalla
Princeton	
Pyote	
Quinlan	
Ranger	
Reno - Lamar County	
Reno - Parker County	
Retreat	
Rhome	
Rice	
Richland	
Rockdale	
Rogers	
Rosser	
Roxton	
Royse City	
Runaway Bay	
Sadler	
Savoy	
Shady Shores	
Southmayd	
Springtown	
St. Paul	



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

C. 2.

Meeting Date: 04/20/2020

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6610

Authorizing Execution of a Street and Utility Agreement with the Sherman Independent School District

Issue:

This agreement would require the Sherman Independent School District ("Sherman ISD or "Developer") to pay for some of the sanitary sewer and street construction cost.

Background:

Sherman ISD is constructing a new High School at the northwest corner of West Travis Street and Moore Street.

This site requires either a sanitary sewer lift station or the extension of a gravity sanitary sewer line. In discussions with Sherman ISD and the Munson development, a gravity sanitary sewer line would be the best option for future development and the Developer. This agreement would require Sherman ISD to pay \$400,000 for their portion of the sanitary sewer line extension. This cost is close to what the Developer was going to save by not having to build a sanitary sewer lift station. The City is currently constructing a 12" to 15" sewer line extension and expects it to be complete this summer.

The City is also extending Steeple Chase Drive. This street provides future access from the Pebble Brook subdivision to the school and FM 1417. By extending this street, the Developer is saving about \$58,000 in driveway cost along the north side of the Sherman ISD property. This agreement would require the savings of \$58,000 to be paid to the City.

Origination:

Engineering Department

Financial Consideration:

The fees received by the City will total \$458,000.00.

Staff Recommendation:

Staff recommends approval of the Street and Utility Agreement with the Sherman Independent School District.

Alternatives:

As directed by City Council

Attachments

Resolution No. 6610

Street and Utility Agreement - Signed

Attachment A as referenced in the Agreement

Attachment B as referenced in the Agreement

Aerial Location Map

RESOLUTION NO. 6610

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A STREET AND UTILITY AGREEMENT WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Street and Utility Agreement with the Sherman Independent School District, in the same or substantially same form as the contract documents to be attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

STREET AND UTILITY AGREEMENT

This Street and Utility Agreement (this "Agreement") is entered into on this ____ day of _____, 2020 by and between the CITY OF SHERMAN, 200 West Mulberry Street, Sherman, Texas 75091 (the "City") and Sherman Independent School District, 2701 Loy Lake Road, Sherman, Texas 75090 (the "Developer").

NOW THEREFORE, in consideration of the premises, the Developer and the City do enter into the following Agreement:

A. The purpose of this Agreement is to set forth the terms and conditions upon which the Developer will reimburse the City for public improvements adjacent to and for the development of said 98.362 acre tract of land situated in the Elizabeth Jones Survey, Abstract No. 625, as described in General Warranty Deed from Walter H. DeRonde and Mary T. DeRonde to Sherman Independent School District, filed of record May 12, 2017 in Volume 5998, Page 299 of the Official Public Records of Grayson County, Texas.

B. Developer will be permitted to discharge by gravity and tie into a new 12" sanitary sewer line constructed by the City, given that the Developer pay the City a total of \$400,000.00 to help share the cost of this sanitary sewer extension. Regardless of the final cost, no additional amounts will be due from the Developer. The fee amount of \$400,000.00 will be used for the construction of the sanitary sewer line to tie into existing sanitary sewer facilities and to reach and serve the development, as shown in **Attachment A**. The City, at its discretion, shall also select all companies to bid on the construction of the sanitary sewer extension, determine which bids qualify and select the lowest, qualified bid.

C. Developer will be permitted to access and tie into Steeple Chase Drive, an improved road adjacent to said tract of land, given that the Developer pay the City up to a total of \$58,000.00 to help share the cost of the road improvements. Regardless of the final cost, no additional amounts will be due from the Developer. Fee is payable after City's construction of the road is accepted as a public road by City. Final fee will be paid based on actual construction cost along said tract up to a total of \$58,000.00. City will construct and improve Steeple Chase Drive to be a 38' wide concrete street with a 12" water line and a needed storm drainage system as shown in **Attachment B**. The City will provide the 12" water line at no cost to the Developer and will be constructed by the City at the direction of City Staff. The City, at its discretion, shall also select all companies to bid on the construction of the road improvements, determine which bids qualify and select the lowest, qualified bid. The water line shall be constructed in a manner and location allowing efficient connection by Developer.

D. Upon payment of the above amounts, no other City fees, costs, pro rata, enactments, reimbursements or amounts will be due from Developer associated with the development, construction and completion of the development and/or connection of the development to City utilities, water, sewers, systems and streets. Based upon payment of these amounts and prior amounts, Developer shall not be subject to any future City fees, expenses, cost sharing or enactments related to development of the property, including but

not limited to, impact fees, extension fees or costs, pro rata, engineering plan review, inspection, and testing fees, drainage utility fees, utility surcharge fees, permit, development and registration fees, inspection fees, and other development fees associated with the current development. The property will be subject to customary City fees for tap fees, meter fees, water, sewer, stormwater and solid waste.

E. THIS AGREEMENT DOES NOT WAIVE ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY OR SHERMAN ISD UNDER TEXAS LAW AND DOES NOT WAIVE ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW.

F. The requirements and provisions of this Agreement shall be binding on the Developer, the City, and their successors and assigns.

IN WITNESS WHEREOF parties have caused this Agreement to be executed in multiple originals.

DEVELOPER:
SHERMAN INDEPENDENT SCHOOL DISTRICT

By: David Hicks
Dr. David Hicks, Superintendent

Date: March 23, 2020

ATTEST:

By: Tyson Bennett

Name: TYSON BENNETT

Title: Asst. Supt. for Finance & Operations

CITY:
CITY OF SHERMAN

By: _____

Name: Robby Hefton

Title: City Manager

Date: _____

ATTEST:

By: _____

Name: Linda Ashby

Title: City Clerk

APPROVAL RECOMMENDED:

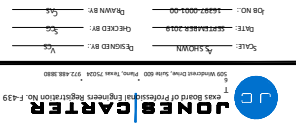
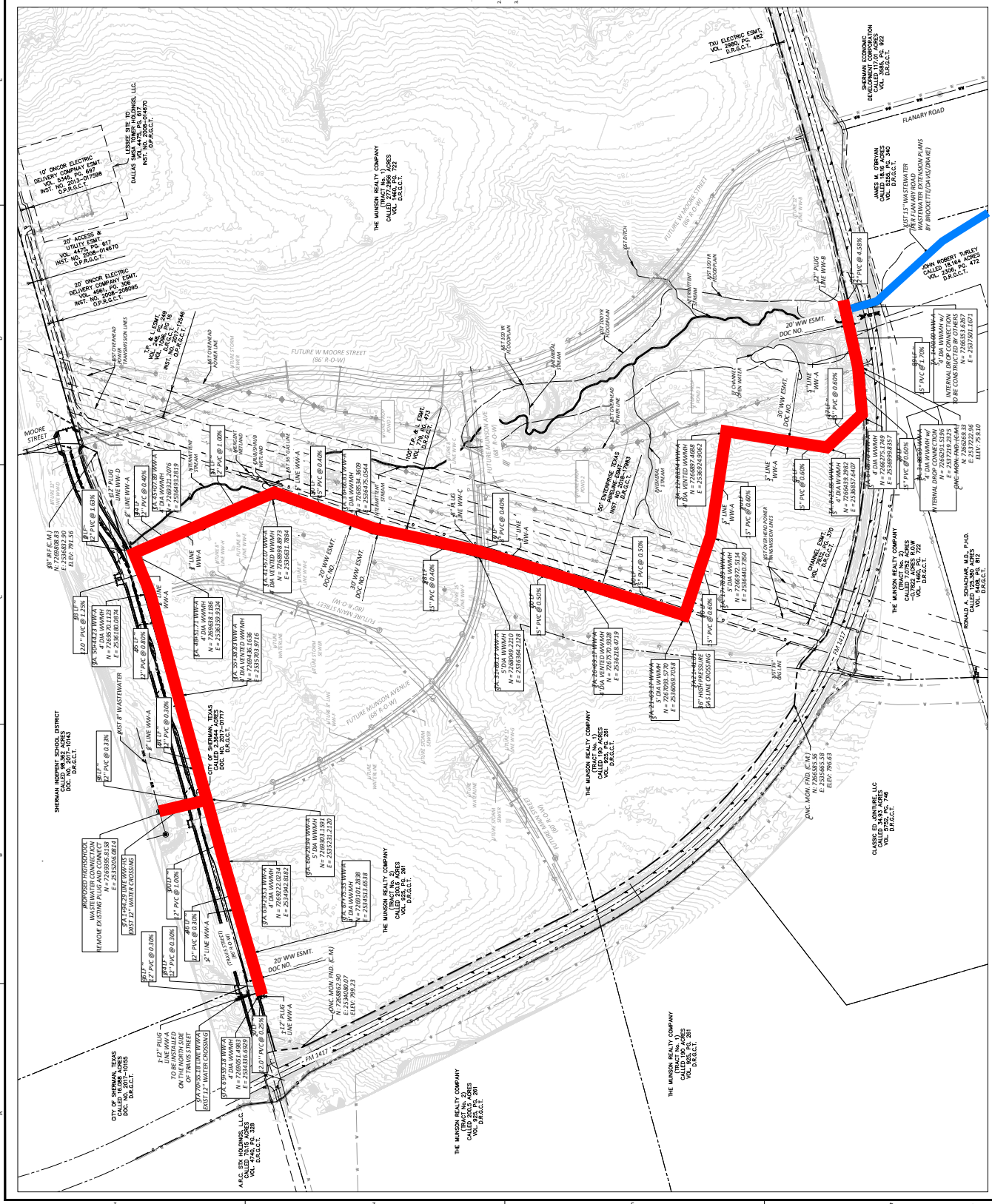
Clint Philpott, P.E.

APPROVED AS TO FORM:

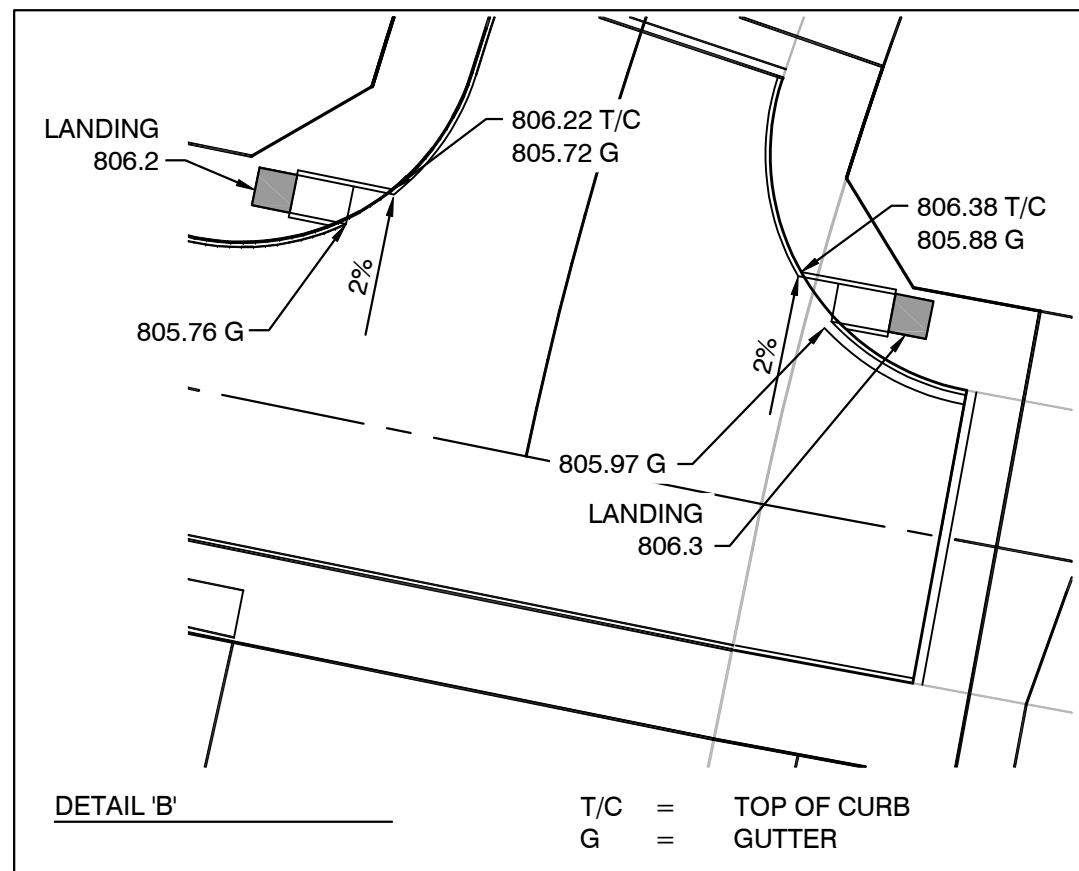
Brandon S. Shelby, City Attorney

MUNSON TRACT WASTEWATER EXTENSION

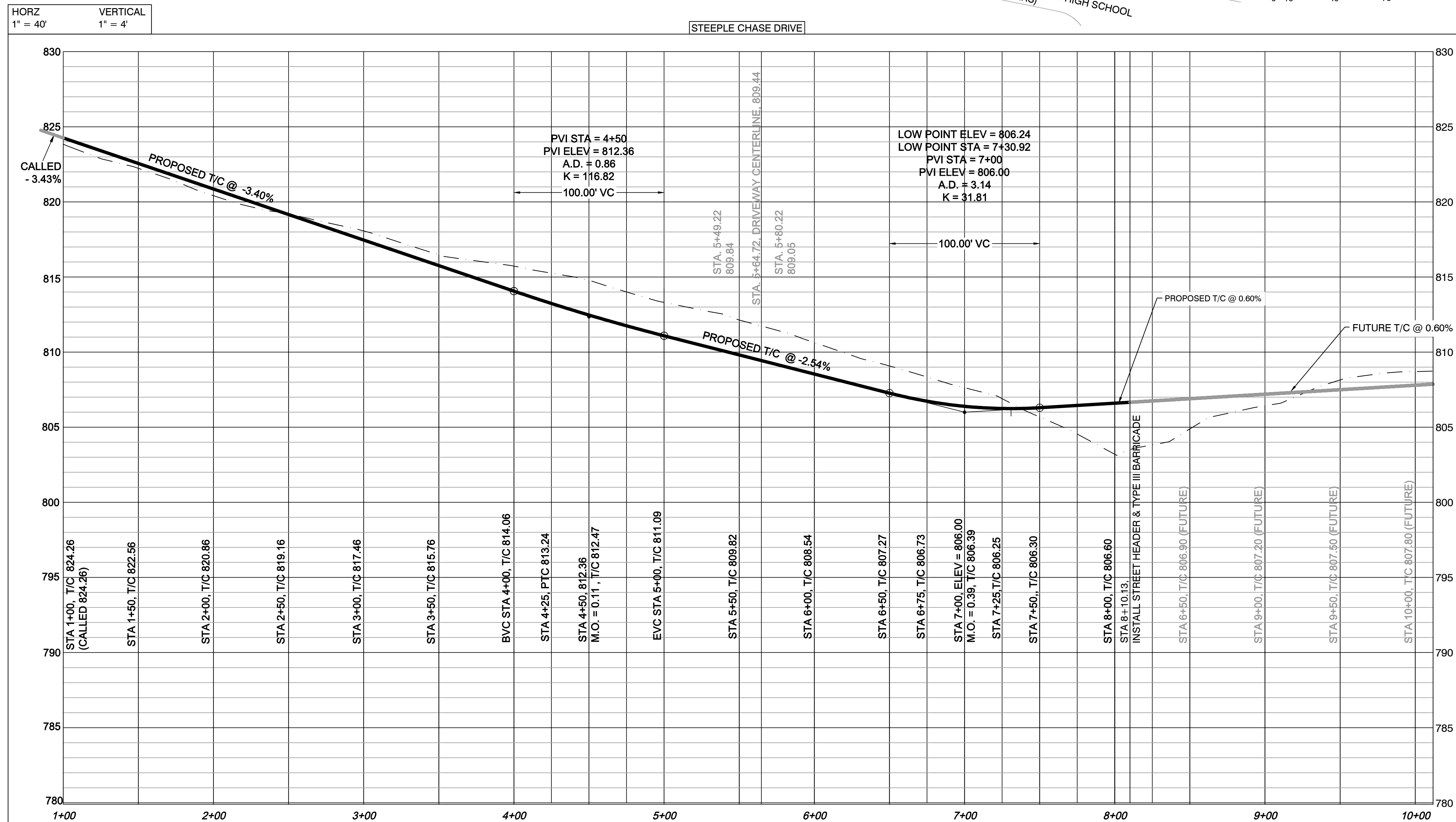
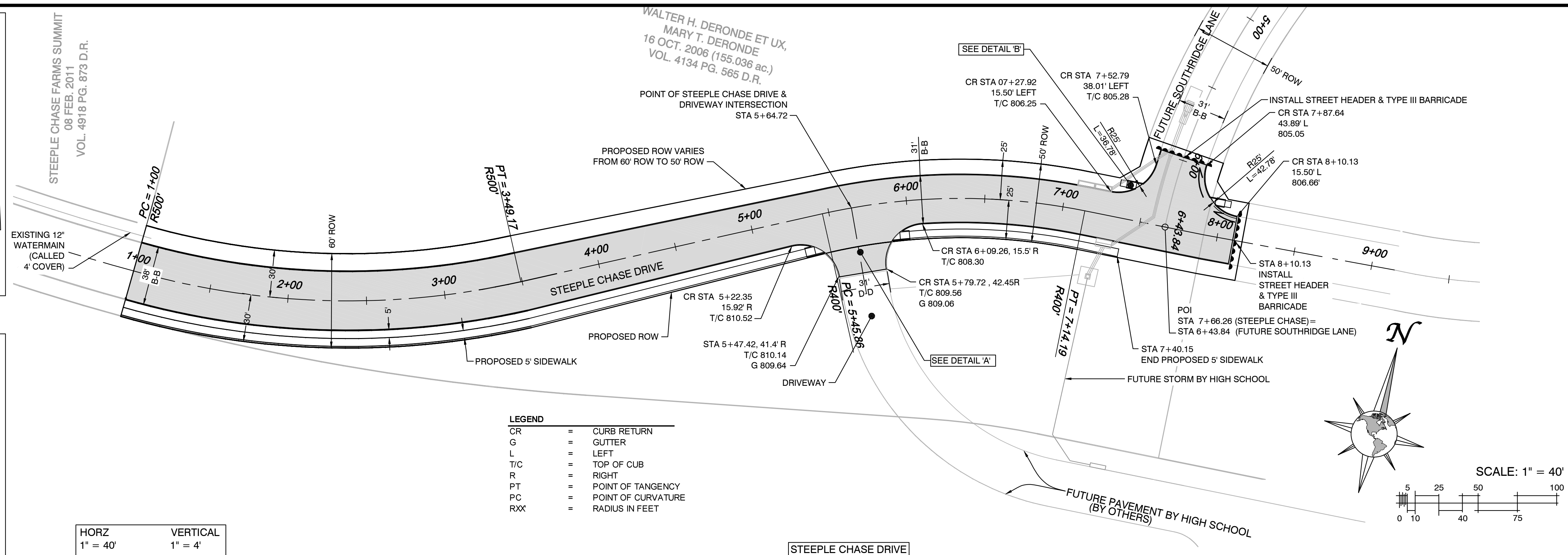
MUNSON TRACT WASTEWATER EXTENSION

[illegible]

Attachment A



STEEPLE CHASE FARMS SUMMIT
08 FEB. 2011
VOL. 4918 PG. 873 D.R.



!CAUTION !

EXISTING UNDERGROUND UTILITIES. CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO START OF ANY CONSTRUCTION AND SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY CONFLICTS DISCOVERED. CONTRACTOR RESPONSIBLE FOR COORDINATED UTILITY RELOCATION WHERE NECESSARY AND CORRECTING EXISTING UTILITIES (SHOWN OR NOT SHOWN). IF ANY EXISTING UTILITIES ARE DAMAGE DAMAGED, THE CONTRACTOR SHALL REPLACE THEM AT THEIR OWN EXPENSE.

LEGEND

 = GRADE DIRECTION ARROW

DATE:
08 JUL 2019

DATE: (yy/mm/dd) _____

REVISION: _____



GREG EDWARDS ENGINEERING SERVICES, INC.
GREG EDWARDS, P.E.
1621 AMANDA CT., PONDER, TX 76259
P. 940.462.2307 F. 940.462.8126 www.grees.us
FIRM # 004550
"engineering where you live"

THIS PLAN PREPARED BY
GREG EDWARDS, (P.E. #40304)
GREG EDWARDS, P.E.
2019/07/08

Steeple Chase Drive Extension

Steeple Chase Extension Plan

G. W. Daniel Survey
City of Sherman, Greyson County, Texas

JOB NUMBER
1096 S

 Designed: GKE
 Drawn: gke, rlb
 Checked: GKE

06
OF
13





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

C. 3.

Meeting Date: 04/20/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6611

Creating a Capital Improvements Advisory Committee; Providing for its Membership; Establishing and Adopting Procedural Rules for and Duties Associated Therefore in Accordance with Chapter 395 of the Texas Local Government Code Regarding Impact Fees

Issue:

The creation of a Capital Improvements Advisory Committee ("CIAC") to be comprised of the Planning and Zoning Commission and one representative from the City of Sherman's extra territorial jurisdiction (ETJ).

Background:

At the February 12, 2020 meeting, the City Council approved Resolution No. 6592 and a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Impact Fee Studies, as authorized by Chapter 395 of the Texas Local Government Code.

The CIAC will be comprised of the entire Planning and Zoning Commission and one representative from the City's ETJ. The Committee will be charged with reviewing land use assumptions and capital improvement programs as they relate to the 2020 Impact Fee Study. The current schedule is for the CIAC to present their written comments to the Council prior to July 13, 2020, and to perform their review of the 2020 Impact Fee Study beginning August 3, 2020, and then submit their written comments to Council prior to August 31, 2020. This timeline could be changed based on the ability of the CIAC, P&Z, and Council to meet in person.

Origination:

City Manager
Kimley-Horn and Associates, Inc.

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the Resolution be approved, the Capital Improvements Advisory Committee be created, and its membership be appointed.

Alternatives:

No alternatives are recommended.

Attachments

Resolution No. 6611

Resolution No. 6592 with Agreement and Scope of Service

Chapter 395 of the Texas Local Government Code

RESOLUTION NO. 6611

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CREATING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE; PROVIDING FOR ITS MEMBERSHIP; ESTABLISHING AND ADOPTING PROCEDURAL RULES FOR AND DUTIES ASSOCIATED THEREFORE IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE REGARDING IMPACT FEES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Chapter 395 of the Texas Local Government Code (“Impact Fee Statute”) authorizes political subdivisions, including the City of Sherman, Texas (“City”), to enact impact fees on land within their corporate boundaries or extraterritorial jurisdiction to finance capital improvements associated with new development; and

WHEREAS, the Impact Fee Statute prescribes a process and methodology by which the City must conduct public hearings concerning the consideration and approval of the Land Use Assumptions (“LUA”) and Capital Improvement Plan (“CIP”), the adoption of the impact fees, and the ongoing six-month review and reporting requirements associated with the impact fees once adopted; and

WHEREAS, the Impact Fee Statute also requires the City Council to adopt procedural rules for the Capital Improvements Advisory Committee to follow in the execution of its duties; and

WHEREAS, the City Council deems it to be in the public’s interest to create the Capital Improvements Advisory Committee in conjunction with the City’s consideration of impact fees to finance capital improvements associated with new development in the City and in the City’s extraterritorial jurisdiction;

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

SECTION 1. Capital Improvements Advisory Committee. That the City Council hereby establishes the Capital Improvements Advisory Committee as follows:

- a. Establishment. The City of Sherman’s Capital Improvements Advisory Committee (“CIAC”) is an advisory board whose purpose shall be to advise and make recommendations to the City Council regarding land use assumptions, capital improvements plan, and adoption of impact fees.
- b. Membership, Compliance and Appointment.
 - i. The City Council appoints the Planning and Zoning Commission to act as the CIAC.

- ii. The City Council will appoint an additional member to represent the City's extraterritorial jurisdiction.
 - iii. The CIAC will have a minimum of one representative from the real estate, development or building industry, which may be an existing Planning and Zoning Commission Member.
- c. Committee Functions and Duties.
- i. The CIAC shall serve in an advisory capacity; and shall advise and assist the City in adopting the land use assumptions, adopting the capital improvements plan, and considering the adoption of the impact fees.
 - ii. The CIAC shall file written comments at least five (5) business days prior to the public hearings.
 - iii. The CIAC will monitor and evaluate the implementation of the impact fee program, file semi-annual reports with respect to the progress of the impact fee program to the City Council, and shall advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, or impact fees.
- d. Committee Organization.
- i. The CIAC shall appoint a Chair and Vice-Chair where the Chair shall preside over all meetings of the CIAC and, in absence of the Chair, the Vice-Chair shall preside.
 - ii. The CIAC conducts business only when a quorum is present. A quorum is defined as a majority of the voting membership.
 - iii. The CIAC shall meet at sufficient intervals so as to fulfill its functions and duties and a minimum of twice a year to file semi-annual reports.

SECTION 2. That it is hereby officially found and determined that the meetings at which this resolution 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.

PASSED AND APPROVED on this the _____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

RESOLUTION NO. 6592

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR IMPACT FEE STUDIES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

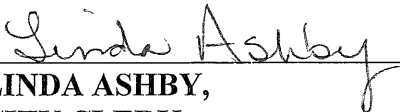
SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Impact Fee Studies as authorized by Chapter 395 of the Texas Local Government Code, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the 12th day of February, 2020.

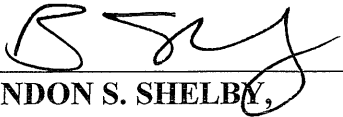
CITY OF SHERMAN, TEXAS

ATTEST:

BY: 
LINDA ASHBY,
CITY CLERK

BY: 
DAVID PLYLER,
MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: 
BRANDON S. SHELBY,
CITY ATTORNEY

**STANDARD AGREEMENT BETWEEN CLIENT AND
KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is made this 12th day of February 2020, by and between the CITY OF SHERMAN, TEXAS ("the Client") and KIMLEY-HORN AND ASSOCIATES, INC. ("the Consultant").

NAME OF PROJECT: IMPACT FEE STUDIES ("the Project").

The Client and the Consultant agree as follows:

(1) Scope of Services and Additional Services. The Consultant will perform only the services specifically described in Exhibit A, which is made a part of this Agreement ("the Services"). If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for the performance of any Additional Services an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

(2) Client's Responsibilities. In addition to other responsibilities herein or imposed by law, the Client shall:

(a) Designate in writing a person to act as the Client's representative. Such person shall have complete authority to transmit instructions, receive information, make and interpret the Client's and decisions.

(b) Provide all criteria and information as to the Client's requirements, objectives and expectations for the Project, and all standards of development, design, or construction.

(c) Provide the Consultant all available studies, plans, or other documents pertaining to the project, such as survey, engineering data, environmental information, etc., all of which the Consultant may rely upon.

(d) Arrange for access to the project site and other property as required for the Consultant to perform services.

(e) Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.

(f) Furnish approvals and permits for all government authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary.

(g) Obtain any independent accounting, legal, cost estimating and feasibility services as the Client may require.

(h) Give prompt written notice to the Consultant whenever the Client becomes aware of any development that affects the Consultant's services, or any defect or nonconformance in any aspect of the Project.

(3) Period of Services. This Agreement assumes conditions permitting orderly and continuous progress of the Project through completion of the Services. The Consultant shall begin work after receipt of a fully executed copy of this Agreement. The times for performance shall be extended as necessary for periods of delay or suspension resulting from circumstances the Consultant does not control. If such delay or suspension extends for more than six months for reasons beyond the Consultant's control, the rates of compensation provided for in this Agreement shall be renegotiated.

(4) Compensation for Services.

(a) The Consultant's compensation shall be as stated herein, unless otherwise provided in Exhibit A. The Client shall pay the Consultant an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

(b) If the Consultant's compensation is on an hourly basis, the parties may have estimated in Exhibit A costs and expenses for the various portions of the scope of Services.

(5) Method of Payment.

(a) Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the rate of 12% per year beginning on the 25th day.. If the Client fails to make any payment due the Consultant under this or any other agreement within 30 days after the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid in full.

(b) If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.

(c) If the Client objects to any charge on an invoice submitted by the Consultant, the Client shall so advise the Consultant in writing giving its reasons within fourteen (14) days of receipt of the invoice or all such objections shall be waived, and the amount stated in the invoice shall be conclusively deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due.

(d) The Client agrees that the payment to the Consultant is not subject to any contingency or condition. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of the Consultant to collect additional amounts.

(6) Use of Documents. All documents, data, and programs prepared by the Consultant are related exclusively to the services described in this Agreement and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of this project or on any other project. Any modifications by the Client to any of the Consultant's documents, or any use, partial use or reuse of the documents without written authorization by the Consultant will be at the Client's sole risk and without liability to the Consultant. The Consultant's electronic files and source code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client, and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

(7) Opinions of Cost. Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, all opinions rendered as to costs, including but not limited to the costs of construction and materials, are solely based on its judgment as a professional familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from opinions of cost prepared by it. If at any time the Client wishes greater assurance as to the amount of any cost, it shall

employ an independent cost estimator. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.

(8) Termination. The obligation to provide further services under this Agreement may be terminated by either party upon seven (7) days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof or upon thirty days' written notice for the convenience of the terminating party. The Consultant will be paid for all services performed to the effective date of termination, and all expenses subject to reimbursement.

(9) Standard of Care. The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

(10) LIMITATION OF LIABILITY. IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO BOTH THE CLIENT AND THE CONSULTANT, THE RISKS ARE ALLOCATED SUCH THAT, TO THE FULLEST EXTENT ALLOWED BY LAW, AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS AGREEMENT OR THE EXISTENCE OF APPLICABLE INSURANCE COVERAGE, THAT THE TOTAL LIABILITY, IN THE AGGREGATE OF THE CONSULTANT AND THE CONSULTANT'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS TO THE CLIENT OR TO ANYONE CLAIMING BY, THROUGH OR UNDER THE CLIENT, FOR ANY AND ALL CLAIMS, LOSSES, COSTS OR DAMAGES WHATSOEVER ARISING OUT OF OR IN ANY WAY RELATED TO THE SERVICES UNDER THIS AGREEMENT FROM ANY CAUSE OR CAUSES, INCLUDING BUT NOT LIMITED TO, THE NEGLIGENCE, PROFESSIONAL ERRORS OR OMISSIONS, STRICT LIABILITY OR BREACH OF CONTRACT OR ANY WARRANTY, EXPRESS OR IMPLIED, OF THE CONSULTANT OR THE CONSULTANT'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS SHALL NOT EXCEED TWICE THE TOTAL COMPENSATION RECEIVED BY THE CONSULTANT UNDER THIS AGREEMENT OR \$50,000, WHICHEVER IS GREATER. HIGHER LIMITS OF LIABILITY MAY BE NEGOTIATED FOR ADDITIONAL FEE. THIS SECTION 10 IS INTENDED SOLELY TO LIMIT THE REMEDIES AVAILABLE TO THE CLIENT OR THOSE CLAIMING BY OR THROUGH THE CLIENT, AND NOTHING IN THIS SECTION 10 SHALL REQUIRE THE CLIENT TO INDEMNIFY THE CONSULTANT.

(11) Mutual Waiver of Consequential Damages. In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.

(12) Construction Costs. Under no circumstances shall the Consultant be liable for extra costs or other consequences due to changed conditions, or for costs related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before the Consultant has issued final, fully-approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained

(13) Certifications. The Consultant shall not be required to execute certifications or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

(14) Dispute Resolution. All claims by the Client arising out of this Agreement shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action must be commenced within two years of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.

