

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 1, 2019
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY COUNCIL MEMBER DARON HOLLAND**
- A. 3. INVOCATION BY COUNCIL MEMBER DARON HOLLAND**
- A. 4. APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING (COUNCIL TRAINING WORKSHOP) OF FEBRUARY 27, 2019 AND THE REGULAR CITY COUNCIL MEETING OF MARCH 18, 2019**

Proclamations

- B. 1. PROCLAMATION**
"Child Abuse Prevention and Awareness Month" – April 2019
- B. 2. PROCLAMATION**
"Texoma Earth Day" – April 13, 2019

Public Hearing

- C. 1. FIRST PUBLIC HEARING**
Conduct the First Public Hearing Concerning the Annexation of 56.07 acres along Fallon Drive, East of Texoma Parkway (State Highway 91), Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6199**
Providing for Permanent "Stop" Signs on West Travis Street at South Sam Rayburn Freeway (U.S. Highway 75) Access Road, on Crossroads Boulevard at Heritage Parkway (West F.M. 1417), on Crossroads Boulevard at West Travis Street, and on Crossroads Boulevard at Medical Drive within the City Limits of the City of Sherman, Texas; Providing for a Penalty Provision

Close Public Hearing and Consider Adoption of Ordinances

- C. 3. ADOPTION OF ORDINANCES**
Consider Adoption of Ordinance Number: 6199
- C. 4. CONSENT AGENDA**
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

- D. 1. RESOLUTION NO. 6473**
Declaring Support for the Designation of the Butterfield Overland Trail as a National Historic Trail
- D. 2. RESOLUTION NO. 6468**
Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the McGee Street Extension; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations
- D. 3. RESOLUTION NO. 6469**
Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Southwest Sewer Main No. 2, Phase II; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations
- D. 4. * RESOLUTION NO. 6470**
Awarding a Bid to and Authorizing Execution of a Contract with Ferguson Enterprises, Inc. dba Ferguson Waterworks for the Purchase of Water Meters for the Customer and Utility Services Department
- D. 5. * RESOLUTION NO. 6471**
Awarding a Bid to and Authorizing Execution of a Contract with Airgas Specialty Products, Inc. for an Annual Supply of Liquid Ammonia for the Sherman Water Treatment Plant
- D. 6. * RESOLUTION NO. 6472**
Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1104 North Branch Street

Requests to Advertise

- E. 1. * REQUEST TO ADVERTISE**
Proposals for a Benefits Broker for the City of Sherman
- E. 2. * REQUEST TO ADVERTISE**
Construction of an Outdoor Basketball Facility at Pecan Grove West Park

Other Business

- F. 1. OTHER BUSINESS**
Receive an Update on the City of Sherman's Recycling Program
- F. 2. * OTHER BUSINESS**
Consider Request of the 2019 Earth Day Planning Committee to Temporarily Close Certain Streets for the "11th Annual Earth Day Festival" on Saturday, April 13, 2019

F. 3. * OTHER BUSINESS

Consider Request of Sherman Main Street to Temporarily Close Certain Streets for "Christmas in July" on Saturday, July 13, 2019

G. CITIZEN REQUESTS

H. MEDIA QUESTIONS

I. COUNCIL COMMENTS

Executive Session

J. 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	Consult with the City Attorney on a Matter in which the Duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter
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Section 551.087	Deliberation Regarding Economic Development Negotiations: (a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect
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The Council reconvenes into General Session

K. 1. OPEN MEETING

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

L. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on March 28, 2019 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 28th day of March, 2019.

City Clerk

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

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

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

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

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

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

Mayor

David Plyler

Deputy Mayor

Shawn C. Teamann

Council Members

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

Sandra Melton, Council-At-Large, PL #2

Shawn C. Teamann, Council – District #1

Josh Stevenson, Council – District #2

Pamela L. Howeth, Council – District #3

Daron Holland, Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 04/01/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING (COUNCIL TRAINING WORKSHOP) OF FEBRUARY 27, 2019 AND THE REGULAR CITY COUNCIL MEETING OF MARCH 18, 2019

Attachments

February 27, 2019

March 18, 2019

Planned Unit Development

Sherman Cultural District - 5-Year Timeline for Action

Sherman Cultural District Quarterly Report

Parks & Recreation Trails Program

STATE OF TEXAS

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February 27, 2019

COUNTY OF GRAYSON

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BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on February 27, 2019.

COUNCIL MEMBERS PRESENT: Mayor David Plyler; Deputy Mayor Shawn Teamann.
Council Members Holland, Howeth, Melton, Steele, Stevenson.

COUNCIL MEMBERS ABSENT: None.

CITY STAFF PRESENT: Robby Hefton, City Manager; Terrence Steele, Assistant City Manager; Brandon Shelby, City Attorney; Scott Shadden, Director of Development Services; Clint Philpott, Director of Engineering; Nate Strauch, Community and Support Services Manager; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

PURPOSE: Call to Order, Quorum Determined, Meeting Declared Open

Invocation by Council Member Willie Steele

Council Member Training Workshop Conducted by E. Allen Taylor, Jr.,
Founding Partner of Taylor, Olson, Adkins, Srala and Elam, LLP

Council Comments

Adjournment

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Plyler called the meeting to order at 11:13 a.m., declared a quorum present, and opened the Called City Council Meeting.

INVOCATION BY COUNCIL MEMBER WILLIE STEELE

**COUNCIL MEMBER TRAINING WORKSHOP CONDUCTED BY E. ALLEN TAYLOR, JR.,
FOUNDING PARTNER OF TAYLOR, OLSON, ADKINS, SRALA AND ELAM, LLP**

Scott Shadden, Director of Development Services, said this training for the City Council and the Planning and Zoning Commission was begun two years ago. Allen Taylor, Founding Partner at Taylor, Olson Adkins, Srala and Elam, LLP, conducted the workshop. He is an attorney, representing several Texas cities, and previously served in the Planning and Development Departments of several other cities.

Mr. Taylor urged Council Members to be aware of the risks when they attend seminars and make sure what philosophy the speaker “brings to the table” and what their background is. He listed his credentials, adding that he is a “City lawyer” and has a master’s degree in urban planning. He has served as a Planning Director, City Manager, and Attorney, representing local governments. He said his perspective is defending the cities and he related some personal experiences.

His task today is to work with Council Members, especially new Council Members, to tell them what they need to know when working with zoning cases, from a City defense lawyer’s position. He said that development in Texas does not fall under a unified code, but comes from a series of statutory

COUNCIL MINUTES – FEBRUARY 27, 2019

enactments, that were never conceived as a homogenous body of law. The types of development regulations include land use regulations, which determine how land, buildings, or structures may be used within the corporate limits of the City. The City's authority is governed by Chapter 211 of the Texas Local Government Code.

The second is land design regulations, which allows a City to establish rules on how lots, blocks, alleys, easements, roads, parks, public project sites, and things that are needed for the design of the physical development of the City are laid out. These are included in Chapter 212 of the Texas Local Government Code.

The third type of land development regulations are construction codes and are found in Chapter 214 of the Texas Local Government Code. The regulations were adopted at different times under different statutory structures, and frequently they do not interrelate well and they contain internal conflicts.

Mr. Taylor said a City has the option of adopting each of these sets of regulations, but there are different standards for those regulations, in how they are applied. There are different procedural and substantive due process issues, and courts review them under different standards.

The fourth type of regulations, are the "boutique regulations", which are also adopted under Chapter 214 of the Texas Local Government Code. These can include a "stand-alone" floodplain management ordinance, a "stand-alone" landscaping ordinance, a "stand-alone" mobile home park operations ordinance, basically stand-alone, single purpose ordinances.

Mr. Taylor said he would concentrate today on land use and land design regulations. These are the types of zoning issues they will routinely see on the agenda and that can have consequences for them. He outlined the history of zoning and said zoning is a regulatory structure that divides a City into districts. It also states what use or uses are allowed for land and structure within each district. It consists of a text of an ordinance and a map. To have a valid zoning structure, a City must have both the text and the map.

The text of the ordinance establishes why it's adopted, what it's intended to do, identifies all the districts within a City, states the use or uses that can occur in each district, and has a series of performance standards for uses that occur within those districts. The ordinance should also include procedures for enforcing the standards.

The zoning map takes these districts and allocates them to specific areas of the City. The map is indispensable and is an official record that must be updated with each change to a zoning ordinance. One way to update the map is to include the update in the template for each zoning ordinance. For example, each zoning ordinance might include the statement "the City staff is hereby directed to amend the official zoning map to reflect this change." Mr. Taylor also recommended that every three years, as an "administrative housekeeping item," the Council agenda include an item for "review and ratification of the official zoning map."

The courts have said that zoning is a "subjective, discretionary, legislative act." Zoning has the broadest grant of authority that routinely exists in governmental operations. A City can zone in order to separate buildings to allow the circulation of light and air; to separate buildings to avoid the danger of fire and explosions; to lessen congestion in the streets; to separate incompatible land uses to avoid negative impacts from one use to another; to preserve property values; to preserve or establish neighborhood boundaries; to preserve character; to avoid overloading the density of areas to negatively impact public facilities, such as roads, water lines, sewer lines, parks, playgrounds, or schools; to create incentives to implement the City's Comprehensive Plan; to implement the economic development or industrial development plan; to protect architecturally significant structures; to protect

COUNCIL MINUTES – FEBRUARY 27, 2019

historically significant structures or areas; to protect environmentally sensitive areas; and for aesthetic purposes. The courts have said there is no requirement as to what weight any of these reasons is given. That is determined by the local officials of each City based on what they want for their City. However they must carefully follow the procedural rules for zoning.

Mr. Taylor said zoning should be done in conformance with the Comprehensive Plan. A City is required to adopt a Comprehensive Plan, which is a general statement of policy and position intended to guide the growth of the City into the future. It is not site or activity specific. It is intensity and character of activity specific. The plan is the “blueprint” for the City. The zoning ordinance is a tool to implement the plan. The zoning structure should be designed to work toward the implementation of the Comprehensive Plan.

Mr. Taylor said that doesn’t mean that a City is required to make every zoning decision exactly in compliance with the plan. A plan is a plan, but zoning must be responsive to current conditions. The plan must be “conceptually in-line” with the zoning actions a City is taking. A City must be able to provide a logical explanation as to why they are transitioning into a new use.

Local zoning regulations do not control actions of the State or Federal government. Federal and State governments are senior to local governments. A City is a “subdivision” of the State government. However if the State doesn’t “own” the facility, and instead leases it, they are not immune from the zoning rules. Therefore, a building owned by the State or Federal government is immune from the City’s zoning rules, but for a building leased from another owner and used by the State or Federal government, that immunity does not apply.

As for school districts, Mr. Taylor said they may think they are exempt from zoning, but that’s not the case. The City and the school district are both entities created by the State, with specific grants of authority and delineation of responsibilities. The responsibility of a school district is to educate the children and to establish a funding program of taxation to fund that operation. Cities have a responsibility to protect the public health, safety, and welfare, and that involves land use management.

Therefore the rule is, the school district gets to pick a site and determine the activity that will occur on that site, but whatever that activity is, has to comply with the City’s zoning regulations and performance standards. The school picks the site and the character of the activity, but the City’s regulations control what can occur for the development. The courts have been consistent in following this rule since it was established.

City Council Members took a break from 11:53 a.m. to 12:06 p.m.

Mr. Taylor said the State can adopt regulations that preempt the City’s ability to do something. One of these areas is alcoholic beverage sales. In 1987 they enacted laws that superseded any laws not already on record, that were made by individual cities. The law in place prior to 1987 remained in place, but cities could not adopt new or extended regulations after that date.

There are other “limited” preemptions on things such as pawn shops, signage, billboards along major State highways, and sexually oriented businesses. One that comes up more often, is modular or manufactured housing. The City cannot prohibit the location of manufactured housing in the City. They also cannot prohibit or limit the placement of a “modular home” in any area, on any lot, on which a conventional home would be permitted. A modular home is a home that is built in component parts and brought to the site. If a double-wide mobile home doesn’t have running gear, it meets the statutory definition of a modular home.

COUNCIL MINUTES – FEBRUARY 27, 2019

He urged the Council to be vigilant and aware that the State is likely to consider adopting other limitations on a City's authority. They feel that cities are over reaching and over regulating.

Robby Hefton, City Manager, verified that a modular home can be located anywhere a single-family home would be allowed. Mr. Taylor said they could, but they would still need to maintain the lot size as required by the zoning ordinance. Deputy Mayor Teamann confirmed that any deed restrictions would still apply.

Mr. Taylor said the next area of preemption is spot zoning, where a City treats one property in a manner inconsistently with an adjoining property. It is zoning inconsistent with the Comprehensive Master Plan, with no explanation. If there is a logical explanation, it's okay.

Another issue is contract zoning, where a deal for zoning is made, but the issue isn't in front of the Council for a decision. However, according to Mr. Taylor, a City has contract zoning every day, called planned unit development zoning. A special district is contract zoning, a mutual set of agreements that were negotiated, documented by an ordinance. A Council can contract for anything they want, as long as the item is jurisdictionally in front of the legislative body on an agenda. They can't commit to action that hasn't been brought before them as a City Council. They can only act on agenda items that are before them.

He discussed the preemption issue of exclusionary zoning for fair housing, or lower cost housing. The City has the right to adopt zoning regulations to protect the public health, safety, and welfare of the citizens. They can also take into account those many items that were previously listed.

However, because the City exercises sovereign governmental authority, it must be done in a way that doesn't have a disproportionate impact on any group or class of individuals, unless you can document that it is the least intrusive method of achieving a legitimate governmental objective. If it is found to be an impermissible, unacceptable use, the courts will "invalidate your zoning ordinance" entirely. This is exclusionary zoning. They say "your zoning ordinance and regulatory structure have an impermissible bias, and we strike your zoning ordinance." The City would not have any zoning.

Mr. Taylor discussed the practical aspect of zoning and how the Open Meetings Act applies to the process. He also discussed the use of Executive Sessions and violations of Council Members talking as a quorum. He urged them to be careful about different forms of communication that might cause violations. He also encouraged them to "stay off of social media" to provide their constituents with a "level playing field." Many examples were discussed.

Mr. Hefton said the issue came up at the annual TML Conference. The distinction was made that, if Council Members are meeting in less than numbers of a quorum, to intentionally circumvent the Open Meetings Act, then it could be a criminal violation. Mr. Taylor said the presumption is intent, and the Council Member will have to offer proof that there was no intent. That's the way the District Attorney will look at it.

Mr. Hefton discussed his contact with Council Members in less than a quorum. Mr. Taylor said of all the cases prosecuted, it always involves a Council Member to Council Member conversation. If a staff member is involved, they never take it to prosecution, he added. Mr. Taylor warned of a "daisy chain" type of communication.

Mr. Taylor also advised Council Members that they are subject to the Open Records Act and their notes and records are official records of the City and subject to public information requests. He warned them not to use their personal computers or cell phones.

COUNCIL MINUTES – FEBRUARY 27, 2019

He discussed the processes for the Planning and Zoning Commission. The existing zoning ordinance and zoning map are the status quo, and are presumed valid and legitimately adopted. It is presumed philosophically and culturally appropriate for this community. Judges are required to presume it's validity.

When someone wants a change to the ordinance or map, they come forward and present it to the City. He discussed the process of preparing an item for the agenda and requirements for the Planning and Zoning Commission. The Planning and Zoning Commission's recommendation is then placed on the City Council agenda. He discussed the process for Council Members to hear zoning issues. Their standard is the "highest and best use" of the property.

He said more and more cities are doing Planned Unit Development or Site Plan Zoning, where an applicant requests their own zoning district. This is a legitimate use, but there are pros and cons and they probably need to be decided on a case-by-case basis, to determine what works best for the individual City. The good thing about Planned Unit Development is that it allows for flexibility and a more creative development of property. Both the developer and the City can get the amenities they want.

Mr. Taylor said the down side is the inflexibility of a zoning district. Once the Planned Development is approved, it is "locked in." If they want to make changes to a Planned Development in the future, the entire tract must be "reopened" to rezone a portion of it. Once it is a Planned Development, it is a single, harmonious zoning district. It is not good to use on property as a speculative venture and probably shouldn't be used on property if you're not sure the person applying for it can and will follow through. He reiterated that it's never good on speculative property because all the subsequent owners are bound by it.

Mr. Taylor said the Planning and Zoning Commission and the City Council can hold a joint public hearing, but it is never a good idea. It is time efficient, but a divided method is best. The Planning and Zoning Commission should hold the first public hearing and make a recommendation to the City Council. This allows the Council to make a better, more informed decision.

In a zoning case, a court will look to see if any action looks arbitrary or capricious. They will look at comments on social media that look like there's prejudgment. If there are any factual studies that were presented to support the decision the Council made, the Court must presume that the Council relied on that information to make their decision. He urged Council Members to "learn the benefit of silence." They must make decisions based on fact, not on emotions. He added that "it won't get better with an explanation."

COUNCIL COMMENTS

There were no Council comments.

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 1:24 p.m.

ATTEST

MAYOR

CITY CLERK

STATE OF TEXAS §

March 18, 2019

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 18, 2019.

MEMBERS PRESENT: MAYOR DAVID PLYLER; DEPUTY MAYOR SHAWN TEAMANN.
COUNCIL MEMBERS HOLLAND, MELTON, STEELE, STEVENSON.

MEMBERS ABSENT: COUNCIL MEMBER HOWETH.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance was led by Anthony Vellotti and Preston Velotti, Cub Scout, Pack #7, and the Invocation was given by Council Member Sandra Melton.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of March 4, 2019. Council Member Melton moved to approve the Minutes, as presented; Second by Deputy Mayor Teamann. All present voted AYE.

MOTION CARRIED.

APPROVE MINUTES

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Plyler introduced Ordinance No. 6184 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX A 9.758 ACRE TRACT OF LAND ON WEST WASHINGTON STREET, WEST OF F.M. 1417 (HERITAGE PARKWAY), ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL SERVICE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6184
ANNEXATION
W. WASHINGTON ST.

Brandon Shelby, City Attorney, said this annexation ordinance relates to the two public hearings that were held at the last City Council Meeting. This is a residential development and the annexation was requested by the property owner. The property will come into the City as R-1 zoning.

No citizens appeared before the City Council to discuss Ordinance No. 6184.

Mayor Plyler introduced Ordinance No. 6185 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE NORTH AND SOUTH SIDES OF WEST HOUSTON STREET (S.H.

ORD 6185
NO PARKING SIGNS
(W. HOUSTON ST.)

56) FROM FRIENDSHIP ROAD TO RIDGEVIEW ROAD WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY.

Clint Philpott, Director of Engineering, said the City has received complaints and has some safety concerns about vehicles parking on both sides of S.H. 56, on the shoulders.

The staff recommends the installation of “no parking” signs along this stretch of the highway. The Texas Department of Transportation requires a City ordinance before they will approve the location of the signs.

No citizens appeared before the City Council to discuss Ordinance No. 6185.

Mayor Plyler introduced Ordinance No. 6186 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, AT EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, ADDING A NEW SECTION 6.11 TO BE ENTITLED “PD (PLANNED DEVELOPMENT) DISTRICT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6186
ZONING ORDINANCE
PLANNED
DEVELOPMENT
DISTRICT

Robby Hefton, City Manager, said several months ago the City received interest from developers in developing large tracts of land, hundreds of acres at a time. From a development standpoint, the City has not been in that position before.

After discussion, the staff decided to incorporate a tool called “Planned Unit Development” to be able to work with these developers. Since this was a new area, the staff wanted to hire Halff Associates, Inc. to address these issues and prepare the appropriate ordinances. These ordinances are a result of that work, done in conjunction with the staff.

He said Ordinance Nos. 6186, 6187, and 6188 all deal with the Planned Unit Development, and he recommended considering approval of these ordinances together.

Scott Shadden, Director of Development Services, said the Planning and Zoning Commission appointed a subcommittee to work with Halff Associates to develop the regulations. The recommendation was then approved by the entire Commission and recommended to the City Council. The Planned Unit Development would deal with large developments, over 200 acres.

Mark Dennis, Senior Project Manager, Halff Associates, Inc.

Mr. Dennis discussed the benefits of a Planned Unit Development for a City, including its consistency with the Comprehensive Plan and its transparent fee structuring for the

developer. He said it streamlines the development of large tracts of land and allows for increased flexibility to encourage design creativity. The application submission process would have a targeted review process with multiple levels of plan review.

Jordan Maddox, Senior Planner , Halff Associates, Inc.

Mr. Maddox discussed the Development Plan, which would be specific to Sherman. It contains all the standards for compliance and ensures a level of consistency. It includes the types of uses and how they will integrate together. This plan would come up through the staff, be reviewed by the Planning and Zoning Commission, and would be approved by the City Council.

The Conceptual Plan is the broad based, land use, circulation plan and would come to the Council through the various projects. The Detailed Site Plan would include precise locations and uses, and integrated detail.

Mr. Hefton said this process of planning and managing planned developments is long-term, and most of the developments will take years to “build out.” As part of the evaluation process, he said the staff does plan to use Halff Associates, as a third party resource, to help evaluate the applications as they are received.

The structure of these planned developments was designed with the elements that were wanted for Sherman, and they will help determine if the applications comply with the ordinance and the desire of what is wanted in the community.

No citizens appeared before the City Council to discuss Ordinance No. 6186.

Mayor Plyler introduced Ordinance No. 6187 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 26, ENTITLED, “MODIFICATION OF DESIGN REQUIREMENTS, MINIMUM IMPROVEMENTS AND SUBDIVISION REGULATIONS”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6187
SUBDIVISION
REGULATIONS
DESIGN
REQUIREMENTS

No citizens appeared before the City Council to discuss Ordinance No. 6187.

Mayor Plyler introduced Ordinance No. 6188 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED “BUILDING REGULATIONS”, ARTICLE 3.14, ENTITLED “PERMIT, DEVELOPMENT AND

ORD 6188
BUILDING
REGULATIONS
FEES

REGISTRATION FEES”, AT SECTION 3.14.009, ENTITLED “ZONING REQUEST FEES”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance No. 6188.

Mayor Plyler introduced Ordinance No. 6189 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, AT SECTION 11, ENTITLED “SCHEDULE OF FEES, CHARGES AND EXPENSES”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6189
ZONING FEES

Mr. Shadden said Ordinance Nos. 6189, 6190, 6191, and 6192 all update the fee schedule and consolidate all fees into one schedule.

No citizens appeared before the City Council to discuss Ordinance No. 6189.

Mayor Plyler introduced Ordinance No. 6190 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 5, ENTITLED “PRELIMINARY PLAT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6190
SUBDIVISION
REGULATIONS
PRELIMINARY PLATS

No citizens appeared before the City Council to discuss Ordinance No. 6190.

Mayor Plyler introduced Ordinance No. 6191 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 6, ENTITLED “FINAL PLAT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6191
SUBDIVISION
REGULATIONS
FINAL PLATS

No citizens appeared before the City Council to discuss Ordinance No. 6191.

Mayor Plyler introduced Ordinance No. 6192 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE

ORD 6192
SUBDIVISION
REGULATIONS
REPLATTING

OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 8, ENTITLED “REPLATTING”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance No. 6192.

Mayor Plyler introduced Ordinance No. 6193 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, SECTION 6.8.3, “COLLEGE PARK OVERLAY DISTRICT”, AT SUBSECTION (4)(F); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6193
ZONING ORDINANCE
COLLEGE PARK
OVERLAY DISTRICT

Mr. Shadden said recently the staff was asked to review the College Park Overlay District, specifically the requirement for overhead doors and front entry garages.

After review by the subcommittee, they recommended that the City remove the prohibition for overhead doors and front entry garages in the College Park Overlay District. He said there were also letters of support received for removing these prohibitions.

No citizens appeared before the City Council to discuss Ordinance No. 6193.

Mayor Plyler introduced Ordinance No. 6194 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, SECTION 8, ENTITLED “ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS, CERTIFICATES OF ZONING COMPLIANCE, TEMPORARY USE PERMITS, AND SPECIFIC USE PERMITS”, AT SUBSECTION (5)(A) TO AMEND THE REQUIREMENTS FOR LIQUOR STORES AND PAWN SHOPS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6194
ZONING ORDINANCE
TYPES OF PERMITS;
LIQUOR STORES &
PAWN SHOPS

Mr. Shadden said during the legal consultation with Allen Taylor, Founding Partner at Taylor, Olson Adkins, Srala and Elam, LLP, he recommended that, in order to comply with the Local Government Code, the City remove pawn shops and liquor stores from the Specific Use Permit list. He also suggested that pawn shops be included in the C-2 zoning list. Ordinance Nos. 6194 and 6195 make these changes.

COUNCIL MINUTES – MARCH 18, 2019

No citizens appeared before the City Council to discuss Ordinance No. 6194.

Mayor Plyler introduced Ordinance No. 6195 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED "ZONING ORDINANCE", EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, AT SECTION 6.5, ENTITLED "C-2 (GENERAL COMMERCIAL) DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 6195
ZONING ORDINANCE
C-2 DISTRICT**

No citizens appeared before the City Council to discuss Ordinance No. 6195.

Mayor Plyler introduced Ordinance No. 6196 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED "ZONING ORDINANCE", EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, SECTION 7, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", AT SUBSECTION (13), ENTITLED "SCREENING DEVICE", TO AMEND THE REQUIREMENTS FOR A SCREENING DEVICE", PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

**ORD 6196
ZONING ORDINANCE
SCREENING DEVICE**

Mr. Shadden said this ordinance is an update to the fencing or screening ordinance, and it clarifies which side of the street is considered the "front" street. As an example, he mentioned Taylor Street across from Fairview Park. The ordinance clarifies how close the fence can be located to the street.

