



**Monday, July 18, 2022
City Council Meeting**

**Council Chambers
3815 Sachse Road, Building B
6:30 p.m.**

Members of the public who wish to submit their written comments on a listed agenda item can also submit their comments by filling out the public meeting speaker form at: <http://www.cityofsachse.com/328/Agendas-Minutes-Videos> or by visiting the Agendas & Minutes button on the homepage of the City's website.

Comments must be received before 4:00 p.m. on Monday, July 18, 2022.

The City of Sachse reserves the right to reconvene, recess, or realign the meeting, called Executive Session, or order of business at any time prior to adjournment.

As authorized by Section 551.071(2) of the Texas Government Code, these meetings may be convened into closed Executive Session at any time during the City Council meeting for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

A. 6:30 PM REGULAR MEETING

1. Call to Order: The City Council of the City of Sachse will hold a Regular Meeting on Monday, July 18, 2022, at 6:30 p.m. to consider the following items of business:
2. Invocation and Pledges of Allegiance.

B. Special Announcements

1. Mayor and City Council announcements regarding special events, current activities, and local achievements.
2. Proclamation recognizing July 29, 2022, as Early Intervention Day in the City of Sachse.

C. Public Comment

1. Public Comment: The public is invited at this time to address the Council. Please come to the microphone and state your name and address for the record. However, if your remarks pertain to a specific agenda item, please hold them until that item, at which time the Mayor will solicit your comments. The time limit is 3 minutes per speaker. The City Council is prohibited by state law from discussing any item not posted on the agenda according to the Texas Open Meetings Act, but may take comments under advisement. Issues raised may be referred to City staff for research and possible future action.

D. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or a member of the public so requests.

1. Approve the June 20, 2022, meeting minutes.
2. Approve the minutes of the July 12 Special Council Meeting
3. Accept the monthly revenue and expenditure report for the period ending May 31, 2022.
4. Approve an ordinance amending Chapter 10 titled "Utilities", by amending Article I titled "In General" by deleting Section 10-8 titled "Testing of backflow prevention assemblies" in its entirety, and by adding a new Article III titled

"Cross Connection Control Regulation".

5. Approve and adopt a resolution amending the Master Fee Schedule by adding a new Section XVII titled "Cross Connection Control Fees" to provide backflow testing, retest fees, and licensed BPAT registration fees.

6. Approve the Consent Agenda Items as presented.

E. Regular Agenda Items

1. Receive a recommendation and a report from the Charter Review Commission.

2. Conduct a public hearing to consider and act on a request for a Special Use Permit for TNT Gaming Center, located at 7010 State Highway 78.

3. Receive an update from HUB International, the City's benefits consultant, regarding the City's current claims status.

4. Receive an annual update from Community Waste Disposal (CWD), the City's solid waste and recycling services provider.

5. Receive an update on the City's long-range financial plan.

6. Consider authorizing the City Manager to execute and award the bid for the construction of the Southeast Water Tower Lighting project to FSG Electric in an amount not to exceed Two Hundred Twelve Thousand, Nine Hundred Ninety-Five and No/100 Dollars (\$212,995.00).

F. Executive Session

1. The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the Municipal Judge.

2. The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the City Prosecutor.

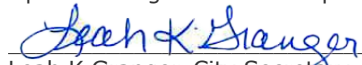
G. Regular Agenda Items/Meeting Closing

1. Take action as a result of Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the Municipal Judge.

2. Take action as a result of Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the City Prosecutor.

3. Adjournment.

I, the undersigned authority, do hereby certify that this notice of meeting was posted in accordance with the regulations of the Texas Open Meetings Act and was posted on the bulletin board, an accessible location at Sachse City Hall.


Leah K Granger, City Secretary

Posted: 7/15/2022 9:30 a.m. Removed: _____

Accommodation requests for persons with disabilities should be made at least 48 hours prior to the meeting by contacting Amanda Chi, ADA Coordinator, via phone at 972.429.4770, via email at achi@cityofsachse.com, or by appointment at 3815 Sachse Road, Building B, Sachse, Texas 75048.



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	B. Special Announcements
Subject	2. Proclamation recognizing July 29, 2022, as Early Intervention Day in the City of Sachse.
Access	Public
Type	Recognition

Public Content

BACKGROUND

Early Intervention Day educates local communities and raises public awareness of early intervention services for children. According to the CDC, acting early on developmental concerns can make a big difference in the lives of families impacted by developmental delays and disabilities. The CDC estimates one in six children have intellectual or physical disabilities or delays. In Dallas County alone, more than 100,000 children have a developmental disability. Early Intervention programs have proven to show academic achievement, behavior, educational progression and attainment, and labor market success.

OVERVIEW

As an early intervention service provider, The Warren Center is proud to pioneer this celebration in the state of Texas. The Warren Center is a nonprofit agency providing professional evaluations, therapy services, and support to children with developmental delays and disabilities. The center serves over 1,000 children each week as well as their families. Services include speech, occupational, and physical therapy; developmental services; and nutrition as well as family education and support. The Early Childhood Intervention Program serves the entire northern half of Dallas County in 48 ZIP codes including Sachse.

RECOMMENDATION

Present a proclamation recognizing July 29, 2022, as Early Intervention Day in the City of Sachse.

Amy Spawn, CEO of The Warren Center will be in attendance to receive the proclamation.

[Proclamation_Early Intervention Day_The Warren Center_2022.pdf \(83 KB\)](#)

PROCLAMATION

WHEREAS, North Texas' children are among our most valuable, precious, and vulnerable citizens, and they require proper care and attention as soon as they are born and throughout their formative years; and

WHEREAS, in Dallas County alone, over 100,000 children have a developmental delay or disability, and it is crucial that these children receive immediate intervention treatment upon diagnosis; and

WHEREAS, the period between birth to five years is a time of rapid development. The earliest possible intervention is critical due to the accelerated brain development during these first years of life. Early intervention programs have been shown to yield benefits in academic achievement, behavior, educational progression and attainment, and labor market success; and

WHEREAS, the Warren Center provides early intervention services to more than 1,000 children with developmental delays and disabilities throughout the DFW metroplex. Partnerships among state agencies, physicians, other private care providers, and families with children with disabilities help ensure that services that enhance development and promote the health and well-being of Texas' children and families are continued; and

WHEREAS, it is important that Texans know about the early intervention services available for young children with developmental delays and disabilities so families may utilize every opportunity to provide for the health and well-being of their children.

I, THEREFORE, Mayor Bickerstaff, of the City of Sachse, do hereby recognize July 29, 2022 as:

EARLY INTERVENTION DAY

in the City of Sachse, and encourage all residents to educate themselves on the signs of developmental delays and disabilities among infants and children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sachse, Texas to be affixed on this 18th day of July, 2022.

Jeff Bickerstaff, Mayor



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	D. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or a member of the public so requests.
Subject	1. Approve the June 20, 2022, meeting minutes.
Access	Public
Type	Action (Consent), Minutes
Recommended Action	Approve the minutes as presented.
Minutes	View Minutes for Jun 20, 2022 - City Council Meeting

Public Content

BACKGROUND

Minutes from the June 20, 2022, Council meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes as presented.

[06.20.22 City Council Minutes.pdf \(125 KB\)](#)

All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

**CITY COUNCIL OF THE CITY OF SACHSE
MEETING MINUTES
JUNE 20, 2022**

The City Council of the City of Sachse held a regular meeting on Monday, June 20, 2022, at 6:30 p.m. at Sachse City Hall, 3815-B Sachse Road. Those present were Mayor Jeff Bickerstaff; Mayor Pro Tem Brett Franks; Councilmembers Michelle Howarth, Frank Millsap, Chance Lindsey, Lindsay Buhler, and Matt Prestenberg; City Manager, Gina Nash; City Secretary, Leah Granger; Assistant City Manager, Lauren Rose; IT Manager, Mike Pastor; Finance Director, David Baldwin; Police Chief, Bryan Sylvester; Fire Chief, Marty Wade; Human Resources Director, Kristi Wong; Director of CIP and Public Works, Corey Nesbit; Assistant to the City Manager, Amanda Chi; Assistant to the City Manager – EDC, Jerod Potts; and Neighborhood Services Manager, Ray Mendez.

Mayor Bickerstaff called the workshop to order at 6:30 p.m.

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS:

Mayor Pro Tem Franks lead the invocation and Councilmember Lindsey led the pledges.

MAYOR AND CITY COUNCIL ANNOUNCEMENTS:

Mayor and City Council announcements regarding special events, current activities, and local achievements.

Councilmember Millsap encouraged everyone to participate in upcoming library activities. Ms. Nash announced the new Assistant Public Works Director, Kip Dernavich, will start with the City on June 27. He has 18 years of experience in the public sector and holds a Masters of Public Administration. Assistant Chief Baxter has graduated from the 282nd session of the FBI National Academy in Quantico. This is a rigorous course focused on leadership, organizational development, communications, and fitness training. Attendees must be nominated by their agencies as well as the local FBI field office. It is a tremendous honor and Assistant Chief Baxter is the first member of the City of Sachse to attend and the City congratulates him on this milestone. Kyle Potraza was promoted to Emergency Management Analyst. He is working on his Master's Degree at the University of North Texas for Emergency Management and Leadership, which will be a great foundation for his new role.

Mayor Bickerstaff reminded residents of the new summer hours at City Hall and asked them to share their thoughts on the website. The Red, White, and Blue Blast is coming up on Sunday, July 3. City facilities will be closed on July 4 in observance of the holiday. Sachse has been named the 10th safest city in Texas. He thanked our first responders for all their efforts. The Mayor announced the Sachse Police Department's annual Community Chat event. This is an informal community chat with Sachse Police Department on June 27 at Woodbridge Cafe. Mayor Bickerstaff also congratulated the Sachse Rod Shop for celebrating 40 years of operation. They are the oldest full-service rod shop in the Dallas Metroplex and have been a great community partner with the City

of Sachse. He also gave kudos to the City Manager's staff for the presentation that was given to Sachse's new Dallas County Commissioner, John Wylie Price.

PUBLIC COMMENT:

No comments at this time.

Proclamation recognizing Arissa Grace McGowan for receiving the Girl Scout Gold Award.

Mayor Bickerstaff congratulated Arissa Grace McGowan for her hard work and achieving the Girl Scout Gold Award.

CONSENT AGENDA: All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

- 1. Approve the June 6, 2022, meeting minutes.**
- 2. Approve cancelling the July 4, 2022, City Council meeting.**
- 3. Approve the Consent Agenda Items as presented.**

Mayor Pro Tem Franks made a motion to approve the consent agenda as presented. Councilmember Howarth seconded the motion and it carried unanimously.

REGULAR AGENDA ITEMS:

Consider authorizing the City Manager to execute and award a construction contract 2021 Alley Reconstruction Project between the City of Sachse and Candor Construction, LLC in the amount of Eight Hundred Nine Thousand, Six Hundred Ninety-Three and No/100 Dollars (\$809,693).

Director of CIP and Public Works, Corey Nesbit presented the current situation in many of the alleys throughout the city. The typical lifespan of the pavement has been surpassed and it is deteriorating quickly. Several sections of alley have been selected for immediate improvements. Councilmember Buhler asked if the sections of alley were selected using a pavement surface evaluation and rating system (PASER). Mr. Nesbit responded that the City does not have PASER data yet, but these sections were chosen based on staff knowledge and residents calling attention to them.

Matthew Holboke, 5511 Oak Ridge Circle, commented that he wanted to have access to the plans for the alleys. He does not believe the City is acting transparently if he has to pay to see them. Ms. Nash responded that Mr. Holboke was directed to a free website to view the plans or he could receive them in the same manner as contractors by paying the stated fee in the published Notice of Bid.

Councilmember Lindsey made a motion to approve the item as presented. Mayor Pro Tem Franks seconded the motion and it carried unanimously.

Consider authorizing the City Manager to negotiate and enter into a contract in the amount not to exceed Four Hundred Sixty Thousand and No/100 Dollars (\$460,000.00) with Reynolds Asphalt and Construction Co. for Bailey Road, Hooper Road, and Anthony Lane asphalt street repairs.

Mr. Nesbit presented the plan to perform asphalt street repairs to Bailey Road, Hooper Road, and Anthony Lane as discussed at previous Council meetings. He explained that the project would be complete in a matter of weeks. Mayor Pro Tem Franks expressed concern that the project was not worth it considering the amount of money needed and that the asphalt would only be in place for year or so. There is not enough value for the cost.

Matthew Holboke, 5511 Oak Ridge Circle, voiced his frustration with the reticence to complete the asphalt overlay. He insisted that if the City could put “lights on Sachse Road then (it) should have been able to do Bailey Road.”

Doris Wiseman, 6807 Bailey Road, explained that residents have been complaining about the road since she moved in 2012 and nothing has been done. She is ready for the road to be fixed in any capacity.

Councilmembers continued discussion about spending that amount of money for a temporary fix. Mr. Nesbit noted that it would be two years before construction begins on Bailey Road if Council decides to wait for the current bond project to be completed. Councilmember Buhler mentioned that she is concerned about the cost but is also very concerned about the safety issues on the road. Councilmember Millsap asked if the money requested could be used instead to speed up the bond project. Ms. Nash explained that if Council instructs, staff could pursue an expedited timeline for the bond project. After further discussion, Councilmember Lindsey insisted that the time for these questions was last month and the overlay needs to be done now. Mayor Pro Tem Franks returned to the length of time before the bond project would be complete and declared that they could not ask people to drive on the current conditions for four more years. When asked, Mr. Nesbit responded that the asphalt would last approximately two years. He noted that it could be longer but two years is a conservative projection. Councilmembers did not like the amount but declared that the money should be spent if it will buy two years of improvement.

Mayor Pro Tem Franks made a motion to approve the item as presented. Councilmember Lindsey seconded the motion, and it carried 6-1 with Councilmember Millsap voting against the measure.

Receive an update on the Animal Shelter project.

Chief Sylvester updated the Council on the progress of the new Animal Shelter. He noted that the shape is intentionally simple to reduce costs and improve the functionality for staff and residents. Chief Sylvester will present another update to Council when there is more specificity in the design.

Discuss a potential structure and definition for City Council liaison positions.

Ms. Nash explained that staff gathered information but wanted to be sure Council understood that there is no bias for one model or another regarding the Council liaison structure or definition. Ms.

Rose presented the facts gathered from comparator cities and a sample definition and structure for Council to consider. Staff wanted to provide the City Council with a point at which to start their conversation.

Several councilmembers took issue with portions of the definition and structure presented. Councilmember Howarth suggested that it is the liaison's core responsibility to bring the board's desire to the Council. Liaisons cannot speak for the entire Council but may provide feedback clarifying that it is their personal opinion only. Mayor Pro Tem warned against micromanaging boards. Councilmember Prestenberg advised that the role was less impactful when more strictly defined. Councilmember Millsap advocated for Council to hold off on further discussion until after the Charter Review Commission had completed its task. Ms. Rose noted that the Commission discussed possibly defining the Council liaison role in the Charter. Councilmember Howarth preferred the issue be addressed through an ordinance rather than the Charter for more flexibility since it is not critical to city function.

Matthew Holboke, 5511 Oak Ridge Circle, said that the undercurrent in the Commission is that boards do not know what to expect from the liaison. He suggested to simply explain that their role is communication and not to sit in a position of authority over the board.

Butch Kemper, 7107 Longmeadow Drive, is concerned that the liaison position has devolved into telling boards what the Council wants. He noted that all board and commission members serve at the pleasure of the Council, not an individual councilmember. All boards work from a definition in the charter or their bylaws so the Council does not need to "ensure" alignment with the Council. He feels it is a disservice to the Council as well as the boards to have someone micromanaging.

Councilmember Lindsey mentioned that the ethics policy may be a good spot to address Council liaisons. Most importantly, the liaison does not speak for the entire Council but should listen and bring feedback to Council.

Mayor Bickerstaff adjourned the meeting to executive session at 8:16 p.m.

EXECUTIVE SESSION

The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding a briefing preceding the review of the City Prosecutor.

The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding a briefing preceding the review of the City Prosecutor.

The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel: regarding the mid-year review of the City Manager.

The meeting reconvened at 9:33 p.m.

REGULAR AGENDA ITEMS / ADJOURNMENT:

Take action as a result of Executive Session pursuant to the Texas Government Code, Section §551.074 Personnel: regarding the mid-year review of the City Manager.

No action taken at this time.

Mayor Bickerstaff adjourned the meeting at 9:33 p.m.

Jeff Bickerstaff, Mayor

ATTEST:

Leah K Granger, City Secretary



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	D. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or a member of the public so requests.
Subject	2. Approve the minutes of the July 12 Special Council Meeting
Access	Public
Type	Action (Consent), Minutes
Recommended Action	Approve the minutes as presented.
Minutes	View Minutes for Jul 12, 2022 - City Council Special Meeting

Public Content

BACKGROUND

Minutes from the July 12, 2022, Special Council meeting.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve the minutes as presented.

[07.12.22 City Council Minutes - Special.pdf \(102 KB\)](#)

All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

**CITY COUNCIL OF THE CITY OF SACHSE
MEETING MINUTES
JULY 12, 2022**

The City Council of the City of Sachse held a Special Council meeting on Tuesday, July 12, 2022, at 6:30 p.m. at Sachse City Hall, 3815-B Sachse Road. Those present were Mayor Jeff Bickerstaff; Mayor Pro Tem Brett Franks; Councilmembers Michelle Howarth, Frank Millsap, Chance Lindsey, and Lindsay Buhler; and City Secretary, Leah Granger.

Those members absent were: Councilmember Matt Prestenberg.

Mayor Bickerstaff called the special meeting to order at 6:30 p.m.

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS:

Mayor Bickerstaff lead the invocation and Councilmember Lindsey led the pledges.

PUBLIC COMMENT:

No comments at this time.

REGULAR AGENDA ITEMS:

Conduct and discuss boards and commissions interviews.

The Council interviewed several applicants for the vacant and expiring terms on the Municipal Development District Board as well as vacancies on several other boards.

Consider appointments to various City boards and commissions.

Councilmember Howarth made a motion to make the following appointments:

- Municipal Development Board: Richard Fricks, Ian Bailey, and Pat Porter.
- Economic Development Corporation Board: Jim Mason (term expires 2022) and Richard Chandler (term expires 2023)
- Library Board: LaWan'Dia Rhoden
- Parks and Recreation Board: Ian Bailey and Debbie Stout

Mayor Pro Tem Franks seconded the motion and it carried unanimously.

Mayor Bickerstaff adjourned the meeting at 8:06 p.m.

ATTEST:

Jeff Bickerstaff, Mayor

Leah K Granger, City Secretary



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	D. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or a member of the public so requests.
Subject	3. Accept the monthly revenue and expenditure report for the period ending May 31, 2022.
Access	Public
Type	Action (Consent)
Fiscal Impact	No
Recommended Action	Accept the monthly revenue and expenditure report for the period ending May 31, 2022.

Public Content

BACKGROUND

The Finance Department prepares a report each month to update the City Council regarding revenues and expenditures for the City. Included in the report are unaudited summaries for the General Fund, Utility Fund, Debt Service Fund, Sachse Economic Development Corporation, and the Sachse Municipal Development District, as well as a report of year-to-date sales tax revenue.

POLICY CONSIDERATIONS

The City Charter requires the City Manager to submit a monthly report covering revenues and expenditures.

RECOMMENDATION

Accept the monthly revenue and expenditure report for the period ending May 31, 2022.

[All Funds May 2022.pdf \(116 KB\)](#)

[Sales Tax Report June 2022.pdf \(85 KB\)](#)

All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

City of Sachse
Monthly Revenue and Expenditure Report
 May 31, 2022
 (Unaudited)

GENERAL FUND

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference
Revenue Summary					
Property Tax	\$ 13,516,200	\$ 15,627	\$ 13,663,744	101.1%	A
Sales Tax	1,980,000	264,477	1,747,013	88.2%	B
Franchise Fees	1,876,250	310,210	1,417,960	75.6%	C
Licenses and Permits	904,500	503,127	1,332,601	147.3%	D
Service Fees	1,063,500	42,421	1,347,515	126.7%	E
Fines	250,000	23,186	156,184	62.5%	
Interest Income	50,000	5,705	35,720	71.4%	
Miscellaneous Income	401,718	42,928	258,581	64.4%	
Intergovernmental Revenue	1,408,831	117,403	939,222	66.7%	
Total Revenue	\$ 21,450,999	\$ 1,325,085	\$ 20,898,538	97.4%	
Expenditure Summary					
City Manager	\$ 531,986	\$ 35,221	\$ 310,859	58.4%	
City Secretary	240,862	14,186	114,633	47.6%	
Human Resources	499,675	33,043	271,911	54.4%	
Finance	760,828	54,035	483,884	63.6%	
Municipal Court	248,682	15,385	137,032	55.1%	
Parks	1,071,570	67,108	616,942	57.6%	
Senior Activity Center	147,367	10,030	84,596	57.4%	
Library	566,496	39,019	344,847	60.9%	
Development Services	838,674	50,403	608,798	72.6%	
Streets	2,397,856	76,928	1,433,114	59.8%	
Facilities Maintenance	681,201	53,341	421,142	61.8%	
Police	5,735,348	426,697	3,817,357	66.6%	
Animal Services	241,131	18,188	156,251	64.8%	
Fire	5,105,049	397,430	3,448,512	67.6%	
Combined Services	430,805	11,109	324,423	75.3%	F
Recreation	399,390	35,387	279,781	70.1%	
Engineering	436,933	33,228	256,240	58.6%	
Information Technology	789,859	48,653	594,411	75.3%	G
Neighborhood Services	380,111	33,446	254,111	66.9%	
Total Expenditures	\$ 21,503,823	\$ 1,452,836	\$ 13,958,842	64.9%	
Total Revenue Over/Under Expenses	\$ (52,824)	\$ (127,751)	\$ 6,939,696		

Explanation of Major Variances:

- A Property Tax receipts peak in December and January
- B Sales Tax collections exceed projections
- C Gas Franchise Fees leading strong collections (\$260K collected against \$206K budget)
- D Building Permits are performing in excess of budget
- E Plan Review, Developer, and Ambulance Service Fees are above projections
- F Total annual property and liability premium paid in October
- G Expenses include annual computer software license renewal

City of Sachse
Monthly Revenue and Expenditure Report
May 31, 2022
(Unaudited)

UTILITY FUND

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference
Revenue Summary					
Water Revenue	\$ 7,921,000	\$ 774,703	\$ 4,671,446	59.0%	
Sewer Revenue	5,705,000	520,059	4,016,000	70.4%	
Drainage Revenue	215,000	18,475	146,330	68.1%	
Fees	151,000	17,124	135,507	89.7%	A
Interest Income	60,000	6,376	50,274	83.8%	B
Total Revenue	\$ 14,052,000	\$ 1,336,737	\$ 9,019,557	64.2%	
Expenditure Summary					
Utility Administration	\$ 491,941	\$ 32,640	\$ 293,504	59.7%	
Water Operations	6,614,493	192,795	4,049,022	61.2%	
Sewer Operations	4,417,149	309,049	2,813,816	63.7%	
Stormwater Projects	150,000	15,600	70,954	47.3%	C
Total Expenditures	\$ 11,673,583	\$ 550,084	\$ 7,227,295	61.9%	
Total Revenue Over/Under Expenses	\$ 2,378,417	\$ 786,654	\$ 1,792,262		

Explanation of Major Variances:

Explanation of Major Variances:

- A** Penalties and reconnection charges are trending in excess of budget
- B** Interest income exceeds budget projection
- C** Projects are anticipated to be fully spent by fiscal year end

City of Sachse
Monthly Revenue and Expenditure Report
May 31, 2022
(Unaudited)

SACHSE ECONOMIC DEVELOPMENT CORPORATION

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference
Revenue Summary					
Sales Tax	\$ 975,000	\$ 129,450	\$ 864,706	88.7%	A
Other Income	10,000	-	10,000	100.0%	B
Interest Income	5,000	1,011	5,637	112.7%	C
Total Revenue	\$ 990,000	\$ 130,461	\$ 880,343	88.9%	
Expenditure Summary					
Expenditures	\$ 627,204	\$ 32,253	\$ 436,871	69.7%	D
Total Expenditures	\$ 627,204	\$ 32,253	\$ 436,871	69.7%	
Total Revenue Over/Under Expenses	\$ 362,796	\$ 98,208	\$ 443,472		

Explanation of Major Variances:

- A** Sales Tax collections exceed projections
- B** Garland ISD grant received in December
- C** Interest income exceeds budget projection
- D** Includes asbestos abatement and demolition

City of Sachse
Monthly Revenue and Expenditure Report
May 31, 2022
(Unaudited)

DEBT SERVICE FUND

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference
Revenue Summary					
Property Tax	\$ 5,311,399	\$ 6,140	\$ 5,362,445	101.0%	A
Interest Income	4,000	414	5,150	128.8%	B
Total Revenue	\$ 5,315,399	\$ 6,554	\$ 5,367,596	101.0%	
Expenditure Summary					
Fees	\$ 3,000	\$ -	\$ 950	31.7%	
Principal	4,100,000	-	4,096,768	99.9%	C
Interest	1,239,319	-	632,255	51.0%	
Total Expenditures	\$ 5,342,319	\$ -	\$ 4,729,973	88.5%	
Total Revenue Over/Under Expenses	\$ (26,920)	\$ 6,554	\$ 637,622		

A Property Tax receipts peak in December and January

B Interest income exceeds budget projection

C Principal payments are primarily due in February and interest payments in February and August

City of Sachse

Monthly Revenue and Expenditure Report

May 31, 2022

(Unaudited)

MUNICIPAL DEVELOPMENT DISTRICT

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference
Revenue Summary					
Sales Tax	\$ 450,000	\$ 58,120	\$ 413,287	91.8%	A
Interest Income	1,000	383	2,143	214.3%	B
Total Revenue	\$ 451,000	\$ 58,502	\$ 415,430	92.1%	
Expenditure Summary					
Expenditures	\$ 1,449,000	\$ 21,060	\$ 107,420	7.4%	C
Total Expenditures	\$ 1,449,000	\$ 21,060	\$ 107,420	7.4%	
Total Revenue Over/Under Expenses	\$ (998,000)	\$ 37,443	\$ 308,010		

Explanation of Major Variances:

- A Sales Tax collections exceed projections
- B Interest income exceeds budget projection
- C J.K. Sachse Park construction project is now underway

CITY OF SACHSE

2021/2022 SALES TAX REPORT

	Total	General Fund	General Fund	YTD Percent		Total	General Fund	General Fund	YTD Percent	GF YTD Growth
FY 2021	Sales tax ¹	Sales Tax	Year-To-Date	of Budget	FY 2022	Sales tax ¹	Sales Tax	Year-To-Date	of Budget	Over Prior Yr
October	\$264,016	\$150,859	\$150,859	9%	October	\$308,288	\$176,156	\$176,156	9%	17%
November	374,502	213,991	364,850	22%	November	409,774	234,145	410,301	21%	12%
December	286,729	163,837	528,687	32%	December	342,831	195,894	606,194	31%	15%
January	323,637	184,926	713,613	43%	January	362,244	206,986	813,181	42%	14%
February	435,095	248,614	962,226	57%	February	512,916	293,095	1,106,275	57%	15%
March	279,789	159,871	1,122,098	67%	March	333,651	190,657	1,296,933	67%	16%
April	247,713	141,543	1,263,641	75%	April	303,762	173,578	1,470,511	75%	16%
May	387,674	221,517	1,485,158	89%	May	453,075	258,900	1,729,411	89%	16%
June	301,551	172,306	1,657,464	99%	June	367,141	209,795	1,939,206	99%	17%
July	311,326	177,892	1,835,356	110%	July					
August	411,760	235,280	2,070,636	124%	August					
September	333,489	190,556	2,261,191	135%	September					
TOTAL	\$3,957,282	\$2,261,191			TOTAL	\$3,393,681	\$1,939,206			
BUDGET		\$1,675,000			BUDGET		\$1,950,000			

Notes

- ¹- Includes General Fund, Economic Development and Street Maintenance
- Sales tax displayed as cash-basis, reflecting month revenue was received
- Excludes mixed beverage sales tax



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	D. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or a member of the public so requests.
Subject	4. Approve an ordinance amending Chapter 10 titled "Utilities", by amending Article I titled "In General" by deleting Section 10-8 titled "Testing of backflow prevention assemblies" in its entirety, and by adding a new Article III titled "Cross Connection Control Regulation".
Access	Public
Type	Action, Discussion
Preferred Date	Jul 18, 2022
Absolute Date	Jul 18, 2022
Fiscal Impact	No
Budgeted	No
Budget Source	N/A
Recommended Action	Approve an ordinance amending Chapter 10 titled "Utilities", by amending Article I titled "In General" by deleting Section 10-8 titled "Testing of backflow prevention assemblies" in its entirety, and by adding a new Article III titled "Cross Connection Control Regulation".