(15) Assignment and Subcontracting. Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the Client and the Consultant and not for the benefit of any other party. The Client shall not assign, sublet or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Consultant, without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, the Consultant will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

(16) Confidentiality. The Client consents to the Consultant's use and dissemination of photographs of the Project and to its use of facts, data and information obtained by the Consultant in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of that material.

(17) Miscellaneous Provisions. This Agreement is to be governed by the law of the State of Texas. This Agreement contains the entire and fully integrated agreement between the parties, and supersedes all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by the Consultant. Any provision in this Agreement that is unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such unenforceability without invalidating the remaining provisions or affecting the enforceability of the provision in any other jurisdiction. The non-enforcement of any provision by either party shall not constitute a waiver of that provision or affect the enforceability of that provision or the remainder of this Agreement.

The parties have made and executed this Agreement as of the day and year first above written.

CITY OF SHERMAN, TEXAS

BY: Bobby H

ITS: City Manager

ATTEST: Linda Ashby

KIMLEY-HORN AND ASSOCIATES, INC.

BY: Justin R Arnold

ITS: Vice President

ATTEST: Cal W. J. Jr

Request for Information

Please return this information with your signed contract; failure to provide this information could result in delay in starting your project

Client Identification

Full, Legal Name of Client					
Mailing Address for Invoices					
Federal ID Number					
Contact for Billing Inquiries					
Contact's Phone and e-mail					
Client is (check one)	Owner	☐	Agent for Owner	☐	Unrelated to Owner

Property Identification

	Parcel 1	Parcel 2	Parcel 3	Parcel 4
Street Address				
County in which Property is Located				
Tax Assessor's Number(s)				

Property Owner Identification

	Owner 1	Owner 2	Owner 3	Owner 4
Owner(s) Name				
Owner(s) Mailing Address				
Owner's Phone No.				
Owner of Which Parcel #?				

Project Funding Identification – List Funding Sources for the Project

Attach additional sheets if there are more than 4 parcels or more than 4 owners

**EXHIBIT A
SCOPE OF SERVICE
IMPACT FEE STUDIES
CITY OF SHERMAN**

PROJECT DESCRIPTION

The City of Sherman (City) is contracting with Kimley-Horn and Associates, Inc. (Consultant) to provide professional engineering services for the completion of impact fee studies per the Texas Local Government Code Chapter 395. The Consultant understands the goal of this project is to evaluate the development and implementation of Roadway, Water and Wastewater Impact Fee for the City. This scope of services will provide the City with the technical analysis required by Chapter 395 of the Texas Local Government Code to determine the maximum assessable Roadway, Water and Wastewater impact fee that may be assessed. The Consultant will assist the City with the establishment of a Capital Improvements Advisory Committee (CIAC). To conduct the land use assumptions analysis, the Consultant will utilize the demographics developed from previous planning efforts such as the 2018 Grayson County Thoroughfare Plan. To create the Roadway, Water, and Wastewater Impact Fee Capital Improvements Plan (CIP), the Consultant will utilize the most recent Master Plans. The Consultant will assist the City with the development of an Impact Fee Ordinance, assist with public hearings, and other infrastructure policy recommendations.

This project is anticipated to include the following components:

1. Project Initiation, Education and Management
2. Land Use Assumptions
3. Roadway Impact Fee
4. Water Impact Fee
5. Wastewater Impact Fee
6. Adoption Process
7. Administration Tools and Implementation Support

1. Project Initiation, Education and Management

- 1.1 Project Kick-Off Meeting and Impact Fee 101. The Consultant will meet with the City for a formal kick-off meeting. During this meeting, the scope and City contacts will be determined for each task. The Consultant will present an Impact Fee 101 to City staff during this meeting.
- 1.2 Project Team Status Meetings and Coordination. The Consultant will participate in reoccurring meetings with City staff. These meetings will be held on specific days and times as agreed by the City. A maximum of two (2) hours will be anticipated for each meeting. These may be either in-person or conference calls. The Consultant will prepare notes from each meeting. A maximum of eight (8) meetings will be held with a maximum of three (3) in-person.

- 1.3 Project Status Reports and Invoicing. The Consultant will prepare and submit monthly status reports regarding project schedule and critical tasks. The Consultant will prepare monthly invoices.
- 1.4 Service Areas. The Consultant will meet with the City to develop the impact fee service area boundaries. For Roadway, the Consultant will develop up to three options to be consistent with the existing City limits consistent and the six (6) mile limit required by Chapter 395. The Consultant anticipates approximately five (5) service areas will be required for Roadway Impact Fees and one (1) service area for both Water and Wastewater Impact Fees.
- 1.5 Project Education. The Consultant will prepare for and attend the following meetings:
Two workshops to present fundamentals of Roadway, Water and Wastewater Impact Fees, a summary of Impact Fee methodology, Land Use Assumptions, and the CIP and Maximum Assessable Impact Fees
 - 1.5.1 One (1) stakeholder project education meeting
 - 1.5.2 One (1) joint Council and CIAC education meeting

2. Land Use Assumptions

- 2.1. Data Collection. Data provided by the City for new development activity that has occurred during the last ten years. Data to be provided by the City include residential (added single and multi-family dwelling units) and square footage (or acreage) of developed non-residential uses within the city and water/wastewater planning areas. Data will be by City of Sherman planning areas to facilitate both the roadway and water/wastewater service area analyses. The provision of electronic data (GIS Shapefile) is envisioned. The Consultant will coordinate with the City on specific data needs.
- 2.2. Existing Land Use. The Consultant will utilize data collected from Task 2.1 to document existing growth rates, trends and socio-demographics as well as provide the development of base projections. The Consultant will provide supporting documentation for land use, population and employment data by planning areas and service areas for the base year
- 2.3. 10-Year Land Use. Chapter 395 states that impact fees may only be used to pay for items included in the Impact Fee Capital Improvements Plan and attributable to new service units projected over a period not to exceed ten (10) years. Based on guidance from the City regarding projected development patterns and growth rates, the Consultant will develop the Ten-Year Land Use Assumptions for the 2020 – 2030 planning window. The Consultant will complete the demographic table for each service area.
- 2.4. Documentation. The Consultant will prepare a Chapter entitled Land Use Assumptions for Impact Fees. This will be incorporated into the final report.
- 2.5. Meetings. The Consultant will discuss the land use assumptions during one of the reoccurring project team status meetings. It is anticipated to be one of the meetings.

- 2.6. Deliverables. The Land Use Assumptions (LUA) will be standalone report that will ultimately be incorporated into the final Impact Fee Study report. Key elements of the LUA report include:
- Coordination and correlation of LUA with service areas for roads, water and wastewater
 - Documentation of existing growth rates, trends and socio-demographics
 - Development of base, 10-year and ultimate or build-out projections
 - Land use, population and employment assumptions for the projection periods
 - Supporting documentation population and employment data by planning areas and service areas for the base year and 10-year growth

3. Roadway Impact Fee Study

- 3.1. Data Collection. The Consultant will coordinate with the City to obtain the following data:
- 3.1.1 City contacts – City shall provide the organization structure and contact information for the applicable City staff involved with the completion of the roadway capacity analysis and Roadway Impact Fee Capital Improvement Plans (CIP).
 - 3.1.2 Thoroughfare Plan – The Consultant will utilize the thoroughfare plan as is currently adopted. Any analysis related to updating the City's currently adopted Thoroughfare Plan will be considered additional services.
 - 3.1.3 Traffic Counts – The City shall provide any available data (current and historical) for all roadway segments on the current Thoroughfare Plan. The Consultant will obtain recently completed traffic counts for state highway facilities from TxDOT. If additional counts are necessary the Consultant will collect up to 20 additional tube counts.
 - 3.1.4 Historical Project Costing Information – The City shall provide the Consultant with available data on the actual City costs for previously completed arterial roadway improvement projects to assist in the development of planning level project costs.
- 3.2. Master Plan Review. The Consultant will review the currently adopted roadway Master Thoroughfare Plan (MTP) to verify if modifications are needed prior to formulating the Roadway Impact Fee Capital Improvement Plan. Modification will be provided with the recommendations from City staff. City staff will perform the necessary tasks to have the revised MTP adopted by City Council (if necessary). As part of this task the Consultant will field verify the existing inventory of the City's roadway network.
- 3.3. Ten-Year Growth Projections and Capacity Analysis.
- 3.3.1 The Consultant will identify the service units for new development and the average trip length. Using the 10th Edition of the Institute of Transportation Consultant's (ITE) Trip Generation Manual, the Consultant will incorporate trip generation and pass-by trip rates.

- 3.3.2 The Consultant will perform an analysis of existing conditions. This will include a determination of roadway capacities, volumes, vehicle-miles of supply, vehicle-miles of demand, existing excess capacity, and existing deficiencies.
- 3.3.3 The Consultant will project traffic conditions for the ten-year planning period, the target year for the impact fee growth projections. This will include growth and new demand for each service area established in Task 2. The Consultant will determine the capacity available for new growth.
- 3.4. Roadway Impact Fee Capital Improvements Plan. The Consultant will assist the City to develop a Roadway Impact Fee Capital Improvements Plan which will include cost projections for anticipated projects to be included in the study. The Roadway Impact Fee Capital Improvements Plan will include existing oversized facilities and proposed facilities designed to serve future development. The Roadway Impact Fee Capital Improvements Plan shall include a general description of the project and a project cost projection. Planning level cost projections for future projects will be prepared based on discussion with local roadway construction contractors, City staff, and previous experience with roadway construction costs. The City shall provide actual City cost information for previously completed projects with excess capacity and any cost contribution to County, State, Federal, or developer constructed projects. Due to the variety of unknowns associated with roadway project costs projections (ROW acquisition, utility relocations, etc.), the planning level project cost projections utilized in the roadway impact fee analysis should not be used for any future capital improvement planning within the City. The Consultant will identify the portion of projected improvements required to serve existing demand and the portion of project improvements required to serve new development within the 10-year planning period.
- 3.5. Maximum Assessable Roadway Impact Fee Calculation. Using the newly developed ten-year growth projections, roadway impact fee capital improvements plan, and capacity available for new growth, the Consultant will determine the cost of roadway improvements by service area, the maximum costs per service unit, and the resulting pre-credit maximum assessable roadway impact fees by service area. A financial analysis for the credit calculation will not be performed. 50% of the pre-credit maximum assessable roadway impact fee calculated in Task 3.4 will be utilized to determine the maximum assessable roadway impact fee.
- 3.6. Documentation. The Consultant will provide both a draft and final Roadway Impact Fee Report. The report will include:
- Land Use Assumptions;
 - Roadway service areas;
 - Roadway CIP;
 - Narrative of the impact fee methodology;
 - Impact fee calculations;
 - Land Use Vehicle-Mile Equivalency Table; and
 - Supporting Exhibits.

3.7. Meetings. The Consultant will discuss the roadway impact fees during the reoccurring project team status meetings.

3.8. Deliverables.

3.8.1 Electronic (.pdf) copy of the Draft Roadway Impact Fee Report;

3.8.2 Five (5) 8.5" x 11" hard copies of the Draft Roadway Impact Fee Report; and

3.8.3 Upon final approval of the Roadway Impact Fee Analysis and new ordinance by the City Council, the Consultant will provide five (5) 8" x 11" originals and one (1) electronic (.pdf) copy of the Final Roadway Impact Fee Report

4. Water Impact Fee Study

4.1. Data Collection for City and Wholesale Customers. The Consultant will coordinate with the City on obtaining data required for the impact fee study, including cost data for recently constructed projects, information on water meters, recent water usage, etc. The Consultant will prepare and present a data request memorandum for City staff. Information for wholesale customers served by Sherman will also be required.

4.2. Master Plan Review. The Consultant will review the current Water Distribution System Master Plan (if available) to verify if modifications are needed prior to formulating the Water Impact Fee Capital Improvement Plan. Modification will be provided with the recommendations from City staff. City staff will perform the necessary tasks to have the revised Water Distribution System Master Plan adopted by City Council (if necessary). The review of the Master Plan is anticipated to be a half-day workshop and map will be developed for the use of impact fees. No water system hydraulic model will be developed for the study.

4.3. Ten-Year Growth Projections and Capacity Analysis. The Consultant will develop projected water demands over the 10-year planning period which will be based on socio-demographic data developed in the LUAs report. The determination of 10-year water demands and will be based on LUAs and recent historical water usage for average, and maximum day conditions. The Consultant will utilize data from the recent Master Plan in addition to the newly requested data. The Consultant will utilize equivalent capacity of water meters to establish the service unit equivalents (SUEs) required in Chapter 395 of the Local Government Code for both existing and 10-year growth conditions.

4.4. Water Impact Fee Capital Improvements Plan. The Consultant will review recently completed (over the last 5 years) water improvements and determine which projects are eligible for future cost recovery based on future growth. The Consultant will update the cost of proposed water system improvements to be included in the impact fee calculation. Maps will be prepared showing the existing and proposed water capital improvements plan projects to be included in the impact fee calculation.

- 4.5. Maximum Assessable Water Impact Fee Calculation. The Consultant will utilize the capacity analysis and capital project costs to calculate percentage of project cost eligible for impact fee cost recovery. The Consultant will develop maximum allowable water impact fees in accordance with Chapter 395 of the Texas Local Government Code using existing and proposed capital improvement costs to support 10-year growth based on projected increase in service units.
- 4.6. Documentation. The Consultant will provide both a draft and final Water Impact Fee Report. The report will include:
- Land Use Assumptions;
 - Water service area;
 - Water Impact Fee Eligible CIP;
 - Narrative of the impact fee methodology;
 - Impact fee calculations;
 - Service Unit Equivalency Table; and
 - Supporting Exhibits.
- 4.7. Meetings. The Consultant will discuss the water impact fees during the reoccurring project team status meetings.
- 4.8. Deliverables.
- 4.8.1 Electronic (.pdf) copy of the Draft Water Impact Fee Report;
 - 4.8.2 Five (5) 8.5" x 11" hard copies of the Draft Water Impact Fee Report; and
 - 4.8.3 Upon final approval of the Water Impact Fee Analysis and new ordinance by the City Council, the Consultant will provide five (5) 8" x 11" originals and one (1) electronic (.pdf) copy of the Final Water Impact Fee Report

5. Wastewater Impact Fee Study

- 5.1. Data Collection for City and Wholesale Customers. The Consultant will coordinate with the City on obtaining data required for the impact fee study, including cost data for recently constructed projects, information on wastewater meters, recent wastewater discharge, etc. The Consultant will prepare and present a data request memorandum for City staff. Information for wholesale customers served by Sherman will also be required.
- 5.2. Master Plan Review. The Consultant will review the current Wastewater Master Plan (if available) to verify if modifications are needed prior to formulating the Wastewater Impact Fee Capital Improvement Plan. Modification will be provided with the recommendations from City staff. City staff will perform the necessary tasks to have the revised Wastewater Collection System Master Plan adopted by City Council (if necessary). The review of the Master Plan is anticipated to be a half-day workshop and map will be developed for the use of impact fees. No wastewater system hydraulic model will be developed for the study.

- 5.3. Ten-Year Growth Projections and Capacity Analysis. The Consultant will develop projected wastewater discharges over the 10-year planning period which will be based on socio-demographic data developed in the LUAs report. The determination of 10-year wastewater discharge and will be based on LUAs and recent historical wastewater discharge for average and peak dry weather conditions along with peak wet weather conditions. The Consultant will utilize data from the recent Master Plan in addition to the newly requested data. The Consultant will utilize equivalent capacity of water meters that also have wastewater service to establish the service unit equivalents (SUEs) required in Chapter 395 of the Local Government Code for both existing and 10-year growth conditions.
- 5.4. Wastewater Impact Fee Capital Improvements Plan. The Consultant will review recently completed (over the last 5 years) wastewater improvements and determine which projects are eligible for future cost recovery based on future growth. The Consultant will update the cost of proposed wastewater system improvements to be included in the impact fee calculation. Maps will be prepared showing the existing and proposed wastewater capital improvements plan projects to be included in the impact fee calculation.
- 5.5. Maximum Assessable Wastewater Impact Fee Calculation. The Consultant will utilize the capacity analysis and capital project costs to calculate percentage of project cost eligible for impact fee cost recovery. The Consultant will develop maximum allowable wastewater impact fees in accordance with Chapter 395 of the Texas Local Government Code using existing and proposed capital improvement costs to support 10-year growth based on projected increase in service units.
- 5.6. Documentation. The Consultant will provide both a draft and final Wastewater Impact Fee Report. The report will include:
- Land Use Assumptions;
 - Wastewater service area;
 - Wastewater Impact Fee Eligible CIP;
 - Narrative of the impact fee methodology;
 - Impact fee calculations;
 - Service Unit Equivalency Table; and
 - Supporting Exhibits.
- 5.7. Meetings. The Consultant will discuss the water impact fees during the reoccurring project team status meetings.

5.8. Deliverables.

- 5.8.1 Electronic (.pdf) copy of the Draft Wastewater Impact Fee Report;
- 5.8.2 Five (5) 8.5" x 11" hard copies of the Draft Wastewater Impact Fee Report; and
- 5.8.3 Upon final approval of the Wastewater Impact Fee Analysis and new ordinance by the City Council, the Consultant will provide five (5) 8" x 11" originals and one (1) electronic (.pdf) copy of the Final Wastewater Impact Fee Report

6. Adoption Process

- 6.1. Comparison Data. The Consultant will collect information on actual Impact Fees collected for up to six (6) benchmark cities for up to three (3) different land uses (likely residential, commercial, and industrial land uses). This information will be provided to the City in electronic (.xls) tabular format for use in the development of comparison tables.

- 6.2. Ordinance Support. The Consultant will review the proposed Impact Fee Ordinance as prepared by the City Attorney. It is anticipated the City Attorney will require exhibits from the Impact Fee Report to be included in the ordinance.

The Consultant will review the impact of the proposed Impact Fee program reimbursements on the City's existing pro rata cost allocation system for water and wastewater line extensions. The Consultant will determine how the pro rata system will work with the Impact Fee program and if pro rata costs will continue to be charged to developers once the Impact Fee program is implemented.

The Consultant will review the policies for roadway improvements in the City's ETJ.

- 6.3. Revenue Projections. The Consultant will utilize the Land Use Assumptions calculated in Task 2 to calculate various revenue projections based on potential collection rate scenarios.
- 6.4. Meetings. It is anticipated that the Consultant will prepare for and attend each of the following meetings (total of eight). These are anticipated to be:

- Two (2) CIAC worksession;
- Two (2) CIAC meeting to present the Land Use Assumptions, CIP, and Maximum Assessable Impact Fees;
- Two (2) Council worksession; and
- Two (2) City Council public hearings to present the Impact Fee, including the Land Use Assumptions, Impact Fee CIP and Maximum Assessable Impact Fees

7. Administration Tools and Implementation Support

- 7.1. Impact Fee Estimator. The Consultant will create an Impact Fee estimator spreadsheet tool to assist in calculating a development's water, wastewater, and roadway impact fees based on the impact fee rates adopted in Task 6.
- 7.2. Implementation Support. The Consultant will provide implementation support to assist City staff as a program is rolled out. This implementation support is based on 18 hours.
- 7.3. Deliverables. Electronic (.xls) Impact Fee Estimator Tool.

- End of Scope of Services -

**IMPACT FEE STUDY
FEE PROPOSAL
CITY OF SHERMAN**

Kimley-Horn will perform the scope of services for the total fixed fee below. Fees will be invoiced monthly based upon the overall percentage of services performed.

Task	Task Name	Subtotal
1	Project Initiation, Education and Management	\$10,000
2	Land Use Assumptions	\$10,000
3	Roadway Impact Fee Study	\$35,000
4	Water Impact Fee Study	\$35,000
5	Wastewater Impact Fee Study	\$35,000
6	Adoption Process	\$20,000
7	Administration Tools and Implementation Support	\$5,000
Subtotals		\$150,000

**FUTURE INFRASTRUCTURE STUDY FOR CONSULTING
SCHEDULE PROPOSAL
CITY OF SHERMAN**

Tasks 1 thru 5 will be completed within four (4) months following receipt of a signed copy of this agreement, exclusive of City review time after receipt of a signed copy of this agreement. Task 6 and 7 will proceed in accordance with the requirements of Chapter 395 of the Texas Local Government Code and as requested by the City. Consultant will use best efforts to complete all tasks on or before August 31, 2020. Additional services, if desired by the City, will be performed in a timely manner upon authorization by the City.

LOCAL GOVERNMENT CODE

TITLE 12. PLANNING AND DEVELOPMENT

SUBTITLE C. PLANNING AND DEVELOPMENT PROVISIONS APPLYING TO MORE THAN ONE
TYPE OF LOCAL GOVERNMENTCHAPTER 395. FINANCING CAPITAL IMPROVEMENTS REQUIRED BY NEW DEVELOPMENT IN
MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 395.001. DEFINITIONS. In this chapter:

(1) "Capital improvement" means any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision:

(A) water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, and flood control facilities; whether or not they are located within the service area; and

(B) roadway facilities.

(2) "Capital improvements plan" means a plan required by this chapter that identifies capital improvements or facility expansions for which impact fees may be assessed.

(3) "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

(4) "Impact fee" means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

(A) dedication of land for public parks or payment in lieu of the dedication to serve park needs;

(B) dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater

collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;

(C) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or

(D) other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

However, an item included in the capital improvements plan may not be required to be constructed except in accordance with Section 395.019(2), and an owner may not be required to construct or dedicate facilities and to pay impact fees for those facilities.

(5) "Land use assumptions" includes a description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a 10-year period.

(6) "New development" means the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units.

(7) "Political subdivision" means a municipality, a district or authority created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, or, for the purposes set forth by Section 395.079, certain counties described by that section.

(8) "Roadway facilities" means arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the political subdivision, together with all necessary appurtenances. The term includes the political subdivision's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way.

(9) "Service area" means the area within the corporate boundaries or extraterritorial jurisdiction, as determined under Chapter 42, of the political subdivision to be served by the capital improvements or facilities expansions specified in the capital improvements plan, except roadway facilities and storm water, drainage, and flood control facilities. The service area, for the purposes of this chapter, may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, except for roadway facilities and storm water, drainage, and

flood control facilities. For roadway facilities, the service area is limited to an area within the corporate boundaries of the political subdivision and shall not exceed six miles. For storm water, drainage, and flood control facilities, the service area may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, but shall not exceed the area actually served by the storm water, drainage, and flood control facilities designated in the capital improvements plan and shall not extend across watershed boundaries.

(10) "Service unit" means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 1989, 71st Leg., ch. 566, Sec. 1(e), eff. Aug. 28, 1989;

Acts 2001, 77th Leg., ch. 345, Sec. 1, eff. Sept. 1, 2001.

SUBCHAPTER B. AUTHORIZATION OF IMPACT FEE

Sec. 395.011. AUTHORIZATION OF FEE. (a) Unless otherwise specifically authorized by state law or this chapter, a governmental entity or political subdivision may not enact or impose an impact fee.

(b) Political subdivisions may enact or impose impact fees on land within their corporate boundaries or extraterritorial jurisdictions only by complying with this chapter, except that impact fees may not be enacted or imposed in the extraterritorial jurisdiction for roadway facilities.

(c) A municipality may contract to provide capital improvements, except roadway facilities, to an area outside its corporate boundaries and extraterritorial jurisdiction and may charge an impact fee under the contract, but if an impact fee is charged in that area, the municipality must comply with this chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.012. ITEMS PAYABLE BY FEE. (a) An impact fee may be imposed only to pay the costs of constructing capital improvements or facility expansions, including and limited to the:

- (1) construction contract price;
- (2) surveying and engineering fees;

(3) land acquisition costs, including land purchases, court awards and costs, attorney's fees, and expert witness fees; and

(4) fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the political subdivision.

(b) Projected interest charges and other finance costs may be included in determining the amount of impact fees only if the impact fees are used for the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision to finance the capital improvements or facility expansions identified in the capital improvements plan and are not used to reimburse bond funds expended for facilities that are not identified in the capital improvements plan.

(c) Notwithstanding any other provision of this chapter, the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay a staff engineer who prepares or updates a capital improvements plan under this chapter.

(d) A municipality may pledge an impact fee as security for the payment of debt service on a bond, note, or other obligation issued to finance a capital improvement or public facility expansion if:

(1) the improvement or expansion is identified in a capital improvements plan; and

(2) at the time of the pledge, the governing body of the municipality certifies in a written order, ordinance, or resolution that none of the impact fee will be used or expended for an improvement or expansion not identified in the plan.

(e) A certification under Subsection (d)(2) is sufficient evidence that an impact fee pledged will not be used or expended for an improvement or expansion that is not identified in the capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 1995, 74th Leg., ch. 90, Sec. 1, eff. May 16, 1995.

Sec. 395.013. ITEMS NOT PAYABLE BY FEE. Impact fees may not be adopted or used to pay for:

(1) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

- (2) repair, operation, or maintenance of existing or new capital improvements or facility expansions;
- (3) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
- (4) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
- (5) administrative and operating costs of the political subdivision, except the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay its administrative and operating costs;
- (6) principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed by Section 395.012.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.014. CAPITAL IMPROVEMENTS PLAN. (a) The political subdivision shall use qualified professionals to prepare the capital improvements plan and to calculate the impact fee. The capital improvements plan must contain specific enumeration of the following items:

- (1) a description of the existing capital improvements within the service area and the costs to upgrade, update, improve, expand, or replace the improvements to meet existing needs and usage and stricter safety, efficiency, environmental, or regulatory standards, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;
- (2) an analysis of the total capacity, the level of current usage, and commitments for usage of capacity of the existing capital improvements, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;
- (3) a description of all or the parts of the capital improvements or facility expansions and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;
- (4) a definitive table establishing the specific level or quantity of use, consumption, generation, or discharge of a service unit for each category of capital improvements or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to

various types of land uses, including residential, commercial, and industrial;

(5) the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;

(6) the projected demand for capital improvements or facility expansions required by new service units projected over a reasonable period of time, not to exceed 10 years; and

(7) a plan for awarding:

(A) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the capital improvements plan; or

(B) in the alternative, a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.

(b) The analysis required by Subsection (a) (3) may be prepared on a systemwide basis within the service area for each major category of capital improvement or facility expansion for the designated service area.

(c) The governing body of the political subdivision is responsible for supervising the implementation of the capital improvements plan in a timely manner.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 2, eff. Sept. 1, 2001.

Sec. 395.015. MAXIMUM FEE PER SERVICE UNIT. (a) The impact fee per service unit may not exceed the amount determined by subtracting the amount in Section 395.014(a) (7) from the costs of the capital improvements described by Section 395.014(a) (3) and dividing that amount by the total number of projected service units described by Section 395.014(a) (5).

(b) If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to projected new service units described by Section 395.014(a) (6) by the projected new service units described in that section.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 3, eff. Sept. 1, 2001.

Sec. 395.016. TIME FOR ASSESSMENT AND COLLECTION OF FEE. (a) This subsection applies only to impact fees adopted and land platted before June 20, 1987. For land that has been platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before June 20, 1987, or land on which new development occurs or is proposed without platting, the political subdivision may assess the impact fees at any time during the development approval and building process. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(b) This subsection applies only to impact fees adopted before June 20, 1987, and land platted after that date. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after June 20, 1987, the political subdivision may assess the impact fees before or at the time of recordation. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(c) This subsection applies only to impact fees adopted after June 20, 1987. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before the adoption of an impact fee, an impact fee may not be collected on any service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee.

(d) This subsection applies only to land platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after adoption of an impact fee adopted after June 20, 1987. The political subdivision shall assess the impact fees before or at the time of recordation of a subdivision plat or other plat under Subchapter A, Chapter 212, or the subdivision or platting ordinance or procedures of any political subdivision in the official records of the county clerk of the county in which the tract is located. Except as provided by Section 395.019, if the political subdivision has water and wastewater capacity available:

(1) the political subdivision shall collect the fees at the time the political subdivision issues a building permit;

(2) for land platted outside the corporate boundaries of a municipality, the municipality shall collect the fees at the time an application for an individual meter connection to the municipality's water or wastewater system is filed; or

(3) a political subdivision that lacks authority to issue building permits in the area where the impact fee applies shall collect the fees at the time an application is filed for an individual meter connection to the political subdivision's water or wastewater system.

(e) For land on which new development occurs or is proposed to occur without platting, the political subdivision may assess the impact fees at any time during the development and building process and may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(f) An "assessment" means a determination of the amount of the impact fee in effect on the date of occurrence provided in this section and is the maximum amount that can be charged per service unit of such development. No specific act by the political subdivision is required.

(g) Notwithstanding Subsections (a)-(e) and Section 395.017, the political subdivision may reduce or waive an impact fee for any service unit that would qualify as affordable housing under 42 U.S.C. Section 12745, as amended, once the service unit is constructed. If affordable housing as defined by 42 U.S.C. Section 12745, as amended, is not constructed, the political subdivision may reverse its decision to waive or reduce the impact fee, and the political subdivision may assess an impact fee at any time during the development approval or building process or after the building process if an impact fee was not already assessed.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.
Amended by Acts 1997, 75th Leg., ch. 980, Sec. 52, eff. Sept. 1, 1997;
Acts 2001, 77th Leg., ch. 345, Sec. 4, eff. Sept. 1, 2001.

Sec. 395.017. ADDITIONAL FEE PROHIBITED; EXCEPTION. After assessment of the impact fees attributable to the new development or execution of an agreement for payment of impact fees, additional impact fees or increases in fees may not be assessed against the tract for any reason unless the number of service units to be developed on the tract

increases. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.018. AGREEMENT WITH OWNER REGARDING PAYMENT. A political subdivision is authorized to enter into an agreement with the owner of a tract of land for which the plat has been recorded providing for the time and method of payment of the impact fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.019. COLLECTION OF FEES IF SERVICES NOT AVAILABLE. Except for roadway facilities, impact fees may be assessed but may not be collected in areas where services are not currently available unless:

(1) the collection is made to pay for a capital improvement or facility expansion that has been identified in the capital improvements plan and the political subdivision commits to commence construction within two years, under duly awarded and executed contracts or commitments of staff time covering substantially all of the work required to provide service, and to have the service available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in no event longer than five years;

(2) the political subdivision agrees that the owner of a new development may construct or finance the capital improvements or facility expansions and agrees that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development or agrees to reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the owner at the time the other new development records its plat; or

(3) an owner voluntarily requests the political subdivision to reserve capacity to serve future development, and the political subdivision and owner enter into a valid written agreement.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.020. ENTITLEMENT TO SERVICES. Any new development for which an impact fee has been paid is entitled to the permanent use and benefit of the services for which the fee was exacted and is entitled to receive

immediate service from any existing facilities with actual capacity to serve the new service units, subject to compliance with other valid regulations.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.021. AUTHORITY OF POLITICAL SUBDIVISIONS TO SPEND FUNDS TO REDUCE FEES. Political subdivisions may spend funds from any lawful source to pay for all or a part of the capital improvements or facility expansions to reduce the amount of impact fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.022. AUTHORITY OF POLITICAL SUBDIVISION TO PAY FEES. (a) Political subdivisions and other governmental entities may pay impact fees imposed under this chapter.

(b) A school district is not required to pay impact fees imposed under this chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board of trustees considers advisable to provide for the payment of the fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 250 (S.B. 883), Sec. 1, eff. May 25, 2007.

Sec. 395.023. CREDITS AGAINST ROADWAY FACILITIES FEES. Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by a political subdivision as a condition of development approval shall be credited against roadway facilities impact fees otherwise due from the development.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.024. ACCOUNTING FOR FEES AND INTEREST. (a) The order, ordinance, or resolution levying an impact fee must provide that all funds collected through the adoption of an impact fee shall be deposited in interest-bearing accounts clearly identifying the category of capital

improvements or facility expansions within the service area for which the fee was adopted.

(b) Interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under this chapter.

(c) Impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by this chapter.

(d) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.025. REFUNDS. (a) On the request of an owner of the property on which an impact fee has been paid, the political subdivision shall refund the impact fee if existing facilities are available and service is denied or the political subdivision has, after collecting the fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment under Section 395.019(1).

