



City of Sachse, Texas

Meeting Agenda

City Council

Wednesday, July 5, 2017

7:30 PM

Council Chambers

The Mayor and Sachse City Council request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond or to conduct a phone conversation.

The City Council of the City of Sachse will hold a Regular Meeting on Wednesday, July 5, 2017, at 7:30 p.m. in the Council Chambers at Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:

Invocation and Pledges of Allegiance to U.S. and Texas Flags.

A. Pledge of Allegiance to the Flag of the United States of America: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands: one nation under God, indivisible, with liberty and justice for all.

B. Pledge of Allegiance to the Texas State Flag: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

1. 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 Council Member or citizen so requests.

[17-3870](#) Approve the minutes of the June 19, 2017 workshop meeting.

Attachments: [06.19.17 Minutes Workshop](#)

[17-3871](#) Approve the minutes of the June 19, 2017 regular meeting.

Attachments: [06.19.17 Minutes](#)

[17-3873](#) Accept the Monthly Revenue and Expenditure Report for the period ending May 31, 2017.

Attachments: [GF 05-31-17](#)

[UF 05-31-17](#)

[DS 05-31-17](#)

[SEDC 05-31-17](#)

[Sales Tax Analysis July 2017](#)

2. MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS, CURRENT ACTIVITIES, AND LOCAL ACHIEVEMENTS.

3. CITIZEN INPUT.

The public is invited at this time to address the Council. The Mayor will ask you to come to the microphone and state your name and address for the record. If your remarks pertain to a specific agenda item, please hold them until that item, at which time the Mayor may solicit your comments. 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 them under advisement.

4. REGULAR AGENDA ITEMS.

- [17-3869](#) Order a Local Option Election for the legal sale of all alcoholic beverages for off-premise consumption only to be held on Tuesday, November 7, 2017.
Attachments: [Certificate of City Secretary](#)
- [17-3877](#) Consider authorizing the City Manager to execute payment of \$230,075.80 to TxDOT, in accordance with the original agreement for the SH 190/PGBT project.
Attachments: [Original Agreement](#)
[Sachse SH 190](#)
- [17-3875](#) Receive Financial Forecast and 2017-2018 Budget Preview.
Attachments: [Financial Forecast July 2017](#)
- [17-3868](#) Discuss proposed revisions to Chapter 3 (Building Regulations) of the Code of Ordinances, to modify Fence standards.
Attachments: [Presentation](#)
[Proposed Regulations](#)
- [17-3867](#) Discuss proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances, to adopt Architectural Design Standards.
Attachments: [Presentation](#)
[Proposed Regulations](#)
[Decision Input Chart](#)
- [17-3878](#) Review and discuss a draft ordinance for a Stormwater Utility in the City of Sachse.
Attachments: [Sachse DRAFT SWU Ordinance](#)
- [17-3876](#) Discuss capital expansion and maintenance projects related to the Fiscal Year 2017-2018 budget.
Attachments: [Presentation](#)

5. ADJOURNMENT.

Vision Statement: Sachse is a friendly, vibrant community offering a safe and enjoyable quality of life to all who call Sachse home.

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

As authorized by Section 551.072(2) of the Texas Government Code, this meeting may be convened into closed Executive Session at any time during the City Council workshop or regular meeting for the purpose of seeking confidential legal advice from the City Attorney on any workshop or regular meeting agenda item listed herein.

Posted: June 30, 2017; 5:00 p.m.

Michelle Lewis Sirianni, City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements, please contact Michelle Lewis Sirianni, City Secretary, at (972) 495-1212, 48 business hours prior to the scheduled meeting date.



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3870 **Version:** 1 **Name:** June 19, 2017 Council workshop minutes.
Type: Agenda Item **Status:** Agenda Ready
File created: 6/22/2017 **In control:** City Council
On agenda: 7/5/2017 **Final action:**
Title: Approve the minutes of the June 19, 2017 workshop meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [06.19.17 Minutes Workshop](#)

Date	Ver.	Action By	Action	Result
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Title
June 19, 2017 workshop minutes.

Background
Minutes of the June 19, 2017 workshop meeting.

Policy Considerations
None.

Budgetary Considerations
None.

Staff Recommendations
Approve the minutes of the June 19, 2017 workshop meeting.

CITY COUNCIL OF THE CITY OF SACHSE

WORKSHOP MEETING MINUTES

JUNE 19, 2017

The City Council of the City of Sachse held a workshop meeting on Monday, June 19, 2017 at 6:30 p.m. at Sachse City Hall, 3815-B Sachse Road, Sachse, Texas. Those present were Mayor Mike Felix, Mayor Pro Tem Paul Watkins, Council Members Brett Franks, Charlie Ross, Bill Adams, and Cullen King. City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; Human Resources Director, Melinda Walter; Public Works and Engineering Director, Greg Peters; Finance Director, Teresa Savage; Parks and Recreation Director, Lance Whitworth; Community Development Director, Dusty McAfee; Police Chief, Bryan Sylvester, and Fire Chief, Marty Wade. Councilman Jeff Bickerstaff was absent.

Mayor Felix called the meeting to order at 6:31 p.m.

SALES AND USE TAX ALLOCATION: Discuss allocating the remaining quarter cent sales tax for park and related projects.

Mrs. Nash introduced the item stating the 2017 Comprehensive Plan recommended the City explore allocating the remaining quarter cent sales tax for park and other related projects. Staff is seeking feedback and direction on how to proceed.

Mr. McAfee stated that since the Comprehensive Plan recommended exploring this option since a high percentage of those surveyed during the Comprehensive Plan believed that the City's park system was worse than other cities in the region, which negatively impacts the quality of life and would like to see the City earmarking revenue for park development. Mr. McAfee provided a history and how the Municipal Development District (MDD) came about in legislation. State law allows local jurisdictions to impose a maximum of two cents in sales tax. Sachse currently has a quarter cent sales tax remaining. Voters must approve all local sales tax impositions. Mr. McAfee explained what a MDD would do, the type of projects it allows, and how it is managed. Mr. McAfee touched on the type of potential projects for the City including expansion projects, rehabilitation projects and trail projects. Mr. McAfee outlined how Council would proceed if staff is directed to move forward.

Council discussed the process, how the MDD is set up and managed, the potential projects and funding, how the language would be placed on the ballot and how citizens would be notified.

Council consensus was to move forward in pursuing the MDD. Mrs. Nash noted that Council would call for the Special Election in August with it being on the November Election ballot.

ADJOURNMENT:

At 7:14 p.m. Mayor Felix adjourned the meeting.

MIKE J. FELIX, MAYOR

ATTEST:

Michelle Lewis Sirianni, City Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3871 **Version:** 1 **Name:** June 19, 2017 Council minutes.
Type: Agenda Item **Status:** Agenda Ready
File created: 6/22/2017 **In control:** City Council
On agenda: 7/5/2017 **Final action:**
Title: Approve the minutes of the June 19, 2017 regular meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [06.19.17 Minutes](#)

Date	Ver.	Action By	Action	Result
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Title
June 19, 2017 regular minutes.

Background
Minutes of the June 19, 2017 regular meeting.

Policy Considerations
None.

Budgetary Considerations
None.

Staff Recommendations
Approve the minutes of the June 19, 2017 regular meeting.

CITY COUNCIL OF THE CITY OF SACHSE

MEETING MINUTES

JUNE 19, 2017

The City Council of the City of Sachse held a regular meeting on Monday, June 19, 2017 at 7:30 p.m. in the Council Chambers at Sachse City Hall, 3815-B Sachse Road, Sachse, Texas. Those present were Mayor Mike Felix, Mayor Pro Tem Paul Watkins, Council Members Brett Franks, Charlie Ross, Bill Adams, and Cullen King. City Manager, Gina Nash; City Secretary, Michelle Lewis Sirianni; Community Development Director, Dusty McAfee; Parks and Recreation Director, Lance Whitworth; Finance Director, Teresa Savage; Human Resources Director, Melinda Walter; Director of Public Works and Engineering, Greg Peters; Fire Chief, Marty Wade, and Police Chief, Bryan Sylvester. Councilman Jeff Bickerstaff was absent.

Mayor Felix opened the meeting at 7:32 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND STATE FLAG: The invocation was offered by Councilman Franks and the pledges by Councilman Adams.

CONSENT AGENDA: All items listed on the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items unless a Council member or citizen so requests.

17-3855 Approve the minutes of the June 5, 2017 workshop meeting.

17-3856 Approve the minutes of the June 5, 2017 regular meeting.

17-3850 Approve a resolution awarding the bid for the construction of the Bunker Hill Sanitary Sewer upgrade project to Wilson Contractor Services, LLC.

17-3852 Approve an Interlocal Agreement renewing services with the City of Plano to offer training to city employees.

17-3858 Approve an Interlocal Agreement with Dallas County for the administration of the CDBG and HOME programs for fiscal years 2018, 2019, and 2020.

Corrine Smith, 4008 Blossom Drive, requested council to pull item 17-3858 for discussion.

Councilman Ross made a motion to approve items 17-3855, 17-3856, 17-3850, 17-3852 and 17-3858. Mayor Pro Tem Watkins seconded that motion and the motion was unanimously approved.

Mrs. Smith believes item 17-3858 hijacks the rights of the landowners and their control of their property. Therefore, is not in favor of Council approving item 17-3858.

Councilman Adams made a motion to approve item 17-3858.

Councilman Franks asked for further discussion. Councilman Franks asked for clarification regarding the HOME portion of the agreement and if this is part of the same program. Mrs. Nash clarified that it is part of the same agreement, which is renewed every three years. Mr. Peters noted that he works with Dallas County to designate the area(s) where the funds may be used, which is typically in one general area of the City.

Councilman King seconded that motion and the motion was unanimously approved.

MAYOR AND CITY COUNCIL ANNOUNCEMENTS REGARDING SPECIAL EVENTS:

Councilman Ross stated the Library had a successful summer kickoff event with over 900 people attending. Councilman Ross listed some upcoming programs which included: On June 21, the movie a *Dogs Purpose* will be shown at 2:00 p.m.; on June 22, Yo-Yo artist Val Oliver will be showing off his tricks at 11:00 a.m.; and on June 29, Blackland Prairie Raptors Birds of Prey will be at the Library at 11:00 a.m.

Councilman King challenged everyone a visit to the Animal Shelter and adopting a pet. Councilman King also commended the Five Loaves Pantry for all they do within the community and all the donations they've been currently receiving.

Mayor Felix commented that the Red, White, and Blue Blast is being held on Monday, July 3 at Heritage Park. He thanked all the staff who helped with the Library Summer Reading event. He had a great time attending. Mayor Felix recognized Patty Mathis for receiving a Lifetime Achievement Award from the Dallas Summer musicals.

CITIZENS INPUT:

David Elliot, 3719 Gill Street, expressed his overwhelming gratitude and thanks for the Vietnam Veterans Moving Wall being brought to the City. He spent time at it daily and was overwhelmed with the response of people who visited and impressed with all the volunteers that were there helping.

REGULAR AGENDA ITEMS:

17-3851 Conduct a public hearing and take any action regarding the application of the Skorburg Company requesting a waiver from the Code of Ordinances, Chapter 8 Subdivisions, to permit the design and construction of a non-standard roadway in the City of Sachse.

Mayor Felix stated the applicant has requested to table this item.

Councilman King made a motion to table to a date to be determined later. Councilman Adams seconded that motion and the motion was unanimously approved.

17-3859 Discuss and consider the Memorandum of Understanding (MOU) between the City of Sachse and the Friends of Sachse Parks and Recreation.

Mr. Whitworth introduced by providing a history of then the MOU was initially approved, what it addressed and the projects that have been completed and worked on with the City. Mr. Whitworth stated at the May 18, 2017 Park and Recreation meeting, the advisory board made the recommendation to terminate the MOU. The Board felt that the MOU has limited the Friends on accomplishing their desired projects, that the Friends group has not taken recommendations for projects from the Parks and Recreation Department or the Parks Board, and that the Board thought the group would be similar to the Library Friends organization in that they would seek input from the Parks and Recreation Department for specific park project needs. The recommendation to terminate the MOU was passed by the Park Board with a 5-0 vote.

Mayor Pro Tem Watkins asked what this would mean for the Friends group and if they would stay an organization.

Tricia Lyndsey, 3718 Rockhouse Road, representing the Friends group stated that the local partnership will continue and they will continue to bring projects to Council. The group felt limited in areas only being able to do one project at a time, but will maintain the working relationship with the City.

Councilman Adams stated he would like to see the relationship continue, but asked if the policy course would be the same. Mr. Whitworth responded that they would use the process already in place.

Park Board Members Diane Smith and Cyndi Mitchell spoke stating that the Park Board felt that the programs and facilities being pursued by the Friends group didn't adhere to the MOU and limits them to what they would like to do. The Park and Recreation Board would like to have a Friends group similar to what the Library Board has.

Councilman Franks added that terminating the MOU would allow the group to function easier as well as give them more freedom on projects they would like to pursue.

Councilman King and Ross agreed that they would like to see the relationship with the City continue as long as the group was in agreement with the termination of the MOU.

Councilman King made a motion to terminate the MOU between the City of Sachse and the Friends of Sachse Parks and Recreation. Mayor Pro Tem Watkins seconded that motion and the motion was unanimously approved.

17-3861 Consider an ordinance authorizing the issuance of and sale of City of Sachse, Texas, Combination Tax and Surplus Revenue Certificates of Obligations (CO's), Series 2017; levying an annual ad valorem taxes and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject.

Mrs. Savage provided an overview of the key utility infrastructure that the CO's will be used to construct a new elevated water tower and complete the full sewer system, which includes full size

force and gravity mains along the turnpike, the southeast lift station, and a trunk sewer main running from the existing Sachse Road lift station to the new southeast lift station. As requested by Council, staff conducted research and investigation into funding capability for the construction of the critical sanitary sewer infrastructure needed in the PGBT corridor. Staff met with the City's financial advisor to review funding options and develop a funding structure. The findings showed that the Utility Fund is positioned to fund construction for the full sanitary sewer infrastructure, and also fund 50% of the construction of the water tower. Mrs. Savage noted that the projects have both been included in the ten year Capital Improvement Plan and were included in rate calculations during the 2014 study. The annual debt service requirements are covered in full through the water and sewer rates.

Jason Hughes, the City's financial advisor with Hilltop Securities, commented that the City received a 2.96% rate that is locked in for 25 years. Mr. Hughes noted that the City will have the option in ten years to refund the series and received the AA rating, which is the second highest rating a City can receive.

Corrine Smith, 4008 Blossom Drive, disapproved of Council approving this item. She believes the citizens should be able to vote on these items and is not being transparent to the community.

Mayor Felix asked when were the last CO's issued. Mrs. Savage replied CO's were issued in 2007 for the ground storage tank and in 2003 for Fire Station #2. These CO's have been refunded and cleared off the books.

Councilman Franks made a motion to authorize the issuance of and sale of City of Sachse, Texas, Combination Tax and Surplus Revenue Certificates of Obligations (CO's), Series 2017; levying an annual ad valorem taxes and providing for the security for and payment of said certificates; approving the official statement; providing an effective date; and enacting other provisions relating to the subject. Councilman Adams seconded that motion and the motion was unanimously approved.

17-3863 Discuss street expansion and maintenance projects related to the Fiscal Year 2017-2018 budget.

Mr. Peters stated this discussion will be in two parts. The first presentation will cover the street expansion projects and the second presentation will cover the street maintenance projects. Staff is seeking feedback on the proposed project rankings based upon priority. The top ten projects were given based on the 2012 Capital Improvement Plan (CIP) along with the City is within each of these projects. The staff re-ranked them based on the key expansion projects, which include Sachse Road and the 5th Street widening, Merritt Road re-alignment, Maxwell Creek Road, and Blackburn/Ingram -3rd Street to Dewitt Road. Staff is seeking feedback on the ranking of the major capital road projects along with funding considerations. Staff will return to Council in July with specific project costs and budgets for the FY 2017-2018.

Council discussed the ranking list as well as some projected costs based on current construction costs and how the projects could be funded. Council agreed with the list presented.

Mr. Peters presented preliminary information on street maintenance needs for consideration in the FY 2017-2018 budget. The maintenance needs are being divided into two categories: local neighborhood streets and collector and arterial roads. Mr. Peters noted that many of these are also included in the ten year CIP for expansion projects. Mr. Peters touched on the street maintenance tax program and the possible projects for the upcoming fiscal year. Local neighborhood streets which were ranked based on their PASER rating along with being separated by asphalt and concrete projects were highlighted in conjunction with arterial and collector streets with a PASER rating of three or less. Staff is seeking feedback on the street maintenance tax project selection and the arterial and collector road projects and funding.

Councilman Ross stated he was in agreement with what is listed and preferred to use the fund balance on maintenance projects and impact fees on expansion projects. Councilman Franks and Mayor Pro Tem Watkins agreed.

17-3866 Discuss and receive input on the City's FY 2017-2018 Strategic Plan.

Mrs. Nash presented Council with an updated Strategic Plan for the FY 2017-2018. The plan focus areas are development for diversification of tax base and providing exceptional service. Mrs. Nash touched on the six goals and the service enhancements and/or initiatives within each goal. The City Manager is seeking feedback and direction on the additional items and will present the final plan at the July 17 meeting in conjunction with the draft FY 2017-2018 budget.

Council discussed a few items within the plan including financial transparency and the open government software and how SB 2 could limit public safety enhancements.

Council agreed on the items added within the plan and had no further comments.

17-3860 Consider a resolution authorizing the City Manager to execute an agreement with LaFollett & Abbott, PLLC to provide auditing services for the City's financial statements for the fiscal year ending September 30, 2017.

Mrs. Savage stated that the City Charter requires an independent audit be performed each fiscal year by a certified public accountant with no more than five consecutive audits being completed by the same firm. BrooksCardiel, PLLC, completed the fifth consecutive audit for the City this year. Therefore, the Finance Departments issued a RFP for independent auditors for the fiscal year ending September 30, 2017. The RFP allows for an extension of the contract for an additional four years. The City received five proposals. After reviewing the proposals in detail and based on proposed fees, staff is recommending LaFollett & Abbott, PLLC to provide auditing services.

Councilman King made a motion to approve a resolution to execute an agreement with LaFollett & Abbott, PLLC to provide auditing services for the City's financial statements for the fiscal year ending September 30, 2017. Mayor Pro Tem Watkins seconded that motion and the motion was unanimously approved.

17-3862 Discuss proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances to adopt Architectural Design Standards.

Mr. McAfee stated the 2017 Comprehensive Plan identified architectural standards as a priority for development within Sachse. The City has many commercial tracts undeveloped in addition to redevelopment opportunities. The City currently has a masonry ordinance, but not architectural standards. These standards would establish minimum design standards for new commercial, industrial, and residential buildings. It would categorize masonry materials into a preferred and secondary group, require enhanced articulation and other embellishments, regulate color, and ensure a minimum quality and appearance for new development occurs within Sachse. Mr. McAfee noted that relief is available through a PD or special zoning district. Mr. McAfee outlined the City's current standards and how cities will use categories to group primary, secondary, accent materials, and prohibited materials. Proposed categories (Group A, B, C, and Prohibited) were presented along with examples of each. Masonry percentages of each category were outlined based on the primary and secondary group. In addition to required masonry percentages, certain additional architectural enhancements are also encouraged and required. The proposed ordinance would require buildings to have a distinct base, middle, and top, separated by horizontal elements, a mix of masonry materials, to provide windows or faux window elements, non-residential buildings to provide enhanced roofing, use earth tone colors and regulate the use of bright, high intensity colors. The ordinance would also define primary facades, secondary facades, articulation requirements, and landmark buildings. Mr. McAfee discussed how the proposed standards would be incorporated with existing PD's and non-conforming buildings. Staff will be looking for input from Council at the July 5 meeting with public hearings going to the Planning and Zoning Commission on July 10 and to Council on August 7.

Councilman Ross asked if the focus would be on commercial, how color regulations are determined, and the percentage of determining when non-conforming buildings would be subject to the new regulations. Mr. McAfee replied that the primary focus is on commercial, however, will apply to some residential. Although colors are up for interpretation, there is a "regional" standard that has been set and most developers know and work with earth tone colors. The proposed percentages can be adjusted based on Council feedback. The proposed is an example to provide Council with what can be used based on if the building needs partial or full reconstruction.

No further comments were made.

EXECUTIVE SESSION: The City Council shall convene into Executive Session pursuant to the Texas Government Code, Section §551.072 Real Property: to deliberate the purchase, sale, and license of real property generally located in the mid-west part of the City.

At 10:24 p.m., the Council recessed into Executive Session.

At 11:04 p.m., the Council reconvened back into regular session.

No action was taken.

ADJOURNMENT:

Mayor Felix adjourned the meeting at 11:04 p.m.

ATTEST:

MIKE J FELIX, MAYOR

Michelle Lewis Sirianni, City Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3873 **Version:** 1 **Name:** Monthly Revenue and Expense May 2017
Type: Agenda Item **Status:** Agenda Ready
File created: 6/26/2017 **In control:** City Council
On agenda: 7/5/2017 **Final action:**
Title: Accept the Monthly Revenue and Expenditure Report for the period ending May 31, 2017.
Sponsors:
Indexes:
Code sections:
Attachments: [GF 05-31-17](#)
[UF 05-31-17](#)
[DS 05-31-17](#)
[SEDC 05-31-17](#)
[Sales Tax Analysis July 2017](#)

Date	Ver.	Action By	Action	Result
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Title

Monthly Revenue and Expenditure Report for the period ending May 31, 2017.

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, and Sachse Economic Development Corporation for the period ended May 31, 2017, and an analysis of year-to-date sales tax receipts compared to prior year.

Policy Considerations

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

Staff Recommendations

Accept the Monthly Revenue and Expenditure Report for the period ending May 31, 2017.

City of Sachse
Monthly Revenue and Expenditure Report
May 31, 2017
(Unaudited)

GENERAL FUND

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 67%
Revenue Summary					
Property Tax	\$ 10,076,929	\$ 32,105	\$ 10,273,306	101.95%	A
Sales Tax	1,417,851	142,014	1,023,134	72.16%	
Franchise Fees	1,690,233	138,706	1,275,715	75.48%	
Licenses and Permits	757,000	53,204	503,980	66.58%	
Service Fees	721,500	77,103	558,526	77.41%	
Fines	280,000	23,542	180,047	64.30%	
Interest Income	12,000	5,256	32,556	271.30%	
Miscellaneous Income	350,946	18,990	204,940	58.40%	
Intergovernmental Revenue	1,024,611	85,384	683,074	66.67%	
Total Revenue	\$ 16,331,070	\$ 576,303	\$ 14,735,277	90.23%	
Expenditure Summary					
City Manager	\$ 383,103	\$ 22,652	\$ 195,523	51.04%	
City Secretary	148,553	10,745	103,121	69.42%	
Human Resources	337,607	28,204	186,177	55.15%	
Finance	548,026	35,018	362,300	66.11%	
Municipal Court	217,130	16,607	131,932	60.76%	
Parks & Recreation	1,164,914	82,576	727,617	62.46%	
Senior Programs	150,433	10,212	106,205	70.60%	
Library Services	458,091	40,188	303,806	66.32%	
Community Development	844,546	65,489	570,222	67.52%	
Streets & Drainage	1,691,786	172,439	1,123,075	66.38%	
Facilities Maintenance	538,068	45,242	373,786	69.47%	
Police	4,811,657	291,903	3,054,657	63.48%	
Animal Control	210,614	14,762	139,208	66.10%	
Fire/EMS	3,740,453	201,452	2,403,460	64.26%	
Combined Services	381,203	21,661	274,596	72.03%	B
City Engineer	239,302	22,855	156,291	65.31%	
Information Technology	385,183	10,488	273,071	70.89%	C
Total Expenditures	\$ 16,250,669	\$ 1,092,495	\$ 10,485,047	64.52%	
Total Revenue Over/Under Expenses	\$ 80,401	\$ (516,192)	\$ 4,250,230		

Explanation of Major Variances:

- A** Property Tax receipts peak in December and January
- B** Total annual property and liability premium paid in October
- C** New department for FY2017

City of Sachse
Monthly Revenue and Expenditure Report
May 31, 2017
(Unaudited)

UTILITY FUND

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 67%
Revenue Summary					
Water Revenue	\$ 5,602,656	\$ 539,656	\$ 3,805,495	67.92%	
Sewer Revenue	4,355,842	377,924	2,947,011	67.66%	
Fees	158,500	17,109	132,679	83.71%	
Interest Income	1,500	2,159	16,659	1110.62%	
Transfer In-Debt Service					
Miscellaneous Income	-	-	13,969		
Total Revenue	\$ 10,118,498	\$ 936,848	\$ 6,915,814	68.35%	
Expenditure Summary					
Utility Administration	\$ 360,973	\$ 26,728	\$ 216,311	59.92%	
Water Operations	7,043,677	736,566	3,338,516	47.40%	
Sewer Operations	3,737,513	244,457	2,379,702	63.67%	
Meter Reading	576,755	16,130	272,257	47.20%	
Total Expenditures	\$ 11,718,918	\$ 1,023,881	\$ 6,206,786	52.96%	
Total Revenue Over/Under Expenses	\$ (1,600,420)	\$ (87,032)	\$ 709,027		

Explanation of Major Variances:

Monthly Revenue and Expenditure Report
May 31, 2017
(Unaudited)

DEBT SERVICE FUND

67% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 67%
Revenue Summary					
Property Tax	\$ 3,522,138	\$ 11,212	\$ 3,594,176	102.05%	
Interest Income	1,000	204	852	85.19%	
Miscellaneous Receipts		-	4,073		
Total Revenue	\$ 3,523,138	\$ 11,417	\$ 3,599,101	102.16%	
Expenditure Summary					
Fees	\$ 3,500	\$ -	\$ 1,206	34.46%	
Principal	2,325,000	-	2,325,000	100.00%	A
Interest	1,180,897	-	599,224	50.74%	A
Transfer Out	1,202,427	-	1,202,427	100.00%	B
Total Expenditures	\$ 4,711,824	\$ -	\$ 4,127,857	\$ 3	
Total Revenue Over/Under Expenses	\$ (1,188,686)	\$ 11,417	\$ (528,756)		

A Principal payments are due in February and interest payments in February and August

B Transfer proceeds from 2016 Tax Notes to Capital Projects for prepayment of Fire Apparatus

City of Sachse
Monthly Revenue and Expenditure Report
May 31, 2017
(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 67%
Revenue Summary					
Sales Tax	\$ 691,944	\$ 71,007	\$ 509,594	73.65%	
Other Income	\$ -	\$ -	\$ 502,845		A
Interest Income	3,000	243	1,657	55.23%	
Total Revenue	\$ 694,944	\$ 71,250	\$ 1,014,095	145.92%	
Expenditure Summary					
Expenditures	688,809	27,123	197,565	28.68%	
Total Expenditures	\$ 688,809	\$ 27,123	\$ 197,565	28.68%	
Total Revenue Over/Under Expenses	\$ 6,135	\$ 44,128	\$ 816,530		

Explanation of Major Variances:

A Proceeds from sale of land

CITY OF SACHSE

2016/2017 SALES TAX ANALYSIS

FY 2016	Total Sales Tax	General Fund Sales Tax	General Fund Year-To-Date	YTD Percent of Budget	FY 2017	Total Sales Tax	General Fund Sales Tax	General Fund Year-To-Date	YTD Percent of Budget
October	156,703	89,540	89,540	7.34%	October	204,011	116,572	116,572	9.56%
November	223,828	127,895	217,435	17.83%	November	269,073	153,748	270,320	19.53%
December	162,793	93,020	310,455	25.46%	December	195,780	111,868	382,188	27.62%
January	198,309	113,314	423,769	34.75%	January	198,694	113,534	495,722	35.82%
February	278,265	159,001	582,769	47.79%	February	295,944	169,102	664,824	48.04%
March	168,935	96,530	679,299	55.70%	March	202,397	115,649	780,473	56.40%
April	165,486	94,559	773,858	63.46%	April	169,232	96,699	877,172	63.38%
May	269,268	153,860	927,718	76.07%	May	248,537	142,014	1,019,186	73.65%
June	190,617	108,919	1,036,636	85.00%	June	190,343	108,762	1,127,948	81.51%
July	189,206	108,113	1,144,749	93.87%	July				
August	265,824	151,892	1,296,641	106.32%	August				
September	196,876	112,495	1,409,136	115.55%	September				
TOTAL	2,466,111	1,409,136			TOTAL	1,974,011	1,127,948		
BUDGET		1,219,518			BUDGET		1,383,888		



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3869	Version:	1	Name:	Local Option Election Results
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/22/2017	In control:		In control:	City Council
On agenda:	7/5/2017	Final action:		Final action:	
Title:	Order a Local Option Election for the legal sale of all alcoholic beverages for off-premise consumption only to be held on Tuesday, November 7, 2017.				

