CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, DECEMBER 6, 2010
5:00 P.M.

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

A.2 PLEDGE OF ALLEGIANCE

A.3 INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY

A.4 APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 15, 2010 AND THE CALLED CITY COUNCIL (LONG TERM PLANNING) MEETING OF NOVEMBER 19, 2010

Public Hearing

B.1 PUBLIC HEARING
Proposed Agreement with GlobiTech Incorporated for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5678
Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors", with No Modifications

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5679
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 1202 North Grand Avenue (Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin and Associates, Inc., Surveyors)

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5680
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-2 (General Commercial) District in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East (One Ganesha LTD, Owners; and Michael Clark, Representative)

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5681
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District and R-2 (Multi-Family Residential) District at 1300 West Taylor Street (Charles Edward Anderson, Rosemary Anderson, Cynthia Pallett, Jarrod Weldon Anderson and Alida K. Anderson, Owners; David Vilbig, Vilbig and Associates, Inc., Engineers; and Sartin and Associates, Inc., Surveyors)

Close Public Hearing and Consider Adoption of Ordinances

B.6 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
(a) 5678
(b) 5679
(c) 5680
(d) 5681

B.7 CONSENT AGENDA
Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

C.1 RESOLUTION NO. 5545
Authorizing Execution of an Agreement with GlobiTech Incorporated for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas

C.2 RESOLUTION NO. 5546
Supporting the Sherman-Denison Metropolitan Planning Organization's Preferred Ultimate Configuration for the Proposed Grayson County Tollway from Farm-to-Market (FM) Road 121 South of Gunter to U.S. 75 in Denison, Extending the North Dallas Tollway through Grayson County and Providing Access to the North Texas Regional Airport

C.3 RESOLUTION NO. 5547
Approving the Bylaws of the Sherman Economic Development Corporation; Providing for a Review of the Bylaws; Providing for an Effective Date

C.4 ** RESOLUTION NO. 5548*
Authorizing the City Manager to Represent the City of Sherman in its Application for a Grant from the Texas Water Development Board for Flood Protection Planning and to Enter into a Contract with the Texas Water Development Board if Awarded; Committing Funds from the Adopted Fiscal Year (FY) 2010-2011 City Budget; Committing Local In-Kind Services to the Study; and Requesting the Participation of Grayson County, the Sherman Independent School District, and the Texoma Council of Governments

C.5 ***[* RESOLUTION NO. 5549]***

Approving the Greater Texoma Utility Authority's Intention to Contract with Red River Construction, Inc. for the Construction of Improvements at the City of Sherman Post Oak Wastewater Treatment Plant

C.6 ***[* RESOLUTION NO. 5550]***

Accepting the Contract with Jerry Paul Higgins, Ltd. as Complete for Construction of the Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I

C.7 ***[* RESOLUTION NO. 5551]***

Accepting the Contract with Vescor Inc. dba Vessels Construction as Complete for Construction of the Sherman Relief Sewer K4 Project, Phase II

C.8 ***[* RESOLUTION NO. 5552]***

Awarding a Bid to and Authorizing Execution of a Contract with ITT Water & Wastewater U.S.A., Inc. dba ITT Flygt Corporation for the Purchase of a Submersible Pump for the Wastewater Treatment Plant Headworks

Other Business

D.1 ***[* OTHER BUSINESS]***

Site Plan Approval for GlobiTech Incorporated under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Addition to the Existing Building for Gas Room Storage in the Blalock Industrial Park District at 200 F.M. 1417 West

D.2 [OTHER BUSINESS]

Replat Approval of Block 1, Grand N Addition; Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin and Associates, Inc., Surveyors (1202 North Grand Avenue)

D.3 ***[* OTHER BUSINESS]***

Consideration to Ordinance No. 2684, Section 26, Subsection 12(E)(2) for a Variance to Allow a Lot with No Public Street Frontage in a C-2 (General Commercial) District, SF-1 (Single Family Residential) District and O-1 (75 & 82) Overlay District in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East, being 32.784 acres in the William Milligan Survey, Abstract No. 875, the David Harrison Survey, Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265 and the A.C. Smith Survey, Abstract No. 1561 (One Ganesha LTD, Owners; and Michael Clark, Representative)

D.4 ***[* OTHER BUSINESS]***

Final Plat Approval of Estates of Pebblebrook, Phase I; Walt DeRonde, Owner/Developer; Levi Wild, P.E., Sanchez & Associates, Engineer; Greg Edwards Engineering Services, Inc., Engineer/Land Planner; and Cox Land Surveying Company, Surveyors (2300-3000 Blocks of F.M. 1417 South)

D.5 *[* OTHER BUSINESS]*

Replat Approval of Lot 2, Block 1, Skyline Business Park Addition; Walris Investments, Inc., Owners; and Sartin and Associates, Inc., Surveyors (2005 Skyline Drive)

D.6 *[* OTHER BUSINESS]*

Replat Approval of Lots 15-20, High Country Estates Subdivision in the City of Sherman's Extra Territorial Jurisdiction; Charles and Judith Crocker, Owners; and Sartin and Associates, Inc., Surveyors (258 High Country Road)

D.7 OTHER BUSINESS

Consider Cancellation of the December 20, 2010 and January 3, 2011 Regular City Council Meetings

D.8 *[* OTHER BUSINESS]*

Approval of the 2010 Ad Valorem Tax Roll Value and Tax Levy

D.9 CITIZEN REQUESTS

D.10 MEDIA QUESTIONS

D.11 COUNCIL COMMENTS

Executive Session

E.1 EXECUTIVE SESSION

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

Section 551.074 Personnel Matters

- (a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:
  - (i) Greater Texoma Utility Authority Board of Directors (1)
- (b) Deliberate the Evaluation of a Public Officer or Employee:
  - (i) Annual Performance Evaluation of the City Attorney

The Council reconvenes into General Session

F.1 OPEN MEETING

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

F.2 ADJOURNMENT

COUNCIL CALENDAR

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

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:** 12-6-2010

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Robert G. Softly, Council Member

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER ROBERT G. SOFTLY

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. A.4

APPROVE MINUTES
OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 15, 2010
AND THE CALLED CITY COUNCIL (LONG TERM PLANNING) MEETING
OF NOVEMBER 19, 2010

STATE OF TEXAS §

November 15, 2010

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 November 15, 2010.

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

MEMBERS ABSENT: **NONE.**

CALL TO ORDER

<u>CALL TO ORDER</u>
Mayor Magers called the meeting to order at 5:00 p.m. The Pledge of Allegiance and the Invocation were given by Deputy Mayor Willie Steele.

APPROVE MINUTES

<u>APPROVE MINUTES</u>
The Council reviewed the Minutes of the Regular City Council Meeting of November 1, 2010, and the Called City Council Meeting of November 4, 2010. Council Member Adami moved to approve the Minutes as presented; Second by Council Member Wacker. All present voted AYE.
MOTION CARRIED.

CANVASS OF ELECTION RETURNS

<u>CANVASS OF ELECTION RETURNS</u>
Mayor Magers canvassed the election returns of the November 2, 2010 Special Municipal Election by reading the total number of votes received for and against the Charter Amendments.

The detail of the election returns are maintained in the permanent record file entitled "Elections" in the Office of the City Clerk. The canvass statistics are attached and made a part of these Minutes. (Exhibit A)

RES 5535 DECLARING RESULTS OF SPECIAL MUNICIPAL ELECTION

<u>RESOLUTION NO. 5535 – DECLARING THE RESULTS OF THE NOVEMBER 2, 2010 SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE RESULTS OF THE NOVEMBER 2, 2010 SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF SHERMAN, GRAYSON COUNTY, TEXAS.

ACTION TAKEN.
Motion by Council Member Smith to approve Resolution No. 5535, as presented. Second by Council Member Softly.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>PUBLIC HEARING OF ORDINANCE NO. 5674</u>

ORD 5674
INDUSTRIAL REINVESTMENT ZONE (GLOBITECH)

Mayor Magers called for the Public Hearing on Ordinance No. 5674:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE.

No citizens appeared before the City Council to discuss Ordinance 5674.

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

ORD 5675
ABANDON ALLEY GRAND N ADDITION

Mayor Magers introduced Ordinance 5675 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING ONE ALLEY SEGMENT WITHIN BLOCK ONE GRAND N ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, RICHARDS STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, AUSTIN COLLEGE.

No citizens appeared before the City Council to discuss Ordinance 5675.

ORD 4676
SUP FOR BILLBOARD

Mayor Magers introduced Ordinance 5676 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A 10’ X 30’ DOUBLE-SIDED BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 902 SOUTH SAM RAYBURN FREEWAY, BEING LOTS 18-20, L.C. CHAPMAN’S SECOND ADDITION (SPAVINAW PROPERTIES, LLC, OWNERS; AND JASON SOFEY, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

No citizens appeared before the City Council to discuss Ordinance 5676.

ORD 5677
SUP FOR SKILLED NURSING FACILITY

Mayor Magers introduced Ordinance 5677 and called for a public hearing:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A) ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC

USE PERMIT TO ALLOW A SKILLED NURSING FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT, SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT IN THE 6000-6100 BLOCKS OF U.S. HIGHWAY 75 NORTH AND THE 1500-1600 BLOCKS OF FM 691 EAST, BEING 5.974 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875 (ONE GANESHA, LTD, OWNERS; AND MICHAEL CLARK, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

Michael Clark, Winkleman and Associates, 6750, Hillcrest Plaza #325, Dallas, Texas 75230
Mr. Clark appeared representing Dr. P.T. Swamy and his partners, One Ganesha, Ltd., and the Smithers Merchant Builders, saying he was available if the Council had any questions.

No other citizens appeared before the City Council to discuss Ordinance 5677.

The Public Hearing was closed.

CLOSE PUBLIC HEARING

ADOPTION OF ORDINANCES

Ordinance 5674

ORD 5674 INDUSTRIAL REINVESTMENT ZONE (GLOBITECH)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DESIGNATING A CERTAIN AREA AS INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE.

ACTION TAKEN.
Motion by Council Member Adami to approve Ordinance No. 5674, as presented. Second by Council Member Smith.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5675

ORD 5675 ABANDON ALLEY GRAND N ADDITION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CLOSING AND ABANDONING ONE ALLEY SEGMENT WITHIN BLOCK ONE GRAND N ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, RICHARDS STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT; CONVEYING THE INTEREST IN SAID RIGHT-OF-WAY TO THE ABUTTING AND ADJACENT PROPERTY OWNER, AUSTIN COLLEGE.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Ordinance No. 5675, as presented. Second by Council Member Howeth.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele.
VOTING NAY: None.
ABSTAIN: Wacker.
MOTION CARRIED.

Ordinance 5676

ORD 4676
SUP FOR BILLBOARD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A 10' X 30' DOUBLE-SIDED BILLBOARD IN A C-2 (GENERAL COMMERCIAL) DISTRICT AT 902 SOUTH SAM RAYBURN FREEWAY, BEING LOTS 18-20, L.C. CHAPMAN'S SECOND ADDITION (SPAVINAW PROPERTIES, LLC, OWNERS; AND JASON SOFEY, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

ACTION TAKEN.

Motion by Council Member Smith to approve Ordinance No. 5676, as presented. Second by Council Member Adami.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Ordinance 5677

ORD 5677
SUP FOR SKILLED NURSING FACILITY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A) ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A SKILLED NURSING FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT, SF-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT AND O-1 (75 & 82) OVERLAY DISTRICT IN THE 6000-6100 BLOCKS OF U.S. HIGHWAY 75 NORTH AND THE 1500-1600 BLOCKS OF FM 691 EAST, BEING 5.974 ACRES IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875 (ONE GANESHA, LTD, OWNERS; AND MICHAEL CLARK, REPRESENTATIVE); PROVIDING FOR A REPEALER; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED $2,000.

ACTION TAKEN.

Motion by Council Member Adami to approve Ordinance No. 5677, as presented. Second by Council Member Softly.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

CONSENT AGENDA

CONSENT AGENDA

The Council reviewed the Consent Agenda. Mayor Magers said George Olson, City Manager, asked to remove Item C-9 entitled "Resolution 5544 – Authorizing the Purchase of a New International Transfer Tractor for the Solid Waste Services Department through the Texas Local Government Purchasing Cooperative (BuyBoard)" from the Consent Agenda, for consideration in its regular order of business.

Council Member Wacker moved to approve the Consent Agenda, with the exception of Item C-9, which will be considered in its regular order of business. Second by Deputy Mayor Steele. All present voted AYE.

RESOLUTIONS

RESOLUTION NO. 5536 – AUTHORIZING EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR EMERGENCY MANAGEMENT AND RELATED HOMELAND SECURITY SERVICES

RES 5536
EMERGENCY MGMT. CONTRACT WITH GRAYSON CO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND GRAYSON COUNTY FOR EMERGENCY MANAGEMENT AND RELATED HOMELAND SECURITY SERVICES.
CONSENT AGENDA.

RESOLUTION NO. 5537 – AUTHORIZING EXECUTION OF A FIRE FIGHTING CONTRACT WITH GRAYSON COUNTY FOR THE THREE-YEAR PERIOD OF OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2013

RES 5537
FIRE FIGHTING CONTRACT WITH GRAYSON CO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A FIRE FIGHTING CONTRACT WITH GRAYSON COUNTY FOR THE THREE-YEAR PERIOD OF OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2013.
CONSENT AGENDA.

RESOLUTION NO. 5538 – AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF HOWE FOR AMBULANCE AND EMS SERVICES

RES 5538
AMBULANCE & EMS SERVICE CONTRACT WITH HOWE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHERMAN AND THE CITY OF HOWE FOR AMBULANCE AND EMS SERVICES.

Mayor Jeffrey Stanley, City of Howe, Texas 75459

Mayor Stanley thanked the City Council for the opportunity to work with the City of Sherman on an interlocal agreement for ambulance and EMS services.

Jeff Jones, Fire Chief, said several months ago the City of Howe approached the City of Sherman about providing

ambulance service to the City limits of Howe, not including the County area.

There are approximately 150 calls for service annually in that district and Chief Jones said Sherman should be able to provide that service without any significant operational impact to their department.

ACTION TAKEN.

Motion by Council Member Wacker to approve Resolution No. 5538, as presented. Second by Council Member Howeth.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

RES 5539
SALE OF ALLEY SEGMENT TO AUSTIN COLLEGE

<u>RESOLUTION NO. 5539 – AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO AUSTIN COLLEGE FOR THE CONVEYANCE OF ONE ALLEY SEGMENT WITHIN BLOCK ONE GRAND N ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, RICHARDS STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO AUSTIN COLLEGE FOR THE CONVEYANCE OF ONE ALLEY SEGMENT WITHIN BLOCK ONE GRAND N ADDITION TO THE CITY OF SHERMAN, TEXAS, BOUNDED BY GRAND AVENUE, LUCKETT STREET, RICHARDS STREET AND DORCHESTER STREET, PORTIONS OF SAID PROPERTY TO BE MAINTAINED AS A UTILITY EASEMENT.

ACTION TAKEN.

Motion by Council Member Adami to approve Resolution No. 5539, as presented. Second by Council Member Smith.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele.
VOTING NAY: None.
ABSTAIN: Wacker.
MOTION CARRIED.

RES 5540
ACCEPT HOMELAND SECURITY GRANT

<u>RESOLUTION NO. 5540 – AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2010 HOMELAND SECURITY GRANT PROGRAM FEDERAL GRANT AWARD NUMBER 2010-SS-T0-0008 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE PURCHASE OF EQUIPMENT RELATED TO REGIONAL RESPONSE</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2010 HOMELAND SECURITY GRANT PROGRAM FEDERAL GRANT AWARD NUMBER 2010-22-T0-0008 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE U.S. DEPARTMENT OF HOMELAND

SECURITY AND THE PURCHASE OF EQUIPMENT RELATED TO REGIONAL RESPONSE.
CONSENT AGENDA.

RES 5541
ELECTRIC SERVICES THROUGH CAPP

<u>RESOLUTION NO. 5541 – AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. (CAPP) TO NEGOTIATE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AND NECESSARY RELATED SERVICES AGREEMENT WITH NEXT ERA FOR A FIXED PRICE PER KWH THAT IS LOWER THAN CONTRACT RATES FOR 2011-2013, SAID EXTENSION TO CONTINUE UNTIL DECEMBER 31, 2018; AUTHORIZING CAPP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2011 OR AS SOON AFTER FINALIZATION OF A CONTRACT AS POSSIBLE; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH CAPP FOR ITS ELECTRICAL NEEDS THROUGH DECEMBER 31, 2018</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. (CAPP) TO NEGOTIATE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AND NECESSARY RELATED SERVICES AGREEMENT WITH NEXT ERA FOR A FIXED PRICE PER KWH THAT IS LOWER THAN CONTRACT RATES FOR 2011-2013, SAID EXTENSION TO CONTINUE UNTIL DECEMBER 31, 2018; AUTHORIZING CAPP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN ENTENSION TO THE CURRENT ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2011 OR AS SOON AFTER FINALIZATION OF A CONTRACT AS POSSIBLE; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH CAPP FOR ITS ELECTRICAL NEEDS THROUGH DECEMBER 31, 2018.
CONSENT AGENDA.

RES 5542
UPDATE WWTP OPERATION & MAINTENANCE MANUAL

<u>RESOLUTION NO. 5542 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN MILLICAN, INC. TO REVISE AND UPDATE THE CITY OF SHERMAN'S WASTEWATER TREATMENT PLANT OPERATION AND MAINTENANCE MANUAL</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FREEMAN MILLICAN, INC. TO REVISE AND UPDATE THE CITY'S WASTEWATER TREATMENT PLANT OPERATION AND MAINTENANCE MANUAL.
CONSENT AGENDA.

<u>RESOLUTION NO. 5543 – AUTHORIZING THE PURCHASE OF A NEW COMMERCIAL REAR LOAD COLLECTION TRUCK FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW COMMERCIAL REAR LOAD COLLECTION TRUCK FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).
CONSENT AGENDA.

<u>RESOLUTION NO. 5544 – AUTHORIZING THE PURCHASE OF A NEW TRANSFER TRACTOR FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD)</u>
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A NEW TRANSFER TRACTOR FOR THE SOLID WASTE SERVICES DEPARTMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD).

RES 5544
SOLID WASTE
TRANSFER TRACTOR

Mr. Olson asked that Resolution 5544 be removed from the Consent Agenda for discussion in its regular order of business.

He explained that there is a mistake in the caption of the Resolution and it should read "Authorizing the Purchase of a New Transfer Tractor for the Solid Waste Services Department through the Texas Local Government Purchasing Cooperative (BuyBoard)."

ACTION TAKEN.
Motion by Deputy Mayor Steele to approve Resolution No. 5544, as amended. Second by Council Member Softly.
VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>CHANGE ORDER NO. 1</u>
<u>SEWER K – TURTLE CREEK WEST TO LAMBERTH ROAD; $15,146.22, DECREASE</u>
The City Council approved Change Order No. 1, which is a final reconciliatory change order to adjust the final project quantities for the Sewer K Project, between Turtle Creek West and Lamberth Road.

CHANGE ORDER
SEWER K

The second phase of the Sewer K Project has been completed. The project was funded through debt issued by the Greater Texoma Utility Authority on the City's behalf. The change order results in a decrease of $15,146.22 to the contract, yielding a final contract price of $228,202.67.
CONSENT AGENDA.

PAYMENT APPROVAL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ANNUAL CONSOLIDATED WATER QUALITY ASSESSMENT FEE FOR FISCAL YEAR 2010-2011; $69,645.00

PAYMENT APPROVAL TCEQ ANNUAL WATER QUALITY FEE

The City Council approved payment of the Annual Consolidated Water Quality Assessment Fee to the Texas Commission on Environmental Quality (TCEQ) for FY 2010-2011, in the amount of $69,645.

The fee is imposed to fund the Clean Rivers Program and to pay TCEQ expenses for administering water quality programs, including the City's wastewater permit.
CONSENT AGENDA.

OTHER BUSINESS
RECEIVE PRESENTATION FROM PARKS AND RECREATION ADMINISTRATOR KEVIN WINKLER ON PARK AND LEISURE SERVICES

UPDATE ON PARK & LEISURE SERVICES

Kevin Winkler, Parks and Recreation Administrator, presented an update on Park and Leisure Services, which includes the recreation aspect of his departments.

There are currently four full time employees at the Youth Center, one employee at The Splash/Sprayground, and three employees at the Senior Citizens Center and the Glennie O. Ham Community Center.

The Senior Citizens Center and the Glennie O. Ham Community Center have recently been placed under the Parks and Recreation Department and represent the social service portion of management. Some of their programming has been changed to reflect more of a parks and recreation background.

Deputy Mayor Steele confirmed that the employee for The Splash/Sprayground is a full time employee. Mr. Winkler said that employee also helps facilitate sports and activities during the off season for swimming.

He discussed the resource management percentage breakdown for the amount of time and resources spent in each area. About 27% of the time and resources are attributed to administration and planning, which includes signups for classes, special events, sports, and swim lessons. They also handle reservations for park pavilions, the Youth Center, the Senior Citizens Center, and the amphitheater, including the newly added Center Street Park and Pecan Grove Park, both East and West. They also take reservations for private use of the pool and for use of the cabanas, as well as sales for pool punch cards and season passes.

Mayor Magers confirmed that the Parks and Recreation Department also works with the Tourism Director for booking of the amphitheater.

Throughout the year, there were also 915 sports practices scheduled, not including any Sherman Youth Baseball or Softball, or Texoma Soccer Association practices. Approximately 2,760 games over 30 sports fields were scheduled during the past year. Over the course of six tournaments, there were about 250 games scheduled during the past year.

Mr. Winkler addressed activities held through the Youth Center, the Glennie O. Ham Community Center, and the Senior Citizens Center. There were 5,585 participants in activities at the Youth Center alone this year. Council Member Howeth verified that is an increase over past years.

Mr. Winkler also outlined the sports activities offered, saying the City would like to add an open basketball and an open volleyball league. This year the football league had 16 teams with approximately 216 participants and the softball league had 70 teams with approximately 875 participants.

Mayor Magers asked how many of the participants were Sherman residents, however Mr. Winkler said they currently do not track that information but plan too in the future.

The Sherman Youth Sports Association and the Texoma Soccer Association are also recognized users and scheduled games. This year there were 2,762 games played and 915 practices scheduled, not including those with the Sherman Youth Sports Association.

Mr. Winkler said The Splash was open over three months this year and employed 46 lifeguards and eight concession/gate workers. There were 36,146 entries into the pool during the summer. There were 52 classes of swim lessons with 484 participants.

Social Services took 14% of the resources and time of the staff and includes the Senior Citizens Center and the Glennie O. Ham Community Center. Meals on Wheels is offered in tandem with the Senior Citizens Center, as well as special needs assistance to participants by helping explain utility bills or paperwork they must complete.

The Glennie O. Ham Community Center also provides a meeting place for community organizations and a medication assistance program for low income citizens.

Mr. Winkler addressed cost savings measures and said one position was not filled at the Senior Citizens Center this year after the retirement of an employee. The two facilities have also been "blended together" and the programs adjusted to accommodate three employees instead of four.

Mayor Magers asked about the meal program through the Senior Citizens Center and the one through Meals on Wheels. Mr. Winkler said the numbers for the two programs are separate.

Mr. Winkler said overtime has been reduced by 50% by the implementation and use of flex scheduling, which also allowed for increased event coverage in the evenings.

He also said this year they hosted six sports tournaments, two of which had approximately 60 teams each. These tournaments brought in many visitors to Sherman that spent money on hotels, restaurants, gas, and shopping during the tournament. Mr. Winkler said the City should continue to promote the parks and recreation program with the resources at hand.

He added that for the past year, out of 365 days, there were only 19 days when something wasn't scheduled at one of the facilities or in one of the parks.

Council Member Howeth asked if there were any programs that citizens wanted that the City was unable to offer because of budget restraints. Mr. Winkler said there are always things people are asking for, but the staff tries to select programs for which they get the most requests.

Council Member Adami asked how the swimming pool revenues this year compared with last year. Mr. Winkler said they were down slightly. This year the net revenue from the pool was $173,570 as opposed to $201,230 last year.

Council Member Wacker asked if the price increase affected the number of people renting the facility. Mr. Winkler said monthly passes were down significantly because the daily rate wasn't increased, which made the passes less valuable. There were 29 rentals this year and 35 rentals last year. However the price was doubled. Council Member Adami verified that the attendance was close to the same, only down maybe 5%.

SET PUBLIC HEARING GLOBITECH TAX ABATEMENT

<u>SETTING THE PUBLIC HEARING ON THE PROPOSED AGREEMENT WITH GLOBITECH INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS</u>

Robby Hefton, Assistant City Manager/CFO, explained that the public hearing would be held at the December 6, 2010 City Council Meeting, and at the same meeting the Council will consider the adoption of the resolution to approve the tax abatement for GlobiTech.

ACTION TAKEN.

> Motion by Council Member Adami to set a public hearing for December 6, 2010, on the proposed agreement with GlobiTech Incorporated for the abatement of ad valorem property taxes for improvements within Industrial Reinvestment Zone, Number 112010-1, as presented. Second by Council Member Smith.

VOTING AYE: Adami, Howeth, Smith, Softly, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

Mayor Magers thanked Council Member Smith and Council Member Adami for their work on the abatement committee. He added that these abatements cost taxpayers zero dollars. These are opportunity investments and they are very important in these tough economic times. The City must do everything they can to support the local businesses and to help them expand.

This project was also done in conjunction with the Sherman Economic Development Corporation grant. He encouraged the other partners, the Grayson County Commissioner's Court and the Grayson County College Board of Trustees, to work with the City and approve their abatements.

CLOSE STREETS FOR CHRISTMAS PARADE

<u>CONSIDER REQUEST OF THE SHERMAN CHAMBER OF COMMERCE AND THE SHERMAN TOURISM DEPARTMENT TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE ANNUAL SHERMAN CHRISTMAS PARADE ON FRIDAY, DECEMBER 3, 2010</u>
The City Council approved the request of the Sherman Chamber of Commerce and the Sherman Tourism Department to temporarily close certain downtown streets for the Annual Christmas Parade on December 3, 2010.

The event will require traffic control assistance and barricades from the City of Sherman.
CONSENT AGENDA.

CITIZENS REQUESTS

<u>CITIZENS REQUESTS</u>
There were no citizen's requests.

MEDIA QUESTIONS

<u>MEDIA QUESTIONS</u>
There were no media questions.

<u>COUNCIL COMMENTS</u>

SHERMAN BEARCAT FOOTBALL TEAM

<u>SHERMAN BEARCAT FOOTBALL TEAM</u>
Council Member Howeth said the Sherman Bearcat Football Team won last weekend and will play at Cowboy Stadium this coming Friday night. She encouraged all citizens to attend the game.

TAX REINVESTMENT COMMITTEE

<u>TAX REINVESTMENT COMMITTEE</u>
Council Member Smith thanked Mr. Olson and Mr. Hefton for their help with the Tax Reinvestment Committee for the GlobiTech tax abatement. He said they were originally charged with redoing the entire "grid" and they did so very quickly and efficiently. The Council could not do what they do without the staff doing what they do.

ECONOMIC TIMES

<u>ECONOMIC TIMES</u>
Mayor Magers said times are tough now economically and the City is working with their neighbors in Howe to save them some money and give them some service.

Sherman is working hard to draw businesses to the community. The Council will use the assets, the water and

cheap taxes, to draw others to Sherman. He praised the City Council for their efforts and said it is very important to work together as a region.

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

EXECUTIVE SESSION

SECTION 551.074 **PERSONNEL MATTERS DELIBERATE THE EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE:**
ANNUAL PERFORMANCE EVALUATION OF THE CITY MANAGER

ANNUAL PERFORMANCE EVALUATION OF THE CITY ATTORNEY

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 5:38 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:31 p.m. and reconvened in Open Meeting.

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

OPEN MEETING

<u>ADJOURNMENT</u>
On Motion duly made and carried, the meeting adjourned at 6:33 p.m.

ADJOURNMENT

____
MAYOR

____
CITY CLERK

CITY OF SHERMAN, TEXAS

Regular Municipal Election November 2, 2010 Registered Voters 20,297 City Ballots Cast 6,903 Percentage Voted 34%

PRECINCTS	1	2	3	4	5	8	20	21	23	32	36	53	65	TOTAL
Early Ballots Cast	244	334	611	126	164	88	95	709	656	168	104	162	255	3,716
Reg. Ballots Cast	226	187	446	104	171	75	85	637	521	223	130	139	243	3,187
Total Ballots Cast	470	521	1,057	230	335	163	180	1,346	1,177	391	234	301	498	6,903
Registered Voters	1,520	1,415	3,440	830	1,598	569	497	2,788	2,838	1,267	945	1,335	1,255	20,297
% of registered voters casting ballots by precinct	30.9%	36.8%	30.7%	27.7%	21.0%	28.6%	36.2%	48.3%	41.5%	30.9%	24.8%	22.5%	39.7%	34.0%

Voter Statistics and Polling Places

PRECINCTS	EARLY VOTE TOTALS	ELECTION DAY TOTALS	GRAND TOTAL
Charter Amendment No. 1			
For	2,581	2,273	4,854
Against	417	390	807
Charter Amendment No. 2			
For	2,293	1,969	4,262
Against	778	707	1,485
Charter Amendment No. 3			
For	2,377	2,077	4,454
Against	715	636	1,351
Charter Amendment No. 4			
For	1,438	1,225	2,663
Against	1,656	1,528	3,184
Charter Amendment No. 5			
For	2,181	1,939	4,120
Against	864	768	1,632
Charter Amendment No. 6			
For	2,610	2,342	4,952
Against	471	383	854

Prepared by Linda Ashby, City Clerk, Sherman, Texas

SHERMAN
PARKS & RECREATION

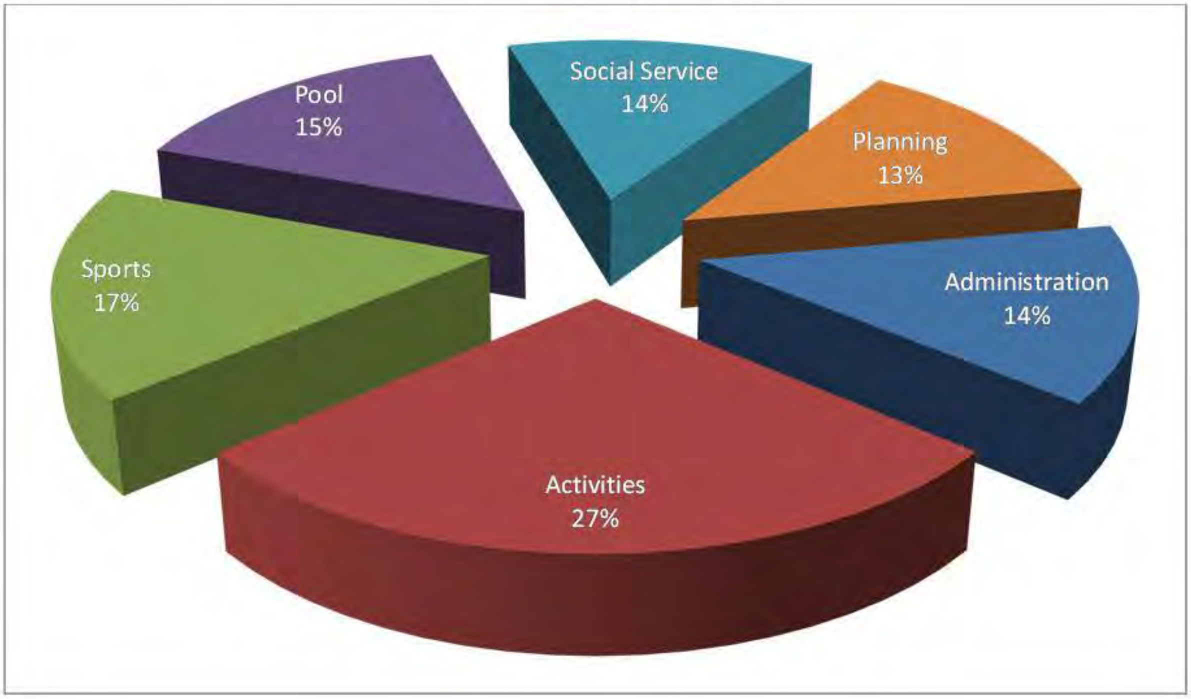
Parks and Recreation

- Youth Center
  - 4 Full Time Employees
- The Splash / Sprayground
  - 1 Full Time Employee

New Additions

- Senior Citizens Center &
- Glennie O. Ham Community Center
  - 3 Full Time Employees

Parks and Recreation Resource Management



Parks and Recreation

Administration & Planning

- Sign ups
- Reservations
- Pool / Sprayground
- Schedule Practices
- Schedule Games
- Schedule Tournaments

Parks and Recreation

Activities – Youth, Adult and Senior

On Going

- Jazzercise, Karate, Tai-Chi, Wood Carvers, Painting, Quilting, Ceramics, Photography and Line Dancing.

Classes

- Monday Madness, Twinkletoes, Cheerleading, Babysitting, Lifeguard Training, Jewelery Making, Weaving, Insectopia, Recycling and Purse Making.

Special Events

- Father Daughter Dance, Fishing Derby, Movies in the Park, Lights on the Lake, Flashlight Egg Hunt, Pool Tournament and Picnic in the Park.

Parks and Recreation

Sports

City Sponsored:

- Softball – Men's Open and Church Leagues(Spring, Summer, Fall)
- Softball – Coed Open and Church Leagues(Spring, Summer, Fall)
- Softball – Women's Open League(Spring)
- Football – Men's Open League(Spring, Summer, Fall)
- Basketball – Men's Church League(Spring)

Recognize Users:

- Baseball – SYSA Boys(Spring and Fall)
- Softball – SYSA Girls(Spring and Fall)
- Soccer – TSA Boys, Girls and Men's(Spring and Fall)

Games Played – 2,762 Practices Scheduled – 915 (not including SYSA spring)

Parks and Recreation

The Splash 2010

- Open – May 29th – Sep 6th
- Lifeguards – 46 Gate and Concession – 8
- Entries – 36,146
- Swim Lesson Classes - 52 Classes with 484 Participants
- Cabana Rentals – 47
- Private Rentals – 29

Parks and Recreation

Social Services

- Senior Center
- Glennie O. Ham

Cost Saving Measures

- Cut one position at Senior Center
  - Blend Senior Center with Glennie O. Ham
  - Adjusted the programs offered
- Reduced overtime by 50%
- Implemented the use flex scheduling
  - Offset overtime
  - Increased event coverage
- Increased Sports Tournaments

SHERMAN
PARKS & RECREATION

STATE OF TEXAS §

November 19, 2010

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on November 19, 2010.

COUNCIL MEMBERS PRESENT: Mayor Bill Magers; Deputy Mayor Willie Steele. Council Members Adami, Howeth, Smith, Softly.

COUNCIL MEMBERS ABSENT: Council Member Wacker.

CITY STAFF PRESENT: George Olson, City Manager; Robby Hefton, Assistant City Manager/CFO; Brandon Shelby, City Attorney; Don Keene, Executive Director – Planning and Public Works; Mark Gibson, Director of Engineering and Public Works; Scott Shadden, Director of Development Services; Tom Watt, Police Chief; Jeff Jones, Fire Chief; Mary Lawrence, Controller; Scott Taylor, Assistant Director of Engineering and Public Works; Jacqueline Banfield, Library Services Administrator; Kevin Winkler, Parks and Recreation Administrator; Lisa Whitfield, Engineering and Development Coordinator; Tammy Davis, Grant Writer; April Patterson, Tourism Director; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

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

LONG-TERM PLANNING DISCUSSION

OTHER BUSINESS
Consider Scheduling the City Council's Second Long-Term Planning Meeting for Friday, January 21, 2011

ADJOURNMENT

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Mayor Magers called the meeting to order at 9:02 a.m., declared a quorum present, and opened the City Council Meeting.

LONG-TERM PLANNING DISCUSSION
George Olson, City Manager, said the United States is in the worst recession since the 1930's. The City has some tough challenges that lie ahead and they need a strategy to address these challenges. He addressed comments that were made in past budget work sessions pertaining to the state of the budget. He said the City has made many changes over the past few years to better position themselves for the challenges.

The City can't maintain the status quo; something has to change. Mr. Olson said budget cuts and savings have been implemented over the past three years that have resulted in a reduction of over $1 million a year in the operations and maintenance budget of the General Fund. He reiterated that the City is faced with revenue challenges not cost challenges. Expenses are in line or lower than other peer cities

Mr. Olson said today's meeting is the start of a planned approach for some difficult long-term decisions effecting the General Fund. It's about establishing direction for the FY 2011-2012 Budget. It's about finding a balance between revenues and expenditures, between services and expectations, and between decisions and directions. The meeting is not about operating in a vacuum. They are not asking the Council to solve the challenges today. He added that a second meeting would probably need to be held after the holidays to provide additional information to the City

Council and will include benchmarking, Council direction and alternatives, contingency planning, and a preview of the 2012 Budget Planning Session.

Mayor Magers reminded Council Members that there is no agenda item for action. This is the first step in the process but it is too early to make any decisions.

Robby Hefton, Assistant City Manager/CFO, reiterated that no decisions need to be made today but that the meeting is to provide an update and to start thinking about the challenges the City faces. The situation is serious, but not grave. The City will devise a plan, but important decisions must be made.

Since 2008, Sherman's revenues, sales tax, property tax, and franchise tax, have been "flat," and franchise taxes have even gone down. The problem is a revenue issue, not an expense issue. The City will need to look at operations and revenue sources, but some things that need to change are out of the City's control. Sales tax needs to pick up and the property tax base needs to continue to grow at historical rates. In the past the property tax base would grow at 3% to 5% annually and the sales tax would increase 2% or 3% annually. These are both "flat." Also, since natural gas prices have dropped, the franchise taxes have also decreased. Because of these changes, the City is down a couple million dollars a year in revenue.

During the last two years, Mr. Hefton said the City has used reserves to pay bills. While that was the right thing to do, the City can't run the reserves down to zero. The main focus of this meeting is to determine the proper balance for the General Fund. In the long-term, the Utility Fund and the Solid Waste Fund don't have the struggles that the General Fund has.

Mr. Hefton said the City needs to keep the reserves at an adequate level, which is 60 days. The target would be 90 days. Mayor Magers confirmed that the City can maintain its current bond rating as long as they don't go below 60 days of reserves for any sustained period of time. The most effective way to maintain this bond rating is to reach the right balance of services.

Mr. Hefton displayed the history of changes in the property tax value, which has seen a 3% to 5% annual growth in the past. In the current year, there was a little "shrinkage" in the property tax base. He felt there would be at least 12 to 24 months before this trend turned around.

Sales tax revenue has also been flat for the last two or three years and while Mr. Hefton felt it would pick back up, it probably wouldn't be in the 3% range during the next two years. Sherman never saw a "big dip" in sales tax, like most cities did, but they didn't see the sustained growth that they had in the past either. Mr. Hefton said the City has seen a loss of approximately $1 million in property tax and $1 million in sales tax.

Natural gas rates are also decreasing which causes a $350,000 to $400,000 loss in franchise taxes. All energy prices are based on natural gas rates. These three areas of loss are revenue problems, not expenditure problems and amount to losses of approximately $2 million plus to the City.

Mr. Hefton led the City Council in some "what-if scenario" discussions. He showed Council Members how the fund balance would change if the various scenarios changed. The scenarios that he displayed included the sales tax growth rate, continuation of the street sales tax, property tax rate, property value growth rate, Panda Energy, a cost-of-living adjustment, and any other expense rate changes. Mayor Magers verified that $900,000 of the debt service is paid out of the General Fund.

The City has cut back on the capital and fleet spending, however at some point they will need to replace fleet. He discussed the transfers to help balance the budget and how that is not sustainable on a long-term basis. He added that there might be some other one-time money available, however it is not sustainable either.

The sales tax initiative would account for $1 million. Currently the sales tax for streets will "sundown" in April 2012. An election to consider the option again would be held in November 2011. If it was passed at that time, there would be no lapse in the collections. Mayor Magers reiterated that the street sales tax amounts to $1 million for street repairs, of which 50% is paid by people not living in Sherman. The initiative passed by 70% last time and the

City completed 25 miles of street repairs with the money. He urged that the Council specify the projects for which the money would be dedicated.

By changing the specific situations, Mr. Hefton showed how the fund balance would change for the General Fund. He felt the answer would be dependent on the economy turning back around. The longer it takes, the more urgent the City's decisions will become. Mr. Hefton did not feel that Panda Energy should be included in any of the scenarios at the present time. He added that getting property tax and sales tax back in line will be crucial. He reiterated that the City needed to keep the reserves in the 60 day range with no deficit and balance the fund on an on-going basis.

Mayor Magers said if another company comes into the MEMC facility and positive things happen, the scenario will improve. He added that the City needs to "plan for the worse, but hope for the best."

Mr. Hefton addressed the essential services versus complimentary services, and said the City needs to make sure they are doing the right things. They need to focus on the essential first, which are outcomes, not outputs. Essential services deal with the fundamental needs of safety, protection, security, and physical needs. These are services that can't easily be obtained by individuals and are generally supported by taxes and user rates. Complimentary needs are quality of life issues that have readily available alternatives which can be obtained by citizens other than through the City. They are generally supported by user fees.

When determining which services to offer, the Council must consider who delivers the service, the frequency of use of the service, the level of control needed over the service, and who receives the benefit from the service versus who pays for the service. The hierarchy of essential general services includes public safety first, then streets, administration, and community services. Mr. Olson said most of the cuts so far have followed this hierarchy. Mayor Magers verified that the essential services are the core services offered by the City, however there are complimentary services in all departments even in the essential departments such as police, fire and code enforcement. Mr. Hefton added that support of the essential services is also vital.

Mr. Hefton reminded Council Members that 8.25% is the maximum sales tax rate in the State of Texas, with 6.25% actually going to the State. This leaves 2% in sales tax for the local municipalities. Sherman is currently at the 2% maximum, which includes 1% in general sales tax, 1/2% in sales tax in lieu of property tax, 3/8% for economic development, and 1/8% for street maintenance. The street maintenance sales tax will expire on March 31, 2012. After that sales tax expires, 1/8% will be available for either economic development or for street maintenance.

An election would be required for approval of this sales tax for either designation. Specific ballot language is also designated by the State Comptroller. Mr. Hefton said that, with voter approval, the designation for economic development could also be increased to 1/2% or reduced to 1/4% or to zero. All sales tax changes must be done through an election.

An election can be called by adoption of an ordinance by a majority of the City Council, through a petition signed by 20% of the voters voting in the last election, or by a petition signed by 5% of the registered voters. The election would be held on one of the two uniform election dates.

The street sales tax sunsets after four years, which will be March 31, 2012. It can be renewed under the same manner as initially imposed and must be used for maintenance and repair of City streets that were existing streets at the time the tax was passed. It does include curbs and sidewalks, but cannot be used for a designated State or Federal highway or road, or for a designated County road.

If the Council wants the sales tax to remain in force without any gaps, then the election would need to be held on November 8, 2011. Mr. Hefton said the sales tax for streets is really a City Council issue, but from a staff standpoint it is a great idea. Council Member Adami asked if the staff has looked at potential streets that need repair. Mr. Hefton said the City maintains an inventory of streets that are identified and prioritized that need repair. He suggested that the sales tax be used to help offset the cost of street repairs that are normally done, which would provide relief to the General Fund.

Mayor Magers said there are long-term revenue issues and some short-term cash flow issues. The best thing that the City Council can do to make sure that property rates remain where they are is to pass the sales tax for street maintenance issue. The reason the initiative was originally successful was that the City showed voters exactly where their money would be spent and that is where the money was spent. The voters were told that 16 streets would be repaired and the City actually repaired 25 streets with the money. He felt for the initiative to be successful, the Council should use the same type of plan and outline the streets that will be repaired. He felt the voters need to be told how the money will be used. Mayor Magers added that the repairs to Travis Street need to be completed. Mr. Hefton said both the street and the improvements to the street downtown should be completed by October 2011.

OTHER BUSINESS

CONSIDER SCHEDULING THE CITY COUNCIL'S SECOND LONG-TERM PLANNING MEETING FOR FRIDAY, JANUARY 21, 2011

Mr. Hefton asked the City Council about setting a date for the second Long-Term Planning Meeting after the first of the year. Topics will include a peer City review and benchmarking, a Council discussion on alternatives, contingency planning, and a preview of the 2012 Budget planning cycle.

Council Members decided they wanted to wait until the sales tax numbers from Christmas sales were received by the City before they held the next Long-Term Planning Meeting. Sales tax numbers for December 2010 should be received by February 9, 2011. Mr. Hefton said the sales tax numbers would make a difference in the planning. Council Member Adami agreed that would give two more months of sales tax trends if the meeting was held after that date.

Mayor Magers reiterated that through street sales tax revenues and cost deductions "the needle swung" $2 million to the good. After debt service of $900,000 is included, the City is still $1.1 million to the good. Mr. Hefton added that the street sales tax was not offsetting the operations and maintenance costs. Mayor Magers said the City Council took taxpayer dollars that were sitting in the City's bank account and termed excess revenues, and put them to work. Up to this point the reserves have been used and costs cut to get where the City needs to be. He agreed that the City does need a long-term plan.

He suggested looking at the Sherman Economic Development Corporation to see what they can and can't do. They have money in the bank and the City can partner with them. He complimented the staff on their hard work adding that expenses are not the problem. The budget needs to be balanced, and he felt that the small items need to be reviewed too. The City needs to look at stopgap measures in conjunction with long-term things for future years.

Council Member Adami felt better numbers would be available after the Christmas sales tax numbers are received and Council Member Smith reiterated that the budget needed to be balanced. Mayor Magers added that the City must maintain their credit rating too. Mr. Hefton said that the Council can only set the budget for one year at a time. However, there are long-term issues, on revenue generation and on services offered, that will be impacted by these current decisions. Short-term decisions need to "mesh well" with the long-term decisions.

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 10:12 p.m.