(b) Repealed by Acts 2001, 77th Leg., ch. 345, Sec. 9, eff. Sept. 1, 2001.

(c) The political subdivision shall refund any impact fee or part of it that is not spent as authorized by this chapter within 10 years after the date of payment.

(d) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002, Finance Code, or its successor statute.

(e) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(f) The owner of the property on which an impact fee has been paid or another political subdivision or governmental entity that paid the impact fee has standing to sue for a refund under this section.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 1997, 75th Leg., ch. 1396, Sec. 37, eff. Sept. 1, 1997;

Acts 1999, 76th Leg., ch. 62, Sec. 7.82, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 345, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER C. PROCEDURES FOR ADOPTION OF IMPACT FEE

Sec. 395.041. COMPLIANCE WITH PROCEDURES REQUIRED. Except as otherwise provided by this chapter, a political subdivision must comply with this subchapter to levy an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.0411. CAPITAL IMPROVEMENTS PLAN. The political subdivision shall provide for a capital improvements plan to be developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section 395.014.

Added by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.042. HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. To impose an impact fee, a political subdivision must adopt an order, ordinance, or resolution establishing a public hearing date to consider the land use assumptions and capital improvements plan for the designated service area.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.043. INFORMATION ABOUT LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AVAILABLE TO PUBLIC. On or before the date of the first publication of the notice of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.044. NOTICE OF HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. (a) Before the 30th day before the date of the hearing on the land use assumptions and capital improvements plan, the political

subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order, ordinance, or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.045. APPROVAL OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED. (a) After the public hearing on the land use assumptions and capital improvements plan, the political subdivision shall determine whether to adopt or reject an ordinance, order, or resolution approving the land use assumptions and capital improvements plan.

(b) The political subdivision, within 30 days after the date of the public hearing, shall approve or disapprove the land use assumptions and capital improvements plan.

(c) An ordinance, order, or resolution approving the land use assumptions and capital improvements plan may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.0455. SYSTEMWIDE LAND USE ASSUMPTIONS. (a) In lieu of adopting land use assumptions for each service area, a political subdivision may, except for storm water, drainage, flood control, and roadway facilities, adopt systemwide land use assumptions, which cover all of the area subject to the jurisdiction of the political subdivision for the purpose of imposing impact fees under this chapter.

(b) Prior to adopting systemwide land use assumptions, a political subdivision shall follow the public notice, hearing, and other requirements for adopting land use assumptions.

(c) After adoption of systemwide land use assumptions, a political subdivision is not required to adopt additional land use assumptions for a service area for water supply, treatment, and distribution facilities or wastewater collection and treatment facilities as a prerequisite to the adoption of a capital improvements plan or impact fee, provided the capital improvements plan and impact fee are consistent with the systemwide land use assumptions.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(b), eff. Aug. 28, 1989.

Sec. 395.047. HEARING ON IMPACT FEE. On adoption of the land use assumptions and capital improvements plan, the governing body shall adopt an order or resolution setting a public hearing to discuss the imposition of the impact fee. The public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution imposing an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.049. NOTICE OF HEARING ON IMPACT FEE. (a) Before the 30th day before the date of the hearing on the imposition of an impact fee, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON ADOPTION OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the adoption of an impact fee;

(4) the amount of the proposed impact fee per service unit; and

(5) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.050. ADVISORY COMMITTEE COMMENTS ON IMPACT FEES. The advisory committee created under Section 395.058 shall file its written comments on the proposed impact fees before the fifth business day before the date of the public hearing on the imposition of the fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.051. APPROVAL OF IMPACT FEE REQUIRED. (a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee.

(b) An ordinance, order, or resolution approving the imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.052. PERIODIC UPDATE OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED. (a) A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years. The initial five-year period begins on the day the capital improvements plan is adopted.

(b) The political subdivision shall review and evaluate its current land use assumptions and shall cause an update of the capital improvements plan to be prepared in accordance with Subchapter B.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 6, eff. Sept. 1, 2001.

Sec. 395.053. HEARING ON UPDATED LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. The governing body of the political subdivision shall, within 60 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.054. HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. A public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution amending land use assumptions, the capital improvements plan, or the impact fee. On or before the date of the first publication of the notice of the hearing on the amendments, the land use assumptions and the capital improvements plan, including the amount of any proposed amended impact fee per service unit, shall be made available to the public.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.055. NOTICE OF HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. (a) The notice and hearing procedures prescribed by Sections 395.044(a) and (b) apply to a hearing on the amendment of land use assumptions, a capital improvements plan, or an impact fee.

(b) The notice of a hearing under this section must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the amendment of land use assumptions and a capital improvements plan and the imposition of an impact fee; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the update.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 7, eff. Sept. 1, 2001.

Sec. 395.056. ADVISORY COMMITTEE COMMENTS ON AMENDMENTS. The advisory committee created under Section 395.058 shall file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee before the fifth business day before the date of the public hearing on the amendments.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.057. APPROVAL OF AMENDMENTS REQUIRED. (a) The political subdivision, within 30 days after the date of the public hearing on the amendments, shall approve or disapprove the amendments of the land use assumptions and the capital improvements plan and modification of an impact fee.

(b) An ordinance, order, or resolution approving the amendments to the land use assumptions, the capital improvements plan, and imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.0575. DETERMINATION THAT NO UPDATE OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES IS NEEDED. (a) If, at the time an update under Section 395.052 is required, the governing body determines that no change to the land use assumptions, capital improvements plan, or impact fee is needed, it may, as an alternative to the updating requirements of Sections 395.052-395.057, do the following:

(1) The governing body of the political subdivision shall, upon determining that an update is unnecessary and 60 days before publishing the final notice under this section, send notice of its determination not to update the land use assumptions, capital improvements plan, and impact fee

by certified mail to any person who has, within two years preceding the date that the final notice of this matter is to be published, give written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of hearings related to impact fees. The notice must contain the information in Subsections (b) (2)-(5).

(2) The political subdivision shall publish notice of its determination once a week for three consecutive weeks in one or more newspapers with general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies. The notice of public hearing may not be in the part of the paper in which legal notices and classified ads appear and may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type.

(b) The notice must contain the following:

(1) a headline to read as follows:

"NOTICE OF DETERMINATION NOT TO UPDATE

LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS

PLAN, OR IMPACT FEES";

(2) a statement that the governing body of the political subdivision has determined that no change to the land use assumptions, capital improvements plan, or impact fee is necessary;

(3) an easily understandable description and a map of the service area in which the updating has been determined to be unnecessary;

(4) a statement that if, within a specified date, which date shall be at least 60 days after publication of the first notice, a person makes a written request to the designated official of the political subdivision requesting that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body must comply with the request by following the requirements of Sections 395.052-395.057; and

(5) a statement identifying the name and mailing address of the official of the political subdivision to whom a request for an update should be sent.

(c) The advisory committee shall file its written comments on the need for updating the land use assumptions, capital improvements plans, and

impact fee before the fifth business day before the earliest notice of the government's decision that no update is necessary is mailed or published.

(d) If, by the date specified in Subsection (b)(4), a person requests in writing that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body shall cause an update of the land use assumptions and capital improvements plan to be prepared in accordance with Sections 395.052-395.057.

(e) An ordinance, order, or resolution determining the need for updating land use assumptions, a capital improvements plan, or an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(d), eff. Aug. 28, 1989.

Sec. 395.058. ADVISORY COMMITTEE. (a) On or before the date on which the order, ordinance, or resolution is adopted under Section 395.042, the political subdivision shall appoint a capital improvements advisory committee.

(b) The advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.

(c) The advisory committee serves in an advisory capacity and is established to:

- (1) advise and assist the political subdivision in adopting land use assumptions;
- (2) review the capital improvements plan and file written comments;

(3) monitor and evaluate implementation of the capital improvements plan;

(4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee; and

(5) advise the political subdivision of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

(d) The political subdivision shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan.

(e) The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

SUBCHAPTER D. OTHER PROVISIONS

Sec. 395.071. DUTIES TO BE PERFORMED WITHIN TIME LIMITS. If the governing body of the political subdivision does not perform a duty imposed under this chapter within the prescribed period, a person who has paid an impact fee or an owner of land on which an impact fee has been paid has the right to present a written request to the governing body of the political subdivision stating the nature of the unperformed duty and requesting that it be performed within 60 days after the date of the request. If the governing body of the political subdivision finds that the duty is required under this chapter and is late in being performed, it shall cause the duty to commence within 60 days after the date of the request and continue until completion.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.072. RECORDS OF HEARINGS. A record must be made of any public hearing provided for by this chapter. The record shall be maintained and be made available for public inspection by the political subdivision for at least 10 years after the date of the hearing.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.073. CUMULATIVE EFFECT OF STATE AND LOCAL RESTRICTIONS. Any state or local restrictions that apply to the imposition of an impact fee in a political subdivision where an impact fee is proposed are cumulative with the restrictions in this chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.074. PRIOR IMPACT FEES REPLACED BY FEES UNDER THIS CHAPTER. An impact fee that is in place on June 20, 1987, must be replaced by an impact fee made under this chapter on or before June 20, 1990. However, any political subdivision having an impact fee that has not been replaced under this chapter on or before June 20, 1988, is liable to any party who, after June 20, 1988, pays an impact fee that exceeds the maximum permitted under Subchapter B by more than 10 percent for an amount equal to two times the difference between the maximum impact fee allowed and the actual impact fee imposed, plus reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.075. NO EFFECT ON TAXES OR OTHER CHARGES. This chapter does not prohibit, affect, or regulate any tax, fee, charge, or assessment specifically authorized by state law.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.076. MORATORIUM ON DEVELOPMENT PROHIBITED. A moratorium may not be placed on new development for the purpose of awaiting the completion of all or any part of the process necessary to develop, adopt, or update land use assumptions, a capital improvements plan, or an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 441, Sec. 2, eff. Sept. 1, 2001.

Sec. 395.077. APPEALS. (a) A person who has exhausted all administrative remedies within the political subdivision and who is aggrieved by a final decision is entitled to trial de novo under this chapter.

(b) A suit to contest an impact fee must be filed within 90 days after the date of adoption of the ordinance, order, or resolution establishing the impact fee.

(c) Except for roadway facilities, a person who has paid an impact fee or an owner of property on which an impact fee has been paid is entitled to specific performance of the services by the political subdivision for which the fee was paid.

(d) This section does not require construction of a specific facility to provide the services.

(e) Any suit must be filed in the county in which the major part of the land area of the political subdivision is located. A successful litigant shall be entitled to recover reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.078. SUBSTANTIAL COMPLIANCE WITH NOTICE REQUIREMENTS. An impact fee may not be held invalid because the public notice requirements were not complied with if compliance was substantial and in good faith.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.079. IMPACT FEE FOR STORM WATER, DRAINAGE, AND FLOOD CONTROL IN POPULOUS COUNTY. (a) Any county that has a population of 3.3 million or more or that borders a county with a population of 3.3 million or more, and any district or authority created under Article XVI, Section 59, of the Texas Constitution within any such county that is authorized to provide storm water, drainage, and flood control facilities, is authorized to impose impact fees to provide storm water, drainage, and flood control improvements necessary to accommodate new development.

(b) The imposition of impact fees authorized by Subsection (a) is exempt from the requirements of Sections 395.025, 395.052-395.057, and 395.074 unless the political subdivision proposes to increase the impact fee.

(c) Any political subdivision described by Subsection (a) is authorized to pledge or otherwise contractually obligate all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued or incurred by or on behalf of the political subdivision and to the payment of any other contractual obligations.

(d) An impact fee adopted by a political subdivision under Subsection (a) may not be reduced if:

(1) the political subdivision has pledged or otherwise contractually obligated all or part of the impact fees to the payment of

principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision; and

(2) the political subdivision agrees in the pledge or contract not to reduce the impact fees during the term of the bonds, notes, or other contractual obligations.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 669, Sec. 107, eff. Sept. 1, 2001.

Sec. 395.080. CHAPTER NOT APPLICABLE TO CERTAIN WATER-RELATED SPECIAL DISTRICTS. (a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

(1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas Natural Resource Conservation Commission; or

(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas Natural Resource Conservation Commission.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas Natural Resource Conservation Commission for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.257, eff. Sept. 1, 1995.

Sec. 395.081. FEES FOR ADJOINING LANDOWNERS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 115,000 or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located.

(b) A municipality that has not adopted an impact fee under this chapter that is constructing a capital improvement, including sewer or waterline or drainage or roadway facilities, from the municipality to a

development located within or outside the municipality's boundaries, in its discretion, may allow a landowner whose land adjoins the capital improvement or is within a specified distance from the capital improvement, as determined by the governing body of the municipality, to connect to the capital improvement if:

(1) the governing body of the municipality has adopted a finding under Subsection (c); and

(2) the landowner agrees to pay a proportional share of the cost of the capital improvement as determined by the governing body of the municipality and agreed to by the landowner.

(c) Before a municipality may allow a landowner to connect to a capital improvement under Subsection (b), the municipality shall adopt a finding that the municipality will benefit from allowing the landowner to connect to the capital improvement. The finding shall describe the benefit to be received by the municipality.

(d) A determination of the governing body of a municipality, or its officers or employees, under this section is a discretionary function of the municipality and the municipality and its officers or employees are not liable for a determination made under this section.

Added by Acts 1997, 75th Leg., ch. 1150, Sec. 1, eff. June 19, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1043 (H.B. 3111), Sec. 5, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 100, eff. September 1, 2011.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

C. 4.

Meeting Date: 04/20/2020

Prepared By: Wayne Lee, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6612**

Abandoning a Portion of a Sixteen Foot (16') Drainage and Utility Easement lying along the common lot line of Lots 20 and 21, Dos Lagos Subdivision, Volume 4, Page 94, Plat Records, Grayson County, Texas, and being more particularly described on the Exhibit "A" attached hereto and made a part hereof for all purposes

Issue:

To consider the abandonment of a portion of a 16' drainage and utility easement lying along the common lot line of Lots 20 and 21, Dos Lagos Subdivision to the City of Sherman, Texas

Background:

Said easement, which is filed of record in Volume 4, Page 94 of the Plat Records of Grayson County, Texas, is not being utilized and is no longer deemed necessary.

Origination:

Engineering Department

Financial Consideration:

None

Staff Recommendation:

Staff recommends approval of the 16' drainage and utility easement abandonment.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6612

Release and Abandonment of Easement - Dos Lagos

Exhibit "A" as noted in both documents

Aerial Location Map

RESOLUTION NO. 6612

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A PORTION OF A SIXTEEN FOOT (16') DRAINAGE AND UTILITY EASEMENT LYING ALONG THE COMMON LOT LINE OF LOTS 20 AND 21, DOS LAGOS SUBDIVISION, VOLUME 4, PAGE 94, PLAT RECORDS, GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED ON THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

SECTION 1. That the sixteen foot (16') drainage and utility easement lying along the common lot line of Lots 20 and 21, Dos Lagos Subdivision, in the City of Sherman, County of Grayson, State of Texas, as depicted in Exhibit "A" attached hereto, be and is hereby extinguished, vacated, closed, and permanently abandoned as an easement for public use.

SECTION 2. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Release and Abandonment of Easement in the same or substantially same form as the contract document attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2020.

CITY OF SHERMAN, TEXAS

**BY: _____
DAVID PLYLER, MAYOR**

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

RELEASE AND ABANDONMENT OF EASEMENT

DATE: _____ day of _____, 2020

PROPERTY:

BEING 0.095 ACRES, BEING A PART OF A 16-FOOT DRAINAGE AND UTILITY EASEMENT, LYING ALONG THE COMMON LOT LINE OF LOTS 20 AND 21, DOS LAGOS SUBDIVISION TO THE CITY OF SHERMAN, TEXAS, AS SHOWN BY PLAT OF RECORD IN VOLUME 4, PAGE 94, PLAT RECORDS, GRAYSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED ON THE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

WHEREAS, the above described property is a part of Lots 20 and 21, Dos Lagos Subdivision as filed of record in Volume 4, Page 94 of the Plat Records of Grayson County, Texas;

WHEREAS, said property contains one (1) 16-foot Drainage and Utility Easement as filed of record in Volume 4, Page 94 of the Plat Records of Grayson County, Texas and being more particularly described on the Exhibit "A" attached hereto and made a part hereof for all purposes;

WHEREAS, said Drainage and Utility Easement is not being utilized and the City of Sherman no longer deems said portion of the 16-Foot Drainage and Utility Easement as a necessary Easement;

WHEREAS, the City of Sherman, Texas, does hereby abandon, relinquish and vacate its interest in and to the easement described above.

THE CITY OF SHERMAN, TEXAS

By: _____

Title: _____

STATE OF TEXAS }
COUNTY OF GRAYSON }

This instrument was acknowledged before me on the _____ day of _____, 2020, by _____, as _____ of THE CITY OF SHERMAN, TEXAS.

Notary Public – State of Texas

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: kate@helveywagnersurveying.net

TBPLS Firm Registration No. 10088100

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

4,132 Sq. Ft. and/or 0.095 Acres – Easement Abandonment

SITUATED in the City of Sherman, County of Grayson, State of Texas, and being a portion of the 16 ft. wide drainage and utility easement lying along the common lot line of Lots 20 and 21 of Dos Lagos Subdivision to Grayson County, Texas as per plat of record in Volume 4, Page 92, Plat Records, Grayson County, Texas and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar found in the East right-of-way line of Arroyo Trail, a public street, and in the West line of said Lot 21, at the Southwest corner of Lot 36, Replat of Dos Lagos Subdivision to Grayson County, Texas as per plat of record in Volume 5, Page 35, said Plat Records and the Northwest corner of both said Lot 20 and the herein described tract;

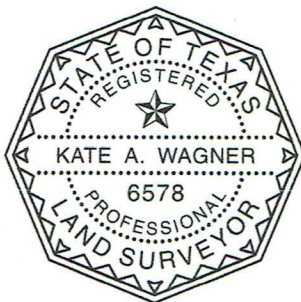
THENCE South 86 deg. 05 min. 17 sec. East, with the South line of said Lot 36 and the North line of the triangle tract of land comprising of the remainder of said Lot 21 (*lying between said Lots 20 and 36*), a distance of 37.13 ft. to an angle point of the herein described tract, **SAID** point bears North 86 deg. 05 min. 17 sec. West, 389.58 ft. from a 1/2 inch rebar found at the Southeast corner of said Lot 36 and the Northeast corner of said triangle tract;

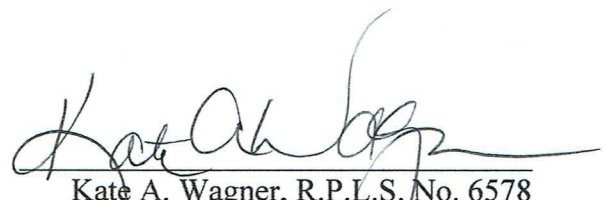
THENCE South 73 deg. 38 min. 49 sec. East, over and across both said triangle tract and Lot 21 and with the North line of said 16 ft. wide drainage and utility easement, a distance of 230.73 ft. to a point at the Northeast corner of the herein described tract;

THENCE South 16 deg. 22 min. 08 sec. West, over and across said 16 ft. wide drainage & utility easement, passing a 1/2 inch rebar found at 8.15 ft. in the South line of both said triangle tract and Lot 20 and at the Northeast corner of said Lot 20 and the Northwest corner of Lot 28, said Dos Lagos Subdivision, continuing now with the East line of said Lot 20 and the West line of said Lot 28 for a total distance of 16.00 ft. to a point at the Southeast corner of the herein described tract;

THENCE North 73 deg. 38 min. 49 sec. West, over and across said Lot 20 and with the South line of said 16 ft. wide drainage & utility easement, a distance of 268.30 ft. to a point in the East line of said Arroyo Trail and the West line of said Lot 20, at the Southwest corner of the herein described tract;

THENCE Northeasterly, with the East line of said Arroyo Trail and the West line of said Lot 20, with a curve to the left, having a radius of 187.63 ft., a central angle of 2 deg. 28 min. 33 sec. (chord bears: North 25 deg. 39 min. 43 sec. East, 8.11 ft.) and an arc length of 8.11 ft. to the **PLACE OF BEGINNING** and containing **4,132 SQ. FT. and/or 0.095 ACRES** of land.




Kate A. Wagner, R.P.L.S. No. 6578
September 6, 2019

Curve Table					
Curve #	Length	Radius	Delta	Chord	
C1	8.11'	187.63'	2°28'33"	N25°39'43"E	8.11'

Replat of Dos Lagos Subdivision
to Grayson County, Texas
Vol. 5, Pg. 35, P.R.C.C.T.

Lot 36
Replat - Vol. 5, Pg. 35

remainder of Lot | 21
Vol. 4, Pg. 92 /

4,132 Sq. Ft. and/or 0.095 Acres

Lot 20
Vol. 4, Pg. 92

Dee Lagoes Subdivision to
Grayson County, Texas
Vol. 4, Pg. 92, P.R.G.C.T.

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

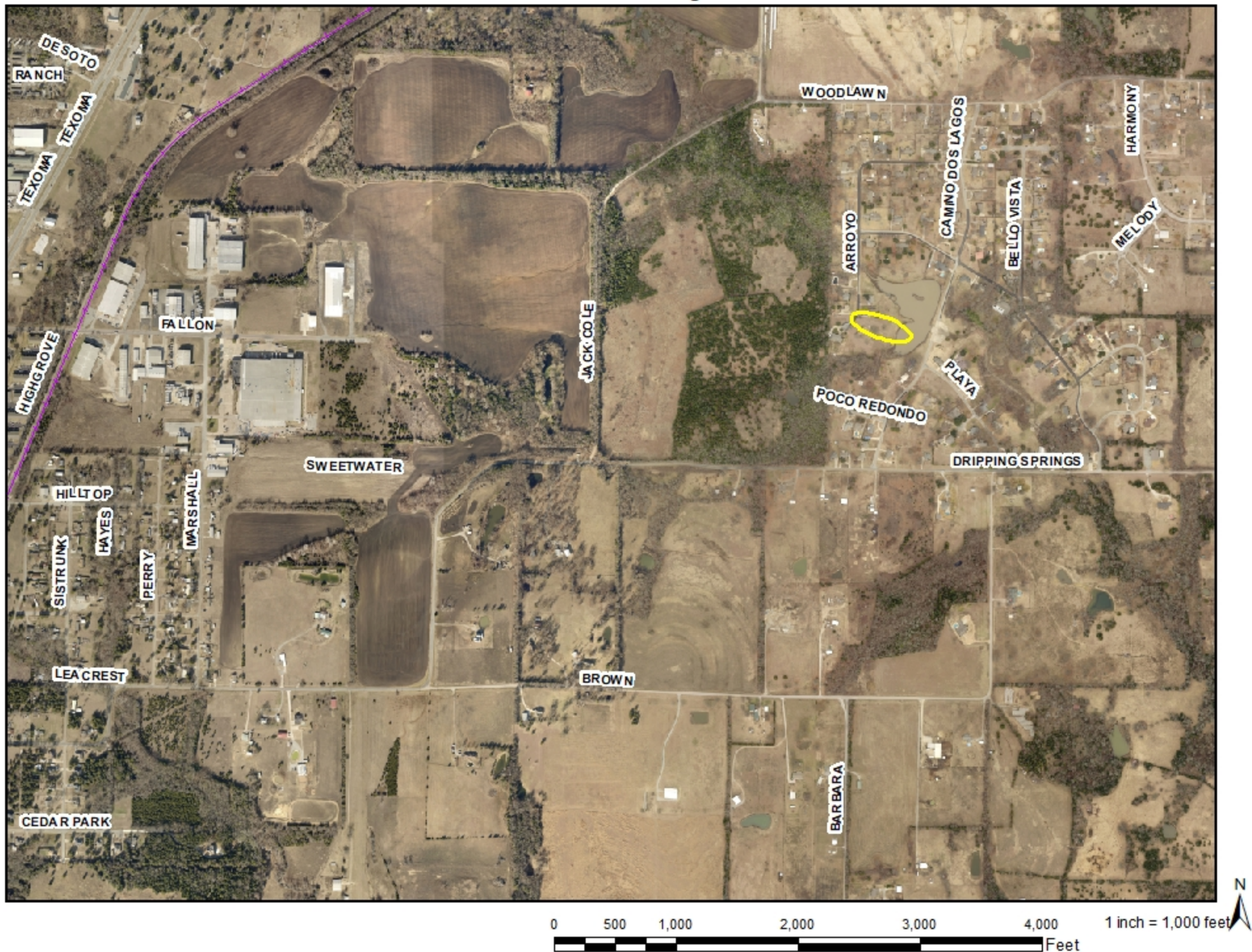
Easement Abandonment for:
wide drainage & utility easement
as depicted hereon

Job No. CGS130919

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

Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: September 6, 2019

Easement Abandon - Dos Lagos Subdivision





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

C. 5.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6613**

Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 913 East Cherry Street within City of Sherman Reinvestment Zone, Number Ten (#10)

Issue:

This item is to consider property tax abatement for the construction of a new single-family residence at 913 East Cherry Street situated within City of Sherman Reinvestment Zone, Number Ten (#10).

Background:

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

Origination:

M&G Home Builders, LLC, Owners

Financial Consideration:

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this property will be approximately \$390.98 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. 6613

Residential Tax Abatement Agreement

Application

Warranty Deed

Building Permit

Site Plan

Photo

Aerial Location Map

Reinvestment Zone Map

RESOLUTION NO. 6613

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH M&G HOME BUILDERS, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 913 EAST CHERRY STREET WITHIN CITY OF SHERMAN REINVESTMENT ZONE, NUMBER TEN (#10); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from M&G Home Builders, LLC and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with M&G Home Builders, LLC for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 913 East Cherry Street, lying within City of Sherman Reinvestment Zone, Number Ten (#10), 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 _____, 2020.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY, and **M&G HOME BUILDERS, LLC** hereinafter referred to as OWNER,

WITNESSETH:

WHEREAS, on the 18th day of April, 2016, the City Council of Sherman, Texas, passed Ordinance No. 5948 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, on the 19th day of August, 2019, the City Council of Sherman, Texas adopted Ordinance No. 6241 and redesignated the Reinvestment Zone to be City of Sherman Reinvestment Zone, Number Ten (#10); and

WHEREAS, the CITY has adopted a resolution (Resolution No. 6210) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 18th day of April, 2016;

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, 2020, and continuing for tax years 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2029, 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 2020, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2020	100%
2021	100%
2022	100%
2023	100%
2024	100%
2025	100%
2026	80%
2027	60%
2028	40%
2029	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 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2029, 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 913 East Cherry Street, Sherman, Texas, and as more particularly described by the following:

BEING Lot 11, Block 2, Dickerman's 3rd Addition

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

VI.

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

VII.

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

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original

agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 512 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

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

XI.

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

XII.

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

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

M&G Home Builders, LLC
1218 N. Brents Ave.
Sherman, TX 75090
(903) 870-8212

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

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2020.

CITY:
CITY OF SHERMAN, TEXAS

OWNERS:
M&G HOME BUILDERS, LLC

BY: _____
ROBBY HEFTON
CITY MANAGER

BY: _____
MARTIN COVARRUBIAS

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY
CITY ATTORNEY

**THE STATE OF TEXAS §
COUNTY OF GRAYSON §**

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

GIVEN UNDER MY HAND and seal of office this ____day of _____, 2020 A.D.

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

**CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT**

Property Owner:

Name: M&G Home Builders, LLC

Mailing Address: 1218 N Brents, Sherman, TX

Telephone Number: 903-870-8212

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 913 E Cherry

Summary Legal Description: Lot: 11 Block: 2 Addition DICKERMANS 3RD ADDN

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

Improvements:

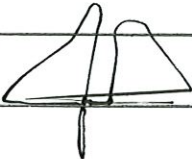
Type of Improvements (please check one). New Construction: x Remodeling: _____

Estimated Value of Improvements: \$91,500

Estimated Date of Start of Construction: 03/01/2020

Estimated Date of Completion of Project: 06/30/20

Description of Project: new residential construction

Applicant(s): 

Date: 02/26/2020

Date: _____



VG-286-2019-20383

Grayson County
Wilma Bush
County Clerk
Sherman, TX 75090

Instrument Number: 2019 - 20383

Real Property Recordings

Recorded On: August 23, 2019 02:53 PM

Number of Pages: 3

Parties: ESPINOZA REMBERTO MERINO

" Examined and Charged as Follows: "

Total Recording: \$30.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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

File Information:

Document Number: 20383
Receipt Number: 20190823000132
Recorded Date/Time: August 23, 2019 02:53 PM
User: Shannon B
Station: CLERK06

Record and Return To:

M & G HOME BUILDERS
1218 N BRENTS

SHERMAN TX 75090



STATE OF TEXAS
COUNTY OF GRAYSON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

Wilma Bush
County Clerk
Grayson County, TX

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

GENERAL WARRANTY DEED

STATE OF TEXAS

COUNTY OF GRAYSON

Remberto Merino Espinoza, {an individual/a corporation/a partnership} ("grantor"), in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, has GRANTED, BARGAINED, SOLD, AND CONVEYED and does GRANT, BARGAIN, SELL, AND CONVEY to M&G Home Builders {name of grantee}, {an individual/a corporation/a partnership} ("Grantee"), the real property in Grayson (county) Texas fully described

Legal Description: DICKERMANS 3RD ADDN, BLOCK 2, LOT 11. BETTER KNOWN AS 913 E CHERRY ST, SHERMAN, TX.

And all improvements located on it, together with all of Grantor's right, title, and interest in and to (a) any and all rights, titles, powers, privileges, easements, licenses, rights-of-way, and interests Grantor, either at law or equality, in possession or in expectancy, in and to any real estate lying in the streets, highways, roads, alleys, right-of-way, or sidewalks, open or proposed, in front of, above, over, under, through, or adjoining the real property (collectively, "Property").

This General Warranty Deed and the conveyance above are executed by Grantor and accepted by Grantee subject to any and all restrictions, easements, mineral reservations, and other matters of record, to the extent they are validly existing and applicable to the Property (collectively, "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances to it in any way belonging, to Grantee, its successors, and its assigns forever, and Grantor binds itself, its successors, and its assigns to WARRANT AND FOREVER DEFEND all and singular the title to the Property to Grantee, its successors, and its assigns against any person lawfully claiming or to claim the same or any part of it, subject to the Permitted Exceptions.

{ADD IF APPLICABLE}

GRANTOR IS CONVEYING THE PROPERTY TO GRANTEE AS IS, WHERE IS, AND WITH ALL FAULTS, AND SPECIFICALLY AND EXPRESSLY WITHOUT ANY WARRANTIES, REPRESENTATIONS, OR GUARANTEES, EITHER EXPRESS OR IMPLIED, OF ANY KIND NATURE, OR TYPE FROM OR ON BEHALF OF GRANTOR, EXCEPT FOR GRANTOR'S WARRANTY OF TITLE STATED ABOVE. GRANTEE ACKNOWLEDGES AND STIPULATES THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATION, STATEMENT, OR OTHER ASSERTION ABOUT THE CONDITION OF THE PROPERTY MADE BY GRANTOR, OR ANYONE ACTING ON GRANTOR'S BEHALF, BUT IS RELYING ON GRANTEE'S OWN EXAMINATION OF THE PROPERTY.

Grantee, by its acceptance of this warranty deed, assumes payment of all standby charges, ad valorem taxes, and assessments for the 2019 (year) calendar year and later calendar years not yet due and payable, each to the extent attributable to all or part of the Property.

Grantee's address is: 1218 N Brents, Sherman Tx 75090.

EXECUTED as of: August 23, 2019

GRANTOR:

Remberto Espinoza
Remberto Merino Espinoza

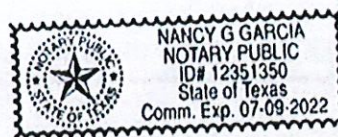
STATE OF TEXAS

COUNTY OF GRAYSON

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Remberto Merino Espinoza, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that {he/she} executed it for the purposes and consideration expressed in it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23 day of August, 2019.

