

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

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN](#)
- A.2 [PLEDGE OF ALLEGIANCE](#)
- A.3 [INVOCATION BY COUNCIL MEMBER DAVID PLYLER](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 20, 2012](#)

Proclamation

- A.5 [PROCLAMATION](#)
“Texas Public Schools Week” – March 5-9, 2012

Public Hearing

- B.1 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5735](#)
Amending Chapter 4 of the Code of Ordinances, entitled “Business Regulations”, at Article 4.14, entitled “Alcoholic Beverages”, Division 2, entitled “Lawful Consumption”, to Provide for a New Section 4.14.036 to be entitled “Downtown District”
- B.2 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5736](#)
Amending Chapter 4 of the Code of Ordinances, entitled “Business Regulations”, at Article 4.14, entitled “Alcoholic Beverages”, Division 3, entitled “Unlawful Consumption”, Sections 4.14.061 and 4.14.062 to Provide for the Sale, Possession and Consumption of Alcoholic Beverages during Special Events
- B.3 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5737](#)
Amending Chapter 8 of the Code of Ordinances, entitled “Offenses and Nuisances”, at Article 8.03, entitled “Offenses Involving Public Peace and Order”, Section 8.03.002, entitled “Consumption, Possession of Alcoholic Beverages”, to Provide for New Subsections (e) and (f)

Close Public Hearing and Consider Adoption of Ordinances

B.4 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- (a) 5735
- (b) 5736
- (c) 5737

B.5 [CONSENT AGENDA](#)

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

Resolutions

C.1 [RESOLUTION NO. 5657](#)

Authorizing the Execution of Professional Services Agreements with Morris Engineers and Underwood Drafting and Surveying, Inc. for the Design and Surveying of the State Highway 289 Water Main Improvements

C.2 [* RESOLUTION NO. 5658](#)

Authorizing the Execution of a Deed for the Resale of One Tract of Land and its Improvements located at 2102 South First Street within the Sherman City Limits Seized for Delinquent Taxes

Request to Advertise

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

Seal Coat Emulsified Asphalt Oil and Stone

Other Business

D.2 [OTHER BUSINESS](#)

Accept Annual Audit Report for Year Ended September 30, 2011 from Pattillo, Brown & Hill, L.L.P.

D.3 [OTHER BUSINESS](#)

Receive Captain Otis Henry's Briefing on the Police Department's "Retail Theft Initiative" originating from the Department's Intelligence Office

D.4 [OTHER BUSINESS](#)

Consider Approval of the Budget Calendar for Fiscal Year 2012-2013

D.5 [CITIZEN REQUESTS](#)

D.6 [MEDIA QUESTIONS](#)

D.7 [COUNCIL COMMENTS](#)

D.8 [ADJOURNMENT](#)

[COUNCIL CALENDAR](#)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable David Plyler, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER DAVID PLYLER



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 20, 2012

STATE OF TEXAS

§

February 20, 2012

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on February 20, 2012.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

Mayor Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Council Member Cary Wacker.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of February 6, 2012. Council Member Plyler moved to approve the Minutes as presented; Second by Council Member Smith. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Smith asked to remove Item C-2 entitled "Resolution 5654 – Accepting the proposal of First Texoma National Bank to allow the phased construction of common area improvements in conjunction with the phased sale of building sites within the Austin Landing Subdivision" and Mayor Magers removed Item C-3 entitled "Resolution 5655 – Authorizing execution of an Addendum to the Cable One Commercial Service Agreement dated March 17, 2009, for the City of Sherman's Internet Service."

CONSENT AGENDA

Council Member Wacker moved to approve the Consent Agenda, with the exception of Item C-2 and C-3, which will be considered during their regular order of business. Second by Council Member Softly. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5653 – AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH AUSTIN COLLEGE FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE CITY OF SHERMAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH AUSTIN COLLEGE FOR THE CONSTRUCTION OF PUBLIC FACILITIES IN THE CITY OF SHERMAN.

RES 5653
AUSTIN COLLEGE
DEVELOPER'S
AGREEMENT
(PULLED FROM
AGENDA)

Mayor Magers said that Austin College had requested that Resolution No. 5653 be pulled from the Agenda.

RESOLUTION NO. 5654 – ACCEPTING THE PROPOSAL OF FIRST TEXOMA NATIONAL BANK TO ALLOW THE PHASED CONSTRUCTION OF COMMON AREA IMPROVEMENTS IN CONJUNCTION WITH THE PHASED SALE OF BUILDING SITES WITHIN THE AUSTIN LANDING SUBDIVISION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE PROPOSAL OF FIRST TEXOMA NATIONAL BANK TO ALLOW THE PHASED CONSTRUCTION OF COMMON AREA IMPROVEMENTS IN CONJUNCTION WITH THE PHASED SALE OF BUILDING SITES WITHIN THE AUSTIN LANDING SUBDIVISION.

**RES 5654
PHASED
CONSTRUCTION AT
AUSTIN LANDING
SUBDIVISION**

Council Member Smith expressed concern about the City's sidewalk ordinance. He understood that the bank wanted to intermittently build sidewalks in the subdivision.

Mark Gibson, Director of Engineering and Utilities, explained that they would phase construction of the sidewalks in with the sale of lots. Council Member Smith asked if they only sell four houses out of 17 in the first phase, does that mean that only four houses will have sidewalks.

Marilyn Williams, 45 White Dove Trail, Denison

Ms. Williams appeared representing Ebby Halliday Realtors. She said sidewalks are required to be built in front of each house as the builder builds. The builder is required to construct that sidewalk.

This request addresses the common sidewalks that are located on the main boulevard. She added that they are seeing a demand for the size houses they are building and do not feel it will be hard to sell 17 lots.

After the first 17 houses are built, one third of the sidewalks and the handicapped ramps would also be constructed. No additional lots would be sold unless the first sections of sidewalk are constructed.

Council Member Smith verified that the sidewalks that would be constructed later would be in the common area and would not be the same sidewalks that would be constructed in front of the homes. Ms. Williams said it could be if the home is located on the corner but it would mainly be the common areas that are constructed in phases. The subdivision restrictions require that each house constructed will have a sidewalk and the builder must adhere to this restriction.

Mayor Magers verified from Mr. Gibson that the retention pond will be constructed prior to any other construction, which should address drainage issues.

He understood that the retention pond will be constructed first, then they will sell lots one through 17, then 18 through 34, then sidewalks will be constructed. The City will monitor that the subdivision complies with the subdivision standards.

Mr. Gibson said the City would not issue building permits for the second phase if they don't follow through with the construction of the common area sidewalks, as required. Deputy Mayor Steele verified that the Certificate of Occupancy would not be issued until the sidewalk is installed in front of that particular home. Mayor Magers added that this is a very high level of visibility with the City Council.

Mark Burkes, 45 White Dove Trail, Denison

Mr. Burkes appeared representing Ebby Halliday Realtors and Watermark Homes. He said that in the deed restrictions, the builder is required to construct all sidewalks in front of the existing property as well as all landscaping. There can be no foundations exposed to the streets. The Certificate of Occupancy would not be issued until that is complete.

Mayor Magers said the Council is happy that the subdivision is moving forward. Brandon Shelby, City Attorney, confirmed that the staff worked to make the request fit with the City's requirements.

ACTION TAKEN.

Motion by Council Member Smith to approve Resolution No. 5654, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5655 – AUTHORIZING EXECUTION OF AN ADDENDUM TO THE CABLE ONE COMMERCIAL SERVICE AGREEMENT DATED MARCH 17, 2009, FOR THE CITY OF SHERMAN'S INTERNET SERVICE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN ADDENDUM TO THE CABLE ONE COMMERCIAL SERVICE AGREEMENT DATES MARCH 17, 2009, FOR THE CITY OF SHERMAN'S INTERNET SERVICE.

RES 5655
CABLE ONE
INTERNET SERVICE

Mayor Magers asked what the City of Sherman could do with the CableOne Franchise regarding the loss of the Dallas networks. Mr. Shelby said he did not have that answer. Mayor Magers said the answer is "zilch" and he wanted to get it on the record.

This particular resolution is for a Commercial Service Agreement for Internet service. George Olson, City Manager, said it would speed up the City's Internet service.

Mayor Magers reiterated that the City Council is concerned about the CableOne issue but there is not a lot they can do about it.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Resolution No. 5655, as presented. Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5656 – ACCEPTING THE CONTRACT WITH RED RIVER CONSTRUCTION COMPANY, INC. AS COMPLETE FOR THE 2010 WASTEWATER TREATMENT PLANT IMPROVEMENTS

RES 5656
WWTP
IMPROVEMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH RED RIVER CONSTRUCTION COMPANY, INC. AS COMPLETE FOR THE 2010 WASTEWATER TREATMENT PLANT IMPROVEMENTS.

CONSENT AGENDA.

CHANGE ORDER NO. 1

2010 WASTEWATER TREATMENT PLANT IMPROVEMENTS: RED RIVER CONSTRUCTION COMPANY, INC.; \$285.49 DECREASE

CHANGE ORDER
WWTP
IMPROVEMENTS

The City Council approved Change Order No. 1, which is a reconciliatory change order to adjust final project costs for the clarifier domes and mixer improvements at the Wastewater Treatment Plant.

The change order results in a decrease of \$285.49 in the contract amount, yielding a revised final contract price of \$1,423,514.51.

CONSENT AGENDA.

OTHER BUSINESS

CONSIDER REQUEST OF ST. MARY'S CATHOLIC CHURCH TO TEMPORARILY CLOSE SPARROW LANE BETWEEN TRAVIS STREET AND WALNUT STREET

CLOSE STREETS
FOR ST. MARY'S
CHURCH

St. Mary's Catholic Church requested to temporarily close Sparrow Lane between Travis Street and Walnut Street.

Jim Andrews, 2501 Shoreline

Mr. Andrews appeared representing St. Mary's Catholic Church. He explained that St. Mary's Catholic Church and School would like to close Sparrow Lane on Sunday mornings between 8 a.m. and 11 a.m. The children's classes cross Sparrow Lane between the school and the church.

Mayor Magers verified that they will use barricades to block the street at Travis Street and Walnut Street during the specified time.

Don Keene, Director of Public Works, said St. Mary's will provide the barricades, but the City asks that they not park on the street so there would be access for emergency vehicles if needed.

ACTION TAKEN.

Motion by Council Member Smith to approve the request of St. Mary's Catholic Church to temporarily close Sparrow Lane between Travis Street and Walnut Street.
Second by Council Member Howeth.

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

VOTING NAY: None.

MOTION CARRIED.

CONSIDER REQUESTS OF DOWNTOWN SHERMAN PRESERVATION & REVITALIZATION TO TEMPORARILY CLOSE WALL STREET (BETWEEN TRAVIS STREET AND MONTGOMERY STREET) AND WALNUT STREET (BETWEEN PECAN STREET AND HOUSTON STREET) FOR A ST. PATRICK'S DAY EVENT AND TO SELL BEER AND WINE TO THE PATRONS OF THE EVENT

**CLOSE STREETS
FOR DSP&R ST.
PATRICK'S DAY
EVENT**

Mr. Shelby said the second part of the request includes the sale of beer and wine at the St. Patrick's Day event. This would require the City Council to make an exception to the open container law and the law currently doesn't have a mechanism to make that exception.

He said the City Council could ask the staff to prepare an amendment to allow that an exception be made to that law. An amendment to the ordinance allowing the Council to make an exception could be presented at the next City Council Meeting for consideration.

Council Member Wacker asked that when that amendment is proposed would it be limited to specific areas in Sherman and not just any street. Mr. Shelby said he would present an amendment that would provide a mechanism for the Council to make an exception to the open container law.

Jenel McGrath, 719 N. Crockett

Ms. McGrath appeared representing Jenel McGrath Realty and as a member of Downtown Sherman Preservation & Revitalization. She verified that the open container law would not allow them to sell alcohol on the street even if the vendor has a "festival license." Mr. Shelby said the law would not allow an open container in any public place. He added that it is a City ordinance, not a State law.

Mr. Shelby said cities suspend the open container law all the time for special events, but Sherman's ordinance doesn't have a mechanism to do that at this time. Ms. McGrath expressed concern that DSP&R would need to come back again to request their exception.

ACTION TAKEN.

Motion by Council Member Smith to approve the request of Downtown Sherman Preservation & Revitalization to temporarily close Wall Street, between Travis Street and Montgomery Street, and Walnut Street, between Pecan Street and Houston Street, for a St. Patrick's Day Event, and to allow them to sell beer and wine to patrons of the event, and direct the City Attorney to prepare an amendment to the open container law to allow the Council to make an exception to the law. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

Mr. Olson said the proposed amendment will be presented to the Council at the March 5, 2012 Council Meeting. Mayor Magers added that it was an administrative duty only and would not require DSP&R to attend.

RECEIVE PRESENTATION FROM CITY ENGINEER CLAY BARNETT ON THE CITY OF SHERMAN'S CAPITAL IMPROVEMENT PROJECTS AND THE SHERMAN-DENISON METROPOLITAN PLANNING ORGANIZATION'S ROAD PROJECTS

**CIP & MPO PROJECT
UPDATES**

Clay Barnett, City Engineer, presented an update on the City's Capital Improvement Projects and the Sherman-Denison Metropolitan Planning Organization's Road Projects.

Washington Street is substantially complete and the contractor has 24 days to complete the "punch list." The final completion date should be in mid March. Currently the City has spent a little over \$3 million with a total budget of \$4 million.

At the present time, Espey Consultants has completed 60% of the Post Oak Creek Flood Protection Plan. One public hearing has been held and a second one is scheduled for March 22, 2012. A total of four public hearings will eventually be held.

Total cost of the study is \$333,000 and the Texas Water Development Board is reimbursing 50% of the cost, leaving the City's share at \$154,000, including like-kind services. The anticipated completion will be September 12, 2012.

After completion, Mayor Magers verified that the City will get a list of projects along with their costs, prioritized based on benefits. The Council will then need to review the projects.

In 2009, the City applied for a Texas Department of Transportation grant for the Downtown Streetscape Project. The goal was to complete a more pedestrian-friendly plaza around the Square.

During the grant process, TxDOT required that a Historic-Age Resource Reconnaissance Survey be completed, as well as a Programmatic Categorical Exclusion Submission.

