



Sachse, Texas

Sachse City Hall
3815-B Sachse Road
Sachse, Texas 75048

Meeting Agenda City Council

Monday, December 2, 2013

7:30 PM

Council Chambers

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

The City Council of the City of Sachse will hold a Regular Meeting on Monday, December 2, 2013, at 7:30 p.m. in the Council Chambers at the Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:

1. 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.

2. CONSENT AGENDA.

ALL ITEMS LISTED ON THE CONSENT AGENDA WILL BE CONSIDERED BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION, THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER OR CITIZEN SO REQUESTS.

13-1913 Consider approval of the minutes of the November 18, 2013, regular meeting.

Executive Summary

Minutes from the recent Council meeting.

Attachments: [Minutes.11.18.13.pdf](#)

13-1928 Consider receiving the Monthly Revenue and Expenditure Report for the period ending October 31, 2013.

Executive Summary

The Finance Department will prepare a report each month to update the City Council regarding revenues and expenditures for the City. The attached report is for the month ended October 31, 2013.

Attachments: [10-31-2013 GF.pdf](#)

[10-31-2013 UF.pdf](#)

[10-31-2013 DS.pdf](#)

[10-31-2013 EDC.pdf](#)

- 13-1932 Consider canceling the December 16, 2013 City Council Workshop and Meeting.

Executive Summary

City Council traditionally cancels the second meeting in December. Community events are scheduled throughout the month of December.

- 13-1924 Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Verdunity, Inc.

Executive Summary

This contract will enable the engineering consultant, Verdunity, to begin preliminary engineering for sanitary sewer improvements along the eastern edge of the city, including a 24-inch sanitary sewer trunk main from the Sachse Road Lift Station to the proposed future Southeast Lift Station.

Attachments: [RESO approving Verdunity Agreement for Professional Services PDF](#)
[Exhibit A - Agreement for Professional Services Verdunity, Inc PDF](#)
[Exhibit B PDF](#)

- 13-1930 Consider adoption of a Resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of an agreement, by and between the City of Sachse, Texas, and Economists.com to provide a Water and Wastewater Cost of Service Rate Study and long-term financial plan for the City of Sachse; and providing for an effective date.

Executive Summary

The 2013-2014 Utility Fund Budget included funding to conduct a review of water and sanitary sewer rates. The water and sanitary sewer rates projected to be collected by the City in the current fiscal year will not be sufficient to cover the costs of delivering those services. In pursuing a Water and Wastewater Cost of Service Rate Study and long-term financial plan, the intent is to establish a rate structure that will cover not only fixed and operating costs, but also put in place resources for future system expansion and rehabilitation of aging infrastructure.

Attachments: [Resolution Approving Proposal from Economists.pdf](#)
[2013 11 26 Econocom Revised Sachse Engage Ltr LH.pdf](#)

- 13-1931 Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Maddox Surveying & Mapping, Inc.

Executive Summary

This contract will enable the survey consultant, Maddox Surveying & Mapping, to begin survey work related to drainage improvements near 5th Street/Dewitt Road between McDearmon Street and Dewitt Street.

Attachments: [51Sachse RESO approving Maddox Agreement for Professional Services](#)
[Exhibit A - Maddox Surveying and Mapping Professional Services Agreement](#)
[Exhibit B PDF](#)

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

- 13-1918 Proclamation recognizing Mary Ann Olson's contributions to the Sachse Chamber of Commerce.

Executive Summary

Recognition of Ms. Olson's contributions to our community.

Attachments: [Proclamation. Mary.Olson.pdf](#)

4. 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.

The City Council is prohibited from discussing any item not on the posted agenda according to the Texas Open Meetings Act.

5. REGULAR AGENDA ITEMS.

- 13-1915 Consider appointment to the Animal Shelter Board.

Executive Summary

There is 1 vacancy on the Animal Shelter board and this agenda item is provided for possible appointment.

Attachments: [ASB.applications.pdf](#)

13-1927

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for a Retail Sales with Gas Pumps use on an approximately 0.493-acre tract of land located at the northeast corner of Murphy Road and Blackburn Road, more particularly described in Exhibit "A" and located in a General Commercial (C-2) district; providing special conditions; providing for the approval of the Zoning Exhibit attached as Exhibit "B"; providing for the approval of the site plan attached as Exhibit "C".

Executive Summary

The applicant is requesting a Special Use Permit for a Retail Sales with Gas Pumps use for the 0.493-acre property located at the northeast corner of Murphy Road and Blackburn Road. The use will contain a retail sales kiosk building and six pump islands (12 total fueling stations).

Attachments: [CD - WESTGATE CTR GAS SALES SUP CC - PRESENTATION.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD - EXHIBIT A.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD - EXHIBIT B.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD - EXHIBIT C.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - ATTACHMENT 1.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - ATTACHMENT 2.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - ATTACHMENT 3.pdf](#)

13-1922

Conduct a public hearing and consider the application of Wal-Mart Corporation requesting a variance from the Code of Ordinances, Chapter 3, Building Regulations, Section 3-10.C(3)(a) to permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials; a variance from Section 3-10.C(3)(d)(i) to permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade; a variance from Section 3-10.C(3)(e) to permit a freestanding identification sign to be constructed with a maximum sign area of 1,049 square feet; a variance from Section 3-10.C(3)(e) to permit a general business sign to be constructed with a maximum sign area of 64 square feet; a variance from Section 3-10.C(3)(k) to permit the identification portion of a multi-purpose sign to have an area of 186 square feet; a variance from Section 3-10.C(3)(k) to permit the directory portion of the sign to have an area of 863 square feet; and a variance from Section 3-10.C(4) to permit an advertising sign, for the property generally located on the northwest side of SH78/KCS Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCS Railroad rights-of-way.

Executive Summary

A sign variance is being requested by the property owner to permit a monument-style pylon sign to be constructed as an off-premise advertising sign and to permit deviations in the sign area for a general business sign constructed as a monument sign.

Attachments: [CD - WALMART SIGN VARIANCE2 CC - PRESENTATION.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 1.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 2.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 3.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 4.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 5.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 6.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 7.pdf](#)

13-1933

Discuss and consider an ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 12, "Miscellaneous Regulations," by adding Section 12-5, "E-Cigarette Regulations," for the purpose of prohibiting the sale and distribution of electronic cigarettes to minors and prohibiting the use and possession of electronic cigarettes by minors.

Executive Summary

E-Cigarettes and the materials they vaporize for the purpose of inhaling are currently available in stores and are currently unregulated. As a result, they are available for minors to purchase as a means to inhale the addictive drug nicotine. Despite various calls for the Food and Drug Administration to regulate these materials, no action has been taken. The purpose of this item is to provide the City Council with the opportunity to discuss e-cigarettes sales to minors in Sachse and possibly take action on regulating sales to minors.

Attachments: [51SACHSE Ordinance Re Electronic Cigarette Sales to Minors63728.pdf](#)
[Assn of Attys General Letter.pdf](#)

13-1929

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 3, Building Regulations by relocating and amending Article II, "Tree Preservation" to Chapter 11, "Zoning", Article 4, "General Provisions Applying to All or Several Districts", creating a new Section 11, titled "Landscaping and Screening"; by relocating screening and site landscaping provisions from Chapter 11, "Zoning", Article 3, "[Districts]" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 7, "Nonresidential Landscaping Requirements" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 8, "Residential Landscaping Requirements" to Section 11, "Landscaping and Screening".

Executive Summary

The purpose of this amendment is threefold: 1) reorganization of Code Sections for clarity; 2) provision of means for considering alternate landscape plans; 3) means of addressing potential conflicts where drought restrictions will not permit required landscaping to be planted.

Attachments: [CD - LANDSCAPING COO AMEND CC - PRESENTATION.pdf](#)
[CD - LANDSCAPING COO AMEND CC - DRAFT ORD.pdf](#)
[CD - LANDSCAPING COO AMEND CC - ATTACHMENT 1.pdf](#)

- 13-1917 Consider a resolution casting votes for member(s) of the Board of Directors of the Collin Central Appraisal District.

Executive Summary

All nominations are in, time to cast Sachse's ballot.

Attachments: [Resolution.CCAD.pdf](#)

- 13-1916 Consider a resolution casting vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

Executive Summary

All nominations are in for the Dallas Central Appraisal District Board of Directors, time to cast Sachse's vote.

Attachments: [Resolution.DCAD.pdf](#)

6. 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. Note: The Sachse City Council reserves the right to convene into Executive Session pursuant to the Texas Government Code, Title 5, Chapter 551 regarding posted items on the regular meeting agenda.

State law prohibits the introduction or discussion of any item of business not posted at least seventy-two (72) hours prior to the meeting time. Therefore, during Citizen Input for example, the Council is prohibited by state law to deliberate or take action on any issues introduced by the public other than to take them under advisement.

Posted: November 27, 2013; 5:00 p.m. Terry Smith, City Secretary _____.

If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact Terry Smith, City Secretary, at (972) 495-1212, 48 business hours prior to the scheduled meeting date. Reasonable accommodations will be made to assist your needs.



Legislation Details (With Text)

File #:	13-1913	Version:	1	Name:	Consider approval of the minutes of the November 18, 2013, regular meeting.
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/18/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	
Title:	Consider approval of the minutes of the November 18, 2013, regular meeting.				
	Executive Summary Minutes from the recent Council meeting.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Minutes.11.18.13.pdf				

Date	Ver.	Action By	Action	Result
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Title

Consider approval of the minutes of the November 18, 2013, regular meeting.

Executive Summary

Minutes from the recent Council meeting.

Background

Minutes from a recent Council meeting on November 18, 2013, for review and approval.

Policy Considerations

Not applicable.

Budgetary Considerations

Not applicable.

Staff Recommendations

Approval of the minutes of the November 18, 2013, regular meeting, as a Consent Agenda Item.

REGULAR MEETING
OF THE
CITY COUNCIL OF THE CITY OF SACHSE
NOVEMBER 18, 2013

The City Council of the City of Sachse held a Regular Meeting on Monday, November 18, 2013 at 7:30 p.m. at the Sachse City Hall after proper notice. The roll of the duly constituted City Council Members was called which members are as follows, to wit:

Mayor Mike Felix
Mayor Pro Tem Bill Adams
Councilman Charles Ross
Councilman Brett Franks
Councilman Todd Ronnau
Councilman Cullen King
Councilman Jeff Bickerstaff

and all were present.

Staff present: City Manager Billy George, City Secretary Terry Smith, Project Coordinator Denise Vice, Community Development Director Marc Kurbansade, Police Chief Dennis Veach, Human Resources Manager Laura Morrow, Parks and Recreation Director Lance Whitworth, Library Manager Mignon Morse, City Engineer Greg Peters, Public Works Director Joe Crase, Finance Director Teresa Savage, and Fire Chief Rick Coleman.

Invocation and Pledge of Allegiance to U.S. and Texas Flags:

The invocation was offered by Councilman Franks and the pledges were led by Councilman Ross.

1. Consent Agenda:

Councilman King moved to approve the Consent Agenda consisting of: 13-1897 Consider approval of the minutes of the November 4, 2013, regular Meeting; 13-1900 Consider acceptance of the Quarterly Budget and Investment Reports for the quarter ended September 30, 2013; 13-1901 Resolution No. 3542 of the City Council of the City of Sachse, Texas, amending authorized representatives with the Texas Local Government Pool ("TexPool/TexPool *Prime*"); 13-1902 Consider the postponement of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map, as heretofore amended; to grant a change of zoning from an Agricultural District (AG) to a Planned Development District (PD) on an approximately 174.82-acre tract of land, more particularly described in Exhibit "A" and located on the northeast corner of Pleasant Valley Road and Ben Road, City of Sachse, Dallas County, Texas; providing for the approval of the Zoning Exhibit attached as Exhibit "B"; providing for the approval of Development Standards attached as Exhibit "C"; providing for the approval of the Zoning Concept Plan approved as Exhibit "D", until December 2, 2013; 13-1903 Consider the postponement of an Ordinance of the City of Sachse, Texas, amending Figure 3-3 Future Land Use Plan of the Sachse Comprehensive Plan; amending Table 3-2 Future Land Use Plan Acreage of the Sachse Comprehensive Plan until December 2, 2013; 13-1910 Resolution No. 3543 of the City Council of the City of Sachse, Texas, approving the terms and conditions of the professional services agreement by and between the Sachse Economic Development Corporation ("SEDC") and

the Water Consulting Group, Inc. ("WCG") providing for professional services for the recruitment of an Executive Director for the SEDC; and 13-1909 Ordinance No. 3544 of the City Council of the City of Sachse, Texas ("CITY"), authorizing certain budget amendments pertaining to the fiscal year 2013-2014 budget. The motion was seconded by Councilman Franks and passed unanimously.

2. Mayor and City Council Announcements regarding special events, current activities and local achievements:

13-1899 Proclamation declaring November 18, 2013, as Salvation Army Red Kettle Kickoff Day.

Councilman Bickerstaff announced upcoming events at the Library: November 21st, Story Time; December 3rd, P.J. Story Time; December 5th, Santa after the Christmas Tree Lighting; and December 9th, e-books kickoff.

Councilman King noted the Wylie Christian Care Center is conducting a food drive to benefit area families.

Mayor Pro Tem Adams stated the Sachse High School Mustang Football Team beat Mesquite High School 63-56 in their first playoff game. This Saturday at 4:30 p.m. they play Skyline High School at the Cotton Bowl.

Councilman Franks announced the Parks and Recreation Department will host their annual Daddy/Daughter dance on Friday, December 6th at the Senior Center. It's a great time.

Mayor Felix noted the following upcoming holiday events; November 28th, is the Sachse High School annual Turkey Trot; December 5th, is the Tree Lighting at City Hall at 6:30 p.m.; December 7th, the Sachse Firefighters Association will host Pancakes with Santa at Fire Station No. 1; December 14th is the annual Christmas Parade and Sachse's Fraternal Order of Police collect toys and food donations until December 16th.

3. Citizen Input:

No comments were made.

4. Regular Agenda Items:

13-1898 Administer Oath of Office to newly appointed Board and Commission members:

Mayor Felix administered the Oath of Office to the recently appointed Board and Commission Members.

13-1911 Consider a resolution of the City Council of the City of Sachse, Texas, awarding the bid for the construction of Hudson Drive STA.1+00 to STA. 16+00.06 between Miles Road and Merritt Road as a capital improvement project to XIT Paving and Construction, Inc.; authorizing the City Manager to execute such agreement in a form approved by the City Attorney: Following discussion, Mayor Pro Tem Adams moved to approve Resolution No. 3545 awarding the bid for the construction of Hudson Drive STA.1+00 to STA. 16+00.06 between Miles Road and Merritt Road as a capital improvement project to XIT Paving and Construction, Inc.; authorizing the City Manager to execute such agreement in a form approved by the City Attorney. The motion was seconded by Councilman Franks and carried unanimously.

13-1905 Consideration of an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 3, Section 3-9 “Fences,” by amending Section 3-9.B.(1), Permitted Materials, to allow metal panel fencing as an alternate material; by amending Section 3-9.B.(2), Prohibited Materials, to provide clarification:

Following discussion, Mayor Pro Tem Adams moved to approve Ordinance No. 3546 amending the Code of Ordinances, Chapter 3, Section 3-9 “Fences,” by amending Section 3-9.B.(1), Permitted Materials, to allow metal panel fencing as an alternate material; by amending Section 3-9.B.(2), Prohibited Materials, to provide clarification, with Version No. 2, with the stipulation of embossment on both sides. The motion was seconded by Councilman Bickerstaff and carried with Councilman King voting no.

13-1904 Consider the appointment of the State Highway 78 Plan Advisory Committee members:

Following discussion, Councilman Bickerstaff moved to appoint Councilman Ross, Mayor Felix and Councilman King to the State Highway 78 Plan Advisory Committee with Planning and Zoning Commission Members: Warren Becker, David Hock and Paul Watkins; and Economic Development Corporation Members: Mark Caldwell, Eric Dumois, and Ken Thomas. The motion was seconded by Councilman Franks.

Following discussion, Councilman Bickerstaff amended the original motion to include Mayor Pro Tem Adams as an alternate member. The amendment was seconded by Councilman Franks. The main motion with amendment was approved unanimously.

13-1907 Adjourn to Executive Session pursuant to the provisions of the Texas Government Code, Section 551.074: To discuss the annual evaluation of the City Secretary.
Consider any action necessary as a result of Executive Session.

At 8:43 p.m. Councilman Ross moved to recess to executive session. The motion was seconded by Councilman Bickerstaff and carried unanimously.

At 9:55 p.m. Councilman King moved to return to open session. The motion was seconded by Councilman Ronnau and carried unanimously.

Councilman King moved to authorize a 4% annual increase for the City Secretary. The motion was seconded by Councilman Ross and carried unanimously.

5. Adjournment:

There being no further business, Mayor Pro Tem Adams moved to adjourn. The motion was seconded by Councilman Ronnau and carried unanimously. The meeting adjourned at 9:58 p.m.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR



Legislation Details (With Text)

File #: 13-1928 **Version:** 1 **Name:** Monthly Revenue and Expenditure Report for October 2013
Type: Agenda Item **Status:** Agenda Ready
File created: 11/26/2013 **In control:** City Council
On agenda: 12/2/2013 **Final action:**
Title: Consider receiving the Monthly Revenue and Expenditure Report for the period ending October 31, 2013.

Executive Summary

The Finance Department will prepare a report each month to update the City Council regarding revenues and expenditures for the City. The attached report is for the month ended October 31, 2013.

Sponsors:

Indexes:

Code sections:

Attachments: [10-31-2013 GF.pdf](#)
[10-31-2013 UF.pdf](#)
[10-31-2013 DS.pdf](#)
[10-31-2013 EDC.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider receiving the Monthly Revenue and Expenditure Report for the period ending October 31, 2013.

Executive Summary

The Finance Department will prepare a report each month to update the City Council regarding revenues and expenditures for the City. The attached report is for the month ended October 31, 2013.

Background

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 October 31, 2013.

Policy Considerations

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

Budgetary Considerations

N/A

Staff Recommendations

Staff recommends that the City Council receive the Monthly Revenue and Expenditure Report for the period ending October 31, 2013 as a Consent Agenda item.

City of Sachse
Monthly Revenue and Expenditure Report
October 31, 2013
(Unaudited)

GENERAL FUND

	8% of Year Completed				Note
	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Reference 8%
Revenue Summary					
Property Tax	\$ 6,866,469	\$ 139,677	\$ 139,677	2.03%	A
Sales Tax	875,193	67,141	67,141	7.67%	
Franchise Fees	1,431,811	195,531	195,531	13.66%	A
Licenses and Permits	531,650	57,130	57,130	10.75%	
Service Fees	531,173	84,866	84,866	15.98%	
Fines	365,000	18,419	18,419	5.05%	
Interest Income	5,000			0.00%	
Miscellaneous Income	141,097	21,099	21,099	14.95%	
Intergovernmental Revenue	945,617	78,801	78,801	8.33%	
Total Revenue	\$ 11,693,010	\$ 662,665	\$ 662,665	5.67%	
Expenditure Summary					
City Manager	\$ 316,601	\$ 26,657	\$ 26,657	8.42%	
City Secretary	161,036	10,357	10,357	6.43%	
Human Resources	238,777	13,088	13,088	5.48%	
Finance	488,373	37,216	37,216	7.62%	
Municipal Court	171,190	8,163	8,163	4.77%	
Parks & Recreation	778,069	63,294	63,294	8.13%	
Senior Programs	106,526	6,344	6,344	5.96%	
Library Services	295,001	25,738	25,738	8.72%	
Community Development	612,651	46,377	46,377	7.57%	
Streets & Drainage	1,060,526	67,373	67,373	6.35%	
Facility Maintenance	319,638	20,992	20,992	6.57%	
Police	3,165,608	280,571	280,571	8.86%	
Animal Control	154,026	12,207	12,207	7.93%	
Fire/EMS	2,274,839	186,045	186,045	8.18%	
Combined Services	1,217,006	272,575	272,575	22.40%	B
City Engineer	263,883	18,177	18,177	6.89%	
Total Expenditures	\$ 11,623,750	\$ 1,095,175	\$ 1,095,175	9.42%	
Total Revenue Over/Under Expenses	\$ 69,260	\$ (432,511)	\$ (432,511)		

Explanation of Major Variances:

- A** Property tax collections peak in December and January
- B** Full-year premium property/liability insurance posted in October

City of Sachse
Monthly Revenue and Expenditure Report
October 31, 2013
(Unaudited)

UTILITY FUND

	8% of Year Completed				
	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 8%
Revenue Summary					
Water Revenue	\$ 4,062,949	\$ 358,200	\$ 358,200	8.82%	A
Sewer Revenue	3,092,342	261,632	261,632	8.46%	
Fees	162,200	23,501	23,501	14.49%	
Impact Fees	-	-	-	-	
Interest Income	3,500	-	-	0.00%	
Miscellaneous Income	1,000	-	-	0.00%	
Total Revenue	\$ 7,321,991	\$ 643,333	\$ 643,333	8.79%	
Expenditure Summary					
Utility Administration	\$ 268,754	\$ 17,576	\$ 17,576	6.54%	
Water Operations	3,990,717	313,364	313,364	7.85%	
Sewer Operations	3,006,735	204,515	204,515	6.80%	
Meter Reading	126,110	7,880	7,880	6.25%	
Total Expenditures	\$ 7,392,316	\$ 543,335	\$ 543,335	7.35%	
Total Revenue Over/Under Expenses	\$ (70,325)	\$ 99,999	\$ 99,999		

Explanation of Major Variances:

A Impact Fees are no longer reported in the Utility Fund

Monthly Revenue and Expenditure Report
October 31, 2013
(Unaudited)

Debt Service Fund

	8% of Year Completed				
	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 8%
Revenue Summary					
Property Tax	\$ 2,915,826	\$ 58,120	\$ 58,120	1.99%	A
Interest Income	1,500	-	-	0.00%	
Total Revenue	\$ 2,917,326	\$ 58,120	\$ 58,120	1.99%	
Expenditure Summary					
Fees	\$ 1,000	\$ -	\$ -	0.00%	B
Principal	1,125,000		-	0.00%	
Interest	1,798,531			0.00%	
Total Expenditures	\$ 2,924,531	\$ -	\$ -	0.00%	
Total Revenue Over/Under Expenses	\$ (7,205)	\$ 58,120	\$ 58,120		

A Property tax collections peak in the months of December and January

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

City of Sachse
Monthly Revenue and Expenditure Report
October 31, 2013
(Unaudited)

SACHSE ECONOMIC DEVELOPMENT CORPORATION

8% of Year Completed

	Annual Budget	Current Month Actual	Actual YTD	YTD Actual as a Percent of Budget	Note Reference 8%
Revenue Summary					
Sales Tax	\$ 429,796	\$ 31,174	\$ 31,174	7.25%	
Interest Income	7,500	-	-	0.00%	
Total Revenue	\$ 437,296	\$ 31,174	\$ 31,174	7.13%	
Expenditure Summary					
Expenditures	507,757	16,565	16,565	3.26%	
Total Expenditures	\$ 507,757	\$ 16,565	\$ 16,565	3.26%	
Total Revenue Over/Under Expenses	\$ (70,461)	\$ 14,610	\$ 14,610		

Explanation of Major Variances:



Legislation Details (With Text)

File #: 13-1932 **Version:** 1 **Name:** Consider canceling the December 16, 2013, Council meeting.
Type: Agenda Item **Status:** Agenda Ready
File created: 11/26/2013 **In control:** City Council
On agenda: 12/2/2013 **Final action:**
Title: Consider canceling the December 16, 2013 City Council Workshop and Meeting.

Executive Summary

City Council traditionally cancels the second meeting in December. Community events are scheduled throughout the month of December.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Title

Consider canceling the December 16, 2013 City Council Workshop and Meeting.

Executive Summary

City Council traditionally cancels the second meeting in December. Community events are scheduled throughout the month of December.

Background

The City Council has traditionally cancelled the second meeting in December for the Christmas Holidays.

During the month of December, there are a number of community events scheduled:

December 5th @ 6:30 p.m. - Annual Tree Lighting

December 6th @ 7:00 p.m. - Daddy/Daughter Dance

December 7th @ 8:00 a.m. - Sachse Firefighters Assn Pancakes with Santa

December 9th @ 6:00 p.m. - Library e-book Kickoff

December 14th @ 9:30 a.m. - 6th Annual Christmas Parade and Cookies with Santa

December 15th @ 6:00 p.m. - Christmas Lighting Contest Judging

Through December 16th - Sachse Fraternal Order of Police New Toy Collection

December 18th @ 11:00 a.m. - Senior Center Christmas Luncheon

Policy Considerations

None.

Budgetary Considerations
None.

Staff Recommendations
Cancel the December 16, 2013 City Council Workshop and Meeting, as a Consent Agenda Item.



Legislation Details (With Text)

File #:	13-1924	Version:	1	Name:	Consider a resolution authorizing the City Manager of Sachse to execute a contract
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/26/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	
Title:	Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Verdunity, Inc.				
	Executive Summary This contract will enable the engineering consultant, Verdunity, to begin preliminary engineering for sanitary sewer improvements along the eastern edge of the city, including a 24-inch sanitary sewer trunk main from the Sachse Road Lift Station to the proposed future Southeast Lift Station.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	RESO approving Verdunity Agreement for Professional Services PDF Exhibit A - Agreement for Professional Services Verdunity, Inc PDF Exhibit B PDF				

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Verdunity, Inc.

Executive Summary

This contract will enable the engineering consultant, Verdunity, to begin preliminary engineering for sanitary sewer improvements along the eastern edge of the city, including a 24-inch sanitary sewer trunk main from the Sachse Road Lift Station to the proposed future Southeast Lift Station.

Background

The City of Sachse 2011-2021 Capital Improvements Plan & Impact Fee Analysis identified the need for a 24-inch sanitary sewer trunk main along the eastern edge of the City. The 2013-2014 CIP includes the preliminary engineering design of this sanitary sewer trunk main from the Sachse Road Lift Station to the Southeast Lift Station. The preliminary design will include a route study, design recommendations, and preliminary engineering plans. A map of the future City sewer map, with this project highlighted, is attached as Exhibit "B".

The future 24-inch sanitary sewer trunk main will allow the City to abandon the existing

Sachse Road Lift Station and provide gravity flow of sewage to the future Southeast Lift Station.

Policy Considerations

The design contract is for a project that is included in the City's Capital Improvements Plan, for a 24-inch sanitary sewer trunk main from the Sachse Road Lift Station to the future Southeast Lift Station.

Budgetary Considerations

The Capital Improvements Plan has \$300,000.00 in previous funding from Sanitary Sewer Impact Fees as identified in the past 2012-2013 fiscal year budget for the 24-inch sanitary sewer trunk main. The consultant fee is \$38,000.00 for preliminary design.

Staff Recommendations

Staff recommends approval of a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Verdunity, Inc. as a Consent Agenda Item.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF SACHSE, TEXAS, AND VERDUNITY, INC.; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented with a proposed Agreement for Professional Services (herein the “Agreement”) between the City of Sachse, Texas, and Verdunity, Inc. for preliminary engineering services related to Sanitary Sewer Design in the City of Sachse, including: the design of a 24-inch sanitary sewer trunk main from the existing Sachse Road Lift Station to the proposed future Southeast Lift Station, and being further described in Exhibit “A” attached hereto; and

WHEREAS, upon full review and consideration of the Agreement, and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the City Manager should be authorized to execute the Agreement on behalf of the City of Sachse, Texas;

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

SECTION 1. The terms, provisions, and conditions of the Agreement for Professional Services, a copy of which is attached hereto as Exhibit “A”, be and the same are hereby approved.

SECTION 2. The City Manager is hereby authorized to execute the Agreement for Professional Services on behalf of the City, and any amendments or other instruments related thereto.

SECTION 3. This Resolution shall take effect immediately from and after its passage, and it is, accordingly, so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Sachse, Texas,
this ____ day of December, 2013.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

Exhibit “A”
Agreement for Professional Services
(to be attached)

STATE OF TEXAS §
§ AGREEMENT FOR PROFESSIONAL SERVICES
COUNTY OF DALLAS §

This agreement (“Agreement”) is made by and between the City of Sachse, Texas (“City”) and Verdunity, Inc. (the “Professional”) (each a “Party” and collectively the “Parties”), acting by and through their authorized representatives.

Recitals:

WHEREAS, City desires to engage the services of Professional as an independent contractor and not as an employee in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, Professional desires to render civil engineering services for the preliminary engineering design of a 24-inch sanitary sewer trunk main known as Sanitary Sewer, Line “A”, as set forth in Exhibit “A”, from the Sachse Road Life Station to the proposed future Southeast Lift Station (the “Project”) in accordance with the terms and conditions set forth in this Agreement;

NOW THEREFORE, in exchange for the mutual covenants set forth herein and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

Article I
Term

1.1 This term of this Agreement shall begin on the last date of execution hereof (the “Effective Date”) and continue until completion of the services provided herein.

1.2 Either party may terminate this Agreement by giving thirty (30) days prior written notice to the other party. In the event of such termination, Professional shall be entitled to compensation for any services completed to the reasonable satisfaction of the City in accordance with this Agreement prior to such termination.

Article II
Scope of Services

2.1 Professional shall provide the services specifically set forth in Exhibit “A.”

2.2 The Parties acknowledge and agree that any and all opinions provided by Professional represent the best judgment of Professional.

2.3 Preliminary design documents, specifications, estimates, and other documents, including those in electronic form, prepared by Professional and its consultants, agents, representatives, and/or employees in connection with the Project are intended for the use and

benefit of the City. Professional and its consultants, agents, representatives, and/or employees shall be deemed the authors of their respective part of said Project documents. Notwithstanding, City shall own, have, keep and retain all rights, title and interest in and to all Project documents, including all ownership, common law, statutory, and other reserved rights, including copyrights, in and to all such Project documents, whether in draft form or final form, which are produced at its request and in furtherance of this Agreement or the Project. City shall have full authority to authorize the Contractor, Subcontractors, Sub-subcontractors, City consultants, and material or equipment suppliers to reproduce applicable portions of the Project documents to and for use in their execution of the work or for any other purpose. All materials and reports prepared by Professional in connection with this Agreement are “works for hire” and shall be the property of the City. City shall have the right to publish, disclose, distribute and otherwise use such materials and reports in accordance with the Engineering Practice Act of the State of Texas. Professional shall upon completion of the services, or earlier termination, provide the City with reproductions of all materials reports, and exhibits prepared by Professional pursuant to this Agreement, and in electronic format if requested by the City.

Article III Schedule of Work

Professional agrees to commence services upon written direction from City and to complete the required services in accordance with the schedule set forth in Exhibit “A” (the “Work Schedule”).

Article IV Compensation and Method of Payment

4.1 City shall compensate Professional as set forth in Exhibit “A” in a total amount not to exceed Thirty-Eight Thousand Dollars (\$38,000).

4.2 Professional shall be responsible for all expenses related to the services provided pursuant to this Agreement including, but not limited to, travel, copying and facsimile charges, reproduction charges, and telephone, internet and e-mail charges.

Article V Devotion of Time; Personnel; and Equipment

5.1 Professional shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should the City require additional services not included under this Agreement, Professional shall make reasonable efforts to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by the City, and without decreasing the effectiveness of the performance of services required under this Agreement.

5.2 To the extent reasonably necessary for Professional to perform the services under this Agreement, Professional shall be authorized to engage the services of any agents, assistants,

persons, or corporations that Professional may deem proper to aid or assist in the performance of the services under this Agreement. The cost of such personnel and assistance shall be borne exclusively by Professional.

5.3 Professional shall furnish the facilities, equipment, telephones, facsimile machines, email facilities, and personnel necessary to perform the services required under this Agreement unless otherwise provided herein.

Article VI Relationship of Parties

It is understood and agreed by and between the parties that in satisfying the conditions of this Agreement, Professional is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with these actions. All services to be performed by Professional pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of the City. Professional shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. As such, City shall not: train Professional, require Professional to complete regular oral or written reports, require that Professional devote its full-time services to the City, or dictate Professional's sequence of work or location at which Professional performs its work.

Article VII Insurance

- (a) Professional shall during the term hereof maintain in full force and effect the following insurance: (i) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to Professional's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$1,000,000.00 per occurrence for injury to persons (including death), and for property damage; (ii) policy of automobile liability insurance covering any vehicles owned and/or operated by Professional, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage; (iii) statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of Professional's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00; and (iv) Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limit of not less than \$2,000,000.00 per claim and \$2,000,000.00 in the aggregate.
- (b) All policies of insurance shall be endorsed and contain the following provisions: (1) name the City, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability; and (2) provide for at least thirty (30) days prior written notice to the City

for cancellation of the insurance; (3) provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for Professional Liability Insurance. Professional shall provide written notice to the City of any material change of or to the insurance required herein.

- (c) All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.
- (d) A certificate of insurance and copies of the policy endorsements evidencing the required insurance shall be submitted prior to commencement of services and upon written request of the City.

Article VIII Miscellaneous

8.1 Entire Agreement. This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings, written or oral agreements between the parties with respect to this subject matter.

8.2 Authorization. Each party represents that it has full capacity and authority to grant all rights and assume all obligations granted and assumed under this Agreement.

8.3 Assignment. Professional may not assign this Agreement in whole or in part without the prior written consent of City. In the event of an assignment by Professional to which the City has consented, the assignee shall agree in writing with the City to personally assume, perform, and be bound by all the covenants, and obligations contained in this Agreement.

8.4 Successors and Assigns. Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

8.5 Governing Law. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the State District Court of Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

8.6 Amendments. This Agreement may be amended by the mutual written agreement of the parties.

8.7 Severability. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not effect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

8.8 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

8.9 Recitals. The recitals to this Agreement are incorporated herein.

8.10 Notice. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other party or address as either party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If intended for City:

William K. George
City Manager
City of Sachse, Texas
3915-B Sachse Road
Sachse, Texas 75048

With Copy to:

Peter G. Smith
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

If intended for Professional:

Bill Campbell, P.E.
Principal
Verdunity, Inc.
2316 Killarney Drive
McKinney, Texas 75070

8.11 Counterparts. This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the parties hereto.

8.12 Exhibits. The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

8.13 Indemnification. **CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF PROFESSIONAL PURSUANT TO THIS AGREEMENT. PROFESSIONAL HEREBY WAIVES ALL CLAIMS AGAINST City, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "City") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF City. PROFESSIONAL AGREES TO INDEMNIFY AND SAVE HARMLESS City FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT**

COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY PROFESSIONAL'S NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY ACT OR OMISSION ON THE PART OF PROFESSIONAL, ITS OFFICERS, DIRECTORS, SERVANTS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO SOLE NEGLIGENCE OF THE CITY). IF ANY ACTION OR PROCEEDING SHALL BE BROUGHT BY OR AGAINST City IN CONNECTION WITH ANY SUCH LIABILITY OR CLAIM, PROFESSIONAL, ON NOTICE FROM City, SHALL DEFEND SUCH ACTION OR PROCEEDINGS AT PROFESSIONAL'S EXPENSE, BY OR THROUGH ATTORNEYS REASONABLY SATISFACTORY TO City. PROFESSIONAL'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY PROFESSIONAL UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

8.14 Audits and Records. Professional agrees that during the term hereof the City and its representatives may, during normal business hours and as often as deemed necessary, inspect, audit, examine and reproduce any and all of Professional's records relating to the services provided pursuant to this Agreement for a period of one year following the date of completion of services as determined by the City or date of termination if sooner.

8.15 Conflicts of Interests. Professional represents that no official or employee of the City has any direct or indirect pecuniary interest in this Agreement.

[Signature page to follow]

EXECUTED this _____ day of _____, 2013.

City of Sachse, Texas

By: _____
William K. George, City Manager

Approved as to form:

By: _____
Peter G. Smith, City Attorney
(11-26-13/63739)

EXECUTED this _____ day of _____, 2013.

Verdunity, Inc.

By: _____
Bill Campbell, Principal

EXHIBIT "A"

SCOPE OF SERVICES



November 12, 2013

Gregory Peters, P.E.
City Engineer
City of Sachse
3815 Sachse Road, Building B
Sachse, Texas 75048

Reference: **PROPOSAL FOR PROFESSIONAL SERVICES**
Southeast Lift Station (SELS) Sanitary Sewer Main Line "A"
Sachse, TX

Dear Mr. Peters:

In response to your request, VERDUNITY is pleased to submit this formal proposal to provide civil engineering services to the City of Sachse (Owner) for the above referenced project. Details of our proposal are outlined below.

PROJECT UNDERSTANDING AND SCOPE OF SERVICES

Our understanding of the proposed project is that VERDUNITY will complete the preliminary investigation and prepare a preliminary design report for approximately 10,800 linear feet of new 24-inch gravity sanitary sewer main (Line "A") connecting the existing Sachse Road Lift Station (SRLS) to the new Southeast Lift Station (SELS) as shown in the attached "Exhibit A". A detailed description of our proposed Scope of Services is included in "Attachment A".

PROPOSED SCHEDULE

We are proposing to complete the work outlined in the Scope of Services in the following timeline:

<u>TASK</u>	<u>DURATION</u>	<u>MILESTONE DATE</u>
Notice to Proceed		On or before 1/10/14
Data Collection & Analysis	5 weeks	2/14/14
Draft Preliminary Design Report	5 weeks	3/21/14 (2 wk review)
Final Preliminary Design Report	3 weeks	4/25/14

FEE PROPOSAL

We are proposing to complete the work outlined in the attached Scope of Services for the fee outlined below. Basic Services will be invoiced on a lump sum basis based on work completed each month. Special Services will be invoiced on a time-and-expense basis using the rates below. Expenses will be invoiced at cost plus a 10% markup for processing.

BASIC SERVICES TASK	FEE
1.0 Project Management & Coordination	\$ 3,500
2.0 Data Collection & Analysis	\$ 5,000
3.0 Alternative Analysis & Draft Preliminary Design Report	\$22,000
4.0 Final Preliminary Design Report	\$ 5,500
TOTAL FEE, BASIC SERVICES (LUMP SUM)	\$36,000

SPECIAL SERVICES TASK	FEE
Reimbursable Expenses (Printing, Mileage, Etc)	\$ 2,000
TOTAL FEE, SPECIAL SERVICES (HOURLY, NOT-TO-EXCEED)	\$ 2,000

TOTAL BASIC SERVICES FEE = \$36,000
TOTAL FEE (BASIC & SPECIAL) = \$38,000

HOURLY BILLING RATES (Effective through December 31, 2014)

Principal/Project Manager:	\$140
Sr. Engineer/QC:	\$125
Construction Manager:	\$125
Civil Engineer	\$105
EIT/Senior Designer	\$ 85
CAD Technician:	\$ 70
Administrator/Clerical	\$ 45

ADDITIONAL SERVICES

We have attempted to include the anticipated tasks and deliverables in this proposal that we believe will be required to complete the project as we currently understand it. Items specifically excluded from this proposal are summarized in the Scope of Services attachment. If, during the course of the project, additional tasks or deliverables outside those included in the Scope of Services attached to this proposal are needed or desired, we will provide you with an estimate of hours and expenses based on our understanding of the assistance being requested. No work will be done outside of the Scope of Services without written approval of the supplemental proposal from an authorized OWNER representative.

TERMS OF ENGAGEMENT

This proposal is valid for a period of 45 days from the date of this proposal. This information was prepared specifically for the City of Sachse and its designated representatives and may not be provided to others without VERDUNITY's written permission.

Thank you for the opportunity to submit this proposal. We are prepared to begin work as soon as we receive an executed contract and written Notice to Proceed (email is acceptable). We are excited about the opportunity to do our first project with Sachse, and look forward to getting started. If you have any questions regarding this proposal, please do not hesitate to call me at (214) 679-1895 or email me at emagee@verdunity.com. You can also reach the principals, Kristin Green at (214) 729-8733, Kevin Shepherd at (214) 425-6720 and Bill Campbell at (469) 667-3022.

Respectfully Submitted,

VERDUNITY, Inc.
Texas Registered Engineering Firm F-13496



Erin Magee, P.E.
Project Manager



Kristin Green, P.E., LEED Green Associate
Principal

Enclosures: Attachment A: Scope of Services
Attachment B: Exhibit A

ATTACHMENT A - SCOPE OF SERVICES

PROJECT OVERVIEW

The general objective of this project is to complete preliminary investigation and to prepare a preliminary design report for approximately 10,800 linear feet of new 24-inch gravity sanitary sewer main (Line "A") connecting the existing Sachse Road Lift Station (SRLS) to the new Southeast Lift Station (SELS) as shown in the attached Exhibit "A".

VERDUNITY will be responsible for providing research, verifying the proposed wastewater flows, and preparing a preliminary design report recommending the best alignment(s) for the new main.

BASIC SERVICES

The following tasks will be completed as part of Basic Services portion of the contract, as referenced by the proposal.

TASK 1: PROJECT MANAGEMENT & COORDINATION

Description: VERDUNITY Project Manager (and other staff, as needed) will attend meetings and conduct tasks necessary to coordinate work efforts, manage resources and communicate progress to the City, Owner and Project Team.

Activities:

- Bi-weekly internal team meetings
- Prepare invoices and accompanying progress reports
- Set up and maintain Basecamp project collaboration site
- Additional correspondence and coordination, as required.

Deliverables:

- Weekly email progress reports
- Monthly progress reports and invoices
- Meeting minutes

Assumptions:

- Hours, expenses and associated fees used to develop contract cap amount are based on a maximum project duration of 6 months.

TASK 2: DATA COLLECTION & ANALYSIS

Description: VERDUNITY will review existing materials, documents and reports obtained from the City of Sachse, Dallas County, Dallas County Appraisal District and NCTCOG. Tasks will include the coordination with the City and utility companies to obtain information on existing facilities in the project area. The data obtained will be used to develop the preliminary report and design recommendations and specifications. Materials obtained in this task will include the following:

- Existing Survey Data
- City of Sachse CIP Report as provided by the City
- NCTCOG aerial topography and contour data
- Existing GIS information
- Existing record drawings of surrounding utilities (i.e. water, sanitary sewer, storm sewer)
- Available Data from franchise utility companies
- Property Ownership and tax plat information from Dallas County
- Flood Emergency Management Agency (FEMA) Map(s)



- Texas Commission on Environmental Quality (TCEQ)
- Latest Edition of North Central Texas Council of Government (NCTCOG) Public Work Construction Standards (or the version currently accepted by the City of Sachse)
- USGS and NCRS geology and soil maps
- City of Sachse construction details

Deliverables:

- Exhibit of proposed route for franchise utility coordination

TASK 3: ALTERNATIVE ANALYSIS & DRAFT PRELIMINARY DESIGN REPORT

Description: VERDUNITY will identify and evaluate up to three (3) alignments and prepare a draft of the preliminary design report that will include the following information:

- Project description
- Support data & exhibits
 - Location Map
 - Surrounding utility information
 - Topographic survey (aerials and LIDAR)
 - Geotechnical data and soil surveys
 - Floodplain maps
 - Property ownership
- Project challenges & considerations
- Preliminary design calculations & recommendations
 - Anticipated Flows
 - Proposed alignment
 - Proposed flow line elevations
 - Proposed slope
 - Proposed pipe size
 - Proposed pipe material(s)
 - Proposed and existing adjacent and crossing utilities
- Potential Permit and Coordination Needs
 - Texas Department of Transportation (TxDOT)
 - Environmental Protection Agency (EPA)
 - Corps of Engineers
 - Dallas Area Rapid Transit (DART)
 - Dallas County
- Environmental Assessment Recommendations
- Possible Right of Ways & Easements required
- Possible impacts to customers
- Adjacent projects (with scope, agency, schedule & impact to this project)
- Recommendation of Preferred Alternative
- QA/QC review and associated revisions
- Prepare and submit draft report to City

Deliverables:

- Up to four (4) copies of draft report
- One .pdf of draft report

Assumptions:

- Printing of additional review sets beyond those listed above shall be Additional Services



TASK 4: FINAL PRELIMINARY DESIGN REPORT

Description: VERDUNITY will address the City's comments and prepare a final Design Report. Tasks will include:

- Meet with City to review comments on preliminary submittal
- Incorporate revisions to address comments and prepare final report and exhibits
- QA/QC review and associated revisions
- Prepare and submit final report to City

Deliverables:

- Up to four (4) copies of final report
- One .pdf of final report

Assumptions:

- Printing of additional review sets beyond those listed above shall be Additional Services

EXCLUSIONS AND ADDITIONAL SERVICES

We have attempted to include all anticipated tasks and deliverables in this proposal that we believe will be required to get the project ready for design. If, during the course of the project, additional tasks or deliverables outside those included in the Scope of Services above are needed or desired, VERDUNITY can submit a proposal to complete this work as additional services. Items specifically excluded from this proposal include:

1. Surveying
2. Geotechnical Investigation
3. Environmental Investigation
4. Engineer's Opinion of Probable Cost (EOPC)
5. Dedication of Easement and/or Right-of-Way
6. Structural design
7. Traffic analysis/signal design
8. Roadway design
9. Storm drainage analysis/design
10. Sanitary sewer design construction plans
11. Water relocation design
12. SWPPP documents for construction beyond Erosion Control Plan included in plans
13. Public meetings or other stakeholder engagement activities
14. Franchise utility relocation design
15. Preparation and submittal of permit applications (TxDOT, etc)
16. Full-time construction inspection/management services

[illegible]

— EXISTING MERRITT ROAD LIFT STATION
TOTAL FLOW = 8,050,550 GPD
NOTE: DOES NOT INCLUDE SACHSE ROAD LIFT
STATION FLOWS AFTER ABANDONMENT.