Nancy Garcia



Notary Public - State of Texas



CITY OF SHERMAN
New Residential Building Permit
#20-000477 | Issued on: 02/26/2020 at 8:45 AM

ADDRESS
913 E CHERRY ST
Sherman, TX 75090

PERMIT HOLDER
MARTIN COVARRUBIAS
M&G HOME BUILDERS LLC
(903) 870-8212

INFORMATION FIELDS

Square Feet	1446	Bedrooms	3
Bathrooms	2	Number of Stories	1
Number of Acres	0.5	Type of Construction List	Wood Frame
Off Street Parking	3	Tax Abatement	Yes
Sewer Disposal	Public Sewer	Water Supply	Public
Heating	Electric	Permit Certification	Yes
Proposed Use	SINGLE FAMILY RESIDENTIAL	Former Use	NONE
Firm Name	M&G HOME BUILDERS		

FEE	TOTAL	PAID	DUE
Storm Water Fee	\$ 25.00	\$ 25.00	\$ 25.00
TOTALS	\$ 25.00	\$ 25.00	\$ 0.00

NOTICE

This permit becomes null and void if work or constructions authorized is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started.

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provision of any other state or local law regulating construction or the performance of construction.

(Signature of Contractor or Authorized Agent)

Nathan Hill

(Approved By) Building & Zoning)

Date

3/12/20

Date

(Approved By) Flood Plain Administrator

[Signature]

Date

26 FEB 20

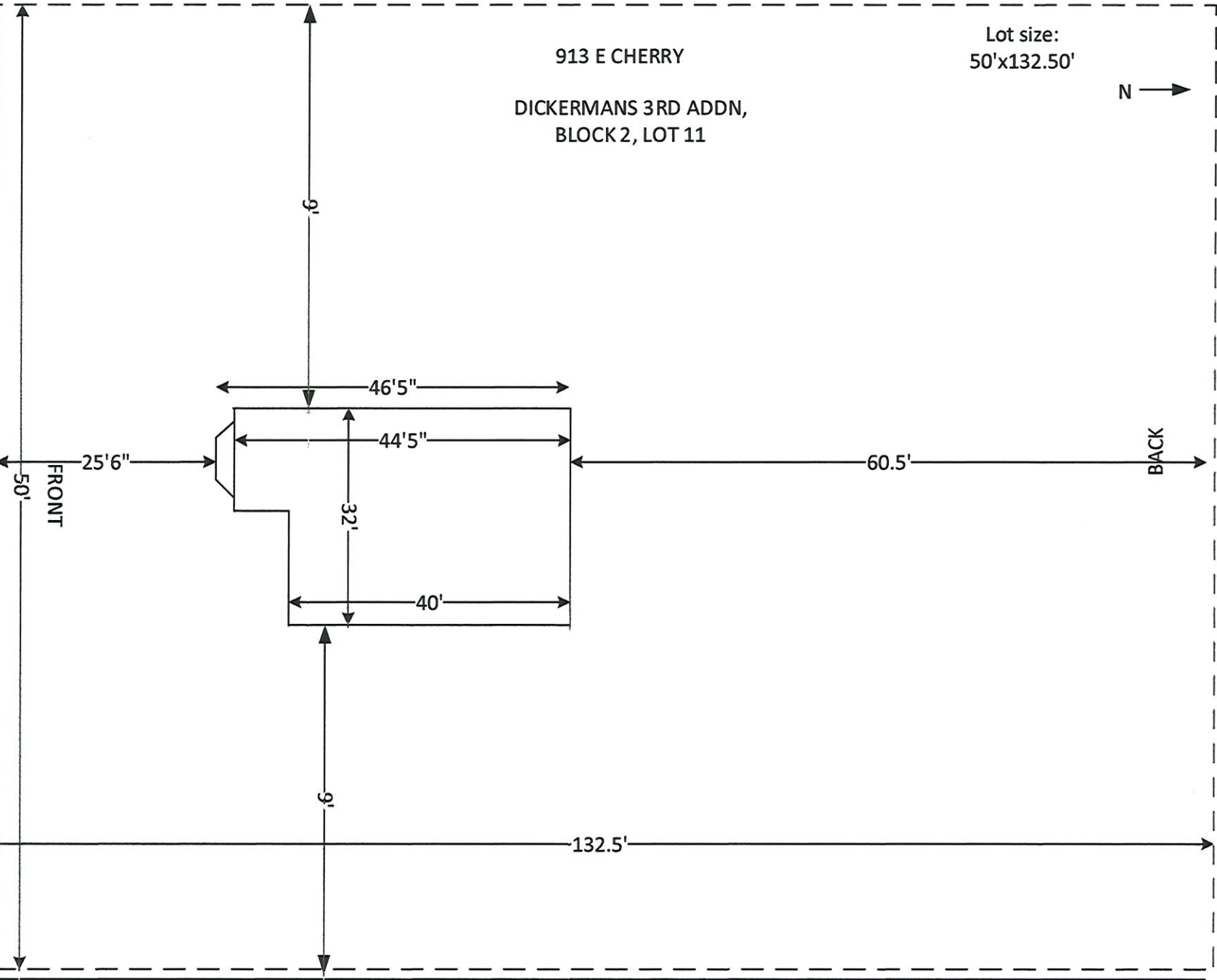
913 E CHERRY
DICKERMANS 3RD ADDN,
BLOCK 2, LOT 11

Lot size:
50'x132.50'

N →

CHERRY STREET

Alley



913 East Cherry Street



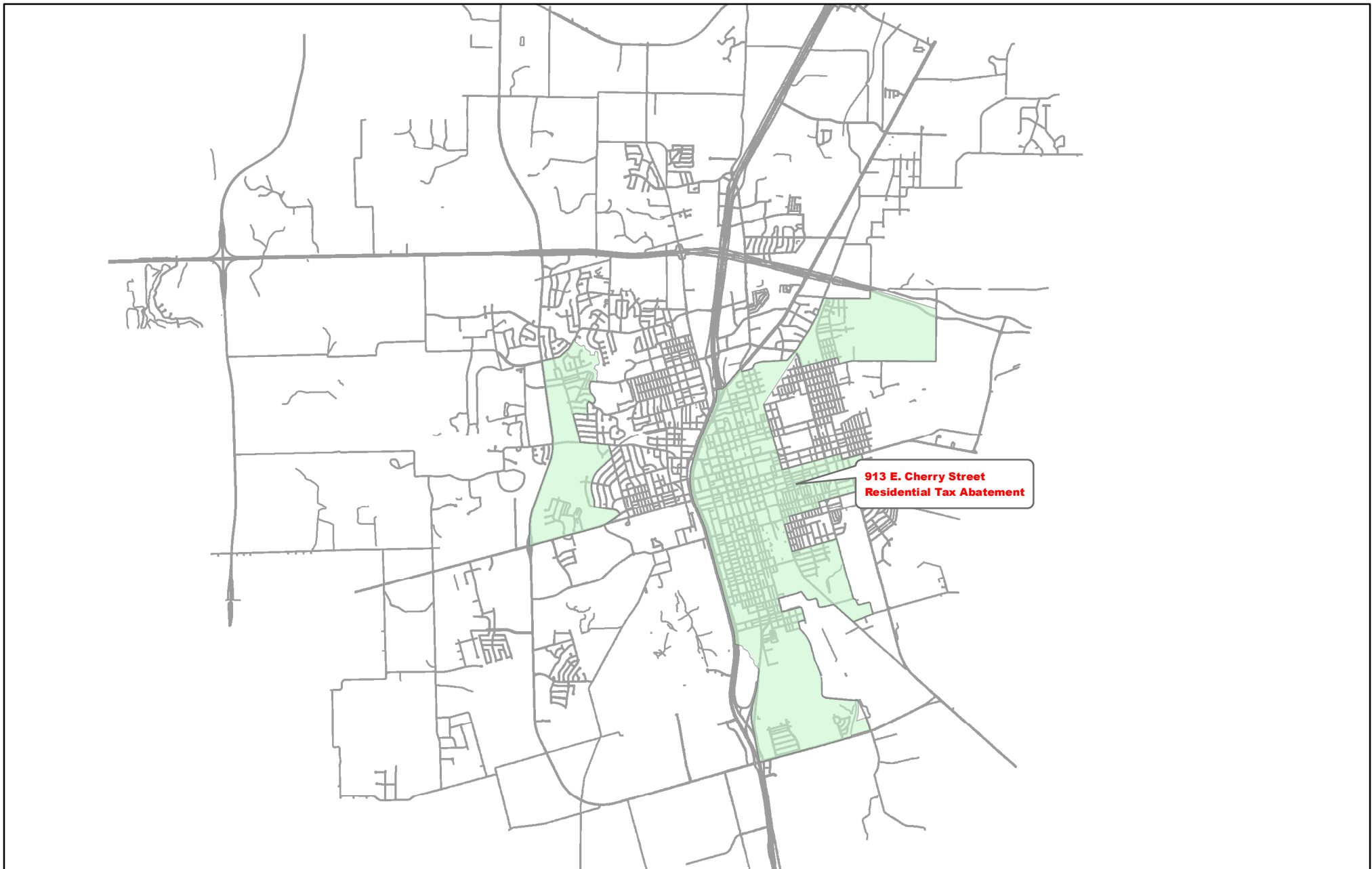


913 East Cherry

City of Sherman, Texas
Developmental Services Department



1 in = 200 ft



City of Sherman, Texas
Developmental Services Department

Residential Tax Abatement 913 East Cherry Street



1 inch = 7,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

D. 1.

Meeting Date: 04/20/2020

Prepared By: Kevin Winkler, Public Works Manager

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Request to Advertise for the Annual Supply of Tires for On-Road and Off-Road Fleet Equipment

Issue:

Approval of a request to advertise for the annual supply of tires for on-road and off-road fleet equipment

Background:

The City requests bids to establish a price agreement for the purchase of tires for a variety of fleet units in service at the City. This pricing agreement will address tire replacement needs of a multitude of on-road and off-road assets, including cars, trucks, trailers, and construction equipment.

Origination:

Equipment Maintenance

Financial Consideration:

Funding for the purchase of tires was approved in the fiscal year 2019-2020 budget. Advertising costs are estimated at \$200.00.

Staff Recommendation:

Staff recommends that the City Council approve the advertising related to the annual purchase of tires.

Alternatives:

As may be directed by the City Council



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 1.

Meeting Date: 04/20/2020

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Consider Approval of a Revised Annexation Scheduling Plan for Adoption of 6.00 acres located East of Lamberth Road, at the intersection of Meadowlake Drive and Lamberth Road, adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

Issue:

To revise and approve the schedule for annexation of 6.00 acres of land situated east of Lamberth Road, at the intersection of Meadowlake Drive and Lamberth Road, adjacent to the Sherman City Limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

The property owner, Debra J. (McConnell) Wiley, has requested annexation into the city limits of 6.00 acres located east of Lamberth Road, at the intersection of Meadowlake Drive and Lamberth Road, adjacent to the Sherman City Limits and in the City's ETJ.

State law requires the City Council conduct two (2) public hearings on its intent to annex and the provision of services no later than (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Nothing in the statute requires that the two public hearings be held on separate dates, or even at separate meetings. The annexation was requested by the property owners and is not likely to elicit objection.

At the March 16th meeting, the City Council approved the original annexation schedule and set forth the timeline and actions to be taken on certain dates. Due to the cancellation of the April 6th City Council meeting, this schedule is no longer viable; and a new schedule is needed to proceed with this annexation.

City staff recommends that both public hearings on the intent to annex be held at the May 4th regular meeting and that action on the Annexation Ordinance be taken at the June 1st regular meeting.

Origination:

Letter requesting annexation by Debra J. (McConnell) Wiley, subject Property Owner / Developer

Financial Consideration:

City accepts maintenance. A cost benefit analysis will be prepared prior to final action on this item.

Staff Recommendation:

City Staff recommends that both public hearings on the intent to annex be held at the May 4th regular meeting and that the action on the Annexation Ordinance be taken at the June 1st regular meeting.

Alternatives:

None proposed

Attachments

Annexation Scheduling Plan - Wiley Development

Request for Annexation

Municipal Service Plan

Exhibit A - Legal Description and Drawing

Aerial Location Map

ANNEXATION SCHEDULING PLAN

**Annexation of 6.00 acres of land adjacent to the city limits
located East of Lamberth Road,
at the Intersection of Meadowlake Drive and Lamberth Road,
being more specifically described as:
WILEY DEVELOPMENT**

- Wednesday, April 22, 2020..... Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
- Thursday, April 23, 2020..... Post notice on City's website, newspaper and City Hall for City Council's 1st and 2nd Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
- Thursday, April 30, 2020..... Post notice of 1st and 2nd Public Hearing under the Open Meetings Act.
- Monday, May 4, 2020..... City Council's 1st and 2nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
- Thursday, May 28, 2020..... Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.*
- Monday, June 1, 2020..... City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.* (Regular Council Meeting)

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

2/24/20

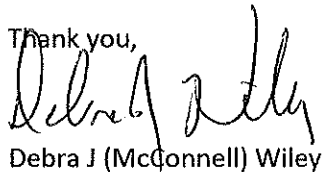
Amber Doan
City Hall
220 W Mulberry St
Sherman, TX 75091

Dear Ms Doan,

Enclosed please find the annexation survey provided by Underwood Surveyors.
Also is my original letter requesting the annexation of my property at 3939 W. Lamberth Rd.
At Mr Philpotts recommendation we are now requesting the property at 4045 W Lamberth Rd
be included in the annexation. The survey is for both properties.

Please advise me as soon as possible if anything else is required.

Thank you,

A handwritten signature in black ink, appearing to read 'Debra J Wiley', is written over the printed name.

Debra J (McConnell) Wiley

903-821-7953

6/15/19

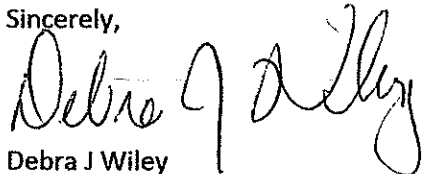
Amber Doan
City Hall
220 W. Mulberry St
Sherman, TX 75091

Dear Ms. Doan,

The purpose of this letter is to request that our property at 3939 W Lamberth Rd be annexed. My mother, E Jean McConnell owned the property next door at 4045 W Lamberth Rd. When we built our house she allowed us to tie into her well. As my mother has passed away, we will be putting her property on the market in the near future. It's likely whoever purchases the property will not want us tied into their well. Therefore, I am requesting this annexation so that we can eventually be able to tie into the city water.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra J Wiley", followed by a horizontal line.

Debra J Wiley
903-821-7953

City of Sherman Municipal Service Plan Lamberth Road at Meadowlake Drive

INTRODUCTION:

The annexation is the site of approximately 6.00 acres east of Lamberth Road, at the intersection of Meadowlake Drive and Lamberth Road, lying adjacent to the City of Sherman existing city limits.

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

MUNICIPAL SERVICES TO BE PROVIDED:

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

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

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

BULK WASTE PICKUP: Free monthly bulk trash and brush pickup would be available on the effective date of annexation.

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

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

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

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

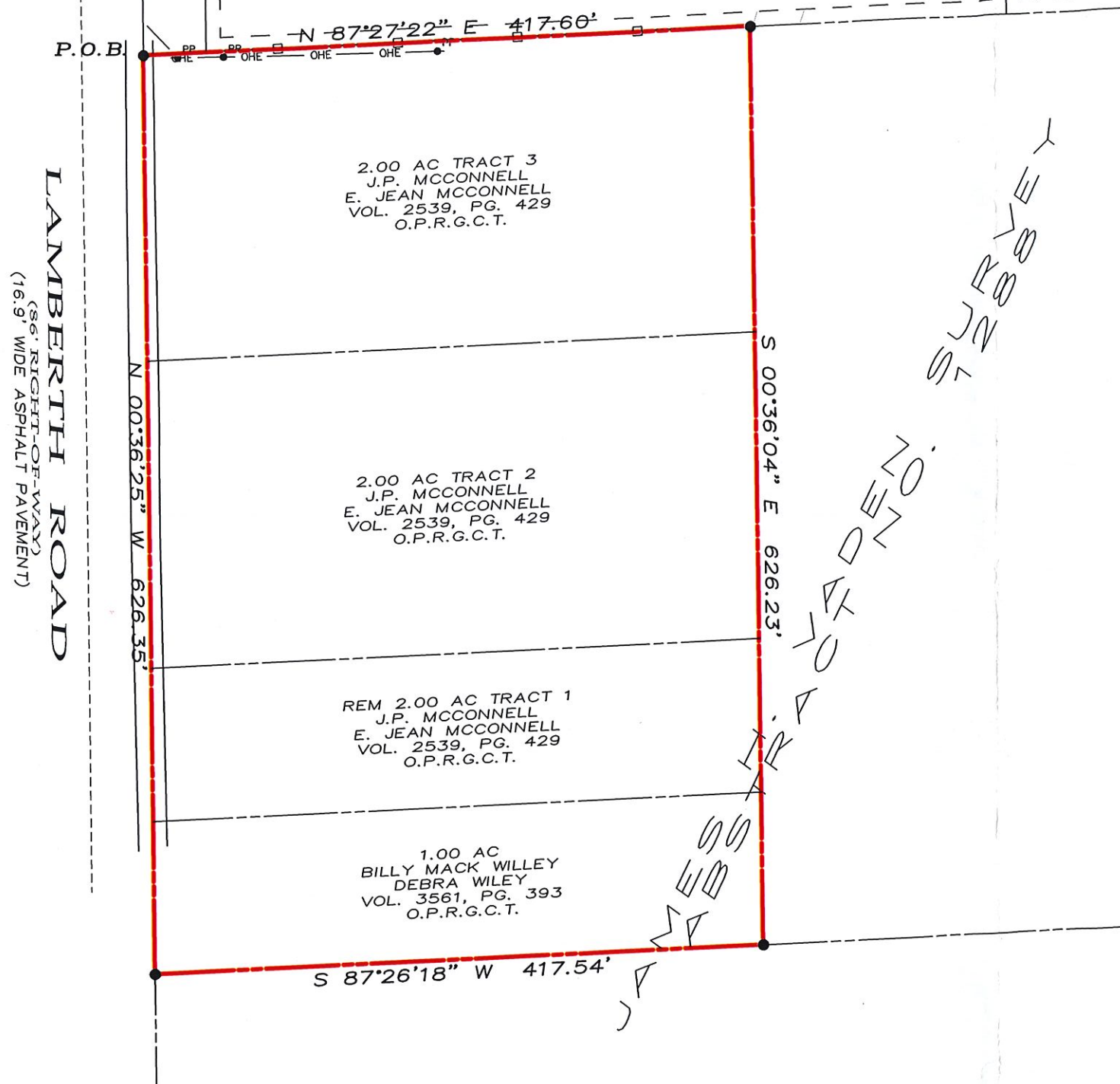
ANIMAL CONTROL: Animal control services will be provided by the City on the effective date of annexation.

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

CAPITAL IMPROVEMENTS:

WATER SERVICE: City water service will be extended from the city main on Lamberth Road to serve the location. Private Easements will be obtained by property owner requesting annexation to ensure installation availability. Any required utility extensions will be constructed in accordance with the City's Developer's Ordinance.

SEWER SERVICE: Due to the configuration and location of the platted lots, all properties within the annexation area will be served by individual and privately owned on-site waste treatment systems. Therefore, the City of Sherman will not provide sewer services to this area.



LEGEND

PP	POWER POLE
---	BOUNDARY LINE
---	PROPERTY LINE
□	STOCKADE FENCE
OHE	OVERHEAD ELECTRIC LINE

SCALE
1" = 100'

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the J.H. Vaden Survey, Abstract No. 1288, and being that same tract of land described as Tract 1, Tract 2 and Tract 3 conveyed to J.P. McConnell and wife E. Jean McConnell by deed recorded in Volume 2539, Page 429, Official Public Records, Grayson County, Texas, also being that same tract of land described as 1.00 acres conveyed to Billy Mack Wiley and wife Debra J. Wiley and being more particularly described by metes and bounds as follows:

Beginning at a point in the center of Lambreth Road at the northeast corner of said Tract 3:

Thence North 87°27'22" East a distance of 417.60 feet to a point;

Thence South 00°36'04" East a distance of 626.23 feet to a point;

Thence South 87°26'18" West a distance of 417.54 feet to a point;

Thence North 00°36'25" West a distance of 626.35 feet to the Point of Beginning and containing 6.000 acres of land.

I, Douglas W. Underwood, Registered Professional Land Surveyor, hereby certify that a survey was made on the ground on the property legally described herein, and that the plat herewith is a true, correct and accurate representation of the property legally described hereinabove.

This survey contains information that is proprietary to Underwood Drafting & Surveying, Inc. Its use or disclosure in whole or part without the express written permission of Underwood Drafting & Surveying, Inc. is prohibited.

This survey is also unpublished work protected under the copyright laws of the United States of America. If this work becomes published, the following notice shall apply:

Copyright ©2020
Underwood Drafting & Surveying, Inc.
All rights reserved.

~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

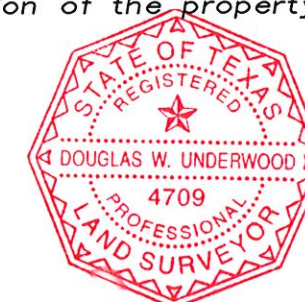


DRAFTING & SURVEYING

3404 INTERURBAN ROAD

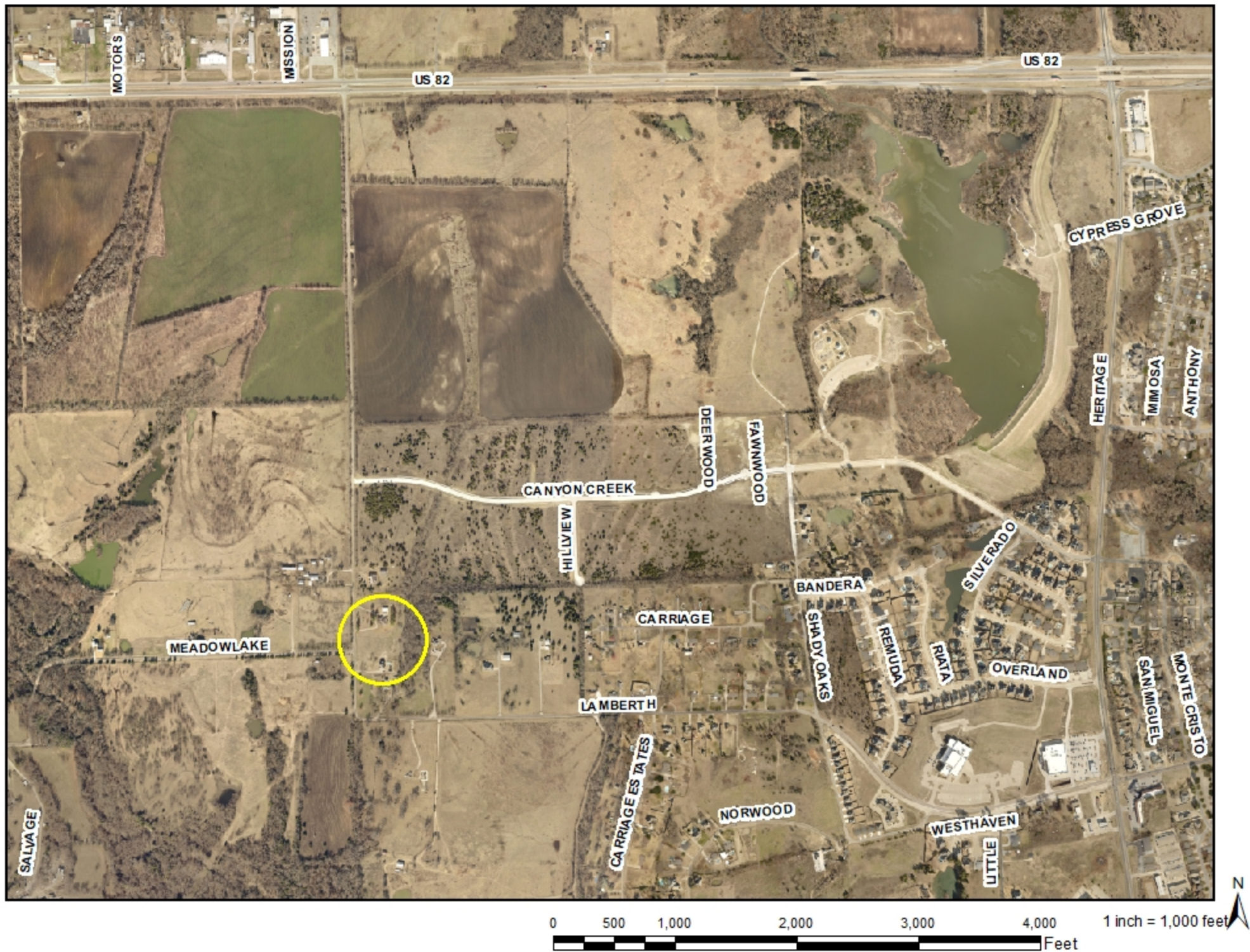
DENISON, TEXAS 75021

(903)465-2151



Douglas W. Underwood
Registered Professional
Land Surveyor No. 4709
Firm No. 10006300
DATE OF SURVEY: 12/31/19

Annexation of Lamberth Road at Meadowlake Drive





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 2.

Meeting Date: 04/20/2020

Prepared By: Clint Philpott, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Consider Approval of the Annexation Scheduling Plan for Adoption of Approximately 10.25 acres located West of East Street, South of Sherman Street, and East of Montgomery Street, adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction; and Directing the Department of Engineering Services to Develop a Service Plan for the Area to be Annexed Upon Approval of the Annexation Scheduling Plan

Issue:

To consider approval of the schedule for annexation of approximately 10.25 acres of land situated west of East Street, south of Sherman Street, and east of Montgomery Street, adjacent to the Sherman City Limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

The property owner, Kirk D. Allen also known as Karl Allen, has requested annexation into the city limits of approximately 10.25 acres located west of East Street, south of Sherman Street, and east of Montgomery Street, adjacent to the Sherman City Limits and in the City's ETJ.

State law requires the City Council conduct two (2) public hearings on its intent to annex and the provision of services no later than (40) days nor earlier than twenty (20) days before the introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Nothing in the statute requires that the two public hearings be held on separate dates, or even at separate meetings. As the annexation was requested by the property owner and is not likely to elicit objection, City staff recommends that both public hearings on the intent to annex be held at the May 4th regular meeting and that action on the Annexation Ordinance be taken at the June 1st regular meeting.

Origination:

Letter requesting annexation by Kirk D. Allen also known as Karl Allen, subject Property Owner / Developer

Financial Consideration:

City accepts maintenance. A cost benefit analysis will be prepared prior to final action on this item.

Staff Recommendation:

City Staff recommends that both public hearings on the intent to annex be held at the May 4th regular meeting and that the action on the Annexation Ordinance be taken at the June 1st regular meeting.

Alternatives:

None proposed

Attachments

Annexation Scheduling Plan - Southside Addition - Post Oak Place

Request for Annexation

Municipal Service Plan

Exhibit A - Legal Description and Drawing

Aerial Location Map

ANNEXATION SCHEDULING PLAN

**Annexation of approximately 10.25 acres of land adjacent to the city limits,
located West of East Street, South of Sherman Street, and East of Montgomery Street,
being more specifically described as:
SOUTHSIDE ADDITION – POST OAK PLACE**

- Wednesday, April 22, 2020..... Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
- Thursday, April 23, 2020..... Post notice on City's website, newspaper and City Hall for City Council's 1st and 2nd Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
- Thursday, April 30, 2020..... Post notice of 1st and 2nd Public Hearing under the Open Meetings Act.
- Monday, May 4, 2020..... City Council's 1st and 2nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
- Thursday, May 28, 2020..... Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.*
- Monday, June 1, 2020..... City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.* (Regular Council Meeting)

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

City of Sherman
Engineering Department
Attn: Amber Doan

Amber,

Per our prior discussion on annexation related to the pending subdivision development at my property, located at both 418 and 420 E Sherman Street, and the associated parcels in the name of Kirk And Heather Allen, or Karl Allen, all owned or controlled by myself, please accept this request to begin annexation proceedings to include this set of parcels and property into the City of Sherman.

I am requesting annexation pursuant to a reviewed but soon to be submitted request for approval of a new development located at the noted property. Should this development be unapproved, this annexation is still beneficial as the projected taxes more than offset the double rates I pay for city utilities, which are the only ones available at this property as Choctaw Water District, in which I am also located, offers no services to this property as it is adjacent to and currently connected to city utilities under grandfathered conditions, under a renewing 5 year contract.

Should this request meet objections, please let me know, and should I need to do anything further, please let me know also and I will respond immediately.


Kirk D. Allen



DRAFTING & SURVEYING, INC.

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the Preston Kitchen Survey, Abstract No. 667, and being all of the same tract of land described as 5.00 acres conveyed by Centex Home Equity Company to Karl Allen by deed dated April 10, 2003, recorded in Volume 3435, Page 641, Official Public Records, Grayson County, Texas, and also being the same tract of land described as 4.714 acres, Save & Except 0.252 acres, conveyed by Dale R. Gouge to Kirk D. Allen by deed dated June 26, 2003, recorded in Volume 3501, Page 795, said Official Public Records, and also being all of the same tracts of land referred to as Tract One, described as 0.546 acres, and Tract Two, being the above mentioned 0.252 acre tract, as conveyed by Donald W. Sloan et ux to said Kirk D. Allen et ux by deed dated March 31, 2004, recorded in Volume 5442, Page 370, said Official Public Records, and including a portion of Blocks 54, 55, and 56 and platted streets and alleys through said Blocks of South Side Addition to the City of Sherman as shown by plat of record in Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found maintaining the Northwest corner of the said 5.00 acre tract in the South line of Sherman Street, also being the most Northerly Northeast corner of the same tract of land described as 50.908 acres conveyed by Karl S. Morris to Harold E. Falk et ux by deed dated August 26, 1982, recorded in Volume 1616, Page 664, said Deed Records;

Thence North 75°03'45" East with said South line of Sherman Street a distance of 352.00 feet to a 1/2" steel rod found maintaining the Northeast corner of the said 5.00 acre tract in the West line of an alley;

Thence South 14°56'15" East with said West line of alley a distance of 200.00 feet to a 1/2" steel rod found maintaining an angle point in the East line of the said 5.00 acre tract and the most Westerly Northwest corner of the said 4.714 acre tract;

Thence North 75°03'45" East a distance of 16.00 feet to a 1/2" steel rod set marking an inside "L" corner to the said 4.714 acre tract in the East line of said alley, said rod also marking the Southwest corner of said Tract Two (2.52 acre tract);

Thence North 14°56'15" West with said East line of alley, passing the Northwest corner of both said 4.714 acre tract and Tract Two and the Southwest corner of the said 0.546 acre tract and continuing for a total distance of 200.00 feet to a 1/2" steel rod set marking the Northwest corner of the said 0.546 acre tract in the said South line of Sherman Street;

Thence North 75°03'45" East a distance of 100.00 feet to a 1/2" steel rod set marking the Northeast corner of the said 0.546 acre tract in the Westerly line of a public road locally known as East Street;

Thence South 53°58'15" East with said West line of East Street and East line of the said 0.546 acre tract a distance of 123.10 feet to a 1/2" steel rod found at an angle point;

(10.25 ac. cont'd.)

