CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 19, 2010
5:00 P.M.

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 5, 2010

Proclamations

A.5 PROCLAMATION
"Young Life"

Public Hearing

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5648
Repealing Ordinance No. 5570 in its Entirety; Rescinding the Sixty (60) Miles Per Hour Maximum Rate of Speed on U.S. Highway 82 in the Corporate Limits of Sherman, Grayson County, Texas, established during the Texas Department of Transportation's Construction Project PTF 2008 (247)

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5649
Making an Emergency Appointment of Election Officials for an Election of the Qualified Voters of the Sherman Independent School District, Sherman, Texas, on the 8th day of May, 2010, for the Purpose of Electing Three (3) Sherman Independent School District Trustees for Said School District

Close Public Hearing and Consider Adoption of Ordinances

B.3 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
(a) 5648
(b) 5649

B.4 CONSENT AGENDA

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

Resolutions

C.1 ** RESOLUTION NO. 5483*

Authorizing the Execution of an Agreement with Habitat for Humanity of Grayson County for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1413 North Brents Avenue

Requests to Advertise

D.1 ** REQUEST TO ADVERTISE*

Lease-Purchase Financing of Capital Equipment

Other Business

D.2 OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Member Kelly Bickerstaff and SEDCO President John Boswell

D.3 OTHER BUSINESS

Receive Chief Animal Control Officer Scott Parker's Report on the Sherman Animal Shelter's Adopt-a-thon Scheduled for Saturday, May 1, 2010

D.4 CITIZEN REQUESTS

D.5 MEDIA QUESTIONS

D.6 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION

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

Section 551.072 Deliberations Regarding Real Property

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

(i) Blalock Industrial Park/Commercial Overlay District

The Council reconvenes into General Session

F.1 OPEN MEETING

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

F.2 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Robert G. Softly, Council Member

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF APRIL 5, 2010

STATE OF TEXAS §

April 5, 2010

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on April 5, 2010.

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

MEMBERS ABSENT: **NONE.**

CALL TO ORDER — **CALL TO ORDER**

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

APPROVE MINUTES — **APPROVE MINUTES**

The Council reviewed the Minutes of the Regular City Council Meeting of March 15, 2010. Council Member Wacker moved to approve the Minutes as presented; Second by Council Member Softly. All present voted AYE.
MOTION CARRIED.

PROCLAMATION

"NATIONAL LIBRARY WEEK" – APRIL 11-17, 2010 — **NATIONAL LIBRARY WEEK (APRIL 11-17, 2010)**

Mayor Magers presented a proclamation to Jacqueline Banfield, Library Services Administrator, designating April 11 through 17, 2010 as "National Library Week." Ms. Banfield thanked the City Council for their support.

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5644 and called for a public hearing: — **ORD 5644 CANCELLING CITY COUNCIL ELECTION FOR MAY 8, 2010**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATES FOR THE OFFICE OF CITY COUNCIL MEMBER FOR DISTRICT 1 AND FOR DISTRICT 3; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE MAY 8, 2010 REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON ELECTION DAY, MAY 8, 2010; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

No citizens appeared before the City Council to discuss Ordinance 5644.

Mayor Magers introduced Ordinance 5645 and called for a public hearing: — **ORD 5645 MUNICIPAL BALLROOM RATES**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE

OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.11, ENTITLED "PARKS, RECREATION AND MISCELLANEOUS PUBLIC PROPERTY", DIVISION 7, ENTITLED "MUNICIPAL BUILDING", TO PROVIDE FOR A NEW SECTION 1.11.248 TO BE ENTITLED "MUNICIPAL BALLROOM RULES AND REGULATIONS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5645.

Mayor Magers introduced Ordinance 5646 and called for a public hearing:

ORD 5646 LIVESTOCK & FOWL IN RESIDENTIAL AREAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL", ARTICLE 2.01, ENTITLED "GENERAL PROVISIONS", TO PROVIDE FOR A NEW SUBSECTION 2.01.009.01 TO BE ENTITLED "LIVESTOCK IN RESIDENTIAL AREAS" AND NEW SUBSECTION 2.01.009.02 TO BE ENTITLED "SMALL LIVESTOCK AND FOWL IN RESIDENTIAL AREAS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5646.

Mayor Magers introduced Ordinance 5647 and called for a public hearing:

ORD 5647 SUP FOR DAYCARE CENTER (2111 E. TUCK)

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 CENTER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2111 EAST TUCK STREET, BEING LOT 1, BLOCK 1, HARMONY BAPTIST CHURCH ADDITION (HARMONY BAPTIST CHURCH, OWNERS; AND EARL BROWNLOW, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

No citizens appeared before the City Council to discuss Ordinance 5647.

The Public Hearing was closed.

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5644

ORD 5644 CANCELLING CITY COUNCIL ELECTION FOR MAY 8, 2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATES FOR THE OFFICE OF CITY COUNCIL MEMBER FOR DISTRICT 1 AND FOR DISTRICT 3; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL

CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE MAY 8, 2010 REGULAR MUNICIPAL ELECTION FOR CITY COUNCIL SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON ELECTION DAY, MAY 8, 2010; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5644, as presented. Second by Deputy Mayor Smith.

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

Ordinance 5645

ORD 5645 MUNICIPAL BALLROOM RATES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS", ARTICLE 1.11, ENTITLED "PARKS, RECREATION AND MISCELLANEOUS PUBLIC PROPERTY", DIVISION 7, ENTITLED "MUNICIPAL BUILDING", TO PROVIDE FOR A NEW SECTION 1.11.248 TO BE ENTITLED "MUNICIPAL BALLROOM RULES AND REGULATIONS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Robby Hefton, Assistant City Manager/CFO, explained why the staff was asking for the changes. In preparation for the budget, all departments have been identifying which functions are essential and which are complimentary for City services.

Services that are essential should be supported by taxes and specific rates, such as police and fire service. However, swim lessons benefit an individual family, so the citizen should pay for those directly.

In relation to use of the Ballroom, the facility is supported first, by Hotel/Motel Taxes, not general property taxes. These taxes are generated by visitors that stay in local hotels.

Secondly, the use of the facility should be borne by those using it not by the general taxpayer. Third, the staff wanted to do a better job of running the facility as a business, more efficiently and more professionally. Some of the proposed changes are an attempt to "right-size" the operations with other outside markets.

Mayor Magers added that when the Tourism Director was hired, the Council expected her to assume additional responsibilities and this is certainly a tourism function.

April Patterson, Tourism Director, said the goals for the changes to the Ballroom rental process are to hold the renter

more accountable and make the process more efficient, streamline the process of the reservation, decrease missed opportunities to rent the Ballroom, protect the facilities, and reduce the staff hours spent contacting renters.

Ms. Patterson researched the procedure and costs associated with renting similar facilities, both government run and privately run. She outlined proposed changes to the current policy and rates.

Changes include requiring the payment up front, a more structured cancellation policy with rates to help decrease lost opportunities and maximize the return on investment. Some fees have been added that encourage more accountability and responsibility from the renter, and business hours will be implemented to deter the occasional all night party. They also want to minimize the amount of time spent on the last minute changes.

Ms. Patterson added that the rental of Kidd-Key Auditorium will also be under the Tourism Department but no immediate changes are being made at this time.

Mr. Hefton said one of the considerations that the staff has had is to keep the Hotel/Motel Tax dollars working for Hotel/Motel types of expenses such as renovations to the kitchen area with one time money that is available in that fund. This would make the kitchen more of a full service type of kitchen with food preparation facilities.

Council Member Wacker had some questions about the rate changes, but it makes sense knowing that the improvements will be made to the kitchen and the overall management of the facility.

Council Member Howeth asked if the staff will provide a list of preferred or recommended caterers and musicians that will perform at events. Ms. Patterson said she would like to develop such a list to distribute to renters.

Council Member Howeth questioned whether or not there was anyone that the City would not allow to rent the Ballroom. Council Member Wacker said there are some activities that are prohibited. Ms. Patterson said there are rules and regulations in place to protect the facility.

Council Member Adami said the proposed Ordinance says all reservations must be made at least 45 days in advance. He verified that the Ballroom could be booked less than 45 days in advance, providing that the rental is approved by the City Manager or his designee.

Ms. Patterson said the City wants to maintain the flexibility, however it is more difficult to assure that staff is available, to have the facility prepared, and to gather the materials needed less than 30 days before the event. It is a possibility, however she encouraged anyone wanting to rent the Ballroom to do so at least 45 days in advance.

Mr. Hefton added that the staff is also looking for alternative uses for other City buildings so there could be opportunities for smaller functions to be located in other existing City facilities.

Council Member Adami said the proposed Ordinance states that reservation fees are 50% refundable if the reservation is cancelled more than 45 days and less than 90 days prior to the event. He asked if a renter books the Ballroom 45 days out and the next day they have to cancel the event, they would be refunded less than 50% of their fee. Mr. Hefton said yes, the way the proposed Ordinance is written.