Mr. Barnett said the project is estimated at \$553,000 and the grant will cover 80% of certain items. The City's portion will cost \$170,000. Construction should begin in late May 2012 and should be completed by the Fall.

The Loy Lake Reconstruction Project entails reconstructing Loy Lake Road from U.S. Hwy 82 to Pecan Grove Road, which is the last section between Taylor Street and U.S. Hwy 75 that is not concrete.

There is also a traffic issue with vehicles exiting the Sam's Club parking lot onto Loy Lake Road and entering the intersection at Gallagher Road. A study recommended moving the driveway from its existing location to Gallagher Road which would improve overall traffic flow in the area and allow vehicles easier access to and from Sam's.

Wal-Mart has agreed to contribute \$150,000 to the project and complete the parking lot changes that must be done inside their site to move the exit to the proper location. The project is budgeted at \$790,000, including the \$150,000 from Wal-Mart.

Mr. Barnett said the Sherman-Denison Metropolitan Planning Organization is responsible for planning for transportation projects for a 20 year boundary mostly within Grayson County. One of their two main products is a three-year Transportation Improvement Program (TIP).

He outlined projects that are included in the Transportation Improvement Program, adding that the only one currently underway is the ramp reversal on U.S. Hwy 75, south of F.M. 1417.

Two projects are scheduled for 2012, including the overlay on Texoma Parkway and the widening and signals at Travis Street and U.S. Hwy 82. Mayor Magers added that this project is designed to alleviate traffic congestion at Travis Street and Canyon Grove, near the west entrance to Wal-Mart.

After completion, traffic leaving the Wal-Mart parking lot to go south on Travis Street will be rerouted out of the parking lot to the access road and then to the traffic signal at U.S. Hwy 82, then south on Travis Street.

The 2013 project will be the widening of the bridge at Loy Lake Road and U.S. Hwy 75. The MPO has also approved two projects for 2015, including weaving lanes at U.S. Hwy 75 and Loy Lake Road, and a ramp relocation at U.S. Hwy 75 and F.M. 1417.

Mayor Magers added that the two ramp reversals are being funded solely with Sherman dollars for Sherman businesses. Taxpayer dollars are being used for general purposes and not to help specific businesses.

Mr. Barnett added that the U.S. Hwy 75 ramp reversal project is about 33% complete and TxDOT has committed to return all unused funds to the Sherman Economic Development Corporation.

Mayor Magers explained that Mr. Barnett serves on the technical committee of the MPO and is a great asset for that committee.

RECEIVE PRESENTATION FROM CITY ATTORNEY
BRANDON S. SHELBY AND CONSIDER THE APPOINTMENT
OF AN ADVISORY COMMITTEE TO DEVELOP MINIMUM
STANDARDS AND GUIDELINES FOR A DOWNTOWN
OVERLAY

**DOWNTOWN OVERLAY
& DESIGNATION OF
ADVISORY
COMMITTEE**

Mr. Shelby said at the last Council Meeting, Mayor Magers asked the staff to begin looking at guidelines for a downtown overlay. He said there are many things that can be done to help promote businesses downtown.

Many towns enact restrictions as to what types of businesses can locate in an overlay district. They may want to prohibit sexually oriented businesses or if they want many entertainment venues, they may want to prohibit hospitals or day care facilities.

In order to promote investment in the downtown, Mr. Shelby said they might want to make it easier for businesses to locate downtown by lifting some of the Texoma Alcohol Beverage Commission distance requirements, soften the noise ordinance, provide for outdoor dining, and by lifting some of the fees that would normally be required.

He asked for direction from the City Council as to whether or not the staff should move forward and asked them to appoint a committee to help make decisions concerning the overlay district.

Mayor Magers said the downtown is a mixed use of businesses and one issue is that the TABC requires that if there is a church in downtown Sherman there must be at least 300 feet to the nearest establishment that serves alcohol. If there is a restaurant that wants to sell beer next door to a church, it wouldn't work.

Some of the businesses would also like to have bands perform at their restaurants and outside. The City currently allows dining outside, but there is some question of whether or not a restaurant with a TABC license inside can sell alcohol to their patrons dining outside.

Currently there are no churches in the central core business district of downtown Sherman. This presents an opportunity to allow businesses to co-exist in the downtown environment differently than if they were in a neighborhood.

Mayor Magers asked Lawrence Davis, Chairman of the Planning and Zoning Commission, and David Baca, President of the DSP&R, to serve on a committee to meet with Scott Shadden, Director of Development Services, and determine some requirements for a downtown overlay that could be presented to the City Council at the next Council Meeting.

He said the committee can also review fees that might be hindering development in downtown Sherman. The committee should also discuss boundaries for the overlay district to focus solely on the core businesses. The boundaries should respect the needs of other businesses in downtown Sherman too.

Deputy Mayor Steele asked if a downtown property owner should be included on the committee. Mayor Magers felt the committee should be as appointed and would not be "political".

Ruth Cox, 2341 Canyon Creek

Ms. Cox appeared representing the DSP&R Board of Directors, and is a property owner in downtown Sherman. She said many DSP&R Board Members are downtown property owners. She wanted to see progress on the entertainment district move quickly.

She emphasized that the downtown overlay district would be a core area that would be used for events and activities. She said it should be logical in what the Council is trying to accomplish.

Deputy Mayor Steele agreed that a large committee is not needed, but he felt it would be good to have a property owner also serve on the committee.

RECEIVE FINANCIAL UPDATE FROM ASSISTANT CITY MANAGER/CFO ROBBY HEFTON

FINANCIAL UPDATE

Robby Hefton, Assistant City Manager/CFO, presented a financial update for 2011 to lead into the upcoming budget cycle for 2012.

Sales taxes were up slightly for 2011 and utility revenues increased because of the hot, dry summer. A wet, cool summer costs the City over \$1 million a year in revenue, while a hot, dry summer gains about a \$1 million plus in revenue.

Therefore the year end balances for September 2011 were higher than expected. The target for fund balance is 75 days

and at the end of the fiscal year, the General and Utility Funds had reserves at or above 90 days.

The property tax growth has been flat. There has been some new development but it has been offset by a loss of value in the industrial area with a couple of companies moving.

Mayor Magers asked about the impact the MEMC closing would have. Mr. Hefton said it will be felt partially in the current year and then fully by the 2013 fiscal year.

Mr. Hefton said 2010 was a great year for group health claims, but 2011 was not as good. It was not as bad as 2009, but the staff has concerns. One cause of the increase is that people are utilizing the pharmacy benefit plan so the utilization of drugs has increased. The second cause is some very large claims.

Sales tax for 2012 is also trending up in the 2% to 3% range. Mayor Magers confirmed that 1% of sales tax is about \$120,000 per year.

The City budgets for a normal summer for the Utility Fund. If it is a hot, dry summer and citizens water, then revenues will increase, but if it's wet, then revenues will decrease.

Mr. Hefton reiterated that 75% of the revenues in the General Fund are from taxes. Ambulance fees, permits, and transfers make up the remaining revenue in that fund.

The Council reviewed a graph of property tax values from 2002 to the present, showing the normal trend and the spike from Sherman Town Center. For Fiscal Year 2011 there was a loss in value of a little less than 1%. However the property value has increased for 2012.

During the last 10 or 11 years, there was a steep curve with the construction of Sherman Town Center, but as the economy changed the property tax value began to flatten out. Currently the property tax values are about \$2.2 billion.

There was steep growth in the sales tax revenue when Sherman Town Center came on line and sales tax revenues increased by over \$2 million annually. It plateaued in 2007 and there was a slight decline in 2008. Recovery began in 2009 and 11 of the last 13 months have had positive growth in sales tax. Mr. Hefton said the revenue cycle is "upward sloping" and he noted that the low point in each revenue cycle is up and the slope is positive. He added that the last holiday season had the most revenue that has been generated in the City of Sherman.

At the end of 2011, the General Fund balance was about 79 days and is projected to be about 90 days at the end of 2012. Ninety days is not too much but is on the top end of the range.

For the last four years the City has been putting off capital improvements and purchases. There are some one time capital needs that will be coming up and that will help manage the fund balance.

The Utility Fund balance is at a little more than 90 days. For 2011 the water and sewer utility revenue was up about \$1.4 million versus what was budgeted. The staff projects for a normal summer, including the effect of the loss of MEMC and Folgers, and the utility rate increase that has partially been implemented to balance the other issues.

The ending fund balance in the Utility Fund is projected to be \$5.2 million to \$5.3 million. There are also some capital needs that will be coming up in the Utility Fund, including projects from the Stormwater Study which could cost millions of dollars.

Mr. Hefton said the City has some relief with the increased fund balances but they are cautious because there are also some needs that will be coming up.

Mayor Magers said North Texas Municipal Water District is currently not pumping out of Lake Texoma. The City has a "take or pay" contract, but he asked if that was affecting the revenue source at all. Mr. Hefton said it is a small percentage. They have been paying their minimum "take or pay" amount. Five years ago they were paying the maximum amount, but now they are paying the minimum. It is about 1% of the water revenue now.

In the Solid Waste Fund, both revenues and expenses were very close to the budgeted amount. The fund balance is projected at where it needs to be for the end of 2012.

The Council has committed to making sure the rates are sufficient to cover the projected increases in landfill tipping fees. The Texoma Area Solid Waste Authority has a plan to increase the fees over the next few years to help fund the new cells that they are building.

Mr. Hefton presented a graph of group health claims for the last several years adding that the staff will keep an eye on the trend. He added that by far, it is still best for the City to be self insured. The staff will review the situation every year to determine which plan would be best for the City. The City is still saving hundreds of thousands of dollars annually managing the group health insurance as they are now.

Mayor Magers said the City has been above average on claims for three of the last four years and he asked if that was a trend. Council Member Smith said maybe the average should be increased. Mr. Hefton agreed that maybe the "trend" should be increased if this is the history. The staff

will continue monitoring and making adjustments as needed. A portion of the fund balance will be used to help the insurance fund.

The staff will begin budget hearings in April 2012 for the Fiscal Year 2013 Budget. There are uses for one time fund balances that have been projected. The City has not been paying for capital expenditures and there are some needs.

In 2004 the City replaced water meters and went to an automated system. Cost of this project was \$2.3 million. It was estimated to be a 10 year project and this is now year eight. Meter replacement will be an upcoming project in the next few years. Also, the Wastewater Treatment Plant and the Water Treatment Plant have issues that will need to be addressed.

He also felt that a measured approach might need to be used with one-time funds for some type of employee compensation for 2013. They will also discuss the group health fund and there maybe some operational changes, such as the GIS system, that need to be addressed. Another priority will be funding for the General and Utility Capital Improvement Funds.

A Budget Planning Meeting has tentatively been set for April 27, 2012 with the City Council and he asked them to check their calendar to see if they will be available. He also said the Budget Workshop is planned for the week of June 18, 2012 and may take more than the usual one day.

CITIZENS REQUESTS

There were no citizen's requests.

CITIZENS REQUESTS

MEDIA QUESTIONS

There were no media questions.

MEDIA QUESTIONS

COUNCIL COMMENTS

LADY BEARCATS BASKETBALL TEAM

Council Member Softly said both the Lady Bearcats Basketball Team and the Boys Basketball Team are doing well this season.

LADY BEARCATS BASKETBALL TEAM

SHERMAN WATER

Council Member Smith referenced that the water revenue was up this year. During the past summer's drought, many other cities across Texas were under water restrictions. This City Council and Council's in the past thought about that and bought the water that was available so Sherman would not have water restrictions.

SHERMAN WATER

TEX-21 TRANSPORTATION SUMMIT

Mayor Magers said he and Deputy Mayor Steele recently attended a Tex-21 Transportation Summit, which is a lobbying organization for municipalities. Sherman joined the organization several months ago.

TEX-21 TRANSPORTATION SUMMIT

The organization also has a 75/69 Corridor Committee designed to bring Congressional high visibility impact status to U.S. Hwy 75, north to U.S. Hwy 69, moving north into Oklahoma. This designation would be a precursor to Interstate status.

The Committee established a route of the proposed highway and will take an inventory of the assets. Prior to Sherman joining the organization, all the cities involved were in Collin County. Since Sherman joined, other entities joining or in the process of joining include Denison; McAlister, Oklahoma; Durant, Oklahoma; Atoka, Oklahoma; and Grayson County.

Mayor Magers said transportation is very important to the development of Sherman, and the Council is working regionally to bring that to the forefront. He thanked the City Council for joining the Committee. Sherman's vote counts just as much as the other cities involved.

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

EXECUTIVE SESSION

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

- | | |
|-----------------|---|
| SECTION 551.072 | DELIBERATION REGARDING
REAL PROPERTY:
DELIBERATE REGARDING THE
PURCHASE, EXCHANGE, LEASE
OR VALUE OF REAL PROPERTY
1424 WEST TAYLOR STREET |
| SECTION 551.074 | PERSONNEL MATTERS
CONSIDER THE QUALIFICATION,
APPOINTMENT AND REMOVAL
OF MEMBERS TO BOARDS AND
COMMISSIONS:
PLANNING AND ZONING
COMMISSION (2) |
| SECTION 551.087 | DELIBERATION REGARDING
ECONOMIC DEVELOPMENT
NEGOTIATIONS:
DELIBERATE REGARDING
COMMERCIAL OR FINANCIAL
INFORMATION THAT THE CITY
HAS RECEIVED FROM BUSINESS
PROSPECTS AND DELIBERATE
ANY OFFERS OR INCENTIVES TO
THE BUSINESS
PROSPECTS, INCLUDING THE
FOLLOWING:
PROPERTY AT 4344 LOY LAKE
ROAD, SHERMAN, TEXAS |

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

On Motion duly made and carried, the Executive Session recessed at 7:03 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

**APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO
BOARDS AND COMMISSIONS:**

PLANNING AND ZONING COMMISSION (2)

ACTION TAKEN.

Motion by Council Member Plyler to appoint Sam Thorpe and Joe Gilbert to the Planning and Zoning Commission for a term from February 21, 2012 to February 21, 2015.

Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

**PLANNING &
ZONING COMMISSION**

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 7:04 p.m.