FUTURE LIFT STATION
TOTAL FLOW = 4,373 GPM
* NOTE: INCLUDES SACHSE ROAD LIFT
STATION FLOWS AFTER ABANDONMENT.

CITY OF ROWLETT

[illegible]



Legislation Details (With Text)

File #:	13-1930	Version:	1	Name:	Agreement to provide a Water and Wastewater Cost of Service Rate Study
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/26/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	

Title: Consider adoption of a Resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of an agreement, by and between the City of Sachse, Texas, and Economists.com to provide a Water and Wastewater Cost of Service Rate Study and long-term financial plan for the City of Sachse; and providing for an effective date.

Executive Summary

The 2013-2014 Utility Fund Budget included funding to conduct a a review of water and sanitary sewer rates. The water and sanitary sewer rates projected to be collected by the City in the current fiscal year will not be sufficient to cover the costs of delivering those services. In pursuing a Water and Wastewater Cost of Service Rate Study and long-term financial plan, the intent is to establish a rate structure that will cover not only fixed and operating costs, but also put in place resources for future system expansion and rehabilitation of aging infrastructure.

Sponsors:

Indexes:

Code sections:

Attachments: [Resolution Approving Proposal from Economists.pdf](#)
[2013 11 26 Econocom Revised Sachse Engage Ltr LH.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider adoption of a Resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of an agreement, by and between the City of Sachse, Texas, and Economists.com to provide a Water and Wastewater Cost of Service Rate Study and long-term financial plan for the City of Sachse; and providing for an effective date.

Executive Summary

The 2013-2014 Utility Fund Budget included funding to conduct a a review of water and sanitary sewer rates. The water and sanitary sewer rates projected to be collected by the City in the current fiscal year will not be sufficient to cover the costs of delivering those services. In pursuing a Water and Wastewater Cost of Service Rate Study and long-term financial plan, the intent is to establish a rate structure that will cover not only fixed and operating costs, but also put in place resources for future system expansion and rehabilitation of aging infrastructure.

Background

The City's current Water and Wastewater billing rates were approved in July 2010, with rate increases taking effect in August 2010 and October 2011. The billing ordinance approved at

that time included an annual adjustment tied to the Consumer Price Index (CPI), with the adjusted rates taking effect in February of each year based on the change in the Dallas/Ft. Worth Regional CPI for the previous calendar year. In February 2012 and 2013, those CPI adjustments were 4.0% and 1.7%, respectively; for fiscal years beginning in 2012 and 2013, the City's wholesale cost of water increased 13.6% and 9.7%, respectively, and wastewater treatment charges rose 4.9% and 1.6% in the same period.

Staff interviewed three different rate study providers and received proposals from all three. The three providers include economists.com, J. Stowe & Co., and McClain Decision Support Systems. All three have the expertise required to perform the work needed, but staff has the opinion that economists.com will provide the overall best value to the City in the current rate study.

This current rate study will be a departure from rate studies performed by the City in the past. This rate study will include a option that treats the Utility Fund more like as a true enterprise operation (a stand-alone business) than has been evaluated in previous rate studies. That will involve quantifying infrastructure reinvestment and capital facility expansion. The consequence of this expansion of evaluation is that a new rate model must be developed.

A second major departure from previous models is that the Finance Department will receive a working copy of the rate model. Having the model will give City Staff the tool needed to evaluate minor changes to the rate structure as environmental factors change over the next few years resulting in better decision-making tools for the City Council.

Policy Considerations

The Utility Fund operates as an Enterprise Fund, meaning that operations are financed in a manner similar to a private business enterprise, where the intent of the governing body is that the costs of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges.

Budgetary Considerations

The 2013-2014 Utility Fund Budget included one-time funding of \$29,938 for the purpose of conducting a Utility Rate study. The proposed agreement is "not to exceed" \$29,500.

Staff Recommendations

Staff recommends approval of a Resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of an agreement, by and between the City of Sachse, Texas, and Economists.com to provide a Water and Wastewater Cost of Service Rate Study and long-term financial plan for the City of Sachse; and providing for an effective date, as a Consent Agenda Item.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT, BY AND BETWEEN THE CITY OF SACHSE, TEXAS, AND ECONOMISTS.COM TO PROVIDE A WATER AND WASTEWATER COST OF SERVICE RATE STUDY AND LONG-TERM FINANCIAL PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sachse has been presented with a proposed Agreement between the City of Sachse and Economists.com to provide a Water and Wastewater Cost of Service Rate Study and long-term financial plan for the City;

WHEREAS, upon full review and consideration of the Policy and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the City Manager should be authorized to execute the Agreement on behalf of the City of Sachse, Texas;

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

SECTION 1. That the City Manager is hereby authorized to execute the Agreement, attached hereto as Exhibit "A", with Economists.com to provide a Water and Wastewater Cost of Service Rate Study and long-term financial plan for the City.

SECTION 2. This Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Sachse, Texas, this the _____ day of _____, 2013.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

**EXHIBIT “A”
AGREEMENT**

Portland

Dallas



November 26, 2013

Mr. Billy George
City Manager
3815 Sachse Rd. Bldg B
City of Sachse
Sachse, TX 75048

Dear Mr. George:

Thank you for allowing **Economists.com** the opportunity to present our proposal to provide a Water and Wastewater Cost of Service Rate Study and long-term financial plan for the City of Sachse ("The City"). We are an economic and financial consulting firm with offices in Dallas, Texas and Portland, Oregon. Our principal clients are national, state and local governments. Our firm contains professionals with decades of experience in water and wastewater utility operations and economic/financial management. Our specific services include:

- **Water and Wastewater Rate Studies**
- Stormwater Utility Rate Studies
- Sanitation Rate Studies
- Economic evaluation of water resources
- Water Planning and Management
- Connection and Impact Fee Studies
- Privatization Analysis
- Expert Witness Testimony on Reasonableness of Rate Structure
- Resource Allocation Studies
- Economic Impact and Development Studies

As Managing Director and Chief Executive of Economists.com, I will manage and have primary responsibility for preparing this study for the City. I will be assisted by Ms. Rebecca Schafer, Senior Manager and Ms. JoLynn Rains, Principal Consultant. More information is available on our firm and professionals at our web site, www.economists.com.

It is our understanding that the City is interested in a comprehensive review of its water and wastewater rates. The primary objective is to develop a long-term rate plan for FY 2014 and beyond that will enable

the City to recover sufficient funds to meet all operating and capital expenses while minimizing the impact on the ratepayers.

Our workplan includes the following specific assistance:

- 1) A detailed analysis and comparison of the City's current and proposed rates to the state average as well as other surrounding communities. As part of any presentation before the City or ratepayers we will include both this analysis and a general discussion of trends in water and wastewater rates in Texas and across the USA.
- 2) Using current budget, volume and CIP data, the project team will prepare a comprehensive ten year water and wastewater cost of service forecast model. The model will identify current and forecast operating expenses, capital outlays and debt service for the period 2014 – 2023. The model will adhere to AWWA ratemaking standards to ensure that the cost of service for each customer class is just, reasonable and accurate.
- 3) The model will contain modules that will allow for the calculation of overall cost of service for the water and wastewater utilities and the cost of service by designated customer class (residential, commercial, public, etc.).
- 4) The project team will prepare several alternative proposed rate structures for the City to consider. Each alternative will enable the City to recover sufficient revenues to fund operating and capital costs. The project team will prepare additional scenarios should the staff so choose in determining which is the most just and reasonable.
- 5) The project team will summarize its analysis into a single comprehensive rate study report containing critical backup data and a copy of the cost of service forecast model. An electronic copy of the model will be provided to City staff for use in future updates.
- 6) We will conduct an extensive meeting and public involvement process, which includes meeting with City staff to review preliminary results, a workshop with the City Council to discuss our findings and recommendations, a public hearing to discuss the impact of the rate plan on ratepayers, and a final meeting with the City at which the rate plan is adopted. The purpose of the meeting and public involvement process will be to ensure that to the best extent possible staff, council and ratepayers adequately evaluate alternative rate plans and choose the most appropriate rate plan to be implemented.

Since this would be the first time that Economists.com has prepared a full rate study for the City, we would recommend a full written report be prepared and provided to the City at the conclusion of the engagement. However, we are cognizant of the budgetary constraints faced by municipalities. Therefore, when asked to provide updates in the years following a full rate study, we typically omit the full written report, and provide the only the updated rate model and PowerPoint presentations in order to reduce the cost to our clients. While we have priced both of these options for the City previously, we understand the City strongly desires to receive some form of written report or memorandum which will document the assumptions, methodology, findings and recommendations while staying within their

budget. To that end, we have provided a third option in which we have discounted our "full report" professional fees by 12% and reduced projected expenses, for a not to exceed total of \$29,500.

EXHIBIT 1

CITY OF SACHSE		WATER AND WW RATE STUDY ECONOMISTS.COM PRICE PROPOSAL					
		D. Jackson Project Manager		B. Schafer Senior Analyst		J. Rains Project Analyst	Total
Total Hours		62		108		24	194
Hourly Billing Rates	\$	195	\$	160	\$	150	
Total Project							
Professional Fees	\$	12,090	\$	17,280	\$	3,600	\$ 32,970
Expenses							500
Total Professional Fees and Expenses for Rate Study with Full Written Report and Public Hearing							\$ 33,470
Less Professional Fee Discount of 12%							\$ (3,970)
Not to Exceed Price for Rate Study with Written Report and Public Hearing							\$ 29,500
Additional work outside the initial scope will be completed at the hourly rates shown herein.							

Our timing is greatly dependent upon receipt of the requested data from the City. To that end, we have included our initial request for information to this letter.

Economists.com reserves the right to invoice for services on a monthly basis. Payment is requested 30 days after receipt of each invoice. If this proposal is acceptable to you, please execute one copy of this letter and return it to our Dallas office. Thank you for this opportunity; we look forward to working with you on this important engagement.

Very Truly Yours,

Dan V. Jackson
Managing Director

ACCEPTED BY:

Date

**CITY OF SACHSE
WATER AND WASTEWATER RATE STUDY
INITIAL REQUEST FOR INFORMATION**

1. Please provide a copy of the City's FY 2014 water and wastewater utility budget, and if available, the City's most recent audited financial statement.
2. Please provide the total gallons of water consumed by month for each of the City's defined customer classes for all months from October 2009 to the present. If consumption by rate tier is available, please provide this detail.
3. Please provide the total gallons of water pumped/purchased by month for all months from October 2009 to the present.
4. Please provide the total number of active water and wastewater accounts for each of the City's customer classes by month for all months from October 2009 to the present.
5. Please provide the total water and wastewater revenues for each of the City's customer classes by month for all months from October 2009 to the present.
6. Please provide total wastewater billing units by month for each of the City's customer classes by month for all months from October 2009 to the present.
7. Please provide debt service schedules for all water and wastewater debt currently outstanding.
8. Please provide an initial estimate of the city's capital improvement plan requirements for the water and wastewater system for the period FY 2014 – FY 2023. It would be ideal if projects could be individually identified with an estimate of the year that the project is most likely to take place.
9. Please provide a copy of the City's current water and wastewater rate ordinances and historical information regarding the City's previous rate increases over the past few years.

10. Please provide copies of the wholesale water contract with North Texas Municipal Water District.
11. Please provide FY 2014 projected beginning fund balances for each of the utility funds, as well as any relevant special reserve funds (such as Capital Projects Fund, Equipment Replacement Fund, etc.)



Legislation Details (With Text)

File #:	13-1931	Version:	1	Name:	Consider a resolution authorizing the City Manager of Sachse to execute a contract
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/26/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	
Title:	Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Maddox Surveying & Mapping, Inc.				
	Executive Summary This contract will enable the survey consultant, Maddox Surveying & Mapping, to begin survey work related to drainage improvements near 5th Street/Dewitt Road between McDearmon Street and Dewitt Street.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	51Sachse RESO approving Maddox Agreement for Professional Services Exhibit A - Maddox Surveying and Mapping Professional Services Agreement Exhibit B PDF				

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Maddox Surveying & Mapping, Inc.

Executive Summary

This contract will enable the survey consultant, Maddox Surveying & Mapping, to begin survey work related to drainage improvements near 5th Street/Dewitt Road between McDearmon Street and Dewitt Street.

Background

The City of Sachse Public Works Department has identified a low-lying portion of public Right-of-Way that does not have proper positive slopes to allow for drainage. After rainfall events, this area holds significant ponding water. The City of Sachse has engaged Maddox Surveying & Mapping to provide a proposal to complete a topographic and partial boundary survey for the area. The survey will be used by the City of Sachse Engineering Department to prepare a grading plan for the area. Finally, the City of Sachse Public Works Department will utilize the grading plan to complete grading improvements necessary to improve drainage in this area. An exhibit showing the limits of the project is attached as Exhibit "B".

Policy Considerations

The survey contract is for a project identified by the Public Works Department for maintenance in the 2013-2014 fiscal year.

Budgetary Considerations

The consultant fee is \$2,700.00 for the topographic survey. The survey for the project will be funded through the 2013-2014 Engineering Budget, as support surveying services. The engineering design will be completed by the Sachse Engineering Department, and the grading improvements will be completed by the Sachse Public Works Department. It is anticipated that the Public Works Department will supply all of the labor and equipment needed to complete the project.

Staff Recommendations

Staff recommends approval of a resolution of the City Council of the City of Sachse, Texas, approving the terms and conditions of the agreement for professional services between the City of Sachse, Texas, and Maddox Surveying & Mapping, Inc. as a Consent Agenda Item.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACHSE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF SACHSE, TEXAS, AND MADDOX SURVEYING & MAPPING INC.; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented with a proposed Agreement for Professional Services (herein the “Agreement”) between the City of Sachse, Texas, and Maddox Surveying & Mapping, Inc. for surveying services related to proposed drainage improvements near 5th Street/Dewitt Road, between McDearmon Street and Dewitt Street, and being further described in Exhibit “A” attached hereto; and

WHEREAS, upon full review and consideration of the Agreement, and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the City Manager should be authorized to execute the Agreement on behalf of the City of Sachse, Texas;

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

SECTION 1. The terms, provisions, and conditions of the Agreement for Professional Services, a copy of which is attached hereto as Exhibit “A”, be and the same are hereby approved.

SECTION 2. The City Manager is hereby authorized to execute the Agreement for Professional Services on behalf of the City, and any amendments or other instruments related thereto.

SECTION 3. This Resolution shall take effect immediately from and after its passage, and it is, accordingly, so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Sachse, Texas,
this ____ day of December, 2013.

CITY OF SACHSE, TEXAS

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

Exhibit “A”
Agreement for Professional Services
(to be attached)

STATE OF TEXAS §
§ AGREEMENT FOR PROFESSIONAL SERVICES
COUNTY OF DALLAS §

This agreement (“Agreement”) is made by and between the City of Sachse, Texas (“City”) and Maddox Surveying & Mapping, Inc. (the “Professional”) (each a “Party” and collectively the “Parties”), acting by and through their authorized representatives.

Recitals:

WHEREAS, City desires to engage the services of Professional as an independent contractor and not as an employee in accordance with the terms and conditions set forth in this Agreement; and

WHEREAS, Professional desires to render land surveying services for the boundary and topographic survey of land related to proposed drainage improvements near 5th Street/Dewitt Road, between McDearmon Street and Dewitt Street, as set forth in Exhibit “A”, (the “Project”) in accordance with the terms and conditions set forth in this Agreement;

NOW THEREFORE, in exchange for the mutual covenants set forth herein and other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

Article I
Term

1.1 This term of this Agreement shall begin on the last date of execution hereof (the “Effective Date”) and continue until completion of the services provided herein.

1.2 Either party may terminate this Agreement by giving thirty (30) days prior written notice to the other party. In the event of such termination, Professional shall be entitled to compensation for any services completed to the reasonable satisfaction of the City in accordance with this Agreement prior to such termination.

Article II
Scope of Services

2.1 Professional shall provide the services specifically set forth in Exhibit “A.”

2.2 The Parties acknowledge and agree that any and all opinions provided by Professional represent the best judgment of Professional.

2.3 Preliminary design documents, specifications, estimates, and other documents, including those in electronic form, prepared by Professional and its consultants, agents, representatives, and/or employees in connection with the Project are intended for the use and

benefit of the City. Professional and its consultants, agents, representatives, and/or employees shall be deemed the authors of their respective part of said Project documents. Notwithstanding, City shall own, have, keep and retain all rights, title and interest in and to all Project documents, including all ownership, common law, statutory, and other reserved rights, including copyrights, in and to all such Project documents, whether in draft form or final form, which are produced at its request and in furtherance of this Agreement or the Project. City shall have full authority to authorize the Contractor, Subcontractors, Sub-subcontractors, City consultants, and material or equipment suppliers to reproduce applicable portions of the Project documents to and for use in their execution of the work or for any other purpose. All materials and reports prepared by Professional in connection with this Agreement are “works for hire” and shall be the property of the City. City shall have the right to publish, disclose, distribute and otherwise use such materials and reports in accordance with the Engineering Practice Act of the State of Texas. Professional shall upon completion of the services, or earlier termination, provide the City with reproductions of all materials reports, and exhibits prepared by Professional pursuant to this Agreement, and in electronic format if requested by the City.

Article III Schedule of Work

Professional agrees to commence services upon written direction from City and to complete the required services in accordance with the schedule set forth in Exhibit “A” (the “Work Schedule”).

Article IV Compensation and Method of Payment

4.1 City shall compensate Professional as set forth in Exhibit “A” in a total amount not to exceed Twenty Seven Hundred Dollars (\$2,700).

4.2 Professional shall be responsible for all expenses related to the services provided pursuant to this Agreement including, but not limited to, travel, copying and facsimile charges, reproduction charges, and telephone, internet and e-mail charges.

Article V Devotion of Time; Personnel; and Equipment

5.1 Professional shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should the City require additional services not included under this Agreement, Professional shall make reasonable efforts to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by the City, and without decreasing the effectiveness of the performance of services required under this Agreement.

5.2 To the extent reasonably necessary for Professional to perform the services under this Agreement, Professional shall be authorized to engage the services of any agents, assistants,

persons, or corporations that Professional may deem proper to aid or assist in the performance of the services under this Agreement. The cost of such personnel and assistance shall be borne exclusively by Professional.

5.3 Professional shall furnish the facilities, equipment, telephones, facsimile machines, email facilities, and personnel necessary to perform the services required under this Agreement unless otherwise provided herein.

Article VI Relationship of Parties

It is understood and agreed by and between the parties that in satisfying the conditions of this Agreement, Professional is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with these actions. All services to be performed by Professional pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of the City. Professional shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. As such, City shall not: train Professional, require Professional to complete regular oral or written reports, require that Professional devote its full-time services to the City, or dictate Professional's sequence of work or location at which Professional performs its work.

Article VII Insurance

- (a) Professional shall during the term hereof maintain in full force and effect the following insurance: (i) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to Professional's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$1,000,000.00 per occurrence for injury to persons (including death), and for property damage; (ii) policy of automobile liability insurance covering any vehicles owned and/or operated by Professional, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage; (iii) statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of Professional's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00; and (iv) Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limit of not less than \$2,000,000.00 per claim and \$2,000,000.00 in the aggregate.
- (b) All policies of insurance shall be endorsed and contain the following provisions: (1) name the City, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability; and (2) provide for at least thirty (30) days prior written notice to the City

for cancellation of the insurance; (3) provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for Professional Liability Insurance. Professional shall provide written notice to the City of any material change of or to the insurance required herein.

- (c) All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.
- (d) A certificate of insurance and copies of the policy endorsements evidencing the required insurance shall be submitted prior to commencement of services and upon written request of the City.

Article VIII Miscellaneous

8.1 Entire Agreement. This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings, written or oral agreements between the parties with respect to this subject matter.

8.2 Authorization. Each party represents that it has full capacity and authority to grant all rights and assume all obligations granted and assumed under this Agreement.

8.3 Assignment. Professional may not assign this Agreement in whole or in part without the prior written consent of City. In the event of an assignment by Professional to which the City has consented, the assignee shall agree in writing with the City to personally assume, perform, and be bound by all the covenants, and obligations contained in this Agreement.

8.4 Successors and Assigns. Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

8.5 Governing Law. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the State District Court of Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

8.6 Amendments. This Agreement may be amended by the mutual written agreement of the parties.

8.7 Severability. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not effect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

8.8 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

8.9 Recitals. The recitals to this Agreement are incorporated herein.

8.10 Notice. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other party or address as either party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If intended for City:

William K. George
City Manager
City of Sachse, Texas
3915-B Sachse Road
Sachse, Texas 75048

With Copy to:

Peter G. Smith
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

If intended for Professional:

Brian Maddox, R.P.L.S.
Principal
Maddox Surveying & Mapping
P.O. Box 2109
Forney, Texas 75216

8.11 Counterparts. This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the parties hereto.

8.12 Exhibits. The exhibits attached hereto are incorporated herein and made a part hereof for all purposes.

8.13 Indemnification. **CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF PROFESSIONAL PURSUANT TO THIS AGREEMENT. PROFESSIONAL HEREBY WAIVES ALL CLAIMS AGAINST City, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "City") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF City. PROFESSIONAL AGREES TO INDEMNIFY AND SAVE HARMLESS City FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT**

COSTS, ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY PROFESSIONAL'S NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY ACT OR OMISSION ON THE PART OF PROFESSIONAL, ITS OFFICERS, DIRECTORS, SERVANTS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO SOLE NEGLIGENCE OF THE CITY). IF ANY ACTION OR PROCEEDING SHALL BE BROUGHT BY OR AGAINST City IN CONNECTION WITH ANY SUCH LIABILITY OR CLAIM, PROFESSIONAL, ON NOTICE FROM City, SHALL DEFEND SUCH ACTION OR PROCEEDINGS AT PROFESSIONAL'S EXPENSE, BY OR THROUGH ATTORNEYS REASONABLY SATISFACTORY TO City. PROFESSIONAL'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY PROFESSIONAL UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

8.14 Audits and Records. Professional agrees that during the term hereof the City and its representatives may, during normal business hours and as often as deemed necessary, inspect, audit, examine and reproduce any and all of Professional's records relating to the services provided pursuant to this Agreement for a period of one year following the date of completion of services as determined by the City or date of termination if sooner.

8.15 Conflicts of Interests. Professional represents that no official or employee of the City has any direct or indirect pecuniary interest in this Agreement.

[Signature page to follow]

EXECUTED this _____ day of _____, 2013.

City of Sachse, Texas

By: _____
William K. George, City Manager

Approved as to form:

By: _____
Peter G. Smith, City Attorney
(11-26-13/63739)

EXECUTED this _____ day of _____, 2013.

Maddox Surveying & Mapping, Inc.

By: _____
Brian Maddox, Owner

EXHIBIT "A"

SCOPE OF SERVICES

Maddox Surveying & Mapping, Inc.
P.O. Box 2109
Forney, Texas 75126
Phone: 972-564-4416

July 20, 2013

To: City of Sachse
3815-B Sachse Road
Sachse, Tx. 75048

SUBJECT: Surveying Services 5th Street Drainage Project
Boundary information and Topographic Survey of area
outlined in Red and yellow per City of
Sachse

To: Greg A. Peters, P.E.

MADDOX SURVEYING & MAPPING is pleased to submit this proposal to provide Professional Surveying services for the subject project. This proposal includes a brief discussion of the scope of work and associated compensation. We understand that you wish to begin work on this project in the next week.

Based on our preliminary discussions and review of the project, the following is our understanding of the Services to be provided by MADDOX SURVEYING for the subject project.

TOPOGRAPHIC SURVEY OF FOLLOWING:

1. Topographic survey of existing low spot/swale in the easement/alley and around the bend down to the existing wye inlet (size/location/flowline/depth) at 5th and McDearmon. Along with back if curb, fences, sidewalk, trees, etc.

PARTIAL BOUNDARY AND EASEMENT INFORMATION OF FOLLOWING:

2. Locate and show existing property line and easement information along topo route.

COMPENSATION:

We will perform the above services for a fee of **\$2,700.00**

This proposal, unless otherwise noted, constitutes our understanding of the services to be provided by MADDOX SURVEYING & MAPPING on the project described above. This proposal is offered for a period of thirty (30) days after which, if said proposal has not been executed, said proposal shall no longer be valid.

We appreciate the opportunity to submit this proposal and look forward to working with you on this important project. If this proposal is acceptable, please sign where indicated below and return one copy to our office for our mutual agreement. Please contact me with any questions or comments you may have regarding this proposal.

Best Regards,

MADDOX SURVEYING & MAPPING, INC.

Brian J. Maddox, R.P.L.S.
President of Operations

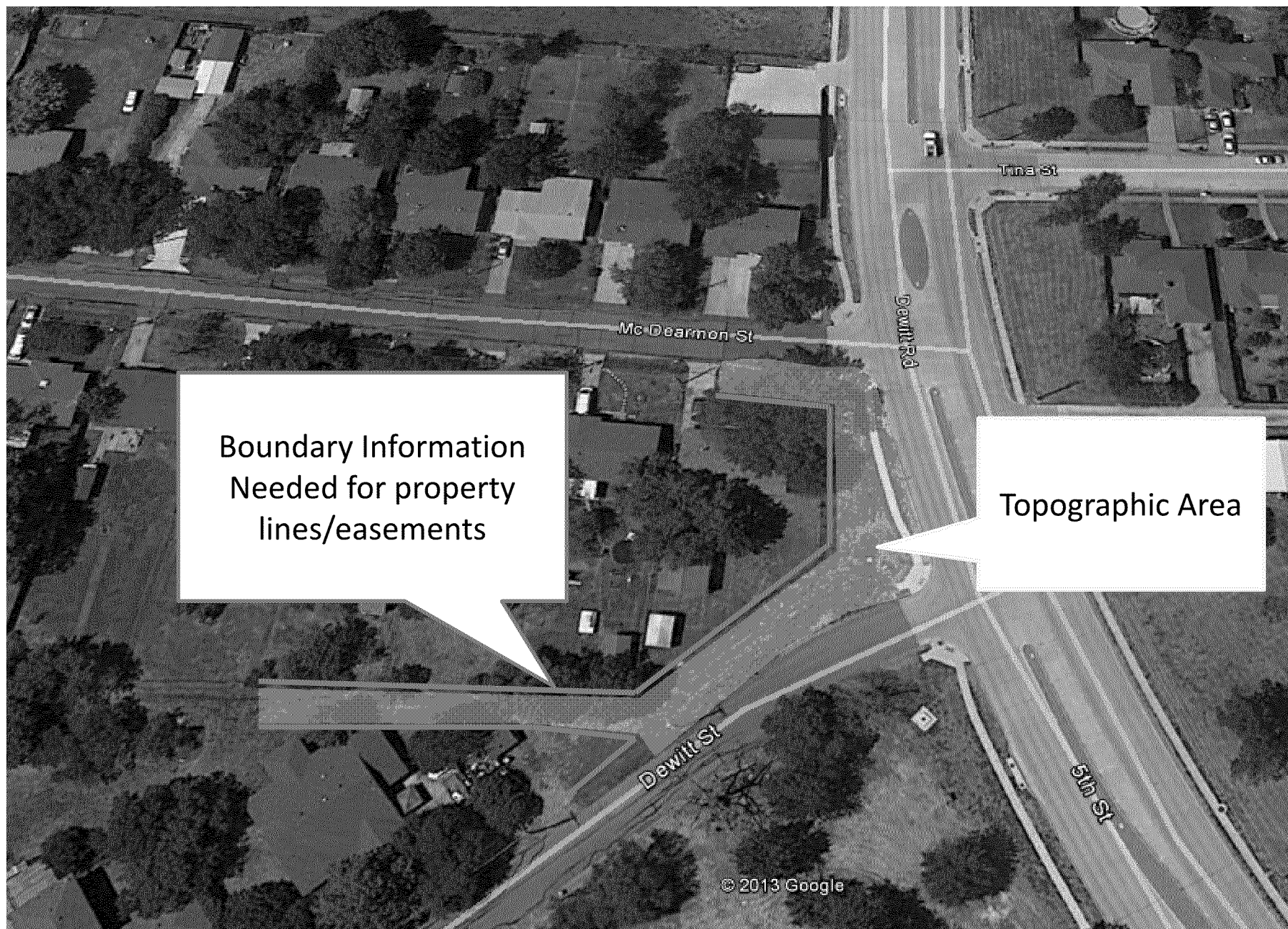
ACCEPTED BY:

Signature_____ Date_____

Print Name and Title

5th Street Drainage Project

- Topographic survey of the existing low spot/swale in the easement/alley and around the bend down to the existing wye inlet (size/location/flowline/depth) at 5th and McDearmon. Also show back of curb, fences, sidewalk, trees, etc. (yellow)
- Partial Boundary and Easement information (Red)



Boundary Information
Needed for property
lines/easements

Topographic Area

© 2013 Google



Legislation Details (With Text)

File #:	13-1918	Version:	1	Name:	Proclamation recognizing Mary Ann Olson's contributions to the Sachse Chamber of Commerce.
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/18/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	
Title:	Proclamation recognizing Mary Ann Olson's contributions to the Sachse Chamber of Commerce.				
	Executive Summary Recognition of Ms. Olson's contributions to our community.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Proclamation. Mary.Olson.pdf				

Date	Ver.	Action By	Action	Result
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Title

Proclamation recognizing Mary Ann Olson's contributions to the Sachse Chamber of Commerce.

Executive Summary

Recognition of Ms. Olson's contributions to our community.

Background

Councilman Bickerstaff has requested that this item be placed on the agenda. Please see attached proclamation.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Mayor Felix present the proclamation recognizing Mary Ann Olson's contributions to the Sachse Chamber of Commerce.

.

PROCLAMATION

WHEREAS, Mary Ann Olson has served as the President of the Sachse Chamber of Commerce; and

WHEREAS, Mary Ann expanded Chamber membership with her approach to community and business outreach; and

WHEREAS, Ms. Olson improved the financial accounting system used by the Chamber to better serve Chamber members; and

WHEREAS, Mary Ann demonstrated on numerous occasions her dedication to the Sachse community; and

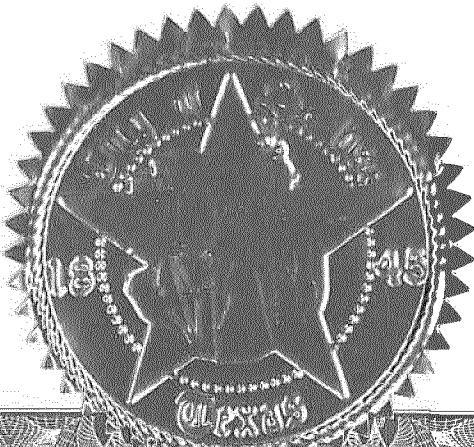
WHEREAS, Mary Ann Olson's hard work and professionalism was evident to all who came into contact with her.

NOW, THEREFORE, by the powers vested in me as Mayor of the great City of Sachse, Texas, I do hereby proclaim

December 2, 2013 as Mary Ann Olson Day in Sachse

in recognition of the high standard Mary Ann has set for volunteerism and the numerous contributions that she has made to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sachse, Texas to be affixed this the 2nd day of December, 2013.



Mike J. Felix
Mayor



Legislation Details (With Text)

File #: 13-1915 **Version:** 1 **Name:** Consider appointment to the Animal Shelter Board.
Type: Agenda Item **Status:** Agenda Ready
File created: 11/18/2013 **In control:** City Council
On agenda: 12/2/2013 **Final action:**
Title: Consider appointment to the Animal Shelter Board.

Executive Summary

There is 1 vacancy on the Animal Shelter board and this agenda item is provided for possible appointment.

Sponsors:

Indexes:

Code sections:

Attachments: [ASB.applications.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider appointment to the Animal Shelter Board.

Executive Summary

There is 1 vacancy on the Animal Shelter board and this agenda item is provided for possible appointment.

Background

The City Council conducted interviews in workshop session and this agenda item is provided for possible appointment.

The interviews for tonight are:

Charlesetta Mann
Jeff Williams
Laura Lee Castiglione

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Council Consider appointment of 1 citizen to the Animal Shelter Board, as appropriate.

Terry Smith

From: noreply@civicplus.com
Sent: Friday, November 15, 2013 3:13 PM
To: Terry Smith; Denise Vice
Subject: Online Form Submittal: Application for Boards and Commissions

If you are having problems viewing this HTML email, click to view a [Text version](#).

Application for Boards and Commissions

As an applicant for a Board or Commission, your name, address, and telephone number will be available to the press and the public.

Please select the Board / Commission you are applying for:

First choice: [Animal Shelter Board V]
Second choice: [Planning and Zoning Commission V]
Third choice: [Library Board V]

Personal Information

Name: Charlesetta Mann
Address: 3310 Elmwood Ct
Business Phone: Home Phone: (214) 704-0986

Email Address: cmann0610@hotmail.com
Occupation: Substitute teacher
Education: Bachelor's degree (Southern Methodist University)

Residency Information

How long have you lived in Sachse? 13 years
Are you a registered voter? ☒ Yes ☐ No
Voter Registration Number:

Organization Membership Information

List qualifications you feel make you a good candidate for this position: I am an animal enthusiast. All of the cats that I have recently or currently am parenting have either been so called feral or adopted. My beloved orange tabby, Mandy, recently passed away after 14 years and I adopted an orange cream tabby from the Sachse Shelter in September. His name is Bryers and he has a brother (another orange cream tabby) named Everest. I would also be a good fit for the board because I am comfortable meeting and working with all types and groups of people and I have an outgoing personality and am not afraid to let my ideas and opinions be known.

Professional and/or community activities: Volunteer - LIFT (Literacy Instruction for Texas) ESL Instructor
If you are currently serving on a City of Sachse board or commission, which one: [Select from dropdown list V]

Service dates (from/to):

If you have previously served on a City of Sachse board or commission, which one: [Select from dropdown list V]
Service dates (from/to):

By typing my name in the box I certify the above statements to be true and correct and that this information can be used for the purpose of processing my application for service on a Sachse Board and/or Commission. Charlesetta Mann

Date: 11/15/13

Thank you for your interest. You will be contacted when action is taken on your application.

The following form was submitted via your website: Application for Boards and Commissions

First choice:: Animal Shelter Board

Second choice:: Planning and Zoning Commission

Third choice:: Library Board

Name:: Charlesetta Mann

Address:: 3310 Elmwood Ct

Business Phone::

Home Phone:: (214) 704-0986

Email Address:: cmann0610@hotmail.com

Occupation:: Substitute teacher

Education:: Bachelor's degree (Southern Methodist University)

How long have you lived in Sachse?: 13 years

Are you a registered voter?: Yes

Voter Registration Number::

List qualifications you feel make you a good candidate for this position:: I am an animal enthusiast. All of the cats that I have recently or currently am parenting have either been so called feral or adopted. My beloved orange tabby, Mandy, recently passed away after 14 years and I adopted an orange cream tabby from the Sachse Shelter in September. His name is Bryers and he has a brother (another orange cream tabby) named Everest. I would also be a good fit for the board because I am comfortable meeting and working with all types and groups of people and I have an outgoing personality and am not afraid to let my ideas and opinions be known.

Professional and/or community activities:: Volunteer - LIFT (Literacy Instruction for Texas)
ESL Instructor

If you are currently serving on a City of Sachse board or commission, which one:: Select from dropdown list

Service dates (from/to)::

If you have previously served on a City of Sachse board or commission, which one:: Select from dropdown list

Service dates (from/to)::

By typing my name in the box I certify the above statements to be true and correct and that this information can be used for the purpose of processing my application for service on a Sachse Board and/or Commission.:

Charlesetta Mann

Date:: 11/15/13

Terry Smith

From: noreply@civicplus.com
Sent: Tuesday, November 05, 2013 12:33 PM
To: Terry Smith; Denise Vice
Subject: Online Form Submittal: Application for Boards and Commissions

If you are having problems viewing this HTML email, click to view a [Text version](#).

Application for Boards and Commissions

As an applicant for a Board or Commission, your name, address, and telephone number will be available to the press and the public.

Please select the Board / Commission you are applying for:

First choice: [Animal Shelter Board V]
Second choice: [Library Board V]
Third choice: [Planning and Zoning Commission V]

Personal Information

Name: Jeff Williams
Address: 6218 Fieldcrest Lane
Business Phone: 972-835-3385 Home Phone: 972-442-6928
Email Address: jeffwilliams7@verizon.net
Occupation: AMX Technical Support
Education: Some college. Studies included Journalism/Mass Communications and Computer Science.

Residency Information

How long have you lived in Sachse? 7-8 years
Are you a registered voter? ☒ Yes ☐ No Voter Registration Number:

Organization Membership Information

List qualifications you feel make you a good candidate for this position: My wife and I have volunteered in the past with Richardson Humane Society as fosters, adopters, assisting at adoption events, and transport.
Professional and/or community activities: Current member of Sachse CERT.
If you are currently serving on a City of Sachse board or commission, which one: [Select from dropdown list V]
Service dates (from/to):
If you have previously served on a City of Sachse board or commission, which one: [Select from dropdown list V]
Service dates (from/to):
By typing my name in the box I certify the above statements to be true and correct and that this information can be used for the purpose of processing my application for service on a Sachse Board and/or Commission. Jeff Williams
Date: 11/05/2013

Thank you for your interest. You will be contacted when action is taken on your application.

The following form was submitted via your website: Application for Boards and Commissions

First choice:: Animal Shelter Board

Second choice:: Library Board

Third choice:: Planning and Zoning Commission

Name:: Jeff Williams

Address:: 6218 Fieldcrest Lane

Business Phone:: 972-835-3385

Home Phone:: 972-442-6928

Email Address:: jeffwilliams7@verizon.net

Occupation:: AMX Technical Support

Education:: Some college. Studies included Journalism/Mass Communications and Computer Science.

How long have you lived in Sachse?: 7-8 years

Are you a registered voter?: Yes

Voter Registration Number::

List qualifications you feel make you a good candidate for this position:: My wife and I have volunteered in the past with Richardson Humane Society as fosters, adopters, assisting at adoption events, and transport.

Professional and/or community activities:: Current member of Sachse CERT.

If you are currently serving on a City of Sachse board or commission, which one:: Select from dropdown list

Service dates (from/to)::

If you have previously served on a City of Sachse board or commission, which one:: Select from dropdown list

Service dates (from/to)::

By typing my name in the box I certify the above statements to be true and correct and that this information can be used for the purpose of processing my application for service on a Sachse Board and/or Commission.: Jeff Williams

Date:: 11/05/2013

Additional Information:

Form submitted on: 11/5/2013 12:32:40 PM

Submitted from IP Address: 199.27.112.2

Terry Smith

From: noreply@civicplus.com
Sent: Monday, November 18, 2013 3:00 PM
To: Terry Smith; Denise Vice
Subject: Online Form Submittal: Application for Boards and Commissions

If you are having problems viewing this HTML email, click to view a [Text version](#).

Application for Boards and Commissions

As an applicant for a Board or Commission, your name, address, and telephone number will be available to the press and the public.

Please select the Board / Commission you are applying for:

First choice: [Animal Shelter Board V]

Second choice: [Animal Shelter Board V]

Third choice: [Animal Shelter Board V]

Personal Information

Name: Laura Lee Castiglione

Address: 5815 Mandarin Lane

Business Phone: Home Phone: 469-734-7262

Email Address: leecastiglione@yahoo.com

Occupation: Presently full-time student at UNT; Rowlett Police Dept. 911 Mgr. 1996-2011

Education: Associate in Applied Science - Paralegal Studies Dallas County Community College El Centro College December 2012 Bachelor of Applied Arts and Science (BAAS) University of North Texas Denton, TX Anticipated completion: May 2014

Residency Information

How long have you lived in Sachse? 13 Years

Are you a registered voter? ☒ Yes ☐ No

Voter Registration Number: 1086208504

Organization Membership Information

List qualifications you feel make you a good candidate for this position: I have 15 years experience working for a municipal government (City of Rowlett) which has provided me an in-depth and realistic understanding of the needs and limitations of city departments versus resident expectations. Additionally, I have previously volunteered time to The Blackland Prairie Raptor Center, The SPCA of Dallas (McKinney), and have established relationships with several local dog and cat rescue groups. Finally, I have long wanted to volunteer to serve on a board in Sachse, but was not able to hold a position while an employee for another city. College class commitments on Thursday nights then prevented me from participating, however, I am now in a position to offer my time.

Professional and/or community activities: Held multiple professional and career-related memberships during my employment. Currently, the majority of my activities are focused on completing my Bachelors and participating in my daughter's activities.

If you are currently serving on a City of Sachse board or commission, which one: [Select from dropdown list V]

Service dates (from/to):

If you have previously served on a City of Sachse board or commission, which one: [Select from dropdown list V]

Service dates (from/to):

By typing my name in the box I certify the above statements to be true and correct and that this information can be used for the purpose of processing my application for service on a Sachse

Laura Lee Castiglione

The following form was submitted via your website: Application for Boards and Commissions

First choice:: Animal Shelter Board

Second choice:: Animal Shelter Board

Third choice:: Animal Shelter Board

Name:: Laura Lee Castiglione

Address:: 5815 Mandarin Lane

Business Phone::

Home Phone:: 469-734-7262

Email Address:: leecastiglione@yahoo.com

Occupation:: Presently full-time student at UNT; Rowlett Police Dept. 911 Mgr. 1996-2011

Education:: Associate in Applied Science - Paralegal Studies

Dallas County Community College

El Centro College

December 2012

Bachelor of Applied Arts and Science (BAAS)

University of North Texas

Denton, TX

Anticipated completion: May 2014

How long have you lived in Sachse?: 13 Years

Are you a registered voter?: Yes

Voter Registration Number:: 1086208504

List qualifications you feel make you a good candidate for this position:: I have 15 years experience working for a municipal government (City of Rowlett) which has provided me an in-depth and realistic understanding of the needs and limitations of city departments versus resident expectations.

