

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 16, 2012
5:00 P.M.**

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2 [PLEDGE OF ALLEGIANCE](#)
- A.3 [INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 19, 2012](#)

Special Presentation

- A.5 [SPECIAL PRESENTATION](#)
Accepting our Nation's Flag, flown over Combat Logistics Battalion, Camp Fallujah, Iraq during Operation Iraqi Freedom, presented by Richard A. Pelley on behalf of Dr. Saleem A. Khan, M.D.

Proclamation

- A.6 [PROCLAMATION](#)
"Texoma Earth Day Festival Day" – April 21, 2012

Public Hearing

- B.1 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5738](#)
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 4000-4200 Blocks of North Travis Street (Creed Canyon Partners Ltd., Owners; Matthew Looney, Representative; Cross Architects, PLLC, Architects; Vilbig and Associates, Engineers; and Sartin and Associates, Inc., Surveyors)
- B.2 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5739](#)
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the SF-1 (Single Family Residential) District at 4701 Camp Verde Circle and 100 North Creek Drive West (First Texoma National Bank, Owners; Vilbig and Associates, Engineers; and Helvey and Associates, Surveyors)

Close Public Hearing and Consider Adoption of Ordinances

B.3 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- (a) 5738
- (b) 5739

B.4 [CONSENT AGENDA](#)

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

Resolutions

C.1 [* RESOLUTION NO. 5663](#)

Authorizing Execution of an Encroachment Easement to Diane Curran for the Construction of a Sunroom in a 20' Drainage and Utility Easement in Lot No. 31 of Block No. 3 of the Washington Place Addition to the City of Sherman (2311 Chandler Court)

C.2 [* RESOLUTION NO. 5664](#)

Authorizing Execution of a Development Agreement with DGR Development Group, LTD. for the Construction of Public Facilities crossing Lamberth Road in the City of Sherman

C.3 [* RESOLUTION NO. 5665](#)

Approving the Greater Texoma Utility Authority's Intention to Contract with Xylen Water Solutions USA, Inc./Flygt Products for the Purchase of Two Submersible Pumps for the Headworks Lift Station at the Wastewater Treatment Plant

C.4 [* RESOLUTION NO. 5666](#)

Approving the Greater Texoma Utility Authority's Intention to Contract with TPC Controls, Inc. for Wastewater Treatment Plant Headworks Lift Station Voluntary Frequency Drive Improvements

Requests to Advertise

D.1 [* REQUEST TO ADVERTISE](#)

Repairs to Stephens 1 Trinity and Old Settlers Park 1 Trinity Water Wells

D.2 [* REQUEST TO ADVERTISE](#)

Downtown Sherman Streetscape Project

Other Business

D.3 [OTHER BUSINESS](#)

Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Secretary Chris Pendergrass and SEDCO President Scott Connell

D.4 OTHER BUSINESS

Receive Chief Animal Control Officer Scott Parker's Report on the Sherman Animal Shelter's Adopt-a-thon Scheduled for Saturday, May 5, 2012

D.5 OTHER BUSINESS

Receive City Engineer Clay Barnett's Presentation on the City of Sherman's Comprehensive Master Plan

D.6 OTHER BUSINESS

Receive Presentation from Downtown Sherman Preservation & Revitalization President David Baca on a Proposed Development Ordinance for Downtown

D.7 * OTHER BUSINESS

Replat Approval of Austin Landing Addition, Phase 1; being 30.243 Acres in the Alexander & Richards Survey, Abstract No. 42; First Texoma National Bank, Mark E. Burkes, Jason E. Wall and Linda D. Lott, Owners; Vilbig and Associates, Engineers; and Helvey and Associates, Surveyors (4600-5100 Blocks of North Travis Street)

D.8 CITIZEN REQUESTS

D.9 MEDIA QUESTIONS

D.10 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION

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

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

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

Section 551.074 Personnel Matters

(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:

(1) Sherman Higher Education Finance Corporation (7)

The Council reconvenes into General Session

F.1 [OPEN MEETING](#)

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

F.2 [ADJOURNMENT](#)

[COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Robert G. Softly, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF MARCH 19, 2012

§

March 19, 2012

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on March 19, 2012.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

Mayor Magers welcomed former Mayor Harry Reynolds to the Council Meeting.

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of March 5, 2012. Council Member Smith moved to approve the Minutes as presented; Second by Council Member Plyler. All present voted AYE. MOTION CARRIED.

CONSENT AGENDA

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

RESOLUTIONS

**RESOLUTION NO. 5659 – AUTHORIZING THE EXECUTION
OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY
AND THROUGH THE TEXAS DEPARTMENT OF
TRANSPORTATION, FOR A TRANSPORTATION
ENHANCEMENT PROJECT (DOWNTOWN SHERMAN
STREETSCAPE PROJECT)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SHERMAN AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR A TRANSPORTATION ENHANCEMENT PROJECT (DOWNTOWN SHERMAN STREETScape PROJECT).
CONSENT AGENDA.**

**RESOLUTION NO. 5660 – APPROVING THE GRAYSON
CENTRAL APPRAISAL DISTRICT’S PROPOSAL REGARDING
THE RELOCATION OF THE APPRAISAL DISTRICT OFFICES**

CALL TO ORDER

APPROVE MINUTES

CONSENT AGENDA

**RES 5659
DOWNTOWN
STREETSCAPE
PROJECT**

RES 5660
GRAYSON APPRAISAL
DISTRICT RELOCATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GRAYSON CENTRAL APPRAISAL DISTRICT'S PROPOSAL REGARDING THE RELOCATION OF THE APPRAISAL DISTRICT OFFICES.

Mayor Magers encouraged keeping the Central Appraisal District in downtown Sherman, the County seat, and moving it to another location in the downtown area. He said the issue has become a "political nightmare" with some of the other member bodies.

The positives are obvious. It's a great location, it keeps it close to the County government offices, the purchase price is fair at \$23 per square foot, the roof is under warranty, and it has great parking, which is a key concern.

Other member cities have expressed serious concerns about the cost of the building and he felt this came from a lack of credibility and lack of leadership at the Appraisal District. The main complaint he has received during his years as Mayor is that the employees at the Appraisal District are rude, they don't listen, they don't return telephone calls, they don't answer your questions, they don't care how they spend the tax dollars, and they are not accountable. He agreed with these opinions and felt that they stem from a lack of leadership.

Mayor Magers said the role of the City Council at this meeting is not to change the Appraisal District. Despite the fact that Sherman pays 40% of the taxes in Grayson County, they do not have enough votes to elect one member to the Board.

The role tonight is to make a good fiduciary responsibility to the citizens of Sherman and to Grayson County, by reviewing the issue in itself and not looking at the Appraisal District.

Mayor Magers asked several people to speak on the issue including former Mayor Harry Reynolds, who also served on the Selection and Building Committee; Council Member David Plyler, who is Vice President of Plyler Construction; and David Baca, architect and owner of David Baca Studio. He asked Mr. Reynolds to speak on the history and how the site was chosen, Council Member Plyler on the budget, and Mr. Baca on some of the things they are doing to keep the costs down.

Sherman has no votes on the Appraisal District Board, however they are the County seat and the largest taxpayer in Grayson County, and Mayor Magers felt the Council should show leadership on the issue.

Mr. Reynolds said the Selection Committee was charged with finding a practical building at a reasonable cost. They spent about two years looking at many possible buildings

for the Appraisal District. Most were rejected because they did not meet the criteria of being close to the center of the County, convenient to citizens, and have adequate parking and easy access. The building selected met all the criteria. He discussed other sites that were considered, but said the most practical was the location on Travis Street in Sherman.

Mayor Magers introduced Brett Graham, Grayson County Representative on the Appraisal District Board and a local business owner.

Council Member Plyler recently walked through the proposed site for the Appraisal District. He saw no sign of roof leaks and the building is "wide open" which will be good for renovating. It already has a fire sprinkler system and the electrical service is very new.

He felt the budget that has been presented for the renovation is very good and is at the lower end, because of the lack of demolition that would be needed. He felt the data and infrastructure needs were adequately addressed. They are also taking bids on some "lightly used" equipment which is acceptable. He felt it was a good package and he was pleased with the type of materials they planned to use and the energy efficient items they plan to use.

Mayor Magers asked Mr. Baca to discuss the cost of the remodel and things that are being done to keep those costs low. He also asked what was included in the remodel costs. Mr. Baca said they were charged with creating a workable floor plan for the Appraisal District. The existing area is a large, open area, but they are working around an existing wall and the existing restrooms. The current code required additional restrooms, but they tried to add those where the sanitary sewer was already located. There were also some changes to meet the ADA rules.

He discussed other ways they tried to keep the costs down including working with the building as it currently is by using the existing grid for the acoustical tile and keeping the insulation, replacing single pane windows with energy efficient windows, reusing four air conditioning units and relocating duct work, laying carpet on the concrete floor, and using standard materials.

Mr. Baca added that besides the actual construction costs, these estimates include getting into the building, putting in the data systems, and furniture, which are normally not included. The estimates are for a full "turn-key" project that would get the Appraisal District into the building and set-up for business.

Mayor Magers asked about the contingency amount. Mr. Baca said there are two contingencies, a design contingency to cover unknowns, and a construction contingency. They wanted to be sure there would be enough money in the

contingency to cover anything that might come up, before it was approved by the entities. Mayor Magers confirmed that the money wasn't spent up front, it was kept on the back end as a contingency. There is also money for the remodel. Mr. Baca added that the remodeling would be on par with the offices at City Hall.

Mayor Magers said many entities throughout the County are voting on this issue and on this, Sherman's vote counts the same as the other entities. Currently the City is a partner with Lynn Mitchusson, a representative on the Grayson Appraisal District Board. He felt they need to trust the Board to "do the right thing."

The current Resolution is to purchase the building and to approve up to a certain amount for remodeling. He said the risk of not passing the Resolution would be a risk that the Appraisal District would leave downtown Sherman, because this building is not the first choice of the leadership. Also, they could not build the type of building needed for this same amount of money.

Council Member Smith agreed that the Council should trust the recommendation of the people on the Appraisal District Board. Council Member Wacker felt the best use of taxpayer money is the adaptive reuse of a building and the estimated cost for remodeling seems reasonable.

Mr. Graham added that he had great confidence in this Board and they have made it clear that the costs needed to stay in line. This space is larger than needed at this time, however because of the location of the facility, it really makes sense. Only the areas that are necessary for the Appraisal District will be "built out" at this time. He assured the taxpayers that he, for one, would make sure that the tax dollars are spent wisely. He felt the entire Board would feel that way as well.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5660, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5661 – ADOPTING THE GRAYSON COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ADOPTING THE GRAYSON COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.

J.J. Jones, Fire Chief, said the Hazard Mitigation Plan does two things for the City of Sherman and for Grayson County. It allows identification of the risk hazards specific to the

**RES 5661
HAZARD MITIGATION
PLAN**

region and allows the entities to be eligible for grant funding to help mitigate those hazards.

Work on the plan began before Chief Jones was hired. Those working on the plan included Jeff Miller, former Director of Utilities; Tom Watt, Police Chief; Scott Shadden, Director of Development Services; Mark Gibson, Director of Engineering and Utilities; and Theresa Caudle, Community Development Coordinator.

Chief Jones said the Resolution before the Council is to add this Hazard Mitigation Plan to the City's current Local Emergency Management Plan, along with the Grayson County Plan which includes the City of Sherman.

He added that this Plan is the first step and identifies the hazards. He also recognized Chief Watt for initially taking the lead in the Plan.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5661, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5662 – APPROVING THE FORM OF RESOLUTION OF THE TEXOMA AREA SOLID WASTE AUTHORITY AUTHORIZING THE ISSUANCE OF REGIONAL SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS, SERIES 2012; APPROVING THE FORM OF OFFERING DOCUMENT TO BE USED IN THE MARKETING OF SUCH BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE FORM OF RESOLUTION OF THE TEXOMA AREA SOLID WASTE AUTHORITY AUTHORIZING THE ISSUANCE OF REGIONAL SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS, SERIES 2012; APPROVING THE FORM OF OFFERING DOCUMENT TO BE USED IN THE MARKETING OF SUCH BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

**RES 5662
TASWA REVENUE
BONDS**

Mayor Magers said Sherman accounts for about 50% of the waste in the Texoma Area Solid Waste Authority Landfill and serve on the Board with two other cities and two other counties. He said during the last several years, TASWA has moved from financing the operating costs of cells to paying on a cash basis.

Tonight he asked the City Council to consider the debt issue, but for the 2012-2013 Plan, rates will increase from \$33 per ton to \$35 per ton to move toward cash funding of the cells.

Robby Hefton, Assistant City Manager/CFO, said the City is keeping to the plan discussed by the TASWA Board in June of 2010 to increase rates slightly for the 2012-2013 period. At that time, TASWA decided to start planning to finance the future cells four, five, and six with cash. This change would save issuance costs and interest costs, which would amount to about \$1.9 million for cells four, five, and six combined.

He added that, since TASWA has not accumulated the cash to do that yet, for the years 2014, 2015, and 2016, it would require a spike in rates to accumulate the cash necessary to open cell four and then the rates would go back down considerably in 2017 and beyond. Mr. Hefton said the staff felt it was prudent for TASWA to do this.

He also felt it was important to develop a policy statement for the Board's consideration to cover the principal of using cash to fund cells four, five, and six. It would also be expanded to cover other issues related to debt issuance, such as the types of appropriate debt, maturities, and methods.

Mr. Hefton said even though there is a little "bubble" in the rates for a period up front, it does save costs and the policy statement formalizes the will of this Board for future Boards.

Mayor Magers said he understood that TASWA was originally developed so Sherman would have lower rates on the trash service. He felt, over time, this would be the case. If the economy picks up and the amount of trash picks up, there should be more cash to fund these cells. Therefore the rates might not have to increase so much.

Mayor Magers confirmed that the rates will probably be below 3%. Cost of a cell is approximately \$3 million. Dale Sissney, TASWA Executive Director, said a cell is a 12 acre tract of land, which is about 55 feet deep, lined with plastic, and meeting Texas Commission on Environmental Quality regulations.

According to Mr. Sissney, when cell two was started 3½ to 4 years ago, it was financed for 4½ years. The cell will last about 4½ years, or until February or March of 2013. The last payment on the cell will be in February 2013, so the life of the asset and the life of the debt are running about parallel.

A residential customer in Sherman creates about 185 pounds, or one-tenth of a ton, of trash per month. For the \$35 per ton rate, that tenth of a ton is about \$3.50 per household per month.

Council Member Smith asked about the temporary spike in the rates. Mr. Hefton said for three years they would be building more cash than they need to operate the landfill to accumulate the cash necessary to build the next cell. The plan is that TASWA would then reduce the rates.

Council Member Smith said if the citizens are told the rate will be reduced after three years, how does the Council

assure that they will be reduced. Mayor Magers said the TASWA Board will consist of mayors and they “keep their finger” on the rates. He added that a future City Council may decide that they want to finance cells to keep rates artificially low.

Mayor Magers said the landfill is supposed to last 50 to 75 years, so the City of Sherman needs to be sure they are maximizing efficiency to keep the landfill active that long. He added that if more trash is generated the rates won't increase as much to pay for future cells. There is just not enough money now to cash finance the cells and the money must be borrowed. By increasing rates for a few years, the cash is accumulated to pay for the cells, thus saving \$2 million in financing charges.

Council Member Smith agreed that was a smart move, but he expressed concern that there was no assurance that the rates will come back down. Mayor Magers said the governing bodies will control the situation. Council Member Wacker agreed that this was a fiscally responsible decision to move forward.

Deputy Mayor Steele said it is fortunate that the next cell is expected to fill up at the same time the debt is paid off. He asked what would happen if the waste stream increases and the next cell fills up quicker than the debt is paid. Then cell four would need to be constructed before the cost of cell three is paid. Mr. Sissney said it is a fixed-cost business but if waste increased, you would also be increasing revenue.

Regardless of how future cells are financed, Mr. Sissney said the action tonight relates to the financing of cell three, which needs to be financed now. Construction will begin in May or June 2012. Otherwise the options will be kept open for future financing as discussed.

Mayor Magers said other member City's rates are twice what Sherman's rates are because the Sherman City Council has a different philosophy relating to sanitation. It's not used as a “cash cow” but as a service. This Council is concerned that there is a plan in place.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5662, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

OTHER BUSINESS

CONSIDER REQUEST OF THE 2012 EARTH DAY PLANNING COMMITTEE TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE “4TH ANNUAL EARTH DAY FESTIVAL” ON SATURDAY, APRIL 21, 2012

**CLOSE STREETS
FOR EARTH DAY**

Council Members approved the request of the 2012 Earth Day Planning Committee to temporarily close certain streets for the "4th Annual Earth Day Festival" on April 21, 2012.

The event will be held in the Municipal Building Ballroom and on the grounds. The Committee has requested delivery and pick up of barricades and street closures around the Municipal Building.
CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

WELCOME NEW HERALD DEMOCRAT REPORTER

Mayor Magers welcomed William Wadsack, new City Reporter for the Herald Democrat. He also recognized current Reporter Jerrie Whiteley.