MAYOR

ATTEST

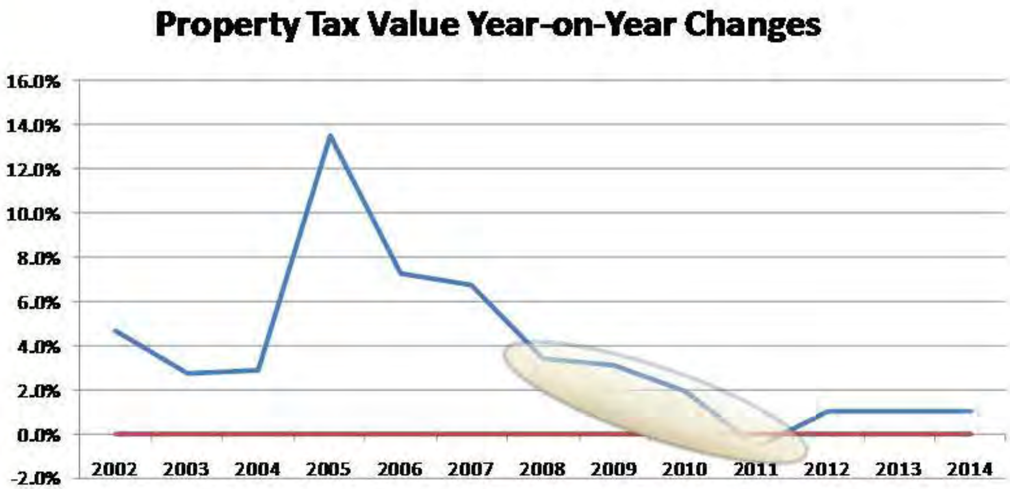
CITY CLERK

Long-Term Planning Meeting – November 2010

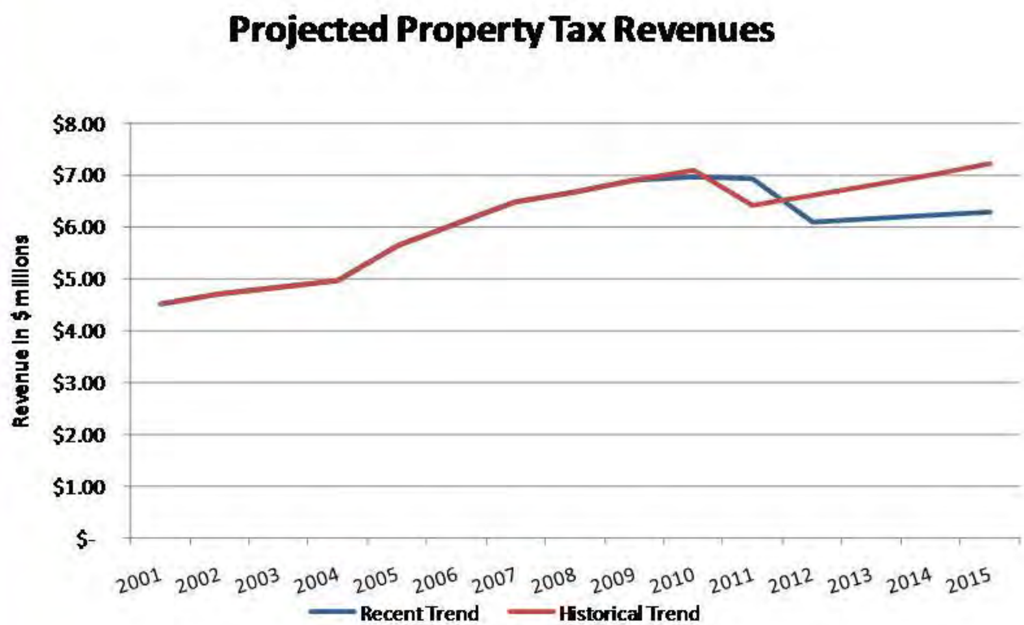
Opening Comments - Robby

- Message – Something has to change
- Staff has worked diligently over past three years to identify improvements in efficiency and reduce costs
- In worst economic climate in decades – revenue growth after FY08 has been flat
- Council direction during last few budget cycles - use “excess fund balances” where appropriate before raising rates/fees
- We need to be deliberate in our actions and plans to begin addressing this in FY2012
- Changes will likely come in combination of revenue generation and cutting expenses
- Balance of operational and financial goals
  - Revenues/expenditures balanced ongoing
  - Adequate reserve target 90 days, minimum 60 days reserves on hand
  - Delivery of the right (and right amount of) services in the most efficient way possible

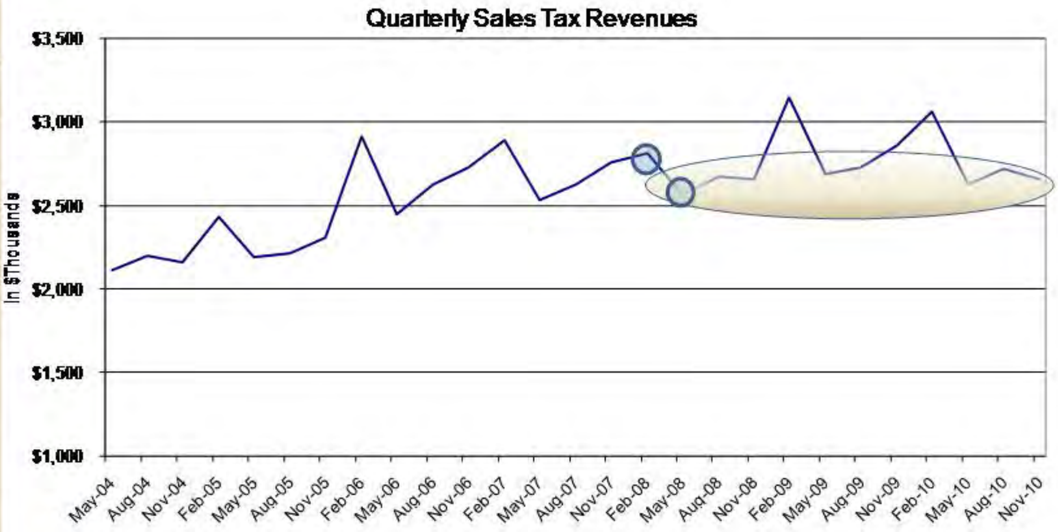
FINANCIAL UPDATE



Property Tax Value Year-on-Year Changes
16.0%
14.0%
12.0%
10.0%
8.0%
6.0%
4.0%
2.0%
0.0%
-2.0%
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014



Projected Property Tax Revenues
$8.00
$7.00
$6.00
$5.00
$4.00
$3.00
$2.00
$1.00
$-
Revenue in $ millions
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
Recent Trend
Historical Trend


Quarterly Sales Tax Revenues
$3,500
$3,000
$2,500
$2,000
$1,500
$1,000
In $Thousands
May-04
Aug-04
Nov-04
Feb-05
May-05
Aug-05
Nov-05
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May-10
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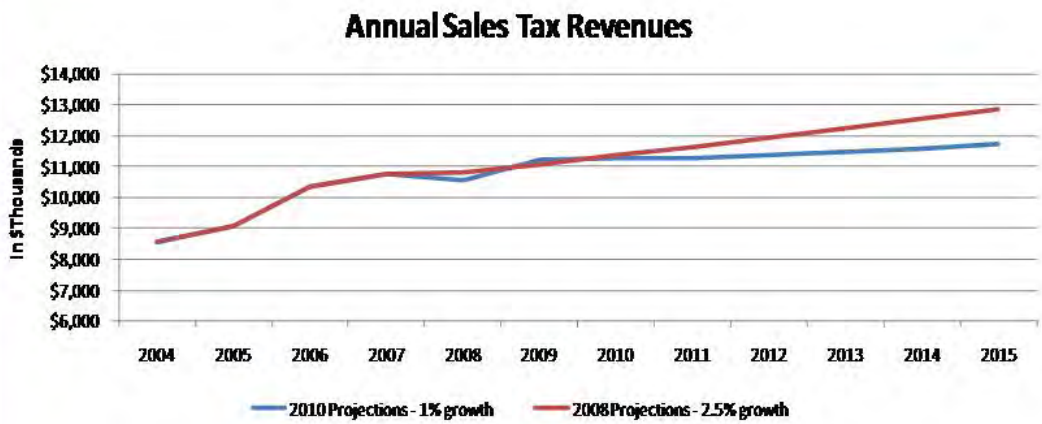
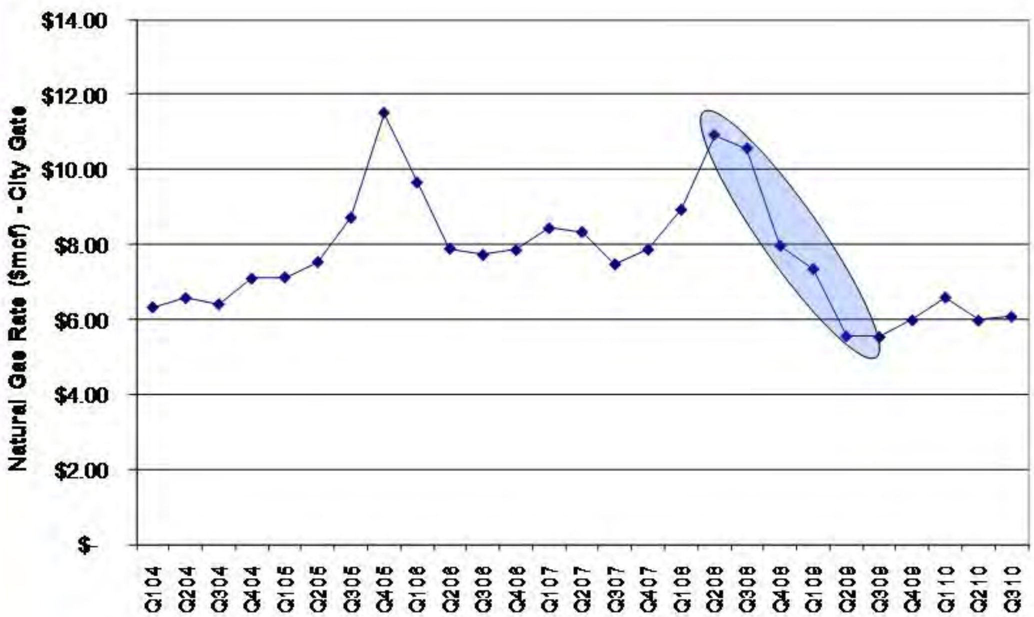
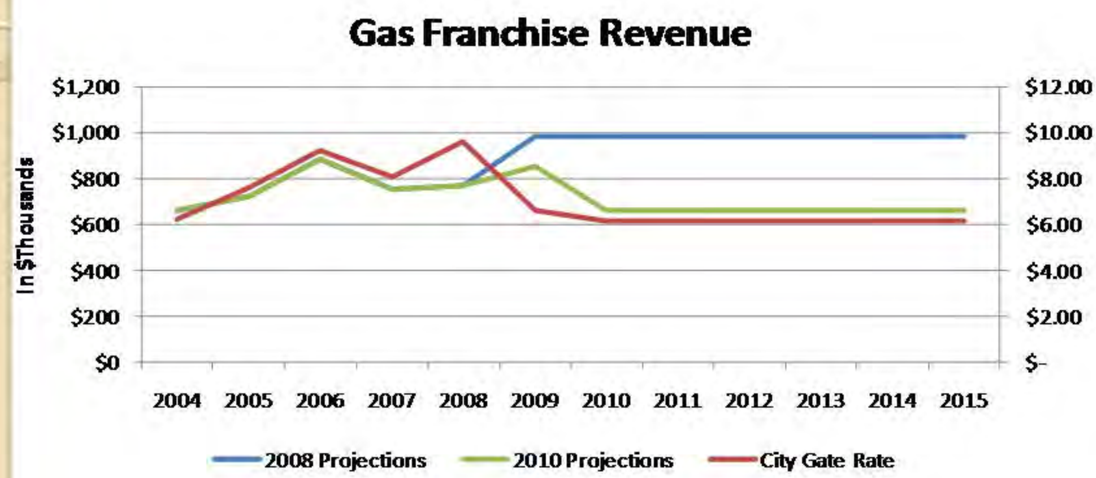
Nov-10

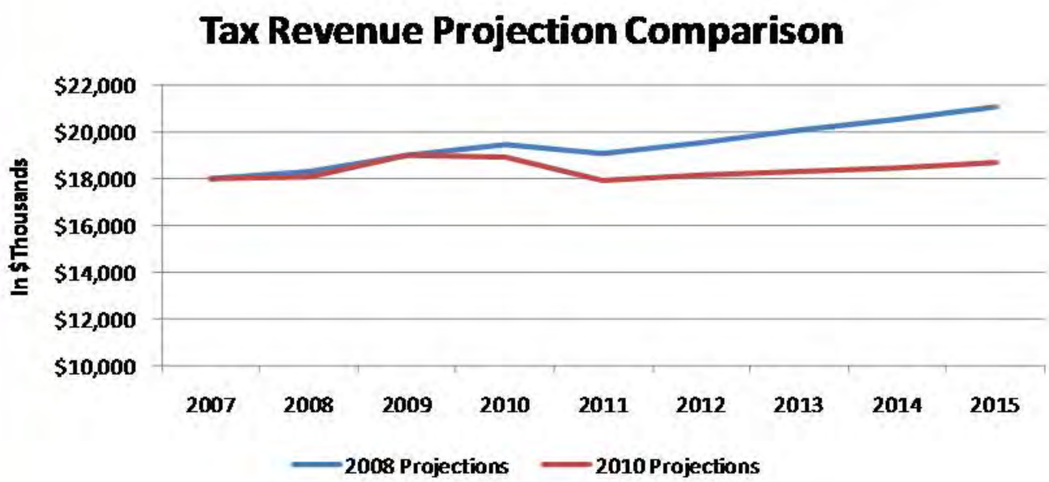

Annual Sales Tax Revenues
$14,000
$13,000
$12,000
$11,000
$10,000
$9,000
$8,000
$7,000
$6,000
In $Thousands
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2010 Projections - 1% growth
2008 Projections - 2.5% growth

Natural Gas Gate Rate History





Gas Franchise Revenue
In $Thousands
$1,200
$1,000
$800
$600
$400
$200
$0
$12.00
$10.00
$8.00
$6.00
$4.00
$2.00
$-
2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
2008 Projections
2010 Projections
City Gate Rate



Tax Revenue Projection Comparison
$22,000
$20,000
$18,000
$16,000
$14,000
$12,000
$10,000
In $Thousands
2007
2008
2009
2010
2011
2012
2013
2014
2015
2008 Projections
2010 Projections

WHAT-IF SCENARIO DISCUSSION

ESSENTIAL/COMPLEMENTARY DISCUSSION

ESSENTIAL & COMPLEMENTARY

- Why is this necessary?
  - Make sure we are doing the right things – focusing on essential services first
- Essential & complementary
  - At city-wide level (outcomes basis)
  - At department level (outputs [programs and activities] basis)
- Focus on outcomes vs. outputs
  - Outcomes are externally focused – service delivery to citizens vs impact to operations
  - Outputs – activities to achieve outcomes (internally focused)
  - Example
    - Outcome = fire protection services to ensure a safe community
    - Output = # of fire responses annually
- Focus on outputs vs. outcomes is barrier to effectiveness (doing the right things)

ESSENTIAL & COMPLEMENTARY

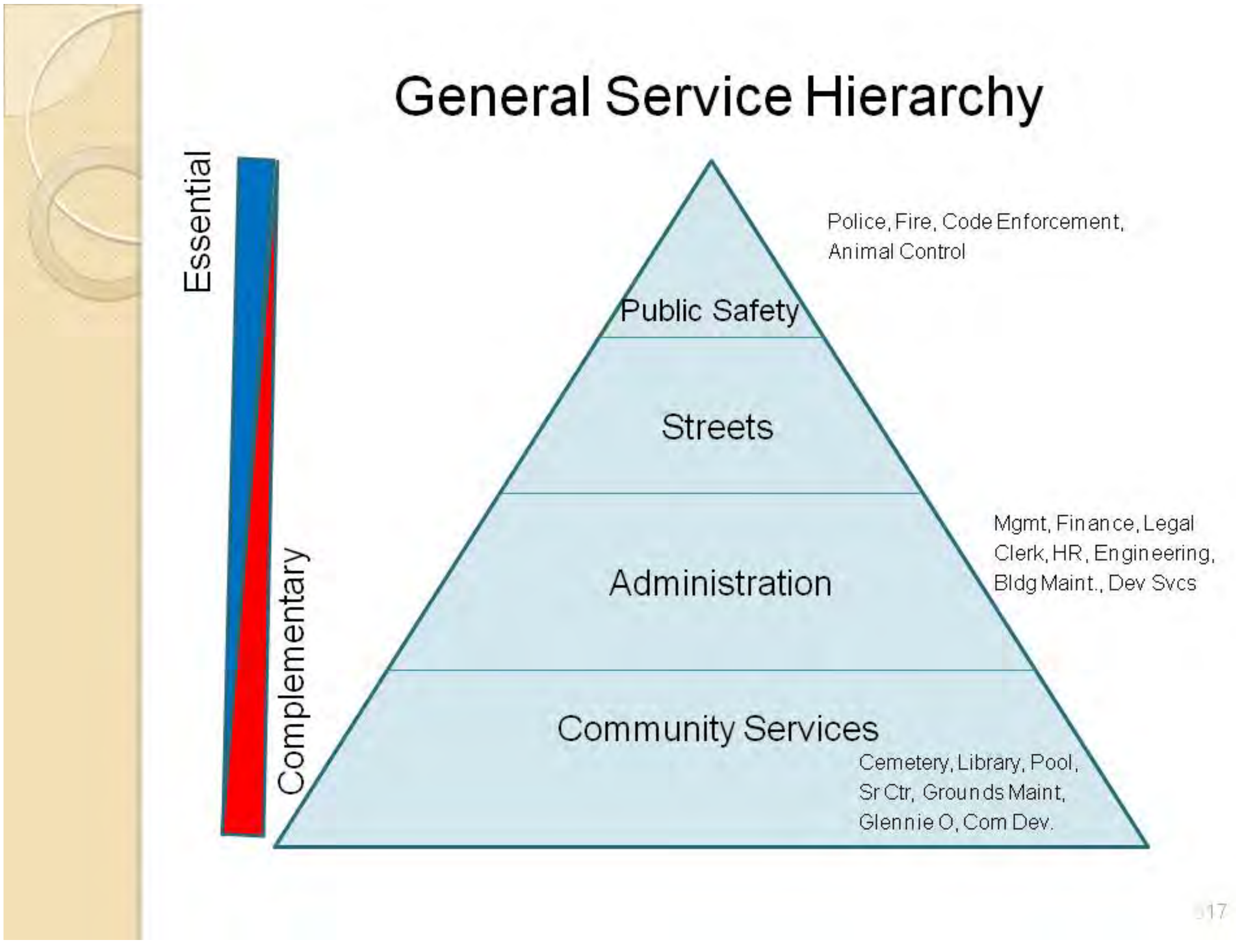
Department	Desired Outcome	Activities
Fire Dept	Protection of life/property	Timely emergency response; effective medical treatment
Police Department	Protection of life/security	Timely emergency response; routine patrol
Finance/Admin	Continuity of svcs	Timely payroll & A/P processing
Solid Waste	Health/Safety	Routine collection/disposal of waste

ESSENTIAL & COMPLEMENTARY

- Defining essential & complementary outcomes
  - Essential services (outcomes)?
    - Issues dealing with safety, protection, security, physical needs – fundamental needs
    - Broad-based benefits vs. individual benefits
    - Services that can't be easily obtained by individuals – e.g., water/sewer services
    - Customer lacks needed expertise/resources – e.g., EMT/Paramedic
    - Legal limitations – e.g., arresting criminals, prosecution, etc.
    - Lack of alternative service providers
    - Abundance of resource/isn't easily "used-up" – e.g., water
    - Generally supported by taxes and user rates
  - Complementary services (outcomes)?
    - Readily available alternatives – e.g., internet access at home vs. Library
    - Social needs – "Quality of life" issues
    - Can be obtained privately by the individual – treadmill at home vs. walking at park
    - May benefit individual vs. entire community (airport, day camps, cemetery plots, etc)
    - Offered/provided by other public or private sector businesses
    - Generally supported by user fees

ESSENTIAL & COMPLEMENTARY

- Other considerations - service delivery
  - Who delivers service
    - Internal vs. external
  - Frequency
  - Level of control
    - Confidential info protected
    - Commodity services (e.g., mowing)
  - Who receives benefits/who should pay?
    - Police protection vs. swim lessons



General Service Hierarchy
Essential
Complementary
Public Safety
Police, Fire, Code Enforcement, Animal Control
Streets
Administration
Mgmt, Finance, Legal Clerk, HR, Engineering, Bldg Maint., Dev Svcs
Community Services
Cemetery, Library, Pool, Sr Ctr, Grounds Maint, Glennie O, Com Dev.
17

STREET SALES TAX ELECTION

Sales Tax Election

- **Sales Tax Statutes – Summary**
  - Total local sales tax cannot exceed 2%
  - Applicable sales taxes for City
    - General sales tax: 1% (currently maxed-out)
    - Additional sales tax: 1/2% (currently maxed-out)
    - Economic development: 1/2% (currently 3/8%)
    - Streets – subject to 4 year sunset: 1/2% (currently 1/8%; will expire March 31, 2012)
  - Amounts available for increase - 1/8% when Street Sales Tax expires
    - Economic development: 1/8%
    - Streets: 1/8%

Sales Tax Election

- **Anatomy of Sales Tax Election**
  - Ordinance to call the election, passed by majority of Council
  - Required election called if:
    - Petition by >= 20% of voters voting in last election, or
    - Petition by >= 5% of registered voters
  - Election held on one (1) of <u>two (2)</u> uniform election dates >= 30 days after ordinance passed
  - Specified ballot wording required by Comptroller
  - Failed election requires waiting one (1) year before trying again
  - Taxes can be repealed by election in same manner as adopted

Sales Tax Election

- **Street Sales Tax**
  - Tax expires four (4) years after 1Q in which tax was adopted
  - Can be renewed under same manner as initially imposed
  - Uses
    - Maintenance and repair of municipal streets
    - Municipal streets means "the entire width of a way held by a municipality in fee or by easement or dedication"
    - <u>Only used for streets existing at time tax is passed</u>
    - <u>Cannot be used for designated state or federal highway or road, or for designated county road</u>

Sales Tax Election

- **Anatomy of Sales Tax Election (cont.)**
  - Effective dates:
    - Streets – 1st of the quarter after one full quarter elapses after notification to Comptroller of election results; e.g.:

Ordinance Calling Election	No later than Oct 3, 2011
Election	November 8, 2011
Election results to Comptroller	November 18, 2011
One full quarter after notice	February 18, 2012
1st of quarter following full quarter – collections commence	April 1, 2012

Sales Tax Election

- **Potential Effects of Sales Tax Elections**
  - At FY 2010, projected sales tax revenue levels, additional 1/8% = $950k annually
  - If passed in Nov 2011, the effect for FY2012 would be 4 months (June – Sept) ~ $350k for 2012

Next Meeting

- January 2011
- Topics to include
  - Peer city review and benchmarking
  - Council discussion on alternatives
  - Contingency planning
  - Preview of 2012 Budget planning cycle

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. B.1

PUBLIC HEARING
Proposed Agreement with GlobiTech Incorporated for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas

Issue
Holding a public hearing for a proposed tax abatement agreement between the GlobiTech Incorporated, the City of Sherman

Background
The Tax Reinvestment Committee met on Thursday, October 21, 2010 to discuss a tax abatement request from GlobiTech Incorporated, an existing computer chip coating plant located at F.M. Highway 1417 and Howe Drive and lying within the newly created Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas. GlobiTech is seeking a tax abatement for capital improvements and job creation related to the expansion of their Sherman plant. The expansion is driven by the increasing global demand for their product. GlobiTech expects to invest about $34 million in new equipment and improvements and add at least 30 employees to its existing workforce. This proposed abatement is for six (6) years, with the abatement percentages being 100%, 100%, 75%, 50%, 50%, and 25% for each of the years, respectively. The project is to be completed in phases, with the final phase expected to be completed by the end of 2011.

Origination
Terry Kluesner of GlobiTech Incorporated; Tax Reinvestment Committee

Financial Consideration
This project is expected to generate over $160,000 in new property tax revenue over the abatement period while providing an incentive to Globitech of nearly $400,000 over the same period.

Staff Recommendation
It is recommended that the City Council hold a public hearing for the proposed tax abatement agreement.

Alternatives
The City Council could deny the requested tax abatement agreement.

Attachments
Resolution No. 5545; Tax Abatement Agreement with Exhibits "A" (Resolution No. 5494) and "B" (Premises/Plat); Request and Application with Exhibit "A" (Legal Description); Matrix of Industrial Tax Abatements; and Map of Industrial Reinvestment Zone, Number 112010-1

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5545

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH GLOBITECH INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS; 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 Mayor be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from GlobiTech Incorporated, a Delaware Corporation, and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with GlobiTech Incorporated for the abatement of ad valorem property taxes for a period of six (6) years, for the purchase and installation of capital and process equipment and other possible improvements at its existing computer chip coating plant located within Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas, in the same or substantially same form as the 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 ________________, 2010.

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

TAX ABATEMENT AGREEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

THIS TAX ABATEMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _______________, 2010 (the "Effective Date"), by and among the City of Sherman, Texas ("City"), a Home Rule City and Municipal Corporation of Grayson County, Texas, duly acting herein by and through its Mayor, and GlobiTech Incorporated, a Delaware Corporation ("GTI"), acting by and through its authorized officers, for the purposes and considerations stated below:

WITNESSETH:

WHEREAS, on the 15th day of November, 2010, the City Council of the City ("City Council"), passed Ordinance No. 5674 ("Ordinance") establishing Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas ("Zone"), for commercial-industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended ("Code"); and

WHEREAS, the City has adopted Guidelines and Criteria for the Industrial Tax Abatement Program ("Guidelines"), by the passage of Resolution No. 5494, on the 7th day of June, 2010; and

WHEREAS, the City's current Guidelines are attached as Exhibit A hereto; and

WHEREAS, the Guidelines constitute appropriate guidelines and criteria governing tax abatement agreements to be entered into by the City as contemplated by Chapter 312 of the Code, providing for the availability of tax abatement for both new facilities and structures and for the contemplated expansion or modernization of existing facilities or structures; and

WHEREAS, the City has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, GTI currently owns the Premises, as hereinafter defined, and GTI expects to make improvements to its facilities and add manufacturing machinery and equipment (the "Improvements") (among other possible improvements) on the Premises. The Improvements and use of the Premises is expected to significantly enhance the economic and employment base of the City; and

WHEREAS, the City Council also finds that the improvements sought are feasible and practical and would be of benefit to the land to be included in the Zone and to the City after expiration of this Agreement; and

WHEREAS, the City Council finds that the terms of this Agreement and the Premises and proposed Qualified Facilities, as hereinafter defined, meet the applicable guidelines and criteria heretofore adopted by the City Council; and

WHEREAS, a copy of this Agreement has been furnished, in the manner prescribed by the Code, to the presiding officers of the governing bodies of each of the taxing units in which the Premises is located;

NOW, THEREFORE, the City, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the expansion of primary employment, the attraction of major investment in the Zone, and increased payroll that contributes to the economic development of the City and enhancement of the tax base in the City and Grayson County; and

GTI, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the tax abatement set forth herein below, as authorized by Sections 312.201 through 312.211 of the Code, does hereby contract, covenant and agree as follows:

I.
DEFINITIONS

Wherever used in this Agreement, the following capitalized terms shall have the meanings ascribed to them:

A. “GTI AFFILIATE” shall mean any Person, directly or indirectly controlling, controlled by, or under common control with GTI. As used in this definition, the term “control” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through ownership of voting securities, by contract or otherwise.

B. “EFFECTIVE DATE” shall have the meaning given it in the introductory paragraph of this Agreement.

C. “ELIGIBLE PROPERTY VALUE" shall mean (i) with respect to each Qualified Facility for a particular tax year, the value of such Qualified Facility on the tax rolls of the Grayson Appraisal District as of such tax year; and (ii) with respect to business personal property located on the Premises for a particular tax year, the value of such business personal property on the tax rolls of the Grayson Appraisal District as of such tax year.

D. “FORCE MAJEURE” shall mean, without limitation, acts of God, or the public enemy, war, terrorism, criminal acts by unrelated third parties, riot, civil commotion, insurrection, governmental or de facto governmental action other than the City’s legislative zoning authority, fire, explosions, floods, strikes, adverse weather, or any other extraordinary event beyond the control of GTI (including, without limitation, broad based extraordinary economic events) that makes it reasonably impracticable to accomplish a desired objective.

E. “PERSON” shall mean an individual or a corporation, partnership, trust, estate, unincorporated organization, association, or other entity.

F. “PHASE I” shall mean all improvements made to real property and addition of machinery and equipment between January 1, 2010 and December 31, 2010 associated with Fab 1 of the PREMISES.

G. “PHASE II” shall mean all improvements made to real property and addition of machinery and equipment between January 1, 2011 and December 31, 2011 associated with Fab 2 of the PREMISES.

H. "PREMISES" shall mean all that parcel of land owned by GTI as hereinafter described in Exhibit B attached hereto.

I. "QUALIFIED FACILITIES" shall mean any building, improvement, structure, fixture, parking or paving constructed on the Premises after December 31, 2009.

J. “REAL PROPERTY” and “PERSONAL PROPERTY” shall, for the purposes of this agreement, be defined by the Texas Tax Code.

II.
GENERAL PROVISIONS

A. All procedures followed by the City shall conform to the requirements of the Code, and shall be undertaken in coordination with GTI’s corporate, public, employee, and business relations requirements.

B. The Premises will be owned by GTI or a GTI Affiliate, which Premises are located solely within the city limits of the City and solely within the Zone.

C. The Premises are not in an improvement project financed by tax increment bonds.

D. This Agreement is entered into subject to the rights of the holders of outstanding bonds of the City; provided, however, that this section shall not be construed to create a security interest in the Premises or Qualified Facilities in favor of such holders of outstanding bonds of the City.

E. The Premises are not owned or leased by any member of the City Council or any member of the Planning and Zoning Commission of the City or any member of the governing body of any taxing unit joining in or adopting this Agreement.

F. This Agreement is intended to comply with the requirements of Section 312.204 of the Code and is authorized by the Texas Property Redevelopment and Tax Abatement Act of the Texas Tax Code, Chapter 312, by the Guidelines and by resolution of the City Council authorizing execution of this Agreement.

G. During the period of the tax abatement herein authorized, GTI shall be subject to all applicable City taxation not specifically abated or exempted, including but not limited to, sales tax and ad valorem taxation on land, inventory and supplies.

III.
CONDITION PRECEDENT TO TAX ABATEMENT

As a condition precedent to a tax abatement under this Agreement, GTI or a GTI Affiliate must substantially complete, or cause to be substantially completed, PHASE I on or before January 1, 2011 and PHASE II on or before January 1, 2012 (the "Construction Condition").

IV.
TERM AND ABATEMENT PERIOD

A six (6) and eight (8) year tax abatement period permitted by law is hereby granted with respect to each Qualified Facility and all the business personal property located therein or otherwise on the Premises, as indicated in Section VI below. The tax abatement period for Phase I shall commence to run beginning January 1, 2011. The tax abatement period for Phase II shall commence to run beginning January 1 of the year following the date GTI or an GTI Affiliate obtains a certificate of occupancy with respect to such Qualified Facility (or beginning January 1 of the year in which such certificate of occupancy is obtained with respect to such Phase II if GTI elects to have the tax abatement term begin on such date by delivering a written notice to the City thereof on or before March 31 of such year).

V.
INITIAL AND MINIMUM TAX LIABILITY

A. For the purposes of this agreement, the PHASE I and PHASE II and any and all improvements therefrom shall be assigned a minimum initial eligible property value as follows:

- PHASE I total property - $15.0 million
- PHASE I real property - $1.5 million
- PHASE II total property - $19.0 million
- PHASE II real property - $6.0 million

B. During the period of tax abatement herein authorized, GTI shall be liable to the City for a minimum taxable value assigned under Sec. V.A. for real property values, notwithstanding any failure of either party to comply with a provision of this or any related contract, assignment of this or any related contract, cessation of operations, or sale of Premises. GTI shall be liable to the City for the personal property taxable values associated with PHASE I and PHASE II under Sec. V.A. only in the initial year of investment made of those projects. Thereafter, the basis for calculating the abatement shall be based on the assessed value of the personal property for that year.

VI.
RATE, SCOPE, CONDITIONS AND COVENANTS

The rate and scope and additional conditions of tax abatement shall be as follows:

A. Annual Rates of Abatement – The following shall be the annual rates of tax abatement for each Qualified Facility and the business personal property located therein or otherwise on the Premises:

REAL PROPERTY		PERSONAL PROPERTY	
Year	Percentage of City Property Taxes Abated	Year	Percentage of City Property Taxes Abated
1	100%	1	100%
2	100%	2	100%
3	100%	3	75%
4	75%	4	75%
5	75%	5	50%
6	75%	6	50%
7	50%	7	0%
8	50%	8	0%

B. Construction Condition. Notwithstanding Section VI.A. above, if the Construction Condition is not met on or before January 1, 2012 (plus any extensions due to Force Majeure), then no tax abatements under this Agreement shall be provided.

C. Operation Covenant. GTI shall operate the Facility in accordance with prudent industry standards and applicable law.

D. Property Tax Covenant. Throughout the term of this Agreement, GTI shall timely pay all property taxes for the Premises and real and personal property located therein due and owing by it to all relevant taxing jurisdictions.

E. Management Change Notice Covenant. During the term of this Agreement, GTI shall notify the City in writing of any change of the manager of GTI within seven (7) days of such change.

VII.
RECORDS AND AUDITS

A. Not later than January 31 of each applicable year, GTI shall submit to the City a certification from GTI as to the conditions set forth in Section VI.B., C., D., and E. (provided that once condition VI.B. above is met, then no further certification shall be required with respect to such condition).

B. At all times throughout the term of this Agreement, the City shall have reasonable access to the Premises by City employees (upon prior notice to and reasonable approval of GTI) for the purpose of inspecting same to ensure that the Qualified Facilities are maintained in accordance with the specifications and conditions of this Agreement; provided that GTI shall have the right to accompany City employees on any such inspection and that such inspection shall be limited to examining only that information necessary to determine the basis for the certifications required by Section VI.B., C., D. and E. and that the City shall use its best efforts not to interrupt GTI's activities at the Premises. With respect to any such inspection process, the City shall keep all information obtained by it from GTI or any GTI Affiliate confidential, and shall execute and deliver to GTI a commercially reasonable form of confidentiality agreement submitted by GTI (which confidentiality agreement shall be subject to any limits imposed on the City in that regard, e.g., Open Records Act).

C. The Premises at all times shall be used in a manner that is consistent with the general purpose of encouraging development within the Zone.

VIII.
BREACH/FAILURE TO MEET CERTAIN CONDITIONS

In the event that (i) the condition in Section VI.B. is not timely met, or (ii) GTI breaches any of the terms or conditions of this Agreement, then GTI shall be in default of this Agreement. In the event GTI defaults in its performance (or does not comply with a condition) set forth in (i) or (ii) above, the City shall give GTI written notice of such default/failure of condition and, if GTI has not cured such default/failure of condition within sixty (60) days of said written notice, then this Agreement may be terminated by the City; provided, however, that if such default is not reasonably susceptible of cure within such sixty (60) day period and GTI has commenced and is pursuing the cure of same, then, after first advising the City Council of GTI's efforts to cure same, GTI may utilize an additional ninety (90) days for such purposes. Additional time, i.e., time in addition to the foregoing one hundred fifty (150) days, may be authorized by the City Council. City's sole and exclusive remedy against any Person for any breach or failure of condition under this Agreement, in the event of default after the expiration of the applicable notice and cure periods, shall be that this Agreement shall terminate and all future tax abatements under this Agreement shall be void (it being understood that the City shall not be entitled to any repayment of tax abatements under this Agreement, and it being further understood that the failure to meet a covenant set forth in Section VI.C., D. or E. for any year is not a breach and results only in the loss to the right to abatement for such year). Notwithstanding any provision in this Agreement to the contrary, neither GTI nor any other Person shall be required to pay any amounts to the City under this Agreement, with the only remedy being the loss of future tax abatements.

IX.
CONTINUITY OF OPERATIONS

Notwithstanding Section VI.A. above, if for any reason operations are suspended or cease at any point during the term of this Agreement, then no tax abatements under this Agreement shall be provided. Further, in the event of any cessation of operations, or abandonment of premises by GTI, all previously abated taxes are immediately due to the City.

X.
EFFECT OF SALE, ASSIGNMENT OR LEASE OF PROPERTY

This Agreement shall be binding on and inure to the benefit of the parties and all GTI Affiliates, their respective successors and assigns. Neither Party may assign its rights and duties hereunder, in whole or in part, without the prior written consent of the other Party, which consent shall not be unreasonably withheld, conditioned or delayed; provided, that GTI may assign this Agreement and all of its rights hereunder to any Affiliate. In addition, this agreement and all rights hereunder may be assigned for the benefit of any Financing Party including, but not limited to, an assignment to such parties upon a foreclosure. Any assignment in violation of this Section X shall not affect any rebates with respect to which GTI or any GTI Affiliate is already entitled.

XI.
NOTICE

All notices called for or required by this Agreement shall be addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid or by hand delivery:

GTI:

Vice President, General Manager
GlobiTech Incorporated
200 F.M. 1417 West
Sherman, Texas 75092

City:

City Manager
City of Sherman
220 West Mulberry Street
P. O. Box 1106
Sherman, Texas 75091-1106

XII.
CITY COUNCIL AUTHORIZATION

This Agreement was authorized by resolution of the City Council that was approved by the affirmative vote of a majority of the City Council at its regularly scheduled City Council meeting on the _____ day of ____________, 2010, authorizing the Mayor to execute this Agreement on behalf of the City.

XIII.
GTI AUTHORIZATION

An authorized representative of GTI entered into this Agreement.

XIV.
SEVERABILITY

In the event any section, subsection, paragraph, sentence, phrase or word is held invalid, illegal, or unenforceable, the balance of this Agreement shall stand, shall be enforceable and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

XV.
ESTOPPEL CERTIFICATE

Any party hereto may request an estoppel certificate from another party hereto so long as the certificate is requested in connection with a bona fide business purpose. The certificate, which will upon request be addressed to a subsequent purchaser or assignee of GTI, shall include, but not necessarily be limited to, statements (to the actual knowledge of the party providing such) that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining term of this Agreement, the levels of tax abatement in effect, and such other matters reasonably requested by the party(ies) to receive the certificate. The City Manager for the City shall provide any such certificate on behalf of the City.

XVI.
APPLICABLE LAW

This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be in a court located in Grayson County, Texas.

XVII.
INDEMIFICATION

A. IN ADDITION TO THE OTHER REMEDIES AFFORDED TO THE CITY IN THIS AGREEMENT, GTI SHALL RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS COUNCILMEMBERS, OFFICERS, EMPLOYEES, ATTORNEYS,

CONTRACTORS, OR AGENTS (HEREINAFTER "CITY'S INDEMNIFIED PARTY") FOR, FROM AND AGAINST ANY AND ALL LOSSES, LIENS, CAUSES OF ACTION, SUITS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION, REMOVAL AND REMEDIATION, AND GOVERNMENTAL OVERSIGHT COSTS), ENVIRONMENTAL OR OTHERWISE OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO (IN WHOLE OR IN PART) GTI'S PERFORMANCE OF ITS OBLIGATIONS PURSUANT TO THIS AGREEMENT.

B. Notice of Indemnified Loss. The City's Indemnified Party shall promptly notify GTI of any indemnified Losses or Claim for indemnified Losses in respect of which the City's Indemnified Party may be entitled to indemnification under this Section XVII. Such notice shall be given as soon as reasonably practicable after the City's Indemnified Party becomes aware of the Loss or Claim for Losses.

C. Defense of Third Party Claims. In the event any action or proceeding shall be brought against the City's Indemnified Party by reason of any matter for which the City's Indemnified Party is indemnified hereunder, GTI shall, upon notice from the City's Indemnified Party or its authorized agents or representatives, at GTI's sole cost and expense, resist and defend the same with legal counsel selected by GTI; provided, however, that GTI shall not admit liability in any such matter on behalf of the City's Indemnified Party. GTI's obligation to defend shall apply regardless of whether the City's Indemnified Party is solely or concurrently negligent. Nothing herein shall be deemed to prevent the City's Indemnified Party at its election and at its own expense from cooperating with GTI and participating in the defense of any litigation by their own counsel. If GTI fails to retain defense counsel within seven (7) business days after receipt of City's Indemnified Party written notice that the City's Indemnified Party is invoking its right to indemnification under this Agreement, the City's Indemnified Party shall have the right to retain defense counsel on their own behalf, and GTI shall be liable for all usual and customary defense costs incurred by the City's Indemnified Party.

D. Limitation on Indemnity. The amount owing to an indemnified Party will be the amount of the indemnified Party's Losses net of any insurance proceeds received by the indemnified Party following a reasonable effort by the indemnified Party to obtain such insurance proceeds.

XVIII.
ENTIRE AGREEMENT

This Agreement constitutes the entire Tax Abatement Agreement between the parties, supersedes any prior understanding or written or oral tax abatement agreements or representations between the parties, and can be modified only by written instrument subscribed to by all parties. Notwithstanding the foregoing provision, this Agreement does not modify, alter, or amend any other agreement or instrument among the City and GTI relating to matters other than the abatement of real property taxes with respect to the Premises and the Qualified Facilities and business personal property located on the Premises. This Agreement may be executed in multiple counterparts (and may be delivered by telecopy, in addition to other means, with originals to follow), each of which shall be considered an original.

EXECUTED the ________ day of ___________________, 2010.

CITY OF SHERMAN, TEXAS

By: ______________________________
Bill Magers
Mayor

ATTEST:

By: ______________________________
Linda Ashby
City Clerk

CITY OF SHERMAN, TEXAS
APPROVED AS TO FORM:

By: ______________________________
Brandon S. Shelby
City Attorney

GLOBITECH INCORPORATED,
a Delaware Corporation

By: ______________________________
Mark England
Vice President, General Manager

MAYOR'S ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Bill Magers, Mayor of the City of Sherman, Texas, a municipal corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, Texas, a municipal corporation, that he was duly authorized to perform the same by appropriate resolution of the City Council for the City of Sherman and that he executed the same as the act of the said City for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ________ day of ____________________, A.D., 2010.

____
Notary Public in and for the State of Texas

____
(Typed/Printed Name of Notary)

My Commission Expires:

____

GTI ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Mark England, Vice President, General Manager of GlobiTech Incorporated, a Delaware Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me he executed the same as a duly authorized officer of such corporation, and as the act and deed of such corporation, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ________ day of ____________________, A.D., 2010.

____
Notary Public in and for the State of Texas

____
(Typed/Printed Name of Notary)

My Commission Expires:

____

EXHIBIT A
TO TAX ABATEMENT AGREEMENT

Comprehensive Guidelines

[Attached]

Renewing guidelines and criteria for
the City of Sherman's Industrial Tax
Abatement Program

RESOLUTION NO. 5494

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENEWING GUIDELINES AND CRITERIA FOR THE CITY OF SHERMAN'S INDUSTRIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, by Resolution No. 5224, passed and approved on June 16, 2008, the City of Sherman declared its eligibility and intention to participate in the Tax Abatement Program to promote development/redevelopment in certain areas of the City and adopted Tax Abatement Guidelines and Criteria for use in all Tax Abatement Programs; and

WHEREAS, the City of Sherman is required to renew the guidelines and criteria adopted for this program every two years;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby renews the following Tax Abatement Guidelines and Criteria for use in all Tax Abatement Programs, as required by law:

CITY OF SHERMAN'S
RENEWED TAX ABATEMENT GUIDELINES AND CRITERIA

1. A tax abatement agreement must be reasonably likely to contribute to the retention or expansion of primary employment or to attract a primary employer to make a major capital investment that will benefit the City of Sherman's economic development. Primary employers are those companies whose sales, service and shipments are ultimately used in statewide, national or international markets.

2. A tax abatement agreement will not be entered into where a company is only changing its location within Grayson County, without increasing the number of employees, significantly expanding the facilities, or unless failure to grant such abatement would mean the loss of the business operation in Grayson County.

3. Tax abatement agreements will be considered for both new facilities and structures and for the expansion or modernization of existing facilities and structures.

4. The City Council of the City of Sherman will approve or deny a tax abatement request based upon the subjective evaluation of the following guidelines and criteria. The Council may consider any advisory recommendations received from the Tax Reinvestment Advisory Committee as it may choose:

- Employment Impact

  How many jobs will be created by this project?

  How many current jobs will be retained by this project?

  What types of jobs will be created or retained?

  What will the annual total payroll of the created and/or retained jobs be, in current dollars and projected for each of the next five years?

- Fiscal Impact

  How much real and personal property will be added to the tax rolls, for each tax year covered by the abatement agreement?

  What is the economic life to the additional property?

  What effect will this project have on existing businesses or facilities?

  What is the total budget for this project, projected for each year covered by the abatement agreement?

  What capital expenditures will the project require of the City of Sherman?

- Community Impact

  What effect would the project have on the local housing market?

  Is the project compatible with existing long-range or comprehensive plans?

  What is the environmental impact of the project?

SECTION 2. That these Renewed Tax Abatement Guidelines and Criteria shall be effective immediately upon the passage of this resolution.

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 7th day of June, 2010.