Mayor Magers verified that if the reservation is cancelled less than 45 days prior to the event, their reservation fees are forfeited. Mr. Hefton added that the City would be trying to recoup opportunity costs.

Ms. Patterson said the forfeited money would be out of the deposit money and they would get the actual event time money back that they paid. Council Member Adami urged that the rules be made very clear to the renters so they wouldn't lose their money or maybe allow them to move their date and not lose their deposit.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5645, as presented. Second by Council Member Howeth.

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

RECOGNIZING THE GREATER TEXOMA UTILITY AUTHORITY BOARD OF DIRECTORS AND OTHERS OF IMPORTANCE

GTUA BOARD OF DIRECTORS

Mayor Magers moved this item up in the Agenda to accommodate the schedules of the Greater Texoma Utility Authority Board of Directors.

Mayor Magers felt it was important for the City of Sherman to recognize the GTUA Board Members for the great job they did for GTUA.

He introduced the following Board Members: President Donald Skelton (13 years of service), Vice President Bill Johnson (16 years of service), Secretary/Treasurer George Rowland (16 years of service), Everett Grantham (9 years of service), Mark Kuneman (8 years of service), Paul Kirley (4 years of service), Duane Hayes (3 years of service), Clyde Yeatts (2 years of service), and former Sherman Mayor David Sprowl (back with 1 year of service).

Mayor Magers said GTUA recently secured 50,000 acre feet of surface water from Lake Texoma, which is a great deal for the region. The Texas population is expected to increase

from 23 million to 46 million by mid Century. Sherman is one of the few entities in the State that have both adequate water and adequate water treatment facilities.

This new supply will give the City of Sherman a 50 million gallon per day increase in the current water usage and will take care of Sherman's water needs for the foreseeable future. This will also provide water for the region.

Mayor Magers said the GTUA Board of Directors is a true model of regionalism and the members serve without pay. With this level of volunteers, their long tenure on the Board, and the success they have had in accomplishing their goals, it speaks greatly for volunteerism.

Mayor Magers also recognized the hard work that other Sherman citizens have put forth to assure that the City would have adequate water, including Dr. John D. Moseley, Former Austin College President, and an early advocate of water from Lake Texoma; David Gattis, Former Sherman Director of Public Works and Engineering, for his foresight in water and water treatment; and Congressman Ralph Hall, who in 1986 set the deal up with Oklahoma's Congressman. He again thanked David Sprowl who was Mayor of Sherman when GTUA was originally formed and had the foresight to look 30 years down the road.

On behalf of the City of Sherman, Mayor Magers thanked all the Directors of GTUA for their foresight and their help in securing adequate water for Sherman.

Mayor Magers said it's important to look at the foundations that have been laid in Sherman by the water. Sherman has clean air, an ample supply of water, an ample supply of water treatment facilities, and one of the best locations, 25 miles north of a population area of 5.6 million and growing.

There have been some short term set-backs in business with a couple of companies closing. He added that it's important not to let short term set-backs skew the vision. Mayor Magers proposed that the City Council, along with the Sherman Economic Development Corporation, design a strategic plan to target businesses that are heavy water users, so Sherman can leverage their assets and pro-actively pursue a certain style of business. There are different challenges when you try to draw in large water users.

Mayor Magers again thanked the GTUA Board of Directors and Jerry Chapman, General Manager, for their foresight and help in securing water.

Ordinance 5646
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ANIMAL CONTROL", ARTICLE 2.01, ENTITLED "GENERAL PROVISIONS", TO PROVIDE

ORD 5646
LIVESTOCK & FOWL IN RESIDENTIAL AREAS

FOR A NEW SUBSECTION 2.01.009.01 TO BE ENTITLED "LIVESTOCK IN RESIDENTIAL AREAS" AND NEW SUBSECTION 2.01.009.02 TO BE ENTITLED "SMALL LIVESTOCK AND FOWL IN RESIDENTIAL AREAS"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

Council Member Howeth thanked the City staff for looking into the issue of livestock in residential areas and for creating a provision that will allow citizens to have their livestock but also to protect residential areas and individuals.

Council Member Steele asked if there was a maximum number of livestock that would be allowed on a one acre or larger lot. Scott Shadden, Director of Development Services, said there was not currently a maximum number allowed. That would be addressed as a health issue that becomes a nuisance.

Mayor Magers said the proposed ordinance limits livestock in a lot and block neighborhood, but he commended the staff on the ability to balance the demands of a growing City with the citizens that have larger acreage.

ACTION TAKEN.

Motion by Council Member Steele to approve Ordinance No. 5646, as presented. Second by Council Member Softly.

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

Ordinance 5647

ORD 5647
SUP FOR
DAYCARE CENTER
(2111 E. TUCK)

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 CENTER IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AT 2111 EAST TUCK STREET, BEING LOT 1, BLOCK 1, HARMONY BAPTIST CHURCH ADDITION (HARMONY BAPTIST CHURCH, OWNERS; AND EARL BROWNLOW, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

ACTION TAKEN.

Motion by Council Member Wacker to approve Ordinance No. 5647, as presented. Second by Council Member Steele.

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

CONSENT AGENDA — **CONSENT AGENDA**

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

RESOLUTIONS

RESOLUTION NO. 5473 – RESCINDING RESOLUTION NO. 4755 IN ITS ENTIRETY WHICH ADOPTED A POLICY AND FEES FOR THE MUNICIPAL BALLROOM — **RES 5473 RESCIND RES 4755 MUNICIPAL BALLROOM FEES**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RESCINDING RESOLUTION NO. 4755 IN ITS ENTIRETY WHICH ADOPTED A POLICY AND FEES FOR THE MUNICIPAL BALLROOM.
CONSENT AGENDA.

RESOLUTION NO. 5474 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH GERALD E. RUSSELL FOR AN AGRICULTURAL LEASE AT THE SHERMAN WASTEWATER TREATMENT PLANT — **RES 5474 AG LEASE AT WWTP**

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

RESOLUTION NO. 5475 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GLOVER MOWING & LANDSCAPING COMPANY FOR THE 2010 PUBLIC WORKS MOWING PROGRAM — **RES 5475 PUBLIC WORKS MOWING PROGRAM**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GLOVER MOWING & LANDSCAPING COMPANY FOR THE 2010 PUBLIC WORKS MOWING PROGRAM.
CONSENT AGENDA.

RESOLUTION NO. 5476 – APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH TNT'S PIPELINE CORP. FOR CONSTRUCTION OF THE U.S. HIGHWAY 75 NORTH SEWER IMPROVEMENTS, CONTRACT "C" — **RES 5476 HIGHWAY 75 NORTH SEWER IMPROVEMENTS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH TNT'S PIPELINE CORP. FOR CONSTRUCTION OF THE U.S. HIGHWAY 75 NORTH SEWER IMPROVEMENTS, CONTRACT "C".
CONSENT AGENDA.

RESOLUTION NO. 5477 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JMI MAINTENANCE, INC. FOR THE RECONSTRUCTION OF A STORM SEWER FROM ARCHER DRIVE TO SAND CREEK — **RES 5477 RECONSTRUCTION OF STORM SEWER**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JMI MAINTENANCE, INC. FOR THE RECONSTRUCTION OF A STORM SEWER FROM ARCHER DRIVE TO SAND CREEK.

Jose Montoya, 3232 La Sombra Street, Grand Prairie, Texas
Mr. Montoya spoke through his translator Juan Moreno. Mr. Moreno asked if their company has a possibility of getting the job or if it has already been awarded to the other company. Mayor Magers said the staff has made a recommendation and if Mr. Montoya wants to say something, now is the time to say it. The Council has not voted on the issue yet.

Mr. Moreno said the City had already given them the job, but they took it from them because they didn't have too many references. Originally they only had one reference and now they have three references.

Mayor Magers said the City pays an engineering firm to be a consultant to advise in these matters. They also rely on the City staff's recommendation. Their recommendation is that the contract be awarded to JMI Maintenance, Inc.

Mr. Moreno said Mr. Montoya said the City took the job from him because they didn't recognize his company and he would like the opportunity to work with the City so they will know what type of job he does.

Council Member Adami asked if JMI Maintenance, Inc. was the low bidder. George Olson, City Manager, said JMI was the second lowest bidder. Mr. Montoya's company lacked the experience of putting in a line. Council Member Steele verified that it was a bonded job.

ACTION TAKEN.
Motion by Council Member Steele to approve Resolution No. 5477, as presented. Second by Council Member Wacker.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY:
MOTION CARRIED.

