CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 7, 2008
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 WILLIE STEELE

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 17, 2008

Proclamations

A.5 PROCLAMATION
"Sexual Assault Awareness Month" – April 2008

A.6 PROCLAMATION
"National Library Week" – April 13-19, 2008

Public Hearing

B.1 PUBLIC HEARING
Conduct the First Public Hearing Concerning the Annexation of Approximately 44.97 Acres of Land at the Intersection of U.S. Highway 82 and Hudgins Road (State Highway 289) in the City of Sherman's Extra Territorial Jurisdiction

Introduction and Public Hearing of Ordinances

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5526
Approving the Amended Financing Plan for the Sherman Tax Increment Financing Reinvestment Zone Number Two (TIF-2)

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5527
Amending Chapter 13 of the Code of Ordinances, entitled "Water, Sewers and Sewage Disposal", at Article 13.07, Sections 13.07.033 and 13.07.034, to Modify the Requirements Related to the Installation of Water Service Lines and the Provision of Water Meters and Meter Boxes

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5528

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Sherman Hills Country Club, Ltd. (Owners), Teague, Nall and Perkins (Engineers), and Underwood Drafting and Surveying (Surveyors) to Allow Patio Homes in an R-1 (One Family Residential) District and the O-1 (75&82) Overlay District in the 2100-2200 Blocks of U.S. Highway 75 South, being Tract 1 - 1.325 acres in the Preston Kitchen Survey, Abstract No. 667, also known as Future Lots 21-28, Block D of the Sunrise Tract at Sherman Hills, Phase II, and Tract 2 - 0.569 acres in the Preston Kitchen Survey, Abstract No. 667, also known as Future Lots 18-22, Block C of the Sunrise Tract at Sherman Hills, Phase II; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5529

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to TPCR, LLC (Owners), Vilbig & Associates (Engineers), and Sartin and Associates (Surveyors) to Allow Indoor Batting Cages in a C-1 (Retail Business) District in the 2100 Block of East Lamar Street, being 1.76 Acres in the George B. Pilant Survey, Abstract No. 963; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Close Public Hearing and Consider Adoption of Ordinances

B.6 ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers:

a) 5526
b) 5527
c) 5528
d) 5529

B.7 CONSENT AGENDA

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

Resolutions

C.1 RESOLUTION NO. 5188

Approving and Adopting the Center Street Park Master Plan

C.2 ** RESOLUTION NO. 5189*

Awarding a Bid to and Authorizing Execution of an Agreement with ITT Flygt Corporation for Aeration Basin Lift Station Pumping Equipment Modifications at the Wastewater Treatment Plant

C.3 *[* RESOLUTION NO. 5190]*
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1302 South Austin Street

C.4 ** RESOLUTION NO. 5191*
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 412 East Park Avenue

C.5 ** RESOLUTION NO. 5192*
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 416 East Park Avenue

C.6 ** RESOLUTION NO. 5193*
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 427 South Vaden Street

C.7 ** RESOLUTION NO. 5194*
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 717 East Sycamore Street

C.8 ** RESOLUTION NO. 5195*
Authorizing the Execution of an Agreement with Habitat for Humanity of Grayson County for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 504 South Walnut Street

C.9 ** RESOLUTION NO. 5196*
Authorizing the Lease of an Annual Supply of Uniforms for Various City Departments through the Texas Local Government Purchasing Cooperative (BuyBoard)

Requests to Advertise

D.1 REQUEST TO ADVERTISE
U.S. Highway 75 North Water Main

D.2 ** REQUEST TO ADVERTISE*
Harrison Street Storm Sewer Replacement

Other Business

D.3 OTHER BUSINESS
Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Chairman Joe Fallon, Jr. and SEDCO President John Boswell

D.4 OTHER BUSINESS
Receive Public Works Director Jeff Miller's Update on the 2008 Street Improvement Projects

D.5 OTHER BUSINESS
Receive Fire Chief Jeff Jones' Presentation on Sherman's Emergency Planning Preparedness and FEMA Public Assistance Grant

D.6 OTHER BUSINESS
Final Plat Approval of East Side Business Park, being 0.6481 acres in the George B. Pilant Survey, Abstract No. 963; Lazy L Enterprises, Owner (1908 and 1914 East Lamar Street)

D.7 ** OTHER BUSINESS*
Final Plat Approval of the Launching Pad, being 1.76 acres in the George B. Pilant Survey, Abstract No. 963; TPCR, LLC, Owner (2100 Block of East Lamar Street)

D.8 ** OTHER BUSINESS*
Final Plat Approval of Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction, being 51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey, Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368, and the John K. Miller Survey, Abstract No. 819; Robert J. Tate, Christopher Rehmet, and Claire Rehmet, Owners [2100-2400 Blocks of Hudgins Road (Highway 289 Extension) and the 400-500 Blocks of Preston Club Drive]

D.9 ** OTHER BUSINESS*
Site Plan Approval for Kaiser Aluminum under Ordinance No. 2252, Article IV, Section 410 (2)(j) for a Concrete Pad with a Six (6) Foot Concrete Wall for Outside Storage of Scrap Aluminum and an Extension of an Eight (8) Foot Chain Link Fence in the Blalock Industrial Park District at 4300 U.S. Highway 75 South

D.10 ** OTHER BUSINESS*
Site Plan Approval for The Westmoreland Company, Inc. (Owners), FedEx Ground (Tenant), and Greg Mitchell, Benchmark Design Group, LLP (Engineers) under Ordinance No. 2252, Article IV, Section 410 (2)(j) for the Expansion of an Existing FedEx Ground Facility in the Blalock Industrial Park District at 3221 Northgate Drive

D.11 CITIZEN REQUESTS

D.12 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.13 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

a) Library Board (2)

D.14 **TABLED AT THE MARCH 3, 2008 COUNCIL MEETING:** APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

a) Parks and Recreation Advisory Board (2)

D.15 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 Legal Matters

a) Panda Energy

Section 551.087 Deliberations Regarding Economic Development Negotiations:

a) 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:

1) Panda Energy

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:** 4-7-2008

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:** 4-7-2008

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Willie Steele, Council Member

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER WILLIE STEELE

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. A.4

APPROVE MINUTES
THE REGULAR CITY COUNCIL MEETING OF MARCH 17, 2008

STATE OF TEXAS §

March 17, 2008

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 17, 2008.

MEMBERS PRESENT: **MAYOR BILL MAGERS; DEPUTY MAYOR CHIP ADAMI. COUNCIL MEMBERS SMITH, T. STEELE, W. STEELE, WACKER.**

MEMBERS ABSENT: **COUNCIL MEMBER HUGHES.**

CALL TO ORDER

CALL TO ORDER

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

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Called City Council Meeting of February 29, 2008 and the Regular City Council Meeting of March 3, 2008. Council Member Terrence Steele moved to approve the Minutes as presented; Second by Council Member Wacker. All present voted AYE.
MOTION CARRIED.

RES 5181
TASWA BONDS

RESOLUTION NO. 5181 – APPROVING THE FORM OF RESOLUTION OF THE TEXOMA AREA SOLID WASTE AUTHORITY AUTHORIZING THE ISSUANCE OF REGIONAL SOLID WASTE DISPOSAL CONTRACT REVENUE BONDS; SERIES 2008, APPROVING THE PRIVATE PLACEMENT 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 2008; APPROVING THE PRIVATE PLACEMENT OF SUCH BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Dale Sissney, Executive Director of the Texoma Area Solid Waste Authority, represented their request for approval of the issuance of Regional Solid Waste Disposal Contract Revenue Bonds, Series, 2008, for the expansion and improvement of the TASWA Landfill.

Since the opening of the Landfill, Cell 1 is approaching capacity, and necessitates the need to begin construction of Cell 2. Construction of the cell is expected to be complete in early 2009. Each cell has an estimated life or capacity of four to five years.

There has been no rate increase since the Landfill was open and the prices were set in 2004. It is estimated that the interest rate of the debt will be between 4% and 4.5%.

Mayor Magers said TASWA is looking at a rate increase this year, estimated at an additional $4 per ton. No final decision has been made yet but he did expect it to happen. The money is necessary for Cell 2.

Deputy Mayor Adami asked if the staff had "run the numbers" to see what effect the rate increase will have on the City. Robby Hefton, Assistant City Manager/CFO, said they have not done that yet. The current rate is $24 per ton.

Council Member Willie Steele asked about the lifespan of a cell and if Cell 1 had the expected lifespan. Mr. Sissney said they originally expected Cell 1 to last four to five years, and it did.

ACTION TAKEN.

> **Motion by Council Member Wacker to approve Resolution No. 5181, as presented. Second by Council Member Terrence Steele.**

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>INTRODUCTION AND PUBLIC HEARING OF ORDINANCES</u>

ORD 5523
GREASE TRAPS

Mayor Magers introduced Ordinance 5523 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, "UTILITIES," ARTICLE 13.07, "WATER, SEWERS, AND SEWAGE DISPOSAL," AT DIVISION 3, "SEWERS AND SEWAGE DISPOSAL," AND ADDING DIVISION 6, "FATS, OIL, GREASE AND SEDIMENT CONTROL." PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES. PROVIDING FOR A REPEALER CLAUSE.

Wayne Kuse, Wastewater Superintendent, briefed the City Council on the proposed ordinance dealing with fats, oil and grease (FOG) in local businesses. He presented slides outlining problems faced from the disposal of this type of sewage, which is a major cause of sewer line blockages and can cause sanitary sewer overflows.

These overflows violate the City's wastewater discharge permit. He added that over 36% of overflows are FOG related and can cause backups into citizen's homes and businesses.

During a recent rain event in February, employees filled four dumpsters with grease in six hours at the Wastewater Treatment Plant. They normally fill two to four of the dumpsters in a week.

Mr. Kuse said the best way to control the problem is to control it at the source and keep it out of the system. The proposed ordinance coordinates and updates many features in the existing code. It also addresses new businesses entering Sherman and grandfathers existing businesses until they are found to be causing a problem downstream.

The proposed ordinance incorporates model standards required by the State for all systems in Texas. Mr. Kuse said the program is necessary to comply with Federal, State, and Local laws.

Mayor Magers asked if the City was in compliance today. Mr. Kuse said the City is complying but does not have a very efficient ordinance. He said if the City is in compliance today then it is a misstatement to say the ordinance is "necessary to comply with the law." Mr. Kuse said the City is basically in compliance, but not in "full compliance" because the enforcement language is not included in the present ordinance.

Mayor Magers said everyone wants a clean sewer, but he felt a 50 page ordinance was excessive. The City is in compliance today. He asked if the slides shown were people that were following the rules or people that were not following the rules. Mr. Kuse said the slides were facilities that would not meet the present rules. Mayor Magers confirmed that the slides shown were facilities that were not following the current rules.

Mayor Magers said he assumed Mr. Kuse meant that the program is cost effective from the City's standpoint. Mr. Kuse said it can be cost effective for businesses too if they're doing what they should be doing.

Mayor Magers asked what the cost would be to businesses to comply with the proposed ordinance. He felt the ordinance should be more specific as to what is required. Mr. Kuse said the cost would depend on the business.

Mark Gibson, Director of Utilities, said the ordinance could not address the cost unless it contains rigid specifications of what would be required. The staff proposed a "flexible" ordinance so they could "work with" the individual owners and impose requirements that everyone could live with.

George Olson, City Manager, said the ordinance was a combination of a current ordinance and updates, that would comply with the sanitary sewer overflow initiatives that were adopted several years ago.

Mayor Magers expressed concern that the Council was addressing a 50 page ordinance about a problem that the City is already in compliance on. He asked what the changes would mean to a business person. Mr. Kuse said for most businesses it means whether or not they have a grease trap.

Many facilities still do not have a grease trap. With the proposed ordinance, all new restaurants would have a grease trap. Existing businesses would receive some protection until they are creating a problem downstream.

Mr. Olson verified that the staff works with any current restaurant that does not have a grease trap. Mr. Kuse said there are provisions if it is absolutely impossible for a restaurant to add a grease trap, they could use a collection device or be charged a fee.

Mayor Magers asked if the ordinance was raising the standards. Mr. Gibson said the ordinance brings the City into compliance with what the State will require. The State provides a model ordinance and if all items aren't covered, the City has a liability. The State requires Cities to "work on" their grease problems but they don't give specific requirements. This ordinance puts the cost on the people that produce the problem.

Mayor Magers verified that the proposed ordinance is designed to better address the businesses that aren't controlling grease properly. Council Member Wacker added that it supplies the enforcement tools and gives specific definitions for the City to use. Deputy Mayor Adami verified that the current ordinance is missing the enforcement tools.

Council Members verified that the proposed ordinance would grandfather the businesses that are in place now, until they actually cause a problem. When they do cause a problem, the proposed ordinance would require them to correct that problem.

Mayor Magers felt there was a lot of ambiguity in the proposed ordinance. He felt the City appeared to be going way beyond where they are today. If the City is in compliance today, why would it be needed? Mr. Kuse said the entire City is not in compliance. The City's program probably meets some minimum level of compliance except there are no enforcement provisions.

He added that the proposed ordinance allows the staff to communicate to the customer what the requirements are and the consequences if they don't meet these requirements. Mayor Magers wanted specific examples of "if you're doing this today, then under the new ordinance you have to do this." He did not want generalities.

Mr. Kuse said there are approximately 250 existing restaurants in Sherman now, and many do not have grease traps. That is gradually being corrected, but the ordinance is inefficient. Mayor Magers asked specifically what items in the ordinance would make it more efficient.

Council Member Wacker said this ordinance is similar to the substandard building ordinance which was "tightened up"

because it's not the City's job to make sure a system is working properly. The City does have to inspect the system but the restaurant must take responsibility for how they discharge waste into the system, because it creates extra cost and health issues. Mayor Magers said the substandard building ordinance cited specific things that would be addressed.

Council Member Wacker added that the proposed ordinance lets the staff and the restaurant owner decide on a solution that puts them in compliance on the discharge. There are no specifics in the ordinance so it can be tailored for each restaurant to reach a solution that works for them and for the City, even if it's by different means. The parameters are on the discharge not on how you get there.

Mr. Olson verified that in many cases the City can pinpoint where a problem is coming from in the sanitary sewer system. This is a way to control the problems. He suggested tabling the ordinance until more information could be presented to the City Council.

Mayor Magers was concerned about the ambiguity of a 50 page ordinance and the cost to the business owner that will need to comply. He felt when the staff says they "will work" with a business owner, power is taken away from the small business owner.

Council Member Terrence Steele verified that, at this point, there is not a large penalty to a business owner if they put grease into the system and the City must abate the problem. Mr. Kuse added that many people don't know what they should and should not put into a drain. There is also a large turn-over at restaurants. Mayor Magers did not feel that the ordinance would address this problem.

Deputy Mayor Adami suggested bringing the original ordinance back and highlighting the items that have changed. Mr. Olson said the staff would provide a summary of the benefits of this ordinance for the Council to discuss and the ordinance can be brought back after that discussion.

Deputy Mayor Adami asked if the City had the staff to enforce the proposed ordinance or if additional personnel would need to be hired. He also referred to the slides presented and wanted to see alternatives and costs to fix those problems. Mayor Magers wanted to see what the changes will mean to the small business owner and the cost they will incur.

Council Member Smith asked that the information be presented to the Council earlier so they will have time to review it thoroughly before the meeting.

Traci Carlson, President of the Sherman Chamber of Commerce, said the ordinance needs to include a standard

to meet so the businesses will know what is expected to be in compliance. She felt it would be hard for existing businesses to meet a minimum standard if they didn't know what that standard was. Mrs. Carlson asked about "grandfathering" and would those restaurants be addressed on a case-by-case basis.

Doreen McGookey, City Attorney, explained that the term grandfather is misleading. The intent of the ordinance is that as long as a business is not committing an unlawful discharge, which is regulated under this ordinance, then the business would be in compliance because they would not be causing a problem. Once there is a problem, the staff wants to have the ability to take action at that point.

Mrs. Carlson said the ordinance must include a minimum standard for the businesses to meet. She also expressed concern about the cost.

Mr. Kuse said the concern seems to be that there is no standard. The staff is proposing that, instead of including it in the ordinance, there is a "management guide" that includes standards. If standards are included in the ordinance, Mr. Kuse said he would have to cover the "worse case scenario" and it will scare people away. This would allow no flexibility to the program.

Mayor Magers said the ordinance was not clear as to "now we are here and if you make these changes you will be here" and these are the benefits to the citizens and to the City. He asked for a point-by-point outline of these items.

No citizens appeared before the City Council to discuss Ordinance 5523.

ORD 5524
STOP SIGN

Mayor Magers introduced Ordinance 5524 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT "STOP" SIGN AT THE INTERSECTION OF KNOLLWOOD DRIVE AND NORTH CREEK DRIVE, STOPPING WESTBOUND TRAFFIC ON NORTH CREEK DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN. PROVIDING FOR A PENALTY PROVISION. PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5524.

ORD 5525
YIELD SIGN

Mayor Magers introduced Ordinance 5525 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR TWO (2) PERMANENT "YIELD" SIGNS AT THE INTERSECTION OF CRESTVIEW DRIVE AND WEST COLLEGE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN. PROVIDING FOR A

PENALTY PROVISION. PROVIDING FOR A REPEALER. PROVIDING FOR SEVERABILITY.

No citizens appeared before the City Council to discuss Ordinance 5525.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES

Ordinance 5523

ORD 5523 GREASE TRAPS (TABLED)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, "UTILITIES," ARTICLE 13.07, "WATER, SEWERS, AND SEWAGE DISPOSAL," AT DIVISION 3, "SEWERS AND SEWAGE DISPOSAL," AND ADDING DIVISION 6, "FATS, OIL, GREASE AND SEDIMENT CONTROL." PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES. PROVIDING FOR A REPEALER CLAUSE.

ACTION TAKEN.

Motion by Deputy Mayor Adami to table Ordinance No. 5523, until further information is presented. Second by Council Member Wacker.

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO TABLE.

Ordinance 5524

ORD 5524 STOP SIGN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR A PERMANENT "STOP" SIGN AT THE INTERSECTION OF KNOLLWOOD DRIVE AND NORTH CREEK DRIVE, STOPPING WESTBOUND TRAFFIC ON NORTH CREEK DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN. PROVIDING FOR A PENALTY PROVISION. PROVIDING FOR SEVERABILITY. PROVIDING FOR A REPEALER.

Ordinance 5525

ORD 5525 YIELD SIGN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR TWO (2) PERMANENT "YIELD" SIGNS AT THE INTERSECTION OF CRESTVIEW DRIVE AND WEST COLLEGE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN. PROVIDING FOR A PENALTY PROVISION. PROVIDING FOR A REPEALER. PROVIDING FOR SEVERABILITY.

ACTION TAKEN.

Motion by Deputy Mayor Adami to approve Ordinance Nos. 5524 and 5525, as presented. Second by Council Member Terrence Steele.

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA | **CONSENT AGENDA**

The Council reviewed the Consent Agenda. Mayor Magers removed Item C-4 entitled "Resolution 5183 – Authorizing Execution of a Contract with Lone Tree Resources and Consulting, Inc. for the Installation of a 6,000 Gallon Fuel Tank at the Sherman Municipal Airport" from the Consent Agenda for consideration in its regular order of business.

Deputy Mayor Adami moved to approve the Consent Agenda, with the exception if Item C-4, which will be considered in its regular order of business. Second by Council Member Willie Steele. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5180 – AUTHORIZING THE EXECUTION OF A DEPOSITORY CONTRACT WITH LANDMARK BANK

RES 5180 DEPOSITORY CONTRACT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DEPOSITORY CONTRACT WITH LANDMARK BANK.

Mr. Hefton said the City is at the end of a five-year contract with Chase Bank, who has done a good job. The City went out for bid for the depository contract and the staff is recommending Landmark Bank.

He felt Landmark Bank could provide the needed services and save the City an estimated $25,000 annually. The contract is a one-year contract with annual renewals available.

He introduced Sam Henry and Randy Hensarling of Landmark Bank.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5180, as presented. Second by Deputy Mayor Adami.

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RESOLUTION NO. 5182 – AUTHORIZING EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL ENGINEERING DESIGN SERVICES CONTRACT WITH BUCHER, WILLIS & RATLIFF FOR THE RECONSTRUCTION OF BROCKETT STREET FROM TRAVIS STREET TO GRAND AVENUE

RES 5182 BROCKETT ST. RECONSTRUCTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL ENGINEERING DESIGN SERVICES CONTRACT WITH BUCHER, WILLIS & RATLIFF FOR THE RECONSTRUCTION OF BROCKETT STREET FROM TRAVIS STREET TO GRAND AVENUE.

Mayor Magers recognized George Rowland, formerly Vice President of Business Affairs at Austin College, who has worked diligently on the Brockett Street reconstruction project.

Mr. Olson said the timeframe on the project is for completion by the first part of 2009. Construction should begin in July 2008.

ACTION TAKEN.

> **Motion by Council Member Wacker to approve Resolution No. 5182, as presented. Second by Council Member Terrence Steele.**

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5183 AIRPORT FUEL TANK

<u>RESOLUTION NO. 5183 – AUTHORIZING THE EXECUTION OF A CONTRACT WITH LONE TREE RESOURCES AND CONSULTING, INC. FOR THE INSTALLATION OF A 6,000 GALLON FUEL TANK AT THE SHERMAN MUNICIPAL AIRPORT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH LONE TREE RESOURCES AND CONSULTING, INC. FOR THE INSTALLATION OF A 6,000 GALLON FUEL TANK AT THE SHERMAN MUNICIPAL AIRPORT.

Mayor Magers removed Item C-4 from the Consent Agenda for consideration in its regular order of business.

Mayor Magers said financing for the fuel tank installation project is exclusively from the Airport funds. No General Fund money is being used. No taxpayer dollars will fund the project.

He also asked about the timeframe for construction of the new hangars. Jeff Miller, Director of Public Works, said in June 2007 the City went out for requests for proposals and received two responses from private investors. After the investors considered the project and reviewed the financial situation, they both withdrew their offers to construct hangars.

Mayor Magers asked if other options had been considered. Mr. Miller said he and Mr. Hefton have been discussing other options that might be pursued or another way to structure the project.

Council Member Smith said that if the private sector has decided not to build additional hangars, that just confirms the City's decision not to fund the construction through the public sector.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5183, as presented. Second by Council Member Terrence Steele.

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5184
SEALCOAT PROGRAM

<u>RESOLUTION NO. 5184 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH TOM HERNANDEZ, INDIVIDUALLY AND DOING BUSINESS AS MARTIN ASPHALT COMPANY, FOR THE PURCHASE OF AN ANNUAL SUPPLY OF EMULSIFIED ASPHALT OIL FOR THE 2008 SEAL COAT PROGRAM</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH TOM HERNANDEZ, INDIVIDUALLY AND DOING BUSINESS AS MARTIN ASPHALT COMPANY, FOR THE PURCHASE OF AN ANNUAL SUPPLY OF EMULSIFIED ASPHALT OIL FOR THE 2008 SEAL COAT PROGRAM.

CONSENT AGENDA.

RES 5185
SEALCOAT PROGRAM

<u>RESOLUTION NO. 5185 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JAMES THORPE, INDIVIDUALLY AND DOING BUSINESS AS THORPE TRUCKING, FOR THE PURCHASE OF AN ANNUAL SUPPLY OF COVER STONE FOR THE 2008 SEAL COAT PROGRAM</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH JAMES THORPE, INDIVIDUALLY AND DOING BUSINESS AS THORPE TRUCKING, FOR THE PURCHASE OF AN ANNUAL SUPPLY OF COVER STONE FOR THE 2008 SEAL COAT PROGRAM.

CONSENT AGENDA.

RES 5186
STREET DEPT. FLEET

<u>RESOLUTION NO. 5186 – AUTHORIZING THE PURCHASE OF ONE (1) ¾ TON PICKUP TRUCK THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE STREET SERVICES DEPARTMENT</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF ONE (1) ¾ TON PICKUP TRUCK THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE STREET SERVICES DEPARTMENT.

CONSENT AGENDA.

RES 5187
STREET DEPT. FLEET

<u>RESOLUTION NO. 5187 – AUTHORIZING THE PURCHASE OF TWO (2) 2-1/2 TON DUMP TRUCKS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE STREET SERVICES DEPARTMENT</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO

(2) 2-1/2 TON DUMP TRUCKS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE STREET SERVICES DEPARTMENT.
CONSENT AGENDA.

CHANGE ORDER
LOCKHART ST.
WATER MAIN

CHANGE ORDER NO. 2
LOCKHART STREET WATER MAIN REPLACEMENT; $10,002.61, DECREASE
The City Council approved Change Order No. 2, which is a final reconciliatory change order to adjust final project quantities for the Lockhart Street Water Main Replacement Project. The change order results in a decrease of $10,002.61 to the original contract, yielding a final contract price of $178,739.28.
CONSENT AGENDA.

REQ TO ADVERTISE
SALE OF PROPERTY
KING ST.

REQUEST TO ADVERTISE
SALE OF PROPERTY LOCATED AT 1624 EAST KING STREET, BEING LOT 1, BLOCK 1 OF THE REPLAT OF LOT 19, BLOCK 3, AND A PORTION OF HARRISON STREET BETWEEN BLOCK 3 AND 4 OF THE J.C. LINNSTAEDT'S ADDITION
The City Council approved a request to advertise the sale of a platted lot located at 1624 East King Street, which contains a portion of the Harrison Street right-of-way that will not be built and a residential lot that was combined into one tract for development.

The City received title to the residential lot in lieu of delinquent taxes and in consideration of removing a substandard house at that location. A creek prevents this portion of the street from being developed.
CONSENT AGENDA.

SALE OF PROPERTY
BRENTS ST.

SALE OF PROPERTY LOCATED AT 800 NORTH BRENTS, BEING A 60' X 150' TRACT OF LAND (A CLOSED AND ABANDONED PORTION OF CARTER STREET) LYING BETWEEN LOT 12 IN BLOCK 1 AND LOT 7 IN BLOCK 2 OF THE KELIEHOR'S FOURTH ADDITION
The City Council approved a request to advertise the sale of excess street right-of-way at 800 North Brents Street, which is a portion of the Carter Street right-of-way that was closed and abandoned as being unessential.
CONSENT AGENDA.

SALE OF PROPERTY
LAKE ST.

SALE OF PROPERTY LOCATED IN THE 500 BLOCK OF EAST LAKE STREET BEING 4.024 ACRES IN THE PRESTON KITCHENS SURVEY, ABSTRACT NO. 667, AND THE SAMUEL BLAGG SURVEY, ABSTRACT NO. 56, AND OF THE SPRING GLEN PARK ADDITION, BLOCK 9 AND PART OF BLOCKS 3 AND 4, AND A PART OF ADJACENT STREETS
The City Council approved a request to advertise the sale of an unplatted tract of land located in the 500 block of East Lake Street, which contains 4.024 acres of land that was

donated to the City by Earl B. Tomlin, Trustee for the Martha B. Tomlin Trust. The property was donated for the purpose of installing a permanent sanitary sewer easement.

Since this property has floodplain across the eastern portion, it is unlikely that the property will be developed by the City.
CONSENT AGENDA.

OTHER BUSINESS

RECEIVE GTUA GENERAL MANAGER JERRY CHAPMAN'S UPDATE ON THE PROPOSED MANDATED GROUNDWATER CONSERVATION DISTRICT TO INCLUDE GRAYSON COUNTY

GROUNDWATER CONSERVATION DISTRICT

Jerry Chapman, Greater Texoma Utility Authority General Manager, updated the Council on the proposed mandated Groundwater Conservation District.

On December 21, 2006 the Texas Commission on Environmental Quality released a Preliminary Report on Groundwater in North Central Texas, which recommended one or more Groundwater Conservation Districts in thirteen North Texas counties.

After studies, comments, and hearings, TCEQ provided an alternate recommendation which considered the Groundwater Conservation District for Tarrant County and the District that includes Montague, Cooke, Wise, Parker, and Hood Counties. They also recommended that Grayson, Fannin, Denton and Collin Counties be included in a District.

Twenty eight groundwater providers in Cooke, Fannin, and Grayson Counties contested the plan and a contested hearing was scheduled for May 12, 2008 in Austin. Several other water providers in other Counties are also contesting the plan. A final decision is expected in November or December 2008.

Mr. Chapman outlined the laws governing groundwater in the State of Texas, including the "rule of capture" which says if someone owns the surface rights, they can take as much water as they can as long as it's not wasted. In 2003 Ozarka Spring Water leased property instead of purchasing it and pumped groundwater. After legal proceedings, the Court upheld the "rule of capture" but said this needs to be fixed or we might not uphold the decision next time.

The Legislature's preferred method to control groundwater is Groundwater Districts and there are approximately 90 Groundwater Districts currently in Texas. He outlined methods for creating Groundwater Conservation Districts. The Districts may have taxing power on property and can set a maximum fee of $0.17 per 1,000 gallons. The fee must be confirmed by a vote of the citizens impacted, however TCEQ has the authority to include a County in an adjacent District.

Mr. Chapman emphasized that the governance of the Board is very important. He felt the best option was to influence the development of a customized District that will fit the needs of the participating Counties. The bill would need to be pre-filed by November 2008.

Mr. Chapman recommended that the City Council continue to support the legal effort to oppose the formation of a Groundwater District, realizing that the opposition will probably not win. It will however, give the City a stronger influence on what happens between now and December. It will also show the ratepayers that the Council tried to keep a Groundwater District out.

Mayor Magers recently spoke with Senator Craig Estes and he understood the challenges of including Fannin, Collin, and Grayson Counties in the same District and seemed amenable to separating the northern Counties from the southern Counties.

He added that water is critical to a City's wellbeing and he felt it would be better to have Grayson and Fannin Counties, and possibly Cooke County in the same District. He urged the Council to support the "fight" even though they probably wouldn't win.

Deputy Mayor Adami verified that the legal counsel chosen was Jim Matthews, an attorney familiar with this type of situation that helped Gainesville draft their response a year ago.

Mr. Chapman encouraged the City to participate in a meeting in Grayson County to get all the players on board.

Mayor Magers said Sherman is using less groundwater than in the past and is doing everything they are asking these Groundwater Districts to do but it doesn't seem to matter. This is mandated and there is a real risk for Sherman's groundwater.

ACTION TAKEN.

> **Motion by Council Member Smith to authorize the City Manager to contract for legal services and to move forward with the process of forming a Groundwater Conservation District. Second by Council Member Willie Steele.**

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>ACCEPT ANNUAL AUDIT REPORT FOR YEAR ENDED SEPTEMBER 30, 2007 FROM PATILLO, BROWN & HILL, LLP</u>

ANNUAL AUDIT REPORT

John Manning, Partner with Patillo, Brown & Hill, LLP., presented the Annual Audit Report for the year ended September 30, 2007.

The Auditors gave an "unqualified" opinion on the financial statements, which is the highest level of assurance they can offer. The Audit is completed under governmental auditing standards and Patillo, Brown & Hill did not have any findings from an internal control or compliance standpoint. There were also no findings under the Single Audit Act.

Deputy Mayor Adami said the Council Audit Committee reviewed the Audit and were pleased with the Audit Report and the recommendations. Council Member Wacker thanked the City staff and the Auditors for their hard work.

ACTION TAKEN.
> **Motion by Deputy Mayor Adami to accept the Annual Audit Report for the year ended September 30, 2007, as presented. Second by Council Member Terrence Steele.**

VOTING AYE: Adami, Smith, T. Steele, W. Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RECEIVE QUARTERLY REPORT FROM TOURISM DIRECTOR SHAWNDA RAINS — **TOURISM UPDATE (POSTPONED)**

Mayor Magers said the Quarterly Report from the Tourism Director had been postponed.

CONSIDER BID REJECTION FOR THE SHERMAN POLICE DEPARTMENT'S DATA COLLECTION EQUIPMENT — **REJECT BID POLICE DATA COLLECTION EQUIP.**

The City Council approved the rejection of three bids received for the purchase of data collection equipment for the Sherman Police Department, that will be funded through a State Homeland Security Grant.

These grant funds are directed for three projects, one of which is to enhance the data collection ability of the Police Department. None of the three bids received met the specifications or legal requirements of the initial bid process.
CONSENT AGENDA.

CITIZENS REQUESTS — **CITIZENS REQUESTS**

There were no citizen's requests.

INTRODUCTION OF COUNCIL CANDIDATES — **INTRODUCTION OF COUNCIL CANDIDATES**

Mayor Magers introduced the candidates for the City Council Election on May 10, 2008. Candidates are Council Member Joe Smith for District 1; Robert Softly for District 2; Pam Howeth and Joe Hakert for District 3; and Deputy Mayor Chip Adami for District 4.

Council Member Terrence Steele has reached his term limit and is not eligible for re-election. Mayor Magers said he would be greatly missed.

MEDIA QUESTIONS
PANDA ENERGY
Kathy Williams, Herald Democrat Reporter, said a discussion about Panda Energy is scheduled for the Executive Session, and she knew the Sherman Economic Development Corporation has given incentives to bring them to Sherman.

She asked if the Council had considered asking if Panda Energy would agree to not be grandfathered, once they have been permitted, if there is new technology to control their emissions. She asked that Panda adopt the new technology without asking for an exemption. She added that this is the cleanest type of plant, but it does still emit smog components.

Mayor Magers said the deal is being negotiated but no action will be taken tonight.

COUNCIL COMMENTS
LOSS OF BEN USELTON — **LOSS OF BEN USELTON**
Council Member Smith said the City of Sherman lost a great and valued employee last week with the passing of Ben Uselton. He has spent 25 years at the City and it will be hard to replace him. Council Member Smith said he was a personal friend of his and he will be missed.

LOSS OF BEN USELTON — **LOSS OF BEN USELTON**
Deputy Mayor Adami also said he was very sorry to lose Ben Uselton.

HAPPY EASTER — **HAPPY EASTER**
Deputy Mayor Adami wished everyone a Happy Easter.

LOSS OF BEN USELTON — **LOSS OF BEN USELTON**
Mayor Magers added that at Ben Uselton's funeral, the church was filled with Tennessee Volunteer orange. That speaks a lot for Ben and for the City of Sherman.

HAPPY EASTER — **HAPPY EASTER**
Mayor Magers wished everyone a safe, Happy Easter.

FATS, OIL AND GREASE ORDINANCE — **FATS, OILS & GREASE ORD**
Mayor Magers thanked the staff for their hard work on the proposed ordinance controlling fats, oil and grease. He said the Council just needs more information on the item.

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW) — **EXECUTIVE SESSION**
THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

SECTION 551.072 -- **DELIBERATIONS REGARDING REAL PROPERTY:**
DELIBERATE REGARDING THE POTENTIAL PURCHASE OF A PIECE OF REAL PROPERTY

SECTION 551.087 -- **DELIBERATIONS 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:
PANDA ENERGY

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:38 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:46 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:47 p.m.

____
MAYOR

____
CITY CLERK

Fats, Oil and Grease Control Program

City of Sherman, Laboratory Services Department

Pretreatment and Field Services Team

Background

- Fats, oils, and grease (FOG) are major causes of sewer line blockages
- Can cause sanitary sewer overflows (SSOs)
  - Violates our wastewater discharge permit
- Contributes to surface water pollution
- Can expose people to diseases
- Contributes to corrosion in pipes
- Increases City's O&M costs
- Action required by federal, state, & local regulations

Sherman's Situation

- We have significant FOG related problems with our collection system
- Loss of hydraulic capacity in pipes
- Over 36% of our SSOs are FOG related
- Regulatory, environmental, & health issues
- Backups into citizens homes & businesses
  - SSOs are often preventable, so a bad situation gets worse

We want to avoid this




We want to avoid this

- Sanitary Sewer Overflow (SSO)

We want to avoid this

- Another SSO

What's the problem?

- **WWTP Slug load –** large amount of grease during recent rain event

What's the problem?

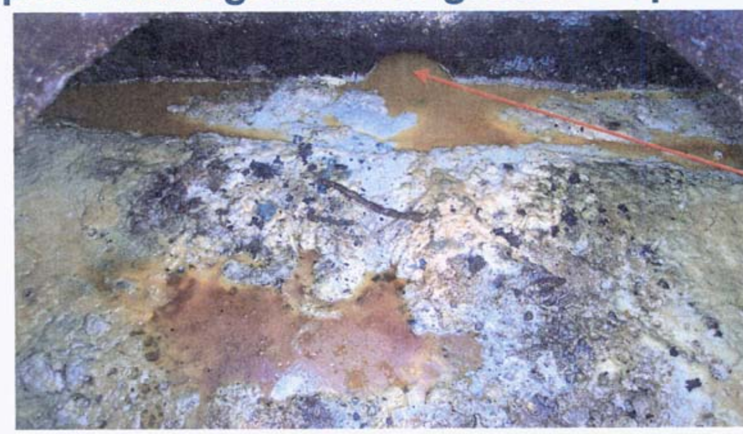
- **SSO –** Grease from local fast food facility

What's the problem?

- **SSO** – Defective grease trap at local shopping center

What's the problem?

- Excessive Grease – Local restaurant's poor management of grease trap

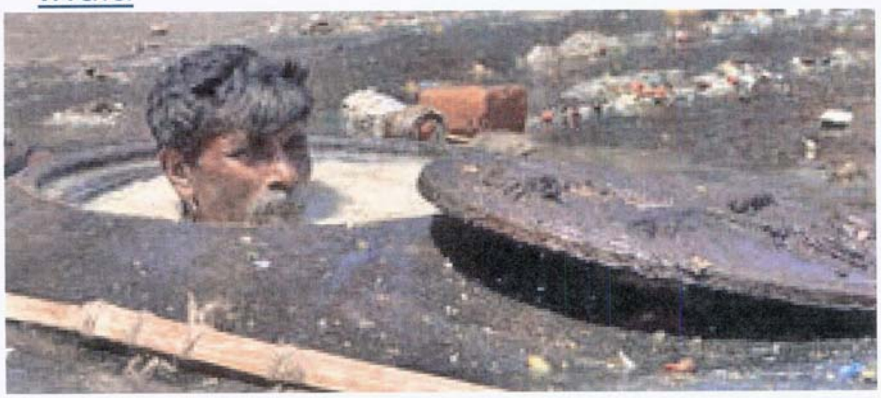


What's the problem?