ADJOURNMENT

MAYOR

CITY CLERK

City of Sherman's Capital Improvement Projects &



Sherman-Denison Metropolitan Planning Organization Projects Update

February 20, 2012



Washington Street

Status:

- Project Substantially Complete
- Request for Final Payment

Budget:

- \$4,000,000

Right of Way Aqu.	\$	288,236
Surveying	\$	4,596
Engineering	\$	473,228
Advertising	\$	1,212
Construction	\$	2,259,098
Materials Testing	\$	10,239
Misc.	\$	600
	\$	<u>3,037,209</u>



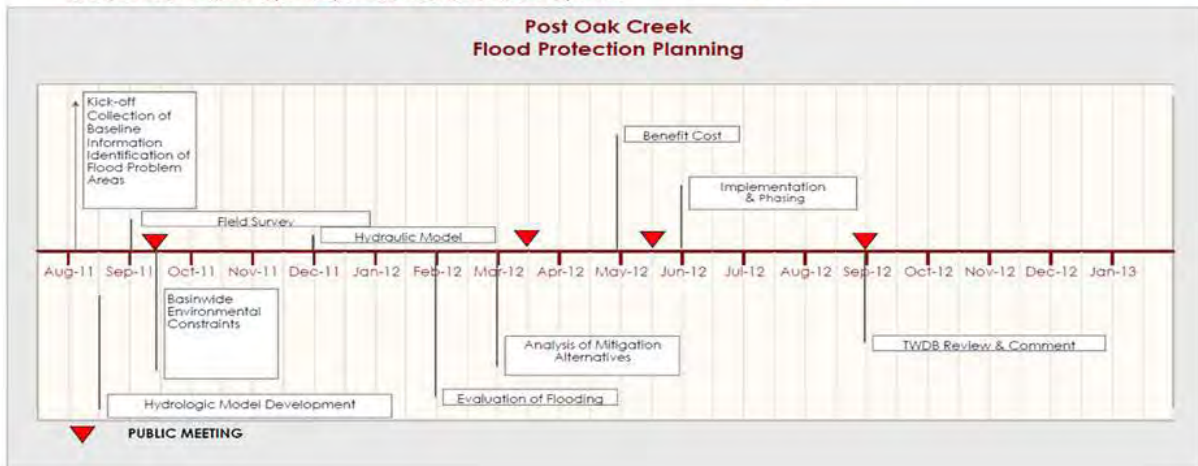
Post Oak Creek Flood Protection Planning

Status:

- 60% Complete
- Public Hearing on March 22 (2nd of 4)
- Anticipated Completion in September, 2012

Funding:

- TWDB Grant for 50%
- Total Cost: \$333,000; Our Share: \$154,000



Downtown Sherman Streetscape



Estimate and Funding:

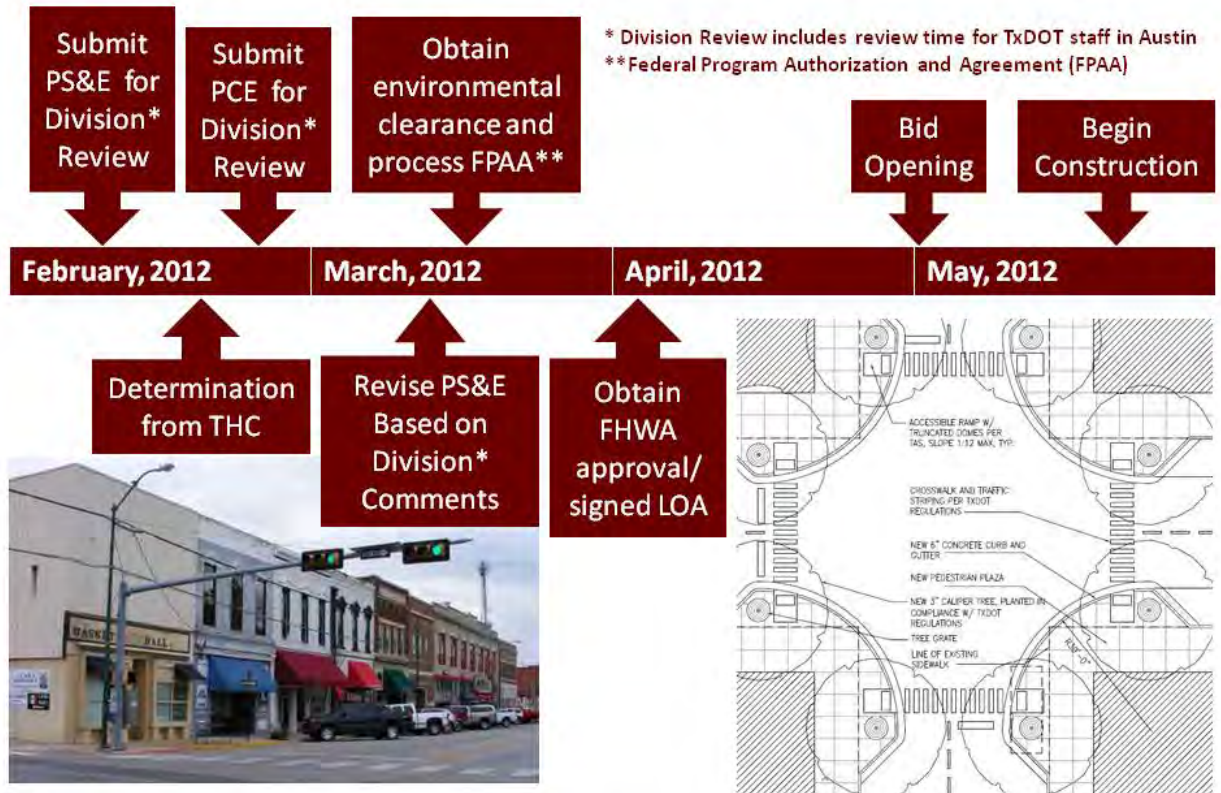
- Estimated at \$553k
- FHWA Grant for 80% of certain items
- Our Portion: \$170k

Completed:

- Executed Advance Funding Agreement (AFA) Received
- Plan, Specification and Estimate (PS&E) Submission
- Programmatic Categorical Exclusion (PCE) Submission
- Historic-Age Resource Reconnaissance Survey Submission



Downtown Sherman Streetscape





Loy Lake Reconstruction

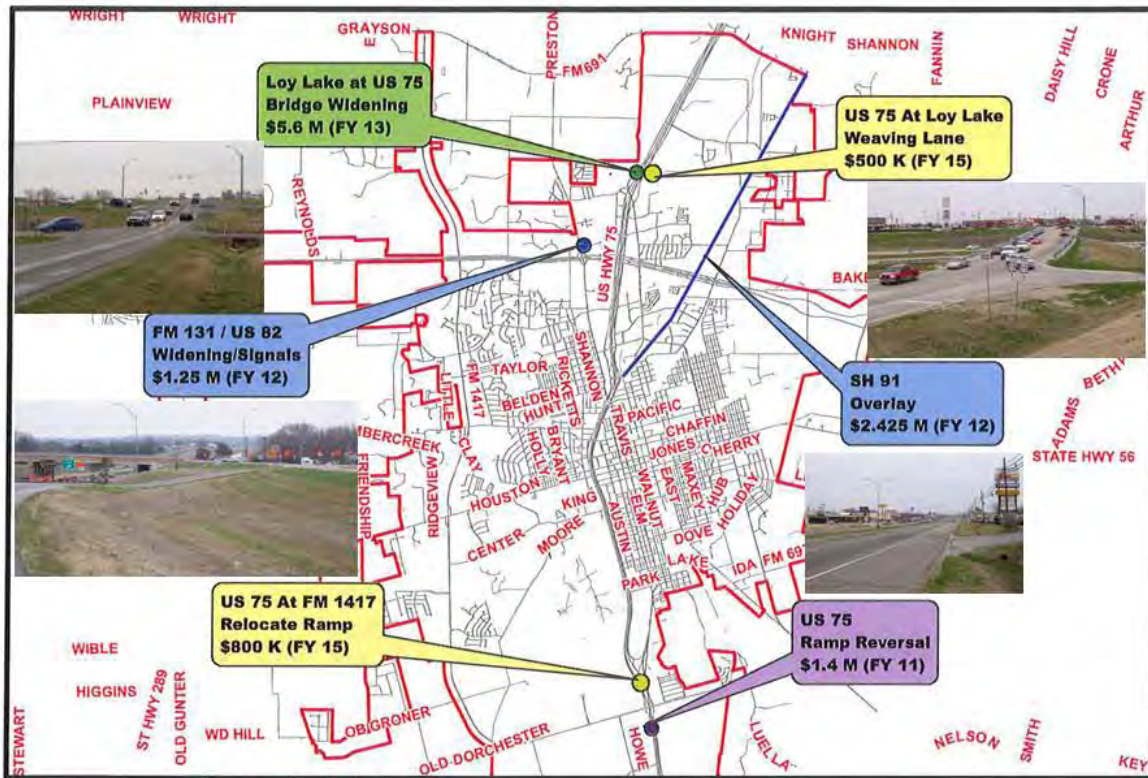
Status:

- Pending Agreement with Walmart
- Commence Design After Agreement Is Executed



Budget:

- \$790,000
- Includes \$150k from Walmart



- Currently Underway
- FY 2012
- FY 2013
- FY 2015





US 75 Ramp Reversal

Status:

- 33% Complete
- Anticipated Completion On April 10
- Pending Change Order



Sherman Questions

CLASSIC TOWN. BROAD HORIZON.

"To be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life, unless it be woven into the life of our ancestors by the records of history?" -- Marcus Tullius Cicero



East Side of the Square, 1890



Financial Update

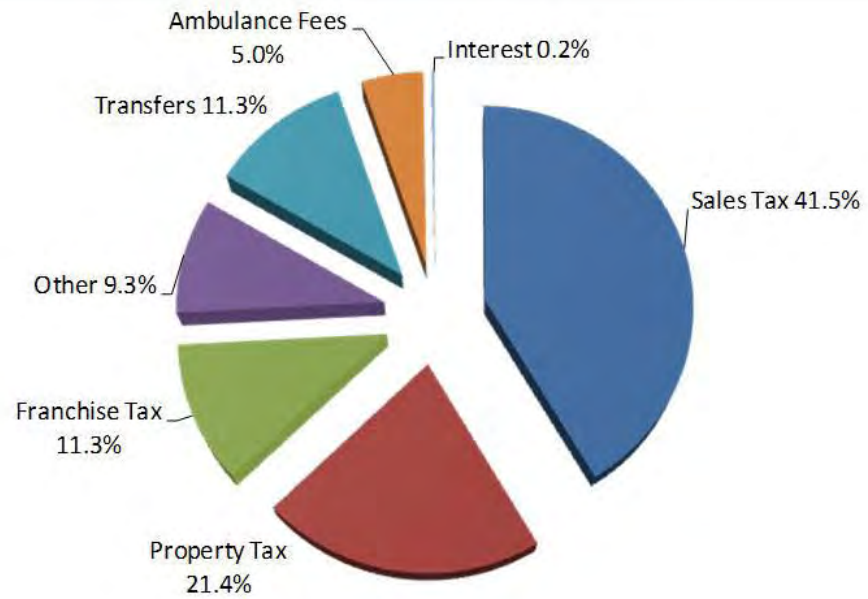
February 2012



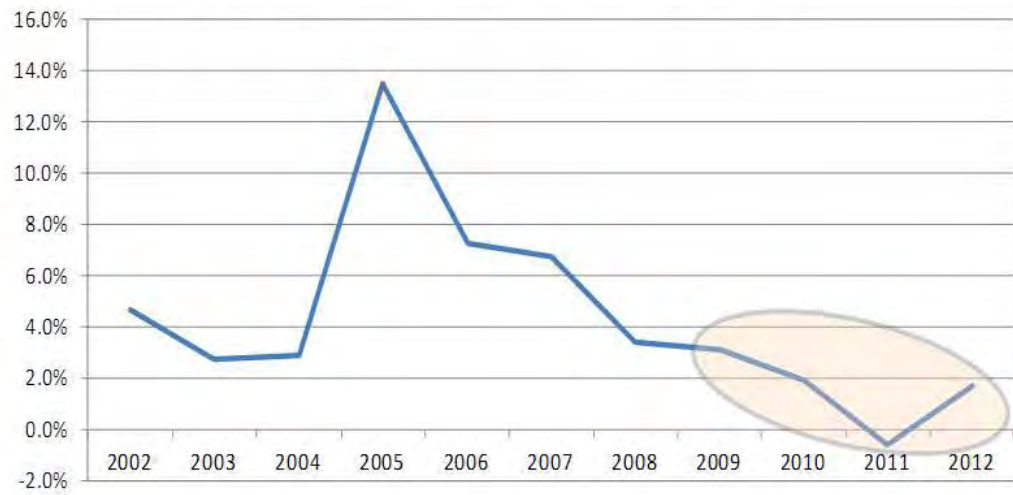
Financial Highlights

- FY2011 results better than expected
 - Sales taxes
 - Utility revenues
 - Higher ending fund balances
 - Target 75 days
 - General and Utility Funds are at 90 days or above
- Property tax growth flat
- Group health claims in FY2011 higher than expected
- FY 2012
 - Sales taxes higher than expected (2% - 3%)
 - Utility revenues???