Public Content

BACKGROUND

The State of Texas has implemented regulations mandating that all public water suppliers have a program to require the installation of backflow prevention devices to protect against contamination of public water supplies. Effective January 1, 1996, the Texas Commission on Environmental Quality (TCEQ) required that all public water systems comply with Texas Administrative Code, Title 30, Chapter 290.

The existing ordinance, Chapter 10 Section 8, only addresses testing and reporting of backflow prevention. It does not provide for an enforcement program in order to gain compliance or correct hazards associated with potential cross-connections.

Current and annual inspections are conducted by staff and the reports created provide documentation to ensure compliance in the TCEQ cross-connection program. The City of Sachse is currently compliant with the TCEQ mandate.

OVERVIEW

The TCEQ rules address the hazards posed to the potable water supply. Every public water supplier is required to adopt either a plumbing ordinance, local ordinance/regulations, or service agreements. These give the local public water supplier the authority to implement a cross-connection control program. Whichever is adopted, it must have provisions for proper enforcement in order to prohibit cross-connections and other unacceptable plumbing practices.

The TCEQ has begun full enforcement of these regulations and evaluates public water systems for compliance through its annual public water system inspection program. All systems found without a program or with an inadequate program may risk potential enforcement action in the form of fines each day from the TCEQ until an approved program is in place.

It is the intent of this ordinance to adopt provisions to require proper documentation, inspection, and strengthen enforcement of the cross-connection program. The recommended provisions in this ordinance are approved and

supported by the TCEQ cross-connection program and comply with Texas Administrative Code, Title 30, Chapter 290.

POLICY CONSIDERATIONS

The proposed Chapter 10 Article I and Article III amendments adopt provisions compliant with Texas Administrative Code, Title 30, Chapter 290 establishing a cross-connection control regulation program.

RECOMMENDATION

Approve an ordinance amending Chapter 10 titled "Utilities", by amending Article I titled "In General" by deleting Section 10-8 titled "Testing of backflow prevention assemblies" in its entirety, and by adding a new Article III titled "Cross Connection Control Regulation".

[Ordinance_Adding Article III to Chapter 10 Cross Connection Control Regulation.pdf \(395 KB\)](#)

[Presentation_Backflow Ordinance 2022.pdf \(188 KB\)](#)

Cross-Connection Control Regulation

City Council
July 18, 2022



Background

- Effective January 1, 1996, the Texas Commission on Environmental Quality (TCEQ) required that all public water systems comply with Texas Administrative Code, Title 30, Chapter 290.
- The State of Texas has implemented regulations mandating that all public water suppliers have a program to require installation of backflow prevention devices to protect against contamination of public water supplies.
- The City of Sachse is currently compliant with the TCEQ mandate.



Background

- Current and annual backflow (cross-connection) inspections are conducted by staff and the reports created provide documentation to ensure compliance in the TCEQ cross-connection program.
- The existing ordinance, Chapter 10 Section 8, only addresses testing and reporting of backflow prevention.
- It does not provide for an enforcement program in order to gain compliance or correct hazards associated with potential cross-connections.



Objective

- The TCEQ rules address the hazards posed to the potable water supply. Every public water supplier is required to adopt either a plumbing ordinance, local ordinance/regulations, or service agreements.
- These give the local public water supplier the authority to implement a cross-connection control program. These ordinances must have provisions for proper enforcement in order to prohibit cross-connections and other unacceptable plumbing practices.
- The TCEQ has begun full enforcement of these regulations and evaluates public water systems for compliance through its annual public water system inspection program.
- All systems found without a program or with an inadequate program may risk potential enforcement action in the form of fines each day from the TCEQ until an approved program is in place.



Objective

- It is the intent of this ordinance to adopt provisions to require proper documentation, inspection, and strengthen enforcement of the cross-connection program.
- The recommended provisions in this ordinance are approved and supported by the TCEQ cross-connection program and comply with Texas Administrative Code, Title 30, Chapter 290.
- Fees and penalties will be updated and included in the Master Fee Schedule.



Recommendation

- Approve an ordinance amending Chapter 10 titled “Utilities”, by amending Article I titled “In General” by deleting Section 10-8 titled “Testing of backflow prevention assemblies” in its entirety, and by adding a new Article III titled "Cross Connection Control Regulation".



Master Fee Schedule Updates

XVII Cross Connection Control Fees

- A. Testing Fee - \$200.00
- B. Retest Fee - \$100.00
- C. Licensed BPAT Registration Fee - \$100.00
- D. Submittal and Reporting Fees - Testers shall be responsible for all costs, fees, and expenses related to the submittal and reporting requirements applicable to testers under Chapter 10, Article III, and all third-party fees incurred by the City.



Master Fee Schedule Updates

- E. Deposit for Fire Hydrant Water Meter with Backflow Prevention Assembly - \$2,000.00
- F. Private Contractors Testing Fees - No additional charges by the City for testing conducted by private contractors on behalf of the City.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AMENDING THE SACHSE CODE OF ORDINANCES BY AMENDING CHAPTER 10 TITLED “UTILITIES” BY AMENDING ARTICLE I TITLED “IN GENERAL” BY DELETING SECTION 10-8 TITLED “TESTING OF BACKFLOW PREVENTION ASSEMBLIES” IN ITS ENTIRETY AND RESERVING SECTION 10-8 FOR FUTURE USE; BY ADDING A NEW ARTICLE III TITLED “CROSS CONNECTION CONTROL REGULATION” PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The Code of Ordinances, City of Sachse, Texas, be amended, by amending Chapter 10 titled “Utilities”, by amending Article I titled “In General” by deleting Section 10-8 titled “Testing of backflow prevention assemblies” in its entirety and reserving Section 10-8 for future use; and by adding a new Article III titled “Cross Connection Control Regulation”, to read as follows:

**“CHAPTER 10
UTILITIES**

ARTICLE I. IN GENERAL

...

DELETE SECTION 10-8 IN ITS ENTIRETY; RESERVE FOR FUTURE USE

Sec. 10-8. Reserved.

...

ADD NEW ARTICLE III AS FOLLOWS:

ARTICLE III. CROSS CONNECTION CONTROL REGULATION

Sec. 10-61. Installation of backflow prevention assembly.

An approved backflow prevention assembly shall be placed on the property side of the water connection to prevent contamination of the water system. In the event an approved backflow prevention assembly was not installed at the time service was obtained from the city, after due notice in writing, the consumer shall have installed an approved backflow prevention assembly or

the water service will be terminated. Following state law all backflow prevention assemblies shall be tested upon installation by a licensed backflow prevention assembly tester that is authorized by the city of Sachse.

Sec. 10-62. Cross-connection control.

(1) Cross-connection control purpose. No water connection from any public drinking water supply system shall be connected to any condensing, cooling, or industrial process or any other system of nonpotable usage over which the public water supply system officials do not have sanitary control. The purpose of this cross-connection control program is to promote the public health, safety, and welfare by adopting regulations designed to:

- (a) Protect the public potable water supply of the City from the possibility of contamination or pollution by isolating within a customer's internal distribution systems or a customer's private water systems contaminants or pollutants that could backflow into the public water system;
- (b) Promote the elimination or control of existing cross-connections, whether actual or potential, between a customer's in plant potable water system(s) and nonpotable water system(s), plumbing fixtures, and industrial piping system(s);
- (c) Provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the city's potable water system; and
- (d) Comply with Title 30 Texas Administrative Code (30 TAC) Chapter 290, Subchapter D: Rules and Regulations for Public Water Systems.

Sec. 10-63. Definitions.

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this article is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

Air gap means a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure-receiving vessel, plumbing fixture or other assembly. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other assembly in no case less than one inch.

Approved backflow prevention assembly or *backflow assembly* or *assembly* means an assembly to prevent backpressures or prevent backsiphonage and which is listed as an approved assembly by the University of Southern California (USC) Foundation for Cross-Connection Control and

Hydraulic Research or similar rating or standards organization recognized by the managing director.

Approved fire sprinkler contractor means a person or entity holding a certificate of registration as such issued by the Texas State Fire Marshal's Office.

Atmospheric vacuum breaker or *AVB* means an assembly used to prevent backsiphonage in non-health hazard conditions. This assembly cannot be tested and cannot prevent backpressure backflow. AVBs are not allowed on landscape irrigation system.

Auxiliary water supply means any water source or system other than the public water system, which may be available in the building or on the property, including groundwater or surface waters used for industrial, irrigation or any other purpose.

Backflow means a flow in a direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the public water system.

Backflow assembly tester (BPAT) or *tester* means a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except fire lines. Recognized backflow prevention assembly testers shall have completed a TCEQ Executive Director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the TCEQ Executive Director, and hold a current license as a backflow prevention assembly tester. The two main categories for a BPAT are as follows:

(1) *General Tester* means backflow prevention assembly testers that has completed an executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the executive director, and hold a current license as a backflow prevention assembly tester.

(2) *Fireline Tester* means a licensed backflow prevention assembly tester that has completed an executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the executive director, and hold a current license as a backflow prevention assembly tester may test and repair assemblies on a fire protection sprinkler system only if they are permanently employed by a fire sprinkler contractor registered through the State Fire Marshal's Office. The Texas Insurance Code requires that any person performing maintenance on any part of the overhead or underground piping of a fire sprinkler system, including backflow prevention assemblies, must be employed by a registered fire sprinkler contractor unless exempted in the sprinkler licensing law.

Backflow prevention assembly means an assembly to prevent back pressure or backsiphonage.

Backflow prevention assembly test gauge refers to a differential-pressure gauge. State law requires that gauges used in the testing of backflow-prevention assemblies to be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association (AWWA) Recommended Practice for

Backflow Prevention and Cross-Connection Control (Manual M14). Due to concerns about contamination, the same gauge cannot be used to test backflow-prevention assemblies on potable and non-potable water lines. The most common type of non-potable water line carries reclaimed water— wastewater-treatment-plant effluent that has been treated. Licensed backflow-prevention-assembly testers that test assemblies on both potable and non-potable water lines must use two gauges. The gauge used to test assemblies on non-potable water lines must have a purple decal—affixed to the dial inside the lens cover—with “NON-POTABLE USE ONLY” printed in white lettering. This gauge must not be used to test backflow preventers on lines for potable water.

Backpressure means any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

Backsiphonage means the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.

Boresight means providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drainpipe.

Commercial means property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of services which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

Contamination or *contaminated* means the entry into or presence in a public water supply system of any substance which may be harmful to health or to the quality of the water.

Cross-connection means any physical arrangement where a potable water supply is connected, directly or indirectly (actually or potentially), to or with any nonpotable water system or source, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air conditioner units, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross-connections.

Cross-connection control assembly means any nationally approved or recognized assembly placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank receptacle, equipment, or assembly, which is designed to prevent nonpotable, used, unclean, polluted and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Customer service inspection (CSI) means an examination of the private water distribution facilities for the purpose of providing or denying water service. This inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards, and illegal lead

materials. A CSI is not a plumbing inspection as defined and regulated by the TSBPE. A customer service inspector is not permitted to perform plumbing inspections. State statutes and TSBPE adopted rules require that TSBPE licensed plumbing inspectors perform plumbing inspections of all new plumbing and alterations or additions to existing plumbing within the municipal limits of all cities, towns, and villages which have passed an ordinance adopting one of the plumbing codes recognized by TSBPE. Such entities may stipulate that the CSI be performed by the plumbing inspector as a part of the more comprehensive plumbing inspection. Where such entities permit customer service inspectors to perform CSI's, the customer service inspector shall report any violations immediately to the local entity's plumbing inspection department.

Degree of hazard means the hazard classification (health or non-health) assigned to an actual or potential cross-connection.

Double check detector backflow prevention assembly or DCDA means an assembly composed of a line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

Double check assembly or double check means an assembly which consists of two independently operating check valves which are spring-loaded or weighted, a gate valve on each side of the checks, and test cocks to test the checks for tightness.

Health hazard means an actual or potential threat of contamination of a physical, chemical, biological or toxic nature to the public water system or a consumer's potable water system that would present a danger to health.

Inspector means a person who is recognized by the city as a licensed inspector under the provisions of this article.

Irrigator means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30 Texas Administrative Code (30 TAC) Chapter 344 Landscape Irrigation.

Internal cross-connection is one that is located within a facility that has actual or potential contamination hazards connected to the internal potable-water distribution system. These internal hazards and cross-connections are identified when a customer-service inspection is conducted. An internal cross-connection control program consists of backflow prevention at specific locations within a facility where hazards are located. These backflow prevention assemblies are to be installed on the water supply lines to water-using equipment in a manufacturing facility. This requirement for an internal cross-connection control program protects the public water supply, as well the people within the facility.

Managing director or director means the city manager's designee(s) who is vested with the authority and responsibility for the implementation of the city's cross-connection control program and for the enforcement of the provisions of this article.

Mobile unit means any operation, which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to, carpet-cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations, and pest control vehicles.

Non-health hazard means an actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system or the consumer's potable water system but which would not constitute a health hazard as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

Nonresidential means water used by any person other than a residential customer of the water supply, including, without limitation, all nonresidential uses identified in the city's zoning regulations.

Point-of-use means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross-connection exists.

Potable water means any water supply intended or used for human consumption or other domestic use.

Premises means any real property to which water is provided, including all improvements, buildings, mobile and other structures located on it.

Premises containment means backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker or *PVB* means an assembly which provides protection against backsiphonage but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allows the full testing of the assembly.

Private water system means any water supply including a well on or available to the premises other than the city water supply. The private water system refers to the facilities on the owner's side of the meter. These auxiliary waters may include water from another purveyor's public water supply or any natural source such as a well, spring, river, ponds, etc.

Public water system or system means any public or privately owned water system which supplies water for public domestic use including all service lines, reservoirs, facilities, and any equipment used in the process of producing, treating, storing or conveying water for public consumption.

Reduced pressure principle assembly or *RP assembly* or *RP* means an assembly containing two independently acting approved check valves, a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the

first check valve and including properly located test cocks and tightly closing shut-off valves at each end of the assembly.

Reduced pressure principle detector backflow prevention assembly or *reduced pressure detector* or *RPDA* means an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Residential means water used by any residential customer of the water supply and include single-family dwellings, duplexes, multiplex, housing and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

Service connection means the point of delivery at which the public water system connects to the private supply line or lateral of a water user.

Spill-resistant pressure vacuum breaker or *SVB* means an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

TCEQ means the Texas Commission on Environmental Quality.

Thermal expansion means heated water that does not have the space to expand.

City means the City of Sachse, Dallas County, Texas.

Texas State Board of Plumbing Examiners or *TSBPE* state agency responsible for licensing plumbers in Texas and has the authority to issues licenses, endorsements, and registrations.

Used water means water supplied by a public water system to a water user's system after it has passed through the service connection.

Water use survey means a survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply.

10-64. Backflow prevention assembly requirements.

(1) The backflow prevention assembly protection which is required under this article shall be any of the duly nationally recognized and authorized backflow prevention assemblies listed in a State of Texas approved Plumbing Code or as determined by the city. Each backflow prevention assembly must have been approved by the City prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow

prevention assembly failing to meet the final approval by the city. The City shall determine the type and location of backflow assembly to be installed within the area serviced by the city.

(2) With the approval of the managing director, a licensed backflow assembly tester employed by or under contract or with the City shall determine the type and location of any backflow assembly to be installed within the City's water service area. The assembly shall be required in each of the following circumstances, but the tester is in no way limited to the following circumstances:

- (a) When the nature and extent of any activity at a premise, or the materials or equipment used in connection with any activity at a premises, or materials stored at a premises, could present a health hazard upon entry into the public water system.
- (b) When a premise has one or more cross-connections.
- (c) When internal cross-connections are present that are not correctable.
- (d) When intricate plumbing arrangements are present that make it impractical to ascertain whether cross-connections exist.
- (e) When a premise has a repeated history of cross-connections being established or re-established.
- (f) When entry to a premise is restricted so that inspections for cross-connections cannot be made with sufficient thoroughness or frequency to assure that cross-connections do not exist.
- (g) When materials are being used such that, if backflow should occur, a health hazard could result.
- (h) When installation of an approved backflow prevention assembly is determined by an inspector to be necessary to accomplish the purpose of these regulations.
- (i) When an appropriate customer service inspection (CSI) has not been filed with the managing director.
- (j) On all multistory buildings or any building with a booster pump or elevated storage tank.
- (k) For any used water return system that has received approval from the managing director.

(3) In all new nonresidential construction, the managing director has the authority to require an approved backflow assembly at the service connection. The type of the assembly will correspond to the degree of hazard as determined by the managing director. At any residence or

establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter may be required.

(4) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building. The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes.

(5) If a point-of-use assembly has not been tested or repaired as required by this article, the installation of a reduced pressure principle assembly will be required at the service connection.

(6) If an inspector determines that additions or rearrangements have been made to the plumbing system of a premises without the proper permits as required by the plumbing code, premises containment shall be required.

(7) Retrofitting shall be required on all point-of-use health hazard connections and wherever else the managing director determines that retrofitting is necessary due to circumstances that indicate that cross-connection is likely to occur unless a back-flow prevention assembly is installed.

(8) All backflow prevention assemblies installed after the effective date of the city ordinance which adopted this article shall be installed in a manner designed to facilitate ease of inspection by the city. Any currently installed backflow prevention assemblies, which are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to approved locations following installation guidelines of this article.

(9) An approved double detector check valve assembly shall be the minimum protection on all new fire sprinkler systems. An RP assembly shall be installed if any solution other than potable water can be introduced into the sprinkler system. Retrofitting shall be required on all health hazard systems, where improper maintenance has occurred, and wherever an inspector determines that such measures are necessary under the conditions found by the inspector.

Sec. 10-65. Fire protection systems.

All new and existing fire protection systems which utilize the city's potable water supply shall have installed an approved backflow prevention assembly according to the degree of hazard. An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for the fire sprinkler systems. A (RPDA) must be installed if any solution other than potable water can be introduced into the sprinkler system.

(1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the city. In the event changes to the plumbing system are not reported to the city, the city is not responsible for any damages incurred. All costs associated with this article and the purchase, installation, testing and repair of a (DCDA) or (RPDA) assembly is the responsibility of the property owner and persons in charge of any premises.

(2) Any person performing maintenance on fire lines must be a full-time employee of an approved fire sprinkler contractor and hold the appropriate sprinkler certificate of registration for the testing and repair of Fireline backflow prevention assemblies per the Texas Department of Insurance & State Fire Marshal's Office.

(3) A city backflow assembly approved test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the managing director for record keeping purposes.

(4) Retrofitting shall be required when the water supply in a certain area has been contaminated and the fire protection system has contributed to the contamination and when an authority having jurisdiction to protect the potable water supply mandates a fail-safe system.

Sec. 10-66. Fire hydrant protection.

A double check shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.

(1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant water meter rentals shall meet the current requirements as provided for by the city.

(2) Only city fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the city limits.

(3) A refundable deposit (see subsection (s) of this article) is required to ensure the return of all water meters and backflow assemblies to the city. Failure to return the assemblies can result in the forfeiture of deposit and enforcement action being taken against the responsible party, as allowed for in the enforcement section in this article.

(4) All nonapproved fire hydrant meters which are found to be in use in the city will be removed by the city and enforcement action taken against the responsible party.

(5) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to ensure that the assembly is returned for annual testing as required by section 10-80 of this article.

(6) A city test report must be completed by a recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the managing director for record keeping purposes.

(7) Failure to submit an annual test report may result in enforcement action being taken against the responsible party, as allowed for in the enforcement subsection of this article.

Sec. 10-67. Mobile units.

The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly. Prior approval and annual assembly testing of any backflow prevention assembly must be received from the city before connecting to any potable water system.

Sec. 10-68. Plumbing code.

As a condition of water service, a customer shall install, maintain, and operate the customer's piping and plumbing systems in accordance with the plumbing code provisions adopted by the city (the "plumbing code"). In the event of a conflict between this article and the plumbing code, the more restrictive provision shall apply.

Sec. 10-69. Thermal expansion.

It shall be the responsibility of the premises owner to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly.

Sec. 10-70. Pressure loss.

Any water pressure drop caused by the installation of a backflow assembly shall be the responsibility of the premise's owner and not the city.

Sec. 10-71. Compliance for landscape irrigation.

(1) A permit from the city is required for all landscape irrigation system installations. Such permit shall be issued by the city's building inspection department. Installation requirements must comply with the current city plumbing code or guidelines for appropriate assembly found in this article.

(2) Any irrigation system that is connected to a public or private potable water supply must be connected through a TCEQ approved backflow prevention method. The backflow prevention assembly must be approved by the American Society of Sanitary Engineers; or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; or the Uniform Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention assembly must be installed in accordance with the laboratory approval standards or if

the approval does not include specific installation information, the manufacturer's current published recommendations.

(3) Backflow prevention assemblies used in applications designated as health hazards must be tested upon installation and annually thereafter. Before any chemical is added to an irrigation system connected to any potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.

(4) Connection of more than one water source to an irrigation system presents the potential for contamination of the potable water supply if backflow occurs. Therefore, connection of any additional water source to an irrigation system that is connected to the potable water supply may only be done if the irrigation system is connected to the potable water supply through a reduced pressure principle backflow prevention assembly or an air gap.

(5) If an irrigation system is connected to a potable water supply and requires major maintenance, alteration, repair, or service, the system shall be connected to the potable water supply through an approved, properly installed backflow prevention method as defined in this article before any major maintenance, alteration, repair, or service is performed.

(6) An irrigator shall ensure the backflow prevention assembly is tested prior to being placed in service and the test results provided to the managing director and the irrigation system's owner or owner's representative within ten business days following testing of the backflow prevention assembly.

(7) Homes or Business irrigation systems that are installed on sites that have an on-site sewage facility (such as a septic tank) elevates the classification of the irrigation system to a health hazard requiring the installation of an RP. If the system was installed before 2009, a Double-Check Valve Assembly will be allowed provided the landscape irrigation system can be proven installed prior to January 2009. If the owner is not able to prove the system was installed prior to 2009 then the current RPZ requirements including annually testing, or cap and plug of the landscape irrigation potable connection are required. If the owner's irrigation system (connected to the city's potable water supply) requires major maintenance, alteration, repair, or service, it must be through an approved, properly installed backflow prevention assembly RP. The owner is required to obtain required building permits.

(8) AVBs are inadequate for backflow prevention on irrigation systems because they will not function correctly with a downstream valve and are no longer allowed. If the owner's irrigation system (connected to the city's potable water supply) requires major maintenance, alteration, repair, or service, it must be through an approved, properly installed backflow prevention assembly tester. The owner is required to obtain required building permits.

Sec. 10-72. Rainwater harvesting.

An approved backflow prevention assembly must be installed to prevent nonpotable water from entering the potable system. All piping that contains nonpotable water must be labeled

"UNTREATED RAINWATER - DO NOT DRINK" and an air gap or reduced pressure principle backflow assembly be installed to protect the water system.

Sec. 10-73. Residential service connections.

A residential premise that has been determined to have an actual or potential cross-connection shall be equipped with an approved backflow prevention assembly installed in accordance with this article. This assembly can be required to be installed either at the customer meter or at the point of use at the expense of the owner/occupant and shall conform to the assembly testing requirements as provided in this article.

Sec. 10-74. Interconnections.

No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless the other water supply is of a safe, sanitary quality and the interconnection is approved by the managing director.

Sec. 10-75. Multiple connections.

Any premises requiring multiple service connections for adequacy of supply and/or fire protection shall have a backflow assembly on each service connection. The assembly shall be commensurate with the degree of potential hazard that could occur in the event of an interconnect between any of the buildings on the premises.

Sec. 10-76. Customer service inspection.

(1) A customer service inspection (CSI) is an examination of the private water system for the purpose of providing or denying water service.

(2) Permanent water service to a new facility shall not be granted until the requirements of the CSI have been met. Before the city provides continuous or permanent water service to a premise, a CSI for cross-connection control shall be completed, pursuant to 30 Texas Administrative Code Rule §290.46(j) (and as the same may be amended or superseded). A CSI certification form shall be completed and filed with the managing director under each of the following circumstances:

(a) New construction.

(b) Material improvement, correction, or addition to the private water system (defined as plumbing work that requires a permit and involves a major modification to the private water system). The private water system refers to the facilities on the owner's side of the meter.

(c) When the water managing director believes that a cross-connection or other potential contamination hazards exist. In such a case, the managing director shall notify the customer to provide justification for requiring an inspection by

specifically identifying the threat that is believed to exist prior to discontinuation of water service.

Sec. 10-77. Certification of customer service inspectors.