Additionally, I have previously volunteered time to The Blackland Prairie Raptor Center, The SPCA of Dallas (McKinney), and have established relationships with several local dog and cat rescue groups.

Finally, I have long wanted to volunteer to serve on a board in Sachse, but was not able to hold a position while

an employee for another city. College class commitments on Thursday nights then prevented me from participating, however, I am now in a position to offer my time.

Professional and/or community activities:: Held multiple professional and career-related memberships during my employment. Currently, the majority of my activities are focused on completing my Bachelors and participating in my daughter's activities.

If you are currently serving on a City of Sachse board or commission, which one:: Select from dropdown list

Service dates (from/to)::

If you have previously served on a City of Sachse board or commission, which one:: Select from dropdown list

Service dates (from/to)::

By typing my name in the box I certify the above statements to be true and correct and that this information can be used for the purpose of processing my application for service on a Sachse Board and/or Commission.: Laura Lee Castiglione

Date:: November 18, 2013

Additional Information:

Form submitted on: 11/18/2013 3:00:16 PM

Submitted from IP Address: 129.120.2.129

Referrer Page: No Referrer - Direct Link

Form Address: <http://www.cityofsachse.com/Forms.aspx?FID=142>



Legislation Details (With Text)

File #: 13-1927 **Version:** 1 **Name:** CD - WESTGATE CTR GAS SALES SUP CC
Type: Agenda Item **Status:** Agenda Ready
File created: 11/26/2013 **In control:** City Council
On agenda: 12/2/2013 **Final action:**
Title: Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for a Retail Sales with Gas Pumps use on an approximately 0.493-acre tract of land located at the northeast corner of Murphy Road and Blackburn Road, more particularly described in Exhibit "A" and located in a General Commercial (C-2) district; providing special conditions; providing for the approval of the Zoning Exhibit attached as Exhibit "B"; providing for the approval of the site plan attached as Exhibit "C".

Executive Summary

The applicant is requesting a Special Use Permit for a Retail Sales with Gas Pumps use for the 0.493-acre property located at the northeast corner of Murphy Road and Blackburn Road. The use will contain a retail sales kiosk building and six pump islands (12 total fueling stations).

Sponsors:

Indexes:

Code sections:

Attachments: [CD - WESTGATE CTR GAS SALES SUP CC - PRESENTATION.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD - EXHIBIT A.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD - EXHIBIT B.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - DRAFT ORD - EXHIBIT C.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - ATTACHMENT 1.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - ATTACHMENT 2.pdf](#)
[CD - WESTGATE CTR GAS SALES SUP CC - ATTACHMENT 3.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for a Retail Sales with Gas Pumps use on an approximately 0.493-acre tract of land located at the northeast corner of Murphy Road and Blackburn Road, more particularly described in Exhibit "A" and located in a General Commercial (C-2) district; providing special conditions; providing for the approval of the Zoning Exhibit attached as Exhibit "B"; providing for the approval of the site plan attached as Exhibit "C".

Executive Summary

The applicant is requesting a Special Use Permit for a Retail Sales with Gas Pumps use for the 0.493-acre property located at the northeast corner of Murphy Road and Blackburn Road.

The use will contain a retail sales kiosk building and six pump islands (12 total fueling stations).

Background

The 0.493-acre subject property is located at the northeast corner of Murphy Road and Blackburn Road. The property retains a zoning designation of General Commercial (C-2). (See Attachment 1 - Aerial Location Map and Attachment 2 - Zoning Identification Map).

The subject property is directly bounded to the north and east by the remaining 9.106-acre portion of this overall proposed commercial development. Farther to the north and east are existing single-family residences with a zoning designation of Single-Family Residential (R-8.4). The subject property is bounded on the south by Blackburn Road and farther to the south by an existing financial institution with a zoning designation of Neighborhood Shopping District (C-1). The property is bounded to the west by Murphy Road and farther to the west by Lake Pointe Baptist Church, which is within the municipal boundaries of the City of Garland.

The Future Land Use designation for the subject property is Commercial/Retail.

The rezoning for this property to a General Commercial (C-2) district was approved by City Council on August 5, 2013, and the Preliminary Plat was approved by City Council on October 7, 2013.

Planning and Zoning Commission recommended approval of this item; however, this motion failed by a vote of 2-3.

Policy Considerations

The applicant is requesting a Special Use Permit (SUP) for a Retail Sales with Gas Pumps use for the subject property. The SUP request was evaluated in light of the standards set forth in the Zoning Ordinance, specifically with regard to compatibility with surrounding uses.

The proposed use will consist of a 256-square foot retail sales kiosk building and six pump islands for a total of twelve fueling stations. Two parking spaces, one of which is handicapped-accessible, will be provided on the subject property. There are no driveways proposed to either Murphy Road or Blackburn Road specifically for this use. All access will be internal from the site; access from Murphy or Blackburn Road will be via the proposed driveways on the adjacent property that is part of this overall commercial development.

The nearest home in the Westgate subdivision will be located approximately 450 feet from

the SUP property line and 500 feet from the fueling station canopy. The nearest home in the Hilltop Meadows subdivision will be located approximately 400 feet from the SUP property line and 475 feet from the fueling station canopy.

It should be noted that pursuant to the City of Sachse Lighting regulations, the canopy lights shall not emit more than 30 foot candles and the maximum amount of light permitted at the property line with the adjacent residential properties will be 0.25 foot candles.

The generation of traffic is also a concern for this site. As part of the Preliminary Plat that was approved on October 7, 2013, the applicant submitted a Traffic Impact Analysis (TIA). This TIA included the following uses: Supermarket (42,500 square feet), Retail Shopping Center (5,000 square feet), Fast Food with Drive Thru (2,500 square feet), and Gasoline Service Station (10 fueling positions). At the time of the Preliminary Plat review, staff concurred that the current facilities/roadways would be able to accommodate this development at ultimate build-out (year 2020).

Public Notification

Notice of this public hearing was mailed to the property owner and all other property owners within 1,000 feet of the subject property, as indicated by the most recently approved municipal tax roll and as required by Texas Local Government Code and the City of Sachse Code of Ordinances. A total of 77 notices were mailed on October 31, 2013. As of Wednesday, November 26, 2013, a total of fifteen responses were returned - one in favor and fourteen opposed to the request (See Attachment 3).

In summary, it is staff's opinion that the proposed Retail Sales with Gas Pumps use would not be detrimental to the health, safety and general welfare of the surrounding area. The relatively small size of the both the number of fuel stations (12 fueling stations) and the fuel kiosk (256 square feet) are contributing factors to staff's determination. Furthermore, the existing City of Sachse lighting regulations coupled with the additional landscape buffer provided via voluntary deed restrictions will provide additional protection for adjacent residents.

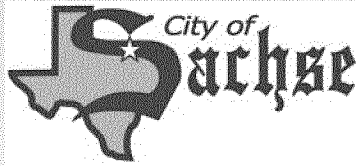
Budgetary Considerations

None.

Staff Recommendations

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for a Retail Sales with Gas Pumps use on an approximately 0.493-acre tract of land located at the

northeast corner of Murphy Road and Blackburn Road, more particularly described in Exhibit "A" and located in a General Commercial (C-2) district; providing special conditions; providing for the approval of the Zoning Exhibit attached as Exhibit "B"; providing for the approval of the site plan attached as Exhibit "C".



CITY COUNCIL

DECEMBER 2, 2013

REQUEST

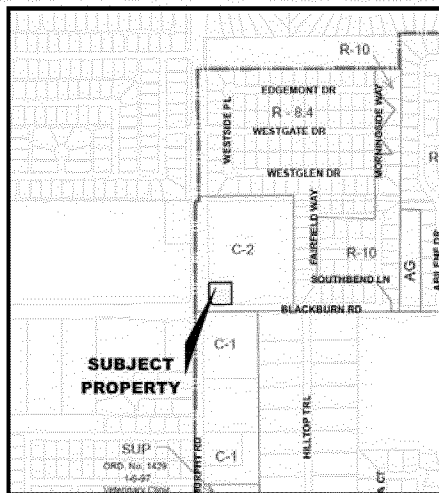
Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Comprehensive Zoning Ordinance and Map so as to grant a Special Use Permit for a Retail Sales with Gas Pumps use on an approximately 0.493-acre tract of land located at the northeast corner of Murphy Road and Blackburn Road, more particularly described in Exhibit "A" and located in a General Commercial (C-2) district; providing special conditions; providing for the approval of the Zoning Exhibit attached as Exhibit "B"; providing for the approval of the site plan attached as Exhibit "C".



BACKGROUND AERIAL LOCATION MAP



BACKGROUND ZONING MAP



BACKGROUND

SITE INFORMATION

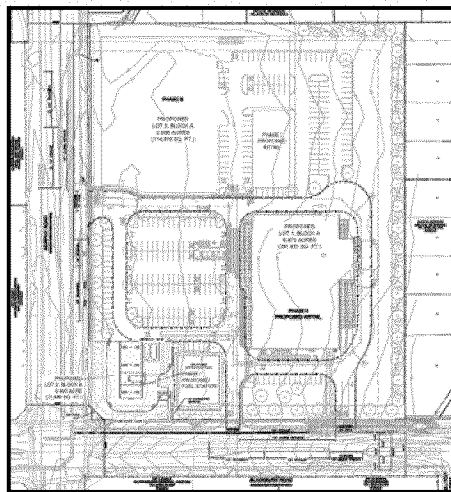
- ❑ Proposed Use: Retail Sales with Gas Pumps
- ❑ Site Area: 0.493 acres
- ❑ Existing Zoning: General Commercial (C-2)

- ❑ Site Data – 6 pumps (12 fueling stations) & 256 square-foot sales kiosk building

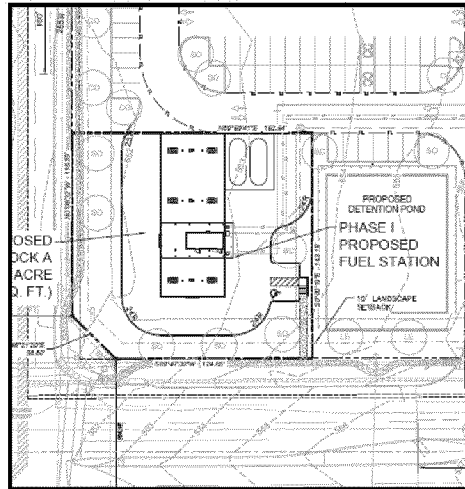


BACKGROUND

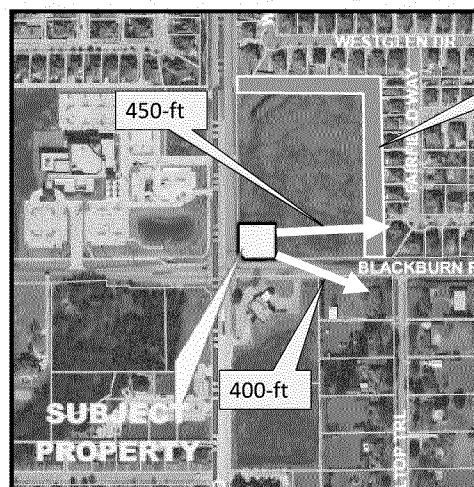
PROPOSED SITE PLAN



BACKGROUND PROPOSED SITE PLAN



BACKGROUND AERIAL LOCATION MAP



PUBLIC NOTIFICATION FEEDBACK

- 77 Property Owners within 1,000-feet notified
 - 1 - in favor
 - 14 - opposed



STAFF RECOMMENDATION

Staff recommends approval of the zoning request as presented.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP SO AS TO GRANT A SPECIAL USE PERMIT FOR A RETAIL SALES WITH GAS PUMPS USE ON AN APPROXIMATELY 0.493-ACRE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF MURPHY ROAD AND BLACKBURN ROAD, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND LOCATED IN A GENERAL COMMERCIAL (C-2) DISTRICT; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR THE APPROVAL OF THE ZONING EXHIBIT ATTACHED AS EXHIBIT “B”; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT “C”; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Sachse, Texas, as heretofore amended, be and the same are hereby amended to grant a Special Use Permit for a Retail Sales with Gas Pumps use for the property located on the northeast Corner of Murphy Road and Blackburn Road (hereinafter the “Property”), being situated in the City of Sachse, Dallas County, Texas, and being more particularly described as set forth in Exhibit “A” and as depicted in Exhibit “B”, attached hereto and incorporated as if set forth herein, in an General Commercial (C-2) District.

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

1. The Special Use Permit shall only be for a Retail Sales with Gas Pumps use on the site.
2. The establishment shall be constructed and operated in accordance with the site plan attached hereto as Exhibit “C” and incorporated as if set forth herein.

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

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

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

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas on the _____ day of _____, 2013.

APPROVED:

Mike Felix
Mayor

DULY ENROLLED:

Terry Smith
City Secretary

APPROVED AS TO FORM:

Peter G. Smith
City Attorney
(11-4-13/63375)

Exhibit A

Being a tract of land situated in the Daniel Herring Survey, Abstract No. 626, Dallas County, Texas, and in the City of Sachse, and being a portion of a called 48.302 acre tract of land described in the deed to Plano ARS, L.P., recorded in Volume 96138, Page 6886, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING a 5/8" iron rod with plastic cap stamped "BHB INC" found for corner at a corner clip at the intersection of the north right-of-way line of Blackburn Road, and the east right-of-way line of Murphy Road, both as created in a called 0.8035 right-of-way dedication to County of Dallas recorded in Volume 2005063, Page 7846, Official Public Records of Dallas County, Texas, from said corner, a 1/2-inch iron rod found for witness bears North 80°36'25" West a distance of 3.10 feet;

THENCE North 45°21'20" West, with said corner clip a distance of 38.80 feet to a 5/8" iron rod with plastic cap stamped "BHB INC" found for corner in the east right-of-way line of Murphy Road according to said 0.8035 acre right-of-way dedication;

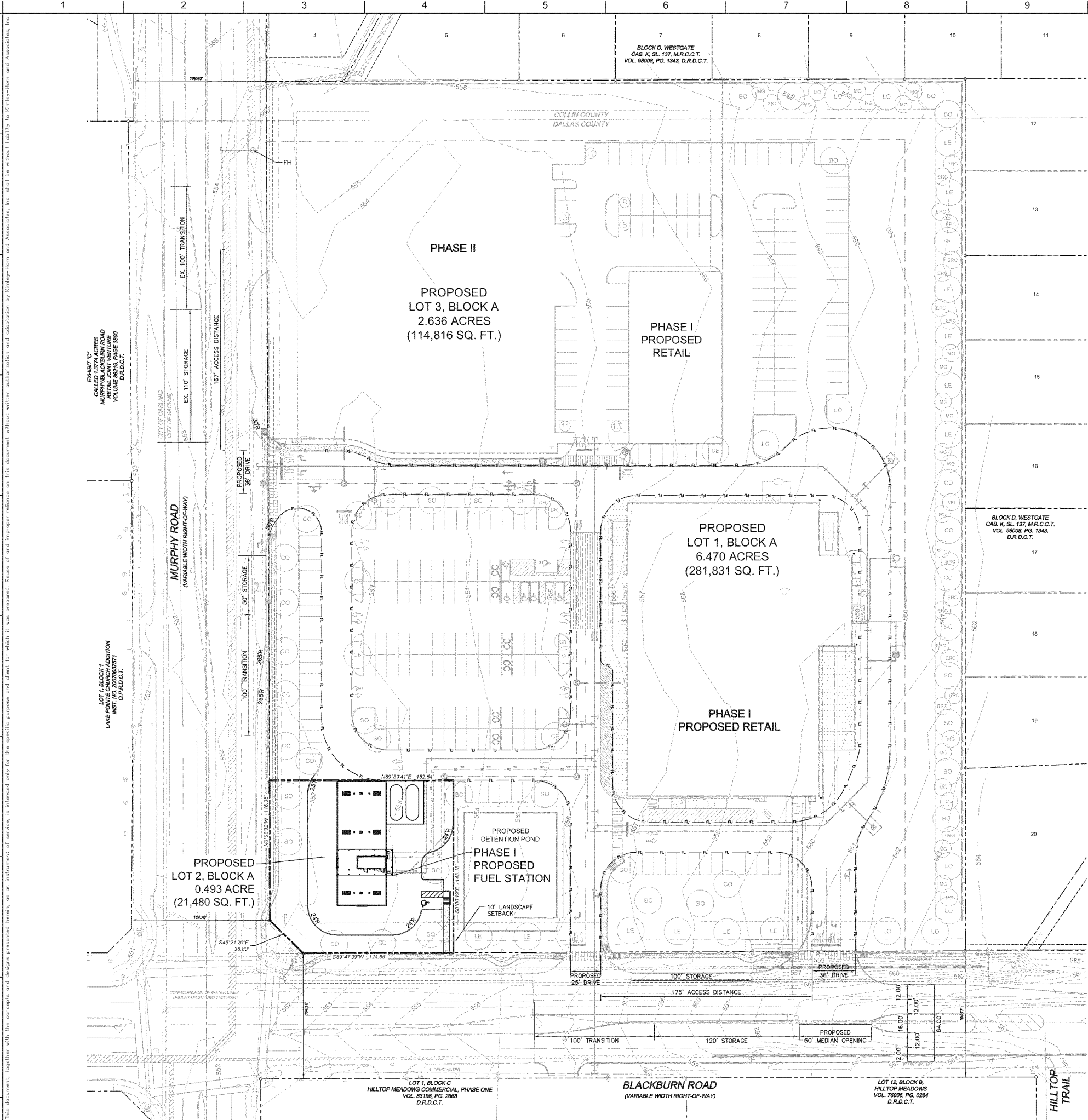
THENCE North 00°08'32" West, with the east right-of-way line of Murphy Road according to said 0.8035 acre right-of-way dedication, a distance of 116.35 feet to a corner;

THENCE North 89°59'41" East, departing the east right-of-way line of Murphy Road and crossing said 48.302 acre tract, a distance of 152.54 feet to a corner;

THENCE South 00°00'19" East, continuing across said 48.302 acre tract, a distance of 143.18 feet to a corner on the north right-of-way line of Blackburn Road according to said 0.8035 acre right-of-way dedication;

THENCE South 89°47'39" West, with the north right-of-way line of Blackburn Road according to said 0.8035 acre right-of-way dedication a distance of 124.66 feet to the POINT OF BEGINNING and containing 0.493 of an acre (21,480 square feet) of land, more or less.

Bearings and distances are based upon Texas State Plane Coordinates, North Central Zone 4202, NAD83. The bearings shown are Grid values. The distances shown are Surface values. To convert the distances to Grid values, multiply the distances by a Combined Scale Factor of 0.999848523.



LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED CURB AND GUTTER

NOTES:

- The proposed development shown on Lot 1 and Lot 2 is conceptual in nature and only shown for illustrative purposes. The layout of these sites will be subject to a separate site plan approval by the City of Sachse, and is not being considered as part of this Special Use Permit Request.
- The development of this site will be in accordance with City of Sachse development standards.
- According to Map No. 4811300230 J dated August 23, 2001, of the National Flood Insurance Program Map, Flood Insurance Rate Map of Dallas County and Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X (unshaded) and is not within a special flood hazard area. If this site is within an identified special flood hazard area, the flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
- The thoroughfare alignment shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of engineering approval.
- All current development requirements of the City as amended shall be met unless otherwise approved.

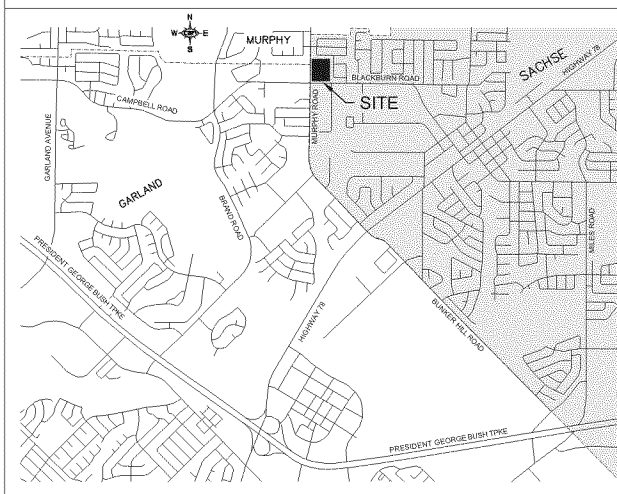
ENGINEER/APPLICANT

Kimley-Horn and Associates, Inc.
5750 GENESIS COURT
FRISCO, TEXAS 75034
PH. (972) 335-3580
CONTACT: HEATH VOYLES, P.E.
FIRM NO. F-928

OWNER

PLANO ARS, L.P.
2101 CEDAR SPRINGS ROAD
DALLAS, TX 75201
CONTACT: ENGINEER/APPLICANT

VICINITY MAP



SITE DATA SUMMARY TABLE

CASE NUMBER	SUP 13-05
PROPOSED USE	FUEL STATION
EXISTING ZONING	C-2
PROPOSED ZONING	C-2 W/ SUP FOR FUEL STATION
FUTURE LAND USE DESIGNATION	COMMERCIAL/RETAIL
APPLICABLE OVERLAYS	N/A
LOT AREA / SQ. FT. AND AC	21,480 SQ. FT. 0.493 AC
MAX LOT COVERAGE	65,000 SF*
SITE FRONTAGE	280 FT.
IMPERVIOUS SURFACE AREA	14,128 SQ. FT.
PERVIOUS SURFACE AREA	7,354 SQ. FT.
TOTAL GROSS INTENSITY (FAR)	0.01:1
TOTAL SQUARE FOOTAGE	256 SQ. FT.
MAX. BUILDING COVERAGE	90%
MAX. BUILDING HEIGHT	30 FT*
FRONT SETBACK	25 FT.
REAR SETBACK	N/A
PUMPS	6
PARKING SPACES	2
ACCESSIBLE PARKING SPACES	1

*PER DEED RESTRICTIONS

EXHIBIT C - ZONING
CONCEPT PLAN

WESTGATE SHOPPING CENTER
0.493 ACRES
1500 BLACKBURN ROAD
SACHSE, TX

EXHIBIT C - ZONING CONCEPT PLAN
0.493 ACRES
1500 BLACKBURN ROAD
SITUATED IN THE
DANIEL HERRING SURVEY, ABSTRACT NO. 626,
DALLAS COUNTY, TEXAS
DANIEL HERRING SURVEY, ABSTRACT NO. 402,
COLLIN COUNTY, TEXAS
THE
CITY OF SACHSE

DATE
11/4/2013
PROJECT NO.
63362372
SHEET NUMBER
SP-1

Kimley-Horn and Associates, Inc.



© 2013 KIMLEY-HORN AND ASSOCIATES, INC.
5750 GENESIS COURT, SUITE 200, FRISCO, TX 75034
PHONE: 972-335-3580 FAX: 972-335-3779
TEXAS REGISTERED ENGINEERING FIRM F-928

DESIGN ENGINEER:
HEATH VOYLES

SCALE AS SHOWN
DESIGNED BY
WSR

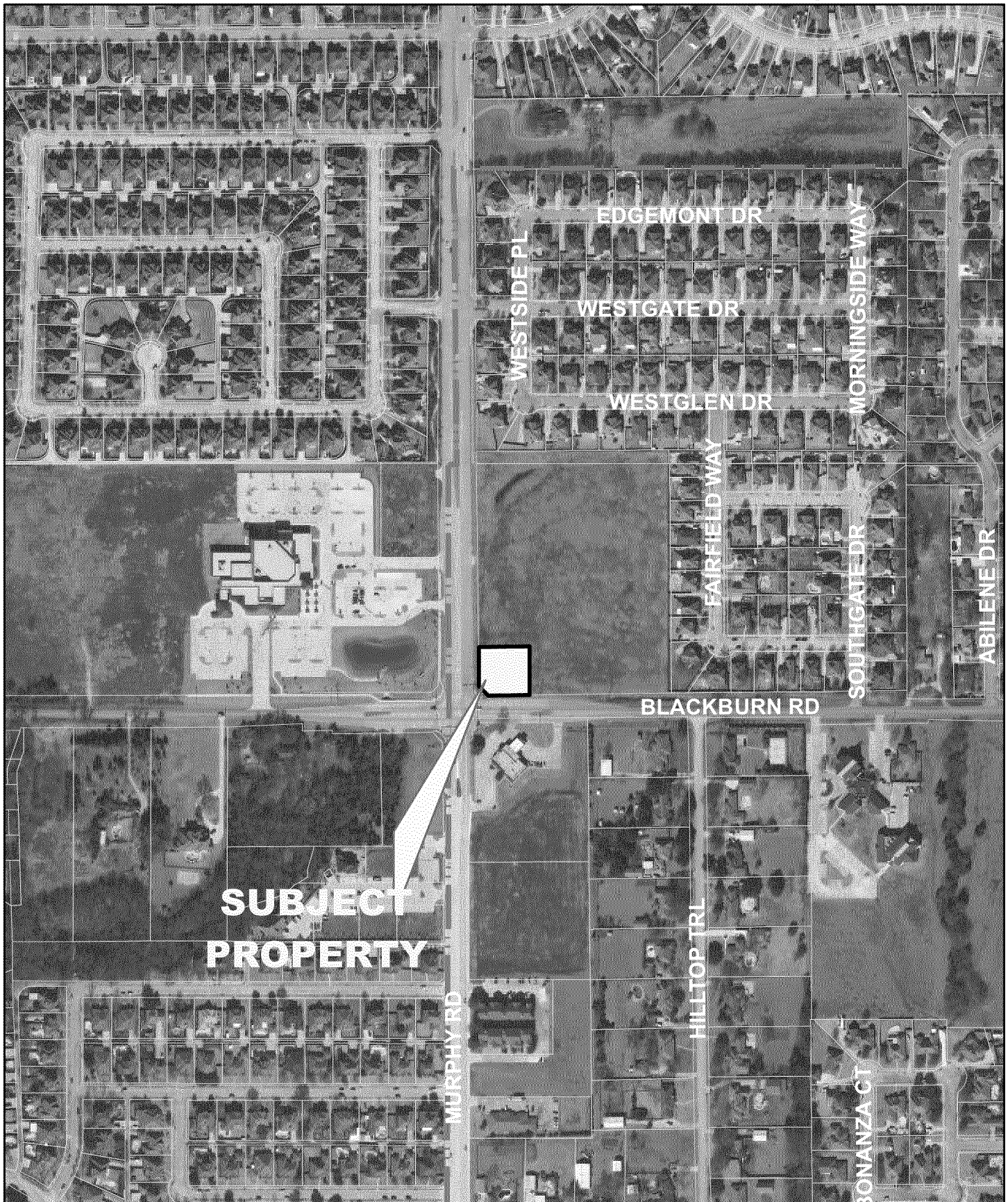
DRAWN BY
HCL

CHECKED BY
HML

TX LICENSE NUMBER
107823

DATE

REVISIONS



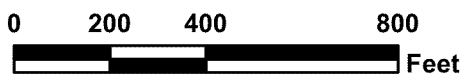
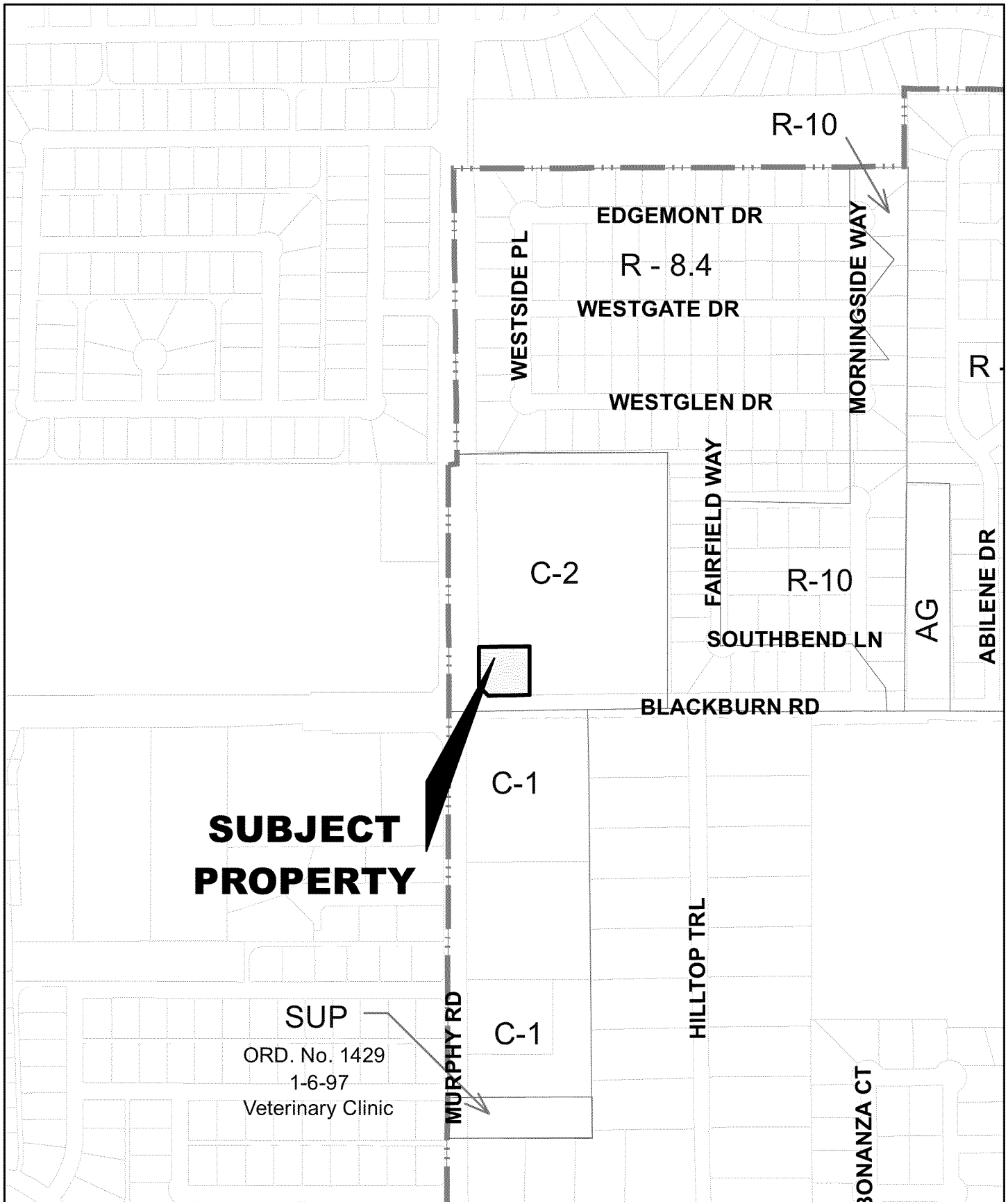
**SUBJECT
PROPERTY**



0 200 400 800
Feet

AERIAL LOCATION MAP

*Westgate Center Retail Sales with Gas Pumps
Special Use Permit (SUP13-07)
Map Created: October 31, 2013*



ZONING IDENTIFICATION MAP

*Westgate Center Retail Sales with Gas Pumps
Special Use Permit (SUP13-07)
Map Created: October 31, 2013*

TIME RECEIVED November 2, 2013 1:22:36 PM CDT	REMOTE CSID 9726758683	DURATION 41	PAGES 1	STATUS Received
01/01/2006 00:02	9726758683	HOWARTH		PAGE 01/01



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
DATE: October 31, 2013
RE: Special Use Permit for Retail Sales with Gas Pumps
LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. *(A location map depicting the 1,000-foot notification area is attached for reference.)*

EXPLANATION OF REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow for Retail Sales with Gas Pumps. The proposal includes four pump islands (8 total pumps) and a retail kiosk building. The 0.493-acre subject property is part of an overall retail development for this corner.

☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: _____

SIGNATURE: _____

PRINTED NAME: _____

ADDRESS: _____

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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TIME RECEIVED
November 6, 2013 4:28:53 PM CSTREMOTE CSID
972-927-4705DURATION
62**ATTACHMENT 3**PAGES
1STATUS
Received

06-Nov-2013 16:24 Texas Instruments, Inc. 972-927-4705

1/1



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I do not want a gas convenience store
selling beer so close to my residence.

SIGNATURE: Alan E. Jolly
 PRINTED NAME: Alan E. Jolly
 ADDRESS: 1208 Westgate Dr., Sachse, TX 75048

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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If you have any questions concerning this request, please contact the Community Development Department.

Phone: (469) 429-4781

Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road

Sachse, TX 75048

FAX: (972) 675-9812

TIME RECEIVED
November 3, 2013 4:41:23 PM CST

REMOTE CSID

DURATION
97

PAGES
1

STATUS
Failed to

ERROR CODE (700)
Error in fax transmission.

ATTACHMENT 3



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
DATE: October 31, 2013
RE: Special Use Permit for Retail Sales with Gas Pumps
LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Lot surrounded by residential & C-1 zoning
C-2 is for non-residential lots like Hwy 78, most 78 zoning
is C-2. Please respect surrounding residential neighborhoods

SIGNATURE: Darryl Dike Terry Dike
PRINTED NAME: DARRYL DIKE TERRY DIKE
ADDRESS: 1315 WESTGLEN, SACHSE, TX 75048

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL
City of Sachse Community Development Dept.
3815-B Sachse Road
Sachse, TX 75048
FAX: (972) 675-9812



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
 DATE: October 31, 2013
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 LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: INCREASED TRAFFIC IN AREA CAUSING INCREASE
IN POSSIBLE CRIME. 24 HOUR OPERATION WILL CAUSE
MORE NOISE, ESPECIALLY AFTER HOURS.

SIGNATURE: TERRIN HEBERT
PRINTED NAME: TERRIN HEBERT
ADDRESS: 1406 SOUTHBEND LN, SACHSE, TX 75048

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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 Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL
 City of Sachse Community Development Dept.
 3815-B Sachse Road
 Sachse, TX 75048
 FAX: (972) 675-9812

CHARLES W. & PENNIMARIE SPRAGUE

1406 Westglen Drive
Sachse, Texas 75048
972-495-6970
c_psprague@msn.com

2 NOV 2013

City Of Sachse
Planning and Zoning Commission
Community Development Department
3815-B Sachse Road
Sachse, TX 75048

RE: Application for Special Use Permit for Retail Sales with Gas Pumps
NE Corner of Murphy Rd and Blackburn Rd

Dear Commissioners:

It has been brought to our attention that there will be a Public Hearing on the above referenced SUP application. Due to our work schedules, it may be difficult for us to attend the public hearing on this matter in person, and we would like to register our opinion by letter in the event that we cannot attend.

We oppose this SUP for the following reasons:

- This type of facility stores and dispenses carcinogenic materials, such as benzene, a component of gasoline. In our opinions, there is insufficient buffer between this type of facility and a residential area.
- While there have been advances in fuel handling equipment, none of these guarantee that fuel will not be released either at the surface or in the subsurface. Human error alone all but guarantees fuel will eventually be spilled either when a vehicle is being refueled or the underground storage tanks are being filled.
- Subsurface product piping can and do leak over time as their materials age and as the chemical makeup of fuels change; I have personally participated in the investigation of a service station owned by a large oil company who had a cleaning additive in their fuel. It was discovered that the additive was destroying the gaskets in their fuel pumps and causing fuel to leak from the pumps for a period of time before the leaks were discovered. That additive was abruptly removed and quietly removed and quickly replaced with a similarly named additive.
- There are many examples of fuels damaging both car engines and fuel distribution as newer fuel mixes encounter older fuel handling systems (most

critically, the effect of these new fuel mixes on O rings and gaskets of both engines and fuel pumps; the latter being where most subsurface fuel leaks originate):

- www.fuel-testers.com/ethanol_problems_damage.html
 - http://www.fuel-testers.com/ethanol_problems_damage.html
 - http://www.enewsbuilder.net/aopl/e_article000570935.cfm
 - http://www.fiberglasstankandpipe.com/Ethanol_Compatibility_with_Fiberglass_UST_Systems.pdf
- There are detrimental financial impacts to properties affected by contamination releases. I have and am currently serving as an expert witness in litigation over the diminution of property values due to the release of fuels from service stations. Anyone claiming that there is no effect on property value due to impact by released substances is, at best, uninformed.
 - We have looked at similar situations in areas surrounding Sachse; i.e., square corner properties that have an "L"-shaped remainder behind a service station, and we have found two outcomes:
 - The remaining "L"-shaped properties are not developed and remain open with little or no tax revenue being generated for the City, and
 - The remaining "L"-shaped property is developed, but not with anything that would benefit the surrounding neighborhood and keep its property values up.
 - Attached are two sets of photos for your review:
 - The first set depicts four service stations that have been in place for years and are located in Murphy, Rowlett and Plano. All of these stations have nearby residential development and none of them have any development in the "L"-shaped property behind them.
 - The second set depicts two service stations in Garland on Lavon Drive/Hwy 78 and Castle. Both have development behind and beside them, and that development consists of a pawn shop, auto repair, auto repair supplies, and a car wash, among other commercial entities.
 - Then there is the increased traffic that will be brought into that corner, a good deal of it on Blackburn, which has heavy traffic on it already during morning and evening rush hours. And Blackburn is still years away from being widened and improved.

We know that Sachse is hurting for tax revenue and we want the City to obtain it. We know that the owner of this property desperately wants to sell it and make good on his investment, and we are all for it. We also want this corner to be developed, but we want it to be developed properly and responsibly in such a manner that will benefit the

neighborhood and the surrounding area, and not turn it into something like you see in the second set of photos at Lavon and Castle.

We do not see desirable development like upscale retail shops, or professional offices being placed behind a service station anywhere we have ever lived. No doctor, lawyer or non-fast food restaurant is going to place itself behind a service station.

At best, in our opinions, we'll see low end retail that may include dry cleaning facilities, which are an even more onerous environmental hazard both because of the carcinogenic chemicals that industry uses and that it'll be even closer to residential property.

One of us served the City of Sachse for about 6 years as a Planning and Zoning Commissioner, and we cannot understand why this property has not been able to attract a suitable development. On the three opposite corners there are a bank, two churches, and a medical/dental office complex. With all of the new hospital building ongoing just north of us in Richardson, and then the future children's hospital planned in Sachse off Hwy 190, it is perplexing that all this property seems to be able to attract is an unwanted service station.

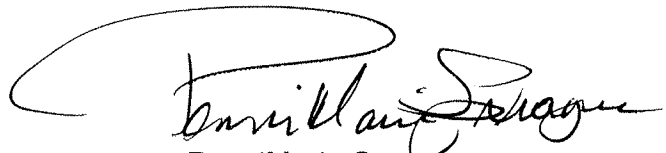
In light of our above concerns, we would welcome and would fully support the Commission voting against this latest SUP application.

We appreciate your time in considering our opinion on this matter.