COUNCIL COMMENTS

DOWNTOWN SHERMAN PRESERVATION & REVITALIZATION ST. PATRICK'S DAY EVENT

Council Member Wacker congratulated Downtown Sherman Preservation & Revitalization on their recent St. Patrick's Day Event. She said it was very successful and there was a huge crowd. Mayor Magers estimated that at least 300 to 400 people were there.

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.

SECTION 551.087

DELIBERATION REGARDING
ECONOMIC DEVELOPMENT
NEGOTIATIONS:
DELIBERATE REGARDING
COMMERCIAL OR FINANCIAL
INFORMATION THAT THE CITY
HAS RECEIVED FROM BUSINESS
PROSPECTS AND DELIBERATE
ANY OFFERS OR INCENTIVES TO
THE BUSINESS
PROSPECTS, INCLUDING THE
FOLLOWING:
PROPERTY AT 4344 LOY LAKE
ROAD, SHERMAN, TEXAS

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:43 p.m.

CITIZENS REQUESTS

**WELCOME NEW
HERALD DEMOCRAT
REPORTER**

**DSP&R ST. PATRICK'S
DAY EVENT**

EXECUTIVE SESSION

On Motion duly made and carried, the Executive Session recessed at 6:06 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:07 p.m.

OPEN MEETING

ADJOURNMENT

MAYOR

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. A.5

SPECIAL PRESENTATION

**Accepting our Nation's Flag, flown over Combat Logistics Battalion,
Camp Fallujah, Iraq during Operation Iraqi Freedom, presented by Richard A. Pelley
on behalf of Dr. Saleem A. Khan, M.D.**

Issue

Presentation to the City of Sherman of our Nation's Flag, which was flown over Combat Logistics Battalion, Camp Fallujah, Iraq during Operation Iraqi Freedom

Background

Mr. Richard A. Pelley will present the flag, along with a Certificate of Authenticity, on behalf of Dr. Saleem A. Khan, M.D., who was served as Captain in the U.S. Navy.

Origination

Mr. Pelley on behalf of Dr. Kahn

Attachments

Mr. Pelley's written request of March 28, 2012

**Prepared and Approved by:
George Olson, City Manager**

PELLEY LAW OFFICE, L.L.P.

**RICHARD A. PELLEY
RUSSELL A. "CHIP" PELLEY
QUINTON G. PELLEY**

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March 28, 2012

SENT VIA EMAIL: billmagers@yahoo.com

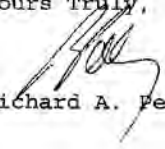
Dear Mayor Magers:

I respectfully request an opportunity to present our Nation's Flag, flown over Combat Logistics Battalion, Camp Fallujah, Iraq during Operation Iraqi Freedom, to the City of Sherman.

I would act in behalf of my dear friend, Dr. Saleem A. Khan, MD (Captain in the US Navy). The flag will be accompanied by a Certificate of Authenticity.

If I can have just a few minutes, I would ask the City of Sherman to accept this presentation from Dr. Khan, as he is certainly a favorite son of our City.

Yours Truly,


Richard A. Pelley

RAP/reb



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. A.6

PROCLAMATION

“Texoma Earth Day Festival Day” – April 21, 2012

Issue

The 4th Annual Earth Day Festival will be held on Saturday, April 21, 2012 from 8:30 a.m. until 5:00 p.m. on the Sherman Municipal Grounds. The Texoma Earth Day Festival Planning Committee has requested a proclamation to publicize the event.

Background

Earth Day was originally founded in 1970 and is intended to inspire awareness and appreciation for the Earth’s natural environment. It is celebrated annually in April and corresponds to the beginning of Spring.

Origination

The request for the proclamation originated with the Texoma Earth Day Festival Planning Committee.

Financial Consideration

There is no financial consideration to the request.

Staff Recommendation

It is the staff recommendation that a proclamation be presented designating “Texoma Earth Day Festival Day” in Sherman.

Alternatives

The Council could choose not to present the proclamation.

Attachments

A proclamation designating April 21, 2012 as “Texoma Earth Day Festival Day” in Sherman is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager



Proclamation

WHEREAS, all people in the global community have a moral right to a healthy, sustainable environment with economic growth, and

WHEREAS, human activities around the world are causing severe environmental damage that threatens human health and our planet's ability to sustain a diverse community of life, and

WHEREAS, the citizens of the global community must step forward and take action to create a green economy that lives in harmony with the environment, and

WHEREAS, local communities can do much to reverse environmental degradation and contribute to building a healthy society by addressing issues such as energy use, transportation, waste prevention, and litter control, and

WHEREAS, there are sound economic, environmental, and social reasons for local governments to initiate energy efficiency and renewable energy practices, and

WHEREAS, the Texoma Earth Day Festival will be held on April 21, 2012 on the Municipal Building Grounds and will feature programs and activities where ordinary people will learn practical things to improve the health of the planet and to enhance the community's natural environment.

NOW THEREFORE, I, Bill Rogers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim April 21, 2012

TEXOMA EARTH DAY FESTIVAL DAY

in the City of Sherman and encourage all citizens, businesses, and institutions to use this day to celebrate the Earth and commit to building a sustainable society.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this 19th day of April, 2012.

Mayor

ATTEST:

Linda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5738

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 4000-4200 Blocks of North Travis Street (Creed Canyon Partners Ltd., Owners; Matthew Looney, Representative; Cross Architects, PLLC, Architects; Vilbig and Associates, Engineers; and Sartin and Associates, Inc., Surveyors)

Issue

To consider the request of Creed Canyon Partners Ltd. (Owners), Matthew Looney (Representative), Cross Architects, PLLC (Architects), Vilbig and Associates (Engineers), and Sartin and Associates, Inc. (Surveyors) concerning the property located in the 4000-4200 blocks of North Travis Street, being a 9.23 acre tract in the John Jennings Survey, Abstract No. 647, for a zone change and site plan approval from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District

Background

The property is located in the 4000-4200 blocks of North Travis Street; the northeast corner of North Travis and Canyon Grove Road. A zone change was granted to a C-1 (Retail Business) District at the July 18, 2005 City Council Meeting. The owners would like to rezone the property to an R-2 (Multi-Family Residential) District to construct a 192-unit apartment complex. They would like to erect a 6' wrought iron fence with 7' columns to surround the development and a 6' x 9' monument sign along Canyon Grove Road.

Origination

Creed Canyon Partners Ltd. (Owners), Matthew Looney (Representative), Cross Architects, PLLC (Architects), Vilbig and Associates (Engineers), and Sartin and Associates, Inc. (Surveyors)

Board Recommendation

At the March 20, 2012 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5738

Location Map

Photograph

Site Plan

P&Z Communication Form

Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5738

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 R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 4000-4200 BLOCKS OF NORTH TRAVIS STREET (CREED CANYON PARTNERS, LTD., OWNERS; MATTHEW LOONEY, REPRESENTATIVE; CROSS ARCHITECTS, PLLC, ARCHITECTS; VILBIG AND ASSOCIATES, ENGINEERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); 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 R-2 (Multi-Family Residential) District in the 4000-4200 blocks of North Travis Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the JOHN JENNINGS SURVEY, Abstract No. 647, being a part of a 28.78 acre tract of land conveyed by Lodeal L. Vance to Creed Canyon Partners, Ltd. by deed dated February 9, 2005, recorded in Volume 3807, Page 320, Official Public Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Westerly Southwest corner of the herein described tract, on the West line of said 28.78 acre tract, the East right-of-way line of F.M. Highway No. 131, (known as Travis Street), said beginning point being North 11 deg. 55 min. 13 sec. West, a distance of 307.35 feet from the Southwest corner of said 28.78 acre tract, at the intersection of the East right-of-way line of said Travis Street with the North line of Pecan Grove Road;

THENCE North 11 deg. 55 min. 13 sec. West, with the East right-of-way line of said Travis Street, the Westerly West line of said 28.78 acre tract, a distance of 345.00 feet to the Westerly Northwest corner of the herein described tract;

THENCE North 78 deg. 04 min. 47 sec. East, a distance of 155.76 feet to a point;

THENCE in a counter clockwise direction along lines of tangent to a 150 foot radius oil well easement, the following calls and distances:

South 45 deg. 44 min. 44 sec. East, a distance of 78.56 feet;

South 75 deg. 44 min. 44 sec. East, a distance of 80.38 feet;

North 74 deg. 15 min. 16 sec. East, a distance of 80.38 feet;

North 44 deg. 15 min. 16 sec. East, a distance of 80.38 feet;
North 14 deg. 15 min. 16 sec. East, a distance of 80.38 feet;
North 15 deg. 44 min. 44 sec. West, a distance of 80.38 feet;
North 36 deg. 45 min. 55 sec. West, a distance of 26.96 feet;

THENCE North 00 deg. 42 min. 52 sec. East, a distance of 88.27 feet to the Northerly Northwest corner of the herein described tract, on the South line of a Texas Power & Light Company easement described in Volume 1136, Page 32, Deed Records, Grayson County, Texas;

THENCE South 89 deg. 10 min. 25 sec. East, with the South line of said Texas Power & Light Company easement, a distance of 377.28 feet to the Northeast corner of the herein described tract;

THENCE in a Southwesterly direction along the East line of the herein described tract, the following calls and distances:

South 00 deg. 45 min. 00 sec. West, a distance of 107.59 feet to an angle point;
South 10 deg. 58 min. 17 sec. West, a distance of 238.25 feet to an angle point;
South 00 deg. 45 min. 00 sec. West, a distance of 450.00 feet to the Southeast corner of the herein described tract, on the South line of said 28.78 acre tract, the North line of the above mentioned Pecan Grove Road;

THENCE South 75 deg. 32 min. 06 sec. West, with the South line of said 28.78 acre tract, the North line of said Pecan Grove Road, a distance of 306.67 feet to the beginning of a curve;

THENCE in a Southwesterly direction continuing with the South line of said 28.78 acre tract, the North line of said Pecan Grove Road and with a curve to the right having a radius of 970.00 feet, (chord bears South 76 deg. 31 min. 10 sec. West, 33.33 ft.), a distance of 33.33 feet to the Southerly Southwest corner of the herein described tract;

THENCE North 11 deg. 55 min. 13 sec. West, a distance of 303.93 feet to an ell corner of the herein described tract;

THENCE South 78 deg. 04 min. 47 sec. West, a distance of 270.00 feet to the **PLACE OF BEGINNING** and containing **9.23 ACRES OF LAND** more or less.....

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

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

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

INTRODUCED on this the _____ day of _____, 2012.

ADOPTED on this the _____ day of _____, 2012.

EFFECTIVE DATE on this the _____ day of _____, 2012.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



4000-4200 Blks. N. Travis

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 258 feet

4000-4200 Blk N. Travis



HUD Concept Meeting
Section 221(d)(4) – NC/SR

**CREED CANYON
APARTMENTS**

Sherman, Texas

NEW PROJECT CONCEPT MEETING DOCUMENTATION
Creed Canyon Apartments, Sherman, TX
Section 221(d)(4)
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SUMMARY OF PROPOSED MULTIFAMILY PROJECT SUBMISSION

Summary of Project

Project Name

Creed Canyon Apartments

Project Location

Northeast corner of N. Travis Street and Canyon Grove Road, Sherman, Grayson County, Texas 75092

Proposed Project/Site Improvements

Berkadia is proposing a loan of approximately \$14,651,500 to finance the construction of a 192-unit apartment complex located in Sherman, Grayson County, Texas. As planned, Creed Canyon Apartments will be located on a site area of approximately 9.23 acres at the northeast corner of North Travis Street and Canyon Grove Road. The project proposes one, two, and three bedroom units in four 3-story and one 2-story residential buildings with an additional one-story clubhouse. The buildings are pitched-roof with exterior siding composed of approximately 50% stone and 50% hardi-plank material. The project will have approximately 384 parking spaces, including 70 garages, 140 carports and 20 storage units. The project proposes approximately 170,424 SF of net rentable area with no commercial space associated with the project. There will be nine foot ceilings throughout the units with the living areas to be carpeted with ceramic tile floors in the kitchens, bathrooms, utility rooms, and entries. The kitchens are to be equipped with Energy Star appliances including refrigerator, electric stove and dishwasher with European style cabinets with hidden hinges and adjustable shelves. The kitchens will feature built-in pantries, built-in microwaves, and double bowl sinks. Each unit will have a full-size washer and dryer provided.

The project is zoned C-1, Retail Business District, which allows for multi-family projects. The site is part of the Sherman Master Plan which designates it as "Auto-Urban Single Family Residential." The project is located within Flood Zone X, which is an acceptable designation for this project. Creed Canyon Apartments will provide high-quality multifamily housing for residents in Sherman seeking a newly constructed Class "A" option. The proposed site is optimally located at the northeast corner of North Travis Street and Canyon Grove Road near Cinemark (movie theater), Wal-Mart Supercenter, and Sherman Town Center.

Sherman's location, infrastructure, and proven track record of attracting major employers suggests that it will continue to grow, particularly being directly in the path of the rapid northward expansion of the Dallas-Fort Worth Metroplex. Sherman's infrastructure is outstanding with its transportation system anchored by the crossroads of U.S. Highway 75 and U.S. Highway 82 and bolstered by the airport facilities at the North Texas Regional Airport and the Sherman Municipal Airport. Additionally, Lake Texoma guarantees a bountiful source of water.

Based on conversations with the developer and the City of Sherman, the site is a very attractive location for a multifamily development and is located in a prime retail area. Access to and visibility from U.S. Highway 75 and U.S. Highway 82 are also excellent. The Texas Department of

Transportation is putting in a service road extension from the U.S. Highway 82 frontage road that will offer direct access to the project site. In addition, the Sherman ISD is looking into purchasing 300 acre site across the street to the northwest to put in a new Sports Complex.

The sales tax for economic development, administered by the Sherman Economic Development Corporation (SEDCO), provides the necessary incentives to attract large, high-quality employers. Major employers in the area include Tyson Fresh Meats (1,500 employees), Sherman ISD (1,080 employees), Texas Instruments (900 employees), Texas Health Presbyterian Hospital – WNJ (900 employees), Grayson County (government – 410 employees), City of Sherman (400 employees), Fisher Controls International (rotary control valves – 365 employees), Cooper B-Line (metal enclosures – 300 employees), West Asset Management (medical receivables – 275 employees), Presco Products (PVC film – 200 employees), and Royal Case (fabric cases – 200 employees).

Requirements for Concept Package Submission

Section of the National Housing Act 221(d)(4)

Number of Units (Market/Affordable Rate)
192 (100% market rate)

Creed Canyon Apartments Proposed Unit Mix

Mix	Type	Market SF/Unit	Market Total SF	Unit Rent	Annual Total Rent	SF Rent		
48	1 BR 1 BA	658	31,584	\$750	\$432,000	\$1.14		
36	1 BR 1 BA	740	26,640	\$815	\$352,080	\$1.10		
24	1 BR 1 BA	804	19,296	\$850	\$244,800	\$1.06		
12	1 BR 1 BA	883	10,596	\$910	\$131,040	\$1.03	1 Bedrooms	63%
36	2 BR 2 BA	1,084	39,024	\$995	\$429,840	\$0.92		
32	2 BR 2 BA	1,189	38,048	\$1,070	\$410,880	\$0.90	2 Bedrooms	35%
4	3 BR 2 BA	1,309	5,236	\$1,120	\$53,760	\$0.86	3 Bedrooms	2%
192		888	170,424	\$892	\$2,054,400	\$1.00		100%

Projected Mortgage Amount
\$14,651,500 (based upon HUD-92264-A, Criteria 3)

Mortgage Criteria	
Requested Mortgage Amount:	\$14,651,500
83.3% of Cost, criterion 3:	\$14,651,500
Statutory Limit, criterion 4:	\$23,726,400
83.3% of NOI, criterion 5:	\$15,534,100

Loan-to-Mortgageable Replacement Cost	83.3%	Debt Service Coverage Ratio (including MIP):	1.27x
Interest Rate during Construction:	5.00%	Permanent Interest Rate:	5.00%
Construction Period + 2 months:	16	Permanent Loan Term (in months):	480

Mortgage Term

40

New Construction or Substantial Rehabilitation

New Construction

Basic Information on the Developer and its Principals

The proposed ownership is reflected below, however, is subject to change prior to the submission of the Firm Commitment. A single asset entity will be formed for purpose of owning the project.

Mortgagor

A to-be-formed single asset entity; Mr. Charlie Nicholas and Mr. W. Matthew Looney will be principals of the mortgagor entity.

Mr. Charlie Nicholas

Mr. Charlie Nicholas will be the Member Manager of the to-be-formed Single Asset Entity. Mr. Nicholas has significant FHA experience both as a developer and as a contractor. The General Contractor will be N.E. Construction, LLP of which Mr. Nicholas is the Founder and President. N.E. Construction, LLP has extensive FHA experience and is based out of Lewisville, TX. They have been in business since the 1980s and specialize in large multi-million dollar projects nation-wide in both the public and private sectors. Mr. Nicholas is also the President and Founder of Nicholas Enterprises (N.E.). Through N.E., Mr. Nicholas controls 12 diverse and highly profitable companies ranging from convenience stores to an operating 22,000 acre ranch in the Texas Hill Country. Mr. Nicholas has been involved in the development, construction, and ownership of multifamily real estate for more than 30 years through both N.E. Development and N.E. Construction, LLP. During this time he has overseen the development and construction of more than 10,000 multifamily units throughout the Southwest with an estimated value in excess of \$600 million.

