

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 16, 2018
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY MAYOR DAVID PLYLER**
- A. 3. INVOCATION BY MAYOR DAVID PLYLER**
- A. 4. APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 2, 2018**

Proclamations

- B. 1. PROCLAMATION**
“Motorcycle Safety and Awareness Month” – May 2018

Public Hearing

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6106**
Amending Section 410 (2)(j), Ordinance No. 2252, Article IV and Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Movie Theater/Bowling Alley/Arcade (Commercial Amusement Center) in the Blalock Industrial Park/Blalock Commercial Overlay District/O-1.1 (FM 1417 Overlay) District, C-1 (Retail Business) District and C-2 (General Commercial) District in the 100-200 Blocks of East F.M. 1417 (Vietnam Veteran’s Parkway) and the 3700 Block of South U.S. Highway 75, being 22.330 acres in the Sherod Dunman Survey, Abstract No. 329 (Sherman Economic Development Corporation and the City of Sherman, Owners; Mark Schulman, Developer; Vilbig and Associates, Civil Engineer/Surveyor; and Hodges Architecture, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6107**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Farm Equipment Sales, Service, Repairs, Feed Store with Outdoor Storage/Displays in a C-2 (General Commercial) District/O-1 (75 & 82 Overlay) District at 2725 North U.S. Highway 75, being Lot 5, Block 1 of the Texoma Crossing Addition, a Replat of Lots 5 and 5A (S&W-AL LLC, Owners; Orscheln's Farm & Home, Tenant; Jake Long, Glove Con, Inc., Representative; 21 Design Group, Civil Engineer/Surveyor; and PW Architects, Inc., Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6108**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 3608 F.M. Highway 691, being Lot 1, Legend Bank Addition (Legend Bank NA, Owners; Todd Young, Young Enterprises, Representative; Legend Bank, Tenant; Conduit Architecture + Design LLC, Architect; and Freeman-Millican, Inc., Engineer/Planner)

- C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6109**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading, Permanent Make-Up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District at 225 North Travis Street, Suite 300, being Lot 1 and Part of Lots 2, 11, 12, Block D, TJ Shannon Supplement (Sherman Lofts LLC, Owners; Hanna Martin, Applicant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6110**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Automobile Sales and Accessories in the Existing Building in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District at 5615 North F.M. 1417 (Heritage Parkway), being 3 acres in the John Goode Survey, Abstract No. 468 (Advanced Binary LLC, Owners; Charles Malec, Representative; and Brohard Architecture, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Close Public Hearing and Consider Adoption of Ordinances

- C. 6. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Numbers: 6106, 6107, 6108, 6109 and 6110
- C. 7. CONSENT AGENDA**
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

- D. 1. RESOLUTION NO. 6361**
Finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") Application for Approval of a Distribution Cost Recovery Factor Pursuant to 16 TEX. ADMIN. CODE § 25.243 to Increase Distribution Rates within the City Should be Denied; Finding that the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Requiring Notice of this Resolution to the Company and Legal Counsel
- D. 2. RESOLUTION NO. 6362**
Authorizing Submission of an Application for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Awarded under the U.S. Department of Homeland Security - Federal Emergency Management Agency (FEMA) to Fund the Hiring of New, Additional Firefighters for the Sherman Fire Department; Designating the City Manager as the Authorized Official to Accept, Reject, Alter or Terminate the Grant on Behalf of the City
- D. 3. RESOLUTION NO. 6364**
Authorizing Execution of an Agreement with David and Tracey Downtain d/b/a Risen Properties, LLC under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program for Improvements to 328-330 West Lamar Street
- D. 4. * RESOLUTION NO. 6365**
Authorizing Execution of a Development Agreement with West Canyon Creek Properties, Ltd. for the Construction of Public Facilities in West Canyon Creek Estates, Section 1, an 8.52-acre Development off of Canyon Creek Drive, between Lamberth Road and Shady Oaks Lane in the City of Sherman

Requests to Advertise

- E. 1. *** REQUEST TO ADVERTISE**
Services to Perform the Annual Audit for the Period Ending September 30, 2018
- E. 2. *** REQUEST TO ADVERTISE**
North Travis Street Water Main Replacement

Change Orders

- F. 1. **CHANGE ORDER NO. 2**
West Canyon Creek Extension Project; Lynn Vessels Construction, LLC; \$20,434.07 Decrease
- F. 2. **CHANGE ORDER NO. 3**
Approving the Greater Texoma Utility Authority's Intent to Execute Change Order No. 3; Sherman Industrial Park Replacement Sewer; Lynn Vessels Construction, LLC; \$11,178.25 Increase
- F. 3. **CHANGE ORDER NO. 3**
Approving the Greater Texoma Utility Authority's Intent to Execute Change Order No. 3; Sherman Water Treatment Plant Expansion Project; MWH Contractors, Inc.; \$159,518.00 Increase

Other Business

- G. 1. **OTHER BUSINESS**
Recognition of City of Sherman Award: "2017 Achievement of Excellence in Libraries Award"
- G. 2. **OTHER BUSINESS**
Consider Designating an Area as the "Sherman Cultural District"
- G. 3. *** OTHER BUSINESS**
Final Plat Approval of Brookstone Estates Addition, being 23.466 acres in the Elizabeth Jones Survey, Abstract No. 625; SSCGC Holdings, LLC, Owners; Brookstone Estates Development Joint Venture, Developer; Vilbig and Associates, Civil Engineer; and Preston Trail Land Surveying, Surveyor [1400-1600 blocks of South F.M. 1417 (Heritage Parkway)]
- G. 4. *** OTHER BUSINESS**
Final Plat Approval of Chen Addition, being 1.572 acres in the J.B. McAnair Survey, Abstract No. 763; Shou-Hung Chen and Tao-Min Chen, Owners; and Underwood Drafting and Surveying, Surveyor (1523 and 1609 Texoma Parkway)
- H. **CITIZEN REQUESTS**
- I. **MEDIA QUESTIONS**
- J. **COUNCIL COMMENTS**

Executive Session

K. 1. EXECUTIVE SESSION

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

- | | |
|-----------------|--|
| Section 551.071 | Consultation with City Attorney concerning Pending or Contemplated Litigation |
| Section 551.071 | Consult with the City Attorney on a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter |
| Section 551.074 | Personnel Matters:
(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:
(i) Sherman Higher Education Finance Corporation (7) |
| Section 551.087 | Deliberation Regarding Economic Development Negotiations:
(a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect |

The Council reconvenes into General Session

L. 1. OPEN MEETING

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

M. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on April 13, 2018 at 2:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 13th day of April, 2018
City of Sherman, Texas

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Pamela L. Howeth

Council Members

Willie Steele, Council-At-Large, PL #1

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

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 04/16/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 2, 2018

Attachments

April 2, 2018

Texas Cultural District Program Application Process

Proposed Cultural District

Cultural District Town Hall Meeting Flyer

at 1000 North East Street. Ms. Eason listed events that will be held in celebration of “National Library Week.”

PUBLIC HEARING

PROPOSED AGREEMENT WITH WEST MOORE SOLAR, LLC/WEST MOORE SOLAR II, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 032018-01, CITY OF SHERMAN, TEXAS

WEST MOORE
SOLAR AD VALOREM
PROPERTY TAX
ABATEMENT

Mary Lawrence, Director of Finance, said this is the public hearing for the proposed tax abatement for West Moore Solar. The first step was the creation of the Industrial Reinvestment Zone on March 19, 2018.

The proposed agreement would be for 50% for five years for an estimated value of \$10 million. The agreement would yield about \$238,000 in tax with about \$119,000 in benefits to the taxpayers over the term of the agreement.

No citizens appeared before the City Council to discuss the proposed agreement with West Moore Solar, LLC and West Moore Solar II, LLC, for the abatement of Ad Valorem Property Taxes.

The Public Hearing was closed.

CONSENT AGENDA

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION NO. 6358 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH WEST MOORE SOLAR, LLC/WEST MOORE SOLAR II, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 032018-01, CITY OF SHERMAN, TEXAS

RES 6358
WEST MOORE
SOLAR INDUSTRIAL
TAX ABATEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH WEST MOORE SOLAR, LLC/WEST MOORE SOLAR II, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 032018-01, CITY OF SHERMAN, TEXAS.

Ms. Lawrence said this is the agreement for the proposed tax abatement for West Moore Solar. Aaron Wilson, Senior Developer, Cypress Creek Renewables, was in attendance if the Council had any questions.

Council Member Steele verified that the agreement would yield about \$238,000 in tax with about \$119,000 in benefits to the taxpayers over the term of the agreement.

Council Member Sofey verified that currently the property has an agricultural exemption, so the taxes received are “close to zero.” He said it is a large tract of land, but it would be hard to develop. Ms. Lawrence said there are some utilities that cross the property.

Council Member Steele asked about the value of the property. Mr. Wilson said the depreciation schedule is set by the State and it has a 10 year useful life. At the end of the 10 years, they are at 20% of their original value, and they hold that value.

Council Member Steele said the value will be assessed annually, with the abatement based on that. Mr. Wilson said the abatement is based on improvements to the land. He felt it was a very exciting project.

ACTION TAKEN.

Motion by Council Member Steele to approve Resolution No. 6358, as presented. Second by Deputy Mayor Howeth.
VOTING AYE: Holland, Howeth, Sofey, Steele, Stevenson, Teamann.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 6359 – AUTHORIZING EXECUTION OF AN INTEGRATED SUPPLY AGREEMENT WITH AME168, INC., D/B/A NAPA AUTO PARTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTEGRATED SUPPLY AGREEMENT WITH AME168, INC., D/B/A NAPA AUTO PARTS.

RES 6359
NAPA AUTO PARTS
AGREEMENT

Ms. Lawrence said this is the renewal of an agreement the City has had with Napa Auto Parts for the past three years to provide employees and an inventory management system for the Service Center.

The services they provide increase efficiency by having parts available at the Napa Store that’s housed in the Service Center. The City will be evaluating this program during the next year.

Council Member Holland asked how the project was currently going. Ms. Lawrence said one of the efficiencies is that the City doesn’t have to employ a person to be a “parts runner.” Napa also sends their own employee to deliver parts to other City facilities.

Mr. Hefton said the program will be evaluated during the budget preparations for the FY 2019 Budget. If it is determined that the program is working for the City, it will be continued; if not, it won’t.

ACTION TAKEN.

Motion by Deputy Mayor Howeth to approve Resolution No. 6359, as presented. Second by Council Member Teamann.

COUNCIL MINUTES – APRIL 2, 2018

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6360 – AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOSE E. TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 823 NORTH BRANCH STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH JOSE E. TOBAR FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 823 NORTH BRANCH STREET.
CONSENT AGENDA.

RES 6360
RESIDENTIAL TAX
ABATEMENT
(823 N. BRANCH)

OTHER BUSINESS

RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD CHAIRMAN JOHN SILD

John Sild, Chairman of the Sherman Economic Development Corporation Board of Directors, presented their quarterly progress report. He said SEDCO has been working very hard since the last quarterly report and he is proud of the team and what they have accomplished.

SEDCO QUARTERLY
PROGRESS REPORT

SEDCO has approved Performance Agreements with Finisar Corporation and Presco Polymers, LP for a total capital investment of \$160,950,000 and incentives of \$1,047,500.

They have also completed Performance Agreements with Eaton B-Line and Cellarman's for a total capital investment of \$1,026,126 and incentives of \$56,517. Cellarman's payment also included a \$12,842 "Buy Local" grant.

Mr. Sild said SEDCO has been invited by the Dallas Business Journal to a banquet. The Finisar/Apple/Sherman Project made the list of finalists for the Best Real Estate Deals of 2017. The project was selected as one of three finalists in the Rehab or Reuse category and is also one of 52 vying for the Deal of the Year Award.

He added it was a great opportunity for SEDCO to be acknowledged in the North Texas area for bringing a new corporate partner to Sherman and Grayson County.

The National Human Resources Marketing Campaign that was launched in January 2018 is going well and markets Sherman to jobseekers.

Mr. Sild said on May 5, 2018, SEDCO will host an Industry Appreciation Picnic at Pecan Grove Park West. Families from Sherman industries have been invited to enjoy an afternoon of

fun, activities, and snacks. SEDCO wanted to thank them for being a part of our community and a business partner.

SEDCO is currently working on eight active projects with an estimated \$325,000,000 in investments and 1,220 new jobs.

He added that Stacey Jones, SEDCO Vice President of Business Retention and Expansion, recently earned her Certified Economic Developer Certificate and is now certified.

A search committee has also been appointed to look for the next SEDCO President and they are reviewing resumes. Members of the committee are Brad Douglass as Chairman, Janie Bates, Luis Barroeta from Eaton, Terrence Steele, Eddie Young, Willie Steele, and Steve Jones.

Deputy Mayor Howeth said the human resources campaign was going to reach out to workers in the northeastern part of the United States since there are so many jobs in this area. She asked if the campaign was having the intended result.

Mr. Sild said Mr. Douglass had actually hired someone through this outreach and they are now an employee of Douglass Distributing.

RECEIVE A PRESENTATION FROM FORMER MAYOR CARY WACKER REGARDING PROPOSED BOUNDARY CHANGES FOR THE A&C (ARTS AND CULTURAL OVERLAY) DISTRICT AND RELATED GRANT OPPORTUNITIES

**ARTS & CULTURAL
DISTRICT BOUNDARY**

Cary Wacker, Former Mayor and Austin College Associate Vice President for Institutional Advancement and Director of the Center for Community and Regional Development, gave an update on the State Cultural District Application that was previously discussed.

In February 2017, representatives of an Austin College JanTerm Class appeared before the City Council to present their findings on arts and culture in Sherman. Accordingly, it has been determined that Downtown Sherman is important to the historical and cultural life in the community.

It is hoped that the Sherman Arts and Cultural District can become an official State Cultural District. In January 2018, a Letter of Intent was sent to the State outlining the City's desire to apply for the State designation.

Ms. Wacker presented a map of the proposed expanded Arts and Cultural District, which would include the same boundaries at the Main Street Sherman District. She felt the designation would engage current citizens and help bring other visitors to the area.

She also presented a timeline for the project, with the full application due in Austin on June 15, 2018. She asked the City Council to consider expanding the boundaries of the Arts and Cultural District at either the April 16, 2018 or the May 7, 2018

Council Meetings. There are also several Town Hall Meetings planned to obtain community input and to assure that the project is truly a community driven project.

Town Hall Meetings are planned for April 12, 2018 and April 13, 2018, with a final Meeting tentatively planned for May 1, 2018.

She showed a map that also had bike trails that are connecting to Austin College. She said this adds a sense of community and connects it with the downtown area.

Ms. Wacker added that in terms of potential grants, having this formal designation doesn't initially come with funding. It does come with a lot of promotion from the State. She said cultural tourism is a huge driver in Texas. For Sherman, direct earnings from travel alone is about \$15 million, and that would be expected to grow with the cultural tourism designation.

As the program progresses, there would be some State and Federal grant opportunities for Sherman, through the National Endowment for the Arts and through some private foundations.

Mayor Plyler asked about the Town Hall Meetings. Ms. Wacker said boards would be set up with types of activities and examples from other Cities, and citizens would be able to view, evaluate, and prioritize these activities; talk with staff; view input from past meetings; and help determine and shape the future vision.

RECEIVE UPDATE FROM COMMUNITY AND SUPPORT SERVICES MANAGER NATE STRAUCH REGARDING ONGOING PROJECTS IN THE CITY

CITY PROJECTS
UPDATE

Nate Strauch, Community and Support Services Manager, presented a video updating current City projects. The following projects were shown:

- TxDOT's \$2.6 million project to add a center turn lane on FM 1417, between Hwy 11 and US Hwy 75
- A possible mixed use development on two tracts behind the Schulman property on FM 1417
- Sherman Crossroads/Legacy Village
- The paving of a portion of Northgate Drive
- Fire Station No. 4 and Northgate Drive
- Moore Solar Farm and the Oncor Substation
- Fifteen homes under construction in Pebblebrook
- Eighty homes in the Brookhaven Addition
- A couple of multi-family developments
- Swan Ridge Road
- Housing projects for Quail Run and Austin Landing
- Forty-five homes in Magnolia Village
- Sherman Landing Development with QuikTrip and Legend Bank
- Water Treatment Plant Expansion

COUNCIL MINUTES – APRIL 2, 2018

Mr. Hefton said the staff will present another update of projects at the Budget Workshop.

CONSIDER REQUEST OF THE SHERMAN MAIN STREET ADVISORY COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR “CHRISTMAS IN JULY” ON SATURDAY, JULY 7, 2018

The City Council approved the request of the Sherman Main Street Advisory Committee to temporarily close certain streets for “Christmas in July” on July 7, 2018.

They have requested to close Travis Street, between Lamar and Houston Streets, and Crockett Street, between Lamar and Houston Streets, from 7:00 a.m. until 2:00 p.m. for the event.

Barricades and cones will be provided by the Street Department and trash receptacles will be provided by the Solid Waste Department. The Police Department will provide security officers for the event.

The Sherman Main Street Advisory Committee understands that emergency vehicle accessibility must be maintained throughout the closed streets at all times.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen’s requests.

MEDIA QUESTIONS

There were no media questions.

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

LIBRARY BOARD (1)

ACTION TAKEN.

Motion by Deputy Mayor Howeth to reappoint Randy Hudson, to the Library Board, for a term from April 7, 2018 to April 7, 2021. Second by Council Member Holland.

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

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

COMMENDING SEDCO

Council Member Holland congratulated SEDCO for their great work this past quarter.

DEVELOPMENT IN SHERMAN

Council Member Sofey recognized several development items on tonight’s agenda. He said some people look at tax abatements as the City forgoing the collection of taxes. The reinvestment zones for residential construction puts houses on vacant lots. Since the program started, there has been \$22 million worth of homes in those reinvestment zones.

CLOSE STREETS
CHRISTMAS IN
JULY
(JULY 7, 2018)

CITIZENS REQUESTS

MEDIA QUESTIONS

LIBRARY BOARD

COMMENDING
SEDCO

DEVELOPMENT
IN SHERMAN

The new solar facility is also coming to property that had an agricultural exemption. SEDCO's work with new companies, such as Finisar, shows a high rate of return on investment. He said the City and SEDCO have done a good job of recapturing the funds.

RECOGNIZING THE ELKS LODGE

Deputy Mayor Howeth expressed her appreciation to the Elk's Lodge for hosting the Grayson County Annual Recognition Dinner for Law Enforcement and First Responders. Entities recognized were the Sheriff's Department, Police Department, Fire Department, and Department of Public Safety.

**RECOGNIZING THE
ELKS LODGE**

ANNUAL FIREMEN'S DINNER

Deputy Mayor Howeth recently attended the Annual Firemen's Dinner and said it was great to see the firemen and their wives. She was impressed with a video they showed about the fires they have fought during the year.

**ANNUAL FIREMAN'S
DINNER**

AUSTIN COLLEGE PRESIDENT'S BREAKFAST

Deputy Mayor Howeth recently attended the Austin College President's Breakfast during the swearing in of President Steven O'Day. There was also a discussion about what colleges and high schools could do to provide employees that are needed in the job market. One key thing in Sherman is how to get workers.

**AUSTIN COLLEGE
PRESIDENT'S
BREAKFAST**

CONGRATULATIONS TO COUNCIL MEMBER STEVENSON

Deputy Mayor Howeth congratulated Council Member Stevenson on the birth of his child.

**CONGRATULATIONS
TO COUNCIL MEMBER
STEVENSON**

THANKS TO SEDCO

Council Member Stevenson thanked SEDCO saying there were a lot of job openings coming. There is also a lot of new housing being built. He expected to see a lot of new faces in Sherman and said it was the mission and goal of the Council to address the issues that would come with those new faces.

**THANKS TO
SEDCO**

THANKS TO EVERYONE

Council Member Stevenson thanked everyone for the outpouring of support and congratulations to him and his wife on the birth of their child. He said they made a very smart choice when they decided to make Sherman their home.

**THANKS TO
EVERYONE**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Coffee With the Mayor will be held on April 6, 2018 and they will announce the line-up for the Hot Summer Nights concert series.
- Parks and Recreation will host their Annual Touch-a-Truck on April 7, 2018, at Pecan Grove Park. During the event, Keep Sherman Beautiful will give people the chance to pick up litter and crush it in a trash truck.

ANNOUNCEMENTS

COUNCIL MINUTES – APRIL 2, 2018

- Craft the Night Away will be held on April 7, 2018 from 11:00 a.m. until 10:30 p.m. in Downtown Sherman.

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

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

EXECUTIVE SESSION

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

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

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

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:54 p.m.

On Motion duly made and carried, the Executive Session recessed at 7:38 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

COUNCIL MINUTES – APRIL 2, 2018

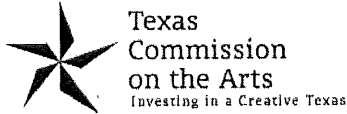
ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:40 p.m.

ADJOURNMENT

MAYOR

CITY CLERK



Texas Cultural District Program – Application Process

Full application due in Austin June 15

Sherman: Key Tasks

- Set up steering committee (Creative Conversations team/Cultural Commission)
- Set up web pages
- Schedule public meetings
- Adopt city ordinance for designated cultural district and Cultural Commission
- Report on last year's survey
- Produce video
- Prepare written application (narrative, letters of support, resolutions)

Proposed Project Timeline

Wednesday, Jan. 10	Monthly <i>Creative Conversations</i> meeting at Austin College
Monday, February 12	Downtown Sherman NOW board presentation meeting
Tuesday, March 6	Downtown Sherman NOW meeting
Monday, April 2	Initial presentation at City Council
Monday, April 16	Adopt cultural district ordinance at City Council
Wednesday, April 11	Monthly <i>Creative Conversations</i> meeting 4 p.m.
Thursday, April 12	Town Hall meeting – 6-8 pm (City Council Chambers)
Friday, April 13	Town Hall meeting – noon-1:30 p.m. (City Council Chambers)
Fri-Sat, April 12-13	Jazz Festival booth
Tuesday, May 1	Final Town Hall Meeting, 6-8 p.m.
Wednesday, May 9	Creative Conversations 4 p.m.
Monday, June 4	Show video & final presentation at City Council
Wednesday, June 6	Final review and editing
Tuesday, June 12	Send package via Fedex
Wednesday, June 13	Monthly <i>Creative Conversations</i> meeting

Commitment from City

- Define cultural district and adopt ordinance
- Leverage support from Office of Tourism
- Collaborate on calendaring of events
- Possible addition of Council-appointed Cultural Commission citizen advisory group

Commitment from Austin College and community groups

- Steering committee and application work managed by Austin College
- Broad-based community participation to support and coordinate events, volunteers, and resources for cultural activity

Why should Sherman pursue Cultural District designation from Texas Commission on the Arts?

- Sherman's arts heritage dates almost to its founding in 1846
- The city is home to several performing arts organizations that are unique in a city its size
- Austin College provides significant depth and support of arts organizations
- Arts are thriving in the Sherman public schools
- Sherman's increasing cultural diversity presents an opportunity for new ways to celebrate the arts
- The historic core of downtown Sherman is an important asset as the city grows and new industry, residents and visitors arrive

Data:

-The arts generate \$5.5 billion each year for the Texas economy and contribute \$343.7 million in state sales tax revenue annually.

-Texas' creative sector employs one in 15 Texans – nearly 800,000 innovation workers – whose average wage is \$80,300 compared to \$44,000 for non-creative industries.

-Source: Texas Cultural Trust working with the Houston Endowment

For Sherman:

Visitor tax receipts range from \$800,000 in 2015 to \$1 million in 3 peak years ('07, '08, '14)

2016 Local visitor tax receipts: \$900,000

2016 Total direct spending from travel: \$74 million

2016 Total direct jobs: 620 in 2015

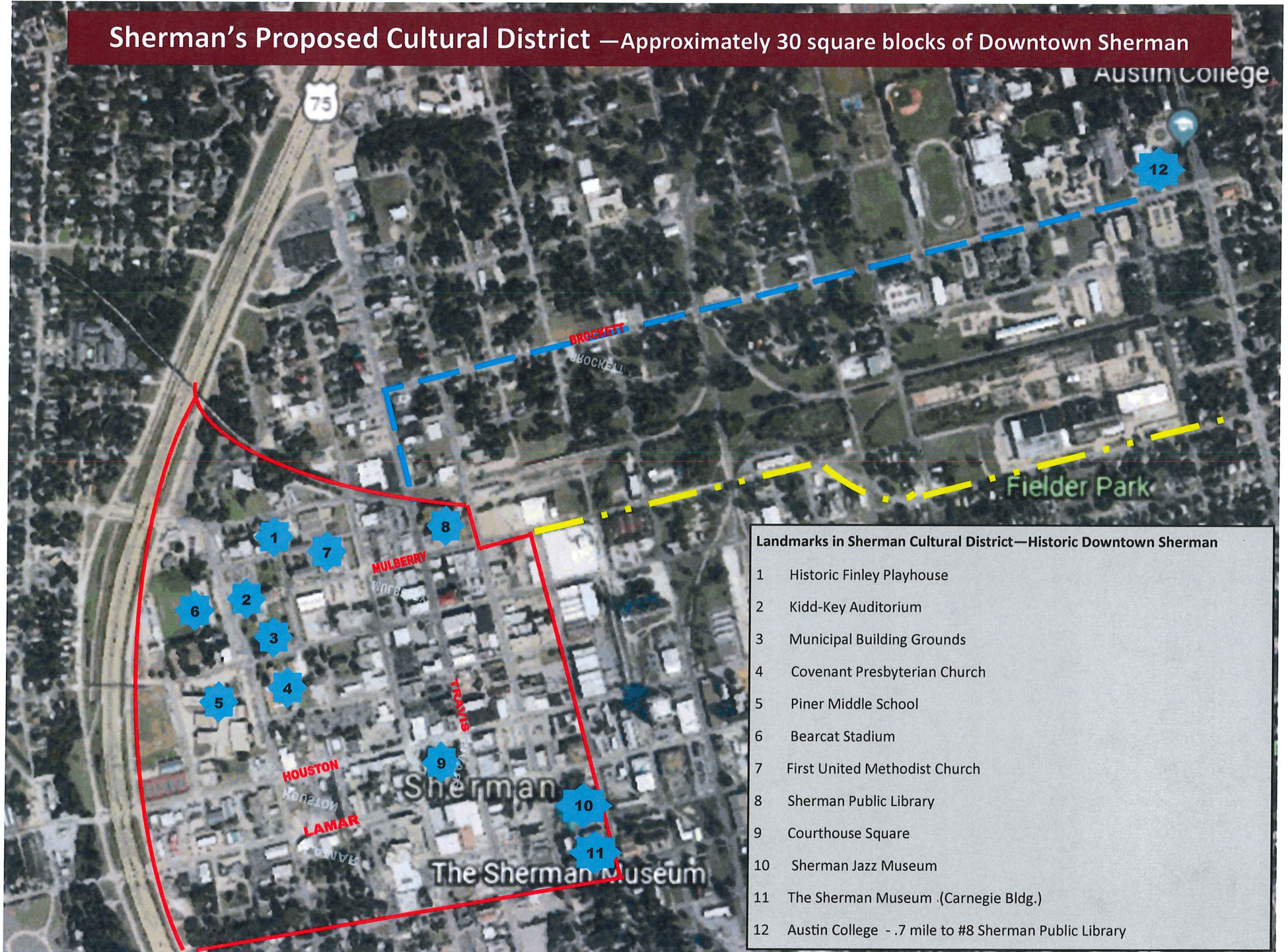
2016 Total direct earnings from travel employment: \$15 million (up 12.5% from 2015)

-Source: Texas Tourism Office (prepared by Dean Runyan Associates, Portland, OR)

Prominent cultural assets and events in Sherman in 2018

- Sherman Community Players, 3rd oldest community theater in Texas, celebrates its 70th season in 2018-2019
- Hot Summer Nights and Lights on the Lake are a major regional draw
- Sherman Arts Festival will hold its 37th event; new addition will be the Focalpoint(!) photography event
- Sherman Community Series is celebrating its 50th season
- Sherman has two museums, both housed in significant historic buildings, with major events planned
- Live music, street events, food/beverage festivals, and more are adding lively street life to downtown
- 903 Brewers begins its renovation at the Lee School building, adding another cultural anchor

Sherman's Proposed Cultural District — Approximately 30 square blocks of Downtown Sherman



Landmarks in Sherman Cultural District—Historic Downtown Sherman

- 1 Historic Finley Playhouse
- 2 Kidd-Key Auditorium
- 3 Municipal Building Grounds
- 4 Covenant Presbyterian Church
- 5 Piner Middle School
- 6 Bearcat Stadium
- 7 First United Methodist Church
- 8 Sherman Public Library
- 9 Courthouse Square
- 10 Sherman Jazz Museum
- 11 The Sherman Museum (Carnegie Bldg.)
- 12 Austin College - .7 mile to #8 Sherman Public Library

SHERMAN CULTURAL DISTRICT



TOWN HALL MEETING

Community Input Sessions

SHARE YOUR IDEAS FOR A CREATIVE CITY!

City Council Chambers | Sherman Municipal Building

**Thursday
April 12
6-8:00 p.m.**

**Friday
April 13
12-1:30 p.m.**

COME & GO | LIGHT REFRESHMENTS

sponsored by City of Sherman | more at www.shermanarts.org



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 04/16/2018

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"Motorcycle Safety and Awareness Month" – May 2018

Issue:

The Texoma Chapter of ABATE ("American Bikers Aimed Towards Education") has requested a proclamation designating May as "Motorcycle Safety and Awareness Month."

Background:

Each year in May, Texas ABATE celebrates "Motorcycle Safety and Awareness Month"; and they request a proclamation to publicize their awareness campaign.

Origination:

The request originated with the Texoma Chapter of ABATE.

Financial Consideration:

There is no financial consideration to the City.

Staff Recommendation:

It is the recommendation of the staff to present a proclamation designating May 2018 as "Motorcycle Safety and Awareness Month" in Sherman.

Alternatives:

The Council could choose not to present the proclamation.

Attachments

"Motorcycle Safety and Awareness Month" Proclamation



Proclamation

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country, and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers, and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety, and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules, and

WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike, to give each other the mutual respect they deserve.

NOW THEREFORE, I, David Pyle, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim May 2018

MOTORCYCLE SAFETY AND AWARENESS MONTH

in the City of Sherman and urge all citizens to do their part to increase motorist safety, show mutual respect for all motorists, and to increase motorcycle awareness in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 16th day of April 2018.

Mayor

ATTEST:

Sinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 04/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6106

Amending Section 410 (2)(j), Ordinance No. 2252, Article IV and Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Movie Theater/Bowling Alley/Arcade (Commercial Amusement Center) in the Blalock Industrial Park/Blalock Commercial Overlay District/O-1.1 (FM 1417 Overlay) District, C-1 (Retail Business) District and C-2 (General Commercial) District in the 100-200 Blocks of East F.M. 1417 (Vietnam Veteran's Parkway) and the 3700 Block of South U.S. Highway 75, being 22.330 acres in the Sherod Dunman Survey, Abstract No. 329 (Sherman Economic Development Corporation and the City of Sherman, Owners; Mark Schulman, Developer; Vilbig and Associates, Civil Engineer/Surveyor; and Hodges Architecture, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of the Sherman Economic Development Corporation and the City of Sherman (Owners), Mark Schulman (Developer), Vilbig and Associates (Civil Engineer/Surveyor) and Hodges Architecture (Architect) concerning the property located In the 100-200 blocks of East F.M. 1417 (Vietnam Veteran's Parkway) and the 3700 block of South U.S. Highway 75, being 22.330 acres in the Sherod Dunman Survey, Abstract No. 329, for a Specific Use Permit, site plan approval and exception to allow a movie theater/bowling alley/arcade (commercial amusement center) in the Blalock Industrial Park/Blalock Commercial Overlay District/O-1.1 (FM 1417 Overlay) District, C-1 (Retail Business) District and C-2 (General Commercial) District

Background:

The property is located in the 100-200 blocks of East F.M. 1417 (Vietnam Veteran's Parkway) and the 3700 block of South U.S. Highway 75; the southeast corner of U.S. Highway 75 and East F.M. 1417 (Vietnam Veteran's Parkway). Mark Schulman would like to develop the property for a cinema/indoor amusement; the building will be approximately 72,995 square feet. The building exterior will be textured coating on concrete tilt up panels with limestone trim. Parking will be available for 367 spaces.

Origination:

Sherman Economic Development Corporation and the City of Sherman (Owners)
Mark Schulman (Developer)
Vilbig and Associates (Civil Engineer/Surveyor)
Hodges Architecture (Architect)

Financial Consideration:

None

Staff Recommendation:

At the March 27, 2018 special called meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit, site plan and exception be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6106
Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6106

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 410 (2)(J), ORDINANCE NO. 2252, ARTICLE IV AND SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A MOVIE THEATER/BOWLING ALLEY/ARCADE (COMMERCIAL AMUSEMENT CENTER) IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT, C-1 (RETAIL BUSINESS) DISTRICT AND C-2 (GENERAL COMMERCIAL) DISTRICT IN THE 100-200 BLOCKS OF EAST F.M. 1417 (VIETNAM VETERAN'S PARKWAY) AND THE 3700 BLOCK OF SOUTH U.S. HIGHWAY 75, BEING 22.330 ACRES IN THE SHEROD DUNMAN SURVEY, ABSTRACT NO. 329 (SHERMAN ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF SHERMAN, OWNERS; MARK SCHULMAN, DEVELOPER; VILBIG AND ASSOCIATES, CIVIL ENGINEER/SURVEYOR; AND HODGES ARCHITECTURE, ARCHITECT); PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Sherman Economic Development Corporation and the City of Sherman (Owners), Mark Schulman (Developer), Vilbig and Associates (Civil Engineer/Surveyor) and Hodges Architecture (Architect) are granted a Specific Use Permit to allow to allow a movie theater/bowling alley/arcade (commercial amusement center) in the Blalock Industrial Park/Blalock Commercial Overlay District/ O-1.1 (FM 1417 Overlay) District, C-1 (Retail Business) District and C-2 (General Commercial) District

in the 100-200 Blocks of East FM 1417 (Vietnam Veteran's Parkway) and the 3700 block of South U.S. Highway 75, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, and being a part of the Sherrod Dunham Survey, Abstract No. 329, and being a part of the 1.5698 ac. tract of land conveyed to the City of Sherman by Johnson & Johnson, a Corporation by Warranty Deed dated January 30, 1967 and recorded in Volume 1079, Page 392, Deed Records, Grayson County, Texas, and being all of the 7.409 ac. tract of land conveyed to the City of Sherman, Texas by the State of Texas by Deed Without Warranty dated July 22, 2009 and recorded in Volume 4682, Page 624, Official Public Records, Grayson County, Texas and being all of the 13.41 ac. tract of land conveyed to Sherman Economic Development Corporation by Garcha Corporation by Warranty Deed dated August 25, 2015 and recorded in Volume 5680, Page 685, said Official Public Records, and being more particularly described as one tract of land by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch capped rebar found stamped "RPLS 4709" in the East right-of-way line of U. S. Highway No. 75, at the Northwest corner of the 12.166 ac. tract of land conveyed to Ramanujam K. Vangipuram in Volume 5948, Page 638, said Official Public Records, at the Southwest corner of said City of Sherman, Texas 7.409 ac., at the most Westerly Southwest corner of the herein described tract;

THENCE North 15 deg. 32 min. 24 sec. West, with the East right-of-way line of said U. S. Hwy. 75 and a West line of said City of Sherman 7.409 ac., a distance of 203.21 ft. to an angle point, being South 19 deg. East, 1.04 ft. from a 5/8 inch rebar found;

THENCE North 04 deg. 04 min. 42 sec. East, continuing with the East right-of-way line of said U. S. Hwy. 75 and a West line of said City of Sherman 7.409 ac., a distance of 317.16 ft. to a 1/2 inch capped rebar found stamped "RPLS 4709" at the most Westerly Northwest corner of said City of Sherman 7.409 ac., at the Southwest corner of said City of Sherman 1.5698 ac.;

THENCE North 04 deg. 13 min. 29 sec. East, continuing with the East right-of-way line of said U. S. Hwy. 75 and the West line of said City of Sherman 1.5698 ac., a distance of 279.09 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the intersection of the East right-of-way line of said U. S. Hwy. 75 with the South right-of-way line of F. M. Highway No. 1417, at the Northwest corner of the herein described tract;

THENCE North 74 deg. 36 min. 28 sec. East, over and across said City of Sherman 1.5698 ac., with the South right-of-way line of said F. M. Hwy. 1417, a distance of 150.00 ft. to an "x" cut in concrete set, at an angle point;

THENCE North 63 deg. 17 min. 52 sec. East, continuing over and across said City of Sherman 1.5698 ac., with the South right-of-way line of said F. M. Hwy. 1417, a distance of 50.99 ft. to a point at the South base of a concrete monument found, in the East line of said City of Sherman 1.5698 ac.;

THENCE South 15 deg. 21 min. 56 sec. East, with the East line of said City of Sherman 1.5698 ac., a distance of 20.00 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at an Ell corner of said City of Sherman 7.409 ac.;

THENCE North 74 deg. 37 min. 24 sec. East, with a North line of said City of Sherman 7.409 ac., a distance of 189.06 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" in the West line of said Sherman Economic Development Corporation 13.41 ac., at the Northeast corner of said City of Sherman 7.409 ac.;

THENCE North 14 deg. 32 min. 11 sec. West, with the West line of said Sherman Economic Development Corporation 13.41 ac., a distance of 20.05 ft. to a point at the North base of a chainlink fence corner post, in the South right-of-way line of said F. M. Hwy. 1417, at the Northwest corner of said Sherman Economic Development Corporation 13.41 ac.;

THENCE North 74 deg. 36 min. 28 sec. East, with the South right-of-way line of said F. M. Hwy. 1417 and a North line of said Sherman Economic Development Corporation 13.41 ac., a distance of 341.96 ft. to a point at the South base of a concrete monument found, at an angle point;

THENCE North 88 deg. 13 min. 16 sec. East, continuing with the South right-of-way line of said F. M. Hwy. 1417 and a North line of said Sherman Economic Development Corporation 13.41 ac., a distance of 129.82 ft. to an angle point, being North 42 deg. East, 1.6 ft. from a broken concrete monument found;

THENCE North 75 deg. 01 min. 04 sec. East, continuing with the South right-of-way line of said F. M. Hwy. 1417 and a North line of said Sherman Economic Development Corporation 13.41 ac., a distance of 51.68 ft. to a 1/2 inch capped rebar set stamped "RPLS 6578" at the Northwest corner of the 0.84 ac. tract of land conveyed to Eric Pop and Kelly Pop in Volume 4809, Page 60, said Official Public Records, at the most Northerly Northeast corner of both said Sherman Economic Development Corporation 13.41 ac. and the herein described tract;

THENCE South 13 deg. 43 min. 46 sec. East, with the West line of said Pop 0.84 ac. and an East line of said Sherman Economic Development Corporation 13.41 ac., a distance of 329.28 ft. to a 3 inch pipe fence corner post at the Southwest corner of said Pop 0.84 ac., at an Ell corner of both said Sherman Economic Development Corporation 13.41 ac. and the herein described tract;

THENCE North 80 deg. 26 min. 37 sec. East, with the South line of said Pop 0.84 ac. and a North line of said Sherman Economic Development Corporation 13.41 ac., a distance of 114.42 ft. to a 1/2 inch rebar found in a West line of the 246.134 ac. tract of land conveyed to Rolling Meadows Associates in Volume 1716, Page 384, said Deed Records, at the Southeast corner of said Pop 0.84 ac., at the most Easterly Northeast corner of both said Sherman Economic Development Corporation 13.41 ac. and the herein described tract;

THENCE South 15 deg. 25 min. 36 ft. East, with the general course of a wire fence maintaining a West line of said Rolling Meadows Associates 246.134 ac and an East line of said

Sherman Economic Development Corporation 13.41 ac., a distance of 620.43 ft. to a 1/2 inch rebar found at the Southeast base of a 4 inch bois d'arc corner post, at an Ell corner of said Rolling Meadows Associates 246.134 ac., at the Southeast corner of both said Sherman Economic Development Corporation 13.41 ac. and the herein described tract;

THENCE South 74 deg. 28 min. 16 sec. West, with the general course of a wire fence maintaining a North line of said Rolling Meadows Associates 246.134 ac. and the South line of said Sherman Economic Development Corporation 13.41 ac., passing the West end of said fence and continuing for a total distance of 641.52 ft. to a 1/2 inch rebar found in the East line of said Vangipuram 12.166 ac., at the Southwest corner of said Sherman Economic Development Corporation 13.41 ac., at the most Southerly Southwest corner of the herein described tract;

THENCE North 13 deg. 57 min. 11 sec. West, with the East line of said Vangipuram 12.166 ac. and the West line of said Sherman Economic Development Corporation 13.41 ac., a distance of 217.82 ft. to a 1/2 inch rebar found at the North base of a chainlink fence corner post, at the Northeast corner of said Vangipuram 12.166 ac., at the Southeast corner of said City of Sherman 7.409 ac., at an Ell corner of the herein described tract;

THENCE South 74 deg. 41 min. 12 sec. West, with the general course of a chainlink fence maintaining the North line of said Vangipuram 12.166 ac. and the South line of said City of Sherman 7.409 ac., passing a chainlink fence corner post at a fence corner and continuing for a total distance of 576.65 ft. to the **PLACE OF BEGINNING and containing 22.330 ACRES of land.**

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the C-2 (General Commercial) District, the Blalock Industrial Park, Blalock Commercial Overlay District, the sign ordinance, the screening ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. The parking ratio required is one space per 200 square feet of building.
3. A parking space is considered to be 9' x 20'.
4. All parking shall be on private property and shall not encroach into East FM 1417 (Vietnam Veteran's Parkway) or Highway 75 right-of-way.
5. Parking and service driveways are permitted on paved surfaces only; concrete.
6. The trash dumpster will need to be located inside the main building area and screened.
7. Only one freestanding sign is allowed per lot. Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height unless an exception is granted.
8. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
9. A minimum 6' screening is required abutting residential zoned property.
10. Shall comply with all EPA, City, Federal and State regulations for this use.

11. Review the zoning and development ordinance for additional requirements.
12. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

13. No structures will be permitted over easements.
14. Entrance/Exits off of Hwy. 75 service road will be Right-in, Right-out only.
15. Drive approaches and sidewalks shall conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
16. The location of trash receptors must be approved by the Public Works Department.
17. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
18. Platting of the property is required.
19. Final site plans, utility, drainage, and grading plan shall be provided and approved by the City Engineering Department.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

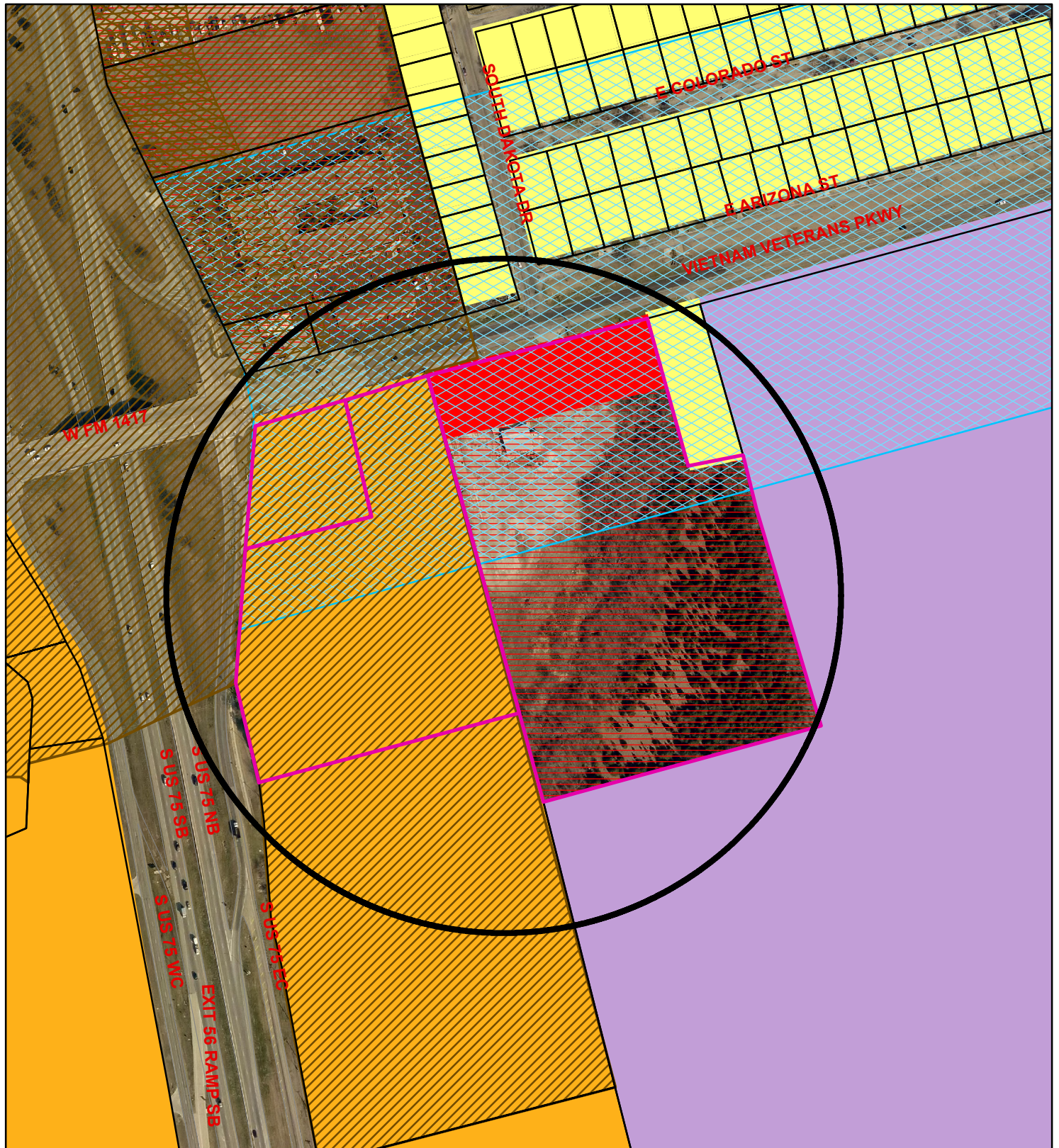
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY





Zoning - 100-200 Blks. E. FM 1417 (Vietnam Veteran's Parkway & 3700 Blk.S. U.S. Highway 75

Legend

Special Districts Overlay

DISTRICT_NAME
Arts and Cultural District
Blalock Commercial Overlay District
Central Business District
College Park District
Downtown Overlay District
Historic Preservation District
Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP Blalock Industrial Park
C-1 Retail Business District

C-2 General Commercial District
CO Office District
Lakes
M-1 Light Manufacturing District
M-1.5 Medium Manufacturing District
M-2 Heavy Manufacturing District
MH Manufacturing Housing District
R-1 One Family Residential District
R-2 Multi-Family Residential District
R-A Single Family Agricultural District
SF-1 Single Family Residential District



City of Sherman, Texas
Developmental Services Department

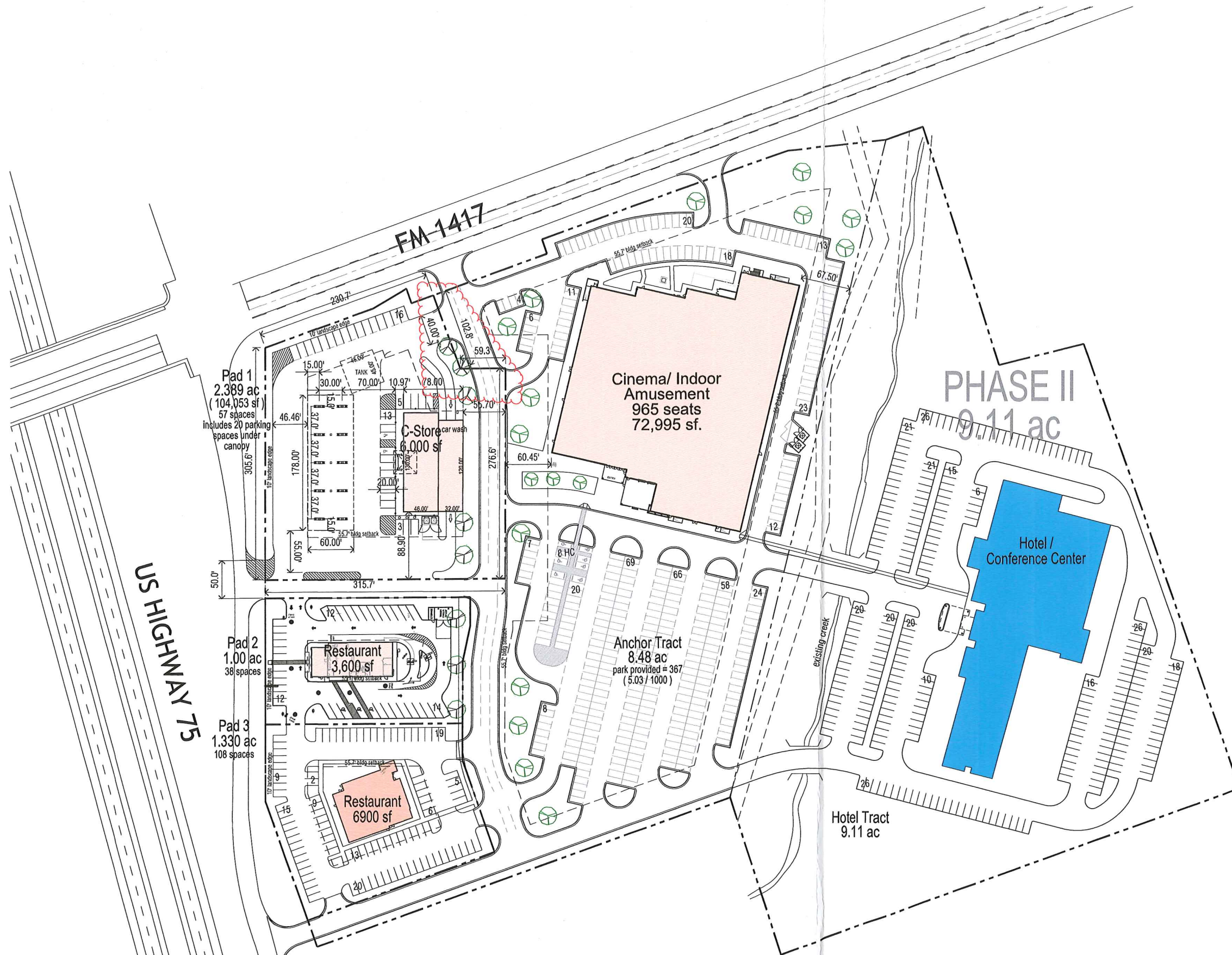


NOT TO SCALE

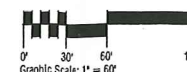
1 in = 300 ft

**100-200 Blocks E. FM 1417 (Vietnam
Veteran's Parkway) &
3700 Block S. Highway 75**





SITE PLAN



THIS PLAN IS PROVIDED SUBJECT TO (i) ERRORS AND OMISSIONS IN THE INFORMATION, AND (ii) MODIFICATION WITHOUT NOTICE THE INFORMATION, SPECIFICATIONS, DIMENSIONS AND/OR TABULATIONS SET FORTH IN THIS PLAN HAVE BEEN DERIVED FROM DOCUMENTS BELIEVED TO BE RELIABLE. HOWEVER, THIS PLAN MAY BE INCOMPLETE AND/OR INACCURATE, AND NO REPRESENTATION OR WARRANTY, EXPRESSED OR IMPLIED, AS TO THE ACCURACY OR AUTHORITY REGARDING SUCH INFORMATION IS MADE BY THE OWNER OF THIS PROJECT, PROPERTY MANAGER, OR ANY OF THEIR RESPECTIVE PARTNERS, DIRECTORS, OFFICERS, EMPLOYEES OR AGENTS.