Thence South 44°39'52" East continuing with said West line of East Street a distance of 62.62 feet to a 5/8" steel rod found maintaining the Southeast corner of the said 0.546 acre tract and the Northeast corner of both said 4.714 acre tract and Tract Two;

Thence South 38°59'40" East continuing with said West line of East Street, passing the Southeast corner of said Tract two and continuing for a total distance of 220.53 feet to a 1" pipe found at an angle point;

Thence South 34°17'17" East continuing with said West line of East Street a distance of 363.29 feet to a 1/2" steel rod found maintaining the Southeast corner of the said 4.714 acre tract;

Thence South 74°11'53" West with the general course of a fence along the South line of the said 4.714 acre tract a distance of 442.00 feet to a 1/2" steel rod found maintaining the most Easterly Northeast corner of the said Falk tract;

Thence South 74°51'49" West continuing with said general course of fence, passing the Southwest corner of the said 4.714 acre tract and the Southeast corner of the said 5.00 acre tract and continuing for a total distance of 324.59 feet to a 1/2" steel rod set marking the Southwest corner of the said 5.00 acre tract and an inside "L" corner to the said Falk tract;

Thence North 16°35'41" West with the general course of a fence along the West line of the said 5.00 acre tract and East line of the said Falk tract a distance of 702.23 feet to the Point-of-Beginning and containing 10.25 acres of land more or less.....

I, James R. Maret, Registered Professional Land Surveyor, hereby certify that the above legal description was prepared from an actual survey made on the ground and is true and correct to the best of my knowledge and belief.




James R. Maret
Registered Professional
Land Surveyor No. 5433
12-26-2019

JOB NO. 19110860
FW: RR-DFT: JRM

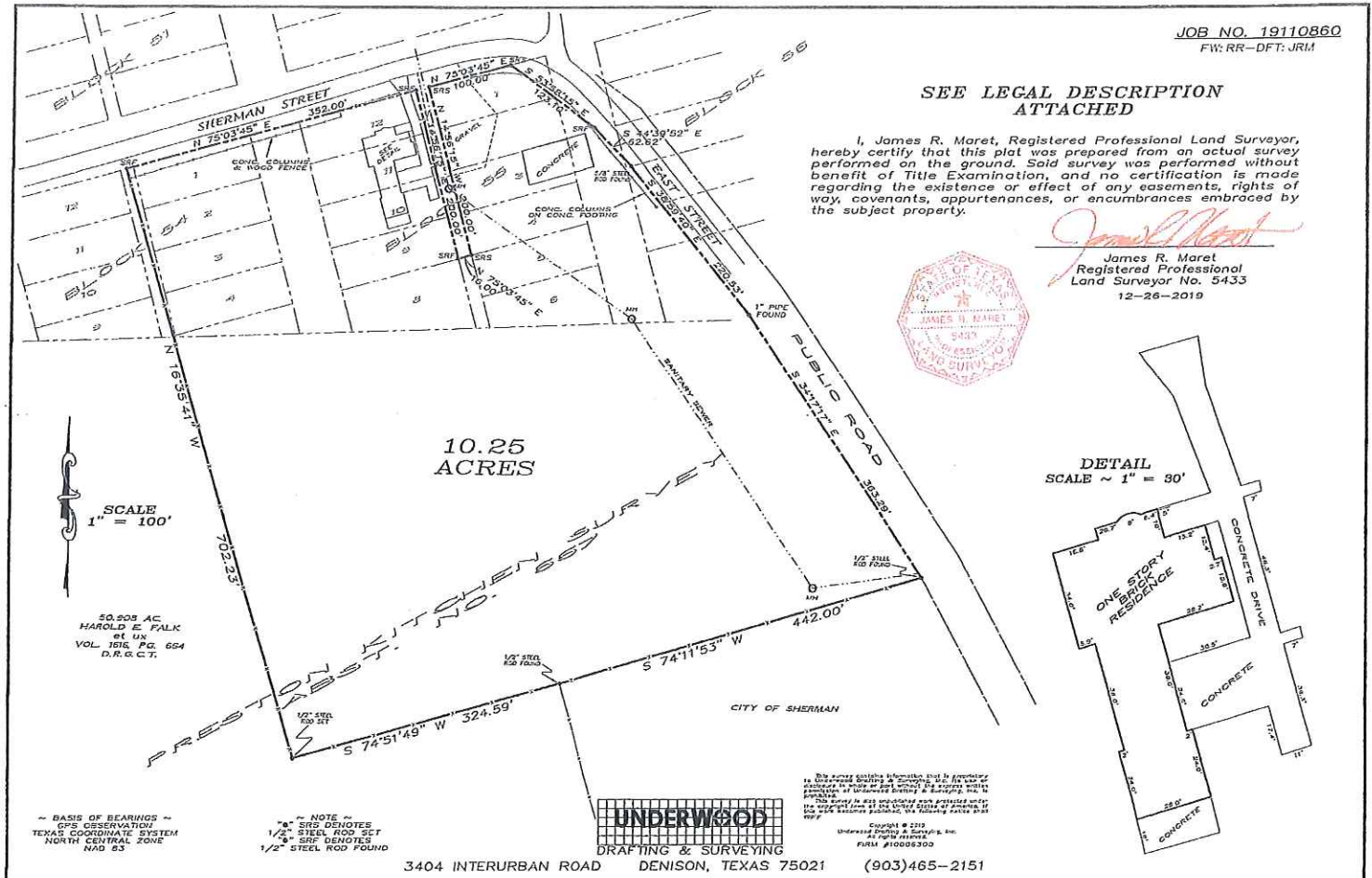
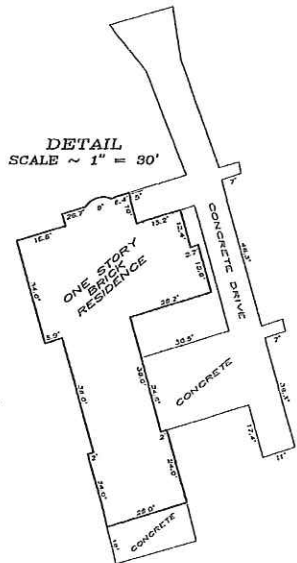
SEE LEGAL DESCRIPTION
ATTACHED

I, James R. Maret, Registered Professional Land Surveyor, hereby certify that this plat was prepared from an actual survey performed on the ground. Said survey was performed without benefit of Title Examination, and no certification is made regarding the existence or effect of any easements, rights of way, covenants, appurtenances, or encumbrances embraced by the subject property.

James R. Maret
Registered Professional
Land Surveyor No. 5433
12-26-2019



DETAIL
SCALE ~ 1" = 30'



City of Sherman Municipal Service Plan Southside Addition – Post Oak Place

INTRODUCTION:

The annexation is the site of approximately 10.25 acres West of East Street, South of Sherman Street, and East of Montgomery Street, lying adjacent to the City of Sherman existing city limits.

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

MUNICIPAL SERVICES TO BE PROVIDED:

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

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

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

BULK WASTE PICKUP: Free monthly bulk trash and brush pickup would be available on the effective date of annexation.

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

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

CONSTRUCTION INSPECTIONS: Building inspection activities will be available upon

annexation.

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

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

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

CAPITAL IMPROVEMENTS:

WATER SERVICE: Upon annexation, the City of Sherman will provide water service to the annexed area. Any required utility extensions to serve the area will be constructed in accordance with the City's Developer's Ordinance.

SEWER SERVICE: Upon annexation, the City of Sherman will provide sewer service to the annexed area. Any required utility extensions to serve the area will be constructed in accordance with the City's Developer's Ordinance.



DRAFTING & SURVEYING, INC.

LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the Preston Kitchen Survey, Abstract No. 667, and being all of the same tract of land described as 5.00 acres conveyed by Centex Home Equity Company to Karl Allen by deed dated April 10, 2003, recorded in Volume 3435, Page 641, Official Public Records, Grayson County, Texas, and also being the same tract of land described as 4.714 acres, Save & Except 0.252 acres, conveyed by Dale R. Gouge to Kirk D. Allen by deed dated June 26, 2003, recorded in Volume 3501, Page 795, said Official Public Records, and also being all of the same tracts of land referred to as Tract One, described as 0.546 acres, and Tract Two, being the above mentioned 0.252 acre tract, as conveyed by Donald W. Sloan et ux to said Kirk D. Allen et ux by deed dated March 31, 2004, recorded in Volume 5442, Page 370, said Official Public Records, and including a portion of Blocks 54, 55, and 56 and platted streets and alleys through said Blocks of South Side Addition to the City of Sherman as shown by plat of record in Volume 94, Page 135, Deed Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

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Thence North 75°03'45" East with said South line of Sherman Street a distance of 352.00 feet to a 1/2" steel rod found maintaining the Northeast corner of the said 5.00 acre tract in the West line of an alley;

Thence South 14°56'15" East with said West line of alley a distance of 200.00 feet to a 1/2" steel rod found maintaining an angle point in the East line of the said 5.00 acre tract and the most Westerly Northwest corner of the said 4.714 acre tract;

Thence North 75°03'45" East a distance of 16.00 feet to a 1/2" steel rod set marking an inside "L" corner to the said 4.714 acre tract in the East line of said alley, said rod also marking the Southwest corner of said Tract Two (2.52 acre tract);

Thence North 14°56'15" West with said East line of alley, passing the Northwest corner of both said 4.714 acre tract and Tract Two and the Southwest corner of the said 0.546 acre tract and continuing for a total distance of 200.00 feet to a 1/2" steel rod set marking the Northwest corner of the said 0.546 acre tract in the said South line of Sherman Street;

Thence North 75°03'45" East a distance of 100.00 feet to a 1/2" steel rod set marking the Northeast corner of the said 0.546 acre tract in the Westerly line of a public road locally known as East Street;

Thence South 53°58'15" East with said West line of East Street and East line of the said 0.546 acre tract a distance of 123.10 feet to a 1/2" steel rod found at an angle point;

(10.25 ac. cont'd.)

Thence South 44°39'52" East continuing with said West line of East Street a distance of 62.62 feet to a 5/8" steel rod found maintaining the Southeast corner of the said 0.546 acre tract and the Northeast corner of both said 4.714 acre tract and Tract Two;

Thence South 38°59'40" East continuing with said West line of East Street, passing the Southeast corner of said Tract two and continuing for a total distance of 220.53 feet to a 1" pipe found at an angle point;

Thence South 34°17'17" East continuing with said West line of East Street a distance of 363.29 feet to a 1/2" steel rod found maintaining the Southeast corner of the said 4.714 acre tract;

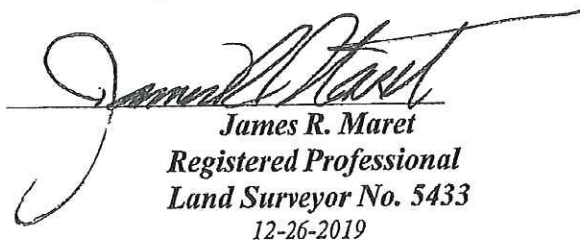
Thence South 74°11'53" West with the general course of a fence along the South line of the said 4.714 acre tract a distance of 442.00 feet to a 1/2" steel rod found maintaining the most Easterly Northeast corner of the said Falk tract;

Thence South 74°51'49" West continuing with said general course of fence, passing the Southwest corner of the said 4.714 acre tract and the Southeast corner of the said 5.00 acre tract and continuing for a total distance of 324.59 feet to a 1/2" steel rod set marking the Southwest corner of the said 5.00 acre tract and an inside "L" corner to the said Falk tract;

Thence North 16°35'41" West with the general course of a fence along the West line of the said 5.00 acre tract and East line of the said Falk tract a distance of 702.23 feet to the Point-of-Beginning and containing 10.25 acres of land more or less.....

I, James R. Maret, Registered Professional Land Surveyor, hereby certify that the above legal description was prepared from an actual survey made on the ground and is true and correct to the best of my knowledge and belief.




James R. Maret
Registered Professional
Land Surveyor No. 5433
12-26-2019



0 100 200 400 600 800 1 inch = 200 feet Feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 3.

Meeting Date: 04/20/2020

Prepared By: Sarah McRae, Tourism/Main Street Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of Downtown Sherman NOW to Temporarily Close Certain Streets for "Craft the Night Away" on Saturday, June 20, 2020

Issue:

Assistance for Downtown Sherman NOW's "Craft the Night Away" event on Saturday, June 20, 2020

Background:

Downtown Sherman NOW is requesting to temporarily close Crockett Street (between Lamar Street and Houston Street) and Travis Street (between Lamar Street and Houston Street) on Saturday, June 20, 2020 from 1:00 p.m. to 11:00 p.m. for "Craft the Night Away". This will be the fifth year for this event, which will include food trucks and artisan crafters, and musicians will perform. This year, there will also be one stage devoted to a fiddling contest sanctioned by the Texas Old Time Fiddlers Association. Downtown Sherman NOW will obtain necessary permits from the Texas Tobacco and Alcohol Commission for the sale of craft beer to the patrons of this event.

Origination:

Mrs. Karen Tooley, Executive Director of Downtown Sherman NOW

Financial Consideration:

Barricades and cones would be provided by the City of Sherman Street Department. Solid waste receptacles would be provided by the City's Solid Waste Department. Downtown Sherman NOW would work with the Sherman Police Department to arrange for security officers necessary for the event. Downtown Sherman NOW has been instructed that emergency vehicle accessibility must be maintained throughout the closed streets at all times.

Staff Recommendation:

It is recommended that the Council authorize the use of City resources to provide barricades, cones, solid waste receptacles, and security support as requested.

Alternatives:

As directed by the Council

Attachments

Craft the Night Away 2020 Request Letter

Craft the Night Away 2020 Map

March 13, 2020

Ms. Sarah McRae
Sherman Tourism Director/Main Street Manager
PO Box 1106
Sherman, TX 75091



Dear Sarah,

Downtown Sherman NOW would like city approval to hold an event, *Craft the Night Away*. The details are below. If I can answer questions or help clarify this request, please do not hesitate to contact me by email (kctooley@msn.com) or phone (903-816-2811).

Sincerely,

Karen Tooley

Executive Director, Downtown Sherman NOW

Name of Event: Craft the Night Away

Date/Time of Event: Saturday, June 20, 2020, 4:00-9:00 PM (Fiddling Contest begins at 4:00; Beer will not be poured/sold until 5:00.)

Description of Event:

Craft beer from 30 Texas breweries will be available for tasting. Food trucks will provide food for sale, artisan crafters will display and sell their art, and musicians will perform. One stage will be devoted to a fiddling contest sanctioned by Texas Old Time Fiddlers Association.

Street Closure Request:

From 1:00 PM-11:00 PM: 100 blocks of S Travis and S Crockett

Supplies Requested: 32 rolling trash cans & 50 orange traffic cones (delivered to the east side of the courthouse near the trash dumpsters)

TABC Permit: DSP&R/Downtown Sherman NOW will obtain the necessary festival permit from TABC.

XXX - barricades

T - toilets

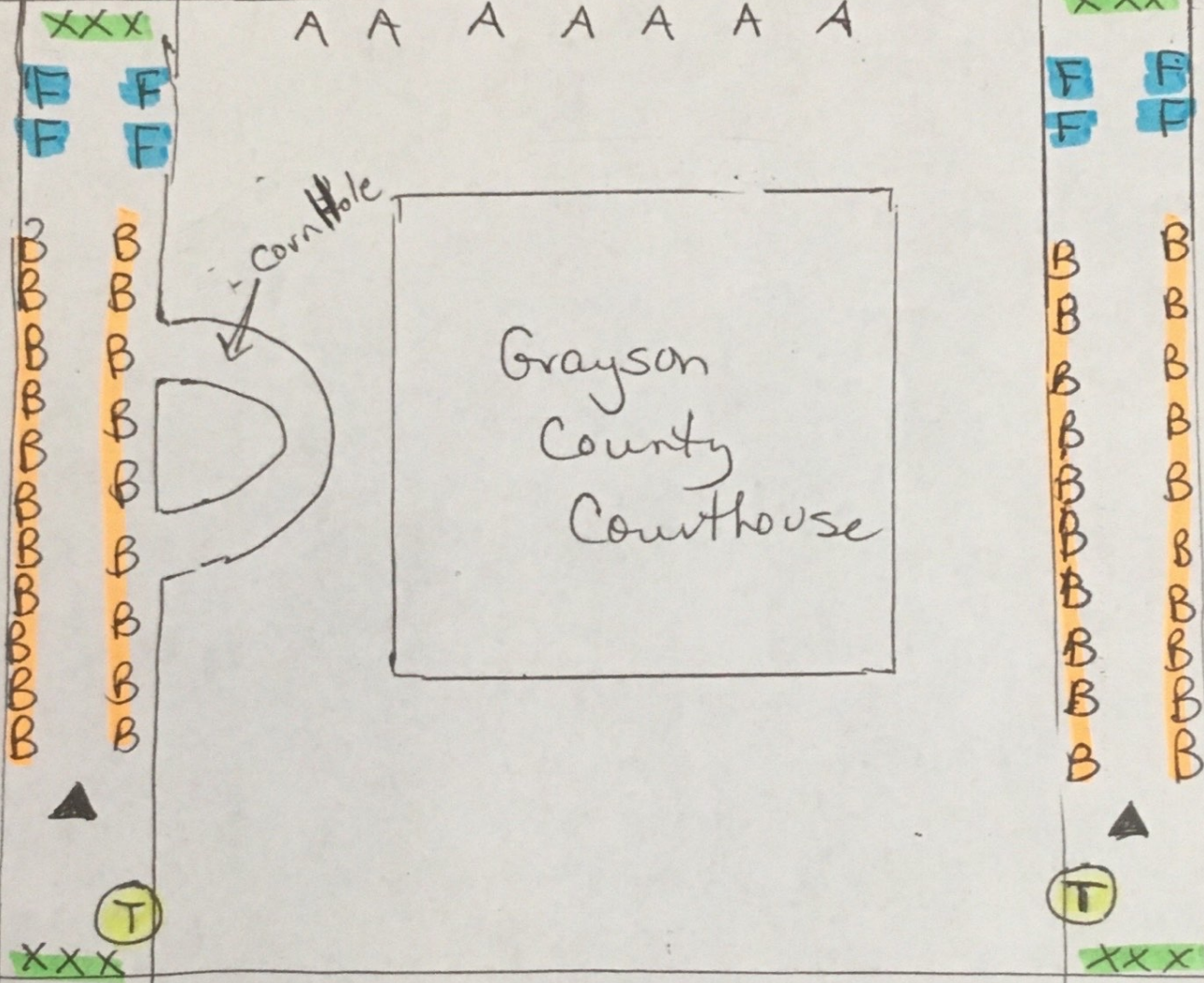
B - beer tents

A - artist booths

F - food trucks

▲ Stages

↑ N



X Check-In at
Grayson Hall
1155 Travis

Lamar St.

Crockett
St.

Travis
St.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 4.

Meeting Date: 04/20/2020

Prepared By: Sarah McRae, Tourism/Main Street Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of Sherman Main Street to Temporarily Close Certain Streets for "Christmas in July" on Saturday, July 11, 2020

Issue:

The Sherman Main Street Advisory Board is requesting to temporarily close Travis Street (between Lamar Street and Houston Street) and Crockett Street (between Lamar Street and Houston Street) on Saturday, July 11, 2020, from 7:00 a.m. to 2:00 p.m. for "Christmas in July".

This is the ninth year the event will be held in downtown Sherman, and the fourth year it will be organized and executed by Sherman Main Street.

The event includes businesses and non-profits providing free activities for children. The children are allowed to visit each activity at their own pace.

Background:

This is one of Sherman Main Street's annual events held in downtown Sherman.

Origination:

Community & Support Services Manager Nate Strauch

Financial Consideration:

Barricades and cones would be provided by the City of Sherman Street Department. Solid waste receptacles would be provided by the City of Sherman Solid Waste Department. The Sherman Police Department will provide security officers for the event. The Sherman Main Street Advisory Board understands that emergency vehicle accessibility must be maintained throughout the closed streets at all times.

Staff Recommendation:

It is recommended that the Council authorize the use of City resources to provide barricades, cones, solid waste receptacles, and security support as requested.

Alternatives:

As directed by the Council

Attachments

Christmas in July Request Letter

Christmas in July Map



March 11, 2020

To Whom it May Concern,

Sherman Main Street is asking for approval to hold an event in downtown, Christmas in July. This will be our fourth year to hold this event for our community.

Christmas in July is set to take place on Saturday, July 11, 2020 from 9:00am to 1:00pm. Businesses and non-profits will offer free activities for children, such as, bean bag toss, hopscotch, face painting, hula hooping, etc. on the County Courthouse lawn, all around the square.

We are requesting to close the 100 blocks of South Travis and South Crockett Streets from 7:00am to 2:00pm to ensure the safety of the children and families in attendance. We would also like to request the use of 10 rolling trash cans & 30 orange traffic cones.

If you have any questions, please do not hesitate to contact me.

Thank you,

SarahMcRae

Tourism & Main Street Manager

P: 903.892.7230

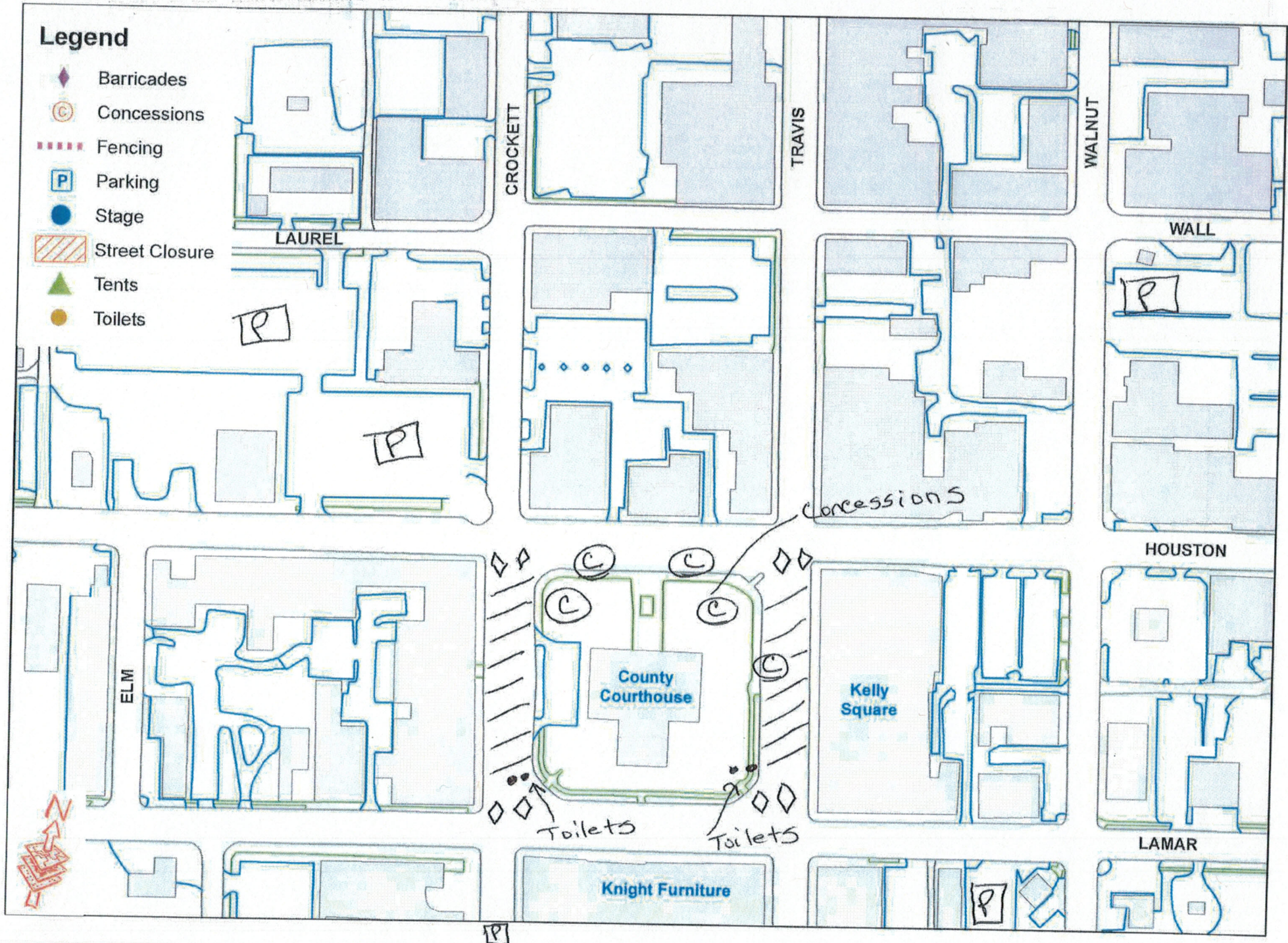


Event
Title

CHRISTMAS IN JULY

Legend

-  Barricades
-  Concessions
-  Fencing
-  Parking
-  Stage
-  Street Closure
-  Tents
-  Toilets





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 5.

Meeting Date: 04/20/2020

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Approve Quarterly Investment Report for Quarter Ended March 31, 2020

Issue:

To approve the Investment Report for the quarterly period ended March 31, 2020

Background:

These reports are being presented in accordance with the state law that requires at least quarterly presentation to the Council. A separate report is included for the debt proceeds as required by the Investment Policy. The reports were given to the Investment Committee prior to submittal to the Council.

As of March 31, 2020, the portfolios were in compliance with applicable state laws and the Investment Policy. The operating investment portfolio had a book value of about \$14.9 million, an increase of about \$5.0 million from prior quarter of \$9.9 million, due to investments made with property tax receipts. The underlying investments were adequately diversified among four different types of securities. This portfolio is appropriately liquid; and its weighted-average maturity was about 342 days, down from 415 days from last quarter. The portfolio yield of 1.85% is one-hundred and sixty-eight (168) basis points above the benchmark yield of 0.17%. Market value is about \$1.0 million above book value due to the effect of falling interest rates.

The debt proceeds portfolio balance of \$20.2 million was invested in Local Government Investment Pools and an FDIC insured investment account. Transactions in this portfolio include payments for capital projects and the receipt of interest income. The yield of 1.42% was above the benchmark yield of 0.05% for this portfolio. Book value and market value were the same.

Origination:

Finance Department

Financial Consideration:

None

Staff Recommendation:

It is recommended that the Council accept the Investment Report as presented.

Alternatives:

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

Attachments

Investment Committee Memo with Investment Report for QE March 31, 2020



memorandum

DATE: Tuesday, April 14, 2020

TO: The City of Sherman Investment Committee
Councilwoman Sandra Melton
Councilwoman Pam Howeth
Robby Hefton, City Manager

FROM: Mary Lawrence, Director of Finance *ml*

SUBJECT: Investment Reports for the Quarter Ended March 31, 2020

Enclosed is a copy of the quarterly investment reports for March 31, 2020. As of that date, the City was in compliance with all applicable state laws and internal policies for the portfolio.

The total operating portfolio market value of about \$15.9 million increased by about \$5.9 million from the previous quarter due to the purchase of State of Texas political subdivision obligations and U.S. Agency Securities, and deposits into the Local Government Investment Pools. The underlying investments were adequately diversified among four different types of securities. The portfolio's weighted-average maturity of about 342 days decreased from 415 days last quarter. The portfolio yield of 1.85% was 168 basis points above our benchmark 1-year Constant Maturity Treasury Index of 0.17%. Book value of \$14.9 million was about \$1.0 million below market value due to the effect of decreasing interest rates.

The debt proceeds portfolio balance of \$20.2 million had decreased by about \$2.5 million due to payments for capital projects. The portfolio includes a Local Government Investment Pool and an FDIC insured investment account. The portfolio's weighted-average maturity of 1 day is the same as last quarter. The portfolio yield of 1.42% was 137 basis points above the benchmark yield for this portfolio, the 4-week Constant Maturity Index, of 0.05%. Book value was the same as market value.

The investment reports will be on the April 20, 2020 City Council agenda for their review and approval. Please call me if you have any questions about this item.

attachment (as stated above)

CITY OF SHERMAN, TEXAS
DEBT PROCEEDS PORTFOLIO SUMMARY
For the Quarter Ending March 31, 2020

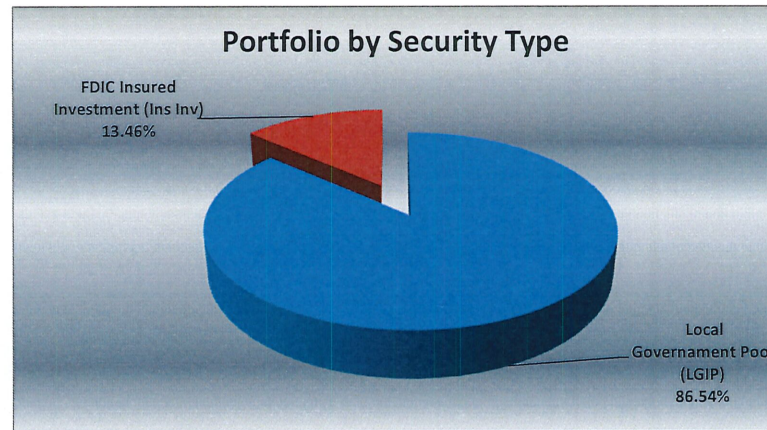
Total Portfolio Summary			
	Current Quarter 3/31/2020	Prior Quarter 12/31/2019	Change From Prior Quarter
Book Value	\$ 20,238,391	\$ 22,699,652	\$ (2,461,261)
Market Value	\$ 20,238,391	\$ 22,699,652	\$ (2,461,261)
Weighted Average Maturity - Days	1	1	-
Weighted Average Yield	1.42%	1.74%	-0.32%
Earned Income	\$ 74,756	\$ 106,854	\$ (32,098)
Earned Income - Year-to-Date	\$ 181,610	\$ 106,854	\$ 74,756

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

As of March 31, 2020, the City of Sherman's debt proceeds portfolio had a book value of about \$20.2 million, which approximates the market value. Of this amount, approximately \$17.5 million was held in Local Government Investment Pools (LGIP) and \$2.7 million was held in FDIC Insured Investment Accounts (Ins Inv).

The portfolio value decreased by \$2.46 million from the previous quarter due to \$2.54 million drawn down for project payments, offset by interest earned.

The weighted average yield on the portfolio was 1.42%, 137 basis points above the 4-week Constant Maturity Treasury Index of 0.05%, and 32 basis points below the previous quarter.