Through N.E. Construction, LLP, Mr. Nicholas has HUD experience with eighteen multifamily projects and two still under construction.

Mr. Nicholas's REO was dated January 2012.

Mr. W. Matthew Looney

Mr. W. Matthew Looney is owner and managing partner of 4LE, LLC, a real estate investment company involved in acquisition, development/ conversion and sale of apartment buildings and retail shopping centers. With equity investments located from Texas to California, Mr. Looney has acted as managing partner of numerous projects and continues to seek new opportunities. Since the inception of the company, he has assisted in the acquisition of over \$350,000,000 in

real estate on the east and west coasts while completing private-equity investments of \$8,000,000 during the same time. Prior to forming his own company, Mr. Looney worked as a commercial lender with two locally owned banks in North Texas. He received his BBA from Baylor University (1995) and is a Certified Commercial Investment Member (CCIM).

Mr. Looney has no previous HUD experience, but he is part of a development team with significant previous HUD experience.

As of January 2012, Mr. Looney owned three properties including two office/retail properties and a parcel of raw land (28.78 acres that includes our 9.23 acre site). Mr. Looney estimated the value of the portfolio at \$4,521,744. The total debt is \$2,098,106 resulting in reported equity of \$480,075 and a loan to value of 46.40%. The average debt service coverage for the portfolio is 0.93x based on actual current NOI. However, if we exclude the raw land from the NOI calculation, the debt service coverage is 1.23x.

A further analysis of the REO portfolio (includes properties with due dates within the next five years) follows:

Tall Tejanas, LLC – due 08/15/2014: This fixed rate conventional loan from Landmark Bank will be refinanced.

Morton Center, Ltd – due 08/03/2015: This fixed rate conventional loan from American Bank of Texas will be refinanced.

Allodial Creed, LLC – due 05/31/2012: This interest only conventional loan from Ameristate Bank will be _____.

The REO and Mortgage Debt Schedules are attached to this narrative.

Management Company

The management company will be either SunRidge Management Group, Inc. or Merge Management, LLC. Both companies have previous HUD experience. Merge Management, LLC has an identity of interest with Mr. Charlie Nicholas. A comprehensive review of the management company selected will be completed at the Firm Commitment stage.

General Contractor

The General Contractor will be N.E. Construction, LLP. The contractor has extensive FHA experience and is based out of Lewisville, TX. N.E. Construction, LLP has completed eighteen previous HUD projects and has two in process.

N.E. Construction, LLP is a financially stable company that has been on a constant rate of growth since inception. N.E. Construction, LLP offers a variety of construction services to a wide range of customers, striving to offer competitive pricing and on-time delivery on all projects. As a privately held, licensed and insured company with impressive bonding capacity and financial power, they complete projects on a nationwide scale without sacrificing personalized service. With a determination to consistently evolve based on industry demand, they strive to remain customer focused and customer driven. As a result, N.E. Construction, LLP has consistently grown and prospered.

N.E. Construction, LLP's HUD multifamily experience qualifies them to serve as the general contractor for this FHIA-insured multifamily project.

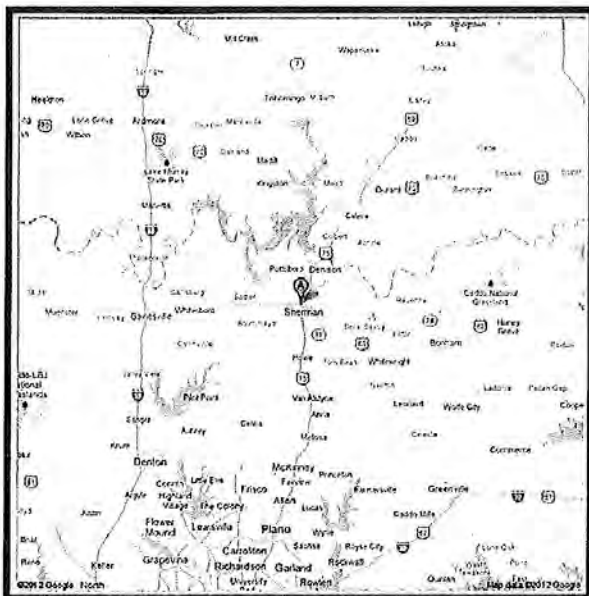
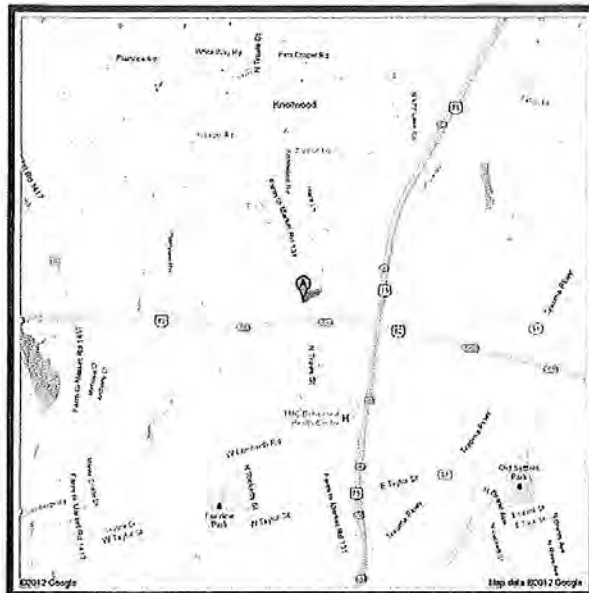
Previous HUD Experience

Mr. Charlie Nicholas, the possible management agents, and the selected general contractor have current HUD experience. Through his ownership of N.E. Construction, LLP, Mr. Nicholas has HUD experience on twenty previous HUD projects:

Project	Location	HUD Loan Number	Units	Constructed
Creekside at Northlake Apartments	Roanoke, TX	112-35403	228	2000-2001
Ridgeview Apartments	North Little Rock, AR	082-35367	240	2004-2005
Parc at Maumelle Apartments	Maumelle, AR	082-35386	240	2005-2006
Parc at Metro Center Apartments	Nashville, TN	086-35298	144	2005-2007
Parc at Clarksville	Clarksville, TN	086-35307	168	2006-2007
Stonegate Apartments	Del Rio, TX	115-35511	112	2006-2007
Sugar Mill Plantation	Addis, LA	064-35441	160	2008
Savoy of Garland	Garland, TX	113-35280	144	2008
Vista Ridge	Tupelo, MS	065-35651	160	2009
Magnolia Assisted Living	Texarkana, TX	113-43060	40	2009
Legend Park	Lawton, OK	117-35221	264	2009
MacArthur Pointe	Oklahoma City, OK	117-35225	304	2009
Parc at Denham Springs	Denham Springs, LA	064-35469	224	2009
Stewart Creek	Montgomery, TX	114-35599	120	2009
Village on Little Texas	Austin, TX	115-35551	240	2010
Blue Ridge	Midland, TX	113-35389	290	2010
Toulon Apartments	Gaultier, MS	065-35667	240	2010
The Boulevard	Corinth, TX	113-35402	193	2010-2011
Reserve at Jones Road	Beeville, TX	115-35589	104	2011-
Lotus Village Apartments	Austin, TX	115-35590	222	2011-

Geographic Location with Map

Creed Canyon Apartments will be located at the northeast corner of North Travis Street and Canyon Grove Road in Sherman, Grayson County, Texas (75092).



* Additional maps located in Exhibit 4.

Photographs of the Subject Project and Surrounding Area



* Additional photos located in Exhibit 6.

Site Improvements

The project will be located on a site area of approximately 9.23 acres and will consist of four 3-story and one 2-story residential buildings that will provide approximately 170,424 SF of net rentable space. There will not be commercial space associated with the project. The proposed unit mix and rents are noted above. The exterior of the project will consist of pitched-roof buildings with exterior siding composed of approximately 50% stone and 50% hardi-plank material.

Commercial Space

As noted, the project will not provide commercial space.

Amenities

The planned unit amenity package includes the following:

- Distinctive one, two and three bedroom floor plans
- Dramatic living spaces with nine foot ceilings throughout
- Crown molding in living and dining areas
- Ceramic tile floors in kitchens, baths, utility rooms and entries
- Euro cabinets with hidden hinges and adjustable shelves
- Built-in microwaves and double bowl sinks
- Built-in pantries
- Full-size washers and dryers in each unit
- Ceramic tile bath surrounds with color band
- Walk-in closets with coated wire shelves and rods

- Ceiling fans in each bedroom and living room
- Six-panel interior doors
- French doors to patios and exterior storage closets

Planned project amenities include the following:

- Clubhouse with fitness center, business center and kitchen
- Pool at the clubhouse
- Electronic entry gates
- 70 Detached garages and 140 Carports
- 20 Detached storage units (10' x 11')
- Walking trails and pathways as well as a water feature

All public utilities and services are currently available to the site. TXU Energy/Oncor (Oncor) supplies electric to the subject property. ATMOS Energy supplies natural gas. The City of Sherman Water Department provides the area with water utilities and The City of Sherman and Waste Management of Texas provide a solid waste disposal system for normal, non-hazardous waste. Various private contractors handle hazardous waste disposal and recycling. Students will attend schools of the Sherman Independent School District: Neblett Elementary School, Piner Middle School, and Sherman High School [Information on the SISD is included in Exhibit 10].

Community – City – State Support

The developers have met with Scott Shadden, Secretary of the Planning and Zoning Commission and Board of Adjustment of the City of Sherman. Per their conversations with him, the City is very supportive of the project.

[NEED MORE DETAIL HERE]

Green / Sustainability Issues

Specific “green” features include interior unit amenities such as Energy Star rated appliance packages including electric self-cleaning oven, frost-free refrigerator with ice maker, microwave, dishwasher, and disposal; low flow shower heads and other water conserving fixtures will also be used.

Development Status

No permits or approvals have yet been received, but are in process per the developer.

The project is zoned C-1, Retail Business District, which allows for multi-family projects. The site is part of the Sherman Master Plan which designates it as “Auto-Urban Single Family Residential.”

General Market Conditions, Competitive/Comparable Projects

Other known projects planned/proposed:

There were no multifamily permit filings in Sherman for 2011. Per conversations with the City of Sherman there are no other multifamily projects planned for 2012.

No units have been constructed since 2009 in Sherman.

The vast majority of projects in Sherman were built during the 1970s and 1980s and there is a lack of conventional new construction in the market. The most recent projects built in Sherman-Denison market include a Housing Tax Credit (HTC) project with 100% of the units restricted to households with incomes between 30% and 60% of the area's median household income level. The initial phase of this project included 100 units and was completed in 2005. The second phase, containing 76 units, was completed in March 2007. Prior to that, the most recently completed project was built in 2002 and this community represented the only market rate project built in the local market since the 1990s.

Two new market properties have been completed in Sherman since 2008. These two projects are:

- Northside on Travis includes 200 units. This market rate apartment project was financed with a HUD 221(d)(4) loan. Construction was completed in 2009, and the property reached stabilization in 13 months.
- Bridges on Travis Phase I was completed in 2009 and included 112 units. Phase II (108 units) is planned, but does not have a construction start date, nor does it have current funding.

Demographics

The subject property is located in Sherman, Grayson County, Texas. It is part of the Sherman-Denison CBSA. Population in the Sherman-Denison metro area increased by 9.3% from 2000 to 2010, from 110,595 to 120,290 and is projected to continue to grow. The 2010 household demographics reflect that renters comprise 29.0% of the CBSA's households (renters make up 34.5% of the households in the one-mile radius). The number of households in the CBSA is expected to increase by 1,963 from 2010 to 2015 or approximately 392 households per annum, which indicates there is growth occurring in the area. The median household income for the CBSA is \$46,574 with a median household value of \$67,786.

Market Summary

Per REIS, the following statistics were noted for Sherman (3Q 2011 – all units):

➤ Occupancy	92.0%
➤ Asking Rent	\$599
➤ Rent Change	0.7%

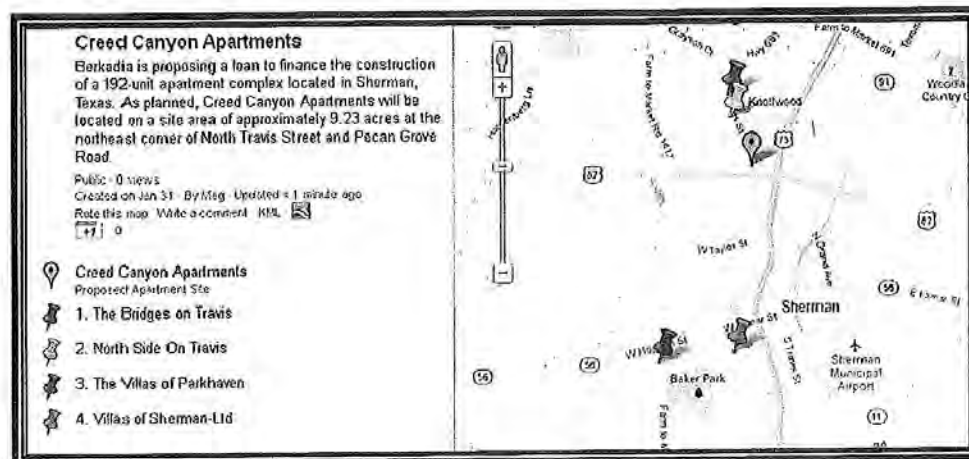
Occupancy

Occupancy is up every quarter in 2011 for all units. Occupancy for units constructed since 2000 is currently 94.6%.

While occupancy at Bridges on Travis was at 85% in January and February 2011 (as noted by Timothy Miller, HUD Economist, in his March 25, 2011 email to Tim Nunan), the property has been at 90% or above average occupancy consistently since March 2011. As of January 2012, the property is at 95% occupancy.

Competition

We have identified four properties comparable to the subject:



Creed Canyon Apartments Rent Comparable Summary

No.	Property Name	YOC	Units	Occupancy	Average SF	Market Rent	Market Rent	Eff. Rent	Eff. Rent
1	Bridges on Travis	2009	112	95.0%	844	\$801	\$0.95	\$772	\$0.91
2	Northside on Travis	2008	200	95.0%	877	\$846	\$0.96	\$769	\$0.88
3	Villas at Parkhaven	1998	256	95.0%	839	\$676	\$0.81	\$676	\$0.81
4	Villas of Sherman	1999	144	97.0%	730	\$605	\$0.83	\$605	\$0.83
			712	95.5%	823	\$732	\$0.89	\$706	\$0.86
	Creed Canyon Apartments	Proposed		93.0%	888	\$892	\$1.00	\$892	\$1.00

Of the four properties identified above, two (Bridges on Travis and Northside on Travis) were offering discounted rental rates per the latest ALN information.

Environmental Issues

No known environmental issues.

Actual or Potential Risks and Mitigating Factors

Ownership:

Risks and Mitigating Factors

- Mr. Looney has no previous HUD experience.

- Mr. Charlie Nicholas has extensive previous HUD experience and brings a very qualified development team to the Creed Canyon Apartments project.

Management:

Risks and Mitigating Factors

- None

Financial Analysis:

Risks and Mitigating Factors

- Average rents in Sherman are relatively low
 - The vast majority of projects in Sherman were built during the 1970s and 1980s and there is a lack of conventional new construction in the market. This lack of new units puts downward pressure on rents.
 - A total of two new market properties have been completed in Sherman since 2008. These two projects are Northside on Travis which includes 200 market rate apartment units. Bridges on Travis Phase I was completed in 2009 and included 112 units. Phase II (108 units) is planned, but does not have a construction start date. Both currently are operating at 95% occupancy.

Market:

Risks and Mitigating Factors

Timothy Miller, HUD Economist, in his March 25, 2011 email to Tim Nunan suggested that "Given the significant decline in the number of units constructed in the last 2 years coupled with the improving economic situation in the area, it is likely that EMAD could find demand for a modestly-sized project in the market with reasonable rents." Mr. Miller also stated that the following questions would need to be addressed in a market study.

- Are employment gains in the area likely to continue?
 - We believe that they will continue as Sherman has a sales tax for economic development, administered by the Sherman Economic Development Corporation (SEDCO) that provides incentives to attract large, high-quality employers.
 - Prices for consumer goods are about 14 percent less Sherman-Denison on average than the rest of the nation per The Council for Community and Economic Research, a non-profit research program. (Sixty different items from across the consumer spectrum are included in their calculations.) For businesses it means a lower cost of many supplies and a salary that goes farther for their employees; coupled with a low tax rate, the low cost of living in the area should be attractive to businesses. [Article is included in Exhibit 13]
- Will units in planning begin construction in the area during the next 2 years?
 - There were no multifamily permit filings in Sherman for 2011.
 - Phase II (108 units) of Bridges on Travis is reportedly planned, but does not have a construction start date.
 - Per the City of Sherman, there are no other planned projects in the area.
- What is the expected absorption rate?

- Northside on Travis, 200 units constructed in 2009, reached stabilization in 13 months.
- Why does the most recently completed development in the area appear to be struggling?
 - Bridges on Travis was at 85% occupancy in January and February 2011, but occupancy at the property has been at 90% or above average occupancy consistently since March 2011.
 - As of January 2012, the Bridges on Travis is at 95% occupancy.