CITY OF SHERMAN, TEXAS

BY: ______________________
BILL MAGERS, MAYOR

ATTEST:

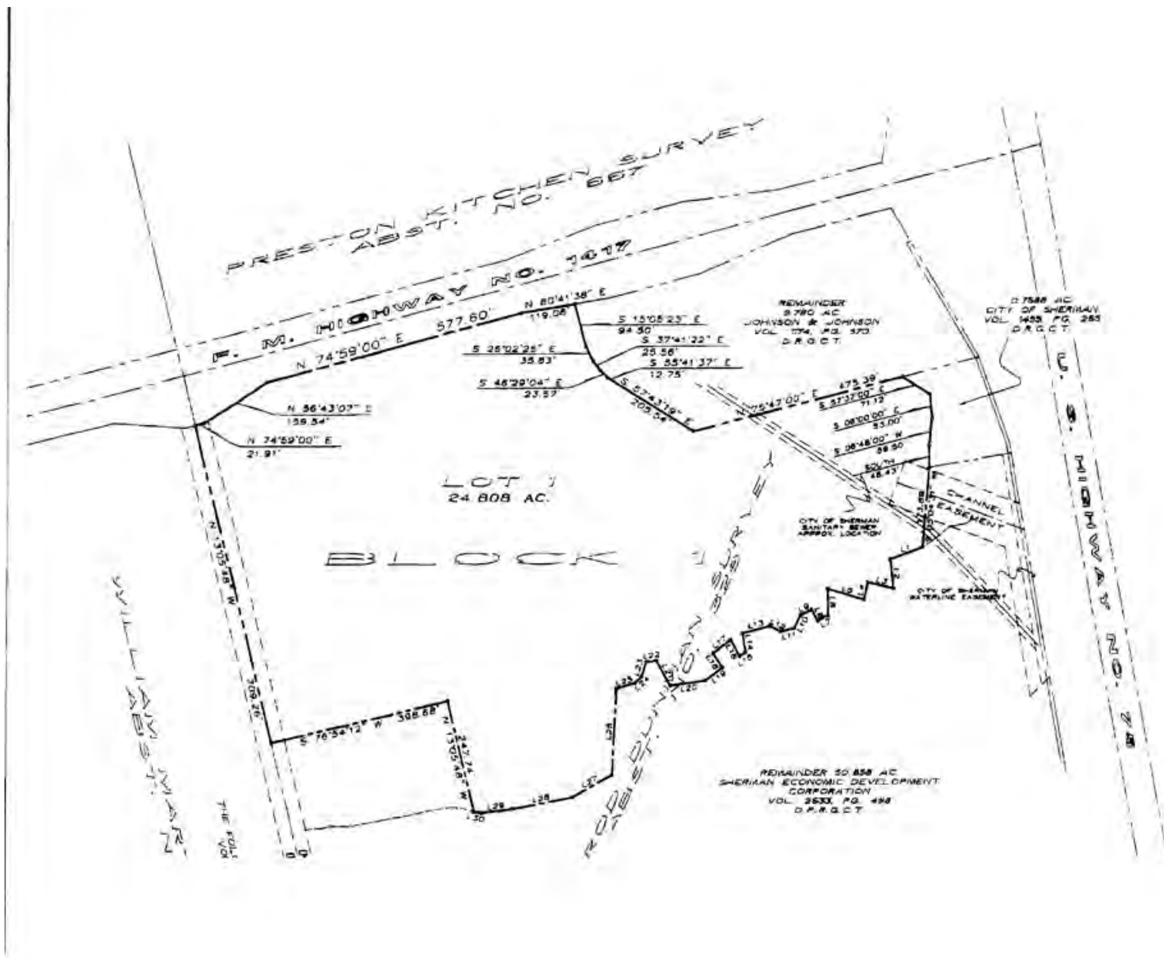
BY: Linda Ashby
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________
BRANDON S. SHELBY, CITY ATTORNEY

EXHIBIT B
TO TAX ABATEMENT AGREEMENT

The Premises



FIELD NOTES

SITUATED in the City of Sherman, Grayson County, Texas, being a part of the Sherrod Dunman Survey, Abstract No. 329, and being all of Lot 1 and Block 1 of Northgate Technology Park, an addition to said City of Sherman as shown by plat of record in Volume 12, Page 43, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a chiseled "X" cut found in concrete maintaining the Northwest corner of the said Lot 1, Block 1, an addition at the point of intersection of the center of a public road locally known as Howe Drive with the South right-of-way line of F.M. Highway No. 1417, said point also being the Northeast corner of the 183.567 acre tract of land conveyed by James S. Hudson, Trustee, to The Folger Coffee Company by deed dated February 27, 1978, recorded in Volume 1425, Page 180, Deed Records, Grayson County, Texas;

Thence in an Easterly direction with said South right-of-way line of Highway No. 1417 and the North line of said addition the following calls and distances:

North 74º59'00" East, a distance of 21.91 feet to an angle point;
North 56º43'07" East, a distance of 159.54 feet to a concrete monument;
North 74º59'00" East, a distance of 577.60 feet to an angle point;
North 80º41'38" East, a distance of 119.06 feet to a 1/2" steel rod set marking the most Northerly Northeast corner of the said addition;

Thence in a Southeasterly direction along the West side of an access roadway with an East line of the said addition the following calls and distances:

South 15º05'23" East, a distance of 94.50 feet to a 1/2" steel rod found;
South 26º02'25" East, a distance of 35.83 feet to a 1/2" steel rod found;
South 37º41'22" East, a distance of 25.56 feet to a 1/2" steel rod found;
South 46º29'04" East, a distance of 23.57 feet to a 1/2" steel rod found;
South 55º41'37" East, a distance of 12.75 feet to a 1/2" steel rod found;
South 57º43'19" East, a distance of 205.54 feet to a 1/2" steel rod found maintaining an inside "L" corner of said addition;

Thence North 75º47'00" East with a North line of said addition a distance of 475.39 feet to a 1/2" steel rod found maintaining the Northwest corner of the 0.7688 acre tract of land conveyed by Greater Sherman, Inc. to the City of Sherman by deed dated November 8, 1978, recorded in Volume 1455, Page 265, said Deed Records;

Thence Southerly with the West line of the said 0.7688 acre tract and the East line of said addition in a branch the following calls and distances:

South 57º37'00" East, a distance of 71.12 feet;
South 06º00'00" East, a distance of 53.00 feet;
South 06º48'00" West, a distance of 59.50 feet;
South, a distance of 48.43 feet to the Southwest corner of the said 0.7688 acre tract on the North side of a Texas Highway Department Channel Easement;

Thence South 05º04'31" West across said Easement for a total distance of 173.89 feet to the most Easterly Southeast corner of said addition in the center of a creek;

Thence in a Southerly and Westerly direction up the meanders of said center of creek the following calls and distances:

South 69º46’09” West, a distance of 75.53 feet;
South 05º54’16” East, a distance of 63.70 feet;
North 76º18’04” West, a distance of 57.40 feet;
South 12º31’55” West, a distance of 39.23 feet;
North 73º43’51” West, a distance of 86.56 feet;
South 01º15’55” East, a distance of 57.33 feet;
South 61º33’32” West, a distance of 25.91 feet;
North 29º06’44” West, a distance of 28.23 feet;
South 62º57’11” West, a distance of 26.52 feet;
South 26º24’54” West, a distance of 31.56 feet;
South 77º46’13” West, a distance of 30.30 feet;
North 64º55’57” West, a distance of 25.77 feet;
South 76º41’32” West, a distance of 61.97 feet;
South 09º21’14” East, a distance of 42.49 feet;
South 56º44’29” West, a distance of 15.52 feet;
North 27º42’25” West, a distance of 40.76 feet;
South 53º07’18” West, a distance of 49.70 feet;
South 34º46’51” East, a distance of 37.00 feet;
South 52º17’02” West, a distance of 46.67 feet;
South 81º43’39” West, a distance of 78.14 feet;
North 28º45’58” West, a distance of 62.71 feet;
South 82º41’18” West, a distance of 22.33 feet;
South 17º02’27” West, a distance of 33.81 feet;
South 44º30’28” West, a distance of 19.59 feet;
South 73º38’45” West, a distance of 42.84 feet;
South 03º12’35” West, a distance of 187.90 feet;
South 60º49’12” West, a distance of 99.25 feet;
South 79º07’09” West, a distance of 137.20 feet;
South 83º07’38” West, a distance of 65.14 feet;
North 79º48’26” West, a distance of 16.93 feet to the most Southerly Southwest corner of said addition;

Thence North 13º05’48” West, leaving said creek, passing a 1/2" steel rod found at 50 feet and continuing for a total distance of 247.74 feet to a 1/2" steel rod found maintaining an inside “L” corner;

Thence South 76º54’12” West, passing a 1/2" steel rod found in the East line of said Howe Drive at 368.68 feet and continuing for a total distance of 398.68 feet to a chiseled “X” cut found maintaining the most Westerly Southwest corner of said addition the said center of Howe Drive;

Thence North 13º05’48” West with said center of Howe Drive and West line of said addition a distance of 709.26 feet to the Point-of-Beginning and containing 24.808 acres of land more or less…………………………

GLOBITECH
DESIGNING EPI SOLUTIONS

September 30, 2010

Mr. George Olson, City Manager
City of Sherman, Texas
220 West Mulberry
Sherman, TX 75090

HAND DELIVERED

Attached is our Tax Reinvestment Zone Industrial Application with the intention of completing a tax abatement agreement relating to our capacity expansion. Our goal is to secure the maximum allowable abatement from all taxing entities. If there is any additional information required please contact me at 903-957-1910 or 903-814-5651.

We appreciate your consideration and look forward to working with you.

Sincerely,

T. L. Kluesner
Controller

GLOBITECH INCORPORATED / 200 FM 1417 WEST / SHERMAN, TX 75092 / (903) 957-1999 / FAX (903) 957-1899 /
www.globitech.com

TAX REINVESTMENT ZONE
INDUSTRIAL APPLICATION

SECTION I

1. Property Owner: GlobiTech Incorporated

   Mailing Address: 200 FM 1417, West, Sherman, TX 75092

   Telephone Number: 903-957-1910

2. Property Owner's Representative: Terry Kluesner

   Mailing Address: Same

   Telephone Number: Same

3. Physical Property Address: Same

4. Property Legal Description (include as an attachment with metes and bounds). (Attached as Exhibit A)

5. Property is located within:

City of Sherman?	Yes
Sherman ISD?	Yes
Grayson County?	Yes

6. Description of Project: Capacity Expansion – Completion of Fab 1 as well as Phase 1 of Fab 2 Buildout. Expansion to include facility improvements and purchase of additional equipment

7. Date of projected occupation of project/initiation of operations:

   Completion of Fab 1 in progress/Phase 1 of Fab 2 to be in operation during Q1 of 2011

8. Narrative response to criteria questions in Section II of application? Yes (Yes or No, and include attachment).

Tax Reinvestment Zone
Industrial Application
Section II Narrative

GlobiTech Incorporated (GTI) is proposing to invest $34 million in building improvements and equipment purchases during 2010 and 2011. These improvements will be to complete the expansion of its Fab 1 and the first phase of the buildout of its Fab 2. This expansion is intended to increase capacity to satisfy growth in customer requirements.

Employment Impact
The expansion is expected to add at least 30 employees, or 33% above the base level of first quarter 2010. Jobs created will include engineers, maintenance technicians, direct labor operators and other support staff. Annualized payroll will grow by approximately 36% above the first quarter 2010 base of $4.5 million to $6.1 million.

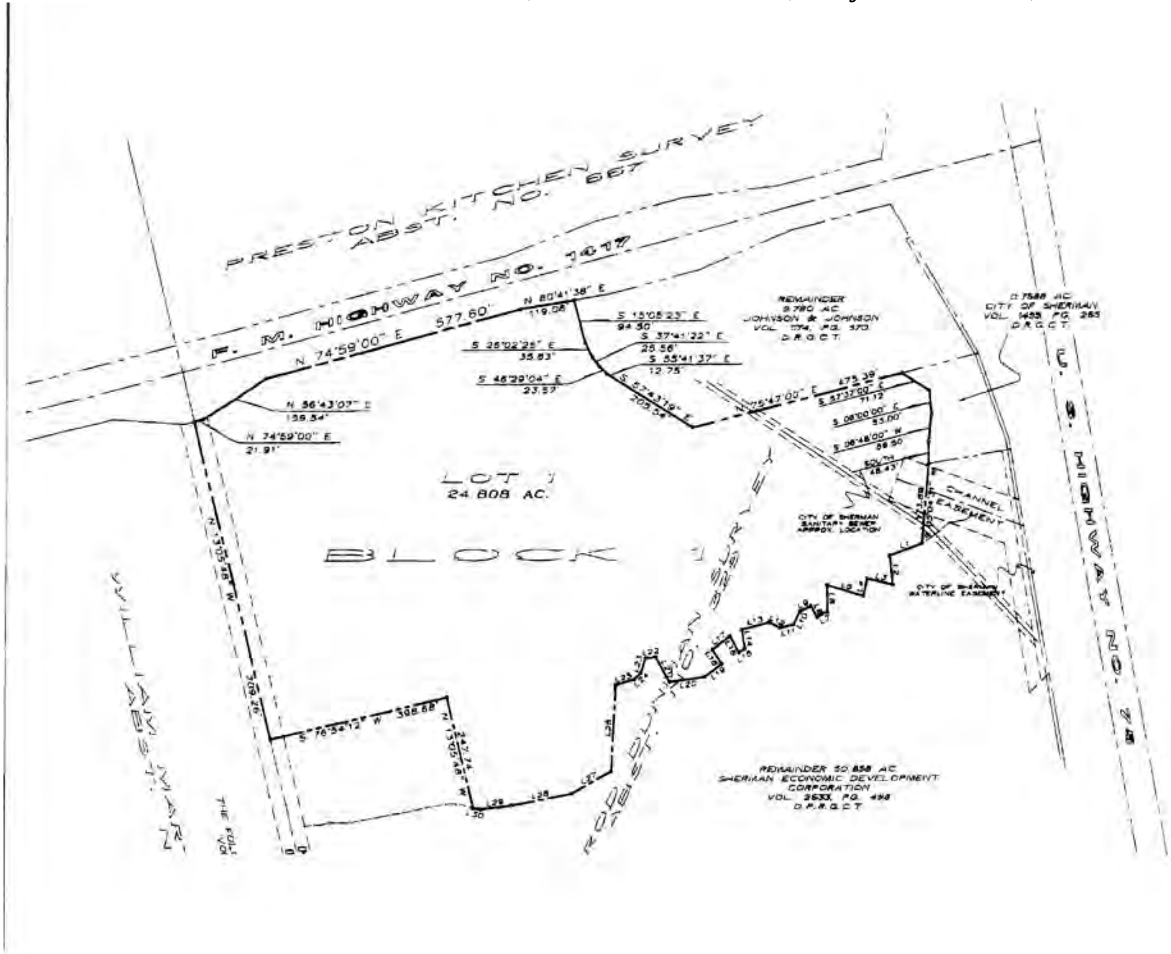
Fiscal Impact
The expansion would add approximately $30 million in real and personal property to the tax rolls. This amount will be subject to variation depending on the increase in the market value of the real property that results from the building improvement component of the investment. Since GTI product is not subject to sales tax, there will be no directly related impact on sales tax. The indirect impact on sales tax generation resulting from the increased employment and construction activities has not been quantified. A similar positive indirect impact on existing business and/or office facilities could also be expected. No additional infrastructure construction should be required resulting from this expansion. GTI's total annualized operating budget is expected to increase by 38% from the first quarter 2010 level of $5.2 million to approximately $7.2 million.

Community Impact
The expansion should have a positive impact on the local housing market with new employees entering the market. GTI believes that the employment growth related to this project is very compatible with Sherman's Comprehensive Plan. GTI has always been a very environmentally responsible member of the Sherman community and the expansion project should not have any adverse environmental impact.

MATRIX OF INDUSTRIAL TAX ABATEMENTS

Investment or	Jobs Created/Retained	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
$0 to $9,999,999	0 to 49	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
$10,000,000 to $24,999,999	50 to 149	100%	75%	50%	50%	25%	0%	0%	0%	0%	0%
$25,000,000 to $49,999,999	150 to 299	100%	100%	75%	50%	50%	25%	0%	0%	0%	0%
$50,000,000 to $99,999,999	300 to 499	100%	100%	75%	75%	50%	50%	25%	25%	0%	0%
$100,000,000 to $199,999,999	500 to 999	100%	100%	100%	75%	75%	50%	50%	25%	25%	0%
$200,000,000 or more	1,000 or more	100%	100%	100%	100%	100%	50%	50%	50%	50%	50%

Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5678
Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors", with No Modifications

Issue
To consider the readoption of the code provisions that provide "Curfew Hours for Minors"

Background
Ordinance No. 5270, adopted at the December 6, 2004 Council meeting and codified at Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, establishes "Curfew Hours for Minors." Under Section 370.002 of the Texas Local Government Code, curfew ordinances must be reviewed by the Council in a public hearing every three years or the ordinance expires. The last review was performed at the December 3, 2007 Council meeting (Ordinance No. 5499); and Chapter 8, Article 8.04, Division 2 was readopted without modifications. The review must evaluate the curfew ordinance's effect on the community and the problems the ordinance was intended to remedy.

Origination
Police Department

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

Staff Recommendation
It is recommended that the City Council adopt Ordinance No. 5678 which will serve to readopt without modifications Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, "Curfew Hours for Minors".

Alternatives
The City Council could suggest modifications to the ordinance.

Attachments
Ordinance No. 5678
Current Chapter 8, Article 8.04, Division 2, "Curfew Hours for Minors"
Texas Local Government Code, Section 370.002

Prepared by:
Tom Watt, Police Chief

Approved by:
George Olson, City Manager

ORDINANCE NO. 5678

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, READOPTING CHAPTER 8, ARTICLE 8.04, DIVISION 2 OF THE CODE OF ORDINANCES, ENTITLED "CURFEW HOURS FOR MINORS", WITH NO MODIFICATIONS; 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.

WHEREAS, the City Council conducted a public hearing on the need to continue the ordinance entitled "Curfew Hours for Minors;" contained in Chapter 8, Article 8.04, Division 2 of the Code of Ordinances (hereinafter "Ordinance") in accordance with Section 370.002 of the Texas Local Government Code; and

WHEREAS, the City Council reviewed the Ordinance's effects on the community and the problems that the Ordinance was intended to remedy; and

WHEREAS, the City Council desires that the Ordinance be continued in effect with no modifications;

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

SECTION 1. That the Ordinance entitled "Curfew Hours for Minors" contained in Chapter 8, Article 8.04, Division 2 of the Code of Ordinances is hereby readopted in its entirety with no modifications.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

INTRODUCED on this the _____________ day of _________________, 2010.

ADOPTED on this the ________________ day of _________________, 2010.

EFFECTIVE DATE on this the _________ day of _________________, 2010.

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

Chapter 8, Article 8.04, Division 2 of the Code of Ordinances

ARTICLE 8.04 OFFENSES INVOLVING PUBLIC MORALS

Division 1. Generally

Secs. 8.04.001–8.04.030 Reserved

Division 2. Curfew Hours for Minors

Sec. 8.04.031 Definitions

Curfew hours.

(1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(2) 11:59 p.m. on any Friday or Saturday until 6:00 a.m. on any Saturday or Sunday.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

(1) A natural parent, adoptive parent, or step-parent of another person; or

(2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 8.04.032 Offenses

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 8.04.033 Defenses

(a) It is a defense to prosecution under section 8.04.032 that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, the Sherman Independent School District, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, the Sherman Independent School District, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Attending a function or event sponsored and supervised by an establishment that prohibits ingress and egress to the establishment during curfew hours and the management of the establishment has registered the function or event with the city at least forty-eight (48) hours in advance;

(9) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(10) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under subsection 8.04.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 8.04.034 Enforcement

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 8.04.033 is present.

Sec. 8.04.035 Penalties

(a) A person who violates a provision of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine as provided in section 1.01.009.

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 8.04.032(a) of this division and shall refer the minor to juvenile court.

(Ordinance 5270 adopted 12/6/04; Ordinance 5499 adopted 12/3/07)

Texas Local Government Code, Section 370.002

LOCAL GOVERNMENT CODE

TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO MUNICIPAL AND COUNTY HEALTH AND PUBLIC SAFETY

Sec. 370.001. HEALTH CONTRACTS IN BORDER MUNICIPALITIES OR COUNTIES. The governing body of a municipality or county that has a boundary that is contiguous with the border between this state and the Republic of Mexico may contract with a border municipality or state in the Republic of Mexico to provide or receive health services.

Added by Acts 1991, 72nd Leg., ch. 769, Sec. 1, eff. Aug. 26, 1991.

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE. (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5679
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 1202 North Grand Avenue (Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin and Associates, Inc., Surveyors)

Issue

To consider the request for a zone change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student housing for the property at 1202 North Grand Avenue, being 0.24 acres in the Charles Carter Survey, Abstract No. 229

Background

The property is located at 1202 North Grand Avenue between Richards and Dorchester Streets. This lot is located in the middle of the student housing development that was approved for a zone change at the July 19, 2010 City Council Meeting. Austin College recently acquired the property and would like to change the zoning from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and construct a four bedroom/four bathroom, two-story building for student housing.

Origination

Austin College (Owners), Heidi Ellis (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant), Matthew Cain, Cain Consulting and Engineering Services (Engineers), Architecture Demarest (Architect), and Sartin and Associates, Inc. (Surveyors)

Board Recommendation

At the November 16, 2010 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter.

Attachments

Ordinance No. 5679, Location Map, Photograph, Site Plan, P&Z Communication Form and Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5679

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1202 NORTH GRAND AVENUE (AUSTIN COLLEGE, OWNERS; HEIDI ELLIS, AUSTIN COLLEGE REPRESENTATIVE; TODD WILLIAMS, KANGAROO HOUSING INVESTORS, LLC, DEVELOPER/APPLICANT; MATTHEW CAIN, CAIN CONSULTING AND ENGINEERING SERVICES, ENGINEERS; ARCHITECTURE DEMAREST, ARCHITECT; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the R-2 (Multi-Family Residential) District at 1202 North Grand Avenue, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the CHARLES CARTER SURVEY, Abstract No. 229, being all of the following tracts of land: (i) a 69.5 x 150 foot tract of land conveyed by James Earl Thrasher, et al to Dorothy Calhoun Fowler by deed dated January 13, 1976, recorded in Volume 1332, Page 770, Deed Records, Grayson County, Texas, (ii) a 75 x 150 foot tract conveyed by Kenneth B. Walden, et ux to Austin College by deed dated March 27, 1990, recorded in Volume 2089, Page 721, Real Property Records, Grayson County, Texas, (iii) a 50 x 150 foot tract conveyed by W. D. Narramore, Jr., et ux to Austin College by deed dated March 20, 1987, recorded in Volume 1908, Page 364, Real Property Records, Grayson County, Texas, (iv) a 97 x 150 foot tract conveyed by Dorothy Calhoun Fowler, et al to Austin College by deed dated August 13, 1988, recorded in Volume 1996, Page 738, Real Property Records, Grayson County, Texas, (v) a 65 x 150 foot tract conveyed by Mary Elizabeth Lockhart to Austin College by deed dated August 1, 2005, recorded in Volume 3907, Page 478, Official Public Records, Grayson County, Texas, (vi) a 50 x 150 foot tract conveyed by Paul W. Beardsley, et ux to Austin College by deed dated June 23, 1967, recorded in Volume 1084, Page 631, Deed Records, Grayson County, Texas, (vii) a 35 x 150 foot tract conveyed by Lena Kolb McCutchen, et vir to Austin College by deed dated September 17, 1980, recorded in Volume 1529, Page 425, Deed Records, Grayson County, Texas and (viii) an 0.4 acre tract conveyed by American Bank of Texas to Austin College by deed dated February 15, 2000, recorded in Volume 2890, Page 404, Official Public Records, Grayson County, Texas, being all of Lots ONE (1), TWO (2), THREE (3) FOUR (4), SIX (6), SEVEN (7) and EIGHT (8) in Block THREE (3) of MILDRED HEIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 191 Page 1, Deed Records, Grayson County, Texas, together with all of the 15 foot East/West alley lying along the South side of said Block Three and all of the 16 foot North/South alley running through the middle of said Block Three and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found 1-1/2 inch pipe maintaining the Southeast corner of a the above mentioned 35 x 150 foot tract (vii), at the intersection of the West line of Grand Avenue with the North line of Richards Street;

THENCE South 74 deg. 25 min. 33 sec. West, with the North line of said Richards Street, a distance of 150.02 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southwest corner of said 35 x 150 foot tract, the Southeast corner of a 210-1/3 x 156-1/2 foot tract of land conveyed by Jean H. Campbell and Martha Sue Dunn Campbell to Austin College by deed dated November 29, 1993, recorded in Volume 2309, Page 897, Real Property Records, Grayson County, Texas;

THENCE North 15 deg. 36 min. 16 sec. West, with the West line of said 35 x 150 foot tract, said 50 x 150 foot tract (vi), said 65 x 150 foot tract (v), said 97 x 150 foot tract (iv), said 50 x 150 foot tract (iii) and said 75 x 150 foot tract (ii), the East line of said 210-1/3 x 156-1/2 foot tract, passing its Northeast corner, the Southeast corner of a 68 x 156-1/2 foot tract conveyed by C. H. Gillespie, Jr., et ux to Austin College by deed dated June 26, 1985, recorded in Volume 1756, Page 792, Deed Records, Grayson County, Texas and continuing with the East line of said 68 x 156-1/2 foot tract, passing its Northeast corner, the Southeast corner of a 50 x 156-1/2 foot tract conveyed by Bobby Leon Perkins, et ux to Austin College by deed dated October 12, 1987, recorded in Volume 1943, Page 649, Real Property Records, Grayson County, Texas and continuing with the East line of said 50 x 156-1/2 foot tract for a total distance of 330.59 feet to a found ½ inch capped rebar stamped "KOCH" maintaining the Southeast corner of said 0.4 acre tract (viii), on the West line of said 75 x 150 foot tract (ii);

THENCE South 73 deg. 52 min. 48 sec. West, with the North line of said 50 x 156-1/2 foot tract, the South line of said 0.4 acre tract (viii), a distance of 156.50 feet to a found ½ inch rebar maintaining the Northwest corner of said 50 x 156-1/2 foot tract, the Southwest corner of said 0.4 acre tract, on the East line of Luckett Street;

THENCE North 15 deg. 34 min. 27 sec. West, with the West line of said 0.4 acre tract, the East line of said Luckett Street, a distance of 111.30 feet to a set ½ inch capped rebar for the Northwest corner of said 0.4 acre tract, at the intersection of the East line of said Luckett Street with the South line of a 15 foot wide alley lying on the South side of Block Three of Mildred Heights Addition to the City of Sherman, Texas as shown b plat of record in Volume 191, Page 1, Deed Records, Grayson County, Texas;

THENCE North 36 deg. 06 min. 44 sec. West, with the East line of said Luckett Street, a distance of 15.83 feet to a found ½ inch rebar maintaining the Southwest corner of said Lot Eight in said Block Three;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of said Luckett Street, the West line of said Block Three, a distance of 152.38 feet to a found 1 inch pipe maintaining the Northwest corner of said Lot Six, the Southwest corner of Lot Five in said Block Three;

THENCE North 74 deg. 40 min. 16 sec. East, with the South line of said Lot Five, a distance of 145.01 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said Lot Six, the Southeast corner of said Lot Five, on the West line of said North/South alley;

THENCE North 16 deg. 00 min. 00 sec. West, with the East line of said Lot Five, the West line of said North/South alley, a distance of 60.51 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said Lot Five, on the South line of Dorchester Street;

THENCE North 74 deg. 25 min. 33 sec. East, with the North line of said Block Three, the South line of said Dorchester Street, a distance of 161.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Northeast corner of said Block Three, at the intersection of the South line of said Dorchester Street with the West line of said Grand Avenue;

THENCE South 16 deg. 00 min. 00 sec. East, with the East line of said Block Three, the West line of said Grand Avenue, a distance of 210.00 feet to a set ½ inch capped rebar stamped SARTIN-3694 for the Southeast corner of Lot Four in said Block Three, at the intersection of the North line of said East/West alley with the West line of said Grand Avenue;

THENCE South 36 deg. 39 min. 42 sec. East, continuing with the West line of said Grand Avenue, a distance of 16.72 feet to a set ½ inch capped rebar stamped SARTIN-3694 at its intersection with the South line of said 15 foot alley, for the Northeast corner of said 69.5 x 150 foot tract (I);

THENCE South 15 deg. 36 min. 16 sec. East, continuing with the West line of said Grand Avenue, the East line of the above referenced tracts (i) thru (vii), a distance of 441.89 feet to the **PLACE OF BEGINNING and containing 3.31 ACRES OF LAND more or less...........**

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

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

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

INTRODUCED on this the _____________ day of _________________, 2010.

ADOPTED on this the ________________ day of _________________, 2010.

EFFECTIVE DATE on this the _________ day of _________________, 2010.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

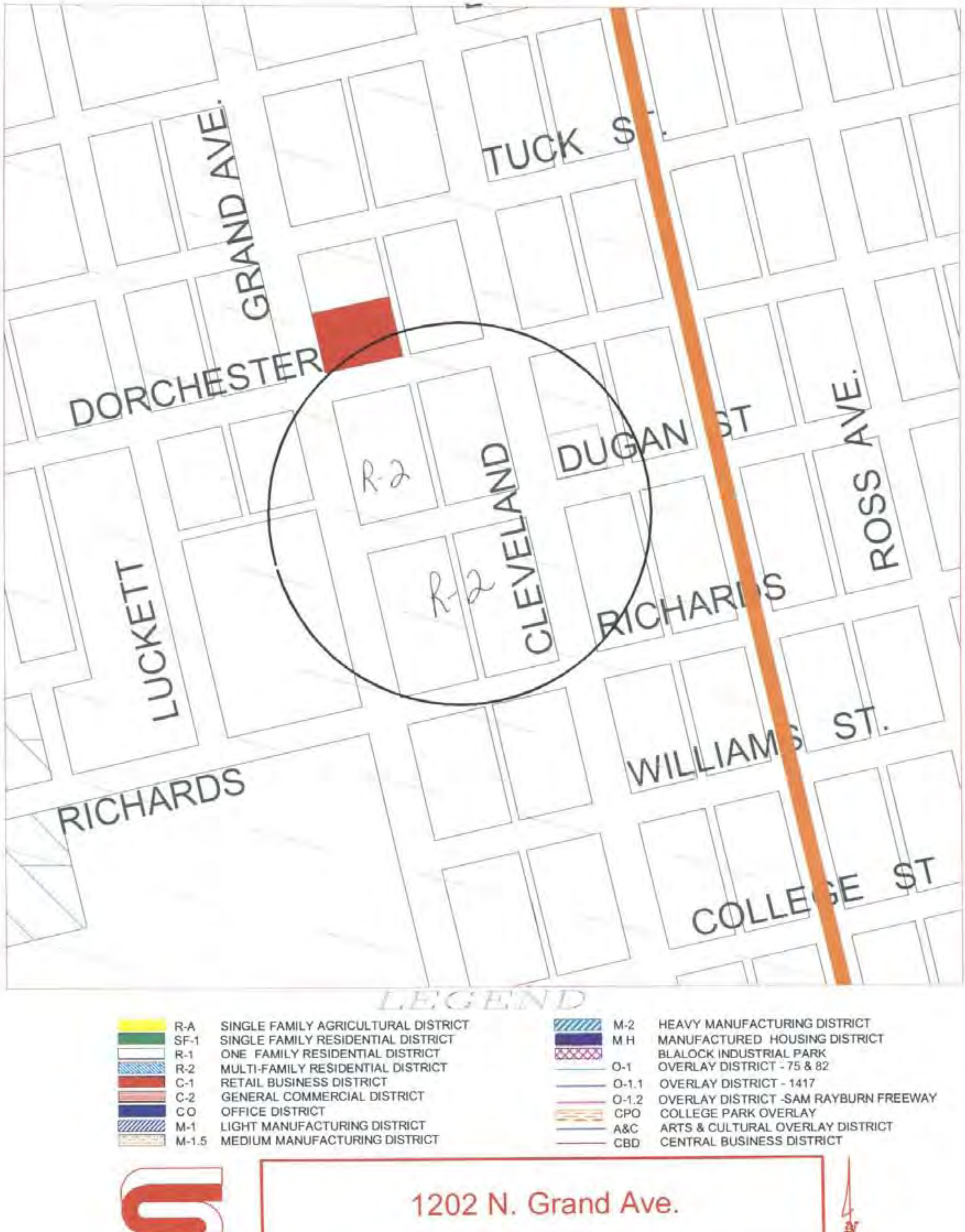
APPROVED AS TO FORM
AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY

1202 N. Grand Ave.

1 inch = 129 feet

City of Sherman, Texas
Developmental Services Department



LEGEND

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

1202 N. Grand Ave.

Department of Developmental Services

1202 N. Grand


ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7229
10/29/2010

CAIN CONSULTING AND ENGINEERING SERVICES

October 26, 2010

Mr. Scott Shadden
Director of Development Services
City of Sherman Department of Development Services
220 West Mulberry Street
Sherman, Texas 75091

Re Request for Zoning Change and Exception
Project Narrative
Austin College – Grand N Addition

Dear Mr. Shadden;

On behalf of Austin College and Kangaroo Housing Investors, LLC, we are formally submitting this request for the change of zoning for 0.24 acres, consisting of one property located at 1202 North Grand Avenue. The requested zoning change is from R-1 to R-2 for the purpose of student housing. This request is being made for the inclusion of this one lot into the previously rezoned Grand N Addition Subdivision. Kangaroo Housing Investors, LLC is acting as a private developer to construct approximately 24 cottage style homes for the purpose of student housing (96 beds). The property is currently under purchase agreement to Austin College, and development will occur through a long term lease agreement between Kangaroo Housing Investors, LLC and Austin College.

The proposed overall development consists of multiple cottage homes, parking and associated improvements. The cottages' façades evoke the Victorian style of the surrounding area through the selection of materials, use of color and application of trims and decorative elements. The material palette will consist of masonry siding materials (i.e. HardiPlank) with an asphalt composition shingle roof. Parking will be provided in accordance with City standards at a rate of 1 parking stall per bedroom.

We believe the proposed development is in general conformance with the surrounding campus use and will provide a much needed addition to existing on-campus housing. The proposed development has been designed to conform to the City of Sherman Zoning and Subdivision Ordinances.

If you have any questions, comments, or need additional information please feel free to contact me.

CAIN CONSULTING AND ENGINEERING SERVICES, INC.
6136 Frisco Square Blvd., Suite 400, Frisco, Texas 75034
972.284.9916 (Tel) 866.275.7330 (Fax)

CAIN CONSULTING AND ENGINEERING SERVICES

Very truly yours,

CAIN CONSULTING AND ENGINEERING SERVICES

Matthew A. Cain, P.E.

Cc Heidi Ellis, Austin College
Todd Williams/Ron Cibulka, Kangaroo Housing Investors, LLC

20101026. ltr_zoning change request-grand.docx

GRAND N ADDITION SUBDIVISION

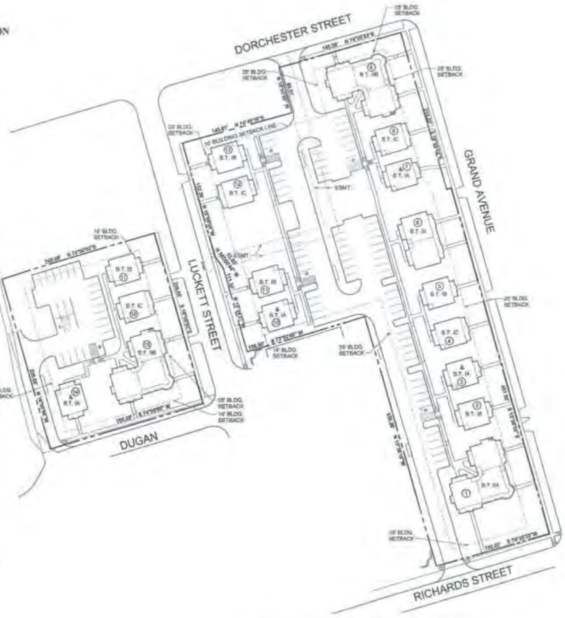
Owner:
Austin College
Heidi Ellis
903-813-2234
903-813-2378 fax
900 North Grand, Suite 6F
Sherman, Texas 75090-4400
hellis@austincollege.edu

Developer/Applicant:
Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, Texas 75209
williamstodd@mac.com

Engineer/Representative:
Cain Consulting and
Engineering Services, Inc.
Matthew A. Cain, P.E.
972-284-9916
866-275-7330 fax
6136 Frisco Square Blvd., Ste. 400
Frisco, Texas 75034
Matt.cain@cainces.com

Surveyor:
Sartin and Associates, Inc.
Marshall Sartin
903-892-8003
903-868-2970 fax
109 S. Travis Street, PO Box 1843
Sherman, Texas 75091-1843
msartin@gcecisp.com

Architect:
Architecture Demarest
David Demarest
214-748-6655
214-748-5060 fax
801 Core Street, Suite B
Dallas, Texas 75207
ddemarest@architecturedemarest.com



GRAND N ADDITION SITE PLAN
SCALE: 1"=40'-0"

KEY PLAN
SCALE: N.T.S.

SCHEMATIC ELEVATION
SCALE: 1/8"=1'-0"

UNIT TYPE	NET S.F.	NUMBER	TOTAL NET S.F.	BEDS
4B/4 BATH	1,672	24	40,128	96

PARKING REQUIRED: 1 SPACE/BED = 96 SPACES
PARKING PROVIDED: 100 SPACES

ARCHITECTURE DEMAREST

AUSTIN COLLEGE STUDENT HOUSING

SHERMAN, TX
10/26/2010

AGENDA ITEM #11

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

1202 N. Grand Avenue
Being 3.31 acres in the Charles Carter Survey, Abstract No. 229
Replat, Zone Change and Site Plan

Requested Action/Proposed Use:

Planning and Zoning Commission

a) Replat of Block 1, Grand N Addition

b) Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student housing.

Background:

The property is located at 1202 North Grand Avenue between Richards and Dorchester Streets. This lot is located in the middle of the student housing development that was approved at the June 22, 2010, Planning and Zoning Commission Meeting. Austin College recently acquired the property and they would like to Replat the property into one lot, rezone from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and construct a four bedroom/four bathroom, two story apartments for student housing.

Adjacent Zoning:

R-2 (Multi-Family Residential) District

Origination:

Austin College (Owners), Heidi Ellis, (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/ Applicant), Matthew Cain, Cain Consulting and Engineering Services, (Engineers), Architecture Demarest (Architect) and Sartin & Associates, Inc. (Surveyors)

Master Plan Designation:

Public/Institutional

Number of notices mailed:

Replat – 60
Zone change - 7

Objections Received:

0

Attachments:

Location map, Photographs, Site Plan and Staff Review Letter

Prepared by:	**Approved by:**
Patsy Reeves, Developmental Services Secretary	**Scott Shadden, Dir. of Developmental Services**

STAFF REVIEW LETTER

November 11, 2010

Austin College
Heidi Ellis
900 N. Grand, Ste. 6F
Sherman, TX 75090

Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, TX 75209

Cain Consulting & Engineering Services
Matthew Cain
6136 Frisco Square Blvd., Ste. 400
Frisco, TX 75034
Sartin & Associates, Inc.
PO Box 1843
Sherman, TX 75091

Architecture Demarest
David Demarest
801 Core Street, Ste. B
Dallas, TX 75207

Dear Applicants,

The request for a zone change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student housing for the property located at 1202 North Grand Avenue has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

<u>Zoning:</u>

1. All aspects of the R-2 (Multi-Family Residential) District, the College Park Overlay District and the Residential Tree Preservation and Landscaping Ordinance must be followed. All wall finishes must be masonry or masonry veneer.
2. Approval of the plat and site plan will require encroachment or abandonment of alleys by the City Council.
3. Approval from the City Council is needed to abandon the two alleys before any structures, parking, etc. may be constructed over alleys.
4. Fire lanes shall be coordinated with the Fire Marshal, (903.892.7267)
5. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required

Engineering:

6. Correct the easement locations on the site plan.
7. The existing alley must be closed prior to the filing of the plat.
8. No permanent structures are to be placed within the utility easements.
9. Drive approaches and sidewalks shall conform to the City of Sherman standards.
10. Storm drain plan including detention shall be reviewed and approved by the City Engineer.
11. The location of the trash receptors must be approved by the Assistant Director of Engineering and Public Works.
12. Fire Marshal shall review for fire protection.
13. The existing sewer south of the manhole at Dorchester Street (between Dorchester and Richards) shall be abandoned to the College as it serves no public customers.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Nathan Huffman, Fire Marshal
Scott Taylor, Assistant Director of Public Works
Don Keene, Exec. Dir. of Planning & Public Works

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5680
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-2 (General Commercial) District in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East (One Ganesha LTD, Owners; and Michael Clark, Representative)

Issue
To consider the request for a zone change from an SF-1 (Single Family Residential) District to a C-2 (General Commercial) District for the property in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East, being 32.784 acres in the William Milligan Survey, Abstract No. 875, the David Harrison Survey, Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265, and the A.C. Smith Survey, Abstract No. 1561

Background
The property is located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East, at the southeast corner of U.S. Highway 75 and FM 691. The owners would like to change the zoning on the property that was annexed in 2008 to a C-2 (General Commercial) District to match the existing zoning along the highway right-of-way for commercial development.

Origination
One Ganesha LTD (Owners) and Michael Clark (Representative)

Board Recommendation
At the November 16, 2010 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the zone change be approved subject to the Staff Review Letter and subject to an Owner's Association Maintenance Agreement of the private access easement.

Attachments
Ordinance No. 5680, Location Map, Photograph, Site Plan, P&Z Communication Form, and Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5680

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-2 (GENERAL COMMERCIAL) DISTRICT IN THE 6000-6100 BLOCKS OF U.S. HIGHWAY 75 NORTH AND THE 1500-1600 BLOCKS OF F.M. 691 EAST (ONE GANESHA LTD, OWNERS; AND MICHAEL CLARK, REPRESENTATIVE); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the C-2 (General Commercial) District in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING a tract of land situated in the William Milligan Survey, Abstract No. 875, the David Harrison Survey Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265 and the A.C. Smith Survey, Abstract No. 1561, Grayson County, Texas and being all of tract of land as described in a deed to Valley Plaza LTD. And recorded in Volume 2016, Page 637, and all of tract of land as described in a deed to Valley Plaza LTD. and recorded in Volume 2016, Page 634, and all of tract of land as described in a deed to Valley Plaza LTD. and recorded in Volume 2016, Page 637, and all of tract of land as described in a deed to Homer Blythe and recorded in Volume 886, Page 100 all of the Deed Records of Grayson County, Texas (DRGCT) and being more particularly described as follows:

BEGINNING at a point for the most northwesterly corner of a tract of land as described in a deed to Margo Mobbs and Rodney Tate and recorded in Volume 2465, Page 678 (DRGCT) from which a ½ inch iron rod found bears North 74 deg. 36 min. 14 sec West a distance of 2.72 feet, said point also being in the easterly right-of-way line of U.S. Interstate Highway 75 (a variable width right-of-way);

THENCE along the easterly right-of-way line of U.S. Interstate Highway 75 as follows:

North 24 deg 42 min 56 sec East a distance of 235.19 feet to a concrete right-of-way monument found for corner;

North 21 deg 13 min 14 sec East a distance of 513.20 feet t a ½ inch iron rod found for corner;

North 21 deg 13 min 14 sec East a distance of 141.70 feet to a ½ inch iron rod with a red plastic cap stamped W.A.I. set for corner;

North 28 deg 14 min 05 sec East a distance of 400.01 feet to a point from which a concrete right-of-way monument found bears North 71 deg 29 min 31 sec West a distance of 0.54 feet;

North 34 deg 53 min 29 sec East a distance of 301.95 feet to a point from which a concrete right-of-way monument found bears North 28 deg 26 min 24 sec East a distance of 0.31 feet;

North 60 deg 52 min 21 sec East a distance of 180.99 feet to a ½ inch iron rod with a red plastic cap stamped W.A.I. set for corner in the southerly right-of-way line of F.M. Highway 691 (a variable width right-or-way);

THENCE departing the easterly right-of-way line of U.S. Interstate Highway 75 and along the southerly right-of-way line of F.M. Highway 691 as follows;

South 79 deg 02 min 51 sec East a distance of 377.87 feet to a ½ inch iron rod with a red plastic cap stamped W.A.I. set for corner;

South 83 deg 44 min 11 sec East a distance of 199.75 feet to a concrete right-of-way monument found for the beginning of a non-tangent curve to the right having a radius of 1843.31 feet, a chord bearing South 58 deg 55 min 49 sec East and a chord distance of 566.83 feet;

Along said non-tangent curve to the right through a central angle of 17 deg 41 min 21 sec for an arc length of 569.09 feet to a ½ inch iron rod with a red plastic cap stamped W.A.I. set for corner;

South 50 deg 06 min 05 sec East a distance of 90.13 feet to a ½ inch iron rod with a red plastic cap stamped W.A.I. set for corner in the westerly line of the remaining tract of land as described in a deed to Joe M. Joiner and recorded in Volume 1118, Page 610 (DRGCT);

THENCE departing the southerly right-of-way line of F.M. Highway 691 and along the westerly line of the remaining Joiner tract as follows;

South 30 deg 22 min 12 sec West a distance of 291.24 feet to a 3/8 inch iron rod found for corner;

North 89 deg 34 min 53 sec West a distance of 148.65 feet to a 3/8 inch iron rod found for corner;

North 61 deg 45 min 09 sec West a distance of 349.96 feet to a 3/8 inch iron rod found for corner;

South 44 deg 41 min 17 sec West a distance of 374.27 feet to a point from which a 3/8 inch iron rod found bears North 29 deg 12 min 35 sec West a distance of 0.35 feet;

South 88 deg 58 min 58 sec West a distance of 259.47 feet to a 3/8 inch iron rod found for corner;

South 02 deg 38 min 49 sec East a distance of 472.53 feet to a 3/8 inch iron rod found for corner;

South 37 deg 55 min 53 sec West a distance of 270.31 feet to a 3/8 inch iron rod found for corner;

South 06 deg 45 min 19 sec East a distance of 232.78 feet to a 3/8 inch iron rod found for corner;

South 64 deg 24 min 47 sec West a distance of 111.53 feet to a 3/8 inch iron rod found for corner;

North 89 deg 45 min 07 sec West a distance of 206.92 feet to a 3/8 inch iron rod found for corner in the easterly line of said Margo Mobbs and Rodney Tate tract;

THENCE departing the westerly line of the remaining Joiner tract and along the easterly and northerly lines of said Margo Mobbs and Rodney Tate tract as follows;

North 00 deg 28 min 32 sec East a distance of 239.38 feet to a ½ inch iron rod found for corner;

North 88 deg 30 min 55 sec West a distance of 430.50 feet to the Point of Beginning;

Containing within these metes and bounds **32.784 acres or 1,428,053 square feet of land more or less……………………………………………………………………………..**

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

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

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

INTRODUCED on this the _____________ day of _________________, 2010.