A person who performs CSIs or who prepares certification forms shall be registered as a licensed customer service inspector with the city and shall meet all the requirements of 30 Texas Administrative Code Rule §290.46(j)(1) (and as the same may be amended or superseded) for accreditation as a customer service inspector. The city's building inspection department conducts all CSIs for the city, but the city may outsource these inspections.

In order to perform the CSIs, the city may:

- (1) Provide a list of certified inspectors to the customer. The customer then selects and hires an inspector;
- (2) Provide qualified employees to perform the inspections at a cost to the customer in order to validate the inspection; or
- (3) Hire independent, qualified contractors to perform the inspections.
- (4) Inspector shall utilize the city's approved reporting requirements and process for all CSI's performed.

Sec. 10-78. Certification of backflow prevention assembly testers.

(1) All backflow assembly testers operating within the city shall be licensed in accordance with all applicable regulations of the TCEQ. Testers shall further be required to apply annually for a local tester registration issued by the city. The managing director shall establish the application criteria required for registration under this section. No person shall operate as a backflow prevention assembly tester within the city without a valid registration issued by the managing director of the city.

(2) Persons licensed as backflow prevention assembly testers shall meet all TCEQ training requirements and maintain TCEQ approved certification as a backflow prevention assembly tester (per 30 TAC Chapter 30, Subchapter A: Administration of Occupational Licenses and Registrations).

Sec. 10-79. Licensed backflow prevention assembly tester (BPAT) responsibilities.

Only approved TCEQ licensed backflow prevention assembly testers can test backflow prevention assemblies in the city.

(1) An annual licensed BPAT registration shall remain in effect so long as the tester maintains eligibility for registration and certification as provided in this article, including continued certification by the TCEQ and timely payment of the annual registration fee.

- (2) Upon recertifying, a tester shall renew the tester's registration with the managing director.
- (3) An applicant for registration shall:
 - (a) Demonstrate to the managing director that the applicant has available the necessary tools and equipment to properly test backflow prevention assemblies;
 - (b) Provide evidence to the managing director that the applicant has successfully completed "permit confined-space entry training" as specified by the United States Occupational Safety and Health Administration (and as set forth in 29 Code of Federal Regulations Part 1910.146 (and as the same may be amended or superseded));
 - (c) Identify all test gauges the applicant will use in testing backflow prevention assemblies. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association Recommended Practice for Backflow Prevention and Cross-connection Control (Manual M14). The city shall require testers to include test gauge serial numbers on "test and maintenance" report forms and ensure testers have gauges tested for accuracy; and
 - (d) Register annually with the city, provide proof of TCEQ licensing, and pay an annual, nonrefundable tester registration fee (see Section 10-80).
- (4) A registered BPAT shall:
 - (a) File the serial number of each of the tester's test kits with the managing director;
 - (b) Annually have each recorded test kit tested for accuracy and calibrated to maintain a plus or minus two-percent accuracy factor;
 - (c) Perform competent and accurate certifications of each backflow prevention assembly tested and submit complete reports thereof to the managing director;
 - (d) Complete a city test report for each assembly tested. The signed and dated original must be submitted to the managing director for record keeping purposes; and
 - (e) List registered serial numbers of test gauges on tests and maintenance reports prior to submitting the reports to the managing director.
 - (f) Utilize the city's approved reporting requirements and process for all backflow assembly tests performed.

(5) A registered tester shall not change the design or operating characteristics of a backflow prevention assembly unless the tester has received prior written approval for the change from the managing director.

(6) After notice and hearing, the managing director may revoke a registration issued to a tester or CSI inspector if the managing director determines that the person:

- (a) submitted a false, incomplete, or inaccurate statement or report to the city, including filing a false, incomplete, or inaccurate report of test completion or certification of a backflow prevention assembly;
- (b) used an inaccurate gauge or a gauge that does not meet the manufacturer's calibration standards;
- (c) used improper testing procedures (including lead testing procedures for CSIs);
- (d) is not in compliance with any one or more applicable safety regulations;
- (e) failed to register the serial numbers of the tester's test kits or has failed to calibrate gauges annually;
- (f) failed to maintain licensure with the TCEQ;
- (g) violated any other provision of Sections 10-62 through 10-79.
- (h) created a threat to public health or the environment; or
- (i) at the discretion of the managing director and upon notice that inappropriate testing activities have taken place.

Sec. 10-80. Fees.

(1) There shall be a testing fee for each separate backflow assembly on which a test is performed by the city. If upon inspection or testing of a newly installed backflow prevention assembly, it is deemed not to be working properly, it is the responsibility of the property owners or persons in charge of any premises to make necessary repairs. A retest fee will be assessed for each retest. The city may choose to randomly test installed backflow assemblies and if there are any discrepancies found, a retest fee may be assessed.

(2) The following fees shall be applicable in connection with Sections 10-62 through 10-79.

- (a) Testing and Retest Fees. The Testing and Retest Fees shall be administered in accordance with the City of Sachse Master Fee Schedule established by resolution of the City Council.

(b) Licensed BPAT Registration Fee. The Licensed BPAT Registration Fee shall be administered in accordance with the City of Sachse Master Fee Schedule established by resolution of the City Council.

(c) Submittal and Reporting Fees. The Submittal and reporting Fees shall be administered in accordance with the City of Sachse Master Fee Schedule established by resolution of the City Council.

(d) Deposit Fee for Fire Hydrant Water Meter with Backflow Prevention Assembly. The Deposit Fee for Fire Hydrant Water Meter with Backflow Prevention Assembly shall be administered in accordance with the City of Sachse Master Fee Schedule established by resolution of the City Council.

(e) Private Contractors Testing Fees. The Private Contractors testing fees shall be administered in accordance with the city of Sachse mater Fee Schedule established by resolution of the City council.

Sec. 10-81. Testing of assemblies.

(1) All required backflow assemblies shall be tested upon installation or failure by a recognized backflow prevention assembly tester and certified to be operating within specifications. Commercial and Non-residential assemblies that provide protection from health and non-health hazards as well as Residential assemblies that provide protection from health hazards are to be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.

(2) All health hazard backflow prevention assemblies shall be inspected and tested or caused to be inspected and tested by the city in each of the following circumstances:

- (a) Immediately after installation;
- (b) A minimum of once a year or as required by the managing director;
- (c) Immediately after repair;
- (d) Premises that have been vacated and unoccupied for one year, prior to re-occupancy;
- (e) Whenever the assembly is moved.

(3) All assembly testing shall be performed by a state licensed backflow prevention assembly tester, approved by the city.

(4) Duly authorized employees of the city bearing proper credentials and identification are entitled, in accordance with law, to enter any public or private property for the purpose of enforcing this article. Subject to applicable law, persons and occupants of the property which are

provided water service by the city, either directly or indirectly, shall allow the city or its representatives ready access at all reasonable times to all parts of the property for the purpose of inspection, testing, records examination, or in the performance of their duties. When persons or occupants of the property have security measures in force which would require proper identification and clearance before entry into the property, the persons and occupants of the property shall make necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(5) The city shall not be liable for damage to an assembly that occurs during testing.

(6) A water use survey may be conducted at any establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this article and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued.

(7) It is the responsibility of the person who owns or controls property to have all assemblies tested in accordance with this article. Assemblies may be required to be tested more frequently if the city deems necessary.

(8) All results from assembly testing by a licensed backflow prevention assembly tester shall be submitted in compliance with the city's reporting requirements.

Sec. 10-82. Maintenance of assemblies.

A person who owns, operates, or manages a premise in which a required backflow prevention assembly is installed shall maintain such assemblies in proper working order at all times, including such repairs as may be necessary to keep the assembly in proper working order. The maintenance and repair of all assemblies shall be done in accordance with the applicable regulations of the TCEQ and this article. A backflow prevention assembly shall be maintained in a manner that allows the assembly to be tested by a method that has been approved by TCEQ.

Sec. 10-83. Installation guidelines and requirements for backflow prevention assemblies.

A backflow prevention assembly shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

(1) General. To ensure proper operation and accessibility of all backflow prevention assemblies, the following national guideline requirements shall apply to the installation of these assemblies.

(a) A backflow prevention assembly shall be installed in accordance with the current TCEQ rules and this article. The assembly installer shall obtain the required plumbing permits prior to installation and shall have the assembly inspected by the city.

- (b) At facilities which require a backflow prevention assembly to be installed at the point of delivery of the water supply, such installation of the assembly must be before any branch in the line, and on private property located just inside the boundary between the city's right-of-way and the landowner's property. The managing director may authorize other areas for installation of the assembly. Assemblies that must be installed or are located on city rights-of-way are the responsibility of the business or entity that the water line is serving.
- (c) The assembly shall be protected from freezing and other severe weather conditions.
- (d) All backflow prevention assemblies shall be of a type and model approved by the managing director.
- (e) All vertical installations of backflow prevention assemblies shall be approved in writing by the managing director prior to installation.
- (f) All assemblies installed more than four feet above floor level must have a suitable platform for use by testing or maintenance personnel.
- (g) Upon completion of the installation, the city shall be notified, and all assemblies must be inspected and tested. The premises owner shall register all backflow assemblies with the managing director by providing the date of installation, the manufacturer, model and serial number of the backflow prevention assembly, and the initial test report for the assembly.
- (h) The premises owner assumes all responsibility for any pressure loss, damages resulting from installation, operation, and maintenance of a backflow assembly. The owner shall also ensure that any vault in which a backflow prevention assembly is contained is kept free of silt and debris that may interfere with the proper operation, inspection or testing of the assembly.
- (i) Lines shall be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
- (j) Bypass lines are prohibited. Pipefittings which could be used for connecting a bypass line are not allowed.
- (k) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required.
- (l) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.

(m) All backflow prevention assemblies must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The city requires notification upon installation of any backflow prevention assembly.

(n) All backflow prevention assemblies test results and fees are required to be submitted in compliance with the city's reporting requirements.

(2) Reduced pressure principle backflow prevention assemblies. (RPs). RPs may be utilized at any premises where a substance is handled that could be hazardous to the public health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP shall be effective against both backsiphonage and backpressure.

(a) RPs must be sized to provide an adequate supply of water and pressure for the premises being served.

(b) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding.

(c) RPs are typically installed above grade in well drained areas but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.

(d) The assembly must be readily accessible for testing and maintenance and shall be located in an area where water damage to buildings or furnishings will not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies. The air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.

(e) All RP assemblies larger than two inches shall have a minimum of 12 inches clearance on the back side, 24 inches clearance on the test cock side, and the relief valve opening shall be at least 12 inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 24 inches square is required on all vault lids. All RP assemblies two inches and smaller shall have at least a six-inch clearance on all sides.

(f) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established above. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.

(g) All RPs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the city upon installation of any backflow prevention assembly.

(h) Variances from these specifications will be evaluated on a case-by-case basis. No deviations from this article shall be permitted without prior written approval of the managing director.

(3) Reduced pressure principle detector backflow prevention assemblies (RPDAs). RPDAs may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.

(a) RPDAs shall comply with the installation requirements applicable for RPs.

(b) The line-size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(4) Double check valve backflow prevention assemblies (DCs). DC's may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

(a) DCs must be sized to provide an adequate supply of water and pressure for the premises being served.

(b) If a double check valve assembly is installed in a vault, brass plugs shall be maintained in the test ports at all times and adequate drainage shall be provided.

(c) On premises where no interruption of water supply is critical two assemblies of the same type installed in parallel shall be provided. The assemblies shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.

(d) Bypass lines are prohibited. Pipe fittings that could be used for connecting a bypass line shall not be installed.

(e) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade provided all test cocks are fitted with brass pipe plugs. All vaults containing a DC shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.

(f) DC assemblies two inches and smaller shall have at least a three-inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall be not more than 24 inches below grade. All DC assemblies larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, and 12 inches below the assembly.

Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 24 inches square is required on all vault lids.

(g) Vertical installations are allowed on sizes up to and including four inches that meet the following requirements:

- (i) The DC assembly shall contain internally spring-loaded check valves;
- (ii) Flow is upward through assembly;
- (iii) The assembly manufacturer specifies that the assembly can be used in a vertical position; and
- (iv) The managing director authorizes the vertical installation of the DC assembly.

(h) All DCs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the city upon installation of any backflow prevention assembly.

(i) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the managing director.

(5) Double detector check valve assembly (DCDAs). DCDAs may be utilized in any installation that requires a double check valve assembly and detector metering.

(a) DCDAs shall comply with the installation requirements applicable for double check valve assemblies (DCs).

(b) The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the licensed tester.

(6) Pressure vacuum breaker assembly. PVBs may be utilized at point-of-use protection only and only if a substance is handled at the premises where the assembly is installed that could be objectionable but not hazardous to health if the substance is introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.

(a) The assembly shall be installed a minimum of 12 inches above the highest use outlet or overflow level downstream from the assembly.

(b) A PVB shall not be installed in an area subject to flooding or where damage could occur from water discharge.

(c) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of 12 inches all around the assembly. PVBs shall be located between 12 inches and 60 inches above ground level.

(d) All PVBs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the city upon installation of any backflow prevention assembly.

(e) Variances from these specifications will be evaluated on a case-by-case basis. No deviations shall be permitted without prior written approval of the managing director.

(7) Atmospheric vacuum breaker. AVBs provide minimal protection and are approved for non-health hazard application only. AVBs protect against backsiphonage only and are prohibited where there is potential for backpressure.

(a) The AVB assembly shall be installed a minimum of six inches above the highest use outlet or overflow level downstream from the assembly.

(b) Shutoff valves downstream from the assembly are prohibited.

(c) An AVB shall not be used on any application where there is more than 12 hours per day of continuous use.

(d) An AVB shall not be installed in an area subject to flooding or where damage may occur from water discharge.

(e) AVBs shall be allowed for point-of-use protection only, in accordance with the plumbing code.

(f) An AVB shall not be installed on landscape irrigation systems as required by the TCEQ.

(8) Air gap separation. An air gap separation provides maximum protection from backflow hazards and should be utilized at all locations where "high" hazardous substances are at risk of entering the potable water system when applicable.

(a) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one inch. If splashing may occur, tubular screens may be attached or the supply line may be cut at a 45° angle. The air gap distance shall be measured from the bottom of the angle. Hoses shall not be allowed.

(b) Air gap separations shall not be altered in any way without prior approval from the managing director and must be available for inspection at all reasonable times.

(c) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross-connectional areas of the individual supply lines or the area of the single outlet, which is smaller.

(9) Spill-resistant pressure vacuum breaker. May be utilized in all installations requiring a pressure vacuum breaker.

(a) SVBs shall comply with the installation requirements for pressure vacuum breaker backflow prevention assemblies.

Sec. 10-84. Right-of-way encroachment.

(1) No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as allowed by this subsection of this section.

(2) The managing director, with the concurrence of the director of public works, may grant in writing a license (in form and content as determined by the city) to install a backflow prevention assembly required by this division upon or within a city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly, and that installing it in the right-of-way will not interfere with traffic, utilities or any other public use of the right-of-way (and obtains a permit from the city). The city has the right to approve the location, height, depth, enclosure and other requisites of the assembly prior to its installation.

(3) All permits and inspections required by the city's Code of Ordinances to perform work in the right-of-way shall be obtained prior to installation.

(4) The assembly shall be installed below or flush with the surrounding grade except when it is not practical to install it in this manner. Any backflow prevention assembly or portion of an assembly which extends aboveground shall be located no closer than 18 inches to the face of the curb.

(5) The owner of a backflow prevention assembly that has been installed upon or within a right-of-way as provided by this division shall, at the request of the city and at the owner's sole expense, immediately relocate the assembly when such relocation is deemed necessary or appropriate by the city.

(6) The city shall not be liable for any damage done to or caused by an assembly installed in the city right-of-way.

(7) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any city right-of-way after receiving a written notice from the managing director.

Sec. 10-85. Enforcement.

This article shall be enforced by the managing director or the manager's designated representatives or employees.

Sec. 10-86. Inspections.

(1) The managing director may inspect or require an inspection of any premises, facilities, real property, or buildings connected to the public water system. An inspection may include:

- (a) a survey of the property or facilities, real property, or buildings for cross connections;
- (b) inspection of existing backflow prevention assembly installation;
- (c) annual testing and certification of assemblies by a licensed backflow prevention assembly tester, on or before the date established by the managing director; and
- (d) a customer service inspection that the managing director has determined reasonably necessary to identify or prevent cross-connections, potential contaminant hazards, and illegal lead materials.

(2) For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested, are operational, and a CSI has been completed. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the City shall not approve a certificate of occupancy until all backflow prevention assemblies are operational, have been tested, and all assembly test reports have been turned in to the managing director in conformance with the City's reporting procedures.

(3) The City shall not be liable for damage caused to any backflow prevention assembly as a result of inspection or testing performed under this section.

Sec. 10-87. Right of Entry.

(1) The managing director may enter a customer's premises or facility, including an easement or private property where a public or private potable water system is located, to gain access to a cross connection, backflow prevention assembly, or piping. The managing director's right of entry is a condition of a customer's water service or connection to the City's public water system.

(2) The managing director may inspect a customer's potable water system, piping, or the records required under this article or the rules of a public water system with which the City has an agreement for wholesale water service.

(3) A customer shall promptly remove, at the customer's sole expense, a security barrier or other obstacle to access by the managing director to the customer's property or facility.

(4) In connection with action by the managing director under this article, a customer with water service provided by the utility commits an offense if the person:

- (a) denies the managing director right of entry;
- (b) fails to remove a barrier or obstacle to access by the managing director; or
- (c) unreasonably delays access by the managing director.

(5) A commercial water service customer may, in lieu of the mandatory installation of a backflow prevention assembly, provide the City access during reasonable business hours to the customer's premises for the purpose of determining compliance with the provisions of this article. Such access shall be unobstructed and safely accessible. A commercial water service customer who fails or refuses to provide the optional access shall install and maintain a reduced pressure principle assembly at the water service connection to the premises.

Sec. 10-88. Search Warrants.

(1) The managing director may apply to the municipal court or other court of competent jurisdiction for a search warrant if:

- (a) a customer denies the managing director access to a building, structure, property, or a public or private potable system connected to the City's public water system; or
- (b) the managing director has probable cause to believe there is:
 - (i) a violation of this article or other enforcement order;
 - (ii) a need to conduct a cross connection inspection or cross connection survey; or
 - (iii) a threat to public health or safety.

(2) The managing director may make an inspection without a warrant to remedy an imminent danger to the public health and safety.

Sec. 10-89. Offenses.

A person commits an offense if the person:

(1) Commits or assists in the commission of a violation of this article, including without limitation, if the person:

- (a) refuses a request to conduct a required CSI in compliance with this article;
- (b) fails to maintain backflow prevention assemblies in compliance with this article;
- (c) fails to comply with a repair order issued by the City;
- (d) allows backflow from premises owned, operated or managed by the person to enter the public water supply system;
- (e) fails to pay any fees required by this article;
- (f) allows water service discontinued or disconnected under this article to be reinstated in violation of this article or without prior approval by the managing director;
- (g) allows an unregistered tester to perform testing work at the person's premises or a premises or facility under the person's control or supervision;
- (h) tests a backflow prevention assembly within the City without a valid registration from the City;
- (i) tests a backflow prevention assembly within the City without a valid license issued by the TCEQ;
- (j) uses a nonapproved fire hydrant meter; or
- (k) tests a fire line backflow device without a valid license as provided in the Texas Insurance Code, Chapter 6003 and in the Texas Administrative Code, 28 TAC Chapter 34, Subchapter G.

(2) Is the customer, owner, occupant, lessee, or manager of premises or facilities that are the source of a violation of this article; or

(3) Obstructs or delays the managing director's access to a customer's property or facilities.

Sec. 10-90. Notice of Violation.

(1) The managing director may serve a written notice of violation on a person who has violated:

- (a) the conditions of registration as a tester or CSI;
- (b) installation requirements of a backflow prevention assembly or device; or

(c) any other requirement or provision in this article.

(2) A BPAT or CSI inspector's registration may be suspended for up to twelve (12) months or may be revoked in connection with a notice of violation issued under this section.

(3) A notice of violation issued under this section may be appealed in conformance with the administrative appeal procedures provided in this article. The filing of an appeal pursuant to this section shall not stay any enforcement proceedings available to the City under this article.

(4) The managing director may take any enforcement action without first issuing a notice of violation.

Sec. 10-91. Liability.

(1) A person may be held liable for a violation of this article if the person:

(a) commits or assists in the commission of a violation;

(b) is an authorized representative under this article; or

(c) is the owner, occupant, tenant, manager, or water customer of premises, property or a facility that is the source of pollution or contamination of the potable or reclaimed water system in violation of this article.

(2) A person who violates this article is liable to the City for any expenses, loss, or damage incurred by the City.

Sec. 10-92. Termination of Service.

(1) The managing director may terminate water service in accordance with this subsection.

(a) The managing director may terminate water service if the customer, owner, tenant, lessee, or water customer does not correct a violation under this article within ten (10) business days after the person becomes aware of the violation.

(b) The managing director may refuse or terminate water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required by this article.

(c) The managing director may terminate water service if a customer fails to terminate a connection between a potable water system and a reclaimed water system or an auxiliary water supply.

(2) The managing director shall notify the customer of the proposed termination of water service in writing at least ten business days before the proposed termination. The customer

may request a hearing on the proposed termination by filing a written request for a hearing with the managing director not more than 5 calendar days after receipt of notice of the proposed termination.

(3) If water service is terminated, the managing director shall not reinstate water service until:

(a) The customer presents proof, satisfactory to the managing director, that the backflow condition or other violation has been eliminated and its cause determined and corrected; and

(b) The customer reimburses the City for all costs and expenses the City will incur in reinstating service.

Sec. 10-93. Emergency Suspension.

(1) The managing director may suspend water service and disconnect a private or public water system from the City's public water system without a hearing if the managing director determines that an actual or potential contamination or pollution due to a cross connection:

(a) presents an imminent threat to the City's public water system;

(b) presents an imminent danger to public health or safety;

(c) presents a threat to the environment; or

(d) threatens to interfere with the operation of the City's public water system.

(2) A person notified of the suspension of the person's service shall immediately stop use of the City's public water system water and the managing director shall disconnect the City's public water system from the person's private or public water system.

(3) If a person fails to immediately comply with an emergency suspension order, the managing director may take action the managing director determines is necessary to prevent contamination or pollution, or to minimize damage to the City's public water system, the public, property, or the environment.

(4) The managing director may take action under this section even if termination proceedings have been initiated under subsection

(5) A suspension under this section is not affected by evidence that the danger caused by the contamination or pollution due to a cross connection of the City's public water system has ceased and a person commits an offense if the person, without the prior written approval of the managing director, reinstates water service to a premises for which water service has been suspended pursuant to this section.

Sec. 10-94. Cumulative Remedies.

The remedies authorized under this article are cumulative unless specifically prohibited by state or federal regulation.

Sec. 10-95. Show Cause Hearing.

(1) The managing director may order a person responsible for a violation of this article or an enforcement order to appear before the managing director and show cause why a proposed enforcement action should not be taken.

(2) The managing director shall serve notice of a show cause hearing to a person under this section that includes the following information:

- (a) the time and place for a hearing;
- (b) the nature of the violation;
- (c) the proposed enforcement action;
- (d) the reasons for the enforcement action; and
- (e) a request that the person show cause why the proposed enforcement action should not be taken.

(3) The managing director shall serve notice under this section in person or by certified mail, return receipt requested, no later than three (3) calendar days before the hearing. Notice may be served on an employee, agent or any other authorized representative of a person responsible for a violation.

(4) The managing director may take immediate enforcement action following the conclusion of a show cause hearing.

Sec. 10-96. Administrative Appeals for BPAT and CSI Inspectors.

(1) A BPAT or CSI inspector may file an administrative appeal in conformance with the procedure set forth in this section for the following:

- (a) the denial, suspension, or termination of a BPAT or CSI inspector's local registration; or
- (b) a notice of violation issued pursuant to section 10-90.

(2) An appeal under this section must be filed in writing with the managing director not later than the fifth (5th) calendar day following the final decision being appealed. The appeal shall, at a minimum, include the following information:

- (a) the name, address, phone number and email address of the person filing the appeal;
- (b) a brief statement identifying whether the person is currently registered with the City as a BPAT or CSI inspector;
- (c) a brief description of the final decision being appealed, including the date, approximate time, and relevant circumstances related to the decision being appealed;
- (d) a description of the service location, premises, facilities, real property, and/or buildings, as applicable; and
- (e) a clear description of the requested relief.

(3) Within five (5) business days from the date the appeal is filed the managing director will review the appeal to determine if the appeal meets the requirements of this section and will notify the person filing the appeal either (i) that the appeal has been accepted, or (ii) that the appeal is incomplete and will not be accepted until a completed appeal is filed.

(4) Within ten (10) business days following the City's notification of acceptance of an appeal, the managing director shall provide written notice of the date, time, and location of the hearing on the appeal.

(5) The appeal shall be heard by the managing director. The appeal may be conducted in-person or via videoconference at the sole discretion of the managing director. The person filing the appeal shall be entitled to present evidence relevant to the subject matter of the appeal.

Sec. 10-97. Compliance Order.

(1) If the managing director determines that a person has violated this article or an enforcement order, the managing director may issue an order to the person directing the person to correct the violation within a specified time period.

(2) If a person does not comply within the time period provided, the managing director may disconnect water or wastewater service to the non-compliant premises until the person installs an operational facility, device, or equipment to correct the violation.

Sec. 10-98. Cease and Desist Order.

If the managing director determines that a person is violating this article or an enforcement order, or that a past violation committed by the person is likely to recur, the managing director may issue an order directing the person to:

- (1) immediately cease and desist the violation;

- (2) immediately comply with this article or an enforcement order; and
- (3) take necessary remedial or preventive action to address a present, continuing, or threatened violation, including halting operation.

Sec. 10-99. Penalty; Civil Remedies.

(1) Criminal Penalty. A person violating this article commits a Class C misdemeanor, punishable in accordance with Section 1-7 of the Code by a fine not to exceed \$2,000. Each occurrence of a violation of this article is a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(2) Civil Remedies. The city attorney may enforce this article by injunction, declaratory relief, or other action at law or in equity. The city attorney may initiate a suit against the owner, occupant, tenant, manager, or water customer of the property or facility that is the source of a violation of this article, to recover a civil penalty not to exceed \$2000 for each violation. Each day that a violation continues constitutes a separate violation.

SECTION 2. That all provisions of the Ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, which shall remain in full force and effect.

SECTION 5. That any person violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Sachse as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the 18th day of July, 2022.

