CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 2, 2007
5:00 P.M.

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

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY DEPUTY MAYOR TERRENCE R. STEELE

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 19, 2007

Proclamation

A.5 PROCLAMATION
"Sexual Assault and Awareness Month" – April 2007

Consent Agenda

B.1 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. 4990*
Authorizing the Acting City Manager to Obtain Lease Funds to Purchase Capital Assets for the Fire Department

C.2 ** RESOLUTION NO. 4992*
Awarding a Bid to and Authorizing Execution of a Contract with Glover Mowing and Landscaping Company for the 2007 Contract Mowing Program

C.3 ** RESOLUTION NO. 4991*
Awarding a Bid to and Authorizing Execution of a Contract with Martin Asphalt Company for the Purchase of an Annual Supply of Emulsified Asphalt Oil for the 2007 Seal Coat Program

C.4 RESOLUTION NO. 4993
Granting the City Manager Authority to Approve such Contracts, Expenditures, and Purchases for Budgeted Items in an Amount not to Exceed $25,000.00 or the Amount Fixed by State Law for Competitive Bidding

Other Business

D.1 ** OTHER BUSINESS*
Approve the 2007 Street Maintenance Program

D.2 ** OTHER BUSINESS*
Special Consideration to Ordinance No. 2252, Article IV, Section 410 (2)(j) for Site Plan Approval in the Blalock Industrial Park District at 4201 U.S. Highway 75 South (GK TRI-TEXAS, LLC, Owner; Consolidated Container, Tenant)

D.3 ** OTHER BUSINESS*
Final Plat Approval of the Kevin and Whitney Addition, a 13.93 Acre Plat of a Part of the Preston Kitchens Survey, Abstract No. 667, and a Replat of all of Blocks One, Twenty, and Twenty-One and all of Lots Seven, Eight, and Nine of Block Twenty-Two of the Southside Addition; Douglass Distributing Company, Inc., Owner (325 East Forest Avenue)

D.4 ** OTHER BUSINESS*
Set Date to Canvass Results of the City of Sherman's Regular and Special Municipal Elections

D.5 CITIZEN REQUESTS

D.6 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.7 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
Parks and Recreation Board (3)

D.8 APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
Library Board (3)

D.9 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

a) Consultation with the City Attorney Concerning Legal Matters and/or Contemplated Litigation

b) Pending Litigation; James Wayne v. City of Sherman, et al., Case No. 05-06-00420

Section 551.074

Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:

a) Planning and Zoning Commission (1)

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:** 4-2-2007

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:** 4-2-2007

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Terrence R. Steele, Deputy Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. A.3

INVOCATION BY DEPUTY MAYOR TERRENCE R. STEELE

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. A.4

APPROVE MINUTES
THE REGULAR CITY COUNCIL MEETING OF MARCH 19, 2007

STATE OF TEXAS §

March 19, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on March 19, 2007.

MEMBERS PRESENT: MAYOR BILL MAGERS; DEPUTY MAYOR TERRENCE STEELE.
COUNCIL MEMBERS ADAMI, HUGHES, MARKL, WACKER.

MEMBERS ABSENT: COUNCIL MEMBER SMITH.

CALL TO ORDER

CALL TO ORDER
Mayor Bill Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Acting City Manager Giles Brown.

APPROVE MINUTES

APPROVE MINUTES
The Council reviewed the Minutes of the Regular Meeting of March 5, 2007. Council Member Hughes moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

RED RIVER FUNTIER DAYS (MARCH 29-31, 2007)

PROCLAMATION
"RED RIVER FUNTIER DAYS" – MARCH 29-31, 2007
Deputy Mayor Steele presented a proclamation to Shawnda Rains, Tourism Director, proclaiming March 29 through 31, 2007 as "Red River Funtier Days" in Sherman.

Ms. Rains listed events that will be held in conjunction with Red River Funtier Days and invited Council Members and citizens to attend the events.

CONSENT AGENDA

CONSENT AGENDA
The Council reviewed the Consent Agenda. Mayor Magers removed Item C10 entitled "Resolution 4987 – Authorizing the Purchase of Two Truck Chassis with Utility Bodies through the Houston-Galveston Area Council of Governments (H-GAC) for the Distribution Services Department" from the Consent Agenda for discussion in its regular order of business.

Council Member Adami asked to remove Item C3 entitled "Resolution 4980 – Authorizing the Continued Participation with the Atmos Cities Steering Committee and Authorizing the Payment of 10 Cents Per Capita to the Atmos Cities Steering Committee to Fund Regulatory and Related Activities Related to Atmos Energy Corporation," Item C4 entitled "Resolution 4981 – Authorizing the Continued Participation with the Steering Committee of Cities Served by TXU and Authorizing the Payment of 10 Cents Per Capita to the Steering Committee to Fund Regulatory and Related

Activities Related to TXU Electric Delivery," and Item C12 entitled "Resolution 4989 – Awarding a Bid to and Authorizing Execution of a Contract with Diebold Election Systems, Inc. for the Rental of Voting System Machines" from the Consent Agenda for discussion in their regular order of business.

Council Member Markl moved to approve the Consent Agenda, with the exception of Items C3, C4, C10, and C12, which will be discussed in their regular order of business. Second by Deputy Mayor Steele. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 4978 – RECOGNIZING THAT THE PORTION OF THE HIGHWAY NAMED F.M. 1417, FROM OLD LUELLA ROAD TO F.M. 691, WILL ALSO BE KNOWN AS HERITAGE PARKWAY

RES 4978
NAME FM 1417
HERITAGE PARKWAY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RECOGNIZING THAT THE PORTION OF THE HIGHWAY NAMED F.M. 1417, FROM OLD LUELLA ROAD TO F.M. 691, WILL ALSO BE KNOWN AS HERITAGE PARKWAY.

Jeff Miller, Director of Public Works and Engineering, explained that the name change was originally discussed from the City limits at Highway 11 to the City limits at Highway 691. Actually the City limits begin at Old Luella Road instead of Highway 11.

The staff was also concerned as to whether or not the Post Office could deliver mail to two different addresses if F.M. 1417 was used as well as Heritage Parkway. The Post Office is able to assign an "alias" in their computer system and would be able to deliver mail to either address.

Council Member Markl recommended that the name be changed from Highway 75 to Highway 691 and not include the portion to Old Luella Road.

Mr. Miller added that the Texas Department of Transportation will not change the signs on Highway 75 to reflect the Heritage Parkway name. The City will change their street signs. Council Member Wacker verified that the City should be able to change their signs within approximately two or three weeks.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution 4978, amending the portion of F.M. 1417 that will also be known as Heritage Parkway to the portion between Highway 75 and Highway 691. Second by Deputy Mayor Steele.

VOTING AYE: Adami, Markl, Hughes, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>RESOLUTION NO. 4979 – DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT / REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA</u>

RES 4979 RESIDENTIAL TAX ABATEMENT PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT / REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA. CONSENT AGENDA.

<u>RESOLUTION NO. 4980 – AUTHORIZING THE CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION</u>

RES 4980 ATMOS STEERING COMMITTEE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

Council Member Adami asked to remove Items C3 and C4 for discussion in their regular order of business. He asked for clarification on the resolutions.

Mr. Brown explained that both resolutions concern steering committees of other Texas cities, led by the City of Arlington, that share interests relating to charges assessed by ATMOS Energy Corporation and TXU Electric Delivery.

The best results have been realized from the steering committee dealing with TXU, from which the City received over $300,000 back through their participation.

Council Member Adami verified that the cost of participation in the steering committees is 10 cents per capita.

<u>RESOLUTION NO. 4981 – AUTHORIZING THE CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY TXU AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO TXU ELECTRIC DELIVERY</u>

RES 4981 TXU ELECTRIC STEERING COMMITTEE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF

CITIES SERVED BY TXU AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO TXU ELECTRIC DELIVERY.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution 4980 and 4981, as presented. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 4982 STREET SWEEPING

<u>RESOLUTION NO. 4982 – AWARDING A BID TO AND AUTHORIZING A CONTRACT WITH GREAT AMERICAN SWEEPING, INC. FOR STREET SWEEPING SERVICES</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GREAT AMERICAN SWEEPING, INC. FOR STREET SWEEPING SERVICES.

Council Member Adami asked if the proposed contract was in-line with the budget discussions. Mr. Brown said the street sweeping contract was an initiative that came out of the budget work sessions and is a privatization of the duties.

The City will be keeping some of the equipment because the private contract would be more expensive to call the company out for special street sweeping jobs.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution 4982, as presented. Second by Council Member Wacker.

VOTING AYE: Adami, Markl, Hughes, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 4983 BELDEN STREET WATER MAIN REPLACEMENT

<u>RESOLUTION NO. 4983 – AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE BELDEN STREET WATER MAIN REPLACEMENT PROJECT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE BELDEN STREET WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 4984 OAK HILL WATER MAIN REPLACEMENT

<u>RESOLUTION NO. 4984 – AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE OAK HILL WATER MAIN REPLACEMENT PROJECT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH TEAGUE NALL & PERKINS FOR

PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE OAK HILL WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 4985
ROSS AVE.
SEWER LINE
REPLACEMENT

<u>RESOLUTION NO. 4985 – APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH TEAGUE NALL & PERKINS FOR THE ENGINEERING SERVICES ON THE ROSS AVENUE SEWER LINE REPLACEMENT PROJECT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH TEAGUE NALL & PERKINS FOR THE ENGINEERING SERVICES ON THE ROSS AVENUE SEWER LINE REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 4986
HILLCREST DR.
WATER MAIN
REPLACEMENT

<u>RESOLUTION NO. 4986 – APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE HILLCREST DRIVE WATER MAIN REPLACEMENT PROJECT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE HILLCREST DRIVE WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

RES 4987
VEHICLE PURCHASE
(REJECTED RES)

<u>RESOLUTION NO. 4987 – AUTHORIZING THE PURCHASE OF TWO TRUCK CHASSIS WITH UTILITY BODIES THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE DISTRIBUTION SERVICES DEPARTMENT</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF TWO TRUCK CHASSIS WITH UTILITY BODIES THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) FOR THE DISTRIBUTION SERVICES DEPARTMENT.

Mayor Magers removed Item C10 from the Consent Agenda for consideration in its regular order of business.

Mr. Brown explained that the normal course for purchases is that when the item is available locally, the staff allows local vendors to bid, but when the items are specialized and not available locally, they don't. Traditionally for normal vehicles, local bids are received but are compared to State contracts. The City then recommends the lowest bid.

The two truck chassis are available locally, but the staff failed to send out bids locally. He recommended that the

Council not approve the bid and instruct the staff to use a bid process that will include local vendors, and will compare the bids to the State contract.

Brett Graham, Graham International, appeared with Darrel Ramey, Ramey Chevrolet, and Bob Utter, Bob Utter Ford, to discuss the bidding from local vendors.

He urged the Council to take another look at the bidding process and using the Houston-Galveston Area Council of Governments (H-GAC) to purchase items. H-GAC bids many types of items and then makes these items available to other Cities through the Statewide contract.

The problem is that it totally bypasses the local vendors, who are not interested in supplying vehicles or parts throughout the State of Texas. The deals are so slim in margin that the local vendors cannot justify bidding on H-GAC and having to deliver vehicles to El Paso.

Mr. Graham added that most of the City's truck fleet has been purchased through H-GAC and consists of Mac trucks. Mac trucks are historically known as the low bidder on H-GAC because they offer a stripped-down, low-cost version.

Even though Mac trucks provide the City with a low-cost truck, Mr. Graham said he did not feel this served the City well. There is no local vendor to provide warranty, parts or service for the Mac trucks. To obtain service for the trucks, the City must take them to Irving Boulevard and leave the vehicle for three days to two weeks. He estimated that it cost the City approximately $851 every time a truck was taken to Irving Boulevard for warranty service.

Mr. Graham added that Mac trucks are proprietary, with the cab, chassis, and engine all made by Mac, which increases the cost of parts.

Mr. Graham urged the Council to review the H-GAC process by which vehicles are purchased and asked that the local vendors also be allowed to bid. He felt there was better accountability when local vendors are used.

Mayor Magers verified that the first step was making local vendors aware of items that were being bid. Mr. Graham understood that to purchase equipment on H-GAC, the City is not required to send or publish any notices of intent.

Mr. Brown explained that H-GAC and BuyBoard were both used by the City and completed some of the paperwork, thereby giving a quicker turn-around time for the City. State law allows the City to give a three percent discount for buying locally if a vendor is located within the City limits.