No citizens appeared before the City Council to discuss Ordinance No. 6196.

Mayor Plyler introduced Ordinance No. 6197 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW BOTTLING WORKS FOR B4C DISTILLERY IN AN M-1 (LIGHT MANUFACTURING) DISTRICT AT 5110 MARSHALL STREET, BEING 3.39 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085 (PAUL LANE, OWNER; AND BRIAN Roder, APPLICANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

**ORD 6197
SUP FOR DISTILLERY
(5110 MARSHALL ST.)**

Mr. Shadden said this concerns the manufacturing district on Marshall Street. The plan is to bottle alcohol for shipping, which requires a Specific Use Permit.

No citizens appeared before the City Council to discuss Ordinance No. 6197.

Mayor Plyler introduced Ordinance No. 6198 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TWO-SIDED NON-DIGITAL, 300 SQUARE FOOT BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82 OVERLAY) DISTRICT AT 600 EAST LAMBERTH ROAD, BEING PART OF LOTS 6-8 AND ALL OF LOTS 4 AND 5, BLOCK 4, DR. J.H. CARRWAY'S SUBDIVISION AND A 0.75 ACRE TRACT IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, CONTAINING 5.855 ACRES (REMINGTON SHERMAN AUTOMOTIVE, LLC, OWNERS; BRETT EDMONSON, THE RATLIFF GROUP, LLC, REPRESENTATIVE/ENGINEER; AND NCA PARTNERS, ARCHITECT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6198
SUP FOR TWO-SIDED,
NON-DIGITAL
BILLBOARD
(600 E. LAMBERTH RD.)

Mr. Shadden said this is a request for a billboard at the Chevrolet dealer. The existing billboard is in the process of being removed, and the new one will be located south of the present site. The Board of Adjustment granted a variance for the distance, and they are now asking for the Specific Use Permit for the billboard

No citizens appeared before the City Council to discuss Ordinance No. 6198.

The Public Hearing was closed.

ADOPTION OF ORDINANCES

Ordinance 6184

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXTENDING THE CORPORATE LIMITS OF SAID CITY SO AS TO ANNEX A 9.758 ACRE TRACT OF LAND ON WEST WASHINGTON STREET, WEST OF F.M. 1417 (HERITAGE PARKWAY), ADJACENT TO THE SHERMAN CITY LIMIT AND IN THE CITY OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION; PROVIDING FOR A MUNICIPAL SERVICE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6184
ANNEXATION
W. WASHINGTON ST.

Ordinance 6185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "NO PARKING" SIGNS RESTRICTING PARKING ALONG THE NORTH AND SOUTH SIDES OF WEST HOUSTON STREET (S.H.

ORD 6185
NO PARKING SIGNS
(W. HOUSTON ST.)

56) FROM FRIENDSHIP ROAD TO RIDGEVIEW ROAD WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY.

Ordinance 6186

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, AT EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, ADDING A NEW SECTION 6.11 TO BE ENTITLED “PD (PLANNED DEVELOPMENT) DISTRICT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6186
ZONING ORDINANCE
PLANNED
DEVELOPMENT
DISTRICT

Ordinance 6187

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 26, ENTITLED, “MODIFICATION OF DESIGN REQUIREMENTS, MINIMUM IMPROVEMENTS AND SUBDIVISION REGULATIONS”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6187
SUBDIVISION
REGULATIONS
DESIGN
REQUIREMENTS

Council Member Steele asked about the wording in the ordinance that “the subdivision shall be served by an approved water supply.” He asked if this meant the subdivision might be served by another water supply instead of the City.

Mr. Philpott said the intent is that any planned development would be served by the City of Sherman, within the City’s CCN (Certificate of Convenience and Necessity). However there may be areas that are outside the City’s control, as far as the water provider’s CCN. If that’s the case, water would need to be provided by that CCN, as regulated by the Texas Commission on Environmental Quality.

Council Member Stevenson said that the City would want the development from a planned development, even if they didn’t have the water rights. Mr. Philpott said the City can request the rights from the other water supplier, but couldn’t guarantee that would happen.

Mr. Hefton added that there are situations where a user can petition for dual CCN service, meaning it could be served by either water supply. However, as long as the development is in the City limits and in the City’s CCN, water will be provided by the City’s water utilities.

Ordinance 6188

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, ENTITLED “BUILDING REGULATIONS”,

ORD 6188
BUILDING
REGULATIONS
FEES

ARTICLE 3.14, ENTITLED “PERMIT, DEVELOPMENT AND REGISTRATION FEES”, AT SECTION 3.14.009, ENTITLED “ZONING REQUEST FEES”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

Ordinance 6189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, AT SECTION 11, ENTITLED “SCHEDULE OF FEES, CHARGES AND EXPENSES”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6189
ZONING FEES

Ordinance 6190

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 5, ENTITLED “PRELIMINARY PLAT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6190
SUBDIVISION
REGULATIONS
PRELIMINARY PLATS

Ordinance 6191

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 6, ENTITLED “FINAL PLAT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6191
SUBDIVISION
REGULATIONS
FINAL PLATS

Ordinance 6192

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ENTITLED “SUBDIVISION REGULATION”, EXHIBIT A, SUBDIVISION ORDINANCE NO. 2684, AT SECTION 8, ENTITLED “REPLATTING”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6192
SUBDIVISION
REGULATIONS
REPLATTING

Ordinance 6193

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, SECTION 6.8.3, “COLLEGE PARK OVERLAY DISTRICT”, AT SUBSECTION (4)(F); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6193
ZONING ORDINANCE
COLLEGE PARK
OVERLAY DISTRICT

Ordinance 6194

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, SECTION 8, ENTITLED “ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS, CERTIFICATES OF ZONING COMPLIANCE, TEMPORARY USE PERMITS, AND SPECIFIC USE PERMITS”, AT SUBSECTION (5)(A) TO AMEND THE REQUIREMENTS FOR LIQUOR STORES AND PAWN SHOPS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6194
ZONING ORDINANCE
TYPES OF PERMITS;
LIQUOR STORES &
PAWN SHOPS

Ordinance 6195

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, AT SECTION 6.5, ENTITLED “C-2 (GENERAL COMMERCIAL) DISTRICT”; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6195
ZONING ORDINANCE
C-2 DISTRICT

Ordinance 6196

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ENTITLED “ZONING ORDINANCE”, EXHIBIT A, GENERAL ZONING ORDINANCE NO. 2280, SECTION 7, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS”, AT SUBSECTION (13), ENTITLED “SCREENING DEVICE”, TO AMEND THE REQUIREMENTS FOR A SCREENING DEVICE”, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 6196
ZONING ORDINANCE
SCREENING DEVICE

Ordinance 6197

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW BOTTLING WORKS FOR B4C DISTILLERY IN AN M-1 (LIGHT MANUFACTURING) DISTRICT AT 5110 MARSHALL STREET, BEING 3.39 ACRES IN THE J.B. SHANNON SURVEY, ABSTRACT NO. 1085 (PAUL LANE, OWNER; AND BRIAN Roder, APPLICANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6197
SUP FOR DISTILLERY
(5110 MARSHALL ST.)

Council Member Melton confirmed that the items listed in the Staff Review Letter must be followed if they are granted the Specific Use Permit. For example, the parking lot would need to be a paved surface.

Mr. Shadden said the ordinance would be approved, subject to the Staff Review Letter, so all items in the letter would be part of the Specific Use Permit.

Deputy Mayor Teamann asked if any changes had been made to what was allowed for the “hard surface.” Mr. Shadden said the ordinance states concrete, asphalt, or binder pavement. He asked about an asphalt, pea gravel, with painted stripes. He said it was considered a “dust-free” surface.

Council Member Steele verified that they will be bottling and not manufacturing. Mr. Shadden said he understood they would make the alcohol in Savoy, truck it to this location, “cut it” at this location, bottle it, and ship it. Council Member Melton asked what “cut it” meant.

Brian Roder, 976 CR 1200, Savoy

Mr. Roder is the applicant, and he explained that this site will include quality testing and proof adjustments. The alcohol coming in will be at different “proofs” and will need to be adjusted to what the label says. There will be “water processes” or water filtration, done at this location.

Mr. Roder confirmed that the alcohol will not be made here, but will be made in an unincorporated area of Fannin County. The Texas Alcohol Beverage Commission has approved that location and he will be permitted through them for this location too. Mr. Shadden confirmed that there are also a number of requirements through TABC.

Ordinance 6198

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A TWO-SIDED NON-DIGITAL, 300 SQUARE FOOT BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1 (75 & 82 OVERLAY) DISTRICT AT 600 EAST LAMBERTH ROAD, BEING PART OF LOTS 6-8 AND ALL OF LOTS 4 AND 5, BLOCK 4, DR. J.H. CARRWAY’S SUBDIVISION AND A 0.75 ACRE TRACT IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763, CONTAINING 5.855 ACRES (REMINGTON SHERMAN AUTOMOTIVE, LLC, OWNERS; BRETT EDMONSON, THE RATLIFF GROUP, LLC, REPRESENTATIVE/ENGINEER; AND NCA PARTNERS, ARCHITECT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00.

ORD 6198
SUP FOR TWO-SIDED,
NON-DIGITAL
BILLBOARD
(600 E. LAMBERTH RD.)

Council Member Melton said she understood the requestor asked for a larger digital sign than what is listed on the ordinance, and a Variance has already been granted. She asked if these requirements would apply to the new owner.

Mr. Shadden said the Board of Adjustments denied the request on the size of the sign. At the Planning and Zoning

Commission Meeting the motion was made to make it contingent on not being a digital sign. Council Member Melton added, “and the smaller size.” Mr. Shadden confirmed that the sign will be 300 square foot and non-digital. Deputy Mayor Teamann confirmed that the original sign was larger than 300 square foot.

Council Member Melton confirmed that, if the current ordinance is approved, the sign that is there now will be removed. The current owner owns the sign that is there now, but the new sign would be for the new owner. She asked how the City could assure that the current sign will be removed. Mr. Shadden said they would not approve a permit for the new sign, until the old sign has been removed.

ACTION TAKEN.

Motion by Council Member Melton to approve Ordinance Nos. 6184, 6185, 6186, 6187, 6188, 6189, 6190, 6191, 6192, 6193, 6194, 6195, 6196, 6197, and 6198, as presented.

Second by Council Member Stevenson.

VOTING AYE: Holland, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 6465 – DECLARING THE CITY’S INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF CAPITAL LEASE FINANCING FROM U.S. BANCORP GOVERNMENT LEASING & FINANCE, INC. FOR THE LEASE-PURCHASE FINANCING OF CAPITAL EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE CITY’S INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF CAPITAL LEASE FINANCING FROM U.S. BANCORP GOVERNMENT LEASING & FINANCE, INC. FOR THE LEASE-PURCHASE FINANCING FOR CAPITAL EQUIPMENT.

**RES 6465
REIMBURSEMENT
FOR CAPITAL
EQUIPMENT**

RESOLUTION NO. 6466 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. BANCORP GOVERNMENT LEASING & FINANCE, INC. FOR THE LEASE-PURCHASE FINANCING OF CAPITAL EQUIPMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH U.S. BANCORP GOVERNMENT LEASING & FINANCE, INC. FOR THE LEASE-PURCHASE FINANCING OF CAPITAL EQUIPMENT.

**RES 6466
LEASE-PURCHASE
OF CAPITAL
EQUIPMENT**

COUNCIL MINUTES – MARCH 18, 2019

Mary Lawrence, Director of Finance, said both resolutions relate to the City's request to the proposal for financing for the \$1.1 million worth of Street Department equipment.

The first resolution allows the City to reimburse itself from the lease proceeds. A couple of pieces of the equipment have already been purchased.

The second resolution awards the bid to U.S. Bancorp Government Leasing & Finance, Inc. Their rate for the seven year lease is 2.84%, the lowest rate received. The equipment is expected to last from 10 to 15 years.

Council Member Melton asked for clarification on the reimbursement to the City. Ms. Lawrence said the leasing company asked for this resolution. The City has already paid for two of the five pieces of equipment that will be purchased.

For the City to use a lease for that equipment, they will reimburse the City for what they've already paid. As the new equipment is received, the City will pay for it, and they will reimburse the City. It allows the City to actually write the check for the equipment, control the payment better, and make sure the vendor is paid on time.

Council Member Melton verified that this procedure was planned during the budget process. Ms. Lawrence said this is the usual way that the City handles lease of the equipment.

Mr. Hefton said most of the time, lenders don't want you to spend money until the financing is in place. This is a mechanism that allows the City to purchase the equipment and put it into service, before financing is in place. There is a timeframe where this is allowed. Ms. Lawrence said it's a "60 day look-back." She said it helps with timing because some of the equipment must be ordered with a long lead time.

ACTION TAKEN.

Motion by Council Member Stevenson to approve Resolution Nos. 6465 and 6466, as presented. Second by Deputy Mayor Teamann.

VOTING AYE: Holland, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6467 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR ENGINEERING SERVICES FOR DESIGN OF THE SHERMAN WASTEWATER TREATMENT PLANT PRIMARY CLARIFIER #1 EQUIPMENT REPLACEMENT AND SLUDGE TRANSFER STATION REHABILITATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN-MILLICAN, INC. FOR ENGINEERING SERVICES FOR DESIGN OF THE SHERMAN WASTEWATER TREATMENT PLANT

RES 6467
DESIGN OF WWTP
PRIMARY CLARIFIER
#1 & SLUDGE
TRANSFER STATION

**PRIMARY CLARIFIER #1 EQUIPMENT REPLACEMENT AND
SLUDGE TRANSFER STATION REHABILITATION.
CONSENT AGENDA.**

PAYMENT APPROVAL

**APPROVAL OF CITY PARTICIPATION IN NORTH TEXAS
MUNICIPAL WATER DISTRICT PLANNING FOR FUTURE
UPGRADE AND EXPANSION OF LAKE TEXOMA PUMP
STATION**

The City Council approved payment for the City's participation with the North Texas Municipal Water District in a project to plan for future upgrades and expansions of the Lake Texoma Pump Station. The result of the project will be a planning report that identifies and phases future improvements for the pump station.

As a partner in the project, the City of Sherman, through the Greater Texoma Utility Authority, will be responsible for 20% of the cost of the common items related to the pump station planning process. Cost to the City for this portion of the project planning will be \$59,074. The total project cost is \$492,285.

CONSENT AGENDA.

OTHER BUSINESS

**RECOGNITION OF CITY OF SHERMAN AWARD: "2018
ACHIEVEMENT OF EXCELLENCE IN LIBRARIES AWARD"**

Mayor Plyler introduced Melissa Eason, Library Services Administrator," and members of her staff. He announced that the Texas Municipal Library Directors Association has awarded the Sherman Public Library their "2018 Achievement of Excellence in Libraries Award" for the second consecutive year. This year, only 51 libraries out of 548 in Texas were awarded this honor.

Ms. Eason introduced her staff in attendance, Donna Tanner, Melissa Salazar, Rebecca Gaskill, and Susan McGinn. Staff members that were unable to attend or working were Michael Miller, Brenda McKee, Anissa Knight, Susan Banner, and Marilyn Johnson-Berry.

Ms. Eason said the award is to recognize the types of programs and services that are offered through the Library, as well as the outreach and the way they work with other organizations in the community. This award was for FY 2017-2018, when the Library was in the temporary building. She outlined several programs that were held during that time.

**ACCEPT ANNUAL AUDIT REPORT FOR YEAR ENDED
SEPTEMBER 30, 2018 FROM PATTILLO, BROWN AND HILL,
LLP**

Mayor Plyler introduced John Manning, CPA and Partner, Patillo, Brown & Hill, LLP, to present the Annual Audit Report for the year ended September 30, 2018. He said the Audit Committee had "accepted" the draft report earlier in the month.

**PAYMENT APPROVAL
PLANNING FOR
FUTURE LAKE
TEXOMA PUMP
STATION EXPANSION**

**EXCELLENCE IN
LIBRARIES AWARD**

ANNUAL AUDIT

The Audit consists of three documents, the Comprehensive Annual Financial Report (CAFR), the Single Audit Report, and a SAS 114 Letter. The Audit received an “unmodified opinion,” which means the report did not have to be modified for errors or omissions, and that there are controls in place.

He said the only change this year was the implementation of the GASB Statement 75, requiring an accrued liability for post-retirement and healthcare benefits. The City implemented it this year, and even with that liability added, the City still has a positive net position in both water/sewer and general government, which is a good sign of financial stability.

The City is required to have a minimum of 60 days in fund balance, and is in excess of that amount. He said the City does a very good job of staying within their budget and making sure that expenditures were approved prior to being done.

The City also spent over \$750,000 worth of Federal funds, which requires a Single Audit. Two were required this year; the Highway Planning and Construction Audit and the Flood Mitigation Assistance from FEMA. Neither of those audits yielded any material weaknesses or certificates of deficiency.

Mr. Manning said the City does a very good job and the staff was very accommodating.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Annual Audit for the year ended September 30, 2018, as presented. Second by Council Member Melton.

VOTING AYE: Holland, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RECEIVE QUARTERLY REPORT ON THE SHERMAN CULTURAL DISTRICT

Ginger Nye, Director of the Austin College Center for Community & Regional Development, presented a Quarterly Report on the Sherman Cultural District, and appeared on behalf of the Sherman Cultural District Advisory Council.

**QUARTERLY REPORT
ON CULTURAL
DISTRICT**

She discussed the mission and vision of the Cultural District and it's charge to promote arts-based tourism and economic growth, and engage all people in the creative life of the community.

After being named a Texas Cultural District by the Texas Commission on the Arts, a celebration was held on November 30, 2018 to kick-off the activities. She highlighted activities including the “Unwrap the Arts!” boxes that appeared throughout the downtown area and the Winter Art Exhibit, and showed ads with 10 different cultural happenings between February and April 2019.

The Winter Art Exhibit was held in February 2019 with a goal “to put art in front of eyes that weren’t looking for it.” They hoped to have a dozen participating artists and businesses, but had more than 40 artists participating and 15 host businesses.

Ms. Nye outlined a five-year timeline for the Cultural District and listed possible projects and strategies to enhance their mission. She said they would also like to include “photo stops” throughout the District, and showed examples of some from Dallas. Another idea was to enhance landmarks such as grain elevators, by painting them with murals.

She also invited citizens to check out events listed on the Cultural District’s website at ShermanArts.org.

**RECEIVE PRESENTATION FROM PARKS AND RECREATION
MANAGER THERESA HUTCHINSON CONCERNING THE CITY
OF SHERMAN’S TRAILS PROGRAM AND A POTENTIAL
GRANT APPLICATION FOR FEDERAL FUNDS TO EXPAND
THE CITY’S TRAIL SYSTEM**

**PARK TRAILS
PROGRAM**

Theresa Hutchinson, Parks and Recreation Manager, discussed the City’s trails program and a potential grant for Federal funds to expand the trail system. She outlined the current trail system, including the bicycle boulevards that were installed about a year ago, the trails in individual parks, and the Binkley Bike Trail, which features over 70 miles of trails. She said Binkley Bike Trail is currently ranked number 19 out of over 700 trails in Texas.

The Trail Master Plan suggests areas where possible trails could be located, including easements, abandoned rail beds, and creek beds. The goal is to create connectivity across Sherman by linking schools, parks, retail areas, and downtown.

Ms. Hutchinson also addressed an electric easement that was donated to the City about a year ago. A second easement is attached to this easement and could also be used as a trail. An abandoned rail bed that crosses Sherman and continues north to SH 691, would be a great opportunity for a central Sherman trail. It also connects to the bike boulevards.

**Mike Donnan, Professional Engineer and President, Hayter
Engineering, Inc.**

Mr. Donnan said there is a potential grant through the Texas Department of Transportation to use Federal funding for a trail project that would provide a safe route to school. The program is called “Transportation Alternatives” and promotes citizens using both pedestrian mode and bicycles, instead of vehicular traffic.

A spinoff of the program is the “Safe Routes to Schools” program, which promotes an avenue for school-aged children, kindergarten through 8th grade, to either walk or ride their bikes to school.

This particular project would provide accessibility and an alternate mode of transportation, from Country Ridge Estates and Pebblebrook to the Lighthouse Early Development School and Sory Elementary School.

Grant funding for this program would pay 100% of the cost, making it highly competitive. There is also funding through the Metropolitan Planning Organization, and Mr. Donnan felt that it would be more advantageous for Sherman to apply to the statewide program rather than compete against the DFW Metroplex cities. The award percentage for applicants is higher in the statewide competition rather than the MPO competition.

Council Member Melton asked what led them to select this school for the trail program. Ms. Hutchinson said it had to be within a two mile radius. She said this trail would link over 450 homes in Pebblebrook, plus all the homes in Country Ridge, to an elementary school.

She asked if the City wouldn't start working on the east side of Sherman with this type of program. Ms. Hutchinson said this one "popped out" because of all the new development. The City also owns all this land, which puts them ahead of the game.

Council Member Stevenson asked about the physical requirements of the trail. Ms. Hutchinson said it would be a seven foot wide, concrete path, with signage.

Council Member Holland felt it was a great idea, but asked how the trail would be publicized to parents. Ms. Hutchinson said the School District is in favor of the trail and it would be a beginning step toward connectivity.

Council Member Steele confirmed that the cost would be around \$860,000 and that it would be 1.67 miles long. Mr. Hefton confirmed that the application process is a two-part process with the first part due April 12, 2019. The staff would then meet with TxDOT and review the project, and the final detailed application is due in August 2019. Final selection for the award would be made in December 2019.

Mr. Hefton confirmed that the award was for 100% of the project cost, but asked if there was any allocation needed from the City or a resolution of support needed. Deputy Mayor Teamann confirmed that additional City monetary support would not increase Sherman's chances of getting the grant.

Mr. Donnan said TxDOT is still in the last stages of finalizing the criteria, so more will be known after that time.

CONSIDER REQUEST OF THE TEXOMA SOCIETY OF CELTS TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE "3RD ANNUAL SHERMAN CELTIC FESTIVAL AND HIGHLAND GAMES" DURING MARCH 23-24, 2019

**CLOSE STREETS
FOR CELTIC FESTIVAL
(MARCH 23-24, 2019)**

Sarah McRae, Tourism/Main Street Manager, presented the request of the Texoma Society of Celts to temporarily close Fallon Drive, between Blue Flame Road and Frisco Road, to ensure pedestrian safety. The street closure is for the 3rd Annual Sherman Celtic Festival and Highland Games on March 23 and 24, 2019.

ACTION TAKEN.

Motion by Council Member Holland to approve the request of the Texoma Society of Celts to close certain streets for the 3rd Annual Sherman Celtic Festival and Highland Games, on March 23 and 24, 2019, as presented. Second by Council Member Melton.

VOTING AYE: Holland, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER APPROVAL OF THE ANNEXATION SCHEDULING PLAN FOR ADOPTION OF 56.07 ACRES ALONG FALLON DRIVE, EAST OF TEXOMA PARKWAY (STATE HIGHWAY 91), ADJACENT TO THE SHERMAN CITY LIMITS AND IN THE CITY OF SHERMAN'S EXTRATERRITORIAL JURISDICTION; AND DIRECTING THE DEPARTMENT OF ENGINEERING SERVICES TO DEVELOP A SERVICE PLAN FOR THE AREA TO BE ANNEXED UPON APPROVAL OF THE ANNEXATION SCHEDULING PLAN

ANNEXATION
FALLON DRIVE

Mr. Shelby said for this annexation, both public hearings and the adoption are at regularly scheduled Council Meetings.

The requested annexation is off of Fallon Drive, and the expanding industry at that location would like to be inside the City limits. The City is working with the Sherman Economic Development Corporation to help the development along.

ACTION TAKEN.

Motion by Council Member Stevenson to approve the Annexation Scheduling Plan for the annexation of 56.07 acres along Fallon Drive, east of Texoma Parkway, as presented. Second by Council Member Holland.

VOTING AYE: Holland, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

SITE PLAN APPROVAL FOR SHERMAN CROSSROADS, LTD, OWNERS; AND JOHN PIMENTEL, QUIKTRIP CORPORATION, APPLICANT UNDER ORDINANCE NO. 2252, ARTICLE IV, SECTION 410 (2)(J), BEING 2.027 ACRES IN THE PRESTON KITCHEN SURVEY, ABSTRACT NO. 667, ALSO BEING A PART OF LOT 1, BLOCK 2, SHERMAN CROSSROADS, PHASE II TO ALLOW A QUIKTRIP CONVENIENCE STORE AND FUELING STATION IN THE BLALOCK INDUSTRIAL PARK/BLALOCK COMMERCIAL OVERLAY DISTRICT AT 3624 SOUTH U.S. HIGHWAY 75

APPROVE SITE PLAN
SHERMAN
CROSSROADS
(3624 S. HWY 75)

Mr. Shadden said the request is for approval of a Site Plan at the southwest corner of FM 1417 and US Hwy 75 at Sherman

COUNCIL MINUTES – MARCH 18, 2019

Crossroads Addition for QuikTrip. The facility will be a 5,000 square foot convenience store, with 20 fueling stations.

The request complies with the Blalock Overlay District, with no exceptions or variances. The Planning and Zoning Commission recommended approval, subject to the Staff Review Letter.

