

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, FEBRUARY 16, 2009
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 PAMELA L. HOWETH](#)
- A.4 [APPROVE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 2, 2009 AND THE CALLED CITY COUNCIL MEETING OF FEBRUARY 11, 2009](#)

Public Hearing

- B.1 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5588](#)
Ordering an Election of the Qualified Voters of the City of Sherman, Texas, on the 9th day of May, 2009, for the Purpose of Electing a Mayor and Two (2) At-Large City Council Members for Said City; Providing that Said Election Shall be Held Jointly with the Sherman Independent School District and Grayson County College; 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. 5589](#)
Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 4(5)
- B.3 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5590](#)
Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.4, entitled "C-1 (Retail Business) District"
- B.4 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5591](#)
Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 7, entitled "Supplementary District Regulations and Exceptions", to Add Subsection (1)(B) for Requirements to the Exterior Façade on Buildings Visible from the Front Street Right-of-Way and Amending Subsection (5)(d) to Add to the List of Streets for Special Building Requirements

B.5 [INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5592](#)

Amending Chapter 14, Exhibit “A” of the Code of Ordinances, entitled “General Zoning Ordinance”, at Section 8(5)(A) to Amend the Requirements for Mini-Warehouses and Storage Facilities, Automobile, Glass, Muffler, Seat Cover, Tire and Upholstery Service, Sales, Installation and Repair

Close Public Hearing and Consider Adoption of Ordinances

B.6 [ADOPTION OF ORDINANCES](#)

Consider Adoption of Ordinance Numbers:

- | | |
|-------------|-------------|
| a) 5588 | d) 5591 |
| b) 5589 | e) 5592 |
| c) 5590 | |

B.7 [CONSENT AGENDA](#)

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

Resolutions

C.1 [RESOLUTION NO. 5319](#)

Authorizing Execution of a Joint Election Agreement between the City of Sherman, the Sherman Independent School District, and Grayson County College to hold a Joint Election on May 9, 2009

C.2 [RESOLUTION NO. 5320](#)

Supporting the Naming of State Highway 289 as the “Preston Trail Highway”

C.3 [* RESOLUTION NO. 5321](#)

Endorsing Certain Legislative Changes to Enhance the Competitive Electric Market Supported by Cities Aggregation Power Project, Inc.

C.4 [RESOLUTION NO. 5322](#)

Expressing the City of Sherman’s Agreement with the Transfer of Federal Transit Administration Section 5307 Small Urban Grant Responsibility to the Texoma Area Paratransit System

C.5 [* RESOLUTION NO. 5323](#)

Authorizing Execution of an Agreement with Kight Family L.P. #1 for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1026 East Chaffin Street

C.6 [* RESOLUTION NO. 5324](#)

Rescinding Resolution No. 5023 in its Entirety which Authorized the Execution of an Agreement with Barton Capital, LTD for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1119 South Montgomery Street

Requests to Advertise

- D.1** [* REQUEST TO ADVERTISE](#)
2009 Street Mill and Overlay Program
- D.2** [* REQUEST TO ADVERTISE](#)
Construction of a New Section of West Canyon Creek Drive
- D.3** [* REQUEST TO ADVERTISE](#)
Seal Coat Emulsified Asphalt Oil and Stone
- D.4** [* REQUEST TO ADVERTISE](#)
Fire Engineer Training Simulator

Other Business

- D.5** [OTHER BUSINESS](#)
Receive Financial Update from Assistant City Manager/CFO Robby Hefton
- D.6** [OTHER BUSINESS](#)
Consider Calling a Special Meeting of the City Council for Friday, March 6, 2009, to Meet New Chamber Board Members
- D.7** [CITIZEN REQUESTS](#)
- D.8** [MEDIA QUESTIONS](#)

Consider Board/Commission Appointments

- D.9** [APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS](#)
a) Parks and Recreation Advisory Board (1)
- D.10** [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 Consultation with City Attorney Concerning Pending Litigation:
(a) In the Court of Appeals, Fifth District of Texas at Dallas
 No. 05-06-00420-CV; The City of Sherman, Texas and The
 Sherman City Council, Appellants v. James Wayne,
 Appellee

Section 551.074

Personnel Matters:

- (a) Deliberating the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee:
 - (i) Interview of City Attorney Candidates

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: 2-16-2009

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: 2-16-2009

Subject: Agenda Item No. A.2

PLEDGE OF ALLEGIANCE

The Honorable Pamela L. Howeth, Council Member



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. A.3

INVOCATION BY COUNCIL MEMBER PAMELA L. HOWETH



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. A.4

APPROVE MINUTES

**OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 2, 2009
AND THE CALLED CITY COUNCIL MEETING OF FEBRUARY 11, 2009**

STATE OF TEXAS

§

February 2, 2009

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 2, 2009.

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

MEMBERS ABSENT: NONE.

CALL TO ORDER

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

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of January 19, 2009. Council Member Steele moved to approve the Minutes as presented; Second by Council Member Adami. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

PROCLAMATION

"BLACK HISTORY MONTH" – FEBRUARY 2009

Mayor Magers presented a proclamation to Erik Jackson, President of the NAACP, designating February 2009 as "Black History Month" in the City of Sherman. Mr. Jackson thanked the City Council for recognizing "Black History Month" for all Americans.

BLACK HISTORY
MONTH
FEBRUARY 2009

INTRODUCTION AND PUBLIC HEARING OF ORDINANCES

Mayor Magers introduced Ordinance 5587 and called for a public hearing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF LOCKHART STREET AND COLLEGE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5587
STOP SIGNS

No citizens appeared before the City Council to discuss Ordinance 5587.

The Ordinances were introduced and the Public Hearing was closed.

CLOSE PUBLIC
HEARING

ADOPTION OF ORDINANCES

Ordinance 5587

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, PROVIDING FOR PERMANENT "STOP" SIGNS AT THE INTERSECTION OF LOCKHART STREET AND COLLEGE STREET WITHIN THE CITY LIMITS OF THE CITY OF SHERMAN; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER.

ORD 5587
STOP SIGNS

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve Ordinance No. 5587, as presented. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

CONSENT AGENDA

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NO. 5313 - AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING THE 2008-2009 BUDGET OF THE CITY OF SHERMAN, TEXAS, APPROPRIATING AND ALLOCATING ADDITIONAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009.

CONSENT AGENDA.

RES 5313
BUDGET
AMENDMENT

RESOLUTION NO. 5314 - AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH GRAYSON COUNTY FOR SHERMAN'S PARTICIPATION IN THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING PROGRAM; APPOINTING MEMBERS TO SERVE ON THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING TEAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH GRAYSON COUNTY FOR SHERMAN'S PARTICIPATION IN THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING PROGRAM; APPOINTING MEMBERS TO SERVE ON THE GRAYSON COUNTY COMMUNITY MITIGATION PLANNING TEAM.

RES 5314
GRAYSON COUNTY
COMMUNITY
MITIGATION
PLANNING PROGRAM

Deputy Mayor Wacker asked how Sherman's current planning would fit into the overall process. George Olson, City Manager, said in 2003 the City became eligible for

certain grant funds and began the process of creating a Hazard Mitigation Plan.

The Plan was completed and sent to the State, however there were some deficiencies. The City has been working on the deficiencies. The City has now joined with the City of Denison and Grayson County, which has an Emergency Management Coordinator. Their task is to prepare a Hazard Mitigation Plan for Grayson County as a whole. The process is designed to complete Sherman's plan in coordination with a plan for the entire County.

Jeff Jones, Fire Chief and Emergency Management Coordinator, explained that the process is very time consuming for the staff and involves many public meetings. Sherman has completed those steps and is very close to completion of the Plan. Eventually that Plan will mold into the County's Plan.

He added that for efficiency, and since they were awarded a grant to hire someone familiar with the program, incorporating Sherman's Plan into a larger County Plan, the process should be completed in six or seven months.

Mayor Magers confirmed that the new Plan would not rewrite Sherman's Plan. Chief Jones said the Mitigation Plan evaluates all hazards that could happen, including weather threats, transportation threats, and how the City might deal with those threats and mitigate after a disaster, including Federal funding.

Mayor Magers reiterated that the City of Sherman is maintaining total operational control in Sherman. The Plan does not obligate the City to act on any mitigation efforts. Those would be considered post disaster.

ACTION TAKEN.

Motion by Council Member Softly to approve Ordinance No. 5314, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 5315 – AUTHORIZING THE PURCHASE OF RESCUE EQUIPMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE SHERMAN FIRE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF RESCUE EQUIPMENT THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE SHERMAN FIRE DEPARTMENT.

CONSENT AGENDA.

**RES 5315
RESCUE EQUIP.**

RESOLUTION NO. 5316 – AUTHORIZING THE PURCHASE OF A SIGN TRUCK BODY FROM DUTEC, INC. FOR THE STREET SERVICES DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A SIGN TRUCK BODY FROM DUTEC, INC. FOR THE STREET SERVICES DEPARTMENT.

CONSENT AGENDA.

RES 5316
SIGN TRUCK BODY

RESOLUTION NO. 5317 – AUTHORIZING THE PURCHASE OF A SIGN TRUCK CHASSIS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF SIGN TRUCK CHASSIS THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT.

CONSENT AGENDA.

RES 5317
SIGN TRUCK CHASSIS

RESOLUTION NO. 5318 – AUTHORIZING THE PURCHASE OF A 2½-TON DUMP TRUCK THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE PURCHASE OF A 2½-TON DUMP TRUCK THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) FOR THE STREET SERVICES DEPARTMENT.

CONSENT AGENDA.

RES 5318
DUMP TRUCK

**REQUEST TO ADVERTISE
2009 BIOSOLIDS PROJECT FOR THE SHERMAN WASTEWATER TREATMENT PLANT**

Mr. Olson explained that the staff is still getting answers to questions the City Council raised at the last meeting about biosolids. This item deals only with the land application process that the City normally does.

ACTION TAKEN.

Motion by Deputy Mayor Wacker to approve the request to advertise for the 2009 Biosolids Project for the Wastewater Treatment Plant, as presented. Second by Council Member Adami.

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

VOTING NAY: None.

MOTION CARRIED.

REQ TO ADVERTISE
BIOSOLIDS PROJECT

FALLON DRIVE WATER MAIN CONSTRUCTION FROM U.S. HIGHWAY 75 TO PECAN GROVE ROAD

The City Council approved the request to advertise for bids to construct the Fallon Drive Water Main, from U.S. Highway 75 to Pecan Grove Road, which will provide looping and additional service to Texoma Parkway. The project is funded at \$250,000 in this year's Capital Improvement Program.

CONSENT AGENDA.

FALLON DR.
WATER MAIN
CONSTRUCTION

OAK CREEK DRIVE WATER MAIN REPLACEMENT FROM OAK CREEK CIRCLE TO ALPINE DRIVE

The City Council approved the request to advertise for bids to replace the Oak Creek Drive Water Main, from Oak Creek Circle to Alpine Drive. The project will replace the existing 6" water main which is deteriorated and results in frequent breaks and service interruptions. The project is funded at \$140,000 in this year's Capital Improvement Program.
CONSENT AGENDA.

OAK CREEK DR.
WATER MAIN
REPLACEMENT

TRAVIS STREET WATER MAIN REPLACEMENT FROM WASHINGTON STREET TO JONES STREET

The City Council approved the request to advertise for bids to replace the Travis Street Water Main, between Washington Street and Jones Street. The project will replace the existing 10" water main and is funded at \$250,000 in this year's Capital Improvement Program.
CONSENT AGENDA.

TRAVIS ST.
WATER MAIN
REPLACEMENT

RECONSTRUCTION OF THE SOLID WASTE TRANSFER STATION WALL

The City Council approved the request to advertise for bids to reconstruct the south wall of the Solid Waste Transfer Station. Two of the Transfer Station's three old wooden walls have been replaced with new concrete walls. The remaining old wooden wall has deteriorated badly in recent years. Teague, Nall, and Perkins is currently preparing the engineering design. The project is funded in this year's Capital Improvement Program.
CONSENT AGENDA.

SOLID WASTE
TRANSFER STATION
WALL

OTHER BUSINESS

RECEIVE GTUA GENERAL MANAGER JERRY CHAPMAN'S BRIEFING ON THE PROPOSED LAKE TEXOMA PUMP STATION EXPANSION

Jerry Chapman, Greater Texoma Utility Authority General Manager, briefed the City Council on the proposed Lake Texoma Pump Station Expansion Project.

GTUA LAKE
TEXOMA PUMP
STATION EXPANSION
PROJECT

In the original 1985 agreement between GTUA and the North Texas Municipal Water District, there was a provision that either party had a right to modify the facilities at the pump station. The other party had a right to participate in that modification if they desired.

NTMWD commissioned an engineering examination to determine if the additional pumping capacity would be practical. NTMWD does want to proceed and now GTUA must notify them whether or not they want to participate in that project. Discussions have indicated that Sherman would like to participate in the project.

Participation would mean that GTUA would retain the 20% pumping capacity they currently have in the project. If the pump station is expanded the capacity and raw water line would increase from 90 to 95 mgd to 120 mgd, which would be the 20%.

Mr. Chapman asked the City Council to authorize that they do want to participate in the expansion project. The City's cost participation will not be needed until next fiscal year. The target completion date is August 2010.

Mayor Magers clarified that the project includes the pump station only and will add two more pumps and 6,000 hp motors which will increase the capacity of the water coming through the line.

With future residential, industrial, and commercial growth and the water sales entered into, it is important for the City of Sherman to increase their pumping capacity.

The Corp of Engineers have supposedly completed all their tasks for the Reallocation Study, which began three years ago, and sent their report to their Central Office. There are still two issues with the Southwest Power Administration concerning compensation for loss from the Corp and how long that compensation will continue.

Lake Texoma houses 50,000 acre feet of water for GTUA, and NTMWD has applied for 100,000 acre feet of water. Mayor Magers confirmed that the existing pipe can't pump that capacity of water. Mr. Chapman added that there is room for three water lines.

Council Member Adami asked about a cost estimate for the project. Mr. Chapman said the entire project is estimated at \$6,479,702 and Sherman's 20% share would be \$1,296,000.

ACTION TAKEN.

Motion by Council Member Smith to notify the North Texas Municipal Water District of the City of Sherman's intent to participate in the 20% upsizing of pumps at the Water Treatment Plant, and to come back with financing, as presented. Second by Council Member Wacker.

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

VOTING NAY: None.

MOTION CARRIED.

RECEIVE PARKS AND RECREATION UPDATE FROM ADMINISTRATOR KEVIN WINKLER

Kevin Winkler, Parks and Recreation Administrator, briefed the City Council on Parks and Recreation activities. Two Capital Improvement Projects that are in process are Center Street Park and Pecan Grove Park, Phase I.

The Center Street Park Project includes removal of the old Field House, a 100 space parking lot, two full size fields, a new concrete trail which will connect with the existing sidewalk from Binkley Park to Herman Baker Park. The originally proposed bridge has been removed from the project.

PARKS & REC UPDATE

Mayor Magers confirmed that the City has closed on the small piece of property adjacent to the park.

Mayor Magers suggested asking Oncor to bury some of the electric lines that cross the park. Mr. Winkler said those are transmission lines and it would be difficult to bury them.

Mr. Winkler said the estimated completion date for the Center Street Park is mid June 2009, except that the fields will not be ready to play on.

Work was begun in mid November 2008 on Pecan Grove Park, Phase I and estimated completion is mid March 2009. Both projects are ahead of schedule.

This project includes a parking lot, playground area, 1,000 foot long walking trail that is 8 foot wide, 45' x 25' pavilion, and extensive fencing.

Phase II should be bid in early summer 2009. The City is currently extending Canyon Creek Drive in conjunction with the project. The project will include an amphitheater with grass seating for 2,000 to 3,000 people, five pavilions, a 4,300 linear foot paved walking trail, a 1,600 linear foot nature trail, a plaza area with concessions and restrooms, and two parking lots.

Mr. Winkler said the estimated completion of Phase II is scheduled for the summer of 2010. Mr. Olson said the park will be open after Phase I is complete, probably in a couple of months. Pecan Grove Park is a 117 acre park.

Deputy Mayor Wacker asked if the park will be reseeded with Bermuda grass or has the staff considered wild flowers or native grass. Mr. Winkler said the plan includes Bermuda grass, which was native to the area.

Council Member Howeth confirmed that the grass seating area would seat 2,000 to 3,000 people and she asked where that many people would park. Mr. Olson said the parking design is for the everyday use of the park but there is open space for festival parking on the grass, if needed.

Mr. Winkler said the bleachers for the Bleacher Replacement Program have been ordered and should be delivered in the next month. The old bleachers have already been removed and concrete pads have been poured.

Mr. Winkler presented a proposed updated fee structure for The Splash in Fairview Park. The proposal has been recommended by the Parks and Recreation Advisory Board.

Capacity of the pool is 400 and it requires 16 lifeguards for full capacity. Lifeguards are paid an average of \$10 per hour. They must have ten lifeguards and two in reserve at all times.

Mr. Winkler outlined the current fees and the proposed changes.

Council Member Smith confirmed that in 2008, there were 37 private rentals available and by 11:30 a.m. the first day, they were all booked. This year they will have available 47 private rental dates.

Council Member Steele asked if Sherman residents were given first booking for swim lessons. With the recommendation of the Parks and Recreation Advisory Board, Mr. Winkler said they were going to open for booking of swim lessons and private rentals two week earlier for residents than for non-residents.

Council Member Howeth asked about instigating a deposit for clean-up for the party cabana rentals. She felt that might be an incentive for renters to clean up their own mess. Mr. Winkler said that charge could still be added.

Council Member Smith said The Splash is very successful however it was never expected to be a money-making venture. He did not mind that some of the rates increased, however he was concerned about increasing the daily fee by a dollar.

Mayor Magers said they were encouraging citizens to purchase either punch cards or season passes. Mr. Winkler said most people still paid daily entry fees instead of purchasing the cards. In 2008, a punch card or season pass was used 2,029 times as opposed to approximately 36,200 people that used the pool.

Council Member Smith verified that the proposal to increase the fees was an attempt to balance the budget and help offset the costs for this year. He felt increasing the rental fees was fine, but did not want to increase the daily entrance fees.

Council Members discussed how the punch card and season pass discounts should be marketed.

Council Member Adami was concerned about not allowing any children free with paying adults. He suggested allowing children 2 and under free with a paying adult.

Council Members discussed leaving the daily pool rate at \$4 for adults and \$3 for children age 15 to 3, and then allowing children 2 and under free with a paying adult. Council Members were in favor of the other proposed increases.