ADOPTED on this the ________________ day of _________________, 2010.

EFFECTIVE DATE on this the _________ day of _________________, 2010.

CITY OF SHERMAN, TEXAS

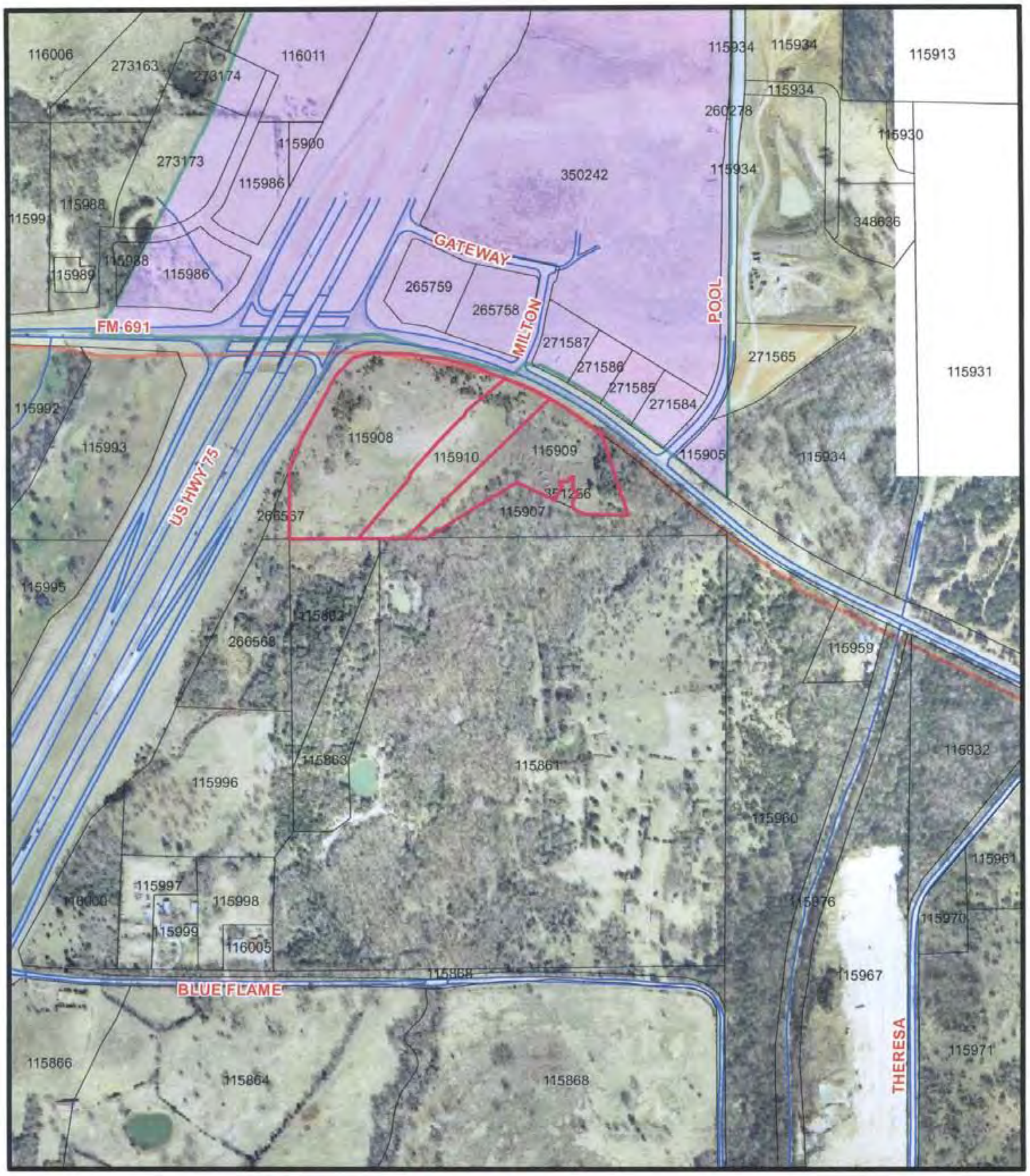
BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY



6000-6100 Blks U.S. Highway 75 N. & 1500-1600 Blks F.M. 691 E

1 inch = 558 feet

City of Sherman, Texas
Developmental Services Department

LEGEND

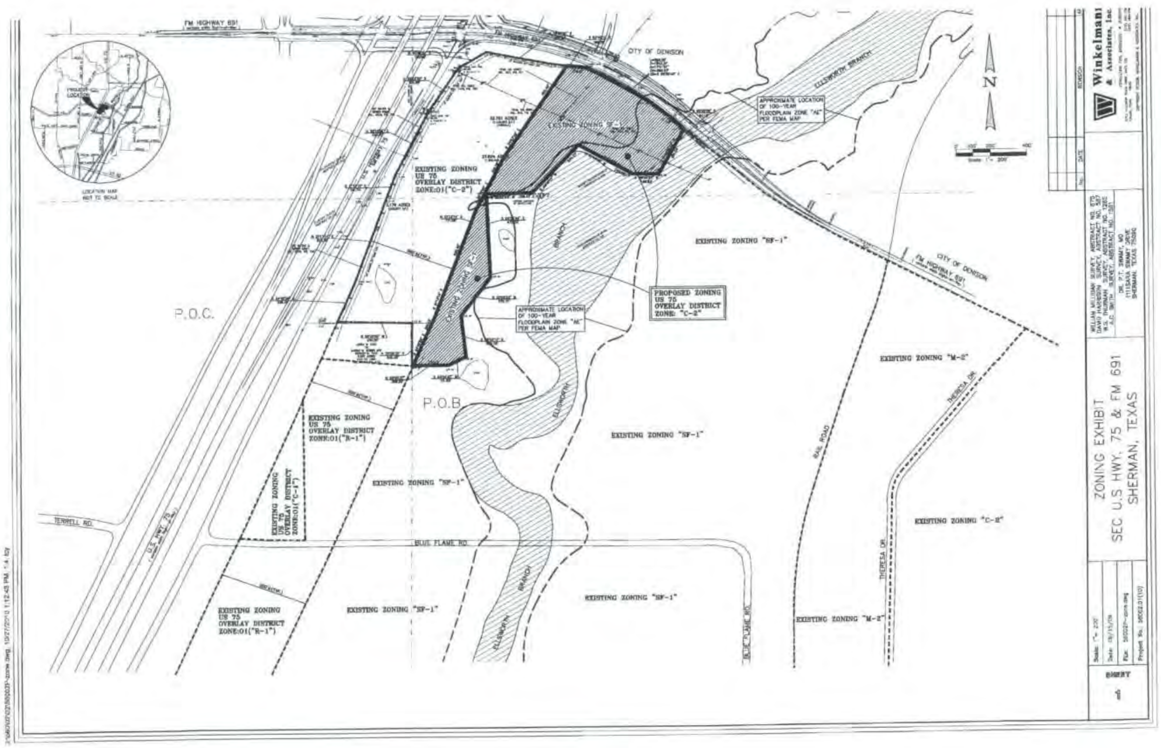
	R-A	SINGLE FAMILY AGRICULTURAL DISTRICT
	SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT
	R-1	ONE FAMILY RESIDENTIAL DISTRICT
	R-2	MULTI-FAMILY RESIDENTIAL DISTRICT
	C-1	RETAIL BUSINESS DISTRICT
	C-2	GENERAL COMMERCIAL DISTRICT
	CO	OFFICE DISTRICT
	M-1	LIGHT MANUFACTURING DISTRICT
	M-1.5	MEDIUM MANUFACTURING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

6000-6100 Bls. Hwy 75 N.

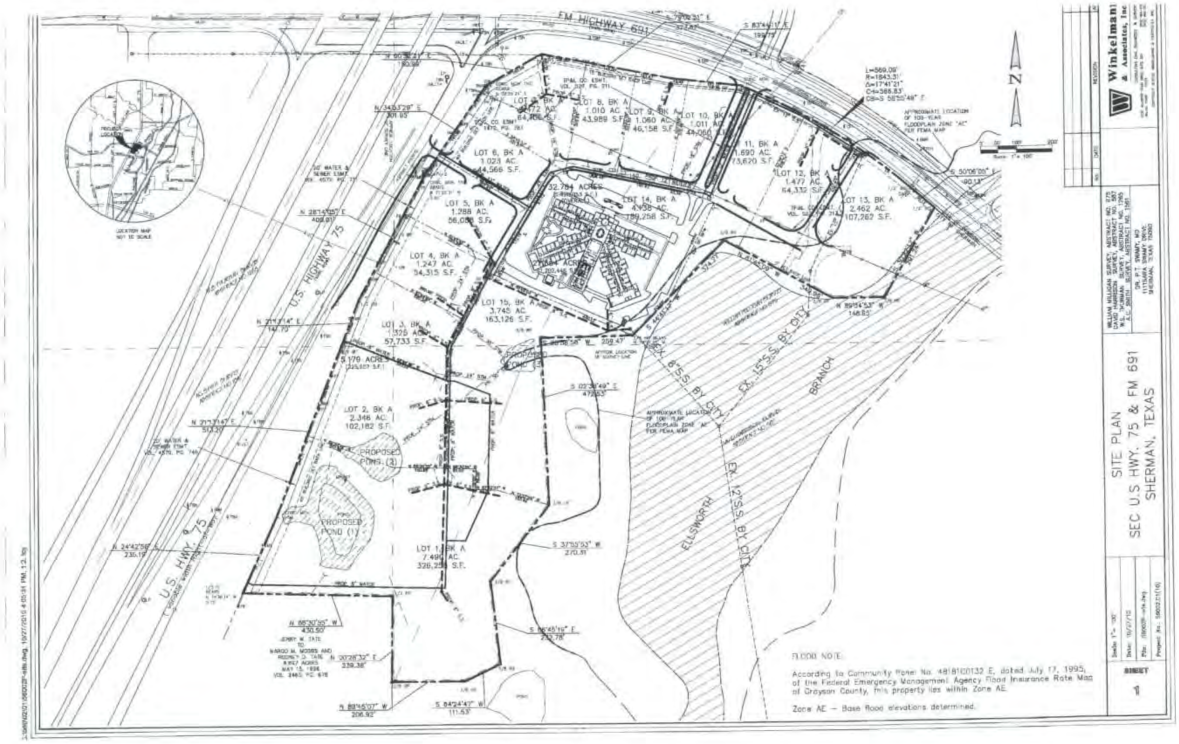
Department of Developmental Services

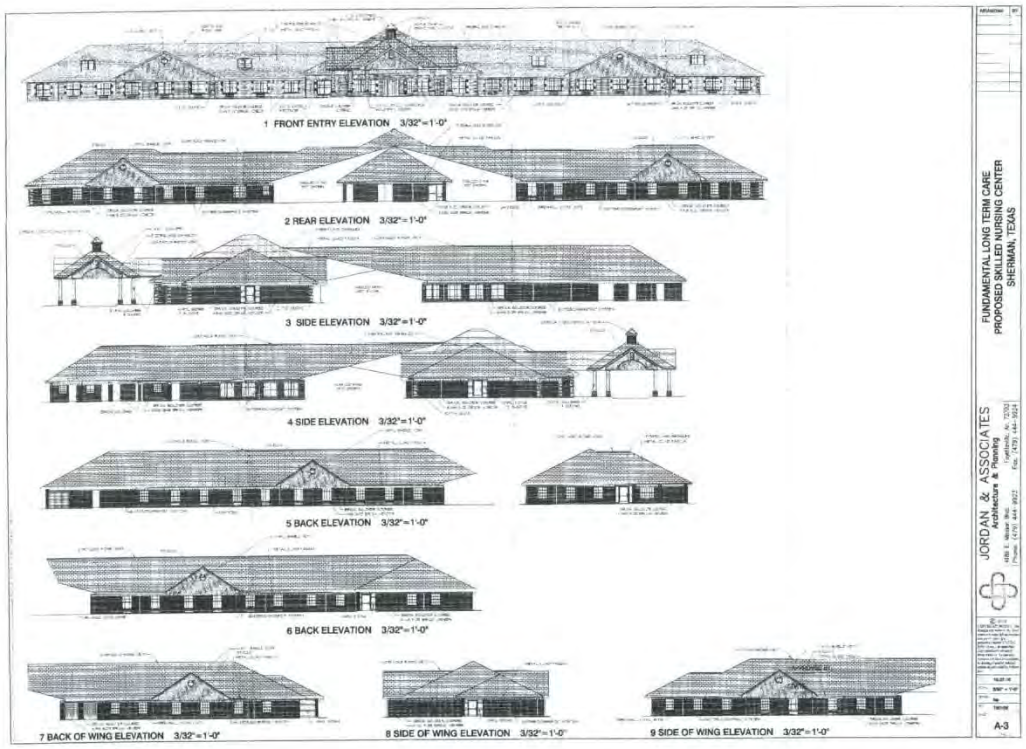
6000-6100 Blk Hwy. 75 N.

1500-1600 Blk F.M. 691 E.



FM HIGHWAY 691
CITY OF DENISON
APPROXIMATE LOCATION OF 100-YEAR FLOODPLAIN ZONE "AE" PER FEMA MAP
ELLSWORTH BRANCH
N
LOCATION MAP NOT TO SCALE
EXISTING ZONING US 75 OVERLAY DISTRICT ZONE:01("C-2")
EXISTING ZONING "SF-1"
PROPOSED ZONING US 75 OVERLAY DISTRICT ZONE: "C-2"
P.O.C.
P.O.B.
EXISTING ZONING "M-2"
EXISTING ZONING US 75 OVERLAY DISTRICT ZONE:01("R-1")
EXISTING ZONING US 75 OVERLAY DISTRICT ZONE:01("C-2")
THERESA DR.
TERRELL RD.
BLUE FLAME RD.
EXISTING ZONING "C-2"
ZONING EXHIBIT
SEC U.S HWY. 75 & FM 691
SHERMAN, TEXAS
Winkelmann & Associates, Inc.
SHEET
1


FM HIGHWAY 691
U.S. HIGHWAY 75
U.S. HWY. 75
LOT 5, BK A
1.288 AC.
56,088 S.F.
LOT 6, BK A
1.023 AC.
44,566 S.F.
LOT 8, BK A
1.010 AC.
43,989 S.F.
LOT 9, BK A
1.060 AC.
46,158 S.F.
LOT 4, BK A
1.247 AC.
54,315 S.F.
LOT 14, BK A
4.936 AC.
LOT 12, BK A
1.477 AC.
64,332 S.F.
LOT 13, BK A
2.462 AC.
107,262 S.F.
LOT 15, BK A
3.745 AC.
163,126 S.F.
LOT 3, BK A
57,733 S.F.
LOT 2, BK A
2.346 AC.
102,182 S.F.
LOT 1, BK A
7.490 AC.
PROPOSED POND (1)
ELLSWORTH
BRANCH
FLOOD NOTE:
According to Community Panel No. 48181C0132 E, dated July 17, 1995, of the Federal Emergency Management Agency Flood Insurance Rate Map of Grayson County, this property lies within Zone AE.
Zone AE — Base flood elevations determined.
SITE PLAN
SEC U.S HWY. 75 & FM 691
SHERMAN, TEXAS
Winkelman & Associates, Inc
SHEET
1


1 FRONT ENTRY ELEVATION 3/32"=1'-0"
2 REAR ELEVATION 3/32"=1'-0"
3 SIDE ELEVATION 3/32"=1'-0"
4 SIDE ELEVATION 3/32"=1'-0"
5 BACK ELEVATION 3/32"=1'-0"
6 BACK ELEVATION 3/32"=1'-0"
7 BACK OF WING ELEVATION 3/32"=1'-0"
8 SIDE OF WING ELEVATION 3/32"=1'-0"
9 SIDE OF WING ELEVATION 3/32"=1'-0"
FUNDAMENTAL LONG TERM CARE
PROPOSED SKILLED NURSING CENTER
SHERMAN, TEXAS
JORDAN & ASSOCIATES
Architecture & Planning
A-3

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

6000-6100 Blks U.S. Highway 75 North & 1500-1600 Blks F.M. 691 East
Being 32.784 acres in the William Milligan Survey, Abstract No. 875, the David Harrison Survey, Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265 and the A.C. Smith Survey, Abstract No. 1561
Variance, Preliminary Plat, Zone Change, Site Plan

Requested Action/Proposed Use:
Planning and Zoning Commission

a) Variance to allow a lot with no public street frontage in a C-2 (General Commercial) District, SF-1 (Single Family Residential) District and O-1 (75 & 82) Overlay District
b) Preliminary Plat of Dr. Swamy Addition
c) Zone Change and site plan approval from an SF-1 (Single Family Residential) District to a C-2 (General Commercial) District.

Background:
The property is located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East; the southeast corner of U.S. Highway 75 and FM 691. The owners would like to plat the property into 15 lots for Commercial Development. They are asking for a variance on one of the lots to construct a skilled nursing facility with no street frontage.

Adjacent Zoning:
C-2 (General Commercial) District and SF-1 (Single Family Residential) District

Origination:
One Ganesha LTD (Owners) and Michael Clark (Representative)

Master Plan Designation:
Suburban Commercial and Agriculture & Rural

Number of notices mailed: 1

Objections received: 0

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

Prepared by:
Patsy Reeves,
Developmental Services Secretary

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 11, 2010

One Ganesha, LTD
1111 Sara Swamy Dr.
Sherman, TX 75090

Michael Clark
6750 Hillcrest Plaza #325
Dallas, TX 75230

Dear Applicants,

The request for a site plan approval for Fundamental Long Term Care, a proposed skilled nursing center for the property located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

<u>Zoning:</u>

1. All aspects of the C-2 (General Commercial) District, the O-1 (75 & 82) Overlay District and Commercial Tree and Landscaping Ordinance must be followed.
2. All parking shall be on private property; parking is permitted on paved surfaces only.
3. Fire lanes shall be coordinated with the Fire Marshal.
4. Shall provide a screening device as an enclosure for garbage and trash containers. Such screening device shall be located within the building area of the lot, parcel or tract or land. The container shall be positioned or screened in such a way so that it is not visible from any street, highway or major thoroughfare.
5. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required

<u>Engineering:</u>

6. Storm drain plan including detention shall be reviewed and approved by the City Engineer.
7. Drive approaches and sidewalks shall conform to TxDOT and the City of Sherman standards.
8. All lots shall have separate water and sewer services.
9. All lots without street frontage shall request a variance.
10. Must comply with all drainage requirements of the City of Sherman.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Nathan Huffman, Fire Marshal
Scott Taylor, Assistant Director of Public Works
Don Keene, Exec. Dir. of Planning & Public Works

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. B.5

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5681
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District and R-2 (Multi-Family Residential) District at 1300 West Taylor Street (Charles Edward Anderson, Rosemary Anderson, Cynthia Pallett, Jarrod Weldon Anderson and Alida K. Anderson, Owners; David Vilbig, Vilbig and Associates, Inc., Engineers; and Sartin and Associates, Inc., Surveyors)

Issue
To consider the request of Charles Edward Anderson, Rosemary Anderson, Cynthia Pallett, Jarrod Weldon Anderson and Alida K. Anderson (Owners), David Vilbig, Vilbig and Associates, Inc. (Engineers), and Sartin and Associates, Inc. (Surveyor) concerning the property at 1300 West Taylor Street:

(a) **Tract 1:** Being 3.43 acres in the J.B. McAnair Survey, Abstract No. 763
Zone change and conceptual site plan approval from an R-1 (One Family Residential) District to C-1 (Retail Business) District

(b) **Tract 2:** Being 15.74 acres in the J.B. McAnair Survey, Abstract No. 763
Zone change and conceptual site plan approval from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District

Background
The property is located at 1300 West Taylor Street across from Fairview Park. The owners would like to rezone the property from an R-1 (One Family Residential) District to a C-1 (Retail Business) District and an R-2 (Multi-Family Residential) District.

Origination
Charles Edward Anderson, Rosemary Anderson, Cynthia Pallett, Jarrod Weldon Anderson and Alida K. Anderson (Owners); David Vilbig, Vilbig and Associates, Inc. (Engineers); and Sartin and Associates, Inc. (Surveyor)

Board Recommendation
At the November 16, 2010 regular meeting, the Planning and Zoning Board voted 7/0 to recommend to the City Council that the zone changes be approved subject to the Staff Review Letter. Commission Member Atherton abstained from voting.

Attachments
Ordinance No. 5681, Location Map, Photograph, Site Plan, Letters, P&Z Communication Form and Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5681

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE C-1 (RETAIL BUSINESS) DISTRICT AND R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT AT 1300 WEST TAYLOR STREET (CHARLES EDWARD ANDERSON, ROSEMARY ANDERSON, CYNTHIA PALLETT, JARROD WELDON ANDERSON AND ALIDA K. ANDERSON, OWNERS; DAVID VILBIG, VILBIG AND ASSOCIATES, INC., ENGINEERS; AND SARTIN AND ASSOCIATES, INC., SURVEYORS); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the C-1 (Retail Business) District and R-2 (Multi-Family Residential) District at 1300 West Taylor Street, and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

C-1 (RETAIL BUSINESS) DISTRICT - TRACT 1

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J. B. McANAIR SURVEY, Abstract No. 763, being a part of a 35-1/2 acre tract of land conveyed by Mrs. Rufie M. Brown to Elsie Anderson and C. W. Anderson by deed dated October 1, 1932, recorded in Volume 362, Page 653, Deed Records, Grayson County, Texas and being all or part of the following tracts conveyed out of said 35-1/2 acre tract: (i) part of a 1.6890 acre tract of land conveyed by C. W. Anderson, et ux to C. W. Anderson, Jr., et ux by deed dated March 1, 1966, recorded in Volume 1049, Page 203, Deed Records, Grayson County, Texas (ii) all of an 0.769 acre tract conveyed by C. W. Anderson, Jr., et ux to Charles Edward Anderson, et al by deed dated May 11, 1984, recorded in Volume 1696, Page 842, Deed Records, Grayson County, Texas, (iii) all of a 15 foot strip of land conveyed by C. W. Anderson, Jr., et ux to Charles Edward Anderson, et ux by deed dated June 27, 1984, recorded in Volume 1702, Page 128, Real Property Records, Grayson County, Texas, (iv) all of an 0.04 acre tract conveyed by Charles Edward Anderson and Gary L. Anderson, Individually and as Successor Trustees to Charles Edward Anderson and Rosemary Anderson by deed dated March 27, 2006, recorded in Volume 4031, Page 317, Official Public Records, Grayson County, Texas, (v) part of a 1.00 acre tract conveyed by Betty Ruth Anderson to Jarrod Weldon Anderson, et ux by deed dated September 24, 1997, recorded in Volume 2575, Page 370, Official Public Records, Grayson County, Texas and (vi) part of a 32.643 acre tract of land described as 35-1/4 acres less three tracts of land totaling 2.607 acres in deed from Elsie L. Anderson, et al to C. W. Anderson, Jr., dated December 30, 1976, recorded in Volume 1369, Page 201, Deed Records, Grayson County, Texas, being a part of a 67.4074 tract of land described as 68.2201 acres LESS an

0.8127 acre tract in deed from Standard Oil Company of Texas to the City of Sherman, dated March 23, 1959, recorded in Volume 889, Page 150, Deed Records and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at the Northeast corner of said 35-1/2 acre tract, on the South line of Taylor Street, the South line of said 67.4074 acre tract;

THENCE South 14 deg. 37 min. 10 sec. East, with the East line of said 35-1/2 acre tract, passing the Northwest corner of Block One of the Replat of Lots 6 thru 45, Wood Haven Addition to the City of Sherman, Texas as shown by plat of record in Volume 6, Page 29, Plat Records, Grayson County, Texas and continuing with its West line for a total distance of 200.00 feet to the Southeast corner of the herein described tract;

THENCE South 75 deg. 24 min. 11 sec. West, a distance of 710.92 feet to the Southwest corner of the herein described tract;

THENCE North 01 deg. 04 min. 32 sec. East, a distance of 283.03 feet to a point;

THENCE North 41 deg. 39 min. 46 sec. West, a distance of 29.38 feet to the Northwest corner of the herein described tract, on the South line of Taylor Street;

THENCE South 84 deg. 24 min. 03 sec. East, with the South line of said Taylor Street, a distance of 171.70 feet to the beginning of a curve;

THENCE in a Northeasterly direction continuing with the South line of said Taylor Street and with a curve to the left having a radius of 600.00 feet, (chord bears North 85 deg. 30 min. 04 sec. East, 210.40 ft.), a distance of 211.49 feet to the end of said curve, on the South line of said 67.4074 acre tract, the North line of said 35-1/2 acre tract;

THENCE North 75 deg. 34 min. 36 sec. East, with the South line of said 67.4074 acre tract, the North line of said 35-1/2 acre tract, a distance of 280.18 feet to the **PLACE OF BEGINNING** and containing **3.43 ACRES OF LAND** more or less..

R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT – TRACT 2

SITUATED in the City of Sherman, County of Grayson, State of Texas, being a part of the J. B. McANAIR SURVEY, Abstract No. 763, being a part of a 35-1/2 acre tract of land conveyed by Mrs. Rufie M. Brown to Elsie Anderson and C. W. Anderson by deed dated October 1, 1932, recorded in Volume 362, Page 653, Deed Records, Grayson County, Texas and being all or part of the following tracts conveyed out of said 35-1/2 acre tract: (i) part of a 1.6890 acre tract of land conveyed by C. W. Anderson, et ux to C. W. Anderson, Jr., et ux by deed dated March 1, 1966, recorded in Volume 1049, Page 203, Deed Records, Grayson County, Texas (ii) part of a 1.00 acre tract conveyed by Betty Ruth Anderson to Jarrod Weldon Anderson, et ux by deed dated September 24, 1997, recorded in Volume 2575, Page 370, Official Public Records, Grayson County, Texas, (iii) all of a 1.06 acre tract conveyed by Charles

Edward Anderson and Gary L. Anderson to Cynthia E. Pallett by deed dated December 30, 2004, recorded in Volume 3788, Page 587, Official Public Records, Grayson County, Texas and (iv) part of a 32.643 acre tract of land described as 35-1/4 acres less three tracts of land totaling 2.607 acres in deed from Elsie L. Anderson, et al to C. W. Anderson, Jr., dated December 30, 1976, recorded in Volume 1369, Page 201, Deed Records, Grayson County, Texas and being more particularly described by metes and bounds as follows to-wit:

COMMENCING at the Northeast corner of said 35-1/2 acre tract, on the South line of Taylor Street,

THENCE South 14 deg. 37 min. 10 sec. East, with the East line of said 35-1/2 acre tract, passing the Northwest corner of Block One of the Replat of Lots 6 thru 45, Wood Haven Addition to the City of Sherman, Texas as shown by plat of record in Volume 6, Page 29, Plat Records, Grayson County, Texas and continuing with its West line for a total distance of 200.00 feet to the **TRUE POINT OF BEGINNING:**

THENCE South 14 deg. 37 min. 10 sec. East, continuing with the East line of said 35-1/2 acre tract, the West line of said Block One, passing its Southwest corner, the Northwest corner of Block Two of said Replat of Lots 6 thru 45 and continuing with the West line of said Block Two for a total distance of 647.59 feet to an angle point in the West line of said Block Two;

THENCE South 34 deg. 19 min. 48 sec. West, continuing with the West line of said Block Two, a distance of 12.98 feet to an angle point in the West line of said Block Two

THENCE South 13 deg. 55 min. 39 sec. East continuing with the West line of said Block Two, a distance of 174.02 feet to the Northeast corner of Block Three of said Replat of Wood Haven Addition;

THENCE South 74 deg. 04 min. 40 sec. West, with the North line of said Block Three, passing its Northwest corner, the Northeast corner of Newman Drive and continuing for a total distance of 398.28 feet to the Northwest corner of said Wood Haven Addition, an ell corner of said 32.643 acre tract;

THENCE South 03 deg. 18 min. 27 sec. East, with a West line of said Wood Haven Addition, a distance of 130.72 feet to the most Southerly corner of the herein described tract;

THENCE North 16 deg. 45 min. 07 sec. West, a distance of 172.84 feet to the beginning of a curve;

THENCE in a Northwesterly direction with a curve to the left having a radius of 200.00 feet, (chord bears North 56 deg. 16 min. 20 sec. West, 254.54 ft.), a distance of 275.90 feet to the end of said curve;

THENCE South 84 deg. 12 min. 27 sec. West, a distance of 237.56 feet to the beginning of a curve;

THENCE in a Northwesterly direction with a curve to the right having a radius of 275.00 feet, (chord bears North 85 deg. 30 min. 42 sec. West, 98.16 ft.), a distance of 98.69 feet to the end of said curve;

THENCE North 75 deg. 13 min. 51 sec. West, a distance of 44.55 feet to the beginning of a curve;

THENCE in a Northwesterly direction with a curve to the right having a radius of 205.00 feet, (chord bears North 01 deg. 38 min. 18 sec. West, 393.30 ft.), a distance of 526.62 feet to the end of said curve;

THENCE North 71 deg. 57 min. 15 sec. East, a distance of 19.66 feet to the beginning of a curve;

THENCE in a Northeasterly direction with a curve to the left having a radius of 175.00 feet, (chord bears North 36 deg. 30 min. 54 sec. East, 202.94 ft.), a distance of 216.49 feet to the end of said curve;

THENCE North 01 deg. 04 min. 32 sec. East, a distance of 2.60 feet to the Northwest corner of the herein described tract;

THENCE North 75 deg. 24 min. 11 sec. East, a distance of 710.92 feet to the **PLACE OF BEGINNING** and containing **15.74 ACRES OF LAND** more or less..................................

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

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

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

INTRODUCED on this the ______________ day of __________________, 2010.

ADOPTED on this the _________________ day of __________________, 2010.

EFFECTIVE DATE on this the _________ day of __________________, 2010.

CITY OF SHERMAN, TEXAS

BY: ________________________________

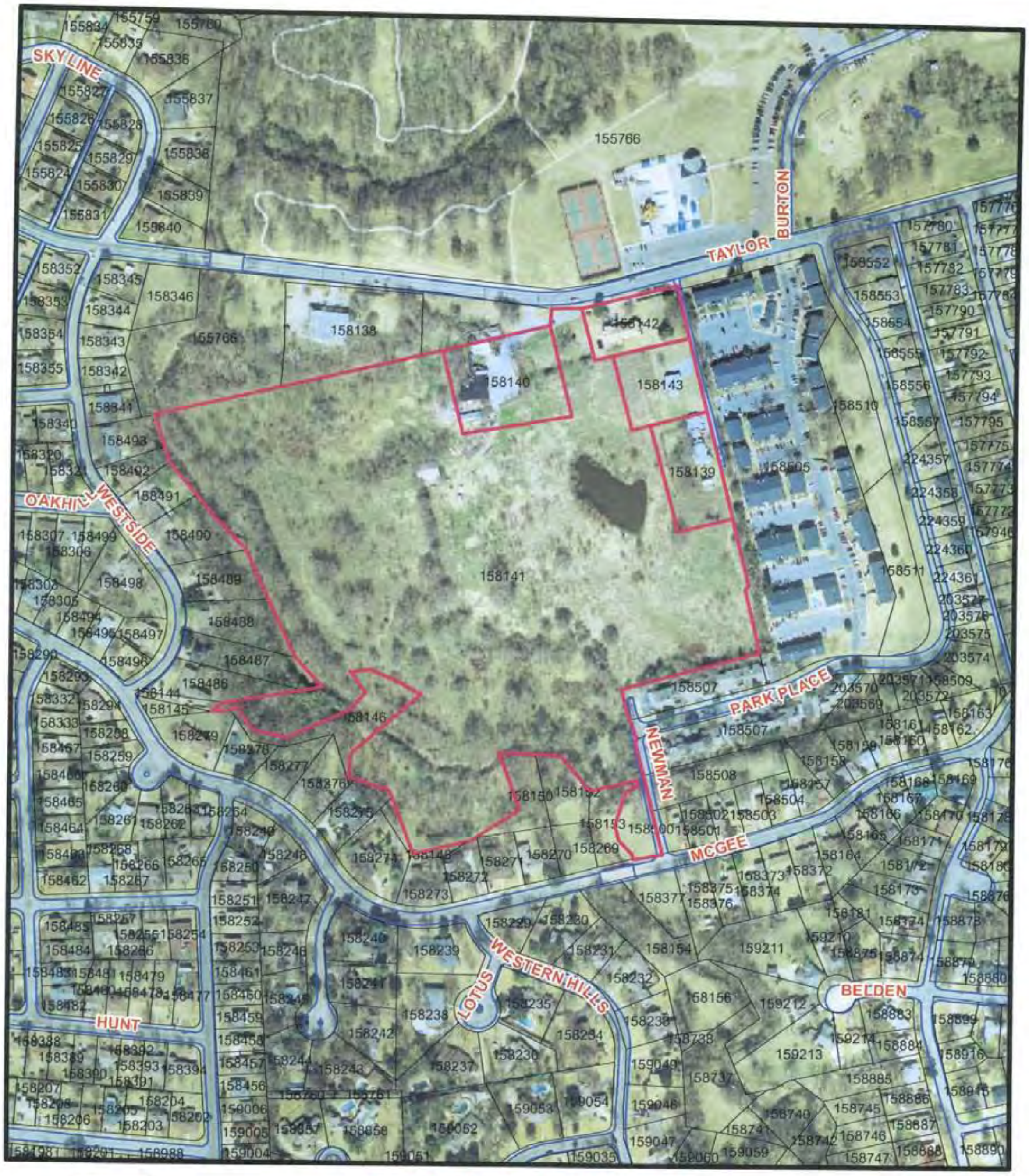
BILL MAGERS, MAYOR

ATTEST:

BY: __________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

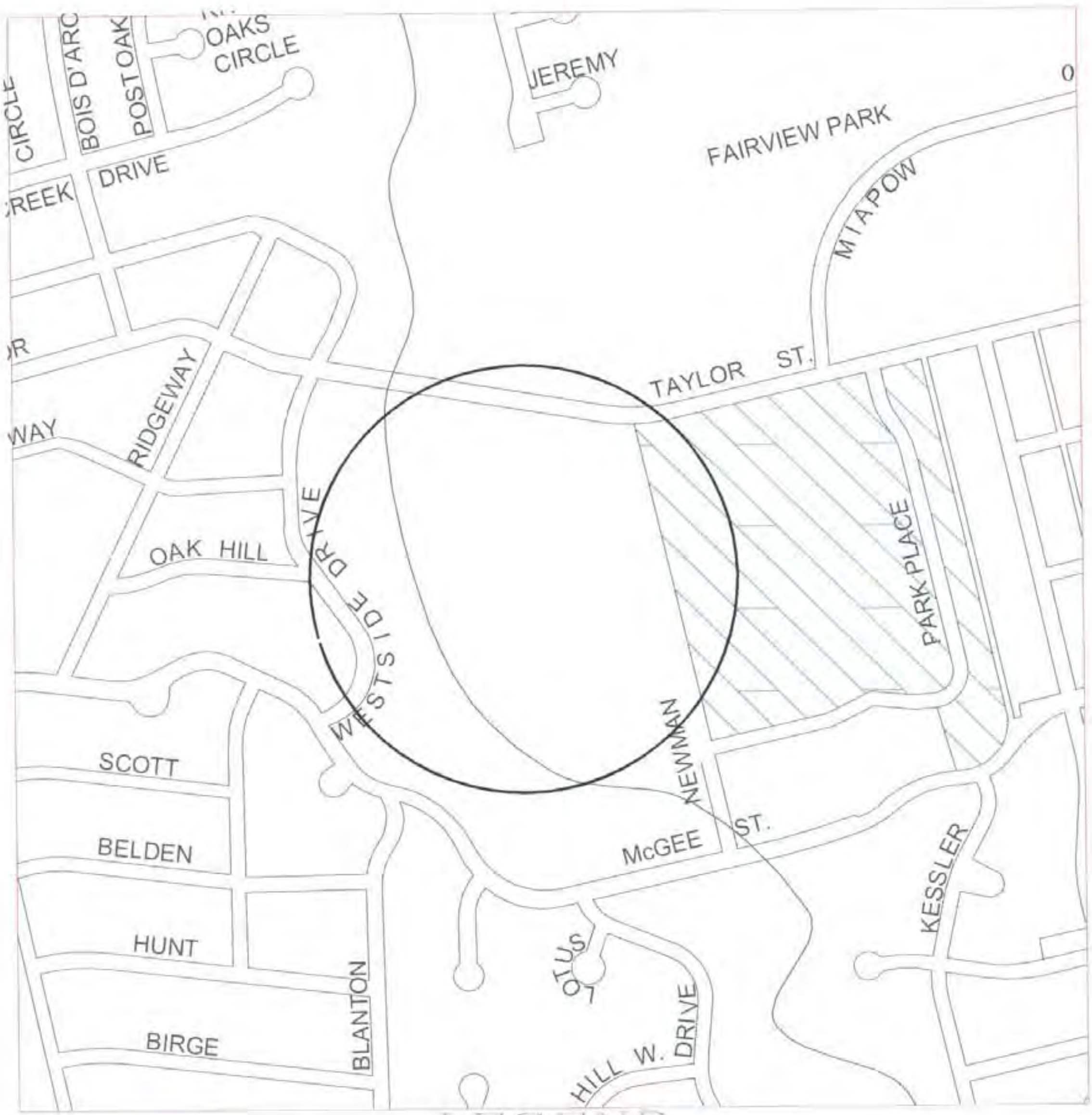
BY: __________________________________
BRANDON S. SHELBY,
CITY ATTORNEY



1300 W. Taylor Street

1 inch = 343 feet

City of Sherman, Texas
Developmental Services Department



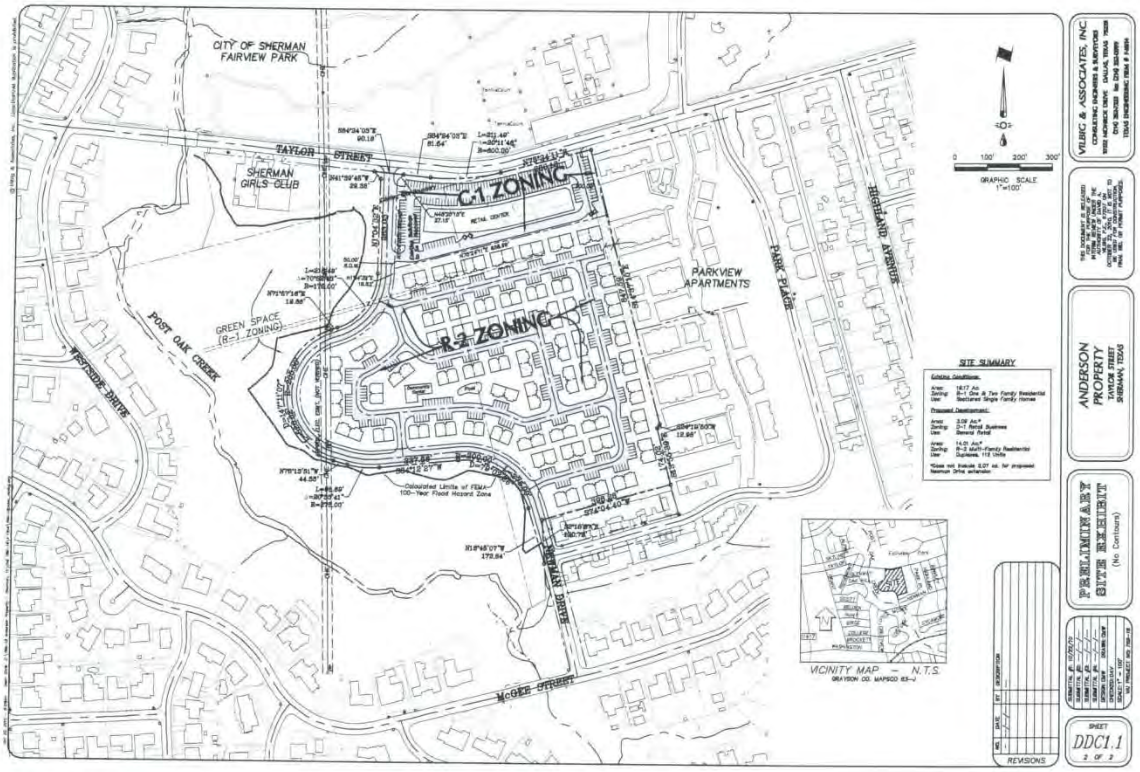
LEGEND

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

1300 W. Taylor Street

Department of Developmental Services

1300 W. Taylor



CITY OF SHERMAN
FAIRVIEW PARK
TAYLOR STREET
SHERMAN
GIRLS CLUB
C-1 ZONING
RETAIL CENTER
R-2 ZONING
GREEN SPACE
(R-1 ZONING)
POST OAK CREEK
PARKVIEW
APARTMENTS
PARK PLACE
HIGHLAND AVENUE
WESTSIDE DRIVE
McGEE STREET
Calculated Limits of FEMA
100-Year Flood Hazard Zone
SITE SUMMARY
GRAPHIC SCALE
1"=100'
VICINITY MAP — N.T.S.
VILBIG & ASSOCIATES, INC.
ANDERSON
PROPERTY
TAYLOR STREET
SHERMAN, TEXAS
PRELIMINARY
SITE EXHIBIT
(No Contours)
REVISIONS
SHEET
DDC1.1
2 OF 2


cuttingedgehomes.net

SHERMAN

PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
Telephone No. (903) 892-7229
FAX No. (903) 892-7274

October 29, 2010

STJ Apartments LP
PO Box 140368
Irving, TX 75014-0368

NOV 4

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, November 16, 2010 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Charles Edward Anderson, Rosemary Anderson, Cynthia Pallett, Jarrod Weldon Anderson and Alida K. Anderson (Owners), David Vilbig, Vilbig and Associates, Inc. (Engineers) and Sartin & Associates (Surveyor) concerning the property at 1300 West Taylor Street

The request is as follows:

(a) **Tract 1: Being 3.43 acres in the J.B. McAnair Survey, Abstract No. 763 Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential) District to C-1 (Retail Business) District.**

(b) **Tract 2: Being 15.74 acres in the J.B. McAnair Survey, Abstract No. 763 Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District.**

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you can not attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106

Scott Shadden
Secretary, Planning & Zoning Board

Please see the Attached Letter.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.

DOMINION
ADVISORS

November 2, 2010

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106

RE: Proposed Zone Change for 1300 West Taylor Property

Dear Mr. Shadden:

We are in receipt of your notice regarding the above-captioned matter. Dominion Advisors is the authorized representative of STJ Apartments, L.P., owners of St. James Apartments located at 1225 Park Place. St. James immediately abuts the parcel in question. We object to the Zoning change from single family to multi-family for the following reasons:

1. St. James was purchased by the current ownership in 1998. One of the enticements to purchase the property was the barrier to entry in the immediate area for any new multi-family construction other than duplex lots on Park Place. This was an important part of the investment decision and remains so.
2. The Sherman multi-family market overall has been quite weak over the past 12 years. It is a constant struggle to keep occupancy above 90% for many of the properties, including ours. With the closing of many manufacturing facilities during that time coupled with nominal construction of new units, the market has stayed out of balance.
3. In the immediate area, even the construction of a handful of duplex units created problems with occupancy at St. James. The adjoining low income property, Park View, has constantly had a huge occupancy problem.
4. The City will need to gauge the impact this type of dense development will have on traffic in the area and pressure it will put on the local schools.

In conclusion, we feel this change will have an adverse impact on the area and our investment. We strongly oppose the change and encourage the City to do likewise.

Very truly yours,

Patrick L. Calvano
President

Dominion Realty Advisors, Inc.
320 Decker Drive • Suite 224 • Irving, Texas 75062
TEL (972) 739-6101 • FAX (972) 739-6102

Shadden, Scott

From:	john brakebill [brakebill@cableone.net]
Sent:	Monday, November 15, 2010 2:32 PM
To:	Shadden, Scott
Subject:	rezoning Anderson Property

NOV 15

Hello Scott, I would like to strongly protest the rezoning of the Anderson property to apartments and especially for retail. Rezoning for apartments has already been turned down by once by the P&Z and nothing has changed since. The area is already so congested at certain times that there is a constant danger to pedestrians as well a vehicular and bike traffic. Lets keep the area safe for our walkers and bikers and shop somewhere else. Thanks, John Brakebill

Shadden, Scott

From: betty roberts [broberts.2@verizon.net]
Sent: Tuesday, November 16, 2010 7:33 AM
To: Shadden, Scott
Subject: Taylor St. Zone Change

NOV 16 2010

I am against the Zone change on Taylor Street, for the same reason that we were against the change in the past. Does Sherman really need more multi- family residents, when the ones that in Sherman now are never filled to capacity? With increased traffice on Taylor, Sherman is just waiting to see a terrible mishap involving children. I have lived on the corner of Taylor and Westside since before Taylor was opened as a through street from East to West, in fact Taylor ended at my driveway . I see cars driving 50 miles plus on this street daily. With the thought of opening Newman, as well as more concrete for business(?) and multi housing, will that not cause more drainage and increase creek overflow? I have heard that the Anderson's have threaten to sue the city if the zone change does not pass, and they can get it through because the city does not have money to fight the change. How do threats like this protect tax paying citizens of Sherman? We have not ben protected in the past, even after citizens paid for their own attorneys.
I am absolute against a zone change of multi-housing and business for this location on Taylor Street. It is so discouraging for me, who has lived in Sherman most of my life, to hear former residents who have not been in Sherman for years say, "What happened to the beautiful city that we lived in . The traffic is absolutely horrbile 82 & 75, Loy Lake Town North where the hotels motels are????" Betty H. Roberts

Shadden, Scott

From: Anita and Greg [gathomas@cableone.net]
Sent: Monday, November 15, 2010 6:57 PM
To: Shadden, Scott
Subject: ci.sherman.tx.us

Dear Planning and Zoning Committee,

I oppose the zone change for the property on Taylor near Fairview Park. I love that park and go there many times weekly to use the trails. That area is so congested already especially during spring and summer months. As a homeowner that lives near the park, the extra traffic on days that there are high school baseball games or any Saturday during soccer season is at times just dangerous. I often use McGee street to avoid Taylor during these peak times. I cannot imagine the problems it will create to add more apartments and or retail, which means way more traffic in that area. On Taylor around the curve of Ridgeway we already have the yellow barriers to keep traffic in the correct lane. So why create more traffic in by allowing this zone change? Kids walk all the time to and from school on this road and retail and apartments are just the not safest and best use of the land.