Mr. Graham added that he had discussed the purchase of Mac trucks in detail to alert the Council that there are

ramifications to using the easier "up front" process to purchase these trucks.

Council Member Markl said in the past, the City had a policy that the local vendor didn't have to be the low bidder, and they were still favored if they were within a specified range.

ACTION TAKEN.

Motion by Council Member Hughes to reject Resolution 4987 and rebid the purchase. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO REJECT.

RES 4988 RESIDENTIAL TAX ABATEMENT (512 N. MAPLE)

<u>RESOLUTION NO. 4988 – 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 512 NORTH MAPLE STREET</u>

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 512 NORTH MAPLE STREET.

CONSENT AGENDA.

RES 4989 ELECTION MACHINE RENTAL

<u>RESOLUTION NO. 4989 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DIEBOLD ELECTION SYSTEMS, INC. FOR THE RENTAL OF VOTING SYSTEM MACHINES</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DIEBOLD ELECTION SYSTEMS, INC. FOR THE RENTAL OF VOTING SYSTEM MACHINES.

Council Member Adami asked to remove Item C12 from the Consent Agenda for consideration in its regular order of business.

He asked how the price compared with the price paid last year. Linda Ashby, City Clerk, explained that the cost was higher, however additional electronic voting machines were being added to speed the process for voters in the Charter Election.

Council Member Adami verified that the machines were being leased from the same Allen company that was used last year. He asked if the staff tried to work with Grayson County to use their equipment.

Mrs. Ashby explained that she spoke with the company handling the programming and training for the County's machines and they said they were going to "try" to work with cities and school districts, however there was a concern about their success. She felt to ensure a good election, the City should again contract with the same company they used last year.

Mayor Magers explained that the use of electronic voting machines was a Federal mandate and Grayson County spent $800,000 in grant money on their equipment. However, the machines must be reprogrammed for each election and the election workers must be trained on the equipment, which drives up the cost of the election.

Mrs. Ashby verified that one-half of the cost of the election, including the equipment usage, would be paid by the Sherman Independent School District because they have contracted for a joint election with the City.

ACTION TAKEN.
Motion by Council Member Adami to approve Resolution 4989, as presented. Second by Council Member Markl.
VOTING AYE: Adami, Markl, Hughes, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

OTHER BUSINESS

RECEIVE QUARTERLY PROGRESS REPORT FROM SHERMAN ECONOMIC DEVELOPMENT CORPORATION BOARD VICE CHAIRMAN JOE FALLON, JR. AND SEDCO PRESIDENT JOHN BOSWELL

SEDCO QUARTERLY PROGRESS REPORT

Joe Fallon, Jr., Vice Chairman of SEDCO, presented a quarterly progress report on the Board's activities. Mr. Fallon said only two meetings have been held since the last quarterly report.

Since the last report, SEDCO has approved an agreement with Progress Rail for expansion of their property on both the east and west sides. Trees have also been planted on F.M. 1417, near Progress Park.

John Boswell, President of SEDCO, has also attended a trade show and talked with numerous people. SEDCO has made an incentive payment to Consolidated Container for a lease renewal. An incentive has also been completed to Mueller Construction for a water jet cuter, equipment that cuts metal with water.

RECEIVE QUARTERLY REPORT FROM TOURISM DIRECTOR SHAWNDA RAINS

TOURISM DEPT. QUARTERLY REPORT

Shawnda Rains, Tourism Director, presented a quarterly progress report on their activities. She distributed a packet with several marketing items including a new brochure that

will incorporate the theme "Red River, White Stars, and Blue Skies." All marketing materials will now use the same theme.

Ms. Rains has been working with several bus tour agencies and attended the American Bus Association Marketplace in Grapevine, to meet with over 1,300 tour bus operators and encourage them to bring their groups to Sherman. The Tourism Department also partnered with the Denison Chamber of Commerce to sponsor a booth to sell the entire area.

She also attended the East Texas Tourism Marketplace and visited with a FAM (Familiarization) Tour comprised of 35 tour bus operators. Ms. Rains said they are working with the tour bus operators to set up itineraries for their visits. In April 2007, a bus tour group will be taking a "mystery" trip to visit the Open Air Market in Sherman.

Ms. Rains plans to work with a Houston radio show host that promotes and takes groups on tours to various areas. He is now planning his 2008 tour itineraries.

Red River Funtier Days are scheduled for March 29 through 31, and Hot Summer Nights will begin the first Thursday in June. The Tourism Department will also partner with Theatricks to bring another production to Kidd-Key Auditorium and will help with the entertainment for the Juneteenth Celebration.

Future plans also include a Buck Owens Tribute Concert in Kidd-Key Auditorium that features performers from the Grand 'Ole Opry.

Deputy Mayor Steele said at tonight's Council Meeting, the Council adopted the name Heritage Parkway for a portion of F.M. 1417 and he asked if it was too late to make changes to the map in the brochure. Ms. Rains said she has talked with the company and they can make those changes. Council Member Markl also wanted to add the Hawn Splash Park.

Mayor Magers asked Traci Norton, President of the Chamber of Commerce, and John Boswell, President of SEDCO, to consider coordinating their brochures with the Tourism Department and possibly sharing printing costs.

Deputy Mayor Steele commended the Tourism Department for their hard work.

ANNUAL AUDIT

<u>ACCEPT ANNUAL AUDIT REPORT FOR YEAR ENDED SEPTEMBER 30, 2006 FROM DAVIS, KINARD & CO., P.C.</u>
Keith Dagen, Director of Finance, introduced Diane Terrell, Audit Stockholder, from Davis, Kinard & Co., P.C., to present the Annual Audit Report for the year ended September 30, 2006.

Ms. Terrell said this was their first year to perform the City of Sherman's audit and she thanked the Council for the opportunity. They also audited seven other cities this year.

Davis, Kinard & Co. presented an "unqualified" opinion on the audit, which is a "clean" opinion on the financial statements.

Total net assets, assets less liabilities, for Sherman are $130,000,000. Many of these net assets are invested in capital assets, such as buildings and infrastructure. Therefore 74% of the net assets are not available to fund the operations of the City, but represent what is invested in the capital assets.

The City's assets on a government wide basis total $151,000,000, while 21% is unrestricted cash and pooled investments. Of this amount, 70% is also capital assets.

Ms. Terrell said the City had a decrease of $4,000,000 in net assets in governmental activities, which represents a 5% decrease in net assets. Half of this decrease can be attributed to a liability that was recorded during the year for repayment of $1.76 million in sales tax that the City collected over a period of time and must repay over a 10 year period.

Another portion of the decrease represents depreciation expense on governmental activity. The depreciation increased this year by approximately $2.3 million as a result of recording the value of the City streets, which was a requirement of the Governmental Accounting Standards Board (GASB) Statement 34.

The fund balance in the General Fund is $8.2 million, of which $7,873,000 is unreserved. This gives the City approximately 115 days of operations in the fund balance, which is a healthy reserve. Total fund balance for all governmental funds totaled $15.4 million.

In current year activities, the General Fund had a net increase of $1.1 million and the total increase for all governmental funds was $1.7 million. A prior period adjustment was also completed to increase the fund balance to show the accrual of two months of sales tax that is collected for October and November. The fund balance increased by $2.6 million as a result of the two month accrual.

Ms. Terrell said the auditor had no findings to report as a result of the audit of the Federal funds which is also a single audit and there are no advisory comments for management.

Mr. Brown said the Audit Committee has reviewed the report in depth.

ACTION TAKEN.

Motion by Council Member Hughes to accept the Annual Audit Report for the year ended September 30, 2006, as presented. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>DISCUSSION OF THE NAACP'S CONTINUING USE OF THE CITY'S KERR-EAST BUILDING</u>

NAACP'S USE OF KERR-EAST BLDG. (TABLED)

Pamela McGraw, Member of the NAACP, addressed the Council concerning the use of the City's Kerr-East Building. She explained that the NAACP is a non-exclusive organization whose aim is to ensure the political, educational, social, and economic equality of all citizens.

Many years ago the City granted the NAACP permission to use the Kerr-East Building, along with the City. Since that time the City has ceased using the building.

Ms. McGraw asked the City Council for exclusive use of the Kerr-East Building by the NAACP, assuming the cost of utilities and insurance for the facility.

Mayor Magers verified from Deputy Mayor Steele that the NAACP would be responsible for all expenses associated with the use of that building.

George Olson, Director of Community Services and Maintenance, verified that the NAACP was requesting exclusive use of the building. Ms. McGraw said they wanted to use youth groups to man the telephones after school so the facility would be open five days per week and maybe on Saturdays.

Council Member Wacker verified that other groups could still use the facility, but they would contact the NAACP to make arrangements.

Mayor Magers recommended using a flat rate for lease instead of reimbursement for the expenses. Doreen McGookey, City Attorney, asked to review legal issues that might arise from exclusive use of the building by one organization.

Deputy Mayor Steele said the Boy Scouts building at the intersection of Lamar Street and Sam Rayburn Freeway is also a City building and the organization has had a long term contract for lease of the building.

Mr. Olson verified that the Kerr-East Building has not been used by the City for approximately one year.

Mayor Magers recommended tabling the discussion until the next meeting so Ms. McGookey can review legal issues.

ACTION TAKEN.

Motion by Deputy Mayor Steele to table the discussion of the NAACP's continuing use of the City's Kerr-East Building until the next City Council Meeting. Second by Council Member Markl.

VOTING AYE: Adami, Markl, Hughes, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED TO TABLE.

KEEP SHERMAN BEAUTIFUL COMMISSON

<u>DISCUSSION OF THE KEEP SHERMAN BEAUTIFUL COMMISSION</u>

Council Member Wacker previously asked for information and a plan to revamp the Keep Sherman Beautiful Commission and increase membership to a full roster.

Mr. Olson said there have been ebbs and flows in the Keep Sherman Beautiful Commission and one reason was that the bylaws of the Commission are very cumbersome to the volunteer members. The Commission does raise their own money and maintains an account with the City, which is unusual for an advisory board.

He recommended that the bylaws be simplified and the commission be used to "take care of Sherman" while building back the program. Currently there are three members on the Commission and no appointed chairman.

Mr. Olson recommended appointing a subcommittee composed of Council Members and City staff to review the bylaws and possibly join with other local groups to renew the Commission.

Mayor Magers asked if there were activities that other organizations were doing that could partner with the Keep Sherman Beautiful Commission. Council Member Wacker felt a natural partner for the Commission would be the Shaping Sherman's Future organization. Both organizations have been pursuing many similar types of beautification projects.

Council Member Wacker recommended giving the Keep Sherman Beautiful Commission a specific mission and some focus projects where they can accomplish something within a year's time, that is very visible to the citizens of Sherman. The Council can partner with them by providing staff support or resources, and by hearing their ideas.

Mayor Magers confirmed that Council Member Wacker would chair the subcommittee and asked Council Member Smith and Council Member Markl to serve with her. Mr. Olson will recommend staff members to serve on the subcommittee.

Council Member Wacker asked the staff to gather examples of bylaws from other Cities that might serve as a basis for Keep Sherman Beautiful. She felt a recommendation could be made to the City Council in about one month.

CITIZENS REQUESTS — CITIZENS REQUESTS

There were no citizens requests.

MEDIA QUESTIONS — MEDIA QUESTIONS

There were no media questions.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: LIBRARY BOARD (1) — LIBRARY BOAD

ACTION TAKEN.

> **Motion by Deputy Mayor Steele to appoint Nan Jones to the Library Board for a term from March 20, 2007 to March 20, 2010. Second by Council Member Markl.**

VOTING AYE: Adami, Hughes, Markl, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

COUNCIL COMMENTS

COMMEND FIRE DEPARTMENT — COMMEND FIRE DEPT.

Council Member Markl commended the Fire Department for the job they did at the Housing Authority. They kept the fire from spreading to the other units.

COMMEND POLICE AND FIRE DEPARTMENTS — COMMEND POLICE & FIRE DEPTS.

Council Member Hughes commended the Police and Fire Departments for their work on the recent vehicle accident on Highway 82.

VACANCIES ON BOARDS AND COMMISSIONS — VACANCIES ON BOARDS

Deputy Mayor Steele urged citizens to consider serving on some of the City's boards and commissions that currently have vacancies. Applications are available on the City's website or in the City Clerk's Office.