Chris Oestreich, Parks and Recreation Advisory Board Member, said the Board spent a lot of time going over the proposed rates and they approved the recommendation.

ACTION TAKEN.

Motion by Council Member Smith to increase the fees for The Splash as presented, except to charge \$4 for adults, \$3 for children age 15 to 3, and allow children 2 and under free with a paying adult. Second by Council Member Steele.

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

VOTING NAY: None.

MOTION CARRIED.

APPROVE QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING DECEMBER 31, 2008

The City Council approved the Quarterly Investment Report for the period ending December 31, 2008. As of December 31, 2008, the operating portfolio had a book value of about \$21.5 million, down about \$4.1 million from three months ago, which is lower than normal for this period because of some delays in property tax and franchise tax collections.

The City was in compliance with all applicable State laws, however, due to the lower than projected investment balances, one provision of the City's internal Investment Policy was not met – the percent of the portfolio invested in pooled investments. The staff has made adjustments to the portfolio to bring the portfolio into compliance.

The Operating Portfolio remains adequately liquid, with a weighted-average maturity of about 41 days, and its yield of 2.14% for the quarter is higher than the benchmark yield of .25%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The City was also in compliance with all applicable State laws and the City's Investment Policy in the Debt Proceeds Portfolio. The portfolio remains adequately liquid, with all funds available within one day. Its yield of 1.58% for the quarter is higher than the benchmark yield of .25%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

CONSENT AGENDA.

CITIZENS REQUESTS

There were no citizen's requests.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

PARKS AND RECREATION DOES A GOOD JOB

Council Member Smith said the parks are a major asset and he appreciated the hard work that Mr. Winkler, Mr. Oestreich, the staff, and the other Board Members put in.

Council Member Adami agreed and Deputy Mayor Wacker added that this is exactly what cities need to be doing for the citizens.

**QUARTERLY
INVESTMENT
REPORT**

CITIZENS REQUESTS

MEDIA QUESTIONS

**PARKS & REC
DOES A GOOD
JOB**

Council Member Softly and Council Member Howeth also agreed and thanked Mr. Winkler.

CITIZEN OF THE YEAR

Mayor Magers recognized Kathy Williams, Herald Democrat Reporter, for being nominated by the League of Women Voter's for Citizen of the Year.

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.

SECTION 551.074

PERSONNEL MATTERS:
CONSIDER THE
QUALIFICATIONS,
APPOINTMENT, EMPLOYMENT
AND DUTIES OF A PUBLIC
OFFICER OR EMPLOYEE:
CITY ATTORNEY

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 6:02 p.m.

On Motion duly made and carried, the Executive Session recessed at 6:36 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

CITY ATTORNEY APPLICANTS
ACTION TAKEN.

Motion by Council Member Smith to authorize the City Manager to post interviews with the top three potential candidates for the City Attorney position. Second by Council Member Softly.

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

VOTING NAY: None.

MOTION CARRIED.

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 6:37 p.m.

EXECUTIVE SESSION

OPEN MEETING

CITY ATTORNEY
APPLICANTS

ADJOURNMENT

MAYOR

CITY CLERK

2009 FEE PROPOSAL FOR "THE SPLASH"

	CURRENT FEE	PROPOSED FEE
DAILY POOL PASS	Adult \$4.00 / Kids 15 & Under \$3.00 1 kid under 6 free with a paying adult	Adult \$5.00 / Kids 15 & Under \$4.00 No free kids with paying adult
SEASON POOL PASS	Ind. Res. \$50.00/Ind. Non-Res. \$75.00 Family(2) Res. \$75.00/\$100. Non-Res. Additional Season Passes \$10.00	Ind. Res. \$75.00/Non-Res. \$100.00 Family(2) Res. \$110.00/Non-Res. \$140.00 Additional Season Passes \$25.00
PUNCH CARDS	10 Punches for \$20.00	10 Punches \$30.00 Res./\$40.00 Non-Res.
GROUP YOUTH AGENCY	\$2.00 per kid (10 or more kids w/ 48 hr. notice)	\$3.00 per kid (10 or more kids w/ 48 hr. notice)
SWIM LESSONS	\$20.00 Per Session (8 classes 45 min each class)	\$30.00 Per Session/\$35.00 session Non-Res. (8 classes 45 min each class)
ADULT SWIM LESSONS	\$20.00 Per Session (8 classes 45 min each class)	\$30.00 Per Session/\$35 session Non-Res. (8 classes 45 min each class)
GUARD START	\$40.00 Per Session (8 classes 2 hrs each class)	\$60.00 Per Session Res./\$75.00 Non-Res. (8 classes 2hrs each class)
PARTY CABANA RENTALS	Resident \$20.00 / Non Resident \$30.00	Resident \$40.00/Non-Res. \$60.00
PRIVATE POOL RENTALS	Resident \$200.00 / Non Resident \$300.00	Resident \$400.00/Non-Res. \$600.00



Parks Construction Update



Center Street Sports Complex

Center Street



Remember the Old Field House?

Center Street



Current View

Center Street



Old Practice Fields

Center Street



New Multi-Purpose Sports Complex

Center Street



New Trail



Pecan Grove Park Phase I

Pecan Grove Park Phase I



Entry from Pecan Grove Rd.

Pecan Grove Park Phase I



Parking Lot

Pecan Grove Park Phase I



Playground Installation

Pecan Grove Park Phase I



New Playground

Pecan Grove Park Phase I



Trail Construction

Pecan Grove Park Phase I



New Trail



Pecan Grove Park Phase II

Pecan Grove Park Phase II



Facing West on the East Side of Lake

Pecan Grove Park Phase II



Facing East from West Side of Lake



Bleacher Replacement Project





Proposed Fee Increase

Daily Pool Pass

Current Fee

Adults - \$4

Kids 15 & Younger - \$3

One child under age 5 with
paying adult.

Proposed Fee

Adults - \$5

Kids 15 & Younger - \$4

No free children with adult.

Season Pool Pass

Current Fee

Individual Passes

- Resident - \$50
- Non-Resident - \$75

Family (2)

- Resident - \$75
- Non-Resident - \$100

Additional Passes \$10

Proposed Fee

Individual Passes

- Resident - \$75
- Non-Resident - \$100

Family (2)

- Resident - \$110
- Non-Resident - \$140

Additional Passes \$25

Punch Cards

Current Fee

Resident - \$20
Non-Resident - \$30

Proposed Fee

Resident - \$30
Non-Resident - \$40

Group Youth Agency

Current Fee

\$2 per child
10 or more with 48 hr. notice

Proposed Fee

\$3 per child
10 or more with 48 hr. notice

Swim Lessons (Youth & Adult)

Current Fee

\$20 per session

Proposed Fee

Resident – \$30
Non-Resident – \$35

Guard Start

Current Fee

\$40 per session

Proposed Fee

Resident - \$60
Non-Resident - \$75

Party Cabana Rentals

Current Fee

Resident - \$20
Non-Resident - \$30

Proposed Fee

Resident - \$40
Non-Resident - \$60

Private Rentals

Current Fee

Resident - \$200
Non-Resident - \$300

Proposed Fee

Resident - \$400
Non-Resident - \$600



STATE OF TEXAS

§

February 11, 2009

COUNTY OF GRAYSON

§

BE IT REMEMBERED THAT A Called Meeting of the Sherman City Council was begun and held in the City Council Chambers on February 11, 2009.

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

COUNCIL MEMBERS ABSENT: None.

CITY STAFF PRESENT: George Olson, City Manager; Robbie Hefton, Assistant City Manager/CFO; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

PURPOSE: Call to Order, Quorum Determined, Meeting Declared Open for the Purpose of Interviewing City Attorney Candidates

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.

Section 551.074-- Personnel Matters:

Deliberating the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee:
Interview of City Attorney Candidates

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 FOR THE PURPOSE OF INTERVIEWING CITY ATTORNEY CANDIDATES

Mayor Magers called the meeting to order at 12:00 p.m., declared a quorum present, and opened the City Council Meeting.

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.

SECTION 551.074-- Personnel Matters:

Deliberating the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee:
Interview of City Attorney Candidates

On Motion duly made and carried, the Open Meeting recessed and reconvened in Executive Session at 12:01 p.m.

On Motion duly made and carried, the Executive Session recessed at 12:54 p.m. and reconvened in Open Meeting.

OPEN MEETING

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

ADJOURNMENT

There being no further business to come before the City Council, motion was duly made and approved to adjourn the Called Meeting at 12:55 p.m.

MAYOR

ATTEST

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. B.1

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5588

Ordering an Election of the Qualified Voters of the City of Sherman, Texas, on the 9th day of May, 2009, for the Purpose of Electing a Mayor and Two (2) At-Large City Council Members for Said City; Providing that Said Election Shall be Held Jointly with the Sherman Independent School District and Grayson County College; 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 9, 2009, 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 \$28,492 and, since the City was the only entity on the ballot, the entire cost was paid by the City of Sherman. In 2007, the Election cost approximately \$25,337; and Sherman's portion of the Election cost was \$16,109. This year, the City of Sherman, the Sherman Independent School District, and Grayson County College 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 9th.

Alternatives

There is no viable alternative.

Attachments

Ordinance No. 5588

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

ORDINANCE NO. 5588

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 9th DAY OF MAY, 2009, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) AT-LARGE CITY COUNCIL MEMBERS FOR SAID CITY; PROVIDING THAT SAID ELECTION SHALL BE HELD JOINTLY WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT AND GRAYSON COUNTY COLLEGE; 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, 2009, the same being the 9th day of said month, at which election all qualified voters may vote for the purpose of electing a Mayor and two (2) At-Large City Council Members for full terms, as defined in the Charter of the City of Sherman, Texas.

SECTION 2. That said election shall be held jointly with the Sherman Independent School District and Grayson County College in accordance with the Joint Election Agreement executed pursuant to the authority of Resolution No. 5319, passed and approved on the 16th day of February, 2009.

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 Mayor and 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 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 canvass, shall issue a call for 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 6, 2009.

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	Minerva Paredes, Presiding 617 E. Summit, Sherman Judy Gharis, Alternate 1804 Catalina, Sherman
2-3-4-8-23	Piner Middle School 402 West Pecan Sherman, Texas	Diane Curran, Presiding 2311 Chandler Court, Sherman Brad Block, Alternate #2 Timbercreek, Sherman

5-32-36-53

Crutchfield School
521 South Dewey
Sherman, Texas

Ruby Sprinkle, Presiding
1034 Idlewild, Sherman

Wanda Hutcheson, Alternate
1124 Valentine, 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 27, 2009, to May 1, 2009, and from seven o'clock (7:00) a.m. to seven o'clock (7:00) p.m. on May 4, 2009 and May 5, 2009.

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 12, 2009.

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 _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

INTERIM CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. B.2

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5589

**Amending Chapter 14, Exhibit "A" of the Code of Ordinances,
entitled "General Zoning Ordinance", at Section 4(5)**

Issue

To consider amending Chapter 14, Exhibit "A" of the Code of Ordinances, "General Zoning Ordinance", at Section 4(5), so that all territory which may hereafter be annexed to the City shall be considered to be zoned as R-A (Single-Family Agricultural) District

Background

At the October 20, 2008 meeting, the City Council directed the Planning and Zoning Commission to study the recommendations for changes to annexation, zoning and expanded overlay district regulations. As part of the Comprehensive Plan process, the City's consultants, Kendig Keast, have identified several areas for potential modification of the City's zoning and development ordinances for immediate consideration by the Council and Planning and Zoning Commission. The three issues raised were: 1) bringing in all new annexations as "RA" - residential agriculture, 2) expanding the overlay district regulations to accommodate new commercial development in other areas of the City, and 3) addressing subdivision development through adoption of a subdivision ordinance.

At the November 18, 2008 Planning and Zoning Commission Meeting, a Zoning Review Committee was appointed. Members included: Jason Sofey, Lawrence Davis and Darren Tankersley. The Committee met December 4, 2008 and January 20, 2009 to discuss recommended changes to the zoning ordinance. The Committee recommended that all newly annexed property will come in to the City as an R-A (Single Family Agricultural) District.

Origination

City Council

Board Recommendation

At the January 20, 2009 meeting, the Planning and Zoning Commission voted 8/0 to recommend these changes to the proposed ordinance.

Alternatives

As may be directed by the City Council

Attachments

Ordinance No. 5589

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5589

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT "A" OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 4(5); PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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:

SECTION 1. That Chapter 14, Exhibit "A", Section 4(5) of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 4. Application of district regulations.

- (5) All territory which may hereafter be annexed to the city shall be considered to be zoned ~~SF-1 (Single-Family Residential)~~ *R-A (Single-Family Agricultural) District*. Application for building permits for uses other than *agricultural and* residential in newly annexed areas shall be referred to the zoning board by the building official. The zoning board may recommend denial, or in recommending approval of such building permit, the zoning board may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in this ordinance for the particular use, as they may deem necessary for the protection of adjacent properties and the public interest. The application, together with the recommendations of the zoning board, shall then be forwarded to the city council for final authorization before issuance of a building permit.

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

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
INTERIM CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. B.3

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5590

**Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled
"General Zoning Ordinance", at Section 6.4, entitled "C-1 (Retail Business) District"**

Issue

To consider amending Chapter 14 of the Code of Ordinances, "General Zoning Ordinance", at Section 6.4, entitled "C-1 (Retail Business) District", by deleting mini-warehouse and storage facilities as permitted uses

Background

At the October 20, 2008 meeting, the City Council directed the Planning and Zoning Commission to study recommendations for changes to annexation, zoning, and expanded overlay district regulations. As part of the Comprehensive Plan process, the City's consultants, Kendig Keast, have identified several areas for potential modification of the City's zoning and development ordinances for immediate consideration by the Council and Planning and Zoning Commission. The three issues raised were: 1) bringing in all new annexations as "RA"- residential agriculture, 2) expanding the overlay district regulations to accommodate new commercial development in other areas of the City, and 3) addressing subdivision development through adoption of a subdivision ordinance.

At the November 18, 2008 Planning and Zoning Commission Meeting, a Zoning Review Committee was appointed. Members included: Jason Sofey, Lawrence Davis and Darren Tankersley. The Committee met December 4, 2008 and January 20, 2009 to discuss recommended changes to the zoning ordinance. The Committee recommended:

- Requiring Specific Use Permits for mini-warehouse and storage facilities in a C-1 (Retail Business) District or C-2 (General Commercial) District; and
- Changing the requirements for a Specific Use Permit for an automobile, glass, muffler, seat cover, tire and upholstery service, sales, installation and repair, but not including tire recapping from a C-2 (General Commercial) District to a C-1 (Retail Business) District and C-2 (General Commercial) District.

Origination

City Council

Board Recommendation

At the January 20, 2009 meeting, the Planning and Zoning Commission voted 8/0 to recommend these changes to the ordinance.

Alternatives

As may be directed by the City Council

Attachments

Ordinance No. 5590

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5590

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, APPENDIX "A" OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 6.4, ENTITLED "C-1 (RETAIL BUSINESS) DISTRICT"; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 14, Exhibit "A", Section 6.4 of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 6.4. C-1 (Retail Business) District.

Purpose. This district consists mainly of land occupied by or suitable for neighborhood shopping facilities for the retailing of "convenience goods" and the furnishing of certain personal services to satisfy most of the daily needs of the adjacent residential neighborhood. The district also provides space and facilities for financial, administrative, government and business services within the downtown Central Business Area.

(1) Minimum requirements for lot area, width and setback:

	Lot Area	Lot Width	Setback		
			Front	Rear	Side
C-1 District	5,000 SF	50'	25'	10'	0'
Exceptions, Central Business Area	2,000 SF	20'	0'	0'	0'

- (a) Where the yards of lots in the C-1 District are abutting a residential District, the side yard setback shall not be less than 15 feet. The rear yard setback shall not be less than 15 feet.

- (b) Residential development within the C-1 District. The lot area, lot width, density and setback regulations for residential structures within the C-1 District shall be the same as those in the R-2 District, when authorized by a specific use permit.

(2) See section 7 for supplementary district regulations, exceptions and parking requirements applying to the C-1 District.

(3) See sections 8.4 and 8.5 for temporary use permits that may be granted by the board of adjustment and specific use permits that may be recommended by the [planning and] zoning board within the C-1 District under certain circumstances and conditions.

(4) Permitted uses and parking requirements:

Permitted Uses	Parking Ratio
Ambulance Service	1/1.5 employees
Art, supply store, antiques, gallery or museum	1/200
Automobile accessory and supply store	1/200
Automobile service station	none
Automobile laundry	3/wash lane
Automobile parking lot or parking garage (no repairs)	none
Automobile rental or taxi storage and repair	None
Bakery retail	1/200
Bank, loan company	1/200
Barbershop or beauty parlor	1/200
Blueprinting and similar reproduction processes	1/200

Bookstore or lending library, commercial	1/200
Business machines, sales/service	1/400
Bus station	None
Camera or photographic supplies store	1/200
Candy, nut, confectionery store	1/200
Caterer	1/200
Christmas trees and wreaths	none
Clinic or office, medical	1/200
Clothing including formal wear and costumes	1/200
Department store	1/200
Drugstores	1/200
Dry cleaning plant, package plant, or pickup station	1/200
Eating place (inside service only)	1/4 seats in main dining rooms (includes counter stools; does not include banquet rooms)
Eating place (inside and outside service)	2/4 seats in main dining rooms (includes counter stools; does not include banquet rooms)
Eating place (outside service only)	1/100 (minimum 8 spaces)
Floor covering sales retail	1/400

Florist shop, greenhouse (parking requirement does not include greenhouse or open stock)	1/200
Food or grocery store, retail	1/200
Funeral home or mortuary	1/3 seats
Furniture, appliances and custom upholstery	1/400
Fur shop or hat shop	1/200
Gift, novelty shop	1/200
Glass and cutting shop	1/400
Commercially operated golf driving ranges	1/2000 sq. ft. of space utilized of total operation
Hardware store and small tool rental, but not including sales of lumber or industrial hardware	1/200
Hobby shop or supply store	1/200
Ice vending establishment	none
Institution, nonresidential	1/400
Jewelry store	1/200
Laboratory, medical or dental	1/400
Laundry, package plant, pickup station or self-service	1/200
Loan office or pawnshop	1/200

Locksmith or key shop	1/200
Manufacturing of baked goods, candy, delicatessen foods and ice cream	1/400
Mini-warehouse	1/1000
Music store, phonograph records, retail sales	1/400
Newspaper distribution station	none
Office, any type	1/400
Optical goods, optician, optometrist	1/200
Orthopedic or medical shoe or appliance store and repair	1/400
Paint and wallpaper store or decorators shop	1/200
Pet shop	1/200
Photographic, studio or store and photo processing	1/200
Physical culture and health studios	1/200
Plumbing fixture sales, retail	1/400
Post office	1/200
Radio, television or recording studio	1/200
Rehabilitation center for handicapped persons	1/1.5 emp.