ACTION TAKEN.

Motion by Council Member Melton to approve the Site Plan for Sherman Crossroads, Ltd., located at 3624 South U.S. Highway 75, as presented. Second by Deputy Mayor Teamann.

VOTING AYE: Holland, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

REPLAT APPROVAL OF PRESTON CLUB, THE CLASSICS SUBDIVISION, BLOCK 1, LOTS 7R AND 9R, BEING 0.764 ACRES IN THE DANIEL BICKENBACK SURVEY, ABSTRACT NO. 128 AND ALL OF BLOCK 1, LOTS 7, 8 AND 9, PRESTON CLUB, THE CLASSICS SUBDIVISION; JAMES AND TINA HARMON AND JERRY O. & SHERYL L. VAUGHAN REVOCABLE LIVING TRUST, OWNERS; AND PRESTON TRAIL LAND SURVEYING, SURVEYOR (3014, 3018 AND 3022 PRESTON CLUB DRIVE)

The City Council approved the Replat of Preston Club, The Classics Subdivision, located at 3014, 3018, and 3022 Preston Club Drive. The 0.764 acre tract is zoned an R-1 (One Family Residential) District, and the owners would like to repat three lots into two lots.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

REPLAT APPROVAL OF LOT 4B, BLOCK 1, CRESCENT OAKS PLAZA, BEING 1.690 ACRES IN THE J.B. McANAIR SURVEY, ABSTRACT NO. 763 AND LOT 4B OF THE REPLAT OF LOT 4, BLOCK 1, CRESCENT OAKS PLAZA; SWBE LLC AND YOUNG ENTERPRISES, LP, OWNERS; JONES CARTER ENGINEERING, CIVIL ENGINEER/SURVEYOR; AND WES JOHNSTON, DEVELOPER (1611 NORTH U.S. HIGHWAY 75)

The City Council approved the Replat of Lot 4B, Block 1, Crescent Oaks Plaza, located at 1611 North U.S. Hwy 75. The 1.690 acre tract is zoned C-2 (General Commercial) District and M-1 (Light Manufacturing) District. The owners would like to replat the property into one lot for commercial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

REPLAT APPROVAL OF LOTS 1 AND 2, DAVIDSON ADDITION, BEING 10.254 ACRES IN THE BENJAMIN LINDSAY SURVEY, ABSTRACT NO. 733; ANGEL RIDGE PROPERTIES, LLC,

APPROVE REPLAT
PRESTON CLUB,
THE CLASSICS
(3014, 3018 & 3022
PRESTON CLUB DR.)

APPROVE REPLAT
CRESCENT OAKS
PLAZA
(1611 N. HWY 75)

APPROVE REPLAT
(8001 S. HWY 75)

OWNERS; AND HELVEY-WAGNER SURVEYING, INC.,
SURVEYOR (8001 SOUTH U.S. HIGHWAY 75)

The City Council approved the Replat of Lots 1 and 2, Davidson Addition, located at 8001 South U.S. Hwy 75, between Shepherd Drive and FM 902. The 10.254 acre tract is zoned C-1 (Retail Business) District, and is also located in the O-1 (75 & 82) Overlay District. The owners would like to replat the property into two lots for commercial development.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

REPLAT APPROVAL OF MILDRED HEIGHTS ADDITION,
BLOCK 5, LOTS 1R AND 2R, BEING PART OF LOT 1 AND ALL
OF LOT 2, BLOCK 5, MILDRED HEIGHTS ADDITION,
CONTAINING 0.334 ACRES IN THE C. CARTER SURVEY,
ABSTRACT NO. 229; JOHN AND ZAIDA BURDETT AND
TAMMY REEDER SALES AKA TAMMY RAY, OWNERS; AND
PRESTON TRAIL LAND SURVEYING, INC., SURVEYOR (1318
NORTH LUCKETT STREET AND 1322 EAST TUCK STREET)

The City Council approved the Replat of Mildred Heights Addition, located at 1318 North Lockett Street and 1322 East Tuck Street. The 0.334 acre tract is zoned an R-1 (One Family Residential) District, and is also located in the College Park Overlay District.

The owners would like to replat the property to enlarge the lot on Tuck Street. There are existing structures on both lots, and the structures on proposed Lot 1R required variances to be in compliance with current zoning regulations.

The Planning and Zoning Commission recommended approval of the Replat, subject to the Staff Review Letter.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF HOLTON ADDITION IN THE CITY
OF SHERMAN'S EXTRA TERRITORIAL JURISDICTION, BEING
1.289 ACRES IN THE WINIFRED BAILEY SURVEY, ABSTRACT
NO. 66; ROBERT LADD HOLTON, OWNER; AND UNDERWOOD
DRAFTING AND SURVEYING, SURVEYOR (1744 LADD ROAD)

The City Council approved the Final Plat of Holton Addition in the City's Extra Territorial Jurisdiction, a 1.289 acre tract located at 1744 Ladd Road. The owner would like to replat the property into one lot for residential development.

The Planning and Zoning Commission recommended approval of the Final Plat, subject to the Staff Review Letter.
CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

APPROVE REPLAT
(1318 N. LUCKETT &
1322 E. TUCK STS.)

APPROVE FINAL PLAT
(1744 LADD RD.)

CITIZENS REQUESTS

MEDIA QUESTIONS

PLANNED DEVELOPMENT ORDINANCE

Richard Todd, Herald Democrat Reporter, said some of these ordinances were to streamline the process and asked how that would affect transparency for the public to get access to exceptions, fees, and input during the process.

**PLANNED
DEVELOPMENT
ORDINANCE**

Mr. Hefton said each of these planned developments will present their plans in various levels of detail, coming through both the Planning and Zoning Commission and the City Council, which are both public meetings. All documents related to that, will be publicly available, as well.

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS**
LIBRARY BOARD (1)

LIBRARY BOARD

MAIN STREET ADVISORY COMMITTEE (3)

**MAIN STREET
ADVISORY COMMITTEE
PARKS & REC
BOARD**

PARKS AND RECREATION ADVISORY BOARD (1)
ACTION TAKEN.

Motion by Council Member Melton to reappoint Lisa Hébert to the Library Board for a term from March 20, 2019 to March 20, 2022; to reappoint Sherry Little, Amanda Phillips, and David Gunn to the Main Street Advisory Board for a term from March 31, 2019 to March 31, 2021; and to reappoint Amanda Phillips to the Parks and Recreation Advisory Board for a term from March 21, 2019 to March 21, 2021, as presented. Second by Council Member Stevenson.

VOTING AYE: Holland, Melton, Steele, Stevenson, Teamann.

VOTING NAY: None.

MOTION CARRIED.

COUNCIL COMMENTS

QUESTIONS AND COMMENTS FROM CITIZENS

Council Member Melton encouraged all citizens to voice any questions or comments they may have about the agenda items.

**QUESTIONS &
COMMENTS FROM
CITIZENS**

SHERMAN CULTURAL DISTRICT

Deputy Mayor Teamann told Ms. Nye there might be a “partnership” between calls he receives for old vehicles in a yard and an art display such as “Cadillac Ranch” near Amarillo, Texas.

**SHERMAN CULTURAL
DISTRICT**

He congratulated them on the great job they are doing with the Sherman Cultural District. He said it’s just the beginning, but he appreciated their efforts to help advance the Cultural District.

ANNUAL CELTIC FESTIVAL

Deputy Mayor Teamann reminded citizens that the Celtic Festival will be held this weekend and encouraged all citizens to attend. He also recognized Rob Ballew, Police Officer and one of the organizers of the event, and the other volunteers that worked so hard organizing the festival.

CELTIC FESTIVAL

PARKS TRAIL SYSTEM

Deputy Mayor Teamann thanked Ms. Hutchinson for her hard work on the grant for the parks trail system.

PARKS TRAIL SYSTEM

CONGRATULATIONS, GREAT WORK

Council Member Holland congratulated everyone on the Cultural District, parks trail system, the Audit, and the Library award. He said it was great work on everyone's part.

**CONGRATULATIONS,
GREAT WORK**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Thanked the Tourism staff for organizing the first-ever St. Patrick's Day Parade, which exceeded expectations.
- Sherman Celtic Festival will be held March 23 and 24, 2019, off Fallon Drive, north of Midway Mall.
- The Sherman-Denison MPO will host a public meeting entitled "Moving Forward 2045" on March 21, 2019, at 6:00 p.m., at the Sherman Senior Center. They will solicit public opinion on the future of transportation in Grayson County.
- The lineup for Hot Summer Nights 2019 has been finalized and will be announced at Coffee With the Mayor on April 5, 2019, at the Finley Theater.

ANNOUNCEMENTS

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

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

EXECUTIVE SESSION

SECTION 551.071 --

CONSULTATION WITH CITY
ATTORNEY CONCERNING
PENDING OR CONTEMPLATED
LITIGATION

SECITON 551.071 --

CONSULT WITH THE CITY
ATTORNEY ON A MATTER IN
WHICH THE DUTY OF THE
ATTORNEY TO THE
GOVERNMENTAL BODY UNDER

THE TEXAS DISCIPLINARY RULES
OF PROFESSIONAL CONDUCT OF
THE STATE BAR OF TEXAS
CLEARLY CONFLICTS WITH THIS
CHAPTER

SECTION 551.087 --

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

On Motion duly made and carried, the Open Meeting recessed
and reconvened in Executive Session at 6:14 p.m.

On Motion duly made and carried, the Executive Session
recessed at 6:47 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

OPEN MEETING

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at
6:48 p.m.

ADJOURNMENT

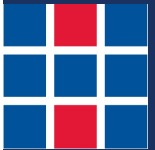
MAYOR

CITY CLERK

CITY OF SHERMAN

PLANNED UNIT DEVELOPMENT ORDINANCE

CITY COUNCIL BRIEFING
MARCH 18, 2019



HALFF ASSOCIATES, INC.

WHY A PUD ORDINANCE?

KEY BENEFITS

- Consistency with the Comprehensive Plan.
- Transparent fee structuring.
- Streamlines coordinated development of larger tracts with complex land-uses or programming goals.
- Improves on conventional zoning by increasing flexibility and encouraging design creativity.
- Incorporates open-space requirements to enhance connections to the broader community.
- Can enhance overall project quality by applying systematic design standards & criteria.

WHY A PUD ORDINANCE?

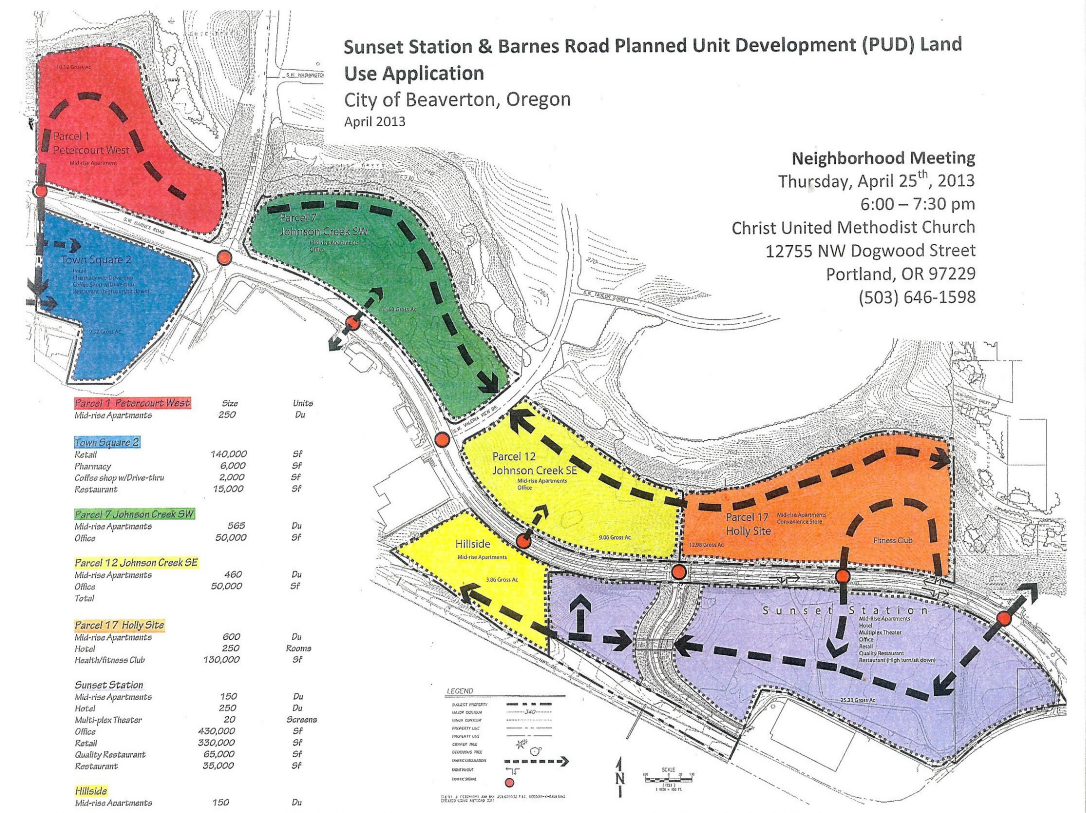
BASIC ELEMENTS

- Application Submission
 - Multi-tiered, targeted review process

WHY A PUD ORDINANCE?

BASIC ELEMENTS

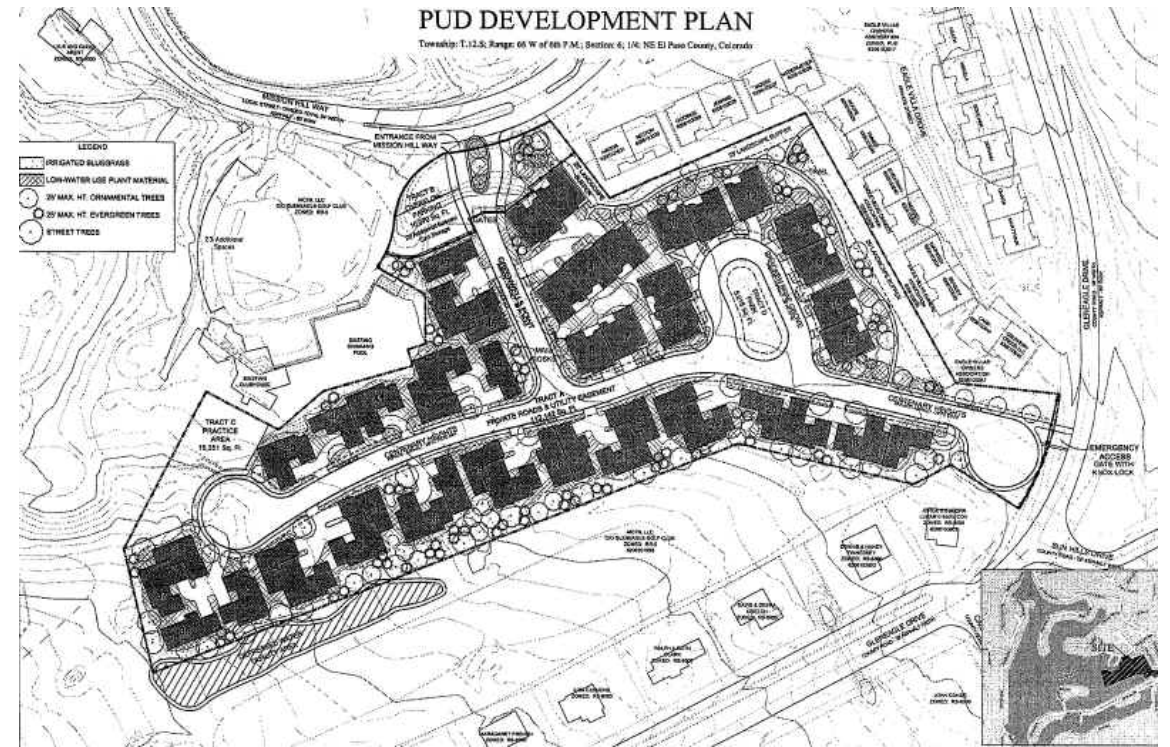
- **Application Submission**
 - Multi-tiered, targeted review process
- **Development Plan**
 - Terms and standards for compliance with comp plan, land-use plan, City standards, and PUD ordinance.
 - Graphic elements to convey proposed uses, design intent, and any proposed exceptions.



WHY A PUD ORDINANCE?

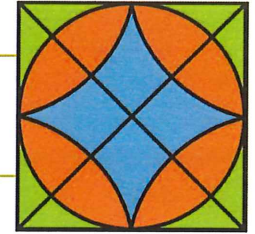
BASIC ELEMENTS

- Application Submission
 - Multi-tiered, targeted review process
- Development Plan
 - Terms and standards for compliance with comp plan, land-use plan, City standards, and PUD ordinance.
 - Graphic elements to convey proposed uses, design intent, and any proposed exceptions.
- Conceptual Plan
 - General graphic depiction of proposed development, general circulation, with approximate site calculations, statistics, and other requirements.

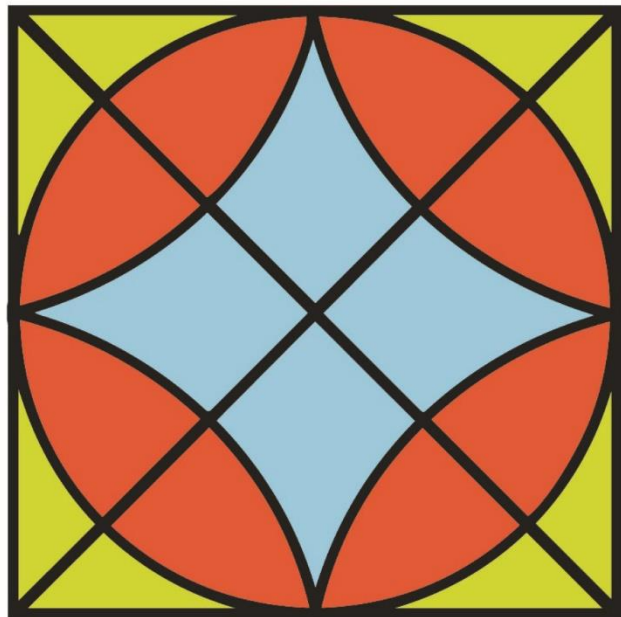


Sherman Cultural District

A 5-year Timeline for Action



	2018-19	2019-2020	2020-2021	2021-2022	2022-2023
Coordination of Planning	•New cultural district website launch •Comprehensive arts calendar available city-wide •Implement Social Media Strategy •Student Interns program •Roll out SCD Brand •Host biannual Creative Conversations town halls	•Design & produce rack cards to be updated biannually •Develop business volunteer program •Deploy Street Team marketing •Establish methodology for visitor tracking •Host biannual Creative Conversations	•Produce first multi-organization, themed event over 9 months •Implement new tour program (theme to be determined) •Increase statewide marketing	•Target market and visitor tracking reassessment •Establish Cultural Arts Grant Program	•New 5-year Strategic Plan •Continue with Visitor Tracking •Long-term funding plan for work in SCD
Nurturing Diversity	•Launch Focalpoint(!) Project •Organize outreach committees under Cultural District Council •Establish formal partnership with Sherman Independent School District	•Year 2 of Focalpoint(!) project —MLK and Cinco de Mayo events •Organize Youth Art team	•Focalpoint(!) activities expand to Asian and Native American communities •Focalpoint(!) Festival and conclusion of NEA grant	•Develop multicultural toolkit for festivals, events, businesses and artists	•Create new outreach programs around Focalpoint(!) Phase II
Improving the Built Environment	•Perform inventory of sidewalks and wheelchair accessibility in SCD •Perform assessment of lighting •Catalogue visual clutter •Add bike racks •Create designs for wayfinding sign system	•Install new wayfinding signage •Initiate accessibility upgrades •Create prototype parklet designs for use during festivals •Working with Main Street, create art solutions for vacant lots and windows •Prioritize blocks for clutter clean-up and initiate program	•Implement first stages of Mulberry Street corridor upgrades •Continue clutter-clean up •Continue art program for vacant properties	•Begin extension of streetscape elements to off-Square and side streets •Establish identity for Travis Street Corridor	•Support for art-based infill development
Adding Public Art	•Launch Focalpoint(!) Project •Engage local artists to design photo stops in SCD	•Create round I of public art designs resulting from Focalpoint(!) project •Mount first traveling art exhibit	•Round II of Focalpoint(!) designs •Adopt long-term funding mechanism for public art •Work with consultant on long-term public art plan	•Commission major work of public art •Launch of Focalpoint(!) Phase II	•Implement Artist-in-Residence program
Creating Artist Space	•Assess availability of performing arts spaces •Assess availability of studio/maker space •Perform inventory of loft space in downtown buildings	•Create listing of spaces for rent for maker space, residential, events •Research incentives or subsidies for artist live-work space	•Identify investors and sites for permanent community art space •Refurbish 2 artist live-work properties	•Working with Main Street, support three new private spaces for arts activities	•Open new public art center



Sherman Cultural District

AUSTIN COLLEGE
Center for Community &
Regional Development

Quarterly Report

3.18.19

ShermanArts.org

The mission of the Sherman Cultural District is to advocate for the arts and artists, improve the built environment, promote arts-based tourism and economic growth, and create opportunity for inclusive cultural and civic engagement with art in all forms.

The vision is for the Sherman Cultural District to remain a lively, imaginative and evolving artistic hub that engages all people in the creative life of the community.

ShermanArts.org

Sherman Cultural District Advisory Council:

City Council Rep:

Daron Holland

City of Sherman Management staff:

Terrence Steele

Sherman Main Street rep: Sarah McRae

Sherman Chamber rep: Eddie Brown

2 Artists or arts organization reps:

Dan Dominick, Sherman Symphony Orchestra

Heidi Rushing, Artist

2 Arts-based DT business owners

Sherry Little, Old Iron Post

Odee Ayala, Odee's Photography

2 Reps from cultural groups:

Karen Tooley, Downtown Sherman Now

Henry Maroquin, Hispanic Heritage

3 AC staff including Director/CCRD:

Cary Wacker, Leigh Ellen Romm,

Christopher Mainet, Ginger Nye



UNWRAP THE ARTS!

*You're
invited!*

SHERMAN CULTURAL DISTRICT PROCLAMATION & CELEBRATION

FRIDAY, NOVEMBER 30, 2018

11 AM | MUNICIPAL BALLROOM | 400 NORTH RUSK ST

With Dr. Gary Gibbs, Executive Director
Texas Commission on the Arts

MUSIC, ART & REFRESHMENTS | PUBLIC INVITED

More at www.shermanarts.org











Sherman Cultural District

What's Going On?

ART Exhibit in businesses
Feb 1 - 28 throughout the
Cultural District

Music Man
Sherman Community Players
Feb. 15 - 24
Historic Finley Theater

Downtown Sherman Mardi Gras
Celebration & Contest
Sat. Feb 23

Cheaper by the Dozen
March 1 - 10
Honey McGee Playhouse

Sherman Symphony Orchestra
Beethoven's Eighth Symphony
Sat. March 2, 7:30pm
Kidd Key Auditorium

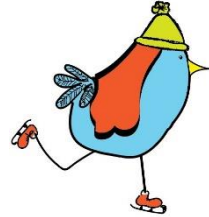
Downtown Sherman
Saint Paddy's Day Parade
Sat. Mar 16th, 11:00am

Sherman Celtic Festival &
Highland Games
Mar 23 - 24, 9:00am - 6:00pm

Sherman Jazz Classic
April 5 - 7 series of concerts
Old Iron Post,
Sherman Jazz Museum and
Kidd Key Auditorium

Craft the Night Away
April 13, Courthouse Square
A Celebration of craft beer,
local music & hand-made crafts

Keep up with what's going on in the
Sherman Cultural District at
ShermanArts.org



What's Going On?