Occupancy at the four rent comparables is 95.5% as of January 2012. We believe that the market has continued to make improvements since the time of Mr. Miller's email in March 2011. Sherman needs these additional units.

Anticipated Waiver Requests

We anticipate requesting a Soil Boring Waiver.

PRELIMINARY UNDERWRITING

Income:

The underwriter's Annual Gross Potential Income estimate of \$2,054,400 assumes all units at estimated market rents for each unit type. Other revenue has been estimated based on the developer's estimates. To arrive at an underwritten effective gross income we have applied a 7% vacancy and collection loss. The property will not have any commercial space; therefore, commercial income is not a factor.

Expenses:

For the underwritten pro forma, we have used the developer's estimated expenses. The estimated management fee is 3%. We have included an estimate of replacement reserves of \$62,201 (\$324/unit) based on the required HUD formula for reserve expense based on 0.6% of the total structures costs.

Underwritten Pro-Forma

		170,424	192	
	Total	/SF	/Unit	%
Potential Gross Apt. Revenue	\$2,054,400	\$12.05	\$10,700	94.59%
Ancillary Apartment Revenue	117,585	0.69	612	5.41%
Total Potential Gross Revenue	\$2,171,985	\$12.74	\$11,312	
Vacancy and Collection Loss	(152,039)	(0.89)	(792)	7.00%
Effective Gross Revenue	\$2,019,946	\$11.85	\$10,521	100.00%

Expense Categories

Advertising	\$28,416	\$0.17	\$148	1.41%
Management Fee	\$60,598	0.36	316	3.00%
Other (Specify)	\$39,360	0.23	205	1.95%
Utilities	\$75,840	0.45	395	3.75%
Payroll	\$175,488	1.03	914	8.69%
Repairs	\$93,120	0.55	485	4.61%
Insurance	\$48,000	0.28	250	2.38%
Real Estate Taxes	\$298,915	1.75	1,557	14.80%
Gross Margin Tax	\$11,813	0.07	62	0.58%
Reserves	\$62,201	0.36	324	3.08%
Total Expenses	\$893,751	\$5.24	\$4,655	44.25%
Net Operating Income	\$1,126,194	\$6.61	\$5,866	55.75%

Strengths of this Property / Transaction

- **Local employment opportunities abound**
 - Major employers in the area include Tyson Fresh Meats (1,500 employees), Sherman ISD (1,080 employees), Texas Instruments (900 employees), Texas Health Presbyterian Hospital – WNJ (900 employees), and Grayson County (government – 410 employees).
 - A 130+ acre tract of undeveloped land at the northwest corner of US Highway 75 and FM 1417 is to be developed as a mixed use site with retail, office/commercial, medical, and hotel/motel uses called Sherman Crossroads. [Article in Exhibit 13]
 - The sales tax for economic development, administered by the Sherman Economic Development Corporation (SEDCO), provides the necessary incentives to attract large, high-quality employers.
 - The City of Sherman, Grayson County, Grayson County College, and the Sherman ISD have eliminated the tax on inventory shipped out of state within 175 days.
 - The City of Sherman and Grayson County offer tax abatement for qualifying projects on new building and equipment capital investment.

- Grayson County Airport is a satellite of the Dallas/Ft. Worth International Airport Foreign Trade Zone #39. Economic benefits include customs duty deferral on imports and duty elimination for imports that are re-exported.
- ***Transportation access is readily available to Sherman's businesses***
 - Firms located in Sherman's industrial areas benefit from the close proximity of Dallas/Fort Worth International Airport, the world's second busiest airport. Companies can move people and products internationally in a cost-effective manner. DFW International Airport, as well as two regional airports, are located within an hour's drive from Sherman. (D/FW, Dallas Love Field and Alliance Airport are approximately 75 miles away.)
 - North Texas Regional Airport (NTRA), formerly Perrin Air Force Base, has a 9,000 ft. lighted, concrete runway at its 1,400-acre facility.
 - Sherman Municipal Airport has a 4,100 foot runway with fixed base operator and a flight training school. The Sherman Municipal Airport is strategically located near the center of the city – just minutes from the downtown business district, Austin College, and the core of local, state and federal government offices in Sherman.
 - The State of Texas also has the advantage of a modern and efficient road network that is consistently upgraded to meet the needs of economic expansion. Sherman is adjacent to Interstate-quality U.S. 75, which offers direct, non-stop highway access to Houston via a connection to I-45. (Also I-30, I-35, and I-20)
 - Two railroads, BNSF and Texas North Eastern (TNER), serve Sherman with piggyback and switching services.
 - The city has 10 local freight carriers, two Greyhound terminals and several package services.
- ***Sherman provides a great lifestyle for residents.***
 - Austin College, a private independent liberal arts college, is located in Sherman. Austin College was founded in 1849 and is the oldest institution of higher learning in Texas operating under its original charter and name. Austin College was recently named one of The Princeton Review's "The Best 376 Colleges." [Article in Exhibit 13]
 - Noted as a major retail trade center for the area, Sherman's numerous specialty, gift and antique shops make the city a magnet for local and tourist shoppers. Sherman has independent stores, strip centers, and three shopping centers.
 - The Sherman Town Center stores include Home Depot, Target, Ross, Dress Barn, Bed Bath & Beyond, Belk's, Hobby Lobby, Books A Million, Petco, Old Navy and many others, as well as a state-of-the-art Cinemark Theater and several restaurants. *[near our site]*
 - Midway Mall offers over 65 retailers including Sears, JCPenney, Dillard's and Burlington Coat Factory.
 - The Sherman Commons includes stores such as Kohl's, Academy, PetSmart and others, as well as restaurants such as Cracker Barrel and Taco Cabana.
 - The year-round mild climate makes Sherman the perfect locale for all types of outdoor activities. The city has well-manicured public parks, playgrounds for baseball, tennis,

soccer, and outdoor swimming pools. Lake Texoma is a favorite for many outdoor activities, including striped fishing and a variety of water sports.

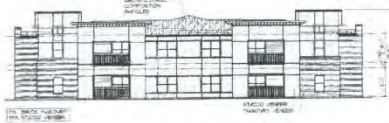
- The Red River Historical Museum and the Museum of American Victorian Furniture are both located in historic downtown Sherman.
 - Sherman is home to some wonderful community entertainment. Sherman Community Players, located in Finley Cultural Center, and Theatricks, spotlight some of the best adult and child theatrical performances in the area. The Community Series presents the very best in musical entertainment, including the Sherman Symphony Orchestra, and the Hot Summer Nights concert series.
 - Sherman hosts many annual events, including the Sherman Preservation League's Tour of Homes, The National Aerobatics Championship, Sherman Arts Festival, Grayson County Fair, Sherman Jaycee's Christmas Parade and the Altrusa Pilgrimage of Homes.
- ***This is a "Green" project***
 - The project shows the concern and careful design to maximize savings and sensitivity to the environment.
 - ***The project and unit amenities are extensive.***
 - This is a Class "A" property and the list of amenities is expansive and is expected to be well received in the market.
 - ***We have well-capitalized ownership with extensive previous HUD 221(d)(4) development experience.***
 - Mr. Charlie Nicholas, President of N.E. Construction, LLP has previous HUD experience including twenty 221(d)(4) projects as general contractor.
 - ***Contractor and Management are FHA experienced professionals.***
 - N.E. Construction, LLP has completed twenty 221(d)(4) projects as a general contractor.
 - The management company will be either SunRidge Management Group, Inc. or Merge Management, LLC. Both companies have previous HUD experience.

EXHIBITS

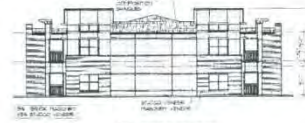
1. Preliminary PLA
2. Preliminary 92013
3. REO Schedule
 - o Charlie Nicholas
 - o W. Matthew Looney
4. Geographic Location Maps
5. Preliminary Rendering and Site Plan
6. Photographs of the subject and immediate surroundings
7. REIS 3Q 2011 Performance Monitor for Sherman-Denison
8. Texas A&M Real Estate Center 2011 Market Report for Sherman/Denison
9. Demographics / Ring Report
10. Sherman Independent School District Information
11. Sherman Economic Development Corporation Information
12. Information on local employers
13. Articles
14. Google search results for Key Principals



4 SIDE ELEVATION
100' x 10'



3 SIDE ELEVATION
100' x 10'



2 SIDE ELEVATION
100' x 10'



1 FRONT ELEVATION
100' x 10'



ARCHITECTURE
10000 W. 10TH ST. SUITE 100
PLANO, TEXAS 75075
TEL: 972.370.8800
WWW.CROSSARCHITECTS.COM



Creed Canyon Apartments
Sherman, Texas

PROJECT
ARCHITECT
DATE

REVISIONS
NO. DATE

DATE

DATE

DATE

DATE

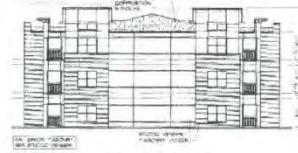
DATE



4 REAR ELEVATION
332' x 110'



3 SIDE ELEVATION
332' x 110'



2 SIDE ELEVATION
332' x 110'



1 FRONT ELEVATION
332' x 110'



ROSS
ARCHITECTS
1205 N. 10TH ST. SUITE 105
DALLAS, TEXAS 75201
PH: 972.388.6644
FAX: 972.388.6644
www.rossarchitects.com

Creed Canyon Apartments
Sherman, Texas

REVISIONS
DATE: 08/15

02/28/12
120226
A1.2
EXTERIOR
ELEVATIONS
SHEET 2 OF 2

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
March 20, 2012
Lawrence Davis, Chairman

Don Hicks, Vice-Chairman
Darren Tankersley, Commissioner
Richard Barber, Commissioner
Ryan Michael Kreck, Commissioner

Brad Morgan, Commissioner
Ron Barton, Commissioner
Joe Gilbert, Commissioner
Sam Thorpe, Commissioner

4000-4200 Blocks of North Travis Street
Being a 9.23 acre tract in the John Jennings Survey, Abstract No. 647
Zone change, Site Plan & Exceptions

Requested Action/Proposed Use:

Planning and Zoning Commission

Zone Change and site plan approval from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

Board of Adjustments

- Exception to allow a 6' wrought iron fence with 7' masonry columns, in lieu of the required masonry perimeter wall to surround the development in an R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.
- Exception to allow a 6'x9' monument sign in an R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District.

Background:

The property is located in the 4000-4200 Blocks of North Travis Street; the northeast corner of North Travis and Canyon Grove Road. A zone change was granted to a C-1 (Retail Business) District at the July 18, 2005, City Council Meeting. The owners would like to rezone the property to an R-2 (Multi-Family Residential) District to construct a 192-unit apartment complex. They would like to erect a 6' wrought iron fence with 7' columns to surround the development and a 6'x9' monument sign along Canyon Grove Road.

Adjacent Zoning:

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

Origination:

Creed Canyon Partners Ltd. (Owners), Matthew Looney (Representative), Cross Architects, PLLC (Architects), Vilbig and Associates (Engineers) and Sartin and Associates, Inc. (Surveyor)

Master Plan Designation:

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

Number of notices mailed:

Objections Received:

0

Attachments:

Location map

Photographs

HUD Concept

Site Plan

Staff Review Letter

Prepared by:

**Patsy Reeves,
Developmental Services Secretary**

Approved by:

**Scott Shadden,
Director of Developmental Services**

**STAFF REVIEW LETTER**

March 14, 2012

Creed Canyon Partners LTD
17245 SH 56
Sherman, TX 75092

Creed Canyon Apartments LTD
Matthew Looney
2402 W. Morton St., Ste. 103
Denison, TX 75020

Cross Architects, PLLC.
1255 W. 15th St., Ste. 125
Plano, TX 75075

Sartin & Associates Survey Company
P.O. Box 1843
Sherman, Texas 75091

Vilbig & Associates
10132 Monroe Drive
Dallas, Texas 75229

Dear Applicants,

The request for site plan approval for apartments and zone change from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District/O-1 (75 & 82) Overlay District for the property located in the 4000-4200 Blocks of North Travis Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 20, 2012 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the R-2 (Multi-Family Residential) District and the Residential Tree and Landscaping Ordinance must be followed. Wall finishes shall be masonry or masonry veneer.
2. A minimum 6' masonry perimeter wall shall be provided to surround the development unless an exception is granted.
3. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
4. Parking is permitted on paved surfaces only.
5. Parking shall be provided for one space per bedroom, minimum two per unit (total required 388); a parking space is considered to be 9'x20'.
6. A minimum twenty-five foot (25') setback is required along Travis Street.
7. 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:

8. No permanent structures shall be placed within the utility easement without an encroachment easement approved by the City Council.

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 and Zoning Commission.

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.

4000-4200 Blks. N. Travis Site Plan 3/20/12

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/PS

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

CC: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Clay Barnett, City Engineer

Nathan Hufman, Fire Marshal
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5739

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the SF-1 (Single Family Residential) District at 4701 Camp Verde Circle and 100 North Creek Drive West (First Texoma National Bank, Owners; Vilbig and Associates, Engineers; and Helvey and Associates, Surveyors)

Issue

To consider the request of First Texoma National Bank (Owners), Vilbig and Associates (Engineers), and Helvey and Associates (Surveyors) concerning the property at 4701 Camp Verde Circle and 100 North Creek Drive West, being Lot 1, Block A and Lot 1, Block C, Austin Landing Addition, Phase 1 for a zone change and site plan approval from a C-1 (Retail Business) District to an SF-1 (Single Family Residential) District

Background

The property is located at 4701 Camp Verde Circle and 100 North Creek Drive West off North Travis Street near the City of Knollwood. The property was annexed into the City in 2006 and is located in the Austin Landing Addition. The two lots were approved for a zone change to a C-1 (Retail Business) District at the May 1, 2006 City Council Meeting. The owners would like to rezone the property to an SF-1 (Single Family Residential) District to correspond with the other lots in the subdivision.

Origination

First Texoma National Bank (Owners), Vilbig and Associates (Engineers), and Helvey and Associates (Surveyors)

Board Recommendation

At the March 20, 2012 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5739

Location Map

Photograph

Site Plan

P&Z Communication Form

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5739

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 SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AT 4701 CAMP VERDE CIRCLE AND 100 NORTH CREEK DRIVE WEST (FIRST TEXOMA NATIONAL BANK, OWNERS; VILBIG AND ASSOCIATES, ENGINEERS; AND HELVEY AND ASSOCIATES, SURVEYORS); 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 SF-1 (Single Family Residential) District at 4701 Camp Verde Circle and 100 North Creek Drive West, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 1, Block A and Lot 1, Block C, Austin Landing Addition, Phase 1

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 _____, 2012.

ADOPTED on this the _____ day of _____, 2012.

EFFECTIVE DATE on this the _____ day of _____, 2012.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



1 inch = 343 feet



Zoning - 4701 Camp Verde Circle & 100 W. North Creek Dr

Legend

	O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT		C-2 General Commercial District
	O 1.1 FM 1417 OVERLAY DISTRICT		M-1 Light Manufacturing District
	O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT		R-A Single Family Agricultural District
	C B D DOWNTOWN BUSINESS DISTRICT		SF-1 Single Family Residential District
	C P O COLLEGE PARK OVERLAY DISTRICT		M-1.5 Medium Manufacturing District
	A & C ARTS & CULTURAL OVERLAY DISTRICT		M-2 Heavy Manufacturing District
	CO Office District		MH Manufacturing Housing District
	R-1 One Family Residential District		Blaylock Commercial District
	R-2 Multi-Family Residential District		BIP Blalock Industrial Park
	C-1 Retail Business District		

