CITY OF SHERMAN
CITY COUNCIL CALLED MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
TUESDAY, FEBRUARY 20, 2007
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 JOHN MARKL

A.4 APPROVE MINUTES OF THE CALLED CITY COUNCIL MEETING OF JANUARY 30, 2007, AND THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 5, 2007

Introduction and Public Hearing of Ordinances

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5444
Ordering an Election of the Qualified Voters of the City of Sherman, Texas, on the 12th day of May, 2007, for the Purpose of Electing a Mayor and Two At-Large City Council Members for Said City; Providing That Said Election Shall Be Held Jointly with the Sherman Independent School District; Designating Election Precincts; Appointing Election Officials; Providing for Notice of Said Election; Providing for the Use of Direct Recording Electronic Voting Equipment; Providing for Early Voting

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5445
Calling a Special Election of the Qualified Voters of the City of Sherman, Texas, on the 12th Day of May, 2007, for the Purpose of Amending the City Charter of the City of Sherman, Texas; Providing for Notice of Said Election; Designating Election Precincts; Appointing Election Officials; Providing for the Use of Direct Recording Electronic Voting Equipment; Providing for Early Voting

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5446
Amending Chapter 3 of the Code of Ordinances, "Building Regulations", at Article 3.10, "Streets and Sidewalks", to Amend Section 3.10.002, "Obstructions Generally" and to Add Section 3.10.0021, "Use of Public Way in the Central Business District"

Close Public Hearing and Consider Adoption of Ordinances

B.4 ADOPTION OF ORDINANCES
Consider Adoption of Ordinance Numbers:
a) 5444
b) 5445
c) 5446

B.5 CONSENT AGENDA

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

Resolutions

C.1 RESOLUTION NO. 4963

Opposing the Efforts of the TCEQ to Mandate a Groundwater Conservation District in Grayson County Based on an Inadequate Draft Report

C.2 ** RESOLUTION NO. 4964*

Authorizing Execution of a Joint Election Agreement with the City of Sherman and the Sherman Independent School District to Hold a Joint Election on May 12, 2007

C.3 RESOLUTION NO. 4965

Authorizing Acceptance and Execution of an Agreement with the Texas Department of Transportation for an Aviation Division Routine Airport Maintenance Program (RAMP) Grant for the Sherman Municipal Airport

C.4 ** RESOLUTION NO. 4966*

Awarding a Bid to and Authorizing Execution of a Contract with Dun-All Cleaning for Park Restroom Cleaning Services

C.5 ** RESOLUTION NO. 4967*

Awarding a Bid to and Authorizing Execution of a Contract with Howard Construction, Inc. for the Dexter Street Water Main Replacement

C.6 ** RESOLUTION NO. 4968*

Approving Greater Texoma Utility Authority to enter into a Contract with Morris Engineers for Engineering Services and Underwood Drafting and Surveying, Inc. for Surveying Services on the Lockhart Street Water Main Replacement Project

C.7 ** RESOLUTION NO. 4969*

Abandoning a Twenty Foot (20') Drainage & Utility Easement located at Lots 1 and 2 of the Park Plaza Addition

C.8 ** RESOLUTION NO. 4970*

Authorizing the Execution of an Agreement with Noe Lopez for the Abatement of Ad Valorem Property Taxes for the Construction of Two New Two-Family Duplexes at 704 and 706 North Harrison Street

Requests to Advertise

D.1 ** REQUEST TO ADVERTISE*

Purchase of Five Police Patrol Vehicles

D.2 ***[* REQUEST TO ADVERTISE]***
Highway 82 West Water Main Construction

D.3 ***[* REQUEST TO ADVERTISE]***
City-Wide Boulevard and Right-of-Way Mowing

D.4 ***[* REQUEST TO ADVERTISE]***
Fairview Park and Martin Luther King, Jr. Park Hike/Bike Trail Projects

D.5 ***[* REQUEST TO ADVERTISE]***
Fairview Park Soccer Field Irrigation/Renovation Project

Other Business

D.6 ***[* OTHER BUSINESS]***
Consider Request of Austin College Student Marielle Remillard to Temporarily Close Certain Streets for the First Annual "WaterCan Walk for Water" Event on Saturday, March 24, 2007

D.7 OTHER BUSINESS
Approve Quarterly Financial Report for Period Ending December 31, 2006

D.8 CITIZEN REQUESTS

D.9 MEDIA QUESTIONS

Consider Board/Commission Appointments

D.10 TABLED AT JANUARY 16, 2007 COUNCIL MEETING:
APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS
Airport Advisory Board (4)

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

b) Consultation with the City Attorney Concerning Pending Litigation:

i) City of Sherman, Texas v. Creighton Lemoyne Escoe, et al.; Cause No. 03-0617

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:** 2-20-2007

Subject: Agenda Item No. A.1

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable John Markl, Council Member

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER JOHN MARKL

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. A.4

APPROVE MINUTES
THE CALLED CITY COUNCIL MEETING OF JANUARY 30, 2007,
AND THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 5, 2007

STATE OF TEXAS §

January 30, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Meeting of the Sherman City Council was begun and held in the City Council Chambers on January 30, 2007.

COUNCIL MEMBERS PRESENT:	Mayor Bill Magers. Council Members Adami, Hughes, Markl, Smith, Wacker.
COUNCIL MEMBERS ABSENT:	Deputy Mayor Terrence Steele.
CITY STAFF PRESENT:	L. Scott Wall, City Manager; Giles Brown, Assistant City Manager; Doreen McGookey, City Attorney; Lisa Whitfield, Legal Assistant; Pam Cloer, Administrative Assistant; Linda Ashby, City Clerk.
PURPOSE:	**Call to Order, Quorum Determined, Meeting Declared Open** **Other Business – Receive Briefing on the City Charter from City Attorney Doreen E. McGookey** **Other Business – Consider Proposed Charter Amendments for the May 12, 2007 General Election** **Executive Session** **Section 551.071 – Consultation with the City Attorney Concerning Legal Matters or Contemplated Litigation** **Open Meeting** **Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session** **Adjournment**

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Mayor Magers called the meeting to order at 12:15 p.m., declared a quorum present, and opened the City Council Meeting.

OTHER BUSINESS

RECEIVE BRIEFING ON THE CITY CHARTER FROM CITY ATTORNEY DOREEN E. McGOOKEY

Doreen McGookey, City Attorney, briefed the City Council on the City Charter and the powers that are derived from it. She added that it is only limited by State and Federal law. Some areas of the Charter, such as the budget, will not be covered in depth. A handout of her presentation is attached to these Minutes.

Council Member Hughes left the meeting at 12:40 p.m.

CONSIDER PROPOSED CHARTER AMENDMENTS FOR THE MAY 12, 2007 GENERAL ELECTION

L. Scott Wall, City Manager, verified that the City Charter does not include veto powers for the Mayor like some General Law Cities do. Ms. McGookey added that General Law Cities follow State law, which Sherman has a Charter and sets their own laws. She said there may also be different interpretations of the Charter.

Mayor Magers said the Charter did not specifically state that Sherman elections would be held in May, but he verified that the City did have to follow uniform election dates set forth by the State Legislature. Ms. McGookey added that Legislative permission would be needed to change the election date from May.

Council Member Adami said the last Charter Election changed the Council terms from two consecutive two year terms to three consecutive two year terms. He felt it would be better to allow two consecutive three year terms instead. Concerns about the proposal in 2005 were that it would be hard to implement because of the staggered terms. Council Member Adami felt the longer term would be beneficial because it takes a while for a Council Member to learn how City government works and what needs to be done. ***[Page 7, Article II, Section 1(a)(5) and (6)]***

Proposal – Set Council terms at two consecutive three years terms

Mayor Magers referenced the $2,500 disbursement "to or on behalf of any elected official" saying that in the past it has been common for City Council Members to do business with the City of Sherman. He did not see a problem with that; however he suggested that from now on, if a Council Member does business with the City of Sherman, in an amount over $2,500, then the Council should vote on the disbursement. Council Member Markl said he did not feel that reference in the Charter applied to a "vendor type" relationship. ***[Page 43, Article X, Section 2(e)]***

Council Member Smith referenced ***[Page 42, Article X, Section 1]*** relating to "personal financial interests" adding that the prohibition is to an extent prohibited by State law. Ms. McGookey said the State law only relates to items on which a vote is taken. Therefore a Council Member is prohibited by State law from voting on an item in which they have a substantial interest. State law also requires the filing of Conflict of Interest Disclosure forms.

Mayor Magers felt everything had been done correctly, however he was concerned about appearance. He proposed that the Council enact a policy from this point forward, whether by Charter Amendment or Resolution, that if you are on the City Council and you do business with the City of Sherman, and the transaction is over $2,500, that the Council vote on the disbursement so the public will be aware.

Mr. Wall felt it would be better to follow State law rather than add a Charter Amendment to control the situation. Ms. McGookey said currently State law only addresses items that require a vote. Since there is no State law that conflicts with ***[Page 43, Article X, Section 2(e)]***, then the City is governed by the Charter provision.

Council Member Adami said if a Council Member can provide a service at a lower bid than another vendor providing the same service, he was in favor of selecting the lower bid. He did, however want to avoid the appearance of impropriety. Ms. McGookey said her opinion was that for a disbursement of $2,500 or more going to an elected official, it must be approved by the City Council.

Mayor Magers asked the best way to make it a policy that if any Council Member does business with the City of Sherman for a transaction exceeding $2,500, it requires a vote of the City Council. Ms. McGookey said the policy was already set out in the Charter, but the Council could adopt a motion and order stating that this rendering is adopted by the Council. Mr. Wall felt the Charter wording should be very clear so there is no question about interpretation. Council Member Adami agreed that there is a question in the language and it should be made easier to read.

Proposal – Clarify that in the future, if a Council Member does business with the City of Sherman in an amount of $2,500 or more, then the Council will vote on the transaction

Mayor Magers verified that there is no prohibition on any employee or employee's spouse that does business with the City of Sherman, however they must complete a Conflict of Interest Disclosure form.

Council Member Adami felt clarification was needed at ***[Page 8, Article II, Section 5(c)]*** because he did not think the intent was to prevent Council Members from asking informal questions of department heads or City employees. He felt language should be added that allowed the Council to ask questions without entering into a formal investigation. He added that asking questions or getting opinions from City employees is not being involved in the day-to-day management of the City.

Proposal – Clarify wording to allow Council Members to ask questions of City employees but not give them the authority to manage the personnel

Council Member Smith said both the City Manager and the City Attorney report directly to the City Council, but the Charter also says that the City Manager shall supervise "the administration of all departments, offices, and agencies of the City." It also says the City Attorney will coordinate and inform the City Manager of all activities of the City Attorney's Office. He asked if there should be clarification of the language so it is clear "who reports to whom." ***[Page 17 and 18, Article IV, Section 2(d) and Section 5]***

Mayor Magers verified that the City Manager and the City Attorney report to the City Council. Ms. McGookey said her interpretation of the Charter is that there are specific departments outlined in the Charter ***[Page 16, Article IV, Section 1(a)]*** that are under the direction of the City Manager. The Charter ***[Page 17, Article IV, Section 2(d)(3)]*** also states that the City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, "except as otherwise provided by this Charter or by law." The City Manager and the City Attorney are generally on an even keel because they both report to the City Council. The requirement to report activities of the office to the City Manager is because he is the Chief Administrative Officer of the City and should know what is going on in the office. She added that her opinion was that the City Manager does not have any supervisory control over the Legal Department.

Council Member Markl said since the City Manager is responsible for department heads, at what time would he become involved in discussions between the City Attorney and the department head. Ms. McGookey said the department heads have a responsibility to report to the City Manager, however she and Mr. Wall are currently working on a procedure for this coordination.

Ms. McGookey said she does not dictate anything to employees or to the City Council. She is a legal advisor and it is the City Manager or the City Council's decision whether or not to follow her legal advice. She added that the division to have the City Attorney report directly to the City Council is also to provide some job security if she must offer legal advice to the City Manager.

Council Member Markl said there are some good reasons for the autonomy, however the City must still remain functional and the City Manager must be kept in the loop when department heads are discussing things with the City Attorney.

Mayor Magers asked at what point the City Attorney would become involved with personnel issues. He said the Charter does not require the City Manager to report any issues to the City Attorney.

Council Member Smith questioned whether or not the Charter was clear on the language concerning the two positions and asked if the Council wanted to make any changes. Council Member Wacker said she agreed with the structure as a whole, but added that hopefully everyone is looking out for the City's best interests and communicating where needed, whether or not it is specifically stated in the Charter. She felt the method of communication should be left up to the City Manager and the City Attorney to establish a policy or agreement for communication.

Council Member Smith said according to the Charter, both the City Manager and the City Attorney can only be removed by five affirmative votes from the City Council. He felt that should be changed to require a simple majority or four affirmative votes. ***[Page 16 and 18, Article IV, Section 2(b) and Section 5]***

Council Member Markl said that change was originally made to provide some insulation from changes in the political winds. It was felt that if the Council wanted to fire one of the top two City employees, then there should be a compelling reason. Mayor Magers verified that there are some Planning and Zoning issues that require passage by a "super majority."

Mayor Magers said the City Manager has a residency requirement to live in the City limits of Sherman, but the City Attorney does not. He asked the Council if the residency requirement should also relate to the City Attorney since they both answer to the City Council. Council Member Markl did not feel that it should apply to the City Attorney. He said the City Manager is charged with implementing Council policy and the day-to-day operation of the City. Interpreting the law should be less prone to political pressure and local politics. Council Member Wacker added that many cities hire attorneys from a law firm and not requiring residency would allow for that scenario. Council

Member Adami felt the City Attorney would have a vested interest in the community if they lived here. ***[Page 16, Article IV, Section 2(a)]***

Mayor Magers felt that removal of the City Manager or City Attorney should be accomplished by a majority of four affirmative votes instead of a super majority of five votes, even though it should be difficult to accomplish. Several other Council Members also felt a simple majority should be the norm for a home rule City. Ms. McGookey verified that the required majority vote would be of the full City Council and not the members present and voting.
Proposal – Allow removal of the City Manager and the City Attorney by a majority vote of four instead of super majority vote of five

Council Member Wacker asked how quickly the Council needs to move on the proposed Charter Amendments. Ms. McGookey said they must move quickly and she would add the proposed amendments to the agenda for action.

Council Member Adami said he would like to see quarterly financial reports to determine where the City actually stands. He added that they are being informed and the change probably didn't need to be to the Charter, however he would like to see information presented quarterly. Mr. Wall agreed that the request could be a directive of the City Council instead of a Charter Amendment. ***[Page 17, Article IV, Section 2(d)]***

Giles Brown, Assistant City Manager, added that a quarterly investment report will be on the February 5, 2007 Council Agenda, however it will not include the financial report at that time. The financial report will be on the February 20, 2007 Council Agenda. Council Member Wacker asked for an update on the Capital Improvement Projects too.

Ms. McGookey reiterated the Charter Amendments that have been proposed by the Council. Council Member Adami reminded her about the City Council terms and ask to consider wording to set the terms at two consecutive three year terms. Mr. Wall suggested that the wording include an effective date for the new terms.

EXECUTIVE SESSION
IN ACCORDANCE WITH CHAPTER 551. GOV. CODE, V.T.C.S., (OPEN MEETINGS LAW)
THE CITY COUNCIL WILL NOW HOLD AN EXECTUVE 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 SECITONS.

SECTION 551.071 – CONSULTATION WITH THE CITY ATTORNEY CONCERNING LEGAL MATTERS OR CONTEMPLATED LITIGATION
Ms. McGookey informed the City Council that an Executive Session was not needed at the present time.

ADJOURNMENT
There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 1:47 p.m.

MAYOR

ATTEST

CITY CLERK

CITY OF SHERMAN

HOME-RULE CHARTER

What is a City Charter?

- Home-rule cities derive their powers from the Texas Constitution.
- Municipalities adopting a home-rule charter thus have "the full power of self government" and look to the Legislature only for limitations on their power.
- A home-rule city's charter is its organic act; it is the fundamental law of the municipality just as a constitution is the fundamental law of a state.
- A city can exercise only such powers as are expressly granted by the charter, such powers as may be reasonably implied from the powers granted, and such powers as are incidental to the purpose for which the city was created.

WHAT IS IN SHERMAN'S CITY CHARTER?

- ARTICLE I: INCORPORATION, FORM OF GOVERNMENT, AND POWERS
- ARTICLE II: CITY COUNCIL
- ARTICLE III: NOMINATIONS AND ELECTIONS
- ARTICLE IV: ADMINISTRATIVE DEPARTMENTS
- ARTICLE V: FINANCE ADMINISTRATION
- ARTICLE VI: TAXATION
- ARTICLE VII: PLANNING AND ENGINEERING
- ARTICLE VIII: FRANCHISE AND PUBLIC UTILITIES
- ARTICLE IX: INITIATIVE, REFERENDUM, AND RECALL
- ARTICLE X: GENERAL PROVISIONS

ARTICLE I: Incorporation, Form of Government, and Powers

- Incorporates City and establishes name as the "City of Sherman."
- Establishes the "council-manager" form of government.
- Grants all powers extended under the Texas Constitution or laws enacted pursuant thereto

ARTICLE II: CITY COUNCIL: Section 1. Membership

- Sets up membership and composition
  - Six (6) council members and the mayor
  - Districts:
    - 1 – 2 – 3 – 4
    - Two at large

Reevaluate the Districts every ten (10) years after the census has been taken by the United States Census Bureau

- Eligibility: Must be a citizen and be qualified voter 21 years of age. Located in Sherman 12 months before the election and if applicable, in their district.
- Add 2 more council members when population reaches 75,000.

Section 2. Compensation and Expenses

- Compensation
  - $50.00 for each attended meeting (regular, special, emergency, etc.)
  - Mayor receives $75.00.
  - Necessary expenses
  - Expenses shall be itemized and approved by the City Manager before payment.

Section 3: Mayor

- Presides at the meetings.
- Recognized as the head of the City for ceremonial purposes and by the governor for purposes of military law.
- Entitled to vote on all matters.
- May not make or second motions.

Section 3. DEPUTY MAYOR

- Elected by Council.
- One year term or until Council is reorganized.
- Serves in the absence of the Mayor or the inability of the Mayor to serve.
- If there is a vacancy in the Office of the Mayor, Deputy Mayor serves the remainder of the term or until the next general election, which ever is first.

Section 4. POWERS AND DUTIES

- Vested with all powers of the City.
- Except as prohibited by law or the Charter.
- Granted all powers authorized by the Legislature, expressly or by implication.
- Includes the creation of non-profit corporations to act on behalf and assist the City with respect to utilities or other functions of the City.

Section 5. PROHIBITIONS

- **Holding other offices.** Except when authorized by law, shall not hold dual offices, incompatible offices, city office, or city employment during their term.
  - Cannot hold a compensated appointive city office or city employment for one year after term is ended.
- **Appointment and removals.** Shall not dictate the appointment or removal of any city officer or employee whom the manger or his subordinate is empowered to appoint, but can express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

PROHIBITIONS (con't)

- **Interference with administration.** Except for purposes of inquiries and investigations in Section 8, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager only through the City Manager.
- The council or its members shall not give orders to any such officers or employees, either publicly or privately.

Other Sections

- Section 6. Vacancies, forfeitures, filling of vacancies.
  - Vacancy: If change primary residence outside Sherman or district, office shall immediately forfeit and vacant.
  - Forfeiture: Lack qualifications, violate express prohibition of the Charter, deferred or conviction on felony or crime of moral turpitude, or
  - Fail to attend 3 consecutive regular meetings or a total of 6 meetings in a year w/o being excused by Council.
- Section 7. Judge of qualifications.
  - Judge the election and qualifications of its members and of the grounds for forfeiture of office.
    - Have power to subpoena witnesses and production of evidence.

Section 8. Investigations

- Council has the power to inquire and investigate all matters involving the municipal affairs of any office, department, agency or employee of the city.
- With due process, may order the presence and the testimony of witnesses by subpoena and other the production of evidence.
- Failure to obey the subpoena, to testify truthfully, or to produce evidence is ground for termination of employment.

Section 9. Rules of Procedure and Meetings

- First meeting after each newly elected Council takes place on the first Tuesday following the election.
- Thereafter, every first and third Monday, excluding holidays at its discretion.
- Special and emergency meetings can be called by the Mayor or the vote of 4 or more council members.
- Follow Open Meetings Act.
- Have own rules, except on request of council member, shall follow Roberts Rules of Order.
- Four members is a quorum.
- No action binding unless majority present and voting.
- Roll call vote upon the request a any member for that issue.

Section 10. Action Requiring Ordinance.

- Adopt or amend an administrative code or abolish any city department or agency.
- Provide for fine or other penalty.
- Levy taxes
- Grant, renew, or extend a franchise
- Regulate rates for public utilities
- Authorize borrowing money
- Adopt (w/ or w/o amendment) ordinances under initiative powers
- Amend or repeal any ordinances
- Any other actions can be done by ordinance, resolution, or order
- Resolution/motion/order is how council expresses an opinion or decisions applicable to a ministerial act or administrative business of the City.

Section 11. Ordinances, Resolutions, Motions, and/or Orders in General

- Form of ordinances. Have the force of local law. Any final ordinance, resolution, or order is binding unless amended or repealed in the same manner.
- Procedures for ordinances:
  - Read caption.
  - Provide copy to council members.
  - Publish captions 72 hours before meeting.
  - Public has opportunity to be heard.
  - May adopt reject or amend. If amend, must republish if amendment is not within scope of published caption.
  - Takes effect upon signature of Mayor or 7 days after adoption unless otherwise provided by law or its own terms.

Resolutions, motions and orders

- Matters pertaining to city policy, administration, or directing an action be taken.
- Shall be adopted and take effect immediately upon majority vote of members present and voting.
- Resolutions are signed and kept in sequential order.
- Motions and orders may be oral and their subject matter recorded in the minutes.

Remainder of Section 11

- Published defined.
- Emergency ordinances.
  - Done when emergency situations dictate the need for immediate ordinances.
  - Follow the standards set forth in the Texas Open Meetings Act.
  - Does not apply to ordinances calling bond elections, canvassing bond elections, issuance of bonds, refunding bonds, or issuance of time warrants or certificates of obligation.

Last Sections of Article II.

- Section 12. Code of Technical Regulations.
  - Technical Codes (e.g.. Electric and plumbing code) follow same formalities as ordinances.
- Authentication and Recording; Codification and Printing.
  - Procedures for codifying and printing ordinances.

ARTICLE III. NOMINAITONS AND ELECTIONS

- Requirements for municipal elections.
  - Filing of candidates
  - Council ballots
  - Determination of election results
  - Ballots for charter amendments (can only be held every two years)
  - Voting machines and devices

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

- Have the following administrative departments:
  - Department of physical services
  - Department of law enforcement services
  - Department of emergency services
  - Department of financial services
- Additions departments may be established/modified/abolished by recommendation of the City Manager to Council
- May create/change/abolish by ordinance.

Section 2. City Manager

- Appointed by the City Council and compensation set by Council.
- Need not be a resident but must establish residency upon acceptance.
- May contract with the City Manager but may not be employed for a definite term.
- Removal by 5 affirmative votes.
  - If removed after serving 6 months, can demand written charges specifying grounds for removal and the right to be heard at a public meeting.
  - Hearing must be done w/i 30 days of the order of removal
  - Removal is final regardless of hearing

Powers and duties of City Manager

- Chief administrative and executive officer of the City and responsible for the administration of all city affairs by charter or placed in his charge.
  - Appoints department heads, subject to approval of Council
  - Appoint, suspend, or remove employees or administrative officers when necessary for the good of the city, except as provided by law, the charter, or the personnel rules May delegate this to administrative officers for their respective departments.
  - Direct and supervise administration of departments, except as provided by the charter or law
  - Shall attend council meetings and take part in discussions, but shall not vote
  - Shall see that all laws, provisions of this charter, and acts of the council, subject to enforcement by him or his officers are faithfully executed

Duties (con't)

- Prepares and submits an annual budget and capital program to Council
- Report and make public a complete report of the finances and administrative of the City at the end of the fiscal year
- Make reports as directed about operations of departments, offices or agencies as required by council
- Keep Council fully advised to the financial condition and needs of the City and such recommendations he deems desirable
- Perform other duties specified by the charter or as required by Council

Sections 3 and 4

- Personnel System
  - Director who is an officer of the City and subject to the control of the City Manager
  - Two or more departments may be managed by a director or the City Manager. City Manager may also create divisions that consist of two departments
- Municipal Court
  - Establishes the municipal court and procedure for appointing the municipal court judge

Section 5. Legal Officer

- Appoint attorney from nominations by the City Manager (must be licensed, not under any disciplinary proceedings, and properly trained)
- May contract with the City Attorney
- Not employed for a definite term
- Can be removed by 5 votes

Legal Officer Duties

- Perform services as directed by Council
- Responsible and report directly to Council
- Shall coordinate and inform the City Manager of the activities of the office.
- Parliamentarian for council meetings
- Legal advisor of and attorney for the City, the City Council, or any member of the Council , and all officers of the departments of the City in matters affecting the conduct of city business

Duties (con't)

- Shall represent the City in all legal proceedings (including collection of taxes)
- Assist in all civil service disciplinary matters and internal affairs investigation
- May employ outside counsel with approval of Council (as need arises)
- Shall aid in investigations by Council
- Must investigate and report actions to Council if going to be a Plaintiff in a proceeding unless there will be irreparable harm

Assistant City Attorneys

- May appoint assistant city attorneys as authorized by council and approved by the city manager

Section 6. Bonds for designated officers and employees.

- Certain employees who handle city monies have to submit a bond to the City

ARTICLE V. FINANCE ADMINISTRATION

- Sets the fiscal year and the budget presentation and message
- Budget adoption, amendments and administration of the budget
- Sets the audit
- Capital programs
- Bonds and warrants

Section 15: Contracts, expenditures, purchases and procedure

- Council shall approve all contracts, expenditures and purchases for non-budgeted items, and shall approve for budgeted items in excess of an amount fixed by state law for competitive bidding
- Can designate a not to exceed amount for the City Manager may approve contracts, expenditures, etc. as long as amount does not exceed state law and anything in excess shall require Council approval
- Competitive bidding requirements
- Managers and directors must submit a request for contracts and indicate that there are funds to cover the expense

ARTICLE VI. TAXATION

- Establishes the power of taxation and how the city will collect the taxes
- Gives the ability to impose tax liens
- Have the ability to make other rules to collect taxes

ARTICLE VII. PLANNING AND ENGINEERING

- Establishes the City's Planning and Zoning Board and the powers of that Board
- Comprehensive Plan (recommended from P & Z)
  - Implementation and acceptance

ARTICLE VIII. FRANCHISE AND PUBLIC UTILITIES

- Establishes control of public property
- Right to grant franchises to public utilities
- Granted pursuant to ordinance
  - Read at two separate meetings 30 days apart
  - Citizens can present a petition of 500 signatures to have the granting of a franchise to citizen vote
  - Sets the requirements of the franchise

ARTICLE IX. INITIATIVE REFERENDUM AND RECALL

- Electors have the power to propose any ordinance (Initiative)
  - Except for appropriating money, levy of taxes, bonds, State designated governmental functions, or anything that conflicts with the law
- Electors have the power to approve or reject an ordinance passed by council or submitted by council to a vote of the electors (referendum) except for those provided above
- Can only hold these elections once a year
- Power of recall of elected officer

ARTICLE X. GENERAL PROVISIONS

Section 1. Personal Financial Interest

- No officer or employee shall have a financial interest, direct or indirect, in any contract with the City to the extent prohibited by state law
- No officer shall have a financial interest in the sale to the City of land, materials, supplies, or service where such financial interest is prohibited by state law

Personal Financial Interest (con't)

- Any willful violation of this section constitutes malfeasance of office and any person that is guilty of this shall forfeit their office or position.
- Any contract made in violation of this section is voidable by the City Manager or Council

Section 2. Prohibitions

- Activities prohibited:
  - No person shall be discriminated against because of race, sex, political, or religious opinions or affiliations
  - No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment under the personnel provisions of the charter, or the rules and regulations of the charter, or commit any fraud preventing the execution of such provisions

Prohibitions (con't)

- No person who seeks an appointment or promotion to a city positions shall give any money, service, or valuable thing in connection to the appointment or promotion
- No elected official or city employee shall solicit a contribution for any political party or purpose from any person holding a compensated city position

Prohibitions (con't)

- Any disbursement to or on behalf a any elected official in excess of $2500 or the creation of any financial obligation in excess of $2500 by an elected official shall be authorized in advanced by a majority vote of the council
- No person may serve the City, except an elected official, who is in arrears in the payment of taxes or other liabilities
- No elected official or employee shall use the City logo or stationary for any purpose other than official city matters

Penalties for Violating Prohibitions

- Guilty of a misdemeanor
- Ineligible to hold city office or position for 5 years
- Shall immediately forfeit their office

Section 3. Effect of new charter on existing law and budget

- Discusses the effect of the new charter on existing laws and officers for the Charter

Other Sections

- Section 4. Official Oath
  - All officers shall take oath
- Section 5. Public Records
  - Records open to public, except as provided by law
- Section 6. Official Newspaper
  - Must designate an official newspaper
- Section 7. Notice of Claim
  - Not liable for any claim unless file such claim w/i 180 days the damage is inflicted and the requirements of the notice of claim

Other sections (con't)

- Section 8. Assignment, execution, and garnishment
  - Funds and property of City not subject to garnishment due to debt
  - City is not obligated to recognize assignment of wages or funds by employees, agents, or contractors
- Section 9. Security or bond not required
  - Do not have to post bond for legal actions
- Section 10. Nepotism
  - No person related w/i second degree of affinity or the third degree of consanguinity to the mayor or council member or the city manager shall be appointed to a paid position or other position of service to the City
  - Does not apply if already employed prior to election

Other sections (con't)

- Section 11. Unauthorized Gifts
  - Members of Council and employees may not accept a gift in consideration for decision or opinion (also can violate state law)
  - Shall forfeit office if violate
- Section 12. Boundaries – Change and Annexation
  - May annex w/ or w/o consent of inhabitants (as limited by state law)
- Section 13. Advisory Boards and Commissions
  - Council may by own motion or by application of city manager create advisory boards
  - Citizens may request advisory board by initiative
  - Citizens Comprehensive Plan Committee shall be created

Other Sections (con't)

- Section 14. Separability and Validity
  - If any section is held unconstitutional, that will not invalidate any other portion of Charter
  - All contracts, agreements, and ordinances done in violation of Charter are voidable
- Section 15. Charter Amendment
  - Procedures for proposal of amendment
  - Can be proposed by citizens
- Section 16. Construction of Charter
  - Charter is grant of general power limited by state law
  - Have all powers granted under Art. XI, sec. 5 of the Texas Constitution

Other sections (con't)

- Section 17. Judicial Notice
  - Courts must take judicial notice of contents of Charter
  - Preempted by evidentiary guidelines for evidence
- Section 18. Apportionment of Cost of Street Improvements
  - Cost of make improvements to streets may be paid by the City or by no more than 2/3 cost by abutting property owner
  - Whole cost of construction of curbs in front of property is assessed against the owner of the property.