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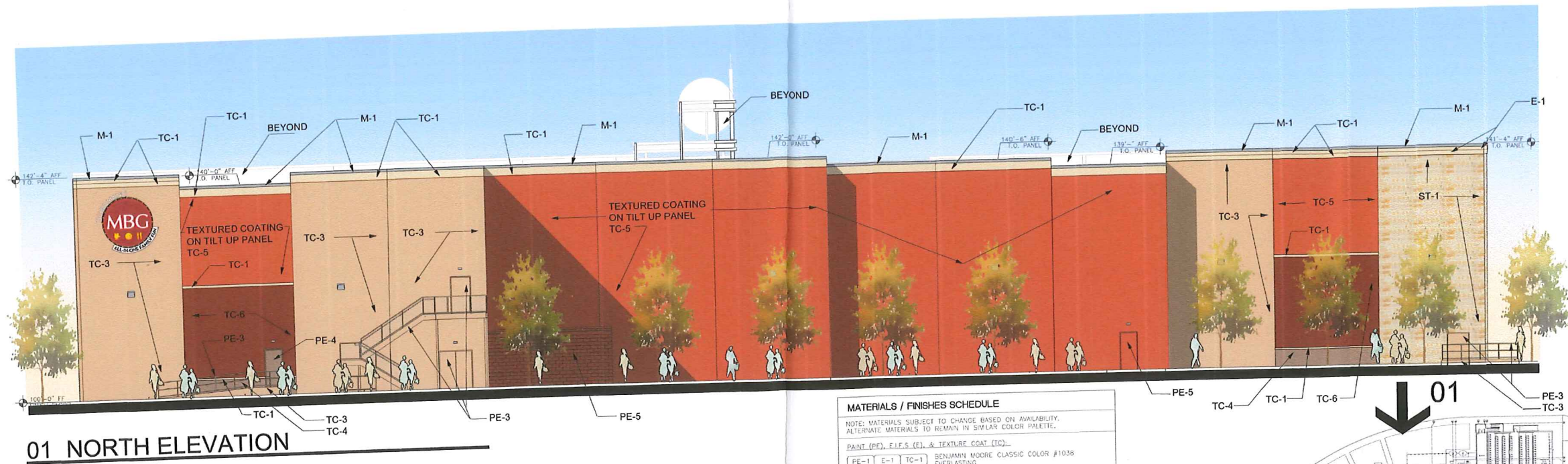
US. Highway 75 at FM 1417 SHERMAN, TEXAS

HODGES
Architecture

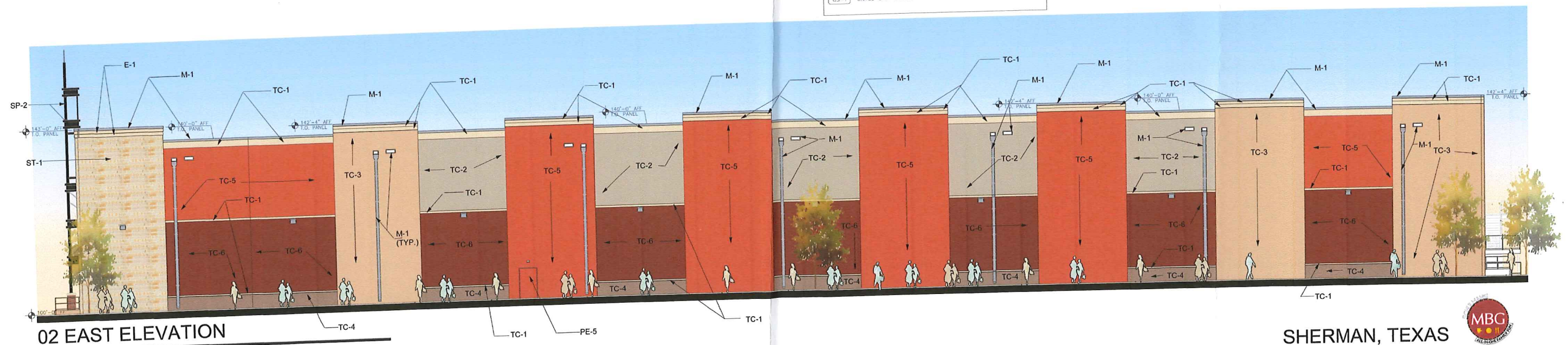
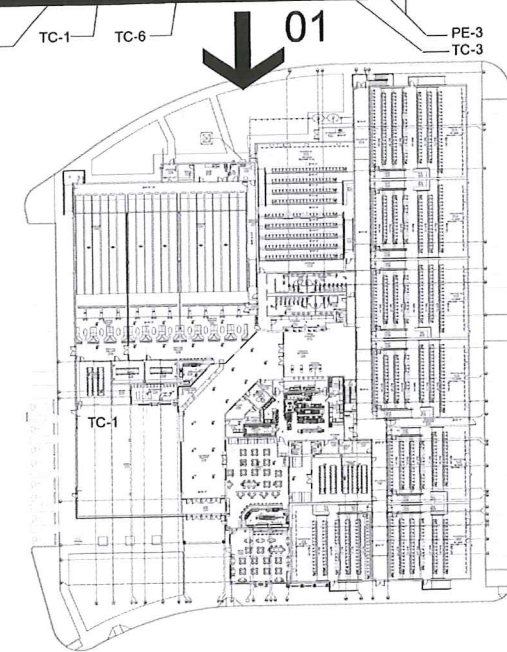
architecture planning
13642 Omega Dallas, Texas 75244-4514
phone: 972 387-1000 fax: 972 960-1129
www.hodgesusa.com

project no. 17089
drawn KO
date 2-19-18

SCHEME
SP-11



MATERIALS / FINISHES SCHEDULE			
NOTE: MATERIALS SUBJECT TO CHANGE BASED ON AVAILABILITY. ALTERNATE MATERIALS TO REMAIN IN SIMILAR COLOR PALETTE.			
PAINT (PE), F.I.F.S. (E), & TEXTURE COAT (TC)			
PE-1	E-1	TC-1	BENJAMIN MOORE CLASSIC COLOR #1038 EVERLASTING
PE-2	TC-2		BENJAMIN MOORE CLASSIC COLOR #985 INDIAN RIVER
PE-3	TC-3		BENJAMIN MOORE CLASSIC COLOR #1076 CAPLAND BRIDGE
PE-4	TC-4	E-4	BENJAMIN MOORE CLASSIC COLOR #1008 DEVONWOOD TAUPE
PE-5	TC-5		BENJAMIN MOORE COLOR PREVIEW #2091-20, RUSTIC BRICK
PE-6	TC-6		BENJAMIN MOORE COLOR PREVIEW #2103-10, NATURAL BROWN COLOR TO COORDINATE WITH BR-1
PE-7	TC-7	E-7	BENJAMIN MOORE COLOR PREVIEW #2124-30, DEEP SILVER COLOR TO COORDINATE WITH M-1
SPECIALTY PAINT:			
SP-1			PPG / CORAFLO FLUOROPOLYMER COATINGS / SILVERME, A051671030
SP-2			MATTHEWS PAINT / MP32158 BLACK MAGIC
BRICK:			
BR-1			ACME BRICK, 137 BURGUNDY, SIZE: KING MORTAR: ARCOOS/SAN TAN
STOREFRONT AND GLAZING:			
AS-1			STOREFRONT: CLEAR ANODIZED ALUMINUM, GLAZING: REF. SPECS
AS-2			STOREFRONT: BLACK ANODIZED ALUMINUM, GLAZING: REF. SPECS
METAL:			
M-1			BERRIDGE, LEAD-COTE
STONE:			
ST-1			LUDERS LIMESTONE, 100% ROUGH BACK, COLOR: BUFF, RANDOM LENGTH COURSE HEIGHTS: 8", 10", 12" & 16"
CAST STONE:			
CS-1			UNITED CAST STONE, COLOR: BUFF



SHERMAN, TEXAS



STAFF REVIEW LETTER

March 15, 2018

SEDCO
307 W. Washington, Ste. 102
Sherman, TX 75090

Hodges Architecture
13642 Omega
Dallas, TX 75244-4514

Mark Schulman
4565 Lake Shore Drive
Waco, TX 76710

Vilbig & Associates LLC
517 W. Woodard Street
Denison, TX 75020

Dear Applicants,

The request for a Specific Use Permit, site plan approval and exception to allow a movie theater/bowling alley/arcade (commercial amusement center) in the Blalock Industrial Park/Blalock Commercial Overlay District/ O-1.1 (FM 1417 Overlay) District, C-1 (Retail Business) District and C-2 (General Commercial) District for the property located in the 100-200 Blocks of East FM 1417 (Vietnam Veteran's Parkway) and the 3700 block of South U.S. Highway 75 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 27, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the C-2 (General Commercial) District, the Blalock Industrial Park, Blalock Commercial Overlay District, the sign ordinance, the screening ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. The parking ratio required is one space per 200 square feet of building.
3. A parking space is considered to be 9' x 20'.
4. All parking shall be on private property and shall not encroach into East FM 1417 (Vietnam Veteran's Parkway) or Highway 75 right-of-way.
5. Parking and service driveways are permitted on paved surfaces only; concrete.
6. The trash dumpster will need to be located inside the main building area and screened.
7. Only one freestanding sign is allowed per lot. Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height unless an exception is granted.
8. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
9. A minimum 6' screening is required abutting residential zoned property.
10. Shall comply with all EPA, City, Federal and State regulations for this use.
11. Review the zoning and development ordinance for additional requirements.
12. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

13. No structures will be permitted over easements.
14. Entrance/Exits off of Hwy. 75 service road will be Right-in, Right-out only.

15. Drive approaches and sidewalks shall conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
16. The location of trash receptors must be approved by the Public Works Department.
17. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
18. Platting of the property is required.
19. Final site plans, utility, drainage, and grading plan shall be provided and approved by the City Engineering Department.

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

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

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

Respectfully,



Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 15.

Meeting Date: 03/27/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Bridges, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

**100-200 BLOCKS E. FM 1417 (VIETNAM VETERAN'S PARKWAY) AND 3700 BLOCK S. U.S.
HIGHWAY 75**

The request of Sherman Economic Development Corporation and the City of Sherman (Owners), Mark Schulman (Developer), Vilbig and Associates (Civil Engineer/Surveyor) and Hodges Architecture (Architect) concerning the property located in the 100-200 Blocks of East FM 1417 (Vietnam Veteran's Parkway) and the 3700 block of South U.S. Highway 75, being 22.330 acres in the Sherod Dunman Survey, Abstract No. 329, as follows

Planning and Zoning Commission

Specific Use Permit, site plan approval and exception under Ordinance No. 2252 Article IV Section 410 (2)(j) and Ordinance No. 2280 Section 8, Subsection (5)(a) to allow a movie theater/bowling alley/arcade (commercial amusement center) in the Blalock Industrial Park/Blalock Commercial Overlay District/O-1.1 (FM 1417 Overlay) District, C-1 (Retail Business) District and C-2 (General Commercial) District.

Background:

The property is located in the 100-200 Blocks of East FM 1417 (Vietnam Veteran's Parkway) and the 3700 Block of South U.S. Highway 75; the southeast corner of U.S. Highway 75 and East FM 1417 (Vietnam Veteran's Parkway). Mark Schulman would like to develop the property for Schulman's Movie Bowl Grille entertainment complex. The first phase includes a movie theater, bowling alley and arcade (commercial amusement center); the building will be approximately 72,995 square foot. The exterior of the building will be textured coating on concrete tilt up panels with limestone trim. Parking will be available for 367 spaces.

Adjacent Zoning:

M-1 (Light Manufacturing) District

R-1 (One Family Residential) District

Blalock Industrial Park

Blalock Commercial Overlay District

Origination:

Sherman Economic Development Corporation and the City of Sherman (Owners)
Mark Schulman (Developer)
Vilbig and Associates (Civil Engineer/Surveyor)
Hodges Architecture (Architect)

Master Plan Designation:

Public/Institutional – The Public and Institutional character type includes schools, churches, and other public services for the City. Buildings may be designed to act as landmarks and this urban design adds flair to a neighborhood.

Suburban Commercial - Suburban character primarily from reduced site coverage relative to more auto-oriented commercial development. Especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. Range of commercial retail and service uses, at varying scales and intensities depending on the site.

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

Number of notices mailed:

50

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Preliminary Plat
Site Plan
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 04/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6107

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Farm Equipment Sales, Service, Repairs, Feed Store with Outdoor Storage/Displays in a C-2 (General Commercial) District/O-1 (75 & 82 Overlay) District at 2725 North U.S. Highway 75, being Lot 5, Block 1 of the Texoma Crossing Addition, a Replat of Lots 5 and 5A (S&W-AL LLC, Owners; Orscheln's Farm & Home, Tenant; Jake Long, Glove Con, Inc., Representative; 21 Design Group, Civil Engineer/Surveyor; and PW Architects, Inc., Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of S&W-AL LLC (Owners), Orscheln's Farm & Home (Tenant), Jake Long, Glove Con, Inc. (Representative), 21 Design Group (Civil Engineer/Surveyor) and PW Architects, Inc. (Architect) concerning the property located at 2725 North U.S. Highway 75, being Lot 5, Block 1 of the Texoma Crossing Addition, a Replat of Lots 5 and 5A, for a Specific Use Permit to allow a farm equipment sales, service, repairs, feed store with outdoor storage /displays in a C-2 (General Commercial) District/O-1 (75 & 82 Overlay) District

Background:

The property is located at 2725 North U.S. Highway 75, the southeast corner of Highways 75 and 82; formerly Gander Mountain. The property is zoned a C-2 (General Commercial) District and is located in the O-1 (75 & 82 Overlay) District.

Orscheln's Farm and Home sells a variety of small farm implements, farm equipment parts, animal feed, seed, tools, hardware, clothing, etc. They would also like to utilize approximately 17,181 square feet of the existing parking lot for an outdoor storage/display area and bulk storage and some of the rear of the building for bulk storage (mulch, feed, seed, etc.). Items in these areas will be purchased within the store and picked up outside. In addition, items are expected to be displayed in a similar fashion under the store's front canopy. Minor modifications to the store's exterior are planned for the purpose of aesthetics, signage and a flag pole.

Origination:

S&W-AL LLC (Owners)
Orscheln's Farm & Home (Tenant)
Jake Long, Glove Con, Inc. (Representative)
21 Design Group (Civil Engineer/Surveyor)
PW Architects, Inc. (Architect)

Financial Consideration:

None

Staff Recommendation:

At the March 27, 2018 special called meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6107
Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6107

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 FARM EQUIPMENT SALES, SERVICE, REPAIRS, FEED STORE WITH OUTDOOR STORAGE/DISPLAYS IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82 OVERLAY) DISTRICT AT 2725 NORTH U.S. HIGHWAY 75, BEING LOT 5, BLOCK 1 OF THE TEXOMA CROSSING ADDITION, A REPLAT OF LOTS 5 AND 5A (S&W-AL LLC, OWNERS; ORSCHELN'S FARM & HOME, TENANT; JAKE LONG, GLOVE CON, INC., REPRESENTATIVE; 21 DESIGN GROUP, CIVIL ENGINEER/SURVEYOR; AND PW ARCHITECTS, INC., ARCHITECT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, S&W-AL LLC (Owners), Orscheln's Farm & Home (Tenant), Jake Long, Glove Con, Inc. (Representative), 21 Design Group (Civil Engineer/Surveyor) and PW Architects, Inc. (Architect) are granted a Specific Use Permit to allow a farm equipment sales, service, repairs, feed store with outdoor storage /displays in a C-2 (General Commercial) District/O-1 (75 & 82 Overlay) District at 2725 North U.S. Highway 75, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 5, Block 1 of the Texoma Crossing Addition, a Replat of Lots 5 and 5A

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1 (75 & 82 Overlay) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. All parking shall be on private property and shall not encroach into U.S. Highway 75 access road right-of-way.
3. Parking is permitted on paved surfaces only.
4. Equipment/displays shall not be parked/stored in required parking spaces.
5. Shall comply with all City, Federal and State regulations for this use.
6. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
7. Review the zoning and development ordinance for additional requirements.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

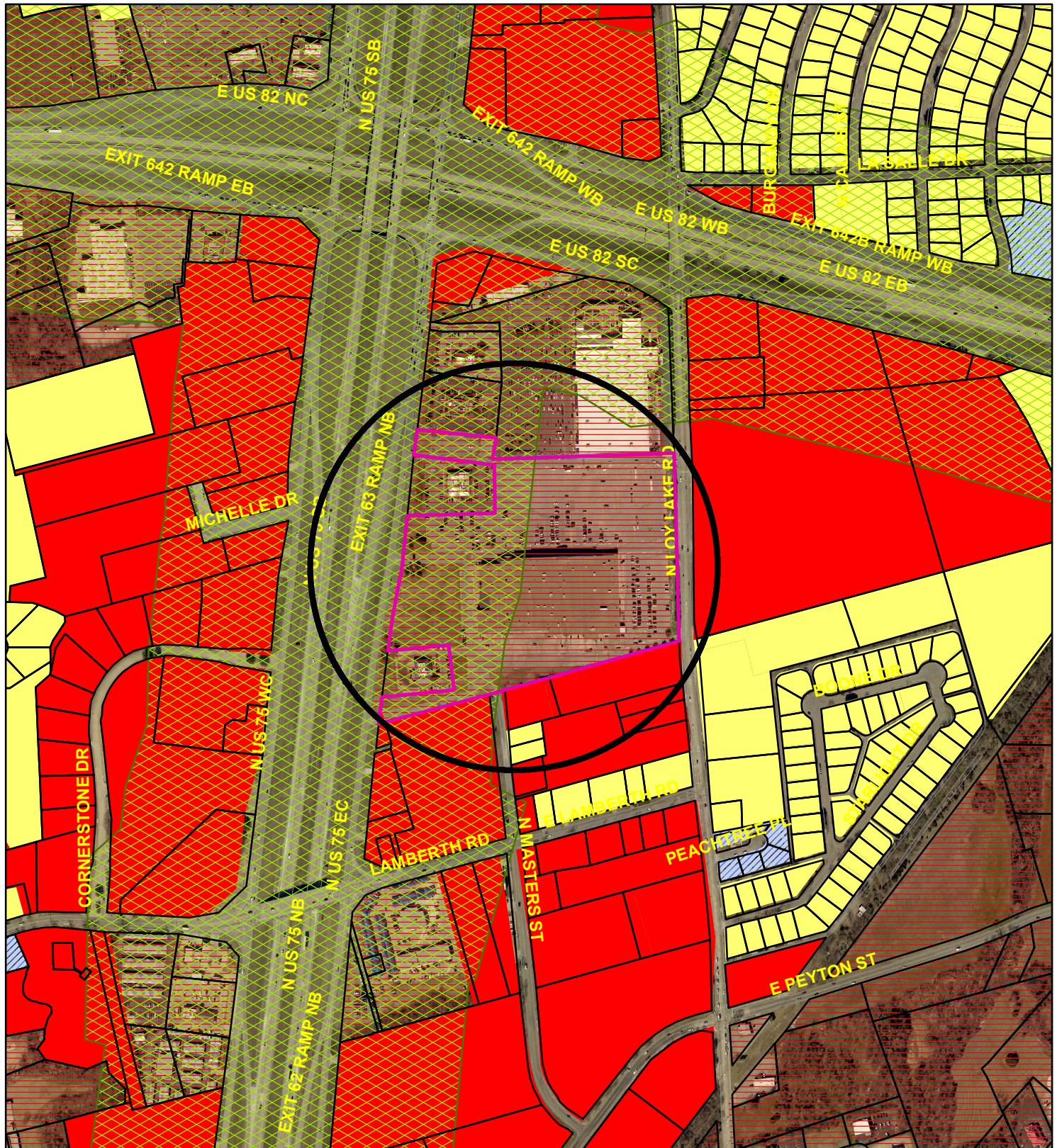
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



Zoning - 2725 N. Highway 75



City of Sherman, Texas
Developmental Services Department

Special Districts Overlay

DISTRICT_NAME
Arts and Cultural District
Black Commercial Overlay District
Central Business District
College Park District
Downtown Overlay District
Historic Preservation District
Transportation Corridor

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

Unknown
BIP: Black Industrial Park
C-1: Retail Business District

Legend

C-2: General Commercial District
CO: Office District
Lakes
M-1: Light Manufacturing District
M-1.5: Medium Manufacturing District
M-2: Heavy Manufacturing District
MH: Manufacturing Housing District
R-1: One Family Residential District
R-2: Multi-Family Residential District
R-A: Single Family Agricultural District
SF-1: Single Family Residential District

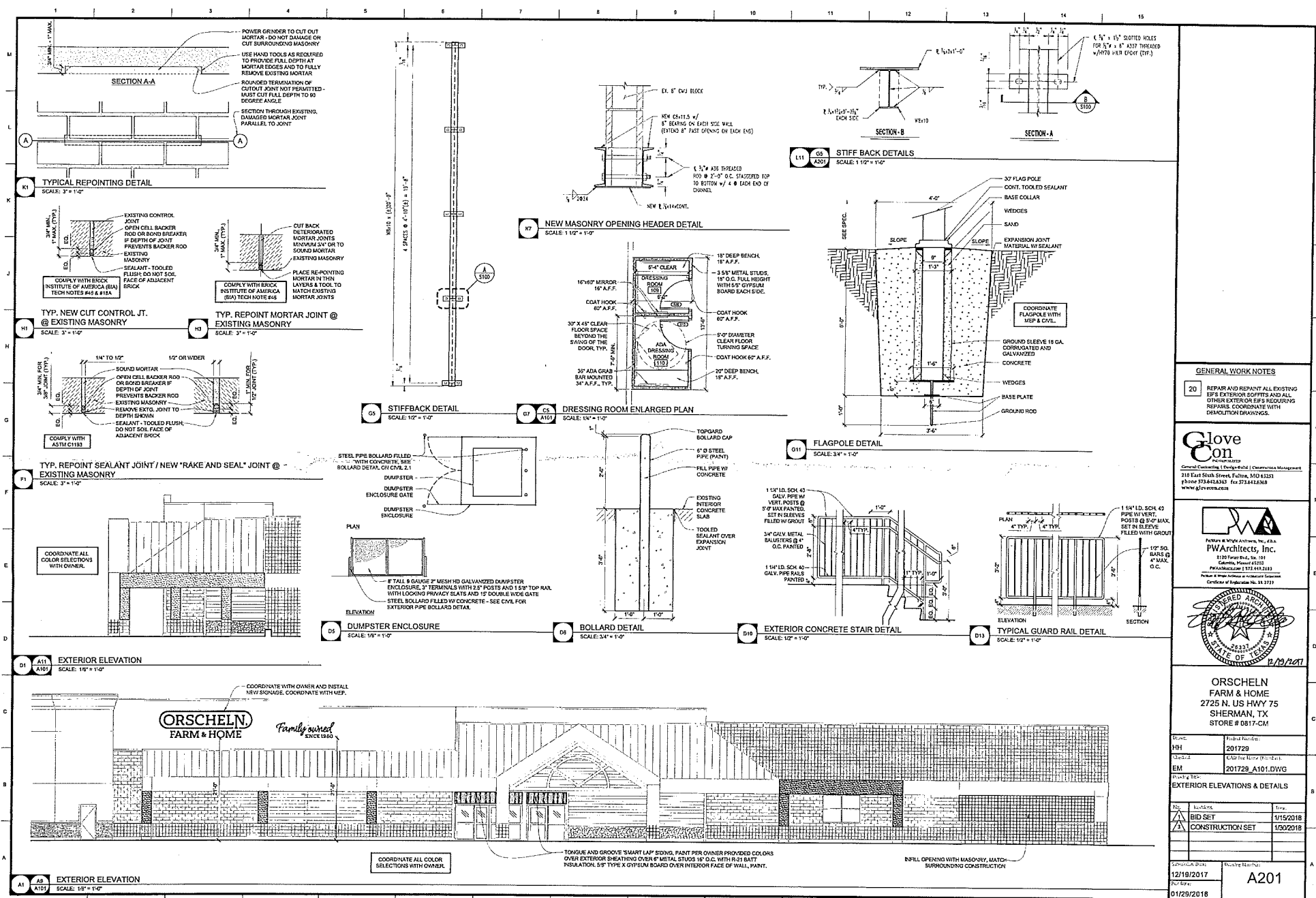


NOT TO SCALE

1 in = 558 ft

2725 N. Highway 75





GENERAL WORK NOTES

20 REPAIR AND REPAINT ALL EXISTING EIFS EXTERIOR SOFFITS AND ALL OTHER EXTERIOR EIFS REQUIRING REPAIRS. COORDINATE WITH DEMOLITION DRAWINGS.

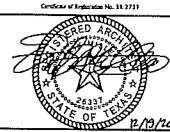
Glove
Con

General Contracting | Design-Build | Construction Management
210 East Sixth Street, Fulton, MO 65251
phone 573.642.6363 fax 573.642.6368
www.aljays.com



PWArchitects, Inc.
2120 Forest Blvd., Ste. 101
Columbia, Missouri 65203
PWArchitects@comcast.net | 372.449.2693

Partners: W. Wayne Adams and W. Christopher Thompson



**ORSCHELN
FARM & HOME
2725 N. US HWY 75
SHERMAN, TX
STORE #0817 CM**

Sheet:	Project Number:
HH	201729
Client:	Client Name (Firm):
EM	201729_A101.DWG
Drawing Title:	
EXTERIOR ELEVATIONS & DETAILS	

No.	Description	Date
1	BID SET	1/15/20
2	CONSTRUCTION SET	1/30/20

Submission Date:	12/19/2017	Billing Reference: A201
Post Date:	01/29/2018	

STAFF REVIEW LETTER

March 15, 2018

S&W-AL, LLC
1001 W. Loop South #600
Houston, TX 77027

Jake Long
210 E. Sixth Street
Fulton, MO 65251

21 Design Group
1351 Jefferson, Suite 301
Washington, MO 63090

PW Architects, Inc.
2120 Forum Blvd., Ste. 101
Columbia, MO 65203

Dear Applicants,

The request for a Specific Use Permit to allow farm equipment sales, service, repairs, feed store with outdoor storage /displays in a C-2 (General Commercial) District/O-1 (75 & 82 Overlay) District for the property located at 2725 North U.S. Highway 75 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 27, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1 (75 & 82 Overlay) District, the sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. All parking shall be on private property and shall not encroach into U.S. Highway 75 access road right-of-way.
3. Parking is permitted on paved surfaces only.
4. Equipment/displays shall not be parked/stored in required parking spaces.
5. Shall comply with all City, Federal and State regulations for this use.
6. Fire lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
7. Review the zoning and development ordinance for additional requirements.
8. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

Respectfully,



Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 5.

Meeting Date: 03/27/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Bridges, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

2725 N. U.S. HIGHWAY 75

The request of S&W AL LLC (Owners) and Orscheln Farm & Home (Tenant) concerning the property located at 2725 North U.S. Highway 75, being Lot 5, Block 1 of the Texoma Crossing Addition, Replat Lot 5 & 5A, as follows

Planning and Zoning Board

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a farm equipment sales, service, repairs, feed store with outdoor storage /displays in a C-2 (General Commercial) District/O-1 (75 & 82 Overlay) District.

Background:

The property is located at 2725 North U.S. Highway 75, the southeast corner of Highways 75 and 82; formerly Gander Mountain. The property is zoned a C-2 (General Commercial) District and is also located in the O-1 (75 & 82 Overlay) District.

Orscheln's Farm and Home sells a variety of small farm implements, farm equipment parts, animal feed, seed, tools, hardware, clothing, etc. They would like to utilize approximately 17,181 square foot of the existing parking lot for an outdoor storage/display area and bulk storage and also some of the rear of the building for bulk storage (mulch, feed, seed, etc.). Items in these areas will be purchased within the store and picked up outside. In addition, items are expected to be displayed in a similar fashion under the store's front canopy. Minor modifications to the store's exterior are planned for the purpose of esthetics and signage.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

S&W-AL LLC (Owners)
Orscheln's Farm & Home (Tenant)
Jake Long, Glove Con, Inc. (Representative)
21 Design Group (Civil Engineer/Surveyor)
PW Architects, Inc. (Architect)

Master Plan Designation:

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

Number of notices mailed:

13

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 04/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6108

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 3608 F.M. Highway 691, being Lot 1, Legend Bank Addition (Legend Bank NA, Owners; Todd Young, Young Enterprises, Representative; Legend Bank, Tenant; Conduit Architecture + Design LLC, Architect; and Freeman-Millican, Inc., Engineer/Planner)

Issue:

To consider the request of Legend Bank NA (Owners), Todd Young, Young Enterprises (Representative), Legend Bank (Tenant), Conduit Architecture + Design LLC (Architect) and Freeman-Millican, Inc. (Engineer/Planner) concerning the property located at 3608 F.M. Highway 691, being Lot 1, Legend Bank Addition, for a zone change from a SF-1 (Single Family Residential) District to a C-1 (Retail Business) District

Background:

The property is located at 3608 F.M. Highway 691 between Highway 75 and Loy Lake Road; it is zoned an SF-1 (Single Family Residential) District and is also located in the O-1.3 (FM Highway 691) District. Legend Bank is requesting a zone change to a C-1 (Retail Business) District and site plan approval to construct a 6,965 square foot bank with three drive thru lanes. The exterior finish of the building will be brick with stone accents; twenty-three parking spaces will be provided.

Origination:

Legend Bank NA (Owners)
Todd Young, Young Enterprises (Representative)
Legend Bank (Tenant)
Conduit Architecture + Design LLC (Architect)
Freeman-Millican, Inc. (Engineer/Planner)

Financial Consideration:

None

Staff Recommendation:

At the March 27, 2018 special called meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter. Commission Member Sims abstained because of a conflict of interest.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6108
Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Landscape Plan
Staff Review Letter
P&Z Communication

ORDINANCE NO. 6108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AT 3608 F.M. HIGHWAY 691, BEING LOT 1, LEGEND BANK ADDITION (LEGEND BANK NA, OWNERS; TODD YOUNG, YOUNG ENTERPRISES, REPRESENTATIVE; LEGEND BANK, TENANT; CONDUIT ARCHITECTURE + DESIGN LLC, ARCHITECT; AND FREEMAN-MILLICAN, INC., ENGINEER/PLANNER); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the C-1 (Retail Business) District at 3608 F.M. Highway 691, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Legend Bank Addition

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

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

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____

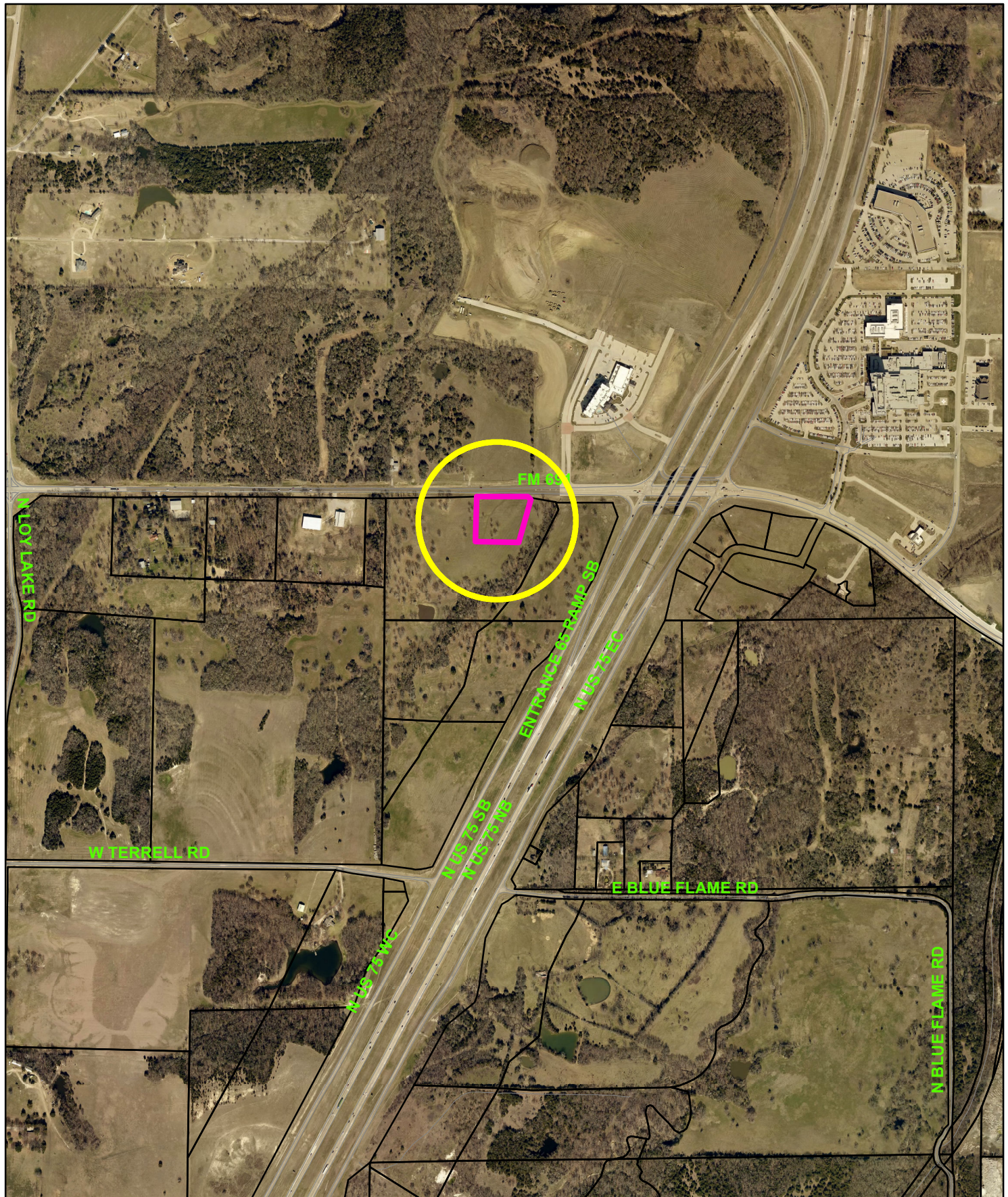
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



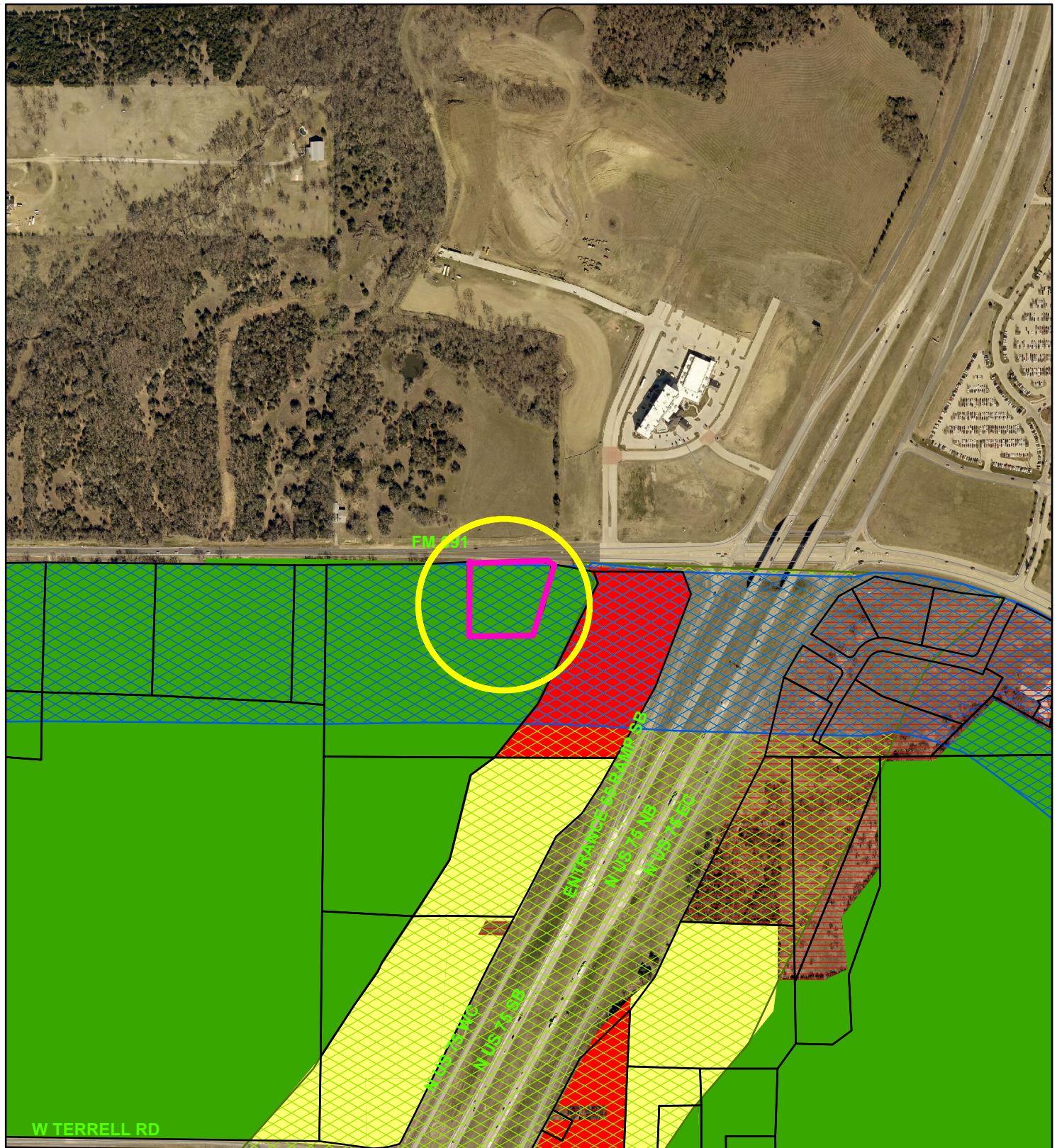
3608 FM 691



NOT TO SCALE

1 in = 900 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 3608 FM 691

Legend

Special Districts Overlay

DISTRICT_NAME

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

Transportation Corridor

Representation: SHERM.GIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: SHERM.GIS.DBO.ZoningDistrict_Rep

- BIP Blalock Industrial Park
- C-1 Retail Business District

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



3608 FM 691



PROPOSED FEATURES

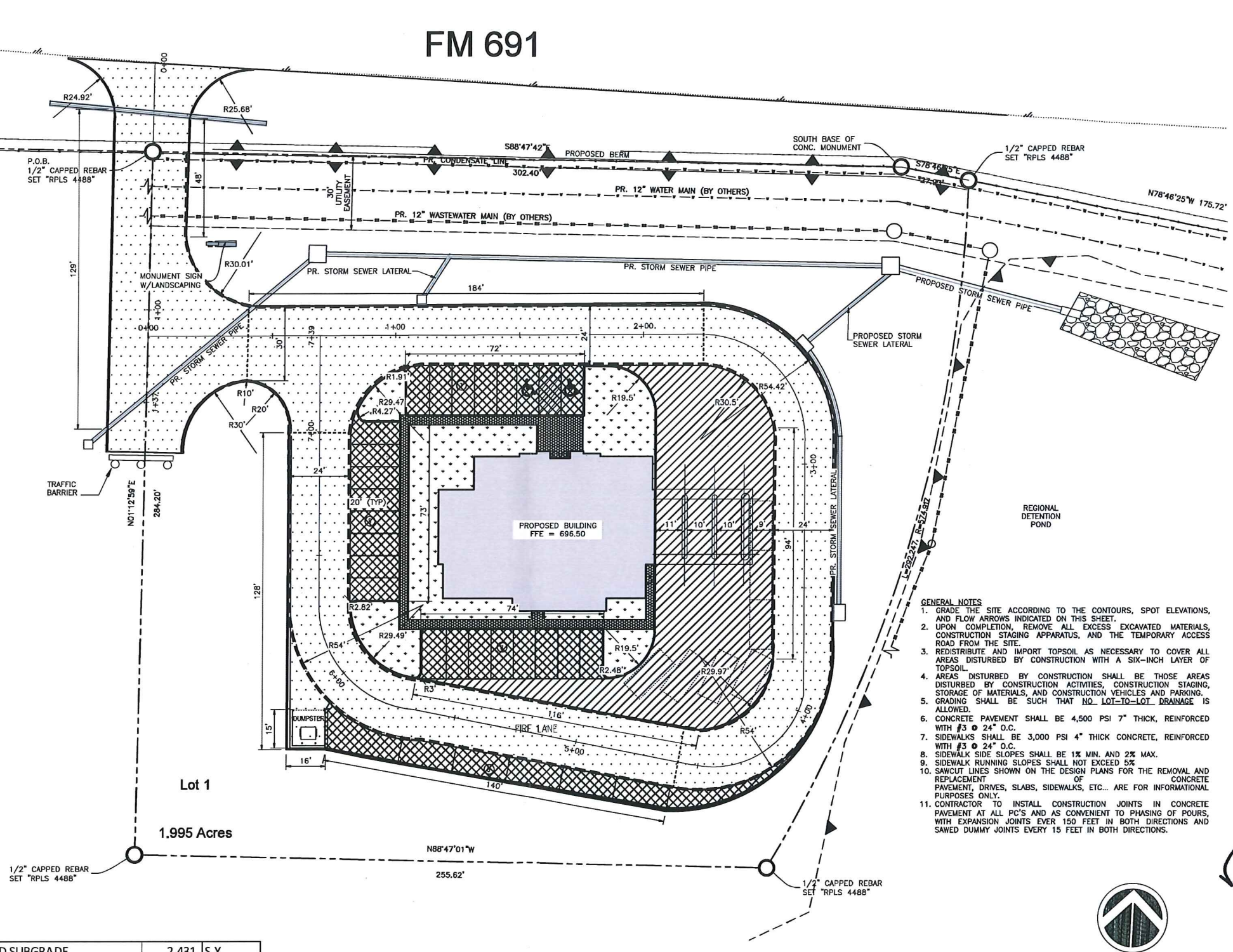
- 7" CONC. W/ 6" LIME TREATED SUBGRADE
- 6" CURB
- 5" CONC. PAVEMENT OVER RECOMPACTED SUBGRADE
- 6" CONC. PAVEMENT W/ 6" LIME TREATED SUBGRADE
- 4" SIDEWALK
- FLOWLINE
- FIRE LANE
- EX. JOINT

- SIDEWALK, RAMPS, CURB AND GUTTER NOTES**
1. CLASS TEST STRENGTH FOR SIDEWALK IS 3,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS AFTER PLACEMENT.
 2. CLASS TEST STRENGTH FOR CURB AND GUTTER IS 4,500 PSI COMPRESSIVE STRENGTH AT 28 DAYS AFTER PLACEMENT.
 3. STANDARD SUBGRADE COMPACTION FOR SIDEWALKS IS MINIMUM 95% OF STANDARD PROCTOR DENSITY WITHIN MINUS 2% TO PLUS 4% OF OPTIMUM MOISTURE CONTENT.
 4. SIDEWALKS REQUIRE MINIMUM #3 BARS SPACED ON 24" CENTERS.
 5. ALL CURBS WITHIN CITY RIGHT-OF-WAY MUST BE REINFORCED WITH #4 BARS.
 6. CURB AND GUTTER MUST BE DESIGNED AND CONSTRUCTED TO PROVIDE POSITIVE DRAINAGE.
 7. SEPARATE CONCRETE CURB & GUTTER SHALL BE MARKED 3/8" DEEP WITH AN APPROVED TOOL (SAW CUT) IN 15 FOOT SECTIONS. INSTALL #4 "L-SHAPED" REBAR DOWELS (12" INTO EXISTING PAVEMENT), EVERY 10', EPOXIED IN.
 8. 1" REDWOOD EXPANSION JOINTS ARE REQUIRED AT ALL ABRUPT CHANGES IN ALIGNMENT OR WIDTH, RADIUS POINTS, OR EVERY 80 FEET, BEGINNING AT THE CURB RETURN.
 9. IF SIDEWALK IS LOCATED AT BACK-OF-CURB, REDWOOD JOINTS SHOULD MATCH WITH EXISTING REDWOOD JOINTS IN THE STREET.
 10. AT ALL EXPANSION JOINTS, 24" LONG, #6 (3/4") SMOOTH DOWEL IS REQUIRED EVERY 24" ON CENTER.
 11. 1" FOOTINGS ARE REQUIRED AT ALL EXPANSION JOINTS AND THE PAVEMENT DEPTH TRANSITIONS FROM 4" TO 5" THICK, OVER THE 24" LENGTH OF PAVEMENT.
 12. 8" FOOTING IS REQUIRED FOR SIDEWALKS LOCATED AT BACK-OF-CURB, WITH A 6" DOWEL.
 13. SIDEWALK MUST BE MINIMUM 5' WIDE IF LOCATED AT BACK-OF-CURB.

- DRIVE APPROACH NOTES**
1. MINIMUM PAVEMENT DEPTH IS 8". DRIVE APPROACH PAVEMENT DEPTH SHOULD MATCH ONSITE PAVEMENT DEPTH IF ONSITE PAVEMENT IS THICKER THAN THE MINIMUM THICKNESS FOR APPROACHES.
 2. HAND FINISH CLASS - TEST STRENGTH IS 4,500 PSI COMPRESSIVE STRENGTH AT 28 DAYS AFTER PLACEMENT.
 3. STANDARD SUBGRADE COMPACTION UNDER DRIVE APPROACHES IS 98% STANDARD PROCTOR DENSITY AT MINUS 2% TO PLUS 4% OF OPTIMUM MOISTURE TO THE DEPTH SPECIFIED.
 4. #3 BARS ARE REQUIRED FOR CONCRETE THICKNESS LESS THAN 9", SPACED ON 24" CENTERS. #4 BARS ARE REQUIRED FOR CONCRETE THICKNESS THAT IS 9" OR GREATER, SPACED ON 24" CENTERS.
 5. 1" REDWOOD EXPANSION JOINTS ARE REQUIRED AT ALL PROPERTY LINES.
 6. DOWEL PROPOSED DRIVE APPROACH INTO EXISTING PAVEMENT WITH 24" LONG, #4 BARS, AT 12" ON CENTER, EPOXIED IN.
 7. FOR THE EXPANSION JOINT AT THE PROPERTY LINE, 24" LONG, #8 (1") SMOOTH DOWEL IS REQUIRED FOR PAVING THICKNESS GREATER THAN 6". ALL DOWELS REQUIRED EVERY 12" ON CENTER AND MUST BE GREASED AND CAPPED.
 8. DRIVE APPROACHES REQUIRE A SAW JOINT AT THE CENTERLINE.

PAVEMENT QUANTITIES

FIRE LANE - 7" CONCRETE OVER 6" LIME TREATED SUBGRADE	2,431	S.Y.
DRIVE THRU - 6" CONCRETE OVER 6" LIME TREATED SUBGRADE	854	S.Y.
PARKING SPACES - 5" CONCRETE OVER RECOMPACTED SUBGRADE	477	S.Y.



- GENERAL NOTES**
1. GRADE THE SITE ACCORDING TO THE CONTOURS, SPOT ELEVATIONS, AND FLOW ARROWS INDICATED ON THIS SHEET.
 2. UPON COMPLETION, REMOVE ALL EXCESS EXCAVATED MATERIALS, CONSTRUCTION STAGING APPARATUS, AND THE TEMPORARY ACCESS ROAD FROM THE SITE.
 3. REDISTRIBUTE AND IMPORT TOPSOIL AS NECESSARY TO COVER ALL AREAS DISTURBED BY CONSTRUCTION WITH A SIX-INCH LAYER OF TOPSOIL.
 4. AREAS DISTURBED BY CONSTRUCTION SHALL BE THOSE AREAS DISTURBED BY CONSTRUCTION ACTIVITIES, CONSTRUCTION STAGING, STORAGE OF MATERIALS, AND CONSTRUCTION VEHICLES AND PARKING.
 5. GRADING SHALL BE SUCH THAT NO LOT-TO-LOT DRAINAGE IS ALLOWED.
 6. CONCRETE PAVEMENT SHALL BE 4,500 PSI 7" THICK, REINFORCED WITH #3 @ 24" O.C.
 7. SIDEWALKS SHALL BE 3,000 PSI 4" THICK CONCRETE, REINFORCED WITH #3 @ 24" O.C.
 8. SIDEWALK SIDE SLOPES SHALL BE 1% MIN. AND 2% MAX.
 9. SIDEWALK RUNNING SLOPES SHALL NOT EXCEED 5%.
 10. SAWCUT LINES SHOWN ON THE DESIGN PLANS FOR THE REMOVAL AND REPLACEMENT OF CONCRETE PAVEMENT, DRIVES, SLABS, SIDEWALKS, ETC... ARE FOR INFORMATIONAL PURPOSES ONLY.
 11. CONTRACTOR TO INSTALL CONSTRUCTION JOINTS IN CONCRETE PAVEMENT AT ALL PC'S AND AS CONVENIENT TO PHASING OF POURS, WITH EXPANSION JOINTS EVERY 150 FEET IN BOTH DIRECTIONS AND SAWED DUMMY JOINTS EVERY 15 FEET IN BOTH DIRECTIONS.

BY: _____

REVISION: _____

DATE: _____

NO: _____

LEGEND BANK SHERMAN, TX

LEGEND BANK SITE DRAINAGE & PAVING

PAVING PLAN

FOR REVIEW

STATE OF TEXAS

VICTOR L. ACUY

114152

PROFESSIONAL ENGINEER

THIS SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY VICTOR L. ACUY, P.E. JAC 114152 ON 12-22-18

PROJECT No. 17022

DESIGNED: VLA

DRAWN: FMI

CHECKED: DEC

SHEET C4.1

SHEET 11 OF 17

Legend Bank - Sherman

02.21.18

3608 FM Highway 691

EXTERIOR ELEVATIONS

3/16" = 1'-0"



1 North Elevation
3/16" = 1'-0"



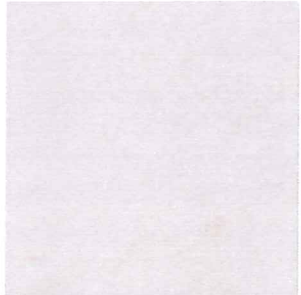
2 West Elevation
3/16" = 1'-0"



CHAMPAGNE METAL - STOREFRONT, ROOF, GUTTERS, AND DOWNSPOUTS



LIGHT BUFF CAST STONE - WATERTABLE, HEADERS, AND SILLS



CORDOVA CREAM TEXAS LIMESTONE, COURSED, CUT FACE - VENEER PER DRAWINGS



ACME BRICK BROOKSHIRE - VENEER PER DRAWINGS



LONGBOARD METAL SIDING, LIGHT NATIONAL WALNUT - VENEER PER DRAWINGS



CORDOVA CREAM TEXAS LIMESTONE, COURSED, ROUGH FACE - VENEER PER DRAWINGS

Legend Bank - Sherman

02.21.18

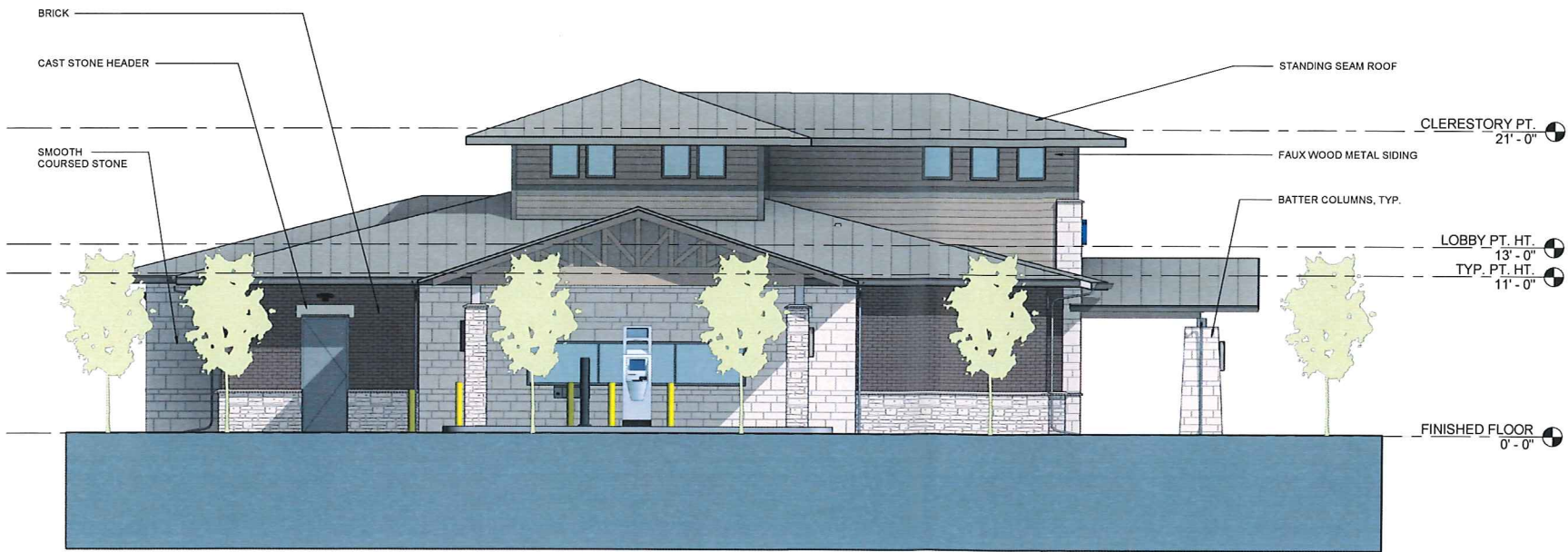
3608 FM Highway 691

EXTERIOR ELEVATIONS

3/16" = 1'-0"

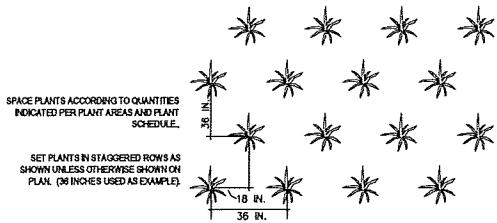
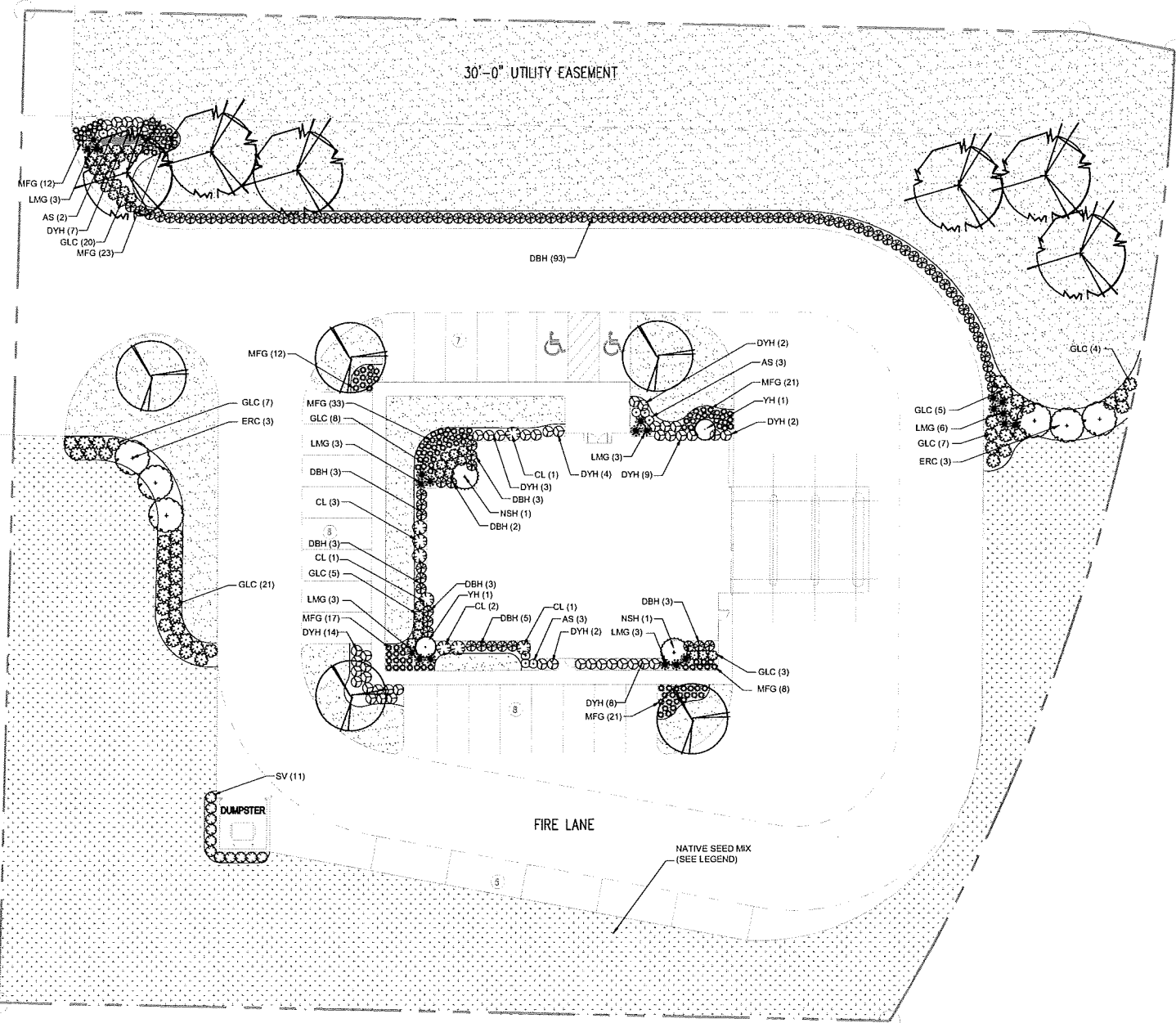


1 South Elevation
3/16" = 1'-0"



2 East Elevation
3/16" = 1'-0"

FM HWY 691



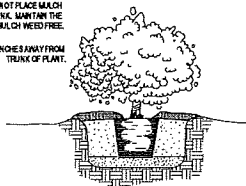
PLANT SPACING DETAIL
NOT TO SCALE

REMOVE ALL TAGS, TWINE OR OTHER NON-Biodegradable MATERIALS ATTACHED TO THE PLANT OR ROOT MASS.