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 258 feet

4701 Camp Verde Circle



100 W. North Creek Dr.



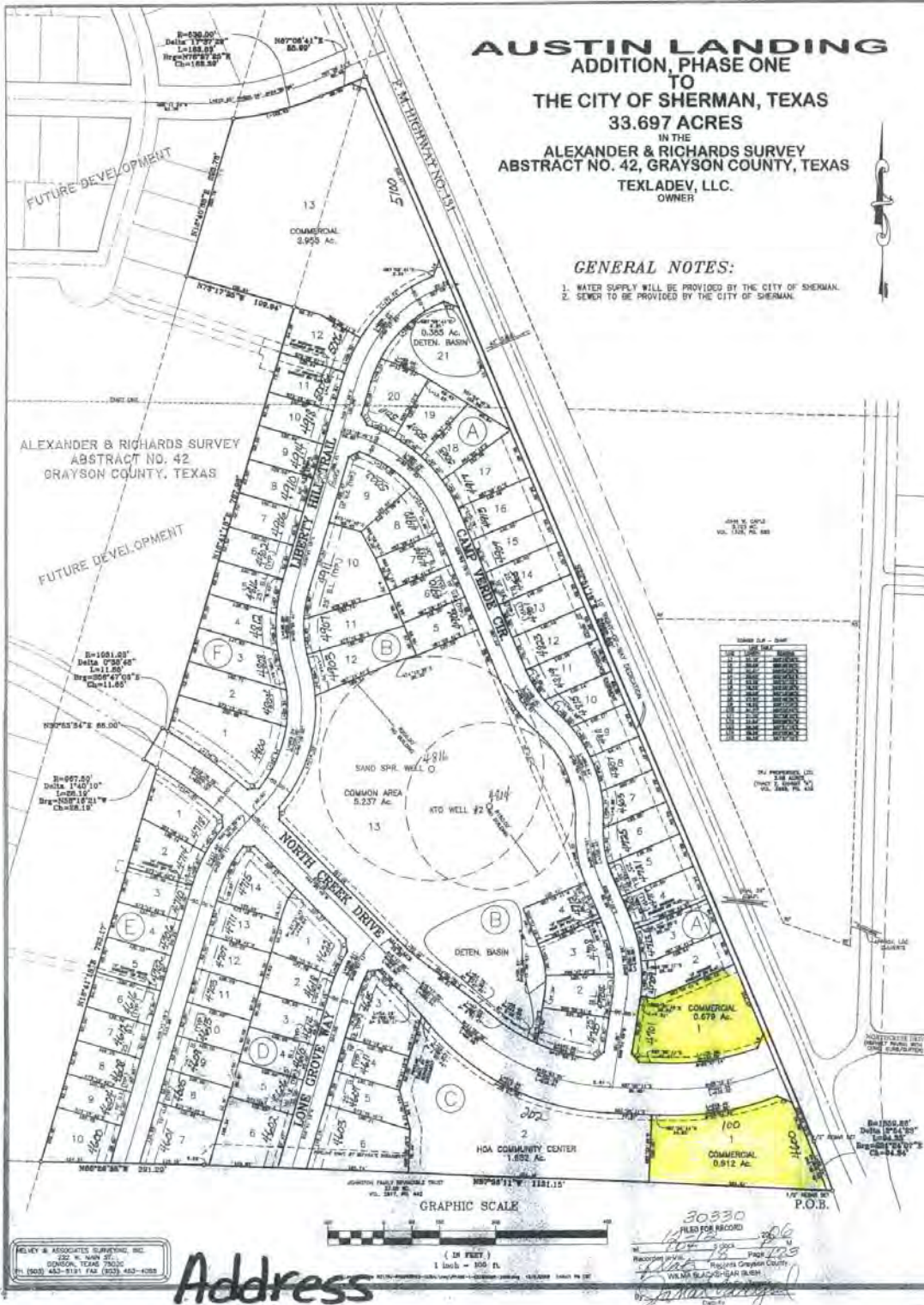
AUSTIN LANDING ADDITION, PHASE ONE

TO
THE CITY OF SHERMAN, TEXAS
33.697 ACRES

IN THE
ALEXANDER & RICHARDS SURVEY
ABSTRACT NO. 42, GRAYSON COUNTY, TEXAS
TEXLADEV, LLC.
OWNER

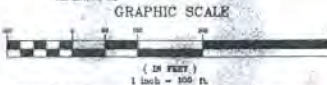
GENERAL NOTES:

1. WATER SUPPLY WILL BE PROVIDED BY THE CITY OF SHERMAN.
2. SEWER TO BE PROVIDED BY THE CITY OF SHERMAN.



JOEY & ASSOCIATES SURVEYING, INC.
202 N. MAIN ST.
DANFORTH, TEXAS 75030
PH: (202) 443-9191 FAX: (202) 443-9198

Address



30330
FILED FOR RECORD
10/10/2023
RECORDING OFFICE
14-10000
WILMA BLANCHARD-SHAR BLANCH
Dated: 10/10/2023

City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
March 20, 2012
Lawrence Davis, Chairman

Don Hicks, Vice-Chairman
Darren Tankersley, Commissioner
Richard Barber, Commissioner
Ryan Michael Kreck, Commissioner

Brad Morgan, Commissioner
Ron Barton, Commissioner
Joe Gilbert, Commissioner
Sam Thorpe, Commissioner

4701 Camp Verde Circle and 100 North Creek Drive West
Being Lot 1, Block A and Lot 1, Block C, Austin Landing Addition, Phase 1
Zone change and site plan approval

Requested Action/Proposed Use:

Planning and Zoning Commission

Zone change and site plan approval from a C-1 (Retail Business) District to an SF-1 (Single Family Residential) District.

Background:

The property is located at 4701 Camp Verde Circle and 100 North Creek Drive West off North Travis Street near the City of Knollwood. The property was annexed into the City in 2006 and is located in the Austin Landing Addition. The two lots were approved for a zone change to a C-1 (Retail Business) District at the May 1, 2006, City Council Meeting. The owners would like to rezone the property to an SF-1 (Single Family Residential) District to correspond with the other lots in the subdivision.

Adjacent Zoning:

SF-1 (Single Family Residential) District

Origination:

First Texoma National Bank (Owners), Vilbig and Associates (Engineers) and Helvey and Associates (Surveyors)

Master Plan Designation:

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

Number of notices mailed:

6

Objections Received:

0

Attachments:

Location map

Photographs

Site Plan

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. B.3

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5738 and 5739

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5738

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 4000-4200 Blocks of North Travis Street (Creed Canyon Partners Ltd., Owners; Matthew Looney, Representative; Cross Architects, PLLC, Architects; Vilbig and Associates, Engineers; and Sartin and Associates, Inc., Surveyors)

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5739

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the SF-1 (Single Family Residential) District at 4701 Camp Verde Circle and 100 North Creek Drive West (First Texoma National Bank, Owners; Vilbig and Associates, Engineers; and Helvey and Associates, Surveyors)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. B.4

CONSENT AGENDA

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

C.1 * RESOLUTION NO. 5663

Authorizing Execution of an Encroachment Easement to Diane Curran for the Construction of a Sunroom in a 20' Drainage and Utility Easement in Lot No. 31 of Block No. 3 of the Washington Place Addition to the City of Sherman (2311 Chandler Court)

C.2 * RESOLUTION NO. 5664

Authorizing Execution of a Development Agreement with DGR Development Group, LTD. for the Construction of Public Facilities crossing Lamberth Road in the City of Sherman

C.3 * RESOLUTION NO. 5665

Approving the Greater Texoma Utility Authority's Intention to Contract with Xylen Water Solutions USA, Inc./Flygt Products for the Purchase of Two Submersible Pumps for the Headworks Lift Station at the Wastewater Treatment Plant

C.4 * RESOLUTION NO. 5666

Approving the Greater Texoma Utility Authority's Intention to Contract with TPC Controls, Inc. for Wastewater Treatment Plant Headworks Lift Station Voluntary Frequency Drive Improvements

D.1 * REQUEST TO ADVERTISE

Repairs to Stephens 1 Trinity and Old Settlers Park 1 Trinity Water Wells

D.2 * REQUEST TO ADVERTISE

Downtown Sherman Streetscape Project

D.7 * OTHER BUSINESS

Replat Approval of Austin Landing Addition, Phase 1; being 30.243 Acres in the Alexander & Richards Survey, Abstract No. 42; First Texoma National Bank, Mark E. Burkes, Jason E. Wall and Linda D. Lott, Owners; Vilbig and Associates, Engineers; and Helvey and Associates, Surveyors (4600-5100 Blocks of North Travis Street)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. C.1

*** RESOLUTION NO. 5663**

**Authorizing Execution of an Encroachment Easement to Diane Curran
for the Construction of a Sunroom in a 20' Drainage and Utility Easement in Lot No. 31
of Block No. 3 of the Washington Place Addition to the City of Sherman
(2311 Chandler Court)**

Issue

To consider granting an encroachment into the utility and drainage easement located at 2311 Chandler Court

Background

The owner of the residence at 2311 Chandler Court proposes to construct a sunroom, which would encroach 4.33' feet into an existing twenty foot (20') drainage and utility easement. The owner is aware that the City of Sherman and Verizon have utilities within the 20' easement and that both entities retain rights within the easement.

Origination

Diane Curran, Homeowner

Financial Consideration

None

Staff Recommendation

The staff has no objections to the proposed encroachment and recommends approval. Atmos, Oncor, Verizon, and Cable One have been contacted and raise no objection to the construction within the easement.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5663
Encroachment Easement
Aerial
Copy of Plat Section
Citizen Request
Utility Letters

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5663

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ENCROACHMENT EASEMENT TO DIANE CURRAN FOR THE CONSTRUCTION OF A SUNROOM IN A 20' DRAINAGE AND UTILITY EASEMENT IN LOT NO. 31 OF BLOCK NO. 3 OF THE WASHINGTON PLACE ADDITION TO THE CITY OF SHERMAN (2311 CHANDLER COURT); FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute an encroachment easement to Diane Curran, in substantially the same form as presented at this meeting, for the construction of a sunroom which would encroach 4.33 feet within an existing twenty foot (20') Drainage and Utility Easement along Lot No. 31 of Block No. 3 of the Washington Place Addition to the City of Sherman, located at 2311 Chandler Court, in accordance with the easement document and location map approved by the City Engineer and the City Attorney, attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2012.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

ENCROACHMENT EASEMENT

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

That the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter called "GRANTOR", in consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration to it, in hand paid, hereby grants to **DIANE CURRAN** of Sherman, Texas, hereinafter called "GRANTEE", an encroachment easement to construct a sunroom and encroach 4.33 feet into an existing twenty foot (20') drainage and utility easement at Lot No. 31 of Block No. 3 of the Washington Place Addition to the City of Sherman, Texas, and known as 2311 Chandler Court, as shown on the location map marked Exhibit "A", attached hereto and incorporated herein for all purposes. Said encroachment easement shall be inferior, subordinate, and subject to the GRANTOR'S rights herein.

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

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

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

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

EXECUTED this the _____ day of _____, A.D., 2012.

CITY OF SHERMAN, TEXAS

BY: _____
GEORGE OLSON,
CITY MANAGER

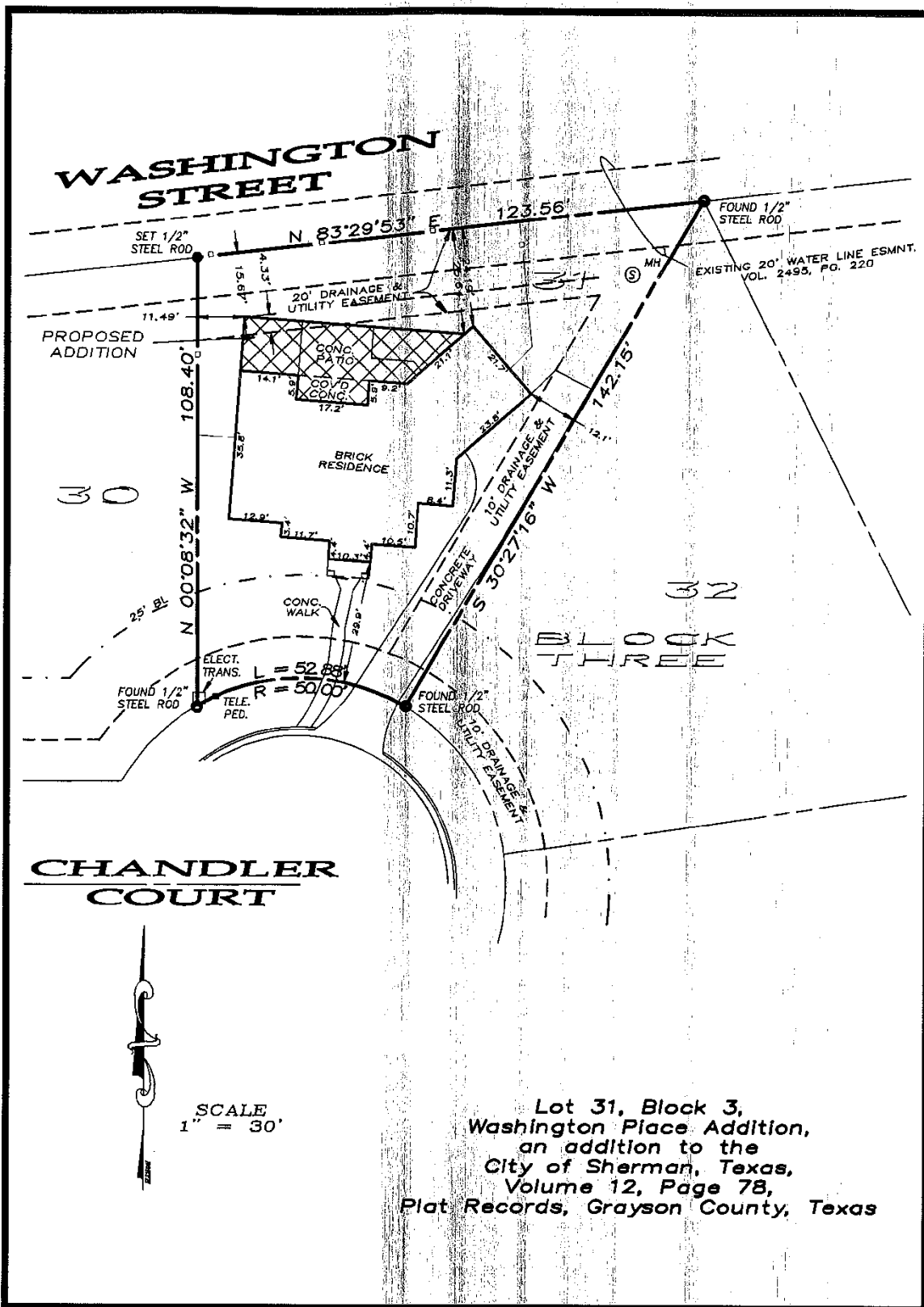
THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day
of _____, A.D., 2012.

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

EXHIBIT “A”



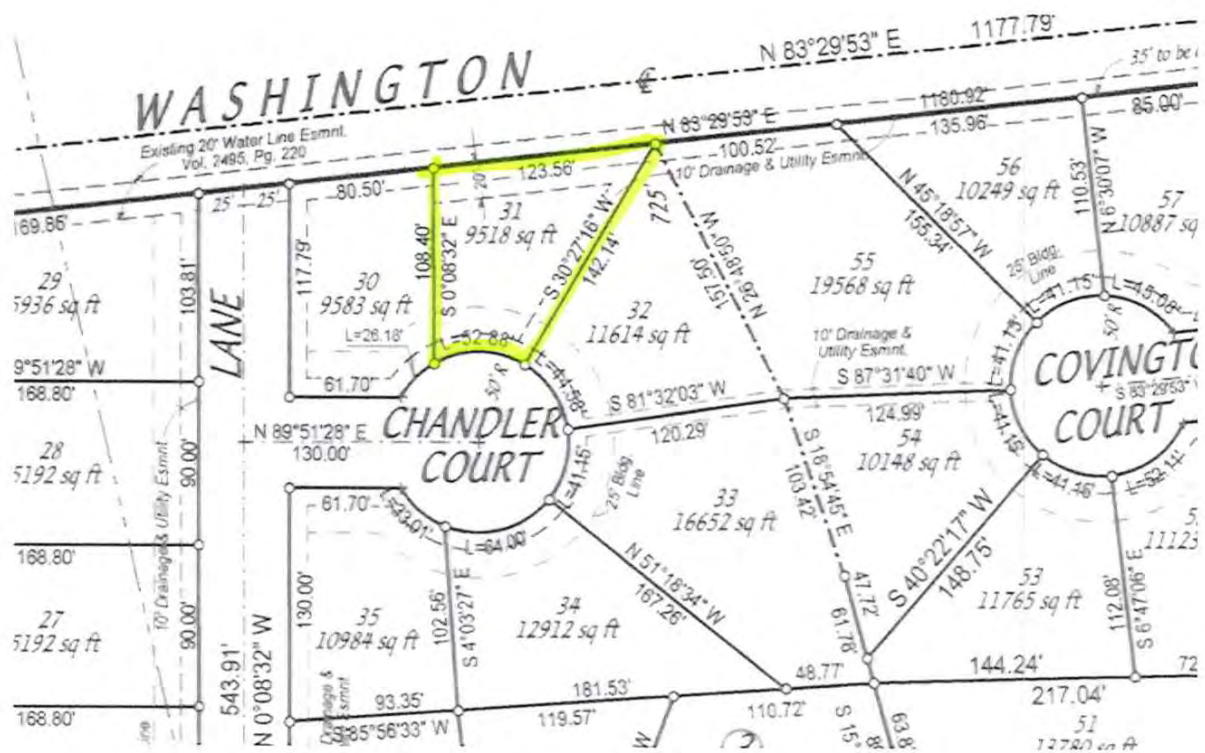


Sherman
CLASSIC TOWN, BROAD HORIZON.

Engineering Dept.

2311 Chandler Court





Diane Curran
2311 Chandler Court
Sherman, Texas 75092
March 26, 2012

City of Sherman
Engineering Department
220 W. Mulberry
P.O. Box 1106
Sherman, Texas 75091

City of Sherman Engineering Department,

I, Diane Curran, homeowner at 2311 Chandler Court in Sherman, Texas 75092 in the Washington Place Addition, am working with Bluestone Partners, LLC (General Building Contractor) in Sherman, Texas to construct a Sun Room add-on extending my house building line into my backyard toward the northwest and northeast property lines. This Sun Room add-on would encroach 4.33 feet (4.33') onto the northwest corner of a 20 foot Drainage and Utility Easement.

Dig Tess was contacted and they located and marked the utility lines on this property. Dig Tess does not mark the City of Sherman sewer or water lines. Letters from the utility companies (Atmos Energy, Oncor, Cable One and Verizon) have been received. These four utility companies all state that they have no objections to building into this Drainage and Utility Easement. Verizon had a utility line located in the affected backyard Drainage and Utility Easement and their existing line will not be impacted by the proposed Sun Room back building line. There is a City of Sherman Water Department located a water line located outside the back fence / property line. It measures to be at the outer most edge of the twenty foot (20') Drainage and Utility Easement. The City of Sherman Water Department noted that the current location of this water line will not be affected by the proposed Sun Room add-on.