Sections at end of Article X (finally!)

- Section 19. Public Schools Not Subject to City Control
  - Public schools are free from the control of the City of Sherman
- Section 20. Sale of Alcoholic Beverages
  - No alcoholic beverages sold in areas zoned as residential

STATE OF TEXAS §

February 5, 2007

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on February 5, 2007.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

CALL TO ORDER

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

Mayor Magers recognized former Sherman Bearcats Charlie Johnson and Hunter Smith who were members of the Indianapolis Colts football team which won the 41st Super Bowl Sunday night.

APPROVE MINUTES

APPROVE MINUTES

The Council reviewed the Minutes of the Regular Meeting of January 16, 2007. Deputy Mayor Steele moved to approve the Minutes as presented; Second by Council Member Hughes. All present voted AYE.
MOTION CARRIED.

PROCLAMATION
"BLACK HISTORY MONTH" – FEBRUARY 2007

BLACK HISTORY MONTH FEBRUARY 2007

Mayor Magers presented a proclamation to JoAnn Perkins, President of the NAACP, designating February 2007 as "Black History Month."

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

ORD 5442 ZONE CHANGE

Mayor Magers introduced Ordinance 5442 and called for a public hearing:
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 IN THE 2400 BLOCK OF LOY LAKE ROAD AND MASTERS STREET. PROVIDING FOR A REPEALER.

No citizens appeared before the City Council to discuss Ordinance 5442.

ORD 5443 SUP FOR AUTO SALES & REPAIR

Mayor Magers introduced Ordinance 5443 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 BJH, INC. (OWNER) TO ALLOW AUTOMOBILE SALES AND REPAIR IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 1317 SOUTH SAM RAYBURN FREEWAY EAST. 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 5443.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC HEARING

<u>ADOPTION OF ORDINANCES</u>

Ordinance 5442

ORD 5442 ZONE CHANGE

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 IN THE 2400 BLOCK OF LOY LAKE ROAD AND MASTERS STREET. PROVIDING FOR A REPEALER.

Ordinance 5443

ORD 5443 SUP FOR AUTO SALES & REPAIR

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 BJH, INC. (OWNER) TO ALLOW AUTOMOBILE SALES AND REPAIR IN A C-1 (RETAIL BUSINESS) DISTRICT AND O-1.2 (SAM RAYBURN) OVERLAY DISTRICT AT 1317 SOUTH SAM RAYBURN FREEWAY EAST. 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 Nos. 5442 and 5443, as presented. Second by Deputy Mayor Steele.

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

<u>CONSENT AGENDA</u>

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Markl moved to approve the Consent Agenda, as presented. Second by Council Member Hughes. All present voted AYE.

<u>RESOLUTIONS</u>

<u>RESOLUTION NO. 4954 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BANC OF AMERICA PUBLIC CAPITAL CORPORATION FOR FINANCING TO PURCHASE THE NEW COMPUTER SYSTEM</u>

RES 4954 COMPUTER SYSTEM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH BANC OF AMERICA PUBLIC CAPITAL CORPORATION FOR FINANCING TO PURCHASE THE NEW COMPUTER SYSTEM.

Doreen McGookey, City Attorney, advised the Council that the agreement included an acquisition fund with a provision that the person executing the fund can only be held liable for "gross negligence." She asked to have it lowered to negligence, however they would not do so. If they are negligent, this will leave the City with no recourse.

Council Member Markl verified that the contract was consistent with a lease-purchase agreement in the past. Ms. McGookey did not anticipate any problems with the loan, but said "gross negligence" is intentional, where negligence is a simple mistake.

Mayor Magers verified that the contract is for $430,000. Giles Brown, Assistant City Manager, added that Sherman has done business with the organizations in the past with no problems.

ACTION TAKEN.

Motion by Council Member Markl to approve Resolution 4954, as presented. Second by Deputy Mayor Steele.

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

RES 4955
WASTEWATER
TREATMENT PLANT
DIGESTER
REHAB

<u>RESOLUTION NO. 4955 – AUTHORIZING EXECUTION OF A CONTRACT WITH CAROLLO ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE WASTEWATER TREATMENT PLANT DIGESTER REHABILITATION</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A CONTRACT WITH CAROLLO ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE WASTEWATER TREATMENT PLANT DIGESTER REHABILITATION.

CONSENT AGENDA.

RES 4956
GROUNDWATER
MANAGEMENT STUDY

<u>RESOLUTION NO. 4956 – IN RESPONSE TO A DRAFT REPORT ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RELATING TO AN UPDATED EVALUATION OF THE TRINITY AND WOODBINE AQUIFERS AND A PRIORITY GROUNDWATER MANAGEMENT STUDY AREA FOR NORTH CENTRAL TEXAS</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, IN RESPONSE TO A DRAFT REPORT ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RELATING TO AN UPDATED EVALUATION OF THE TRINITY AND WOODBINE AQUIFERS AND A PRIORITY GROUNDWATER MANAGEMENT STUDY AREA FOR NORTH CENTRAL TEXAS.

Jerry Chapman, Executive Director of the Greater Texoma Utility Authority, briefed the City Council on the Draft Report from the Texas Commission on Environmental Quality, TCEQ.

The Draft Report recommended that one or ore ground water districts be established in a thirteen-county area in North Texas. This area does include Grayson County. The suggested response time was by January 31, 2007.

Mr. Chapman added that most area water providers do not agree with the information contained in the Draft Report and are requesting additional time to study the report. He understood that 90 days additional time had been granted to study the report and to make the writers of the report aware of additional information. Council Member Wacker verified that the City did receive a letter stating that an additional 90 days had been granted.

Mayor Magers asked what a water district really did to help control the use of water. Mr. Chapman said in Texas, ground water is generally left to the land owner, however there are provisions where local land owners can come together and create a water district. Today there are approximately 90 approved ground water districts in Texas. North Central Texas does not have any ground water control districts.

Basically water districts control the withdrawal rates from various aquifers, locally that means the Trinity Aquifer. In the mid 1990's the Legislature gave the TCEQ additional authority to force a water district on an area if they feel it is needed. There are four ways to create a district and three of those require a vote of the citizens. The fourth involves TCEQ imposing one on the area.

Most of the local ground water providers feel they have had an inadequate amount of time to review the report. They also feel there is additional information needed to make an adequate decision on whether or not a district is needed.

Mayor Magers asked who would control a water district. Mr. Chapman said if it was voted in, it would be supported by either a tax on the land, water produced from the wells it controls, or a combination of the two. There would be an elected or appointed board. He added that the report said one or more districts.

Council Member Smith verified that if the water district is imposed on the City, it will be paid through a fee based district, based on the amount of water used. TCEQ estimates that it will cost a minimum of $250,000 to set up a water district.

Mayor Magers said the Grayson County Commissioner's Court recently passed a similar resolution opposing the measure. Mayor Magers said he did not see the City Council

supporting a water district. Council Member Wacker did not feel the issue had been studied enough to make the decision. Mr. Wall advised that the State already regulated water usage and the Council probably didn't want another regulatory authority involved.

Mr. Chapman felt the Council should go ahead and approve the resolution, even though the extension has already been granted. He added that the time frame did not allow including the request on the January Council Agenda, but the action would be recognized by the TCEQ.

Mayor Magers felt the Council should consider the current resolution but asked the staff to draft another resolution citing the Council's position against a water district. Mr. Wall said the staff would prepare a resolution for the next Council Agenda.

Council Member Wacker said the Council wanted to protect Grayson County's right to control the water and she would be in favor of forming a district to allow complete control for Grayson County rather than being included in a district with other entities that need more water. She asked if Mr. Chapman felt that everyone in Texas would need some type of water authority and would a local water district be beneficial to Grayson County.

Mr. Chapman said an additional period of study would allow this determination to be made and would allow recommendations from the water providers.

ACTION TAKEN.
Motion by Council Member Smith to approve Resolution 4956, as presented. Second by Council Member Markl.
VOTING AYE: Adami, Markl, Hughes, Smith, Steele, Wacker.
VOTING NAY: None.
MOTION CARRIED.

<u>RESOLUTION NO. 4957 – APPROVING GREATER TEXOMA UTILITY AUTHORITY'S TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR THE ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE TEXOMA PARKWAY PHASE II WATER MAIN REPLACEMENT PROJECT</u>

RES 4957 TEXOMA PKWY WATER MAIN REPLACEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR THE ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE TEXOMA PARKWAY PHASE II WATER MAIN REPLACEMENT PROJECT.
CONSENT AGENDA.

<u>RESOLUTION NO. 4958 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR</u>

RES 4958 RESIDENTIAL TAX ABATEMENT

<u>THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 106 WEST LAKE STREET</u> **(106 W. LAKE)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUPID INVESTMENTS, INC. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 106 WEST LAKE STREET.

<u>RESOLUTION NO. 4959 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1201 NORTH THROCKMORTON STREET</u> **RES 4959 RESIDENTIAL TAX ABATEMENT (1201 N. THROCKMORTON)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1201 NORTH THROCKMORTON STREET.

<u>RESOLUTION NO. 4960 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1209 NORTH THROCKMORTON STREET</u> **RES 4960 RESIDENTIAL TAX ABATEMENT (1209 N. THROCKMORTON)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 1209 NORTH THROCKMORTON STREET.

<u>RESOLUTION NO. 4961 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE-FAMILY RESIDENCE AT 617 EAST RICHARDS STREET</u> **RES 4961 RESIDENTIAL TAX ABATEMENT (617 E. RICHARDS)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD. FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF ONE NEW SINGLE FAMILY RESIDENCE AT 617 EAST RICHARDS STREET.

ACTION TAKEN.

Motion by Deputy Mayor Steele to approve Resolution Nos. 4958, 4959, 4960, and 4961, as presented. Second by Council Member Smith.

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

OTHER BUSINESS

APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING DECEMBER 31, 2006

QUARTERLY INVESTMENT REPORT

The City Council approved the quarterly Investment Report for the period ending December 31, 2006. The report reflects a portfolio position with a book value of nearly $30.4 million.

As of December 31, 2006, the City was in compliance with all applicable State laws and the provisions of the City's internal Investment Policy. The portfolio remains adequately liquid, and its yield of 5.06% for the quarter is more than the benchmark yield of 4.90%. The market value of the overall portfolio was 99.97% of the book value.
CONSENT AGENDA.

FINAL PLAT APPROVAL OF AMERISTATE CENTRAL PLAZA, A REPLAT OF LOTS 1 & 2, BLOCK 1 OF J.H. CARRAWAY'S SUBDIVISION; AMERISTATE BANK, OWNERS (2400 BLOCK OF LOY LAKE ROAD AND MASTERS STREET)

APPROVE FINAL PLAT AMERISTATE CENTRAL PLAZA

The City Council approved the Final Plat of Ameristate Central Plaza, a Replat of Lots 1 and 2, Block 1 of J.H. Carraway's Subdivision, located in the 2400 Block of Loy Lake Road and Masters Street, north of the U.S. Post Office.

The owners, Ameristate Bank, would like to replat the property into two lots for future commercial development. The Planning and Zoning Commission recommended approval of the Final Plat.
CONSENT AGENDA.

REPLAT APPROVAL OF LOTS 7 & 8, BLOCK 1, CREEKBEND WEST ADDITION; R.W. KLAS AND CHARLES AND SANDRA TEMPLETON, OWNERS (2400 AND 2404 CREEKBEND CIRCLE)

APPROVE REPLAT CREEKBEND WEST ADDITION

The City Council approved the Replat of Lots 7 and 8, Block 1, Creekbend West Addition, located at 2400 and 2404 Creekbend Circle, off of West Washington Street.

The owners, R.W. Klas, and Charles and Sandra Templeton, would like to replat the property to move lot lines for the residential development. The Planning and Zoning Commission recommended approval of the Replat.
CONSENT AGENDA.

ADDENDUM

DISCUSSION OF PROPOSED CHARTER AMENDMENTS

PROPOSED CHARTER AMENDMENTS

Ms. McGookey presented the Council with a draft copy of the wording for the proposed Charter Amendments.

Mayor Magers addressed the amendment that would change Council terms from two years to three years. He felt it was a good amendment because more people would run for one term instead of two terms. He also recommended that the terms be staggered to allow the election of the Mayor and two At-Large Council Members one year, two District Council Members the next year, and the remaining two District

Council Members the following year. This would require an additional Charter Amendment at Article II, Section 1(a)(4) to change the staggered terms.

Ms. McGookey said that according to the Texas Constitution, when a vacancy occurs with two year terms, the Council can appoint someone to fill the vacancy. With three year terms, a vacancy must be filled by a Special Election within 120 days of the vacancy.

Council Member Smith asked for clarification on implementation of the change and verified that this section was last changed in 2005. Mayor Magers said beginning with the election of 2008, the Council would move to three year terms. Some Council Members might get an additional year of service.

Council Member Adami felt the change would give Council Members the opportunity to learn how things work and give them additional time for service on the Council.

Council Members discussed how this change would affect the various Council Members' terms.

Ms. McGookey will prepare the Charter Amendments for consideration at the next Council Meeting.

CITIZENS REQUESTS

CHARTER ISSUES

CHARTER ISSUES

John Arriazola, 907 W. College, addressed the Council concerning the Charter and the fact that City Council Members are able to bid on jobs for the City. He said the "playing field is not level" when City Council Members are allowed to bid on jobs. They have to much information, know all the department heads, and know the budget.

Mayor Magers verified that the Council can discuss the situation since the discussion of Charter Amendments was listed on the Council Agenda.

Mr. Arriazola said he used to own a computer company and at the time refused to run for City Council because he would not be able to do business with the City of Sherman. He said the perception is that other small businesses will not receive any jobs if a City Council Member bids on the job.

He also recommended that the Mayor and City Council Members be paid $1,000 per month for the Mayor and $600 per month for Council Members. He felt more people would run for Council if they were being paid.

Mayor Magers said he has found that as far as small businesses not bidding on City jobs, he found the opposite to be true. Other HVAC businesses did significantly more business with the City than the City Council Member in question.

He felt that if the Council voted on any disbursement over $2,500 to any Council Member, then the system would be self-policing and they would see if problems existed with any Council Member that received too much City business. He added that very few jobs are done by Council Members.

He felt if Council Members were not allowed to do any business with the City, then many potential Council Members would decide not to run for office.

Council Member Markl added that the relationship between the City and any elected official is already regulated by State law. State law says any job over $25,000 must be let by sealed bid and a Council Member cannot vote on any contract in which he is involved. Under $25,000 is considered ordinary business and doesn't require a sealed bid or a vote by the City Council.

Mr. Wall questioned the $2,500 limit adding that amount could be changed to any amount the Council wished. He also felt City employees should be prohibited from doing business with the City. Council Member Adami added that he did not want to vote on every little issue under $2,500.

Mayor Magers said by clarifying the wording of the Charter and requiring the Council to vote on any disbursement to a Council Member, over $2,500, the City will be providing "transparency" of the situation.

Council Member Adami wanted to be sure the City receives the best work for the best price. He was in favor of clarifying the wording but felt limiting it further might limit candidates.

Deputy Mayor Steele praised the integrity of the staff and felt that should not be in question.

CHARTER ISSUES

CHARTER ISSUES

Steven Jonse, 1419 N. Woods, felt the problem is the process. The Charter has been in place for many years and states that any expenditure above $2,500 and below $25,000 must be reviewed by the City Council. That has not been done. Mayor Magers said that was rectified in a recent meeting. The wording has been tightened so that in the future, that will be the policy.

Mr. Jonse felt that it was a conflict of interest for City Council Members to bid on City business. He felt the voters should decide whether or not a City Council Member could do business with the City.

Mr. Jonse asked why have a Charter in place if the Council and staff did not follow the guidelines. Deputy Mayor Steele asked if Mr. Jonse felt fraud had taken place. Mr. Jonse questioned whether or not the staff was unethical and released information since quotes were received on different days.

Mayor Magers said Mr. Jonse was now addressing the bid process and the specifications on a specific job. This is a completely different issue than the Charter wording and whether or not $2,500 is the proper limit. The bid process is not listed on the Agenda and cannot be discussed at the current meeting.

Mayor Magers verified that language had been "tightened" on the specific Charter item in question. He felt the $2,500 limit was placed in the Charter for a reason and should be enforced, then if there is a problem it can be addressed later.

Council Member Smith said $2,500 is a significant amount and he wanted to be sure there is transparency in any transaction. Council Member Wacker asked if it would be better to consider any transaction to a Council Member. Deputy Mayor Steele recommended that the limit be $500.

Mayor Magers reiterated that the Council has clarified that if a Council Member does any business with the City in excess of $2,500, then the Council will vote on the transaction. Council Member Smith has recommended that the dollar limit be removed and any transaction between a Council Member and the City be voted on by the City Council.

Council Member Adami did not have a problem with the $2,500 amount but did feel that employees should be included in the prohibition.

Mayor Magers said if the issue is transparency, then any disbursement on behalf of an employee or Council Member should be voted on by the City Council.

Mr. Brown asked for clarification on the types of expenses included and whether or not it would include expense reimbursements. Council Members discussed what should be included.

Council Member Wacker said the State's new disclosure statements include the spouse of employees, and she asked if that should also be included in the wording. Council Members asked Ms. McGookey to clarify wording for their consideration.

MEDIA QUESTIONS

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

CONGRATULATIONS TO LOCAL BASKETBALL TEAMS

CONGRATULATIONS TO LOCAL BASKETBALL TEAMS

Council Member Hughes congratulated the Sherman Girls Basketball Team on their successful season and wished the Boys Basketball Team good luck on their final two games. Playoffs start soon.

CAPITAL IMPROVEMENT PROGRAM UPDATE
Council Member Adami requested that the Council receive an update on the status of the Capital Improvement Projects that were approved for the current budget year.

CIP PROGRAM UPDATE

BINKLEY PARK HIKE/BIKE TRAIL
Council Member Wacker asked if the Binkley Park Hike/Bike Trail could be swept. There is broken glass along the trail near Center Street.

BINKLEY PARK HIKE/BIKE TRAIL

KEEP SHERMAN BEAUTIFUL COMMISSION
Council Member Wacker asked for a status report or timeline on the plans for the Keep Sherman Beautiful Commission. She previously asked that the staff develop a plan to get that Commission "back up and working."

KEEP SHERMAN BEAUTIFUL COMMISSION

PARK STREET MEDIAN STATUS
Council Member Markl asked about the status of the Park Street median project.

PARK STREET MEDIAN STATUS

BURNED DOWN HOUSE
Council Member Markl asked about the status of the burned down house that is located behind the Central Fire Station.

BURNED DOWN HOUSE

Ms. McGookey said the Code Enforcement Department has been working to get the rubble removed. Scott Shadden Director of Developmental Services, said they are in the process of obtaining final releases.

RECOGNITION OF CITY CLERK CERTIFICATION
Mayor Magers recognized Sandra Melton, Secretary to the City Clerk, on recently earning her certification from the Texas Municipal Clerk's Association.

RECOGNITION OF CITY CLERK CERTIFICATION

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

EXECUTIVE SESSION

SECTION 551.071 --	**CONSULTATION WITH THE CITY ATTORNEY CONCERNING LEGAL MATTERS OR CONTEMPLATED LITIGATION**
SECTION 551.074 --	**ADDENDUM** **PERSONNEL MATTERS** **CONSIDER THE QUALIFICATIONS, APPOINTMENT OR REMOVAL OF**

PUBLIC OFFICERS TO BOARDS AND COMMISSIONS TRI-COUNTY SENIOR NUTRITION PROJECT BOARD

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:16 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:42 p.m. and reconvened in Open Meeting.

OPEN MEETING

OPEN MEETING
Reconvene into Open Meeting and take action, if any, on items discussed in Executive Session. Mayor Magers yielded the gavel to Deputy Mayor Steele who presided over the remainder of the Council Meeting.

TRI-COUNTY SENIOR NUTRITION PROJECT BOARD

CONSIDER THE QUALIFICATIONS, APPOINTMENT AND REMOVAL OF MEMBERS TO BOARDS AND COMMISSIONS: TRI-COUNTY SENIOR NUTRITION PROJECT BOARD (1)
ACTION TAKEN.

> **Motion by Council Member Markl to appoint Mayor Bill Magers to fill an unexpired term on the Tri-County Senior Nutrition Project Board for a term from February 6, 2007 to September 30, 2007. Second by Council Member Smith.**

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

ADJOURNMENT

ADJOURNMENT
On Motion duly made and carried, the meeting adjourned at 6:43 p.m.

____
MAYOR

____
CITY CLERK

PROPOSED CHARTER AMENDMENTS

To amend Article X "General Provisions" at Section 2 (e) "Prohibitions" to provide:

(e) Any disbursement to or on behalf of ~~any elected official~~ *the mayor or any council member* in excess of two thousand five hundred dollars ($2,500.00), or the creation of any financial obligation in excess of two thousand five hundred dollars ($2,500.00) by ~~any elected official~~ *the mayor or any council member for any reason* must be authorized in advance by a majority vote of the council present and voting, and duly recorded. *Council authorization is required regardless of whether the disbursement or financial obligation was incurred by the mayor or the council member in their official capacity, or in an individual or business capacity.*

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

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

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

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

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

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

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

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

(5) All terms of office shall be for ~~two (2)~~ *three (3)* years, or until the successor has been elected and qualified. Service in office for more than twelve (12) months of a ~~two (2)~~ *three(3)* year term, shall constitute a full term. *All council member and mayor terms of office prior to the charter amendment election on May 12, 2007, shall continue under the previous two (2) year term limit until reelection.*

OR

(5) All terms of office shall be for ~~two (2)~~ *three (3)* years, or until the successor has been elected and qualified. Service in office for more than twelve (12) months of a ~~two (2)~~ *three(3)* year term, shall constitute a full term. *This provision will not take effect until the election occurring in May 2008.*

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

(6) A council member or mayor may serve a maximum of ~~three (3)~~ *two (2)* consecutive terms in the same office or six (6) consecutive terms in any combination of offices, after which a one (1) year (360 day) absence from office is required before that person will be eligible to hold another elective office.

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

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

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5444
Ordering an Election of the Qualified Voters of the City of Sherman, Texas, on the 12th day of May, 2007, for the Purpose of Electing a Mayor and Two At-Large City Council Members for Said City; Providing That Said Election Shall Be Held Jointly with the Sherman Independent School District; Designating Election Precincts; Appointing Election Officials; Providing for Notice of Said Election; Providing for the Use of Direct Recording Electronic Voting Equipment; Providing for Early Voting

Issue
To call a Regular Municipal Election for May 12, 2007, to elect a Mayor and two At-Large City Council Members

Background
In compliance with the City of Sherman Charter and the election laws for the State of Texas, the City must, by ordinance, call a Regular Municipal Election for the second Saturday in May.

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

Financial Consideration
Last year, the Regular Municipal Election cost approximately $17,000.00. The City of Sherman and the Sherman Independent School District have agreed to hold a joint election, which will allow the entities to divide the cost of expenses for the election.

Staff Recommendation
It is recommended that the City Council approve the ordinance calling the Regular Municipal Election for Saturday, May 12th.

Alternatives
There is no viable alternative.

Attachments
Ordinance No. 5444

Prepared by:
Linda Ashby, City Clerk

Approved by:
L. Scott Wall, City Manager

ORDINANCE NO. 5444

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ORDERING AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12th DAY OF MAY, 2007, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, in compliance with the Charter of the City of Sherman, Texas, and in accordance with the laws and the Constitution of the State of Texas, an election may be and the same is hereby called and ordered for the second Saturday in May, 2007, the same being the 12th day of said month, at which election all qualified voters may vote for the purpose of electing a Mayor and two At-Large City Council Members for full terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 18. That it is hereby officially found and determined that the meeting at which this ordinance 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.

INTRODUCED on this the _____________ day of _________________, 2007.

ADOPTED on this the ________________ day of _________________, 2007.

EFFECTIVE DATE on this the _________ day of _________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________________

BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5445
Calling a Special Election of the Qualified Voters of the City of Sherman, Texas, on the 12th Day of May, 2007, for the Purpose of Amending the City Charter of the City of Sherman, Texas; Providing for Notice of Said Election; Designating Election Precincts; Appointing Election Officials; Providing for the Use of Direct Recording Electronic Voting Equipment; Providing for Early Voting

Issue
To call a Special Municipal Election for May 12, 2007, to consider Amendments to the City Charter

Background
In compliance with the City of Sherman Charter and the election laws for the State of Texas, the City must, by ordinance, call a Special Municipal Election. The amendments also need pre-clearance approval by the U.S. Justice Department. The submission of the approved amendments to the U.S. Justice Department must occur approximately seventy-five (75) days prior to the election.

Origination
Sherman City Council and the Legal Department

Financial Consideration
Last year, the election cost approximately $17,000.00. The City of Sherman and the Sherman Independent School District have agreed to hold a joint election, which will allow each entity to divide the cost of expenses for the election.

Staff Recommendation
It is recommended that the City Council approve the ordinance calling the Special Municipal Election for Saturday, May 12th.

Alternatives
The Council could choose not to call a Special Election to consider Amendments to the City Charter.

Attachments
Ordinance No. 5445

Prepared by:
Doreen E. McGookey, City Attorney

Approved by:
L. Scott Wall, City Manager

ORDINANCE NO. 5445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, CALLING A SPECIAL ELECTION OF THE QUALIFIED VOTERS OF THE CITY OF SHERMAN, TEXAS, ON THE 12th DAY OF MAY, 2007, FOR THE PURPOSE OF AMENDING THE CITY CHARTER OF THE CITY OF SHERMAN, TEXAS; PROVIDING FOR NOTICE OF SAID ELECTION; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; PROVIDING FOR EARLY VOTING; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That, in compliance with the Charter of the City of Sherman, Texas, and in accordance with the laws and the Constitution of the State of Texas, there is hereby ordered a special election to be participated in by the qualified voters of the City of Sherman, Texas, to be held on the second Saturday in May, 2007, the same being the 12th day of said month, for the purpose of holding an election for the submission of amendments to the existing City Charter of the City of Sherman, Texas, which City Charter was adopted by the people, pursuant to Article X, Section 15 of the Home Rule Charter for the City of Sherman, Texas, and V.T.C.A., Local Government Code § 9.004.

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

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

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

Amendment No. 1

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

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

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

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

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

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

<u>Amendment No. 2</u>

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

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

<u>Amendment No. 3</u>

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

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

<u>Amendment No. 4</u>

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

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

Amendment No. 5

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

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

Amendment No. 6

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

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

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

Amendment No. 7

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

Section 1. Personal financial interests.

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

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

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

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

(2) Exceptions. This restriction does not apply:

(A) To a member of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED on this the ______________ day of __________________, 2007.

ADOPTED on this the _________________ day of __________________, 2007.

EFFECTIVE DATE on this the _________ day of __________________, 2007.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

BY: ________________________________
BILL MAGERS, MAYOR

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5446
Amending Chapter 3 of the Code of Ordinances, "Building Regulations", at Article 3.10, "Streets and Sidewalks", to Amend Section 3.10.002, "Obstructions Generally" and to Add Section 3.10.0021, "Use of Public Way in the Central Business District"

Issue

To consider a revision to Sherman's sidewalk ordinance, codified at Article 3.10 of the Sherman Code of Ordinances

Background

On August 16, 2006, Mr. Robert W. Minshew, President of Kelly Square, Inc., asked the City to consider revising its current sidewalk provisions that regulate obstructions thereon, specifically in the Central Business District, since the current ordinance prohibits downtown merchants from placing or leaving items in front of their businesses that would help promote their enterprises. On September 19th, we asked for Downtown Sherman Preservation and Revitalizations' (DSP&R) recommendation on the revision of our current sidewalk provisions, keeping in mind the City's desire to encourage retail business downtown while protecting our citizens and visitors from hazards on our sidewalks, other pedestrian walkways, and thoroughfares. On October 4th, Councilman Smith was asked by DSP&R for help with this requested revision; and, at his request, sample ordinances were gathered from Granbury, Denison and Fredericksburg, which allow for temporary objects on the sidewalk as long as there is no walking obstruction. On October 16th, we received DSP&R's resolution in unanimous support of the amendment of Sherman's sidewalk ordinance. On January 11th, DSP&R Secretary George Rowland delivered a suggested revision to Section 3.10.002, "Obstructions generally", which would affect sidewalks throughout Sherman, not just in the Central Business District; then, on February 13th, we received DSP&R's recommended modifications to the proposed ordinance.