PRUNE PLANT TO REMOVE DEAD OR BROWN BRANCHES.

4 INCH DEPTH OF MULCH. DO NOT PLACE MULCH IN CONTACT WITH PLANT TRUNK. MAINTAIN THE MULCH WEED FREE.

MULCH SHALL BE KEPT MIN. 2 INCHES AWAY FROM TRUNK OF PLANT.



PLANT PIT TO BE AT LEAST 2X WIDER THAN ROOT BALL. SCARPY AND MOLE SIDES OF THE HOLE.

REMOVE CONTAINER FROM ROOT MASS, LOOSEN ROOTS FROM POT/ROOTING PLANTS BY SCORING OR PULLING.

CHAMPEN SOIL PRIOR TO PLANTING.

BACKFILL HOLE WITH 50/50 MIXTURE OF 1 PT. SAND, 1 PT. ORGANIC HUMUS, 1 PT. NATIVE TOPSOIL.

AMENDMENTS SHALL BE ADDED TO SOIL BASED ON RESULTS OF SOIL TESTS.

PLACE BOTTOM OF ROOT BALL ON OR 1/2 INCH ABOVE EXISTING GRADE.

PLANT SOIL LEVEL SHALL BE 1" HIGHER THAN SURROUNDING GRADE.

TAMP SOIL AROUND ROOT BALL LIGHTLY WITH FOOT OR HAND PRESSURE TO PREVENT SHIFTING.

PROVIDE DRAINAGE IN PLANTING PIT AS DEEMED NECESSARY BY A SOIL PERCOLATION TEST.

DO NOT HEAVILY PRUNE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, COODUNANT LEADERS, AND BRIDGES OR DEAD BRANCHES.

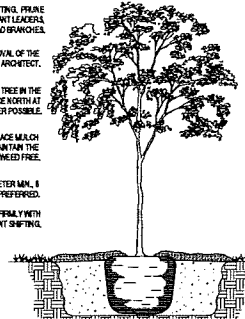
STAKE TREE ONLY AT THE APPROVAL OF THE LANDSCAPE ARCHITECT.

MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE.

4 INCH DEPTH OF MULCH. DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK. MAINTAIN THE MULCH WEED FREE.

MULCH RING TO BE 8 INCH DIAMETER MIN. 8 INCH DIAMETER PREFERRED.

TAMP SOIL AROUND ROOT BALL FIRMLY WITH FOOT PRESSURE TO PREVENT SHIFTING.



TREE PIT TO BE 3X WIDER THAN ROOT BALL. SCARPY AND MOLE SIDES OF THE HOLE.

SET TOP OF ROOT BALL 1 INCH ABOVE FINISH GRADE.

PLACE BOTTOM OF ROOT BALL ON UNCOMPACTED OR TAMPED SOIL.

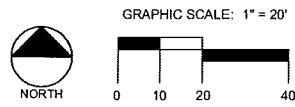
REMOVE ALL TWINE, ROPE, WIRE, AND BURLAP FROM TOP HALF OF ROOT BALL.

BACKFILL HOLE WITH EXISTING SOIL.

AMENDMENTS SHALL BE ADDED TO SOIL BASED ON RESULTS OF SOIL TESTS.

THE TOP OF ROOT BALL SHALL NOT BE COVERED WITH SOIL.

PROVIDE DRAINAGE IN PLANTING PIT AS DEEMED NECESSARY BY A SOIL PERCOLATION TEST.



PROPOSED TREES				
Symbol	Key	Name	Size	Spacing
	LE	Elm, Bosque Lacebark <i>Ulmus parvifolia</i>	3' Cal.	As Scaled
	SRO	Oak, Shumard Red <i>Quercus shumardi</i>	3' Cal.	As Scaled
	ERC	Cedar, Eastern Red <i>Juniperus virginiana</i>	6' HL	As Scaled

PROPOSED PLANTS				
Symbol	Key	Name	Size	Spacing
	DBH	Holly, Dwarf Burford <i>Ilex cornuta 'Dwarf Burford'</i>	3 Gal / 2' Ht.	36"
	GLC	Cotoneaster, Grayleaf <i>Cotoneaster glaucophyllus</i>	3 Gal / 2' Ht.	As Scaled
	NSH	Holly, Nellie R. Stevens <i>Ilex x 'Nellie R. Stevens'</i>	5' Ht.	As Scaled
	DYH	Holly, Stoke's Dwarf Yaupon <i>Ilex vomitoria 'Stoke's Dwarf'</i>	3 Gal.	36"
	LMG	Grass, Lindheimer's Muhly <i>Muhlenbergia lindheimeri</i>	3 Gal.	36"
	MFG	Grass, Mexican Feather <i>Nasella tenuissima</i>	1 Gal.	24"
	SV	Viburnum, Sweet <i>Viburnum odoratissimum</i>	7 Gal / 3' Ht.	36"
	YH	Holly, Yaupon <i>Ilex vomitoria</i>	5' Ht.	As Scaled
	CL	Cleome, Cleome gynnanthera <i>Cleome gynnanthera</i>	7 Gal / 3' Ht.	48"
	AS	Sage, Autumn <i>Salvia greggii</i>	3 Gal.	30"

Common Bermuda Sod or Hydrosprigs to Limits of Disturbance - 23,700 s.f. +/- Shown

Native Grass Seed to Limits of Disturbance - 18,100 s.f. +/- Shown

To be mixture of Indian Grass, Little Bluestem, Sideoats Grama, Prairie Wild Rye.

Seed at rate of 1 pound per 200 s.f.

Native seed mix available from Native American Seed, Junction, Texas.

Follow seed supplier recommendations for site preparation, planting and establishment.

The contractor shall be responsible for providing a full stand of native grass within one year of date of seeding completion.

Grass should be left to grow to mature height. Cut back to no less than 4" in early spring.

Note:

The Contractor shall verify all quantities. Contractor responsible for providing all plant material as indicated by symbols on plan.

Irrigation Affidavit

All landscaped areas shown on plan shall be irrigated by an automatic underground with rain and freeze sensors and evapotranspiration (ET) weather based controller and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator.

Notes

No changes shall be made to the plans, including plant material type and location without prior approval from Landscape Architect or Owner.

All plant material shall be guaranteed for a period of 1 year from date of installation completion. Wording to this effect shall be include in Contractor's proposal.

The Contractor shall notify the Landscape Architect in writing of discrepancies between the plans and actual site conditions prior to commencing work. Failure to do so shall be interpreted as the Contractor accepting such conditions and responsible at no additional cost to Owner, for any future adjustments that need to be made.

All work shall be in accordance to plans. Any defective work shall be corrected at no additional cost.

The quality of the plant material is subject to the approval of the Landscape Architect and may be rejected before or after installation. All plant material must meet all American Standard for Nursery Stock Standards (ANSST).

All areas to be sodded shall first be tilled to a uniform depth of 4 inches in two, crossing directions. After the initial tilling operation, incorporate 1,500 pounds per acre of 10-20-10 fertilizer or as specified by a soil test. Apply amendments as specified by a soil test.

Sod strips shall be pulled tightly together in a neat orderly manner. Do not overlap sod strips and do not use any strips that exhibit weak or thin soil.

Installed sod that turns yellow shall be given 7 days to recover before it will be rejected. Replace rejected sod by completely and uniformly cutting out area to make the repair.

After installation, the sod shall be rolled in two directions with a roller not weighing less than 100 lbs. per square foot.

Amendments shall be added to each planting pit and bed area.

All burlap material on balled and burlapped plants shall be the type that decomposes within two years. Synthetic or plastic type wrappings are not allowed.

After setting balled and burlapped plants, remove the top 1/3 of the burlap and completely remove all binder twine. No burlap shall show above the surface.

All planting areas shall be graded smooth, without the presence of low spots, depressions or irregular humps. Areas around planting beds shall be constructed to re-direct drainage around and away from planting areas. All planting areas shall be constructed and graded to ensure positive drainage away from structures.

Cedar mulch shall be applied within 24 hours of planting of new plant material. Mulch shall be spread evenly to a settled depth of 4" around all trees and shrubs to the limits of the planting beds as shown on plans.

All plantings shall be "watered in" by flooding the backfill hole within the same working day upon which they were planted. All plants shall be adjusted as necessary to ensure correct depth of planting, vertical alignment and/or to compensate for settling. Soil shall be firmed around each plant as final adjustments are made.

PROGRESS PRINT
DESIGN
DEVELOPMENT
REVIEW

NOT FOR REGULATORY
APPROVAL, PERMITTING,
OR CONSTRUCTION

Kobey Seale, AIA
TX # 21100
02.22.18

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conduit
architecture + design LLC

402 Parker Street
McKinney, Texas
t 972.302.9747
conductad.com

WILLIAMS DESIGN GROUP
LAND PLANNING • LANDSCAPE ARCHITECTURE
4100 P. 1830 (Bldg. 27) El Paso, Texas 79907
El Paso, Texas 79907

Legend Bank - Sherman

FM Highway 691
Sherman, Texas, 75090

REV. #	DESCRIPTION	DATE
1		
2		
3		
4		
5		

PROJECT NUMBER
1715

DATE
02.22.18

SHEET TITLE

Preliminary
Landscape Plan

SHEET NUMBER

L1-01

CALL BEFORE YOU DIG • 811

STAFF REVIEW LETTER

March 15, 2018

Legend Bank
2500 E. Highway 82
Whitesboro, TX 76273

Conduit Architecture + Design
402 Parker Street
McKinney, TX 75069

Todd Young
5414 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Freeman-Millican, Inc.
12160 N. Abrams Rd., Ste. 508
Dallas, TX 75243

Dear Applicants,

The request for site plan approval for Legend Bank for the property located at 3608 FM Highway 691 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 27, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1.3 (FM 691 Overlay) District, the sign ordinance, the screening ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. The parking ratio required is one space per 200 square feet of building.
3. A parking space is considered to be 9' x 20'.
4. All parking shall be on private property and shall not encroach into FM 691 right-of-way.
5. Parking and service driveways are permitted on paved surfaces only; concrete.
6. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
7. The trash dumpster will need to be located inside the main building area and screened.
8. Only one freestanding sign is allowed per lot. Signs may have a maximum 65 square foot face area and shall not exceed twelve feet in height. Minimum setback for signs shall be 25 feet from the highway right-of-way.
9. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
10. A minimum 6' screening is required abutting residential zoned property.
11. Shall comply with all EPA, City, Federal and State regulations for this use.
12. Review the zoning and development ordinance for additional requirements.
13. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

14. New drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from the City of Sherman Engineering Department.
15. The location of trash receptors must be approved by the Public Works Department.
16. Engineering plans for grading and storm drain design in accordance with City ordinances shall be submitted to the City Engineer for approval.

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

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

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

Respectfully,



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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 17.

Meeting Date: 03/27/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Bridges, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

3608 FM HIGHWAY 691

The request of Legend Bank NA (Owners), Todd Young, Young Enterprises, (Representative) Legend Bank (Tenant) concerning the property located at 3608 FM Highway 691, being Lot 1, Legend Bank Addition, as follows:

Planning and Zoning Commission

- Zone change and site plan approval under Ordinance No. 2280, Section 12, from an SF-1 (Single Family Residential) District to a C-1 (Retail Business) District.
- Site plan approval for Legend Bank.

Background:

The property is located at 3608 FM Highway 691 between Highway 75 and Loy Lake Road; it is zoned an SF-1 (Single Family Residential) District and also located in the O-1.3 (FM Highway 691) District. Legend Bank is requesting a zone change to a C-1 (Retail Business) District and site plan approval to construct a bank, approximately 5,012 square feet with three drive thru lanes. The exterior finish of the building will be brick with stone accents; twenty-three parking spaces will be provided.

Adjacent Zoning:

SF-1 (Single Family Residential) District

C-1 (Retail Business) District

Origination:

Legend Bank NA (Owners)

Todd Young, Young Enterprises, (Representative)

Legend Bank (Tenant)

Conduit Architecture + Design LLC (Architect)

Freeman-Millican, Inc. (Engineer/Planner)

Master Plan Designation:

Suburban Commercial - Suburban character primarily from reduced site coverage relative to more auto-oriented commercial development. Especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. Range of commercial retail and service uses, at varying scales and intensities depending on the site.

Number of notices mailed:

1

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Building Elevations
Landscape Plan
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.4.

Meeting Date: 04/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6109

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading, Permanent Make-Up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District at 225 North Travis Street, Suite 300, being Lot 1 and Part of Lots 2, 11, 12, Block D, TJ Shannon Supplement (Sherman Lofts LLC, Owners; Hanna Martin, Applicant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Sherman Lofts LLC (Owners), Hanna Martin (Applicant) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 225 North Travis Street, Suite 300, being Lot 1 and part of Lots 2, 11, 12, Block D, TJ Shannon Supplement, for a Specific Use Permit to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District

Background:

The property is located at 225 North Travis Street, Suite 300; the southeast corner of Travis and Pecan Streets; Travis Lofts. The property is zoned a C-1 (Retail Business) District and is also located in the Central Business District. The owners would like to open a micro-blading, permanent makeup (Tattoo Studio) at this location.

Micro-blading is a form of semi-permanent makeup that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments.

Origination:

Sherman Lofts LLC (Owners)
Hanna Martin (Applicant)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 27, 2018 special called meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and limited to Hanna Martin.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6109

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

Letter from Thomas Shields

Letter from Los Hermanos

ORDINANCE NO. 6109

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 MICRO-BLADING, PERMANENT MAKE-UP (TATTOO STUDIO) IN A C-1 (RETAIL BUSINESS) DISTRICT/CENTRAL BUSINESS DISTRICT AT 225 NORTH TRAVIS STREET, SUITE 300, BEING LOT 1 AND PART OF LOTS 2, 11, 12, BLOCK D, TJ SHANNON SUPPLEMENT (SHERMAN LOFTS LLC, OWNERS; HANNA MARTIN, APPLICANT; AND UNDERWOOD DRAFTING AND SURVEYING, SURVEYOR); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Sherman Lofts LLC (Owners), Hanna Martin (Applicant) and Underwood Drafting and Surveying (Surveyor) are granted a Specific Use Permit to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District at 225 North Travis Street, Suite 300, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1 and part of Lots 2, 11, 12, Block D, TJ Shannon Supplement

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the Central Business District and the sign ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. Review the zoning and development ordinance for additional requirements.
5. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Planning & Zoning Commission:

6. Limited to Hanna Martin

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

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

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

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

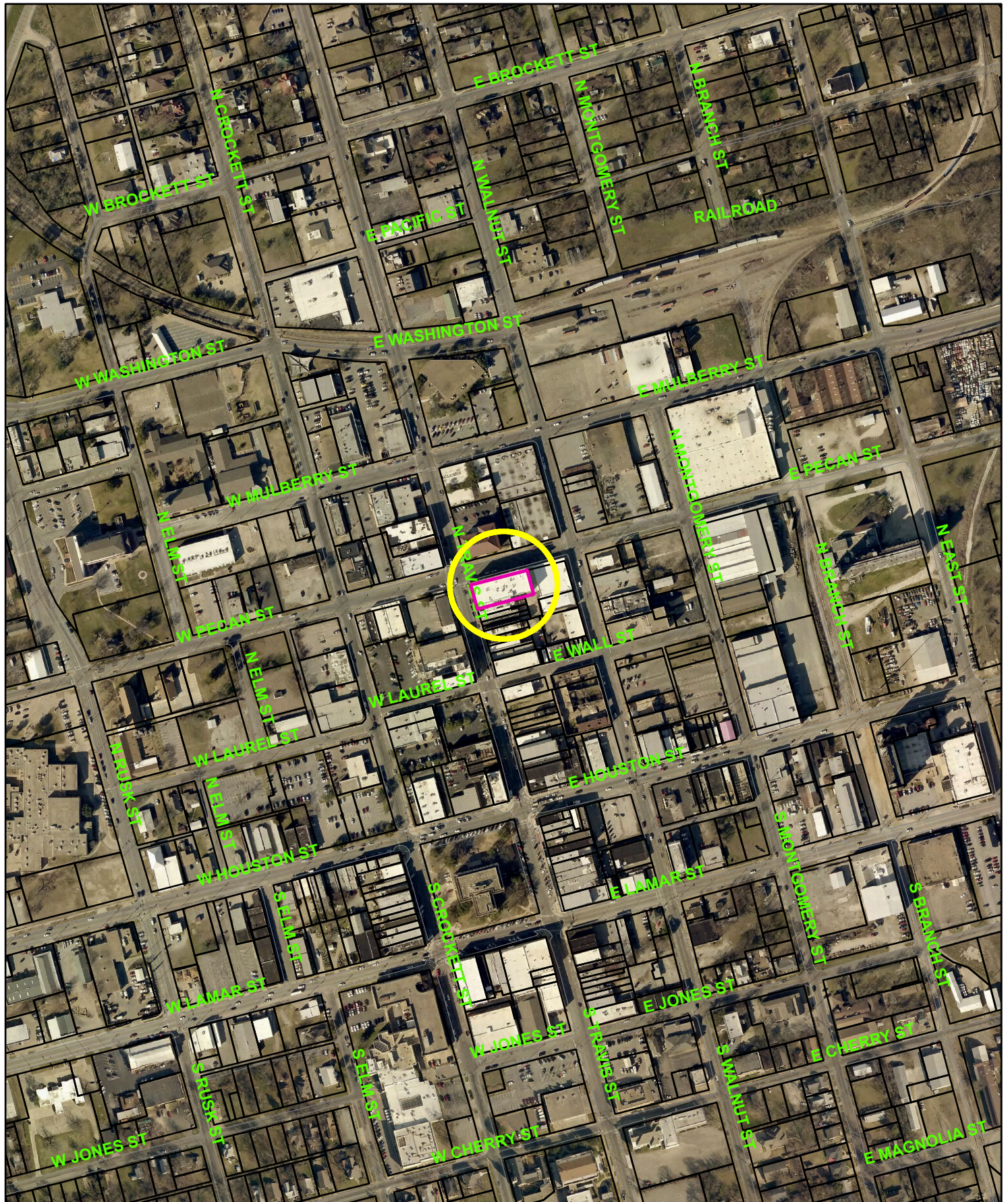
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

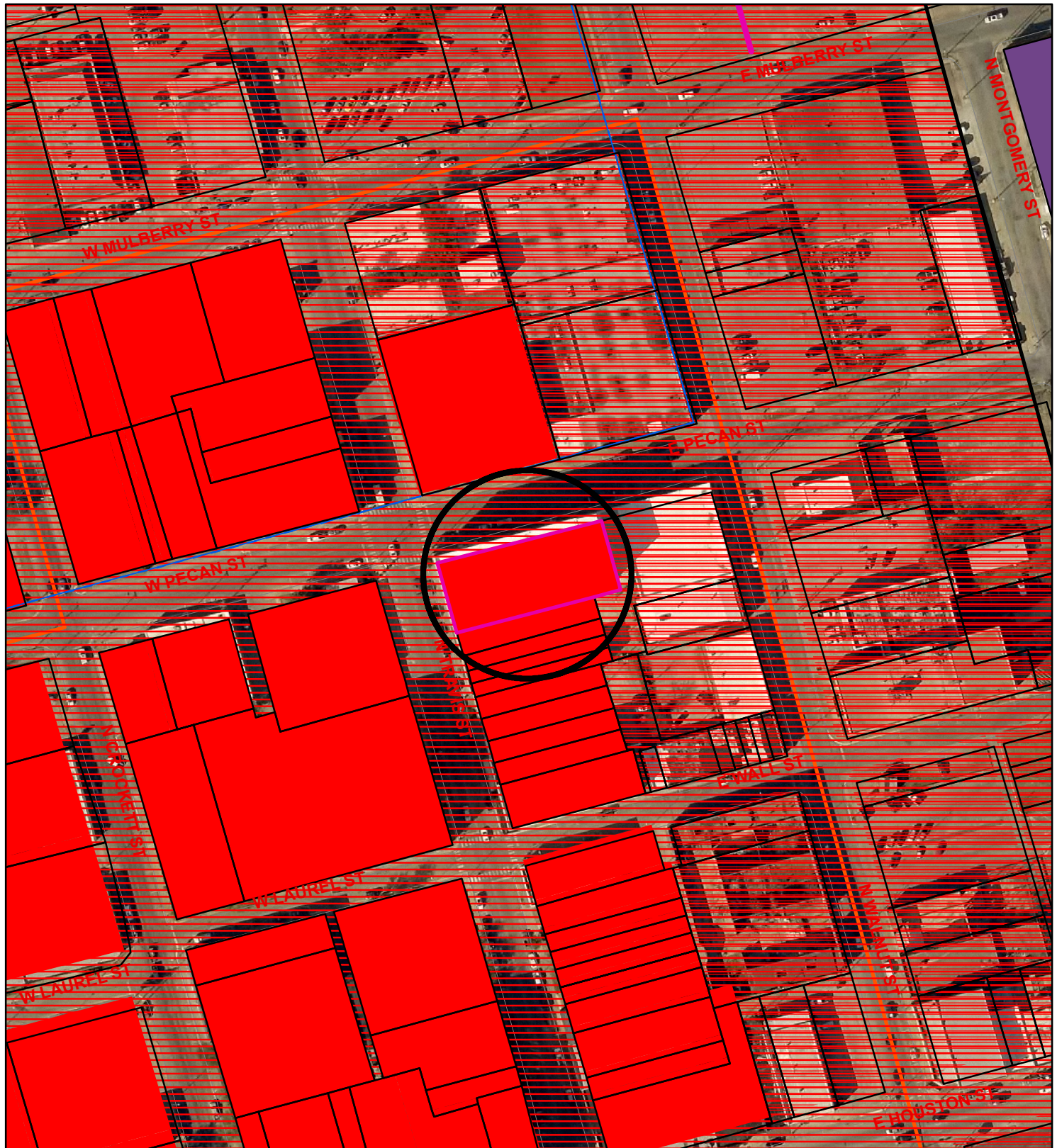


225 N. Travis, Suite 300



1 in = 721 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 225 N. Travis, Suite 300

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



City of Sherman, Texas
Developmental Services Department



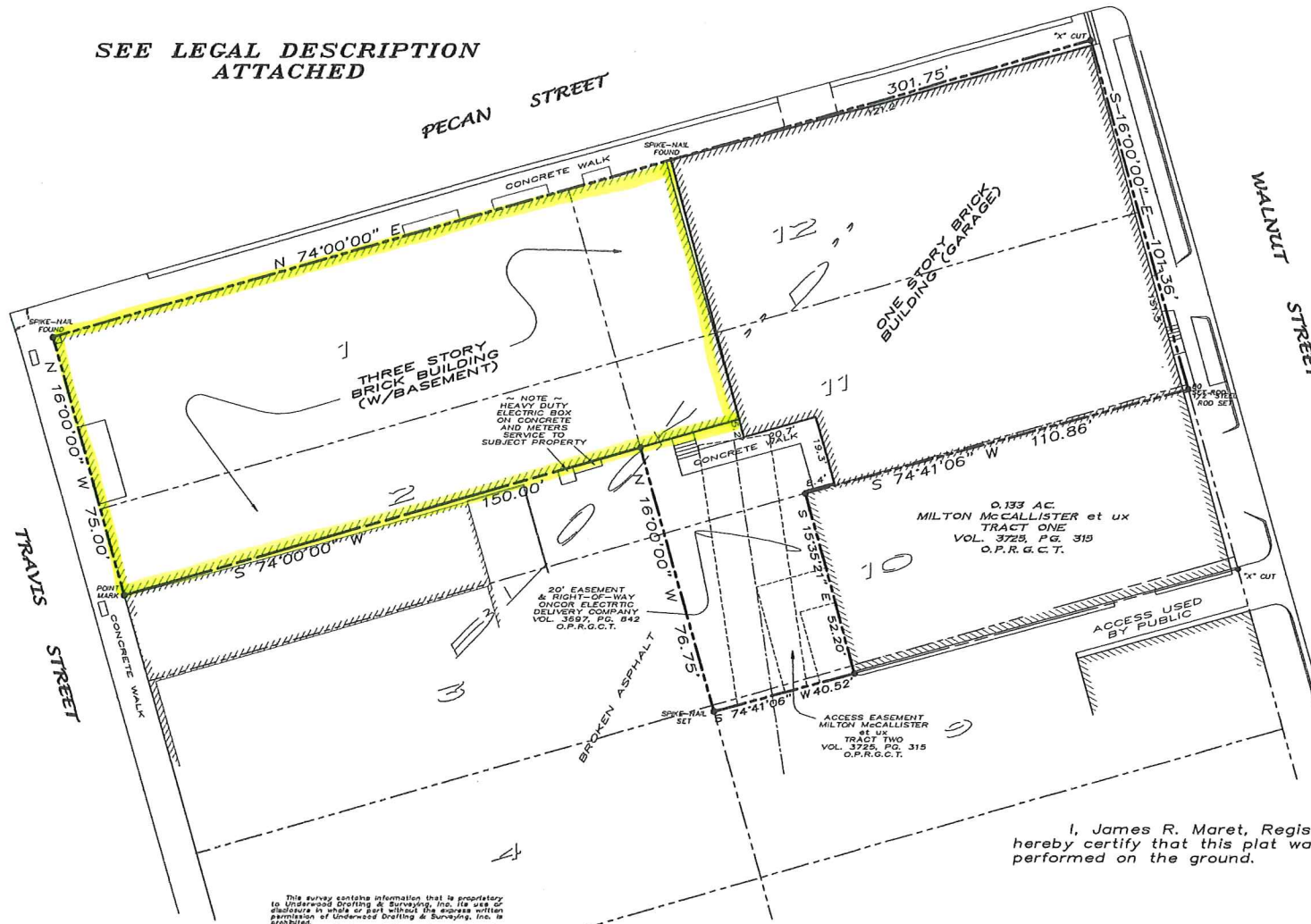
1 in = 144 ft

225 N. Travis, Suite 300



JOB NO. 14120700

SEE LEGAL DESCRIPTION
ATTACHED



~ TOTAL AREA ~
28,618 SQUARE FEET
PART OF BLOCK "D"
T. J. SHANNON'S SUPPLEMENT
CITY OF SHERMAN, TEXAS

SCALE
1" = 50'



I, James R. Maret, Registered Professional Land Surveyor,
hereby certify that this plat was prepared from an actual survey
performed on the ground.

James R. Maret
Registered Professional
Land Surveyor No. 5433
DATE: 00-00-00

UNDERWOOD
DRAFTING & SURVEYING

3404 INTERURBAN ROAD DENISON, TEXAS 75021 (903)465-2151

~ BASIS OF BEARINGS ~
COURSE ALONG SOUTH
RIGHT-OF-WAY LINE
PECAN STREET
(N 74° E ASSUMED)

This survey contains information that is proprietary
to Underwood Drafting & Surveying, Inc. Its use or
disclosure in whole or part without the express written
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This survey is also unpublished work protected under
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All rights reserved.
FIRM #10006300





STAFF REVIEW LETTER

March 15, 2018

Sherman Lofts, LLC
12727 Cranes Mill
San Antonio, TX 78230

Hanna Martin
5295 N. Travis, Apt 11201
Sherman, TX 75090

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District for the property located at 225 North Travis Street, Suite 300 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 27, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, the Central Business District and the sign ordinance must be followed.
2. Fire access, lanes and codes shall be coordinated with the Fire Marshal (903.892.7267).
3. Shall comply with all EPA, City, Federal and State regulations for this use.
4. Review the zoning and development ordinance for additional requirements.
5. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

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

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

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

Respectfully,



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

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 12.

Meeting Date: 03/27/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Bridges, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

225 N. TRAVIS STREET, SUITE 300

The request of Sherman Lofts LLC (Owners), Hanna Martin (Applicant) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 225 North Travis Street, Suite 300, being Lot 1 and part of Lot 2, 11 and 12, Block D, TJ Shannon Supplement, as follows

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District.

Background:

The property is located at 225 North Travis Street, Suite 300; the southeast corner of Travis and Pecan Streets; Travis Lofts. The property is zoned a C-1 (Retail Business) District and also located in the Central Business District. The owner would like to open a micro-blading, permanent makeup (Tattoo Studio) at this location.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Sherman Lofts LLC (Owners)

Hanna Martin (Applicant)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

18

Objections Received:

2

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Building Elevations

Letter from Thomas Shields

Letter from Los Hermanos Partnership

Staff Review Letter

PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
Telephone: (903) 892-7229
FAX: (903) 892-7274

RECEIVED
MAR 08 2018

March 2, 2018 Thomas Shields
402 W. Lamar
Sherman, TX 75090

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, March 20, 2018 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Sherman Lofts LLC (Owners), Hanna Martin (Applicant) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 225 North Travis Street, Suite 300, being Lot 1 and part of Lot 2, 11, 12, Block D, TJ Shannon Supplement

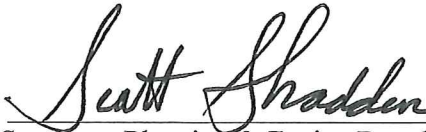
The request is as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District.

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

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


Secretary, Planning & Zoning Board

As property owner I would NOT want a Tattoo Studio in downtown.

Tom Shadd

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

**PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT**

Telephone: (903) 892-7229

FAX: (903) 892-7274

RECEIVED

MAR 08 2018

March 2, 2018 Los Hermanos Partnership LLC
402 W. Lamar
Sherman, TX 75090

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, March 20, 2018 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Sherman Lofts LLC (Owners), Hanna Martin (Applicant) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 225 North Travis Street, Suite 300, being Lot 1 and part of Lot 2, 11, 12, Block D, TJ Shannon Supplement

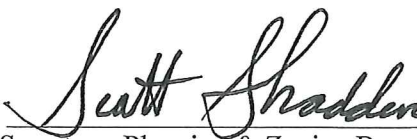
The request is as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow micro-blading, permanent make-up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District.

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

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


Secretary, Planning & Zoning Board

We do not want a Tattoo Parlor downtown.
Thanks.
LOS HERMANOS
Jon Shind

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



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.5.

Meeting Date: 04/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6110

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Automobile Sales and Accessories in the Existing Building in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District at 5615 North F.M. 1417 (Heritage Parkway), being 3 acres in the John Goode Survey, Abstract No. 468 (Advanced Binary LLC, Owners; Charles Malec, Representative; and Brohard Architecture, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

Issue:

To consider the request of Advanced Binary LLC (Owners), Charles Malec (Representative) and Brohard Architecture (Architect) concerning the property located at 5615 North F.M. 1417 (Heritage Parkway), being 3 acres in the John Goode Survey, Abstract No. 468, for a Specific Use Permit to allow automobile sales and accessories in the existing building in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District

Background:

The property is located at 5615 North F.M. 1417 (Heritage Parkway), near F.M. 691; formerly Mr. L's Restaurant. The property is zoned a C-1 (Retail Business) District and is located in the O-1.1 (FM Highway 1417 Overlay) District. Advanced Binary LLC is currently in the Dallas area and plans to move their business operations to Sherman. The business would be indoor automotive sales (primarily classic cars) and automotive accessories in the existing building.

As a modern internet-based operation, the business will attract sales from all over the United States. Once they are in full operation, they plan to have between five to ten employees, all hired from the area. They propose to revitalize and repurpose this location by restoration of the existing building structure and landscaping.

Origination:

Advanced Binary LLC (Owners)
Charles Malec (Representative)
Brohard Architecture (Architect)

Financial Consideration:

None

Staff Recommendation:

At the March 27, 2018 special called meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and replacing the chain link with a wrought iron fence within eighteen months.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6110

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Survey

Site Plan

Building Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6110

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 AUTOMOBILE SALES AND ACCESSORIES IN THE EXISTING BUILDING IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT AT 5615 NORTH F.M. 1417 (HERITAGE PARKWAY), BEING 3 ACRES IN THE JOHN GOODE SURVEY, ABSTRACT NO. 468 (ADVANCED BINARY LLC, OWNERS; CHARLES MALEC, REPRESENTATIVE; AND BROHARD ARCHITECTURE, ARCHITECT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That, from and after the passage of this ordinance, Advanced Binary LLC (Owners), Charles Malec (Representative) and Brohard Architecture (Architect) are granted a Specific Use Permit to allow automobile sales and accessories in the existing building in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District at 5615 North F.M. 1417 (Heritage Parkway), and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, and being a part of the John Goode Survey, Abstract No. 468, and being all of the 3.00 ac. tract of land conveyed to Mr. L's Limited Partnership by Gene A. Luscombe by General Warranty Deed dated October 25, 2006 and recorded in Volume 4176, Page 81,

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

BEGINNING at a 3/8 inch rebar found in the East right-of-way line of F. M. Highway No. 1417, at a Southwest corner of the 86.8140 acre tract of land conveyed to Aaron Pregler and Campbell Lease Service in Volume 1311, Page 138, Deed Records, Grayson County, Texas, at the Northwest corner of the 4.706 acre tract of land conveyed to Jessie Duane Jackson in Volume 4926, Page 737, said Official Public Records, at the Southwest corner of said Mr. L's Limited Partnership 3.00 ac.;

THENCE North 01 deg. 53 min. 00 sec. East, with the East right-of-way line of said highway, a West line of said Pregler & Campbell Lease Service 86.8140 acres and with the West line of said Mr. L's Limited Partnership 3.00 acres, a distance of 350.61 feet to a 3/8 inch rebar found at the Northwest corner of said Mr. L's Limited Partnership 3.00 acres;

THENCE South 88 deg. 07 min. 00 sec. East, over and across said Pregler & Campbell Lease Service 86.8140 acres, with the North line of said Mr. L's Limited Partnership 3.00 acres, a distance of 372.72 feet to a 1/2 inch capped rebar set stamped "RPLS 6578" at the Northeast corner of said Mr. L's Limited Partnership 3.00 acres;

THENCE South 01 deg. 53 min. 00 sec. West, continuing over and across said Pregler & Campbell Lease Service 86.8140 acres, with the East line of said Mr. L's Limited Partnership 3.00 acres, a distance of 350.61 feet to a point at the Southwest base of a chain link fence corner post, at an Ell corner of said Pregler & Campbell Lease Service 86.8140 acres, at the Northeast corner of said Jackson 4.706 acres, at the Southeast corner of said Mr. L's Limited Partnership 3.00 acres;

THENCE North 88 deg. 07 min. 00 sec. West, with a South line of said Pregler & Campbell Lease Service 86.8140 acres, the North line of said Jackson 4.706 acres and with the South line of said Mr. L's Limited Partnership 3.00 acres, a distance of 372.72 feet to the **PLACE OF BEGINNING and containing 3.00 ACRES of land.**

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, O-1.1 (FM 1417 Overlay) District, the sign ordinance, the screening ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires or parts is allowed.
3. Parking and service driveways are permitted on paved surfaces only; concrete

4. All parking shall be on private property and shall not encroach into North FM 1417 (Heritage Parkway) right-of-way; a parking space is considered to be 9'x20'.
5. Overhead doors shall be screened from all thoroughfares.
6. Woven-wire (chain link) fences are not allowed in the O-1.1 (FM 1417 Overlay) District.
7. Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.
8. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure.
9. Screening shall be provided and maintained abutting any residential districts.
10. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
11. Shall comply with all EPA, City, Federal and State regulations for this use.
12. Violation of the conditions of the SUP will terminate the Specific Use Permit.
13. Review the zoning and development ordinance for additional requirements.
14. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

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

Planning and Zoning Commission:

16. Replace the chain link fence with a wrought iron fence within eighteen months.

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

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

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

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

INTRODUCED on this the _____ day of _____, 2018.

ADOPTED on this the _____ day of _____, 2018.

EFFECTIVE DATE on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

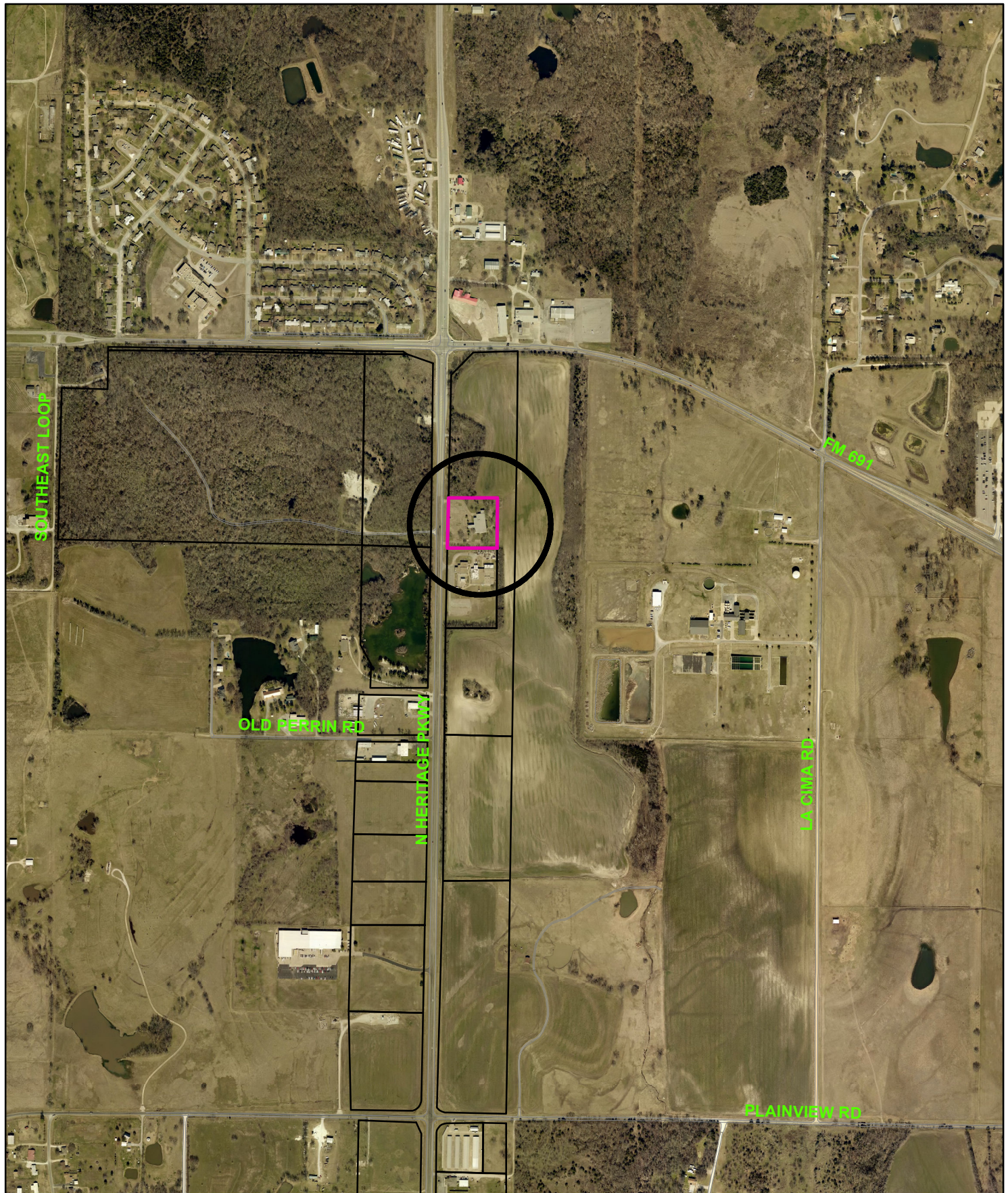
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



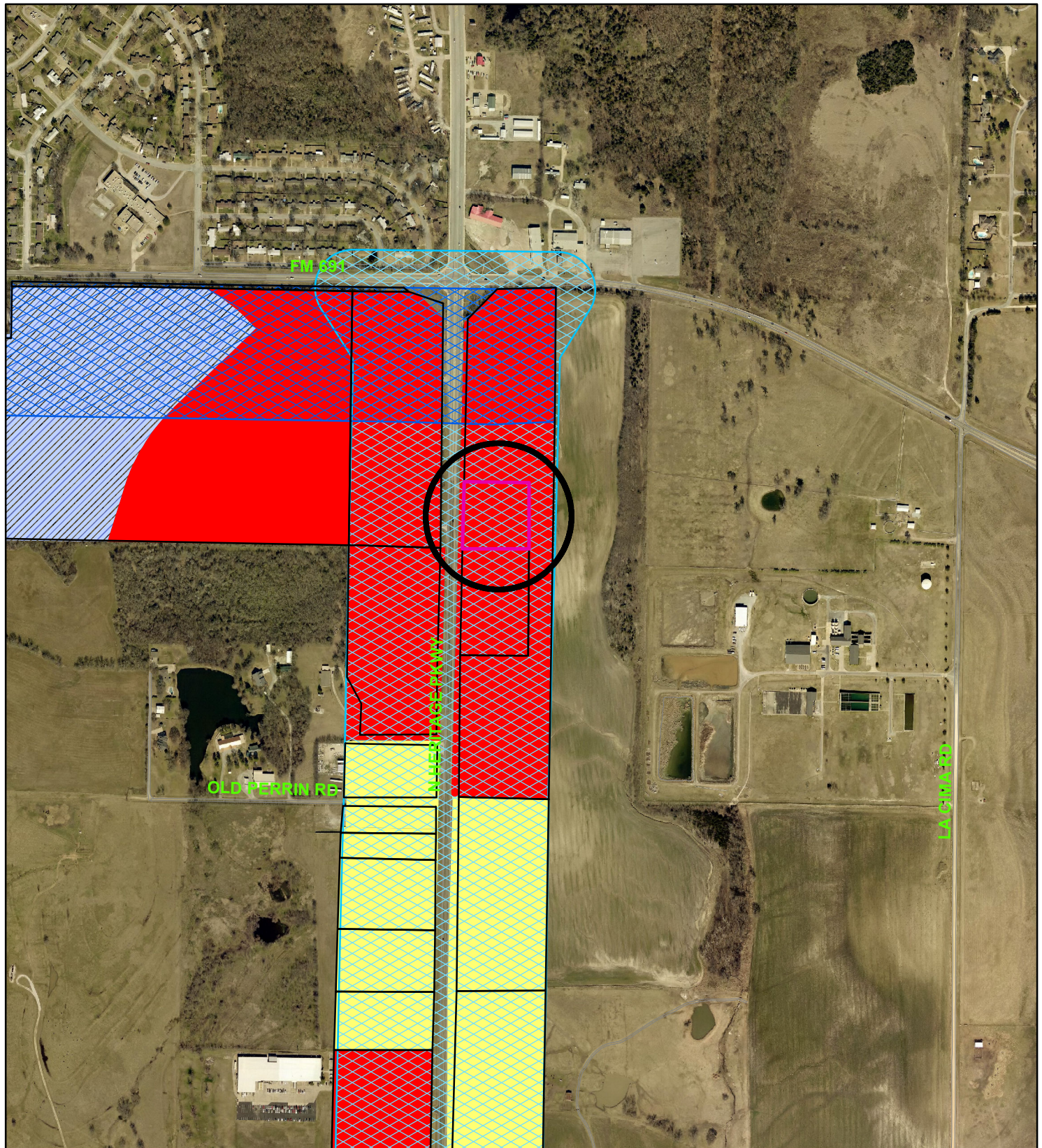
5615 N. FM 1417 (Heritage Parkway)



NOT TO SCALE

1 in = 900 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 5615 N. FM 1417 (Heritage Parkway)

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE

1 in = 700 ft

5615 N FM 1417 (Heritage Parkway)



Project: 5615 N. Hwy 1417

Location Background

The proposed site is located 2.4 miles north of Highway 82 in Sherman at 5615 N. Highway 1417. This location was originally developed by Mr. L's Limited Partnership for use as Mr. L's Restaurant and Nightclub. All existing buildings and parking lots at the site were constructed in the early 1980's. For the last 10 Years the location has remained unused and laid dormant. During this 10 Year period the location has been the subject of looting and has fallen into disrepair. Thus, becoming an eyesore for the local area.

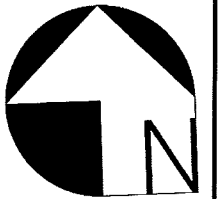
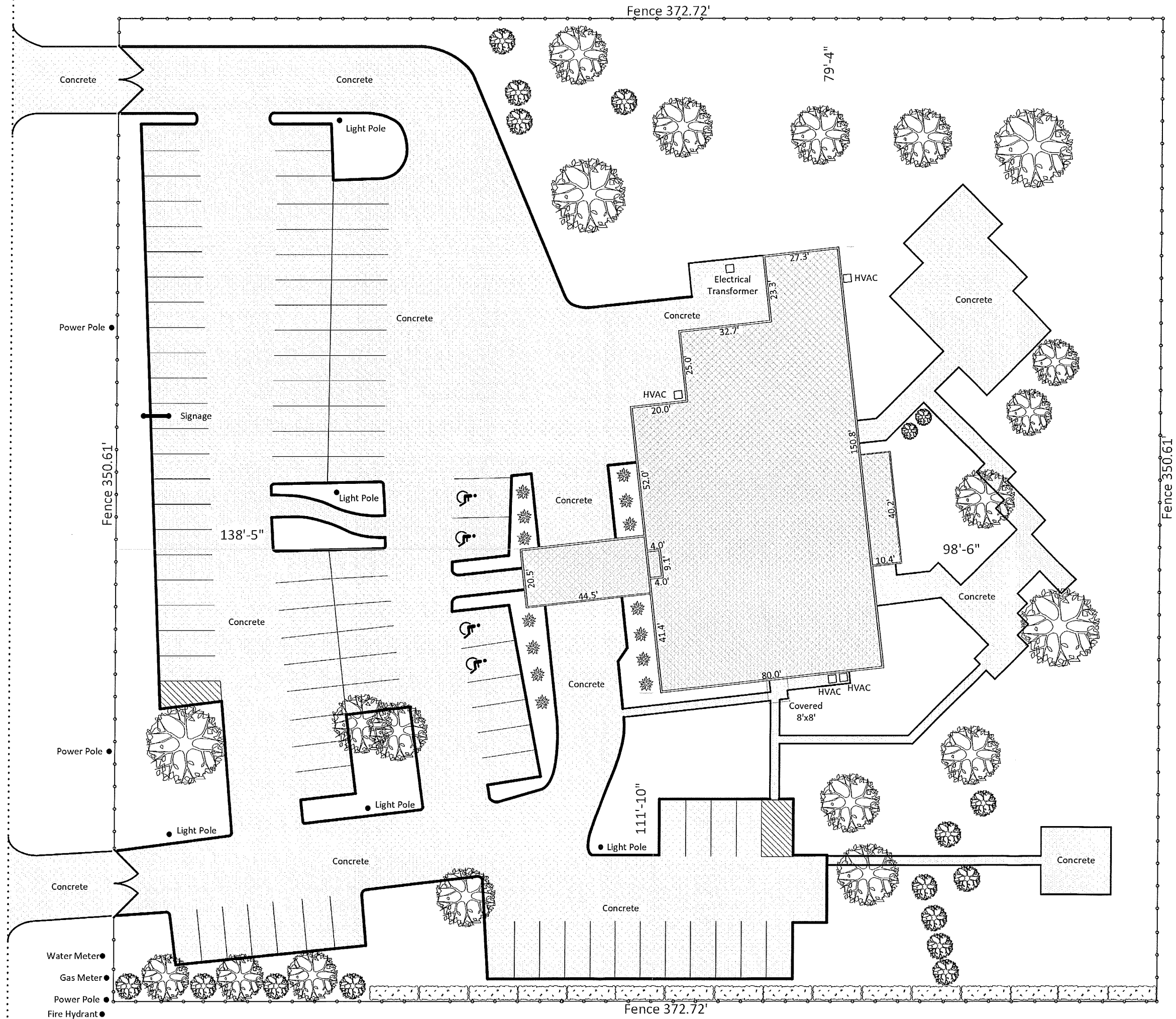


Location Proposal

Advanced Binary LLC proposes to revitalize and repurpose this location. Revitalization of the location would involve restoration of the existing building structure and property landscaping. The general condition of the property makes restoration a cost-effective solution and would allow for completion within budgetary constraints. The resulting location would once again be an attractive business, contributing tax revenue and jobs to the City of Sherman.

The proposed business would be utilizing the location for indoor automotive sales (primarily classic cars), automotive accessory sales and related installation or reconditioning. It is the intention of Advanced Binary LLC to maintain a high-quality feel throughout the proposed location. As a modern internet-based operation, the business will attract sales from all over the United States. Bringing outside revenue to the area and attracting new clients to the city.