Sincerely,

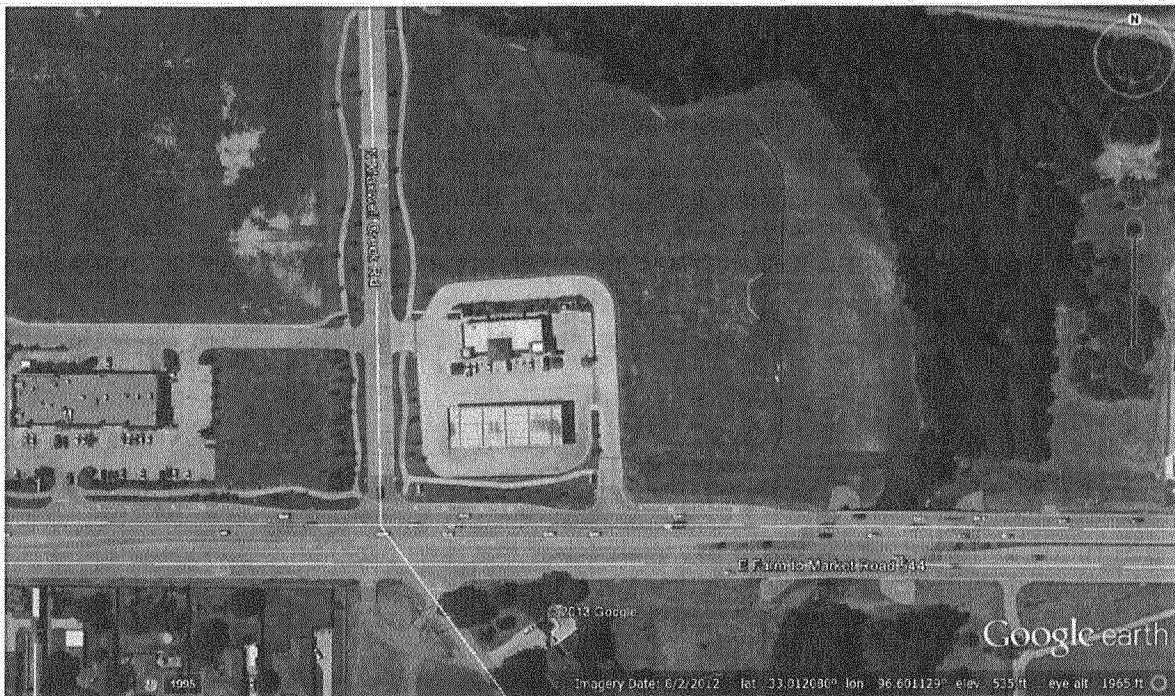


Charles W. Sprague

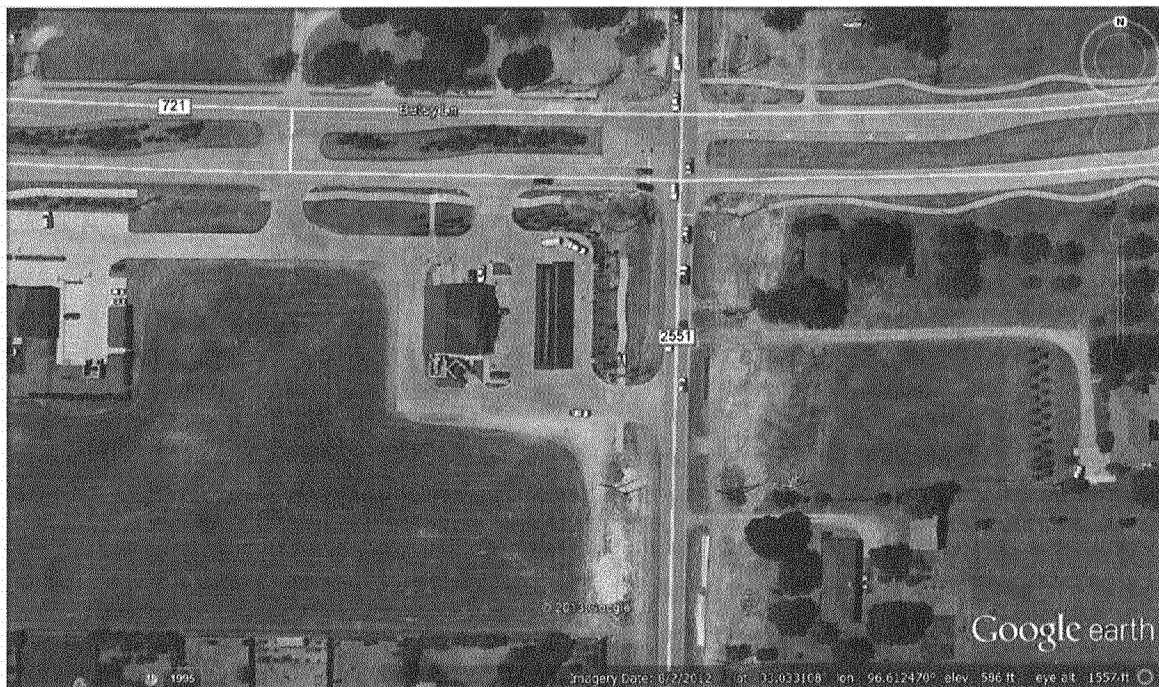


PenniMarie Sprague

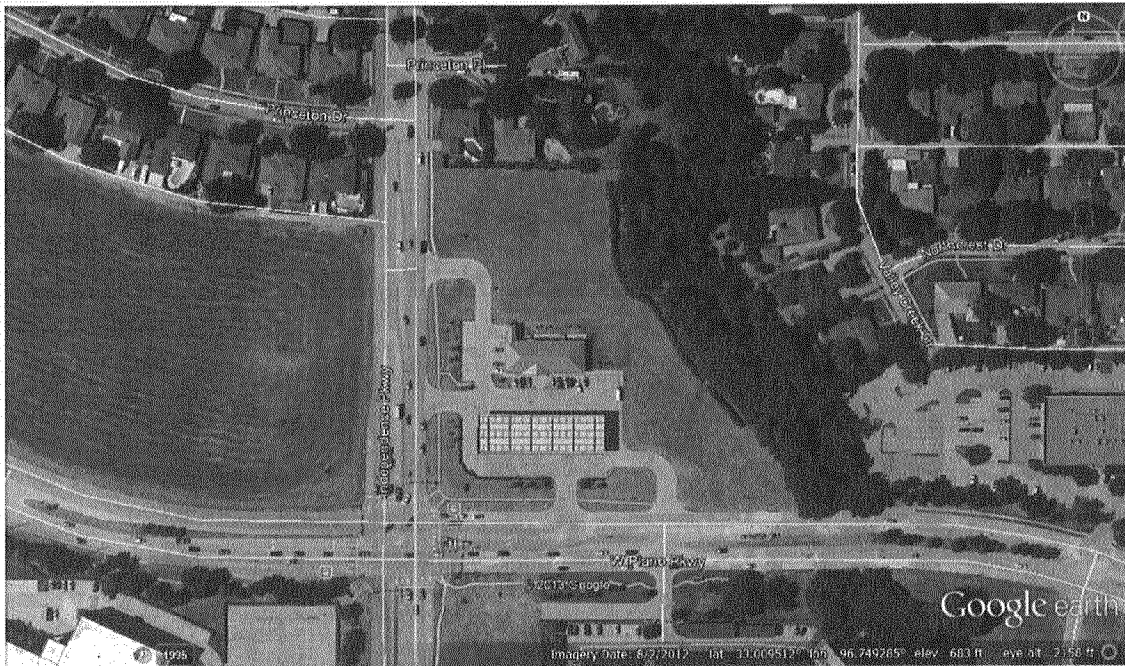
Attachments



Aerial Photo of RaceTrac in Murphy



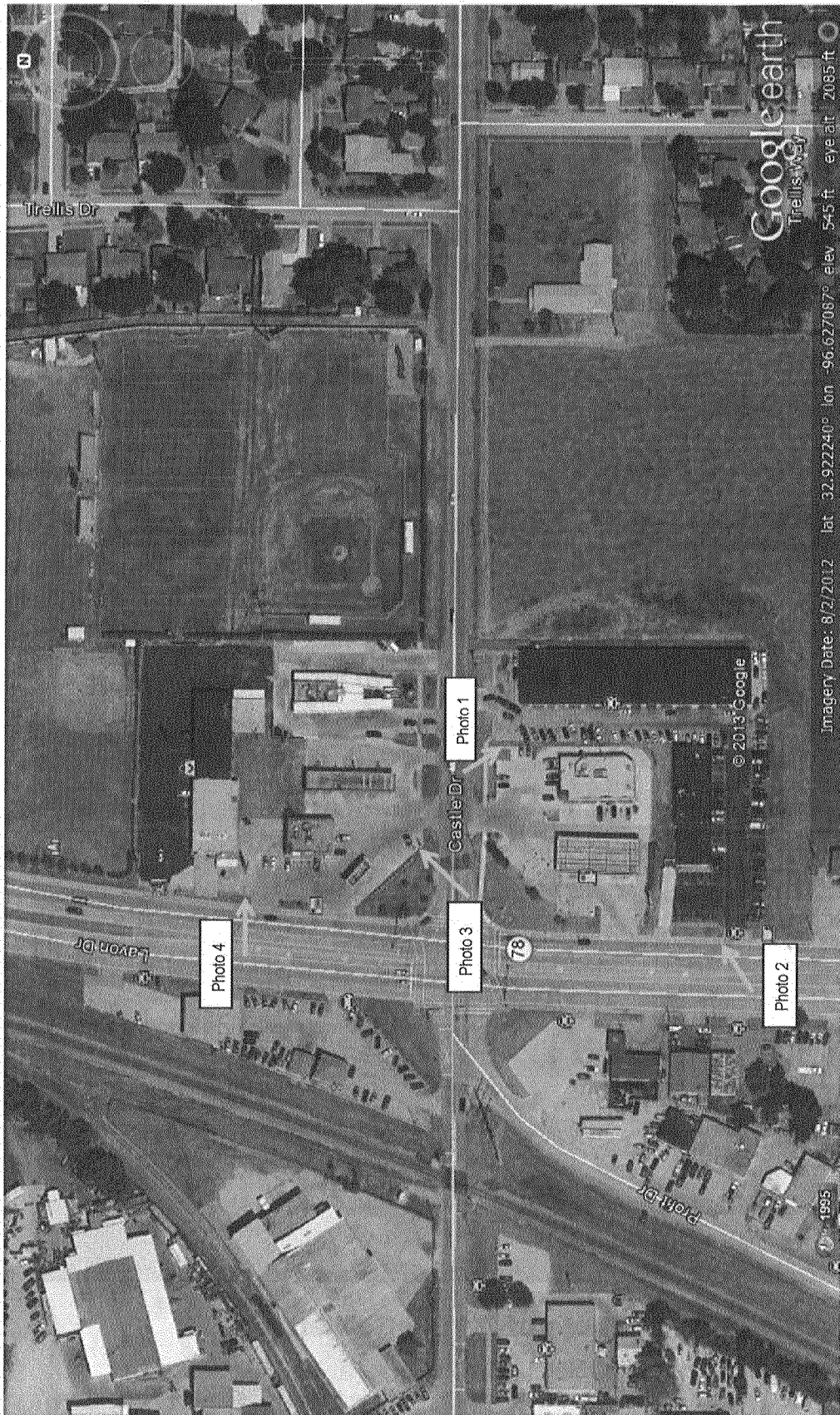
Aerial Photo of 7-11 in Murphy



Aerial Photo of RaceTrac in Plano



Aerial Photo of 7-11 in Rowlett



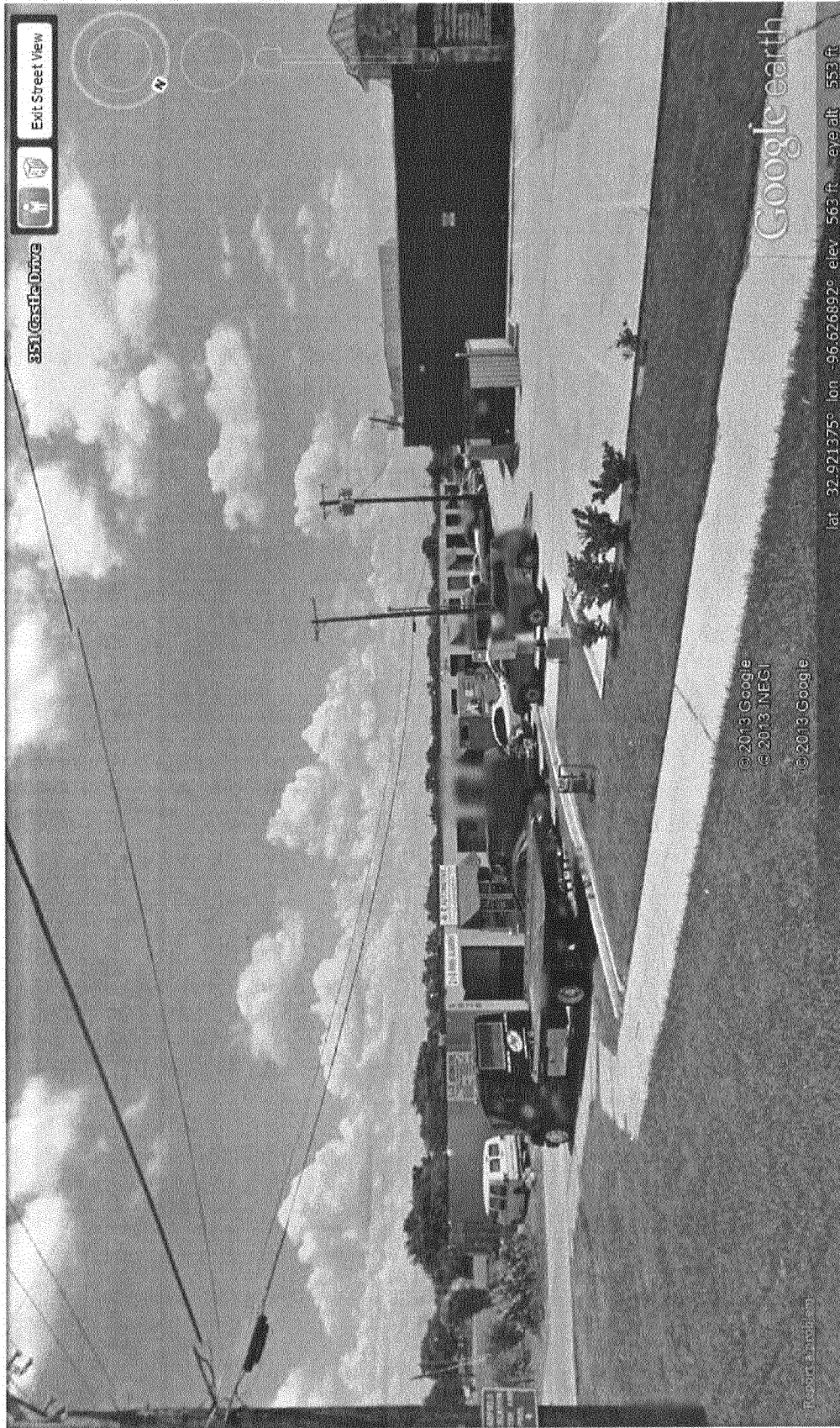


Photo 1: Looking SE from Castle to Commercial/Industrial Development Behind Service Station

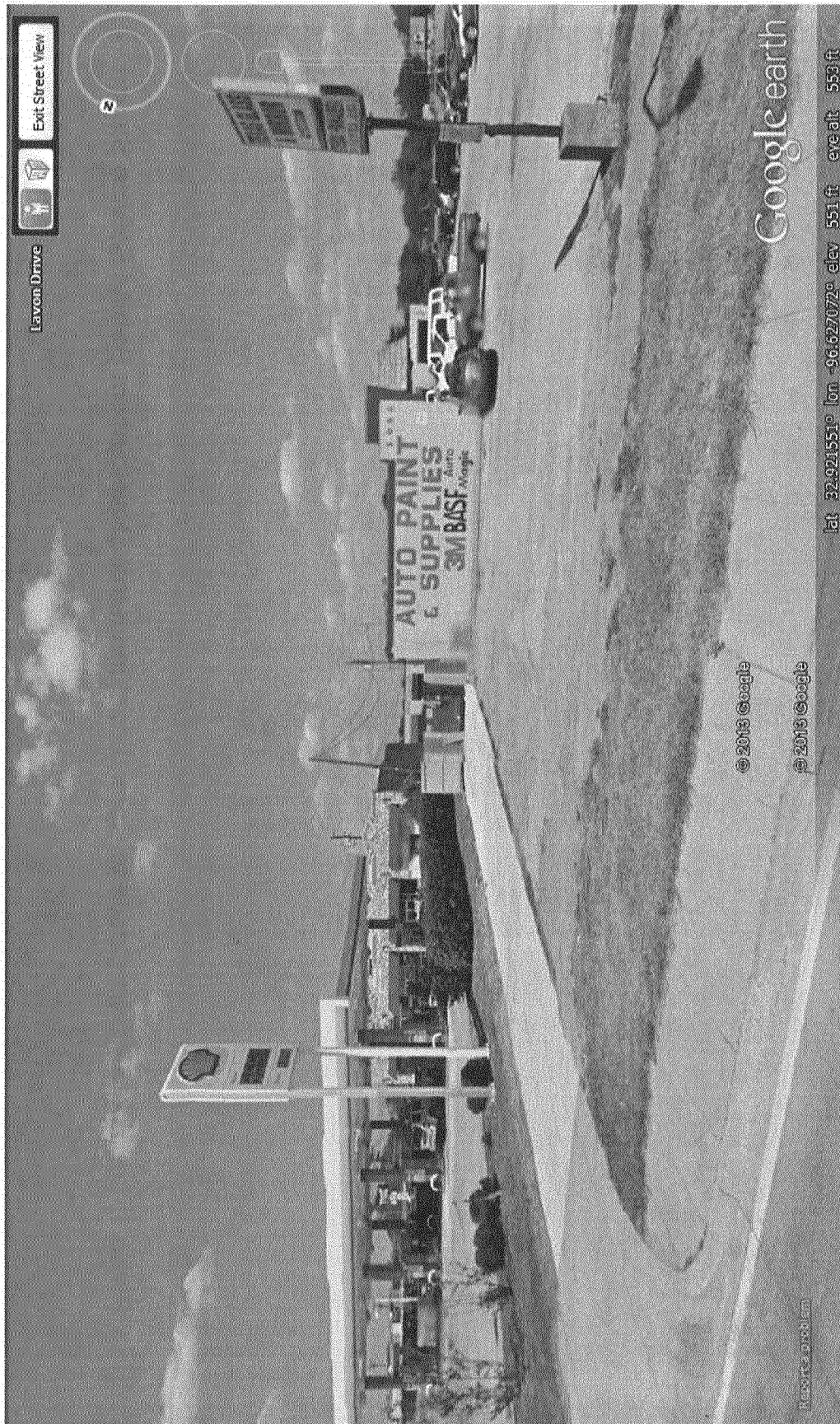


Photo 2: Looking NE from Laven to Commercial/Industrial Development Adjacent to Service Station



Photo 3: Looking NE from Castle to Commercial/Industrial Development on East side of Service Station

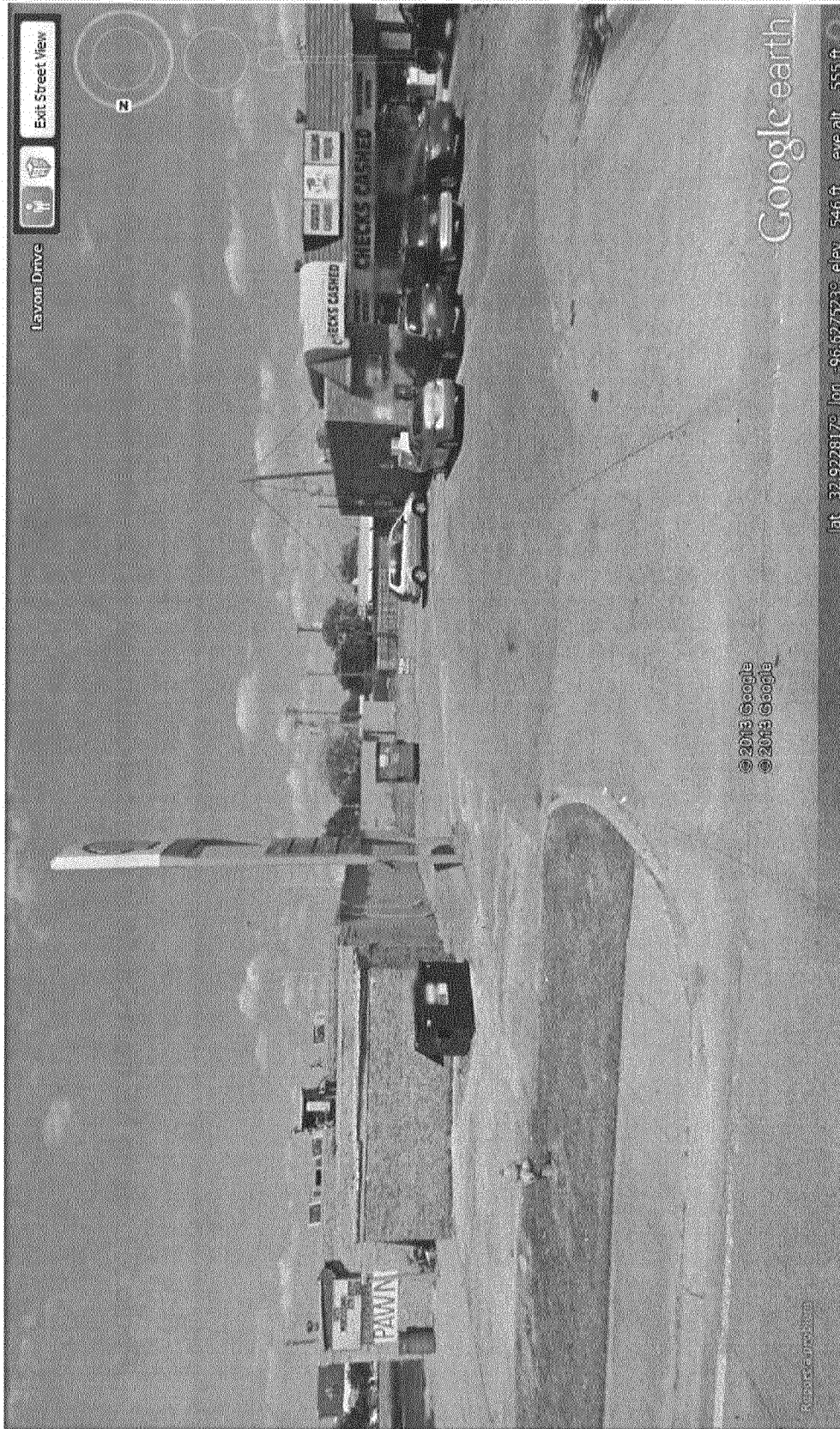


Photo 4: Looking E from Lavon to Commercial/Industrial Development on North Side of Service Station

TIME RECEIVED
November 6, 2013 7:15:31 PM CST

REMOTE CSID

DURATION
39PAGES
ATTACHMENT 3STATUS
Received

Nov. 6. 2013 7:08PM

No. 1010 P. 1/1



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
 DATE: October 31, 2013
 RE: Special Use Permit for Retail Sales with Gas Pumps
 LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

EXPLANATION OF REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow for Retail Sales with Gas Pumps. The proposal includes four pump islands (8 total pumps) and a retail kiosk building. The 0.493-acre subject property is part of an overall retail development for this corner.

☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: DO NOT WANT GAS STATION SO CLOSE TO RESIDENTIAL
PROPERTIES AND WOULD BE A DETRIMENT TO THE QUALITY OF LIVING
IN SACHSE.

SIGNATURE: _____

PRINTED NAME: WILSON LEEADDRESS: 1410 SOUTHBEND LN

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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Phone: (469) 429-4781

Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road

Sachse, TX 75048

FAX: (972) 675-9812



Community Development Department

NOTICE OF PUBLIC HEARING

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: This will definitely promote crime in this area, and
obviously will depreciate the value of our respective
property.

SIGNATURE: Steve Chike Echeta

PRINTED NAME: STEVE CHIKE ECHETABU

ADDRESS: 1410 WESTGLEN DR, SACHSE TX 75048

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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3815-B Sachse Road

Sachse, TX 75048

FAX: (972) 675-9812

TIME RECEIVED
November 12, 2013 3:10:25 PM CST

REMOTE CSID

DURATION PAGES
40 1

ATTACHMENT 3

STATUS
Received

2013-11-11 16:22

>> City of Sachse

P 1/1



Community Development Department

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Traffic. Light. Noise. Destruction of neighborhood.

SIGNATURE: First UMC Sachse Pastor Steady Cuman

PRINTED NAME:

ADDRESS: 1020 Blackburn Rd. Sachse 75048

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If you have any questions concerning this request, please contact the Community Development Department.

Phone: (469) 429-4781

Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road

Sachse, TX 75048

FAX: (972) 675-9812



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
 DATE: October 31, 2013
 RE: Special Use Permit for Retail Sales with Gas Pumps
 LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

EXPLANATION OF REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow for Retail Sales with Gas Pumps. The proposal includes four pump islands (8 total pumps) and a retail kiosk building. The 0.493-acre subject property is part of an overall retail development for this corner.

☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

SEE ATTACHED

SIGNATURE:

PRINTED NAME:

ADDRESS:

BEN F. FRAZER

6606 HILLTOP TRAIL, SACHSE, TX 75048

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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3815-B Sachse Road

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City of Sachse.....Community Development Dept.

November 2, 2013

We are strongly against granting a SUP for the subject property for the following reasons:

1. Allowing construction of this establishment will lower property values in this community.
2. This type of retail not needed in community.
Many locations providing same services in close proximity.
3. The litter, noise, odor and traffic generated by this kind of establishment will raise the need for additional Public Safety.

Mr. and Mrs. Ben F. Frazer

6606 Hilltop Trail

Sachse, TX 75048

972-495-6751



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
 DATE: October 31, 2013
 RE: Special Use Permit for Retail Sales with Gas Pumps
 LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I do not want to look across the street and see a gas station or have drivers getting gas staring at my home.
 SIGNATURE: Linda Hosszu *not to mention the traffic. This is not a gas station area.*
 PRINTED NAME: LINDA HOSSZU
 ADDRESS: 6611 HILLTOP TR

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3815-B Sachse Road

Sachse, TX 75048

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Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
 DATE: October 31, 2013
 RE: Special Use Permit for Retail Sales with Gas Pumps
 LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: OPPOSITION IS DUE TO LACK OF DETAILS. CONCERNS
INCLUDE NOISE, LIGHT REDUCED PROPERTY VALUE AND
TRAFFIC. CANNOT ATTEND MEETING BECAUSE I WILL BE OUT OF TOWN.
IT ALSO APPEARS THIS IS DIFFERENT FROM
WHAT WAS APPROVED
AT AN EARLIER
MEETING

SIGNATURE: Reginald K. Mabley
PRINTED NAME: REGINALD K. MABLEY
ADDRESS: 6703 FAIRFIELD WAY SACHSE TX 75048

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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3815-B Sachse Road

Sachse, TX 75048

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Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
 DATE: October 31, 2013
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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I still do not want a gas station near my home. Part of the reason we chose to purchase our home is because the corner was zoned retail but not for gas sales. See the X on back, that's my home.

SIGNATURE: Kenny Jones

PRINTED NAME: Kenny Jones

ADDRESS: 6804 Fairfield Way Sachse, TX

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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Email: mkurbansade@cityofsachse.com

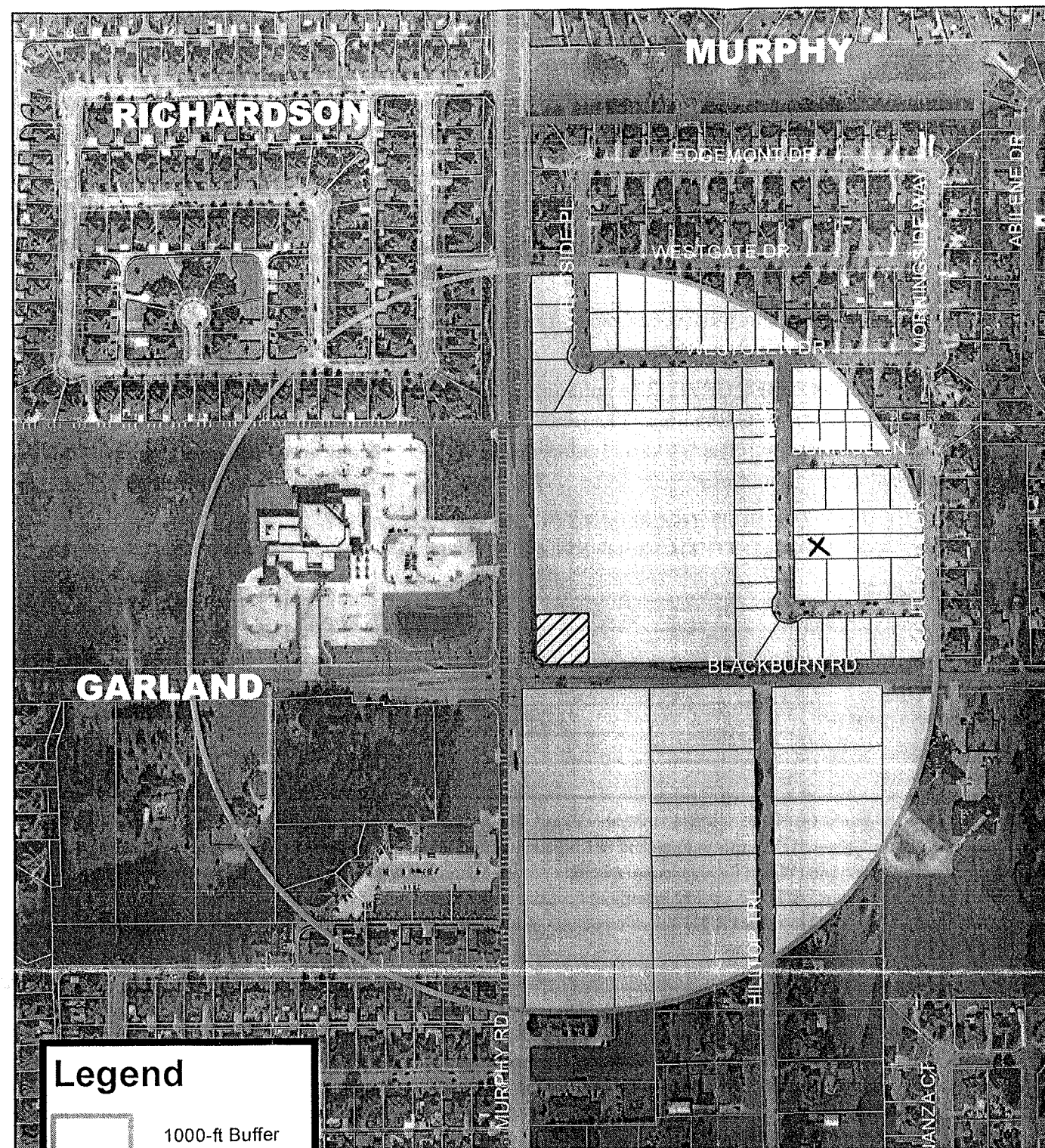
RETURN BY FAX OR MAIL

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3815-B Sachse Road

Sachse, TX 75048

FAX: (972) 675-9812





ATTACHMENT 3
Community Development
Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
DATE: October 31, 2013
RE: Special Use Permit for Retail Sales with Gas Pumps
LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

I would prefer the property be used for a decreased traffic business. The traffic created by a gas station increase traffic on Blackburn Rd. and it is already congested on Blackburn Rd. no retail action Blackburn would, to be widened support a traffic.

SIGNATURE:

PRINTED NAME:

ADDRESS:

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Phone: (469) 429-4781

Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road

Sachse, TX 75048

FAX: (972) 675-9812

3815 Sachse Road, Building B, Sachse, Texas 75048 Phone: (469) 429-4781 Fax: (972) 675-9812

STATUS
Received

PAGES 46
DURATION 1

REMOTE CSID
214-703-8001

TIME RECEIVED
November 22, 2013 8:14:42 AM CST

TIME RECEIVED
November 4, 2013 1:44:10 PM CSTREMOTE CSID
972 910 0952DURATION PAGES
68 1STATUS
Received

Nov 04 13 02:03p

Excel Telecommunications

972 910 0952

p.1



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
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☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

Mu BACK HAND BAZIS UP to this
Propata.

SIGNATURE:

PRINTED NAME:

ADDRESS:

GEORGE D. HAMMONS
6901 WESTSIDE PL. SACHSE, TX 75048

Your written comments are being solicited in the above case. Additional information is available through the Community Development Department located at 3815-B Sachse Road. The Planning and Zoning Commission will hold a public hearing and offer a formal recommendation of the above request at 7:00pm on Monday, November 11, 2013. The City Council will hold a public hearing and consider approval of an Ordinance for the Special Use Permit at 7:30pm on Monday, December 2, 2013. Both meetings will be conducted in the City Council Chambers, located at 3815-B Sachse Road, Sachse, Texas.

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If you have any questions concerning this request, please contact the Community Development Department.

Phone: (469) 429-4781

Email: mkurbansade@cityofsachse.com

RETURN BY FAX OR MAIL

City of Sachse Community Development Dept.

3815-B Sachse Road

Sachse, TX 75048

FAX: (972) 675-9812

TIME RECEIVED
November 10, 2013 6:13:19 PM CST

REMOTE CSID

DURATION 52 PAGES 1 STATUS Received

ATTACHMENT 3

NOV/10/2013/SUN 07:43 PM William Davis Realty FAX No. P. 001/001



Community Development Department

NOTICE OF PUBLIC HEARING

TO: Property Owner
DATE: October 31, 2013
RE: Special Use Permit for Retail Sales with Gas Pumps
LOCATION: This property is located at the northeast corner of Murphy Road and Blackburn Road. (A location map depicting the 1,000-foot notification area is attached for reference.)

EXPLANATION OF REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow for Retail Sales with Gas Pumps. The proposal includes four pump islands (8 total pumps) and a retail kiosk building. The 0.498-acre subject property is part of an overall retail development for this corner.

☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: THIS IS AN AREA WHERE FAMILIES ARE RAISE AND NOT FOR RETAIL OR GAS STATIONS. BUSINESSES THAT RUNS FROM 8:00AM - 5:00PM IS BETTER TO KEER SACHSE AS A FAMILY LOVING CITY.

SIGNATURE: [Signature]
PRINTED NAME: KINGSLEY & FELICIA EMOKPAE
ADDRESS: 6905 WESTSIDE PL. SACHSE TX. 75048

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3815-B Sachse Road
Sachse, TX 75048
FAX: (972) 675-9812



Legislation Details (With Text)

File #:	13-1922	Version:	1	Name:	CD - WALMART SIGN VARIANCE2 CC
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/22/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	
Title:	Conduct a public hearing and consider the application of Wal-Mart Corporation requesting a variance from the Code of Ordinances, Chapter 3, Building Regulations, Section 3-10.C(3)(a) to permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials; a variance from Section 3-10.C(3)(d)(i) to permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade; a variance from Section 3-10.C(3)(e) to permit a freestanding identification sign to be constructed with a maximum sign area of 1,049 square feet; a variance from Section 3-10.C(3)(e) to permit a general business sign to be constructed with a maximum sign area of 64 square feet; a variance from Section 3-10.C(3)(k) to permit the identification portion of a multi-purpose sign to have an area of 186 square feet; a variance from Section 3-10.C(3)(k) to permit the directory portion of the sign to have an area of 863 square feet; and a variance from Section 3-10.C(4) to permit an advertising sign, for the property generally located on the northwest side of SH78/KCS Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCS Railroad rights-of-way.				

Executive Summary

A sign variance is being requested by the property owner to permit a monument-style pylon sign to be constructed as an off-premise advertising sign and to permit deviations in the sign area for a general business sign constructed as a monument sign.

Sponsors:

Indexes:

Code sections:

Attachments: [CD - WALMART SIGN VARIANCE2 CC - PRESENTATION.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 1.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 2.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 3.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 4.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 5.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 6.pdf](#)
[CD - WALMART SIGN VARIANCE2 CC - ATTACHMENT 7.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing and consider the application of Wal-Mart Corporation requesting a variance from the Code of Ordinances, Chapter 3, Building Regulations, Section 3-10.C(3)(a) to permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials; a variance from Section 3-10.C(3)(d)(i) to permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade; a variance from Section 3-10.C(3)(e) to permit a freestanding identification sign to be

constructed with a maximum sign area of 1,049 square feet; a variance from Section 3-10.C(3)(e) to permit a general business sign to be constructed with a maximum sign area of 64 square feet; a variance from Section 3-10.C(3)(k) to permit the identification portion of a multi-purpose sign to have an area of 186 square feet; a variance from Section 3-10.C(3)(k) to permit the directory portion of the sign to have an area of 863 square feet; and a variance from Section 3-10.C(4) to permit an advertising sign, for the property generally located on the northwest side of SH78/KCS Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCS Railroad rights-of-way.

Executive Summary

A sign variance is being requested by the property owner to permit a monument-style pylon sign to be constructed as an off-premise advertising sign and to permit deviations in the sign area for a general business sign constructed as a monument sign.

Background

The subject property associated with the variance request is generally located on the northwest side of SH78/KCS Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCS Railroad rights-of-way (See Attachment 1 - Location Map). The subject property retains a zoning designation of PD-19 and is located within the Commercial Tract C-3 of this planned development (See Attachment 2 - Zoning Identification Map). The proposed development on the subject property is a Wal-Mart Super Center retail store.

Current regulations would permit the applicant to construct an on-premise General Business Sign and/or an on-premise Project Identification sign; both sign types would need to be constructed as Monument Signs. Either sign would be permitted to be a maximum of 20 feet in height above grade. The General Business sign would be permitted a maximum sign area of 60 square feet and the Project Identification sign would be permitted a maximum sign area of 100 square feet. In addition, off-premise advertising signs would not be permitted.

The applicant (Wal-Mart Corporation) is requesting to construct two signs, both of which would require variances:

1. An off-premise monument-style pylon sign with a height of 50 feet and a sign area of 297 square feet (the dimensions of the sign face are 33 feet by 9 feet) for the main panel for Wal-Mart, 566 square feet of sign area for other tenants, and 186 for the project identification. The sign is being proposed to be constructed as an advertising sign on an out-parcel adjacent to the property where the Wal-Mart is located. Furthermore, the sign will contain advertising for other commercial properties in the vicinity.

2. A General Business sign constructed as a monument sign with a height of 7 feet-2 inches and a sign area of 64 square feet (the dimensions of the sign face are 16 feet by 4 feet).

Attachment 3 has been provided to show the proposed signage elevations and the location of each of the signs on the subject property.

It should be noted that Wal-Mart Corporation requested variances from the signage regulations that were considered and denied by City Council on September 3, 2013. This new request differs from the previous request as the property owner has reduced the height and size of both signs.

Policy Considerations

Pursuant to Chapter 3, Section 3-10.B(15) of the Code of Ordinances, the applicant is required to provide the following application information:

- Name, address and telephone number of the applicant.
- Location of building, structure or lot to which or upon which the sign(s) is to be attached or erected.
- Position of the sign(s) in relation to nearby buildings or structures, including other signs.
- The zoning classification of the property on which the sign(s) is to be located. Also the zoning classification of all property within 250 feet of the sign(s) location.
- The specific variation(s) requested and the reasons and justification for such requests.
- Ten copies of the signage and site plans shall be required.

Staff has reviewed the information provided by the applicant in light of the aforementioned criteria set forth in the Code of Ordinances. In addition, the applicant has provided a Letter of Intent explaining their justification for the requested variances (See Attachment 4 for the Letter of Intent provided by the applicant; Attachment 5 for visual perspectives of the signs from surrounding property; and Attachment 6 for an exhibit depicting the zoning classifications within 250-feet of both sign locations).

Sign #1

The off-premise monument-style pylon sign would be constructed with its main support structure being two metal support poles and wrapped in non-masonry materials. Based on the definition of a Monument Sign in the Code of Ordinances (see below), this sign would not be a monument sign.

Sign, Monument is any sign having a low profile, either made of or contained within stone, concrete, metal, brick or similar material and having a stone, brick or masonry base concealing all supports or poles.

Second, the proposed location of the monument-style pylon sign would cause the sign to be considered an off-premise advertising sign for both the Wal-Mart tenant as well as the other off-site tenants. This is based on the below definition from the Code of Ordinances.

Sign, advertising is any sign which promotes or advertises commodities or services not limited to being offered on the premises on which such signs are located.

Sign #2

The general business sign is being proposed to be constructed on the subject property at the corner of Cody Lane and Woodbridge Parkway. The sign will be constructed as a monument sign in accordance with the definition contained in the Code of Ordinances. It is the increase in the sign area that necessitates a variance for this specific sign.

Variance Summary

Based on the applicant's request, variances from the following sections of the Code of Ordinances will be required. The specific variance requested is listed below each Code section identified.

Section 3-10.C(3)(a). All freestanding identification signs, general business signs and multi-purpose signs shall be monument signs.

Variance #1: Permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials. (Sign #1)

Section 3-10.C(3)(d)(i). Maximum height above grade of an identification sign, general business sign or multi-purpose sign is ten feet with the following exception:

- (i) Property having direct frontage on the President George Bush Turnpike, Highway 78 or along the north side of the Kansas City Southern Railroad, which runs parallel to Highway 78, shall have a maximum height above grade of 20 feet.

Variance #2: Permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade. (Sign #1)

Section 3-10.C(3)(e). Maximum area for a general business sign is 60 square feet and

maximum area for identification sign is 100 square feet.

Variance #3: Permit a freestanding identification sign to be constructed with a maximum sign area of 1,049 square feet. (Sign #1)

Variance #4: Permit a general business sign to be constructed with a maximum sign area of 64 square feet. (Sign #2)

Section 3-10.C(3)(k). The identification portion of a multi-purpose sign shall not exceed 75 square feet; directory portion shall not exceed 36 square feet with a single tenant or 72 square feet with multi-tenants.

Variance #5: Permit the identification portion of a multi-purpose sign to have an area of 186 square feet. (Sign #1)

Variance #6: Permit the directory portion of the sign to have an area of 863 square feet. (Sign #1)

Section 3-10.C(4). Advertising signs. No advertising signs allowed except by variance granted by the city council.

Variance #7: Permit an advertising sign. (Sign #1)

Conclusion

It is staff's opinion that the location of the property does present a unique circumstance. Staff evaluated the undeveloped properties on the northwest side of State Highway 78 for similar characteristics that would pose a similar hardship. The criteria staff used was that the property be an undeveloped commercial tract approximately 10 contiguous acres or larger located on the northwest side of State Highway 78 at the intersection with another collector/arterial road. These criteria are similar to the characteristics of the subject property and only produced two properties meeting these criteria:

- 1) South side of Ranch Road at the intersection with State Highway 78
 - 2) North side of Woodbridge Parkway at the intersection with State Highway 78
- (Note: Both of these properties are set back approximately 100 feet from the SH78 right-of-way and have diminished visibility due to the setback distance. However, the property on the north side of Woodbridge Parkway would be able to utilize the sign area that would be potentially available as a result of this request.)*

As part of the analysis for the previous variance request, staff evaluated the visibility of signs along State Highway 78 that were constructed in accordance with current Code of Ordinance

requirements. Attachment 7 provides views of two different project identification/monument signs at distances of 0.2 miles and 0.3 miles. The visibility of both of these signs is hindered at these distances. At the time of the previous request, the visibility of the then-proposed sign was compared to the visibility of the signs shown in Attachment 7. Staff's position at that time was that the proposed sign area/height was more than the minimum necessary to abate the hardship imposed by the unique circumstances of the property. However, the proposed sign height and sign area for Sign #1 (larger monument-style sign) have been reduced in the current request such that the requested variances are proportional to the hardship imposed by the property.

The proposal by the applicant for multi-tenant signage for off-site properties was a direct result of a suggestion by some City Council members during a discussion of this request on March 18, 2013. Also, at this meeting some City Council members cited the reason for off-premise multi-tenant signage would be to address future variance requests that might come forward from future tenants farther away from SH78 within the commercial development. The intent for the multi-tenant signage is clearly to consolidate signage and to allow for better visibility of future tenants within the overall Woodbridge West commercial development properties. While the merits of a "master sign plan" are evident and notable, the Code of Ordinances does not provide for this mechanism. A variance is the only means by which these off-premise advertising signs could be approved.

It should be noted that when evaluating variance requests, the City of Sachse Code of Ordinances does not contemplate financial hardship as a means of justification for a variance; variances are considered based upon the physical characteristics of the site and the resultant hardship that may be imposed. Therefore, the discussion in the Conclusion sections below as well as staff's recommendation does not consider financial hardship as a factor.

Conclusion - Sign #1

Staff does concur with the applicant regarding the diminished visibility of the site warranting larger signage. Although there is not a concise formula to equate the degree of variance requested with the degree of hardship imposed by a subject property's characteristics, staff does believe that the request variance with regard to sign height and area is commensurate with the hardship imposed. Therefore, staff is recommending approval of Variances #1-3, and 5-6.

Staff does not find a proven hardship that justifies the use of the identification sign to provide advertising for other off-premise tenants. Therefore, staff is recommending denial of Variance #7.

Conclusion - Sign #2

The physical conditions present at the corner of Cody Lane and Woodbridge Parkway where the monument sign is being proposed are not markedly different from any other typical commercial property in the City. For instance, there are not any grade changes or physical limitations on the property that would detract from the visibility of the sign. It is because of the lack of unique circumstances that would pose hardship that staff is recommending denial for the one variance (Variance #4 listed above) associated with this proposed sign.

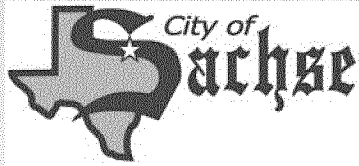
Budgetary Considerations

None.

Staff Recommendations

Staff recommends approval of the portion of the application by Wal-Mart Corporation requesting a variance from the Code of Ordinances, Chapter 3, Building Regulations, Section 3-10.C(3)(a) to permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials; a variance from Section 3-10.C(3)(d)(i) to permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade; a variance from Section 3-10.C(3)(e) to permit a freestanding identification sign to be constructed with a maximum sign area of 1,049 square feet;; a variance from Section 3-10.C(3)(k) to permit the identification portion of a multi-purpose sign to have an area of 186 square feet; and a variance from Section 3-10.C(3)(k) to permit the directory portion of the sign to have an area of 863 square feet; for the property generally located on the northwest side of SH78/KCS Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCS Railroad rights-of-way.

Staff recommends denial of the portion of the application by Wal-Mart Corporation requesting a variance from the Code of Ordinances, Chapter 3, Building Regulations, Section 3-10.C(3)(e) to permit a general business sign to be constructed with a maximum sign area of 64 square feet; and a variance from Section 3-10.C(4) to permit an advertising sign, for the property generally located on the northwest side of SH78/KCS Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCS Railroad rights-of-way.