Origination

Robert W. Minshew, President of Kelly Square, Inc.

Financial Consideration

There is no financial consideration to this agenda item.

DSP & R Recommendation

It is recommended that the City Council approve DSP&R's recommended revision to Section 3.10.002 and the inclusion of a new Section 3.10.0021.

Alternatives

The Council could not approve the suggested revision and/or direct the staff to further study Mr. Minshew's request and DSP&R's recommendations.

Attachments

Ordinance No. 5446; Mr. Minshew's letters of August 16 and September 14, 2006; Mr. Wall's letter to DSP&R of September 19, 2006; DSP&R's resolution of October 10, 2006; and DSP&R's recommendations of January 1 and February 13, 2007

Prepared and Approved by:
L. Scott Wall, City Manager

ORDINANCE NO. 5446

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, "BUILDING REGULATIONS", AT ARTICLE 3.10, "STREETS AND SIDEWALKS", TO AMEND SECTION 3.10.002, "OBSTRUCTIONS GENERALLY" AND TO ADD SECTION 3.10.0021, "USE OF PUBLIC WAY IN THE CENTRAL BUSINESS DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

<u>SECTION 1</u>. That Article 3.10, "Streets and Sidewalks", Section 3.10.002, "Obstructions Generally", shall be amended as follows:

Sec. 3.10.002 Obstructions Generally

(a) It shall be unlawful for any person, acting either for himself or as the agent or employee of another, to obstruct any sidewalk, alley, street or highway of the city in any manner, by means of any fence, by tying any animal of any kind thereon or across the same, by placing or leaving any vehicle or machine or any animate or inanimate object thereon which is sufficient to interfere with the travel of pedestrians or vehicles, or by congregating or causing others to congregate thereon in such manner as to prevent free passage along and upon same or any part thereof. Nothing in this section shall prevent persons from placing packages of goods which they may be receiving or shipping on any sidewalk if same do not occupy more than four (4) feet of the sidewalk and do not remain there more than two (2) hours. (1991 Code, sec. 31-2)

(b) It is an exception to the application of this section that the obstruction is in compliance with Section 3.10.0021 of this Code.

<u>SECTION 2</u>. That Article 3.10, "Streets and Sidewalks", shall be amended as follows:

Sec. 3.10.0021. Use of Public Way in the Central Business District.

(a) Definitions. For the purposes of this Section, the following terms, words, phrases and the derivations thereof shall have the meaning given herein.

(1) Central Business District shall be defined as the area designated on the official zoning map being: Montgomery Street from the Railroad Tracks south to Jones

Street, Jones Street west to U.S. Highway 75, U.S. Highway 75 north to the Railroad Tracks, Railroad Tracks east to Montgomery Street.

(2) Merchandise means any tangible or intangible property offered for display or sale and shall include but not be limited to goods, wares, tickets, publications, services or examples of goods or wares, or likenesses of items offered for sale within the adjoining businesses. The term does not include the sale of food and beverages.

(3) Potted plants and benches means potted plants and benches placed for public convenience and decoration and shall not contain advertising or represent an example of merchandise for sale within the district.

(4) Public way means all sidewalk areas held or controlled by the city or other public entity legally open to public use.

(5) Sign means any advertising signs for the tenants or property owners of the building immediately adjacent to the public way and shall not exceed three feet in width and five feet in height.

(6) Special event means any occasion including but not limited to fairs, shows, exhibitions, city wide celebrations, festivals, and the like within a specifically defined area of the city for a time period not to exceed the period of the event.

(7) Unobstructed pedestrian area means an area that is equal to one half the sidewalk width between the curb and the property line that is completely unobstructed, even with posts, and must include the sidewalk area. The property owner shall be the person or entity which determines the method of calculating the unobstructed pedestrian area for the area adjacent to his/her/its property.

(b) It shall be unlawful for any person to place or deposit any merchandise, food, signs, potted plants, benches, tables, or chairs within the unobstructed pedestrian area of the public way in the Central Business District provided that the same, in total, shall not obstruct the sidewalk, create a hazard, or deny access from any on-street parking space to the unobstructed pedestrian area, and provided that the merchandise, signs, planters, tables, or chairs shall be placed only directly in front of the premises of the person or entity placing the same.

(c) No merchandise may be sold from the public way and shall be governed by all rules, regulations and requirements of the zoning district in which such property is situated, as set out in the City of Sherman zoning ordinances.

(d) Any tables or chairs placed in the public right of way shall be of sturdy, non-rusty and non-splintering construction and appropriate in color and style to the area in which they are placed. All signs in the public right of way must meet the definition in this Section.

(e) All potted plants and benches in the public way may be anchored so as to deter theft or vandalism, but must remain removable with minimal damage, which is easily repairable, to the sidewalk. Pots must be planted, and all plants (alive or artificial) must be non-hazardous, trimmed and maintained.

(f) It is a defense to prosecution under this article to the application of the foregoing prohibitions if a person:

(1) Is a participant in a special event, and is vending on the premises designated for the special event;

(2) Is vending in connection with the transaction of official government business; or

(3) Is the grantee of a contract with the city to operate a concession on designated areas of public property.

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

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

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

INTRODUCED on this the _____________ day of _________________, 2007.

ADOPTED on this the ________________ day of _________________, 2007.

EFFECTIVE DATE on this the _________ day of _________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: _____________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

KELLY SQUARE, INC.
115 S. Travis
Sherman, Texas 75090

August 16, 2006

Scott Wall, City Manager
CITY OF SHERMAN
220 West Mulberry
Sherman, Texas 75090

Re: Proposal regarding Trolley

Dear Scott:

Enclosed please find a scale drawing of the main entrance to Kelly Square with the 5x8 Trolley shown in the location which we intend to place it. This still leaves plenty of room to get in and out, since the sidewalk is twelve feet (12') wide at that location. It would be placed right up against the light pole which is some twenty inches (20") from the curb.

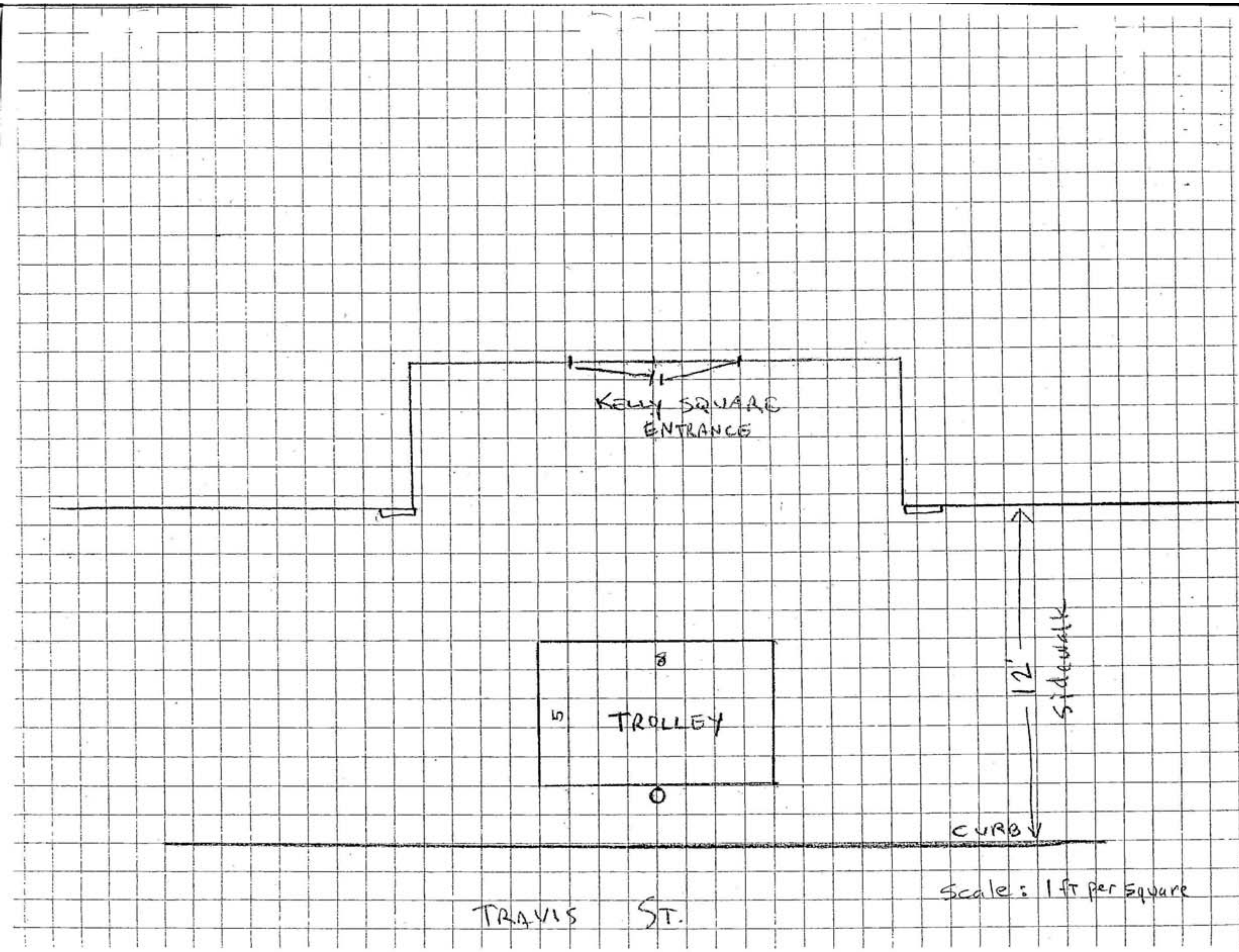
We think that in conjunction with our event hosting goals, the new signage we are going to contract for, will make an attractive focal point for downtown activity. As I told you, we will be glad to execute whatever indemnity agreement you need since the sidewalk actually belongs to the city. I can probably have our liability insurance policy endorsed to add the city as an additional insured at no additional cost. I would appreciate hearing from you, as it is a major operation to get the trolley out of Kelly Square and, of course we do not want to do this until we have tentative approval.

Incidentally, our event hosting conversion from retail is going very well. We are receiving daily calls and bookings on catering events, as well as receptions, etc. to be held at Kelly Square. Last Saturday night a couple from Whitewright had a wedding reception for approximately 300 people. Many of the events are coming from outside the Sherman area, as it appears there is a shortage of this type of facility outside of Sherman. This should help the tourism attraction, which I know you are working very hard on. The more people that come and enjoy a wedding reception in downtown Sherman, the more likelihood that they will come back, even though they may not stay in a motel that particular night. On a recent Friday night we had three separate parties going at the same time as we are expanding our facilities to accommodate multiply functions, which hopefully will be more than enough to replace the loss of retail.

Very truly yours,

KELLY SQUARE, INC.

By:________________________
Robert W. Minshew, President


KELLY SQUARE
ENTRANCE
8
5
TROLLEY
12'
sidewalk
CURB
Scale: 1 ft per square
TRAVIS ST.

KELLY SQUARE, INC.
115 S. Travis
Sherman, Texas 75090

September 14, 2006

Scott Wall, City Manager
CITY OF SHERMAN
P. O. Box 1106
Sherman, Texas 75091

Re: Trolley Proposal

Dear Scott:

Bm

I received your letter of September 7, 2006 dealing with the sidewalk ~~construction~~ obstruction ordinance. I am not aware of the exact date the ordinance was originally passed, but I am sure it was many years ago when downtown Sherman had hundreds of people walking up and down the sidewalks on a daily basis patronizing the four (4) men's stores, seven (7) women's stores, three (3) drugstores, (4) four major department stores and two (2) major five and dime stores, along with many other smaller miscellaneous shops. In other words, at the time it was passed it was obvious any sidewalk obstructions would interfere with the ability of shoppers to get from one place to another in downtown Sherman.

I don't know if you have noticed or not, but at the present time the few remaining retailers located in downtown Sherman have all put items in front of their store to attract attention and survive the severe onslaught by the major chain retailers locating to the north of Sherman. Downtown Sherman faces a real challenge if any retail is to survive, we must be given every opportunity to attract customers. If not, we might as well close the doors in downtown Sherman on retail businesses and turn it all over to lawyer's offices.

Honey and I were in Grandbury last weekend on Sunday afternoon and virtually all of the shops on the square had some sort of activity going on the sidewalks in front of the shops. The place was bustling with activity. The same holds true in Fredericksburg, Texas where all the downtown merchants have displays in front of their shops to attract customers. These create a festive atmosphere and generate tourism traffic on a major scale to both cities. If downtown is not going to be fun and attractive, it is not going to succeed in Sherman or anywhere else.

What I propose to do will require a change in the current ordinance, which should not be too difficult. Since the sidewalks are virtually empty of pedestrian traffic, except for a few shops downtown, I do not see that anyone is going to object. If we are going to make tourism a focus we are going to have to do some thing to make downtown fun and that is exactly where we need to be going.

It would be very easy to amend the present ordinance by inserting at the outset the following phrase:

> "*Except as authorized in writing by the City Manager of the City of Sherman, it shall be unlawful..........*"

In this way, if you felt it necessary to control the sidewalk activity you would still be in a position to do so while permitting activities which would promote tourism and retail traffic for the benefit of all of downtown Sherman and the city itself.

In behalf of all of downtown and in behalf of the City of Sherman itself, I would ask that the council take a look at amending this ordinance so we can survive and compete with other cities for tourism and retail trade.

Very truly yours,

KELLY SQUARE, INC.

By:____________________
Robert W. Minshew, President

RWM/bje

P. S.
You can even add a paragraph at the end of the ordinance which states that permission given by the City Manager could be revoked at any time with written notice. This would give you some flexibility and yet the ability to maintain control over the sidewalks, yet allow things to be placed which did not affect the safety of pedestrian traffic.

SHERMAN

MAYOR
BILL MAGERS
CITY MANAGER
L. SCOTT WALL

DEPUTY MAYOR
TERRENCE R. STEELE
CITY COUNCIL
CHIP ADAMI

CURT HUGHES
JOHN MARKL
JOE N. SMITH
CAROLYN S. WACKER

September 19, 2006

Mr. George Rowland, Secretary
Downtown Sherman Preservation and Revitalization
P. O. Box 2054
Sherman, Texas 75091-2054

Re: Sidewalk Obstruction Ordinance

Dear George:

We have been asked by Mr. Robert W. Minshew, President of Kelly Square, Inc., to consider revising the City of Sherman's ordinance that regulates obstructions on city sidewalks, specifically in the Central Business District and related to retail operations and promoting of their businesses. Our current ordinance prohibits merchants from placing or leaving items in front of their business that would help promote their businesses. We would appreciate you and your organization's perspective and input on this matter, keeping in mind the City's desire to encourage retail business downtown while protecting our citizens and visitors from hazards on our sidewalks, other pedestrian walkways, and thoroughfares.

I feel your organization is in an excellent position to offer advice on how we can accomplish our goal of promoting downtown and mitigating risk to the public using the sidewalk.

Below is the ordinance in question; and I hope DSP&R might be helpful in modernizing this regulatory restriction. As you know, the City Council will have to hold a public hearing on this ordinance; and the adoption is their responsibility.

> ***Sec. 3.10.002 Obstructions generally***
>
> *It shall be unlawful for any person, acting either for himself or as the agent or employee of another, to obstruct any sidewalk, alley, street or highway of the city in any manner, by means of any fence, by tying any animal of any kind thereon or across the same, by placing or leaving any vehicle or machine or any animate or inanimate object thereon which is sufficient to interfere with the travel of pedestrians or vehicles, or by congregating or causing others to congregate thereon in such manner as to prevent free passage along and upon same or any part thereof. Nothing in this section shall prevent persons from placing packages of goods which they may be receiving or shipping on any sidewalk if same do not occupy more than four (4) feet of the sidewalk and do not remain there more than two (2) hours. (1991 Code, sec. 31-2)*

I look forward to receiving your recommendation, which I will be pleased to present to the City Council. Thank you for your help in this matter and, if I might answer any questions or provide additional information or assistance, please don't hesitate to contact me.

Sincerely,

L. Scott Wall

L. Scott Wall
City Manager

LSW:pc

P.O. BOX 1106 • SHERMAN, TEXAS 75091-1106 • (903) 892-7201
www.ci.sherman.tx.us

Downtown Sherman Preservation & Revitalization
PO Box 2054
Sherman TX 75091-2054
Office phone 903-957-0310
Debbie Sarti, President - dsartin@gcecisp.com
James Johnson, Vice President -jmexports@texoma.net
George Rowland, Secretary- growland@austincollege.edu
Shannon Scoggins, Treasurers –soflowers@verizon.net
Deron McCraw, Executive Director - dhmccraw@msn.com

October 10, 2006

Mr. Scott Wall
City Manager
City of Sherman
PO Box 1106
Sherman, TX 75090

Dear Scott:

Thank you for your September 19 letter concerning the ordinance that prohibits the use of sidewalk space in the front of businesses. Downtown Sherman Preservation and Revitalization discussed this ordinance at its October 2, 2006 meeting and concluded that it should be modified to permit such use. Councilman Joe Smith is a member of our organization and volunteered to research ordinances at other cities that do permit the use of sidewalks and to present his findings to you for consideration by the council. The following resolution was passed unanimously:

> **BE IT RESOLVED,** that Downtown Sherman Preservation and Revitalization requests that the City of Sherman amend its current ordinance which prohibits the use of sidewalk space in the front of businesses and that merchants now be permitted to use such space but keeping an approximate amount of it open for pedestrian traffic.

Thanks for the Council's and your consideration.

Sincerely,

George E. Rowland
Secretary

Downtown Sherman Preservation & Revitalization

January 1, 2007

Mr. Scott Wall
City Manager
City of Sherman
PO Box 1106
Sherman, TX 75090-1106

Dear Scott:

Downtown Sherman Preservation and Revitalization wishes to propose a modification to the sidewalk ordinance that presently prohibits the use of space in front of retail establishments for use in conjunction with the business operations. In arriving at this recommendation, we have researched a few other cities and note that several of them do permit the use of sidewalk space for retail activities and advertising. This could be limited to the Central Business District, however, it may be beneficial to merchants outside this area and the following is suggested for the city as a whole. The wording in the current ordinance in section 3.10.002 should be replaced by:

> Merchants may use the publicly owned sidewalk space in front of buildings for the display of goods, promotional items, wares, merchandise, and ornamental planters. Free standing advertising signs are permitted, but may not exceed three feet wide and five feet high. Such use may include small tables and chairs for outdoor dining.
>
> Merchants and Business owners will keep the sidewalk space clean at all times and remove any trash frequently and not less than daily. At no time, may the above use obstruct the sidewalks so that it is difficult for the public to traverse the areas. There must be maintained at all times an open pedestrian area that is ADA compliant and in a straight line in front of each establishment.
>
> Merchants and business owners assume all liability from the use of the sidewalks for their sidewalk material and agree to hold the City harmless from such use.

Representatives from Downtown Sherman Preservation and Revitalization are available to meet with the City Council when the revision to the ordinance is considered.

Sincerely,

George E. Rowland
Secretary

Downtown Sherman Preservation & Revitalization
PO Box 2054
Sherman TX 75091-2054
Office phone 903-957-0310
Debbie Sartin, President – dsartin@maverick mortgage, net
James Johnson, Vice President – jmexports@texoma.net
George Rowland, Secretary – c.row@verizon.ner
Shannon Scoggins, Treasurer –soflowers@verizon.net
Deron McCraw, Executive Director –
dsprdirector@shermantx.org

February 13, 2007

Mr. Scott Wall
City Manager
City of Sherman
PO Box 1106
Sherman, TX 75090

Dear Scott:

At the February 5 meeting, members of Downtown Preservation and Revitalization reviewed the proposed modifications to the sidewalk ordinance and wish to make some suggested changes. The recommendations are:

- Section (a) (7) - Some sidewalks are too narrow to provide both a five foot pedestrian aisle after merchandise or other items are displayed. The first sentence in this section should be changed to, "Unobstructed pedestrian area means an area that is **equal to one half the sidewalk width** between the curb and the property line that is completely unobstructed, even with posts, and must include the sidewalk area."
- In section (b) - change the word **impede** to **deny**.
- Section (b) (e) – Change to read, "Any tables or chairs placed in the public right of way shall be of sturdy, non rusty and non splintering construction and appropriate in color and style to the area in which they are place. **Food service may be provided by wait-staff to the tables and chairs."**

The ordinance proposes a five foot wide pedestrian area. This will be fine in the majority of situations; however, there are very narrow sidewalks in some areas that would preclude the limited use of the walks for displays with a five feet area reserved for pedestrians.

At the present time, there are not any restaurants that wish to provide wait service to chairs and tables placed on the sidewalks. However, this is common in many other cities and we would like to provide for it, assuming there may be a need at some future time. Presently, we envision that customers will pick up the food inside and take it out to the tables.

We appreciate the prompt and positive response from the City Attorney, Ms. Doreen McGookey in framing the wording for the revised ordinance.

Sincerely,

George E. Rowland

George E. Rowland
Secretary

CC: Ms. Doreen McGookey
City Attorney

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. B.4

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5444, 5445 and 5446

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5444
Ordering an Election of the Qualified Voters of the City of Sherman, Texas, on the 12th day of May, 2007, for the Purpose of Electing a Mayor and Two At-Large City Council Members for Said City; Providing That Said Election Shall Be Held Jointly with the Sherman Independent School District; Designating Election Precincts; Appointing Election Officials; Providing for Notice of Said Election; Providing for the Use of Direct Recording Electronic Voting Equipment; Providing for Early Voting

B.2 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5445
Calling a Special Election of the Qualified Voters of the City of Sherman, Texas, on the 12th Day of May, 2007, for the Purpose of Amending the City Charter of the City of Sherman, Texas; Providing for Notice of Said Election; Designating Election Precincts; Appointing Election Officials; Providing for the Use of Direct Recording Electronic Voting Equipment; Providing for Early Voting

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5446
Amending Chapter 3 of the Code of Ordinances, “Building Regulations”, at Article 3.10, “Streets and Sidewalks”, to Amend Section 3.10.002, “Obstructions Generally” and to Add Section 3.10.0021, “Use of Public Way in the Central Business District”

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager Date: 2-20-2007

Subject: Agenda Item No. B.5

CONSENT AGENDA

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

C.2 * RESOLUTION NO. 4964
Authorizing Execution of a Joint Election Agreement with the City of Sherman and the Sherman Independent School District to Hold a Joint Election on May 12, 2007

C.4 * RESOLUTION NO. 4966
Awarding a Bid to and Authorizing Execution of a Contract with Dun-All Cleaning for Park Restroom Cleaning Services

C.5 * RESOLUTION NO. 4967
Awarding a Bid to and Authorizing Execution of a Contract with Howard Construction, Inc. for the Dexter Street Water Main Replacement

C.6 * RESOLUTION NO. 4968
Approving Greater Texoma Utility Authority to enter into a Contract with Morris Engineers for Engineering Services and Underwood Drafting and Surveying, Inc. for Surveying Services on the Lockhart Street Water Main Replacement Project

C.7 * RESOLUTION NO. 4969
Abandoning a Twenty Foot (20') Drainage & Utility Easement located at Lots 1 and 2 of the Park Plaza Addition

C.8 * RESOLUTION NO. 4970
Authorizing the Execution of an Agreement with Noe Lopez for the Abatement of Ad Valorem Property Taxes for the Construction of Two New Two-Family Duplexes at 704 and 706 North Harrison Street

D.1 * REQUEST TO ADVERTISE
Purchase of Five Police Patrol Vehicles

D.2 * REQUEST TO ADVERTISE
Highway 82 West Water Main Construction

D.3 **** REQUEST TO ADVERTISE***
City-Wide Boulevard and Right-of-Way Mowing

D.4 **** REQUEST TO ADVERTISE***
Fairview Park and Martin Luther King, Jr. Park Hike/Bike Trail Projects

D.5 **** REQUEST TO ADVERTISE***
Fairview Park Soccer Field Irrigation/Renovation Project

D.6 **** OTHER BUSINESS***
Consider Request of Austin College Student Marielle Remillard to Temporarily Close Certain Streets for the First Annual "WaterCan Walk for Water" Event on Saturday, March 24, 2007

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.1

RESOLUTION NO. 4963
Opposing the Efforts of the TCEQ to Mandate a Groundwater Conservation District in Grayson County Based on an Inadequate Draft Report

Issue
To make official the City's opposition to developing a groundwater conservation district in Grayson County

Background
The Texas Commission on Environmental Quality (TCEQ) has recently sent a draft report, copy attached, that recommends establishing one or more groundwater conservation districts (GCDs) in the North Central Texas area, including Grayson County. At the February 5th meeting, the City Council directed staff to return with a resolution in opposition to the creation of a groundwater conservation district in Grayson County.

Origination
The Mayor and City Council

Financial Consideration
None

Staff Recommendation
It is recommended that the City Council approve Resolution No. 4963 opposing a groundwater conservation district in Grayson County, which could potentially affect the City of Sherman in a negative manner.

Alternatives
The City Council could choose to not pass the Resolution at this time.

Attachments
Resolution No. 4963
Draft Report
Review Extension Letter and Responses

Prepared and Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4963

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, OPPOSING THE EFFORTS OF THE TCEQ TO MANDATE A GROUNDWATER CONSERVATION DISTRICT IN GRAYSON COUNTY BASED ON AN INADEQUATE DRAFT REPORT; 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 Texas Commission on Environmental Quality ("TCEQ") has authorized a study to be prepared addressing groundwater conditions in the Trinity and Woodbine aquifer formations in North Central Texas; and

WHEREAS, the TCEQ notice of the availability of the draft report was not mailed to local governments and water providers until the third week of December 2006 and requested a response by January 31, 2007; and

WHEREAS, the deadline to respond is inadequate to allow careful consideration of the draft report; and

WHEREAS, the draft report recommends establishing one or more Groundwater Conservation Districts ("GCDs") in a thirteen county area in North Central Texas, including Grayson County; and

WHEREAS, the draft report fails to consider relevant information that was not included in the draft report;

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 opposes the efforts of the TCEQ to mandate a Groundwater Conservation District in Grayson County based on an inadequate draft report.

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

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

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

December 14, 2006

To: The governing body of each county, regional water planning group, adjacent groundwater conservation district, municipality, river authority, water district, or other entity that supplies public drinking water, including each holder of a certificate of convenience and necessity, and each irrigation district, located either in whole or in part in Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Lamar, Montague, Navarro, Parker, Red River, Rockwall, Tarrant, and Wise counties.

NOTICE OF DRAFT REPORT AVAILABILITY AND REQUEST FOR COMMENTS

The Texas Commission on Environmental Quality (TCEQ) has completed a priority groundwater management area (PGMA) update study for the North-Central Texas – Trinity and Woodbine aquifers area – and prepared a **draft** report. This notice is to announce the availability of the **draft** report and the opportunity to provide comments on the **draft** report. The TCEQ **draft** report may be accessed on the agency's Internet homepage at: http://www.tceq.state.tx.us/permitting/water_supply/groundwater/pmga.html, and staff will provide a hard-copy of the **draft** report if requested. With this notice, the Executive Director of TCEQ respectfully requests you review and consider the **draft** report. The Executive Director will welcome written comments received **by January 31, 2007**, and the report will be finalized after all written comments have been considered. Written comments regarding the **draft** report may be directed to Mr. Kelly Mills at TCEQ, MC-147, P.O. Box 13087, Austin, Texas 78711-3087, or via email at kmills@tceq.state.tx.us. All written comments received will be placed in the TCEQ's official files.

The TCEQ **draft** report concludes that past and continued overdevelopment of the Trinity and Woodbine aquifers from the continued urbanization of the area and new water demands threaten water supplies for rural domestic, municipal, and small water providers who depend on groundwater resources, and recommends that Collin, Cooke, Dallas, Denton, Ellis, Fannin, Grayson, Hood, Johnson, Montague, Parker, Tarrant and Wise counties should be designated as a PGMA. The **draft** report concludes that critical groundwater problems are not occurring or projected to occur in Delta, Hunt, Kaufman, Lamar, Navarro, Red River or Rockwall counties, and recommends that these counties should not be designated as a PGMA. The **draft** report concludes that one or more groundwater conservation districts (GCDs) created within Collin, Cooke, Dallas, Denton, Ellis, Fannin, Grayson, Hood, Johnson, Montague, Parker, Tarrant and Wise counties would have the necessary authority to address groundwater problems identified in the area. The **draft** report recommends a regional, fee funded GCD for the preservation of the Trinity and Woodbine aquifers represents the most feasible, economic, and practicable option for the protection and management of the groundwater resources, and provides recommendations regarding the management and protection of groundwater resources within the area.

Background. In 1990, the Texas Water Commission (predecessor agency of the present TCEQ) completed a water resource study for the Trinity and Woodbine aquifers in the North-Central Texas area, determined the area did not meet the criteria to be designated as a PGMA, and requested the area and the issue be studied and reconsidered again in the future. TCEQ efforts to reevaluate the North-Central Texas study area were started in 1998 and Texas Water Development Board (TWDB) and Texas Parks and Wildlife Department (TPWD) reports were completed in 1999. Shortly thereafter, the TCEQ chose to postpone the update effort until the 2001 Regional Water Plans and the 2002 State Water Plan were completed. State law was subsequently amended in 2003 to require TCEQ to complete this and several other similar update PGMA studies.