TheATRICKS

Sherman Symphony Orchestra





Come on in & take a look!
Get a map inside and take your own
ART TOUR through the



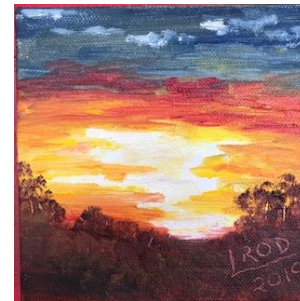
Sherman
Cultural
District

ShermanArts.org

Supported by the Austin College
Center for Community & Regional Development









2018-2019

Coordination of Planning

- ✓ 1. Roll out SCD Brand
- ✓ 2. New cultural district website launch
- 3. Host biannual Creative Conversations town halls
- 4. Implement Social Media Strategy
- ✓ 5. Student Interns programs
- ✓ 6. Comprehensive arts calendar

Nurturing Diversity

- ✓ 1. Launch Focalpoint(!) Project
- ✓ 2. Organize outreach committees under Cultural District Council
- ✓ 3. Establish formal partnership with SISD

Improving the Built Environment

- 1. Perform inventory of sidewalks and wheelchair accessibility in SCD
- 2. Perform assessment of lighting
- 3. Catalog visual clutter
- 4. Add bike racks
- 5. Create designs for wayfinding sign system

Creating Artist Space

- 1. Assess availability of performing arts spaces
- 2. Assess availability of studio/maker space
- 3. Perform inventory of loft space in downtown buildings

Adding Public Art

- ✓ 1. Focalpoint(!) Project
- 2. Engage local artists to design photo stops in SCD







EVENTS CALENDAR



03/08/19



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[Pinboard](#)

[Agenda](#)

[Monthly](#)

Events from Mar 8th



Theatricks presents "Cheaper By the Dozen"

Fri Mar 8th 7:00pm - 9:00pm

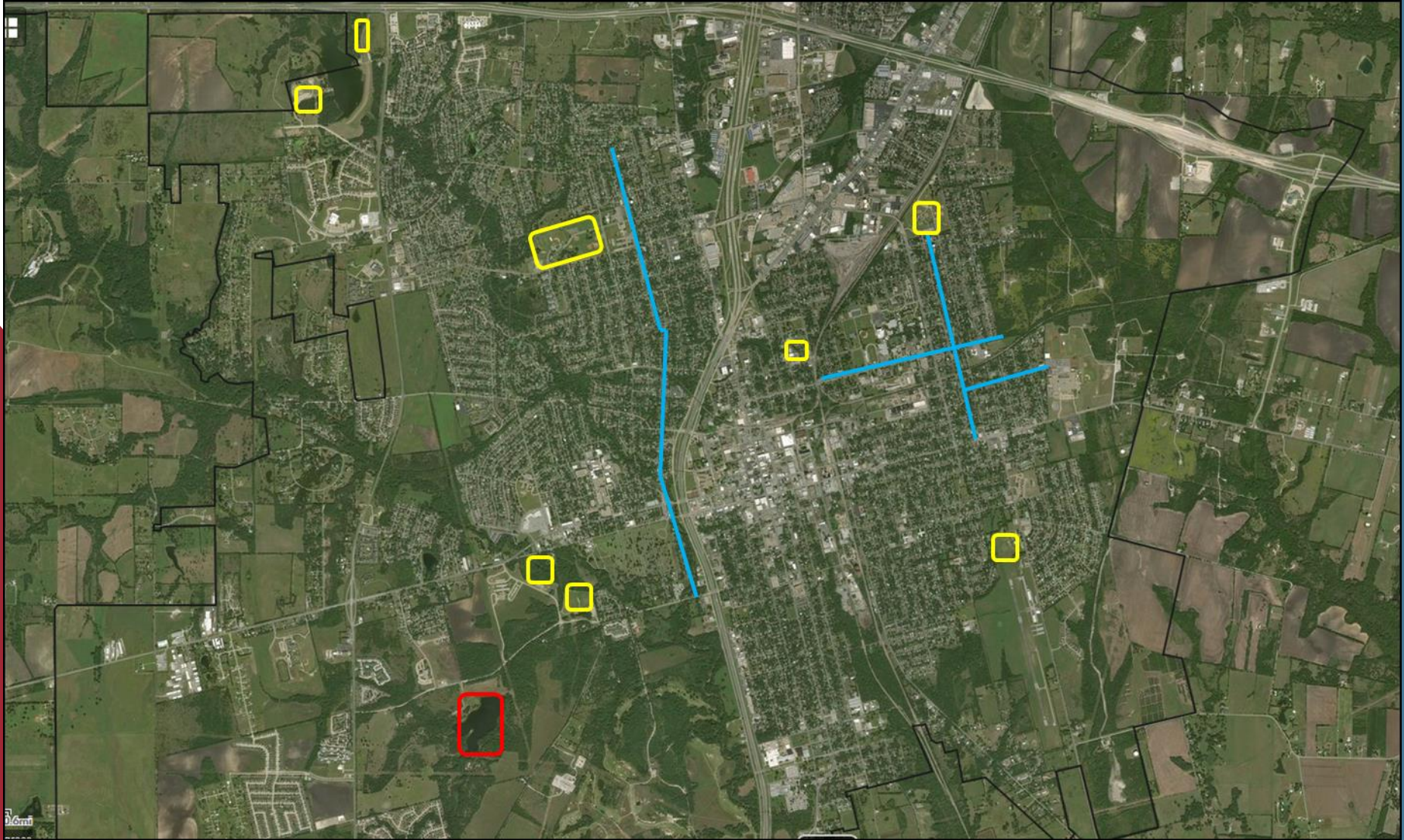
Show Dates: March 1-10 Sponsored by Tree Service Solutions & Nautilus Family Fitness Suppose you're an attractive high-school girl and you're not only a member of a large family but your father is, in...

ShermanArts.org



PARKS & RECREATION

EXISTING TRAILS



BINKLEY BIKE TRAIL



TRAIL PLAN

Sherman
CLASSIC TOWN. BROAD HORIZON.

Trail Master Plan

Parks and Schools

- Unclassified
- Community Park
- Neighborhood Park
- Pocket Park
- Special Use Park
- Schools

Boundaries, Water, & Infrastructure

- Sherman City Limits
- Extraterritorial Jurisdiction (2 mile)
- Places
- Lakes
- Streams
- Railroads
- Future Walk/Hike Trail
- Existing Bike Boulevard
- Existing Walk/Hike Trail
- Future Hike/Bike Oncor Trail
- Future Creek Corridor Trail

0 1,000 2,000 3,000 4,000 5,000 6,000 7,000 8,000 9,000 10,000 Feet

1 inch = 2,500 feet

Connectivity
Write a description for your map.

Hwy 56

Hwy 1417

Legend

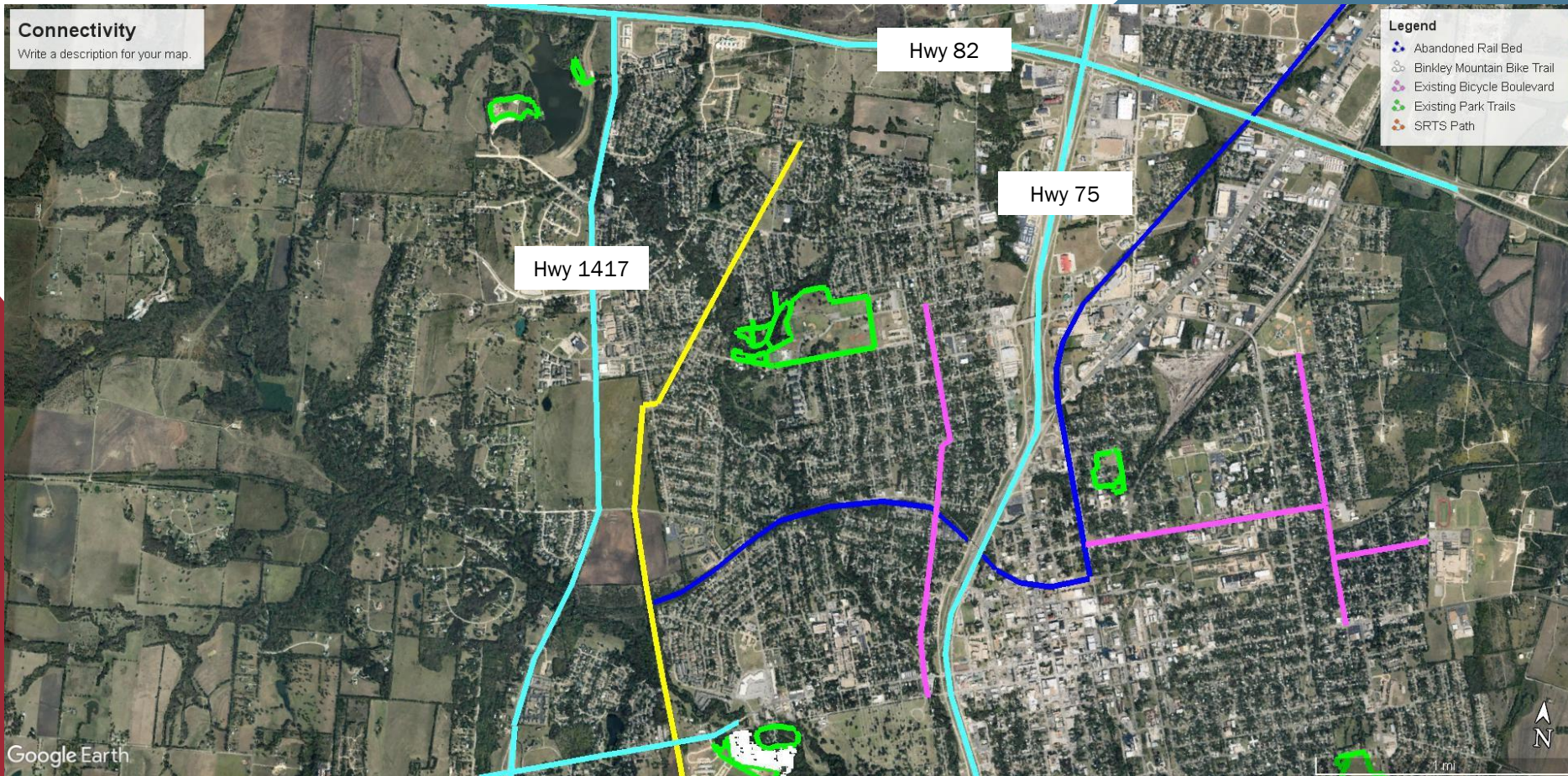
- Abandoned Rail Bed
- Binkley Mountain Bike Trail
- Existing Bicycle Boulevard
- Existing Park Trails
- SRTS Path

Google Earth
Image Landsat 5/4/3/2/1

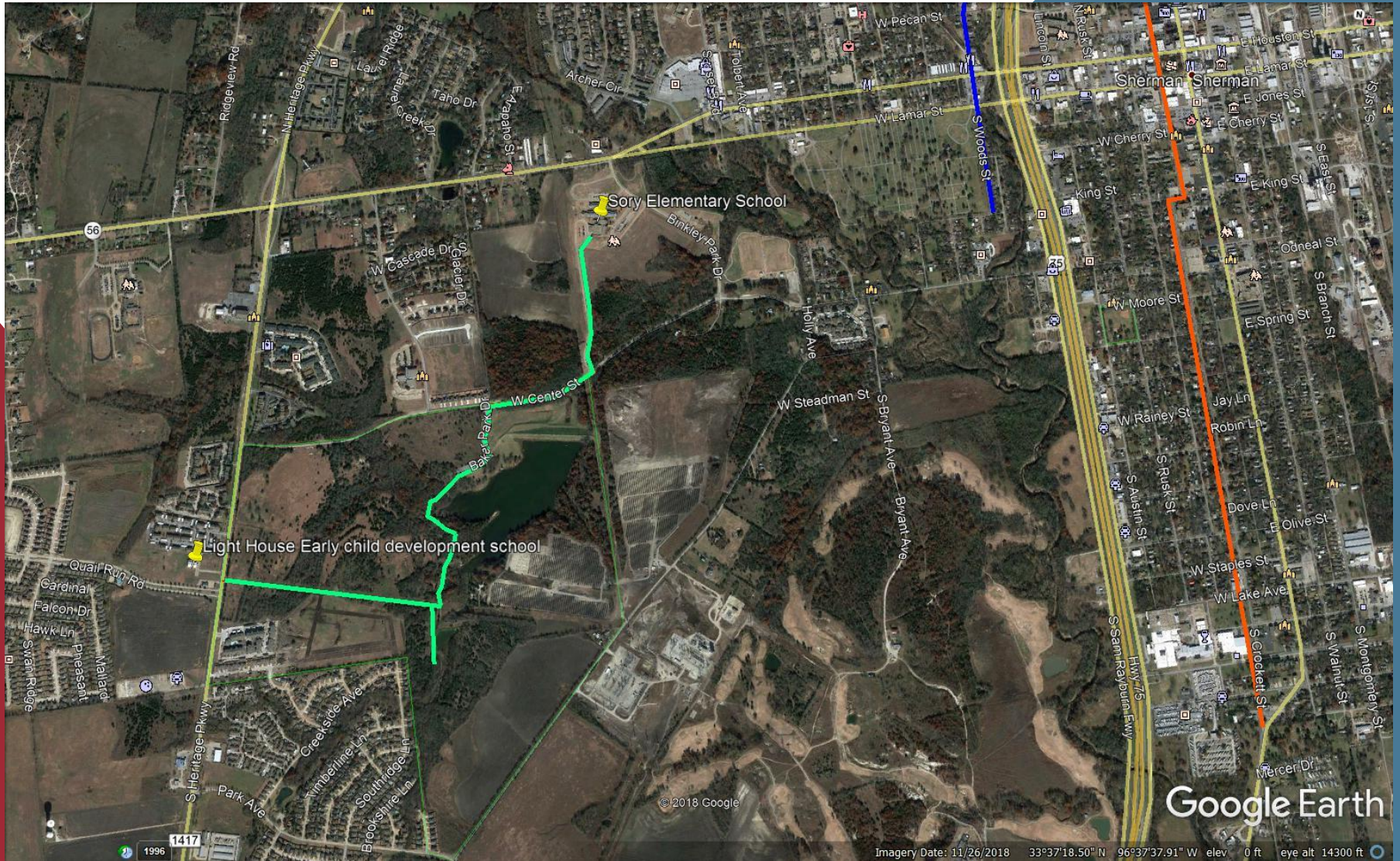
2000 ft

N

NORTH SHERMAN TRAILS



SRTS TRAIL LOCATION





PARKS & RECREATION



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 04/01/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"Child Abuse Prevention and Awareness Month" – April 2019

Issue:

To present a proclamation designating April 2019 as "Child Abuse Prevention and Awareness Month" in Sherman

Background:

Each year, April is designated as the month to increase awareness and prevention of child abuse. By promoting safety and awareness, cities can help make a difference in the lives of children across the country. The Children's Advocacy Center works hard to increase awareness of child abuse and to provide investigation, prosecution, and medical and therapeutic treatment of child abuse.

Origination:

The request for this proclamation originated with the Grayson County Children's Advocacy 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 2019 as "Child Abuse Prevention and Awareness Month."

Alternatives:

The Council could choose not to present the proclamation.

Attachments

"Child Abuse Prevention and Awareness Month" Proclamation

Proclamation

WHEREAS, more than 66,328 cases of child abuse and neglect were confirmed in Texas during the fiscal year of 2018, and there were 509 confirmed victims in Grayson County, and

WHEREAS, child abuse prevention is a community responsibility, and finding solutions depends on involvement among all people, and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among a variety of entities including but not limited to, schools, religious organizations, law enforcement agencies, child protective services, prosecution agencies, medical professionals, mental health professionals, children's advocacy centers, and other community-based, non-profit organizations, and

WHEREAS, everyone in the community should become more aware of child abuse prevention and consider helping parents raise their children in safe, nurturing environments as well as supporting local professionals dedicated to meeting the needs of child abuse victims.

NOW THEREFORE, I, David Plyler, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim April 2019

CHILD ABUSE PREVENTION AND AWARENESS MONTH

in the City of Sherman and urge all citizens to work together to reduce child abuse and neglect and to significantly improve the response of our community when child abuse occurs in the months and years ahead.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 1st day of April, 2019.

Mayor

ATTEST:

Sinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.2.

Meeting Date: 04/01/2019

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

“Texoma Earth Day” – April 13, 2019

Issue:

The Annual Earth Day Festival will be held on Saturday, April 13, 2019 from 9:00 a.m. until 4:00 p.m. on the Sherman Municipal Grounds. The Texoma Earth Day Festival Planning Committee has requested a proclamation to publicize the event.

Background:

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

Origination:

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

Financial Consideration:

There is no financial consideration to the request.

Staff Recommendation:

It is the staff recommendation that a proclamation be presented designating April 13, 2019 as “Texoma Earth Day” in Sherman.

Alternatives:

The Council could choose not to present the proclamation.

Attachments

"Texoma Earth Day" Proclamation

Proclamation

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

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

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

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

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

WHEREAS, the Texoma Earth Day Festival will be held on April 13, 2019, on the Municipal Building Grounds and will feature programs and activities where ordinary people will learn practical things to improve the health of the planet and to enhance the community's natural environment.

NOW THEREFORE, I, David Plyler, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim April 13, 2019

TEXOMA EARTH DAY

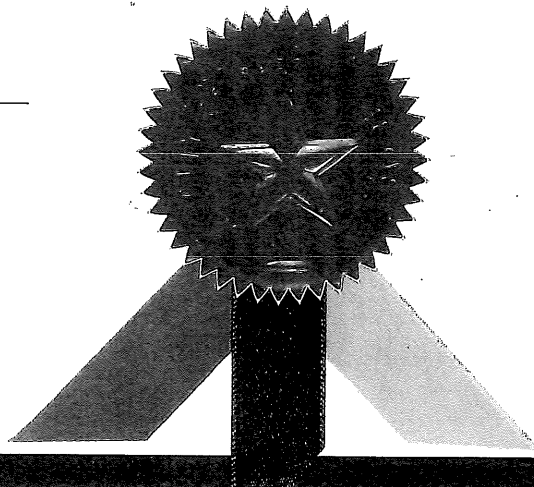
in the City of Sherman and encourage all citizens, businesses, and institutions to use this day to celebrate the Earth and commit to building a sustainable society.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this 1st day of April, 2019.

Mayor

ATTEST:

Linda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 04/01/2019

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

FIRST PUBLIC HEARING

Conduct the First Public Hearing Concerning the Annexation of 56.07 acres along Fallon Drive, East of Texoma Parkway (State Highway 91), Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction

Issue:

To conduct the first public hearing concerning the annexation of 56.07 acres along Fallon Drive, east of Texoma Parkway (State Highway 91), adjacent to the Sherman City Limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

It is the City's intention to annex specifically identified individual areas in the City's ETJ, in accordance with state law and the City Charter. This annexation was initiated by the property owner. At its March 18th meeting, the City Council approved the schedule for annexation of this property, which sets this public hearing, a second public hearing for the April 15th regular Council meeting, and introduction and adoption of the Ordinance to annex the subject property at the May 6th regular Council meeting.

The Sherman Economic Development Corporation (SEDCO) and the City of Sherman have indicated the need to improve and expand a portion of Fallon Drive. The extension of Fallon Drive east and tying into Dripping Springs Road is part of the Master Thoroughfare Plan. Currently, there is a 20-acre development wanting to develop east of the end of Fallon Drive but is currently outside the City limits. This annexation will encompass all 20 acres of that development and include future development along the future Fallon Drive extension, Jack Cole Road and Dripping Springs Road.

State law requires the City Council conduct two (2) public hearings on its intent to annex and the provision of services no later than forty (40) days nor earlier than twenty (20) days before introduction of the annexation ordinance. Publication of notice of these hearings must be no later than twenty (20) days nor earlier than ten (10) days before each hearing. State law also requires that the City Council shall direct its planning department to develop a service plan for the proposed annexation area. The City Charter requires at least seventy-two (72) hours public notice of the annexation ordinance before its adoption.

Origination:

Letter requesting annexation by Oliver McElroy, Managing Partner of Midway Warehouses (Property Owner / Developer)

Financial Consideration:

Once developed, the additional property taxes on the land raised from this annexation are estimated at about \$45,000.00 annually, which approximates the estimated costs associated with providing general City services.

Staff Recommendation:

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

Alternatives:

As directed by the City Council

Attachments

Annexation Scheduling Plan
Request for Annexation dated March 11, 2019
Survey and Field Notes
Municipal Service Plan
Aerial Location Map

ANNEXATION SCHEDULING PLAN

Wednesday, March 20, 2019.....	Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.
Thursday, March 21, 2019.....	Post notice on City's website, newspaper and City Hall for City Council's 1 st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.
Thursday, March 28, 2019.....	Post notice of 1 st Public Hearing under the Open Meetings Act.
Monday, April 1, 2019.....	City Council's 1 st Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
Thursday, April 4, 2019	Post notice on City's website, newspaper and City Hall for City Council's 2 nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.
Thursday, April 11, 2019.....	Post notice of 2 nd Public Hearing under the Open Meetings Act.
Monday, April 15, 2019.....	City Council's 2 nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)
Thursday, May 2, 2019.....	Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.*
Monday, May 6, 2019.....	City Council Public Hearing for introduction and consideration of adoption of annexation ordinance.* (Regular Council Meeting)

* If more than twenty (20) adults who are residents of the area to be annexed protest within ten (10) days of the notice by publication, then one (1) of the public hearings must be held in the area to be annexed.



2741 Fallon Drive
Sherman, TX 75090
Office - Ph: 903-893-5591

Clint Philpott, P.E.
Director of Engineering
City of Sherman
220 W. Mulberry Street
Sherman, TX 75090
903-892-7327

Dear Clint,

March 11, 2019

Please submit the part of the 56.07 acres attached, that belongs to Datavault for annexation. One corner of this property belongs to Eaton Cooper B-Line.

A handwritten signature in black ink, appearing to read 'O. McElroy', is positioned above the name Oliver McElroy.

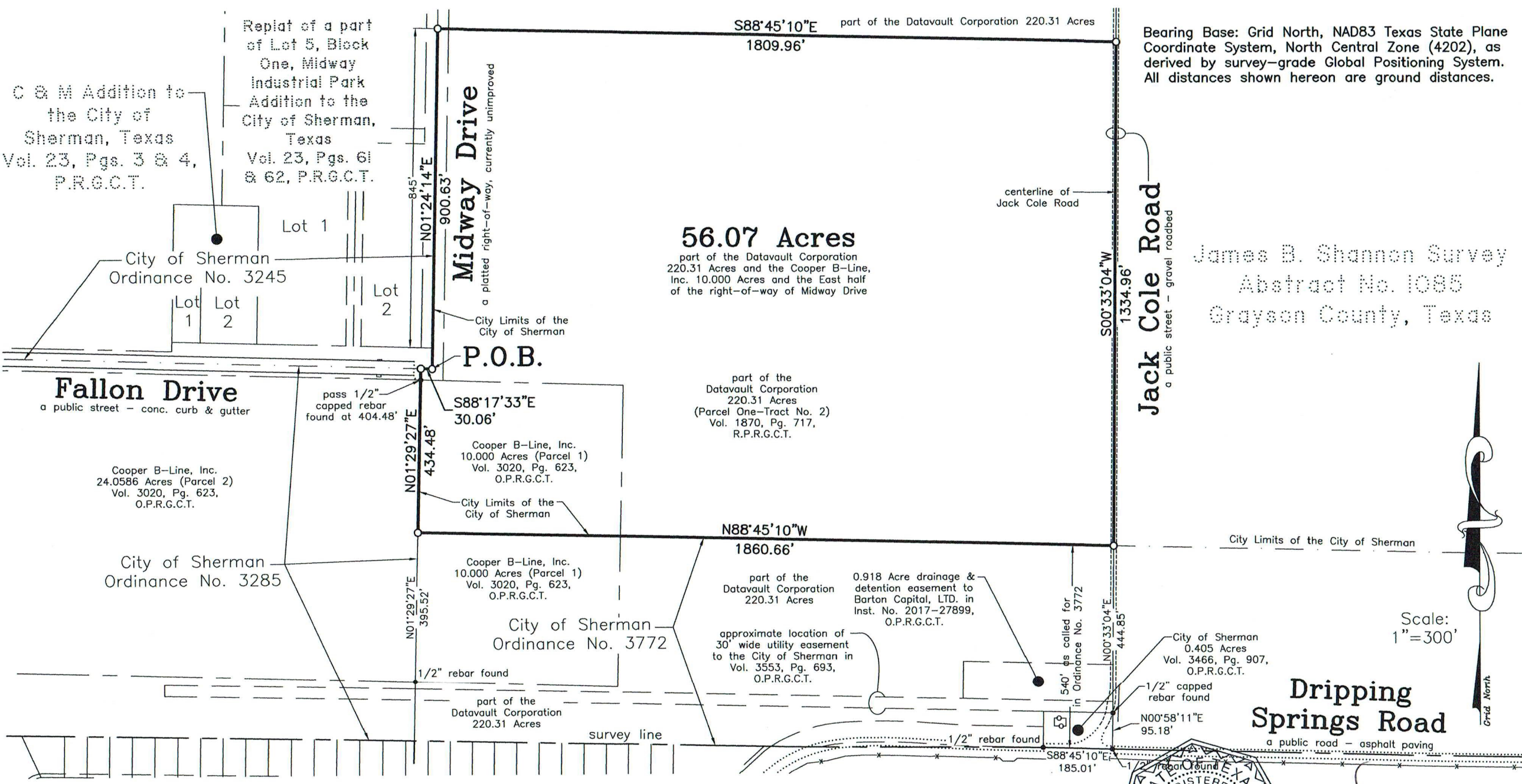
Oliver McElroy, Managing Partner

Midway Warehouse, LLC
2741 Fallon Dr.
Sherman, TX 75090
903-893-5591

C & M Addition to the City of Sherman, Texas
Vol. 23, Pgs. 3 & 4, P.R.G.C.T.

Replat of a part of Lot 5, Block One, Midway Industrial Park Addition to the City of Sherman, Texas
Vol. 23, Pgs. 61 & 62, P.R.G.C.T.

Bearing Base: Grid North, NAD83 Texas State Plane Coordinate System, North Central Zone (4202), as derived by survey-grade Global Positioning System. All distances shown hereon are ground distances.



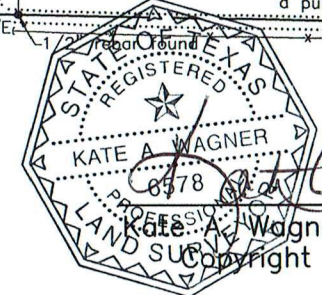
James B. Shannon Survey
Abstract No. 1085
Grayson County, Texas

Scale:
1"=300'

Job No. CGS630219

Proposed City Limits Tract to the City of Sherman

Helvey-Wagner Surveying, Inc.
222 W. Main St., Denison, Texas 75020
Ph (903) 463-6191 Fax (903) 463-4088
Email: helveysurvey@cableone.net
Texas Board of Professional Land Surveying
Firm Registration No. 10088100



Kate A. Wagner, R. P. L. S. No. 6578
Copyright Date: February 28, 2019

Helvey-Wagner Surveying, Inc.