APPROVED:

Jeff Bickerstaff
Mayor

DULY ENROLLED:

Leah K Granger
City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr.
City Attorney
(06-22-2022:TM 130301)



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	D. Consent Agenda - All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or a member of the public so requests.
Subject	5. Approve and adopt a resolution amending the Master Fee Schedule by adding a new Section XVII titled "Cross Connection Control Fees" to provide backflow testing, retest fees, and licensed BPAT registration fees.
Access	Public
Type	Action, Discussion
Preferred Date	Jul 18, 2022
Absolute Date	Jul 18, 2022
Fiscal Impact	Yes
Budgeted	No
Recommended Action	Approve and adopt a resolution amending the Master Fee Schedule by adding a new Section XVII titled "Cross Connection Control Fees" to provide backflow testing, retest fees, and licensed BPAT registration fees.
Goals	Strategically invest in the City's existing and future infrastructure. Be a model of financial stewardship through growth management, responsible investment, and financial transparency.

Public Content

BACKGROUND

The Master Fee Schedule is a convenient tool for residents and customers to familiarize themselves with various charges for City services. The schedule may be updated periodically for necessary changes without amending the associated Ordinance.

OVERVIEW

The Master Fee Schedule is considered annually during the budget approval process. However, by approval of the amendments to Chapter 10 Article I "Utilities" and adding a new Article III "Cross Connection Control Regulation", the associated fees need to be included in the current Master Fee Schedule prior to the Master Fee Schedule update in the budget approval process.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Approve and adopt a resolution amending the Master Fee Schedule by adding a new Section XVII titled "Cross Connection Control Fees" to provide backflow testing, retest fees, and licensed BPAT registration fees.

[Resolution Amending Master Fee Schedule to Include Cross Connection Fees.pdf \(47 KB\)](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, AMENDING THE MASTER FEE SCHEDULE FY2022 BY ADDING A NEW SECTION XVII TITLED “CROSS CONNECTION CONTROL FEES” TO PROVIDE BACKFLOW TESTING AND RETEST FEES, AND LICENSED BPAT REGISTRATION FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Master Fee Schedule FY2022 effective July 18, 2022, by providing for backflow testing and retest fees, and licensed BPAT Registration fees;

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

SECTION 1. The Master Fee Schedule FY22, effective July 18, 2022, is hereby amended to read as follows:

XVII. CROSS CONNECTION CONTROL FEES

...

- | | | |
|----|--|--|
| A. | Testing Fee | \$200.00 |
| B. | Retest Fee | \$100.00 |
| C. | Licensed BPAT Registration Fee | \$100.00 |
| D. | Submittal and Reporting Fees | Testers shall be responsible for all costs, fees, and expenses related to the submittal and reporting requirements applicable to testers under Chapter 10, Article III, and all third-party fees incurred by the City. |
| E. | Deposit for Fire Hydrant Water Meter with Backflow Prevention Assembly | \$2,000.00 |
| F. | Private Contractors Testing Fees | No additional charges by the City for testing conducted by private contractors on behalf of the City. |

DULY RESOLVED AND ADOPTED by the City Council of the City of Sachse, Texas, this the _____ day of _____, 2022.

CITY OF SACHSE, TEXAS

Jeff Bickerstaff, Mayor

ATTEST:

Leah K. Granger, City Secretary
(06-27-2022:TM 130304)



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	E. Regular Agenda Items
Subject	1. Receive a recommendation and a report from the Charter Review Commission.
Access	Public
Type	Discussion, Information
Goals	Provide excellent government services to Sachse citizens.

Public Content

BACKGROUND

The City Council called for and established a Charter Review Commission in March 2022. The Mayor and City Council appointed 15 residents to serve on the Commission. The Commission was supported by City staff including Amanda Chi, Assistant to the City Manager; Mike Pastor, Information Technology Manager; Leah Granger, City Secretary; Lauren Rose, Assistant City Manager; and Pete Smith, City Attorney. City staff provided updates on the web page dedicated to the Charter review process including the posting of meeting agendas and video recordings.

The Commission met on March 31, April 7, June 2, and July 7 to review the City's Charter. The meeting scheduled for May 5 was ultimately cancelled due to a lack of quorum.

OVERVIEW

Scott McMurdie, Chairperson of the Charter Review Commission, will provide the report on behalf of the group.

POLICY CONSIDERATIONS

The requirements for the Charter Review Commission are set out in section 11.07 of the City's home rule Charter:

Sec. 11.07 - CHARTER REVIEW COMMISSION

- (1) The city council may appoint a Charter Review Commission of at least fourteen (14) citizens of the city who shall:
 - (a) Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The commission may compel the attendance of any officer or employee of the city and require submission of any city records;
 - (b) Propose any recommendations it deems desirable to insure* compliance with the Charter of the city government;
 - (c) Report its findings and present its recommendations to the city council.
- (2) The city council shall receive and have published in the official newspaper of the city a comprehensive summary of the report presented by the commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended.
- (3) The term of office of the commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the city council and all records of proceedings of the commission shall be filed with the city secretary and become a public record.

*Please note, this is a direct quote from the current Charter document. Staff recognizes that this is the wrong use of the word and has recommended changing "insure" to "ensure" as a part of the Charter review process.

In addition, the City Council issued the following charge:

"Review the City of Sachse's home rule Charter to determine if any revisions need to be made to the document and make a recommendation to the City Council regarding the Commission's findings."

RECOMMENDATION

Receive a recommendation and a report from the Charter Review Commission.

[Presentation_Charter Review Commission.pdf \(617 KB\)](#)

[Presentation Appendix.pdf \(6,319 KB\)](#)

City of Sachse Charter Review Commission Report and Recommendations

July 18, 2022

Presented by Scott McMurdie
Charter Review Commission Chairperson



Commission Review and Charge

- March 21, City Council approved resolution to convene the Charter Review Commission
- Purpose of the Commission as follows:
 - Review and provide recommendations to City Council for amendments to the city charter which would then be voted on by residents
- Commission Make-up
 - Each Council member nominated two residents and the mayor recommended three for a total of 15 members
- Meeting Schedule
 - Held meetings in March, April, June, and July
 - May meeting was cancelled due to lack of quorum



Review Process and Introductory Notes

- Scott McMurdie was nominated and approved as Chairperson of the Commission with Cedric Alford as Vice Chairperson
 - Mr. Alford ultimately resigned his position on the Commission and Billy George was nominated and voted to fill the position as Vice Chairperson
- Each article and paragraph within the Charter was discussed, reviewed, and votes were held approving or rejecting each motion made
- Commission reviewed redlines provided by City Attorney to ensure consistency with what was discussed



Review Process and Introductory Notes

- Any change to the charter, however minor, must be placed on the ballot for voter approval
- Reminder that state law does supersede any items in the Charter that contradict said laws or codes
- Any change recommended by Council must be voted on by residents



Summary of Recommended Changes by Subsection

- 2.02
- 3.01
- 3.02
- 3.04
- 3.06(4)
- 3.07(i)
- 3.09(1)
- 3.13
- 3.14(3)
- 3.18
- 5.02(c)
- 6.04
- 6.05
- 7.10
- 7.20
- 9.01(2)
- 11.07(1)(b)
- 11.07(2)
- 13.1-4

2.02 — Public Improvements

- Fix grammar error and replace “foreclosures” with “foreclosure”

- Approved Unanimously

“The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosures cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing such levies and shall have the power to compel the use of such improvements by the inhabitants of the city.”



3.01 — City Council Composition

- Recommend to remove section 3.02 and make mention of the historical changes in 3.01
 - 3.02 delineates how initial city council members were initially slotted in the different places within council
 - All historical information but has no additional bearing on current procedures as the voting and places are fully established at this time
- Proposed changes listed on the following slide



3.01 — Proposed Language

The council shall be composed of a mayor and six (6) council members, that is a mayor and six (6) council members elected by numbered places 1, 2, 3, 4, 5 and 6 by the qualified voters of the entire city for staggered terms of three (3) years each or until their successor has been elected or appointed and qualified. ~~Each council position shall be designated as a Place, to be determined as set forth in Sec. 3.02 of this Article. The mayor and council members shall be elected at large, and shall serve for a term of three (3) years as prescribed by the Texas Election Code and until his or her successor has been elected and duly qualified. Elections for two places shall be held each year, and the election for mayor shall be held every three years. If the candidate with the highest number of votes in an election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such runoff election shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.~~ To provide for staggered terms of office the mayor and council members in places 5 and 6 are elected for a three (3) year term commencing with the regular municipal election in May 2022, council members in places 3 and 4 are elected for a three (3) year term commencing with the regular municipal election in May 2023, and council members in places 1 and 2 are elected for a three (3) year term commencing with the regular municipal election in May 2024.



3.02 — Procedures for Determining Council Places and Initial Terms of Office

- Recommended to change title of subsection to read: term limits
- Vote by Commission for term limits in general
 - **9-5 vote to approve term limits in general**
- Variation on term limits:
 - 24-year plan—four terms on Council and 4 terms as Mayor maximum consecutive
 - **8-5 vote to oppose 24-year plan**
 - 18-year plan—three terms Council and three terms as Mayor maximum
 - **9-4 vote to approve 18-year plan**



3.02, Continued

- Additional details regarding term limits
- Prospective vs Retroactive
 - Making term limits retroactive was voted on with 5 for and 6 against, so the proposal is for term limits to be prospective
- Years vs. Terms
 - Voted unanimously to have language read in “terms” not “years”
- Definition of term—Three years equals one term
- If more than 50% of any term is served, then the term counts toward limit



Proposed Term Limit Language

Commencing with the May 2023 city officer election, no person shall serve as mayor for more than three (3) consecutive elected terms, and no person shall serve as councilmember for more than three (3) consecutive elected terms. No person shall serve as a councilmember and mayor (combined) for more than six (6) consecutive terms. For purposes of this Section and computing the limitations on terms:

- (1) A mayor or councilmember, who vacates, for any reason, city office before the end of the term for which such person was elected, shall be considered to have completed that term.
- (2) Election to fulfill an unexpired councilmember term, or unexpired mayor term if applicable, shall be computed as follows
 - (i) If 50 percent or more of the term is remaining, it shall be included in the computation of term limits; or
 - (ii) If less than 50 percent of the term is remaining, it shall not be included in the computation of term limits.

Any councilmember or mayor, who is ineligible to run for elected city office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected city office for a period of two years following the expiration of the most recent term of city office for which such person was elected with the exception of a councilmember seeking the office of mayor or the mayor seeking the office of a councilmember.

All remaining language for existing subsection 3.02 to be removed. See appendix for redline recommendation.



The City of
SACHSE

3.04 — Compensation

- Recommend grammar correction:

“Compensation of the members of the city council shall be determined by the city council by ordinance, but no increase in such compensation shall take effect **until** commencement of the terms of mayor and/or council members elected at the next regular election. Members of the city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties. “

- **Voted by Commission 9-5 to leave as-is except to add “until”**

*Also noted that any decision in the future to add compensation to councilmembers must be voted on by citizens of Sachse



3.06 — Vacancies, Forfeitures and Filling of Vacancies

- Subsection (4)—Recommend to remove “uniform”

“A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next **uniform** election date as provided by state law.”

- Uniform implies that a special election may not be called
- **Approved unanimously by Commission**



3.07(i) — Powers of the City Council

- (i) Remove “ Adopt Plats” and replace with “Reserved”
- Updates the document to current status of city and maintain the section identifier otherwise lettering must be adjusted, and additional amendments approved accordingly
- **Approved unanimously by Commission**



3.09(1) — Meetings of the City Council

- Change requirements to call special meeting
- Currently reads majority of city council and change mayor or three members of city council

“Special meetings of the city council shall be held at the call of the mayor or **three** ~~a majority~~ of the city councilmembers upon provision of public notice in accordance with state law.”

- Current language can cause council to run afoul of open meetings act laws
- **Approved unanimously by Commission**



3.13 — Rules of Procedure

- Concerns for familiarity with Roberts Rules and possible restrictive nature of allowing citizen input which state law has been updated to include
“~~The city council shall conduct its meetings in accordance with Robert's Rules of Order.~~ The city council shall determine its own order of business.”
- **Approved 12-2 by Commission**



3.14(3)—Passage of Ordinances in General

- Transparency and easy access to city business and information
- Concern about current availability of print newspaper and future accessibility

“Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form after adoption, in a newspaper **or as otherwise allowed** ~~as required by law.~~”

- **Approved 12-1 by Commission**



3.18 — Bond

- Concern regarding wording that requires that a bond be issued on all officers and employees who receive or pay out any monies of the City
- As a bond is not required by law, amended language in subsection to the following:

“The city council ~~shall~~ **may** require bonds of all municipal officers and employees who receive or pay out any monies of the city. . . .”
- **Approved unanimously by Commission**

5.02 — Filing for Office

- Requirements to file for office:

“Shall have resided within the corporate limits of the city, or annexed territory, for at least **twelve** ~~six (6)~~ **(12)** months prior to the date of election filing deadline”

- Clarity was provided by Mr. Smith, City Attorney, as to state law not allowing length of residency to extend beyond 12 months from date of election.
- **Approved 12-2 by Commission**



6.04 — Form of Petition

- Subsection (3) Change the number of signatures per page of a petition to 10 from 20

“Locations for **ten (10)** ~~twenty (20)~~ signatures shall be provided on each blank petition.”

- From experience within the commission, it was noted that reviewing and validating a petition is much easier when fewer names are on each page of a petition
- It is also noted that the pages for a petition must be uniform according to state law
- **Approved unanimously by Commission**



6.05 — Presentation of Petitions

- Recommend extending time to file petition from 30 days to 60 or 90 days

“A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later **than sixty (60)** ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.”

- **60 days approved by Commission by a 9-3 vote**
- **90 days approved by Commission by a 10-2 vote**



7.04 and 7.10 — Budget and Certification Copies

- Section(s) 7.04 and 7.10 state effectively the same thing related to copies of the budget and supporting schedules to be made available to the public
- Recommended to leave section 7.04 and remove 7.10 but label 7.10 as Reserved. (Keep reserved for same reason as mentioned in 3.07)
- See Exhibit A: Memo from City Attorney regarding sections 7.04 and 7.10
- **Approved unanimously by Commission**



7.20 — Office of Tax Collector

- As the city does not have an “Office of Taxation” recommended wording for 7.20 as follows:

~~“There shall be established an office of taxation to collect taxes, the head of which shall be the city tax collector. The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district for the other governmental entity or the appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed.”~~

- Edit recommended to make sure charter is consistent with current city structure. See Exhibit A: Memo from City Attorney
- **Approved unanimously by Commission**



9.01(2) — Planning and Zoning Commission Organization

- Recommend change required meeting schedule as follows:

“The commission shall meet **as needed** ~~at least once a month~~. The commission shall keep minutes of its proceedings which minutes shall be maintained as a public record by the city secretary. The commission shall serve without compensation.”

- There are times where no business needs to come in front of the Planning and Zoning Commission
- This allows discretion for scheduling meetings
- **Approved unanimously by Commission**



11.07(1)(b) — Charter Review Commission

- Replace “insure” with “ensure”
- In an effort to be grammatically correct, this change is recommended to read as follows:

“Propose any recommendations it deems desirable to **ensure** ~~insure~~ compliance with the Charter of the city government;”
- **Approved unanimously by Commission**



11.07(2) — Charter Review Commission

- State law requires that notice of a charter election and comprehensive summary of the report be published in a newspaper
- To allow for more current times and technology it was recommended to amend the language to include the requirement that the city post the summary on the city website until the election has concluded
- Language to read as follows:



11.07(2), Continued

“The city council shall **consider** ~~receive and have published in the official newspaper of the city a comprehensive summary of the report presented by the commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended.~~ **The city council shall post a comprehensive summary of the report presented by the commission on the city website which may be removed after the date the city council has adopted any amendments approved by the voters at such election. If no election is called the report may be removed from the city website within ninety (90) days after such posting.”**

- **Approved unanimously by Commission**



Article XIII (in its entirety) — Transitional Provisions

- Recommended to remove entire subsection and mark as “RESERVED”
- Noted that this article is no longer relevant or needed in the city Charter
- **Approved unanimously by Commission**



Final Recommendations and Other Provisions

- Include in the ballot a resolution to make the document gender neutral
 - i.e., remove “he or she” and replace with “they or their”
- There were a number of sections where significant discussion was held, but ultimately voted to be left alone. Recommend all minutes and memos be read to be completely familiar with all aspects of Commission review
- Council Liaison—Significant discussion held regarding responsibilities and requirements of a council liaison. While it was not voted to be included in the city charter, it is recommended by the commission that this topic be discussed and added to council duties and policies. **See appendix for suggested language regarding Liaison definition and responsibilities.



Timeline

- City Council must vote to include items from the Charter review on the November ballot by **August 22, 2022**
- 2022 Uniform Election Date is **Tuesday, November 8, 2022**
- Any approved amendments become official as of election date
- No changes to the Charter may be made for two years after an election



Next Steps

- The Commission submits this summary and recommended changes for Council's consideration
- Council may elect to have a further discussion item regarding these items at a later meeting date
- If Council wishes to move forward with some or all of the recommended changes, it must call an election by **August 22, 2022**

Questions



The City of
SACHSE

**CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
MARCH 31, 2022, MEETING MINUTES**

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, March 31, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Chairperson Scott McMurdie; Vice-Chairperson Cedric Alford; Commission members Ed Brown, Eric Dominguez, Charles Elk, Billy George, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Karlos McGhee, Paul Watkins, and Kirk Wood; Assistant City Manager, Lauren Rose; City Attorney, Pete Smith; City Secretary, Leah Granger, and Assistant to the City Manager, Amanda Chi.

Members absent: Brad Ford.

Ms. Rose called the meeting to order at 6:02 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Mr. Wood led the invocation and pledges.

Introduce board members.

The Commission members went around the room introducing themselves, how long they have been in Sachse and what brought them to the community.

All Board members take the Oath of Office.

Ms. Granger led the members present in the Oath of Office.

Consider and elect a Chairperson and Vice-Chairperson of the Charter Review Commission.

Mr. Dominguez noted that he had worked with Mr. McMurdie on other occasions and thought he would lead the group efficiently and well.

Mr. Dominguez made a motion to elect Scott McMurdie as Chairperson of the Charter Review Commission. Mr. Mathis seconded the motion, and it carried unanimously.

Dr. Alford said he would like to serve as the Vice-Chairperson of the group.

Dr. Alford made a motion to be the Vice-Chairperson of the Charter Review Commission. Mr. Wood seconded the motion, and it carried unanimously.

Citizen Input: The public is invited at this time to address the Charter Review Commission. Please state your name and address for the record. The time limit is 3 minutes per speaker.

Issues raised may be referred to City Staff for research and possible future action and comments will be reflected in the final report to the City Council.

There was no citizen input.

Review, discuss, and make any recommended changes to articles I-IV of the City of Sachse's home rule Charter.

Ms. Rose and Mr. Smith answered several questions about the review process. Mr. Holboke asked if all gender specific language could be included in one motion at the end so the group would not need to focus on it as they review the text for content, to which staff agreed. Ms. Marten asked for clarification regarding when the approved changes would be put to voters. Ms. Rose noted that the timeline was structured to have revision propositions on the November ballot. Mr. McMurdie reminded everyone that the Commission is a recommending body to the Council. The elected Council will have the final say what is placed on the ballot. Mr. Smith explained that as changes are suggested and approved by the majority of the commission, redlines will be brought to the next meeting for final approval.

Mr. Kemper asked if staff and Mr. Smith would bring items to the attention of the group that may be needed to comply with new laws or that may be conflicting with a process or another aspect of the Charter. He was concerned that without that direction, an important revision may be missed. Mr. Smith and Ms. Rose both assured the group that they would provide any necessary changes in relation to the law, consistency, and grammar at the time that item is discussed.

Mr. Dominguez asked if Section 11.05 should be reviewed first as it has to do with wording interpretation and gender specific language. Ms. Rose noted that since it was not posted on the agenda, we will need to keep it in the order specified. Mr. Smith responded that there will be a recap of all changes at the end of the process and reconciliations with previous sections can be discussed then.

No comments were made on the Preamble. After reading Article I and brief discussion, Mr. Wood made a motion to keep Article I of the City of Sachse's home rule Charter in its current state with no changes. Mr. George seconded the motion, and it carried unanimously.

Commissioners read Article II aloud. Dr. Alford would like consistency in the reference to citizen vs inhabitants vs residents. Mr. Smith articulated that state law prevails over conflicts with the Charter. Mr. Dominguez made a motion to accept Article II with the correction of "foreclosures" to "foreclosure" in Section 3.02 and other consistency/grammar corrections. Mr. McGhee seconded the motion, and it carried unanimously.

During discussion of Article III, the group discussed whether or not term limits would be discussed at the end of reviewing the article or in the midst. Mr. Kemper made a motion that term limits be included in the discussion of Article III. Mr. Holboke seconded the motion, and it carried unanimously.

Ms. Harris-Daniel asked for clarification about council places, specifically, being elected at large as opposed to precinct or district. Mr. Smith noted that Section 3.02 is historic in nature explaining how the original council places were handled when moving into a Home-Rule city. It could be removed and a brief reference could be added to 3.01, if the Commission chooses. Discussion continued about the idea of moving to districts. Several commissioners prefer the at-large model so every councilmember is responsible and accountable for every resident rather than a single person. Mr. McMurdie made a motion to remove Section 3.02 entirely. There was some concern about erasing the history from the document. After continued dialogue and questions, Mr. McMurdie rescinded his motion. Mr. Wood made a motion to request staff to remove section 3.02 entirely and incorporate necessary historical information in 3.01. Mr. McMurdie seconded the motion, and it carried unanimously.

In relation to compensation for council, Dr. Alford said he would prefer compensation changes to go to the residents for a vote any time it is requested to be changed. Mr. George noted that compensation in most smaller cities is generally low and may cover dry cleaning or gas money. He wants his councilmembers to look professional and does not have a problem with small compensation, such as \$50 per meeting. Discussion continued. Mr. Kemper made a motion to leave Section 3.04 as is with grammatical corrections. Mr. Holboke seconded the motion, and it carried 9-5 with Dr. Alford, Mr. Elk, Ms. Harris-Daniel, Ms. Marten, and Mr. Wood voting no.

Mr. George made a motion to leave Section 3.05 as is. Mr. Watkins seconded the motion, and it carried unanimously.

After some conversation regarding filling a council vacancy, Mr. Wood made a motion to remove the word "uniform" from Section 3.06 paragraph four. Mr. Holboke seconded the motion, and it carried unanimously.

Dr. Alford expressed some concern regarding paragraph a – removing the City Manager. Since the current City Manager is also the Director of the EDC there may be an unintended consequence and detrimental to the EDC. It was established that the City Manager or designee serves as the Director of the EDC. Paragraph g is no longer necessary related to state law. Ms. Marten made a motion to remove paragraph i from Section 3.07. Mr. Mathis seconded the motion, and it carried unanimously.

The Commission discussed whether the council should deal with City officers and employees as they desire. That discussion was postponed until Section 3.17. Ms. Marten made a motion to leave Section 3.08 as is save gender specific language. Ms. Harris-Daniel seconded the motion, and it carried 13-1 with Mr. Wood voting no.

Mr. Smith suggested that "majority" be changed to "three members" of City Council. Mr. Wood made a motion to change Section 3.09 as discussed. Ms. Marten seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 3.10 as is. Ms. Harris-Daniel seconded the motion, and it carried 13-0-1. Mr. McGhee was absent for the vote.

Mr. Holboke had concerned about conflict of interest. Mr. Smith explained that the section is related to state law and conflict of interest is related specifically to financial interest or legal conflict with a decision to be made. The suggestion was made to include state law references somewhere for residents to access easily. Ms. Rose agreed that laws could be referenced on the City website fairly easily. Dr. Alford made a motion to leave Section 3.11 as is. Mr. Kemper seconded the motion, and it carried unanimously.

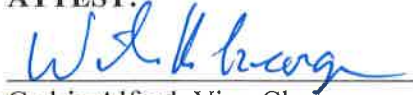
The Commission debated whether an abstention vote of a councilmember should be a negative or positive vote. There was concern that the rule could currently be used as an obstruction method. Mr. McGhee made a motion to leave Section 3.12 as is. Mr. George seconded the motion, and it carried 13-1 with Mr. McMurdie voting no.

Mr. Wood stated that state law has been updated to include citizen discussion on any and all items. Commissioners discussed a general unfamiliarity with Robert's Rules of Order. Mr. Smith corrected the understanding, stating that state law was updated to include citizen input on items that included action. The law does not apply to work sessions that only include discussion and no action. After some discussion, Mr. Dominguez made a motion to strike the first sentence of Section 3.13. Mr. Wood seconded the motion and it carried 12-2 with Mr. Kemper and McGhee voting no.

Adjournment.

Mr. McMurdie adjourned the meeting at 9:04 p.m.

ATTEST:



~~Cedric Alford~~, Vice-Chairperson

William K. George

APPROVE:



Scott McMurdie, Chairperson

**CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
APRIL 7, 2022, MEETING MINUTES**

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, April 7, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Chairperson Scott McMurdie; Commission members Ed Brown, Eric Dominguez, Charles Elk, Brad Ford, Billy George, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Karlos McGhee, and Kirk Wood; Assistant City Manager, Lauren Rose; City Attorney, Pete Smith; City Secretary, Leah Granger, and Assistant to the City Manager, Amanda Chi.

Members absent: Cedric Alford and Paul Watkins.

Chairperson McMurdie called the meeting to order at 6:01 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Ms. Harris-Daniel led the invocation, and Ms. Marten led the pledges.

Citizen Input.

There was no citizen input.

Mr. McMurdie asked Mr. Ford to introduce himself since he could not attend the previous meeting.

Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.

The Commission resumed where it left off at the conclusion of its last meeting by discussing section 3.14.

Mr. McMurdie opened the floor for comments on section 3.14. Mr. Wood commented that item two gives the Council too much ability to draft an ordinance from the floor and did not think this should be acceptable. Mr. McMurdie asked if the language is consistent with state law. Mr. Smith noted that the current language is more restrictive than most cities as a comparison. Mr. Wood suggested that another reading should be required before a vote when a few substantial changes have been made. There was some discussion regarding what constitutes a substantial change, and Mr. Wood proposed including an opportunity for citizens to be heard before the vote. Mr. Smith commented that State law already includes the opportunity Mr. Wood suggested in current statutes. Mr. Kemper noted that educating Council on the policies may be more appropriate and effective than changing the charter. Mr. Wood made a motion to modify the section to indicate that after an amendment of substance has been made to any ordinance that citizens be given another opportunity to speak to that amendment. Ms. Marten seconded the motion, and it failed 3-10 with Mr. Wood, Mr. George, and Ms. Marten voting in favor of it.

Mr. Dominguez asked about the newspaper of record referenced in relation to more modern technology. Mr. Wood noted that he had a similar suggestion but felt it fit better in a later section. He went on to suggest to staff that the Code of Ordinances could be easier to find on the website.