- **SSO** – 8 bags of garbage per day discharged into sewer from local cafeteria

Not the preferred solution

- Man unclogging sewer overflow, Chennai, India



Better Solution: Proposed Ordinance

- Places responsibility on discharger /user
- Consolidates/updates what we're already doing under existing code
  - New sources
  - Existing businesses
- Incorporates model standards required by state
- Protects human health & safety, protects the environment, and helps control costs to the City
- Two components under Art. 13.07:
  - New Division 6: "meat" of the ordinance
  - Modify Division 3: to accommodate Div. 6

Summary

- Program is necessary to comply with law
- Program helps lower risk to City
  - Regulatory enforcement
  - Liability for environmental damage
  - Human health and safety claims
- Program is cost effective
- Program is the right thing to do

Sherman City Council Meeting
March 17, 2008
5:00 PM

I Background
- December 21, 2006 – Texas Commission on Environmental Quality (TCEQ) releases by email its Preliminary Report on Groundwater in North Central Texas
- Recommends one or more Groundwater Conservation District (GCD) in thirteen counties
- Comments due within thirty (30) days
- Groundwater providers react by protesting
- TCEQ agrees to 90-day comment period extension
- Groundwater providers submit comments in May 2007
- TCEQ considers comments
- Summer 2007 – TCEQ releases its revised recommendation and GCD map (Attached Map)
- 28 groundwater providers in Cooke, Fannin and Grayson Counties join together to protest the recommendation
- Preliminary hearing was held October 23, 2007
  - 28 parties named
  - Interrogatories exchanged between the TCEQ and local water providers
- Contested hearing scheduled for May 12, 2008 in Austin

II Procedure
- May 12, 2008 – Contested hearing in Austin
- Each side will present its case
- TCEQ staff will represent the 2007 Updated Report
- Contesting parties
  - 28 groundwater providers in Cooke, Fannin, and Grayson Counties
  - Collin-Denton water providers (2)
  - Grand Prairie/Colony
  - Others
- Expect 1-2 day hearing
- Administrative Law Judge will render opinions based on hearing within 60-90 days
- Recommendation will be sent to the TCEQ Commissioners in Fall 2008
- Expected final decision November-December 2008
- Commissioner's decision cannot be appealed

III Political Landscape
- Rule of Capture – 1909-2003
  - Land owner has right to withdraw water without restriction
  - GTUA/Sherman – Supreme Court 1983
  - Ozarka - 2003
- Supreme Court suggested that Legislature address this issue in the Ozarka ruling in 2003
- Texas Legislature has expressed a preference for GCDs as a mechanism for addressing groundwater issues in Texas since SB 1 & SB 2
- 90 +/- GCDs have been created in Texas
- TCEQ has been given authority to proceed with the implementation of this issue

- TCEQ receives its funding and authority from the Legislature
  - Specifically, Senate/House of Representatives Natural Resource Committees
- TCEQ Commissioners appointed by Governor and confirmed by the Senate
- Prevailing sentiment – Commission will decide in favor of a GCD wherever possible
- Groundwater providers may want a Plan B if Plan A (legal opposition) is unsuccessful

IV Groundwater Conservation Districts

- May be created by the TCEQ under provisions Chapter 36 of the Texas Water Code
  - Uniform – no variations
- May have taxing power on all property like a college district, hospital district or Choctaw Water Shed Improvement District in Grayson County
- May have power to set fees on groundwater production (maximum $0.17 per 1,000 gallons)
- Must be confirmed by a vote of people impacted
- Governing body – may be elected or appointed
- Structure of GCD is important to groundwater providers
- GCD created by the Legislature usually has more flexibility and may be crafted to meet the desires of groundwater providers in area impacted
- Effort in Legislature to standardize GCDs
  - Legislature becomes familiar with one type of district and often follows the same pattern
- Legislature can be convinced to customized GCDs if convinced and locals
- Natural Resource Committee in the Senate and House is the starting point to draft a custom GCD
  - Size
  - Board Governance – Appointment/Election
- Senate Natural Resource Committee
  - Chairman – Kip Averett, District 22 (Waco)
  - Vice Chairman – Craig Estes, District 30 (Wichita Falls)
- House Natural Resource Committee
  - Uncertain at this time due to resignation of Chairman
- Important to start homework soon
- Policy makers should decide on makeup of a proposed district/governance/power
- Seek agreement among groundwater providers as soon as possible
- Seek the support of Senator Estes in Senate
- Seek support from Representative Larry Phillips in the House of Representatives
- Have proposed legislation ready to be filed before the next legislative session opens if decision is unfavorable from TCEQ Commissioners

V Recommendation

- Continue to support legal effort to oppose GCD
  - May be able to avoid GCD
  - Stronger influence on what happens in GCD if required
  - Represent to the water rates program that effort to avoid GCD was made
  - Will need authorization for additional legal expenses
- Consider meeting with other groundwater providers to start discussion of how a GCD legislation should be crafted to be most acceptable to groundwater providers

Estimated Groundwater Production

Cooke County :

3	Bolivar Water Supply	73,947,591	5.73%
8	Gainesville	849,033,100	65.81%
12	Lindsay	50,554,900	3.92%
15	Oak Ridge	7,295,100	0.57%
	Muenster	119,261,466	9.24%
	Kiowa Homeowners Assn.		
	Woodbine Water Supply	190,000,000	14.73%
	Callisburg		
	Mountain Springs		
	Total GW Production	1,290,092,157	

Fannin County

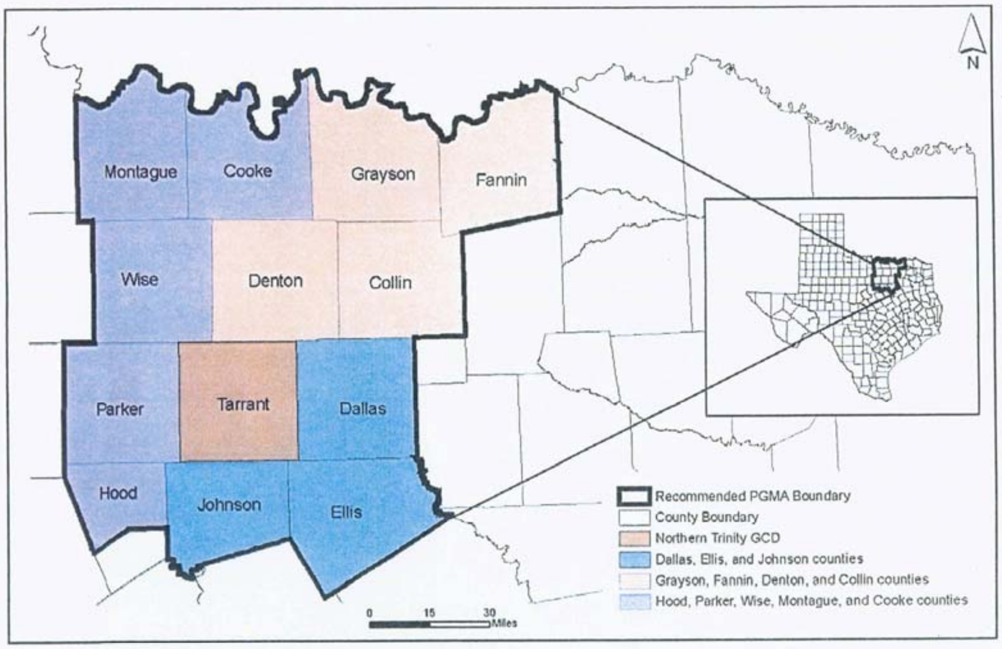
2	Bois d'Arc MUD	52,430,000	17.56%
11	Leonard	101,500,000	34.00%
18	Savoy	27,329,400	9.15%
	Trenton	36,495,312	12.22%
	SW Fannin SUD		
	Honey Grove	80,811,048	27.07%
	Bonham		
	Windom		
	Whiteshed WSC		
	Randolph WSC		
	N Leonard WSC		
	Total GW Production	298,565,760	

Grayson County

1	Bells	54,441,900	1.59%
4	Collinsville	80,480,000	2.35%
5	Denison	89,790,000	2.62%
6	Desert WSC	53,243,500	1.55%
7	Dorchester	73,413,000	2.14%
9	Gunter	63,009,000	1.84%
10	Howe	98,382,100	2.87%
13	Luella SUD	129,691,000	3.79%
14	Northwest Grayson	53,930,000	1.57%
16	Pink Hill WSC	73,694,000	2.15%
17	Pottsboro	13,998,510	0.41%
19	Sherman	1,615,100,000	47.16%
20	Starr	83,906,800	2.45%
21	Southmayd	12,742,180	0.37%
22	South Grayson	232,419,000	6.79%
23	Tioga	47,646,260	1.39%
24	Tom Bean	30,000,000	0.88%
25	Two Way SUD	187,973,000	5.49%
26	Van Alstyne	152,345,300	4.45%
27	Whitesboro	187,740,700	5.48%
28	Whitewright	90,493,000	2.64%
	Marilea SUD		
	Kentuckytown WSC		
	Total GW Production	3,424,439,250	

County		
Cooke	1,290,092,157	25.73%
Fannin	298,565,760	5.96%
Grayson	3,424,439,250	68.31%
Total GW Production	5,013,097,167	

Figure 16. Alternative Recommendation for Three Multi-County GCDs



SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. A.5

PROCLAMATION
"Sexual Assault Awareness Month" – April 2008

Issue
To present a proclamation designating April 2008 as "Sexual Assault Awareness Month" in Sherman

Background
Each year, the Crisis Center recognizes "Sexual Assault Awareness Month" and works to make the citizens of Sherman aware of the problem of sexual assault.

Origination
The request for this proclamation originated with the Crisis Center.

Financial Consideration
There is no financial consideration to the City.

Staff Recommendation
It is the recommendation of the staff to present a proclamation proclaiming April 2008 as "Sexual Assault Awareness Month."

Alternatives
The Council could choose not to present the proclamation.

Attachments
A proclamation proclaiming "Sexual Assault Awareness Month" is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN

Proclamation

WHEREAS, sexual assault affects every adult, teen, and child, in the City of Sherman, either as a victim/survivor of sexual assault or as a family member, significant other, neighbor or co-worker, and

WHEREAS, this year's theme "Inspire Change," incorporates the responsibility and unity of all groups to work collectively to help victims and to end sexual assault, and

WHEREAS, many citizens in the City of Sherman are working to provide quality services, and assistance to sexual assault survivors; volunteers help staff 24-hour hotlines, respond to emergency calls, offer support and advocacy during medical exams and criminal justice proceedings, and offer safe shelter, and

WHEREAS, Grayson County Women's Crisis Center, staff and volunteers promote sexual assault awareness and avoidance by offering education programs to schools, churches and civic organizations to rally citizen involvement in efforts that will reduce sexual assault through public education and changing public attitudes, and

WHEREAS, Grayson County Women's Crisis Center, other sexual assault programs, and other professionals and advocates of non-violence have joined together as the Texas Association Against Sexual Assault (TAASA) to support each other in their work and to provide the citizens of the City of Sherman and the State of Texas with a central source of information on sexual assault, and

WHEREAS, during the month of April, Grayson County Women's Crisis Center will be intensifying efforts to promote public understanding of sexual violence and victims of sexual violence and will be emphasizing the need for citizen involvement in efforts to reduce sexual assault through public education and changing public attitudes, and

WHEREAS, Grayson County Women's Crisis Center will also be working to publicize their services, increase community support for their agency and increase awareness of the healing potential for survivors.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim the month of April, 2008

SEXUAL ASSAULT AWARENESS MONTH

in the City of Sherman and encourage all citizens to increase their awareness and work to prevent sexual assault in our community and to unite together and with the Grayson County Women's Crisis Center to continue to make a difference.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 7th day of April, 2008.

____
Mayor

ATTEST:

Linda Ashby
City Clerk

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. A.6

PROCLAMATION
"National Library Week" – April 13-19, 2008

Issue
To present a proclamation designating April 13 through 19, 2008, as "National Library Week"

Background
Each year, "National Library Week" is celebrated to offer recognition to the important role that libraries play in our lives.

Origination
The request for this proclamation originated with the Sherman Public Library.

Financial Consideration
There is no financial consideration to the City.

Staff Recommendation
It is the recommendation of the staff to present a proclamation proclaiming "National Library Week."

Alternatives
The Council could choose not to present the proclamation.

Attachments
A proclamation proclaiming "National Library Week" is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN

Proclamation

WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today, more than ever, and

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the 21st century, and

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning, and

WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend, and

WHEREAS, libraries play a vital role in supporting the quality of life in their communities and can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it, and

WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide," and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week with The Campaign for America's Libraries, and

WHEREAS, "Read to Win," a reading readiness program is held on Tuesdays, Wednesdays and Thursdays from 10 a.m. to 11 a.m., and the "Brown Bag Video Series" on Wednesdays, April 9, April 16, April 23, and April 30, 2008, from noon to 1 p.m. at the Sherman Public Library, and

WHEREAS, the Library will also sponsor "PJ Storytime" on Tuesday, April 8, 2008 from 6:30 p.m. to 7:30 p.m. and a "Beginning Genealogy Program" on Tuesday, April 22, 2008 from 7 p.m. to 8:30 p.m., and

WHEREAS, the Friends of the Sherman Public will sponsor their Semi-Annual Book Sale on Saturday, April 19, 2008, from 8 a.m. to 4 p.m.

NOW THEREFORE, I, Bill Magers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim April 13 through 19, 2008

NATIONAL LIBRARY WEEK

in the City of Sherman and urge all residents to visit the library this week to take advantage of the wonderful library resources available. I also encourage residents to thank their librarians and library workers for making information accessible to all who walk through the library's doors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 7th day of April, 2008.

Mayor

ATTEST:

Linda Ashby

City Clerk

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. B.1

PUBLIC HEARING

Conduct the First Public Hearing Concerning the Annexation of Approximately 44.97 Acres of Land at the Intersection of U.S. Highway 82 and Hudgins Road (State Highway 289) in the City of Sherman's Extra Territorial Jurisdiction

Issue

To conduct the first public hearing concerning the petition for voluntary annexation of the approximately 44.97 acres at the intersection of U.S. Highway 82 and Hudgins Road (State Highway 289) in the City's extra territorial jurisdiction (ETJ), in accordance with State law and the City Charter

Background

On January 3, 2008, George R. Shrader, representing Preston Dorchester Partners, Ltd., requested annexation into the city limits for their property located on U.S. Highway 82 and Future Highway 289. They would like to develop the property for a commercial retail development. It is recommended by staff to include two additional adjacent tracts. At its February 18, 2008 meeting, the City Council approved the schedule for annexation of this property.

Origination

Preston Dorchester Partners, Ltd.

Financial Consideration

City accepts maintenance. A cost-benefit analysis will be provided prior to final action on this item.

Staff Recommendation

It is recommended that the City Council conduct its first public hearing concerning the possible annexation of the property.

Alternatives

The City Council could choose not to pursue this request for annexation; however, since the sale of water is a Council strategic goal, this action is not recommended.

Attachments

Annexation Scheduling Plan; Letter of Request, Field Notes and Sketch, Municipal Service Plan, Location Map; Aerial

Prepared by:
Mark Gibson, Utilities & Engineering Director

Approved by:
George Olson, City Manager

ANNEXATION SCHEDULING PLAN

APPROXIMATELY 44.97 ACRES OF LAND AT THE INTERSECTION OF U.S. HIGHWAYS 82 AND 289 (HUDGINS ROAD)

Thursday, February 28, 2008………..	Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
Wednesday, March 26, 2008………..	Post notice on City's website, newspaper and City Hall for City Council's 1st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
Friday, April 3, 2008 ……………….	Post notice of 1st public hearing under the Open Meetings Act.
Monday, April 7, 2008……………...	City Council's 1st Public Hearing on intent to annex and service plan.*
Wednesday, April 9, 2008……..…….	Post notice on City's website, newspaper and City Hall for City Council's 2nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
Friday, April 18, 2008………………	Post notice of 2nd public hearing under the Open Meetings Act.
Monday, April 21, 2008………….….	City Council's 2nd Public Hearing on intent to annex and service plan.*
Thursday, May 15, 2008 ……..…….	Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.
Monday, May 19, 2008……………..	City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.

* If more than twenty adults who are residents of the area to be annex protest within ten (10) days of the notice by publication, then one of the public hearings must be held in the area to be annexed.

AVEX

January 3, 2008

Mr. George E. Olson
City Manager
City of Sherman
220 W. Mulberry
Sherman, Texas 75090

Dear Mr. Olson,

Preston Dorchester Partners, Ltd. is the owner of a 22.97 acre tract on the southeast corner of Highway 82 and Hudgins Road (future extension of SH 289). A precise description of the property is provided in the attached survey. The site has been acquired for development. Therefore, with this, we are requesting annexation of the tract by the City of Sherman. George R. Schrader will be representing Preston Dorchester Partners, Ltd. in this request. If additional information is needed, he is prepared to supply this. He can be reached by telephone, e-message, fax, or at his office.

> George R. Schrader
> Schrader & Kline, LLC
> 4800 Broadway, Suite A
> Addison, Texas 75001
> PH: 972-661-1973
> FX: 972-386-8008
> Email: schcli@swbell.net

Respectfully submitted,

Frank Babb, SVP

Cc: Ms. Rita Gaither

Annexation of approximately 44.97 Acres on the South side of the Proposed Hwy 289 and Hwy 82 intersection

Situated in the County of Grayson, State of Texas, being a part of the James S. Coffee Survey, Abstract No. 232 and H. Ritchey Survey, Abstract No. 1025 also being a part of the following tracts of land conveyed to current owners by deeds recorded in the Deed Records, Grayson County, Texas; Jack A. Barkley and Wife Donna M. Barkley (Vol. 2416 at Page 551), H. Gene Alyea (Vol. 4243 at Page 751), Preston Dorchester Partners, LTD (Vol. 4067 at Page 382) and being more particularly described as one tract by metes and bounds as follows, to wit:

BEGINNING at the Northwest corner of the said Barkley tract and at an angle point in the existing City Limits to the City of Sherman, Grayson County, Texas, as established by City of Sherman Ordinance No. 5460 passed and adopted on June 4, 2007;

THENCE North 88° 35' 38" East with the North line of the said Barkley tract, a distance of 438.88 feet to the proposed West right-of-way line of Hwy 289;

THENCE Northwesterly following the West right-of-way line Hwy 289 the following courses and distances:
North 00° deg. 36' 58" West, a distance of 280.63 feet;
North 14° 31' 03" West, a distance of 210.74 feet;
North 46° 40' 13" East, a distance of 53.49 feet;
North 43° 10' 39" West, a distance of 279.78 feet;
South 45° 36' 21" West, a distance of 61.73 feet;
North 65° 37' 27" West, a distance of 572.86 feet to an angle point in the existing City Limits of the said City of Sherman and said point being 10 feet South from and perpendicular to the South right-of-way line Hwy 82;

THENCE East following the existing City Limits of the said City of Sherman being 10 feet from and parallel to the South right-of-way line of Hwy 82 the following courses and distances:
North 89° 24' 03" East, a distance of 309.34 feet;
South 43° 34'56" East, a distance of 185.37 feet;
North 49° 51'03" East, a distance of 165.86 feet;
North 89° 24' 03" East, a distance of 1302.86 feet to the East property line of the said Alyea tract and the a West line of the said Preston Dorchester Partners tract;

THENCE South 01°14' 51" East with the East line of the Alyea tract and a West line of the Preston Dorchester Partners tract, a distance of 340.00 feet to the Southeast Corner of the Alyea tract and an ell corner in the a North line of the Preston Dorchester Partners tract;

THENCE South 78° 04' 47" East across a section of land in the Preston Dorchester

Partners tract, a distance of 116.57 feet to a angle point in the East line of the Preston Dorchester Partners tract;

THENCE South 07°13'17"East with the East line of the Preston Dorchester Partners tract, a distance of 1610.60 feet to the most Southerly Southeast corner;

THENCE Westerly with the South line of the Preston Dorchester Partners tract the following courses and distances:
South 78°42'30" West, a distance136.41 feet;
North 19° 27' 01" West, a distance 294.87 feet;
North 40° 54'12" West, a distance 282.98 feet;
North 48° 44' 55" West, a distance 412.96 feet;
North 89° 20' 35" West, a distance 243.53 feet to the West right-of-way line of Hwy 289 and the Southwest corner of the Preston Dorchester Partners tract;

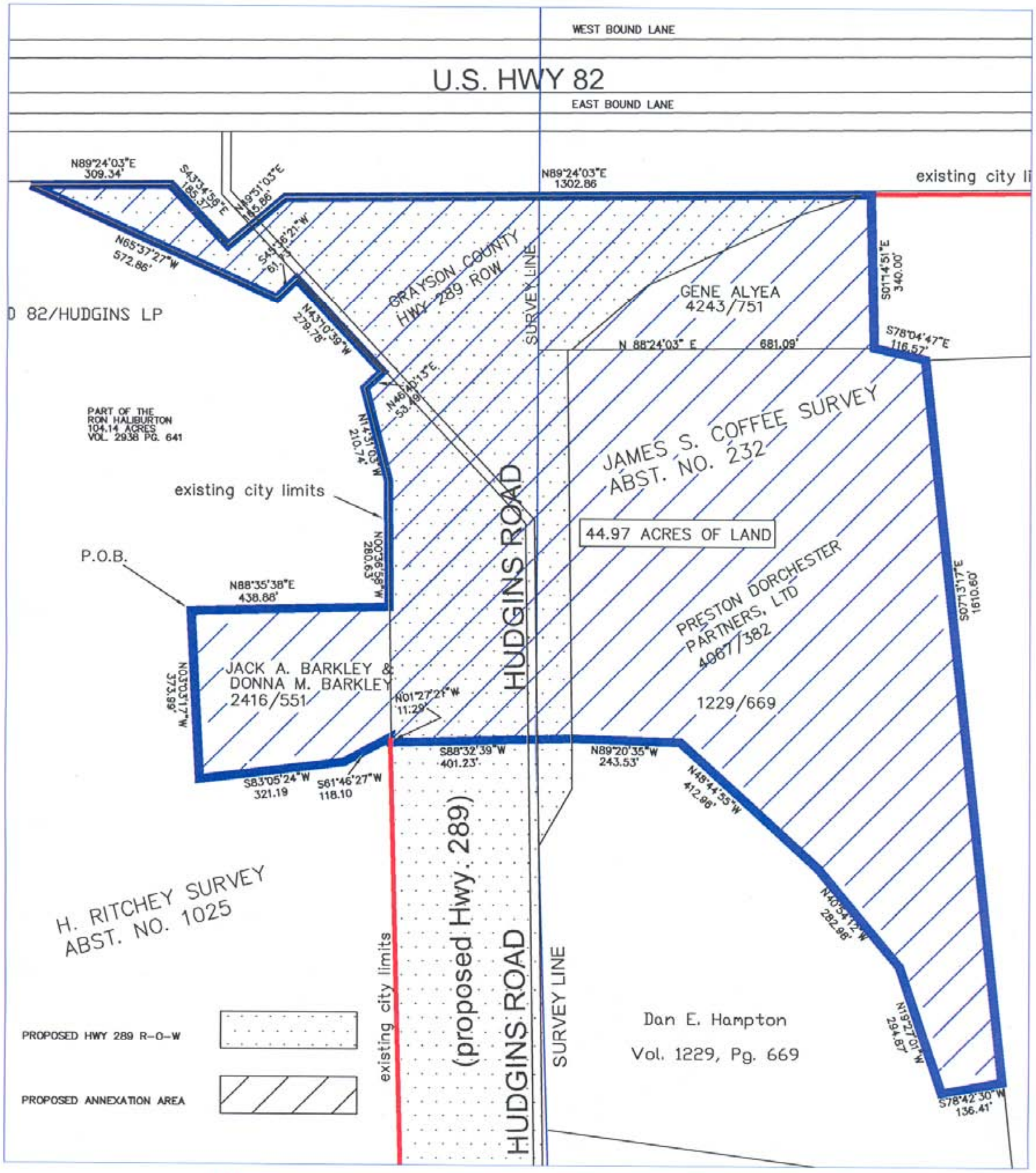
THENCE South 88° 32'39" West, a distance of 401.23 feet to the East right-of-way line of Hwy 289 and said point being on the existing City limits line of the City of Sherman;

THENCE North 01° 27' 21" West with the existing City limits of the City of Sherman and the East right-of-way line of Hwy 289, a distance of 11.29' to the South property line of the said Barkley tract;

THENCE South 61° 46' 27" West with the South line of the Barkley tract, a distance of 118.10 feet;

THENCE South 83° 05' 24" West with the South line of the Barkley tract, a distance of 321.19 feet to the Southwest corner of the Barkley tract;

THENCE North 03° 03' 17" West with the West line of the Barkley tract, a distance of 373.99 to the place of beginning and containing 44.97 acres of land.



44.97 Acres at U.S. Hwy 82 and Hudgins Road (proposed St. Hwy 289) Annexation

Department of Engineering Services

City of Sherman
Municipal Service Plan
U. S. Hwy. 82 and Hudgins Road (proposed Hwy. 289)
Annexation of 44.97 Acres

INTRODUCTION:

The annexation is the site of approximately 44.97 acres of proposed retail development and an existing residential tract along U. S. Hwy. 82 and Hudgins Road (proposed Hwy. 289) lying adjacent to the City of Sherman existing city limits.

This annexation is a step in the process of providing for the orderly growth and development of the City, to protect the City from substandard development and to provide for the enlargement of the city limits by including developments and improvements that are logically a part of the City and receive city utilities.

MUNICIPAL SERVICES TO BE PROVIDED:

POLICE PROTECTION: Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment will be provided on the effective date of annexation.

FIRE PROTECTION: Fire protection by the present personnel and equipment of the fire fighting force will be provided on the effective date of annexation. Additional water mains and fire hydrants will be required to serve the area based upon existing City policies as applicable to all city residents.

SOLID WASTE: The same solid waste collection and disposal service now provided within the City of Sherman will be extended to the annexed area on the effective date of annexation.

STREETS AND BRIDGES: No existing public streets exist in the area to be annexed. All access points to U. S. Hwy. 82 and proposed State Hwy. 289 shall meet TxDOT requirements. Any future streets will be developed by the standard provisions of the Developers Ordinance with future maintenance by the City of Sherman. Street lighting will be established according to city guidelines.

PARKS: No public parks exist in the area to be annexed. Any new park facilities will be developed according to existing City policies as applicable to all city residents.

CONSTRUCTION INSPECTIONS: Building inspection activities will be available upon annexation.

ENVIRONMENTAL HEALTH AND HEALTH CODE ENFORCEMENT: Enforcement of the City's environmental health ordinances and regulations shall be provided within this area on the effective date of the annexation ordinance.

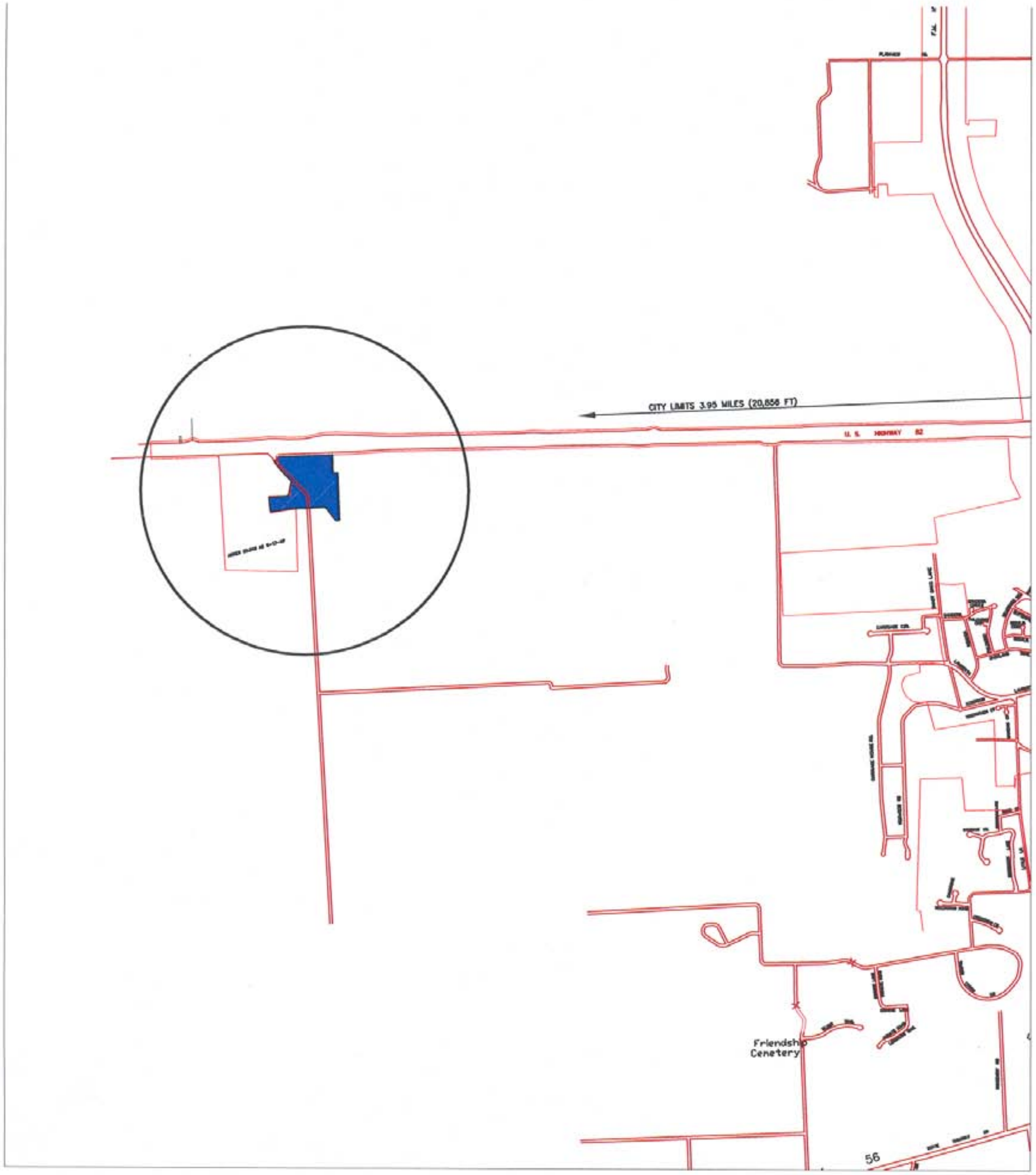
ANIMAL CONTROL: Animal control will be provided by the City on the effective date of annexation.

PLANNING AND ZONING: The Planning and Zoning jurisdiction of the City will extend to this area on the effective date of the annexation. All areas will be annexed as SF1 on the effective date of the annexation ordinance.

CAPITAL IMPROVEMENTS:

WATER SERVICE: This area is outside of the City of Sherman's certified CCN at this time. Extensions of existing city mains for future development will be made by standard City of Sherman utility extension methods. Fire hydrants will be required. All connections to new or existing water mains will be based upon existing City policies as applicable to all city residents as stated in the current codes and ordinances.

SEWER SERVICE: This area is outside of the City of Sherman's certified CCN at this time. Extensions of any existing sewer facilities of the City of Sherman for existing or future development may be made by standard City of Sherman utility extension methods provided the capacity of the existing appurtenances is not exceeded at the time of development. Use of lift stations and force mains will be required to serve this area. All connections to new or existing sewer mains will be based upon existing City policies as applicable to all city residents as stated in the current codes and ordinances.



US Hwy 82 and Hudgins Rd
2008 Annexation

Department of Developmental Services

US Hwy 82
ALYEA
Preston Dorchester Partners
Jack Donna Barkley
Hudgins Rd
GLEASON
(c) Copyright 2006, Pictometry International Corp.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5526
Approving the Amended Financing Plan for the Sherman Tax Increment Financing Reinvestment Zone Number Two (TIF-2)

Issue
This ordinance amends the Financing Plan for the Tax Increment Reinvestment Zone created for the Central Business District and an area to its north.

Background
The staff has been working with the Downtown Sherman Preservation and Revitalization (DSP&R) group to review and revise the TIF-2 Plan for downtown Sherman. Originally, the Financing Plan called for improvements to be made in the zone on a pay-as-you-go basis. Upon review of the projected needs, it was determined that a more effective use of the TIF-2 funds would be to issue debt for capital improvements, which will allow for a more timely completion of those projects. Further, the DSP&R group modified the list of projects to add a project to replace light poles and complete curb and sidewalk repairs instead of adding street pavers, which was called for in the original plan. The debt for the TIF-2 is expected to be issued in 2009. The TIF-2 Plan remains a 20-year plan, so the debt would be issued over about 17 years.

Origination
Assistant City Manager/Chief Financial Officer
DSP&R

Financial Consideration
The funds generated in the TIF-2 zone are the City's; and the City will administer the funding of the projects in the Plan. Control over these funds will remain with the City Council.

Staff Recommendation
The staff recommends approval of this ordinance.

Alternatives
The City Council could deny this ordinance or direct that changes be made in the ordinance or to the financing plan.

Attachments
Ordinance No. 5526
Draft Financing Plan

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5526

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE AMENDED FINANCING PLAN FOR THE SHERMAN TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO (TIF-2); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That all prior Financing Plans for Sherman Tax Increment Financing Reinvestment Zone Number Two (TIF-2) of the City of Sherman are hereby revoked in their entirety.

SECTION 2. That the City Council hereby finds and determines that the amended Financing Plan is feasible and conforms to the City's Master Plan and accepts and approves the amended Financing Plan for the Sherman Tax Increment Financing Reinvestment Zone Number Two (TIF-2) as presented, which is attached hereto, marked Exhibit "A", and made a part hereof for all purposes.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase, sentence or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

SECTION 5. 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 _________________, 2008.

ADOPTED on this the ________________ day of _________________, 2008.

EFFECTIVE DATE on this the _________ day of _________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ______________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________________

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____

DOREEN E. MCGOOKEY, CITY ATTORNEY

FINANCING PLAN FOR SHERMAN TAX INCREMENT REFINANCING ZONE #2
AS AMENDED

Estimated Project Costs

Total project costs are estimated at $717,645. This is comprised of $514,200 in project costs and $203,445 in financing costs. Attachment 1 of the Financing Plan shows these costs.

It is possible that Oncor may provide "credits" to offset project costs for installation of the decorative light fixtures and for utility pole replacement in the Zone; however, because of the uncertainty of this revenue source, the effects have not been presented in the financing plan. Any such credits received would be used toward curb and sidewalk improvements.

List of Improvements

Following is a list of the public works and public improvements for the Zone.

- Twenty six (26) 6' park benches
- Twenty six (26) trash receptacles
- Twenty four (24) concrete and brick landscape planters
- Twenty eight (28) Decorative Light Fixtures and Domus Luminaire street lights
- Light pole replacement and fixture replacements
- Curb and sidewalk improvements

Estimated costs and timing of these improvements are reflected in Attachment 1.

Economic Feasibility Study

The improvements are to be financed using a combined pay-as-you-go basis and long-term debt. Specifically, the benches, planters, and trash receptacles will be financed with available cash in 2008 and 2009. The other capital improvements, e.g. light fixtures, light poles and curb and sidewalks, will be financed through debt issued in 2009. The source of revenue for all project costs, including financing costs, will be paid 100% from the tax increment and related interest revenues derived there from. The improvements will be constructed in the following order: 1) benches, trash receptacles, and planters; 2) decorative light fixtures and domus luminaire lights; 3) light pole replacement; and 4) curb and sidewalk improvements.

Attachment 1 and Attachment 2 show the completion of these projects in twenty (20) years, as was originally approved in the Project and Financing Plans.

ATTACHMENT 1

DOWNTOWN SHERMAN TIF
FINANCING PLAN
PROJECT COSTS

Improvements	**Projected Construction Period**	**Quantity**	**Cost**
6' Benches	2008	26	$ 23,400
Trash Receptacles	2008	26	20,800
Planters	2008	24	20,000
Decorative Light Fixtures for square	2009	28	96,600
Light pole replacement and fixtures adjacent to square	2009		260,400
Curb and Sidewalk Improvements	2009		93,000
Total Improvements			514,200
Administration			-
Financing			203,445
Total Project Costs			$ 717,645

NOTE: No receipt of funds from Oncor for light fixture replacements have been projected in the financing plan. Any such funds received as a "credit" from Oncor will be used for additional curb and sidewalk improvements.