GILES BROWN'S LAST COUNCIL MEETING — GILES BROWN'S LAST COUNCIL MTG.

Council Member Adami thanked Giles Brown, Acting City Manager, for his years of service to the City. Mr. Brown leaves the City to become Vice President of Business Services at Grayson County College.

Council Member Wacker also thanked Mr. Brown for his help in getting through the transition period and for his many contributions to the City.

Mayor Magers said Mr. Brown would be sorely missed but was glad he would be staying in the local community.

DOWNTOWN PARKING METER ENFORCEMENT — DOWNTOWN PARKING METER ENFORCEMENT

Mayor Magers commended the parking meter enforcement in the downtown area.

DESIGNATION OF HERITAGE PARKWAY — DESIGNATION OF HERITAGE PKWY.

Mayor Magers commended the City Council and developers that initiated the plan to designate F.M. 1417 as Heritage Parkway.

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

EXECUTIVE SESSION

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

SECTION 551.071 -- **CONSULTATION WITH THE CITY ATTORNEY CONCERNING LEGAL MATTERS OR CONTEMPLATED LITIGATION**

SECTION 551.074 -- **PERSONNEL MATTERS:**

a) **DISCUSS PROCESS TO SELECT A PERMANENT CITY MANAGER**
b) **DISCUSS SALARY ADJUSTMENT FOR THE ACTING CITY MANAGER**

SECTION 551.074 -- **CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: HISTORICAL PRESERVATION BOARD (2)**

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:05 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:10 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.

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: HISTORICAL PRESERVATION BOARD (2)

HISTORICAL PRESERVATION BOARD

ACTION TAKEN.

Motion by Council Member Wacker to reappoint Wally Black to the Historical Preservation Board for a term from February 18, 2007 to February 18, 2011 and David Plyler for a term from April 29, 2007 to April 29, 2011. Second by Council Member Adami.

VOTING AYE: Adami, Hughes, Markl, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:16 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. A.5

PROCLAMATION
"Sexual Assault and Awareness Month" – April 2007

Issue
To present a proclamation designating April 2007 as "Sexual Assault and Awareness Month" in Sherman

Background
Each year, the Crisis Center recognizes "Sexual Assault and 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 2007 as "Sexual Assault and Awareness Month."

Alternatives
The Council could choose not to present the proclamation.

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

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, Acting 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 "Remember the Past, Claim the Future," 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; and hundreds of 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, 2007

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 2nd day of April, 2007.

Willi Ma

Mayor

ATTEST:

Linda Ashby

City Clerk

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager   Date: 4-2-2007

Subject: Agenda Item No. B.1

CONSENT AGENDA

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

C.1 * RESOLUTION NO. 4990
Authorizing the Acting City Manager to Obtain Lease Funds to Purchase Capital Assets for the Fire Department

C.2 * RESOLUTION NO. 4992
Awarding a Bid to and Authorizing Execution of a Contract with Glover Mowing and Landscaping Company for the 2007 Contract Mowing Program

C.3 * RESOLUTION NO. 4991
Awarding a Bid to and Authorizing Execution of a Contract with Martin Asphalt Company for the Purchase of an Annual Supply of Emulsified Asphalt Oil for the 2007 Seal Coat Program

D.1 * OTHER BUSINESS
Approve the 2007 Street Maintenance Program

D.2 * OTHER BUSINESS
Special Consideration to Ordinance No. 2252, Article IV, Section 410 (2)(j) for Site Plan Approval in the Blalock Industrial Park District at 4201 U.S. Highway 75 South (GK TRI-TEXAS, LLC, Owner; Consolidated Container, Tenant)

D.3 * OTHER BUSINESS
Final Plat Approval of the Kevin and Whitney Addition, a 13.93 Acre Plat of a Part of the Preston Kitchens Survey, Abstract No. 667, and a Replat of all of Blocks One, Twenty, and Twenty-One and all of Lots Seven, Eight, and Nine of Block Twenty-Two of the Southside Addition; Douglass Distributing Company, Inc., Owner (325 East Forest Avenue)

D.4 * OTHER BUSINESS
Set Date to Canvass Results of the City of Sherman's Regular and Special Municipal Elections

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. C.1

**** RESOLUTION NO. 4990***

Authorizing the Acting City Manager to Obtain Lease Funds to Purchase Capital Assets for the Fire Department

Issue

The Fire Department was given approval at the October 2, 2006 Council meeting to purchase a 2006 Pierce Custom Pumper for $323,633.00. This resolution finalizes the lease financing needed to complete the purchase.

Background

The fire engine will replace an engine in current use which is obsolete and must be replaced. The obsolete model, a 1999 Freightliner E-One Pumper, will be used as a trade-in. Resolution No. 4891, which approved the purchase, included the proposal to finance the engine through Oshkosh Capital. Because of Finance staff turnover, the lease proposal was not finalized; and an updated lease agreement is necessary.

Origination

Director of Finance

Financial Consideration

The City will only be required to finance $319,281.00 as it can still take advantage of vendor discounts. This amount will be financed using a buy-back lease over six years. A payment of $49,559.96 is due annually and in arrears for six years; and a balloon payment of $95,997.37 is due at the end of the lease in addition to the final payment, at which time the City would retain title to the engine. The City intends to exercise an option in the lease that would allow it to return the engine to the manufacturer without paying the balloon payment. As part of this option, the City would agree to obtain a replacement engine from the manufacturer at that time.

Staff Recommendation

It is recommended that the Acting City Manager be authorized to complete the leasing arrangement.

Alternatives

No feasible alternatives exist.

Attachments

Resolution No. 4990

A copy of the lease agreement will be provided at the Council meeting.

Prepared by:
Keith Dagen, Director of Finance

Approved by:
George Olson, Acting City Manager

RESOLUTION NO. 4990

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACTING CITY MANAGER TO OBTAIN LEASE FUNDS TO PURCHASE CAPITAL ASSETS FOR THE FIRE DEPARTMENT; 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 Acting City Manager be and is hereby authorized and directed to obtain lease funds to purchase capital assets for the Fire Department, as approved on October 2, 2006, for the total purchase price of Three Hundred Twenty-Three Thousand Six Hundred Thirty-Three Dollars and No Cents ($323,633.00).

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 ________________, 2007.

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:** 4-2-2007

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 4992***
Awarding a Bid to and Authorizing Execution of a Contract with Glover Mowing and Landscaping Company for the 2007 Contract Mowing Program

Issue
Award a contract to Glover Mowing and Landscaping Company for mowing services

Background
This year, in order to obtain the best possible contractor unit cost for mowing street parkways and right of ways, staff combined several smaller mowing contracts into one larger contract. A request for bids was advertised in the local newspaper and two bids were received and opened on March 12, 2007. Glover Mowing was the low bid when combining all mowing locations into one monthly charge. The work was bid as an annual contract with optional additional one year renewals. A change will be made with this contract whereby the Street Department Superintendent will administer the contract.

Origination
Department of Public Works & Engineering

Financial Consideration
Funds to cover the cost of parkway and right of way mowing were appropriated in the Alley and Right of Way Department FY 2006/2007 budget. Awarding this mowing contract does not result in a large savings over previous years due to contractor cost increases. However, there will be a savings by renewing the contract in subsequent years and avoiding future cost increases.

Staff Recommendation
Award a contract to Glover Mowing and Landscaping Company for street parkway and right of way mowing.

Alternatives
As may be recommended by the City Council

Attachments
Bid Tab
Resolution No. 4992
Agreement

Prepared by:
Jeffrey Miller, Public Works & Engineering Director

Approved by:
George Olson, Acting City Manager

CITY OF SHERMAN
PARKWAY/RIGHT OF WAY MOWING BID TAB
MARCH 12, 2007

	Glover Mowing and Landscaping	**Gary's Mowing**
Parkway Mowing Unit Cost (monthly) 2 x per month	$4,940.00	$4,854.00
Right of Way Mowing Unit Cost (monthly) 1 x per month	$945.00	$4,000.00
TOTAL MONTHLY UNIT COST	$5,885.00	$8,854.00

RESOLUTION NO. 4992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH GLOVER MOWING AND LANDSCAPING COMPANY FOR THE 2007 CONTRACT MOWING PROGRAM; 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 Glover Mowing and Landscaping Company of Sherman, Texas, is hereby awarded the City of Sherman's 2007 Contract Mowing Program, in accordance with all bid documentation, attached hereto and incorporated herein for all purposes.

SECTION 2. That the Acting City Manager is hereby authorized and directed, subject to all contract documents being completed and approved by the City Attorney, to execute a contract with Glover Mowing and Landscaping Company for the 2007 Contract Mowing Program, in accordance with the terms and provisions of the contract documents attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the _____ day of ________________, 2007.

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

CITY OF SHERMAN §
COUNTY OF GRAYSON §

CONTRACT
BETWEEN THE CITY OF SHERMAN AND THE CONTRACTOR

THIS AGREEMENT is by and between the **CITY OF SHERMAN** ("CITY" or "OWNER") and Jeff Glover, individually and doing business as Glover Mowing and Landscape Company, 2412 N. Travis, P.O. Box 1304, Sherman, Texas 75092 (" CONTRACTOR").

The **CITY** and **CONTRACTOR**, for the consideration set forth in Article 4 of the Contract, agree as follows:

ARTICLE 1 - PROJECT

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Project is generally described as follows:

Complete mowing and litter control services at various locations listed in the Contract Documents located within the City of Sherman

This Project will be completed with/without change orders and all extra work in connection with the project, as described in the Contract Documents, shall be at the CONTRACTOR'S sole cost and expense all the materials, supplies, machinery, equipment, tools, superintendence, labor, necessary and customary insurance, and other accessories and services necessary to complete the Project in accordance with the Contract Documents.

ARTICLE 2 – INDEPENDENT CONTRACTOR

2.01 CONTRACTOR is and throughout this Contract shall remain an INDEPENDENT CONTRACTOR and as such is the sole judge on how to perform the work required under this Contract.

ARTICLE 3 - CONTRACT TIMES

3.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 *Dates for Completion and Final Payment*

A. The Work will be completed as specified in the Contract Documents.

ARTICLE 4 - CONTRACT PRICE/CONSIDERATION

4.01 CITY shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 4.01.A and 4.01.B below:

A. The following sum, as indicated below, if all the mowing is done in compliance with the Contract specifications:

Parkway Mowing Unit Cost (monthly) 2 X per month	$4,940.00
Right of Way Mowing Unit Cost (monthly) 1 X per month	$945.00
TOTAL MONTHLY COST	$5,885.00 per month

B. The CITY reserves the right to cancel or increase mowing cycles on a week-to-week basis, based upon need, prevailing weather conditions, and available funding. Any modifications will be based on the charge-per-cycle amounts set forth in the Contract Documents contained in Exhibit "A."

C. The above price reflects the consideration for the performance of this Contract.

ARTICLE 5 - CONTRACTOR'S REPRESENTATIONS

5.01 In order to induce CITY to enter into this Agreement CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. CONTRACTOR has visited the Sites and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR has carefully studied all Contract Documents and understands the Work and Performance required in the Contract Documents and represents to the CITY that CONTRACTOR is fully capable of completing the work specified in the Contract Documents.

E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. CONTRACTOR is aware of the general nature of work to be performed by CITY and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CONTRACTOR has given CITY written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents, and the written resolution thereof by CITY is acceptable to CONTRACTOR.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 6 - CONTRACT DOCUMENTS

6.01 *Contents*

A. The Contract Documents consist of the following and are incorporated into this Contract for all purposes:

1. This Contract;

3. Bid Specifications for the Mowing Program 2007 (entire packet) (attached as Exhibit A);

3. The following documents, which are also contained in Exhibit A (enumerated as follows):

   a. CONTRACTOR'S Bid and Bidder Information on the Bid Form;

   c. Documentation submitted by CONTRACTOR prior to Notice of Award;

B. The Contract Documents may only be amended, modified, or supplemented as provided in paragraph 8.08 of this Contract.

ARTICLE7 – NOTICE

Any notice and/or statement required or permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing;

If intended for CITY to:	If intended for CONTRACTOR, to:
Designee: ______________________	Designee: __________________
Address:	Address:
______________________________	____________________________
______________________________	____________________________

ARTICLE 8 - MISCELLANEOUS

8.01 *Assignment of Contract*

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.02 *Successors and Assigns*

A. CITY and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.03 *Severability and Conflict*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon CITY and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

B. If there are any conflicts between the Contract and the Contract Documents, the provisions in the Contract prevail over the provisions in the Contract Documents.