Notice of this TCEQ update study was mailed to approximately 1,200 water stakeholders in the North-Central Texas study area in July 2005 to solicit input and water supply and management data. The **draft** report entitled *Updated Evaluation for the North-Central Texas – Trinity and Woodbine Aquifers – Priority Groundwater Management Study Area* addresses the requirements of state law and evaluates water quantity, quality, and management issues for the 20-county area. This report evaluates regional water resource issues and summarizes and evaluates data and information that has been developed over the past 15 years to determine if the area is experiencing, or is expected to experience within the next 25-year period, critical groundwater problems. For this study, TCEQ staff have considered data and information provided by the TWDB and the 2002 State Water Plan; stakeholders in the study area; the 2001 and 2006 Region B, C, Brazos G, and North East Texas Regional Water Plans; the TPWD; and, from independent research.

Subsequent Actions. When the final report is completed, the Executive Director will file the report with the Chief Clerk of the TCEQ, mail copies of the report to county clerks and public libraries in each county, and post the report on the agency's Internet homepage. Within 30 days of filing the report, the Executive Director will prepare a summary of report findings and recommendations, and note report availability. The summary will be mailed to the stakeholders who have received this notice and published in the *Texas Register*. The report will be referred to the State Office of Administrative Hearings (SOAH) with a request for a contested case hearing to be conducted in the North-Central Texas area. Notice of the SOAH hearing will be published in at least one newspaper with general circulation in the area and mailed to stakeholders at least 30 days before the date chosen for the hearing.

After the hearing, the SOAH administrative law judge will file a proposal for decision with the Chief Clerk of the TCEQ, and the Chief Clerk will set the issue for the three-member Commission of TCEQ to consider at a regularly scheduled public agenda hearing in Austin. If the TCEQ designates the recommended area as a PGMA, it will issue an Order and provide the Order to the commissioners courts of the affected counties, the Texas Cooperative Extension (TCE), and the adjacent groundwater conservation districts. The Executive Director will then request an educational outreach program regarding groundwater management and groundwater conservation district creation be initiated by the TCE and facilitated by the commissioners courts.

Questions. Questions regarding this **draft** report and the TCEQ's Priority Groundwater Management Area program may be directed to the Water Supply Division, Water Rights Permitting and Availability Section. The TCEQ staff contacts for this report are Steven P. Musick, P.G., Leader, Groundwater Planning and Assessment Team at 512.239.5552 or smusick@tceq.state.tx.us, and Kelly W. Mills, P.G., Sr. Staff Geologist, Groundwater Planning and Assessment Team at 512.239.4512 or kmills@tceq.state.tx.us.

UPDATED EVALUATION FOR THE NORTH-CENTRAL TEXAS
– TRINITY AND WOODBINE AQUIFERS –
PRIORITY GROUNDWATER MANAGEMENT STUDY AREA

Prepared by

Kelly W. Mills, P.G.

Water Rights Permitting and Availability Section
Water Supply Division

Priority Groundwater Management Area File Report

September 2006

EXECUTIVE SUMMARY

This report presents the updated priority groundwater management area (PGMA) study for the North-Central Texas – Trinity and Woodbine aquifer area, including Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Lamar, Montague, Navarro, Parker, Red River, Rockwall, Tarrant, and Wise counties. The purpose of the study is to determine if all, part, or any of this area is experiencing or is expected to experience within the next 25-year period critical groundwater problems, and to recommend feasible and practicable groundwater management solutions if shortages of surface water or groundwater are occurring or are expected to occur.

In 1990, the Texas Water Commission [Texas Commission on Environmental Quality (TCEQ) predecessor agency] determined the North-Central Texas study area was not a PGMA, but requested the issue be studied and reconsidered again in the future. TCEQ efforts to reevaluate the study area were started again in 1998 and Texas Water Development Board (TWDB) and Texas Parks and Wildlife Department (TPWD) reports were completed in 1999. Shortly thereafter, the TCEQ chose to postpone the update effort until the 2001 Regional Water Plans and the 2002 State Water Plan were completed. State law was subsequently amended in 2003 to require TCEQ to complete this and several other similar update PGMA studies.

This study evaluates regional water resource issues and summarizes and evaluates data and information that has been developed in the North-Central Texas study area over the past 15 years. For this study, TCEQ staff have considered data and information provided by the TWDB and the 2002 State Water Plan; stakeholders in the study area; the 2001 and 2006 Region B, C, Brazos G, and North East Texas Regional Water Plans; the TPWD; and, from independent research.

Notice of the study was mailed to approximately 1,200 water stakeholders in the study area in July 2005 to solicit comments and water supply and management data. These stakeholders included municipal, county, and state officials; entities that supply public drinking water; river authorities; planning entities; nearby groundwater conservation districts; and, other environmental and occupational interest groups. The overdraft of groundwater supplies, wise use of groundwater resources, surface water quality, and potential groundwater quantity and quality impacts from booming natural gas exploration and production activities were the concerns most often voiced by the respondents. A small number of the respondents provided comments that some type of groundwater management or oversight in some parts of the study area may be warranted.

From 2000 to 2030, the population of the 20-county North-Central Texas study area is projected to increase from just over 5.5 million people to almost 9.5 million residents. An estimated 1.36 million acre-feet (acft) of water was used in the study area in 2000, and the demand for water is projected to increase to almost 1.85 million acft by 2010 and to almost 2.46 million acft by 2030. Municipal use presently accounts for and will continue to account for about 87 percent of the total water use over the next 25 years in the area.

About 62 percent of the study area's total water supply is from in-area surface water reservoirs and another 26 percent is from out-of-area reservoirs. The principal regional water planning group strategies to address water shortages in the study area involve existing and new in- and out-of-area surface water supplies. The development of new reservoirs and the inundation of valuable land and limited habitat are the primary water-related natural resource concerns in the study area. The new Muenster Reservoir and the proposed Lake Ralph Hall (by 2020) will inundate some riparian habitat but otherwise have little environmental impact. The proposed Lower Bois d'Arc Creek Reservoir (by 2020) would inundate moderate value wetlands and moderate quality bottomland hardwoods, and the proposed Marvin Nichols Reservoir (by 2030) would inundate high value wetlands and excellent quality bottomland hardwoods.

The Marvin Nichols Reservoir would also inundate lignite deposits and oil and gas wells in the proposed pool area, and negatively impact farming, ranching, and timber interests. If constructed, these proposed reservoirs are likely to disturb threatened or endangered species habitat and mitigation allowances will have to be made to set aside other land and habitat for these species.

The Trinity and Woodbine aquifers are the primary groundwater resources in the study area, and the Blossom and Nacatoch sands provide minor amounts of water in the northeastern part of the study area. Together, these aquifers supply about five percent of the total water supply in the study area. Water-level declines including the associated reduction of artesian pressure caused by the continued removal of water from aquifer storage is a regional groundwater problem. This problem was identified in 1990 and remains the significant groundwater problem today. At present, water user groups in Dallas, Ellis, Fannin, Grayson, Johnson, Tarrant and Wise counties are collectively using the Trinity aquifer at quantities over the regional water planning groups' estimates for safe supply for each county, and water user groups in Collin, Cooke, Denton, and Parker counties are using the Trinity aquifer at quantities near each county's estimated safe supply. Water user groups in Denton, Ellis and Johnson counties are also collectively using the Woodbine aquifer at quantities over the estimated safe supply for each county.

Regional water plan strategies to increase reliance on the Trinity and Woodbine aquifers have been adopted for many water user groups in the study area. Overdrafting the Trinity aquifer through at least 2010 and adding new wells or increasing existing well production are regional water plan strategies for 41 water user groups in Collin, Cooke, Dallas, Denton, Ellis, Fannin, Grayson, Johnson, Montague, Parker, Tarrant and Wise counties. Likewise, overdrafting the Woodbine aquifer through at least 2010 and adding new wells or increasing existing well production are regional water plan strategies for 23 water user groups in Collin, Denton, Ellis, Fannin, Grayson and Hunt counties. Regional water plan strategies to reduce reliance on the Trinity and Woodbine aquifers have also been adopted for 33 water user groups in Collin, Cooke, Dallas, Denton, Ellis, Fannin, Grayson and Wise counties. Even with these recommended reductions in pumpage, the adopted strategies to increase reliance on the Trinity and Woodbine aquifers result in collectively higher groundwater demand projections for 2010, 2020, and 2030.

Shortages are projected in the 2006 Region B, C, and Brazos G Water Plans for the mining user group in Cooke, Denton, Hood, Johnson, Montague, Tarrant, and Wise counties. Strategies that have been adopted to address the projected shortages include conservation, purchasing water from various suppliers, reuse of water, supplemental wells in the Trinity aquifer, overdrafting of the Trinity aquifer, and new wells in the Trinity and Woodbine aquifers. The effect of new water demands for the drilling and hydrofracturing of gas wells in Cooke, Denton, Hood, Johnson, Montague, Parker, Tarrant and Wise counties is not clear at present. However, if an estimated 1,500 new Barnett Shale gas wells are drilled and fractured annually, and if ten percent of the existing Barnett Shale gas wells need to be refractured each year, then the general mining water user group demand projections in the adopted regional water plans may underestimate the needs for this specific mining type. The water demands from the growing natural gas exploration activity are not expected to level out or lessen over the next 25-year period.

The past and continued overdevelopment of aquifers from the continued urbanization of the area threatens water supplies for rural domestic, municipal, and small water providers who depend on groundwater resources. Some groundwater users on the fringes of the Dallas-Fort Worth urban core, including many municipalities, will be converting to surface water sources over the next 10 to 20 years. However, increased groundwater pumpage to keep pace with the growth around the metroplex and the growing suburban cities is anticipated to continue. Historically, overall groundwater pumpage has not lessened when providers convert to surface water sources.

Preserving the ability to rely on the limited groundwater resource is and will remain a primary objective for remote rural water suppliers; individual businesses, industries, or homeowners; and, small municipalities. Protecting existing groundwater supplies is a critical issue for these groundwater users because the delivery of alternative surface water supplies is not projected to be economically feasible. For these reasons, it is recommended that following counties be designated as the Northern Trinity and Woodbine Aquifers Priority Groundwater Management Area: Collin, Cooke, Dallas, Denton, Ellis, Fannin, Grayson, Hood, Johnson, Montague, Parker, Tarrant and Wise. Critical groundwater problems are not presently occurring or projected to occur in Delta, Hunt, Kaufman, Lamar, Navarro, Red River or Rockwall counties within the next 25-year period and these counties should not be designated as part of the recommended Northern Trinity and Woodbine Aquifers Priority Groundwater Management Area.

One or more groundwater conservation districts (GCDs) created within Collin, Cooke, Dallas, Denton, Ellis, Fannin, Grayson, Hood, Johnson, Montague, Parker, Tarrant and Wise counties would have the necessary authority to address the groundwater problems identified in the area, and financing groundwater management activities through well production fees is concluded to be the most viable alternative. A regional groundwater conservation district for these counties would include the greatest areal extent of the Trinity and Woodbine aquifers experiencing supply problems and would be the most cost effective. From a resource protection perspective, this option would be the most efficient by allowing for a single groundwater management program that would assure consistency across the area, providing a central groundwater management entity for decision-making purposes, and simplifying groundwater management planning responsibilities related to Groundwater Management Area #8.

The remote rural water suppliers; individual businesses, industries, or homeowners; and small municipalities of these counties would benefit from groundwater management programs for the Trinity and Woodbine aquifers. GCD programs with goals: to quantify groundwater availability and quality and understand aquifer characteristics; to identify groundwater problems that should be addressed through aquifer- and area-specific research, monitoring, data collection, assessment, and education programs; to quantify aquifer impacts from pumpage and establish an overall understanding of groundwater use through a comprehensive water well inventory, registration, and permitting program; and, to evaluate and understand aquifers sufficiently to establish spacing regulations to minimize drawdown of water levels and to prevent interference among neighboring wells would benefit groundwater users in these counties.

It is recommended that a regional, fee funded groundwater conservation district for the preservation of the Trinity and Woodbine aquifers in Collin, Cooke, Dallas, Denton, Ellis, Fannin, Grayson, Hood, Johnson, Montague, Parker, Tarrant and Wise counties represents the most feasible, economic, and practicable option for protection and management of the groundwater resources.

The use and application of the permissive authority granted to municipal and county platting authorities to require groundwater availability certification under the Local Government Code can also be an effective tool to help ensure that residents of new subdivisions with homes that will rely on individual wells will have adequate groundwater resources. It is recommended that local governments consider using this groundwater management tool to address water supply concerns in rapidly developing areas.

January 24, 2007

VIA E-MAIL KMILLS@TCEQ.STATE.TX.US

Mr. Kelly Mills, P.G.
Senior Staff Geologist
Texas Commission on Environmental Quality MC-147
P. O. Box 13087
Austin TX 78711-3087

RE: Notice of Draft Report Availability and Request for Comments
Priority Groundwater Management Area in North Central Texas – Trinity and Woodbine Aquifers

Dear Mr. Mills:

The City of Sherman recently received the notice of the draft report that you and the Texas Commission on Environmental Quality (TCEQ) staff prepared relating to the Trinity and Woodbine aquifers in North Central Texas. Our notice was received on December 21, 2006. The date you have established for a response (January 31, 2007) does not afford the City an adequate amount of time to review the report and to answer in a responsible manner. I am sure you can appreciate that the recent holiday season and inclement weather has made it difficult to have time to discuss this matter with our council, as well as other water providers in Grayson County.

You may already know that Sherman has been a leader in groundwater conservation for the past 35 years, beginning in 1972 when we commissioned our own groundwater report to determine how to conserve and extend the groundwater in our area. It was at that time we began the long and expensive effort to convert to surface water. The efforts culminated in the conversion of a portion of the City to surface water in 1993. Since then, we have reduced our groundwater consumption from 10-11 MGD to an average of 4.4 MGD last year, which was an extremely dry year. As the largest groundwater producer in Grayson County, I think this demonstrates our awareness and efforts to conserve our groundwater.

The City of Sherman has, through our foresight and planning, been able to develop a surface water supply from Lake Texoma. The City currently has an available surface water supply of approximately 25 MGD. The City is anxious to pursue opportunities to provide surface water supplies to other water users in Grayson County and has had some conversations with water suppliers who realize they will have future water demands exceeding groundwater capability in the area.

A subject as important as groundwater conservation deserves more time than you have allotted for us to respond. I respectfully request that this comment period be extended for a 180-day period to allow the City to meet with your staff to review some information we believe may have been omitted from the report. We expect to have a formal resolution on our February 5, 2007, City Council meeting requesting the extension of the comment period. This letter is intended to comply with your January 31st deadline.

Respectfully submitted,

L. Scott Wall

L. Scott Wall
City Manager

LSW:pc

mc: The Honorable Mayor and Council Members of the City of Sherman
The Honorable Craig Estes, Senator
The Honorable Larry Phillips, Representative
Mr. Glenn Shankle, Executive Director, TCEQ MC-109
Mr. Steven P. Musick, Leader, Groundwater Planning and Assessment Team
(E-mail smusick@tceq.state.tx.us)
Mr. Jerry Chapman, GTUA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 31, 2007

Mr. L. Scott Wall, City Manager
City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106

Re: Extension of Comment Period

Dear Mr. Wall:

Thank you for your January 24, 2007 letter on behalf of the City of Sherman requesting additional time to consider and comment on the draft *Update Evaluation for the North-Central, Trinity and Woodbine Aquifer, Priority Groundwater Management Study Area* report. I have shared your request with Mr. Michael Cowan, Director, Water Supply Division

Based upon your request, and numerous other similar requests made by other elected officials from Cooke, Grayson and Fannin counties, Mr. Cowan has determined that an additional 90 days for water stakeholders to review and provide comments and feedback to the Executive Director of the Texas Commission on Environmental Quality (TCEQ) will benefit the report and will still allow the Water Supply Division to complete and file the report in a timely manner. A subsequent notice regarding the extension of the comment period will be mailed to you and the other water stakeholders in the 20-county study area, noting that the Executive Director will now welcome written comments received by April 30, 2007.

As before, written comments regarding the draft report may be directed to me at TCEQ, MC-147, P.O. Box 13087, Austin, Texas 78711-3087, or via email at kmills@tceq.state.tx.us. All written comments received will be placed in the TCEQ's official files. Please contact me at 512.239.4512 or Steven Musick, Leader, Groundwater Planning and Assessment Team at 512.239.5552 or smusick@tceq.state.tx.us if you have additional questions or requests regarding the report.

Sincerely,

Kelly Mills

Kelly Mills, P.G., Sr. Staff Geologist
Water Supply Division

KWM/kwm

TEXAS HOUSE OF REPRESENTATIVES

CAPITOL ADDRESS:
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910

(512) 463-0297 CAPITOL
(903) 891-7297 DISTRICT
(512) 463-1561 FAX
LARRY.PHILLIPS@HOUSE.STATE.TX.US

LARRY PHILLIPS
DISTRICT 62

January 30, 2007

L. Scott Wall
City Manager
City of Sherman
P.O. Box 1106
Sherman, TX 75091-1106

Dear Mr. Wall:

Thank you for copying me on your letter to Mr. Mills regarding TCEQ's draft report on groundwater issues in the North Central Texas region. I have contacted the commission, and it is my understanding that the comment period for this draft has now been extended to 90 days.

I have heard from many other local governments, and I understand that a proposed groundwater district deserves careful consideration. I realize that this issue is best handled by the individual communities affected by the proposed groundwater district, as they are more knowledgeable about the local water needs and use, but am willing to assist as I can.

I will continue to follow this proposal closely over the next several months. If I can be of assistance, please do not hesitate to contact me.

Best regards,

Larry Phillips

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.2

**** RESOLUTION NO. 4964***

Authorizing Execution of a Joint Election Agreement with the City of Sherman and the Sherman Independent School District to Hold a Joint Election on May 12, 2007

Issue

To approve an agreement for a Joint Election between the City of Sherman and the Sherman Independent School District on May 12, 2007

Background

For the past several years, the City of Sherman and the Sherman Independent School District have joined together to combine their regular elections to make it easier for citizen participation. The joint agreement allows for one ballot and combines many of the postings, advertisements, and early voting requirements that are involved in an election.

Origination

The resolution originated with the City Clerk's Office.

Financial Consideration

The joint election allows the entities to divide most of the costs for the election. Last year's election cost was approximately $17,000.00. With a joint election, the entities split most of the costs, resulting in a lower cost to everyone.

Staff Recommendation

It is recommended that the City Council approve the Joint Election Agreement.

Alternatives

The alternative is for each entity to conduct its own Regular Election.

Attachments

Resolution No. 4964
Joint Election Agreement with the Sherman Independent School District

Prepared by:
Linda Ashby, City Clerk

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4964

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT WITH THE CITY OF SHERMAN AND THE SHERMAN INDEPENDENT SCHOOL DISTRICT TO HOLD A JOINT ELECTION ON MAY 12, 2007; 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 all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with the Sherman Independent School District to hold a joint election on May 12, 2007, in accordance with the terms and provisions of the agreement 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 ________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

JOINT ELECTION AGREEMENT

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

PARTIES

THIS AGREEMENT is entered into by and between the **CITY OF SHERMAN** (CITY), and the **SHERMAN INDEPENDENT SCHOOL DISTRICT** (SISD) under the authority of Section 271 of the Texas Election Code.

PURPOSE

CITY and SISD hereby contract and agree to hold a joint election on the 12th day of May, 2007, and thereby reduce their costs, expenses and manpower requirements.

DESIGNATION OF POLLING PLACES

CITY and SISD shall designate, secure, and share common polling places.

COMMON BALLOT

CITY and SISD shall share a common ballot, wherever possible.

SUPPLIES AND EQUIPMENT

CITY shall procure and distribute the necessary election supplies and equipment including, but not limited to (1) ballots, (2) election kits, (3) ballot boxes, (4) voting booths, (5) transportation of such supplies and equipment, (6) direct recording equipment (DRE's) and (7) vote tabulators. CITY and SISD shall each pay for one-half (1/2) of all such related costs and expenses and each shall maintain those items in its care in a safe and secure manner.

JOINT ELECTION CLERKS

The City Clerk and the SISD Superintendents Secretary shall serve as Joint Election Clerks for the election. Each will be custodian of records for their particular entity. Forms and records for the election will be combined wherever possible and stored jointly. In instances where common ballots are used, the City Clerk will serve as custodian for those common ballots and common records.

PAYMENT OF ELECTION JUDGES, CLERKS AND WORKERS

CITY will be responsible for appointing all election judges, clerks, and workers necessary for this joint election. CITY and SISD shall each be responsible for and shall pay for one-half (1/2) of all such costs and expenses of the election judges, clerks, and workers for the joint election.

ELECTION SCHOOL

The CITY will conduct the Election School training. CITY shall notify all election judges, clerks, assistants and alternates of the date, time, and place of the election school training.

LEGAL NOTICES

CITY and SISD shall be responsible for publishing their own legal notices for this election at their own expense.

EARLY VOTING

Early Voting shall be held during the period of April 30, 2007, through May 8, 2007.

CITY and SISD shall each appoint their own Regular Early Voting Clerk, who may receive requests for an Early Voting mail ballot, mail an application for such ballot, verify qualifications to vote as stated on the application, mail a ballot to the applicant, receive the mailed-in ballot, verify the information appearing on the outside of the Early Voting mail ballot envelope, and deliver the ballot to the Joint Election Early Voting Clerk.

The CITY'S Regular Early Voting Clerk is hereby appointed and shall serve as the Joint Early Voting Clerk. The Joint Early Voting Clerk shall conduct and supervise the Early Voting procedures of those individuals making an Early Vote by personal appearance, receive the mailed-in Early Voting ballots from the Regular Early Voting Clerk, verify the information appearing on the outside of the Early Voting mail ballot envelope, and deposit them in the ballot box.

CANVASSING THE RETURNS

CITY and SISD shall be responsible for canvassing their own returns at their own expense.

RECOUNTS

CITY and SISD will be responsible for conducting their own recounts, if necessary. The City Clerk shall provide any necessary election information required for the recount.

U. S. JUSTICE DEPARTMENT PRECLEARANCE

It shall be the responsibility of CITY and SISD to obtain their own preclearance from the U.S. Justice Department for this election, if necessary, at their own expense.

CANCELLATION OF ELECTION

Should CITY or SISD cancel their election, then, in that event, the canceling party shall be responsible for and timely pay all costs and expenses attributable to them and incurred on their behalf through the date of cancellation together with all costs and expenses incurred and attributable to them after the date of cancellation that were not subsequently abated.

SPECIAL COMPENSATION

Should either CITY or SISD cancel their election and their employees continue to work the election for the non-canceling parties, then, in that event only, the canceling party shall receive just compensation for their employees' services rendered to the non-canceling parties. The compensation to be paid shall be determined by calculating the employees' per hour salary based upon their current gross salary for a forty (40) hour week and multiplying that per hour amount by the number of hours they continued to work. Each employee shall submit a weekly account of the hours worked for the previous week to their full-time employer and to the non-canceling parties.

BINDING AUTHORITY

By their signatures below, the individuals represent that they have express authority to enter into this agreement.

EFFECTIVE DATE

This agreement shall become effective upon its signing and approval of the respective City Council and SISD Board of Trustees.

LAST SIGNED this the _______ day of ____________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________
BILL MAGERS
MAYOR

ATTEST:

BY: ______________________
LINDA ASHBY
CITY CLERK

SHERMAN INDEPENDENT SCHOOL DISTRICT

BY: ______________________
SUE FRAZIER
BOARD PRESIDENT

ATTEST:

BY: ______________________
DEBBIE SMITH
BOARD SECRETARY

APPROVED:

____
DOREEN E. MCGOOKEY
CITY ATTORNEY

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.3

RESOLUTION NO. 4965
Authorizing Acceptance and Execution of an Agreement with the Texas Department of Transportation for an Aviation Division Routine Airport Maintenance Program (RAMP) Grant for the Sherman Municipal Airport

Issue
To authorize the acceptance of Texas Department of Transportation-Aviation Division (TxDOT Aviation) Routine Airport Maintenance Program (RAMP) grant for $60,000

Background
Each fiscal year, TxDOT Aviation offers maintenance assistance funds to all Texas airports through a 50/50 reimbursement grant program. This program has provided considerable assistance to the Sherman Municipal Airport in our efforts to meet TxDOT Aviation and Federal Aviation Agency (FAA) safety and operational requirements. This year, there are several projects that could be accomplished with the addition of these funds:

- Construct approximately 2,000' of chain-link perimeter security fence
- Construct a pitched roof over (leaking) flat roof on office/classroom lease space
- Trim trees in the various runway safety zones per FAA requirements

Origination
The Department of Public Works and Engineering

Financial Consideration
The local share required in the TxDOT Aviation agreement ($30,000.00) was budgeted for Fiscal Year (FY) 2006/2007. It was necessary to budget $60,000.00 because TxDOT's program requires the City to pay all applicable bills and then submit them for reimbursement.

Staff Recommendation
Approve authorization of the TxDOT Aviation grant for FY 2006/2007

Alternatives
As may be recommended by the City Council

Attachments
Resolution No. 4965
TxDOT Correspondence and Aviation Agreement

Prepared by:
Jeffrey R. Miller,
Director of Public Works & Engineering

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4965

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING ACCEPTANCE AND EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN AVIATION DIVISION ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT FOR THE SHERMAN MUNICIPAL AIRPORT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all documents being properly completed and approved as to form and content by the City Attorney, to accept and execute a grant agreement with the Texas Department of Transportation on behalf of the State of Texas, for routine airport maintenance at the Sherman Municipal Airport, in accordance with the terms and provisions of the grant agreement attached hereto and incorporated herein as if set forth in its entirety.

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

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

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

Texas Department of Transportation

AVIATION DIVISION

125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • 512/416-4500 • FAX 512/416-4510

December 4, 2006

Mr. Jeff Miller
Director of Public Services, City of Sherman
100 S. Rusk
Sherman, Texas 75090

TxDOT Project No.: AM 2007SHRMN
TxDOT CSJ No.: M701SHRMN

Dear Mr. Miller:

Enclosed are several documents that must be completed by the City of Sherman in order to initiate the fiscal year 2007 routine maintenance grant for the Sherman Municipal Airport, TxDOT CSJ Number M701SHRMN. Please review the instructions in this transmittal letter for completing the documents and **return the accepted agreements as soon as possible but not later than January 12, 2007. A notice to proceed for the work may not be issued until this grant is fully executed.** We are most pleased to provide any assistance possible to help complete this project in a timely manner.

Enclosed are two copies of the Grant for Routine Airport Maintenance Program between the City of Sherman, as airport sponsor, and the Texas Department of Transportation. The grant agreement contains three additional Certifications - Attachment A – Scope of Services, Certification of Airport Fund, Designation of Sponsor's Authorized Representative. We request that you proceed as expeditiously as possible to execute the Agreement and complete the Certifications. It will be necessary for your attorney to endorse your acceptance of the Agreement to assure that it has been accepted in accordance with local laws. Both copies of the Agreement and Certifications should have original signatures for acceptance.

Please return both copies of the fully signed and witnessed documents to the Texas Department of Transportation - Aviation Division, 125 E. 11th Street, Austin, Texas 78701-2483.

It is our understanding that the City of Sherman will procure the services required for the work as described on Attachment A of the Agreement and will request reimbursement for 50% of the actual eligible costs from the State. If you have questions concerning the enclosed documents, please contact me at 1-800-687-4568. The Texas Department of Transportation looks forward to working with you on the maintenance work for your community's airport.

Sincerely,

Megan Caffall
Grant Manager

cc: Stacy Hatcher, Paris District
Enclosures

TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM

(State Assisted Airport Routine Maintenance)

TxDOT Project No.: AM 2007SHRMN
TxDOT CSJ No.: M701SHRMN

Part I - Identification of the Project

TO: The City of Sherman, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Sherman, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code, Chapter 21.

The project is for **airport maintenance** at the Sherman Municipal Airport.

Part II - Offer of Financial Assistance

1. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

   State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for fifty percent (50%) of the eligible project costs for this project or $50,000.00, which ever is less, per fiscal year and subject to availability of state appropriations.

   The Sponsor may request the State to provide mowing services, services to be provided at the discretion of the State. However, mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of costs of any mowing services.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2007, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

   It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding .

   The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

   Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

   The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.

5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 50% of allowable charges.

   The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:

   a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and

   b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and

   c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and

   d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and

   e. it shall not enter into any agreement nor permit any aircraft to gain direct ground access to the sponsor's airport from private property adjacent to or in the immediate area of the airport. Further, Sponsor shall not allow aircraft direct ground access to private property. Sponsor shall be subject to this prohibition, commonly known as a "through-the-fence operation," unless an exception is granted in writing by the State due to extreme circumstances; and

   f. it shall not permit non-aeronautical use of airport facilities without prior approval of the State; and

   g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and

h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and

i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or a properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or any other revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent approval of a grant or loan, Sponsor has complied with the requirements of this subparagraph; and

j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and

k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain avigation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.

2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.

3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

   If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.

5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the City and/or County. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.

6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.

7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

PART IV - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.

2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:

   a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;

   b. enter into contracts as necessary for execution of scope of services;

   c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;

   d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;

   e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

   f. reimburse sponsor for approved contract maintenance costs no more than once a month.

PART V - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.

2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.

3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.

   a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.

   b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.

4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.

5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.