ATTACHMENT 2

DOWNTOWN SHERMAN TIF
FINANCING PLAN
ECONOMIC FEASIBILITY

	Tax Year	Tax Revenue	Interest Revenue	PROJECT COSTS Description	Amount	Net Cash
1	2006	$ 25,138	$ -		$ -	$ 25,138
2	2007	$ 32,687	$ 628	Benches, Planters, Trash Receptacles	$ 54,200	$ 4,253
3	2008	$ 33,177	$ 106	Planters	$ 10,000	$ 27,537
4	2009	$ 33,675	$ 688	Debt Service	$ 38,438	$ 23,463
5	2010	$ 34,180	$ 587	Debt Service	$ 38,438	$ 19,791
6	2011	$ 34,693	$ 495	Debt Service	$ 38,438	$ 16,541
7	2012	$ 35,213	$ 414	Debt Service	$ 38,438	$ 13,730
8	2013	$ 35,741	$ 343	Debt Service	$ 38,438	$ 11,376
9	2014	$ 36,278	$ 284	Debt Service	$ 38,438	$ 9,500
10	2015	$ 36,822	$ 238	Debt Service	$ 38,438	$ 8,122
11	2016	$ 37,374	$ 203	Debt Service	$ 38,438	$ 7,261
12	2017	$ 37,935	$ 182	Debt Service	$ 38,438	$ 6,939
13	2018	$ 38,504	$ 173	Debt Service	$ 38,438	$ 7,178
14	2019	$ 39,081	$ 179	Debt Service	$ 38,438	$ 8,001
15	2020	$ 39,667	$ 200	Debt Service	$ 38,438	$ 9,430
16	2021	$ 40,262	$ 236	Debt Service	$ 38,438	$ 11,491
17	2022	$ 40,866	$ 287	Debt Service	$ 38,438	$ 14,206
18	2023	$ 41,479	$ 355	Debt Service	$ 38,438	$ 17,603
19	2024	$ 42,102	$ 440	Debt Service	$ 38,438	$ 21,707
20	2025	$ 42,733	$ 543	Debt Service	$ 38,438	$ 26,544
					$ 717,645	

Debt Assumption: $450,000, 4.5%, 17 years

NOTE: No receipt of funds from Oncor for light fixture replacements have been projected in the financing plan. Any such funds received as a "credit" from Oncor will be used for additional curb and sidewalk improvements.

Method of Financing/Sources of Revenue

Attachment 3 shows the sources of revenue to be 100% City of Sherman tax increment and related interest income received from it. Bonds will be issued in 2009 to provide advance funding of the major capital improvements for the Plan. It is assumed that this debt will be financed over seventeen (17) years, the remaining life of the Zone.

Estimated Captured Value

Attachment 4 shows the estimated captured appraised value of the Zone for each year of its projected existence.

Duration of the Zone

The City of Sherman anticipates that Sherman Tax Increment Reinvestment Financing Zone #2 will terminate twenty (20) years from the date of formation.

ATTACHMENT 3

DOWNTOWN SHERMAN TIF
FINANCING PLAN
REVENUES

	Tax Year	Tax Revenue	Interest Revenue	Annual Revenues	Cumulative Revenues
1	2006	$ 25,138	$ -	$ 25,138	$ 25,138
2	2007	$ 32,687	$ 628	$ 33,315	$ 58,453
3	2008	$ 33,177	$ 106	$ 33,284	$ 91,737
4	2009	$ 33,675	$ 688	$ 34,363	$ 126,100
5	2010	$ 34,180	$ 587	$ 34,767	$ 160,867
6	2011	$ 34,693	$ 495	$ 35,188	$ 196,055
7	2012	$ 35,213	$ 414	$ 35,627	$ 231,681
8	2013	$ 35,741	$ 343	$ 36,085	$ 267,766
9	2014	$ 36,278	$ 284	$ 36,562	$ 304,328
10	2015	$ 36,822	$ 238	$ 37,059	$ 341,387
11	2016	$ 37,374	$ 203	$ 37,577	$ 378,964
12	2017	$ 37,935	$ 182	$ 38,116	$ 417,080
13	2018	$ 38,504	$ 173	$ 38,677	$ 455,757
14	2019	$ 39,081	$ 179	$ 39,261	$ 495,018
15	2020	$ 39,667	$ 200	$ 39,867	$ 534,885
16	2021	$ 40,262	$ 236	$ 40,498	$ 575,384
17	2022	$ 40,866	$ 287	$ 41,154	$ 616,537
18	2023	$ 41,479	$ 355	$ 41,834	$ 658,372
19	2024	$ 42,102	$ 440	$ 42,542	$ 700,913
20	2025	$ 42,733	$ 543	$ 43,276	$ 744,189

ATTACHMENT 4

DOWNTOWN SHERMAN TIF
FINANCING PLAN
CAPTURED VALUES

	Tax Year	Estimated Captured Values
1	2006	$ 6,284,500
2	2007	$ 8,171,750
3	2008	$ 8,294,326
4	2009	$ 8,418,741
5	2010	$ 8,545,022
6	2011	$ 8,673,198
7	2012	$ 8,803,296
8	2013	$ 8,935,345
9	2014	$ 9,069,375
10	2015	$ 9,205,416
11	2016	$ 9,343,497
12	2017	$ 9,483,649
13	2018	$ 9,625,904
14	2019	$ 9,770,293
15	2020	$ 9,916,847
16	2021	$ 10,065,600
17	2022	$ 10,216,584
18	2023	$ 10,369,833
19	2024	$ 10,525,380
20	2025	$ 10,683,261

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5527
Amending Chapter 13 of the Code of Ordinances, entitled "Water, Sewers and Sewage Disposal", at Article 13.07, Sections 13.07.033 and 13.07.034, to Modify the Requirements Related to the Installation of Water Service Lines and the Provision of Water Meters and Meter Boxes

Issue
To amend the "Water, Sewers and Sewage Disposal" provisions of the Code of Ordinances at Article 13.07, Sections 13.07.033 and 13.07.034

Background
This proposed change modifies the parameters under which the City will provide meter boxes to customers by changing the threshold to water meters ≤ 1½". The existing ordinance called for the City to provide boxes for meters ≤ 2". The meter boxes currently provided to the customers using meters 1½" do not contain adequate workspace inside the box for City personnel to repair and maintain the meter. So this ordinance places the responsibility on the consumer or developer to provide a box that is adequately sized. This practice is consistent with the practices of other cities. In addition, this ordinance is necessary to support the efforts of the Engineering Department to modify its development policies for new construction by allowing only "Type K" copper for water lines.

Origination
Finance/Utility Billing

Financial Consideration
This ordinance would decrease the number of meter boxes provided by the City. The annual cost of these boxes is less than $1,000.

Staff Recommendation
The staff recommends approving this change to the Code of Ordinances.

Alternatives
No other alternatives can be suggested at this time.

Attachments
Ordinance No. 5527

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

ORDINANCE NO. 5527

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, ENTITLED "WATER, SEWERS AND SEWAGE DISPOSAL", AT ARTICLE 13.07, SECTIONS 13.07.033 AND 13.07.034, TO MODIFY THE REQUIREMENTS RELATED TO THE INSTALLATION OF WATER SERVICE LINES AND THE PROVISION OF WATER METERS AND METER BOXES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

<u>SECTION 1</u>. That Section 13.07.033 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended to read as follows:

Sec. 13.07.033 Water taps generally; installation and maintenance of water-service lines, etc.

(a) The city will furnish the corporation cock and make all water taps to the water mains. Excavation for the tap shall be made by the developer or consumer, and all ground compaction for taps and service lines in streets and behind curbs will be the responsibility of the developer or consumer. Compaction, when completed, must be equal to or better than that of the surrounding soil. Water-service lines from the main to the meter box, which is to be located within three (3) feet behind the curb, will be installed by the developer or consumer, with work being guaranteed by the installing plumber for a period of one (1) year, after which time the service line from the main to the meter will be maintained by the city. From the meter box to the structure, the service line will be installed by the developer or consumer and maintained by the consumer. All water-service lines from the main to the meter box will be a minimum of three-fourths-inch type "K" ~~or type "L"~~ copper, and no joints will be permitted in the water-service line under streets. Flared type joints with brass fittings must be used at the corporation and at any necessary joint between the curb and meter box. Curb stops will be furnished and installed by the consumer. ~~The city will furnish the meter couplings the water meter in sizes up to but not including a two-inch meter, and the meter box.~~ Minimum size meter shall not be less than three-quarters inch.

(b) All water-service lines from the main to the meter box must be laid according to city specifications and be passed by the city inspector before the ditch may be backfilled and compacted.

<u>SECTION 2</u>. That Section 13.07.034 of the Code of Ordinances of the City of Sherman, Texas, is hereby amended to read as follows:

Sec. 13.07.034 Water meters *and meter accessories*

(a) The city will furnish the meter couplings on meters less than two (2) inches.

(b) The city will furnish the meter box and lid for water meters less than one and a half (1 ½) inch. The meter box and lid for water meters larger than one and a half (1 ½) inch are the water customer's responsibility.

(*c*~~a~~) All water meters less than two (2) inches ~~shall~~ *will* be ~~installed~~ *provided* ~~and maintained~~ by the city at no expense to the water customer. Water meters two (2) inches or larger must be purchased by the water customer from the customer service department or an approved source at the customer's expense.

(d) Meter box and meter specifications will be provided by the City. Installations must meet City specifications and approval.

(*e*) The customer service department will also inspect and test all water meters two (2) inches or larger on an annual basis. The water customer will be responsible for the cost of the annual inspection and test, as well as for any repairs which are found necessary to ensure proper operation of the meter.

(*f*~~b~~) In addition to the annual inspection and test, a test or calibration of meters two (2) inches or larger may be ordered at any time the customer service department suspects that a meter is working improperly. If the test confirms a defective meter, the cost of the test, repair and/or replacement of the meter will be the responsibility of the water customer.

<u>SECTION 3</u>. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

<u>SECTION 5</u>. 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 __________________, 2008.

ADOPTED on this the _________________ day of __________________, 2008.

EFFECTIVE DATE on this the _________ day of __________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5528
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Sherman Hills Country Club, Ltd. (Owners), Teague, Nall and Perkins (Engineers), and Underwood Drafting and Surveying (Surveyors) to Allow Patio Homes in an R-1 (One Family Residential) District and the O-1 (75&82) Overlay District in the 2100-2200 Blocks of U.S. Highway 75 South, being Tract 1 - 1.325 acres in the Preston Kitchen Survey, Abstract No. 667, also known as Future Lots 21-28, Block D of the Sunrise Tract at Sherman Hills, Phase II, and Tract 2 - 0.569 acres in the Preston Kitchen Survey, Abstract No. 667, also known as Future Lots 18-22, Block C of the Sunrise Tract at Sherman Hills, Phase II; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Issue
To consider granting a Specific Use Permit to Sherman Hills Country Club, Ltd. (Owners), Teague, Nall and Perkins, Inc. (Engineers), and Underwood Drafting and Surveying (Surveyors) concerning the property in the 2100-2200 Blocks of U.S. Highway 75 South to allow patio homes in an R-1 (One Family Residential) District and O-1 (75&82) Overlay District

Background
The property is located in the 2100-2200 Blocks of U.S. Highway 75 South, the Sherman Hills Country Club Development. The owner would like to construct patio homes on some of the lots in the Sunrise Tract at Sherman Hills, Phase II.

Origination
Sherman Hills Country Club, Ltd. (Owners), Teague, Nall and Perkins, Inc. (Engineers), and Underwood Drafting and Surveying (Surveyors)

Board Recommendation
At the March 18, 2008 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter.

Attachments:
Ordinance No. 5528, 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. 5528

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO SHERMAN HILLS COUNTRY CLUB, LTD. (OWNERS), TEAGUE, NALL AND PERKINS (ENGINEERS), AND UNDERWOOD DRAFTING AND SURVEYING (SURVEYORS) TO ALLOW PATIO HOMES IN AN R-1 (ONE FAMILY RESIDENTIAL) DISTRICT AND THE O-1 (75&82) OVERLAY DISTRICT IN THE 2100-2200 BLOCKS OF U.S. HIGHWAY 75 SOUTH, BEING TRACT 1 - 1.325 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, ALSO KNOWN AS FUTURE LOTS 21-28, BLOCK D OF THE SUNRISE TRACT AT SHERMAN HILLS, PHASE II, AND TRACT 2 - 0.569 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, ALSO KNOWN AS FUTURE LOTS 18-22, BLOCK C OF THE SUNRISE TRACT AT SHERMAN HILLS, PHASE II; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That from and after the passage of this ordinance, Sherman Hills Country Club, Ltd. (Owners), Teague, Nall and Perkins, Inc. (Engineers) and Underwood Drafting and Surveying (Surveyors) are granted a Specific Use Permit to allow patio homes in an R-1 (One Family Residential) District and the O-1 (75&82) Overlay District, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

Tract One

SITUATED in the County of Grayson, State of Texas, being a part of the Preston Kitchen Survey, Abstract No. 667, and being a part of the same land conveyed by W.C. Pickens, Jr., et al to Sherman Hills Country Club, Ltd., by deed dated May 17, 2002, recorded in Volume 3265, Page 890, of the Official Public Records, Grayson County, Texas, and being more particularly described metes and bounds as follows:

COMMENCING at the most easterly southeast corner of said Sherman Hills tract in the west right-of-way line of U.S. Highway No. 75;

THENCE with said west right-of-way line the following calls and distances;

A curve to the right having a radius of 2.982.79 feet and an arc length of 62.18 feet (chord bears North 05°06'10" East 62.18 feet) to a set ½" steel rod;

North 07°41'24" East a distance of 306.14 feet to a set ½" steel rod;

North 08°42'00" East a distance of 471.67 feet to a 1/2 " steel rod set for the northeast corner of the Sunrise Tract at Sherman Hills, an addition to the City of Sherman, Texas and the southeast corner of the herein described tract, the True Point-of-Beginning;

THENCE along the north line of said Sunrise Tract the following calls and distances:

South 53°42'00" West a distance of 14.14 feet to a set ½" steel rod;
North 81°18'00" West a distance of 130.10 feet to a set ½" steel rod;
North 36°16'03" West a distance of 14.13 feet to a set ½" steel rod;

THENCE leaving said north line, over and across said Sherman Hills tract the following calls and distances:

North 08°45'54" East a distance of 183.39 feet to a set ½" steel rod;

A curve to the left having a radius of 50.00 feet and an arc length of 129.78 feet (chord bears North 05°26'27" West 96.30 feet) to a set ½" steel rod;

North 10°12'08" East a distance of 94.59 feet to a set ½" steel rod;

South 81°18'00" East a distance of 171.05 feet to a ½" steel rod set in said west right-of-way line for the northeast corner of the herein described tract:

THENCE South 08°42'00" West with said west right-of-way line, a distance of 371.25 feet to the **POINT-OF-BEGINNING** and containing **1.325 acres** of land.

Tract Two

SITUATED in the County of Grayson, State of Texas, being a part of the Preston Kitchen Survey, Abstract No. 667, and being a part of the same land conveyed by W.C. Pickens, Jr., et al to Sherman Hills Country Club, Ltd., by deed dated May 17, 2002, recorded in Volume 3265, Page 890, of the Official Public Records, Grayson County, Texas, and being more particularly described metes and bounds as follows:

COMMENCING at the most easterly southeast corner of said Sherman Hills tract in the west right-of-way line of U.S. Highway No. 75;

THENCE with said west right-of-way line the following calls and distances;

A curve to the right having a radius of 2.982.79 feet and an arc length of 62.18 feet (chord bears North 05°06’10” East 62.18 feet) to a set ½” steel rod;

North 07°41’24” East a distance of 306.14 feet to a set ½” steel rod;

North 08°42’00” East a distance of 471.67 feet to a 1/2 “ steel rod set for the northeast corner of the Sunrise Tract at Sherman Hills, an addition to the City of Sherman, Texas;

THENCE along the north line of said Sunrise Tract the following calls and distances:

South 53°42’00” West a distance of 14.14 feet to a set ½” steel rod;
North 81°18’00” West a distance of 130.10 feet to a set ½” steel rod;
North 36°16’03” West a distance of 14.13 feet to a set ½” steel rod;
North 81°18’00” East a distance of 50.00 feet to a ½” steel rod set for the southeast corner of the herein described tract, the True Point-of Beginning;

THENCE continuing along said north line the following calls and distances;

South 53°43’57” West a distance of 14.15 feet to a set ½” steel rod;
North 81°18’00” West a distance of 29.49 feet to a set ½” steel rod;
North 62°41’16” West a distance of 74.37 feet to a set ½” steel rod;

THENCE leaving said north line, over and across said Sherman Hills tract the following calls and distances;

North 08°45’54” East a distance of 232.04 feet to a set ½” steel rod;

South 62°41’38” East a distance of 90.70 feet to a set ½” steel rod;

A curve to the left having a radius of 50.00 feet and an arc length of 42.36 feet (chord bears South 26°57’52” East 41.10 feet) to a set ½” steel rod;

South 08°45’54” West a distance of 183.45 feet to the **POINT-OF BEGINNING** and containing **0.569 acres** of land.

<u>SECTION 2.</u> That this specific use permit is granted on the following conditions:

1. The Specific Use Permit approval is contingent upon the final plat being approved and all conditions of the staff review letter being met regarding the plat.
2. Site plan approval is valid for a period of one-year. If substantial progress has not been made with the development within one year, the site plan shall be resubmitted for staff approval and if changed, commission approval.
3. 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.

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

<u>SECTION 4.</u> That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

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

<u>SECTION 6</u>. 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 _________________, 2008.

ADOPTED on this the ________________ day of _________________, 2008.

EFFECTIVE DATE on this the _________ day of _________________, 2008.

CITY OF SHERMAN, TEXAS

ATTEST:

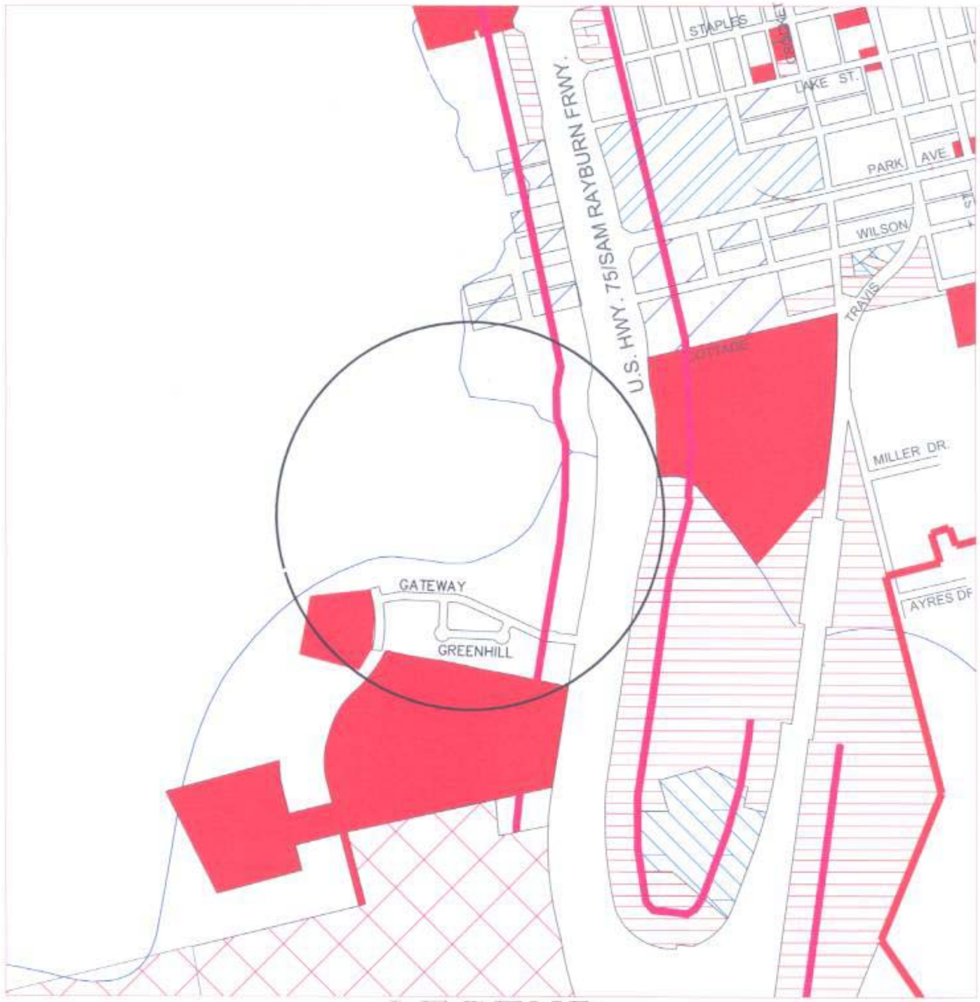
BY: ______________________________ **BY:** ______________________________

LINDA ASHBY, CITY CLERK **BILL MAGERS, MAYOR**

APPROVED AS TO FORM AND CONTENT:

____

DOREEN E. MCGOOKEY, CITY ATTORNEY



LEGEND

	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
	R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
	C-1	RETAIL BUSINESS DISTRICT
	C-2	GENERAL COMMERCIAL DISTRICT
	CO	OFFICE DISTRICT
	M-1	LIGHT MANUFACTURING DISTRICT
	M-1.5	MEDIUM MANUFACTURING DISTRICT
	M-2	HEAVY MANUFACTURING DISTRICT
	M H	MANUFACTURED HOUSING DISTRICT
		BLALOCK INDUSTRIAL PARK
	O-1	OVERLAY DISTRICT - 75 & 82
	O-1.1	OVERLAY DISTRICT - 1417
	O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY
	CPO	COLLEGE PARK OVERLAY
	A&C	ARTS & CULTURAL OVERLAY DISTRICT
	CBD	CENTRAL BUSINESS DISTRICT

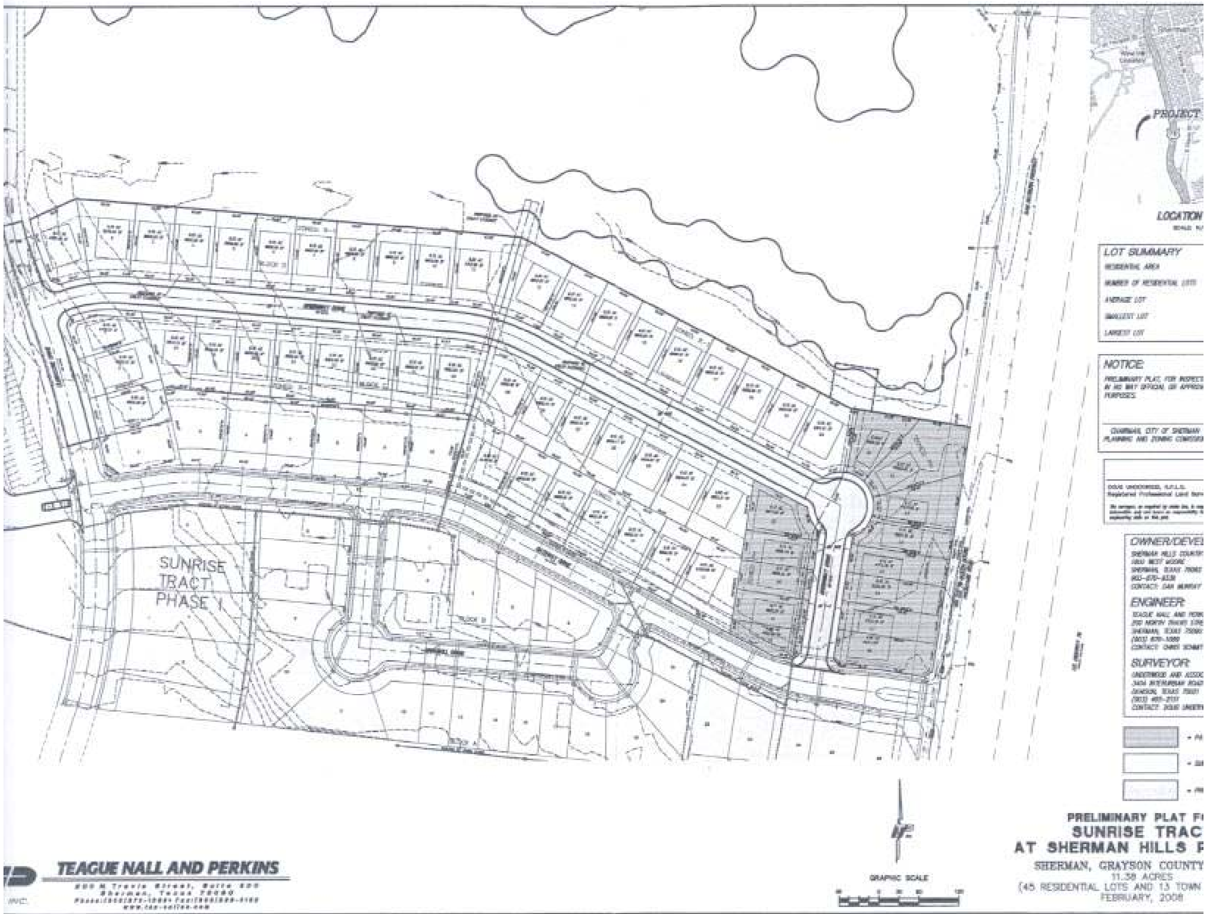
2100-2200 BLOCKS OF
U.S. HWY 75 SOUTH
VARIANCE TO ORDINANCE No. 2280

ENGINEERING DEPARTMENT

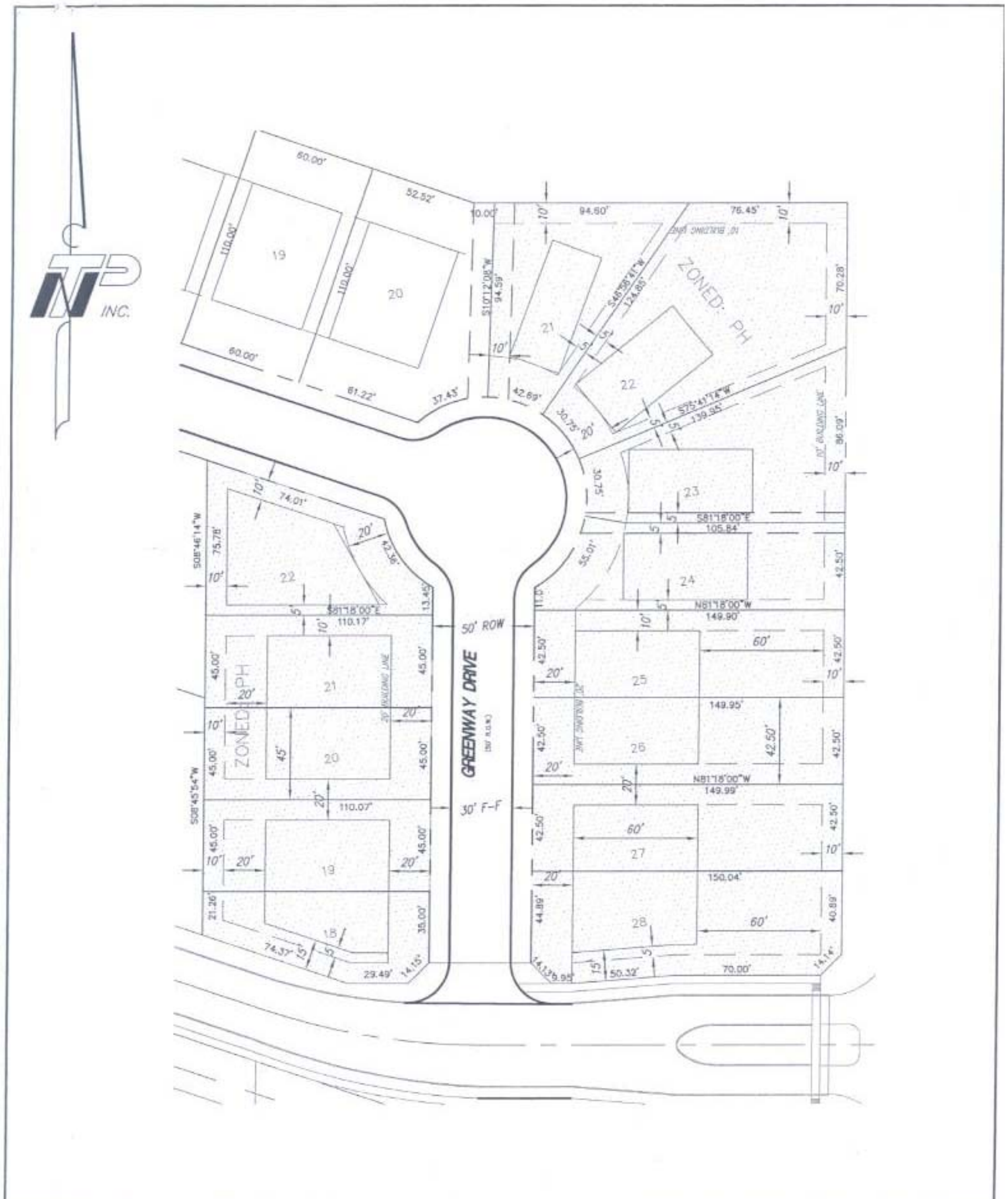
N


Hwy
75
Average Scale: 1 inch = 491.1 feet

2100-2200 Blocks Hwy 75



SUNRISE
TRACT
PHASE I
LOCATION
LOT SUMMARY
NOTICE:
OWNER/DEVEL
ENGINEER:
SURVEYOR:
PRELIMINARY PLAT F
SUNRISE TRAC
AT SHERMAN HILLS P
SHERMAN, GRAYSON COUNTY
11.38 ACRES
(45 RESIDENTIAL LOTS AND 13 TOWN
FEBRUARY, 2008
GRAPHIC SCALE
TEAGUE NALL AND PERKINS
INC.



SCALE HORIZ 1" = 40' VERT N/A DATE MAR 2008	**TEAGUE NALL AND PERKINS** ENGINEERS ◆ SURVEYORS ◆ CONSULTANTS 200 N. Travis, Suite 500 Sherman, Texas 75090 Phone: (903) 870-1089 • Fax: (903) 893-0162	CITY OF SHERMAN, TEXAS TYPICAL LOT LAYOUT FOR SUNRISE PHASE II PATIO HOME LOT EXHIBIT	TNP PROJECT MGI07315 SHEET 01 OF XX

AGENDA ITEM #6

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

March 18, 2008

Jason Sofey, Chairman

2100-2200 Blocks U.S. Highway 75 South
Being Tract 1 – 1.325 acres in the Preston Kitchen Survey, Abstract No. 667 &
Tract 2 – 0.569 acres in the Preston Kitchen Survey, Abstract No. 667
Specific Use Permit and Site Plan

Requested Action/Proposed Use:

Specific Use Permit and Site Plan Approval to allow patio homes in an R-1 (One Family Residential) District and O-1 (75&82) Overlay District.

Background

The property is located in the 2100-2200 Blocks of U.S. Highway 75 South, the Sherman Hills Country Club Development. The owner would like to construct patio homes on some of the lots in the Sunrise Tract at Sherman Hills, Phase II.

Adjacent Zoning:

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

Origination:

Sherman Hills Country Club, Ltd. (Owners), Teague, Nall and Perkins, Inc. (Engineers) and Underwood Drafting and Surveying (Surveyors)

Master Plan Designation:

Residential

Attachments:

Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Director of Development Services

STAFF REVIEW LETTER

March 12, 2008

Sherman Hills Ltd.
500 Grenoble Rd.
Santa Barbara, CA 93110

Sherman Hills Country Club Ltd.
1800 W. Moore
Sherman, Texas 75092

Teague, Nall and Perkins, Inc.
200 N. Travis, Ste. 500
Sherman, Texas 75090

Dear Applicants,

The request for approval of a Specific Use Permit and site plan to allow patio homes for the property located in the 2100-2200 Blocks of U.S. Highway 75 South has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 18, 2008 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. The Specific Use Permit approval is contingent upon the final plat being approved and all conditions of the staff review letter being met regarding the plat.
2. Site plan approval is valid for a period of one-year. If substantial progress has not been made with the development within one year, the site plan shall be resubmitted for staff approval and if changed, commission approval.
3. 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.

It is the policy of this Board not to 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.

Respectfully,

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

cc:
George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. B.5

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5529
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to TPCR, LLC (Owners), Vilbig & Associates (Engineers), and Sartin and Associates (Surveyors) to Allow Indoor Batting Cages in a C-1 (Retail Business) District in the 2100 Block of East Lamar Street, being 1.76 Acres in the George B. Pilant Survey, Abstract No. 963; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

Issue
To consider granting a Specific Use Permit to TPCR, LLC (Owners), Vilbig & Associates (Engineers), and Sartin & Associates (Surveyors) concerning the property located in the 2100 Block of East Lamar Street to allow indoor batting cages in a C-1 (Retail Business) District

Background
The property is located in the 2100 Block of East Lamar Street across from the Sherman High School. The owner would like to construct a 16,000 square foot metal building for indoor batting cages. Sixty four parking spaces will be provided.

Origination
TPCR, LLC (Owners), Vilbig & Associates (Engineers), and Sartin & Associates (Surveyors)

Board Recommendation
At the March 18, 2008 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the Specific Use Permit be approved subject to the staff review letter.

Attachments
Ordinance No. 5529
Location Map
Photograph
Site Plan
P&Z Communication Form

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5529

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO TPCR, LLC (OWNERS), VILBIG & ASSOCIATES (ENGINEERS), AND SARTIN & ASSOCIATES (SURVEYORS) TO ALLOW INDOOR BATTING CAGES IN A C-1 (RETAIL BUSINESS) DISTRICT IN THE 2100 BLOCK OF EAST LAMAR STREET, BEING 1.76 ACRES IN THE GEORGE B. PILANT SURVEY, ABSTRACT NO. 963; PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

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

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

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

SECTION 1. That from and after the passage of this ordinance, TPCR, LLC (Owners), Vilbig & Associates (Engineers) and Sartin & Associates (Surveyors) are granted a Specific Use Permit to allow indoor batting cages in a C-1 (Retail Business) District, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

> **SITUATED** in the County of Grayson, State of Texas, being a part of the George B. Pilant Survey, Abstract No. 963, being a part of a 13.00 acre tract of land conveyed by Israel Aleman, Sr. to TPCR, LLC by deed dated June 5, 2007, recorded in Volume 4262, Page 790, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Northeast corner of said 13.00 acre tract, the Northwest corner of a 13.105 acre tract of land conveyed by Frances Wheat Brown, Guardian to Grayson County Industry for the Handicapped by Guardian's Deed dated December 17, 1965, recorded in volume 1044, Page 249, Deed Records, Grayson County, Texas, on the South right-of-way line of State Highway No. 56, also known as Lamar Street;

THENCE South 16 deg. 56 min. 21 sec. East, with the East line of said 13.00 acre tract, the West line of said 13.105 acre tract, a distance of 187.78 feet to a set ½ inch caped rebar stamped SARTIN-3694;

THENCE South 73 deg. 03 min. 39 sec. West, at a distance of 410.10 feet passing a set ½ inch capped rebar stamped SARTIN-3694, and continuing for a total distance of 485.10 feet to a set ½ inch capped rebar stamped SARTIN-3694 on the Northerly West line of said 13.105 acre tract, the East line of the Frank D. Dodd Addition to the City of Sherman, Texas as shown by plat of record in Volume 1, Page 33, Plat Records, Grayson County, Texas;

THENCE North 16 deg. 22 min. 39 sec. West, with the Northerly West line of said 13.00 acre tract, the East line of said Frank D. Dodd Addition, passing its Northeast corner, the Southeast corner of an 86 x 150 foot tract of land conveyed by Chrysler First Financial Services Corporation to Michael L. Atnip by deed dated April 23, 1992, recorded in Volume 2211, Page 921, Real Property Records, Grayson County, Texas, and continuing with the East line of said Atnip tract for a total distance of 185.73 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the most Northerly Northeast corner of said 13.00 acre tract, on the South right-of-way line of said State Highway No. 56;

THENCE North 72 deg. 49min. 00 sec. East, with the Northerly North line of said 13.00 acre tract, the South right-of-way line of said State Highway No. 56. at a distance of 75.01 feet passing a set ½ inch capped rebar stamped SARTIN-3694, and continuing for a total distance of 483.29 feet to the **PLACE OF BEGINNING**, and containing **2.08 ACRES OF LAND** more or less……………..

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

1. Screening is required adjacent to residentially zoned property.
2. A fifteen foot (15') setback is required adjacent to any residential district.
3. All aspects of the Commercial Tree and Landscaping Ordinance must be followed.
4. Parking spaces are required to be 9' X 20' minimum.
5. Screened trash receptor is required and to be shown in main building area.
6. Hillside Drive (37' min. for commercial property) shall be constructed along the west side of the Launching Pad Addition as part of this development.
7. If permitted, a driveway permit approved by the City and by TxDOT is required for any driveway on Lamar Street.

8. A driveway permit is required for any driveway on Hillside Drive and shall meet the City of Sherman guidelines.
9. All driving and parking areas shall be constructed of concrete.
10. Sidewalks are to be placed along Lamar Street and Hillside Drive.
11. Site plan approval is valid for a period of one-year. If substantial progress has not been made with the development within one year, the site plan shall be resubmitted for staff approval and if changed, commission approval.
12. 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.

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

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

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

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

INTRODUCED on this the ______________ day of __________________, 2008.

ADOPTED on this the _________________ day of __________________, 2008.

EFFECTIVE DATE on this the _________ day of __________________, 2008.