222 West Main Street · Denison, Texas 75020

Ph: (903) 463-6191 · Fax: (903) 463-4088 · Email: helveysurvey@cableone.net

TBPLS Firm Registration No. 10088100

Billy F. Helvey, RPLS No. 4488 – Kate A. Wagner, RPLS No. 6578 – Kenneth N. Russell, RPLS No. 4409

56.07 Acres – Proposed City Limits Tract to the City of Sherman

SITUATED in the County of Grayson, State of Texas, and being a part of the James B. Shannon Survey, Abstract No. 1085, and being a part of the 220.31 ac. tract of land (Parcel One – Tract No. 2) conveyed to Datavault Corporation by Day Manufacturing Co. by Warranty Deed dated November 4, 1985 and recorded in Volume 1870, Page 717, Real Property Records, Grayson County, Texas, and being a part of the 10.000 ac. tract of land (Parcel 1) conveyed to Cooper B-Line, Inc. by B-Line Systems Manufacturing, Inc. by Special Warranty Deed dated December 29, 2000 and recorded in Volume 3020, Page 623, Official Public Records, Grayson County, Texas, and being a part of the East half of the right-of-way of Midway Drive, a 60 ft. wide unimproved right-of-way, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a point at the centerline intersection of said Midway Drive with the center of Fallon Drive, a public street, at an Ell corner of the existing City Limits of the City of Sherman, at the Southeast corner of the City Limits tract described in City Ordinance No. 3245, at the most Westerly Northwest corner of the herein described tract;

THENCE North 01 deg. 24 min. 14 sec. East, with the center of said Midway Drive right-of-way, a distance of 900.63 ft. to a point at the Northwest corner of the herein described tract;

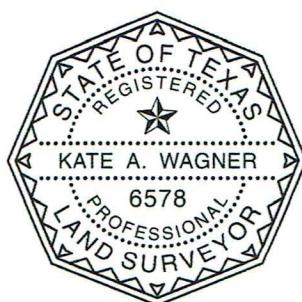
THENCE South 88 deg. 45 min. 10 sec. East, over and across the East half of the right-of-way of Midway Drive, crossing the East line of said Midway Drive and continuing over and across the remainder said Datavault Corporation 220.31 ac. for a total distance of 1,809.96 ft. to a point in the center of Jack Cole Road, in the East line of said Datavault Corporation 220.31 ac., at the Northeast corner of the herein described tract;

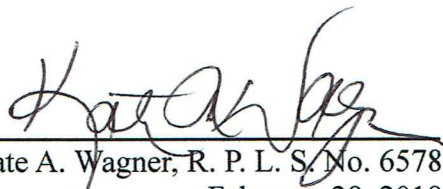
THENCE South 00 deg. 33 min. 04 sec. West, with the center of said Jack Cole Road and the East line of said Datavault Corporation 220.31 ac., a distance of 1,334.96 ft. to a point in a North line of both the existing City Limits of the City of Sherman and the City Limits tract described in City Ordinance No. 3772, at the Southeast corner of the herein described tract, being North 00 deg. 58 min. 11 sec. East, 95.18 ft. and North 00 deg. 33 min. 04 sec. East, 444.85 ft. from a 1/2 inch rebar found at the Southeast corner of said Datavault Corporation 220.31 ac.;

THENCE North 88 deg. 45 min. 10 sec. West, over and across the remainder of said Datavault Corporation 220.31 ac., crossing the East line of said Cooper B-Line, Inc. 10.000 ac. and continuing now over and across said Cooper B-Line, Inc. 10.000 ac. for a total distance of 1,860.66 ft. to a point in the West line of said Cooper B-Line, Inc. 10.000 ac., in an East line of the existing City of Sherman right-of-way, in the East line of the City Limits tract described in City Ordinance No. 3285, at the Southwest corner of the herein described tract, being North 01 deg. 29 min. 27 sec. East, 395.52 ft. from a 1/2 inch rebar found at the Southwest corner of said Cooper B-Line, Inc. 10.000 ac.;

THENCE North 01 deg. 29 min. 27 sec. East, with the West line of said Cooper B-Line, Inc. 10.000 ac., passing a 1/2 inch capped rebar found in the South line of said Fallon Drive, at the Northwest corner of said Cooper B-Line, Inc. 10.000 ac. at 404.48 ft. and continuing for a total distance of 434.48 ft. to a point in the center of said Fallon Drive, in the South line of said City Limits tract described in City Ordinance No. 3245, at the Northeast corner of said City Limits tract described in City Ordinance No. 3285, at an Ell corner of the existing City Limits of the City of Sherman, at the most Westerly Northwest corner of the herein described tract;

THENCE South 88 deg. 17 min. 33 sec. East, with a South line of the existing City Limits of the City of Sherman, the center of said Fallon Drive and the South line of said City Limits tract described in City Ordinance No. 3245, a distance of 30.06 ft. to the **PLACE OF BEGINNING** and containing **56.07 ACRES** of land.




Kate A. Wagner, R. P. L. S. No. 6578
February 28, 2019

City of Sherman Municipal Service Plan Fallon Drive to Jack Cole Road

INTRODUCTION:

The annexation is the site of approximately 56.07 acres along Fallon Drive, East of Texoma Parkway (State Highway 91), lying adjacent to the City of Sherman existing city limits.

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

MUNICIPAL SERVICES TO BE PROVIDED:

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

FIRE PROTECTION: Fire protection by the present personnel and equipment of the fire fighting force will be provided on the effective date of annexation.

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

STREETS AND BRIDGES: All roads shall be accepted in current as-is conditions and shall be maintained by the City of Sherman. Any future streets or improvements will be developed by the standard provisions of the Developer's Ordinance. Street lighting will be established according to city guidelines.

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

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

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

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

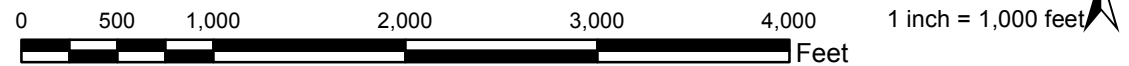
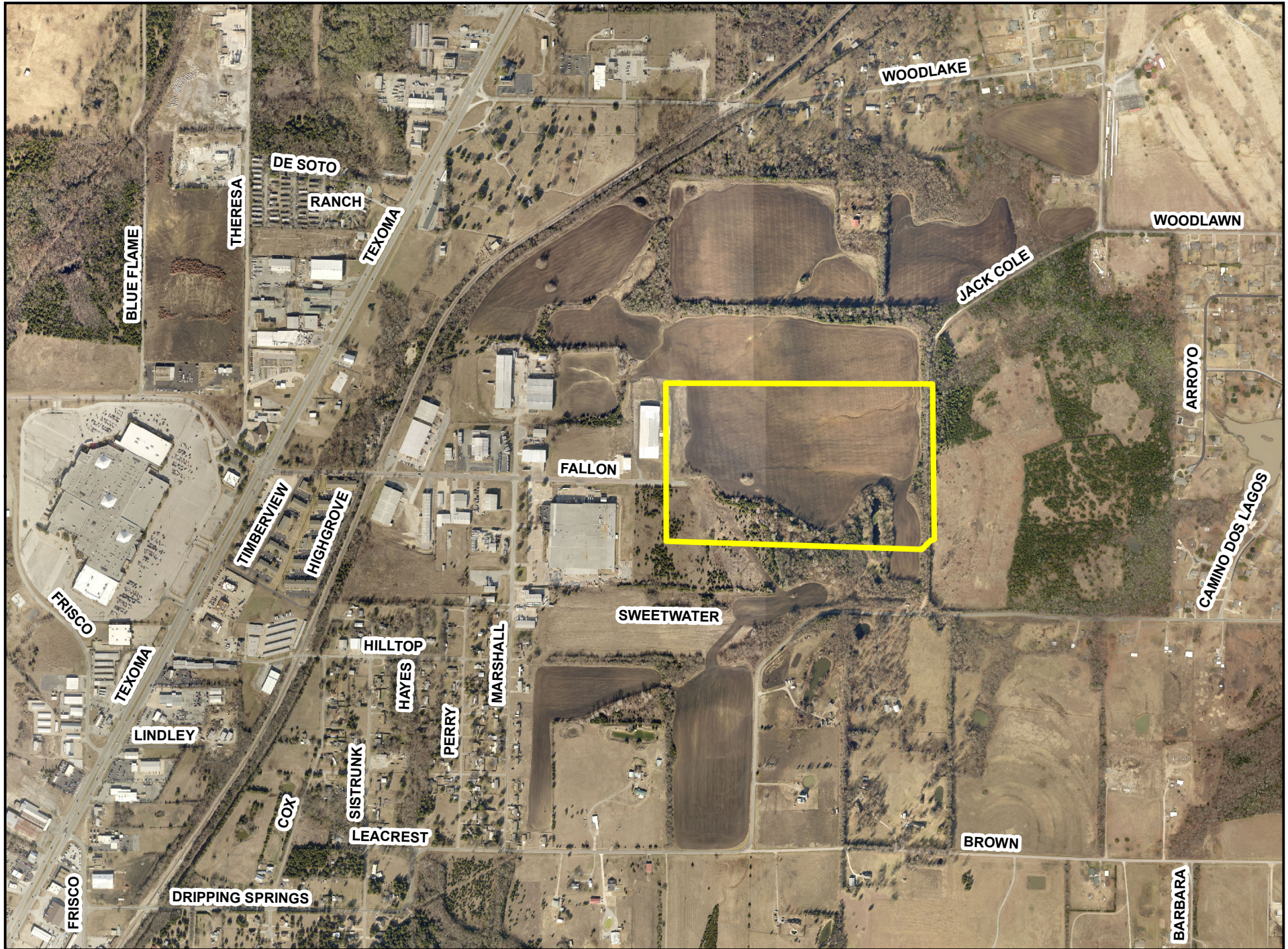
PLANNING AND ZONING: The Planning and Zoning jurisdiction of the City will extend to this area on the effective date of this annexation. All areas will be annexed as an M-1 on the effective date of the annexation ordinance.

CAPITAL IMPROVEMENTS:

WATER SERVICE: Water improvements to serve the area will be in accordance with the City's Subdivision Ordinance and the City's Utility Extension Policies.

SEWER SERVICE: Sewer improvements to serve the area will be in accordance with the City's Subdivision Ordinance and the City's Utility Extension Policies.

Fallon Drive to Jack Cole Road Annexation





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 04/01/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6199

Providing for Permanent "Stop" Signs on West Travis Street at South Sam Rayburn Freeway (U.S. Highway 75) Access Road, on Crossroads Boulevard at Heritage Parkway (West F.M. 1417), on Crossroads Boulevard at West Travis Street, and on Crossroads Boulevard at Medical Drive within the City Limits of the City of Sherman, Texas; Providing for a Penalty Provision

Issue:

To adopt an ordinance providing for permanent "Stop" signs on West Travis Street at South Sam Rayburn Freeway (U.S. Highway 75) Access Road, stopping eastbound traffic on West Travis Street; on Crossroads Boulevard at Heritage Parkway (West F.M. 1417), stopping southbound traffic on Crossroads Boulevard; on Crossroads Boulevard at West Travis Street, stopping northbound and southbound traffic on Crossroads Boulevard; and on Crossroads Boulevard at Medical Drive, stopping northbound traffic on Crossroads Boulevard

Background:

The Engineering Department reviewed these intersections based on the criteria set forth in the Texas Manual on Uniform Traffic Control Devices and determined that "Stop" signs are required at these locations. These "Stop" signs have been up for 90 days to allow the staff to evaluate the issue.

Origination:

Engineering Department

Financial Consideration:

The City's cost for installing the signs is approximately \$1,000.00 for time and materials.

Staff Recommendation:

It is recommended that the City Council adopt the proposed ordinance.

Alternatives:

As directed by the Council

Attachments

Ordinance No. 6199

Aerial Location Map

ORDINANCE NO. 6199

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT “STOP” SIGNS ON WEST TRAVIS STREET AT SOUTH SAM RAYBURN FREEWAY (U.S. HIGHWAY 75) ACCESS ROAD, ON CROSSROADS BOULEVARD AT HERITAGE PARKWAY (WEST F.M. 1417), ON CROSSROADS BOULEVARD AT WEST TRAVIS STREET, AND ON CROSSROADS BOULEVARD AT MEDICAL DRIVE WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, permanent “Stop” signs shall be in place at the following locations within the corporate limits of the City of Sherman, Texas:

At the intersection of West Travis Street and South Sam Rayburn Freeway (U.S. Highway 75) Access Road, stopping eastbound traffic on West Travis Street.

At the intersection of Crossroads Boulevard and Heritage Parkway (West F.M. 1417), stopping southbound traffic on Crossroads Boulevard.

At the intersection of Crossroads Boulevard and West Travis Street, stopping northbound and southbound traffic on Crossroads Boulevard.

At the intersection of Crossroads Boulevard and Medical Drive, stopping northbound traffic on Crossroads Boulevard.

SECTION 2. That the City Engineer is directed to designate this action by the appropriate markings and signs.

SECTION 3. That, from and after the erection of the stop signs herein authorized, it shall be unlawful for the driver of any vehicle approaching such stop signs to fail to bring such vehicle to a complete stop at a clearly-marked stop line; but, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Violators of this ordinance shall be subject to fine as provided in Section 1-6 of the Code of Ordinances of the City of Sherman, Texas, codified.

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

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

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

INTRODUCED on this the _____ day of _____, 2019.

ADOPTED on this the _____ day of _____, 2019.

EFFECTIVE DATE on this the _____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

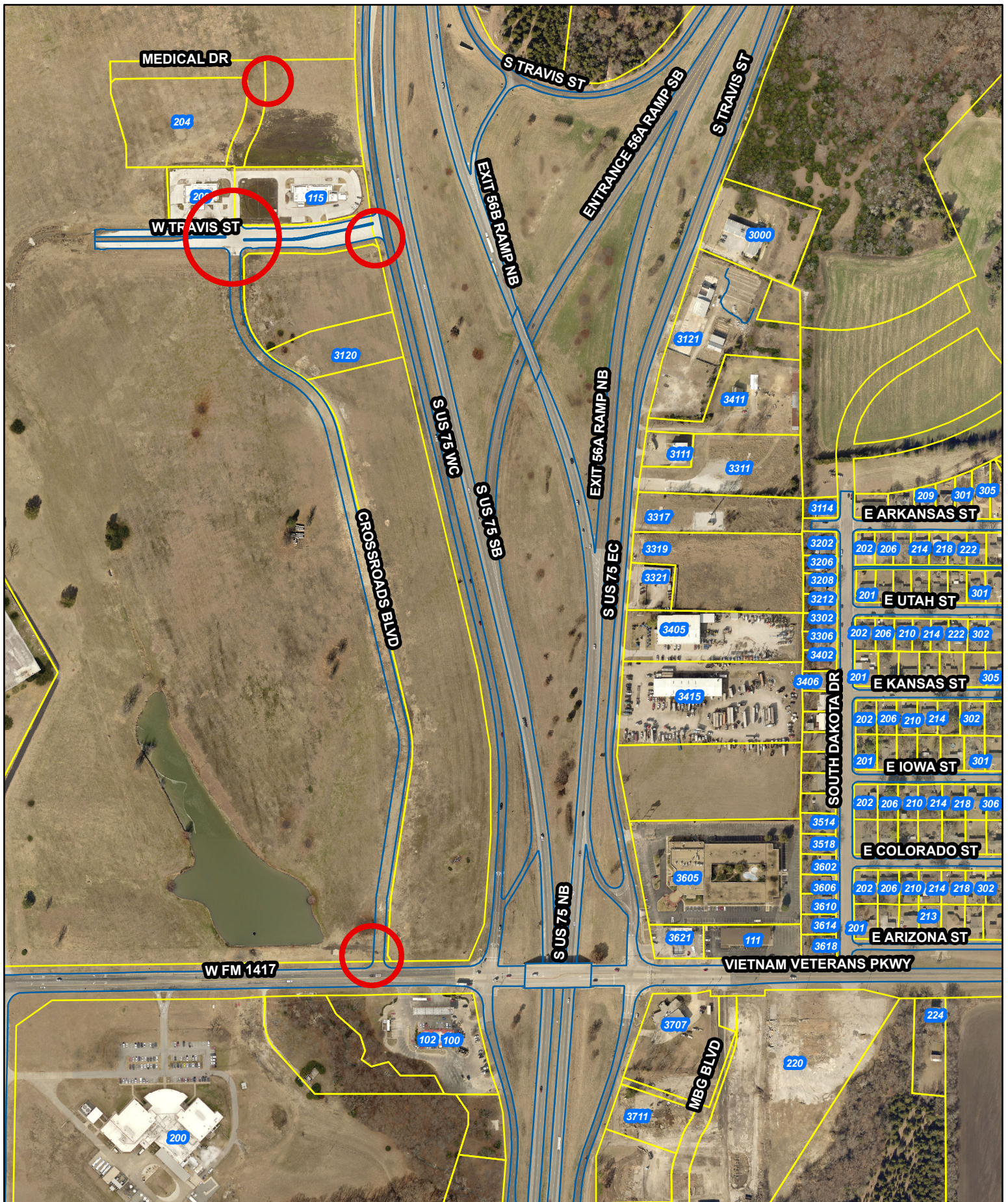
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM AND
CONTENT:**

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





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 04/01/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Number: 6199

Issue:

- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6199**
Providing for Permanent "Stop" Signs on West Travis Street at South Sam Rayburn Freeway (U.S. Highway 75) Access Road, on Crossroads Boulevard at Heritage Parkway (West F.M. 1417), on Crossroads Boulevard at West Travis Street, and on Crossroads Boulevard at Medical Drive within the City Limits of the City of Sherman, Texas;
Providing for a Penalty Provision
-



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.4.

Meeting Date: 04/01/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

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

Issue:

D. 4. * RESOLUTION NO. 6470

Awarding a Bid to and Authorizing Execution of a Contract with Ferguson Enterprises, Inc. dba Ferguson Waterworks for the Purchase of Water Meters for the Customer and Utility Services Department

D. 5. * RESOLUTION NO. 6471

Awarding a Bid to and Authorizing Execution of a Contract with Airgas Specialty Products, Inc. for an Annual Supply of Liquid Ammonia for the Sherman Water Treatment Plant

D. 6. * RESOLUTION NO. 6472

Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1104 North Branch Street

E. 1. * REQUEST TO ADVERTISE

Proposals for a Benefits Broker for the City of Sherman

E. 2. * REQUEST TO ADVERTISE

Construction of an Outdoor Basketball Facility at Pecan Grove West Park

F. 2. * OTHER BUSINESS

Consider Request of the 2019 Earth Day Planning Committee to Temporarily Close Certain Streets for the "11th Annual Earth Day Festival" on Saturday, April 13, 2019

F. 3. * *OTHER BUSINESS*

Consider Request of Sherman Main Street to Temporarily Close Certain Streets for
"Christmas in July" on Saturday, July 13, 2019



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.1.

Meeting Date: 04/01/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6473

Declaring Support for the Designation of the Butterfield Overland Trail as a National Historic Trail

Issue:

To approve a resolution declaring the City of Sherman's support for the designation of the Butterfield Overland Trail as a National Historic Trail

Background:

59th District Court Judge Larry Phillips is seeking the City of Sherman's support of our U.S. Congress's designating the Butterfield Overland Trail to be part of the National Historic Trail system. Judge Phillips drafted the resolution using the House Concurrent Resolution No. 73 that was filed by our Representative Reggie Smith. The Grayson County Commissioners approved a similar resolution at their March 19th meeting. Judge Phillips would like to provide the approved resolutions to Representative Smith to use in gaining support for this initiative and would like to provide copies to our congressman and senators.

Judge Phillips and Ivert Mayhugh, our resident historian on the trail, will attend the meeting to answer any questions.

Origination:

The Honorable Larry Phillips, 59th District Court Judge

Financial Consideration:

There is no financial impact to approving this resolution.

Staff Recommendation:

It is the staff's recommendation that the proposed resolution be approved supporting the designation of the Butterfield Overland Trail as a National Historic Trail and that the City Clerk provide copies of the resolution as requested.

Alternatives:

As directed by City Council

Attachments

Resolution No. 6473

Butterfield Overland Trail Route

RESOLUTION NO. 6473

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING SUPPORT FOR THE DESIGNATION OF THE BUTTERFIELD OVERLAND TRAIL AS A NATIONAL HISTORIC TRAIL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Butterfield Overland Trail, which crosses Texas and seven other states, was used by the Butterfield Overland Mail to transport mail and passengers from St. Louis and Memphis to San Francisco from 1858 to 1861; and

WHEREAS, covering a distance of nearly 3,000 miles, the Butterfield Overland Mail was one of the longest mail routes using horse-drawn stagecoaches in the history of the United States; and

WHEREAS, on September 20, 1858, the Butterfield Overland Mail stagecoach made its first stop in Texas at Sherman; the well-documented mail route also included stops throughout Texas from Sherman to El Paso; reflecting the sense of pride that Texans share about the historic Butterfield Overland Trail, a marker was erected in 1936 in the City of Sherman, marking the route, this marker was rededicated in 2013 and moved to the lawn of the Grayson County courthouse in Sherman; and

WHEREAS, today, Texans continue to use the Butterfield Overland Trail recreationally; among the historic remnants and artifacts for public use and enjoyment are historic Fort Belknap and Fort Chadbourne, which served as stops on the Butterfield Overland Mail, and a refurbished original Butterfield Overland Mail stagecoach in Whitesboro; the stagecoaches were unique because of the scenes on their doors, and no two coaches were alike; and

WHEREAS, the U.S. Department of the Interior has determined that the Butterfield Overland Trail is eligible for designation as a National Historic Trail because it meets all of the requirements of the National Trails System Act and other requirements for designation as a National Historic Trail, namely, that the trail be nationally significant, have a well-documented route, and offer significant potential for public recreational use; and

WHEREAS, a National Historic Trail may only be designated by an Act of Congress, and congressional action to designate the Butterfield Overland Trail as a National Historic Trail would help to preserve and protect this historic route and its historic remnants and artifacts for public use and enjoyment;

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

SECTION 1. That the findings and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. That the City of Sherman of the State of Texas hereby respectfully urges the Congress of the United States to designate the Butterfield Overland Trail as a National Historic Trail.

SECTION 3. That the City Clerk shall forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

SECTION 4. 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 _____, 2019.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

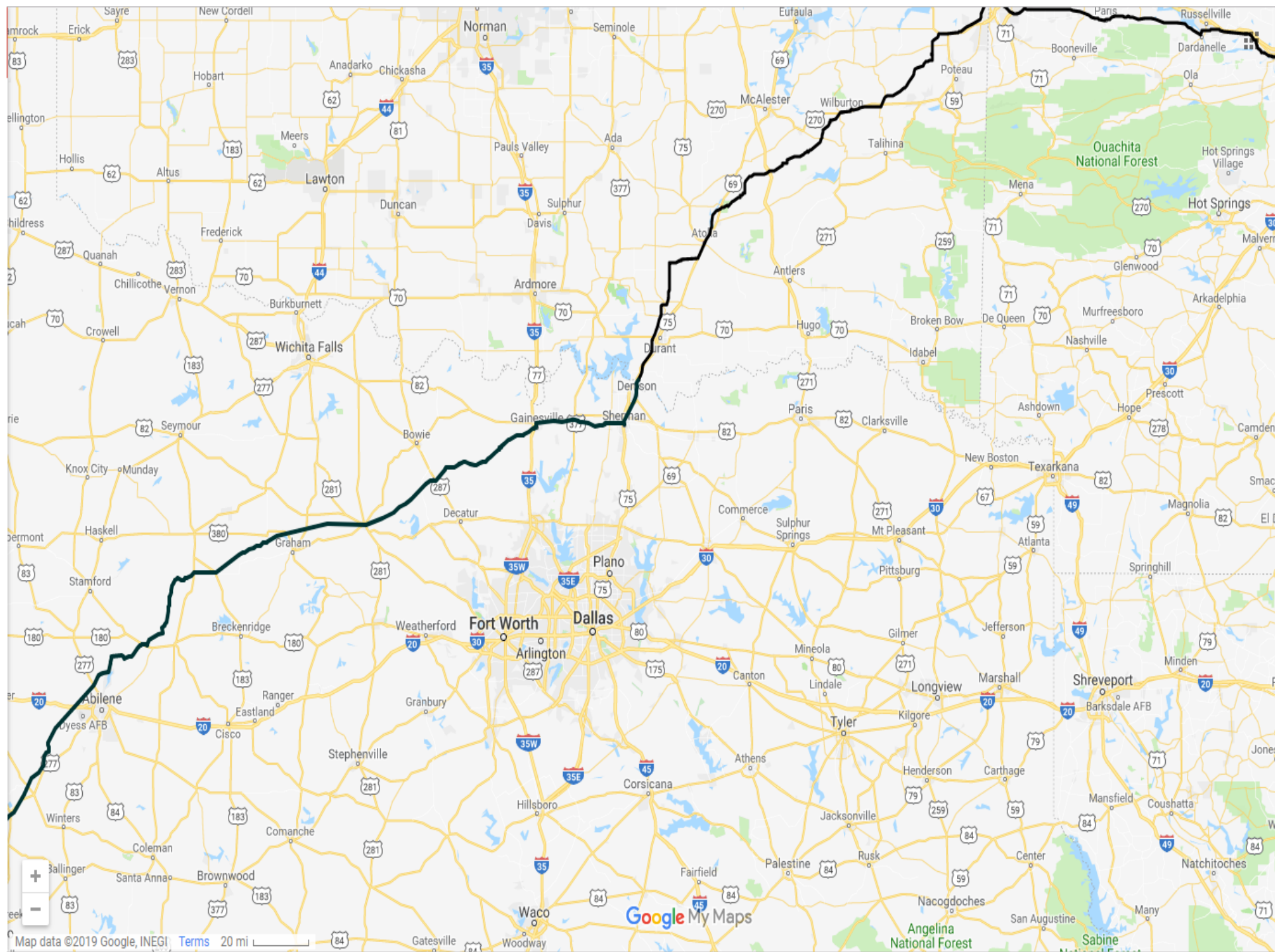
BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

Butterfield Overland Trail Route







SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.2.