General Fund Revenues

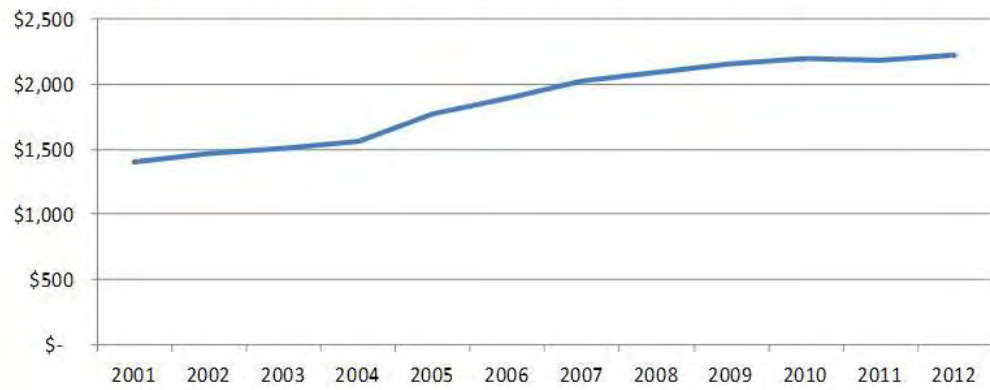


Property Tax Value Year-on-Year Changes

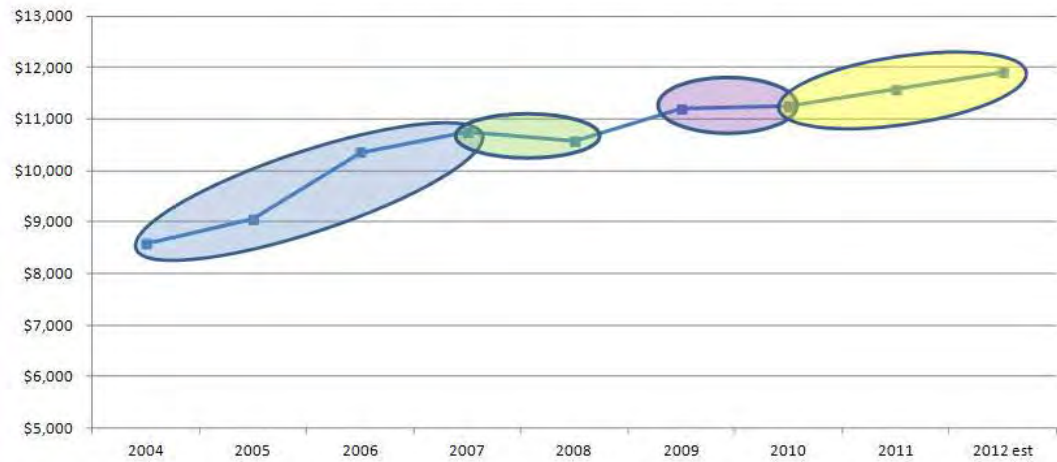




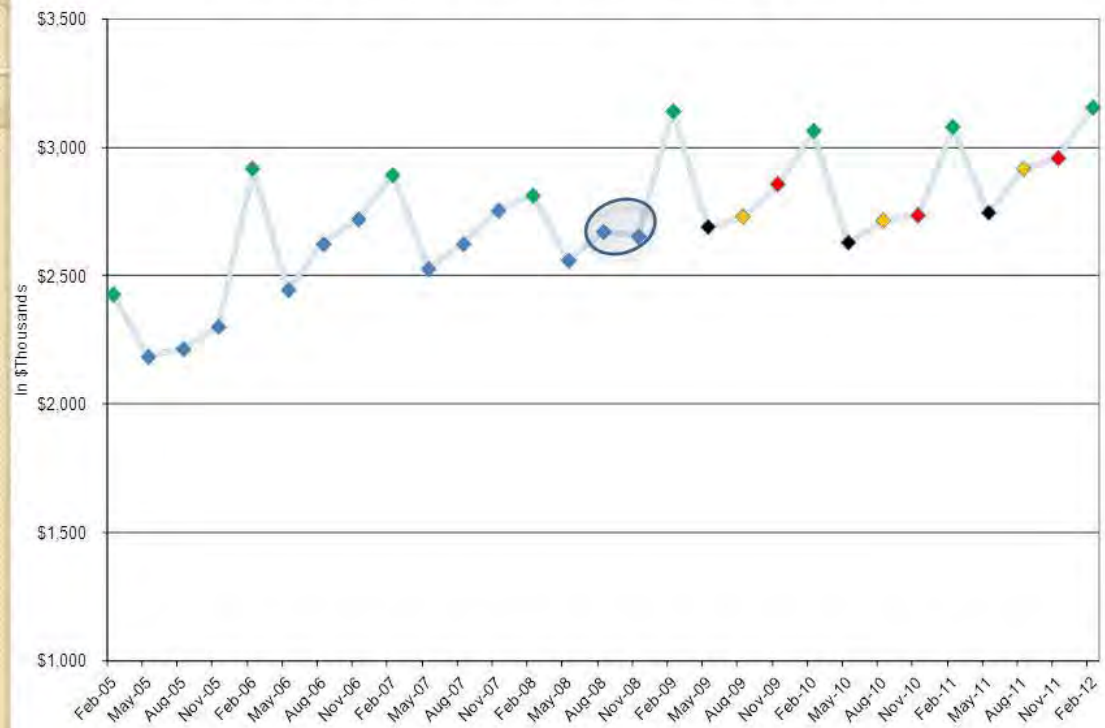
Historical Taxable Property Values (millions)



Annual Sales Tax Revenues (000's)



Quarterly Sales Tax Revenues



General Fund
Summary of Revenues & Expenditures (Budget Basis)

	Final Budget 2010-2011	Actual 2010-2011	Adjusted Budget 2011-2012	Projected 2011-2012
Beginning Fund Balance	\$ 4,908,275	\$ 4,908,275	\$ 6,095,359	\$ 6,095,359
Revenues				
Property Taxes	6,733,500	6,658,517	6,041,500	6,041,500
Sales Taxes	11,260,000	11,567,605	11,727,000	12,126,700
Franchise Taxes	3,191,000	3,396,896	3,195,000	3,199,000
Other Taxes	137,000	127,032	127,000	127,000
Fines & Forfeitures	892,700	1,068,692	1,053,700	1,053,700
Recreation	297,400	281,904	275,000	275,000
Permits & Licenses	155,045	222,539	227,500	227,500
Rentals	70,950	147,030	70,650	70,650
Cemetery Sales and Services	241,000	127,505	190,200	190,200
Sales & Services	478,860	499,163	492,340	492,340
Ambulance Services	1,300,000	1,310,937	1,400,000	1,400,000
Interest	65,000	76,167	70,000	70,000
Grants and Miscellaneous	327,710	682,089	193,600	193,600
Total Revenues	25,150,165	26,166,076	25,063,490	25,467,190
Transfers In	3,138,066	3,138,066	3,206,500	3,206,500
Total Receipts	28,288,231	29,304,142	28,269,990	28,673,690
Total Funds Available	33,196,506	34,212,417	34,365,349	34,769,049
Expenditures				
Personnel	20,877,586	20,654,256	20,214,727	20,214,727
Supplies	1,481,033	1,296,228	1,162,481	1,162,481
Maintenance	1,075,105	844,783	993,289	993,289
Utilities	1,420,200	1,364,336	1,327,400	1,327,400
Contract Wages	312,330	236,294	202,420	202,420
Computer Services	556,700	574,868	496,790	496,790
Debt Service	69,262	69,262	69,263	69,263
Contractual and Sundry Services	1,539,379	1,481,487	1,403,779	1,403,779
Vehicle Usage	1,235,430	1,212,035	1,291,020	1,291,020
Equipment and Buildings	283,000	268,398	151,068	151,068
Transfer Out to Debt Service Fund	100,000	100,000	75,563	75,563
Transfer Out to Fleet Fund	15,111	15,111	494,148	494,148
Total Expenditures	28,965,136	28,117,058	27,881,948	27,881,948
Excess Receipts over Expenditures	(676,905)	1,187,084	388,042	791,742
Ending Fund Balance	\$ 4,231,370	\$ 6,095,359	\$ 6,483,401	\$ 6,887,101

Utility Fund
Summary of Revenues & Expenses (Budget Basis)

	Final Budget Actual 2010-2011	Actual 2010-2011	Adjusted Budget 2011-2012	Projected 2011-2012
Beginning Reserve	\$ 3,908,199	\$ 3,064,222	\$ 5,457,071	\$ 5,457,071
Revenues				
Water Revenues	11,250,000	12,193,932	11,090,000	11,090,000
Sewer Revenues	6,785,000	7,247,880	6,416,000	6,416,000
Laboratory Charges	136,570	112,689	100,000	100,000
Service & Penalties	475,000	498,110	475,000	475,000
Earned Interest	20,000	11,361	10,000	10,000
Intergovernmental	215,942	215,942	453,447	453,447
Miscellaneous	285,145	285,032	224,148	224,148
Total Revenues	19,167,657	20,564,946	18,768,595	18,768,595
Transfers-In	1,121,500	1,121,500	1,167,500	1,167,500
Total Receipts	20,289,157	21,686,446	19,936,095	19,936,095
Total Funds Available	24,197,356	24,750,668	25,393,166	25,393,166
Expenses				
Personnel	4,541,437	4,543,788	4,436,555	4,436,555
Supplies	981,437	840,847	1,015,477	1,015,477
Maintenance & Repair	1,313,887	1,481,525	1,626,127	1,626,127
Utilities	3,005,800	2,771,327	2,778,300	2,778,300
Computer Services	87,200	90,522	78,720	78,720
Debt Service	6,003,634	5,963,122	5,783,068	5,995,910
Contract Wages	64,000	41,684	64,000	64,000
Contractual & Special Services	2,684,480	1,470,429	1,798,602	1,798,602
Vehicle Usage	218,801	237,929	229,750	229,750
Other	239,000	248,158	330,107	330,107
Capital Expenses	-	-	21,500	21,500
Total Expenses	19,139,676	17,689,331	18,162,206	18,375,048
Transfers Out				
General Fund	1,604,266	1,604,266	1,544,000	1,544,000
Others	-	-	209,700	209,700
Total Transfers Out	1,604,266	1,604,266	1,753,700	1,753,700
Total Expenses	20,743,942	19,293,597	19,915,906	20,128,748
Excess Revenues over Expenditures	(454,785)	2,392,849	20,189	(192,653)
Ending Reserve	\$ 3,453,414	\$ 5,457,071	\$ 5,477,260	\$ 5,264,418

Solid Waste Fund
Summary of Revenues & Expenditures (Budget Basis)

	Final Budget 2010-2011	Actual 2010-2011	Adjusted Budget 2011-2012	Projected 2011-2012
Beginning Fund Balance	\$ 1,617,127	\$ 1,575,873	\$ 1,975,227	\$ 1,975,227
Revenues				
Solid Waste Fees	5,474,500	5,484,886	5,586,850	5,586,850
Service Penalties	67,000	46,500	62,000	62,000
Interest	1,000	4,639	5,000	5,000
Miscellaneous	162,500	182,470	196,500	196,500
Total Revenues	<u>5,705,000</u>	<u>5,718,495</u>	<u>5,850,350</u>	<u>5,850,350</u>
Total Funds Available	7,322,127	7,294,368	7,825,577	7,825,577
Expenses				
Personnel	1,549,367	1,510,637	1,458,185	1,458,185
Supplies	88,534	56,576	92,216	92,216
Maintenance & Repair	40,570	35,670	51,320	51,320
Utilities	20,500	18,397	21,100	21,100
Contract Wages	3,680	-	2,080	2,080
Computer Services	10,900	11,315	9,370	9,370
Solid Waste Debt Service	58,498	58,499	58,499	58,499
Contractual & Sundry Services	1,504,097	1,448,633	1,497,146	1,497,146
Vehicle Usage	864,700	890,954	942,209	942,209
Capital Expenses	242,940	236,121	-	-
Transfers Out	952,339	1,052,339	2,782,567	2,782,567
Total Expenses	<u>5,336,125</u>	<u>5,319,141</u>	<u>6,914,692</u>	<u>6,914,692</u>
Excess Receipts over Expenditures	<u>368,875</u>	<u>399,354</u>	<u>(1,064,342)</u>	<u>(1,064,342)</u>
Ending Fund Balance	<u>\$ 1,986,002</u>	<u>\$ 1,975,227</u>	<u>\$ 910,885</u>	<u>\$ 910,885</u>



Group Health Claims History





Looking Forward – 2013 Budget

- Play catch-up (one-time funds)
 - Capital expenditures (e.g., meter replacement, utility plants)
 - Asset maintenance (equipment, facilities, infrastructure)
 - Employee compensation – measured approach
- Operational changes (e.g., GIS)
- Group Health Fund
- Funding General and Utility CIP funds
- Council initiatives - April 2012 Budget Planning Meeting



Draft Budget Calendar

Financial Update	February 20, 2012
Budget Planning Meeting with City Council*	April 27, 2012
Budget Workshop	Week of June 18, 2012
Present Draft Budget to Council	July 16, 2012
Introduce Budget Ordinance	August 6, 2012
Final Action on Budget Ordinance	August 20, 2012
Introduce Tax Rate Ordinance	
Final Action on Tax Rate Ordinance	September 4, 2012



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. A.5

PROCLAMATION

“Texas Public Schools Week” – March 5-9, 2012

Issue

To present a proclamation designating March 5th through 9th, 2012 as “Texas Public Schools Week” in Sherman

Background

Each year “Texas Public Schools Week” is designated to show support of the public education system. The Sherman Independent School District has asked that the City Council present a proclamation to recognize this special week.

Origination

The request originated with the Sherman Independent School District.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

The Council should consider presentation of the proclamation.

Alternatives

The Council could choose not to present the proclamation.

Attachments

A proclamation designating “Texas Public Schools Week” is attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

SHERMAN



Proclamation

WHEREAS, the students of this state's public schools hold the promise of a successful future in their capable hands, and

WHEREAS, the Sherman Independent School District provides the foundation that is so vital toward children's futures through a quality education, and

WHEREAS, the dedicated efforts of parents, educators, business representatives, civic leaders and the community as a whole will provide the support and strength to our schools, and

WHEREAS, students are attaining a higher level of achievement, because of our schools' commitment to excellence and focus on continued improvement, and

WHEREAS, the observance of Texas Public Schools Week, for more than 50 years has demonstrated the significant impact of education on our future and our communities.

NOW THEREFORE, I, Bill Mayers, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim March 5 through 9, 2012 as

TEXAS PUBLIC SCHOOLS WEEK

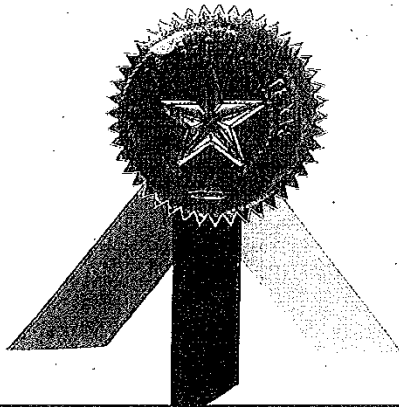
in the City of Sherman and urge all citizens to reaffirm their commitment to our schools, taking time during this week to visit the local public schools or to find ways to contribute their time to make a difference in the futures of our young people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed, this the 5th day of March, 2012.