Rental, repair, or servicing of articles whose sale is permitted in the same district, unless more specifically listed elsewhere	1/200
School, commercial or trade, when not involving any danger of fire or explosion, of offensive noise, vibration, dust, odor, glare, heat or other objectionable influences	1/400
Secondhand store or rummage shop	1/200
Sewing machine sales, retail	1/200
Shoe repair shop or store	1/200
Sign: none	
Sporting goods store	1/200
Stationery store	1/200
Storage of goods or merchandise, used in, produced by or normally carried in stock in conjunction with permitted uses in the applicable district regulations	1/1000
Studio for professional work or for teaching any form of fine arts, photography, music, drama, etc.	1/400
Swimming pool, commercial	1/200
Tailor shop seamstress, altering and repairing of wearing apparel	1/400

Taxidermist	1/400
Telephone answering service	1/200
Telephone exchange, garage, shop or service	1/400
Toy stores	1/200
Veterinarian, indoor soundproof kennels only	1/400
Watch repair	1/200
Wholesale office with storage limited to samples	1/400

(5) Other required conditions:

- (a) A site plan shall be submitted to and approved by the building official prior to the issuance of a zoning permit for new construction or additions to an existing building or structure for multiple-family or commercial uses within the C-1 District.
- (b) The total floor area of any building or buildings on a lot in the C-1 District shall not exceed one-half of the total number of square feet in the lot. The total floor area of any building or buildings on a lot in the C-1 District within the Central Business Area shall not exceed two and one-half times the number of square feet in the lot.
- (c) Height regulations. No building shall exceed 45 feet or 3 stories in height
- (d) Height regulation exception. Structures, buildings and signs within the Central Business Area, delimited on the official zoning map, may exceed 50 feet or 3 stories but shall not exceed a maximum of 80 feet or 6 stories.

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

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
INTERIM CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. B.4

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5591

Amending Chapter 14, Exhibit “A” of the Code of Ordinances, entitled “General Zoning Ordinance”, at Section 7, entitled “Supplementary District Regulations and Exceptions”, to Add Subsection (1)(B) for Requirements to the Exterior Façade on Buildings Visible from the Front Street Right-of-Way and Amending Subsection (5)(d) to Add to the List of Streets for Special Building Requirements

Issue

To consider amending Chapter 14 of the Code of Ordinances, “General Zoning Ordinance”, at Section 7, entitled “Supplementary District Regulations and Exceptions” to add requirements for the exterior façade to be masonry or equivalent on the sides of all buildings visible from the front street right-of-way. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding. Also, to add the following streets: Gallagher, Lamberth, Texoma Parkway, Fallon, and future Highway 289 to the list for special building requirements.

Background

At the October 20, 2008 meeting, the City Council directed the Planning and Zoning Commission to study recommendations for changes to annexation, zoning, and expanded overlay district regulations. As part of the Comprehensive Plan process, the City’s consultants, Kendig Keast, identified several areas for potential modification of the City’s zoning and development ordinances for immediate consideration by the Council and Planning and Zoning Commission. The three issues raised were: 1) bringing in all new annexations as “RA” - residential agriculture, 2) expanding the overlay district regulations to accommodate new commercial development in other areas of the City, and 3) addressing subdivision development through adoption of a subdivision ordinance.

At the November 18, 2008 Planning and Zoning Commission Meeting, a Zoning Review Committee was appointed. Members included: Jason Sofey, Lawrence Davis and Darren Tankersley. The Committee met December 4, 2008 and January 20, 2009 to discuss recommended changes to the zoning ordinance. The Committee recommended requiring the exterior façade to be masonry or equivalent on all sides of all commercial buildings visible from the front street right-of way in the following districts: C-O (Office) District, C-1 (Retail Business) District, C-2 (General Commercial) District and the Central Business District on the following streets: Center, Dewey, First from Centennial Street South, Houston, Lamar, Loy Lake, Travis, Washington, 200 Block of South Elm, 200 Block of West Jones, Taylor, Gallagher, Lamberth, Texoma Parkway, Fallon and future Highway 289. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding.

Origination

City Council

Board Recommendation

At the January 20, 2009 meeting, the Planning and Zoning Commission voted 8/0 to recommend these changes to the proposed ordinance.

Attachments

Ordinance No. 5591

Prepared by:
Scott Shadden, Development Services Director

Approved by:
George Olson, City Manager

ORDINANCE NO. 5591

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT "A" OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 7, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS AND EXCEPTIONS", TO ADD SUBSECTION (1)(B) FOR REQUIREMENTS TO THE EXTERIOR FAÇADE ON BUILDINGS VISIBLE FROM THE FRONT STREET RIGHT-OF-WAY AND AMENDING SUBSECTION (5)(D) TO ADD TO THE LIST OF STREETS FOR SPECIAL BUILDING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 14, Exhibit "A", Section 7 of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 7. Supplementary district regulations and exceptions.

(1) Accessory buildings.

- (a)** Accessory buildings detached from or attached to the main building by an enclosed or unenclosed structure may be permitted within the allowable building area of any lot defined by the required front, side and rear building lines.
- (b)** No accessory building shall be permitted in the front yard or in the required side yard.
- (c)** Accessory buildings and carports may be permitted in the required rear yard provided:
 - 1.** That they are detached from the main building or structure and separated therefrom by a distance of not less than 6 feet.
 - 2.** Said accessory buildings and carports have a rear and an interior side yard setback of not less than 5 feet.

3. Where the accessory building within the required rear yard is adjacent to a side street, the minimum side yard setback from said street shall be 25 feet.
 4. Accessory buildings when detached from the main building shall be located a minimum of 60 feet back from the front property line and be separated therefrom by a distance of not less than 6 feet.
- (d) In no case shall the total floor area of all accessory buildings or portions thereof within the required rear yard exceed thirty (30) percent of the area of the required rear yard.
 - (e) The area of the required rear yard shall be the product of the rear yard setback and the mean width of the lot.
 - (f) On any odd or irregular shaped lot, the required rear yard may be established as an equal amount of square feet of land behind the furthest rear wall of the main building as would be determined by the depth of rear yard required, times the width of the lot if said lot was of rectangular shape.

(1A) T.V./radio towers and satellite receiving systems:

- (a) T.V./radio towers and satellite receiving systems may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines.
- (b) No T.V./radio tower or satellite receiving system shall be permitted in the front yard, but same may be permitted in the required rear yard or side yard provided:
 1. Said T.V./radio tower or satellite receiving system shall have a rear and an interior side yard setback of not less than five (5) feet.
 2. Where the T.V./radio tower or satellite receiving system within the required rear yard is adjacent to a side street, the minimum side yard setback from said street shall be twenty-five (25) feet.
- (c) As used herein, the term “satellite receiving system” shall mean any device, disc or structure designed for the purpose of receiving television or radio transmissions from earth-orbiting satellites.
- (d) Guy wires utilized to hold a T.V./radio tower in place shall not be considered as part of the tower for purposes of measuring setback distances required herein.
- (e) That any person, firm, or corporation who violates any provision of this subsection, or who fails to comply with any of the provisions herein, within the corporate limits of the City of Sherman, shall be guilty of a misdemeanor and,

upon conviction, shall be subject to a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00). Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

(1B) Exterior Façade

Masonry or equivalent shall be required on the sides of all commercial buildings in C-O (Office) District, C-1 (Retail Business) District, and C-2 (General Commercial) Districts visible from the front street right-of-way on all streets as listed in Section 7 (5)(d) and in the Central Business District. Masonry shall be brick, stone, EFIS (Exterior Finish Insulation System) or concrete lap siding.

(2) Central business area: The Central Business Area is designated on the official zoning map attached to this ordinance by a heavy solid black line.

(3) Central business district parking exception: Off-street parking shall not be required for buildings and structures erected or altered within the Central Business District as defined in subsection (2) above.

(4) Distance between buildings on same lot:

- (a) Outer courts and open spaces between walls of residential buildings. Where any wall or portion thereof of a residential building is parallel or within 30 degrees of another wall or portion thereof of the same building or of another residential building on the same lot, the distance between the two walls shall not be less than one-fourth of the length of the shorter wall. The distance between walls of buildings shall not be less than 8 feet and need not exceed 30 feet.
- (b) Distance between walls of buildings. The shortest horizontal distance measured between the vertical walls of a building or buildings perpendicular to an axis, all points along which are midway between said walls.

(5) Special building setback:

- (a) No building, structures, awnings, canopies, porches or signs shall be built within twenty-five (25) feet of the front property line on any federal, state, farm to market, or existing county road as extended, or city street where a need to widen same, to decrease traffic congestion is anticipated, or the building of structures within said twenty-five (25) foot setback specified herein would pose sight obstruction hazards to existing or future vehicular traffic, regardless of whether such property is within a Residential, Retail, Commercial or Manufacturing District and without regard to whether the lot fronts on such designated highways or if adjacent to such highways as specifically set forth in subsection (d). Gasoline pump islands shall be allowed twelve (12) feet to face of curb and canopies ten (10) feet to closest point of property line. Subject to the approval of the building inspector, telephone poles, utility poles, signs, fences and all improvements at

ground level may be constructed within such area, and existing buildings may be replaced, repaired and maintained.

- (b) No commercial or industrial building or structure shall be erected with an overhead type door which faces the front of any residentially zoned property. Additionally, no building or structure subject to the special setback requirements of this section shall be erected nor shall a building permit be issued until the Planning and Zoning Board shall have reviewed and approved the site plan.
- (c) In case of special hardships as may be determined by the board of adjustment and approved by city council by special permit, existing buildings may be extended into the herein required twenty-five-foot setback.
- (d) Subsections (5)(a), (5)(b), *and* (5)(c), ~~and (5)(e)~~ shall apply specifically to the following streets as a minimum setback, but such setback shall not apply in the Central Business District except for the herein mentioned streets:

Center
Dewey Avenue
~~Farm to Market No. 1417 (Dorchester Road)~~
First from Centennial Street South
~~Highway 75~~
Highway 82
Houston
Lamar
Loy Lake Road
~~Sam Rayburn Freeway~~
Travis
Washington Avenue
200 Block South Elm
200 Block West Jones
~~East Taylor Street from Travis Street to Highway 75~~
~~West Taylor Street to alley between Travis and Crockett Streets~~
~~New Highway 75~~
Gallagher
Lamberth
Texoma Parkway
Fallon
Highway 289

~~(e) — The council may from time to time enlarge or diminish these requirements.~~

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

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
INTERIM CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. B.5

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5592

Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 8(5)(A) to Amend the Requirements for Mini-Warehouses and Storage Facilities, Automobile, Glass, Muffler, Seat Cover, Tire and Upholstery Service, Sales, Installation and Repair

Issue

To consider amending Chapter 14 of the Code of Ordinances, "General Zoning Ordinance", at Exhibit A, Section 8(5)(a) to amend the requirements for mini-warehouse and storage facilities, automobile, glass, muffler, seat cover, tire and upholstery service, sales, installation and repair

Background

At the October 20, 2008 meeting, the City Council directed the Planning and Zoning Commission to study recommendations for changes to annexation, zoning and expanded overlay district regulations. As part of the Comprehensive Plan process, the City's consultants, Kendig Keast, have identified several areas for potential modification of the City's zoning and development ordinances for immediate consideration by the Council and Planning and Zoning Commission. The three issues raised were: 1) bringing in all new annexations as "RA" - residential agriculture, 2) expanding the overlay district regulations to accommodate new commercial development in other areas of the City, and 3) addressing subdivision development through adoption of a subdivision ordinance.

At the November 18, 2008 Planning and Zoning Commission Meeting, a Zoning Review Committee was appointed. Members included: Jason Sofey, Lawrence Davis, and Darren Tankersley. The Committee met December 4, 2008 and January 20, 2009 to discuss recommended changes to the zoning ordinance. The Committee recommended:

- Requiring Specific Use Permits for mini-warehouse and storage facilities in a C-1 (Retail Business) District or C-2 (General Commercial) District.
- Changing the requirements for a Specific Use Permit for an automobile, glass, muffler, seat cover, tire and upholstery service, sales, installation and repair, but not including tire recapping from a C-2 (General Commercial) District to a C District.

Origination

City Council

Board Recommendation

At the January 20, 2009 meeting, the Planning and Zoning Commission voted 8/0 to recommend these changes to the proposed ordinance.

Alternatives

As may be directed by the City Council

Attachments

Ordinance No. 5592

Prepared by:

Scott Shadden, Development Services Director

Approved by:

George Olson, City Manager

ORDINANCE NO. 5592

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING CHAPTER 14, EXHIBIT "A" OF THE CODE OF ORDINANCES, ENTITLED "GENERAL ZONING ORDINANCE", AT SECTION 8(5)(A) TO AMEND THE REQUIREMENTS FOR MINI-WAREHOUSES AND STORAGE FACILITIES, AUTOMOBILE, GLASS, MUFFLER, SEAT COVER, TIRE AND UPHOLSTERY SERVICE, SALES, INSTALLATION AND REPAIR; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Chapter 14, Exhibit "A", Section 8(5)(a) of the General Zoning Ordinance No. 2280 of the City of Sherman, Texas, be and is hereby amended so that such section shall read as follows:

Sec. 8. Administration and enforcement; building permits, certificates of zoning compliance, temporary use permits, and specific use permits.

(5) Specific use permits:

- (a) In addition to the zoning permit called for in subsection (3) above, a specific use permit shall be required before the following specific uses can be permitted in the district or districts indicated.

The following specific uses are permitted in any district of lower classification than indicated herein without a specific use permit:

Parking Requirement	Specific Use	District
1/3 seats	Auditorium, arena, coliseum, theater or amphitheater	C-1
None	Automobile/boat sales, new or used	C
1/400	Automobile, glass, muffler, seat cover, tire and upholstery service, sales, installation and repair, but not including tire recapping	C-2 C

None	Automobile parking lot	R
None	Automobile repair, body, work, painting. Automobile, wrecks, for sale, damaged condition may be offered for sale; provided the automobiles are stored within a completely enclosed building. The salvage or dismantling of parts or wrecked automobiles for sale or the salvage of undamaged portions of automobiles for assembly to undamaged portions of other automobiles is hereby prohibited within the C-2 (General Commercial) District. The storage of wrecked or damaged automobiles for any purpose other than those specified herein is prohibited	C-2
1/1,000 sq. ft. of general floor space and 1/400 sq. ft. of office floor space	Automobile wrecking, salvaging, and storage	M
1/200	Beauty parlor, single operator homeowner	R
1 /guest room 1 /innkeeper	Bed and Breakfast establishments	R
None	Cemetery or mausoleum	R
1/7	Church or other place of worship including parish houses and Sunday Schools, but excluding rescue missions or temporary revivals	R
1/200	City, county, state and federal govt. garage, maintenance yard, or similar govt. establishment	R

1/400	Club or lodge	C
1/200	Commercial amusement centers	C
None	Concession stand within a park, playground or playfield	R
1/400	Contractors or construction offices,	C-2
None	Construction, equipment sales, service, rental and repair shops and yards	C-2
1/3 beds	Convalescent home	In any District
1/200	Doctor or dentist One doctor or dentist with staff No retail sales	R
None	Earth moving and excavations, depositing of construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground	In any District
1/400	Electrical substation	R
1/400	Farm equipment sales, service, repairs, feed store	C-2
1/400	Freight depot or terminal, railroad and/or truck	C-2
1/400	Gas compressor or regulator station	R
8/green	Golf course	R
1/200	Halfway house; mental, alcoholic, etc.	R, C
1/3 beds	Hospitals, general, not including animal	In any District

1 unit	Hotel	C-1
2/1 unit	Industrialized Housing	SF1 & R
1/3 beds	Institution, correctional, detention penal or for use of insane, feeble minded, alcoholic or narcotic patients on a minimum site of 15 acres	R
1/3 beds	Institution for children and aged; nonprofit	R
1/400	Lumberyard (parking does not include lumber sheds)	C-2
1/200	Medical or dental clinic No retail sales	R
1/400	Meeting halls	C
None	Mining, including extraction of clay, gravel, sand; quarrying of rocks or stone	In any District
<i>1/1000</i>	<i>Mini-warehouse</i>	<i>C</i>
1/unit	Mobile home park	C-2
1/400	Mobile home/manufactured home sales with distribution	C-2 & M
1/200 office	Model home display/sales without distribution	C & M
1/unit	Motel	C-1
1/2,000 sq. ft. of space utilized for total operation	Motorized outdoor amusements (i.e. go-carts, motorcycles)	In any District
2/1	Multi-family dwellings	C

1/3 beds	Nursing home	In any District
1/200	Office–services only, no sales of goods, wares or merchandise or storing stocks	R
1/bedroom (min. 2/unit)	One and Two-family dwellings	C
1/bedroom (min. 2/unit)	Patio homes	In any District
1/200	Photographer’s studio; sales limited to photos and film	R
1/1,000	Pipe storage enclosed	C-2
1/400	Private clubs when required to obtain a permit from the Texas Alcoholic Beverage Commission Note: The parking requirement of 1/400 applies to the bar and/or dance floor portion of the club only.* C & M	
1/400	Public library or museum	R
None	Radio or television broadcasting transmitter or tower, microwave relay tower	In any District
1/1,000 sq. ft. of space utilized for total operation	Recycling center	C
1/3 beds	Sanatorium on a site of 10 acres or more	R
1/1.5 emp.	Schools, elementary, high, college and universities, public, private or denominational	In any District
1/1.5 emp.	School, nursery, kindergarten or daycare for children	R

	Sexually oriented businesses*	
1/200	Shopping center on a site of 5 acres or more	R
None	Sign: Advertised or billboard (Which directs attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot)	C-2 & M
1/100	Teaching or tutoring more than 4 students at any one time	R
1/400	Telephone exchange, but not including garage, shop or service	R
1/400	Trucking, carting, crating, express handling and storage	C-2
1/1,000	Transit vehicle, bus and truck storage, servicing[,] repairs and sales	C-2
1/bedroom (min. 2/unit)	Two-family dwelling (duplex)	SF-1, R-1
1/1,000	Warehousing establishment other than accessory to permitted retain use	C-2

- (b) A specific use permit is an amendment to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established unless such use of land or structure discontinue or be abandoned for a period of sixty (60) consecutive days in which event such specific use permit shall be void and such use may not thereafter be resumed unless a new specific use permit granted in accordance with this section.
- (c) The building official shall not issue a zoning permit for such uses that are hereafter created, changed, converted or enlarged, either wholly or in part, until a specific use has been obtained in accordance with the amendment procedures set forth in section 12.