The Washington Street improvements have been completed between FM 1417 and Little Lane. There is a concrete drainage structure just outside of my north fence / property line that runs along Washington Street. It is used to move runoff (drainage) water for the north side of the Washington Place Addition.

As the homeowner, I am requesting permission from the City of Sherman Engineering Department to allow construction of this Sun Room add-on that will encroach 4.33 feet into this 20 foot backyard drainage and utility easement. As the homeowner, I understand that if this easement is needed for future use that my proposed Sun Room Add-on could be impacted resulting in a portion of the Sun Room Add-on to be removed.

Regards,


Diane Curran, Homeowner
2311 Chandler Court
Sherman, Texas 75092
903-868-2339 (Home)



2913 Overland Trail Suite 100 | 903.813.1415 Telephone
Sherman, TX 75092 903.893.2124 Fax

February 17, 2012

Atmos Energy
Darrell White, Project Specialist
5111 Blue Flame
Sherman, Texas 75090

Mr. Darrel White,

Bluestone Partners, LLC (General Building Contractor) in Sherman, Texas has been requested to build a Sun Room add-on extending this room into the backyard along northwest and northeast property lines of a residence located at 2311 Chandler Court in Sherman Texas 75092. This property is located in the Washington Place subdivision near the intersection of Legend Lane and Chandler Court. This subdivision is fully developed with houses and no vacant lots remain for residential building. This Sun Room add-on would encroach 10 feet onto the northwest corner of a 20 foot Drainage and Utility Easement. Dig Tess was contacted and they located all utility lines on this property. Verizon has the only utility line located in the backyard using the Utility Easement and this line is located approximately ten (10 feet) from the proposed Sun Room add-on back building line.

All Atmos Energy gas lines were located in the front yard (southeast to southwest) and front side yard along front southeast corner of this property. The Atmos Energy gas lines are also in the front yards of the adjoining properties on the east and west side of subject property. There are no Atmos Energy Gas Lines located within this backyard 20 foot drainage and utility easement.

I am requesting permission from Atmos Energy to allow construction of this Sun Room add-on that will encroach 10 feet into this 20 foot backyard drainage and utility easement that is not being used by Atmos Gas.

Regards,

A handwritten signature in black ink that reads "Bryan Rockwell". The signature is written in a cursive style and is positioned above a horizontal line.

Bryan Rockwell, Vice President
Bluestone Partners, LLC
Sherman, Texas 75092
903-813-1415 (Office)
903-819-3017 (Cell)



Feb. 20th, 2008

Mr. Bryan Rockwell
Bluestone Partners, LLC
2913 Overland Trail, Suite 100
Sherman, Texas 79092

Dear Bryan:

Per our recent conversation, this letter is to satisfy request to allow construction that will encroach on the South utility easement along Washington Street in Sherman, Texas. Atmos Energy has investigated our mapping system and determined that our gas facilities are on the North Right of Way on Washington Street and will not be affected by said construction located at 2311 Chandler Court.
As always please contact Dig Tess to locate all utilities before beginning excavations.

Sincerely,

Darrell White
Project Specialist
Sherman District
903/891-4257 (Office)
903/815-2684 (Cell)



2013 Overland Trail Suite 100 | 903.813.1415 Telephone
Sherman, TX 75092 903.893.2124 Fax

February 17, 2012

Oncor Electric Delivery
Nolan Graham, Project Designer, Senior
2201 Woodlake Road
Denison, Texas 75021

Mr. Nolan Graham,

Bluestone Partners, LLC (General Building Contractor) in Sherman, Texas has been requested to build a Sun Room add-on extending this room into the backyard along northwest and northeast property lines of a residence located at 2311 Chandler Court in Sherman Texas 75092. This property is located in the Washington Place subdivision near the intersection of Legend Lane and Chandler Court. This subdivision is fully developed with houses and no vacant lots remain for residential building. This Sun Room add-on would encroach 10 feet onto the northwest corner of a 20 foot Drainage and Utility Easement. Dig Tess was contacted and they located all utility lines on this property. Verizon has the only utility line located in the backyard using the Utility Easement and this line is located approximately ten (10 feet) from the proposed Sun Room add-on back building line.

All Oncor Electric Delivery lines were located in the front yard (southeast to southwest) and front side yard along front southeast corner of this property. The Oncor Electric Delivery lines are also in the front yards of the adjoining properties on the east and west side of subject property. There are no Oncor Electric Delivery lines located within this backyard 20 foot drainage and utility easement.

I am requesting permission from Oncor Electric Delivery to allow construction of this Sun Room add-on that will encroach 10 feet into this 20 foot backyard drainage and utility easement that is not being used by Oncor Electric Delivery.

Regards,

A handwritten signature in black ink that reads "Bryan Rockwell".

Bryan Rockwell, Vice President
Bluestone Partners, LLC
Sherman, Texas 75092
903-813-1415 (Office)
903-819-3017 (Cell)



Kevin Fairbrother
Sr. Utility Designer

ONGOR Electric Delivery
Distribution Division
2201 Woodlake Rd.
Denison, Texas 75020
Tel: 903 868 8227

February 21, 2012

Mr. Bryan Rockwell
Bluestone Partners, LLC
2913 Overland Trail, Suite 100
Sherman, Tx 75092

Re: 2311 Chandler Court easement encroachment in Sherman, Texas.

Dear Mr. Rockwell:

Oncor Electric Delivery has reviewed the platted utility easement in the Washington Place subdivision for the addition of a sun room add-on at 2311 Chandler Court that will encroach into the 20' Drainage and Utility easement. Oncor Electric Delivery does not have any facilities located in this 20' Drainage and Utility easement. Oncor Electric Delivery has no objection to the encroachment into the easement for the addition of a sun room at 2311 Chandler Court. Oncor Electric Delivery facilities are located on the front property lines in the 10' Drainage and Utility easement. Oncor does have an existing utility line in the back, but it is on the Washington Street right-of-way.

If you should have any further questions, please call 903-868-8227.

Sincerely,

A handwritten signature in black ink that reads "Kevin Fairbrother". The signature is written in a cursive, flowing style with a large, prominent "K" and "F".

Kevin Fairbrother



2913 Overland Trail Suite 100 | 903.813.1415 Telephone
Sherman, TX 75092 903.893.2124 Fax

February 17, 2012

Cable One
Mr. Clint Cook
P.O. Box 1223
Sherman, Texas 75090

Mr. Cook,

Bluestone Partners, LLC (General Building Contractor) in Sherman, Texas has been requested to build a Sun Room add-on extending this room into the backyard along northwest and northeast property lines of a residence located at 2311 Chandler Court in Sherman Texas 75092. This property is located in the Washington Place subdivision near the intersection of Legend Lane and Chandler Court. This subdivision is fully developed with houses and no vacant lots remain for residential building. This Sun Room add-on would encroach 10 feet onto the northwest corner of a 20 foot Drainage and Utility Easement. Dig Tess was contacted and they located all utility lines on this property. Verizon has the only utility line located in the backyard using the Utility Easement and this line is located approximately ten (10 feet) from the proposed Sun Room add-on back building line.

All Cable One lines were located in the front yard (southeast to southwest) and front side yard along front southeast corner of this property. The Cable One lines are also in the front yards of the adjoining properties on the east and west side of subject property. There are no Cable One lines located within this backyard 20 foot drainage and utility easement.

I am requesting permission from Cable One to allow construction of this Sun Room add-on that will encroach 10 feet into this 20 foot backyard drainage and utility easement that is not being used by Cable One.

Regards,

A handwritten signature in black ink that reads "Bryan Rockwell".

Bryan Rockwell, Vice President
Bluestone Partners, LLC
Sherman, Texas 75092
903-813-1415 (Office)
903-819-3017 (Cell)



3720 TEXOMA PARKWAY
P.O. Box 1223
SHERMAN, TX 75090
TEL 903•893•6548
FAX 903•868•2754

February 23, 2012

Bryan Rockwell, Vice President

Bluestone Partners, LLC

Sherman, Texas 75902

RE: Utility Easement Encroachment at 2311 Chandler Court in Sherman Texas:

Mr. Rockwall,

Cableone has no objection to the encroachment into the utility easement in the rear of the above mentioned property.

Sincerely,

A handwritten signature in black ink, appearing to read "Clint Cook".

Clint Cook

Technical Operations Manager



2913 Overland Trail Suite 100 | 903.813.1415 Telephone
Sherman, TX 75092 903.893.2124 Fax

February 17, 2012

Verizon
Chris W. Smith
2201 Avenue I
Plano, Texas 75074

Mr. Chris W. Smith,

Bluestone Partners, LLC (General Building Contractor) in Sherman, Texas has been requested to build a Sun Room add-on extending this room into the backyard along northwest and northeast property lines of a residence located at 2311 Chandler Court in Sherman Texas 75092. This property is located in the Washington Place subdivision near the intersection of Legend Lane and Chandler Court. This subdivision is fully developed with houses and no vacant lots remain for residential building. This Sun Room add-on would encroach 10 feet onto the northwest corner of a 20 foot Drainage and Utility Easement. Dig Toss was contacted and they located all utility lines on this property. Verizon has the only utility line located in the backyard using the twenty (20) foot Drainage and Utility Easement and this line is located approximately five and a half (5 ½) feet from the proposed Sun Room add-on back building line.

Verizon lines were also located in the front yard (southeast to southwest) and front side yard along front southeast corner of this property. The Verizon lines are also in the front yards of the adjoining properties on the east and west side of subject property. Other than Verizon, there are no other utility lines located within this backyard 20 foot Drainage and Utility Easement.

I am requesting permission from Verizon to allow construction of this Sun Room add-on that will encroach 10 feet into this 20 foot backyard drainage and utility easement. This would provide the Verizon line five and a half (5 ½) feet clearance from the back building line of the new Sun Room add-on.

Regards,

A handwritten signature in black ink that reads "Bryan Rockwell".

Bryan Rockwell, Vice President
Bluestone Partners, LLC
Sherman, Texas 75092
903-813-1415 (Office)
903-819-3017 (Cell)



2201 Avenue I
Plano, TX 75074
Ofc: 972/578-3311
Fax: 972/578-3396

February 21, 2012

Mr. Bryan Rockwell
Bluestone Partners, LLC
2913 Overland Trail, Suite 100
Sherman, TX, 75092

RE: Proposed Sun Room in easement

Mr. Rockwell:

After review of the subject request, Verizon has no objections to the proposed Sun Room in the utility easement located to the rear of the property at 2311 Chandler Ct, Sherman, Grayson County, Texas.

This letter allows an encroachment only and Verizon retains its rights in full and effect of all remaining and existing ROW/utility easements affecting the property. Should Verizon be required to repair the existing facilities in that portion of the ROW/utility easement or install new facilities, we would not accept responsibility for any damages to the encroaching structure during the repair and/or installation process. Also, the owner of the encroaching structure is responsible for the relocation/removal of the structure that may interfere with access to the ROW/easement.

If you have any questions please do not hesitate to contact me at 972/578-3311.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris W. Smith".

Chris W. Smith
Section Manager - Network Engineering & Planning
Twin Cities & Eastern Districts
Plano, Texas



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 5664**

**Authorizing Execution of a Development Agreement with DGR Development Group, LTD.
for the Construction of Public Facilities crossing Lamberth Road in the City of Sherman**

Issue

The construction of public facilities crossing Lamberth Road in the City of Sherman

Background

DGR Development Group, LTD. proposes to construct an 8" sanitary sewer line extension to serve a property on Lamberth Road and Shady Oaks Lane.

Origination

Dean Gilbert, Jr., DGR Development Group, LTD.
Department of Engineering, 119

Financial Consideration

The City will receive a "Review and Testing" fee of \$1,648.63.

Staff Recommendation

Staff recommends approval of the Development Agreement.

Alternatives

As directed by the City Council

Attachments

Resolution No. 5664
Development Agreement
Location Map

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5664

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH DGR DEVELOPMENT GROUP, LTD. FOR THE CONSTRUCTION OF PUBLIC FACILITIES CROSSING LAMBERTH ROAD 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 DGR Development Group, LTD. for the construction of an 8" sanitary sewer extension in the City of Sherman, Grayson County, Texas, in the same or substantially same form as the contract documents attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the ____ day of _____, 2012.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

**DEVELOPMENT AGREEMENT BETWEEN
CITY OF SHERMAN AND DGR DEVELOPMENT GROUP, LTD**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2012 (the "Effective Date"), by and among City of Sherman ("City"), a municipal corporations organized under the laws of the State of Texas, and DGR Development Group, 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 Developer intends to develop the Property by constructing improvements thereon; and

WHEREAS, the Developer desires that the City accept the dedication of the utilities 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; and

NOW THEREFORE, in consideration of the mutual covenants and obligations herein, the parties agree as follows:

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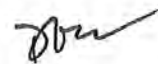
ARTICLE I.

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 grand the exclusive rights of service contained in this Agreement.
2. **Assurance of Accuracy of Documents:** Developer has caused the property and all plans and specifications (the "plans") for the utilities 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 the Plans accurately depict such subdivision and the improvements comprising the Project. Developer understands that the City will rely on the accuracy of the 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, Plans, and orders of the City Council, made in connection with the approval of and agreed upon by both parties and attached hereto as Exhibit "A". Developer agrees to comply with such orders and Ordinance No. 2684, and any amendments as of the date of the execution of the contract; and all 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 Plans, orders of 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 project until the Developer presents to the City Manager a satisfactory Performance Bond and Payment Bond, as provided by Chapter 2253 of the Texas Government Code, from the Contractor in favor of the Developer and the City. 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 July 31, 2012, City may, at its election, use the Performance Bond to complete such Improvements. The date in this Paragraph maybe 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 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.

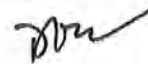
10. **Coordination of Work:** The work will be coordinated between the City and the Developer so that the utilities will be in place before the permanent improvements are installed.
11. **Utility Arrangements:** The Developer will make its own arrangements with gas, electric, and telephone service providers 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 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.

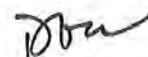
14. **WAIVER OF RIGHTS UNDER STATE LAW:**

- a. **WAIVER OF RIGHTS:**
- b. **Section 212.904 of the Texas Local Government Code**
 - (i.) Developer understand 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 DEVELOPER'S SIGNATURE ON THIS AGREEMENT, I CONTRACT ON ITS EXECUTION, DEVELOPER HEREBY FREELY, KNOWINGLY AND VOLUNTARILY WAIVES ITS RIGHTS UNDER SECTION 212.904 OF THE TEXAS LOCAL GOVERNMENT CODE, OR ANY OTHER RELATED CLAIMS. I AGREE, 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.

- (ii.) BOTH DEVELOPER AND THE CITY FURTHER AGREE TO WAIVE AND RELEASE ALL CLAIMS ONE MY 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

A handwritten signature in dark ink, appearing to be "Don", is located at the bottom right of the page.

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.

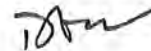
15. Other Provisions:

- 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 equal for \$1648.63.
- 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.

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 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.

Don

5. **Remedies Available to City.** If a default by Developer shall occur and continue, after thirty (30) day's 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.

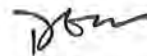
CITY:

DESIGNEE: Clay Barnett, City Engineer

ADDRESS: P.O. Box 1106
Sherman, Texas 75091

PHONE: 903-892-4547

FAX: 903-870-7802



DEVELOPER:

DESIGNEE: Dean Gilbert, Jr.

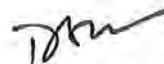
DGR Development Group, LTD

ADDRESS: 801E Taylor Street, Sherman, TX 75090

PHONE: 903-893-5188

FAX: 903-892-1487

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 a 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 _____ 2012, with an original to each party.

DEVELOPER:

BY:

NAME:

TITLE:

ATTEST:

BY:

NAME:

TITLE:

TITLE:

CITY: CITY OF SHERMAN

BY:

NAME:

TITLE:

ATTEST:

BY:

NAME:

TITLE:



Sherman
CLASSIC TOWN, BROAD HORIZON.

Engineering Dept.





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5665**

**Approving the Greater Texoma Utility Authority's Intention to Contract with
Xylen Water Solutions USA, Inc./Flygt Products for the Purchase of Two Submersible
Pumps for the Headworks Lift Station at the Wastewater Treatment Plant**

Issue

Approving the intention of the Greater Texoma Utility Authority (GTUA) to administer an agreement for the purchase of two submersible pumps for the Headworks Lift Station at the Wastewater Treatment Plant

Background

The current Capital Improvement Program contains a project to replace two submersible pumps at the Headworks Lift Station at the Wastewater Treatment Plant. The pump purchase is part of the Variable Frequency Drive Upgrade Project at the facility and was bid separately. Xylen was the only bidder on this project. The bid price of \$171,753.00 is reasonable based on previous submersible pump bids.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be paid through GTUA.