CITY COUNCIL

DECEMBER 2, 2013

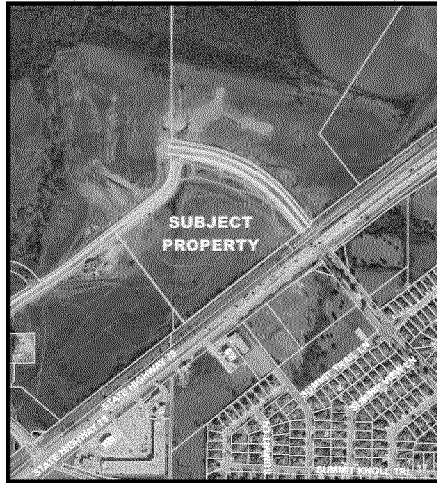
OUTLINE

- ☐ Background
- ☐ Signage Proposed
- ☐ Variances Being Sought
- ☐ Review Criteria



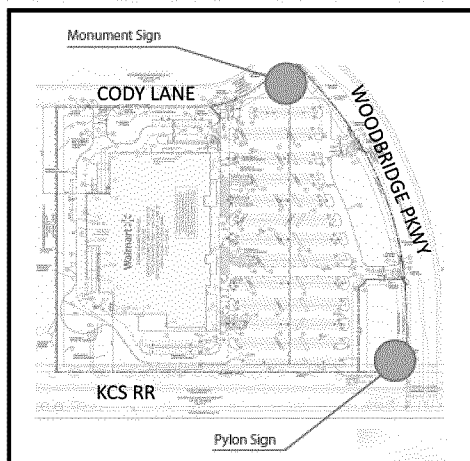
BACKGROUND

AERIAL LOCATION MAP

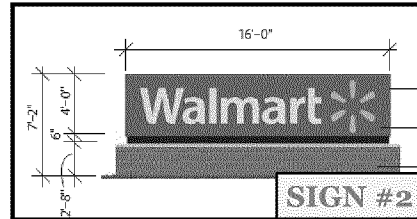
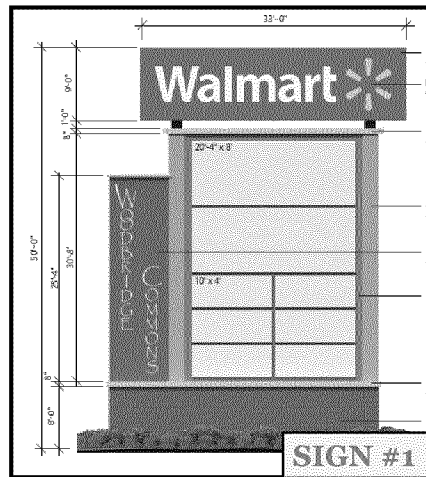


BACKGROUND

SIGN LOCATIONS



BACKGROUND SIGNAGE ELEVATIONS



BACKGROUND SIGNAGE PROPOSED

Sign #1

- Monument-style Pylon Sign
- Height: 50 feet
- Sign Area: 1,049 square feet (863 square feet for directory, 186 square feet for identification)

Sign #2

- Monument Sign / General Business Sign
- Sign Area: 64 square feet
- Dimensions: 16' x 4"



BACKGROUND

VARIANCES REQUESTED

Section 3-10.C(3)(a). All freestanding identification signs, general business signs and multi-purpose signs shall be monument signs.

- Variance #1: Permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials. (Sign #1)



BACKGROUND

VARIANCES REQUESTED

Section 3-10.C(3)(d)(i). Maximum height above grade of an identification sign, general business sign or multi-purpose sign is ten feet with the following exception:

- (i) Property having direct frontage on the President George Bush Turnpike, Highway 78 or along the north side of the Kansas City Southern Railroad, which runs parallel to Highway 78, shall have a maximum height above grade of 20 feet.
- Variance #2: Permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade. (Sign #1)



BACKGROUND

VARIANCES REQUESTED

Section 3-10.C(3)(e). Maximum area for a general business sign is 60 square feet and maximum area for identification sign is 100 square feet.

- Variance #3: Permit a freestanding identification sign to be constructed with a maximum sign area of 1,049 square feet. (Sign #1)

- Variance #4: Permit a general business sign to be constructed with a maximum sign area of 64 square feet. (Sign #2)



BACKGROUND

VARIANCES REQUESTED

Section 3-10.C(3)(k). The identification portion of a multi-purpose sign shall not exceed 75 square feet; directory portion shall not exceed 36 square feet with a single tenant or 72 square feet with multi-tenants.

- Variance #5: Permit the identification portion of a multi-purpose sign to have an area 186 square feet. (Sign #1)

- Variance #6: Permit the directory portion of the sign to have an area of 863 square feet. (Sign #1)



BACKGROUND

VARIANCES REQUESTED

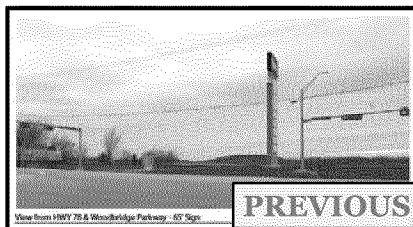
Section 3-10.C(4). Advertising signs. No advertising signs allowed except by variance granted by the city council.

- Variance #7: Permit an advertising sign. (Sign #1)



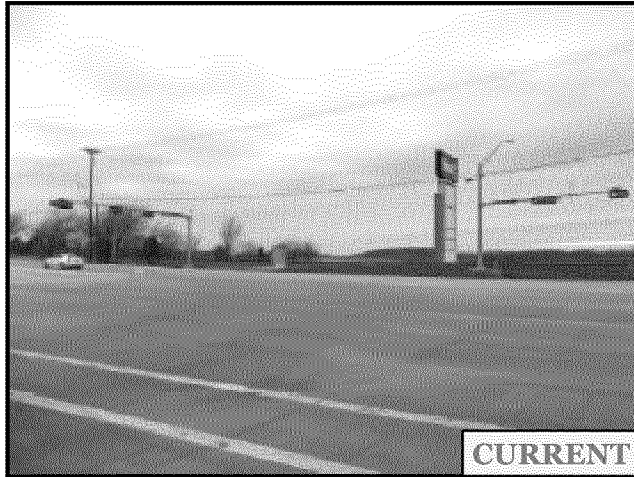
BACKGROUND

VIEW (WOODBRIIDGE PKWY & SH 78)



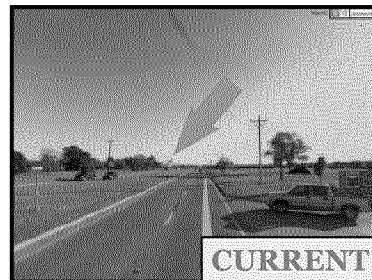
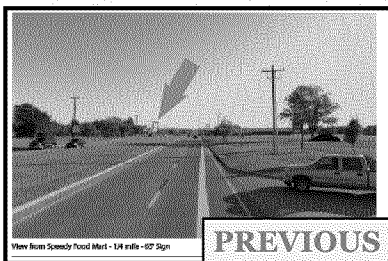
BACKGROUND

VIEW (WOODBIDGE PKWY & SH 78)



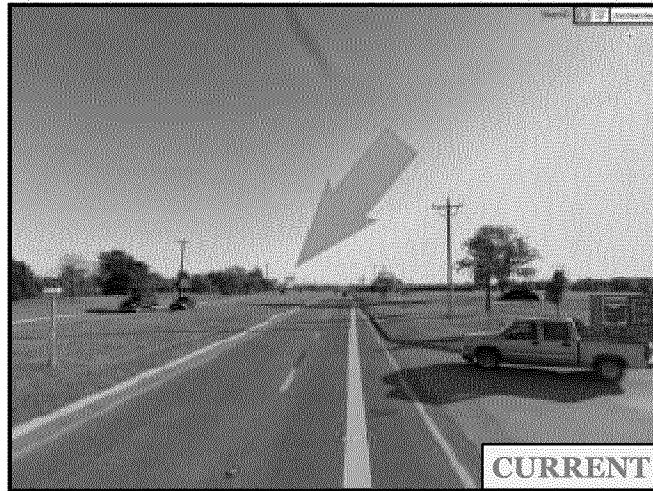
BACKGROUND

VIEW (SH78 LOOKING NORTH)



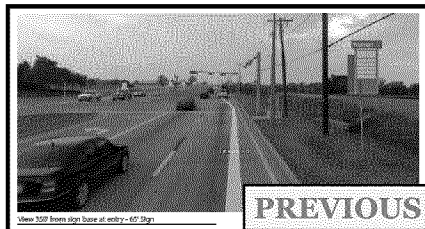
BACKGROUND

VIEW (SH78 LOOKING NORTH)

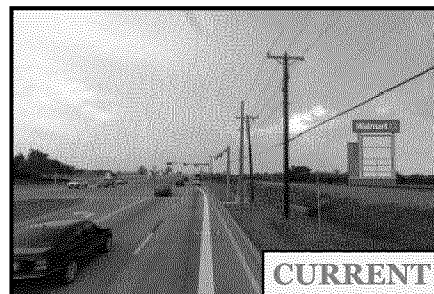


BACKGROUND

VIEW (SH 78)



View 500 foot sign base at entry - 60' sign



BACKGROUND

VIEW (SH 78)

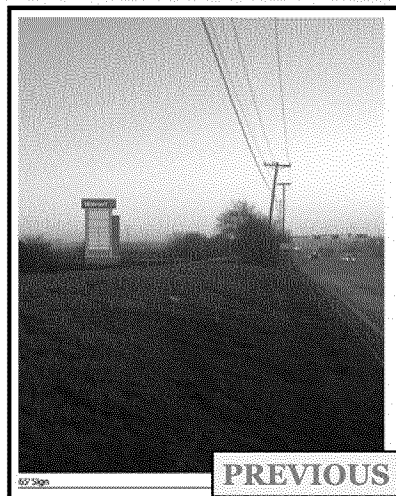


CURRENT



BACKGROUND

VIEW (SH78 LOOKING NORTH)



92' Sign

PREVIOUS



CURRENT



BACKGROUND

VIEW OF PYLON SIGN FROM SH78



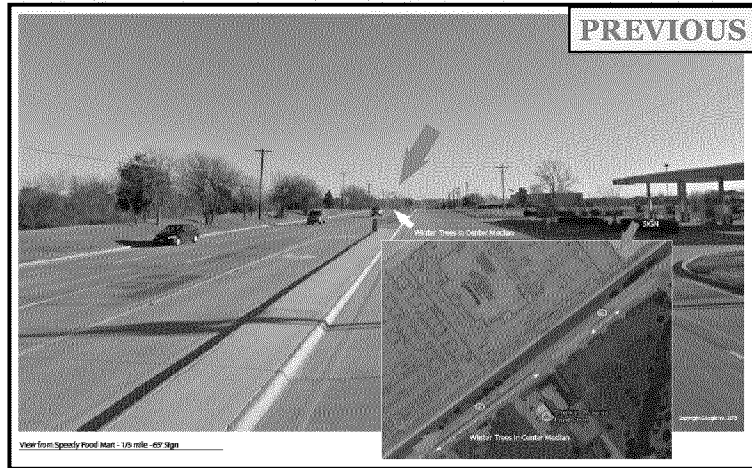
BACKGROUND

VIEW OF PYLON SIGN FROM SH78



BACKGROUND

VIEW (SH78 LOOKING NORTH)



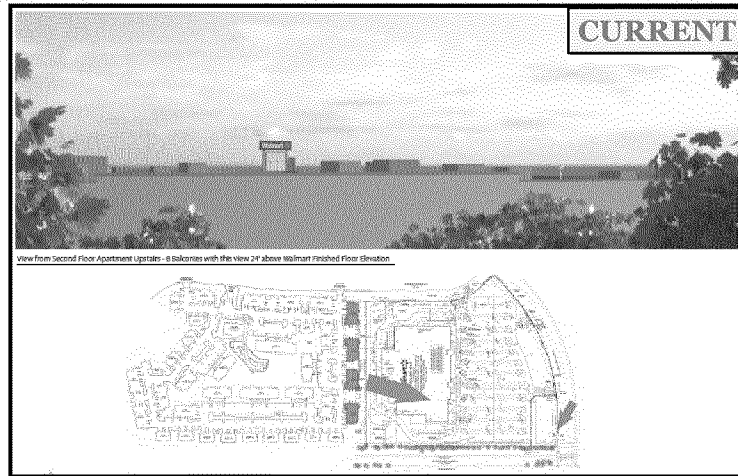
BACKGROUND

VIEW (SH78 LOOKING NORTH)



BACKGROUND

VIEW (ADJACENT MULTIFAMILY DEVELOPMENT)



POLICY CONSIDERATIONS

REQUIRED APPLICATION MATERIALS

- ☐ Name, address and telephone number of the applicant.
- ☐ Location of building, structure or lot to which or upon which the sign(s) is to be attached or erected.
- ☐ Position of the sign(s) in relation to nearby buildings or structures, including other signs.
- ☐ The zoning classification of the property on which the sign(s) is to be located. Also the zoning classification of all property within 250 feet of the sign(s) location.
- ☐ The specific variation(s) requested and the reasons and justification for such requests.
- ☐ Ten copies of the signage and site plans shall be required.



POLICY CONSIDERATIONS

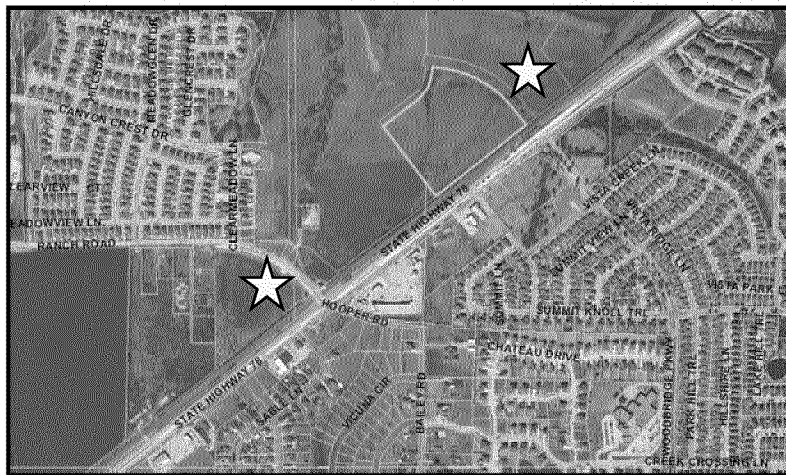
REVIEW CRITERIA

- ☐ Consider the specific variations being requested and the justification for the request.
- ☐ Among other criteria, this information will need to be considered in light of the "position of the signs in relation to nearby buildings or structures, including other signs" and the zoning classification of the subject property and "of all properties within 250 feet of the sign location."



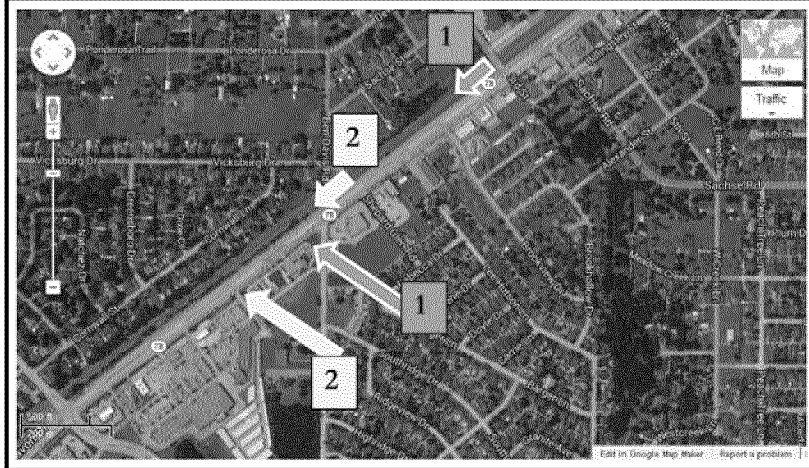
POLICY CONSIDERATIONS

CONCLUSIONS - COMPARABLE PROPERTIES



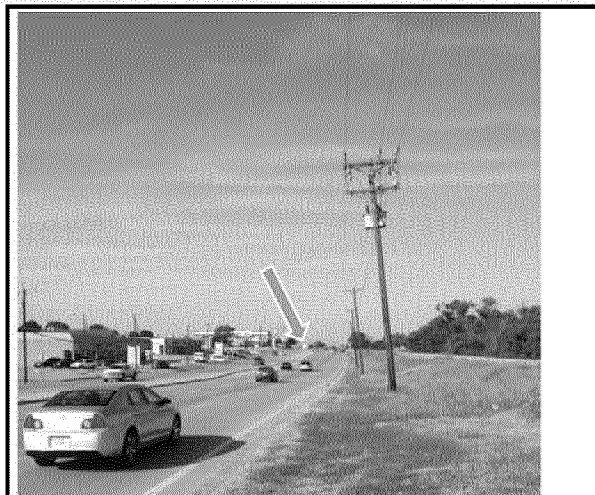
POLICY CONSIDERATIONS

CONCLUSIONS - VISIBILITY OF OTHER SIGNS



POLICY CONSIDERATIONS

CONCLUSIONS - VISIBILITY OF OTHER SIGNS



**0.3 miles
distance**



POLICY CONSIDERATIONS

CONCLUSIONS - VISIBILITY OF OTHER SIGNS



**0.2 miles
distance**



STAFF RECOMMENDATION

SIGN #1

Sign #1

- Staff recommends approval of variance requests #1-3 and 5-6.
- Staff recommends denial of variance request #7.

Sign #2

- Staff recommends denial of variance request #4



SUMMARY OF VARIANCES

SIGN #1

- ☐ Variance #1: Permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials.
- ☐ Variance #2: Permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade.
- ☐ Variance #3: Permit a freestanding identification sign to be constructed with a maximum sign area of 1,049 square feet.
- ☐ Variance #5: Permit the identification portion of a multi-purpose sign to have an area 186 square feet.
- ☐ Variance #6: Permit the directory portion of the sign to have an area of 863 square feet.
- ☐ Variance #7: Permit an advertising sign.

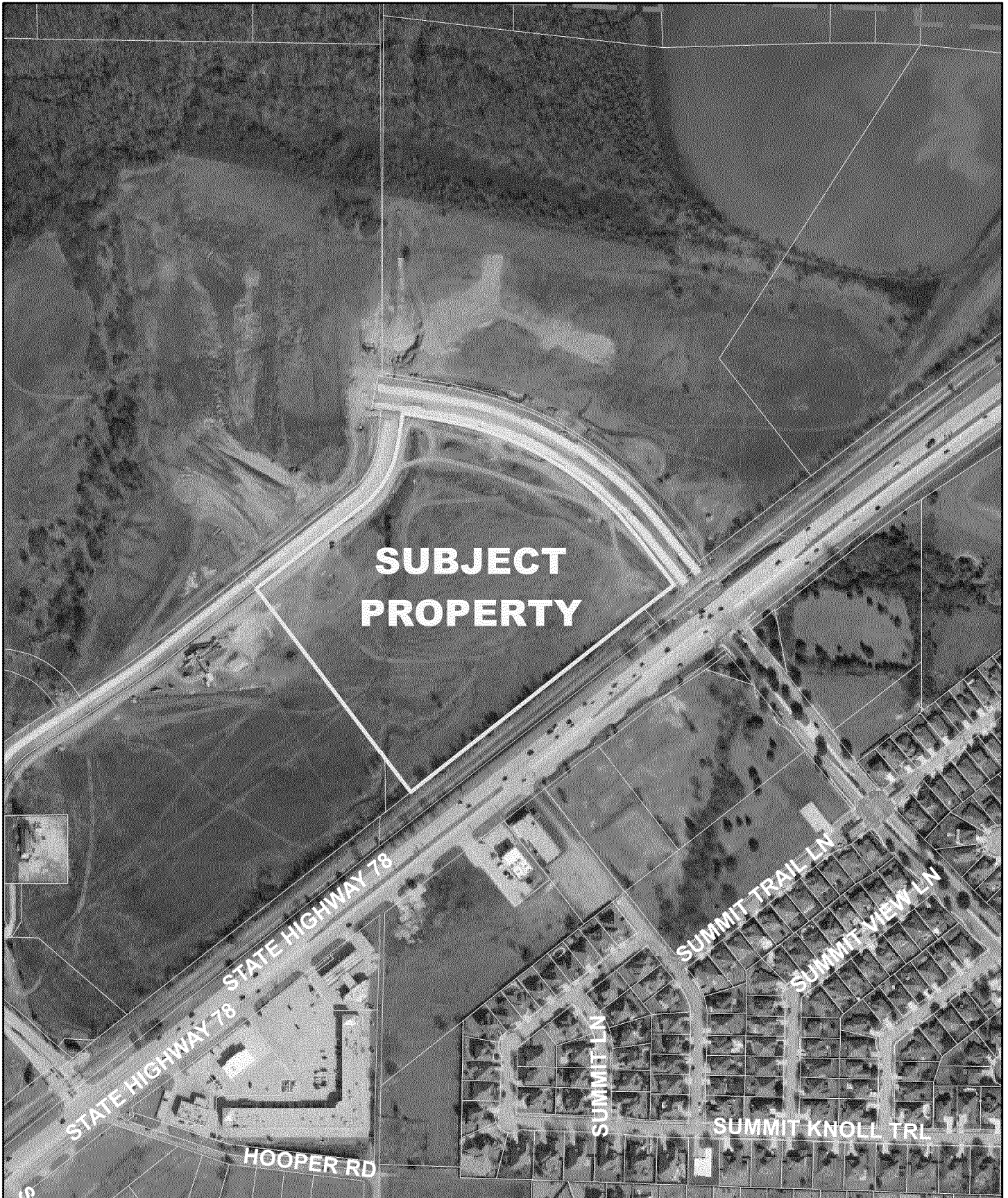


SUMMARY OF VARIANCES

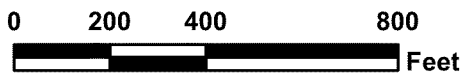
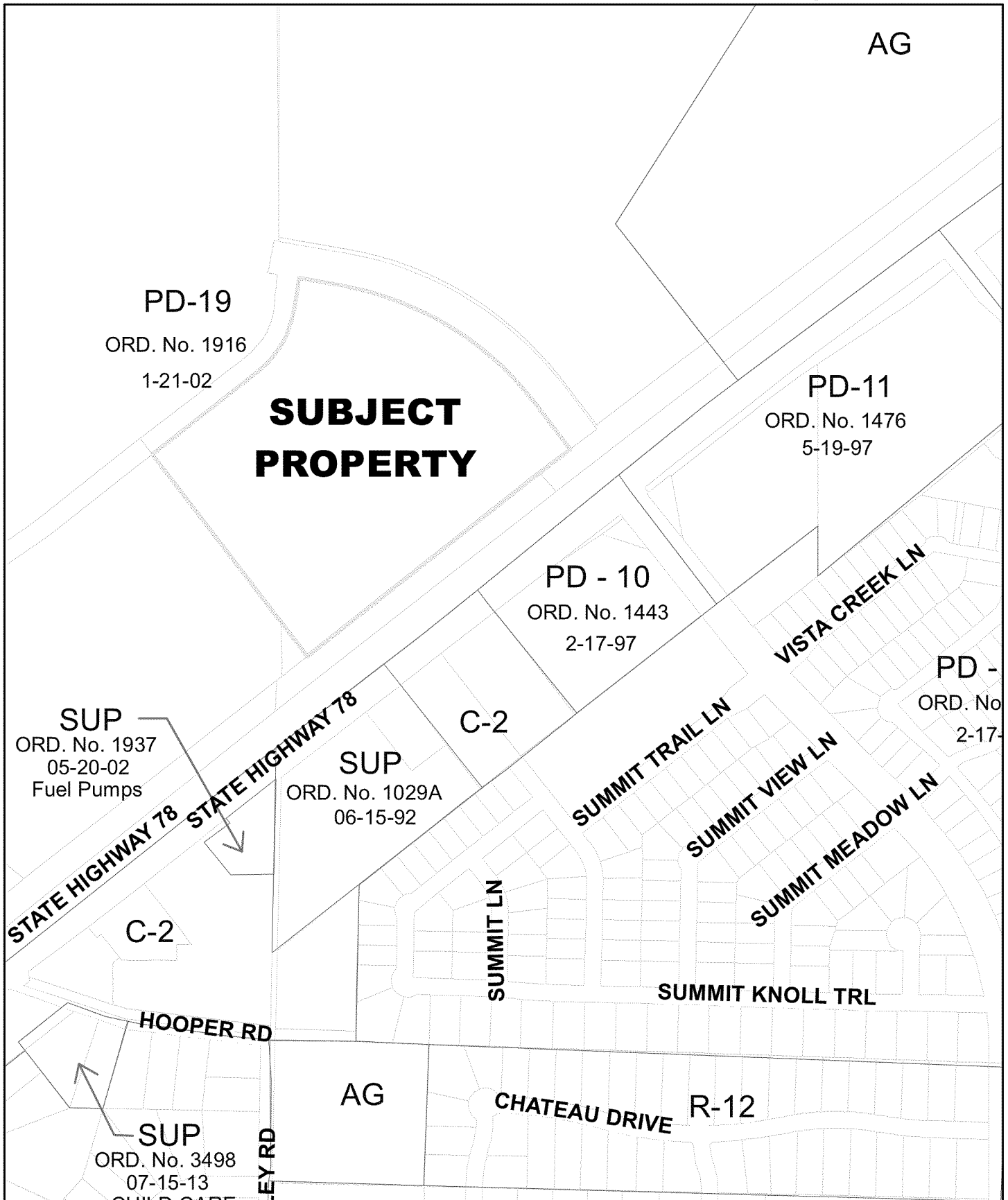
SIGN #2

- ☐ Variance #4: Permit a general business sign to be constructed with a maximum sign area of 64 square feet.





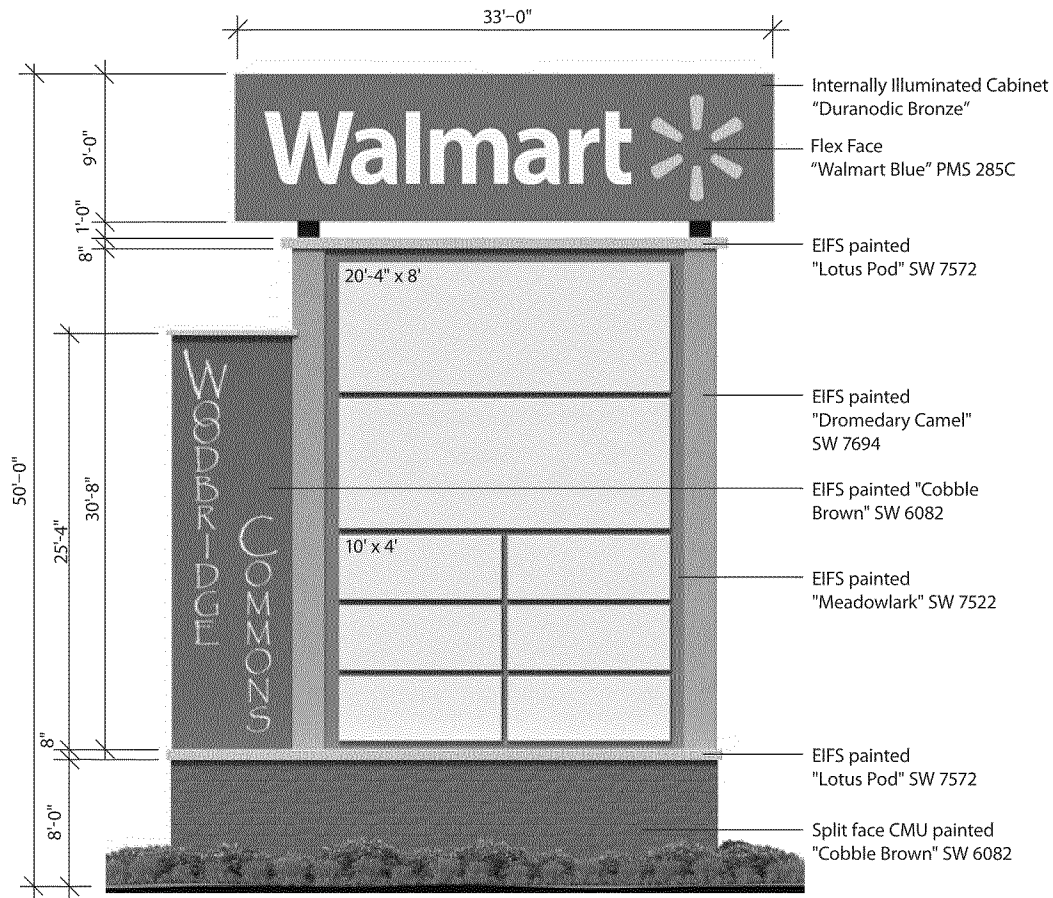
	0 200 400 800 Feet	AERIAL LOCATION MAP <i>Woodbridge West Tract C-3</i> <i>Signage Variance (M13-02)</i> <i>Map Created: November 22, 2013</i>
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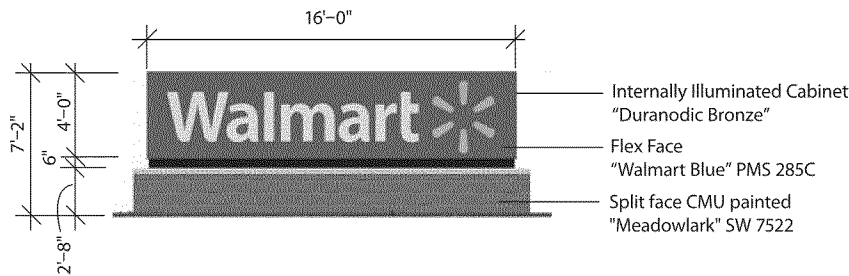
ZONING IDENTIFICATION MAP

*Woodbridge West Tract C-3
Signage Variance (M13-02)
Map Created: November 22, 2013*

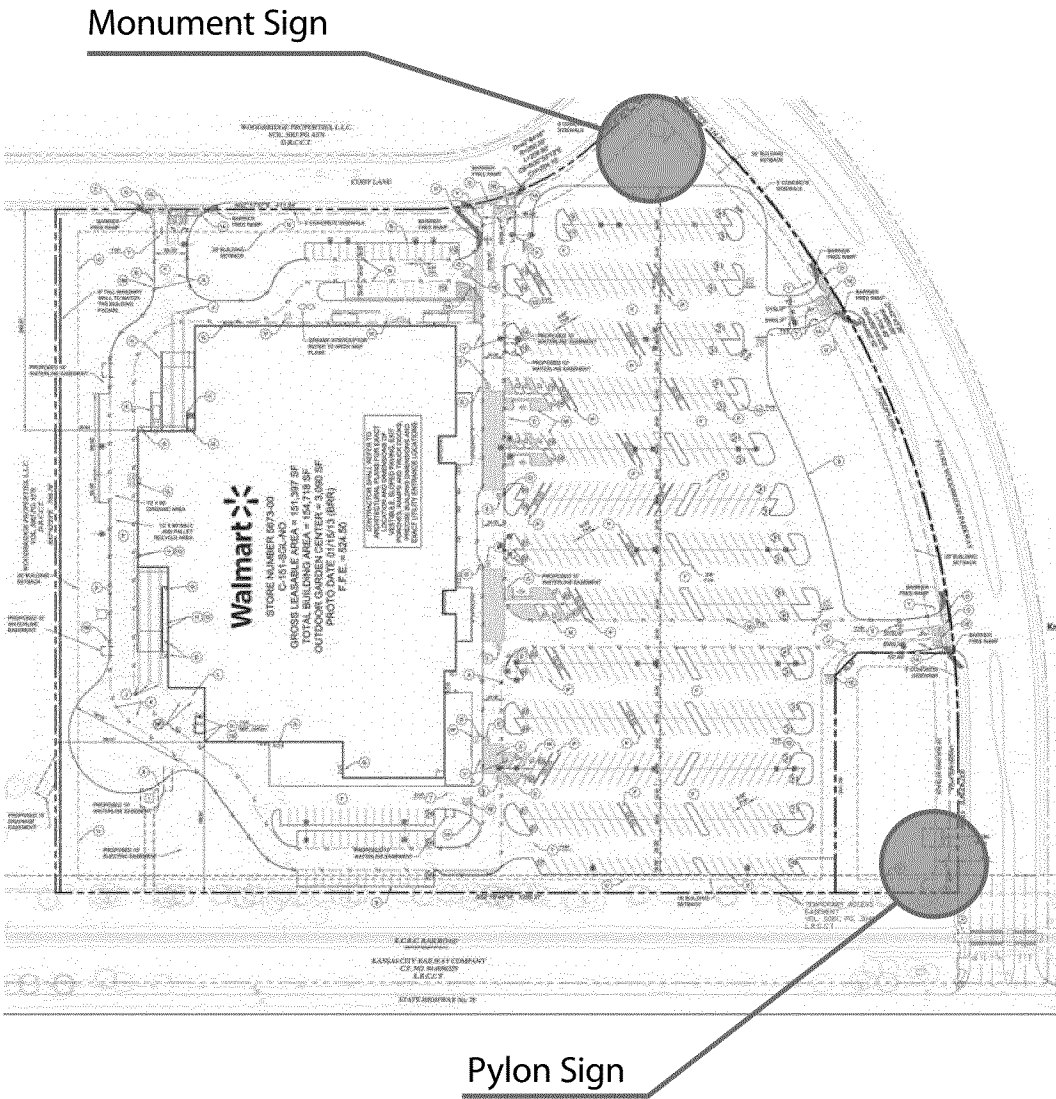
Sign	Qty.	Illumination	Area (S.F.)	Total S.F.
Walmart*	1	Internal	297.00	297.00
Walmart*	1	Internal	64.00	64.00
Total Site Signage				361.00



50' Pylon Sign Front Elevation Opt 1



Monument Sign Front Elevation



Pylon Sign



SGA Design Group, P.C.



November 12, 2013

Daryl L. Bray #17200
NOTE: Not for regulatory approval,
permitting, or construction.

Sachse, Texas #5673 - New Store

Site Signage Calculations



SGA Design Group

November 12th, 2013

LETTER OF INTENT

City of Sachse, TX.

Re: Wal-mart Sign Variance

The subject property is located at the southwest corner of Woodbridge Parkway and State Highway 78. The property zoning is defined in Planned Development 19, Ordinance No. 1916, as C-2 Commercial. Wal-mart has submitted plans to the City of Sachse to construct a supercenter on the property with over 154,000-sf of building area.

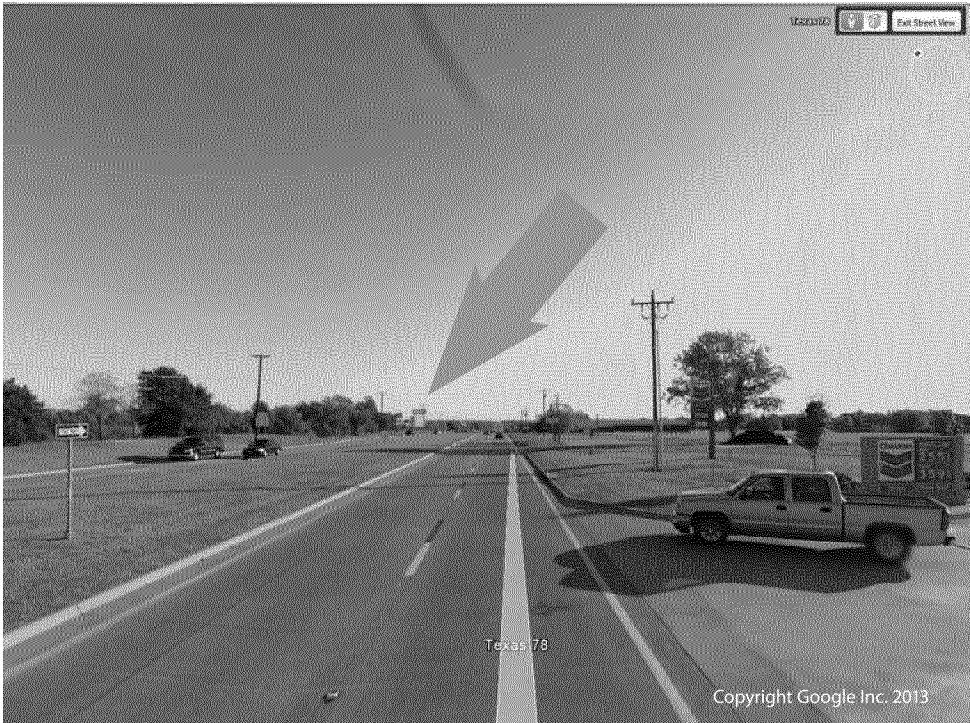
We are requesting a variance from the Cod of Ordinances, Chapter 3, Building Regulations, Sec. 3-10.C(3)(e) to permit a general business sign to be constructed with a maximum sign area of 64 square feet; for the property generally located on the northwest side of SH78/KCRC Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCRC Railroad rights-of-way; and a variance from Sec. 3-10.C(3)(a) to permit a freestanding identification sign to be constructed as a monument-style pylon sign using non-masonry materials; a variance from Sec. 3-10.C(3)(d)(i) to permit a freestanding identification sign to be constructed with a maximum height of 50-feet above grade; a variance from Sec. 3-10.C(3)(e) to permit a freestanding identification sign to be constructed with a maximum sign area of 863 square feet; a variance from Sec. 3-10.C(3)(e) to permit a general business sign to be constructed with a maximum sign area of 64 square feet; a variance from Sec. 3-10.C(3)(k) to permit the identification portion of a multi-purpose sign to have an area of 186 square feet; a variance from Sec. 3-10.C(3)(k) to permit the directory portion of the sign to have an area of 863 square feet; and a variance from Sec. 3-10.C(4) to permit an advertising sign, which is to be located on an adjacent out-lot generally located on the northwest side of SH78/KCRC Railroad, and on the south side of Woodbridge Parkway adjacent to the SH78/KCRC Railroad rights-of-way, with features as described below and will be available for tenant advertising for commercial properties located within the Woodbridge Commons Commercial Development. The basis for this request is the reduced visibility as a result of the tree line along State Highway 78 and the KCS railroad rights-of-way. As part of a sign study performed at the site, a bucket truck fully extended at 50-feet, was approximately the same line of sight as the tree line when approaching northbound on State Highway 78. Our understanding is the future development to the south intends to keep the existing tree line along their property line to assist with noise abatement. We are requesting a sign height of 50-feet and a display area of 297-sf for the Wal-mart tenant panel and 566-sf for multiple tenant panels on each side, be permitted due to these site constraints.

This submittal includes an updated development plan that presents a site layout which indicates the location of each sign, signage designs and contextual photos illustrating the proposed signs from various vantage points.

We appreciate your consideration and look forward to working with you on this and future projects.

Sincerely,


Chris Evertz
Project Manager



50' Pylon Photo Integration



50' Pylon Photo Integration



50' Pylon Photo Integration



50' Pylon Photo Integration



SGA Design Group, P.C. 	November 12, 2013	Daryl L. Bray #17200 NOTE: Not for regulatory approval, permitting, or construction.	Sachse, Texas #5673 - New Store	Site Signage Views	
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DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION The building images shown are a representation of the current design intent only. The building images may not reflect variations in color, tone, hue, tint, shading, ambient light intensity, materials, texture, contrast, font style, construction variations required by building codes or inspectors, material availability or final design detailing.



50' Pylon Photo Integration



50' Pylon Photo Integration





View from Speedy Food Mart - 1/3 mile - 50' Sign



SGA Design Group, P.C. 

November 12, 2013

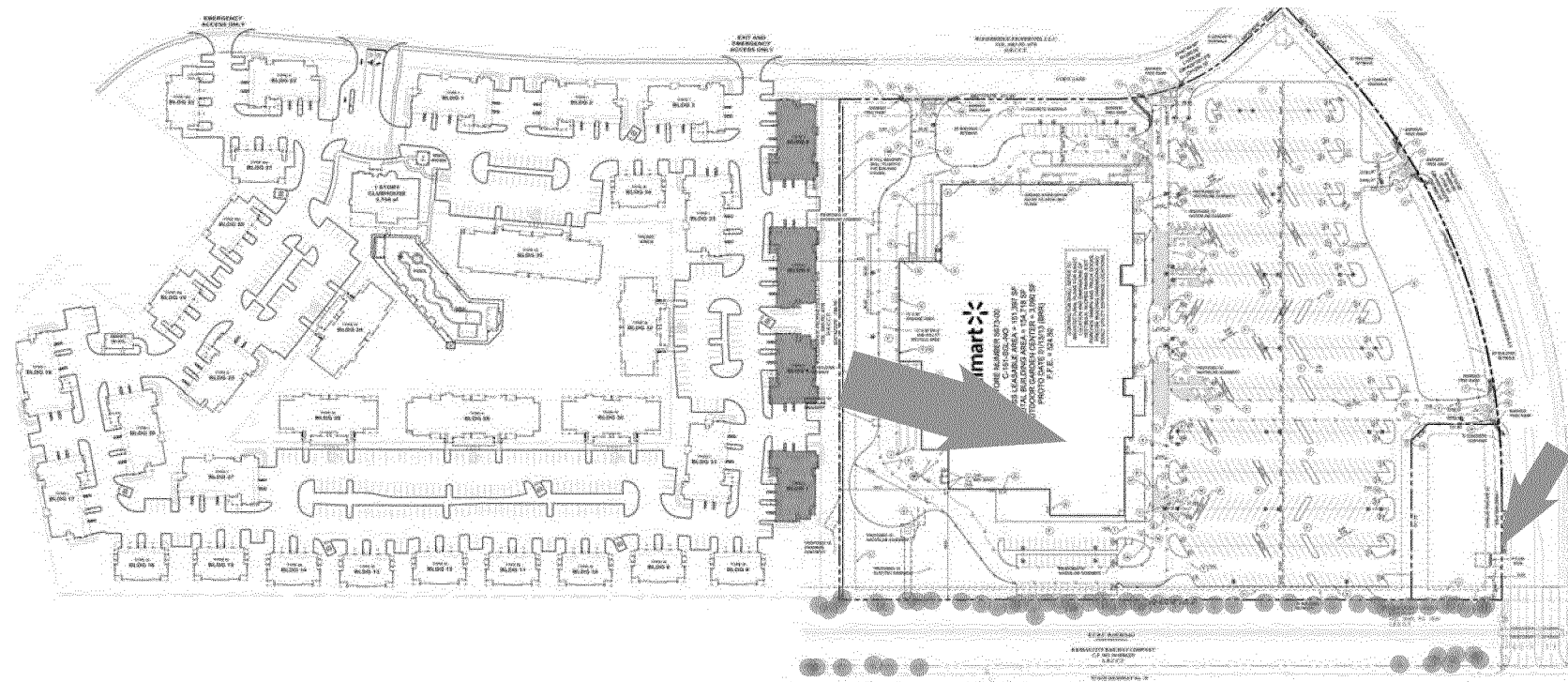
Daryl L. Bray #17200
NOTE: Not for regulatory approval,
permitting, or construction.