Sponsors:

Indexes:

Code sections:

Attachments: [Certificate of City Secretary](#)

Date	Ver.	Action By	Action	Result
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Title

Local Option Election Petition Results

Background

On April 7, 2017 an application was received by the City Secretary's office for a Local Option Election petition. A Local Option Election is initiated by petition by ten or more qualified voters. The applicant must provide proof of newspaper publication along with an affidavit with the application. Upon verification of the ten signatures (needed to proceed), the petition forms are then circulated to gather signatures, which is done by citizens or a Political Action Committee. The number of signatures is determined by the 35% of registered voters who voted in the most recent gubernatorial election. If the number of signatures is met, an election must be ordered.

The City Secretary's office orders a voter registration list from the counties as of the date the petition application is received. Once the petitions are issued, the TABC is notified. The citizens or Political Action Committee has sixty days to gather signatures. Once the petitions are turned back in, the City Secretary's office has thirty days to verify the signatures.

The number of signatures required for this petition was 1,834. The number of qualified voters' signatures verified totaled 2,103. Therefore, is sufficient to cause the City Council to order a Local Option Election.

Policy Considerations

None.

Budgetary Considerations

Funds have been budgeted in the 2017-18 Budget for election expenses. Due to the election falling in November, the City will contract with Dallas and Collin County. Each county will help conduct the election. No cost estimates have been received at this time.

Staff Recommendations

Order a Local Option Election to Legalize for the legal sale of all alcoholic beverages for off-premise consumption only to be held on Tuesday, November 7, 2017.

CERTIFICATE OF CITY SECRETARY

I, Michelle Lewis Sirianni, City Secretary for the City of Sachse, Texas, hereby certify that I have reviewed the **PETITION FOR LOCAL OPTION ELECTION TO LEGALIZE**, Serial number 2017-CCDCCoS-01, for **LEGAL SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY**, submitted to this office on Monday, June 5, 2017, and certify the findings as follows:

Number of signatures required: 1,834

Number of signatures of qualified voters: 2,103

The number of signatures of qualified voters required for this petition to be sufficient is 1,834. I hereby certify that the Petition as submitted is sufficient to cause the City Council of the City of Sachse to order a Local Option Election to Legalize to be held on Tuesday, November 7, 2017 for the purpose of submitting to the legally qualified voters of the City of Sachse the determination of whether or not the City should permit the legal sale of alcoholic beverages for off-premise consumption.

Dated this 30th day of June, 2017.

CITY OF SACHSE, TEXAS

Michelle Lewis Sirianni, City Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3877	Version:	1	Name:	Consider authorizing the City Manager to execute payment of \$230,075.80 to TxDOT, in accordance with the original agreement for the SH 190/PGBT project.
Type:	Agenda Item	Status:			Agenda Ready
File created:	6/30/2017	In control:			City Council
On agenda:	7/5/2017	Final action:			
Title:	Consider authorizing the City Manager to execute payment of \$230,075.80 to TxDOT, in accordance with the original agreement for the SH 190/PGBT project.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Original Agreement Sachse SH 190				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

Consider authorizing the City Manager to execute payment of \$230,075.80 to TxDOT, in accordance with the original agreement for the SH 190/PGBT project.

Background

In 2006, TxDOT entered into separate local funding agreements for the PGBT/SH 190 with each of the participating cities (Garland, Sachse and Rowlett). The participating cities were required to contribute 10% of the estimated right of way project cost which was prepared by NTTA. The cost estimate for Sachse estimated 17 parcels to be acquired for right of way for \$4,478,000 and Utilities for \$770,000 totaling \$5,248,000. (Total project cost = TxDOT 90% (\$4,723,200) + Sachse 10% (\$524,800)).

In November 2006, the Sachse City Council approved a resolution to enter into a contractual agreement to acquire right of way and adjust utilities for a highway project SH 190.

In January 2007, the Sachse City Council approved the Agreement to Contribute Funds through a Local Government agreement. Following approval, the Interim City Manager submitted the City's contribution check of \$524,800.00 to TxDOT.

In March 2008, TxDOT formally executed the agreement.

The agreements that TxDOT executed with the cities were not fixed cost agreements. Therefore, the estimated total project cost was subject to change upon project completion based on actual project cost expenditures. This language was explicitly detailed in the contract.

The project was completed in late 2012. TxDOT did not provide the City of Sachse with updates or

information related to the status of the project budget.

In August 2016, TxDOT and NTTA staff began going through the process of truing up all the project costs related to the eastern extension of the PGBT and SH 190 project.

In early 2017, TxDOT began meeting with area cities to establish the accuracy and details of the final project cost. Sachse staff met with TxDOT staff in person, and completed a review of the project costs, City records, and executed agreements.

In May 2017, a final meeting was held between TxDOT Dallas District staff and Sachse staff to discuss and clarify detailed costs. City staff have confirmed with TxDOT that the final amount owed to TxDOT for this project is an additional \$230,075.80 beyond the original payment in 2007.

Policy Considerations

Per the original agreement, the City of Sachse is required to pay the amount owed per the final project costs.

Budgetary Considerations

The requested funds total \$230,075.80. Staff recommends funding the final project costs through uncommitted fund balance of the General Fund.

Staff Recommendations

Staff recommends that the City Council authorize the City Manager to execute payment of \$230,075.80 to TxDOT, in accordance with the original agreement for the project.

**INTERLOCAL AGREEMENT BETWEEN
THE NORTH TEXAS TOLLWAY AUTHORITY
AND THE CITY OF SACHSE
REGARDING THE PROPOSED EASTERN EXTENSION
OF THE PRESIDENT GEORGE BUSH TURNPIKE
(02172-PGB-06-IL-EN)**

12/7/06

**INTERLOCAL AGREEMENT BETWEEN
THE NORTH TEXAS TOLLWAY AUTHORITY
AND THE CITY OF SACHSE
REGARDING THE PROPOSED EASTERN EXTENSION
OF THE PRESIDENT GEORGE BUSH TURNPIKE
(02172-PGB-06-IL-EN)**

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**INTERLOCAL AGREEMENT BETWEEN
THE NORTH TEXAS TOLLWAY AUTHORITY
AND THE CITY OF SACHSE
REGARDING THE PROPOSED EASTERN EXTENSION
OF THE PRESIDENT GEORGE BUSH TURNPIKE
(02172-PGB-06-IL-EN)**

**STATE OF TEXAS §
 §
COUNTY OF DALLAS §**

THIS AGREEMENT, by and between the **NORTH TEXAS TOLLWAY AUTHORITY**, a regional tollway authority acting by and through its Board of Directors, hereinafter identified as the "Authority," and the **CITY OF SACHSE**, a Texas home-rule municipality, acting by and through its duly elected City Council, hereinafter identified as the "City," is to be effective as of the _____ day of _____, 2006 (the "Effective Date").

RECITALS

WHEREAS, the Authority is authorized to study, evaluate, design, acquire, construct, maintain, repair, and operate turnpike projects within the Counties of Dallas, Collin, Denton and Tarrant, pursuant to Chapter 366 of the Texas Transportation Code, as amended (the "Regional Tollway Authority Act"); and

WHEREAS, the Authority proposes to design, construct, and operate the President George Bush Turnpike, hereinafter referred to as the "Turnpike," following the planned routes of SH 190 and SH 161 from its eastern terminus at SH 78 in eastern Dallas County to its western terminus at West Belt Line Road in the City of Irving; and

WHEREAS, the Authority has undertaken to conduct the necessary feasibility, environmental and other alignment studies for the possible easterly extension of the Turnpike, which has been proposed as a ten (10)- mile roadway following the approximate route of old

Loop 9 with a northern terminus of SH 78 and a southern terminus of IH 30 in the City of Garland (hereinafter the “Eastern Extension”); and

WHEREAS, through its Mobility 2025: The Metropolitan Transportation Plan, 2005 Update, the North Central Texas Council of Governments, the metropolitan planning organization for north central Texas, identified the Eastern Extension as an integral element of its regional transportation plan for the eastern Dallas County area; and

WHEREAS, the Authority has retained Carter & Burgess, Inc. to serve as its consulting engineer (hereinafter the “Consulting Engineer”) to represent and assist the Authority in the evaluation, planning, design, review and coordination of the studies referenced above; and

WHEREAS, a significant amount of the Eastern Extension is within the corporate limits of the City, and the City, a political subdivision of the State of Texas with all of the authority and powers related thereto as prescribed by the laws of the State of Texas, has evidenced its support for the proposed Eastern Extension by Council Resolution No. 2022, duly resolved and adopted on July 7, 2003; and

WHEREAS, the Authority’s Board of Directors resolved and adopted Resolution No. 03-82 on September 17, 2003 which, consistent with the City’s recommendation, recommended the “build alternative” for the Eastern Extension designated as “EIS #1” and, contingent upon the execution of the necessary funding agreements, authorized the Authority’s Executive Director to proceed with the procurement of necessary engineering services to design the Eastern Extension; and

WHEREAS, the City requested and the Authority has agreed to consider certain design and construction features for the Eastern Extension within the City’s corporate limits; and

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes local governmental entities to contract with one another to perform governmental functions and services under the terms thereof, and the Authority and the City have determined that mutual benefits and advantages can be obtained by formalizing their agreement as to the design, construction, maintenance and operation of the Eastern Extension within the City's corporate limits.

AGREEMENT

NOW, THEREFORE, in consideration of these premises and of the mutual covenants and agreements of the parties hereto by them respectively kept and performed as hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Authority and the City agree as follows:

ARTICLE I. PROPOSED EASTERN EXTENSION STUDIES

A. THE STUDIES

The assessment of the feasibility of the Eastern Extension as a turnpike project consists of the preparation and evaluation of a series of feasibility, environmental and other alignment studies (collectively, the "Studies") directed by the Authority in accordance with the provisions of the Regional Tollway Authority Act, the Authority's trust agreements and other documents relating to its outstanding debt obligations, the National Environmental Policy Act of 1969 ("NEPA"), as well as other agreements by which it is bound and other applicable federal and state statutes, laws and regulations. The Authority agrees to conduct the Studies it deems necessary to determine its level of participation, if any, in the design, construction, funding and operation of the Eastern Extension. The Authority shall have the sole authority to determine (1) after suitable consultation with and input from the City, the nature and extent of the Studies, (2)

the selection of engineers and other consultants retained to prepare or evaluate the Studies, (3) the terms of any agreements between the Authority and such engineers or other consultants pertaining to the Studies, and (4) the adequacy of the work product submitted by such engineers and other consultants. The Authority agrees to keep the City reasonably informed of the progress and projected completion dates of the Studies. At no charge to the City, the Authority has provided the City with one bound master copy and one electronic copy of the draft environmental impact statement (the "DEIS") and one bound copy of the final environmental impact statement (the "FEIS") prepared as part of the Studies. The City may reproduce copies of the master and electronic documents, at its discretion, in whole or in part; however, the Authority shall not be responsible for the manner in which such reproduced material is subsequently used or distributed. If the City desires additional copies of the DEIS, FEIS or any of the other Studies from the Authority, the Authority may furnish such copies, provided that the City shall reimburse the Authority for its reproduction costs.

B. ENVIRONMENTAL ASSESSMENTS; THE STAKEHOLDER CITIES

The Authority agrees to pursue the completion of those Studies, designs, evaluations, proceedings and documents that are required to be submitted for environmental approval to the Texas Department of Transportation ("TxDOT") and the Federal Highway Administration ("FHWA") for the construction of the Eastern Extension as a controlled-access, four (4)- to six (6)- lane turnpike project connecting SH 78 to IH 30 through the Cities of Garland, Rowlett and Sachse. In evaluating and compiling the data for the environmental permitting process, the Authority shall, to the extent consistent with the Regional Tollway Authority Act and the covenants contained in the documents relating to its outstanding debt obligations, include in its considerations the City's current comprehensive and master thoroughfare plans. On January 24,

2005, the Authority received the record of decision (“ROD”) for the Eastern Extension. Except as provided below in Section III.C., if and when interlocal agreements are executed with the Cities of Garland, Rowlett and Sachse, the three (3) cities through which the Eastern Extension runs (hereinafter the “Stakeholder Cities”), and funding agreements are executed with TxDOT and FHWA, the Authority shall prepare, or cause to be prepared, plans sufficient for the (1) acquisition of right-of-way, (2) relocation of above- and below-ground existing utilities, and (3) construction of the facilities comprising the Eastern Extension, and the Authority shall provide in writing to the City a schedule showing the anticipated start and completion dates for the preparation of such plans. The Authority shall provide the foregoing plans to the City for comment at the 30%, 60% and 90% completion levels and, without limiting any other provisions of this Agreement, consider the City’s comments; the City shall submit all comments, if any, within ten (10) days after its receipt of any such set of plans.

C. INVESTMENT-GRADE FEASIBILITY STUDY

The Authority shall conduct, as part of the Studies, an investment-grade feasibility study to determine the feasibility of using turnpike revenue bond funding, alone or in combination with other funding sources, to finance the costs to design, construct and operate the Eastern Extension as a turnpike project. The investment-grade feasibility study may include traffic and revenue forecasts, a detailed engineering report and an investment and/or financing plan that evaluates the Eastern Extension as a turnpike project. The Authority shall conduct these evaluations, as well as such other analyses as may be deemed appropriate by the Authority, at its sole expense. Once it is approved and accepted by the Authority’s Board of Directors, the Authority shall provide a copy of the investment-grade feasibility study to the City.

ARTICLE II.
SCHEMATIC, DESIGN AND CONSTRUCTION ELEMENTS

A. SERVICE ROADS

The Authority has prepared, and the City has reviewed, accepted and is in possession of, the schematic (the "Schematic"), an excerpted portion of which being attached hereto as Exhibit A and incorporated herein for all purposes. The Authority agrees to design and construct, at its sole expense, two-lane service roads, eastbound and westbound, between Miles Road and Merritt Road, as depicted (both limits and typical section) on Exhibit A. The geometric and pavement designs for the service roads constructed subsequent to the execution of this Agreement shall comply with applicable TxDOT standards and shall run generally parallel to controlled access lanes constructed as part of the Eastern Extension (the "Turnpike Lanes"). Upon the Authority's completion of the service road construction and without limiting the provisions of Section II.F., the Authority shall retain control of and maintain the access ramps to and from the Turnpike Lanes to the ramp gore nose of the applicable service road or intersection with the applicable service road or other street, as well as the median between and the shoulder and any border area abutting the Turnpike Lanes (collectively, the "Turnpike Lane Area"), and the Authority intends to contract for TxDOT to assume full responsibility for the maintenance, signalization and operation of the all service roads that are within the City's corporate limits (collectively, the "Service Roads"). To ensure the safe and efficient movement of motorists, the City agrees to limit access along the Service Roads in accordance with the Authority's Ramp Access Plan, attached hereto as Exhibit B and incorporated herein for all purposes (as the same may be subsequently amended). In addition, because the Service Roads are anticipated to be on the State Highway System, access will be permitted in accordance with applicable TxDOT policies and practices. The Authority is obligated to construct only those Service Roads that it

has agreed to construct under this Agreement and shown on the Schematic. The City agrees that it will not construct, or otherwise approve or advance the construction of, service, frontage and/or access roads to or from, abutting or paralleling the Eastern Extension and, additionally, shall consult with the Authority prior to undertaking any thoroughfare system not currently shown on the City's Master Thoroughfare Plan which might affect the operation or performance of the Eastern Extension. The Authority intends to contract with TxDOT for the operation and maintenance of the Service Roads in accordance with the Project Agreement (as hereinafter defined), provided that the City agrees to provide for the policing of the Service Roads (other than the installation of regulatory signage) and to refrain from impeding, in any manner, access to or egress from the Turnpike Lanes or from otherwise adversely affecting the operation of the Eastern Extension. The City, in turn, may subcontract with TxDOT for the performance of all or any portion of the operation and maintenance responsibilities for the Service Roads which TxDOT has contracted to undertake pursuant to the previous sentence upon terms satisfactory to the City and TxDOT and at no cost to the Authority. To the extent authorized under its agreement(s) with TxDOT or otherwise, the City shall maintain control of access to the Service Roads consistent with the terms of this Agreement. The Authority, at no cost to the City shall widen the Service Roads as part of its initial construction of the Eastern Extension from two (2) lanes to three (3) lanes at the Service Road intersections shown on the Schematic. No additional widening of the Service Roads shall be permitted in the future unless the City can demonstrate to the Authority's satisfaction that said widening will not adversely affect the safe and efficient operation of the Turnpike, including its financial performance. If such additional widening is approved by the Authority at any time in the future, (1) the design and construction of all resulting improvements shall be subject to the review, inspection and approval of the Authority

and TxDOT, (2) the City shall be solely responsible for all costs resulting from said design and construction (which shall be remitted to the Authority prior to letting), as well as future maintenance costs, and (3) said widened features shall be operated, policed and maintained, at no additional cost to the Authority, in the same manner as provided for the remainder of the Service Roads under this Section II.A. and the widened features shall be deemed part of the Service Roads for all purposes under this Agreement.

B. DEPRESSION OF TURNPIKE LANES

The depression of Turnpike Lanes within any segment(s) other than as described on the Schematic and as requested by the City shall be at the sole discretion of the Authority, and the City shall be responsible for reimbursing the Authority for any and all design and construction costs (including utility relocation costs) incurred in excess of that required for construction in accordance with the Schematic. The cost differential shall be determined by subtracting estimated costs to design and construct the Turnpike Lanes in accordance with the Schematic from the actual costs to design and construct the Turnpike Lanes at below-grade level. The City agrees to reimburse the Authority for the difference between the Authority's *estimated* costs to design and construct the Turnpike Lanes in accordance with the Schematic and the Authority's *actual* costs for the design and construction of Turnpike Lanes at below-grade level. The City shall pay the difference in design and construction costs within thirty (30) days after receipt of an invoice for the same from the Authority. Notwithstanding the foregoing, the City shall bear no additional costs if the Authority elects to depress additional segments of the Turnpike Lanes acting on its own initiative and not at the City's request.

C. BUSINESS PARK RAMP

The City's current zoning map includes a Business Park (the "Business Park") generally located north between Miles Road and Merritt Road. The Eastern Extension will cross through the Business Park. The Authority agrees, at its sole expense, to design and construct two pairs of ramps to and from the Turnpike Lanes to provide access to the Business Park as shown on the Schematic. The Authority will construct the access ramps during its construction of the Eastern Extension. Under no circumstances shall the Authority be responsible for the construction of any bridge, overpass or cross street components other than the ramps to and from the Turnpike Lanes referenced above and as depicted on the Schematic.

D. PROPERTY ACQUISITIONS

1. **The Stakeholder Cities Agreements.** TxDOT and each of the Stakeholder Cities will enter into fully binding agreements (the "Stakeholder Cities Agreements") pursuant to which those parties will agree to share right-of-way acquisition costs for the Eastern Extension on a 90/10% basis, as more particularly described below. The City agrees to promptly commence and diligently pursue the negotiation and execution of its Stakeholder City Agreement and, thereafter, to fully perform under and comply with its terms.
2. **The Authority's Project Agreement with TxDOT.** The Authority, in turn, will enter into an agreement with TxDOT (the "Project Agreement") specifying, among other things, the right-of-way acquisition costs that are reimbursable at one hundred percent (100%), ninety percent (90%) or not reimbursable, as well as the method by which TxDOT and the Authority shall effect the reimbursement.
3. **Stakeholder Cities' Local Match.** Without limiting the provisions of subsection II.D.1 above, the City shall deposit its local match in a separate "revolving" account with

TxDOT pursuant to its Stakeholder City Agreement. The Project Agreement will provide that when the Authority submits a request for reimbursable acquisition costs to TxDOT, TxDOT will draw down that amount from the “revolving” local match account, remit it to the Authority, and restore the remitted amount to the “revolving” local match account from other TxDOT funds.

4. **The City’s and the Authority’s Non-Monetary Obligations.** The Authority shall provide a Parcel-by-Parcel acquisition schedule to the City of when and what right-of-way is required; the City shall use best efforts to assist the Authority’s acquisition of all required right-of-way as and when requested by the Authority, but shall not be required to expend any sums to do so. The Authority also shall obtain at its cost all land surveys, appraisals, and title insurance the Authority deems necessary or prudent to acquire the right-of-way, easements and other interests required for the Eastern Extension. The Authority shall specify which tracts are to be conveyed to the Authority in fee and which by easement. The Authority, at its sole cost, shall provide professional expertise to support the City’s assistance to the Authority’s right-of-way efforts by allowing the City and its staff and consultants access to the Authority’s Right-of-Way Acquisition Team (the “RAT”); the City shall work in a fully collaborative and coordinated manner with the RAT, and, upon reasonable prior notice by the Authority, use all legally permissible methods, consistent with the City’s current policies and practices, to obtain donation or a lower negotiated acquisition cost whenever possible. Without limiting the foregoing, the City shall make its staff and consultants available to the Authority and the RAT to assist and support in (a) making contacts and facilitating negotiations with landowners for the right-of-way acquisitions and (b) assisting in eliciting right-of-way donations and (c) assisting in carrying out relocation assistance for displaced residents and business as required by applicable law. The City

agrees to participate in meetings and other activities with the Authority's staff, the RAT and other consultants.

5. **The Authority's Obligations are Contingent.** The Authority's obligations regarding the acquisition of right-of-way for the Eastern Extension and under this Agreement generally are fully contingent upon the agreement of all three (3) of the Stakeholder Cities and TxDOT to the procedure and obligations described above as evidenced by their execution of the three (3) Stakeholder Cities Agreements and the Project Agreement with provisions substantially identical to those contained in these subsections II.D.1 through 3. The City acknowledges that the Authority shall not be required to commence acquisition of right-of-way for the Eastern Extension until the Project Agreement has been fully executed.

6. **Use of City Rights-of-Way; Release of Certain Leasehold Interests.** The City shall dedicate, or cause to be dedicated, to the Authority, at no cost to the Authority, all property and/or property interests that the Authority determines are required for the construction of the Eastern Extension and which are owned by the City. Without limiting the foregoing, the City shall dedicate and assign, and does hereby dedicate and assign, to the Authority all of the City's street and roadway easements and similar interests in property necessary or convenient for the construction or operation of the Eastern Extension.

7. **Ten-Foot Utility Strip.** In accordance with then-applicable standards, the schematic design for the Eastern Extension was prepared to provide a ten (10) foot-wide strip extending from the outside boundaries of the roadway for the placement of existing utilities. The standards for that recommended minimum width subsequently were changed to fifteen feet (15') in width by TxDOT. The City acknowledges and approves the 10-foot width reflected in the initial design for the Eastern Extension, provided, however, the Authority commits to acquire

additional right-of-way or easement interests for the utility strip in those areas, if any, where the Authority deems it necessary to accommodate the relocation of existing utilities.