RES 5478
WASHINGTON STREET
RECONSTRUCTION

RESOLUTION NO. 5478 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH J&T EXCAVATING, L.L.C. FOR THE RECONSTRUCTION OF WEST WASHINGTON STREET
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH J&T EXCAVATING, L.L.C. FOR THE RECONSTRUCTION OF WEST WASHINGTON STREET.

Mayor Magers asked if the City had to use their power of eminent domain for anyone along Washington Street. Brandon Shelby, City Attorney, said no eminent domain was

used and the City has signed agreements with everyone on Washington Street except for one resident. There is a verbal agreement with that resident and he hoped to finalize that this week.

Mayor Magers verified that all property owners along Washington Street have agreed to the City's terms.

Council Member Steele verified that approving Resolution 5478 was the final step before the contractor can begin work. Council Member Wacker verified that the expected start date on the construction was set for May 2010.

Don Keene, Executive Director of Planning/Public Works, said once the final right-of-way is acquired and this contract approved, the contractor will be ready to go. The project is under budget. Council Member Wacker verified that the project still includes the sidewalk on one side.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution No. 5478, as presented. Second by Deputy Mayor Smith.

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

RES 5479
WEST LAMBERTH ROAD IMPROVEMENTS

RESOLUTION NO. 5479 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH VESSELS CONSTRUCTION, A DIVISION OF VESCOR, INC., FOR THE IMPROVEMENT OF WEST LAMBERTH ROAD FROM HERITAGE PARKWAY (FM 1417) TO SHADY OAKS LANE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH VESSELS CONSTRUCTION, A DIVISION OF VESCOR, INC., FOR THE IMPROVEMENT OF WEST LAMBERTH ROAD FROM HERITAGE PARKWAY (FM 1417) TO SHADY OAKS LANE.

ACTION TAKEN.

Motion by Deputy Mayor Smith to approve Resolution No. 5479, as presented. Second by Council Member Softly.

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

RES 5480
RESIDENTIAL TAX ABATEMENT (1414 E. LAMAR)

RESOLUTION NO. 5480 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOEY AND LYNN WOMBLE FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1414 EAST LAMAR STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN

AGREEMENT WITH JOEY AND LYNN WOMBLE FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1414 EAST LAMAR STREET.
CONSENT AGENDA.

RESOLUTION NO. 5481 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOEY AND LYNN WOMBLE FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1511 NORTH BRENTS AVENUE

RES 5481
RESIDENTIAL TAX ABATEMENT
(1511 N. BRENTS)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOEY AND LYNN WOMBLE FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1511 NORTH BRENTS AVENUE.
CONSENT AGENDA.

RESOLUTION NO. 5482 – AUTHORIZING EXECUTION OF A DEED FOR THE RESALE OF A TRACT OF LAND AT 520 WEST JONES STREET, SEIZED FOR DELINQUENT TAXES

RES 5482
SALE OF PROPERTY FOR DELINQUENT TAXES
(520 W. JONES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED FOR THE RESALE OF A TRACT OF LAND AT 520 WEST JONES STREET, SEIZED FOR DELINQUENT TAXES.
CONSENT AGENDA.

CHANGE ORDER NO. 1
SOLID WASTE SITE TRANSFER STATION PAVING IMPROVEMENTS, PHASE IV; LYNN VESSELS CONSTRUCTION, LLC; $1,325.00, INCREASE

CHANGE ORDER
TRANSFER STATION IMPROVEMENTS

The City Council approved the final closeout change order to adjust the contract amount for Phase IV of the Solid Waste Paving Project. The change order results in a net increase of $1,325 yielding a final contract price of $48,296.61.

The increase was caused by the exceptionally wet weather in February and the deteriorated conditions of an adjoining asphalt parking area which caused the base material and asphalt in the parking area to fail.

The project was budgeted in the City's Capital Improvement Program budget.
CONSENT AGENDA.

OTHER BUSINESS
RECEIVE SHERMAN CHAMBER OF COMMERCE PRESIDENT TRACI CARLSON'S PRESENTATION ON "MY CHAMBER APP"

CHAMBER APP

Traci Carlson, Sherman Chamber of Commerce President, presented a new IPhone App called "My Chamber App." The App is currently available for the IPhone and will be available for the Blackberry and the Droid on April 15, 2010. The App is free to download and free to have as a Chamber Member and will help "drive" visitors and citizens to Sherman businesses.

Shortly a billboard will also advertise the new App. The App will list restaurants, hospitals, and events in Sherman. Mayor Magers verified that it will only include Chamber Members at this time.

Ms. Carlson said the Sherman Chamber of Commerce is the first in the State of Texas and the fourth in the Nation to have this capability. Since Sherman is a pilot program, there will be a lot of updates in the future. This will put tax dollars back into the community.

She added that 30 other Chambers across the United States have called Sherman to find out about the program. When other Chambers sign up, Sherman will actually receive money back from the program. Sherman is also receiving national attention from the new App.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

LOSS OF FRIEND

Deputy Mayor Smith said he had been away on family obligations and it was great to be back. He added that the legal profession in Sherman recently lost R.J. Hagood. He was a lawyer's lawyer and a good friend, and he said he would truly miss him.

LOSS OF FRIEND

HOUSEHOLD HAZARDOUS WASTE EVENT

Council Member Wacker said the Household Hazardous Waste Event was scheduled for Saturday, April 10, 2010. She added that there are other Earth Day events coming up.

HOUSEHOLD HAZARDOUS WASTE EVENT

TEXAS RANGERS WIN OPENING GAME

Council Member Wacker recognized the Texas Rangers for winning their opening day game.

TEXAS RANGERS WIN OPENING GAME

U.S. CENSUS

Council Member Howeth urged all citizens to complete their Census forms. She has been urging her students to encourage their families to complete the forms. The City will benefit from accurate numbers and an accurate count.

U.S. CENSUS

THANKS TO STAFF

Mayor Magers thanked Tom Watt, Police Chief, for this help with activities going on this weekend.

THANKS TO STAFF

THANKS TO PARKS AND RECREATION STAFF

Mayor Magers recognized Kevin Winkler, Parks and Recreation Administrator, and his staff for their great customer services. He recently registered his four children for swimming lessons and completed the process in less than 15 minutes.

THANKS TO PARKS & RECREATION STAFF

ADJOURNMENT **ADJOURNMENT**

On Motion duly made and carried, the meeting adjourned at 5:51 p.m.

MAYOR

CITY CLERK

SHERMAN CHAMBER OF COMMERCE

307 W. Washington Ste. 100
Sherman, TX 75090
Phone (903) 893-1184
Fax (903) 893-4266

Press Release

Contact: Traci Carlson
Phone: (903) 893-1184

FOR IMMEDIATE RELEASE
9 A.M., March 15, 2010

New app for phones to feature chamber businesses

Published: March 15, 2010

Sherman, TX - Want information about Sherman Chamber of Commerce businesses? Yep, there is an app for that.

The chamber is the first subscriber of the "MyChamber" application for smart phones and iPhones in the State of Texas. The program will provide unprecedented access to the chamber's membership directory and event listing.

The app was developed through a partnership with Target Marketing, SouthComm Publishing and ChamberMaster software.

"I think it will be a great benefit for our membership," said Sherman Chamber of Commerce President Traci Carlson. "This is cutting edge technology and we are thrilled to be the first kids on the block."

"The use of smart phone apps is growing daily," said Sherman Economic Development President John Boswell. "This gives an innovative way to deliver information about Sherman and the Chamber of Commerce."

Both local residents and visitors from other areas who have telephones with global positioning systems (GPS) will be able to download the application and have access to phone numbers, addresses, maps and even Chamber Member Business coupons.

"With today's mobile society, My Chamber App puts Sherman at the forefront of smartphone technology," said Bruce Maxwell with Paramax Promotions, a longtime member of the Sherman Chamber. "Having chamber members' contact information at the touch of an icon while I am out of the office makes doing business with chamber members even easier than before. I personally have 65 apps on my iPhone and My Chamber App will definitely be my next addition."

The app will be available for the iPhone on March 21 and other handhelds by April 14. It's a free download.

"App information can be updated instantaneously," Carlson said. "If a business joins the chamber today, their information will be added to the app by tomorrow."

"We have worked for many months on this technology," Target Marketing President Philip Hageman said in a press release. "We anticipate that 'MyChamberApp' will provide expanded opportunities for Chamber members. We are delighted and very proud that the Sherman Chamber of Commerce has chosen to be our first subscriber in the State of Texas and only the fourth in the country."

Carlson believes the application will generate more business in the community and give a whole new meaning to "Simply Shop Sherman".

For more information on the app, call the chamber office at (903) 893-1184 or visit the web or app store to download the application.

The Sherman Chamber of Commerce is the largest Chamber of Commerce in Grayson County, Texas. Serving over 700 members the organization strives to keep the Sherman economy strong through its business advocacy and services. www.ShermanChamber.us

-End-

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. A.5

PROCLAMATION
"Young Life"

Issue
Young Life will be celebrating their 25th Anniversary in Sherman and will be sponsoring a Reunion.