6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VI - Acceptances

Sponsor

The City of Sherman, Texas, does ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

Executed this _________ day of __________________, 20___.

City of Sherman, Texas
Sponsor

Witness Signature	Sponsor Signature
Witness Title	Sponsor Title

Certificate of Attorney

I, _________________________, acting as attorney for __________________________, Texas, do certify that I have fully examined the Grant and the proceedings taken by the Sponsor relating to the acceptance of the Grant, and find that the manner of acceptance and execution of the Grant by the Sponsor, is in accordance with the laws of the State of Texas.

Dated at ____________________, Texas, this ______ day of _________________, 20___.

Witness Signature	Attorney's Signature
Witness Title	

Acceptance of the State

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS
TEXAS DEPARTMENT OF TRANSPORTATION

By:________________________________

Date:________________________________

Attachment A
Scope of Services

TxDOT CSJ No.:M701SHRMN

Eligible Scope Items:	Estimated Costs	State Share	Sponsor Share
	Amount A	Amount B	Amount C
PAVEMENTS	$0.00	$0.00	$0.00
GENERAL MAINTENANCE	$0.00	$0.00	$0.00
PAVEMENT MARKINGS	$0.00	$0.00	$0.00
GRADING/DRAINAGE	$0.00	$0.00	$0.00
MISCELLANEOUS	$60,000.00	$30,000.00	$30,000.00
Total	$60,000.00	$30,000.00	$30,000.00

Accepted by: City of Sherman, Texas

____
Signature

Title:______________________________

Date:______________________________

Notes: (explanations of any specifications or variances as needed for above scope items)_______

MISCELLANEOUS – Sponsor to contract for improvement of 2000 feet of existing perimeter fencing, tree trimming in RSA and RPZ, construction of pitched roof on existing airport owned T-Hangar

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT CSJ No.: M701SHRMN

The City of Sherman does certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

The City of Sherman, Texas
(Sponsor)

By:________________________________

Title:______________________________

Date:______________________________

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT CSJ Number: M701SHRMN

The City of Sherman designates, ______________________________________
(Name, Title)
as the Sponsor's authorized representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

City of Sherman, Texas
(Sponsor)

By:___________________________________

Title:_________________________________

Date:_________________________________

DESIGNATED REPRESENTATIVE

Mailing Address:______________________________

____

____

Overnight Mailing Address:_____________________

____

____

Telephone/Fax Number:________________________

____

Email address (if available):____________________

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.4

**** RESOLUTION NO. 4966***
Awarding a Bid to and Authorizing Execution of a Contract with Dun-All Cleaning for Park Restroom Cleaning Services

Issue
To consider an award of bid to Dun-All Cleaning of Sherman, Texas for a nine (9) month contract for the nightly cleaning of six (6) public restrooms and emergency call-out services for specific restrooms located in various City parks

Background
During the 2006-2007 budget planning session, the Sherman City Council authorized the allocation of $42,000.00 to provide for all-inclusive janitorial services, nightly locking and emergency call-out services for six (6) City of Sherman park restrooms each day of the week for nine (9) months of the year (March – November). Park restrooms include: Fairview Park (2), Hawn Park, Herman Baker Park, Old Settlers Park, and Martin Luther King, Jr. Park. These services were appropriately advertised; and bids were opened on January 30, 2007.

Origination
Sherman City Council

Financial Consideration
Adequate funds have been budgeted with a total allocation of $42,000.00 for these services. Four (4) qualified bids were received, with Dun-All Cleaning of Sherman submitting the lowest bid in the amount of $25,700.00.

Staff Recommendation
It is recommended that the Sherman City Council approve the contract with Dun-All Cleaning of Sherman, Texas in the amount of $25,700.00, and authorize the City Manager to execute the required contract documents.

Alternatives
As directed by the Sherman City Council

Attachments
Bid Tabulation; Resolution No. 4966; and Contract

Prepared by:
George Olson, Director of
Community Services/Maintenance

Approved by:
L. Scott Wall, City Manager

Bid Tabulation

Park Restroom Cleaning Services
January 30, 2007
2:00 p.m.

Company	Bid Amount	Call-Out	References	Insurance
Wall to Wall Cleaning	$35,000.00	$50.00/per	√	√
Dee's Cleaning	$40,621.50	$100.00/per	√	√
Dun-All Cleaning	$25,700.00	$ 0/per	√	√
Members, LTD	$45,000.00	$60.00	√	√

RESOLUTION NO. 4966

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH DUN-ALL CLEANING FOR PARK RESTROOM CLEANING SERVICES; 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 Dun-All Cleaning of Sherman, Texas, is hereby awarded the bid in the total amount of $25,700.00 for park restroom cleaning services 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 Dun-All Cleaning for said services, in accordance with the terms and conditions of 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 ________________, 2007.

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

CONTRACT FOR PARK RESTROOM CLEANING SERVICES

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

This Contract, made and entered into by and between the **CITY OF SHERMAN**, a municipal corporation of the State of Texas, hereinafter referred to as "CITY", and **DUN-ALL CLEANING**, hereinafter referred to as "CONTRACTOR",

W I T N E S S E T H:

WHEREAS, the CITY has advertised that proposals would be received for the furnishing of all labor, tools, cleaning materials, insurance, bonds, supervision and any other items necessary and required for the following: Park restroom cleaning services for six public restrooms and emergency call-out services for specific restrooms. The restrooms to be serviced are at the following locations: Fairview Park (2), Hawn Park, Herman Baker Park, Old Settlers Park, and Martin Luther King Jr. Park located in the City of Sherman, Grayson County, Texas, in accordance with the detailed specifications attached hereto and made a part hereof for all purposes.

WHEREAS, said CONTRACTOR has submitted the lowest responsive, responsible bid in reply to said advertisement;

NOW, THEREFORE, in consideration of the compensation to be paid the CONTRACTOR and the mutual covenants contained herein, the parties agree as follows:

I.

Reference is hereby made to the specifications and requirements of the Advertisement for Bids prepared by the CITY and the Bid Proposal submitted by the CONTRACTOR on January 30th, 2007, in answer to CITY'S Advertisement for Bids. All of the specifications and requirements of CITY and the CONTRACTOR'S proposal are incorporated herein and made a part hereof for all purposes and attached hereto as Exhibit "A.".

II.

CONTRACTOR shall perform cleaning services of the above-described, as required by the specifications, during the contract period which shall begin on March 1, 2007, and end on November 30, 2007, it being understood that time shall be of the essence of this contract. CITY reserves the option to renew the contract for one (1) additional two (2) year period, at the same terms and conditions, from the contract expiration date provided that CITY and CONTRACTOR agree, in writing. The renewal would be for March through November in 2008 and 2009.

III.

All work to be performed hereunder shall be done in a good and workmanlike manner so as to receive the approval of the CITY.

IV.

In consideration of the cleaning services authorized hereby, the CITY shall pay CONTRACTOR the total sum of TWENTY-FIVE THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS ($25,700.00). The contract services pay schedule will be twice monthly with procedures for invoicing established by the City and the Contractor. CONTRACTOR agrees that no charges will be assessed against the CITY for restroom "call out" services, as specified in the Bid Proposal and CONTRACTOR'S Bid Form.

V.

Work which fails to meet the quality control standards established in the bid specs will be brought to the attention of the CONTRACTOR. Failure by the CONTRACTOR to take correction action within a reasonable time frame will result in the work being done by others and costs charged to the CONTRACTOR. In the event the CONTRACTOR habitually fails to meet said standards, the CITY reserves the right to terminate this contract without further notice and without liability and to liquidate the CONTRACTOR'S performance bond.

VI.

INDEMNIFICATION AND DUTY TO DEFEND

1. CONTRACTOR agrees to defend, indemnify and hold CITY, its officers, agents

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

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

3. This indemnification and duty to defend is subject to and does not waive any governmental immunity available to the CITY under Texas law, and any defenses of the

parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

VII.

CITY may in its discretion apply any monies owed to CONTRACTOR under this agreement, in partial or complete satisfaction of any property taxes due or other monies owed CITY, which are or become delinquent during the term of this contract.

This agreement may not be changed, revised, or altered, except by an instrument in writing duly executed on behalf of the CITY and by the CONTRACTOR. CONTRACTOR shall not assign this Contract without the prior written consent of the CITY.

CONTRACTOR shall perform the work under this Contract as an independent contractor and not as an employee of the City. The City has no right to supervise, direct, or control the CONTRACTOR or CONTRACTOR'S officers or employees in the means, methods, or details of the work to be performed by CONTRACTOR under this Contract. The City and CONTRACTOR agree that the work performed under this Contract is not inherently dangerous, that CONTRACTOR will perform the work in a workmanlike manner, and that CONTRACTOR will take proper care and precautions to insure the safety of CONTRACTOR'S officers and employees.

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

IN TESTIMONY WHEREOF, this instrument, in duplicate originals of equal force, has been executed on behalf of Dun-All Cleaning and on behalf of the City of Sherman by its City Manager and attested by its City Clerk, effective this the ______ day of ________________, 2007.

CITY OF SHERMAN

BY: ___________________________

L. SCOTT WALL,
CITY MANAGER

ATTEST:

____

LINDA ASHBY,
CITY CLERK

APPROVED:

____

DOREEN E. MCGOOKEY,
CITY ATTORNEY

DUN-ALL CLEANING

BY: Melvin Dunlap

NAME: **MELVIN DUNLAP, OWNER**
ADDRESS: **1909 N. WOOD**
SHERMAN, TX 75092
PHONE: **(903) 868-8080 or (903)821-5248**

ATTEST:

Sworn to and Subscribed before me, the undersigned Notary Public, on the ______ day of ________________, 2007, to which witness my hand and official seal.

BY: ________________________
Notary Public

Commission Expires: ____________________________

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.5

**** RESOLUTION NO. 4967***
Awarding a Bid to and Authorizing Execution of a Contract with Howard Construction, Inc. for the Dexter Street Water Main Replacement

Issue
Awarding a bid to and authorizing execution of a contract with Howard Construction, Inc. for the construction of the Dexter Street Water Main Replacement

Background
The current Capital Improvement Program (CIP) contains a project to replace and upsize the Dexter Street Water Main from Travis Street to Woods Street, and along Woods Street between Dexter Street and Burton Street. Five (5) bidders responded to the request for bids. A bid tabulation is attached.

Origination
Department of Utilities Administration

Financial Consideration
This year's CIP includes $76,000.00 budgeted for this project. Excess funds from other CIP projects will be utilized with the programmed funds to finance the project in the amount of $134,625.00.

Staff Recommendation
It is recommended that the contract for the construction of the Dexter Street Water Main Replacement be awarded to the low bidder, Howard Construction Inc., in the amount of $134,625.00, and that the City Manager be authorized to execute the required contract documents.

Alternatives
As may be directed by the City Council

Attachments
Resolution No.4967; Contract; Engineer's Recommendation; Bid Tabulation; Location Map

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4967

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH HOWARD CONSTRUCTION, INC. FOR THE DEXTER STREET WATER MAIN REPLACEMENT; 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 Howard Construction, Inc. is hereby awarded the bid in the total amount of $134,625.00, without change orders, for the Dexter Street water main replacement and that the City Manager be and is hereby authorized and directed, subject to all contract documents being property completed and approved as to form and content by the City Attorney, to execute a contract with Howard Construction, Inc. for the Dexter Street water main replacement, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

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

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

CITY OF SHERMAN, TEXAS

BY: ______________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ______________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ______________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

CITY OF SHERMAN §
COUNTY OF GRAYSON §

CONTRACT
BETWEEN THE CITY OF SHERMAN AND THE CONTRACTOR

THIS AGREEMENT is by and between the **CITY OF SHERMAN** ("CITY" or "OWNER") and **HOWARD CONSTRUCTION, INC.** ("CONTRACTOR").

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

ARTICLE 1 - PROJECT

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

12" Waterline in Dexter Street for the City of Sherman

This Project will be completed with change orders and all extra work in connection with the project, as described in the contract documents, shall be at the CONTRACTOR'S sole cost and expense for all the materials, supplies, machinery, equipment, tools, superintendence, labor, necessary and customary insurance, and other accessories and services necessary to complete the Project in accordance with the Contract Documents.

ARTICLE 2 – INDEPENDENT CONTRACTOR

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

ARTICLE 3 - CONTRACT TIMES

3.01 *Commencement of Contract*

A. CONTRACTOR agrees to commence work under this Contract within ten (10) calendar days of the specified in the written "Notice to Proceed" of the CITY and to fully complete the contract within ninety (90) calendar days following the specified date unless the period for completion is otherwise extended by this Contract.

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

3.02 *Liquidated Damages*

A. CONTRACTOR and CITY recognize that time is of the essence of this Contract and that CITY will suffer loss that is difficult to calculate if the Work is not completed within the times specified in paragraph 3.01 above, plus any extensions thereof allowed pursuant the Contract. The parties also recognize the expense, and difficulties involved with a delay make it impossible to evaluate the actual loss suffered by CITY due to the nature of this project if the Work is not completed on time. Accordingly, CITY and CONTRACTOR agree that as liquidated damages for the delay (but not as a penalty), CONTRACTOR shall pay CITY $50.00 for each calendar day that expires after the time in this Contract for completion of the work, unless extended by the parties. The parties agree that the amount of $50.00 per calendar day represents a fair and reasonable estimate of the CITY'S damages.

ARTICLE 4 - CONTRACT PRICE/CONSIDERATION

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

A. For all Project work, a total Sum of:

One hundred Thirty-Four Thousand Six Hundred Twenty-Five Dollars ($134,625.00)
(use words) (figure)

B. If the payment for the Project is based on Unit Pricing, the Contract Price shall be as set forth in the Unit Pricing portion of the Proposal.

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

ARTICLE 5 - PAYMENT PROCEDURES

5.01 *Submittal and Processing of Payments*

A. CONTRACTOR shall submit Applications for Payment in accordance with Section 19 of the General Conditions. Applications for Payment will be processed by the ENGINEER (defined in Article 9 of this Contract) as provided in the General Conditions.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce CITY to enter into this Contract, CONTRACTOR makes the following representations:

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

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

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

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

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

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

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

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

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

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

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 *Contents*

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

1. This Contract
2. Advertisement for Bids
3. Information for Bidders
4. Bid
5. Bid Bond
6. General Conditions
7. Payment Bond

8. Performance Bond
9. Notice of Award
10. Notice to Proceed
11. Contractor's Certification and Guarantee
12. Consent of Surety Company to Final Payment
13. Special Conditions
14. Specifications: Section E and Section WP
15. Any Change Orders
16. Specifications prepared by Morris Engineers dated November 2006
17. Drawings prepared by Morris Engineers numbered 1 of 9 through 9 of 9, and dated November 2006
18. Addenda
    No. ________, dated ____________, 200___.

B. There are no Contract Documents other than those listed above in this Article 7.

C. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 9.09 of this Contract.

ARTICLE 8 – NOTICE

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

If intended for CITY to:	If intended for CONTRACTOR, to:
Designee: Mark Gibson, P.E.	Designee: ________________
Address: 220 W. Mulberry Sherman, Texas 75091	Address: ____________________ ____________________

ARTICLE 9 - MISCELLANEOUS

9.01 *Terms*

A. Terms used in this Contract will have the meanings indicated in the General Conditions.

B. In addition to the terms in the General Conditions, the term "ENGINEER" in this Contract shall mean a person or business entity designated as the ENGINEER by the City.

9.02 *Assignment of Contract*

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

9.03 *Successors and Assigns*

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

9.04 *Severability and Conflict*

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

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

9.05 *Captions*

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

9.06 *INDEMENITY AND DUTY TO DEFEND*

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

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

C. This indemnification and duty to defend is subject to and does not waive any governmental immunity available to the CITY under Texas law, and any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

D. Dispute Resolution Procedures.

The CONTRACTOR and the CITY desire an expeditious means to resolve any disputes that may arise between them regarding this Contract. If either party disputes any matter relating to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees

9.07 *Choice of Law: Venue.*

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

9.08 *Binding Authority*

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

9.09 *Entire Agreement*

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

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

This Contract will be effective on _______________, ______ (which is the Effective Date of the Contract).

CITY: **CITY OF SHERMAN, TEXAS**

____

By: ____________________________________
City Manager

Attest __________________________________
City Clerk

CONTRACTOR: **HOWARD CONSTRUCTION, INC.**

____

By: ____________________________________

Attest __________________________________
Notary Public

Commission Expires: ____________________

Agent for service of process: ______________

____

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign.)

Approved as to form and content:

____
Doreen E. McGookey
City Attorney

MORRIS ENGINEERS

January 30, 2007

Mark Gibson, P.E.
Director of Utilities
City of Sherman – Dept. of Engineering
P.O. Box 1106
Sherman, Texas 75091-0966

RE: 12" Waterline in Dexter Street for the City of Sherman
Recommendation of Award

Dear Mark,

Bids were accepted on January 10, 2007 for the construction of a 12" waterline in Dexter Street in Sherman. The bids were in response to an Advertisement for Bids dated December 8, 2006, which was published in the Herald-Democrat. Individual bidding notices were mailed to four (4) contractors. During the bidding period, five (5) potential bidders picked up plans and specifications. A total of five (5) bids were received. Enclosed is a tabulation of those bids.

The lowest bid was submitted by Howard Construction, Inc., of Ardmore, Oklahoma, for the bid amount of $134,625.00. I checked references provided on their Bidder Qualification Statement and received favorable responses. I believe Howard Construction, Inc. is a responsible and competent contractor; therefore, I am recommending that you award the project to them for the amount bid.

I have enclosed a Notice of Award for your use in so awarding the project. If you will sign, date, and return the notice to us, we will forward it to the contractor along with contracts for execution.

Please call me if you have any questions.

Sincerely,

Tim

Timothy L. Morris, P.E.

Enclosures: Bid Tab; Notice of Award

c: Howard Construction, Inc.
Project file

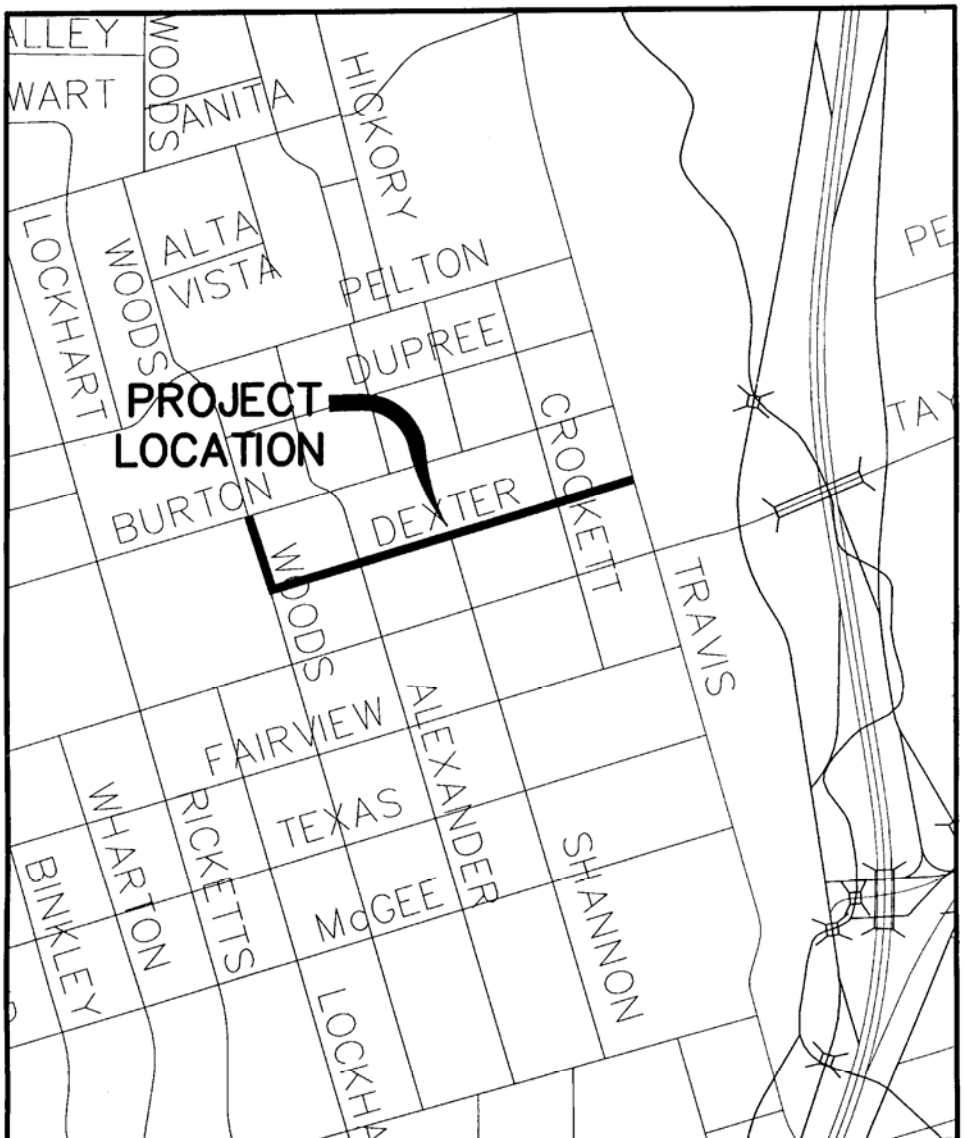
BID TABULATION

CITY OF SHERMAN

CONSTRUCTION OF 12" WATERLINE ON DEXTER STREET

BID OPENING: JANUARY 10, 2007 AT 10:00 AM

BIDDER	AMOUNT OF BID
Howard Construction, Inc. P.O. Box 1685 Ardmore, OK 73402	$134,625.00
Jerry Paul Higgins, Ltd. P.O. Box 1865 Sherman, TX 75091	$136,987.75
Bill Hazelwood, Inc. P.O. Box 966 Sherman, TX 75091	$155,803.35
Dickerson Construction P.O. Box 181 Celina, TX 75009	$196,770.00
Wilson Contractor Service 107 Bell Ave., Suite 3 Denton, TX 76201	$199,237.10



DEXTER STREET WATERMAIN REPLACEMENT

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.6

**** RESOLUTION NO. 4968***

Approving Greater Texoma Utility Authority to enter into a Contract with Morris Engineers for Engineering Services and Underwood Drafting and Surveying, Inc. for Surveying Services on the Lockhart Street Water Main Replacement Project

Issue

Approving Greater Texoma Utility Authority (GTUA) to enter into a contract with Morris Engineers for engineering services and Underwood Drafting and Surveying, Inc. for surveying services on the Lockhart Street Water Main Replacement Project

Background

The current Capital Improvement Program contains a project to replace the existing water main in two locations on Lockhart Street between Belden Street and Taylor Street and before Pelton Street and Lamberth Road. It is recommended that the engineering services be provided by Morris Engineers and the surveying services be provided by Underwood Drafting and Surveying.

Origination

Department of Utilities Administration

Financial Consideration

Funds for this expenditure are budgeted and available in bond monies issued through GTUA.

Staff Recommendation

It is recommended the City Council approve payment of these professional services in the amount of $20,770.00.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 4968
Location Map

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4968

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, APPROVING GREATER TEXOMA UTILITY AUTHORITY TO ENTER INTO A CONTRACT WITH MORRIS ENGINEERS FOR ENGINEERING SERVICES AND UNDERWOOD DRAFTING AND SURVEYING, INC. FOR SURVEYING SERVICES ON THE LOCKHART STREET WATER MAIN REPLACEMENT PROJECT; 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 approves Greater Texoma Utility Authority to enter into a contract with Morris Engineers for the Engineering Services and Underwood Drafting and Surveying, Inc. to provide surveying services on the Lockhart Street Water Main Replacement Project. The Engineering Services contract is in the amount of Fifteen Thousand Two Hundred Fifty Dollars ($15,250.00) and Surveying Services will be in the amount of Five Thousand Five Hundred Twenty Dollars ($5,520.00).

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

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

CITY OF SHERMAN, TEXAS

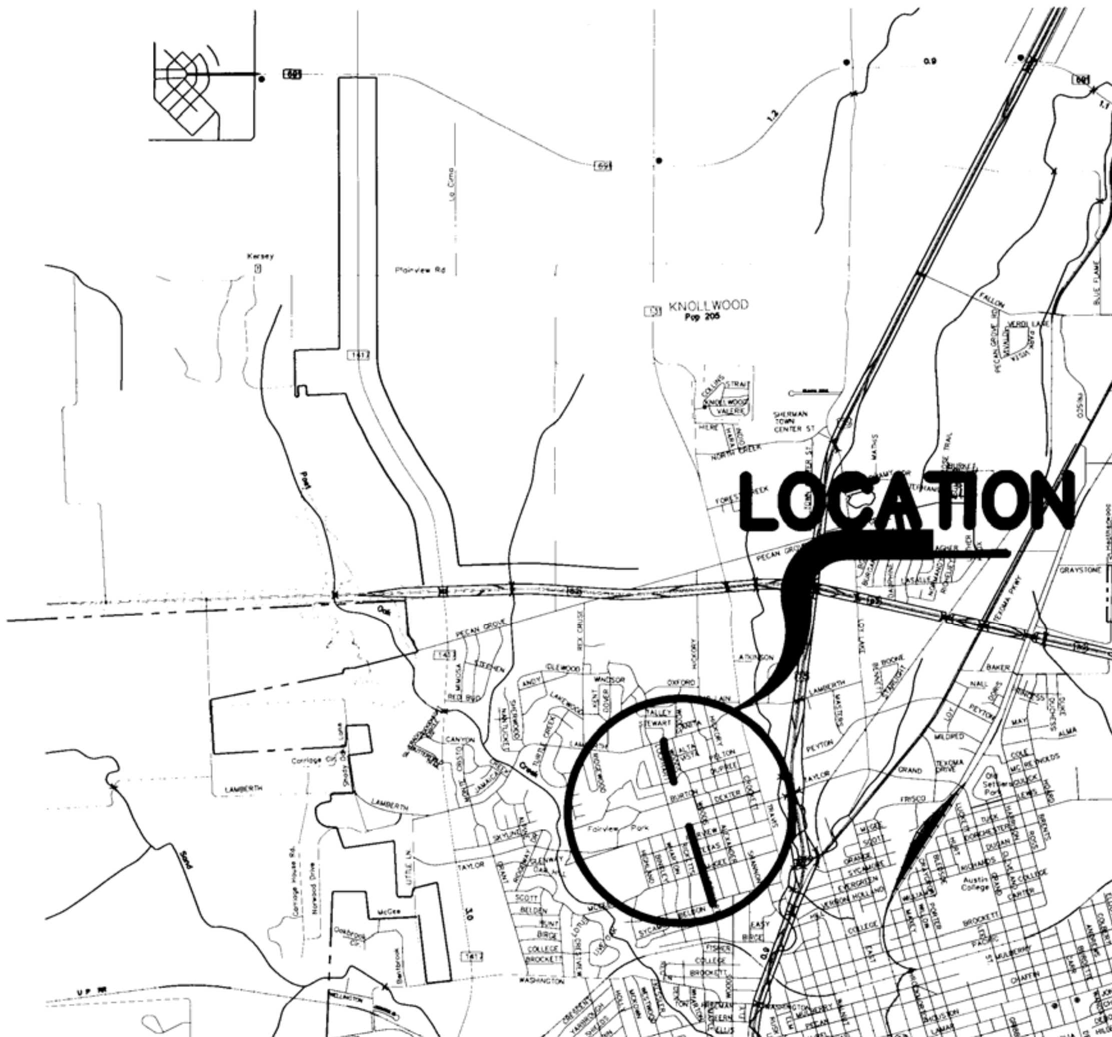
BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY



LOCKHART WATER LINE REPLACEMENT

N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.7

***RESOLUTION NO. 4969**

Abandoning a Twenty Foot (20') Drainage & Utility Easement located at Lots 1 and 2 of the Park Plaza Addition

Issue

To consider the abandonment of a 20’ wide drainage and utility easement dedicated by Braewood Development Corporation on September 21, 1987 (Vol. 1940, Pg. 640, D.R.G.C.T.) and located at Lots 1 and 2 of the Park Plaza Addition to the City of Sherman, Texas

Background

The existing sanitary sewer was not centered in the dedicated drainage and utility easement (Vol. 1940, Pg. 640, D.R.G.C.T.). A new drainage and utility easement centered on the existing sanitary sewer was dedicated on the Replat of Lot 1 & Lot 2, Park Place Addition to the City of Sherman, Texas.

Origination

Department of Public Works & Engineering

Financial Consideration

None

Staff Recommendation

Staff recommends approval of the new drainage and utility easement.

Alternatives

As may be directed by the City Council

Attachments

Resolution No. 4969
Exhibit “A” - Dedicated Easement
Field Notes
Replat of Lot 1 & Lot 2, Park Plaza Addition
Location Map

Prepared by:
Jeffrey R. Miller,
Director of Public Works and Engineering

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4969

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ABANDONING A CITY DRAINAGE AND UTILITY EASEMENT, VOLUME 1940, PAGE 60, BEING LOT 1 AND LOT 2 OF THE PARK PLAZA ADDITION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council is of the opinion that the abandoning, vacating and closing of said drainage and utility easement as depicted on the attached map is in the public interest and is approved.

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

SECTION 1. That the twenty foot (20') drainage and utility easement located on Lot 1 and Lot 2 of the Park Plaza Addition crossing as described and depicted in Exhibit "A", and attached hereto and made a part hereof for all purposes, is hereby extinguished, vacated, closed, and permanently abandoned as an easement for public utilities.