F.M. Hwy. 1417

Address

5615 N. F.M. 1417 Sherman Texas 75020

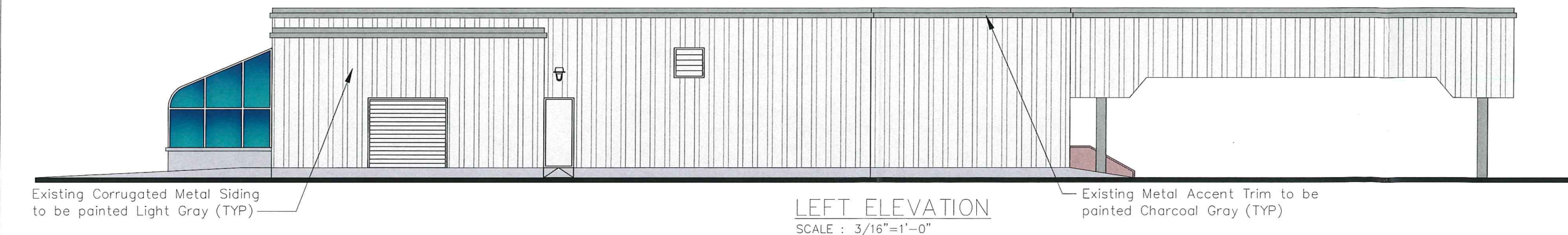
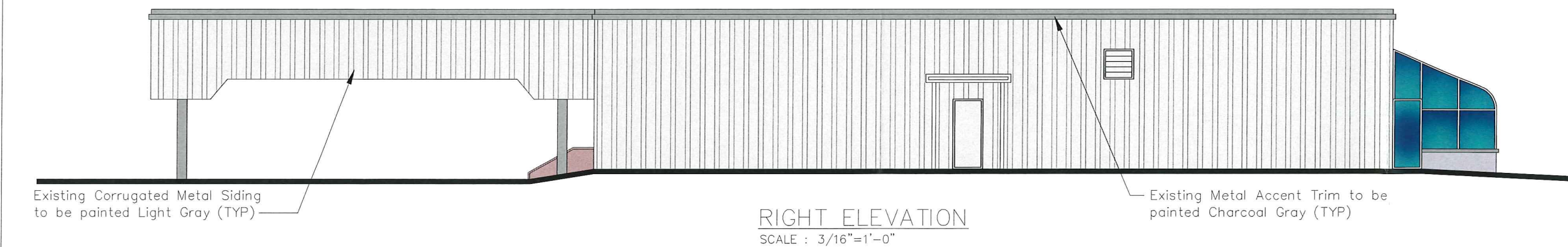
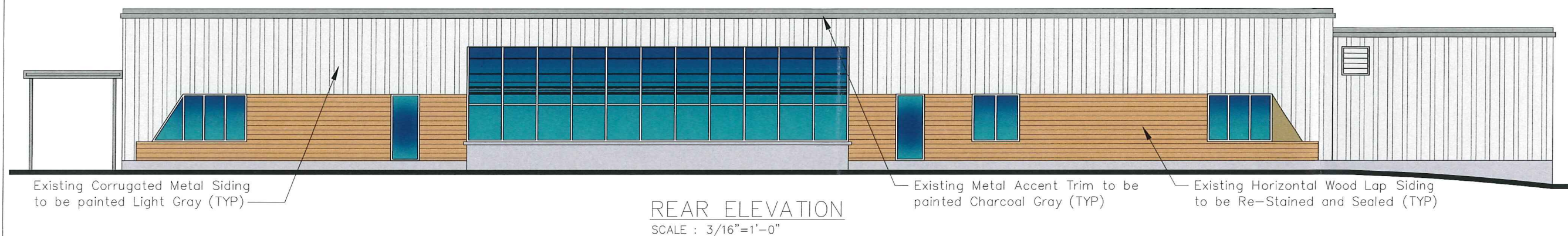
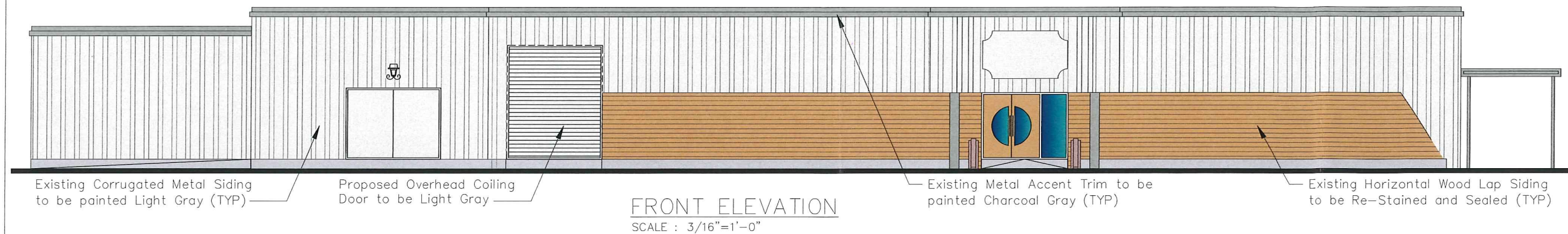
Scale

Property ID

115347

Owner

Advanced Binary LLC



SUBMITTAL SET

DATE: 02-16-18

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:

A1

STAFF REVIEW LETTER

March 15, 2018

Advanced Binary LLC
1900 Preston Rd., Suite 267-258
Plano, TX 75093

Brohard Architecture, LLC
3028 Selma Lane
Dallas, TX 75234

Charles Malec
1900 Preston Rd., Suite 267-258
Plano, TX 75093

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow automobile sales and accessories in the existing building in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District for the property located at 5615 North FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 27, 2018 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the C-1 (Retail Business) District, O-1.1 (FM 1417 Overlay) District, the sign ordinance, the screening ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. No outside parking or storage of dismantled, junk or inoperable vehicles, wrecks, tires or parts is allowed.
3. Parking and service driveways are permitted on paved surfaces only; concrete
4. All parking shall be on private property and shall not encroach into North FM 1417 (Heritage Parkway) right-of-way; a parking space is considered to be 9'x20'.
5. Overhead doors shall be screened from all thoroughfares.
6. Woven-wire (chain link) fences are not allowed in the O-1.1 (FM 1417 Overlay) District.
7. Mechanical Equipment. Exposed duct shall not be permitted on any side of the building visible from the highway.
8. All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes and gas meters, shall be reasonably screened or located away from the view of public thoroughfares and from the view of adjacent properties. Whenever possible, appurtenances for utility services shall be installed at the rear of the structure.
9. Screening shall be provided and maintained abutting any residential districts.
10. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
11. Shall comply with all EPA, City, Federal and State regulations for this use.
12. Violation of the conditions of the SUP will terminate the Specific Use Permit.
13. Review the zoning and development ordinance for additional requirements.
14. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

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

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

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

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

Respectfully,



Scott Shadden

Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Amber Doan, Engineering Coordinator

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Asst. City Manager



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

Agenda Item No. 8.

Meeting Date: 03/27/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Bridges, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

5615 N. FM 1417 (HERITAGE PARKWAY)

The request of Advanced Binary LLC (Owners), Charles Malec (Representative) and Brohard Architecture (Architect) concerning the property located at 5615 North FM 1417 (Heritage Parkway), being 3 acres in the John Goode Survey, Abstract No. 468, as follows:

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow automobile sales and accessories in the existing building in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District.

Background:

The property is located at 5615 North FM 1417 (Heritage Parkway), near FM Highway 691; formerly Mr. L's Restaurant. The property is zoned a C-1 (Retail Business) District and is also located in the O-1.1 (FM Highway 1417 Overlay) District. Advanced Binary LLC proposes to revitalize and repurpose this location by restoration of the existing building and landscaping. The business would be indoor automotive sales (primarily classic cars) and automotive accessories. As a modern internet-based operation, the business will attract sales from all over the United States.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

Advanced Binary LLC (Owners)
Charles Malec (Representative)
Brohard Architecture (Architect)

Master Plan Designation:

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

Number of notices mailed:

4

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Narrative

Survey

Site Plan

Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.6.

Meeting Date: 04/16/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6106, 6107, 6108, 6109 and 6110

Issue:

- C. 1. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6106**
Amending Section 410 (2)(j), Ordinance No. 2252, Article IV and Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Movie Theater/Bowling Alley/Arcade (Commercial Amusement Center) in the Blalock Industrial Park/Blalock Commercial Overlay District/O-1.1 (FM 1417 Overlay) District, C-1 (Retail Business) District and C-2 (General Commercial) District in the 100-200 Blocks of East F.M. 1417 (Vietnam Veteran's Parkway) and the 3700 Block of South U.S. Highway 75, being 22.330 acres in the Sherod Dunman Survey, Abstract No. 329 (Sherman Economic Development Corporation and the City of Sherman, Owners; Mark Schulman, Developer; Vilbig and Associates, Civil Engineer/Surveyor; and Hodges Architecture, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6107**
Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Farm Equipment Sales, Service, Repairs, Feed Store with Outdoor Storage/Displays in a C-2 (General Commercial) District/O-1 (75 & 82 Overlay) District at 2725 North U.S. Highway 75, being Lot 5, Block 1 of the Texoma Crossing Addition, a Replat of Lots 5 and 5A (S&W-AL LLC, Owners; Orscheln's Farm & Home, Tenant; Jake Long, Glove Con, Inc., Representative; 21 Design Group, Civil Engineer/Surveyor; and PW Architects, Inc., Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6108**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District at 3608 F.M. Highway 691, being Lot 1, Legend Bank Addition (Legend Bank NA, Owners; Todd Young, Young Enterprises, Representative; Legend Bank, Tenant; Conduit Architecture + Design LLC, Architect; and Freeman-Millican, Inc., Engineer/Planner)

C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6109

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Micro-Blading, Permanent Make-Up (Tattoo Studio) in a C-1 (Retail Business) District/Central Business District at 225 North Travis Street, Suite 300, being Lot 1 and Part of Lots 2, 11, 12, Block D, TJ Shannon Supplement (Sherman Lofts LLC, Owners; Hanna Martin, Applicant; and Underwood Drafting and Surveying, Surveyor); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00

C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6110

Amending Section 8, Subsection (5)(A), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Automobile Sales and Accessories in the Existing Building in a C-1 (Retail Business) District/O-1.1 (FM 1417 Overlay) District at 5615 North F.M. 1417 (Heritage Parkway), being 3 acres in the John Goode Survey, Abstract No. 468 (Advanced Binary LLC, Owners; Charles Malec, Representative; and Brohard Architecture, Architect); Providing that this Specific Use Permit shall be Granted Subject to Certain Conditions; Providing a Penalty not to Exceed \$2,000.00



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.7.

Meeting Date: 04/16/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

D. 4. * RESOLUTION NO. 6365

Authorizing Execution of a Development Agreement with West Canyon Creek Properties, Ltd. for the Construction of Public Facilities in West Canyon Creek Estates, Section 1, an 8.52-acre Development off of Canyon Creek Drive, between Lamberth Road and Shady Oaks Lane in the City of Sherman

E. 1. * REQUEST TO ADVERTISE

Services to Perform the Annual Audit for the Period Ending September 30, 2018

E. 2. * REQUEST TO ADVERTISE

North Travis Street Water Main Replacement

G. 3. * OTHER BUSINESS

Final Plat Approval of Brookstone Estates Addition, being 23.466 acres in the Elizabeth Jones Survey, Abstract No. 625; SSCGC Holdings, LLC, Owners; Brookstone Estates Development Joint Venture, Developer; Vilbig and Associates, Civil Engineer; and Preston Trail Land Surveying, Surveyor [1400-1600 blocks of South F.M. 1417 (Heritage Parkway)]

G. 4. * OTHER BUSINESS

Final Plat Approval of Chen Addition, being 1.572 acres in the J.B. McAnair Survey, Abstract No. 763; Shou-Hung Chen and Tao-Min Chen, Owners; and Underwood Drafting and Surveying, Surveyor (1523 and 1609 Texoma Parkway)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.1.

Meeting Date: 04/16/2018

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6361

Finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") Application for Approval of a Distribution Cost Recovery Factor Pursuant to 16 TEX. ADMIN. CODE § 25.243 to Increase Distribution Rates within the City Should be Denied; Finding that the City's Reasonable Rate Case Expenses Shall Be Reimbursed by the Company; Requiring Notice of this Resolution to the Company and Legal Counsel

Issue:

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

Background:

On April 5, 2018, Oncor Electric Delivery Company ("Oncor" or "Company") filed an Application for Approval of a Distribution Cost Recovery Factor ("DCRF"). This is Oncor's first such filing under a law adopted in 2011 allowing electric utilities to file limited issue, limited review rate cases. In the filing, the Company is seeking an increase in distribution revenues of \$19,002,177. The Steering Committee of Cities Served by Oncor ("OCSC") intends to engage the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to the Company's request. OCSC has jurisdiction over this matter. This resolution will deny the DCRF application. The Public Utility Commission of Texas's rules allow cities 60 days to act on this application. Accordingly, the OCSC legal counsel has recommended that all members adopt the resolution no later than June 4, 2018.

Origination:

Geoffrey Gay and Thomas Brocato

Lloyd Gosselink Blevins Rochelle & Townsend, P.C.,

Legal Counsel to the Steering Committee of Cities Served by Oncor

Financial Consideration:

If the Company's application is approved, the average residential customer would see a 0.6% increase in distribution charges or a monthly bill increase of approximately \$0.28.

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

Staff Recommendation:

It is the staff's recommendation that the City Council approve Resolution No. 6361, as recommended by OCSC's legal counsel.

Alternatives:

No alternatives are recommended.

Attachments

Resolution No. 6361

Staff Report regarding Oncor's Distribution Cost Recovery Factor Filing

List of Steering Committee Cities Served by Oncor

RESOLUTION NO. 6361

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor ("OCSC"), a membership of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area; and

WHEREAS, on or about April 5, 2018, Oncor filed with the City an Application for Approval of a Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 48231, seeking to increase electric distribution rates by approximately \$19,002,177; and

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

WHEREAS, OCSC is coordinating its review of Oncor's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, OCSC members and attorneys recommend that members deny the DCRF;

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

SECTION 1. That the City is authorized to participate with OCSC in PUC Docket No. 48231.

SECTION 2. That subject to the right to terminate employment at any time, the City of Sherman, Texas, hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates,

and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

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

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

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of presentation of an invoice to Oncor.

SECTION 6. That a copy of this Resolution shall be sent to Stephen N. Ragland, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

SECTION 7. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

STAFF REPORT REGARDING ONCOR'S DISTRIBUTION COST RECOVERY FACTOR FILING

On April 5, 2018, Oncor Electric Delivery Company LLC ("Oncor" or "Company") filed an Application for Approval of a Distribution Cost Recover Factor ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$19,002,177.

The resolution authorizes the City to join with the Steering Committee of Cities Served by Oncor ("OCSC") to evaluate the filing, determine whether the filing complies with law and, if lawful, to determine what further strategy, including settlement, to pursue.

Purpose of the Resolution:

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

Explanation of "Be It Resolved" Paragraphs:

1. This section authorizes the City to participate with OCSC as a party in the Company's DCRF filing, PUC Docket No. 48231.
2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes OCSC to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.
3. This paragraph finds that the Company's application is unreasonable and should be denied.
4. This section states that the Company's current rates shall not be changed.
5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.
6. This section provides that Oncor and counsel for OCSC will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.
7. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

STEERING COMMITTEE CITIES SERVED BY ONCOR (162)

Addison	Frisco	Plano
Allen	Frost	Pottsboro
Alvarado	Gainesville	Prosper
Andrews	Garland	Ranger
Anna	Glenn Heights	Red Oak
Archer City	Grand Prairie	Rhome
Argyle	Granger	Richardson
Arlington	Grapevine	Richland
Azle	Haltom City	Richland Hills
Bedford	Harker Heights	River Oaks
Bellmead	Haslet	Roanoke
Belton	Heath	Robinson
Benbrook	Henrietta	Rockwall
Beverly Hills	Hewitt	Rosser
Big Spring	Highland Park	Rowlett
Breckenridge	Honey Grove	Sachse
Bridgeport	Howe	Saginaw
Brownwood	Hudson Oaks	Sansom Park
Buffalo	Hurst	Seagoville
Burkburnett	Hutto	Sherman
Burleson	Iowa Park	Snyder
Caddo Mills	Irving	Southlake
Cameron	Jolly	Springtown
Canton	Josephine	Stephenville
Carrollton	Justin	Sulphur Springs
Cedar Hill	Kaufman	Sunnyvale
Celina	Keene	Sweetwater
Centerville	Keller	Temple
Cleburne	Kennedale	Terrell
Coahoma	Kerens	The Colony
Colleyville	Killeen	Trophy Club
Collinsville	Krum	Tyler
Colorado City	Lake Worth	University Park
Comanche	Lakeside	Venus
Commerce	Lamesa	Waco
Coppell	Lancaster	Watauga
Copperas Cove	Lewisville	Waxahachie
Corinth	Lindale	Westover Hills
Cross Roads	Little Elm	Westworth Village
Crowley	Little River Academy	White Settlement
Dallas	Malakoff	Wichita Falls
Dalworthington Gardens	Mansfield	Willow Park
DeLeon	McKinney	Woodway
De Soto	Mesquite	Wylie
Denison	Midland	
Duncanville	Midlothian	
Early	Murchison	
Eastland	Murphy	
Edgecliff Village	New Chapel Hill	
Ennis	North Richland Hills	
Eules	Northlake	
Everman	Oak Leaf	
Fairview	Oak Point	
Farmers Branch	Odessa	
Fate	O'Donnell	
Flower Mound	Ovilla	
Forest Hill	Palestine	
Forney	Pantego	
Fort Worth	Paris	



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.2.

Meeting Date: 04/16/2018

Prepared By: Danny Jones, Fire Chief

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6362

Authorizing Submission of an Application for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Awarded under the U.S. Department of Homeland Security - Federal Emergency Management Agency (FEMA) to Fund the Hiring of New, Additional Firefighters for the Sherman Fire Department; Designating the City Manager as the Authorized Official to Accept, Reject, Alter or Terminate the Grant on Behalf of the City

Issue:

Seeking approval to apply for a SAFER grant under the U.S. Department of Homeland Security - FEMA to fund the hiring of six new, additional firefighters for the Sherman Fire Department and designating the City Manager as the authorized official to accept, reject, alter or terminate the grant on behalf of the City

Background:

The U.S. Department of Homeland Security - FEMA is accepting grant applications, under the SAFER grant program, whose purpose is to provide funding directly to fire departments to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. Recipients of SAFER Hiring of Firefighters Activity grants are required to contribute non-federal funds. If awarded, the Fire Department would use grant funding to hire six new, additional firefighters. Hiring these firefighters would be the first steps in helping establish staffing for the future development of an additional fire station, one that will be needed to address increasing call volumes and ongoing City growth.

Origination:

Sherman Fire Department

Financial Consideration:

There is a cost matching requirement for this grant of twenty-five percent (25%) of the actual costs incurred in each of the first and second years of the grant, and sixty-five percent (65%) of the actual costs incurred in the third year of the grant. After the third year, the City of Sherman will be fully responsible for costs associated with individuals who were hired under the SAFER grant. The annual estimated costs to the City for adding these additional firefighters is about \$110,000.00 for the first two years, and about \$300,000.00 for year three. Offsets to these costs would also be realized through a reduction in overtime for the Fire Department.

Staff Recommendation:

The staff recommends submitting the SAFER grant application to the U.S. Department of Homeland Security - FEMA.

Alternatives:

The Council could decline this grant opportunity.

Attachments

Resolution No. 6362

Notice of Funding Opportunity

RESOLUTION NO. 6362

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT AWARDED UNDER THE U.S. DEPARTMENT OF HOMELAND SECURITY – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO FUND THE HIRING OF NEW, ADDITIONAL FIREFIGHTERS FOR THE SHERMAN FIRE DEPARTMENT; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL TO ACCEPT, REJECT, ALTER OR TERMINATE THE GRANT ON BEHALF OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas, finds it to be in the best interest of the citizens of Sherman, Texas, to seek grant funds to hire new, additional firefighters for the Sherman Fire Department; and

WHEREAS, the City Council understands the amount of federal funding provided to a recipient under the SAFER Hiring of Firefighters Activity grant for hiring a firefighter in any fiscal year may not exceed:

- in the first and second years of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and
- in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

WHEREAS, the City Council agrees that, in the event of loss or misuse of the U.S. Department of Homeland Security – FEMA funds, the City of Sherman assures that said funds will be returned to the U.S. Department of Homeland Security – FEMA in full; and

WHEREAS, the City Council designates the City Manager as the grantee's authorized official, who is given the power to accept, reject, alter or terminate the grant on behalf of the City;

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to submit a grant application with the U.S. Department of Homeland Security – FEMA to fund the hiring of new, additional firefighters for the Sherman Fire Department.

SECTION 2. That the City Manager be and is hereby designated as the City of Sherman's authorized official to accept, reject, alter or terminate the grant on behalf of the City.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:**

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

The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
FY 2017 Staffing for Adequate Fire and Emergency Response (SAFER)

NOTE: Applicants pursuing this funding opportunity who have not obtained a Data Universal Numbering System (DUNS) number and/or are not currently registered in the System for Award Management (SAM) should take immediate action to obtain a DUNS Number, if applicable, and then to register immediately in SAM. It may take four weeks or longer after registering for SAM before the registration is active in the system, then another 24 hours for [Grants.gov](http://www.grants.gov) to recognize the information. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at: <http://www.grants.gov/web/grants/register.html>. Detailed information regarding DUNS and SAM is also provided in [Section D. Application and Submission Information](#).

A. Program Description

Issued By

U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD)

Catalog of Federal Domestic Assistance (CFDA) Number
97.083

CFDA Title

Staffing for Adequate Fire and Emergency Response (SAFER)

Notice of Funding Opportunity (NOFO) Title

Fiscal Year (FY) 2017 Staffing for Adequate Fire and Emergency Response (SAFER)

NOFO Number

DHS-17-GPD-083-000-99

Authorizing Authority for Program

Section 34 of the *Federal Fire Prevention and Control Act of 1974* (Pub. L. No. 93-498, as amended) (15 U.S.C. § 2229a)

Appropriation Authority for Program

Department of Homeland Security Appropriations Act, 2017 (Pub. L. No. 115-31)

Program Type

New

Program Overview, Objectives, and Priorities

Program Overview

The Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) Grant Programs Directorate (GPD) is responsible for the implementation and administration of the Staffing for Adequate Fire and Emergency Response (SAFER) grant program.

The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments.

In awarding grants, the Administrator of FEMA shall consider the following:

- The findings and recommendations of the Technical Evaluation Panel (TEP);
- The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire related and other hazards; and
- The extent of an applicant's need for a SAFER grant and the need to protect the United States as a whole.

SAFER Grants are offered to support projects in two activities. This NOFO provides potential eligible applicants with application requirements and details for processing and evaluating applications for financial assistance for both of these activity areas.

- **Hiring of Firefighters Activity** is to hire new, additional firefighters to improve staffing levels.
- **Recruitment and Retention of Volunteer Firefighters Activity** is to assist fire departments with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response.

Each activity has specific priorities and objectives. For additional details, please see [Appendix B – Programmatic Information and Priorities, Section IV. Funding Priorities.](#)

Program Objectives

The objective of the SAFER grant program is to assist local fire departments with staffing and deployment capabilities in order to respond to emergencies, and assure that communities have adequate protection from fire and fire-related hazards. Local fire departments accomplish this by improving staffing and deployment capabilities so they may more effectively and safely respond to emergencies. With enhanced staffing levels, recipients should experience a reduction in response times and an increase in the number of trained personnel assembled at the incident scene.

Although not required for a SAFER grant, it is preferable that the enhanced staffing levels of all SAFER recipients should ensure that all first-arriving apparatus are staffed with a minimum of four qualified personnel (to meet National Fire Protection Association (NFPA) 1710/1720 standards) who are capable of initiating the suppression response.

Ultimately, SAFER recipients should achieve more efficient responses and safer incident scenes, thereby ensuring communities have improved protection from fire and fire-related hazards.

The FY 2017 SAFER grant program also plays an important role in the implementation of the National Preparedness System. The National Preparedness System is the instrument the Nation employs to build, sustain, and deliver core capabilities in order to achieve the National Preparedness Goal (Goal) of a secure and resilient Nation. Complex and far-reaching threats and hazards require a collaborative and whole community approach to national preparedness that engages individuals, families, communities, private and nonprofit sectors, faith-based organizations, and all levels of government. The guidance, programs, processes, and systems that support each component of the National Preparedness System allow for the integration of preparedness efforts that build, sustain, and deliver core capabilities and achieve the desired outcomes identified in the Goal while maintaining the civil rights of individuals.

The FY 2017 SAFER Grant Program's allowable costs support efforts to build and sustain core capabilities such as Fire Management and Suppression, and Public Health and Medical Services across the Prevention, Protection, Mitigation, Response, and Recovery mission areas. Examples of desired outcomes for the FY 2017 SAFER grant program include increasing the number of full-time firefighters to achieve compliance with NFPA standards- reducing loss due to fire through the Hiring Activity, and reducing volunteer turnover through incentives provided under the Recruitment and Retention Activity.

Additional details on the National Preparedness Goal can be found at <https://www.fema.gov/national-preparedness-goal>

B. Federal Award Information

Award amounts, important dates, and extensions

Available funding for the NOFO: \$345,000,000

Projected number of Awards: 300

Period of performance: 12-48 Months

- **Hiring of Firefighters Activity:** The period of performance will be 36 months for all grants awarded under the Hiring of Firefighters Activity.
- **Recruitment and Retention of Volunteer Firefighters Activity:** The period of performance will be between 12 and 48 months for all grants awarded under the Recruitment and Retention of Volunteer Firefighters Activity.

Projected period of performance start date(s): 07/01/2018

Projected period of performance end date(s):

06/30/2020-06/30/2021

Funding instrument: Grant

Extensions: Extensions to the period of performance are allowable under the Recruitment and Retention of Volunteer Firefighters Activity only.

C. Eligibility Information

Eligible Applicants

Under the FY 2017 SAFER Grant Program, eligible applicants are limited to those entities described below within each activity:

- **Hiring of Firefighters Activity**

Volunteer, combination, and career fire departments are eligible to apply for funding.

National, state, local, or federally recognized tribal organizations representing the interests of volunteer firefighters are not eligible to receive a SAFER Grant Award under the Hiring of Firefighters Activity.

- **Recruitment and Retention of Volunteer Firefighters Activity**

Volunteer and combination fire departments and National, state, local, or federally recognized tribal organizations representing the interests of volunteer firefighters are eligible to apply for funding.

Career fire departments are not eligible to receive a SAFER Grant Award under the Recruitment and Retention of Volunteer Firefighters Activity.

Volunteer fire departments and combination fire departments may apply for funding under both activities; separate applications must be completed for each activity. Applicants are limited to one application per activity, per application period. If an applicant submits two applications for the same activity during a single application period, both applications will be disqualified.

Municipalities and fire districts may submit applications on behalf of fire departments lacking the legal status to do so, such as those under the support of the municipality or district. The municipality or fire district may submit only one application for hiring per application period for each eligible fire department within the municipality or fire district. The following entities are **NOT** eligible to apply under this announcement:

- Federal fire departments and fire departments under contract to the Federal Government whose sole responsibility is the suppression of fires on federal installations or lands;
- For-profit fire departments and organizations (e.g. fire departments that do not have specific nonprofit status or that are not municipally based);

- Ambulance services, emergency medical service organizations, rescue squads, auxiliaries, dive teams, and urban search and rescue teams;
- Non-federal airport or port authority fire departments whose sole responsibility is suppression of fires on the airport grounds or port facilities, unless the airport/port fire department has a formally recognized arrangement with the local jurisdiction to provide fire suppression on a first-due basis outside the confines of the airport or port facilities;
- Fire stations that are part of, controlled by, or under the day-to-day operational direction of a larger fire department or agency, or that are not otherwise independent; and
- State and local agencies, such as forest service, fire marshals, emergency management offices, hospitals, and training offices.

Each activity has its own application and eligibility requirements. These requirements are outlined in [Appendix B – Programmatic Information and Priorities, Section IV. Funding Priorities](#).

Eligibility Criteria

Minimum Budget Requirement

At the time of application, both SAFER Hiring of Firefighter Activity and Recruitment and Retention of Volunteer Firefighters Activity grant applicants are required to certify their annual budget for fire-related programs and emergency response must not have been reduced below 80 percent of the applicant's average funding level in the three years prior to November 24, 2003.

Applicants experiencing economic hardship may apply for a waiver of this requirement. Please see [Appendix C: Award Administration Information](#).

Other Eligibility Criteria

National Incident Management System (NIMS) Implementation

SAFER Grant Program applicants are not required to be in compliance with the [National Incident Management System](#) (NIMS) to apply for funding under this NOFO or to be awarded a grant under this NOFO. However, any applicant that receives an FY 2017 SAFER Grant Program award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g. a local government), prior to the end of the grant's period of performance.

Maintenance of Effort (MOE)

There is no maintenance of effort requirement for the FY 2017 SAFER grant program.

Cost Share or Match

- **Recruitment and Retention of Volunteer Firefighters Activity**

Recipients of SAFER Recruitment and Retention of Volunteer Firefighters Activity grants are not required to contribute a Cost Share or Match (non-federal funds).

- **Hiring of Firefighters Activity**

Recipients of SAFER Hiring of Firefighters Activity grants are required to contribute non-federal funds subject to a Position Cost Limit and a Cost Share, as described below.

All recipients should ensure that they are thoroughly familiar with FEMA's cost sharing requirements identified below, as well as the appropriate cost principles as identified at 2 C.F.R. § 200.101(b)(1).

The recipient is not required to have the cost share at the time of application. However, before a grant is awarded, FEMA may contact potential awardees to determine whether the recipient has the funding in hand or if the recipient has a viable plan to obtain the funding necessary to fulfill the cost sharing requirement.

Position Cost Limit (No Waiver Available)

The amount of federal funding provided to a recipient under the SAFER Hiring of Firefighters Activity for hiring a firefighter in any fiscal year may not exceed:

- in the first and second years of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and
- in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

"Usual annual costs" includes the base salary (exclusive of overtime) and standard benefits package (including the **average** health cost, dental, vision, FICA, life insurance, retirement/pension, etc.) offered by fire departments to first-year (i.e. entry-level) firefighters. Please refer to Appendix B regarding eligible and ineligible costs for SAFER Hiring of Firefighter Activity grants.

The Position Cost Limit is automatically calculated by the eGrants system in the Budget section of the application. **There is no waiver available for this requirement.**

Cost Share (Waiver Available)

Under the SAFER Hiring of Firefighters Activity, grant recipients are required to contribute a Cost Share toward the actual cost of hiring firefighters under this program. The Federal portion of the costs of hiring new firefighters under this grant may not exceed:

- 75 percent of the actual costs incurred in each of the first and second years of the grant; and
- 35 percent of the actual costs incurred in the third year of the grant.

Therefore, the recipient is required to contribute at least the following in non-Federal funds:

- 25 percent of the actual costs incurred in each of the first and second years of the grant; and
- 65 percent of the actual costs incurred in the third year of the grant.

A Cost Share of non-federal cash is the only allowable recipient contribution. Grant recipients can apply to waive this requirement.

Example:

The applicant submits a SAFER Hiring of Firefighter Activity grant application for one (1) new firefighter. At the time the application is submitted, the usual annual cost of a first year firefighter in that department is \$100,000. The federal funding, due to the Position Cost Limit, will be limited to:

- Year 1 = \$75,000
- Year 2 = \$75,000
- Year 3 = \$35,000

The grant is awarded and the department accrues the following actual costs during the term of the grant:

- Year 1 = \$80,000
- Year 2 = \$95,000
- Year 3 = \$110,000

In this case, the federal portion will be:

- Year 1
 - If the Cost Share requirement is not waived
 - Federal funds will be limited to \$60,000, or 75 percent of actual costs incurred (\$80,000)
 - If the Cost Share requirement is waived
 - Federal funds will cover no more than \$75,000, or 75 percent of the usual cost of a firefighter at the time of application (\$100,000)
- Year 2
 - If the Cost Share requirement is not waived
 - Federal funds will be limited to \$71,250, or 75 percent of actual costs incurred (\$95,000)
 - If the Cost Share requirement is waived
 - Federal funds will cover no more than \$75,000, or 75 percent of the usual cost of a firefighter at the time of application (\$100,000)
- Year 3
 - If the Cost Share requirement is not waived

- Federal funds will be limited to \$35,000 due to the Position Cost Limit of 35 percent of the usual cost of a firefighter at the time of application (\$100,000).
- o If the Cost Share requirement is waived
 - Federal funds will cover no more than \$35,000, or 35 percent of the usual cost of a firefighter at the time of application (\$100,000).

Economic Hardship Waiver of Cost Share or Minimum Budget Requirement

The FEMA Administrator may waive or reduce the Cost Share or Minimum Budget requirements in cases of demonstrated economic hardship. There is no waiver available for the Position Cost Limit. Please see [Appendix C: Award Administration Information](#).

D. Application and Submission Information

Key Dates and Times

Date posted to Grants.gov: *03/01/2018*

Application start date: *03/26/2018 at 8:00 AM Eastern Time*

Application submission deadline: *04/27/2018 at 5:00 PM Eastern Time*

In general, DHS/FEMA will not review applications received after the deadline or consider them for funding. DHS/FEMA may, however, extend the application deadline on request for any applicant who can demonstrate good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant's control that prevent submission of the application by the deadline, or other exigent or emergency circumstances. If applicants experience technical issues, they must notify the FEMA Help Desk as soon as possible.

Anticipated funding selection date: *06/01/2018*

Anticipated award date: *07/01/2018*

Address to Request Application Package

The online FY 2017 SAFER application is available through the Assistance to Firefighters Grant Program's (AFGP) eGrants system application portal at <https://portal.fema.gov/>. There are several ways to access application information:

- AFGP website (<http://www.fema.gov/firegrants>)
- Grants.gov (<http://www.grants.gov>)
- U.S. Fire Administration (<http://www.usfa.fema.gov>)

Hard copies of the application are not available.

In addition, the Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is: (800) 462-7585.

Application tutorials and Frequently Asked Questions (FAQs) explain the current SAFER grant program, assist with the online grant application, and highlight lessons learned and changes for FY 2017. For more details, please visit the AFGP website at <http://www.fema.gov/firegrants>.

Content and Form of Application Submission

DHS makes all funding opportunities available on the internet, accessible at <http://www.grants.gov>. If applicants experience difficulties accessing information or have any questions, please call the Grants.gov Contact Center at (800) 518-4726.

The Grants.gov website will direct applicants to the eGrants system application portal at <https://portal.fema.gov/>, which contains the online SAFER application. All required forms have been incorporated into the online SAFER application.

The eGrants system will allow an authorized representative to log in and create a user name and password. This user name and password is specific to the authorized user and must not be shared with other personnel. If the applicant has submitted any AFGP applications (including Assistance to Firefighters Grant (AFG), Staffing for Adequate Fire and Emergency Response (SAFER), Fire Prevention and Safety (FP&S), or Station Construction Grant (SCG)) in a previous grant cycle, they must continue to use the same username, password, and DUNS number for any FY 2017 application(s).

If the applicant has forgotten the password or the primary point of contact has changed, please visit <http://www.fema.gov/assistance-firefighters-grant-program-most-frequently-asked-questions> for instructions on how to update and correct the organization's information.

The automated application is designed with help screens and drop-down lists to assist the applicant throughout the process. Applicants can save, retrieve, update, and revise their work through the end of the application period. Applicants should save their work often as the electronic application includes a time-out feature. The automated system does not allow an applicant to submit an incomplete application. The system alerts the applicant when required information has not been entered.

Applicants may not make any changes after submitting the application in eGrants. There is no appeal process for inaccurate or incomplete information in the application. To minimize problems, please:

- Access eGrants only through Internet Explorer (IE 6 or higher). Internet Explorer 11 is the most recent version that the eGrants system can handle, and is preferred.
- Have only one browser tab open when entering information, even when using Internet Explorer (IE 6 or higher). There are several known problems entering application information using non-IE browsers or having multiple browsers open, including but not limited to:
 - System failure to recognize correct information
 - System failure to capture and retain correct information
 - System functions like “cut and paste” being disabled

The primary point of contact listed in the application will be notified automatically via email when the application is received.

Unique Entity Identifier and System for Award Management (SAM)

DHS is participating in the Grants.gov initiative that provides the grant communities a single site to find grant funding opportunities. Before applying for a DHS grant, applicants must have a DUNS number and must be registered in SAM.

Please allow plenty of time before the grant application submission deadline to obtain a DUNS number and then to register in SAM. It may take four weeks or more after the applicant submits the SAM registration before the registration is active in SAM, then an additional 24 hours for Grants.gov to recognize the information.

FEMA may not make an award until the entity has complied with the requirements to provide a valid DUNS number and maintain an active SAM registration with current information. If the applicant is noncompliant at the time of award offer, then FEMA may determine the applicant is not qualified to receive an award, and award another applicant.

IMPORTANT: Please ensure that applicant organization's name, address, DUNS number, and Employer Identification Number (EIN) are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all FEMA applications. The applicant organization's name in SAM must also match the organization name provided on the applicant's SF-1199a Direct Deposit Form. Future payments will be contingent on the information provided in SAM; therefore, it is imperative that the information is correct.

DUNS number

Instructions for obtaining a DUNS number can be found at the following website: <http://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html>. The DUNS number must be included in the data entry field labeled "Organizational DUNS" on the Standard Forms (SF)-424 forms submitted as part of this application.

System for Award Management (SAM)

Applicant registration in SAM is free. All applicants must register with SAM in order to apply online. Step-by-step instructions for registering with SAM can be found here: <http://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>. Please remember that SAM registration is only active for one year and must be renewed annually.

Existing SAM.gov account holders should check their account to make sure it is "active." SAM registration should be completed at the very beginning of the application period, and renewed annually to avoid being "inactive."

Help with SAM

SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at <https://www.fsd.gov/fsd-gov/home.do> or call toll free (866) 606-8220.

Commercial and Government Entity (CAGE) Code

To get a CAGE code, applicants must first be registered in SAM, which is a requirement for doing business with the Federal Government. Applicants will be assigned a CAGE code as part of the SAM validation process, and as soon as the registration is active, applicants can view the CAGE code online by logging in to the SAM account.

Funding Restrictions

Federal funds made available through this program may be used only for the purpose set forth in the award package and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal Government or any other government entity. Failure to adhere to the award conditions will cause the recipient to be considered in default of the grant agreement, and may require the return of all federal funds disbursed under the grant.

Applicants may submit only one application per eligible activity. Any applicant that submits more than one application, per activity, will have *all* applications within that activity deemed ineligible.

For more information on restrictions on use of funds, please see [Appendix B: Programmatic Information and Priorities](#).

Construction or Remodeling/Renovation Costs. Construction costs are not eligible under the SAFER grant program. Construction includes major alterations to a building that changes the profile or footprint of the structure. To support eligible awarded activities under the SAFER Recruitment and Retention of Volunteer Firefighters Activity, remodeling/renovations to an existing facility are limited to minor interior alterations costing less than \$10,000 and should be requested under Modification to Facilities. IMPORTANT: Some of these activities may require an Environmental and Historic Preservation (EHP) review; certain costs associated with an EHP Review are eligible for reimbursement.

Environmental and Historic Preservation (EHP)

As a federal agency, DHS/FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by the agency, including grants-funded projects, comply with Federal EHP regulations, laws and Executive Orders as applicable. Recipients proposing projects that have the potential to impact the environment, including, but not limited to modification or renovation of existing buildings, structures and facilities, must participate in the FEMA EHP Review

process. The EHP Review process involves the submission of a screening form that includes detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA also is required to consult with other regulatory agencies and the public in order to complete the review process. The EHP Review process must be completed before funds are released to carry out the proposed project. FEMA will not fund projects that are initiated without the required EHP Review.

Additionally, all recipients are required to comply with FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FEMA Policy (FP) 108-023-1, [Environmental Planning and Historic Preservation Policy Guidance](#), and FP 108-24-4, [Environmental Planning and Historical Preservation Policy](#).

SAFER projects that involve the installation of equipment not specifically excluded from a FEMA EHP Review per the GPD Programmatic Environmental Assessment (PEA); ground-disturbing activities; or modification/renovation of existing buildings or structures must undergo a FEMA EHP Review.

No facilities modification project can proceed, with the exception of project planning, prior to formal FEMA approval. Funds for activities that do not require an EHP Review may be requested by the recipient.

The following activities would not require the submission of the FEMA EHP Screening Form:

- Planning and development of policies or processes;
- Management, administrative, or personnel actions;
- Classroom-based training; and
- Acquisition of mobile and portable equipment (not involving installation) on or in a building.

The EHP Screening form and instructions are available at: <https://www.fema.gov/media-library/assets/documents/90195>

Complete the EHP Screening form and submit to the EHP Office at GPDEHPInfo@fema.dhs.gov.

Pre-award Costs

Only costs incurred during the period of performance are allowable (see Section F: Federal Award Administration Information, Period of Performance Guidance). However, recipients under the Recruitment and Retention of Volunteer Firefighters Activity may request to be reimbursed for grant writer fees (see [Appendix C: Award Administration Information, Section I. Grant Writer/Preparation Fees](#); see also [Appendix B: Programmatic Information and Priorities, Section V. Eligible and Ineligible Costs](#)).

Management and Administration

Management and administrative (M&A) expenses are not operational costs but are necessary costs incurred in direct support of the grant or as a consequence of it. As such, these costs can be itemized in financial reports. M&A expenses should be based only on actual expenses or known contractual costs; requests that are simple percentages of the award, without supporting justification, will not be allowed or considered for reimbursement. Salaries and fringe benefits for personnel directly supporting the grant are not required to be included in the M&A budget line item.

No more than 3 percent of the federal share of SAFER Recruitment and Retention of Volunteer Firefighters Activity funds may be expended by the recipient for management and administration (M&A) purposes associated with the SAFER award.

M&A costs under the Hiring of Firefighters Activity are not eligible.

Indirect (Facilities & Administrative [F&A]) Costs

Indirect F&A costs are those costs incurred for a common or joint purpose benefitting more than one cost objective. These costs are not readily assignable to the costs objectives specifically benefitted, without effort disproportionate to the results achieved. Indirect costs are allowable under the Recruitment and Retention of Volunteer Firefighters Activity, as described in 2 C.F.R. § 200.414. With the exception of recipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), recipients must have an approved indirect cost rate agreement with their cognizant federal agency to charge indirect costs to this award. A copy of the approved rate (a fully executed, agreement negotiated with the applicant's cognizant federal agency) is required at the time of application, and must be provided to FEMA before indirect costs are charged to the award. Copies of the indirect cost rate agreements, along with the SAFER application number, must be submitted electronically to FireGrants@fema.dhs.gov.

Indirect costs will be evaluated as part of the application for federal funds, and must be included as a line item in the Request Details section of the application, to determine if they are allowable, reasonable, or disproportionately impact an application's cost benefit.

E. Application Review Information

Each year, FEMA convenes a panel of fire service professionals to develop funding priorities for the SAFER grant program. The panel makes recommendations about funding priorities as well as developing criteria for awarding grants. The content of this NOFO reflects implementation of the Criteria Development Panel's (CDP) recommendations with respect to the priorities, direction, and criteria for awards.

The **nine major fire service organizations** represented on the CDP are:

- International Association of Fire Chiefs
- International Association of Fire Fighters
- National Volunteer Fire Council

- National Fire Protection Association
- National Association of State Fire Marshals
- International Association of Arson Investigators
- International Society of Fire Service Instructors
- North American Fire Training Directors
- Congressional Fire Service Institute

Prior to making a federal award, the federal awarding agency is required by 31 U.S.C. 3321 and 41 U.S.C. 2313 to review information available through any OMB-designated repositories of government wide eligibility qualification or financial integrity information. Therefore application evaluation criteria may include the following risk based considerations of the applicant: (1) financial stability; (2) quality of management systems and ability to meet management standards; (3) history of performance in managing federal award; (4) reports and findings from audits; and (5) ability to effectively implement statutory, regulatory, or other requirements.

Simplified Acquisition Threshold (currently \$150,000)

- Prior to making a federal award with a total amount of federal share greater than the simplified acquisition threshold, DHS is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS).
- An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.
- DHS will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.205 federal awarding agency review of risk posed by applicants.

Review and Selection Process

All applications submitted under this NOFO are scored competitively and are reviewed through a multi-phase process outlined below:

- **Pre-scoring**

All complete and eligible applications are evaluated relative to SAFER Grant Program funding priorities (see information on the funding priorities in [Appendix B – Programmatic Information and Priorities, Section IV. Funding Priorities](#)) and is accomplished through pre-scoring and the peer review panel process. General and activity-specific information submitted in the application will determine an applicant's initial standing relative to SAFER grant funding priorities. Applications most consistent with the SAFER grant funding priorities score higher in the

automated (pre-score) evaluation. The pre-score represents 50 percent of the total application score. Application narratives are not reviewed during pre-score.

- **Peer Review Panel**

A panel of at least three peer reviewers performs the second phase of an application's evaluation. The panel is composed of fire service representatives recommended by the national organizations from the CDP. These panelists evaluate the application using the Narrative Statement, answers to the general questions, and answers to the activity-specific questions provided in the application. Each application is evaluated on its own merits against established criteria and is not compared to other applications. The peer review panel score represents 50 percent of the total application score. Panelists use the following criteria to score each Narrative Statements.

Drafting the Narrative Statement

Applicants should save their work often as the electronic application includes a time-out feature. If no-save activity is detected for a period of time, the application will time-out and all information that is not saved could be lost. Therefore, it is recommended that applicants type the Narrative Statement information offline using a word processing program to avoid losing any information.

Once the Narrative Statement is complete, applicants can then cut-and-paste the text into the appropriate sections within the Narrative Statement section of the online application.

Please note the Narrative Statement blocks do not allow for formatting. Do not type the narrative using only capital letters. Additionally, do not include tables, special fonts (e.g. quotation marks, bullets), or graphs.

Space for the Narrative Statement is limited. Each element must have a minimum of 200 characters and a 2000 character limit unless noted below.

Once the Narrative Statement is saved to the online application, log-out and then log back in to the application to verify that the information was successfully saved.

Narrative Evaluation Criteria

The Narrative Statement of the application must provide specific details about the activity for which applicants are seeking funding, including budget details. The applicant must explain how the proposed activity is related to the Hiring of Firefighters Activity or the Recruitment and Retention of Volunteer Firefighters Activity.

In applications for the Recruitment and Retention of Volunteer Firefighters Activity, applicants must provide details regarding how volunteers will qualify for the incentives (who is eligible for initiatives funded under the grant and discuss any

prerequisites). For example, an organization might withhold paying nominal stipends until members participate in a minimum number of operational activities.

Panelists will evaluate and score each activity based on the following narrative elements within each activity:

i. Hiring of Firefighters Activity

The Narrative Statement for applications requesting this funding must include Elements 1 through 4. Each element will be evaluated independently by the panelists. The relative weight of each element in the determination of the grant award is listed below.

1) Project Description (30 percent):

- a) Why does the department need the positions requested in this application?
- b) How will the positions requested in this application be used within the department (e.g. fourth firefighter on engine, open a new station, eliminate browned out stations, reduce overtime).
- c) What specific benefits will the requested positions provide to the fire department and community?
- d) Describe how funds awarded through this grant would enhance the department's ability to protect critical infrastructure within the primary response area.

2) Impact on Daily Operations (30 percent):

- a) Explain how the community and the current firefighters employed by the department are at risk without the positions requested in this application.
- b) How will that risk will be reduced if awarded?

3) Financial Need (30 percent):

- a) Provide an income versus expenses breakdown of the current annual budget.
- b) Describe the department's budget shortfalls and inability to address financial needs without federal assistance.
- c) What other actions has the department taken to obtain funding elsewhere (e.g. state assistance programs, other grant programs)?
- d) Discuss how the critical functions of the department are affected without this funding.

4) Cost Benefit (10 percent):

Describe the benefits (e.g. quantifying the anticipated savings and/or efficiencies) the department and community will realize if awarded the positions requested in this application.

ii. Recruitment and Retention of Volunteer Firefighters Activity (Fire Departments)

The Narrative Statement for applications requesting this funding must include Elements 1 through 4. Each element will be evaluated independently by the panelists. The relative weight of each element in the determination of the grant award is listed below. The peer review evaluation score represents 70 percent of the total application score.

1) Project Description (30 percent):

- a) Describe the problems and issues the department is experiencing in recruiting new volunteer firefighters.
- b) What are the problems and issues the department is experiencing in retaining current members?
- c) Describe the implementation plan, including the goals, objectives, methods, specific steps, and timelines to directly address the identified problems or issues. Describe the current marketing plan already in place, or the marketing program to be put in place with grant funds.
- d) Describe how the program will be evaluated for its impact on identified recruitment and retention problems and issues. How will the overall effectiveness of the grant will be measured?
- e) Describe the specific benefits the new volunteer firefighters and/or retention of current volunteer firefighters will provide for the fire department(s) and community.
- f) If the grant request will have a regional impact discuss how the regional partners will benefit and which activities they will benefit from.

2) Impact on Daily Operations (30 percent):

- a) Describe how the community and current volunteer firefighters in the department are at risk without the items or activities requested in this application.
- b) How will the risk be reduced if awarded?
- c) Explain the impact the recruitment of new volunteer firefighters and/or the retention of current volunteer firefighters will have on the department's NFPA compliance.

3) Financial Need (30 percent):

- a) Provide an income versus expenses breakdown of the department's current annual budget.
- b) Describe the department's budget shortfalls and the inability to address financial needs without federal assistance.
- c) What other actions has the department taken to obtain funding elsewhere (e.g., state assistance programs, other grant programs)? How have similar projects have been funded in the past?
- d) Discuss how the critical functions of the department are affected without this funding.

4) Cost Benefit (10 percent):

Describe the benefits (e.g. quantifying the anticipated savings and/or efficiencies) the department and community will realize if awarded the items or activities requested in this application.

iii. Recruitment and Retention of Volunteer Firefighters Activity (national, state, local, or federally recognized tribal volunteer firefighters interest organizations)

The Narrative Statement for applications requesting this funding must include Elements 1 through 4. Each element will be evaluated independently by the panelists. The relative weight of each element in the determination of the grant award is listed below. The peer review evaluation score represents 70 percent of the total application score.

1. Project Description (30 percent):

- a) Describe the problems and issues the fire departments, who the organization will be reaching with this grant, are experiencing in recruiting new volunteer firefighters.
- b) What are the problems and issues the same departments are experiencing in retaining current members?
- c) Describe the organization's implementation plan, including the goals, objectives, methods, specific steps, and timelines to directly address the problems or issues identified. Describe the current marketing plan already in place, or the marketing program to be put in place with grant funds.
- d) Describe how the program will be evaluated for its impact on the identified recruitment and retention problems and issues of the fire departments participating in this grant. Describe how the overall effectiveness of the grant will be measured.
- e) Describe the specific benefits the new volunteer firefighters and/or retention of current volunteer firefighters will provide for the fire departments participating in this application and their respective communities.
- f) Describe the organization's procurement practices and the timelines outlining the chronological steps to complete the activities requested in this application.

2. Impact on Daily Operations (30 percent):

- a) Describe how the fire departments participating in this application and their current volunteer firefighters and communities are at risk without the items or activities requested in this application.
- b) How will that risk be reduced if awarded?
- c) Describe the impact that the recruitment of new volunteer firefighters and/or the retention of current volunteer firefighters will have on the NFPA compliance of the fire departments participating in this application.

3. Financial Need (30 percent):

- a) Provide an income versus expenses breakdown of the current annual budget.
- b) Describe the organization's budget shortfalls and the inability to address the financial needs without federal assistance.
- c) Discuss how the critical functions of the organization are affected without this funding.
- d) What other actions has the organization taken to obtain funding elsewhere (e.g. state assistance programs, other grant programs)? How have similar projects have been funded in the past?

4. Cost Benefit (10 percent):

Describe the benefits (e.g. quantifying the anticipated savings and/or efficiencies) the fire departments participating in this application and their communities will realize if awarded the items or activities requested in this application.

- **Technical Evaluation Process (TEP)**

The highest ranked applications from both activities will be deemed in the fundable range. Applications that are in the fundable range will undergo a Technical Review by the SAFER Program Office prior to being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award.

Once the review process is complete, each application's cumulative score will be determined and a final ranking of applications will be created. FEMA will award grants based on this final ranking and the ability to meet statutorily required funding limitations outlined in [Appendix B – Programmatic Information and Priorities, Section III. Funding Limitations](#).

F. Federal Award Administration Information

Notice of Award

Once an award has been approved and recorded in the system, an award package is sent to the grant official authorized by the recipient. The award package and email notification will be made within the eGrants system. The authorized grant official should follow the directions in the notification to accept the award documents. The authorized grant official should carefully read the award package for instructions on administering the grant, whether there has been an adjustment to the award, and to become familiar with the terms, conditions and responsibilities of federal awards.

The offered award will remain on hold and be available for a maximum of 30 days until the recipient either accepts or declines the award via the online AFGP eGrants system. The recipient should follow the directions in the notification to confirm acceptance of the award.

Failure to accept the grant award within 30 days of an offer of award may result in a loss of funds. Recipients may request additional time to accept the award if needed.

Negotiation of Award

During the review process for a SAFER award, the application request(s) may have been modified. These modifications will be identified in the award package, which is provided upon the offer of an award.

If the awarded activities, scope of work, or requested dollar amount(s) do not match the application as submitted, the recipient shall only be responsible for completing the activities actually funded by FEMA. The recipient is under no obligation to start, modify, or complete any activities requested but not funded by the award.

Turndown Notifications

All applicants who do not receive an FY 2017 SAFER award will receive a turndown notification within the eGrants system.

The notification email will briefly describe why the application was not recommended for funding. Due to the historical volume of applications and turndowns, detailed debriefs for each applicant will not be possible.

Period of Performance Guidance

i. Hiring of Firefighters Activity

- The period of performance is 36 months for all grants awarded under this activity.
- A default 180-day recruitment period begins when an application is approved for award under this activity.
- The 36-month period of performance automatically starts after the 180-day recruitment period, regardless of whether the recipient has successfully hired the requested firefighters. The period of performance cannot be started later than 180 days after the award date.
- If a recipient is able to hire SAFER-funded firefighters during the 180-day recruitment period, the period of performance may begin at that time. However, recipients must submit an amendment requesting that the period of performance start before the end of the 180-day recruitment period.
- Extensions to the period of performance are not permitted.

ii. Recruitment and Retention of Volunteer Firefighters Activity

- The period of performance will be between 12 and 48 months for all grants awarded under this activity.
- A default 90-day recruitment period begins when the application is approved for award. This period allows each recipient time to gather resources, initiate processes, and to finalize contracts needed to implement SAFER grant activities before the start of the period of performance in order to maximize the availability of the funding.

- If a recipient is able to begin their recruitment or retention activities during the 90-day recruitment period, the period of performance may begin at that time. However, recipients must submit an amendment requesting that the period of performance start before the end of the 90-day recruitment period.
- The period of performance automatically starts after the 90-day recruitment period, regardless of whether the recipient has begun implementing their grant award. The period of performance cannot be started later than 90 days after the award date.
- Extensions to the period of performance are permitted.

Administrative and National Policy Requirements

DHS Standard Administrative Terms and Conditions

All successful applicants for all DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at:

<https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>

The applicable DHS Standard Terms and Conditions will be those in effect for the year in which the award was originally made.

Before accepting the award, the Authorized Organizational Representative (AOR) should carefully read the award package for instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. Recipients must accept all conditions in this NOFO as well as any Special Terms and Conditions in the Notice of Award to receive an award under this program.