8.04 *Captions*

Section or other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

8.05 *INDEMENITY AND DUTY TO DEFEND*

A. CONTRACTOR agrees to defend, indemnify and hold CITY, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for personal injury (including death), property damage or other harm, including attorneys fees, for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by CONTRACTOR'S breach of any of the terms or provisions of this Agreement, or by any negligent or strictly liable act or omission of CONTRACTOR, its officers, agents, employees or subcontractors, in the performance of this Agreement; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of CITY, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence of the CONTRACTOR and the CITY, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, subject to and without waiving any governmental immunity available to the CITY under Texas law, and any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

B. CONTRACTOR is expressly required to defend the CITY against all Claims for which the CITY becomes liable. In its sole discretion, CITY shall have the right to select or to approve defense counsel to be retained by CONTRACTOR in fulfilling its obligation hereunder to defend and indemnify CITY, unless such a right is expressly waived by CITY in writing by the City Manager after proper authorization from the CITY'S Council. CITY reserves the right to provide a portion or all of its own defense; however, CITY is under no obligation to do so. Any such action by CITY is not to be construed as a waiver of CONTRACTOR'S obligation to defend the CITY or as a waiver of CONTRACTOR'S obligation to indemnify the CITY pursuant to this Contract. CONTRACTOR shall retain CITY approved defense counsel within seven (7) business days of CITY'S written notice that CITY is invoking its right to indemnification under this Contract. If CONTRACTOR fails to retain Counsel within such time period, CITY shall have the right to retain defense counsel on its own behalf, and CONTRACTOR shall be liable for all costs incurred by CITY in defense of Claims for which CONTRACTOR is liable under this Paragraph.

C. CONTRACTOR shall list the CITY as an additional insured in any insurance required in the Contract Documents.

8.06 *Choice of Law: Venue.*

This contract, the entire relationship of the parties, and any litigation between the parties (whether grounded in contract, tort, statute, law or equity) shall be governed by, construed in accordance with, and interpreted pursuant to the laws of the State of Texas, without giving effect to its choice of laws principles. This contract is wholly performable in Grayson County, Texas. Exclusive venue for any litigation between the parties shall be brought in Grayson County, Texas, and shall be brought in the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas. The parties waive any challenge to personal jurisdiction or venue (including without limitation a challenge based on inconvenience) in Grayson County, Texas, and specifically consent to the jurisdiction of the State District Courts of Grayson County, Texas, or in the United States District Court for the Eastern District of Texas.

8.07 *Binding Authority*

By their signatures below, the individuals represent that they have reviewed Contract with their attorney and that the individuals have the express authority to enter into this Contract.

8.08 *Entire Agreement*

This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Agreement, and except as otherwise provided herein cannot be modified without written agreement of both the parties to be attached to and made a part of this Agreement.

IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Agreement in duplicate. One counterpart each has been delivered to CITY and CONTRACTOR. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or on their behalf.

This Agreement will be effective on March 27, 2007 (which is the Effective Date of the Agreement).

CITY: **CITY OF SHERMAN, TEXAS**

By: ______________________________

Acting City Manager

Attest ______________________________

City Clerk

CONTRACTOR: Jeff Glover, Individually and doing business as Glover Mowing & Landscaping Co.

Glover Mowing & Landscaping Company

By: Jeff Glover

Attest ______________________________

Notary Public

Approved as to form and content:

____

Doreen E. McGookey
City Attorney

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. C.3

**** RESOLUTION NO. 4991***
Awarding a Bid to and Authorizing Execution of a Contract with Martin Asphalt Company for the Purchase of an Annual Supply of Emulsified Asphalt Oil for the 2007 Seal Coat Program

Issue
To consider the award of a bid to Martin Asphalt Company of Houston, Texas, for the purchase of up to 110,000 gallons of CRS2 or CRS-2H emulsified asphalt oil for the 2007 street seal coat program

Background
Following the required advertising in the local newspaper and notices being sent to oil suppliers, three bids for emulsified oil were received and opened on March 23, 2007.

Origination
Department of Public Works and Engineering

Financial Consideration
Martin's bid for the required asphalt oil was $1.50 per gallon. Although Martin's bid was $.01 lower than the lowest unit price, they did not charge a pump or demurrage fee making them the overall low bidder. Funds to purchase the required amount of oil at the bid price were appropriated in the Street Department's FY 2006-2007 budget.

Staff Recommendation
Award the bid for seal coat emulsified oil to Martin Asphalt Company of Houston, Texas

Alternatives
As may be recommended by the City Council

Attachments
Bid Tab
Resolution No. 4991
Contract

Prepared by:
Jeffrey Miller, Public Works & Engineering Director

Approved by:
George Olson, Acting City Manager

CITY OF SHERMAN
SEAL COAT EMULSIFIED OIL BID TAB
March 23, 2007

Company	Per Gal.	Pump Charge	Demurrage	Extended
SEM Materials 600 Mentin Rd. Saginaw, Texas 76179 ATTN: Pat Coyle 1.817.232.3658	$1.49	$95.00	First two hours free $100 per hour *	$165,990.00
Cleveland Asphalt P.O. Box 1449 Shepherd, Texas 77371 ATTN: Murray Moore 1.936.628.6200	$1.58		First two hours free $50 per hour *	$175,164.00
Martin Asphalt Company Three Riverway Suite 400 Houston, Texas 77056 ATTN: Tom Hernandez 1.713.823.6365	$1.50			$165,000.00

* Demurrage not included in total charge

RESOLUTION NO. 4991

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH MARTIN ASPHALT COMPANY FOR THE PURCHASE OF AN ANNUAL SUPPLY OF EMULSIFIED ASPHALT OIL FOR THE 2007 SEAL COAT PROGRAM; 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 Martin Asphalt Company is hereby awarded the bid in the total amount of One Hundred Sixty-Five Thousand Dollars and No Cents ($165,000.00) for an annual supply of emulsified asphalt oil and that the Acting City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved by the City Attorney, to execute a contract with Martin Asphalt Company for an annual supply of emulsified asphalt oil for the 2007 Seal Coat Program, in accordance with all contract documents attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on this the _____ day of ________________, 2007.

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

CONTRACT OF SALE

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

THIS AGREEMENT, made and entered into by and between the **CITY OF SHERMAN,** a municipal corporation of the State of Texas, hereinafter called "BUYER", and **Tom Hernandez, individually and doing business as Martin Asphalt Company,** hereinafter called "SELLER",

WITNESSETH:

SELLER agrees to sell and will deliver to BUYER, and BUYER agrees to purchase from SELLER, the emulsified asphalt as described in the bid proposal and specifications attached hereto as Exhibit "A" and incorporated herein for all purposes. As consideration for this contract, SELLER agrees to sell such emulsified asphalt at the prices specified therein in Exhibit "A."

Reference is hereby made to the specifications and requirements of Invitation to Bid prepared by BUYER and the Bid Proposal submitted by SELLER on, in answer to BUYER's Invitation to Bid. The terms and content in both BUYER's Invitation to Bid and SELLER's Bid Proposal, previously identified as Exhibit "A", are incorporated herein by reference and are part of this contract for all purposes.

SELLER hereby agrees to deliver the materials specified in Exhibit "A" to BUYER as directed by the BUYER.

BUYER retains the right to reject all or any materials delivered by SELLER that do not comply with the specifications as set forth in the Invitation to Bid and the Bid Proposal submitted by SELLER. Should any parts and supplies be rejected because of failure to meet specifications, and SELLER not supply conforming products within three (3) days of date of rejection, then BUYER may purchase such products from the next lowest bidder willing to honor its bid, and SELLER agrees to pay to BUYER in cash the difference in the Bid Proposals.

Payment of Monies Owed to the City of Sherman. BUYER may, in its discretion, apply any monies owed to SELLER, the contracting party under this agreement, in partial or complete satisfaction of any property taxes due or other monies owe the City of Sherman, which are or become delinquent during the term of this contract.

Insurance. SELLER agrees to carry insurance as specified in Exhibit "A" and to name the BUYER as an additional insured.

Indemnification. SELLER agrees to defend, indemnify, release and hold harmless BUYER, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses, including attorney fees, for personal injury (including death), property damage or other harm, for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by SELLER's breach of any of the terms or provisions of this Agreement, or by any negligent, grossly negligent, strictly liable act, or any omission of SELLER, its officers, agents, employees or subcontractors, in the performance of this Agreement (hereinafter "Claims"); except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of BUYER, its officers, agents, employees or separate contractors. In addition, this indemnification and save harmless shall apply to any imputed or actual joint enterprise liability.

Amendment of Contract. This agreement may not be changed, varied or altered except by an instrument in writing, duly executed on behalf of BUYER and by SELLER.

Assignment of Contract. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Contract.

Severability. Any provision or part of this Contract is held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the BUYER and SELLER, who agree that the Contract shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

Headings. Section or other headings contained in this Contract are for reference purposes only and shall not affect in any way the meaning or interpretation of this Contract.

Conflicts. If there are any conflicts between the Contract and Exhibit "A", the provisions in the Contract prevail over the provisions in Exhibit "A."

Applicable Laws and Venue. This agreement shall be construed in accordance with the laws of the State of Texas, shall be deemed performable and enforceable in the State of Texas, with venue in Grayson County, Texas.

IN WITNESS WHEREOF, this instrument, in duplicate originals of equal force, has been executed on behalf of SELLER and on behalf of BUYER, City of Sherman, by its City Manager and attested by its City Clerk, effective the 27th day of March, 2007.

SELLER:	BUYER:
	CITY OF SHERMAN, TEXAS
BY: [signature]	BY: ____________________
NAME: Tom Hernandez	GEORGE OLSON,
TITLE: Sales Manager	ACTING CITY MANAGER
ADDRESS: 3 Riverway Suite 400	220 W. MULBERRY :
Houston, TX 77056	SHERMAN, TEXAS, 75090

ATTEST:	ATTEST:
BY: [signature]	BY: ____________________
NAME: Lynn A. Nance	LINDA ASHBY,
TITLE: Controller	CITY CLERK

APPROVED:

____

DOREEN E. MCGOOKEY,
CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. C.4

RESOLUTION NO. 4993
Granting the City Manager Authority to Approve such Contracts, Expenditures, and Purchases for Budgeted Items in an Amount not to Exceed $25,000.00 or the Amount Fixed by State Law for Competitive Bidding

Issue
To consider granting the City Manager the authority to approve contracts, expenditures, and purchases in budgeted amounts not to exceed $25,000.00 or the competitive bidding amount established by State law

Background
The Sherman City Charter, at Article V, “Finance Administration,” Section 15, “Contracts, expenditures, purchases and procedure” states the following:

> “The city council shall approve all contracts, expenditures, and purchases for non-budgeted items, and shall approve such for budgeted items in excess of that amount fixed by state law for competitive bidding, before they can become binding upon the city. *The city council annually may designate a not to exceed amount for which the city manager may approve such contracts, expenditures, and purchases for budgeted items, without further council approval being required, provided that such established amount shall not exceed that amount fixed by state law for competitive bidding and any contracts, expenditures, or purchases in excess of the amount so established shall require council approval.*”

Resolution No. 4993 has been drafted to grant the City Manager authority to approve contracts, expenditures and purchases for budgeted items in amounts not to exceed $25,000.00 or the competitive bidding amount set by State law and remove this administrative burden from the City Council.

Origination
City Attorney

Financial Consideration
There is no financial impact for this agenda item.

Staff Recommendation
The staff recommends the City Council approve this resolution.

Alternatives
The Council could not approve the resolution and consider every contract, expenditure, or purchase for budgeted items, but this is not recommended.

Attachments
Resolution No. 4993

Prepared by:
Doreen E. McGookey, City Attorney

Approved by:
George Olson, Acting City Manager

RESOLUTION NO. 4993

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, GRANTING THE CITY MANAGER AUTHORITY TO APPROVE SUCH CONTRACTS, EXPENDITURES, AND PURCHASES FOR BUDGETED ITEMS IN AN AMOUNT NOT TO EXCEED $25,000.00 OR THE AMOUNT FIXED BY STATE LAW FOR COMPETITIVE BIDDING; 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. Grant the City Manager authorization to approve contracts, expenditures and purchases for budgeted items in amounts not to exceed $25,000.00 or the competitive bidding amount set by State law, provided that all contracts documents related to this authorization are properly completed and 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 ________________, 2007.