Background
Young Life is a nondenominational Christian ministry for high school and junior high students.

Origination
The request originated with the Young Life organization.

Financial Consideration
There is no financial consideration to the City.

Staff Recommendation
It is the staff recommendation to present the proclamation.

Alternatives
The City Council could choose not to present the proclamation.

Attachments
A proclamation recognizing "Young Life"

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN

Proclamation

WHEREAS, Young Life has been active in Sherman since 1985 and is a nondenominational Christian ministry for high school and junior high students, and

WHEREAS, Young Life brings the news of Jesus into the lives of adolescents by building respectful relationships and is making a difference in the lives of kids around the world because they are supported by adults who care about kids in their community, and

WHEREAS, Young Life is a valuable asset to the Sherman community and has had a positive impact on hundreds of Sherman students for each of the 25 years they have been active, and

WHEREAS, for every talented Young Life staff person, there is a team of dedicated volunteer leaders, comprised of parents, Young Life alumni, and civic leaders, who work directly with kids in the community, and

WHEREAS, Sherman Young Life will sponsor a 25 Year Reunion on April 24, 2010, at 6 p.m. at Sherman Bible Church, that will reunite past staff members, volunteer leaders, past donors, and club kids.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby recognize

YOUNG LIFE

in the City of Sherman and encourage all citizens to recognize the dedicated work of this organization and the impact they have had and continue to have on the youth of our community. I also join with them in celebration of the 25 years they have served Sherman.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 19th day of April, 2010.

Mayor

ATTEST:

Linda Ashby
City Clerk

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5648
Repealing Ordinance No. 5570 in its Entirety; Rescinding the Sixty (60) Miles Per Hour Maximum Rate of Speed on U.S. Highway 82 in the Corporate Limits of Sherman, Grayson County, Texas, established during the Texas Department of Transportation's Construction Project PTF 2008 (247)

Issue
To rescind an ordinance that restricts the traffic speed on Highway 82 at the intersection of Highway 289

Background
The new Highway 289, from Highway 56 to Pottsboro, Texas, has been open to traffic since January 1, 2010. On September 29, 2008, the Texas Department of Transportation (TxDOT) requested that, during construction at the intersection of Highways 289 and 82, the speed limit on Highway 82 be reduced to 60 miles per hour (MPH) from mile point 13.879 approximately 1.2 miles easterly to mile point 15.079. The speed limit change was approved in Ordinance No. 5570, adopted at the October 20, 2008 Council meeting. TxDOT has advised the City that the speed limit can now be re-established at 70 MPH, thus necessitating that Ordinance No. 5570 be repealed.

Origination
TxDOT and Department of Public Works

Financial Consideration
None

Staff Recommendation
It is recommended that Ordinance No. 5648 be adopted to repeal Ordinance No. 5570 and the temporary construction speed zone.

Alternatives
As may be directed by the City Council

Attachments
Ordinance No. 5648
Ordinance No. 5570
TxDOT Original Request Letter dated September 29, 2008
Location Map

Prepared by:
Don Keene, Exec. Director of Planning/Public Works

Approved by:
George Olson, City Manager

ORDINANCE NO. 5648

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5570 IN ITS ENTIRETY; RESCINDING THE SIXTY (60) MILES PER HOUR MAXIMUM RATE OF SPEED ON U.S. HIGHWAY 82 IN THE CORPORATE LIMITS OF SHERMAN, GRAYSON COUNTY, TEXAS, ESTABLISHED DURING THE TEXAS DEPARTMENT OF TRANSPORTATION'S CONSTRUCTION PROJECT PTF 2008 (247); PROVIDING FOR A REPEALER; 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 Ordinance No. 5570, adopted by the City Council of the City of Sherman, Texas, on October 20, 2008, which established a maximum rate of speed on U.S. Highway 82 in the Corporate Limits of Sherman, Grayson County, Texas, during the Texas Department of Transportation's Construction Project PTF 2008 (247), fixed penalties for violation thereof, and declared an emergency, be and is hereby repealed in its entirety so as to be of no further force and effect.

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

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

INTRODUCED on this the _____ day of _____, 2010.

ADOPTED on this the _____ day of _____, 2010.

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

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

ORDINANCE NO. 5570

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ESTABLISHING A MAXIMUM RATE OF SPEED ON U.S. HIGHWAY 82 IN THE CORPORATE LIMITS OF SHERMAN, GRAYSON COUNTY, TEXAS, DURING THE TEXAS DEPARTMENT OF TRANSPORTATION'S CONSTRUCTION PROJECT PTF 2008 (247); FIXING PENALTIES FOR VIOLATION THEREOF; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, by the direction and authority of the City Council of the City of Sherman, Texas, that the following is the maximum, reasonable and prudent rate of speed for vehicular traffic upon U.S. 82 during the Texas Department of Transportation's Construction Project PTF 2008 (247);

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

SECTION 1. That no person shall drive a vehicle on U.S. 82 in the City of Sherman, Texas, at a speed greater than is reasonable and prudent under the conditions and circumstances during Project PTF 2008 (247). Except when a special hazard exists that requires lower speeds for compliance with the above requirements, the limits hereinafter set out shall be lawful but any speed in excess of the limits are hereinafter set out for U.S. 82 and portions thereof to which they apply shall be prima facie evidence that speed is not reasonable or prudent:

> On U.S. 82 in the corporate limits of Sherman, Grayson County, Texas from mile point 13.879 approximately 1.200 miles easterly to mile point 15.079, a construction speed limit of sixty (60) miles per hour during the construction phase of Project PTF 2008 (247).

SECTION 2. That any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed TWO HUNDRED AND NO/100 ($200.00) DOLLARS.

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

SECTION 4. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

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

INTRODUCED on this the 20th day of October, 2008.

ADOPTED on this the 20th day of October, 2008.

EFFECTIVE DATE on this the 20th day of October, 2008.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

_____
INTERIM CITY ATTORNEY

Texas Department of Transportation
1365 N. MAIN • PARIS, TEXAS 75460 • (903) 737-9300

September 29, 2008

Honorable Bill Magers
Mayor, City of Sherman
P.O. Box 1106
Sherman, TX 75091

Dear Mayor Magers:

Our District Traffic Office has worked with Austin for the approval of construction speed zone on US 82 that would be in effect during the TxDOT project number PTF 2008(247).

The attached speed zone maps show the results from this study and the proposed speed zone limits.

Also attached is a sample speed zoning ordinance covering the proposed speed zones. The sample ordinance may be used in its present form, or may be rewritten, using the distances and speed limits given.

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

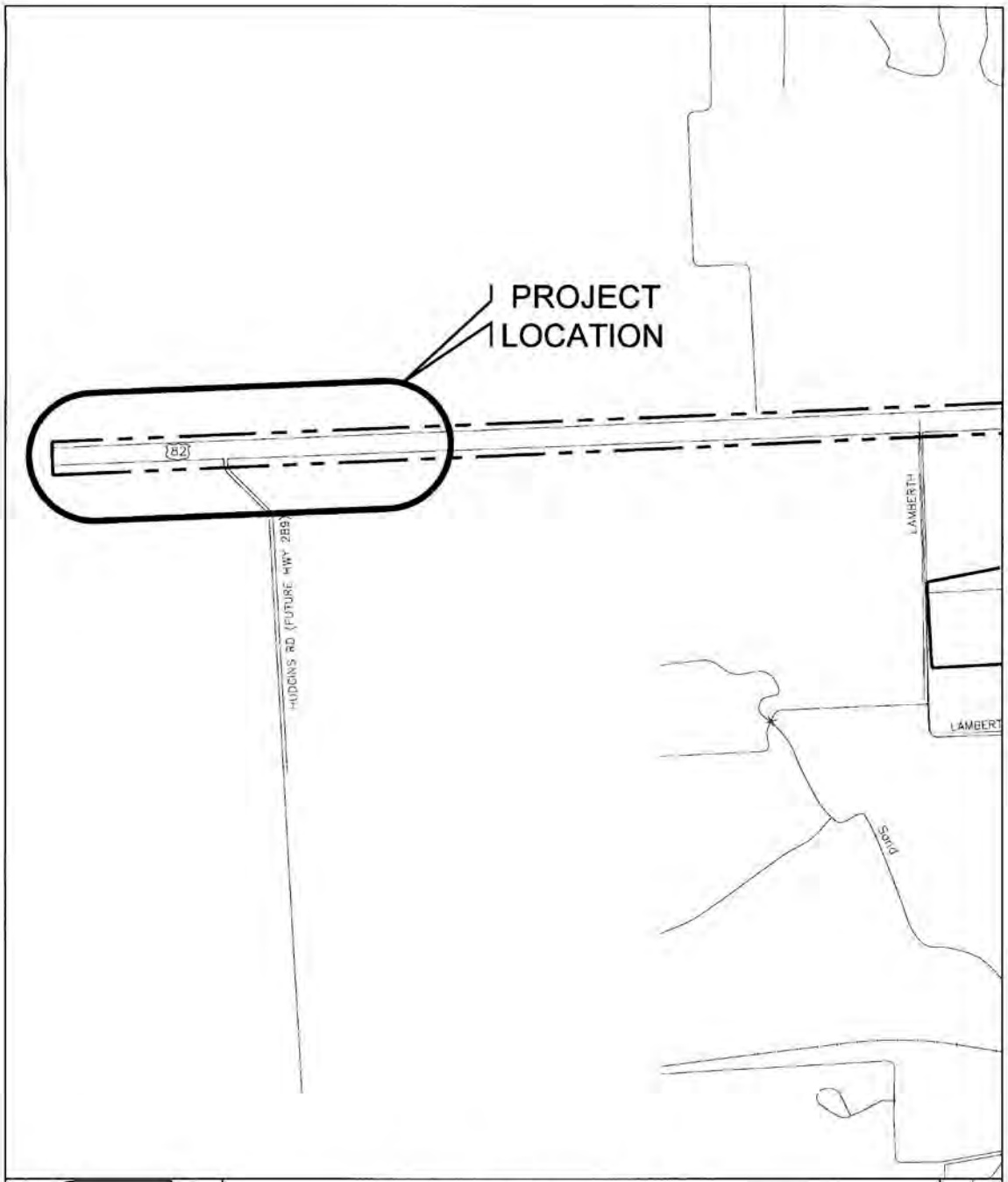
If you have any questions contact Kim Walker in the District Traffic Office at 903-737-9344.