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

On December 26, 2014, DHS adopted the Office of Management and Budget's (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* in 2 C.F.R. Part 200, which establishes a uniform set of mandatory requirements for federal awards to non-federal entities. These requirements apply to all awards made after December 26, 2014, including FY 2017 SAFER awards. This regulation (also commonly referred to as the "Super Circular" or "Omni Circular") is available at: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

Reporting

Recipients are required to submit various financial and programmatic reports as a condition of their award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

Federal Financial Reporting Requirements

Federal Financial Reports (SF-425)

Recipients of SAFER grants awarded on or after October 1, 2009, are required to submit semi-annual Federal Financial Reports (FFR) (SF-425). The FFR is to be submitted using

the online eGrants system based on the calendar year beginning with the period after the start of the period of performance. Recipients are required to submit an FFR throughout the entire period of performance of the grant. Reports are due no later than:

- **July 30** (for period January 1 – June 30)
- **January 31** (for period July 1 – December 31)
- Within 90 days after the end of the Period of Performance

The Federal Financial Reporting Form (FFR) and instructions are available at:

<https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortBy=1>

Financial and Compliance Audit Report

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend \$750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the requirements of the Government Accountability Office's (GAO) Government Auditing Standards, located at <http://www.gao.gov/govaud/ybk01.htm>, and the requirements of Subpart F of 2 C.F.R. Part 200, located at <http://www.ecfr.gov/cgi-bin/text-idx?SID=876f827f6fae2c4bce610e9427a6d229&node=sp2.1.200.f&rgn=div6>.

For audits of fiscal years beginning prior to December 26, 2014, recipients that expend \$500,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's Government Auditing Standards, located at <http://www.gao.gov/govaud/ybk01.htm>, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, located at: http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2012.

Program Performance Reporting Requirements

Quarterly Performance Reports

SAFER grant recipients are responsible for submitting quarterly programmatic performance reports through the eGrants system. The programmatic performance report is due every three months after the start of the grant's period of performance, and thereafter until the end of the period of performance.

Monitoring

FEMA staff will periodically monitor recipients, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring may be accomplished through either a desk-based review or onsite monitoring visits, or both. Monitoring will involve the review and analysis of the financial, programmatic, performance, compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and will identify areas where technical assistance, corrective actions, and other support may be needed.

The recipient is responsible for monitoring all sub-award activities to ensure compliance with federal and state laws, regulations, and guidance. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring, or other assessments and reviews.

Close Out Reporting Requirements

Within 90 days after the end of the period of performance, recipients must submit a final SF-425 and a final performance report (within the closeout module in eGrants system) detailing all accomplishments and a qualitative summary of the impact of those accomplishments throughout the period of performance.

After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final SF-425.

The recipient is responsible for returning any funds that have been drawn down but remain as unliquidated on recipient financial records.

Information on how to return funds to FEMA is available at:

<http://www.fema.gov/media-library/assets/documents/31261?id=7080>

G. DHS Awarding Agency Contact Information and Resource Information

Resources are available to:

- Guide applicants in completing SAFER Grant Applications; and
- Assist grant recipients with the programmatic and financial administration of an award.

SAFER Help Desk

The SAFER Help Desk provides technical assistance to applicants for the online completion and submission of applications into the eGrants system, answers questions concerning applicant eligibility and recipient responsibilities, and offers assistance in the programmatic administration of award. The Help Desk can be contacted at (866) 274-0960 or by email at FireGrants@fema.dhs.gov. Regular hours of operation are from 8:00 a.m. to 4:30 p.m., Monday through Friday. All times listed are Eastern Time.

eGrants System Information

For technical assistance with the eGrants system or SAFER application or award questions, please email the SAFER Help Desk at: FireGrants@fema.dhs.gov. The Help Desk can also be contacted at (866) 274-0960.

Environmental and Historic Preservation (EHP)

- EHP Screening forms and instructions are available at <http://www.fema.gov/media-library/assets/documents/90195>
- SAFER recipients requiring EHP assistance should contact the GPD EHP Team at: GPDEHPInfo@fema.dhs.gov.

H. Additional Information

Extensions to the Grant Period of Performance

Hiring of Firefighters Activity Grants

Extensions to the period of performance are not permitted.

Recruitment and Retention of Volunteer Firefighters Activity Grants

Extensions to the period of performance are permitted.

An award's period of performance must be active for a recipient to submit a proposed extension request to FEMA. Recipients should request extensions sparingly and only under exceptional circumstances. **Approval is not guaranteed.**

Extensions to the initial period of performance identified in the award will only be considered through formal requests, via the eGrants system, and must contain specific and compelling justification as to why an extension is required.

All extension requests must contain:

1. Grant Program, Fiscal Year, and award number;
2. Justification for the extension—this must include details of the legal, policy, or operational challenges being experienced that prevent the final outlay of awarded funds by the applicable deadline;
3. Current status of the activity/activities;
4. Approved period of performance termination date and new project completion date;
5. Amount of funds drawn down to date;
6. Remaining available funds, both federal and non-federal;
7. Budget outlining how remaining federal and non-federal funds will be expended;
8. Plan for completion, including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
9. Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

Requirements for Extension Consideration

To be eligible for consideration, extension requests must be submitted via the eGrants system. Requests should be submitted no earlier than 120 days but no later than 60 days prior to the end of the award's period of performance.

In accordance with FEMA policy, extensions are reviewed on a case-by-case basis, and typically granted for no more than a six-month time period. Extension requests will be granted only due to compelling legal, policy, or operational challenges. The review

process can take up to 30 days or longer. This review period should be factored into the timing of when to submit a request for an extension.

Example: Recipients may request an extension, when not adjusting the timeline for liquidating obligations would constitute a verifiable legal breach of contract by the recipient with vendors or sub-recipients; or where a specific statute or regulation mandates an environmental review that cannot be completed within this timeframe; or where other exceptional circumstances warrant a discrete waiver.

Appendix A: FY 2017 SAFER Program Updates

Appendix A contains detailed information on changes to SAFER between FY 2016 and FY 2017

I. New For FY 2017

- **Pre-Score Process:** The pre-score for SAFER Recruitment and Retention Activity applicants has been reduced from 50 to 30 percent of total score. SAFER Hiring of Firefighter Activity applicants pre-score will remain at 50 percent.
- **Peer Review Panel Process:** The narrative for SAFER Recruitment and Retention Activity applicants will be increased to 70 percent of total score. SAFER Hiring of Firefighter Activity applicants narrative score will remain at 50 percent.
- **Additional Funding:** Applicants under the SAFER Hiring of Firefighter Activity will have the option to apply for additional funding to provide specialized training to paramedics, emergency medical service workers, and first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crisis.

Appendix B – Programmatic Information and Priorities

Appendix B contains more detailed information on SAFER Program Information and Priorities. Reviewing this information may help applicants make their application(s) more competitive.

I. Application Instructions/Notes

Once the application has been submitted, it cannot be changed. There is *no appeal process* for inaccurate or incomplete information retained by the system due to improper or multiple browser usage by the applicant.

The primary point of contact listed in the application will automatically be notified via email, via the eGrants system, once the application is received.

Application Notes

- For the most competitive application, select those local need(s) that most closely align with the highest SAFER Grant Program priority(ies).
- When filling out the online application, applicants are required to provide basic demographic information regarding their department and the community served, but applicants must provide detailed information regarding the items or activities for which they are seeking funding.
- If awarded, the application request(s) may be modified during the award review process; if the awarded activities, Scope of Work, or amount(s) do not match the application as submitted, the grant recipient shall only be responsible for completing the activities actually funded. The grant recipient is under no obligation to start, modify, or complete any activities requested but not funded by this award. Please review Award Package.

II. Supporting Definitions for this NOFO

Attrition: A gradual reduction in work force without laying off of personnel, as when workers resign or retire and are not replaced.

Authority Having Jurisdiction (AHJ): (Per NFPA101-2015 Edition: Life Safety Code) is that person or office charged with enforcing the Life Safety Code.

Automatic Aid: (Per NFPA 1710, 3.3.2.1 - 2010 edition and NFPA 1720 - 2009) is a plan developed between two or more fire departments for immediate joint response on first alarms.

Benefits: Includes regular compensation paid to employees during periods of authorized absences from the job, e.g. vacation leave, sick leave, military leave. These costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each. Employer contributions or expenses for social security, employee insurance, workmen's compensation, pension plan costs, and the like, whether treated as indirect costs or as direct costs, are also eligible and shall be distributed to particular awards and other activities in a manner consistent with the pattern of benefits

accruing to the individuals or group of employees whose salaries and wages are chargeable. Overtime expenses, other than those meeting the Fair Labor Standards Act (FLSA) requirements, are not eligible as benefits costs under the Hiring of Firefighters Activity. Please also reference 2 C.F.R. §200.431 Compensation—fringe benefits.

Career Fire Department: A fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters (fire departments that provide reimbursement on a paid-on-call basis are considered to be a combination fire department for the purposes of this program).

Combination Fire Department: A fire department that has paid firefighting personnel and volunteer firefighting personnel. At minimum, a combination fire department must have at least one active firefighter who receives financial compensation for services (including paid-on-call) and at least one active firefighter who does not receive financial compensation for services, other than life, health, and workers' compensation insurance.

Emergency Medical Services Organization: A public or private organization that provides direct emergency medical services, including medical transport.

Fire Department: An agency or organization that has a formally recognized arrangement with a state, territory, local government, or tribal authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression on a first-due basis to a fixed geographical area. Fire departments may be comprised of members who are volunteer, career, or a combination of volunteer and career.

Firefighter: An individual having the legal authority and responsibility to engage in fire suppression; employed by a fire department of a municipality, county, fire district, or state, engaged in the prevention, control, and extinguishing of fires; and/or responding to emergency situations in which life, property, or the environment is at risk. This individual must be trained in fire suppression, but may also be trained in emergency medical care, hazardous materials awareness, rescue techniques, and any other related duties provided by the fire department.

Formal Layoff Notice: Any layoff notice should align with the local rules and regulations that govern civil service employment in the jurisdiction. In order to be reasonable to employees, and to provide employees facing layoff actions a clear understanding of the impending action, any notice of layoff should be in writing and delivered to a specific employee affected by the action. The notice should identify a specific date employment will cease or specific event that would trigger the termination of employment. The notice should be delivered or otherwise presented directly to the affected employee in advance of the layoff action in accordance with the civil service provisions or union agreement in force in the jurisdiction taking action, e.g. 60 days prior to the effective date of the layoff action. The notice should specify whether the action is permanent or temporary, as well as provide the anticipated schedule of layoffs. For the purposes of the SAFER Program, a notice that is not executed within the specified terms will be considered void unless an additional notice is provided within 14 days of the

original action date.

Initial Full Alarm Assignment: Personnel, equipment, and resources ordinarily dispatched upon notification of a structural fire.

Majority Career: A department is considered majority career if 50 percent or more of the active firefighting membership is salaried staff.

Majority Volunteer: A department is considered majority volunteer if more than 50 percent of the active firefighting membership is NOT compensated for service other than a nominal stipend and/or insurance.

Mutual Aid: (Per NFPA 1710, 3.3.2.1 - 2010 edition and NFPA1720 - 2009) is a written intergovernmental agreement between agencies and/or jurisdictions stating that they will assist one another on request by furnishing personnel, equipment, and/or expertise in a specified manner.

National, State, Local, or Federally Recognized Tribal Organizations that Represent the Interests of Volunteer Firefighters: Organizations that support or represent the interests of firefighters in front of legislative bodies at the local, state, tribal, and federal level. Such organizations include, but are not limited to, state or local firefighter and/or fire chiefs' associations, volunteer firefighter relief organizations, and associations. FEMA shall make the final determination as to whether an applicant is an appropriate volunteer firefighter interest group.

Nominal Stipend: A stipend is nominal if it does not exceed 20 percent of what the fire department would otherwise pay to hire a full-time firefighter to perform the services for which the stipend is provided. Whether a stipend falls above or below the 20 percent threshold may be determined in one of two ways. Departments that maintain paid full time firefighters on their payrolls may compare the stipend to the salary they pay a full time firefighter who performs similar services to determine whether the stipend is more or less than 20 percent of that salary. Departments that do not maintain full time firefighters on their payrolls may make the determination based on a comparison to the salary paid to a full time firefighter in a neighboring jurisdiction, elsewhere in the state or ultimately the nation, and may also utilize data from the Department of Labor's Bureau of Labor Statistics. A nominal stipend may also include reimbursements to volunteer firefighters for approximate out-of-pocket expenses they incur.

If a stipend paid exceeds 20 percent of the prevailing wage calculated as described above, then the firefighter receiving compensation would not qualify as a volunteer and is considered an employee who may be covered by the FLSA minimum wage and overtime provisions.

Operational Budget: The budget supporting fire-related programs and/or emergency response activities (e.g. salaries, maintenance, equipment, apparatus).

Operational Position: A position with a primary assignment (more than 50 percent of time) on a fire suppression vehicle, regardless of collateral duties, in support of the department's NFPA 1710 or NFPA 1720 compliance.

Paid-on-Call: Firefighters who are paid a stipend for each event to which they respond. Paid-on-call firefighters may be considered paid firefighters or volunteer firefighters, depending on whether the stipend they receive is a nominal stipend. For the purposes of this SAFER Program, a department whose membership is comprised of all volunteer firefighters, including any paid-on-call firefighters who receive only a nominal stipend, will be considered a volunteer fire department. Also, for the purposes of this SAFER Program, a department whose membership is comprised of any paid-on-call firefighters who receive more than a nominal stipend will be considered a combination fire department. Also refer to the definition of a nominal stipend.

Part-Time Firefighter: A firefighter who works less than 40 hours per week. When more than one part-time firefighter shares a position that results in work in excess of 40 hours per week, FEMA considers that shared assignment to be a Full-time Equivalent (FTE) position that must be accounted for in the staffing information provided in the application.

Salary: A fixed payment made by an employer to an employee to compensate for a regular work schedule. Typically the payment is made on a monthly, biweekly, or weekly basis but often expressed as an annual sum. See also 2 C.F.R. § 200.430 compensation—personal services. The salary structure should be documented in writing by the employer. Only costs for overtime that an employer routinely pays as a part of the base salary or a firefighter's regularly scheduled and contracted shift hours in order to comply with the Fair Labor Standards Act (FLSA) are eligible salary costs under the Hiring of Firefighters Activity.

State: Any of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Staffing and Deployment: The minimum staffing requirements to ensure a sufficient number of members are available to operate safely and effectively as defined in NFPA 1710 and 1720.

Supplanting: Replace or take place of funds that would otherwise be available from State or local sources, or the Bureau of Indian Affairs.

Volunteer Fire Department: A fire department that has an all-volunteer force of firefighting personnel. For a fire department to have an all-volunteer force, no member may receive financial compensation (in the form of salary or wages) for their services other than life and health insurance, workers' compensation insurance, and/or a nominal stipend per call. FEMA considers a department to be majority volunteer if more than 50 percent of its membership is made up of personnel who do not receive financial

compensation for services.

III. Funding Limitations

Specific funding parameters are either required by law or are the outcome of recommendations from the Criteria Development (CDP). The source of each requirement is identified with a parenthetical that follows each requirement below.

- 10 percent of the funding appropriated for FY 2017 SAFER awards is set aside for the recruitment and retention of volunteer firefighters (15 U.S.C. § 2229a (a)(2))
 - No more than 33 percent of the total amount allocated for the recruitment and retention of volunteers can be awarded to national, state, local, or federally recognized tribal organizations that represent the interests of volunteer firefighters (CDP)
- 10 percent of the funding appropriated for FY 2017 SAFER awards is set aside for grants awarded to volunteer or majority volunteer departments for hiring of firefighters.
 - A majority volunteer fire department is made up of more than 50 percent of personnel who do not receive financial compensation for their services, other than life, health, and worker's compensation insurance, or a nominal stipend payment, including certain paid-on-call personnel. It may be necessary to go out of rank order to select a sufficient number of applications in order to meet the 10 percent requirement. (15 U.S.C. § 2229a (a)(1)(H))
 - If less than 10 percent of the funds available for the hiring of firefighters are awarded to volunteer and majority volunteer fire departments, the remaining funds must be transferred to provide grants for the recruitment and retention of volunteer firefighters (15 U.S.C. § 2229a (a)(1)(H))

IV. Funding Priorities

Program Priorities Description

This section summarizes the program priorities used to determine grant awards. Program priorities are listed as High **H**, Medium **M**, or Low **L**. Within each identified program priority, all the proposed activities have an equal value.

There are separate evaluation criteria for the following applications:

- Hiring of Firefighters
- Recruitment and Retention of Volunteer Firefighters – Fire Departments
- Recruitment and Retention of Volunteer Firefighters – National, State, Local, or Federally Recognized Tribal Volunteer Firefighter Interest Organizations

A. Hiring of Firefighters Activity

Grants awarded under the Hiring of Firefighters Activity enable volunteer, combination, and career fire departments to improve staffing levels to attain a more effective level of response and a safer incident scene. Grants are awarded directly to volunteer, combination, and career fire departments to help fire departments increase

their cadre of frontline firefighters. Hiring of Firefighter grants provide fire departments with funds to pay new firefighter salaries and benefits (exclusive of overtime). Automated (pre-score) evaluation scores represent 50 percent of the total application score.

1. Meeting the National Standards

FEMA prioritizes bringing non-compliant (NFPA 1710 or 1720) departments into compliance in the most cost-effective manner.

Applicants will be asked general questions about the NFPA standard they are attempting to meet as well as their current ability to meet that standard (without the use of overtime). Applicants will also be asked to indicate what their ability will be to meet that same standard if awarded grant funds.

Having additional firefighters on staff should improve a local fire department's ability to comply with the staffing, response, and operational standards that enhance community and firefighter safety.

Applications resulting in the largest percentage increases in compliance with the relevant section of NFPA 1710 (for career departments) or 1720 (for volunteer departments) receive higher consideration than applications resulting in smaller percentage increases in compliance.

Note: SAFER grants focus only on the Deployment or Staffing and Deployment sections of these two standards, respectively.

- NFPA 1710 Assembly Requirements: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Department (Section 5.2.4.1 – Single-Family Dwelling Initial Full Alarm Assignment Capability). This standard applies primarily to all-career fire departments and combination departments if the combination department chooses it.
- NFPA 1720 Assembly Requirements: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments (Section 4.3 – Staffing and Deployment). This standard applies primarily to all-volunteer fire departments, but it may also apply to combination departments if the combination department does not choose to comply with the NFPA 1710 standard.

National Fire Protection Association (NFPA) – “FREE ACCESS” - As part of its commitment to enhancing public safety and supporting the emergency responder, the NFPA makes its codes and standards available online for free. Please visit: <http://www.nfpa.org/freeaccess>

The tables below identify the priority levels for current and new compliance with the NFPA 1710/1720 standard.

Current 1710/1720 Compliance Priorities	
H Never or 0 percent	M Half the time or 40-59 percent
H Rarely or 1-19 percent	L Very often or 60-79 percent
M Sometimes or 20-39 percent	L Most of the time or 80-99 percent

New 1710/1720 Compliance Priorities	
H Always or 100 percent	M Half the time or 40-59 percent
H Most of the time or 80-90 percent	L Sometimes or 20-39 percent
M Very often or 60-79 percent	L Rarely or 1-19 percent

2. Call Volume and Population Served

Department call volume and population served are both factors in the initial application evaluation. Departments responding to a higher number of incidents and departments who protect a larger jurisdiction will receive higher consideration than those departments responding to fewer incidents and protecting smaller jurisdictions.

3. Firefighter Health Measures

The health and wellbeing of firefighters is of paramount importance. Therefore, applicants who indicate newly recruited firefighters will undergo an entry-level physical and receive immunizations and who indicate they will provide annual medical exams receive higher consideration than applicants who do not specify these benefits will be provided. To qualify for this higher consideration, the physicals must be consistent with those required under NFPA 1582 Chapter 6, Medical Evaluations of Candidates 6.1 and Chapter 9, Essential Job Tasks — Specific Evaluation of Medical Conditions in Members.

4. Training Requirements

Applicants will receive higher consideration if the personnel funded under the grant will meet the minimum EMS training and certification requirements prescribed by the Authority Having Jurisdiction (AHJ).

B. Recruitment and Retention of Volunteer Firefighters Activity – Fire Departments

The purpose of these grants is to assist fire departments with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. The grants are intended to create a net increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies within the recipient's response area. The following identifies the elements that the applications will be evaluated on during the pre-scoring process. Automated (pre-score) evaluation scores represent 30 percent of the total application score.

1. Meeting Staffing Standards

The highest priority is to assist departments experiencing a high rate of turnover and that have staffing levels significantly below the ideal staffing level required to comply with NFPA standards 1710 or 1720 (for details, see [section A.1. Meeting the National Standards](#)).

2. Volunteer Membership

Departments or organizations with the highest percentage of volunteers should benefit the most from the recruitment and retention of volunteer firefighters. Therefore, applicants whose membership is comprised of mostly volunteer members, or have a significant number of volunteer firefighters, receive higher consideration.

Percentage of Volunteers	
H 91-100 percent	M 41-50 percent
H 81-91 percent	M 31-40 percent
H 71-80 percent	L 21-30 percent
H 61-70 percent	L 11-20 percent
M 51-60 percent	L 1-10 percent

3. Call Volume

Department call volume is a factor in the initial evaluation. Departments responding to a higher number of incidents receive higher consideration.

4. Firefighter Health Measures

Applicants who indicate the newly recruited firefighters will undergo an entry-level physical and receive immunizations and who indicate they will provide annual medical exams receive higher consideration. To qualify for this higher consideration, the physicals must be consistent with those required under NFPA 1582 Chapter 6, Medical Evaluations of Candidates 6.1 and Chapter 9, Essential

Job Tasks — Specific Evaluation of Medical Conditions in Members.

Applicants who provide worker's compensation/Accidental Death & Dismemberment (AD&D) benefits to their members receive higher consideration than applicants who do not specify these benefits will be provided.

Entry-Level Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA-compliant physicals

Annual Medical Exams	
H NFPA 1582-compliant physicals	M Non-NFPA-compliant physicals

5. Firefighter Training and Certification Requirements

Training and Certification	
H FF II/EMT	M FF I
H FF II	L First Responder
M FF I/EMT	

6. Recruitment and Retention (R&R) Coordinator/Program Manager

R&R Coordinator	
H Applicants who currently have a coordinator or program manager in place	L Applicants who do not have, or are not requesting, an coordinator/program manager
M Applicants who will request grant funding for a coordinator or program manager's position	

7. Regional Requests

Requests for recruitment or retention that will have a direct regional or local benefit beyond the immediate boundaries of the applicant's first-due area will receive higher consideration. Direct benefit means that other fire departments will receive a portion of the grant awarded funds or the department will receive items purchased with the grant funds.

An eligible applicant, which can include a fire department, may act as a “host applicant” and apply for support of both a regional initiative and its own department’s internal needs on one application. In order to apply for a regional project, the host fire department must agree, if awarded, to be responsible for all aspects of the grant. This includes, but is not limited to, accountability for the assets and all reporting requirements.

Regional host applicants and participating fire departments must execute a Memorandum of Understanding (MOU) or equivalent document, signed by all parties participating in the award, prior to submitting an application under the Regional Program activities. The agreement should specify the individual and mutual responsibilities of the participating partners, the participant’s level of involvement in the project(s), the participating partners’ EIN numbers, and the proposed distribution of all grant-funded assets or contracted services. Successful regional applicants shall provide a copy of the signed MOU at the time of award. Any entity named in the application as benefiting from the award shall be a party to the MOU or equivalent document.

In completing the Request Details section of the application, the applicant must include a list of all participating fire departments, including a point of contact and phone number for each department that will directly benefit from the regional project if the grant is approved. The fire departments that will benefit from the recruitment and retention project may also apply for funding under SAFER as long as the departments do not apply for a project that could conflict with or duplicate the host applicant’s project. Applicants must also certify that they will ensure the fire departments participating in this application have not received grants for similar items/activities.

All participants of a Regional application must be compliant with SAFER requirements, including being an eligible entity, current with past grants, closeouts, and other reporting requirements. The host shall not distribute grant-funded assets or provide grant-funded contractual services to non-compliant partner organizations.

Note: Only applications submitted under the Recruitment and Retention of Volunteer Firefighters Activity qualify for regional project requests. Regional projects are not eligible under the Hiring of Firefighters Activity.

C. Recruitment and Retention of Volunteer Firefighters Activity – National, State, Local, or Federally Recognized Tribal Volunteer Firefighter Interest Organizations

The purpose of these grants is to assist national, state, local, or federally recognized tribal organizations that represent the interests of volunteer firefighters with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. The grants are intended to

create an aggregate increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies on behalf of the fire departments being represented. For this reason, projects that are comprehensive in nature and based on a clear needs assessment, implementation plan, evaluation plan, and have, or will establish, fire service partnerships will receive higher consideration.

In completing the Request Details and Narrative Statement sections of the application, the applicant must include data that approximates the characteristics of the entire region and/or all fire departments affected by the grant. If awarded, recipients may be required to provide documentation of each fire department's consent to participate in the application. Applicants must also certify that they will ensure the fire departments participating in this application have not received grants for similar items/activities. The following identifies the elements that the applications will be evaluated on during the pre-scoring process. Automated (pre-score) evaluation scores represent 30 percent of the total application score.

1. Meeting Staffing Standards

The goal under this SAFER activity is to assist departments experiencing a high rate of turnover that have staffing levels significantly below the ideal staffing level required to comply with NFPA standards 1710 or 1720 (for details, see [section A.1. Meeting the National Standards](#)). Organizations that currently have the lowest recruitment and retention rates among the entire region and/or all fire departments benefiting from the grant funds are given a higher consideration for funding.

2. Recruitment and Retention (R&R) Coordinator/Program Manager

R&R Coordinator	
H Applicants who currently have a coordinator or program manager in place	L Applicants who do not have, or are not requesting, a coordinator or program manager
M Applicants who will request grant funding for a coordinator or program manager's position	

3. Needs Assessment

Needs Assessment	
H Applicants with projects based on a needs assessment	L Applicants with projects that are not based on a needs assessment

4. Fire Service Partnerships

Fire Service Partnerships	
H Applicants who have, or will establish, fire service partnerships as part of this project	L Applicants who will not have, or establish, fire service partnerships as part of this project

V. Eligible and Ineligible Costs

Regardless of the eligibility of any costs requested or the panelists' determination, FEMA reserves the right to reduce any requests for funding, in whole or in part, that it deems excessive or otherwise contrary to the best interests of the program.

Hiring of Firefighters Activity – Eligible Costs
- Funds may only be used to hire new, additional firefighters and shall not be used to supplant funds. The Hiring of Firefighters Activity is no longer sub-divided into “Rehire,” “Retention,” “Attrition,” and “New” positions. - SAFER grant funds must be used to increase the amount of funds that would, in the absence of federal funds received under this grant, be made available from state or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs. Recipients may apply for a waiver of this restriction on supplanting. - Salary and associated benefits (actual payroll expenses) for the positions funded under the SAFER grant are eligible. Costs are reimbursable if they are included as part of the standard new hire package, available to all operational firefighter positions, and contractually obligated. Refer also to the definitions in Section II of this Appendix. - Only full-time positions are eligible for funding. A full-time position is one position that is funded for at least 2,080 hours per year, e.g. 40 hours per week, 52 weeks per year. However, recognizing many departments have shifts exceeding a 40-hour workweek, FEMA also will consider funding the job-sharing of a full-time position if the grant recipient has sufficient justification. A job-share position is a full-time position occupied by more than one person. Example: A department may hire two part-time staff persons at 28 hours each to fulfill the scheduled work hours of one 56-hour shift position. - Salaries and benefits of firefighters hired under SAFER funding while they are engaged in training are eligible. - Costs for overtime that fire departments routinely pay as a part of the base salary or the firefighter’s regularly scheduled and contracted shift hours in order to comply with the Fair Labor Standards Act (FLSA) are eligible. - SAFER grant funds will only pay for operational positions whose primary assignment (more than 50 percent of time) is on a fire suppression vehicle, regardless of collateral duties. - Volunteer and mostly volunteer fire departments may also hire individuals to fill officer-level positions (e.g. chief, fire inspector, training officer, safety officer) in addition to their primary operational assignment. - Additional funding to provide specialized training to paramedics, emergency medical service workers, and first responders to recognize individuals who have mental illness and how to

Hiring of Firefighters Activity – Eligible Costs

properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crisis.

Hiring of Firefighters Activity – Ineligible Costs

- The salaries and benefits of full-time firefighters who are employees at the time of grant award are ineligible to be funded under this grant.
- The SAFER grant may not be used to fund promotions (e.g. pay a current member a higher salary by placing them in a new SAFER-funded position).
- Pre-application costs, such as grant writer fees, administrative costs (e.g. physicals, background checks, etc.), and indirect costs associated with hiring firefighters are ineligible.
- Costs to train and equip firefighters (i.e. Personal Protective Equipment (PPE)/Turnout Gear) are ineligible (this does not include the salaries and benefits of firefighters hired under SAFER while they are engaged in training or if the department was awarded funds for specialized training to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crisis).
- Costs for uniform allowances that are not contractually obligated or not included as part of the standard benefits package for all employees are ineligible.
- Annual medical exams
- Overtime costs are ineligible (except as noted in “eligible costs” above).
- Management and Administrative (M&A) costs.

Recruitment and Retention of Volunteer Firefighters Activity – Eligible Costs

Overview

Applicants must correlate the activities for which funding is being requested and the identified recruitment or retention problems or issues being addressed. FEMA will not fund a budget line item if an applicant does not provide sufficient information detailing how it will enhance recruitment and retention.

Applicants who propose to focus on retention of volunteers will receive equal consideration as applicants focusing on recruitment of volunteers. A focus on retention may include providing incentives for volunteer firefighter members to continue service in a fire department.

SAFER grant funds may only be used for volunteer firefighters who are involved with, or trained in, the operations of firefighting and emergency response.

FEMA recommends that departments consult their Authority Having Jurisdiction (AHJ) or the department’s legal counsel to understand the full legal and financial implications involved with implementing or sustaining programs that offer benefits or financial awards to firefighters (e.g. stipends, Length of Service Award Program [LOSAP]).

Recruitment and Retention of Volunteer Firefighters Activity – Eligible Costs

All grant-related purchases and activities must be incurred, received, and completed within the period of performance. The period of coverage and/or service delivery on all contracts, and agreements may not begin prior to/extend beyond the period of performance of the grant.

All funded activities under Recruitment and Retention must be governed by formally adopted Standard Operating Procedures (SOPs). Minimally, these SOPs should specify who qualifies for each of the incentives, specific requirements for earning the incentives, and the disposition of the awarded incentives if an individual fails to fulfill the stipulations. FEMA may ask for copies of SOP's prior to, or any time, after being awarded.

FEMA will not fund any projects, activities, or line items that are covered under a department's normal operating budget. Federal funding should not be used to supplant (i.e. replace) an existing activity or program.

Applicants should use the Request Details portion of the grant application to provide detailed information on how each proposed cost was determined or calculated. As much as possible, costs should be based on reliable market research (for example, earnings information is published by the U.S. Bureau of Labor Statistics). The costs may also be justified in the Narrative Statement section.

Applications for funding in the Recruitment and Retention of Volunteer Firefighters Activity could include projects requiring up to four years to complete (with proper justification).

Recruitment and Retention of Volunteer Firefighters Activity – Eligible High Priority Costs

High Priority

- Costs to support a staffing needs assessment identifying the operational staff that are required to safely and effectively carry out fire department responsibilities (e.g. supplies for data collection, contractors or personnel to collect and analyze data, software programs, etc.).
 - NOTE: If a staffing needs assessment is requested and the application is selected for funding, the staffing needs assessment will be the only activity that will be funded.
- Costs to support a Recruitment and/or Retention Coordinator, a Program Manager, and/or a Grant Administrator (including reasonable salary, fringe benefits, contract support, supplies, travel, etc.).
 - NOTE: that computers for these positions are low priority items.
- Marketing Program to recruit new volunteer firefighters, such as:
 - Media advertising (e.g. television, radio, social media)
 - Print advertising (e.g. newspapers, billboards, signs, banners, brochures, flyers)
 - LED/electronic sign (NOTE: This is a high priority item only when included as part of a comprehensive marketing program. Only one LED/electronic sign is allowed per applicant and 75 percent of usage must be dedicated to Recruitment and Retention activities – additional restrictions apply; see [Section D: Application and Submission Information - Environmental Planning and Historic Preservation \[EHP\]](#)).
 - NOTE: If requesting funds to recruit new members, a marketing plan must currently be in place or the application must be requesting funds to create a marketing program.

Recruitment and Retention of Volunteer Firefighters Activity – Eligible High Priority Costs

- New Member Costs - Only one entry-level physical per new recruit. Physicals for existing members are not eligible. All grant-funded physicals (except those for explorers) must meet NFPA 1582 standards (Chapter 6, Medical Evaluations of Candidates 6.1 and Chapter 9, Essential Job Tasks — Specific Evaluation of Medical Conditions in Members). The cost of physicals should be based on local physician or health center prices. Detailed information on implementing NFPA 1582 physicals can be found at <https://www.fstaresearch.org/roadmap>.
 - NOTE: Annual physicals are eligible if the applicant is also requesting grant funds for NFPA 1582 entry-level physicals for new recruits. Annual Physicals are only eligible for the same new recruits; physicals or annual exams for any other member are not eligible.
- New recruit basic training that is not covered under a department's normal operating budget and as required by the Authority Having Jurisdiction (AHJ) to meet minimum firefighter certification (e.g. CPR, First Responder, EMT, Firefighter 1, Firefighter 2).
 - Reimbursement to members for lost wages, mileage/transportation, lodging, and/or per diem while attending required basic training are also eligible. Note that costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the Federal Government rate.
- Leadership/career development training when used as a retention incentive that is not covered under a department's normal operating budget.
 - Reimbursement to members for lost wages, mileage/transportation, lodging, and/or per diem while attending leadership/career development training or conferences are also eligible.
 - NOTE: Costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the Federal Government rate.
 - Courses must provide continuing education units (CEU's) or certificates of completion to be eligible.
- Instructor/train-the-trainer training that is not covered under a department's normal operating budget.
 - Reimbursement to members for lost wages, mileage/transportation, lodging, and/or per diem while attending instructor/train-the-trainer training are also eligible.
 - NOTE: Costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the Federal Government rate.
- Tuition assistance for higher education (including books, lab fees, and student fees).
 - Coursework or certifications in this category should be more advanced than what departments typically fund for required minimum-staffing requirements.
 - Courses are not limited to firefighter training or education.
 - Computers for individual students are not eligible for funding.
 - Payments for student loans are not eligible for funding.
 - Only tuition payments for classes offered and taken during the period of performance are allowable.
- Personal Protective Equipment (PPE)/Turnout Gear.

Recruitment and Retention of Volunteer Firefighters Activity – Eligible High Priority Costs

- Personal Protective Equipment (PPE)/Turnout Gear.
 - PPE may only be funded for new firefighters that are recruited after the date of grant award, that successfully pass an NFPA 1582 compliant physical, and that are certified as “fit for duty.” PPE purchased with SAFER grant funding must be utilized by adequately trained staff.
 - Funds are available to acquire OSHA-required and NFPA-compliant PPE for firefighting personnel. In addition, PPE must meet any national or state standards and increase firefighter safety. Failure to meet these requirements may result in ineligibility for PPE funding. Copies of NFPA standards may be reviewed at <http://www.nfpa.org/>.
 - Only actual costs for PPE are allowed and will be paid on a reimbursable basis. Allowable costs may be limited to reasonable amounts, as determined by FEMA.
 - In order to receive reimbursement, recipients will be required to provide the following documentation to support the purchase of PPE:
 - Invoices/proof of payment for PPE.
 - Proof that the firefighter(s) have passed an NFPA 1582 compliant physical and are certified as “fit for duty.”
 - Eligible PPE Expenditures:
 - One set of PPE for structural or wildland firefighting per new recruit.
 - SAFER considers a complete set of structural PPE to be comprised of one SCBA mask/face piece, one pair of pants, one coat, one helmet, two hoods, one pair of boots, one pair of gloves, one pair of suspenders, and one pair goggles. In those jurisdictions where additional PPE, like Personal Safety/Rescue Bailout Systems are statutorily required, SAFER will consider all statutorily required items to be part of a complete PPE set.
 - SAFER considers a complete set of wildland PPE to be comprised of: one pair pants, one coat, one jumpsuit, one helmet, one pair boots, one pair gloves, one pair suspenders, one pair goggles, one fire shelter, web gear, backpack, and canteen/hydration system.
 - American National Standards Institute (ANSI)-approved retro-reflective highway apparel.

Recruitment and Retention of Volunteer Firefighters Activity – Eligible Medium Priority Costs

Medium Priority

- Nominal stipends for volunteer firefighters who are involved with, or trained in, the operations of firefighting and emergency response (e.g. Pay-per-Call, Points Based System, etc.). Stipends may only be provided for participation in operational (firefighting) activities, such as duty shifts, operational training, and/or responding to incidents.
- Costs to support explorer, cadet, and mentoring programs, such as:
 - One set of station duty uniforms (SAFER considers one set of station duty uniform as one pair of pants, one shirt, one hat, and one pair of boots).
 - Training (Non-Immediate Danger to Life and Health or IDLH).

Recruitment and Retention of Volunteer Firefighters Activity – Eligible Medium Priority Costs

- One set of structural or wildland PPE as defined above, with the following two exceptions: 1) SCBA mask/face pieces are not eligible because PPE for explorers/cadets may not be used in an IDLH atmosphere, and 2) physicals for explorers/cadets are not required to meet NFPA 1582.
 - One introductory physical exam per explorer/cadet.
- New Length of Service Award Programs (LOSAP) or Retirement Program.
- Insurance packages (e.g. Accidental Death and Dismemberment (AD&D), workers compensation, disability, health, dental, life).
- Exercise equipment and gym memberships limited to no more than \$10,000 (total per grant award).

Recruitment and Retention of Volunteer Firefighters Activity – Eligible Low Priority Costs

Low Priority

- New Member Costs - One set of station duty uniforms for each new recruit only (SAFER considers one set of station duty uniform as one pair of pants, one shirt, one hat, and one pair of boots).
- Costs for advanced training not currently covered under the department's operating budget (e.g. extrication training, specialized equipment training, swift water rescue, etc.). Advanced training requests are only eligible for members who have already met the minimum firefighter certifications required by the Authority Having Jurisdiction (AHJ) and must closely correlate to the applicant's recruitment and/or retention goals.
 - Reimbursement to members for lost wages, mileage/transportation, lodging, and/or per diem while attending advanced training are also eligible.
 - NOTE: Costs for mileage/transportation, lodging, and per diem must comply with the department's written travel policies and procedures. If policies are not established, costs will only be reimbursed at the Federal Government rate.
- Individual desk computer or printer for Recruitment and/or Retention Coordinator, Program Manager, and/or Grant Administrator.
- Awards/Incentive program for participation in operational (firefighting) activities, such as operational training and/or responding to incidents (e.g. length of service plaques, gift cards for top responders, non-uniform clothing).
 - Non-uniform clothing (limited to shirts, jackets, or pullovers) as part of an award program only.
- LED/electronic sign when it is not included as part of a comprehensive marketing program.
- Fire service association membership fees.
- Projector and/or screen to support classroom training.
- Payments for housing or rent for volunteers at or near the fire station.
- Station Modifications/Remodeling/Renovation of Existing Facilities.
 - Remodeling/renovations to an existing facility are allowable (e.g. converting space into bunkroom). The renovations must be minor interior alterations not to exceed \$10,000 (total per grant award).

Recruitment and Retention of Volunteer Firefighters Activity – Eligible Low Priority Costs

- Remodeling/renovations may not change the footprint or profile of the building.
- Any request for modifications to facilities may require Environmental and Historic Preservation (EHP) review (see [Section D: Application and Submission Information - Environmental Planning and Historic Preservation \[EHP\]](#)). Recipients are encouraged to have completed as many steps as possible for a successful EHP Review in support of their proposal for funding (i.e. coordination with their State Historic Preservation Office to identify potential historic preservation issues and to discuss the potential for project effects; compliance with all state and EHP laws and requirements).
- Written approval must be provided by FEMA prior to the use of any SAFER Funds for remodeling or renovation. If awarded funds for remodeling or renovation, recipients may be required to submit evidence of approved zoning ordinances, architectural plans, any other locally required planning permits, and a notice of interest.

Recruitment and Retention of Volunteer Firefighters Activity – Eligible Non-Prioritized Costs

Non-prioritized Costs

- Management and Administrative (M&A) costs up to three percent of the total awarded amount in accordance with 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Administrative costs must be identifiable and directly related to the implementation and management of the SAFER grant program. Salaries and fringe benefits for personnel directly supporting the grant are not required to be included in the M&A budget line item.
- Indirect costs for national, state, local, or federally recognized tribal volunteer firefighter interest organizations that are expended pursuant to [Section D: Application and Submission Information – Indirect Costs](#). Recipients must have an approved indirect cost rate agreement with their cognizant federal agency.
- Up to \$1,500 in grant writer fees for application preparation, but not grant administration. The fee must have been paid within 30 days of the end of the application period and prior to any contact with SAFER Program Office staff or an Offer of Award (see [Appendix C: Award Administration Information, Section I. Grant Writer/Preparation Fees](#)).
- Audit costs proportional to the total SAFER grant award. Recipients of multiple federal funding sources can only charge a pro rata share of the audit cost(s) to the SAFER Award.

Recruitment and Retention of Volunteer Firefighters Activity – Ineligible Costs

- Salary and benefits for firefighters.
- Retroactive payments or recognition for operational services rendered prior to the grant award are ineligible.
- Costs incurred outside of the period of performance except for grant writer fees; see [Appendix C: Award Administration Information, Section I. Grant Writer/Preparation Fees](#)

Recruitment and Retention of Volunteer Firefighters Activity – Ineligible Costs

- Fire suppression equipment.
- Vehicles.
- Fire simulators, fire evolution, or fire training props (e.g. burn trailers, forcible entry, rescue/smoke maze, flashover simulators).
- Sirens, warning lights for private vehicles, or other outdoor warning devices.
- Communication equipment including cell phones, pagers, portable radios, or Computer-Aided Dispatch (CAD) systems.
- Video cameras/recording equipment.
- Retroactive payments or recognition for non-operational activities (including payments, gift cards, recruitment bonuses, or stipends for recruiting firefighters).
- Payments for travel to, or participation in leisure or social activities such as theatre tickets, entertainment tickets, and trips (e.g. professional sporting events).
- Costs associated with award banquets, such as food, photographers, refreshments, entertainment, or rental facilities. Reimbursement for actual awards (e.g. plaques and trophies) is eligible.
- Costs for food or refreshments that are not part of a conference or training hosted by the grant recipient.
- Costs for training currently covered under the department's operating budget, e.g. tuition or instructor fees for department-mandated, basic-level training.
- Services at a member's personal residence (e.g. internet access, plowing of driveways)
- Furniture (except for newly converted bunkrooms), televisions, fixtures, appliances (e.g. refrigerators), and entertainment equipment.
- "Giveaways," such as pencils, pens, t-shirts, cups, mugs, or balloons, for recruitment events.
- Fees for courses and training that are available free of charge on the internet or at a state/local training facilities (e.g. NIMS 100, 700, 800).
- Costs for fuel.
- Annual medical exams for existing members.
- Payments for student loans.
- Mileage reimbursement for responding to incidents or periodic operational training at the fire house (mileage reimbursement is allowed for other types of training as explained under eligible costs)
- Station internet access/user fees and equipment to install internet (such as routers)
- Continued funding of a Length of Service Award Programs (LOSAP) or Retirement Program
- Computers in common areas or individual computers for training/education
- Copiers/printers
- Additional ineligible costs for Explorer/Cadet/Mentoring Programs:
 - SCBA, including mask/face piece
 - Anything involving the IDLH atmosphere
 - Any activities precluded by the authority having jurisdiction
- Ineligible PPE expenditures:
 - Three-quarter length rubber boots
 - Self-Contained Breathing Apparatus (SCBAs) (not including SCBA masks/face

Recruitment and Retention of Volunteer Firefighters Activity – Ineligible Costs

- pieces)
 - o PASS Devices
 - o Spare cylinders
 - o Bomb disposal suits
 - o PPE for hazardous materials and other specialized incidents
 - o More than one set of PPE per member
 - o PPE for existing members
- This list of ineligible costs is not exhaustive.

Appendix C: Award Administration Information

Appendix C contains detailed information on SAFER Award Administration. Reviewing this information may help grant recipients in the programmatic and financial administration of their award(s).

Help FEMA Prevent Fraud, Waste, and Abuse

If applicants or recipients have information about instances of fraud, waste, abuse, or mismanagement involving FEMA programs or operations, they should contact the DHS OIG Hotline at (800) 323-8603, by fax at (202) 254-4297, or email DHSOIGHOTLINE@dhs.gov

I. Economic Hardship Waivers of Cost Share, Minimum Budget, and Supplanting Requirements for the SAFER Grant Program

In cases of demonstrated economic hardship, and upon the request of the recipient, the Administrator may waive or reduce a SAFER cost share, minimum budget, or supplanting requirement for certain recipients (15 U.S.C. § 2229(k)(4)(A)). As required by statute, the Administrator of FEMA will establish guidelines for determining what constitutes economic hardship and will publish these guidelines at FEMA's website www.fema.gov/grants.

SAFER Hiring of Firefighter Activity grant recipients may apply for one, two, or all three of the available waivers.

SAFER Recruitment and Retention of Volunteer Firefighters Activity grant applicants may only apply to waive or reduce the minimum budget requirement. Applicants must indicate their interest in applying for a hardship waiver for cost share, minimum budget, or supplanting within the application via the online eGrants system.

II. Grant Writer/Preparation Fees (Recruitment and Retention of Volunteer Firefighters Activity Only)

Applicants under the Recruitment and Retention of Volunteer Firefighters Activity are allowed to hire and reimburse a grant writer to assist in the application process.

Fees for grant writers may be included as a pre-award expenditure, but payment of the grant writer fees cannot be contingent on the applicant receiving an award. For grant writer fees to be eligible as a pre-award expenditure, the fees must be specifically identified and listed in the Request Details section of the application. FEMA will only consider reimbursements for application preparation, but not administration, up to but not more than \$1,500. Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the Federal Government from receiving funding under federally funded grants or contracts. Recipients must verify, through SAM.gov, that the contractor is not suspended or debarred from participating in specified federal procurement or non-procurement transactions pursuant to 2 C.F.R. § 180.300.

Additionally, unless a single contract covering both pre- and post-award services was awarded to the grant writer and procured in compliance with 2 C.F.R. §§ 200.317-326, Federal funds cannot be used to pay that grant writer to provide post-award services.

By submitting the application, applicants are certifying all of the information contained therein is true and an accurate reflection of the organization and, regardless of the applicant's intent, the submission of information that is false or misleading may result in actions by FEMA that include, but are not limited to, the submitted application not being considered for award, temporary withholding of funding under the existing award pending investigation, or referral to the Office of the Inspector General.

Prior to submission of the application, please review all work produced by grant writers or other third parties for accuracy. In addition, the fees must have been paid within 30 days of the end of the application period and prior to any contact with SAFER Program Office staff or an offer of award. The following documentation shall be provided upon request:

- A copy of the grant writer's contract for services
- A copy of the invoice or purchase order
- A copy of the canceled check (front and back) and bank statement

Applicants will be required to provide documentation to support these pre-award expenditures. Failure to provide the requested documentation may result in the grant writer fee being deemed ineligible and the grant reduced accordingly.

NOTE: FEMA requires that all grant writer or preparer information must be entered into the Overview section of the SAFER application, whether that person, entity, or agent is compensated or not.

III. Maintenance and Sustainment for SAFER Programs

The use of FEMA preparedness grant funds, to include the SAFER Program, for the costs of repairs or replacement, as well as maintenance contracts, warranties, and user fees may be allowable.

The intent of eligible Maintenance and Sustainment activities is to provide direct support to the critical capabilities developed using FEMA and other DHS grants and support activities. Routine upkeep and the supplies, expendables, or one-time use items that support routine upkeep (e.g. gasoline, tire replacement, routine oil changes, monthly inspections, or grounds and facility maintenance) are the responsibility of the recipient and may not be funded with SAFER funding.

Generally, when purchasing a maintenance agreement, service contract, or extended warranty for systems or equipment, the period of coverage provided under such a plan may not extend beyond the period of performance of the grant with which the agreement,

warranty, or contract is purchased.

However, only if the maintenance contract or extended warranty is purchased incidental to the original purchase of the system or equipment, recipients may procure maintenance or warranty coverage which exceeds the period of performance, as explained in FEMA Policy 205-402-125-1, document available at http://www.fema.gov/media-library-data/20130726-1915-25045-9444/gpd_maintenance_policy.pdf.

The duration of an extended warranty purchased incidental to the original purchase of the equipment may exceed the period performance as long as the coverage purchased is consistent with that which is typically provided for, or available through, these types of agreements, warranties, or contracts. When purchasing a stand-alone warranty, or extending an existing maintenance contract on an already-owned piece of equipment or system, coverage purchased may not exceed the period of performance of the award used to purchase the maintenance agreement or warranty. As with warranties and maintenance agreements, this policy extends to licenses and user fees as well.

Even if purchased incidental to the original purchase of the equipment, the duration of an extended maintenance agreement or warranty must also be reasonable for the type of equipment or system being purchased. For example, if a vendor offers a 10-year extended warranty incidental to the purchase of a piece of equipment, but the useful life of that equipment being purchased is five years, the purchase of a 10-year extended warranty would not be a reasonable cost and may not be charged to the grant.

IV. Taxes, Fees, Levies and Assessments

Taxes, fees, levies, or assessments that the recipient is legally required to pay and is directly related to any eligible SAFER program acquisition activity may be charged to an SAFER award pursuant to 2 C.F.R. § 200.470. These charges shall be identified and enumerated in the application's Narrative and the Request Details section of the acquisition activity.

Any avoidable and unreasonable costs that result from the action or inaction of a recipient (or recipient's agent), or that prevent that recipient from enjoying any lawful exemption, waiver, or reduction of any tax, fee, levy, or assessment directly related to any eligible SAFER Program acquisition activity, are not chargeable to any SAFER Award.

Example: Government entities and Public Safety Agencies are exempt from some Federal Communications Commission (FCC) fees, but only if the eligible organization submits an exemption or waiver request to the FCC.

Government entities are not required to pay FCC regulatory fees. Non-profit entities (exempt under Section 501 of the Internal Revenue Code) also may be exempt. The FCC requires that any entity claiming exempt status submit, or have on file with the FCC a valid IRS Determination Letter documenting its nonprofit status or certification from a governmental authority attesting to its exempt status. For more information, please visit

<http://www.fcc.gov/>.

V. Excess Funds

After completing the initial projects proposed in the recipient's application, some recipients may have unexpended funds remaining in their budget. These excess funds may result from any combination of hiring delays, under-budget acquisition activities, or competitive procurement processes.

With prior approval of the SAFER Program Office, these excess funds may be utilized to enhance or continue the approved project(s). FEMA expects excess funds to be obligated concurrent with an award's period of performance to address a known or critical need related to the awarded project(s).

VI. Procurement Integrity

Through audits conducted by DHS OIG and FEMA grant monitoring, findings have shown that some SAFER recipients have not fully adhered to the proper procurement requirements when spending grant funds. Anything less than full compliance with federal procurement policies jeopardizes the integrity of the grant as well as the grant program, and could result in the termination of the grant or the recovery of grant funds from the recipient.

The below highlights the federal procurement requirements for SAFER recipients when procuring goods and services with federal grant funds. DHS will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with Federal Procurement Standards at 2 C.F.R. §§ 200.317 – 200.326.** Select requirements under these standards are listed below. The recipient must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must follow 2 C.F.R. § 200.322 regarding procurement of recovered materials, and 2 C.F.R. § 200.326 regarding required contract provisions. All other non-federal entities must use their own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319.

Among the requirements of 2 C.F.R. § 200.319, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business.
- Requiring unnecessary experience and excessive bonding.
- Noncompetitive pricing practices between firms or between affiliated companies.
- Noncompetitive contracts to consultants that are on retainer contracts.
- Organizational conflicts of interest.
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement.
- Any arbitrary action in the procurement process.

Generally, a non-Federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement. State and local governments may procure goods and services from a General Services Administration (GSA) schedule. Information about GSA programs for state and local governments can be found at <https://www.gsa.gov/resources-for/programs-for-state-and-local-governments>. For local governments that purchase off a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, local governments will still need to follow the other rules under 2 C.F.R. §§ 200.318 through 200.326, such as contract cost and price (§ 200.323) and solicitation of minority, women-owned, or small businesses (§ 200.321).

For non-federal entities other than states that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the recipient complies with state and local law, regulations, and written procurement procedures.
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the recipient and other similar types of entities.
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography.
- The procurement of the original contract or purchasing schedule complied with all of the procurement standards applicable to a non-federal entities other than states under at 2 C.F.R. §§ 200.318 to 200.326.
- With respect to the use of a purchasing schedule, the recipient must follow ordering procedures that adhere to state and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

If a non-Federal entity other than a state seeks to use such a state supply schedule, cooperative purchasing program, or other similar type of arrangement, it is recommended that recipients discuss their procurement plans with the SAFER Program Office.

To the greatest extent possible, FEMA recommends that federal grant funds be used for the purchase of goods and services manufactured, assembled, and distributed in the United States. This recommendation is not mandated by the procurement rules applicable to federal awards.

Pursuant to 2 C.F.R. § 200.318(c)(1), recipients (other than states) are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

If the recipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization and the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to the federal awarding agency or pass-through entity in accordance with applicable federal awarding agency's policy.

NOTE: For the purposes of conflicts of interest under procurements executed by the recipient, FEMA considers volunteers of an organization and grant writers to be employees, officers, and/or agents of the recipient. As such, no volunteer, member of an organization, or anyone involved in preparing the application for funding, can participate in, or benefit from, the procurement if federal funds are involved.