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:** 4-2-2007

Subject: Agenda Item No. D.1

OTHER BUSINESS
Approve the 2007 Street Maintenance Program

Issue
To approve the 2007 street maintenance program

Background
In the battle to maintain the over 200 miles of Sherman streets, there are only a few effective tools that help extend the life of the street by protecting the street base and providing the public with an improved riding surface. One of those maintenance programs is seal coating. It is still the primary process used by our Street Department and adds years of life to residential and thoroughfare streets. After a thorough annual evaluation of all streets, Street Department staff recommends a list of from 25 to 30 miles of streets to be seal coated each year. Depending on its condition and traffic volume, other streets will be candidates for milling and overlaying. This process mills or removes typically 2" of old asphalt and lays down a new asphalt surface. During fiscal year (FY) 2006-2007, City crews propose to mill and overlay 1.6 centerline miles (26,783 square yards) of existing streets as discussed at last summer's budget workshop.

Origination
Department of Public Works & Engineering

Financial Consideration
Funds to conduct street maintenance activities were appropriated in the FY 2006-2007 budget.

Staff Recommendation
To implement the 2007 street maintenance programs discussed

Alternatives
As may be recommended by the City Council

Attachments
2007 Seal Coat Street List
The seal coat map is positioned on the Council Chambers wall.

Prepared by:
Jeff Miller, Director of Public Services/Engineering

Approved by:
George Olson, Acting City Manager

2007 Seal Coat List

Sequence	STREETS	FROM	TO
1	PARK	Montgomery	Crockett
2	TRAVIS	Park	South City Limits
3	CROCKETT	Travis	Ayers
4	MERCER	Crockett	East End
5	MILLER	Crockett	East End
6	LAKE	First	Rusk
7	OLIVE	Willow	East End
8	DOVE	First	East End
9	MARTIN	Vaden	East End
10	CENTENNIAL	First	East End
11	SUMMIT	First	East End
12	WILLOW	Spring	South End
13	GRIBBLE	Grand	Lake
14	KING	First	Rusk
15	MAGNOLIA	Montgomery	East
16	CHERRY	Sam Rayburn	First
17	JAY	Travis	Crockett
18	VALENTINE	Dewey	Leslie
19	VALENTINE	Leslie	Wells
20	COPLEY	Valentine	North End
21	WANDA	Lamar	Hillside
22	CHERRY	Dewey	East End
23	HARRISON	Pacific	Houston
24	TUCK	Grand	Elllingson
25	TUCK	Ellingson	Skaggs
26	SKAGGS	Tuck	North End
27	PECAN	Sam Rayburn	Travis
28	LAUREL	Rusk	Crockett
29	BROCKETT	Elm	Travis
30	COLLEGE	Texoma Pkwy	Crockett
31	WILLAMS	Montgomery	Walnut
32	LYONS	Center	South End
33	CENTER	Sam Rayburn	Holly
34	RICKETTS	King	Center
35	BINKLEY	King	Center
36	CHURCHILL EAST	Center	Churchill West
37	CHURCHILL WEST	Churchill East	Marlborough

38	MARLBOROUGH	Churchill East	Churchill West
39	HOLLY	Center	Moore
40	HOLLY	Steadman	South End
41	AVENUE F	Moore	South End
42	CENTER	Baker Park	Baker Park
43	BAKER PARK	Parking Lot	
44	GORDON	King	South End
45	CONTEMPORARY	Cherry	South End
46	CHERRY	Woods	East End
47	KING	Binkley	Ricketts
48	KING	Ricketts	Contemporary
49	ELLIS	Woods	Maple
50	WOODS	Lamar	King
51	CARL	North End	Pecan
52	WHARTON	Hillcrest	College
53	BRYANT	Lamar	Kessler
54	TOLBERT	Lamar	Holly
55	TAHO	Chisholm	Arapaho
56	CHISHOLM	Laurel Creek	Hidden Valley
57	BLANTON	Sunset	Washington
58	KESSLER	McGee	Hunt
59	LOCKHART	Pelton	Steward
60	PELTON	Travis	Monett
61	WOODS	Washington	Lamar
62	LAMBERTH	FM 1417	Shoreline
63	HICKORY	HWY 82	Canyon Grove
64	FOREST CREEK	Travis	East End
65	AUGUSTA	Forest Creek	South End
66	COLONIAL	Savannah	East End
67	SAVANNAH	North End	South End
68	NORTH CREEK	Travis East	Concrete
69	HILRE	Travis East	Concrete
70	INDIO	Hilre	North Creek
71	HARA	North Creek	Hilre
72	LASALLE	Gallagher	Loy Lake
73	VERSAILLE	Gallagher	Lasalle
74	RICHELLEU	Gallagher	Lasalle
75	NORMANDY	Gallagher	Lasalle
76	MARSEILLE	Northpoint	Gallagher
77	NORTHPOINT	Lasalle	Gallagher
78	NORTHRIDGE	Gallagher	Hwy 82
79	DAUPHINE	Hwy 82	Gallagher
80	CALAIS	Pecan Grove	Lasalle
81	BURGANDY	Gallagher	Lasalle
82	BORDEAUX	Loy Lake	Gallagher

83	GALLAGHER	Loy Lake	Texoma Pkwy
84	FRISCO	Texoma Pkwy	Gallagher
85	DRIPPING SPRINGS	Frisco	Sistrunk
86	SISTRUNK	Dripping Springs	South End
87	CEDAR PARK	Crimsonwood	East End
88	CRIMSONWOOD	Cedar Park	South End
89	JUNIPER	Crimsonwood	Heatherwood
90	HEATHERWOOD	Juniper	Village
91	VILLAGE	Graystone	East End
92	LINDLEY	Texoma Pkwy	East End
93	HILL TOP	Texoma Pkwy	City Limits
94	GRAYSTONE	Frisco	City Limits
95	PLAYA	Camino Lagos	Dripping Springs
96	PLAYA COURT	Playa	East End
97	POCO REDONDO	Camino Lagos	West End
98	PEACHTREE	Loy Lake	East End
99	HALIBURTON	HWY 1417	West End
100	TEJAS	South Cul De Sac	North Concrete
101	SEMINOLE	East End	West End
102	CIMMARON	North End	Park
103	MOCHICAN	Cimmaron	West End
104	NAVAJO	Cimmaron	West End
105	ROLLING HILLS	Friendship	O.B. Groner
106	MEADOW RIDGE	Friendship	Valley Ridge
107	VALLEY RIDGE	Country	Meadow Ridge
108	COUNTRY	West Ridge	Rolling Hills
109	WEST RIDGE	Meadow Ridge	Rolling Hills
110	TRAIL RIDGE	Friendship	West Ridge

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.2

**** OTHER BUSINESS***

Special Consideration to Ordinance No. 2252, Article IV, Section 410 (2)(j) for Site Plan Approval in the Blalock Industrial Park District at 4201 U.S. Highway 75 South (GK TRI-TEXAS, LLC, Owner; Consolidated Container, Tenant)

Issue

To consider the request of GK TRI-TEXAS, LLC (Owner) and Consolidated Container (Tenant) for special consideration for a site plan in the Blalock Industrial Park District at 4201 U.S. Highway 75 South. The owner would like to construct an addition to the parking lot for the cargo trailers so that they will not park in the fire lanes.

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

GK TRI-TEXAS, LLC, Owner; Consolidated Container, Tenant

Board Recommendation

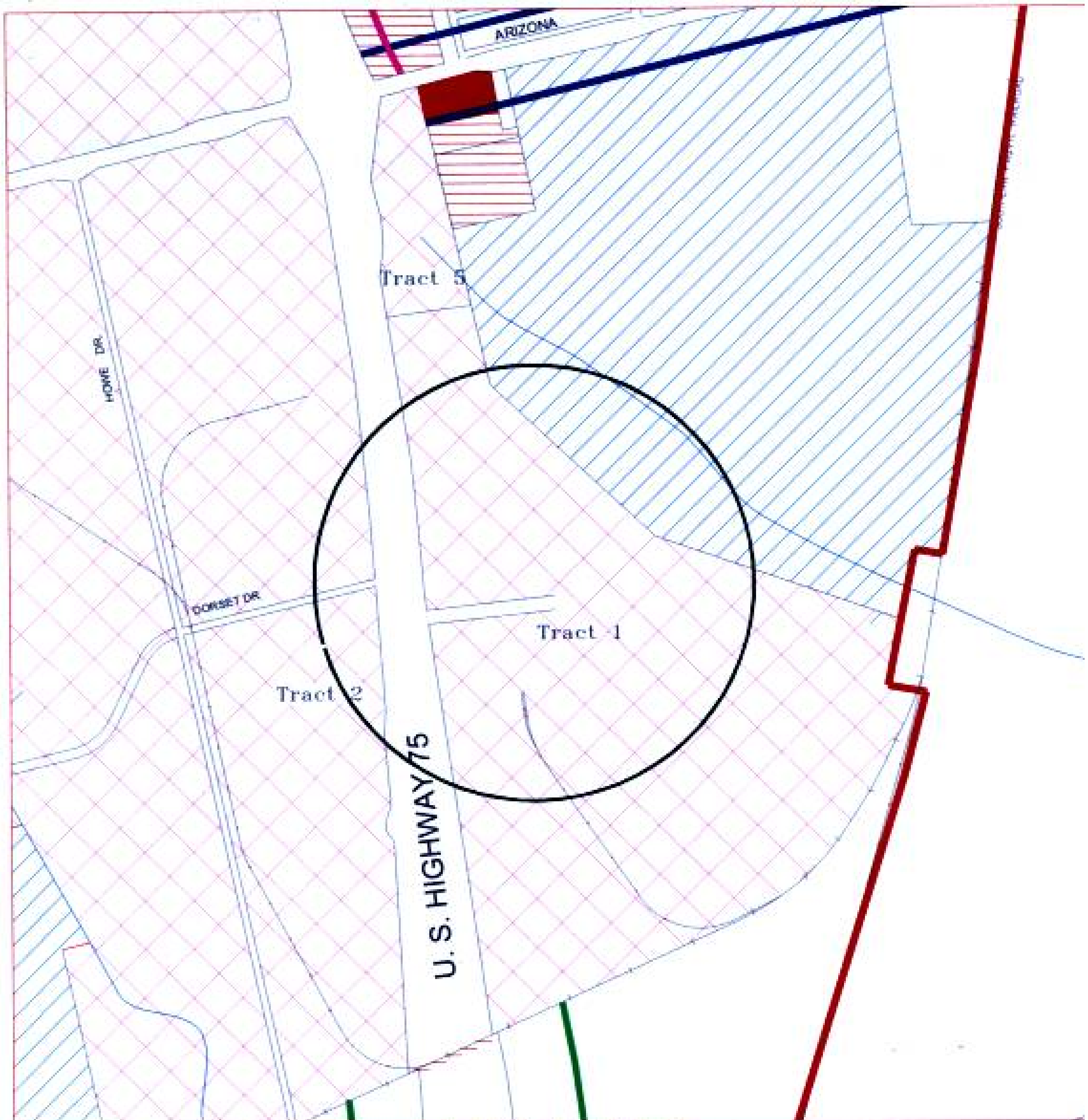
At the regular meeting on March 20, 2007, the Planning and Zoning Board voted 7/1 to approve the site plan and to forward the request to the City Council.