E. CONSTRUCTION REQUIREMENTS

1. **Utility Clearances, Relocations and Connections.** The City agrees to maintain a utility clear zone by prohibiting the subsequent issuance of any utility permits that would conflict with the design and construction of the Eastern Extension. Without limiting the foregoing, for those portions of the Turnpike Lanes built as overpass structures, the utility clear zone shall extend not less than seventy-five feet (75') from the Turnpike Lanes centerline (for a utility clear zone of not less than one hundred fifty feet [150'] total). This utility clear zone shall be located between four feet (4') and twelve feet (12') behind the back of curb of the through traffic lanes (ultimate width) of the cross street as shown in Exhibit C, attached hereto and incorporated herein for all purposes. The City shall be responsible for relocating any utilities or other surface or subsurface improvements and facilities that the Authority determines to be in conflict with the utility clear zone and which were placed subsequent to the Effective Date on right-of-way or facilities under the City's control. The Authority shall design its bridges to accommodate the cross street widths as reasonably determined by the City and communicated in writing to the Authority before the design of any such bridge commences. If the Authority determines that Eastern Extension bridge foundation elements are required in the center median of a cross street, an eight foot (8') wide utility clear zone in such median shall also be provided by the City.

The City, when requested by the Authority, agrees to supply, at no cost to the Authority, water and sanitary sewer service to the right-of-way limits adjacent to the Authority's facilities, including ancillary support buildings, ramp tollbooths and main lane toll plazas, that are located

within the City's corporate limits. Such sanitary sewer service shall be satisfied by on-site waste disposal systems (septic systems) until a sanitary sewer line is extended to the general vicinity of the facility in question. The proposed and general locations for the Authority's ramp tollbooths and main lane toll plazas for the Eastern Extension are shown on Exhibit D, attached hereto and incorporated herein for all purposes; final locations shall be established by the Authority in consultation with its General Engineering Consultant (as hereinafter identified), the Consulting Engineer and other design professionals. The Authority shall pay for its usage of City utilities; however, the Authority shall not be subject to any utility connection fees, impact fees, user fees or any other type of special assessment. The City shall invoice the Authority only for the Authority's actual usage of said utilities at such standard rates as the City applies to other governmental entities, and the Authority shall promptly pay all invoices submitted therefor by the City.

The City shall be responsible for, and promptly deposit with the Authority, all additional design, materials, and construction costs resulting from the upsizing or enhancement of, or other betterment to, any utility structures in connection with the construction of the Eastern Extension which is requested by the City.

2. **Storm Water Compliance.** The City will permit the Authority to connect to the City's municipal separate storm sewer and storm water drainage systems (the "MS4"), if any, and the City shall provide easements and other interests and make such enlargements or other betterment work required for the efficient discharge of storm water from the Turnpike. The City shall cooperate, coordinate with, and assist the Authority in the Authority's compliance with the Authority's MS4 Permit. At the City's written request, the Authority shall provide the City with technical information and assistance required for the City to perform its obligations and

responsibilities as set forth below. At the Authority's written request, the City shall provide the Authority with technical information and assistance required to perform its obligations and responsibilities as set forth below. The City and the Authority agree as follows:

- (a) The Authority will be responsible for the operation and maintenance of the MS4 it owns within the corporate limits of the City unless otherwise provided in an agreement with the City. The City shall be responsible for the construction, operation, maintenance, and inspection of the MS4s it owns and the remaining area within the City's corporate limits. The City and Authority shall each be responsible and liable for any fines and/or penalties which may be assessed in relation to their own MS4.
- (b) If and to the extent required by law, each party shall develop its own Storm Water Management Plan ("SWMP") as part of its MS4 permit and will be responsible for implementing the SWMP on the MS4 for which it is the operator and for complying with the conditions of its storm water permit relating to the SWMP. The City shall cooperate with the Authority on the creation or modification of the Authority's SWMP.
- (c) The City recognizes the Authority does not have authority, police power, personnel, or resources to detect, identify, and enforce violations of the Clean Water Act or storm water pollution laws and regulations. To the extent the City possesses the requisite enforcement authority, the City shall use its available authority and police power to detect, identify, and enforce applicable Clean Water Act (which for all purposes includes all

amendments thereto), storm water pollution laws and regulations with respect to the following:

- i. Those areas within the corporate limits of the City that generate or convey runoff that originates outside of the Authority's MS4 permit right-of-way.
- ii. Those areas within the corporate limits of the City that generate or convey runoff that originates outside of the Authority's MS4 permit right-of-way and is conveyed to or through the Authority's MS4.
- iii. Illicit discharges and improper disposal that originate within the City's corporate limits and have the potential to enter from outside the Authority's MS4.
- iv. Construction site runoff (other than construction of the Eastern Extension or which otherwise results from the Authority's activities) that originates within the City's corporate limits and has the potential to enter from outside the Authority's MS4.
- v. Industrial and high risk run-off that originates within the City's corporate limits and has the potential to enter from outside the Authority's MS4.

To the extent the City lacks the foregoing enforcement authority, the Authority will be responsible for providing the necessary communication to the Texas Commission on Environmental Quality or its successor commission or agency.

- (d) The Authority will use reasonable efforts to substantially comply with its MS4 permit, and control pollution in storm water that originates on the Turnpike Lane Area, as required by the conditions of its MS4 permit. The City shall use reasonable efforts to substantially comply with its MS4 permit (if any), and control pollution in storm water discharged within the corporate limits of the City and onto the Turnpike Lane Area, as required by the conditions of its MS4 permit. The Authority will comply with all applicable regulations.
- (e) Each party will promptly notify the other if it knows of a discharge of oil or other hazardous substance or material in an amount that requires reporting or be violative of any law, regulation or permit and that has the potential to be introduced into the other party's MS4, regardless of where such discharge originates.
- (f) After reasonable written notice to the Authority and subject to safety and traffic-control measures required by the Authority in response to such notice, the City may enter the Turnpike Lane Area to conduct inspections reasonably related to monitoring compliance with the Clean Water Act, storm water pollution laws and regulations by parties other than the Authority.
- (g) Utility construction, operation or maintenance, or any other activity performed by the City, its agents, employees or contractors on the Turnpike Lane Area shall not begin without prior written notification to the Authority and shall comply with all applicable local, state and federal

laws and regulations, including but not limited to, the Clean Water Act and those governing storm water pollution.

- (h) The Authority may incorporate into its MS4 permit filings and reports the results of the City's tests conducted in connection with its MS4 storm water permits, including "wet-weather" monitoring results (whether under the wet-weather monitoring program coordinated by the North Central Texas Council of Governments or otherwise) and "dry weather" field screening, provided said results shall be provided by the City without warranty.
- (i) At the City's request, the Authority will make available to the City research related to highway operations and storm water runoff referenced in the Authority's SWMP.
- (j) The Authority may state its use of and reliance on the storm water public awareness and public education program, which is required by the MS4 permit for the City and which is conducted by the City, as a program that satisfies the Authority's public education and awareness program obligations under the Authority's MS4 permit.
- (k) The City and the Authority each may incorporate into its respective MS4 permit applications, reports, and filings information from the permit applications reports and filings of the other.

- (l) The City shall pass such ordinances, rules, or regulations as shall be necessary to satisfy its obligations and responsibilities under this subsection II.E.2.

3. **Construction Staging Areas.** If requested by the Authority and irrespective of whether the Stakeholder Cities agree to the Alternative ROW Acquisition Program, the City shall make available its rights-of-way or other properties located along the Eastern Extension, if any, for the Authority's exclusive use as temporary staging areas before and during construction; provided, however, the City shall not be obligated to obtain any additional right-of-way solely for such purpose. Notwithstanding the foregoing, if the City demonstrates that a property requested by the Authority cannot be utilized for this purpose without materially interfering with the City's current or committed future use for that property or causing an undue hardship for adjacent residential areas, and the City identifies a substitute property offering substantially identical utility as a temporary staging area, the substitute property shall be utilized. Such areas may be used for the placement and operation of construction site trailers, for temporary material disposal, for temporary embankments, for the operation of a concrete and/or asphalt batch plant, or for any other purpose that may be related to the construction of the Eastern Extension. During its use of the staging areas, the Authority shall use all reasonable efforts to maintain the property in an orderly condition, free from excessive debris and clutter and with no unlawful contamination. Upon completion of construction activities or cessation of its use thereof, whichever comes first, the Authority, at its cost, shall return the staging areas to the City in a condition comparable to or better than when received for use by the Authority.

4. **Soundwalls.** The Authority may be required to or elect to construct soundwalls, retaining walls or similar structures as a condition of operating the Eastern Extension. The

provision of soundwalls, also known as noise walls, has been analyzed in the FEIS process according to applicable FHWA criteria. The FEIS contains results of that analysis and/or noise contours based upon projected Eastern Extension noise levels. The Authority provided a copy of the FEIS to the City and the City hereby acknowledges its receipt. The City shall be responsible for using the information to determine compatible land uses based on projected noise levels. The City acknowledges that the Authority shall not be responsible for constructing any soundwalls, which (1) are not identified by the FEIS, (2) are not approved by adjacent property owners, or (3) are required due to incompatible land uses that the City allows to be planned, platted, approved or constructed where the noise contours or analysis indicate that the FHWA or other applicable sound criteria are exceeded. The Authority will not be liable or obligated, financially or otherwise, for providing soundwalls to any development which is proposed, platted, approved, permitted or constructed after the completion of the FEIS. The City agrees to maintain and repair all soundwalls, retaining walls or similar structures which are constructed by or on behalf of the City subsequent to the Authority's completion of the initial construction of the Eastern Extension.

5. **Signalization.** Within the City's corporate limits, the design of the Eastern Extension provides for two (2) signalized intersections along the Service Roads and/or at the cross streets or ramps to and from the Turnpike Lanes. These intersections are as depicted in Exhibit E, attached hereto and incorporated herein for all purposes. In consideration of the City's performance of its obligations under the Agreement, the Authority shall provide for the design, construction and installation of temporary and permanent traffic signalization necessitated by the construction of the Eastern Extension. The Authority shall design, prepare and issue construction plans and specifications, take bids, award contracts and purchase orders,

install and test (or cause the same to be done) any temporary or permanent traffic signalization systems at the City street intersections with the Eastern Extension as shown on Exhibit E, and also shall install and/or relocate, at its sole expense, any traffic signals, conduit, controllers or any other related facilities that may be required for or as a result of the construction of the Eastern Extension (collectively, the “Signalization Work”). Thereafter, as more specifically set forth below, the City shall be responsible (either itself or by agreement with TxDOT) for the operation and maintenance of said traffic signalization systems. The Signalization Work shall include the Authority’s provision, at its cost, of the standard TxDOT signal kit, plus “Opticom® units.”

The City shall ensure that its traffic signalization systems do not impede or interfere with the operation of the Eastern Extension. The Authority shall keep the City reasonably informed of the Authority’s design and construction plans in furtherance thereof. Upon completion of the Signalization Work, the City agrees (either itself or by agreement with TxDOT) to operate, police and maintain the described traffic signalization systems at no cost to the Authority and to assume the responsibility for provision of all electrical power required for signal operations, including that required during construction and test periods. This subsection 11.E.5 sets forth the Authority’s sole obligation regarding the Signalization Work and nothing contained in this Agreement (including the Authority’s right to place temporary traffic control devices, signals or signage) shall in any way impose upon or create for the Authority any responsibility for (i) the proper operation of traffic signalization along the Eastern Extension within the corporate limits of the City or (ii) the police enforcement required for securing compliance with the traffic signals described in this Agreement.

6. **U-Turns.** The Authority, at its cost, will design and construct the approved U-turns and U-turn deceleration lane(s) as depicted on the Schematic. The City shall be responsible for policing, operating and maintaining, at its sole expense, the U-turns and U-turn deceleration lanes in a manner that does not impede access to or egress from the Turnpike Lanes. The City does not request the inclusion of any additional underpass or overpass U-turns in the Eastern Extension design.

7. **Cross Streets.** The Authority shall design and construct the various intersections depicted on Exhibit G, attached hereto and incorporated herein for all purposes, as indicated thereon, including with respect to intersection layouts, U-turns, left-turn lanes, and (except where otherwise indicated) three-lane frontage roads. If the City subsequently desires at any time to construct or materially modify a cross street over or under the Eastern Extension, it shall contact the Authority and thereafter take all steps the Authority reasonably deems necessary or desirable to ensure that the design, construction, maintenance and operation of the cross street does not impair or interfere with the design, construction, operation or maintenance of the Eastern Extension. The City shall submit to the Authority the name of the engineering firm the City intends to retain to design the cross street and shall not award the engineering contract unless and until it receives the Authority's written approval thereof, such approval not to be unreasonably withheld or delayed. The City shall submit the plans for any such proposed cross street to the Authority for the Authority's review, and the applicable construction contract shall not be let unless and until the Authority approves the plans in writing, such approval not to be unreasonably withheld or delayed. Thereafter, the cross street shall be constructed in accordance with the approved plans and the Authority shall have the right to make such inspections and testing it desires to confirm same. Without limiting the foregoing, the City, at its sole expense,

shall cause any cross street to be designed and constructed to accommodate the profile grade design of the Eastern Extension. The City also shall cause its staff and consultants to meet and communicate with the Authority regularly during the planning, design and construction phases of any cross street, and the Authority shall reasonably cooperate with the City in advancing the design and construction of any cross street complying with the provisions of this subsection II.E.7.

8. **Signage.** On February 20, 2002, the Authority's Board of Directors passed Resolution 02-03, "A Sign Policy for Turnpike Projects," to promote a consistent and comprehensive approach to the installation of directional and informational signs on the Authority's facilities. Signage to be installed by the Authority in the initial construction of the Eastern Extension, as well as signage requested at any time by the City, shall be evaluated and determined in accordance with the foregoing policy, as it may be amended.

F. **MAINTENANCE**

1. **The City's Responsibilities.** The City has the responsibility to operate, maintain, police, regulate and provide public safety functions only for the City's streets over and under the Turnpike Lanes. Said responsibilities, to be performed at the sole cost and expense of the City, shall include the following, as further shown on Maintenance Responsibility Areas attached as Exhibit F and incorporated herein for all purposes:

- (a) Repair and maintain all the City's streets over (*i.e.*, bridge deck and above) and under the Turnpike Lanes, including all traffic signal systems, luminaires, other illumination structures and foundations therefor.
- (b) Repair and maintain all storm water conduits and receivers, both open and closed, on, along and across the City's streets and maintain any drainage,

utility, right-of-way or other easements situated thereon for the purpose of serving the Eastern Extension.

- (c) Repair and maintain all soundwalls, screen walls, retaining walls and similar structures in accordance with subsection II.E.4.
- (d) Keep the vegetation mowed and remove, collect and dispose of all unauthorized signs, debris and trash accumulated in the Eastern Extension right-of-way areas adjacent or relating to the City's streets.
- (e) Maintain and, as necessary, modify guardrail and fences, if any, along the City's streets crossing over and under the Turnpike Lanes.
- (f) Maintain and, as necessary, modify or supplement all traffic regulatory and directional signs and all pavement traffic markings on the City's streets over and under the Turnpike Lanes, except Turnpike trailblazers, "Left Lane Must Enter Turnpike," "No Pedestrians, Bicycles or Motor Driven Cycles," and similar signs regarding the Eastern Extension.
- (g) Furnish all policing, sweeping, flushing, snow/ice control services and other public safety services on the City's streets crossing over and under the Turnpike Lanes.
- (h) License, permit and regulate all driveway and street connections to the Service Roads in accordance with TxDOT requirements (if any), except to or from property owned or controlled by the Authority, in accordance with Exhibit B, the Ramp Access Plan.
- (i) Provide fire, emergency medical service and "haz-mat" response for the Turnpike Lanes, the Service Roads and the City's streets.

Additionally, to the extent the City elects to enter into one or more agreements with TxDOT for the City's operation, maintenance, policing, regulation or provision of public safety functions for the Service Roads, the City shall perform those functions in accordance with the applicable agreement(s) and so as to avoid any interference with the operation of the Eastern Extension. The City acknowledges and agrees that the Authority shall have no responsibility or obligation to operate, maintain, police, regulate or provide public safety functions outside the Turnpike Lane Area.

2. **The Authority's Responsibilities.** The Authority has the responsibility to operate, maintain, police, regulate and provide public safety functions for the Turnpike Lanes. Said responsibilities, to be performed at the sole cost and expense of the Authority, shall include the following, as further shown on the Maintenance Responsibility Areas attached as Exhibit F:

- (a) Perform all mowing, snow/ice control, and collection and removal of debris within the Turnpike Lane Area.
- (b) Maintain all improvements constructed by the Authority as a part of the Eastern Extension exit and entrance ramps within the limits extending from the Turnpike Lane Area to either (i) the ramp gore nose at the applicable Service Road or (ii) the intersection with the applicable Service Road or other street.
- (c) Repair and maintain all soundwalls, screen walls, retaining walls and similar structures within the Turnpike Lanes Area.
- (d) Maintain the fence and guardrail, if any, placed along and between the Turnpike Lanes Area and Service Roads used to protect ramp toll plazas.

- (e) Maintain all Eastern Extension illumination structures, including under-bridge lighting, but specifically excluding all Service Road illumination and street intersection illumination.
- (f) Maintain complete bridge structures that carry the Turnpike Lanes over the City's streets.
- (g) Maintain structural components (*i.e.*, below the bridge deck) of bridges carrying the City's streets over the Turnpike Lanes.
- (h) Maintain all Turnpike trailblazers, "Left Lane Must Enter Turnpike," "No Pedestrians, Bicycles or Motor Driven Cycles," and similar signs regarding the Eastern Extension and/or the Turnpike within the corporate limits of the City.
- (i) License, permit and regulate utility construction and maintenance along and across the Turnpike Lanes Area.

The Authority acknowledges and agrees that the City shall have no responsibility or obligation to operate, maintain, police, regulate or provide public safety functions for the Turnpike Lanes and/or with respect to the Turnpike Lanes Area, except as provided in subsections II.E.2.(c) and II.F.1.(j). Subject to the Authority's right to negotiate specific terms tailored to address specific circumstances or facts that may differ from municipality to municipality, the allocation of responsibilities between the City and the Authority regarding the operation, maintenance, policing, regulation, and provision of public safety functions for or with respect to the Turnpike Lanes, Turnpike Lanes Area, and the Service Roads in general shall not be less advantageous to the City than the allocation of responsibilities contained in the

Authority's interlocal agreements with the other two (2) Stakeholder Cities regarding the Eastern Extension.

G. AESTHETIC TREATMENTS

On June 18, 2003, the Authority's Board of Directors passed Resolution No. 03-57, "A Resolution of the North Texas Tollway Authority Approving the Adoption of System-Wide Design Guidelines for the Dallas North Tollway System" to promote continuity in the implementation of aesthetic treatments along the Authority's existing and future facilities. Aesthetic treatments to be installed by the Authority in the initial construction of the Eastern Extension, as well as treatments requested at any time by the City, shall be evaluated and determined in accordance with the foregoing guidelines, as they may be amended. The determination of whether to implement any aesthetic modifications or upgrades shall be at the sole discretion of the Authority. For purposes of this Agreement, aesthetic treatments shall mean any aspect of or enhancement to the roadways, rights-of-way, lighting, medians, intersections, signals, soundwalls or any other structure or facility (including, without limitation, landscaping) that is not essential to the function or operation of the applicable structure or facility. Without limiting the provisions of the third sentence of this Section II.G., the City shall reimburse the Authority for the additional costs for the design, construction, operation and maintenance of any requested modification or upgrade to the Authority's baseline aesthetic treatments within thirty (30) days after receipt of any invoice for the same from the Authority.

ARTICLE III.
GENERAL PROVISIONS

A. TERM OF AGREEMENT

The term of this Agreement shall begin on the Effective Date and end on the earlier to occur of (1) the complete performance by the parties hereto of all provisions of this Agreement or (2) the determination by the Authority of the non-feasibility of the Eastern Extension or other termination by the Authority pursuant to Section III.C.

B. MUTUAL SUPPORT

The City acknowledges its approval of and support for the Authority's financing, design, construction, operation and maintenance of the Eastern Extension as a turnpike project within the corporate limits of the City and agrees to take all actions reasonably requested by the Authority which are consistent with this Agreement in furtherance of the purposes of this Agreement. Unless and until the Authority determines that the design, construction and operation of the Eastern Extension as a turnpike project is not feasible, the City shall not advance any alternative to or conflicting or competing proposal for the development of the Eastern Extension. The City agrees to support the Authority in the necessary environmental clearance and permitting review processes and to provide such information as may be requested by the Authority, TxDOT or FHWA from time to time with regard to the Studies generally. The parties agree to coordinate and conduct the necessary public hearings and public participation efforts required to initiate and complete the Eastern Extension. The parties shall make every reasonable effort to maintain communication with the public and the other party's representatives regarding the progression of the Eastern Extension review process and plans. In addition, the City agrees to assist and join the Authority in obtaining and performing under the various approvals, permits and agreements

required of the applicable governmental entities and agencies, whether federal, state or local, regarding the Eastern Extension.

C. ELECTION TO PROCEED AND RELIANCE

Notwithstanding any other provision of this Agreement, the Authority, in its sole judgment, shall determine whether it is feasible to design, finance, construct, operate and maintain the Eastern Extension as a turnpike project. The City acknowledges that unless and until said feasibility is established and accepted by the Authority's Board of Directors, this Agreement creates or imposes no obligations on the Authority with respect to the design, construction, operation and/or maintenance of the Eastern Extension, and the Authority makes no representations with respect thereto. Should the Authority determine that the Eastern Extension is not feasible or otherwise determines not to proceed with the evaluation, design and construction of the Eastern Extension for any reason, the Authority shall promptly notify the City in writing and the City shall be released from its obligations under this Agreement, including its right-of-way acquisition obligations under Section II.D.. In such event, this Agreement shall terminate, and neither the Authority nor the City shall incur or be obligated to the other for any further obligations or expenses regarding the Eastern Extension. Nothing contained in this Section III.C. shall be construed, however, as modifying or conflicting with the Authority's commitment to evaluate the feasibility of the Eastern Extension in accordance with this Agreement.

D. SUPPLEMENTAL AGREEMENTS

Upon completion of the Studies and an acceptable determination by the Authority, in its sole discretion, of the feasibility of the Eastern Extension as a turnpike project, the parties agree to enter into any supplemental or additional agreement(s) as may be necessary for the design,

construction, operation and maintenance of the Eastern Extension within the City's corporate limits. Such agreement(s) may include, but not be limited to, (1) specifying the final alignment and schematics of the Eastern Extension, (2) more precisely delineating cost sharing between the parties, including, but not limited to, provisions for property acquisition and transfer, (3) refining responsibilities for construction, operation and maintenance of Service Roads, interchanges, traffic control devices and signals, (4) specifying details and timing regarding the relocation of utilities, and (5) such other terms as may be appropriate to ensure the physical and fiscal integrity of the Eastern Extension. Although the precise terms of the supplemental agreements shall be negotiated at a later time, none of those terms shall conflict with any provision of this Agreement, absent the specific written agreement of the parties to the contrary, and all such supplemental agreements shall be consistent with the terms and provisions hereof. In addition, the City agrees to assist and join with the Authority in obtaining the various approvals, permits and agreements required of the applicable governmental entities and agencies, whether federal, state or local.

E. CONTROL OF AUTHORITY FACILITIES, OPERATIONS AND NONAPPLICABILITY OF CERTAIN CITY CODES

The City acknowledges and agrees that the Authority is not subject to the various zoning, building and development codes and/or ordinances promulgated and enforced by the City, and that it shall not assess against the Authority any development, impact license, zoning, permit, building, connection or construction fee, charge or penalty of any kind with respect to the construction, maintenance or operation of the Eastern Extension. The parties are subject to certain federal regulations, in particular those related to the Clean Air Act, which may affect the Authority and its contractors in their performance of this Agreement. The City acknowledges that as a result of federal and/or state regulations, or other construction schedules, the Authority

may be required to perform construction activity at night or twenty-four (24) hours a day. The Authority shall use reasonable efforts to notify the City of any planned night or 24-hour work. The City agrees to give its full cooperation to accommodate such activity, including providing support for notifying the public by posting a press release and notice on the City's website.

F. RELATIONSHIP OF THE PARTIES; NO JOINT ENTERPRISE

Nothing in this Agreement is intended to create, nor shall be deemed or construed by the parties or by any third party as creating, (1) the relationship of principal and agent, partnership or joint venture between the City and the Authority or (2) a joint enterprise between the City, the Authority and/or any other party. Without limiting the foregoing, the purposes for which the City and the Authority have entered into this Agreement are separate and distinct, and there are no pecuniary interests, common purposes and/or equal rights of control among the parties hereto.

G. BILLBOARDS

The City acknowledges that with respect to billboards or similar off-premises signs within the Eastern Extension right-of-way, the Authority will follow its policy expressed in Resolution No. 98-048, dated July 24, 1998. The City agrees to cooperate with the Authority to prohibit and eliminate the presence of billboards or other similar off-premises signs that would or could be visible from the traveled portion of the Eastern Extension. The City shall be solely responsible for (1) the removal of any and all billboards and similar outdoor off-premises signs from within the right-of-way for the Turnpike Lanes and Service Roads of the Eastern Extension, (2) any related relocation costs and other consideration, and (3) the termination of existing billboard/sign leases to the greatest extent practical and permissible under applicable laws. To the extent allowed by applicable law, the Authority and the City agree that neither party shall

allow the future construction or installation of billboards or similar off-premises outdoor signs on the Eastern Extension right-of-way.