- (d) The purpose of the regulations described in this subsection is to allow the proper integration into the city of uses which may be suitable only in specific locations in a zoning district.
- (e) Application for a specific use permit shall be made by the property owner or certified agent thereof to the zoning board on forms prescribed for this purpose by the city council. Such application shall be accompanied by a site plan as set forth in section 7. When application for a specific use permit is made for a use that can only be permitted by issuance of a specific use permit, the zoning board may require additional plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. A specific use permit shall not be granted when the requested use is not compatible with the character of the neighborhood. Specific use permits, revocable, conditional or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this ordinance. Granting a specific use permit does not exempt the applicant from complying with the requirements of the building code or other ordinances. Applicants for a specific use permit to drill an oil and/or gas well shall comply with all of the requirements of Chapter 20 (now article 4.10) of the Code of Ordinances.
- (f) The planning and zoning board may recommend approval or disapproval of an application for a specific use permit and, upon approval of a permit, the planning and zoning board may impose requirements and conditions as set out in (g) below.
- (g) The zoning board shall consider:
 - 1. The neighborhood, building and use characteristics as they relate to or are compatible with the existing and adjacent conditions and uses.
 - 2. The separate and distinct problems that may be caused by a particular use, including but not limited to traffic, peace and order, safety, parking, health, morals and temperance.
 - 3. Previous use permits for location.
 - 4. The minutes of hearings for zone change approval for the location.
- (h) The board may approve or disapprove upon consideration of the above. Before recommending approval, the [planning and] zoning board may impose such requirements and conditions regarding development standards and safeguards as the conditions indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, or nuisances and for protection of the public interests.

Upon consideration of the factors herein set out and recommendation made under section (subsection) (g) above to impose certain conditions to a specific use permit, the board shall make specific findings, set out in the minutes of the board as follows:

1. The proposed structure or use conforms to the requirements and intent of this ordinance and the comprehensive plan of the city;
2. That all applicable conditions and factors herein set out have been considered;
3. That the imposition of conditions provided in section 6(5)(g) have been met; and the use does not constitute a nuisance or detriment to the public.

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

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

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

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

INTRODUCED on this the _____ day of _____, 2009.

ADOPTED on this the _____ day of _____, 2009.

EFFECTIVE DATE on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
INTERIM CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. B.6

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 5588, 5589, 5590, 5591 and 5592

B.1 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5588

Ordering an Election of the Qualified Voters of the City of Sherman, Texas, on the 9th day of May, 2009, for the Purpose of Electing a Mayor and Two (2) At-Large City Council Members for Said City; Providing that Said Election Shall be Held Jointly with the Sherman Independent School District and Grayson County College; 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. 5589

Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 4(5)

B.3 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5590

Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 6.4, entitled "C-1 (Retail Business) District"

B.4 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5591

Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 7, entitled "Supplementary District Regulations and Exceptions", to Add Subsection (1)(B) for Requirements to the Exterior Façade on Buildings Visible from the Front Street Right-of-Way and Amending Subsection (5)(d) to Add to the List of Streets for Special Building Requirements

B.5 INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 5592

Amending Chapter 14, Exhibit "A" of the Code of Ordinances, entitled "General Zoning Ordinance", at Section 8(5)(A) to Amend the Requirements for Mini-Warehouses and Storage Facilities, Automobile, Glass, Muffler, Seat Cover, Tire and Upholstery Service, Sales, Installation and Repair



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. B.7

CONSENT AGENDA

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

C.3 * *RESOLUTION NO. 5321*

Endorsing Certain Legislative Changes to Enhance the Competitive Electric Market Supported by Cities Aggregation Power Project, Inc.

C.5 * *RESOLUTION NO. 5323*

Authorizing Execution of an Agreement with Kight Family L.P. #1 for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1026 East Chaffin Street

C.6 * *RESOLUTION NO. 5324*

Rescinding Resolution No. 5023 in its Entirety which Authorized the Execution of an Agreement with Barton Capital, LTD for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1119 South Montgomery Street

D.1 * *REQUEST TO ADVERTISE*

2009 Street Mill and Overlay Program

D.2 * *REQUEST TO ADVERTISE*

Construction of a New Section of West Canyon Creek Drive

D.3 * *REQUEST TO ADVERTISE*

Seal Coat Emulsified Asphalt Oil and Stone

D.4 * *REQUEST TO ADVERTISE*

Fire Engineer Training Simulator



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. C.1

RESOLUTION NO. 5319

Authorizing Execution of a Joint Election Agreement between the City of Sherman, the Sherman Independent School District, and Grayson County College to hold a Joint Election on May 9, 2009

Issue

Approval of an agreement for a Joint Election between the City of Sherman, the Sherman Independent School District, and Grayson County College on May 9, 2009. The Sherman Independent School District will consider the Joint Election Agreement at their Board Meeting on February 16, 2009; and Grayson County College will consider the Agreement at their Board Meeting on March 3, 2009.

Background

For the past several years, the City of Sherman, the Sherman Independent School District, and Grayson County College have joined together to combine their regular Elections to make it easier for citizen participation and less costly. The Joint Election 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 and agreement originated with the City Clerk's Office.

Financial Consideration

The Joint Election Agreement allows the entities to divide most of the costs for the Election. Last year, the Regular Municipal Election cost approximately \$28,492; and, since the City was the only entity on the ballot, the entire cost was paid by the City of Sherman. In 2007, the Election cost approximately \$25,337; and Sherman's portion of the Election cost was \$16,109. 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. 5319 and Joint Election Agreement

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

RESOLUTION NO. 5319

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF SHERMAN, THE SHERMAN INDEPENDENT SCHOOL DISTRICT, AND GRAYSON COUNTY COLLEGE TO HOLD A JOINT ELECTION ON MAY 9, 2009; 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 Interim City Attorney, to execute an agreement with the Sherman Independent School District and Grayson County College to hold a joint election on May 9, 2009, 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 _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

INTERIM 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"), the **SHERMAN INDEPENDENT SCHOOL DISTRICT** ("SISD"), and **GRAYSON COUNTY COLLEGE** ("GCC") under the authority of Section 271 of the Texas Election Code.

PURPOSE

CITY, SISD and GCC hereby contract and agree to hold a joint election on the 9th day of May, 2009, and thereby reduce their costs, expenses and manpower requirements.

DESIGNATION OF POLLING PLACES

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

COMMON BALLOT

CITY, SISD and GCC 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, SISD and GCC shall each pay for one-third (1/3) 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, the SISD Superintendent's Secretary, and the GCC President's 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, SISD and GCC shall each be responsible for and shall pay for one-third (1/3) of all such costs and expenses of the election judges, clerks, and workers for the joint election.

ELECTION SCHOOL

CITY shall provide at no cost an adequate facility wherein an election school may be conducted. CITY shall notify all election judges, clerks, assistants and alternates of the date, time, and place of the election school training.

LEGAL NOTICES

CITY, SISD and GCC 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 27, 2009, through May 5, 2009.

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

U. S. JUSTICE DEPARTMENT PRECLEARANCE

It shall be the responsibility of CITY, SISD and GCC 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, SISD or GCC 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, SISD or GCC 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, SISD Board of Trustees, and GCC Board of Trustees.

LAST SIGNED this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

**SHERMAN INDEPENDENT SCHOOL
DISTRICT**

BY: _____
BILL MAGERS
MAYOR

BY: _____
DR. JOHN HENDRICKS
BOARD PRESIDENT

ATTEST:

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

BY: _____
DEBBIE BURNETT
BOARD SECRETARY

APPROVED:

INTERIM CITY ATTORNEY

GRAYSON COUNTY COLLEGE

BY: _____
RUBY JO WILLIAMS
BOARD PRESIDENT

ATTEST:

BY: _____
DR. ALAN SCHEIBMEIR
COLLEGE PRESIDENT



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. C.2

RESOLUTION NO. 5320

Supporting the Naming of State Highway 289 as the “Preston Trail Highway”

Issue

The proposed naming of State Highway 289 as the “Preston Trail Highway”

Background

Pottsboro Chamber President Rod Leird and Pottsboro Mayor Frank Budra are seeking the City of Sherman’s support of legislation that would name State Highway 289, which extends through Dallas, as “Preston Trail Highway”. They have targeted the cities and chambers along the State Highway 289 path (Frisco, Prosper, Celina, Gunter, Dorchester, Southmayd, Sherman, Denison, Grayson County Airport Board and Pottsboro) to support this legislation.

A brief history: Preston Trail, later known as Old Preston Road, was the north Texas part of an ancient Indian trail extending from Mexico through central Texas all the way to what is now St. Louis, Missouri and even on to Ohio where the Shawnee Indians lived. The primary portion of the Preston Trail started at Cedar Springs (now part of downtown Dallas) and led north all the way through Grayson County where it crossed the Red River. Preston Trail became part of the first official Texas military road in 1839. The route followed the earlier Shawnee Trail cattle trail. Today Preston Road or SH 289 has been paved near, but not on the original Preston Trail and as such is named after it, but the original Preston Trail crossed almost no streams from the Red River to Cedar Springs. It followed a geographic spine of topography that still exists today where rainwater draining to the west flows into the Elm Fork of the Trinity and rainwater draining to the east flows into the East Fork of the Trinity until the rivers merge below Dallas, Texas.

Origination

Mayor Bill Magers, Pottsboro Mayor and Chamber President

Financial Consideration

There is no financial impact to this agenda item.

Staff Recommendation

It is recommended that the City Council approve the resolution in support of the naming of State Highway 289 as “Preston Trail Highway” and direct the City Manager to forward the resolution to our State Legislators.

Alternatives

The Council could decide not to support the name change.

Attachments

Resolution No. 5320

Prepared and Approved by:
George Olson, City Manager

RESOLUTION NO. 5320

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, SUPPORTING THE NAMING OF STATE HIGHWAY 289 AS THE “PRESTON TRAIL HIGHWAY”; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, one of the purposes of the City Council of the City of Sherman, Texas is to foster and encourage activities that benefit the economic well-being of the citizens of this area; and

WHEREAS, one of the key elements of our community is to support historical references that encourage an understanding and appreciation of our frontier past; and

WHEREAS, it is the desire of the City Council of the City of Sherman, Texas, to join with other chambers and local governments throughout Grayson and Collin Counties in supporting a unified effort to name State Highway 289 as the “Preston Trail Highway”; and

WHEREAS, the City Council of the City of Sherman, Texas finds that it is in the best interest of Grayson and Collin Counties to support the naming of State Highway 289 as the “Preston Trail Highway”; and

WHEREAS, the City Council of the City of Sherman, Texas has reviewed this resolution and is in support of naming State Highway 289 as the “Preston Trail Highway”;

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, supports the naming of State Highway 289 as the “Preston Trail Highway”.

SECTION 2. That the City Manager or his authorized designee is hereby authorized and directed to forward a certified copy of this resolution to the members of the State Legislature and inform them of the City’s position to pursue changes necessary in the state law.

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

PASSED AND APPROVED on this the ____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
INTERIM CITY ATTORNEY



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. C.3

*** RESOLUTION NO. 5321**

**Endorsing Certain Legislative Changes to Enhance the Competitive Electric Market
Supported by Cities Aggregation Power Project, Inc.**

Issue

The City Council's endorsement of the legislative agenda of the Cities Aggregation Power Project, Inc. (CAPP)

Background

The City of Sherman is a member of CAPP. The CAPP Board of Directors has voted to authorize certain legislative efforts on behalf of its members during the 81st Texas Legislative Session. CAPP will capitalize on the presence its members established in the last three legislative sessions to apprise legislators of CAPP Cities' perspective on electric issues and to recommend legislative action.

In 1999, Texas lawmakers adopted Senate Bill 7 (SB7), the state's electric deregulation law. The legislation expanded competition in the wholesale electricity market and opened the door to competition among electric retailers. Proponents of the legislation promised lower electric prices. Unfortunately, the reality has been otherwise. Although Texans paid electric prices well below the national average during the decade before SB7 was passed, customers in deregulated parts of the state now pay prices above the national average. In fact, residential electric prices have increased by a greater percentage in Texas than in almost every other state – including every other deregulated state with retail competition. CAPP believes that many of the current problems that keep the market from achieving the promise of full competition stem from defects in the deregulated electricity market. For example, some generators are able to exercise monopoly-like control in large swaths of Texas. That has hindered healthy competition. Efforts to address market design issues by ERCOT have been misguided, mismanaged, gone over budget and fallen behind schedule. As an active market participant, CAPP is in the unique position to identify problems that have developed in the deregulated marketplace and provide a consumer's perspective to legislators interested in fixing those problems. Based upon this point of view, CAPP has created a legislative agenda that aims to transition the electric market from a deregulated market to a truly competitive one by limiting market power, eliminating cost shifting, and creating competitive options for all customers. The CAPP legislative agenda items reflect CAPP's desire for a truly healthy electric market where consumers can save and competition can flourish. Such a market – one where power remains affordable and reliable – will mean more economic development for Texas cities, and a better standard of living for our citizens. The CAPP Board, made up exclusively of City representatives, requests that the City Council pass the attached resolution endorsing CAPP's legislative agenda.

Origination

Kristen Doyle and Geoffrey Gay of Lloyd Gosselink, CAPP's legal counsel

Financial Consideration

There is no financial consideration associated with this agenda item.

Staff Recommendation

The staff recommends the City Council adopt the proposed resolution and support CAPP's legislative agenda.

Alternatives

The Council could choose not to support these proposed legislative changes.

Attachments

Resolution No. 5321

Kristen Doyle and Geoffrey Gay Memorandum dated January 21, 2009

CAPP's Supporting Documentation

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

RESOLUTION NO. 5321

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES TO ENHANCE THE COMPETITIVE ELECTRIC MARKET SUPPORTED BY CITIES AGGREGATION POWER PROJECT, INC.; 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 is a member of Cities Aggregation Power Project, Inc. (“CAPP”), a non-profit organization created by cities throughout Texas to secure affordable energy for its members in the deregulated electric market; and

WHEREAS, affordable and reliable power means economic development for our cities and a better standard of living for our citizens; and

WHEREAS, by deregulating the retail electric market, Senate Bill 7 of 1999 (“SB 7”) intended to allow competitive forces to drive down the price of electricity; and

WHEREAS, CAPP’s seven-year experience with the deregulated market, including negotiating power contracts with several different retail electric providers, indicates that the Texas electric retail market has failed to develop into a truly competitive market as envisioned by the Texas Legislature and that prices are higher, not lower, after deregulation; and

WHEREAS, competition has failed to develop in the deregulated electric market because certain power generation companies own or control enough generation capacity to exercise market power to the detriment of customers and non-affiliated retail electric providers; and

WHEREAS, alleged market power abuse inquiries conducted by the Public Utility Commission (“PUC”) are hampered by the lack of adequate resources because the parties hurt by the illegal activity, like cities, are not allowed to participate in the investigations; and

WHEREAS, residential customers in Texas communities are unable to obtain lower power prices that may be available to them through bulk purchasing because current law makes the creation of citizen aggregation groups unworkable; and

WHEREAS, the Electric Reliability Council of Texas (“ERCOT”) is expected to spend at least \$660 million to implement a nodal market in Texas, an unproven market design program that is several years behind schedule and several hundred million dollars over budget; and

WHEREAS, the City supports all legislative initiatives that promote a truly healthy electric market where competition can flourish and consumers can save money; and

WHEREAS, the City endorses efforts proposed by CAPP to modify the electric deregulation legislation to enhance competition, implement the original intent of SB 7 and reduce costs to the City and its residents;

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

SECTION 1. That the City supports the introduction and adoption of legislation in the 81st Session of the Texas State Legislature that promotes affordable power and the transition of the Texas electric market from a deregulated market to a fully competitive one. Specifically, the City supports legislation that will address the following issues:

- All generators, regardless of size, should explicitly be barred from the unlawful exercise of market power.
- Ownership and control of generation capacity should be limited to no more than twenty percent (20%) of total generation capacity within the market in order to enhance competition and mitigate market power and the ability of any one generator to affect prices. This is in accordance with basic anti-trust principles and as originally designed in SB 7, although the “market” should be redefined as the functional market (an ERCOT zone) to reflect real-world conditions. In the alternative, the PUC should be directed to create a single ERCOT-wide market with uniform congestion pricing.
- Entities such as municipalities, commercial customers or retail electric providers harmed by wholesale market abuse should be given explicit standing to participate in market power abuse enforcement actions brought by the PUC.
- Cities should be permitted to create citizen aggregation groups to combine the power needs of residents that have not specifically asked to be excluded in order to facilitate bulk power purchasing and enhance the opportunities for residential customers to benefit from deregulation and benefit the entire state by increasing competition. Citizens who have signed a contract with a retail provider would be excluded, as would those citizens who otherwise opt out.
- All efforts to transition to a nodal market in ERCOT should be abandoned and other market design options that benefit all market participants should be considered.

SECTION 2. That a copy of the resolution shall be sent to the elected lawmakers representing the City’s interests in the Texas House and Senate and to the Chairman and legal counsel of CAPP.

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

PASSED AND APPROVED on this the ____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
INTERIM CITY ATTORNEY



816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532

www.lglawfirm.com

Ms. Doyle's Direct Line: (512) 322-5820
Email: kdoyle@lglawfirm.com

MEMORANDUM

TO: CAPP Members

FROM: Kristen Doyle
Geoffrey Gay

DATE: January 21, 2009

RE: **Action Needed – Resolution Supporting CAPP 2009 Legislative Agenda**

The CAPP Board recommends that each CAPP member place consideration of the attached resolution on the agenda for your next scheduled council meeting and forward the signed resolution to the senators and representatives that represent your area. A model staff report, a one page summary of CAPP's critical legislative issues, and a draft cover letter to be signed by the Mayor are also attached. If you have questions about your legislative delegation or their contact information, our paralegal, Gary Stiffler (gstiffler@lglawfirm.com, 512/322-5893) can assist you.

It is important that your council take action on the resolution and provide copies of the signed resolution to your legislative delegation. The most effective lobbying will be done by constituents. When legislators are asked by the utility lobby why they favor something CAPP advocates, they need to be able to indicate that they are responding to constituent needs. Your help is critical.