Attachments

Location Map
Photographs
Site Plan
P&Z Communications Form
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
George Olson, Acting 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

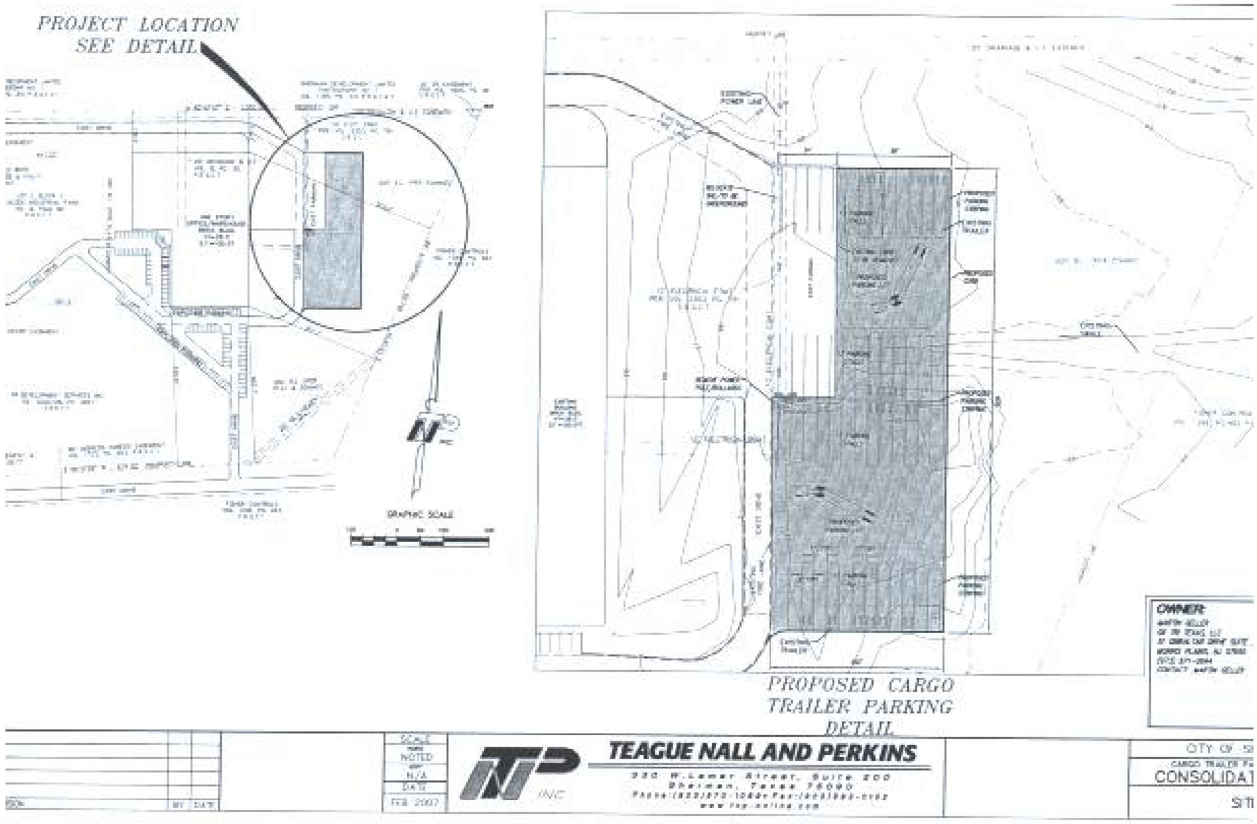
4201 US HWY 75 SOUTH SITE PLAN

Department of Developmental Services

N

Average Scale: 1 inch = 138.3 feet

4201 U.S. Highway 75 S.


PROJECT LOCATION
SEE DETAIL
GRAPHIC SCALE
OWNER:
PROPOSED CARGO
TRAILER PARKING
DETAIL
SCALE
NOTED
N/A
DATE
FEB 2007
TEAGUE NALL AND PERKINS
INC
CONSOLIDAT

AGENDA ITEM #11

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

March 20, 2007

Willie Steele, Chairman

4201 US Highway 75 South
Lot 1, Block 1, Blalock Industrial Park Addition
Site Plan

Requested Action/Proposed Use:
Site plan approval under Ordinance No. 2252 Article IV Section 410 (2) (j) in the Blalock Industrial Park.

Adjacent Zoning:
Blalock Industrial Park

Origination:
GK TRI-TEXAS, LLC (Consolidated Container) (Owner),Teague, Nall and Perkins (Engineers) and Underwood and Associates (Surveyors)

Considerations:
Master Plan Designation: Industrial

Number of notices mailed:
32

Objections Received:
0

Attachments:
Location map
Photographs
Site Plan
Staff Review Letter

Prepared By:
Rita Gaither,
Development Coordinator

Approved By:
Scott Shadden,
Developmental Services Director

STAFF REVIEW LETTER

March 15, 2007

GK TRI-Texas LLC
C/O Geller Associates
51 Gibraltar Drive, Ste. 3B
Morris Plains, NJ 07950-1254

Chris Schmitt
300 W. Lamar, Ste. 220
Sherman, Texas 75090

Dear Applicant,

The request for approval of a site plan for Consolidated Container at 4201 U. S. Highway 75 South has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 20, 2007 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. On site detention is required to be provided.
2. New construction of the parking area shall be concrete.
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: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.3

***OTHER BUSINESS**

Final Plat Approval of the Kevin and Whitney Addition, a 13.93 Acre Plat of a Part of the Preston Kitchens Survey, Abstract No. 667, and a Replat of all of Blocks One, Twenty, and Twenty-One and all of Lots Seven, Eight, and Nine of Block Twenty-Two of the Southside Addition; Douglass Distributing Company, Inc., Owner (325 East Forest Avenue)

Issue

To consider the Final Plat Approval of the Kevin and Whitney Addition, a 13.93 Acre Plat of a Part of the Preston Kitchens Survey, Abstract No. 667, and a Replat of all of Blocks One, Twenty, and Twenty-One and all of Lots Seven, Eight, and Nine of Block Twenty-Two of the Southside Addition, located at 325 East Forest Avenue

Background

Douglass Distributing has been in the community for 25 years and, during that time, has purchased fifteen different lots and properties. They now have a fourteen-acre tract that extends on the south side from Park Street to the north side on Lake Street and borders on the west by Montgomery Street. They would like to replat those properties into one lot. They operate a 24-hour distribution business with residential housing around them and are trying to develop a green barrier between the residential housing.

Origination

Douglass Distributing Company, Inc. (Owner); and Sartin & Associates, Inc. (Surveyors)

Board Recommendation

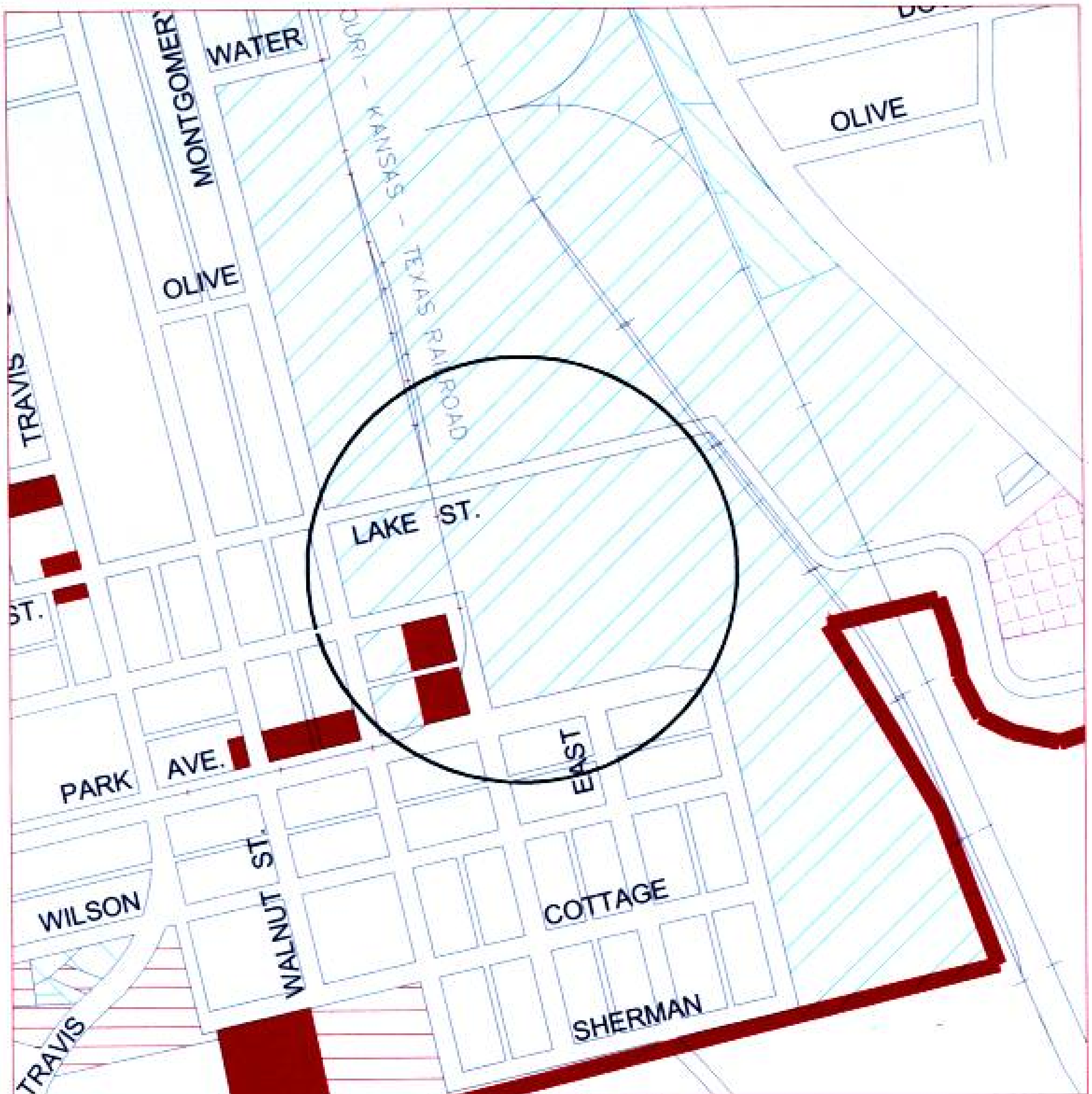
At the March 20, 2007 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Developmental Services Director

Approved by:
George Olson, Acting City Manager



LEGEND

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

325 East Forest Replat

Department of Developmental Services

N

Scale: 1 inch = 160.0 feet

325 E. Forest

Douglass
Distributing
Company
LoneStar
FOOD STORE
Douglass Distributing
Carriers, Inc.
ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7232
03/02/2007

KEVIN AND WHITNEY ADDITION

TO THE
CITY OF SHERMAN, TEXAS

Being a Replat of Blocks One, Twenty, Twenty One and Lots No. Seven, (7), Eight (8), and Nine (9) in Block Twenty Two, Southside Addition, together with adjacent streets, alleys and unplatted land out of the Preston Kitchens Survey, Abstract No. 857.

Owner & Developer

Douglas Distributing Co., Inc.
by: Bill Douglas
325 E. Forest Ave.
Sherman, Texas

SARTIN & ASSOCIATES, INC
Registered Professional Land Surveyors
[illegible]
[illegible]

SHEET 1 OF 1

AGENDA ITEM #10

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

March 20, 2007

Willie Steele, Chairman

325 East Forest Avenue
a part of the Preston Kitchens Survey, Abstract No. 667
and being all of Blocks One, Twenty and Twenty-one and all of lots Seven, Eight, and Nine of Block Twenty-two of Southside Addition
Replat

Requested Action/Proposed Use:
Kevin and Whitney Addition, a 13.93 acre Plat of a part of the Preston Kitchens Survey, Abstract No. 667 and a Replat of all of Blocks One, Twenty and Twenty-one and all of lots Seven, Eight, and Nine of Block Twenty-two of Southside Addition

Adjacent Zoning:
R-1 (One and Two Family Residential) District, C-1 (Retail Business) District and M-2 (Heavy Manufacturing) District

Origination:
Douglass Distributing Company, Inc., by Bill Douglass (Owners) and Sartin and Associates, Inc. (Surveyors)

Considerations:
Master Plan Designation: Industrial

Number of notices mailed:
162

Objections Received:
0

Attachments:
Location map; Photographs; Site Plan; and Staff Review Letter

Prepared By:	**Approved By:**
Rita Gaither,	**Scott Shadden,**
Development Coordinator	**Developmental Services Director**

STAFF REVIEW LETTER

March 15, 2007

Douglass Distributing Company
325 East Forest Ave.
Sherman, Texas 75090

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

Dear Applicant,

The request for approval of the Kevin and Whitney Replat located at 325 E. Forest Avenue has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 20, 2007 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 companies are required verifying availability of service. (Contacts to be made by the City).
2. If any floodplain is relevant, it should be indicated on the plat.
3. Original tax certificates for the property must be furnished prior to recording of the plat.
4. Any other changes made to the replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning 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: Giles Brown, Assistant City Manager
Mark Gibson, Director of Utilities
Doreen E. McGookey, City Attorney
Rita Gaither, Development Coordinator
Perry Elliott, Fire Marshal
Jeff Miller, Director of Public Works and Engineering
James Shankles, Jr., P.E., City Engineer

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.4

**** OTHER BUSINESS***
Set Date to Canvass Results
of the City of Sherman's Regular and Special Municipal Elections

Issue
Ordinance Nos. 5444 and 5445 (approved by the City Council on February 20, 2007) called the Regular and Special Municipal Elections to elect a Mayor and two At-Large City Council Members and to consider seven Charter Amendments. The ordinances also set the date to canvass the results from the election for Tuesday, May 22, 2007. Since there is a Planning and Zoning Commission Meeting that night, the Called Meeting should be set for 12:00 noon.