Sincerely,

Jerry Keisler, P.E.
Director of Traffic Operations

JEK:akw
Attachments
Cc: Kevin Harris
Joe Strickland
DTO file

An Equal Opportunity Employer



City of Sherman, Texas

TEMPORARY CONSTRUCTION SPEED ZONE

PROJECT LOCATION MAP

N

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5649
Making an Emergency Appointment of Election Officials for an Election of the Qualified Voters of the Sherman Independent School District, Sherman, Texas, on the 8th day of May, 2010, for the Purpose of Electing Three (3) Sherman Independent School District Trustees for Said School District

Issue
To name a Presiding Judge and an Alternate Judge for Precincts 5, 6, 32, 36, 41, 46, and 53 at the Crutchfield School Polling Place

Background
The City provides election services to the Sherman ISD (SISD) on a contract basis each year. The City is reimbursed for the portion of election costs related to the SISD election, which this year will be 100% of the costs, since there will be no City election. In compliance with the Texas Election Code, the authority calling the election should designate election judges. Since the original ordinance calling the election was approved, the Presiding Judge at Crutchfield School has had to step down because of her husband's illness. We need to appoint a new Presiding Judge and Alternate Judge to serve on May 8, 2010.

Origination
The ordinance originated with the City Clerk's Office.

Financial Consideration
For the 2010 Sherman Independent School District Regular Election, election judges will earn $10.00 per hour; and election clerks will earn $8.00 per hour. Since the City of Sherman has cancelled their election because of unopposed candidates, the School District will pay all costs for the election after the time of cancellation.

Staff Recommendation
It is recommended that the City Council approve the ordinance designating election judges for the Crutchfield School Polling Place for the May 8, 2010 Sherman Independent School District Regular Election.

Alternatives
The alternative would be to name other election judges.

Attachments
Ordinance No. 5649

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

ORDINANCE NO. 5649

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, MAKING AN EMERGENCY APPOINTMENT OF ELECTION OFFICIALS FOR AN ELECTION OF THE QUALIFIED VOTERS OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT, SHERMAN, TEXAS, ON THE 8TH DAY OF MAY, 2010, FOR THE PURPOSE OF ELECTING THREE (3) SHERMAN INDEPENDENT SCHOOL DISTRICT TRUSTEES FOR SAID SCHOOL DISTRICT; 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 Sherman Independent School District of Sherman, Texas, has called a Regular Election for the 8th day of May, 2010, for the purpose of electing three (3) Sherman Independent School District Trustees; and

WHEREAS, the City of Sherman has cancelled their Regular Municipal Election for the 8th day of May, 2010, due to unopposed candidates; and

WHEREAS, in the ordinance calling the election, the presiding and alternate judges for the Crutchfield School Polling Place, Precinct Nos. 5-6-32-36-41-46-53, were named; but the presiding judge has since notified the City Clerk that she is unable to serve on Election Day; and

WHEREAS, Texas Election Code Section 32.051, "General Eligibility Requirements", permits the City to make an emergency appointment of an election judge in the event that an eligible qualified judge is not available;

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

SECTION 1. That the names of the officers for the election to be held on the 8th day of May, 2010, who are to hold the same, except insofar as the officers may be changed by the City Council of the City of Sherman, Texas, shall be as follows:

PRECINCT NO.	LOCATION	JUDGES
5-6-32-36-41-46-53	Crutchfield School 521 S. Dewey Sherman, Texas	Wanda Hutcheson, Presiding 1124 Valentine, Sherman Lee Salinas, Alternate 1709 Yarborough, Sherman

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

INTRODUCED on this the _____ day of _____, 2010.

ADOPTED on this the _____ day of _____, 2010.

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

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON SHELBY,
CITY ATTORNEY

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. B.3

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5648 and 5649

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5648
Repealing Ordinance No. 5570 in its Entirety; Rescinding the Sixty (60) Miles Per Hour Maximum Rate of Speed on U.S. Highway 82 in the Corporate Limits of Sherman, Grayson County, Texas, established during the Texas Department of Transportation's Construction Project PTF 2008 (247)

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5649
Making an Emergency Appointment of Election Officials for an Election of the Qualified Voters of the Sherman Independent School District, Sherman, Texas, on the 8th day of May, 2010, for the Purpose of Electing Three (3) Sherman Independent School District Trustees for Said School District

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. B.4

CONSENT AGENDA

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

C.1 **** RESOLUTION NO. 5483***

Authorizing the Execution of an Agreement with Habitat for Humanity of Grayson County for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1413 North Brents Avenue

D.1 **** REQUEST TO ADVERTISE***

Lease-Purchase Financing of Capital Equipment

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. C.1

**** RESOLUTION NO. 5483***

Authorizing the Execution of an Agreement with Habitat for Humanity of Grayson County for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1413 North Brents Avenue

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 1413 North Brents Avenue. The applicant would also like to have the $75.00 residential tax abatement application fee waived.

Background

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

Origination

Habitat for Humanity of Grayson County, Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot for which the applicant is requesting a waiver. If granted, the initial abatement for this lot will be approximately $169.60 annually.

Staff Recommendation

The staff recommends approval of this abatement since it meets the requirements of the process. In addition, the staff recommends the waiver of the residential tax abatement application fee.

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5483
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5483

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HABITAT FOR HUMANITY OF GRAYSON COUNTY FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1413 NORTH BRENTS AVENUE; 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 Habitat for Humanity of Grayson County 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 Habitat for Humanity of Grayson County 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 1413 North Brents Avenue, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, 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 **HABITAT FOR HUMANITY OF GRAYSON COUNTY**, hereinafter referred to as OWNER.

WITNESSETH:

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

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

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

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

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

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

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2010, and continuing for tax years 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018

and 2019 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2010, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

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

II.

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

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

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

III.

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

IV.

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

Construction of one (1) new single-family residence at 1413 North Brents Avenue, Sherman, Texas, and as more particularly described by the following:

BEING Lot 3, Block 32 of College Park 2nd Addition.

V.

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

VI.

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

VII.

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

VIII.