Sincerely,
Anita Thomas

Shadden, Scott

From: Anita and Greg [gathomas@cableone.net]
Sent: Monday, November 15, 2010 10:29 PM
To: Shadden, Scott
Subject: Planning and zoning

NOV 16

Scott,

I am writing to you and the planning and zoning board to let you know that I strongly oppose the proposed change of the Anderson property from single family to retail/ multi family. I fully understand the families desire to sell this property but I (and every neighbor I have spoken to) feel this property should remain zoned single family. The area is already overflowing with traffic, especially traffic from the ball games held at Fairview fields and school traffic. Go by the park any week day that a baseball game is being played or on a soccer Saturday, traffic and parking is already terrible! As a homeowner near this property we already have issues with low water pressure during peak times. Volume issues are a great concern, too many cars and families in one small area near a park , school and girls club cannot be an added benefit to this city.

Gregory Thomas

G.F. Johnson
1602 Glenway Dr.
Sherman, Texas 75092-3208

November 15, 2010

NOV 15

Planning & Zoning
200 W. Mulberry
Sherman, TX 75090

Mr. Chairman:

My wife and I discovered that a proposed project on the tract of land (32 acres) at the old Anderson Slaughterhouse property was on the planning and zoning board's agenda via a newspaper article on Monday November 15, 2010. This is the property located on Taylor Street across Fairview Park here in Sherman. We never received a letter from the city of Sherman announcing this proposed project even though we live in close proximity.

We are writing this letter to express to you and the board that we are, in the **strongest terms,** objecting to the proposed building of an apartment complex as well as some form of retail establishment on that location. It is our understanding that the approval is contingent upon your approving the zone change from light industrial to multi-family. As if to add 'salt to the wound' this project would be next to one which has already gone to Section 8 (low income) housing. When my wife and I moved to Sherman nearly 18 years ago, we selected our neighborhood because of its location to a great amenity, Fairview Park, and the fact that the quality of life was indisputable.

What is currently being proposed will adversely affect what we have come to experience all these years. This is a peaceful setting with law-abiding neighbors and we want to keep it that way.

The addition of this type of complex has historically (read: proven by fact) produced the following:

- Increased crime
- Decreased the property values
- Increased traffic
- Eroded the quality of life

It will be a great shame to have the neighborhoods around Fairview Park lose their value and quality of life as a result of a zone change by your board.

Again, we want to go on record, and would like an opportunity to voice our objections to this project. Please notify us of any upcoming meetings which will give us an opportunity to do so with the above information.

Sincerely,

Wally Johnson

G.F. "Wally" Johnson

903.893.5397 419.730.9838 fax wallyjohnson1@yahoo.com

15 November 2010

To whom it may concern,

I am a tax payer and concerned property owner of Sherman, Grayson County, Texas. I oppose the development planned to be located at 1300 West Taylor Street, Sherman, Texas.

I believe the passage of the proposal will deteriorate the quality of life and charm of the area. It will also adversely affect the property owners with decreased property values, increased flooding, crime and traffic.

I request rejection of this proposal for 1300 West Taylor Street.

Respectfully,

Michiel C. Pinion

Michiel C. Pinion
1730 N. Highland St.
Sherman, TX 75092

November 15, 2010

To the Planning and Zoning Committee,

We fought this battle over a year ago and won. I cannot believe that this issue is now trying to be slid by on the tax-paying residents of North Sherman. I have known the Anderson's for over 45 years. They have been allowed to slide by city code and not pay any consequences. At the last planning meeting when this issue came up, he stood and admitted that they could not afford to mow and maintain the property. The issue now comes up again and conveniently the Herald lists the wrong address. First off, how are certain property owners given different rights and allowances than other property owner's. I believe city code is that if grass is over 4" the city sends a crew in and bills the owner. This hasn't happened in the years that the Anderson's have owned the property in the city limits. They proceed to have concession stands and haunted houses in residential areas and everyone turns their head including the council. Is the city collecting sales tax from these operations? I am sick and tired of paying taxes, which I just received today in the mail, and having no say so in my neighborhood. I hope that the council will realize the severity of their decision and the impact on the tax payers who they are paid to represent in their decision. In my opinion, this is a complete disregard to your taxpayers and a get rich quick money scheme on their part and they won't be there to live with the consequences.

Sincerely,

Gary Jay

1713 N. Highland Ave.

Sherman, TX 75092

903-892-8559

Nov. 16, 2010

To the City Council of Sherman, Texas

I am writing to ask you to support the the residents of Sherman who oppose the sale of the property on North Taylor Street which will cause more traffic to the already extremely busy street.

This is a great area of Sherman with Fairview Park and Fairview Elementary School where there are lots of children. I have seen an increase in crime and vandalism in the past five to ten years in our neighborhood. With bringing in more housing and businesses I believe it will add to this growing trend.

Protecting the neighborhood fits in with many of Sherman's priorities.
This is an important choice for our community. Please help make the right choice
Sincerely,

Roniese Pinion
1802 N. Highland Ave
903-271-4551

11/15/2010

Dear , Planning and Zoning Commissioners

We are home owners at 1825 N. Highland Ave. and we have lived there for 25+ years. Although we have enjoyed most of our time here, the last few years have not been so much. With the influx of apartment dwellings that have been built over the past years, the swiming pool crowd, and over extended use of Fairview Park the area is much to conjested with automobile traffic. We are strongly against the zone change, and feel we do not need more apartments , or commercial building use in this area. This change would add undo conjestion in an already over extended neighborhood. We are asking you to vote no and preserve the single family status and save our neighborhood.

Thank You, Chris Bartley
Doris L. Bartley

Nov. 16-2010

To whom it may concern;

My name is Ellen Waffington. I live at 1820 W. Highland, and I am against the zoning on W. Taylor st in Sherman Texas, located at 1300 W. Taylor. I feel like it would decrease the property value of our homes and would bring harm to our families and neighbors in our community. It would bring a flooding of crime and traffic as well as taking away the ~~[illegible]~~ fantastic looking environment as a charmed area that we live in now.

I respectfully request the rejection of this proposal.

Thank you,
Ellen Waffington
903-357-8720
1820 W. HighLand Sherman Tx.

To Whom It May Concern,
I have lived on Highland Ave 40+ years, I do not want want anymore apts homes or zoned commerical. There is enough traffic already with the pool ~~and additional apts~~ existing Apts already built in the last few years. Children on this street have enough trouble trying to ride their bicycles playing in their yards and walking to each other homes due to the traffic. Flooding becomes an issue spring time because of McGee Bridge. At times our phone service and cable service become problems I can't imagine trying to handle more lines. There has been an increase in crime activity and police calls since the existing Apts were built. I do not want to think what it would be if any more Apts, homes, or commerical property was added.
I am totally against this.

Thanks,
Marion Hampton

Nov. 16 2010

To Sherman City Council.
I am strongly against this
Proposal. I have been an owner
of this Property 1766 N Highland
for 55 years. This property
West of me has been nothin
~~that~~ but a headache a slap
in the mouth time and time
again. Water back up in my

Sherman City Council
From Maxine Julenchek +
Husband Roy
Carnes

Back yart every time it rains
The Water way has been blocked
because of the all the houses
an apartments. It is all ready
to Crowed. I have myself my
grand + Great gr Kid Crossing
Taylor street it now intirely
to busy. We dont need more
crap in the Neighborhood.
Please Over throw
this mess. Yours Truely Maxine Julenchek

AGENDA ITEM #6

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

1300 W. Taylor Street
Being 19.17 acres in the J.B. McAnair Survey, Abstract No. 763
Zone Change

Requested Action/Proposed Use:
Planning and Zoning Commission

(a) **Tract 1:** Being 3.43 acres in the J.B. McAnair Survey, Abstract No. 763
Zone change and conceptual site plan approval from an R-1 (One Family Residential) District to C-1 (Retail Business) District.

(b) **Tract 2:** Being 15.74 acres in the J.B. McAnair Survey, Abstract No. 763
Zone change and conceptual site plan approval from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District.

Background:
The property is located at 1300 West Taylor Street across from Fairview Park. The owners would like to rezone the property from an R-1 (One Family Residential) District to a C-1 (Retail Business) District and an R-2 (Multi-Family Residential) District.

Adjacent Zoning:
R-1 (One Family Residential) District and R-2 (Multi-Family Residential) District

Origination:
Charles Edward Anderson, Rosemary Anderson, Cynthia Pallett, Jarrod Weldon Anderson and Alida K. Anderson (Owners), David Vilbig, Vilbig and Associates, Inc. (Engineers) and Sartin & Associates (Surveyor)

Master Plan Designation:
Agriculture and Rural, General Commercial and Single Family Residential

Number of notices mailed:
6

Objections Received:
1

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

Prepared by:
Patsy Reeves,
Developmental Services Secretary

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 11, 2010

Charles Edward Anderson
Rosemary Anderson
1300 W. Taylor
Sherman, TX 75092

Cynthia Pallett
2346 Mockingbird Dr.
Grapevine, TX 76051

Jarrod Weldon Anderson
Alida K. Anderson
PO Box 215
Sherman, TX 75091-0215

Vilbig & Associates
David Vilbig
10132 Monroe Dr.
Dallas, TX 75229

Dear Applicants,

The request for a zone change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and C-1 (Retail Business) District for the property located at 1300 West Taylor Street has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

<u>Zoning:</u>

1. All aspects of the R-2 (Multi-Family Residential) District, the C-1 (Retail Business) District and the Residential and Commercial Tree and Landscaping Ordinance must be followed.
2. This site plan is conceptual in nature; a more detailed site plan will need to be submitted to the Planning and Zoning Commission for approval prior to construction.
3. Fire lanes shall be coordinated with the Fire Marshal (903-892-7267)

<u>Engineering:</u>

4. Platting of the property is required.
5. Drive approaches and sidewalks shall conform to the City of Sherman standards and a permit is required from the City of Sherman Engineering Department.
6. A utility plan is to be provided and approved by the City Engineering Department.
7. All development shall meet floodplain requirements of the City of Sherman.
8. Storm drain plan including detention shall be reviewed and approved by the City Engineer.

9. Existing utilities shall be verified to assure adequate capacity for the development.
10. Dumpster locations shall be indicated on the R-2 lot.

You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Nathan Huffman, Fire Marshal
Scott Taylor, Assistant Director of Public Works
Don Keene, Exec. Dir. of Planning & Public Works

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. B.6

ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers: 5678, 5679, 5680 and 5681

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5678
Readopting Chapter 8, Article 8.04, Division 2 of the Code of Ordinances, entitled "Curfew Hours for Minors", with No Modifications

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5679
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District at 1202 North Grand Avenue (Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin and Associates, Inc., Surveyors)

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5680
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-2 (General Commercial) District in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East (One Ganesha LTD, Owners; and Michael Clark, Representative)

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5681
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the C-1 (Retail Business) District and R-2 (Multi-Family Residential) District at 1300 West Taylor Street (Charles Edward Anderson, Rosemary Anderson, Cynthia Pallett, Jarrod Weldon Anderson and Alida K. Anderson, Owners; David Vilbig, Vilbig and Associates, Inc., Engineers; and Sartin and Associates, Inc., Surveyors)

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. B.7

CONSENT AGENDA

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

C.4 * RESOLUTION NO. 5548
Authorizing the City Manager to Represent the City of Sherman in its Application for a Grant from the Texas Water Development Board for Flood Protection Planning and to Enter into a Contract with the Texas Water Development Board if Awarded; Committing Funds from the Adopted Fiscal Year (FY) 2010-2011 City Budget; Committing Local In-Kind Services to the Study; and Requesting the Participation of Grayson County, the Sherman Independent School District, and the Texoma Council of Governments

C.5 * RESOLUTION NO. 5549
Approving the Greater Texoma Utility Authority's Intention to Contract with Red River Construction, Inc. for the Construction of Improvements at the City of Sherman Post Oak Wastewater Treatment Plant

C.6 * RESOLUTION NO. 5550
Accepting the Contract with Jerry Paul Higgins, Ltd. as Complete for Construction of the Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I

C.7 * RESOLUTION NO. 5551
Accepting the Contract with Vescor Inc. dba Vessels Construction as Complete for Construction of the Sherman Relief Sewer K4 Project, Phase II

C.8 * RESOLUTION NO. 5552
Awarding a Bid to and Authorizing Execution of a Contract with ITT Water & Wastewater U.S.A., Inc. dba ITT Flygt Corporation for the Purchase of a Submersible Pump for the Wastewater Treatment Plant Headworks

D.1 * OTHER BUSINESS
Site Plan Approval for GlobiTech Incorporated under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Addition to the Existing Building for Gas Room Storage in the Blalock Industrial Park District at 200 F.M. 1417 West

D.3 * OTHER BUSINESS

Consideration to Ordinance No. 2684, Section 26, Subsection 12(E)(2) for a Variance to Allow a Lot with No Public Street Frontage in a C-2 (General Commercial) District, SF-1 (Single Family Residential) District and O-1 (75 & 82) Overlay District in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East, being 32.784 acres in the William Milligan Survey, Abstract No. 875, the David Harrison Survey, Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265 and the A.C. Smith Survey, Abstract No. 1561 (One Ganesha LTD, Owners; and Michael Clark, Representative)

D.4 * OTHER BUSINESS

Final Plat Approval of Estates of Pebblebrook, Phase I; Walt DeRonde, Owner/Developer; Levi Wild, P.E., Sanchez & Associates, Engineer; Greg Edwards Engineering Services, Inc., Engineer/Land Planner; and Cox Land Surveying Company, Surveyors (2300-3000 Blocks of F.M. 1417 South)

D.5 * OTHER BUSINESS

Replat Approval of Lot 2, Block 1, Skyline Business Park Addition; Walris Investments, Inc., Owners; and Sartin and Associates, Inc., Surveyors (2005 Skyline Drive)

D.6 * OTHER BUSINESS

Replat Approval of Lots 15-20, High Country Estates Subdivision in the City of Sherman's Extra Territorial Jurisdiction; Charles and Judith Crocker, Owners; and Sartin and Associates, Inc., Surveyors (258 High Country Road)

D.8 * OTHER BUSINESS

Approval of the 2010 Ad Valorem Tax Roll Value and Tax Levy

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. C.1

RESOLUTION NO. 5545
Authorizing Execution of an Agreement with GlobiTech Incorporated for the Abatement of Ad Valorem Property Taxes for Improvements within Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas

Issue
Approval of a proposed tax abatement agreement between the City of Sherman and GlobiTech Incorporated for improvements to property within Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas

Background
The Tax Reinvestment Committee met on Thursday, October 21, 2010 to discuss a tax abatement request from GlobiTech Incorporated, an existing computer chip coating plant located at F.M. Highway 1417 and Howe Drive and lying within the newly created Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas. GlobiTech is seeking a tax abatement for capital improvements and job creation related to the expansion of their Sherman plant. The expansion is driven by the increasing global demand for their product. GlobiTech expects to invest about $34 million in new equipment and improvements and add at least 30 employees to its existing workforce. This proposed abatement is for six (6) years, with the abatement percentages being 100%, 100%, 75%, 50%, 50%, and 25% for each of the years, respectively. The project is to be completed in phases, with the final phase expected to be completed by the end of 2011.

Origination
Terry Kluesner of GlobiTech Incorporated; Tax Reinvestment Committee

Financial Consideration
This project is expected to generate over $160,000 in new property tax revenue over the abatement period while providing an incentive to Globitech of nearly $400,000 over the same period.

Staff Recommendation
It is recommended that the City Council approve the proposed tax abatement agreement.

Alternatives
The Council could choose not to grant this tax abatement agreement.

Attachments
Resolution No. 5545; Tax Abatement Agreement with Exhibits “A” (Resolution No. 5494) and “B” (Premises/Plat); Request and Application with Exhibit “A” (Legal Description); Matrix of Industrial Tax Abatements; and Map of Industrial Reinvestment Zone, Number 112010-1

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5545

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH GLOBITECH INCORPORATED FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR IMPROVEMENTS WITHIN INDUSTRIAL REINVESTMENT ZONE, NUMBER 112010-1, CITY OF SHERMAN, TEXAS; 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 Mayor be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from GlobiTech Incorporated, a Delaware Corporation, and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with GlobiTech Incorporated for the abatement of ad valorem property taxes for a period of six (6) years, for the purchase and installation of capital and process equipment and other possible improvements at its existing computer chip coating plant located within Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas, in the same or substantially same form as the 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 ________________, 2010.

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

TAX ABATEMENT AGREEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

THIS TAX ABATEMENT AGREEMENT ("Agreement") is made and entered into as of the _____ day of _______________, 2010 (the "Effective Date"), by and among the City of Sherman, Texas ("City"), a Home Rule City and Municipal Corporation of Grayson County, Texas, duly acting herein by and through its Mayor, and GlobiTech Incorporated, a Delaware Corporation ("GTI"), acting by and through its authorized officers, for the purposes and considerations stated below:

WITNESSETH:

WHEREAS, on the 15th day of November, 2010, the City Council of the City ("City Council"), passed Ordinance No. 5674 ("Ordinance") establishing Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas ("Zone"), for commercial-industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended ("Code"); and

WHEREAS, the City has adopted Guidelines and Criteria for the Industrial Tax Abatement Program ("Guidelines"), by the passage of Resolution No. 5494, on the 7th day of June, 2010; and

WHEREAS, the City's current Guidelines are attached as Exhibit A hereto; and

WHEREAS, the Guidelines constitute appropriate guidelines and criteria governing tax abatement agreements to be entered into by the City as contemplated by Chapter 312 of the Code, providing for the availability of tax abatement for both new facilities and structures and for the contemplated expansion or modernization of existing facilities or structures; and

WHEREAS, the City has adopted a resolution stating that it elects to be eligible to participate in tax abatement; and

WHEREAS, GTI currently owns the Premises, as hereinafter defined, and GTI expects to make improvements to its facilities and add manufacturing machinery and equipment (the "Improvements") (among other possible improvements) on the Premises. The Improvements and use of the Premises is expected to significantly enhance the economic and employment base of the City; and

WHEREAS, the City Council also finds that the improvements sought are feasible and practical and would be of benefit to the land to be included in the Zone and to the City after expiration of this Agreement; and

WHEREAS, the City Council finds that the terms of this Agreement and the Premises and proposed Qualified Facilities, as hereinafter defined, meet the applicable guidelines and criteria heretofore adopted by the City Council; and

WHEREAS, a copy of this Agreement has been furnished, in the manner prescribed by the Code, to the presiding officers of the governing bodies of each of the taxing units in which the Premises is located;

NOW, THEREFORE, the City, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the expansion of primary employment, the attraction of major investment in the Zone, and increased payroll that contributes to the economic development of the City and enhancement of the tax base in the City and Grayson County; and

GTI, for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the tax abatement set forth herein below, as authorized by Sections 312.201 through 312.211 of the Code, does hereby contract, covenant and agree as follows:

I.
DEFINITIONS

Wherever used in this Agreement, the following capitalized terms shall have the meanings ascribed to them:

A. “GTI AFFILIATE” shall mean any Person, directly or indirectly controlling, controlled by, or under common control with GTI. As used in this definition, the term “control” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a Person, whether through ownership of voting securities, by contract or otherwise.

B. “EFFECTIVE DATE” shall have the meaning given it in the introductory paragraph of this Agreement.

C. “ELIGIBLE PROPERTY VALUE" shall mean (i) with respect to each Qualified Facility for a particular tax year, the value of such Qualified Facility on the tax rolls of the Grayson Appraisal District as of such tax year; and (ii) with respect to business personal property located on the Premises for a particular tax year, the value of such business personal property on the tax rolls of the Grayson Appraisal District as of such tax year.

D. “FORCE MAJEURE” shall mean, without limitation, acts of God, or the public enemy, war, terrorism, criminal acts by unrelated third parties, riot, civil commotion, insurrection, governmental or de facto governmental action other than the City’s legislative zoning authority, fire, explosions, floods, strikes, adverse weather, or any other extraordinary event beyond the control of GTI (including, without limitation, broad based extraordinary economic events) that makes it reasonably impracticable to accomplish a desired objective.

E. “PERSON” shall mean an individual or a corporation, partnership, trust, estate, unincorporated organization, association, or other entity.

F. “PHASE I” shall mean all improvements made to real property and addition of machinery and equipment between January 1, 2010 and December 31, 2010 associated with Fab 1 of the PREMISES.

G. “PHASE II” shall mean all improvements made to real property and addition of machinery and equipment between January 1, 2011 and December 31, 2011 associated with Fab 2 of the PREMISES.

H. "PREMISES" shall mean all that parcel of land owned by GTI as hereinafter described in Exhibit B attached hereto.

I. "QUALIFIED FACILITIES" shall mean any building, improvement, structure, fixture, parking or paving constructed on the Premises after December 31, 2009.

J. “REAL PROPERTY” and “PERSONAL PROPERTY” shall, for the purposes of this agreement, be defined by the Texas Tax Code.

II.
GENERAL PROVISIONS

A. All procedures followed by the City shall conform to the requirements of the Code, and shall be undertaken in coordination with GTI’s corporate, public, employee, and business relations requirements.

B. The Premises will be owned by GTI or a GTI Affiliate, which Premises are located solely within the city limits of the City and solely within the Zone.

C. The Premises are not in an improvement project financed by tax increment bonds.

D. This Agreement is entered into subject to the rights of the holders of outstanding bonds of the City; provided, however, that this section shall not be construed to create a security interest in the Premises or Qualified Facilities in favor of such holders of outstanding bonds of the City.

E. The Premises are not owned or leased by any member of the City Council or any member of the Planning and Zoning Commission of the City or any member of the governing body of any taxing unit joining in or adopting this Agreement.

F. This Agreement is intended to comply with the requirements of Section 312.204 of the Code and is authorized by the Texas Property Redevelopment and Tax Abatement Act of the Texas Tax Code, Chapter 312, by the Guidelines and by resolution of the City Council authorizing execution of this Agreement.

G. During the period of the tax abatement herein authorized, GTI shall be subject to all applicable City taxation not specifically abated or exempted, including but not limited to, sales tax and ad valorem taxation on land, inventory and supplies.

III.
CONDITION PRECEDENT TO TAX ABATEMENT

As a condition precedent to a tax abatement under this Agreement, GTI or a GTI Affiliate must substantially complete, or cause to be substantially completed, PHASE I on or before January 1, 2011 and PHASE II on or before January 1, 2012 (the "Construction Condition").

IV.
TERM AND ABATEMENT PERIOD

A six (6) and eight (8) year tax abatement period permitted by law is hereby granted with respect to each Qualified Facility and all the business personal property located therein or otherwise on the Premises, as indicated in Section VI below. The tax abatement period for Phase I shall commence to run beginning January 1, 2011. The tax abatement period for Phase II shall commence to run beginning January 1 of the year following the date GTI or an GTI Affiliate obtains a certificate of occupancy with respect to such Qualified Facility (or beginning January 1 of the year in which such certificate of occupancy is obtained with respect to such Phase II if GTI elects to have the tax abatement term begin on such date by delivering a written notice to the City thereof on or before March 31 of such year).

V.
INITIAL AND MINIMUM TAX LIABILITY

A. For the purposes of this agreement, the PHASE I and PHASE II and any and all improvements therefrom shall be assigned a minimum initial eligible property value as follows:

- PHASE I total property - $15.0 million
- PHASE I real property - $1.5 million
- PHASE II total property - $19.0 million
- PHASE II real property - $6.0 million

B. During the period of tax abatement herein authorized, GTI shall be liable to the City for a minimum taxable value assigned under Sec. V.A. for real property values, notwithstanding any failure of either party to comply with a provision of this or any related contract, assignment of this or any related contract, cessation of operations, or sale of Premises. GTI shall be liable to the City for the personal property taxable values associated with PHASE I and PHASE II under Sec. V.A. only in the initial year of investment made of those projects. Thereafter, the basis for calculating the abatement shall be based on the assessed value of the personal property for that year.

VI.
RATE, SCOPE, CONDITIONS AND COVENANTS

The rate and scope and additional conditions of tax abatement shall be as follows:

A. Annual Rates of Abatement – The following shall be the annual rates of tax abatement for each Qualified Facility and the business personal property located therein or otherwise on the Premises:

REAL PROPERTY		PERSONAL PROPERTY	
Year	Percentage of City Property Taxes Abated	Year	Percentage of City Property Taxes Abated
1	100%	1	100%
2	100%	2	100%
3	100%	3	75%
4	75%	4	75%
5	75%	5	50%
6	75%	6	50%
7	50%	7	0%
8	50%	8	0%

B. Construction Condition. Notwithstanding Section VI.A. above, if the Construction Condition is not met on or before January 1, 2012 (plus any extensions due to Force Majeure), then no tax abatements under this Agreement shall be provided.

C. Operation Covenant. GTI shall operate the Facility in accordance with prudent industry standards and applicable law.

D. Property Tax Covenant. Throughout the term of this Agreement, GTI shall timely pay all property taxes for the Premises and real and personal property located therein due and owing by it to all relevant taxing jurisdictions.

E. Management Change Notice Covenant. During the term of this Agreement, GTI shall notify the City in writing of any change of the manager of GTI within seven (7) days of such change.

VII.
RECORDS AND AUDITS

A. Not later than January 31 of each applicable year, GTI shall submit to the City a certification from GTI as to the conditions set forth in Section VI.B., C., D., and E. (provided that once condition VI.B. above is met, then no further certification shall be required with respect to such condition).

B. At all times throughout the term of this Agreement, the City shall have reasonable access to the Premises by City employees (upon prior notice to and reasonable approval of GTI) for the purpose of inspecting same to ensure that the Qualified Facilities are maintained in accordance with the specifications and conditions of this Agreement; provided that GTI shall have the right to accompany City employees on any such inspection and that such inspection shall be limited to examining only that information necessary to determine the basis for the certifications required by Section VI.B., C., D. and E. and that the City shall use its best efforts not to interrupt GTI's activities at the Premises. With respect to any such inspection process, the City shall keep all information obtained by it from GTI or any GTI Affiliate confidential, and shall execute and deliver to GTI a commercially reasonable form of confidentiality agreement submitted by GTI (which confidentiality agreement shall be subject to any limits imposed on the City in that regard, e.g., Open Records Act).

C. The Premises at all times shall be used in a manner that is consistent with the general purpose of encouraging development within the Zone.

VIII.
BREACH/FAILURE TO MEET CERTAIN CONDITIONS

In the event that (i) the condition in Section VI.B. is not timely met, or (ii) GTI breaches any of the terms or conditions of this Agreement, then GTI shall be in default of this Agreement. In the event GTI defaults in its performance (or does not comply with a condition) set forth in (i) or (ii) above, the City shall give GTI written notice of such default/failure of condition and, if GTI has not cured such default/failure of condition within sixty (60) days of said written notice, then this Agreement may be terminated by the City; provided, however, that if such default is not reasonably susceptible of cure within such sixty (60) day period and GTI has commenced and is pursuing the cure of same, then, after first advising the City Council of GTI's efforts to cure same, GTI may utilize an additional ninety (90) days for such purposes. Additional time, i.e., time in addition to the foregoing one hundred fifty (150) days, may be authorized by the City Council. City's sole and exclusive remedy against any Person for any breach or failure of condition under this Agreement, in the event of default after the expiration of the applicable notice and cure periods, shall be that this Agreement shall terminate and all future tax abatements under this Agreement shall be void (it being understood that the City shall not be entitled to any repayment of tax abatements under this Agreement, and it being further understood that the failure to meet a covenant set forth in Section VI.C., D. or E. for any year is not a breach and results only in the loss to the right to abatement for such year). Notwithstanding any provision in this Agreement to the contrary, neither GTI nor any other Person shall be required to pay any amounts to the City under this Agreement, with the only remedy being the loss of future tax abatements.

IX.
CONTINUITY OF OPERATIONS

Notwithstanding Section VI.A. above, if for any reason operations are suspended or cease at any point during the term of this Agreement, then no tax abatements under this Agreement shall be provided. Further, in the event of any cessation of operations, or abandonment of premises by GTI, all previously abated taxes are immediately due to the City.

X.
EFFECT OF SALE, ASSIGNMENT OR LEASE OF PROPERTY

This Agreement shall be binding on and inure to the benefit of the parties and all GTI Affiliates, their respective successors and assigns. Neither Party may assign its rights and duties hereunder, in whole or in part, without the prior written consent of the other Party, which consent shall not be unreasonably withheld, conditioned or delayed; provided, that GTI may assign this Agreement and all of its rights hereunder to any Affiliate. In addition, this agreement and all rights hereunder may be assigned for the benefit of any Financing Party including, but not limited to, an assignment to such parties upon a foreclosure. Any assignment in violation of this Section X shall not affect any rebates with respect to which GTI or any GTI Affiliate is already entitled.

XI.
NOTICE

All notices called for or required by this Agreement shall be addressed to the following, or such other party or address as either party designates in writing, by certified mail, postage prepaid or by hand delivery:

GTI:

Vice President, General Manager
GlobiTech Incorporated
200 F.M. 1417 West
Sherman, Texas 75092

City:

City Manager
City of Sherman
220 West Mulberry Street
P. O. Box 1106
Sherman, Texas 75091-1106

XII.
CITY COUNCIL AUTHORIZATION

This Agreement was authorized by resolution of the City Council that was approved by the affirmative vote of a majority of the City Council at its regularly scheduled City Council meeting on the _____ day of ____________, 2010, authorizing the Mayor to execute this Agreement on behalf of the City.

XIII.
GTI AUTHORIZATION

An authorized representative of GTI entered into this Agreement.

XIV.
SEVERABILITY

In the event any section, subsection, paragraph, sentence, phrase or word is held invalid, illegal, or unenforceable, the balance of this Agreement shall stand, shall be enforceable and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

XV.
ESTOPPEL CERTIFICATE

Any party hereto may request an estoppel certificate from another party hereto so long as the certificate is requested in connection with a bona fide business purpose. The certificate, which will upon request be addressed to a subsequent purchaser or assignee of GTI, shall include, but not necessarily be limited to, statements (to the actual knowledge of the party providing such) that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining term of this Agreement, the levels of tax abatement in effect, and such other matters reasonably requested by the party(ies) to receive the certificate. The City Manager for the City shall provide any such certificate on behalf of the City.

XVI.
APPLICABLE LAW

This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be in a court located in Grayson County, Texas.

XVII.
INDEMIFICATION

A. IN ADDITION TO THE OTHER REMEDIES AFFORDED TO THE CITY IN THIS AGREEMENT, GTI SHALL RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS COUNCILMEMBERS, OFFICERS, EMPLOYEES, ATTORNEYS,

CONTRACTORS, OR AGENTS (HEREINAFTER "CITY'S INDEMNIFIED PARTY") FOR, FROM AND AGAINST ANY AND ALL LOSSES, LIENS, CAUSES OF ACTION, SUITS, JUDGMENTS AND EXPENSES (INCLUDING, WITHOUT LIMITATION, COURT COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION, REMOVAL AND REMEDIATION, AND GOVERNMENTAL OVERSIGHT COSTS), ENVIRONMENTAL OR OTHERWISE OF ANY NATURE, KIND OR DESCRIPTION OF ANY PERSON OR ENTITY DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO (IN WHOLE OR IN PART) GTI'S PERFORMANCE OF ITS OBLIGATIONS PURSUANT TO THIS AGREEMENT.

B. Notice of Indemnified Loss. The City's Indemnified Party shall promptly notify GTI of any indemnified Losses or Claim for indemnified Losses in respect of which the City's Indemnified Party may be entitled to indemnification under this Section XVII. Such notice shall be given as soon as reasonably practicable after the City's Indemnified Party becomes aware of the Loss or Claim for Losses.

C. Defense of Third Party Claims. In the event any action or proceeding shall be brought against the City's Indemnified Party by reason of any matter for which the City's Indemnified Party is indemnified hereunder, GTI shall, upon notice from the City's Indemnified Party or its authorized agents or representatives, at GTI's sole cost and expense, resist and defend the same with legal counsel selected by GTI; provided, however, that GTI shall not admit liability in any such matter on behalf of the City's Indemnified Party. GTI's obligation to defend shall apply regardless of whether the City's Indemnified Party is solely or concurrently negligent. Nothing herein shall be deemed to prevent the City's Indemnified Party at its election and at its own expense from cooperating with GTI and participating in the defense of any litigation by their own counsel. If GTI fails to retain defense counsel within seven (7) business days after receipt of City's Indemnified Party written notice that the City's Indemnified Party is invoking its right to indemnification under this Agreement, the City's Indemnified Party shall have the right to retain defense counsel on their own behalf, and GTI shall be liable for all usual and customary defense costs incurred by the City's Indemnified Party.

D. Limitation on Indemnity. The amount owing to an indemnified Party will be the amount of the indemnified Party's Losses net of any insurance proceeds received by the indemnified Party following a reasonable effort by the indemnified Party to obtain such insurance proceeds.

XVIII.
ENTIRE AGREEMENT

This Agreement constitutes the entire Tax Abatement Agreement between the parties, supersedes any prior understanding or written or oral tax abatement agreements or representations between the parties, and can be modified only by written instrument subscribed to by all parties. Notwithstanding the foregoing provision, this Agreement does not modify, alter, or amend any other agreement or instrument among the City and GTI relating to matters other than the abatement of real property taxes with respect to the Premises and the Qualified Facilities and business personal property located on the Premises. This Agreement may be executed in multiple counterparts (and may be delivered by telecopy, in addition to other means, with originals to follow), each of which shall be considered an original.

EXECUTED the ________ day of ___________________, 2010.

CITY OF SHERMAN, TEXAS

By: ______________________________
Bill Magers
Mayor

ATTEST:

By: ______________________________
Linda Ashby
City Clerk

CITY OF SHERMAN, TEXAS
APPROVED AS TO FORM:

By: ______________________________
Brandon S. Shelby
City Attorney

GLOBITECH INCORPORATED,
a Delaware Corporation

By: ______________________________
Mark England
Vice President, General Manager

MAYOR’S ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Bill Magers, Mayor of the City of Sherman, Texas, a municipal corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said City of Sherman, Texas, a municipal corporation, that he was duly authorized to perform the same by appropriate resolution of the City Council for the City of Sherman and that he executed the same as the act of the said City for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ________ day of ____________________, A.D., 2010.

____
Notary Public in and for the State of Texas

____
(Typed/Printed Name of Notary)

My Commission Expires:

____

GTI ACKNOWLEDGEMENT

THE STATE OF TEXAS §
COUNTY OF GRAYSON §
CITY OF SHERMAN §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Mark England, Vice President, General Manager of GlobiTech Incorporated, a Delaware Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me he executed the same as a duly authorized officer of such corporation, and as the act and deed of such corporation, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ________ day of ____________________, A.D., 2010.

____
Notary Public in and for the State of Texas

____
(Typed/Printed Name of Notary)

My Commission Expires:

____

EXHIBIT A
TO TAX ABATEMENT AGREEMENT

Comprehensive Guidelines

[Attached]

RESOLUTION NO. 5494

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RENEWING GUIDELINES AND CRITERIA FOR THE CITY OF SHERMAN'S INDUSTRIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, by Resolution No. 5224, passed and approved on June 16, 2008, the City of Sherman declared its eligibility and intention to participate in the Tax Abatement Program to promote development/redevelopment in certain areas of the City and adopted Tax Abatement Guidelines and Criteria for use in all Tax Abatement Programs; and

WHEREAS, the City of Sherman is required to renew the guidelines and criteria adopted for this program every two years;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby renews the following Tax Abatement Guidelines and Criteria for use in all Tax Abatement Programs, as required by law:

CITY OF SHERMAN'S
RENEWED TAX ABATEMENT GUIDELINES AND CRITERIA

1. A tax abatement agreement must be reasonably likely to contribute to the retention or expansion of primary employment or to attract a primary employer to make a major capital investment that will benefit the City of Sherman's economic development. Primary employers are those companies whose sales, service and shipments are ultimately used in statewide, national or international markets.

2. A tax abatement agreement will not be entered into where a company is only changing its location within Grayson County, without increasing the number of employees, significantly expanding the facilities, or unless failure to grant such abatement would mean the loss of the business operation in Grayson County.

3. Tax abatement agreements will be considered for both new facilities and structures and for the expansion or modernization of existing facilities and structures.

4. The City Council of the City of Sherman will approve or deny a tax abatement request based upon the subjective evaluation of the following guidelines and criteria. The Council may consider any advisory recommendations received from the Tax Reinvestment Advisory Committee as it may choose:

- Employment Impact

  How many jobs will be created by this project?

  How many current jobs will be retained by this project?

  What types of jobs will be created or retained?

  What will the annual total payroll of the created and/or retained jobs be, in current dollars and projected for each of the next five years?

- Fiscal Impact

  How much real and personal property will be added to the tax rolls, for each tax year covered by the abatement agreement?

  What is the economic life to the additional property?

  What effect will this project have on existing businesses or facilities?

  What is the total budget for this project, projected for each year covered by the abatement agreement?

  What capital expenditures will the project require of the City of Sherman?

- Community Impact

  What effect would the project have on the local housing market?

  Is the project compatible with existing long-range or comprehensive plans?

  What is the environmental impact of the project?

SECTION 2. That these Renewed Tax Abatement Guidelines and Criteria shall be effective immediately upon the passage of this resolution.

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 7th day of June, 2010.

CITY OF SHERMAN, TEXAS

BY: ______________________
BILL MAGERS, MAYOR

ATTEST:

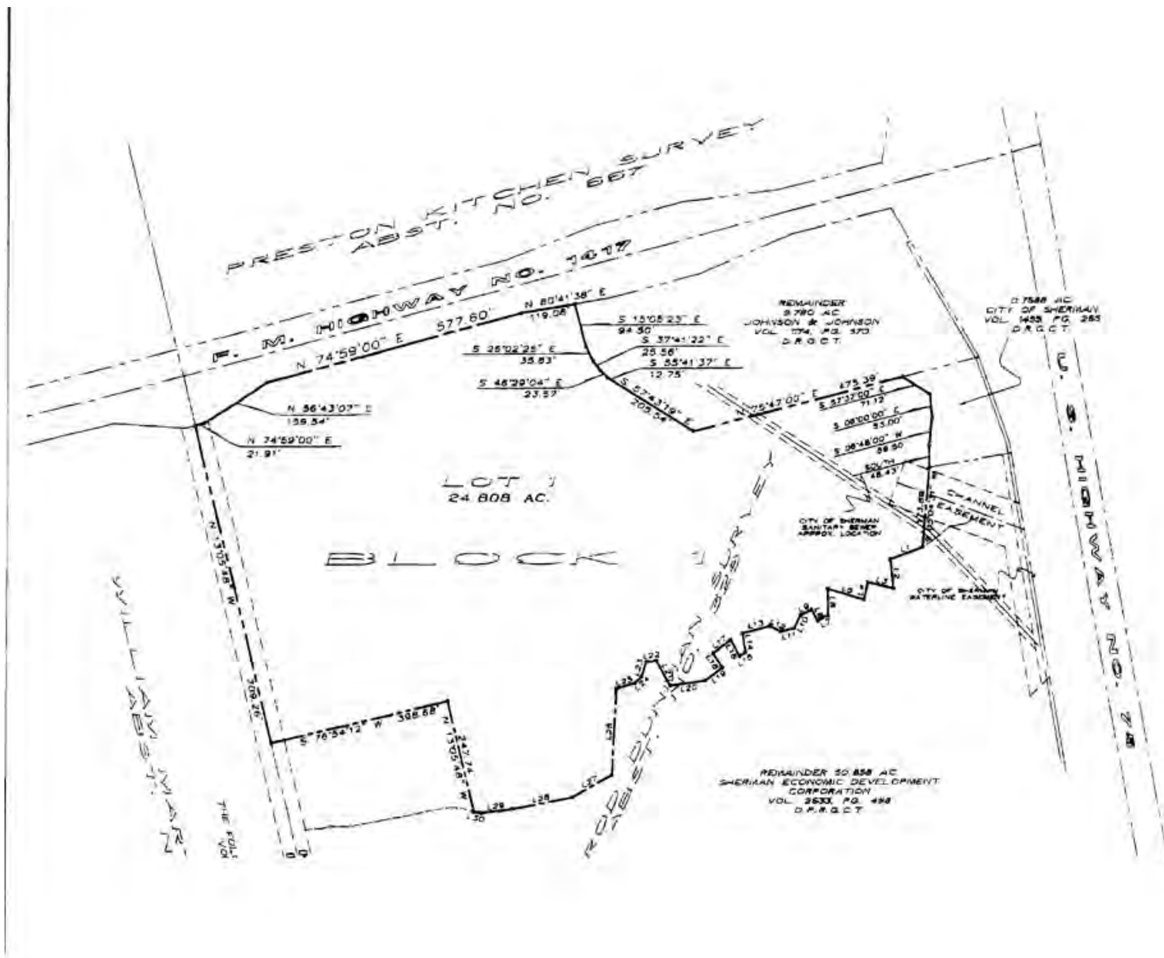
BY: ______________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: ______________________
BRANDON S. SHELBY,
CITY ATTORNEY

EXHIBIT B
TO TAX ABATEMENT AGREEMENT

The Premises



FIELD NOTES

SITUATED in the City of Sherman, Grayson County, Texas, being a part of the Sherrod Dunman Survey, Abstract No. 329, and being all of Lot 1 and Block 1 of Northgate Technology Park, an addition to said City of Sherman as shown by plat of record in Volume 12, Page 43, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a chiseled “X” cut found in concrete maintaining the Northwest corner of the said Lot 1, Block 1, an addition at the point of intersection of the center of a public road locally known as Howe Drive with the South right-of-way line of F.M. Highway No. 1417, said point also being the Northeast corner of the 183.567 acre tract of land conveyed by James S. Hudson, Trustee, to The Folger Coffee Company by deed dated February 27, 1978, recorded in Volume 1425, Page 180, Deed Records, Grayson County, Texas;

Thence in an Easterly direction with said South right-of-way line of Highway No. 1417 and the North line of said addition the following calls and distances:

North 74º59’00” East, a distance of 21.91 feet to an angle point;
North 56º43’07” East, a distance of 159.54 feet to a concrete monument;
North 74º59’00” East, a distance of 577.60 feet to an angle point;
North 80º41’38” East, a distance of 119.06 feet to a 1/2” steel rod set marking the most Northerly Northeast corner of the said addition;

Thence in a Southeasterly direction along the West side of an access roadway with an East line of the said addition the following calls and distances:

South 15º05’23” East, a distance of 94.50 feet to a 1/2" steel rod found;
South 26º02’25” East, a distance of 35.83 feet to a 1/2" steel rod found;
South 37º41’22” East, a distance of 25.56 feet to a 1/2" steel rod found;
South 46º29’04” East, a distance of 23.57 feet to a 1/2" steel rod found;
South 55º41’37” East, a distance of 12.75 feet to a 1/2" steel rod found;
South 57º43’19” East, a distance of 205.54 feet to a 1/2" steel rod found maintaining an inside “L” corner of said addition;

Thence North 75º47’00” East with a North line of said addition a distance of 475.39 feet to a 1/2" steel rod found maintaining the Northwest corner of the 0.7688 acre tract of land conveyed by Greater Sherman, Inc. to the City of Sherman by deed dated November 8, 1978, recorded in Volume 1455, Page 265, said Deed Records;

Thence Southerly with the West line of the said 0.7688 acre tract and the East line of said addition in a branch the following calls and distances:

South 57º37’00” East, a distance of 71.12 feet;
South 06º00’00” East, a distance of 53.00 feet;
South 06º48’00” West, a distance of 59.50 feet;
South, a distance of 48.43 feet to the Southwest corner of the said 0.7688 acre tract on the North side of a Texas Highway Department Channel Easement;

Thence South 05º04’31” West across said Easement for a total distance of 173.89 feet to the most Easterly Southeast corner of said addition in the center of a creek;

Thence in a Southerly and Westerly direction up the meanders of said center of creek the following calls and distances:

South 69º46’09” West, a distance of 75.53 feet;
South 05º54’16” East, a distance of 63.70 feet;
North 76º18’04” West, a distance of 57.40 feet;
South 12º31’55” West, a distance of 39.23 feet;
North 73º43’51” West, a distance of 86.56 feet;
South 01º15’55” East, a distance of 57.33 feet;
South 61º33’32” West, a distance of 25.91 feet;
North 29º06’44” West, a distance of 28.23 feet;
South 62º57’11” West, a distance of 26.52 feet;
South 26º24’54” West, a distance of 31.56 feet;
South 77º46’13” West, a distance of 30.30 feet;
North 64º55’57” West, a distance of 25.77 feet;
South 76º41’32” West, a distance of 61.97 feet;
South 09º21’14” East, a distance of 42.49 feet;
South 56º44’29” West, a distance of 15.52 feet;
North 27º42’25” West, a distance of 40.76 feet;
South 53º07’18” West, a distance of 49.70 feet;
South 34º46’51” East, a distance of 37.00 feet;
South 52º17’02” West, a distance of 46.67 feet;
South 81º43’39” West, a distance of 78.14 feet;
North 28º45’58” West, a distance of 62.71 feet;
South 82º41’18” West, a distance of 22.33 feet;
South 17º02’27” West, a distance of 33.81 feet;
South 44º30’28” West, a distance of 19.59 feet;
South 73º38’45” West, a distance of 42.84 feet;
South 03º12’35” West, a distance of 187.90 feet;
South 60º49’12” West, a distance of 99.25 feet;
South 79º07’09” West, a distance of 137.20 feet;
South 83º07’38” West, a distance of 65.14 feet;
North 79º48’26” West, a distance of 16.93 feet to the most Southerly Southwest corner of said addition;

Thence North 13º05’48” West, leaving said creek, passing a 1/2" steel rod found at 50 feet and continuing for a total distance of 247.74 feet to a 1/2" steel rod found maintaining an inside “L” corner;

Thence South 76º54’12” West, passing a 1/2" steel rod found in the East line of said Howe Drive at 368.68 feet and continuing for a total distance of 398.68 feet to a chiseled “X” cut found maintaining the most Westerly Southwest corner of said addition the said center of Howe Drive;

Thence North 13º05’48” West with said center of Howe Drive and West line of said addition a distance of 709.26 feet to the Point-of-Beginning and containing 24.808 acres of land more or less…………………………

GLOBITECH
DESIGNING EPI SOLUTIONS

September 30, 2010

Mr. George Olson, City Manager
City of Sherman, Texas
220 West Mulberry
Sherman, TX 75090

HAND DELIVERED

Attached is our Tax Reinvestment Zone Industrial Application with the intention of completing a tax abatement agreement relating to our capacity expansion. Our goal is to secure the maximum allowable abatement from all taxing entities. If there is any additional information required please contact me at 903-957-1910 or 903-814-5651.