H. NO LIABILITY

Nothing in this Agreement shall be construed to place any liability on either the City, the Authority, the Consulting Engineer, or any liability on any of the Authority's or the City's respective employees, consultants (including HNTB Corporation, the Authority's General Engineering Consultant), contractors, agents, servants, directors or officers for any alleged personal injury or property damage arising out of the Eastern Extension evaluation, design and construction, or for any alleged personal injury or property damage arising out of the City's operation, policing, regulation, maintenance or repair of the Service Roads or the City streets connecting to, crossing or within the Eastern Extension. Furthermore, it is not the intent of this Agreement to impose upon the City or the Authority any liability for any alleged injury to persons or damage to property arising out of any matters unrelated to the terms of this Agreement undertaken by any consultant or contractor employed or engaged by the Authority or the City. Nothing herein shall be construed as a waiver of any rights which may be asserted by either party hereto, including the defense of governmental immunity.

I. NOTICES

In each instance under this Agreement in which one party is required or permitted to give notice to the other, such notice shall be deemed given (1) when delivered in hand, (2) one (1) business day after being deposited with a reputable overnight air courier service, or (3) three (3) business days after being mailed by United States mail, registered or certified mail, return receipt requested, postage prepaid, and, in all events, addressed as follows:

In the case of the City:

By Hand Delivery, Courier or Mail:

City of Sachse
Attn: City Manager
5560 Highway 78
Sachse, Texas 75048

In the case of the Authority:

By Hand Delivery or Courier:

North Texas Tollway Authority
Attn: Allan Rutter, Executive Director
5900 W. Plano Parkway, Suite 100
Plano, Texas 75093

By Mail:

North Texas Tollway Authority
Attn: Allan Rutter, Executive Director
P.O. Box 260729
Plano, Texas 75026

Either party hereto may from time to time change its address for notification purposes by giving the other party prior written notice of the new address and the date upon which it will become effective.

J. SUCCESSORS AND ASSIGNS

This Agreement shall bind, and shall be for the sole and exclusive benefit of, the respective parties and their legal successors. Other than as provided in the preceding sentence, neither the City nor the Authority shall assign, sublet or transfer their respective interests in this Agreement without the prior written consent of the other party to this Agreement, unless otherwise provided by law.

K. SEVERABILITY

If any provision of this Agreement, or the application thereof to any person or circumstance, is rendered or declared illegal for any reason and shall be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent permitted by applicable law.

L. WRITTEN AMENDMENTS

Any change in the agreements, terms and/or responsibilities of the parties hereto must be enacted through a written amendment. No amendment to this Agreement shall be of any effect unless in writing and executed by the City and the Authority.

M. LIMITATIONS

All covenants and obligations of the City and the Authority under this Agreement shall be deemed valid covenants and obligations of said entities, and no officer, councilmember, director, or employee of the City or the Authority shall have any personal obligations or liability hereunder.

N. SOLE BENEFIT

This Agreement is entered into for the sole benefit of the City and the Authority and their respective successors and permitted assigns. Nothing in this Agreement or in any approval subsequently provided by either party hereto shall be construed as giving any benefits, rights, remedies or claims to any other person, firm, corporation or other entity, including, without limitation, the public in general.

O. AUTHORIZATION

Each party to this Agreement represents to the other that it is fully authorized to enter into this Agreement and to perform its obligations hereunder, and that no waiver, consent, approval or authorization from any third party is required to be obtained or made in connection with the execution, delivery or performance of this Agreement. Each signatory on behalf of the City and the Authority, as applicable, represents that he or she is fully authorized to bind that entity to the terms of this Agreement.

P. VENUE

The provisions of this Agreement shall be construed in accordance with the laws and court decisions of the State of Texas, and exclusive venue for any legal actions arising hereunder shall be in Collin County, Texas.

Q. INTERPRETATION

No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party by any court, other governmental or judicial authority, or arbitrator by reason of such party having or being deemed to have drafted, prepared, structured or dictated such provision.

R. WAIVER

No delay or omission by either party hereto to exercise any right or power hereunder shall impair such right or power or be construed as a waiver thereof. A waiver by either of the parties hereto of any of the covenants, conditions or agreements to be performed by the other or any breach thereof shall not be construed to be a waiver of any succeeding breach thereof or any other covenant, condition or agreement herein contained.

S. **ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof. There are no representations, understandings or agreements relative hereto which are not fully expressed in this Agreement.

T. **COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which shall be deemed an original and shall constitute one single agreement between the parties.

U. **HEADINGS**

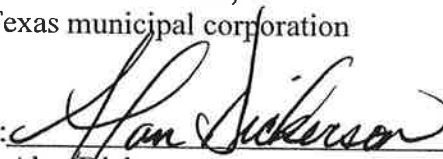
The article and section headings used in this Agreement are for reference and convenience only, and shall not enter into the interpretation hereof.

IN WITNESS WHEREOF, the City and the Authority have executed this Agreement on the dates shown below, to be effective on the date listed above.

ATTEST:


Terry Smith,
City Secretary

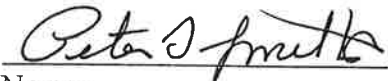
CITY OF SACHSE,
a Texas municipal corporation

By: 
Alan Dickerson,
Interim City Manager

Date: 12-12-06

APPROVED AS TO FORM:

Nichols, Jackson, Dillard, Hager & Smith, L.L.P.,
City Attorneys


Name: _____

ATTEST:


Debra L. Smith,
Secretary

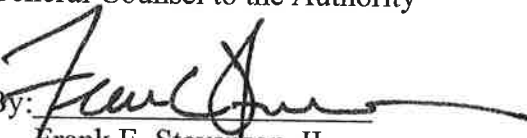
NORTH TEXAS TOLLWAY AUTHORITY

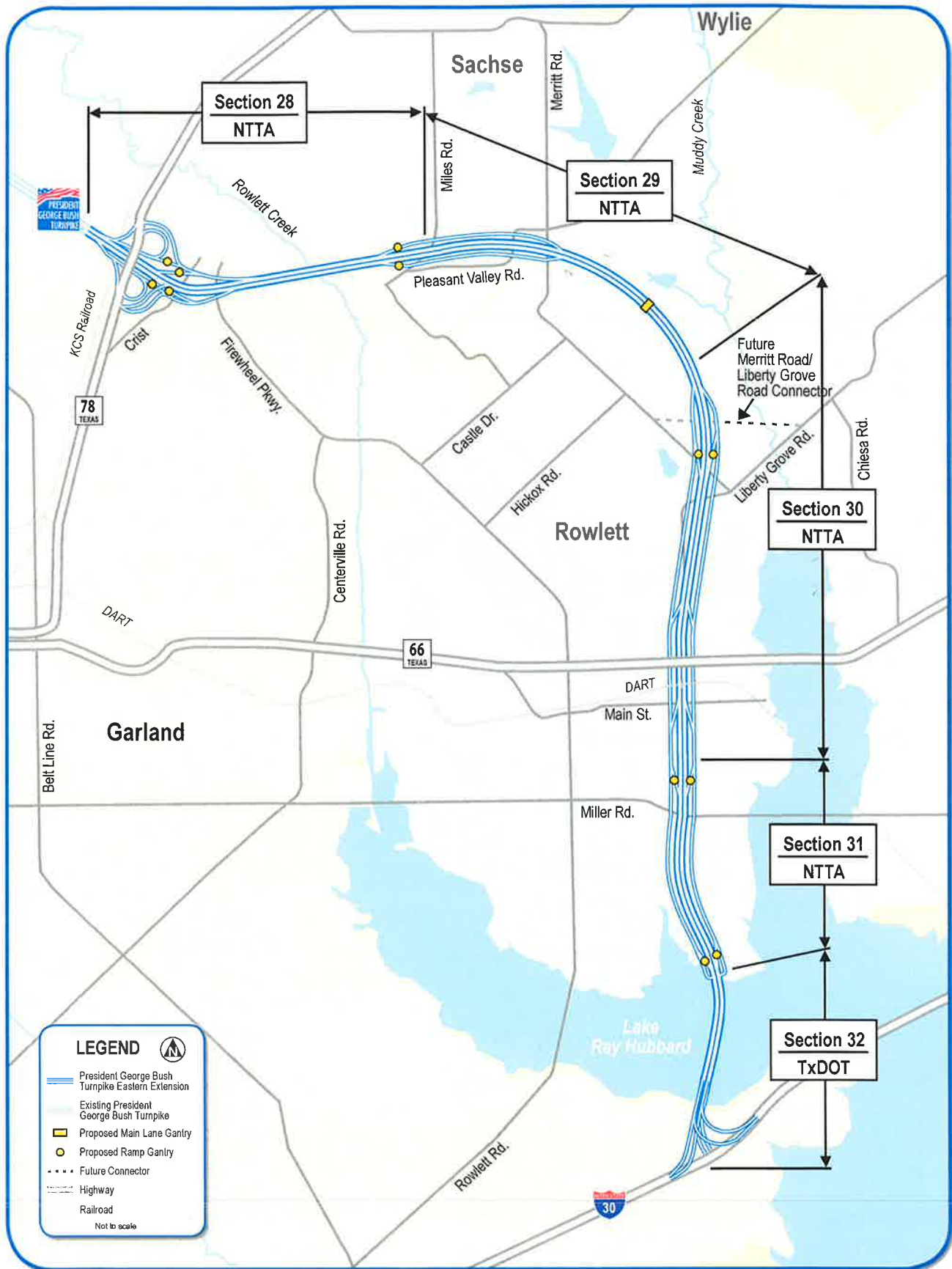
By: 
Allan Rutter,
Executive Director

Date: 1-2-08

APPROVED AS TO FORM:

Locke Liddell & Sapp LLP,
General Counsel to the Authority

By: 
Frank E. Stevenson, II



President George Bush Turnpike Progress Report

July 2008

5900 W. Plano Parkway, Suite 100, Plano, TX 75093

Email: PGBTEE@ntta.org

Web site: www.ntta.org

NTTA
NORTH TEXAS TOLLWAY AUTHORITY

I would also like to know if the recent delays from NHTA have impacted the completion date.

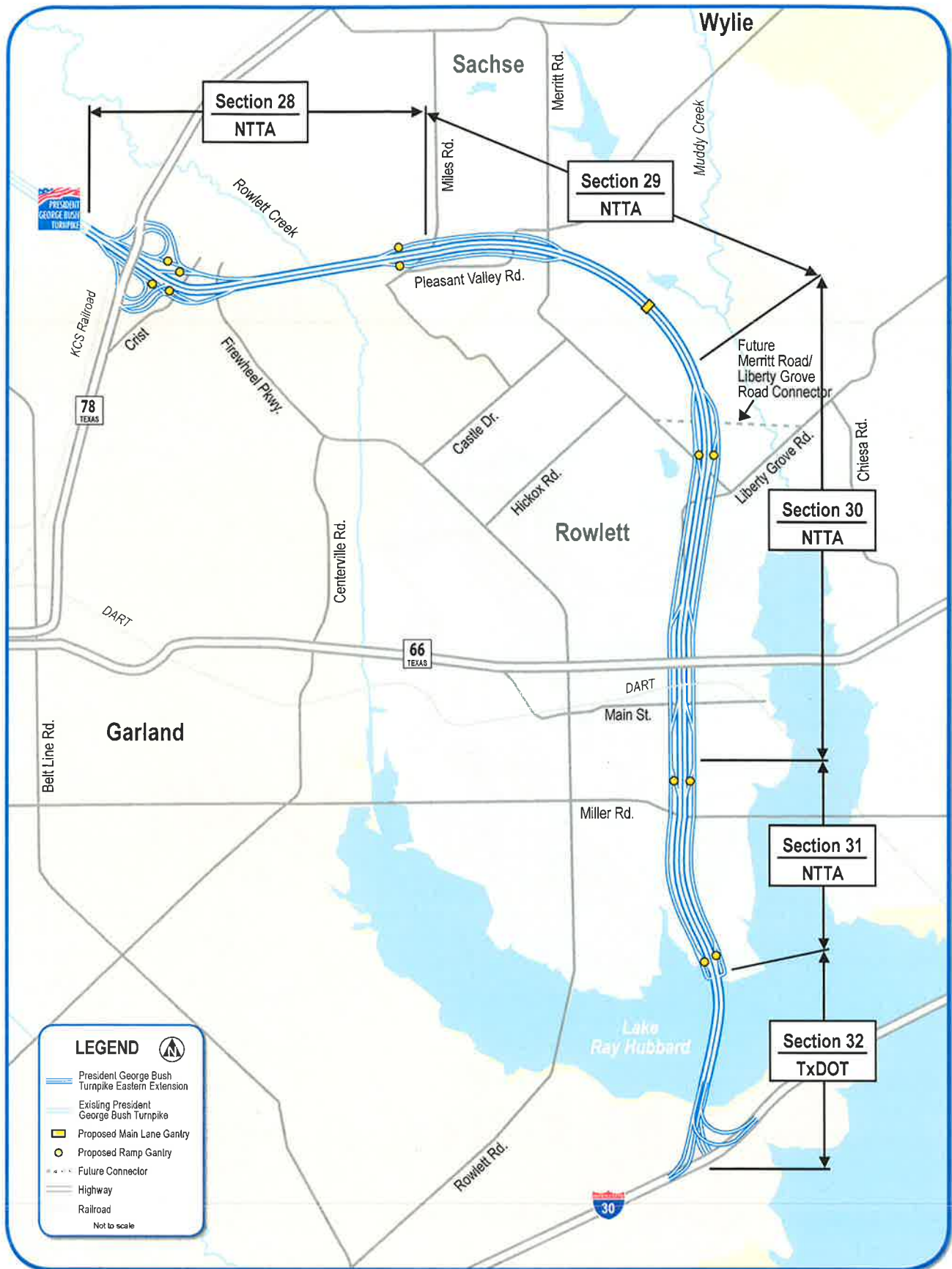
Finally, I would like to know if anything has changed since our meeting with David Dillmann about our timing on the water line project out there.

Thanks for your help on this.

AB

Allen L. Barnes, CPM, ICMA-CM
City Manager
City of Sachse, Texas
(972) 495-1212

7/9/2008



President George Bush Turnpike Progress Report

July 2008

5900 W. Plano Parkway, Suite 100, Plano, TX 75093

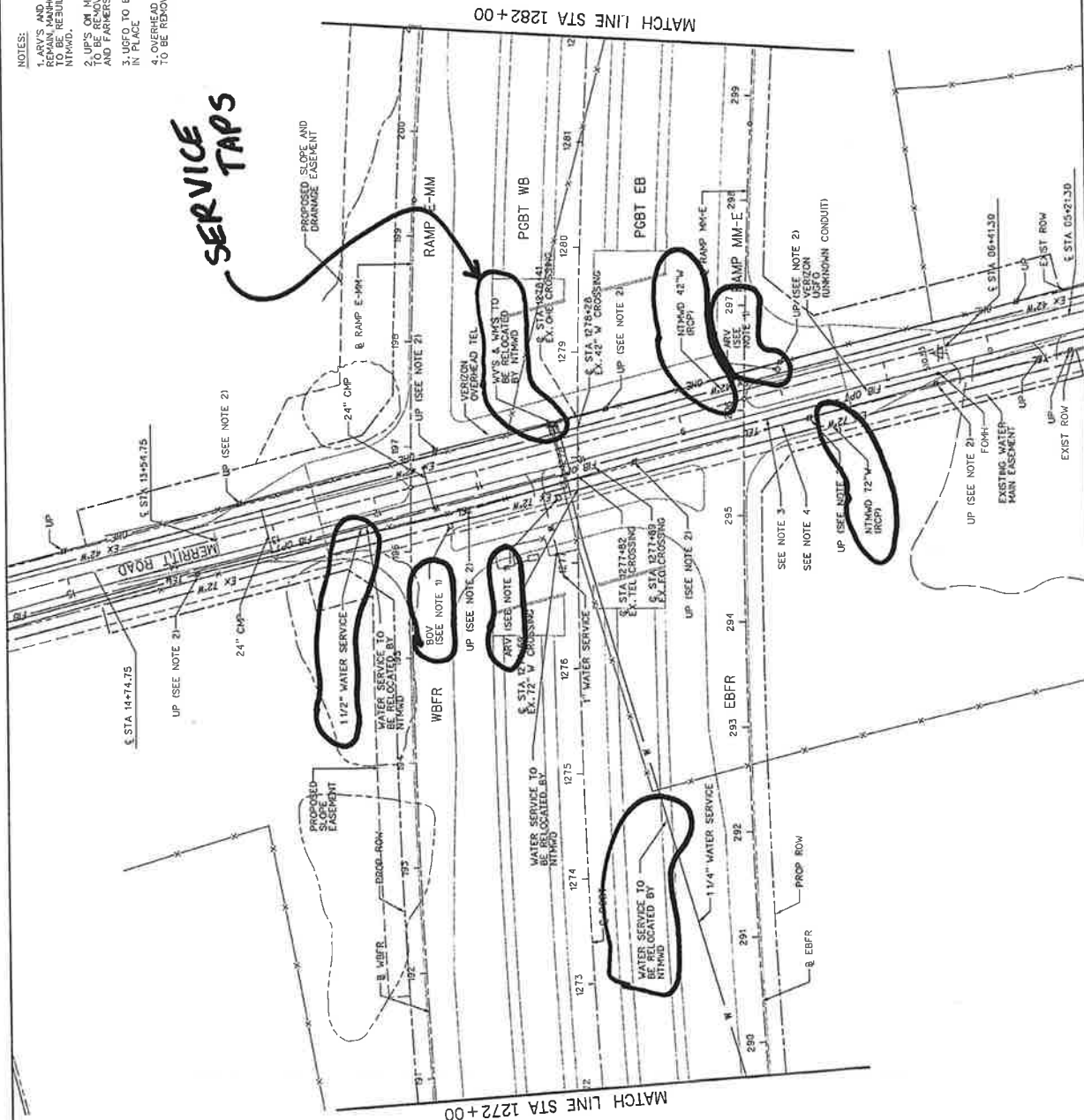
Email: PGBTEE@ntta.org

Web site: www.ntta.org

NTTA
NORTH TEXAS TOLLWAY AUTHORITY

NOTES:

- 1. ARV'S AND BOV'S TO REMAIN MANHOLES TO BE RESULT BY NIMWD.
- 2. UP'S ON MERRITT ROAD TO BE REMOVED BY TXU AND FARMERS ELECTRIC
- 3. UGFO TO BE ABANDONED IN PLACE
- 4. OVERHEAD TELEPHONE TO BE REMOVED BY VERIZON



NOTE: THE LOCATION FOR EXISTING UTILITIES HAS NOT BEEN FIELD-VERIFIED IN ALL CASES, AND IS TAKEN FROM PLANS OF RECORD PROVIDED "BY OTHERS".

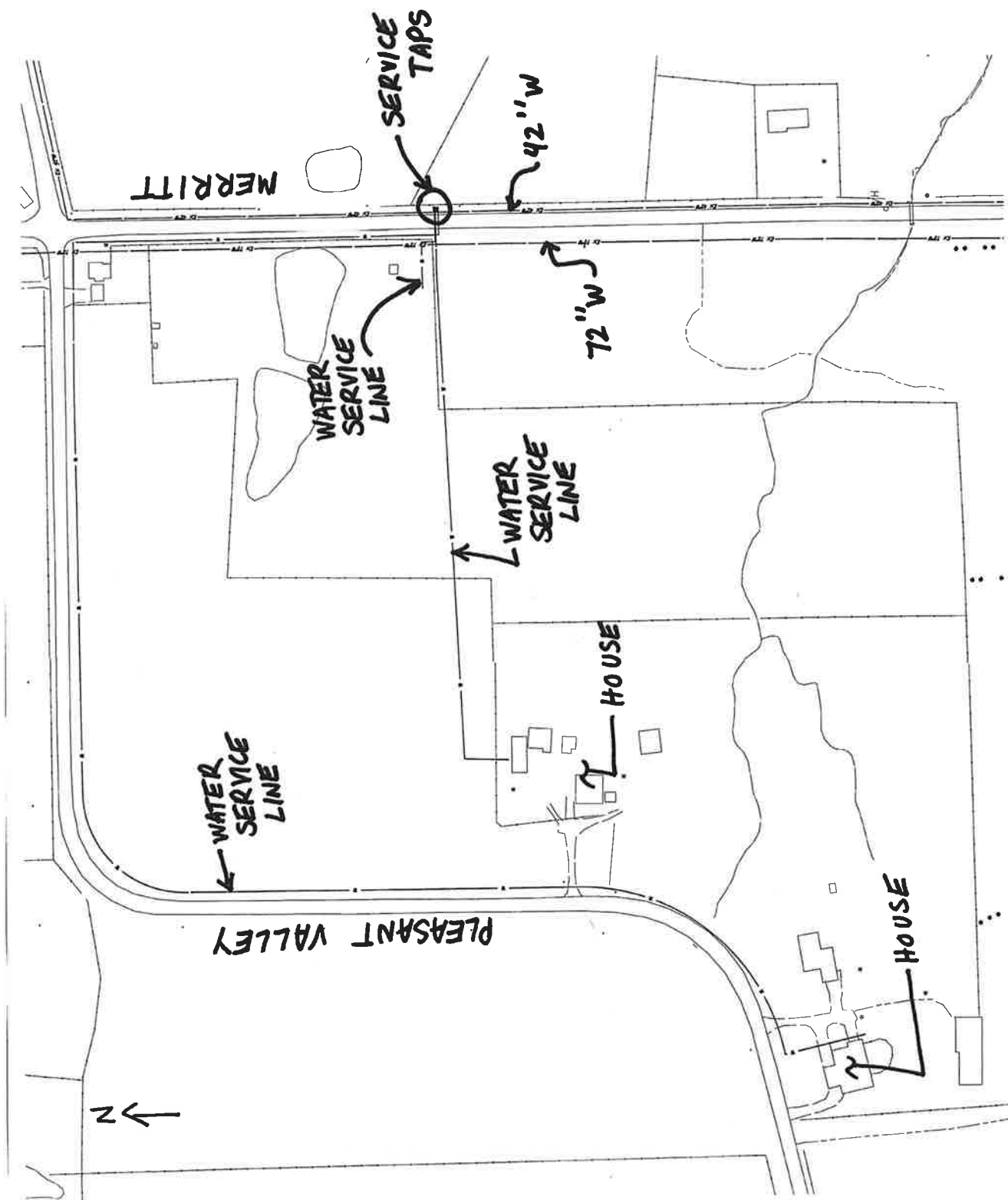
HALF ASSOCIATES, INC.
ENGINEERS • SURVEYORS • SCIENTISTS

PRELIMINARY - FOR INTERIM REVIEW ONLY

These documents are for interim review and not for construction. Fielding is Planned. Prepared. They are prepared by, or under the supervision of,

71500 FEBRUARY 1970

[illegible]



City	Number	ID	Payee	Type	Authority Received Request from Finance	Total Final Payment Amount
Sachse	28	-09 Part 1 and 2	City Bank of Palacious fbo The Trull Foundation	Commissione r Award	1/31/2009	\$1,638,834.00
Sachse	28	-09 Part 1 and 2	The Trull Foundation	Acquisition	1/19/2010	\$44,099.50
Sachse	29	-24	Fidelity National Title Agency, Inc. fbo Stan McClain	Aquisition	10/9/2008	\$8,430.00
Sachse	29	-21	Fidelity National Title	Aquisition	4/30/2008	\$8,888.00
Sachse	29	-20	County Clerk of Dallas County	Commissione r Award	6/30/2008	\$354,176.00
Sachse	29	-19	Children's Medical Center Foundation ROE Acquisition	Acquisition	9/9/2009	\$205,574.75
Sachse	29	-6	Fidelity National Title	Aquisition	1/4/2008	\$35,900.00
Sachse	29	-5	Fidelity National Title	Aquisition	5/9/2008	\$20,100.00
Sachse	29	-4	Fidelity Nat Title	Aquisition	7/30/2008	\$236,315.00
Sachse	29	-3	Fidelity National Title	Aquisition	5/21/2008	\$182,375.00
Sachse	29	-2	Children's Medical Center Foundation ROE Acquisition	Acquisition	9/9/2009	\$306,792.75
Sachse	29	-15 Part 1 and 2	Cty Clerk of Dallas Cty fbo Saginaw Highland Station, L.P.	Commissione r Award	9/26/2008	\$22,121.00
Sachse	29	-18 Part 1 and 2	County Clerk of Dallas County,FBO The Trull Foundation	Commissione r Award	10/28/2008	\$772,967.00
Sachse	29	-18 Part 1 and 2	The Trull Foundation	Acquisition	1/19/2010	\$44,099.50
Sachse	29	-22 Part 1 and 2	County Clerk of Dallas County FBO Saginaw Highland Station, LP	Aquisition	10/20/2008	\$5,698.50
29-25	TXDOT					\$2,732,510.00

Total Acq \$6,618,881.00

Utility \$929,877.00

Total Acq+Utility \$7,548,758.00
*10% \$754,875.80

Sachse Contribution \$524,800.00

Reimbursement **-\$230,075.80**
Contribution-10%



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3875 **Version:** 1 **Name:** Financial Forecast July 2017
Type: Agenda Item **Status:** Agenda Ready
File created: 6/29/2017 **In control:** City Council
On agenda: 7/5/2017 **Final action:**
Title: Receive Financial Forecast and 2017-2018 Budget Preview.
Sponsors:
Indexes:
Code sections:
Attachments: [Financial Forecast July 2017](#)

Date	Ver.	Action By	Action	Result
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Title

Financial forecast and 2017/18 budget preview

Background

The Finance Director will present an overview of economic and financial factors affecting the development of the City's 2017-2018 operating budget.