Mayor

ATTEST:

Sinda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5735

Amending Chapter 4 of the Code of Ordinances, entitled “Business Regulations”, at Article 4.14, entitled “Alcoholic Beverages”, Division 2, entitled “Lawful Consumption”, to Provide for a New Section 4.14.036 to be entitled “Downtown District”

Issue

The creation of a special district in Sherman’s downtown area to encourage and facilitate restaurant and retail development

Background

At the February 20, 2012 regular meeting, the Mayor appointed Lawrence Davis (Chairman of the Planning and Zoning Commission) and David Baca (President of Downtown Sherman Preservation & Revitalization) to an advisory committee to work with Development Services Director Scott Shadden and City Attorney Brandon Shelby in the development of minimum standards and guidelines for a special district in Sherman’s downtown area.

The advisory committee met and, after deliberation, created the herein described “Downtown District” with special ordinance exemptions for the businesses located therein.

Origination

Mayor Bill Magers

Committee Recommendation

The advisory committee recommends the City Council adopt the proposed minimum standards and guidelines for the “Downtown District.”

Staff Recommendation

It is recommended that the City Council adopt the proposed ordinance to establish the “Downtown District.”

Alternatives

Those as may be recommended by the City Council

Attachments

Ordinance No. 5735

Downtown District boundary map

Prepared by:

Brandon S. Shelby, City Attorney

Scott Shadden, Director of Development Services

Approved by:

George Olson, City Manager

ORDINANCE NO. 5735

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", AT ARTICLE 4.14, ENTITLED "ALCOHOLIC BEVERAGES", DIVISION 2, ENTITLED "LAWFUL CONSUMPTION", TO PROVIDE FOR A NEW SECTION 4.14.036 TO BE ENTITLED "DOWNTOWN DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, Chapter 4, Article 4.14, Division 2 of the Code of Ordinances be and is hereby amended to add a new Section 4.14.036, to be entitled "Downtown District", so that such section shall read as follows:

Sec. 4.14.036 Downtown District

(a) Establishment of Downtown District. This district includes all lands as described herein: A point of beginning at the intersection of Mulberry and Walnut Streets, south on Walnut Street to Jones Street, west on Jones Street to Crockett Street, north on Crockett Street to Lamar Street, west on Lamar Street to Elm Street, north on Elm Street to Houston Street, west on Houston Street to Elm Street, North on Elm Street to Laurel Street, east on Laurel Street to Elm Street, north on Elm Street to Pecan Street, east on Pecan Street to Crockett Street, north on Crockett Street to Mulberry Street, and east on Mulberry Street to the Point of Beginning as shown on Attachment "A".

(b) Exemption from certain development standards. Properties located within the Downtown District shall be exempt from the development standards described in Section 4.14.035(b).

(c) Exemption from certain noise ordinances. Properties and persons located within the Downtown District shall be exempt from prosecution under Sections 8.07.003, 8.07.004, 8.07.005, and 8.07.011 for activities occurring during the hours of 5:00 p.m. to 12:00 a.m. on Monday thru Thursday, 5:00 p.m. to 1:00 a.m. on Friday, 9:00 a.m. to 1:00 a.m. on Saturday, and 12:00 p.m. to 12:00 a.m. on Sunday.

(d) Outdoor dining. Outdoor dining in the City Owned pedestrian right of way shall be permitted so long as an unobstructed right of way is maintained pursuant to Section 3.10.0021 of this Code of Ordinances. It shall be a defense from prosecution under Section 8.03.002 of this

Code of Ordinances that the alcoholic beverage was consumed in a clearly identifiable outdoor dining area served by an adjacent commercial establishment within the Downtown District.

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. 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 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2012.

ADOPTED on this the _____ day of _____, 2012.

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

CITY OF SHERMAN, TEXAS

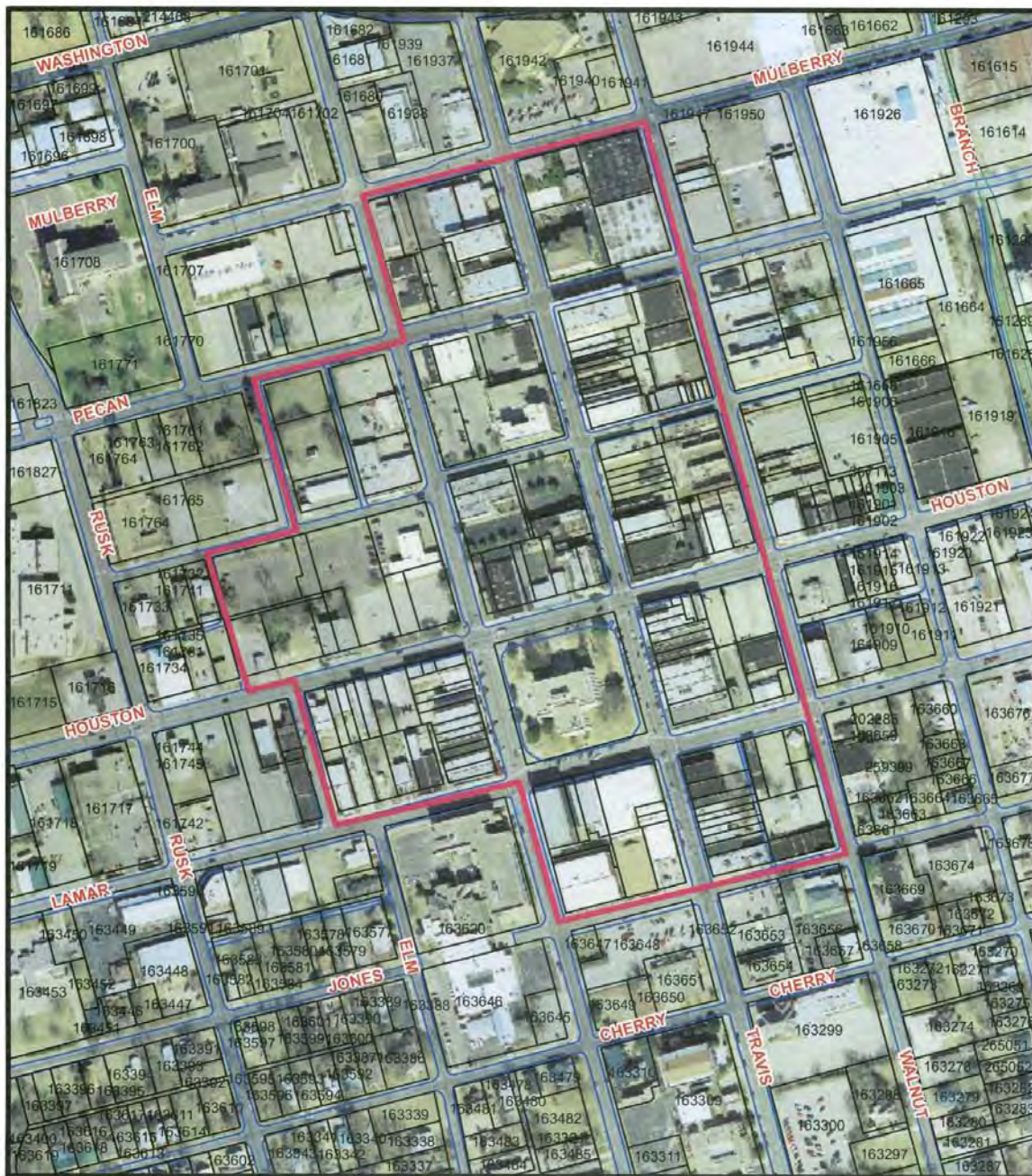
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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



Downtown District

Attachment "A"

City of Sherman, Texas
Developmental Services Department

Sherman
CLASSIC TOWN. BROAD HORIZON.



1 inch = 318 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5736

Amending Chapter 4 of the Code of Ordinances, entitled “Business Regulations”, at Article 4.14, entitled “Alcoholic Beverages”, Division 3, entitled “Unlawful Consumption”, Sections 4.14.061 and 4.14.062 to Provide for the Sale, Possession and Consumption of Alcoholic Beverages during Special Events

Issue

Providing for the sale, possession and consumption of alcoholic beverages during special events

Background

The Council recently expressed a desire to allow a local citizens group to serve beer and wine to be consumed on city streets closed for a special event; additionally, the establishment of a “Downtown District” will create the opportunity for outdoor dining in the City owned pedestrian right of way. These amendments are required to provide the necessary exceptions to the City’s “Unlawful Consumption” code provisions.

Origination

City Council
City Attorney

Financial Consideration

There is no financial impact to be considered.

Staff Recommendation

The staff recommends adoption of the proposed ordinance to add these provisions to the Code of Ordinances.

Alternatives

No alternatives are recommended.

Attachments

Ordinance No. 5736

Prepared by:
Brandon S. Shelby, City Attorney

Approved by:
George Olson, City Manager

ORDINANCE NO. 5736

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS", AT ARTICLE 4.14, ENTITLED "ALCOHOLIC BEVERAGES", DIVISION 3, ENTITLED "UNLAWFUL CONSUMPTION", SECTIONS 4.14.061 AND 4.14.062 TO PROVIDE FOR THE SALE, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES DURING SPECIAL EVENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, Chapter 4, Article 4.14, Division 3 of the Code of Ordinances be and is hereby amended at Section 4.14.061, so that such section shall read as follows:

Sec. 4.14.061 Consumption on public streets

It shall be unlawful for any person to consume any alcoholic beverage on any public street, sidewalk or alley in the city *except*:

- (1) *The street, sidewalk, or alley was closed for a special event by motion and order by the City Council; and*
- (2) *The boundaries of the special event are clearly marked with signs indicating no alcohol beyond said boundaries; and*
- (3) *The person(s) or organization(s) dispensing alcoholic beverages provides total minimum of two (2) security officers for said event; and*
- (4) *The person(s) or organization(s) dispensing alcoholic beverages provides to the City an original certificate of insurance naming the City of Sherman as an additional insured showing a commercial general liability insurance policy with a limit of no less than one million dollars (\$1,000,000.00); or*
- (5) *As otherwise permitted by this Code of Ordinances.*

SECTION 2. That, from and after the passage of this ordinance, Chapter 4, Article 4.14, Division 3 of the Code of Ordinances be and is hereby amended at Section 4.14.062, so that such section shall read as follows:

Sec. 4.14.062 Consumption on public places

It shall be unlawful for any person to consume any alcoholic beverage on any public place adjacent to any street or alley in the city. However, such consumption shall be lawful if:

- (1) The public place is a permitted private club holding the required SUP for alcohol;
or
- (2) *Consumption is otherwise permitted by this code of ordinances; or*
- ~~(2)~~ (3) If the alcoholic beverage is:
 - (A) Sold or dispensed by the operator of a private club with a valid specific use permit issued by the city; and
 - (B) If the alcoholic beverage is sold or dispensed in conjunction with a properly permitted special event; and
 - (C) The area designated for alcohol dispensing and consumption shall be provided within an enclosure (barrier or sides) with secured ingress and egress. Additionally, the area so designated for the dispensing or service of alcohol shall be covered by a roof.

SECTION 3. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

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 of 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 _____, 2012.

ADOPTED on this the _____ day of _____, 2012.

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

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5737

**Amending Chapter 8 of the Code of Ordinances, entitled “Offenses and Nuisances”,
at Article 8.03, entitled “Offenses Involving Public Peace and Order”, Section 8.03.002,
entitled “Consumption, Possession of Alcoholic Beverages”,
to Provide for New Subsections (e) and (f)**

Issue

Amending the Code provisions that regulate the consumption, possession of alcoholic beverages to provide defenses to prosecution under certain circumstances

Background

The Council recently expressed a desire to allow a local citizens group to serve beer and wine to be consumed on city streets closed for a special event; additionally, the establishment of a “Downtown District” will create the opportunity for outdoor dining in the City owned pedestrian right of way. These amendments are necessary to allow for a defense to prosecution from the City’s open container laws under certain circumstances.

Origination

City Council
City Attorney

Financial Consideration

There is no financial impact to be considered.

Staff Recommendation

The staff recommends adoption of the proposed ordinance to add these provisions to the Code of Ordinances.

Alternatives

No alternatives are recommended.

Attachments

Ordinance No. 5737

Prepared by:
Brandon S. Shelby, City Attorney

Approved by:
George Olson, City Manager

ORDINANCE NO. 5737

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, ENTITLED "OFFENSES AND NUISANCES", AT ARTICLE 8.03, ENTITLED "OFFENSES INVOLVING PUBLIC PEACE AND ORDER", SECTION 8.03.002, ENTITLED "CONSUMPTION, POSSESSION OF ALCOHOLIC BEVERAGES", TO PROVIDE FOR NEW SUBSECTIONS (E) AND (F); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, Chapter 8, Article 8.03, be and is hereby amended at Section 8.03.002 to provide for new Subsections (e) and (f), so that such section shall read as follows:

Sec. 8.03.002 Consumption, possession of alcoholic beverages

(a) The drinking of any alcoholic beverages or the possession of any open container which contains an alcoholic beverage is prohibited and unlawful in the following places:

- (1) In any public park; on the sidewalks, streets and alleys; on any public parking lot; the Ham Center and the youth center.
- (2) In or on any public school district campus or facility.
- (3) On any private parking lot of any shopping center, or any parking lot of any retail or commercial business.
- (4) In any theater building and/or drive-in theater within the corporate limits of the city.

(b) An alcoholic beverage as used in this section is defined as any spirits, wine, beer, ale or other liquid containing more than one-half of one (1) percent alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

(c) Any person violating the provisions of this section shall, upon conviction, be punished as provided in section 1.01.009.

(d) A peace officer charging a person with an offense under this section, instead of taking the person before a magistrate, shall issue to the person a written citation and notice to appear that

contains the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged. If the person makes a written promise to appear before the magistrate by signing in duplicate the citation and notice to appear issued by the officer, the officer shall release the person.

(e) *It shall be a defense to prosecution under this article if the alcoholic beverage was consumed on a public street, alley, or sidewalk that was closed by motion and order by the City Council for a special event such as described in Section 4.14.061 of this Code of Ordinances.*

(f) *It shall be a defense to prosecution under this article if the alcoholic beverage was consumed in an outdoor dining area within the "Downtown District" as described in Section 4.14.036 of this Code of Ordinances.*

SECTION 2. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 3. 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 of effectiveness of the remainder of the ordinance.

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

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2012.

ADOPTED on this the _____ day of _____, 2012.