Legislation has been drafted to address the issues raised in CAPP's legislative agenda. Sponsors will be found as soon as committees are announced and assignments are made, which we expect to occur sometime in early February. Also in late January/early February, CAPP plans to release a comprehensive report about electric deregulation in Texas. This report will be one of the first major reports about the positive and negative aspects of deregulation written from the consumer's perspective. The report will be made available to all legislators. We will provide you with more information about this report once we are closer to the release date.

Also attached is the first of a series of legislative updates that will be distributed to all CAPP members during the 81st Session. This document, as well as all other documents that are distributed to CAPP members, can be found on the CAPP website, www.capptx.com.

If you have any questions or need additional information, please contact Kristen (kdoyle@lglawfirm.com or 512/322-5820). Please provide our office with a copy of the adopted resolution.

Lloyd Gosselink Rochelle & Townsend, P.C.

Overview

In 1999, Texas lawmakers adopted Senate Bill (SB) 7, the state's electric deregulation law. The legislation expanded competition in the wholesale electricity market and opened the door to competition among electric retailers. Supporters sold the legislation by promising lower rates.

Unfortunately, the reality has been otherwise. During the decade before SB 7, Texans paid electric prices well below the national average. In the years since market restructuring,

Texans paid above the national average. Not only that, but residential electric prices have increased by a greater percentage in Texas than in almost every other state in the union – including every other deregulated state with retail competition.

CAPP believes that many of the current problems stem from defects in the wholesale electricity market.

Generators, for instance, have managed to exercise monopoly-like control in large swaths of Texas.

That has hindered healthy competition. At the same time, efforts to address problems by the Electric Reliability Council of Texas (ERCOT) have been misguided, mismanaged, gone over budget and fallen behind schedule.

Critical Legislative Issues AT A GLANCE

MARKET POWER ISSUES

1. All generators, regardless of size, should explicitly be barred from the unlawful exercise of market power. Current regulations exempt smaller generators from market power prohibitions.
2. Entities harmed by wholesale market abuse – such as municipalities, commercial customers or retail electric providers – should be given explicit standing to participate in enforcement actions brought by the Public Utility Commission (PUC). Affected parties are currently barred from participating in such proceedings.
3. Ownership and control of generation capacity should be limited to no more than 20 percent of total generation capacity within the functional market (ERCOT zone) in order to enhance competition and mitigate market power and the ability of any one generator to affect prices. In the alternative, the PUC should be directed to create a single ERCOT-wide market with uniform congestion pricing.

ERCOT ISSUES

1. Direct ERCOT, the organization that administers the state power grid, to abandon all efforts to transition to a nodal market and direct the PUC to open a proceeding to consider other market design options.

CITIZEN AGGREGATION

1. Permit cities to create and implement opt-out citizen aggregation programs, or alternatively to become Retail Electric Providers or Municipally Owned Utilities.



CAPP BOARD

Chairman

Jay Doegey,
City of Arlington

Vice Chairman-

Randy Moravec,
City of Addison

Steve Massey,

City of Allen

David Ragsdale,

City of Benbrook

John Moran,

City of Lorena

Odis Dolton,

City of Abilene

James Zentner,

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Rod Hogan,

City of Plano

Mike Foreman,

City of Grand Prairie

Robert Sparkman,

City of The Colony

Secretary/Treasurer

Mary Bunkley,
City of Arlington

February 6, 2009

Dear CAPP Member,

On Monday, February 9, 2009, the CAPP Board of Directors will hold a press conference at the Texas Capitol announcing the release of *The History of Deregulation in Texas: 10 Years of Senate Bill 7*. The enclosed report, which was commissioned by CAPP on the tenth anniversary of the passage of legislation that deregulated the Texas electric market, will be provided to all legislators and media outlets. It is also available on www.capptx.com.

When Senate Bill 7 was passed by the 76th Texas Legislature, its author, Senator David Sibley, set the criteria for judging the impact of the legislation, "If we don't get consumers lower rates, then we have been a failure – I will be the first to say it."

Ten years later, industry-sponsored reports and studies proclaim the success of the deregulated market in Texas. But as cities know, prices are much higher since the start of deregulation. Using virtually any comparison – whether it is to prices paid in parts of the state that have not deregulated, to prices paid by ratepayers in surrounding states that remain regulated, or to prices paid by other deregulated states, we seem to have failed the test set by Senator Sibley. Instead of lower prices, Texans in the deregulated market are paying more.

The History of Deregulation in Texas is a factual history chronicling the positive and negative aspects of deregulation over the past ten years. This report is written from the consumer's perspective. It is meant to provide historical context with which to judge some of the most difficult challenges facing the state today, as well as highlight important innovations.

CAPP supports all efforts to secure affordable energy in Texas. Our hope is that by presenting this detailed history and highlighting some of the documented problems that continue to plague the market, *The History of Electric Deregulation in Texas* will help promote understanding. We encourage all CAPP members to contact their state legislative delegation and communicate how important affordable electricity is to Texas. Affordable power in a fully competitive market means economic development for our communities and a better life for our citizens.

If you have any questions or need more information, please contact CAPP's counsel, Kristen Doyle at 512/322-5820.



For Immediate Release
February 9, 2009

Contact: R.A. "Jake" Dyer (512) 322-5898
Mark Evans (979) 492-1150
Julian Read (512) 542-2823

Study Shows That Electric Deregulation Promises Remain Unfulfilled
*On the Tenth Anniversary of Deregulation Law, Texans Still Waiting for
Lower Prices and True Competition*

Electric deregulation has led to dramatically higher energy prices for consumers, serious abuses in the wholesale power market and reduced profits for businesses, according to a comprehensive new report on the 10-year history of the Texas deregulation law released Monday to all members of the Texas Legislature.

The History of Electric Deregulation in Texas: 10 years of Senate Bill 7 also shows how useful reforms have been rejected during repeated legislative sessions.

The report, commissioned by the Cities Aggregation Power Project, a nonprofit coalition of 103 municipalities and other political subdivisions, is one of the most comprehensive ever produced on the state's deregulation law, often referred to simply as "Senate Bill 7." Unveiled by state Sen. David Sibley during a press conference in early 1999 and signed into law by Gov. George Bush on June 18, 1999, Senate Bill 7 was promoted as the answer to high electric prices in the Lone Star State.

"As this report illustrates, consumers have paid too much for too long under deregulation," said CAPP Chairman Jay Doegey. "We have a deregulated market, but not a fully competitive one. Instead of excuses or ignoring the problem, Texans deserve meaningful reform."

The History of Electric Deregulation in Texas provides important context with which to judge whether deregulation has fulfilled its promise to bring lower power prices to Texans. Unlike the sponsors of other reports on the Texas market, CAPP derives no profit from selling electricity. Instead, the member communities of CAPP want what all Texans want: affordable and reliable power and a healthy economy.

Among the key findings:

*The number of electric providers has increased under Senate Bill 7 -- but so have prices. Texas ratepayers paid below the national average during the years prior to Senate Bill 7. Since the restructured market opened, prices have soared well above the national

average. In fact, energy prices have increased in Texas by a greater percentage than they have increased in other deregulated states.

*Enron played a key role in the deregulation of the Texas electric market. Some of the current problems with the market structure can be attributed, at least indirectly, to the considerable political influence of Enron during the late 1990s.

*Over the past ten years, Texas has become a leader in renewable energy. Some of those gains can be attributed to Senate Bill 7. However, the aggressive build-out of wind power in West Texas will drive up transmission costs for all Texans and create new electric reliability challenges.

*The Electric Reliability Council of Texas, the operator of the Texas power grid, continues to have serious problems managing the system. A major market overhaul by ERCOT remains years behind schedule and approximately 900 percent over initial cost projections.

CAPP is not calling for reregulation at this time; however, based on its findings, CAPP urges the following reforms:

* Market abuses have remained pervasive and uncorrected. The statute should be updated to provide more protections against abuses in the wholesale energy market. Senate Bill 7's prohibition against owning or controlling more than 20 percent of the generation within a power region should be updated to reflect the fact that transmission constraints have created several power regions within ERCOT.

*When market abuses occur, market participants harmed by such anti-competitive behavior should be given the right to participate in enforcement actions by regulators.

*Lawmakers should demand more accountability from ERCOT. The legislature should order ERCOT to abandon its behind-schedule and over-budget market overhaul.

The History of Electric Deregulation in Texas is based on months of research, including a review of journalistic accounts, regulatory documents, academic studies and years of data from the United States Energy Information Administration. It is available for download at www.capptx.com.

"We know that affordable power means more economic development for our communities and a better life for our citizens," said CAPP Vice Chairman Randy Moravec. "But competition does not simply develop once regulation is abandoned. The legislature promised Senate Bill 7 would result in lower prices. The people of Texas are still waiting."

ABOUT THE CITIES AGGREGATION POWER PROJECT

CAPP is a political subdivision corporation and registered aggregator for 100+ member cities and utility districts, all of whom are located in the areas of Texas that are open to retail electric competition. CAPP's members are concerned about the effect of rising energy costs on their own budgets as commercial consumers, but are also troubled by the prospect that Texas's increasingly expensive electric rates may compel large energy consumers to locate their businesses in other states, taking with them needed jobs, tax revenue, and potential economic development.



Chair:	Jay Doegey, City of Arlington
Vice-Chair:	Randy Moravec, City of Addison
Board Member:	Steve Massey, City of Allen
Board Member:	David Ragsdale, City of Benbrook
Board Member:	John Moran, City of Lorena
Board Member:	Odis Dolton, City of Abilene
Board Member:	James Zentner, City of Odessa
Board Member:	Rod Hogan, City of Plano
Board Member:	Mike Foreman, City of Grand Prairie
Board Member:	Robert Sparkman, City of The Colony
Secretary-Treasurer:	Mary Bunkley, City of Arlington

The History of Electric Deregulation in Texas Dispels Five Common Myths About Market Restructuring Under Senate Bill 7.

Myth #1: Relative to the electric prices paid in other states, Texans are no worse off today than they were before deregulation.

Fact: Average electric rates in Texas were below the national average for many years before Senate Bill 7, but they have remained above the national average in the years after Texas restructured its market. To claim otherwise ignores nearly two decades of pricing data.

Myth #2: Increases in energy prices in Texas can be almost wholly explained by increases in natural gas prices.

Fact: The Texas electric deregulation law has not dampened the impact that natural gas prices have on electric prices -- it has made the effect worse. Customers in Texas that are outside deregulation (electric co-operatives, municipally owned utilities, and investor owned utilities in the Texas Panhandle) pay less for electricity than customers in Texas served by the deregulated market, even though all electricity sold in Texas relies on natural gas-fired generation plants. Similarly, customers in other states heavily dependent upon natural gas-fired generation have lower average rates than the prices paid by Texans served by deregulated providers.

Myth #3: Texans would have paid higher rates without market restructuring.

Fact: Recent pricing data from the federal government shows that since the market restructured, residential electricity prices in Texas have increased by a greater percentage than increases in almost all other states -- including all deregulated states with retail competition.

Myth #4: The best electric prices under competition beat regulated rates.

Fact: A recent survey of electric prices shows that customers in Austin, San Antonio and other areas outside competition continue to pay much lower rates than even those offered by the lowest-cost competitor in deregulated North Texas. Customers can shop around all they want in North Texas and typically never find better electric prices than those outside competition.

Myth #5: The state's deregulation law has helped economic development.

Fact: An examination of federal data shows that average electricity prices for industrial customers in deregulated states have increased by a greater percentage than they have for industrial customers in regulated states. A comparison of prices for industrial customers in Texas (deregulated) and Oklahoma (regulated) reveals the same trend. A recent *Wall Street Journal* article quoted the head of one of the major trade groups in Texas as saying that manufacturers in the state "look at Georgia and Alabama and see that [electric] prices are half of what we're paying."



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. C.4

RESOLUTION NO. 5322

Expressing the City of Sherman's Agreement with the Transfer of Federal Transit Administration Section 5307 Small Urban Grant Responsibility to the Texoma Area Paratransit System

Issue

The consolidation and streamlining of transit operations in the Sherman-Denison urbanized area

Background

Federal Transit Administration (FTA) Section 5307 grants help provide public transit to small urban areas, as defined by the U.S. Census Bureau. These grants help pay for planning, capital improvements (including buses), and actual operating costs. The Texoma Council of Governments (TCOG) has administered this grant for the Sherman-Denison Urban Area for several decades. Historically, TCOG has "passed-through" these transit operating funds to the Texoma Area Paratransit System (TAPS) for the provision of services to citizens. Several changes in laws and codes would make it more efficient if TAPS received this grant directly from FTA, as opposed to the current "pass-through" method. TAPS has become a Texas Rural Transit District in accordance with Chapter 458 of the State Transportation Code. TCOG has recognized these improvements and has agreed to this transfer. The Sherman-Denison MPO is now seeking the City Council's support for this transfer.

Origination

Robert Wood, Director of the Sherman-Denison Metropolitan Planning Organization (MPO)

Financial Consideration

There is no financial consideration associated with the approval of this agenda item.

Staff Recommendation

It is recommended that the City Council approve this resolution to support the transfer of the Section 5307 grant from TCOG to TAPS.

Alternatives

No other alternatives are recommended.

Attachments

Resolution No. 5322

Sherman-Denison MPO Resolution

TCOG Resolution

**Prepared and Approved by:
George Olson, City Manager**

RESOLUTION NO. 5322

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, EXPRESSING THE CITY OF SHERMAN'S AGREEMENT WITH THE TRANSFER OF FEDERAL TRANSIT ADMINISTRATION SECTION 5307 SMALL URBAN GRANT RESPONSIBILITY TO TEXOMA AREA PARATRANSIT SYSTEM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Sherman-Denison Metropolitan Planning Organization (MPO), during its regularly scheduled meeting on October 8, 2008, recommended grant authority for the Federal Transit Administration (FTA) Section 5307 grant for the Sherman-Denison urban area in Grayson County, Texas, be moved from Texoma Council of Governments (TCOG), the current Grantee, to the Texoma Area Paratransit System (TAPS); and

WHEREAS, during its regularly scheduled meeting on December 18, 2008, TCOG, the current FTA Section 5307 grant recipient, agreed that the FTA Section 5307 Small Urban Transit Grant should be transferred to TAPS; and

WHEREAS, the Sherman-Denison MPO is seeking the City of Sherman's support for the transfer of this FTA Section 5307 grant from TCOG to TAPS;

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 agrees with the Sherman-Denison MPO that the transfer of the FTA Section 5307 grant from TCOG to TAPS will increase the effectiveness and efficiency of this FTA grant.

SECTION 2. That the City Council of the City of Sherman, Texas hereby expresses its desire to have the FTA transfer its grant recipient for the Sherman-Denison Section 5307 grant to TAPS.

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

PASSED AND APPROVED on this the _____ day of _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

BY: _____
INTERIM CITY ATTORNEY

**RESOLUTION OF THE SHERMAN - DENISON
METROPOLITAN PLANNING ORGANIZATION (MPO)**

WHEREAS, the Transportation Policy Board of the Metropolitan Planning Organization was granted authority in an agreement dated January 29, 1982 between the Cities of Denison and Sherman, Grayson County, the Texas Department of Transportation to develop transportation plans for the Sherman-Denison Urbanized Area in accordance with US Title 23 CFR Part 450 (C); and

WHEREAS, the Transportation Policy Board in accordance with 23 USC 134 and 49 USC § 5307 (b)(2) is the MPO for the Sherman - Denison urbanized area; and,

WHEREAS, 23 USC 134 and 49 USC Section 5301 et seq. require that Metropolitan Planning Organization, in cooperation with the Texas Department of Transportation and transit agencies, develop transportation plans and programs for urbanized areas of the State; and

WHEREAS - Texoma Area Paratransit System is a Rural Transit District in accordance with Chapter 458, Rural Transit Districts, of the Texas State Statutes; and

WHEREAS, the Sherman - Denison Metropolitan Planning Organization recognizes the value of consolidating and streamlining transit operations:

NOW THEREFORE, BE IT RESOLVED BY THE SHERMAN - DENISON METROPOLITAN PLANNING ORGANIZATION THAT:

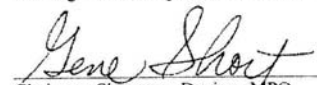
The Federal Transit Administration Section 5307 (49 U.S.C. 5307) Grantee for the Sherman - Denison Urban Area be moved from the current Grantee of Texoma Council of Governments (TCOG) to Texoma Area Paratransit System (TAPS) thereby consolidating both the urban and rural transit districts.

AND IT IS SO ORDERED.

On a motion of BILL MAGERS, seconded by ROBERT BRADY, the foregoing Resolution was adopted on this 8th day of October 2008, by the following vote:

AYE: 5
NAY: 0

At a regular meeting of the Sherman - Denison MPO.



Chairman Sherman - Denison MPO

A RESOLUTION BY TEXOMA COUNCIL OF GOVERNMENTS RELATING TO THE TRANSFER
OF FEDERAL TRANSIT ADMINISTRATION SECTION 5307 SMALL URBAN GRANT
RESPONSIBILITY TO TEXOMA AREA PARATRANSIT SYSTEMS FOR THE SHERMAN -
DENISON URBAN AREA, AS APPROVED BY THE SHERMAN - DENISON METROPOLITAN
PLANNING ORGANIZATION ON OCTOBER 8, 2008

WHEREAS, the Metropolitan Planning Organization (MPO) has recommended grant authority for the Federal Transit Administration Section 5307 for the Sherman - Denison urban area in Grayson County, Texas be moved from Texoma Council of Governments (TCOG), to Texoma Area Paratransit System (TAPS) during its regularly scheduled meeting on October 8, 2008

WHEREAS Texoma Council of Governments is a political subdivision of the state of Texas and is an urban transit district in accordance with Chapter 458, Urban Transit Districts, of the Texas State Statutes.

WHEREAS Texoma Council of Governments is the current FTA Section 5307 grantee for the Sherman - Denison urban area in Grayson County, Texas.

WHEREAS Texoma Area Paratransit System is the Texas Rural Transit District for a geographical area that includes Grayson County

BE IT RESOLVED BY THE TEXOMA COUNCIL OF GOVERNMENTS

SECTION I

THAT, Texoma Council of Governments agrees with the Sherman - Denison MPO that the transfer of the FTA Section 5307 to Texoma Area Paratransit System (TAPS) would provide a more efficient and effective use of federal funds.

SECTION II

THAT the staff be authorized to proceed with the appropriate measures to accomplish this transfer.