Meeting Date: 04/01/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6468

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the McGee Street Extension; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the McGee Street Extension and, if necessary, to begin condemnation proceedings

Background:

The Heritage Crossing, Phase I plat was approved as a residential development at the February 18, 2019 City Council Meeting. In order to access this development, McGee Street will need to be extended. This portion of McGee Street is on our Thoroughfare Plan as a minor arterial, which is 86 feet of right-of-way. In order to expand McGee Street to the planned thoroughfare specifications, additional right-of-way will need to be acquired. The proposed right-of-way expansion will likely be resisted by one or more property owners. An appraiser is requested to complete appraisals of the property and easement areas, which are being submitted to the property owners. It is anticipated that some property owners may not execute right-of-way and easement documents for this project in a timely manner. To prevent any undue delay in the project, City staff seeks the City Council's authorization to negotiate, make final offers and, if necessary, begin condemnation proceedings as required.

Origination:

Engineering Department

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos

Staff Recommendation:

Staff recommends approval of the acquisition of properties up to and including condemnation proceedings, if necessary.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6468

Aerial Location Map

RESOLUTION NO. 6468

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF THE MCGEE STREET EXTENSION; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for the construction of the McGee Street Extension; and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the McGee Street Extension for the City of Sherman, and to acquire said rights in compliance with State and Federal law. The City Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the McGee Street Extension property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

SECTION 4. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

SECTION 5. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein.

SECTION 6. 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 _____, 2019.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

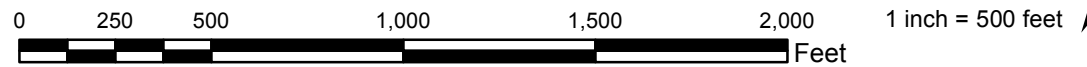
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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

McGee Street Extension





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.3.

Meeting Date: 04/01/2019

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6469

Finding and Determining a Public Purpose and Public Necessity Exists for Construction of the Southwest Sewer Main No. 2, Phase II; Appointing an Appraiser and Negotiator as Necessary; Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Regulations

Issue:

To consider granting authority to negotiate for property rights on the Southwest Sewer Main No. 2, Phase II and, if necessary, to begin condemnation proceedings

Background:

The Southwest Sewer Main No. 2, Phase II has been designed and is ready for construction. The proposed sewer routes will likely be resisted by one or more property owners. An appraiser is requested to complete appraisals of the property and easement areas, which are being submitted to the property owners. It is anticipated that some property owners may not execute easements for this project in a timely manner. To prevent any undue delay in the project, City staff seeks the City Council's authorization to negotiate, make final offers and, if necessary, begin condemnation proceedings as required by law.

Origination:

Engineering Department

Financial Consideration:

Property acquisition costs, along with costs for appraisals, surveys, maps and photos

Staff Recommendation:

Staff recommends approval of the acquisition of properties up to and including condemnation proceedings, if necessary.

Alternatives:

As may be directed by City Council

Attachments

Resolution No. 6469
Aerial Location Map

RESOLUTION NO. 6469

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, FINDING AND DETERMINING A PUBLIC PURPOSE AND PUBLIC NECESSITY EXISTS FOR CONSTRUCTION OF THE SOUTHWEST SEWER MAIN NO. 2, PHASE II; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas, has previously authorized the employment of Brockett/Davis/Drake, Inc. to plan for the construction of the Southwest Sewer Main No. 2, Phase II; and

WHEREAS, this project was recommended by the City staff in order to upgrade sewer service for the City and to recommend the acquisition of all necessary property rights; and

WHEREAS, the City Council has considered the Southwest Sewer Main No. 2, Phase II and has determined that a public purpose and public necessity exists for the acquisition of all necessary and appropriate property rights for the Southwest Sewer Main No. 2, Phase II; and

WHEREAS, the City Council has funded and approved the Southwest Sewer Main No. 2, Phase II;

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

SECTION 1. That the City Council hereby finds and determines that a public purpose and public necessity exists for the City of Sherman to acquire all necessary and appropriate property rights in those certain lots, tracts, or parcels of land deemed necessary for the construction of the Southwest Sewer Main No. 2, Phase II; and does further determine the public purpose and public necessity of the City of Sherman acquiring said property together with all necessary and appropriate appurtenances, additions and improvements on, over, under and through those certain lots, tracts and parcels of land.

SECTION 2. That the City Manager or his designee is authorized and directed to acquire all appropriate property rights for the construction of Southwest Sewer Main No. 2, Phase II for the City of Sherman, and to acquire said rights in compliance with State and Federal law. The City Manager, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts and, when necessary, to institute proceedings in eminent domain.

SECTION 3. That the City Manager or his designee is hereby appointed as “negotiator” for the acquisition of the Southwest Sewer Main No. 2, Phase II property and, as such, the City Manager or his designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference. Subject to the availability of funds appropriated by the City Council for such purposes and with the advice and recommendation of the City Attorney and the City’s appointed appraiser, the City Manager is specifically authorized to establish the just compensation for the acquisition of this property. If the City Manager or his designee determines that an agreement with the property owner(s) as to just compensation cannot be reached, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the property, proceedings in eminent domain to acquire the above stated interest in the property.

SECTION 4. That a qualified appraiser shall be designated the appraiser of the property to be acquired as necessary.

SECTION 5. That the findings of fact, recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this resolution, as if the same were fully set forth herein.

SECTION 6. 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 _____, 2019.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

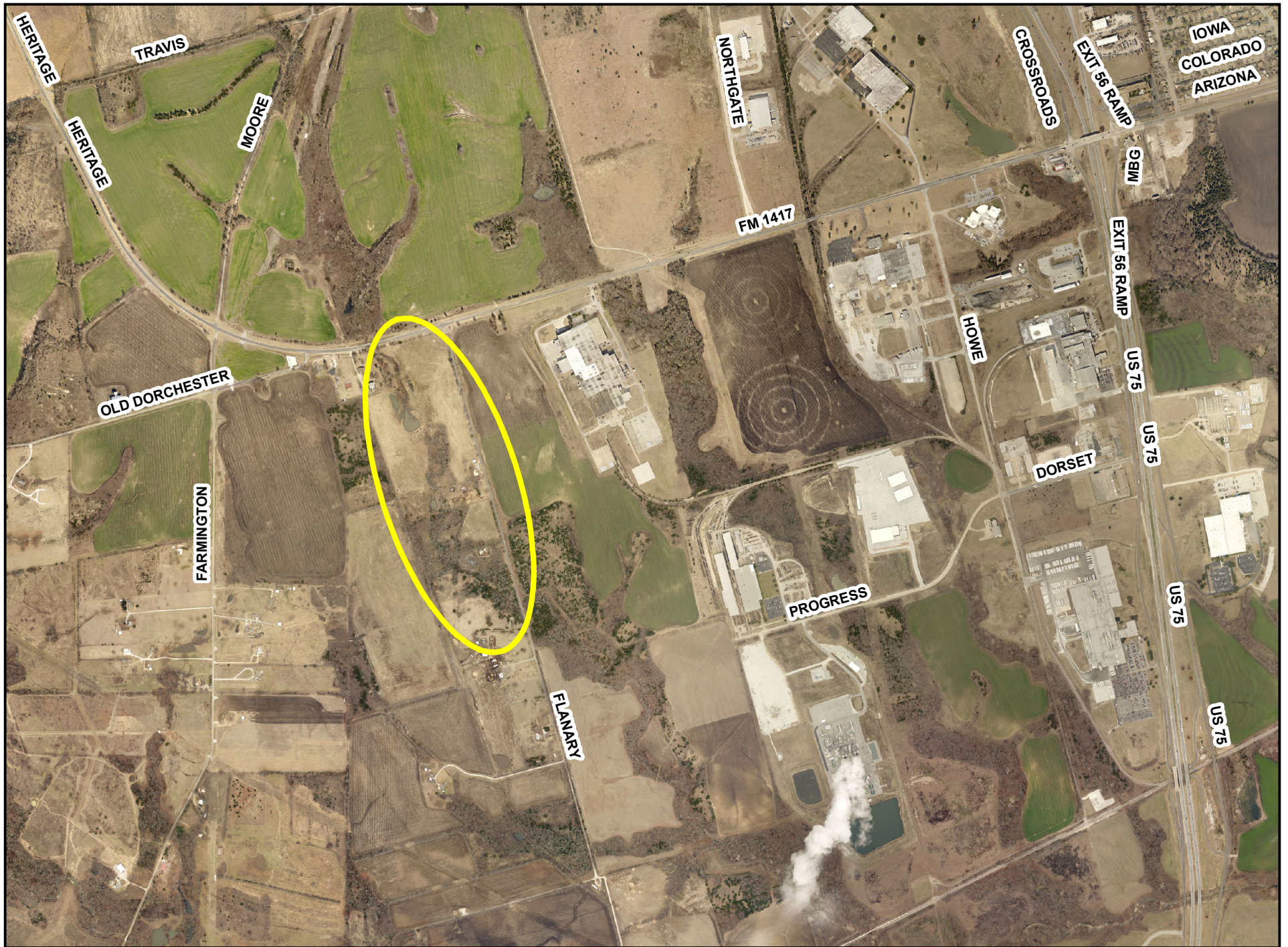
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY,
CITY ATTORNEY

Southwest Sewer Main No. 2, Phase II



0 700 1,400 2,800 4,200 5,600 Feet

1 inch = 1,404 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.4.

Meeting Date: 04/01/2019

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6470**

Awarding a Bid to and Authorizing Execution of a Contract with Ferguson Enterprises, Inc. dba Ferguson Waterworks for the Purchase of Water Meters for the Customer and Utility Services Department

Issue:

To consider the award of bid to Ferguson Enterprises, Inc. dba Ferguson Waterworks ("Ferguson Waterworks") for the annual purchase of water meters

Background:

A request for bids was publicly advertised; and five (5) bids were received and opened on February 25, 2019, as noted in the attached bid tabulation. Ferguson Waterworks of Euless, Texas, was the lowest responsive bid and met all contract requirements for the purchase of water meters meeting City specifications.

Origination:

Customer and Utility Services

Financial Consideration:

Funds are budgeted for fiscal year 2018-2019 in the amount of \$250,000 for the purchase of water meters under two inches (2").

Staff Recommendation:

City Staff recommends that the City Council award the bid to Ferguson Waterworks of Euless, Texas for the annual supply of water meters.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6470

Standard Contract

Bid Tabulation - Water Meters

RESOLUTION NO. 6470

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH FERGUSON ENTERPRISES, INC. DBA FERGUSON WATERWORKS FOR THE PURCHASE OF WATER METERS FOR THE CUSTOMER AND UTILITY SERVICES 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 Ferguson Enterprises, Inc. dba Ferguson Waterworks of Euless, Texas, is hereby awarded the City of Sherman's contract for the supply of water meters for the Customer and Utility Services Department, in accordance with all bid documentation attached hereto and incorporated herein for all purposes.

SECTION 2. That the City Manager is hereby authorized and directed, subject to all contract documents being completed and approved as to form and content by the City Attorney, to execute a contract with Ferguson Enterprises, Inc. dba Ferguson Waterworks for the purchase of water meters for the Customer and Utility Services Department, in the same or substantially same form as the contract documents to be 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 _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



**CITY OF SHERMAN
STANDARD CONTRACT**

This Agreement is made by and between the City of Sherman, Texas, a home-rule municipality, hereinafter referred to as "Buyer", and the hereinafter named SELLER, referred to as the "Seller," for the sale of goods, materials and items specified hereinafter, and the Buyer and Seller hereby agree as follows:

Seller:

Ferguson Enterprises, Inc., dba - Ferguson Waterworks
Name

2650 S. Pipeline Rd.
Address

Eufless, TX 76040
City, State, Zip

469-451-6751
Telephone

Nikola.Carkovic@Ferguson.com
Email

DESCRIPTION OF GOODS

This Contract is for the purchase by the City of Sherman, Texas, of the goods, materials and items described hereinafter as the "goods" or the subject of this Contract, and such parts, attachments, accessories, devices, and apparatus as may be considered an integral part of the Goods or necessary for the proper use or application of the Goods, whether or not specified herein. The Goods are more specifically described as follows:

Water Meters Bid No. 2019-05

[CHECK ONE:]

This contract is a "fixed price – fixed quantity" Contract for the purchase of the specified quantity at the specified price. The full quantity of the Goods shall be delivered to and received at the designated point or points of delivery no later than the date specified herein below. This date is a material term and condition of the Contract and, in connection with the delivery date, time is and shall be of the essence.

Date of Delivery

OR

 X This Contract is for a specific duration wherein the Seller will supply, furnish and deliver at the designated point or points of delivery the specified Goods in the quantities requested by Buyer at the time of Buyer's order. The delivery date(s) shall be set forth in Buyer's order. This Contract is not intended to be and shall not be construed as an exclusive requirements contract. This Contract is non-exclusive and Buyer may acquire any or all of its requirements for the specified Goods from Seller or any other source deemed appropriate by Buyer. This contract includes optional, annual renewals for continued maintenance, with both parties approval required annually.

DURATION: From April 1, 2019 to March 18, 2020

PAYMENT TERMS

The purchase price of the Goods shall be that contained in the Seller's bid and specifically accepted in writing by Buyer. Seller shall submit separate invoices on each purchase order after each delivery. Invoices shall indicate the purchase order number, and shall be itemized. A copy of the packing slip should be attached to the invoice and mailed to the City of Sherman, Finance Department, PO Box 1106, Sherman, TX 75091-1106. Payment shall not be due until the above instruments are submitted, until the Goods have been received by Buyer, and until Buyer has had sufficient opportunity to inspect and exercise its right to accept or reject. Seller shall keep the Finance Department advised of any changes in their remittance addressees. In no event shall Buyer be responsible for interest of any kind on any funds due to Seller, and no term or provision contained in any Seller's invoice shall in any way modify, vary or alter the provisions hereof.

Buyer's obligation is payable solely from funds available for the purpose of the purchase. Lack of funds shall render this contract null and void and to the extent funds are not available, any delivered but unpaid for goods will be returned to Seller by Buyer.

CONTRACT TERMS AND CONDITIONS

This Contract is made and entered into between the parties hereto in accordance with and subject to the following additional terms and conditions:

1. **SELLER TO PACKAGE GOODS:** Seller will package Goods in accordance with good commercial practice. Each shipping container shall be clearly marked and permanently packed as follows: (a) Seller's name and address; (b) Consignee's name, address, and

purchase order number; (c) Container number and total number of containers, e.g. box 1 of 4 boxes; and (d) the number of the container bearing the packing slip. Seller shall bear cost of packing unless otherwise provided. Goods shall be suitably packed to secure lowest transportation costs and to conform to requirement of common carriers and any applicable specifications. Buyer's count or weight shall be final and conclusive on shipment not accompanied by packing lists.

2. **SHIPMENT UNDER RESERVATION PROHIBITED:** Seller is not authorized to ship the Goods under reservation and no tender of a bill of lading will operate as a tender of goods.
3. **TITLE AND RISK OF LOSS:** The title and risk of loss of the Goods shall not pass to the Buyer until the Buyer actually receives and takes possession of the Goods at the point or points of delivery.
4. **DELIVERY TERMS AND TRANSPORTATION CHARGES:** F.O.B. Destination Freight Prepaid unless delivery terms are specified otherwise in the bid; Seller shall pay for the transportation costs.
5. **NO PLACEMENT OF DEFECTIVE TENDER:** Every tender or delivery of Goods must fully comply with all provisions of this contract as to time of delivery, quality and the like. If a tender is made which does not fully conform, this shall constitute a breach and Seller shall not have the right to substitute a conforming tender, provided, where the time for performance has not yet expired, the Seller may reasonably notify Buyer of his intention to cure and may then make a conforming tender within the contract time but not afterward.
6. **PLACE OF DELIVERY:** The place of delivery shall be that set forth on the purchase order or in any other written designation by Buyer. The terms of this agreement are "no arrival, no sale."
7. **RIGHT OF INSPECTION:** Buyer shall have the right to inspect the goods at delivery before accepting them.
8. **REJECTION OF GOODS:** It is agreed that if Buyer rejects any of the goods sold pursuant to this agreement, Buyer's only duty shall be to reasonably notify Seller of the rejection and hold the goods for the disposition of Seller, and it is agreed that under no circumstances shall Buyer be required to resell the rejected goods or incur the cost to deliver same to Seller.
9. **GRATUITIES:** The Buyer may, by written notice to the Seller, cancel this contract without liability to the Seller if it be determined by the Buyer that gratuities, in the form of entertainment, gifts, or otherwise were offered or given by the Seller, or any agent or representative of the Seller, to any officer or employee of City of Sherman with view toward securing the contract or securing favorable treatment with respect to awarding or amending, or the making of any determination with respect to the performing of such a Contract. In the event this Contract is canceled by Buyer pursuant to this provision, Buyer shall be entitled in addition to any other rights and remedies, to recover and withhold the amount of the cost incurred by the Seller in providing such gratuities.

10. SPECIAL TOOLS AND TEST EQUIPMENT: If the price stated on the face hereof includes the cost of any special tooling or any special test equipment fabricated or required by Seller for the purpose of filling this order, such special tooling equipment and any process sheets related thereto shall become the property of the Buyer and to the extent feasible shall be identified by the Seller as such.

11. WARRANTY – PRICE: The price to be paid by the Buyer shall be that contained in the Seller's bid which Seller warrants to be no higher than Seller's current prices on orders for products of the kind and specification covered by the agreement for similar quantities under similar or like conditions and methods of purchase. In the event Seller breaches this warranty, the prices of the items shall be reduced to the Seller's current prices on orders by others, or in the alternative, Buyer may cancel this contract without liability for breach or Seller's actual expense.

The Seller warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for commission, percentage, brokerage, or contingent fee excepting bona fide established commercial or selling agencies maintained by the Seller for the purpose of securing business. For breach of violation of this warranty, the Buyer shall have the right in addition to any other right or rights to cancel this contract without liability and to deduct from the contract price, or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

12. WARRANTY-PRODUCTS: Seller shall not limit or exclude any implied warranties and any attempt to do so shall render this contract voidable at the option of the Buyer. No such attempts to limit, disclaim or exclude any warranties, whether of fitness, merchantability or otherwise, by Seller shall be binding or effective. Seller warrants that the Goods furnished will conform to the specifications, drawings, and descriptions listed in the bid invitation and to the sample(s) furnished by Seller, if any. In the event of a conflict between the specifications, drawings, and descriptions, the specifications shall govern.

13. SAFETY WARRANTY: Seller warrants the product sold to the Buyer shall conform to the standards promulgated by the U.S. Department of Labor under the Occupational Safety and Health Act of 1970. In the event that the products do not conform to OSHA standards, Buyer may return the product for correction or replacement at the Seller's expense. In the event that Seller fails to make the appropriate correction within a reasonable time, any correction made by Buyer will be at Seller's expense.

14. NO WARRANTY BY BUYER AGAINST INFRINGEMENTS: As part of this contract for sale, Seller agrees to ascertain whether goods manufactured in accordance with the specifications attached to this agreement will give rise to the rightful claim of any third person by way of infringement or the like. Buyer makes no warranty that the production of goods according to the specifications will not give rise to such claim, and in no event shall Buyer be liable to Seller in the event that Seller issued on the grounds of infringement or the like. If Seller is of the opinion that an infringement or the like will result, he will notify Buyer to this effect in writing or the like, within two weeks after the signing of this agreement. If Buyer does not receive notice and a claim is asserted or Buyer is subsequently held liable for the infringement or the like, Seller will indemnify, defend and save Buyer harmless. If Seller in good faith ascertains that production of the goods in accordance with the specifications will result in infringement or the like, this

contract shall be null and void except that Buyer will pay Seller the reasonable cost of his search as to infringements.

15. CANCELLATION: Buyer shall have the right to cancel for default on all or any part of the undelivered portion of this order if Seller breaches any of the terms hereof including warranties of Seller or the Seller becomes insolvent or commits acts of bankruptcy. Such right of cancellation is in addition to and not in lieu of any remedies which Buyer may have at law or equity. The Buyer may for any reason whatsoever terminate performance under this Contract by the Seller for convenience at any time. The Buyer shall give notice of such termination to the Seller specifying when termination becomes effective. Goods received but unopened or unused shall be made available to Seller for delivery. Buyer will, in the event of termination, remit such sums to Seller as may be due only for those Goods retained by Buyer.

16. FORCE MAJEURE: If by reason of Force Majeure, either party hereto shall be rendered unable wholly or in part to carry out its obligation under the Agreement, then such party shall give notice and full particulars of Force Majeure in writing to the other party within a reasonable time after the occurrence of the event or cause relied upon, and the obligation of the party giving such notice, so far as is effected by such Force Majeure, shall be suspended during the continuance of the inability then claimed, except as hereafter provided, but for no longer periods and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

The term "Force Majeure" as employed herein, shall mean acts of God, strikes, lockouts, or other industrial disturbance, act of public enemy, orders of any kind of government of the United States or State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines, or canals, or other causes not reasonably within control of the party claiming such inability. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirements that any Force majeure shall be remedied with all reasonable dispatch shall not require the settlements of strikes and lockouts by exceeding to the demands of the opposing party or parties when such settlement is unfavorable in the judgment of the party having the difficulty.

17. ASSIGNMENT – DELEGATION: No right or interest in this contract shall be assigned or delegation of any obligation made by Seller without the written permission of the Buyer. An attempted assignment or delegation of Seller shall be wholly void and totally ineffective for all purposes unless made in conformity with this paragraph.

18. MODIFICATIONS: This contract can be modified or rescinded only in writing signed by both parties and their duly authorized agents.

19. WAIVER: No claim or right arising out of a breach in contract can be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by the aggrieved party.

20. INTERPRETATION-PAROL EVIDENCE: This writing is intended by the parties as a final expression of their agreement and is intended also as a complete and exclusive

statement of the terms of their agreement. No course of prior dealings between the parties and no usage of the trade shall be relevant to supplement or explain any term used in this agreement. Acceptance or acquiescence in a course of performance rendered under this agreement shall not be relevant to determine the meaning of this agreement even though the accepting or acquiescing party has knowledge of the performance and opportunity for objection. Whenever a term defined by the Uniform Commercial Code is used in this agreement, the definition contained in the Code is to control.

- 21. APPLICABLE LAW:** This agreement shall be governed by the Uniform Commercial Code. Wherever the term "Uniform Commercial Code" is used, it shall be construed as meaning the Uniform Commercial Code as adopted in the State of Texas as effective and in force on the date of this agreement.
- 22. ADVERTISING:** Seller shall not advertise or publish, without Buyer's prior written consent, the fact that Buyer has entered into this contract, except to the extent necessary to comply with prior requests for information from an authorized representative of federal, state or local government.
- 23. RIGHT TO ASSURANCE:** Whenever one party to this contract in good faith has reason to question the other party's intent to perform he may demand that the other party give written assurance of his intent to perform. In the event that a demand is made and no assurance is given within five (5) days, the demanding party may treat this failure as an anticipatory repudiation of the contract.
- 24. PROHIBITION AGAINST PERSONAL INTEREST IN CONTRACTS:** No officer or employee shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee. Any knowing and willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the governing body of the City shall render the contract involved voidable by the City Manager or the City Council.
- 25. SILENCE OF SPECIFICATION:** The apparent silence of these Specifications as to any detail or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices prevail. All interpretations of all Specifications shall be made on the basis of this statement. Each insurance policy to be furnished by successful Bidder shall include, by endorsement to the policy, a statement that a notice shall be given to the City of Sherman by Certified Mail thirty (30) days prior to cancellation ~~or upon any material change in coverage.~~ In addition, in the event that there are changes to its insurance program that would cause noncompliance with the contractual agreement, notice must be given as soon as practical.
- 26. ENTIRE AGREEMENT:** This Contract, and all Specifications and Addenda attached thereto, constitute the entire and exclusive agreement between the Buyer and Seller with reference to the Goods. Specifically, but without limitation, this Contract supersedes any bid documents and all prior written or oral communications, representations and negotiations, if any, between the Buyer and Seller not expressly made a part hereof.