CITY OF SHERMAN, TEXAS

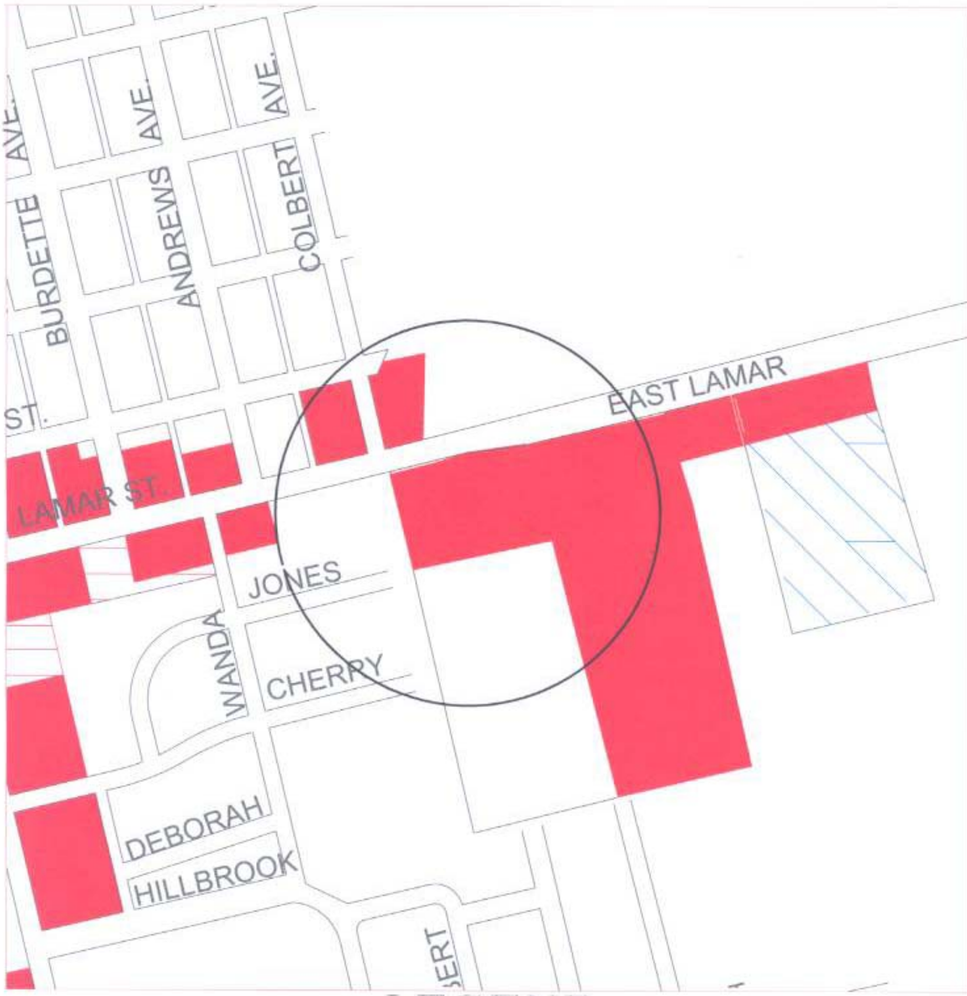
ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

BY: ________________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LEGEND

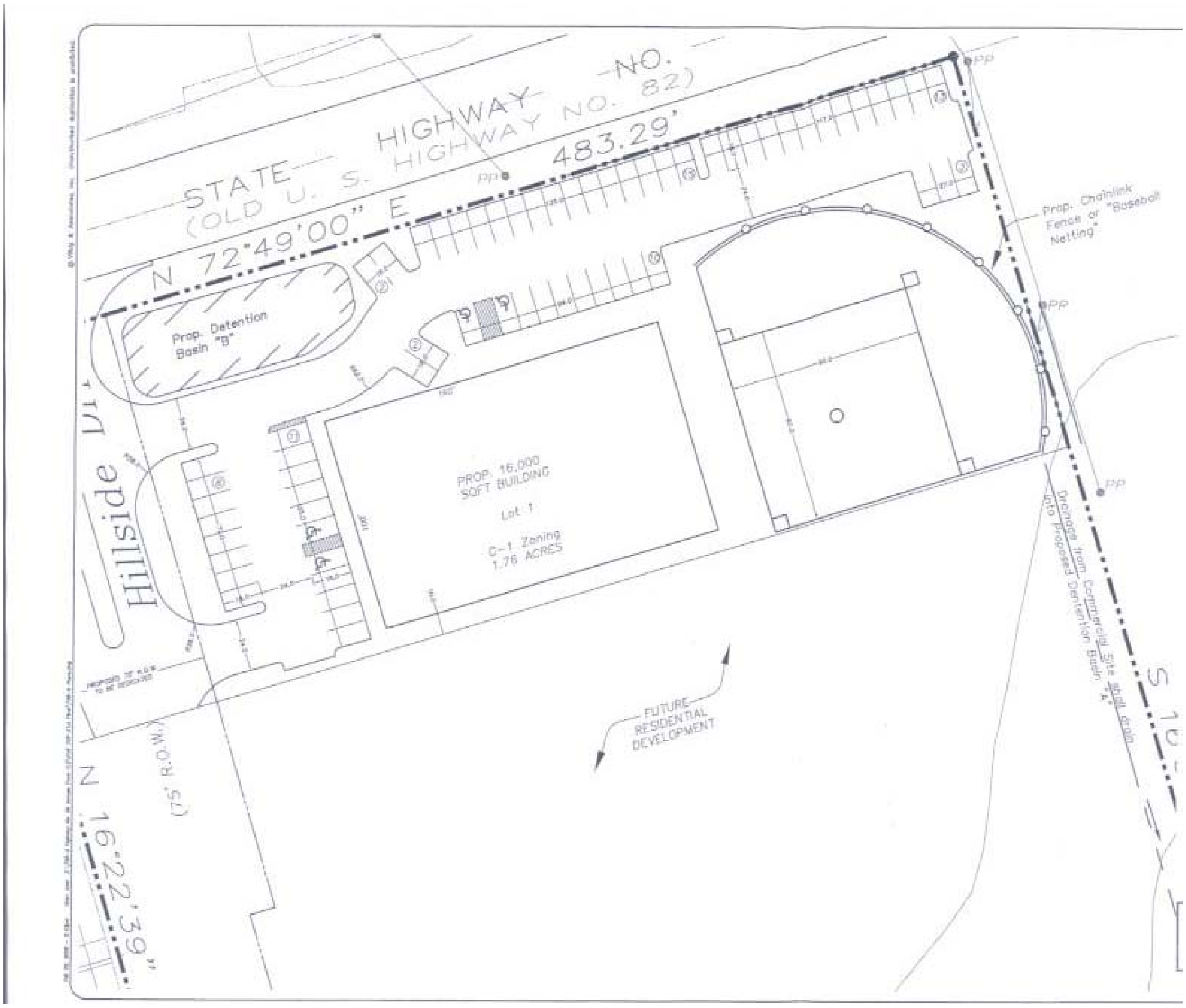
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT
M-2	HEAVY MANUFACTURING DISTRICT
M H	MANUFACTURED HOUSING DISTRICT
	BLALOCK INDUSTRIAL PARK
O-1	OVERLAY DISTRICT - 75 & 82
O-1.1	OVERLAY DISTRICT - 1417
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY
CPO	COLLEGE PARK OVERLAY
A&C	ARTS & CULTURAL OVERLAY DISTRICT
CBD	CENTRAL BUSINESS DISTRICT

2100 BLOCK EAST LAMAR ST.
SPECIFIC USE & SITE PLAN

Department of Developmental Services


S.H. 56
Scale: 1 inch = 155.0 feet

2100 Blk. E. Lamar


STATE HIGHWAY NO.
(OLD U. S. HIGHWAY NO. 82)
N 72°49'00" E 483.29'
Prop. Detention Basin "B"
Hillside Dr
PROP. 16,000 SQFT BUILDING
Lot 1
C-1 Zoning
1.76 ACRES
Prop. Chainlink Fence or "Baseball Netting"
Drainage from Commercial Site shall drain into Proposed Detention Basin "A"
FUTURE RESIDENTIAL DEVELOPMENT
(75' R.O.W.)
N 16°22'39"
PP

AGENDA ITEM #10

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

March 18, 2008

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**John Nix, Commissioner**
Jason Bethel, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Robert Softly, Commissioner	**Robin Atherton, Commissioner**

2100 Block of East Lamar Street
Being 1.76 acres in the George B. Pilant Survey, Abstract No. 963
Specific Use Permit and Site Plan

Requested Action/Proposed Use:
Specific Use Permit and site plan approval to allow indoor batting cages in a C-1 (Retail Business) District.

Background
The property is located in the 2100 Block of East Lamar Street across from the Sherman High School. The owner would like to construct a 16,000 square foot metal building for indoor batting cages. Sixty four parking spaces will be provided.

Adjacent Zoning:
C-1 (Retail Business) District and R-2 (Multi-Family Residential) District

Origination:
TPCR, LLC (Owners), Vilbig & Associates (Engineers) and Sartin & Associates (Surveyors)

Master Plan Designation:
Residential

Number of notices mailed:
55

Objections Received:
0

Attachments:
Location map, Photographs, Site Plan, Staff Review Letter

Prepared by:	**Approved by:**
Patsy Reeves,	**Scott Shadden,**
Development Services Secretary	**Director of Development Services**

STAFF REVIEW LETTER

March 12, 2008

TPCR, LLC
2001 Skyline Dr., Ste. A-145
Sherman, Texas 75092

Vilbig & Associates
10132 Monroe Drive
Dallas, Texas 75229

Sartin & Associates Survey Company
P.O. Box 1843
Sherman, Texas 75090

Dear Applicants,

The request for approval of a Specific Use Permit and site plan to allow indoor batting cages for the property located in the 2100 Block of East Lamar Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 18, 2008 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. Screening is required adjacent to residentially zoned property.
2. A fifteen foot (15') setback is required adjacent to any residential district.
3. All aspects of the Commercial Tree and Landscaping Ordinance must be followed.
4. Parking spaces are required to be 9' X 20' minimum.
5. Screened trash receptor is required and to be shown in main building area.
6. Hillside Drive (37' min. for commercial property) shall be constructed along the west side of the Launching Pad Addition as part of this development.
7. If permitted, a driveway permit approved by the City and by TxDOT is required for any driveway on Lamar Street.
8. A driveway permit is required for any driveway on Hillside Drive and shall meet the City of Sherman guidelines.
9. All driving and parking areas shall be constructed of concrete.
10. Sidewalks are to be placed along Lamar Street and Hillside Drive.
11. Site plan approval is valid for a period of one-year. If substantial progress has not been made with the development within one year, the site plan shall be resubmitted for staff approval and if changed, commission approval.
12. 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.

It is the policy of this Board not to 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.

Respectfully,

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

cc:
George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. B.6

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5526, 5527, 5528 and 5529

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5526
Approving the Amended Financing Plan for the Sherman Tax Increment Financing Reinvestment Zone Number Two (TIF-2)

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5527
Amending Chapter 13 of the Code of Ordinances, entitled "Water, Sewers and Sewage Disposal", at Article 13.07, Sections 13.07.033 and 13.07.034, to Modify the Requirements Related to the Installation of Water Service Lines and the Provision of Water Meters and Meter Boxes

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5528
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Sherman Hills Country Club, Ltd. (Owners), Teague, Nall and Perkins (Engineers), and Underwood Drafting and Surveying (Surveyors) to Allow Patio Homes in an R-1 (One Family Residential) District and the O-1 (75&82) Overlay District in the 2100-2200 Blocks of U.S. Highway 75 South, being Tract 1 - 1.325 acres in the Preston Kitchen Survey, Abstract No. 667, also known as Future Lots 21-28, Block D of the Sunrise Tract at Sherman Hills, Phase II, and Tract 2 - 0.569 acres in the Preston Kitchen Survey, Abstract No. 667, also known as Future Lots 18-22, Block C of the Sunrise Tract at Sherman Hills, Phase II; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5529
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to TPCR, LLC (Owners), Vilbig & Associates (Engineers), and Sartin and Associates (Surveyors) to Allow Indoor Batting Cages in a C-1 (Retail Business) District in the 2100 Block of East Lamar Street, being 1.76 Acres in the George B. Pilant Survey, Abstract No. 963; Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed $2,000

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. B.7

CONSENT AGENDA

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

C.2 * RESOLUTION NO. 5189
Awarding a Bid to and Authorizing Execution of an Agreement with ITT Flygt Corporation for Aeration Basin Lift Station Pumping Equipment Modifications at the Wastewater Treatment Plant

C.3 * RESOLUTION NO. 5190
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1302 South Austin Street

C.4 * RESOLUTION NO. 5191
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 412 East Park Avenue

C.5 * RESOLUTION NO. 5192
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 416 East Park Avenue

C.6 * RESOLUTION NO. 5193
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 427 South Vaden Street

C.7 * RESOLUTION NO. 5194
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 717 East Sycamore Street

C.8 * RESOLUTION NO. 5195

Authorizing the Execution of an Agreement with Habitat for Humanity of Grayson County for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 504 South Walnut Street

C.9 * RESOLUTION NO. 5196

Authorizing the Lease of an Annual Supply of Uniforms for Various City Departments through the Texas Local Government Purchasing Cooperative (BuyBoard)

D.2 * REQUEST TO ADVERTISE

Harrison Street Storm Sewer Replacement

D.7 * OTHER BUSINESS

Final Plat Approval of the Launching Pad, being 1.76 acres in the George B. Pilant Survey, Abstract No. 963; TPCR, LLC, Owner (2100 Block of East Lamar Street)

D.8 * OTHER BUSINESS

Final Plat Approval of Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction, being 51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey, Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368, and the John K. Miller Survey, Abstract No. 819; Robert J. Tate, Christopher Rehmet, and Claire Rehmet, Owners [2100-2400 Blocks of Hudgins Road (Highway 289 Extension) and the 400-500 Blocks of Preston Club Drive]

D.9 * OTHER BUSINESS

Site Plan Approval for Kaiser Aluminum under Ordinance No. 2252, Article IV, Section 410 (2)(j) for a Concrete Pad with a Six (6) Foot Concrete Wall for Outside Storage of Scrap Aluminum and an Extension of an Eight (8) Foot Chain Link Fence in the Blalock Industrial Park District at 4300 U.S. Highway 75 South

D.10 * OTHER BUSINESS

Site Plan Approval for The Westmoreland Company, Inc. (Owners), FedEx Ground (Tenant), and Greg Mitchell, Benchmark Design Group, LLP (Engineers) under Ordinance No. 2252, Article IV, Section 410 (2)(j) for the Expansion of an Existing FedEx Ground Facility in the Blalock Industrial Park District at 3221 Northgate Drive

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.1

RESOLUTION NO. 5188
Approving and Adopting the Center Street Park Master Plan

Issue
Approval and adoption of the proposed Center Street Park Master Plan

Background
Mr. Dennis Sims will present, for the City Council's approval and adoption, a proposed master plan of the Center Street Park property. Mr. Sims is a Principal in the park planning and landscape architect firm of Dunkin Sims Stoffels.

During the 2007-2008 budget planning process, the Sherman City Council allocated funds for a master plan of the Center Street Park property. This park master plan is substantially complete, and has been approved and recommended by the Parks and Recreation Advisory Board. Additionally, funding is currently available to complete Phase I of the park master plan by means of the recently issued bonds. However, no funds were appropriated in the current year for construction of this project. Thus, the staff will be seeking Council approval at a future Council meeting to allow for expenditures in the current year to accelerate the timing of Phase I construction. Further, the staff is pursuing grant funding opportunities for Phase II of the project, timing of which will be discussed during the FY 2008-2009 budget planning process.

Origination
Sherman City Council 2007-2008 Capital Improvement Plan

Financial Consideration
Funds for the performance of this master plan were approved for the fiscal year 2007-2008 CIP budget.

Council Action Requested
The staff recommends that the Council approve and adopt the Center Street Park Master Plan, and that the Council authorize the staff to proceed with pre-construction activities related to Phase I construction.

Attachments
Resolution No. 5188
Center Street Park Master Plan

Prepared by:
Larry Wortham,
Director of Parks and Community Services

Approved by
George Olson, City Manager

RESOLUTION NO. 5188

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING AND ADOPTING THE CENTER STREET PARK MASTER PLAN; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, by Resolution No. 4785, approved at the March 20, 2006 meeting, the City of Sherman purchased from the Sherman Independent School District the northeast quadrant of Center Street and Binkley Park, being 16 acres of land, more or less, in the Elizabeth Jones Survey, Abstract No. 625, more commonly known as the Center Street Practice Field Property; and

WHEREAS, during the 2007-2008 budget planning process, the Sherman City Council allocated funds for a master plan of the Center Street Park property; and

WHEREAS, the master plan for the Center Street Park property has been prepared and is approved and recommended by the Parks and Recreation Advisory Board;

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

SECTION 1. That the City Council hereby approves and adopts the Center Street Park Master Plan, attached hereto and incorporated herein for all intents and purposes as Exhibit "A".

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 ________________, 2008.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ________________________________
BILL MAGERS, MAYOR

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY, CITY ATTORNEY

Exhibit "A"

PICNIC AREA
4 TABLES
PEDESTRIAN BRIDGE- CONNECT TO BINKLEY PARK
100 Year Flood Plain
REGULATION ATHLETIC FIELD 225' X 330'
REGULATION ATHLETIC FIELD 225' X 330'
Electrical Easement
PRACTICE/ WARM-UP AREA
PAVILION
PLAYGROUND W/ SHADE
CONCESSION/ RESTROOM BUILDING
PAVILION
LIGHTED HIKE/ BIKE TRAIL
TRAIL CONNECTION
PARKING AREA 100 SPACE
21
20
19
18
17
16
15
14
11
Churchill Tot Lot
Master Plan
Center Street Park
City of Sherman, Texas
N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 5189***

Awarding a Bid to and Authorizing Execution of an Agreement with ITT Flygt Corporation for Aeration Basin Lift Station Pumping Equipment Modifications at the Wastewater Treatment Plant

Issue

To consider an award of bid for aeration basin lift station pumping equipment modifications at the Wastewater Treatment Plant

Background

The current Capital Improvement Program contains a project to replace the screw lift pumps at the Wastewater Treatment Plant. The pumps required for the project have been bid and are ready for purchase and fabrication. A bid tabulation is attached. This contract is for equipment purchase only. The staff will seek approval for installation of this equipment at a future Council meeting.

Origination

Department of Utility Services

Financial Consideration

Funding for the project in the amount of $690,000.00 has been approved in the current Capital Improvement Program.

Staff Recommendation

It is recommended that the pumps be purchased from ITT Flygt Corporation of Carrolton, Texas, in the amount of $243,669.00.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5189
Agreement
Letter of Recommendation
Bid Tabulation
Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5189

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH ITT FLYGT CORPORATION FOR AERATION BASIN LIFT STATION PUMPING EQUIPMENT MODIFICATIONS 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 ITT Flygt Corporation of Carrolton, Texas, is hereby awarded the bid in the total amount of $243,669.00, without change orders, for the Aeration Basin Lift Station Pumping Equipment Modifications at the Wastewater Treatment Plant; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form by the City Attorney, to execute an agreement with ITT Flygt Corporation for the Aeration Basin Lift Station Pumping Equipment Modifications at the Wastewater Treatment Plant, in accordance with the terms and provisions of all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

STANDARD FORM OF AGREEMENT

STATE OF TEXAS }
COUNTY OF GRAYSON }

THIS AGREEMENT, made and entered into this _________ day of __________ A.D. 2008, by and between the City of Sherman, a Texas municipal corporation of the County of Grayson and State of Texas acting through its City Manager, thereunto duly authorized so to do, hereinafter termed OWNER, and ITT Flygt Corporation of the City of Carrolton, and State of Texas, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER, and under the conditions expressed in the bond bearing even date herewith, MANUFACTURER, hereby agrees with the OWNER to commence and complete the construction of certain improvements described as follows:

CITY OF SHERMAN
AERATION BASIN LIFT STATION PUMPING EQUIPMENT

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at his (or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda therefor as prepared by Freeman-Millican, Inc., herein entitled the ENGINEER, each of which has been identified by the MANUFACTURER and the ENGINEER, together with the MANUFACTURER'S written Proposal, the General Conditions of the Agreement, and the Performance and Payment Bonds hereto attached; all of which are made part hereof and collectively evidence and constitute the entire contract.

MANUFACTURER agrees that OWNER may assign this contract to a third party in accordance with the provisions of this contract. MANUFACTURER hereby agrees that if the owner should make such assignment, MANUFACTURER shall look wholly to the assignee for payment hereunder.

The MANUFACTURER hereby agrees to deliver the equipment to the job site within 140 calendar days after the date of the signed purchase order issued by the OWNER'S selected GENERAL CONTRACTOR.

The MANUFACTURER agrees to enter into a purchase order agreement with a GENERAL CONTRACTOR that will be selected by the OWNER to purchase and install the equipment. The OWNER agrees to require the GENERAL CONTRACTOR to provide a payment bond in accordance with Texas state law that will guarantee payment to the MANUFACTURER in current funds the price or prices shown in the proposal, which forms a part of this contract. The MANUFACTURER agrees to look solely to the GENERAL CONTRACTOR for payments under this agreement.

INDEMNIFICATION. MANUFACTURER shall release, defend, indemnify and hold the OWNER and its officers, agents and employees harmless from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including reasonable attorney's fees and expenses, in any way arising out of, related to, or resulting from the services provided by MANUFACTURER and to the extent caused by the negligent act or omission or intentional wrongful act or omission of MANUFACTURER, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE MANUFACTURER, its officers, agents, employees, subcontractors, licensees, invitees OR THE MANUFACTURER 'S AGENT, CONSULTANT UNDER CONTRACT, OR ANOTHER ENTITY OVER WHICH THE MANUFACTURER EXERCISES CONTROL. This Agreement does not waive, nor shall it be deemed to waive, any immunity or defense, including, but not limited to, governmental immunity, that would otherwise be available to the OWNER. MANUFACTURER'S liability for all claims are capped to the value and scope of the items supplied. MANUFACTURER'S maximum liability shall not in any case exceed the contract price for products claimed to be defective or unsuitable.

Dispute Resolution Procedures. MANUFACTER and the OWNER desire an expeditious means to resolve any disputes that may arise between them regarding this Contract. If either party disputes any matter relating to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees. To the extent that the Bid Documents require Arbitration in Article 15 of the Procurement General Conditions, this provision controls over the provisions in Article 15 of the Procurement General Conditions.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in the year and day first above written.

OWNER: CITY OF SHERMAN	MANUFACTOR: ITT Flygt Corporation
By: ____________________ George Olson, City Manager	By: ____________________ ____________________ (Name/Title)
ATTEST:	ATTEST:
____________________ Linda Ashby, City Clerk	____________________ Name/Title: ________________

FREEMAN-MILLICAN, INC.
ENGINEERS - ARCHITECTS - PLANNERS

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.

January 16, 2008

Mr. Mark Gibson
Director of Utilities and Engineering
City of Sherman, Texas
P. O. Box 1106
Sherman, Texas 75091

Re: Aeration Basin Lift Station Pumping Equipment

Dear Mr. Gibson:

Bids were received for replacement pumps for the Wastewater Treatment Plant (WWTP) Aeration Basin Lift Station on January 8, 2008. A bid tabulation is attached. The bids are for 3 12,600 gallon per minute submersible centrifugal sewage pumps.

Five potential bidders received bid documents. Three bids were received. The low bid at $243,669.00 is competitive as reflected by the 2% spread in the 2 lowest bids. The low bid is also within the $270,000.00 estimated cost for the pumps.

Freeman Millican's previous experience with the low bidder, ITT Flygt Corporation has been very good. We recommend that the City of Sherman award the contract to ITT Flygt Corporation based on the low bid of $243,669.00 and authorize execution of the required contract documents.

Sincerely,
FREEMAN - MILLICAN, INC

J. T. Millican

Terry Millican, P.E.

Enclosures - 1

12225 GREENVILLE AVE, SUITE 121 DALLAS, TEXAS, 75243 (214) 503-0555 FAX (214) 503-1148

BID TABULATION

OWNER: City of Sherman
PROJECT: Aeration Basin Lift Station Pumping Equipment

ENGINEER: FREEMAN-MILLICAN, INC.
BID DATE: 8-Jan-08

	ITT Flygt	KSB Incorporated	Wilo-EMU USA LLC
Contractor	ITT Flygt	KSB Incorporated	Wilo-EMU USA LLC
Address	2400 Tarpley Rd	4415 Sarellen Road	86 Genesis Pkwy
City, State	Carrollton TX 75006	Richmond VA	Thomasville GA 31792
Phone	(972) 418-2400	(804) 222-1818	(229) 584-0097

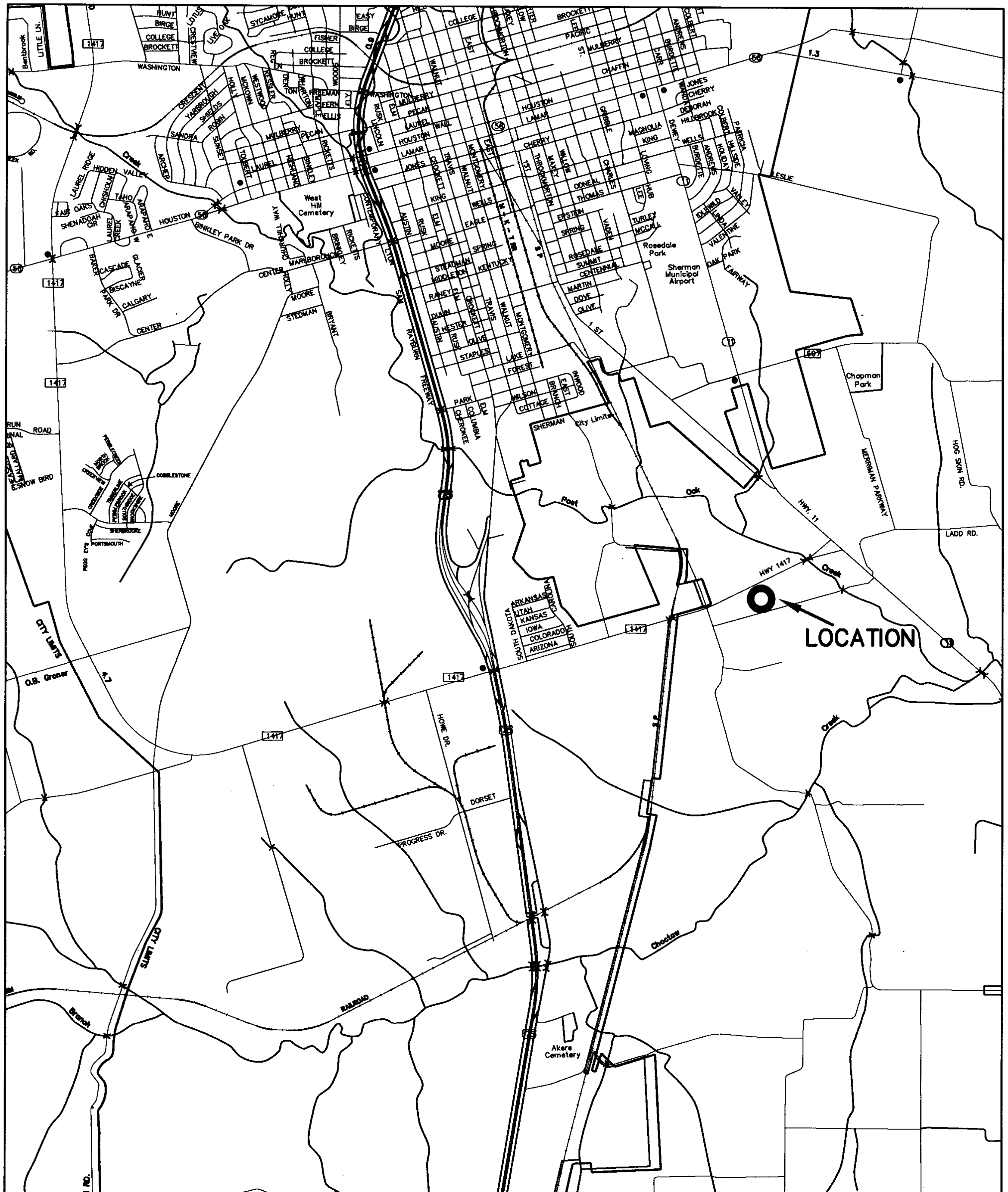
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
P.1	Bid Amount	1	L.S.	$243,669.00	$243,669.00	$475,000.00	$475,000.00	$249,000.00	$249,000.00
	Wire to Water Efficiency		%		73%		68%		71%
	Water Level		IN.		51		* 52		52
	Discharge Size		IN.		20		20		20
	Motor Horsepower		H.P.		110		121		141
	TOTAL AMOUNT OF BID				$243,669.00		$475,000.00		$249,000.00
	Delivery Date				140 Days		** 224 Days		238 Days

* Bid Form language modified by bidder: *"The guaranteed minimum water level as measured from the ~~pump suction~~ wet well floor that the pump will operate without cavitating or creating a vortex in the wet well is:"*

** Note by bidder: *"Does not include time for witness testing, travel time to witness or scheduling."*

STATE OF TEXAS
JOE T. MILLICAN
35154
LICENSED
PROFESSIONAL ENGINEER

2Jan08



AERATION BASIN PUMPING EQUIPMENT
MODIFICATIONS AT WASTEWATER
TREATMENT PLANT

N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.3

**** RESOLUTION NO. 5190***
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1302 South Austin Street

Issue
This item is to consider property tax abatement for the construction of a new single-family residence at 1302 South Austin Street.

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

Origination
Barton Capital, LTD., Applicant

Financial Consideration
A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $256.00 annually.

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

Alternatives
The City Council could decide against granting this abatement.

Attachments
Resolution No. 5190
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5190

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1302 SOUTH AUSTIN STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, LTD. and subject to all contract documents being properly completed and approved by the City Attorney, to execute an agreement with Barton Capital, LTD. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1302 South Austin Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2008, and continuing for tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2008, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	100%
2014	80%
2015	60%
2016	40%
2017	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, and 2017 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being the Lot 4R1, of the Replat of part of Lot 4, Block 23, B.H. Moore Heirs Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 1302 South Austin Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

Barton Capital, LTD.
715 S. Sam Rayburn Freeway
Sherman, Texas 75090
(903) 868-4201

Copy to:

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

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

_____ day of __________________________, 2008.

CITY:
CITY OF SHERMAN, TEXAS

BY: ____________________________
GEORGE OLSON
CITY MANAGER

ATTEST:

BY: ____________________________
LINDA ASHBY
CITY CLERK

OWNER:
BARTON CAPITAL, LTD.

BY: ____________________________
NAME: _________________________
TITLE: _________________________

(CORPORATE SEAL)

Notary Public: ____________________
Commission Exp.____________________
License No (where applicable):_______________

APPROVED AS TO FORM:

____
DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 1302 S. AUSTIN.

Summary Legal Description: Lot: 4R1 Block: Replat Addition: B.H. MOORE HEIRS ADD.

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

Improvements:

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

Estimated Value of Improvements: #64,000

Estimated Date of Start of Construction: 3-17-08

Estimated Date of Completion of Project: 5-17-08

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: 3-13-08

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: CUPID INVESTMENTS

PERMIT #: 80419

DATE ISSUED: 3/13/2008

PROJECT ADDRESS:	1302 S AUSTIN ST	LOT #:	4R1
PARCEL ID:		BLK #:	23
SUBDIVISION:	REPLAT LT 4 B23 BH MOORE HEIRS	ZONE ORD:	
ISSUED TO:	CUPID INVESTMENTS	CONTRACTOR:	CUPID INVESTMENTS
ADDRESS:	715 S HIGHWAY 75	ADDRESS:	715 S HIGHWAY 75
CITY, ST ZIP:	SHERMAN TX 75090-7260	CITY, ST ZIP:	SHERMAN TX 75090-7260
PHONE:		PHONE:	
PROP.USE:	RESIDENTIAL	SQ FT:	1,150.00
WORK:	CONSTRUCT SINGLE FAMILY	BEDROOMS:	3
VALUATION:	$ 64,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

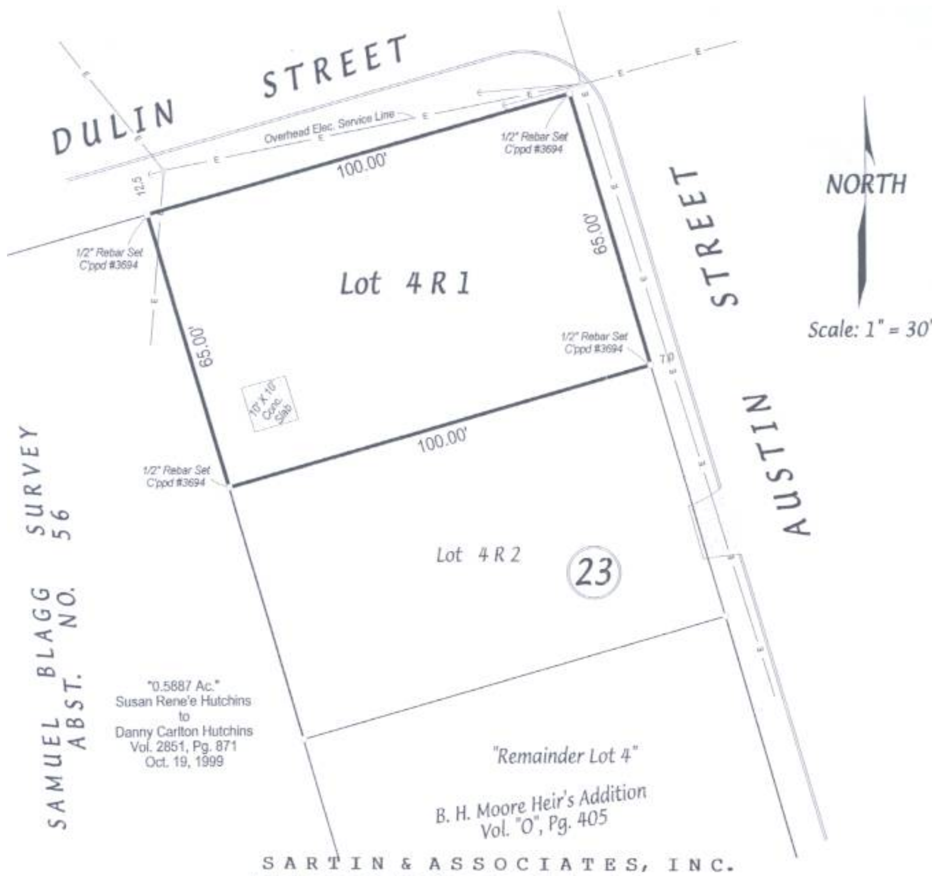
NOTICE

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

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

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT) 3/14/08 DATE

(APPROVED BY) __/__/__ DATE



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: CUPID INVESTMENTS, INC.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 19 th day of Febuary, 2008 of the following described property:

Lot 4R1 of the REPLAT of PART OF LOT FOUR, BLOCK TWENTY THREE, B. H. MOORE HEIRS ADDITION (Vol. "O", Pg. 405, District Clerk Records) to the City of Sherman, Texas as shown by plat of record in Volume 19, Page 123, Plat Records, Grayson County, Texas.

That the improvements located on said property are known as 1302 **S. AUSTIN STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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

STATE OF TEXAS REGISTERED MARSHALL SARTIN 3694 PROFESSIONAL LAND SURVEYOR

L4R1AUST.pcs

City of Sherman, Texas

1302 SOUTH AUSTIN STREET

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.4

**** RESOLUTION NO. 5191***
Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 412 East Park Avenue

Issue
This item is to consider property tax abatement for the construction of a new single-family residence at 412 East Park Avenue.

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

Origination
Barton Capital, LTD., Applicant

Financial Consideration
A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $256.00 annually.

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

Alternatives
The City Council could decide against granting this abatement.

Attachments
Resolution No. 5191
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5191

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 412 EAST PARK AVENUE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, LTD. and subject to all contract documents being properly completed and approved by the City Attorney, to execute an agreement with Barton Capital, LTD. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 412 East Park Avenue, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ________________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________

LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____

DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2008, and continuing for tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2008, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	100%
2014	80%
2015	60%
2016	40%
2017	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, and 2017 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being the Lot 3, Block 25 of Southside Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 412 East Park Avenue.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

Barton Capital, LTD.
715 S. Sam Rayburn Freeway
Sherman, Texas 75090
(903) 868-4201

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

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

_____ day of __________________________, 2008.

CITY:
CITY OF SHERMAN, TEXAS

BY: ____________________________

GEORGE OLSON

CITY MANAGER

ATTEST:

BY: ____________________________

LINDA ASHBY
CITY CLERK

OWNER:
BARTON CAPITAL, LTD.

BY: ____________________________

NAME: ________________________

TITLE: ________________________

(CORPORATE SEAL)

Notary Public: ____________________

Commission Exp.____________________
License No (where applicable):_______________

APPROVED AS TO FORM:

____
DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 412 E. PARK

Summary Legal Description: Lot: 3 Block: 25 Addition: southside add.