The 2017-2018 fiscal year budget is currently in the City Manager review phase. Departments have submitted their requests to the City Manager, they have been compiled by fund, and the Finance Department is analyzing data regarding revenues. This discussion will provide the City Council with a preliminary view of the 2018 budget and allow an opportunity to make comments prior to the Budget Workshop on July 17th.

Policy Considerations

None

Budgetary Considerations

None

Staff Recommendations

Discuss and provide input to staff



FINANCIAL FORECAST AND BUDGET PREVIEW

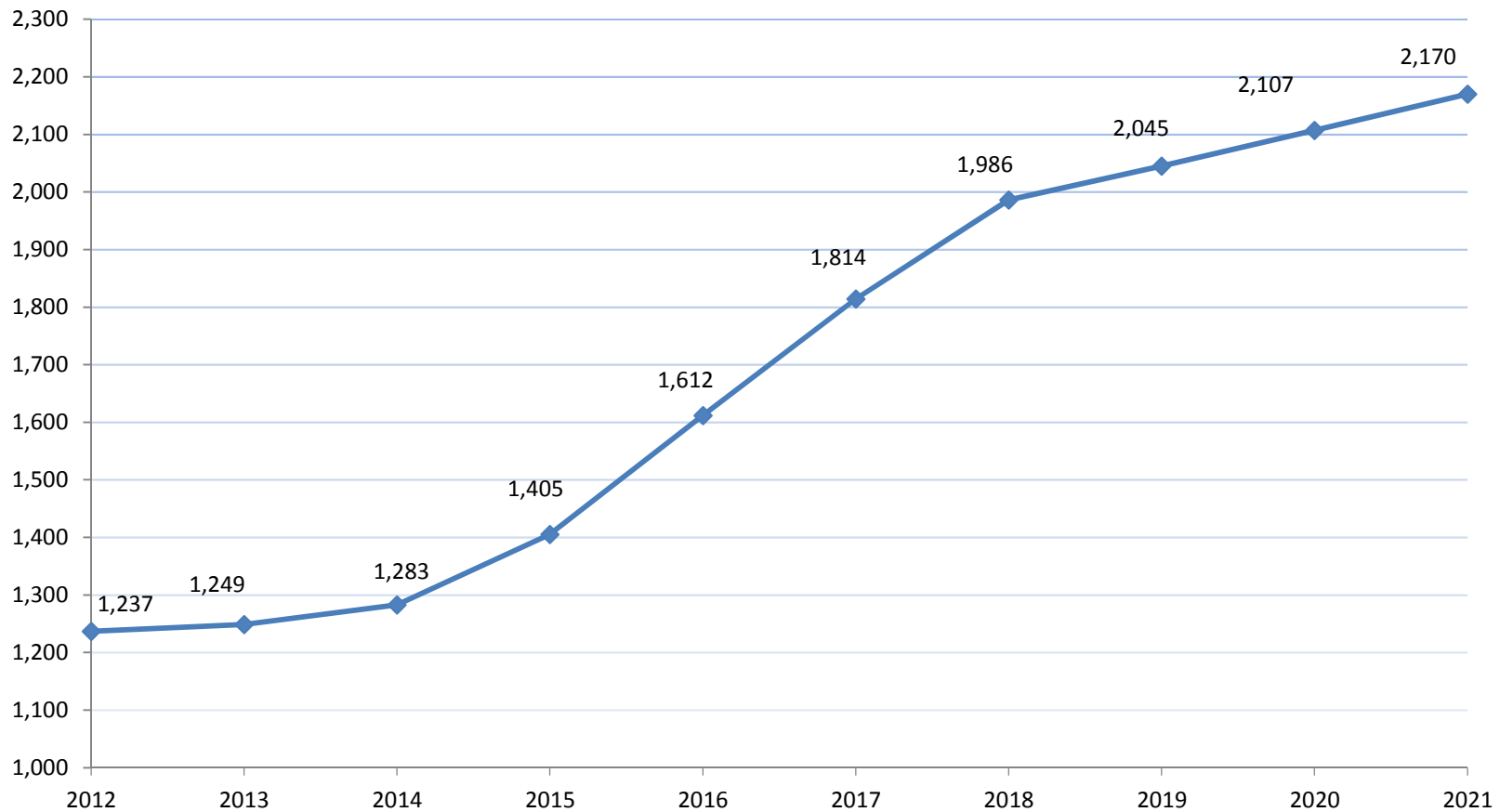
CITY COUNCIL

JULY 5, 2017

YEAR-TO-DATE RESULTS

	Budgeted	Actual
Property Tax Revenue	11%	12%
Sales Tax	13%	8%
Franchise Revenue	6%	3%
Licenses and Permits	41%	2%
Fees	6%	-21%
Other Revenue	1%	13%
TOTAL REVENUE	10%	8%
Expenses-YTD thru 5/31	17%	18%

ASSESSED PROPERTY VALUES



PROPERTY TAX ASSUMPTIONS

➤ 2017 Preliminary to 2016 Certified Values

- Dallas County +14%
- Collin County +14%
- Expect Certified to be closer to 9.5%

➤ New Construction

- Dallas County \$54,527,233
- Collin County \$50,541,448

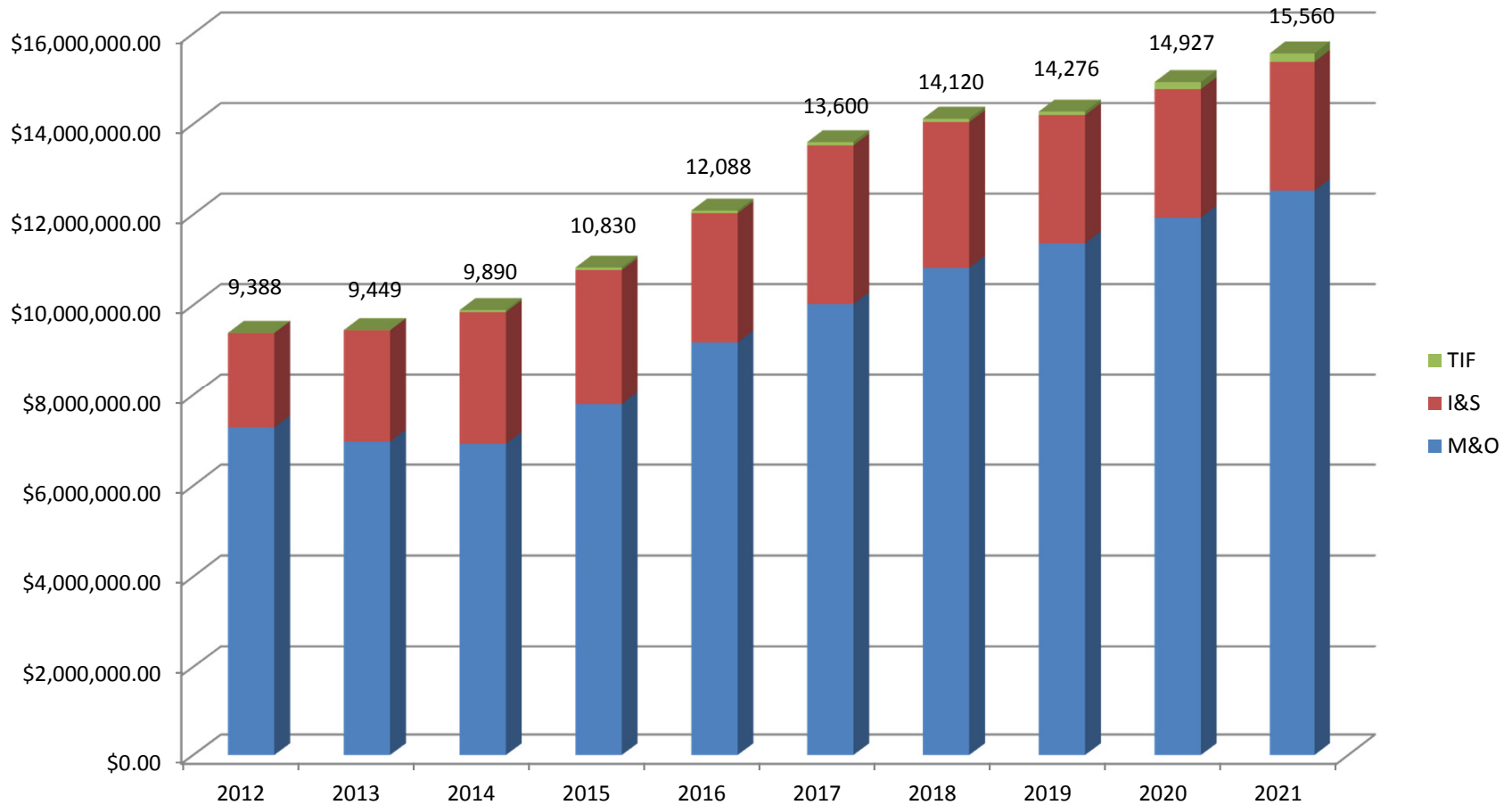
➤ Tax Rates

- 2016 adopted rate \$0.757279
- 2017 preliminary rollback rate \$0.76
- FY 2018 revenue based on \$0.757279

➤ Senate Bill 2

- Special session to convene July 18
- Projections based on no change in Rollback limit this year
- Parallel projections are being calculated based on reduction to 5%

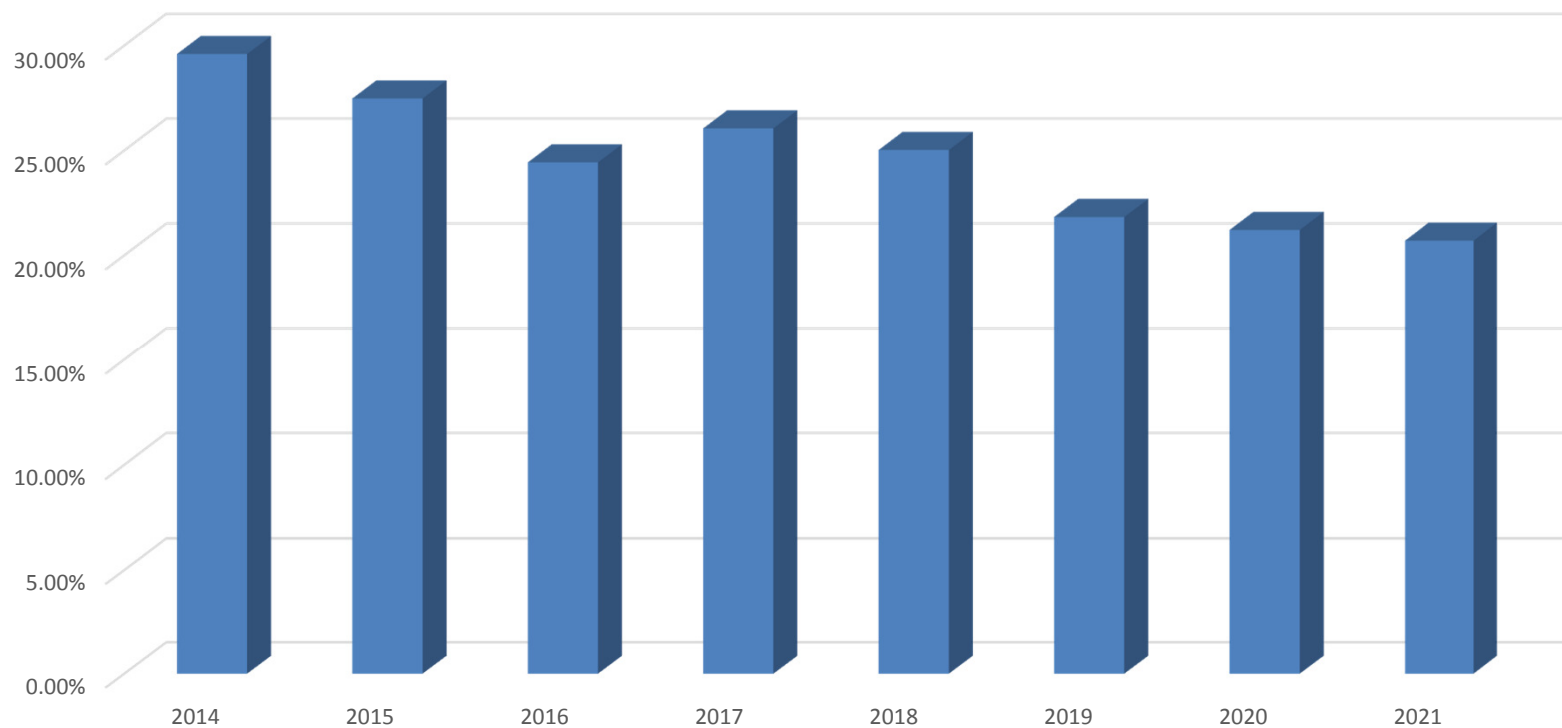
PROPERTY TAX REVENUE (IN THOUSANDS)



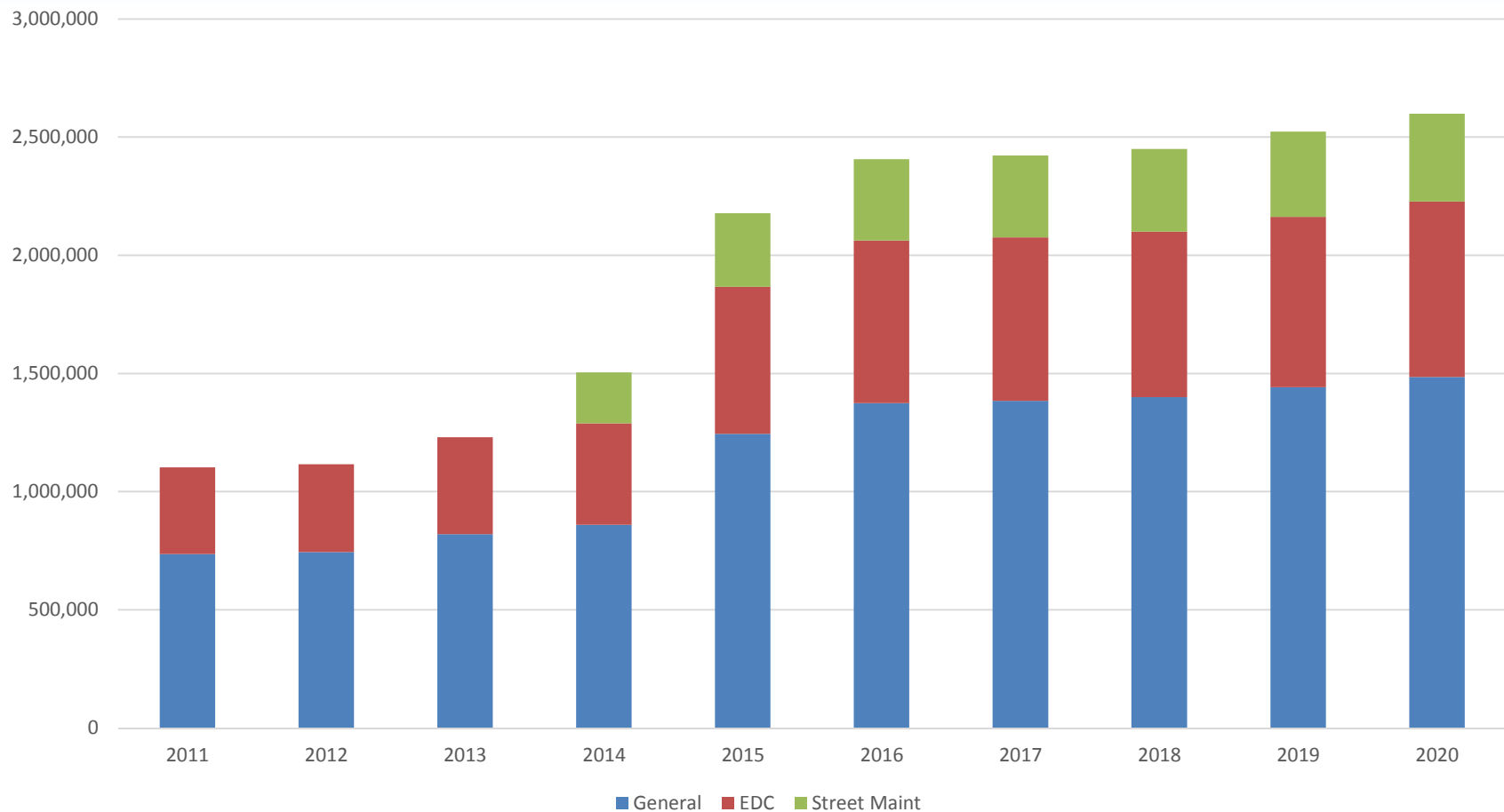
DEBT SERVICE PAYMENTS (CURRENT/PROPOSED)

Fiscal Year	Current Tax Supported	Proposed Tax Supported
2017	3,505,896	3,505,896
2018	3,222,108	3,763,410
2019	2,833,914	3,380,033
2020	2,841,308	3,383,957
2021	2,847,139	3,401,202
2022	2,858,045	3,401,371

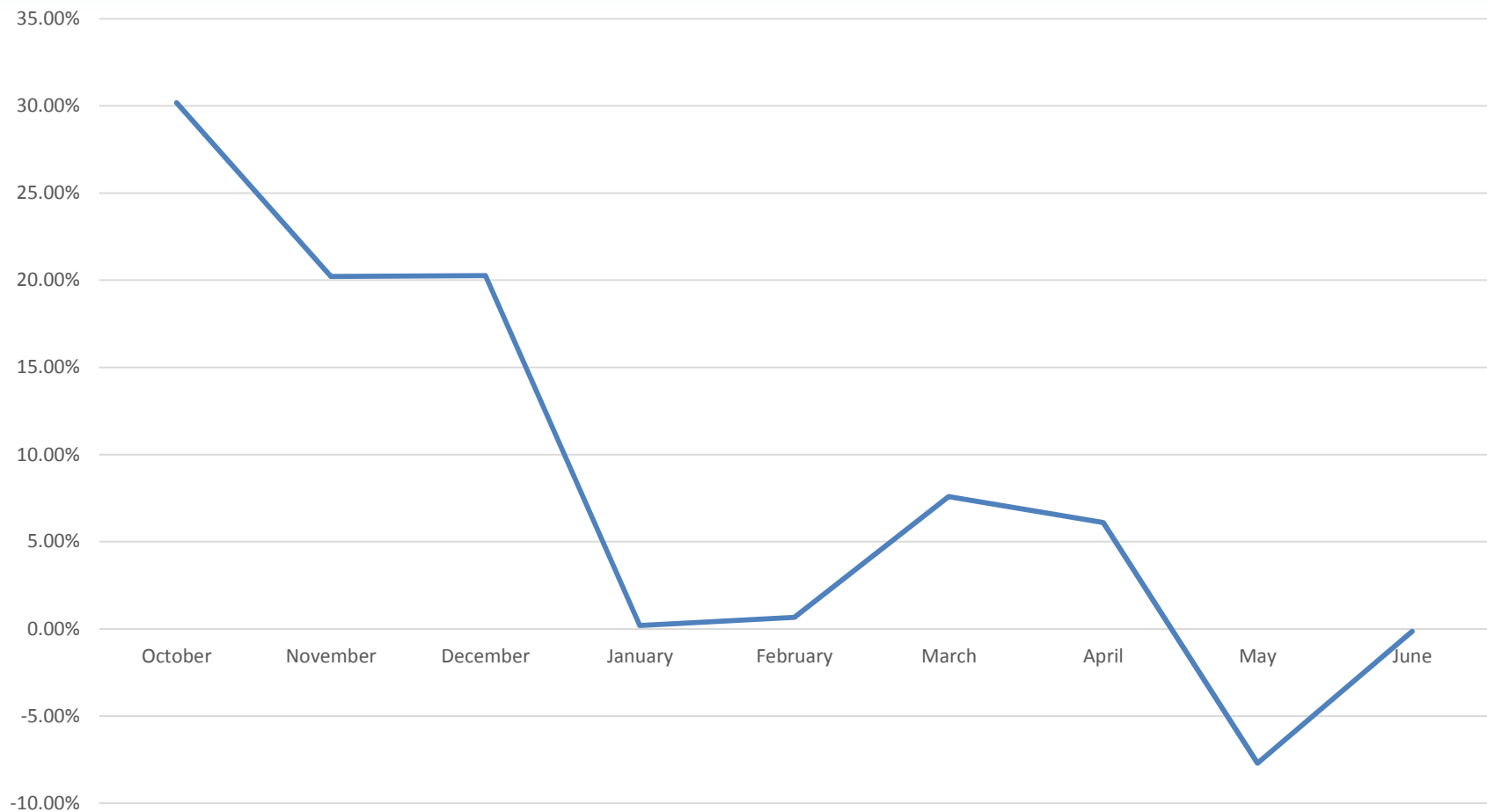
DEBT SERVICE RATIO



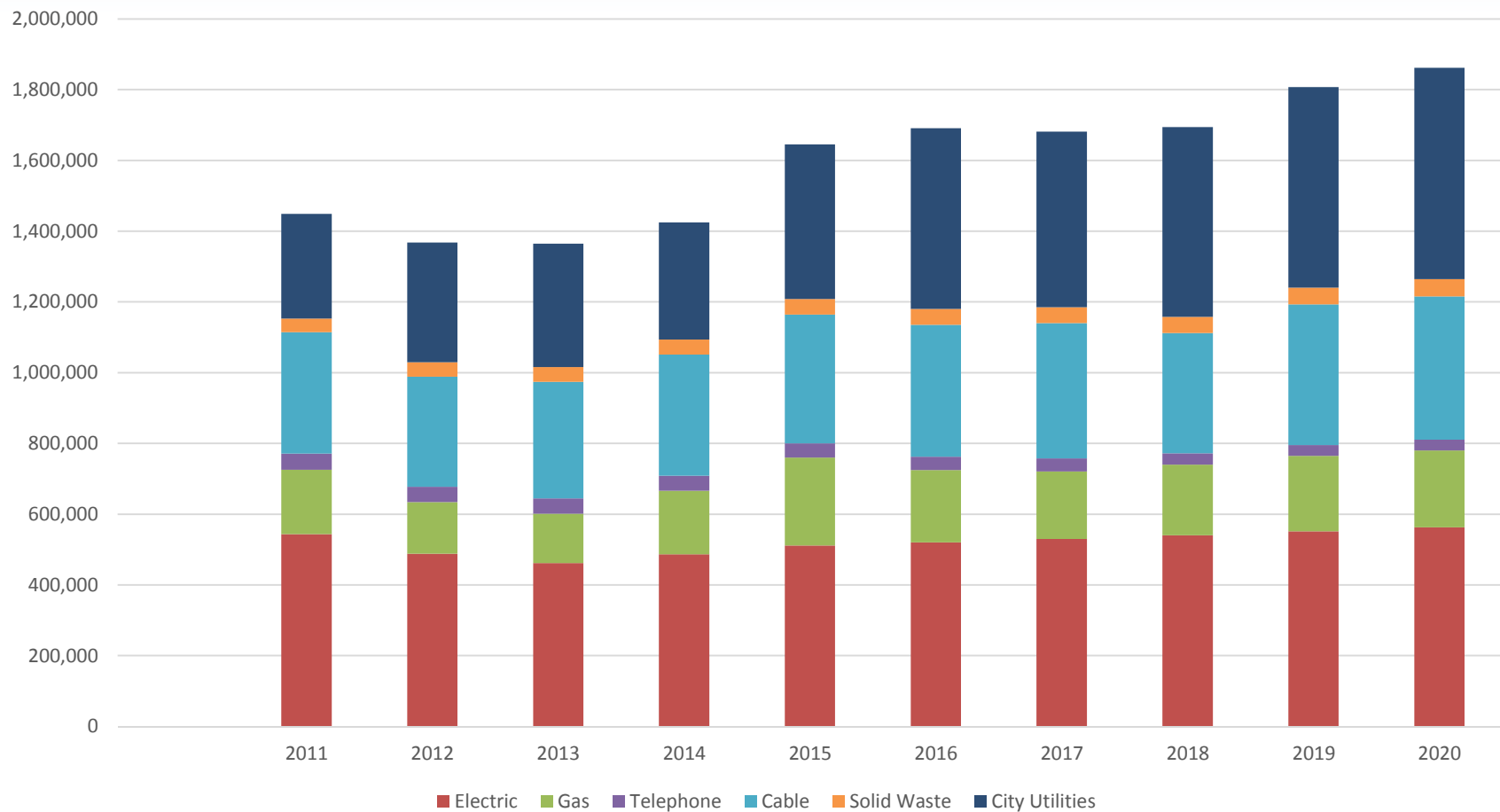
SALES TAX RECEIPTS



YEAR OVER YEAR SALES TAX TREND—2016/2017



FRANCHISE REVENUE



PERMITS AND DEVELOPMENT REVENUE

Fiscal Year	Single Family Permits	Average Permit Value	Permit Revenue	Developer Fees
2011	89	292,221	212,508	39,709
2012	148	297,116	342,490	55,081
2013	138	284,652	399,678	323,899
2014	244	287,633	661,032	400,738
2015	275	290,446	630,048	177,961
2016	291	287,431	665,401	165,688
2017	190	333,000	550,000	16,000
2018	150	310,000	450,000	50,000
2019	125	320,000	400,000	50,000
2020	100	330,000	350,000	50,000

Preliminary Budget Revenue Summary 2017-2018 Fiscal Year

	FY 16-17 Budget	FY 17-18 Prelim	Change
GENERAL FUND			
Property Taxes	10,076,929	11,021,901	944,972
Sales Tax	1,417,851	1,434,000	16,149
Franchise Fees	1,690,233	1,694,233	4,000
License and Permits	757,000	615,500	-141,500
Fees for Service	718,500	673,500	-45,000
Fines	280,000	250,000	-30,000
Interest	12,000	25,000	13,000
Allocated Overhead	1,024,611	1,032,318	7,707
Miscellaneous	353,946	283,618	-70,328
	16,331,070	17,030,070	699,000