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

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

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: ________________________________
DOREEN E. MCGOOKEY,
CITY ATTORNEY

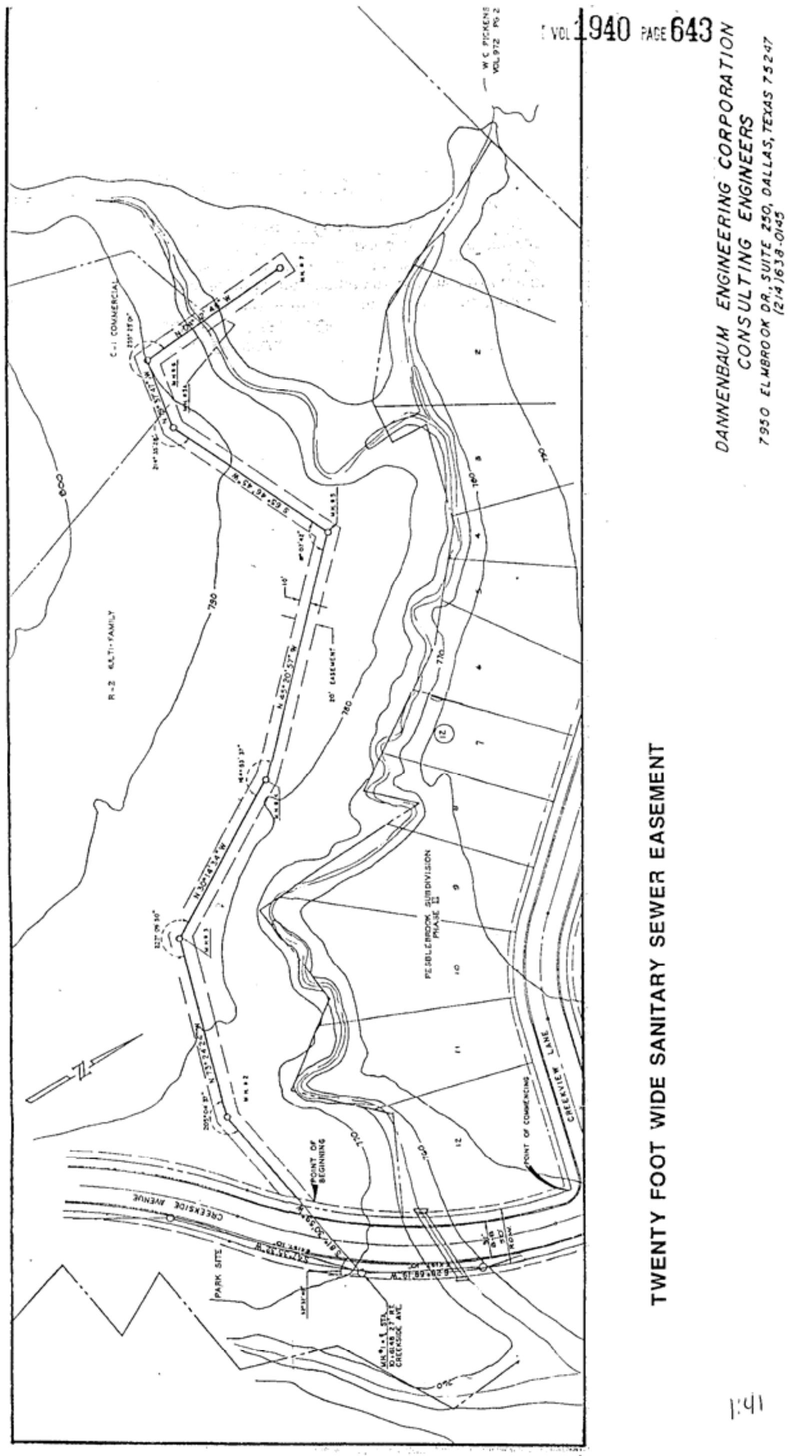

VOL 1940 PAGE 643
W C PICKENS
VOL 972 PG 2
DANNENBAUM ENGINEERING CORPORATION
CONSULTING ENGINEERS
7950 ELMBROOK DR, SUITE 250, DALLAS, TEXAS 75247
(214) 638-0145
TWENTY FOOT WIDE SANITARY SEWER EASEMENT
C-1 COMMERCIAL
R-2 MULTI-FAMILY
20' EASEMENT
PEBBLEBROOK SUBDIVISION PHASE II
CREEKVIEW LANE
CREEKSIDE AVENUE
POINT OF BEGINNING
POINT OF COMMENCING
PARK SITE

EXHIBIT "A"

CC215 EASEMENT

VOL 1940 PAGE 640 16382

THE STATE OF TEXAS, } KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GRAYSON

THAT Braewood Development Corp

of Irving, Texas, in consideration of the sum of

One Dollar ($1.00) and other good and valuable consideration

in hand paid by The City of Sherman receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto to The City of Sherman, the free and uninterrupted use, liberty and privilege of the passage in, along, upon and across the following described property, a 0.501 acre drainage and utility easement owned by Braewood Development Corp, Situated in Grayson County, Texas, in the Elizabeth Jones Survey, Abstract No. 625

See Attached

And it is further agreed that the said Braewood Development Corp, in consideration of the benefits above set out, will remove from the property above described, such fences, buildings and other obstructions as may now be found upon said property.

For the purpose of public utilities in, along, upon and across said premises, with the right and privilege at all times of the grantee herein, his or its agents, employees, workmen and representatives having ingress, egress, and regress in, along upon and across said premises for the purpose of making additions to, improvements on and repairs to the said any part thereof.

TO HAVE AND TO HOLD unto the said City of Sherman as aforesaid for the purposes aforesaid the premises above described.

Witness my hand, this the 21st day of Sept A.D. 19 87.

Thomas L. Rannels

VICE-PRESIDENT

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF Dallas

BEFORE ME, the undersigned authority, on this day personally appeared Thomas L. Tanner

known to me to be the person ...... whose name ...... subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 23 day of September, A.D. 19 87

(L.S.)

Kendall V. Holbert
Notary Public, in and for the State of Texas.
My Commission Expires 11-27-89

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF ....

BEFORE ME, the undersigned authority, on this day personally appeared ....

known to me to be the person ...... whose name ...... subscribed to the foregoing instrument, and acknowledged to me that ...... he ...... executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This .... day of ...., A.D. 19......

(L.S.)

....
Notary Public, in and for the State of Texas.
My Commission Expires ....

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF ....

BEFORE ME, the undersigned authority, on this day personally appeared .... 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 .... a corporation, and that he executed the same as the act 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. 19......

(L.S.)

....
Notary Public, in and for the State of Texas.
My Commission Expires ....

CLERK'S CERTIFICATE

THE STATE OF TEXAS,
COUNTY OF ....

I, ..., County Clerk of the County Court of said County, do hereby certify that the foregoing instrument of writing dated on the .... day of ...., A. D. 19......, with its Certificate of Authentication, was filed for record in my office on the .... day of ...., A. D. 19......, at ...... o'clock ...... M., and duly recorded this .... day of .... A. D. 19......, at ...... o'clock ...... M., in the .... Records of said County, in Volume ...., on pages ....

WITNESS MY HAND AND SEAL OF THE COUNTY COURT of said County, at office in ...., the day and year last above written.

(L. S.)

County Clerk .... County, Texas.
By ...., Deputy.

CC-215

No. ......

EASEMENT

FROM

TO

FILED FOR RECORD

this ...... day of .... A. D. 19......

at ...... o'clock ...... M.

County Clerk .... Co., Texas

By ...., Deputy.

RECORDED

.... A. D. 19......

in .... County Records,

Book ......, Page ......,

.... County Clerk.

.... Deputy.

Recording Fee $ ......

This instrument should be filed immediately with the County Clerk for record.

MARTIN Stationery Co., Dallas

0.501 ACRE DRAINAGE AND UTILITY EASEMENT

COMMENCING at a point being the southwest corner of the intersection of Creekside Avenue and Creekview Lane, situated in the Pebblebrook Subdivision, Phase II as recorded in Volume 8, Page 117, Plat Records, Grayson County, Texas;

THENCE South 15° 30′ 50" West a distance of 20.00 feet to a point at the beginning of a curve to the right having a central angle of 27° 28′ 44", a radius of 453.39 feet, a tangent length of 110.86 feet, and a chord bearing South 29° 15′ 12" West a chord distance of 215.37 feet;

THENCE along said curve a distance of 217.45 feet to a point;

THENCE North 47° 00′ 25" West a distance of 5.00 feet, being radial to previously mentioned curve, to a point on a 5.00 utility easement line and being the POINT OF BEGINNING of a twenty foot wide sanitary sewer easement, beginning a non-tangent curve to the right, having a central angle of 04° 18′ 39", a radius of 448.39 feet, a tangent length of 16.88 feet, and a chord bearing South 45° 08′ 54" West a chord distance of 33.73 feet;

THENCE along said curve a distance of 33.74 feet to a point;

THENCE South 81° 30′ 59" West a distance of 90.12 feet to a point;

THENCE North 73° 24′ 24" West a distance of 181.97 feet to a point;

THENCE North 30° 14′ 34" West a distance of 171.30 feet to a point;

THENCE North 45° 20′ 57" West a distance of 231.29 feet to a point;

THENCE South 65° 46′ 45" West a distance of 171.56 feet to a point;

THENCE North 79° 37′ 47" West a distance of 79.31 feet to a point;

THENCE North 04° 12′ 46" West a distance of 168.73 feet to a point;

THENCE North 85° 47′ 14" East a distance of 20.00 feet to a point;

THENCE South 04° 12′ 46" East a distance of 153.27 feet to a point;

THENCE South 79° 37′ 47" East a distance of 57.62 feet to a point;

THENCE North 65° 46′ 45" East a distance of 179.05 feet to a point;

THENCE South 45° 20′ 57" East a distance of 247.65 feet to a point;

THENCE South 30° 14′ 34" East a distance of 166.04 feet to a point;

THENCE South 73° 24′ 24" East a distance of 169.61 feet to a point:

THENCE North 81° 30′ 59" East a distance of 112.83 feet to the POINT OF BEGINNING and CONTAINING 21,810.5 square feet or 0.501 acres of land, more or less.

mb012;sz
1997-21;0501ac

625

Braewood Development Corp.

and

CITY of SHERMAN

EASEMENT: Drainage & Utility

SURVEY: Elizabeth Jones

ADDN: Abstract 625

RE: Pebblebrook Subdivision

EFF: 9/21/87

EXP: ______

FILED FOR RECORD

1987 SEP 29 PM 1:41

PAT NORMAN
COUNTY CLERK, GRAYSON CO. TEXAS

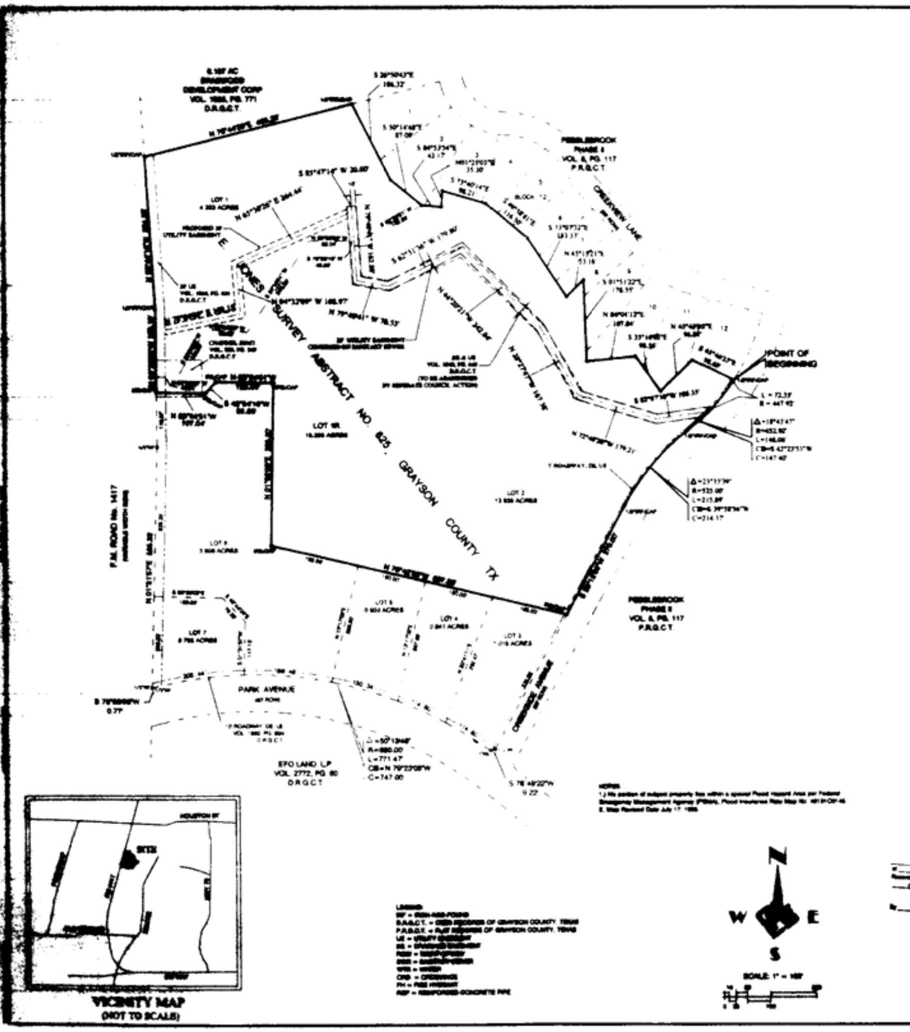
BY ______

8.00

STATE OF TEXAS
COUNTY OF GRAYSON
I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded on the 29 day of Sept, A.D., 19 87, in Vol. 1940 page 640 of the real property records of Grayson, Texas

Pat Norman
County Clerk, Grayson County, Texas

16382



Richard Shaw

MARY GRAHAM
NOTARY PUBLIC
STATE OF TEXAS

REPLAT OF LOT 1 & LOT 2
PARK PLAZA ADDITION

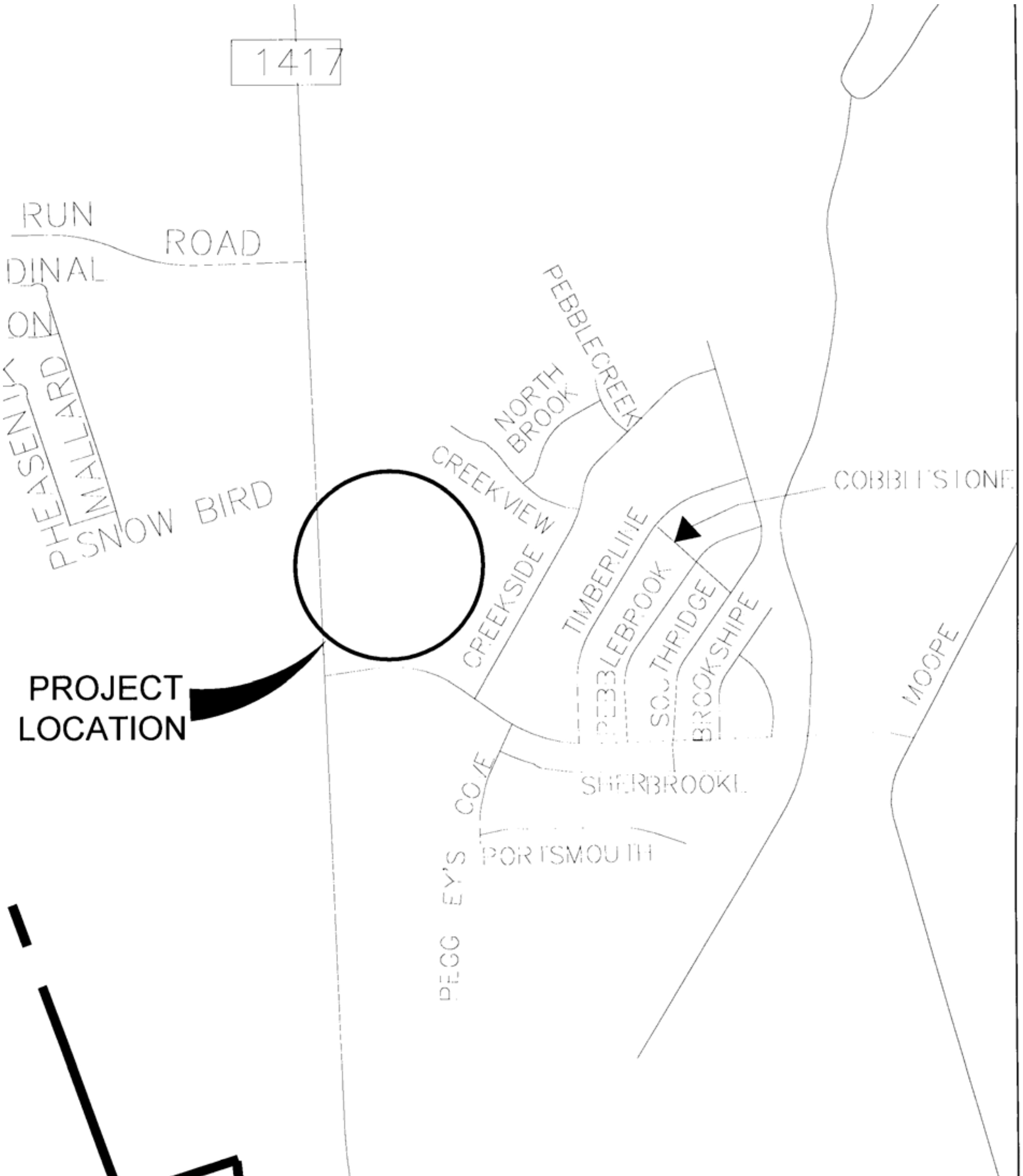
1 MULTI-FAMILY RESIDENTIAL LOT
SITUATED IN THE
E. JONES SURVEY, ABSTRACT No. 625
CITY OF SHERMAN, GRAYSON COUNTY, TEXAS

GREG EDWARDS
ENGINEERING SERVICES, INC.

KAZ
SURVEYING

PARK PLAZA ADDITION

E-1-47



City of Sherman, Texas

REPLAT OF LOT 1 & 2 PARK PLAZA ADDITION

PROJECT LOCATION MAP

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. C.8

**** RESOLUTION NO. 4970***

Authorizing the Execution of an Agreement with Noe Lopez for the Abatement of Ad Valorem Property Taxes for the Construction of Two New Two-Family Duplexes at 704 and 706 North Harrison Street

Issue

This item is to consider property tax abatements for the construction of two new two-family duplexes at 704 and 706 North Harrison Street.

Background

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. These applications are for the construction of two new two-family duplexes at these locations. These two lots are in the designated zone for residential tax abatements.

Origination

Noe Lopez, Applicant

Financial Consideration

A $75.00 application fee has been received for each residential lot. If granted, the initial abatement for these lots will be approximately $504.00 annually for each address (704 and 706 North Harrison).

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 4970
Residential Tax Abatement Agreement
Application
Building Permit Application
Location Map

Prepared by:
Giles Brown, Assistant City Manager

Approved by:
L. Scott Wall, City Manager

RESOLUTION NO. 4970

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NOE LOPEZ FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF TWO NEW TWO-FAMILY DUPLEXES AT 704 AND 706 NORTH HARRISON STREET; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Noe Lopez, 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 Noe Lopez for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of two (2) new two-family duplexes at 704 and 706 North Harrison Street, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

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

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

CITY OF SHERMAN, TEXAS

BY: ________________________________
BILL MAGERS, MAYOR

ATTEST:

BY: ________________________________
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new residential duplex:

BEING a Lot Eleven (11), Block Twelve (12) of the College Park Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 704 N. Harrison Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

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

Noe Lopez
P.O. Box 1417
Howe, Texas 75459
(903) 271-9074

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

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of __________________________, 2006.

CITY OF SHERMAN, TEXAS

BY: ____________________
L. SCOTT WALL
CITY MANAGER

ATTEST:

BY: ____________________
LINDA ASHBY
CITY CLERK

NOE LOPEZ

BY: Noe Lopez
NAME: Noe Lopez
TITLE: Owner

ATTEST:

BY: ____________________
NAME: ____________________
TITLE: ____________________

APPROVED AS TO
FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Noe Lopez

Mailing Address: P.O. Box 1417 Howe TX 75459

Telephone Number: 903-271-9074

Contact (if different than owner):

Name: ______

Mailing Address: ______

Telephone Number: ______

Property:

Physical Address: 704 N Harrison Suite 100 & 200 Sherman

Summary Legal Description: Lot: 11 Block: 12 Addition: College Park

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

Improvements:

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

Estimated Value of Improvements: $ 126,000.00

Estimated Date of Start of Construction: 01-15-07

Estimated Date of Completion of Project: 06-15-07

Description of Project

Duplex

Applicant (s): Noe Lopez Date: 1-19-07

SHERMAN

P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER 25
OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING

STREET NUMBER AND NAME: 704 N Harrison Suite 100+200
SUBDIVISION OR SURVEY: College Park
LOT: 11
BLOCK: 12
CENSUS TRACT:
FLOOD ZONE
BASE FLOOD ELE.
1ST FLOOR ELE.
E. ZONING
TIME TO COMPLETE 180 DAYS
FIRE ZONE
PLANS

II TYPE AND COST OF BUILDING

A. TYPE OF IMPROVEMENT
1 [X] NEW BUILDING
2 [ ] ALTERATION
3 [ ] REPAIR, Replacement
4 [ ] MOVING (relocation)
5 [ ] FOUNDATION ONLY

B. OWNERSHIP
1 [X] PRIVATE (Individual, corporation, non profit institution, etc.)
2 [ ] PUBLIC (Federal, state, or local government)

C. COST $ 126,000
D. FEE 25.00
Sq. Ft. Main Bldg. 3600
Accs. Bldg.

DESCRIPTION OF REPAIRS:
Construct Duplex
Plumbing
Melton Plumbing - 903-893-7359
Electrical
Jason Brown - 903-816-3860
A/C
Melton plumbing - 903-893-7539

#25 Stormwater

III BUILDING SPECS.

New Buldg. and Additions - Fill Out Parts F. - M.
Wrecking - Fill Out Part K Only
All Others Skip to IV

F. PRINCIPAL TYPE OF FRAME
[ ] MASONRY (wall bearing)
[X] WOOD FRAME
[ ] STRUCTURAL STEEL
[ ] REINFORCED CONCRETE
[ ] OTHER - SPECIFY

H. TYPE OF SEWAGE DISPOSAL
[X] PUBLIC OR PRIVATE CO.
[ ] INDIVIDUAL (Septic tank, etc.)

I. TYPE OF WATER SUPPLY
[X] PUBLIC OR PRIVATE CO.
[ ] INDIVIDUAL (well, cistern)

K. DIMENSIONS
Number of Stories 2
TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS 3600
TOTAL LAND AREA SQ. FT. 7900

G. Principal Type of Heating Fuel
[ ] GAS [ ] OIL
[X] ELECTRICITY [ ] COAL
[ ] OTHER

J. ADDITIONAL INFO
RESIDENTIAL TAX ABATEMENT [X] YES [ ] NO
WILL THERE BE AN ELEVATOR? [ ] YES [X] NO

L. No. OFF-STREET PARKING SPACES
ENCLOSED 1
OUTDOORS 3

M. RESIDENTIAL BLDG. ONLY
No. of Bedrooms 6
No. of Bathrooms Full 4 Partial 2

IV IDENTIFICATION

	NAME	MAILING ADDRESS	PHONE
1. OWNER	Noe Lopez	P.O. Box 1417 Howe TX 75459	903-271-9074
2. CONT.			
3. Architect			

The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

Noe Lopez
SIGNATURE OF APPLICANT

P.O. Box 1417 Howe TX
ADDRESS

1-10-7
DATE

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED ____________ 20 ____ DENIED ____________ 20 ____

BUILDING OFFICIAL SIGNATURE

THE STATE OF TEXAS §
§
COUNTY OF GRAYSON §

AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

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

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2007, and continuing for tax years 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016 with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2007, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

TAX YEAR	ABATEMENT
2007	100%
2008	100%
2009	100%
2010	100%
2011	100%
2012	100%
2013	80%
2014	60%
2015	40%
2016	20%

II.

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

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

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

III.

3.01 The term of this Agreement shall be for tax years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new residential duplex:

BEING a Lot Ten (10), Block Twelve (12) of the College Park Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 706 N. Harrison Street.

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

X.

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

XI.

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

XII.

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

City of Sherman P.O. Box 1106 Sherman, Texas 75091-1106 (903) 892-7200	Noe Lopez P.O. Box 1417 Howe, Texas 75459 (903) 271-9074

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

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

the _____ day of ________________________, 2006.

CITY OF SHERMAN, TEXAS

BY: ____________________
L. SCOTT WALL
CITY MANAGER

ATTEST:

BY: ____________________
LINDA ASHBY
CITY CLERK

NOE LOPEZ

BY: Noe Lopez
NAME: Noe Lopez
TITLE: owner

ATTEST:

BY: ____________________
NAME: ____________________
TITLE: ____________________

APPROVED AS TO
FORM AND CONTENT:

____
DOREEN E. MCGOOKEY,
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Noe Lopez

Mailing Address: P.O. Box 1417 Howe TX 75459

Telephone Number: 903-271-9074

Contact (if different than owner):

Name: ____________________

Mailing Address: ____________________

Telephone Number: ____________________

Property:

Physical Address: 706 N Harrison Suite 100+200 Sherman

Summary Legal Description: Lot: 10 Block: 12 Addition: College Park

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

Improvements:

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

Estimated Value of Improvements: $126,000.00

Estimated Date of Start of Construction: 1-15-07

Estimated Date of Completion of Project: 6-15-07

Description of Project Duplex

Applicant (s): Noe Lopez Date: 1-19-07

SHERMAN

P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER 24
OCCUPANCY NUMBER

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING

STREET NUMBER AND NAME	SUBDIVISION OR SURVEY	LOT	BLOCK	CENSUS TRACT
706 N Harrison Suite 100 & 200	College Park	10	12	

FLOOD ZONE ______ E. ZONING ______ TIME TO COMPLETE 180 DAYS
BASE FLOOD ELE. ______ FIRE ZONE ______
1ST FLOOR ELE. ______ PLANS ______

II TYPE AND COST OF BUILDING

A. TYPE OF IMPROVEMENT
1 [X] NEW BUILDING
2 [ ] ALTERATION
3 [ ] REPAIR, Replacement
4 [ ] MOVING (relocation)
5 [ ] FOUNDATION ONLY

B. OWNERSHIP
1 [X] PRIVATE (Individual, corporation, non profit institution, etc.)
2 [ ] PUBLIC (Federal, state, or local government)

C. COST $ 126,000
D. FEE 25.00
Sq. Ft. Main Bldg. 3600
Accs. Bldg.

DESCRIPTION OF REPAIRS:
Construct Duplex
Plumbing
Melton Plumbing - 903-893-7539
Electrical
Jason Brown - 903-816-3860
A/C
Melton Plumbing - 903-893-7539

25 Stormwater

III BUILDING SPECS.