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

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. B.4

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5735, 5736 and 5737

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5735

Amending Chapter 4 of the Code of Ordinances, entitled “Business Regulations”, at Article 4.14, entitled “Alcoholic Beverages”, Division 2, entitled “Lawful Consumption”, to Provide for a New Section 4.14.036 to be entitled “Downtown District”

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5736

Amending Chapter 4 of the Code of Ordinances, entitled “Business Regulations”, at Article 4.14, entitled “Alcoholic Beverages”, Division 3, entitled “Unlawful Consumption”, Sections 4.14.061 and 4.14.062 to Provide for the Sale, Possession and Consumption of Alcoholic Beverages during Special Events

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5737

Amending Chapter 8 of the Code of Ordinances, entitled “Offenses and Nuisances”, at Article 8.03, entitled “Offenses Involving Public Peace and Order”, Section 8.03.002, entitled “Consumption, Possession of Alcoholic Beverages”, to Provide for New Subsections (e) and (f)



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. B.5

CONSENT AGENDA

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

C.2 * *RESOLUTION NO. 5658*

Authorizing the Execution of a Deed for the Resale of One Tract of Land and its Improvements located at 2102 South First Street within the Sherman City Limits Seized for Delinquent Taxes

D.1 * *REQUEST TO ADVERTISE*

Seal Coat Emulsified Asphalt Oil and Stone



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. C.1

RESOLUTION NO. 5657

**Authorizing the Execution of Professional Services Agreements
with Morris Engineers and Underwood Drafting and Surveying, Inc. for the
Design and Surveying of the State Highway 289 Water Main Improvements**

Issue

To consider contracts for professional services with Morris Engineers and Underwood Drafting and Surveying for the design and surveying of the State Highway 289 Water Main Improvements

Background

The current Capital Improvement Program contains a project to extend a water main along State Highway 289 south of U.S. Highway 82. Engineering and surveying services are required to design the improvements.

Origination

Utilities Administration 710

Financial Consideration

The fee for engineering services will be \$25,000.00. Surveying costs will be \$9,750.00. Adequate funding is available in the utility improvement fund for this project.

Staff Recommendation

It is recommended that the contract for professional engineering services with Morris Engineers and the contract for surveying services with Underwood Drafting and Surveying to design the State Highway 289 Water Main Improvements be approved.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5657

Contracts for Professional Services

Location Map

Prepared by:
Mark Gibson, Director of Utilities & Engineering

Approved by:
George Olson, City Manager

RESOLUTION NO. 5657

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS WITH MORRIS ENGINEERS AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR THE DESIGN AND SURVEYING OF THE STATE HIGHWAY 289 WATER MAIN IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City 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 Professional Services Agreements with Morris Engineers and Underwood Drafting and Surveying, Inc. for the State Highway 289 Water Main Improvements, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

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

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
BILL MAGERS, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

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

MORRIS ENGINEERS

AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT made as of this ____ day of _____ in the year Two Thousand Twelve by and between the **City of Sherman** (hereinafter called OWNER) and Timothy L. Morris, P.E., dba Morris Engineers (hereinafter called ENGINEER). OWNER intends to construct 12" water pipeline along SH289 from US82 to the Sherman city limit south of Washington street (hereinafter called the Project).

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance of professional engineering services by ENGINEER and the payment for those services by OWNER, as set forth below.

SECTION 1 – BASIC SERVICES OF ENGINEER

1.1. General

ENGINEER shall perform professional services as hereinafter stated which include normal engineering services incidental thereto.

1.2. Study and Report

ENGINEER shall:

1.2.1. Consult with OWNER to determine his requirements for the Project and review available data.

1.2.2. Advise OWNER as to the necessity of his providing or obtaining from others data or services of the types described in Paragraph 3.3 which are not part of Engineer's Basic Services, and assist OWNER in obtaining such data and services.

1.2.3. Identify requirements of governmental authorities having jurisdiction to approve portions of the Project designed or specified by ENGINEER with whom consultation is to be undertaken in connection with the Project.

1.3. Preliminary Design Phase

ENGINEER shall:

1.3.1. Prepare preliminary design criteria and outline specifications.

1.3.2. Advise OWNER if additional data or services of the types described in Paragraph 3.3. are necessary and assist OWNER to obtain such data and services.

1.4. Final Design Phase

ENGINEER shall:

1.4.1. On the basis of the preliminary design, prepare final Drawings and Specifications to show the character and scope of the work to be performed by Contractor.

1.4.2. Provide technical criteria, written descriptions and design data for OWNER's use in filing applications for permits with or obtaining approvals of such governmental authorities as have jurisdiction to approve the design of the Project, and assist OWNER in consultations with appropriate authorities.

1.4.3. Furnish OWNER his opinion of typical cost based on the Drawings and Specifications.

1.4.4. Prepare for review and approval by OWNER, its legal counsel and other advisors, contract agreement forms, general conditions and supplementary conditions, bid forms, invitations to bid and instructions to bidders and assist in the preparation of other related documents.

1.4.5. Furnish ten (10) copies of the Drawings, Specifications, and Construction Contract Documents to the OWNER.

1.5. Bidding or Negotiating Phase

After authorization to proceed with the Bidding or Negotiating Phase, ENGINEER shall:

1.5.1. Assist OWNER to advertise for and obtain bids or negotiate proposals for each separate prime contract for construction, materials, services, or equipment.

1.5.2. Issue Addenda as appropriate to clarify or change the Bidding Documents.

1.5.3. Consult with and advise OWNER as to the acceptability of contractors and other persons and organizations proposed by prime contractor(s) for those portions of the work as to which such acceptability is required by the Contract Documents.

1.5.4. Consult with OWNER concerning the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution is permitted by the Contract Documents.

1.5.5. Attend the bid opening, tabulate the bids, and assist OWNER in evaluating the bids or proposals and in assembling and awarding contracts.

1.6. Construction Phase

During the Construction Phase:

1.6.1. ENGINEER shall consult with and advise OWNER and act as OWNER's representative as provided by the Construction Contract. The extent and limitations of the duties, responsibilities and

authority of ENGINEER as assigned in said Construction Contract shall not be modified except as ENGINEER may agree in writing. All of OWNER's instructions to Contractor(s) will be issued through ENGINEER who will have authority to act on behalf of OWNER to the extent provided by the Contract Documents.

1.6.2. ENGINEER shall make periodic visits to the site at intervals appropriate to the various stages of construction as ENGINEER deems necessary to observe as an experienced and qualified design professional the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents. ENGINEER will utilize, guide, and direct the activities of the Resident Project Representative assigned to the Project by OWNER according to Paragraph 2.2.1. and 7.2. to provide more continuous observation of the work. Based on information obtained by such observations, ENGINEER shall endeavor to determine if the work is proceeding in general conformance to the Contract Documents and to keep the OWNER informed of the progress of the work. ENGINEER shall have no responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor, for safety precautions and programs incident to the work of Contractor(s) or for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes, or orders applicable to Contractor(s) performing their work. ENGINEER shall have no responsibility for Contractor's failure to perform the work according to the Contract Documents. ENGINEER may disapprove or reject Contractor's work if ENGINEER believes the work will not produce a completed Project that conforms to the requirements of the Contract Documents or that it will prejudice the integrity of the design concept of the Project as reflected by the Contract Documents.

1.6.3. ENGINEER shall issue necessary interpretations and clarifications of the Contract Documents. ENGINEER shall review shop drawings, samples, and other data which Contractor is required to submit, but only for conformance with the design concept according to the Contract Documents. ENGINEER shall evaluate substitute materials and equipment proposed by Contractor according to the Contract Documents. ENGINEER may, as OWNER's representative, require special inspection or testing of the work and shall receive and review all certificates of inspection, testing, and approval required by the Contract Documents. ENGINEER shall prepare routine Change Orders, Field Orders, and Work Change Directives.

1.6.4. ENGINEER shall act as initial interpreter of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of OWNER and Contractor relating to the acceptability of the work or the requirements of the Contract Documents pertaining to the execution and progress of the work. ENGINEER shall not be liable for the results of any such interpretations or decisions rendered in good faith.

1.6.5. Based on his on-site observations as an experienced and qualified design professional, or information provided by the Resident Project Representative, and on his review of Contractor's applications for payment and the accompanying data and schedules: ENGINEER shall determine the amounts owing to Contractor and recommend in writing payments to Contractor in such amounts; such approvals of payment will constitute a representation to OWNER, based on such observations and review, that the work has progressed to the point indicated. Recommending a payment will not impose on ENGINEER responsibility to make any examination to ascertain how or for what purpose the Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any of the work, materials, or equipment has passed to OWNER free and clear of any lien, claims, security

interests, or encumbrances, or that there may not be other matters at issue between OWNER and Contractor that might affect the amount that should be paid.

1.6.6. ENGINEER shall conduct an inspection to determine if the Project is substantially complete and a final inspection to determine if the Project has been completed in accordance with the Contract Documents and if each Contractor has fulfilled all of his obligations thereunder so that ENGINEER may approve, in writing, final payment to each Contractor. ENGINEER's recommendation of any payment or performance of any inspections does not relieve Contractor(s) of any responsibility to fulfill the terms of the Contract Documents nor will such inspection or recommendation place any responsibility on ENGINEER for Contractor(s)' failure to perform according to the Contract Documents.

1.6.7. ENGINEER shall not be responsible for the acts or omissions of any Contractor, any subcontractor or any of the Contractor(s)' or subcontractor(s)' agents or employees or any other persons (except his own employees and agents) at the Project site or otherwise performing any of the work of the Project.

1.6.8. ENGINEER shall prepare for OWNER a set of reproducible record prints of Drawings showing those changes made during the construction process, based on the marked-up prints, drawings and other data furnished by Contractor(s) and Resident Project Representative to ENGINEER and which ENGINEER considers significant.

SECTION 2 – ADDITIONAL SERVICES OF ENGINEER

2.1. General

If authorized by OWNER, ENGINEER shall furnish or obtain from others Additional Services of the following types which are not considered normal or customary Basic Services; these services will be paid for by OWNER as indicated in Section 5.

2.1.1. Preparation of applications and supporting documents for governmental grants, loans, or permits in connection with the Project; preparations or review of environmental assessments and impact statements; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the Project.

2.1.2. Services to make measured drawings of or to investigate existing conditions or facilities, or to verify the accuracy of drawings or other information furnished by OWNER.

2.1.3. Services resulting from significant changes in general scope of the Project or its design including, but not limited to, changes in size, complexity, OWNER's schedule, or character of construction; and revising previously accepted studies, reports, design documents or Contract Documents when such revisions are due to causes beyond ENGINEER's control.

2.1.4. Providing renderings or models for OWNER's use.

2.1.5. Preparing documents for alternate bids requested by OWNER for work which is not executed or documents for out-of-sequence work.

2.1.6. Investigations involving detailed consideration of operations, maintenance and overhead expenses; providing value engineering during the course of the design, the preparation of feasibility studies, cash flow and economic evaluations, rate schedules and assistance in obtaining financing for the Project; detailed quantity surveys of material, equipment and labor; and audits or inventories required in connection with construction performed by OWNER.

2.1.7. Furnishing the services of independent consultants for other than the normal civil, structural, mechanical and electrical engineering and normal architectural design incidental thereto, and providing data or services of the types described in Paragraph 3.3.

2.1.8. Assistance in connection with bid protests, re-bidding or renegotiating contracts for construction, materials, equipment or services.

2.1.9. Services in connection with Change Orders and Work Change Directives to reflect changes requested by OWNER if the compensation for Basic Services is not commensurate with the additional services rendered; services in making revisions to Drawings and Specifications caused by acceptance of substitutions proposed by Contractor; and services resulting from significant delays, changes, or price increases occurring as a direct result of the Project.

2.1.10. Services during out-of-town travel required of ENGINEER other than visits to the Project site as required by Section 1.

2.1.11. Providing field surveys for design purposes and engineering surveys and staking to enable Contractor(s) to proceed with its work and any type of property surveys or related engineering services needed for the transfer of interests in real property; and providing other special field surveys.

2.1.12. Additional or extended services during construction made necessary by (1) work damaged by fire or other cause during construction, (2) a significant amount of defective or neglected work of any Contractor, (3) prolongation of the contract time of any prime contract by more than sixty days, (4) acceleration of the work schedule involving services beyond normal working hours, and (5) default by any Contractor.

2.1.13. Preparation of operating, maintenance, and staffing manuals; extensive assistance in the utilization of any equipment or system (such as initial start-up, testing, adjusting and balancing); and training personnel for operation and maintenance.

2.1.14. Service after completion of the Construction Phase, such as inspections during any guarantee period and reporting observed discrepancies under guarantees called for in any contract for the Project.

2.1.15. Serving as a consultant or witness for OWNER in any litigation, arbitration, mediation, public hearing or other legal or administrative proceeding involving the Project.

2.1.16. Additional service in connection with the Project, including services normally furnished by OWNER and services not otherwise provided for in this Agreement.

2.1. Resident Services During Construction

A Resident Project Representative and assistants will be furnished by OWNER who will act as directed by ENGINEER in order to provide further protection against defects and deficiencies in the work. OWNER and ENGINEER will cooperate to provide mutual assistance for the accomplishment of ENGINEER's responsibilities and those of the Resident Project Representative. OWNER and ENGINEER shall each be responsible for their own acts or omissions and neither may be held responsible for the acts or omissions of the other.

SECTION 3 – OWNER'S RESPONSIBILITIES

OWNER shall:

- 3.1. Provide full information as to his requirements for the Project.
- 3.2. Assist ENGINEER by placing at his disposal all available information pertinent to the Project including previous reports and any other data relative to design and construction of the Project.
- 3.3. Furnish to ENGINEER, as required by him for performance of his Basic Services, data prepared by or services of others, such as core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests and inspections of samples, materials and equipment; environmental assessment and impact statements; appropriate professional interpretations of all of the foregoing; property, boundary, easement, right-of-way, topographic and utility surveys including field surveys for design purposes and any type of property surveys or related engineering services needed for easements and transfer of interests in real property; and providing other special field surveys for property descriptions, zoning, deed, and other land use; and other special data or consultations, all of which ENGINEER may rely upon in performing his services.
- 3.4. Provide, as required by the Construction Contract, engineering surveys and staking to enable Contractor(s) to proceed with the layout of the work.
- 3.5. Arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform his services.
- 3.6. Examine all studies, reports, sketches, Drawings, Specifications, proposals and other documents presented by ENGINEER, obtain advice of an attorney, insurance counselor and other consultants as he deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of ENGINEER.
- 3.7. Pay all costs incident to obtaining bids or proposals from contractors.
- 3.8. Provide such legal, accounting, independent cost estimating and insurance counseling services as may be required for the Project, and such auditing service as OWNER may require to ascertain how or for what purpose any Contractor has used the moneys paid to him under the construction contract.