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

event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

Habitat for Humanity of Grayson County
PO Box 2725
Sherman, Texas 75091
(903) 893-0009

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

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

CITY:
CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON
CITY MANAGER

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
BRANDON S. SHELBY
CITY ATTORNEY

OWNER:
HABITAT FOR HUMANITY OF GRAYSON COUNTY

BY: _____
BOB MONTGOMERY

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

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

_____

Notary Public

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: HABITAT FOR HUMANITY

Mailing Address: PO BOX 2725 SHERMAN TX 75091

Telephone Number: 903 893-0009

Contact (if different than owner):

Name: BOB MONTGOMERY

Mailing Address:

Telephone Number: 903 815-0777

Property:

Physical Address: 1413 N. BRENTS

Summary Legal Description: Lot: 3 Block: 32 Addition: COLLEGE PARK SECOND ADDITION

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

Improvements:

Type of Improvements (please check one): New Construction: ✓ Remodeling: ____

Estimated Value of Improvements: $53,000

Estimated Date of Start of Construction: MARCH 29, 2010

Estimated Date of Completion of Project: JUNE 30, 2010

Description of Project: SINGLE FAMILY HOME

Applicant(s): BOB MONTGOMERY Date: 3-25-2010

BM

1413 N. Brents

Apr 01 10 10:30a Laurie Mealy 903-893-0009 p.1

Grayson County
Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090

22717

Instrument Number: 2009-00002582
As
Recorded On: February 06, 2009 Recordings

Parties: TIN STAR HOMES LLC
To HABITAT FOR HUMANITY

Billable Pages: 3
Number of Pages: 5

Comment: WD

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

Recordings	24.00
Total Recording:	24.00

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

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

File Information:

Document Number:	2009-00002582
Receipt Number:	282201
Recorded Date/Time:	February 06, 2009 03:30:02P
Book-Vol/Pg:	BK-OR VL-4591 PG-108
User / Station:	G WHITE - Cashiering Station 1

Record and Return To:

CHAPIN TITLE CO , INC.
520 N. TRAVIS ST.
SHERMAN TX 75090

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

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

GF 229717

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

WARRANTY DEED

Date: January 14, 2009

Grantor: Tin Star Homes, L.L.C.

Grantor's Mailing Address (including county)

4200 Quail Run Rd.
Sherman, Grayson County, Texas 75092

Grantee: Habitat for Humanity

Grantee's Mailing Address (including county)

P.O. Box 2725
Sherman, Grayson County, Texas 75091

Consideration: Ten Dollars and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged.

Property (including any improvements):

TRACT ONE: BEING the South 15 feet of Lot Six (6), all of Lot Seven (7), and the North 5 feet of Lot Eight (8) in Block Ten (10) of the W. Elliotts Addition to the City of Sherman, Texas, Part of plat in record in Volume 404, Page 4, Plat Records, Grayson County, Texas.

TRACT TWO: BEING Lot Three (3) in Block Thirty-Two (32) of College Park Addition to the City of Sherman, Texas, as shown by plat thereof recorded in Volume 88, Page 534, Deed Records, Grayson County, Texas and both tracts being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

All otherwise valid reservations and conveyances of the mineral estate, oil, gas, and other mineral leases, easements, rights-of-way, and restrictions of record in the office of the County Clerk of Grayson County, Texas.

Grantor, for the consideration and subject to the reservations from, and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

When the context requires, singular nouns and pronouns include the plural.

Tin Star Homes, L.L.C.

By: _____
Steve Palmer, Manager

Tin Star Homes, L.L.C.

By: _____
Tin Star General Contractors, LLC, Manager
By: Derek S. Humphreys, Member

(Acknowledgment)

STATE OF TEXAS
COUNTY OF GRAYSON

This instrument was acknowledged before me on the 30th day of January, 2009, by Steve Palmer, Manager of Tin Star Homes, LLC, a corporation, on behalf of said corporation.

_____
Notary Public, State of Texas

TAMARA NOYES
MY COMMISSION EXPIRES
August 10, 2009

BK Vol Pg
00002532 OR 4591 1:0

STATE OF TEXAS
COUNTY OF GRAYSON

This instrument was acknowledged before me on the 30th day of January, 2009, by Derek S. Humphreys, as Member of Tin Star General Contractors, LLC, Manager of Tin Star Homes, LLC, a corporation, on behalf of said corporation.

Tamara Noyes
Notary Public, State of Texas

TAMARA NOYES

EXHIBIT "A"

TRACT ONE:
Being the South 15 feet of LOT SIX (6), all of LOT SEVEN (7) and the North 5 feet of LOT EIGHT (8) in BLOCK TEN (10) of the W. ELLIOTTS ADDITION to the City of Sherman, Texas, as shown by plat of record in Volume 101, page 4, Plat Records, Grayson County, Texas, and more particularly described as follows:

BEGINNING on the East line of Throckmorton Street 135 feet south of the South line of Wells Avenue;

THENCE with the east line of Throckmorton Street South 45 feet to a cross marked in the concrete sidewalk for corner;

THENCE East parallel with the South line of Wells Avenue 140 feet to the west line of an alley;

THENCE with the West line of said alley north 45 feet to a stake for corner;

THENCE West parallel with the South lien of Wells Avenue 140 feet to eh east line of Throckmorton Street and the place of beginning, containing a tract of 45 feet x 140 feet, more or less.

TRACT TWO:
Being LOT THREE (3) in BLOCK THIRTY-TWO (32) of COLLEGE PARK SECOND ADDITION to the City of Sherman, Texas, as shown by plat thereof recorded in Volume 88, page 534, Deed Records, Grayson County, Texas.

	Bk	Vol	Pg
00002582	OR	4591	112

Filed for Record in:
Grayson County

On: Feb 06,2009 at 03:30P

As a
Recordings

Document Number: 00002582

Amount: 24.00

Receipt Number - 282201
By,
GAIL WHITE

STATE OF TEXAS COUNTY OF GRAYSON

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of:
Grayson County
as stamped hereon by me.

Feb 06,2009

Wilma Blackshear Bush, County Clerk
Grayson County

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: HABITAT FOR HUMANITY

PERMIT #: 100424

DATE ISSUED: 3/25/2010

PROJECT ADDRESS:	1413 N BRENTS AVE	LOT #:	3
PARCEL ID:	157067	BLK #:	32
SUBDIVISION:	COLLEGE PARK 2ND ADDN	ZONE ORD:	
ISSUED TO:	HABITAT FOR HUMANITY	CONTRACTOR:	HABITAT FOR HUMANITY
ADDRESS:	PO BOX 2725	ADDRESS:	PO BOX 2725
CITY, ST ZIP:	SHERMAN TX 75091-2725	CITY, ST ZIP:	SHERMAN TX 75091-2725
PHONE:		PHONE:	903 893 0009
PROP.USE:	RESIDENTIAL	SQ FT:	1,241.00
WORK:	NEW RESIDENTIAL CONSTRUCTION	BEDROOMS:	3
VALUATION:	$ 53,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

NOTICE

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

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

Bob Montesuey

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

3 DEC 2010
DATE

(APPROVED BY)

3/25/10
DATE

SARTIN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS

P.O. Box 1843 * 109 S. Travis * Sherman, Texas 75091-1843

Ph (903) 892-8003 * Fax (903) 868-2970 * Email – msartin@geecisp.com

SURVEY FOR: HABITAT FOR HUMANITY OF GRAYSON COUNTY

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 3 rd day of March, 2010 of the following described property:

Lot THREE (3) in Block THIRTY TWO (32) of COLLEGE PARK SECOND ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 88, Page 534, Deed Records, Grayson County, Texas.

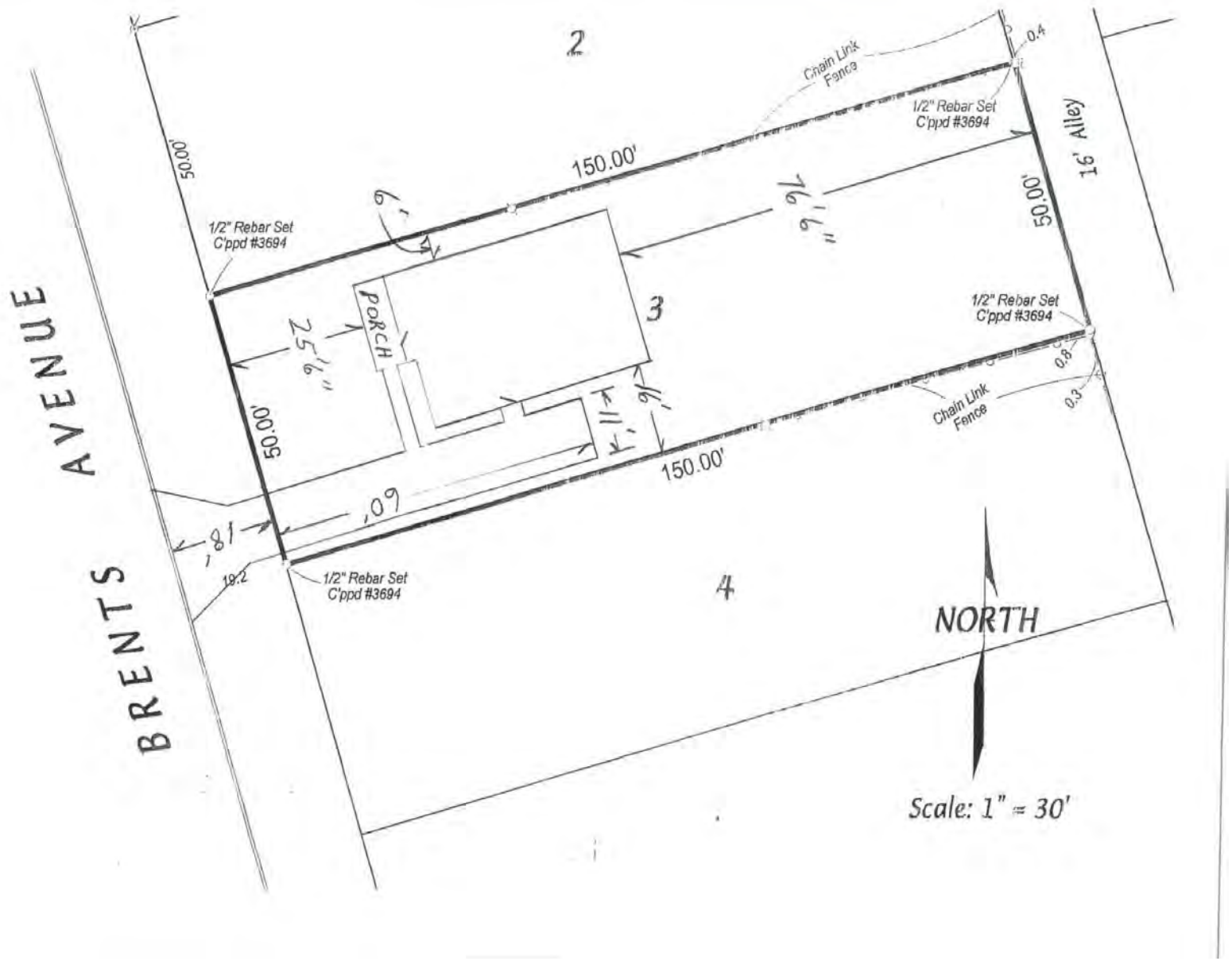
That the improvements located on said property are known as **1413 N. BRENTS AVENUE, SHERMAN, TEXAS,** that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying and is subject to all easements of record that may affect said property.

THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMES HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

Marshall Sartin, R.P.L.S. # 3694

STATE OF TEXAS
REGISTERED
MARSHALL SARTIN
3694
PROFESSIONAL
LAND SURVEYOR

1413BREN.pcs


2
Chain Link Fence
0.4
1/2" Rebar Set C'ppd #3694
16' Alley
50.00'
150.00'
6'
76'6"
50.00'
1/2" Rebar Set C'ppd #3694
PORCH
25'6"
3
1/2" Rebar Set C'ppd #3694
0.8
Chain Link Fence
0.3
50.00'
11'+
9'
150.00'
,09
,81
19.2
1/2" Rebar Set C'ppd #3694
4
BRENTS AVENUE
NORTH
Scale: 1" = 30'

1413 N Brents

City of Sherman, Texas
Engineering Department

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. D.1

**** REQUEST TO ADVERTISE***
Lease-Purchase Financing of Capital Equipment

Issue
Obtaining Council approval to solicit bids for lease-purchase financing of various pieces of capital equipment

Background
As part of the fiscal year (FY) 2010 budget process, the Council authorized the purchase of several large additions to the City's fleet, including an aerial ladder truck, an automated trash truck, and a street sweeper, among others. This equipment was ordered in October, 2009 and has already been put into the City's fleet rotation, except for the aerial ladder truck for the fire department, which should be put into service within the next 60 days. Because these were large dollar purchases, the staff budgeted for and is recommending lease-purchase financing of this equipment to spread out the purchase cost over the useful life of the equipment.

Origination
Finance

Financial Consideration
The cost of advertising and bid mailing will be approximately $200.00.

Staff Recommendation
It is recommended that Council approve this request to advertise for bids for the lease-purchase financing of capital equipment.

Alternatives
The Council could instruct staff to seek alternative forms of financing. This could not be recommended at this time because lease-purchase financing is the most expedient and least expensive long-term debt to issue.

Attachments
Request for Proposal on Equipment Lease

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

CITY OF SHERMAN, TEXAS
REQUEST FOR PROPOSAL ON EQUIPMENT LEASE

Project

The City of Sherman, Texas is purchasing a street sweeper, an aerial ladder truck, an automated trash collection truck and re-financing a balloon payment on a Pierce Custom Pumper.

Cost and Financing

The current projection of the costs and financing of the project are shown below:

Street sweeper	$	94,000
Aerial ladder fire truck		1,100,000
Automated trash collection truck		232,000
Re-finance pumper fire truck		178,140
	$	1,604,140

Actual costs will be determined at the time of purchase and may vary from the projected cost. The lease principal will be for the entire actual cost of the equipment.

Terms and Conditions

The City of Sherman is seeking a seven (7) year lease, in accordance with the schedule shown below:

Submit Proposed Terms and all Required Documents	May 5, 2010
Council Award Lease	May 17, 2010
Fund Escrow Account	May 28, 2010
First Quarterly Payment	July 15, 2010

- The payments are to be equal in amount and are to be charged on a quarterly basis starting July 15, 2010, with subsequent charges on each October 15, January 15, April 15 and July 15, until a total of 84 (eighty-four) payments are made.

- The payment schedule is to be on the arrears basis, rather than on the advance basis. No balloon payments are acceptable.

- The City of Sherman's obligation to make lease payments is subject to the annual availability of appropriations. Appropriations are included in the current budget, and the City of Sherman will use its best efforts to obtain such appropriations in subsequent fiscal years.

- The lease agreement must include a standard non-appropriation of funds clause.

- The leased equipment will become the property of the City of Sherman at the end of the lease term upon making the final payment.

- The City of Sherman will have the right to terminate the lease agreement by purchasing the leased equipment on any lease payment date by paying the principal balance that remains plus any pre-payment penalty. The pre-payment penalty may not exceed two percent (2%) of the remaining principal balance. Existence of a pre-payment penalty will be a factor in the City's decision to award bids on this financing. Any bids received with a pre-payment penalty in excess of that percentage will not be accepted.

- The City of Sherman will be responsible for insuring the equipment financed through this lease.

- The funding of the lease will be exactly the purchase price of the equipment. No over funding or under funding will be allowed.

- The total principal amount will be deposited into an escrow account, and the City of Sherman will receive all interest earned on the escrow account.

- The lease may not be sold to a third party without the advance written permission of the City of Sherman.

- No loan origination fee, documentation fee or any other fee will be allowed.

- The interest rate will be fixed for the entire life of the lease.

- The proposed interest rate will be firm for thirty (30) days following the opening of the proposals.

- Funds must be available no later than May 28, 2010, and the City of Sherman intends to draw the entire principal amount no later than September 30, 2010.

- The company making the successful proposal shall indemnify and hold harmless the City of Sherman and its officers, agents and employees from any and all claims, demands, actions, causes of action, liabilities, damages, costs, expenses, and attorney fees, as and when incurred by the City of Sherman and all liability of any kind, descriptions, or character whatsoever or any other loss or detriment brought for or on account of any injuries or damages received or sustained by any person, persons, or property on account of any act or fault of the successful proposing company or its agent, employee, subcontractor, or supplier in the execution of, or performance under, any contract which may result from the award.

The company making the successful proposal shall pay any judgment with cost which may be obtained against the City of Sherman resulting from such injury. The City of Sherman reserves the right to employ legal counsel of its choice.

- A written addendum will be provided to all parties for any changes made to this request for proposal. The City of Sherman will not be bound by any oral representation, clarification or change.

Proposal Requirements

- Bank qualified.
- Interest rate stated in terms of Annual Percentage Rate (APR)
- An amortization schedule based on estimated principal that includes separate columns for the total payment, principal, interest, and payoff amount including any pre-payment penalty
- A statement showing the total financial obligations such as interest and issuance costs arising from this lease to the City of Sherman throughout the life of the lease.
- The lease agreement and any other documentation the lessor requires in connection with this lease that do not conflict with the terms and conditions of this request for proposal
- The most recent financial statements of the leasing company, including an unqualified opinion from a certified public accountant
- At least three (3) references from local governments that have used the company for leases of similar terms
- A copy of the attached summary sheet for the proposal dated and signed by an official who is authorized to make binding commitments for the company.

Instructions for Preparing the Proposal

- The proposal must be signed by an authorized officer or agent having the authority to bind the company in a contract.
- Each proposal must be submitted in a sealed envelope bearing on the outside the name of the company making the proposal and the phrase “Proposal to Finance Equipment Lease.”
- No electronic or facsimile transmissions will be accepted.
- Any proposal received after the date and time stated for opening will not be considered.

- The company making the successful proposal is required to execute and deliver all necessary contracts and documents within ten (10) calendar days of receiving notice of the acceptance of their proposal.

- A company may make alternative proposals. Each alternative should be clearly marked as such and be complete in its own right.

- Any ambiguity in the proposal will be interpreted in the way most favorable to the city.

- No changes, additions or deletions will be allowed after submission of the proposal.