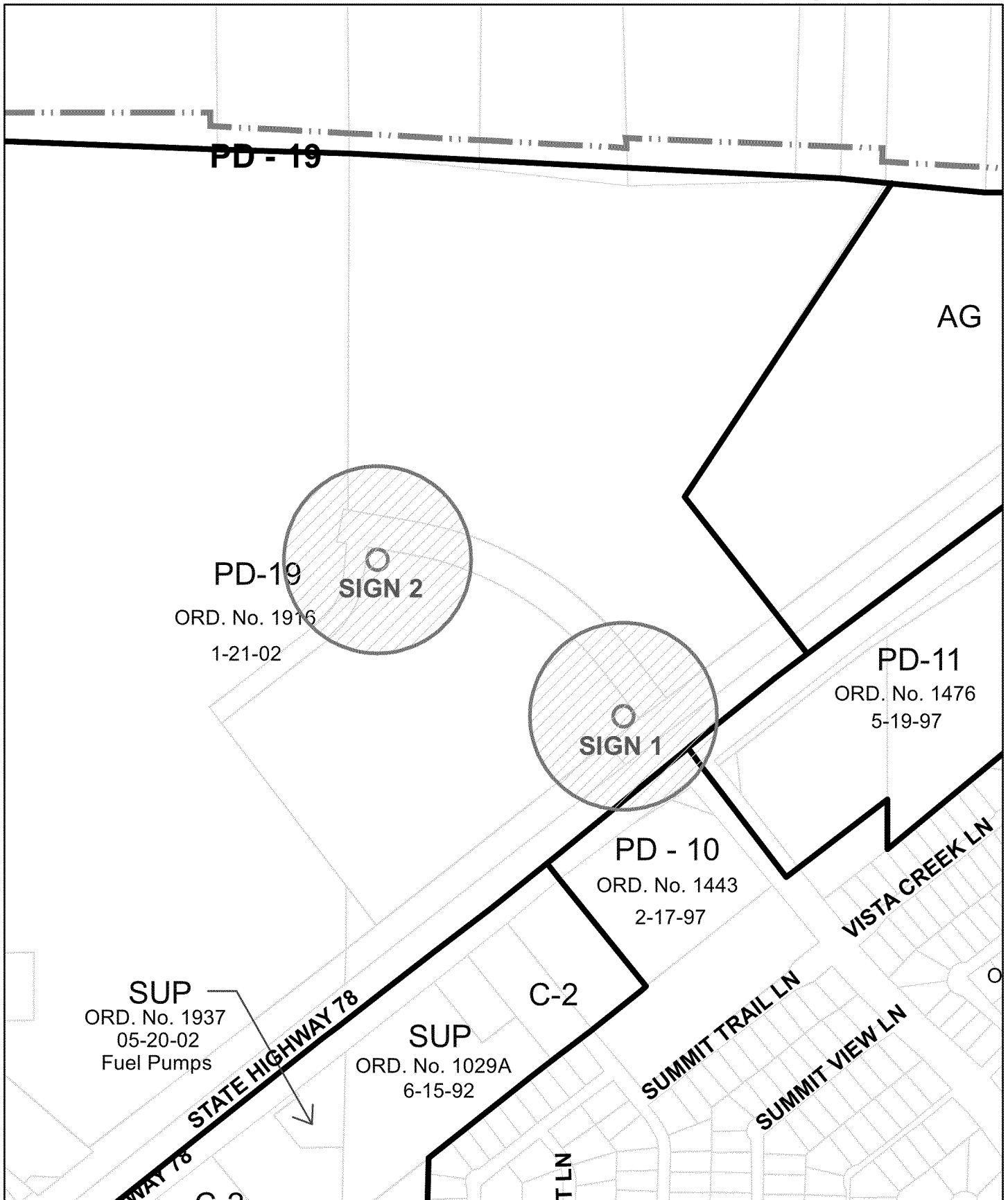
Sachse, Texas #5673 - New Store

Site Signage Views



View from Second Floor Apartment Upstairs - 8 Balconies with this view 24' above Walmart Finished Floor Elevation



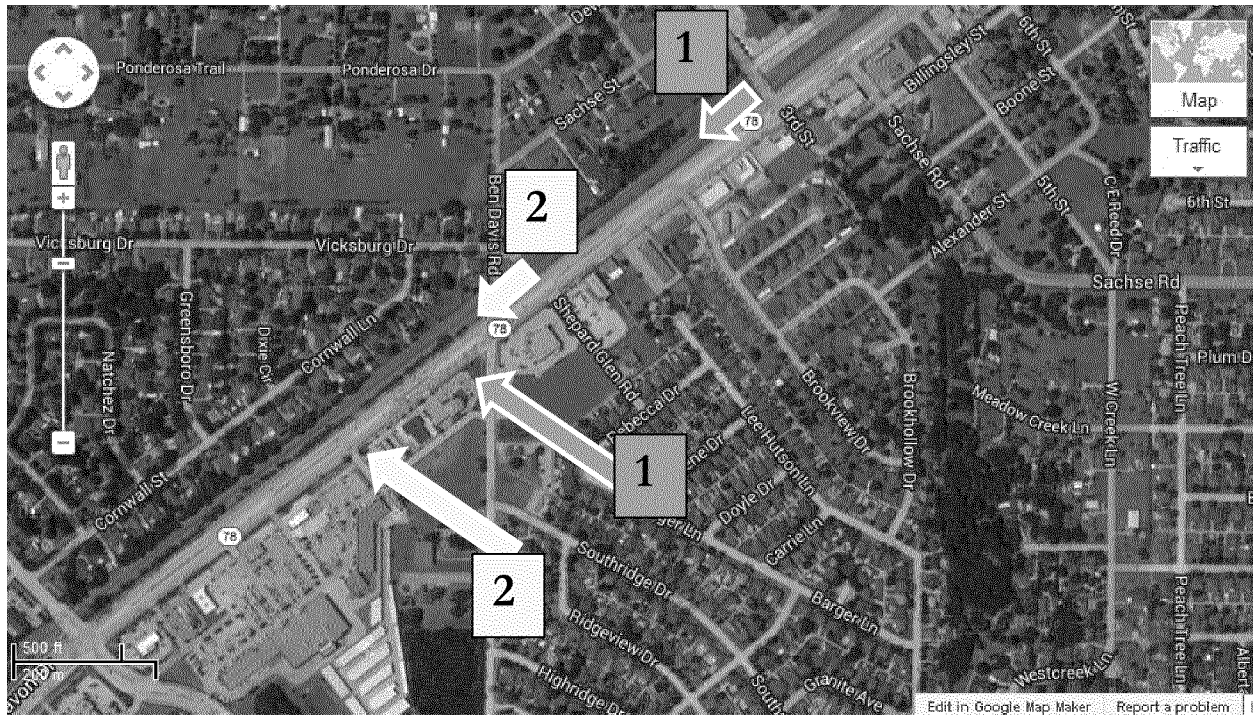


ZONING IDENTIFICATION MAP

WALMART SIGN LOCATION

250 FEET BUFFER

Map Created: August 27, 2013



Picture#1r

- From 3rd Street looking south along SH78
- Kroger Sign identified is approximately 1,700 feet away (0.3-miles)



Picture#2r

- From Ben Davis looking south along SH78
- Kroger Sign identified is approximately 1,100 feet away (0.2 miles)





Legislation Details (With Text)

File #:	13-1933	Version:	1	Name:	Discuss & Consider E-Cigarette Regulations in the City of Sachse
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/26/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	

Title: Discuss and consider an ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 12, "Miscellaneous Regulations," by adding Section 12-5, "E-Cigarette Regulations," for the purpose of prohibiting the sale and distribution of electronic cigarettes to minors and prohibiting the use and possession of electronic cigarettes by minors.

Executive Summary

E-Cigarettes and the materials they vaporize for the purpose of inhaling are currently available in stores and are currently unregulated. As a result, they are available for minors to purchase as a means to inhale the addictive drug nicotine. Despite various calls for the Food and Drug Administration to regulate these materials, no action has been taken. The purpose of this item is to provide the City Council with the opportunity to discuss e-cigarettes sales to minors in Sachse and possibly take action on regulating sales to minors.

Sponsors:

Indexes:

Code sections:

Attachments: [51SACHSE Ordinance Re Electronic Cigarette Sales to Minors63728.pdf](#)
[Assn of Attys General Letter.pdf](#)

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

Title

Discuss and consider an ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 12, "Miscellaneous Regulations," by adding Section 12-5, "E-Cigarette Regulations," for the purpose of prohibiting the sale and distribution of electronic cigarettes to minors and prohibiting the use and possession of electronic cigarettes by minors.

Executive Summary

E-Cigarettes and the materials they vaporize for the purpose of inhaling are currently available in stores and are currently unregulated. As a result, they are available for minors to purchase as a means to inhale the addictive drug nicotine. Despite various calls for the Food and Drug Administration to regulate these materials, no action has been taken. The purpose of this item is to provide the City Council with the opportunity to discuss e-cigarettes sales to minors in Sachse and possibly take action on regulating sales to minors.

Background

E-Cigarettes are used to deliver the addictive drug nicotine and are not currently regulated by the U.S. Food and Drug Administration (FDA) unlike other nicotine source products which generally fall into one of two regulated categories: "tobacco products" and "nicotine

replacement products". While there have been requests for the FDA to regulate e-cigarettes, like the letter attached to this agenda item from the National Association of Attorneys General, no regulations have been enacted to date. As a result, a minor may legally purchase e-cigarettes and the materials they vaporize in Sachse. Some vendors may choose to withhold the sale of e-cigarettes to minors, but there is no requirement to prevent the sale to minors from happening.

Until e-cigarettes are regulated by either the FDA or the Texas Department of State Health Services, there are two main courses of actions the City of Sachse may pursue to affect e-cigarette proliferation or sale in Sachse. One alternative is to regulate zoning. City Staff is currently working with the City Attorney's office to develop draft zoning regulations for review by the Planning and Zoning Commission (P&Z) and the City Council. This process will take time. After required public notifications are published, City Staff plans on bringing regulations to P&Z and Council in January 2014.

The second course of action available to the City Council is to regulate the sale of e-cigarettes to minors directly. This course of action can take place more expeditiously than regulating through zoning. This agenda item is being presented to provide the Council with the opportunity to discuss the sale of e-cigarettes to minors and to possibly take action.

Several sources cite specific concerns regarding the proliferation of e-cigarettes, especially to minors. Some of those concerns include the following items.

- e-cigarettes are marketed in a way that can appeal to minors.
- e-cigarettes are flavored in a way that can make them more appealing to minors.
- e-cigarettes contain the addictive drug nicotine.
- e-cigarettes were tested by the FDA and found to contain substances that are known to cause cancer.¹

¹Ebbert, J. (August 2, 2013). Very Little Known About Health Effects of E-Cigarettes. Retrieved from <http://www.mayoclinic.org/medical-edge-newspaper-2013/aug-02b.html>

Policy Considerations

The purpose of this item is to discover Council's desire to develop a City policy toward the sale of e-cigarettes to minors. Currently, the sale of e-cigarettes to minors is not regulated at the state or national levels.

Budgetary Considerations

None.

Staff Recommendations

Approve an ordinance of the City of Sachse, Texas, amending the Code of Ordinances, Chapter 12, "Miscellaneous Regulations," by adding Section 12-5, "E-Cigarette Regulations," for the purpose of prohibiting the sale and distribution of electronic cigarettes to minors and prohibiting the use and possession of electronic cigarettes by minors.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, "MISCELLANEOUS REGULATIONS," BY ADDING SECTION 12-5, "E-CIGARETTE REGULATIONS," FOR THE PURPOSE OF PROHIBITING THE SALE AND DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS AND PROHIBITING THE USE AND POSSESSION OF ELECTRONIC CIGARETTES BY MINORS; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the sale and production of electronic cigarettes (or e-cigarettes), which deliver nicotine to users via a vaporized solution, are not currently regulated by the U.S. Food and Drug Administration ("FDA") or state law;

WHEREAS, initial studies performed by the FDA have found that e-cigarettes contain carcinogens and other unknown contents that can pose health risks to users and the public;

WHEREAS, the City Council recognizes that e-cigarettes are heavily marketed to Minors;

WHEREAS, the City Council finds that amending the Code of Ordinances to include regulation of the sale and possession of e-cigarettes to and by minors is in the best interests of the City of Sachse and will promote the health, safety and welfare of the citizens of the City of Sachse and the general public.

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

SECTION 1. That Chapter 12, "Miscellaneous Regulations," of the Sachse Code of Ordinances is hereby amended by adding Section 12-5, "E-Cigarette Regulations," to read as follows:

"Sec. 12-5. E-Cigarette Regulations

- A. *Purpose.* The purpose of this section is to prohibit the purchase, use, or possession of e-cigarettes by minors; and prohibit the sale of e-cigarettes to minors, hereinafter defined within the city limits of the City of Sachse.
- B. *Definitions.*
 - 1. "Electronic Cigarette" or "E-Cigarette" shall mean any device that uses an atomizer or similar device that allows users to inhale nicotine vapor or other vapor without the use of fire, smoke, or ash. The definition of *e-cigarette* shall include, but is not limited to, electronic cigars, electronic

cigarillos, or electronic pipe, and any cartridge or other component of the device or related product.

2. “*Minor*” shall mean any individual younger than eighteen (18) years of age.
 3. “*Person*” shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.
- C. *Sell, distribution, or offering for sale to minors.* It shall be unlawful for any person to give, sell, distribute, or offer for sale any E-Cigarette to any minor within the territorial limits of the City of Sachse.
- D. *Use, purchase, or possession of e-cigarette by minor.* It shall be unlawful for any minor to use, purchase, or possess with intent to use any E-Cigarette within the territorial limits of the City of Sachse.
- E. *Purchase of e-cigarettes by a minor utilizing false information.* It shall be unlawful for any minor, in order to acquire an e-cigarette, to state to any person engaged in the business of selling e-cigarettes that such minor is 18 years of age or older, or presents to any such person a document or writing that purports to establish that such minor is 18 years of age or older.
- F. *Defense.* It shall be a defense to a violation of subsection D and E above if the minor is:
1. In the course and scope of the minor's employment by a person or entity holding a permit issued by the state authorizing the person to engage in the business of being a distributor, wholesaler, bonded agent or retailer of e-cigarettes; or
 2. In the presence of a parent, guardian, spouse or other adult to whom the minor had been committed by a court.”

SECTION 2. That all ordinances of the City of Sachse, Dallas County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as

amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. That this ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sachse, Texas, this the _____ day of _____, 2013.

APPROVED:

Mike Felix,
Mayor

DULY ENROLLED:

Terry Smith,
City Secretary

APPROVED AS TO FORM:

Peter G. Smith,
City Attorney
(11-25-2013/63728)



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Maryland Attorney General

EXECUTIVE DIRECTOR

James McPherson

September 24, 2013

The Honorable Margaret Hamburg, Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: FDA Regulation of E-Cigarettes

Dear Commissioner Hamburg,

The undersigned Attorneys General write to urge the Food and Drug Administration (FDA) to take all available measures to meet the FDA's stated deadline of October 31, 2013, to issue proposed regulations that will address the advertising, ingredients, and sale to minors of electronic cigarettes (also known as e-cigarettes).

State Attorneys General have long fought to protect their States' citizens, particularly youth, from the dangers of tobacco products. For example, every State Attorney General sued the major cigarette companies for the harm their products caused. With the protection of our States' citizens again in mind, the undersigned Attorneys General write to highlight the need for immediate regulatory oversight of e-cigarettes, an increasingly widespread, addictive product.

As you know, e-cigarettes are battery-operated products designed to deliver nicotine to the user by heating liquid nicotine, derived from tobacco plants, along with flavors and other chemicals, into a vapor that the user inhales. The nicotine found in e-cigarettes is highly addictive, has immediate bio-chemical effects on the brain and body at any dosage, and is toxic in high doses.¹

E-Cigarette Sales are Growing Exponentially Using Marketing that Includes Television

Sales of e-cigarettes have grown rapidly in the United States, and after doubling every year since 2008, sales in 2013 are now accelerating even faster and projected to reach \$1.7 billion.² The cost of e-cigarettes has fallen

¹ U.S. Surgeon General, U.S. Department of Health and Human Services, *The Health Consequences of Smoking: Nicotine Addiction* (1988); Emergency Response Safety and Health Database, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, http://www.cdc.gov/niosh/ershdb/EmergencyResponseCard_29750028.html

² Compare Josh Sanburn, *Can Electronic Cigarettes Challenge Big Tobacco?*, Time.com, Jan. 8, 2013, available at <http://business.time.com/2013/01/08/can-electronic-cigarettes-challenge-big-tobacco/>, (estimating 2013 sales at \$1 billion), with Stuart Elliot, *E-Cigarette Makers' Ads Echo Tobacco's Heyday*, New York Times, Aug. 29, 2013, available at <http://www.nytimes.com/2013/08/30/business/media/e-cigarette-makers-ads-echo-tobaccos-heyday.html>, (estimating 2013 sales at \$1.7 billion).

dramatically, as well, making them more affordable, and thus more attractive to young people. Unlike traditional tobacco products, there are no federal age restrictions that would prevent children from obtaining e-cigarettes, nor are there any advertising restrictions.

Along with the growth of e-cigarette sales, there has also been a growth of e-cigarette advertising over the past year. For example, in this year's Super Bowl broadcast, NJOY e-cigarettes purchased a 30-second television advertisement slot which reached at least 10 million viewers in certain markets and reportedly translated into a dramatic 30-40% increase in sales.³ The advertisement depicted an attractive man smoking an e-cigarette that looked just like a real cigarette. Since then, advertisements for e-cigarettes have regularly appeared on primetime television, making it easier for those advertisements to reach children. Moreover, e-cigarettes are not being marketed as smoking cessation devices, but rather as recreational alternatives to real cigarettes. Consumers are led to believe that e-cigarettes are a safe alternative to cigarettes, despite the fact that they are addictive, and there is no regulatory oversight ensuring the safety of the ingredients in e-cigarettes.

E-Cigarettes Appeal to Youth

E-cigarettes contain fruit and candy flavors -- such as cherry, chocolate, gummy bear, and bubble gum -- that are appealing to youth. The FDA has banned such flavors from cigarettes and should take the same action regarding e-cigarettes. E-cigarettes and refills of the liquid nicotine solution used with e-cigarettes can easily be ordered online without age verification. By intentional use or mistaken ingestion from the non-child resistant containers, e-cigarettes and liquid nicotine refills can deliver dangerously high doses of liquid nicotine to youth.

In addition to flavors, e-cigarette manufacturers, such as eJuiceMonkeys.com and Magic Puff City E-cigarettes, use cartoon monkeys to sell e-cigarettes,⁴ even though for many years, the major manufacturers of traditional cigarettes have been banned from using cartoons to advertise. Finally, e-cigarette manufacturers, such as White Cloud Cigarettes, offer reusable e-cigarette "skins" -- known as Vapor Jackets -- that are intended to make the e-cigarette desirable or fashionable and are available in a variety of patterns that appeal to children, one of which uses images from the popular video game, Angry Birds.⁵

Further, data from the 2011 and 2012 National Youth Tobacco Surveys (conducted by the Centers for Disease Control and Prevention) show that e-cigarette use among students doubled in the last year. Specifically, one in 10 high school students reported that they had tried an e-cigarette in the last year -- up from one in 20 in 2011, and 1.8 million middle and high school students said they had tried e-cigarettes in 2012.⁶ The increased usage among young people

³ Benjamin Wallace, *Smoke Without Fire*, New York Magazine, April 28, 2013, available at <http://nymag.com/news/features/e-cigarettes-2013-5/>.

⁴ See <http://ejuicemonkeys.com/> and <http://cityecigarettes.com/>

⁵ See <http://www.whitecloudelectroniccigarettes.com/accessories/vapor-jackets/>

⁶ Catherine Corey, *Notes from the Field: Electronic Cigarette Use Among Middle and High School Students – United States, 2011-2012*, Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, September 6, 2013, available at http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w

echoes the growth among adult users, and researchers indicated that aggressive marketing campaigns, in part, drove the increase.⁷

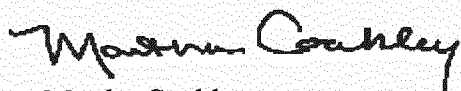
The FDA has Authority to Regulate E-cigarettes and Protect the Public

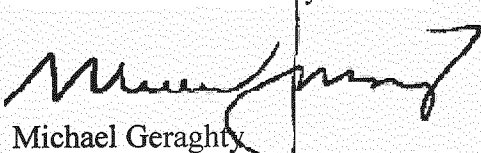
In the Tobacco Control Act, Congress recognized that nicotine is an addictive drug, and virtually all new users of tobacco products are under the age of eighteen and are therefore too young to legally purchase such products. Congress further found that tobacco advertising and marketing contributes significantly to the teenage use of nicotine-containing tobacco products. To help prevent children from using tobacco products, the Tobacco Control Act imposed restrictions on advertising and marketing to youth. These restrictions should be applied to e-cigarettes, as well, to safeguard children from nicotine addiction and other potential health effects of e-cigarettes.

The FDA has authority to regulate electronic cigarettes as “tobacco products” under the Tobacco Control Act, as they are products “made or derived from tobacco” that are not a “drug,” “device,” or combination product. Case law, such as *Sottera, Inc. v. Food & Drug Administration*, 627 F.3d 891 (D.C. Cir. 2010), further supports the contention that e-cigarettes are “made or derived from tobacco” and can be regulated as “tobacco products” under the Tobacco Control Act.

We ask the FDA to move quickly to ensure that all tobacco products are tested and regulated to ensure that companies do not continue to sell or advertise to our nation’s youth.

Very respectfully yours,


Martha Coakley
Massachusetts Attorney General


Michael Geraghty
Alaska Attorney General


Dustin McDaniel
Arkansas Attorney General


Mike DeWine
Ohio Attorney General


Tom Horne
Arizona Attorney General


Kamala Harris
California Attorney General

⁷ Sabrina Tavernise, *Rise Is Seen in Students Who Use E-Cigarettes*, New York Times, September 5, 2013, available at <http://www.nytimes.com/2013/09/06/health/e-cigarette-use-doubles-among-students-survey-shows.html>


John Suthers
Colorado Attorney General

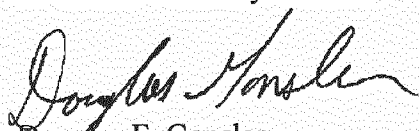

Joseph R. "Beau" Biden III
Delaware Attorney General


David Louie
Hawaii Attorney General


Lisa Madigan
Illinois Attorney General


Tom Miller
Iowa Attorney General

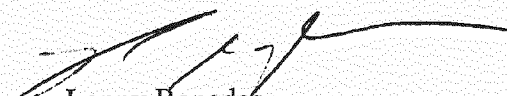

James "Buddy" Caldwell
Louisiana Attorney General


Douglas F. Gansler
Maryland Attorney General

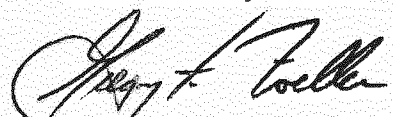

Lori Swanson
Minnesota Attorney General

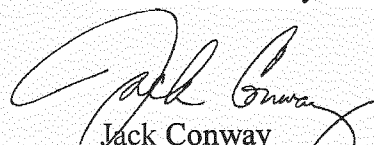

Chris Koster
Missouri Attorney General


George Jepsen
Connecticut Attorney General


Lenny Rapadas
Guam Attorney General

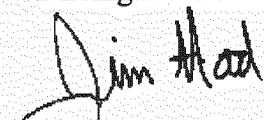

Lawrence Wasden
Idaho Attorney General


Greg Zoeller
Indiana Attorney General


Jack Conway
Kentucky Attorney General


Janet Mills
Maine Attorney General

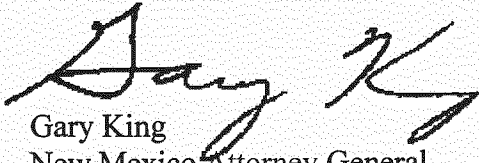

Bill Schuette
Michigan Attorney General


Jim Hood
Mississippi Attorney General


Tim Fox
Montana Attorney General



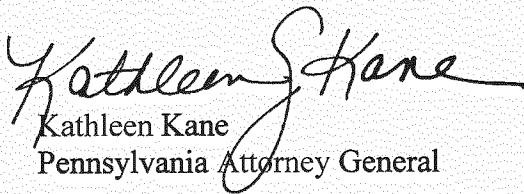
Catherine Cortez Masto
Nevada Attorney General



Gary King
New Mexico Attorney General



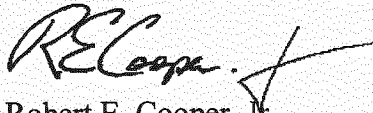
Roy Cooper
North Carolina Attorney General



Kathleen Kane
Pennsylvania Attorney General



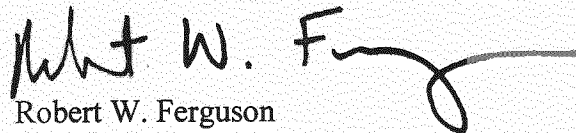
Peter Kilmartin
Rhode Island Attorney General



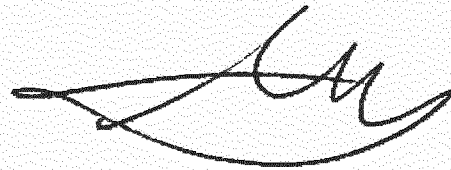
Robert E. Cooper, Jr.
Tennessee Attorney General



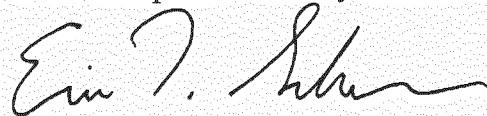
William H. Sorrell
Vermont Attorney General



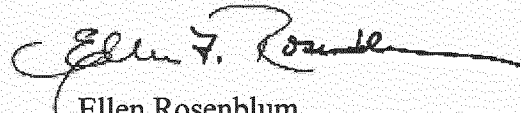
Robert W. Ferguson
Washington Attorney General



Joseph Foster
New Hampshire Attorney General



Eric T. Schneiderman
New York Attorney General



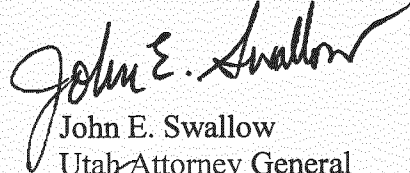
Ellen Rosenblum
Oregon Attorney General



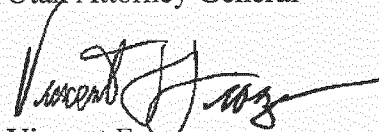
Luis Sánchez Betances
Puerto Rico Attorney General



Marty J. Jackley
South Dakota Attorney General



John E. Swallow
Utah Attorney General



Vincent Frazer
Virgin Islands Attorney General



Peter K. Michael
Wyoming Attorney General



Legislation Details (With Text)

File #:	13-1929	Version:	1	Name:	CD - LANDSCAPING COO AMEND CC
Type:	Agenda Item	Status:		Status:	Agenda Ready
File created:	11/26/2013	In control:		In control:	City Council
On agenda:	12/2/2013	Final action:		Final action:	
Title:	Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 3, Building Regulations by relocating and amending Article II, "Tree Preservation" to Chapter 11, "Zoning", Article 4, "General Provisions Applying to All or Several Districts", creating a new Section 11, titled "Landscaping and Screening"; by relocating screening and site landscaping provisions from Chapter 11, "Zoning", Article 3, "[Districts]" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 7, "Nonresidential Landscaping Requirements" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 8, "Residential Landscaping Requirements" to Section 11, "Landscaping and Screening". Executive Summary The purpose of this amendment is threefold: 1) reorganization of Code Sections for clarity; 2) provision of means for considering alternate landscape plans; 3) means of addressing potential conflicts where drought restrictions will not permit required landscaping to be planted.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	CD - LANDSCAPING COO AMEND CC - PRESENTATION.pdf CD - LANDSCAPING COO AMEND CC - DRAFT ORD.pdf CD - LANDSCAPING COO AMEND CC - ATTACHMENT 1.pdf				

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 3, Building Regulations by relocating and amending Article II, "Tree Preservation" to Chapter 11, "Zoning", Article 4, "General Provisions Applying to All or Several Districts", creating a new Section 11, titled "Landscaping and Screening"; by relocating screening and site landscaping provisions from Chapter 11, "Zoning", Article 3, "[Districts]" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 7, "Nonresidential Landscaping Requirements" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 8, "Residential Landscaping Requirements" to Section 11, "Landscaping and Screening".

Executive Summary

The purpose of this amendment is threefold: 1) reorganization of Code Sections for clarity; 2)

provision of means for considering alternate landscape plans; 3) means of addressing potential conflicts where drought restrictions will not permit required landscaping to be planted.

Background

City staff has conducted multiple workshops and discussions with City Council, Planning and Zoning Commission, and Parks and Recreation Board to elicit feedback. The main focus of the meetings was to determine minimum standards and the degree of oversight required depending upon deviation from strict standards. Emphasis was placed on providing landscaping options for development.

At the conclusion of these meetings, a consensus was reached by City Council regarding the proposed amendments to the Code; the proposed language reflects this consensus.

At the November 25, 2013, Planning and Zoning Commission meeting, the Commission recommended approval of the amendment with the following conditions:

- That Section 11.3.c be modified to contain language that in instances where a surety is posted for delaying landscape installation due to drought restrictions, the City require landscaping to be installed within 180 days after drought restrictions have been lifted.
- That Section 11.4.a be modified to require one-third of all required trees and shrubs planted are drought-tolerant in accordance with the trees and shrubs so noted in the Approved Plant List.

The recommended conditions of approval have been incorporated into the draft Ordinance attached to this agenda item staff report.

Policy Considerations

Concurrent with direction received by City Council and Planning and Zoning Commission at previous meetings, the Code will provide flexibility but still maintain objective standards that will not lend themselves to discretionary interpretation. The landscaping amendments will be divided into the following sections:

Proposed Code Sections

- 11.1 Purpose
- 11.2 Applicability
- 11.3 Administration and Enforcement
- 11.4 Required Landscaping
- 11.5 General Landscaping Requirements and Standards

- 11.6 Screening Standards
- 11.7 Tree Preservation
- 11.8 Alternative Landscape Plan
- 11.9 Approved Plant List

11.1 Purpose

This new section was added to define the purpose of the landscaping provisions. This section reflects the feedback provided during the September 4, 2012, Joint Meeting.

11.2 Applicability

This section defines the instances where the regulations would apply, with specific reference to where increases in development intensity would trigger conformance with the new provisions. Currently, the non-residential landscaping requirements are triggered on redevelopment when it entails a “30 percent or more increase in the existing square footage of building area and/or the addition of 20 or more parking spaces to the existing parking lot.” The new proposal would be somewhat more restrictive, whereby decreasing the threshold to be:

- the lesser of 10,000 square feet or 10% of the gross floor area; or
- an increase in the number of stories; or
- increases the impermeable lot coverage by more than 2,000 square feet; or
- a change in use where the improvements result in an increase of more than 30% of the tax appraised value.

Clarification will also be added to reflect the termination of legal nonconforming status would result in any change in use having to conform to current regulations.

It should also be noted that existing provisions in the Mixed Use District and Turnpike Overlay District will supersede these requirements where a conflict exists.

11.3 Administration and Enforcement

This section addresses application requirements and inserts new provisions directed toward the deferral of planting. Existing application requirements (e.g., number of copies, scale of plans, tree species identification, etc.) are embedded in the existing Code. The new language will simply state that an application for a Landscape Plan will need to conform to the application requirements as specified by the Director of Community Development or his/her designee. This would save future zoning ordinance amendments for mundane changes to Landscape Plan application requirements.

Requirements addressing the deferral of planting requirements will also be added to the

Code. Proposed landscape regulations require that landscaping be installed prior to the issuance of a Certificate of Occupancy. If North Texas Municipal Water District were to institute stricter drought standards (e.g. Stage 4 Restrictions) that prohibit the planting/watering of new landscaping, this would create a dilemma in Code requirements. The new language attempts to address this dilemma in anticipation of its possible eventuality.

There will be two options that will allow for the issuance of a Certificate of Occupancy prior to the installation of necessary landscaping. The first option will be the posting of a surety (e.g., irrevocable letter of credit or cash escrow equivalent) in the amount of 135% of the costs for the installation of landscaping. This first option would also include the installation of erosion control measures while the landscape installation is being deferred. The second option would be seeking an Alternative Landscape Plan in conjunction with a variance from the City Manager from complying with water restrictions. The second option will require the applicant to demonstrate the use of water conservation measures (e.g., xeriscaping) and how these measures will contribute to both a short-term and long-term reduction in water usage. These variance will require strict scrutiny if they are to be granted.

11.4 Required Landscaping

This section includes the majority of the landscaping regulations. The code will be structured into the following sections.

- Perimeter Buffer Landscape Requirements
- Off-Street Parking Landscaping Requirements
- Single-Family Residential Development Requirements

Perimeter landscaping will be comprised of Right-of-Way (ROW) buffers, Compatibility Buffers and Incompatibility Buffers (See Attachment 1). The buffer widths and composition of landscaping materials will be dependent upon adjacent uses.

Off-Street Parking requirements will be largely the same as previous requirements with the exception that landscape islands must be located no farther apart than every 12 parking spaces and at the terminus of all rows of parking; and terminal landscape islands shall contain at least one tree.

Single-Family residential requirements will remain the same as prior requirements.

11.5 General Landscaping Requirements and Standards

This section simply groups the minimum plant material size requirements into one central

location. For instance the minimum sizes of canopy trees, ornamental trees and shrubs will be defined. Additional provisions associated with maintenance and irrigation will also be provided.

11.6 Screening Standards

Screening standards are currently located within each individual zoning district, with most of the language being redundant. The standards will now be organized in one central Code section.

Screening standards will be provided for screening the following types of equipment:

- Service and Off-Street Loading Spaces
- Dumpster and Trash Compactors

In addition standards will be provided for both masonry walls and living screens. Masonry wall standards will be consistent with the City Standard Construction Details. The Living Screen standards will consist of a combination of berm and/or evergreen shrubs and a metal fence.

11.7 Tree Preservation

The tree preservation requirements that are currently located in Article II of the Building Regulations will be relocated to this Section. This section was previously amended on January 21, 2013 via Ordinance No. 3448. The only change being proposed is the requirement that only “protected trees” be included in the tree survey performed. The current language requires all trees greater than three caliper inches be included in the tree survey.

11.8 Alternative Landscape Plan

Provisions for an Alternative Landscape Plan (ALP) will be an option available for development. The purpose of the ALP will be to provide alternative landscaping options where unique characteristics of the property might prevent the traditional landscaping from being installed.

The ultimate approval body (e.g., Planning and Zoning Commission or City Council) will depend on the size of the site being developed. Staff is currently proposing that the Planning and Zoning Commission be responsible for considering all ALP’s less than one gross acre and containing less than 250 lineal feet of property frontage. All ALP’s greater in size shall be considered by City Council.

The following sections of the Landscape Ordinance will be eligible for consideration as an

ALP:

- Perimeter Buffer Landscape Requirements; Trees and Shrubs
- Perimeter Buffer Landscape Requirements, ROW Buffer Width
- Perimeter Buffer Landscape Requirements, Compatibility Buffer Standards
- Perimeter Buffer Landscape Requirements, Incompatibility Buffer Standards
- Single-Family Residential Development Requirements, Entryway Areas
- Single-Family Residential Development Requirements, Masonry Wall Requirements
- Dumpster and Trash Compactor Screening

11.9 Approved Plant List

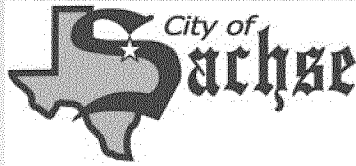
One uniform plant list will be provided in one section of the Code. This plant list will be more extensive than the current lists provided; therefore, providing more flexibility, which is in line with the direction provided at the prior Joint Workshop held. Furthermore, native plant species/drought tolerant plants will be identified and encouraged to be utilized.

Budgetary Considerations

None.

Staff Recommendations

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 3, Building Regulations by relocating and amending Article II, "Tree Preservation" to Chapter 11, "Zoning", Article 4, "General Provisions Applying to All or Several Districts", creating a new Section 11, titled "Landscaping and Screening"; by relocating screening and site landscaping provisions from Chapter 11, "Zoning", Article 3, "[Districts]" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 7, "Nonresidential Landscaping Requirements" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 8, "Residential Landscaping Requirements" to Section 11, "Landscaping and Screening".



CITY COUNCIL

DECEMBER 2, 2013

REQUEST

Conduct a public hearing and consider an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 3, Building Regulations by relocating and amending Article II, "Tree Preservation" to Chapter 11, "Zoning", Article 4, "General Provisions Applying to All or Several Districts", creating a new Section 11, titled "Landscaping and Screening"; by relocating screening and site landscaping provisions from Chapter 11, "Zoning", Article 3, "[Districts]" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 7, "Nonresidential Landscaping Requirements" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 8, "Residential Landscaping Requirements" to Section 11, "Landscaping and Screening".



BACKGROUND

HISTORY / TIMELINE

- ❑ May 21, 2012 – City Council Discussion
- ❑ June 11, 2012 – Planning & Zoning Commission Discussion
- ❑ September 4, 2012 – Joint City Council / Planning & Zoning Commission Workshop
- ❑ March 4, 2013 – City Council Discussion
- ❑ November 14, 2013 – Parks & Recreation Board Discussion
- ❑ November 25, 2013 – Planning & Zoning Commission Public Hearing and Recommendation
- ❑ *December 2, 2013 – City Council Public Hearing and Final Consideration*



BACKGROUND

P & Z COMMISSION RECOMMENDATION

Planning & Zoning Commission recommended approval of the amendment with the following conditions:

- ❑ That Section 11.3.c be modified to contain language that in instances where a surety is posted for delaying landscape installation due to drought restrictions, the City require landscaping to be installed within 180 days after drought restrictions have been lifted.
- ❑ That Section 11.4.a be modified to require one-third of all required trees and shrubs planted are drought-tolerant in accordance with the trees and shrubs so noted in the Approved Plant List.



BACKGROUND

REVIEW OF PREVIOUS MEETINGS

- What is Xeriscaping?
- Areas Potentially Impacted by Changes
 - Agricultural: 1,500 acres
 - Vacant/Underutilized Commercial: 50-100 acres
- Different Levels of Approval
 - By Right
 - By Right (with minor modifications)
 - Alternative Plan



LANDSCAPING EXAMPLE

NON-RESIDENTIAL



Under Sachse's landscaping standards,
this is possible...



LANDSCAPING EXAMPLE NON-RESIDENTIAL



...and this is also possible on the same corridor and zoning district as the previous site.



LANDSCAPING EXAMPLE NON-RESIDENTIAL



The Landscape Ordinance determines the outcome.



JOINT WORKSHOP

GENERAL FEEDBACK

Site Design

- ☐ Hardscape as an option for landscaping
- ☐ Utilize techniques such as Crime Prevention Through Environmental Design to reduce the amount of safety that could be compromised
- ☐ Consider safety at corners of development
- ☐ Different types of design might be appropriate in different areas of the City
- ☐ Make sure landscape design is not overly burdensome with respect to cost
- ☐ Offer options in landscaping to be provided



JOINT WORKSHOP

GENERAL FEEDBACK

Buffering

- ☐ Should be area/use-specific (i.e., depends upon the type of use and adjacent uses).
- ☐ Should not be so dense as to obscure commercial visibility

Conservation and Environment

- ☐ Choosing native/drought-tolerant species of plants/trees
- ☐ Incorporate species diversity
- ☐ Water conservation considered in design

Soil Protection

- ☐ Incorporate measures to ensure soil protection



PROPOSED AMENDMENTS

CODE SECTIONS

- ☐ Purpose
- ☐ Applicability
- ☐ Administration and Enforcement
- ☐ Required Landscaping
- ☐ General Landscaping Requirements and Standards
- ☐ Screening Standards
- ☐ Tree Preservation
- ☐ Alternate Landscape Plan
- ☐ Approved Plant List



PROPOSED AMENDMENTS

PURPOSE

- ☐ Succinctly defines the purpose of the provisions
- ☐ Reflects the feedback provided during the September 4, 2012 Joint Meeting



PROPOSED AMENDMENTS

APPLICABILITY

Defines where the regulations would apply, with specific reference to where increases in development intensity that would trigger conformance with the new provisions.

Current requirement

- ☐ 30 percent or more increase in the existing square footage of building area; or
- ☐ the addition of 20 or more parking spaces to the existing parking lot.

Proposed requirements

- ☐ the lesser of 10,000 square feet or 10% of the gross floor area; or
- ☐ an increase in the number of stories
- ☐ Increases the impermeable lot coverage by more than 2,000 square feet; or
- ☐ a change in use where the improvements result in an increase of more than 30% of the tax appraised value.



PROPOSED AMENDMENTS

APPLICABILITY

- ☐ Existing provisions in the Mixed Use District and Turnpike Overlay District will supersede these requirements where a conflict exists



PROPOSED AMENDMENTS

ADMINISTRATION & ENFORCEMENT

- ☐ Address standard application requirements
- ☐ Maintenance
- ☐ Surety
- ☐ New provisions directed toward the deferral of planting to handle drought requirements



PROPOSED AMENDMENTS

REQUIRED LANDSCAPING

- ☐ Includes the majority of the landscaping regulations.
- ☐ Non-residential and residential landscaping provisions will be separated.
- ☐ Standards will be based upon adjacent land uses.



PROPOSED AMENDMENTS

REQUIRED LANDSCAPING

Sections

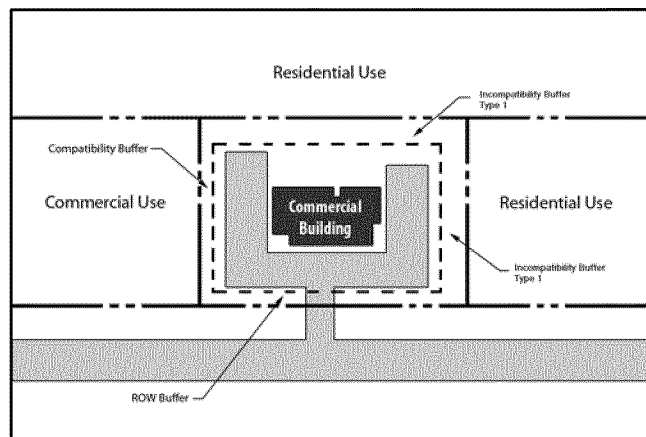
- ☐ General
- ☐ Perimeter Buffer Landscape Requirements
- ☐ Off-Street Parking Landscaping Requirements
- ☐ Single-Family Residential Development Requirements



PROPOSED AMENDMENTS

REQUIRED LANDSCAPING

Perimeter Landscape Requirements



PROPOSED AMENDMENTS

REQUIRED LANDSCAPING

Perimeter Landscape Requirements

- ☐ ROW Buffer
- ☐ Compatibility Buffer
- ☐ Incompatibility Buffer



PROPOSED AMENDMENTS

REQUIRED LANDSCAPING

Incompatibility Buffer Types

<i>Buffer Type</i>	<i>Width</i>	<i>Wall/Fencing Type Required</i>	<i>Maximum Tree Spacing</i>
Type 1	10-ft	Masonry Wall ⁽¹⁾	50-ft O.C.
Type 2	15-ft	Masonry Wall	50-ft O.C.

Note

(1) Living Screen may be considered as an alternate to a Masonry Wall for a Type 1 Incompatibility Buffer. The Living Screen shall be considered in accordance with the Alternate Landscape Plan provisions contained herein.



PROPOSED AMENDMENTS REQUIRED LANDSCAPING

Incompatibility Buffer Types – Height

<i>Building Height Difference Between Adjacent Uses</i>	<i>Required Buffer Type</i>
14 – 28 feet	Type 1
Greater than 28 feet	Type 2



PROPOSED AMENDMENTS REQUIRED LANDSCAPING

Incompatibility Buffer Types – Use

<i>Existing Use Type</i>	<i>Proposed Use Type</i>	<i>Required Buffer Type</i>
Single-Family	Multifamily	Type 1
Residential (All types)	Commercial	Type 1
Residential (All types)	Institutional/Public	Type 1
Residential (All types)	Industrial	Type 2
Residential (All types)	Utility	Type 2



PROPOSED AMENDMENTS

REQUIRED LANDSCAPING

Off-Street Parking Landscaping Requirements

- ☐ Similar provisions as previous
- ☐ Landscape islands must be located no farther apart than every 12 parking spaces and at the terminus of all rows of parking.
- ☐ Terminal islands shall contain at least one tree.