Preliminary Budget Expenditure Summary 2017-2018 Fiscal Year

	FY 16-17Budget	FY 17-18Prelim	Change
GENERAL FUND			
City Manager	383,103	395,420	12,317
City Secretary	148,553	160,971	12,418
Human Resources	337,607	352,754	15,147
Finance	548,026	533,963	-14,063
Municipal Court	217,130	241,875	24,745
Parks & Recreation	1,164,914	1,126,821	-38,093
Senior Programs	150,433	147,904	-2,529
Library Services	458,091	449,907	-8,184
Community Development	844,546	859,007	14,461
Streets & Drainage	1,691,786	1,333,028	-358,758
Facilities Maintenance	538,068	476,355	-61,713
Police	4,811,657	4,703,529	-108,128
Animal Control	210,614	209,247	-1,367
Fire/EMS	3,740,453	3,725,293	-15,160
Combined Services	381,203	384,672	3,469
Engineering	239,302	230,871	-8,431
Information Technology	385,183	364,772	-20,411
	16,250,669	15,696,389	-554,280

EXPLANATION OF CHANGES

- 2016-2017 Budgets include approved supplementals
- 2017-2018 Proposed Budget includes cuts made during City Manager review, but no supplemental requests
- Vacant positions are budgeted at midpoint of salary range and maximum insurance expense, so fewer vacancies generally would reduce projected personnel costs
- 2017-2018 Budget includes recalculation of departmental VEF transfers based on updates to replacement cost and estimated remaining life

SUMMARY GENERAL FUND

Preliminary Revenue	\$17,030,070
Preliminary Expenditures (no compensation adjustments or supplemental requests)	(\$15,696,389)
Revenues over Expenditures	\$1,333,681

FUND BALANCE ANALYSIS

Fiscal Year	Unassigned Fund Balance	Next Year Operating Budget	Percentage
2010	3,051,597	10,966,960	27.83%
2011	3,194,885	10,925,238	29.24%
2012	3,490,845	11,330,617	30.81%
2013	4,631,243	11,623,751	39.84%
2014	5,568,904	11,870,728	46.91%
2015	6,546,528	12,214,597	53.60%
2016	7,723,757	15,278,134	50.55%
2017	7,827,208	15,696,389	49.87%
Target 35%	5,493,736	15,696,389	35.00%
Target 25%	3,924,097	15,696,389	25.00%

GENERAL FUND THREE-YEAR PROJECTION

	FY 2017-2018	FY 2018-2019	FY 2019-2020
Revenues	17,030,070	17,628,314	18,309,142
Expenditures	14,821,941	15,250,258	15,616,783
Revenues over Expenditures	\$1,024,433	\$1,731,733	\$1,762,361

Revenue assumptions:

Property tax: 5% 2019 and 2020

Sales tax: 3% 2019 and 2020

Building permits: gradual decline

Expense assumptions:

Overall 2.5% increase annually

UTILITY FUND YTD RESULTS

	Budgeted	Actual
Water Revenue	16%	12%
Sewer Revenue	5%	10%
Other Revenue	6%	-16%
TOTAL REVENUE	11%	11%
Expenses-YTD thru 5/31	8%	5%

WATER REVENUE/EXPENSE

Fiscal Year	Revenue	Gallons Billed (1000's)	NTMWD Expense	Gallons Purch(1000's)
2011	\$3,782,198	1,148,300	\$1,846,904	1,332,153
2012	\$3,911,533	901,850	\$1,976,974	1,332,153
2013	\$4,046,265	915,871	\$2,357,911	1,332,153
2014	\$3,575,398	774,704	\$2,571,055	1,332,153
2015	\$5,237,988	880,624	\$2,595,216	1,332,153
2016	\$6,022,548	939,372	\$3,039,786	1,332,153
2017	\$5,556,656	739,081	\$3,436,955	1,332,153
2018	\$6,158,912	741,593	\$3,823,279	1,332,153
2019	\$6,561,826	742,892	\$4,196,282	1,332,153
2020	\$6,972,769	744,317	\$4,356,140	1,332,153

SEWER REVENUE/EXPENSE

Fiscal Year	Revenue	Garland Sewer Treatment Expense	Gallons Treated(1000,s)
2011	\$2,240,823	\$1,842,908	834,635
2012	\$2,810,143	\$1,901,503	780,640
2013	\$2,952,009	\$1,610,267	634,006
2014	\$3,055,974	\$1,642,376	634,983
2015	\$3,712,681	\$2,046,275	766,020
2016	\$4,113,004	\$2,047,200	753,620
2017	\$4,355,842	\$2,368,059	791,525
2018	\$4,565,736	\$2,432,848	561,094
2019	\$4,768,010	\$2,490,723	563,404
2020	\$4,981,863	\$2,575,278	566,043

SUMMARY UTILITY FUND

Preliminary Revenue	\$10,939,148
Preliminary Expenditures (No compensation adjustments or supplemental requests)	(\$10,214,176)
Revenues over Expenditures	\$724,972

UTILITY FUND BALANCE

Unrestricted Net Position 9/30/16	\$7,450,081
Allocated to Complete Capital Projects	-1,732,576
2017 Budgeted Revenue	10,118,498
2017 Budgeted Expenses	8,963,172
Estimated Net Position 9/30/17	6,872,831
75 Day Reserve	1,674,846
Unrestricted Funds	\$5,197,985

UTILITY FUND THREE-YEAR PROJECTION

	FY 2017-2018	FY 2018-2019	FY 2019-2020
Revenues	10,939,648	11,535,336	12,160,132
Expenditures	10,214,176	10,782,963	11,308,540
Revenues over Expenditures	\$725,472	\$752,373	\$851,592

Revenue assumptions:

Water and wastewater from 2014 Rate Study

Expense assumptions:

Overall 2.5% increase annually

NTMWD 10% annually

Garland Sewer 5% annually

Includes Debt Service

Does not include Capital





City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3868	Version:	1	Name:	Fence Ordinance II 7-05-17
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/20/2017	In control:		In control:	City Council
On agenda:	7/5/2017	Final action:		Final action:	
Title:	Discuss proposed revisions to Chapter 3 (Building Regulations) of the Code of Ordinances, to modify Fence standards.				

Sponsors:

Indexes:

Code sections:

Attachments: [Presentation](#)
[Proposed Regulations](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title

Discuss proposed revisions to Chapter 3 (Building Regulations) of the Code of Ordinances, to modify Fence standards.

Background

- The 2017 Comprehensive Plan directed Staff to revise certain ordinances related to improving curb appeal
- 82% of respondents believed that Sachse could be cleaner and nicer in appearance
- Fences are a major visual contributor to a neighborhood's built form and environment
- Over 80% of Residential Property Maintenance code enforcement cases are fence related (excludes grass, trash, & vehicles)

Policy Considerations

- Texas does not regulate fence contractors (nor roofers)
- 85% of fences in Sachse are constructed by contractors
- Regulations protect property owners by establishing minimum standards (i.e. for the bad actors)
- Any cost increase is balanced out by fewer replacements
- Aesthetic options available (subjective)
- Structural integrity options available (highly recommended)

Budgetary Considerations

- N/A

Staff Recommendation

- Adopt regulations regarding a fence's structural integrity and performance (concrete footings, hole spacing & depth, metal posts)
- This helps property owners enjoy a better constructed fence, holds contractors accountable, and acknowledges the "curb appeal" theme of the Comp Plan
- Keep material palette as directed by Council on 5-01 in regards to vinyl, chain link, etc. (limiting metal panels)
- Strike all aesthetic enhancement options except smooth side out on corner lots
- Doing so respects property owner choice & fits Sachse
- Permits only if 1 full run or more (5-01 direction)



FENCES

CITY COUNCIL WORK SESSION II

JULY 5, 2017

REQUEST

Discuss proposed revisions to Chapter 3 (Building Regulations) of the Code of Ordinances, to modify Fence standards.

The City Council received a presentation on this subject matter at its May 1st regular meeting.

FENCE OVERVIEW

- 82% of respondents believed that Sachse could be cleaner and nicer in appearance
- Fences are a major visual contributor to a neighborhood's built form and environment
- Over 80% of Residential Property Maintenance code enforcement cases are fence related (excludes grass, trash, & vehicles)
- Texas does not regulate fence contractors (nor roofers)
- 85% of fences in Sachse are constructed by contractors
- Regulations protect property owners by establishing minimum standards (i.e. for the bad actors)
- Any cost increase is balanced out by fewer replacements

AESTHETIC OPTIONS

Aesthetic Options (*subjective*)

- Limitations on allowed materials (vinyl, chain link, etc.)
- Smooth side out (not a cost increase)
- Open fencing adjacent to open space
- Enhanced fences at corner (board on board w/ cap)

Purpose

- Contribute to a more aesthetically pleasing Sachse
- Minimum standard of appearance
- Helps maintain and preserve property values and prevent neighborhood decline
- *Are prescriptive and may not fit Sachse*

STRUCTURAL OPTIONS

Structural Integrity Options (*highly recommended*)

- Concrete footings
- Spacing & depth regulations
- Metal posts
- Wooden posts and poor installation methods are primary culprit of failing fences

Purpose

- Current ordinance is without standards (on contractor's honor)
- Informs property owner of best practice & regulations
- Helps hold contractors accountable
- Increased performance results in longer shelf life
- Fewer Code cases, better neighborhoods

STAFF RECOMMENDATION

- Adopt regulations regarding a fence's structural integrity and performance (concrete footings, hole spacing & depth, metal posts)
- This helps property owners enjoy a better constructed fence, holds contractors accountable, and acknowledges the “curb appeal” theme of the Comp Plan
- Keep material palette as directed by Council on 5-01 in regards to vinyl, chain link, etc. (limiting metal panels)
- Strike all aesthetic enhancement options except smooth side out on corner lots
- Doing so respects property owner choice & fits Sachse
- Permits only if 1 full run or more (5-01 direction)

Residential Fences.

A. General requirements.

1. Permits.
 - a. It shall be unlawful for any person to construct or repair a fence not in compliance with the regulations contained herein.
 - b. Fence construction or repair requires a permit. Repairs not involving posts or involving a few pickets may be completed without a permit with materials matching the existing. Repairs that involve posts or more than a few pickets, either by a single repair or by the cumulative effect of a series of repairs, requires a permit.
 - c. Fees shall apply as shown on the Master Fee chart of the City.
 - d. Adequate plans and specifications, which may include a plot plan showing exact materials, location, height, dimensions from property lines, sidewalks, curbs, and location of gates, as determined by the Building Official, must accompany a completed application form.
2. Inspections.
 - a. A footing inspection is required. The footing inspection must be completed prior to pouring concrete.
 - b. A final inspection is required and must be scheduled within one week (five business days) of completion.
 - c. All fence installers are required to be registered with the City.
 - d. Fences that fail inspection through a Rental Registration program shall be repaired or replaced accordingly.
3. Maintenance. All fences shall be perpetually maintained, repaired, or replaced by the owner. Fences not required by a city ordinance, screening regulation, or other standard shall be either maintained or removed. It shall be unlawful to maintain a fence in such a manner to allow the following:
 - a. Any fence to lean, fall, become unstable, or to cause damage to other property.
 - b. Fences to be aided in support by anything other than the fence post.
 - c. Missing or loose pickets, broken or missing parts, decayed members.
 - d. Exceptions include temporary construction fences, livestock fencing, and fences less than two feet in height.
4. Materials.
 - a. Permitted materials include stone, masonry, brick, wood, and decorative tubular steel (i.e. powder coated ornamental iron).
 - b. Sheet metal, corrugated metal panels, plywood, fiberglass, and other materials that are not manufactured specifically as fencing materials shall be prohibited.
 - c. Existing non-conforming chain link, vinyl, split rail, enhanced metal panel, and composite fences may replace with similar material, if constructed to manufacturer's specifications. Otherwise, new fences of these materials shall be

prohibited.

- d. Chain link and wooden fences are generally prohibited on non-residential and multi-family properties.
 - e. Barbed wire, electric, and/or other injurious material is prohibited, unless the property is used for agricultural purposes and over one acre in size, legitimately needed for industrial purposes, or otherwise approved by the Director.
5. Regulations.
- a. Fences shall not be over eight (8) feet in height, excluding a maximum 6" allowance for ground clearance and a decorative cap. Valid sports related facilities may build to industry standard.
 - b. Fence sections shall have their back side (the side with exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public. The "smooth side" shall face outward.
 - c. Fences and walls are allowed in front yards up to thirty inches (30") in height and must be either: split-rail, wrought iron, picket fence, or decorative masonry wall. Lots over 1 acre in size may construct up to a maximum height of four feet. All front yard fences should generally be 50% open, except for walls when allowed.
 - d. All fences erected on side yards of corner lots (and the side yard returns), reverse corner lots, or backing to a right-of-way of 60' or wider shall be cedar, board-on-board, with a decorative cap.
 - e. All fences installed adjacent to a floodplain, creek, or dedicated open space shall be black tubular steel.
 - f. No fence shall be erected on or encroaching upon public right-of-way or within any drainage or other easement, unless otherwise authorized by the Director with prior written approval from the agency controlling said easement. All fences must be maintained in a plane so as not to overhang public property.
 - g. No trees, berms, or other obstructions shall be planted or maintained within such distances of street intersections unless the foliage line is maintained at sufficient height to prevent obstruction of sight lines. Sight visibility obstructions, whether plant or structure, shall be removed or cured, as determined by field inspection by Staff.
 - h. On corner lots where the rear lot line is adjacent to a side lot line of an adjoining lot, the fence may be constructed to the property line to a full height in all locations, except a 15 foot site angle shall be required adjacent to the abutting front yard.
 - i. Properties may not install side yard gates on fences or drive cuts on corner lots.
 - j. All swimming pool fences shall be constructed in accordance with applicable State and local regulations.
 - k. Properties that have exterior fences improved by the City through a Neighborhood Partnership program shall maintain, repair, and replace the fence to the same standard as it was installed by the City.

B. Wooden fence standards.

- 1. All vertical posts shall be galvanized steel with a minimum two and three-eighths inch diameter, a minimum CS 20 (.095) thickness, and set in a concrete footing.

2. Concrete footings shall be a minimum of eight inches in diameter and must be at least six inches deeper than the post depth.
3. For fences less than seven feet in height, posts shall be spaced at a maximum of eight feet on center, set in a concrete footing of no less than 24 inches deep.
4. For fences that are seven feet or greater in height, posts shall be spaced at a maximum of six feet on center, set in a concrete footing of no less than 36 inches deep.
5. Wood material shall be western red cedar. White wood, if pre-stained or stained a natural brown or earth tone color, is allowed.
6. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay.
7. The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete mow strip poured between the fence supports or by installing a 2x6 pressure treated kick board to cover the gap between the bottom of pickets and the ground. This kick board may have ground contact.
8. Perimeter walls adjacent to a subdivision. A fence that is parallel to, perpendicular to, approximately parallel to, or approximately perpendicular to such wall shall not exceed the height of the adjacent subdivision wall. A fence that is separated from the subdivision screening wall by a public alley or right-of-way is deemed to not be adjacent to the subdivision screening wall. If abutting, the height of the fence may be allowed to transition or increase in height from the height of the subdivision screening wall to the maximum allowable height of the fence, provided that the transition does not exceed an even or smooth rate of increase over a span of not less than 16 feet in length.

C. *Exceptions.*

1. Dog runs, swimming pool fences, and other similar situations within the interior of a back yard can be constructed of alternate materials, as long as all exterior and shared fence lines are built to compliance and the alternate interior materials are shorter than the exterior fence and not visible to the public, subject to discretionary review and approval by the Director.
2. Estate properties greater than one (1) acre in size that front onto a right-of-way sixty (60) feet or more in width may install decorative entrances.
3. Decorative gate embellishments are allowed. They shall not exceed the height of the fence by more than two (2) feet.



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3867	Version:	1	Name:	Architecture
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/20/2017	In control:		In control:	City Council
On agenda:	7/5/2017	Final action:		Final action:	
Title:	Discuss proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances, to adopt Architectural Design Standards.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Presentation Proposed Regulations Decision Input Chart				

Date	Ver.	Action By	Action	Result
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Title

Discuss proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances, to adopt Architectural Design Standards.

Background

- The 2017 Comprehensive Plan identified Architectural Standards as a 1st year priority
- Respondents identified high quality standards as the highest priority for Sachse's new development
- Sachse still has many commercial tracts remaining undeveloped, in addition to redevelopment opportunities
- Sachse has a masonry ordinance (i.e. anti-metal requirement), but not architectural standards
- First masonry ordinance (#32) adopted in 1958
- Staff believes that architectural standards is of greater urgency than other commercial regulations, such as landscaping, parking, use chart, signage, etc.

The Ordinance

- Establishes minimum design standards for new commercial, industrial, and residential buildings
- Reviewed and approved during the permitting process
- Categorizes masonry materials into a preferred group and a secondary group
- Requires enhanced articulation and other architectural embellishments
- Regulates colors
- In conjunction, these standards ensure a minimum quality and appearance for new development in Sachse

- Relief is available through a PD or special zoning district

Policy Considerations

- Honest differences of opinion will emerge and vary regarding exterior materials and other standards
- DFW regional standard is heavy brick, stone, & stucco
- Latest trend is to be more flexible with exterior materials (metal fascia, hardy plank, etc.) and provide more tolerance on incorporating color
- Being too prescriptive can be viewed negatively, but developers are well-accustomed to the proposed standards
- Rare & special situations may need a PD for relief
- Current standard is just anti-metal and relies upon the benevolence and pride of developers to build quality

Budgetary Considerations

N/A

Next Steps

- Initial P&Z work session with Staff - (4-24-17)
- An additional P&Z work session with Staff to provide specific feedback on design standards - (6-12-17)
- City Council presentation & review - (6-19-17)
- City Council input - (7-05-17)
- Public hearings for adoption of the new Architectural Design standards ordinance
 - P&Z (7-10-17)
 - Council (8-07-17)



COMMERCIAL DESIGN STANDARDS

ARCHITECTURE

CITY COUNCIL PRESENTATION II

JULY 5, 2017

REQUEST

Discuss proposed revisions to Chapter 11 (Zoning) of the Code of Ordinances, to adopt Architectural Design Standards.

WHY ARE WE HERE?

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HOW DOES IT WORK?

- Establishes minimum design standards for new commercial, industrial, and residential buildings
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IMPORTANT TO NOTE

- Honest differences of opinion will emerge and vary regarding exterior materials and other standards
- DFW regional standard is heavy brick, stone, & stucco
- Latest trend is to be more flexible with exterior materials (metal fascia, hardy plank, etc.) and provide more tolerance on incorporating color
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- Rare & special situations may need a PD for relief
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INTRODUCTION TO BUILDING MATERIALS

The purpose of architectural guidelines is to set minimum standards for the appearance and quality of non-residential buildings and corresponding site elements which are recognized as enhancing property values and are in the interest of the general welfare of the City of Sachse.

INTRODUCTION TO BUILDING MATERIALS

The current architectural standards for Sachse require 100% masonry construction for exterior walls of commercial buildings. The current definition of masonry includes aggregate, brick, split-face CMU, cinder block, stone, tilt wall, stucco, and tile, and prohibits the use of EIFS, wood, metal, and cementitious fiber board for commercial purposes. The resulting effect is a 100% masonry building; however, sometimes a developer, for cost reasons, will choose masonry products that are not always perceived to be aesthetically pleasing, or design buildings without additional architectural enhancements.

INTRODUCTION TO BUILDING MATERIALS

Other cities typically manage this large pool of building materials by categorizing them into a preferred list of masonry materials required for application to a certain percentage of the building, a list of residual masonry materials for the balance of the building, a list of materials allowed only for accents, and a prohibited list of materials. The following is intended to provide a rudimentary introduction to the most common building materials so that each material can be placed in one of the 4 following categories: Group A, Group B, Group C (accents), and Prohibited.

MASONRY CATEGORIES

Group A masonry materials will be the primary products of which the City prefers commercial buildings to be predominantly constructed. **Group B** masonry materials will be the secondary products of which the City recognizes as masonry materials acceptable for commercial use, but also as products that should not be the predominant material for a commercial building. **Group C** (accent) materials will be products appropriate for accents on buildings in limited application. **Prohibited** materials will be building materials that are undesirable for commercial application.

PROPOSED TABLE A

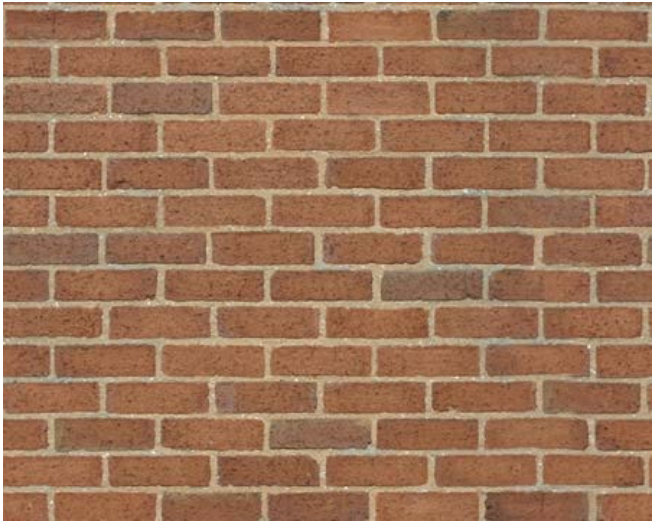
TABLE A	
Categories	Materials
Primary (Group A)	Brick Stone Split Face CMU
Secondary (Group B)	Stucco Tilt-Wall (colored and stamped or scored)
Accent/Finishing (Group C)	Metal Tile Wood Cementitious Fiber Board EIFS (only when above grade by 14')
Prohibited	Concrete Block Aggregate Vinyl/Plastic

AGGREGATE



The use of aggregate is uncommon on commercial buildings and is most commonly found on industrial and utility buildings; however, it is currently allowed by ordinance. Staff believes this material is undesirable for commercial use, yet acceptable for industrial application, and recommends it be placed in the **Prohibited** category with no provision for an exception for commercial buildings (and Category B for industrial uses).

BRICK



Brick is one of the most common and durable commercial exterior products, and its use throughout history and DFW is extensive. Staff recommends this material be placed in the **Group A** category as a desirable exterior material on commercial buildings.

CONCRETE MASONRY UNIT (CINDER BLOCK; CMU)



Concrete block, whether sealed and painted, or not, is currently allowed by ordinance and not necessarily an uncommon building material. Staff believes this material is undesirable for commercial use, yet acceptable for industrial application, and recommends it be placed in the **Prohibited** category with no provision for an exception for commercial buildings (and Category B for industrial uses).

SPLIT-FACE CMU

(ARCHITECTURAL BLOCK)



Architectural “split-face” concrete masonry units (CMU) is a common exterior material on commercial buildings that is used throughout DFW. It is a concrete block that is “split” to give it a rough, quarried stone surface texture. The Planning & Zoning Commission recommended the material to be placed in the **Group A** category material as a desirable exterior material on commercial buildings.

EIFS



Exterior insulation and finish systems (EIFS) is a common exterior material used as an accent on commercial buildings, such as along cornice lines, and is usually only allowed higher on exterior elevations to control moisture issues. Staff believes that this material is acceptable for limited commercial application for accents, but is not desirable as a general exterior building material and recommends it be placed in the **Group C** (accents) category.

CEMENTITIOUS FIBER BOARD (CKA HARDY PLANK)



Cementitious fiber board is a very common façade for residential and multi-family buildings, and it is not necessarily uncommon for commercial buildings. It is not currently allowed by ordinance, though it is allowed for accents. Cementitious fiber board can be found in limited application on several commercial buildings in the area, and it is often proposed to give a Cape Cod seaside or other themed appearance for commercial use. The Planning & Zoning Commission recommended the material be placed in the **Group C** (accents) category.

METAL / TILE / WOOD



These materials are not allowed by current ordinance, but are allowed on design features like exposed beams, arches, and other elements. Staff believes that these materials should continue in limited application as **Group C** (accent) materials on outstanding architectural design features. However, the latest trend is to provide more tolerance for exterior materials like enhanced wood finishes, tile, and metal fascia. The Planning & Zoning Commission did not demonstrate much support for such allowances beyond Group C.

STONE



Stone is one of the most common and durable commercial exterior products, and its use throughout history and DFW is extensive. Stone can be in the form of limestone, granite, slate, marble, flagstone, and many other types and can be both natural and manufactured/synthetic. Staff recommends this material be placed in the **Group A** category as a desirable exterior material for commercial buildings with at least 20% applied to all primary facades.

STUCCO



Stucco is a common exterior material used both as an accent on commercial buildings and often as a primary building material. Staff believes that this material is acceptable for commercial application, but is not desirable as a predominant building material and recommends it be placed in the **Group B** category to ensure that it is mixed with stone or brick.

TILT WALL



Tilt wall concrete panels (stamped and colored) are a common exterior material usually used for larger scale buildings. Staff believes that this material is acceptable for commercial application, but is not desirable as a predominant building material and recommends it be placed in the **Group B** category.

MASONRY PERCENTAGES

Once the above masonry products are categorized according to local preferences and values, percentages of each category would be prescribed to primary and secondary facades.

Primary Facades are exterior walls of buildings which are clearly visible from a public street or along an active storefront.

Secondary Facades are exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront. The following table illustrates the proposed percentages of each masonry category.

PROPOSED TABLE B

TABLE B

Facades	Percentage Breakdown	Definition
Primary	70% Group A 30% Group B Minimum 20% Stone	Exterior walls of buildings which are clearly visible from a public street or along an active storefront
Secondary	20% Group A 80% Group B	Exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront

ARCHITECTURAL ENHANCEMENTS

In addition to required masonry percentages, certain additional architectural enhancements are also encouraged and required throughout the ordinance. Following is a walk-thru of the various design enhancements proposed within the ordinance.