We appreciate your consideration and look forward to working with you.

Sincerely,

T. L. Kluesner

T. L. Kluesner
Controller

GLOBITECH INCORPORATED / 200 FM 1417 WEST / SHERMAN, TX 75092 / (903) 957-1999 / FAX (903) 957-1899 /
www.globitech.com

TAX REINVESTMENT ZONE
INDUSTRIAL APPLICATION

SECTION I

1. Property Owner: GlobiTech Incorporated

   Mailing Address: 200 FM 1417, West, Sherman, TX 75092

   Telephone Number: 903-957-1910

2. Property Owner's Representative: Terry Kluesner

   Mailing Address: Same

   Telephone Number: Same

3. Physical Property Address: Same

4. Property Legal Description (include as an attachment with metes and bounds). (Attached as Exhibit A)

5. Property is located within: City of Sherman? Yes
   Sherman ISD? Yes
   Grayson County? Yes

6. Description of Project: Capacity Expansion – Completion of Fab 1 as well as Phase 1 of Fab 2 Buildout. Expansion to include facility improvements and purchase of additional equipment

7. Date of projected occupation of project/initiation of operations:

   Completion of Fab 1 in progress/Phase 1 of Fab 2 to be in operation during Q1 of 2011

8. Narrative response to criteria questions in Section II of application? Yes (Yes or No, and include attachment).

GLOBITECH
DESIGNING EPI SOLUTIONS

Tax Reinvestment Zone
Industrial Application
Section II Narrative

GlobiTech Incorporated (GTI) is proposing to invest $34 million in building improvements and equipment purchases during 2010 and 2011. These improvements will be to complete the expansion of its Fab 1 and the first phase of the buildout of its Fab 2. This expansion is intended to increase capacity to satisfy growth in customer requirements.

Employment Impact
The expansion is expected to add at least 30 employees, or 33% above the base level of first quarter 2010. Jobs created will include engineers, maintenance technicians, direct labor operators and other support staff. Annualized payroll will grow by approximately 36% above the first quarter 2010 base of $4.5 million to $6.1 million.

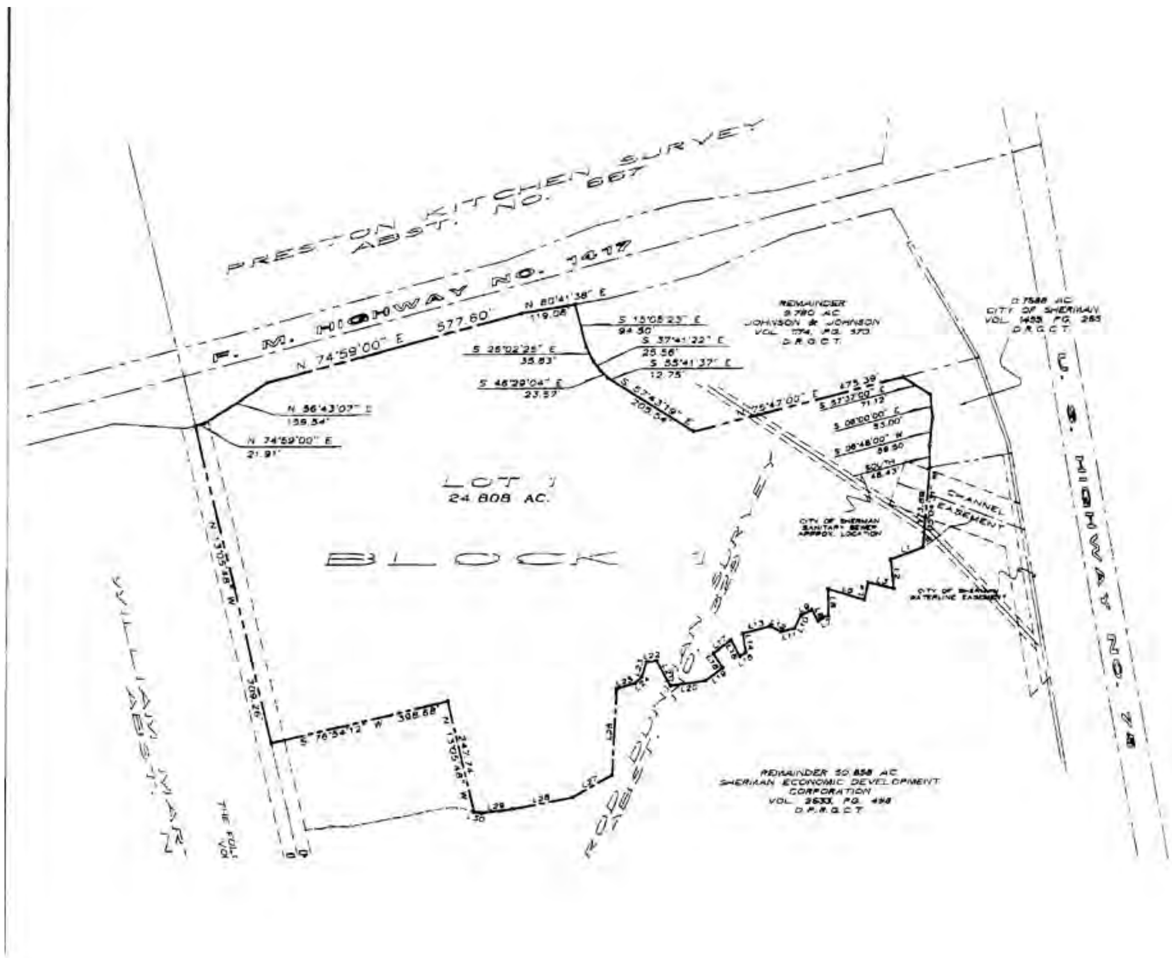
Fiscal Impact
The expansion would add approximately $30 million in real and personal property to the tax rolls. This amount will be subject to variation depending on the increase in the market value of the real property that results from the building improvement component of the investment. Since GTI product is not subject to sales tax, there will be no directly related impact on sales tax. The indirect impact on sales tax generation resulting from the increased employment and construction activities has not been quantified. A similar positive indirect impact on existing business and/or office facilities could also be expected. No additional infrastructure construction should be required resulting from this expansion. GTI's total annualized operating budget is expected to increase by 38% from the first quarter 2010 level of $5.2 million to approximately $7.2 million.

Community Impact
The expansion should have a positive impact on the local housing market with new employees entering the market. GTI believes that the employment growth related to this project is very compatible with Sherman's Comprehensive Plan. GTI has always been a very environmentally responsible member of the Sherman community and the expansion project should not have any adverse environmental impact.

MATRIX OF INDUSTRIAL TAX ABATEMENTS

Investment or	Jobs Created/Retained	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
$0 to $9,999,999	0 to 49	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
$10,000,000 to $24,999,999	50 to 149	100%	75%	50%	50%	25%	0%	0%	0%	0%	0%
$25,000,000 to $49,999,999	150 to 299	100%	100%	75%	50%	50%	25%	0%	0%	0%	0%
$50,000,000 to $99,999,999	300 to 499	100%	100%	75%	75%	50%	50%	25%	25%	0%	0%
$100,000,000 to $199,999,999	500 to 999	100%	100%	100%	75%	75%	50%	50%	25%	25%	0%
$200,000,000 or more	1,000 or more	100%	100%	100%	100%	100%	50%	50%	50%	50%	50%

Industrial Reinvestment Zone, Number 112010-1, City of Sherman, Texas



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. C.2

RESOLUTION NO. 5546

Supporting the Sherman-Denison Metropolitan Planning Organization's Preferred Ultimate Configuration for the Proposed Grayson County Tollway from Farm-to-Market (FM) Road 121 South of Gunter to U.S. 75 in Denison, Extending the North Dallas Tollway through Grayson County and Providing Access to the North Texas Regional Airport

Issue

To consider providing a resolution of support for the Sherman-Denison Metropolitan Planning Organization's recommended route for the proposed Grayson County Tollway

Background

The Sherman-Denison Metropolitan Planning Organization recently passed a resolution setting forth their recommendation for the ultimate configuration and route for the proposed Grayson County Tollway, which will extend the North Dallas Tollway through Grayson County and provide access to the North Texas Regional Airport. The SD-MPO is asking for a resolution of support from all municipalities within Grayson County.

Origination

SD-MPO Chairman Bill Magers

Financial Consideration

There is no financial impact to approving this resolution of support.

Staff Recommendation

It is recommended that the City Council approve a resolution of support for the proposed Grayson County Tollway.

Alternatives

Those as may be recommended by the City Council.

Attachments

Resolution No. 5546
Location Map, Exhibit "A"

Prepared and Approved by:
George Olson, City Manager

RESOLUTION NO. 5546

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUPPORTING THE SHERMAN-DENISON METROPOLITAN PLANNING ORGANIZATION'S PREFERRED ULTIMATE CONFIGURATION FOR THE PROPOSED GRAYSON COUNTY TOLLWAY FROM FARM-TO-MARKET (FM) ROAD 121 SOUTH OF GUNTER TO U.S. 75 IN DENISON, EXTENDING THE NORTH DALLAS TOLLWAY THROUGH GRAYSON COUNTY AND PROVIDING ACCESS TO THE NORTH TEXAS REGIONAL AIRPORT; PROVIDING FOR A REPEALER CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Sherman-Denison Metropolitan Planning Organization was granted authority in an agreement between the Cities of Denison and Sherman, Grayson County, and the Texas Department of Transportation (TxDOT) to develop transportation plans for the Sherman-Denison Urbanized Area in accordance with US Title 23 CFR Part 450 (C); and

WHEREAS, the Transportation Policy Board, in accordance with 23 USC 134 and 49 USC § 5303 (b)(2), is the MPO for the Sherman-Denison urbanized area; and

WHEREAS, 23 USC 134 and 49 USC § 5301, et seq. require that the Metropolitan Planning Organization, in cooperation with TxDOT, develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, the proposed Grayson County Tollway from Farm-to-Market (FM) Road 121 south of Gunter to US 75 in Denison is intended to improve transportation efficiency by extending the North Dallas Tollway through Grayson County; and

WHEREAS, the proposed Grayson County Tollway will also provide access to the North Texas Regional Airport; and

WHEREAS, the proposed Grayson County Tollway is currently listed in *Transportation Outlook 2035*, MPO's Metropolitan Transportation Plan (MTP); and

WHEREAS, TxDOT with the assistance of consultants has developed potential alignments and right-of-way needs; and

WHEREAS, the Sherman-Denison Metropolitan Planning Organization has reviewed the proposed alignments and is in support of the following preferred route(s):

Moving north to south (on TxDOT's Public Involvement Map dated November 18, 2010): N4W south of US 84 to N2 south then along SH 289 N2 / N1S to either S10/S2E/S2W to a route roughly parallel to a "modified" S2E (previous

Gunter alignment) that turns west just north of FM 902 and then proceeds south to S10/S2W/S2E/S1W.

The Sherman-Denison Metropolitan Planning Organization supports the ultimate configuration of N4W to S1W south to the "modified" S2E as described above.

WHEREAS, one of the purposes of the City Council of the City of Sherman, Texas is to foster and encourage activities that benefit the economic well-being of the citizens of this area; and

WHEREAS, it is the desire of the City Council of the City of Sherman, Texas to join with other local governments in supporting the ultimate configuration of the proposed Grayson County Tollway as recommended by the Sherman-Denison Metropolitan Planning Organization;

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

SECTION 1. That the City Council of the City of Sherman, Texas hereby supports the Sherman-Denison Metropolitan Planning Organization's Preferred Ultimate Configuration for the Proposed Grayson County Tollway from Farm-to-Market (FM) Road 121 South of Gunter to U.S. 75 in Denison, extending the North Dallas Tollway through Grayson County and providing access to the North Texas Regional Airport, as shown on the map attached hereto as "Exhibit A" and incorporated herein for all purposes.

SECTION 2. That all parts of any resolution in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

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 ________________, 2010.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ________________________________ **BY:** ________________________________

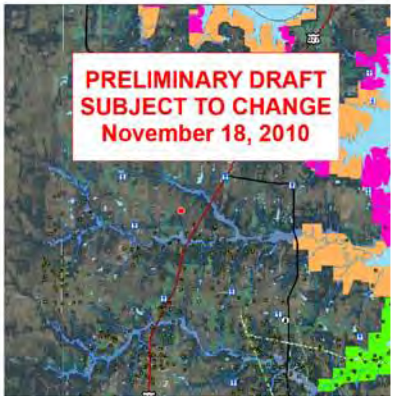
LINDA ASHBY, CITY CLERK **BILL MAGERS, MAYOR**

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________

BRANDON S. SHELBY,
CITY ATTORNEY

Exhibit "A"



SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. C.3

RESOLUTION NO. 5547
Approving the Bylaws of the Sherman Economic Development Corporation; Providing for a Review of the Bylaws; Providing for an Effective Date

Issue
Approval of amendments to the Bylaws of the Sherman Economic Development Corporation (SEDCO)

Background
At its meeting of November 9, 2010, the SEDCO Board approved amendments to their Bylaws and formally adopted the amendments by motion and order. The changes to the Bylaws (highlighted in the attached document) include changing the number of council members permitted to serve on the board from one to two, changing residency requirements of board members, authorizing ex officio membership for certain individuals, amending the sections regarding meetings and notice of meetings, requiring audio taping of meetings, and increasing the frequency of evaluation and reporting. The City Council must now approve by resolution the amended Bylaws for SEDCO.

Origination
Todd Thompson, SEDCO Board Chairman

Financial Consideration
None

Attachments
SEDCO President's Memo of December 1, 2010
Resolution No. 5547
SEDCO Bylaws (Exhibit "A")

Prepared by:
Brandon S. Shelby, City Attorney

Approved by:
George Olson, City Manager

Sherman Economic Development Corporation

307 W. Washington
Suite 102
Sherman, TX 75090

903.868.2566
800.981.2566
fax 903.893.4266

www.sedco.org

Date: December 1, 2010

To: George Olson, City Manager

From: John Boswell, President

Subject: SEDCO Bylaw Revisions

The SEDCO Board of Directors made changes to the Bylaws at their regular scheduled meeting on November 9, 2010. Article VI, Section II, of the SEDCO Bylaws requires that any amendments, or repeal thereof, must be approved by a majority vote of the City Council.

There are numerous changes that were made and are reflected in the highlighted areas of the attached document.

Please have the City Council consider for approval the Bylaw changes at their December 6, 2010 meeting.

As always, please call me if you have any questions.

RESOLUTION NO. 5547

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE BYLAWS OF THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION; PROVIDING FOR A REVIEW OF THE BYLAWS; PROVIDING FOR AN EFFECTIVE DATE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Sherman Economic Development Corporation ("Corporation") has been chartered by the State of Texas under the provisions of the Texas Non-Profit Corporation Act; and

WHEREAS, the Development Corporation Act of 1979 requires that the initial Bylaws of the Corporation shall be adopted by the Board of Directors and approved by resolution of the City Council; and

WHEREAS, the initial Bylaws of the Corporation were approved by the City Council by Resolution No. 3351, passed and approved on May 6, 1996; and

WHEREAS, the Bylaws of the Corporation require that any amendments, alterations or repeal thereof shall be adopted by an affirmative vote of three (3) Board members and approved by a majority vote of the City Council; and

WHEREAS, the Board of Directors approved amendments to the Bylaws of the Corporation at its meeting of November 9, 2010;

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

SECTION 1. That the City Council of the City of Sherman, Texas, hereby finds that the Bylaws of the Sherman Economic Development Corporation, a true copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, have been adopted by the Board of Directors of the Corporation as required by the Development Corporation Act, Section 13, and should be approved by the City Council.

SECTION 2. That said Bylaws for the Corporation be, and the same are hereby, approved for the Corporation. That the Board of Directors is required to review these Bylaws within six (6) months of the date of this resolution and make recommendation to the City Council as to any necessary amendments or that the adopted Bylaws remain unchanged.

SECTION 3. That this resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

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

PASSED AND APPROVED on this the _____ day of ________________, 2010.

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

Exhibit "A"

BYLAWS
OF
THE SHERMAN ECONOMIC DEVELOPMENT CORPORATION

These Bylaws (referred to as the "Bylaws") govern the affairs of the Sherman Economic Development Corporation, a public instrumentality and a non-profit corporation (hereinafter referred to as the "Corporation") created under Section 4A of the Development Corporation Act of 1979, Article 5190.6 of the Revised Civil Statutes of Texas (hereinafter referred to as the "Act").

ARTICLE I
PURPOSE AND POWERS

<u>**Section 1.**</u> **Purpose.** The specific and primary purpose is to operate and maintain an organization to promote, assist and enhance economic development for the City of Sherman, Texas.

The Corporation is incorporated on behalf of the City of Sherman, Texas (the "City"), as its duly constituted authority and instrumentality in accordance with the Development Corporation Act of 1979, as amended, Article 5190.6, Tex. Rev. Civ. Stat. Ann., as amended (the "Act"), and other applicable laws.

<u>**Section 2.**</u> **Powers.** In the fulfillment of its corporate purpose, the Corporation shall be governed by the Act, and shall have all of the powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and to the provisions thereof. General enumerated powers of the Corporation shall include the following:

1) Develop policies and operating procedures that do not conflict with City policy;
2) Acquire or lease property (land or buildings) within the city limits (or the ETJ) or, with Council approval, outside the city limits;
3) Plan, develop, improve, and sell or lease land;
4) Build or rehabilitate buildings for sale or lease;
5) Sell or lease property by installment payments or otherwise;
6) Make secured or unsecured loans or loan guarantees;
7) May borrow funds and issue bonds with City Council approval;
8) Develop and implement financial/incentive programs to attract and retain business;
9) Sue or be sued in the Corporation's name;
10) Develop long-range goals and programs for the City and the Corporation;
11) Appoint standing or ad hoc committees, which may include individuals who are not members of the Board;
12) Employ personnel as may be needed to conduct the business of the Corporation;
13) Contract for support services with the Sherman Chamber of Commerce or other organizations necessary to conduct the business of the Corporation;
14) Market and promote the City and amenities consistent with the purposes and

duties set out in the Bylaws; and

15) Provide funding for or to develop infrastructure.

ARTICLE II
BOARD OF DIRECTORS

Section 1. Powers, Number, and Term of Office.

(a) The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all of the powers of the Corporation.

(b) The Board shall consist of five (5) directors, ~~one~~ two of whom may be a Council person(s) selected by the Sherman City Council, each of whom shall be appointed by and serve at the pleasure of the City Council (the "Council") of the City.

(c) The directors constituting the first Board shall be those directors named in the Articles of Incorporation. Each successor member of the Board shall be appointed and shall serve for two (2) terms of two (2) years each or until his or her successor is appointed as hereinafter provided. Vacancies shall be appointed by the Council.

(d) Board members will be selected based on interest in the work of the Corporation, special expertise, and civil service. Special expertise includes, but is not limited to, business skills in finance, accounting, law, personal credibility, business accomplishments, and interpersonal skills. *All Board members must either maintain continuous residence in the city limits of Sherman or own, manage, or be employed by a business or entity that pays property taxes to the City of Sherman.* No member can serve concurrently on the Board and the Chamber of Commerce. No person can serve on the Board who is an employee of the City of Sherman or the Sherman Chamber of Commerce. Any Board member who files for public office or holds a public office, except a Board member from the Sherman City Council, must immediately resign from the Board.

(e) Directors serve at the pleasure of the City Council and may be removed by the City Council at any time without cause.

(f) Directors must have knowledge of and support for the purpose as defined in Article

(g) Terms of office shall begin on October 1st.

Section 2. ***Ex Officio Members of the Board of Directors.*** *The following individuals shall serve as ex officio members of the board by virtue of their position; The Mayor for The City of Sherman, Texas or his designated appointee, The City Manager for The City of Sherman, Texas or his designated appointee, The Superintendent for the Sherman Independent School District. The City of Sherman City Council will have the right to approve other ex officio members as they deem necessary. An ex officio member shall be allowed to deliberate with the directors, but does not have authority to vote. The ex officio member's term shall follow the term* *in Section 1(c) of this Article.*

Section 3. **Meetings of Directors.** The directors may hold their meetings at such place or places ~~in the City~~ *accessible to the public* as the Board may from time to time determine; provided, however, in the absence of any such determination by the Board, the meetings shall be held at the principal office of the Corporation as specified in Article V of these Bylaws. ~~All meetings shall be held within the city limits.~~ Board members shall be expected to regularly attend all Board meetings. Special consideration can be granted for absences for good cause. The Council shall be advised of and may remove any Board member who is absent from three consecutive regular or special meetings.

Section 4. **Notice of Meetings.**

(a) Regular Meetings of the Board shall be held at such times and places as shall be designated from time to time by the Board, but not fewer than four (4) per year. The annual meeting shall be held in the last quarter of the fiscal year and will be held concurrently with a regular or special called meeting of the Council. Special Meetings of the Board shall be held whenever called by the chairperson, by the vice-chairperson, by the secretary, by a majority of the directors, or by a majority of the Council.

(b) The secretary shall give notice to each director of each Special Meeting in person or by mail, telephone, email or telegraph, at least seventy-two (72) hours before the meeting. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a Special Meeting. At any meeting at which every director shall be present, even though without any notice, any matter pertaining to the purpose of the Corporation may be considered and acted upon consistent with applicable law.

(c) Whenever any notice is required to be given to the Board, said notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address as it appears on the books of the Corporation *or by e-mail as it appears on the books of the Corporation*, and such notice shall be deemed to have been given on the day of such mailing. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any Regular or Special Meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless required by the Board. A waiver of notice in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 5. **Open Meetings Act.** All meetings and deliberations of the Board shall be called, convened, held and conducted, and notice shall be given to the public, in accordance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Section 6. **Quorum.** A majority of the voting members shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law or these Bylaws. No action can be approved without the affirmative vote of at least three (3) members. A Board member may not vote by proxy.

Section 7. **Conduct of Business.**

(a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.

(b) At all meetings of the Board, the chairperson shall preside and, in the absence of the chairperson, the vice-chairperson or the secretary shall exercise the powers of the chairperson.

(c) The secretary of the Corporation shall act as secretary of all meetings of the Board but, in the absence of the secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 8. **Committees of the Board.** The Board may designate two or more directors to constitute an official committee of the Board to exercise such authority of the Board as may be specified in the resolution. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 9. **Compensation of Directors.** Directors *and Ex Officio Members* shall not receive any salary or compensation for their services ~~as directors~~. However, they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder.

ARTICLE III
OFFICERS

Section 1. Titles and Term of Office.

(a) The officers of the Corporation shall be a chairperson, a vice-chairperson, a secretary, a president and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that the chairperson shall not hold the office of secretary. The chairperson and all other officers of the corporation, except the office of the president, shall be elected from the Board of Directors by vote of the Board of Directors of the corporation. Terms of office shall be one (1) year with the right of an officer to be reelected.

(b) All officers shall be subject to removal from office at any time by a vote of a majority of the entire Board.

(c) A vacancy in the office of any officer shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the Chairperson. The chairperson shall preside at all meetings subject to the paramount authority of the Board. The chairperson shall be in general charge of the properties and affairs of the Corporation and may sign and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments in the name of the Corporation.

Section 3. Vice-Chairperson. The vice-chairperson, in the absence of the chairperson and subject to the paramount authority of the Board, shall assume the duties of the chairperson as described in Section 2 above.

Section 4. Secretary. The secretary shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the chairperson in the name of the Corporation and/or attest the signature thereto all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the books of account and financial records and securities, *and audio recordings of the boards meetings,* and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during regular business hours, and shall in general perform all duties incident to the office of secretary subject to the control of the Board.

Section 5. President. The president shall oversee and be responsible for the overall management and administration of the corporation and such other duties as may be required by the Board. The president will seek advice and counsel of the Board of Directors in making employment decisions concerning the staff. The president is also responsible for negotiating incentives with companies and shall do his best to obtain the maximum return of the taxpayer investment. The Board must approve any 4A Sales Tax incentive.

Section 6. Compensation. Officers who are members of the Board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder. Other officers may be compensated as directed by the Board.

ARTICLE IV
FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 1. General Development Plan.

(a) The Board shall research, develop, prepare, and submit to the Council for its approval, an annual work plan, which shall set out goals and objectives of the Corporation, including but not limited to short-term and long-term goals for the economic development of the

City, proposed methods for the elimination of unemployment and underemployment, goals and objectives for the utilization of funds to promote the expansion and development of a sound industrial and manufacturing base for and within the City, and any other similar goals including proposed methods and the expected costs of implementation.

(b) The Board shall conduct an *semi*-annual performance evaluation detailing the Corporation's achievement of its prior goals and objectives as well as review and update the annual work plan each year prior to submission of the annual budget required by other provisions of these Bylaws.

(c) Activity reports shall be submitted in writing to the Council at least ~~semi-annually~~ *quarterly* or as considered necessary.

Section 2. Annual Corporate Budget. At least thirty (30) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the Council. The budget shall not be effective until the same has been approved by the Council.

Section 3. Books, Records, Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

(b) At the direction of the Council, the books, records, accounts and financial statements of the Corporation may be maintained for the Corporation by the accountants, staff and personnel of the City. In such event, the Corporation shall pay to the City reasonable compensation for such services.

(c) The Corporation, or the City if the option described in subsection (b) is selected, shall cause its books, records, accounts and financial statements to be audited at least once each fiscal year by an outside, independent auditing and accounting firm selected by the Corporation. Such audit shall be at the expense of the Corporation.

(d) All books, records, accounts, and financial statements shall be kept and administered in accordance with the Texas Public Information Act, Chapter 552, Texas Government Code.

Section 4. Deposit and Investment of Corporate Funds.

(a) All proceeds from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their issuance.

(b) All other monies of the Corporation shall be deposited, secured and/or invested in the manner provided for the deposit, security and/or investment of the public funds of the City. The Board shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds there from for use by and for the purposes of the Corporation, upon the signature of its treasurer and such other persons as the Board shall designate. The accounts reconciliation, and the investment of such funds and accounts, will be performed by the Finance Department of the City. The Corporation shall pay reasonable compensation for such services to the City.

Section 5. Expenditures of Corporate Money.

(a) The monies of the Corporation, including sales and use taxes collected pursuant to Section 4A of the Act, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

(i) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures or other agreements submitted to and approved by the Council prior to the sale and delivery of the Obligations to the purchaser thereof required by Section 6 of this Article;

(ii) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations, may be used for the purposes of financing or otherwise providing one or more "Projects", as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board, and shall be made only after the approval thereof by the Council;

(iii) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 2 of this Article.

Section 6. Issuance of Obligations. No Obligations, including refunding obligations, shall be sold and delivered by the Corporation unless the Council shall approve such Obligations by action taken no more than sixty (60) days prior to the date of sale of the Obligations.

ARTICLE V
MISCELLANEOUS PROVISIONS

Section 1. Principal Office.

(a) The principal office of the Corporation shall be located at 307 West Washington Street, Suite 102, Sherman, Texas 75090.

(b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act.

Section 2. **Fiscal Year.** The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3. **Resignations.** Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein or, if no time be specified, at the time of its receipt by the chairperson or secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 4. **Approval or Advice and Consent of the Council.** To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the Council, such advice and consent shall be evidenced by a certified copy of a resolution, order, or motion duly adopted by the Council.

Section 5. **Services of City Staff and Officers.** Subject to the paramount authority of the City Manager under the Charter of the City, the Corporation shall have the right to utilize the services of the City Attorney, the City Clerk, and the staff and employees of the Finance Department of the City, provided that (i) the Corporation shall pay reasonable compensation to the City for such services, and (ii) the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 6. **Indemnification of Directors, Officers, and Employees.**

(a) As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act, Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code, a governmental unit and its actions are governmental functions.

(b) The Corporation shall indemnify each and every member of the Board, its officers and its employees, and each member of the Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys fees, incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation. The Corporation may also purchase and maintain insurance on behalf of any Board member or employee. Copies of all insurance and bond policies will be filed with the City Clerk.

Section 7. **Robert's Rules of Order.** The rules and procedure as stated in Robert's Rules of Order, Newly Revised, or specific rules adopted by the Council or Board shall govern the proceedings of the Board or its committees unless in conflict with state law.

Section 8. **Conflicts of Interest.** No officer or employee of the Corporation shall have a financial interest, direct or indirect, in any contract with the Corporation, to the extent prohibited by Chapter 171 of the Texas Local Government Code, or shall be financially interested, directly or indirectly, in the sale to the Corporation of any land, materials, supplies, or service where such financial interest is prohibited by state law. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his or her office or position. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the Corporation shall render the contract involved voidable by the Council.

Section 9. Legal Construction. If any Bylaw provision is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision and the Bylaws shall be construed as if the invalid, illegal or unenforceable provision had not been included in the Bylaws.

ARTICLE VI
EFFECTIVE DATE, AMENDMENTS

Section 1. Effective Date. These Bylaws shall become effective upon the occurrence of the following events:

(1) the approval of these Bylaws by the Council; and

(2) the adoption of these Bylaws by the Board.

Section 2. Amendments to Articles of Incorporation and Bylaws. The Articles of Incorporation of the Corporation may be amended only in the manner provided in the Articles of Incorporation and the Act. The Bylaws may be amended, altered, or repealed by an affirmative vote of three (3) Board members, but such amendment, alteration, or repeal shall not be effective until approved by a majority vote of the entire Council.

Section 3. Dissolution of the Corporation. The Corporation is a non-profit corporation. Upon dissolution, all of the Corporation's assets shall be distributed to the City of Sherman.

APPROVED AND ADOPTED by the SEDCO Board of Directors on the 9th day of November, 2010.

TODD THOMPSON, CHAIRMAN

Todd

JUSTON DOBBS, VICE CHAIRMAN

Just Dob

RAD RICHARDSON, SECRETARY

Rad Richardson

DEAN GILBERT, JR.

BILL MAGERS

Originally adopted 5/6/96; Amended 8/18/00; Amended 10/9/02 & approved by SEDCO Board 4/12/04; Amended and approved by SEDCO Board 12/13/05 and approved by City Council 1/3/06; Amended and approved by SEDCO Board 11/9/10

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. C.4

**** RESOLUTION NO. 5548***

Authorizing the City Manager to Represent the City of Sherman in its Application for a Grant from the Texas Water Development Board for Flood Protection Planning and to Enter into a Contract with the Texas Water Development Board if Awarded; Committing Funds from the Adopted Fiscal Year (FY) 2010-2011 City Budget; Committing Local In-Kind Services to the Study; and Requesting the Participation of Grayson County, the Sherman Independent School District, and the Texoma Council of Governments

Issue
Authorizing the City Manager to represent the City in its application for a grant from the Texas Water Development Board ("TWDB) for flood protection planning and to enter into a contract with the TWDB if awarded

Background
Goal 3.2 of the Sherman Comprehensive Plan is to increase the ability of natural and engineered systems to address stormwater runoff and drainage, both in existing neighborhoods and proposed developments. On August 16, 2010, the Council authorized contracting with Espey Consultants, Inc. to develop a comprehensive Sherman Watershed Management Plan to address the goal. Phase 1 of the process is to apply for the TWDB grant, which would fund 50% of the development of the Sherman Watershed Management Plan.

Origination
Planning and Public Works

Financial Consideration
Assuming approval of the grant, the City's portion (50%) of the estimated cost of the development of the Sherman Watershed Management Plan would be approximately $200,000 and funding is in place within the City's Capital Improvement Program (CIP) budget

Staff Recommendation
The staff recommends authorization to submit the TWDB matching grant application and contract with the TWDB if the grant is awarded.

Alternatives
As may be recommended by the Council

Attachments
Resolution No. 5548

Prepared by:
Don Keene, Exec. Dir. of Planning and Public Works

Approved by:
George Olson, City Manager

RESOLUTION NO. 5548

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO REPRESENT THE CITY OF SHERMAN IN ITS APPLICATION FOR A GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD FOR FLOOD PROTECTION PLANNING AND TO ENTER INTO A CONTRACT WITH THE TEXAS WATER DEVELOPMENT BOARD IF AWARDED; COMMITTING FUNDS FROM THE ADOPTED FISCAL YEAR (FY) 2010-2011 CITY BUDGET; COMMITTING LOCAL IN-KIND SERVICES TO THE STUDY; AND REQUESTING THE PARTICIPATION OF GRAYSON COUNTY, THE SHERMAN INDEPENDENT SCHOOL DISTRICT, AND THE TEXOMA COUNCIL OF GOVERNMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman is a home-rule municipality with all powers enabled to it by the State Legislature under Chapter 51 of the Local Government Code; and

WHEREAS, the City of Sherman is a member of the National Flood Insurance Program; and

WHEREAS, Post Oak Creek and Sand Creek are sources of flooding problems which adversely affect the public health and safety of the citizens of Sherman; and

WHEREAS, the City Council and citizens of the City of Sherman have expressed a desire to take a comprehensive approach to managing floodprone areas inside the City's jurisdiction, recognizing both downstream and upstream impacts; and

WHEREAS, the Texas Water Development Board offers grants to political subdivisions of the State of Texas for the evaluation of structural and nonstructural solutions to flooding problems with consideration of flood protection needs of the entire watershed; and

WHEREAS, the Post Oak Creek Watershed encompasses an area that extends beyond the jurisdiction of the City of Sherman and into Grayson County; and

WHEREAS, the City of Sherman recognizes the need to offer Grayson County, the Sherman Independent School District, and the Texoma Council of Governments participating roles in the grant application; and

WHEREAS, the City of Sherman's adopted fiscal year (FY) 2010-2011 Budget includes funds which are dedicated for the purposes of flood protection planning;

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

SECTION 1. That the City Manager be and is hereby authorized to apply for a Flood Protection Planning Grant from the Texas Water Development Board.

SECTION 2. That, if awarded, the City may enter into a contract with the Texas Water Development Board.

SECTION 3. That funds in an amount not to exceed $200,000.00 from the adopted FY 2010-2011 Budget are hereby committed as local matching funds.

SECTION 4. That in-kind services of the City, representing staff time to develop, review and administer the proposed study of the Post Oak Creek Watershed, are hereby committed.

SECTION 5. That the City requests the participation of Grayson County, the Sherman Independent School District, and the Texoma Council of Governments in the project.

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

PASSED AND APPROVED on this the _____ day of ________________, 2010.

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:** 12-6-2010

Subject: Agenda Item No. C.5

**** RESOLUTION NO. 5549***
Approving the Greater Texoma Utility Authority's Intention to Contract with Red River Construction, Inc. for the Construction of Improvements at the City of Sherman Post Oak Wastewater Treatment Plant

Issue
Approving the intention of the Greater Texoma Utility Authority (GTUA) to administer an agreement for the construction of the 2010 Wastewater Treatment Plant Improvements

Background
The Capital Improvement Program contains a project to add covers to the biological clarifiers and to upgrade the mixers in the equalization basin at the City's wastewater treatment plant. Nine (9) bidders responded to the request for bids. The Engineer's recommendation and a bid tabulation are attached. The low bid in the amount of $1,423,800.00 was submitted by Red River Construction, Inc.

Origination
Department of Utilities Administration

Financial Consideration
Funds for this project will be paid through GTUA.

Staff Recommendation
It is recommended that the City Council approve GTUA's intention to contract with the low bidder, Red River Construction, Inc., in the amount of $1,423,800.00 including all additive alternate bid items.

Alternatives
As may be directed by the City Council

Attachments
Resolution No. 5549
Engineer's Recommendation with Bid Tabulation
Location Map

Prepared by:
Mark Gibson, Director of Engineering/Public Works

Approved by:
George Olson, City Manager

RESOLUTION NO. 5549

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING THE GREATER TEXOMA UTILITY AUTHORITY'S INTENTION TO CONTRACT WITH RED RIVER CONSTRUCTION, INC. FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE CITY OF SHERMAN POST OAK WASTEWATER TREAMENT PLANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City of Sherman hereby approves the Greater Texoma Utility Authority's intention to enter into an agreement with Red River Construction, Inc. in the total amount of One Million Four Hundred Twenty-Three Thousand Eight Hundred Dollars and No Cents ($1,423,800.00), including all additive alternative bid items, for construction of improvements at the City of Sherman Post Oak Wastewater Treatment Plant.

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

PASSED AND APPROVED on this the _____ day of ________________, 2010.

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

PERKINS
ENGINEERING
CONSULTANTS, INC.

6001 Interstate 20 West
Suite 219
Arlington, TX 76017
Office 817-719-0372
Fax 817-719-0122
www.perkinsconsultants.com

November 22, 2010

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

and

Mr. Mark Gibson, P.E.
Director of Utilities and Engineering
City of Sherman, Texas
220 W. Mulberry
Sherman, Texas 75090

RE: City of Sherman Post Oak Wastewater Treatment Plant
2010 Wastewater Treatment Plant Improvements

Dear Mr. Chapman and Mr. Gibson,

Nine bids were publicly opened and read aloud for the above referenced project on November 17, 2010. We recommend award to the lowest responsive bidder, Red River Construction, Inc., in the amount of $1,423,800.00 including all additive alternate bid items. A complete tabulation of bids received is attached.

Please contact me if you have any questions.

Sincerely,

James S. McMillen, TX PE 92688
Project Manager
Perkins Engineering Consultants, Inc.
TBPE Firm No. [illegible]

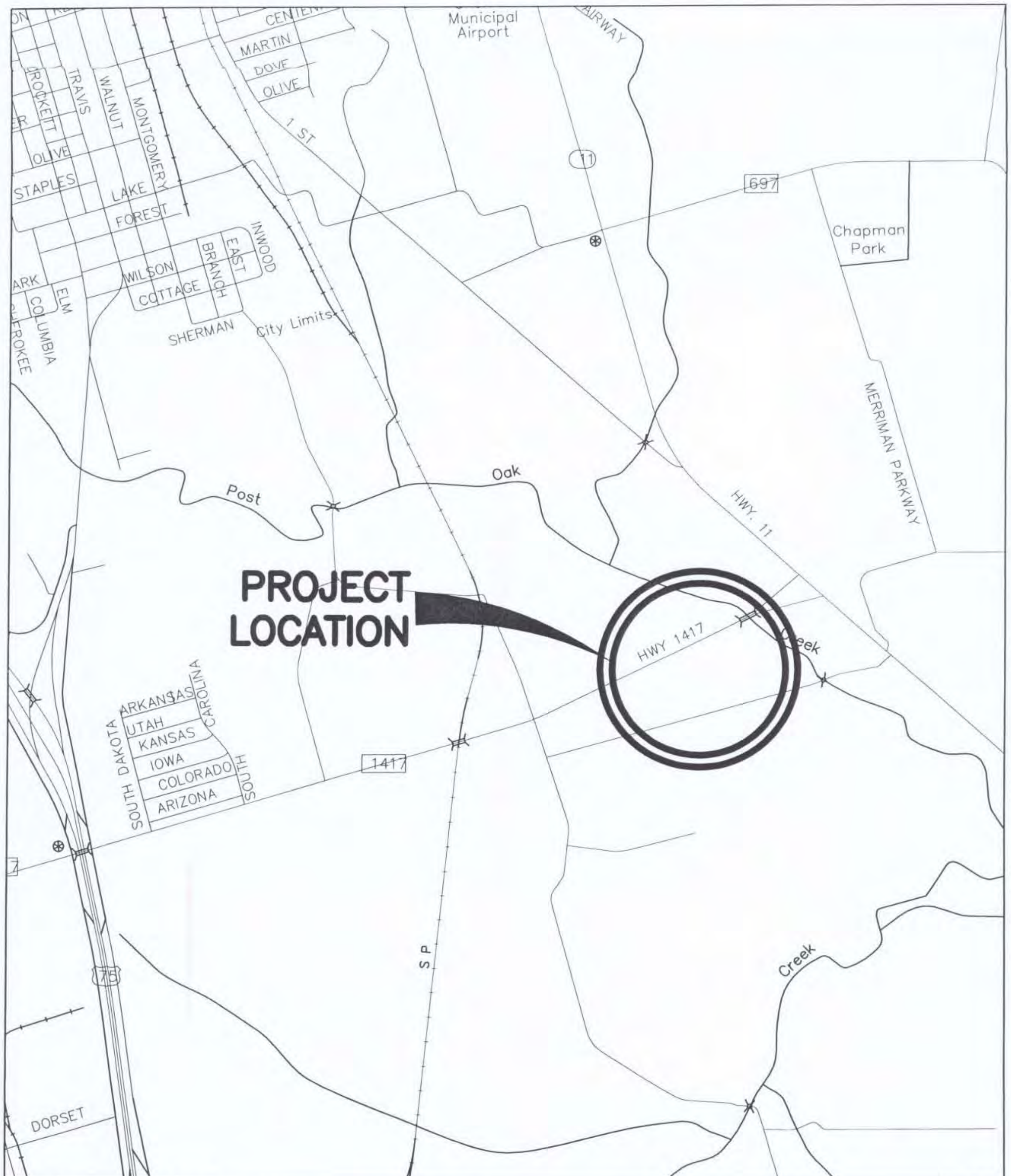
cc: Mr. Wayne Kuse, Wastewater Superintendent, City of Sherman, Texas

GREATER TEXOMA UTILITY AUTHORITY
CITY OF SHERMAN, TEXAS
2010 WWTP IMPROVEMENTS

BID TABULATION
November 17, 2010 2:00 PM
Lowest to Highest by Base Bid

BIDDER	ITEM NO. 1	ITEM NO. 2	BASE BID	ADDITIVE ALTERNATE LINE 3	ADDITIVE ALTERNATE LINE 4	ADDITIVE ALTERNATE LINE 5	ADDITIVE ALTERNATE LINE 6	TOTAL BID
Red River Constrution	$ 690,000.00	$ 384,000.00	$ 1,074,000.00	$ 80,000.00	$ 174,000.00	$ 80,000.00	$ 15,800.00	$ 1,423,800.00
Gracon Constructon	$ 699,000.00	$ 400,000.00	$ 1,099,000.00	$ 94,000.00	$ 197,000.00	$ 94,000.00	$ 6,000.00	$ 1,490,000.00
AUI Contracting	$ 721,000.00	$ 397,000.00	$ 1,118,000.00	$ 78,000.00	$ 176,000.00	$ 78,000.00	$ 5,000.00	$ 1,455,000.00

[redacted]



City of Sherman, Texas

WASTEWATER TREATMENT PLANT

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. C.6

**** RESOLUTION NO. 5550***

Accepting the Contract with Jerry Paul Higgins, Ltd. as Complete for Construction of the Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I

Issue

To consider acceptance of the contract with Jerry Paul Higgins, Ltd. as complete for construction of the City of Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I

Background

Jerry Paul Higgins, Ltd**.** has completed all work required under their contract with the Greater Texoma Utility Authority to construct the Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I for the City of Sherman. The Greater Texoma Utility Authority is requesting that the City of Sherman execute the attached Resolution accepting the project as complete.

Origination

Greater Texoma Utility Authority

Financial Consideration

This project was funded through a Greater Texoma Utility Authority revenue bond issue.

Staff Recommendation

It is recommended that the attached Resolution be approved by the City Council.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5550
Project Location Map

Prepared by:
Mark Gibson, Director of Engineering/Public Works

Approved by:
George Olson, City Manager

RESOLUTION NO. 5550

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH JERRY PAUL HIGGINS, LTD. AS COMPLETE FOR CONSTRUCTION OF THE SHERMAN WASTEWATER TREATMENT PLANT PEAK FLOW STORAGE IMPROVEMENTS, PHASE I; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman has entered into a Contract for Water Supply and Sewer Service with the Greater Texoma Utility Authority; and

WHEREAS, the Greater Texoma Utility Authority has entered into a contract with Jerry Paul Higgins, Ltd. for the construction of the Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I; and

WHEREAS, representatives of the Greater Texoma Utility Authority, the City of Sherman, and the project engineer have inspected the Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I and found it to be complete;

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

SECTION 1. That the City of Sherman hereby formally accepts the contracted work of Jerry Paul Higgins, Ltd. for construction of the Sherman Wastewater Treatment Plant Peak Flow Storage Improvements, Phase I, as complete.

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 ________________, 2010.