INDEMNITY AND DISCLAIMER: BUYER SHALL NOT BE LIABLE OR RESPONSIBLE FOR, AND SHALL BE INDEMNIFIED, HELD HARMLESS AND RELEASED BY SELLER FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, LOSSES, DAMAGES, CLAIMS, OR LIABILITY OF ANY CHARACTER, TYPE, OR DESCRIPTION, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES FOR INJURY OR DEATH TO ANY PERSON, OR INJURY OR LOSS TO ANY PROPERTY, RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS, INCLUDING THE SELLER, OR PROPERTY, ARISING OUT OF, OR OCCASIONED BY, DIRECTLY OR INDIRECTLY, THE PERFORMANCE OF SELLER UNDER THIS CONTRACT, INCLUDING CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF BUYER, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE BUYER UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THE PROVISIONS OF THIS INDEMNIFICATION 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. IT IS THE EXPRESSED INTENT OF THE PARTIES TO THIS AGREEMENT THAT THE INDEMNITY PROVIDED FOR IN THIS CONTRACT IS AN INDEMNITY EXTENDED BY SELLER TO INDEMNIFY AND PROTECT BUYER FROM THE CONSEQUENCES OF THE SELLER'S AS WELL AS THE BUYER'S NEGLIGENCE, WHETHER SUCH NEGLIGENCE IS THE SOLE OR PARTIAL CAUSE OF ANY SUCH INJURY, DEATH, OR DAMAGE. IN ADDITION, CONTRACTOR SHALL OBTAIN AND FILE WITH OWNER CITY OF SHERMAN A STANDARD CERTIFICATE OF INSURANCE AND APPLICABLE POLICY ENDORSEMENT EVIDENCING THE REQUIRED COVERAGE AND NAMING THE OWNER CITY OF SHERMAN AS AN ADDITIONAL INSURED ON THE REQUIRED COVERAGE.

- 26. GOVERNING LAW:** The Contract shall be governed by the laws of the State of Texas. Venue for any causes of action arising under the terms or provisions of this Contract or the Goods to be delivered hereunder shall be in the courts of Grayson County, Texas.
- 27. SUCCESSORS AND ASSIGNS:** The Buyer and Seller bind themselves, their successors, assigns and legal representatives to the other party hereto and to successors, assigns and legal representatives of such other party in respect to covenants, agreements and obligations contained in this Contract. The Seller shall not assign this Contract without written consent of the Buyer.
- 28. SEVERABILITY:** The provisions of this Contract are herein declared to be severable; in the event that any term, provision or part hereof is determined to be invalid, void or unenforceable, such determination shall not affect the validity or enforceability of the remaining terms, provisions and parts, and this Contract shall be read as if the invalid, void or unenforceable portion had not been included herein.
- 29. NOTICES:** All notices required by this Contract shall be presumed received when deposited in the mail properly addressed to the other party at the address set forth herein or set forth in a written designation of change of address delivered to all parties.

EXECUTED this _____ day of _____,

SELLER:


(Signature)

Zeb Wright - Business Development Manager
(Type/Print Name and Title/Position)

2650 S. Pipeline Rd
(Address)

Eulless, TX 76040
(City, State, Zip)

CITY OF SHERMAN:

By: _____
Robby Hefton, City
Manager 220 W.
Mulberry Sherman,
TX 75090

ATTEST:

By: _____
Linda Ashby,
City Clerk

APPROVED:

By: _____
Brandon Shelby
City Attorney

BID TABULATION
Water Meters
Bid Opening: 2:00 pm 02/25/2019

Item	Description	PRICE PER UNIT				
		Aqua-Metric	Zenner USA	RG3 Meter Company	Ferguson Waterworks	Atlas Utility Supply Co.
1	5/8" x 1/2" Positive displacement water meter	142.47	64.38	104.80	73.55	115.89
2	5/8" x 3/4" Positive displacement water meter	142.47	64.38	104.80	83.50	115.89
3	3/4" x 3/4" Short positive displacement water meter	177.21	79.99	126.11	105.00	138.31
4	3/4" x 3/4" Long positive displacement water meter	177.21	86.47	138.44	125.00	142.00
5	1" Positive displacement water meter	221.91	110.51	182.17	135.00	186.50
6	1 1/2" Positive displacement water meter	411.53	241.00	439.09	300.00	391.25
7	1 1/2" Turbine water meter, integral strainer, with test port	656.26	519.87	No Bid	490.00	735.00
8	1 1/2" Turbine water meter, integral strainer, without test port	672.62	No Bid	No Bid	490.00	735.00
9	2" Positive displacement water meter, with test port	565.26	343.84	No Bid	405.00	551.75
10	2" Turbine water meter, with test port and internal strainer	773.55	662.26	No Bid	610.00	823.50
11	2" Turbine water meter, with test port, no internal strainer	554.44	523.59	No Bid	610.00	690.00
12	1 1/2" Oval Strainer	No Bid	Included in #7 & #8	No Bid	Included in #8	No Bid
13	1 1/2" Oval Meter Flange Set	57.80	60.19	No Bid	55.00	69.95
14	2" Oval Strainer	No Bid	138.67	No Bid	Included in #10	310.00
15	2" Oval Meter Flange Set	60.48	72.10	No Bid	66.00	74.95



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.5.

Meeting Date: 04/01/2019

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6471**

Awarding a Bid to and Authorizing Execution of a Contract with Airgas Specialty Products, Inc. for an Annual Supply of Liquid Ammonia for the Sherman Water Treatment Plant

Issue:

To consider awarding a contract to Airgas Specialty Products, Inc. for an annual supply of Liquid Ammonia to be used at the Sherman Water Treatment Plant

Background:

At the December 17, 2018 meeting, the City Council authorized a request to advertise for the solicitation of public bids from various chemical vendors for the annual supply of chemicals for our water operations. Additionally, at the February 2, 2019 meeting, the City Council awarded chemical bids to various vendors for all chemicals that received a responsive bid. Liquid Ammonia did not receive any responsive bids for the original solicitation of bids. As a result, Liquid Ammonia was re-solicited for public bids and, on March 18, 2019, City staff received three (3) bids. Airgas Specialty Products, Inc. of Waxahachie, Texas, was the lowest responsive bid for the purchase of liquid ammonia.

Origination:

Department of Utilities

Financial Consideration:

Funding is available in the Water Production budget for fiscal year (FY) 2018-2019 for the purchase of water chemicals, including liquid ammonia.

Staff Recommendation:

It is recommended that the City Council award the annual supply of liquid ammonia to Airgas Specialty Products, Inc. of Waxahachie, Texas.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6471

Supply Contract

Bid Tabulation - Liquid Ammonia

Aerial Location Map

RESOLUTION NO. 6471

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH AIRGAS SPECIALTY PRODUCTS, INC. FOR AN ANNUAL SUPPLY OF LIQUID AMMONIA FOR THE SHERMAN WATER TREATMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That bids are hereby awarded to Airgas Specialty Products, Inc. of Waxahachie, Texas for an annual supply of liquid ammonia to be used at the Sherman Water Treatment Plant in accordance with the City's specifications; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract of sale with Airgas Specialty Products, Inc. for said annual supply of liquid ammonia to be used at the Sherman Water Treatment Plant, in accordance with the terms and provisions of the contract documents to be 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 _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____

DAVID PLYLER, MAYOR

BY: _____

LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM.
AND CONTENT:**

BY: _____

**BRANDON S. SHELBY,
CITY ATTORNEY**

SUPPLY CONTRACT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT, made and entered into by and between the CITY OF SHERMAN, a municipal corporation of the State of Texas, hereinafter called "CITY", and Airgas Specialty Products, Inc. hereinafter called "SUPPLIER",

WITNESSETH:

SUPPLIER agrees to sell and will deliver to CITY, and CITY agrees to purchase from SUPPLIER, on an as-needed basis, chemicals specified as Ammonia 29.4% for use at the Sherman Water Treatment Plant as described in the Invitation to Bid and incorporated herein for all purposes. As consideration for this contract, SUPPLIER agrees to sell and deliver such chemicals at the prices specified therein in the Invitation to Bid during the contract period beginning on February 5, 2019, and ending on February 4, 2020.

Reference is hereby made to the specifications and requirements of the Invitation to Bid prepared by CITY and the Bid Proposal submitted by SUPPLIER on January 10, 2019 in answer to CITY's Invitation to Bid. All of the specifications and requirements of CITY's Invitation to Bid, are incorporated herein by reference and are part of this contract for all purposes.

SUPPLIER hereby agrees to deliver ordered chemicals to CITY at the Sherman Water Treatment Plant located at 243 La Cima Drive, Sherman, Texas, within four (4) business days from the date of order placement. CITY reserves the right on or before initiation of order to reasonably restrict days and hours for delivery. CITY will pay SUPPLIER for chemicals delivered within thirty (30) days from the date of the receipt of invoice.

CITY retains the right to reject without restriction all or any chemicals delivered by SUPPLIER which fails to comply with the specifications as set forth in the Invitation to Bid and the Bid Proposal submitted by SUPPLIER. Upon written notice by City to Supplier of non-conforming delivered chemicals which fail to comply with specifications, SUPPLIER shall have three (3) business days from notice of rejection to replace the non-conforming chemicals. CITY shall on notice receive credit for all charges related to non-conforming chemicals delivered. Supplier shall have twenty (20) days from notice of CITY's rejection of non-conforming chemicals to remove non-conforming chemicals from the Sherman Water Treatment Plant at SUPPLIER's expense in default of which, CITY may, at its election, return to SUPPLIER non-conforming chemicals delivered to the CITY thirty (30) days from notice to the SUPPLIER. In the event of CITY's return of non-conforming chemicals, CITY shall be entitled to recover all costs and expense relating to reloading, removal and return of rejected non-conforming chemicals from SUPPLIER. CITY is expressly authorized to contract for return in default of SUPPLIER's removal of non-conforming chemical

supply pursuant to this agreement. City assumes no liability for loss or damage to non-conforming items delivered to CITY under this provision and SUPPLIER agrees to release and hold harmless CITY from any claim or liability relating to SUPPLIER's delivery of non-conforming items pursuant to this contract.

Limitation of Liability. SUPPLIER SHALL NOT BE LIABLE FOR INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, AND/OR PUNITIVE DAMAGES. SUPPLIER'S SOLE LIABILITY AND CITY'S SOLE REMEDY FOR ANY DAMAGES SHALL BE LIMITED TO, AT SUPPLIER'S OPTION, THE REFUND OF THE PURCHASE PRICE OR REPLACEMENT OF THE PRODUCT OR SERVICE IN QUESTION. THE LIMITATIONS CONTAINED IN THIS SECTION SHALL APPLY REGARDLESS OF WHETHER THE CLAIM FOR DAMAGES IS BASED ON BREACH OF CONTRACT, BREACH OF WARRANTY, TORT OR OTHERWISE, AND SHALL APPLY EVEN WHERE SUCH DAMAGES ARE CAUSED IN WHOLE OR IN PART, BY THE NEGLIGENCE, GROSS NEGLIGENCE OR ACTS AND OMISSIONS OF THE PARTY CLAIMING DAMAGES OR THE PARTY FROM WHOM DAMAGES WERE SOUGHT.

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

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

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 be assigned without such consent (except to the extent that the effect 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 that 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 CITY and SUPPLIER, 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 the Invitation to Bid, the provisions in the Contract prevail over the provisions in the Invitation to Bid.

Supplier's Warranty. SUPPLIER expressly represents and warrants its compliance with all applicable laws, ordinances and regulations in its operations and material delivered under this Agreement including, but not limited to AWWA standards and NSF60 requirements. SUPPLIER further expressly represents and warrants its compliance with all applicable regulation of hazardous substances as may be present in, used, manufactured, handled, created, stored or delivered to CITY incidental to this Agreement. CITY has no duty to inspect or examine material furnished by SUPPLIER under this Agreement. CITY is entitled to fully rely on material as represented by and specified of SUPPLIER under this Agreement.

Supplier's Indemnity of City. SUPPLIER agrees to indemnify, defend and hold harmless CITY against all third party claims, damages and liabilities of whatever nature, foreseen or unforeseen under any environmental, hazardous substance law or other law, to the extent caused by SUPPLIER's negligent acts in performing under this Agreement, including, but not limited to the following:

- a) All fees incurred in defending any action or proceeding brought by any individual, public or private entity arising from materials furnished or incidental to this Agreement. SUPPLIER's liability for fees shall include, but not be limited to legal fees, environmental consultants, engineers, surveyors and expert witnesses.

- b) Any diminution in property value attributable to:
- i.) breach of warranty under this Agreement or,
 - ii.) any cleanup, detoxification, remediation or other response action taken or incidental to any material the subject of this Agreement as may be imposed by Federal, State, local government or Court order.

Notices under this Agreement. All notices under this Agreement require written notice delivered to CITY or SUPPLIER at the address indicated on this agreement or as otherwise noticed by the party in writing.

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 SUPPLIER and on behalf of CITY, City of Sherman, by its City Manager and attested by its City Clerk, effective the _____ day of _____ 2019.

SUPPLIER:

Airgas Specialty Products, Inc.

CITY:

CITY OF SHERMAN, TEXAS

BY: _____ BY: _____
NAME: _____ ROBBY HEFTON,
TITLE: _____ CITY MANAGER
ADDRESS: _____ 220 W. MULBERRY
_____ SHERMAN, TEXAS, 75090

ATTEST:

ATTEST:

BY: _____ BY: _____
NAME: _____ LINDA ASHBY,
TITLE: _____ CITY CLERK

APPROVED:

BRANDON SHELBY
CITY ATTORNEY

[illegible]





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.6.

Meeting Date: 04/01/2019

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6472**

Authorizing Execution of an Agreement with M&G Home Builders, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1104 North Branch Street

Issue:

This item is to consider property tax abatement for the construction of a new single-family residence at 1104 North Branch Street.

Background:

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

Origination:

M&G Home Builders, LLC, Owner

Financial Consideration:

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this property will be approximately \$427.30 annually.

Staff Recommendation:

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

Alternatives:

The City Council could decide against granting this abatement.

Attachments

Resolution No. 6472

Residential Tax Abatement Agreement

Application

Warranty Deed

Building Permit

Site Plan

Photo

Aerial Location Map

Reinvestment Zone Map

RESOLUTION NO. 6472

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH M&G HOME BUILDERS, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1104 NORTH BRANCH STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from M&G Home Builders, LLC and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with M&G Home Builders, LLC for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1104 North Branch Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

PASSED AND APPROVED on this the ____ day of _____, 2019.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY, and **M&G HOME BUILDERS, LLC**, hereinafter referred to as OWNER,

WITNESSETH:

WHEREAS, on the 18th day of April, 2011, the City Council of Sherman, Texas, passed Ordinance No. 5692 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 6210) stating that it elects to be eligible to participate in a residential tax abatement program; and

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

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

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

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 18th day of April, 2011;

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2017, and continuing for tax years 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028, with

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

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2019	100%
2020	100%
2021	100%
2022	100%
2023	100%
2024	100%
2025	80%
2026	60%
2027	40%
2028	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028, as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at 1104 North Branch Street, Sherman, Texas, and as more particularly described by the following:

BEING all that certain tract of land or parcel described as being 0.135 acres more or less, being a portion of Lots 15 and 18, J.Q.Q. Carter's Addition, in the City of Sherman, Grayson County, State of Texas, and being more particularly described in that certain Deed of record in Volume 915, Page 294, of the Deed Records of Grayson County, Texas.

SITUATED in the County of Grayson, State of Texas, on the waters of Post Oak Creek being a part of a survey originally granted to J. B. McAnair and described as follows to-wit:

BEING a part of lots Fifteen (15) and Eighteen (18) in J. Q. A. Carter's Addition to the City of Sherman, Texas.

BEGINNING at a stake on the west line of North Branch Street at the Northeast corner of a lot conveyed by Thomas F. Hazard and J. C. McConville to W. F. Blair by deed recorded in Volume 91, Page 232, Deed Records, Grayson County, Texas;

THENCE North 16 deg. West with the west line of Branch Street 42 feet to the southeast corner of a lot formerly owned by Chas. Faulkner;

THENCE South 74 deg. West 140 feet to a stake;

THENCE South 16 deg. East 42 feet to a stake;

THENCE North 74 deg. East 140 feet to the PLACE OF BEGINNING and being the same land described in deed recorded in Volume 259, Page 569 of the Deed Records of Grayson County, Texas.

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

120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

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

VII.

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

VIII.

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

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 512 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

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

XI.

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

XII.

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

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

M&G Home Builders, LLC
1218 N. Brents Ave.
Sherman, TX 75090
(903) 870-8212

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

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2019.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
M&G HOME BUILDERS, LLC

BY: _____
ROBBY HEFTON
CITY MANAGER

BY: _____
MARTIN COVARRUBIAS

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
BRANDON S. SHELBY
CITY ATTORNEY

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

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

GIVEN UNDER MY HAND and seal of office this ____ day of _____, 2019 A.D.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

**CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT**

Property Owner:

Name: M&G Home Builders, LLC

Mailing Address: 1218 N Brents, Sherman, TX

Telephone Number: 903-870-8212

Contact (if different than owner):

Name: _____

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 1104 N Branch

Summary Legal Description: Lot: NEPT 15 & SEPT 18 Addition: 1 CARTER JQA

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

Improvements:

Type of Improvements (please check one). New Construction: x Remodeling: _____

Estimated Value of Improvements: 100,000

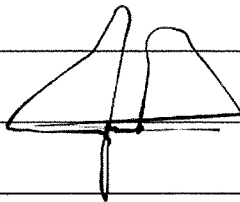
Estimated Date of Start of Construction: 03/01/19

Estimated Date of Completion of Project: 06/30/19

Description of Project: _____

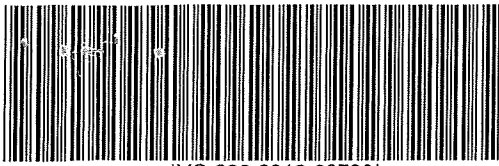
New Residential Construction with 3 bedroom 2 bath

Applicant(s): _____



Date: 02/14/19

Date: _____



VG-286-2018-28796

**Grayson County
Wilma Bush
County Clerk**

Instrument Number: 2018 - 28796

Real Property Recordings

Recorded On: December 31, 2018 09:39 AM

Number of Pages: 4

Parties: BAILEY DONALD

" Examined and Charged as Follows: "

Total Recording: \$34.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

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

File Information:

Document Number: 28796
Receipt Number: 20181231000027
Recorded Date/Time: December 31, 2018 09:39 AM
User: Cort M
Station: CLERK05

Record and Return To:

M&G HOME BUILDERS LLC
1218 N. BRENTS AVE.
SHERMAN TX 75090



STATE OF TEXAS
COUNTY OF GRAYSON

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

Wilma Bush
County Clerk
Grayson County, TX

General Warranty Deed

Date: December 31, 2018

Grantor: Donald Bailey

Grantor's Mailing Address:

Donald Bailey
309 N. Willow
Sherman, TX 75090

Grantee: M&G Home Builders LLC

Grantee's Mailing Address:

M&G Home Builders LLC
1218 N. Brents Ave.
Sherman, Texas 75090

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Being all that certain tract of land or parcel described as being .135 acres more or less, being a portion of Lots 15 and 18, J.Q.A. Carter's Addition, in the City of Sherman, Grayson County, State of Texas, and being more particularly described in that certain Deed of record in Volume 915, Page 294, of the Deed Records of Grayson County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

None

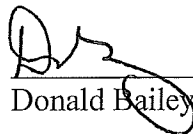
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds

Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.

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

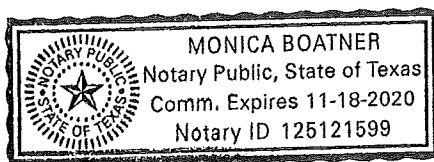

Donald Bailey

STATE OF TEXAS)

COUNTY OF GRAYSON)

This instrument was acknowledged before me on December 31, 2018, by Donald Bailey.


Notary Public, State of Texas
My commission expires: 11-18-2020



PREPARED IN THE OFFICE OF:

DON BAILEY
309 N. Willow
SHERMAN, TX 75090
Tel: (903) 892-9185
Fax: (903) 891-8304

AFTER RECORDING RETURN TO:

M&G Home Builders LLC
1218 N. Brents Ave.
Sherman, Texas 75090

CITY OF SHERMAN

RESIDENTIAL BUILDING PERMIT

SUBCONTRACTOR: M&G HOME BUILDERS
LLC

PERMIT #: 190314

DATE ISSUED: 2/08/2019

PROJECT ADDRESS: 1104 N BRANCH ST
PARCEL ID: 159989
SUBDIVISION: CARTER J Q A ADDN

LOT #: NE PT 15 & SE PT 18
BLK #: 1
ZONE ORD:

ISSUED TO: M&G HOME BUILDERS LLC
ADDRESS: 1218 N BRENTS
CITY, ST ZIP: SHERMAN TX 75090
PHONE: 903-870-8212

CONTRACTOR: M&G HOME BUILDERS LLC
ADDRESS: 1218 N BRENTS
CITY, ST ZIP: SHERMAN TX 75090
PHONE:

PROP. USE: SINGLE FAMILY RESIDENTIAL
WORK: NEW RESIDENTIAL
CONSTRUCTION
VALUATION: \$ 100,000.00
OCCP TYPE: SINGLE FAMILY RESIDENTIAL
CNST TYPE: WOOD FRAME

SQ FT: 1,350.00
BEDROOMS: 3
BATHROOMS: 2
STORIES: 1

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

NOTES:

NOTICE

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

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

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

2/8/19
DATE

(APPROVED BY) FLOOD PLAIN ADMINISTRATOR

2/11/19
DATE

(APPROVED BY) BUILDING & ZONING

3/2/19
DATE

CARTER J Q A ADDN, BLOCK
1, LOT NE PT 15 & SE PT 18

N

BRANCH STREET

FRONT

-25'-

-9-

30'-

9.

—44'5"—

-40'-

-41'-

BACK

-110.5'-

1104 North Branch Street





1104 N. Branch
Residential Tax Abatement

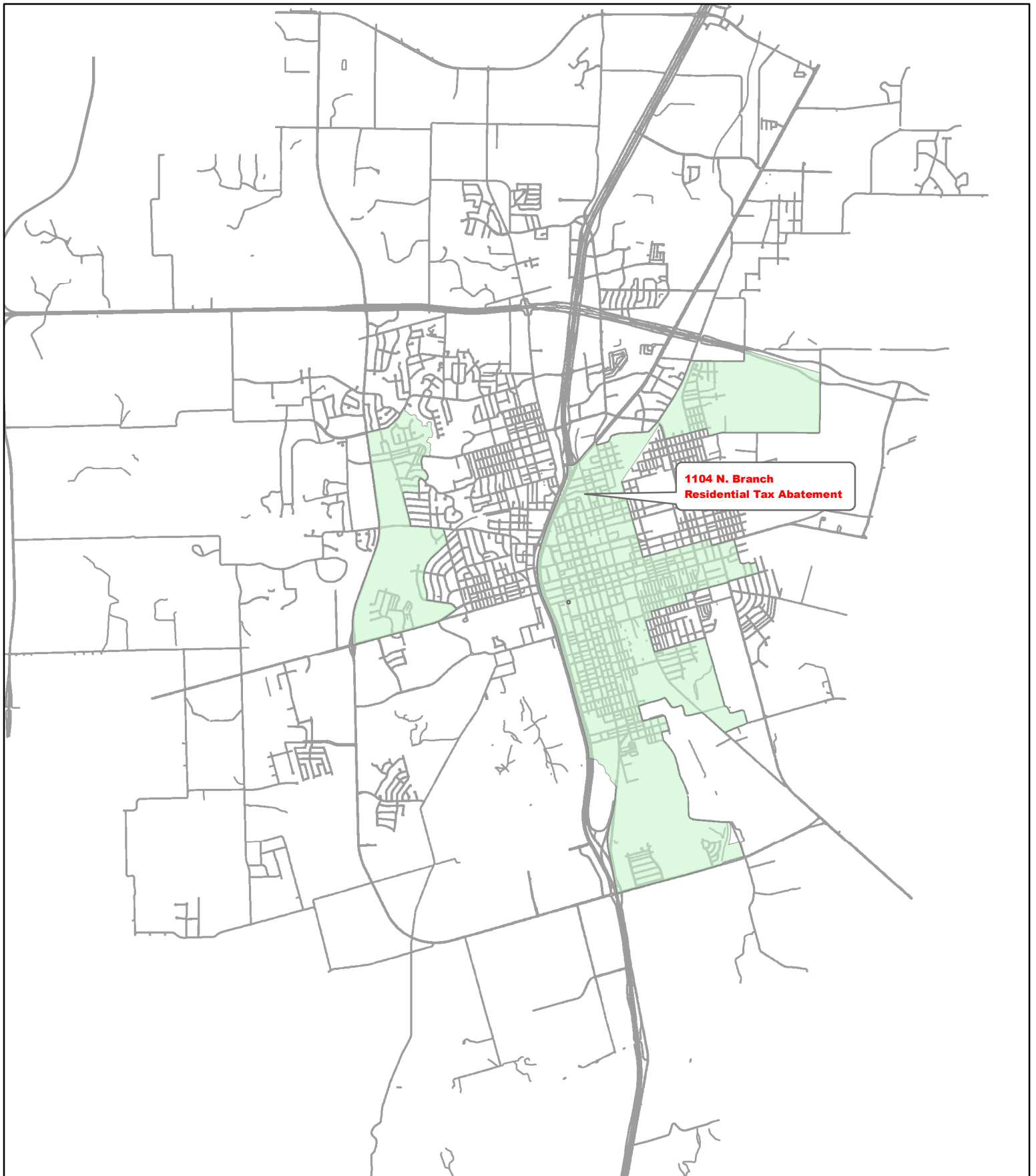


1104 North Branch Street



1 in = 496 ft

City of Sherman, Texas
Developmental Services Department



1104 N. Branch Residential Tax Abatement



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE
1 inch = 6,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.1.