TRI-PARTITE ARCHITECTURE



Examples of Single Story Tri-Partite Architecture

The proposed ordinance requires buildings to have a distinct base, middle, and top, separated by horizontal elements.

MIX OF MATERIALS



The proposed ordinance requires buildings to use a mix of masonry materials in order to limit monolithic appearances and provide visual interest.

WINDOWS



The proposed ordinance requires buildings to provide windows or faux windows elements that create a comparable visual, such as decorative brickwork, insets of varying materials/colors, or other similar features. Above is a secondary façade of an Aldi.

ROOF REGULATIONS



The proposed ordinance requires non-residential buildings to provide enhanced roofing (slate, tile, or standing seam metal), if they are using a pitched roof instead of parapets.

COLOR REGULATIONS



The proposed ordinance would require buildings to use earth tone colors and regulate the use of bright, high intensity colors. Above is a retail mechanic shop using earth tone colors along with limited bright colors for signage and on the canopy to maintain branding without negatively impacting the visual environment. In contrast is another picture of a retail building.

PRIMARY FACADES



Exterior walls of buildings which are clearly visible from a public street or along an active storefront.

SECONDARY FACADES

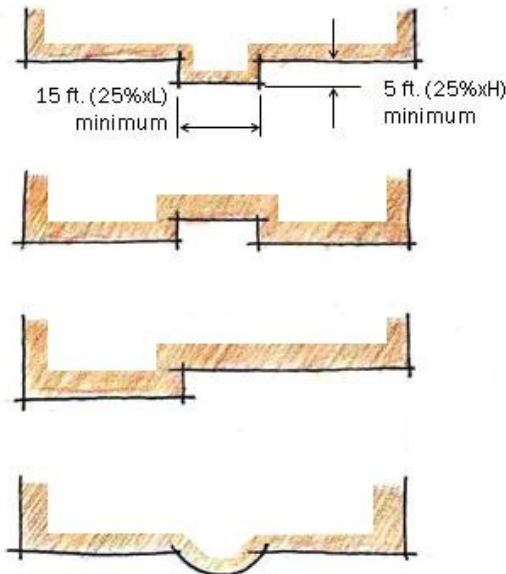


Exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront.

ARTICULATION REQUIREMENTS

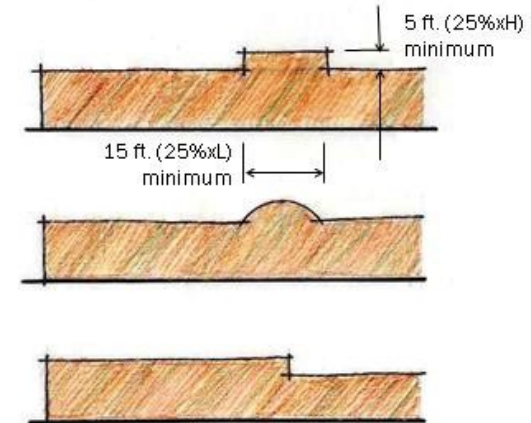
The proposed ordinance requires buildings to provide both horizontal and vertical articulation.

HORIZONTAL Articulation



Possible PLANS

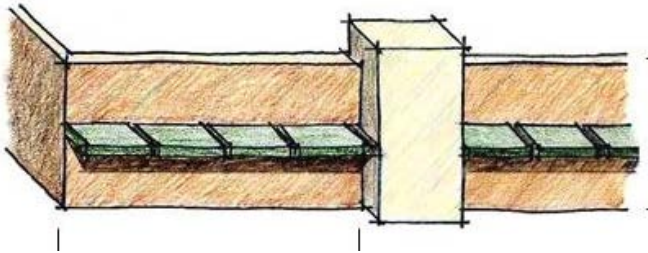
VERTICAL Articulation



Possible ELEVATIONS

ARTICULATION REQUIREMENTS

The proposed ordinance requires buildings to provide both horizontal and vertical articulation.



ARTICULATION REQUIREMENTS

The proposed ordinance requires buildings to provide both horizontal and vertical articulation.



LANDMARK BUILDINGS

The proposed ordinance requires buildings located on axis with a terminating street or major access lane or at the intersection of streets and/or major access lane to be designed with landmark features which take advantage of that location, such as an accentuated 3D entry.

LANDMARK BUILDINGS



ADDITIONAL INFORMATION

Auxiliary Design Standards

The proposed ordinance requires all structures to incorporate no less than four of the architectural elements from the list of features in the ordinance. Buildings over 50,000 square feet must include a minimum of five of the referenced architectural elements.

Industrial Building Standards

The proposed ordinance provides design guidelines for industrial buildings. Important to note that the City's current standard allows metal, so requiring primarily Category B masonry materials is a significant change.

WHAT ABOUT EXISTING PDs ?

Single Family tracts with existing PDs which also include architectural standards may continue to apply the standards as found in the governing PD, which is currently policy.

Non-residential tracts and uses with existing PDs shall be governed by the standards contained herein.

NON-CONFORMING BUILDINGS

When an existing building, constructed prior to the effective date of this ordinance, is proposed for an addition/expansion that will increase the square footage of the existing building by less than 50 percent, either by a single expansion or by the cumulative effect of a series of expansions, similar or like exterior materials may be used on new facades that match the existing building and architectural theme to the extent possible. New façade walls of any addition that is 50 percent or greater (of the originally approved floor area) shall be subject to the regulations herein. At all times an increase of the originally approved floor area resulting in a 100 percent or greater expansion shall reconstruct the entire exterior veneer to be in compliance with the architectural requirements contained herein.

NEXT STEPS

- Initial P&Z work session with Staff - (4-24-17)
- An additional P&Z work session with Staff to provide specific feedback on design standards - (6-12-17)
- City Council presentation & review - (6-19-17)
- City Council input – (7-05-17)
- Public hearings for adoption of the new Architectural Design standards ordinance
 - P&Z (7-10-17)
 - Council (8-07-17)

Architectural Design Standards.

A. *Purpose.* The purpose of the architectural standards is to set minimum standards for the appearance and quality of buildings and corresponding site elements which are recognized as enhancing property values and are in the interest of the general welfare of the City of Sachse. These standards are not intended to prohibit architectural innovation, nor are they intended to mandate specific architectural styles and concepts. Rather, they are intended to provide for developments of enduring quality that provide visual character and interest. The development community is encouraged to seek out new and innovative ways to implement the standards contained herein that will result in a significant contribution to the visual character of the area and the city as a whole.

B. Applicability and Administration.

1. The regulations provided in this subsection shall apply to all new construction and all structures within all zoning districts, but shall only apply to single family residential uses when indicated. Where the regulations of this subsection conflict with other sections or provisions of this chapter, the regulations of this subsection shall apply.
2. When an existing building, constructed prior to the effective date of this ordinance, is proposed for an addition/expansion that will increase the square footage of the existing building by less than 50 percent, either by a single expansion or by the cumulative effect of a series of expansions, similar or like exterior materials may be used on new facades that match the existing building and architectural theme to the extent possible. New façade walls of any addition that is 50 percent or greater (of the originally approved floor area) shall be subject to the regulations herein. At all times an increase of the originally approved floor area resulting in a 100 percent or greater expansion shall reconstruct the entire exterior veneer to be in compliance with the architectural requirements contained herein.
3. All repair and alterations of exterior facades, including paint and re-paint jobs, of non-residential buildings are required to obtain a permit from the City and comply with all applicable color regulations contained herein.
4. Certain structures, such as temporary construction buildings or portable classroom buildings situated on public school or non-profit property, may be exempt, in compliance with established or future policies adopted by the City Council of Sachse.
5. The provisions of this section shall be administered by the Director who shall have the authority to approve any façade plan that is deemed to satisfy the minimum requirements of this section, alternate façade plans deemed to meet the intent of the ordinance, including any minor deviations or waivers, and to make necessary interpretations regarding any subjectivity or frustration of purpose contained herein.
6. All exterior façades shall be perpetually maintained and repaired in a safe, reasonably

good, and attractive manner by the owner in a manner that protects against the elements, is structurally safe, and corrects any visual ills or other problems.

7. The City Council, in compliance with all applicable regulations, may issue a Special Use Permit (SUP), establish a Planned Development (PD) district or other special zoning district, or enter into a development agreement or other economic incentive agreement, which may amend or revise the regulations herein for a certain project or area of the City.
8. Due to the unique service nature of government owned and occupied facilities, in addition to the development costs being of public burden, such facilities may meet the spirit and intent of the regulations contained herein, to the extent possible, and are not expected to strictly comply.
9. The City acknowledges that taller buildings, especially office in nature, are likely to struggle in complying with all of the regulations contained herein, especially the masonry requirements. It is expected for such projects to include glass curtain wall on its building elevations, to be reviewed and approved through an alternative process.
10. Single Family tracts with existing PDs (or comparable special zoning) which also include architectural standards may continue to apply the standards as found in the governing PD. Non-residential tracts and uses with existing PDs (or comparable special zoning) shall be governed by the standards contained herein.

C. Façade Plan Approval.

1. Prior to any construction permit being issued, a project's building elevations must be approved by the Director.
2. Sufficient information shall be submitted to evaluate the architectural standards criteria outlined herein as part of the site plan submittal for all newly proposed and existing structures seeking a permit.
3. Color elevations shall include:
 - a. All facades (whether four or more) of each building.
 - b. Proposed exterior materials with a percentage breakdown of each material used, exclusive of windows and doors.
 - c. A calculation chart or graphic demonstrating compliance with the Articulation standards.
 - d. A listing of the selected Auxiliary Design standards, described herein, to illustrate compliance. If a Landmark Feature is required of the building, please note the feature proposed for credit.
 - e. A notation reading, "Roof mounted mechanical equipment shall be sufficiently screened from view by parapet walls, and ground mounted equipment shall be

- enclosed by masonry wing walls that match the material of the primary building.”
- f. A notation reading, “All light sources, including wall packs, shall be full cut-offs (i.e. recessed/shielded).”
 - g. For any proposed streetscape elements (such as bike racks, trash receptacles, lampposts, tree grates, bollards, outdoor seating, and/or other street furniture) or screening devices (masonry walls, dumpster screening enclosures, wing walls around mechanical equipment, etc.), graphics should also be submitted showing the material, color, height, and any other pertinent details necessary for review.

D. Definitions.

Residential buildings shall mean those buildings utilized for a single family, duplex, and townhome dwelling.

Non-residential building shall mean those buildings utilized for use other than single family, duplex, and townhome dwelling, to specifically include commercial, retail, medical, office, and multi-family structures and associated accessory structures.

Masonry materials shall mean and include that form of construction defined below and composed of brick, stone, granite, marble, stucco (3-step hard coat), decorative concrete masonry unit, tilt wall concrete panels, sealed and painted concrete block, and exterior insulation finish systems (EIFS), and rock or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar.

Brick includes Severe Weather rated kiln fired clay or slate material, can include concrete brick if it is to the same ASTM C216 or C652 standard and severe weather rated as typical fired clay brick; minimum thickness of one inch when applied as a veneer, and shall not include underfired clay, sand, or shale.

Stone includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of one inch when applied as a veneer.

Architectural Concrete Masonry Units includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed, burnished, or similar decorative finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of one inch when applied as a veneer; shall include light weight and featherweight decorative masonry units.

Director shall mean the Director of Development Services, or his/her designee.

Big Box shall mean a building, usually with a single tenant, which comprises more than 50,000 square feet.

E. *Exterior materials.*

1. Category A materials are the primary products which the City prefers commercial buildings to be predominantly constructed. Unless otherwise provided for in this chapter, acceptable Category A masonry finishing materials are brick, stone, and architectural concrete block with integrated color (split-face CMU).
2. Category B materials are the secondary products which the City recognizes as masonry materials acceptable for commercial use, but also as products that should not be the predominant material for a building. Unless otherwise provided for in this chapter, acceptable Category B masonry finishing materials are stucco and concrete tilt wall (colored/stamped).
3. Category C materials are accent products acceptable in limited application for architectural features and finishes, such as window heads and cornice flashings, subject to discretionary determination by the Director. Unless otherwise provided for in this chapter, acceptable Category C materials are metal, tile, wood, cementitious fiberboard with integrated color (in the form of lap siding or board), and exterior insulation and finish systems (EIFS - above 14 feet from grade only).
4. Prohibited exterior surface materials include cinder block, vinyl, plastic, and aggregate pea-gravel finished surfaces.

TABLE A	
Categories	Materials
Primary (Group A)	Brick Stone Split-Face CMU
Secondary (Group B)	Stucco Tilt-Wall (colored and stamped or scored)
Accent/Finishing (Group C)	Metal Tile Wood Cementitious Fiber Board EIFS (only when above grade by 14')
Prohibited	Concrete Block (Category B for Industrial) Aggregate (Category B for Industrial) Vinyl/Plastic

- F. *Non-residential and multifamily design elements.* The following apply to nonresidential and multifamily development, including institutional buildings:

1. *Goals and intent.*

- a. Buildings should be constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses.
- b. Buildings should directly contribute to the attractiveness, safety, and function of the street and public areas.
- c. Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.
- d. It is not the intent of this section to discourage innovation. The use of exceptional design features, such as tower elements, exposed beams, or other unique and outstanding architectural ornamentation worthy of merit that make a positive contribution to the surrounding visual environment is encouraged.

2. *General design standards.*

- a. All buildings within a common development or shopping corner/corridor, as shown on a development plan, concept plan, or preliminary site plan, or viewed from an aerial map, should have similar architectural styles, materials, colors, and detailing that compliment and talk to each other without necessarily being monotonous and precise reflections of one another.
- b. All structures shall be architecturally finished on all four sides with similar styles, materials, colors, and detailing.
- c. Facades shall generally be built parallel to the street frontage, except at street intersections, where a facade containing a primary building entrance should be curved or angled toward an intersection.
- d. All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle, and top, separated by horizontal elements.
- e. All buildings shall be constructed of 100 percent masonry finishing material, as outlined in Table B. At least two (2) masonry materials shall be used on all exterior facades. Except for stone, no single material shall exceed 80% of an elevation area.
- f. Roofs shall be peaked with either hip, gable, or mansard design with a minimum 1:4 pitch, or a parapet wall or false mansard design (minimum 1:2 pitch) is acceptable only if constructed around the entire perimeter of a building so that no flat roof shall be visible from a public street or along an active storefront. At all times roof-mounted mechanical equipment shall be screened from view.

- g. For buildings with a visible hip, gable, or mansard roof, allowed materials include metal (standing seam), slate, or tile (clay or cement, barrel or Roman-shaped).
 - h. Windows and glazing shall be limited to a minimum of 10 percent and maximum of 70 percent of each building elevation. Faux windows or elements that create a comparable visual, such as decorative brickwork, insets of varying materials/colors, or other similar features, are allowed, subject to discretionary review and approval by the Director. All windows should be recessed a minimum 4" from exterior wall finish and have a maximum exterior visible reflectivity of 10%.
 - i. Murals cannot display or connote a commercial message without abiding by the Sign regulations, as found within the Code of Ordinances.
 - j. All streetscape elements and site amenities, such as bike racks, trash receptacles, lampposts, benches, bollards, patio furniture, and tree grates, shall be metal, rust and flake/chip resistant, and generally be black "storm cloud" in color. Minor deviations in color and design that maintain the spirit and intent of the ordinance are allowed with Staff approval. Bollards can be concrete or cast metal and shall be of decorative design with no bold colors or sleeves.
3. *Primary facade design standards.* The following shall apply to all exterior walls of buildings which are clearly visible from a public street or along an active storefront:
- a. Walls, excluding windows, doors and other openings, shall be constructed of a minimum 70 percent Group A materials and a maximum of 30 percent Group B materials. A minimum of 20% of primary facades shall be stone.
 - b. A Big Box may use architectural block (e.g. split-face CMU) for up to 10 percent of the primary facade, in addition to the 30 percent of Group B materials.
 - c. All exterior walls of buildings less than 15,000 square feet are considered primary facades, regardless of orientation.
 - d. Primary facades shall incorporate patterns that include changes in either color, material, pattern, module size, texture, articulation, ornamentation, or a combination thereof that repeat horizontally and vertically.
4. *Secondary facade design standards.* The following shall apply to all exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront, or are constructed on a property line as one of a series of in-line buildings where the wall will become part of a common wall:
- a. Walls, excluding windows, doors, and other openings, shall be constructed of a

minimum 20 percent Group A materials and a maximum of 80 percent Group B materials. However, the color of the walls shall match the primary facades.

- b. Secondary facades which are adjacent to the primary facade should continue the primary facade treatment by wrapping the corner. This may be achieved with elements such as cornices, bases, and vertical elements. In all cases, however, wall surface materials shall wrap the corner.
- c. Visual relief shall be provided, both horizontally and vertically, to break up monolithic expanses of secondary facades through the use of repeating patterns.

TABLE B		
Facades	Percentage Breakdown	Definition
Primary	70% Group A 30% Group B	Exterior walls of buildings which are clearly visible from a public street or along an active storefront
Secondary	20% Group A 80% Group B	Exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront

- 5. *Building articulation design standards.* Primary facades clearly visible from a public street or along an active storefront shall meet the following minimum standards for articulation:
 - a. *Horizontal articulation.* No building wall shall extend for a distance equal to three times the wall's height without providing an offset equal to 15 percent of the wall's height, and that new plane shall extend for a distance equal to at least 25 percent of the maximum length of the first plane.
 - b. *Vertical articulation.* No wall length shall extend for a distance greater than three times the height of the wall without changing height by a minimum of 15 percent of the wall's height, and that new plane shall extend for a distance equal to at least 25 percent of the maximum length of the first plane. Pitched roofs shall count toward achieving vertical articulation, provided they are 65 degrees or less from horizontal.
- 6. *Landmark Buildings.*
 - a. Buildings which are located on axis with a terminating street or major access lane or at the intersection of streets and/or major access lane shall be considered a landmark building.

- b. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated 3D entry and a unique building articulation which is offset from the front wall planes and goes above the main building eave or parapet line.
- c. Landmark features shall be in proportion to the building and are subject to review and approval by the Director.

7. *Building Color.*

- a. The dominant color of all buildings, including residential and industrial buildings, shall be muted shades of color that are subtle, neutral, or earth tone. Black and stark white should not be used except as an accent color or as found within brick and stone. The color of the secondary facades shall match or compliment the primary façade.
 - b. There are no restrictions on accent colors which comprise less than one percent of the building face, except that no high intensity colors, neon colors, or fluorescent colors shall be used on exterior surfaces of the building.
 - c. Bright, reflective, pure tone primary or secondary colors are permissible only in limited application as accent colors on canopies and awnings, or other such features. Proportions should be consistent with trim or accentuation only. Such building trim and accent areas shall not exceed 5 percent of any single exterior wall area. Specifically excluded are door and window frames, moldings, cornices, and other such features. This provision shall not be construed as a license to employ corporate imaging on the primary building facade.
 - d. The use of high intensity or fluorescent colors shall be prohibited. The use of tube lighting, string lights, or other similar materials shall not be installed on non-residential buildings, except as allowed by the Photometric/Lighting regulations, as found within the Code of Ordinances.
 - e. No more than one color shall be used for visible roof surfaces; however, if more than one type of roofing material is used, the materials shall be varying hues of the same color or complimentary in nature. Awnings and canopies may incorporate brighter color and branding; however, the primary roof shall not be a bold color.
8. *Auxiliary design standards.* All structures shall be designed to incorporate no less than four of the architectural elements from the list below. Buildings over 50,000 square feet must include a minimum of five of the referenced architectural elements.
- a. Canopies, awnings, porticos with colonnade or arcades;
 - b. Raised pilaster cornices (end columns at corner), or quoined corners;

- c. Vertical elements (tower, cupola, lighthouse, turret, arches, etc);
- d. Windows and doors framed with smooth cobble, cast stone, limestone or other decorative masonry headers and sills; or dormer windows;
- e. Outdoor patios and/or courtyards integrated into a site's layout that creates a sense of place (landscaped and furnished for informal and experiential gathering);
- f. Decorative and repetitive ornamentation (non-signage) integrated into the building facade, such as corbels, medallions, functioning clocks, niches, wrought iron, balconettes, gargoyles, or horizontal and rhythm patterned brickwork;
- g. Other architectural features approved by the Director.

G. *Industrial building design standards.* The following apply to structures constructed in an industrial zoning district and proposing an industrial and/or manufacturing use, per the use chart of the zoning ordinance:

- 1. The main entry or office area of the building shall be articulated both horizontally and vertically by at least two feet or 10 percent of the adjacent wall length, whichever is greater. Building corners shall also be articulated, as approved by the Director.
- 2. Primary exterior facades which are clearly visible from a public street shall be constructed with a minimum ten percent Group A materials and up to 90 percent Group B materials. The Group A materials noted above shall be applied to corners, entries, and other areas in order to mitigate monotony and increase aesthetics. A minimum of two different materials shall be used on primary facades.
- 3. Secondary exterior facades not facing a public street may be constructed with up to 100 percent Group B materials.
- 4. For industrial buildings, cinder block and aggregate may be considered as Category B masonry materials. The Director has authority to declare certain structures with inherent industrial like use, such as cabinet structures associated with communication towers, to be industrial for the purposes of this ordinance.
- 5. A uniform color scheme is required. Colors shall be neutrals, creams, pastels, or deep, rich, non-reflective, natural, or earth-tone colors. Bold reds, greens, oranges, and other "hot and cold" colors should be avoided.
- 6. Structures shall incorporate two of the auxiliary design standards.

H. *Residential Design Standards.* The following architectural design standards shall apply to all single-family residential and duplex development:

1. The exterior finishes of a main building or structure in all districts shall be constructed of 100 percent masonry finishing material that is comprised of brick, stone, stucco, or a combination thereof.
2. Cementitious fiberboard or EIFS may be used for architectural features, including window box-outs, bay windows, roof dormers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director.
3. The primary residential structure shall incorporate a minimum three (3) of the following “gifts to the street” into each front elevation:
 - a. Incorporation of at least two (2) allowed masonry materials (brick, stone, stucco).
 - b. Gables, dormers, or other comparable vertical articulation
 - c. Covered front porch not less than sixty (60) square feet
 - d. Recessed entry not less than four (4) feet
 - e. Architectural garage door
 - f. Architectural pillars, posts, or arches
 - g. Bay window facing street, or other comparable horizontal articulation
 - h. Brick chimney on exterior front or side yard
 - i. Minimum roof pitch 8:12 or variable roof pitch
 - j. Separate transom windows
 - k. Cast stone accents
 - l. Cupulas or turrets
 - m. Garage door not facing street
 - n. Roof accent upgrades (tile, slate, standing seam metal)
 - o. Decorative driveway paving (enhancements)
 - p. Decorative masonry patternwork integrated into a front facade

I. *Other Site Area Standards.*

1. *Gas pumps and fueling stations.*
 - a. Roofs of the associated pump canopy of convenience store buildings shall not be flat or straight-lined, and should be noticeably pitched or otherwise distinguished, subject to review and approval by the Director.
 - b. Canopy columns shall be fully encased with Category A masonry materials that match the main building.
 - c. The canopy band face shall be flat with no projections or stripes, be non-plastic and generally a metal or masonry based material, be primarily one earth-tone color that matches or accents the primary building, may not be backlit or otherwise illuminated or used as signage, and should generally be no greater than 4 feet in height, except as follows:

- i. The canopy band face may utilize one small button logo on each face that can be internally illuminated, as long as each button logo does not exceed 15 square feet for bands 3' in size and 20 square feet for bands 4' in size, is generally as tall as it is wide, and does not protrude more than 18 inches from the canopy in any direction.
 - ii. The canopy band face may utilize an external LED halo type light, if properly shielded/recessed and oriented downward/upward so that only the "wash" is visible.
 - iii. The canopy band face may utilize internally illuminated rings, as long as the source is LED, it is flush with the band face and only protrudes nominally (up to a maximum of 6"), and the size of the ring does not exceed more than 25% for single rings and 50% for multiple rings of the thickness of the canopy band face.
 - iv. The canopy band face shall provide 12" decorative metal address numbers of a contrasting color on street facing sides.
- d. Exhaust valves for underground fuel storage tanks shall be designed to be located against a building, dumpster, screening wall, or other structure to mitigate their visual impact and should be an earth-tone color. If impractical, the exhaust valves may be located in an interior landscape area, if properly screened, but should not be located in the exterior landscape buffer adjacent to the public right-of-way.

2. *Mechanical equipment.*

- a. Exposed conduits, ladders, exhaust valves, utility boxes and drain spouts shall be a color matching the building, an accent color, or other earth-tone color.
- b. Outside equipment, coolers, and/or other mechanical items shall be screened in accordance with the screening standards of the zoning ordinance, or be enclosed by a wing wall with a Category A masonry finishing material matching the primary building. Roof mounted equipment shall be screened by the parapet, not metal screens, nor visible from public view. Transformers should be placed to mitigate their visual impact.
- c. All new utilities shall be underground.
- d. Shopping cart return bins for uses such as grocery stores shall be constructed of Category A masonry walls and permanently affixed to the ground.

3. *Accessibility & Layout.*

- a. Pedestrian connections, both internal and connecting to external sidewalks or property boundaries, shall be provided, subject to discretionary review and

approval by the Director.

- b. Cross access to adjacent lots shall be provided at all times for both vehicular and pedestrian travelers.
- c. Bay doors shall not be oriented toward the right-of-way.
- d. Drive-thru facilities shall provide sufficient stacking spaces, as determined by the Director.
- e. The final layout of any proposed development, including building placement, parking lots, fire lanes, gates, dumpster locations, and other site elements, shall be determined by the Director.