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

Improvements:

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

Estimated Value of Improvements: #64,000

Estimated Date of Start of Construction: 3-17-08

Estimated Date of Completion of Project: 5-17-08

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: 3-13-08

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: CUPID INVESTMENTS

PERMIT #: 80424

DATE ISSUED: 3/14/2008

PROJECT ADDRESS:	412 E PARK AVE	LOT #:	3
PARCEL ID:		BLK #:	25
SUBDIVISION:	SOUTHSIDE ADDN	ZONE ORD:	
ISSUED TO:	CUPID INVESTMENTS	CONTRACTOR:	CUPID INVESTMENTS
ADDRESS:	715 S HIGHWAY 75	ADDRESS:	715 S HIGHWAY 75
CITY, ST ZIP:	SHERMAN TX 75090-7260	CITY, ST ZIP:	SHERMAN TX 75090-7260
PHONE:	903-868-4201	PHONE:	
PROP.USE:	RESIDENTIAL	SQ FT:	1,120.00
WORK:	CONSTRUCT SINGLE FAMILY	BEDROOMS:	3
VALUATION:	$ 64,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

NOTICE

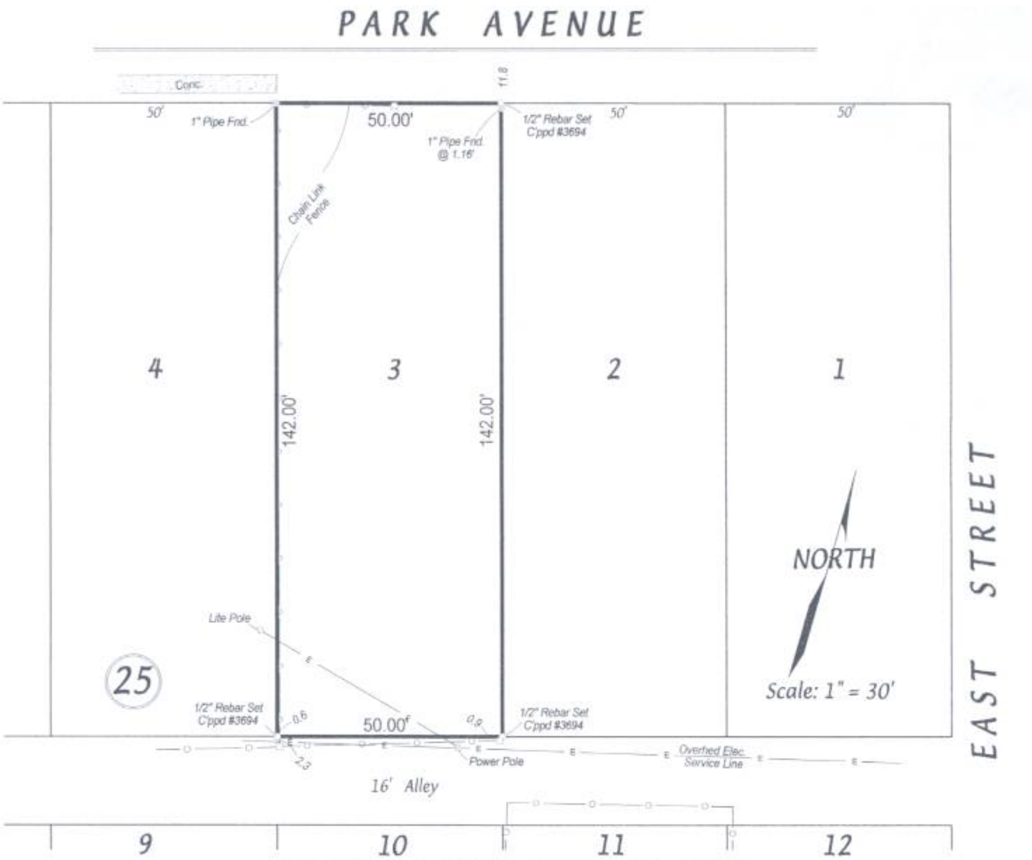
THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

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

______________________ 3 / 14 / 08

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT DATE

______________________ __/__/____



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: CUPID INVESTMENTS, INC.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 13 th day of February, 2008 of the following described property:

Lot THREE (3) in Block TWENTY FIVE (25) of SOUTH SIDE ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 94, Pages 134 & 135, Deed Records, Grayson County, Texas.

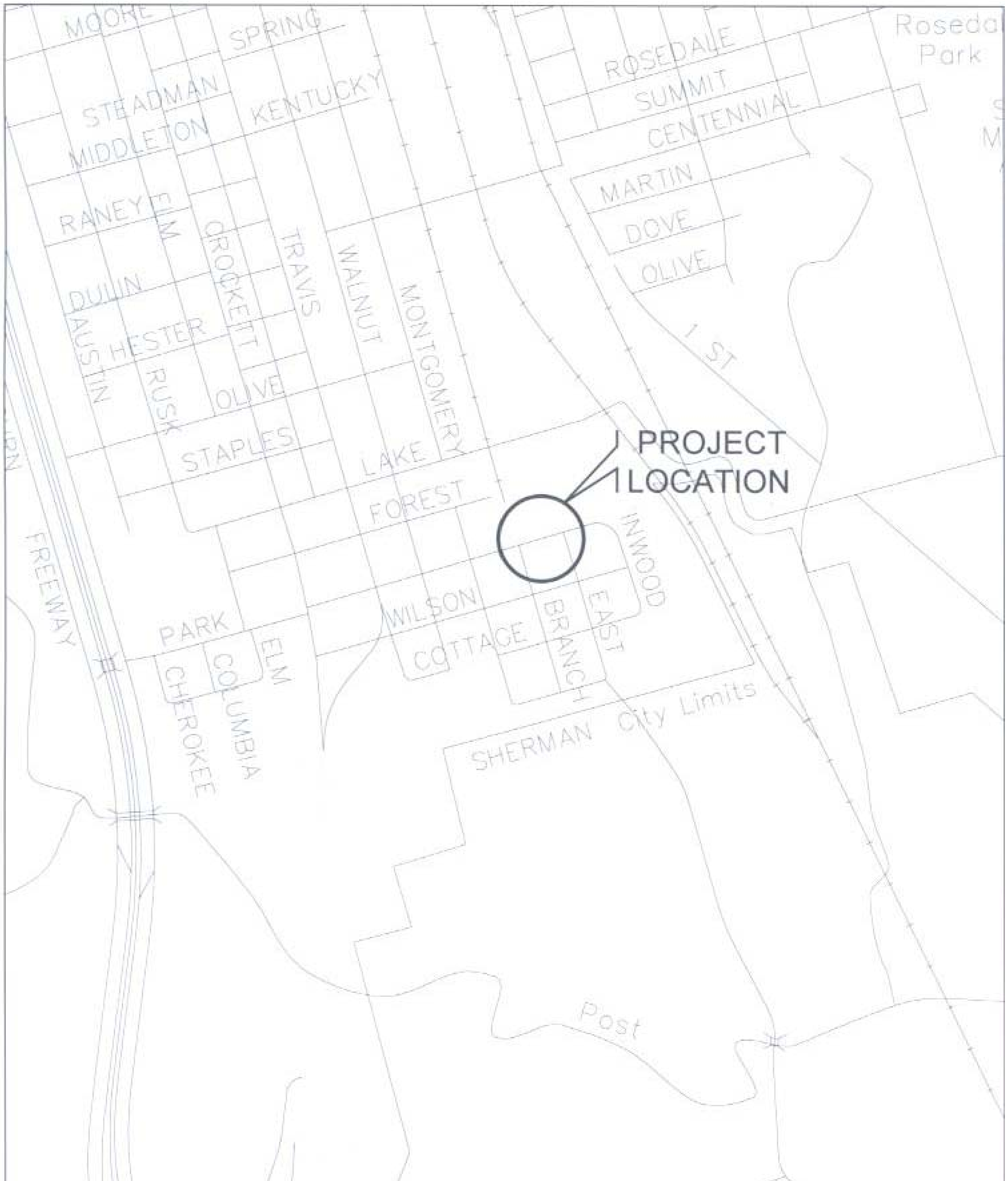
That the improvements located on said property are known as **412 E. PARK AVENUE, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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

STATE OF TEXAS REGISTERED MARSHALL SARTIN 3694 PROFESSIONAL LAND SURVEYOR

412PARK.pcs



City of Sherman, Texas

412 E PARK AVENUE

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.5

**** RESOLUTION NO. 5192***

Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 416 East Park Avenue

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 416 East Park Avenue.

Background

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

Origination

Barton Capital, LTD., Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $260.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5192
Residential Tax Abatement Agreement
Application
Warranty Deed
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5192

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 416 EAST PARK AVENUE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, LTD. and subject to all contract documents being properly completed and approved by the City Attorney, to execute an agreement with Barton Capital, LTD. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 416 East Park Avenue, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2008, and continuing for tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2008, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	100%
2014	80%
2015	60%
2016	40%
2017	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, and 2017 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being the Lot 2, Block 25 of Southside Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 416 East Park Avenue.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

Barton Capital, LTD.
715 S. Sam Rayburn Freeway
Sherman, Texas 75090
(903) 868-4201

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

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

_____ day of __________________________, 2008.

CITY:
CITY OF SHERMAN, TEXAS

BY: ___________________________

GEORGE OLSON

CITY MANAGER

ATTEST:

BY: ___________________________

LINDA ASHBY
CITY CLERK

OWNER:
BARTON CAPITAL, LTD.

BY: ___________________________

NAME: ________________________

TITLE: ________________________

(CORPORATE SEAL)

Notary Public: ____________________

Commission Exp.____________________
License No (where applicable):_______________

APPROVED AS TO FORM:

____
DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 416 E. PARK

Summary Legal Description: Lot: 2 Block: 25 Addition: Southside Add.

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

Improvements:

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

Estimated Value of Improvements: $65,000.00

Estimated Date of Start of Construction: 3-17-08

Estimated Date of Completion of Project: 5-17-08

Description of Project: NEW SINGLE FAMILY DWELLING

Grayson County
Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090

412 Park
& 416 Park

70 2007 00022349

4379

Instrument Number: 2007-00022349

As
Recordings

Recorded On: September 07, 2007

Parties: CASEY VERNICE MICHELLE

To BARTON CAPTIAL LTD

Billable Pages: 1

Number of Pages: 3

Comment: WD

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

Recordings	16.00
Total Recording:	16.00

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

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

File Information:
Document Number: 2007-00022349
Receipt Number: 250449
Recorded Date/Time: September 07, 2007 04:15:36P
Book-Vol/Pg: BK-OR VL-4320 PG-123
User / Station: G WHITE - Cashiering Station 1

Record and Return To:

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

WARRANTY DEED

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

THE STATE OF TEXAS

COUNTY OF GRAYSON

KNOW ALL MEN BY THESE PRESENTS:

THAT **VERNICE MICHELLE CASEY**, 1310 McCall St., Sherman, Texas 75090

(Hereinafter called "GRANTORS" whether one or more), for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable considerations cash in hand paid by **BARTON CAPTIAL, LTD.**

whose address is 715 S. Hwy 75, Sherman, Texas 75090,

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

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

BEING LOTS TWO (2) AND THREE (3) IN BLOCK TWENTY-FIVE (25) OF THE SOUTHSIDE ADDITION TO THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS, FILED OF RECORD IN VOLUME 94, PAGE 134, DEED RECORDS, GRAYSON COUNTY, TEXAS.

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

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

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

Executed on this the 07TH day of September, 2007.

Vernice Michelle Case

VERNICE MICHELLE CASEY

THE STATE OF TEXAS

COUNTY OF GRAYSON

This instrument was acknowledged before me this 7th day of September, 2007, by VERNICE MICHELLE CASEY.

Kimberle Ann Crittenden

NOTARY PUBLIC - STATE OF TEXAS

KIMBERLE ANN CRITTENDEN
Notary Public, State of Texas
My Commission Expires
September 06, 2009

AFTER RECORDING RETURN TO:

RED RIVER TITLE COMPANY
421 N. Crockett St.
Sherman, Texas 75090

policy/closingdocs/CashDeed- 0104379

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: CUPID INVESTMENTS

PERMIT #: 80423 DATE ISSUED: 3/14/2008

PROJECT ADDRESS:	416 E PARK AVE	LOT #:	2
PARCEL ID:		BLK #:	25
SUBDIVISION:	SOUTHSIDE ADDN	ZONE ORD:	
ISSUED TO:	CUPID INVESTMENTS	CONTRACTOR:	CUPID INVESTMENTS
ADDRESS:	715 S HIGHWAY 75	ADDRESS:	715 S HIGHWAY 75
CITY, ST ZIP:	SHERMAN TX 75090-7260	CITY, ST ZIP:	SHERMAN TX 75090-7260
PHONE:	903-868-4201	PHONE:	
PROP.USE:	RESIDENTIAL	SQ FT:	1,131.00
WORK:	CONSTRUCT SINGLE FAMILY	BEDROOMS:	3
VALUATION:	$ 65,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

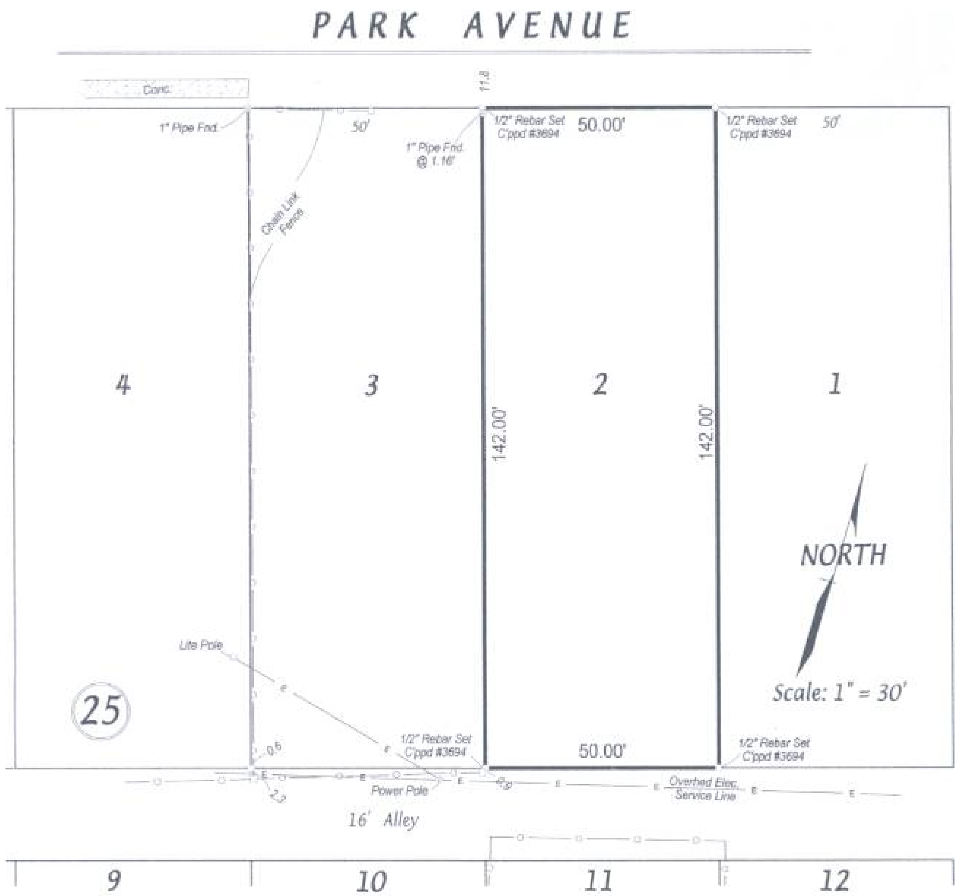
NOTICE

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

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

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT 3/14/08 DATE

(APPROVED BY) / / DATE



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: CUPID INVESTMENTS, INC.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 13 th day of February, 2008 of the following described property:

Lot TWO (2) in Block TWENTY FIVE (25) of SOUTH SIDE ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 94, Pages 134 & 135, Deed Records, Grayson County, Texas.

That the improvements located on said property are known as **416 E. PARK AVENUE, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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

City of Sherman, Texas

416 E PARK AVENUE

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.6

**** RESOLUTION NO. 5193***

Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 427 South Vaden Street

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 427 South Vaden Street.

Background

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

Origination

Barton Capital, LTD., Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $252.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5193
Residential Tax Abatement Agreement
Application
General Warranty Deed
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5193

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 427 SOUTH VADEN STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, LTD. and subject to all contract documents being properly completed and approved by the City Attorney, to execute an agreement with Barton Capital, LTD. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 427 South Vaden Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2008, and continuing for tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2008, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2008	100%
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2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

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3.01 The term of this Agreement shall be for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, and 2017 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being the Lot 4, Block 4 of Hazelwood & Vaden Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 427 South Vaden Street.

V.

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

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Sherman, Texas 75091-1106
(903) 892-7200

Barton Capital, LTD.
715 S. Sam Rayburn Freeway
Sherman, Texas 75090
(903) 868-4201

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

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

_____ day of __________________________, 2008.

CITY: **CITY OF SHERMAN, TEXAS**	**OWNER:** **BARTON CAPITAL, LTD.**
BY: ___________________________	**BY: ___________________________**
GEORGE OLSON	**NAME: ________________________**
CITY MANAGER	**TITLE: ________________________**
ATTEST:	**(CORPORATE SEAL)**
BY: ___________________________	Notary Public: ____________________
LINDA ASHBY **CITY CLERK**	Commission Exp.____________________ License No (where applicable):_______________

APPROVED AS TO FORM:

____

DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: ~~429 S VADEN~~ BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 427 S. VADEN

Summary Legal Description: Lot: 4 Block: 4 Addition: Hazelwood + VADEN ADD.

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

Improvements:

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

Estimated Value of Improvements: $63,000

Estimated Date of Start of Construction: 3-17-08

Estimated Date of Completion of Project: 5-17-08

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: 3-13-08

Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090 (903)813-4238

70 2006 00014200

Instrument Number: 2006-00014200
As
Recordings

Recorded On: June 09, 2006

Parties: SANCHEZ BEVERLY

To BARTON CAPITAL LTD

Billable Pages: 2

Number of Pages: 3

Comment: WD

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

Recordings	20.00
Total Recording:	20.00

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

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

File Information:

Document Number: 2006-00014200
Receipt Number: 219232
Recorded Date/Time: June 09, 2006 04:11:13P
Book-Vol/Pg: BK-OR VL-4066 PG-668
User / Station: G WHITE - Cashiering Station 1

Record and Return To:

RED RIVER TITLE CO
100 N TRAVIS #200
SHERMAN TX 75090

COUNTY COURT OF GRAYSON COUNTY, TEXAS

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

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

0102211

GENERAL WARRANTY DEED

THE STATE OF TEXAS }

COUNTY OF GRAYSON } KNOW ALL MEN BY THESE PRESENTS:

That I, **BEVERLY SANCHEZ**, for and in consideration of the sum of TEN AND NO/100THS ($10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto **BARTON CAPITAL, LTD.**, all of the following described real property located in Grayson County, Texas, to-wit:

> BEING Lot Four (4), in Block Four (4), of HAZELWOOD AND VADEN ADDITION to the City of Sherman, Texas, as shown by plat of record in Vol. 103, Page 74, Deed Records, Grayson County, Texas.
>
> SAVE AND EXCEPT, and there is hereby excepted from the warranties herein conveyed all prior reservations of any oil, gas and other minerals, easements, and restrictive covenants and conditions of record in the County Clerk's Office, Grayson County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 9 day of June, 2006.

Beverly Sanchez

BEVERLY SANCHEZ

GRANTEE'S MAILING ADDRESS:

Barton Capital, Ltd.
715 Hy 75 S
Sherm Tx 75090

ACKNOWLEDGMENT

STATE OF TEXAS }

COUNTY OF Grayson }

This instrument was acknowledged before me on the 9 day of June, 2006, by **BEVERLY SANCHEZ.**

DORIS C. CASTON
Notary Public
STATE OF TEXAS
My Commission
Expires 02/06/2009

Notary Public, State of Texas

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: CUPID INVESTMENTS

PERMIT #: 80421

DATE ISSUED: 3/13/2008

PROJECT ADDRESS:	427 S VADEN ST	LOT #:	4
PARCEL ID:		BLK #:	4
SUBDIVISION:	HAZELWOOD & VADEN ADDN	ZONE ORD:	R1
ISSUED TO:	CUPID INVESTMENTS	CONTRACTOR:	CUPID INVESTMENTS
ADDRESS:	715 S HIGHWAY 75	ADDRESS:	715 S HIGHWAY 75
CITY, ST ZIP:	SHERMAN TX 75090-7260	CITY, ST ZIP:	SHERMAN TX 75090-7260
PHONE:	903-868-4201	PHONE:	
PROP.USE:	RESIDENTIAL	SQ FT:	1,135.00
WORK:	CONSTRUCT SINGLE FAMILY	BEDROOMS:	3
VALUATION:	$ 63,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

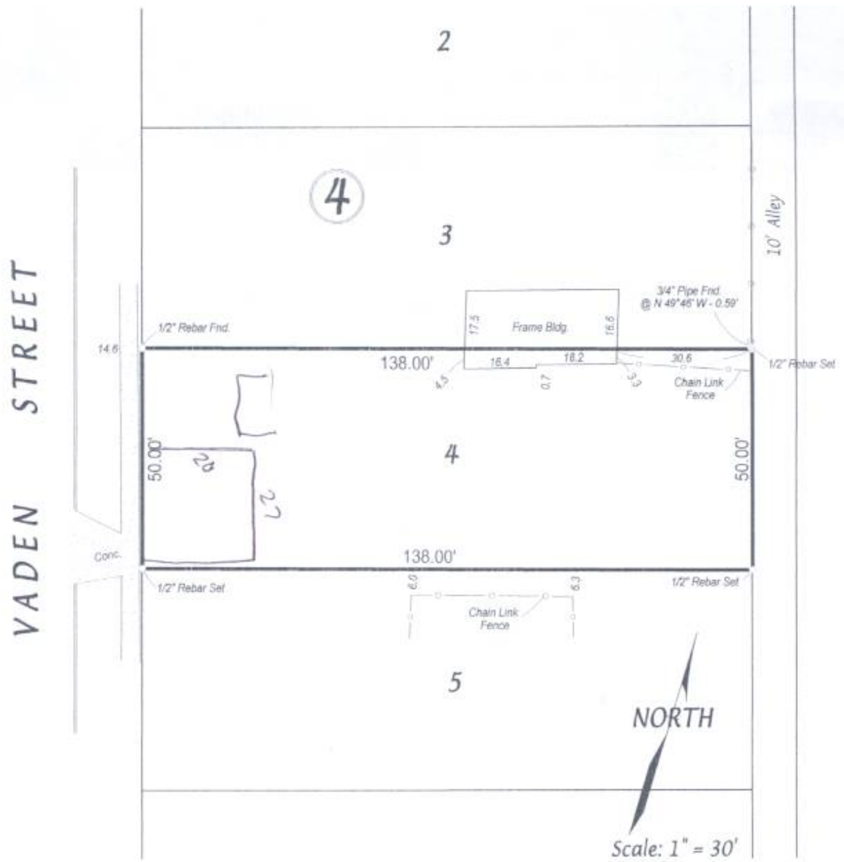
NOTICE

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

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

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT) 3/14/08 DATE

___/___/___



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: BARTON CAPITAL, LTD.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 28 th day of June, 2006 of the following described property:

Lot FOUR (4) in Block FOUR (4) of HAZELWOOD and VADEN ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 103, Page 74, Deed Records, Grayson County, Texas.

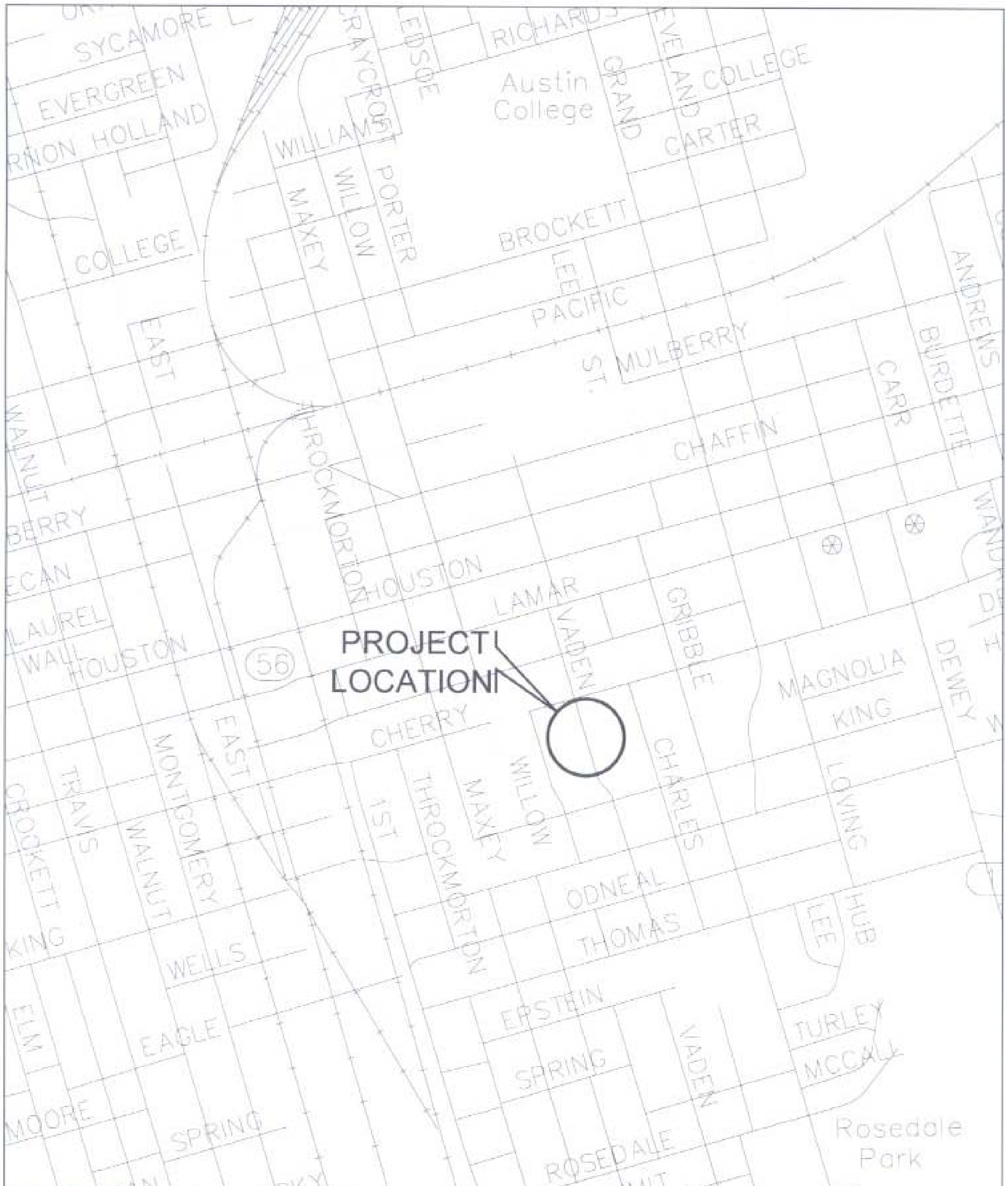
That the improvements lo ated on said property are known as **427 S. VADEN STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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

STATE OF TEXAS
REGISTERED
MARSHALL SARTIN
3694
PROFESSIONAL
LAND SURVEYOR

427VADEN.pcs



City of Sherman, Texas

427 SOUTH VADEN STREET

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.7

**** RESOLUTION NO. 5194***

Authorizing the Execution of an Agreement with Barton Capital, LTD. for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 717 East Sycamore Street

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 717 East Sycamore Street.

Background

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

Origination

Barton Capital, LTD., Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $312.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5194
Residential Tax Abatement Agreement
Application
Warranty Deed
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5194

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 717 EAST SYCAMORE STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, LTD. and subject to all contract documents being properly completed and approved by the City Attorney, to execute an agreement with Barton Capital, LTD. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 717 East Sycamore Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2008, and continuing for tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2008, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	100%
2014	80%
2015	60%
2016	40%
2017	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, and 2017 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being the Lot 1, Block 1 of Cupid's Corner, Phase II in the City of Sherman, Grayson County, Texas, and being more commonly known as 717 East Sycamore Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

Barton Capital, LTD.
715 S. Sam Rayburn Freeway
Sherman, Texas 75090
(903) 868-4201

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

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

_____ day of __________________________, 2008.

CITY:
CITY OF SHERMAN, TEXAS

BY: ___________________________

GEORGE OLSON

CITY MANAGER

ATTEST:

BY: ___________________________

LINDA ASHBY
CITY CLERK

OWNER:
BARTON CAPITAL, LTD.

BY: ___________________________

NAME: ________________________

TITLE: ________________________

(CORPORATE SEAL)

Notary Public: ____________________

Commission Exp.____________________
License No (where applicable):_______________

APPROVED AS TO FORM:

____
DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903 - 868 - 4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 717 E. SYCAMORE

Summary Legal Description: Lot: 1 Block: 1 Addition: Cupid's Corner II

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

Improvements:

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

Estimated Value of Improvements: $78,000

Estimated Date of Start of Construction: 3-17-08

Estimated Date of Completion of Project: 5-17-08

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): [signature] Date: 3-13-08

Grayson County
Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090

70 2007 00026163

Instrument Number: 2007-00026163
As
Recordings

Recorded On: October 23, 2007

Parties: HUNTER SID

To BARTON CAPITAL LTD

Billable Pages: 1
Number of Pages: 3

Comment: WD

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

Recordings	16.00
Total Recording:	16.00

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

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

File Information:
Document Number: 2007-00026163
Receipt Number: 253311
Recorded Date/Time: October 23, 2007 04:35:29P
Book-Vol/Pg: BK-OR VL-4345 PG-562
User / Station: G WHITE - Cashiering Station 1

Record and Return To:

SHERMAN TITLE
115 W. HOUSTON
SHERMAN TX 75090

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

WARRANTY DEED

(CORRECTION OF Volume 4255, page 432, OPR,GCT)
(This deed is given to correctly identify Grantee)

DATE: May 25, 2007

GRANTOR: SID HUNTER, not joined by spouse as property is not part of the homestead estate
1124 W. College, Sherman, Grayson County, Texas 75092

GRANTEE: BARTON CAPITAL, LTD , a Texas limited partnership
715 Hwy. 75 South, Sherman, Grayson County, Texas 75090

CONSIDERATION: For and in consideration of the sum of Ten and No/100ths Dollars ($10.00) and other good and valuable consideration to the undersigned paid, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY (including improvements):
BEING LOTS ONE through FOUR in BLOCK ELEVEN of the REPLAT OF LOTS 6-10, BLOCK 11, JONES SUMMIT ADDITION to the City of Sherman, Texas, as shown by plat of record in Volume 18, page 54, Plat Records, Grayson County, Texas.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTIES:
All presently valid restrictions, reservations, covenants, conditions, rights-of-way, easements, mineral leases, and royalty and mineral conveyances now outstanding and of record, if any, in Grayson County, Texas, affecting the herein described property.

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

Ad valorem taxes having been prorated, the payment of 2007 taxes is assumed the Grantee.

Sid Hunter
SID HUNTER

State of Texas
County of Grayson

This instrument was acknowledged before me on the 23 day of October, 2007, by Sid Hunter.

MARGARET GRYNWALD
Notary Public
STATE OF TEXAS
My Commission
Expires 03/28/2008

Notary Public, State of Texas

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: CUPID INVESTMENTS

PERMIT #: 80426

DATE ISSUED: 3/14/2008

PROJECT ADDRESS:	717 E SYCAMORE ST	LOT #:	1
PARCEL ID:		BLK #:	1
SUBDIVISION:	CUPIDS CORNER II	ZONE ORD:	
ISSUED TO:	CUPID INVESTMENTS	CONTRACTOR:	CUPID INVESTMENTS
ADDRESS:	715 S HIGHWAY 75	ADDRESS:	715 S HIGHWAY 75
CITY, ST ZIP:	SHERMAN TX 75090-7260	CITY, ST ZIP:	SHERMAN TX 75090-7260
PHONE:	903-868-4201	PHONE:	
PROP.USE:	RESIDENTIAL	SQ FT:	1,599.00
WORK:	CONSTRUCT SINGLE FAMILY	BEDROOMS:	3
VALUATION:	$ 78,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

NOTICE

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

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

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

3/14/08
DATE

/ /

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: CUPID HOMES INVESTMENT

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 5 th day of July, 2007 of the following described property:

Lot ONE (1) in Block ONE (1) of CUPID'S CORNER, PHASE II, an Addition to the City of Sherman, Texas as shown by plat of record in Volume 19, Pages 77 & 78, Plat Records, Grayson County, Texas.

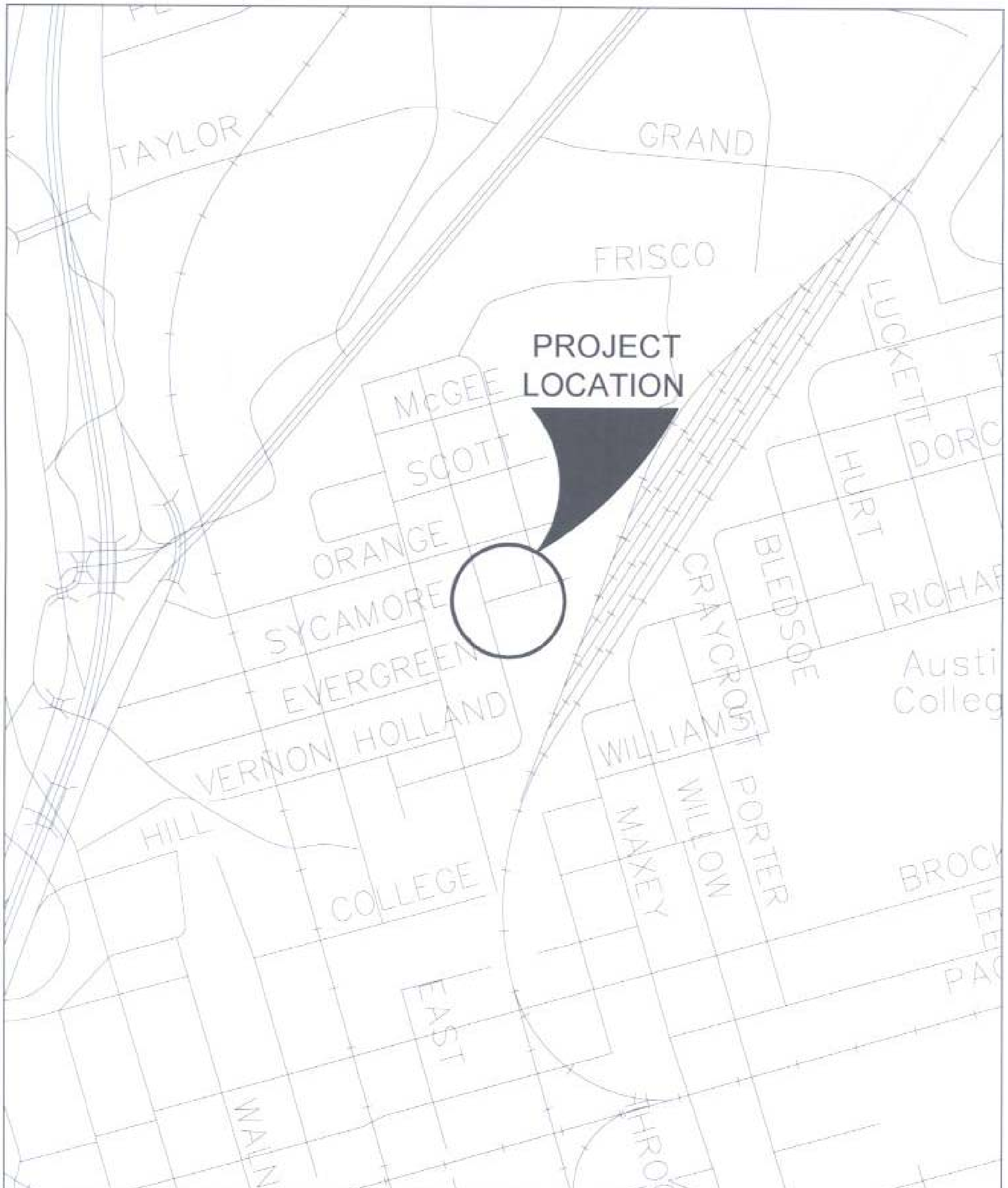
That the improvements located on said property are known as **717 E. SYCAMORE STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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

STATE OF TEXAS REGISTERED MARSHALL SARTIN 3694 PROFESSIONAL LAND SURVEYOR

1-Syca.pcs



City of Sherman, Texas

717 EAST SYCAMORE

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.8

**** RESOLUTION NO. 5195***

Authorizing the Execution of an Agreement with Habitat for Humanity of Grayson County for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 504 South Walnut Street

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 504 South Walnut Street. They would also like to have the $75 Residential Tax Abatement Application fee waived.

Background

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

Origination

Habitat for Humanity of Grayson County, Applicant

Financial Consideration

A $75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately $180.00 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5195
Residential Tax Abatement Agreement
Application
Building Permit Application
Survey
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5195

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HABITAT FOR HUMANITY OF GRAYSON COUNTY FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 504 SOUTH WALNUT STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Habitat for Humanity of Grayson County and subject to all contract documents being properly completed and approved by the City Attorney, to execute an agreement with Habitat for Humanity of Grayson County for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 504 South Walnut Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the _____ day of ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY, CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY and **HABITAT FOR HUMANITY OF GRAYSON COUNTY**, hereinafter referred to as OWNER.