Recipients who purchase items with grant funds from vendors who employ any of their volunteers/members will have to clearly document how a conflict of interest was avoided during the procurement process (i.e., provide specific details regarding how the members/volunteers removed themselves, or how they were prevented from participating in the process). Recipients will be required to provide this documentation upon request. Recipients who fail to fully document purchases will find their expenditures questioned and subsequently disallowed. Remember, FEMA reserves the right to request and review any and all bids or specifications prior to purchase. Recipients may be subject to an audit at any time.

Documentation

Recipients are required to maintain and retain the following:

- Backup documentation, such as bids and quotes.
- Cost/price analyses on file for review by federal personnel.
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.

FEMA requires that the recipient maintain the following documentation for federally funded purchases:

- Specifications
- Solicitations
- Competitive quotes or proposals
- Basis for selection decisions
- Purchase orders
- Contracts
- Invoices
- Canceled checks

Recipients should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of purchasing documentation along with copies of cancelled checks for verification.

Recipients who fail to fully document all purchases will find their expenditures questioned and subsequently disallowed.

Specifications

When drafting bid specifications, recipients (excluding states) must ensure that all procurement transactions are conducted in a manner that provides full and open competition consistent with the standards of 2 C.F.R. §§ 200.317 – 326. Pursuant to 2 C.F.R. § 200.319 (a), in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids, or requests for proposals must be excluded from competing for such procurements. Situations considered to be restrictive of competition include but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Pursuant to 2 C.F.R. § 200.319 (b), the recipient (excluding states) must conduct

procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Pursuant to 2 C.F.R. § 200.313 (a)(2), recipients may not encumber equipment procured with SAFER funding.

VII. Payments and Amendments

Payments

SAFER payment/drawdown requests are generated using the eGrants system.

SAFER payment/drawdown requests from state, local, or federally recognized tribal government entities will be governed by applicable federal regulations, including at 2 C.F.R. § 200.305.

Recipients should not expend funds or request drawdowns until all special conditions listed on the grant award document have been met and request for payment in the eGrants system has been approved.

Recipients should draw down funds based upon immediate disbursement requirements; however, FEMA strongly encourages recipients to draw down funds as close to disbursement or expenditure as possible to avoid accruing interest.

Advances

Recipients shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the recipient, and financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200.

Although advance drawdown requests are permissible, recipients remain subject to applicable federal law in effect at the time a grant is awarded to the recipient governing interest requirements, including the *Uniform Administrative Requirements Cost Principles, and Audit Requirements for Federal Awards* at 2 C.F.R. Part 200 and the *Cash Management Improvement Act (CMIA)* and its implementing regulations at 31 C.F.R. Part 205. Interest under CMIA will accrue from the time federal funds are credited to a recipient's account until the time the recipient pays out the funds for program purposes.

Recipients must follow applicable federal regulations governing interest earned on payment advances in effect at the time a grant is awarded to the recipient, including 2

C.F.R. § 200.305. For the rate to use in calculating interest, please visit Treasury Current Value rate at: <http://www.fms.treas.gov/cvfr/index.html>.

Reimbursement

Reimbursement of the recipient is the preferred method of payment under the grant award when the requirements to be paid in advance, pursuant to 2 C.F.R. § 200.305, cannot be met. In accordance with U.S. Department of Treasury regulations at 31 C.F.R. Part 205, if applicable, the recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds.

Rebates

Recipients shall disburse program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments, in accordance with pursuant to 2 C.F.R. § 200.305.

The reduction of federal financial participation via rebates/refunds *may* generate excess funds for the recipient, if the recipient had already obligated their Cost Share match based upon the original award figures. If the recipient had already obligated their original Cost Share *prior* to the rebate, then the recipient may have minimum excess funds equal to the difference between the original Cost Share less the rebate adjusted Cost Share.

Payment Requests During Closeout

For 90 days after the expiration of the period of performance, during an award's closeout reconciliation, a recipient may only submit reimbursement payment requests.

Reimbursement payment requests shall only be for obligations that were obligated and received within the active period of performance of the award. The recipient's request should contain clear and specific information certifying that the liquidation of federal funds is reimbursement for an obligation properly incurred during the active period of performance; FEMA may request documentation supporting the reimbursement for review.

Amendments

SAFER award amendments may be approved, on a case-by-case basis, for the following reasons:

- Extension of the period of performance in order to complete the scope of work under the Recruitment and Retention of Volunteer Firefighters Activity
- Changes to the activity, mission, and retroactive approval [pre-award] under Recruitment and Retention of Volunteer Firefighters Activity
- Closeout issues and some excess funds requests under both the Hiring of Firefighters Activity and Recruitment and Retention of Volunteer Firefighters Activity
- Staffing Maintenance Level Waivers under the Hiring of Firefighters Activity
- Cost over/under run (adding funds to award/non-closeout deobligation* of funds) under both the Hiring of Firefighters Activity and Recruitment and Retention of Volunteer Firefighters Activity

- Economic Hardship Waiver under both the Hiring of Firefighters Activity and Recruitment and Retention of Volunteer Firefighters Activity

Amendments will only be considered when submitted via the online eGrants system. These requests must contain specific and compelling justifications for the requested change.

FEMA strongly encourages the timely expenditure of grant funds by recipients to be consistent with the goals and objectives outlined in the SAFER Grant Program.

NOTE: A recipient may deobligate (return) unused funds (those remaining funds drawn down via payment request and/or remaining award funding that was never requested) to DHS prior to the end of an award's Period of Performance. To exercise this option, a recipient must submit a cost over/under run Amendment via the eGrants system and state in their amendment that the unliquidated funds (funds to be returned) are not necessary for the fulfillment or success of the grant's obligations or mission. The recipient must also indicate that it understands that the returned funds will be deobligated and unavailable for any future award expenses.

Deobligation of funds will decrease the federal portion of the grant and the amount of the recipient's Cost Share obligation. FEMA will confirm deobligation amendments with all points of contact; after confirmation of the recipient's intent to deobligate, FEMA will hold the approved deobligation request for 14 calendar days as a period for recipient reconsideration before processing the deobligation request.

VIII. Disposition of Grant Funded Equipment

A recipient must use, manage, and dispose of SAFER-funded equipment in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200.313. With the exception of State governments, when original or replacement equipment acquired under an SAFER award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the recipient must request disposition instructions from FEMA. A State government recipient must dispose of equipment acquired under a Federal award in accordance with State laws and procedures. FEMA strongly recommends contacting the SAFER Program Office prior to the disposition of SAFER-funded equipment.

IX. Recipient Responsibilities Post Award

SAFER grant recipients must agree to the following:

Recipients must perform all tasks (scope of work) as outlined in the application approved by FEMA within the period of performance, comply with the terms of this NOFO, comply with all the terms and conditions of their grant award, including any special conditions in accordance with the articles of agreement, and comply with all applicable

Federal statutory and regulatory requirements. Recipients that do not fulfill their obligations under their SAFER grant will be considered in default and may be required to return the federal funds disbursed under the grant award.

Recipients under the Hiring of Firefighters Activity who lay off any operational personnel during the three-year period of performance will be considered in default of their grant and the award will be terminated. Recipients may be required to return the federal funds disbursed under the grant award.

Recipients under the Hiring of Firefighters Activity must agree to maintain operational staffing at the level that existed at the time of award and must also retain all SAFER-funded positions throughout the grant's full three-year period of performance unless the grant recipient has been afforded a waiver of this requirement. At the time of award, recipients under the Hiring of Firefighters Activity must submit a current (pre-SAFER) roster listing paid operational/firefighting personnel, in support of NFPA 1710 or NFPA 1720, who are employees at time of award. The program office will work with a recipient to establish the correct staffing maintenance number which combines the number of pre-SAFER and SAFER-funded operational positions. Once this is established, recipients must agree to maintain this number throughout the period of performance by taking active and timely steps to fill any vacancies.

Recipients who are unable (due to documentable economic hardship) to backfill non-SAFER operational positions that are vacated through attrition (e.g. resignation, retirement) after award may petition FEMA for a waiver of staffing maintenance requirements. An approved waiver allows a recipient to decrease and reestablish the staffing maintenance number agreed to at the time of award by the number of positions that a recipient is unable to fill. In order to qualify for this waiver, the economic hardship must affect the entire public safety sector in a recipient's jurisdiction, not only the fire department. Waivers will not be granted for SAFER-funded positions. Recipients who fail to maintain this level of staffing risk losing the federal funds awarded under this grant.

Since the goal of the SAFER grant program is to enhance incident scene safety, the primary assignment (more than 50 percent of time) of all SAFER-funded firefighters must be on an operational fire suppression vehicle, regardless of collateral duties.

Recipients must retain grant files and supporting documentation in a manner consistent with 2 C.F.R. § 200.333 – no less than for three years after submission of the closeout report (see below), and in some cases longer pursuant to 2 C.F.R. § 200.333. FEMA may require access to any pertinent books, documents, papers, or records belonging to a recipient. The DHS Office of Inspector General or the Comptroller General of the United States may also require access to a recipient's books and records. The required documentation for federally-funded purchases should include specifications, solicitations, competitive quotes or proposals, basis for selection decisions, purchase orders or contracts, invoices, and cancelled checks. Recipients who fail to document purchases may find their expenditures will be questioned and disallowed.

Recipients must provide periodic performance reports to FEMA. In all years of the grant's period of performance, for both the Hiring of Firefighters and the Recruitment and Retention of Volunteer Firefighters Activities, recipients must submit quarterly performance reports as well as a final performance report at grant closeout. Payments are requested online using the automated system and payments are based on actual expenses incurred during the period covered by the payment request. Quarterly performance reporting is required even if the recipient has not requested funding within the quarter.

Notwithstanding any provision of other laws, firefighters hired under these grants shall not be discriminated against, or be prohibited from, engaging in volunteer firefighting activities in another jurisdiction during off-duty hours.

FEMA strongly encourages applicants, to the extent practicable, to seek, recruit, and hire military veterans to increase their ranks within their departments.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.3.

Meeting Date: 04/16/2018

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6364

Authorizing Execution of an Agreement with David and Tracey Downtain d/b/a Risen Properties, LLC under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program for Improvements to 328-330 West Lamar Street

Issue:

An agreement with David and Tracey Downtain d/b/a Risen Properties, LLC for a Building Restoration and Improvement Grant for improvements to a historically significant, Central Business District property at 328-330 West Lamar Street

Background:

The City Council has allocated \$50,000.00 of the General Fund revenues for the 2017-2018 fiscal year for a Building Restoration and Improvement Grant Program designed to stimulate substantial, visible, and permanent improvements to historically significant commercial buildings and to spur interest in vacant and underutilized buildings of historical value in the Central Business District. Grants under the program are awarded at the City Council's sole discretion, in the maximum amount of \$25,000.00 per project.

This application is the second received in fiscal year 2018 and the thirteenth received under the program. The project is to restore the historic structure established in approximately 1918 and located at 328-330 West Lamar Street in Downtown Sherman. The project will restore and renovate the interior and exterior of the 8,500 square foot structure. The expected qualified costs for the proposed renovation work are approximately \$132,480.00. The project qualifies for the maximum matching grant of \$25,000.00.

Origination:

Community and Support Services Manager Nate Strauch

Financial Consideration:

Of the originally budgeted \$50,000.00 for FY 2018, \$40,009.00 remains unallocated. A full grant approval of \$25,000.00 would leave \$15,009.00 for the remainder of the fiscal year.

Staff Recommendation:

As the application meets the requirements of the program, it is recommended that the City Council consider an award to David and Tracey Downtain d/b/a Risen Properties, LLC in the amount of \$25,000.00.

Alternatives:

As directed by Council

Attachments

Resolution No. 6364

Agreement

Grant Program Guidelines and Policies

Grant Application

Grant Application - Addendum

Historical Photo/Information

Current Photos and Design Renderings

Aerial Location Map

RESOLUTION NO. 6364

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH DAVID AND TRACEY DOWNTAIN D/B/A RISEN PROPERTIES, LLC UNDER THE CITY OF SHERMAN'S CENTRAL BUSINESS DISTRICT HISTORIC BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM FOR IMPROVEMENTS TO 328-330 WEST LAMAR STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with David and Tracey Downtain d/b/a Risen Properties, LLC for improvements to 328-330 West Lamar Street under the City of Sherman's Central Business District Historic Building Restoration and Improvement Grant Program, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

AGREEMENT

THIS AGREEMENT is made and entered into on this the ____ day of _____, 2018, by and between the City of Sherman, a municipal corporation of the State of Texas, hereinafter referred to as “City”, and David and Tracey Downtain d/b/a Risen Properties, LLC, hereinafter referred to as “Applicant(s).”

WITNESSETH THAT, in consideration of the mutual promises and undertaking herein for the purpose of carrying out the restoration of a downtown property, thereby benefiting both the Applicants and the City;

THEREFORE, the Applicants and the City certify and agree to the terms and conditions as set forth below:

**I.
TERMS OF AGREEMENT**

1. **Ownership and Grant Program.** The Applicants represent and presented documentation that they are the owners of or tenants in good standing of a certain property located at 328-330 West Lamar Street in the City of Sherman, Grayson County, Texas, hereinafter referred to as “Property,” lying within an area where the City is conducting a Central Business District Historic Building Restoration and Improvement Grant Program as described in the Program’s “Guidelines and Policies,” a copy of which has been provided to the Applicants and is attached hereto as Exhibit “A” and made a part of this Agreement for all purposes, a copy of which has been provided to the Applicants.
2. **Property Description and Eligibility.** The Property is of commercial, retail, service, professional and/or office use, and Applicants’ proposed improvements to the Property listed in the Central Business District Historic Building Restoration and Improvement Grant Program Application are eligible improvements as described in the Program’s Guidelines and Policies. Applicants state that all of the information contained in the application is truthful and discloses sufficient information so as not to be misleading. The submitted application is attached hereto as Exhibit “B” and incorporated into this Agreement for all purposes.
3. **Compliance with Codes.** All improvements to be undertaken will be consistent with all applicable Zoning and Building Codes.

4. **City Approval for Work.** Only the work that is agreed to by the City and the Applicants, which will be outlined in a formal written notice to proceed to be provided to the Applicants by the City upon Application approval, will be eligible for reimbursement. Any changes to the project that are not approved by the City in writing will not be eligible for reimbursement. Any work that is begun by the Applicants prior to receiving a written notice to proceed from the City will not be eligible for reimbursement.
5. **Rebate/Reimbursement.** The City will rebate a portion of the cost of eligible building improvements as described in the Program Guidelines. Reimbursement claims for all eligible expenses for completed improvements must be accompanied by the following supporting documents: applicable planning and building permits, canceled checks and paid invoices/receipts for eligible work.
6. **Lien.** Upon completion of the work, the City shall record a conditional lien on the property in the full amount of the City's monetary grant to Applicants and the Applicants consent to such lien. The lien shall remain in effect until the terms and conditions in Exhibit "A" have been fully complied with or the lien in favor of the City has been paid in full.
7. **Display of Sign.** After the work has been completed, Applicants shall display a sign or banner (provided by the City) indicating participation in the Central Business District Historic Building Restoration and Improvement Grant Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.
8. **City Access to Building.** Applicants agree to allow the City or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Central Business District Historic Building Restoration and Improvement Grant Program work.
9. **Work Payment and Personnel.** In accordance with the terms of this Agreement, the Applicants shall hire all personnel and pay for all labor, materials, tools, transportation, services, City licenses and permits necessary to perform or cause to have performed, and all work as specified in the Application. Applicants are aware of Labor Code Section 3700, which requires worker's compensation insurance or self insurance for employees.
10. **Time Period for Work.** Upon the signing of this Agreement, the Applicants shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within ninety (90) days of the approval date of the building permit and be completed within twelve (12) months thereafter. Extensions, if warranted, may be granted at the discretion of the City. No change to work without the written consent of both the City and Applicants will be permitted.
11. **Notice and Compliance with Laws.** The Applicants shall give all notices required and comply with all applicable laws, ordinances and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.

12. **No City Liability.** Applicants understand and agree that the City and their officers, agents, and employees, shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements.
13. **Proper Use of Hotel/Motel Tax Revenues.** Applicants acknowledge that they are aware that the money being provided to them through this agreement comes from the City's Hotel/Motel Tax revenues; and Applicants further acknowledge and agree that they have independently determined that the project contemplated by this agreement and the submitted application complies with the State law regarding the use and application of such money, as set forth in the Texas Tax Code at Chapter 351, Section 351.101 and, in particular, that the project will enhance and promote tourism by attracting visitors from outside the City and the project will enhance the historical restoration, rehabilitation, or preservation of a historic structure. Applicants further acknowledge and agree that, if the project is determined at any time not to comply with Chapter 351 of the Texas Tax Code, any and all money acquired from the City by Applicants for this project shall be immediately and fully reimbursed to the City.

II. GENERAL TERMS

Assignment of Agreement

No assignment by a party hereto of any rights under or interests in the Agreement will be binding on another party hereto without the written consent of the party sought to be bound and, unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

INDEMNIFICATION

Applicants shall indemnify, release, defend and hold City, their officers, employees and agents, harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants, their employees and agents from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or willful misconduct of City, their officers, employees or agents.

Successors and Assigns

City and Applicants each bind themselves, their partners, successors, assigns, and legal representatives to the other parties hereto, their partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in this Agreement.

Severability and Conflict

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

Captions

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

Choice of Law: Venue

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

Binding Authority

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

Entire Agreement

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Agreement.

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

EXECUTED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS:

APPLICANTS:

**DAVID AND TRACEY DOWNTAIN
D/B/A RISEN PROPERTIES, LLC**

By: _____
Robby Hefton, City Manager

By: _____
Name: David Downtain
Title: Property Owner

ATTEST:

By: _____
Linda Ashby, City Clerk

By: _____
Name: Tracey Downtain
Title: Property Owner

Address: P. O. Box 3062
Sherman, Texas 75091
Phone: 972.832.8011

**APPROVED AS TO FORM
AND CONTENT:**

By: _____
Brandon S. Shelby, City Attorney



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

GUIDELINES AND POLICIES

The Building Restoration and Improvement Grant Program is designed to stimulate improvements to existing historically significant buildings in the Central Business District of the City of Sherman, Texas, to promote tourism, to enhance the physical appearance and economic vitality of downtown Sherman, and to promote joint public/private investment to complement ongoing historical revitalization efforts.

Program Objectives and Available Assistance

- To make positive, high-impact visual improvements to historically significant commercial buildings by providing an overall enhanced image for downtown Sherman, thereby attracting visitors to shop, dine, and do business in the Central Business District
- To provide a maximum of \$25,000.00 per project as a matching monetary incentive, a grant packaged as a forgivable loan with a conditional lien placed on the subject property, to the owners of historically significant commercial properties in the Central Business District for high-quality improvements to their properties
- In all cases, for every \$4.00 the applicant invests in the renovation or improvement of the subject property, the City will reimburse \$1.00 of qualified expenditures, up to the maximum grant authorized by the City Council not to exceed \$25,000.00 per project

Eligibility Requirements

- Assistance under this program will be considered subject to the availability of funding.
- Historic buildings within the downtown improvement area (map attached) that are of a commercial, retail, service, or professional use are eligible to participate in the program.
- For mixed-use historic buildings, only the portion of the building that is commercial, retail, service, or professional is eligible.
- The building to be improved must have historical significance either from an architectural point of view or a historical use or event that would tend to attract tourists to the buildings location.

Minimum Guidelines

- Buildings improved with funds from this program must remain open, operative, and free of graffiti and blight for a period of five (5) years from the date of agreement and until the lien is released.
- Tax payments for the subject property shall be up-to-date at the time of application and kept current throughout the five-year grant period.
- Outstanding work orders for the City's Developmental Services Department and/or the City's Fire Department and requests to comply therewith must be addressed prior to grant approval. Any noncompliance or outstanding violations will disqualify the applicant.

- **Grants will be approved at the sole discretion of the City.**
- To be accepted into the program, projects must make a substantial visible improvement to the appearance of the building, at the discretion of City staff. Repainting a building its same colors is considered maintenance, not an improvement.
- Building improvements should maintain the character of the downtown area; and the design drawings must be approved by the City in order to access funding for improvement.
- Improvements to be undertaken shall conform to the City's Codes and any other policies and regulations applying to the subject property.
- **Retroactive applications will not be accepted.** Applicants must consult with City staff before work begins to define a project scope.
- Program funds shall be made available only to projects that enhance and are sensitive to the historical nature of the structure.
- For properties with multiple storefronts, it is recommended that the façade treatment provide a cohesive theme while also allowing for some distinctive design elements to the various businesses, such as signage, exposing transom windows, lighting, flower boxes, murals, etc., to provide better street visibility and promote economic development downtown.
- For corner buildings fronting more than one street, improvements must be made to each frontage if determined necessary by City staff.

Application Prioritization

Funding is limited, and project applications will be prioritized on a first-come, first-served basis.

Eligible Improvements

Eligible improvements must be permanent in nature as determined exclusively by the City of Sherman. All improvements must be consistent with the City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws. Eligible costs include the cost of materials, equipment, and contracted labor to complete eligible improvements, including, but not limited to, the following:

- New commercial or mixed-use construction
- Commercial code compliance renovations
- Permanent commercial interior remodeling improvements
- Permanent commercial site (exterior) improvements
- Compliance with Americans with Disabilities Act (ADA) for commercial properties
- Work necessary to bring the structure up to life-safety code standards
- Installation, repair, and replacement of exit (exterior) doors and hardware
- Repair, replacement, or addition of exterior shutters and awnings/canopies
- Repair, replacement or purchase of signs (when performed as part of an overall façade improvement)
- Repair and replacement or installation of interior and exterior stairs, porches, railings, and exit facilities
- Repair and rebuilding of interior and exterior walls, including cleaning, sealing, tuck pointing and painting
- Repair or replacement of frames, sills, glazing, replacement of glass and installation of new windows
- Installation of permanently affixed landscaping, such as stone or brick planters

- Installation, repair, or replacement of exterior lighting
- Mechanical, including rewiring, replumbing, insulation, mechanical systems/climate control

The City will prioritize projects. Consideration will be given to (1) threats to the survival of the structure, (2) importance of the structure to the overall goals of the program, (3) structural integrity and condition, and (4) cost effectiveness of the proposed work. In determining the grant amount, the City will also consider the time required to complete the project. Applicants are requested to limit their requests to projects that can be completed in a twelve (12) month period.

Ineligible Improvements

- No structural addition that would enlarge the residential (livable) space of the project is to be financed with these funds – nor an area not originally a livable space made livable.
- Residential structures
- Real estate or building purchases
- Furnishings and equipment purchases
- Working capital
- Inventory financing
- Title reports and legal fees
- Professional fees such as architects, engineers, and solicitors
- Labor provided by the Applicant or tenant of the building
- Extermination of insects, rodents, vermin and other pests
- Improvements that do not comply with City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws
- Expenses incurred prior to grant application approval. Improvements cannot be undertaken before grant application approval.

Property Lien

Once the work is completed, the City will record a conditional lien on the property to ensure that the property improved with funds from this program remains open, operative, and free of graffiti and blight for a period of five (5) years from the date of agreement. If the Applicant fails to maintain the funded improvements for the entire five-year period, the City will recover its costs through the lien. If the Applicant satisfactorily fulfills the program requirements, the lien will be released at the end of five (5) years from the date of agreement.

Application Process

Program Application and Agreement forms are available in the City Manager's Office in the Sherman City Hall, 220 West Mulberry Street, Sherman, Texas 75091-1106, telephone (903) 892-7201. The application process is as follows:

- After reviewing the program guidelines, the Applicant will meet with City staff to discuss the desired work to be undertaken. If the proposed work is within the program guidelines, as determined exclusively by City staff, a completed application is submitted to the City. Written bids, sketches, color samples, and material supplies should be included.

- The Applicant is responsible for submitting plans and specifications to the City and obtaining all required planning and building permits, and any other applicable approvals, with the assistance of City staff.
- The Sherman City Council will consider the recommendations made by the City staff and will make its decision in a public meeting. The Council's decision will be made by adopting a resolution, which will authorize the City Manager to enter into a grant agreement with the Applicant.
- With the Council's authorization, the City Manager will cause the necessary documents to be drawn up and will sign the grant agreement.
- Upon approval, the City will send a "Notice to Proceed" to the Applicant. The Applicant may proceed with the planned building improvements pursuant to the approved design and issued permits. All payments for the work should be made by the Applicant and supported by clearly defined invoices outlining eligible work. Work shall commence within ninety (90) days of the approval date of the building permits. Extensions may be granted solely at the discretion of City staff.
- City staff will monitor the ongoing progress during construction to ensure that the work is performed according to the approved application and plans. No changes to work shall be made without the written consent of both the Applicant and the City. Approved "Change in Work" forms will be attached to the original application, dated and signed by the City Manager.
- Deviations from approved plans and specifications may disqualify the Applicant from this grant program.
- Once the work is completed, the City will record a conditional lien, good for five (5) years, on the subject property to be released upon completion of the program requirements.
- Funds will be disbursed upon completion of the project. City staff will conduct a final inspection before the grant funds will be disbursed to the Applicant. A Certificate of Approval will be issued to the Applicant.
- Reimbursement claims for all eligible expenses must be submitted with the following supporting documents.
 - A completed Rebate Claim form supplied by the City of Sherman
 - Any applicable planning and building permits
 - Cancelled checks and paid invoices/receipts for eligible work

After final approval of the improvements, the rebate reimbursement will be processed. Allow thirty (30) days for receipt of the rebate check.

- After the work is completed, Applicant shall display a sign or banner (provided by the City) indicating participation in the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program. The sign or banner shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.

Loan Applications

The loan application requires:

- Information summarizing the project, including complete construction plans and specifications

- The project cost and the amount of other dollars being brought to the project
- Preliminary commitment of private funds
- Specific uses of all funds
- Current financial and/or profit and loss statements
- Amount of grant requested and proposed term being requested
- Current lien/title report on the subject property

All applications must be made on forms provided by the City of Sherman. For further information, please contact:

Robby Hefton
City Manager
City of Sherman

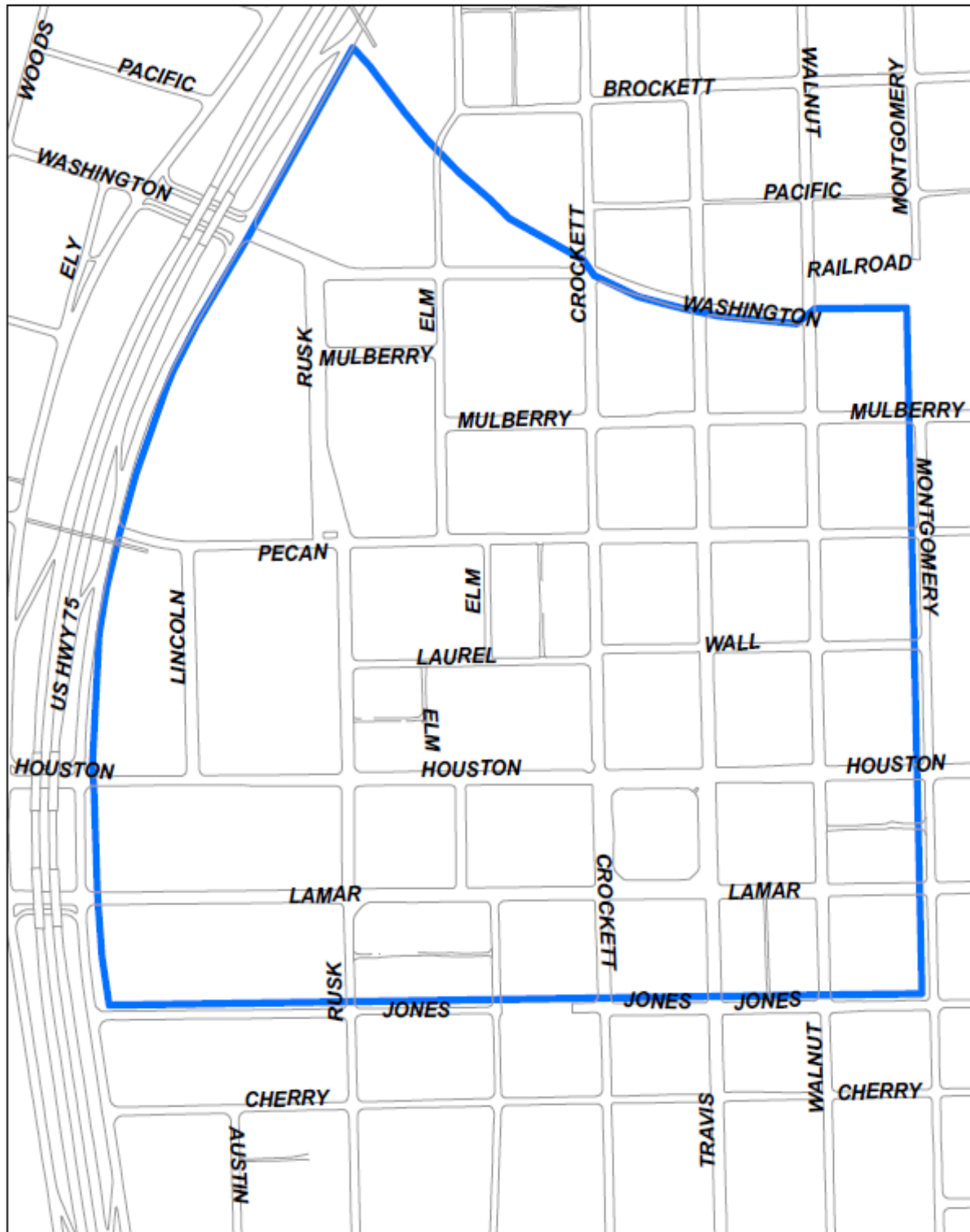
Scott Shadden
Developmental Services Director
City of Sherman

Physical Address:
Sherman City Hall, City Manager's Office
220 West Mulberry Street
Sherman, Texas 75090
or
Mailing Address:
P. O. Box 1106
Sherman, Texas 75091-1106

Physical Address:
Sherman City Hall, Building Inspection
220 West Mulberry Street
Sherman, Texas 75090
or
Mailing Address:
P. O. Box 1106
Sherman, Texas 75091-1106

Telephone: (903) 892-7201
Facsimile: (903) 892-7355
E-Mail: robbyh@ci.sherman.tx.us

Telephone: (903) 892-7333
Facsimile: (903) 892-7274
E-Mail: scotts@ci.sherman.tx.us



Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090

Central Business District





**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Submission Requirements

It is strongly recommended that all Applicants carefully review the “City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program Guidelines and Policies” prior to completing an application.

It is also recommended that Applicants discuss their proposed improvements and any questions regarding the submission requirements with the Developmental Services Department and the City Manager’s Office prior to completing the application form.

Please ensure that the following items have been included in your submission. Failure to provide the necessary documentation will delay the processing of your application.

Application Checklist:

- ☐ Copy of deed included
- ☐ Copy of mortgage (if applicable) included
- ☐ Description of proposed improvements – designs/drawings attached
- ☐ Pictures attached
- ☐ Estimate of costs/quotes or other details
- ☐ Signature of owner/authorized agent
- ☐ Application complete
- ☐ Are improvements in compliance with the City of Sherman Master Plan, Zoning Ordinance, Building Regulations, and other applicable laws?
- ☐ All material, pictures, drawings, newspaper articles, original deeds, etc. that will help identify the building as a historically significant structure through architectural design, building use or events that have taken place in or around it.
- ☐ Architectural and elevation renderings.



CITY OF SHERMAN
City Manager's Office
220 West Mulberry Street
Sherman, Texas 75090
Tele: (903) 892-7201 Fax: (903) 892-7355

FOR OFFICE USE ONLY	
File # _____	
Assessment Role Number _____	Assessed Property Value _____
Property Address _____	

Date Application Received _____	Date Application Completed _____

**CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Application

The information requested below will be used to process your application under the terms and conditions of the City of Sherman's Historic Building Restoration and Improvement Grant (Forgivable Loan) Program.

I. Applicant Information

1. Applicant(s) name: _____
Mailing address: _____
City: _____ State: _____ Zip: _____
2. Applicant's daytime telephone number: _____
Cell # (____) _____ Facsimile # (____) _____
E-mail address: _____
3. Status of applicant (please check one)
☐ Property owner with vacant facility
☐ Property owner with tenant business
☐ Property owner/operator of existing business on property
☐ Property tenant with property owner consent
4. Owner of property is a/an (please check one)
☐ Individual
☐ Partnership (attach copy of Partnership Agreement)
☐ Corporation/profit (attach copy of Articles of Incorporation)
☐ Corporation/nonprofit (attach list of officers and directors)
☐ Trust (attach copy of Trust Agreement)
☐ Other
5. Length of ownership: _____
Date purchased: _____

II. Property Information

1. Address of property to be improved:

2. Legal description of subject property:

3. Tax Assessor Parcel Number(s):

4. Year built:_____ Square footage:_____
5. Is this a National Register building? Yes___ No___ (check one)
Is this a building of known historical significance? Yes___ No___ (check one)
6. What are the current types of businesses occupying the building?

7. Name and phone number of tenant(s), if applicable:_____

(Attach additional names/numbers, if needed)
8. Use of building after construction:_____

9. Number of parking spaces provided:_____ Proposed:_____ Total:_____
10. Current zoning:_____
11. Is a zoning amendment required? Yes___ No___ (check one)
12. Attach architectural and elevation renderings.

III. Project Description

1. Description of Proposed Improvements. Please provide a detailed description of your proposed improvements. Attach a copy of your architectural or design plans. Identify the materials to be used, such as the type of paint or stain (i.e., exterior latex, color, etc.). Include details of new signs or awnings, etc. Provide color photos of the subject property and those adjacent prior to and after the improvements are made.

Please note: Applicants should carefully review the “City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program Guidelines and Policies”, and discuss all proposed improvements with the City of Sherman’s Developmental Services Department prior to completing this application. It is also

recommended that Applicants discuss their proposed improvements and any questions regarding the submission requirements with the Developmental Services Department and the City Manager's Office prior to completing the application form.

Description: _____

☐ **Designs Attached**

☐ **Before Picture(s) Attached**

2. How many jobs will be **retained** once the project is completed? _____
_____ Full-time positions _____ Part-time positions
3. How many **new positions** will result from this project? _____
_____ Full-time positions _____ Part-time positions

IV. Work Estimates

Please attach two (2) independent contractor estimates for each component of the proposed improvement. Please note that grant/forgivable loan funding shall be based on the lowest bid. Eligible costs shall be the cost of materials, equipment, and contracted labor to complete eligible improvements. Professional fees such as architects, engineers, and solicitors are not eligible costs. Labor provided by the Applicant or tenant of the building is not an eligible cost.

1. Name/Company and Phone Number of Preferred Contractor:

Amount: _____
2. Name/Company and Phone Number of Second Contractor:

Amount: _____
3. Additional Estimates/Comments: (Please attach additional quotes, as required)

4. Total estimated costs of your improvements: _____

5. Estimated completion date for your improvements? _____

V. Historic Significance

The City's Program for improving the historic buildings of downtown Sherman is being funded through the City's Hotel/Motel Tax revenues, which require that this money may be spent only on historic buildings that would tend to attract tourists. Many factors may indicate a building's historic significance such as age, architectural design, building use, events or significant people. Some of this may be proved through deeds, pictures, books, newspaper articles and the like. Attach to this application all matters that would prove your claim that this is a historic building.

VI. Signature of Owner/Authorized Agent – Affidavit or Sworn Declaration

I/We, _____, of the City of Sherman, County of Grayson, State of Texas, make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

I/We hereby authorize inspections of my/our property to be improved.

I/We acknowledge that any work carried out prior to written confirmation of grant approval may not be eligible.

I/We acknowledge receiving, understanding, and accepting the terms and conditions of the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program.

Sworn to (or declared before me), _____, a Notary Public in and for the State of Texas, on this the _____ day of _____, 20____.

Applicant

Co-Applicant

Property Owner (if different from Applicant)

Notary Public, State of Texas
My Commission Expires: _____

VII. Consent of the Owner to the Use and Disclosure of Personal Information

I/We, _____,
am the owner of the land that is the subject of this Application and, for the purposes of the
Freedom of Information and Protection of Privacy Act, I/we authorize and consent to the use by
or the disclosure to any person or public body of any personal information that is collected under
the authority of the _____ for the purposes of processing this application.

Date

Signature of Owner(s)

VIII. Authorization for Agent *(complete only if Applicant is not the registered Owner)*

I/We, _____,
the Owner(s) of the subject property, have reviewed and understand the guidelines and policies
for the City of Sherman Central Business District Historic Building Restoration and Improvement
Grant Program, including the requirement of a conditional property lien, and hereby authorize
_____ (Agent) to act on my/our behalf with respect to the
application.

Date

Signature of Owner(s)

Note: Information provided in this application will become part of a public record.

FOR OFFICE USE ONLY (Entire Page)

	Staff Initials	Comments
Ownership Confirmed	_____	_____
Property Taxes Paid in Full	_____	_____
Work Order Search (Building)	_____	_____
Fire Code Conformity	_____	_____
Master Plan Conformity	_____	_____
Zoning Conformity	_____	_____
Building Regulations Conformity	_____	_____
Copy of Deed Attached	_____	_____
Copy of Mortgage Attached	_____	_____
Proof of Historical Significance	_____	_____
Architectural Renderings	_____	_____
Elevation Renderings	_____	_____



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

AGREEMENT

THIS AGREEMENT is made and entered into on this the _____ day of _____, 20____, by and between the City of Sherman, a municipal corporation of the State of Texas, hereinafter referred to as “City”, and _____, hereinafter referred to as “Applicants.”

WITNESSETH THAT, in consideration of the mutual promises and undertaking herein for the purpose of carrying out the restoration of a downtown property, thereby benefiting both the Applicants and the City;

THEREFORE, the Applicants and the City certify and agree to the terms and conditions as set forth below:

**I.
TERMS OF AGREEMENT**

1. **Ownership and Grant Program.** The Applicants represent and presented documentation that they are the owners of or tenants in good standing of a certain property located at _____ in the City of Sherman, Grayson County, Texas, hereinafter referred to as “Property,” lying within an area where the City is conducting a Central Business District Historic Building Restoration and Improvement Grant Program as described in the Program’s “Guidelines and Policies,” a copy of which has been provided to the Applicants and is attached hereto as Exhibit “A” and made a part of this Agreement for all purposes, a copy of which has been provided to the Applicants.
2. **Property Description and Eligibility.** The Property is of commercial, retail, service, professional and/or office use, and Applicants’ proposed improvements to the Property listed in the Central Business District Historic Building Restoration and Improvement Grant Program Application are eligible improvements as described in the Program’s Guidelines and Policies. Applicants state that all of the information contained in the application is truthful and discloses sufficient information so as not to be misleading. The submitted application is attached hereto as Exhibit “B” and incorporated into this Agreement for all purposes.
3. **Compliance with Codes.** All improvements to be undertaken will be consistent with all applicable Zoning and Building Codes.
4. **City Approval for Work.** Only the work that is agreed to by the City and the Applicants, which will be outlined in a formal written notice to proceed to be provided to the Applicants by the City upon Application approval, will be eligible for reimbursement. Any changes to the project that are not approved by the City in writing will not be eligible for reimbursement. Any work that is

begun by the Applicants prior to receiving a written notice to proceed from the City will not be eligible for reimbursement.

5. **Rebate/Reimbursement.** The City will rebate a portion of the cost of eligible building improvements as described in the Program Guidelines. Reimbursement claims for all eligible expenses for completed improvements must be accompanied by the following supporting documents: applicable planning and building permits, canceled checks and paid invoices/receipts for eligible work.
6. **Lien.** Upon completion of the work, the City shall record a conditional lien on the property in the full amount of the City's monetary grant to Applicants and the Applicants consent to such lien. The lien shall remain in effect until the terms and conditions in Exhibit "A" have been fully complied with or the lien in favor of the City has been paid in full.
7. **Display of Sign.** After the work has been completed, Applicants shall display a sign or banner (provided by the City) indicating participation in the Central Business District Historic Building Restoration and Improvement Grant Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.
8. **City Access to Building.** Applicants agree to allow the City or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Central Business District Historic Building Restoration and Improvement Grant Program work.
9. **Work Payment and Personnel.** In accordance with the terms of this Agreement, the Applicants shall hire all personnel and pay for all labor, materials, tools, transportation, services, City licenses and permits necessary to perform or cause to have performed, and all work as specified in the Application. Applicants are aware of Labor Code Section 3700, which requires worker's compensation insurance or self insurance for employees.
10. **Time Period for Work.** Upon the signing of this Agreement, the Applicants shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within sixty (60) days of the approval date of the building permit and be completed within twelve (12) months thereafter. Extensions, if warranted, may be granted at the discretion of the City. No change to work without the written consent of both the City and Applicants will be permitted.
11. **Notice and Compliance with Laws.** The Applicants shall give all notices required and comply with all applicable laws, ordinances and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.
12. **No City Liability.** Applicants understand and agree that the City and their officers, agents, and employees, shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements.
13. **Proper Use of Hotel/Motel Tax Revenues.** Applicants acknowledge that they are aware that the money being provided to them through this agreement comes from the City's Hotel/Motel Tax revenues; and Applicants further acknowledge and agree that they have independently determined that the project contemplated by this agreement and the submitted application complies with the State law regarding the use and application of such money, as set forth in the Texas Tax Code at Chapter 351, Section 351.101 and, in particular, that the project will enhance and promote tourism by attracting visitors from outside the City and the project will enhance the

historical restoration, rehabilitation, or preservation of a historic structure. Applicants further acknowledge and agree that, if the project is determined at any time not to comply with Chapter 351 of the Texas Tax Code, any and all money acquired from the City by Applicants for this project shall be immediately and fully reimbursed to the City.

II. GENERAL TERMS

Assignment of Agreement

No assignment by a party hereto of any rights under or interests in the Agreement will be binding on another party hereto without the written consent of the party sought to be bound and, unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

INDEMNIFICATION

Applicants shall indemnify, release, defend and hold City, their officers, employees and agents, harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants, their employees and agents from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or willful misconduct of City, their officers, employees or agents.

Successors and Assigns

City and Applicants each bind themselves, their partners, successors, assigns, and legal representatives to the other parties hereto, their partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in this Agreement.

Severability and Conflict

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

Captions

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

Choice of Law: Venue

This Agreement, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This Agreement is wholly performable in Grayson County, Texas.

Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas, Sherman Division.

Binding Authority

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

Entire Agreement

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Agreement.

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

EXECUTED on this the _____ day of _____, 2____.

CITY OF SHERMAN, TEXAS:

APPLICANTS:

By: _____
Robby Hefton, City Manager

By: _____
Name: _____
Address: _____

Phone: _____

By: _____
Name: _____
Address: _____

Phone: _____

**APPROVED AS TO FORM
AND CONTENT:**

By: _____
**Brandon S. Shelby,
City Attorney**



**CITY OF SHERMAN
CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM**

Rebate Claim Form

Program Participant(s): _____

Project Address: _____

Interior Improvements:

Type:	\$
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Sub-Total	_____

Exterior Improvements:

Type:	\$
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Sub-Total	_____

Total Rebate Amount (per Program Guidelines): \$ _____

I/We hereby make a formal claim for reimbursement of the above-indicated expenses incurred in improving the interior and exterior of the subject property under the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program. I/We certify that the expenses incurred are as listed and have attached invoices marked “paid” and copies of cancelled checks in support of the claim.

Date: _____

Applicant

Applicant



CITY OF SHERMAN
City Manager's Office
220 West Mulberry Street
Sherman, Texas 75090
Tele: (903) 892-7201 Fax: (903) 892-7355

FOR OFFICE USE ONLY

File # _____	
Assessment Role Number _____	Assessed Property Value _____
Property Address _____	
Date Application Received _____	
Date Application Completed _____	

CENTRAL BUSINESS DISTRICT HISTORIC
BUILDING RESTORATION AND IMPROVEMENT GRANT PROGRAM

Application

The information requested below will be used to process your application under the terms and conditions of the City of Sherman's Historic Building Restoration and Improvement Grant (Forgivable Loan) Program.

I. Applicant Information

1. Applicant(s) name: David & Tracey Downtain/Risen Properties, LLC
Mailing address: P.O. Box 3062
City: Sherman State: TX Zip: 75091
2. Applicant's daytime telephone number: 972-832-8011
Cell # (972) 832-8011 Facsimile # ()
E-mail address: ddowntain@risenproperties.com
3. Status of applicant (please check one)
☐ Property owner with vacant facility
☒ Property owner with tenant business
☐ Property owner/operator of existing business on property
☐ Property tenant with property owner consent
4. Owner of property is a/an (please check one)
☐ Individual
☒ Partnership (attach copy of Partnership Agreement)
☐ Corporation/profit (attach copy of Articles of Incorporation)
☐ Corporation/nonprofit (attach list of officers and directors)
☐ Trust (attach copy of Trust Agreement)
☐ Other

of ownership: 2 1/2 years
Acquired: 12/02/2016

II. Property Information

1. Address of property to be improved:
328-330 W. Lamar, Sherman TX 75090
2. Legal description of subject property:
LOVING A R ADDN, BLOCK 1, LOT PT 15, 69X104(C) 7176 SF
3. Tax Assessor Parcel Number(s):
163590
4. Year built: 1918-1938 Square footage: 8,472
5. Is this a National Register building? Yes___ No X (check one)
Is this a building of known historical significance? Yes X No___ (check one)
6. What are the current types of businesses occupying the building?
IT Professional Services
Health & Fitness
Bail Bonds
7. Name and phone number of tenant(s), if applicable: RIT Group, LLC (469) 844-1748
Liberty Bail Bonds (903) 893-2200 To Be announced
(Attach additional names/numbers, if needed)
8. Use of building after construction: Mixed-Use Retail/Office/Loft Apartments
9. Number of parking spaces provided: 8 Proposed: 12 Total: 12
10. Current zoning: Mixed-Use Central Business District
11. Is a zoning amendment required? Yes___ No X (check one)
12. Attach architectural and elevation renderings.

III. Project Description

1. Description of Proposed Improvements. Please provide a detailed description of your proposed improvements. Attach a copy of your architectural or design plans. Identify the materials to be used, such as the type of paint or stain (i.e., exterior latex, color, etc.). Include details of new signs or awnings, etc. Provide color photos of the subject property and those adjacent prior to and after the improvements are made.

Please note: Applicants should carefully review the "City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program Guidelines and Policies", and discuss all proposed improvements with the City of Sherman's Developmental Services Department prior to completing this application. It is also

recommended that Applicants discuss their proposed improvements and any questions regarding the submission requirements with the Developmental Services Department and the City Manager's Office prior to completing the application form.

Description: Structural, Infrastructure (Utility), Safety, Mechanical & Fire Suppression
Upgrades, Permanent Interior and Exterior Improvements Including Doors,
Windows, Awnings, Stairs, Signage, Lighting, Planters. See Attached

☒ **Designs Attached**

☒ **Before Picture(s) Attached**

2. How many jobs will be **retained** once the project is completed?
12 Full-time positions Part-time positions
3. How many **new positions** will result from this project? 4-5 Possible
Unknown Full-time positions Part-time positions

IV. Work Estimates

Please attach two (2) independent contractor estimates for each component of the proposed improvement. Please note that grant/forgivable loan funding shall be based on the lowest bid. Eligible costs shall be the cost of materials, equipment, and contracted labor to complete eligible improvements. Professional fees such as architects, engineers, and solicitors are not eligible costs. Labor provided by the Applicant or tenant of the building is not an eligible cost.

1. Name/Company and Phone Number of Preferred Contractor:
Risen Properties, LLC 972-832-8011

Amount: \$132,840.00
2. Name/Company and Phone Number of Second Contractor:
Ahavah Partners, Inc (214) 702-1780

Amount: \$143,000.00
3. Additional Estimates/Comments: (Please attach additional quotes, as required)
See Attached

4. Total estimated costs of your improvements: \$135,000

5. Estimated completion date for your improvements? 12/20/2019

V. Historic Significance

The City's Program for improving the historic buildings of downtown Sherman is being funded through the City's Hotel/Motel Tax revenues, which require that this money may be spent only on historic buildings that would tend to attract tourists. Many factors may indicate a building's historic significance such as age, architectural design, building use, events or significant people. Some of this may be proved through deeds, pictures, books, newspaper articles and the like. Attach to this application all matters that would prove your claim that this is a historic building.

VI. Signature of Owner/Authorized Agent – Affidavit or Sworn Declaration

I/We, David G. Downtain, of the City of Sherman, County of Grayson, State of Texas, make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

I/We hereby authorize inspections of my/our property to be improved.

I/We acknowledge that any work carried out prior to written confirmation of grant approval may not be eligible.

I/We acknowledge receiving, understanding, and accepting the terms and conditions of the City of Sherman Central Business District Historic Building Restoration and Improvement Grant Program.

Sworn to (or declared before me), _____, a Notary Public in and for the State of Texas, on this the _____ day of _____, 20____.

Applicant

Co-Applicant

Risen Properties, LLC
Property Owner (if different from Applicant)

Notary Public, State of Texas
My Commission Expires: _____

The Porterfield Building

(328-330 W. Lamar, Sherman, TX 75090)

Property Address and Background Information

The Porterfield building is in the Central Business District located on the southwest corner of Lamar and Rusk street, across from the old Steam Laundry Building. The 8,472 sf 2-story century old brick building was built in 1918 and continues to operate today. Currently the building needs upgrades to ensure the preservation and longevity of one of Sherman's longstanding historic structures. The Porterfield Building is a multi-tenant mixed structure within the designated boundaries of the downtown improvement area, and its unique location sets this building as a "gateway" from Highway 75 to Sherman's downtown area.

J.D. and Addie Porterfield built the building for operation of the Porterfield Candy Company. The building was originally comprised of about 5,100 sf with a 3,375 sf addition added around 1938. The west end of the building was constructed at an angle because of the Interurban Railroad tracks that wrapped along the intersection along the front side of the building. See attached picture of the property, Exhibit 1, circa mid-1930.

The Porterfield Building was later utilized as a sewing factory, producing consumer products from textiles manufactured by Sherman Manufacturing Company, more recently known as Burlington Industries. A variety of uses continued over the late 20th Century to the present day that include the Grayson County Democratic headquarters, Young Life, several salons, dancewear retail & jazzercise, technology companies, a music store and bail bonds.

Current Planned Project and Improvements

Today the Porterfield building has 3 tenants operating within it. There is 2,580 sf of vacant space on the 2nd floor that will need improvements to reclaim the unusable portion of the building. Permanent interior renovations will be done to a significant portion of the building to bring the structural, plumbing, electrical, and mechanical systems into compliance with current codes and safety standards while also adding a fire suppression system. Additional permanent improvements are planned for the exterior of the property including a major utility service upgrade, parking, and an exterior face lift with awnings, door and window replacement, signage, planter boxes, lighting, balconies and stairs. The completed project will provide a viable mixed-use tenant base for decades into the future within Sherman's revitalized Central Business District.

Additional Details

Risen Properties presently owns the property and is seeking to align with the City of Sherman's current objectives to enhance the physical appearance and economic vitality of downtown Sherman. A portion of the funds earmarked for the CBD Historic Building Restoration and Improvement Grant Program could help achieve the intended public/private investment initiative to revitalize the district.

A portion of the building will include additional improvements to build Loft Apartments that will provide housing for residents within the downtown urban area. The cost of these specific improvements *are not* included within this grant request and will be paid for exclusively through private funding. The total improvements to this property, including the lofts, is presently budgeted in excess of \$200,000.00. Exhibits are included within the application for estimates, plans and renderings.