Currently Proposed in Ordinance

Masonry Products

Group A masonry materials will be the primary products of which the City prefers commercial buildings to be predominantly constructed. **Group B** masonry materials will be the secondary products of which the City recognizes as masonry materials acceptable for commercial use, but also as products that should not be the predominant material for a commercial building. **Group C (accent)** materials will be products appropriate for accents on buildings in limited application. **Prohibited** materials will be building materials that are undesirable for commercial application.

TABLE A	
Categories	Materials
Primary (Group A)	Brick Stone Split Face CMU
Secondary (Group B)	Stucco Tilt-Wall (colored and stamped or scored)
Accent/Finishing (Group C)	Metal Tile Wood Cementitious Fiber Board EIFS (only when above grade by 14')
Prohibited	Concrete Block Aggregate Vinyl/Plastic

Masonry Percentages

Once the above masonry products are categorized according to local preferences and values, percentages of each category would be prescribed to primary and secondary facades. **Primary Facades** are exterior walls of buildings which are clearly visible from a public street or along an active storefront. **Secondary Facades** are exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront. The below table illustrates the proposed percentages of each masonry category.

TABLE B		
Facades	Percentage Breakdown	Definition
Primary	70% Group A 30% Group B Minimum 20% Stone	Exterior walls of buildings which are clearly visible from a public street or along an active storefront
Secondary	20% Group A 80% Group B	Exterior walls of buildings 15,000 square feet or larger which are NOT clearly visible from a public street or along an active storefront



City of Sachse, Texas

Legislation Details (With Text)

File #: 17-3878 **Version:** 1 **Name:** Discuss Stormwater Utility Draft Ordinance
Type: Agenda Item **Status:** Agenda Ready
File created: 6/30/2017 **In control:** City Council Workshop
On agenda: 7/5/2017 **Final action:**

Title: Review and discuss a draft ordinance for a Stormwater Utility in the City of Sachse.

Sponsors:

Indexes:

Code sections:

Attachments: [Sachse DRAFT SWU Ordinance](#)

Date	Ver.	Action By	Action	Result
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Title

Discuss the draft ordinance for the creation of a Stormwater Utility for the City of Sachse, Texas.

Background

Staff worked with a consultant on a stormwater utility study for the City of Sachse, Texas. The City Council approved funding of the study in the FY 2015-2016 budget, and approved the selection of Freese & Nichols, Inc. as the consultant in 2016.

Staff and the consultant have provided citizen engagement opportunities through three methods, including:

- Website Portal: website with information on the study and a page for citizens to provide feedback to the consultant and staff
- Citizen Open House: Held September 21st from 6pm-8pm at the Sachse Library
- Sachse Fallfest: staff and the consultant worked a booth from 10am-2pm, handing out flyers and discussing drainage with Sachse residents

The City Council selected members of the community to participate in the study as members of a Steering Committee. Staff and the consultant worked with the Citizen Steering Committee to review the stormwater needs and develop recommendations regarding a stormwater utility for the City.

At the June 5th City Council meeting, the City Council was presented with the recommendations and findings of the study. Staff received feedback and direction from the City Council and is preparing the necessary ordinances in line with the feedback received.

Based on the feedback received from this item, staff will finalize the ordinance, prepare a future agenda item for approval, and complete the public advertisement process. In addition, staff will be bringing draft ordinances related to property owner & city responsibilities, and development requirements for stormwater in the near future.

Policy Considerations

The draft ordinance is being prepared to create a Stormwater Utility for the City of Sachse, in accordance with State Law.

Budgetary Considerations

None at this time. The creation of a stormwater utility would provide funding of stormwater maintenance projects through a monthly rate of \$1.66 per equivalent residential unit. The bill will be included on the standard City water bill.

Staff Recommendations.

Staff recommends that the City Council review the draft ordinance and provide feedback to City staff.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 10 "UTILITIES," TO ADD ARTICLE 1 "MUNICIPAL DRAINAGE UTILITY SYSTEM," DIVISION 1 "CREATION AND ADMINISTRATION" TO ESTABLISH A MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING FOR DRAINAGE SERVICE, BILLING, EXEMPTIONS, DRAINAGE CHARGES, AND APPEALS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A CRIMINAL PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse, Texas, has investigated and determined that it would be advantageous and beneficial to the citizens of the City to promote the public health, safety and welfare of the citizens to adopt a Municipal Drainage Utility System; and

WHEREAS, the City Council further investigated and determined that it would be in the best interest of the citizens to adopt the Municipal Drainage Utility Systems Act as set forth in Chapter 552, Subchapter C, Texas Local Government Code, as amended ("Act"); and

WHEREAS, the City Council hereby adopts the Act and incorporates it herein in its entirety for all purposes; and

WHEREAS, the City Council finds that the drainage of the City is a public utility within the meaning of the Act; and

WHEREAS, the City Council further finds that the City will establish a schedule of drainage charges against all benefitted property in the proposed service area(s) which included the entire City subject to charges under this Ordinance; and

WHEREAS, the City Council further finds that the City will provide drainage for all benefitted property in the proposed service area(s) on payment of drainage charges, except benefitted property exempted under the Act or pursuant to this Ordinance; and

WHEREAS, the City Council further finds that the City will offer drainage service on nondiscriminatory, reasonable and equitable terms;

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

SECTION 1. Chapter 10 "UTILITIES" of the Code of Ordinances of the City of Sachse, Texas, is amended by adding Article 1, "Municipal Drainage Utility System," Division 1, "Creation and Administration" to read as follows:

ARTICLE 1. Municipal Drainage Utility System

Division 1. Creation and Administration

Sec. 86-501. Municipal Drainage Utility System Established.

The Municipal Drainage Utility Systems Act, Chapter 552, Subchapter C, Texas Local Government Code, as amended (the “Act”), is hereby adopted and shall be fully implemented as provided by the Act and by the City Council; and the drainage of the City is hereby found to be a public utility within the meaning of the Act.

Sec. 86-502. Definitions

Except as otherwise defined below, the definitions in the Act shall apply.

“Benefitted Property” means an improved lot or tract within the city limits to which drainage service is made available.

“Drainage system” means the drainage infrastructure owned or controlled in the public right of way or public easements by the city and dedicated to the service of benefitted property. Drainage infrastructure includes bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

Sec. 86-503. Drainage Service Provided.

The City will provide storm water drainage for all benefitted property within its boundaries upon payment of the determined drainage charges, as defined in the Act, and excluding property exempt under the Act and certain benefitted property exempted pursuant to this Article, and that the fees, assessments, and charges will be based on nondiscriminatory, reasonable and equitable terms. The drainage charges established herein shall be for all non-exempt benefitted property as defined in the Act within the City drainage system.

Sec. 86-504. Billing for Drainage Service.

The City is hereby authorized to bill the drainage charges incurred as a result of the adoption of the Act and through the establishment of the municipal drainage utility system. The drainage charge shall be separately identified from other public utility billings. Drainage charges may only be expended for the costs of service as defined by the Act.

Sec. 86-505. Authority to Levy Drainage Charges; Findings.

The City may levy a schedule of drainage charges upon satisfaction of the procedural requirements provided in the Act and this Article. Prior to the levy of any drainage charges, the City Council shall conduct a public hearing on the drainage charges pursuant to the Act. Prior to adoption of this Article, the City Council found and determined:

- (1) The City will establish a schedule of drainage charges against all benefitted property in the proposed area which includes the entire City subject to the charges under the Act;
- (2) The City will provide drainage for all benefitted property in the proposed service area on payment of the drainage charges, except benefitted property exempt under the Act; and
- (3) The City will offer drainage service on nondiscriminatory, reasonable, and equitable terms.

Sec. 86-506. Exemptions Authorized.

The City is authorized to exempt certain property, entities or persons from all ordinances, resolutions, and rules which the City may adopt from time to time in connection with the adoption of the Act and the establishment of its municipal drainage utility system. Any exemptions to the drainage charges established herein other than the exemptions required by the Act shall be set forth in the drainage charge schedule.

Sec. 86-507. Charges.

(a) The City Council shall, following the adoption of this Article, from time to time establish by ordinance a drainage charge schedule for charges which shall be collected through the City's bill for public utilities pursuant to the Act and other applicable law. There shall be a drainage charge on each monthly public utility statement for the City drainage system as set forth in the drainage charge schedule. The City Manager, or designee, is authorized to collect such charges in a manner consistent with the City Charter, the Act and this Article. The drainage charges shall be a separate line item on the public utility statement, and shall be clearly identified as a separate charge. Except, as otherwise provided herein, the billing, charges and collection procedures shall be consistent with City collection procedures for water and sewer services provided by the City.

(b) The drainage charges established pursuant to this Article will apply to the accounts maintained by the City for public utility services.

(c) All billings, credits, exemptions and other procedures relating to drainage charges established pursuant to this Article shall be subject to the provisions of the Act and other applicable law.

(d) A deposit for the drainage services as a precondition to accepting surface flow from benefitted property into the City drainage utility system shall not be required. All benefitted property of the City will be provided with drainage utility system service on timely payment of drainage charges established herein.

Sec. 86-508. Appeals.

(a) Billing and payment disputes for administrative issues relating to the drainage charges shall be subject to appeals procedures used by the City for other public utility billing disputes. A person or entity that owns or occupies a benefitted property may appeal the drainage charges established herein pursuant to this procedure set forth in this section.

(b) Appeals shall be directed to the City Engineer for evaluation and determination. An appeal shall be in writing and submitted to the City Engineer within thirty (30) days after the public utility billing statement containing the matter to be disputed. During all periods of appeal the person or entity that owns or occupies the benefitted property and/or the account holder shall be responsible for payment of the charges in full.

(c) The City Engineer shall render a written decision on such appeals within thirty (30) days after receiving a timely written notice of appeal from the person or entity that owns or occupies the benefitted property and/or the account holder. The City Engineer shall deliver a copy of the appeal decision to the person or entity that owns or occupies the benefitted property and/or the account holder by U.S. mail to the address of the landowner/account holder according to the most recent records in the possession of the City.

(d) Any person or entity who owns or occupies the benefitted property and/or the account holder who disagrees with the decision of the City Engineer may appeal such decision to the City Manager in writing within ten (10) days after receipt of the decision of the City Engineer. The decision of the City Manager shall render a written decision within thirty (30) days after receipt of a timely appeal. The decision of the City Manager shall be final.

Sec. 86-509. Penalties; Enforcement.

Failure to pay the drainage charges promptly when due shall subject such user to discontinuance of any public utility services provided by the City, in accordance with the procedures adopted by the city for discontinuance of any City public utility service including water and/or sewer service and other applicable laws.

SECTION 2. 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, and all other provisions of the ordinances of the City of Sachse not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. 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 thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. 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 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, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

SECTION 6. This ordinance shall take effect from and after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, ON THE _____ DAY OF _____, 2017.

ATTEST:

APPROVED:

_____, City Secretary

_____, Mayor

APPROVED AS TO FORM:

_____, City Attorney



City of Sachse, Texas

Legislation Details (With Text)

File #:	17-3876	Version:	1	Name:	Discuss CIP Street expansion and maintenance needs
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	6/30/2017	In control:		In control:	City Council
On agenda:	7/5/2017	Final action:		Final action:	
Title:	Discuss capital expansion and maintenance projects related to the Fiscal Year 2017-2018 budget.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Presentation				

Date	Ver.	Action By	Action	Result
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Title

Discuss capital street, water, sewer, drainage, parks, and trails expansion and maintenance needs related to the Fiscal Year 2017-2018 budget.

Background

This item is to discuss the capital infrastructure expansion and maintenance needs, as staff prepares updates to the Capital Improvement Plan for the FY 2017-2018 budget.

The City's Capital Improvement Plan (CIP) is updated annually as part of the budget process.

At the June 19th City Council Meeting, staff received feedback from the City Council on street CIP needs. Staff has revised the Street CIP information, and has also included the information pertaining to water, sewer, drainage, parks, and trails capital projects. The separate sections for drainage, parks, and trails are new to the list this year.

Once feedback is received, staff will finalize the CIP update and include the information in the Fiscal Year 2018 Budget for City Council approval.

Policy Considerations

Updates to the Capital Improvement Plan (CIP) occur annually as a part of the budget process.

Budgetary Considerations

None at this time. The final projects to be included in the 2018 fiscal year budget will be funded using available fund balances in various accounts, and the existing tax rate for the City.

Staff Recommendations

Staff's preliminary recommendations are included in the attached presentations. There is no action necessary for this item. Staff will solicit input from the City Council and will finalize the CIP based upon the feedback received. The 5-year CIP will be adopted with the FY 2017-2018 operating

budget.



FY 2018 Capital Improvement Plan

City Council

July 5, 2017

Overview

- Capital improvement Plan
- Streets
- Water
- Sewer
- Parks



Capital Improvement Plan

- Staff updates the Capital Improvement Plan on an annual basis for City Council review and approval as part of the Fiscal Year Budget
- The Capital Improvement Plan includes past funding, current funding, and estimated future funding for capital projects
- Capital Projects include:
 - Streets
 - Water
 - Sewer
 - Drainage
 - Parks



Street Methodology

- Staff received feedback from the City Council at the June 19th meeting regarding capital street projects
- Based on the feedback received, staff is implementing the following methodologies for the upcoming CIP:
 - Existing concrete streets: Complete panel replacement for failing sections
 - Low traffic asphalt streets: Complete full depth asphalt replacement
 - High traffic asphalt streets: begin engineering design to reconstruct as concrete streets

Street Funding Methodology

- Street Maintenance Tax (\$365,000/yr)
 - Fund local street asphalt and concrete **maintenance** projects
- General Fund (\$1,000,000)
 - Fund major **maintenance** panel replacement projects
- Utilize Portion of Existing Tax Rate (\$10,000,000)
 - Fund arterial and collector street **expansion** projects
- Impact Fees (\$1,700,000)
 - Fund design of expansion projects
 - Fund portions of major **expansion** projects where partnerships are making the project possible

Arterial Street Expansion

Project Number	Project Name	Project Cost	Outside Funds	Past Funds	FY 2017-18 Funds	Funding Source	Project Partners
R-12-08	Sachse Road/5 th Street Widening	\$6,000,000	\$3,000,000	\$3,000,000	TBD (Once Bid is Complete)	2006 BOND	Dallas County
R-12-13	Merritt Road Re-Alignment	\$5,000,000	TBD	N/A	\$5,000,000	Tax Rate	TBD
R-12-04	Maxwell Creek Road	\$1,500,000	\$588,000 (Collin County), Developer (TBD)	\$100,000	None	IF	Collin County, Developer & City of Murphy
R-13-11*	Blackburn & Ingram Road (Design)	\$250,000	TBD	N/A	\$250,000	IF	TBD, City to fund design

*Note: Once design is complete, projects would be considered for funding through the existing tax rate capacity

Collector Street Maintenance & Expansion

Project Number	Project Name	Project Cost	FY 2017-18 Funds	Funding Source	Notes
R-17-01	Bryan Street	\$260,000	\$260,000	GF	Panel Replacement
R-17-02	West Creek – Timber Creek to Dogwood	\$205,000	\$205,000	GF	Panel Replacement
R-17-03*	Sachse Road – SH 78 to 5 th Street	\$250,000	\$250,000	IF	Fund Design
R-17-04*	Bailey Road & Hooper Road (Design)	\$400,000	\$400,000	IF	Fund Design
R-17-05*	West Creek - Sachse Road to Timbercreek (Design)	\$100,000	\$100,000	IF	Fund Design

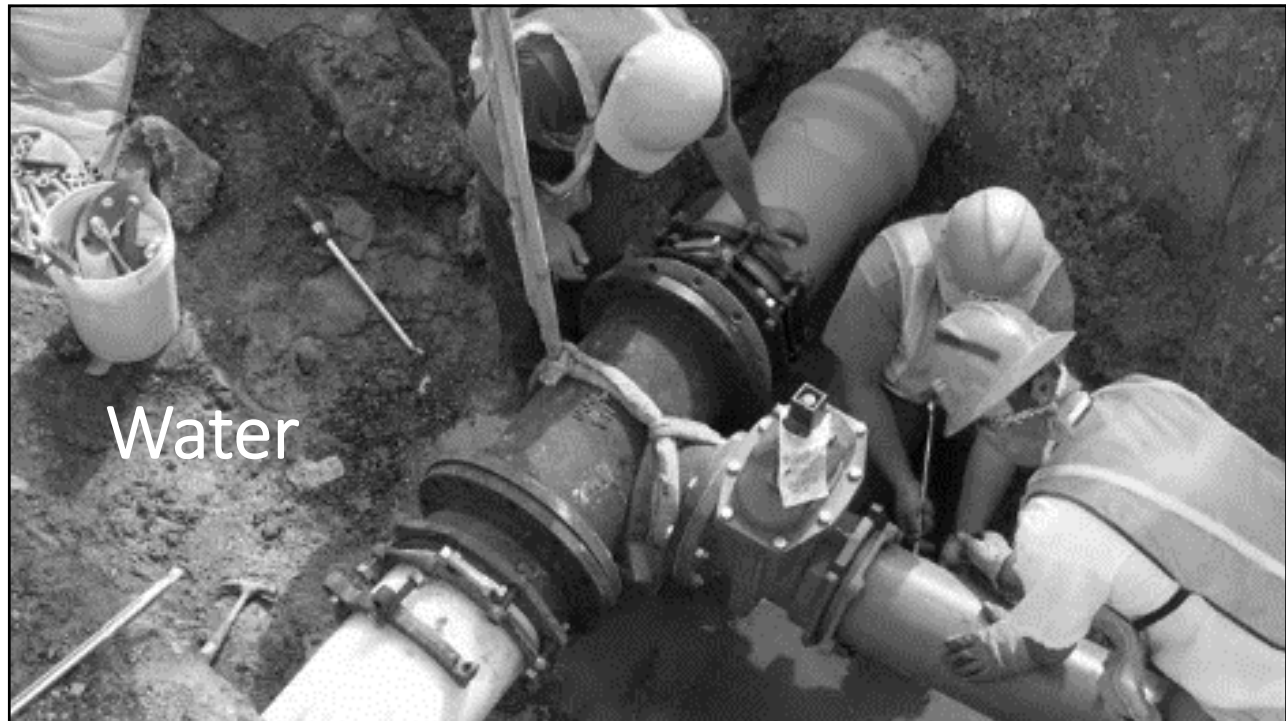
*Note: Once design is complete, projects would be considered for funding through the existing tax rate capacity

Street Maintenance

Project Number	Project Name	Project Cost	FY 2017-18 Funds	Funding Source	Notes
R-17-06	Sachse Street	\$30,000.00	\$30,000.00	SMT	4 th Street to 5 th Street
R-17-07	Ben Road	\$133,000.00	\$133,000.00	SMT	Asphalt Replacement
R-17-08	Pleasant Valley Place	\$81,600.00	\$81,600.00	SMT	Asphalt Replacement
R-17-09	Longbranch Court	\$60,000.00	\$60,000.00	SMT	Asphalt Replacement
R-17-10	Tina Street	\$60,000.00	\$60,000.00	SMT	Panel Replacement
R-17-11	Parkview Drive	\$58,000.00	\$58,000.00	Street Department	Panel Replacement
R-17-12	Brookview Court Alley	\$82,000	\$82,000	CDBG	Dallas County

Funding Overview

- **Street Maintenance Tax**
 - \$360,000 proposed for FY 2017-2018 on maintenance projects
- **General Fund**
 - \$465,000 to fund major panel replacement on Bryan Street and West Creek
 - \$535,000 allocated to fund expansion projects once design is complete
- **Utilize Portion of Existing Tax Rate (\$10,000,000)**
 - \$5,000,000 for Merritt Road Re-Alignment
 - \$5,000,000 to fund expansion projects once design is complete
- **Impact Fees**
 - \$1,000,000 to fund engineering design of expansion projects
 - \$700,000 to fund expansion projects once design is complete



Water Expansion

Project Number	Project Name	Project Cost	Past Funds	FY 2017-18 Funds	Funding Source	Notes
W-12-15a	Southeast Water Tower (Design & Property)	\$930,000	\$930,000	N/A	IF	Design Complete, property acquisition ongoing
W-12-15b	Southeast Water Tower	\$4,000,000	N/A	\$4,000,000	IF/CO	Design Complete, Construction in FY 2018
W-14-02	12" Main – Pleasant Valley Road from Eastview to Ben Road	\$150,000	N/A	\$150,000	UF	Fund design in FY 2018

Water Rehabilitation

Project Number	Project Name	Project Cost	Past Funds	FY 2017-18 Funds	Funding Source	Notes
W-13-02	8" Main – Pleasant Valley Place & Longbranch	\$200,000	\$200,000	N/A	UF	Design complete in FY 2017, bid & construct in FY 2018
W-14-01	Maxwell Creek Pump Station Rehab	\$100,000	\$25,000	\$75,000	UF	Analysis and scoping complete in FY 2017, bid & construct in FY 2018
W-15-01	Sachse Road 4" Water Main Abandonment	\$80,400	N/A	\$80,400	UF	To be constructed with Sachse Road/5 th Street Widening



Sewer Expansion

Project Number	Project Name	Project Cost	Past Funds	FY 2017-18 Funds	Funding Source	Notes
SS-12-01	30" Bunker Hill Sewer Expansion	\$775,000	\$775,000	N/A	IF	Construction to begin late summer 2017
SS-12-08 SS-12-09 SS-12-10 SS-12-11	Southeast Sewer Expansion	\$11,000,000	N/A	\$11,000,000	CO	Design underway

Sewer Rehabilitation

Project Number	Project Name	Project Cost	Past Funds	FY 2017-18 Funds	Funding Source	Notes
SS-13-01	8" Main – Easement from Bonanza Court to Vicksburg	\$177,164	\$177,164	N/A	UF	Design complete in FY 17, Construct in FY 18
SS-14-01	8" Main – Old City Hall to Sachse Street	\$194,600	194,600	N/A	UF	Design complete in FY 17, Construct in FY 18
SS-14-02	8" Main Natchez – Jefferson to Cornwall	\$206,500	N/A	\$206,500	UF	Design in FY 18, Construction in FY 19
SS-17-01	Kellie Street Sewer Rehab	\$350,000	N/A	\$350,000	UF	In-house design in FY 17, Construction in FY 18



Drainage Expansion

Project Number	Project Name	Project Cost	FY 2017-18 Funds	Funding Source	Notes
D-17-01	Long Branch Flood Control Improvements	\$3,000,000	N/A	GF	Future Drainage Improvement Project
D-17-02	Merritt Road, Sachse Road, Willow Lake Improvements	\$2,700,000	N/A	GF	Future Drainage Improvement Project
D-17-03	Rowlett Creek Tributary Improvements	\$2,300,000	N/A	GF	Future Drainage Improvement Project
D-17-04	Coral Lane/Anthony Road Drainage Improvements	\$350,000	N/A	GF	Future Drainage Improvement Project
D-17-05	Vicksburg & Jefferson Drive Channel Improvements	\$275,000	N/A	GF	Future Drainage Improvement Project

Drainage Rehabilitation

Project Number	Project Name	Project Cost	FY 2017-18 Funds	Funding Source	Notes
D-17-11	Brookhollow Stream Erosion Protection	\$50,000	TBD	Stormwater Utility	Project funding pending stormwater utility implementation
D-17-12	Muddy Creek Erosion Protection – Ingram Road	\$75,000	TBD	Stormwater Utility	""
D-17-13	Stream 2E7 Erosion Protection - Williford/Anthony	\$75,000	TBD	Stormwater Utility	""
D-17-14	Stream 2E7 Vegetation Removal	\$100,000	TBD	Stormwater Utility	""
D-17-15	Major culvert cleaning (multiple locations)	TBD	TBD	Stormwater Utility	""



Parks Expansion

Project Number	Project Name	Project Cost	FY 2017-18 Funds	Funding Source	Notes
P-17-01	Sachse Community Center	\$4,000,000	N/A	TBD	Future Project
P-17-02	Splash Pad	\$500,000	\$500,000	Park Development Fund	Location TBD
P-17-03	Heritage Park Expansion Projects	TBD	TBD	TBD	Scope to be developed

Trails Expansion

Project Number	Project Name	Project Cost	FY 2017-18 Funds	Funding Source	Notes
T-17-01	Sachse Highline Trail	\$592,870	N/A	TBD/Grant	City applied for grant in 2015 & 2016
T-17-02	Sachse Road/5 th Street Trail	\$300,000	N/A	2006 Bond/County	Part of road widening scope
T-17-03	Williford Road Trail – Bryan Street to Bailey Road	\$506,000	N/A	TBD	Future connections to Salmon Park
T-17-04	Muddy Creek Trail – Sachse Road to Pleasant Valley Road	\$695,000	\$695,000	UF	Dual purpose access Road for SE Sewer Expansion

Parks Rehabilitation

Project Number	Project Name	Project Cost	FY 2017-18 Funds	Funding Source	Notes
PR-17-01	Joe Stone Park Restroom	\$105,000	\$105,000	GF	FY 2018 Budget Request
PR-17-02	Inclusive Playground @ Firefighters Park	\$37,000	\$37,000	GF	FY 2018 Budget Request
PR-17-03	Heritage Park Playground Rehabilitation	\$80,000	N/A	TBD	Future Rehab Project
PR-17-04	Joe Stone Park Playground Rehabilitation	\$60,000	N/A	TBD	Future Rehab Project
PR-17-05	Dave Sanford Park Playground Rehabilitation	\$70,000	N/A	TBD	Future Rehab Project

Next Steps

- Staff is seeking feedback on the draft CIP plan
- Staff will revise the plan based upon the feedback received
- The Final Capital Improvement Plan will be included in the Fiscal Year 2017-2018 Budget documents