Mary Lawrence

Mary Lawrence, Finance Director and City of Sherman Investment Officer

Tammy Davis

Tammy Davis, Controller and City of Sherman Investment Officer



Name/CUSIP	Debt Issuance	Settlement Date	Security Type	Security Description	Maturity Date	Par Value	Purchase Price	Original Cost	Book Value	Market Price	Market Value	Days to Maturity	YTM
TexPool	2017A Stormwater Certificates of Obligation		LGIP	TexPool	4/1/2020	1,971,972	100.00	1,971,972	1,971,972	100.00	1,971,972	1	1.41%
TexPool	2019 Certificates of Obligation		LGIP	TexPool	4/1/2020	10,552,237	100.00	10,552,237	10,552,237	100.00	10,552,237	1	1.41%
TexStar	2018 Certificates of Obligation		LGIP	TexStar	4/1/2020	4,990,896	100.00	4,990,896	4,990,896	100.00	4,990,896	1	1.36%
Anova	2017 Certificates of Obligation		Ins Inv	Anova	4/1/2020	2,723,286	100.00	2,723,286	2,723,286	100.00	2,723,286	1	1.59%
Total						\$ 20,238,391		\$ 20,238,391	\$ 20,238,391		\$ 20,238,391		



CITY OF SHERMAN, TX
Market Value Summary
AS of 3/31/2020

CUSIP	Security Type / Description	Maturity Date	Market Value 12/31/2019	Change in Market Value	Market Value 3/31/2020
TexStar 2018 Certificates of Obligation	LGIP	3/31/2020	\$ 7,379,777	\$ (2,388,881)	\$ 4,990,896
TexPool 2017A Stormwater Certificates of Obligation	LGIP	3/31/2020	1,965,148	6,824	1,971,972
TexPool 2019 Certificates of Obligation	LGIP	3/31/2020	10,515,721	36,516	10,552,237
Anova 2017 Certificates of Obligation	Ins Inv	3/31/2020	2,839,006	(115,720)	2,723,286
Total			\$ 22,699,652	\$ (2,461,261)	\$ 20,238,391

Settle Date	Name	Security Description	Coupon	Maturity Date	Par Value	Price	Principal Amount	Interest Purchased/Received	Total Amount	YTM
<u>Project Payments</u>										
2/6/2020	2018 CO-TexStar	LGIP			2,409,365		2,409,365		2,409,365	
2/7/2020	2017 CO-Anova	LGIP			126,651		126,651		126,651	
<u>Deposits/Purchases</u>										
<u>Income Payments</u>										
1/31/2020	2018 CO-TexStar	LGIP	1.55%		7,379,777		7,379,777	9,723	9,723	1.55%
1/31/2020	2017 CO-Anova	Ins Inv	1.85%		2,839,006		2,839,006	4,461	4,461	1.85%
1/31/2020	2017A Stormwater CO-TexPool	LGIP	1.59%		1,965,148		1,965,148	2,658	2,658	1.59%
1/31/2020	2019 CO-TexPool	LGIP	1.59%		10,515,721		10,515,721	14,223	14,223	1.59%
2/28/2020	2018 CO-TexStar	LGIP	1.56%		7,389,500		7,389,500	6,708	6,708	1.56%
2/28/2020	2017 CO-Anova	Ins Inv	1.85%		2,843,467		2,843,467	3,894	3,894	1.85%
2/28/2020	2017A Stormwater CO-TexPool	LGIP	1.59%		1,967,806		1,967,806	2,487	2,487	1.59%
2/28/2020	2019 CO-TexPool	LGIP	1.59%		10,529,944		10,529,944	13,309	13,309	1.59%
3/31/2020	2017 CO-Anova	Ins Inv	1.08%		2,720,709		2,720,709	2,576	2,576	1.08%
3/31/2020	2018 CO-TexStar	LGIP	0.96%		4,986,843		4,986,843	4,053	4,053	0.96%
3/31/2020	2017A Stormwater CO-TexPool	LGIP	1.03%		1,970,293		1,970,293	1,679	1,679	1.03%
3/31/2020	2019 CO-TexPool	LGIP	1.03%		10,543,252		10,543,252	8,985	8,985	1.03%
Total							\$	74,756		



CITY OF SHERMAN, TX
Comparison by Type
AS of 3/31/2020

Cash / Investment Type	Balance 6/30/2019	Balance 9/30/2019	Balance 12/31/2019	Balance 3/31/2020	Percent of Portfolio	Portfolio Cap
Local Government Pool (LGIP)	\$29,213,404	\$23,620,147	\$19,860,646	\$ 17,515,105	86.54%	100.00%
FDIC Insured Investment (Ins Inv)	\$2,300,434	\$2,825,210	\$2,839,006	2,723,286	13.46%	100.00%
US Agency Bullet	-	-	-	-	0.00%	100.00%
Total	\$ 31,513,838	\$ 26,445,357	\$ 22,699,652	\$ 20,238,391	100.00%	



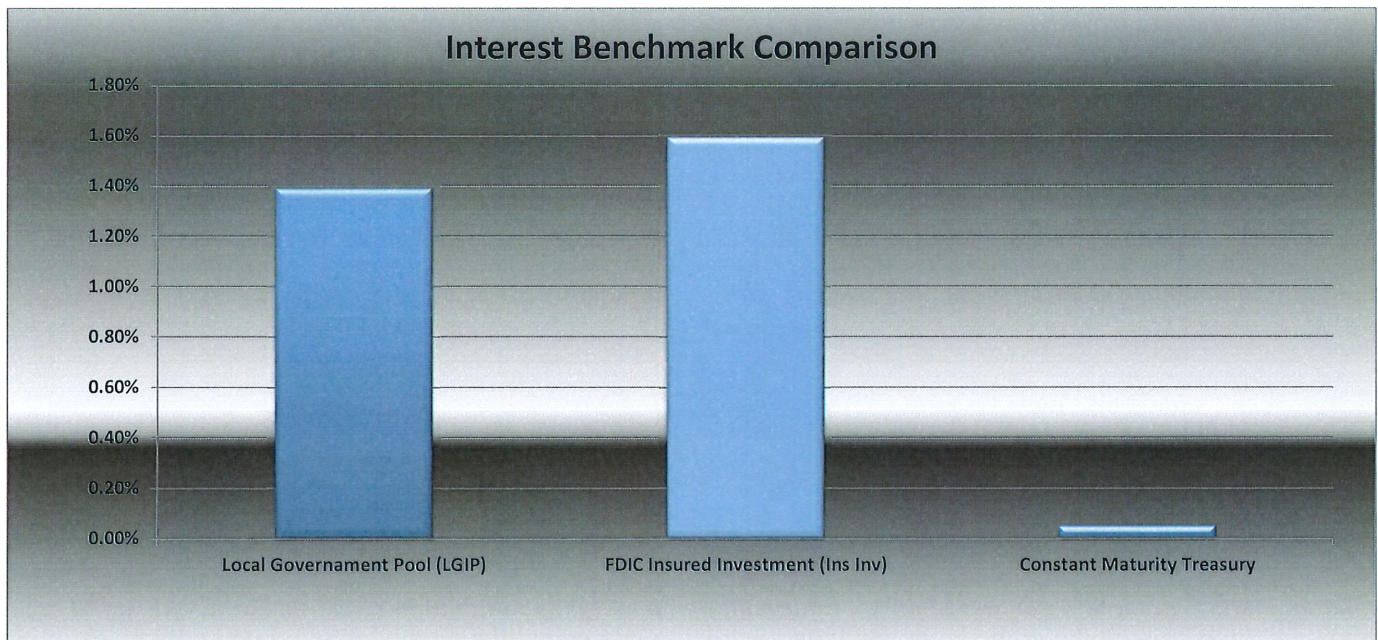
CITY OF SHERMAN, TX
Portfolio by Maturity
AS of 3/31/2020

Maturity Time Frame	Balance 6/30/2019		Balance 9/30/2019		Balance 12/31/2019		Balance 3/31/2020		Percent of Portfolio	Minimum Allowable
Within 1 month	\$	31,513,838	\$	26,445,357	\$	22,699,652	\$	20,238,391	100.00%	100.00%
	\$	31,513,838	\$	26,445,357	\$	22,699,652	\$	20,238,391		

Liquidity Indicator

Weighted Average Maturity	1.00	1.00	1.00	1.00
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Date Received/ Purchased	Name	Security Description	Coupon	YTM	Interest Purchased/ Received	Accrued Interest/ Amortization	Income Earned
1/31/2020	2018 CO-Texstar	LGIP		1.55%	\$ 9,723	\$ -	\$ 9,723
1/31/2020	2017 CO-Anova	Insured Investment		1.85%	4,461	-	4,461
1/31/2020	2017A Stormwater CO-TexPool	LGIP		1.59%	2,658	-	2,658
1/31/2020	2019 CO-TexPool	LGIP		1.59%	14,223	-	14,223
2/28/2020	2018 CO-TexStar	LGIP		1.56%	6,708	-	6,708
2/28/2020	2017 CO-Anova	Insured Investment		1.85%	3,894	-	3,894
2/28/2020	2017A Stormwater CO-TexPool	LGIP		1.59%	2,487	-	2,487
2/28/2020	2019 CO-TexPool	LGIP		1.59%	13,309	-	13,309
3/31/2020	2017 CO-Anova	Insured Investment		1.08%	2,576	-	2,576
3/31/2020	2018 CO-TexStar	LGIP		0.96%	4,053	-	4,053
3/31/2020	2017A Stormwater CO-TexPool	LGIP		1.03%	1,679	-	1,679
3/31/2020	2019 CO-TexPool	LGIP		1.03%	8,985	-	8,985
					\$ 74,756	\$ -	\$ 74,756



CITY OF SHERMAN, TEXAS
INVESTMENT PORTFOLIO SUMMARY
For the Quarter Ending March 31, 2020

Total Portfolio Summary			
	Current Quarter 3/31/2020	Prior Quarter 12/31/2019	Change From Prior Quarter
Book Value	\$ 14,896,448	\$ 9,882,899	\$ 5,013,549
Market Value	\$ 15,870,051	\$ 9,904,111	\$ 5,965,940
Weighted Average Maturity - Days	342	415	(73)
Weighted Average Yield	1.85%	2.08%	-0.23%
Earned Income	\$ 55,051	\$ 53,829	\$ 1,222
Earned Income - Year-to-Date	\$ 108,880	\$ 53,829	\$ 55,051

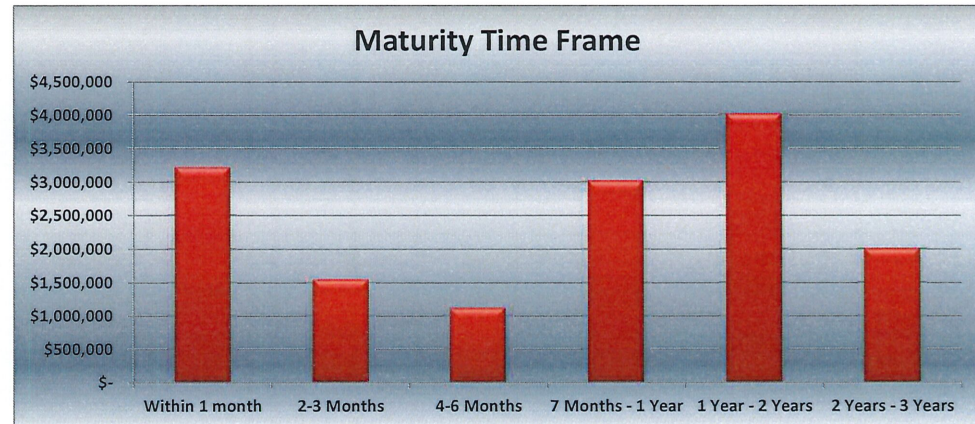
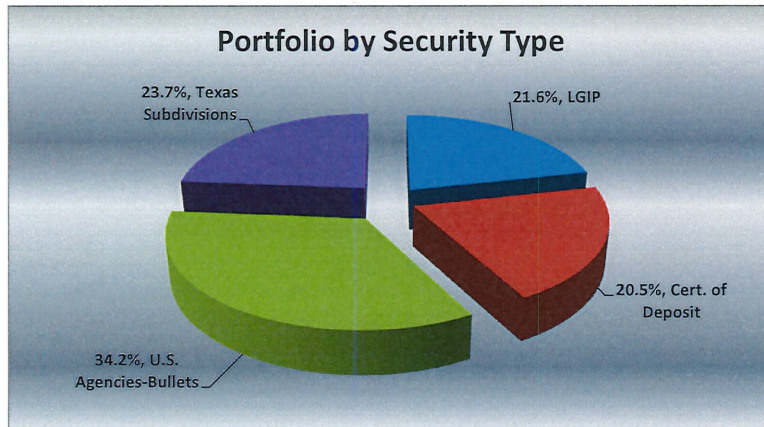
This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law.

As of March 31, 2020, the City's portfolio had a book value of \$14.9 million, with a market value of approximately \$15.9 million. Of this amount, approximately \$3.2 million was held in Local Government Investment Pools (LGIP), \$3.1 million was held in Certificates of Deposit (CD), \$5.1 million was held in U.S. Agency Securities and \$3.5 million was held in State of Texas political subdivision obligations.

The portfolio value increased by \$5.9 million from the previous quarter due to purchases of \$0.4 million in State of Texas political subdivision obligations; \$2.5 million deposited in Local Government Investment Pools (LGIP); and \$3.0 million in U.S. Agency Security purchases. There were no maturities this quarter.

The weighted average yield of the portfolio was 1.85%, which is 168 basis points above the 1-year Constant Maturity Treasury Index of 0.17% and 23 basis points below the previous quarter.

The weighted average maturity of the portfolio decreased from 415 days at December 31, 2019, to 342 days at March 31, 2020.



Mary Lawrence

Mary Lawrence, Finance Director and City of Sherman Investment Officer

Tammy Davis

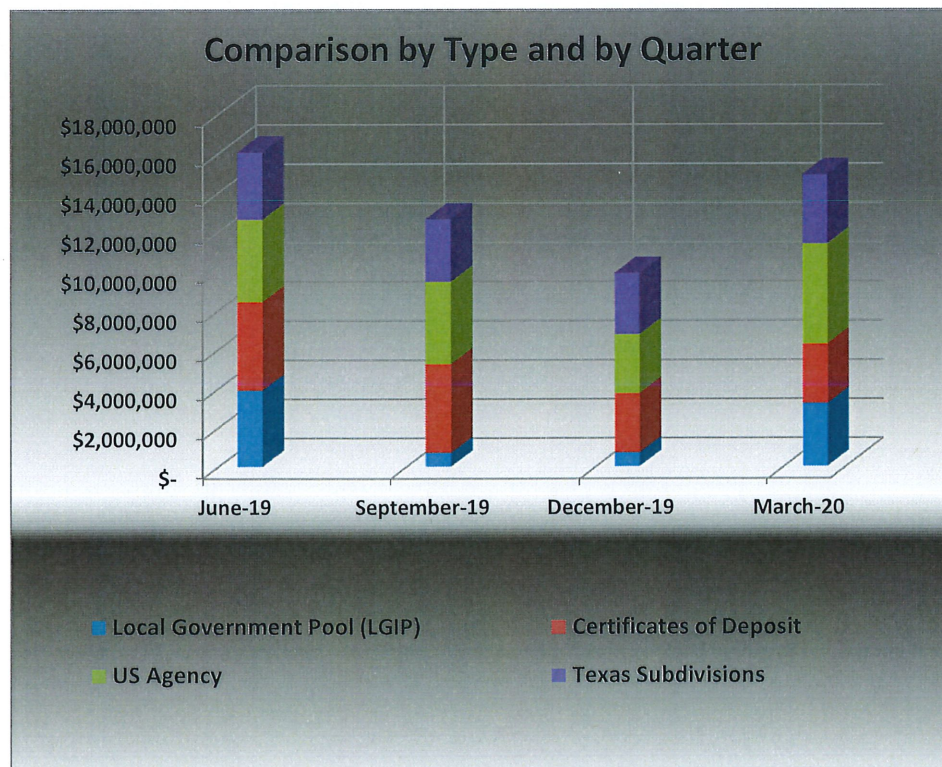
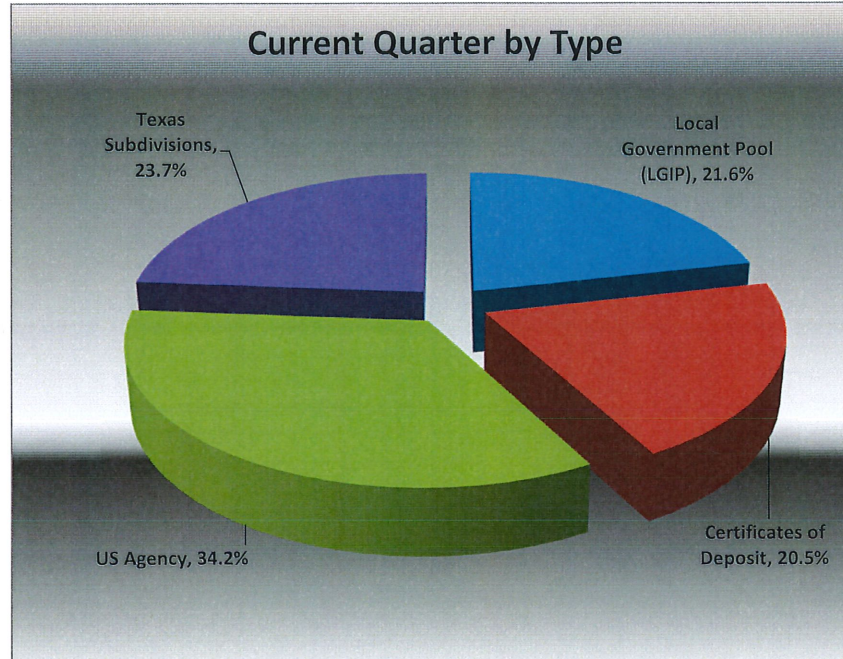
Tammy Davis, Controller and City of Sherman Investment Officer

CUSIP	Settlement Date	Security Type	Security Description	CPN Rate	Maturity Date	Credit Rating	Par Value	Purchase Price	Original Cost	Book Value	Market Price	Market Value	Days to Maturity	YTM
Tex-Pool		LGIP	TexPool			AAAm	\$ 1,553,454	100.00	\$ 1,553,454	\$ 1,553,454	100.00	\$ 1,553,454	1	1.41%
TexStar		LGIP	TexSTAR			AAAm	1,664,686	100.00	1,664,686	1,664,685	100.00	1,664,685	1	1.36%
CDARS 1023157035	10/24/2019	CDARS	Landmark Bank	1.75%	10/22/2020		1,500,000	100.00	1,500,000	1,504,970	100.00	1,504,970	205	2.57%
CD 4176808998	2/27/2019	CD	Landmark Bank	2.64%	5/27/2020		1,500,000	100.00	1,500,000	1,539,994	100.00	1,539,994	57	2.66%
414935LK0	5/3/2016	Texas Subdivision	Harris Co MUD #120	2.00%	8/1/2020	AA	395,000	102.09	403,252	395,653	100.15	395,596	123	1.49%
41456PHW0	8/11/2016	Texas Subdivision	Harris-Montgomery TX MUD # 386	2.00%	9/1/2020	Aa3	350,000	103.16	361,050	351,135	100.35	351,208	154	1.20%
038395EP0	9/6/2016	Texas Subdivision	Aquilla TX Water SUD Series A	3.25%	9/1/2020	A	200,000	107.96	215,910	201,674	100.70	201,402	154	1.20%
038395FD6	9/6/2016	Texas Subdivision	Aquilla TX Water SUD Series B	3.25%	9/1/2020	A	160,000	106.95	171,114	161,169	100.85	161,363	154	1.45%
6678257C1	12/4/2019	Texas Subdivision	Northwest TX ISD	5.00%	2/15/2021	AA+	500,000	103.92	519,580	514,310	103.17	515,840	321	1.68%
3134GSFE0	2/27/2018	Agency Bullet	FHLMC	2.50%	2/26/2021	AA+	1,000,000	100.00	1,000,000	1,000,000	101.64	1,016,437	332	2.50%
64542WAX8	6/14/2019	Texas Subdivision	New Hope Cultrl Edu TX A&M Univ	1.81%	4/1/2021	AA+	500,000	99.50	497,500	498,609	100.63	503,155	366	2.09%
926293YY1	3/20/2020	Texas Subdivision	City of Victoria	4.00%	8/15/2021	AA+	100,000	102.68	102,681	102,628	103.99	103,986	502	2.05%
34679RNB1	6/6/2017	Texas Subdivision	Fort Bend Co TX MUD #23-A	2.00%	9/1/2021	A3	500,000	101.43	507,125	502,383	100.99	504,955	519	1.65%
41420QGV4	3/17/2020	Texas Subdivision	Harris Cnty TX MUD # 400	3.00%	9/1/2021	AA+	300,000	101.53	304,590	302,847	100.57	301,722	519	2.75%
3133ELTL8	3/16/2020	Agency Bullet	FFCB	0.75%	9/16/2021	AA+	1,000,000	99.94	999,377	99,394	99.98	999,818	534	0.79%
3134GUSU5	11/22/2019	Agency Bullet	FHLMC	1.70%	11/22/2021	AA+	1,000,000	100.00	1,000,000	1,000,000	100.18	1,001,822	601	1.70%
549188UJ7	6/25/2019	Texas Subdivision	City of Lubbock TX Txbl-Ref	2.32%	2/15/2022	AA+	500,000	101.00	504,985	503,542	102.15	510,745	686	1.93%
3130AJEL9	3/30/2020	Agency Bullet	FHLB	0.94%	3/30/2022	AA+	1,000,000	100.00	1,000,000	1,000,000	100.04	1,000,424	729	0.95%
3134GBRT1	6/29/2017	Agency Bullet	FHLMC	2.00%	6/29/2022	Aaa	1,000,000	100.00	1,000,000	1,000,000	103.51	1,035,053	820	2.00%
3134GUW55	1/13/2020	Agency Bullet	FHLMC	1.65%	7/13/2022	AA+	1,000,000	100.00	1,000,000	1,000,000	100.34	1,003,421	834	1.65%
Total							\$ 15,723,140		\$ 15,805,303	\$ 14,896,448		\$ 15,870,051		

CUSIP	Settle Date	Security Description	Maturity Date	Market Value 12/31/2019	Change in Market Value	Market Value 3/31/2020
Tex-Pool		TexPool		\$ 50,822	\$ 1,502,632	\$ 1,553,454
TexStar		TexSTAR		660,914	1,003,771	1,664,685
CD 4176808998	2/27/2019	Landmark Bank	5/27/2020	1,529,814	10,180	1,539,994
CDARS 1023150735	10/23/2019	Landmark Bank	10/22/2020	1,504,970	-	1,504,970
414935LK0	5/3/2016	Harris Co TX MUD #120	8/1/2020	396,256	(660)	395,596
4146PHWO	9/6/2016	Harris-Montgomery TX MUD #386	9/1/2020	351,698	(491)	351,208
038395EPO	9/6/2016	Aquilla TX Water SUD Series A	9/1/2020	202,358	(956)	201,402
038395FD6	9/6/2016	Aquilla TX Water SUD Series B	9/1/2020	161,314	49	161,363
6678257C1	12/4/2019	Northwest TX ISD	2/15/2021	516,665	(825)	515,840
3134GSFE0	2/27/2018	FHLMC	2/26/2021	1,009,964	6,473	1,016,437
64542WAX8	6/14/2019	New Hope Cultrl Edu TX A&M Univ	4/1/2021	500,085	3,070	503,155
926293YY1	3/20/2020	City of Victoria	8/15/2021	-	103,986	103,986
34679RNB1	6/6/2017	Fort Bend Co TX MUD #23-A	9/1/2021	505,235	(280)	504,955
41420QGV4	3/17/2020	Harris Cnty TX MUD #400	9/1/2021	-	301,722	301,722
3133ELTL8	3/16/2020	FFCB	9/16/2021	-	999,818	999,818
3134GUSU5	11/22/2019	FHLMC	11/22/2021	1,000,077	1,745	1,001,822
549188UJ7	6/25/2019	City of Lubbock TX Txbl-Ref	2/15/2022	504,185	6,560	510,745
3130AJEL9	3/30/2020	FHLB	3/30/2022	-	1,000,424	1,000,424
3134GBRT1	6/29/2017	FHLMC	6/29/2022	1,009,754	25,299	1,035,053
3134GUW55	1/13/2020	FHLMC	7/13/2022	-	1,003,421	1,003,421
Total				\$ 9,904,111	\$ 5,965,940	\$ 15,870,051

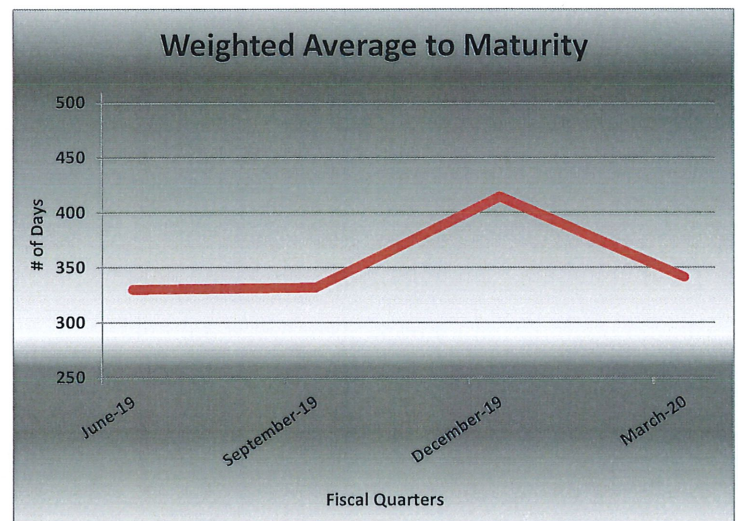
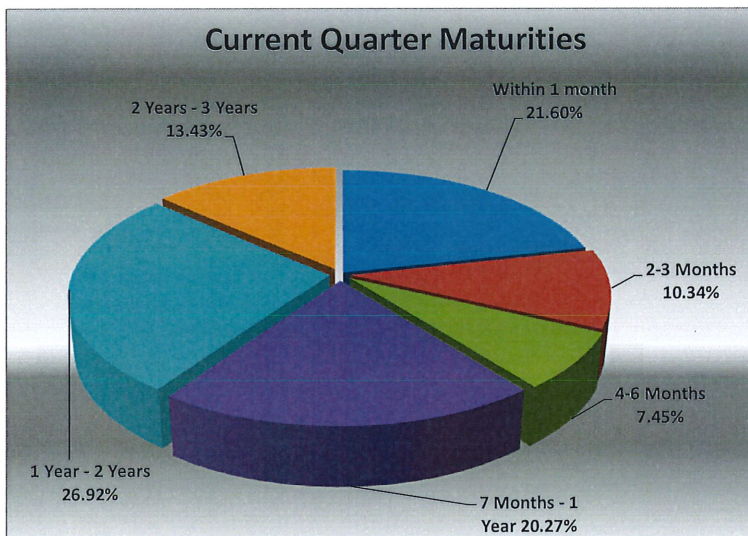
Trade Date	Settle Date	CUSIP	Security Description	Coupon	Maturity Date	Call Date	Par Value	Principal Amount	Interest Purchased/Received	Total Amount	YTM
<u>Maturities & Calls</u>											
No Maturities											
<u>Purchases</u>											
	2/12/2020	TexPool	LGIP	1.59%			1,500,000	1,500,000	-	1,500,000	1.59%
	2/13/2020	Texstar	LGIP	1.56%			1,000,000	1,000,000	-	1,000,000	1.56%
	1/13/020	3134GUW55	FHLMC	1.65%	7/13/2022		1,000,000	1,000,000	-	1,000,000	1.65%
	3/16/2020	3133ELTL8	FFCB	0.75%	9/16/2021		1,000,000	1,000,000	-	1,000,000	0.79%
	3/17/2020	41420QGV4	Harris Cnty TX MUD #400	3.00%	3/17/2020		300,000	302,925	400	303,325	2.75%
	3/20/2020	926293YY1	City of Victoria	4.00%	8/15/2021		100,000	102,681	389	103,070	2.05%
	3/30/2020	3130AJEL9	FHLB	0.94%	3/30/2022		1,000,000	1,000,000	-	1,000,000	0.95%
<u>Income Payments</u>											
	3/31/2020	TexPool	LGIP	1.41%			1,553,454		2,632	2,632	1.41%
	3/31/2020	TexStar	LGIP	1.36%			1,663,334		3,099	3,099	2.40%
	2/24/2020	CD 4176808998	Landmark Bank	2.64%	5/27/2020		1,500,000		10,180	10,180	2.66%
	2/15/2020	6678257C1	Northwest TX ISD	5.00%	2/15/2021		500,000		4,931	4,931	1.68%
	2/15/2020	549188UJ7	City of Lubbock TX GO	2.32%	2/15/2022		500,000		5,800	5,800	1.93%
	2/26/2020	3134GSFEO	FHLMC	2.50%	2/26/2021		1,000,000		12,500	12,500	2.50%
	3/1/2020	038395FD6	Aquilla TX Wate SUD Series B	3.25%	9/1/2020		160,000		2,600	2,600	1.45%
	3/1/2020	41456PHWO	Harris Co Mud #386	2.00%	9/1/2020		350,000		3,500	3,500	2.00%
	2/1/2020	414935LK0	Harris Co Mud	2.00%	8/1/020		395,000		3,950	3,950	1.49%
	3/1/2020	038395EPO	Aquilla TX Wate SUD Series A	3.25%	9/1/2020		200,000		3,250	3,250	1.20%
	3/1/2020	34679RNB1	Fort Bend Cnty TX MUD #23	2.00%	9/1/2021		500,000		5,000	5,000	1.65%
Total									\$ 58,230		

Cash/Investment Type	Balance 6/30/2019	Balance 9/30/2019	Balance 12/31/2019	Balance 3/31/2020	Percent of Portfolio	Portfolio Cap
Local Government Pool (LGIP)	\$3,901,349	\$708,725	\$711,736	\$ 3,218,139	21.6%	50.00%
Certificates of Deposit	4,519,383	4,539,328	\$3,034,784	3,044,964	20.4%	50.00%
US Agency	4,199,982	4,199,993	\$3,000,000	5,099,394	34.2%	50.00%
Texas Subdivisions	3,444,182	3,187,118	\$3,136,379	3,533,950	23.7%	50.00%
Total	\$ 16,064,896	\$ 12,635,164	\$ 9,882,899	\$ 14,896,448	100.00%	



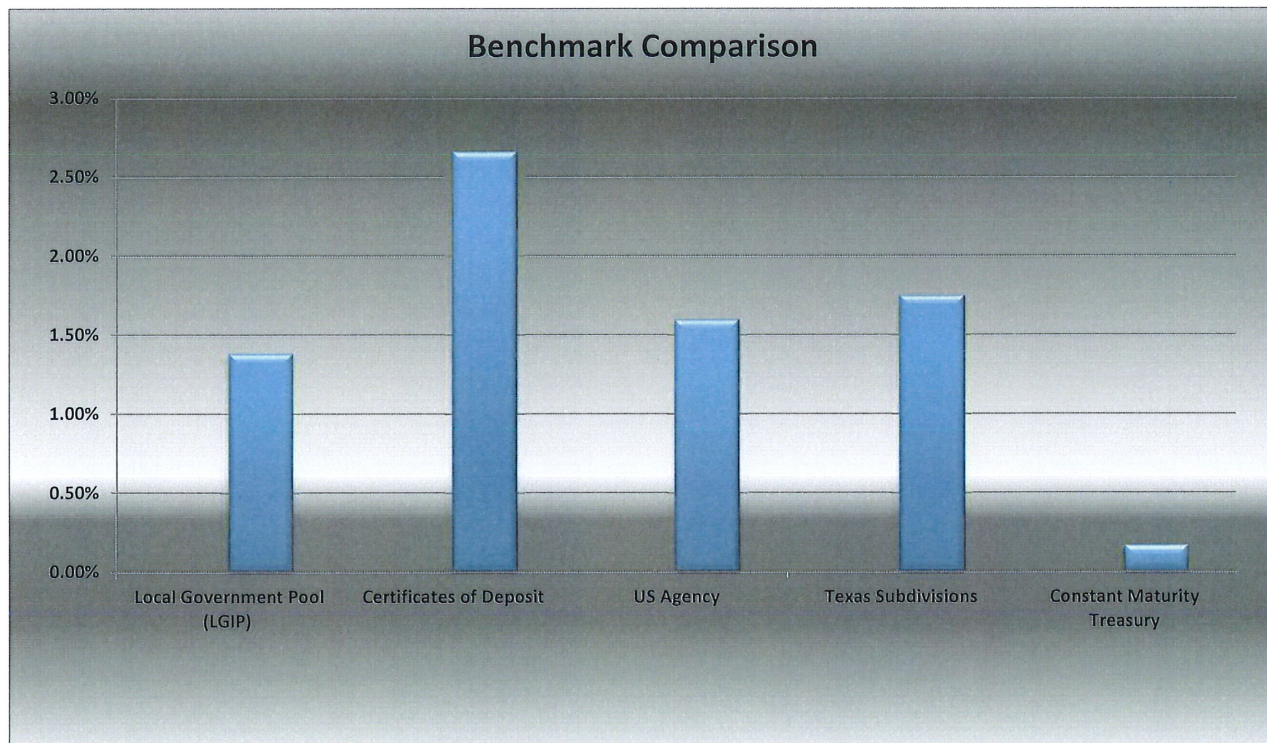
Maturity Time Frame	Balance 6/30/2019	Balance 9/30/2019	Balance 12/31/2019	Balance 3/31/2020	Percent of Portfolio
Within 1 month	\$ 3,901,349	\$ 3,978,351	\$ 711,736	\$ 3,218,139	21.60%
2-3 Months	250,506	1,516,133	-	1,539,994	10.34%
4-6 Months	4,778,997	-	1,529,814	1,109,631	7.45%
7 Months - 1 Year	1,509,656	2,635,056	2,617,463	3,019,280	20.27%
1 Year - 2 Years	2,615,785	2,001,137	3,519,872	4,009,403	26.92%
2 Years - 3 Years	3,008,603	2,504,487	1,504,014	2,000,000	13.43%
3 Years - 4 Years	-	-	-	-	0.00%
4 Years - 5 Years	-	-	-	-	0.00%
	\$ 16,064,896	\$ 12,635,164	\$ 9,882,899	\$ 14,896,448	100.00%

Liquidity Indicator					Maximum Allowable
Weighted Average Maturity	330.39	332.11	414.72	341.67	500.00



Date Received/ Purchased	CUSIP	Security Description	Coupon	YTM	Interest Purchased/ Received	Accrued Interest/ Amortization	Income Earned
3/31/2020	Tex-Pool	TexPool		1.41%	\$ 2,632	\$ -	\$ 2,632
3/31/2020	TexStar	TexSTAR		1.36%	3,099	-	3,099
2/24/2020	CD 4176808998	Landmark Bank	2.64%	2.66%	10,180	(84)	10,096
3/31/2020	CDARS 1023157035	Landmark Bank	1.75%	1.76%	-	6,566	6,566
2/1/2020	414935LK0	Harris Co MUD #120	2.00%	1.49%	3,950	(2,461)	1,489
2/15/2020	6678257C1	Northeast TX ISD	5.00%	1.68%	4,931	(2,770)	2,161
2/15/2020	549188UJ7	City of Lubbock TX Txbi-Ref	2.32%	1.93%	5,800	(3,372)	2,428
2/26/2020	3134GSFE0	FHLMC	2.50%	2.50%	12,500	(6,250)	6,250
3/1/2020	34679RNB1	Fort Bend Co TX MUD #23-A	2.00%	1.65%	5,000	(2,920)	2,080
3/1/2020	038395EP0	Aquilla TX Water SUD Series A	3.25%	1.20%	3,250	(2,624)	626
3/1/2020	038395FD6	Aquilla TX Water SUD Series B	3.25%	1.45%	2,600	(1,997)	603
3/1/2020	41456PHW0	Harris Cnty TX MUD#386	2.00%	1.20%	3,500	(2,431)	1,069
3/17/2020	41420QGV4	Harris Cnty TX MUD#400	3.00%	2.75%	400	(128)	272
3/20/2020	926293YY1	City of Victoria	4.00%	2.05%	388	(330)	58
3/31/2020	64542WAX8	New Hope Cultrl Edu TX A&M Uni	1.80%	2.09%	-	2,605	2,605
3/31/2020	31346BRT1	FHLMC	2.00%	2.00%	-	5,000	5,000
3/31/2020	3134GUSU5	FHLMC	1.70%	1.70%	-	4,250	4,250
3/31/2020	3134GUW55	Freddie Mac	1.65%	1.65%	-	3,437	3,437
3/31/2020	3133ELTL8	FFCB	0.75%	0.79%	-	330	330
3/31/2020	3130AJEL9	FHLB	0.94%	0.95%	-	-	-

\$ 58,230 \$ (3,179) \$ 55,051





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 6.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Lot 6, Block 31, Hilltop Estates, being 0.817 acres in the J. Hendrix Survey, Abstract No. 503, also being all of Lot 6, Block 31, Hilltop Estates; Tobar Properties, LLC, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (2701 Dripping Springs Road)

Issue:

Replat Approval of Lot 6, Block 31, Hilltop Estates; being 0.817 acres in the J. Hendrix Survey, Abstract No. 503, also being all of Lot 6, Block 31, Hilltop Estates; Tobar Properties, LLC, Owners; and Helvey-Wagner Surveying, Inc., Surveyor (2701 Dripping Springs Road)

Background:

The property is located at 2701 Dripping Springs Road, the northeast corner of Dripping Springs Road and Cox Street. The property is zoned an R-1 (One Family Residential) District. The owners would like to replat the property into two lots for residential development.