Staff Recommendation

It is recommended that the City Council approve GTUA's intention to contract with the Xylen Water Solutions USA, Inc./Flygt Products in the amount of \$171,753.00.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5665

Engineer's Recommendation

Location Map

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5665

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH XYLEN WATER SOLUTIONS USA, INC. /FLYGT PRODUCTS FOR THE PURCHASE OF TWO SUBMERSIBLE PUMPS FOR THE HEADWORKS LIFT STATION AT THE WASTEWATER TREATMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with Xylen Water Solutions USA, Inc./Flygt Products in the total amount of One Hundred Seventy-One Thousand Seven Hundred Fifty-Three Dollars and No Cents (\$171,753.00) for the purchase of two submersible pumps for the Headworks Lift Station at the Wastewater Treatment Plant.

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 _____, 2012.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY



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

April 5, 2012

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

Re: Sherman WWTP 8,000 GPM Submersible Sewage Pumps Award

Dear Mr. Chapman:

A bid was received for two submersible pumps for the Sherman Wastewater Treatment Plant (WWTP) head works lift station on March 22, 2012. A copy of the bid is attached. The project consists of furnishing two 8,000 gallon per minute submersible pumps with installation and start up assistance. A pump monitoring system, a five year no-prorated warranty and a factory witness test were also included.

Bids were solicited from four pump manufacturers. One bid was received from Xylem Water Solutions USA, Inc./Flygt Products in the amount of \$182,188.00. We are recommending deletion of bid item P.2 for the witnessed performance test reducing the bid price to \$171,753.00. The bid price is about 8.8% higher than the bid price for the same pump 17 months ago ITT Flygt.

Flygt Pumps previously owned by ITT, Inc. and recently purchased by Xylem, Inc. is qualified to provide the pumps and Flygt has been very competitive in providing submersible wastewater pumps to the City of Sherman for the past 30 years. We recommend that the Greater Texoma Utility Authority award the contract to Xylem Water Solutions USA, Inc./Flygt Products for the Flygt pumps in the amount of \$171,753.00 and authorize execution of the required contract documents.

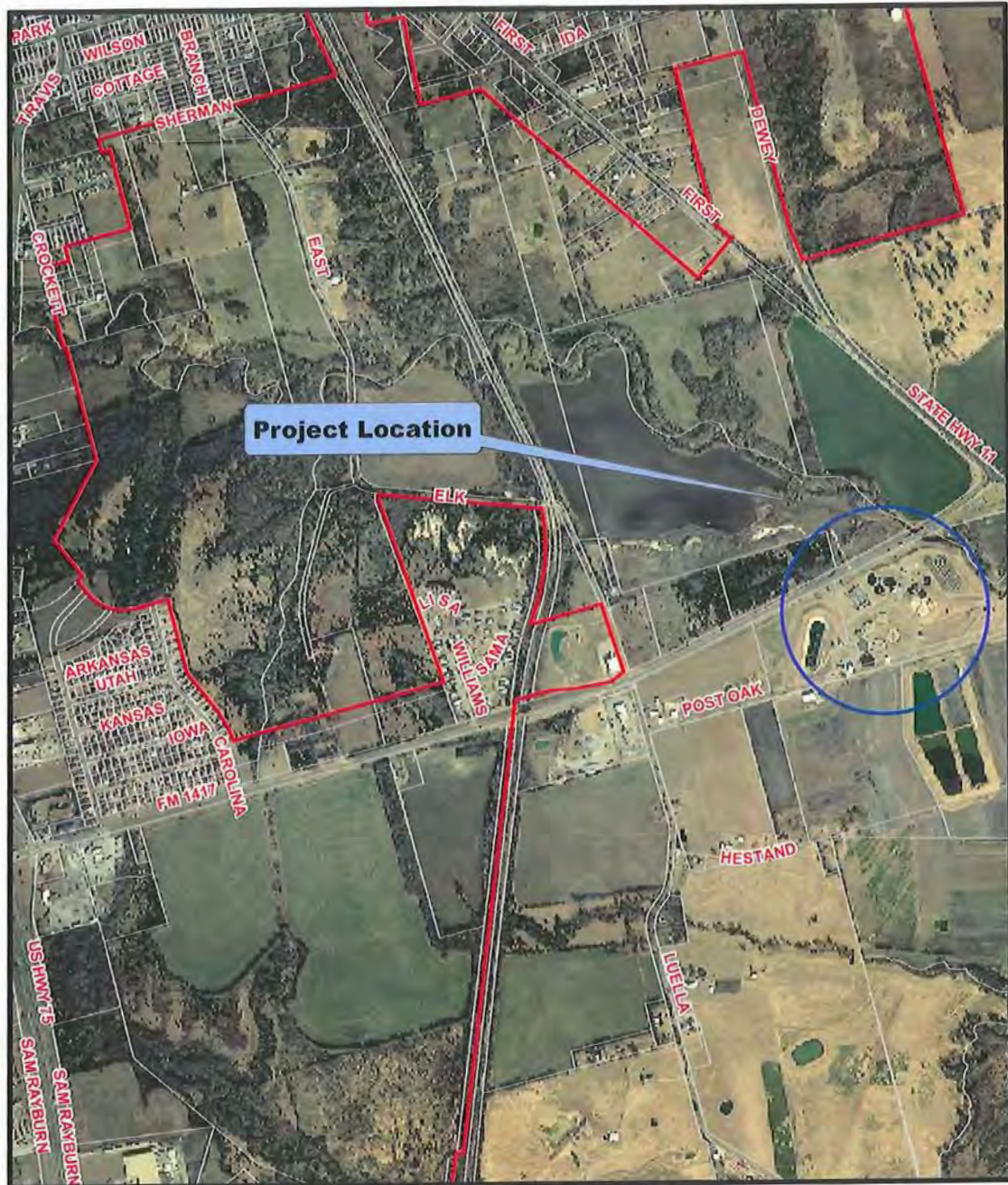
Sincerely,
FREEMAN - MILLICAN, INC.

David E. Gattis
David E. Gattis, P.E.

Enclosure (2)

Copy:

Sherman, Mark Gibson, Director of Engineering and Utilities
Damir Lulo



Sherman
CLASSIC TOWN, BROAD HORIZON.

Engineering Dept.

Wastewater Treatment Plant





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. C.4

*** RESOLUTION NO. 5666**

**Approving the Greater Texoma Utility Authority's Intention to Contract
with TPC Controls, Inc. for Wastewater Treatment Plant Headworks Lift Station
Voluntary Frequency Drive Improvements**

Issue

Approving the intention of the Greater Texoma Utility Authority (GTUA) to administer an agreement for the headworks lift station voluntary frequency drive (VFD) improvements at the Wastewater Treatment Plant

Background

The current Capital Improvement Program contains a project for variable frequency drive improvements in the headworks lift station at the Wastewater Treatment Plant. Two (2) bidders responded to the request for bids. A bid tabulation is attached. The low bid in the amount of \$195,600.00 was submitted by TPC Controls, Inc.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this project will be paid through GTUA.

Staff Recommendation

It is recommended that the City Council approve GTUA's intention to contract with the low bidder, TPC Controls, Inc., in the amount of \$195,600.00.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5666

Engineer's Recommendation with Bid Tabulation

Location Map

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager

RESOLUTION NO. 5666

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH TPC CONTROLS, INC. FOR WASTEWATER TREATMENT PLANT HEADWORKS LIFT STATION VOLUNTARY FREQUENCY DRIVE IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with TPC Controls, Inc. in the total amount of One Hundred Ninety-Five Thousand Six Hundred Dollars and No Cents (\$195,600.00) for the Headworks Lift Station Voluntary Frequency Drive Improvements at the Wastewater Treatment Plant.

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 _____, 2012.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



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

April 5, 2012

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

Re: Sherman WWTP Headworks Lift Station VFD Improvements Award

Dear Mr. Chapman:

Bids were received on the Headworks Lift Station Variable Frequency Drive (VFD) Improvements on March 22, 2012. A tabulation of these bids is attached. The project consists of the replacement of 5 existing VFD's; add a 6th VFD and other related work.

Two competitive bids were received. Seven contractor ordered bid documents. Six contractors attended the pre-bid conference at the wastewater treatment plant (WWTP). One contractor indicated they dropped out because of other more interesting projects. The low bid is well within the project budget.

The qualification statement and attached list of projects completed indicate that the low bidder is qualified to complete the project. The low bid contractor, TPC Controls, Inc., installed the original VFD's about 9 years ago and completed another electrical subcontract at the WWTP about a year ago. TPC was the electrical subcontractor on the successfully completed GTUA Bloomdale Pump Station in 2007. We recommend that the Greater Texoma Utility Authority award the contract to the low bidder, TPC Controls, Inc. in the amount of \$195,600.00 and authorize execution of the required contract documents.

Sincerely,
FREEMAN - MILLICAN, INC.

David E. Gattis
David E. Gattis, P.E.

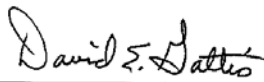
Enclosure (2)

Copy:

Sherman, Mark Gibson, Director of Engineering and Utilities
Damir Lulo

BID TABULATION

OWNER:	Greater Texoma Utility Authority City of Sherman	for	BIDDER:	TPC Controls, Inc.	Dal-Ec Construction, Ltd.		
PROJECT:	Post Oak WWTP Headworks Lift Station Variable Frequency Drive Improvements		ADDRESS:	4101 Texoma Parkway	408-B Interchange St.		
ENGINEER:	Freeman-Millican, Inc. - Texas Registered Engineering Firm F-2827		CITY, STATE:	Denison, TX 75020	McKinney, TX 75071		
BID DATE:	March 22, 2012		PHONE:	903-206-4248	214-544-2121		
ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Variable Frequency Drive Improvements	1	LS	177,000.00	\$177,000.00	315,000.00	\$315,000.00
P.2	5-Year Warranty for 6 Variable Frequency Drives	1	LS	6,600.00	6,600.00	26,000.00	26,000.00
P.3	Digital Power Meter	2	EA	6,000.00	12,000.00	10,350.00	20,700.00
Total Amount of Bid:				\$195,600.00		\$361,700.00	
Time of Completion:				210 days		210 days	



FREEMAN-MILLICAN, INC.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY
DAVID E. GATTIS, P.E. No. 36563 ON APRIL 4, 2012.



Sherman
CLASSIC TOWN. BROAD HORIZON.

Wastewater Treatment Plant

N



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.1

*** REQUEST TO ADVERTISE**

Repairs to Stephens 1 Trinity and Old Settlers Park 1 Trinity Water Wells

Issue

Request to advertise for proposals to repair the Stephens 1 Trinity and Old Settlers Park 1 Trinity Water Wells

Background

The pumps on the Stephens 1 Trinity and Old Settlers Park 1 Trinity Water Wells have deteriorated and need to be pulled and inspected, with repairs and/or replacement as required.

Origination

Department of Engineering & Utilities

Financial Consideration

Funds for the well repairs will come from the Utility Improvement Fund. Costs for advertising are expected to be less than \$200.00.

Staff Recommendation

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

Alternatives

As may be directed by the City Council

Attachments

None

Prepared by:
Mark Gibson, Director of Engineering & Utilities

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.2

*** REQUEST TO ADVERTISE**
Downtown Sherman Streetscape Project

Issue

Approve advertising for bids for the Downtown Sherman Streetscape Project

Background

In 2009 the City of Sherman, interested in improving the pedestrian amenities in the downtown area, applied for a federal grant through the Texas Department of Transportation ("TxDOT"). The goal was to remove the large striped areas and create pedestrian friendly plazas. The project includes sidewalks and trees in areas around the square and along Houston and Lamar between the square and US 75. On December 7, 2009, a resolution was passed by the City Council committing to apply for the grant as well as to set aside the funds necessary to fund the project. The grant was awarded on July 29, 2010. Since that time, staff has been working with TxDOT to take all of the steps necessary to bid and construct the project. Receipt of the Letter of Authorization is the final step in the process; and we expect to receive it shortly. This item will authorize staff to advertise the project once the Letter of Authorization is received.

Origination

Engineering Services

Financial Consideration

Funds for the Downtown Sherman Streetscape Project are budgeted in the TIF #2 account. Costs for advertising are expected to be less than \$200.00.

Staff Recommendation

Proceed with advertising for the Downtown Sherman Streetscape Project.

Alternatives

As may be directed by the City Council

Attachments

Exhibit

Prepared by:
Clay Barnett, City Engineer

Approved by:
George Olson, City Manager





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.3

OTHER BUSINESS

**Receive Quarterly Progress Report from Sherman Economic Development Corporation
Board Secretary Chris Pendergrass and SEDCO President Scott Connell**

Issue

To receive the Sherman Economic Development Corporation's (SEDCO's) quarterly progress report from Board Secretary Chris Pendergrass and President Scott Connell

Background

The brief presentation by the SEDCO Board Secretary and President will provide the City Council with an overview of SEDCO's activities and accomplishments during the last three months. SEDCO's last progress report was presented at the January 16, 2012 regular City Council meeting.

Origination

City Council

Financial Consideration

None

Attachments

SEDCO's Quarterly Progress Report

**Prepared and Approved by:
George Olson, City Manager**

REPORTING FORM FOR BOARDS AND COMMISSIONS

Name of Board: Sherman Economic Development Corporation

Name of Chairman: Juston Dobbs

Name of Vice Chairman: Dean Gilbert Jr.

Date of Report to City Council: April 16, 2012

1. In simple terms and as briefly as possible, please describe the mission of your board.

- *The mission of the Sherman Economic Development Corporation (SEDCO) is to grow and diversify the Sherman and surrounding area economies through the addition of new jobs and investment.*

**2. Please list the top accomplishments of your board within the past quarter.
(Please limit the list to five or fewer items).**

- *SEDCO hired Scott Connell as President. Mr. Connell started with the organization February 15.*
- *Halco Rock Tools announced the company will relocate local operations to a facility in Midway Industrial Park. It is an investment of \$8 million and the creation of 20 new jobs in addition to the current employment of 20 people.*
- *Cooper B-Line announced it completed the expansion of the Sherman plant with the addition of \$3.3 million of equipment. SEDCO presented the final incentive check of \$132,000 to the company.*
- *The SEDCO Annual Report 2010-2011 arrived from the printer in January. The professionally designed report describes the organization, highlights the corporate announcements of growth, and serves as a marketing report for the Sherman area. More than 1,000 copies have been distributed throughout the community and in marketing mailings.*
- *Globitech completed one of the three investment projects announced in 2011. Globitech announced in 2011 that it will invest \$52.2 million in new equipment and facility renovations in three separate projects at its Sherman facility. SEDCO delivered two incentive payments to the company for meeting performance agreement benchmarks.*

3. What are your plans for this board in the next quarter?

- *SEDCO will continue to actively promote the Sherman area for new investment and jobs.*
- *SEDCO will manage the real estate assets of Progress Park with a focus on improving general infrastructure for businesses.*
- *SEDCO will work closely with companies that have announced new investments in Sherman to ensure they have the support to meet their goals including Panda Sherman Power, Globitech, Sunny Delight, Alpa, Austin College Idea Center and others.*
- *SEDCO commits to support local industry as they consider Sherman for expansion with new jobs and investment.*

4. How often did this board meet in the last quarter?

- *The SEDCO Board held three regular scheduled meeting (January 10, February 14 and March 13, 2012) and two special called meetings (January 12 and 24, 2012 - SEDCO President interviews).*

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

- 100%

6. Did any member attend less than 75% of those meetings? If so, which member and how often did they attend.

- No

7. What other information would your board like to communicate to the City Council? (please be concise in your response).

- *SEDCO was recognized by the Dallas Business Journal as the top regional economic development agency for 2011. The ranking is based on announced investments by companies in 2011. The amount would have ranked Sherman #11 overall for the Metroplex.*
- *SEDCO has continued the direct mail marketing campaign focused on industrial clients in the DFW Metroplex. A particular target message is the availability of water resources.*
- *SEDCO completed the transfer of utilities for the Sherman Youth Center facility as required by the lease agreement.*
- *SEDCO submitted initial proposals for seven projects and hosted three site visits during the first quarter 2012.*
- *SEDCO President Scott Connell has been actively meeting with community leaders and businesses. He will endeavor to meet with each City Council member in the 2nd quarter.*



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.4

OTHER BUSINESS

Receive Chief Animal Control Officer Scott Parker's Report on the Sherman Animal Shelter's Adopt-a-thon Scheduled for Saturday, May 5, 2012

Issue

The Sherman Animal Shelter will hold its annual Adopt-a-thon on Saturday, May 5th during the hours of 10:00 a.m. to 4:00 p.m. at their facility at 1800 East Ida Road.

Background

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

The City of Sherman's Animal Shelter held its first Adopt-a-thon in 1996 and has continued the event each and every year. Last year, five (5) dogs and five (5) cats were adopted during Sherman's annual Adopt-a-thon event.

Origination

The City Manager's Office

Council Action Requested

The Council need take no action on this agenda item.

Attachments

Pet Adopt-a-thon Flyer

Location Map

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

SHERMAN ANIMAL SHELTER ADOPT-A-THON

May 5th 2012
10:00 AM TO 4:00 PM



COME JOIN IN THE FUN

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



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



City of Sherman, Texas
SHERMAN ANIMAL SHELTER ADOPT-A-THON

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.5

OTHER BUSINESS

Receive City Engineer Clay Barnett's Presentation on the City of Sherman's Comprehensive Master Plan

Issue

A presentation on the status of the City of Sherman's Comprehensive Master Plan

Background

The Sherman Comprehensive Master Plan is designed as a framework for guiding future development, redevelopment, and community enhancement in the city and its surrounding planning area over the next 20 years and beyond. It establishes a vision along with realistic goals and achievable strategies that residents, business and land owners, major institutions, civic groups, the Planning and Zoning Commission, and City Council prefer in the years ahead. This presentation will focus on past accomplishments and upcoming projects that will help us reach the goals identified in the Comprehensive Master Plan.