New Buldg. and Additions - Fill Out Parts F. - M.
Wrecking - Fill Out Part K Only
All Others Skip to IV

F. PRINCIPAL TYPE OF FRAME
[ ] MASONRY (wall bearing)
[X] WOOD FRAME
[ ] STRUCTURAL STEEL
[ ] REINFORCED CONCRETE
[ ] OTHER - SPECIFY ______

H. TYPE OF SEWAGE DISPOSAL
[X] PUBLIC OR PRIVATE CO.
[ ] INDIVIDUAL (Septic tank, etc.

I. TYPE OF WATER SUPPLY
[X] PUBLIC OR PRIVATE CO.
[ ] INDIVIDUAL (well, cistern)

K. DIMENSIONS
Number of Stories 2
TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS 3600
TOTAL LAND AREA SQ. FT. 7900

L. No. OFF-STREET PARKING SPACES
ENCLOSED 1
OUTDOORS 3

G. Principal Type of Heating Fuel
[ ] GAS [ ] OIL
[X] ELECTRICITY [ ] COAL
[ ] OTHER ______

J. ADDITIONAL INFO
RESIDENTIAL TAX ABATEMENT [X] YES [ ] NO
WILL THERE BE AN ELEVATOR? [ ] YES [X] NO

M. RESIDENTIAL BLDG. ONLY
No. of Bedrooms 6
No. of Bathrooms Full 4 Partial 2

IV IDENTIFICATION

	NAME	MAILING ADDRESS	PHONE
1. OWNER	Noe Lopez	P.O. Box 1417 Howe TX 75459	903-271-9074
2. CONT.			
3. Architect			

The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

Noe Lopez
SIGNATURE OF APPLICANT

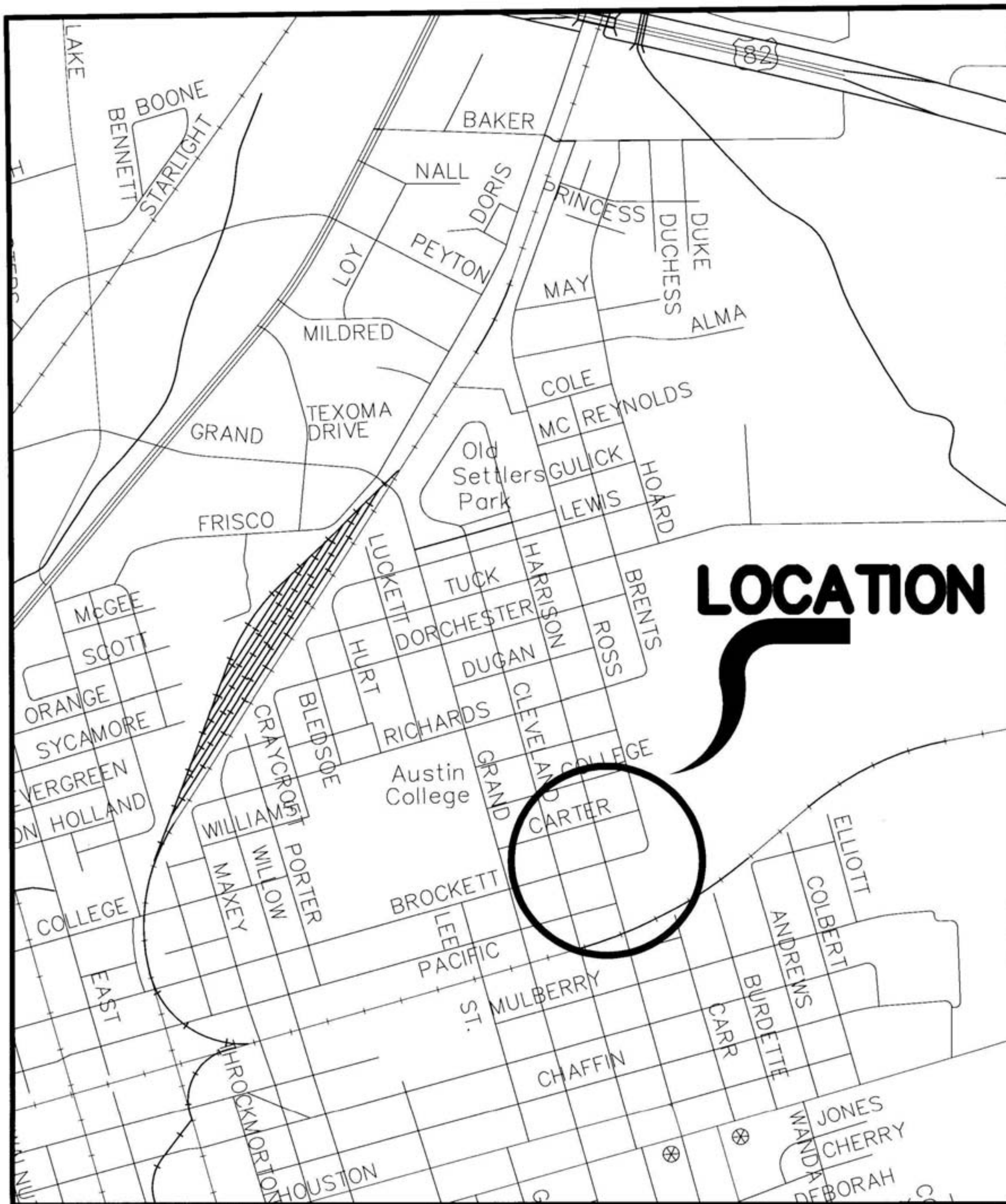
P.O. Box 1417 Howe TX 75459
ADDRESS

1-10-7
DATE

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED ______ 20 ____ DENIED ______ 20 ____ ______ BUILDING OFFICIAL SIGNATURE

127-015-88 White - File Pink - Owners Application Yellow - Tax Office Green - File



700 BLOCK NORTH HARRISON STREET

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.1

**** REQUEST TO ADVERTISE***
Purchase of Five Police Patrol Vehicles

Issue
Request to advertise for the purchase of five police patrol vehicles

Background
There are currently seventeen patrol vehicles in the patrol vehicle fleet. The Police Department rotates the older patrol vehicles out of the patrol fleet each year to insure reliable and safe transportation for our first responders and the citizens they transport. This year, we have budgeted to purchase five new replacement vehicles consisting of five Ford Crown Victoria Police Interceptors or police-rated Chevrolet Tahoes, depending on the bid process. The plan is to purchase one Tahoe and four Crown Victoria units. Once replaced with the new police patrol vehicles, the five designated older units would be rotated out of the fleet and sold via the City's online auction at www.renebates.com.

Origination
Police Department

Financial Consideration
Funding was budgeted for these purchases, including the approximate $200.00 to advertise and mail bids.

Staff Recommendation
It is requested that the staff be authorized to advertise for the purchase of five police patrol vehicles.

Alternatives
Defer the needed replacement of police vehicles, although this alternative is not recommended.

Attachments
None

Prepared by:
Tom Watt, Police Chief

Approved by:
L. Scott Wall, City Manager

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.2

**** REQUEST TO ADVERTISE***
Highway 82 West Water Main Construction

Issue
Request to advertise for bids for the Highway 82 West water main construction.

Background
The current Capital Improvement Program contains a project to extend a water main westward along U.S. Highway 82. The proposed water main will be constructed along the south side of U.S. Highway 82, from the east side of Dean Gilbert Lake to Lamberth Road. Plans and specifications have been completed; and the project is ready to be bid.

Origination
Department of Utilities Administration

Financial Consideration
The project is funded at $325,000.00 in this year's Capital Improvement Program. The project will be funded through bonds previously issued by the Greater Texoma Utility Authority on behalf of the City of Sherman.

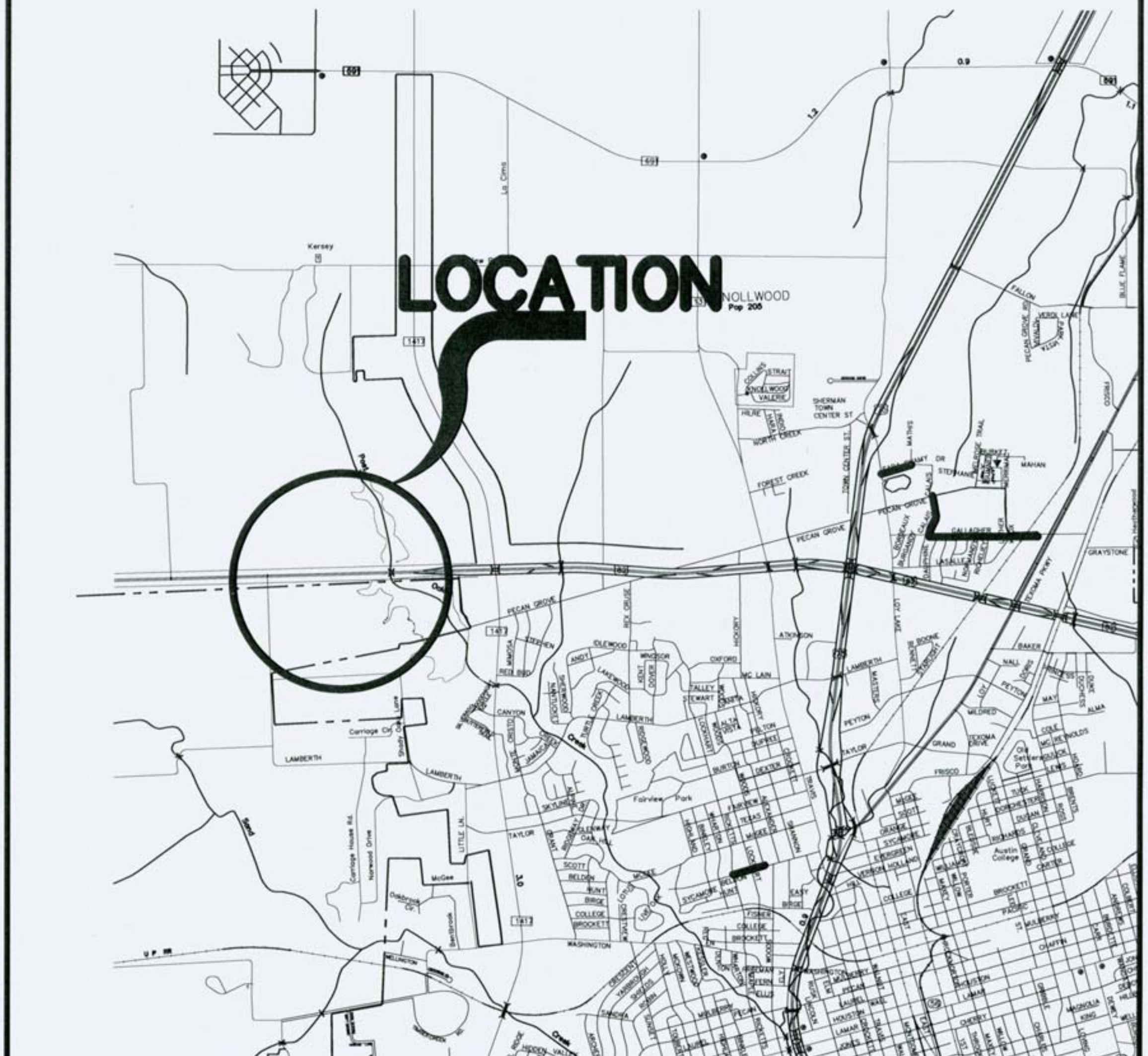
Staff Recommendation
It is requested that the City Council authorize the staff to advertise the project for bid.

Alternatives
The Council could defer this project until additional analysis is done as to the best location to build infrastructure in order to lead development.

Attachments
Location map

Prepared by:
Mark Gibson, Director of Utilities

Approved by:
L. Scott Wall, City Manager



U.S. HWY. 82 WEST MAIN EXTENSION

N

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.3

**** REQUEST TO ADVERTISE***
City-Wide Boulevard and Right-of-Way Mowing

Issue
Request to advertise to contract for the annual mowing of City boulevards, islands, and street right of ways

Background
The 2006/2007 fiscal year (FY) budget includes funding to privatize the mowing of certain street islands and thoroughfares, and collector and boulevard streets. The Street Department Superintendent will oversee the contractor's mowing performance and assist the Public Works Director in managing the contract. The professional mowing of the entrances into the City and our highly traveled streets will help to enhance the City's image.

Origination
The Department of Public Works and Engineering

Financial Consideration
The FY 2006/2007 budget includes $70,709 for this contracted mowing.

Staff Recommendation
Approve advertising for street right of way and related street mowing

Alternatives
As may be directed by the City Council

Attachments
None

Prepared by:
Jeff Miller, Public Works/Engineering Director

Approved by:
L. Scott Wall, City Manager

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.4

**** REQUEST TO ADVERTISE***
Fairview Park and Martin Luther King, Jr. Park Hike/Bike Trail Projects

Issue
To request permission to advertise for the Fairview Park and Martin Luther King, Jr. Park Hike/Bike Trail Projects

Background
During the 2006-2007 budget planning process, the Sherman City Council allocated funds for the installation of eight foot (8') concrete and lighted Hike/Bike Trails at Fairview and Martin Luther King, Jr. Parks. The Fairview Park Hike/Bike Trail Expansion will create an additional 5,000 linear feet of trail on the west side of the creek and connect (via pedestrian bridge) to the existing trail circuit, while also providing access to the park through the Turtle Creek South and Rex Cruse neighborhoods. The Martin Luther King, Jr. Hike/Bike Trail will create a total 3,100 linear foot loop circuit within the park by connecting the north and south sections of the park utilizing some existing sidewalk, and will also include a pedestrian bridge crossing the creek running through the south section of the park. Approximately 2,200 linear feet of new 8' concrete will be added to the MLK, Jr. Park trail system.

Origination
Sherman City Council

Financial Consideration
2006-2007 Capital Improvement Program funds in the total amount of $506,000.00 have been allocated for these two (2) projects.

Staff Recommendation
It is recommended that the Sherman City Council authorize the staff to advertise the Fairview and Martin Luther King, Jr. Hike/Bike Trail Projects for public bid.

Alternatives
As directed by the Sherman City Council

Attachments
Capital Improvement Projects with Location Maps

Prepared by:
George Olson,
Director of Community Services/Maintenance

Approved by:
L. Scott Wall, City Manager

PROJECT YEAR: 2006-2007

PROJECT NAME:	Fairview Park Lighted Hike/Bike Trail Expansion
DESCRIPTION:	8' Concrete Hike/Bike Lighted Trail expansion on the western undeveloped acreage.
ESTIMATED COST:	$313,500
ESTIMATED O&M COST:	$10,000
PROPOSED FINANCING:	General Improvement Fund
PROJECT NECESSITY:	Creates approximately 5400 lf. of trail on west side of the creek connecting to existing trail circuit. Provides increased neighborhood access for Turtle Creek and Rex Cruse area and facilitates future park development.
DEPARTMENT/DIRECTOR:	Community Servies, George Olson
PROPOSED START DATE	November, 2006
PROPOSED END DATE	September, 2007

PROJECT YEAR: 2006-2007

PROJECT NAME: MLK Jr. Park Lighted Hike/Bike Trail

DESCRIPTION: 8' Concrete Hike/Bike Lighted Trail throughout the park, utilizing some existing walkway.

ESTIMATED COST: $192, 500

ESTIMATED O&M COST: $8,000

PROPOSED FINANCING: General Improvement Fund

PROJECT NECESSITY: Creates approximately 3000 lf. trail loop circuit connecting the north and south sections of the park. Provides immediate trail network to surrounding and facilitates future park development.

DEPARTMENT/DIRECTOR: Community Services, George Olson

DEPARTMENT/DIRECTOR: November, 2006

DEPARTMENT/DIRECTOR: September, 2007

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.5

**** REQUEST TO ADVERTISE***
Fairview Park Soccer Field Irrigation/Renovation Project

Issue
To request permission to advertise for the Fairview Park Soccer Field Irrigation/Renovation Project

Background
During the 2006-2007 budget planning session, the Sherman City Council allocated funds to provide for the irrigation and renovation of the soccer field area(s) north of the primary park road (POW/MIA Lane) running through the park, as well as Field #6 which is the lighted field immediately west of Veteran's Baseball Field.

Origination
Sherman City Council

Financial Consideration
2006-2007 Capital Improvement Program funds in the amount of $135,000.00 have been allocated for this project.

Staff Recommendation
It is recommended that the Sherman City Council authorize the staff to advertise the Fairview Park Soccer Field Irrigation/Renovation Project for public bid. This project will be coordinated to start at the conclusion of the Texoma Soccer Association's Spring 2007 season in April 2007.

Alternatives
As directed by the Sherman City Council

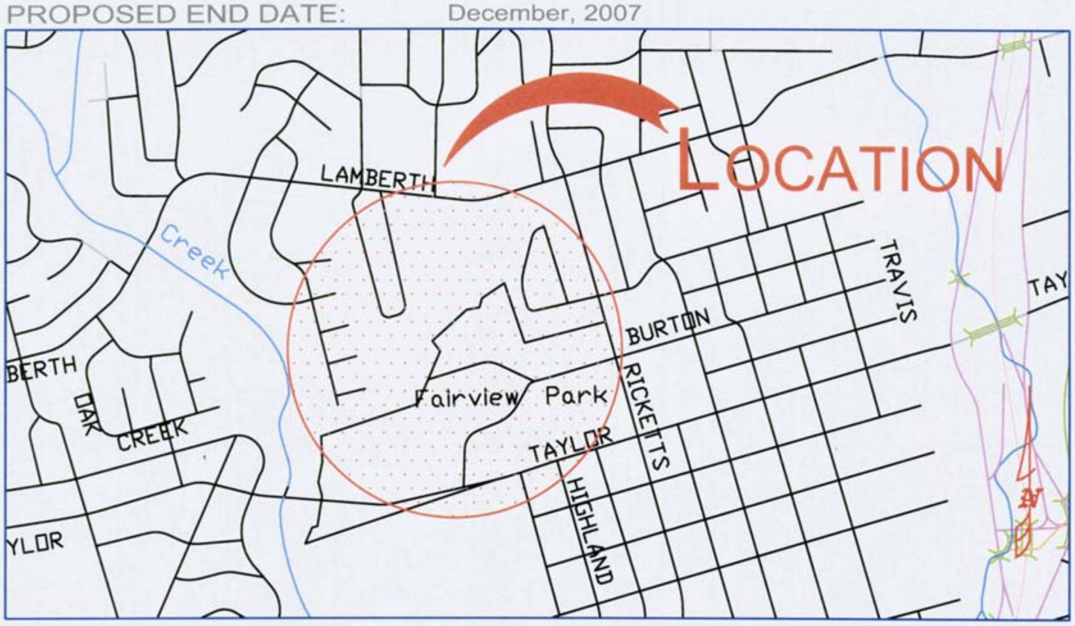
Attachments
Capital Improvement Project with Location Map

Prepared by:
George Olson,
Director of Community Services/Maintenance

Approved by:
L. Scott Wall, City Manager

PROJECT YEAR: 2006-2007

PROJECT NAME:	Fairview Soccer Field Irrigation/Renovation Project
DESCRIPTION:	To provide an irrigation system to all soccer fields at Fairview Park and renovate Field #5 and Field #6
ESTIMATED COST:	$135,000
ESTIMATED O&M COST:	$5,000
PROPOSED FINANCING:	General Improvement Fund
PROJECT NECESSITY:	Project would improve turf quality and proper drainage on Fields #5 & #6 for youth/adult soccer.
DEPARTMENT/DIRECTOR:	Community Services, George Olson
PROPOSED START DATE:	November, 2006
PROPOSED END DATE:	December, 2007



SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.6

**** OTHER BUSINESS***

Consider Request of Austin College Student Marielle Remillard to Temporarily Close Certain Streets for the First Annual "WaterCan Walk for Water" Event on Saturday, March 24, 2007

Issue

Austin College student and event Chair Marielle Remillard has submitted a request to close the intersection of Center Street and Binkley Park Drive for the first annual "WaterCan Walk for Water" event on Saturday, March 24, 2007

Background

A student at Austin College is chairing the first annual "WaterCan Walk for Water" charitable event at Herman Baker Park on Saturday, March 24, 2007, which will include a 6k fun run/walk between Binkley Park and Herman Baker Park. The activities will begin at 9:00 a.m. and will follow the route outlined on the attached map. The event will require traffic control assistance, barricades, and emergency medical support from the City of Sherman.

Origination

Marielle Remillard, "WaterCan Walk for Water" Event Chair

Financial Consideration

Labor and equipment to provide traffic control assistance, implement barricade placement and removal, and provide emergency medical support

Staff Recommendation

It is recommended that the City Council approve this request and authorize the necessary traffic support, control and assistance to accommodate the event.

Alternatives

Select another date, time or location for the proposed activities.

Attachments

Memo from Ms. Remillard dated February 8, 2007
Map of Proposed Route

Prepared and Approved by:
L. Scott Wall, City Manager

Date: February 8, 2007
To: City Manager
From: Marielle Remillard
WaterCan "City of Sherman Walk for Water" Chair

Re: WaterCan Walk for Water, 2007

****

On Saturday, March 24 the first annual WaterCan Walk for Water event will be held at Herman Baker Park. The 6k event will begin at 9:00 am and end at 11:00 am. The race will be run on sidewalks and trails as indicated by the attached map. Please allow the WaterCan event to use city parks (Herman Baker and Binkley Park) as well as assist in traffic control of the one intersection that must be crossed.

****

What is WaterCan?

WaterCan is a Canadian charity that works to provide appropriate water facilities, hygiene education and sanitation facilities to developing countries. They currently are partnered with NGOs in Kenya, Tanzania, Ethiopia, and Uganda. They have no branches over seas; the initiative for development comes from organizations based in those countries.

The idea is to alleviate a number of the world's problems by helping impoverished countries to access safe drinking water. Currently, 20% of the world's population does not have access to safe drinking water. Furthermore, 6000 children die every day from sanitation and water related illnesses. Besides improving overall health, improving global water conditions would help fight poverty, promote gender equality and increase the number of people with and access to primary education.

What is Walk for Water?

In Canada, WaterCan hosts several 'Walk for Water' events in conjunction with the UN sanctioned World Water Day, March 22. The 6k distance is symbolic of the distance that an average person must travel to collect water in a developing country. Inspired by WaterCan's efforts, I wanted to help raise funds to support their cause. As a runner, I wanted to incorporate a running race into the Walk for Water event. Hence, I am planning a 6k fun run/walk.

My request to the City of Sherman:

It would be most helpful if the City of Sherman can provide any or all of the following in order to help make this event successful:

- Traffic control for the one intersection on the race route, if deemed appropriately needed by the council
- Emergency medical support
- One dumpster and plastic/aluminum recycling pick up
- Microphone, sound equipment, and power source
- Walkie-talkies to communicate between volunteers during the event
- Registration tables

Please contact me if you have questions or need further details:

(505) 313-7582
walk4watertx@hotmail.com or eremillard@austincollege.edu

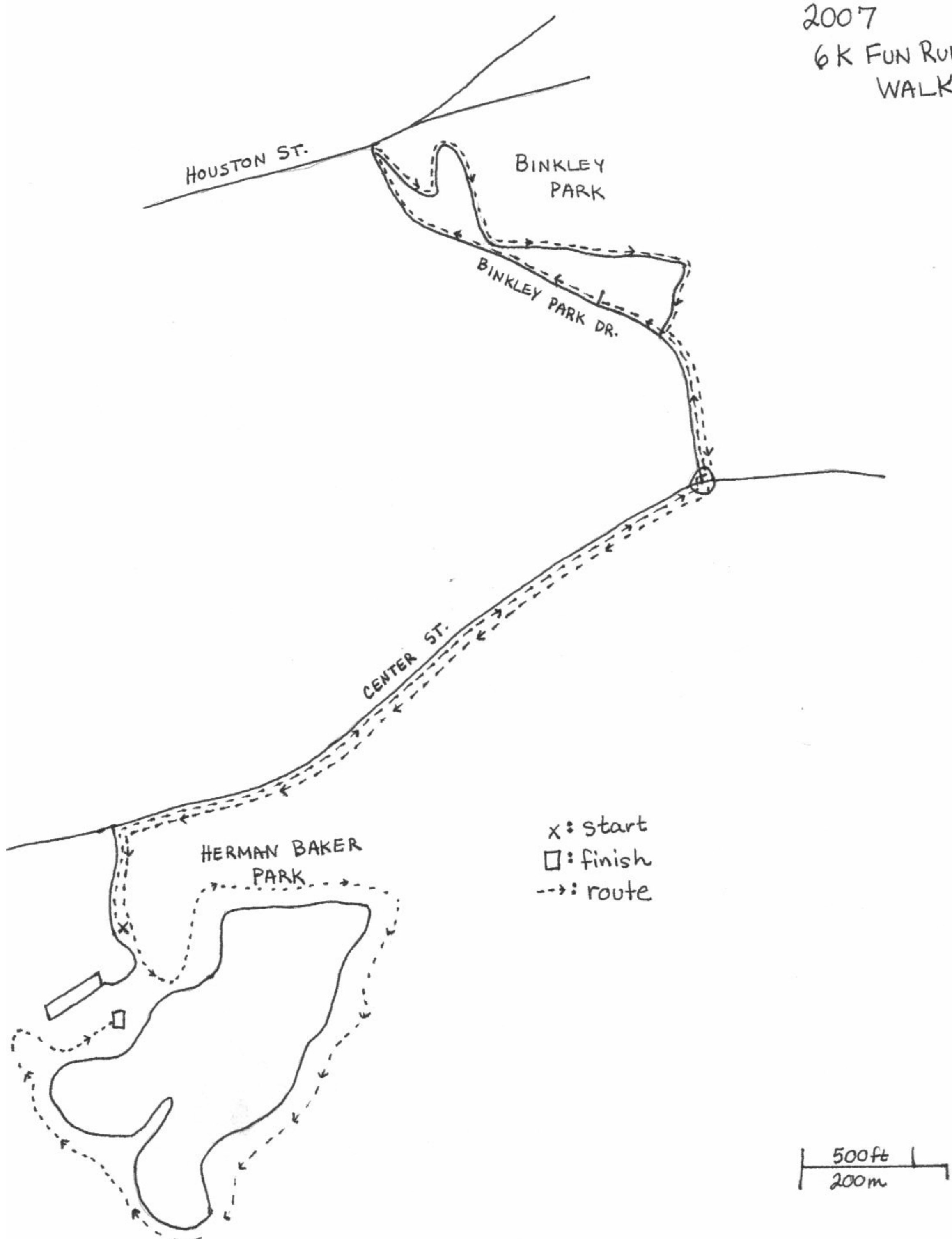
WaterCan

Walk For Water

Sherman, Texas

2007

6K Fun Run and Walk



SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.7

OTHER BUSINESS
Approve Quarterly Financial Report for Period Ending December 31, 2006

Issue
To approve the Financial Report for the quarterly period ending December 31, 2006

Background
Each quarter, the staff will provide updates to the Council on the City's financial operating results. This update provides the actual results of the first three months of the City's finances as compared to the approved budget for the current fiscal year and the actual results of the prior fiscal year. Results for the General Fund, General Improvement Fund, and Hotel/Motel Tax Fund are presented on a cash basis. Results for the Utility Fund, Utility Improvement Fund, and Solid Waste Fund are presented on a modified accrual basis. This presentation format matches the format found in the annual budget and best presents information on the City's spendable resources.

- In the General Fund, revenues are at 27.20% of the budget, with strong Property Tax, Sales Tax, and Other Tax collections leading the way. Fines & Forfeitures are lagging the rest of the fund, as Court Fines are currently projected at $698,000 for the full year versus a budget of $935,000. It will be difficult to close this gap unless staffing is returned to full budgeted levels. Expenditures for the General Fund are currently at 23.32% and expected to end the year as budgeted.
- In the Utility Fund, revenues are at 24.71% of the budget, while expenses are at 20.16% of the budget. The City has not been billed for electrical costs for the pumps at Lake Texoma for the first three months of the year, approximately $60,000. All other expenses are on pace with where they were at in the prior year and expected to end the year as budgeted.
- In the Solid Waste Fund, revenues are at 24.81% of the budget, and expenses are at 25.93% of the budget. The timing of purchases of residential containers and commercial vehicles in the first quarter is responsible for giving the appearance that expenses are higher than they should be. The fund's expenses are expected to end the year as budgeted.

Origination
Keith Dagen, Director of Finance

Financial Consideration
See attached detail.

Staff Recommendation
It is recommended that the Council approve the financial reports as presented.

Attachments
Quarterly Financial Report dated 12/31/06

Prepared by:
Keith Dagen, Director of Finance
Giles Brown, Assistant City Manager

Approved by:
L. Scott Wall, City Manager

CITY OF SHERMAN
CITY MANAGEMENT GENERAL LEDGER STATUS REPORT
UNAUDITED BUDGET VS. ACTUAL
AS OF: December 31, 2006

11 - GENERAL FUND

	FY 06/07							
	Y-T-D Actual	Annual Budget	--Variance-- Balance	Percent	Y-T-D Actual	Prior FY Y-T-D Actual	--Variance-- Amount	Percent
BEGINNING FUND BALANCE	**5,559,817**	**5,417,465**			**5,559,817**	**5,245,349**		
REVENUES								
(Per Account Groups)								
Property Tax	1,784,235	7,001,723	5,217,488	25.48%	1,784,235	1,152,706	631,529	54.79%
Sales Tax	2,741,476	10,281,161	7,539,685	26.67%	2,741,476	2,361,307	380,168	16.10%
Other Taxes	1,336,718	3,465,000	2,128,282	38.58%	1,336,718	1,276,308	60,410	4.73%
Fines & Forfeitures	187,761	1,000,000	812,239	18.78%	187,761	107,184	80,576	75.18%
Recreation	3,074	169,250	166,176	1.82%	3,074	4,473	(1,399)	-31.28%
Permits	53,260	296,000	242,740	17.99%	53,260	76,158	(22,898)	-30.07%
Licenses	45,463	188,000	142,537	24.18%	45,463	30,909	14,554	47.09%
Rental & Leases	3,387	5,000	1,613	67.74%	3,387	970	2,417	249.28%
Cemetery Sales & Service	47,933	130,000	82,067	36.87%	47,933	28,283	19,649	69.47%
Ambulance Service	490,541	1,648,000	1,157,459	29.77%	490,541	1,242,320	(751,779)	-60.51%
Other General Sales & Service	192,856	510,000	317,144	37.81%	192,856	16,103	176,753	1097.61%
Interest Revenue	67,914	200,000	132,086	33.96%	67,914	42,543	25,371	59.64%
Other Grants and Miscellaneous	78,116	794,900	716,784	9.83%	78,116	55,627	22,489	40.43%
Transfers	499,891	1,999,564	1,499,673	25.00%	499,891	418,640	81,251	19.41%
TOTAL REVENUES	7,532,623	27,688,598	18,761,366	27.20%	7,532,623	6,813,530	719,093	10.55%
EXPENDITURES								
(Per Account Groups)								
Personnel	4,942,441	18,650,286	13,707,845	26.50%	4,942,441	4,466,883	(475,558)	-10.65%
Supplies	129,468	879,523	750,054	14.72%	129,468	102,802	(26,666)	-25.94%
Maintenance & Repair	118,084	1,575,932	1,457,847	7.49%	118,084	95,550	(22,534)	-23.58%
Utilities	205,855	1,427,247	1,221,392	14.42%	205,855	217,796	11,940	5.48%
Contract Wages	55,263	304,200	248,937	18.17%	55,263	40,800	(14,463)	-35.45%
Computer Services	75,901	380,079	304,178	19.97%	75,901	76,920	1,019	1.32%
Debt Service	31,616	286,200	254,584	11.05%	31,616	32,441	825	2.54%
Contractual and Sundry Services	305,589	1,556,106	1,250,517	19.64%	305,589	348,468	42,879	12.31%
Vehicle Usage	285,288	1,226,297	941,009	23.26%	285,288	265,628	(19,660)	-7.40%
Equipment	273,688	1,314,144	1,040,456	20.83%	273,688	132,910	(140,778)	-105.92%
Transfers Out	199,000	796,000	597,000	25.00%	199,000	275,000	76,000	27.64%
TOTAL EXPENDITURES	6,622,194	28,396,013	21,773,819	23.32%	6,622,194	6,055,198	(566,996)	-9.36%
EXCESS REVENUES/EXPENDITURES	**910,429**	**(707,415)**			**910,429**	**758,332**		
ENDING FUND BALANCE	**6,470,246**	**4,710,050**			**6,470,246**	**6,003,681**		

CITY OF SHERMAN
CITY MANAGEMENT GENERAL LEDGER STATUS REPORT
UNAUDITED BUDGET VS. ACTUAL
AS OF: December 31, 2006

22-GENERAL IMPROVEMENT FUND

	FY 06/07		--Variance--	
	Y-T-D Actual	Annual Budget	Balance	Percent
BEGINNING FUND BALANCE	**4,080,117**	**2,322,398**		
REVENUES				
(Per Account Groups)				
Interest	57,825	35,000	(22,825)	165.21%
Transfers	376,877	1,507,508	1,130,631	25.00%
TOTAL REVENUES	434,702	1,542,508	1,107,806	28.18%

	Y-T-D Actual	Annual Budget	Prior Year Actual	Total Expenditures	Project Budget (1)	Percent Of Budget
EXPENDITURES						
(Per Account Groups)						
Taylor/Lamberth ROW	500	-	150	650	1,000	65.00%
Fairview Park Pool Repair	407,249	2,094,919	255,912	663,161	2,329,000	28.47%
Old Settlers Park Road & Courts	230,552	269,812	1,588	232,140	271,400	85.53%
Loy Lake - Taylor To Lamberth	154,051	-	436,020	590,071	1,994,703	29.58%
Municipal Grounds Irrigation	143	65,000	-	143	65,000	0.22%
FM 1417/Hwy 56 ROW	28,350	30,000	-	28,350	30,000	94.50%
Street Oversizing	20,929	100,000	-	20,929	100,000	20.93%
Fairview Park Lighted Trail Expansion	100	313,500	-	100	313,500	0.03%
Old Settlers Park Shade Structures	-	93,036	-	-	93,036	0.00%
Solid Waste Parking Phase III	-	75,000	-	-	75,000	0.00%
Fairview Picnic Pavilions	-	45,000	-	-	45,000	0.00%
Culvert King & First Street	-	60,000	-	-	60,000	0.00%
Fairview Park Soccer Irrigation	-	135,000	-	-	135,000	0.00%
MLK Park Lighted Hike/Bike Trail	-	192,500	-	-	192,500	0.00%
TOTAL EXPENDITURES	841,874	3,473,767	693,670	1,535,544	5,705,139	
ENDING FUND BALANCE	**3,672,944**	**391,139**				

(1) Some projects extend beyond a single fiscal year.