After some discussion, Mr. George asked if an online requirement was added to the charter and the website experienced technical difficulties, would that constitute a violation of the charter. Mr. Smith confirmed that unless another method of transmission was identified in the charter a technical glitch would put the City in violation of the Charter. Discussion continued and Mr. Dominguez motioned to modify Section 3.14 paragraph 3 to read "...in a newspaper or as otherwise allowed by law." Mr. Elk seconded the motion, and it carried 12-1 with Mr. McGhee opposed.

Mr. Wood made a motion to add 3.16 paragraph 4 state the City shall make the Code of Ordinances available on a freely available website baring technical difficulties. Ms. Marten seconded the motion for discussion. Mr. Ford thought the process was already transparent and questioned the reasoning for the addition. After some discussion, Mr. Wood modified his motion. The City shall make the Code of Ordinances accessible on/from the City's website. Ms. Marten seconded the motion, and it failed 6-7 with Mr. Holboke, Mr. Wood, Mr. George, Ms. Marten, Ms. Harris-Daniel, and Mr. Mathis voting in favor of it.

Mr. Wood made a motion to approve Section 3.17 as is. Mr. George seconded the motion, and it carried unanimously.

Ms. Marten made a motion to approve Section 3.18 as is. Mr. McGhee seconded the motion. Mr. George asked if the section was still necessary, and Mr. Smith replied that it might not be needed and he would research the question. Ms. Marten withdrew her motion until the matter is studied further.

Mr. McMurdie reintroduced the conversation that was put on hold from the previous meeting regarding term limits. Ms. Marten noted that there is a petition being circulated in the community regarding term limits for councilmembers. The petition stipulates two three-year terms for councilmembers and two additional three-year terms for the mayor. After two years of sitting out, they may run again. If a vacancy is being filled for a year or less, that time would not count against the limits. Mr. Mathis asked, hypothetically, if the Commission's suggestion for term limits differs from the petition and both make it to the ballot and pass, which one takes precedence? Mr. Smith responded that each case is considered individually and cannot be answered definitively.

Mr. George indicated that from his experience it takes a new councilmember two years to get up to speed on how to run a government. He noted the length of time that projects take, particularly major construction projects, and term limits affect whether or not that councilmember bears the consequences of that work, positively or negatively. Additionally, the continuity of oversight and direction are limited. When the term limits are too short, it puts a greater dependence and burden on staff for continuity moving forward. Mr. George also mentioned influence in regional organizations takes time to build and can be difficult to maintain with term limits that may be short. Mr. Elk articulated that during his many years on Sachse, there has been a fair amount of turnover in Council. He indicated that there is a somewhat small group of people that are very interested in participation and is usually expressed by getting involved with boards and commissions. This participation seems to be healthy and becomes the training ground for future councilmembers. The barrier for entry into or to run for council is fairly low and does not cost a lot. Mr. Elk feels that the councilmembers have been good standard bearers for the community and does not see an issue with retaining the yearly elections as the opportunity to vote for new members.

Mr. Wood's perception is opposite from Mr. Elk's and believes that people are daunted by running against an incumbent because when seats open, there are always candidates ready to fill them. Ms. Marten agreed citing the national incumbency rate of 90% makes people not want to run. She also noted the regional cities that have term limits and do not appear to have trouble holding seats on regional councils. Mr. McGhee questioned the size of those cities. Mr. Ford and Ms. Harris-Daniel suggested that term limits would balance out the length of time one person could be in power. Mr. Ford also questioned if term limits would bring candidates that do not necessarily know what they are doing or if, given Sachse's voter participation, would there be enough people to run the City. Mr. George added that voter turnout often increases when there is a controversial topic so low turnout may indicate that things aren't broken.

Mr. Wood made a motion that term limits be adopted. Ms. Harris-Daniel seconded the motion, and it carried 8-5 with Mr. McMurdie, Mr. George, Mr. McGhee, Mr. Elk, and Mr. Mathis.

Mr. George made a motion to amend the Charter to establish term limits of no more than 12 years. Mr. McGhee seconded the motion. Mr. Wood asked for clarification on the wording to reduce confusion. Mr. George replied with 12 consecutive years in any given position; if a councilmember was elected mayor, he could serve for another twelve years, for a total of 24 years. Mr. Holboke agreed with Mr. George's previous comments but would prefer to see three consecutive three-year terms and an additional two three-year terms as mayor if elected. Mr. Wood would like a committee to determine the limit to which the commission did support. He then suggested 12 consecutive years in any combination of seats. Mr. Dominguez proposed three consecutive three-year terms with no more than 18 combined years between council and mayor, and after a two-year break, that person could run again. Mr. George amended his motion to require a councilmember that has termed out to take a two-year break before they may run for another councilmember place. That councilmember would not be required to sit out two years before running for mayor. Mr. Dominguez restated his plan to be the same as Mr. George's but for nine years rather than 12.

Mr. George restated his motion that councilmembers are limited to four consecutive three-year terms, 12 years total in a given place; they are permitted to run for mayor with no delay or vice-versa; a councilmember that terms out and wishes to run for a councilmember place again must wait a two-year period prior to running again. Mr. McGhee seconded the motion. After continued discussion, Mr. George amended his motion to stipulate that after a person has served four consecutive terms as a councilmember or mayor and four consecutive terms on in the other position, they must sit out for two years before running for any office. Mr. McGhee seconded the motion, and it failed 5-8 with Mr. George, Mr. Kemper, Mr. McGhee, Mr. Elk, and Mr. Mathis voting in favor of it.

Mr. Dominguez made a motion to establish term limits of a total of 18 combined, consecutive years and sit out two years before running again. For clarity, three three-year terms as a councilmember and three three-year terms as mayor for a total of 18 combined years. Once termed out in either position, that person must sit out two years before running again. Mr. Wood seconded the motion, and it carried 9-4 with Mr. George, Ms. Marten, Mr. McGhee, and Mr. Elk opposed.

Mr. McMurdie reminded the commission that they agreed gender neutrality would be made consistent throughout the document and they did not need to focus on it. Ms. Rose clarified that one proposition would be put forward to cover gender neutrality in the entire document.

After some discussion and questions, Mr. Dominguez made a motion to leave Section 4.01 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Wood made a motion to leave Section 4.02 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.03 as is. Mr. George seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 4.04 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.05 as is. Mr. Ford seconded the motion, and it carried unanimously.

Ms. Marten made a motion to leave Section 4.06 as is. Mr. George seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 5.01 as is. Mr. McGhee seconded the motion, and it carried 12-1 with Mr. Wood opposed.

Mr. McGhee made a motion to amend Section 5.02, item 2.c to 12 months. Ms. Harris-Daniel seconded the motion. Mr. Smith read from state election code indicating that local charters may not require candidates to reside in the city limits for more than 12 months prior to election day. He explained that if the charter were to be changed to 12 months prior to the filing deadline, this would extend beyond the election code allowance. If the commission would like to change the item to read 12 months, it would also need to change filing deadline to election day. Mr. McGhee withdrew his motion, and Mr. Wood made a motion to amend the item to read at least 12 months prior to the election date. Mr. McGhee seconded the motion, and it carried 10-3 with Mr. Holboke, Mr. Elk, and Mr. Dominguez opposed.

Ms. Marten made a motion to leave Section 5.03 as is. Mr. McGhee seconded the motion, and it carried unanimously.

Mr. Wood made a motion to leave Section 5.04 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Dominguez made a motion to leave Section 5.05 as is. Ms. Marten seconded the motion, and it carried unanimously.

Mr. Ford made a motion to leave Section 6.01 as is. Mr. McGhee seconded the motion. Ms. Marten requested that since so much of Article VI is governed by state law could they just focus on the specific area that may have a question. Mr. Wood noted that he thought Section 6.03 was unnecessary; Section 6.05 should be at least 90 days; Section 6.13, item 1 add "unless found guilty of an ethics violation." Mr. Dominguez also had a question in Section 6.14.

Ms. Marten made a motion to accept all sections in Article VI except 6.03, 6.05, 6.13, and 6.14. Mr. Holboke seconded the motion, and it carried unanimously.

Mr. Wood noted that the uniform election law has very specific requirements for petitions and the section in the charter may be unnecessary. Mr. Smith clarified that not all petitions fall under the uniform election code. Mr. Wood corrected his previous comment that Section 6.04 was what he intended to question.

Mr. McMurdie made a motion to accept Section 6.03 as is. Mr. McGhee seconded the motion, and it carried unanimously. Mr. Smith will research Section 6.04 and 6.05 and report at the next meeting.

Mr. Wood made a motion to amend Section 6.13 by adding "unless found guilty of an ethics violation to the first sentence of item one. Mr. Kemper asked what happens to a councilmember that is found guilty of an ethics violation. Mr. Wood responded that Council may censure them and this change would allow the citizens decide by petition that the councilmember should be recalled. Mr. Smith cautioned the commission that an unintended consequence of the change may be frequent and possibly frivolous ethics complaints. Ms. Marten seconded the motion, and it failed 6-7 with Mr. Holboke, Mr. Wood, Mr. Kemper, Ms. Marten, Ms. Harris-Daniel, and Mr. Mathis voting in favor of it.

Mr. Dominguez asked for explanation of Section 6.14. Mr. Smith clarified that a petition is brought to the City Secretary to determine if it is sufficient or insufficient. If sufficient, the Council has certain actions they must follow. If the City Secretary does not validate the petition, or she does but the Council fails to call the election, the section provides a recourse for the citizen to file suit for the court to perform the ministerial duties. Mr. Dominguez made a motion to leave Section 6.14 as is. Mr. Wood seconded the motion, and it carried unanimously.

Mr. Smith did not find a state requirement for bonds. Mr. George made a motion to change "shall" to "may" in Section 3.18. Mr. Dominguez seconded the motion, and it carried unanimously.

The commission will begin with Article VII at the next meeting.

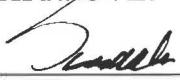
Adjournment.

Mr. McMurdie adjourned the meeting at 8:56 p.m.

ATTEST:


William K. George Commission Member

APPROVE:



Scott McMurdie, Chairperson

**CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
JUNE 2, 2022, MEETING MINUTES**

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, June 2, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Chairperson Scott McMurdie; Vice-Chairperson Billy George; Commissioners Ed Brown, Charles Elk, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Paul Watkins, and Kirk Wood; Assistant City Manager Lauren Rose; City Attorney Pete Smith; City Secretary Leah Granger, and Assistant to the City Manager Amanda Chi.

Members absent: Eric Dominguez and Karlos McGee.

Chairperson McMurdie called the meeting to order at 6:01 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Mr. Elk led the pledges and Mr. McMurdie led the invocation.

Citizen Input.

There was no citizen input.

Review, discuss, and make any recommended changes to the City of Sachse's home rule Charter.

The Commission discussed the summary of amendments so far. A few commissioners were concerned that the term limits changes did not specify that the action would be retroactive. Mr. Wood also wanted the item to read “no more than six consecutive terms” rather than 18 consecutive years. Ms. Marten made a motion to make the amended section 3.02 regarding term limits retroactive. Mr. Wood seconded the motion and it failed with a 5-6 vote. Mr. Wood, Mr. Holboke, Mr. Kemper, Ms. Marten, and Ms. Harris-Daniel voted in favor of the motion. Mr. McMurdie, Mr. Elk, Mr. Watkins, Mr. Brown, Mr. Mathis, and Mr. George voted against the action.

Mr. Wood made a motion to change 18 consecutive years in the amended section 3.02 to “six consecutive terms”. Mr. Watkins seconded the motion. Mr. George clarified that a full term was equal to anything more than 50% of the three-year term. The motion passed unanimously.

Mr. Ford arrived at the meeting at 6:16 p.m.

The Commissioners recognized that Mr. Alford resigned his commission and the Vice-Chair position was vacant. Mr. Watkins nominated Mr. George as the Vice-Chairperson. Mr. Ford seconded the motion, and it passed 11-1. Ms. Harris-Daniel abstained from the vote.

The Commission resumed where it left off at the conclusion of its last meeting by discussing section 6.04. Mr. McMurdie opened the floor for comments. Mr. Wood made a motion to change 6.04 (3) from twenty signatures to an equal number of signatures on each page. After discussion, Mr. Wood amended his motion to a minimum of ten signature and an even and equal number on

each page. Discussion continued and Mr. Wood's motion was amended to ten signatures per page. Mr. McMurdie seconded the motion and it carried unanimously.

Mr. Wood made a motion to amend 6.05 from 30 days to 90 days. Mr. Watkins seconded the motion, and it carried 10-2 with Mr. Elk and Mr. George voting against it. After a moment of discussion, Mr. George made a motion to change 6.05 to 60 days rather than the 90 previously voted on. Mr. Holboke seconded the motion, and it carried 9-3 with Mr. Wood, Mr. Elk, and Ms. Harris-Daniel dissenting.

The remaining sections of Article VI were unchanged.

The Commission turned its attention to Article VII. Mr. Holboke would like a State of the City address from the City Manager to the City Council defining the City Manager's goals and outline for the year in either section 7.02 or 7.03. Ms. Rose clarified that the City Manager publishes a draft budget, available to the public, as a working document and suggestions for City Council to set the goals and direction for the coming fiscal year. The document is part of the posted Council agenda and is available in the City Secretary's office. The City Council then sets the goals for the City, not the City Manager, and those goals are discussed at a Council workshop. The workshop is open to the public and is the forum at which the City Manager is directed to focus the budget on the goals set by the Council. Mr. Wood commented that projects budgeted in one fiscal year may not be completed in that year depending on the size of the project. Particularly large projects require design and planning, and the public may not see progress but progress is being made behind the scenes.

Mr. Holboke made a motion to add language stating that the City Manager must present to City Council the issues facing the city that they want to accomplish in the next year. There was no second to the motion. Mr. Kemper pointed out that it is not appropriate for the City Manager to set goals for the city as that is the responsibility of the elected City Council and the Mayor. Mr. George made a motion to leave 7.02 and 7.03 as is. Mr. Ford seconded the motion for discussion. He pointed out that this may highlight a need for more communication regarding the budget to the public. After further discussion, the motion to leave sections 7.02 and 7.03 in its current state carried unanimously.

Mr. Ford made a motion to repeal and reserve 7.10 as noted in Mr. Smith's memo to the Commission (Exhibit A). Ms. Marten seconded the motion and it carried unanimously.

The Commission discussed the merits and disadvantages of requiring a change of City auditors every five years. Mr. Ford made a motion to leave section 7.18 as is. Mr. Holboke seconded the motion and it carried 11-1 with Mr. McMurdie voting against it.

Mr. George made a motion to change section 7.20 as noted in Mr. Smith's memo (Exhibit A). Mr. Mathis seconded the motion and it carried unanimously.

Ms. Marten made a motion to approve all remaining sections in their current state. Mr. Wood seconded the motion and it carried unanimously.

Ms. Marten would like to change the Charter to treat the Economic Development Corporation (EDC) and the Municipal Development District (MDD) boards in the same manner as all of the

other City Boards. Mr. Kemper pointed out that even though the EDC and MDD are governed by state statutes, those board members still serve at the pleasure of the City Council and can be removed by the City Council. Ms. Marten would like the same due process followed for all boards. Mr. Smith explained that Home Rule Charters may not supersede state law. These boards are non-profit corporations and the Charter does not control their operations. The bylaws also help determine how the corporation acts and operates.

After continued discussion, Mr. Wood made a motion to amend section 8.01 (2) to include appointees of any city boards, commissions, and corporations in the section regarding removal of members. Ms. Marten seconded the motion. The motion was amended to apply the change throughout Article VIII and Ms. Marten seconded the amended motion. The vote was a tie and, therefore, failed. Mr. Wood, Mr. Holboke, Mr. Kemper, Ms. Marten, Ms. Harris-Daniel, and Mr. Watkins voted in favor of the change. Mr. George, Mr. Brown, Mr. Elk, Mr. McMurdie, Mr. Ford, and Mr. Mathis voted against the motion.

Mr. Mathis made a motion to enumerate all City boards, EDC, and MDD in the list under 8.02. Mr. Brown seconded the motion and it failed 3-8-1. Mr. Elk, Mr. Brown, and Mr. Mathis voted for the motion, and Ms. Marten abstained from the vote.

Ms. Harris-Daniel noted that there is nothing in the Charter discussing Council liaison and asked if that was possible for staff and counsel to propose language. After discussion, Mr. Smith will come back to the Commission with information and research of other cities regarding the definition and responsibilities of Council liaisons.

Mr. Wood made a motion to add a requirement for each board to make an annual recommendation on policy changes or reports informing the Council that they do not have any changes. The motion was postponed until after the information regarding the Council liaison is provided.

Ms. Marten made a motion to leave section 8.03 as is. Mr. Kemper seconded the motion and it carried unanimously.

Ms. Marten noted that the Planning and Zoning Commission does not always have items to review and would like to change the required number of meetings to "as needed." Ms. Marten made a motion to change the number of required meetings to "as needed". Mr. Ford seconded the motion and it carried unanimously.

Mr. Wood made a motion to approve all other sections of Article IX. Ms. Marten seconded the motion and it carried unanimously.

Mr. Wood made a motion to accept Article X as is. Mr. George seconded the motion and it carried unanimously.

The Commission discussed Article XI. Mr. Wood recommended section 11.07 (1) be changed from "at least 14 members" to "between seven and fourteen members." Prior to the election in 2006, ten members were required on the Charter Review Commission. Mr. McMurdie made a motion to leave 11.07 (1) as is. Mr. George seconded the motion and it carried unanimously.

Ms. Rose pointed out that 11.07 (2) uses the wrong version of ensure. Mr. Wood made a motion to change “insure” to “ensure”. Mr. Watkins seconded the motion and the vote was unanimous.

Mr. McMurdie asked if publishing in a newspaper is a state requirement. Mr. Smith confirmed that state statute does require notice of a charter amendment election and comprehensive summary of the report be published in a newspaper. Ms. Marten made a motion to amend 11.07 (2) adding that the comprehensive summary be posted on the City website and may be removed after the election. Mr. Kemper seconded the motion and it carried unanimously.

Mr. Ford made a motion to leave the remaining sections of Article XI as is. Mr. Mathis seconded the motion and it passed unanimously.

Mr. McMurdie detailed the timeline for the remainder of the charter review process. Ideally, he would like to present the Commission’s report at the July 18 City Council meeting in order to give them enough time to discuss the recommendation on August 1 and order the election by August 22. Ms. Rose recommended the Commission finish their review tonight to give them the maximum flexibility to craft the report.

Mr. George made a motion to leave Article XII as is. Mr. Ford seconded the motion and it carried unanimously.

Commissioners suggested that Article XIII may no longer be needed. Ms. Marten made a motion to remove and reserve Article XIII. Mr. Wood seconded the motion and it carried unanimously.

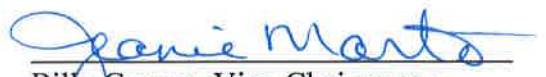
Mr. Wood would like to see the nepotism rule apply to all boards, commissions, and corporations. It was pointed out that it is currently stated as such in the code of ethics; however, he would like to see that policy raised to the level of the Charter. Mr. Wood made a motion to extend section 14.01 to all boards, commissions, and corporations. There was no second to the motion. Mr. Kemper made a motion to leave Article XIV as is. Ms. Marten seconded the motion and it carried unanimously.

The commission will review redlines and minutes at the July 7 meeting with the intention of presenting the report to the City Council on July 18 with as many members of the Commission in attendance as possible.

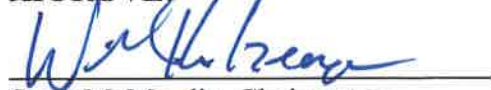
Adjournment.

Chairperson McMurdie adjourned the meeting at 8:49 p.m.

ATTEST:


~~Billy George, Vice-Chairperson~~
Jeanie Marten,
Commission member

APPROVE:


Scott McMurdie, Chairperson
• William K. George
Vice-Chairperson

**CHARTER REVIEW COMMISSION OF THE CITY OF SACHSE
JULY 7, 2022, MEETING MINUTES**

The Charter Review Commission of the City of Sachse held a regular meeting on Thursday, July 7, 2022, at 6 p.m. at the Michael J. Felix Community Center, 3815-E Sachse Road. Members present were Vice-Chairperson Billy George; Commissioners Ed Brown, Marcia Harris-Daniel, Matthew Holboke, Butch Kemper, Jeanie Marten, Jim Mathis, Karlos McGee, and Paul Watkins; Assistant City Manager Lauren Rose; City Attorney Kevin Laughlin; City Secretary Leah Granger, and Assistant to the City Manager Amanda Chi.

Members absent: Scott McMurdie, Charles Elk, Eric Dominguez, and Kirk Wood.

Vice Chairperson George called the meeting to order at 6:02 p.m.

Invocation and Pledges of Allegiance to the US and Texas Flags.

Vice Chairperson George led the invocation and pledges.

Public Comment.

There were no comments.

Consider approval of the June 2, 2022, meeting minutes.

Mr. Kemper made a motion to approve the minutes as presented. Mr. Watkins seconded the motion and it carried unanimously.

Review and discuss the recommendation and summary report of the changes to the City of Sachse's home rule Charter to be presented to Council.

Ms. Rose reminded the Commission that they requested more information related to treating board members of the Economic Development Corporation (EDC) and the Municipal Development District (MDD) in the same manner as all of the other City Boards. Mr. Laughlin explained when dealing with non-profit corporations, such as the EDC and MDD, cities are limited where state law is concerned. Cities may not pass amendments, ordinances, etc. that conflict with state law. Imposing additional restrictions would be in conflict with state law. Mr. Holboke asked for clarification that the restrictions on how Council treats members may not be added to the Charter, but could they still do it. Mr. Laughlin responded that the members are not entitled to special treatment and no rules or policies may be enacted that conflict with state law, but if they decided as a group at will to act in a way that goes beyond the requirements, they may at their discretion. State law is more about the rights of the board member rather than the power of the Council.

Ms. Rose summarized what was presented to Council in regards to Council liaisons and the general consensus was to leave it undefined or very loosely defined. Mr. Kemper noted that he is not in favor of the Council liaison program but would prefer the staff liaison to provide information to the Council as needed. Mr. McGhee countered that it could be helpful to boards to get the sentiment of the Council. Ms. Marten said it needs to either be eliminated or defined and then be held to that standard. She is bothered that boards may be influenced or intimidated by Council in their decision

making. Ms. Harris-Daniel explained that she always has assumed the input the board she is a member of has received is that person's opinion rather than that of the entire Council. She sees value by having the liaison and suggested that the boards can gain insight to the general attitude of Council with their input. Mr. Watkins thought it was best to leave it out of the Charter but to not remain silent on the subject. He recommended including a summary of the recommendation in the report to Council.

After continued discussion, Mr. Holboke made a motion to keep the Council liaison program, continue discussion, and to specifically not prohibit the program in the Charter. Mr. McGhee seconded the motion, and it passed 7-2 with Mr. Kemper and Mr. Watkins voting against it.

Mr. Watkins made a motion to not alter the Charter in relation to Council liaisons but include a recommendation in the summary report to Council. Ms. Marten seconded the motion and it carried unanimously.

Ms. Marten read an example of a definition and structure for Council liaisons from another city:

“Duties and Expectations of a Council Liaison

1. A Councilmember acting as a liaison to a Council advisory committee or other body (a “Committee”) is not a member of the Committee. Rather, the Councilmember is a positive resource to support the Committee in the completion of its work subject to the rules stated below.
2. A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than direction or guidance that clearly represents direction or guidance of the full Council.
3. Generally put, the Councilmember liaison shall not attempt to influence the work or recommendations of the Committee. More specifically, • the Councilmember shall not take part in the Committee’s deliberations or discussions unless (a) the Committee requests the Councilmember’s participation in a particular discussion (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself, not for the entire Council) or (b) the Councilmember determines that he or she must speak up in order to remind the Committee of Council direction, City policies, or laws including the Open Public Meetings Act and the Public Records Act; and • the Councilmember shall not take part in any votes or decision making of the Committee.
4. The Councilmember liaison shall work to ensure that the Committee is only taking actions or doing work that is within the scope of the Committee’s work as determined or approved by Council. The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.
5. The Councilmember liaison shall bring to the Council any requests from the Committee, such as the following: (a) questions raised by a Committee about the Committee’s scope of work; (b) requests from the Committee to change the Committee’s scope of work; (c) requests for expenditures of City resources to further the Committee’s work (money, staff time, or other resources); and (d) requests from the Committee to place an item on a Council meeting agenda.
6. The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the Committee. To that end, the Council shall on a periodic basis revisit

the work plan of each Committee and hear from each Committee's liaison a report on the Committee's progress on the work plan."

Mr. George liked the first part but was less inclined to agree with the prescriptive items indicating what they must do. Ms. Harris-Daniel felt like it was a lot and maybe only needed the definition. Commissioners suggested letting Council read the example to consider which parts, if any they may agree with.

Mr. Brown made a motion to send Ms. Marten's recommendation to Council in the report for them to consider. Ms. Marten seconded the motion and it passed 5-4. Ms. Marten, Mr. Kemper, Mr. Brown, Mr. Watkins, and Mr. McGhee voted for the measure, and Mr. George, Mr. Mathis, Mr. Holboke, and Ms. Harris-Daniel voted against it.

Mr. George explained the structure and procedure moving forward. Ms. Marten made a motion to approve the Charter redlines as they are presented. Mr. McGhee seconded the motion and it carried unanimously.

Mr. Kemper asked if a joint meeting between the Commission and the Council could be considered. There was general consensus on the report framework Mr. McMurdie presented for the Commission. Ms. Rose emphasized that Mr. McMurdie would be preparing the report and summary for the Council rather than City staff.

Adjournment.

Vice Chairperson George adjourned the meeting at 7:27 p.m.

APPROVE:

ATTEST:

Scott McMurdie, Chairperson

Billy George, Vice-Chairperson



APPENDIX E

500 N. Akard Street
1800 Ross Tower
Dallas, Texas 75201

Peter G. Smith
Direct: 214-665-3365
Email: psmith@njdhs.com
Web: www.njdhs.com

TO: Charter Commission
FROM: Peter G. Smith, City Attorney
DATE: June 8, 2022
RE: Proposed Amendments to City Charter.

As of the date of this memorandum the following Sections have been proposed for the following amendments. Deleted text appears in double underlined bold strike through text and added text appears in bold double underline. We also updated changes to section 3.02 “eighteen consecutive years to six consecutive terms” based on the June 2, 2022 meeting of the Commission.