Estimated & Projected Project Costs

Utility Infrastructure Upgrades

Primary Electrical Service	19,400
Primary Water and Sewer Service Upgrade	11,500
Primary GAS Update/Meters	4,100

Interior Electrical and Plumbing Upgrades

Electrical Panels and Re-Wire	10,200
DWV Main Replacement	

HVAC Upgrade

Gas Furnace & A/C Replacement-Update	14,200
--------------------------------------	--------

Fire Suppression System

5,550 sf 13-R/D Fire Suppression System with BF & Supply	16,300
--	--------

Exterior Windows & Doors

Window Replacement w/ Interior Trim - North Elevation	
(28)	
Units	650 15,600

Structural

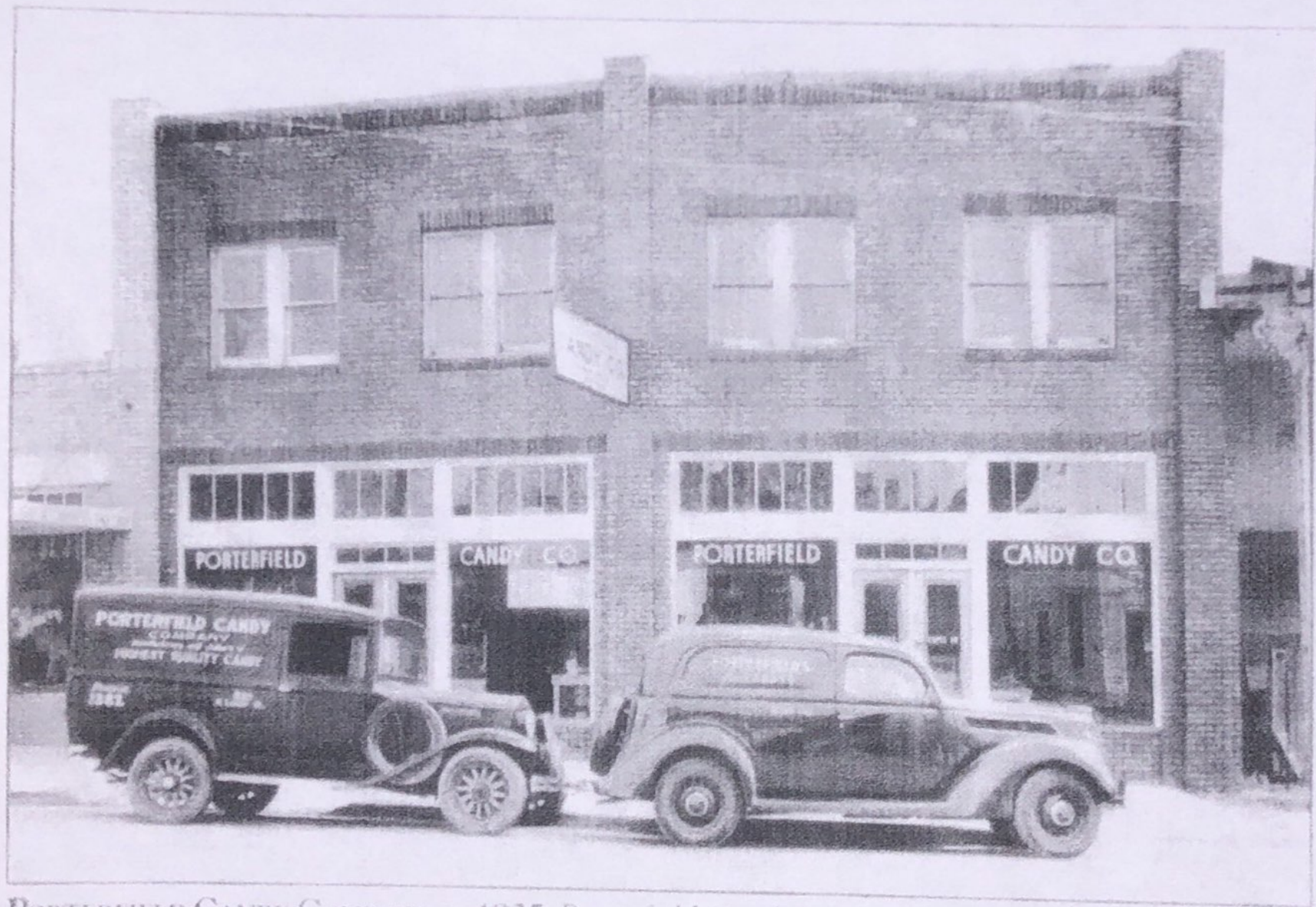
2540 sf 2nd Story Floor Engineered Joist Repair/Replace	4,800
2nd Story Sub-Floor	3,100
2nd Story Fire-Proof Barrier	2,600
Interior Staircase	1,900

Exterior Awnings and Façade Update

(4) 1st Floor Black Awnings	620 2,480
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Fire Escape - Exterior Stair & Balcony

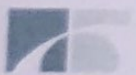
	Engineered Steel Egress Balcony	12,700
	Code Compliant 2-Story Staircase	3,100
Parking Area		
	Sidewalk	3,600
	Planter Boxes	1,800
	Lighting	2,300
Signage		
	Exterior Basic Branding Sign Package	2,800
Loft Apartments		
	2,500 Improved Loft Apartment Space	110,000
	Exclusion from CBD Grant	(110,000)
Total Improvement Cost Submittal For CBD Grant		\$132,480.00



PORTERFIELD CANDY COMPANY, c. 1935. Porterfield Candy Company was located at the southeast corner of Rusk and Lamar Streets, across the street from the old Steam Laundry Building. J.D. Porterfield was the president and Addie Porterfield was the secretary-treasurer. The ABC Candy Company and the Hartt Candy Company were also located in Sherman during the mid-1930s. (Courtesy of the City of Sherman.)



PROPOSED NORTH AND WEST ELEVATIONS



EXISTING SOUTH ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED INTERIOR RENDERING

CITY OF SHERMAN
Location Map

Source: City of Sherman
Date: April 2018



Scale in Feet:
1" = 1500'



328-330 West Lamar Street

Sherman
ENGINEERING DEPT.
220 W. MULBERRY
SHERMAN, TX 75090



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.4.

Meeting Date: 04/16/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6365**

Authorizing Execution of a Development Agreement with West Canyon Creek Properties, Ltd. for the Construction of Public Facilities in West Canyon Creek Estates, Section 1, an 8.52-acre Development off of Canyon Creek Drive, between Lamberth Road and Shady Oaks Lane in the City of Sherman

Issue:

The construction of public facilities in West Canyon Creek Estates, Section 1, an 8.52-acre development off of Canyon Creek Drive, between Lamberth Road and Shady Oaks Lane in the City of Sherman

Background:

West Canyon Creek Properties, Ltd. proposes to construct an 8.52-acre development off of Canyon Creek Drive, between Lamberth Road and Shady Oaks Lane, which includes the construction of storm water, water mains, sanitary sewer mains and public roads.

Origination:

Engineering Department

Financial Consideration:

The development fee to be paid by the developer for public inspection will be \$9,361.87.

Staff Recommendation:

Staff recommends approval and execution of the Development Agreement.

Alternatives:

As directed by City Council

Attachments

Resolution No. 6365

Development Agreement -West Canyon Creek Properties, Ltd.

Plat - 1 of 2 - West Canyon Creek Estates

Plat - 2 of 2 - West Canyon Creek Estates

Aerial Location Map

RESOLUTION NO. 6365

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH WEST CANYON CREEK PROPERTIES, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN WEST CANYON CREEK ESTATES, SECTION 1, AN 8.52-ACRE DEVELOPMENT OFF OF CANYON CREEK DRIVE, BETWEEN LAMBERTH ROAD AND SHADY OAKS LANE IN THE CITY OF SHERMAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Development Agreement with West Canyon Creek Properties, Ltd. for the construction of public facilities in West Canyon Creek Estates, Section 1, an 8.52-acre development off of Canyon Creek Drive, between Lamberth Road and Shady Oaks Lane in the City of Sherman, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of _____, 2018.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM AND
CONTENT:**

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

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SHERMAN AND WEST CANYON CREEK PROPERTIES, LTD.**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this ____ day of _____, 2018 (the “Effective Date”), by and among the City of Sherman (“City”), a municipal corporation organized under the laws of the State of Texas, West Canyon Creek Properties, Ltd., (“Developer”).

WITNESSETH:

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

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

WHEREAS, Developer owns or controls lands located in Sherman, Texas, and described to the City by the Developer as West Canyon Creek Estates, Section 1, and attached hereto and made a part hereof as if fully set out in this paragraph as Exhibit “A” and hereinafter referred to as the "Property", and Developer intends to develop the Property by constructing improvements thereon; and

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

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

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

**ARTICLE I.
SPECIFIC CONTRACT PROVISIONS**

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

and covenants. The provisions of this paragraph are for the purpose of evidencing Developer's legal right to grant the exclusive rights of service contained in this Agreement.

2. **Assurance of Accuracy of Documents:** Developer has caused the subdivision plat of the Property (the "plat") and all plans and specifications (the "plans") for the streets, utilities and other improvements to be developed on the Property (collectively the "Project") as part of the public facilities of the City, to be prepared by a Registered Professional Engineer and that Plat and Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the Plat and Plans in making its determination as to whether the documents comply with all City ordinances, state and federal law.
3. **Development Documents:** Upon the execution of this Agreement, Plat, Plans, and orders of the City Planning and Zoning Commission and the City Council, made in connection with the approval of the subdivision depicted on the Plat (hereinafter the "Subdivision") are confirmed, ratified, and agreed upon by both parties and attached hereto as Exhibit "B". Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract, as applicable to the Subdivision; and all of the work of the Project will be done under the supervision of the City Engineer (as defined in Paragraph 8 of this Article) to City standards, and in accordance with applicable City regulations. The Plat, Plans, orders of the City Planning and Zoning Commission, and the City Council and Ordinance No. 2684 (hereinafter collectively referred to as the "Development Documents") are incorporated into this Agreement a part thereof for all purposes.
4. **Delivery of Improvements:** The Developer will pay for and deliver to the City free and clear of all liens and costs, all of the improvements provided in the Development Documents.
5. **Performance Bond:** No work shall be performed within the Subdivision until directed by the City Manager or until the Developer presents to the City Manager a satisfactory Performance Bond and a Payment Bond, as provided by Chapter 2253 of the Texas Government Code, from the Contractor in favor of the Developer and the City. The City at its own election may waive this bonding requirement. If required, such bond shall be made for 100% of the contract price for all streets and utilities and public works to be installed in the Subdivision, and shall be in a form containing all other provisions set forth in Chapter 2253 of the Texas Government Code, including, but not limited to, Section 2253.021 of that Chapter.
6. **Failure to Complete Development:** If the Developer does not complete the Improvements contained in the Development Documents on or before December, 2018, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph may be extended by the mutual agreement of the parties. Such extension shall be in writing, as provided in Paragraph 13 of Article II.

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

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

15. **Other Provisions:**

- A. Upon Completion of the Subdivision one electronic copy and one set of reproducible "Record" drawings will be supplied to the City.
- B. The Developer shall pay to the City an engineering plan review, inspection, and testing fee of \$9,361.87.

- C. Developer agrees that the development, as set forth in the Contract Documents, will comply with all federal, state and local laws relating to the discharge of storm water upon completion of the development.
- D. Developer and City agree that any and all goods and services relative to infrastructure dedicated to the City are exempt from state and local sales tax in accordance with Texas Tax Code §§151.309 and 151.311.

ARTICLE II.

GENERAL CONTRACT PROVISIONS

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

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

CITY:

DESIGNEE: Clint Philpott, P.E.
ADDRESS: 220 W. Mulberry Street
Sherman, TX 75090
PHONE: 903-892-7327
FAX: 903-870-7802

DEVELOPER: West Canyon Creek Properties, Ltd.

DESIGNEE:

ADDRESS:

PHONE:

FAX:

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

IN WITNESS WHEREOF, parties have caused this Agreement to be executed in duplicate this ____ day of _____ 2018, with an original to each party.

Developer: WEST CANYON CREEK PROPERTIES, LTD.

BY: _____
NAME: _____
TITLE: _____

ATTEST: **BY:** _____

 NAME: _____

 TITLE: _____

CITY: CITY OF SHERMAN

BY: _____
NAME: Robby Hefton
TITLE: City Manager

ATTEST: **BY:** _____
 NAME: Linda Ashby
 TITLE: City Clerk

APPROVAL RECOMMENDED:

Clint Philpott, P.E. / Director Engineering

APPROVED AS TO FORM:

Brandon S. Shelby, City Attorney

NOTE: ACCORDING TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER: 48181 C 0270 F EFFECTIVE DATE: SEPTEMBER 20, 2010 THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA.

NOTE: PROPERTY CURRENTLY ZONED R-1 SINGLE FAMILY RESIDENTIAL

NOTE: SUBJECT TO DEED RESTRICTIONS FILED SEPARATELY

LIENHOLDER

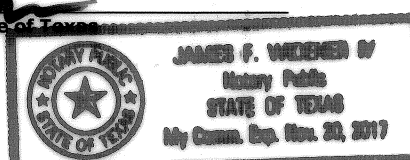
Westfield General, Inc

JOY J. JAMES, President
J.M. Szabuniewicz, Pres.

Signature of Lien holder

This the 10th day of MAY, 2014.

Notary Public, State of Texas



HENRY BROWN SURVEY

ABSTRACT No. 86

JAMES H. VADEN SURVEY
ABSTRACT No. 1288

THE STATE OF TEXAS)
COUNTY OF GRAYSON)

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID HARLAN, JR., do hereby certify that I prepared This plat from an actual and accurate survey of the land and that The corner monuments shown thereon were properly placed Under my personal supervision, in accordance with the subdivision Regulations of the City of Sherman, Texas

Registered Professional Land Surveyor, No. 2074
February, 2014



THE STATE OF TEXAS)
COUNTY OF GRAYSON)

Approved this 10th day of March, 2014,
By the City Planning and Zoning Commission of the City of Sherman, Texas

Chairman Secretary

Accepted by the City Council of the City of Sherman:

Carolyn S. Walker 5-14-14
Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing final of WEST CANYON CREEK ESTATES, SECTION 1, to the City of Sherman was submitted to the City Council on the 7th day of April, 2014, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements, and public places, as shown and set forth in the upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this 14th day of May, A.D. 2014.

Leida Ashley
City Clerk, City of Sherman, Texas

NOTE:
BASE BEARING FROM EXTENSION OF
CENTERLINE OF CANYON CREEK DRIVE

FILED FOR RECORD

at 9:58 o'clock A.M.
Recorded in Vol. 22 Page 131
By Wilma Blackshear Bush
County Clerk, Grayson County, Texas

FINAL PLAT

WEST CANYON CREEK ESTATES, SECTION 1
LOTS 1 - 4, BLOCK 1 & LOT 1, BLOCK 2

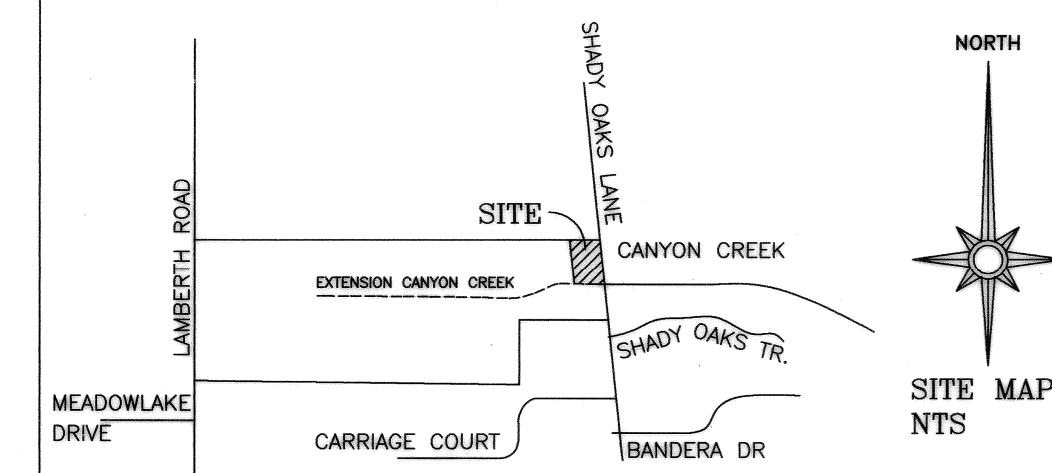
AN ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
2.29 ACRES SITUATED IN AND BEING A PORTION
OF THE JAMES H. VADEN SURVEY, ABSTRACT No. 1288
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

DEVELOPER
WEST CANYON CREEK ESTATES, LTD.
1951 FORT WORTH HIGHWAY, STE. 105
WEATHERFORD, TEXAS 76086

50 0 50 100 150
GRAPHIC SCALE - FEET

SCALE: 1" = 50'

HARLAN LAND SURVEYING, INC.
108 EUREKA STREET
WEATHERFORD, TX 76086
METRO (817) 596-9700 - (817) 599-0880
FAX: METRO (817) 341-2833



STATE OF TEXAS)
COUNTY OF GRAYSON)

WHEREAS, WEST CANYON CREEK ESTATES, LTD. (Volume 5410, Page 640), acting by and through its duly authorized agent, being the sole owner of 2.29 Acres situated in and being a portion of a 111.56 Acres in the JAMES H. VADEN SURVEY, ABSTRACT No. 1288, City of Sherman, Grayson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said 111.56 Acre Tract, said point being called by deed to be N 88°15'51" E, 3357.34 feet from the southwest corner of the Henry Brown Survey, Abstract No. 86, Grayson County, Texas;

THENCE N 88°15'31" E, with the north line of said 111.56 Acre Tract, 167.84 feet to an iron rod found at the northeast corner of said 111.56 Acre Tract and in the west line of Shady Oaks Lane, a 60 foot right of way;
THENCE S 04°17'51" E, with the west line of said Shady Oaks Lane,
592.33 feet to an iron rod set;
THENCE S 85°42'09" W, 167.68 feet to an iron rod set;
THENCE N 04°17'51" W, 599.82 feet to the POINT OF BEGINNING and containing 2.29 acres (99,948 square feet) of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, WEST CANYON CREEK ESTATES, LTD. acting by and through its duly authorized agent, does hereby adopt this plat designating the hereinabove described real property as WEST CANYON CREEK ESTATES, SECTION 1, LOTS 1 THROUGH 4, BLOCK 1 AND LOT 1, BLOCK 2, TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, Being 2.29 Acres situated in and being a portion of the James H. Vaden Survey, Abstract No. 1288, City of Sherman, Grayson County, Texas and does hereby dedicate to the public's use forever, the streets, alleys, parks, right-of-ways, school sites and other public places, easements shown thereon.

WITNESS my hand at Fort Worth, Tarrant County, Texas this 10th day of May, 2014.

JOY J. JAMES, President of G.P.

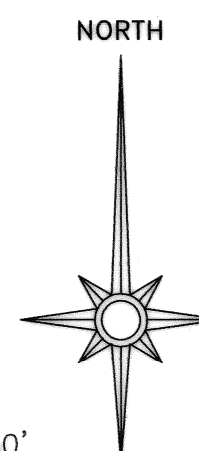
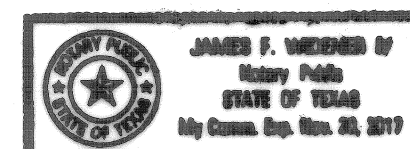
STATE OF TEXAS)
COUNTY OF GRAYSON) Tarrant

BEFORE ME, the undersigned authority, on this day personally appeared J.M. Szabuniewicz known to me by the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of May, 2014

Notary Public in and for the State of Texas

November 20th 2017
My Commission Expires On:



NOTE: ACCORDING TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER: 48181 C 0270 F EFFECTIVE DATE: SEPTEMBER 20, 2010 THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA.

NOTE: PROPERTY CURRENTLY ZONED R-1 SINGLE FAMILY RESIDENTIAL

NOTE: SUBJECT TO DEED RESTRICTIONS FILED SEPARATELY

LIENHOLDER

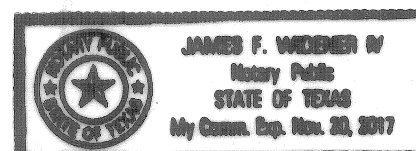
Westfield General, Inc.

J.M. Szabuniewicz, President
J.M. Szabuniewicz, Pres.

Signature of Lien holder

This the 10th day of May, 2014.

Notary Public, State of Texas



THE STATE OF TEXAS)
COUNTY OF GRAYSON)

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID HARLAN, JR., do hereby certify that I prepared This plat from an actual and accurate survey of the land and that The corner monuments shown thereon were properly placed Under my personal supervision, in accordance with the subdivision Regulations of the City of Sherman, Texas

Registered Professional Land Surveyor, No. 2074
February, 2014



THE STATE OF TEXAS)
COUNTY OF GRAYSON)

Approved this 18th day of March, 2014,
By the City Planning and Zoning Commission of the City of Sherman, Texas

Chairman

Secretary

Accepted by the City Council of the City of Sherman:
Mayor, City of Sherman, Texas Date 5-14-14

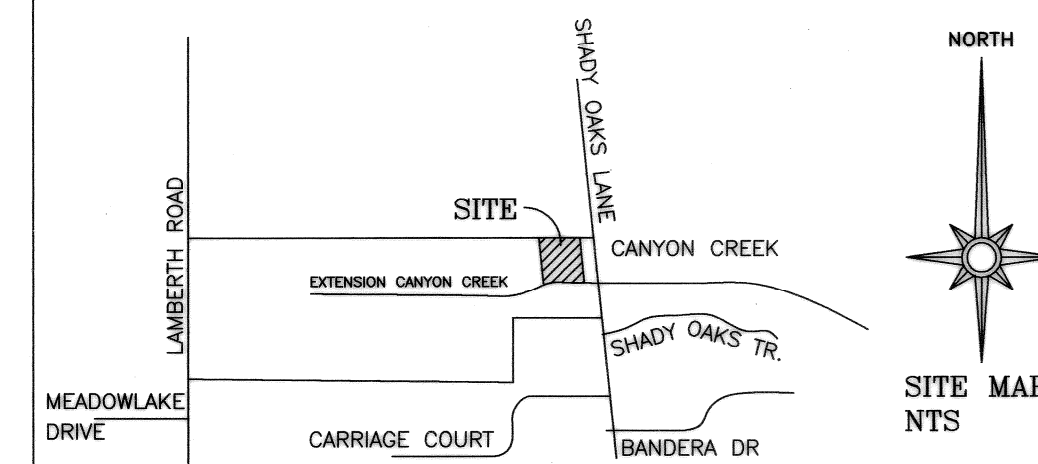
The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing final of WEST CANYON CREEK ESTATES, SECTION 2, to the City of Sherman was submitted to the City Council on the 14th day of April, 2014, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements, and public places, as shown and set forth in the upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this 14th day of May, A.D. 2014.

City Clerk, City of Sherman, Texas

FILED FOR RECORD
at 9:58 o'clock A.M.
Recorded in Vol. 222 Page 130
Records Grayson County.
WILMA BLACKSHEAR BUSH
County Clerk, Grayson Co., Texas
By [Signature] Deputy

FINAL PLAT
WEST CANYON CREEK ESTATES, SECTION 2
LOTS 1 - 8, BLOCK 1
AN ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
4.163 ACRES SITUATED IN AND BEING A PORTION
OF THE JAMES H. VADEN SURVEY, ABSTRACT No. 1288
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS



STATE OF TEXAS)
COUNTY OF GRAYSON)

WHEREAS, WEST CANYON CREEK ESTATES, LTD. (Volume 5410, Page 640), acting by and through its duly authorized agent, being the sole owner of 4.163 Acres situated in and being a portion of a 111.56 Acres in the JAMES H. VADEN SURVEY, ABSTRACT No. 1288, City of Sherman, Grayson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said 111.56 Acre Tract, said point being called by deed to be N 88°15'51" E, 3007.00 feet from the southwest corner of the Henry Brown Survey, Abstract No. 86, Grayson County, Texas;

THENCE N 88°15'31" E, with the north line of said 111.56 Acre Tract Tract, 350.35 feet to an iron rod found;
THENCE S 04°17'51" E, 490.81 feet to an iron rod found in the south right of way line of Extension Canyon Creek Drive in a non-tangent curve to the left with a radius of 970.00 feet and whose chord bears S 77°42'50" W, 270.67 feet;
THENCE with the south line of said Extension Canyon Creek Drive the following courses and distances:

With said curve to the left through a central angle of 16°02'25" and a distance 271.56 feet to a point;
S 69°41'37" W, 68.01 feet to a point;
THENCE N 20°18'23" W, crossing said Extension Canyon Creek Drive, 60.00 feet to a point in the north line of said Extension Canyon Creek Drive;
THENCE N 04°17'51" W, 505.13 feet to the POINT OF BEGINNING and containing 4.163 acres (181,364 square feet) of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT, WEST CANYON CREEK ESTATES, LTD. acting by and through its duly authorized agent, does hereby adopt this plat designating the hereinabove described real property as WEST CANYON CREEK ESTATES, SECTION 2, LOTS 1 THROUGH 8, BLOCK 1, AN ADDITION IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, Being 4.163 Acres situated in and being a portion of the James H. Vaden Survey, Abstract No. 1288, City of Sherman, Grayson County, Texas and does hereby dedicate to the public's use forever, the streets, alleys, parks, right-of-ways, school sites and other public places, easements shown thereon.

WITNESS my hand at Fort Worth, Grayson County, Texas this 10th day of MAY, 2014.

J.M. Szabuniewicz, President of C.P.
Authorized Agent

STATE OF TEXAS)
COUNTY OF GRAYSON) Tarrant

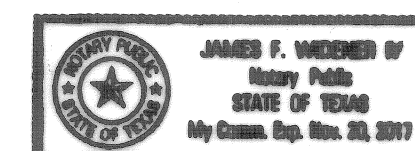
BEFORE ME, the undersigned authority, on this day personally appeared J.M. SZABUNIEWICZ known to me by the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of MAY, 2014

Notary Public in and for the State of Texas

November 20th 2017

My Commission Expires On:

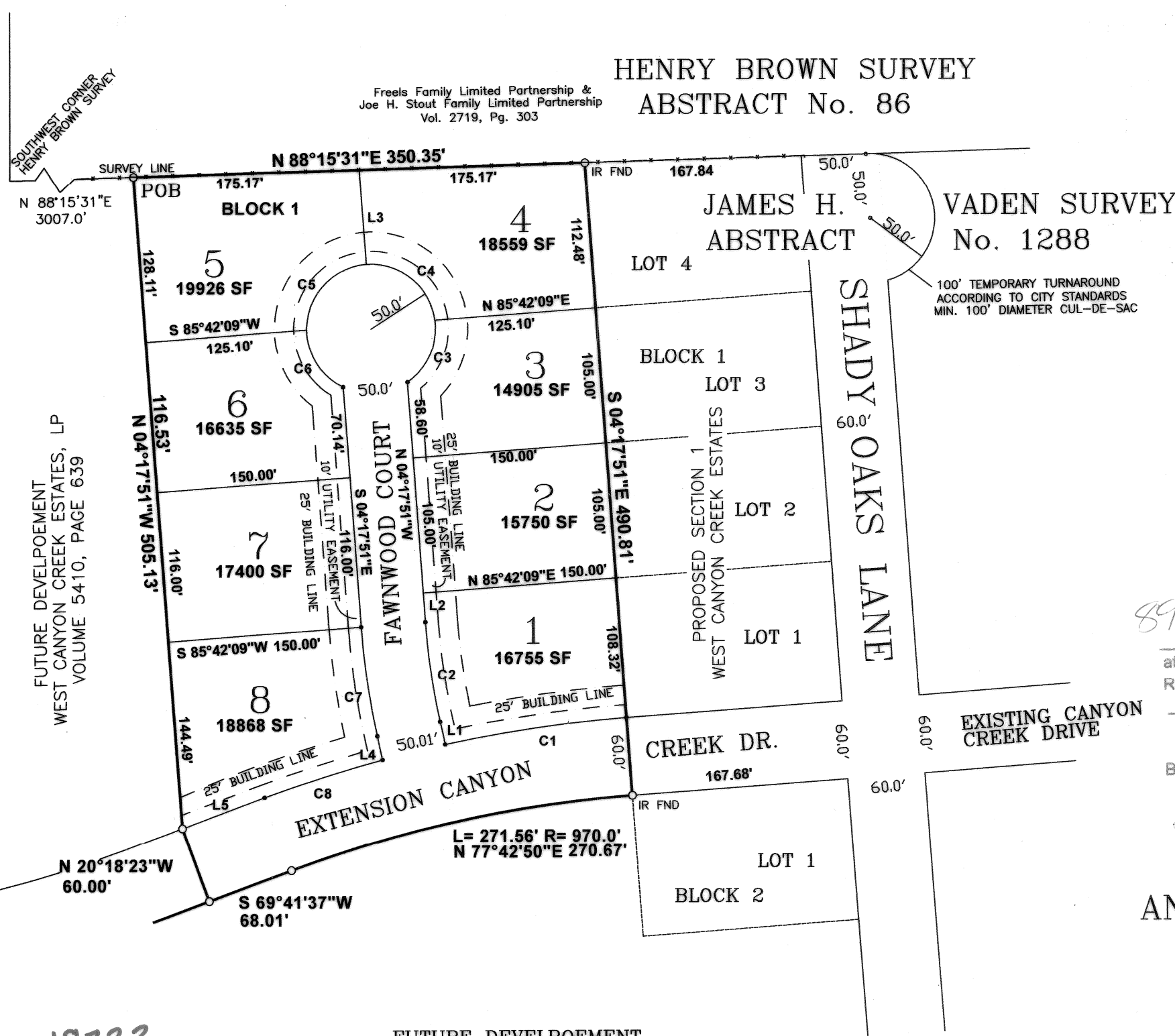


SCALE: 1" = 100'

100 0 100 200 300
GRAPHIC SCALE - FEET

HARLAN LAND SURVEYING, INC.
106 EUREKA STREET
WEATHERFORD, TX 76086
METRO(817)596-9700-(817)599-0880
FAX: METRO(817) 341-2833

14026/ SECTION 2



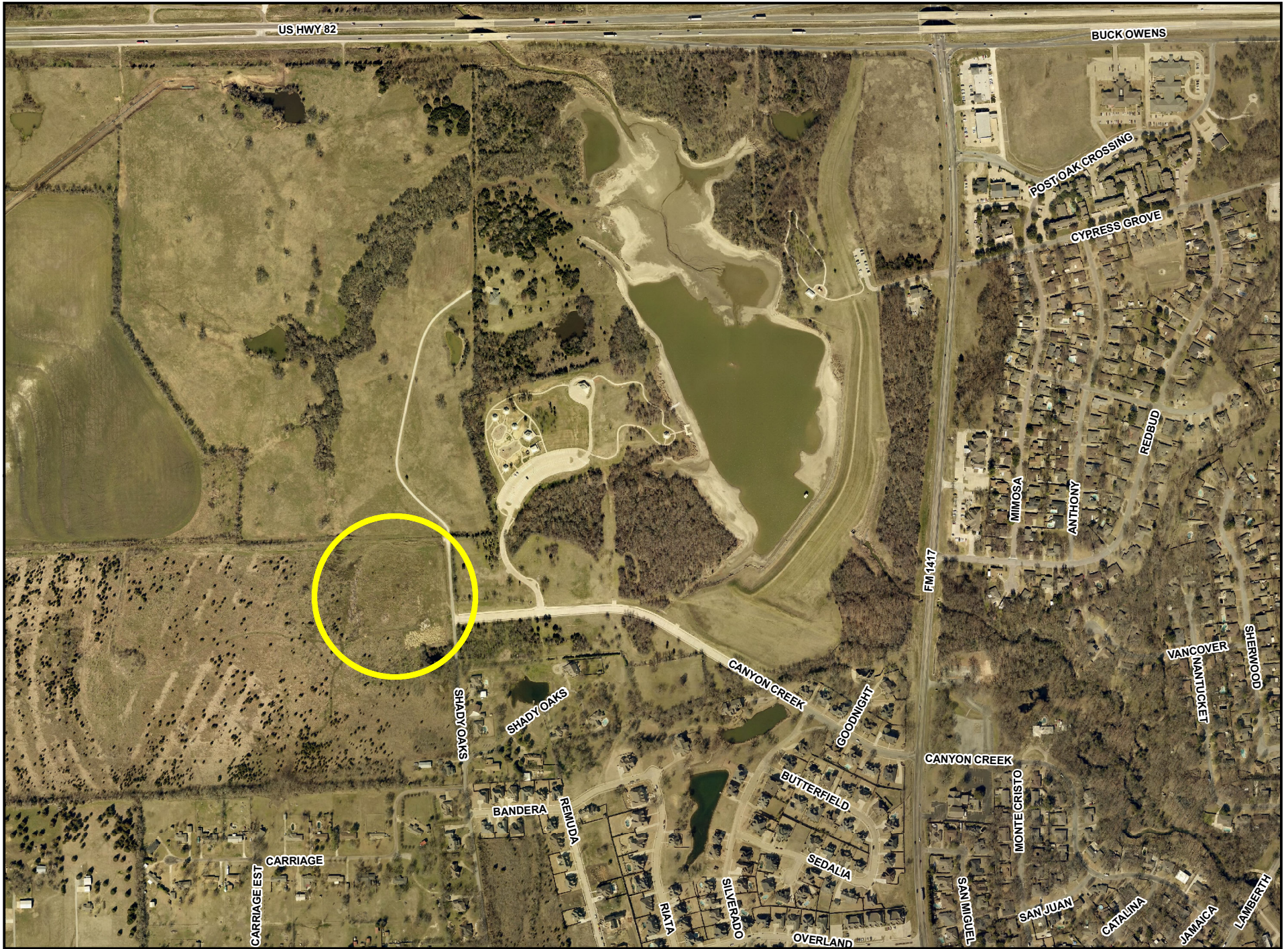
19222

DEVELOPER
WEST CANYON CREEK ESTATES, LTD.
1951 FORT WORTH HIGHWAY, S.T.E. 105
WEATHERFORD, TEXAS 76086

19859

E-9-204

West Canyon Creek Estates, Section 1



1 inch = 700 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.1.

Meeting Date: 04/16/2018

Prepared By: Tammy Davis, Controller

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Services to Perform the Annual Audit for the Period Ending September 30, 2018

Issue:

Requesting permission to advertise for services to perform the annual audit for the fiscal year ending September 30, 2018

Background:

By Charter, the City Council is required to annually appoint an independent auditor to perform a financial audit for the City. Additionally, a compliance audit is required in years when federal and state grant expenditures exceed certain thresholds. Five years ago, Adami, Lindsey & Company, LLP was awarded the audit based on proposals submitted by various audit firms. All renewals for audit services provided by Adami, Lindsey & Company have expired; and staff seeks permission to advertise for audit services for the fiscal year ending September 30, 2018.

Origination:

Finance Director and Audit Committee

Financial Consideration:

The cost of advertising will be less than \$500.00.

Staff Recommendation:

Staff recommends that the Council instruct the Audit Committee to seek proposals for the services of an independent auditor to perform the annual audit for the fiscal year ending September 30, 2018. The Finance Director will present the Audit Committee with a list of potential auditors.

Alternatives:

As may be directed by the City Council



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.2.

Meeting Date: 04/16/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

North Travis Street Water Main Replacement

Issue:

Permission to advertise for bids for the construction of the North Travis Street Water Main Replacement

Background:

The current Capital Improvement Program contains a project to replace a major water main along Travis Street, from U.S. Highway 82 to Northcreek Drive. The existing water main has deteriorated and requires replacement.

Origination:

Department of Utilities Administration

Financial Consideration:

The project will be funded in the City's Capital Improvement Program through the City's Utility Improvement Fund. The cost of advertising is expected to be about \$200.00.

Staff Recommendation:

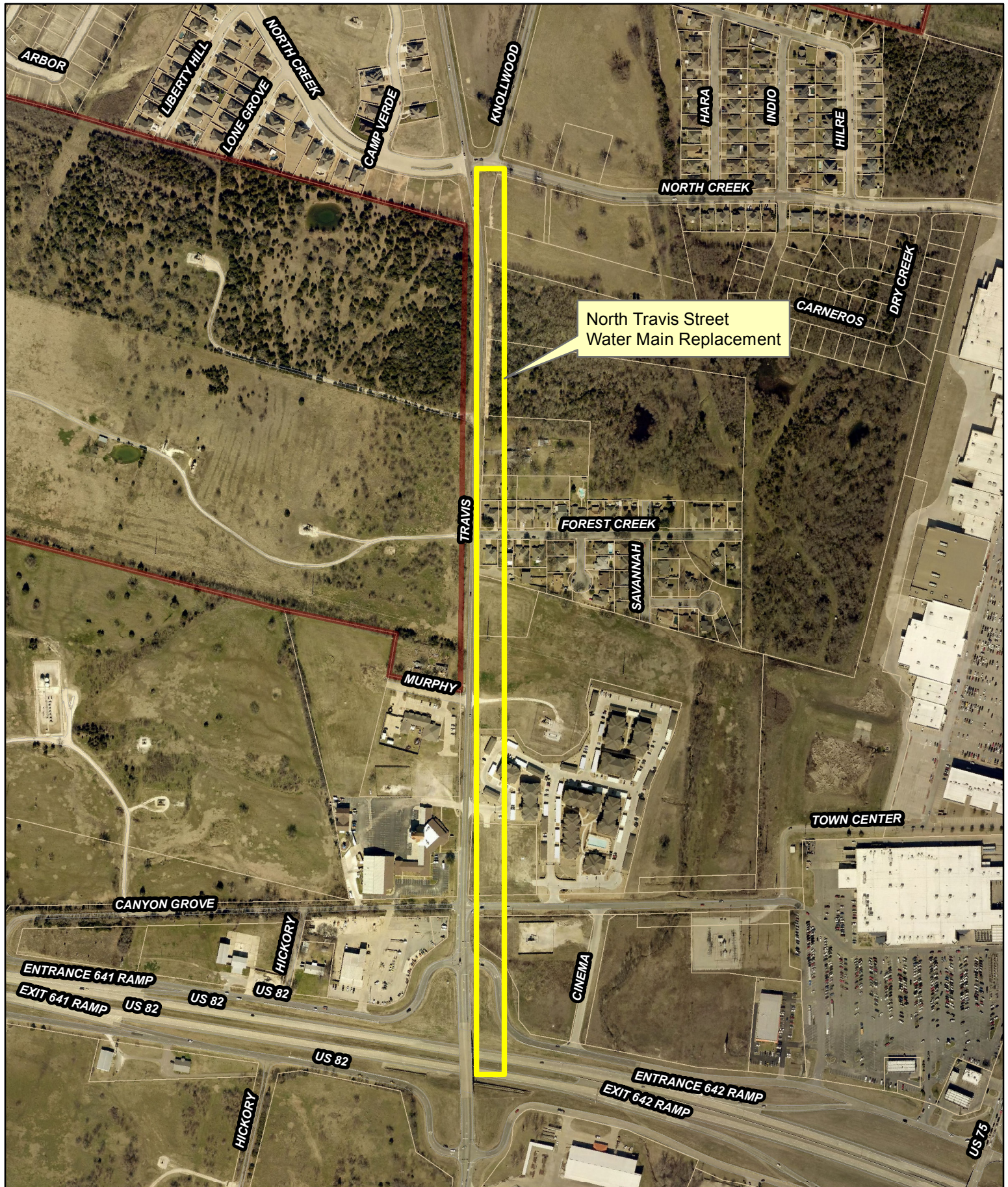
It is recommended that the City Council authorize the staff to advertise the project for bid.

Alternatives:

As may be directed by the City Council

Attachments

Aerial Location Map





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F.1.

Meeting Date: 04/16/2018

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

CHANGE ORDER NO. 2

West Canyon Creek Extension Project; Lynn Vessels Construction, LLC; \$20,434.07 Decrease

Issue:

To consider the approval of Change Order No. 2 and final payment with Lynn Vessels Construction, LLC for the West Canyon Creek Extension Project

Background:

Change Order No. 2 is a final reconciliatory change order to adjust the final project quantities and issue final payment. The change order finalizes the unit quantities for the project.

Origination:

Engineering Department

Financial Consideration:

The change order results in a \$20,434.07 decrease, yielding a final contract price of \$2,511,435.37.

Staff Recommendation:

It is recommended the Change Order No. 2 and final payment for this project be approved.

Alternatives:

As may be directed by the City Council

Attachments

Change Order No. 2

Aerial Location Map

Change Order

No. 2 (Final)

Date of Issuance: March 6, 2018

Project: Canyon Creek Drive Extension	Project No.: PW #3009
Owner: City of Sherman	Date of Contract: February 20, 2017
Contractor: Lynn Vessels Construction	

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Increase and decreases as noted on the attached quantity takeoff "Change Order #2 (Final)."

Justification:

- Provide final reconciliation of minor adjustments discovered in construction;
- Reduce scope by having City forces undertake striping and signage operations;
- Add improvements not embraced in the original project (drainage & driveway improvements).

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$2,164,365.38

Increase from previously approved Change Orders No. 1 to No. 1:

\$367,504.06

Contract Price prior to this Change Order:

\$2,531,869.44

Decrease of this Change Order:

\$20,434.07

Contract Price incorporating this Change

\$2,511,435.37

Original Contract Times:

Substantial completion days: 240

Substantial completion date: November 10, 2017

Increase from previously approved Change Orders No. 1 to No. 1:

Substantial completion days: : 30

Substantial completion date: January 9, 2018

Contract Times prior to this Change Order:

Substantial completion days: : 0

Substantial completion date: November 10, 2017

Increase of this Change Order:

Substantial completion days: 107

Substantial completion date: February 25, 2018

Contract Times with all approved Change Orders:

Substantial completion days: : 377

Substantial completion date: February 25, 2018

RECOMMENDED:

By: _____
Engineer (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

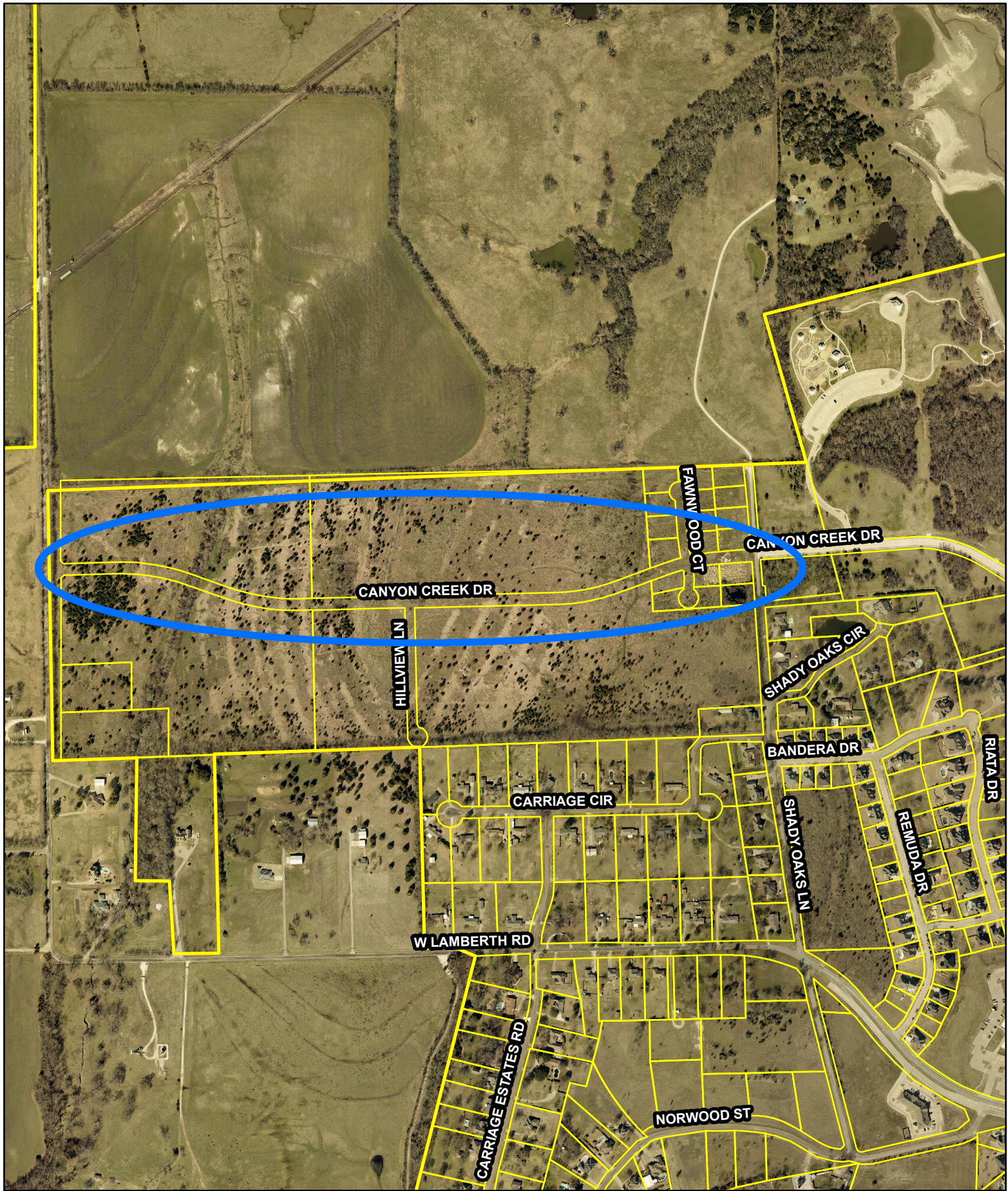
By: _____
Contractor (Authorized Signature)

Date: _____



Change Order #2 (FINAL)

Item No.	Description of Item	Original Bid Quantity	Unit	Original Bid Unit Price	Quantity Changed	Total Value Completed
Canyon Creek Drive						
10	Barrier Free Ramp	18	EA	1,104.01	(4)	-4416.04
11	TxDOT Type III Barricade	6	EA	1,582.00	(3)	-4746.00
13	24" Type "I" While Solid 90 mil Thermo	36	LF	27.26	(36)	-981.36
14	Street Sign	2	EA	522.06	(2)	-1044.12
23	Temporary Channel Excavation	2,287	CY	5.93	(2,287)	-13561.91
29	9" Diameter Rock Rip Rap	600	SF	3.89	(600)	-2334.00
Shady Oaks Lane						
10	24" Type "I" While Solid 90 mil Thermo	54	LF	27.26	(54)	-1472.04
11	Street Sign	5	EA	522.06	(5)	-2610.30
18	4'x4' Wye Inlet	1	EA	2,830.54	(1)	-2830.54
20	Trench Safety	1,104	LF	0.28	(48)	-13.44
27	Concrete Thrust Blocking	0.25	CY	135.60	0.25	33.90
Hillview Lane						
7	24" Type "I" While Solid 90 mil Thermo	16	LF	27.26	(16)	-436.16
8	Street Sign	1	EA	522.06	(1)	-522.06
CO2-1	Concrete Channel Improvements	1	LS	9,800.00	1.00	9800.00
CO2-2	Concrete Drive Modifications	1	LS	4,700.00	1.00	4700.00
Totals						-20434.07





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F.2.

Meeting Date: 04/16/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

CHANGE ORDER NO. 3

Approving the Greater Texoma Utility Authority's Intent to Execute Change Order No. 3; Sherman Industrial Park Replacement Sewer; Lynn Vessels Construction, LLC; \$11,178.25 Increase

Issue:

To consider approval of Change Order No. 3 for the Sherman Industrial Park Replacement Sewer

Background:

Change Order No. 3 provides additional compensation to the contractor to increase the size of 380 feet of sewer from 15-inch pipe to 18-inch pipe. The increased pipe size will allow the sewer to maintain the design flow capacity while being placed on a flatter grade. The flatter grade is necessary due to the fact that the West Industrial Sewer is 3.75 inches lower than indicated on the construction plans. It is required that the new sewer also be lowered in order to properly connect to the existing sewer.

An additional cost of \$1,840.00 is required to connect the Hart Lumber sewer service to the new sewer. Hart Lumber did not exist at the time of the project's initiation.

The total cost of the two change order items is \$11,178.25.

Origination:

Utility Administration

Financial Consideration:

The change order results in an \$11,178.25 increase in the contract amount, yielding a revised contract price of \$1,573,520.50.

Staff Recommendation:

It is recommended that the Greater Texoma Utility Authority's intent to approve Change Order No. 3 be approved.

Alternatives:

As may be directed by the City Council

Attachments

Change Order No. 3

Engineer's Recommendation

Supporting Cost Information

GTUA Agenda Communication Form

Aerial Location Map

CHANGE ORDER NO. 3

PROJECT: City of Sherman – Industrial Sewer Replacement
OWNER: Greater Texoma Utility Authority
CONTRACTOR: Lynn Vessels Construction, LLC.
ENGINEER: Freeman - Millican, Inc.
Dallas, Texas
DATE: April 9, 2018

TO THE CONTRACTOR: You are hereby authorized, subject to the Contract provisions, to make the following changes:

Because the existing 15" sewer that serves the west part of the industrial park is 3.75" lower than shown on the plans, the 380' of sewer that connect the west sewer must be increased to a 18" sewer to maintain the sewer capacity. With the increase in PVC pipe due to the gulf coast hurricane and the small delivery higher cost steel casing, the increase in cost is \$11,178.25 as reflected by the attached SUPPORTING COST INFORMATION. The additional cost for connecting the Hart Lumber sewer that occurred after the project started is also included.

Original Contract Amount:	\$ 1,535,766.64
Net Addition/(Reduction) - Previous Change Order #1	\$5,376.51
Addition/(Reduction) - File Change Order #2 (Previous C.O. #2) <i>MD</i>	\$21,199.10
Addition/(Reduction) - This Change Order #3	\$11,178.25
Revised Contract Amount:	\$ 1,573,520.50

RECOMMENDED:

David F. Datto

Freeman - Millican, Inc.

4.9.2018

Date

APPROVED:

Lynn Vessels

Contractor

4.9.2018

Date

Owner

Date

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

April 9, 2018

Mr. Drew Satterwhite, P.E.
General Manager
Greater Texoma Utility Authority
5100 Airport Drive
Denison, Texas 75020

**Re: Sherman Industrial Sewer Replacement Project
Construction Change Order #3**

Dear Mr. Satterwhite:

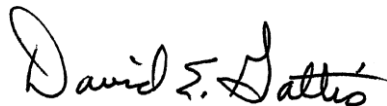
The attached proposed change order #3 authorizes the contractor to increase approximately 380' of sewer from 15" to 18" and connect the new Hart Lumber sewer. When excavated, the existing 15" west industrial sewer was 3.75" lower than shown on the plans. The proposed increase in the sewer size is to maintain capacity. The Hart Lumber sewer connection developed after the project started.

The proposed change order increases the contract price \$11,178.25. Please refer to the SUPPORTING COST INFORMATION attachment to the charge order for cost detail. Much of the cost is based on unit bid prices.

We recommend that the GTUA approve the proposed change order #3 increasing the contract with Lynn Vessels Construction, LLC to \$1,573,520.50.

Sincerely,

FREEMAN - MILLICAN, INC.



David E. Gattis, P.E

Copy: Mark Gibson, Director of Utilities
City of Sherman, Texas

SUPPORTING COST INFORMATION				
Up size 15" to 18" per Flowline Elevation @ 0+00				
1	18" DR 35 0-10' Deep	75 LF	\$ 60.82	\$ 4,561.50
2	18" DR 35 10-15' Deep	275 LF	\$ 78.07	\$ 21,469.25
3	18" DR 35 in 26" Steel Encasement by Open cut	30 LF	\$ 279.37	\$ 8,381.10
4	Hart Lumber 6" Sewer Service With Clean-out	1 EA	\$1,840.00	\$ 1,840.00
5	15" DR 35 0-10' Deep	-75 LF	\$ 48.37	\$ (3,627.75)
6	15" DR 35 10-15' Deep	-275 LF	\$ 58.33	\$ (16,040.75)
11	15" DR 35 in 24" Steel Encasement by OPEN CUT	-30 LF	\$ 182.18	\$ (5,405.10)
				\$11,178.25



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

DATE: April 10, 2018

SUBJECT: AGENDA ITEM NO. IX

**CONSIDER AND ACT UPON CHANGE ORDER NO. 3 TO THE CONTRACT WITH LYNN VESSELS CONSTRUCTION LLC
FOR SHERMAN INDUSTRIAL SEWER REPLACEMENT PROJECT**

ISSUE

Consider and act upon Change Order No. 3 to contract with Lynn Vessels Construction for Sherman Industrial Sewer Replacement Project.

BACKGROUND

The City of Sherman requested the Authority's assistance with financing a new wastewater collection line that will bring sewer from the Blalock Industrial Park to the City of Sherman's Wastewater Treatment Plant. The project will consist of the construction of approximately 6,000 feet of 21-inch, 3,000 linear feet of 18-inch and 800 linear feet of 15-inch PVC gravity sanitary sewer lines. The work includes excavation and backfill, encased bores, aerial crossing, FRP manholes, sewer line placement, erosion control and street repair. This project crosses US Highway 75 (TxDOT), a main line railroad (NSF) and three industrial railroad spurs.

At the September meeting, the Board Authorized award of contract to Lynn Vessels construction in the amount of \$1,535,766.64.

Change Order No. 1 was approved at the October 2017 Board Meeting which included the substitution of Vylon for PVC on the 21-inch pipe. PVC pipe was the product awarded in the base bid, however, the PVC pipe suppliers claimed force majeure due to the gulf coast storms interrupting their supply chain. Change Order No. 1 resulted in an increase of \$5,376.51 resulting in a revised contract amount of \$1,541,143.15.

At the time of Change Order No. 1, the plan was agreed upon to hold off on ordering the 18 and 15 inch pipe until later in the project, hoping that the PVC pipe prices would stabilize. This has not occurred by February 2018, resulting in the need to approve Change Order No. 2. Change Order No. 2 authorized the contractor to proceed with purchasing the remainder of PVC pipe in sizes 12 inch – 18 inch at the increased prices. The Contractor was authorized to change the sewer size from 15 inch to 18 inch from sta. 89+65 to sta. 91+76 on a revised grade to lower the bore under the railroad spurs by about 1 foot to avoid conflict with existing sewer field measured to be lower than shown on the plans. Change Order No. 2 resulted in an increase of \$21,199.10 to the contract, resulting in a revised contract amount of \$1,562,342.25.

Change Order No. 3 consists of increasing approximately 380' of sewer from 15" to 18". When the contractor excavated the 15" industrial sewer that serves the west part of the industrial park, it was discovered that the existing pipe was 3.75" lower than it was show on the plans. In order to maintain adequate flow capacity in this new section of line with a reduced slope, the sewer needs to be upsized from 15" to 18". Also included in this Change Order is a 6" sewer service for Hart Lumber which came to fruition after the project had bid. Change Order No. 3 would result in an increase of \$11,178.25 to the contract, resulting in a revised contract amount of \$1,573,520.50.



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

PAGE 2

CONSIDERATIONS

The engineer has provided the attached recommendation letter. Funds are available in the City of Sherman Bond Issues.

The City of Sherman will be considering this action at their April, 16 2018 Council Meeting.