CITY OF SHERMAN
CITY MANAGEMENT GENERAL LEDGER STATUS REPORT
UNAUDITED BUDGET VS. ACTUAL
AS OF: December 31, 2006

46-HOTEL/MOTEL TAX FUND

	FY 06/07							
	Y-T-D Actual	Annual Budget	--Variance-- Balance	Percent	Y-T-D Actual	Prior FY Y-T-D Actual	--Variance-- Amount	Percent
BEGINNING FUND BALANCE	**153,214**	**107,608**			**153,214**	**125,671**		
REVENUES								
(Per Account Groups)								
Hotel/Motel Taxes	132,575	462,000	329,425	28.70%	132,575	114,940	17,635	15.34%
Interest	1,927	5,000	3,073	38.54%	1,927	1,552	375	24.19%
TOTAL REVENUES	134,502	467,000	332,498	28.80%	134,502	116,492	18,011	15.46%
EXPENDITURES								
(Per Account Groups)								
Downtown Sherman Preservation	3,333	30,620	27,287	10.89%	3,333	-	3,333	0.00%
Red River Historical Museum	20,000	80,000	60,000	25.00%	20,000	30,000	(10,000)	33.33%
Central Business District	1,008	25,000	23,992	4.03%	1,008	-	1,008	0.00%
Tourism Council	14,667	202,025	187,358	7.26%	14,667	32,795	(18,127)	55.28%
Sherman Council of Arts	8,000	32,000	24,000	25.00%	8,000	1,800	6,200	-344.48%
Transfers	53,717	137,068	83,351	39.19%	53,717	75,034	21,316	28.41%
TOTAL EXPENDITURES	100,726	506,713	405,987	19.88%	100,726	139,628	3,730	27.86%
EXCESS REVENUES/EXPENDITURES	**33,776**	**(39,713)**			**33,776**	**(23,137)**		
ENDING FUND BALANCE	**186,990**	**67,895**			**186,990**	**102,534**		

CITY OF SHERMAN
CITY MANAGEMENT GENERAL LEDGER STATUS REPORT
UNAUDITED BUDGET VS. ACTUAL
AS OF: December 31, 2006

70 - UTILITY FUND

	FY 06/07 Y-T-D Actual	FY 06/07 Annual Budget	--Variance-- Balance	--Variance-- Percent	Y-T-D Actual	Prior FY Y-T-D Actual	--Variance-- Amount	--Variance-- Percent
BEGINNING FUND BALANCE	8,437,239	7,775,288			8,437,239	6,637,617		
REVENUES (Per Account Groups, includes receivables)								
Water Revenue	2,738,278	11,182,700	8,444,422	24.49%	2,738,278	1,690,865	1,047,413 **(1)**	61.95%
Wastewater Revenue	1,716,209	6,548,887	4,832,678	26.21%	1,716,209	942,079	774,130 **(2)**	82.17%
Other Water/Wastewater Revenue	121,955	938,300	816,345	13.00%	121,955	175,938	(53,984)	-30.68%
Interest Revenue	123,980	350,000	226,020	35.42%	123,980	47,280	76,700	162.22%
TOTAL REVENUES	4,700,421	19,019,887	14,319,466	24.71%	4,700,421	2,856,163	1,844,259	64.57%
EXPENSES (Per Account Groups)								
Personnel	1,127,669	4,280,806	3,153,137	26.34%	1,127,669	1,008,645	(119,024)	-11.80%
Supplies	121,527	829,242	707,716	14.66%	121,527	103,118	(18,408)	-17.85%
Maintenance & Repair	266,142	1,871,212	1,605,070	14.22%	266,142	249,649	(16,493)	-6.61%
Utilities	238,108	3,292,907	3,054,799	7.23%	238,108	344,687	106,579	30.92%
Contract Wages	17,375	78,000	60,625	22.28%	17,375	2,789	(14,586)	-522.94%
Computer Services	16,313	102,202	85,889	15.96%	16,313	18,458	2,145	11.62%
Debt Service	1,181,637	4,910,189	3,728,552	24.06%	1,181,637	1,296,094	114,457	8.83%
Contractual and Special Services	178,640	1,683,867	1,505,227	10.61%	178,640	174,708	(3,932)	-2.25%
Vehicle Usage	55,014	310,574	255,560	17.71%	55,014	60,408	5,394	8.93%
Other	34,212	175,998	141,786	19.44%	34,212	38,007	3,795	9.99%
Equipment	112,735	322,198	209,463	34.99%	112,735	57,134	(55,601)	-97.32%
Transfers	1,288,907	5,155,626	3,866,720	25.00%	1,288,907	372,156	(916,751)	-246.34%
TOTAL EXPENSES	4,638,279	23,012,821	18,374,542	20.16%	4,638,279	3,725,854	(912,425)	-24.49%
EXCESS REVENUES/EXPENSES	62,142	(3,992,934)			62,142	(869,692)		
ENDING FUND BALANCE	8,499,381	3,782,354			8,499,381	5,767,925		

NOTES:
(1) Prior year includes an audit entry which reduced revenue by $1,192,216. Actual prior year-to-date revenue was $2,883,081.
(2) Prior year includes an audit entry which reduced revenue by $640,676. Actual prior year-to-date revenue was $1,582,755.

CITY OF SHERMAN
CITY MANAGEMENT GENERAL LEDGER STATUS REPORT
UNAUDITED BUDGET VS. ACTUAL
AS OF: December 31, 2006

77-UTILITY IMPROVEMENT FUND

	FY 06/07 Y-T-D Actual	FY 06/07 Annual Budget	--Variance-- Balance	--Variance-- Percent
BEGINNING FUND BALANCE	**3,083,122**	**2,503,564**		
REVENUES (Per Account Groups)				
Interest	42,752	40,000	(2,752)	106.88%
Transfers	875,000	3,500,000	2,625,000	25.00%
TOTAL REVENUES	917,752	3,540,000	2,622,248	25.93%

	Y-T-D Actual	Annual Budget	Prior Year Actual	Total Expenditures	Project Budget	Percent Of Budget
EXPENDITURES (Per Account Groups)						
MEMC Infrastructure Reimbursement	1,311	-	33,569	N/A	N/A	N/A
Ricketts/Kessler Waterline Replacement	14,667	54,729	-	14,667	170,000	8.63%
Texoma Parkway Waterline Replacement	12,559	29,461	-	12,559	225,000	5.58%
Hub Street Waterline Replacement	57,756	-	-	57,756	40,000	144.39%
NW Sherman Waterline Replacement	55,397	-	-	55,397	70,000	79.14%
Hwy 56 Waterline - West To Friendship	4,255	45,000	-	4,255	45,000	9.46%
Dexter Street Waterline Replacement	1,312	76,000	-	1,312	76,000	1.73%
West Washington Water Replacement	-	100,000	-	-	100,000	0.00%
Lamberth & Devonshire Sewer Replacement	-	2,120	-	-	50,000	0.00%
FY 2006 Utility Oversizing	-	109,092	-	-	109,092	0.00%
FY 2007 Utility Oversizing	-	100,000	-	-	100,000	0.00%
Water Treatment Plant Upgrade Phase I	-	1,350,000	-	-	1,350,000	0.00%
Wastewater Treatment Plant - Influent Meter	-	150,000	-	-	150,000	0.00%
Texoma Parkway Sewer Replacement	-	90,000	-	-	90,000	0.00%
Belden Street Waterline Replacement	-	60,000	-	-	60,000	0.00%
Oakhill Street Waterline Replacement	-	50,000	-	-	50,000	0.00%
TOTAL EXPENDITURES	147,257	2,216,402	33,569	145,946	2,685,092	
ENDING FUND BALANCE	**3,853,617**	**3,827,162**				

NOTES:
(1) Some projects extend beyond a single fiscal year.
(2) Does not include projects which are financed through GTUA.

CITY OF SHERMAN
CITY MANAGEMENT GENERAL LEDGER STATUS REPORT
UNAUDITED BUDGET VS. ACTUAL
AS OF: December 31, 2006

79 - SOLID WASTE FUND

	FY 06/07 Y-T-D Actual	FY 06/07 Annual Budget	--Variance-- Balance	--Variance-- Percent	Y-T-D Actual	Prior FY Y-T-D Actual	--Variance-- Amount	--Variance-- Percent
BEGINNING FUND BALANCE	**2,458,927**	**1,850,484**			**2,458,927**	**1,395,339**		
REVENUES								
(Per Account Groups, includes receivables)								
Residential Solid Waste	369,730	1,538,800	1,169,070	24.03%	369,730	219,700	150,030 **(1)**	68.29%
Commercial Solid Waste	799,021	3,228,000	2,428,979	24.75%	799,021	735,922	63,098	8.57%
Curbside Recycling	83,742	343,200	259,458	24.40%	83,742	51,738	32,004 **(2)**	61.86%
Recycled Material Sales	22,023	75,000	52,977	29.36%	22,023	21,649	374	1.73%
Interest Revenue	27,581	55,000	27,419	50.15%	27,581	11,908	15,673	131.61%
Miscellaneous	1,735	15,000	13,265	0.00%	1,735	2,285	(550)	-24.07%
TOTAL REVENUES	1,303,831	5,255,000	3,951,169	24.81%	1,303,831	1,043,202	260,630	24.98%
EXPENSES								
(Per Account Groups)								
Personnel	406,230	1,436,595	1,030,365	28.28%	406,230	325,957	(80,273)	-24.63%
Supplies	63,746	256,596	192,850	24.84%	63,746	11,593	(52,153)	-449.87%
Maintenance & Repair	289	13,920	13,631	2.08%	289	299	10	3.31%
Utilities	1,610	9,309	7,699	17.30%	1,610	701	(909)	-129.67%
Contract Wages	-	5,600	5,600	0.00%	-	-	-	0.00%
Computer Services	2,142	19,957	17,815	10.73%	2,142	1,859	(282)	-15.19%
Debt Service	101,163	492,112	390,949	20.56%	101,163	86,673	(14,490)	-16.72%
Contractual and Special Services	283,558	1,476,257	1,192,699	19.21%	283,558	292,303	8,745	2.99%
Vehicle Usage	193,725	840,071	646,346	23.06%	193,725	156,444	(37,281)	-23.83%
Equipment	189,657	201,434	11,777	94.15%	189,657	-	(189,657)	0.00%
Transfers	273,984	1,095,938	821,954	25.00%	273,984	87,752	(186,233)	-212.23%
TOTAL EXPENSES	1,516,105	5,847,789	4,331,684	25.93%	1,516,105	963,581	(552,524)	-57.34%
EXCESS REVENUES/EXPENSES	**(212,273)**	**(592,789)**			**(212,273)**	**79,621**		
ENDING FUND BALANCE	**2,246,654**	**1,257,695**			**2,246,654**	**1,474,960**		

NOTES:
(1) Prior year includes an audit entry which reduced revenue by $145,902. Actual prior year-to-date revenue was $365,602.
(2) Prior year includes an audit entry which reduced revenue by $29,292. Actual prior year-to-date revenue was $81,030.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.8

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.9

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. D.10

TABLED AT JANUARY 16, 2007 COUNCIL MEETING:
APPOINT/REMOVE OR CONSIDER QUALIFICATIONS
TO BOARDS AND COMMISSIONS
Airport Advisory Board (4)

Issue
Currently, the terms of two members on the Airport Advisory Board have expired. Ross Richardson's and Robert Nunn's terms expired on January 18, 2007. They are both eligible and do wish to be reappointed. There are also four vacancies on the Board. We have received applications from Stanley Hale, Donald Makinson, and Luke Motley IV.

Background
The Airport Advisory Board makes recommendations to the City Council on changes in current fees; charges for airport T-hangar rentals and related airport services; and rules, regulations and operations for the Sherman Municipal Airport.

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

Financial Consideration
There is no financial consideration.

Staff Recommendation
It is recommended that the City Council consider appointments to the Airport Advisory Board.

Alternatives
The alternative is to delay appointment of the members.

Attachments
A roster, fact sheet, applicant list, and applications are attached for examination.

Prepared by:
Linda Ashby, City Clerk

Approved by:
L. Scott Wall, City Manager

MEMBERSHIP ROSTER

AIRPORT ADVISORY BOARD

LENGTH OF TERMS: TWO YEARS

Ord. 3729 Consecutive Term Limit Two Terms effective 3/26/84

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Ross Richardson	1	A 1/18/2005	1/18/2007	1	Commercial Pilot
vacant					
vacant					
Robert G. "Bob" Nunn	1	A 1/18/2005	1/18/2007	1	Private Pilot's License (current)
vacant					
Brad Morgan	1	A 8/7/2005	8/7/2007	1	
vacant					

NOTE: Ord. 3729 Section 4-14(a) Not more than (3) members shall be elected from among those who hold a "current private pilots license,"

11/14/2002 – Determination by City Attorney:

Based on the language contained in Section 1 of Ordinance 3729 referring to Section 4-14(a) of the Code of Ordinances, mere possession of a pilots license does not make an individual a pilot. The ordinance requires a "current" pilots license, which means that every two years an individual must take and pass a bi-annual flight review and have that fact noted in the pilots log book. Therefore, the Board may consist of as many individuals as desired holding non-current pilots licenses.

Note:

CITY STAFF: Jeff Miller, Director of Public Services
Revised 12/14/2006

FACT SHEET

AIRPORT ADVISORY BOARD

Established by ORDINANCE 3729 - MARCH 26, 1984

1. **Number of Members** SEVEN
2. **Term of Appointment** TWO YEARS
3. **Consecutive Term Rule** ORDINANCE 3729 - TERM LIMIT - MAXIMUM OF TWO SUCCESSIVE TERMS
4. **Qualifications for Membership** NOT MORE THAN THREE MEMBERS TO BE SELECTED FROM THOSE WHO HOLD A CURRENT PRIVATE PILOTS LICENSE (SEE ORDINANCE SECTION 4-14(a)
5. **Appointed by** CITY COUNCIL
6. **Board Organization**

   CHAIRPERSON _E_ VICE CHAIRPERSON __ SECRETARY _E_

   ELECTED _E_ APPOINTED ___
7. **Departmental Responsibility** CITY MANAGER'S OFFICE
8. **Meeting Date** NO SET DATE - MEET AS CALLED BY CHAIRMAN
9. **Attendance Requirements** NO RULE

==

PURPOSE:
It shall provide such other airport advisory functions as may be directed by the City Council.

RESPONSIBILITIES:
This committee shall advise City Council as to recommend changes in current fees and charges for airport T-hanger rentals and related airport services, in airport rules, regulations and operations of Sherman Municipal Airport.

APPLICANT LIST
AIRPORT ADVISORY BOARD

Positions Vacant 6

Applicant	Address	District	Qualifications
Robert G. Nunn	2405 Rex Cruse Dr.	1	Current Member Wishes to be reappointed
Ross Richardson	2115 Turtle Creek	1	Current Member Wishes to be reappointed
Stanley Hale	1812 Robin Dr.	4	Nortex Manufacturing
Donald Makinson	325 Arapaho East	4	Retired
Luke Motley IV	1405 Greenbriar	1	Sanders, O'Hanlon & Motley

COMMENTS:

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: Robert G. Nunn
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board
or Commission: Airport Advisory Board

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

Personal Information	**Occupational Information**
Home Address: 2405 Rex Cruse Dr	Business Name: Gates Corporation
Mailing Address: ____________	Occupation: Manager
Telephone: 90.3-892-1488 Fax: ____________	Address: 11090 Grader St. - Dallas, TX
E-Mail: bnunn@cableone.net	Telephone: 214-342-9843 Fax: 303-744-5060
Sherman Resident for 47 years County: ____________	E-Mail: bnunn@gates.com
Drivers License No.: 03946493	
*Voter Registration No.: 8004323 ✓	

Which Council District do you live in? *(see attached map)* 1 ✓

JAN 19 2007

Prior work experience: *(please include dates)*
Gates Corporation 1979 - Present

Educational Achievement:

High School Graduate? Yes ☑ Year Graduated/Left School? 1970 - Sherman High School
Business College, Correspondence School, Adult Education, Other? ____________
Name of College/University: Apostolic Bible Institute ☑ Bachelor's ☐

Volunteer Work: *(please include dates)*

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☑ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - yes, current

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☑ Yes

If so, which one? Airport Advisory Board

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?
To continue our work to improve Sherman Municipal Airport

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) Ground Lease: Obtain and put into place a ground lease to allow T-hangers to be built.
The Ground Lease will also open opportunitites for other business to locate at the airport

2) Fuel Storage Tank
The current fuel storage tank is undersized and outdated.
A new larger tank will allow the city to purchase bulk fuel at a cheaper rate. The airport will be able to sell more fuel and increase income for the city.

3) Improved airport contribution to the city
We want to make this airport more useful to the city and its citizens

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:
I am an instrument rated pilot

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:
None

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☑ Yes ☐
Comments: **I am a current member of the board**

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: Robert G Munn *Date:* 18-JAN-2007

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: ROSS P RICHARDSON
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: AIRPORT

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

Personal Information	Occupational Information
Home Address: 2115 TURTLE CREEK CIR	Business Name: RAYTHEON
Mailing Address: SAME	Occupation: ENGR
Telephone: 903-893-4221 Fax: ——	Address: MCKINNEY, TX
E-Mail: RPRICHARDSON@VERIZON.NET	Telephone: 972-952-5170 Fax:
Sherman Resident for 30 years County: 30	E-Mail: ROSS.RICHARDSON@RAYTHEON.COM
Drivers License No.: 01139541	
*Voter Registration No.: I USE MY DL TO VOTE 7803488 ✓	

Which Council District do you live in? *(see attached map)* D1 ✓

VOLUNTEER
~~Prior work~~ experience: *(please include dates)*
5 PRIOR ON AIRPORT BOARD AS CHAIRMAN, CABLE BOARD.
PRESENTLY MEMBER AIRPORT BOARD.
COMMERICAL PILOT LICENSE WITH INSTRUMENT RATING

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? '64
Business College, Correspondence School, Adult Education, Other?
Name of College/University: ARKANSAS ☒ Bachelor's ☐ Master's ☐ PhD

WORK
~~Volunteer~~ Work: *(please include dates)*
30 YEARS AT TI/RAYTHEON AS QUALITY ENGINEER

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

JAN 9 2007

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☒ Yes ☐ No

If so, which one? AIRPORT

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?
SHERMAN HAS AN UNREALIZED ASSET AND THAT SHOULD GROW, WITH MY WORK EXPERIENCE AS AN ENGINEER AND BEING A PILOT I UNDERSTAND WHAT NEEDS TO BE DONE

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) BUILD HANGARS TO BRING NEW TENANTS WHICH HELPS BRING MONEY TO THE AIRPORT

2) ALLOW FAVORABLE CONDITIONS TO EXIST TO HAVE AVIATION RELATED BUSINESSES TO BE ESTABLISHED, SEEK OUT AVIATION BUSINESSES TO THE SHERMAN AIRPORT

3) ENGAGE SEDCO AND THE CHAMBER IN PROMOTING THE AIRPORT IN ALL ADVERTISING OF THE CITY.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:
ELECTRICAL ENGR, QUALITY, PILOT LICENSE, COMPUTER SKILLS, CONTRACTING KNOWLEDGE, WORKING GOV'T DOCUMENTS

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:
NONE

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No
Comments: PAST CHAIRMAN EXPERIENCE

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: Ron P Richardson *Date:* 1/13/2007

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

DEC - 7 2006

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

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P.O. Box 1106
Sherman, TX 75091
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Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: STANLEY GENE HALE (STANLEY HALE)
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: AIRPORT ADVISORY BOARD

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

Personal Information	Occupational Information
Home Address: 1817 ROBIN DR.	Business Name: NORTEX MANUFAC
Mailing Address: SHERMAN TX 75092	Occupation: MARKET DEVELOPMENT
Telephone: (903) 891-3082 Fax:	Address: SHERMAN
E-Mail:	Telephone: 8913082 Fax:
Sherman Resident for 67 years County: 67 YRS	E-Mail:
Drivers License No.: TX 03872560	PART-TIME
*Voter Registration No.: 8004100	OUT OF MY HOME

Which Council District do you live in? *(see attached map)* 4

Prior work experience: *(please include dates)* HALE MANUFACTURING CO SHERMAN, TX 1962 - 1992 MARKETING, SALES, PRES. MANUFACTURING FINANCIAL PLANNING +CEO

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1956
Business College, Correspondence School, Adult Education, Other? 1962
Name of College/University: UNIV. TEXAS AUSTIN ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: *(please include dates)* 1976-1979 SERVED AS DIRECTOR OF SHERMAN CHAMBER COMMERCE ECONOMIC DEVELOPMENT

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☒ Yes ☐ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.
APPX 1994 ISSUANCE BAD CHECK CHARGE PAID FINES AND RECEIVED DEFFERED ADJUDI AND DUI PROBATION COMPLETED 2003

Application held for 12 months from date received

Taxes - yes

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?
I have A history with AirPort beginning 50 years Ago and A desire FOR IT continuing

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) At this Time I am NOT Familiar with Issues Facing The AirPort

2) I would like ~~a~~ workable Short and long Term ~~a~~ plans established

3) ______

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:
have experience As A pilot using airport and have rented Hangar space in the 60s.

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:
NONE

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No
Comments: ______

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: Stanley Hale *Date:* 12-7-06

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

CITY OF SHERMAN
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Fax: (903) 892-7394

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Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: DONALD W. MAKINSON
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: AIRPORT BOARD

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

Personal Information		Occupational Information	
Home Address:	325 ARAPAHO EST	Business Name:	—
Mailing Address:	SHERMAN TX 75092	Occupation:	RETIRED
Telephone:	903-892-9437 Fax: —	Address:	—
E-Mail:	dwmakinson@AOL.com	Telephone:	— Fax: —
Sherman Resident for	36 years County: 30	E-Mail:	—
Drivers License No.:	04614494		
*Voter Registration No.:	7604082 ✓		

Which Council District do you live in? *(see attached map)* D-4 ✓ P-23

Prior work experience: *(please include dates)*
- MANY JOBS working my way through College.
- USAF Pilot 1954 1957
- TEXAS INSTRUMENTS 1957 – 1991

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1949
Business College, Correspondence School, Adult Education, Other? ____
Name of College/University: U of IDAHO ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: *(please include dates)*
- SALVATION ARMY BOARD 1985 – 1995? (10 YEARS)
- FIRST UNITED Methodist Church – TRUSTEE – 2-TERMS, Great days of SERVICE
- LIONS club, Bell Ringing, white Cane Day etc.
- CITY of SHERMAN Block GRANT COMMITTEE

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

JAN 17 2007

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?

• HAVE AVIATION BACKGROUND / EXPERIENCE

• HAVE good business & Admin Experience.

• CAPABLE OF ASSURING, Common Sense, OVERSITE & Cost Control.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) NOT FAMILIAR with detail regarding the AIR PORT Board

2) But would Look at depth in:

. Budgets & Financial Status

. Sources of Income.

. Management & Admin structure.

. AIRPORT — MISSION Statement.

3) ______

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

. SOME Knowledge of Aviation

. MANY YEARS of Business experience and personal financial knowledge —

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

______

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No

Comments: ______

Statement of Intent

<u>I am aware of the requirements of the City regarding conflicts of interest</u> of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: Donald W. Mokinson *Date:* 1/17/07

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public, upon request.

CITY OF SHERMAN
APPLICATION FOR BOARD OR COMMISSION MEMBERSHIP

Return completed application to:
City Clerk's Office
220 W. Mulberry
P.O. Box 1106
Sherman, TX 75091
Fax: (903) 892-7394

Please type or use black ink
Please complete one application for each board or commission membership
Please limit attachments to two pages
For questions or additional information, call the City Clerk's Office, (903) 892-7206

Name: LUKE MOTLEY IV
(Please print legal name and your name as you wish it to appear, if different.)

Name of Board or Commission: AIRPORT BOARD

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

Personal Information	Occupational Information
Home Address: 1405 GREENBRIER	Business Name: SANDERS, O'HANLON & MOTLEY
Mailing Address: 111 S. TRAVIS	Occupation: LAWYER
Telephone: 892-9133 Fax: 892-4302	Address: 111 S. TRAVIS
E-Mail: lmotley4@somlaw.net	Telephone: 892-9133 Fax:
Sherman Resident for 17 years County: GRAYSON	E-Mail:
Drivers License No.: TX 10162430	
*Voter Registration No.: 9100675 ✓	

Which Council District do you live in? *(see attached map)* 1 ✓

Prior work experience: *(please include dates)*
LAWYER FOR 17 YEARS

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School?
Business College, Correspondence School, Adult Education, Other?
Name of College/University: Baylor Law School ☐ Bachelor's ☐ Master's ☒ PhD

Volunteer Work: *(please include dates)*
SHERMAN NOON LIONS CLUB
GRAILS INC
CHILD GUIDANCE CLINIC

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - Yes

Application held for 12 months from date received

JAN 8 2007

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? ______

Why do you want to become a member of this particular board or commission *(how would you use this experience to benefit the City)*?
I am a pilot and am interested in the municipal airport

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) Preserving the integrity of the airport in light of the focus on Grayson County airport

2) Expanding the services to local pilots and the city – not sure at this point how that would best be done

3) Ensuring economic ~~success~~/stability in relation to benefits to city citizens

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:
Law license
pilot license

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:
I represent a party in a suit involving the city but the subject matter is not related to the airport. I don't consider it a conflict but wanted to disclose it.

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☒ Yes ☐ No
Comments: I attended a meeting several years ago

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: [signature] Date: 1/18/07

In compliance with Chapter 552, Vernon's Texas Codes Annotated (Open Records Law), information provided on this application may be available to the public upon request.

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

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:** 2-20-2007

Subject: Agenda Item No. E.1

EXECUTIVE SESSION

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

Section 551.071

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

b) Consultation with the City Attorney Concerning Pending Litigation:

i) City of Sherman, Texas v. Creighton Lemoyne Escoe, et al.; Cause No. 03-0617

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. F.1

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

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL
Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. F.2

ADJOURNMENT

The Honorable Bill Magers, Mayor

SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager **Date:** 2-20-2007

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2007
CITY COUNCIL MEETINGS

JANUARY

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

FEBRUARY

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

MARCH

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

APRIL

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

MAY

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

JUNE

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

JULY

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

AUGUST

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

SEPTEMBER

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

OCTOBER

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

NOVEMBER

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

DECEMBER

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

01/01/07 - New Year's Day Holiday - Council Meeting Not Called for 01/02/07
01/15/07 - M.L.K., Jr. Birthday - Called Council Meeting on 01/16/07
01/30/07 - 12:00 Noon Called Meeting for City Charter Briefing
02/19/07 - Washington's Birthday - Called Council Meeting on 02/20/07
05/12/07 - City Council Election
05/22/07 - 12:00 Noon Called Meeting to Canvass Election Results
09/03/07 - Labor Day - Called Council Meeting on 09/04/07