Meeting Date: 04/01/2019

Prepared By: Leah Campbell, Human Resources and Organizational Development Administrator

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Proposals for a Benefits Broker for the City of Sherman

Issue:

Requesting permission to advertise for proposals for a benefits broker for the City of Sherman

Background:

As a self-funded municipality, the City of Sherman contracts with a brokerage firm to coordinate all employee benefits (medical, dental, vision, pharmacy, life, AD&D, and COBRA). In order to ensure the current contract remains the optimal choice for both the City and our employees, City staff requests approval to advertise for competitive proposals.

Origination:

Human Resources Department

Financial Consideration:

The cost for advertising will be about \$400.00.

Staff Recommendation:

It is recommended that the City Council approve the request to advertise.

Alternatives:

As may be directed by the City Council



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.2.

Meeting Date: 04/01/2019

Prepared By: Theresa Hutchinson, Parks & Recreation Manager

Approved By: Robby Hefton, City Manager

Caption:

*** REQUEST TO ADVERTISE**

Construction of an Outdoor Basketball Facility at Pecan Grove West Park

Issue:

Requesting permission to advertise for public bids for the construction of an outdoor basketball facility at Pecan Grove West Park

Background:

The Sherman Parks and Recreation Department worked with Dunkin, Sims, Stoffels, Inc. to create the 2017 Parks, Recreation, and Open Space Master Plan for the City of Sherman, which was approved and adopted by City Council at the May 4, 2017 meeting. The purpose of this plan was to establish short and long-term priorities for maintenance, operation and future development of Sherman's parks, trails, recreation programs and facilities.

During the 2017 Parks Master Plan, it was determined that Sherman was currently short six (6) basketball courts compared to national standards. As a result of the fiscal year (FY) 2019 budget process, it was determined that an outdoor basketball facility should be added to Pecan Grove Park.

Origination:

Parks and Recreation Department

Financial Consideration:

The cost of advertising will be about \$400.00.

Staff Recommendation:

It is recommended that the City Council approve the request to advertise.

Alternatives:

As may be directed by the City Council

Attachments

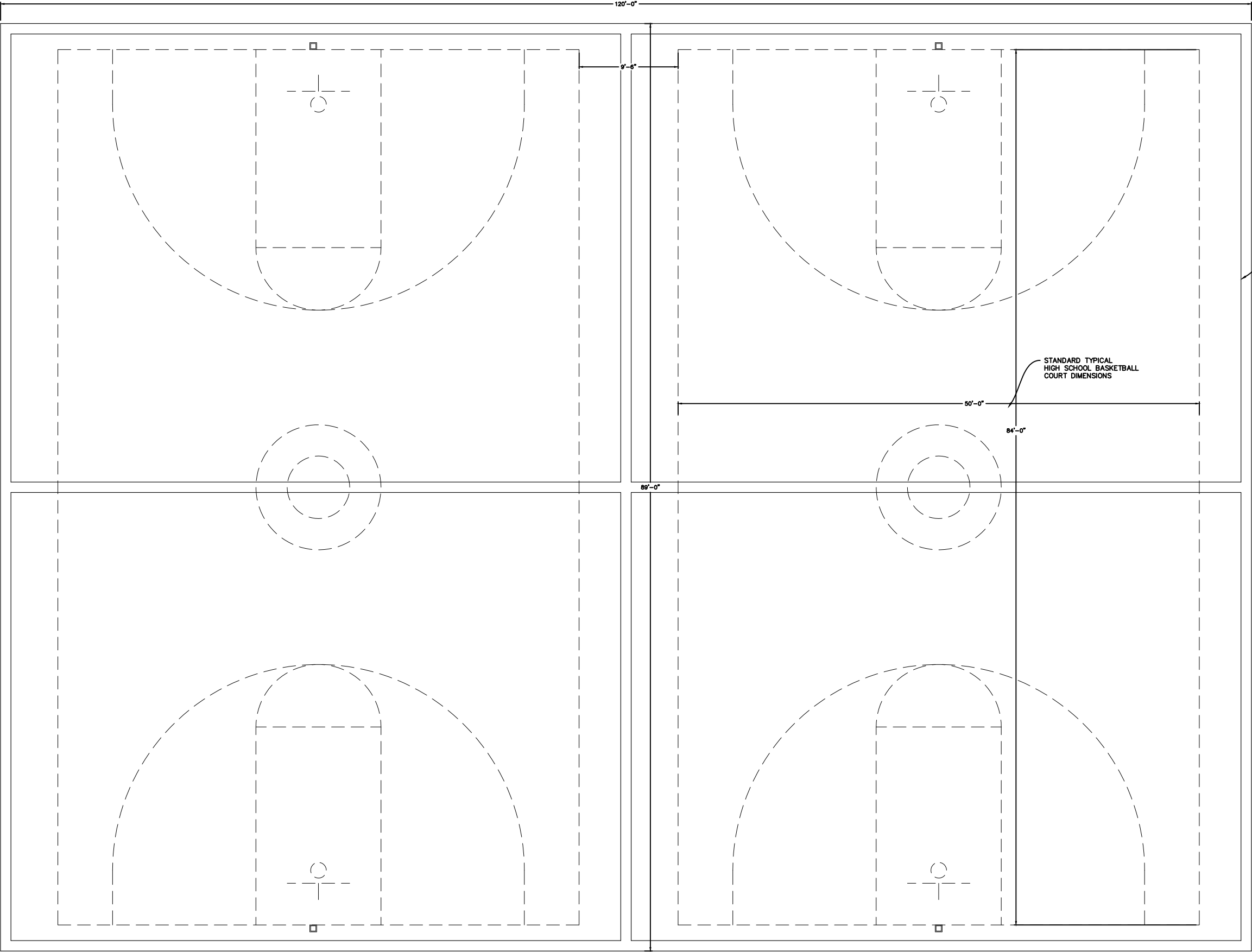
Outdoor Basketball Facility Drawing
Aerial Location Map

REVISION	DRAWN	CHECKED	APPROVED	DESCRIPTION OF CHANGES	
				SURVEYED	NA NA
				DRAWN	TOM P. 2/19
				CHECKED	CLINT P. 3/19
				APPROVED	TH 3/19
CITY OF SHERMAN, TEXAS					
DOUBLE HIGH-SCHOOL BASKETBALL COURT					
ENGINEERING AND UTILITIES DEPARTMENT					
SCALE: AS SHOWN					
CONSTRUCTION DETAILS					

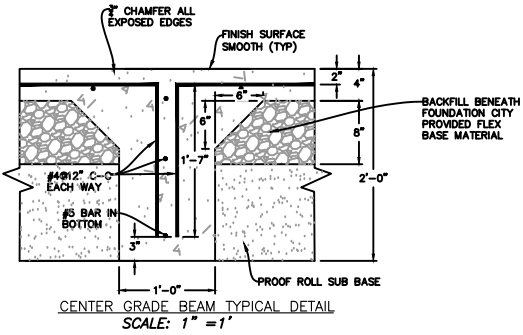
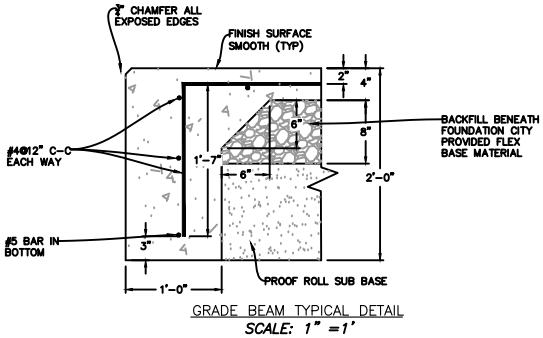


THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY THOMAS L. PRUITT, P.E. 92767 2/28/2019
ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT

ISSUED FOR BIDDING AND CONSTRUCTION, DATE
THOMAS L. PRUITT, P.E.



GRADE BEAM (TYPICAL)







SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F.1.

Meeting Date: 04/01/2019

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Receive an Update on the City of Sherman's Recycling Program

Issue:

City Councilwoman Sandra Melton requested an update on the City's Recycling Program.

Background:

The current recycling environment has changed dramatically in the past year. Beginning in May of 2018, the City has paid a recycling processor to accept our materials due to our large amount of contamination. At the October 15, 2018 meeting, the City Council directed staff to modify the program to reduce our costs by cleaning up the recycle stream. At the November 5, 2018 meeting, the City Council adopted Ordinance No. 6167 changing the program so that only those items with a market are accepted, those customers desiring to recycle may have a recycle cart, and those who need an additional waste cart may have two waste carts.

Origination:

City Councilwoman Sandra Melton
City Manager Robby Hefton

Financial Consideration:

This agenda item has no financial impact.

Staff Recommendation:

The Council need take no action on this agenda item - it is for informational purposes only.

Alternatives:

As may be directed by Council



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F.2.

Meeting Date: 04/01/2019

Prepared By: Nate Strauch, Community & Support Services Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of the 2019 Earth Day Planning Committee to Temporarily Close Certain Streets for the "11th Annual Earth Day Festival" on Saturday, April 13, 2019

Issue:

The 2019 Earth Day Planning Committee proposes to hold the "11th Annual Earth Day Festival" on Saturday, April 13th. They request barricades for street closures and City Hall parking lot closure.

Background:

Ms. Amy Hoffman-Shehan, representing the 2019 Earth Day Planning Committee, proposes to hold the "11th Annual Earth Day Festival" on the Sherman Municipal Grounds from 9:00 a.m. to 4:00 p.m. on Saturday, April 13th. In order to accommodate the festival, the Committee requests delivery and pick up of barricades for street closures around the Municipal Building and City Hall parking lot closure. The street and parking lot closure times are from 6:00 a.m. - 5:00 p.m.

Origination:

Ms. Amy Hoffman-Shehan, Event Organizer, 2019 Earth Day Planning Committee

Financial Consideration:

Barricade placement and removal will be provided by the City of Sherman Street Department.

Staff Recommendation:

It is recommended that the City Council authorize the street closures, City Hall parking lot closure, the utilization of the Municipal Grounds and City resources to accommodate this event.

Alternatives:

As directed by the Council

Attachments

Request dated March 25, 2019

Street Closure Map

Complete Recycling List

Earth Day Festival
Amy Hoffman-Shehan
1503 S Travis St
Sherman TX 75090
www.earthdaytexoma.org

City of Sherman
Robby Hefton, City Manager
Don Keene, Assistant City Manager
Sarah McRae, Tourism/Main Street Manager
Steve Ayers, Directory of Community and Support Services
Members of the Sherman City Council

March 25, 2019

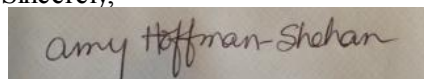
The 11th Annual Earth Day Festival is scheduled for April 13, 2019. It will be held in the Municipal Ballroom and Lucy Kidd-Key Park (municipal grounds). Please place our street closure request on the agenda for the April 1, 2019 City Council Meeting. The street closures will be needed from 6:00 am until 5:00 pm on April 13. We would like to close South Rusk Street between Mulberry and Pecan Streets and Pecan Street between South Elm and South Rusk. We would also like to place cones to close access to the parking lot south side of the Municipal Building and on Pecan Street adjacent to the gazebo stage. We plan to offer our various recycling events on Rusk Street south of Mulberry and adjacent to the Municipal Building. Please see the attached map.

The 2019 Texoma Earth Day Festival will focus primarily on recycling and education about recycling. We plan displays about area recycling programs and games that teach children and adults how to sort recyclables and differentiate between materials that are recyclable and others that are not. Our printed program will be a comprehensive recycling guide for north Texas and southern Oklahoma. In addition, the festival will include children's activities, musical entertainment, demonstrations, vendors of fine crafts and environmentally friendly products and services. Coordinated events include the Friends of the Sherman Public Library used book sale, a youth art show sponsored by the SISD Arts Initiative, Prescription drug collection by the Sherman Police Department, displays and demonstrations, vendors including plant sales, pet adoptions through the Sherman Animal Shelter adoption trailer, a blood drive, "Trashion VI" a Trash Fashion Art Show is sponsored by Grayson College Department of Visual Art. Details are available on our website www.earthdaytexoma.org.

The festival offers a wide variety of recycling opportunities, including a community-wide paper shredding event, electronic waste, cardboard, Styrofoam, hard plastics, clothing, ink and toner cartridges, and more. We are continuing to work with the Choctaw Nation Going Green program. The program is a valuable resource, providing resources and recycling services and assisting with publicity for the event. The bulk recycling program will be sponsored by the Earth Day Festival Planning Committee and will directly benefit festival funding. This recycling will include electronic waste, used clothing, small household appliances (not including TVs or monitors). Last year's recycling round up filled two 18' trucks! Sherman Noon Lions Club collects eyeglasses. A full list of items being accepted for recycling is included with the letter.

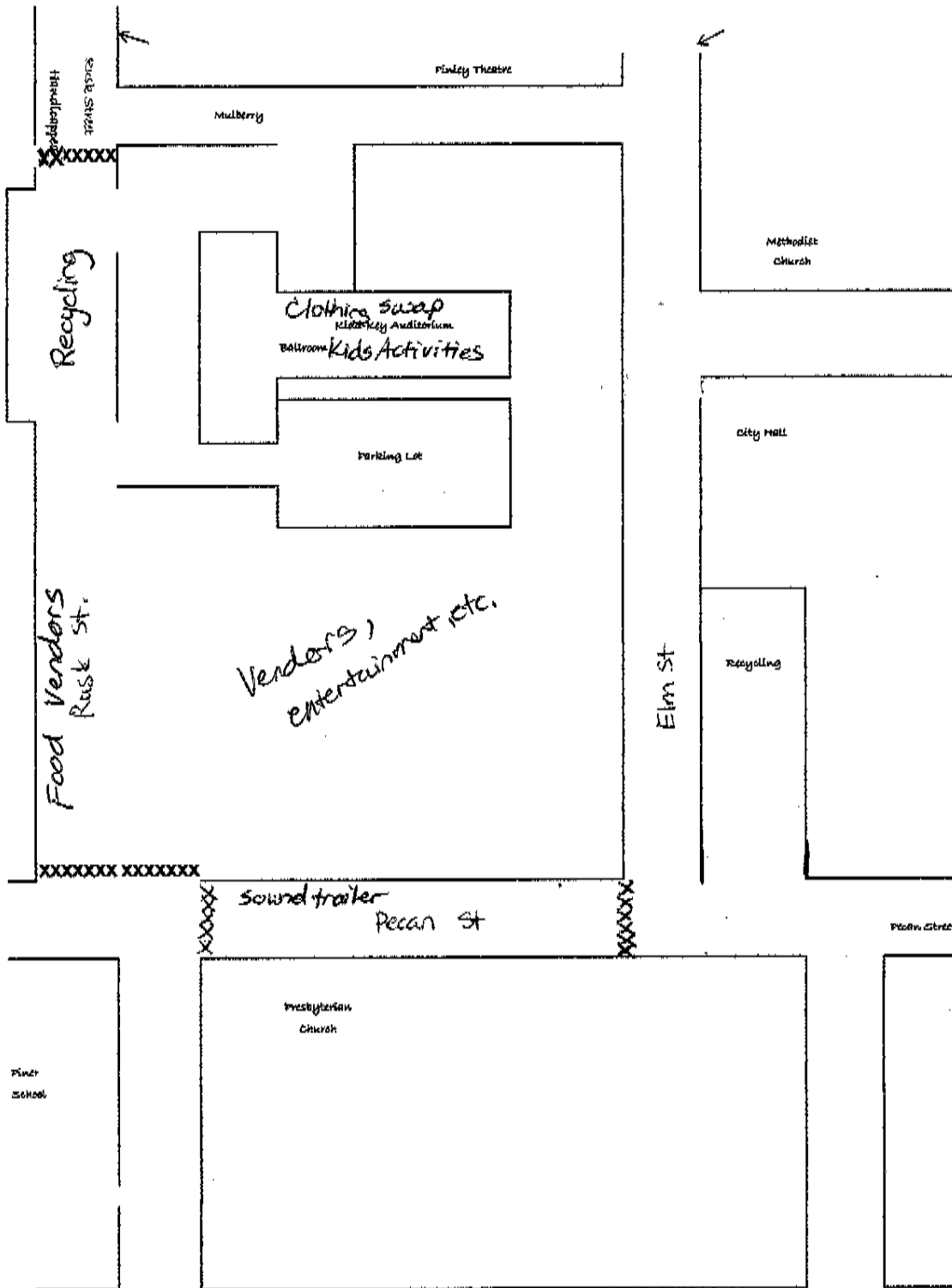
We greatly appreciate our partnership with the City of Sherman and encourage your participation. The Sherman Animal Shelter pet adoptions always add an element of excitement and joy to the festival, as are the Prescription Drug collections by the Police Department. We hope we will also have participation this year from Solid Waste and Pre-Treatment Services as well.

Sincerely,



Amy Hoffman-Shehan
Event Organizer

Sheet1





2019 Texoma Earth Day Festival Complete Recycling List Rusk Street Adjacent to the Municipal Building

Paper Shredding (sponsored by Benjamin F Edwards & Co)

Household Sensitive Documents, not intended for businesses

Limit of 10 boxes, No trailers

No newspaper, cardboard will be placed in Choctaw Nation container

Those who wish to watch will have to drop off, park and walk back.

Choctaw Nation Container:

Plastics 1, 2 and 5

Styrofoam

Medicine bottles

Paper & flattened cardboard

Cell phones

Ink & toner cartridges

Sherman Police:

Prescription Medications

Over the counter medications

Pet medications

Electronic Waste and Household Items:

Computers, computer parts, LCD monitors

Cameras, camcorders, film & digital cameras

Entertainment electronics

Multimedia, DVD & VHS movies, audiobooks, music CDs

Vehicles (by pre-arrangement)

ATVs, dirt bikes, go-karts, 4 wheelers, 3 wheelers, jet skis

Clothing & accessories

Toys & games

Portable electronics, cell phones, GPS devices, calculators, CD & DVD players

Video games and game systems

Sporting goods, golf clubs & bags, helmets, baseball bats & gloves, athletic shoes

Home & garden items, air purifiers, baby monitors, vacuum cleaners, sewing machines, medical equipment

Books of all kinds

Collectibles, comics, figurines, art pottery, stoneware

Gold & silver

Jewelry, costume jewelry, watches, handcrafted jewelry

Non-perishable and canned foods

On the Lawn

Sherman Noon Lions Club:

Eyeglasses and sunglasses



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

F.3.

Meeting Date: 04/01/2019

Prepared By: Sarah McRae, Tourism/Main Street Manager

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Consider Request of Sherman Main Street to Temporarily Close Certain Streets for "Christmas in July" on Saturday, July 13, 2019

Issue:

The Sherman Main Street Advisory Board is requesting to temporarily close Travis Street (between Lamar Street and Houston Street) and Crockett Street (between Lamar Street and Houston Street) on Saturday, July 13, 2019, from 7:00 a.m. to 2:00 p.m. for "Christmas in July".

This is the seventh year the event will be held in downtown Sherman, and the third year it will be organized and executed by Sherman Main Street.

The event includes businesses and non-profits providing free activities for children. The children are allowed to visit each activity at their own pace.

Background:

This is one of the Sherman Main Street's annual events held in downtown Sherman.

Origination:

Community & Support Services Manager Nate Strauch

Financial Consideration:

Barricades and cones would be provided by the City of Sherman Street Department. Solid waste receptacles would be provided by the City of Sherman Solid Waste Department. The Sherman Police Department will provide security officers for the event. The Sherman Main Street Advisory Board understands that emergency vehicle accessibility must be maintained throughout the closed streets at all times.

Staff Recommendation:

It is recommended that the Council authorize the use of City resources to provide barricades, cones, solid waste receptacles, and security support as requested.

Alternatives:

As directed by the Council

Attachments

"Christmas in July" Request Letter 2019

"Christmas in July" Map 2019



March 5, 2019

To Whom it May Concern,

Sherman Main Street is asking for approval to hold an event in downtown, Christmas in July. This will be our third year to hold this event for our community.

Christmas in July is set to take place on Saturday, July 13, 2019 from 9:00am to 1:00pm. Businesses and non-profits will offer free activities for children, such as, bean bag toss, hopscotch, face painting, hula hooping, etc. on the County Courthouse lawn, all around the square.

We are requesting to close the 100 blocks of South Travis and South Crockett Streets from 7:00am to 2:00pm to ensure the safety of the children and families in attendance. We would also like to request the use of 10 rolling trash cans & 30 orange traffic cones.

If you have any questions, please do not hesitate to contact me.

Thank you,

Sarah McRae

Tourism & Main Street Manager

P: 903.892.7230

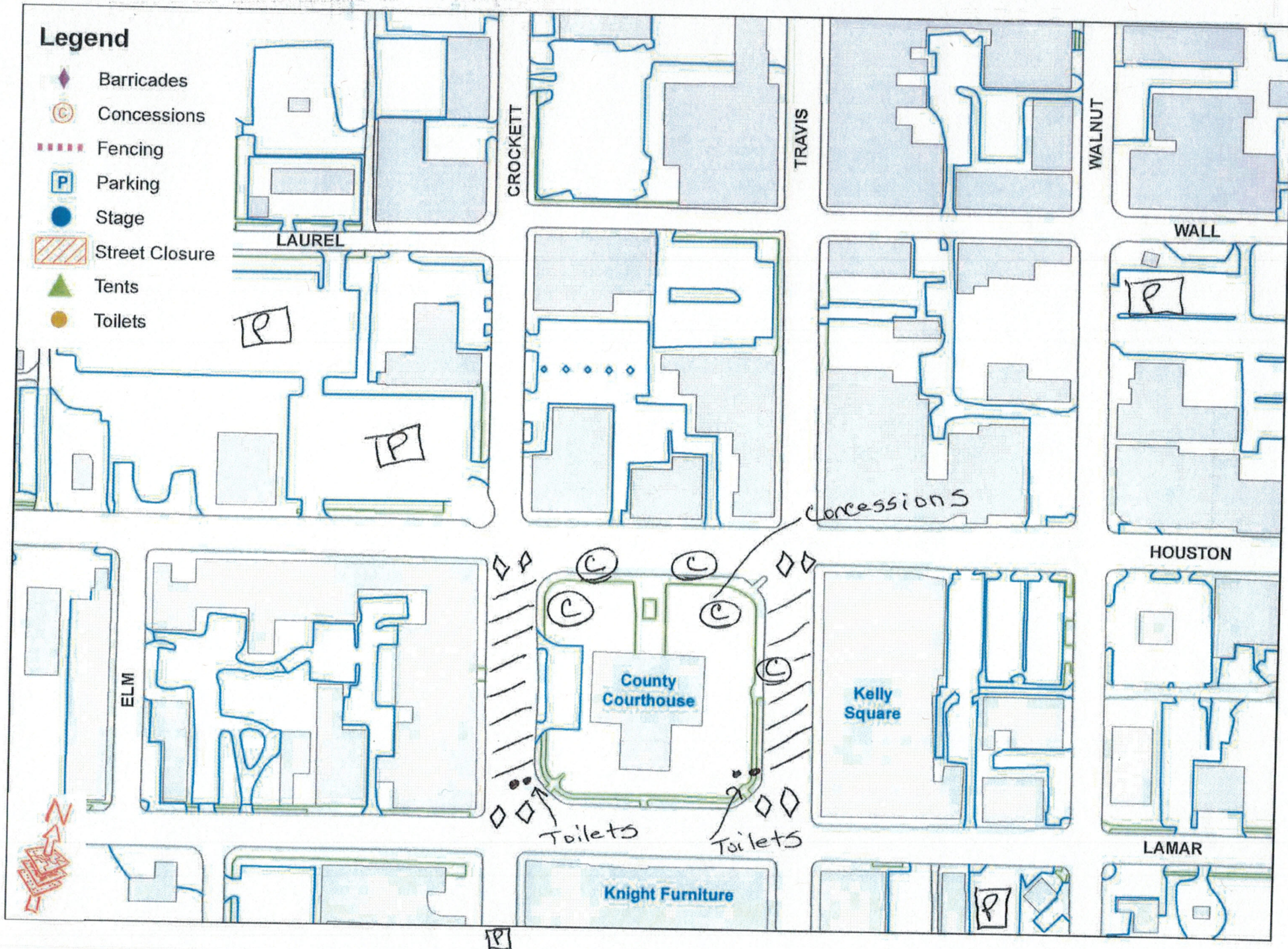


Event
Title

CHRISTMAS IN JULY

Legend

-  Barricades
-  Concessions
-  Fencing
-  Parking
-  Stage
-  Street Closure
-  Tents
-  Toilets





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 04/01/2019

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2019 Council Calendar

2019

JANUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH						
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
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31						

APRIL						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
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28	29	30				

MAY						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE						
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY						
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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						
S	M	T	W	T	F	S
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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						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

1/21/2019	Martin Luther King, Jr. Day/Called City Council Meeting on 1/22/2019
2/27/2019	Called Council Meeting - Training Session for Council Members
4/26/2019	Called Budget Planning Meeting in Council Chambers
6/13/2019	Called Budget Workshop in Council Chambers
6/14/2019	Called Budget Workshop in Council Chambers
9/2/2019	Labor Day/Called City Council Meeting on 09/03/2019

[illegible]