2.02
3.01
3.02
3.04
3.06(4)
3.07 (i)
3.09 (1)
3.13
3.14 (3)
3.16 (4)
3.18
5.02 (c)
6.04
6.05
7.04
7.10
7.20
9.01 (2)
11.07 (b)
Article XIII

Sec. 2.02 - PUBLIC IMPROVEMENTS

The city shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities, and sanitary, water and storm drainage facilities, in, over, under or upon all public property and easements granted for that purpose and to levy assessments for the costs of such improvements. The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure cases as allowed under state law. It shall have the

power to cause liens to be established for the purpose of securing such levies and shall have the power to compel the use of such improvements by the inhabitants of the city.

Sec. 3.01 - COMPOSITION

The council shall be composed of a mayor and six (6) council members, that is a mayor and six (6) council members elected by numbered places 1, 2, 3, 4, 5 and 6 by the qualified voters of the entire city for staggered terms of three (3) years each or until their successor has been elected or appointed and qualified. ~~Each council position shall be designated as a Place, to be determined as set forth in Sec. 3.02 of this Article. The mayor and council members shall be elected at large, and shall serve for a term of three (3) years as prescribed by the Texas Election Code and until his or her successor has been elected and duly qualified. Elections for two places shall be held each year, and the election for mayor shall be held every three years.~~ If the candidate with the highest number of votes in an election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such runoff election shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances. To provide for staggered terms of office the mayor and council members in places 5 and 6 are elected for a three (3) year term commencing with the regular municipal election in May 2022, council members in places 3 and 4 are elected for a three (3) year term commencing with the regular municipal election in May 2023, and council members in places 1 and 2 are elected for a three (3) year term commencing with the regular municipal election in May 2024.

Sec. 3.02 - ~~PROCEDURES FOR DETERMINING COUNCIL PLACES AND INITIAL TERMS OF OFFICE LIMITS~~

Commencing with the May 2023 city officer election, no person shall serve as mayor for more than three (3) consecutive elected terms, and no person shall serve as councilmember for more than three (3) consecutive elected terms. No person shall serve as a councilmember and mayor (combined) for more than six (6) consecutive terms. For purposes of this Section and computing the limitations on terms:

- (1) A mayor or councilmember, who vacates, for any reason, city office before the end of the term for which such person was elected, shall be considered to have completed that term.
- (2) Election to fulfill an unexpired councilmember term, or unexpired mayor term if applicable, shall be computed as follows

(i) If 50 percent or more of the term is remaining, it shall be included in the computation of term limits; or

(ii) If less than 50 percent of the term is remaining, it shall not be included in the computation of term limits.

Any councilmember or mayor, who is ineligible to run for elected city office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected city office for a period of two years following the expiration of the most recent term of city office for which such person was elected with the exception of a councilmember seeking the office of mayor or the mayor seeking the office of a councilmember. ~~(1) The city councilmember receiving the highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 1, and shall [hold] office for three (3) years. The city councilmember receiving the second highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 2 and hold office for three (3) years. The city councilmember receiving the third highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 3 and shall hold office for two (2) years.~~

~~(2) At the first regularly scheduled council meeting held in February, 1995, the city secretary shall prepare three (3) identical paper ballots. One ballot shall be marked "Place 4", the second "Place 5", and the third "Place 6". Each councilmember who was not elected at the election held on May 7, [1]994, shall draw a ballot by lot. The councilmember drawing the [b]allot marked "Place 4" shall be the councilmember for Place 4, the councilmember drawing the ballot marked "Place 5" shall be the councilmember for Place 5, and councilmember drawing the ballot marked "Place 6" shall be the councilmember for Place 6. The councilmember designated as Place 4 shall hold office until the election for councilmembers held in May, 1996. The councilmembers designated as Place 5 and Place 6 shall hold office until the election for councilmembers held in May, 1995.~~

Sec. 3.04 - COMPENSATION

Compensation of the members of the city council shall be determined by the city council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of mayor and/or council members elected at the next regular election. Members of the city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties.

Sec. 3.06 - VACANCIES, FORFEITURES AND FILLING OF VACANCIES

- (1) The office of a city council member or the mayor shall become vacant upon his death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the city council is absent from four (4) of seven (7) consecutive regular meetings, without explanation acceptable to a majority of the remaining city council members, his office shall be declared vacant at the next regular meeting of the city council by resolution. In addition, any member of the city council who has been absent for six (6) consecutive regular meetings due to any reason shall have his seat declared vacant at the next regular meeting of the city council by resolution.
- (3) Any member of the city council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating state law concerning conflict of interest shall forfeit his office. Every forfeiture shall be declared and enforced by a majority of the city council.
- (4) A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next ~~uniform~~ election date as provided by state law. If the candidate with the highest number of votes in such special election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such special and runoff elections shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.

Sec. 3.07 - POWERS OF THE CITY COUNCIL

All powers of the City of Sachse and the determination of all matters of policy shall be vested in the city council. Except where in conflict with and otherwise expressly provided by this Charter, the city council shall have all powers authorized to be exercised by the city council by state law and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:

- (a) Appoint and remove the city manager;
- (b) Appoint and remove the municipal court judge(s); (Election of May 13, 2006)
- (c) Appoint and remove the city attorney;
- (d) Appoint and remove the city secretary; (Election of April 5, 1986)

- (e) Establish administrative departments including, but not limited to, police, fire, library, water, sewer, animal control, building inspection and fire marshal.
- (f) Adopt the budget of the city;
- (g) Collectively inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (h) Provide a planning and zoning commission and a board of adjustment and other boards as deemed necessary, and appoint the members of all such boards and commission[s]. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance or by law;
- (i) ~~Adopt plans~~ **Reserved;**
- (j) Adopt and modify the official map of the city;
- (k) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement and redevelopment of specific areas of the city;
- (l) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;
- (m) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the city;
- (n) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;
- (o) Fix and regulate rates and charges of all utilities and public services.

Sec. 3.09 - MEETINGS OF THE CITY COUNCIL

- (1) The city council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The city council shall fix by ordinance the date and time of the regular meetings.

Special meetings of the city council shall be held at the call of the mayor or ~~three a majority~~ of the city council members upon provision of Public notice in accordance with state law.

(2) Notice of regular, special and emergency meetings of the city council shall be given as required by the Texas Open Meetings Act.

Sec. 3.13 - RULES OF PROCEDURE

~~The city council shall conduct its meetings in accordance with Robert's Rules of Order.~~ The city council shall determine its own order of business. The city council shall provide that the citizens of the city shall have a reasonable opportunity to clearly hear and be heard at public hearings with regard to specific matters under consideration. The city council shall provide for minutes to be taken and recorded for all meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the city secretary.

Sec. 3.14 - PASSAGE OF ORDINANCES IN GENERAL

(1) The city council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Sachse, Texas ..." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its caption. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall indicate new language by enclosing it in quotation marks. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the city council before the city council meeting at which such ordinance is to be considered. Copies of the proposed ordinance, in the form required for adoption, shall be available at the city offices and shall be furnished to citizens upon request to the city secretary from and after the date on which such proposed ordinance is posted as an agenda item for a city council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the city council.

(2) A proposed ordinance which has been amended in substance after its placement on the agenda for a city council meeting may not be voted on at such city council meeting, unless the mayor announces at such city council meeting the amendments to such ordinance. All persons interested in such ordinance shall have a reasonable opportunity to be heard.

(3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form after adoption, in a newspaper or as otherwise allowed ~~as required~~ by law.

(4) The reading aloud of a title and caption of the ordinance shall suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the city council. If a majority of the members' present request that the ordinance be read in its entirety, it must be read.

Sec. 3.16 - AUTHENTICATION, RECORDING, CODIFICATION PRINTING AND DISTRIBUTION

(1) All ordinances and resolutions adopted by the city council shall be authenticated by seal and signature of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(2) The city council shall maintain the codification of ordinances of the city. This codification shall be known and cited as "The Sachse City Code" and shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without effecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large.

(3) The city council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

(4) The city shall cause the code of ordinances to be accessible on the city's website.

Sec. 3.18 - BOND

The city council ~~shall~~ may require bonds of all municipal officers and employees who receive or pay out any monies of the city. The amount of the bonds shall be determined by the city council and the cost shall be borne by the city.

Sec. 5.02 - FILING FOR OFFICE

(1) Candidates for city offices shall file for office in accordance with the Texas Election Code.

- (2) Candidates for elective city office shall meet the following qualifications:
- (a) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;
 - (b) Shall be a qualified voter;
 - (c) Shall have resided within the corporate limits of the city, or annexed territory, for at least twelve ~~six (6)~~ (12) months prior to the date of election ~~filing deadline~~;
 - (d) Shall not, after notice of any delinquency, be in arrears in payment of taxes or other liabilities due the city;
 - (e) No candidate may file in a single election for more than one (1) office or position as provided by this Charter;
 - (f) No employee, nor any member or volunteer with any board, commission, or department of the city, shall continue in such position upon election and acceptance of the elected position;
 - (g) No elected official of the city whose term is not expiring in that calendar year shall continue in such elective office after filing for any other elective office provided for in this Charter.

Sec. 6.04 - FORM OF PETITION

- (1) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a qualified voter of the City of Sachse and shall personally sign his own name thereto in ink or indelible pencil, and shall write after his name his place of residence within the boundaries of the city, giving name of street and number, if any, and shall also write thereon the date, including the month, day and year his signature was affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or of the ordinance or resolution sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.
- (2) Each page of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance or resolution sought to be reconsidered, or the identity of the official whose recall is being sought.
- (3) Locations for ten (10) ~~twenty (20)~~ signatures shall be provided on each blank petition.

VERSION 1

Sec. 6.05 - PRESENTATION OF PETITIONS

(1) A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than sixty (60) ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

(2) A petition to the city council for recall, containing the signatures of twenty (20) percent of the qualified voters registered to vote at the last regular city election, or three hundred (300), whichever is greater, shall be filed with the city secretary no later than sixty (60) ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

VERSION 2

Sec. 6.05 - PRESENTATION OF PETITIONS

(1) A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than ninety (90) ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

(2) A petition to the city council for recall, containing the signatures of twenty (20) percent of the qualified voters registered to vote at the last regular city election, or three hundred (300), whichever is greater, shall be filed with the city secretary no later than ninety (90) ~~thirty (30)~~ days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

Sec. 7.04 - BUDGET: A PUBLIC RECORD

The final budget, all supporting schedules and the budget message shall be filed with the city secretary when submitted to the city council and shall be opened to public inspection by anyone interested. The city manager shall provide copies of the final budget, at a reasonable charge, to all interested citizens.

Sec. 7.10 - ~~RESERVED~~ CERTIFICATION: COPIES MADE AVAILABLE

~~A copy of the budget, as fully adopted, shall be filed with the city secretary and such other places required by state law and as the city council may designate. The final budget shall be printed, and copies shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations.~~

Sec. 7.20 - OFFICE OF TAX COLLECTOR

~~There shall be established an office of taxation to collect taxes, the head of which shall be the city tax collector.~~ **The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district for the other governmental entity or the appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed.**

Sec. 9.01 - ORGANIZATION

(1) The city council shall create and establish a Planning and Zoning Commission which shall consist of seven (7) members, and may include alternates, who shall be appointed by the city council to staggered, overlapping two (2) year terms. The commission members shall be qualified voters in the city. Any vacancy occurring during the unexpired term of a member shall be filled by the city council. A majority of the members shall constitute a quorum. Removal of members of the planning and zoning commission shall be in accordance with the provisions of Article VIII, Section 8.01(2) of this Charter.

(2) The commission shall meet **as needed** ~~at least once a month~~. The commission shall keep minutes of its proceedings which minutes shall be maintained as a public record by the city secretary. The commission shall serve without compensation.

Sec. 11.07 - CHARTER REVIEW COMMISSION

(1) The city council may appoint a Charter Review Commission of at least fourteen (14) citizens of the city who shall:

(a) Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The commission may

compel the attendance of any officer or employee of the city and require submission of any city records;

(b) Propose any recommendations it deems desirable to ensure ~~insure~~ compliance with the Charter of the city government;

(c) Report its findings and present its recommendations to the city council.

(2) The city council shall consider ~~receive and have published in the official newspaper of the city a comprehensive summary of~~ the report presented by the commission, ~~shall consider~~ any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended. The city council shall post a comprehensive summary of the report presented by the commission on the city website which may be removed after the date the city council has adopted any amendments approved by the voters at such election. If no election is called the report may be removed from the city website within ninety (90) days after such posting.

(3) The term of office of the commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the city council and all records of proceedings of the commission shall be filed with the city secretary and become a public record.

ARTICLE XIII. - ~~TRANSITIONAL PROVISIONS~~ EFFECTIVE DATE AND EFFECTS OF ADOPTION

Sec. 13.01 - EFFECTIVE DATE

~~This Charter shall take effect immediately following adoption by the voters.~~ The provisions of this charter and any amendments thereto shall be in effect from and after their approval by the voters and the adoption of an ordinance by the city council declaring the same adopted.

Sec. 13.02 - ~~CONTINUATION OF ELECTIVE OFFICES~~ EFFECT ON PRESENT CITY COUNCIL

The duly elected city council serving at the time of the adoption of this charter or amendment thereto shall continue to be, serve as, and to constitute the city council of the city until the next regular election. ~~Upon adoption of this Charter, the present members of the city council filling elective offices will continue to fill those offices for the terms for which they~~

~~were elected. If this Charter is adopted, the city council shall, by majority vote, at its first regular meeting after the adoption of this Charter, appoint one (1) additional councilman to serve for a term to coincide with the terms of the councilmen who are elected in the odd numbered years, or until his successor is elected and qualified. Thereafter, the city council shall be elected as provided in this Charter. Persons who, on the date this Charter is adopted, are filling appointive positions with the city which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the city council or by other means provided in this Charter.~~

Sec. 13.03 - ~~CONTINUATION OF OPERATIONS~~ SEPARABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby. All city ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended, or repealed by the city council, and all rights of the city under existing franchises and contracts are preserved in full force and effect.

~~Sec. 13.04 - OFFICERS AND EMPLOYEES~~

~~Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of person who are city officers or employees at the time of its adoption.~~

MEMO

FOR: Charter Review Commission 2022
FROM: City Attorney, Peter G. Smith
DATE: March 31, 2022
SUBJECT: Charter Review Articles I-V

We have reviewed Article I-V of the Sachse Charter. There are no changes required by law.

Below are suggestions to clarify wording, resolve ambiguities, and make the current language gender neutral.

Sections 3.01 and 3.02: While not necessary, the phrase “to be determined as set forth in Sec. 3.02” can be deleted from Section 3.01 and Section 3.02 can be deleted in its entirety. These are transition provisions that are no longer applicable.

Section 3.03: Grammar fix: The phrase “each city councilmembers” should be “each city councilmember...”

Section 3.04: Grammar fix: The phrase “shall take effect commencement” should read “shall take effect until commencement...”

Section 3.05(1): To eliminate gender specific language. Suggest first and second sentences be combined to read as follows: “The mayor shall be the official head of the city government and shall preside at all meetings of the city council.” Suggest the third sentence be revised as follows: When authorized by the city council, the mayor sign all official documents, such as ordinances, resolutions... (remainder read as is)”.

Section 3.06(1): Delete the word “his”. It is not needed in the sentence anyway.

Section 3.06(2): Need to reword to delete gender specific language.

Section 3.06(3): Same as above.

Section 3.06(4): Suggest amending this section to provide for appointment to fill vacancy on the city council if 12 months or less remaining in the term of the vacant office as allowed Tex. Const. art. XI sec. 11. The Constitution was amended several years ago to allow city council to fill a vacancy by appointment depending on the time remaining in the unexpired term, otherwise council has to call a special election to fill the vacancy.

Section 3.07(i): Consider amending Section 3.07(i) to read “Provide for the adoption of plats” or “Regulate the subdivision of land,” or something similar. The City’s current

subdivision ordinance provides for the Planning and Zoning Commission to approve plats. This would eliminate possible conflict. The Texas Local Government Code allows the plat approval to be delegated to a planning commission.

Section 3.08(1): Suggest revising to eliminate use of gender specific pronouns.

Section 3.08(2): Same as above.

Section 3.09(1): Suggest reviewing this language and revising as follows: (a) Change the word “date” to “day” in the second sentence. Use of the word “date” literally requires the council adopt an ordinance setting the actual dates of the meeting. (b) Calling special meeting, by “the majority of the city councilmembers” could violate the Open Meetings Act. Suggest the number of councilmembers who can call a special meeting be reduced to three which is a number that is less than a majority or quorum.

Section 3.10: Suggest adding the phrase “or as required by State law” be inserted after the word “Charter” in the second sentence. The intent is to capture those votes where state law requires a super-majority vote for approval.

Section 3.13: Delete the requirement to comply with Robert’s Rules of Order.

Section 4.01 (generally): Consider revising to eliminate use of gender specific pronouns.

Section 5.02(2)(c): The current language reads “Shall have resided within the corporate limits of the city, or annexed territory, for at least six (6) months prior to the filing deadline.” Presently, Election Code does not allow charter to provide for residency longer than 12 months prior to election date. Filing deadline under Election Code is 62nd day prior to election day. Since, six months prior to the filing deadline would necessarily be less than one year before election date, the current charter provision complies with the Election Code. Regardless, you may want to consider: (1) if residency deadline should be tied to election day as opposed to filing deadline; or (2) to increase residency requirement to the maximum allowed under the Election Code which would be 12 months prior to election date .

PGS: (128761)

A handwritten signature in cursive script that reads "Peter H. Smith". The signature is written in dark ink on a white background.



APPENDIX F (ii)

500 N. Akard Street
1800 Ross Tower
Dallas, Texas 75201

Peter G. Smith
Direct: 214-665-3365
Email: psmith@njdhs.com
Web: www.njdhs.com

TO: Charter Commission
FROM: Peter G. Smith, City Attorney
DATE: May 2, 2022
RE: Article VI Initiative, Referendum and Recall

Commission members some questions about article VI Initiative, Referendum and Recall

Initiative and referendum are home rule powers reserved for local voters to provide for direct legislation. There is no constitutional or statutory authority. These powers are unique to home rule cities. Initiative is a procedure for local voters to directly propose legislation. The initiative process begins with circulation of a petition setting forth the text of the proposed ordinance. Petitioners must obtain the number of voter signatures needed to force the city council to submit the ordinance to the voters at a city election. Petition signature requirements vary from charter to charter. Some are based on a percentage of the number of qualified voters and others are expressed as a ratio of the number of votes cast at the last city election. After a petition is filed, the city secretary reviews it to determine if it complies with the requirements of the charter. The city council may either adopt the proposed ordinance; or call an election on the ordinance. If a majority vote the ordinance goes into effect.

Recall is a process for local voters to seek the removal of the mayor and council members. Under most charters, a recall election begins with the filing of a petition which names the person whose removal is sought and the grounds for removal. The petition requirements vary. City secretary reviews the petition to determine if it is signed by the requisite qualified voters. Some charters prohibit more than one recall election per councilmember per term and/or prohibit recall during the early portion of the term.

Chapter 277 Texas Election Code which governs petitions authorized or required under a law outside of the Texas Election Code and applies to initiative, referendum, and recall. It does not specify the number of required signatures and time periods for submission.

MEMO

FOR: Charter Review Commission 2022
FROM: City Attorney, Peter G. Smith
DATE: June 2, 2022
SUBJECT: Charter Review Articles VII-IX

We have reviewed Article VII-IX of the Sachse Charter.

There are no changes required by law except as noted below.

Sections 7.04 and 7.10, though worded slightly differently, provide for virtually the same thing. We suggest repealing Section 7.10 and retaining 7.04 to eliminate potential conflicts. Texas Local Government Code section 102.008 requires budget to be available on City website, so language in 7.04 regarding the city manager making copies of the budget available for reasonable charge has no impact on citizens being able to access and review the budget for free on the internet. City Manager could still charge for cost of hard copies of full budget provided on request.

Section 7.20 Office of Tax Collector. City does not have an “Office of Taxation.” Recommend amending it to read as follows:

“The city manager shall appoint a tax assessor/collector for the city, or the city council may contract with a governmental entity or with the board of directors of an appraisal district for the other governmental entity or the appraisal district to perform duties relating to the assessment or collection of taxes. In the assessment and collection of taxes, all provisions of the constitution and general laws of the State of Texas, the ordinances of this city relating thereto, and the provisions of this charter shall be followed.”

PGS: (129883)



Duties and Expectations of a Council Liaison

1. A Councilmember acting as a liaison to a Council advisory committee or other body (a “Committee”) is not a member of the Committee. Rather, the Councilmember is a positive resource to support the Committee in the completion of its work subject to the rules stated below.
2. A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than direction or guidance that clearly represents direction or guidance of the full Council.
3. Generally put, the Councilmember liaison shall not attempt to influence the work or recommendations of the Committee. More specifically, • the Councilmember shall not take part in the Committee’s deliberations or discussions unless (a) the Committee requests the Councilmember’s participation in a particular discussion (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself, not for the entire Council) or (b) the Councilmember determines that he or she must speak up in order to remind the Committee of Council direction, City policies, or laws including the Open Public Meetings Act and the Public Records Act; and • the Councilmember shall not take part in any votes or decision making of the Committee.
4. The Councilmember liaison shall work to ensure that the Committee is only taking actions or doing work that is within the scope of the Committee’s work as determined or approved by Council. The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.
5. The Councilmember liaison shall bring to the Council any requests from the Committee, such as the following: (a) questions raised by a Committee about the Committee’s scope of work; (b) requests from the Committee to change the Committee’s scope of work; (c) requests for expenditures of City resources to further the Committee’s work (money, staff time, or other resources); and (d) requests from the Committee to place an item on a Council meeting agenda.
6. The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the Committee. To that end, the Council shall on a periodic basis revisit the work plan of each Committee and hear from each Committee’s liaison a report on the Committee’s progress on the work plan.



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	E. Regular Agenda Items
Subject	2. Conduct a public hearing to consider and act on a request for a Special Use Permit for TNT Gaming Center, located at 7010 State Highway 78.
Access	Public
Type	Action, Discussion
Fiscal Impact	No
Budgeted	No
Recommended Action	Approve the request for a Special Use Permit for TNT Gaming Center, located at 7010 State Highway 78.

Public Content

BACKGROUND

- Special Use Permit (SUP) request for a commercial amusement use
- Applicant: TNT Gaming Center
- Owner: LMT Land, Inc.
- Size: Total property is approximately 1.57 acres
- Site attributes: Existing building with supporting parking
- Current Zoning: C-2, General Commercial District

OVERVIEW

At the June 27 Planning and Zoning Commission Meeting, the Commission recommended approval of the proposed SUP request 5-0.

POLICY

- An SUP is required of uses that the zoning ordinance may allow, but uses that are screened and specially approved for situational suitability. The purpose of the SUP requirement is to allow the City to determine the appropriateness of a proposal.
- The subject property is currently identified as Commercial on the Future Land Use Plan, which calls for general retail, restaurants, and office type uses.
- The applicant has stated in their request to use the existing building on the property for commercial amusement use consisting of an arcade, games, and food service components.
- Properties to the west, east, and south are all identified for Commercial uses in the Comprehensive Plan, with portions of the property to the east, west, and south currently developed with non-residential uses.
- The Future Land Use plan supports the SUP request, which calls for non-residential land uses.

RECOMMENDATION

Approve the request for a Special Use Permit for TNT Gaming Center, located at 7010 State Highway 78.

Applicants, Kevin and Teresa Wallace, will be in attendance.

[Presentation_Special Use Permit.pdf \(835 KB\)](#)

[Ordinance_SUP for Commercial Amusement.pdf \(369 KB\)](#)

Special Use Permit TNT Gaming Center

City Council
July 18, 2022



Request

Conduct a public hearing to consider and act on a request for a Special Use Permit for TNT Gaming Center, a commercial amusement use, generally located at 7010 State Highway 78, within Sachse city limits.