- A proposing company may withdraw their sealed proposal prior to the scheduled opening time provided that the request to withdraw is submitted to the City of Sherman Finance Department in writing.

Opening and Award

Deadline for submission of a proposal is **11 a.m. Central Standard Time on Wednesday, May 5, 2010.**

Proposals submitted by mail should be addressed to the following:

Finance Department
City of Sherman
P.O. Box 1106
Sherman, TX 75091-1106

Proposal will be opened at the time stated above at the following address:

Finance Department
Third Floor, Municipal Building
405 N. Rusk
Sherman, TX 75090

Questions may be directed to Mary Lawrence, Controller, (903) 892-7218 or maryl@ci.sherman.tx.us.

The award will be included on the agenda of the City Council on Monday, May 17, 2010. The meeting will be held in the City Council chambers in city hall, 220 West Mulberry in Sherman, Texas at 5:00 p.m.

SUMMARY SHEET

CITY OF SHERMAN, TEXAS

PROPOSAL TO FINANCE
STREET SWEEPER, AERIAL LADDER TRUCK AND AUTOMATED TRASH COLLECTION TRUCK AND RE-FINANCE PUMPER TRUCK

Company Submitting Proposal

Name of company: _____

Contact: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Email: _____

Proposed Rate (APR), Bank Qualified: _____

Total sum of expected payments over life of lease: _____

Pre-payment penalty as a percent of remaining principal balance: _____

By signing this form, the undersigned represents that he/she has full authority to bind this company to the terms contained in this proposal:

Name of authorized officer or agent: _____

Title: _____

Signature: _____

Date: _____

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. D.2

OTHER BUSINESS

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Member Kelly Bickerstaff and SEDCO President John Boswell

Issue

To receive the Sherman Economic Development Corporation's (SEDCO's) quarterly progress report from Board Member Kelly Bickerstaff and President John Boswell

Background

The brief presentation by the SEDCO Board Member and President will provide the City Council with an overview of SEDCO's activities and accomplishments during the last three months. SEDCO's last progress report was presented at the January 18, 2010 regular City Council meeting.

Origination

City Council

Financial Consideration

None

Attachments

SEDCO's Quarterly Progress Report

Prepared and Approved by:
George Olson, City Manager

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: **Sherman Economic Development Corporation**

Name of Chairman: **Greg Kirkpatrick**
Name of Vice Chairman: **Rad Richardson**

Date of Report to City Council: **April 19, 2010**

1. **In simple terms and as briefly as possible, please describe the mission of your board.**
   The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the Sherman and surrounding area economies through the addition of new jobs and investment.

2. **Please list the top accomplishments of your board within the past quarter. (please limit the list to five or fewer items).**
   1) The Board renewed the Land Option Agreement with Panda Energy;
   2) Successfully completed the performance agreement with West Asset Management;
   3) The Board successfully completed board member training;
   4) The Board supported the Blalock Commercial Overlay District.

3. **What are your plans for this board in the next quarter?**
   The Board and staff are working with several prospects (new and existing businesses) that will add new investment and jobs to Sherman.

4. **How often did this board meet in the last quarter?**
   The SEDCO Board held two regular scheduled meetings and one special called meeting.

5. **In what percentage of those meeting was a quorum of board members present?**
   100%.

6. **Did any member attend less than 75% of those meetings? If so, which member and how often did they attend.**
   No.

7. **What other information would your board like to communicate to the City Council? (please be concise in your response).**
   The SEDCO Board looks forward to working with the City on the implementation of the Comprehensive Master Plan.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. D.3

OTHER BUSINESS
Receive Chief Animal Control Officer Scott Parker's Report on the Sherman Animal Shelter's Adopt-a-thon Scheduled for Saturday, May 1, 2010

Issue
The Sherman Animal Shelter will hold its annual Adopt-a-thon on Saturday, May 1st during the hours of 10:00 a.m. to 4:00 p.m. at their facility at 1800 East Ida Road.

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

The City of Sherman's Animal Shelter held its first Adopt-a-thon in 1996 and has continued the event each and every year. Last year, twenty-four (24) dogs and eleven (11) cats were adopted during Sherman's annual Adopt-a-thon event.

Origination
The City Manager's Office

Council Action Requested
The Council need take no action on this agenda item.

Attachments
Pet Adopt-a-thon Flyer
Location Map

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

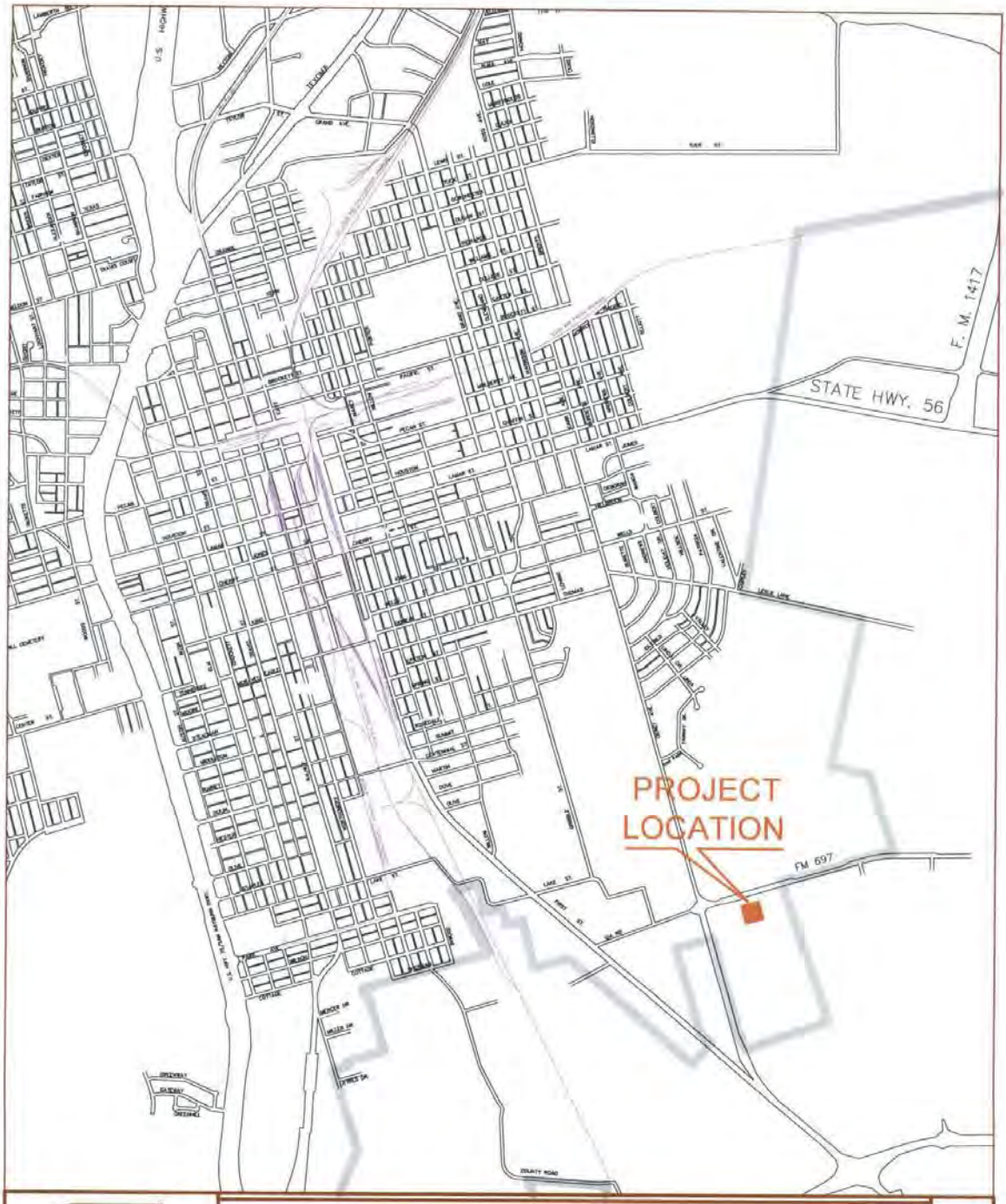
SHERMAN ANIMAL SHELTER ADOPT-A-THON

May 1st 2010
10:00 AM TO 4:00 PM

COME JOIN IN THE FUN

Shelter Adopt Fees :
Dogs/puppies $44.00
Cats/kittens $33.00

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



City of Sherman, Texas

SHERMAN ANIMAL SHELTER ADOPT-A-THON

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. D.4

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. D.5

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. D.6

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

Section 551.072 Deliberations Regarding Real Property
(a) Deliberate Regarding the Purchase, Exchange, Lease, or Value of Real Property:
(i) Blalock Industrial Park/Commercial Overlay District

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. F.1

OPEN MEETING

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

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-19-2010

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2010

CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JULY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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