- 3.9. Designate a person to act as OWNER's representative with respect to the work to be performed under this Agreement. Such person shall have authority to transmit instructions, receive information, and interpret OWNER's policies and decisions with respect to ENGINEER's services.
- 3.10. Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of any defect in the Project.
- 3.11. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
- 3.12. Furnish, or direct ENGINEER to provide, necessary Additional Services as stipulated in Section 2 of this Agreement or other services as required.
- 3.13. Bear all costs incident to the requirements of this Section 3.

SECTION 4 – PERIOD OF SERVICE

- 4.1. The provisions of 4.2. through 4.10., inclusive, and the various rates of compensation for ENGINEER's services provided for elsewhere in this Agreement have been agreed to in anticipation of the orderly and continuous progress of the Project through completion of the Construction Phase. ENGINEER's obligation to render services hereunder will extend for a period which may reasonably be required for the design, award of Construction Contracts, and construction of the Project including extra work and required extensions thereto.
- 4.2. The service called for in the Study and Report Phase and Preliminary Design Phase will be completed within thirty (30) calendar days following the authorization to proceed with that phase of services.
- 4.3. Upon authorization from OWNER, ENGINEER shall proceed with the performance of the services called for in the Final Design Phase, so as to deliver contract Documents for all authorized work on the Project within one hundred twenty (120) calendar days after the authorization to proceed with that phase of services.
- 4.4. ENGINEER's services under the Study and Report Phase, Preliminary Design Phase and Final Design Phase shall each be considered complete at the earlier of (1) the date when the submissions for that phase have been accepted by OWNER or (2) thirty days after the date when such submissions are delivered to OWNER for final acceptance, plus such additional time as may be considered reasonable for obtaining approval of governmental authorities having jurisdiction over design criteria applicable to the Project.
- 4.5. After acceptance by OWNER of the Contract Documents and ENGINEER's most recent opinion of typical Project Cost and upon authorization to proceed, ENGINEER shall proceed with performance of the services called for in the Bidding or Negotiating Phase. This Phase shall terminate and the services to be rendered thereunder shall be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with Contractor(s).

4.6. The Construction Phase will commence with the execution of the first prime contract to be executed for the work of the Project or any part thereof, and will terminate upon the written recommendation by ENGINEER of final payment on the last prime contract to be completed. Construction Phase services may be rendered at different times in respect of separate prime contracts if the Project involved more than one prime contract.

4.7. In the event that the work of the Project is to be performed under more than one prime contract, OWNER and ENGINEER shall, prior to commencement of the Final Design Phase, develop a schedule for performance of ENGINEER's services during the Final Design, Bidding or Negotiating and Construction Phases in order to sequence and coordinate properly such services as applicable to the work under such separate contracts.

4.8. If OWNER has requested significant modifications or changes in the scope of the Project, the time of performance of ENGINEER's services shall be adjusted appropriately.

4.9. If OWNER fails to give prompt authorization to proceed with any phase of services after completion of the immediately preceding phase, or if the Construction Phase has not commenced within 180 calendar days after the completion of the Final Design Phase, ENGINEER may, after giving seven days' written notice to OWNER, suspend services under this Agreement.

4.10. If ENGINEER's services for design or during construction of the Project are delayed or suspended in whole or in part by OWNER for more than three months for reasons beyond ENGINEER's control, ENGINEER shall on written demand to OWNER (but without termination of this Agreement) be paid as provided in Paragraph 5.3.3. for the services delayed or suspended. If such delay or suspension extends for more than one year for reasons beyond ENGINEER's control, or if ENGINEER for any reason is required to render services more than one year after Substantial Completion, the various rates of compensation provided for elsewhere in this Agreement shall be subject to renegotiation.

SECTION 5 – PAYMENTS TO ENGINEER

5.1. Methods of Payment for Services and Expenses of ENGINEER

5.1.1. Basic Services. OWNER shall pay ENGINEER for Basic Services rendered under Section 1 on the following basis:

5.1.1.1. Lump Sum. If the work of the entire Project is awarded on the basis of one prime contract, a lump sum fee of **Twenty five thousand dollars (\$25,000.00)**.

5.1.2. Additional Services. OWNER shall pay ENGINEER for Additional Services rendered under Section 2 as follows:

5.1.2.1. General. For Additional Services rendered under Paragraphs 2.1.1. through 2.1.16., inclusive (except services covered by Paragraph 2.1.7. and services as a consultant or witness under Paragraph 2.1.15), on the basis of the fee schedule listed in Paragraph 7.1.

5.1.2.2. Special Consultants. For services and reimbursable expenses of special consultants employed by ENGINEER pursuant to Paragraph 2.1.7., the amount billed to ENGINEER therefore times a factor of 1.05.

5.1.2.3. Serving as a Witness. For the services of the principals and employees as consultants or witnesses in any litigation, hearing or proceeding in accordance with Paragraph 2.1.15, at the rate of 1.2 times the fees listed in Paragraph 7.1. (but compensation for time spent in preparing to appear in any such litigation, hearing or proceeding will be on the basis provided in Paragraph 5.1.2.1.).

5.1.2.4. Resident Project Services. A Resident Project Representative will be furnished under Paragraph 2.2. by and at the expense of the OWNER.

5.1.3. Reimbursable Expenses. In addition to payments provided for in Paragraphs 5.1.1. and 5.1.2., OWNER shall pay ENGINEER the actual costs of all reimbursable expenses incurred in connection with all Basic and Additional Services.

5.1.4. As used in this Paragraph 5.1., the term "reimbursable expenses" will have the meanings assigned in Paragraph 5.3.1.

5.2. Times of Payment

5.2.1. ENGINEER shall submit monthly statements for Basic and Additional Services rendered and for reimbursement expenses incurred. When compensation is on the basis of a lump sum or percentage of construction cost, the periodic statements will be based on ENGINEER's estimate of the proportion of the total services actually completed at the time of the billing. OWNER shall make prompt monthly payments in response to ENGINEER's monthly statements.

5.2.2. The OWNER shall, upon conclusion of each phase of Basic Services, pay such additional amount, if any, as may be necessary to bring total compensation paid on account of such phase to the following of total compensation for all phases of Basic Services:

<u>Phase</u>	<u>Fee</u>
Preliminary and Final Design	\$21,250
Bidding and Construction	<u>\$ 3,750</u>
Total	\$25,000

5.3. General

5.3.1. Reimbursable expenses mean the actual expenses incurred directly or indirectly in connection with the Project for: transportation and subsistence incidental thereto; obtaining bids or proposals from Contractor(s); furnishing and maintaining field office facilities; subsistence and transportation of Resident Project Representatives and their assistants; toll telephone calls and telegrams; reproduction of reports, Drawings and Specifications, and similar Project-related items in addition to those required under Section 1; insurance in addition to that identified by Section 7.3; and, if authorized in advance by OWNER, overtime requiring higher than regular rates.

5.3.2. If OWNER fails to make any payment due ENGINEER for services and expenses within sixty days after receipt of ENGINEER's bill therefore, the amounts due ENGINEER shall include a charge at the rate of 1% per month from said sixtieth day, and in addition ENGINEER may, after giving seven days' written notice to OWNER, suspend services under this Agreement until he has been paid in full all amounts due him for services and expenses.

5.3.3. If this Agreement is terminated by OWNER, upon the completion of any phase of the Basic Services, payments due ENGINEER for services rendered through such phase shall constitute total payment for such services. If this Agreement is terminated by OWNER during any phase of the Basic Services, ENGINEER will be paid for services rendered during that phase on the basis ENGINEER's hourly fee schedule times a factor of 1.25 for services rendered during that phase to date of termination by principals and employees assigned to the Project. In the event of any termination, ENGINEER will be paid for all unpaid Additional Services and unpaid reimbursable expenses, plus all termination expenses. Termination expenses mean reimbursable expenses directly attributable to termination.

SECTION 6 – GENERAL CONSIDERATIONS

6.1. Termination

This Agreement may be terminated at the sole discretion of either party upon thirty days' written notice.

6.2. Reuse of Documents.

All documents including Drawings and Specifications furnished by ENGINEER pursuant to this Agreement are instruments of his services in respect of the Project. They are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other project. Any reuse by the OWNER without specific written verification or adaptation by ENGINEER will be at OWNER's sole risk and without liability or legal exposure to ENGINEER, and OWNER shall indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

6.3. Estimates of Cost.

Since ENGINEER has no control over the cost of labor, materials or equipment, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, his opinions of probable project cost, construction cost, or typical costs provided for herein are to be made on the basis of his experience and qualifications and represent his best judgment as a design professional familiar with the construction industry, but ENGINEER can not and does not guarantee that proposals, bids, or the construction cost will not vary from opinions of cost prepared by him. If prior to the Bidding or Negotiating Phase OWNER wishes greater assurance as to the construction cost he shall employ an independent cost estimator as provided in Paragraph 3.8.

6.4. Successors and Assigns.

OWNER and ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither OWNER nor ENGINEER shall assign, sublet or transfer his interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the

part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than OWNER and ENGINEER.

6.5. Fiduciary Responsibility.

ENGINEER offers no fiduciary service to OWNER and ENGINEER has no fiduciary responsibility to OWNER.

SECTION 7 – SPECIAL PROVISIONS

OWNER and ENGINEER agree that this AGREEMENT is subject to the following special provisions which together with the provisions hereof and the exhibits and schedules hereto represent the entire AGREEMENT between OWNER and ENGINEER; they may only be altered, amended or repealed by a duly executed written instrument.

7.1. Hourly Fee Schedule

The hourly fee schedule for primary project personnel are:

Engineering Services Payroll Costs:	
Principal Engineer	\$85.00 per hour
Designer	\$45.00 per hour
Engineering Technician	\$35.00 per hour
Engineering Administration	\$35.00 per hour

7.2. Resident Project Representative.

ENGINEER recommends and OWNER agrees to provide at OWNER's direct expense a Resident Project Representative during the project construction.

7.3. ENGINEER's Insurance.

The ENGINEER shall carry and keep in force during this contract, policies of insurance in the minimum amounts as set forth below.

General Liability:	Single Limit.....	\$100,000.00
	Aggregate.....	\$300,000.00
Workers' Compensation:		Statutory
Automobile Liability:		
Bodily Injury:		
	Each Person.....	\$ 50,000.00
	Each Accident.....	\$100,000.00
Property Damage:		
	Each Accident.....	\$ 50,000.00

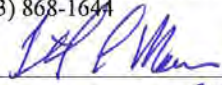
IN WITNESS WHEREOF the parties hereto have made and executed this AGREEMENT as of the day and year first above written.

OWNER:
City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7210

By: _____

Title: _____

ENGINEER:
Timothy L. Morris, P.E.
dba Morris Engineers
P.O. Box 606
225 E. Houston
Sherman, Texas 75091-0606
(903) 868-1644

By:  _____

2.17.12

Title: Professional Engineer

PROJECT FEB 16, 2012
MORRIS ENGINEERS



February 16, 2012

Mr. Tim Morris
Morris Engineers
225 E. Houston St.
Sherman, TX 75090

Proposal of Survey Fees

Re: Waterline extension of SH 289

We can prepare a topographic survey and waterline easements for the above project for the following fee:

Total Survey Fees: \$9,750.00

If there is any other information I can provide, please feel free to call. I look forward to the opportunity to work with you.

Sincerely,

A handwritten signature in black ink, appearing to read "DW Underwood", is written over a horizontal line.

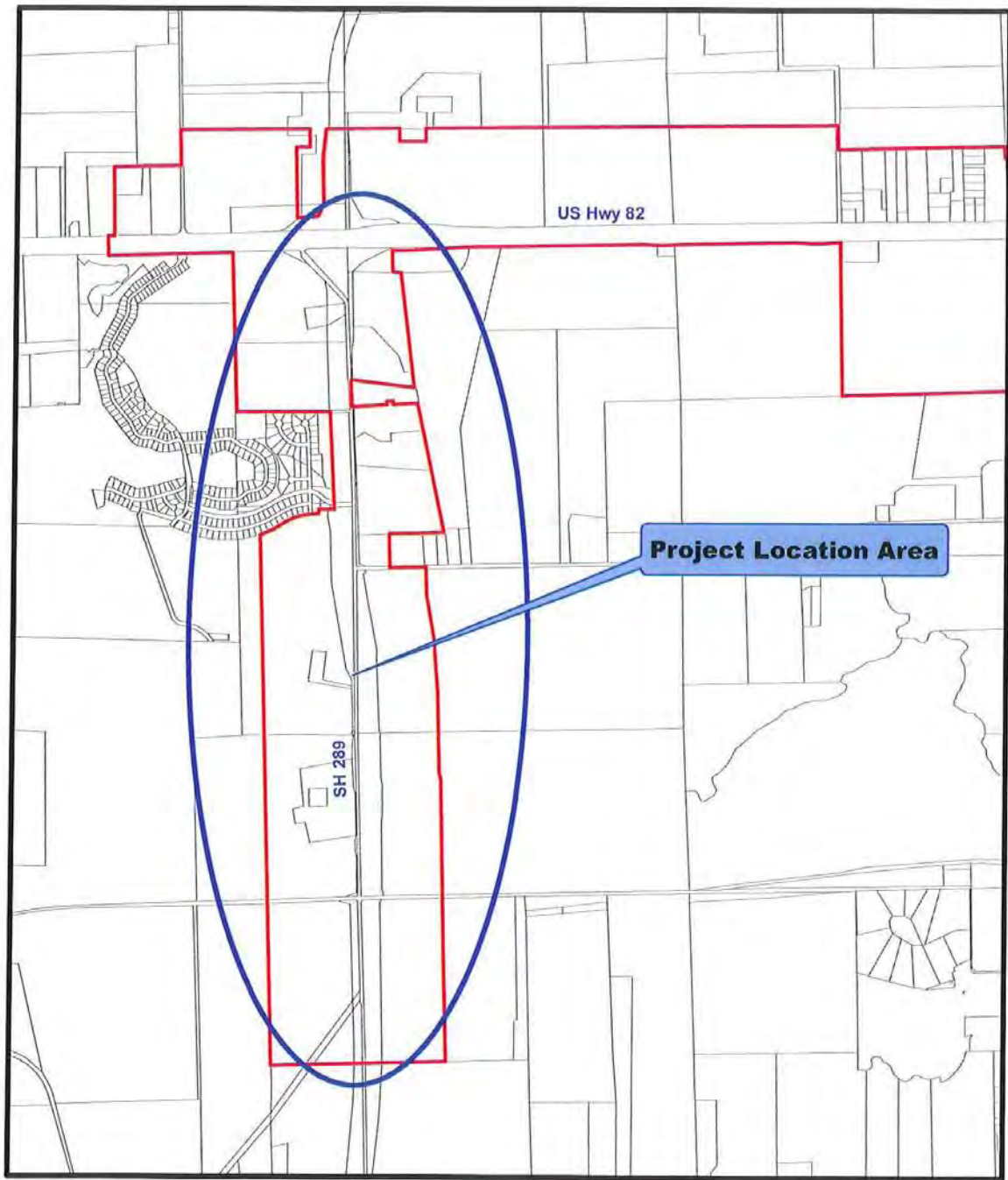
Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

I hereby accept this proposal and authorize Underwood Drafting & Surveying, Inc. to proceed:

Signature

Date

Printed Name



S.H. 289 Waterline





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. C.2

*** RESOLUTION NO. 5658**

**Authorizing the Execution of a Deed for the Resale of One Tract of Land
and its Improvements located at 2102 South First Street within the Sherman City Limits
Seized for Delinquent Taxes**

Issue

The attached resolution authorizes acceptance of a bid and execution of a deed for the resale of one tract of land and its improvements located within Sherman's city limits due to unpaid property taxes.