Origination:

Tobar Properties LLC (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

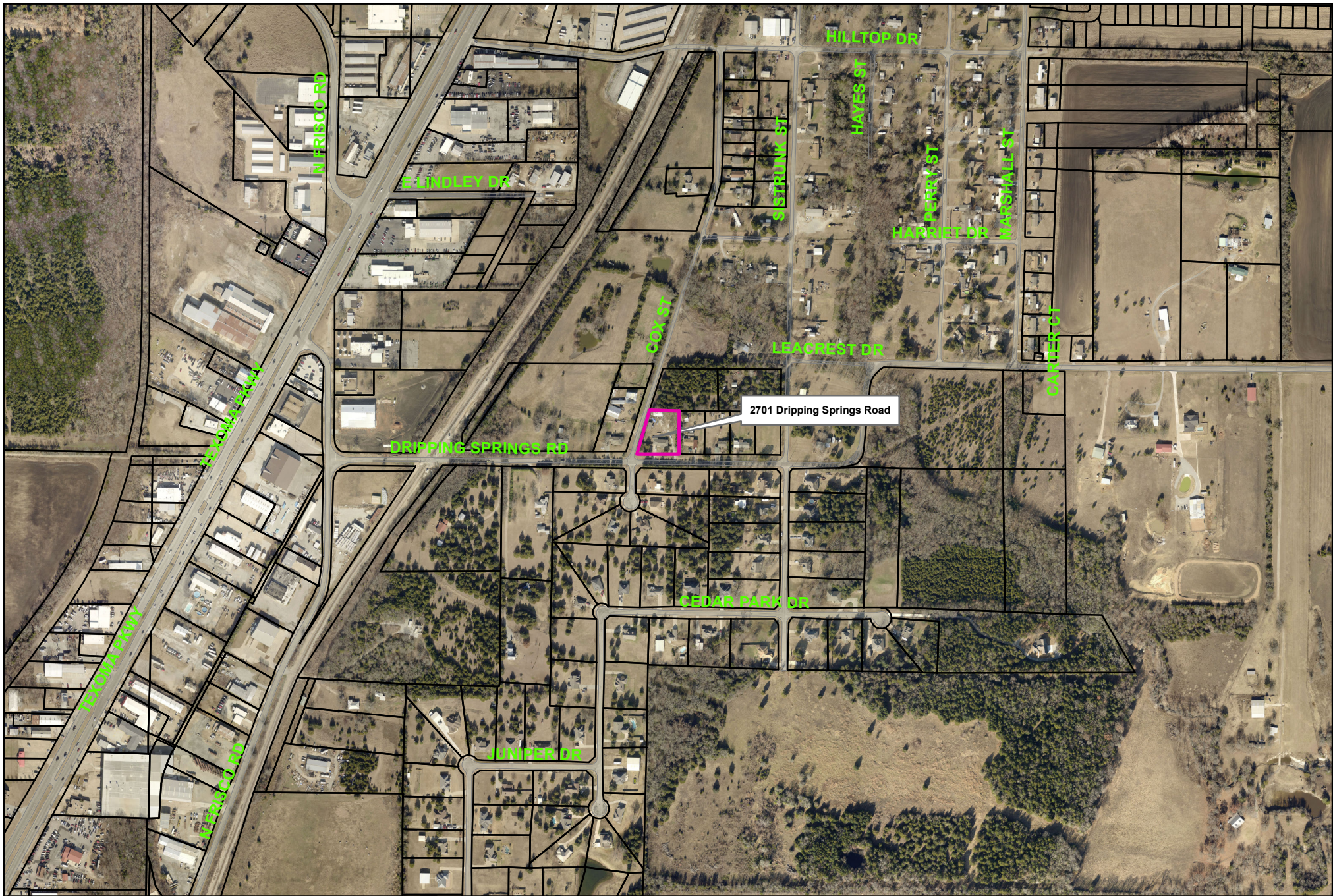
At the March 17, 2020 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Aerial Location Map
Zoning Map
Zoning Sign Photo
Hilltop Estates Replat
Staff Review Letter
P&Z Communication



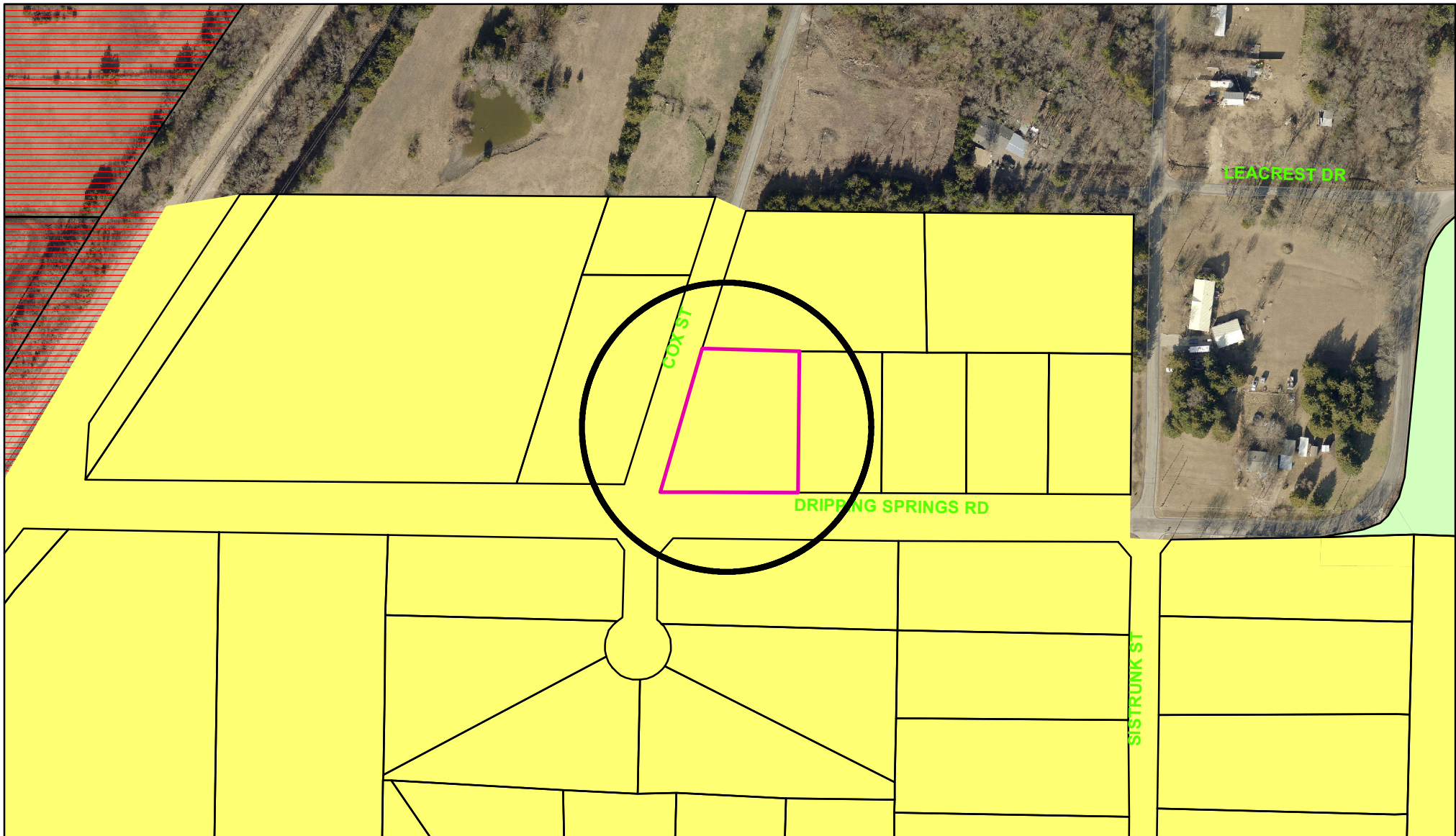
2701 Dripping Springs Road

City of Sherman, Texas
 Developmental Services Department



NOT TO SCALE

1 in = 600 ft



Zoning - 2701 Dripping Springs Road

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: SpermGIS.DBO.TransportationCorridor_Rep_1

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

Zoning Districts

Representation: SpermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District

CO Office District

- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District
- PD Planned Development



City of Sherman, Texas
Developmental Services Department

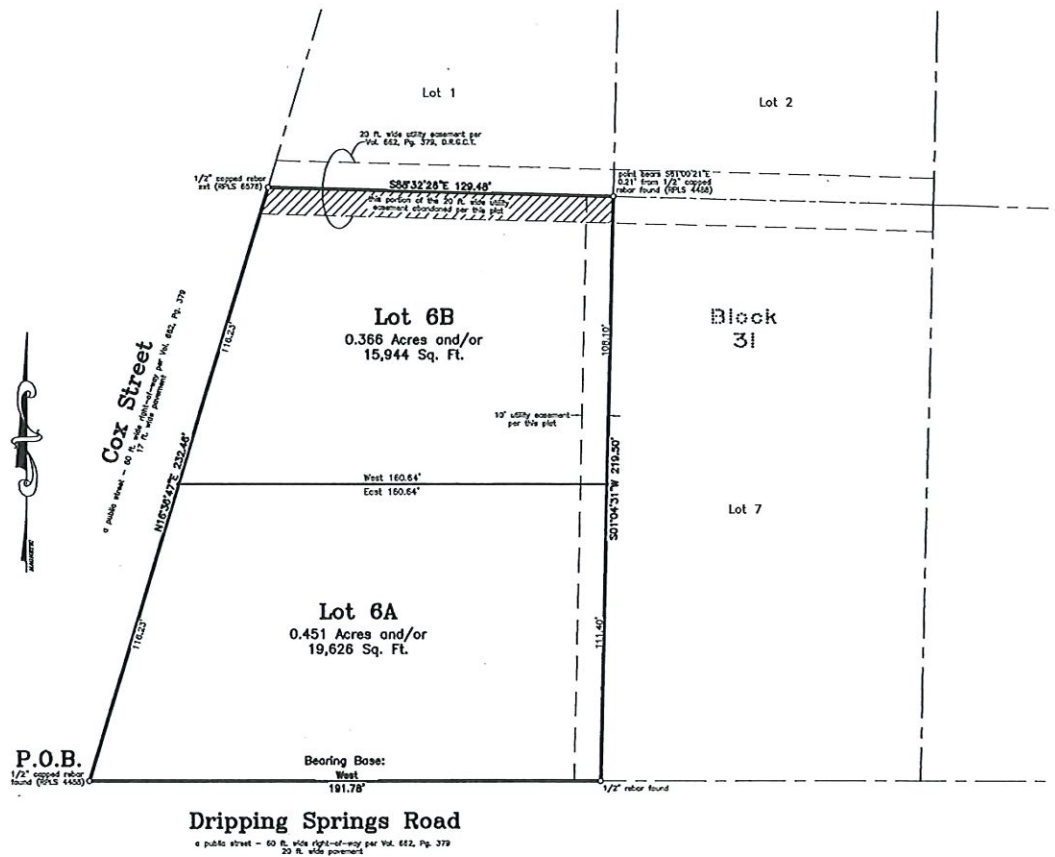


NOT TO SCALE

1 in = 200 ft

2701 Dripping Springs Road





Replat of Lot 6, Block 31, Hilltop Estates

**to the
City of Sherman, Texas**

0.817 Acres

**in the
J. Hendrix Survey
Abstract No. 503**

Job No. CGB460220

Tobar's Properties
Owner
635 Preston Meadows Road
Sherman, Texas 75092
Phone: 903-816-0416

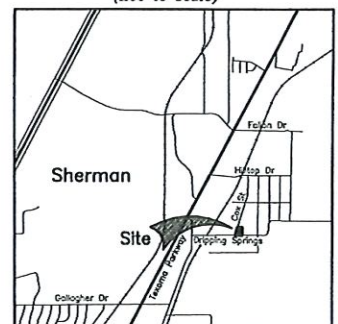
General Notes:

1. Water Supply to be provided by City of Sherman, Texas.
2. Sewer service to be provided by City of Sherman, Texas.
3. Electrical service is provided by Oncor Electrical Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plat hereon lies within a Zone "X" (areas determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0290 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

Job No. CGB460220

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

Vicinity Map (not to scale)



Page 1 of 2



STAFF REVIEW LETTER

March 06, 2020

Tobar's Properties
635 Preston Meadows Road
Sherman, TX 75092

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

Dear Applicants,

The request for approval of the Final Plat for Replat of Lot 6, Block 31, Hilltop Estates has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Water and sewer must be extended to serve the development.
6. Development Agreement required for Public Infrastructures.
7. Dedicate 13' Right of Way along Dripping Springs Road per the Grayson County Thoroughfare Plan.
8. Dedicate 10' Utility Easement along Cox Street.
9. 10' Utility Easement on north side of proposed Lot 6B must be abandoned by City Council and Resolution must be filed of record prior to filing plat.
10. Bearings must be shown on all boundary call-outs.
11. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
12. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Billy Hartsfield, Fire Marshal

Scott Shadden, Director of Development Services
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager



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

Agenda Item No. 14.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 2701 DRIPPING SPRINGS ROAD**

The request of Tobar Properties LLC (Owners) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 2701 Dripping Springs Road, being 0.817 acres in the J. Hendrix Survey, Abstract No. 503, also being all of Lot 6, Block 31, Hilltop Estates, as follows:

Planning and Zoning Commission

Replat approval of Lot 6, Block 31, Hilltop Estates.

Background:

The property is located at 2701 Dripping Springs Road the northeast corner of Dripping Springs Road and Cox Street. The property is zoned an R-1 (One Family Residential) District. The owner would like to replat the property into two lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Tobar Properties LLC (Owners)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

24

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Hilltop Estates Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 7.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Hancock Ranch in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being eleven (11) acres in the Winifred Bailey Survey, Abstract No. 66; George Hancock, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1493 F.M. 697)

Issue:

Final Plat Approval of Hancock Ranch in the City of Sherman's ETJ, being eleven (11) acres in the Winifred Bailey Survey, Abstract No. 66; George Hancock, Owner; and Helvey-Wagner Surveying, Inc., Surveyor (1493 F.M. 697)

Background:

The property is located at 1493 F.M. 697 in southeast Sherman off Ida Road (F.M. 697) in the City of Sherman's ETJ. The owner would like to plat the property into two lots.

Origination:

George Hancock (Owner)
Plain and Simple Investments, LLC (Developer)
Helvey-Wagner Surveying, Inc. (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 17, 2020 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

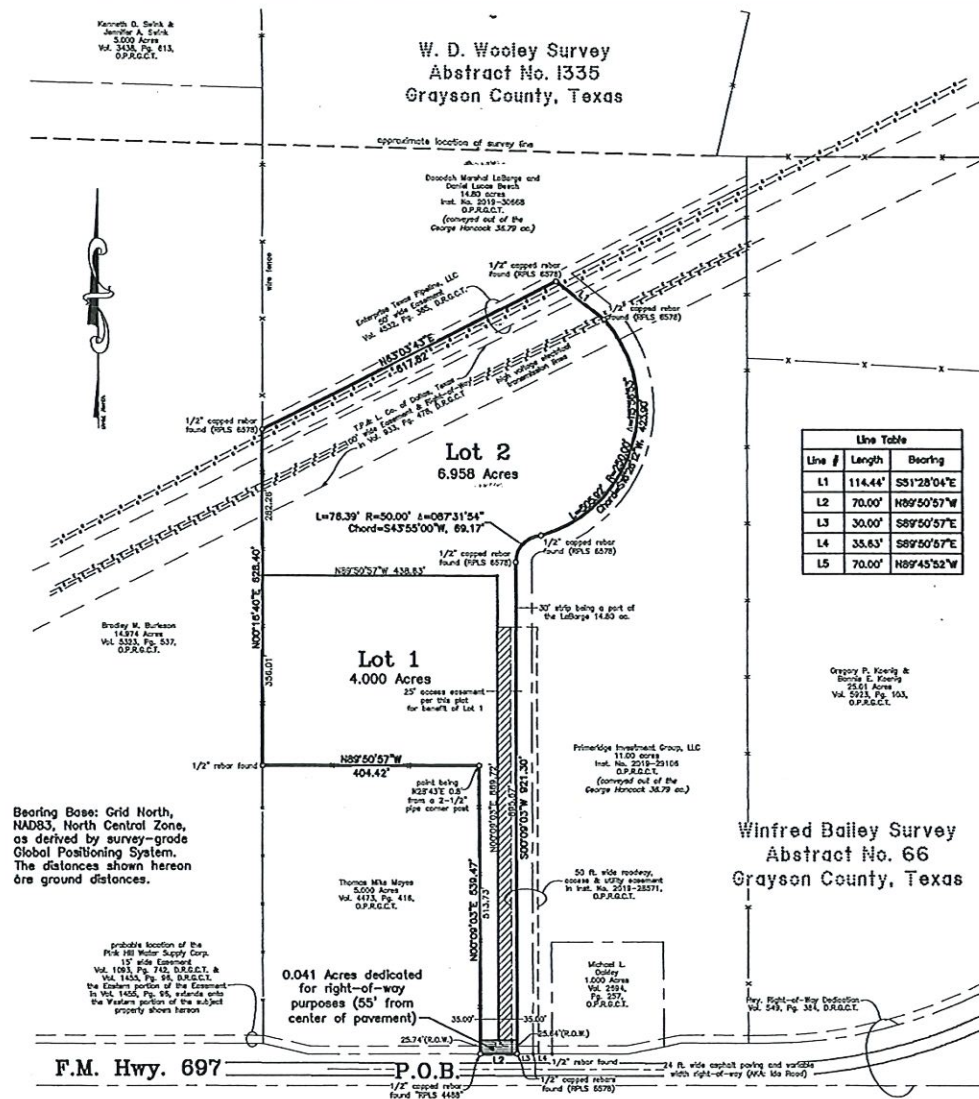
Aerial Location Map
Hancock Ranch Estates
Staff Review Letter
P&Z Communication



1493 FM 697 (ETJ)



1 in = 2,000 ft

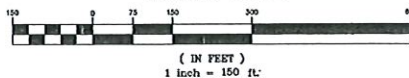


Hancock Ranch Estates to Grayson County, Texas 11.000 Acres

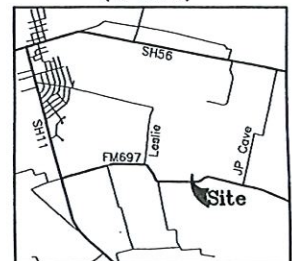
in the
**Winifred Bailey Survey
Abstract No. 66**

Job No. CGS430220

GRAPHIC SCALE



Location Map
(not to scale)



General Notes:

1. Water Supply to be provided by Pink Hill Water Supply.
2. Sewer service to be provided by on-site sewage facility study approved by Grayson County.
3. Electrical service is provided by Onco Electric Delivery Co.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. City of Sherman will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
7. The property shown on the plot hereon lies within a Zone "X" (area determined to be outside 500-year floodplain) Designation, as shown on the Flood Insurance Rate Map for Grayson County, Texas and Incorporated Areas, Map No. 48181C0425 F, Revised Date: September 29, 2010.
8. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
9. The owners and builders must comply with all other state and federal regulations regarding developments of this type.

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

Owner:
George Hancock
1018 Creekwood Drive
Garland, Texas 75044



STAFF REVIEW LETTER

March 06, 2020

George Hancock
1018 Creekwood Drive
Garland, TX 75044

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

Dear Applicants,

The request for approval of the Final Plat for Hancock Ranch Estates has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Dedicate 15' Utility Easement along new Right-of-Way location off of F.M. 697.
6. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
7. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Wayne E. Lee". The signature is fluid and cursive, with the first name "Wayne" being more prominent.

Wayne E. Lee, P.E., CFM,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Billy Hartsfield, Fire Marshal

Scott Shadden, Director of Development Services
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager



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

Agenda Item No. 12.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 1493 FM 697**

The request of George Hancock (Owner), Plain and Simple Investments, LLC (Developer) and Helvey-Wagner Surveying, Inc. (Surveyor) concerning the property at 1493 FM 697, being 11 acres in the Winifred Bailey Survey, Abstract No. 66, as follows:

Planning and Zoning Commission

Final Plat approval of Hancock Ranch in the City of Sherman's Extra Territorial Jurisdiction (ETJ)

Background:

The property is located at 1493 FM 697 in southeast Sherman off Ida Road (FM 697) in the City of Sherman's Extra Territorial Jurisdiction (ETJ) . The owner would like to plat the property into two lots.

Adjacent Zoning:

Outside City

Origination:

George Hancock (Owner)

Plain and Simple Investments, LLC (Developer)

Helvey-Wagner Surveying, Inc. (Surveyor)

Master Plan Designation:

Not included in Master Plan

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map
Hancock Ranch Estates
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 8.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Post Oak Place in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 10.25 acres in the Preston Kitchen Survey, Abstract No. 667; Kirk and Karl Allen, Owners; and Underwood Drafting and Surveying, Inc., Surveyor (300-400 Blocks of East Sherman Street)

Issue:

Final Plat Approval of Post Oak Place in the City of Sherman's ETJ; being 10.25 acres in the Preston Kitchen Survey, Abstract No. 667; Kirk and Karl Allen, Owners; and Underwood Drafting and Surveying, Inc., Surveyor (300-400 blocks of East Sherman Street)

Background:

The property is located in the 300-400 blocks of East Sherman Street in south Sherman off South Montgomery Street in the City of Sherman's ETJ . The owners would like to plat the property into fifty-one (51) lots for residential development.

Origination:

Kirk and Karl Allen (Owners)

Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

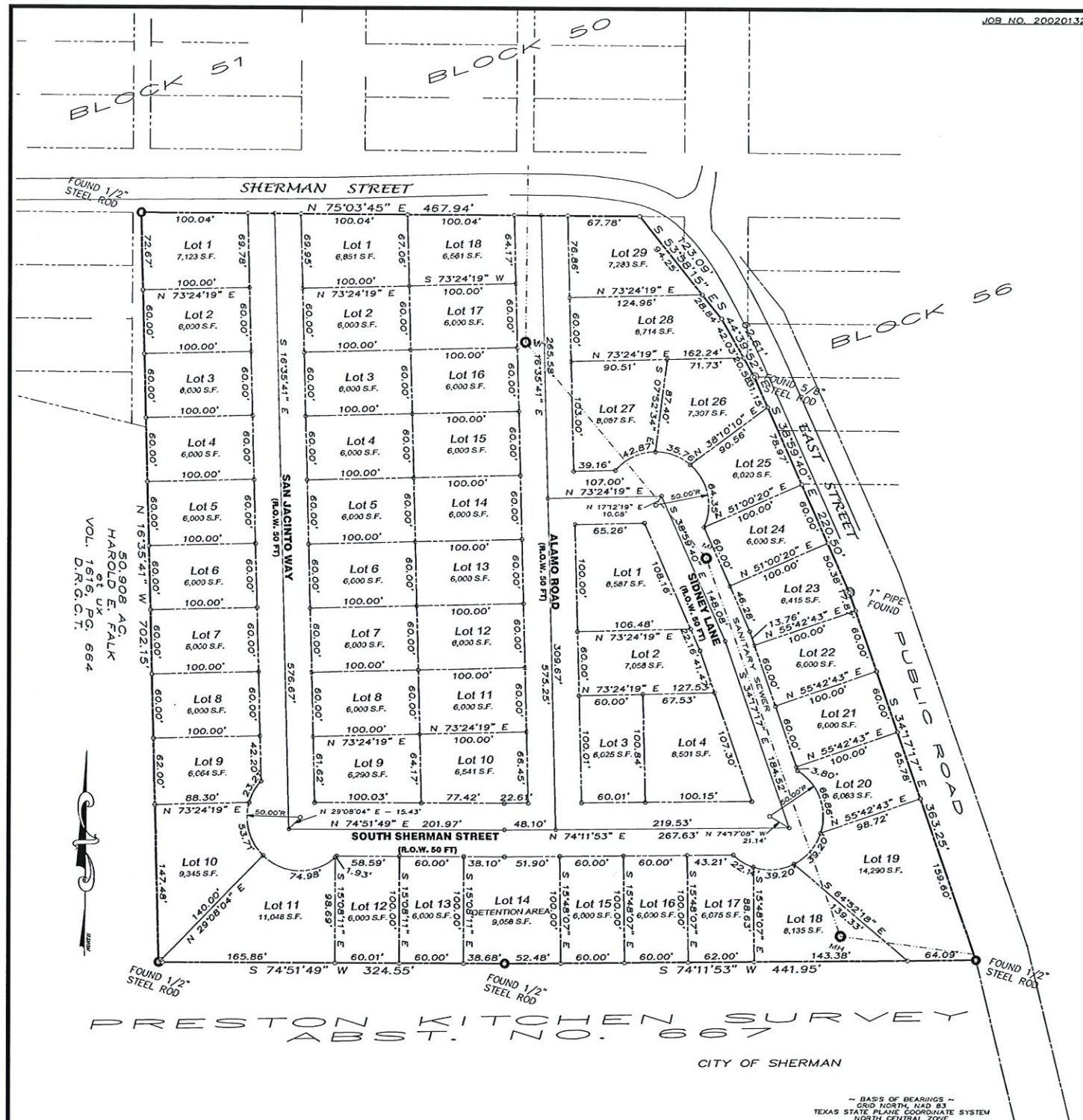
At the March 17, 2020 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Post Oak Place
Staff Review Letter
P&Z Communication



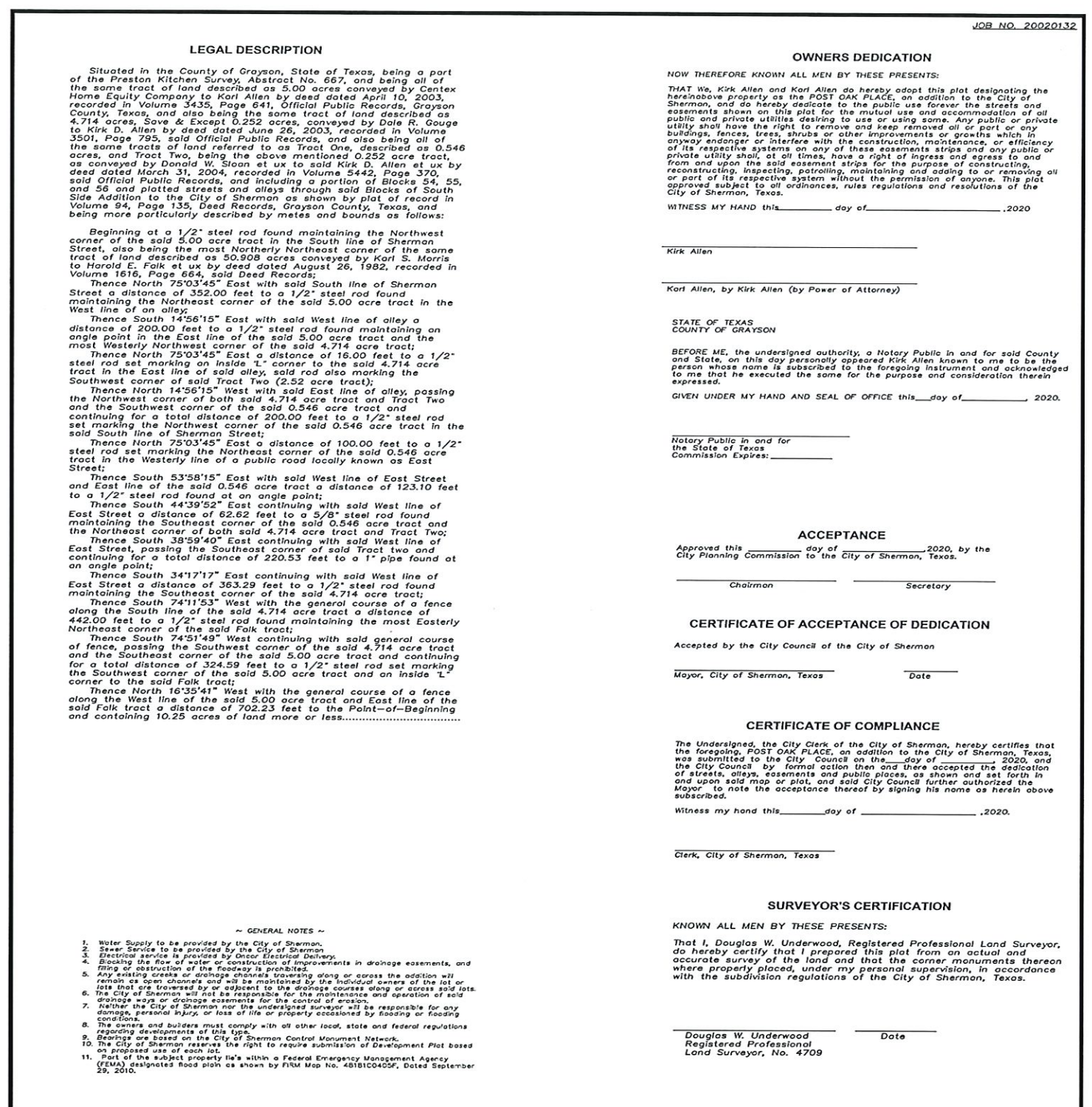
OWNERS/DEVELOPER
KIRK ALLEN/KARL ALLEN
418 E. SHERMAN
SHERMAN, TEXAS 75090

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

SHEET 1 OF 2



OWNERS/DEVELOPER
KIRK ALLEN/KARL ALLEN
418 E. SHERMAN
SHERMAN, TEXAS 75090

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



DRAFTING & SURVEYING
3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151



STAFF REVIEW LETTER

March 06, 2020

Kirk Allen / Karl Allen
418 E. Sherman
Sherman, TX 75090

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of Post Oak Place has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Show Point of Beginning on drawing.
6. Metes and bounds do not match drawing.
7. Dedicate 20' Sanitary Sewer Easement around existing sanitary sewer line. Remove line from plat.
8. Dedicate 10' Waterline Easement around existing water line. Remove line from plat.
9. Platted Rights of Way and alleys must be abandoned by Ordinance or prior abandonment information must be shown.
10. Annexation into City of Sherman limits and Pro-Rata required in order to receive City water and sewer services.
11. Water and sewer must be extended to serve the development. Relocations may be required upon review of civil plans.
12. Development Agreement required for Public Infrastructures.
13. Public utilities may require public infrastructure upgrades to ensure capacity for subject property.
14. South Sherman Street will need to be renamed. New street name will need to be approved by Developmental Services Department prior to filing plat.
15. Minimum lot width requirement is 60.'
16. Addition name to be shown as acreage and a Replat of South Side Addition.
17. Privately owned and maintained detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
18. Detention area shall be shown on plat as owned and maintained by HOA.