WITNESSETH:

WHEREAS, on the 16th day of June, 2003, the City Council of Sherman, Texas, passed Ordinance No. 5136 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 4685) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 16th day of June, 2003;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2008, and continuing for tax years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use

to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2008, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	100%
2014	80%
2015	60%
2016	40%
2017	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, and 2017 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at the following location:

Being 0.29 acres in the Samuel Blagg Survey, Abstract No. 56 in the City of Sherman, Grayson County, Texas, and being more commonly known as 504 South Walnut Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

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

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

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

_____ day of __________________________, 2008.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
HABITAT FOR HUMANITY OF GRAYSON COUNTY

BY: __________________________

GEORGE OLSON

CITY MANAGER

BY: __________________________

NAME: _______________________

TITLE: _______________________

ATTEST:

(CORPORATE SEAL)

BY: __________________________

LINDA ASHBY
CITY CLERK

Notary Public: ___________________

Commission Exp.___________________
License No (where applicable):______________

APPROVED AS TO FORM:

____
DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: HABITAT FOR HUMANITY OF GRAYSON CO.

Mailing Address: PO BOX 2725 SHERMAN TX 75091

Telephone Number: 903 893-0009
CELL 903 815-0777

Contact (if different than owner):

Name: BOB MONTGOMERY

Mailing Address: 204 LAUREL CREEK DR SHERMAN TX 75092

Telephone Number: 903 893-5861

Property:

Physical Address: 504 S. WALNUT SHERMAN TX 75090

Summary Legal Description: Lot: 0.29 ACRES Block: ______ Addition: SAMUEL BLAGG

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

Improvements:

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

Estimated Value of Improvements: $45,000

Estimated Date of Start of Construction: 3-28-08

Estimated Date of Completion of Project: 6-30-08

Description of Project: NEW HOUSE CONSTRUCTION

Applicant(s): BB MONTGOMERY Date: 2-25-08

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: HABITAT FOR HUMANITY

PERMIT #: 80507

DATE ISSUED: 3/25/2008

PROJECT ADDRESS:	504 S WALNUT ST	LOT #:	
PARCEL ID:		BLK #:	
SUBDIVISION:		ZONE ORD:	
ISSUED TO:	HABITAT FOR HUMANITY	CONTRACTOR:	HABITAT FOR HUMANITY
ADDRESS:	PO BOX 2825	ADDRESS:	PO BOX 2825
CITY, ST ZIP:	SHERMAN TX 75091	CITY, ST ZIP:	SHERMAN TX 75091
PHONE:	903-893-0009	PHONE:	
PROP.USE:	RESIDENTIAL	SQ FT:	1,150.00
WORK:	CONSTRUCT SINGLE FAMILY	BEDROOMS:	2
VALUATION:	$ 45,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

NOTICE

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

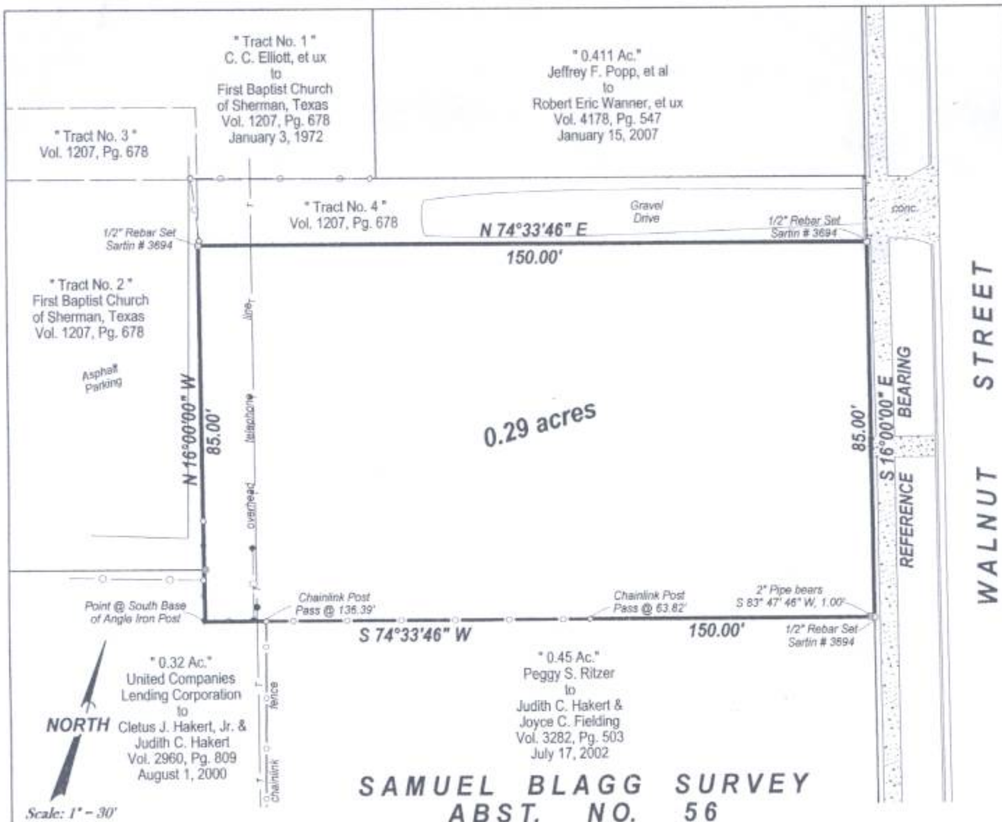
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL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

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

/ /
DATE

(APPROVED BY)

/ /
DATE



SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: HABITAT FOR HUMANITY

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 14 th day of March, 2008 of the following described property:

(LEGAL DESCRIPTION ATTACHED)

That the improvements located on said property are known as **504 S. WALNUT STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

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

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

STATE OF TEXAS REGISTERED MARSHALL SARTIN 3694 PROFESSIONAL LAND SURVEYOR

504WALNU.PCS

S A R T I N & A S S O C I A T E S, I N C.
Registered Professional Land Surveyors
P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
phone (903)892-8003 fax (903)868-2970

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the SAMUEL BLAGG SURVEY, Abstract No. 56, being the same 85 x 150 foot tract of land conveyed by Neil Mayfarth, et ux to The First Baptist Church of Sherman, Texas by deed dated September 14, 1999, recorded in Volume 2838, Page 225, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a set 1/2 inch capped rebar stamped SARTIN-3694 for the Northeast corner of said 85 x 150 foot tract, the Southeast corner of a 15 x 150 foot strip of land described in Tract No. 4 in deed from C. C. Elliott, et ux to the First Baptist Church of Sherman, Texas, dated January 3, 1972, recorded in Volume 1207, Page 678, Deed Records, Grayson County, Texas, on the West line of Walnut Street;

THENCE South 16 deg. 00 min. 00 sec. East, with the West line of said Walnut Street, a distance of 85.00 feet to a set 1/2 inch rebar stamped SARTIN-3694 for the Northeast corner of an 0.45 acre tract of land conveyed by Peggy S. Ritzer to Judith C. Hakert, and Joyce C. Fielding by deed dated July 17, 2002, and filed for correction in Volume 3553, Page 348, Official Public Records, Grayson County, Texas, from which a found 2 inch pipe bears South 83 deg. 47 min. 46 sec. West, a distance of 1.00 foot;

THENCE South 74 deg. 33 min. 46 sec. West, with the North line of said 0.45 acre tract, at a distance of 63.82 feet passing a chain link fence corner post, and continuing with the general line of a chain link fence, at a distance of 136.39 feet passing a chain link fence corner post maintaining the Northwest corner of said 0.45 acre tract, the most Easterly Northeast corner of an 0.32 acre tract of land conveyed by United Companies Lending Corporation to Cletus J. Hakert, Jr., and Judith C. Hakert by deed dated August 1, 2000, recorded in Volume 2960, Page 809, Official Public Records, Grayson County, Texas, and continuing for a total distance of 150.00 feet to an ell corner of said 0.32 acre tract, at the South base of an angle iron post;

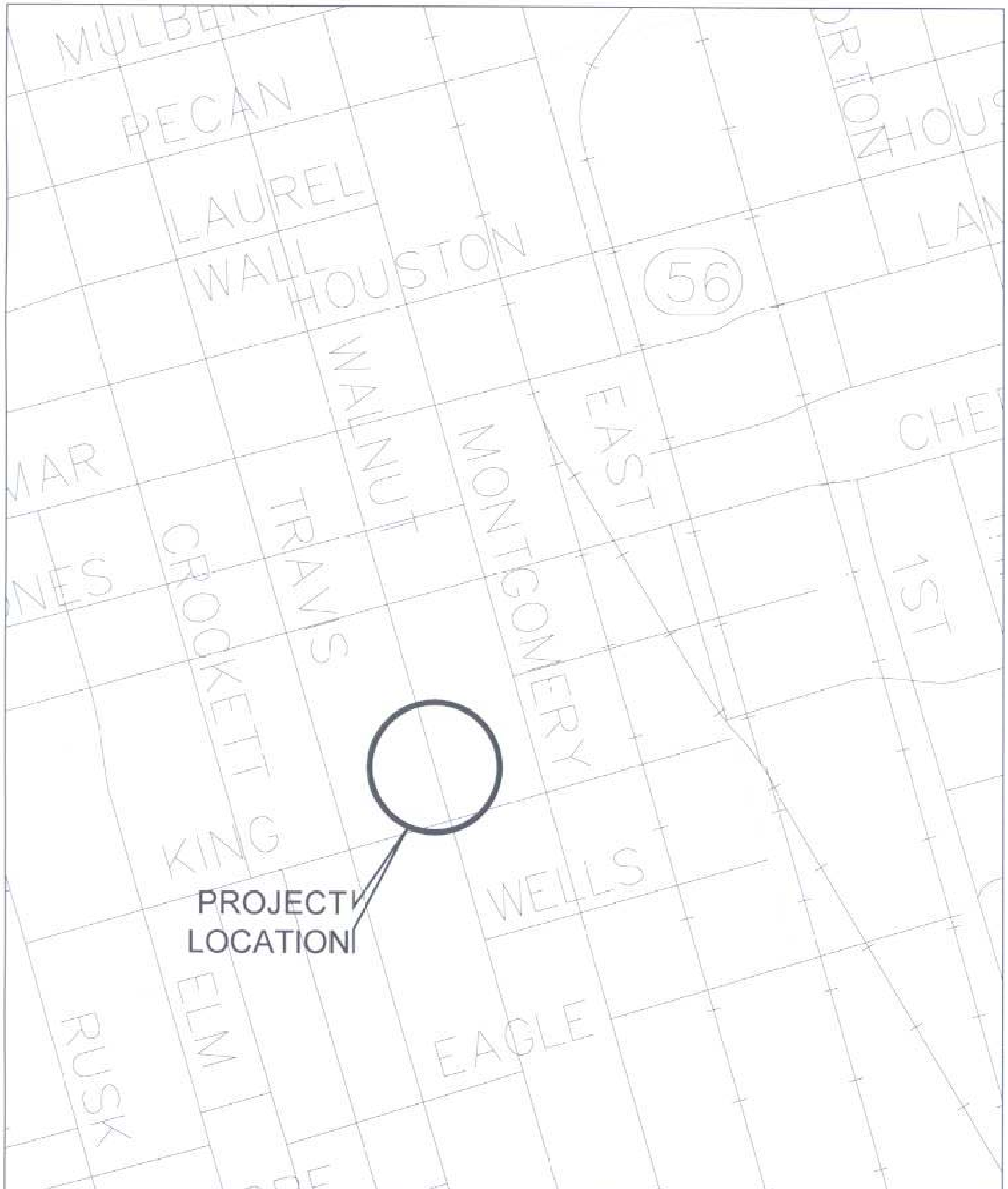
THENCE North 16 deg. 00 min. 00 sec. West, with an East line of said 0.32 acre tract, passing its most Northerly Northeast corner, the Southeast corner of an 89 x 150 foot tract of land described in Tract No. 2 in the above mentioned deed to the First Baptist Church of Sherman, Texas recorded in Volume 1207, Page 678, Deed Records, Grayson County, Texas and continuing with the East line of said 89 x 150 foot tract for a total distance of 85.00 feet to a set 1/2 inch rebar stamped SARTIN-3694 for the Southwest corner of the above mentioned First Baptist Church 15 x 150 foot strip;

THENCE North 74 deg. 33 min. 46 sec. East, with the South line of said 15 x 150 foot strip, a distance of 150.00 feet to the PLACE OF BEGINNING, and containing **0.29 ACRES OF LAND** more or less...

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property legally described hereon was made on the ground on the 14 th day of March, 2008 that the improvements on said property are known as **504 S. WALNUT STREET, SHERMAN, TEXAS** and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record that may affect said property.

MARSHALL SARTIN
3694

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



City of Sherman, Texas

504 SOUTH WALNUT

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. C.9

**** RESOLUTION NO. 5196***

Authorizing the Lease of an Annual Supply of Uniforms for Various City Departments through the Texas Local Government Purchasing Cooperative (BuyBoard)

Issue

An annual supply of uniforms for various City departments

Background

The City leases an annual supply of uniforms for various City employees. The last contract for these rentals was awarded at the December 15, 2003 Council meeting and contained provisions for no more than three renewals. The City currently uses G&K Services, Inc. of Coppell, Texas (G&K) for its uniform supply and has had good experience with them. G&K is a BuyBoard participant, which means that the City can effectively increase its purchasing power while simplifying its purchasing process by leveraging the buying power of multiple governments who participate in the BuyBoard program. There are no other uniform providers who are based in Sherman.

Origination

Finance/Purchasing

Financial Consideration

Funds have been appropriated for the lease of uniforms in the fiscal year (FY) 2007-2008 budget in each department. The annual budget for these uniform rentals is about $35,000.

Staff Recommendation

It is recommended that the staff be authorized to purchase these uniforms from G&K Services, Inc. of Coppell, Texas, through the BuyBoard.

Alternatives

Those as may be recommended by the City Council.

Attachments

Resolution No. 5196
Texas Local Government Cooperative Interlocal Participation Agreement
BuyBoard/G&K Services Quote

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5196

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE LEASE OF AN ANNUAL SUPPLY OF UNIFORMS FOR VARIOUS CITY DEPARTMENTS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD); 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 to lease an annual supply of uniforms for various City of Sherman departments from G&K Services, Inc. of Coppell, Texas, through the Texas Local Government Purchasing Cooperative (BuyBoard), in accordance with the terms and conditions of the Interlocal Participation Agreement and Rental Program Pricing attached hereto and made a part hereof for all purposes. Any agreements related to this purchase must be approved by the City Attorney.

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 ________________, 2008.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

RECEIVED JUL 1 5 2002

YOUR COPY

INTERLOCAL PARTICIPATION AGREEMENT for the Texas Local Government Purchasing Cooperative

RECEIVED

This Interlocal Participation Agreement ("Agreement") is made and entered into by and between the Texas Local Government Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government of the State of Texas ("Cooperative Member"). The purpose of this Agreement is to facilitate compliance with state bidding requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members.

WITNESSETH:

WHEREAS, the Cooperative Members are authorized by Chapter 791, et seq., The Interlocal Cooperation Act of the Government Code ("the Act"), to agree with other local governments to form purchasing cooperatives; and

WHEREAS, the Cooperative is an administrative agency of local governments cooperating in the discharge of their governmental functions; and

WHEREAS, the Cooperative Member does hereby adopt the Organizational Interlocal Agreement, together with such amendments as may be made in the future, reflecting the evolving mission of the Cooperative and further agrees to become an additional party to that certain Organizational Interlocal Agreement promulgated on the 26th day of January, 1998.

NOW, THEREFORE, BE IT RESOLVED that the undersigned Cooperative Member in consideration of the agreement of the Cooperative and the Cooperative Members to provide services as detailed herein does agree to the following terms, conditions, and general provisions.

In return for the payment of the contributions and subject to all terms of this Agreement, the parties agree as follows:

TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the adoption and execution of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated January 26, 1998, together with such amendments as may be made in the future and further agrees to become a Cooperative Member.
2. **Term.** The initial term of this Agreement shall commence at 12:01 a.m. on the date executed and signed and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement. The terms, conditions, and general provisions set forth below shall apply to the initial term and all renewals.
3. **Termination.**
   a. By the Cooperative Member. This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative; provided all charges owed to the Cooperative and any vendor have been fully paid.
   b. By the Cooperative. The Cooperative may terminate this Agreement by:
      1. Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member fails or refuses to make the payments or contributions as herein provided; or
      2. Giving thirty (30) days notice by certified mail to the Cooperative Member.

c. Termination Procedure. If the Cooperative Member terminates its participation during the term of this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member under any provision of this Article, the Cooperative Member shall bear the full financial responsibility for any purchases occurring after the termination date, and for any unpaid charges accrued during its term of membership in the Cooperative. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. The Cooperative Member will not be entitled to a refund of membership dues paid.

4. **Payments.**
   a. The Cooperative Member agrees to pay membership fees based on a plan developed by the Cooperative. Membership fees are payable by Cooperative Member upon receipt of an invoice from the Cooperative, Cooperative Contractor or vendor. A late charge amounting to the maximum interest allowed by law, but not less than the rate of interest under Section 2251.021, et seq., Texas Government Code, shall begin to accrue daily on the 31st day following the due date and continue to accrue until the contribution and late charges are paid in full. The Cooperative reserves the right to collect all funds that are due to the Cooperative in the event of termination by Cooperative Member or breach of this Agreement by Cooperative Member.
   b. The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the Invitation to Bid and related procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring party shall be the exclusive obligation of the procuring Cooperative Member.
5. **Cooperative Reporting.** The Cooperative will provide periodic activity reports to the Cooperative Member. These reports may be modified from time to time as deemed appropriate by the Cooperative.
6. **Administration.** Cooperative Member will use the BuyBoard purchasing application in accordance with instruction from the Cooperative; discontinue use upon termination of participation; maintain confidentiality and prevent unauthorized use; maintain equipment, software and testing to operate the system at its own expense; report all purchase orders generated to Cooperative or its designee in accordance with instructions of the Cooperative; and make a final accounting to Cooperative upon termination of membership.
7. **Amendments.** The Board may amend this agreement, provided that notice is sent to each participant at least 60 days prior to the effective date of any change described in such amendment which, in the opinion of the Board, will have a material effect on the Cooperative Members participation in the Cooperative.

GENERAL PROVISIONS

1. **Authorization to Participate.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative.
2. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all reasonable policies and procedures established by the Cooperative.
3. **Compensation.** The parties agree that the payments under this Agreement and all related exhibits and documents are amounts that fairly compensate the Cooperative for the services or functions performed under the Agreement, and that the portion of gross sales paid by participating vendors enables the Cooperative to pay the necessary licensing fees, marketing costs, and related expenses required to operate a statewide system of electronic commerce for the local governments of Texas.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this Article shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.

5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.
6. **Current Revenue.** The Cooperative Member hereby warrants that all payments, contributions, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative and/or any past or current Cooperative Member in any litigation, claim or dispute, and to engage counsel and appropriate experts, in the Cooperative's sole discretion, with respect to such litigation, claim or disputes. The Cooperative Member does hereby agree that any suit brought against the Cooperative or a Cooperative Member may be defended in the name of the Cooperative or the Member by the counsel selected by the Cooperative, in its sole discretion, or its designee, on behalf of and at the expense of the Cooperative as necessary for the prosecution or defense of any litigation. Full cooperation by the Cooperative Member shall be extended to supply any information needed or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Trustees (Board) will govern the Cooperative in accordance with the Bylaws. Travis County, Texas will be the location for filing any dispute, claim or lawsuit.
9. **Limitations of Liability.** COOPERATIVE, ITS ENDORSERS (TEXAS ASSOCIATION OF SCHOOL BOARDS, TEXAS ASSOCIATION OF COUNTIES, AND TEXAS MUNICIPAL LEAGUE) AND SERVICING CONTRACTOR (TEXAS ASSOCIATION OF SCHOOL BOARDS) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE. COOPERATIVE, ITS ENDORSERS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE PARTIES AGREE THAT IN REGARD TO ANY AND ALL CAUSES OF ACTION ARISING OUT OF OR RELATING TO THIS AGREEMENT, NEITHER PARTY SHALL BE LIABLE TO THE OTHER UNDER ANY CIRCUMSTANCES FOR SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES, EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
10. **Merger.** This Interlocal Participation Agreement, Terms and Conditions, and General Provisions, together with the Bylaws, Organizational Interlocal Agreement, and Exhibits, represents the complete understanding of the Cooperative, and Cooperative Member electing to participate in the Cooperative.
11. **Notice.** Any written notice to the Cooperative shall be made by first class mail, postage prepaid, and delivered to the Associate Executive Director Financial Planning, Texas Association of School Boards, Inc., P.O. Box 400, Austin, Texas 78767-0400.
12. **Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and venue shall lie in Travis County, Texas.
13. **Warranty.** By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform the terms of this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, sign this Agreement as of the date indicated.

TO BE COMPLETED BY THE COOPERATIVE:
TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE, as acting on behalf of all other Cooperative Members

By: ______________________ **Date:** 7-15-02
Gerald Brashears, Cooperative Administrator

TO BE COMPLETED BY COOPERATIVE MEMBER:

CITY OF SHERMAN, TEXAS

By: ______________________ **Date:** 5/28/2002
L. SCOTT WALL, CITY MANAGER

Coordinator for the Cooperative Member is:

Name:	MARYANN WINKLER
Address:	405 N. RUSK STREET SHERMAN, TEXAS 75090
Phone:	(903) 892-7285
Fax:	(903) 891-0255
Email:	PURCH@TEXOMA.NET

Our company G&K has been in business since 1902, we are the third largest uniform supplier and we currently service the United States and Canada.

G&K Services was initially awarded the Buy Board bid for Uniforms & Accessories (#199-04) in June of 2004. As of June 1, 2007, G&K Services was awarded bid #264-07 for Uniforms & Accessories for Various Areas.

G&K Services is also a member of Region 7 purchasing as well as GSA.

G&K Services currently services many schools, counties, cities, colleges and other government agencies, references will be provided upon request. We look forward to doing business and service all your needs.

If you have any questions or concerns, please contact me at 817-992-0149.

Sincerely,

Delford Johnnene

Delford Johnnene
Senior Sales Representative
Buy Board Vendor
G&K Services

G&K Services
603 Airline Drive
Coppell, Texas 75019

(972) 393-1764 Office
(972) 956-9815 Fax

RENTAL PROGRAM PRICING

RENTAL PRICING INCLUDES PICK-UP, WASHING GARMENTS, CLEANING FACILITY ITEMS, DELIVERY, REPAIRS AND UPGRADES.

Product Description	*Weekly Price
Uniforms	***Weekly price based on 11 sets with 5 changes per week.**
Men's or Women's 65/35 Shirts	$1.80
Men's or Women's 65/35 Pants	$1.95
Men's or Women's Executive Shirts	$3.25
Men's or Women's Executive Pants	$3.25
Men's Soft Twill 100% Cotton Shirt, button down collar	$4.25
100% Cotton Shirts	$3.10
100% Cotton Pants	$3.10
Micro check Shirts	$2.25
Chambray Shirts	$2.25
Standard Polo Shirts	$3.25 (not available in long sleeves)
Exceed Polo Shirts 100% Poly	$4.25 (not available in long sleeves)
Exceed T-Shirts 100% Poly	$2.10 (not available in long sleeves)
Big Ben Denim Shirt	$3.90 (not available in short sleeves)
Denim Shirts	$3.15
GK Jeans	$2.70
65/35 Lined Work Jackets	$0.50

Wrangler Jeans	$5.25	
Shorts	$1.95 (Year around, no seasonal price)	
Scrub Top	$2.00	
Scrub Pants	$2.00	
Smocks	$1.95	
Additional Garment Items	**Unit Price**	**Weekly Price**
65/35 Coveralls	$0.82	$4.10
100% Cotton Coveralls	$1.00	$5.00
Big Ben Overalls, 100% Ctn Denim	$1.00	$5.00
Lab Coats (Men's or Ladies)	$0.65	$3.25
Wrap Around Smock	$0.55	$2.75
Bib Aprons	$0.25	--------
Cobbler Aprons	$0.50	--------
Security Shirts	$0.85	$4.25
Visibility Shirt 65/35 (Gray w/orange)	$0.60	$3.00
High Visibility Shirts 100% poly-Yellow	$1.50	$7.50
ANSI T-Shirt (not available in long sleeves)	$1.00	$5.00
ANSI Vest	$1.30	$6.50
Indura Shirts (not available in short sleeves)	$0.85	$4.25
Indura Pants	$0.85	$4.25
Indura Jeans	$1.00	$5.00
Indura Coverall	$1.70	$8.50

- √ Rental Agreement term, 36 months. On June 1st of each year, prices will be increased by 2%.
- √ All garments will have the steam tunnel finish, with the exception of the Executive Shirts & Executive Pants, they are pressed.
- √ Shirts are available in long or short sleeves (unless noted), both at the same price.
- √ Customers can choose to have any or all garments pressed, there will be an additional cost of $0.25 per garment.
- √ There will be a design fee to create a Direct Embroidery logo.
- √ Direct embroidery per garment = $6.00
- √ There will be a Buy Back charge for all garments with Direct Embroidery and there will be a Buy Back on Executive Shirts & Knit Shirts with emblems, at the current garment replacement cost.
- √ Minimum Stop $35.00
- √ No charge for Prep, Emblems, or name tags.
- √ No charge for Environmental, waste water or energy charge (additional service charge)
- √ 10% up charge on Oversized garments:

  Shirts
  Size 2XL to 5XL
  (Shirts 6XL and over will have an up charge of 35%)
  Sleeve length 36 & over
  Long tails
  Pants
  Men's waist size 44 to 58
  Men's lengths 36 and above
  (Pants with a waist size of 60 & over will have an up charge of 35%)
  Ladies size 22 to 32
  (Ladies Pants from 32 and over will have an up charge of 35%)

Customer Acceptance Signature: ______________________________
Date: ______________

FACILITY SERVICE PROPOSAL

Facility Product Description	Rental Pricing Unit Cost		
Mats (Assorted Colors and Sizes)	**Weekly**	**Bi-Weekly**	**Monthly**
3 X 4 Standard Solid Color Mat	$1.80	$2.70	$3.60
4 X 6 Standard Solid Color Mat	$2.88	$4.32	$5.76
3 X 10 Standard Solid Color Mat	$3.60	$5.40	$7.20

Facility Product Description	Rental Pricing Unit Cost
Logo Mats (Up to 6 colors per mat)	
3 X 5 Customized Logo Mat	$4.50
4 X 6 Customized Logo Mat	$7.20
3 X 10 Customized Logo Mat	$9.00
Anti-Fatigue Mats	
2 X 3 Anti-Fatigue	$1.75
3 X 5 Anti-Fatigue	$2.00
Kitchen Mats (Grease-Resistant flo-thru)	
3 X 5 Flo-thru	$2.50
Scrapper Mats (for outside the door for heavy soil removal)	
3 X 5 Scrapper	$2.50
Towels	**Weekly Unit Price**
Red Shop Towels (18" X 18")	$0.07

White Shop Towels (18" X 18")	$0.09
Blue Print Towels (18" X 18")	$0.09
Glass Towels (16" X 28')	$0.12
Hand Towels (16" X 27")	$0.12
White Bar Towels (Terry, 17" X 20")	$0.14
Swipe Towels (Herringbone, 15" X 26")	$0.12
Mops	**Weekly**
Wet Mops	$1.00
24" Dry Mops	$0.72
36" Dry Mops	$1.08
48" Dry Mops	$1.42
60" Dry Mops	$1.80
Mop Handles & Frames	N/C (Part of G&K's Service Solutions)
Restroom Supplies	**Weekly Unit Price**
Air Fresheners	$2.00
Auto Flush	$3.00
*Other Restroom items available upon request	

SOME OF G & K'S SATISFIED CUSTOMERS THAT ARE ALSO BUY BOARD MEMBERS

We encourage you to talk with our current customers; here are the names and phone numbers of some of our references:

Crandall Independent School District

Alan Lovell
Maintenance and Transportation Director
300 Lewis St
Crandall, TX 75114
972-571-0164 (Cell)

White Settlement Independent School District

Lisa Hoover
Maintenance Supervisor
1313 Mary Kay Lane
White Settlement, TX 76108
817-367-1221

Collin County Community College

Debra Morris
Asst. Director Of Purchasing
4800 Preston Park Blvd.
PO Box 869005, Ste A460
Plano, TX 75086
972-758-3852

Kauffman Independent School District

Garland Willis
Director of Maintenance and Custodial Services
1000 S. Houston Street
Kaufman, TX 75142
972-932-2622

Duncanville Independent School District

Richard Morgan
Director of Purchasing
315 Crankshaft Drive
Duncanville, Texas 75116
972-708-2272

SOME OF G & K'S SATISFIED CUSTOMERS THAT ARE ALSO BUY BOARD MEMBERS

We encourage you to talk with our current customers; here are the names and phone numbers of some of our references:

City of Fort Worth

Bob Hicks
2012 15th Ave
Fort Worth, Texas 76102
817-988-9488

City of Denton

Tom Shaw
601 E Hickory St
Denton, TX 76205
940-349-7100

City of Sherman

Mary Ann Winkler
100 S. Rusk St.
Sherman, TX 75090
903-892-7215

City of Euless

Mike Lowry
1100 Central Dr
Euless, TX 76039
817-685-1447

City of Gainesville

Bill Holmberg
200 S Rusk St Ste A
Gainesville, TX 76240
940- 688-4529

City of Frisco

Jean Stellatella
6891 Main St.
Frisco, TX 75034
972-335-1695

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.1

REQUEST TO ADVERTISE
U.S. Highway 75 North Water Main

Issue
Advertise for bids for the construction of the U.S. Highway 75 North Water Main

Background
The current Capital Improvement Program contains a project to extend water mains along both sides of U.S. Highway 75 North, between Graham Drive and S.H. 691. Plans and specifications are being finalized.

Origination
Department of Utilities Administration

Financial Consideration
The project will be funded in this year's Capital Improvement Program through bonds issued by the Greater Texoma Utility Authority on behalf of the City of Sherman. The cost of advertising is expected to be about $200.

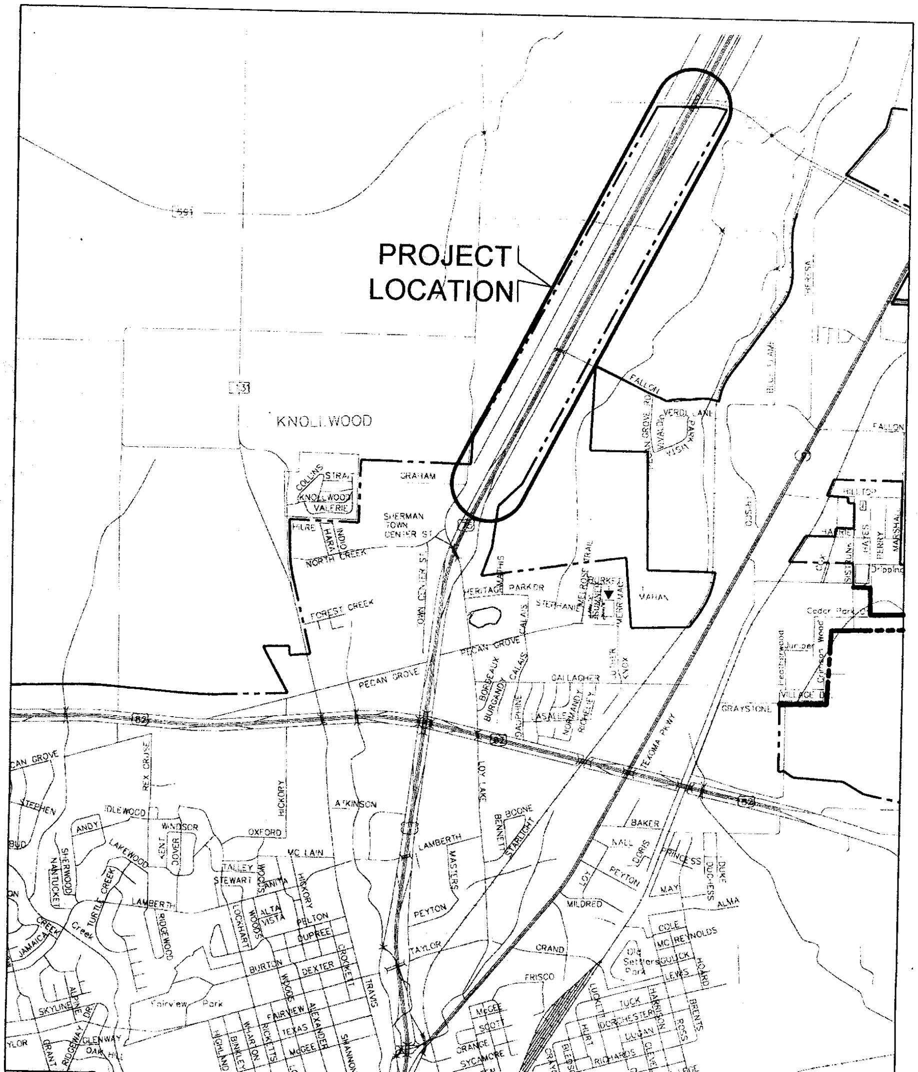
Staff Recommendation
It is recommended that the City Council authorize the staff to advertise the project for bid.

Alternatives
As may be directed by the City Council

Attachments
Location map

Prepared by:
Mark Gibson, Director of Utilities and Engineering

Approved by:
George Olson, City Manager



City of Sherman, Texas

U.S. HIGHWAY 75 NORTH

WATER MAIN EXTENSION PROJECT

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.2

**** REQUEST TO ADVERTISE***
Harrison Street Storm Sewer Replacement

Issue
Request to advertise for bids for the replacement of an existing storm sewer near the intersection of Harrison Street and Mulberry Street

Background
The 2007-2012 Capital Improvement Program (CIP) budget includes funds to replace a failing storm sewer at Mulberry and Harrison. A portion of the old metal storm sewer pipe failed last year; but fortunately the Street Department was able to install a temporary patch. Another section of the pipe is currently showing signs of possible failure, making replacement of the entire pipe a priority project.

Origination
Department of Public Works

Financial Consideration
The project is funded in this year's CIP at $80,000. Approximately $8,000 to $10,000 of the budget will be spent on engineering design and surveying. The cost of advertising is expected to be about $200.

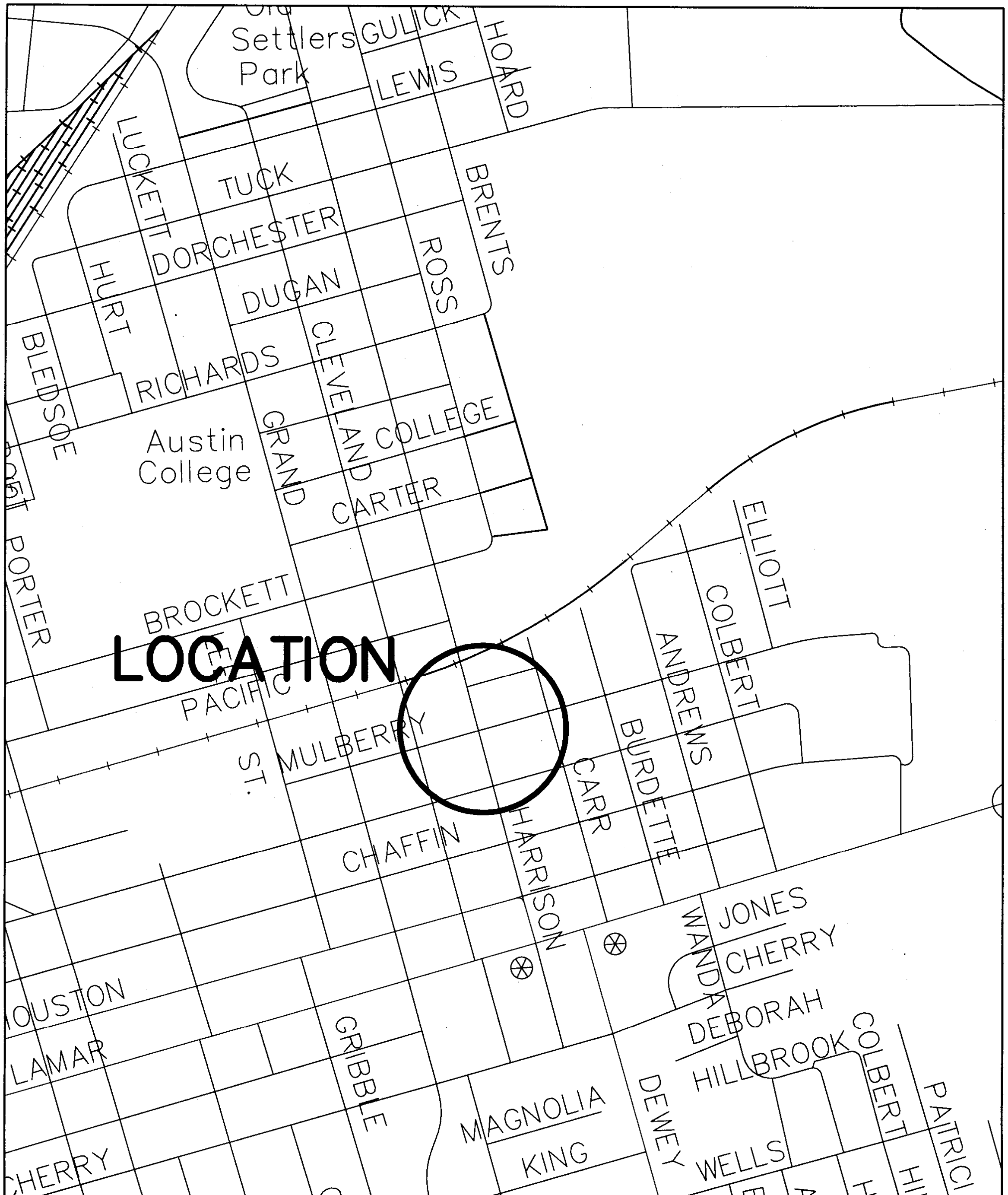
Staff Recommendation
It is requested that the City Council authorize the staff to advertise the project for bid.

Alternatives
Those as may be recommended by the City Council

Attachments
Location map

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager



HARRISON STREET STORM SEWER
REPLACEMENT

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.3

OTHER BUSINESS
Receive Quarterly Progress Report from Sherman Economic Development Corporation Board Chairman Joe Fallon, Jr. and SEDCO President John Boswell

Issue
To receive the Sherman Economic Development Corporation's (SEDCO's) quarterly progress report from Board Chairman Joe Fallon, Jr. and President John Boswell

Background
The brief presentation by the SEDCO Board Chairman 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 December 17, 2007 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: **<u>Sherman Economic Development Corporation</u>**

Name of Chairman: **<u>Joe Fallon, Jr.</u>**
Name of Vice Chairman: **<u>Andy Olmstead</u>**

Date of Report to City Council: April 7, 2008

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 of primary employers.