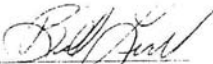
AND IT IS SO ORDERED.

On a motion of James H. Smith, seconded by Charles J. Jones, the foregoing Resolution was adopted on this 12th day of December, 2008, by the following vote:

AYE: 11 AYES - 0 NAYS

NAY:

At a regular meeting of the Texoma Council of Governments.



President of the Governing Body



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. C.5

*** RESOLUTION NO. 5323**

**Authorizing Execution of an Agreement with Kight Family L.P. #1
for the Abatement of Ad Valorem Property Taxes for the Construction
of a New Single-Family Residence at 1026 East Chaffin Street**

Issue

This item is to consider property tax abatement for the construction of a new single-family residence at 1026 East Chaffin Street.

Background

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

Origination

Kight Family L.P. #1, Applicant

Financial Consideration

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this lot will be approximately \$201.60 annually.

Staff Recommendation

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

Alternatives

The City Council could decide against granting this abatement.

Attachments

Resolution No. 5323
Residential Tax Abatement Agreement
Application
Warranty Deed
Site Plan
Photo
Building Permit Application
Location Map

Prepared by:
Scott Shadden, Director of Development Services

Approved by:
George Olson, City Manager

RESOLUTION NO. 5323

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH KIGHT FAMILY L.P. #1 FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1026 EAST CHAFFIN 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 Kight Family L.P. #1 and subject to all contract documents being properly completed and approved by the Interim City Attorney, to execute an agreement with Kight Family L.P. #1 for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1026 East Chaffin 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 _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

INTERIM 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 **KIGHT FAMILY L.P. #1**, 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, 2009, and continuing for tax years 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017

and 2018 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 2008, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2009	100%
2010	100%
2011	100%
2012	100%
2013	100%
2014	100%
2015	80%
2016	60%
2017	40%
2018	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 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016, 2017 and 2018 as indicated above in paragraph 1.01.

IV.

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

Construction of one (1) new single-family residence at 1512 South Montgomery Street, Sherman, Texas, and as more particularly describe by the following:

BEING a part of the J.B. McAnair Survey, Abstract 763, and being a part of Block Twenty-Two (22), of Chaffin's Addition to the City of Sherman, Grayson County, Texas, and described as follows:

BEGINNING at the Northeast corner of Block 22 of Chaffin's Addition to Sherman;

THENCE South 150 feet;

THENCE West 80 feet;

THENCE North 150 feet;

THENCE East 80 feet to the **PLACE OF BEGINNING**.

LESS AND EXCEPT: the South fifty feet (50 ft.) thereof sold and conveyed to Mid-State Homes, Inc. by Deed dated November 1, 1962 of record in Vol. 967, Page 139, Deed Records, Grayson County, Texas.

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

VII.

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

VIII.

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

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 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

Kight Family L.P. #1
860 Brown Road
Sherman, Texas 75090
(903) 821-8828

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 _____, 2009.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
KIGHT FAMILY L.P. #1

BY: _____
GEORGE OLSON
CITY MANAGER

BY: _____
NAME: _____
TITLE: _____

ATTEST:

(CORPORATE SEAL)

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM:

INTERIM CITY ATTORNEY

**THE STATE OF TEXAS §
COUNTY OF GRAYSON §**

BEFORE ME, the undersigned authority, on this day personally appeared David Kight, Kight Family L.P. #1, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

GIVEN UNDER MY HAND and seal of office this ____day of _____, 2009 A.D.

**Tammy Biggar
Notary Public**

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: Kight Family L.P. #1 (DAVID E. Kight)

Mailing Address: 860 BROWN Rd. SHERMAN, TX. 75090

Telephone Number: (903) 821-8828

Contact (if different than owner):

Name: (SAME)

Mailing Address: _____

Telephone Number: _____

Property:

Physical Address: 1020 E. CHAFFIN ST. - SHERMAN

Summary Legal Description: Lot: N/A Block: 22 Addition: CHAFFIN'S ADDITION
VOL. 26 PG. 49 EXHIBIT A 80' X 100'

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: \$63,000.00

Estimated Date of Start of Construction: 2-15-09

Estimated Date of Completion of Project: 4-30-09

Description of Project: new 4-2-1 construction of single family home.

Applicant(s): David E. Kight Date: 2/3/09

Grayson County
Wilma Blackshear Bush
County Clerk
Sherman, Texas 75090



70 2008 00009287

227885

Instrument Number: 2008-00009287

Recorded On: April 25, 2008

As
Recordings

Parties: MARR CARINDA C

Billable Pages: 3

To KIGHT FAMILY LTD PARTNERSHIP I

Number of Pages: 5

Comment: WD

(Parties listed above are for Clerks reference only)

** Examined and Charged as Follows: **

Recordings	24.00
Total Recording:	24.00

***** DO NOT REMOVE THIS PAGE IS PART OF THE INSTRUMENT *****

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

File Information:

Document Number: 2008-00009287

Receipt Number: 265031

Recorded Date/Time: April 25, 2008 02:44:03P

Book-Vol/Pg: BK-OR VL-4440 PG-887

User / Station: G WHITE - Cashiering Station 1

Record and Return To:

CHAPIN TITLE CO., INC.

620 N. TRAVIS ST.

SHERMAN TX 75090



THE STATE OF TEXAS
COUNTY OF GRAYSON
I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Grayson County, Texas.

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

227885

Bk Vol Ps
00009287 OR 4440 888

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

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

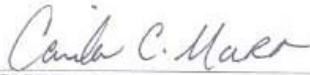
That I, **CARINDA C. MARR**, for and in consideration of the sum of TEN AND NO/100THS (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged herein, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto **KIGHT FAMILY LIMITED PARTNERSHIP #1, a Texas Limited Partnership**, the following described real property in Grayson County, Texas, to-wit:

BEING a part of Block Twenty-Two (22), of CHAFFIN'S ADDITION, an Addition to the City of Sherman, Texas, as shown by plat of record in Vol. 26, Page 49, Deed Records, Grayson County, Texas, and being more particularly described on the attached Exhibit "A".....

SAVE AND EXCEPT and there is hereby excepted from the warranties herein conveyed all prior reservations of any oil, gas, and other minerals, easements, and restrictive covenants and conditions of record in the County Clerk's Office, Grayson County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's successors and assigns forever, and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED the 24 day of April, 2008.


CARINDA C. MARR

Bk Vol Ps
00009287 OR 4440 889

GRANTEE'S MAILING ADDRESS:

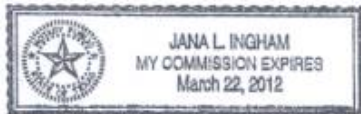
Kight Family Limited Partnership #1
860 Brown Road
Sherman, TX 75090

ACKNOWLEDGMENT

STATE OF TEXAS *

COUNTY OF Mayson *

This instrument was acknowledged before me on the 24 day of April,
2008, by **CARINDA C. MARR.**



Jana L. Ingham
Notary Public, State of Texas

EXHIBIT "A"

00009287 OR 4440 890

That certain tract or parcel of land situated in Grayson County, Texas, and being a part of the J. B. McAnair Survey, and being a part of Block Twenty-Two (22) of CHAFFIN'S ADDITION to the City of Sherman, Grayson County, Texas, and described as follows:

That certain tract or parcel of land situated in Grayson County, Texas, and being a part of the J. B. McAnair Survey, and being a part of Block Twenty-Two (22) of CHAFFIN'S ADDITION to the City of Sherman, Grayson County, Texas, and described as follows:

BEGINNING at the Northeast corner of Block 22 of Chaffin's Addition to Sherman;

THENCE South 150 feet;

THENCE West 80 feet;

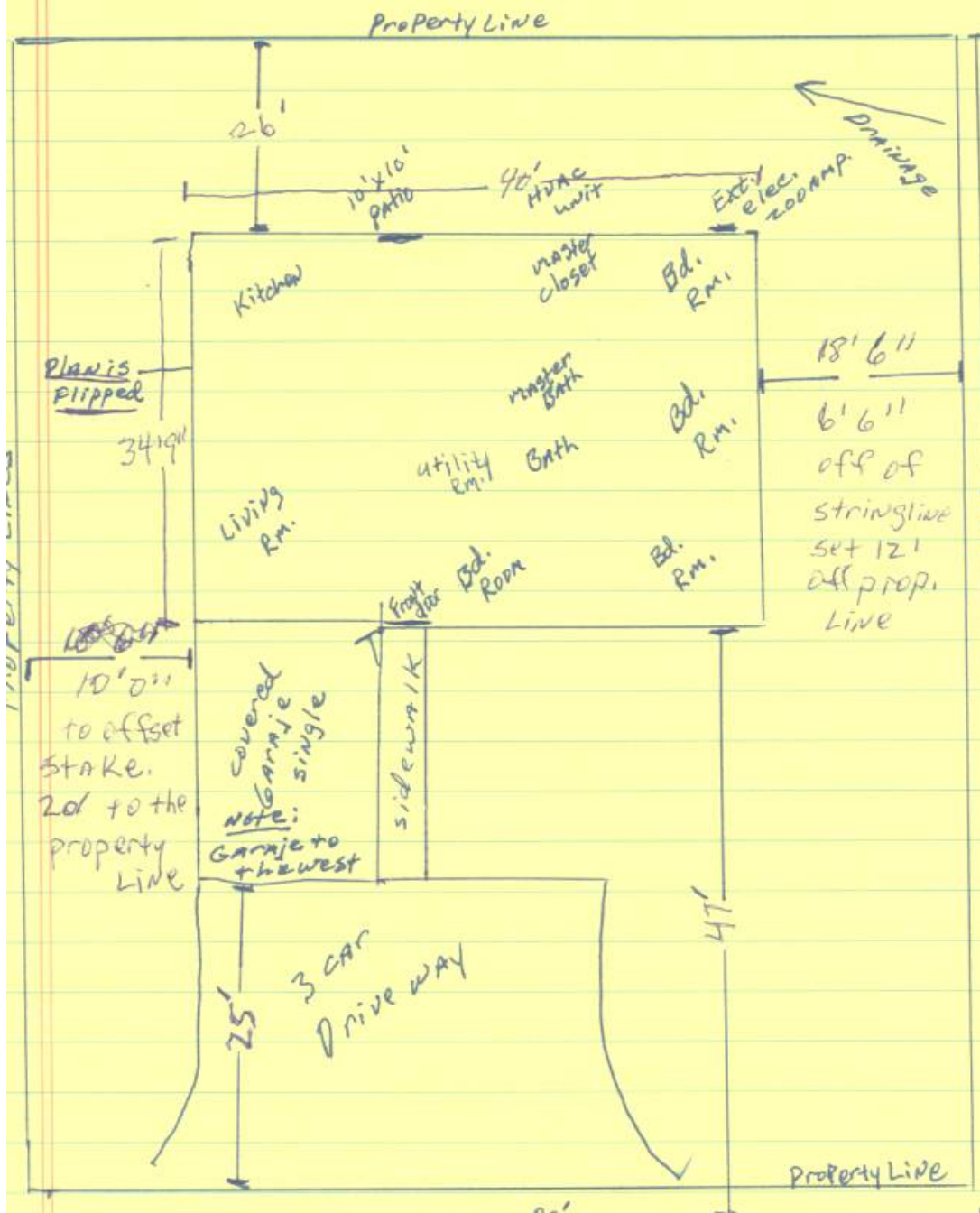
THENCE North 150 feet;

THENCE East 80 feet to the Place of Beginning.

LESS AND EXCEPT: the South fifty feet (50 ft.) thereof sold and conveyed to Mid-State Homes, Inc. by Deed dated November 1, 1962 of record in Vol. 967, Page 139, Deed Records, Grayson County, Texas.

C.M.

1026E, Site Plan for Lot 15 and south 14'
CHAFFIN of Lot 14 BK1 Post OAK Addition



1026 E. Chaffin



CITY OF SHERMAN
RESIDENTIAL BUILDING PERMIT

PERMIT #: 90142 SUBCONTRACTOR: KIGHT FAMILY LTD #1 DATE ISSUED: 2/02/2009

PROJECT ADDRESS:	1026 E CHAFFIN ST	LOT #:	
PARCEL ID:		BLK #:	
SUBDIVISION:		ZONE ORD:	
ISSUED TO:	KIGHT FAMILY LTD #1	CONTRACTOR:	KIGHT FAMILY LTD #1
ADDRESS:	860 BROWN RD	ADDRESS:	860 BROWN RD
CITY, ST ZIP:	SHERMAN TX 75090	CITY, ST ZIP:	SHERMAN TX 75090
PHONE:	903-821-8828	PHONE:	
PROP. USE:	RESIDENTIAL	SQ FT:	1,587.00
WORK:	NEW RESIDENTIAL CONSTRUCTION	BEDROOMS:	4
VALUATION:	\$ 63,000.00	BATHROOMS:	2
OCCP TYPE:	RESIDENTIAL	STORIES:	1
CNST TYPE:	WOOD FRAME		

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

NOTES:

NOTICE

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

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

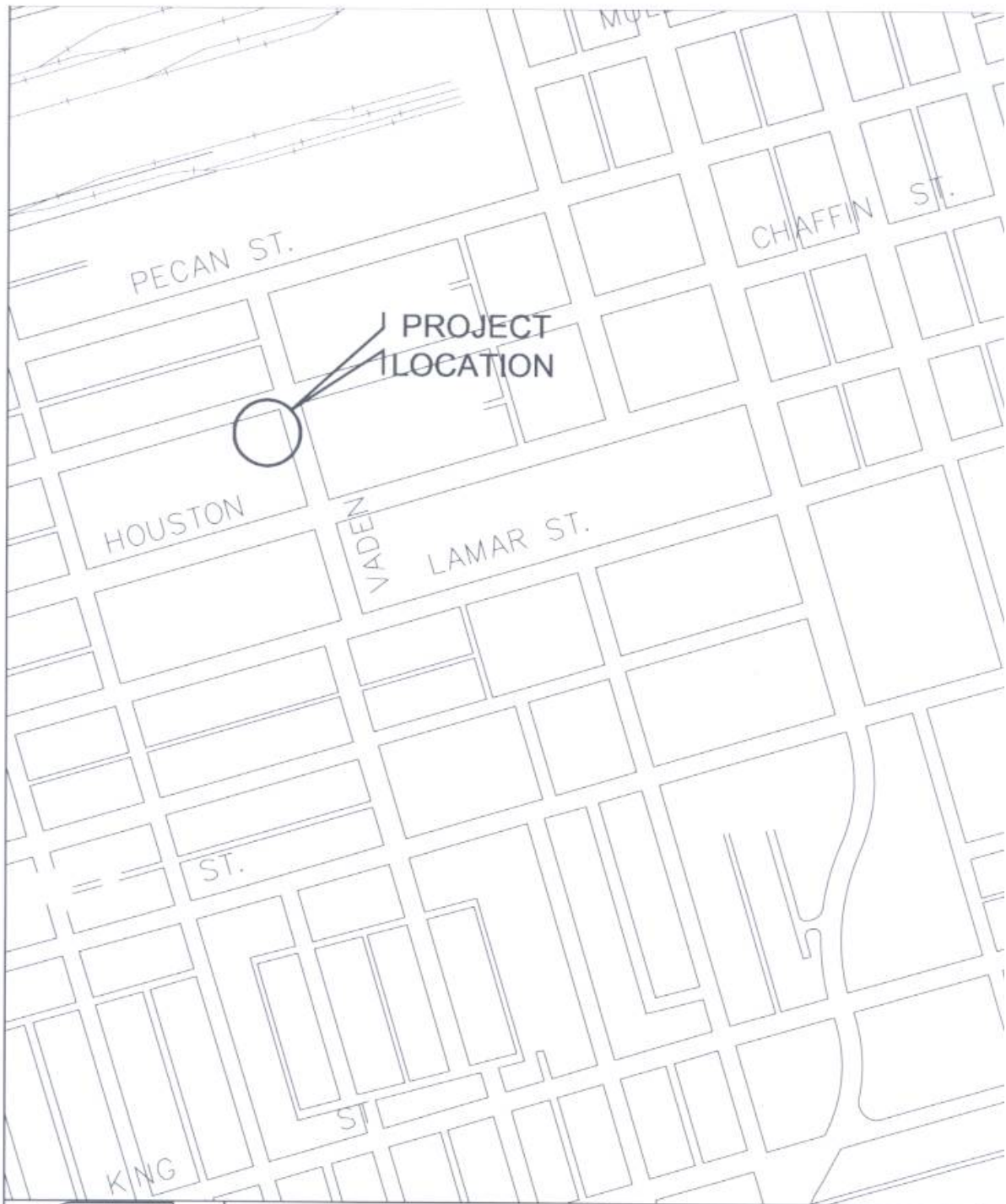
(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

2/2/09

DATE

(APPROVED BY)

DATE



City of Sherman, Texas

1026 EAST CHAFFIN

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. C.6

*** RESOLUTION NO. 5324**

Rescinding Resolution No. 5023 in its Entirety which Authorized the Execution of an Agreement with Barton Capital, LTD for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 1119 South Montgomery Street

Issue

To rescind the property tax abatement awarded to Barton Capital, LTD at the May 21, 2007 Council meeting to construct a new single-family residence on 1119 South Montgomery Street.

Background

At the May, 21, 2007 meeting, the City Council approved a tax abatement agreement with Barton Capital, LTD for the construction of a single-family residence at 1119 South Montgomery Street. The agreement provided for the abatement of taxes (ranging from 100% to 20%) on any improvements for a period of ten years, with the goal of promoting residential development within the City of Sherman's Residential Tax Abatement Zone. By letter of January 3, 2009, Barton Capital asked the City to rescind the tax abatement granted for this property as they have not yet built the single-family residence.

Origination

Barton Capital, LTD

Financial Consideration

No improvements were made to the property, so no taxes were abated.

Staff Recommendation

It is recommended that the City Council rescind Resolution No. 5023 which authorized this tax abatement agreement to Barton Capital, LTD.

Alternatives

No alternatives are recommended.

Attachments

Barton Capital's request of January 3, 2009 with Photo taken February 9, 2009
Resolution No. 5324
Resolution No. 5023
Tax Abatement Agreement
Application
Location Map

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager

Barton Capital LTD
715 S. Hwy 75
Sherman, Texas 75090

January 3, 2009

VIA FACSIMILE

ATTN: Tammy
City Attorney's Office
Sherman, TX 75090
Fax: (903) 891-3601

RE: 1119 S. Montgomery, Sherman, TX

Tammy:

This is a request to rescind the tax abatement on the above mentioned property. We have not yet built a home on this property so it is still an empty lot. We appreciate your help with this matter.