Project Information

- Request for approval of a Special Use Permit for a commercial amusement use
- Applicant: TNT Gaming Center
- Owner: LMT Land, Inc.
- Size: Approximately 1.57 acres
- Site Attributes: Existing building with supporting parking
- Current Zoning: C-2, General Commercial District

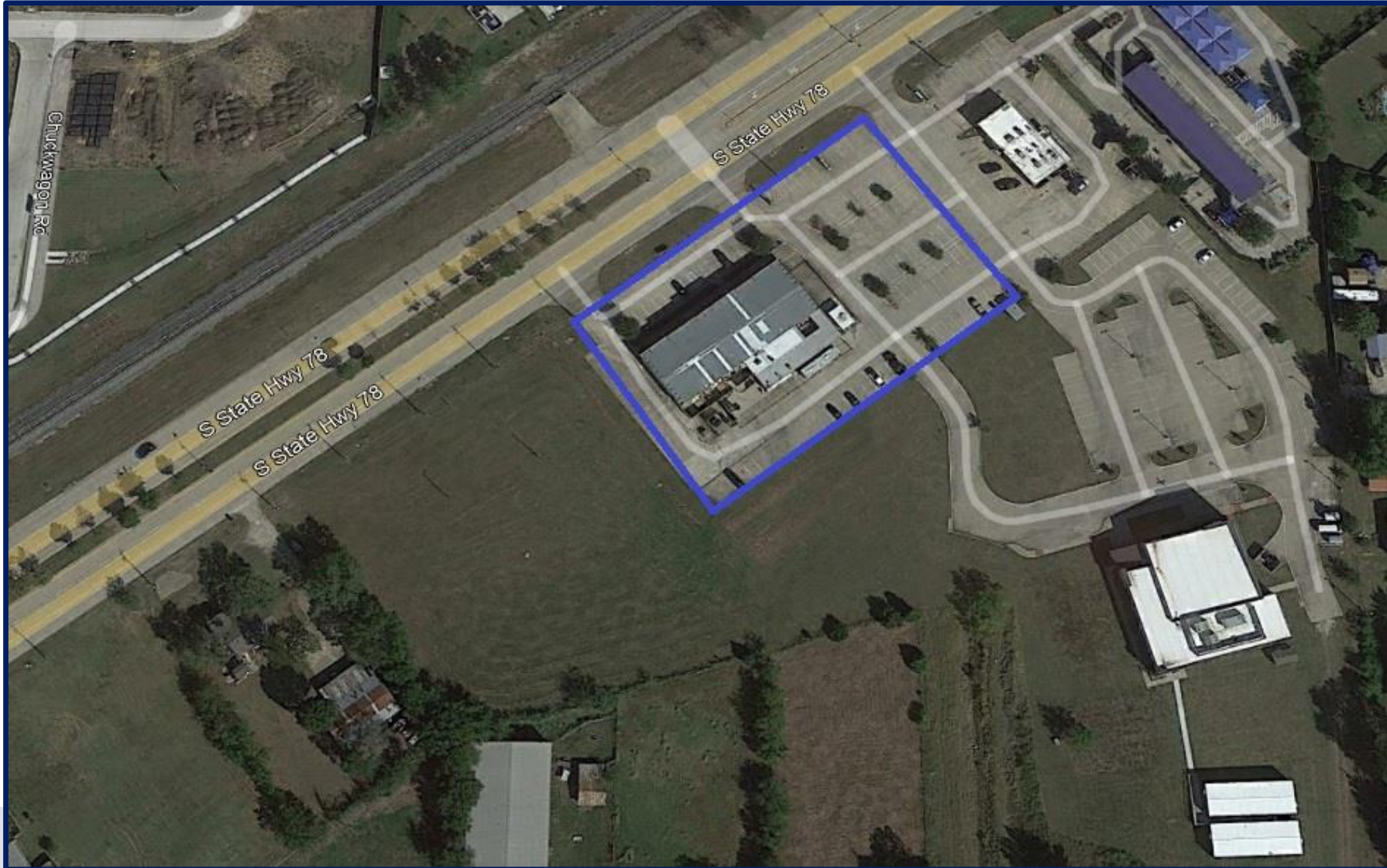


SUP Overview

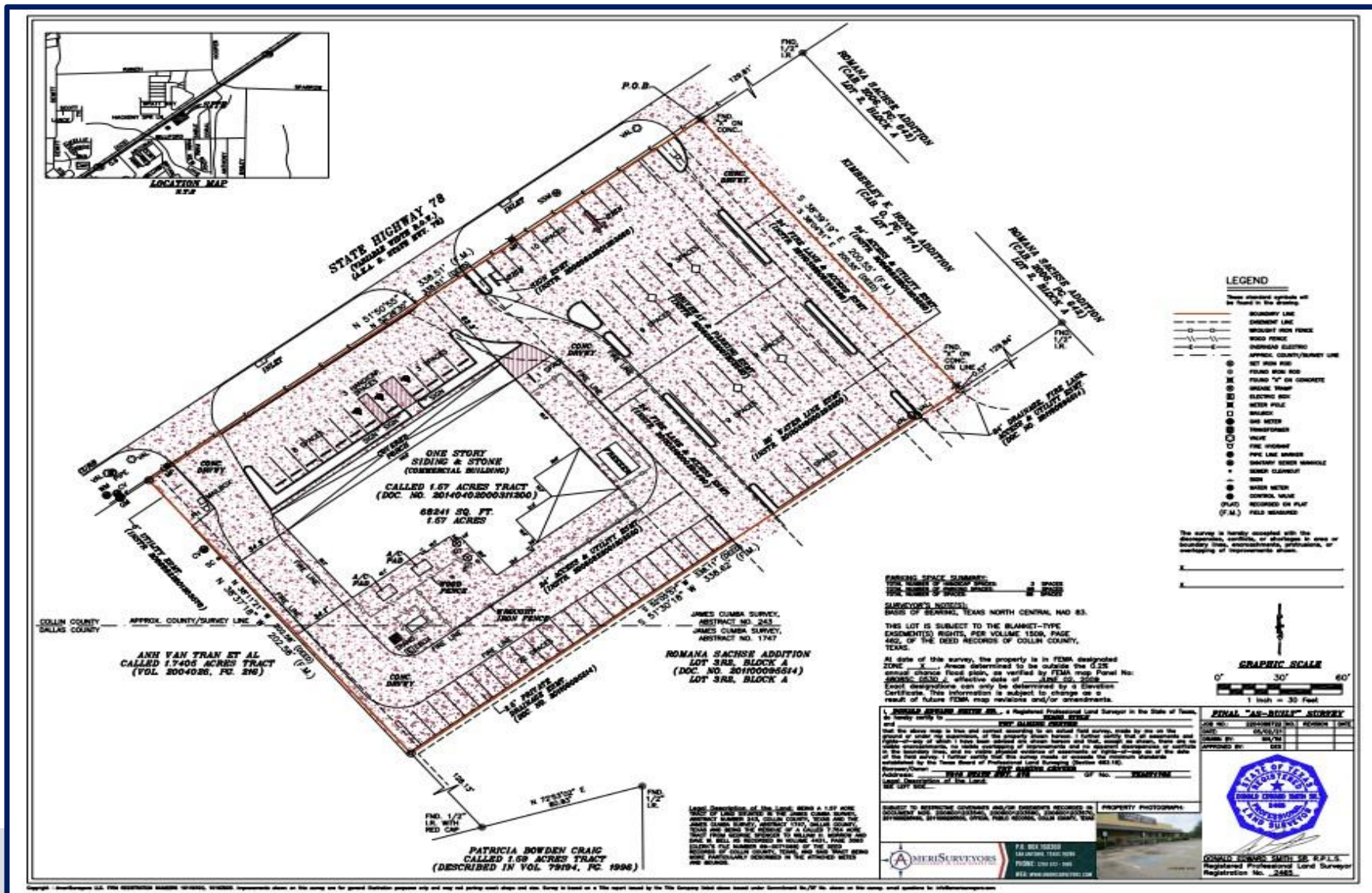
- Chapter 11 of the Sachse Code of Ordinances requires Commercial Amusement uses to obtain a Special Use Permit (SUP) to legally operate in a C-2, General Commercial District.
- An SUP is required of uses that the zoning ordinance may allow, but uses that are screened and specially approved for situational suitability. The purpose of the SUP requirement is to allow the City to determine the appropriateness of a proposal.



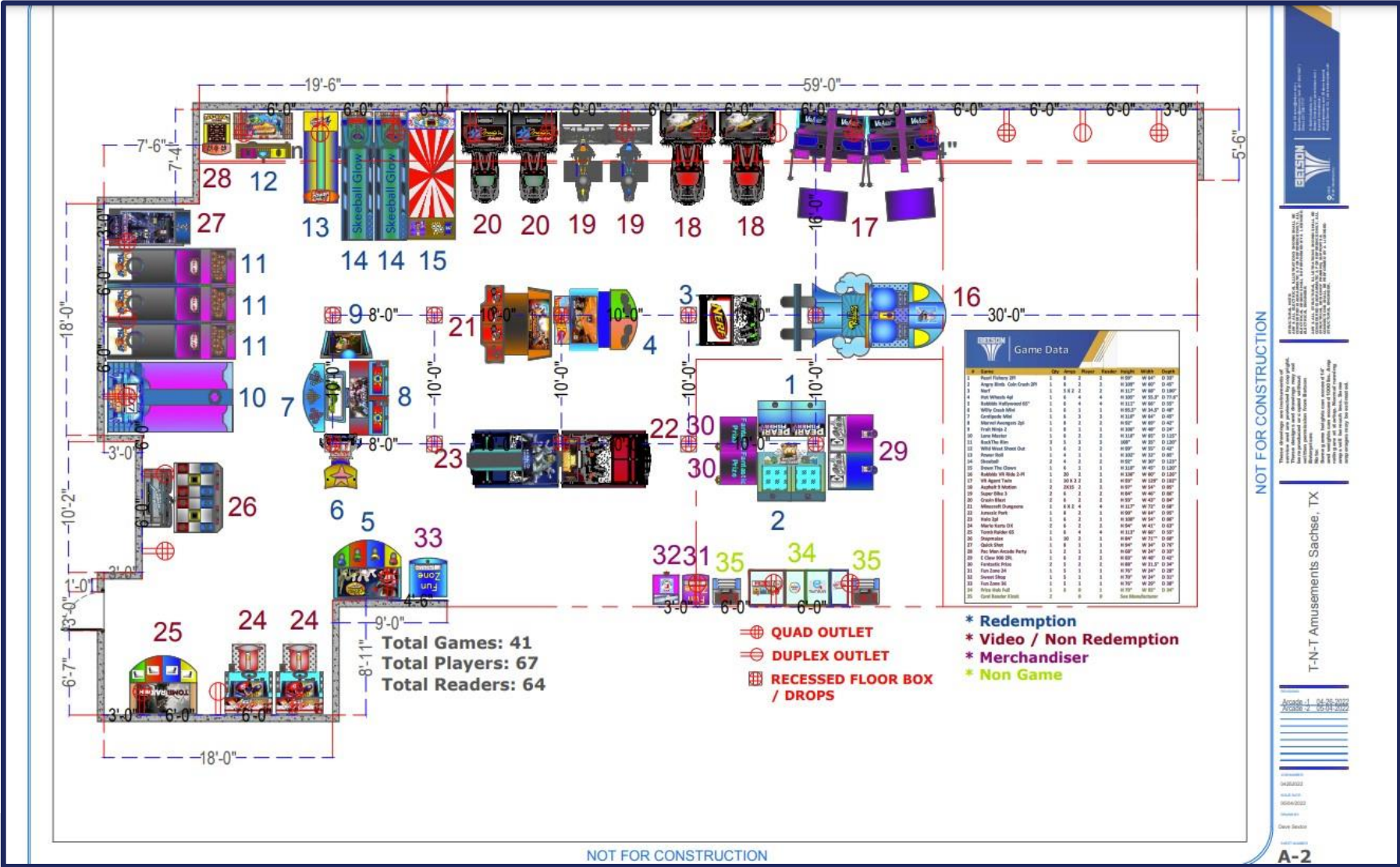
Aerial Map



Site Plan



Arcade Layout



The City of
SACHSE

Arcade Machine Examples

NAMCO "MARIO KART DXE"

Brand new and better than Mario Kart Arcade GP2! The next game in the extremely popular racing series is here with new courses, new game modes, new karts, new features and a rainbow LED lit cabinet featuring a 42" HD monitor. The popular NAM-CAM feature that places the player's face over the kart has been updated with "Funny Face Frames" where players can stretch, squeeze, and transform their faces into many different appearances.

Each measures:
41"W x 63"D x 94"H



©Nintendo Licensed by Nintendo
©NAMCO BANDAI Games Inc.

UNIS LANE MASTERS

- Combines the physical fun of a traditional alley bowler with the flexibility of a video game
- Sensors detect the speed, angle and spin of the ball and is translated on-screen
- Sold as two lanes with a striking marquee; allows for single or dual play
- Operator adjustable number of frames per credit

DIMS:
65"W x 118"D x 114"H



►Centipede Chaos Standup- Smaller footprint is perfect for any location with space constraints.

►L 45"
►W 64"
►H 110"

CENTIPEDE CHAOS STANDUP
FROM ICE



►The newly updated version of the original Fruit Ninja FX Arcade, the FX2 adds new blades, fruits, visuals, and the Pomegranate bonus! Players can add (optional) characters to the game using small figurines purchased at your redemption counter, which are placed on the "watermelon" stand on the front of the cabinet to select the character to play with.

FRUIT NINJA FX2
FROM ADRENALINE
AMUSEMENTS



►Sega Amusements International presents VR Agent. A brand new attendant-free, coin-operated VR game that brings the best of arcade shooting in the highly immersive VR format

VR AGENT
FROM SEGA AMUSEMENTS

Recommendation

- At the June 27, 2022 meeting, the Planning & Zoning Commission recommended approval (5-0) of the Special Use Permit.
- Staff recommends approval of the proposed Special Use Permit.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SACHSE, AS HERETOFORE AMENDED, BY GRANTING A SPECIAL USE PERMIT (“SUP”) TO ALLOW FOR THE LOCATION OF A COMMERCIAL AMUSEMENT ON LAND ZONED C-2 GENERAL COMMERCIAL (“C-2”), ON ±1.57 ACRES OF LAND, LOCATED AT 7010 STATE HIGHWAY 78, CITY OF SACHSE, COLLIN COUNTY AND DALLAS COUNTY, TEXAS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND SHOWN IN EXHIBIT “B”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Sachse and the governing body of the City of Sachse, in compliance with state laws applying to amending the Comprehensive Zoning Ordinance and Map, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the City of Sachse is of the opinion that said comprehensive Zoning Ordinance and Zoning Map should be amended as provided herein;

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

SECTION 1. The Comprehensive Zoning Ordinance and Zoning Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby amended by granting a Special Use Permit (“SUP”) to allow for the location of a commercial amusement use on land zoned C-2 General Commercial (“C-2”), consisting of ±1.57 acres of land, located at 7010 State Highway 78, City of Sachse, Collin County and Dallas County, Texas, (the “Property”), and being more particularly described in Exhibit “A” and shown in Exhibit “B” attached hereto and incorporated herein.

SECTION 2. That the above-described Property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, subject to the following special conditions:

- (1) The Special Use Permit shall only be for the location of a commercial amusement and restaurant use;
- (2) The Property shall be developed in accordance with the requirements of the C-2 General Commercial District (“C-2”);
- (3) The Property shall be developed in accordance with the Concept Plan attached hereto and incorporated herein as Exhibit “B”, and which is hereby approved;

(4) In the event a conflict exists between the City's Code of Ordinances and the Concept Plan, the Code of Ordinances shall govern the development of the Property.

SECTION 3. That all provisions of the ordinances of the City of Sachse in conflict with the provisions of this ordinance be and the same are hereby repealed.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand and No/100 Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the 18th day of July, 2022.

APPROVED:

Jeff Bickerstaff, Mayor

DULY ENROLLED:

Leah K Granger, City Secretary

APPROVED AS TO FORM:

Joseph J. Gorfida, Jr., City Attorney
(06-10-2019:TM108661)

EXHIBIT "A"
Description of Property

METES & BOUNDS DESCRIPTION

OF A 1.57 ACRE TRACT (LOT 3) LYING AND BEING SITUATED IN THE JAMES CUMBA SURVEY, ABSTRACT NO. 243, COLLIN COUNTY, TEXAS, AND IN THE JAMES CUMBA SURVEY, ABSTRACT NO. 1747, DALLAS COUNTY, TEXAS, AND BEING THE RESIDUE OF A CALLED 7.754 ACRE TRACT RECORDED IN VOLUME 4431, PAGE 3093, (CLERK'S FILE NO. 99-0071068) DEED RECORDS OF COLLIN COUNTY, TEXAS, BEING THE SAME TRACT AS DESCRIBED IN A DEED TO LMT LAND, INC. A TEXAS CORPORATION, RECORDED IN DOCUMENT NO. 20140402000311200, OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an "X" found scribed in concrete in the southeasterly R.O.W. line of State Hwy. 78 (A/K/A S. St. Hwy. 78, a variable width R.O.W.) for the north corner of the herein described tract, the west corner of Lot 1, Kimberley K. Honza Addition, as recorded in Cab. O, Pg. 374, Plat Records of Collin County, Texas, from which a ½" iron rod marking the common north corner of said Lot 1 and Lot 2, is found bearing N 51°50'55" E, 129.81 feet for witness;

THENCE leaving said R.O.W., along the southwesterly line of said Lot 1, same being the northeasterly line of the herein described tract, S 38°39'19" E, at 199.98 feet passing an "X" found on concrete, a total distance of 200.55 feet (S 38°04'51" E, 200.55 feet, record) to a point of reference for the east corner of the herein described tract, the south corner of said Lot 1, a point in the northwesterly line of Lot 3R2, Block A, Romana Sachse Addition, as recorded in Doc. No. 201100095514, Official Public Records of Collin County, Texas;

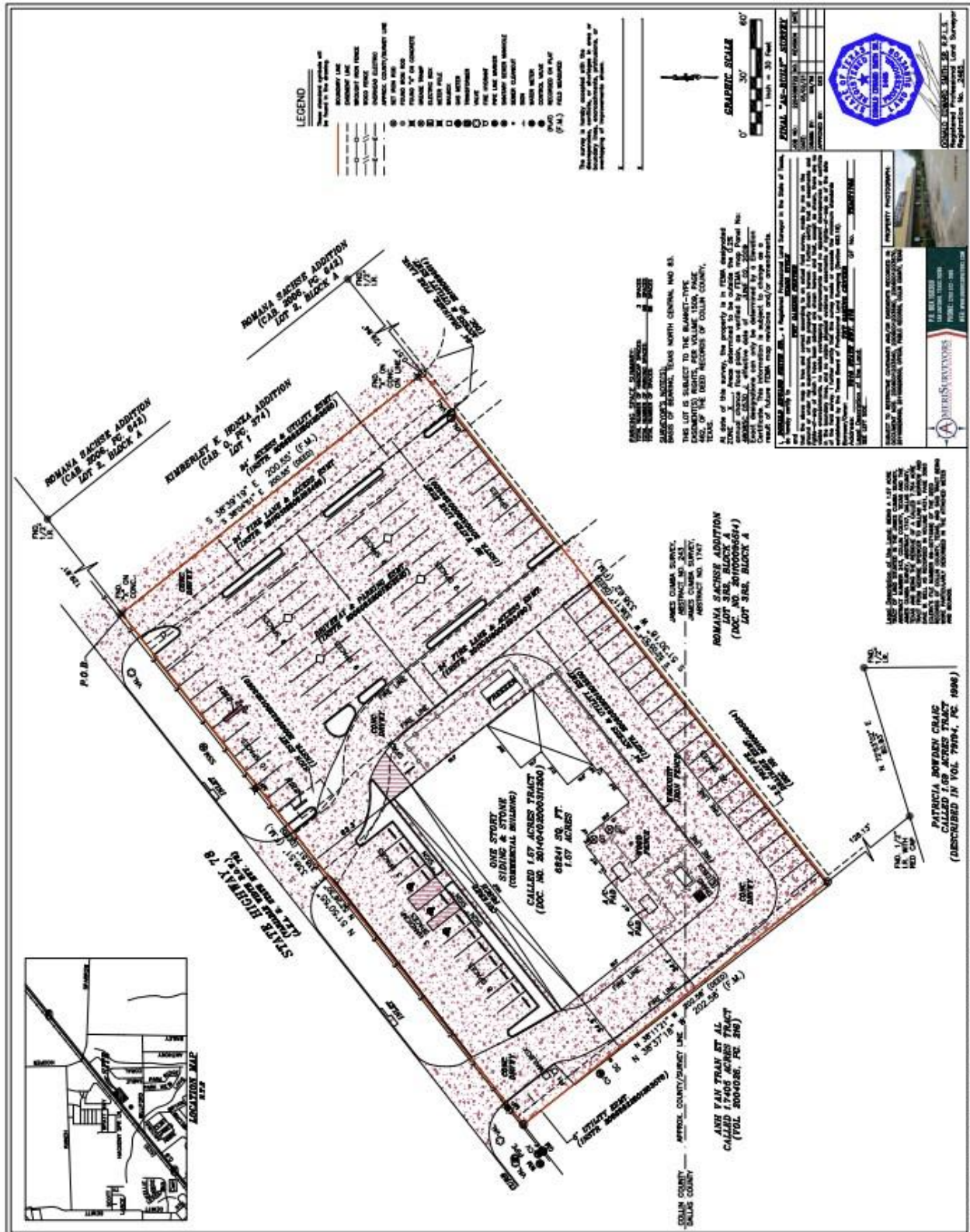
THENCE along and with said line, same being the southeasterly line of the herein described tract, S 51°30'18" W, 338.62 feet (S 52°05'57" W, 338.11 feet) to a capped ½" iron rod set for the south corner of the herein described tract, a point in the northeasterly line of a called 1.7405 acre tract as described in a deed to Anh Van Tran et al, recorded in Vol. 2004026, Pg. 216, Deed Records of Collin County, Texas;

THENCE along and with the northeasterly line of said Tran Tract, same being the southwesterly line of the herein described tract, N 38°37'18" W, 202.58 feet (N 38°11'21" W, 202.58 feet) to a capped ½" iron rod set for the west corner of the herein described tract, the north corner of said Tran Tract, a point in the southeasterly R.O.W. line of said State Hwy. 78;

THENCE along and with said R.O.W. line, same being the northwesterly line of the herein described tract, N 51°50'55" E, 338.51 feet (N 52°26'30" E, 338.51 feet) to the **POINT OF BEGINNING** and containing 1.57 acres, more or less.

All set ½" iron rods capped with "AMERISURVEYORS" cap.
Basis of Bearing: Texas North Central NAD 83.

4





Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	E. Regular Agenda Items
Subject	3. Receive an update from HUB International, the City's benefits consultant, regarding the City's current claims status.
Access	Public
Type	Information
Goals	Provide excellent government services to Sachse citizens.

Public Content

BACKGROUND

HUB International (formerly IPS Advisors) is the City's benefits consultant. It is customary for the consultants to provide the City with updates about its claims status on an annual basis.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

There are no recommendations affiliated with this item. This is a presentation only.

Andrew Weeger from HUB International will be presenting.



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	E. Regular Agenda Items
Subject	4. Receive an annual update from Community Waste Disposal (CWD), the City's solid waste and recycling services provider.
Access	Public
Type	Discussion, Information
Goals	Provide excellent government services to Sachse citizens.

Public Content

BACKGROUND

CWD has provided weekly trash and recycling collection services, as well as monthly bulk trash collection services for Sachse residents since April 1, 2019. Since that time, CWD staff has been in contact with City staff on a routine basis to discuss specific issues/opportunities. Greg Roemer, President, and Jason Roemer, Vice President of CWD will present an update to the City Council and residents on operations since the Sachse contract began.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Receive an annual update from Community Waste Disposal (CWD).

[Presentation_2022 CWD Annual Review.pdf \(1,768 KB\)](#)



Partners Since 2019



CommunityWasteDisposal.com
Since 1984

Council Meeting Presentation

July 18, 2022

Jason Roemer

Vice President

Greg Roemer

President

CWD 2021 Annual Review

For the City of Sachse



Residential Services

Weekly Trash Service



Partners Since 2019



**Trash is serviced with ASL trucks once per week
Monday through Friday.**



Residential Services

Weekly Recycling Service



Partners Since 2019



**Recycling is serviced is serviced with ASL trucks once per week
Monday through Friday.**



Residential Services

Monthly Bulk & Brush Service



Partners Since 2019



6 cubic yards of bulk and brush are collected once per month.



Christmas Tree Drop Off Program



Partners Since 2019



Drop Off Location at Salmon Park



Spring & Fall X-treme Green Events

One-stop Place to Dispose of HHW & Electronic Waste



HHW



Used Electronics



Tires (No Rims)



Appliances



**On-Site
Shredding**



Bulk/Brush



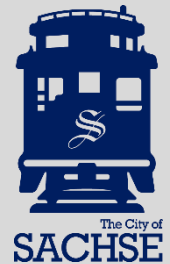
X-treme Green Events



Partners Since 2019

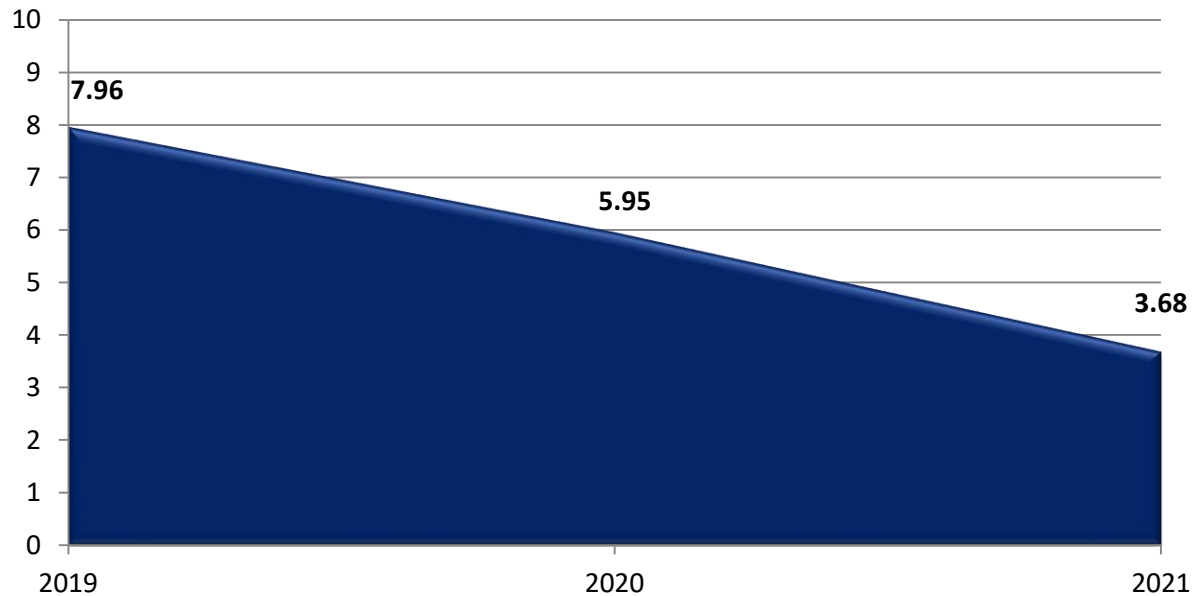


Date	Bulk & Brush	HHW	Used Electronics	Tires	Metals	Shredding	Total
May 15, 2021	36,920	4,980	2,340	1,900	3,700	4,180	54,020 (27 tons)
September 25, 2021	17,120	1,220	2,187	2,200	3,840	2,000	28,447 (14 tons)



Residential Driver Incident Per 100,000 Service Opportunities

RDIs can include a vehicle accident, a property claim, reckless driving or a conduct complaint.