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

1) The Board approved an agreement with Consolidated Container – West Park Facility. This agreement calls for the retention of 70 non-exempt employees, 8 exempt employees plus 20 new full time employees.
2) The Board approved the purchase of 204 acres of land that was added to Progress Park III.
3) The Board approved a performance agreement and land option agreement with Panda Energy for the construction of a new 500 mega-watt, natural gas-fired combined cycle power generation facility. This project will add $300 million dollars to our tax base over the next 10 years.
4) The Board attended a training session that included Texas Open Meetings provisions as well as 4A and 4B sales tax training.

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

SEDCO plans to continue to work with area leaders to address economic development related issues in the Sherman area.

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

Since the last report in December, the SEDCO Board held three regular scheduled meetings and one special called meeting.

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

100%.

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

   No.

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

   The SEDCO Board has been working closely with staff on several new exciting prospects. The staff also continues to pursue opportunities for new investment and jobs with the Denison Development Alliance and Grayson County's economic development team, BK Grayson Advisors.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.4

OTHER BUSINESS
Receive Public Works Director Jeff Miller's Update on the 2008 Street Improvement Projects

Issue
An update on the 2008 street improvement projects provided by the Director of Public Works

Background
So far this fiscal year (FY), City staff has completed several street mill and overlay segments as approved in the enhanced thoroughfare plan. This spring, work will again commence on other planned mill and overlay projects using both Street Department funds and sales tax revenue. The Street Department will soon start work on seal coating 30 miles of streets as a part of their annual maintenance program. The design of the Brockett Street rebuild has reached the 60% point, with construction planned to start later this summer.

Origination
Department of Public Works

Financial Consideration
Sufficient funds to conduct street rebuild and maintenance activities were appropriated in the FY 2007-2008 budget.

Staff Recommendation
Proceed with all planned street construction and maintenance projects

Alternatives
Those as may be recommended by the City Council

Attachments
None

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.5

OTHER BUSINESS
Receive Fire Chief Jeff Jones' Presentation on Sherman's Emergency Planning Preparedness and FEMA Public Assistance Grant

Issue
Emergency Management update and flood recovery progress

Background
On March 4, 2008, the Governor's Office on Emergency Preparedness announced that the City of Sherman achieved the designation of "Advanced Level of Planning Preparedness." This important designation indicates that the State has reviewed and approved our Emergency Operations Plan and twenty-two (22) Annexes defining how the City would respond in the event of a disaster. The designation also reflects that we have reached full compliance with the National Incident Management System (NIMS) and remain eligible for State and Federal grant funding.

Following the flooding in June 2007, the City of Sherman made application with FEMA for the recovery of costs associated with the preparation and mitigation of the disaster. As of today, the City has received reimbursements as follows:

- Emergency Response; Equipment and Personnel $ 9,563.64
- Vehicle and Equipment Repair $ 50,156.39
- Facility Repair $ 19,500.00
- Curbside Cleanup Costs $ 23,971.20
    - Total $103,190.93

Origination
Fire Department/Emergency Management

Council Action Requested
This presentation is for information only – no action needed.

Attachments
Jurisdictional Preparedness Profile

Prepared by:
J. J. Jones, Fire Chief

Approved by:
George Olson, City Manager

JURISDICTION PREPAREDNESS PROFILE

JURISDICTION: **Sherman**
COUNTY: GRAYSON
ASSOCIATION:

PLAN NO: 09155
COG: 22

PLAN RECORD: Primary
DisasterDistrict: 1AS

Notes:

EMC: J. J. Jones

RLO: BILL CAMPBELL

ASSESSMENT OF PLANNING PREPAREDNESS = Advanced

Requirements for the Basic level of Preparedness:

Funding Status: NOTEMPG

1. Legal documents establishing the local Emergency Management Program:

City Ordinance Date:
NIMS Adoption Date: 9/19/2005

Court Order Date:
DEM 147 Date: 6/26/2007

Joint Resolution Date:
Mitigation Action Plan Date:

2. Current Planning documents as listed below:
   A. Data below is based on documents sent to the Division of Emergency Management.
   B. To be considered current, documents must have been prepared/revised or updated by change within 5 years.
   C. Deficiencies listed refer to like-numbered items in State Planning Standards.
   D. The list of annexes below include only those required by the state.

DOCUMENT	PLAN DATE	DATE REVIEWED	NIMS Compliant	DEFICIENCIES	STATUS/ACTION
Requirements for BASIC LEVEL of Preparedness, these Annexes:					
BASIC PLAN	1/9/2007	6/25/2007	Yes		
A-WARNING	1/15/2007	6/25/2007	Yes		
B-COMMUNICATIONS	1/19/2007	6/4/2007	Yes		
C-SHELTER MASS CARE	1/10/2007	6/25/2007	Yes		
E-EVACUATION	1/15/2007	6/6/2007	Yes		
I-EMER PUBLIC INFO	1/10/2007	6/6/2007	Yes		
M-RESOURCE MGMT	1/7/2007	6/7/2007	Yes		
N-DIRECTION CONTROL	12/1/2006	6/25/2007	Yes		
O-HUMAN SERVICES	1/23/2007	6/7/2007	Yes		
Q-HAZMAT/OIL SPILL	11/1/2006	6/25/2007	Yes		
V-TERRORISM	1/11/2007	6/7/2007	Yes		
Requirements for INTERMEDIATE LEVEL of Preparedness (Basic + these Annexes):					
D-RAD PROTECTION	1/1/2007	6/4/2007	Yes		
F-FIREFIGHTING	11/1/2006	6/6/2007	Yes		
G-LAW ENFORCEMENT	1/15/2007	6/25/2007	Yes		
H-HEALTH MEDICAL	12/1/2006	6/25/2007	Yes		
J-RECOVERY	1/23/2007	6/6/2007	Yes		
K-PUBLIC WORKS	1/10/2007	6/6/2007	Yes		
L-ENERGY UTILITIES	1/23/2007	6/6/2007	Yes		
R-SEARCH & RESCUE	11/1/2006	6/7/2007	Yes		
S-TRANSPORTATION	1/23/2007	6/7/2007	Yes		
Requirements for ADVANCED LEVEL of Preparedness (Basic + Intermediate + these Annexes):					
P-HAZARD MITIGATION	11/16/2007	3/3/2008	Yes		
T-DONATIONS MGMT	1/17/2007	6/7/2007	Yes		
U-LEGAL	1/17/2007	6/7/2007	Yes		

NOTE: Full NIMS Compliance for planning was due September 30, 2006.

Tuesday, March 04, 2008

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.6

OTHER BUSINESS
Final Plat Approval of East Side Business Park,
being 0.6481 acres in the George B. Pilant Survey, Abstract No. 963;
Lazy L Enterprises, Owner (1908 and 1914 East Lamar Street)

Issue
To consider Final Plat approval of East Side Business Park

Background
The property is located at 1908 and 1914 East Lamar Street. The owner would like to plat the property into two lots for commercial development.

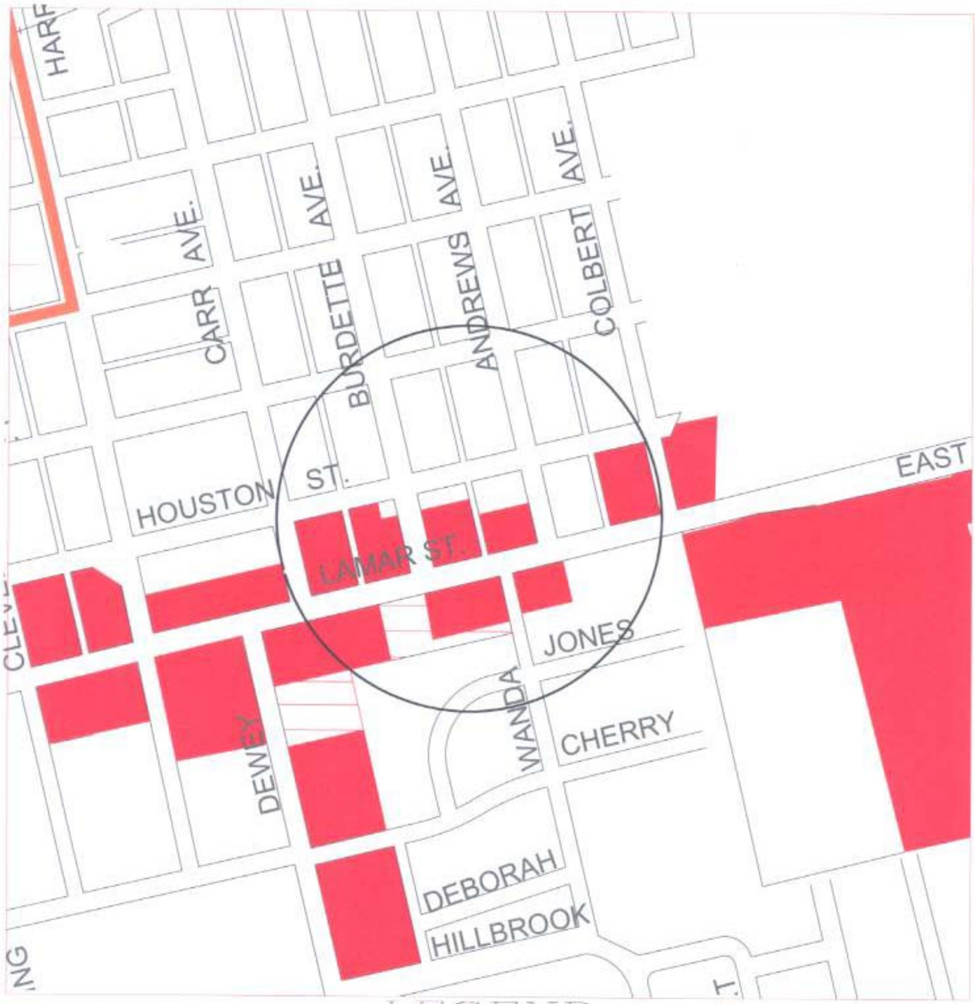
Origination
Lazy L Enterprises (Owner) and Helvey & Associates Surveying, Inc. (Surveyors)

Board Recommendation
At the March 18, 2008 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat 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



LEGEND

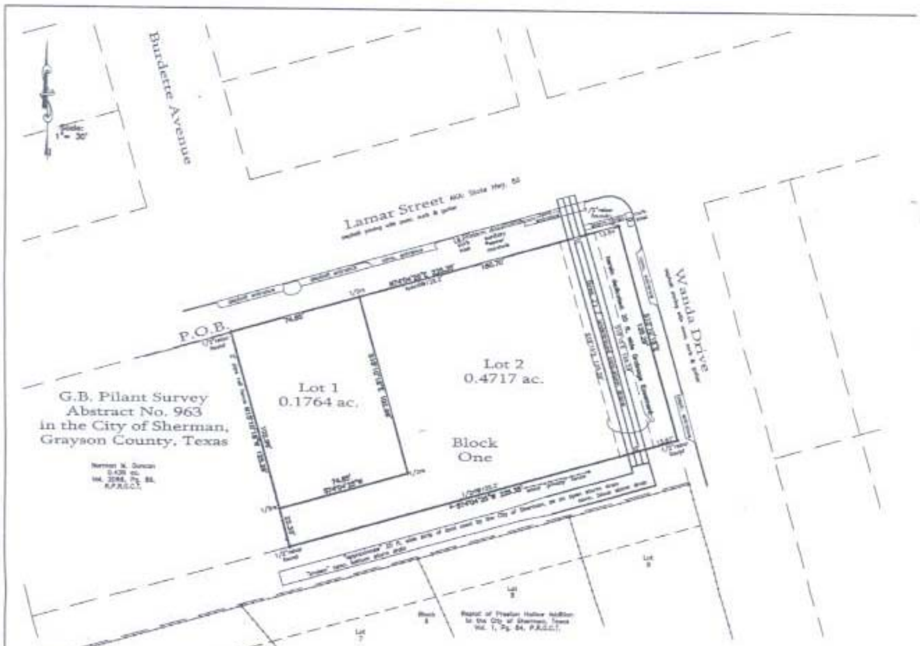
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT
M-2	HEAVY MANUFACTURING DISTRICT
M H	MANUFACTURED HOUSING DISTRICT
	BLALOCK INDUSTRIAL PARK
O-1	OVERLAY DISTRICT - 75 & 82
O-1.1	OVERLAY DISTRICT - 1417
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY
CPO	COLLEGE PARK OVERLAY
A&C	ARTS & CULTURAL OVERLAY DISTRICT
CBD	CENTRAL BUSINESS DISTRICT

1908 & 1914 EAST LAMAR ST.
FINAL PLAT

ENGINEERING DEPARTMENT

N


Lamar



Bearing Base:
Grid North; as derived from a Survey Grade "GPS" System, operated in "RTK" mode, in the U.S. State Plane System, North Central Texas Zone, NAD 1983.

Utility & Easement Certification:
There are existing Utility Services (electrical, telephone, water, gas, sanitary sewer, storm sewer, etc.) on, upon, over and under the subject property shown hereon, however the Surveyor assumes no liability for the existence, location or course of any such Utilities or any Easements (assumed, implied or of record) that may be attached to said Utilities.

Flood Certification:
The subject property shown hereon does not lie within the limits of any "designated" Flood Hazard Areas, as shown on the "FEMA" Flood Insurance Rate Map for Grayson County, Texas, Map No. 48181C0145 E, dated July 17, 1995.

East Side Business Park
to the City of Sherman, Texas

0.6481 acres in the
G. B. Pilant Survey, Abstract No. 963
in the City of Sherman, Grayson County, Texas

Owner & Developer: Lazy L Enterprises
4 Timber Creek Road
Sherman, Texas 75092

General Notes:
1. 1/2rf = 1/2" rebar found
2. 1/2rs = 1/2" rebar set
3. spknf = spike nail with metal flasher found
4. Water Supply is provided by the City of Sherman, Texas.
5. Sanitary Sewer service is provided by the City of Sherman Texas.

Halvey and Associates Surveying, Inc.
222 W. Main St.
Denison, Texas 75020
Ph 903-463-6191 Fax 903-463-4088

Survey Plat: KR/LDDT1/Project/1914-E-Lamar-Sherman

AGENDA ITEM #15

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

March 18, 2008

Jason Sofey, Chairman

1908 and 1914 East Lamar Street
0.6481 acres in the G.B. Pilant Survey, Abstract No. 963
Final Plat

Requested Action/Proposed Use:
Approval of Final Plat of East Side Business Park.

Background
This is redevelopment of existing property that has never been platted.

Adjacent Zoning:
C-1 (Retail Business) District and C-2 (General Commercial) District

Origination:
Lazy L Enterprises (Owner) and Helvey & Associates Surveying, Inc. (Surveyors).

Master Plan Designation:
Retail/Commercial

Attachments:
Location map
Photographs
Final Plat
Staff Review

Prepared by:
Rita Gaither,
Planning & Development Coordinator

Approved by:
Mark Gibson,
Director of Utilities & Engineering Services

STAFF REVIEW LETTER

March 11, 2008

Lazy L Enterprises
4 Timber Creek
Sherman, Texas 75092

Dear Applicants,

The request for approval of a Final Plat of the East Side Business Park Addition concerning the property located at 1908 and 1914 East Lamar Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 18, 2008 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. Utility easement for existing 10" sanitary sewer shall be shown on the plat.
2. Letters from the various utility providers are required verifying availability of service and when service will be available. (City will acquire)
3. Original tax certificates shall be furnished prior to recording of the plat.
4. Each lot shall be on separate water and sewer services.
5. Remove excess information on the plat including curb lines and stormwater statements.
6. Any other changes made to the final plat 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.

It is the policy of this Board not to 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 Rita Gaither, Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Doreen E. McGookey, City Attorney
Helvey & Associates Surveying, Inc., 222 W. Main St., Denison, Texas 75020

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.7

OTHER BUSINESS
Final Plat Approval of the Launching Pad,
being 1.76 acres in the George B. Pilant Survey, Abstract No. 963;
TPCR, LLC, Owner (2100 Block of East Lamar Street)

Issue
To consider Final Plat approval of the Launching Pad

Background
The property is located at the southeast corner of Colbert Street and East Lamar. This is the first phase of development of this property. This development will include street dedication and construction of South Colbert. The property is zoned commercial; and the owners intend to have an indoor batting facility.

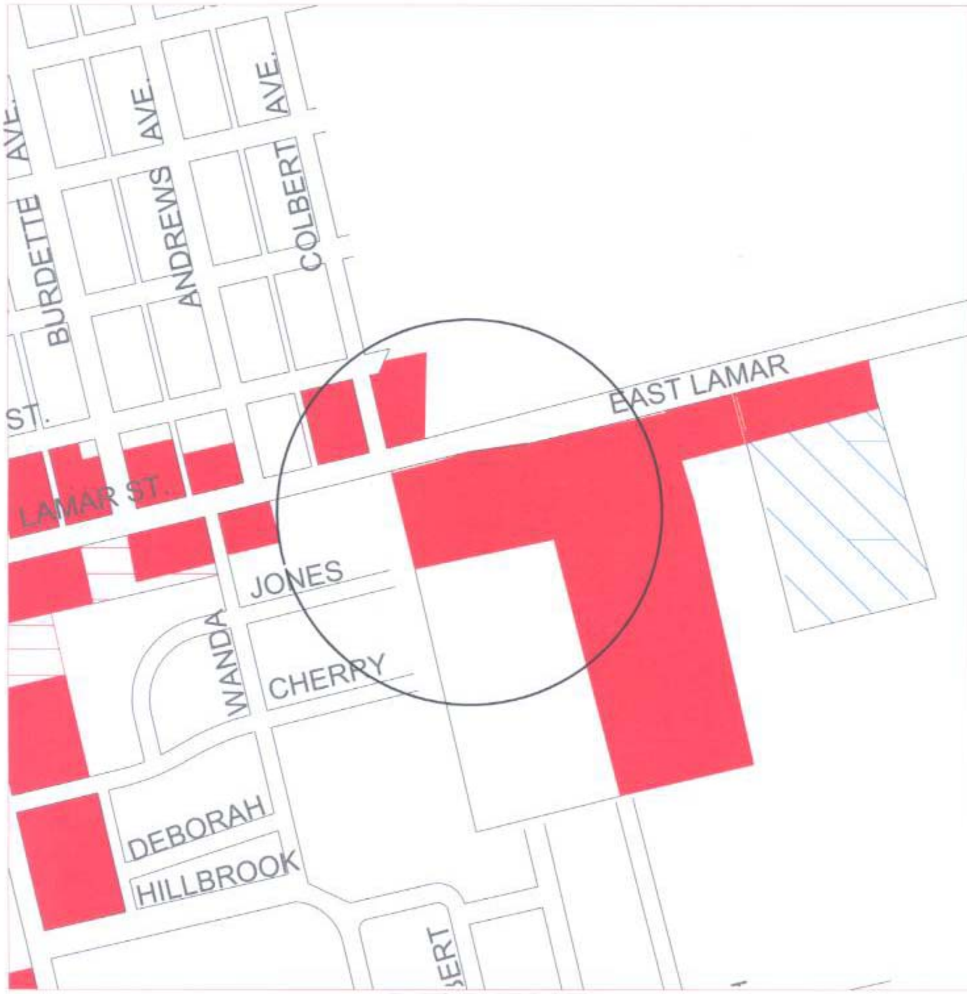
Origination
TPCR, LLC (Owners), Vilbig & Associates (Engineers), and Sartin & Associates (Surveyors)

Board Recommendation
At the March 18, 2008 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat 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



LEGEND

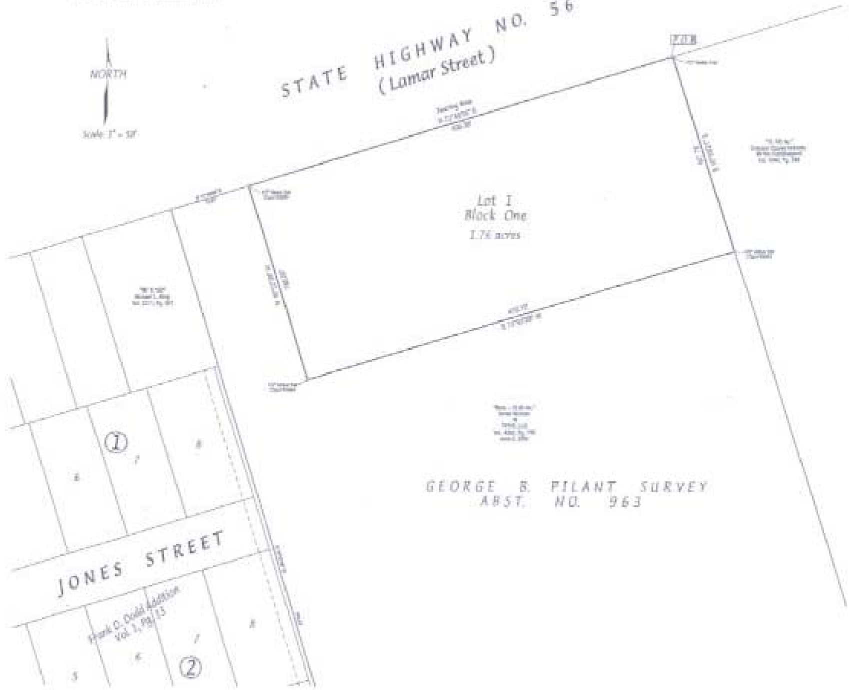
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT
M-2	HEAVY MANUFACTURING DISTRICT
M H	MANUFACTURED HOUSING DISTRICT
	BLALOCK INDUSTRIAL PARK
O-1	OVERLAY DISTRICT - 75 & 82
O-1.1	OVERLAY DISTRICT - 1417
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY
CPO	COLLEGE PARK OVERLAY
A&C	ARTS & CULTURAL OVERLAY DISTRICT
CBD	CENTRAL BUSINESS DISTRICT

2100 BLOCK EAST LAMAR ST.
FINAL PLAT

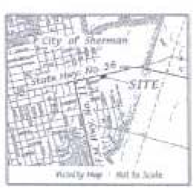
Department of Developmental Services


S.H. 56
Scale: 1 inch = 155.0 feet

NOTICE: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.



LAUNCHING PAD
An Addition
to the
CITY of SHERMAN, TEXAS



Owner & Developer

Derek Humphreys
4200 Quail Run Rd.
Sherman, Texas

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
109 S. Travis P.O. Box 1841 Sherman, Texas 75091-1841

37MGATE.plt

AGENDA ITEM #9

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

March 18, 2008

Jason Sofey, Chairman

2100 Block of East Lamar Street
1.76 acres in the George B. Pilant Survey, Abstract No. 963
Final Plat

Requested Action/Proposed Use:

Approval of Final Plat of the Launching Pad Addition

Background

The property is located at the southeast corner of Colbert Street and East Lamar. This is the first phase of development of this property. This development will include street dedication and construction of South Colbert. The property is zoned commercial and the owners intend to have an indoor batting facility.

Adjacent Zoning:

C-1 (Retail Business) District

Origination:

The request of TPCR, LLC (Owners), Vilbig & Associates (Engineers) and Sartin & Associates (Surveyors).

Master Plan Designation:

Retail/Commercial

Attachments:

Location Map, Photographs, Final Plat, Staff Review

Prepared by:
Rita Gaither,
Planning & Development Coordinator

Approved by:
Mark Gibson,
Director of Utilities & Engineering Services

STAFF REVIEW LETTER

March 11, 2008

TPCR, LLC
2001 Skyline Dr., Ste. A-145
Sherman, Texas 75092

Dear Applicants,

The request for approval of a Final Plat of the Launching Pad concerning the property located in the 2100 Block of East Lamar has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 18, 2008 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. (City will acquire)
2. Original tax certificates shall be furnished prior to recording of the plat.
3. Water Pro Rata in the amount of $7,249.35 is required.
4. Sewer Pro Rata in the amount of $6,282.77 is required.
5. A utility layout is to be provided to the City of Sherman Engineering Department.
6. Detention facilities are required unless runoff from the site can be directly carried to a designated FEMA floodway that has adequate capacity. A drainage plan shall be provided.
7. Any other changes made to the final plat 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.

It is the policy of this Board not to 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 Rita Gaither, Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Doreen E. McGookey, City Attorney
Angela Gurley, Customer Service Manager
Vilbig & Associates, 10132 Monroe Drive, Dallas, Texas 75229
Sartin & Associates Survey Company, P.O. Box 1843, Sherman, Texas 75090

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.8

**** OTHER BUSINESS***

Final Plat Approval of Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction, being 51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey, Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368, and the John K. Miller Survey, Abstract No. 819; Robert J. Tate, Christopher Rehmet, and Claire Rehmet, Owners [2100-2400 Blocks of Hudgins Road (Highway 289 Extension) and the 400-500 Blocks of Preston Club Drive]

Issue
To consider Final Plat approval of Preston Club, The Classics - Phase Four in the City of Sherman's Extra Territorial Jurisdiction (ETJ)

Background
The property is located in the City of Sherman's ETJ and is a continuation of the Preston Club Addition. The plat will consist of 89 lots for residential and commercial development.

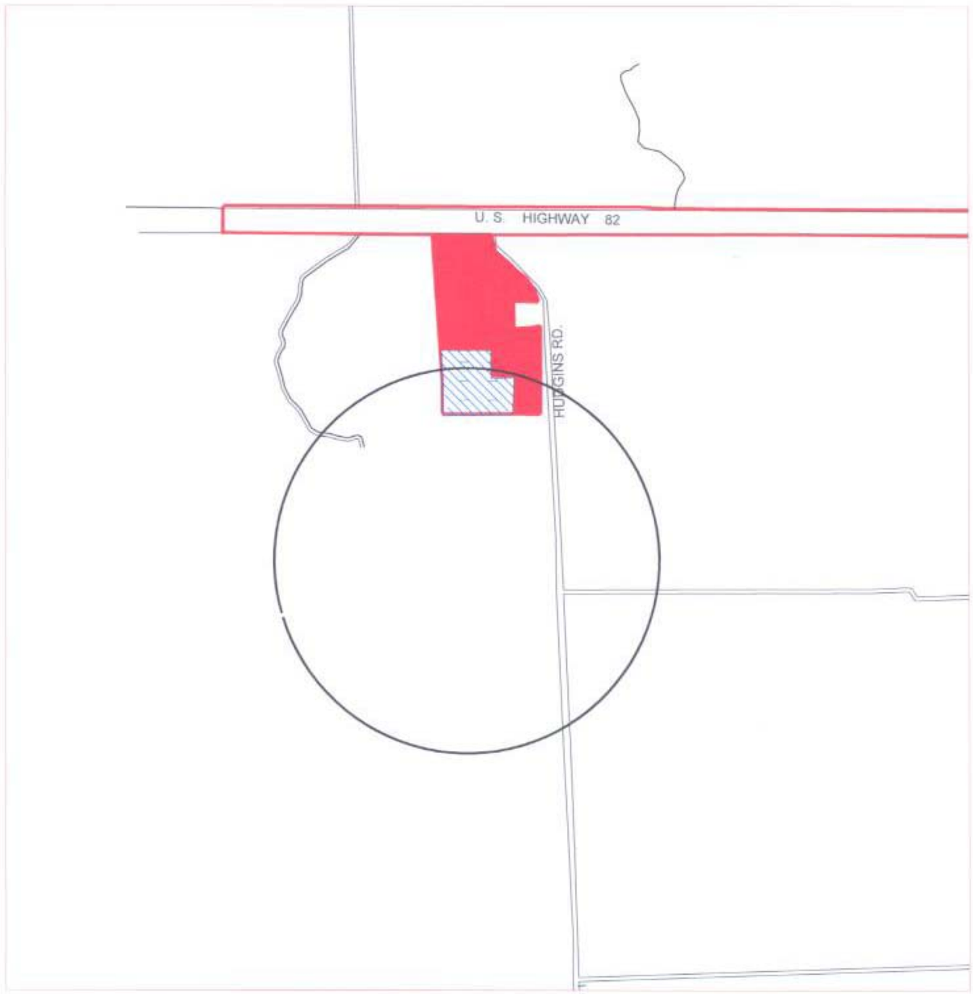
Origination
Robert J. Tate, Christopher Rehmet, and Claire Rehmet (Owners); Sartin and Associates (Surveyors); and George Kalmon (Engineer)

Board Recommendation
At the March 18, 2008 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat 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



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
CO	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT
M-2	HEAVY MANUFACTURING DISTRICT
M H	MANUFACTURED HOUSING DISTRICT
	BLALOCK INDUSTRIAL PARK
O-1	OVERLAY DISTRICT - 75 & 82
O-1.1	OVERLAY DISTRICT - 1417
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEWAY
CPO	COLLEGE PARK OVERLAY
A&C	ARTS & CULTURAL OVERLAY DISTRICT
CBD	CENTRAL BUSINESS DISTRICT

2100-2400 BLOCKS HUDGINS ROAD
FINAL PLAT

ENGINEERING DEPARTMENT


Hudgins

DANIEL BIDDENBACK SURVEY
GOLF COURSE
PRESTON CLUB DRIVE
ROBERTS
WOODLAND WAY
FOREST LANE
BOULEVARD
PRAIRIE VIEW
PRESTON CLUB
THE CLASSICS — PHASE FOUR
An Addition to Grayson County, Texas
NORTH

AGENDA ITEM #13

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

March 18, 2008

Jason Sofey, Chairman

2100-2400 Blocks of Hudgins Road (Highway 289 Extension)
and the 400-500 Blocks of Preston Club Drive
51.57 acres in the Daniel Bickenback Survey, Abstract No. 128, the J.M. Thomas Survey, Abstract No. 1234, the Henry L. Douglas Survey, Abstract No. 368 and the John K. Miller Survey, Abstract No. 819
Final Plat

Requested Action/Proposed Use:
Approval of the Final Plat of Preston Club, The Classics – Phase Four in the City of Sherman's Extra Territorial Jurisdiction

Background
The property is located in the extra territorial jurisdiction of the City of Sherman and is a continuation of the Preston Club Addition.

Adjacent Zoning:
NA

Origination:
Robert J. Tate, Christopher Rehmet, Claire Rehmet (Owners), Sartin and Associates (Surveyors), and George Kalmon (Engineer)

Master Plan Designation:
Residential

Attachments:
Location Map, Photographs, Final Plat, Staff Review

Prepared By:	**Approved By:**
Rita Gaither	**Mark Gibson,**
Planning & Development Coordinator	**Director of Utilities and Engineering**

STAFF REVIEW LETTER

March 11, 2008

Robert J. Tate
4520 Texoma Parkway
Sherman, Texas 75090

Christopher Rehmet
Claire Tate Rehmet
4520 Texoma Parkway
Sherman, Texas 75090

Dear Applicants,

The request for approval of a Final Plat of Preston Club, The Classics, Phase Four concerning the property located in the 2100 - 2400 Blocks of Hudgins Road (S.H. 289 Extension) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 18, 2008 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. A preliminary drainage plan is to be provided. Detention is required unless the runoff from the development can be directly discharged to designated FEMA floodway that has adequate capacity.
2. Development in the floodplain shall follow City of Sherman regulation.
3. Remove Note 4 from the plat.
4. Finished floor elevations shall be 2’ above the floodplain. Base flood elevations (BFE) shall be determined according to the FEMA manual “Managing Floodplain Development in Approximate Zone A Areas”.
5. It is recommended that a lot grading plan be included in the construction plans.
6. A variance is required for no public street frontage. The plat as presented will not be recorded until a variance is granted.
7. A variance is required to construct a rural type roadway with lots less than an acre. The plat as presented will not be recorded until a variance is granted.
8. Street names shall be verified as acceptable by Grayson County 911 system to avoid duplications.
9. Any access to Hwy. 289 will require conformance to TxDOT guidelines.
10. At a minimum, utilities shall be constructed according to TCEQ rules.
11. Letters from the various utility providers are required verifying availability of service and when service will be available.
12. Original tax certificates shall be furnished prior to recording of the plat.

13. No fences or permanent structures shall be located in the roadway easements.
14. All improvements shall be inspected by the City of Sherman.
15. Any other changes made to the final plat 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.

It is the policy of this Board not to 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 Rita Gaither, Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Utilities and Engineering

cc: George Olson, City Manager
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Doreen E. McGookey, City Attorney
Jerry White, Planning Director, Grayson County Courthouse, 100 W Houston, Sherman, TX 75090
George Kalmon, 1814 W. Murray St., Denison, TX 75020
Sartin & Associates Survey Company, P.O. Box 1843, Sherman, Texas 75091

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.9

**** OTHER BUSINESS***

Site Plan Approval for Kaiser Aluminum under Ordinance No. 2252, Article IV, Section 410 (2)(j) for a Concrete Pad with a Six (6) Foot Concrete Wall for Outside Storage of Scrap Aluminum and an Extension of an Eight (8) Foot Chain Link Fence in the Blalock Industrial Park District at 4300 U.S. Highway 75 South

Issue

This item is to consider the request of Kaiser Aluminum (Owner) for a site plan for a concrete pad with a six (6) foot concrete wall for outside storage of scrap aluminum and an extension of an eight (8) foot chain link fence in the Blalock Industrial Park District at 4300 U.S. Highway 75 South. They would like to erect an 8' chain link fence from the pad to adjoin TxDOT's chain link fence on the north and erect an 8' chain link fence near the front of the building to the north connecting to TxDOT's chain link fence.

Background

Blalock Industrial Park District: *No building permit for the construction of any building or buildings on any tract shall be issued unless and until the building inspector of the City of Sherman, and superior authority, where necessary, has approved the site plan for the tract for which application is made showing not only types and locations of building or building, but also lay-out of parking areas and areas for unloading and loading.*

Origination

Kaiser Aluminum (Owners) and Jerry May (Representative)

Board Recommendation

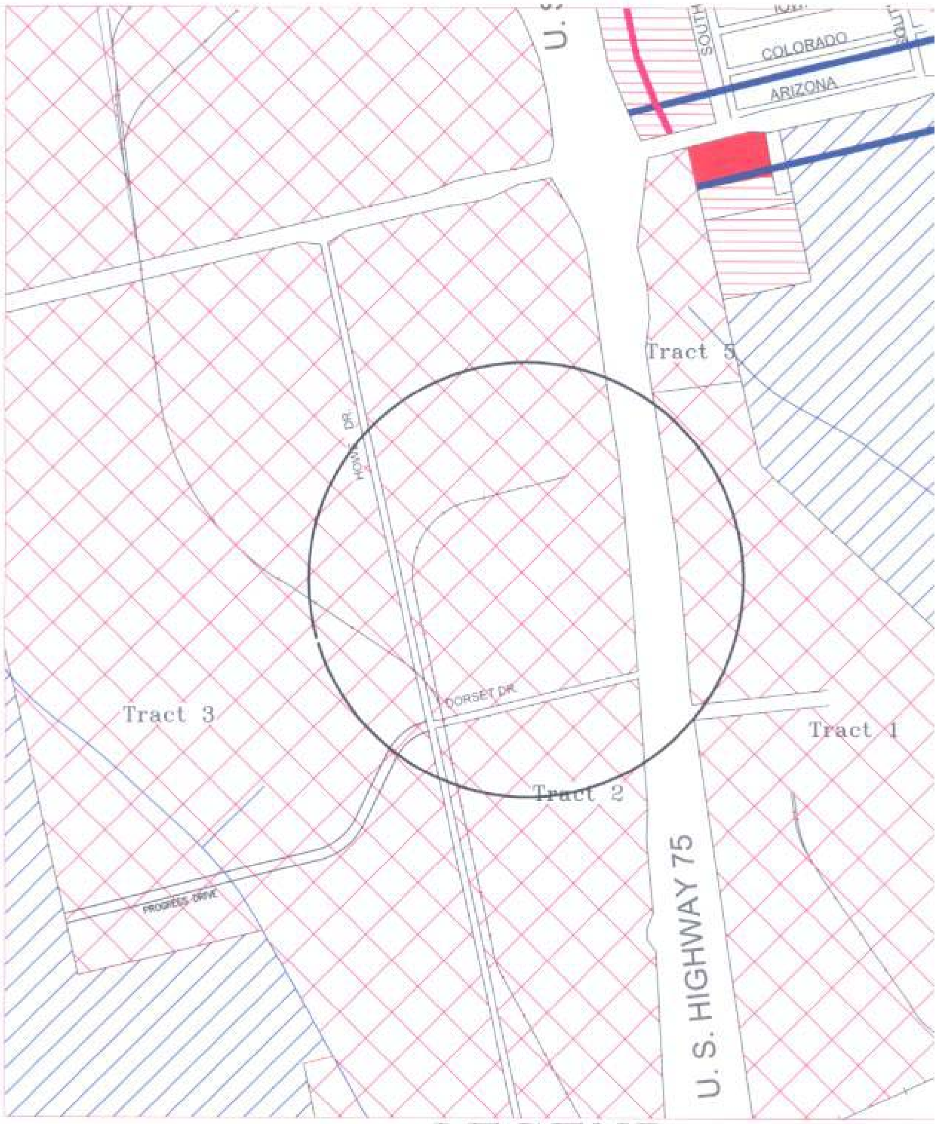
At the regular meeting on March 18, 2008, the Planning and Zoning Board voted 6/0 to approve the site plan and to forward the request to the City Council.