Thank you,

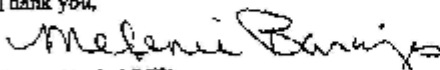

Barton Capital LTD

Photo of Vacant (Unimproved) Lot at 1119 South Montgomery Street



RESOLUTION NO. 5324

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, RESCINDING RESOLUTION NO. 5023 IN ITS ENTIRETY WHICH AUTHORIZED THE EXECUTION OF AN AGREEMENT WITH BARTON CAPITAL, LTD FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 1119 SOUTH MONTGOMERY 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 Resolution No. 5023, approved at the May 21, 2007 meeting of the Sherman City Council, be and is hereby rescinded 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 _____, 2009.

CITY OF SHERMAN, TEXAS

BY: _____
BILL MAGERS, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

APPROVED AS TO FORM AND CONTENT:

INTERIM CITY ATTORNEY

Tax abatement agreement
w/Barton Capital at
1119 S. Montgomery St.

RESOLUTION NO. 5023

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 A NEW SINGLE-FAMILY RESIDENCE AT 1119 SOUTH MONTGOMERY 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:

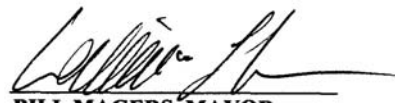
SECTION 1. That the Acting City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Barton Capital, Ltd., and subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Barton Capital, Ltd. for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 1119 South Montgomery 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 21st day of May, 2007.

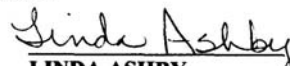
CITY OF SHERMAN, TEXAS

BY:


BILL MAGERS, MAYOR

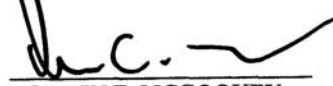
ATTEST:

BY:


**LINDA ASHBY,
CITY CLERK**

**APPROVED AS TO FORM
AND CONTENT:**

BY:


**DOREEN E. MCGOOKEY,
CITY ATTORNEY**

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 **BARTON CAPITAL, LTD.**, a corporation of the State of Texas, 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

<u>TAX YEAR</u>	<u>ABATEMENT</u>
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 single-family residence at the following location:

Being Lot 5, Block 7 of the Jones and Wainwright's Addition in the City of Sherman, Grayson County, Texas, and being more commonly known as 1119 S. Montgomery 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 inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

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

VIII.

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

IX.

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

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

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 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
PO Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Barton Capital, Ltd.
715 Hwy 75 South
Sherman, Texas 75090
(903) 868 - 4201

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

21st day of May, 2007.

CITY:
CITY OF SHERMAN, TEXAS

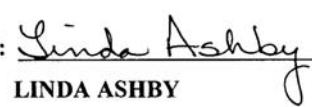
BY: 
GEORGE OLSON
ACTING CITY MANAGER

OWNER:
BARTON CAPITAL, LTD.

BY: 
NAME: Ron Barton
TITLE: Pres

(CORPORATE SEAL)

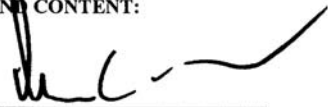
ATTEST:

BY: 
LINDA ASHBY
CITY CLERK

ATTEST:

BY: 
NAME: Ron Barton
TITLE: Pres

APPROVED AS TO FORM
AND CONTENT:


DOREEN E. MCGOOKEY
CITY ATTORNEY

CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT

Property Owner:

Name: BARTON CAPITAL

Mailing Address: 715 S. HWY 75 SHERMAN, TX 75090

Telephone Number: 903-868-4201

Contact (if different than owner):

Name: Ron Barton

Mailing Address: SAME

Telephone Number: SAME

Property:

Physical Address: 1119 S. MONTGOMERY

Summary Legal Description: Lot: 5 Block: 7 Addition: Jones + Wain RIGHTS 100.

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: 55,000.00

Estimated Date of Start of Construction: 5-2-07

Estimated Date of Completion of Project: 7-2-07

Description of Project: NEW SINGLE FAMILY DWELLING

Applicant(s): Greg L. P. Date: 5-2-07

SHERMAN



P.O. BOX 1106, SHERMAN, TEXAS 75091-1106

BUILDING PERMIT APPLICATION

PERMIT NUMBER
OCCUPANCY NUMBER

270

PLEASE NOTE - COMPLETE ALL ITEMS - MARK BOXES WHERE APPLICABLE

I LOCATION OF BUILDING	STREET NUMBER AND NAME <u>1119 S. MONTGOMERY</u>		SUBDIVISION OR SURVEY <u>JONES + WAINRIGHTS ADD.</u>		LOT <u>5</u>	BLOCK <u>7</u>	CENSUS TRACT
	FLOOD ZONE _____ BASE FLOOD ELE. _____ 1ST FLOOR ELE. _____		E. ZONING _____ FIRE ZONE _____ PLANS _____		TIME TO COMPLETE <u>180</u> DAYS		
II TYPE AND COST OF BUILDING	A. TYPE OF IMPROVEMENT		DESCRIPTION OF REPAIRS:				
	1 ☒ NEW BUILDING		<u>NEW HOME CONSTRUCTION</u>				
	2 ☐ ALTERATION		<u>BESTE ELECTRIC - 903-564-6853</u>				
	3 ☐ REPAIR, Replacement		<u>MARKYL & SONS - 903-893-3060</u>				
III BUILDING SPECS.	B. OWNERSHIP		RED RIVER PUMPING - 903-821-5715				
	1 ☒ PRIVATE (Individual, corporation, non profit institution, etc.)						
	2 ☐ PUBLIC (Federal, state, or local government)						
	C. COST \$ <u>55,000.00</u>						
IV IDENTI- FICATION	D. FEE <u>\$25.00</u>						
	Sq. Ft. { Main Bldg. <u>1096</u> Accs. Bldg. _____		<u>#25 Stormwater</u>				
	F. PRINCIPAL TYPE OF FRAME		H. TYPE OF SEWAGE DISPOSAL		K. DIMENSIONS		
	☐ MASONRY (wall bearing) ☒ WOOD FRAME ☐ STRUCTURAL STEEL ☐ REINFORCED CONCRETE ☐ OTHER - SPECIFY _____		☒ PUBLIC OR PRIVATE CO. ☐ INDIVIDUAL (Septic tank, etc.)		Number of Stories <u>1</u> TOTAL SQUARE FEET OF FLOOR AREA, ALL FLOORS BASED ON EXTERIOR DIMENSIONS <u>1096</u> TOTAL LAND AREA SQ. FT. <u>7000</u>		
V ADDITIONAL INFO	G. Principal Type of Heating Fuel		I. TYPE OF WATER SUPPLY		L. No. OFF-STREET PARKING SPACES		
	☐ GAS ☐ OIL ☒ ELECTRICITY ☐ COAL ☐ OTHER _____		☒ PUBLIC OR PRIVATE CO. ☐ INDIVIDUAL (well, cistern)		ENCLOSED <u>0</u> OUTDOORS <u>3</u>		
	J. ADDITIONAL INFO		M. RESIDENTIAL BLDG. ONLY				
	RESIDENTIAL TAX ABATEMENT ☒ YES ☐ NO WILL THERE BE AN ELEVATOR? ☐ YES ☒ NO		No. of Bedrooms <u>3</u> No. of Bathrooms <u>2</u> Full <u>2</u> Partial <u>2</u>				
VI OWNER CONTACT	1. OWNER		MAILING ADDRESS		PHONE		
	<u>Capital Investments Corp.</u>		<u>715 S HWY 75 SHERMAN, TX</u>		<u>903-868-4201</u>		
	2. CONT.						
	3. Architect						

The Owner Of This Building And the Undersigned Agree To Conform To All Applicable Laws Of The City Of Sherman

SIGNATURE OF APPLICANT

715 S. HWY 75 SHERMAN, TX

ADDRESS

5-2-07

DATE

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

APPROVED _____ 20 _____

DENIED _____ 20 _____

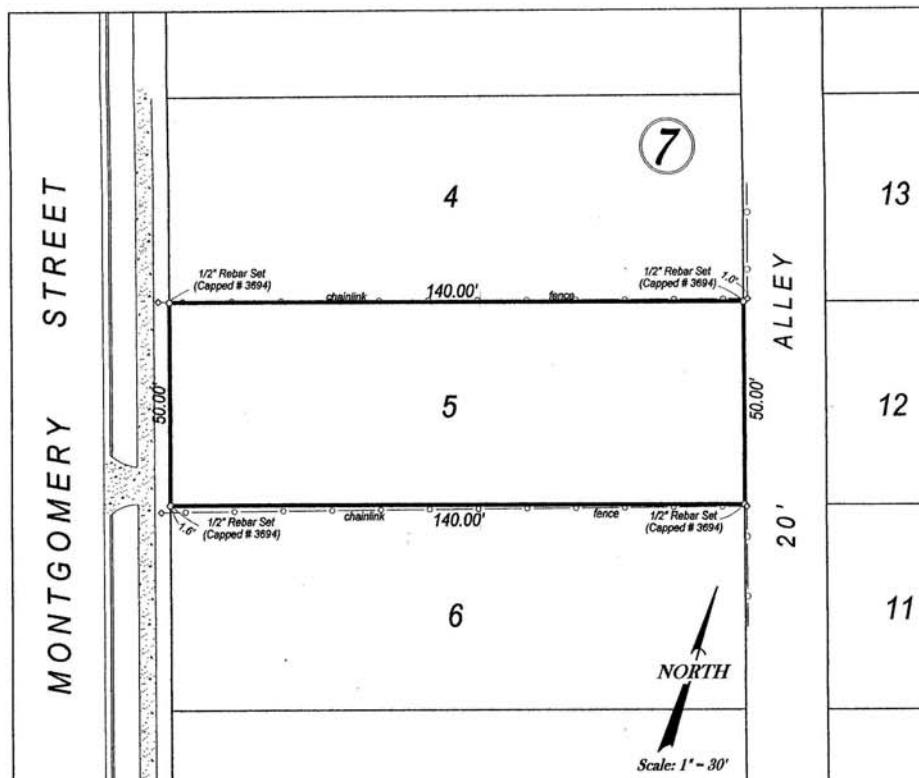
127-015-88

White - File

Canary - Owners Application

Pink - Tax Office

BUILDING OFFICIAL SIGNATURE
Gold - File



SARTIN & ASSOCIATES, INC.
 Registered Professional Land Surveyors
 P.O. Box 1843 - 109 S. Travis - Sherman, Texas 75091-1843
 phone (903)892-8003 - fax (903)868-2970

SURVEY FOR: BARTON CAPITAL, LTD.

I, Marshall Sartin, Registered Professional Land Surveyor, hereby certify that a survey of the property shown hereon was made on the ground on the 27 th day of April, 2007 of the following described property:

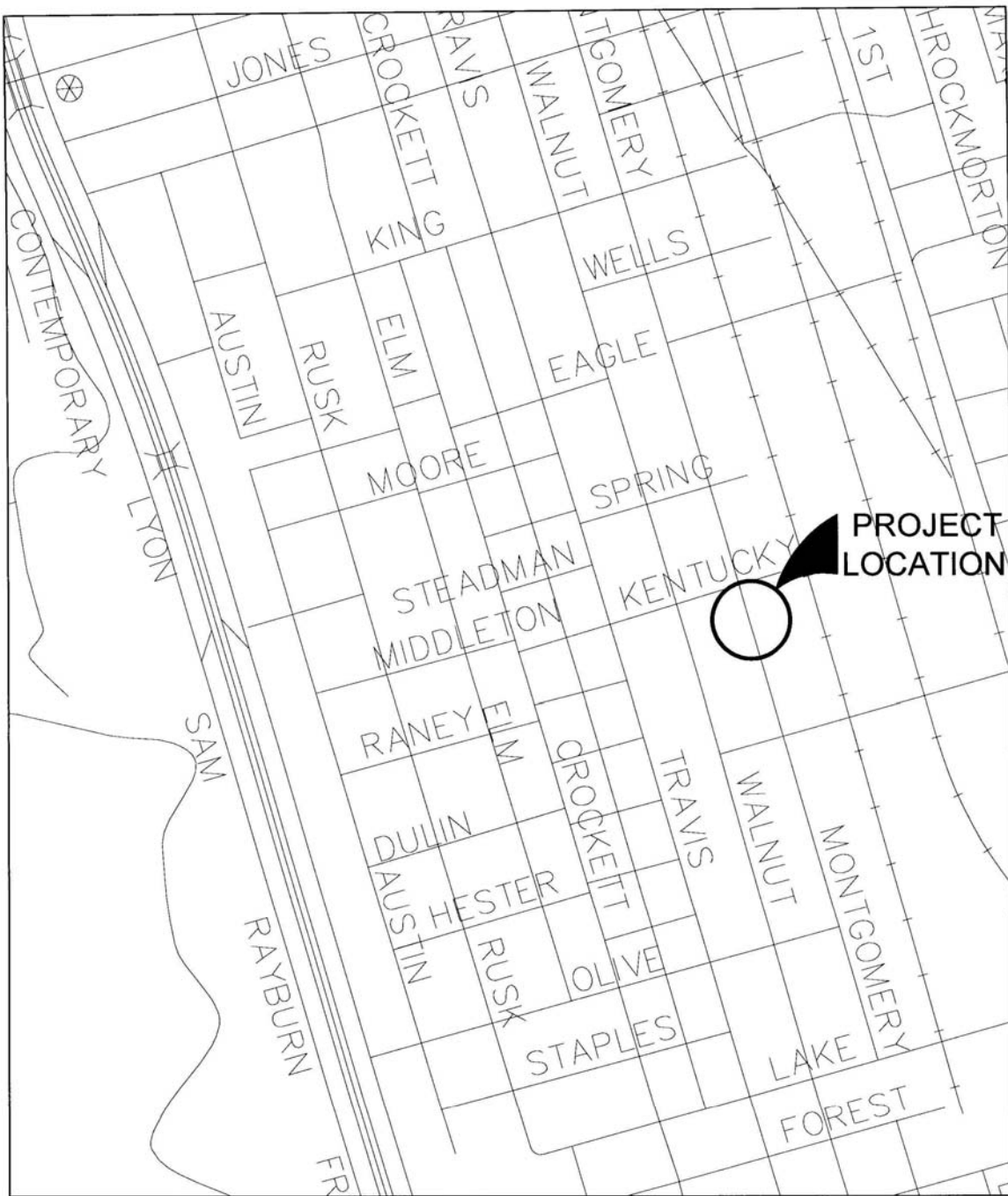
Lot FIVE (5) in Block SEVEN (7) of JONES & WAINRIGHTS ADDITION to the City of Sherman, Texas as shown by plat of record in Volume 35, Page 96, Deed Records, Grayson County, Texas.

That the improvements located on said property are known as 1119 S. MONTGOMERY STREET, SHERMAN, TEXAS and that this survey substantially complies with the current Minimum Standards for Professional Land Surveyors as adopted by the Texas Board of Professional Land Surveying, and is subject to all easements of record or as shown on recorded plat that may affect said property.

THIS SURVEY PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE DATE SHOWN HEREON FOR THE CLIENT NAMED HEREINABOVE AND FOR THE TRANSACTION TAKING PLACE AT THE TIME OF THIS SURVEY. THIS SURVEY PLAT IS NOT TO BE USED IN CONNECTION WITH ANY FUTURE TRANSACTIONS WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE UNDERSIGNED SURVEYOR AND THE UNDERSIGNED SURVEYOR ACCEPTS NO LIABILITY FOR ANY FUTURE UNAUTHORIZED USE OF THIS SURVEY PLAT.

Marshall Sartin
 Marshall Sartin
 R.P.L.S. # 3694





City of Sherman, Texas

1100 BLOCK SOUTH MONTGOMERY

PROJECT LOCATION MAP





SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.1

*** REQUEST TO ADVERTISE**
2009 Street Mill and Overlay Program

Issue

To seek approval to advertise for bids that will provide the City with a contractor for the 2008-2009 Street Mill and Overlay Program

Background

This fiscal year, the City's overall street improvement program includes several mill and overlay projects that are part of both the new "Enhanced Thoroughfare Network" program and the Capital Improvement Program. To improve the City's chances of receiving the lowest possible bids, the decision was made to bundle all mill and overlay projects together as one large project. Funding for these projects will come from three sources: the Street Department budget, sales tax revenue, and the Capital Improvement Program budget. The projects this year are proposed to include: Taylor Street from Highway 75 to Texoma Parkway, Grand Avenue from Texoma Parkway to Lamar Street and, if funds are available, Washington Street from Heritage Parkway to Woods Street.

Origination

Department of Public Works

Financial Consideration

Funds have been appropriated for these projects in three sources: Capital Improvement Program, sales tax revenue, and the Street Department budget. Costs of advertising are expected to be about \$200.

Staff Recommendation

Approve advertising for the three projects as one large mill and overlay project.

Alternatives

Those as may be recommended by the City Council

Attachments

Location Map

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager



City of Sherman, Texas



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.2

*** REQUEST TO ADVERTISE**

Construction of a New Section of West Canyon Creek Drive

Issue

Seeking permission to advertise for bids to construct a new section of West Canyon Creek Drive

Background

Contained in this year's Capital Improvement Program (CIP) is a street project to build a new section of West Canyon Creek Drive, from its current west end in O'Hanlon Estates to Shady Oaks Lane (approximately 1,900'). This section of new street will also provide public access to the new Phase II Pecan Grove Park that is scheduled to be in construction later this year. The City's engineering consultant, CP&Y, Inc., has completed the 95% construction plans and specifications and is scheduled to have the project ready to award in early March. The design provides for a 37' concrete curb and gutter street with sidewalks. The engineering consultant's opinion of probable construction cost for the project is under the CIP budgeted amount.

Origination

Department of Public Works

Financial Consideration

Funds for the design and construction of this new section of street were budgeted in this fiscal year's Capital Improvement Program budget in the amount of \$1.2 million.

Staff Recommendation

Advertise the project to seek bids to construct this new section of West Canyon Creek Drive.

Alternatives

Those as may be recommended by the City Council

Attachments

2008-2009 CIP Project Description

Location Map

Prepared by:
Jeff Miller, Director of Public Works

Approved by:
George Olson, City Manager

PROJECT YEAR: 2008-2009

PROJECT NAME: Canyon Creek Drive Extension

DESCRIPTION: Construct roadway between terminus of Canyon Creek Drive in O'Hanlon Way subdivision and west boundary line of Pecan Grove Park property.