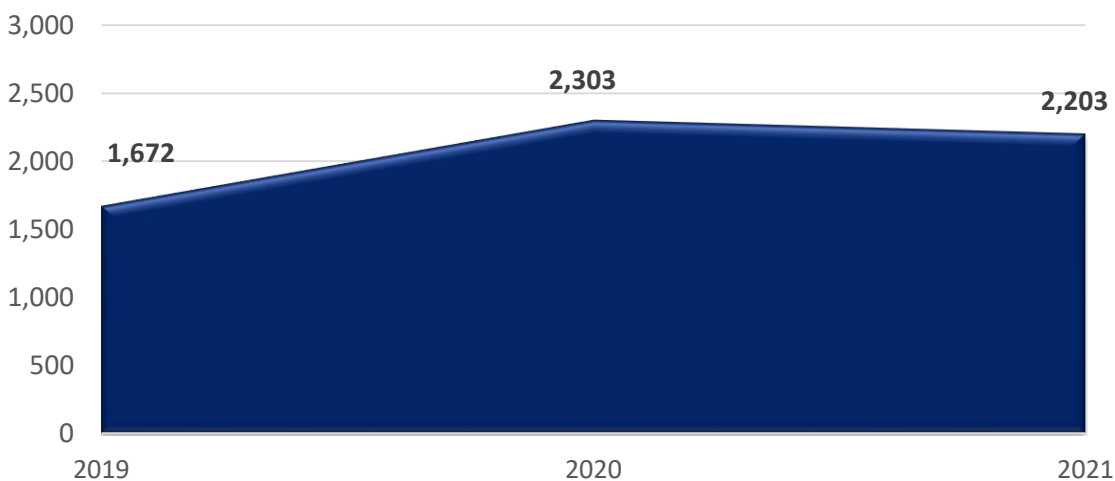


951,235 yearly service opportunities; 35 incidents

Residential Recycled Materials Tons Per Year



Partners Since 2019

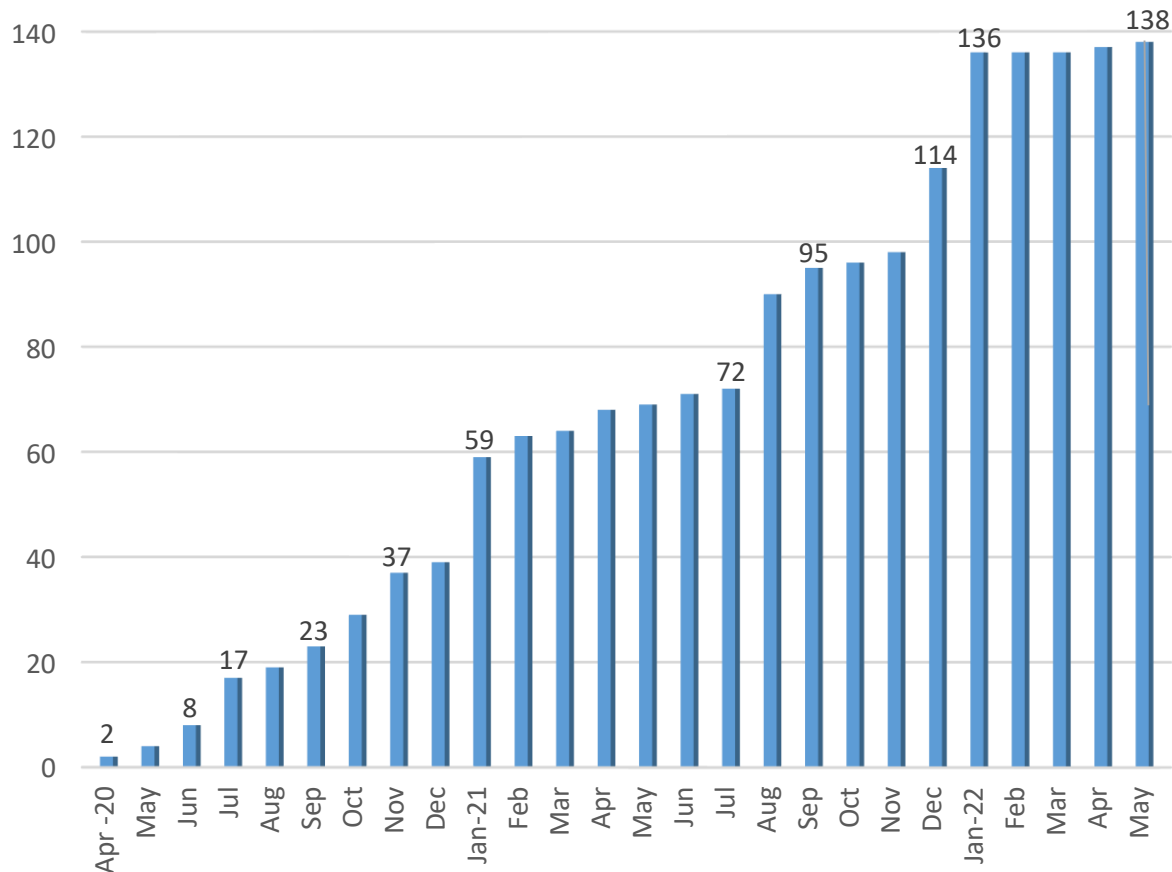


Sachse residents recycled 2,203 tons of material in 2021.



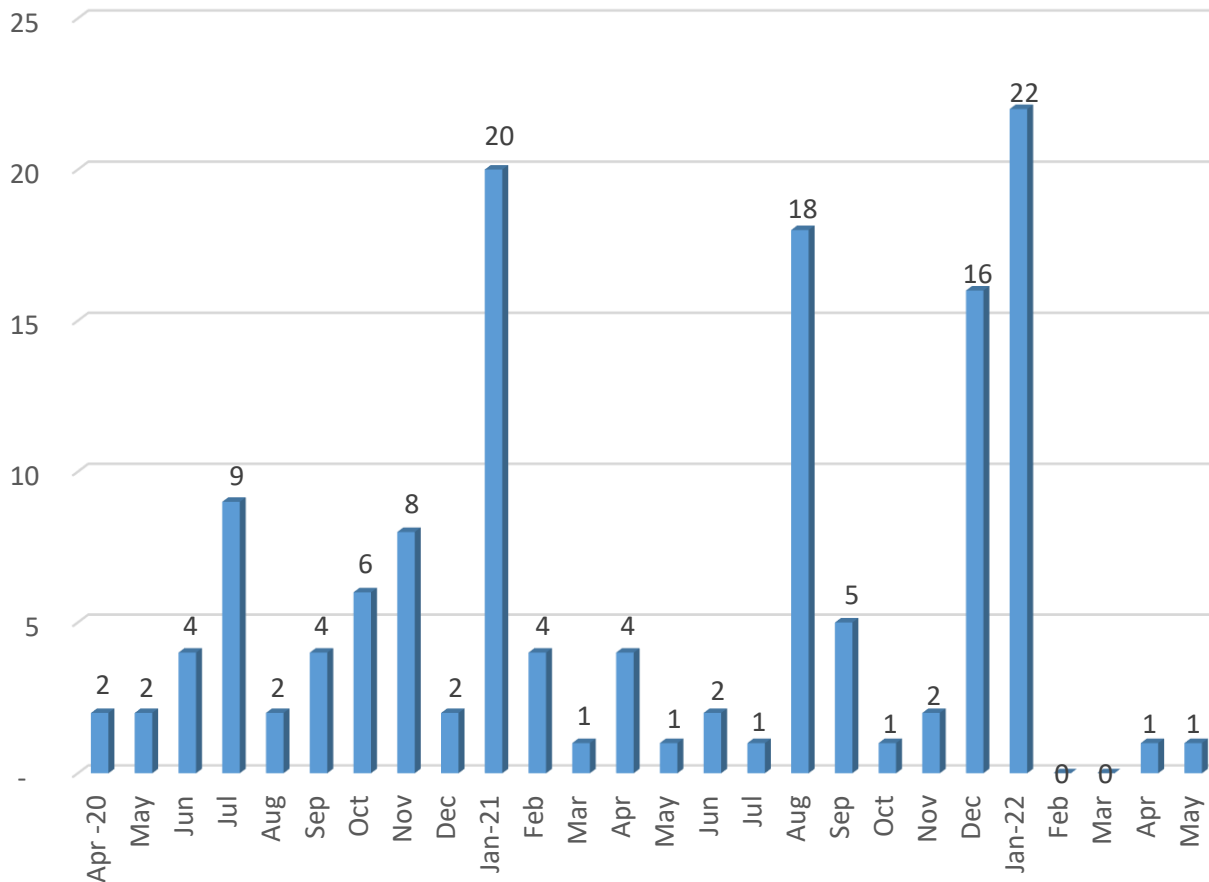
Pandemic Effects

CWD Monthly COVID Cases



Pandemic Effects

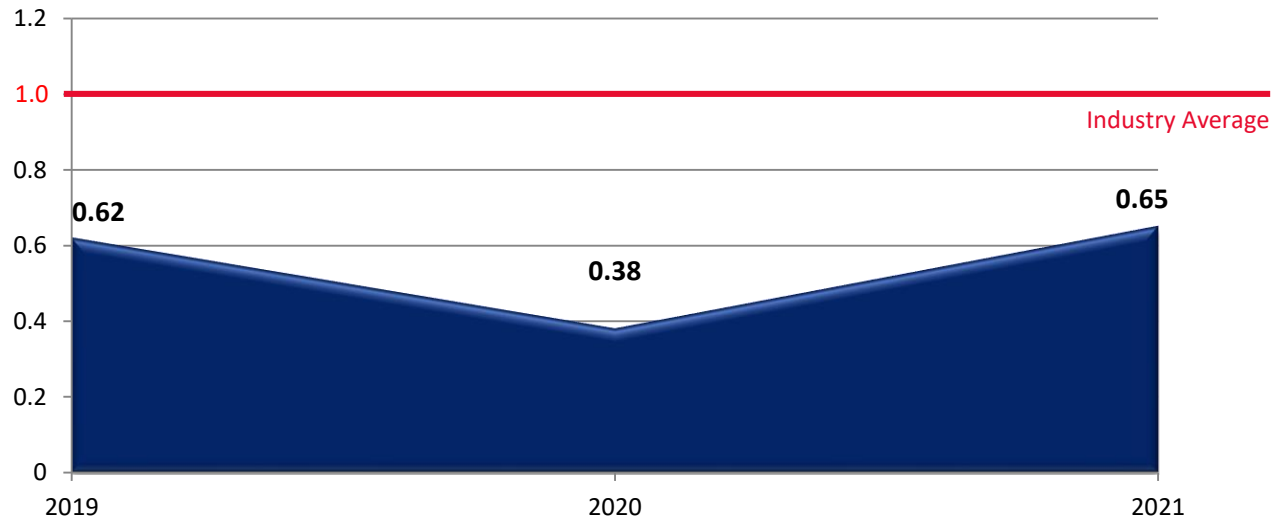
CWD Cumulative COVID Cases



Customer Service Inquiries Per 1,000 Service Opportunities



Partners Since 2019



872,429 yearly service opportunities; 565 inquiries

**data from February 2021 not included*



CWD Mobile App



Partners Since 2019



Easily manage trash and recycling accounts via our mobile app!



Community Partnership Sponsorship



Partners Since 2019



**Fall Fest
October 2021**



**Armstrong Elementary Class Project
November 2021**



Community Partnership Sponsorship



Partners Since 2019



**Xmas Tree Decorating Contest
(3rd Place)**



**CWD is a proud member of
Sachse Chamber of Commerce**



Community Partnership

Paint Reuse Program



Partners Since 2019



CWD HAZWOP trained personnel, filtering and rescanning paint in CWD's TECQ Permitting, Household Hazardous Waste Facility



Community Partnership Paint Reuse Program



Partners Since 2019



Since the program's introduction four years ago, CWD has distributed a total of 8,514 gallons of paint.



Saved Resources



Partners Since 2019

The City of Sachse
Recycled 2,203 Tons in 2021

SAVING:

37,451 Trees
837,140 Gallons of Oil
15,421,000 Gallons of Water
7,270 Yards of Landfill Space
9,032,300 Kilowatt Hours of Electricity



Greening a Generation

Thank You for Another Successful Year



Your new trash can is made from 100% recycled materials.



Partners Since 2019





**Working Together to
Bring You More**



CommunityWasteDisposal.com
Since 1984



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	E. Regular Agenda Items
Subject	5. Receive an update on the City's long-range financial plan.
Access	Public
Type	Discussion, Information
Goals	Strategically invest in the City's existing and future infrastructure. Be a model of financial stewardship through growth management, responsible investment, and financial transparency.

Public Content

BACKGROUND

The high-level overview provided within the long-range financial update will depict the current and projected financial condition of the City and assess the level of capital funding sources. This presentation is designed to preface the Budget Workshop. The preliminary FY 2022-2023 budget will be discussed with Council for the first time at the Budget Workshop during the August 1 City Council meeting.

OVERVIEW

Topics to be covered in the presentation include: 1) update on current-year budget performance; 2) three-year projections of key revenues and expenditures; 3) debt; 4) fund balance policy and status; and 5) capital funding sources.

POLICY CONSIDERATIONS

Budget-related policies can be found in Article VII Budget and Finance of the Sachse Charter and within Comprehensive Financial Management Policy Statements provided within each annual budget.

RECOMMENDATION

Receive an update on the City's long-range financial plan.



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	E. Regular Agenda Items
Subject	6. Consider authorizing the City Manager to execute and award the bid for the construction of the Southeast Water Tower Lighting project to FSG Electric in an amount not to exceed Two Hundred Twelve Thousand, Nine Hundred Ninety-Five and No/100 Dollars (\$212,995.00).
Access	Public
Type	Action, Discussion
Preferred Date	Jul 18, 2022
Fiscal Impact	Yes
Dollar Amount	212,995.00
Budgeted	No
Budget Source	Unobligated Capital Funds
Recommended Action	Authorize the City Manager to execute and award the bid for the construction of the Southeast Water Tower Lighting project to FSG Electric in an amount not to exceed Two Hundred Twelve Thousand, Nine Hundred Ninety-Five and No/100 Dollars (\$212,995.00).
Goals	Strategically invest in the City's existing and future infrastructure.

Public Content

BACKGROUND

The existing Southeast Water Tower construction was completed in 2019. Due to increased costs and additional lighting requirements, the original lighting package was removed from the general contractor's scope. The original design included three white lights with no additional features. The current package will provide seven lights that will illuminate the tank pedestal, tank bowl, and logos. These lights are LED and capable of changing color and patterns.

This water tower lighting project will be included in W-12-15, 1.25 MG elevated storage tank, and will be funded with current W-12-15 capital project savings.

OVERVIEW

Over the last year, staff has requested numerous bids from contractors to help with the illumination for the water tower. Facility Solutions Group, Inc. (FSG Electric) has been responsive and eager to complete this project. Upon approval, work on this project will begin this summer.

FSG Electric is a registered BuyBoard vendor. FSG Electric has negotiated and entered into an agreement with BuyBoard (Contract #602-20, #618-20, and #661-22) for outdoor lighting, lighting technology, and software. Choosing to utilize BuyBoard has met all competitive bidding requirements from the City.

POLICY CONSIDERATIONS

Project savings in the original Southeast Water Tower Project will fund this project.

RECOMMENDATION

Authorize the City Manager to execute and award the bid for the construction of the Southeast Water Tower Lighting project to FSG Electric in an amount not to exceed Two Hundred Twelve Thousand, Nine Hundred Ninety-Five and No/100

Dollars (\$212,995.00).

[Presentation_FSG Light Contract Award.pdf \(458 KB\)](#)

Southeast Water Tower Lighting Construction Award

City Council
July 18, 2022

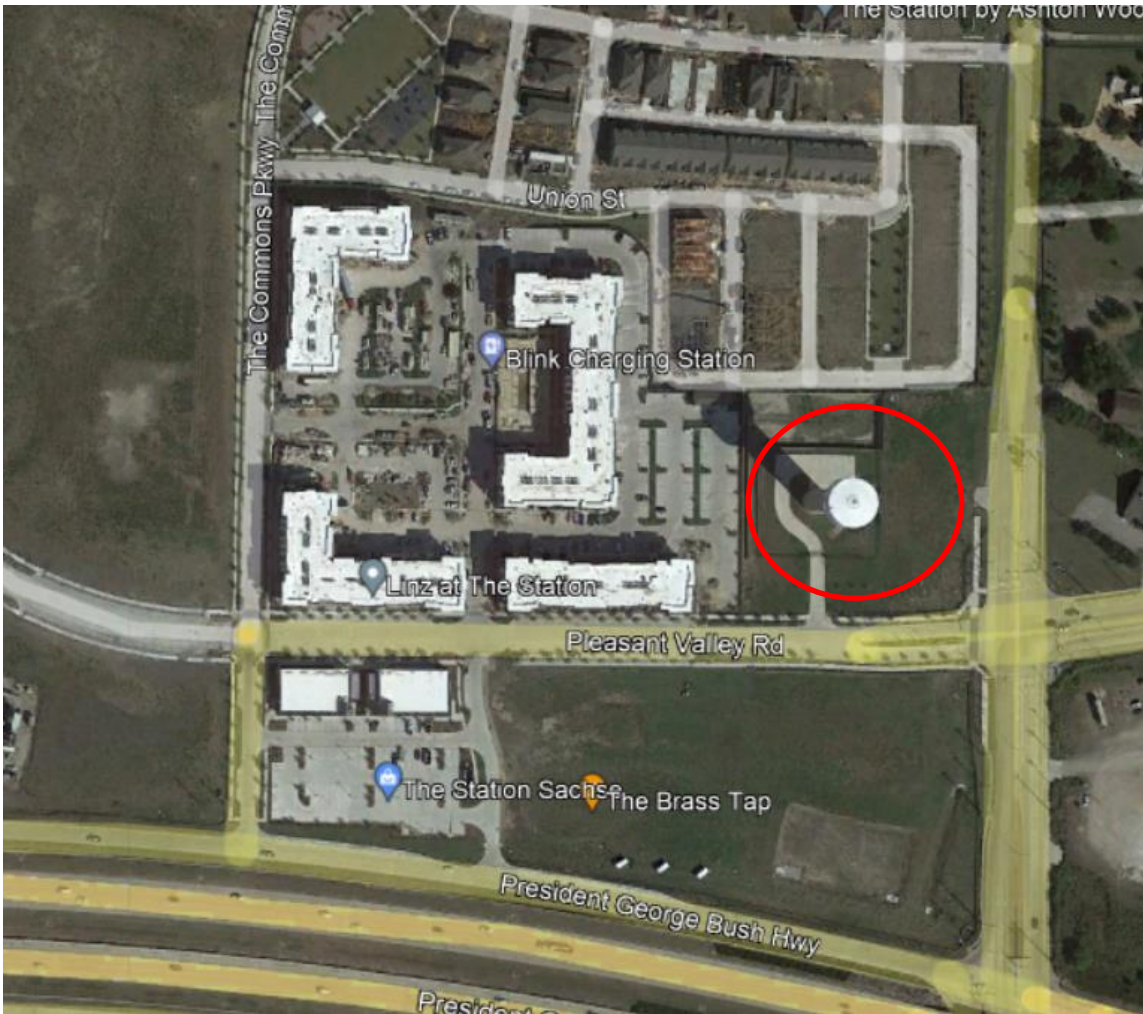


Overview

- Site Location
- Background
- Pictures
- Staff Recommendation
- Discussion and Questions



Site Location



Background

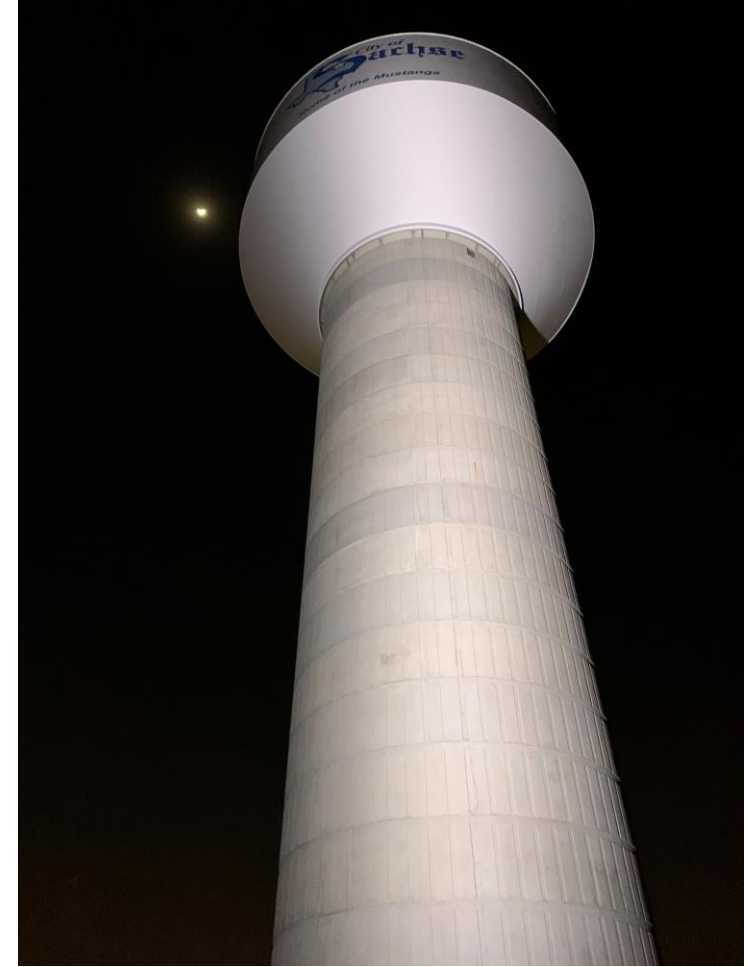
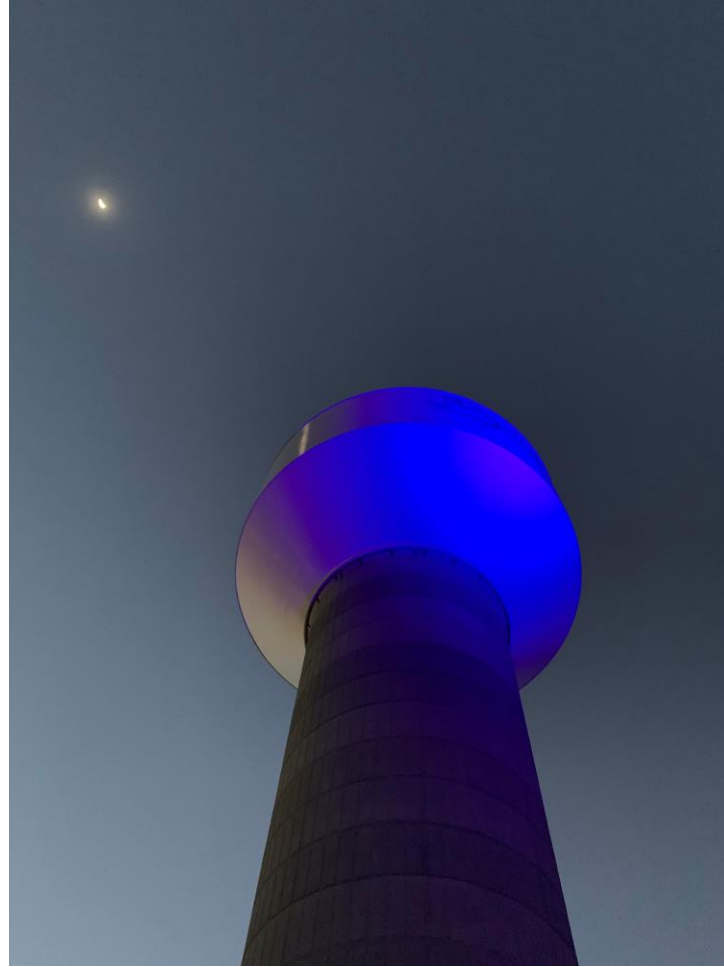
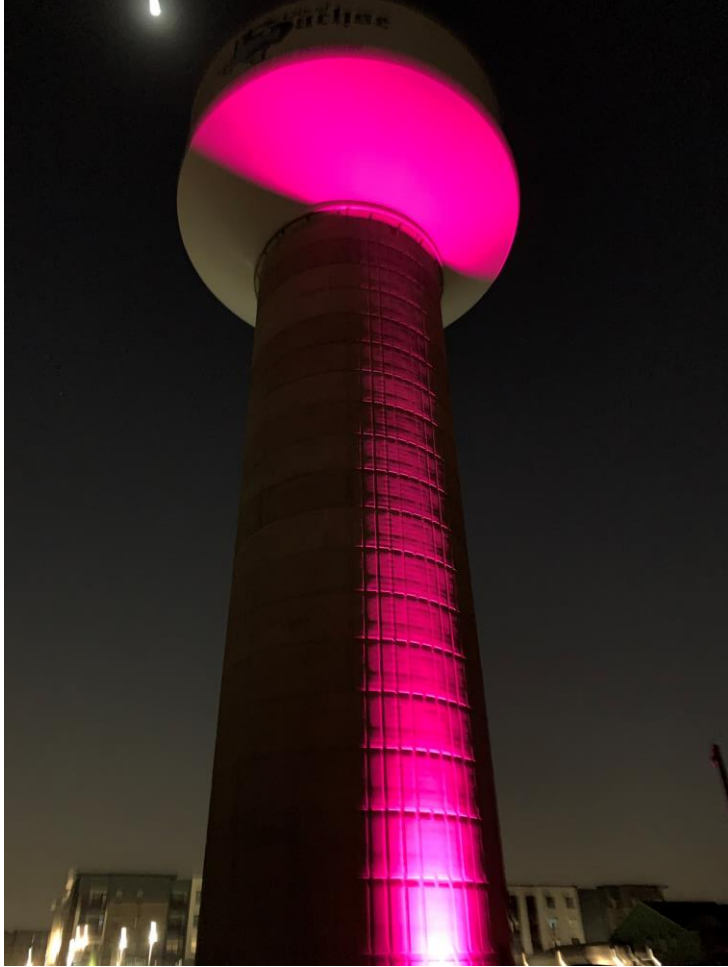
- The existing Southeast Water Tower construction was completed in 2019. This water tower lighting project will be included in W-12-15 and will be funded with original W-12-15 capital project savings.
- The original design had three white lights with no additional features or options.
- The original lighting package was removed from the General Contractors scope due to cost increases and additional lighting requirements.
- Original contract amount for three lights was \$12,000. Contractor requested an additional \$121,630 for additional materials, pole bases, labor and equipment not including in their initial bid.
- This package will provide seven lights that will illuminate the tank pedestal and tank bowl and logos. These lights are LED and capable of changing color and patterns.



Pictures



Pictures



Staff Recommendation

- Staff recommends authorizing the City Manager to execute and award the bid for the construction of the Southeast Water Tower Lighting project to FSG Electric in an amount not to exceed Two Hundred Twelve Thousand, Nine Hundred Ninety-five and No/100 Dollars (\$212,995).
- This contract will be funded from project savings in original Water Tower Project (W-12-15).



Discussion and Questions



**Agenda Item Details**

Meeting	Jul 18, 2022 - City Council Meeting
Category	F. Executive Session
Subject	1. The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the Municipal Judge.
Access	Public
Type	Closed Session

Public Content**BACKGROUND**

According to Section 4.03 of the Sachse Home Rule Charter, the City Council appoints and determines compensation for municipal judges as necessary.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Conduct Executive Session as appropriate.

**Agenda Item Details**

Meeting	Jul 18, 2022 - City Council Meeting
Category	F. Executive Session
Subject	2. The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the City Prosecutor.
Access	Public
Type	Closed Session

Public Content**BACKGROUND**

According to Section 4.04 of the Sachse Home Rule Charter, the City Council appoints and determines compensation for the City Attorney and special or additional counsel as necessary.

POLICY CONSIDERATIONS

There are no policy considerations affiliated with this item.

RECOMMENDATION

Conduct Executive Session as appropriate.



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	G. Regular Agenda Items/Meeting Closing
Subject	1. Take action as a result of Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the Municipal Judge.
Access	Public
Type	Action, Discussion
Recommended Action	Take action as a result of Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the Municipal Judge.

Public Content



Agenda Item Details

Meeting	Jul 18, 2022 - City Council Meeting
Category	G. Regular Agenda Items/Meeting Closing
Subject	2. Take action as a result of Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the City Prosecutor.
Access	Public
Type	Action, Discussion
Recommended Action	Take action as a result of Executive Session pursuant to the Texas Government Code, Section §551.074: Personnel Matters: Regarding the review of the City Prosecutor.

Public Content