Origination

City Manager and Engineering Services

Financial Consideration

None

Staff Recommendation

There is no action required of the Council for this item.

Attachments

None

Prepared by:
Clay Barnett, City Engineer

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.6

OTHER BUSINESS

**Receive Presentation from Downtown Sherman Preservation & Revitalization
President David Baca on a Proposed Development Ordinance for Downtown**

Issue

To receive a presentation on a proposed development ordinance for Downtown

Background

Mr. David Baca, President of the Downtown Sherman Preservation & Revitalization, Inc. (DSP&R), has requested the opportunity to make a presentation to the City Council on a proposed development ordinance to protect and enhance the Downtown Neighborhood.

Origination

Mr. David Baca, DSP&R President

Attachments

Mr. Baca's written request dated April 11, 2012 and received April 12, 2012

**Prepared and Approved by:
George Olson, City Manager**



Advocacy for one of Sherman's most important neighborhoods.

11 April 2012

David Baca
President
David Baca Architecture Studio

Robert Minshew
Vice-President and
Permanent Agent
Kennedy and Minshew Attorneys

Jared Tredway
Secretary
David Baca Architecture Studio

Ed Burkett
Treasurer, Knight Furniture

Ruth Cox
Membership
Bella Fontana Spa

John Arriazola
Lupe's World Famous Tamales

Ivert Mayhugh
Touch of Class Antiques

Dr. Thomas W. Nuckols
Professor Emeritus, Austin
College

Jene! McGrath
Jene! McGrath, Realtors

Clay Barnett
Ex Officio, City of Sherman

Eddie Brown
Ex Officio, Sherman Chamber

Frank Gadek
Ex Officio, SEDCO

To: Mr. George Olson
City of Sherman
220 West Mulberry Street
Sherman, TX 75090

Re: Downtown Sherman Development Ordinance

Dear Mr. Olson,

It is my pleasure, on behalf of Downtown Sherman Preservation & Revitalization (DSP&R), to submit to you a request to be included on the next Agenda for the City Council to discuss the proposed development ordinance for our downtown.

As you may know, eighteen months ago, DSP&R, in an effort to protect and enhance the Downtown Neighborhood, began a long process of research and development of a new ordinance that is specific to the unique needs of a prosperous central business district. The proposed ordinance has been on the downtownsherman.com website for over a year, and has been updated as the ordinance developed, and we believe it is now time to move forward, partnering with Staff and the Council, to adopt this ordinance.

We have completed the first step in the development of the ordinance, writing the standards, based upon comprehensive research of other successful and progressive cities, for review and discussion with City Staff, Council, and Citizens. We are asking the Council to take the next step in the process by directing the City Staff to formally review the standards, to address and work through issues, then proceed with the final step of bringing the completed version to the Council for adoption and implementation.

At the Council meeting, I would like to broadly and briefly address the strong points of the ordinance, what its purpose is, and how it affects current property owners.

We have appreciated the City of Sherman for partnering with DSP&R over the last two decades to preserve our rich history of architecture and urban development, and look forward to continued cooperation as we continue to build a strong foundation for future development and re-development of our city's core.

Sincerely,

David Baca AIA
President

Downtown Sherman Preservation
and Revitalization, Inc.
A 501(c)(3) Non-Profit
P.O. Box 2054
Sherman, TX 75091

info@downtownsherman.com
www.downtownsherman.com



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.7

*** OTHER BUSINESS**

Replat Approval of Austin Landing Addition, Phase 1; being 30.243 Acres in the Alexander & Richards Survey, Abstract No. 42; First Texoma National Bank, Mark E. Burkes, Jason E. Wall and Linda D. Lott, Owners; Vilbig and Associates, Engineers; and Helvey and Associates, Surveyors (4600-5100 Blocks of North Travis Street)

Issue

To consider Replat approval of Austin Landing Addition, Phase 1, located in the 4600-5100 blocks of North Travis Street, being 30.243 acres in the Alexander & Richards Survey, Abstract No. 42

Background

The property is located in the 4600-5100 blocks of North Travis Street near the City of Knollwood. The owners would like to replat the property from 77 lots into 83 lots for residential development.

Origination

First Texoma National Bank, Mark E. Burkes, Jason E. Wall and Linda D. Lott (Owners); Vilbig and Associates (Engineers); and Helvey and Associates (Surveyors)

Board Recommendation

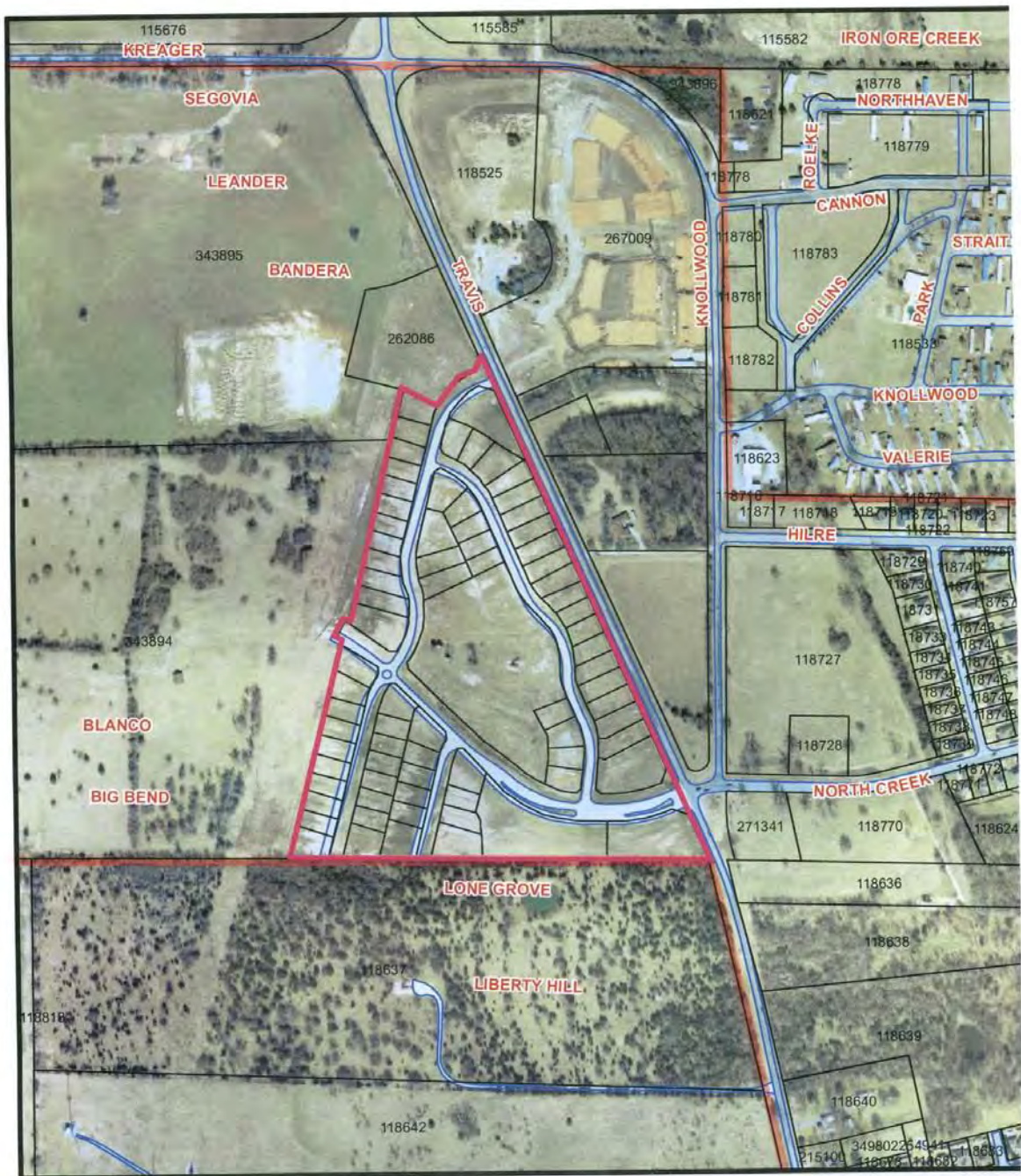
At the March 20, 2012 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



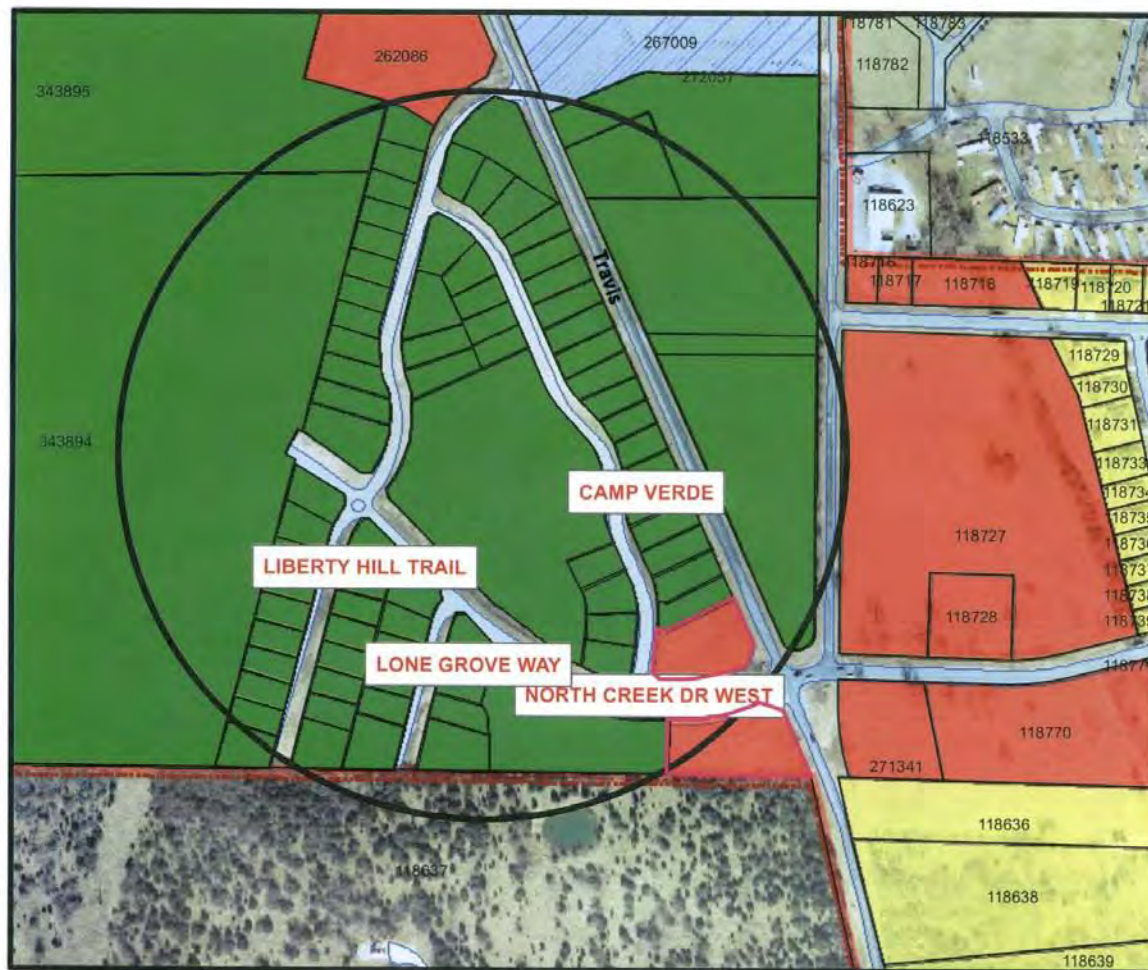
Replat Austin Landing Phase 1

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 429 feet



Zoning - Replat Austin Landing Phase 1

Legend

	O 1 HIGHWAY 75 & 82 OVERLAY DISTRICT		C-2 General Commercial District
	O 1.1 FM 1417 OVERLAY DISTRICT		M-1 Light Manufacturing District
	O 1.2 SAM RAYBURN FREEWAY OVERLAY DISTRICT		R-A Single Family Agricultural District
	C B D DOWNTOWN BUSINESS DISTRICT		SF-1 Single Family Residential District
	C P O COLLEGE PARK OVERLAY DISTRICT		M-1.5 Medium Manufacturing District
	A & C ARTS & CULTURAL OVERLAY DISTRICT		M-2 Heavy Manufacturing District
	CO Office District		MH Manufacturing Housing District
	R-1 One Family Residential District		Blaylock Commercial District
	R-2 Multi-Family Residential District		BIP Blalock Industrial Park
	C-1 Retail Business District		

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 343 feet

4600-5100 N. Travis





City of Sherman
Planning and Zoning Commission
Board of Adjustments
Agenda Communication Form
March 20, 2012
Lawrence Davis, Chairman

Don Hicks, Vice-Chairman
Darren Tankersley, Commissioner
Richard Barber, Commissioner
Ryan Michael Kreck, Commissioner

Brad Morgan, Commissioner
Ron Barton, Commissioner
Joe Gilbert, Commissioner
Sam Thorpe, Commissioner

4600-5100 Blocks of North Travis Street
Being 30.243 acres in the Alexander & Richards Survey, Abstract No. 42
Replat

Requested Action/Proposed Use:

Planning and Zoning Commission

Replat approval of Austin Landing Addition, Phase 1

Background:

The property is located in the 4600-5100 Blocks of North Travis Street near the City of Knollwood. The owners would like to replat the property from 77 lots into 83 lots for residential development.

Adjacent Zoning:

SF-1 (Single Family Residential) District and C-1 (Retail Business) District

Origination:

The request of First Texoma National Bank, Mark E. Burkes, Jason E. Wall and Linda D. Lott (Owners), Vilbig and Associates (Engineers) and Helvey and Associates (Surveyors)

Master Plan Designation:

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

Number of notices mailed:

6

Objections Received:

0

Attachments:

Location map

Photographs

Replat

Staff Review Letter

Prepared by:

Patsy Reeves,

Developmental Services Secretary

Approved by:

Scott Shadden,

Director of Developmental Services

SHERMAN



STAFF REVIEW LETTER

March 14, 2012

First Texoma National Bank
Attn: James W. Caudle
PO Box 1455
Durant, OK 74701

Mark E. Burkes
45 White Dove Trl.
Denison, TX 75020

Jason E. Wall
4706 Liberty Hill Trl.
Sherman, TX 75092

Linda Lott
4325 Village Woods Ln.
Chester, VA 23831

Dear Applicants,

The request for approval of the Replat of the Austin Landing Addition, Phase One, for the property located in the 4600-5100 Blocks of North Travis Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 20, 2012, 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 the 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 shall conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
4. The width of right-of-way for streets and the pavement width shall be shown.
5. Detention in accordance with City criteria is required.
6. An Operation and Maintenance Manual and Landscaping Plan for the detention pond shall be provided to the Engineering Department.
7. Detention pond shall be noted as being private.
8. All common areas shall be noted as being private.
9. Building setback lines shall be removed from the replat.

10. The Developer is responsible for providing long side services to each lot.
11. The volume and page shall be shown for the Pipeline Easement recorded by separate document.
12. The volume and page of the recorded plat shall be shown for the dedicated drainage easements.
13. Any other changes made to the final replat 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.

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 Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,



Mark Gibson,
Dir. of Utilities and Engineering

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Nathan Huffman, Fire Marshal
Don Keene, Director of Public Works
Helvey & Associates, 222 W. Main, Denison, Texas 75020
Scott Shadden, Director of Development Services
Clay Barnett, City Engineering
Lisa Whitfield, Engineering & Development Coordinator
Vilbig & Associates, 10132 Monroe Drive, Dallas, Texas 75229



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.8

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.9

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. D.10

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

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

**(a) Receive the City Attorney’s Briefing on Pending
Litigation**

Section 551.074 Personnel Matters

**(a) Consider the Qualifications, Appointment and Removal
of Members to Boards and Commissions:**

**(1) Sherman Higher Education Finance
Corporation (7)**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. F.1

OPEN MEETING

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

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 4-16-2012

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2012 CITY COUNCIL MEETINGS

JANUARY

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

FEBRUARY

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

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
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25	26	27	28	29	30	31

APRIL

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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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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AUGUST

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SEPTEMBER

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23	24	25	26	27	28	29
30						

OCTOBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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NOVEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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DECEMBER

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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23	24	25	26	27	28	29
30	31					

01/02/12 - January 2nd Council meeting cancelled
01/16/12 - M.L.K., Jr. Birthday / Regular Council Meeting
02/20/12 - Washington's Birthday / Regular Council Meeting
04/02/12 - April 2nd Council meeting cancelled
04/20/12 - 12 Noon Budget Planning Meeting in Council Chambers
06/21-22/12 - Budget Workshop in Council Chambers
09/03/12 - Labor Day / Called Council Meeting on 09/04/12