CITY OF SHERMAN, TEXAS

BY: ________________________________

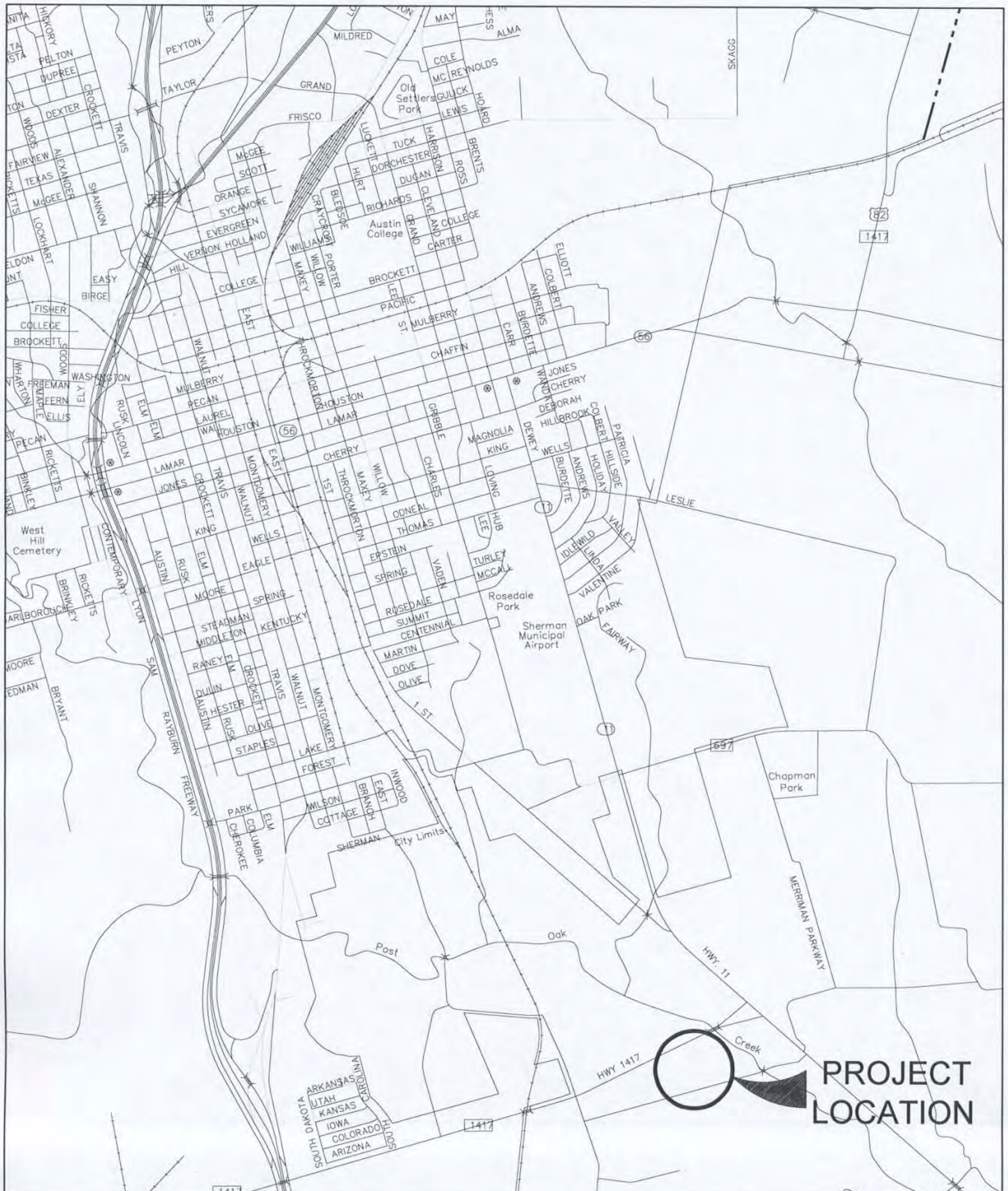
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY



City of Sherman, Texas

WASTEWATER TREATMENT PLANT

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. C.7

**** RESOLUTION NO. 5551***
Accepting the Contract with Vescor Inc. dba Vessels Construction as Complete for Construction of the Sherman Relief Sewer K4 Project, Phase II

Issue
To consider acceptance of the contract with Vescor Inc. dba Vessels Construction as complete for construction of the City of Sherman Relief Sewer K4 Project, Phase II

Background
Vescor Inc. dba Vessels Construction has completed all work required under their contract with the Greater Texoma Utility Authority to construct the Relief Sewer K4, Phase II for the City of Sherman. The Greater Texoma Utility Authority is requesting that the City of Sherman execute the attached Resolution accepting the project as complete.

Origination
Greater Texoma Utility Authority

Financial Consideration
This project was funded through a Greater Texoma Utility Authority revenue bond issue.

Staff Recommendation
It is recommended that the attached Resolution be approved by the City Council.

Alternatives
As may be directed by the City Council

Attachments
Resolution No. 5551
Project Location Map

Prepared by:
Mark Gibson, Director of Engineering/Public Works

Approved by:
George Olson, City Manager

RESOLUTION NO. 5551

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ACCEPTING THE CONTRACT WITH VESCOR INC. DBA VESSELS CONSTRUCTION AS COMPLETE FOR CONSTRUCTION OF THE SHERMAN RELIEF SEWER K4 PROJECT, PHASE II; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Sherman has entered into a Contract for Water Supply and Sewer Service with the Greater Texoma Utility Authority; and

WHEREAS, the Greater Texoma Utility Authority has entered into a contract with Vescor Inc. dba Vessels Construction for the construction of the Sherman Relief Sewer K4 Project, Phase II; and

WHEREAS, representatives of the Greater Texoma Utility Authority, the City of Sherman, and the project engineer have inspected the Sherman Relief Sewer K4, Phase II, and found it to be complete;

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

SECTION 1. That the City of Sherman hereby formally accepts the contracted work of Vescor Inc. dba Vessels Construction for construction of the Sherman Relief Sewer K4 Project, Phase II, as complete.

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 ________________, 2010.

CITY OF SHERMAN, TEXAS

BY: ______________________________

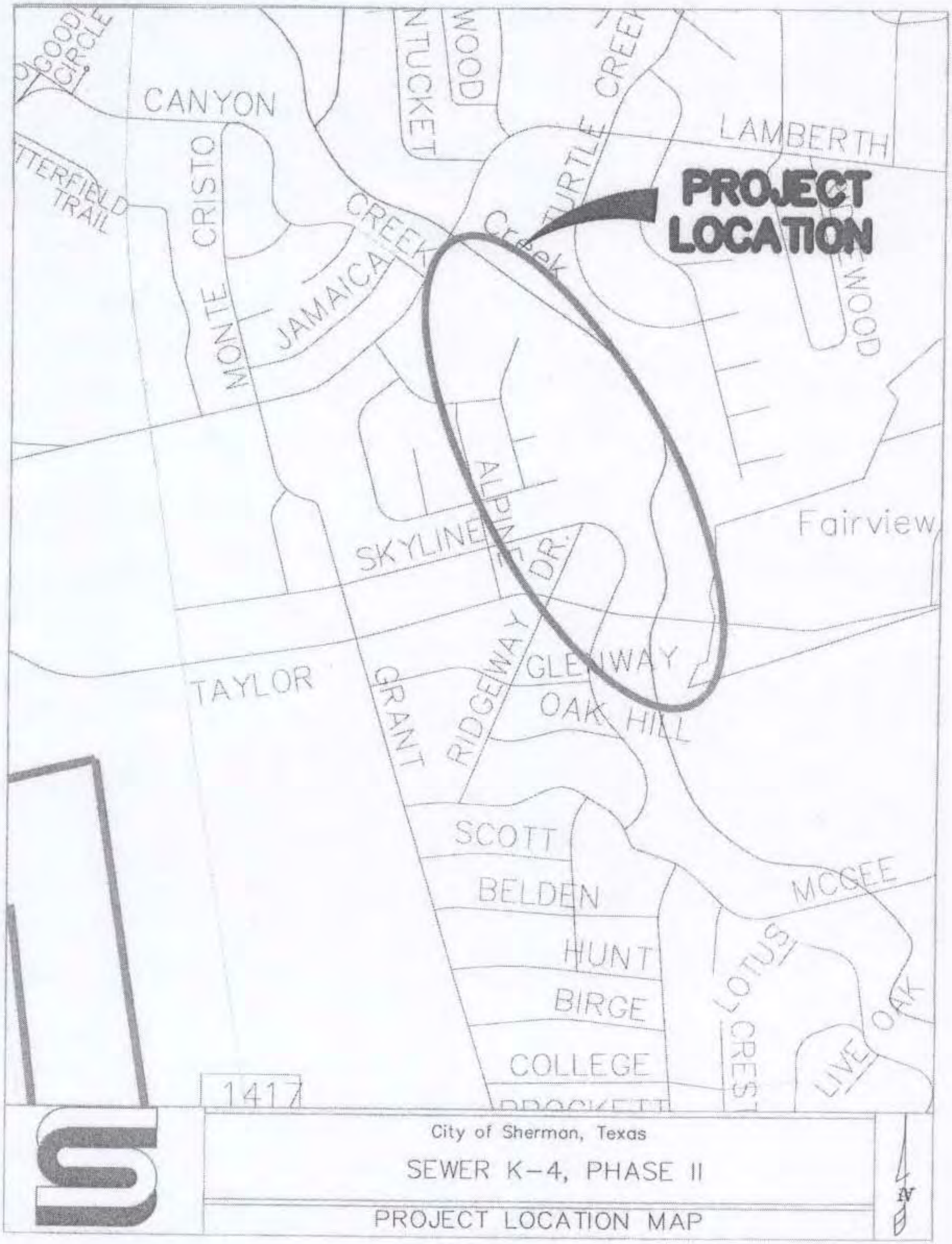
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: ______________________________
BRANDON S. SHELBY,
CITY ATTORNEY


PROJECT LOCATION
CANYON
LAMBERTH
MONTE CRISTO
JAMAICA CREEK
Creek
TURTLE CREEK
ALPINE DR.
SKYLINE
Fairview
TAYLOR
GRANT
RIDGEWAY
GLENWAY
OAK HILL
SCOTT
BELDEN
HUNT
BIRGE
COLLEGE
MCGEE
LOTUS
CREST
LIVE OAK
1417
City of Sherman, Texas
SEWER K-4, PHASE II
PROJECT LOCATION MAP
N

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. C.8

**** RESOLUTION NO. 5552***

Awarding a Bid to and Authorizing Execution of a Contract with ITT Water & Wastewater U.S.A., Inc. dba ITT Flygt Corporation for the Purchase of a Submersible Pump for the Wastewater Treatment Plant Headworks

Issue

Award of bid for the purchase of a submersible pump for the Wastewater Treatment Plant Headworks

Background

One of the pumps at the Wastewater Treatment Plant Headworks has failed and requires immediate replacement. Bids were received on November 11, 2010. ITT Flygt Corporation of White Plains, New York, submitted the only bid in the amount of $87,843.75. The bid included two items that were not required by the specifications; and it was decided to eliminate the requirement for a witnessed performance test. With the deletion of these items, the final bid price was $78,936.15.

Origination

Department of Utilities Administration

Financial Consideration

Adequate funding is available in the Department 722 (Treatment Services) budget for the maintenance and replacement of this pump.

Staff Recommendation

It is recommended that the City Council approve the contract for purchase with ITT Flygt Corporation in the amount of $78,936.15.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 5552
Engineers Recommendation
ITT Acceptance Letter
Contract
Location Map

Prepared by:
Mark Gibson, Engineering & Public Works Director

Approved by:
George Olson, City Manager

RESOLUTION NO. 5552

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ITT WATER & WASTEWATER U.S.A., INC. DBA ITT FLYGT CORPORATION FOR THE PURCHASE OF A SUBMERSIBLE PUMP FOR THE WASTEWATER TREATMENT PLANT HEADWORKS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That ITT Water & Wastewater U.S.A., Inc. dba ITT Flygt Corporation of White Plains, New York, is hereby awarded the bid in the total amount of Seventy-Eight Thousand Nine Hundred Thirty-Six Dollars and Fifteen Cents ($78,936.15), for the purchase of a submersible pump for the Wastewater Treatment Plant Headworks; and that the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a contract with ITT Water & Wastewater U.S.A., Inc. dba ITT Flygt Corporation in accordance with the terms and provisions of all contract documents attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED on this the _____ day of ________________, 2010.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ________________________________
BILL MAGERS, MAYOR

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
BRANDON S. SHELBY,
CITY ATTORNEY

FREEMAN-MILLICAN, INC.
ENGINEERS - ARCHITECTS - PLANNERS

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

November 30, 2010

Mr. Mark Gibson, P.E.
Director of Utilities and Engineering
City of Sherman
PO Box 1106
Sherman, TX 75091-1106

Re: 8,000 G.P.M. Submersible Sewage Pump

Dear Mr. Gibson:

Bids were received at 2:00 P.M. on November 11th for an 8,000 g.p.m. submersible sewage pump to be installed by the city at the Post Oak Creek Wastewater Treatment Plant. Due to very specific hydraulic requirements for the pump to function properly at the plant only one supplier had a pump that met all of the project requirements and hence only one bid was received. This bid was from Flygt Corporation in the amount of $87,843.75. A bid in the $70,000-80,000 range was expected.

In reviewing the proposal details, it was discovered that the bid included two items that were not required by the specifications: an explosion proof motor and stainless steel guide rails and brackets. The low bidder also indicated that the hydrostatic test that was required by specifications was rather expensive on this size pump. The hydrostatic test is a "nice to have" feature but since this pump rarely will be totally submerged, the 65-foot hydro test may not provide much benefit in this application.

Therefore, the bidder offered the following deductions from his bid for these items as noted in the attached letter:

Item	Deduct
Furnish a standard motor in lieu of an explosion proof motor	$5,223.00
Delete guide rails and bracket	234.60
Delete hydrostatic test	1,450.00
Total Deduction	$6,907.60

The bid proposal also included a further deduction of $2,000 to delete the witnessed performance test. A performance test will be performed but will not be witnessed by a representative of the city of Sherman. Since the city has three other identical pumps at the plant that have been performing well, witnessing the test may not be worth the cost.

We recommend that the bid be awarded to Flygt Corporation in the gross amount of bid less $8,907.60 in deductions described above for a total amount of $78,936.15.

Please let me know if there are any questions in this regard.

Very truly yours,

FREEMAN - MILLICAN, INC.

J. T. Millican, P.E.

Encl (1)

ITT

ITT Flygt Corporation

2400 Tarpley Rd
Carrollton, TX 75006
Tel (972) 418-2400
Fax (972) 416-9570

November 29, 2010

To: Terry Millican, PE
Freeman-Millican, Inc

Re: Sherman Post Oak Creek Pump

Dear Mr. Millican:

Per our recent correspondence, please accept the following as our bid price breakdown as requested:

Change motor from FM to Standard: Deduct $5223.00
Deduct Upper Guide Rail Bracket and hardware: -$ 234.60
Delete Hydrostatic Test: -$ 1450.00

Total deduct: $ 6907.60

Please contact us with any questions or for more information. Thank you for your time and review.

Sincerely,

Bill Scoggins

November 29, 2010

Bill Scoggins, PE
Sales Engineer
972-418-2400 ext.111
bill.scoggins@itt.com

STANDARD FORM OF AGREEMENT

STATE OF TEXAS }
COUNTY OF GRAYSON }

THIS AGREEMENT, made and entered into this the ________ day of ___________ , A.D. 2010, by and between the City of Sherman of the County of Grayson and State of Texas acting through its City Manager, thereunto duly authorized so to do, Party of the First Part, hereinafter termed OWNER, and ____________________of the City of ______________ , County of _______________ and State of , Party of the Second Part, hereinafter termed MANUFACTURER.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER, and under the conditions expressed in the bond bearing even date herewith, MANUFACTURER, hereby agrees with the OWNER to provide, furnish and deliver the equipment described as follows:

8,000 G.P.M. CENTRIFUGAL SUBMERSIBLE SEWAGE PUMP

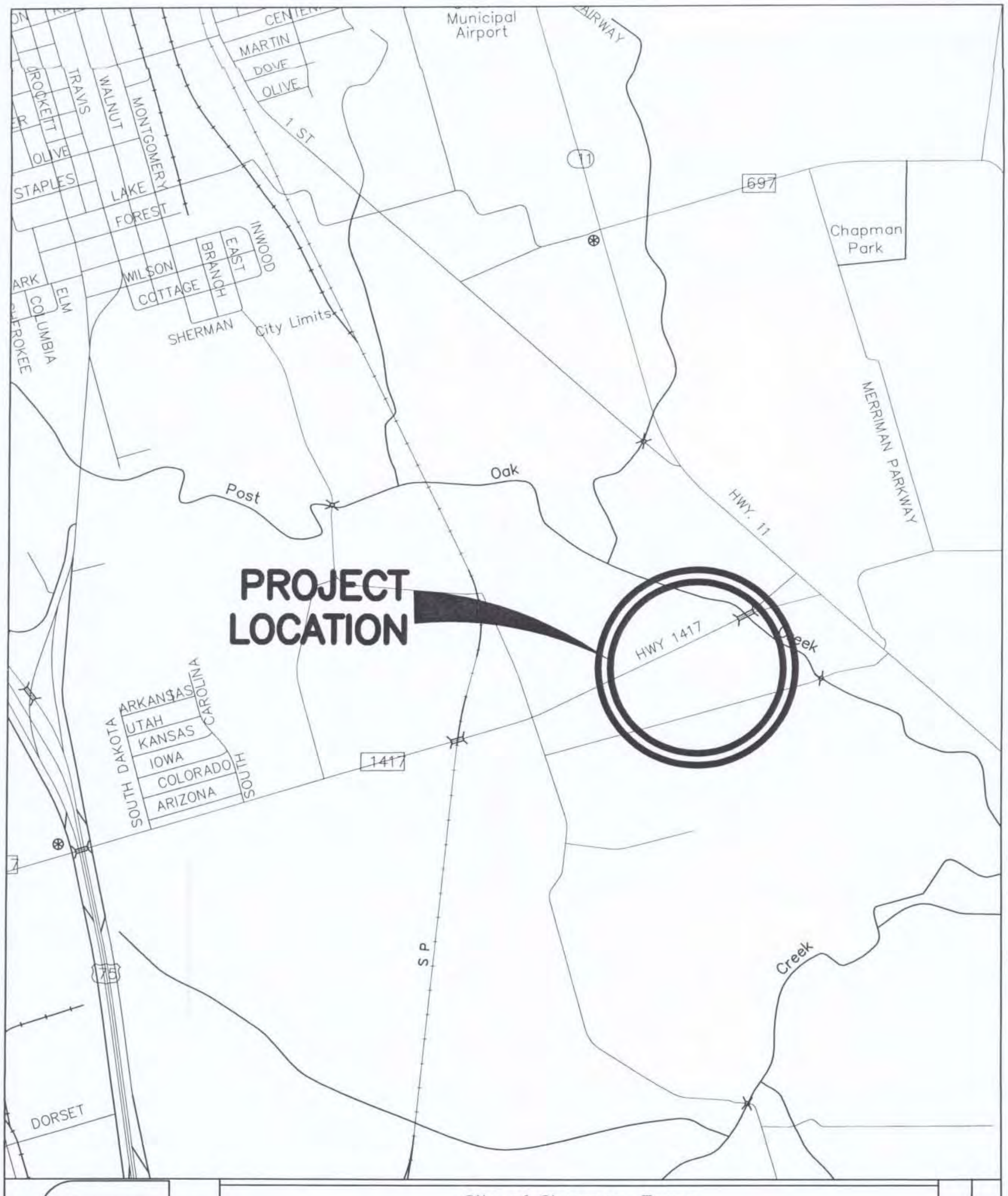
and all extra work in connection therewith, to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to design, manufacture and deliver the equipment , in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Request for Proposals, General and Special Conditions of Agreement, and the Specifications and addenda therefor, as prepared by Freeman-Millican, Inc., herein entitled the ENGINEER, each of which has been identified by the MANUFACTURER and the ENGINEER, together with the MANUFACTURER'S written Proposal, the General Conditions of the Agreement, and the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The MANUFACTURER hereby agrees to deliver the equipment to the job site within ______ calendar days after the date of the signed purchase order issued by the OWNER.

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

Party of the First Part (Owner)	Party of the Second Part (Manufacturer)
By:	By:
Attest:	Attest:

END OF STANDARD FORM OF AGREEMENT



City of Sherman, Texas

WASTEWATER TREATMENT PLANT

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.1

**** OTHER BUSINESS***

Site Plan Approval for GlobiTech Incorporated under Ordinance No. 2252, Article IV, Section 410(2)(j) for an Addition to the Existing Building for Gas Room Storage in the Blalock Industrial Park District at 200 F.M. 1417 West

Issue

This item is to consider the request of GlobiTech Incorporated (Owner) for a site plan for an addition to the existing building for gas room storage in the Blalock Industrial Park District at 200 F.M. 1417 West

Background

The property is located at 200 West F.M. 1417; GlobiTech Incorporated is the tenant. They would like to construct an addition to the facility for gas room storage. This is an enclosed area of 885 square feet for storage of gases that are a part of the manufacturing process. The addition will match the existing exterior of the building.

Origination

GlobiTech Incorporated (Owner); Terry Kluesner and Rocky Valentine (Representatives)

Board Recommendation

At the regular meeting on November 16, 2010, the Planning and Zoning Board voted 8/0 to approve the site plan and to forward the request to the City Council.

Attachments

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

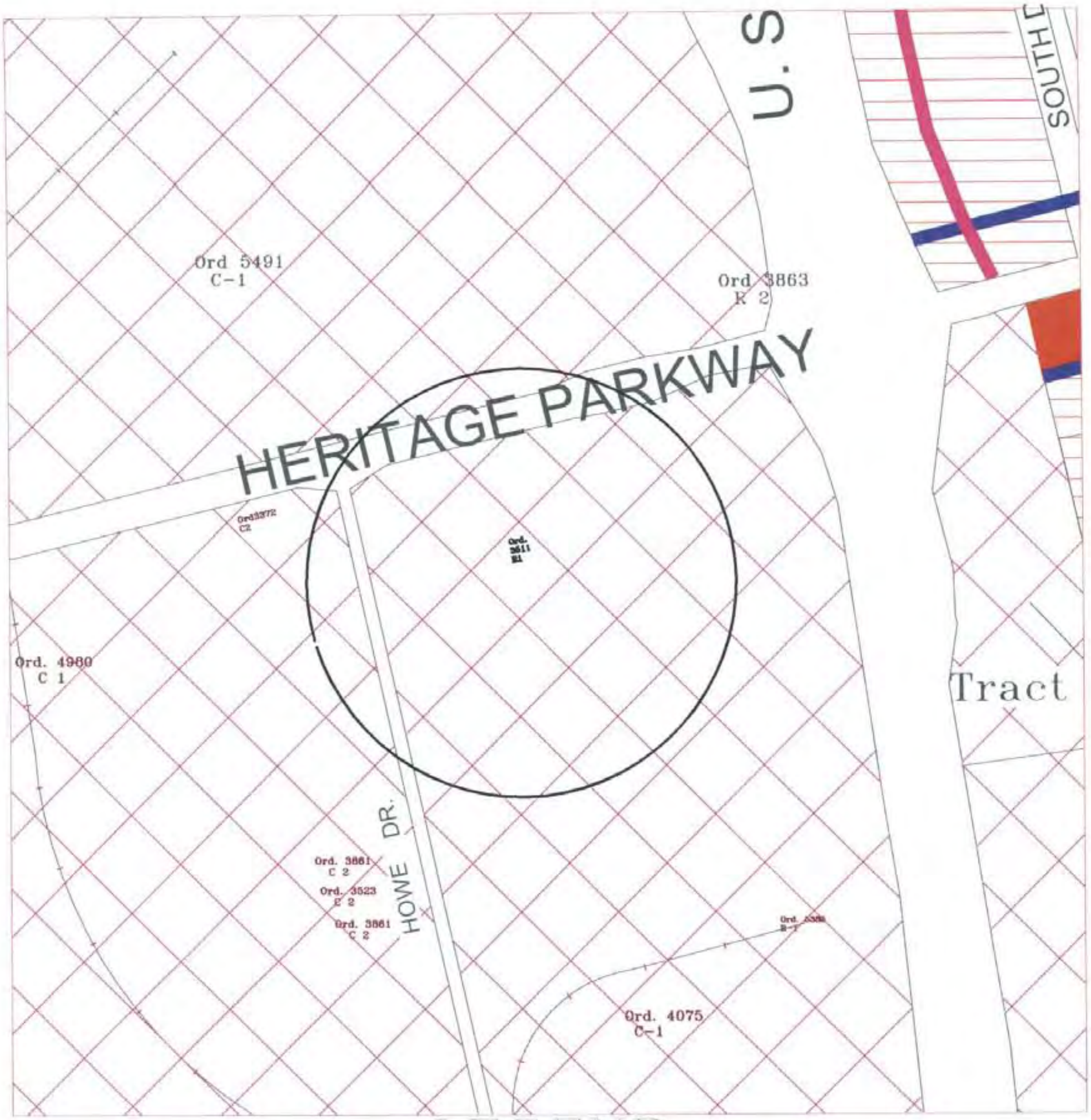
Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

200 West FM 1417

1 inch = 558 feet

City of Sherman, Texas
Developmental Services Department



LEGEND

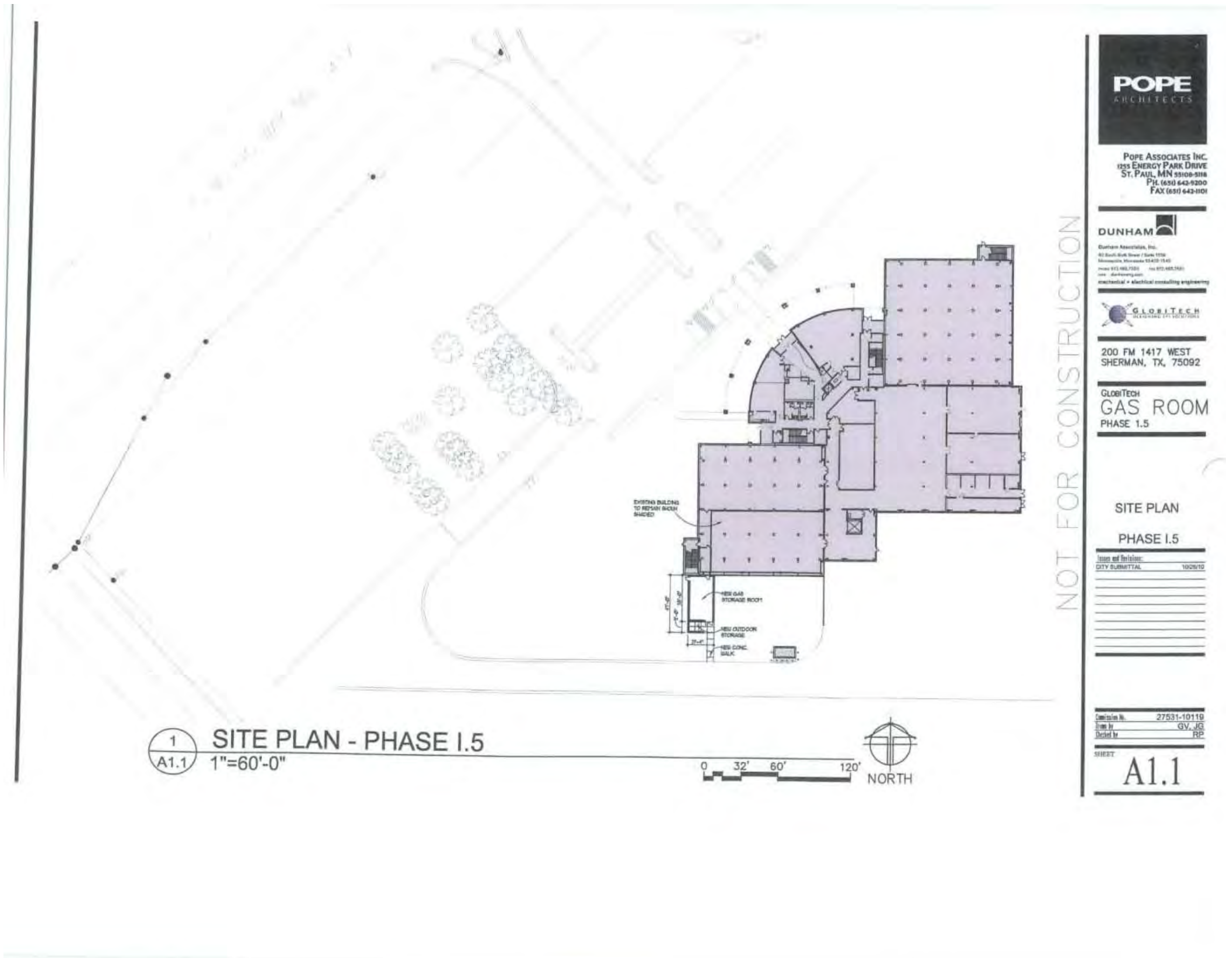
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT	M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT	M H	MANUFACTURED HOUSING DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT		BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT	O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS DISTRICT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

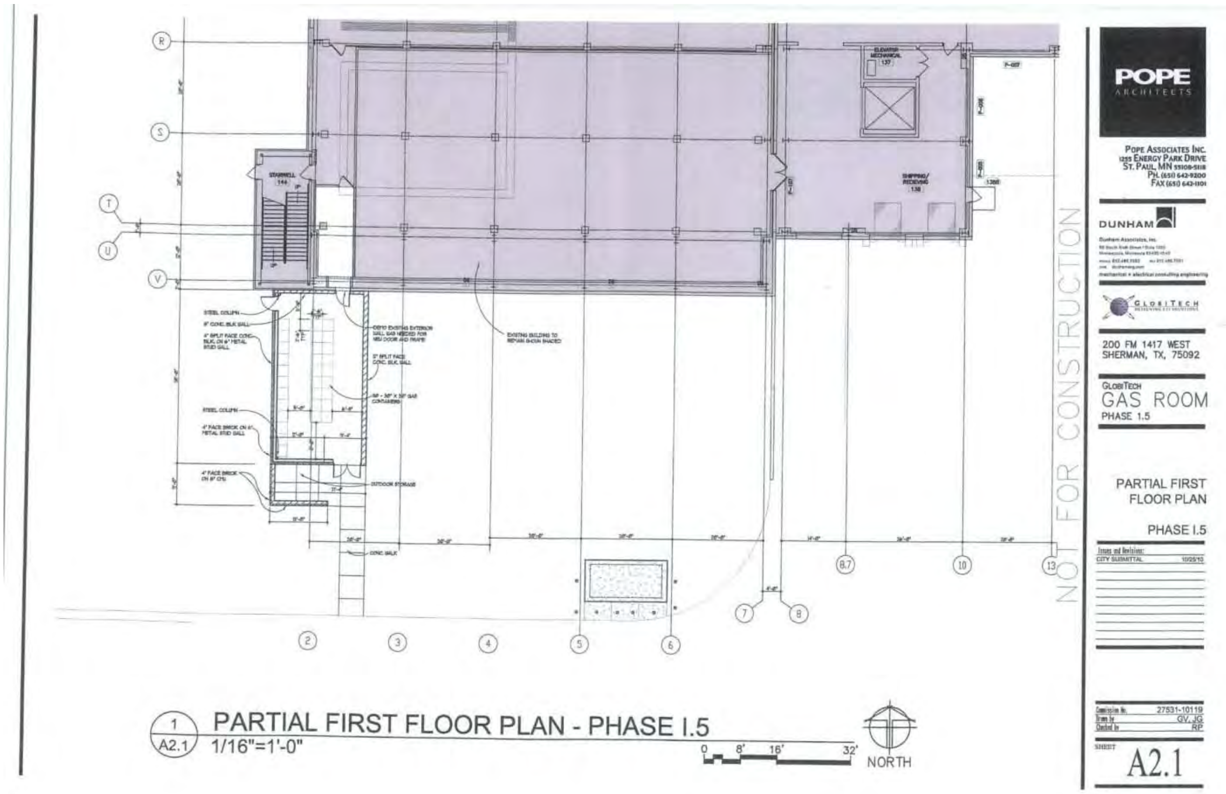
200 West FM 1417

Department of Developmental Services

200 F.M. 1417 W.


200
GLOBITECH
INCORPORATED
ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7229
10/29/2010


POPE ARCHITECTS
POPE ASSOCIATES INC.
1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH. (651) 642-9200
FAX (651) 642-1101
DUNHAM
GLOBITECH
200 FM 1417 WEST
SHERMAN, TX, 75092
GLOBITECH
GAS ROOM
PHASE 1.5
SITE PLAN
PHASE I.5
CITY SUBMITTAL 10/26/10
27531-10119
GV, JG
RP
SHEET
A1.1
NOT FOR CONSTRUCTION
EXISTING BUILDING TO REMAIN SHOWN SHADED
NEW GAS STORAGE ROOM
NEW OUTDOOR STORAGE
NEW CONC. WALK
1
A1.1
SITE PLAN - PHASE I.5
1"=60'-0"
0 32' 60' 120'
NORTH



NOT FOR CONSTRUCTION
POPE ARCHITECTS
POPE ASSOCIATES INC.
1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH. (651) 642-9200
FAX (651) 642-1101
DUNHAM
mechanical + electrical consulting engineering
GLOBITECH
200 FM 1417 WEST
SHERMAN, TX, 75092
GLOBITECH
GAS ROOM
PHASE 1.5
PARTIAL FIRST
FLOOR PLAN
PHASE I.5
CITY SUBMITTAL 10/25/10
27531-10119
GV, JG
RP
SHEET
A2.1
PARTIAL FIRST FLOOR PLAN - PHASE I.5
1
A2.1
1/16"=1'-0"
0 8' 16' 32'
NORTH


SOUTH ELEVATION
1/8"=1'-0"
EAST ELEVATION
1/8"=1'-0"
WEST ELEVATION
1/8"=1'-0"
NOT FOR CONSTRUCTION
POPE ARCHITECTS
POPE ASSOCIATES INC.
1255 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH. (651) 642-9200
FAX (651) 642-1101
DUNHAM
GLOBITECH
200 FM 1417 WEST
SHERMAN, TX. 75092
GLOBITECH
GAS ROOM
PHASE 1.5
EXTERIOR ELEVATIONS
PHASE 1.5
CITY SUBMITTAL 10/25/10
27531-10119
GV, JG
RP
A3.1

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

Jim Jacobs, Vice Chairman	**Brad Morgan, Commissioner**
Robin Atherton, Commissioner	**David Plyler, Commissioner**
Ron Barton, Commissioner	**Darren Tankersley, Commissioner**
Don Hicks, Commissioner	**Richard Barber, Commissioner**

200 West FM 1417
Being Lot 1, Northgate Technology Park
Tract 2 of the Blalock Industrial Park
Site Plan

Requested Action/Proposed Use:
Site plan approval for an addition to the existing building for gas room storage in the Blalock Industrial Park.

Background:
The property is located at 200 West F.M. 1417; GlobiTech is the tenant. They would like to construct an addition to the facility for gas room storage.

Adjacent Zoning:
Blalock Industrial Park

Origination:
GlobiTech Inc. (Owner), Terry Kluesner and Rocky Valentine (Representatives)

Master Plan Designation:
Business Park

Number of notices mailed:
35

Objections Received:
0

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

Prepared by:
Patsy Reeves,
Developmental Services Secretary

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 11, 2010

Globitech, Inc.
200 FM 1417 West
Sherman, TX 75092

Globitech, Inc.
Terry Kluesner
200 FM 1417 West

Globitech, Inc.
Rocky Valentine
200 FM 1417 West
Sherman, TX 75092Sherman, TX 75092

Dear Applicants,

The request for a site plan approval for an addition to the existing building for gas room storage in the Blalock Industrial Park for the property located at 200 FM 1417 West has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

Zoning:

1. All aspects of the Blalock Industrial Park Ordinance must be followed.
2. Fire lanes shall be coordinated with the Fire Marshal.
3. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

cc: George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Nathan Huffman, Fire Marshal
Scott Taylor, Assistant Director of Public Works
Don Keene, Exec. Dir. of Planning & Public Works

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.2

OTHER BUSINESS
Replat Approval of Block 1, Grand N Addition; Austin College, Owners; Heidi Ellis, Austin College Representative; Todd Williams, Kangaroo Housing Investors, LLC, Developer/Applicant; Matthew Cain, Cain Consulting and Engineering Services, Engineers; Architecture Demarest, Architect; and Sartin and Associates, Inc., Surveyors (1202 North Grand Avenue)

Issue
To consider Replat approval of Block 1, Grand N Addition located at 1202 North Grand Avenue

Background
The property is located at 1202 North Grand Avenue between Richards and Dorchester Streets. This lot is located in the middle of the student housing development that was approved for a zone change and final plat at the July 19, 2010 City Council Meeting; Austin College recently acquired the property. They would like to Replat the property into one lot for Multi-Family Residential development for student housing.

Origination
Austin College (Owners), Heidi Ellis (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/Applicant), Matthew Cain, Cain Consulting and Engineering Services (Engineers), Architecture Demarest (Architect), and Sartin and Associates, Inc. (Surveyors)

Board Recommendation
At the November 16, 2010 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments
Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

1202 N. Grand Ave.

1 inch = 129 feet

City of Sherman, Texas
Developmental Services Department

LEGEND

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

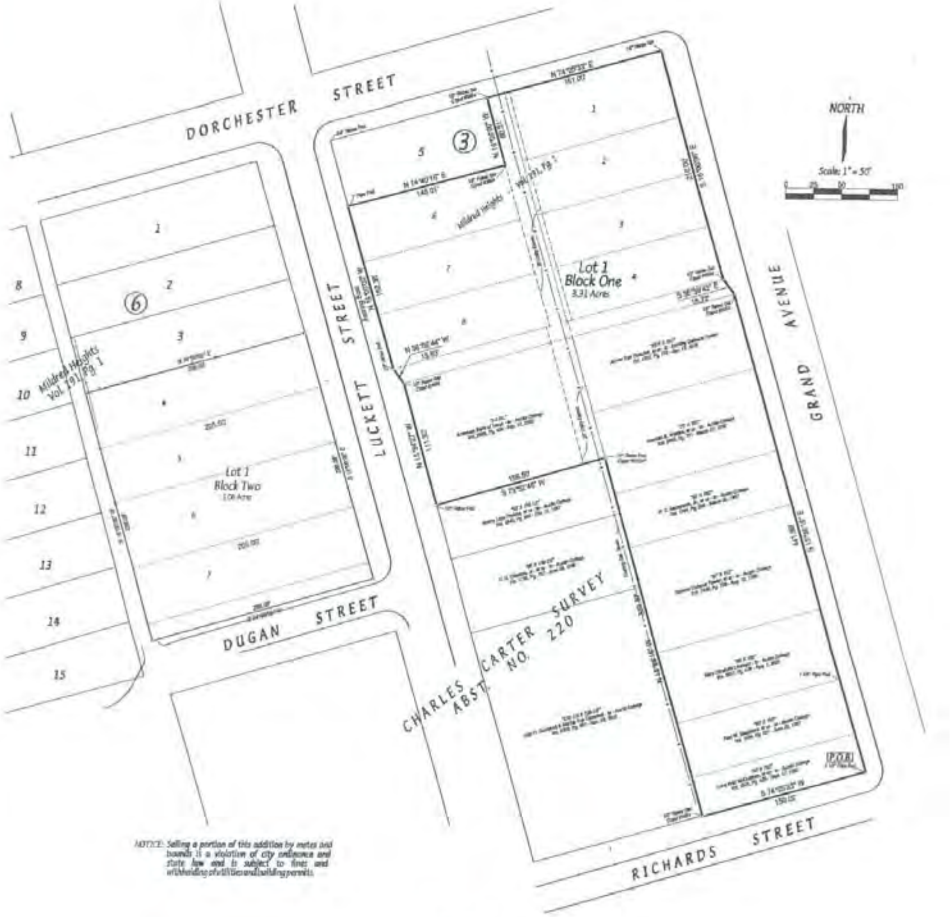
1202 N. Grand Ave.

Department of Developmental Services

N

1202 N. Grand


ZONING
REQUESTED
AT THIS LOCATION
ADDITIONAL
INFORMATION
903-892-7229
10/29/2010



Replat of
BLOCK ONE
GRAND N ADDITION
to the
CITY of SHERMAN, TEXAS

being 3.31 Acres

Owner & Developer

Austin College, Corp.
Heidi Ellis, Vice President of Business Affairs
900 N. Grand Ave.
Sherman, Texas 75090-4400

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
109 S. Travis, P.O. Box 1853 Sherman, Texas 75091-1853
Ph.: (903) 892-8003 Fax: (903) 868-2970

SHEET 1 OF 2

AGENDA ITEM #11

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

1202 N. Grand Avenue
Being 3.31 acres in the Charles Carter Survey, Abstract No. 229
Replat, Zone Change and Site Plan

Requested Action/Proposed Use:

Planning and Zoning Commission

a) Replat of Block 1, Grand N Addition

b) Zone Change from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and site plan approval for student housing.

Background:

The property is located at 1202 North Grand Avenue between Richards and Dorchester Streets. This lot is located in the middle of the student housing development that was approved at the June 22, 2010, Planning and Zoning Commission Meeting. Austin College recently acquired the property and they would like to Replat the property into one lot, rezone from an R-1 (One Family Residential) District to an R-2 (Multi-Family Residential) District and construct a four bedroom/four bathroom, two story apartments for student housing.

Adjacent Zoning:

R-2 (Multi-Family Residential) District

Origination:

Austin College (Owners), Heidi Ellis, (Austin College Representative), Todd Williams, Kangaroo Housing Investors, LLC (Developer/ Applicant), Matthew Cain, Cain Consulting and Engineering Services, (Engineers), Architecture Demarest (Architect) and Sartin & Associates, Inc. (Surveyors)

Master Plan Designation:

Public/Institutional

Number of notices mailed:

Replat – 60
Zone change - 7

Objections Received:

0

Attachments:

Location map, Photographs, Site Plan and Staff Review Letter

Prepared by:
Patsy Reeves,
Developmental Services Secretary

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 10, 2010

Austin College
Heidi Ellis
900 N Grand, Suite 6F
Sherman, TX 75090

Sartin & Associates, Inc.
P.O. Box 1843
Sherman, TX 75091

Kangaroo Housing Investors, LLC
Todd Williams
5119 Seneca
Dallas, TX 75209

Architecture Demarest
David Demarest
801 Core Street, Ste B
Dallas, TX 75207

Cain Consulting & Engineering Services
Matthew Cain
6136 Frisco Square Blvd., Suite 400
Frisco, TX 75034

Dear Applicants,

The request for approval of the Replat of the Grand N Addition for the property located in the 1202 North Grand Avenue has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Storm drain plan including detention shall be reviewed and approved by the City Engineer.
4. The twenty foot easement shall be centered over the sewer main.
5. Drive approaches and sidewalks shall conform to the City of Sherman standards.
6. No permanent structures are to be placed within the utility easements.
7. Any other changes made to the final replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Dir. of Engineering & Public Works

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Scott Taylor, Asst. Director of Engineering & Public Works
Scott Shadden, Director of Development Services
Don Keene, Exec. Dir. of Planning & Public Works
Lisa Whitfield, Engineering & Development Coordinator

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.3

**** OTHER BUSINESS***

Consideration to Ordinance No. 2684, Section 26, Subsection 12(E)(2) for a Variance to Allow a Lot with No Public Street Frontage in a C-2 (General Commercial) District, SF-1 (Single Family Residential) District and O-1 (75 & 82) Overlay District in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East, being 32.784 acres in the William Milligan Survey, Abstract No. 875, the David Harrison Survey, Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265 and the A.C. Smith Survey, Abstract No. 1561 (One Ganesha LTD, Owners; and Michael Clark, Representative)

Issue

To consider the request of One Ganesha LTD (Owners) and Michael Clark (Representative) for special consideration for a variance to allow a lot with no public street frontage in a C-2 (General Commercial) District, SF-1 (Single Family Residential) District and O-1 (75 & 82) Overlay District concerning the property in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East, being 32.784 acres in the William Milligan Survey, Abstract No. 875, the David Harrison Survey, Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265 and the A.C. Smith Survey, Abstract No. 1561

Background

The property is located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East; at the southeast corner of U.S. Highway 75 and FM 691. The owners would like to plat the property into fifteen (15) lots for Commercial Development. They are asking for a variance on one of the lots to construct a skilled nursing facility with no street frontage.

Origination

One Ganesha LTD (Owners) and Michael Clark (Representative)

Board Recommendation

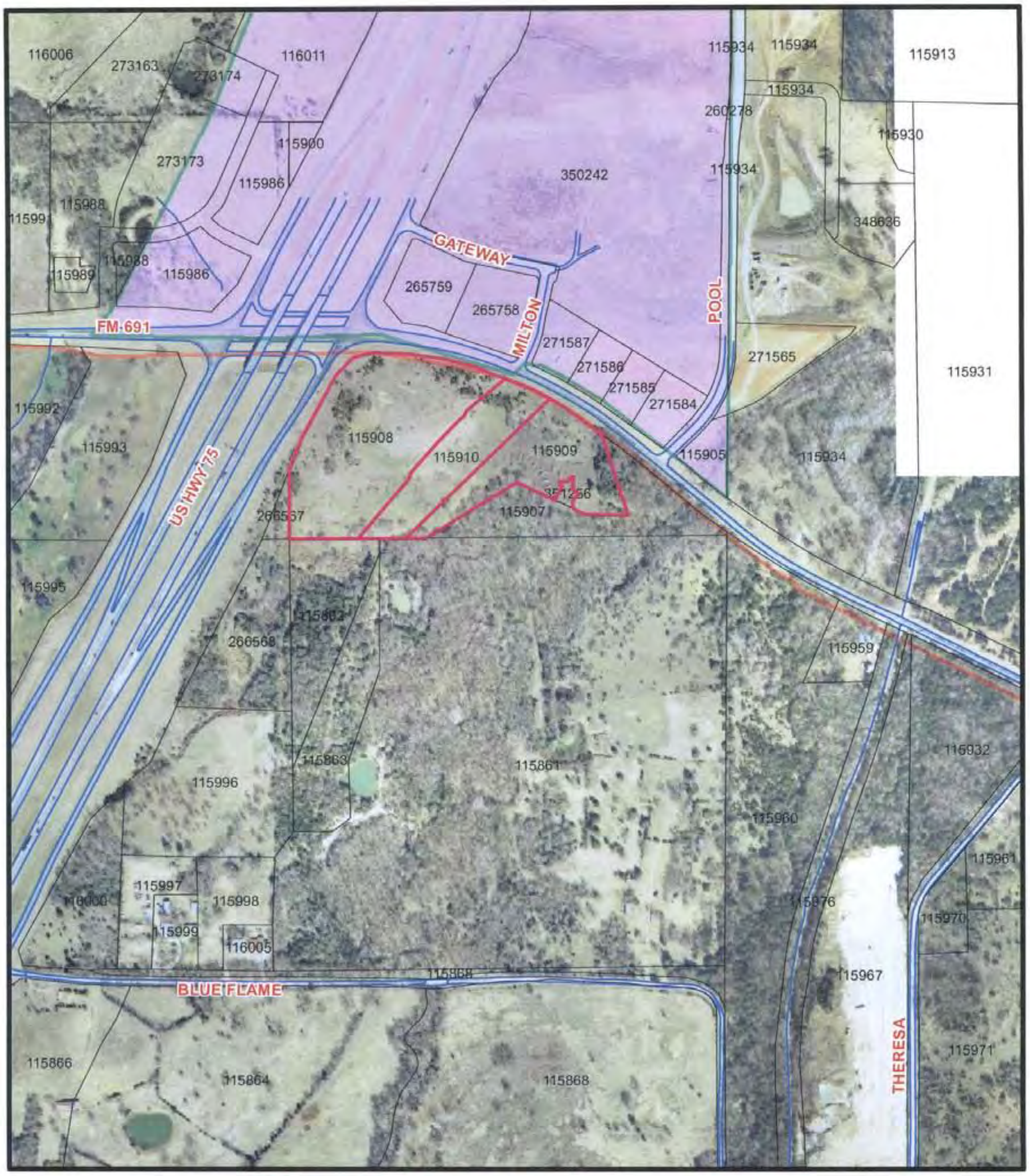
At the regular meeting on November 16, 2010, the Planning and Zoning Board voted 8/0 to approve the variance and forward the request to the City Council subject to the Staff Review and subject to an Owners Association Maintenance Agreement of the private access easement.