STAFF RECOMMENDATIONS

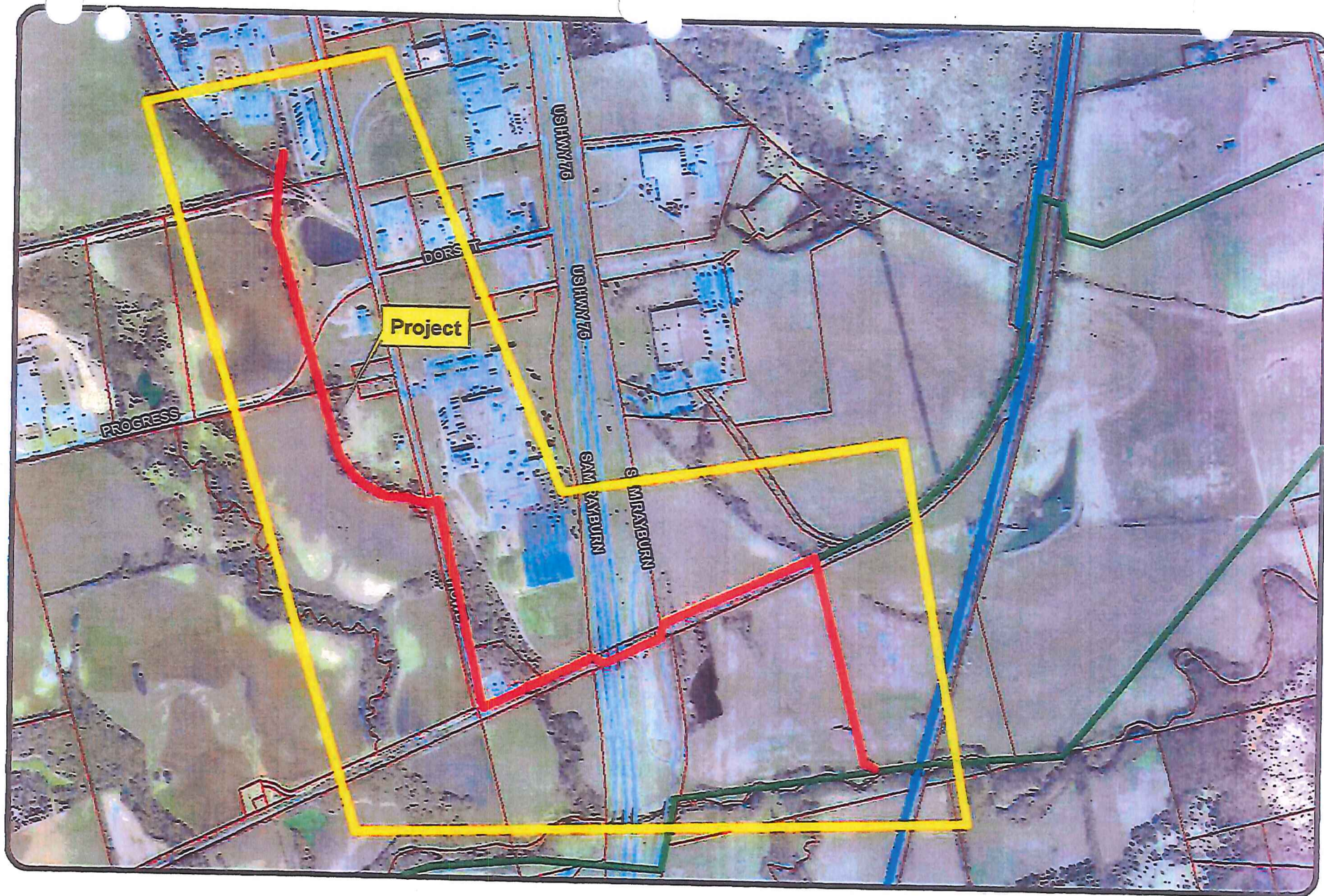
Based upon the project engineer's recommendation, the Authority staff recommends authorizing Change Order No. 3 to the contract to Lynn Vessels Construction, LLC for an increase of \$11,178.25 resulting in a revised contract amount of \$1,573,520.50. This authorization would be contingent upon the City of Sherman taking similar action.

ATTACHMENTS

Change Order No. 3
Supporting Cost Information
Recommendation Letter

PREPARED AND SUBMITTED BY:

Drew Satterwhite, P.E., General Manager



Sherman
CLASSIC TOWN, BROAD HORIZON.
ENGINEERING DEPARTMENT

Location Map:
Industrial Sewer



1 inch = 1,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F.3.

Meeting Date: 04/16/2018

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

CHANGE ORDER NO. 3

Approving the Greater Texoma Utility Authority's Intent to Execute Change Order No. 3; Sherman Water Treatment Plant Expansion Project; MWH Contractors, Inc.; \$159,518.00 Increase

Issue:

To consider approval of Change Order No. 3 for the Sherman Water Treatment Plant Expansion Project

Background:

Change Order No. 3 addresses eleven (11) changes to the Water Treatment Plant Expansion Project. The total adjustment for these eleven (11) items is \$159,518.00.

As a result of the changes, the contractor will receive an extension of seventeen (17) days on the contract time. The eleven items to be adjusted/added will provide a better constructed facility and will result in increased efficiency of operation for the new plant in the future.

Origination:

Utility Administration

Financial Consideration:

The Change Order results in a \$159,518.00 increase in the contract amount, yielding a revised contract price of \$24,626,128.00. Funding is available in the Water Treatment Plant construction contingencies to cover the additional cost.

Staff Recommendation:

It is recommended that the Greater Texoma Utility Authority's intent to approve Change Order No. 3 be approved.

Alternatives:

There are no recommended alternatives.

Attachments

Change Order No. 3

Engineer's Recommendation

GTUA Agenda Communication Form

Aerial Location Map

**CITY OF SHERMAN
LAKE TEXOMA WTP EXPANSION**

CHANGE ORDER NO. 3

A. INTENT OF THIS CHANGE ORDER NO. 3

The intent of this Change Order No. 3 is that the contract entered into by the Greater Texoma Utility Authority on behalf of the City of Sherman and MWH Constructors, Inc. dated February 26, 2017 be modified, clarified and recorded as a matter of permanent record.

B. DESCRIPTION OF CHANGE ORDER NO. 3

The required changes to the original contract, along with the associated costs and/or time are described as follows:

CHANGE ORDER NO. 3

Item No.	Description	Unit	Time	Cost /Unit	Total Amount
COR-8	Electrical System Modifications	LS	0	\$11,133.00	\$11,133.00
COR-12	Electrical Room Doors	LS	0	\$4,418.00	\$4,418.00
COR-13	Raw Water Valve AIS Compliant	LS	0	\$40,555.00	\$40,555.00
COR-14	Pump Control Valve Wiring	LS	0	\$22,166.00	\$22,166.00
COR-15	Bond Beams in Membrane Bldg	LS	0	\$9,763.00	\$9,763.00
COR-16	Roof Joist Plates	LS	5	\$14,051.00	\$14,051.00
COR-17	HCL Tank Vent Piping	LS	0	\$3,776.00	\$3,776.00
COR-18	Concentrate Con. to Sludge Line	LS	0	\$14,845.00	\$14,845.00
COR-20	RO Pumps Temperature Monitors	LS	10	\$20,909.00	\$20,909.00
COR-21	Switchboard Conduit Enclosure	LS	2	\$10,944.00	\$10,944.00
COR-22	Pipe Support Cross Bracing	LS	0	\$6,958.00	\$6,958.00
	TOTAL		17 Calendar Days		\$159,518.00

C. EFFECT OF ADJUSTMENT TO CONTRACT QUANTITIES

The revised Contract amount is determined as follows:

ORIGINAL CONTRACT AMOUNT	\$23,805,000.00
CHANGE ORDER NO. 1.....	\$140,075.00
CHANGE ORDER NO. 2.....	\$521,535.00
CHANGE ORDER NO. 3.....	\$159,518.00
 REVISED CONTRACT AMOUNT	 \$24,626,128.00

D. EFFECT OF ADJUSTMENT TO CONTRACT TIME

The revised Contract time is determined as follows:

ORIGINAL SUBSTANTIAL COMPLETION DATE.....October 15, 2018
CHANGE ORDER NO. 1 10-Calendar days
CHANGE ORDER NO. 2 7-Calendar days
CHANGE ORDER NO. 3 17-Calendar days

REVISED SUBSTANTIAL COMPLETION DATE.....November 18, 2018

ORIGINAL FINAL COMPLETION DATE.....December 14, 2018
CHANGE ORDER NO. 1 10-Calendar days
CHANGE ORDER NO. 2 7-Calendar days
CHANGE ORDER NO. 3 17-Calendar days

REVISED FINAL COMPLETION DATE.....January 17, 2019

Change Order No. 3
City of Sherman Lake Texoma WTP Expansion
Page 3

E. AGREEMENT

By the signature of their respective duly authorized agents, the Greater Texoma Utility Authority and MWH Constructors, Inc. do hereby agree and append this Change Order No. 3 to the original contract between themselves dated February 26, 2017.

RECOMMENDED BY:
CH2MHILL

ACCEPTED BY:
MWH Constructors, Inc.

BY: *Brian J. Tarrant*

BY: _____

TITLE: *Project Manager*

TITLE: _____

DATE: *4/9/18*

DATE: _____

APPROVED BY:
GREATER TEXOMA UTILITY AUTHORITY

BY: _____

TITLE: _____

DATE: _____



CH2M
12750 Merit Dr, Suite 1100
Dallas, TX 75251
O +1 972 980 2170
www.ch2m.com

April 9, 2018

Mark Gibson, P.E.
Director of Utilities
City of Sherman
P.O. Box 1106
Sherman, TX 75091

Subject: Change Order No. 3

Dear Mark:

Attached is Change Order No. 3 for the Lake Texoma Water Treatment Plant Expansion project for review and approval. This Change Order encompasses the following Change Order Requests (COR):

COR-8 When the electrical system analysis was completed by the contractor it indicated that two panels and three starters in the MCC needed to be increased in size. These are required changes to ensure the electrical system works correctly. The cost is the difference between the size starters/panels originally specified and the larger units. Change order will add \$11,133 and no additional time to the project.

COR-12 Increased the size of the doors from the outside into the electrical room to ensure that the future electrical equipment can be moved into the room. The new size was based on the actual dimensions of the equipment being provide under this contract. Change order will add \$4,418 and no additional time to the project.

COR-13 Requires the 20" raw water ball valve to be manufactured from domestic steel. This change is required to comply with the American Iron and Steel Act. Change order will add \$40,055 and no additional time to the project.

COR-14 Adds pressure switches and wiring to the existing pump control valve for controls associated with the variable frequency drive (VFD) being added to high service pump No. 6. This work was not included in the contract but is required to control surge during pump startup and shutdown. Change order will add \$22,166 and no additional time to the project.

COR-15 Adds three bond beams in the masonry wall of the Membrane Building so that the pipe support racks can be anchored to the wall for stability. Change order will add \$9,763 and no additional time to the project.

COR-16 Adds joist plates at the top of the masonry wall pilasters for the roof joists to connect to. This provides a stronger connection than having the joist connect to the top of the wall as originally designed. Change order will add \$14,051 and 5 days time to the project.

COR-17 This modifies the vent piping out of the hydrochloric acid storage tanks to the scrubber to reduce the headloss in the piping and thus reduce the possibility of overpressurizing the tank during

filling as well as providing a method of isolating an individual tank from the common scrubber vent line. Change order will add \$3,776 and no additional time to the project.

COR-18 Provides a connection from the concentrate line to the sludge line. This allows concentrate from the RO system to be directed to the sludge lagoons without having to go through the concentrate line from the EDR system. This connection is required now that the concentrate line down Hwy 691 will be delayed and not completed prior to startup. Change order will add \$14,845 and no additional time to the project.

COR-20 Each of the RO feed pumps are equipped with RTDs to measure bearing temperature and winding temperature in the pump. Currently only a discrete high temperature alarm is shown to be monitored at the VFD. This item adds a temperature control panel and wiring so that the actual bearing and winding temperatures can be monitored. This is useful for pumps of this size and importance. Change order will add \$20,909 and 10 days time to the project.

COR-21 Adds a freestanding enclosure to allow the feeder circuits for main switchboards SW-602-1 and SW-601-1 to access existing conduits already stubbed up inside the switchboards. This makes the feeder circuits more accessible for future maintenance/replacement and limits the risk of damage to the existing units during construction. Change order will add \$10,944 and 2 days time to the project.

COR-22 Adds additional cross bracing on the large diameter pipe support racks in the membrane building. This bracing is required to better withstand transient loadings from any surge which might occur in the piping. Change order will add \$6,958 and no time to the project.

I have reviewed the change order requests and the associated costs and recommend approval of this change order. If you have any questions please call.

Sincerely,

CH2M HILL



Brian J. Fuerst, P.E.
Project Manager

C: Drew Satterwhite/GTUA



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

DATE: April 10, 2018

SUBJECT: AGENDA ITEM NO. X

**CONSIDER AND ACT UPON CHANGE ORDER NO. 3 TO THE CONTRACT WITH MWH CONSTRUCTORS FOR THE
CITY OF SHERMAN LAKE TEXOMA WTP EXPANSION PROJECT**

ISSUE

Consider and act upon Change Order No. 3 to contract with MWH Constructors, Inc. for City of Sherman Lake Texoma Water Treatment Plant Expansion Project

BACKGROUND

The City of Sherman planned a construction project to expand their existing surface water treatment plant ("WTP") capacity. This project will enable the City of Sherman to continue to meet the water demand needs of future residential and industrial growth. The project included a 10 million gallon per day capacity increase that will utilize reverse osmosis to demineralize the Lake Texoma water supply. The City staff requested the Authority's assistance in obtaining funding through the Texas Water Development Board ("TWDB") Drinking Water State Revolving Fund Program ("DWSRF") to fund these improvements to their WTP.

There were two (2) bids received on November 15, 2015. The low bid was submitted by MWH Constructors in the amount of \$23,805,000. At the January 16, 2017 meeting, the Board authorized the General Manager to award the contract to MWH Constructors in the amount of \$23,805,000 for the construction of the City of Sherman Lake Texoma Water Treatment Plant Expansion Project.

Change Order No. 1 consisted of the following items: 1) The need to over-excavate under the peroxidation basin due to the bedrock layer dropping 10 foot from north to south in the basin and the foundation design relying on contact directly with the bedrock, 2) Additional rebar that the contractor ordered and prepared to reach the bedrock on the membrane building before the geotechnical reports concluded that the piers did not have to touch the bedrock after all, and 3) Additional total pier depth for the piers under the membrane building that needed to be deepened to account for geologic variance not known until the piers were drilled.

Change Order No. 1 increased the contract amount by \$140,075.00 resulting in a revised contract amount of \$23,945,075.00. There were funds available in the contingency line item for this change order.

Change Order No. 2 consisted of the following items: 1) Weather Delays resulting in 7 additional days be added to the project schedule, 2) Access to 84" Blended Water Pipe by installing a pressure rated manhole in this section, 3) Increased height of Trench Drain Pump Station, 4) Change Raw Water Control Valve from a metal seated ball valve to a V-port ball valve which has better cavitation characteristics, 5) Change Meter Vault Light Fixtures from indoor to exterior rated wall mounted fixtures, 6) Supervisory Control and Data Acquisition (SCADA) Upgrades. Due to the age of the existing SCADA system, a complete replacement of the current system is required to be able to control and monitor the operation of the new Ultrafiltration and Reverse Osmosis plant from the control room of the existing plant. The majority, 92%, of Change Order No. 2 was for the SCADA upgrades. Change Order No. 2 increased the contract amount by \$521,535.00 resulting in a revised contract amount of \$24,466,610.00.



GREATER TEXOMA UTILITY AUTHORITY AGENDA COMMUNICATION

PAGE 2

Change Order No. 3 consists of the following items: 1) Electrical System Modifications (\$11,133.00), 2) Electrical Room Doors (\$4,418.00), 3) Raw Water Valve AIS Compliant (\$40,555.00), 4) Pump Control Valve Wiring (\$22,166.00), 5) Bond Beams in Membrane Bldg (\$9,763.00), 6) Roof Joist Plates resulting in 5 additional days (\$14,051.00), 7) HCL Tank Vent Piping (\$3,776.00), 8) Concentrate Con. To Sludge Line (\$14,845.00), 9) RO Pumps Temperature Monitors resulting in 10 additional days (\$20,909.00), 10) Switchboard Conduit Enclosure resulting in 2 additional days (\$10,944.00), 11) Pipe Support Cross Bracing (\$6,958.00)

Change Order No. 3 would result in an increase of \$159,518.00 resulting in a revised contract amount of \$24,626,128.00.

CONSIDERATIONS

The project engineers and City Staff have reviewed and recommended approving Change Order No. 3.

Funds are available in the 2017 DWSRF bond issue to pay for the Change Order No. 3.

STAFF RECOMMENDATIONS

Based upon the project Engineer's recommendation, the staff recommends Board approval of Change Order No. 3 to the contract with MWH Constructors, Inc., for an additional of \$159,518.00, resulting in a revised contract amount of \$24,626,128.00, contingent upon the Sherman City Council's approval.

ATTACHMENTS

Engineer's Recommendation Letter
Change Order No. 3

PREPARED AND SUBMITTED BY:

Drew Satterwhite, P.E., General Manager





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G.1.

Meeting Date: 04/16/2018

Prepared By: Steve Ayers, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Recognition of City of Sherman Award: "2017 Achievement of Excellence in Libraries Award"

Issue:

The Sherman Public Library has received the *2017 Achievement of Excellence in Libraries Award* from the Texas Municipal Library Directors Association.

Background:

In a letter dated March 1, 2018, the Texas Municipal Library Directors Association provided the following notification to Library Services Manager Melissa Eason:

"Congratulations go to Sherman Public Library. On behalf of the Texas Municipal Library Directors Association, I am pleased to inform you've earned the *2017 Achievement of Excellence in Libraries Award*. Your application clearly demonstrated your commitment to provide exceptional service. Of the 548 public library systems in Texas, your library is one of only 52 who have earned this year's award. With this honor, your library is now in the top 10% of all public libraries in the State."

"Again, congratulations on this accomplishment, and thank you for providing your community with outstanding and innovative services to enrich the lives of your residents."

Origination:

Shelley Holley, Frisco Public Library
Chair, Achievement of Library Excellence Award
Texas Municipal Library Directors Association

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

It is recommended that the Mayor present the award to the City of Sherman's Library Services Manager, Melissa Eason.

Alternatives:

None

Attachments

Notification of Award



March 1, 2018

The Honorable David Plyler
Mayor
City of Sherman
Sherman City Hall
Sherman, TX 75090

Dear Mayor Plyler:

Congratulations go to the City of Sherman. The Sherman Public Library has been awarded the 2017 Texas Achievement in Library Excellence Award.

Libraries awarded this honor were required to meet a high level of excellence in their programming and services. To be considered, recipients were required to demonstrate quality services across ten criteria.

This year, only 52 Libraries out of 548 Texas public library systems were awarded this honor. This means your Library is in the top 10% of public libraries in the entire State of Texas.

Please accept our sincere congratulations to a city which values and provides quality Library services and programs for the continued education and personal enrichment of its residents.

Sincerely,

A handwritten signature in black ink that reads "Shelley Holley". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley Holley, Frisco Public Library
Chair, Achievement of Library Excellence Award
Texas Municipal Library Directors Association
An Affiliate Organization of the Texas Municipal League
www.tmla.org





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G.2.

Meeting Date: 04/16/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Consider Designating an Area as the "Sherman Cultural District"

Issue:

Designation of the "Sherman Cultural District"

Background:

At the April 2, 2018 City Council meeting, former Mayor Cary Wacker made a presentation on the grant application she plans to submit under the Texas Cultural District Program that will include the designation of the area bounded by Cherry Street, Montgomery Street, Mulberry Street, Walnut Street, Hill Street, and Sam Rayburn Freeway as shown in Exhibit "A" as the "Sherman Cultural District".

Origination:

Former Mayor Cary Wacker

Financial Consideration:

There is no financial impact to be considered.

Staff Recommendation:

The staff recommends the City Council designate the area described herein and shown in Exhibit "A" as the "Sherman Cultural District".

Alternatives:

The Council could decide not to designate the "Sherman Cultural District".

Attachments

Exhibit "A" - Sherman Cultural District

VERNON HOLLAND MEMORIAL



1 inch = 600 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G.3.

Meeting Date: 04/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Brookstone Estates Addition, being 23.466 acres in the Elizabeth Jones Survey, Abstract No. 625; SSCGC Holdings, LLC, Owners; Brookstone Estates Development Joint Venture, Developer; Vilbig and Associates, Civil Engineer; and Preston Trail Land Surveying, Surveyor [1400-1600 blocks of South F.M. 1417 (Heritage Parkway)]

Issue:

To consider Final Plat approval of Brookstone Estates Addition, being 23.466 acres in the Elizabeth Jones Survey, Abstract No. 625, located in the 1400-1600 blocks of South F.M. 1417 (Heritage Parkway)

Background:

The property is located in the 1400-1600 blocks of South F.M. 1417 (Heritage Parkway), between Quail Run Road and Park Avenue; north of the Pebblebrook Subdivision. The owners would like to plat the property into eighty-seven (87) lots for residential development.

Origination:

SSCGC Holdings, LLC (Owners)
Brookstone Estates Development Joint Venture (Developer)
Vilbig and Associates (Civil Engineer)
Preston Trail Land Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 27, 2018 special called meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map

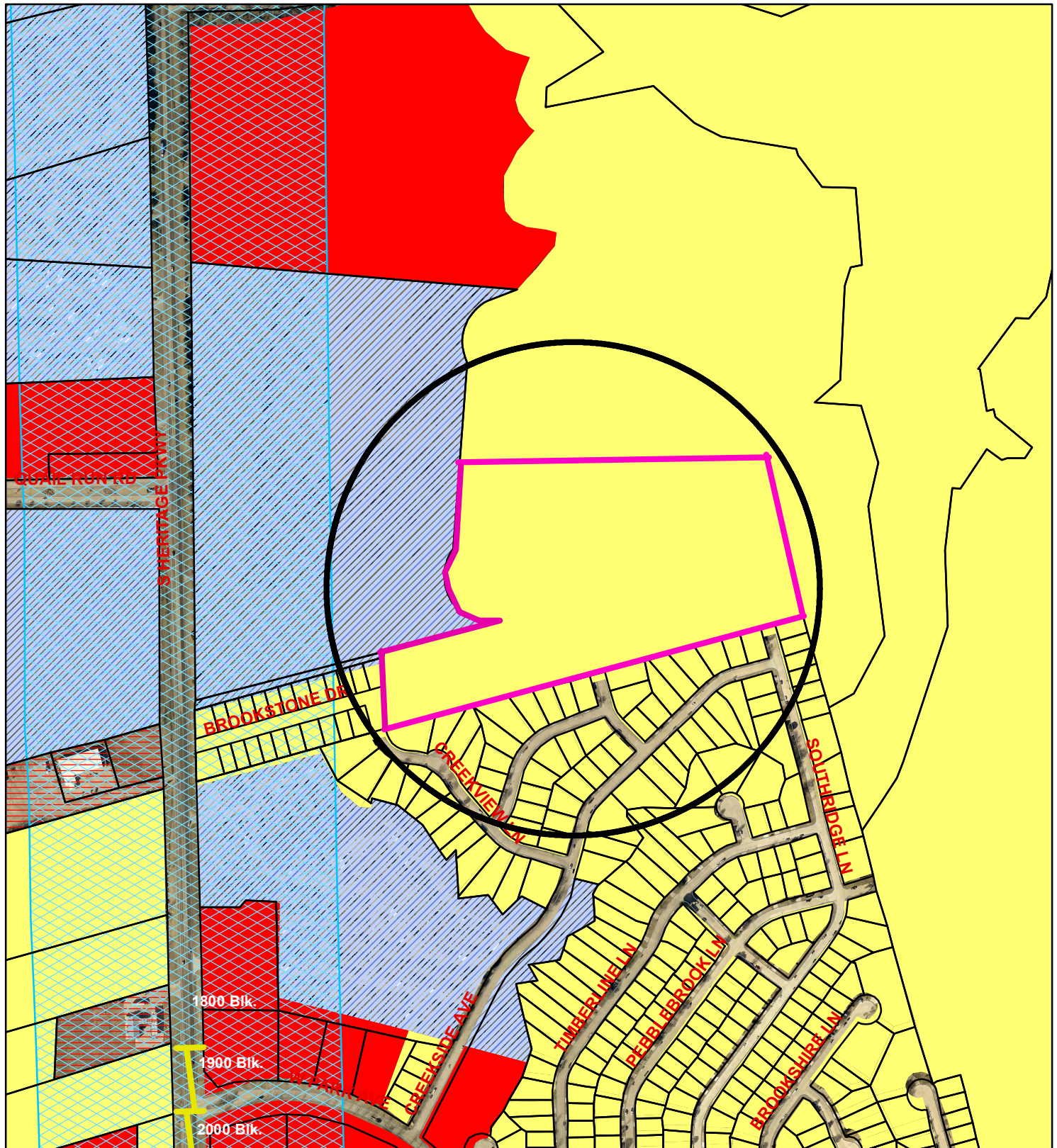
Zoning Map

Final Plat

Staff Review Letter

P&Z Communication

$$1 \text{ in} = 1,500 \text{ ft}$$



Zoning - 1400-1600 Blocks S. FM 1417 (Heritage Parkway)

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP - Blalock Industrial Park
- C-1 Retail Business District

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



1 in = 500 ft

OWNER'S CERTIFICATE

WHEREAS BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE is the rightful owner of all of that certain tract or parcel of land situated in the Elizabeth Jones Survey, Abstract No. 625, City of Sherman, Grayson County, Texas, and being part of a called 136.88 acre tract of land described as Tract 2 in the deed to SSSGC Holdings, LLC, recorded in Volume 5232, Page 220, Official Records of Grayson County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch square tube found for the southwest corner of said 136.88 acre tract, common to the northwest corner of Lot 1R of Park Plaza Addition according to the plat thereof recorded in Volume 18, Page 30, Plat Records of Grayson County, Texas, and on the easterly right-of-way line of Heritage Parkway (F.M. 1417);

THENCE North 74°48'32" East, with the southerly line of said 136.88 acre tract, and with the northerly line of said Park Plaza Addition, passing en route at a distance of 484.60 feet a 1/2-inch iron rod with plastic cap stamped "GEES INC" found for the northeast corner of said Park Plaza Addition, common to the northwest corner of Pebblebrook Phase II according to the plat thereof recorded in Volume 8, Page 117, said Plat Records, and continuing on said course with the northerly line of said Pebblebrook Phase II, a total distance of 711.71 feet to a 1/2-inch iron rod with plastic cap stamped "PRESTON TRAIL LAND SURVEYING RPLS 5585" (hereinafter referred to as Capped Iron Rod) set for the POINT OF BEGINNING of the herein described tract of land, same being the southeast corner of Brookstone Garden Homes, an addition to the City of Sherman according to the plat thereof recorded in Instrument No. 2018-6, Plat Records of Grayson County, Texas;

THENCE crossing said 136.88 acre tract, the following seven (7) courses:

1. North 01°25'06" West, with the easterly line of said Brookstone Harden Homes addition, a distance of 257.40 feet to a Copper Iron Rod set for corner;
2. South 74°48'32" West, with the northerly line of said Brookstone Harden Homes addition, a distance of 11.71 feet to a Copper Iron Rod set for corner;
3. North 01°25'06" West, a distance of 41.92 feet to a Copper Iron Rod set for corner;
4. North 74°45'37" East, a distance of 250.29 feet to a Copper Iron Rod set for corner;
5. North 03°29'52" East, a distance of 641.89 feet to a Copper Iron Rod set for corner;
6. North 89°25'18" East, a distance of 1120.15 feet to a Copper Iron Rod set for corner;
7. South 15°16'36" East, a distance of 611.18 feet to a 3/8-inch iron rod found for a re-entrant corner on the southerly line of said 136.88 acre tract, common to the northeast corner of aforesaid Pebblebrook Phase II;

THENCE South 74°24'48" West, with the southerly line of said 136.88 acre tract, and with the northerly line of said Pebblebrook Phase II, a distance of 753.17 feet to a Copper Iron Rod set for corner;

THENCE South 74°48'32" West, continuing with the southerly line of said 136.88 acre tract, and the northerly line of said Pebblebrook Phase II, a distance of 847.20 feet to the POINT OF BEGINNING and enclosing 23.466 acres (1,022,169 square feet) of land, more or less.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That BROOKSTONE ESTATES DEVELOPMENT JOINT VENTURE, does hereby adopt this plat designating the hereinbefore described property as BROOKSTONE ESTATES ADDITION, an Addition to the City of Sherman, Grayson County, Texas, and does hereby dedicate to the public use forever all streets, rights-of-way, alleys and easements shown thereon. The City or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the City or any public utility shall at all times have the right of ingress and egress to and from and upon the said easement for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Sherman, Texas.

Brookstone Estates Development Joint Venture, a Texas Joint Venture

By: Joe Gilbert Construction, LLC, a Texas limited liability company,
its managing member

Joe Gilbert, President

STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Joe Gilbert, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20____.

Notary Public in and for the State of Texas

CITY COUNCIL CERTIFICATE OF ACCEPTANCE

Accepted by the City Council of the City of Sherman, Texas:

Mayor, City of Sherman, Texas Date

The undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing plat of BROOKSTONE ESTATES ADDITION to the City of Sherman was submitted to the City Council on the _____ day of _____, 20____, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places as shown and set forth in and upon said map or plat and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this _____ day of _____, A.D. 20____.

Clerk, City of Sherman, Texas

PLANNING AND ZONING COMMISSION
CERTIFICATE OF ACCEPTANCE

Accepted this _____ day of _____, 20____, by the City
Planning and Zoning Commission of the City of Sherman, Texas.

Chairman Secretary

SURVEYORS CERTIFICATE

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground and that all monuments shown hereon actually actually exist and that their location, size, and material are correctly shown.

Chris R. Noah Date
Registered Professional Land Surveyor No. 6585

PRELIMINARY
THIS DOCUMENT SHALL
NOT BE RECORDED FOR
ANY PURPOSE AND
SHALL NOT BE USED OR
VIEWED OR RELIED
UPON AS A FINAL
SURVEY DOCUMENT

FINAL PLAT
BROOKSTONE ESTATES ADDITION
23.466 ACRES
ELIZABETH JONES SURVEY, ABSTRACT NO. 625
City of Sherman, Grayson County, Texas

Preston Trail
LAND SURVEYING
83493 N. State Hwy 289, Suite 5
Pittsboro, TX 75076
www.prestontrailandsurveying.com
903-786-6029

TRPLS Firm No. 1019475
Drawn by: BWH
Checked by: DRN
Scale: 1"=40'
Date: 02/20/2018
Project No. 17-05821
Sheet No. 3 of 3

OWNER/DEVELOPER:
Brookstone Estates Development Joint Venture
801 East Taylor Street
Sherman, TX 75090
Ph: 903-893-5188
Contact: Joe Gilbert

ENGINEER:
Vibig & Associates, PLLC
517 West Woodard Street
Denton, TX 75020
Ph: 214-362-7333
Contact: David A. Vibig, P.E.

SURVEYOR:
Chris Noah, RPLS 6585
Preston Trail Land Surveying LLC
83493 N State Highway 289
Suite No. 5
Pittsboro, TX 75076
Ph: 903-786-6029

STAFF REVIEW LETTER

March 14, 2018

Brookstone Estates Development JV
801 East Taylor St.
Sherman, TX 75090

Vilbig & Associates, PLLC
517 W. Woodard St.
Denison, TX 75020

Preston Trail Land Surveying, LLC
83493 N. State Hwy. 289, Ste. 5
Pottsboro, TX 75076

Dear Applicants,

The request for approval of the Final Plat of Brookstone Estates Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 27, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Lot 4, Block I must have a minimum of 60' of street frontage.
6. Legal description must match drawing.
7. Show all easements on plat.
8. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
9. Water and sewer shall be extended to serve the development. Sewer capacity shall be verified for proposed use.
10. A utility, drainage, and grading plan shall be provided and approved by the City Engineering Department.
11. Development Agreement required for Public Infrastructures.
12. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
13. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to

printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



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

Agenda Item No. 13.

Meeting Date: 03/27/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Bridges, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 1400-1600 BLOCKS S. FM 1417 (HERITAGE PARKWAY)**

The request of SSCGC Holdings, LLC (Owners), Brookstone Estates Development Joint Venture (Developer), Vilbig and Associates (Civil Engineer) and Preston Trail Land Surveying (Surveyor) concerning the property located in the 1400-1600 Blocks of South FM 1417 (Heritage Parkway), being 23.466 acres in the Elizabeth Jones Survey, Abstract No. 625, as follows:

Planning and Zoning Commission

Final Plat approval of Brookstone Estates Addition

Background:

The property is located in the 1400-1600 Blocks of South FM 1417 (Heritage Parkway), between Quail Run Road and Park Avenue; north of the Pebblebrook subdivision. The owner would like to plat the property into (87) eighty-seven lots for residential development.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

Origination:

SSCGC Holdings, LLC (Owners)

Brookstone Estates Development Joint Venture (Developer)

Vilbig and Associates (Civil Engineer)

Preston Trail Land Surveying (Surveyor)

Master Plan Designation:

Agricultural and Rural – Typically are large parcels that are primarily used for crops or pasture land. These low density regions surrounding the City do not have significant demands on the transportation or utilities network.

Number of notices mailed:

Not required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Final Plat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

G.4.

Meeting Date: 04/16/2018

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Final Plat Approval of Chen Addition, being 1.572 acres in the J.B. McAnair Survey, Abstract No. 763; Shou-Hung Chen and Tao-Min Chen, Owners; and Underwood Drafting and Surveying, Surveyor (1523 and 1609 Texoma Parkway)

Issue:

To consider Final Plat approval of Chen Addition, being 1.572 acres in the J.B. McAnair Survey, Abstract No. 763, located at 1523 and 1609 Texoma Parkway

Background:

The property is located at 1523 and 1609 Texoma Parkway, between Highway 75 and Broughton Street, and is zoned a C-2 (General Commercial) District. The owners would like to plat the property into two lots for future development.

Origination:

Shou-Hung Chen and Tao-Min Chen (Owners)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

At the March 27, 2018 special called meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

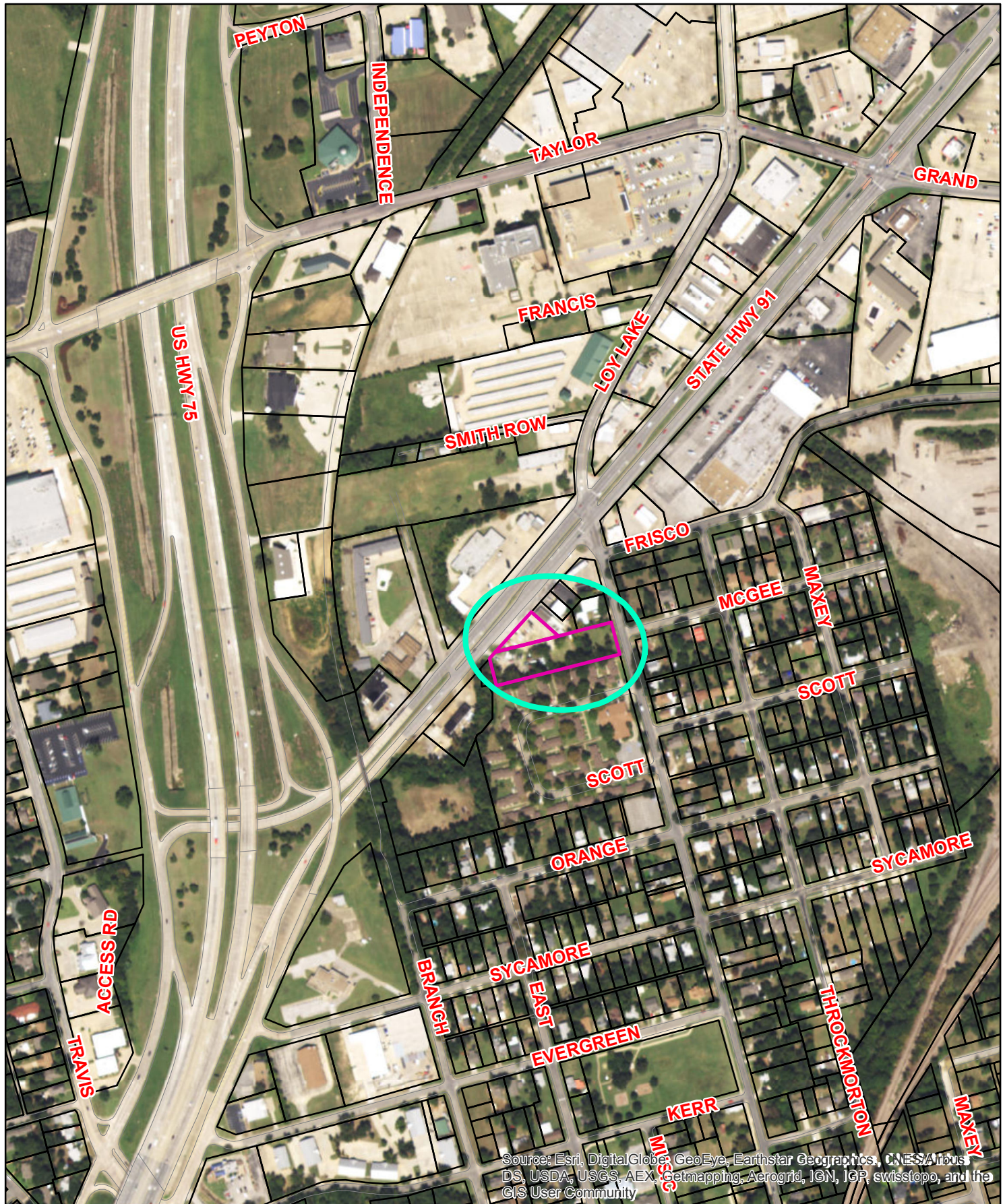
Location Map

Zoning Map

Final Plat

Staff Review Letter

P&Z Communication

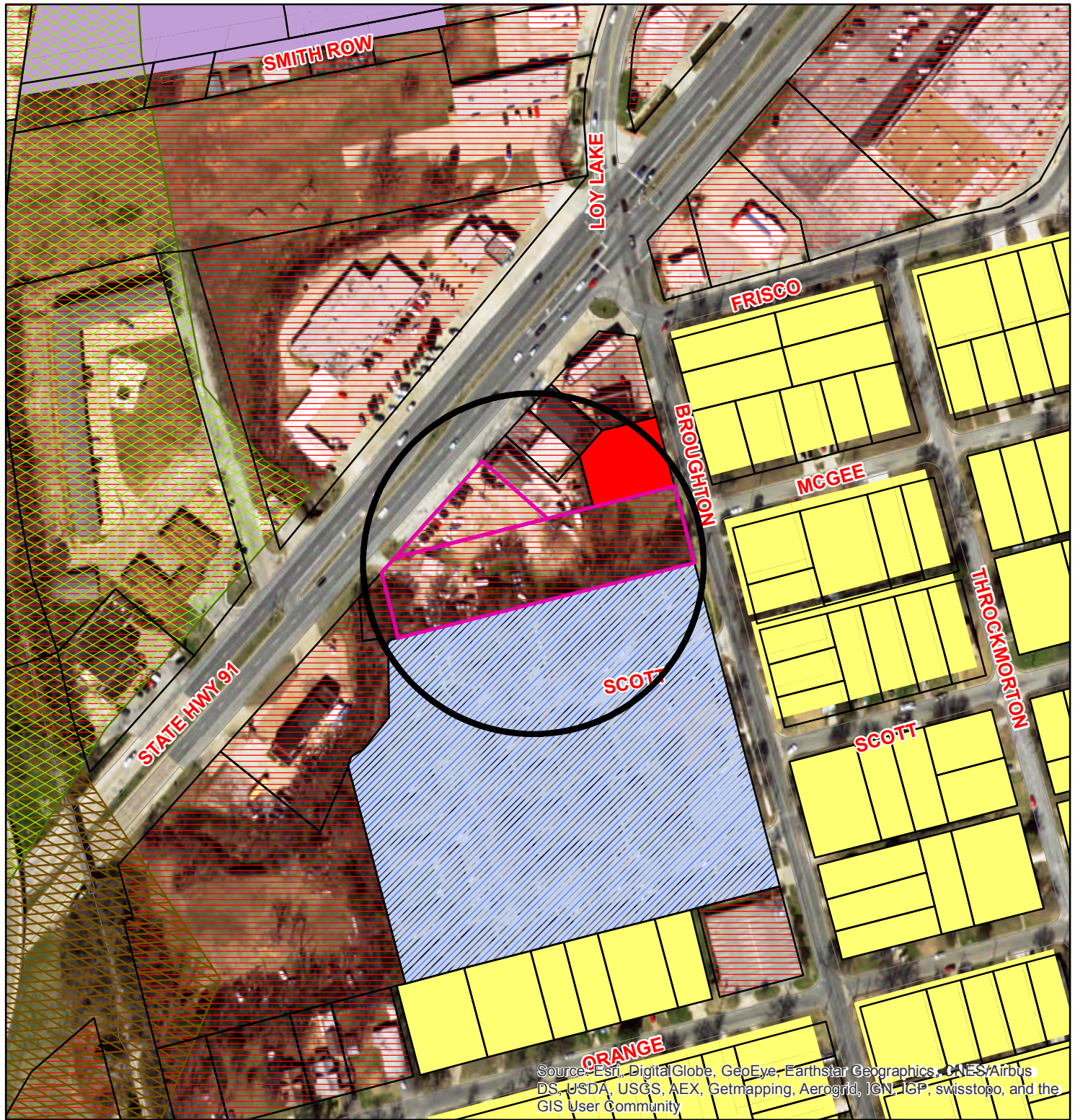


1523 & 1609 Texoma Parkway



1 in = 451 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 1523 & 1609 Texoma Parkway

Legend

Special Districts Overlay

DISTRICT_NAME

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

Representation: ShermGIS.DBO.TransportationCorridor_Rep

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

Zoning Districts

Representation: ShermGIS.DBO.ZoningDistrict_Rep

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District

- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District

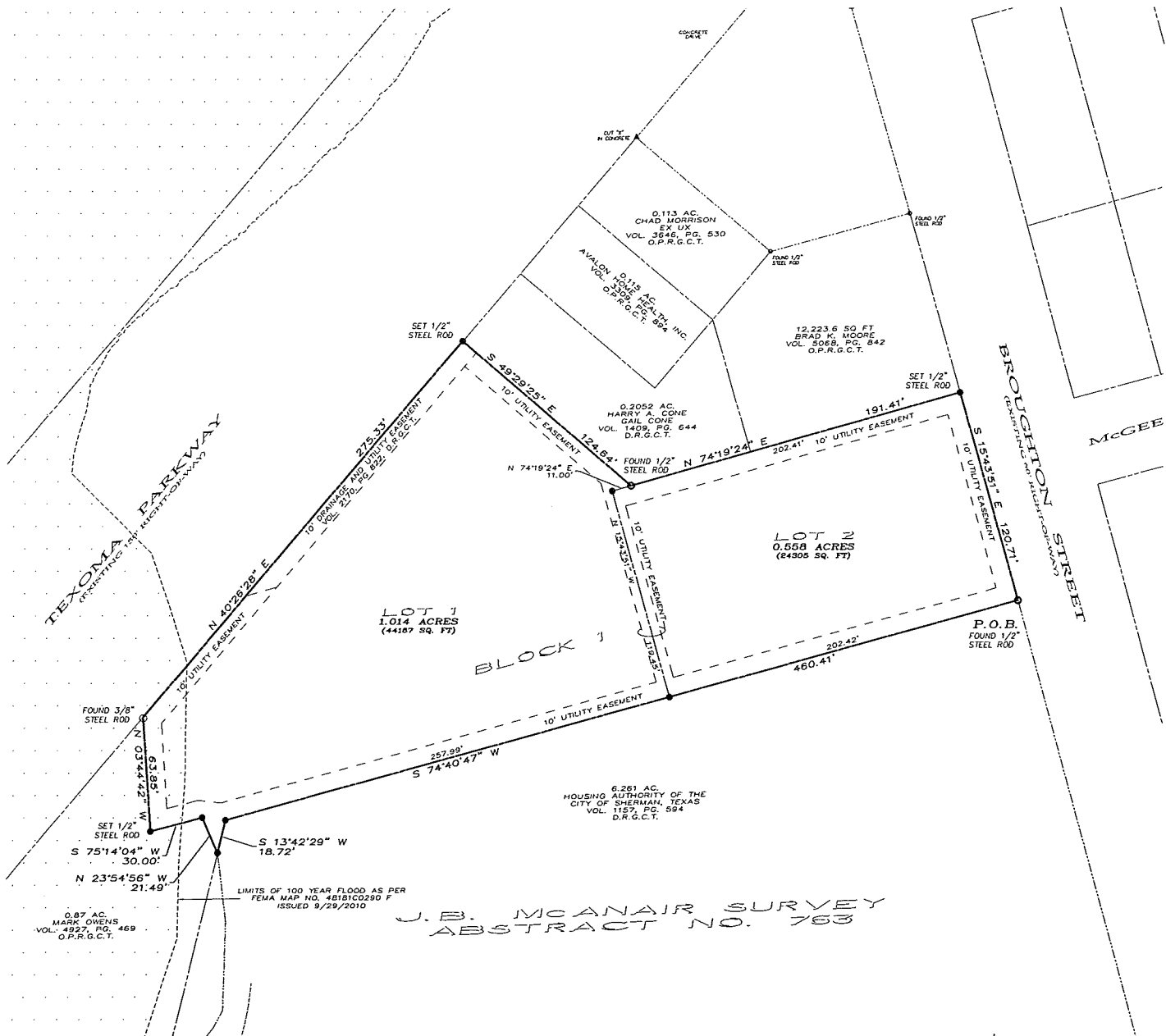


NOT TO SCALE

1 in = 200 ft

Sherman
CLASSIC TOWN. BROAD HORIZON.

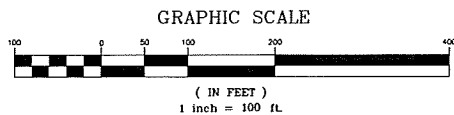
City of Sherman, Texas
Developmental Services Department



~ BASIS OF BEARINGS ~
GRID NORTH, MAG. 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

FINAL PLAT
CHEN ADDITION
BEING 1572 ACRES IN THE
J.B. McANAIR SURVEY, ABSTRACT NO. 763
AN ADDITION TO THE CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

11-21-17



OWNERS/DEVELOPER
SHOU-HUNG CHEN
TAO-MIN CHEN
2008 POST OAK DR.
SHERMAN, TEXAS 75092

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



LEGAL DESCRIPTION

Situated in the County of Grayson, State of Texas, being a part of the J. B. McAnair Survey, Abstract No. 763, and being the remainder of a tract of land conveyed to Shou-hung Chen and Tao-min Chen by deed of record in Volume 2431, Page 385, Official Public Records, Grayson County, Texas and being the 0.2674 acre tract of land in Volume 2056, Page 107, Real Property Records, Grayson County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found in the west line of Broughton Street said rod maintaining the northeast corner of a 6.261 acre tract of land conveyed to Housing Authority of the City of Sherman, Texas as shown by deed of record in Volume 1157, Page 594, Deed Records, Grayson County, Texas;

Thence South 74°40'47" West, along the north line of said 6.261 acre tract, a distance of 460.41 feet to a 1/2" steel rod set with a cap marked RPLS 4709 set for the northwest corner of said 6.261 acre tract;

Thence South 13°42'29" West, along the west line of said 6.261 acre tract, a distance of 18.72 feet to a point in the east line of a 0.87 acre tract of land conveyed to Mark Owens by deed of record in Volume 4927, Page 469, of said Official Public Records;

Thence North 23°54'56" West, along the east line of said 0.87 acre tract, a distance of 21.49 feet to a point;

Thence South 75°14'04" West, continuing along the east line of said 0.87 acre tract, a distance of 30.00 feet to a point;

Thence North 03°44'42" West, continuing along the east line of said 0.87 acre tract passing a 3/8" steel rod found at a distance of 63.30 feet and continuing for a total distance of 63.85 feet to a point in the east right-of-way line of Texoma Parkway (State Highway No. 91);

Thence North 40°26'28" East, along the east right-of-way of said Texoma Parkway, a distance of 275.33 feet to a 1/2" steel rod set with a cap marked RPLS 4709 for the northwest corner of a 0.2052 acre tract of land conveyed to Harry A. Cone and Gail Cone by deed of record in Volume 1409, Page 644, of said Deed Records;

Thence South 49°29'25" East, along the west line of said 0.2052 acre tract, a distance of 124.64 feet to a 1/2" steel rod found maintaining the southwest corner of said 0.2052 acre tract;

Thence North 74°19'24" East, along the south line of said 0.2052 acre tract passing the southwest corner of a 12,223.6 sq ft tract of land conveyed to Brad K. Moore by deed of record in Volume 5068, Page 842 of said Official Public Records, a distance of 191.41 feet to a 1/2" steel rod set in the west line of said Broughton Street for the southeast corner of said 12,223.6 sq ft tract;

Thence South 15°43'51" East, along the west line of said Broughton Street, a distance of 120.71 feet to the Point-of-Beginning and containing 1.572 acres of land.

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creek or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.
11. As shown, a portion of the subject property lies within the limits of an area defined as Zone "4C" determined to be in a flood hazard area, according to the Federal Emergency Management Agency Flood Insurance Rate Map for Grayson County, Texas and incorporated areas, Map No. 4818C0280 F, revised 9/29/2010.

OWNERS DEDICATION

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, SHOU-HUNG CHEN & TAO-MIN CHEN, do hereby adapt this plat designating the hereinabove property as the Final Plat of CHEN ADDITION on addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems, on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2017.

SHOU-HUNG CHEN

TAO-MIN CHEN

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared SHOU-HUNG CHEN 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 purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2017.

Notary Public in and for
the State of Texas

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared TAO-MIN CHEN 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 purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2017.

Notary Public in and for
the State of Texas

ACCEPTANCE

Approved this _____ day of _____, 2017, by the
City Planning Commission to the City of Sherman, Texas.

Chairman

Secretary

CERTIFICATE OF ACCEPTANCE OF DEDICATION

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas

Date

CERTIFICATE OF COMPLIANCE

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, Final Plat of CHEN ADDITION, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2017, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2017.

Clerk, City of Sherman, Texas

FINAL PLAT
CHEN ADDITION
BEING 1572 ACRES IN THE
J.B. McANAIR SURVEY, ABSTRACT NO. 763
AN ADDITION TO THE CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

11-21-17

OWNERS/DEVELOPER
SHOU-HUNG CHEN
TAO-MIN CHEN
2008 POST OAK DR.
SHERMAN, TEXAS 75092

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



STAFF REVIEW LETTER

March 14, 2018

Shou-Hung Chen
Tao-Min Chen
2008 Post Oak Dr.
Sherman, TX 75092

Underwood Drafting & Surveying
3404 Interurban Rd.
Denison, TX 75021

Dear Applicants,

The request for approval of the Final Plat of Chen Addition has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 27, 2018 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Drive approaches and sidewalks must conform to City of Sherman and TxDOT standards and a permit is required from City of Sherman Engineering Department.
4. The width of the right-of-way and pavement for streets shall be shown on the plat.
5. Water and sewer pro-rata will be due at the time of development.
6. All requirements of the Floodplain Ordinance should be followed.
7. Any other changes made to the plat prior to the fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
8. 1 Mylar and 3 paper copies must be submitted in 24"x36" size for recording. Both mylar and paper copies must be split, but not cut, to be 2-24"x18" pages per Grayson County requirements. 1 page must have the legal description (preferably in portrait layout) and the other page must have the image. Both mylar and paper copies must look the same. Both split pages must include the Subdivision Name block and page numbers. Submit digital image to the Engineering department for approval prior to printing mylars and paper copy. CAD file must be submitted digitally at time of final approval.

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

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,



Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Steve Ayers, Asst. City Manager



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

Agenda Item No. 19.

Meeting Date: 03/27/2018

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

Clay Mahone, Chairman

Eric Elliott, Vice Chairman

Shawn Davis, Commissioner

Jeff Adams, Commissioner

David Downtain, Commissioner

Trish Bridges, Commissioner

Leigh Ann Sims, Commissioner

Requested Action/Proposed Use:

*** 1523 & 1609 TEXOMA PARKWAY**

The request of Shou-Hung Chen & Tao-Min Chen (Owners) and Underwood Drafting and Surveying (Surveyor) concerning the property located at 1523 and 1609 Texoma Parkway, being 1.572 acres in the J.B. McAnair Survey, Abstract No. 763, as follows:

Planning and Zoning Commission

Final Plat approval of Chen Addition

Background:

The property is located at 1523 and 1609 Texoma Parkway, between Highway 75 and Broughton Street and is zoned a C-2 (General Commercial) District. The owner would like to plat the property into two lots for future development.

Adjacent Zoning:

C-1 (Retail Business) District

C-2 (General Commercial) District

R-2 (Multi-Family Residential) District

Origination:

Shou-Hung Chen & Tao-Min Chen (Owners)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

Not Required.

Objections Received:

0

Attachments

Location Map

Zoning Map

Plat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 04/16/2018

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2018 Council Calendar

2018

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

MAY						
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27	28	29	30	31		

JUNE						
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JULY						
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29	30	31				

AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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23	24	25	26	27	28	29
30	31					

1/1/2018	New Year's Day/Regular City Council Meeting on 01/02/2018
2/28/2018	Called Council Meeting - Training Session for Council Members
4/27/2018	Called Budget Planning Mtg in Council Chambers
06/14-15/2018	Called Budget Workshop in Council Chambers
9/3/2018	Labor Day/Regular City Council Meeting on 09/04/2018