Attachments

Location Map
Photographs
Site Plan
P&Z Communications Form
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING D
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M H	MANUFACTURED HOUSING
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 8:
C-1	RETAIL BUSINESS DISTRICT	O-1.1	OVERLAY DISTRICT - 1417
C-2	GENERAL COMMERCIAL DISTRICT	O-1.2	OVERLAY DISTRICT -SAM R
CO	OFFICE DISTRICT	CPO	COLLEGE PARK OVERLAY
M-1	LIGHT MANUFACTURING DISTRICT	A&C	ARTS & CULTURAL OVERLA
M-1.5	MEDIUM MANUFACTURING DISTRICT	CBD	CENTRAL BUSINESS DISTRI

4300 U.S. HIGHWAY 75 SOUTH

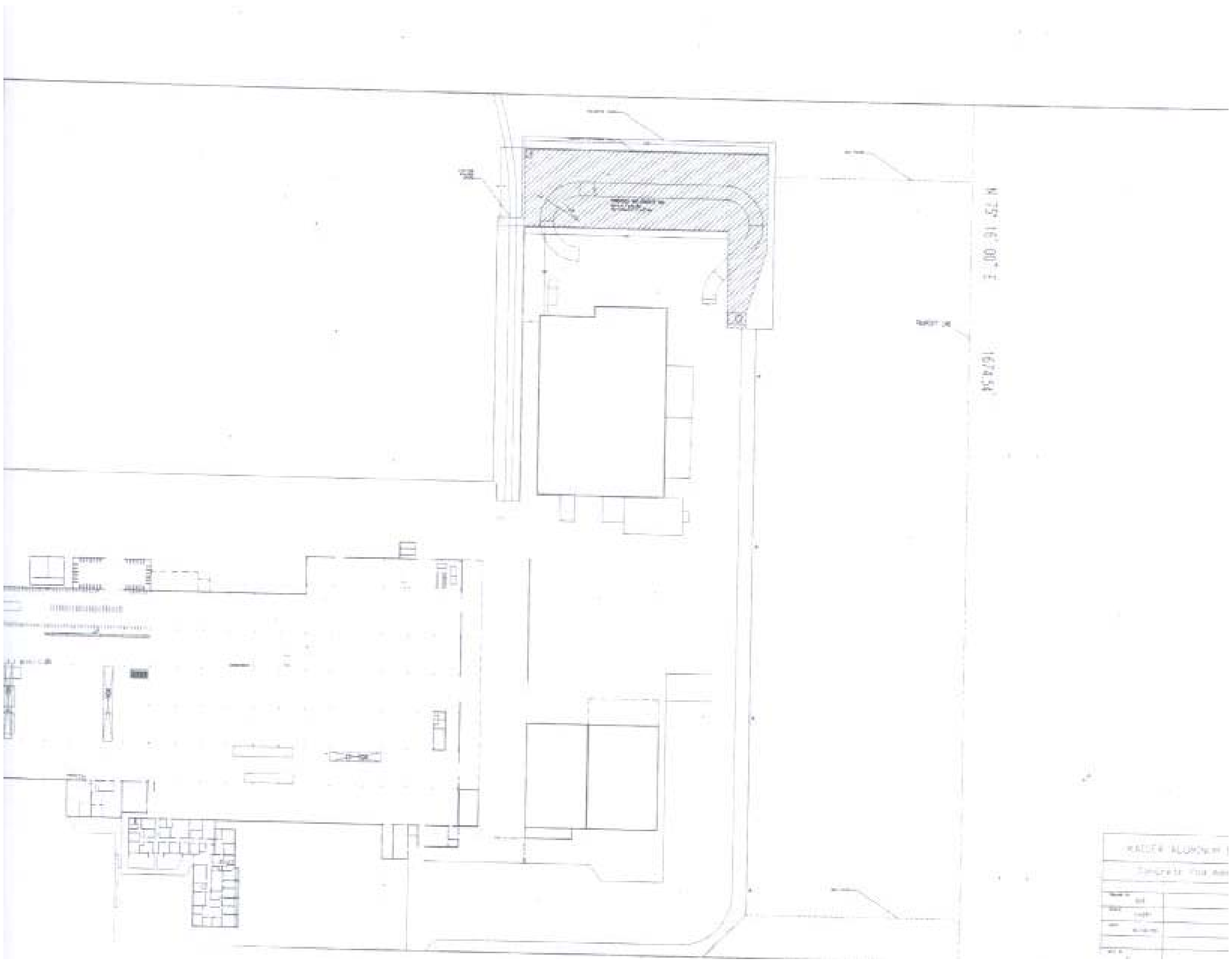
SITE PLAN

Department of Developmental Services


Hwy 75
Average Scale: 1 inch = 279.4 feet
(c) Copyright 2006, Pictometry International C

4300 Hwy 75 S.


KAISER
ALUMINUM
SHERMAN PLANT
4300
ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7232
03/03/2008


KAISER ALUMINUM

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

March 18, 2008

4300 U.S. Highway 75 South
Being 45.923 acres in the Samuel Blagg Survey, Abstract No. 329
Site Plan

Requested Action/Proposed Use:
Site plan approval for a concrete pad with a six (6) foot concrete wall for outside storage of scrap aluminum and an extension of an 8 foot chain link fence in the Blalock Industrial Park.

Background
The property is located at 4300 U.S. Highway 75 South; Kaiser Aluminum. They would like to construct a concrete pad with a 6’ concrete wall on the back to be used for storage of scrap metal. They also would like to erect an 8’ chain link fence from the pad to adjoin TXDOT’s chain link fence on the north and erect an 8’ chain link fence near the front of the building to the north connecting to TXDOT’s chain link fence.

Adjacent Zoning:
Blalock Industrial Park

Origination:
Kaiser Aluminum (Owners) and Jerry May (Representative)

Master Plan Designation:
Industrial

Number of notices mailed:
32

Objections Received:
0

Attachments:
Location Map, Photographs, Site Plan, Staff Review Letter

Prepared by:
Patsy Reeves,
Development Services Secretary

Approved by:
Scott Shadden,
Director of Development Services

STAFF REVIEW LETTER

March 12, 2008

Kaiser Aluminum
4300 Hwy. 75 South
Sherman, Texas 75092

Kaiser Aluminum
Jerry May
4300 Hwy. 75 South
Sherman, Texas 75092

Dear Applicants,

The request for approval of the site plan for the property located at 4300 U.S. Highway 75 South has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 18, 2008 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. Current drainage patterns shall be maintained.
2. Site plan approval is valid for a period of one-year. If substantial progress has not been made with the development within one year, the site plan shall be resubmitted for staff approval and if changed, commission approval.
3. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to 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.

Respectfully,

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

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
Doreen E. McGookey, City Attorney
James Shankles, Jr., P.E., City Engineer
Rita Gaither, Development Coordinator

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.10

**** OTHER BUSINESS***

Site Plan Approval for The Westmoreland Company, Inc. (Owners), FedEx Ground (Tenant), and Greg Mitchell, Benchmark Design Group, LLP (Engineers) under Ordinance No. 2252, Article IV, Section 410 (2)(j) for the Expansion of an Existing FedEx Ground Facility in the Blalock Industrial Park District at 3221 Northgate Drive

Issue

This item is to consider the request of The Westmoreland Company, Inc. (Owners), FedEx Ground (Tenant), and Greg Mitchell, Benchmark Design Group, LLP (Engineers) concerning the property at 3221 Northgate Drive, being Lot 3, Block 1 of Northgate Business Park, Phase 1 and in Tract 4.1 of the Blalock Industrial Park for a site plan for an expansion of an existing FedEx Ground Facility in the Blalock Industrial Park District. They would like to construct a 910 square foot office expansion and a 27,325 square foot Distribution Center expansion to the existing plant for a total of 28,235 square feet. They will also be adding 76 parking spaces and 11 tractor trailer parking spaces.

Background

Blalock Industrial Park District: *No building permit for the construction of any building or buildings on any tract shall be issued unless and until the building inspector of the City of Sherman, and superior authority, where necessary, has approved the site plan for the tract for which application is made showing not only types and locations of building or building, but also lay-out of parking areas and areas for unloading and loading.*

Origination

The Westmoreland Company, Inc. (Owners); FedEx Ground (Tenant); and Greg Mitchell, Benchmark Design Group, LLP (Engineers)

Board Recommendation

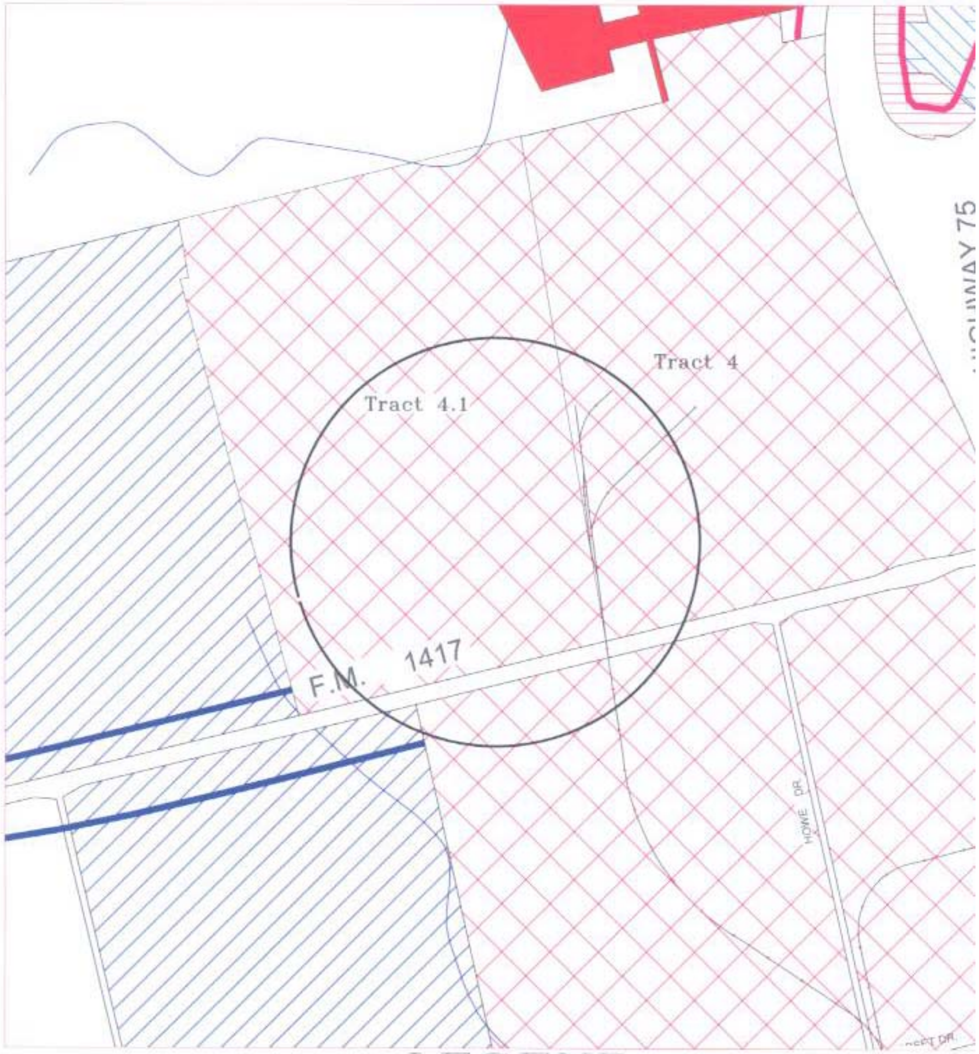
At the regular meeting on March 18, 2008, the Planning and Zoning Board voted 7/0 to approve the site plan and to forward the request to the City Council.

Attachments:

Location Map, Photographs, Site Plan, P&Z Communications Form and Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



LEGEND

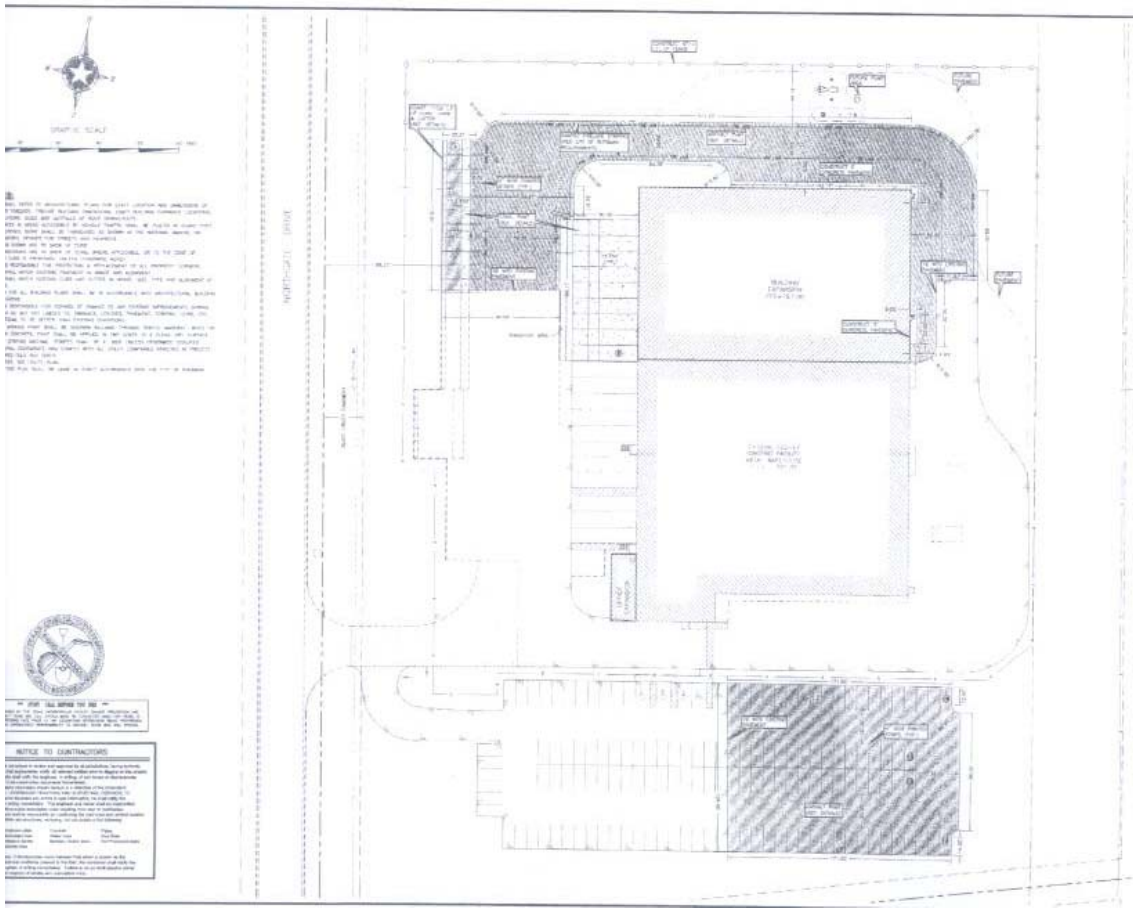
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-1	ONE AND TWO FAMILY RESIDENTIAL DISTRICT
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
C-1	RETAIL BUSINESS DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
C O	OFFICE DISTRICT
M-1	LIGHT MANUFACTURING DISTRICT
M-1.5	MEDIUM MANUFACTURING DISTRICT
M-2	HEAVY MANUFACTURING DISTRICT
M H	MANUFACTURED HOUSING DISTRICT
	BLALOCK INDUSTRIAL PARK
O-1	OVERLAY DISTRICT - 75 & 82
O-1.1	OVERLAY DISTRICT - 1417
O-1.2	OVERLAY DISTRICT -SAM RAYBURN FREEV
CPO	COLLEGE PARK OVERLAY
A&C	ARTS & CULTURAL OVERLAY DISTRICT
CBD	CENTRAL BUSINESS DISTRICT

3221 NORTHGATE DRIVE SITE PLAN

ENGINEERING DEPARTMENT


Northgate
F.M. 1417
Average Scale: 1 inch = 175.2 feet

3221 Northgate Dr.


GRAPHIC SCALE
NOTICE TO CONTRACTORS

AGENDA ITEM #5

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

March 18, 2008

Jason Sofey, Chairman

Jim Jacobs, Vice Chairman	**John Nix, Commissioner**
Jason Bethel, Commissioner	**Steve Jones, Commissioner**
Lawrence Davis, Commissioner	**David Plyler, Commissioner**
Robert Softly, Commissioner	**Robin Atherton, Commissioner**

3221 Northgate Drive
Being Lot 3, Block 1 of Northgate Business Park, Phase 1
Site Plan

Requested Action/Proposed Use:
Site plan approval for an expansion of existing FedEx Ground Facility in the Blalock Industrial Park District.

Background
The property is located at 3221 Northgate Drive; FedEx Ground is the tenant. They would like to construct a 910 square foot office expansion and a 27,325 square foot Distribution Center expansion to the existing plant for a total of 28,235 square feet. They will be adding 76 parking spaces and 11 tractor trailer parking spaces.

Adjacent Zoning:
Blalock Industrial Park District

Origination:
The Westmoreland Company, Inc. (Owners) FedEx Ground (Tenant) and Greg Mitchell, Benchmark Design Group, LLP (Engineers)

Master Plan Designation:
Industrial

Number of notices mailed:
32

Objections Received:
0

Attachments:
Location Map; Photographs; Site Plan; Staff Review Letter

Prepared by:	**Approved by:**
Patsy Reeves,	**Scott Shadden,**
Development Services Secretary	**Director of Development Services**

STAFF REVIEW LETTER

March 12, 2008

Northgate Development Trust
%FedEx Ground
Attn: Jennifer Nicholson
1000 FedEx Drive
Moon Township, PA 15108

The Westmoreland Company, Inc.
200 Randolph Ave, Ste. 200
Huntsville, AL 35801-4899

Benchmark Design Group
Greg Mitchell, PE
2026-B Republic Drive
Tyler, TX 75701

Dear Applicants,

The request for approval of the site plan for the property located at 3221 Northgate Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 18, 2008 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. Proposed improvements exceed one (1) acre. A drainage plan utilizing detention shall be submitted to the Engineering Department for approval.
2. All driving and parking areas shall be constructed of concrete.
3. "Future Pump Area" shown on the site plan needs to be screened.
4. All requirements of the Blalock Industrial Ordinance shall be met.
5. Site plan approval is valid for a period of one-year. If substantial progress has not been made with the development within one year, the site plan shall be resubmitted for staff approval and if changed, commission approval.
6. Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

It is the policy of this Board not to 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.

Respectfully,

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

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Danny Fuller, Fire Marshal
Jeff Miller, Director of Public Works
James Shankles, Jr., P.E., City Engineer

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.11

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.12

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.13

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
a) Library Board (2)

Issue
There are currently two vacancies on the Library Board. Ron Roberts and Darlene Schweizer have applied to serve on the Board.

Background
The Library Board serves in an advisory capacity to the City Librarian, the City Manager, and the City Council.

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

Financial Consideration
There is no financial consideration to the City.

Staff Recommendation
It is recommended that the City Council consider appointments to the Library Board.

Alternatives
The City Council could delay appointments to the Board.

Attachments
A membership roster, fact sheet, applicant list, and applications are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

LIBRARY BOARD

LENGTH OF TERMS: THREE YEARS
Term Limit: Three Consecutive Terms

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Nan Jones	4	A 3/20/2007	3/20/2010	1	Members are required to be residents of Sherman; have knowledge of Library Affairs and operations; and appreciate books.
Dr. Charles Whitefield	4	A 4/3/2007	4/3/2010	1	
Vacant					
Kate Whitfield	4	U 2/23/2005 R 9/30/2006	9/30/2006 9/30/2009	1 2	
Mib Garrard	4	U 9/4/2002 R 9/30/2003 R 9/30/2006	9/30/2003 9/30/2006 9/30/2009	0 1 2	
Vacant			9/30/2009		
Barbara R. Brown	1	U 11/14/2000 R 9/30/2003 R 9/30/2006	9/30/2003 9/30/2006 9/30/2009	1 2 3	

NOTE:

CITY STAFF: Jacqueline Banfield, Director of Library Services
Revised 4/3/2007

FACT SHEET

LIBRARY BOARD

Established by ORDINANCE 1736 – APRIL 14, 1948; REVISED ORDINANCE 4223 – OCTOBER 21, 1991; REVISED ORDINANCE 4367 – OCTOBER 3, 1994

1. Number of Members: SEVEN
2. Term of Appointment: THREE YEARS
3. Consecutive Term Rule: THREE TERMS – ORDINANCE 4223 (10/21/91)
4. Qualifications for Membership: RESIDENTS OF SHERMAN; KNOWLEDGE OF LIBRARY AFFAIRS AND OPERATION; APPRECIATION OF BOOKS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

   CHAIRPERSON _E__ VICE CHAIRPERSON ____ SECRETARY _E_____

   ELECTED _E__ APPOINTED __

7. Departmental Responsibility: DIRECTOR OF LIBRARY SERVICES
8. Meeting Date: NO RULE – AS SET BY BOARD BY-LAWS
9. Attendance Requirements: NO RULE – AS SET BY BOARD BY-LAWS

==

PURPOSE:
Shall serve in an advisory capacity with the City Librarian, the City Manager and the City Council.

RESPONSIBILITIES:
Said Board shall have no authority to bind the City of Sherman to any contract or interfere in any manner with City operations of Library Services.

APPLICANT LIST

Library Board

Positions Vacant __2__

Applicant	Address	District	Qualifications
Ron Roberts	1925 Timberline Lane	4	Retired Grayson County College Instructor
Darlene Schweizer	1408 Crescent	4	Part-time Legal Assistant Samuel W. Graber, Attorney

COMMENTS:

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

RECEIVED
In the
CITY CLERK'S
OFFICE

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Ronald Richard Roberts (Ron)

(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Library Board

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: 1925 Timberline Lane	Business Name: Retired from GCC
Mailing Address: 1925 Timberline Lane	Occupation: Instructor (retired)
Telephone: 903-893-8540 Fax:	Address:
E-Mail: ronkathy1@verizon.net	Telephone: Fax:
Sherman Resident for 31 years County: 33	E-Mail:
Drivers License No.: 01557939	
*Voter Registration No.: 1024876745 ✓	

Which Council District do you live in? *(see attached map)* District 4 ✓

Prior work experience: *(please include dates)*
Grayson County College 1973-2007 Instructor
Campbell ISD 1969-1975 Instructor
East Texas State University 1967-1969 Lab Instructor

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1965
Business College, Correspondence School, Adult Education, Other?
Name of College/University: East Texas State Unv ☒ Bachelor's ☒ Master's ☐ PhD
Now A&M Commerce, also UT Austin & UNT

Volunteer Work: *(please include dates)*
Trinity Presbyterian now Covenant Presbertian Church 1975-2008
Great Days of Service 2003-2008 (at least)

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes- No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______________________________

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?
Our democracy is predicated upon a literate and well educated society. Each citizen needs to have access to information to make intelligent decisions.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) Probably the most important issue is the nature of the material maintained in the library. It is a public library and many different views should be reflected in its collections. I am supportive of the excellent job now being done by the Director of Library Services and her staff.

2) The qualify of the physical building would be a second issue concerning the Board. It must continue to be well maintained and user-friendly.

3) A third issue facing the Board is the ever-changing technology. Knowing when to replace onetechnology with another is a vrry challenging and often expensive issue. We must embrace new technologies when appropriate.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:
During my teaching experience I served as a department chair for 9 years. I am experienced with schedules, budget constraints, and "dealing with the public."

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:
I have several friends on the Friends of the Sherman Public Board but do not consider that a conflict.

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No
Comments: I have visited with the current President of the Library Board.

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: Ron Roberts *Date:* 3-11-08

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: DARLENE RAE SCHWEIZER
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: LIBRARY BOARD

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information

Home Address: 1408 CRESCENT DR, SHERMAN 75092
Mailing Address: SAME
Telephone: 903-893-7652 Fax: —
E-Mail: dschweizer@verizon.net
Sherman Resident for 20 years County: 27
Drivers License No.: 11916114
*Voter Registration No.: 1025049199 ✓

Occupational Information

Business Name: SAMUEL W GRABER, ATTY
Occupation: LEGAL ASST
Address: 716 E PEYTON
Telephone: 903-868-9328 Fax: 903-891-1034
E-Mail: darlene@graber-richardson.com
PARTTIME

Which Council District do you live in? *(see attached map)* D-4 ✓

Prior work experience: *(please include dates)* SAMUEL W. GRABER, ATTY 1981 – Current

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1962
Business College, Correspondence School, Adult Education, Other? 2 yr Assoc. Degree
Name of College/University: University of Ark @ Fort Smith ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: *(please include dates)* Friends of Sherman Public Library 1997-2006; Sherman Community Players - 1987 - Current (Currently Board Pres); Red River Historical Museum 1994-1997; Covenant Presbyterian Church 1992 - Current;

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☑ No

If so, which one? ______________________

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?
I Am INTERESTED IN The future of The LIBRARY

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) Supporting The library STAFF

2) MAINTAINING The quality of inventory

3) Looking to The future of The physical plant

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:
NONE

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☑ Yes ☐ No
Comments: Represented Friends of Sherman Public Library During term As President

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: [illegible] *Date:* 4/1/08

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.14

TABLED AT THE MARCH 3, 2008 COUNCIL MEETING:
APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
a) Parks and Recreation Advisory Board (2)

Issue

This item was tabled at the March 3, 2008 Council meeting. A motion and order are required to remove this item from the table for Council action.

With the resignation of Nat McClure and Joey Womble, there are two vacancies on the Parks and Recreation Advisory Board. We have received applications from John Markl, Dorothy “Dee” Beaver, Christopher Oestreich, and Casey Peacock. Any appointments will be to fill unexpired terms to September 5, 2009.

Background

The Parks and Recreation Advisory Board advises the City Council on long-range planning and the implementation of programs and activities conducted by the Parks and Recreation Department.

Origination

The request originated with the City Clerk’s Office.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is recommended that the City Council consider appointments to the Parks and Recreation Advisory Board.

Alternatives

The City Council could choose not to appoint new members.

Attachments

A membership roster, fact sheet, applicant list, and applications are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

PARKS & RECREATION BOARD

LENGTH OF TERMS: TWO YEARS
Ord. 4112 Consecutive Term Limit (3)*effective 7/24/89

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Nancy Kirkpatrick	1	U 8/8/2006 R 2/23/2007	2/23/2007 2/23/2009	0 1	
Vacant			9/5/2009		
Shane Best	4	A 6/19/2007	6/19/2009	1	
Vacant			9/5/2009		
Margie Morris	4	A 11/8/2005 R 11/8/2007	11/8/2007 11/8/2009	1	
Jo Ann Osburn	1	A 9/5/2007	9/5/2009	1	
Jennifer Thompson	4	A 11/8/2005 R 11/8/2007	11/8/2007 11/8/2009	1	

NOTE:

Chair: Term:
Vice Chair:

CITY STAFF: Larry Wortham, Director of Parks and Community Service
Revised 4/2/2008

FACT SHEET

PARKS AND RECREATION BOARD

Established by ORDINANCE 3181 – MARCH 28, 1977

1. Number of Members: SEVEN (7)
2. Term of Appointment: TWO (2) YEARS
3. Consecutive Term Rule: THREE (3) TERMS – ORDINANCE 4112 (7/24/89)
4. Qualifications for Membership: INTEREST IN PROGRAMS AND ACTIVITIES CONDUCTED BY PARKS AND RECREATION DEPARTMENT. A STUDENT OF SHERMAN HIGH SCHOOL DESIGNATED BY STUDENT COUNCIL, AND THE DIRECTOR OF PARKS AND RECREATION SHALL BE EX-OFFICIO,NON-VOTING MEMBERS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization

   CHAIRPERSON _E_ VICE CHAIRPERSON ___ SECRETARY _A___

   ELECTED ___ APPOINTED ___
7. Departmental Responsibility: PARKS AND RECREATION DEPARTMENT
8. Meeting Date: FIRST WEDNESDAY OF EACH MONTH
9. Attendance Requirements: WILL FORFEIT SEAT BY MISSING 3 CONSECUTIVE MEETING WITHOUT GOOD CAUSE

==

PURPOSE:
To assist in long-range planning and implementation of programs and activities conducted by the Parks and Recreation Department.

RESPONSIBILITIES:
Advise concerning future development; to study and make recommendations concerning additional park land or sites; and to recommend means for maximum utilization of facilities.

APPLICANT LIST

Parks and Recreation Advisory Board

Positions Vacant 2

Applicant	Address	District	Qualifications
John Markl	805 W. Lamberth Rd	1	Markl & Sons HVAC Contractor
Dorothy Beaver	1424 Yarborough	4	
Christopher Oestreich	1729 Archer Dr.	4	Lamar Advertising Account Executive
Casey Peacock	2005 Bois D'Arc	1	Henchs Country Livn Homes Owner

COMMENTS:

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: JOHN MARKL
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: PARKS + RECREATION

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information		**Occupational Information**	
Home Address:	805 W LAMBERTH RD	Business Name:	MARKL + SONS
Mailing Address:	SAA	Occupation:	HVAC CONTRACTOR
Telephone:	903 893-3011 Fax: N/A	Address:	119 E BROCKETT
E-Mail:	johnmarkl e cableone, net	Telephone:	903 893 3060 Fax: N/A
Sherman Resident for	30 years County: Grayson	E-Mail:	marklandsons e cableone, net
Drivers License No.:	09282232		
*Voter Registration No.:	1024982492 ✓		

Which Council District do you live in? *(see attached map)* (1) ONE ✓

Prior work experience: *(please include dates)*
HVAC CONTRACTOR 1993 - 2000 2002 - PRESENT
PLANT MANAGER 1992-1993 2001-2002
CITY OF SHERMAN 1996-1992

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1978
Business College, Correspondence School, Adult Education, Other? GRAYSON CO COLLEGE ABA
Name of College/University: U TARLINGTON ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: *(please include dates)*
SHERMAN CITY COUNCIL 1996 - 2004 2005-07

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

N/A

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?

TO HELP SET LONG TERM GOALS FOR SHERMAN'S PARKS & REC SYSTEM

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) VARIETY OF FACILITY REQUESTS FROM CITIZENS

SETTING LONG TERM GOALS & PRIORITIZING THEM

2) WALKING - HIKING - BIKING TRAILS

CREATE A CONTIGOUS SYSTEM OF TRAILS THAT "GO SOMEWHERE"

3) MODERNIZING FACILITIES

SEEK COST EFFECTIVE UPGRADES SIMILAR TO THE HAWN POOL - SPLASH PARK PROJECT

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

20 YEAR AFFILIATION W/ CITY OF SHERMAN

ABLE TO VIEW P&R W/ RESPECT TO THE "BIG PICTURE" OF CITY BUSINESS

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

NONE

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No

Comments: SPOKEN W/ BRAD DOUGLASS ON TRAILS, SPEAK FREQUENTLY W/ NANCY KIRKPATRICK

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

***I affirm that I am qualified to vote.*

Signature: John Moul *Date:* 6/20/07

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

RECEIVED
In the
CITY CLERK
OFFICE

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: DOROTHY M. BEAVER [DEE BEAVER]
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: RECREATION BOARD

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: 1424 YARBOROUGH	Business Name:
~~Mailing Address~~: SHERMAN TEX 75092	Occupation:
Telephone: 903-891-4669 Fax:	Address:
E-Mail:	Telephone: Fax:
Sherman Resident for 4 years County: GRAYSON	E-Mail:
Drivers License No.: 09254054	
*Voter Registration No.: 400921 ✓	

Which Council District do you live in? *(see attached map)* Dist. 4 ✓

Prior work experience: *(please include dates)*
YWCA OF WESTERN MONMOUTH COUNTY 1953-2001
HIGHTSTOWN-EAST WINDSOR YMCA 1969-1979
LENNI LENAPE CAMP FIRE COUNCIL 1979-1987

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/~~Left School~~? 1951
Business College, Correspondence School, Adult Education, Other? ASSOCIATE DEGREE THOMAS EDISON
Name of College/University: ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: *(please include dates)*
CAMP FIRE COUNCIL - SHERMAN 1955-1968
YOUTH HEALTH CLINIC - SHERMAN 2006-PRESENT

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes- Yes, this year

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ____________________

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?
I HAVE BEEN INVOLVED IN RECREATION TYPE ACTIVITIES SINCE I WAS IN HIGH SCHOOL.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) ____________________

2) ____________________

3) ____________________

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:
IN MY LAST POSITION, I WAS RESPONSIBLE FOR PROGRAM, RECREATIONAL & MEMBER USAGE OF SPACES – 2 YEAR-ROUND AS WELL AS SERVING AS MEMBERSHIP DIRECTOR, DEVELOPING A CHILD CARE CENTER, HAVING EMERGENCY & SAFETY RESPONSIBILITIES

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

____

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: ____________________

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: [illegible] *Date:* 1/14/05

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

RECEIVED
FEB 200
In the
CITY CLERK
OFFICE

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Christopher James Oestreich (Chris)
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Parks + Recreation Board

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	Occupational Information
Home Address: 1729 Archer Dr.	Business Name: Lamar Advertising
Mailing Address: Same	Occupation: Account Executive
Telephone: 903-892-2947 Fax:	Address: Hwy 56 W. Sherman 75090
E-Mail: c.oestreich@hotmail.com	Telephone: 892-1611 Fax: 892-2176
Sherman Resident for 13 years County: Grayson	E-Mail: coestreich@lamar.com
Drivers License No.: 10856341	
*Voter Registration No.: 9602269 ✓	

Which Council District do you live in? *(see attached map)* 4 ✓

Prior work experience: *(please include dates)*
May 1995 - August 2007 Austin College - Basketball Coach/Ath. Facility Director
August 1994 - May 1995 Cornell College - Asst. Basketball Coach - Asst. Professor ESS
June 1990 - August 1994 Rockhurst Univ. - Asst. Basketball Coach

Educational Achievement:

High School Graduate? ☑ Yes ☐ No Year Graduated/Left School? 1982
Business College, Correspondence School, Adult Education, Other?
Name of College/University: Univ. Missouri @ K.C. ☐ Bachelor's ☒ Master's ☐ PhD

Volunteer Work: *(please include dates)*
Boys + Girls Club - Sherman Holiday Tournament - Hoop Dreams Summer Basketball Program - Girls Inc. Volunteer Coach -

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?

See attachment A

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) See Attachment A1

2) See Attachment A2

3) See Attachment A3

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Masters of Arts in Higher Ed. Administration (15 hours in facilities management)

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

No

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: Spoke with Councilman Willie Steele about position.

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

I affirm that I am qualified to vote.

Signature: Chris J. Dietrich *Date:* 2/3/08

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

Attachment for Parks and Recreation Board Application/Chris J. Oestreich:

Attachment A:
I would like to be on the Parks and Recreation Board to participate in our city government. Representing the citizens of Sherman and their best interest would be my utmost priority. My background in facilities management, athletics, directing camps and personnel management would allow me to help govern our parks, facilities, recreation programs and future endeavors in these areas.

Attachment A1:
I believe the development of our current parks, the existing areas that have been set aside for parks and our growing recreation programs are key issues. Objectively looking at each situation, the number of citizens affected and the expediency in which this can be done will be important.

Attachment A2:
Being caretakers of the tax dollars set aside for Parks and Recreation projects will be a top priority. This will be done through careful research and evaluation by the board and each member. Being actively involved, and having a sound understanding will be important. Using all the information and working with the other arms of the city government to make the best decision for all will be a critical component of fiscal responsibility.

Attachment A3:
Long-term planning is my last concern. I realize there is a long-term plan in place, but constantly reviewing it will be a key. Building on the plan will assure continued growth of our Parks and Recreation programs. Sherman's parks are a great asset to our community; developing those parks and sound recreation programs will help us progress as our community grows. Executing our short-term plan and continuing to develop our long-term goals will assure great parks and recreations programs for generations to come.

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Casey Peacock
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Parks + Rec Board

☐ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information

Home Address: 2005 Bois D'Arc
Mailing Address: Sherman 75092
Telephone: 903-813-9121 Fax:
E-Mail: cpeacock@graysoncable.com
Sherman Resident for 10 years County: Grayson
Drivers License No.: 11603340
*Voter Registration No.: 1025340977 ✓

Business Name: Hench's Country Living Homes
Occupation: Owner
Address: 17245 State Hwy 56 Sherman 75092
Telephone: 903-868-2577 Fax: 903-868-0197
E-Mail:

Which Council District do you live in? (see attached map) ? 1 ✓

Prior work experience: (please include dates)

Educational Achievement:

High School Graduate? ☑ Yes ☐ No Year Graduated/Left School? 1993 Plano Sr. High School
Business College, Correspondence School, Adult Education, Other?
Name of College/University: Texas A+M ☑ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)
Sherman Kiwanis, SFGP

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______________________________

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?

So people will want to live in this great city.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) ______________________________

2) ______________________________

3) ______________________________

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

____

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

____

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No

Comments: Chip Adami

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: ______________ *Date:* 2-26-08

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

Subject: Agenda Item No. D.15

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

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 Legal Matters
- a) Panda Energy

Section 551.087 Deliberations Regarding Economic Development Negotiations:
- a) 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:
  - 1) Panda Energy

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-7-2008

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:** 4-7-2008

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:** 4-7-2008

Subject: Agenda Item No. N/A

COUNCIL CALENDAR
2008
CITY COUNCIL MEETINGS

JANUARY

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

FEBRUARY

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

MARCH

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

APRIL

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

MAY

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

JUNE

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

JULY

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

AUGUST

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

SEPTEMBER

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

OCTOBER

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

NOVEMBER

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

DECEMBER

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

01/21/08 - M.L.K., Jr. Birthday - Called Council Meeting on 01/22/08
02/29/08 - 12:00 Noon Called Meeting with Chamber Board
05/10/08 - City Council Election
05/13/08 - 12:00 Noon Called Meeting to Canvass Election Results
09/01/08 - Labor Day - Called Council Meeting on 09/02/08