PROPOSED AMENDMENTS

REQUIRED LANDSCAPING

Single-Family Residential Development

- ☐ Similar provisions as previous



PROPOSED AMENDMENTS

GENERAL LANDSCAPING REQ'S & STANDARDS

- ☐ Minimum plant material size requirements
- ☐ Species Diversification
- ☐ Plant Substitutions (i.e. ornamental trees substituted for Canopy Trees at 2:1)
- ☐ Utility Line Conflicts
- ☐ Irrigation
- ☐ Maintenance



PROPOSED AMENDMENTS

SCREENING STANDARDS

- ☐ Relocation of standards from separate zoning districts into one location due to redundancy
- ☐ Includes the following Sections:
 - General
 - Screening of Service and Off-Street Loading Spaces
 - Dumpster and Trash Compactor Screening
 - Masonry Wall Standards
 - Living Screen Standards



PROPOSED AMENDMENTS

SCREENING STANDARDS

- ❑ Screening of Service and Off-Street Loading Spaces
 - Masonry Wall or Living Screen
 - Six feet in height and blocked from public view
- ❑ Dumpster and Trash Compactor Screening
 - For Dumpsters, a six foot masonry wall on three sides with metal gate opening; opening not to face street or to be screened from street
 - For trash compactors, eight foot walls



PROPOSED AMENDMENTS

SCREENING STANDARDS

- ❑ Masonry Wall Standards
 - To match City Standard Construction Details
- ❑ Living Screen Standards
 - To consist of a combination of berm and/or evergreen shrubs and metal fence



PROPOSED AMENDMENTS

TREE PRESERVATION

- ❑ Relocation of recent amended Ordinance (Ord. No. 3448 on January 21, 2013)
- ❑ Minor change proposed that only “protected trees” be included in the tree survey performed (currently all trees over 3” are to be included in tree survey)



PROPOSED AMENDMENTS

ALTERNATE LANDSCAPE PLAN

- ❑ Provide alternative landscaping options where unique characteristics of the property might prevent the traditional landscaping from being installed.
- ❑ Ultimate approval body of the ALP will depend on the size of the site being developed.
 - Planning and Zoning Commission be responsible for considering all ALP's less than one gross acre and containing less than 250 lineal feet of property frontage.
 - All ALP's greater in size shall be considered by City Council.



PROPOSED AMENDMENTS

ALTERNATE LANDSCAPE PLAN

- Sections where ALP will be permitted
 - Perimeter Buffer Landscape Requirements; Trees and Shrubs
 - Perimeter Buffer Landscape Requirements, ROW Buffer Width
 - Perimeter Buffer Landscape Requirements, Compatibility Buffer Standards
 - Perimeter Buffer Landscape Requirements, Incompatibility Buffer Standards
 - Single-Family Residential Development Requirements, Entryway Areas
 - Single-Family Residential Development Requirements, Masonry Wall Requirements
 - Dumpster and Trash Compactor Screening



PROPOSED AMENDMENTS

APPROVED PLANT LIST

- Following Plant Types added:
 - Grasses (Turf)
 - Grasses (Ornamental)
 - Groundcovers
 - Vines
 - Dwarf Shrubs (1 To 3 Feet)
 - Small Shrubs (3 To 5 Feet)
 - Medium Shrubs (6 To 9 Feet)
 - Ornamental Trees (10 To 35 Feet)
 - Canopy Trees (Above 35 Feet)
- Encourage drought-tolerant/native species



STAFF RECOMMENDATION

Staff recommends approval of an Ordinance of the City of Sachse, Texas, amending the Code of Ordinances by amending Chapter 3, Building Regulations by relocating and amending Article II, "Tree Preservation" to Chapter 11, "Zoning", Article 4, "General Provisions Applying to All or Several Districts", creating a new Section 11, titled "Landscaping and Screening"; by relocating screening and site landscaping provisions from Chapter 11, "Zoning", Article 3, "[Districts]" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 7, "Nonresidential Landscaping Requirements" to Section 11, "Landscaping and Screening"; relocating Article 4, "General Provisions Applying to All or Several Districts", Section 8, "Residential Landscaping Requirements" to Section 11, "Landscaping and Screening".



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SACHSE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 3, BUILDING REGULATIONS BY RELOCATING AND AMENDING ARTICLE II, “TREE PRESERVATION” TO CHAPTER 11, “ZONING”, ARTICLE 4, “GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS”, CREATING A NEW SECTION 11, TITLED “LANDSCAPING AND SCREENING”; BY RELOCATING SCREENING AND SITE LANDSCAPING PROVISIONS FROM CHAPTER 11, “ZONING”, ARTICLE 3, “[DISTRICTS]” TO SECTION 11, “LANDSCAPING AND SCREENING”; RELOCATING ARTICLE 4, “GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS”, SECTION 7, “NONRESIDENTIAL LANDSCAPING REQUIREMENTS” TO SECTION 11, “LANDSCAPING AND SCREENING”; RELOCATING ARTICLE 4, “GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS”, SECTION 8, “RESIDENTIAL LANDSCAPING REQUIREMENTS” TO SECTION 11, “LANDSCAPING AND SCREENING”; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Sachse, in compliance with state laws with reference to amending the Zoning Ordinance, and in compliance with the procedures set forth in the City of Sachse Code of Ordinances, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the City Council is of the opinion and finds the City of Sachse Code of Ordinances should be amended as necessary to advance the public health, safety, morals, and general welfare of the city and the goals of the City Council as provided herein;

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

SECTION 1. That Chapter 3, “Building Regulations” of the City of Sachse Code of Ordinances be and the same is hereby amended to read as follows:

“Chapter 3

BUILDING REGULATIONS

...

ARTICLE II. – [Reserved for Future Use]”

SECTION 2. That Chapter 11, “Zoning” of the City of Sachse Code of Ordinances be and the same is hereby amended to read as follows:

“Chapter 11 - ZONING

.....

ARTICLE 3. - [DISTRICTS]

.....

Sec. 2. - R single-family dwelling districts.

.....

2.3 Building regulations.

.....

(e) *[delete]*.

.....

Sec. 4. - C-1 neighborhood shopping district.

.....

4.5 *[delete]*.

4.6 *[delete]*.

.....

Sec. 5. - C-2 general commercial district.

.....

5.6 *[delete]*.

5.7 *[delete]*.

.....

Sec. 6. - I-1 restricted manufacturing and warehousing district.

.....

6.5 *[delete]*.

6.6 *[delete]*.

.....

Sec. 7. - I-2 general industrial district.

.....

7.5 *[delete]*.

7.6 *[delete]*.

.....

Sec. 13. – OP office park district

.....

13.5 *[Reserved for future use]*

13.6 *[Reserved for future use]*

.....

ARTICLE 4. GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

.....

Sec. 7. – [Reserved for Future Use]

Sec. 8. – [Reserved for Future Use]

.....

Sec. 11. – Landscaping and Screening

11.1 Purpose. The purposes of this section are as follows:

- a. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and

stormwater or irrigation runoff retardation, while at the same time aiding in noise, glare and heat abatement;

- b. To assist in providing adequate light and air and preventing overcrowding of land;
- c. To ensure that landscaping is an integral part of a development or redevelopment;
- d. To enhance the beautification of the City;
- e. To enhance property values and to protect public and private investments;
- f. To preserve and protect the unique identity and environment of the City and preserve the economic base attracted to the City by such factors;
- g. To conserve energy and natural resources; and
- h. To protect and enhance the public health, safety and general welfare.

11.2 *Applicability.*

- a. *General Applicability.* This section shall apply to all development and improvements to property. This shall include, but shall not be limited to the following:
 - 1. *Enlargement of Existing Development.* Applications for building permits for construction work that:
 - (a) Increases the number of stories in a building on the lot, or
 - (b) Increases by more than 10% or 10,000 square feet, whichever is less, of the combined floor areas of a building, or
 - (c) Increases the impermeable lot coverage by more than 2,000 square feet.
 - 2. *Change of Use.* Change of use where the value of improvements to the existing building to accommodate the new use exceeds 30 percent of the tax-appraised value of the structure immediately prior to issuance of a building permit.
 - 3. *Nonconformities.* Lots and properties to which lawful nonconforming status is terminated for any reason.
- b. *Relationship to Other Requirements.*
 - 1. *Use-Specific Standards.* Any use required to provide landscaping or screening pursuant to the use-specific standards of this Code shall provide such use-specific landscaping or screening. In the event of a conflict between the use-specific requirements and the general requirements of this Section, the use-specific provisions shall control.
 - 2. *Conflicts with Other Zoning Districts.* Where landscaping regulations included in the Turnpike Overlay District and the Mixed Use District conflict with the regulations contained herein, the regulations included in the Turnpike Overlay District and the Mixed Use District shall control.

11.3 *Administration and Enforcement of Landscaping Provisions.*

- a. *Form and Content of Application.* To be accepted as complete, landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape

design (e.g., landscape architect, landscape contractor, landscape designer, etc.), prepared in the format specified by the Director of Community Development or his/her designee and shall contain all information and supporting materials required by this section. Landscape plans involving grade work or retaining walls shall be prepared and sealed by a Professional Engineer licensed to practice in the state of Texas. Irrigation plans shall be submitted with building plans when the building permit application is submitted to the Chief Building Official for review. In addition, irrigation plans shall be prepared by a licensed irrigator.

- b. *Maintenance Responsibility.* It shall be the responsibility of the owner (or applicable Homeowner's Association/Property Owner's Association) to maintain all installed landscaping, screening walls or living screens.
- c. *Surety.* When due to drought restrictions, a property owner seeks a certificate of occupancy prior to landscaping being installed, the Director of Community Development shall require an irrevocable letter of credit or cash escrow equivalent to 135 percent of the total cost of the landscaping. Appropriate erosion control measures will need to be taken by the property owner during the deferral of planting. These measures should include the installation of erosion control fabric (e.g., Curlex) and other necessary measures.

When drought restrictions have been relaxed and landscape installation is not prohibited, the property owner shall have 180 days from this time to complete the installation of required landscaping.

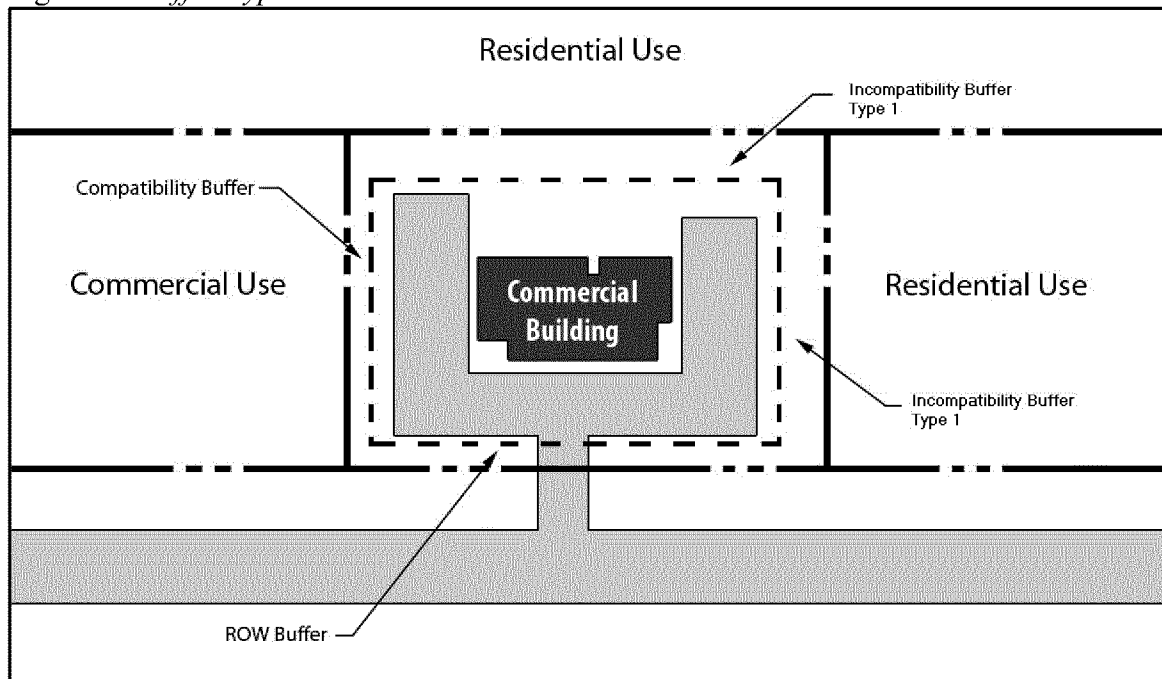
- d. *Certificate of Occupancy.*
 - 1. *Irrigation.* No Certificate of Occupancy shall be issued prior to the complete installation and approval of the irrigation system as indicated on the approved landscape and irrigation plans, unless otherwise provided in this section.
 - 2. *Water Restrictions.* When mandated water restrictions do not allow for the installation and watering of new landscaping, the property owner shall either post surety in accordance with this Section or seek a variance from the City Manager in order to obtain a Certificate of Occupancy. Variances will be reviewed on a case-by-case basis and the property owner will be required to demonstrate how alternate landscaping measures will reduce water consumption for the site. If a variance is approved it will only be until such time as vegetative roots are established for new landscaping.

11.4 *Required Landscaping.*

- a. *General.* In all areas other than single-family and two-family dwellings, at least 10 percent of the gross lot area excluding rights-of-way shall be maintained as landscaped area and shall comply with the following standards:
 - 1. All required perimeter buffers and off-street parking interior landscaping shall be included in the overall minimum 10 percent of gross site landscaping.

2. No tree may be planted within five feet of any impermeable surface or area, unless approved by the Director of Community Development or a greater distance is required due to tree species.
 3. The existing natural landscape character shall be preserved to the extent reasonable and feasible. In an area of the street frontage containing a stand of trees, the developer shall use good-faith efforts to preserve such trees, and also shall comply with the Tree Preservation requirements in this Code.
 4. No unapproved landscaping, object, structure, or sign shall be placed within a visibility easement.
 5. A minimum of one-third of all trees and shrubs required to be planted as part of Perimeter Buffers (Right-of-Way, Compatibility or Incompatibility), Parking Lot Landscaping, and Single-Family Residential Landscaping shall be drought-tolerant species. These drought-tolerant species shall be chosen from those noted as such in the Approved Plant List in this Section. This requirement shall not apply to ground-cover.
- b. *Perimeter Buffer Landscape Requirements.*
1. *Buffer Types.*
 - (a) *Right-of-Way.* Right-of-Way (ROW) buffers shall be provided along all street frontages except alleys. ROW buffers shall not be required for individual single-family or duplex dwellings.
 - (b) *Compatibility.* Compatibility buffers shall be provided between all compatible use types, except the case where single family residential subdivisions are adjacent to other single family residential subdivisions.
 - (c) *Incompatibility.* Incompatibility buffers shall be provided between all incompatible use types or incompatible zoning districts.

Figure 1. *Buffer Types*



2. *Trees and Shrubs.* Trees and shrubs shall be provided in all perimeter buffers in accordance with the following standards:
 - (a) *Trees.*
 - (1) *ROW Buffers.* One tree per 50 lineal feet.
 - (2) *Compatibility Buffers.* No tree requirement.
 - (3) *Incompatibility Buffers.* One tree per 50 lineal feet.
 - (b) *Shrubs.*
 - (1) *ROW Buffers.* One evergreen shrub per three lineal feet, for a maximum of 75% of the ROW frontage.
 - (2) *Compatibility Buffers.* No shrub requirement.
 - (3) *Incompatibility Buffers.* No shrub requirement.
3. *Walls and Fences.* If a masonry wall is required within an incompatibility buffer or otherwise provided as part of the proposed landscaping, the wall shall adhere to the masonry wall standards provided in this Code.
4. *Area Measurement.* The width of access ways that traverse required perimeter landscape buffers shall be included in the calculation of linear dimension.
5. *ROW Buffer.*
 - (a) *Width.* The total width of the buffer along streets, thoroughfares, or other means of vehicular access shall be ten feet.
 - (b) *Corner Lots at the Intersection of Minor Arterials or Major Arterials.* Corner lots at the intersection of minor arterials or major arterials with collector streets or larger thoroughfares shall provide a minimum

landscape area of 600 square feet located at the intersection corner of the lot.

- (c) *Planting Pattern for Perimeter ROW Buffer.* At least 75 percent of the frontage of parking lots adjacent to a public right-of-way, within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet, a low masonry wall of a minimum height of three feet, a landscaped earthen berm of a minimum height of three feet or a combination of the above with a minimum combined height of three feet. A wall used for parking lot screening should be accompanied with landscape planting in the form of low shrubs and groundcover to soften the appearance of the wall.
 - (d) *Landscape Overhang.* Automobile bumpers shall not overhang into the ROW Buffer. If the parking stalls adjacent to the ROW Buffer are 18 feet deep, an additional two feet of landscape area shall be required. The additional two feet of landscape area shall not be included in calculating the required ROW buffer width requirements.
 - (e) *Additional Groundcover.* The applicant is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings. Any permeable surface not occupied by trees, shrubs, planting beds. Signs, or other permitted fixtures shall be surrounded with turf or other living groundcover. Gravel, bark mulch, or other similar materials are not acceptable.
 - (f) *Sight visibility triangles.* Sight visibility triangles shall be maintained at all street, alley or private drive intersections in accordance with the city's sight triangle guidelines.
- 6. *Compatibility Buffer.* Compatibility buffers shall serve to provide a minor transitional buffer between similar land uses. The minimum width of a compatibility buffer is five feet.
 - 7. *Incompatibility Buffer.* An incompatibility buffer shall be required between all incompatible use types or incompatible tracts in a Planned Development in accordance with the requirements of Table 1, Incompatibility Buffer Standards.

<i>TABLE 11.4-1.</i> <i>INCOMPATIBILITY BUFFER STANDARDS</i>			
<i>Buffer Type</i>	<i>Width</i>	<i>Wall/Fencing Type Required</i>	<i>Maximum Tree Spacing</i>
Type 1	10-ft	Masonry Wall ⁽¹⁾	50-ft O.C.
Type 2	15-ft	Masonry Wall	50-ft O.C.

(1) Living Screen may be considered as an alternate to a Masonry Wall for a Type 1 Incompatibility Buffer. The Living Screen shall be considered in accordance with the Alternative Landscape Plan provisions contained herein.

- (a) *Landscape Requirements.* An incompatibility buffer shall consist of a continuous, opaque landscape barrier. The landscape barrier shall either be a hedge, fence or a wall. Shrubs and trees required pursuant to other Sections of this Code shall be provided in addition to the Wall/Fencing Type Requirements shown in Table 1.
- (b) *Determining Incompatibility Buffer Type.* The type of incompatibility buffer required shall be the highest buffer type based on the height or use difference between adjacent uses, in accordance with Table 5.4-3, Required Incompatibility Buffer Types—Height and Table 5.4-4, Required Incompatibility Buffer Types—Use. In the case of a conflict, the most restrictive buffer type shall be required.

<i>TABLE 11.4-2</i> <i>REQUIRED INCOMPATIBILITY BUFFER TYPES—</i> <i>HEIGHT</i>	
<i>Building Height Difference Between Adjacent Uses</i>	<i>Required Buffer Type</i>
14 – 28 feet	Type 1
Greater than 28 feet	Type 2

TABLE 11.4-3 REQUIRED INCOMPATIBILITY BUFFER TYPES—USE		
<i>Existing Use Type</i>	<i>Proposed Use Type</i>	<i>Required Buffer Type</i>
Single-Family	Multifamily	Type 1
Residential (All types)	Commercial	Type 1
Residential (All types)	Institutional/Public	Type 1
Residential (All types)	Industrial	Type 2
Residential (All types)	Utility	Type 2

- c. *Off-Street Parking Landscaping Requirements.* Off-street parking and interior vehicular use areas shall be subject to the following landscaping requirements. Plantings required by this Section's perimeter buffer landscape requirements shall not be used to satisfy these requirements.
1. *General.* The required percentage of interior parking lot landscaping shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees.
 2. *Required Percentage of Planting Area.* There shall be eight square feet of permeable interior landscaping for each parking space. This permeable space shall be grass, shrubs, living groundcovers, trees or a combination of these materials. Gravel, bark mulch or other similar materials are not acceptable.
 3. *Exemption.* Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.
 4. *Parking Landscape Islands.* Interior areas of parking lots shall contain landscape islands located so as to best relieve the expanse of paving. Landscape islands must be located no farther apart than every 12 parking spaces and at the terminus of all rows of parking. Terminal islands shall contain at least one tree. The remainder shall be landscaped with shrubs, turf, ground cover or other appropriate material not to exceed three feet in height. Landscaping islands shall have a minimum size of 10 feet by 18 feet measured from inside of curb to inside of curb and shall be separated from vehicular use areas by a six-inch non-mountable curb.
 5. *Trees.* A minimum of 75 percent of all trees required in the interior planting area shall be canopy trees. Ornamental Trees substituted at a rate of 2:1, may count as one required tree, not to exceed 25 percent of the total required trees.

Where only three or fewer trees are required, those trees shall all be canopy trees. The minimum requirement for canopy trees shall not be less than one tree for every ten parking spaces.

6. *Wheelstops.* Wheelstops shall be installed no closer than two feet from the landscaped area to prevent cars from parking too close to trees or damaging shrubs and screens and to allow routine landscape maintenance.
7. *Parking Structures.* Perimeter planters shall be provided along the exterior of parking structures located within 500 feet of a public right-of-way or residential zoning district. Planters shall provide a total of one-half square foot of planting area for each linear foot of facade per parking level. Planting areas may be arranged in linear fashion or clustered at intervals or on levels, and shall be provided with permanent irrigation to permit watering of plant materials. The perimeter planter requirement may be altered if in conflict with the architectural character of the structure, subject to approval of an Alternative Landscape Plan.

d. *Single-Family Residential Development Requirements.*

1. *Applicability.* The provisions in this Section titled, "Single Family Residential Development Requirements" shall not be applicable to lots zoned R-39 (39,000 square feet) or larger.
2. *Individual Lot Requirements.* The following landscaping requirements must be met prior to request for final building inspection:
 - (a) Planting of at least four shade trees per dwelling unit, of at least three-inch caliper and seven feet tall;
 - (b) Mandatory trees shall be a minimum of five feet from all property lines;
 - (c) Sodding of entire yard, consisting of front, side and rear; and
 - (d) Planting of at least 12 shrubs (five-gallon minimum) in the front yard.
 - (e) An automatic irrigation system shall be installed to maintain all required landscaping. All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed or removed.
3. *Entryway Areas.* A minimum landscape area of 900 square feet shall be located at the intersection corner of residential subdivisions and at the main entrance to the subdivision. This landscape area shall provide a minimum distance of 40 feet from the projected corner of the intersection on both sides. No trees shall be planted in this area.
4. *Masonry Wall Required.* Unless otherwise approved by the City Council, a masonry screening shall be provided along the rear and/or side property lines of residential districts when the area backs up to and/or sides a street which is designated on the city's thoroughfare plan as a thoroughfare. Screening walls shall be not less than six feet in height and designed in accordance with City

requirements. A living screen may be proposed as an Alternative Landscape Plan.

11.5 General Landscaping Requirements and Standards. The following criteria and standards shall apply to landscape materials and installation.

a. *Quality.*

1. *Conformance.* The best professional practices of the American Society of Landscape Architects, the International Society of Arboriculture and the American Nursery and Landscape Association regarding planting, installation, trimming, and fertilization, shall apply to this Section. In addition, plant materials used in conformance with the provisions of this chapter shall conform to the standards of the American Standard for Nursery Stock, ANSI Z60.1-2004, or equivalent thereof.
2. *Approved Plant List.* Plant materials shall be from the City of Sachse Approved Plant List contained in this section. Plant materials must be suitable for local soil conditions and climate. Specifically, plant materials should have high heat tolerance and lower water consumption, where possible.
3. *Material.* Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
4. *Species Diversification.* Plant material selection for any area of a lot shall provide species diversity so as to minimize impacts from species-specific disease. No more than 25% of any tree type (e.g., canopy tree, ornamental tree) shall be of the same species. A minimum of four different species shall be used as canopy trees and a minimum of four different species shall be used as ornamental trees. The various species shall not be grouped in close proximity and should be distributed throughout the lot.

b. *Plant Measurements.*

1. *Canopy Trees.*
 - (a) *Minimum Height.* Canopy trees shall have a minimum height of 12 feet at time of installation.
 - (b) *Minimum Caliper Size.* Canopy trees shall be a minimum of three-inch caliper as measured 12 inches above ground.
2. *Ornamental Trees.*
 - (a) *Minimum Height.* Ornamental trees shall have a minimum height of eight feet at time of installation.
 - (b) *Minimum Container Size.* Ornamental trees shall be a minimum of 30 gallon container size.
3. *Shrubs.*
 - (a) *Minimum Container Size.* The minimum container size for shrubs shall be three gallons.

- (b) *Minimum Height.* Shrubs shall have a minimum height of 24 inches at time of installation and shall obtain a minimum height of 36 inches within two years of planting.
 - (c) *Minimum Spacing.* Shrubs shall be planted at a minimum spacing of three feet on center and capable of achieving a solid visual screen within one year of planting.
- c. *Plant Material Substitutions.*
 - 1. Due to seasonal planting issues and a lack of plant availability, approved landscape plans may require minor revisions. Revisions to approved plans shall be approved by the Director of Community Development or his/her designee.
 - 2. Ornamental trees may be substituted for canopy trees at a ratio of two ornamental trees to one canopy tree.
- d. *Proximity to Overhead Utilities.* To minimize conflicts with overhead powerlines and overhead utility installations, the applicant may substitute trees with a mature height of 25 feet or less for canopy trees when planting within ten feet from either side of overhead power lines.
- e. *Shrub Beds.* Beds shall be mulched with a minimum two-inch layer of shredded hardwood or cypress mulch. Irrigation for shrub beds shall be separated from turf areas.
- f. *Maintenance.* Every owner and person in control of property shall keep landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include, but is not limited to, the following:
 - 1. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscape.
 - 2. All plant material shall be maintained in a healthy and growing condition, and must be replaced within 30 days with plant material of similar variety and size (size not to be smaller than the minimum required by this section at the time of replacement) if diseased, damaged, destroyed, or removed. If replacement cannot or should not be effected within the 30-day period due to seasonal temperatures, an extension may be approved by the Director of Community Development if requested in writing, stating when such planting is to be accomplished. No planting delay of over 90 days shall occur. When replacement of landscape material conflicts with watering restrictions, such surety for replacement of landscape materials shall be posted in an amount equal to 135 percent of the total cost of the landscaping.
 - 3. Turf, grass and ground cover shall be mowed, trimmed and edged, and maintained at the proper height.
 - 4. Proper pruning shall be done.

5. Watering shall be done on a regular basis, subject to any city drought contingency plan in effect at the time.
 6. Landscape lighting shall be maintained in working order.
 7. Irrigation systems shall be maintained in working order.
 8. Property owners and persons in control shall maintain and keep clean property and areas situated between the property and the paved portion of any street, alley or right-of-way, as well as any abutting waterway.
 9. The property owner shall be responsible for any landscaping, irrigation and maintenance of any right-of-way area between the property line and the curb line. In the case of new development, turf grass/ground cover shall be installed in the right-of-way area between the property line and the curb line and be consistent in material and/or type with the installed turf grass/ground cover on the adjacent property.
- g. *Landscaping on or Affecting Public Property.*
1. The City has the authority to plant, preserve, spray, trim, or remove any tree, shrub, or plant on any parkway, alley, or public ground belonging to the City to protect the public health, safety, and general welfare.
 2. It shall be unlawful for any person to cut or break any branch of any tree or shrub or injure in any way the bark of such tree or shrub growing on public property.
 3. The City has the authority to trim or remove, or to order the trimming or removal, of vegetation that conflicts or interferes with the delivery of public services, or that creates a hazard or nuisance to public rights-of-way or easements.
- h. *Irrigation.* All landscape areas and open space shall be provided with an adequate, inconspicuous, and complete-coverage automatic irrigation system. All landscaped areas shall be irrigated according to the following standards:
1. Irrigation systems shall be calibrated and designed to provide the appropriate amount of water that relates to the plant species, and shall not over-water.
 2. All planted areas shall be irrigated.
 3. All irrigation systems shall be equipped with rain and freeze sensors and shall comply with backflow and cross-connection regulations.
 4. Drip or soaker irrigation shall be used in all vegetated areas exclusive of turf grass areas.
 5. No control valve shall be located within an easement for transmission towers.

11.6 Screening Standards.

- a. *General.* The placement of natural landscape materials (e.g., trees, shrubs, and hedges) is the preferred method for buffering differing land uses, for providing a transition between adjacent properties, and for screening the view of any parking or storage area, refuse collection, utility enclosures, or other service area visible from a

public street, alley, or pedestrian area. Plants may be used with fences or berms to achieve the desired screening or buffering effect. Plant material should be mature enough at the time of planting to provide an effective buffer or screen, and should be planted in an appropriate location to allow for desired growth within a reasonable period of time.

When used to screen an activity area such as a parking lot, landscaping shall not obstruct the visibility of motorists or pedestrians or interfere with public safety.

- b. *Screening of Service and Off-Street Loading Spaces.* All service areas and designated off-street loading spaces on a site shall be screened from all public and more restrictive, conforming adjacent uses. Screening shall comply with the following standards:

1. To the maximum extent feasible, service and off-street loading areas shall not be visible from public streets. .
2. Service and off-street loading areas shall be incorporated into the overall design of the building and landscaping so that visual and acoustic impacts are fully contained and out of view from adjacent properties and public streets.
3. Service areas shall be concealed by a method of screening comprised of materials at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space or service area. Such screening may be provided by using one of any of the following methods; however, off-street loading spaces located adjacent to residentially zoned property or existing residential uses shall utilize a masonry wall per the requirements in this Section.
 - (a) Masonry wall pursuant to the standards set forth in this Section.
 - (b) Living Screen in accordance with the standards contained herein.

- c. *Dumpster and Trash Compactor Screening.*

1. Dumpsters shall be enclosed on three sides with six-foot masonry walls constructed of the same materials and finishes as the buildings; a solid double metal gate shall be required on the fourth side, and shall be kept closed at all times other than for immediate access. The opening shall not face, or shall be screened from, a public street or access easement.
2. An eight-foot wall constructed of the same materials and finishes as the buildings shall be provided around compactors.
3. Screens are not required for dumpsters in nonresidential developments when located in the service area and screened by the buildings, wing wall or screening wall from public view.
4. Dumpsters are required and shall be identified on a site plan for all developments that require a site plan. The specific screening requirements specified in this section shall be placed on the site plan.

- d. *Masonry Wall Standards.*

1. *Design and Materials.* A masonry screening wall shall consist of a reinforced wall of the same materials, color, and texture as used on the primary structure on the site, having a minimum height of six feet and a maximum height of eight feet. A graphic detail and schedule of materials shall be shown on the plan. The masonry wall shall be designed and built in accordance with the City of Sachse Standard Construction Details; the designs shall be signed by a structural engineer licensed to practice in the State of Texas.
2. *Engineering Requirements.* Plans and specifications for the wall shall be submitted with the civil plans and approved by the City Engineer.
3. *Installation of Landscaping between Wall and Alley Prohibited.* Where a masonry screening wall erected pursuant to this section abuts an alley, any required landscaping shall be installed between the nonresidential use and the screening wall, rather than between the screening wall and the alley.
4. *Maintenance Easement.* A minimum five-foot wall maintenance easement shall be required within residential lots that abut the masonry screening wall. Wall maintenance easements shall be dedicated to or owned, and maintained, by the homeowners' association.
5. *Conflict with Easements.* If the placement of the wall conflicts with an easement, the wall shall not encroach upon the easement, unless otherwise approved by the City Engineer.
6. *Additional Requirements.*
 - (a) The wall shall be designed so that water will drain under, through, and away from the wall on all sides. No ponding of water shall be allowed.
 - (b) Unless otherwise constrained by topography, curvature, and location of infrastructure, where walls are aligned with residential alleys, the face of the wall or column shall be a minimum of one foot from the property line.
 - (c) Masonry wall construction shall be in accordance with City of Sachse Standard Construction Details.
 - (d) Slip-form or similar type walls are prohibited.
- e. *Living Screen Standards.* If a living screen is authorized, it shall consist of a berm and plant materials and shall comply with the following standards:
 1. The berm shall have a minimum side slope of four to one and a minimum crown width of one and one-half feet.
 2. The berm shall undulate from one foot to the maximum height not to exceed five feet in height.
 3. Large evergreen-type shrubs shall be selected from the approved planting materials list and planted in accordance with specifications herein. In addition, the plant materials shall:

- (a) Be located in a bed that is of a width suitable for the required plant spacing, but at least five feet wide. The Director of Community Development or his/her designee may require a wider bed width depending on type, species and/or growing habit.
 - (b) Be planted in staggered rows over the entire length of the bed unless the Director of Community Development or his/her designee approves an alternative planting density as being capable of providing a solid screen within one year of planting.
 - (c) Be a minimum of six feet in height at time of planting and provides the required visual barrier.
- 4. A wrought iron fence or similar steel fence having a minimum height of not less than six feet nor more than eight feet in combination with evergreen plant material is required if a living screen is proposed.

11.7 *Tree Preservation.*

- a. *Tree Preservation.* There is hereby created and established a tree preservation program to provide a valuable amenity to the urban environment and to establish terms and provisions to apply to real property within the city, as follows.
- b. *Definitions.* Terms in this Section shall have the following definitions.

Caliper. Diameter of the trunk of a newly installed tree (planted within the previous year) as measured 12 inches above grade, or the diameter of an existing tree measured at the DBH of four and one-half feet above the ground, measured from the root flare at the base of the tree.

Buildable Area. The actual base area of a building and an area not to exceed six feet around the foundation necessary for construction and grade transitions.

DBH. Diameter at breast height (DBH), is the tree trunk diameter measured in inches at height of four and one-half feet above ground level.

Tree. Any self-supporting, woody perennial plant which will attain a trunk diameter of two inches or more when measured at a point four and one-half foot above ground level as measured from the root flare, and which will attain a minimum mature height of 12 feet.

Tree, protected. A tree as listed in the Protected Tree List, Section 3-48, Figure 1, that has a diameter of six inches or greater measured at four and one-half foot above ground. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half of the diameter(s) of each additional trunk.

Tree, unprotected. Any existing tree that is not a protected tree per the definition of “protected tree” in this section.

- c. *Enforcement Responsibility.* The City Manager of the City of Sachse shall designate a member of the City's staff who shall have the responsibility for enforcement of the provisions of this Article. References herein made to the performance of certain functions by the City shall be deemed references to performance by the City Manager's designee
- d. *Applicability.* This Section shall apply to the following properties.
 - 1. All real property upon which any protected tree is located, excluding developed single-family and two-family residential property.
 - 2. All vacant and undeveloped real property.
 - 3. All real property to be subdivided or re-subdivided, including record plats and replats.
 - 4. The yard areas of all developed property, excluding developed single family and two-family residential property.
 - 5. All easements and rights-of-way, excluding those included on a record plat and filed in the plat records of the county.
- e. *Exceptions.* The following exceptions from the terms and provisions of this section are hereby authorized and granted.
 - 1. The terms and conditions of this section allow trees located in necessary public rights-of-way and easements to be removed without a tree removal permit and prior to the issuance of a building permit.
 - 2. In the event that any protected tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, authorization for removal may be given by the parks and recreation director, or designee, and the protected tree may then be removed without obtaining a written permit as herein required.
 - 3. During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the City Manager.
 - 4. All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of the licensee, that are so planted and growing for the sale or intended sale to the general public in the ordinary course of the licensee's business.
 - 5. Utility companies franchised by the city may remove, cut or prune protected trees that endanger public safety and welfare by interfering with utility service, except that where the trees are on properties developed for single-family or duplex use, disposal of the trees shall be at the option of the property owner(s).

6. The mowing, clearing and grubbing of brush located within or under the drip lines of protected trees shall be allowed, provided the mowing, clearing or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth moving equipment for this purpose shall not be allowed.
7. For recreational property or uses, such as golf courses, ball fields, etc., of the property shall include that portion of the property necessary for the construction of the recreational improvements, including sufficient adjacent area to allow the normal operation of construction equipment.
8. Tree Mitigation is not required for any tree located within the Buildable Area of a lot or site as defined herein.
9. The following species of trees are exempt from the protection and preservation requirements stated within this section except when located in a floodplain or watercourse as defined by the city or other government agency and when these species have a DBH of 10 inches or greater.

<i>Species</i>	Common Name
<i>Celtis occidentalis</i>	Hackberry
<i>Populus spp.</i>	Poplar, Cottonwood
<i>Prosopis glandulosa</i>	Mesquite
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Maclura pomifera</i>	Bois d'Arc

f. *Tree management plan required.*

1. Along with the submittal of an application for approval of a detailed development plan, site plan, subdivision plat, clearing and grading plan, erosion control plan or public improvement construction plan, a tree management plan shall be submitted to the community development department and any lot one acre or greater must have a plan submitted by a landscape architect. See section 3-49 for tree preservation and mitigation requirements.
2. The tree management plan shall:
 - (a) Show the location, species, and caliper of all protected trees.
 - (b) Identify those trees proposed to be removed and those to be protected.
 - (c) Show the methods of preservation of the trees to be protected.
 - (d) Show the location of proposed building pads, drives, parking, and all easements which will affect existing trees on the site.
 - (e) Show the location of all floodplain limits, and general grading limits of cut and fill.
3. The tree management plan is not required to protect trees that are:
 - (a) Injured, dying, diseased or infested with harmful insects;

- (b) In danger of falling, interferes with utility service or creates unsafe vision clearance;
- (c) In any manner creating a hazardous or dangerous condition so as to endanger the public health, welfare or safety.

g. *General requirements related to protected trees.*

1. No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any protected tree on any real property within the city without an approved tree management plan as provided herein.
2. Under no circumstances shall the clear cutting of protected trees on any real property within the city be allowed prior to the approval of a tree management plan for the property.
3. Unless otherwise approved by the city, no construction or construction-related activity shall occur under the canopy or drip line of any protected tree or group of protected trees.
4. No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any protected tree on any real property within the city without approval from the City.
5. All protected trees are required to be protected from the harmful effects of nearby construction. In order to insure survival of protected trees during the construction process the following shall be required:
 - (a) Prior to construction or land development, the developer shall clearly mark with three-inch wide red ribbon or tape all protected trees within 30 feet of a public right-of-way, public easement or buildable lot area, as included on the applicable approved and filed recorded plat.
 - (b) Prior to construction or land development of the subdivision, the developer shall establish designated parking areas for the parking and maintenance of all vehicles, trailers, construction equipment and related items and designated stockpile areas for the storage of construction supplies and materials during construction of the subdivision. The location and dimensions of said designated areas shall be clearly identified on both subdivision construction and site plans and shall be approved by the city prior to construction or land development of the subdivision.
 - (c) Designated parking and stockpile areas shall be completely fenced with chain-link fencing and gated for safety purpose and to separate protected trees from the construction area and related construction activity. The designated parking and stockpile areas may be combined into one fenced area provided the preservation of protected trees is not adversely affected or jeopardized.

- (d) Supplies and pipe and other items that are customarily unloaded where installed shall be required to be stored within the designated stockpile areas.
 - (e) During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any protected tree or group of protected trees.
 - (f) If a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot, as approved by the city, must be constructed within the drip line of a protected tree, it shall be constructed no closer than five feet from the trunk of the protected tree and the canopy of the tree pruned appropriately to balance the effect of damage to the roots.
- 6. During construction no attachments or wires of any kind, other than those of a protective nature, shall be attached to any protected tree.
 - 7. To accommodate grade changes of six inches or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade.

h. *Enforcement and Penalty.*

- 1. Enforcement.
 - (a) The City Manager or his designee shall be authorized to enforce the provisions of this ordinance.
 - (b) Each tree removed or transplanted without a permit shall constitute a separate offense.
 - (c) Violation of this ordinance shall not constitute an exemption to the replacement requirements of this ordinance. The removal of protected trees shall be mitigated according to requirements contained herein.
- 2. Penalty.
 - (a) Any person violating a provision of this chapter, upon conviction, is guilty of an offense punishable by a fine not to exceed \$500.00 for each incident. Each tree upon which there exists a violation of this chapter or failure to abide by, or comply with, any provision or requirement of this chapter, shall constitute a separate incident and subject the offender to separate penalty.

i. *Tree preservation and mitigation.*

1. Protected trees, as listed below in Figure 1, that are healthy and growing on a site must be preserved or replaced at the rate of one hundred percent of the lost caliper inches.

Figure 1. Protected Tree List

<i>Species</i>	<i>Common Name</i>
<i>Carya illinoensis</i>	Pecan
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muehlenbergii</i>	Chinkapin Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus texana</i>	Texas Red Oak
<i>Quercus virginiana</i>	Live Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Platanus occidentalis</i>	Sycamore
<i>Quercus spp.</i>	Oaks (all others not listed)
<i>Ulmus americana</i>	American Elm
<i>Ulmus crassifolia</i>	Cedar Elm
<i>Bumelia lunuginosa</i>	Chittamwood
<i>Diospyros virginiana</i>	Common Persimmon
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Juglans nigra</i>	Black Walnut
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Prunus Mexicana</i>	Mexican Plum
<i>Sophora affinis</i>	Eve's Necklace
<i>Pinus spp.</i>	Pines
<i>Pyrus calleryana</i>	Bradford Pear

Existing trees may be used to fulfill the tree planting requirements specified in other city ordinances provided that such trees are in a healthy and growing condition. When existing trees are used to fulfill screening and landscape requirements, existing tree locations shall be accepted, and the formal spacing requirements may be waived.

2. Required large tree plantings may count towards the mitigation of lost caliper inches. The minimum tree caliper inch specified in the landscape requirements supersedes the minimum replacement tree size, specified in this section.
3. If, due to the size, shape or topography of the intended site of development a tree mitigation plan for the site of development is unworkable, the City may approve a tree management plan that provides for the mitigation of protected trees through either the planting of replacement trees at an off-site location in

private open spaces, or the payment to a city reforestation and tree management fund of an amount equal to 100 percent of the replacement cost.

4. The City Manager shall determine the monetary value of a replacement tree by contacting landscape companies, plant nurseries, or garden centers for the price of a four-inch caliper tree installed, then averaging that cost to determine the mean cost of a four-inch tree; and then dividing by four to determine the mean cost of a one-inch tree installed. The mean cost of a one-inch tree installed is then multiplied by the required number of replacement tree inches proposed for fee payment in lieu of planting. Said formula is represented as follows:

$((A+B+C+D)/4) * X = \text{Replacement Tree Escrow Fee}$, where A, B, C, and D represent the installed cost of a four-inch tree from four sources, and where X represents the required number of replacement tree inches.

j. *Waivers.*

1. The City Council after conducting a public hearing, shall hear appeals from decisions of the City Manager and may approve a tree removal permit and approve a waiver to all or a portion of the requirements to provide for replacement trees for the following:
 - (a) A public or recreational use or structure but not including rights-of-way or easements.
 - (b) A private use that usually requires large areas of open space (impervious surface).
 - (c) Development of heavily forested sites where the strict compliance of the requirements of this chapter, as amended, will unreasonably burden the use of the property.

k. *Tree care.* There is hereby created and established a tree care program to provide full power and authority over the care of all trees, plants and shrubs located within public rights-of-ways, parks and public places and aids in the proper growth of a landscape program to enhance the beauty of the city.

l. *Care of public trees.*

1. The City Manager shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

2. Every owner of any tree or shrub overhanging any street or right-of-way within the city shall, in accordance to the city pruning guidelines, prune the branches so that such branches shall not [severely] obstruct the light from any street lamp or obstruct the view of any street intersection; will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the parks and recreation director and/or his or her designee shall give ten days' notice to the property owners to take action, otherwise the City shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park. A fee shall be assessed for this service on an hourly basis. Fees will be based on the current hourly wages of city maintenance workers.
3. It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope sign or any object to any city tree, plant or shrub without written permission from the City Manager.

m. *Tree preservation board.*

1. Board membership. The tree preservation board shall consist of the members of the parks and recreation commission.
2. Term of office. The board shall elect its own officers and each officer shall serve for a term of two years or until a successor is appointed.
3. Meetings. The board shall meet a minimum of four times each year. All stated meetings shall be open to the public. The board chairman may schedule additional meetings as needed.
4. Officers. The board shall annually select one of the members to serve as chair, and may appoint a second member to serve as vice-chair, and may appoint a third member to serve as secretary.
5. Duties. The duties of the tree preservation board shall include:
 - (a) To review the tree management plan, tree preservation and mitigation guidelines, and the tree care program as may be necessary.
 - (b) To promote the protection of healthy trees and provide guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment.
 - (c) To uphold rules and regulations governing the protection and preservation of native or established trees within the city, which provide for purification of air and water, provide for shade, windbreaks and the cooling of air, provide for open space and more efficient drainage of land, thus reducing the effects on soil erosion.
 - (d) To study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, pruning, planting, replanting, removal or disposal of public trees and shrubs on city property.