ESTIMATED COST: \$1,200,000

ESTIMATED O&M COST: Not Applicable

PROPOSED FINANCING: General Improvement Fund

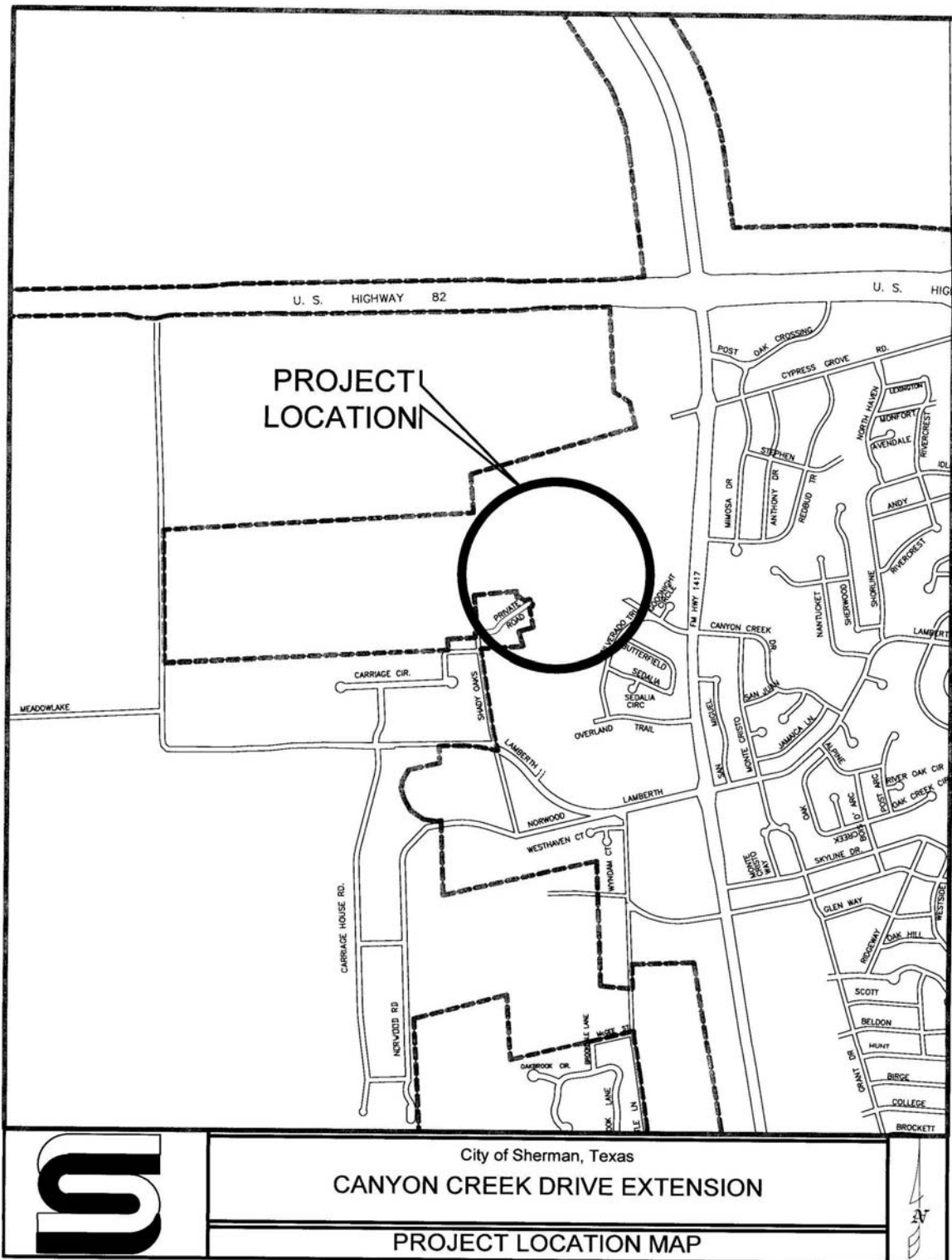
PROJECT NECESSITY: Roadway extension will provide access to park and provide east-west route in west Sherman.

DEPARTMENT/DIRECTOR: Public Works, Jeff Miller

PROPOSED START DATE: June, 2009

PROPOSED END DATE: September, 2009







SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.3

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

Issue

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

Background

Each year, the Street Department evaluates and ranks all city streets to determine their need for maintenance. From the street evaluation process, a priority list of streets to be seal coated is prepared. The Street Department's goal each year is to seal coat in the range of 25-30 miles of streets depending on material costs and the annual budget. Advertising for seal coat materials early in the construction season helps assure that adequate materials are available and can be purchased at the lowest possible price.

Origination

Department of Public Works

Financial Consideration

Funds to purchase seal coat stone and emulsified asphalt oil are provided in this year's Street Department budget. Cost of advertising is expected to be less than \$200.

Staff Recommendation

Proceed with advertising for vendors to provide seal coat stone and emulsified asphalt oil for the 2009 street maintenance program.

Alternatives

As may be directed by the City Council

Attachments

None

Prepared by:
Jeffrey Miller, Director of Public Works

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.4

*** REQUEST TO ADVERTISE**
Fire Engineer Training Simulator

Issue

Permission to advertise for the purchase of a Fire Engineer Training Simulator

Background

The Sherman Fire Department applied for and was approved a Federal Emergency Management Agency (FEMA) Homeland Security Grant through the 2008 Assistance to Firefighters Grant Program. The Fire Department would like to proceed with the purchase of the Fire Engineer Training Simulator.

Origination

Sherman Fire Department

Financial Consideration

The grant amount was \$68,000.00. \$61,200.00 will be reimbursed by FEMA; and our portion will be \$6,800.00. The City Council approved funding for the grant in the budget amendment at the February 2, 2009 meeting.

Staff Recommendation

It is recommended that the City Council approve the request to advertise for the purchase of a Fire Engineer Training Simulator.

Alternatives

As directed by City Council

Attachments

None

Prepared by:
J. J. Jones, Fire Chief

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.5

OTHER BUSINESS

Receive Financial Update from Assistant City Manager/CFO Robby Hefton

Issue

To present a financial update to the Council on various items of interest

Background

Periodically, the staff presents financial updates to the Council to communicate important financial and economic conditions. This presentation will focus primarily on issues related to the major operating funds: General Fund, Utility Fund, and Water and Sewer Fund.

Origination

City Manager's Office

Financial Consideration

This presentation is for informational purposes only and has no impact on the City's revenues or expenses.

Council Action Requested

No action is needed by the Council. This presentation is informational only.

Attachments

None

Prepared by:
Robby Hefton, Assistant City Manager/CFO

Approved by:
George Olson, City Manager



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.6

OTHER BUSINESS

**Consider Calling a Special Meeting of the City Council for Friday, March 6, 2009,
to Meet New Chamber Board Members**

Issue

Consider calling a special meeting of the City Council for 12:00 noon on Friday, March 6th, to meet new Chamber Board members

Background

Chamber Board President Traci Carlson has invited the City Council to an informal lunch at Kelly's Square Restaurant at 12:00 noon on Friday, March 6th. The purpose of the meeting is to socialize and network and to introduce the five new Chamber Board members to the City Council.

Origination

Sherman Chamber of Commerce Board President Traci Carlson

Staff Recommendation

It is recommended that the City Council, by motion and order, call a special City Council meeting for 12:00 noon on Friday, March 6th.

Alternatives

Another date, time and/or location that better meets the City Council's schedules.

Attachments

None

**Prepared and Approved by:
George Olson, City Manager**



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.7

CITIZEN REQUESTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.8

MEDIA QUESTIONS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

Subject: Agenda Item No. D.9

APPOINT/REMOVE OR CONSIDER QUALIFICATIONS TO BOARDS AND COMMISSIONS

a) Parks and Recreation Advisory Board (1)

Issue

Nancy Kirkpatrick's term on the Parks and Recreation Advisory Board will expire on February 23, 2009. She does not want to be reappointed. Trent Bass and Jason Bethel have completed applications for service on the Board.

Background

The Parks and Recreation Advisory Board advises the City Council on long-range planning and the implementation of programs and activities conducted by the Parks and Recreation Department.

Origination

The appointment originated with the City Clerk's Office.

Financial Consideration

There is no financial consideration to the City.

Staff Recommendation

It is recommended that the City Council consider an appointment to the Parks and Recreation Advisory Board.

Alternatives

The City Council could choose not to appoint a new member.

Attachments

A membership roster, fact sheet, applicant list, renewal letter, and new applications are attached.

Prepared by:
Linda Ashby, City Clerk

Approved by:
George Olson, City Manager

MEMBERSHIP ROSTER

PARKS & RECREATION BOARD

LENGTH OF TERMS: TWO YEARS

Ord. 4112 Consecutive Term Limit (3)*effective 7/24/89

MEMBER	DISTRICT	TERM BEGINS	TERM EXPIRES	TERMS	MEMBERSHIP REQUIREMENTS
Nancy Kirkpatrick	1	U 8/8/2006 R 2/23/2007	2/23/2007 2/23/2009	0 1	
Christopher Oestreich	4	U 4/8/2008	9/5/2009	1	
Shane Best	4	A 6/19/2007	6/19/2009	1	
Casey Peacock	1	U 4/8/2008	9/5/2009	1	
Margie Morris	4	A 11/8/2005 R 11/8/2007	11/8/2007 11/8/2009	1	
Jo Ann Osburn	1	A 9/5/2007	9/5/2009	1	
Jennifer Thompson	4	A 11/8/2005 R 11/8/2007	11/8/2007 11/8/2009	1	

NOTE:

Chair:
Vice Chair:

Term:

CITY STAFF: Kevin Winkler, Parks and Recreation Administrator
Revised 1/30/2009

FACT SHEET

PARKS AND RECREATION BOARD

Established by ORDINANCE 3181 – MARCH 28, 1977

1. Number of Members: SEVEN (7)
2. Term of Appointment: TWO (2) YEARS
3. Consecutive Term Rule: THREE (3) TERMS – ORDINANCE 4112 (7/24/89)
4. Qualifications for Membership: INTEREST IN PROGRAMS AND ACTIVITIES CONDUCTED BY PARKS AND RECREATION DEPARTMENT. A STUDENT OF SHERMAN HIGH SCHOOL DESIGNATED BY STUDENT COUNCIL, AND THE DIRECTOR OF PARKS AND RECREATION SHALL BE EX-OFFICIO, NON-VOTING MEMBERS
5. Appointed by: MAYOR AND CITY COUNCIL
6. Board Organization
CHAIRPERSON E VICE CHAIRPERSON SECRETARY A
ELECTED APPOINTED
7. Departmental Responsibility: PARKS AND RECREATION DEPARTMENT
8. Meeting Date: FIRST WEDNESDAY OF EACH MONTH
9. Attendance Requirements: WILL FORFEIT SEAT BY MISSING 3 CONSECUTIVE MEETING WITHOUT GOOD CAUSE

=====

PURPOSE:

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

RESPONSIBILITIES:

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

APPLICANT LIST

Parks and Recreation Advisory Board

Positions Vacant 1

Applicant	Address	District	Qualifications
Trent Bass	7 Vancouver Place	1	Bass Investment Strategies
Jason Bethel	1119 N. Hopson	1	American Bank of Texas

COMMENTS:

SHERMAN



PUBLIC RECORDS DEPARTMENT

Phone No. (903) 892-7204

Fax No. (903) 892-7394

January 5, 2009

Nancy Kirkpatrick
1020 Western Hills
Sherman, Texas 75092

RE: Parks and Recreation Advisory Board

Dear Nancy:

Your term on the Parks and Recreation Advisory Board expires on February 23, 2009. You are eligible for reappointment to the Board. Please let me know whether or not you are interested in reappointment to this board by checking the appropriate statement at the bottom of this letter and returning a copy to me at the address below. If you have any questions or need additional information, please don't hesitate to contact me.

Best regards,

Linda Ashby
City Clerk

cc: George Olson, City Manager
Kevin Winkler, Parks and Recreation Administrator

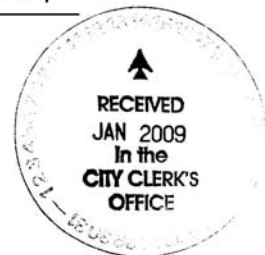
 I do wish to be considered for reappointed to this board

 X I do not wish to be considered for reappointment to this board

Nancy M. Kirkpatrick
Signature

1-12-09
Date

Please return to: City of Sherman
City Clerk's Office
P.O. Box 1106
Sherman, Texas 75091-1106
P.O. BOX 1106 • SHERMAN, TEXAS 75091-1106 (903) 892-7206





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) 892-7394

RECEIVED
MAY 2008
In the
CITY CLERK'S
OFFICE

Name: Trent M Bass

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

Name of Board
or Commission: Parks & Recreation Board

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

Personal Information	Occupational Information
Home Address: <u>7 Vancouver Pl</u>	Business Name: <u>Bass Investment Strategies</u>
Mailing Address: <u>Same</u>	Occupation: <u>Investment Advisor</u>
Telephone: <u>903-892-0235</u> Fax: <u>903-487-2525</u>	Address: <u>PO Box 187 Sherman 75091</u>
E-Mail: <u>tbass@cableone.net</u>	Telephone: <u>903-271-8454</u> Fax: <u>903-487-2525</u>
Sherman Resident for <u>9</u> years County: <u>9</u>	E-Mail: <u>tbass@cableone.net</u>
Drivers License No.: <u>00487848</u>	
*Voter Registration No.: <u>1025333765</u> ✓	

Which Council District do you live in? (see attached map) D-1 ✓

Prior work experience: (please include dates)

Wachovia Securities 9-2001 - 8-2007
Raymond James 1-2000 - 9-2001
Edward Jones 7-1997 - 12-1999

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? 1991

Business College, Correspondence School, Adult Education, Other?

Name of College/University: Southeastern Oklahoma ☒ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Sherman Planning & Zoning 8-2001 8-2006
Sherman Kiwanis Club 2000 - current

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - No

Application held for 12 months from date received

Are you presently serving on a City board or commission? ☐ Yes ☒ No

If so, which one? _____

Why do you want to become a member of this particular board or commission (how would you use this experience to benefit the City)?

To give back to the community. Good volunteers are always in high demand

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) Parks and Recreation are an integral part of a community. Our parks should continue to upgrade to keep up with rising demand and community improvement.
- 2) Our parks should be a community anchor. Visitors will hopefully leave our community remembering the parks they visited. Ball fields, splash parks or picnic areas.
- 3) Maintenance of the parks we build could be partnered with different service clubs from High School clubs to adult clubs that would take the burden off city resources and promote giving back to the community.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

none

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: _____

Date: 5-12-08

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: Jason Bethel

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

Name of Board or Commission: Parks & Recreation Board

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

Personal Information

Home Address: 1119 N. Hopson
Mailing Address: Same
Telephone: 903-893-3303 Fax: _____
E-Mail: jbethel@abtexas.com
Sherman Resident for 16 years County: 16
Drivers License No.: 14213426
*Voter Registration No.: 1025549758 ✓

Occupational Information

Business Name: AMERICAN BANK OF TEXAS
Occupation: Loan Officer
Address: 401 E. Taylor Sherman
Telephone: 903-813-5916 Fax: 903-813-5930
E-Mail: jbethel@abtexas.com

Which Council District do you live in? (see attached map) 2 1 ✓

Prior work experience: (please include dates)

Temple Educators Federal Credit Union 98-01
Apex Health Care 95-98

Educational Achievement:

High School Graduate? ☒ Yes ☐ No Year Graduated/Left School? _____
Business College, Correspondence School, Adult Education, Other? _____

Name of College/University: Grayson County College ☐ Bachelor's ☐ Master's ☐ PhD

Volunteer Work: (please include dates)

Have you ever been convicted of a crime (except for minor traffic offenses that resulted only in a fine)? ☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider to be relevant.

Taxes - No

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)?

To help maintain & improve our Parks for the City of Sherman.

Briefly explain what you believe are the three most important issues facing this board or commission and how you believe this board or commission should address each issue?

1) _____

2) _____

3) _____

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

Please specify any business or personal relationships with the City or other activities, which might create a serious conflict of interest or affect your ability to serve if you should be appointed to this board or commission:

Have you attended a meeting of the board/commission you are applying to or talked to anyone currently on the board? ☐ Yes ☒ No
Comments: _____

Statement of Intent

I am aware of the requirements of the City regarding conflicts of interest of appointees to the City of Sherman Boards and Commissions, as noted in the overview. I am aware of meeting dates and times of the Board/Commission for which I have applied, and that Board/Commission members are expected to attend a minimum of 75 percent of regularly scheduled meetings annually of their Board/Commission. If appointed, I agree to serve on the Board/Commission for which I have applied. Applications, including those received after the posted deadline, will remain on file for one year from the date of receipt.

**I affirm that I am qualified to vote.*

Signature: [Signature] Date: 1-22-09

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: 2-16-2009

Subject: Agenda Item No. D.10

COUNCIL COMMENTS

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

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 Consultation with City Attorney Concerning Pending
Litigation:**
- (a) In the Court of Appeals, Fifth District of Texas
at Dallas No. 05-06-00420-CV; The City of
Sherman, Texas and The Sherman City Council,
Appellants v. James Wayne, Appellee**
- Section 551.074 Personnel Matters:**
- (a) Deliberating the Appointment, Employment,
Evaluation, Reassignment, Duties, Discipline or
Dismissal of a Public Officer or Employee:**
- (i) Interview of City Attorney Candidates**

The Honorable Bill Magers, Mayor



SHERMAN CITY COUNCIL

Agenda Communication Form

From: The Office of the City Manager

Date: 2-16-2009

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: 2-16-2009

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: 2-16-2009

Subject: Agenda Item No. N/A

COUNCIL CALENDAR

2009

CITY COUNCIL MEETINGS

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		6	7	1	2	3
4	5			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		

01/19/09 - M.L.K., Jr. Birthday / Regular Council Meeting
01/26/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan
02/11/09 - 12 Noon Called Meeting to Interview City Attorney Candidates
02/16/09 - Washington's Birthday / Regular Council Meeting
02/18/09 - 1PM Called Meeting to Interview City Attorney Candidates
02/25/09 - 12 Noon Joint Meeting w/P&Z Commission re: Comprehensive Plan
03/06/09 - Proposed 12 Noon Called Meeting with Chamber Board
05/09/09 - City Council Election
05/12/09 - 12 Noon Called Meeting to Canvass Election Results
09/07/09 - Labor Day / Called Council Meeting on 09/08/09