Attachments

Location Map, Photographs, Site Plan, P&Z Communications Form and Staff Review Letters

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager



6000-6100 Blks U.S. Highway 75 N. &
1500-1600 Blks F.M. 691 E

1 inch = 558 feet

City of Sherman, Texas
Developmental Services Department

LEGEND

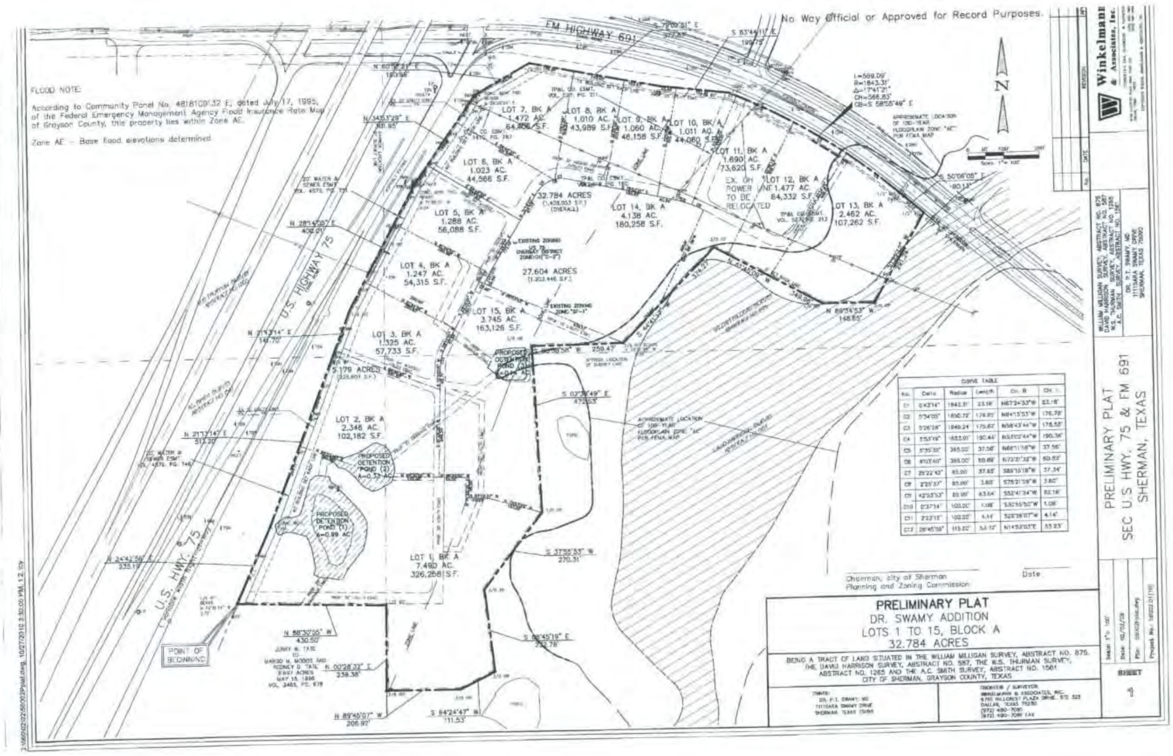
R-A	SINGLE FAMILY AGRICULTURAL DISTRICT		M-2	HEAVY MANUFACTURING DISTRICT
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT		M H	MANUFACTURED HOUSING DISTRICT
R-1	ONE FAMILY RESIDENTIAL DISTRICT			BLALOCK INDUSTRIAL PARK
R-2	MULTI-FAMILY RESIDENTIAL DISTRICT		O-1	OVERLAY DISTRICT - 75 & 82
C-1	RETAIL BUSINESS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

6000-6100 Bls. Hwy 75 N.

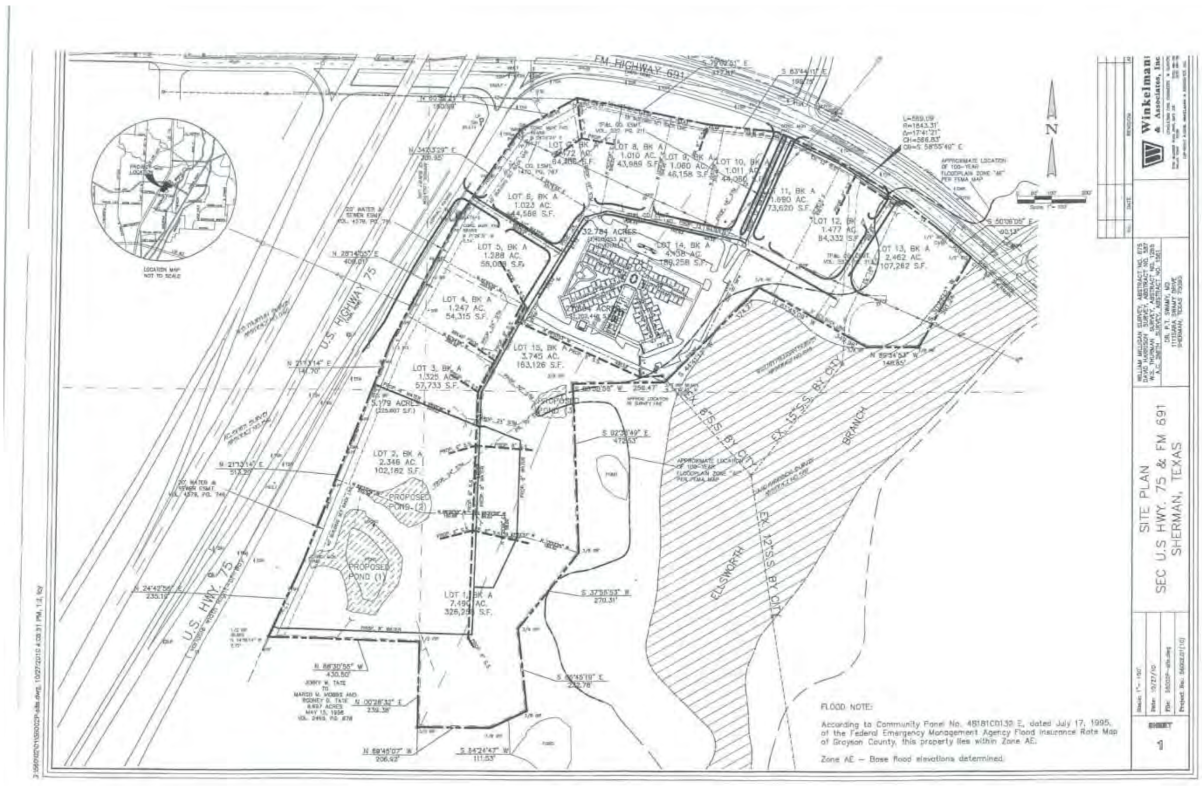
Department of Developmental Services

6000-6100 Blk Hwy. 75 N.

1500-1600 Blk F.M. 691 E.



No Way Official or Approved for Record Purposes.
FM HIGHWAY 691
FLOOD NOTE:
According to Community Panel No. 48181C0132 E, dated July 17, 1995, of the Federal Emergency Management Agency Flood Insurance Rate Map of Grayson County, this property lies within Zone AE.
Zone AE - Base flood elevations determined
U.S. HIGHWAY 75
U.S. HWY. 75
LOT 7, BK A
LOT 8, BK A 1.010 AC. 43,989 S.F.
LOT 9, BK A 1.060 AC. 46,156 S.F.
LOT 10, BK A 1.011 AC.
LOT 6, BK A 1.023 AC. 44,566 S.F.
LOT 11, BK A 1.690 AC. 73,620 S.F.
EX. OH POWER LINE TO BE RELOCATED
LOT 12, BK A 1.477 AC. 64,332 S.F.
LOT 13, BK A 2.462 AC. 107,262 S.F.
32.784 ACRES
LOT 14, BK A 4.138 AC. 180,258 S.F.
LOT 5, BK A 1.288 AC. 56,088 S.F.
LOT 4, BK A 1.247 AC. 54,315 S.F.
27.604 ACRES
LOT 15, BK A 3.745 AC. 163,126 S.F.
LOT 3, BK A 1.325 AC. 57,733 S.F.
LOT 2, BK A 2.346 AC. 102,182 S.F.
PROPOSED DETENTION POND (2)
PROPOSED DETENTION POND (1)
LOT 1, BK A 7.490 AC. 326,268 S.F.
POINT OF BEGINNING
CURVE TABLE
Chairman, City of Sherman Planning and Zoning Commission
Date
PRELIMINARY PLAT
DR. SWAMY ADDITION
LOTS 1 TO 15, BLOCK A
32.784 ACRES
BEING A TRACT OF LAND SITUATED IN THE WILLIAM MILLIGAN SURVEY, ABSTRACT NO. 875, THE DAVID HARRISON SURVEY, ABSTRACT NO. 587, THE W.S. THURMAN SURVEY, ABSTRACT NO. 1265 AND THE A.C. SMITH SURVEY, ABSTRACT NO. 1561, CITY OF SHERMAN, GRAYSON COUNTY, TEXAS
PRELIMINARY PLAT
SEC U.S HWY. 75 & FM 691
SHERMAN, TEXAS
Winkelmann & Associates, Inc.


FM HIGHWAY 691
U.S. HIGHWAY 75
U.S. HWY. 75
LOCATION MAP
NOT TO SCALE
LOT 1, BK A
7.490 AC.
LOT 2, BK A
2.348 AC.
102,162 S.F.
LOT 3, BK A
1.325 AC.
57,733 S.F.
LOT 4, BK A
1.247 AC.
54,315 S.F.
LOT 5, BK A
1.288 AC.
LOT 6, BK A
1.023 AC.
44,566 S.F.
LOT 11, BK A
73,620 S.F.
LOT 12, BK A
1.477 AC.
64,332 S.F.
LOT 13, BK A
2.462 AC.
107,262 S.F.
LOT 14, BK A
LOT 15, BK A
3.745 AC.
163,126 S.F.
32.784 ACRES
PROPOSED POND (1)
PROPOSED POND (2)
ELLSWORTH
BRANCH
FLOOD NOTE:
According to Community Panel No. 48181C0130 E, dated July 17, 1995, of the Federal Emergency Management Agency Flood Insurance Rate Map of Grayson County, this property lies within Zone AE.
Zone AE — Base flood elevations determined.
SITE PLAN
SEC U.S. HWY. 75 & FM 691
SHERMAN, TEXAS
Winkelman & Associates, Inc.
SHEET
1

AGENDA ITEM #12

City of Sherman

Planning and Zoning Commission
Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

6000-6100 Blks U.S. Highway 75 North & 1500-1600 Blks F.M. 691 East
Being 32.784 acres in the William Milligan Survey, Abstract No. 875, the David Harrison Survey, Abstract No. 587, the W.S. Thurman Survey, Abstract No. 1265 and the A.C. Smith Survey, Abstract No. 1561
Variance, Preliminary Plat, Zone Change, Site Plan

Requested Action/Proposed Use:
Planning and Zoning Commission

a) Variance to allow a lot with no public street frontage in a C-2 (General Commercial) District, SF-1 (Single Family Residential) District and O-1 (75 & 82) Overlay District
b) Preliminary Plat of Dr. Swamy Addition
c) Zone Change and site plan approval from an SF-1 (Single Family Residential) District to a C-2 (General Commercial) District.

Background:
The property is located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East; the southeast corner of U.S. Highway 75 and FM 691. The owners would like to plat the property into 15 lots for Commercial Development. They are asking for a variance on one of the lots to construct a skilled nursing facility with no street frontage.

Adjacent Zoning:
C-2 (General Commercial) District and SF-1 (Single Family Residential) District

Origination:
One Ganesha LTD (Owners) and Michael Clark (Representative)

Master Plan Designation:
Suburban Commercial and Agriculture & Rural

Number of notices mailed: 1

Objections received: 0

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

Prepared by:
Patsy Reeves,
Developmental Services Secretary

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 10, 2010

One Ganesha, LTD
1111 Sara Swamy Dr.
Sherman, TX 75090

Winkelmann & Associates, Inc.
Michael Clark
6750 Hillcrest Plaza #325
Dallas, TX 75230

Dear Applicants,

The request for approval of the Preliminary Plat of the Dr. Swamy Addition for the property located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks F.M. 691 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Storm drain plan including detention shall be reviewed and approved by the City Engineer.
4. Developer shall comply with all State and Federal Regulations relating to existing ponds/wetlands alterations on site.
5. The plat shall note all detention ponds as being private.
6. The proposed access utility easements shall be shown as private access easements. Utility easements to remain a minimum width of 30'.
7. Drive approaches and sidewalks shall conform to TxDOT and the City of Sherman standards.
8. The 12" waterline shall be extended to the eastern most property line of the subdivision along FM 691.
9. Lot 7 shall show a private easement to provide Lot 6 with utility service.
10. Lot 6 and Lot 7 shall have separate services.
11. All lots shall have separate water and sewer services.
12. All of the storm drainage system is privately owned and maintained, therefore, drainage easements shall be removed from the plat.
13. Must comply with all drainage requirements of the City of Sherman
14. Fire Marshal shall review for approval.
15. All lots without street frontage shall request a variance.

16. Any other changes made to the preliminary plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Dir. of Engineering & Public Works

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Scott Taylor, Asst. Director of Engineering & Public Works
Scott Shadden, Director of Development Services
Don Keene, Exec. Dir. of Planning & Public Works
Lisa Whitfield, Engineering & Development Coordinator

STAFF REVIEW LETTER

November 11, 2010

One Ganesha, LTD
1111 Sara Swamy Dr.
Sherman, TX 75090

Michael Clark
6750 Hillcrest Plaza #325
Dallas, TX 75230

Dear Applicants,

The request for a site plan approval for Fundamental Long Term Care, a proposed skilled nursing center for the property located in the 6000-6100 Blocks of U.S. Highway 75 North and the 1500-1600 Blocks of F.M. 691 East has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

<u>Zoning:</u>

1. All aspects of the C-2 (General Commercial) District, the O-1 (75 & 82) Overlay District and Commercial Tree and Landscaping Ordinance must be followed.
2. All parking shall be on private property; parking is permitted on paved surfaces only.
3. Fire lanes shall be coordinated with the Fire Marshal.
4. Shall provide a screening device as an enclosure for garbage and trash containers. Such screening device shall be located within the building area of the lot, parcel or tract or land. The container shall be positioned or screened in such a way so that it is not visible from any street, highway or major thoroughfare.
5. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required

<u>Engineering:</u>

6. Storm drain plan including detention shall be reviewed and approved by the City Engineer.
7. Drive approaches and sidewalks shall conform to TxDOT and the City of Sherman standards.
8. All lots shall have separate water and sewer services.
9. All lots without street frontage shall request a variance.
10. Must comply with all drainage requirements of the City of Sherman.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning and Zoning Commission.

You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

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

cc:

George Olson, City Manager
Mark Gibson, Director Utilities & Engineering Services
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Nathan Huffman, Fire Marshal
Scott Taylor, Assistant Director of Public Works
Don Keene, Exec. Dir. of Planning & Public Works

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.4

**** OTHER BUSINESS***
Final Plat Approval of Estates of Pebblebrook, Phase I;
Walt DeRonde, Owner/Developer; Levi Wild, P.E., Sanchez & Associates, Engineer;
Greg Edwards Engineering Services, Inc., Engineer/Land Planner; and Cox Land Surveying Company, Surveyors (2300-3000 Blocks of F.M. 1417 South)

Issue
To consider Final Plat approval of the Estates of Pebblebrook, Phase I located in the 2300-3000 Blocks of F.M. 1417 South

Background
The property is located in the 2300-3000 Blocks of F.M. 1417 South. The owner would like to plat the property into one lot for multi-family residential development.

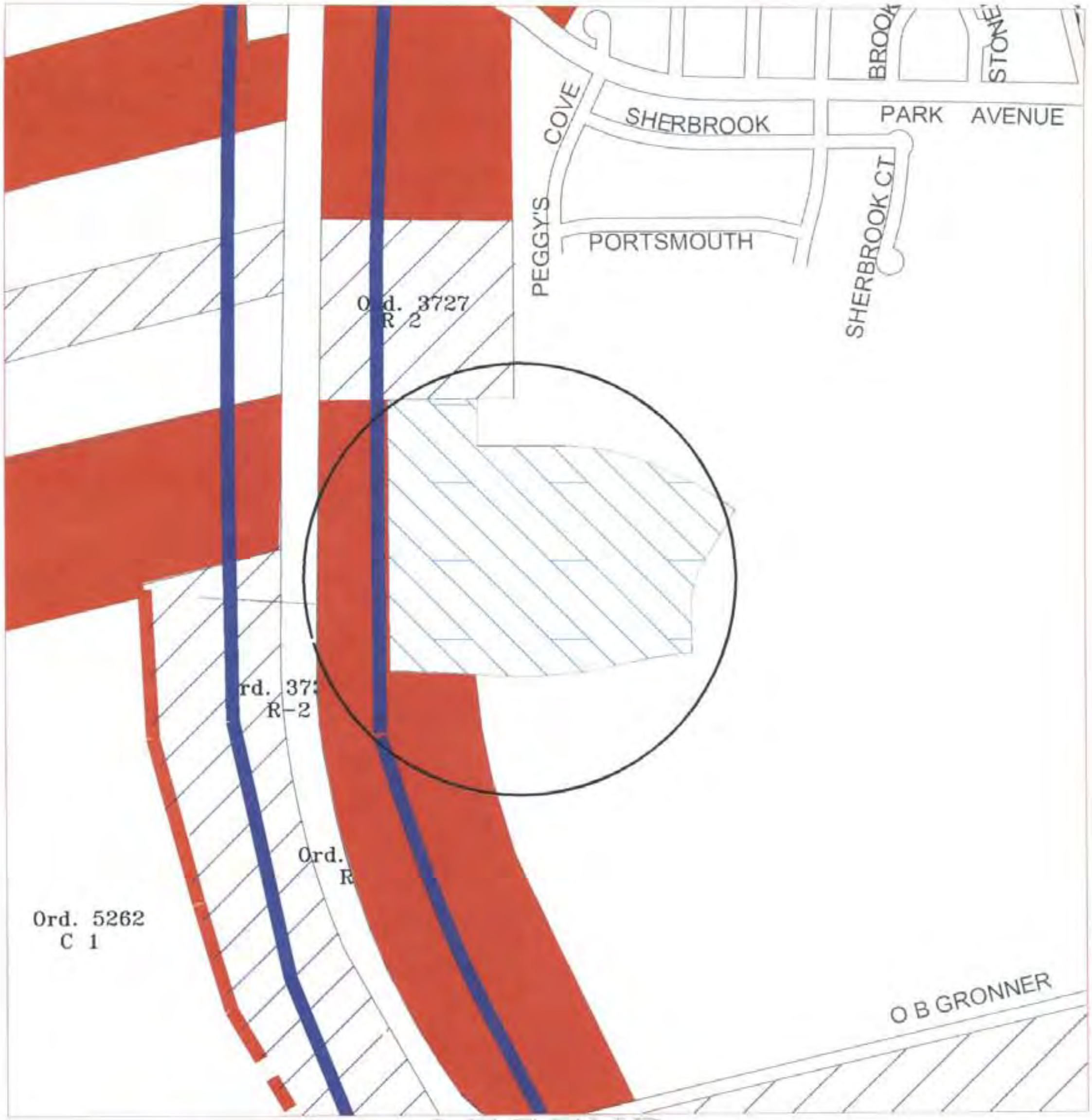
Origination
Walt DeRonde (Owner/Developer), Levi Wild, P.E., Sanchez & Associates (Engineer), Greg Edwards Engineering Services, Inc. (Engineer/Land Planner), and Cox Land Surveying Company (Surveyors)

Board Recommendation
At the November 16, 2010 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Final Plat be approved.

Attachments
Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

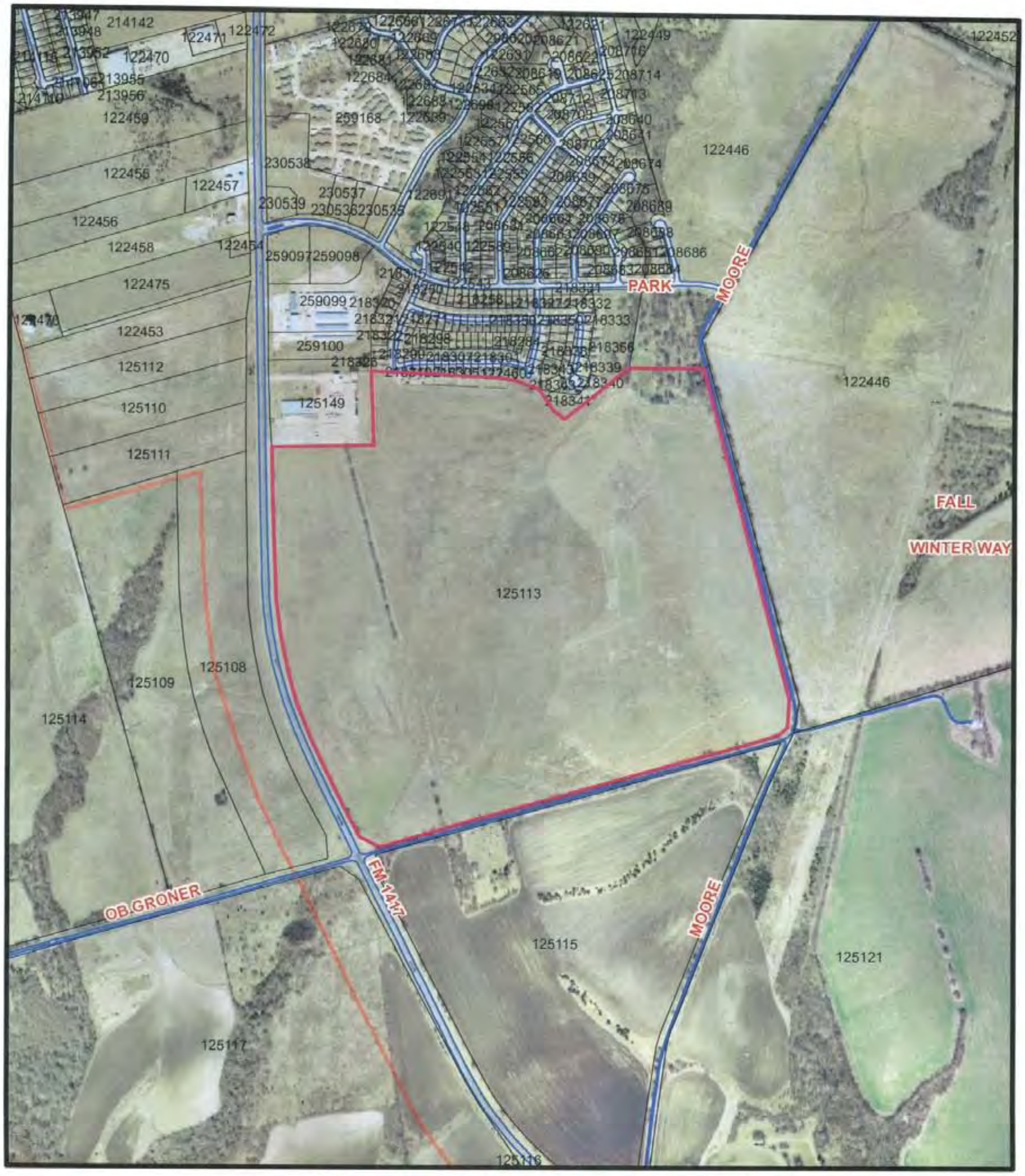


LEGEND

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

2300-3000 Blks. FM 1417 South

Department of Developmental Services



2300-3000 Blks. FM 1417 South

1 inch = 859 feet

City of Sherman, Texas
Developmental Services Department

ESTATES OF PEBBLEBROOK
OWNERS DEDICATION
Elizabeth Jones Survey Abst.No.625
Location Map
CERTIFICATE OF APPROVAL
LEGEND
COX LAND SURVEYING CO.
Final Plat of
Estates of Pebblebrook
11.043 Acres in the
Elizabeth Jones Survey Abst No 625
City of Sherman
County of Grayson
State of Texas
Drawn by DKC
Check by DKC
Job No.
10-9030-F
Registered Professional Land Surveyors Seal
Date 28 Oct. 2010

AGENDA ITEM #13

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

2300-3000 Blks. FM 1417 South
Being 11.043 acres in the Elizabeth Jones Survey, Abstract No. 625
Final Plat & Site Plan

Requested Action/Proposed Use:
Planning and Zoning Commission

a) Final plat Estates of Pebblebrook, Phase I
b) Site plan approval for Steeplechase Apartments, Senior Living Facility

Background:
The property is located in the 2300-3000 Blocks F.M. 1417 South near OB Groner Road. The owner would like to plat the property into two lots for Commercial and Multi-Family Residential Development. SteepleChase Apartments is a proposed 100 unit senior living facility. Amenities include: swimming pool, playground and clubhouse. Exterior finishes will be brick, brick veneer and hardi-siding. Parking will be provided for 339 spaces.

Adjacent Zoning:
C-2 (General Commercial) District and R-1 (One Family Residential) District

Origination:
Walt DeRonde (Owner/Developer), Levi Wild, P.E., Sanchez & Associates (Engineer), Greg Edwards Engineering Services, Inc. (Engineer/Land Planner) and Cox Land Surveying Company (Surveyors)

Master Plan Designation:
General Commercial and Multi-Family Residential

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

Prepared by:
Patsy Reeves,
Developmental Services Secretary

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 10, 2010

Artisan Development
Walt DeRonde
1600 Shady Oaks Place
Corinth, TX 76210-2811

Greg Edwards Engineering Services
1621 Amanda Ct.
Ponder, TX 76259

Dear Applicants,

The request for approval of the Final Plat of the Estates of Pebblebrook Addition, Phase I, for the property located in the 2300-3000 Blocks of F.M. 1417 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. The plat name shall be The Estates of Pebblebrook, Phase I. Pebblebrook South is a platted development north of the subject property.
4. A 20’ Utility Easement shall be shown on Lot 2 along Steeplechase Drive.
5. Easements for offsite sewer paralleling FM 1417 must be obtained.
6. Water and sewer extension to City standards are required to serve the proposed lot.
7. Detention in accordance with City criteria is required.
8. All drainage shall conform to the requirements of the storm drainage design manual.
9. Street approaches to FM 1417 shall conform to City of Sherman and TxDOT regulations.
10. Drive approaches and sidewalks shall conform to the City of Sherman standards.
11. Sidewalks and ADA compliant ramps shall be constructed along the frontages of all streets at the time of construction.
12. Any other changes made to the final plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Dir. of Engineering & Public Works

cc:	George Olson, City Manager	Scott Shadden, Director of Development Services
	Brandon Shelby, City Attorney	Don Keene, Exec. Dir. of Planning & Public Works
	Danny Fuller, Fire Marshal	Scott Taylor, Asst. Dir. of Engineering & Public Works
	Lisa Whitfield, Engineering & Development Coordinator	

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.5

**** OTHER BUSINESS***

Replat Approval of Lot 2, Block 1, Skyline Business Park Addition;
Walris Investments, Inc., Owners; and Sartin and Associates, Inc., Surveyors
(2005 Skyline Drive)

Issue

To consider Replat approval of Lot 2, Block 1, Skyline Business Park Addition located at 2005 Skyline Drive

Background

The property is located at 2005 Skyline Drive. The owner would like to plat the property into two lots for commercial development.

Origination

Walris Investments, Inc. (Owners) and Sartin and Associates, Inc. (Surveyor)

Board Recommendation

At the November 16, 2010 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

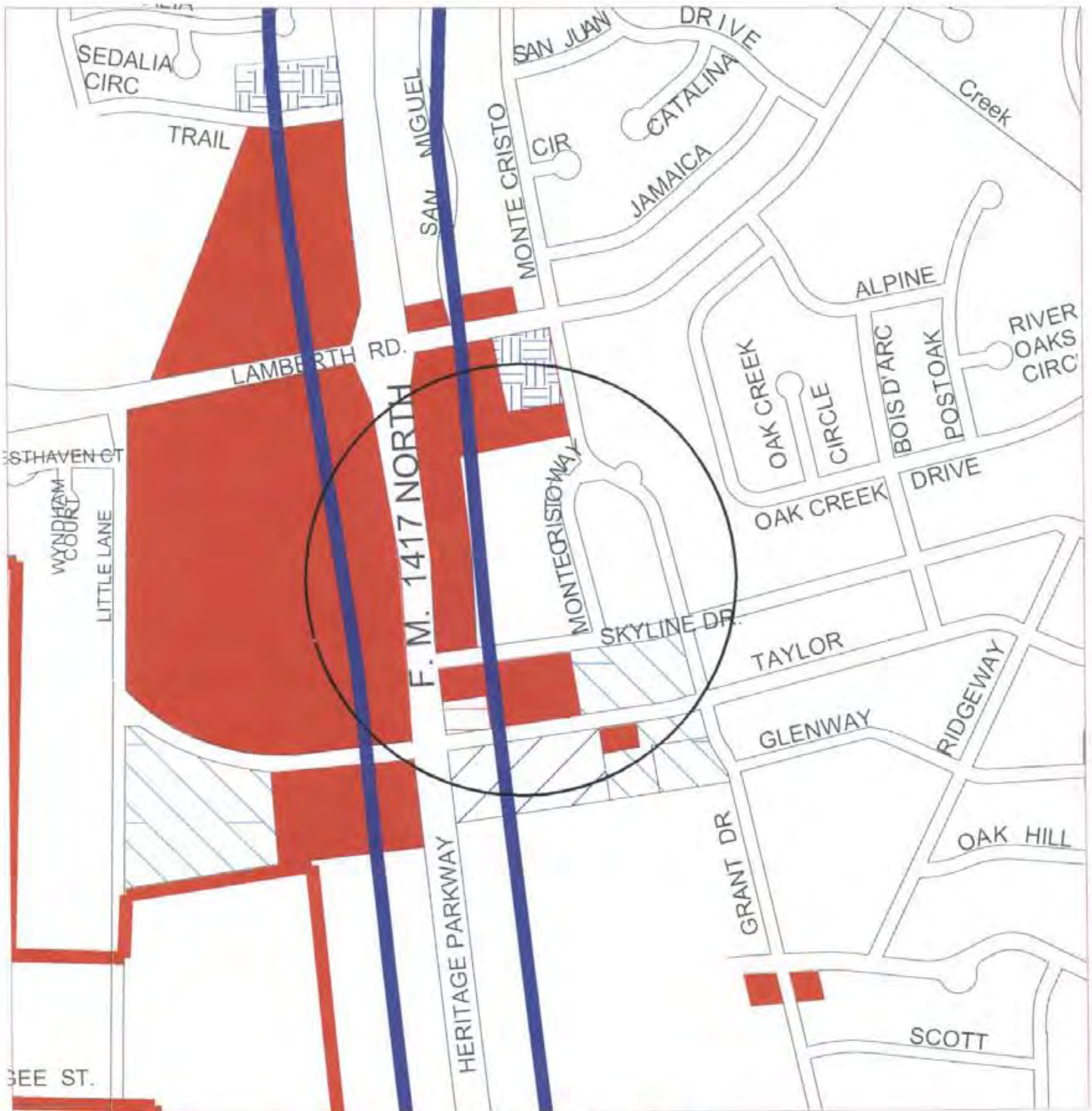
Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

City of Sherman, Texas
Developmental Services Department

Replat Skyline Business Park
2005 Skyline Dr.

1 inch = 172 feet



LEGEND

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

2005 Skyline Drive

Department of Developmental Services

REPLAT OF
LOT TWO(2), BLOCK ONE(1)
of
SKYLINE BUSINESS PARK ADDITION
(Volume 7, Page 81)
SHERMAN, TEXAS

Owner & Developer

Walris Investments, Inc.
Frank Harris, Jr.
1718 Oak Creek Dr.
Sherman, Texas 75092

SARTIN & ASSOCIATES, INC.
Registered Professional Land Surveyors
109 S. Travis, P. O. Box 1843 Sherman, Texas 75091 - 1843
Ph.: (903) 892-8003 Fax: (903) 868-2970
E-Mail: msartin@gcecisp.com

SHEET 1 OF 2
2005-SKY.pcs

AGENDA ITEM #8

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

2005 Skyline Drive
Being Lot 2, Block 1, Skyline Business Park
Replat

Requested Action/Proposed Use:

Approval of the Replat of Lot 2, Block 1, Skyline Business Park.

Background

This is a final plat proposing the division of one lot into two lots for the purpose of development.

Adjacent Zoning:

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

Origination:

Walris Investments, Inc. (Owner) and Sartin and Associates, Inc. (Surveyor).

Master Plan Designation:

Auto Urban Commercial

Attachments:

Location map
Photographs
Site Plan
Staff Review Letter

Prepared by:
Lisa Whitfield,
Engineering & Development Coordinator

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 10, 2010

Walris Investments, Inc.
1718 Oak Creek Drive
Sherman, TX 75092

Dear Applicant,

The request for approval of the Replat of Skyline Business Park Addition, concerning the property located at 2005 Skyline Drive has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Detention in accordance with City criteria is required when Lot 1 develops.
4. All drainage shall conform to the requirements of the City of Sherman Storm Drainage Design Manual.
5. Drive approaches and sidewalks shall conform to TxDOT and the City of Sherman standards.
6. Water and Sewer Pro-Rata will be required for Lot 1 at the time of development.
7. A 10' rear setback is required for Lot 2 since it falls within C.1 Zoning.
8. Any other changes made to the final replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Engineering & Public Works

cc:	George Olson, City Manager	Scott Shadden, Director of Development Services
	Brandon Shelby, City Attorney	Don Keene, Executive Director of Planning & Public Works
	Lisa Whitfield, Engineering & Development Coordinator	Scott Taylor, Asst. Director of Engineering & Public Works
	Danny Fuller, Fire Marshal	Marshal Sartin, PO Box 1843, Sherman, TX 75091

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.6

**** OTHER BUSINESS***

Replat Approval of Lots 15-20, High Country Estates Subdivision in the City of Sherman's Extra Territorial Jurisdiction; Charles and Judith Crocker, Owners; and Sartin and Associates, Inc., Surveyors (258 High Country Road)

Issue

To consider Replat approval of Lots 15-20, High Country Estates Subdivision in the City of Sherman's extra territorial jurisdiction located at 258 High Country Road

Background

The property is located at 258 High Country Road in the City of Sherman's extra territorial jurisdiction. The owner would like to replat five lots into two lots for residential development.

Origination

Charles and Judith Crocker (Owners) and Sartin and Associates, Inc. (Surveyor)

Board Recommendation

At the November 16, 2010 regular meeting, the Planning and Zoning Board voted unanimously to recommend to the City Council that the Replat be approved.

Attachments

Location Map
Photos
Plat
P&Z Communication
Staff Review Letter

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

High Country Estates Replat

1 inch = 258 feet

City of Sherman, Texas
Developmental Services Department

258 High Country Rd.

Notes:

1. Utility services to be provided by ???
2. Sewage shall be individual aerobic septic systems.
3. Blocking the flow of water or construction improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
4. Proposed land use is for Single Family Dwelling.
5. Owners and builders will comply with the state storm water pollution prevention plan.
6. Each lot shall have separate water service.

REPLAT of LOTS FIFTEEN THRU TWENTY of HIGH COUNTRY ESTATES SUBDIVISION to GRAYSON COUNTY, TEXAS

Owner & Developer

Charles Crocker & Judy Crocker
224 High Country Rd.
Sherman, Texas
903-487-0663

Robert Sanders & Zona K. Sanders

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

SHEET 1 OF 2
RPLT1520.pcs

AGENDA ITEM #7

City of Sherman

Planning and Zoning Commission

Board of Adjustments

Agenda Communication Form

November 16, 2010

Lawrence Davis, Chairman

258 High Country Road
Being Lots 15-20, Block A
High Country Estates
Replat

Requested Action/Proposed Use:
Approval of the Replat of Lots 15-20, Block A of the High Country Estates.

Background:
This is a replat for property currently in our Extra-Territorial Jurisdiction (ETJ).

Adjacent Zoning:
Single Family Residential

Origination:
Charles and Judith Crocker (Owners) and Sartin and Associates, Inc. (Surveyors)

Master Plan Designation:
Residential

Attachments:
Location map
Photographs
Preliminary Plat
Staff Review Letter

Prepared by:
Lisa Whitfield,
Engineering & Developmental Coordinator

Approved by:
Scott Shadden,
Director of Developmental Services

STAFF REVIEW LETTER

November 10, 2010

Charles & Judith Crocker
224 High Country Rd
Sherman, TX 75092

Dear Applicant,

The request for approval of the Replat of High Country Estates, concerning the property located at 258 High Country Road has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, November 16, 2010 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

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

1. Letters from the various utility providers are required verifying availability of service and when service will be available.
2. Original tax certificates shall be furnished for the purpose of recording the plat.
3. Storm drain plan including detention shall be reviewed and approved by the City Engineer.
4. Grayson County fees to be paid.
5. The signature blocks for Grayson County shall be removed.
6. Correct two of the notary blocks to read Zora K. Sanders and Robert Sanders.
7. Note #1 shall be completed.
8. Each lot shall have separate utility services.
9. Clarify the width of utility easements on each side of the property lines.
10. All references on the plat and field notes shall note Robertson Road as Right-of-Way Dedication.
11. Building lines shall be removed from the plat.
12. Any other changes made to the final replat prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Lisa Whitfield, Engineering and Development Coordinator at 903-892-7212 prior to the meeting.

Respectfully,

Mark Gibson
Director of Engineering & Public Works

cc: George Olson, City Manager
Brandon Shelby, City Attorney
Lisa Whitfield, Engineering & Development Coordinator
Danny Fuller, Fire Marshal
Scott Shadden, Director of Development Services
Don Keene, Executive Director of Planning & Public Works
Scott Taylor, Asst. Director of Engineering & Public Works
Marshal Sartin, PO Box 1843, Sherman, TX 75091

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.7

OTHER BUSINESS
Consider Cancellation of the December 20, 2010 and January 3, 2011 Regular City Council Meetings

Issue
To consider the cancellation of the December 20th and January 3rd regular City Council meetings

Background
The City Council's second regular meeting in December falls during the week of Christmas. The City Council's first regular meeting in January falls immediately after the New Year's holiday.

Origination
City Manager

Financial Consideration
No financial impact to be considered.

Staff Recommendation
It is recommended that the City Council cancel the December 20th and January 3rd regular meetings.

Alternatives
The Council could opt to hold one or both of these meetings.

Attachments
Council Calendars for 2010 and 2011

Prepared and Approved by:
George Olson, City Manager

2010
CITY COUNCIL MEETINGS

JANUARY

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

FEBRUARY

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

MARCH

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

APRIL

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

MAY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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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
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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
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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	

01/04/10 - January 4th Council meeting cancelled - holiday schedules
01/18/10 - M.L.K., Jr. Birthday / Regular Council Meeting
02/15/10 - Washington's Birthday / Regular Council Meeting
04/30/10 - 12 Noon Budget Planning Meeting in Council Chambers
~~05/08/10 - City Council Election~~
~~05/11/10 - Called Meeting to Canvass Election Results~~
~~06/17-18/10 - Budget Workshop/Long Range Planning Workshop in Council Chambers~~
06/17/10 - Budget Workshop/Long Range Planning Workshop in Council Council Chambers
~~07/05/10 - Independence Day - Called Council Meeting on 07/06/10~~

08/09/10 - 5PM Called (Town Hall) Meeting - Public Hearing on Proposed Charter Amendments for November 2nd Election
08/31/10 - 12 Noon Called Meeting for Executive Session
09/06/10 - Labor Day / Called Council Meeting on 09/07/10
09/23/10 - 12 Noon Joint Meeting with SEDCO Board
09/23/10 - 3:30 PM Called Meeting - Focus Group Session for Sherman Govt. Agencies on Sherman Fair Housing Impediment Analysis
11/02/10 - Called Charter Amendment Election
11/04/10 - 12 Noon Called Meeting (SEDCO Board Meeting and Press Confere
11/15/10 - Canvass of Election Results during Regular Meeting
11/19/10 - 9AM Long-Term Planning Meeting
12/20/10 - Proposed cancellation of December 20th Council meeting

2011
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
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6	**7**	8	9	10	11	12
13	14	15	16	17	18	19
20	**21**	22	23	24	25	26
27	28					

MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	**7**	8	9	19	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
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OCTOBER

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NOVEMBER

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DECEMBER

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01/03/11 - Proposed cancellation of January 3rd Council meeting
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09/05/11 - Labor Day / Called Council Meeting on 09/06/11

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.8

**** OTHER BUSINESS***
Approval of the 2010 Ad Valorem Tax Roll Value and Tax Levy

Issue
To consider approval of the Ad Valorem Tax Roll Value and Tax Levy for fiscal year 2010-2011

Background
In accordance with Texas Property Tax Code Section 26.09(e), the Council must approve the final tax roll value and related tax levy. The 2010 tax year represents taxes that will be collected during the City's 2010-2011 fiscal year. The Grayson County Tax Assessor/Collector's office has provided the taxable value as $2,240,082,808.00, which equates to a levy of $7,138,979.29 based on the City's total tax rate of $.32000/$100.00 valuation.

Origination
Finance

Financial Consideration
There is no financial consideration to approving this tax levy.

Staff Recommendation
It is recommended that the Council approve the 2010 Tax Roll Value and 2010 Tax Levy at the amounts reflected above.

Alternatives
As this process is required by the Texas Property Tax Code, there are no alternatives.

Attachments
Letter of Value/Levy from Grayson County Tax Assessor/Collector

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

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

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

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

October 29, 2010

VALUE/LEVY

Mr. Robbie Hefton
Director of Finance
City of Sherman
400 N. Rusk Street
Sherman, Texas 75090

Dear Mr. Hefton:

Re: Section 26.09(e) SPTC

Please have your district approve your 2010 Tax Roll Values and return to me as soon as possible. These figures are actual tax roll value and tax levy billed figures.

2010 Tax Roll Value	$	2,240,082,808
2010 Tax Levy	$	7,138,979.29
2010 Special Assessment Levy	$	6,997.77

If you have any questions, please contact me.

Very truly yours,

John Ramsey
John Ramsey
Assessor and Collector of Taxes

JR:kb

City Secretary

Robby Hefton
~~City Mayor~~ ACM|CFO

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.9

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.10

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. D.11

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

Section 551.074 **Personnel Matters**

- **(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:**
  - **(i) Greater Texoma Utility Authority Board of Directors (1)**
- **(b) Deliberate the Evaluation of a Public Officer or Employee:**
  - **(i) Annual Performance Evaluation of the City Attorney**

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. F.1

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

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 12-6-2010

Subject: Agenda Item No. N/A

COUNCIL CALENDAR
2010
CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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MARCH

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JUNE

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JULY

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AUGUST

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01/04/10 - January 4th Council meeting cancelled - holiday schedules
01/18/10 - M.L.K., Jr. Birthday / Regular Council Meeting
02/15/10 - Washington's Birthday / Regular Council Meeting
04/30/10 - 12 Noon Budget Planning Meeting in Council Chambers
~~05/08/10 - City Council Election~~
~~05/11/10 - Called Meeting to Canvass Election Results~~
~~06/17-18/10 - Budget Workshop/Long Range Planning Workshop in Council Chambers~~
06/17/10 - Budget Workshop/Long Range Planning Workshop in Council Chambers
~~07/05/10 - Independence Day - Called Council Meeting on 07/06/10~~

08/09/10 - 5PM Called (Town Hall) Meeting - Public Hearing on Proposed Charter Amendments for November 2nd Election
08/31/10 - 12 Noon Called Meeting for Executive Session
09/06/10 - Labor Day / Called Council Meeting on 09/07/10
09/23/10 - 12 Noon Joint Meeting with SEDCO Board
09/23/10 - 3:30 PM Called Meeting - Focus Group Session for Sherman Govt. Agencies on Sherman Fair Housing Impediment Analysis
11/02/10 - Called Charter Amendment Election
11/04/10 - 12 Noon Called Meeting (SEDCO Board Meeting and Press Confere
11/15/10 - Canvass of Election Results during Regular Meeting
11/19/10 - 9AM Long-Term Planning Meeting
12/20/10 - Proposed cancellation of December 20th Council meeting

2011
CITY COUNCIL MEETINGS

JANUARY

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