Background
Texas Election Law Section 67.003 states that a City "shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the eighth day or later than the eleventh day after the Election Day." However, since the last day to count provisional ballots is Friday, May 18, 2007, and we would need to input those numbers into the tally sheet, we moved the date of canvass to the following Tuesday.

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

Staff Recommendation
It is recommended that the City Council approve the date and time (12:00 noon on Tuesday, May 22nd) for the canvass of the May 12, 2007 Regular and Special Municipal Elections.

Alternatives
The alternative is to select another date and/or time more convenient for the canvass.

Attachments
Ordinance Nos. 5444 and 5445 are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, Acting City Manager

Regular election
of May 12, 07

ORDINANCE NO. 5444

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12th DAY OF MAY, 2007, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING; 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, in compliance with the Charter of the City of Sherman, Texas, and in accordance with the laws and the Constitution of the State of Texas, an election may be and the same is hereby called and ordered for the second Saturday in May, 2007, the same being the 12th day of said month, at which election all qualified voters may vote for the purpose of electing a Mayor and two At-Large City Council Members for full terms.

SECTION 2. That said election shall be held jointly with the Sherman Independent School District in accordance with the Joint Election Agreement executed pursuant to the authority of Resolution No. 4964, passed and approved on the 20th day of February, 2007.

SECTION 3. That the City Clerk of said City shall prepare electronic ballots for early and election day voting and paper ballots for mail ballots and provisional ballots to be used in said election and shall label same *"Official Ballot"*, on which ballot shall be printed the names of the candidates and the positions of At-Large Council Members. The designation of each position on the official ballot shall be Mayor, Council Member At-Large, Place 1, and Council Member At-Large, Place 2, respectively.

SECTION 4. That no person's name shall be placed upon the official ballot as a candidate for the position of Mayor or Council Member unless such person has filed his/her sworn application, as provided by the laws of the State, with the City Clerk at least sixty-one (61) days prior to the election date, and it must also appear on the face of said application the position the candidate is seeking.

SECTION 5. That it shall further appear to the said City Clerk, before said candidate's name is entered on said ballot, that he has filed an affidavit of loyalty with the City Clerk as required by the Election Code of the State of Texas.

SECTION 6. That, in the event there are two or more candidates for the same position, the position of such candidates' names on the ballot shall be determined by lot conducted by the City Clerk in the presence of each candidate or candidate's designated representative.

SECTION 7. That any Council Member candidate receiving the greatest number of the qualified votes cast for the position for which he is a candidate shall be elected to such position. That any candidate for Mayor receiving a majority of the qualified votes shall be elected to such position. In the event no candidate receives a majority vote for Mayor or a tie vote occurs, the City Council of said City, immediately after the canvass, shall issue a call for a Special Election, as required by law, to be held not less than twenty (20) nor more than forty-five (45) days after the results of the Regular Election shall have been declared, at which election the candidates receiving a tie vote for any such position or positions in the regular election shall again be voted. If needed, a run-off election will be held June 30, 2007.

SECTION 8. That the polls shall be kept open from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. on Election Day, and that due return shall be made to the City Council showing the number of votes cast for each candidate for each position of Mayor and At-Large Council Member, respectively.

SECTION 9. That notice of said election shall be given by the Mayor of the City of Sherman by causing an election notice to be posted at City Hall not later than the twenty-first day before election day, and by publishing this ordinance at least one time not more than thirty days nor less than ten days prior to the election date, in at least one daily newspaper published in the City of Sherman in accordance with the provisions of the Election Code of the State of Texas, as amended.

SECTION 10. That the polling places for this election shall be as follows:

PRECINCT NO.	LOCATION	JUDGES
1-20-21-65	Fairview School 501 West Taylor St Sherman, Texas	TBA, Presiding TBA, Alternate
2-3-4-8-23	Piner Middle School 402 West Pecan Sherman, Texas	Diane Curran, Presiding 2311 Chandler Court, Sherman Mary Larabee, Alternate 406 Colorado, Sherman
5-32-36-53	Crutchfield School 521 South Dewey Sherman, Texas	Ruby Sprinkle, Presiding 1034 Idlewild, Sherman Oleta Owen, Alternate 408 N. Andrews, Sherman

SECTION 11. That Direct Recording Electronic Equipment shall be used for voting at the foregoing election precincts.

SECTION 12. That the qualified voters, eligible to cast their ballots early under the laws of this State, shall be permitted to so cast their vote in the Municipal Ballroom (North Entrance), 405 North Rusk Street, Sherman, Texas, during regular office hours from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. on weekdays from April 30, 2007, to May 4, 2007, and from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m. on May 7, 2007 and May 8, 2007.

SECTION 13. That the Presiding Judge for Early Voting shall be Linda Ashby, the Alternate Judge shall be Pat Vestal, and two Voting Clerks shall be appointed.

SECTION 14. That an Early Voting Ballot Board for verifying Early Voting ballots shall be appointed, consisting of Presiding Judge Diane Curran and two Clerks.

SECTION 15. That the rate of pay set by Subchapter E, Sections 32.091 and 32.092 of Title 3 of the Election Code for Election Judges and Clerks shall be at an amount fixed by the appropriate authority, which is at least the federal minimum hourly wage. The judge who delivers the election returns may be paid an amount not to exceed $25.00 for that service. No judge may be paid for more than one hour of work before the polls open.

SECTION 16. That Linda Ashby, City Clerk, is hereby appointed Counting Station Presiding Judge.

SECTION 17. That the canvass of the Election Returns will be held in the Council Chambers of City Hall, 220 West Mulberry, Sherman, Texas, at the Called Council Meeting of May 22, 2007.

SECTION 18. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the 20th day of February, 2007.

ADOPTED on this the 20th day of February, 2007.

EFFECTIVE DATE on this the 20th day of February, 2007.

CITY OF SHERMAN, TEXAS

BY: ____________________
BILL MAGERS, MAYOR

ATTEST:

BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

Special election for
charter amendments
on May 12, 2007

ORDINANCE NO. 5445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12th DAY OF MAY, 2007, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING; AND; 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, in compliance with the Charter of the City of Sherman, Texas, and in accordance with the laws and the Constitution of the State of Texas, there is hereby ordered a special election to be participated in by the qualified voters of the City of Sherman, Texas, to be held on the second Saturday in May, 2007, the same being the 12th day of said month, for the purpose of holding an election for the submission of amendments to the existing City Charter of the City of Sherman, Texas, which City Charter was adopted by the people, pursuant to Article X, Section 15 of the Home Rule Charter for the City of Sherman, Texas, and V.T.C.A., Local Government Code § 9.004.

SECTION 2. That said election shall be held jointly with the Sherman Independent School District in accordance with the Joint Election Agreement executed pursuant to the authority of Resolution No. 4964, passed and approved on the 20th day of February, 2007.

SECTION 3. That the City Clerk of said City shall prepare electronic ballots for early and election day voting and paper ballots for mail ballots and provisional ballots to be used in said election and shall label same *"Official Ballot"*, on which ballot shall be printed the names of the candidates and the positions of At-Large Council Members. The designation of each position on the official ballot shall be Mayor, Council Member At-Large, Place 1, and Council Member At-Large, Place 2, respectively.

SECTION 4. That the following are the proposed amendments to the Home Rule Charter for the City of Sherman, Texas, to be voted upon:

Amendment No. 1

To amend Article II "City Council" at Section 1(a)(4) "Membership" to provide:

~~(4) In even numbered years, council members shall be elected for Districts 1, 2, 3, and 4, and in odd numbered years, a mayor and two (2) council members at large shall be elected.~~

(4) The terms of office will be staggered as follows:

(A) Commencing with the regular election in May 2008, District 1 and District 3 will be elected to one two (2) year term of office and thereafter at the next regular election, the terms of office for District 1 and District 3 will be for three (3) years.

(B) Commencing with the regular election in May 2008, District 2 and District 4 shall have three (3) year terms of office.

(C) Commencing with the regular election in May of 2009, the mayor and the two council members at-large shall have three (3) year terms of office.

Amendment No. 2

To amend Article II "City Council" at Section 1(a)(5) "Membership" to provide:

(5) All terms of office shall be for ~~two (2)~~ *three (3)* years, or until the successor has been elected and qualified. Service in office for more than twelve (12) months of a ~~two (2)~~ *three (3)* year term, shall constitute a full term. *This provision will take effect in accordance with the terms specified in Article II, Section 1 (a)(4) of this Charter.*

Amendment No. 3

To amend Article II "City Council" at Section 1(a)(6) "Membership" to provide:

(6) A council member or mayor may serve a maximum of ~~three (3)~~ *two (2)* consecutive terms in the same office or ~~six (6)~~ *four (4)* consecutive terms in any combination of offices, *unless the previous term of office for the mayor or council member seat was for two (2) years under Article II, Section 1(a)(4) of this Charter, then the council member or mayor may serve of maximum of three (3) consecutive terms of office. After a council member or mayor has served their maximum term of office,* ~~after which~~ a one (1) year (360 day) absence from office is required before that person will be eligible to hold another elective office.

Amendment No. 4

To amend Article II "City Council" at Section 5(c) "Prohibitions" to provide:

(c) Interference with administration. Except for the purpose of inquiries ~~and investigations under Section 8 (of this article)~~, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager only through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. *Nothing in this Section should be interpreted to limit the council's power of investigation and inquiry under Section 8 of this Article.*

Amendment No. 5

To amend Article IV at Section 2(b) "City manager" to provide:

(b) Removal. The city council may contract with the city manager. However, the city manager shall not be employed or appointed for a definite term, but may be removed at the will of the council by ~~five (5) affirmative votes for removal~~ *a majority vote of all members of the council.* If removed at any time after having served six (6) months, the city manager may, within ten (10) days of the order of removal, demand written charges specifying the grounds of the removal, and the right to be heard thereon at a public meeting of the council. Such hearing shall be at a time and on a date set by the council within thirty (30) days from the date of the issuance of the order of the removal of the city manager. Regardless of whether or not a hearing is demanded, the action of the council in removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such removal in the council.

Amendment No. 6

To amend Article IV at Section 5 "Legal officer" to provide:

From among nominations made by the city manager, the city council shall appoint an attorney currently admitted to practice law before the State Supreme Court, who is not the subject of any ongoing disciplinary investigation or trial, and who possesses the necessary legal transactional and trial training, experience and ability to successfully represent the city in all matters. The city council may contract with the city attorney. However, the city attorney shall not be employed or appointed for a definite term and shall serve at the will of the city council and may be removed by ~~five (5) affirmative votes for removal~~ *a majority vote of all members of the council.* The city attorney shall perform such services as the council may direct and shall be responsible and report directly to the city council and shall timely coordinate with and inform the city manager of all activities of the office. The city attorney shall serve as the parliamentarian for all city council meetings. The city attorney shall be the legal advisor of and attorney for the city, the city council or any member of the council, and all of the officers and departments of the city, in the matters affecting the conduct of city business, and shall represent the city in all legal proceedings, including the collection of taxes, assist in all civil service disciplinary matters and internal affairs investigations, and may, with the approval of the city council, employ outside legal counsel as the need may arise. The city attorney shall aid the city council in any investigations it may conduct. Before the city shall act as a plaintiff or petitioner in any suit and during the defense of any suit, the city attorney shall investigate the facts and legal issues involved and report the findings, conclusions and recommendations to the city council, provided the time to conduct such a process would not cause irreparable harm to the city. The city attorney shall always act in accordance with the promulgated rules, regulations and ethics of the State Bar of Texas.

There shall be such assistant city attorneys as may be authorized by the council and appointed by the city attorney with the approval of the city manager, and such assistant city attorneys shall be authorized to act for and on behalf of the city attorney.

Amendment No. 7

To amend Article X "General Provisions" at Section 1 "Personal Financial Interests" to provide:

Section 1. Personal financial interests.

(a) In this section, a "substantial business interest" exists if a "substantial interest in business entity" exists for purposes of Section 171.002 of the Texas Local Government Code, as amended.

~~(a)~~ *(b)* No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, to the extent prohibited by state law, or shall be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or service where such financial interest is prohibited by state law.