- (e) To review and recommend specific beautification projects and public awareness programs to the parks and recreation department, city manager and/or city council as may be appropriate.
- (f) Coordinating and promoting Arbor Day activities.
- (g) Submitting the annual application to renew the tree city USA designation and
- (h) Other duties that may be assigned by the city council.

11.8 *Alternative Landscape Plan*

- a. *Purpose and Intent.* An Alternative Landscape Plan (ALP) is intended to promote the preservation and incorporation of existing native vegetation or specimen trees, or for the innovative use of plant material and improved site design.
- b. *Applicability.* Any Landscape Plan application may be eligible to apply for an ALP.
 - 1. *Design Principles.* To qualify for consideration an application for an ALP shall demonstrate compliance with the following principles.
 - (a) Innovative use of plant materials and design techniques in response to unique characteristics of the specific site.
 - (b) Preservation and/or incorporation of existing native vegetation.
 - (c) Use of a variety of plant material in excess of minimum requirements.
 - (d) Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials in a manner consistent with existing native vegetation.
 - (e) Integration of landscaping with on-site pedestrian facilities as well as potential connections to existing or proposed adjacent pedestrian facilities.
 - (f) Use of additional shade trees to create a greater canopy effect.
 - (g) A greater degree of compatibility with surrounding uses than a standard landscape plan would offer, provided the resulting landscape conforms to the design principles and guidelines of this section.
 - (h) Use of water-efficient irrigation systems and xeriscaping at appropriate locations.
 - (i) Incorporation of specific environmental attributes such as soil, hydrology, and vegetative communities unique to the site, and which are compatible with environmental features on-site and on adjacent properties.
 - 2. *Allowable Modifications to Standards.* The standards that can be modified through the use of an ALP are listed below. Any standard not listed herein shall not be eligible to be modified through an ALP.
 - (a) Perimeter Buffer Landscape Requirements; Trees and Shrubs

- (b) Perimeter Buffer Landscape Requirements, ROW Buffer Width
 - (c) Perimeter Buffer Landscape Requirements, Compatibility Buffer Standards
 - (d) Perimeter Buffer Landscape Requirements, Incompatibility Buffer Standards
 - (e) Single-Family Residential Development Requirements, Entryway Areas
 - (f) Single-Family Residential Development Requirements, Masonry Wall Requirements
 - (g) Dumpster and Trash Compactor Screening
- c. *Application Requirements.* An application for an ALP shall be in a form established by the Director of Community Development or his/her designee, and shall include a narrative and any necessary supporting documentation that clearly details and demonstrates compliance with this section.
- d. *Approval.* ALPs must be submitted in conjunction with a Landscape Plan application subject to the following requirements.
1. *Required Findings.* An ALP shall only be approved upon finding that:
 - (a) There are unique characteristics of the property, site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created.
 - (b) The ALP meets or exceeds the minimum requirements of this section, while recognizing the unusual site design or use restraints on the property.
 - (c) Approval of the ALP will provide for both increased consistency and compatibility with adjacent projects located in the general vicinity of the property.
 - (d) The ALP conforms to the requirements of this section and no modifications are requested except those explicitly provided for in this Section.
 2. *Approval Process.* Application for an ALP shall be reviewed in accordance with the approval process set forth in this Code.
 3. *Appeals.* If an application for an ALP is denied by the Planning and Zoning Commission, the applicant may appeal the decision to the City Council. An appeal shall be filed in writing with the Director of Planning not more than 20 days after the rendering of the decision or action taken by the Planning and Zoning Commission. The City Council shall vote by simple majority vote of those members present at the meeting to either approve or deny the appeal, which decision shall be final and binding.

11.9 *Approved Plant List.* The following is a list of plants and trees recommended for required landscape areas. Plants and trees marked with an asterisk require lower water needs.

TABLE 11.9-1 GRASSES (TURF)	
<i>Common Name</i>	<i>Botanical Name</i>
Bermuda Grass	<i>Cynodon dactylon</i>
Big Blue Stem	<i>Andropogon gerardii</i>
Blue gamma*	<i>Bouteloua gracilis</i>
Buffalo Grass*	<i>Buchloe dactyloides</i>
Eastern gamma grass	<i>Tripsacum dactyloides</i>
Green, Sprangletop	<i>Leptochloa dubia</i>
Indian Grass	<i>Sorghastrum nutans</i>
Little Blue Stem	<i>Schizachyrium scoparium</i>
Muhly Deer	<i>Muhlenbergia lindheimer</i>
Muhly Seep	<i>Muhlenbergia reverchonii</i>
Prairie Dropseed	<i>Sporobolus heterolepis</i>
Prairie Wild Rye	<i>Elymus canadensis</i>
St. Augustine	<i>Stenotaphrum secundatum</i>
Zoysia Grass	<i>Zoysia sp.</i>

TABLE 11.9-2 GRASSES (ORNAMENTAL)	
<i>Common Name</i>	<i>Botanical Name</i>
Big Bluestem*	<i>Andropogon gerardii</i>
Muhly Grass*	<i>Muehlenbergia lindheimeri</i>
Pampas Grass*	<i>Cortaderia selloana</i>
Sideoats gramma*	<i>Bouteloua curtipendula</i>
Silver Bluestem*	<i>B. laguroides</i>
Spithead Bluestem*	<i>Andropogon ternarius</i>
Switchgrass*	<i>Panicum virgatum</i>

TABLE 11.9-3
GROUNDCOVERS

<i>Common Name</i>	<i>Botanical Name</i>
Ajuga	<i>Ajuga reptans</i>
Asiatic Jasmine	<i>Trachelospermum asiaticum</i>
Avens White*	<i>Geum Canadense</i>
English Ivy	<i>Hedera helix</i>
Frog fruit*	<i>Phyla nodiflora</i>
Horseherb*	<i>Calypocarpus vialis</i>
Liriope	<i>Liriope muscari</i>
Monkey Grass*	<i>Ophiopogon japonicus</i>
Mountain Pea*	<i>Leguminosae</i>
Pigeonberry*	<i>Rivina humilis</i>
Santolina*	<i>Santolina sp.</i>
Snake Herb*	<i>Dyschoriste linearis</i>
Trailing Juniper*	<i>Juniperus sp.</i>
Vinca	<i>Vinca major</i>
Water Clover	<i>Marsilea macropoda</i>
Wintercreeper Euonymous	<i>Euonymous fortunei</i>
Wood Violet*	<i>Viola sp.</i>
Woody Stemodia	<i>Stemodia lanata</i>

TABLE 11.9-4 VINES	
<i>Common Name</i>	<i>Botanical Name</i>
Alerian Ivy	<i>Hedera canariensis</i>
Boston Ivy	<i>Parthenocissus tricuspidata</i>
Carolina Jessamine	<i>Gelsemium sempervirens</i>
Clematis	<i>Clematis sp.</i>
Confederate Jasmine	<i>Trachelospermum jasminoides</i>
Coral Honeysuckle	<i>Lonicera sempervirens</i>
Coralvine*	<i>Antigonon leptopus</i>
Crossvine	<i>Bignonia capreolata</i>
English Ivy	<i>Hedera helix</i>
Fig Ivy	<i>Ficus pumila (repens)</i>
Ground Ivy*	<i>Glechoma hederacea</i>
Lady Banksia Rose*	<i>Rosa banksia</i>
Silverlace Vine	<i>Polygonum aubertii</i>
Trumpet vine	<i>Campsis radicans</i>
Virginia Creeper	<i>Parthenocissus</i>
Wisteria*	<i>Wisteria sp.</i>

TABLE 11.9-5 DWARF SHRUBS (1 to 3 feet)	
<i>Common Name</i>	<i>Botanical Name</i>
Coral Berry*	<i>Symphoricarpos orbiculatus</i>
Dwarf Burford Holly*	<i>Ilex cornuta rotunda burfordii</i>
Dwarf Chinese Holly*	<i>Ilex cornuta rotunda</i>
Dwarf Pittosporum*	<i>Pittosporum tobira wheeleri</i>
Dwarf Yaupon Holly*	<i>Ilex vomitoria nana</i>
Nandina: Harbour Dwarf, Gulf Stream, nana*	<i>Nandina sp.</i>
Red Yucca*	<i>Hesperaloe parvifolia</i>
Rosemary	<i>Rosmarinus officinalis</i>
Sacahuista	<i>Nolina texana</i>
Yucca	<i>Yucca sp.</i>

TABLE 11.9-6
SMALL SHRUBS (3 to 5 feet)

<i>Common Name</i>	<i>Botanical Name</i>
American Beautyberry	<i>Callicarpa americana</i>
Aromatic Sumac*	<i>Rhus aromatica</i>
Black Dalea	<i>Dalea frutescens</i>
Bridal Wreath Spirea	<i>Spirea cantoniensis</i>
China Rose	<i>Rosa chinensis</i>
Damianita	<i>Compositae chrysactinia mexicana</i>
Desert Spoon	<i>Dasyllirion wheeleri</i>
Drawf Burning Bush*	<i>Euonymus alata 'Compacta'</i>
Dwarf Burford Holly*	<i>Ilex cornuta rotunda burfordii</i>
Dwarf Yaupon Holly*	<i>Ilex vomitoria 'Nana'</i>
Edward Goucher Abelia	<i>Abelia goucher</i>
Flame Anisacanthus	<i>Anisacanthus q. wrightii</i>
Flowering Quince	<i>Chaenomeles japonica</i>
Glossy Abelia	<i>Abelia grandiflora</i>
Grayleaf Cotoneaster	<i>Cotoneaster glaucophylla</i>
Indian hawthorne	<i>Raphiolepis indica</i>
Japanese Boxwood*	<i>Buxus japonica</i>
Juniper*	<i>Juniperus sp.</i>
Knockout Rose	<i>Rosa 'Radcon'</i>
Leatherleaf mahonia*	<i>Mahonia bealeii</i>
Miniature Crepe Myrtle*	<i>Lagerstroemia indica</i>
Nandina compact*	<i>Nandina domestica compacta</i>
Nolina, Lindheimer*	<i>Nolina lindheimeri</i>
Nolina, Texas*	<i>Nolina texana</i>
Red Barberry*	<i>Berberis thunbergii atropurpurea</i>
Skeleton-Leaf Goldeneye*	<i>Viguiera stenoloba</i>

TABLE 11.9-7
MEDIUM SHRUBS (6 to 9 feet)

<i>Common Name</i>	<i>Botanical Name</i>
Agarita*	<i>Mahonia trifoliata</i>
Althea	<i>Hibiscus syriacus</i>
American Beautyberry*	<i>Callicarpa americana</i>
Apache Plum	<i>Fallugia paradoxa</i>
Aromatic Sumac*	<i>Rhus aromatica</i>
Bridal Wreath Spirea*	<i>Spiraea spp.</i>
Burford Holly*	<i>Ilex cornuta burfordii</i>
Chinese Horned Holly	<i>Ilex cornuta</i>
Dwarf Burning Bush*	<i>Euonymus alata 'Compacta'</i>
Dwarf Crepe Myrtle*	<i>Lagerstroemia indica</i>
Dwarf Wax Myrtle*	<i>Myrica pusilla</i>
Eleagnus	<i>Eleagnus fruitlandi</i>
Forsythia	<i>Forsythia intermedia spectabilis</i>
Fraser Photinia	<i>Photinia x fraseri</i>
Glossy Abelia	<i>Abelia grandiflora</i>
Green Pittosporum	<i>Pittosporum tobira</i>
Indian Hawthorne	<i>Raphiolepis indica</i>
Italian Jasmine	<i>Jasminum humile</i>
Juniper*	<i>Juniperus sp.</i>
Nandina*	<i>Nandina domestica</i>
Pomegranate*	<i>Punica granatum</i>
Smooth Sumac*	<i>Rhus glabra</i>
Texas Sage*	<i>Leucophyllum sp.</i>
Variegated Pittosporum*	<i>Pittosporum tobira variegata</i>
Winter Honeysuckle	<i>Lonicera fragrantissima</i>

TABLE 11.9-8
ORNAMENTAL TREES (10 to 35 feet)

<i>Common Name</i>	<i>Botanical Name</i>
American Holly*	<i>Ilex opaca</i>
American Smoke Tree	<i>Cotinus obovatus</i>
Aristocrat Pear	<i>Pyrus calleryana 'Aristocrat'</i>
Arizona Cypress	<i>Cupressus arizonica</i>
Birds of Paradise*	<i>Caesalpinia gilliesii</i>
Buckeye, Mexican*	<i>Ungnadia speciosa</i>
Buckeye, Red*	<i>Aesculus pavia</i>
Buckeye, Texas*	<i>Aesculus arguta</i>
Carolina Buckthorn*	<i>Rhamnus caroliniana</i>
Cherry Laurel	<i>Prunus caroliniana</i>
Chinese Photinia	<i>Photinia serrulata</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Desert Willow*	<i>Chilopsis linearis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Eve's Necklace	<i>Sophora affinis</i>
Flameleaf Sumac	<i>Rhus lanceolata</i>
Goldenball Lead Tree	<i>Leucaena retusa</i>
Goldenrain tree	<i>Koelreuteria paniculata</i>
Hawthorne*	<i>Crataegus spp.</i>
Hollywood Juniper*	<i>Juniperus chinensis 'Torulosa'</i>
Japanese Black Pine	<i>Pinus thunbergi</i>
Japanese Persimmon*	<i>Diospyros kaki</i>
Juniper, Blue Point*	<i>Juniperus chinensis 'Blue Point'</i>
Juniper, Wichita Blue*	<i>Juniperus scopulorum 'Wichita'</i>
Magnolia 'little gem'	<i>Magnolia 'Little Gem'</i>
Maple, shantung	<i>Acer truncatum</i>
Mexican Plum*	<i>Prunus mexicana</i>
Panicked Golden Raintree	<i>Koelreuteria paniculata</i>
Pomegranate*	<i>Punica granatum</i>
Possumhaw*	<i>Ilex decidua</i>
Redbud*	<i>Cercis sp.</i>
Russian Olive*	<i>Eleagnus angustifolia</i>
Rusty Blackhaw	<i>Viburnum rufidulum</i>

TABLE 11.9-8 ORNAMENTAL TREES (10 to 35 feet) - continued	
<i>Common Name</i>	<i>Botanical Name</i>
Savannah Holly	<i>Ilex x attenuata 'Savannah'</i>
Texas Persimmon	<i>Diospyros texana</i>
Texas Pistache	<i>Pistacia texana</i>
Vitex*	<i>Vitex agnus-castus</i>
Wax myrtle	<i>Myrica cerifera</i>
Yaupon Holly*	<i>Ilex vomitoria</i>

TABLE 11.9-9 CANOPY TREES (above 35 feet)	
<i>Common Name</i>	<i>Botanical Name</i>
American Elm*	<i>Ulmus americana</i>
Arizona Cypress*	<i>Cupressus arizonica</i>
Bald Cypress	<i>Taxodium distichum</i>
Bigelow Oak*	<i>Quercus sinuata var. breviloba</i>
Black Locust	<i>Robinia pseudoacacia</i>
Bur Oak*	<i>Quercus macrocarpa</i>
Caddo Maple*	<i>Acer saccharum var. caddo</i>
Cedar Elm*	<i>Ulmus crassifolia</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Deodar Cedar	<i>Cedrus deodora</i>
Durrand Oak*	<i>Quercus sinuata var. sinuata</i>
Lace Bark Elm	<i>Ulmus parvifolia</i>
Lacey Oak*	<i>Quercus glaucoides</i>
Live Oak	<i>Quercus virginiana</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>
Maple, Bigtooth	<i>Acer saccharum 'Caddo'</i>
Pecan	<i>Carya illinoensis</i>
Persimmon, common	<i>Diospyros virginiana</i>
Pine, Afghan, Mondell or Eldarica*	<i>Pinus eldarica</i>
Pistachio, chinese	<i>Pistacia chinensis</i>
Shumard Red Oak*	<i>Quercus shumardii</i>
Texas Ash*	<i>Fraxinus texensis</i>
Texas Red Oak*	<i>Quercus texana</i>
Thornless Honey Locust*	<i>Gleditsia triacanthos</i>
Western Soapberry*	<i>Sapindus drummondii</i>

SECTION 3. That all provisions of the Code of Ordinances of the City of Sachse, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, of the Code of Ordinances, as amended hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

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

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Sachse, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY APPROVED AND PASSED by the City Council of the City of Sachse, Texas on the ____ day of _____, 2013.

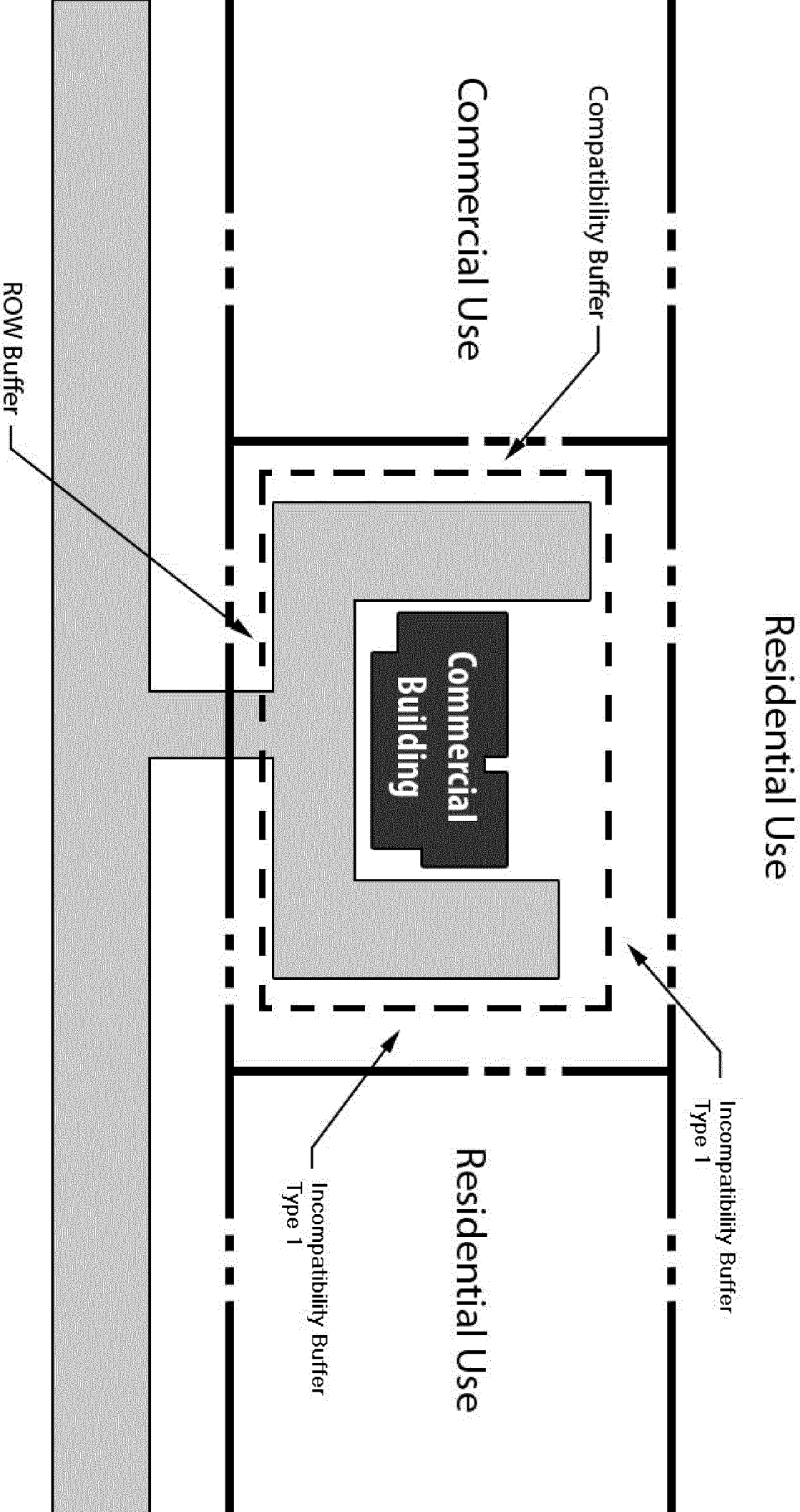
APPROVED:

Mike Felix, Mayor

ATTEST:

Terry Smith, City Secretary

APPROVED AS TO FORM:





Legislation Details (With Text)

File #:	13-1917	Version:	1	Name:	Consider a resolution casting votes for member(s) of the Board of Directors of the Collin Central Appraisal District.
Type:	Agenda Item	Status:			Agenda Ready
File created:	11/18/2013	In control:			City Council
On agenda:	12/2/2013	Final action:			
Title:	Consider a resolution casting votes for member(s) of the Board of Directors of the Collin Central Appraisal District.				
	Executive Summary				
	All nominations are in, time to cast Sachse's ballot.				

Sponsors:

Indexes:

Code sections:

Attachments: [Resolution.CCAD.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution casting votes for member(s) of the Board of Directors of the Collin Central Appraisal District.

Executive Summary

All nominations are in, time to cast Sachse's ballot.

Background

Every two years, in odd numbered years, the City casts its votes for member(s) of the Board of Directors of the Collin Central Appraisal District. This year we have 10 votes to cast. We can cast all of our votes for 1 individual or split the 10 votes in any manner among any of the nominees. During the initial process in 2011 we nominated Dr. Leo Fitzgerald. Dr. Fitzgerald has been a board member since January 1980 (beginning of the appraisal district). See attachments for additional information. Note: Plano ISD has most votes (1350) and they are endorsing Dr. Leo Fitzgerald.

Policy Considerations

None.

Budgetary Considerations

None.

Staff Recommendations

Council approval of a resolution casting votes as appropriate for the Board of Directors of the

Collin Central Appraisal District. as appropriate.

RESOLUTION NO. _____

Whereas, the City of Sachse is a member of the Collin Central Appraisal District; and

Whereas, as a member of such organization, Sachse is entitled to nominate and vote on nominees for the board of directors; and

Whereas, the city has 10 votes to cast regarding the election of the board of directors.

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

That the City Council of the City of Sachse hereby casts it's ten (10) votes for members of the Collin Central Appraisal District Board of Directors as follows:

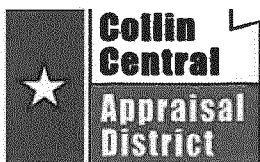
PASSED AND APPROVED this the 2nd day of December, 2013

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



Collin Central Appraisal District

October 30, 2013

Terry Smith, City Secretary
City of Sachse
3815 B Sachse Rd.
Sachse, TX 75048

Dear Mr. Smith:

Enclosed you will find the ballot listing the nominees for the Board of Director positions for the Central Appraisal District of Collin County. The candidates are listed alphabetically by their last name.

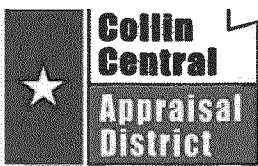
Each voting unit must vote in open meeting, report its vote by written resolution, and submit it to the chief appraiser before December 15, 2013. Each unit may cast all its votes for one candidate or distribute the votes among any number of the candidates listed. Since there is no provision for write-in candidates, the Chief Appraiser may not count votes for someone not listed on the official ballot.

Sincerely,

Bo Daffin
Chief Appraiser

EID/mlr

Enclosure



Collin Central Appraisal District

OFFICIAL BALLOT

ISSUED TO: **City of Sachse**

NUMBER OF VOTES: **10**

FOR: BOARD OF DIRECTORS, CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY.

TIFFANY BURLESON _____ VOTES

RONALD CARLISLE _____ VOTES

DR. LEO FITZGERALD _____ VOTES

WAYNE MAYO _____ VOTES

MICHAEL A. PIREK _____ VOTES

GARY RODENBAUGH _____ VOTES

ROY WILSHIRE _____ VOTES

October 30, 2013

Bo Daffin, Chief Appraiser

Section 6.03 (g) of the State Property Tax Code requires the above action be taken by resolution, therefore, please attach a copy of the resolution to this ballot and return to the Chief Appraiser, at 250 Eldorado Pkwy., McKinney, Texas 75069, before December 15, 2013.

2014-2015
CENTRAL APPRAISAL DISTRICT
BOARD OF DIRECTOR'S NOMINATIONS

TIFFANY BURLESON	Nominated by the City of Anna. Resides in Anna, TX.
RONALD CARLISLE	Is a current board member and has served since 1/94. Nominated by the City of Frisco, Frisco ISD and McKinney ISD. Resides in Frisco, TX.
DR. LEO FITZGERALD	Is a current board member and has served since the beginning of the Appraisal District, 1/80. Nominated by McKinney ISD and Plano ISD. Resides in Plano, TX.
WAYNE MAYO	Is a current board member and has served since 1/98. Nominated by the City of Richardson, and McKinney ISD. Resides in Richardson, TX.
MICHAEL A. PIREK	Nominated by the City of Plano. Resides in Plano, TX.
GARY RODENBAUGH	Is a current board member and has served since 1/01. Nominated by the City of Allen, Allen ISD, and McKinney ISD. Resides in Allen, TX.
ROY WILSHIRE	Is a current board member and has served since 01/03. Nominated by McKinney ISD. Resides in Plano, TX.

**2014 ALLOCATION OF VOTES
BOARD OF DIRECTORS ELECTION**

DISTRICT	2012 TAX LEVY	% OF LEVY	CALC # OF VOTES	# OF VOTES (ROUNDED)	\$ OF VOTES ALLOCATED
ALLEN CITY	\$44,218,615	2.566%	128.288	128.000	128
ALLEN ISD	\$130,697,551	7.584%	379.182	379.000	379
ANNA CITY	\$2,448,123	0.142%	7.103	7.000	7
ANNA ISD	\$7,834,152	0.455%	22.729	23.000	23
BLAND ISD	\$97,896	0.006%	0.284	0.000	0
BLUE RIDGE CITY	\$153,042	0.009%	0.444	0.000	1
BLUE RIDGE ISD	\$1,980,292	0.115%	5.745	6.000	6
CARROLLTON CITY	\$215,430	0.013%	0.625	1.000	1
CELINA CITY	\$3,109,302	0.180%	9.021	9.000	9
CELINA ISD	\$10,469,258	0.607%	30.374	30.000	30
COLLIN COUNTY	\$178,750,121	10.372%	518.593	519.000	519
COLLIN COUNTY COLLEGE DISTRICT	\$66,089,645	3.835%	191.741	192.000	192
COMMUNITY ISD	\$7,474,458	0.434%	21.685	22.000	22
DALLAS CITY	\$29,490,279	1.711%	85.558	86.000	86
FAIRVIEW CITY	\$4,332,837	0.251%	12.571	13.000	13
FARMERSVILLE CITY	\$1,019,630	0.059%	2.958	3.000	3
FARMERSVILLE ISD	\$4,499,332	0.261%	13.054	13.000	13
FRISCO CITY	\$42,959,728	2.493%	124.636	125.000	125
FRISCO ISD	\$195,781,683	11.360%	568.006	568.000	568
GARLAND CITY	\$151,744	0.009%	0.440	0.000	0
GUNTER ISD	\$6,841	0.000%	0.020	0.000	0
JOSEPHINE CITY	\$182,929	0.011%	0.531	1.000	1
LAVON CITY	\$790,241	0.046%	2.293	2.000	2
LEONARD ISD	\$89,485	0.005%	0.260	0.000	0
LOVEJOY ISD	\$24,148,846	1.401%	70.061	70.000	70
LOWERY CROSSING CITY	\$208,509	0.012%	0.605	1.000	1
LUCAS CITY	\$2,184,440	0.127%	6.338	6.000	6
MCKINNEY CITY	\$64,532,973	3.744%	187.224	187.000	187
MCKINNEY ISD	\$139,017,889	8.066%	403.321	403.000	403
MELISSA CITY	\$2,215,622	0.129%	6.428	6.000	6
MELISSA ISD	\$6,738,960	0.391%	19.551	20.000	20
MURPHY CITY	\$8,803,215	0.511%	25.540	26.000	26
NEVADA CITY	\$79,766	0.005%	0.231	0.000	0
NEW HOPE CITY	\$71,800	0.004%	0.208	0.000	0
PARKER CITY	\$1,950,325	0.113%	5.658	6.000	6
PLANO CITY	\$121,037,562	7.023%	351.157	351.000	351
★ PLANO ISD	\$465,223,591	26.994%	1349.716	1,350.000	1,350
PRINCETON CITY	\$2,103,376	0.122%	6.102	6.000	6
PRINCETON ISD	\$7,350,479	0.427%	21.325	21.000	21
PROSPER CITY	\$6,712,844	0.390%	19.475	19.000	19
PROSPER ISD	\$33,677,864	1.954%	97.707	98.000	98
RICHARDSON CITY	\$23,930,288	1.389%	69.427	69.000	69
ROCKWALL ISD	\$6,218	0.000%	0.018	0.000	0
ROYSE CITY	\$509,985	0.030%	1.480	1.000	1
ROYSE CITY ISD	\$1,325,597	0.077%	3.846	4.000	4
↘ SACHSE CITY	\$3,440,904	0.200%	9.983	10.000	10
ST. PAUL CITY	\$302,907	0.018%	0.879	1.000	1
TRENTON ISD	\$78,877	0.005%	0.229	0.000	0
VAN ALSTYNE ISD	\$431,457	0.025%	1.252	1.000	1
WESTON CITY	\$41,402	0.002%	0.120	0.000	0
WHITWRIGHT ISD	\$52,121	0.003%	0.151	0.000	0
WYLIE CITY	\$20,657,655	1.199%	59.932	60.000	60
WYLIE ISD	\$53,734,988	3.118%	155.897	156.000	156
TOTALS	\$1,723,413,074	100.000%	5000.000	4999	5000

Following discussion, Councilman Timm moved to approve Ordinance No. 3344 amending the code of ordinances by amending chapter 7 "personnel" by amending section 7-2 titled "Park and Recreation Commission" by amending 7-2(d) titled "powers and duties" to include the naming of public facilities managed by the Parks and Recreation Department; amending 7-2(e) titled "Policies. Rules and regulations for utilization of all city parks and facilities" to prohibit smoking and tobacco use in city parks; to include the City Complex Amphitheater as a facility covered under the rules and regulations; and adding a new section 7-2(e) (5) to establish user fees for recreation facilities by City Council resolution; providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and providing an effective date. The motion was seconded by Councilman Patterson and carried unanimously.

11-0538 Consider a resolution of the City Council of the City of Sachse, Texas, amending the master fee schedule for parks and recreation fees to include fees and deposits for ball fields, covered picnic facilities, city complex amphitheater and park facilities:

Following discussion, Councilman Timm moved to approve Resolution No. 3345 amending the master fee schedule for parks and recreation fees to include fees and deposits for ball fields, covered picnic facilities, city complex amphitheater and park facilities. The motion was seconded by Councilman Ronnau and carried unanimously.

11-0551 Consider a resolution casting its vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District:

Following discussion, Mayor Pro Tem Smith moved to approve Resolution No. 3346 casting its vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District for Mr. Michael Hurtt. The motion was seconded by Councilman Timm and carried unanimously.

11-0552 Consider a resolution casting its votes for member(s) of the Board of Directors of the Collin Central Appraisal District:

Following discussion, Councilman Timm moved to approve Resolution No. 3347 casting its 9 votes for member(s) of the Board of Directors of the Collin Central Appraisal District for Dr. Leo Fitzgerald. The motion was seconded by Councilman Ronnau and carried unanimously.

11-0553 Adjourn to Executive Session pursuant to the provisions of the Texas Government Code, Section 551.074: To discuss the annual evaluation of the City Secretary:

Consider any action necessary as a result of executive session regarding the annual evaluation of the City Secretary:

At 9:00 p.m. Councilman Patterson moved to recess to executive session. The motion was seconded by Councilwoman McMillan and carried unanimously.

At 10:07 p.m. Councilman Timm moved to return to open session. The motion was seconded by Councilwoman McMillan and carried unanimously.

Mayor Felix stated no action was necessary.



Legislation Details (With Text)

File #: 13-1916 **Version:** 1 **Name:** Consider a resolution casting vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

Type: Agenda Item **Status:** Agenda Ready

File created: 11/18/2013 **In control:** City Council

On agenda: 12/2/2013 **Final action:**

Title: Consider a resolution casting vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

Executive Summary

All nominations are in for the Dallas Central Appraisal District Board of Directors, time to cast Sachse's vote.

Sponsors:

Indexes:

Code sections:

Attachments: [Resolution.DCAD.pdf](#)

Date	Ver.	Action By	Action	Result
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Title

Consider a resolution casting vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

Executive Summary

All nominations are in for the Dallas Central Appraisal District Board of Directors, time to cast Sachse's vote.

Background

Every two years, in odd numbered years, all suburban cities cast their vote for one individual on the board of directors. All nominations are in for the Dallas Central Appraisal District Board of Directors, time to cast Sachse's one vote. Each suburban city has one vote to elect a suburban City representative on the Board.

Mr. Michael Hurtt is a current Board member and a nominee for another term. Mr. Hurtt was Sachse's choice for this position in 2009 and 2011 (See attached Bio. He is the former Mayor of Desoto). There are 4 candidates for this position, however, it appears Mr. Hurtt has the support of several of the larger suburban cities (Desoto, Richardson, Carrollton, Farmers Branch) for another term.

Policy Considerations

None.

Budgetary Considerations
None.

Staff Recommendations
Council approve the resolution casting Sachse's one vote as appropriate.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF _____, DALLAS COUNTY, TEXAS, CASTING ITS VOTE FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT.

WHEREAS, Dallas County eligible taxing entities have expressed and approved an option which allows for representation to the Appraisal District Board of Directors (in accordance with Section 6.03 of the Texas Property Tax Code) as follows:

1. The City of Dallas shall appoint one (1) member to the Board.
2. The Dallas Independent School District shall appoint one (1) member to the Board.
3. The Dallas County Commissioners Court shall appoint one (1) member to the Board. The member appointed by the Dallas County Commissioners Court shall not be a resident of either the City of Dallas or the Dallas Independent School District.
4. Each of the incorporated cities and towns, except for the City of Dallas, shall have the right to nominate by an official resolution one (1) candidate as the fourth member of the Board of Directors. The said cities and towns shall, from the nominations received, elect by a majority vote, with each city and town being entitled to one (1) vote, the fourth member of the Board of Directors.
5. Each of the School Districts, and the Dallas County Community College District, except the Dallas Independent School District, shall have the right to nominate by an official resolution one (1) candidate as the fifth member of the Board of Directors. The said school districts shall among the nominations received appoint by a majority vote, with each school district being entitled to one (1) vote, the fifth member of the Board of Directors.

The votes required for election to the Board of Directors in 4 and 5 hereof shall be by a majority of those authorized to vote in 4 and 5 respectively and not by a majority of the quorum, and

WHEREAS, the City of _____ does hereby cast its vote by marking the ballot below:

(Check one only)

- ☐ **Wanda Adams**
☐ **Loren Byers**
☐ **Michael Hurtt**
☐ **Gerald W. Lemons**

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of _____ does hereby confirm its one (1) vote for the election of _____ as the suburban cities' representative to the Board of Directors of the Dallas Central Appraisal District.

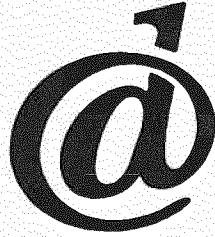
PASSED AND APPROVED, this the _____ day of _____, 2013

MAYOR

ATTEST:

CITY SECRETARY

SEAL:



Dallas Central Appraisal District

Date: October 24, 2013

To: Mike Felix, Mayor, City of Sachse

From: W. Kenneth Nolan, Executive Director/Chief Appraiser

Re: Election of Suburban Cities' Representative to Dallas Central Appraisal District Board of Directors

In accordance with state law, the nomination process for persons to serve on the Dallas Central Appraisal District Board of Directors has been completed. By state law, your agency is required to vote by official ballot resolution, which is enclosed. **You must do so no later than December 16, 2013. If your entity chooses to abstain from voting, please notify me in writing.**

The nominees are as follows. Also included are the names of the nominating cities.

Nominee	Entity(s) Nominating
Ms. Wanda Adams	Balch Springs
Mr. Loren Byers	Irving
Mr. Michael Hurtt	DeSoto, Ovilla, Richardson
Mr. Gerald W. Lemons	Glenn Heights

SUBURBAN CITIES
NOMINEE

If you have questions concerning the candidates please contact the entities who nominated them.

Please act on this election process by official ballot resolution and return the ballot resolution to my office in the enclosed envelope by December 19, 2013. **The 1979 resolution adopted by the taxing units participating in Dallas Central Appraisal District, which governs board elections, requires that a candidate receive a majority of the votes in order to be elected to the Board of Directors. Therefore it is imperative that your taxing unit cast its vote by the December 16, 2013 deadline.**

We appreciate your interest in this very important process and look forward to receiving your vote.

WKN/kld

Enclosure (Official Ballot Resolution/Return Envelope)

cc: Billy George, City Manager
Terry Smith, City Secretary
Teresa Savage, Finance Director

Michael Hurtt

Michael Hurtt came to Dallas from Casper, Wyoming in 1971. Graduated from Mortuary Science College, and has been in this area ever since. He was elected to the DeSoto City Council in May of 1998, and served as Mayor Pro Tem those three years. He was elected Mayor in 2001, and again in 2004. He was the seated Mayor when DeSoto was recognized for the ALL AMERICA CITY Award in 2006. He has served as council liaison to the DeSoto Economic Development Corporation, the Arts Commission, and Keep DeSoto Beautiful, a commission he founded in DeSoto. He also served on the North Texas Commission Board of Directors. Recently the 31 suburban cities elected him to the Dallas County Appraisal District Board of Directors for a second two year term. He also serves as Vice-Chairman of the DeSoto Economic Development Corporation. Mr. Hurtt was recently appointed to the Advisory Board for Methodist Charlton Hospital for a three year term.

Mr. Hurtt was a member of the executive board of directors of the Dallas Zoological Society. He also served on Tex-21, the U.S. Conference of Mayors, and the National League of Cities. He was vice president of the Medical Center of Lancaster Hospital Board of Directors, and served on the board of Compass Hospital. In the past, Mr. Hurtt has served on the DeSoto Park Board, Strategy 2000, and the Charter Review Committee. He was also the chairman of the DeSoto Chamber of Commerce and the Best Southwest Chamber Partnership, past president of the DeSoto Rotary Club and the North Texas Funeral Directors Association.

Mr. Hurtt and his wife Marilyn have lived in DeSoto since 1988 and have two grandchildren. He is the owner of West/Hurtt Funeral Home in DeSoto since 1988.



**Dallas Central
Appraisal District**

Date: August 15, 2013

To: Mike Felix, Mayor, City of Sachse

From: W. Kenneth Nolan, Executive Director/Chief Appraiser ✓

Re: Election/Appointment of Members to Board of Directors
Of the Dallas Central Appraisal District

The Property Tax Code, Section 6.03, requires that an election or appointment of members to the Board of Directors of an appraisal district be conducted in odd numbered years. The term of office for elected or appointed members is two years, beginning in even numbered years.

The Property Tax Code specifies the qualifications for membership to the Board of Directors in Section 6.03 of the Code. These qualifications are:

1. Must be a resident of the DCAD for at least two years prior to the election.
2. May be an elected official of an agency represented by the DCAD.
3. Cannot be an employee of any agency represented by the DCAD.

Pursuant to the provisions of the Property Tax Code in 1979, the agencies of Greater Dallas County elected to amend the manner in which representatives were chosen. By special provision of the Property Tax Code, it was decided that the following procedure would be adopted for the election or appointment of members.

Appointments

- A. The City of Dallas will be entitled to appoint one (1) member to the Board.
- B. The Dallas Independent School District will be entitled to appoint one (1) member to the Board.
- C. The Dallas County Commissioners Court may appoint one (1) member to the Board. The member appointed by the Commissioners Court may not be a resident of either the City of Dallas or the Dallas Independent School District.

Elections

- D. Each of the incorporated cities and towns, except the City of Dallas, shall have the right to nominate by official resolution one (1) candidate as the fourth member to the Board. The said cities and towns shall, from among the nominations received, elect by

a majority vote, with each city and town being entitled to one (1) vote, a member to the Board of Directors.

- E. Each of the Independent School Districts, except the Dallas Independent School District, shall have the right to nominate by official resolution one (1) candidate as the fifth member to the Board. The said Independent School Districts shall, from among the nominations received, elect by a majority vote, with each Independent School District being entitled to one (1) vote, a member to the Board of Directors.

The votes required for appointment of the Board of Directors as prescribed by the Texas Property Tax Code, in Subsections d and e, hereof, shall be by a majority of those authorized to vote in Subsections d and e, respectively, and not by a majority of the quorum. In accordance with the procedures described in the Property Tax Code, the schedule for election/appointment is as follows:

By October 17: Nominees for each entity described in Subsections d and e hereto shall be submitted to the Chief Appraiser.

By October 31: The Chief Appraiser shall prepare a resolution ballot for those entities described in Subsections d and e hereto and submit the ballot accordingly.

By December 15: Each agency entitled to vote will do so by official resolution ballot and return same to the Chief Appraiser as soon thereafter as practical.

By January 1: Results of the election will be affirmed.

The County of Dallas, the City of Dallas and the Dallas Independent School District should advise the Chief Appraiser of their appointments no later than November 15, if possible. These appointments should also be by official resolution. The term of office for each member is two years beginning on January 1, 2014.

At the conclusion of the process, every agency will be advised of the final appointments or election results. For the convenience of the entities, a sample resolution is included for the purpose of nominations from the suburban cities and school districts. If you have any questions about this process, please contact me or Cheryl Jordan at 214/631-0520.

Enclosure (Sample Resolution)

cc: Billy George, City Manager
Terry Smith, City Secretary
Teresa Savage, Finance Director

Following discussion, Councilman Timm moved to approve Ordinance No. 3344 amending the code of ordinances by amending chapter 7 "personnel" by amending section 7-2 titled "Park and Recreation Commission" by amending 7-2(d) titled "powers and duties" to include the naming of public facilities managed by the Parks and Recreation Department; amending 7-2(e) titled "Policies. Rules and regulations for utilization of all city parks and facilities" to prohibit smoking and tobacco use in city parks; to include the City Complex Amphitheater as a facility covered under the rules and regulations; and adding a new section 7-2(e) (5) to establish user fees for recreation facilities by City Council resolution; providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and providing an effective date. The motion was seconded by Councilman Patterson and carried unanimously.

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Following discussion, Councilman Timm moved to approve Resolution No. 3347 casting its 9 votes for member(s) of the Board of Directors of the Collin Central Appraisal District for Dr. Leo Fitzgerald. The motion was seconded by Councilman Ronnau and carried unanimously.

11-0553 Adjourn to Executive Session pursuant to the provisions of the Texas Government Code, Section 551.074: To discuss the annual evaluation of the City Secretary:

Consider any action necessary as a result of executive session regarding the annual evaluation of the City Secretary:

At 9:00 p.m. Councilman Patterson moved to recess to executive session. The motion was seconded by Councilwoman McMillan and carried unanimously.

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