19. A utility, drainage, storm water, and grading plan shall be provided and approved by City Engineering Department upon annexation of property. A site development meeting is recommended.
20. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
21. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,



Wayne E. Lee, P.E., CFM,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Billy Hartsfield, Fire Marshal

Scott Shadden, Director of Development Services
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager



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

Agenda Item No. 13.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 300-400 BLOCKS OF EAST SHERMAN STREET**

The request of Kirk and Karl Allen (Owners) and Underwood Drafting and Surveying (Surveyor) concerning the property in the 300-400 blocks East Sherman Street, being 10.25 acres in the Preston Kitchen Survey, Abstract No. 667 Samuel Blagg Survey, Abstract No. 56, as follows:

Planning and Zoning Commission

Preliminary and Final Plat approval of Post Oak Place in the City of Sherman's Extra Territorial Jurisdiction.

Background:

The property is located in the 300-400 blocks of East Sherman Street in south Sherman off South Montgomery Street in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to plat the property into fifty-one lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

Origination:

Kirk and Karl Allen (Owners)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Not included in Master Plan

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Post Oak Place

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

E. 9.

Meeting Date: 04/20/2020

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Bethany Road Estates, No. II, Lots 5R-1 and 5R-2 in the City of Sherman's Extra Territorial Jurisdiction (ETJ), being 2.301 acres in the Aaron Burleson Survey, Abstract No. 61, also being all of Lot 5 of Bethany Road Estate No. II; Stone Castle Investors, LLC, Owners; and Preston Trail Land Surveying, LLC, Surveyor (515 Bethany Road)

Issue:

Replat Approval of Bethany Road Estates, No. II, Lots 5R-1 and 5R-2 in the City of Sherman's ETJ; being 2.301 acres in the Aaron Burleson Survey, Abstract No. 61, also being all of Lot 5 of Bethany Road Estate No. II; Stone Castle Investors, LLC, Owners; and Preston Trail Land Surveying, LLC, Surveyor (515 Bethany Road)

Background:

The property is located at 515 Bethany Road in northeast Sherman in the City of Sherman's ETJ. The owners would like to replat the property into two lots.

Origination:

Stone Castle Investors, LLC (Owners)
Preston Trail Land Surveying, LLC (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 17, 2020 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

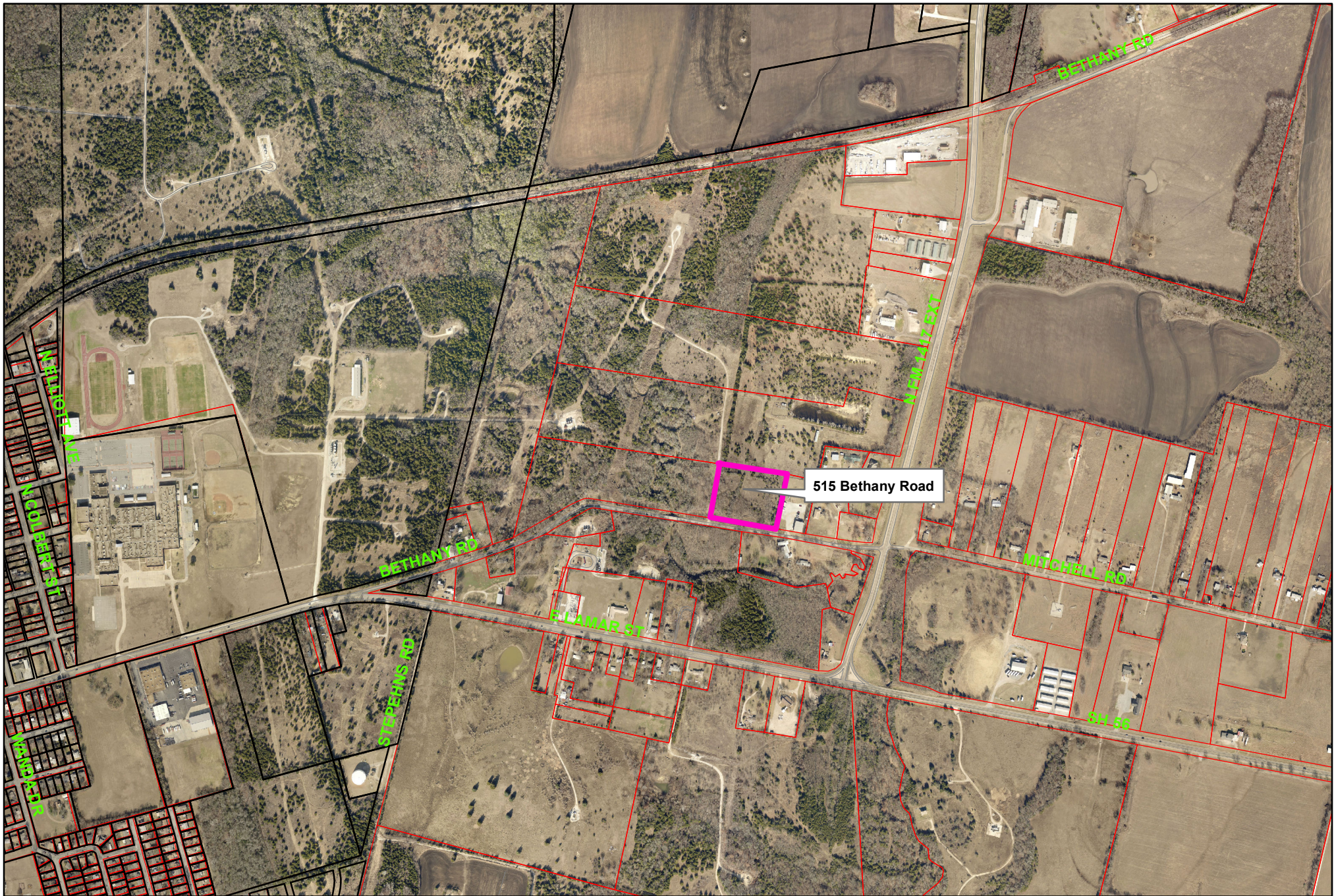
Attachments

Aerial Location Map

Bethany Road Estates No II Replat

Staff Review Letter

P&Z Communication



515 Bethany Road (ETJ)

City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

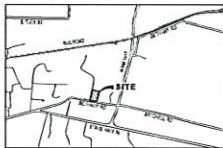
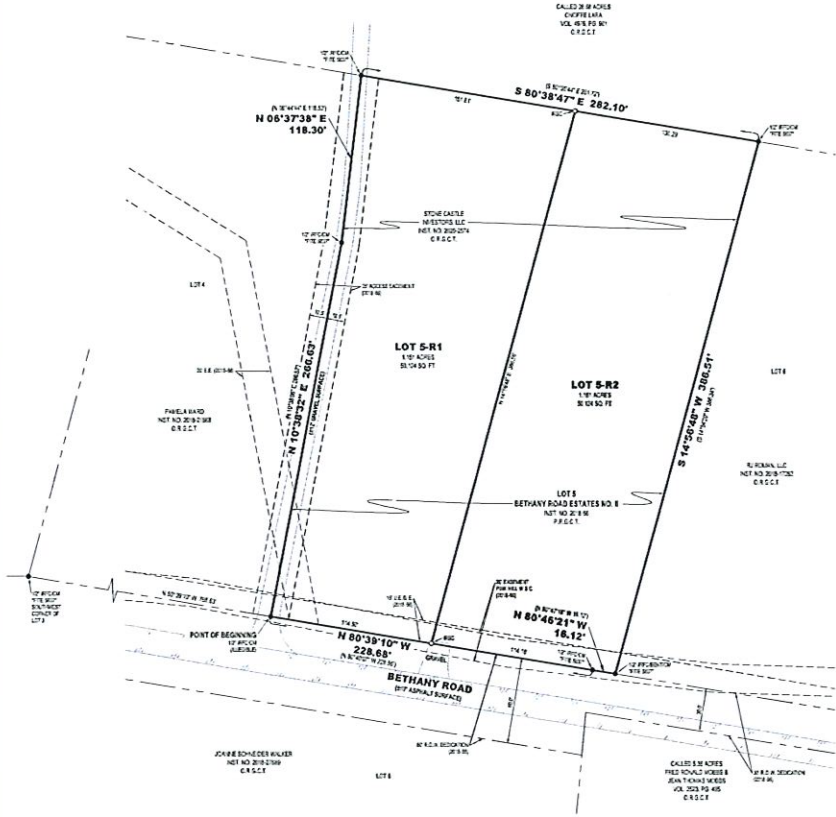
1 in = 900 ft

AARON BURLISON SURVEY ABSTRACT NO. 61

CALL TO 800-808-8088
OFFICE: 409-551-1000
CELL: 409-551-1000



Measurements shown are based on a point of the Texas Coordinate System of 1983 North Central Zone, 4303 North American Datum of 1983



VICINITY MAP
(NOT TO SCALE)

FLOOD STATEMENT:
I have examined the FEMA Flood Insurance Rate Map for Grayson County, Texas, Community Number 48035, effective date 05/02/2013 and that map indicates that this property is within "Non-Flooded Zone X" defined as "Areas determined to be outside the 1% annual chance flood" as shown on Panel 0309 F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

LEGEND

●	POLE MONUMENT	()	SEE ON PLAT CALL
○	SET MONUMENT	—	SEE ON PLAT CALL
—	1/2" HIGH W/ 1/2" THICK TRAIL L&L	E.E.	ELECTRIC VALVE LINE
—	BURNING, 1/2" HIGH CAP SET	1/2" POL.	1/2" POL. PIPE
—	1/2" HIGH ROSE POLAR BURNING CAP	NOTED	NOTED ON INSTRUMENT
—	CONTROLLING MONUMENT	CNP	CONCRETE METAL PIPE
PR.DCT.	PLAT RECORDS	-----	BOUNDARY LINE
	OSKON COUNTY, TEXAS	-----	ADJUTANT LINE
CR.DCT.	OFFICIAL RECORDS	-----	ENCLOSURE
	OSKON COUNTY, TEXAS	-----	ASPHALT

OWNER/DEVELOPER:
Stone Castle Investors, LLC
10004 Easton Drive
Midway, TX 75072
Contact: Curt Eley
Ph: 817-814-4757

SURVEYOR:
Curt Eley, PLS 6585
Preston Trail Land Surveying, LLC
83433 N. State Hwy 288, Suite 5
Pawleys, TX 75075
Ph: 817-814-4757

Preston Trail
LAND SURVEYING

83433 N. State Hwy 288, Suite 5
Pawleys, TX 75075
www.prestontrailsurveying.com
817-814-4757

817-814-4757 Printed by PRELIMINARY Date 05/10/2013 Sheet No. 1 of 2

OWNER'S CERTIFICATE

WHEREAS STONE CASTLE INVESTORS, LLC is owner of all of that certain tract or parcel of land situated in the Aaron Burlison Survey, Abstract No. 61, Extra-Territorial Jurisdiction of the City of Sherman, Grayson County, Texas, and being all of Lot 5 of Bethany Road Estates No. II, according to the plat thereof recorded in Instrument No. 2014-56, Plat Records of Grayson County, Texas, and being the same tract of land described in the deed to Stone Castle Investors, LLC, recorded in Instrument No. 2012-2574, Official Records of Grayson County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with an 8/16th plastic cap found for the southeast corner of said Lot 5, common to the southeast corner of Lot 4 of said Bethany Road Estates No. II, and on the northerly line of a 30-foot Right-of-Way Dedication by said Bethany Road Estates No. II, and at an intersection of the northerly right-of-way line of Bethany Road and the northerly line of a 30-foot Right-of-Way Dedication by said Bethany Road Estates No. II, and

THENCE with the westerly line of said Lot 5, and with the westerly line of said Lot 4, and a 30-foot Right-of-Way Dedication by said Bethany Road Estates No. II, and

THENCE South 80°38'47" East, a distance of 282.10 feet to a 1/2-inch iron rod with a plastic cap stamped "TITE 5837" found for the northeast corner of said Lot 5, common to the northeast corner of Lot 4 of said Bethany Road Estates No. II, and

THENCE South 14°58'40" West, with the westerly line of said Lot 5, and with the westerly line of said Lot 4, a distance of 388.51 feet to a 1/2-inch iron rod with a plastic cap stamped "TITE 5837" found for the southeast corner of said Lot 5, common to the southeast corner of Lot 4 of said Bethany Road Estates No. II, and

THENCE North 87°45'21" West, with the westerly line of said Lot 5, and on the northerly line of said 30-foot Right-of-Way Dedication, and with the northerly right-of-way line of said Bethany Road, a distance of 161.12 feet to a 1/2-inch iron rod with a plastic cap stamped "TITE 5837" found for the corner, and at the beginning of a 30-foot Right-of-Way Dedication, and

THENCE North 80°38'12" West, continuing with the westerly line of said Lot 5, and on the northerly line of said 30-foot Right-of-Way Dedication, and with the northerly right-of-way line of said Bethany Road, a distance of 228.68 feet to the POINT OF BEGINNING and enclosing 2.301 acres (100,240 square feet of land, more or less).

OWNER'S DECLARATION

KNOW ALL MEN BY THESE PRESENTS:

That STONE CASTLE INVESTORS, LLC, does hereby adopt this plat designating the heretofore described property as REPLAT OF BETHANY ROAD ESTATES NO. II, LOTS 5-R1 & 5-R2. In Addition to the Extra-Territorial Jurisdiction of the City of Sherman, Grayson County, Texas, and does hereby dedicate to the public use forever all streets, right-of-ways, ditches and easements shown thereon. The City or any public utility shall have the right to remove and keep removed or part of any building, fence, trees, shrubs or other improvements or growth in which any way endangers or interferes with the construction, maintenance or efficiency of its respective systems or any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting and repairing, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all zoning ordinances, rules, regulations and resolutions of the City of Sherman, Texas.

BY: Stone Castle Investors, LLC

Curt Eley

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Curt Eley, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas

Mayor, City of Sherman, Texas _____ Date _____

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of REPLAT OF BETHANY ROAD ESTATES NO. II, LOTS 5-R1 & 5-R2 to the City of Sherman was submitted to the City Council on the _____ day of _____, 20____, and the City Council by formal action then and there adopted the declaration of streets, alleys, easements and public places as shown and set forth in and upon said map or plat and said City Council further authorized the Mayor to note its acceptance thereof by signing his name as hereinafter subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

Clerk, City of Sherman, Texas _____

PLANNING AND ZONING COMMISSION CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City Planning and Zoning Commission of the City of Sherman, Texas.

Chairman _____ Secretary _____

SURVEYOR'S CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made by or under my supervision on the ground and that all measurements shown hereon actually and fully comply with the rules, laws, and regulations as aforesaid.

Curt Eley
Registered Professional Land Surveyor No. 6585

PRELIMINARY

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

REPLAT OF
BETHANY ROAD ESTATES NO. II, LOTS 5-R1 & 5-R2
2.301 ACRES
AARON BURLISON SURVEY, ABSTRACT NO. 61
Being all of Bethany Road Estates No. II, Lot 5
EXTRA-TERRITORIAL JURISDICTION
OF THE CITY OF SHERMAN
Grayson County, Texas

Preston Trail
LAND SURVEYING
83433 N. State Hwy 288, Suite 5
Pawleys, TX 75075
www.prestontrailsurveying.com
817-814-4757

OWNER/DEVELOPER:
Stone Castle Investors, LLC
10004 Easton Drive
Midway, TX 75072
Contact: Curt Eley
Ph: 817-814-4757

SURVEYOR:
Curt Eley, PLS 6585
Preston Trail Land Surveying, LLC
83433 N. State Hwy 288, Suite 5
Pawleys, TX 75075
Ph: 817-814-4757

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817-814-4757

817-814-4757 Printed by PRELIMINARY Date 05/10/2013 Sheet No. 1 of 2



STAFF REVIEW LETTER

March 06, 2020

Stone Castle Investors, LLC
10804 Sexton Drive
McKinney, TX 75072
Attn: Curt Eley

Preston Trail Land Surveying
83493 N. State Hwy. 289, Suite 5
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Replat of Bethany Road Estates No. II, Lots 5-R1 & 5-R2 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 17, 2020 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates with \$0.00 balance shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
6. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Wayne Lee, at 903-892-7327 prior to the meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Wayne E. Lee", written in a cursive style.

Wayne E. Lee, P.E., CFM,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Billy Hartsfield, Fire Marshal

Scott Shadden, Director of Development Services
Tom Pruitt, Utility Engineer
Clint Philpott, Assistant City Manager



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

Agenda Item No. 8.

Meeting Date: 03/17/2020

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

David Downtain, Commissioner

Trish Wood, Commissioner

Leigh Ann Sims, Commissioner

Paul Manley, Commissioner

Requested Action/Proposed Use:

*** 515 BETHANY ROAD**

The request of Stone Castle Investors, LLC (Owners) and Preston Trail Land Surveying, LLC (Surveyor) concerning the property at 515 Bethany Road, being 2.301 acres in the Aaron Burleson Survey, Abstract No. 61, also being all of Lot 5 of Bethany Road Estate No. II, as follows:

Planning and Zoning Commission

Replat Approval of Bethany Road Estates, No. II Lots 5R-1 & 5R-2 in the City of Sherman's Extra Territorial Jurisdiction (ETJ)

Background:

The property is located at 515 Bethany Road in northeast Sherman in the City of Sherman's Extra Territorial Jurisdiction (ETJ). The owner would like to replat the property into two lots.

Adjacent Zoning:

Outside City

Origination:

Stone Castle Investors, LLC (Owners)

Preston Trail Land Surveying, LLC (Surveyor)

Master Plan Designation:

Not included in the Masterplan

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Bethany Road Estates No II Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

G. 1.

Meeting Date: 04/20/2020

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

(a) Main Street Advisory Committee (3)

Issue:

The terms of Sean Vanderveer, Tommi Sue Homuth, and Nancy Sims on the Main Street Advisory Board expired on March 31, 2020. All are eligible and do wish to be reappointed. We have applications on file from Sarah Pierce and Katie Marie Baker.

Background:

The City Council created the Main Street Advisory Committee by Resolution No. 6063, approved on March 7, 2016. The purpose of the Committee is to encourage participation in the Main Street Downtown Revitalization Program, to establish and evaluate goals and priorities for the Main Street Program, to review design appropriateness for the purpose of participation in the Main Street Low Interest Loan Program and Incentive Grant Projects, to design and coordinate activities coinciding with the Main Street Program, to assist with the Main Street Program Annual Report, and to advise and support the Main Street Manager to further the goals and priorities of the Main Street Program.

Origination:

The reappointments originated with the City Clerk's Office.

Financial Consideration:

There is no financial consideration.

Staff Recommendation:

It is the staff recommendation that the City Council reappoint Sean Vanderveer, Tommi Sue Homuth, and Nancy Sims to the Main Street Advisory Board.

Alternatives:

The alternative is to delay reappointments to the Board.

Attachments

Roster

Fact Sheet

Applicant List

Sean Vanderveer Reappointment Letter

Nancy Sims Reappointment Letter

Tommi Sue Homuth Reappointment Letter

Sarah Pierce Application

Katie Baker Application

MEMBERSHIP ROSTER

MAIN STREET ADVISORY BOARD

LENGTH OF TERMS: 2 Years
Consecutive Term Limit 3 Terms

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Sherry Little	n/a	A 3/22/2016	3/31/2017	1	
		R 3/31/2017	3/31/2019	2	
		R 3/31/2019	3/31/2021	3	
Sean Vanderveer	3	U 5/7/2019	3/31/2020	0	
Janey Lynn	1	U 10/22/2019	3/31/2021	1	
Tommi Sue Homuth	n/a	U 1/22/2020	3/31/2020	0	
David Gunn	n/a	A 3/31/2017	3/31/2019	1	
		R 3/31/2019	3/31/2021	2	
Nancy Sims	4	A 3/31/2018	3/31/2020	1	
Lindsey Manley	1	A 9/5/2018	9/5/2020	1	
Diana Salas	n/a	A 9/5/2018	9/5/2020	1	
Courtney Mitchell	1	A 9/5/2018	9/5/2020	1	
Bill Mory	n/a	A 9/5/2018	9/5/2020	1	
Ex-Officio Members					
Daron Holland					Council Member
Karen Tooley					DSP&R President

Ex-Officio Members: City Council Member
Downtown Sherman Preservation & Revitalization President

Chair:

Vice Chair:

Resolution 6063, approved Sept. 4, 2018
Increased membership from 6 to 10

CITY STAFF:

Revised 1/22/2020

FACT SHEET

MAIN STREET ADVISORY BOARD

Established by RESOLUTION 6063 – MARCH 7, 2016

1. Number of Members: SIX
2. Term of Appointment: 2 YEARS
3. Consecutive Term Rule: THREE TERMS – ORDINANCE 4223 (10/21/91)
4. Qualifications for Membership: PRESERVE AND GROW DOWNTOWN AS A BUSINESS CENTER FOR SHERMAN
- 5.
6. Appointed by: MAYOR AND CITY COUNCIL

7. Board Organization

CHAIRPERSON E VICE CHAIRPERSON SECRETARY E

ELECTED E APPOINTED

8. Departmental Responsibility: DIRECTOR OF COMMUNITY AND SUPPORT SERVICES
9. Meeting Date: NO RULE – AS SET BY BOARD BY-LAWS
10. Attendance Requirements: NO RULE – AS SET BY BOARD BY-LAWS

=====

Ex-Officio Members:

City Council Member

Downtown Sherman Preservation & Revitalization President

PURPOSE:

- Encourage participation in the Sherman Main Street Downtown Revitalization Program
- Establish and evaluate goals and priorities for the Main Street Program
- Review design appropriateness for the purpose of participation in the Main Street Low Interest Loan Program and Incentive Grant Projects
- Design and coordinate activities coinciding with the Main Street Program
- Assist with the Main Street Program Annual Report
- Advise and support the Main Street Manager to further the goals and priorities of the Main Street Program.

RESPONSIBILITIES:

Said Board shall work with the Main Street Manager and other City officials to publicize the Main Street Program and shall recommend projects and activities to include marketing, advertising, promotion, design, organization, economic restructuring as related to the Main Street Program. The Board will also review any commercial construction or reconstruction plans proposed within the Main Street Program Target Area.

APPLICANT LIST

Main Street Advisory Board

Positions Vacant 3

Applicant	Address	District	Qualifications
Sean Vanderveer	112 N. Travis, Ste. 300	3	Current Member; Wishes to be Reappointed
Tommi Sue Homuth	226 Cambridge, Pottsboro	n/a	Current Member; Wishes to be Reappointed
Nancy Sims	2509 W. Cascade	4	Current Member; Wishes to be Reappointed
Sarah Pierce	1102 S. Elm	4	Goodwill Industries
Katie Baker	1708 W. Hunt	1	Sherman ISD

COMMENTS:

PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

February 28, 2020

Sean Vanderveer
112 N. Travis, Ste. 300
Sherman, Texas 75090

RE: Main Street Advisory Board

Dear Mr. Vanderveer:

Your term on the Main Street Advisory Board expires on March 31, 2020. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Nate Strauch, Community and Support Services Manager
Sarah McRae, Tourism/Main Street Manager

X

I do wish to be considered for reappointment to this board

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

SmVard

Signature

03/03/2020

Date

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



PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

February 28, 2020

Nancy Sims
2509 W. Cascade
Sherman, Texas 75092

RE: Main Street Advisory Board

Dear Ms. Sims:

Your term on the Main Street Advisory Board expires on March 31, 2020. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Nate Strauch, Community and Support Services Manager
Sarah McRae, Tourism/Main Street Manager

☒

I do wish to be considered for reappointment to this board

☐

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

Nancy Sims

Signature

3-4-2020

Date

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

PUBLIC RECORDS DEPARTMENT
Phone No. (903) 892-7204
Fax No. (903) 892-7394

February 28, 2020

Tommi Sue Homuth
800 W. Main
Donison, Texas 75020

RE: Main Street Advisory Board

Dear Ms. Homuth:

Your term on the Main Street Advisory Board expires on March 31, 2020. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby

Linda Ashby
City Clerk

cc: Nate Strauch, Community and Support Services Manager
Sarah McRae, Tourism/Main Street Manager

☒

I do wish to be considered for reappointment to this board

☐

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

Tommi Sue Homuth

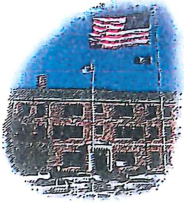
Signature

4-10-2020

Date

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





CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION
MEMBERSHIP



Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Sarah Pierce

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

Name of Board
or Commission:

Main Street Advisory

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

Personal Information

Home Address: 1102 S. Elm St.
Mailing Address: Same
Telephone: 903-357-0448 Fax: _____
E-Mail: Spierce@cadwallers-texas.org
Sherman Resident for 19 years County: Grayson
Drivers License No.: 038559169
Voter Registration No.: 1025425638 ✓

Occupational Information

Business Name: Cadwall Industries of North TX
Occupation: Marketing Director
Address: 2206 E. Lamar
Telephone: 903-893-3145 Fax: _____
E-Mail: Same

Which Council District do you live in? (see attached map) 4 ✓

Prior work experience: (please include dates)

Therapist
Marshall's Group Fitness Instructor 2010-2018
Liberty's 2017, Napier's 2018

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1993

Business College, Correspondence School, Adult Education, Other? Colin Kelley - Associates Degree

Name of College/University: Angelo ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Hospital for Nephrology w/ Legacy Bible Church 2011
Women's Health - Breast & Ovary 2017, 2018
Best Social Ball 2016-2017-2018-2019

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

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

NA

Taxes - No

Application held for 12 months from date received

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

If so, which one?

N/A A Side Note: I was just elected a Board Chair →

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

I enjoy being part of a group that is about growth.

Being part of Sherman's growth; serving... will help me feel & stay confident, esp. as our population →

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

1) Speed raising - I believe the board is already addressing this issue, and doing a wonderful job at it as well.

2) N/A

3) N/A

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

20 plus yrs. in marketing and event planning experience
leadership Sherman Classical growth

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

N/A

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

Comments: The board board is energetic and has follow through which I value.

Statement of Intent

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

Signature:

Sarah Rose

Date:

7/19/19

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

Sherman
CLASSIC TOWN. BROAD HORIZON.



CITY OF SHERMAN

APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP



Return completed application to:

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

Please type or use black ink

Please complete one application for each board or commission membership

Please limit attachments to two pages

For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Katherine Marie Baker - Katie

Name of Board or Commission: Main Street Advisory Board

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

Personal Information	Occupational Information
Home Address: 1708 W Hunt St Sherman TX 75092	Business Name: Sherman ISD
Mailing Address: 1708 W Hunt St Sherman TX 75092	Occupation: Accounting Specialist/ Secretary to Assistant Super Intendant
Telephone: 903-267-7720 Fax: _____	Address: 2701 Loy Lake Rd, Sherman TX 75090
E-Mail: katiemh24@yahoo.com	Telephone: 903-891-6400
Sherman Resident for: 20 years County: Grayson	Fax: 903-891-6407
Drivers License No.: 05135442	E-Mail: kbaker@shermanisd.net
Voter Registration No.: <u>1024787590</u> ✓	

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

Prior work experience: (please include dates)

Accountant at Headington Energy Partners-McKinney TX, Personal Banker at NexBank-Dallas TX, Corrections Officer at Grayson County Jail- Sherman TX

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 2001

Business College, Correspondence School, Adult Education, Other?

Name of College/University: Texas Tech University ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Sherman Service League 2009-2014, Volunteer at the Sherman Crisis Center 2010-2013, Keep Sherman Beautiful 2017-current, Sherman ISD campus events 2014-current

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

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

Taxes - No

Application held for 12 months from date received

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

If so, which one? _____

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

I grew up in Sherman and I see how we are changing and evolving. I would love to be a part of the ideas and growth. I think I have a lot to offer since I have lived here and know what I might have wanted to have when I was growing up, and what I would want now. I have a five year old and I know there are many things that I wish were available for him to do and family wise.

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

1) I feel that having downtown more active with restaurants and local businesses would bring the community together more. Lighting would make people want to walk around downtown more and spend more of their free time downtown rather than other cities or the town center.

2) Residential Living. If we have more residential living I think there would be a lot more foot traffic and draw people to downtown. This would bring people to the heart of Sherman to visit family and friends or open their minds to become a resident of downtown themselves.

3) Recruitment. Bringing more small businesses or chains to downtown will attract people of all ages of the community. Pairing local stores with restaurants to work together and promote one another or community ideas would help gain the attention of many and show everyone a unity and help us grow.

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

I have experience with public speaking, setting up for events, organizing events for personal and the community. I am proud to be from Sherman and have a strong stance on making it better and better.

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

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

Statement of Intent

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

Signature: Ratlie M. Baker Date: 8/27/19

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

Sherman
CLASSIC TOWN. BROAD HORIZON.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Telephonic Meeting

Meeting Date: 04/20/2020

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2020 Council Calendar

2020

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

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

MARCH						
S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL						
S	M	T	W	T	F	S
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26	27	28	29	30		

MAY						
S	M	T	W	T	F	S
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE						
S	M	T	W	T	F	S
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28	29	30				

JULY						
S	M	T	W	T	F	S
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19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST						
S	M	T	W	T	F	S
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23	24	25	26	27	28	29
30	31					

SEPTEMBER						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER						
S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

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

1/20/2020	Martin Luther King, Jr. Day/Called City Council Meeting on 1/21/2020
2/12/2020	Called Council Meeting - Training Session for Council Members
3/30/2020	Called Council Meeting - Intro and PH of Ordinance No. 6288, Extending Declaration of Public Health Disaster Indefinitely and Other Matters related to COVID-19
4/6/2020	City Council Meeting - Cancelled
6/11/2020	Called Budget Workshop in the Council Chambers
6/12/2020	Called Budget Workshop in the Council Chambers
9/7/2020	Labor Day/Called City Council Meeting on 9/8/2020

[illegible]