Background

Grayson County struck from the tax rolls a tract of real property and its improvements (an unoccupied house) located within Sherman's city limits at 2102 South First Street, as trustee for all taxing entities involved. Subsequently, the Grayson County Tax-Assessor and Collector has received an offer of \$2,500.00 for the tract and its improvements and is seeking the City Council's approval for the sale, including the acceptance of the bid received and the execution of a deed to the new property owners.

Origination

John Ramsey, Assessor and Collector of Taxes for Grayson County

Financial Consideration

The proceeds of the sale would be applied to the cost of the sale and the delinquent taxes, with the City of Sherman receiving its pro-rata share. The sale would also return the property to the tax rolls.

Staff Recommendation

The staff recommends approval of this resolution.

Alternatives

The City Council could deny this resolution.

Attachments

Resolution No. 5658

Letter from Tax Assessor-Collector John Ramsey dated February 17, 2012, with attachments

Aerial View of Property

Photographs of Property

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5658

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A DEED FOR THE RESALE OF ONE TRACT OF LAND AND ITS IMPROVEMENTS LOCATED AT 2102 SOUTH FIRST STREET WITHIN THE SHERMAN CITY LIMITS SEIZED FOR DELINQUENT TAXES; 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, one tract of real property located at 2102 South First Street within the Sherman city limits has been struck-off/sold to Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District for delinquent taxes; and

WHEREAS, Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District desire to sell this property and thereby place it back on the tax rolls; and

WHEREAS, Grayson County has received an offer to purchase the tract as described in the attached documentation; and

WHEREAS, the funds received pursuant to this sale shall be distributed according to the Texas Property Tax Code; and

WHEREAS, the City of Sherman believes the sale of this property for the price listed is in the best interests of the City;

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

SECTION 1. That the tract of property described in the attached documentation is available for sale free of all tax liens held by the City of Sherman and may be sold for any offer accepted by Grayson County, Grayson County College, City of Sherman, and Sherman Independent School District.

SECTION 2. That the Mayor, as the presiding officer of the City of Sherman, is hereby authorized, subject to all documents being properly completed and approved as to form and content by the City Attorney, to execute any deed or deeds on behalf of the City of Sherman necessary to complete the sale of said property in conformance with this resolution and without further approval by this governing body.

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 _____, 2012.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

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



COURTHOUSE
100 W. HOUSTON • SUITE 11
P.O. BOX 2107
SHERMAN, TEXAS 75091-2107

OFFICE OF
JOHN W. RAMSEY
ASSESSOR AND COLLECTOR OF TAXES
GRAYSON COUNTY
www.co.grayson.tx.us

(903) 892-TAXS (8297)
(903) 893-VOTE (8683)
(903) 813-4225 (AUTO)
Fax: (903) 893-4973
e-mail: ramseyj@co.grayson.tx.us

TO: Judge Drue Bynum, Grayson County, Commissioner Johnny Waldrip, Pct. 1, Commissioner David Whitlock, Pct. 2, Commissioner Jackie Crisp, Pct. 3, Commissioner Bart Lawrence, Pct. 4

Mr. Giles Brown, Vice President Business Services, Grayson County College

✓ Mr. Robby Hefton, Assistant City Manager/Chief Financial Officer, City of Sherman

Mr. Randy Reid, Assistant Superintendent of Business and Finance Services, Sherman ISD

Mr. Robert Brady, Mayor, City of Denison

Mr. Lee McNair, Assistant Superintendent, Denison ISD

FROM: John Ramsey

DATE: February 17, 2012

SUBJECT: Bid Proposals on unsold property from May 2011 Sheriff Sale

I recently received the attached offers from Justin Briscoe, DBA Kickin ASS and Takin Land, LLC and J & B Against the Grain, LLC to purchase five (5) tracts that did not sell at the May 2011 Sheriff Sale. The property is presently exempt from taxes while it is owned by the taxing entities. The attached documentation provides the descriptions, appraisal district values and the minimum bids for the properties. Also attached are bid amounts from Mr. Briscoe and maps showing the location of each property.

Please present the enclosed Resolution to your jurisdiction at the next available meeting for consideration. Once a decision has been made by your governing body, please send a copy of the meeting minutes with your decision to this office. Also, please send back the signed Resolution if the sale has been approved.

Thank you.

JK:kb

enclosure:

Property 1

GRAYSON COUNTY STRUCK-OFF PROPERTY BID REQUEST

RECEIVED

JAN 14 2017

JOHN RAMSEY
TAX ASSESSOR-COLL.

To the office of John Ramsey, Tax Assessor-Collector;
We would like to place a bid on the following properties listed on the
current Struck-off list:

3] Cause # 07-3248

Owner Name - Edward J. Marquez

Property ID # S056-2209009

Address - 2102 S. First/Sherman - Shamrock Addn, Blk R, Lot 5

Bid Amount - \$2,500.00

Bidders Contact - J & B Against the Grain, LLC

Justin Briscoe, Partner/President

981 Lakewood Rd. Denison, TX 75020

903-267-5495

*Please see Certified Funds made payable to John Ramsey for properties
listed above. Thank you!

CAUSE #	ORIGINAL OWNER NAME	PROPERTY ID#	ADDRESS	ISD	LEGAL DESCRIPTION	STRUCK \$	STRK DATE	SS DEED	ATTY
07-3248	EDWARD J MARQUEZ	S056-2209009	2102 S FIRST /SHERMAN	SH	SHAMROCK ADDN, BOCK R, LOT 5	\$ 18,779.59	05/03/11	07/07/11	LGBS

S056 2209009

[Home](#)
[List](#)
[Property](#)
[Payroll](#)
[Summary](#)
[General](#)
[Owner](#)
[Assessment](#)
[Appraisal](#)

R166993 Legal SHAMROCK ADDN, BLOCK 4, LOT 5 Owner GRAYSON COUNTY TRUSTEE(00176 Tax Year 2011
 Situs 2102 S FIRST SHERMAN As Of < 09/29/2011 >

General Information

Prev Next

Mailing Address

NBHD
 Total Acres N/A
 Exemptions PR
 Map ID

Owner GRAYSON COUNTY TRUSTEE
 Address PO BOX 2107
 SHERMAN, TX 75091

Print Appraisal Card

Taxing Units CSH, GRA, JRC, SSH

Property Value

Value Method N/A
 Land Value N/A
 Building Value N/A
 Final Value N/A

SSH Sherman School
 CSH Sherman City
 JRC Grayson College
 GRA Grayson County

Images

Assessment Values

Supplements

Improvement HS \$61,043
 Improvement NHS \$0
 Land HS \$4,000
 Land NHS \$0
 HS Cap Adjust \$0
 Ag Market \$0
 Ag Use \$0
 Timber Market \$0
 Timber Use \$0
 Late Ag Loss \$0
 Total Market \$65,043
 Total Assessed \$65,043

No Images Exist

Legacy ID R166993

Aerial View of Property



1" = 300'
PROP ID 166993



Photographs of Property

2102 S First



2102 S First





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.1

*** REQUEST TO ADVERTISE**
Seal Coat Emulsified Asphalt Oil and Stone

Issue

Approve advertising for bids that will provide the City with seal coat stone and emulsified asphalt oil for annual street maintenance work

Background

Each year, the Street Department evaluates and ranks all city streets to determine their need for maintenance. From the street evaluation process, a priority list of streets to be seal coated is prepared. The streets to be serviced during this upcoming season represent the first year of the four-year street improvement plan set by staff as part of the recently renewed Street Sales Tax program. Advertising for seal coat materials early in the construction season should help to assure that adequate materials are available and can be purchased at the lowest possible price.

Origination

Department of Public Works

Financial Consideration

Funds to purchase seal coat stone and emulsified asphalt oil are provided in this year's Street Department budget. Cost of advertising is expected to be less than \$200.00.

Staff Recommendation

Proceed with advertising for vendors to provide seal coat stone and emulsified asphalt oil for the 2012 Street Maintenance Program.

Alternatives

As may be directed by the City Council

Attachments

None

Prepared by:
Don Keene, Director of Public Works

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.2

OTHER BUSINESS

**Accept Annual Audit Report for Year Ended September 30, 2011
from Pattillo, Brown & Hill, L.L.P.**

Issue

To receive a presentation from Pattillo, Brown & Hill, L.L.P. of Waco, Texas, and accept the audit report for the year ended September 30, 2011

Background

On February 16, 2012, the Audit Committee, City Manager, Assistant City Manager, and Controller met with the City's external auditors to discuss the results of the independent audit for the year ended September 30, 2011. The auditors gave a "clean" audit opinion, meaning that, in their opinion, the financial statements are fairly presented in accordance with established accounting standards. The financial statements reflect that the operating results for the year ended September 30, 2011 were generally in line with expected results, and that overall financial performance was slightly better than budgeted. There were no material findings arising out of the audit. After discussion, the Audit Committee recommended the report be presented to the Council at the March 5, 2012 meeting.

Origination

Assistant City Manager/CFO

Financial Consideration

None

Staff Recommendation

The staff recommends that the Council accept the audit report, as recommended by the Audit Committee.

Alternatives

None recommended

Attachments

Audit Report (distributed separately)

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.3

OTHER BUSINESS

Receive Captain Otis Henry's Briefing on the Police Department's "Retail Theft Initiative" originating from the Department's Intelligence Office

Issue

The Police Department's *Retail Theft Initiative* originating from the Department's Intelligence Office

Background

Approximately two years ago, the Police Department opened its Police Intelligence Office. One of the many responsibilities of this office is to focus on certain offenders and identify areas prone to repeat criminal acts. In November 2011, the *Retail Theft Initiative* was instituted with the goal of thwarting and reducing retail theft. To that end, area merchants were contacted and invited to attend monthly retail theft meetings with the purposes of establishing networks and sharing information in order to identify and subsequently arrest serial thieves.

Origination

Sherman Police Department – Intelligence Office

Financial Consideration

None

Council Action Requested

The Council need take no action on this presentation – for information only.

Attachments

None

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.4

OTHER BUSINESS

Consider Approval of the Budget Calendar for Fiscal Year 2012-2013

Issue

Set budget calendar for the fiscal year (FY) 2012-2013

Background

Several meetings are necessary to develop the budget for the upcoming fiscal year. There is some flexibility in meeting dates reflected in the proposed budget calendar. Particularly important are the dates for the Budget Planning Meeting and the Budget Workshop. The Budget Planning Meeting will be used to garner Council input on Council initiatives to be included in the budget development process. The Budget Workshop will present a more detailed picture of the City budget and will be used to summarize Council direction for the upcoming year.

Included in this year's budget process will be discussion of the five-year financial and operational projections as has been the practice for the past several years. Although we will only be developing a budget and appropriating funds for FY 2012-2013, this five-year time horizon will reflect the impacts of such things as the capital improvement program, debt service, and projected tax base changes on the City's long-term financial state.

Origination

George Olson, City Manager

Robby Hefton, Assistant City Manager/Chief Financial Officer

Financial Consideration

None

Staff Recommendation

The staff recommends that the Council approve the budget calendar as presented and confirm the City Council Chambers as the site for the Budget Planning Meeting and Budget Workshop.

Alternatives

The Council could select alternative dates for the meetings, subject to Charter requirements.

Attachments

Proposed Budget Calendar for FY 2012-2013

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

PROPOSED BUDGET CALENDAR FISCAL YEAR 2012-2013

Financial Update	February 20, 2012
Budget Planning Meeting with City Council*	April 26, 2012
Budget Workshop**	June 21-22, 2012

Present Draft Budget to Council	July 16, 2012
Introduce Budget Ordinance	August 6, 2012
Final Action on Budget Ordinance Introduce Tax Rate Ordinance	August 20, 2012
Final Action on Tax Rate Ordinance	September 4, 2012

Notes:

Meeting times to be confirmed after the Budget Calendar is approved.

* An alternative date is Friday, April 27th.

** This is expected to be a one-day Workshop; but an additional day is scheduled as a placeholder in case more time is needed.



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.5

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.6

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.7

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. D.8

ADJOURNMENT

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 3-5-2012

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2012 CITY COUNCIL MEETINGS

JANUARY

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

FEBRUARY

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

MARCH

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

APRIL

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

MAY

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

JUNE

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

JULY

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

AUGUST

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

SEPTEMBER

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

OCTOBER

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

NOVEMBER

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

DECEMBER

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

01/02/12 - January 2nd Council meeting cancelled
01/16/12 - M.L.K., Jr. Birthday / Regular Council Meeting
02/20/12 - Washington's Birthday / Regular Council Meeting
04/26/12 - Proposed Budget Planning Meeting in Council Chambers
06/21-22/12 - Proposed Budget Workshop in Council Chambers
09/03/12 - Labor Day / Called Council Meeting on 09/04/12