(c) Restrictions relating to city business. An officer or employee may not, while in the service or employment of the city, either individually or as the officer or principal of a business entity:

(1) Enter into any business relationship with the city in which the officer or employee has a substantial business interest and where the monetary amount of such relationship is in excess of five hundred dollars ($500.00), whether or not the relationship is required by state law to be competitively bid, unless such relationship is authorized in advance by a majority vote of the council present and voting, and duly recorded.

(2) Exceptions. This restriction does not apply:

(A) To a member of:

(1) A board that functions only in an advisory or study capacity and that does not have the power to make findings as to the rights of specific parties; or

(2) A board of a nonprofit development corporation that acts as an instrumentality of the city;

(B) To any transactions by the officer or employee related to their official duties for the city or any reimbursements received by the officer or employee as a result of their official duties for the city.

(d) Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his or her office or position. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract involved voidable by the city manager or the council.

SECTION 5. That each and every of the above described amendments in Section 4 above shall be submitted separately and in such manner that the voter may vote "FOR" or "AGAINST" on any amendment or amendments without voting "FOR" or "AGAINST" on all of said amendments.

SECTION 6. That notice of said election shall be given by the Mayor of the City of Sherman by causing an election notice to be posted at City Hall not later than the twenty-first (21st) day before election day, and by publishing this ordinance at least one time, not more than thirty (30) days nor less than ten (10) days prior to the election date, in at least one daily newspaper published in the City of Sherman in accordance with the provisions of the Election Code of the State of Texas, as amended.

SECTION 7. That the polling places for this election and the names of the officers who are to hold the same, except insofar as the officers may be changed by the City Council of the City of Sherman, shall be as follows:

PRECINCT NO.	LOCATION	JUDGES
1-20-21-65	Fairview School 501 West Taylor Street Sherman, Texas	TBA, Presiding TBA, Alternate

2-3-4-8-23	Piner Middle School 402 West Pecan Sherman, Texas	Diane Curran, Presiding 2311 Chandler Ct, Sherman Mary Larabee, Alternate 406 Colorado, Sherman
5-32-36-53	Crutchfield School 521 South Dewey Sherman, Texas	Ruby Sprinkle, Presiding 1034 Idlewild, Sherman Oleta Owen, Alternate 408 N. Andrews, Sherman

SECTION 8. That Direct Recording Electronic Voting Equipment shall be used for voting at the foregoing election precincts.

SECTION 9. That the polls shall be kept open from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. on Election Day, and that due return shall be made to the City Council showing the number of votes cast "FOR" or "AGAINST" each amendment.

SECTION 10. That the qualified voters, eligible to cast their ballots early under the laws of this State, shall be permitted to so cast their vote in the Municipal Ballroom (North Entrance), 405 North Rusk Street, Sherman, Texas, during regular office hours from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. on weekdays from April 30, 2007, to May 4, 2007, and from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m. on May 7, 2007 and May 8, 2007.

SECTION 11. That the Presiding Judge for early voting shall be Linda Ashby, the Alternate Judge shall be Pat Vestal, and two (2) Voting Clerks shall be appointed.

SECTION 12. That an Early Voting Ballot Board for verifying Early Voting ballots shall be appointed, consisting of Presiding Judge Diane Curran and two (2) Clerks.

SECTION 13. That the rate of pay set by Subchapter E, Sections 32.091 and 32.092 of Title 3 of the Election Code for Election Judges and Clerks shall be at an amount fixed by the appropriate authority, which is at least the federal minimum hourly wage. The judge who delivers the election returns may be paid an amount not to exceed $25.00 for that service. No judge may be paid for more than one (1) hour of work before the polls open.

SECTION 14. That Linda Ashby, City Clerk, is hereby appointed Counting Station Presiding Judge.

SECTION 15. That the canvass of the Election Returns will be held in the Council Chambers of City Hall, 220 West Mulberry, Sherman, Texas, at the Called Council Meeting of May 22, 2007.

SECTION 16. That each proposed amendment, if approved by a majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Sherman, Texas.

SECTION 17. That no amendment shall be considered adopted until an official order has been entered upon the records of the City of Sherman, Texas, by the City Council of such City declaring the same adopted.

SECTION 18. That, by approving and signing this ordinance, the Mayor officially confirms as his action all matters recited in the ordinance which, by law, come within his jurisdiction.

SECTION 19. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the 20th day of February, 2007.

ADOPTED on this the 20th day of February, 2007.

EFFECTIVE DATE on this the 20th day of February, 2007.

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

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.5

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.6

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.7

APPOINT/REMOVE OR CONSIDER
QUALIFICATIONS TO BOARDS AND COMMISSIONS
Parks and Recreation Board (3)

Issue
The terms of Nancy Kirkpatrick and Eve Neidhardt on the Parks and Recreation Advisory Board expired on February 23, 2007. Mrs. Kirkpatrick has submitted an application for reappointment and is eligible to serve again. Ms. Neidhardt does not wish to serve another term. There are now three vacancies on the Board.

Background
The Parks and Recreation Board advises the City Council on long-range planning and 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 a reappointment to the Parks and Recreation Board.

Alternatives
The City Council could delay the reappointment to the Board.

Attachments
A membership roster, fact sheet, applicant list, and application are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, Acting 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	2/23/2007	0	
Vacant			8/20/2008		
Vacant					
Vacant			7/8/2007		
Margie Morris	4	A 11/8/2005	11/8/2007	1	
Brad Douglass	1	A 6/15/2001 R 6/15/2003 R 6/15/2005	6/15/2003 6/15/2005 6/15/2007	1 2 3	
Jennifer Thompson	4	A 11/8/2005	11/8/2007	1	

NOTE:

Chair: Brad Douglass Term:
Vice Chair:

CITY STAFF: Ben Uselton, Assistant Director of Public Works
Revised 3/22/2007

FACT SHEET

PARKS & 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 & RECREATION DEPARTMENT. A STUDENT OF SHERMAN HIGH SCHOOL DESIGNATED BY STUDENT COUNCIL AND THE DIRECTOR OF PARKS & RECREATION SHALL BE EX-OFFICIO, NON-VOTING MEMBERS**
5. **Appointed by CITY COUNCIL**
6. **Board Organization**

   CHAIRPERSON _E_ VICE CHAIRPERSON __ SECRETARY _A_

   ELECTED _E_ APPOINTED _A_
7. **Departmental Responsibility ASSISTANT CITY MANAGER/PARKS & RECREATION DEPT.**
8. **Meeting Date FIRST ~~TUESDAY~~ WEDNESDAY OF EACH MONTH**
9. **Attendance Requirements WILL FORFEIT SEAT BY MISSING 3 CONSECUTIVE MEETINGS WITHOUT GOOD CAUSE**

===

PURPOSE:
To assist in long-range planning and implementation of programs and activities conducted by the Parks & Recreation Department.

RESPONSIBILITIES:
Advise concerning future development; to study and make recommendations concerning additional park land or sites; to recommend means for maximum utilization of facilities.

APPLICANT LIST

PARKS AND RECREATION BOARD **Positions Vacant 3**

APPLICANT	ADDRESS	DISTRICT	QUALIFICATIONS
Nancy Kirkpatrick	1020 Western Hills	1	Current Member; Wishes to be Reappointed

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: Nancy Kirkpatrick
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: Parks and Recreation

☒ Yes, I would be interesting in serving on subcommittees that may be formed.

Personal Information	**Occupational Information**
Home Address: 1020 Western Hills 75092	Business Name: St. Mary's Catholic School
Mailing Address: Same	Occupation: Principal
Telephone: 903-868-2549 Fax:	Address: 713 S. Travis 75090
E-Mail: nkirkpatrick@stmarys-sch.org	Telephone: 903-893-2127 Fax: 903-893-3233
Sherman Resident for 19 years County: Grayson	E-Mail: —
Drivers License No.: 13183658	
*Voter Registration No.: 8801414 ✓	

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?
Business College, Correspondence School, Adult Education, Other?
Name of College/University: Baylor University ☒ Bachelor's ☒ Master's ☐ PhD
Southeaster Oklahoma

Volunteer Work: *(please include dates)*

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? Parks & Recreation

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 believe that this is an important part of the quality of life for Sherman citizens of all ages. I have experience in this area, both as a Council member & "regular citizen"

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) Funding – Work closely with Council to identify reasonable funding amounts. Provide Council w/ specific information and options for creative or supplemental funding options.

2) Priorities – Take recent park study and regularly assess it ~~[illegible]~~ as to reality and feasibility of implementation. Assessment should truly be ongoing and not only done when updating plan. (Similar to strategic planning)

3) Land/Space – Identify space needs and think outside the box as to acquiring park space. Stay on top of land use funding trends used throughout the state

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:

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: Nancy Kirkpatrick *Date:* 3/5/07

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.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.8

APPOINT/REMOVE OR CONSIDER
QUALIFICATIONS TO BOARDS AND COMMISSIONS
Library Board (3)

Issue
There are currently three vacancies on the Library Board. Dr. Charles Whitfield has 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 an appointment to the Library Board.

Alternatives
The City Council could delay appointment to the Board.

Attachments
A membership roster, fact sheet, applicant list, and application are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, Acting 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	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.
Vacant					
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 3/20/2006

FACT SHEET

LIBRARY BOARD

Established by ORDINANCE 1736 - APRIL 14, 1948; REVISED ORDINANCE 4223 - OCTOBER 21, 1991

1. **Number of Members** SEVEN - ~~BOARD SHALL AT ALL TIMES HAVE NOT LESS THAN TWO MEN AMONG ITS MEMBERS~~

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 & OPERATION; APPRECIATION OF BOOKS

5. **Appointed by** 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 3**

APPLICANT	ADDRESS	DISTRICT	QUALIFICATIONS
Dr. Charles Whitfield	1516 Crescent	4	Retired

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: Charles Whitfield
(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: 1516 Crescent Dr.	Business Name: I am retired
Mailing Address: 1516 Crescent Dr.	Occupation:
Telephone: (903) 868-3142 Fax:	Address:
E-Mail: cwew@cableone.net	Telephone: Fax:
Sherman Resident for 8 years County: Grayson	E-Mail:
Drivers License No.: 00277130 ✓	
*Voter Registration No.: 8404831 ✓	

Which Council District do you live in? *(see attached map)* D4 ✓

Prior work experience: *(please include dates)*
1960 - 1980 Elementary and Elementary Principal - Lubbock, TX
1980 - 1984 College Professor Morehead State Univ Morehead, KY
1984 - 1995 Elementary Education Director Denison, TX

Educational Achievement:

High School Graduate? ☑ Yes ☐ No Year Graduated/Left School? 1945
Business College, Correspondence School, Adult Education, Other?
Name of College/University: Texas Tech University ☑ Bachelor's ☑ Master's ☑ PhD

Volunteer Work: *(please include dates)*

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 have had experience with libraries in my schools and I thought I might be of some assistance.

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:

Supervision of Elementary Schools as mentioned above.

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 am aware of 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: ______

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: [signature] *Date:* 3-19-07

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.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

Subject: Agenda Item No. D.9

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

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 **a)** **Consultation with the City Attorney Concerning Legal Matters and/or Contemplated Litigation**

b) **Pending Litigation; James Wayne v. City of Sherman, et al., Case No. 05-06-00420**

Section 551.074 **Consider the Qualifications, Appointment or Removal of Members to Boards and Commissions:**
a) **Planning and Zoning Commission (1)**

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 4-2-2007

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:** 4-2-2007

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:** 4-2-2007

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2007
CITY COUNCIL MEETINGS

JANUARY

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

FEBRUARY

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

MARCH

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

APRIL

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

MAY

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

JUNE

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

01/01/07 - New Year's Day Holiday - Council Meeting Not Called for 01/02/07
01/15/07 - M.L.K., Jr. Birthday - Called Council Meeting on 01/16/07
01/30/07 - 12:00 Noon Called Meeting for City Charter Briefing
02/19/07 - 12:30 PM Called Meeting re: City Manager's Employment
02/19/07 - Washington's Birthday - Called Council Meeting on 02/20/07
02/28/07 - 12:00 Noon Called Meeting to Appoint Acting City Manager
03/28/07 - 12:00 Noon Called Meeting re: Acting/Permanent City Manager Issues
05/12/07 - City Council Election
05/22/07 - 12:00 Noon Called Meeting to Canvass Election Results

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					

09/03/07 - Labor Day - Called Council Meeting on 09/04/07